

26th Sept 2022

Counsel for the appellant present.

Learned counsel for the appellant seeks time to prepare the case. To come up for preliminary hearing on 27.09.2022 before S.B at Camp Court, D.I. Khan.



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

27th September, 2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

2. The matter was being argued, when the learned Additional Advocate General made a submission that in order to redress grievances of the appellant, he will take up the matter with the respondents and sought an hour time, where-after they came alongwith representative of the respondents and jointly stated that the matter would be resolved outside the Tribunal. Disposed of accordingly. Consign.

3. *Pronounced in open court in D.I.Khan and given under my hands and seal of the Tribunal this 27th day of September, 2022.*



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

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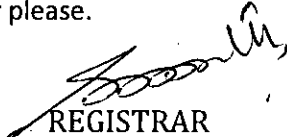
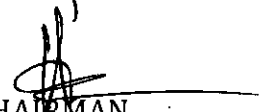
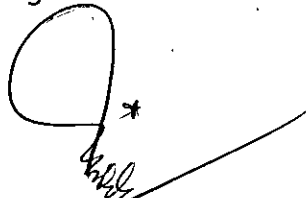

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FORM OF ORDER SHEET

Court of _____

Case No.- 7296 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/08/2021	<p>The appeal of Mr. Muhammad Sharif resubmitted today by Mr. Zahid Muhibullah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11/10/21</u>. Notices be issued to counsel/appellant for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
	11.10.2021	<p>None for the appellant present.</p> <p>Due to General Strike of the Peshawar Bar Association. Adjourned. To come up for preliminary hearing before the S.B on 24.12.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>
	24/12/2021	<p>Due to winter vacation, the case is adjourned to 15/02/2021.</p> <p style="text-align: right;"> Reader</p>

D.F.A

27th September, 2022

Appellant alongwith his counsel present. . . Mr.

Muhammad Adeel Butt, Additional Advocate General for respondents present.

2. The matter was being argued, when the learned Additional Advocate General made a submission that in order to redress grievances of the appellant, he ^{will} take up the matter with the respondents and sought an hour time, where-after ^{they} came alongwith representative of the respondents and ^{jointly} stated that the matter ^{would} ~~could~~ be ^I ~~tried to~~ resolve outside the Tribunal. Disposed of accordingly. Consign.

3. *Pronounced in open court in D.I.Khan and given under my hands and seal of the Tribunal this 27th day of September, 2022.*

(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

2
GOMAL UNIVERSITY



(10)
DERA ISMAIL KHAN
(N.W.F.P PAKISTAN)

DETAILED MARKS CERTIFICATE
JUNIOR DIPLOMA IN PHYSICAL EDUCATION 2ND TERM

Examination Held In June 2007 / Annual
Session: 2006-2007

Roll No: 2305

Name: Neelam Sabah

The candidate secured the following marks & has been placed in First Division

SUBJECTS	Total Number of Marks Allotted	MARKS OBTAINED	
		In figures	In words
Health Education	100	85	Eighty Five only
Science of Movements	100	76	Seventy Six only
Tracks & Fields	100	60	Sixty only
Athletics	100	70	Seventy only
Gymnastics	100	75	Seventy Five only
Teaching Practice	100	70	Seventy only
Games	100	70	Seventy only
Co-Curriculum Activities/Project	100	70	Seventy only
Aggregate of 1st Term	50	39	Thirty Nine only
	300	166	One Hundred and Sixty Six only
Total Marks	1050	711	Seven Hundred and Eleven

MUHAMMAD YOUSAF
Assistant Accounts Officer
Pak Military Accounts Dept.

Result declaration date: 18/08/2007

Controller of Examinations
Gomal University D.I. Khan

The appeal of Mr. Muhammad Sharif son of Mnzoor Hussain resident of Chah Suba Arra Post office Dinpur D.I.Khan received today i.e. on 16.07.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned order is not attached with the appeal which may be placed on it.
- 2- Annexure-A of the appeal is illegible which may be replaced by legible/better one.
- 3- Check list is not attached with the appeal.
- 4- Annexures of the appeal may be attested.
- 5- Affidavit may got attested by the Oath Commissioner.
- 6- Certificate be given to the effect that the appellant has not filed any service appeal earlier on the subject matter in this Tribunal.

No. 1318 /S.T.

Dt. 19/07 /2021



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zahid Muhibullah Adv.
High Court D.I.Khan

Respected Sir,

That the appellant filed the appeal for release of his salary for the period mentioned therein, however, to that effect no written order was passed by respondent for stoppage of salary, hence no copy of written order is available.

That the instant appeal is filing/re-submitting after removing the objections.


Zahid Muhibullah
Advocate High Court.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/2021

Muhammad Sharif

.....APPELLANT

VERSUS

Govt. of KPK and others

.....RESPONDENTS

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S #	Description of Documents	Annexure	Page #
1	Grounds of Appeal	-----	1-5
2	Copies of Appointment order of the Appellant	A	6
3	Copy of Writ Petition alongwith order	B	7-12
4	Copy of COC Petition alongwith order	C	13-16
5	Copy of Application / Appeal alongwith relevant documents	D	17-20
6	Vakalatnama	-----	21

Dated: 15/07/2021

Humble Appellant


Muhammad Sharif

Through Counsel


Zahid Muhibullah
Advocate High Court,
District Courts, D.I.Khan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

**Khyber Pakhtunkhwa
Service Tribunal**

Appeal No. 7296/2021

Diary No. 7293

Dated 16-7-2021

Muhammad Sharif son of Manzoor Hussain resident of Chah Suba, Arra
post office Dinpur, Tehsil & District Dera Ismail Khan.

.....APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education Govt. of K.P.K, Peshawar.
2. Secretary Elementary & Secondary Education Govt. of K.P.K, Peshawar.
3. Director Education (Elementary & Secondary), Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female), Dera Ismail Khan.
5. District Account Officer, Dera Ismail Khan.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF KPK

SERVICE TRIBUNALS ACT, 1974

PRAYER; On acceptance of this appeal this august Tribunal may please be declared the act of the respondents against the law, illegal, void-ab-initio, ultra-virus and without lawful authority while they refused to release the salary of the appellant for the period of July, 2012 to 30 April 2016, and may kindly be directed the respondents to release the salary of the appellant for the period of July, 2012 to September, 2015 on the grounds appearing hereinafter;

OR

GRANT any other relief considered just and appropriate under the given circumstances of the case.

Filed to-day
Registrar
20/8/2021
Registrar

Respectfully sheweth:

- i. That the present appellant was appointed as Chowkidar (BPS-1) in Education Department at GGPS Chah Faqirwala, Dera Ismail Khan vide appointment order No. 9689-92 dated 04/07/2012 on the recommendation of concerned Authorities. Thereafter, the appellant made the arrival report and performing his duties.
- ii. That the respondents did not released the monthly salary of the appellant since his arrival despite the fact that the appellant approached time and again to respondents No. 4 & 5.
- iii. That being aggrieved, the appellant filed the Writ Petition before the Honourable Peshawar High Court Bench Dera Ismail Khan and the same was decided in favour of appellant on 19/05/2015, wherein, the respondents were directed to release the monthly salary of the appellant.
- iv. That in the light of judgment dated 19/05/2015, the respondent No. 4 released the monthly salary of the appellant but had not released the arrears / salary of the appellant for the period of July, 2012 to September, 2015. Hence, the appellant filed the COC petition against the respondent No. 4. The COC petition was dismissed by the Honourable Peshawar High Court with the remarks that the order of court dated 19/05/2015 has been complied as the monthly salary of the appellant has already been released. Therefore, the appellant is filling the instant appeal and before filling the instant appeal the appellant submitted appeal / application to respondent No. 4 on 18.03.2021 but till date the no order has been passed by respondents No. 4. Hence, being aggrieved, the appellant filling the instant appeal, inter alia, on the following grounds:

GROUND:

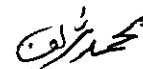
1. That the acts of the official respondents while they refused to release the arrears / monthly salary of the appellant for the period of July, 2012 to 30 April 2016, is illegal, against the natural justice, ulterior motives, based on malafide and without lawful authority.

2. That, the appellant was validly appointed against the vacant subject post and performing his duties but till date the respondent did not paid the arrears / monthly salary for the period of July, 2012 to April, 2016 to appellant without any lawful excuse.
3. That the Constitution of Islamic Republic of Pakistan, 1973 protected the rights of every citizen and prohibited the forced labour, but the respondents clearly violated the fundamental right of the appellant protected by the Constitution of Islamic Republic of Pakistan.
4. That the appellant is the victim of unlawful and illegal act of the respondents and such a malafide act on the part of respondents is against the law and rules, without jurisdiction and lawful authority, against the natural justice, misuse of official powers and is the outcome of victimization known by the respondents and it has caused an immense mental torture and agony to the appellant.
5. That the counsel for the appellant may kindly be allowed to raise the additional grounds at the time of arguments.
6. That the appeal is being filed within the statutory period prescribed in section 4 of The KPK Service Tribunals Act, 1974.

It is, therefore, prayed that on acceptance of this appeal this court may be pleased to pass orders as prayed for in the heading of this appeal.

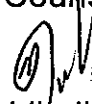
Dated: 15/07/2021

Humble Appellant



Muhammad Sharif

Through Counsel



Zahid Muhibullah
Advocate High Court,
District Courts, D.I.Khan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/2021

Muhammad Sharif

.....APPELLANT

VERSUS

Govt. of KPK and others

.....RESPONDENTS

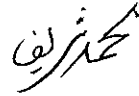
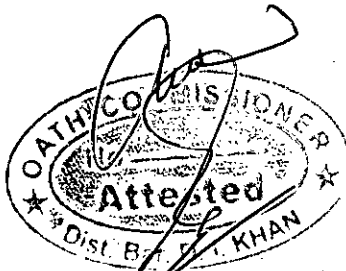
AFFIDAVIT

I, the appellant, do hereby solemnly affirm and declare on oath that all the para-wise contents of the appeal are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed or kept secret from this Honourable Court.

Identified by Counsel



Deponent



17/8/21

Certificate

It is hereby certified that all the para-wise contents of appeal are true & correct and no other appeal on the same subject matter has been filed earlier by appellant.

Deponent
through counsel



5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/2021

Muhammad Sharif

.....APPELLANT

VERSUS

Govt. of KPK and others

.....RESPONDENTS

ADDRESSES OF THE PARTIES

Muhammad Sharif son of Manzoor Hussain resident of Chah Suba, Arra post office Dinpur, Tehsil & District Dera Ismail Khan.

.....APPELLANT

-
1. Government of Khyber Pakhtunkhwa through Secretary Education Govt. of K.P.K, Peshawar.
 2. Secretary Elementary & Secondary Education Govt. of K.P.K, Peshawar.
 3. Director Education (Elementary & Secondary), Khyber Pakhtunkhwa, Peshawar.
 4. District Education Officer (Female), Dera Ismail Khan.
 5. District Account Officer, Dera Ismail Khan.


.....RESPONDENTS

Dated: 15/07/2021

Humble Appellant


Muhammad Sharif

Through Counsel


Zahid Muhibullah
Advocate High Court,
District Courts, D.I.Khan.

Mohammad Sharif

S/O Mangoor Hussain resident of Chah Fajir wala is hereby appointed against vacant post of class IV- servant (as chowkidar) at G.G.P.S Chah Fajir wala in PS-1 (2970-90-5670) plus usual allowances in the interest of public service with immediate effect on the following terms & conditions.

TERMS & CONDITIONS.

1. His service will be considered as regular but without pension / gratuity in the terms of section 19 of the Khyber Pakhtunkhwa civil servants act 1973 amended in 2005.

2. He will contribute to CPF at Rs.10 % of the minimum of pay and 10% contribution will be made by the Govt.

3. He will be Governed by such rules and regulations as may be prescribed by the Govt from time to time for the category to which he belongs.

4. His appointment made purely temporary & liable to termination at any time without assigning any reason.

5. One month pay will be forfeited to Govt in case of resignation without prior notice. The period of giving Notice in one month before the date of resignation.

6. The original certificates/ degrees will be got verified by this office. All expenses will be born by the candidate.

7. He is required to join the post within 15 days failing which the appointment order will stand cancelled automatically.

8. The appointment is made subject to the condition that the candidate is permanent Domiciled of District D.I.Khan.

9. He is required to produce health & age certificate from the medical superintendent D.I.Khan.

10. Charge reports should be submitted to all concerned.

11. No 2 A/D/A etc is allowed.

SD/-
EXECUTIVE DISTRICT OFFICER
E & S EDUCATION D.I.KHAN.

Distt. No. 9689-92

Dated D.I.Khan the 04/07/2019

Copy of the above is forwarded to the:-

- 1. District Coordination Officer D.I.Khan.
- 2. Principal Headmaster Healthmistress / Dy. D.O (M & P) concerned.
- 3. District Accounts Officer D.I.Khan.
- 4. Official concerned.

EXECUTIVE DISTRICT OFFICER
E & S EDUCATION D.I.KHAN.

Better copy

.....Better Copy.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & SE) DIKHAN.

APPOINTMENT ORDER.

Mr. **Muhammad Sharif S/o Manzoor Hussain** resident of Chah Faqir Wala is hereby appointed against vacant post of class-IV servant (as Chowkidar) at GGPS Chah Faqir Wala in BPS-1 (2970-90-5670) plus annual allowance in the interest of public service with immediate effect on the following terms and conditions;

Terms and conditions.

1. His service will be considered as regular but without pension / gratuity in the terms at section 19 of the Khyber Pakhtunkhwa Civil Servant Act 1973 amended in 2005.
2. He will contribute to CPF @ Rs. 10% of the minimums of pay and 10% contribution will be made by the Govt.
3. He will be governed by such rules and regulations as may be prescribed by the Govt. from time to time for the category to which he belongs.
4. His appointment made purely temporary and liable to termination at any time without assigning any reason.
5. One month pay will be forfeited to Govt. in case of resignation without prior notice. The copy of giving notice in once month before the date of resignation.
6. His original certificates / degrees will be got verified by this office. All expenses will be bound by the candidate.
7. He is required to join the post with in 15 days failing which the appointment order will stand cancel automatically.
8. The appointment is made subject to the condition that the candidate is permanent Domicile of District DIKhan.
9. He is required to produce health and age certificate from the medical superintendent DIKhan.
10. Charge report should be submitted to all concerned.
11. No TA/DA etc is allowed.

SD/-

**Executive District Officer
E&SE Education DIKhan.**

Endst; No. 9689-92 dated DIKhan the 04/07/2012

Copy of the above is forwarded to the:-

1. District Coordination officer DIKhan.
2. Principal / Headmaster / Headmistres / Dy. DO(M&F) concerned.
3. District Accounts Officer, DIKhan.
4. Official concerned.

SD/-

**Executive District Officer
E&SE Education DIKhan.**

Amd
(B)
7



BEFORE THE HONOURABLE PESHAWAR HIGH COURT
DERA ISMAIL KHAN BENCH.

Writ Petition No. 4 of 2013,

Muhammad Sharif son of Manzoor Hussain resident of Chah Suba, Ara Post office Dinpur, D.I.Khan. (Presently Chowkidar GGPS Chah Faqirwala, Dera Ismail Khan.)

(Petitioner)

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Education Govt. of K.P.K, Peshawar.
2. Secretary Education Govt. of K.P.K, Peshawar.
3. Director Education (School & Literacy) Khyber Pakhtunkhwa, Dabgari Garden, Peshawar.
4. Deputy Commissioner, Dera Ismail Khan.
5. District Officer Education, Dera Ismail Khan.
6. Dy. District Officer (Female) Pry: Education, Dera Ismail Khan.
7. District Account Officer, D.I.Khan.

(Respondents)

Filed to
Addl: Registrar

6

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN
1973.**

Respectfully Sheweth:

1. That the addresses of the parties are same, which are given in the heading of the petition and sufficient for the purpose of services.

ATTESTED
01/02/17
EXAMINOR
Peshawar High Court
D.I.Khan Bench

8

2

2. That the petitioner is appointed as Chowkidar (BPS-I) at GGPS Chah Faqirwala, Dera Ismail Khan vide order no. 9689-92 dated 04-07-2012 on the recommendation of concerned authorities. Copy of appointment order is enclosed as **Mark-A**.
3. That after his appointment, the petitioner submitted the arrival report at GGPS Chah Faqirwala, Dera Ismail Khan on 05-07-2012 and the petitioner also got the medical certificate from M.S DHQT Hospital D.I.Khan. Copies of Medical certificate, arrival report and service book are enclosed as **Mark-B, C & C-1** respectively.
4. That the petitioner is performing his duty since his arrival but the petitioner has not received the salary till date, and whenever the petitioner contacted with the respondent no. 5 to 7, they replied that the feeding of his name is required in the Account office, which will be done in due course but till date no such letter was addressed to Respondent no. 7 by Respondent no. 5 & 6. Copies of Attendance register is enclosed as **Mark-D**.
5. That being aggrieved and having no other alternative remedy, the petitioner approach this Honourable Court for redressal of his grievance, inter alia, on the following grounds;

[Handwritten signature]

Filed under 6
Addl. Registrar
11/1/14

GROUND:

- I. That the petitioner is appointed on the post (Chowkidar) on the recommendation of concerned authorities and he is working regularly but till date no salary has been received which amounts to forced labour on the part of respondents.
- II. That the appointment of the petitioner has been made after completion of all the legal requirements but still he is not been paid his due salary.
- III. That it is for the astonishment of the petitioner that other employees of the department have been paid salary but the

ATTESTED

[Handwritten signature] 01/03/17
EXAMINOR
Dera Ismail Khan High Court
D.I.Khan Bench

petitioner has been discriminated by respondents without any lawful justification.

- IV. That the respondents no. 5 to 7 are not feeding the name of the petitioner in District Account officer, D.I.Khan with malafide intention just to terminate the service of the petitioner and to adjust other person of their choice on the post.
- V. That the petitioner is the victim of unlawful and illegal act of the respondents and such a malafide act on the part of respondents is against the law and natural justice, it has caused an immense mental torture and agony to the petitioner.
- VI. That the Constitution of Islamic Republic of Pakistan, 1973 protected the rights of every citizen and provides the equality amongst the citizen, but the respondents clearly violated the Article 25 of the Constitution of Pakistan.
- VII. That the counsel for the petitioner may kindly be allowed to raise the additional grounds at the time of arguments.

9/11/14

It is therefore, humbly prayed that on acceptance of instant writ petition the respondents may kindly be directed to act in accordance with law, policy, rules and principle of equity and to feed the name of the petitioner in District Account office D.I.Khan regarding his monthly salary and be released the same or any other appropriate relief may be given that deems fit by this Honourable court in the interest of the petitioner.

6
11/1/14

Your Humble Petitioner

Muhammad Sharif
Muhammad Sharif
Through Counsel

Dated: ___/12/2013

Zahid Muhibullah
Zahid Muhibullah
Advocate High Court, D.I.Khan.

ATTESTED
01/3/17
EXAMINOR
Peshawar High Court
D.I.Khan Bench

1

76

JUDGMENT SHEET
PESHAWAR HIGH COURT D.I.KHAN BENCH
JUDICIAL DEPARTMENT

WP No. 4-D of 2014

Date of hearing 19-5-2015

Appellant / petitioner (Muhammad Sharif) by

Mr. Zahid Mahibullah Advocate

Respondent (Govt. of KPK doctus) by

Mr. Saadullah Khan Shauhin Addl. AG.

MOHAMMAD GHAZANFAR KHAN J. - Through

the instant writ petition, the petitioner seeks the following relief;

“It is, therefore, humbly prayed that on acceptance of instant writ petition the respondents may kindly be directed to act in accordance with law, policy, rules and principle of equity and to feed the name of petitioner in District Accounts Office, D.I.Khan regarding his monthly salary and be released the same or any other appropriate relief may be given that deems fit by this Honourable Court in the interest of the petitioner.”

2. Brief facts of the instant case are that on 04.7.2012 the petitioner was appointed as Chowkidar (BPS-1) at GGPS, Chah Faqir Wala District D.I.Khan and after his appointment, the

ATTESTED

EXAMINOR
Peshawar High Court
D.I.Khan Bench

11

4

17

petitioner submitted his arrival report and Medical Certificate to the Head Mistress of GGPS, Chah Faqir Wala. The petitioner is performing his duty but he has not paid the salary till todate and when he contacted with respondents No.5 to 7 they replied that feeding of his name is required in the Accounts Office, D.I.Khan, hence the instant writ petition.

3. Arguments heard and record perused.

4. The petitioner has attached extract from attendance register, which shows that he is regularly performing his duties but surely without getting a single penny from public exchequer, respondent No.5 was called to explain that why and under what law the salary of the petitioner has been stopped. The respondent No.5 has no plausible explanation. The respondent No.5 was also asked that is there any departmental proceedings pending against the petitioner or has he ever been reported as absent from duty. The reply was big no.

ATTESTED

[Handwritten Signature] 01/3/17

EXAMINOR

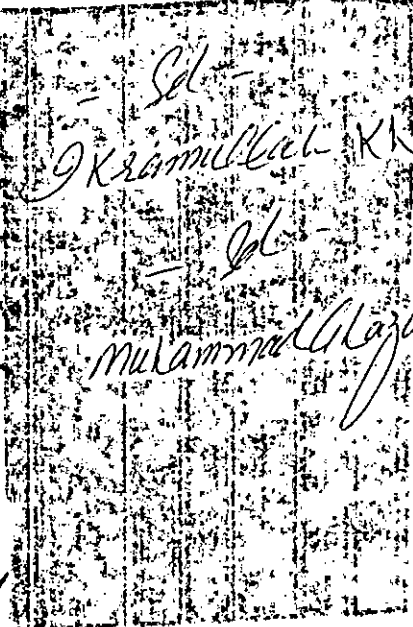
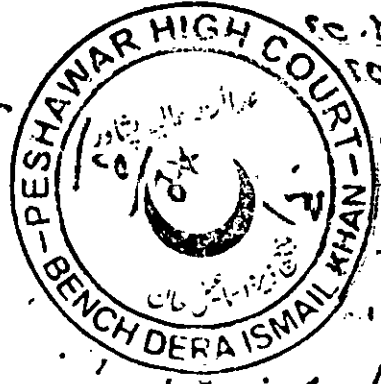
Feshawar High Court
D.I.Khan Bench

12

5. In the circumstances this writ petition is allowed, and we direct the respondents to release the salary of the petitioner immediately.

18

ANNOUNCED
19.5.2015
Aftab/*



Sd/-
Karamullah Khan - 5

Sd/-
Muhammad Alazam Khan

ATTESTED

[Signature] 01/03/17

EXAMINOR

Peshawar High Court
D.I. Khan Bench

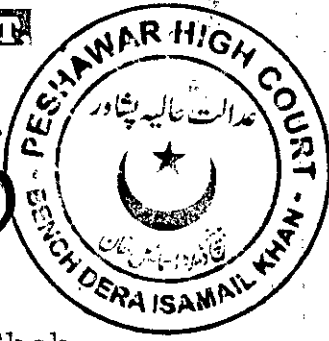
G.R.No. 438.
Approved on 28.02.17
Copy cost Rs. —
No. of pages 06 pages
Company fee —
Urgent Fee 02
Total Fee —
Copy ready for delivery 01.03.17
Copy delivered on 01.03.17
Signature of Examiner

[Signature] 01/03/2017

Certified to be true Copy

[Signature] 01/03/17

MINOR
Peshawar High Court Bench D I Khan
Authorized Under Section 27 of
Qanun-a-Shahadat-Act



Muhammad Sharif S/o Manzoor Hussain R/o Chah Suba, Ara Post Office Dinpur, Dera Ismail Khan, (Presently) Chowkidar GGPS, Chah Faqir Wala, DIKhan.(Petitioner)

VERSUS

Zaib Un Nisa Khattak District Education Officer (Female), District Dera Ismail Khan.(Respondent)

APPLICATION FOR INITIATING CONTEMPT PROCEEDING UNDER ARTICLE 204 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 READ WITH SECTIONS 3 / 5 & 6 OF THE CONTEMPT OF COURT ORDINANCE (NO. IV) OF 2003, AGAINST THE RESPONDENT.

RESPECTFULLY SHEWETH:-

The facts leading rise to present contempt petition in brief facts are:-

- 1-** That the petitioner is appointed as Chowkidar (BPS-1) at GGPS Chah Faqirwala, Dera Ismail Khan vide order No. 9689-92 dated 04/07/2012 on the recommendation of concerned authorities.

ATTESTEL

EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan

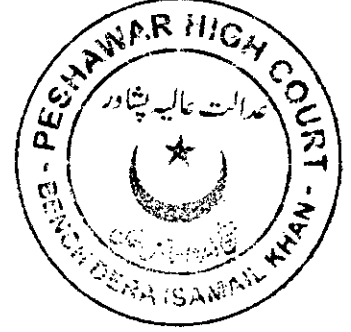
22/03/07

14

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
D.I.KHAN BENCH
(Judicial Department)

C.O.C. No.1062-D/2018

Muhammad Sharif
Vs
Zaib-un-Nisa Khattak



For petitioner: Zahid Mohibullah Advocate

For respondents: Mr. Kamran Hayat, Addl. A.G.

Date of hearing: **11.03.2021**

JUDGMENT

MUHAMMAD NAEEM ANWAR, J.- Muhammad Sharif, the petitioner, has filed this Petition under section 3/5 & 6 of Contempt of Court Ordinance, 2003, read with Article 204 of the Constitution of Islamic Republic of Pakistan, 1973, for initiating contempt of court proceedings regarding defiance and wilful disobedience of the order passed in Writ petition No.4/2013 dated 19.05.2015.

2. At the very outset the learned counsel for petitioner stated at the bar that his salary has already been released by

TESTED

EXAMINOR
High Court Bench,
Dera Ismail Khan

22/03/21

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the respondents but stated that his grievance in respect of the arrears is still outstanding against respondents.

3. We have gone through the judgment rendered in writ petition No.4/2013 dated 19.05.2015 wherein it was held as under:

"5. In the circumstances, this writ petition is allowed and we direct the respondents to release the salary of the petitioner immediately."

4. Record reveals that District Education Officer (Female) D.I.Khan through office order No.5982 dated 22.09.2015, in compliance with the direction of this Court rendered in Writ Petition vide dated 19.05.2015, has already released the salary to the petitioner. Though the grievance of petitioner is in respect of arrears allegedly outstanding against respondents however in the compliance of the judgment the salary has already been released and this was the only verdict of this Court, which was self-explanatory, open only to one interpretation, and by no stretch of imagination it could be extended for initiating the contempt of court proceedings under the relevant provisions of law qua the Constitution of 1973 for directing respondents regarding the arrears of outstanding salary if any. In this view of the matter, the directions of this Court have already been complied with as

ATTESTEL

EXAMINOR

Shahwar High Court Bench,
Dera Ismail Khan

22/03/02

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such the petitioner has not been able to persuade us regarding the prayer sought in the instant petition.

5. In this view of the matter, instant petition stands dismissed being misconceived.

Office
20/03

Announced.
11.03.2021
(*M/Subhan)

JUDGE

JUDGE

(D.B)
Hon'ble Mr. Justice Ijaz Anwar and hon'ble Mr. Justice Muhammad Naeem Anwar

ATTESTED

EXAMINOR
Faisalabad High Court Bench,
Dara Ismail Khan

بخدمت جناب EDO صاحب ایجوکیشن ضلع ڈیرہ اسماعیل خان

درخواست بمراد جاری فرمائے جانے تنخواہ سابقہ 3 سال 2 ماہ

جناب عالی:- سائل حسب ذیل عرض رساں ہے۔

۱۔ یہ کہ سائل گورنمنٹ گریڈ پرائمری سکول چاہ فقیر والا آڑارو ڈیرہ اسماعیل خان میں بطور چوکیدار بذریعہ آفس آرڈر 92-9689 مورخہ 04/07/012 تعینات ہوا۔ اور اس نے ضابطہ کی تمام کارروائی مکمل کرنے کے بعد مورخہ 05/07/012 کو حاضری کی۔ اور اس دن سے اپنی ڈیوٹی مکمل یکسوئی اور دیانتداری سے کر رہا ہے۔ لیکن سائل کو مورخہ 04/07/012 سے دسمبر سال 2013 تک تنخواہ ماہانہ جاری نہ کی گئی۔ جس پر من سائل نے دسمبر سال 2013 کو عدالت عالیہ ہائی کورٹ ڈیرہ اسماعیل خان میں رٹ پٹیشن D/2014-4 دائر کی جو کہ مورخہ 19/05/2015 کو من سائل کے حق میں رٹ کا فیصلہ کرتے ہوئے رسپانڈنٹس کو تنخواہ جاری کرنے کا حکم صادر ہوا۔ پھر مورخہ 22/09/015 کو ڈسٹرکٹ ایجوکیشن آفیسر صاحبہ کے دفتر سے تنخواہ جاری کرنے کا حکم صادر ہوا۔ مگر یہ تنخواہ آئندہ ماہانہ تنخواہ جاری کی گئی۔ جبکہ پچھلے 3 سال 2 ماہ کی تنخواہ من سائل کو نہ دی گئی۔ جس پر من سائل نے افسران کو بار بار درخواستیں دیں اور ان سے گزارش کی۔ میری بقایا جات ادا کر دیئے جائیں۔ مگر آج تاریخ تک سابقہ 3 سال 2 ماہ کی میری تنخواہ جاری نہیں کی گئی۔

۲۔ یہ کہ من سائل ایک غریب شخص ہے جو اپنی ڈیوٹی مکمل دیانتداری سے ادا کر رہا ہے نہ تو کبھی غیر حاضری کی اور نہ ہی من سائل کے خلاف کوئی محکمانہ کارروائی موجود ہے۔ اور اہلکاران کی طرف سے کبھی کوئی بہانہ اور کبھی کوئی بات کی جاتی ہے۔ اور من سائل کی سابقہ 3 سال 2 ماہ کی تنخواہ جاری نہیں کی جارہی۔

لہذا آپ جناب سے استدعا ہے کہ من سائل کی سابقہ 3 سال 2 ماہ تنخواہ جاری

کرنے کا حکم صادر کیا جائے۔

محمد شریف چوکیدار گورنمنٹ گریڈ پرائمری سکول چاہ فقیر والا آڑارو ڈیرہ اسماعیل خان

Assistant
DEO (F) Office
D.I.Khan

Assistant
DEO (F) Office
D.I.Khan

Received
Application

Muzammar

18/3/21

Muzammar
Deputy
Assistant
Class-17

(18)

PROFORMA FOR THE DEPARTMENT OF INVESTIGATION OF PAY/T.A.DA ETC:

1	Name & Designation	M. Sharif Chowkida
2	Office/Department where she was working & to whom the claim is concerned	GGPS, Chah Faqirwal
3	Nature & amount date/period to which claim relates	Arrear bill / 1.7.12 to 30.4.16
4	Detail of amount	Rs. 492604/-
5	When did the claimant first time applied for payment of Arrears	1st Time
6	Cause of delay	—
7	Official responsible for delay	—
8	What action has been taken or to be taken by the Department against defaulter	—
9	Non Payment Certificate	Non Payment Certificate given below
10	Reason / Classifying as a special payment in time	—
11	Non Payment Certificate	As under

Arrears

Muzammar
Assistant
DEO (F) Office
D.I. Khan

Certified that I have personally satisfied myself by reference to Acquainted Roll

Pay bill & other office record relating to this claim of official that amount of

Rs. 2604/- on account of Arrear of Pay & Allow.

for the period from 1-7-12 to 30-4-16

in respect of Mr/Miss/Ms/Ms Muhammad Sharif

Designation Chowkida Station GGPS, Chah Faqirwal

has not been drawn previously.

[Signature]

Signature of Applicant

End. No. 287 /

Dated 25/02/2019

Forwarded in Original along with Service Book of official concerned, arrear bill amounting to Rs. 2604/- to District Education Officer (M/F) D.I. Khan for further necessary Sanction please.

Name of Section and of Incumbent	Name post	Pay & salary shown (including) for Government servants present on duty	Leave other (Correctly specify) for absence	Category	Pay when absence or leave salary held over for future payment	Type	Net charge for each Section	G P Fund	Other Funds and miscellaneous out	Income-tax	Net Amount payable	Remarks
	B.P. Pay	HR	MA	CA	AR	AR	AR	AR	HR	6 Total	Total Deduction	Net total
		234125/-	4084/-	66758/-	81820/-	68009/-	31552/-	22002/-	28465/-	575634/-	83030/-	492604/-
TOTAL:												

Deduct: - Undeduced pay refunded, as detailed below
 net amount required for payment (in words and figures)

Sub Div: Edu Officer
 (Female) D.I. Khan

- Received contents also certified that I have satisfied myself that all emoluments included in bills drawn 1 month, 2 months, and previous to this date with the exception of those dated below (of which the total has been returned, by deduction from this bill) have been disbursed to the proper person, & that their receipts have been taken in acquittance rolls filed in office, with receipts stamp duly cancelled for every payment in excess of Rs. 20.3 months.
- Certified that no person in superior service has been absent either on deputation suspension or without leave (except on casual leave) during the month.
- Certified that all Officers whose names are omitted from but whose pay has been drawn in this bill have actually been entertained during the month.
- Certified that no leave has been granted until by reference to applicant's service book and leave accounts and to the leave rules applicable to him.
- Certified that all appointments & permanent promotions & such of the acting promotions as have to be entered in the service book as per columns is the Standar Form No. R.F. have been entered in the service books of the person concerned under my initials.

Station _____
 Dated _____ 20

Detailed pay of absentees refunded

Section of Establishment	Name	Period	Amount	Section of Establishment	Period	Amount	Pay Rs

Assistant
 DEO (F) Office
 D.I. Khan

Signature and Designation of Head of Office.

Examined and Entered:
 Treasury Accountant
 Dated: _____ 20

Treasury Office

20

PAY ROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY



FORM PAY - 02

OFFICE OF THE SDEO(F) D.I.Khan
FOR THE MONTH OF 03/2019 / 2017

Date _____

Page No. _____

DDO Code (Cost Center) DA/6/20 Description _____

Personnel _____ Employee _____

Grade (Pay Scale Group) 01 Chonkidar

Salary chahi Fawid mah

Salary Status

Start

Stop

Printed By: ISHRAT APT 102828

Info Type	Field ID	GENERAL DATE CHANGE New Contents	Wage Type	CHANGE IN PAYMENTS / DEDUCTIONS				Effective Date	Remarks
				Amount					
				Rupess	False	Adj.			
		B/Pay		23412/-				<p>Always</p> <p>Assistant SDEO (F) Office D.I.K.</p>	
		HR		40842/-					
		MA		68758/-					
		CA		81820/-					
		AR		68069/-					
		AR		31552/-					
		AR		22002/-					
		AR		28465/-					
		G Total		575634/-					
		Deduction		83030/-					
		Net		492604/-					

Prepared By _____

Audited/Checked By _____

Sub Div: Edu Officer
(Female) D.I.Khan

Entered / Verified By _____



ZAMIR MOHIB ULLAH KHAN

Advocate

bc-10-4709

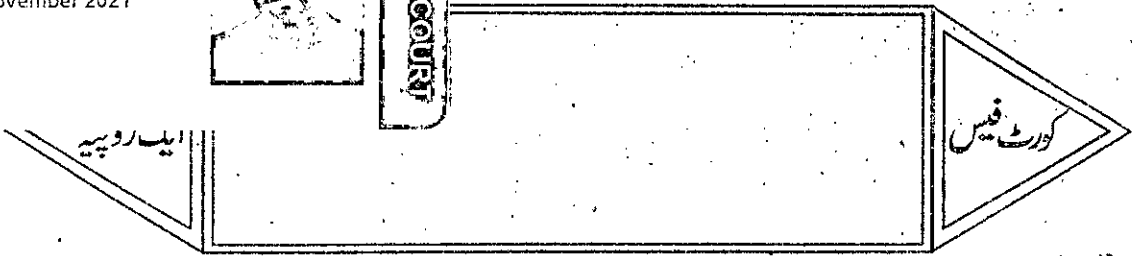
Date of issue: December 2018

Valid upto: November 2021



وکالت نامہ

Secretary
KP Bar Council



بعدالت جناب جیمز ٹیٹو نواز سروس ٹرمینول پشاور

منجانب ریسلنٹ

مقام کونٹریکٹنگ کمپنی

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

سروس

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ڈیڑہ سہیل سنگھ
رہبر محمد اللہ جو فتالی رستم خوسرو

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جتانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ نیکہ کوکل ساختہ پروا خطہ صاحب موصوف محل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہرجم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرنے اور ہرجم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہرجم کے بیان دینے اور اس پر پرائی یا راضی نامہ و فیصلہ بر حلقہ کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ ہیر دن از پکھری صدر بیروی مقدمہ مذکورہ نظر ثانی و اپیل و نگرانی و برآمدگی مقدمہ یا مستوفی ڈگری یکطرفہ یا درخواست حکم انتہائی یا ترقی یا گرفتاری عمل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ جتانہ بیروی کا اختیار ہوگا اور تمام ساختہ پروا خطہ صاحب موصوف محل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر مطالبہ مقدمہ مذکورہ کی دوسرے وکیل یا ہیر سٹرکواسپے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے شیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانہ التزام پڑیگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں ہر کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ 15 جولائی 2018ء

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted
محمد شریف
ریسلنٹ
محمد شریف