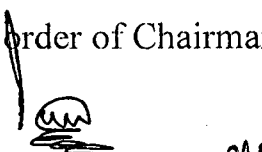


FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1690/2022

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 28/11/2022 | <p>The appeal of Mr. Ihsan Ullah resubmitted today by Mr. Yasir Saleem Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____.</p> <p>Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p> |

This is an appeal filed by Mr. Ihsan Ullah today on 27/10/2022 for release of salaries against which he show his departmental appeal/ representation in the present appeal which was made on 11.08.2022 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority report as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal may be attested.
- 4- Copy of enquiry report mentioned in para-2 of the memo of appeal is not attached with the appeal which may be placed on it.
- 5- Copy of departmental appeal and adjustment application in respect of appellant are not attached with the appeal which may be placed on it.
- 6- Annexure-A & G of the appeal are illegible which may be replaced by legible/better one.


No. 3074 /ST,

Dt. 28/10 /2022.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Yasir Saleem Adv. Peshawar.

- objection no 1, 2, 3 are removed.
 - objection no 4 enquiry report is attached as Annex C.
 - objection no 5 dept: appeal in on Annex H while adjustment/ released of pay is attached as Annex (P) and the list of app: is after Annex (D) (12) page attached.
 - objection no 4 & 9 Annex H better is signed by brother copy while Annex C in need etc.
 - objection no 7 are removed
- Hence it. Submitted today

Yasir Saleem


(1)

**IN THE COURT OF SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**

Service Appeal No. 1690/2022

Ihsan Ullah

.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa & others

.....Respondents

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| 3. | Copy of advertisement dated 20.03.2009 and Order and Judgment dated 01.11.2011 | A&B | 7-10 |
| 4. | Copies of inquiry Report dated 05.04.2014 and notification letter dated 20.05.2014 | C | 11 |
| 5. | Copy of appeal dated 19.01.2019 | D | 12 |
| 6. | Copy of letter dated 07.02.2019 | E | 13 |
| 7. | Copies of the letter dated 16.02.2019 & advertisement dated 21.12.2018 | F&G | 14-15 |
| 8. | Copy of appeal and office order dated 11.08.2022 | H & I | 16-17 |
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Through:

Ihsan
Appellant

Y
YASIR SALEEM
Advocate High Court

&

Afarsyab Wazir
Advocate High Court

(2)

IN THE COURT OF SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. 1690/2022

Ihsan Ullah, TT Government Primary School Zarmajan Kot North
Waziristan District.

.....**Appellant**

VERSUS

1. **Government of Khyber Pakhtunkhwa**, through the Secretary Elementary & Secondary Education, Peshawar.
2. **Secretary Elementary & Secondary Education**, (FATA Secretariat Merged Areas) Warsak Road Peshawar.
3. **Director Elementary & Secondary Education**, (FATA Secretariat Merged Areas) Warsak Road Peshawar
4. **District Education Officer**, North Waziristan.

.....**Respondents**

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT AGAINST INACTION OF THE RESPONDENTS REGARDING THE RELEASE OF SALARIES OF THE APPELLANT DESPITE THE FACT THAT HE IS STILL ON THE ROLL OF THE DEPARTMENT AS PERFORMING HIS DUTIES AND HAS NOT RESPONDED THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF 90 DAYS.

Prayer-in-Appeal:

On acceptance of this Service Appeal, respondents may kindly be directed to release the salaries of the appellant from the date of stoppage.

Respectfully Sheweth:-

1. That initially the appellant applied for the posts of Theology Teacher duly advertised on 20.03.2009. However they were not appointed despite of their being fit and eligible and top of the merit. The Appellant were constrained to file writ petition NO. 2293/2010 before this honorable court which was allowed vide order and judgment dated 01.11.2011. *(Copy of advertisement dated 20.03.2009 and Order and Judgment dated 01.11.2011 is attached as Annexure A & B)*
2. That Respondent No. 4 also constituted inquiry committee to scrutinize the matter. The inquiry committee submitted its report on 05.04.2014 and thereafter the Appellant was appointed on their post vide notification letter dated 20.05.2014. *(Copies of inquiry Report dated 05.04.2014 and notification letter dated 20.05.2014 are attached as Annexure C)*
3. That the Appellant took charge of his post and started performing his duties. Ever since his appointment as TT had been performing his duties without any complaint, albeit he had been denied his salaries.
4. That therefore when the law and order situation got worsen due to militancy, the appellant along with his families migrated being IDPs in June 2014 to Peshawar.
5. That the Appellant throughout agitated the matter of release of their salaries with the Respondents. The petitioner also submitted appeal dated 19.01.2019 to the Respondent No. 3 for the redressel of his grievances, the appeal was processed and the then Agency Education Officer (NWA)/ District Education Officer was asked as to why his salary was stopped without any reason vide his remarks on the body of the said appeal. *(Copy of appeal dated 19.01.2019 is attached as Annexure D).*
6. That the above cited appeal was further processed and the Respondent No. 4 was again directed that if the appellant has not been terminated then his pay be released forthwith under intimation to the office vide letter dated 07.02.2019. *(Copy of letter dated 07.02.2019 is attached as Annexure E)*
7. That the letter dated 07.02.2019 was replied by the Respondent No. 4 vide his letter dated 16.02.2019 wherein he admitted that Appellant was never terminated. Astonishingly he added that the many posts including the posts of the Appellant have been advertised published in newspaper dated 21.12.2018. *(Copies of the letter dated 16.02.2019 & advertisement dated 21.12.2018 are attached as Annexure F & G)*

(4)

8. That Respondents instead of releasing of his pay on already occupied post, the respondent are filling the subject posts along-with many other posts through advertisement.
9. That still the appellant is pursuing the case and lastly filed his appeal to respondent No. 2 for redressal of his grievances vide his appeal dated 11.08.2022 which was forwarded to DEO North Waziristan with directions to resolve the issue under intimation to this office vide order dated 08.09.2022. **(Copy of appeal and office order dated 11.08.2022 are attached as annexure H & I).**
10. That in response the DEO referred the matter to already constituted inquiry committee to probe the matter in hand, where-after the inquiry committee submitted his report to the DEO on 08.09.2022. **(Copy of report of inquiry committee dated 08.09.2022 is attached as annexure J).**
11. That the acts and omissions of the respondents regarding stoppage of salaries of the appellant is illegal and unconstitutional inter alia on the following grounds.

GROUND:

- A. **That** the appellant has not been treated in accordance with law, hence his rights secured and guaranteed under the law are badly violated
- B. **That** since the issue relates to the monthly salaries and adjustment of the appellant in service, therefore the matter being recurring, hence no time limitation runs in the instant matter.
- C. **That** withholding of salary amounts to punishment albeit without any charge sheet or show cause notice his salary has been stopped.
- D. **That** ever since promotion as TT in 2014, the Appellant has been on the roll of the department and has not been terminated yet.
- E. **That** the appellant has been denied of their livelihood, which amounts to violation of Article-4 of the constitution of Islamic republic of Pakistan, 1973, it is the fundamental right of the Appellant that he must be paid his salaries for the services he is rendering for the respondents.
- F. **That** since his services has not been terminated, therefore he is on the strength of the department, thus being civil servants, the appellant is entitled for salary of his post.

(5)

- G. **That** from the reply/ letter dated 16.02.2019 of the Respondent No. 4, it is quite clear that the Posts against which the Appellant has been appointed is still in field meaning thereby the Appellant is still on the roll of the department, so it is in the interest of justice not to re-advertise the posts but to adjust the Appellant on their posts and to release their pay also.
- H. **That** the appellant has been appointed by the competent authority, duly took over charge of his posts and performed has duties thus valuable right has been created in his favour the same cannot be undone or snatched away from him illegally.
- I. **That** the appellant seek the permission of this Honourable Court to rely on additional grounds at the hearing of this appeal.

It is, therefore prayed that the service appeal may please be allowed in favour of appellant as prayed for.

Through: *M. S. M.*
Appellant
[Signature]
YASIR SALEEM
Advocate High Court

&

Afarsyab Wazir
Advocate High Court

CERTIFICATE:

It is certified that that appellant has not previously moved any service appeal regarding the instant matter.

[Signature]
ADVOCATE

AFFIDAVIT:

It is do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon;able Tribunal.

ATTESTED
ZAHOOR KHAN
District Court Peshawar
[Signature]
24/10/22

[Signature]
DEPONENT

(6)

**IN THE COURT OF SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**

Service Appeal No. _____/2022

Ihsan Ullah

.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa & others

.....Respondents

ADDRESSES OF PARTIES

APPELLANT:

Ihsan Ullah, TT Government Primary School Zarmajan Kot North
Waziristan District.

RESPONDENTS:

- 1. Government of Khyber Pakhtunkhwa**, through the
Secretary Elementary & Secondary Education, Peshawar.
- 2. Secretary Elementary & Secondary Education**, (FATA
Secretariat Merged Areas) Warsak Road Peshawar.
- 3. Director Elementary & Secondary Education**, (FATA
Secretariat Merged Areas) Warsak Road Peshawar
- 4. District Education Officer**, North Waziristan.

Ihsan

Appellant

Through:

Yasir Saleem

YASIR SALEEM

Advocate High Court

ذیل جدول میں درج شدہ تمام افسران کی فہرست ہے۔

| نمبر | نام و پتہ | مقام | تاریخ |
|------|---------------|------|-------|
| 1 | محمد علی احمد | ... | ... |
| 2 | ... | ... | ... |
| 3 | ... | ... | ... |
| 4 | ... | ... | ... |
| 5 | ... | ... | ... |
| 6 | ... | ... | ... |
| 7 | ... | ... | ... |
| 8 | ... | ... | ... |
| 9 | ... | ... | ... |
| 10 | ... | ... | ... |
| 11 | ... | ... | ... |
| 12 | ... | ... | ... |

رفوز نامہ مشرق 20 مئی 2009

Attested by
wali

Attested

ATTESTED

Handwritten signature

درخواستیں مطلوب ہیں

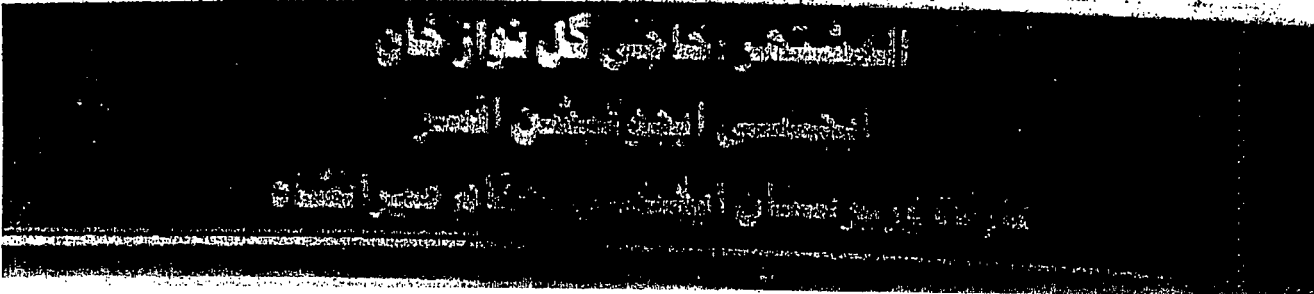
مقررہ تقسیم شمالی وزیرستان میں سرکاری سکولوں و کیوٹی سکولوں میں پی ٹی سی سی ٹی (جنرل ایڈمنسٹریٹو ہوم) پی ای ٹی ڈی ایم اے پی ٹی ٹی قاری جی ایس ایم جونیئر کلاس ہارڈی اسٹنٹ اور کے پی او (DEO) کی خالی اور متوقع آسامیوں پر تقرری کیلئے شمالی وزیرستان کے سکولوں اور درخواستیں امیدوار گھڑوہ فارموں پر درخواستیں اپنے جملہ تفصیلی و پیشہ وارانہ اسناد قومی شناختی کارڈ اور ڈویژنل سرٹیفکیٹ صدقہ نعتول کے ہمراہ 31/3/09 تک ایجوکیشن افسر نارنگ و وزیرستان ایجنسی میرانشاہ کے دفتر میں جمع کرا سکتے ہیں۔ گھڑوہ فارم پتھر ڈرامے حاصل کیا جا سکتا ہے۔

شرائط:-

(1) کے پی او (DEO) کی تقرری (Fixed Pay) کی بنیاد پر ہوگی دوسری تقرریاں ریگولر بنیاد پر ہوگی لیکن ٹائمن اور ریگریڈی کے حوالہ نہیں ہوں گے جبکہ کیوٹی سکولوں پر تقرریاں کھنڈ کی بنیاد پر ہوگی۔ (2) مرد حضرات جن کی عمر 31/3/09 تک 33±18 سال اور خواتین کی عمر 30±18 سال ہوں درخواستیں دے سکتے ہیں (3) درخواستیں ہر لحاظ سے مکمل ہونے چاہئے۔ (4) درخواستیں اور متفرقہ تاریخ کے بعد وصول ہونے والی درخواستوں پر غور نہیں کیا جائیگا (4) خواتین کی پوسٹوں کیلئے مطلوبہ تعلیمی معیار کی حامل فیر تربیت یافتہ مقامی نوجوانی کی درخواستیں دے سکتی ہیں (5) موجودہ کیوٹی سکولوں میں کام کرنے والے اہل اساتذہ کرام (مرد و خواتین) بھی ریگولر آسامیوں پر ترقیاتی کیلئے درخواستیں دے سکتے ہیں (6) تقرریاں خاص صورت کی بنیاد پر مرہبہ حکومتی قوانین پر پالیسی کے مطابق کی جائیں گی (7) زیادہ درخواستیں وصول ہونے کی صورت میں شارٹ لسٹ امیدواروں سے درج ذیل درخواستوں پر منظور ہونے والی تاریخ کے ساتھ ساتھ امیدواروں کے نام ذریعہ تعلیم کے دفتر میں 6/4/09 کو آدراں کی جائیں گی (8) تمام ایڈووکیٹ ایجنسی ایجوکیشن افسر شمالی وزیرستان ایجنسی میرانشاہ کے دفتر میں ہوں گے۔

| تاریخ انٹرویو (روزانہ) | تاریخ انٹرویو (مردانہ) | کم از کم تعلیمی پیشہ وارانہ قابلیت | نام پوسٹ کی پالیسی | نمبر پوسٹ |
|---------------------------|---------------------------|--|----------------------------------|-----------|
| 11/4/09 | 10/4/09 | میٹرک بعد شہادت العالیہ فی العلوم العربیہ اسلامیہ سیکنڈ ڈیویژن ازوق المدارس تفہیم المدارس یا ایم اے عربی سیکنڈ ڈیویژن (مختصر شدہ یونیورسٹی) | اسٹیل (BPS-14) | (1) |
| 11/4/09 | 10/4/09 | میٹرک بعد شہادت العالیہ فی العلوم العربیہ اسلامیہ سیکنڈ ڈیویژن ازوق المدارس تفہیم المدارس یا ایم اے عربی سیکنڈ ڈیویژن (مختصر شدہ یونیورسٹی) | پی ٹی ٹی (BPS-14) | (2) |
| 13/4/09 | 12/4/09 | ایف اے ایف ایس سی بعد سی بی سرٹیفکیٹ ایڈوانس ایجوکیشن | سی ٹی جنرل (BPS-9) | (3) |
| 13/4/09 | --- | ایف اے ایف ایس سی بعد ایک سالہ سرٹیفکیٹ سلائی کڑھائی | سی ٹی ایڈمنسٹریٹو ہوم (BPS-9) | (4) |
| 13/4/09 | 12/4/09 | ایف اے ایف ایس سی بعد سی بی ای سی سرٹیفکیٹ | پی ٹی ٹی (BPS-9) | (5) |
| 13/4/09 | 12/4/09 | ایف اے ایف ایس سی بعد سی بی ایم سرٹیفکیٹ | ایف ایف ایف (BPS-9) | (6) |
| 15/4/09 | 14/4/09 | میٹرک بعد پی ٹی سی سرٹیفکیٹ ایڈوانس ایجوکیشن | پی ٹی ٹی (BPS-7) | (7) |
| 16/4/09 | 16/4/09 | میٹرک سیکنڈ ڈیویژن بعد تفہیم ازوق المدارس سے سند تجویز خواتین | ایف ایف ایف (BPS-7) | (8) |
| 16/4/09 | 16/4/09 | میٹرک سیکنڈ ڈیویژن بعد سند مترا افسر | ایف ایف ایف (BPS-5) | (9) |
| 16/4/09 | 16/4/09 | میٹرک سیکنڈ ڈیویژن | ایف ایف ایف (BPS-7) | (10) |
| 16/4/09 | 16/4/09 | میٹرک سیکنڈ ڈیویژن بعد تفہیم ازوق المدارس سے سند تجویز خواتین | ایف ایف ایف (BPS-7) | (11) |
| 16/4/09 | 16/4/09 | میٹرک سیکنڈ ڈیویژن بعد تفہیم ازوق المدارس سے سند تجویز خواتین | ایف ایف ایف (BPS-7) | (12) |

Attest



Judgment

8
Annexure B

IN THE PESHAWAR HIGH COURT,
PESHAWAR
JUDICIAL DEPARTMENT

WP No 2293.....Of.....11.11.2010.....2010.

JUDGMENT

Date of hearing.....11.11.2010.....2010
Appellant.....Ihsanullah & others.....by.....M.A. Khan.....Advocate
Respondent.....Chief Secy FATA.....by.....J. Khan.....Advocate

YAHYA AFRIDI, J:- Ihsanullah alongwith nine

others have invoked the constitutional jurisdiction of this

Court seeking:-

"It is, therefore, humbly prayed that on acceptance of this writ petition, the notification impugned herein Endst No.PS/E 100-19 (Vol. 27) 6497-6500 dated 13.7.2009, issued by respondent No.1 (Additional Chief Secretary FATA) may kindly be declared illegal, without jurisdiction, without lawful authority and of no legal effect and the respondents be directed to make appointment of the petitioners according to merit list already issued by the respondents."

2. The brief and essential facts leading to the present petition are that the respondents invited applications for appointment on various posts including Teachers on contract basis vide advertisement appearing in Daily Mashriq on 20.3.2009. In pursuance thereof, the present petitioners alongwith others applied for the posts advertised. The respondents vide order dated 11.6.2009 made certain

J. Khan
Attested

Q

J

ATTESTED

C



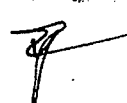
appointments of Teachers on contract basis, while the petitioners' applications were not positively considered. The respondents vide Notification dated 13.7.2009 brought out certain changes in the recruitment policy of appointments in RPS to 15.

3. The grievance of the present petitioners is that the change in the recruitment policy introduced vide Notification dated 13.7.2009 should not affect the selection process initiated vide advertisement dated 20th March 2009.

4. There is no cavil to the proposition that the selection process once initiated cannot be altered to the disadvantage of the applicants due to any change in terms of appointment introduced after the last date for submitting applications under the advertisement. The learned AAG representing the respondents also did not resist the said proposition of settled principle of law. Reliance can be placed on Raza Hassan Vs. Chairman Joint Admission Committee (1999 MLD 1469), Ghulam Mustafa's case (1986 CLC 1056) and Syed Munib Nazir Shah's case (PLD 1985 AJK 17).

5. Accordingly, for the reasons stated hereinabove, it is declared that appointments to be made in pursuance of the advertisement dated 20th March 2009 shall not be affected by the changes introduced in the recruitment


Attested



ATTESTED


10

10

policy initiated vide Notification dated 13.7.2009. It is further held that in case the respondents wants to appoint persons in accordance with the recruitment policy introduced under the Notification dated 13.7.2009, fresh advertisement has to be made clearly specifying the terms of recruitment as stated therein.

6. The present petition is disposed of in the above terms.

[Signature]
JUDGE

[Signature]
JUDGE

Announced,
DE:1.11.2011.

[Signature]
Officer

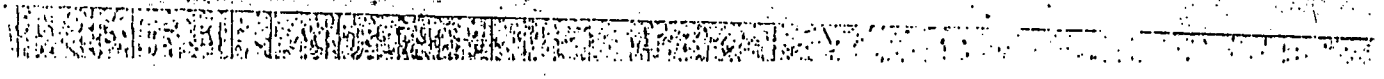
[Signature]
JUDGE

[Signature]

ATTESTE:

[Signature]

[Signature]
Attested



Annexure C

17

OFFICE OF THE AGENCY EDUCATION OFFICER
NW AGENCY

From The enquiry committee

To The Agency Education Officer
North Waziristan Agency

Subject: ENQUIRY REPORT

Memo.

Kindly refer to your order dated 25-02-2014 on the subject noted above and to state that we the undersigned checked the record and merit list in writ petition no. 2293/2010 in respect of Ihsanullah TT and others.

They have come on the top of the merit list and they are deserved for salary in the light of hon: of court decision passed by the High court Peshawar,

it is further added that they have also right for salary from the date of announcement of the Hon: Court decision dated 01-11-2011 as per Supreme court decision

Report submitted for further perusal and necessary action, please.

1. Mr. Umer Khan Supdt:

Chairman

2. Taj Muhammad AEO

Member

3. Akhtar Nawaz

Member

Agreed and physically checked

Attested

[Signature]
A. E. O. / *[Signature]* 5/6/14

[Signature]
Attested

ATTESTED

[Signature]

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY

Appointment Order / Court Decision

In the light of Peshawar High Peshawar decision in writ Petition No. 2293/2010 dated 01-11-2011 and Director Education FATA implementation order dated 16-12-2013, the following candidates are hereby appointed against the vacant post of T.T in BPS-14 (Rs. 8000-610-26300) PM plus usual allowances as admissible to them under the rules with effect from the date of announcement of the Honourable Court decision i.e. 01-11-2011, as per Supreme decision in the interest of public & justice.

| S# | Name of Teacher | Place of Posting | Remarks |
|-----|---------------------|--------------------------|-------------------------|
| 1. | Ihsan Ullah T.T | GPS Zarma Jan Kot | Against the vacant post |
| 2. | Sajid Ur Rehman T.T | GPS Pepali Pecket | -do- |
| 3. | Rehmat Noor T.T | GPS Mirat Khan Kot | -do- |
| 4. | Israr Ullah T.T | GPS, Zar Janan Kot | -do- |
| 5. | Gul Rauf T.T | GPS, Wakil Khan Kot | -do- |
| 6. | Hameed Ullah T.T | GPS, Shamal Khan Kot | -do- |
| 7. | Aliq ur Rehman T.T | GHS, Spalga | -do- |
| 8. | Muhammad Din T.T | GPS Badshah Mir Khan Kot | -do- |
| 9. | Shamsul Haq T.T | GPS, Shna Khwara | -do- |
| 10. | Nasir ud Din T.T | GPS, Shahmat Kot | -do- |

Terms & Conditions

1. Their appointments are made on temporary basis and liable to be terminated any time and without any notice.
2. They should bring their medical certificate from Medical Supdt AHQ Hospital Miranshah. If they fail to assume their charges within 15 days, their orders will be treated as cancelled.
3. Their original CNICs should be produced to the accountant local office.
4. Their services will be terminated if they found absent for days continuously from the date of taking over.

[Signature]
 Agency Education Officer
 North Waziristan Agency

Dated 20/5/2014

Undet No. 1786-91/1

Copy to the:-

1. Honourable Registrar Peshawar High Court Peshawar w/r to writ petition 2293/2010.
2. Director Education FATA, Peshawar w/r to his direction dated 16-12-2013
3. Agency Accounts Officer, Miranshah NWA.
4. Political agent NWA Miranshah.
5. The Agency Accounts Officer Miranshah.
6. AEO concerned.
7. Candidates Concerned.

[Signature]
 AEO

S. M.
 Agency Education Officer
 North Waziristan Agency

ATTESTED

[Signature]

To the worthy Director Edu NTD
Warsal road Peshawar

Subject: Appeal for Adjustment/Release of pay.

Res, Most humbly it is stated that the Ex AEs
NWA has been issued order in light of the honorable
Pesh. High Court Pesh decision in writ petition NO 22
dated 1st 11/11 in v/o Ihsanullah T & others. But our pays were
without any cogent reasons. AS PER GFR stoppage of pay w/
any cogent reason is illegal. (Copy attached)

In this connection your good office has already
issued a clear direction to DEO NWD but still
the same ad. usip delay tactics.

It is worthily mentioned that the DEO North may
be directed to release our pays without further
delay in case which have already been delay
if we were terminated then give terminal order
if we are not then release the pay for the long
interest of justice. If you issue order to DEO
we shall pray for your good health and long
thence

Yours sincerely
Ihsanullah T &
others

[Signature]

Attested

[Signature]

DOE (PND)

Good with
all

[Signature]

[Faint handwritten notes and signatures]

ATTESTED

#

IS-A

BETTER COPY

To
The worthy Director Education NTD
Warsak Road, Peshawar

Subject:- APPEAL FOR ADJUSTMENT / RELEASE OF PAY.

Respected Sir,

Most humbly it is stated that the Ex AC NWA has been issued order in light of the Hon'ble Peshawar High court Peshawar decision in writ petition No. 2 dated 01/11/2011 R/o Ihsan Ullah and others. But our pays were without any cogent reasons. As per GFR stoppage of pay to any cogent reason is illegal. (Copy attached)

In this connection your good office has already issued a char direction to DEO NWD but not the same and using delay tactics.

It is worthy mentioned that the DEO north may be directed to release our pays without further delay the case which have already been delay if we were terminated then given termination order if we are not then release the pay for large interest of justice. If you issue order to DEO order we shall pray for your good health and long life.

Thank

Your Obediently

Ihsanullah TT & others

Date: 03/04/2019

ATTESTED



Annexure 'E' (13)

DIRECTORATE OF EDUCATION
NEWLY MERGED TRIBAL DISTRICTS
OF KHYBER PAKHTUNKHWA
WARSAK ROAD PESHAWAR, PAKISTAN
PHONE: 091-9210166 FAX 091-921021

NO. _____ DATED 7/2 /2019

To

The District Education Officer,
Merged Tribal District North Waziristan

Subject: Appeal for Adjustment / Release of Pay

Memo:

I am directed to enclose herewith an application lodged by Mr. Ihsan Ullah T.T & others resident of North Waziristan District on the subject cited above and to state that Director Education erstwhile FATA is directed your good self on the body of application that why the salaries of the applicants were stopped without any cogent reason. So, if they are not terminated, then release their salaries / pays without further delay, under intimation to this office. please.

Encl: A.A

Deputy Director (F/A)

Endst: No. 9150-51

Copy forwarded to the:-

1. District Accounts Officer, NWD
2. P.A to Director Education Merged Tribal Districts of Khyber Pakhtunkhwa.

Deputy Director (F/A)

ATTESTED



OFFICE OF THE DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT AT MIRANSHAH.

No 1040 /DEO/NWTD Dated: 16 /02/2019



TO:

The Director Education
Newly Merged District KPK Feshawar.

Subject: APPEAL FOR ADJUSTMENT/RELEASE OF PAY.

Memo:

Reference your letter No:2149 dated 7/2/2019 the undersigned was directed to release the salaries and adjust the applicants if there is no termination order and cogent reason in this connection the Ex.District Education Officer submitted a detail report along with enquiry report vide letter No:4347 dated 7/06/2018.

This office searched a lot, but we found no termination order on the record of this office. Moreover, this office has advertised the posts of all categories for filling up through ETEA. Hence this office is unable to release/adjust the applicants as they need vacancies.

Report is submitted for your perusal and further necessary action please.

DISTRICT EDUCATION OFFICER
North Waziristan Miranshah.

Ph: No: 0928-313045, Email Add: pakmrn123@gmail.com Add: Bachelor Hostel Civil Colony Miranshah

ATTESTED

The Honorable Secy Edu & SED
ICP Peshawar.

Agmt H
(16)

Subject: Appeal for release of pay stopped
without any logical reason/illegal

R/W, with great respect it is brought into your
kind notice that our pays were stopped without
any logical reason/illegal. We have already lodged
appeal to Director Edu merged Distt. The DE(M) Distt
was kind enough and issued order vide No 1666
dt 30/1/2019 and No 2149-51 dt 7/2/19 (Copy attached)
The District Edu officer conducted enquiry in this
regard (Copy attached). After enquiry Bills were prepared
and submitted to the Distt. Accounts officer, but returned
due to some observation, then the same was removed
and resubmitted to the DAO office. (Copy attached)
The Ex DAO stopped the process and we filled appeal
to AG ICP. The AG ICP was kind enough and issued
direction to process the claim. (Copy attached)

When a new DEO was posted and stopped all the
lengthy correspondence without any legal reason.
Therefore it is humbly requested in your gracious

honour that a necessary order may kindly be
passed to DEO North for release of salaries
without stopped by the Ex DEO for which we are struggl
ing - for the last year

Dated 11/8/2020

Yours obediently
Nasir-ud-din TTD & others
Rajia Rajia PSI and others

- Copy to the
- (1) The worthy AG ICP Peshawar
 - (2) The DE(M) Distt ICP
 - (3) Distt. Accounts officer North

SO (CPE)
11/8

Please ask
Report from DEO
Concerned.
ATS

ATTESTED
✱

List of appellants.

① M. Sanullah - امان الله

2 - Sajidulla - ساجد الرحمن

3 - Pohmat udd - پہمت فر

4 - Israrulla - اسرار الله

5 - Sm Ray - کل رائف

6 - Amir dulla - امیر الله

7 - Alqin Pake - عقین الرحمن

8 - M. Durr - محمد دین

9 - Shamsulay - شمس الحق

10 - M. Ali - نا علی

Amir al

Amir al

Amr I (17)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite M PA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223587

No. SO(PE)/E&SED/5-1/ Gen Misc/2022
Dated Peshawar the August 11th, 2022

To

The District Education Officer (Male)
District North Waziristan.

Subject: -

APPEAL FOR RELEASE OF PAYS IN R/O NASIRUDDIN TT RUOIA
PST AND OTHERS

I am directed to refer to the subject noted above and to enclose herewith a copy of self-explanatory application submitted by Mr. Nasiruddin TT and others along with its enclosure, for further necessary action.

2 You are therefore, directed to resolved the issued under intimation to this office.

Encl.As above.

(MUHAMMAD ISHAQ)
SECTION OFFICER (PE)

Copy forwarded to the S to Secretary, E&SE Department, Khyber Pakhtunkhwa.

SECTION OFFICER (PE)

11/8/22

*The Ex. Commi. The Member,
provide the already prepared
recommendation for forward
Submission to the Quarter Comand
that is verified and submit to the
then DRO for signature.*

ATTESTED

Amir J (18)

To

The District Education Officer,
North Waziristan District.

Subject: PHYSICAL VERIFICATION FOR IMPLEMENTATION OF DIRECTOR EDUCATION MERGED DISTRICT

Kindly refer your office No30410-12 dated 23-07-2022 on the subject noted that and to state in pursuance of director Education FATA order No. 2149-51 dated 07-02-2019 and reminder dated 29-02-2019 on the subject noted above. We the following committee members thoroughly checked and verified the teachers whose salaries were stooped without any cogent reason and they are performing their duties regularly to the entire satisfaction of their superiors and they are regular employees of this department.

In view of the above facts we the enquiry committee members recommended for releasing the outstanding salaries of the following teachers.

Report is submitted for further necessary action being low paid Government servants.

1. Naseer uddin TT at GPS shamat kot
2. Gul raouf TT at GPS wakeelkhan kot
3. Ihsanullah TT at GPS zarmajan kot
4. Rahmat Noor TT at GPS miratkhan kot
5. Muhammad deen TT at GPS badshah mir khan kot
6. Ateeq ur rahman TT at GPS spalga
7. Shamsul haq TT at GPS shna khwara
8. Hameedullah TT at GPS shamalkhan kot
9. Israrullah TT at GPS zar janan kot
10. Sajid ur rahman TT at GPS pepali pecket

Enquiry Committee Members:

1. Sami ullah V/Principal GHSS Idak:
2. Habib Ullah H/Master GHS Tall Village:
3. Mr. Shanabaz Khan S/Clerk DEO Office:
4. Mr. Arbab Khan J/Clerk DEO Office:

ATTESTED

[Signature]

[Signature]

[Signature]

[Signature] R/DDESB.

The above physical verification report is correct and hence reverified by the enquiry officers and submitted for further action please.

[Handwritten signature]
9/9/22

[Handwritten signature]
Sami ullah
9/9/22

[Handwritten signature]
7/9 Forwarded to DEO for further action
[Handwritten signature]
9/9/22

بعدالت

کورٹ فیس

قیمت
ایک روپیہ

درخواست برائے رجسٹریشن

مورخہ

مقدمہ احسان اللہ ٹالپا

بنام

انجمن سائنس و ادب

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ ان مقام سندھ کے لئے افراسیاب کوزلر لاہور کے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا نیز وکیل صاحب کو راضی نامہ و مقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زر اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہوگا تھانہ باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مقدمہ مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

اصحاب

۲۰۲۲ء

ماہ

المرقوم

العبد

گواہ شد

العبد

Afrasiab Khan Kozler Advocate

Yasir Saleem Advocate

cell. No. 0312-9888752