

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 6871/2021

Date of institution 08.07.2021

Ayaz-ur-Rehman S/O Fayaz-ur-Rehman Village Secretary Bigat Gunj
District Mardan.

VERSUS

Director General, Local Government, RDD Peshawar and three others.

O R D E R

10.11.2021

Appellant alongwith is counsel Mr. Waqar Ahmed Baig, Advocate, present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant stated at the bar that the grievance of the appellant has been redressed, therefore, he wants to withdraw the instant appeal. In this respect, he submitted written application, which is placed on file.

In view of the above, the appeal in hand stands dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

10.11.2021



(Atiq-Ur-Rehman Wazir)
Member (Executive)



(Salah-Ud-Din)
Member (Judicial)

BEFORE THE HONORABLE CHIEF JUSTICE
Tribunal Khyber Pakhtunkhwa Peshawar.

Appeal
No
6871/21

Ayaz ur Rehman
vs

D. G. Iqbal

Application for withdrawal
of above title appeal.

Respectfully Sheweth,

1. That, the above title appeal
is pending before this honorable
tribunal which is fixed for
today. 10-11-21

2. That, the Respondent issued
the summons to the applicant
and the matter has been
patch-up with the petitioner.

It is therefore humbly

prayed on acceptance of this application
the title appeal may kindly be
dismissed.

Cici

applicant
through

Waqar Ahmad Baig
Advocate.

06.08.2021

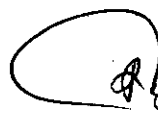
Junior to counsel for appellant present.

Javid Ullah learned Assistant Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned.
To come up for arguments on 10.11.2021 before D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

16.07.2021

Appellant with counsel present.

Contends that while serving as Naib Qasid in the respondent department was promoted as Junior Secretary Village Council/N.C Bicket Gunj-2, District Mardan. For the reason never disclosed to the appellant, respondents No. 2 & 3 have stopped salary of the appellant till February, 2021. Departmental appeal was filed but no response was given, hence the appellant has filed present Service Appeal within 30 days after waiting period of ninety days from the date of departmental. ^{15/7/21} Points raised need consideration. The appeal is admitted for full hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 06.08.2021 before the D.B.

Appellant Deposited
Security & Process Fee

16/7/21

An application has been filed alongwith the memorandum of appeal. Notice of application be given to the respondents for the date fixed.

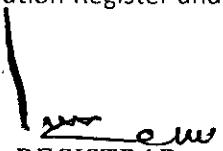


Chairman

Form- A

FORM OF ORDER SHEET

Court of 6807 6871/2

Case No.- 6807 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge	
1	2	3	
1-	08/07/2021	The appeal of Mr. Muhammad Ayaz presented today by Mr. Waqar Ahmad Baig Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.	 REGISTRAR
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/07/21</u>	 CHAIRMAN

(5)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Appeal No. _____ of 2021

Ayaz ur Rehman Appellant


VERSUS

*Director General, Local Government, RDD and others
... .. Respondents*

INDEX

S.No.	Description of documents	Annexure	Page No.
1-	Memo of Appeal		1-4
2-	Affidavit		5
3-	Application for interim relief		6
4-	Addresses of the parties		7
5-	Copy of appointment order	"A"	8
6-	Copy of promotion order	"B"	9
7-	Copy of departmental and application	"C"	10-11
8-	Copy of pay slip	"D"	12
9-	Wakalat Nama	In original	13

Dated 08/07/2021

Appellant
Through 
Waqar Ahmad Baig
Advocate,
High Court Peshawar
Cell # 0345-8745867

(A) CI

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

6871

Appeal No. ~~6889~~ / 21 of 2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6908

Dated 8/7/2021

Ayaz ur Rehman Son of Fayaz ur Rehman Village
Secretary Bigat Gunj District Mardan.

... .. Appellant

VERSUS

- 1) Director General, Local Government, RDD-Peshawar.
- 2) The Assistant Director Local Govt and RDD,
Mardan.
- 3) District Accounts Officer Mardan.
- 4) Accountant General Khyber Pakhtunkhwa Peshawar

... .. Respondents

**APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974 AGAINST THE ILLEGAL, UNLAWFUL
ACTION OF THE RESPONDENT BY
ILLEGALLY AND UNLAWFULLY STOP THE
SALARY AND AGAINST THE NO ACTION
TAKEN ON THE DEPARTMENTAL APPEAL
OF THE APPELLANT WITHIN THE
STATUTORY PERIOD OF 90 DAYS.**

Filed to-day

Registrar

Prayer:

On acceptance of the instant appeal, the respondents may be directed to release the salary from February 2021 and other benefits of the appellant with all outstanding salaries /benefits which have been stopped by the respondents.

Any other remedy this august tribunal deems fit may also be awarded in favor of appellant.

Respectfully Sheweth:

ON FACTS:

- 1) That the appellant is serving as a Village Secretary (BPS -9) in Local Government Deptt: (Copy of appoint order is annexed as Annexure "A").
- 2) That the respondents has been illegally and unlawfully stopped the salary of the appellant from February 2021.
- 3) That the appellant filed departmental appeal against the illegal act but the same has not been responded by the respondents without statutory period of 90 days. (Copy of departmental appeal is annexed as Annexure "C").
- 4) That feeling aggrieved from action and inaction of the respondents and having no other adequate remedy the appellant filed the instant appeal on the following grounds:

GROUND:

A) That the action and inaction of the respondents regarding of stoppage the salary illegally and unlawfully against the law, facts and norms of justice.

B) That the appellant have not been treated by the respondents /department in accordance with law and rules on the subject noted above and of such respondents is violated Article 4, 25 of the constitution of Pakistan,1973

C) That the action and omission of the respondents without any legal authority, discriminatory and clear violation fundamental right duty by the constitution and is liable to be directed as null and void.

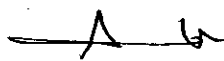

D) That, as per judgment passed by the apex Courts salary cannot be stopped in any manner of a civil servants, hence the respondents while illegally stopping the salary has clearly violated the judgment.

E) That the appellant seeks leave of this Hon'ble Tribunal to rely on additional grounds at the time of arguments.

CG

It is, therefore, prayed that on acceptance of appeal, the respondents may be directed to allow / release the salary of the appellant with all back benefits to the appellant to meet the ends of justice.

Dated 08/07/2021


Appellant
Through 
Waqar Ahmad Baig
Advocate,
High Court Peshawar.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Appeal No. _____ of 2021

Ayaz ur Rehman Appellant

VERSUS

Director General, Local Government, RDD and others
... .. Respondents

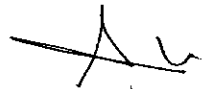
Affidavit

I, Ayaz ur Rehman Son of Fayaz ur Rehman Village Secretary Bigat Gunj District Mardan do hereby solemnly affirm and declare on oath that the contents of the accompanying Service appeal are true and correct to the best of knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by



Waqar Ahmad Baig
Advocate
High Court Peshawar



DEPONENT

ATTESTED

HALIM BANGASH
Oath Commission
Judicial Complex
Peshawar

(b)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Misc Application No. _____ of 2021

Ayaz ur Rehman Appellant

VERSUS

Director General, Local Government, RDD and others

... .. Respondents

INTERIM RELIEF

**APPLICATION FOR THE RELEASE OF
SALARY OF THE APPELLANT /APPLICANT
TILL THE FINAL DISPOSAL OF THE MAIN
APPEAL**

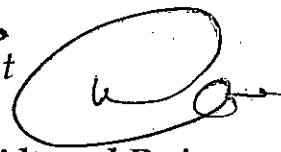
Respectfully Sheweth:

It is hereby humbly submits as under:

- 1- That the case is being filed but no date has been fixed yet.
- 2- That the appellant / applicant has got a good prima facie case and is sanguine of its success.
- 3- That if the applicant / appellant deprive from his standing rights, the applicant / appellant would be suffer an irreparable loss.
- 4- That the applicant / appellant entire career will face trouble and distress in future.

It is, humbly prayed that on acceptance of the instant application, the salary applicant / appellant may kindly be released and redress the grievance of the applicant / appellant.

Dated 08/07/2021

A C
Appellant
Through 
Waqar Ahmad Baig
Advocate,
High Court Peshawar

(8)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Appeal No. _____ of 2021

Ayaz ur Rehman Appellant

VERSUS


Director General, Local Government, RDD and others
... .. Respondents

Affidavit

I, Ayaz ur Rehman Son of Fayaz ur Rehman Village Secretary Bigat Gunj District Mardan do hereby solemnly affirm and declare on oath that the contents of the accompanying interim application are true and correct to the best of knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

Identified by


Waqar Ahmad Baig
Advocate
High Court Peshawar


ATTESTED
HALIM BANGASH
Oath Commission
Judicial Complex
Peshawar

G

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Appeal No. _____ of 2021

Ayaz ur Rehman Appellant

VERSUS

Director General, Local Government, RDD and others
... .. Respondents

ADDRESSES OF THE PARTIES


Appellant

Ayaz ur Rehman Son of Fayaz ur Rehman Village
Secretary Bigat Gunj District Mardan.

Respondents

- 1- Director General, Local Government, RDD
- 2- The Assistant Director Local Govt and RDD,
Mardan
- 3- District Accounts Officer Mardan
- 4- Accountant General Khyber Pakhtunkhwa
Peshawar

Dated 08/07/2021

Appellant
Through 
Waqar Ahmad Baig
Advocate,
High Court Peshawar.



A (8)

OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT & RURAL DEV: DEPARTMENT
MARDAN

No. 934 /AD LG & RDD Dated Mardan the, 22/12/2017

APPOINTMENT ORDER.

The competent authority is pleased to appoint Mr. Ayaz ur Rehman S/O Mr Fayaz ur Rehman as Naib Qasid against the vacant post in the office of Assistant Director Local Govt & RDD, Mardan with immediate effect.

Terms & Condition:


1. His services shall be governed by rules/ prescribed policy of the Government.
2. He will be considered on probation for a period of one year which may be extended for further one year. During the probation period, his services are liable to be dispensed without assigning any reason or notice, if his performance was not found up to the mark.
3. Health and age certificate issued by the medical superintendent DHQ Hospital, Mardan be produced before joining the post.
4. Any other law, rules or instructions issued from Government from time to time would also be applicable.

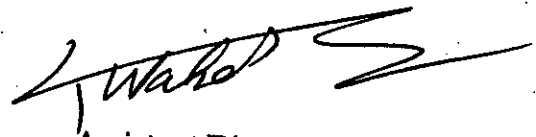

Assistant Director Sr,
Local Govt & RDD Mardan.

Endst. No. & date even:

Copy is forwarded to the:

1. Director General, Local Govt & RDD Khyber Pakhtunkhwa Peshawar.
2. Nazim District Govt Mardan.
3. Deputy Commissioner, Mardan.
4. District Comptroller of Accounts, Mardan.
5. Medical Superintendent DHQ, Mardan.
6. Supervisor, Local Govt & RDD, Mardan.
7. Nazim VC/NC concerned of district Mardan.
8. Incumbants Concerned.

ATTESTED



Assistant Director Sr,
Local Govt & RDD Mardan.

B C9



OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT

MARDAN

Phone: 0937 9230067

Email: adlgmardan2@gmail.com

OFFICE ORDER

Consequent upon the Departmental Selection/Promotion Committee Mardan, Mr. Ayaz Ur Rahman S/O Fayaz Ur Rahman Naib Qasid VC/NC (BPS-03) is hereby promoted as Junior Secretary VC/NC (BPS-09) on acting charge basis till the completion of required length of service against vacant post at VC/NC Bicket Gunj 2 with immediate effect in the best interest of public service.

His terms and conditions of service will remain the same on which he was initially appointed.

Assistant Director (Sr) 5/6/2020
Local Govt & RDD Mardan

Endst No. 515 / AD LG(M) Dated: June 05, 2020

Copy Forwarded to:

26. Director General, Local Govt & RDD, Khyber Pakhtunkhwa.
27. District Comptroller of Accounts, Mardan.
28. Progress Officer, Local Govt & RDD, Mardan.
29. Incumbent concerned.
30. Office record.

Assistant Director (Sr) 5/6/2020
Local Govt & RDD Mardan

ATTENDED

To,

The Director General,
Local Government RDD
Khyber Pakhtunkhwa

Subject: DEPARTMENTAL APPEAL /
REPRESENTATION

Respected Sir,

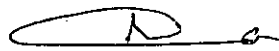
It is hereby submitted as under:

- 1- That the appellant serving as Village Secretary in Local Government and presently posted in Bikat-2 Gunj Mardan.
- 2- That the appellant was initially appointed as a Class - IV and later on promoted as a Village Secretary dated 05/06/2020, however, the appellant perform his duty with honesty and devotion and there is no any allegation against the appellant during the entire service.
- 3- That in the last two months salaries has been stopped by the concerned department without any legal justification being aggrieved the appellant filed an application before the concerned authority but in vain.

It is, therefore, humbly prayed that on acceptance of the instant appeal the salaries of the appellant may kindly be released.

Dated 03/04/2021

Appellant



Ayaz ur Rehman
Village Secretary
BPS-9 Bikat Gunj Mardan

Dist. Govt. NWFP-Provincial
District Accounts Office Mardan
Monthly Salary Statement (January-2021)



(11)

Personal Information of Mr AYAZ UR REHMAN d/w/s of FAYAZ UR REHMAN

Personnel Number: 00874401 CNIC: 1720159024793 NTN:
 Date of Birth: 28.02.1999 Entry into Govt. Service: 26.12.2017 Length of Service: 03 Years 01 Months 007 Days

Employment Category: Active Temporary

Designation: VILLAGE SECRETARY 80003411-DISTRICT GOVERNMENT-KHYBE

DDO Code: MR6339-

Payroll Section: 002

GPF Section: 002

Cash Center:

GPF A/C No:

Interest Applied: Yes

GPF Balance:

34,151.00

Vendor Number: -

Pay and Allowances:

Pay'scale: BPS For - 2017

Pay Scale Type: Civil BPS: 09

Pay Stage: 1

Wage type		Amount	Wage type		Amount
0001	Basic Pay	12,500.00	1000	House Rent Allowance	1,719.00
1210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
2211	Adhoc Relief All 2016 10%	804.00	2224	Adhoc Relief All 2017 10%	1,250.00
2247	Adhoc Relief All 2018 10%	1,250.00	2264	Adhoc Relief All 2019 10%	1,250.00

Deductions - General

Wage type		Amount	Wage type		Amount
3009	GPF Subscription	-1,140.00	3501	Benevolent Fund	-600.00
3534	R. Ben & Death Comp Fresh	-450.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till January-2021: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 22,205.00 Deductions: (Rs.): -2,190.00 Net Pay: (Rs.): 20,015.00

Payee Name: AYAZ UR REHMAN

Account Number: 4147803050

Bank Details: NATIONAL BANK OF PAKISTAN, 230824 TARU JABA TARU JABA, PESHAWAR

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: MARDAN

Domicile: -

Temp. Address:

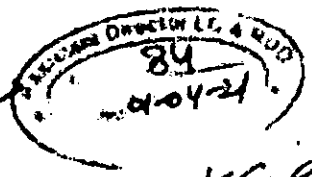
City:

Email:

Housing Status: No Official

(Signature)
 ATTENDED

خدمت صاحب اسٹڈ ڈاؤن ٹیکسٹ بکس کو گورنمنٹ سکول میں
رقبہ سے ہماری سہولت کے لئے



تشریح میں ہے کہ با سال سے آپ صاحبان
کے ذریعہ سائبر ریکورڈنگ سیکرٹری (جونیئر) ڈیپارٹمنٹ سکول اور نیاں و دیگر
لیکن کسی قسم سے گزشتہ ماہ فروری 2021ء سے میرا تنخواہ
آگاہ کیا گیا ہے۔ بہتر، قریب ہے۔ اور گھر کا کھیل ہے۔

میں آپ صاحبان سے ہمیں ددانہ درخواست کرنا ہوں کہ
آگاہ کی ہوگی آپ آگاہ کیا گیا ہے باقاعدگی سے توسل میں سہرا انجام
دینا اور یونٹا۔ بہتر، قریب ہے۔ میرا تنخواہ کو بحال کر کے
ہر گورنمنٹ سکول

عبدلرزاق علی

ATTESTED
Daw

آپ کا نام اور آگاہی کے لئے
مکمل سیکرٹری جونیئر 2-NC سیکرٹری
عزیز - 01/04/2021

VAKALAT NAMA

NO. _____/2020

IN THE COURT OF Services Tribunal -

Muhammed Aghaz (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

D. G. Beal Gov. Office (Respondent)
(Defendant)

I/We, Muhammed Aghaz Secretary Bickel Gray 2 Madan

Do hereby appoint and constitute **Waqar Ahmad Baig, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 8/7/2020

[Signature]
(CLIENT)

Amir Ali
Advocate

[Signature]

ACCEPTED
[Signature]

Waqar Ahmad Baig
Advocate High Court
BC-17-8010
CNIC: 15202-8092909-9
Cell No. 0345-8745867