## FORM OF ORDER SHEET

Order or other proceedings with signature of judge

<sup>+</sup> Court of\_\_\_

Case No:-

1814/2022

S.No.

1-

15/12/2022

2

Date of order proceedings

The appeal of Mst. Bushra Nawaz presented today by Mr. Mir Zaman Safi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on\_\_\_\_\_\_. Notices be issued to appellant and his counsel for the date fixed.

3

By the order of Chairman

REGISTRAR

#### **BEFORE THE KHYBER PAKHTUNKHW** VICE TRIBUNAL PESHAWAR

# APPEAL NO. 18/4/2022

## BUSHRA PERVIZ

### VS

## HEALTH DEPTT:

r	INDEX		1
S:NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	••••••	1- 3.
2	Affidavit		4.
3	Appointment order	Α	· 5.
4	Medical certificate & arrival report	B&C	6-7.
	Diploma	D	8-9.
6	Service book	E	10-13.
. 7	Account statement	<b>F</b> '	14.
8	Attendance register	G	15-17.
9	Departmental appeal	Н	18-19.
10	Wakalat nama	* * * * * * * * * * * * *	20.

APPELL THROUGH:

R ŻAMAN SAFI ADVOCATE MI

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

<u>PESHAWAR</u>

## APPEAL NO. 18/4 /2022

Mst, Bushra Perviz, LHV (BPS-12), BHU Kotki, Lar Sadin, Bajaur.

.....APPELLANT

#### VERSUS

- 1- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Health Officer, District Bajaur.
- 3- The District Account Officer, District Bajaur.

#### ..RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT-1974, FOR THE RELEASE OF SALARIES W.E.F. JUNE, 2022 TILL DATE AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

#### PRAYER:

That on acceptance of this appeal the respondent Department may very kindly be directed to release the monthly salaries of the appellant w.e.f. June, 2022 till date with all other consequential benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

#### R/SHEWETH: ON FACTS:

#### Brief facts giving rise to the present appeal are as under:-

- 2- That from the date of initial appointment the appellant is performing her duty at the concerned station with devotion and with all zeal and zest and as such during the entire period of service there is no complaint whatsoever been received to the high ups against the appellant.
- 3- That during service the service book of the appellant was also prepared by the respondent Department and the appellant regularly performing her duty

at the above mentioned BHU. Copies of the service book are attached as annexure.....E.

- 6- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal before this august Tribunal on the following grounds amongst the others.

#### **GROUNDS:**

- A- That the action and inaction of the respondent Department by withholding monthly salaries of the appellant without any lawful authority and not releasing the same inspite of repeated requests of the appellant is against the law, facts, norms of natural justice and materials on the record, hence not tenable in the eye of law.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondent violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the inaction of the respondent Department by not releasing the monthly salaries of the appellant is falling in arbitrary and malafide intention.
- D- That not releasing the monthly salaries of the appellant is clear violation of Article-11 of the Constitution of Islamic Republic of Pakistan, 1973.
- E- That the action and inaction of the respondents is also clear violation of the Principle "WORK DONE MUST BE PAID".
- F- That the inaction of the respondent Department by not releasing the monthly salaries of the appellant is violation of the principle of natural justice.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

#### APPELLANT

**ADVOCATE** 

**BUSHRA PERVIZ** THROUGH: M MIR ZAMAN SAFI

CERTIFICATE:

It is, certified that no other earlier appeal was filed between the parties.

DÉPONÉNT

## **LIST OF BOOKS:**

## 1- CONSTITUTION OF PAKISTAN, 1973

- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED

### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

#### APPEAL NO.\_\_\_\_/2022

#### **BUSHRA PERVIZ**

#### VS

## HEALTH DEPTT:

#### **AFFIDAVIT**

I Mir Zaman Safi, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

MIR ZAMAN SAFI

MIR ZAMAN SAFI | Advocate | High Court, Peshawar

## OFFICE OF THE GENCY SURGEON BAJAUR

#### OFFICE ORDER

The competent authority is pleased to appoint Miss. Bushra Perviz d/o Perviz Khan r/o Tali Tehsil Salarzai Bajaur Agency is hereby appointed as LHV in BPS-9 (6200-380-17600) against the vacant post, on the following terms and conditions:-

- 1. If she declared medical fit for this job
- 2. Her appointment is purely on temporary basis (prescribed under Govt of (KP) and can be terminated at any time without any notice.
- 3. If she wants to resign from services, he will resign in written with 30 days' notice or will forfeit one month pay in lieu thereof or will continue to serve the Government till the acceptance of her resignation by the competent authority.
- She will be governed with such rules and regulations belong to such category of staff.
  She shall not indulge in any trade business.
- She shall not indulge in any trade, business or any other activity what so ever which has been declared prohibited for the Government servant in elaboration of civil servant Act 1973.
  She will not be entitle for any TA/DA for initial and the servant act 1973.
- She will not be entitle for any TA/DA for joining service and the offer shall be automatically held cancelled if he failed to join the service in 15 days after the receipt of this offer.
  The accepts the offer he should report to the under-signed for further posting

No. <u>1158 -</u> 59 /PF/C-11/BJR

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Agency Accounts officer Bajaur for information and necessary action please Miss. Bushra Perviz d/o Perviz Khan r/o Tali Tehsil Salarzai Bajaur Agency for compliance

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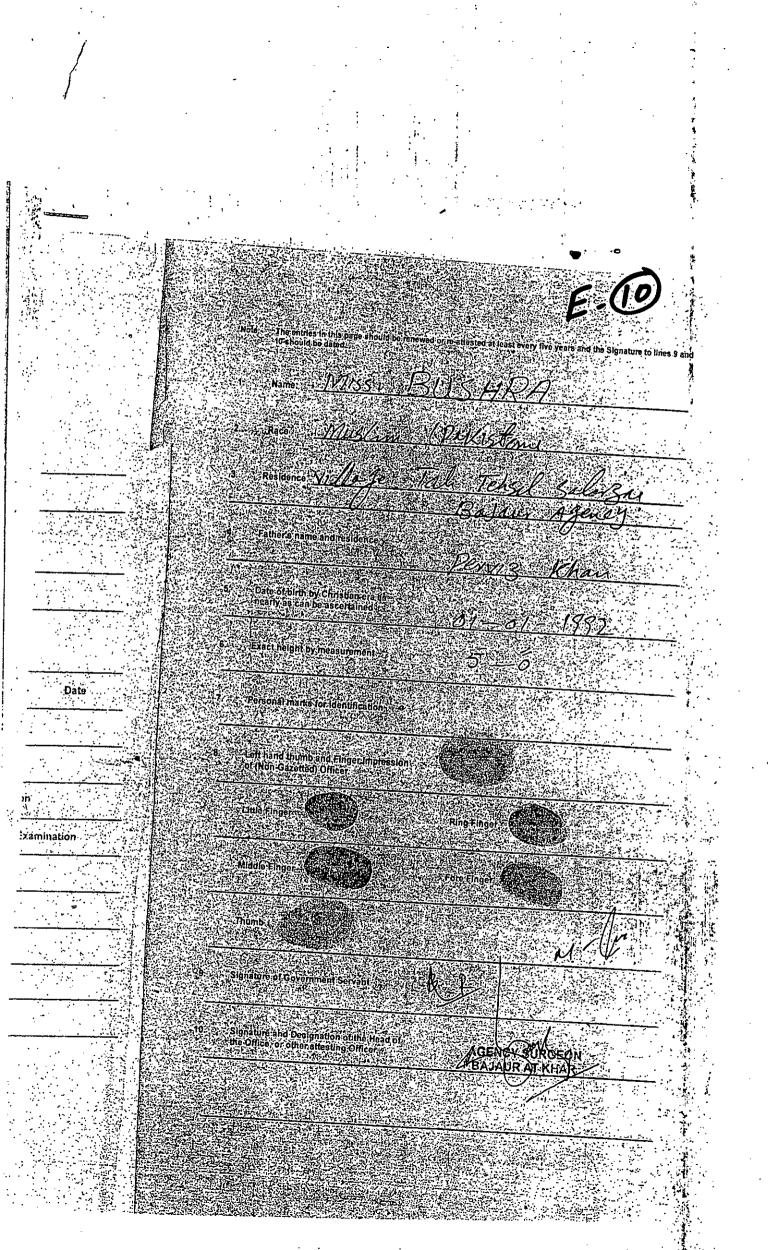
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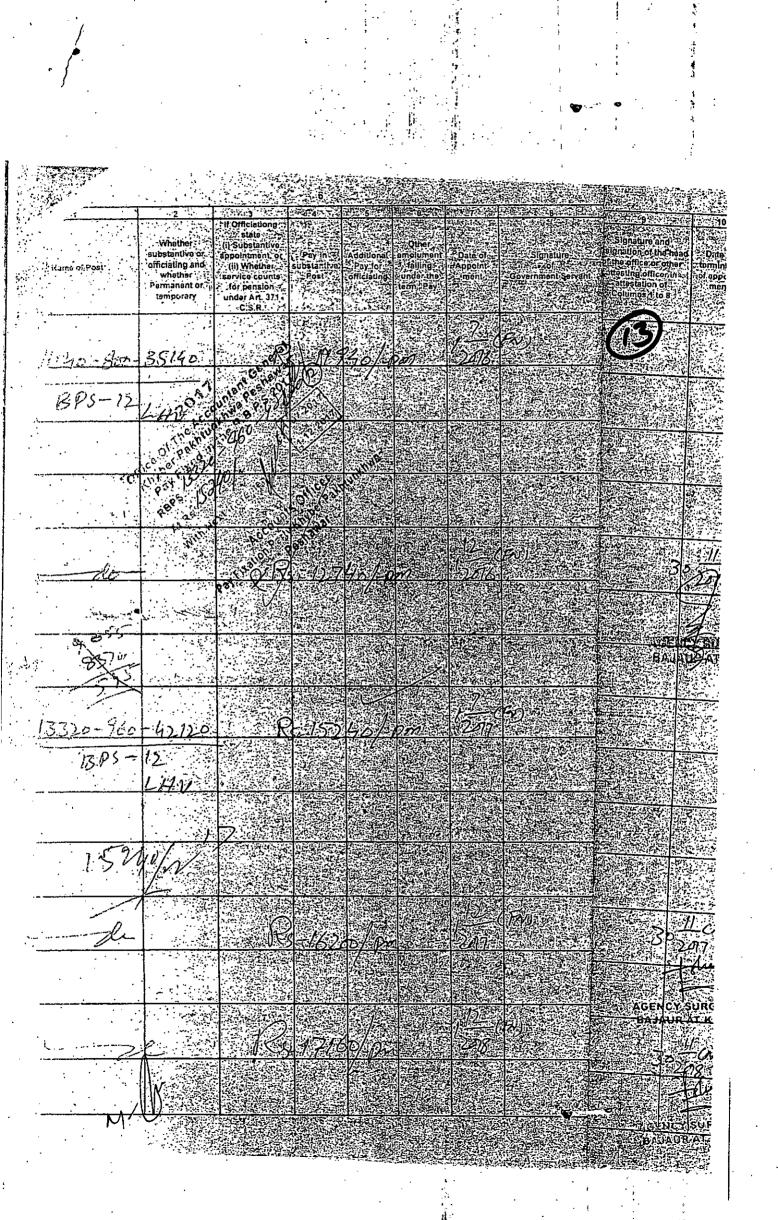
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The Director General, Health Services Department, Khyber Pakhtunkhwa, Peshawar.

## DEPARTMENTAL APPEAL AGAINST THE ILLEGAL AND UNLAWFUL STOPPAGE OF SALARY OF THE APPELLANT WITH EFFECT FROM JUNE, 2022 WIHTOUT ANY PLAUSIBLE REASON AND CLEAR JUSTIFICATION

#### Respected Sir,

To,

Subject:

## Brief facts of the present Departmental appeal are as under:-

- 1- That appellant is the employee of your good self department who was appointed vide order dated 28.05.2015 against the vacant post of Lady Health Visitor (BPS-09). That after appointment the appellant took over the charge against the said post and started performing her duty with all zeal and zest.
- 2- That during service of the appellant there is no complaint whatsoever been received to the high ups against the appellant and the appellant is performing her duty till date with devotion, honesty and upto the entire satisfaction of her superiors.
- 3 That the appellant while performing her duty at the concerned place of posting, astonishingly salary of the appellant has been withheld by the authority concerned with effect from June, 2022 without any plausible reason and clear justification.
- 4- That the appellant visited to the Office of District Health Officer, Bajaur being a competent authority for release of her salary but the authority concerned is not willing to do so.
- 5- That it is pertinent to mention here that the appellant is regularly performing her duty till date at the concerned station without any interruption in the duty.

6- That the appellant feeling aggrieved from the impugned action of the authority concerned by withholding of monthly salaries of the appellant with effect from June, 2022 preferred the instant departmental appeal before your good self on the following grounds.

#### **GROUNDS:**



- A- That the impugned action of the authority concerned by withholding of monthly salaries of the appellant is against the law, facts, norms of natural justice and materials on the record, hence not tenable in the eye of law.
- C- That illegal stoppage of salaries of the appellant with effect from June, 2022 is against the principle of natural justice.
- D- That the impugned action of the authority concerned by withholding of monthly salaries of the appellant is clear violation of Article-11 of the Constitution of Islamic Republic of Pakistan, 1973.
- E- That the act of the authority concerned by withholding of salary is showing malafide intention on his part.

It is, therefore, most humbly prayed that on acceptance of this departmental appeal the authority concerned may very kindly be directed to release the monthly salaries of the appellant with effect from June, 2022 with all back benefits. Any other relief which your good self deems fit that may also be awarded in favor of the applicant.

Dated: 15.09.2022.

Your Sincerely/

Mst; BUSHRA PARVIZ, LHV (BPS-09), BHU Kotki, Lar Sadin, Bajaur

WAKALAT NAMA

BEFORE THE Khyber Pakhtunkhwa Service Tribunal, perkawar

*OF 2022* 

Bushra Parviz

(APPELLANT) \_(PLAINTIFF) \_(PETITIONER)

## **VERSUS**

(RESPONDENT) Health Department (DEFENDANT)

I/We <u>Bushra parviz</u> Do hereby appoint and constitute MIR ZAMAN SAFI, 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 cost. 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.

Dated.\_\_\_/\_/2022

V SAFI ADVOCATE

OFFICE: Room No.6-E, 5<sup>th</sup> Floor, Rahim Medical Centre, G.T Road, Hashtnagri, Peshawar. Mobile No.0333-9991564 0317-9743003