

22.11.2022

Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Counsel for the appellant was informed telephonically on 05/01/2023

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments on 09.01.2023 before the D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

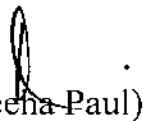
09.01.2023

Counsel for the appellant present.

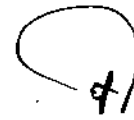
Muhammad Adeel Butt learned Additional Advocate General for respondents present.

SCANNED
KPST
Peshawar

Former made a request for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 03.04.2023 before D.B.



(Fareeha Paul)
Member (E)

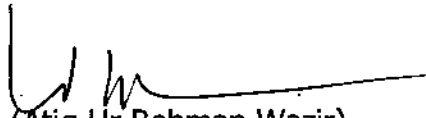



(Rozina Rehman)
Member (J)

13.12.2021

Nemo for the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for arguments before the D.B on 17.02.2022.


(Atiq Ur Rehman Wazir)
Member (E)


(Salah-ud-Din)
Member (J)

17-2-22

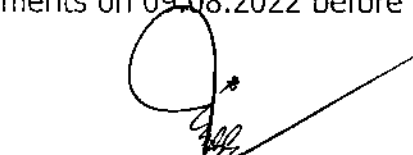
*Due to Retirement of the Hon, ble Chairman
the case is adjourned to come up further
Same as before on 3-6-22
Reader*

03.06.2022

Nemo for the appellant. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments on 09.08.2022 before D.B.

*Counsel
are informed
telephonically for
the date fixed for
09/08/2022*


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

9-8-2022

*Due to the Public holiday the case is
adjourned to 22-11-2022*

Reader

23.11.2020

Due to non-availability of D.B, the case is adjourned to 03.02.2021 for the same as before.



Reader

03.02.2021

Due to COVID-19, the case is adjourned to 16.04.2021 for the same.



Reader

16.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 05.08.2021 for the same as before.




Reader

05.08.2021

Nemo for the appellant.

Mr. Riaz Khan Paindakheil, Assistant Advocate General for respondents present.

Previous date was adjourned on a Reader's note, therefore, notice be issued to appellant/counsel for 13.12.2021 for arguments before D.B.



(Atiq Ur Rehman Wazir)
Member (E)

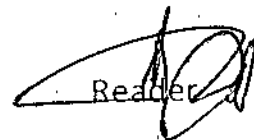


Chairman

11.5 .2020

Due to COVID19, the case is adjourned to

4/8 /2020 for the same as before.


Reader

04.08.2020

Due to summer vacation case to come up for the same on
05.10.2020 before D.B.



Reader

05.10.2020

Nemo for parties.

Mr. Muhammad Jan learned Deputy District Attorney
present.

Perusal of record would reveal that preceding two
dates were adjourned on a reader's note, therefore,
case is adjourned to 23.11.2020 before D.B, subject to
notice to both the parties.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

11.03.2020

Clerk to counsel for the appellant present. Addl:
AG for respondents present. Clerk to counsel for the
appellant seeks adjournment. Adjourned. To come up
for arguments on 11.05.2020 before D.B.




Member



Member

26.09.2019

Counsel for the appellant present. Addl: AG alongwith Mr. Zakiullah, Senior Auditor, Mr. Shah Nawaz, Junior Clerk and Mr. Sajid, Supdt for respondents present. Written reply on behalf of respondent no. 1 to 4 not submitted. Representative of the respondents seeks time to submit the same. Notices be issued to respondent no.3 for submission of written reply/comments. Last opportunity granted. To come up for written reply/comments on 22.10.2019 before S.B.


Member

22.10.2019


Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Zakiullah, Senior Auditor on behalf of respondent No. 5 present.

Written reply on behalf of respondent No. 5 already submitted. Despite last opportunity respondents No. 1 to 4 failed to submit their written replies, therefore, the case is posted to D.B for 07.01.2020 for rejoinder and arguments.


CHAIRMAN

07.01.2020

Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney alongwith representative Daniyal Storekeeper present and submitted reply. Appellant seeks adjournment as his counsel is not available. Adjourn. To come up for arguments on 11.03.2020 before D.B.


Member


Member

03.07.2019 Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith M/S Hazrat Shah Superintendent representative of the respondents No. 1 to 3, Sajid Superintendent representative of respondents No. 4 and Zaki Ullah representative of the respondents No. 5 present. Written reply on behalf of respondents No. 1 to 4 not submitted. Representative of respondent No. 5 submitted written reply. Representative of respondents No. 1 to 4 seeks time to furnish written reply/comments. Last opportunity is granted. Adjourned. To come up for written reply/comments on 29.08.2019 before S.B.


Member

29.08.2019 Counsel for the appellant present. Addl: AG alongwith Mr. Mr. Sajid, Supdt for respondent no.4 and Mr. Zakiullah, Senior Auditor for respondent no. 5 present. Written reply on behalf of respondent no.5 already submitted. Written reply on behalf of respondents no. 1 to 4 not submitted. Representative of respondent no.4 seeks time to submit the same. Notices be issued to respondents no. 1 to 3 for submission of written reply/comments. To come up for written reply/comments on 26.09.2019 before S.B.


(Ahmad Hassan)
Member

15.04.2019

Learned counsel for the appellant present. Written reply not submitted. Rehmat Khan Superintendent representative of respondent No.4 and Zaki Ullah Senior Auditor representatives of the respondent No.5 present and seek time to furnish written reply/comments. No one present on behalf of remaining respondents. Notice be issued to remaining respondents i.e. respondents No.1 to 3 with the direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 23.05.2019 before S.B



Member

23.05.2019

Learned counsel for the appellant present. Written reply not submitted. Hazrat Shah Superintendent (for respondent No.1) Hayat AD (for respondent No.2) and Sajid Superintendent (for respondent No.4) present and seek adjournment. Zaki Ullah representative of respondent No.5 absent. Respondents No.4 & 5 as well as absent representative be put to notice with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 03.07.2019 before S.B



Member

01.03.2019

Counsel for the appellant Imran Ahmad present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Ward Orderly by the competent authority vide order dated 26.04.2008. It was further contended that the appellant was performing his duty regularly but the competent authority without any reason and show-cause notice stopped the salary of the appellant with effect from March 2018 therefore, the appellant filed departmental appeal but the same was not responded hence, the present service appeal. It was further contended that the present appeal pertain to money matter therefore, the limitation does not run and the appellant has recurring case of action. It was further contended that since the salary of the appellant was stopped by the respondent-department without any reason therefore, respondent-department is bound to release the salary of the appellant.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 15.04.2019 before S.B.



Appellant Deposited
Security & Process Fee


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 190/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/2/2019	<p>The appeal of Mr. Imran Ahmad presented today by Mr. Ali Azim Afridi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 11/2/19</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>1-3-19</u>.</p> <p> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR
Service Appeal No. 190/2019

Service Tribunal

Peshawar, Khyber Pakhtunkhwa

Imran Ahmad S/O Gul Ahmad Presently Serving as Ward
Orderly, District Kurram, Khyber Pakhtunkhwa

.....**Appellant**

VERSUS

-
1. The Secretary Health, Civil Secretariat, Khyber Pakhtunkhwa,
Peshawar
 2. The Director General (Health), Health Directorate, Khyber
Road, Khyber Pakhtunkhwa, Peshawar
 3. The District Health Officer, District Kurram, Central Kurram,
Khyber Pakhtunkhwa
 4. The Secretary Finance, Civil Secretariat, Khyber Pakhtunkhwa,
Peshawar
 5. The Accountant General, Khyber Pakhtunkhwa, Peshawar

.....**Respondent(s)**

SERVICE APPEAL

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR
Service Appeal No. 140/2019

Imran Ahmad

.....Appellant

Versus

The Secretary Health KP, Peshawar & Others

.....Respondent(s)

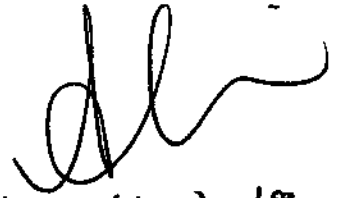
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1.	Service Appeal with Affidavit	1-9
2.	Memo of Address of Parties	10
3.	Copy of the Office Order dated 26.04.2008 along-with Appointment Order dated 09.06.2008 is annexed as Annexure "A" and "A-1"	11-12
4.	Copy of the Departmental Appeal dated 15.10.2018 along-with relevant details is annexed as Annexure "B" and "B-1"	13-23
5.	Copy of the Pay-Slip is annexed as Annexure "C"	24-25
6.	Vakalatnama	26

Appellant

Through

Ali Azim Afridi



U.O.2-19

Advocate High Court

Contact # 0333-9555000

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. /2019

Imran Ahmad S/O Gul Ahmad Presently Serving as Ward
Orderly, District Kurram, Khyber Pakhtunkhwa

.....Appellant

Versus

1. The Secretary Health, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar
2. The Director General (Health), Health Directorate, Khyber Road, Khyber Pakhtunkhwa, Peshawar
3. The District Health Officer, District Kurram, Central Kurram, Khyber Pakhtunkhwa
4. The Secretary Finance, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar
5. The Accountant General, Khyber Pakhtunkhwa, Peshawar

.....Respondent(s)

**APPEAL UNDER SECTION 4 OF THE KP
SERVICE TRIBUNAL ACT, 1974; FOR
ALLOWING GRANT/RELEASE OF SALARY
TO THE PRESENT APPELLANT; HAVING
DIRECT NEXUS WITH HIS TERMS AND
CONDITIONS; BEING A CIVIL SERVANT;
PRESENTLY AT THE DISPOSAL OF
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Respectfully Sheweth,

1. That The Constitution of Islamic Republic of Pakistan aims at protecting civil servants in order to ensure smooth running of affairs of the Government and Institutions so as to benefit

the public citizenry.

2. The Constitution of Islamic Republic of Pakistan equally beshields civil servants from being treated otherwise than in accordance with law.

In Sheikh Riaz-ul-Haq's Case¹, it was held that, *"Admittedly, civil servants being citizens of Pakistan have fundamental rights including the right to access to justice as envisaged under Article 9 of the Constitution"*.

3. That the Constitution of Islamic Republic of Pakistan evenly emphasizes on equality for the citizens and by the citizens; aimed at underpinning rule of law.
4. That the Constitution of Islamic Republic of Pakistan enables, the state not deprive any person of life or liberty; which a person is entitled to enjoy; distilling the command of the Constitution.

In Shehla Zia' Case², It was held that, *"Article 9 of the Constitution provides that no person shall be deprived of life or liberty save in accordance with law; The word life is very significant as it covers all facets of human existence; The word life has not been defined in the Constitution but it does not mean nor can be restricted only to the vegetative or animal life or mere existence from conception to death; Life includes all such amenities and facilities which a person born in a free country is entitled to enjoy with dignity, legally and constitutionally"*.

5. That an employee/servant; if not paid his salary/wages for the work done by him for his employer; he is not expected to live a proper life; if he does not get his salary; then how

¹ PLD 2013 SC 501

² PLD 1994 SC 693

can he sustain himself and his family members; even if he doesn't starve and managers to keep his soul and body intact, his own life and those of his dependent members of the family are bound to heavily suffer in quality.

It Metropolitan's Case³, It was held that, *"Article 14 of the Constitution which guarantees dignity of man is contravened when an employee/servant is denied his right to receive his salary/wages by him; Article 14, inter alia, commands "the dignity of man and, subject to law, the privacy of home, shall be inviolable"; A man who is denied the fruit of the labour and work done by him is bound to live in a manner which will deprived him of his dignity; In order to save himself from starvation and keep himself alive, such a person will have to steal, beg or borrow; A person who is forced to do any such things must suffer in dignity; Similarly, to keep his dignity intact he must enjoy facilities and amenities of life of modest keep his dignity intact the he must enjoy facilities and amenities of the life of modest level according to his station in life; The total effect of non-payment of salaries to the respondents is that they are suffering in honour and dignity and their quality of life is also adversely affected, and hence fundamental rights guaranteed under Articles 9 and 14 of the Constitution stand denied to them".*

ON FACTS

6. That the appellant was appointed as Ward Orderly (BPS-3), at Civil Dispensary Serak Parachamkani Central Kurram; District Kurram, Khyber Pakhtunkhwa in the year 2008.

(Copy of the office order dated 26.04.2008 along-with

³ PLD 1996 Lhr 499

appointment order dated 09.06.2008 is annexed as Annexure "A" and "A-1").

7. That the gravamen of the present appellant originates therefrom non-payment of salary; wherein departmental appeal was preferred to respondent No. 1 and as such neither the same was entrusted nor decided till date. **(Copy of the Departmental Appeal dated 15.10.2018 along-with relevant details is annexed as Annexure "B", B-1 and B-2)**
8. That non-payment of salary amounts to withholding one's right to enjoyment of life; which nonetheless is no longer a bounty rather a right. **(Copy of the pay-slip is annexed as Annexure "C")**

In General Manager's Case⁴, It was held that,
"Salaried/wages are the rightful dues which the employees/servants must get from the employers without delay".

9. That non-payment of salary; have direct nexus with the terms and conditions of the present appellant, being a civil servant.

In Punjab Text Book Board's Case⁵, It was held that,
"The matter in relation to salary of civil servants having a direct nexus with the terms and conditions of service of the employees; as such service tribunal alone is the appropriate forum having jurisdiction to deal with matters relating to the terms and conditions of civil servants".

10. That the appellant preferred departmental appeal/representation on 15.10.2018; seeking grant/release

⁴ PLD 1970 SC 415

⁵ PLD 2001 SC 1032

of salary; which appeal was left unattended to by the competent authority/respondent No. 1 till date. Hence the instant service appeal inter-alia on the following grounds:-

GROUND

- A.** That non-payment of salary amounts to withholding one's right to enjoyment of life; as such exercise amounts to betrayal of the command of the Constitution and Law.
- B.** That not allowing the appellant; right to receive his salary; is totally uncalled for, against the law governing the subject matter.
- C.** That grant of salary is no more a bounty right a right; enabling the present appellant to claim the same; from the respondents.
- D.** That denial of salary to the present appellant amounts to deprivation of his dignity.
- E.** That the matter in relation to salary of civil servants having a direct nexus with the terms and conditions of service of the employees; as such the same lies within the jurisdiction of the service tribunal.
- F.** That it is cardinal principle of law and justice that what cannot be done directly cannot be done indirectly.⁶
- G.** That "Expressio Unis Est Exclusio Alterius", commanding that when law requires a thing to be done in particular manner then, it should be done in that manner as anything done in conflict of the command of law shall be unlawful being prohibited.
- H.** That "*Ignorantia juris non excusat*", commanding that ignorance of the law excuses not.
- I.** That further necessary grounds will be raised during the course of arguments.

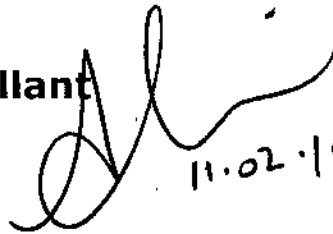
⁶ PLD 1993 SC 473 at Page 687

PRAYER

It is therefore humbly prayed that on acceptance of this Service Appeal:-

1. The non-grant/allowance/release of salary amounts to withholding one's right to enjoyment of life; as such necessary directions may please be issued the respondents for allowing the present appellant to seek/withdraw his salary at earliest in accordance with law.
2. Any such order be passed which this Hon'ble Tribunal deems fit and appropriate as the circumstances may require for determination of the subject at hand.

Appellant
Through


11.02.19

Ali Azim Afridi
Advocate High Court

Contact # 0333-9555000

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR
Service Appeal No. /2019

Imran Ahmad

.....Appellant

Versus

The Secretary Health KP, Peshawar & Others

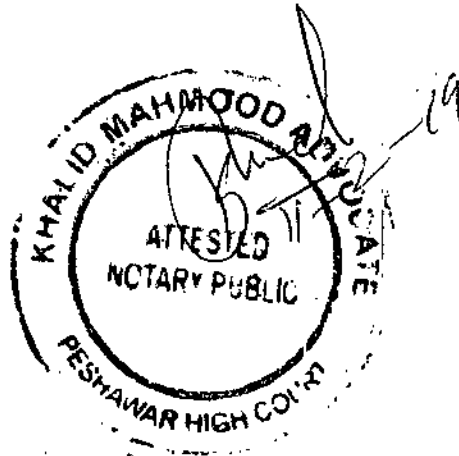
.....Respondent(s)

AFFIDAVIT

I, **Imran Ahmad S/O Gul Ahmad Presently Serving as Ward Orderly, District Kurram, Khyber Pakhtunkhwa,** appellant do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge, belief and nothing has been concealed therefrom the Hon'ble Tribunal.


Deponent

CNIC # 21302-5611073-3



BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. /2019

Imran Ahmad

.....Appellant**Versus**

The Secretary Health KP, Peshawar & Others

.....Respondent(s)**MEMO OF ADDRESS OF PARTIES****Appellant**

Imran Ahmad S/O Gul Ahmad Presently Serving as Ward Orderly, District Kurram, Khyber Pakhtunkhwa

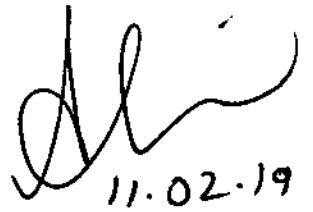
Respondent(s)

1. The Secretary Health, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar
2. The Director General (Health), Health Directorate, Khyber Road, Khyber Pakhtunkhwa, Peshawar
3. The District Health Officer, District Kurram, Central Kurram, Khyber Pakhtunkhwa
4. The Secretary Finance, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar
5. The Accountant General, Khyber Pakhtunkhwa, Peshawar

Appellant**Through**

Ali Azim Afridi

Advocate High Court

Contact # 0333-9555000


11.02.19

4 Annex "A"

Office of the Political Agent Kurram
No 1006-7 /AG/ Apptt: /CK
Dated 26 / 4 / 2008


To
The Agency Surgeon,
Kurram Parachinar

Subject: NOMINATION FOR APPOINTMENT AS CLASS - IV
SERVANT.

Memo:

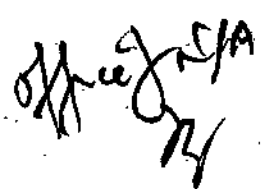
As recommended by the Assistant Political Agent, Central Kurram vide his letter No. 176/APA(CK), dated 12-04-2008, the following persons are nominated for appointment as Class - IV servants against newly created posts mentioned against each in Civil Dispensary Serak Parachamkani Central Kurram, subject to their fitness certificate: -

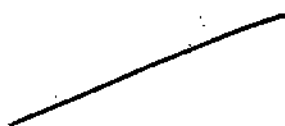
S. No.	Name	F/Name	Designation
1.	Imran Ahmad caste Parachamkani Toi Haji Khel village Serak (CK)	Gul Ahmad	Ward Orderly
2.	Muhammad Salih caste Parachamkani Toi Haji Khel village Serak (CK)	Lal Muhammad	Chowkidar
3.	Sheikh Zahid caste Parachamkani Toi Haji Khel village Serak (CK)	Sadre Azam	Behshti


Political Agent, Kurram.

No & Date Even:

Copy forwarded to the Assistant Political Agent, Central Kurram for information with reference to their letter No cited above.




Political Agent, Kurram.

12

Ann "A-1"

OFFICE OF THE AGENCY SURGEON KURRAM PARACHINAR.
OFFICE ORDER.

As nominated by the Political Agent Kurram Parachinar in his letter vide NO, 1006-7/AG dated, 26/4/2008 Mr. Imran Ahmad S/O Gul Ahmad caste Parachamkani toi Haji Khel of Village Serak Central Kurram is hereby appointed as Ward Orderly in BPS3 (2615-100-5615) plus usual allowances as admissible under the rules against the Newly created post at C.D Serak for the period of three years on Contract basis on the following terms and conditions.

TERMS AND CONDITIONS.

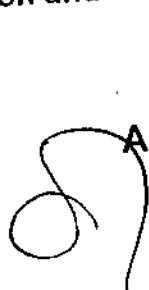
1. He will be medically fit for Govt: services.
2. His services are purely on contract basis and can be terminated at any time without assigning any notice or reason.
3. He will be governed by such rules and orders issued by the Govt: from time to time for the post for which he is originally recruited.
4. He will serve any where in Kurram Agency.
5. He will be on probation period of one year.
6. He must be Domicile of Kurram Agency.
7. If he wish to resign from services he will give one month notice and will continue services till the acceptance of resignation.
8. If he accepts the offer he should report for duty at Civil Dispensary Serak Central Kurram with in one month of the receipt of this letter, otherwise the offer will be cancelled & you should have to produce Domicile, NID (Photo state) along with two fresh photo graphs.

S/d x x x x x
Agency Surgeon Kurram,
Parachinar.

NO, 2995-98 / Apptt: dated, Parachinar the 9-6 / 2008

1. Copy forwarded to:-
2. The Agency Account Officer Kurram at Parachinar.
3. Account/Service Book Clerk Agency Surgeon Office.
4. for information.

Incharge Dispenser C.D. Serak Central Kurram
Mr. Imran Ahmad S/O Gul Ahmad of Village Serak Central
Kurram information and necessary action.


Agency Surgeon Kurram,
Parachinar.

13 Aug '18

گفتاورضات سیکری جنرل کے دفتر کو ارسال کیا گیا۔

درخواستیں بروئے کار لیں۔ ملاحظہ فرمائیں۔

جناب عالی

مورد بالا کے لئے درخواستیں تیار کی گئی ہیں۔

قوم یا ڈی اے کے مسائل یا شہزادہ بیرون - سب گورنمنٹ ڈسٹرکٹ سیکریٹری سرائے
واٹر ڈول - یعنی نکاسی فوری ڈیوٹی سہا بنیام دے رہا ہے۔

ابھی صدر تنخواہ سہا کار کے بند لگے ہوئے ہیں۔ اور یہ تنخواہ سہا کے لوگوں کا واحد
ذریعہ معاش ہے۔ اور اس کی غرض سے گورنمنٹ ڈسٹرکٹ سیکریٹریوں

میں نے بھی دفعہ ایسے تنخواہ سہا کو بروئے کار کرنے کے لئے درخواستیں کی ہیں۔ لیکن

کوئی کام نہیں ہو رہا ہے۔ گورنمنٹ ڈسٹرکٹ سہا کے لئے درخواستیں بہت دیکھنا
کیا ہو سکتی ہیں۔ یہ سالیانہ ماہانہ تنخواہ سہا کو بروئے کار لیا جائے۔

شکریہ

عسکری نواز شہزاد

تاریخ: 15/10/2018

سائیکل، عمران احمد، دلا گل احمد، سکریٹری سرائے، ڈسٹرکٹ سیکریٹری سرائے

14

Anna "B-1"

MEDICAL CERTIFICATE

Name of Official..... IMRAN AHMAD.

Caste or race..... PARACHAKANI (POI HAJI KHEL).

Father's name..... GUL AHMAD.

Residence..... SERAK (GENERAL HURRAM).

Date of birth..... 1984.

Exact height by measurement..... 5ft 9 inch.

Personal marks of identification..... NIL.

Signature of the Official..... [Signature]

Signature of head of office.....

Seal of Office. AGENCY SUPERVISOR
Serak, District.

I do hereby certify that I have examined Mr. IMRAN AHMAD..... a candidate for employment in the Office of the..... C.D. Serak (C.K.)..... and can not discover that he has any disease communicable or other constitutional affliction or bodily infirmity except..... NIL

I do not consider this as disqualification for employment in the office of the..... C.D. Serak..... His age according to his own statement, 24..... year and by appearance about..... Twenty four..... years.

LEFT HAND THUMB AND FINGER IMPRESSIONS.....

C.S.G
[Signature]

Medical Superintendent
 Agency Head Quarter Hospital
 Parachakani Medical Superintendent,
 Civil Hospital.

Applied & Forwarded to

Note: The entries in this page should be renewed or re-attested at least every five years and the signature to 9 and 10 should be dated.

1. Name: Mr. Karam Ahmad

2. Race: Parachamkani (Toi Haji Pchel)

3. Residence: Sarak Central Kurram Agency

4. Father's name and residence:

Cal Ahmad

5. Date of birth by Christian era as nearly as can be ascertained:

(1984)

6. Exact height by measurement:

5-9"

7. Personal marks for identification:

None

8. Left hand thumb and finger impression of (Non-Gazetted) officer:

Little Finger

Ring Finger

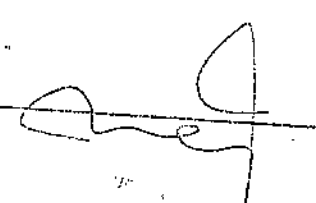
Middle Finger

Fore Finger

Thumb

9. Signature of Government Servant:

10. Signature and designation of the Head of the Office, or other Attesting Officer.


~~AGENCY SUPERVISOR~~
~~Kurram Parachamkani~~

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant.	Remarks
<p><i>SPS-3 (845-100-5315)</i> <i>Contract</i> <i>W/O</i></p>	<p><i>Contract</i></p>	<p><i>Pay</i></p>	<p><i>Rs 2615/-</i></p>	<p><i>PM</i></p>	<p><i>PM</i></p>	<p><i>10-8-2008</i></p>	<p><i>(PN)</i></p>	<p></p>
<p><i>SPS-2 (853-852-350)</i> <i>W/O</i></p>		<p><i>Pay</i></p>	<p><i>Rs 2530/-</i></p>		<p><i>PM</i></p>	<p><i>10-8-2008</i></p>	<p><i>(PN)</i></p>	<p></p>
<p><i>SPS-3</i></p>		<p><i>Pay</i></p>	<p><i>Rs 2615/-</i></p>		<p><i>PM</i></p>	<p><i>12-1-2009</i></p>	<p><i>(PN)</i></p>	<p></p>

Signature of Government Servant.	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	13		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.
				Leave			
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Period	Government to which debitable						

Appointed as ward orderly in BPS-3
 ✓ against the Newly Created post at
 C.D. Serak on contract Basis vide Agency
 Surgeon Surgeon Order No: 2995-98/APPD
 Dated: 9.6.2008.

[Signature]
 AGENCY SURGEON
 Dated: 9/6/2008

[Signature]
 AGENCY SURGEON
 Dated: 9/6/2008

Correction through this office letter
 No. 2475-98/APPD/5884-87/APPD. Dated:
 31/12/08. in light of the Govt. Notification
 No. PD/50 (FR) 7-2-2007 Dated: 28/17/2007,
 The appointment order issued vide this
 office order No. 2995-98/APPD Dated:
 9/6/2008 may be read as BPS-2
 (530-85-5080) instead of BPS-3
 (2615-100-5615) w.e.f-9/6/2008.

[Signature]
 AGENCY SURGEON
 Dated: 9/6/2008

[Signature]
 Agency Surgeon
 Dated: 9/6/2008

[Signature]
 Agency Surgeon
 Dated: 9/6/2008

[Signature]
 Agency Surgeon
 Dated: 9/6/2008

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If offi (i) s appn. (ii) whr counts under C. ...		Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government	nature and Desig the head of the... other attesting c... in the station c... columns 1 to 1
Entries revised a/c of BPS-2 W-e from 9-6								
550-2 (1000) BPS-2				Pay Rs 2530/- PM		10 ⁶ / ₂₈ (FN)		Additional Lower 2
550-2 (1000) BPS-2				Pay Rs 3035/- PM		1 ⁷ / ₀₈		Additional Lower 2
				Pay Rs 3135/- PM		1 ¹² / ₂₉		Additional Lower 2
				Pay Rs 3235/- PM		1 ¹² / ₁₀		Additional Lower 2
700-1700 (1000) BPS-2				Pay Rs 5240/- PM		1 ⁷ / ₀₁		Additional Lower 2
				Pay Rs 5410/- PM		1 ¹² / ₀₁		Additional Lower 2
				Pay Rs 5580/- PM		1 ¹² / ₀₁ (FN)		Additional Lower 2
one printer's unit				150/- 200/- Rs 5750/-		1 ⁷ / ₀₃ (FN)		Additional Lower 2

9 Signature and Designation of the head of the office or other attesting officer in accordance with Paragraph 1 to 8	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to recorded pay sheet (or copy or praise of Government Servant	
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
<i>[Signature]</i> Additional Agency Surgeon Lower & Central Kurram At Sadul								
<i>[Signature]</i> Additional Agency Surgeon Lower & Central Kurram At Sadul								
<i>[Signature]</i> Additional Agency Surgeon Lower & Central Kurram At Sadul							Revision of Pay scale on 1-7-08	
<i>[Signature]</i> Additional Agency Surgeon Lower & Central Kurram At Sadul							Granted Annual increment	
<i>[Signature]</i> Additional Agency Surgeon Lower & Central Kurram At Sadul							Granted Annual increment	
<i>[Signature]</i> Additional Agency Surgeon Lower & Central Kurram At Sadul							Revision of Pay scale on 1-7-01	
<i>[Signature]</i> Additional Agency Surgeon Lower & Central Kurram At Sadul							Granted Annual increment	
<i>[Signature]</i> Additional Agency Surgeon Lower & Central Kurram At Sadul							Granted Annual increment	
<i>[Signature]</i> Additional Agency Surgeon Lower & Central Kurram At Sadul							Service up to up to a/c 30-11-012 (D.A.)	
<i>[Signature]</i> Additional Agency Surgeon Lower & Central Kurram At Sadul							Allowed one premature leave from 1-7-01 - vide no - F (SSR-1) 2-123/2001. dt-14-7-01	

82230
 (4900-170-1000)
 395-2

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "P"	7 Date of appointment	8 Signature of Government Secretary and Designated of the officiating officer attesting office from 1 to 8
	Confidential	Pay	Rs	5750/-	PM	12/01/3 (PM)	
	—	Pay	Rs	5900/-	PM	12/01/4 (PM)	
6335-2 18/15-2	12935			7655/-		17/01/5 PM	
6730-300-15730 B-14	do one P.M. unit	Rs	Rs 2	7930 300 - 8230/-		19/12/5 PM	

Add
in

Signature of Governmental Servant	Signature of the officer in charge of the office	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or praise of the Government Servant.	
					Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government			
						Period			Government to which debitible
		Followed up until 1 month			Service Verified up to 30-11-013 (A.P.)				
	Additional Agency Surgeon Lower & Central Murrum At Sadia						Additional Agency Surgeon Lower & Central Murrum At Sadia		
					Approved for one month leave from 1-12-14 to 1-12-15				
		Followed up until 1 month			Service Verified up to 30-11-016 (A.P.)				
							Additional Agency Surgeon Lower & Central Murrum At Sadia		
		Post upgraded for PPS-2 to 4 vide No. FDC(30)FR/7-20/015 dt. 30.06.015				Service Verified upto 30-11-015 (A.P.)			
							Additional Agency Surgeon Lower & Central Murrum At Sadia		
							Additional Agency Surgeon Lower & Central Murrum At Sadia		

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "p"	7 Date of appointment	8 Signature of Government 9 Signature of officiating officer 10 Date of appointment 11 Date of termination of appointment 12 Date of resignation of officiating officer 13 Date of re-appointment of officiating officer 14 Date of re-appointment of substantive officer 15 Date of re-appointment of officiating officer 16 Date of re-appointment of substantive officer 17 Date of re-appointment of officiating officer 18 Date of re-appointment of substantive officer 19 Date of re-appointment of officiating officer 20 Date of re-appointment of substantive officer
370-1730 16-4-		— 07	10130/2			17 016 PW	
		11	10500/- Pm			12 1- 016 PW	4/11
9900-440-28100						7 1017	
1378-4-		13	12540/- Pm.			12 1- 017 PW	4
		12	12980/- Pm.				

Signature of Government	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	13		14	15	
				Leave				
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government			
				Period	Government to which debitible		Reference to any recorded punishment or censure or praise of the Government Servant.	
	<i>Prison of leave to Retired 11-4</i>							
	<i>Additional Agency Surgeon Lower and Central Kurram</i>							
	<i>Government Award 2nd</i>			<i>Service verified upto 30-11-516 AV</i>				
	<i>Additional Agency Surgeon Lower and Central Kurram</i>		<i>Additional Agency Surgeon Lower and Central Kurram at S...</i>					
	<i>Government Award 2nd</i>			<i>Service verified upto 30-11-517 AV</i>				
	<i>Additional Agency Surgeon Lower and Central Kurram</i>		<i>Additional Agency Surgeon Lower and Central Kurram</i>					

24 Ann "C"

Kurram at Ara C

S#:

P Sec:001 Month:February 2015
KM1005 -ADDITIONAL AGENCY SURGEON
Min. Of K.A & N.A & S.F.R

Pers #: 00675915 Buckle:

Name: Imran Ahmad
WARD ORDERLY

NTN:
GPF #:
Old #: 21310050217

CNIC No.2131005002008

GPF Interest Free

KM1005 -CD2

02 Active Permanent

PAYS AND ALLOWANCES:

0001-Basic Pay	6,090.00
1000-House Rent Allowance	910.00
1210-Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,200.00
1528-Unattractive Area Allow	1,294.00
1548-Rural Compensatory Allowa	50.00
1948-Adhoc Allowance 2010@ 50%	1,668.00
1970-Adhoc Relief Allow 2011	500.00
2118-Adhoc Relief Allow (2012)	1,218.00
Gross Pay and Allowances	16,237.00

DEDUCTIONS:

GPF Balance 8,579.00	Subrc:	373.00
3701-Benevolent Fund(Exchange)		120.00
3704-Group Insurance(Exchange)		58.00
3711-Addl Group Insuranc(Exch)		3.00

Total Deductions 554.00

15,683.00

D.O.B
01.01.1984

LFP Quota:
Payment through DDO.

06 Years 08 Months 020 Days

25

Kurram at Ara C

P Sec:001 Month:February 2015
KM1005 -ADDITIONAL AGENCY SURGEON
Min. Of K.A & N.A & S.F.R
NTN:
GPF #:
Old #: 21310050217

S#:
Pers #: 00675915 Buckle:
Name: Imran Ahmad
WARD ORDERLY
CNIC No.2131005002008
GPF Interest Free
02 Active Permanent

KM1005 -CD2

PAYS AND ALLOWANCES:
2148-15% Adhoc Relief All-2013
2174-Adhoc Relief Allow-2014

913.00
609.00

Gross Pay and Allowances
DEDUCTIONS:

16,237.00

GPF Balance 8,579.00

Subrc:

Total Deductions

554.00

15,683.00

D.O.B
01.01.1984
06 Years 08 Months 020 Days

LFP Quota:
Payment through DDO.

50	58552	ایڈووکیٹ: <u>علی عظیم آفریدی</u>	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
		بار کونسل ایسوسی ایشن نمبر: <u>BC-16-6910</u>	
		رابطہ نمبر: <u>0333-9555008</u>	



بعدالت جناب: سرور کی سرپرست (PBA) پشاور

مخاتب: <u>عمران احمد ایپلائٹ</u>	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

بامث تحریر آنکہ

Health
%

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام پشاور کیلئے علی عظیم آفریدی کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز
 دائر کرنے اپیل نگرانی و نظر ثانی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 11 - 02 - 2019

العبد محمد واہد العبد
 مقام پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔
Asphd By
Alina

2019-02-11

عمران احمد

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. 190/2019

Mr. Imran AhmadAppellant.

Vs

Secretary to Govt of Khyber Pakhtunkhwa,
Health Department Peshawar and others..... Respondents.

Reply on behalf of Respondent No. 5

Preliminary Objections:-

1. That the appellant has no cause of action.
2. That the appellant has no locus standi.
3. That the appeal is time barred.
4. That the appellant is bad due to joinder and mis-joinder of the necessary parties.

Respectfully Sheweth:-

Para 6 to 10:-

It is submitted that the matter in hand is an administrative in nature and relates to Respondent No.1, 2 & 3. They are in better position to redress the grievances of the Appellant. Besides, the Appellant has raised no grievances against Respondent No.5.

It is pertinent to mention here that the appellant is the citizen of District Kurram, and performing his duties in District kurram, comes under the audit jurisdiction of Agency Accounts Office, Kurram which the appellant has not made as Respondent in the instant appeal.

Keeping in view the above mentioned facts, it is humbly prayed that the Appellant may be directed to approach Respondent No.1,2 & 3 and the Appeal in hand having no merits may be dismissed with cost.


**ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA**

BEFORE THE SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

APPEAL NO. 190/2019

Imran Ahmad Ward Orderly

.....Petitioner

Versus

Govt. of Khyber Pakhtunkhwa and othersRespondents

S NO.	DETAIL	PAGE NO.	Description
1	Para wise Comments	1-2	
2	Letter of DHO L&C Kurram	3	A

IN THE PESHAWAR HIGH COURT PESHAWAR

APPEAL NO. 190/2019

Imran Ahmad Ward Orderly

.....Petitioner

Versus

Govt. of Khyber Pakhtunkhwa and others Respondents

Para wise comments on behalf of respondent No. 2 & 3

Respectfully Sheweth;

Preliminary objections

1. That the appellant has not yet submitted his appeal.
2. That the appellant has got no locus standi to file the instant appeal.
3. That the appellant has not come to this Honorable Court with clean hands and concealed the factual position of his service.
4. That the appellant has got no cause of action to file the instant appeal.
5. That, the appellant is not an "AGGRIEVED" person within the meaning of Article 199 of the Constitution of Pakistan.

ON FACTS:

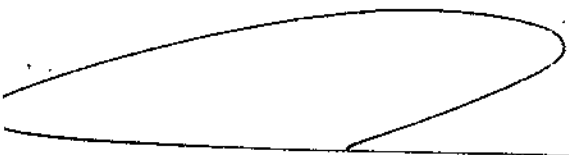
1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Pertains to record.
6. Correct to the extent of appointment as ward orderly upon the recommendation of Political Administration Kurram Agency vide office order No. 2995-98/Apptt: dated 09.06.2008.
7. Incorrect, the appeal of the appellant has not yet received in this office. As far as the stoppage of salary is concerned, therefore, as per letter of DHO L&C Kurram, Sadda at **Annex-A**, the health facility "Civil Dispensary Serak Parachamkani Central Kurram" was closed due to community dispute and the salaries of all the Class-IV employees were stopped on the verbal direction of Political Administration Kurram Agency w.e.f. 2015. Furthermore, since then the appellant is absent, disappeared and not attended the office for single day.
8. Correct, but the salaries of all the Class-IVs employees were stopped as the concerned health facility was closed due to community dispute on the direction of Political Administration Kurram Agency w.e.f. 2015 and since then the appellant is absent, disappeared and not attended the office for single day.

9. Correct but the salaries were stopped on the direction of Political Administration.
10. Incorrect, the appeal of the appellant has not yet received in this office.


ON GROUNDS:

- A. Correct but the salaries were stopped on the direction of Political Administration vide letter attached and since then the appellant is absent, disappeared and not attended the office for a single day.
- B. Incorrect, the appellant is absent and disappeared since 2015.
- C. Incorrect, as stated above.
- D. Incorrect, as stated above.
- E. Correct but the appellant is absent, disappeared since 2015 and not attended the office for a single day.
- F. Incorrect as stated above.
- G. Incorrect as stated above.
- H. Incorrect as stated above.
- I. No comments.

As the appellant is absent since 2015 and not attended the office for a single day, hence, the appeal has no legal footings, therefore, it is most humbly prayed that the appeal may please be dismissed.


9/06th JAN 2020
Director Health Services,
Merged Areas, Peshawar

For. Respondent No. 2.


District Health Officer,
Lower & Cental Kurram at Sadda.
Respondent No. 3



OFFICE OF THE DISTRICT SURGEON
TRIBAL DISTRICT LOWER & CENTRAL KURRAM

Ph: 0926-520522

Fax: 0926-520523

No. 4814 /AAS/Admn

Dated: Sadda the 04/09/2019.

To

The Director Health Services,
Merged Areas at Peshawar.

Subject:

APEAL NO.190/2019-IMRAN AHMAD S/O GUL AHMAD VS GOVT.KHYBER
PAKHTUNKHWA & OTHER.

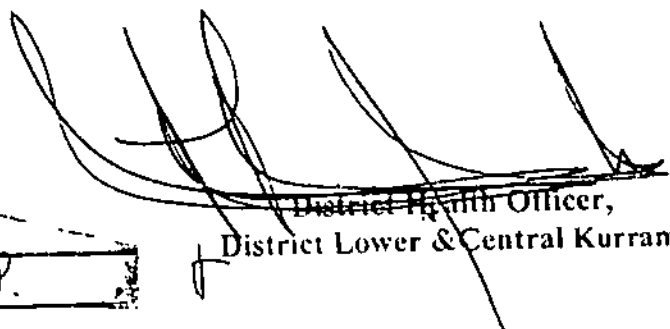
Reference your office letter No.14635/DHS/Admin dated 03.09.2019, on subject noted above. In this connection it is submitted that the said health facility is non functional due to community dispute and as per officer record the salaries of all class-iv were stopped at that time in March, 2015 by the then Agency Surgeon Dr Inayat Ur Rehman (presently working as NSTOP officer District Kurram) on the verbal directions of political administration till the decision of the community dispute.

Submitted for information and further necessary action.

D.H.S. MTA

D.No. 5205

Date. 5-9-19.


District Health Officer,
District Lower & Central Kurram

Litigative
5/9/19.