

12:06.2019

Counsel for the petitioner and Addl: AG alongwith Miss. Samina Ghani, DEO (F) Peshawar (respondent no.3) for respondents present.

As per directions of this Tribunal contained in the previous order sheet, DEO (F) Peshawar appeared in person and presented a copy of contingent ^{bill} well to the tune of Rs. 313392/- pertaining to the outstanding arrears of the petitioner. The same has been submitted in the office of Accountant General, Khyber Pakhtunkhwa for approval/payment. A copy of the same is placed on record. Case to come up for further proceedings on 10.07.2019 before S.B.


(Ahmad Hassan)
Member

10.07.2019

Nemo for the petitioner. Addl: AG alongwith Mr. Muhammad Irshad, ADO and Mr. Ijaz, Cashier for respondents present.

The representative of the respondents has submitted copies of Payroll and Source Form of petitioner reflecting the payment of arrears of pay and allowance w.e.f 01.03.2015 to 03.09.2016. In the said documents payment of Rs. 314494/- in favour of petitioner is shown.

In view of the development, instant execution proceedings are consigned. The petitioner may, however, apply for restoration of proceedings in case any portion of relief granted to him by the Tribunal remained unsatisfied.

Announced:
10.07.2019


Chairman

09.05.2019

Petitioner alongwith his counsel present. Mr. Hayat Khan, AD on behalf of respondent No. 2, Respondent No. 3 DEO (F) Peshawar Mst. Samina Ghani in person and Mr. Zakiullah, Senior Auditor for respondent No. 6 present.

Perusal of the record reveals that the petitioner has filed service appeal regarding release of his salaries from 01.03.2015 till date, the service appeal of the petitioner was allowed by this Tribunal vide judgment dated 30.03.2018.

Today representatives of the department stated that the judgment of this Tribunal has been implemented by the respondent-department to the extent that the petitioner has been paid salary since November 2016 till 2018. Learned counsel for the petitioner stated that the respondent-department has not paid salaries of 19 months therefore, requested that the respondent-department may be directed to pay the same to the petitioner. Representatives of the department seeks time. Adjourned. To come up for implementation report as per judgment of this Tribunal on 12.06.2019 before S.B.

MA

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

16.05.2019

Application for release of salaries of respondents received and placed on file. Order dated 03.04.2019 regarding attachment of salaries of respondents is held in abeyance till the next date fixed as 12.06.2019.


Member

E.P. No. 139/2018
Malik Hayat Khan

03.04.2019

Petitioner in person present. Mr. Usman Ghani, District Attorney alongwith Habibullah, ADO, Shahid, Assistant and Zakiullah, Senior Auditor for respondents present.

Directions contained in judgment of this Tribunal dated 30.03.2018 are being continuously flouted by the respondents. On previous numerous occasions, during the course of hearing they gave an undertaking to implement the said judgment but to no avail. Today, the representative of the respondents produced implementation report, whereby, purportedly the petitioner was adjusted as Naib Qasid at GGMS no.3 Peshawar cantt: vide order dated 15.12.2018. At this juncture the petitioner interjected and clarified that he was promoted as Junior Clerk vide order dated 01.06.2014, whereas through the above order adjustment was made against a lower post.

The state of affairs depict apathy, callousness and will on their part to defy orders of this Tribunal. Moreover, no plausible explanation for inordinate delay in implementation of judgment of this Tribunal is available in the implementation report. We are left with no other option but to adopt coercive measures against the respondents.

In the first instance warrants of attachment of salary of respondent no.2 and 3 be issued forthwith. In case compliance report strictly in accordance with the spirit of judgment of this Tribunal is not presented on the next date of hearing then coercive measures in the shape of civil imprisonment would be taken against them. To come up for further proceedings on 09.05.2019 before S.B.


(Ahmad Hassan)
Member

22.03.2019

Learned counsel for the petitioner present. Mr. Zia Ullah learned DDA alongwith Sabeena Yusrat DDO for the respondents present. Representative of the respondents is directed to either pay the salary to the appellant in complete or come up with the reason that why the department has not implement the judgment of this tribunal. Adjourned to 04.04.2019 before S.B.


Member

~~21.03.2019~~

~~Appellant in person present and submitted amended appeal which is placed on file. Preliminary arguments heard.~~

~~The appellant was posted as SDFO Town-IV Peshawar on promotion vide order dated 21/02/2019. She was posted out vide order dated 05/03/2019. The appellant argued that she had taken over charge of the post of SDFO female Peshawar Town IV in compliance~~

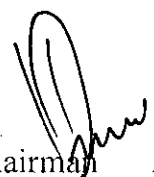
E.P No. 139/2018

04.12.2018

Counsel alongwith petitioner and Addl. AG alongwith Muhammad Arshad, ADO and Hayat Khan, A.D for the respondents present.

Representatives of the respondents state at the bar that the judgment under implementation would be adhered to in letter & spirit for which further time may be allowed.

Adjourned to 03.01.2019 on which date the implementation report shall be positively submitted.


Chairman

03.01.2019

Petitioner alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Arshed Ali, ADO (Litigation) for the respondents present. Representative of the department submitted implementation report. Copy of the same is placed on record. To come up for objections, if any, on 18.02.2019 before S.B.


Muhammad Amin Khan Kundi
Member

18.02.2019

Mr. Akhoon Zada Said Parvez advocate submitted Vakalt nama on behalf of the petitioner which is placed on file. Mr. Kabirullah Khattak Addl; AG for the respondents present. The representative of the respondents seeks further time for fully implementing the judgment of Tribunal under Execution.

Adjourned to 22.03.2019 on which date the implementation report shall positively be submitted


Chairman

E.P. No. 139/2018
Malik Hayat Khan vs Govt

11.10.2018

Petitioner Malak Hayat in person present.
Respondent No. 2, Mr. Farid Khattak, Director, E&SE,
Peshawar and respondent No. 3, Miss Sufia Tabassum, DEO
(F) Peshawar in person present.

The above named respondent No. 2 undertook that they will take personal interest in the resolution of the matter of the petitioner in a couple of days. In this regard he made a request for adjournment.

Being a responsible officer his request is allowed and is directed to submit implementation report on 1.11.2018 before S.B.


Chairman

01.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 19.11.2018.


READER

19.11.2018

Petitioner alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Zakiullah, Senior Auditor for the respondents present. Implementation report submitted. Learned counsel for the petitioner objected the same. Case to come up for objection on implementation report as well as arguments on 04.12.2018 before S.B.


Muhammad Amin Khan Kundi
Member

EP 139/2018

10.10.2018

11.10.2018

Petitioner Malak Hayat in person present. Mr. Muhammad Arif, Addl. Director E&SE Peshawar and DEO (F) E&SE Peshawar alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present.

In the instant case, Director E&SE, Khyber Pakhtunkhwa Peshawar was summoned and explain his position regarding implementation of judgment of this Tribunal conditionally.

The above named representative stated that Director, E&SE, has gone to Islamabad today. As such Director, E&SE, Khyber Pakhtunkhwa is once again directed to attend the Tribunal personally and apprise the Tribunal regarding implementation of judgment of this Tribunal conditionally till final outcome of CPLA filed in the august Supreme Court of Pakistan. Case is adjourned to 11.10.2018 before S.B.


Chairman

26.09.2018

Petitioner Malak Hayat Khan in person present. Dr. Iqbal Khan, Deputy Director (Legal) alongwith Kabirullah Khattak, Addl. AG for the respondents present. The above named representative made a request for adjournment as the respondents have filed CPLA in the august Supreme Court of Pakistan.

As already observed in other cases, mere filing of CPLA in the august Supreme Court of Pakistan will not debar this Tribunal from executing/implementing its own order under the law. As such the respondents are directed either to produce stay/suspension order of the august Supreme Court of Pakistan or to submit conditional implementation report without fail on 08.10.2018 before S.B.


Chairman

08.10.2018


Petitioner Malak Hayat in person present. M/S Hameedur Rahman, AD and Muhammad Arshad, ADO alongwith Mr. Usman Ghani, District Attorney for the respondent present.

The above named representatives of the respondents produced a letter dated 04.10.2018, which is nothing but is an eye wash. As such Director of Education, E&SE, Khyber Pakhtunkhwa, Peshawar is again directed to attend this Tribunal personally and explain the position regarding implementation of the judgment conditionally. Case is adjourned to 10.10.2018 before S.B.


Chairman

19.09.2018

Petitioner with counsel present. Mr. Kabirullah Khattak, Additional AG or the respondents present and requested for adjournment. Adjourned. To come up for implementation report on 24.09.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

24.09.2018

Petitioner Malak Hayat Khan in person present. M/S. Shafiqur Rahman, Supdt. and Arshad Ali, Asstt. alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present.

The petitioner seeks implementation of the judgment of this Tribunal dated 30.03.2018 but the same is being delayed for one or other ground. Today the respondents stated that the petitioner served under the domain of D.E.O(M) Peshawar but he has not been arrayed as party. This objection has not been raised in the proceedings in main appeal, however, the position is clear as Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar has been arrayed as respondent.

Since the question of salary is involved as the petitioner is not being paid the same since 01.03.2015. As such, notice is given to Director, E&SE, Khyber Pakhtunkhwa, Peshawar to either submit implementation report in letter and spirit of the judgment of this Tribunal or in case of failure he should personally attend this Tribunal on 26.09.2018 before S.B.


Chairman

17.08.2018

Petitioner Malik Hayat Khan in person present. Mr. Arshad Ali, ADO alongwith Mr. Kabirullah Khattak, Addl: AG present and submitted implementation report which is placed on file. Case to come up for arguments on implementation report on 27.09.2018 before S.B.


Chairman

03.09.2018

Petitioner in person present. Application for fixation of early date of hearing in the present execution petition received. For the grounds mentioned in the application and in the interest of justice the present application is accepted and the next date of hearing in the present execution petition is fixed as 17.09.2018. Notice be issued to the respondents for the next date fixed as 17.09.2018 before S.B


Member

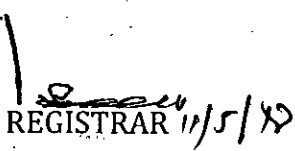

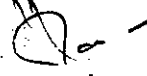

17.09.2018

Petitioner in person present. Arshad Ali, ADO alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Case to come up for further proceedings on 19.09.2018 before S.B.


(Ahmad Hassan)
Member

FORM OF ORDER SHEET

Execution Petition No. 139 /2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	11.05.2018	<p>The Execution Petition of Malik Hayat Khan submitted to-day by Mian Muhammad Imran Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 11/5/18</p>
2-	15/05/18	<p>This Execution Petition be put up before S. Bench on- <u>28/05/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	28.05.2018	<p>Learned counsel for the petitioner present. Notice of the present execution petition be issued to the respondents for implementation report for 08.08.2018 before S.B</p> <p style="text-align: right;"> Member</p>
	8/8/2018	<p>Counsel for the petitioner and Mr. Kabirullah Khattak, AAG for official respondents present. Learned AAG requested for Adjournment. Adjourned. To come up for implementation report on 17/8/2018.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution Petition No. 139 /2018

IN

Service Appeal No. 1070/2017

Malik Hayat Khan S/O Munir Khan, R/O Mohalla Khari Qala, Ghari
Baghbanan, Thesil & District Peshawar.

.....Petitioner/Applicant

VS

Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary
Education Department, Civil Secretariat Peshawar et. al.

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2.	Copy of Service Appeal No. 1070/2017	A	
3.	Copy of Judgment Dated: 30/03/2018	B	
4.	Copy of the Application to Respondents	C	
4.	Wakalatnama		

Through

Petitioner

(Mian Muhammad Imran)

Advocate High Court

0333-9577770

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution Petition No. 139 /2018

IN

Service Appeal No. 1070/2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 539

Dated 11/05/2018

Malik Hayat Khan S/O Munir Khan, R/O Mohalla Khari Qala, Ghari Baghbanan, Thesil & District Peshawar.

.....Petitioner/Applicant

VS

1. Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Civil Secretariat Peshawar
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Main Grand Trunk Road, Near Qilla Bala Hisar Peshawar
3. District Education Officer (Female), G.T Road Peshawar
4. Accountant General, Khyber Pakhtunkhwa, Fort Road Peshawar Cantt

.....Respondents

EXECUTION PETITION IN RESPECT OF
IMPLEMENTATION/EXECUTION OF THE
JUDGMENT DATED: 30/03/2018 IN SERVICE
APPEAL NO. 1070/2017 WHEREBY THE
RESPONDENTS WERE DIRECTED TO RELEASE
THE SALARIES OF THE APPLICANT FROM THE
DATE OF ITS STOPPAGE I.E. 01/03/2015 AND
ALSO TO ADJUST HIM ON HIS POST

The applicant/petitioner is pleased to beseech before this Honorable Tribunal as under;

1. That the applicant/petitioner filed service appeal no. 1070/2017 before this Honorable Service Tribunal on 25/09/2017 for the release

of his outstanding salaries which were not paid since March 2015.
(Copy of the Service Appeal No. 1070/2017 is attached as F/A)

2. That this Honorable Tribunal was pleased to allow the aforesaid service appeal and directed the respondents to release the salaries of applicant from the date when it was stopped. **(Copy of the Judgment Dated: 30/03/2018 is attached as F/B)**
3. That the operative concluding para no. 05 is reproduced below;

“Admittedly no regular enquiry was conducted against the appellant. At the most the enquiry pressed into service by the department against the appellant was a fact finding enquiry. The department was bound to have taken the issue to its logical ends through regular enquiry under the disciplinary rules in vogue for the time being but nothing of the sort. In absence of any legal order of termination etc of the appellant his salary could not be stopped nor he be denied from performing his duties.

As a sequel to the above discussion, the present appeal is accepted and the department is directed to release the salary of the appellant from the date when his salary was stopped. The department is however, at liberty to conclude the disciplinary proceedings under the relevant rules.”

4. That it is intrinsic to submit that despite the clear direction by this Honorable Tribunal, the respondents are adamant to release the outstanding salaries of the applicant/petitioner and also reluctant to adjust him on his post/position.
5. That it is also indispensable to state that despite the passage of considerable days after the judgment in the above mentioned service appeal, the respondents didn't comply with the order/judgment of this Honorable Tribunal which is against the mandate of law and rules.
6. That this Honorable Tribunal has got the jurisdiction and authority to implement/execute its judgment vide dated: 30/03/2018 in Service Appeal No. 1070/2018.

7. That the petitioner has submitted application requests to the respondents for implementation of the judgment of this Honorable Tribunal but no heed has been paid. **(Copy of the Application is attached as F/C)**
8. That the applicant is a permanent civil servant who has not been granted salary since March 2015 keeping in view the fact that the family members of the applicant have been spending their lives in miseries and anguish.

PRAYER:

In light of the foregoing submissions, it is most convivially and humbly prayed that this Honorable Tribunal may graciously be pleased to direct the respondents to implement the judgment dated: 30/03/2018 in Service Appeal no. 1070/2017 in true letter and spirit.

Through

Petitioner

(Mian Muhammad Imran)
Advocate High Court

&

(Roedad Shah)
Advocate

AFFIDAVIT

I, Malik Hayat Khan S/O Munir Khan R/O Mohalla Khari Qalla, Ghari Baghbanan Peshawar do hereby solemnly affirm and declare that the contents of the accompanied execution petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Deponent

IN THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

1

Service Appeal No 1070 /2017

Khyber Pakhtunkhwa
Service Tribunal

Malik Hayat Khan S/O Munir Khan R.O Mohallah khari Qala Ghari
Baghbanan P.O Musazai Tehsil & District Peshawar

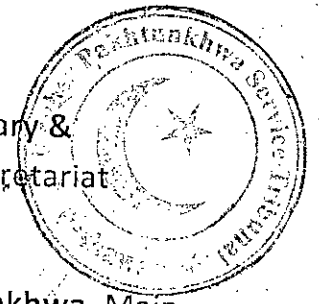
Dist. No. 1098

Date 25/9/2017

.....Appellant

V E R S U S

- 1. Secretary to Government of Khyber Pakhtunkhwa , Elementary & Secondary Education, Sahibzada Abdul Qayum Road, Civil Secretariat Peshawar Khyber Pakhtunkhwa
 - 2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Main Grand Trunk Road, Near Qila Bala Hisar Peshawar
 - 3. District Education Officer (Female), G.T Road Peshawar
 - 4. District Education Officer (Male), Elementary & Secondary Education Batagram
 5. District Account Officer, Batagram
 6. Accountant General, Khyber Pakhtunkhwa, Fort Road Peshawar Cantt
-Respondents



SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 KHYBER PAKHTUNKHWA AGAINST THE REJECTION OF DEPARTMENTAL REPRESENTATION/APPEAL DATED:28/8/2017 REGARDING THE RELEASE OF SALARIES SINCE 01/03/2015 TILL DATE EXCEPT OCTOBER 2016

Filed to-day


Registrar

THE APPELLANT IS PLEASED TO BESEECH BEFORE THIS HONORABLE TRIBUNAL AS UNDER;

1. That the Appellant was appointed on 10.11.1996 as a "Behishti" at "Government High School Haji Muhammad Noor Kallay(Zangali)" District Peshawar against a vacant post.

(Copy of appointment order is attached as F/A)

ATTESTED


Registrar
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

2. That after serving dutifully at the aforementioned "GHS Haji Muhammad Noor Kallay", the Appellant was transferred to GHS Ghari Ghulam Shah District Peshawar as a "Naib Qasib" vide Dated: 01-08-1997, and also served in different other schools of the province which is evident from the service book of the Appellant. *(Copy of Service Book is attached as F/B)*
3. That being Naib Qasid/Behishti, the Appellant worked efficiently, honestly and in a manner that all the high ups were satisfied with his duties as no adverse action has been taken against him during his entire service.
4. That it is further important to submit that the appellant was transferred to "Directorate of E&S K-P Peshawar" from "Government Girls Middle School No. 1 Peshawar Cantt" vide Order Dated: 01/01/2014. *(Copy of the Transfer Order Dated 1/1/2014 is attached as F/C)*
5. That it is further submitted that on the same day vide Dated: 01/01/2014, the appellant was further transferred to GHS Sakargah, District Battagram. *(Copy of Transfer to District Battagram is attached as F/D)*
6. That it is legit to submit that the main purpose to transfer the appellant to District Battagram, was the clandestine and surreptitious aim plus motive of Respondents because the appellant was transferred to Far-Flung District from his home town, so that to cause hardships and create problems but still the appellant complied with.
7. It is also indispensable to submit that the Respondents have always indulged in unlawful posting, transfers and appointments and in this respect; the huge example is the appointment of one "NOUMAN" as a Bhishti on the post of one "UMAR ALP". Apart from it, the said "NOUMAN" was adjusted as "Supper" and later on as a "Naib Qasid" on 05-11-2015 at GGMS NO.1 Peshawar Cantt. So it is no doubt an example of the unlawful and illegal approach of the Respondents.

Copy of adjustment order of "NOUMAN" as Naib Qasid Dated: 05/11/2015

- 8. That after getting information regarding adjustment of the aforementioned person "Nauman" on his post of "Naib Qasid" at GGMS No.1 Peshawar Cantt, the appellant also approached the Respondents that he may also be transferred to his hometown so, in response, the Respondents in the beginning, showed reluctance to resolve the issue but later on, they decided to give promotion to the appellant to the post of "Junior Clerk".
- 9. That resultantly, the Appellant was promoted to the position of "Junior Clerk" vide order Dated 01.06.2014 at GHS Sakargah, District Battagram. (Copy of promotion order is attached as F/G)
- 10. That the Appellant left no stone unturned and with profound satisfaction of his high ups during the new task "Junior Clerk" performed his duties.
- 11. That the performance of the appellant remained satisfactory and he has been performing his duties honestly and with the entire satisfaction of his high ups at GHS Sakargah Battagram as a "junior Clerk".
- 12. That the stroke of misfortune hit the Appellant when his salary for the month of March 2015 was not received without any cogent justification and reason.
- 13. That it is pertinent to submit that since inception of the service of the Appellant as "Bahishti" and also later on as "Naib Qasid", received his salary continuously without any hurdle and such remained continue even for a few months after getting promotion to the position of "Junior Clerk". (Copy of pay slips are attached as F/H)
- 14. That since March 2015, the Appellant approached various offices of the respondents to unblock his salary and to the very least find out the reasons for blocking his salary but even though the Appellant tried his level best yet the respondents remained adamant and did not disclose anything to the Appellant. (Copy of applications are attached as F/I)

ATTESTED

[Handwritten Signature]
 KIN...
 Service Tribunal
 Peshawar

15. That it is submitted that despite submission of several applications regarding unblocking of the mentioned above blocked salaries, the respondents remained reluctant to unblock the same and also failed to show any plausible reason that why the salaries of the Appellant were not forwarded/given/released.

16. That on 19-08-2016 the Appellant was transferred to GHS Garhi Muhammad Gul, Mera Surizai Payan, Peshawar as "Junior Clerk". *(Copy of transfer order is attached as F/J)*

17. That it is also submitted that the salary for the month of October 2016 was released by the respondents after the appellant was transferred to GHS Garhi Muhammad Gul, Mera Surizai Payan, Peshawar but the pending unpaid salaries were still not paid/released by the Respondents. *(Copy of the pay slip is attached as F/K)*

18. That even after releasing the salary for the month of October 2016, the appellant was astonished to see and observe that the pay and salary for the following months were also not released.

19. That upon the continuous breach of the fundamental rights of the Appellant, the Appellant approached the Honorable Peshawar High Court Peshawar under Writ Petition No. 4636- P/2016 where the petition was entertained and it was observed that the issue is relating to the Service Tribunal as it touches the terms and condition of the service. *(Copy of Judgment in writ Petition No 4636-P/2016 is attached as F/L)*

20. That it is also indispensable to submit that during the proceeding and hearing of the above mentioned writ petition regarding release of the salaries, the appellant was astonished to know the fact that an enquiry was conducted against him in the month of October 2015 which reflected the point that such enquiry was basically related to some inter-provincial transfer documents which was stated to be fake and bogus. It is further submitted that such documents were produced by the Respondents during the proceedings of the writ petition for releasing of

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

the stopped and pending salaries. **(Copy of the Inquiry Proceedings and Findings are attached as F/M)**

- 21. That after acquiring copy of the judgment in the above mentioned writ petition, the appellant again approached to the Respondents regarding such un-lawful enquiry proceedings but still no heed was paid.
- 22. That it is further axiomatic to submit that the appellant thus on 25/5/2017 preferred a departmental representation to the Director, Elementary and Secondary Education K-P and submitted that such above mentioned inquiry was an ex-parte proceedings and the appellant was condemned unheard and also explained other important things, resultantly the departmental appeal was rejected on 28/8/2017. **(Copy of the Departmental Representation is attached as F/N).**
- 23. That feeling aggrieved from the un-lawful acts of the respondents, the Appellant approaches this Honorable Tribunal on the following grounds.

GROUNDS

- A. That the actions of the respondents are perverse, arbitrary and illegal as the Appellant has not committed any illegality and any violation of the rules and also regarding his duties.
- B. That no show cause notice was served on the Appellant and the allege enquiry proceedings were in fact ex-parte/one sided without extending any opportunity to the Appellant to appear before the inquiry officer.
- C. That because the Appellant was never given any sort of termination order etc, he was thereby also usurped of his right to make a departmental appeal at a proper time.
- D. That unceremoniously the Appellant's salary too was stopped long before but though the service book of the Appellant states the employment of the Appellant verified up until 19-08-2016.
- E. That it was mandatory that the Appellant was given a chance of personal hearing but malafidely the same was not given to the appellant.

ATTESTED


 MEMBER
 Khyber Pakhtunkhwa
 Service Tribunal

That to date the Appellant has been kept in dark about his blockage of his salaries, and the Inquiry conducted. Furthermore, even if the provision of the inquiry was dispensed with, the mandatory provisions of section 5, 7 & 9 of the Government Servants (Efficiency & Discipline Rules 2011) should have been followed, however in the instant case the same were blatantly infringed


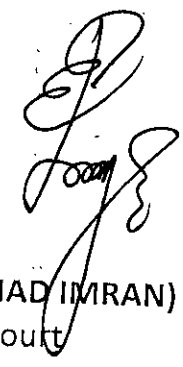
- G. That the unlawful acts of the Respondents have cultivated un-precedented problems for the Appellant as his post was re-filled in spite of the fact that he was also serving on the said post which is undoubtedly against the mandate of law and rules.
- H. That any other grounds may be raised at the time of arguments with the permission of this Honorable Tribunal.

PRAYER:


It is therefore, most convivially and humbly prayed that on acceptance of this Appeal, directions may be issued to the respondents Release the salary/pay of the appellant since 01/03/2015 till date except salary/pay for the month of October 2016 which has already been released.

Any other relief which this Honorable Court deems fit and appropriate may also be awarded in favour of the Appellant.

Dated: 25/09/2017
Through


Appellant


(MIAN MUHAMMAD IMRAN)
Advocate High Court
0333-9577770
&


(MUHAMMAD HAROON DURRANI)
Advocate High Court
0345-9144375

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No _____ /2017

Malik Hayat Khan

VERSUS

Secretary Elementary & Secondary Education KPK & Others

AFFIDAVIT

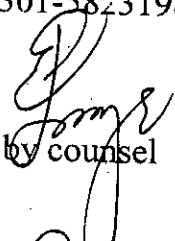
I, **Malik Hayat Khan** S/O Munir Khan R.O Mohallah Ghazi Qala Ghari Baghbanan P.O Musazai Tehsil & District Peshawar do hereby solemnly swear and affirm on oath that the contents of this Appeal are true and correct to the best of my knowledge and nothing has been concealed from this Honorable Court/Tribunal either intentionally or otherwise.

Deponent



Malik Hayat Khan

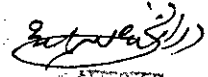
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Identified by counsel

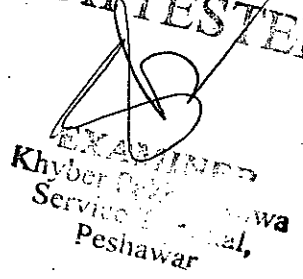
M M Durran

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ATTESTED
MUHAMMAD HARGUN DURRAN
OATH COMMISSIONER
ADVOCATE HIGH COURT PESHAWAR.

ATTESTED



EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Execution petition No. 139/2018 in Service Appeal No. 1070/2017

Malik Hayat Khan.....Petitioner

Vs

Government of Khyber Pakhtunkhwa etc.....Respondents


REPLY TO EXECUTION PETITION ON BEHALF OF RESPONDENT DEPARTMENT.

RESPECTFULLY SHEWETH.

ON FACTS

1. That the applicant filed service No.1070/2017 in this hon'ble service tribunal.
2. That the hon'ble service tribunal disposed of the instant appeal on 30.03.2018 with the directions to release the salary of the appellant and the Department is at the liberty to conclude the disciplinary proceeding under the relevant rules.
3. That the Department adjusted the appellant on the post of N/Q GGMS No.3 Peshawar Cantt and released the salary of the appellant in the light of the court judgment.(Annex-A)
4. That in the light of court judgment the Department initiated the disciplinary proceedings against the appellant and conducted the enquiry on 14.12.2018 and the report of the same is submitted on 21.12.2018 (Annex-B)
5. That in light of enquiry report the undersigned issued show cause notice on dated 05.01.2019. The appellant submitted his reply to showcause on dated: 09.02.2019 which is not satisfactory.(Annex- C)
6. That then the undersigned called the appellant for personal hearing on dated: 20.03.2019 and also served questioner on the appellant. The appellant did not reply on the spot and requested for submission of his reply by tomorrow which is still awaited.(Annex-D)
7. That after receiving reply of the questioner, the responding Department will treat the appellant under the rules

It is, therefore, prayed that on acceptance of this reply, the execution petition may very kindly be dismissed.


**District Education Officer
(Female) Peshawar**

AMMEX - (A) (12)

37

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR

OFFICE ORDER/

Mr.Malak Hayat Khan, N.Q under transfer/adjusted at GGHS Civil Quarters Peshawar under Endst:No.3104-8/dated 8.12.2018 is hereby adjusted at G.G.M.S No.3. Cantt. Peshawar with immediate effect as per Court Decision subject to final recommendations of inquiry committee.

- Note: -
1. Charge report should be submitted to all concerned.
 2. No TA/DA etc is allowed.


(Samina Ghani)
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Endst: No. 3396-78 /G. Br/ P.File.

Dated Peshawar the 15 / 12 /2018.

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtun Khwa Peshawar.
2. Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer, (Male) Peshawar
4. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar w/r to Service Appeal No.1070/2017
5. Principal, GGHS Civil Quarters Peshawar.
6. Headmistress, GGMS No.3 Cantt: Peshawar.
7. Dealing Assistant Litigation Local Office.
8. Official concerned.


DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR

Enquiry Report:

Subject: Enquiry report against Malik Hayat.

Reference to you letter no. 3279 Dated 14/12/2018 I have gone through the whole file carefully and following brief points appeared relevant.

1. The issue basically relates to inter district transfer application submitted by Malik Hayat Naib Qasid for transfer from Peshawar to Batagram.
2. During the processing of case it was transpired that NOC's submitted by him on application form were bogus, because the signature of DEO(F) Peshawar as well as Batagram were fake and scanned.
3. The matter remained under corresponding between directorate and DEO (F) Peshawar for quite a long time over his place of duty and posting.
4. It was later on ascertained that said official was transferred from DEO(F) Peshawar to Directorate on 1st January, 2014. But was transferred back to Govt. Girls Middle School Cantt No.1, on 10th June, 2014.

However as per record of school and report of H/M showed that he didn't report for duty to said school till submission of the report on 8th July, 2017 and thus remained willfully absent from duty.

5. It is worth mentioning that in the meanwhile DEO (F) office Ordered fact finding enquiry into the matter and Miss Shaheen H/M Govt. Girls High School Budhai appointed as enquiry officer, who submitted the detailed report on 8th October, 2015. The enquiry report concluded with following findings:.

i. Malik Hayat did not comply with order No.2172-79/A-20/C-IV/Pesh/Vol-II Dated 10/6/2014 and did not take charge at GGMS Cantt No. 1.

ii. The inter/intra district proforma is fake due to fake sign of Deo (F) Samina Ghani and Deo (M) Batagram.

However, no disciplinary action as so for being initiated against the official in light of the finding of enquiry report which are specific and conclusive.

6. The matter regarding stoppage of his salary was adjudicated by the KP service Tribunal & the learned Tribunal vide their Judgement dated 30/03/2018 decided the matter in the following manners.

“Admittedly no regular enquiry was conducted against the appellant. At the most enquiry pressed into service by the Department against the appellant was a fact finding enquiry. The Department was bound to have taken the issue to his logical ends through regular enquiry under the discipline rules in vogue for the time being but nothing of the sort. In absence of any legal order of termination etc of the appellant his salary could not be stopped nor he be denied from performing his duties.

As a sequel to the above discussion the present appeal is accepted & the

Department is directed to release the salary of the appellant from the date when his salary was stopped. The Department is however, at the liberty to conclude the disciplinary proceeding under the relevant rules."


7. The above decision of the Service Tribunal was challenged before the Supreme Court by the Department but the Supreme Court upheld the decision of the Service Tribunal as it does not prohibit the Government for proceeding under law.

Recommendations:

In light of the above narrated facts of the case, and as per report submitted by Ms. Shaheen Head Mistress GGHS Budhai & Head Mistress GGMS Cantt No. 1. The Department is required to initiate Disciplinary action against the official under the Govt: Servants Efficiency & Discipline Rules 2011 on the following charges:

- i. Producing fake NOC's for his Inter District Transfer.
- ii. Willful absence from duty at GGMS Cantt. No.1 from 10th June, 2014 till his arrival period in concerned School should be part of point of charge.

Report is submitted for necessary actions plz.


(Shagufta Anjum)
Head Mistress

GGHS City Railway Station

21. 12. 2018

Annex - C

25

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR
SHOW CAUSE NOTICE.

Mst. SAMINA GHANI, District Education Officer, (Female) Peshawar as a competent Authority under the Government of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 do hereby Serve you. Mr. Malik Hayat, N/Q GGMS No.3 Cantt Peshawar this show cause notice in light of order of the apex court dated 19/10/2018 in c-p 408/2018 in SA No.1070/2017, .

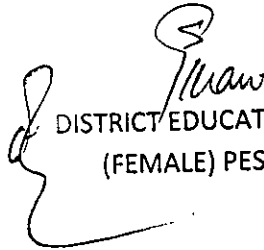
As per report of enquiry officer GGHS City Railway Station Peshawar with recommendation that 1. Producing fake NOC,s for his inter District transfer. 2. will full absence from duty at GGMS NO.1 Cantt from 10 june 2014 till his arrival period in concerned school should be part of point of charge.

I am satisfied that you have committed the act/omissions specified in rule-3 of the said rule.

As result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of removal from Service under rule-4 of the said rule.

You are thereof, required to Show Cause as to why the aforesaid penalty should not be imposed upon you and also intimate where you desire to be heard in person.

If no reply to this Notice is received within 7 days or not more than 15 days of its delivery, it shall be presumed that you have not defense to put in and in that case and ex-parte action shall be taken against you.


DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR

Ammed - D

DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

NO. 3281 /

Dated 20/03/2019.


To,

The Head Mistress,
GGMS Peshawar Cantt:

Subject: PERSONAL HEARING.
Memo:-

In the light of this office letter No. 4135 dated 5/1/2019, show cause notice was served upon Mr. Malik Hayat Naib Qasid of your school in the light of which he submitted his reply which received in this office vide dairy No. 3423 dated 12/2/2019.


In this regard it is mentioned that the reply is not satisfactory. So you are directed to inform Mr. Malik Hayat N/Qasid of your school to attend the office of the undersigned for personal hearing alongwith original CNIC / supporting documents on 30/03/2019 at 10.00 AM positively.


DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Endst: No. 3282-84 /

Forwarded for information and necessary action to the:-

1. Registrar Service Terbunal KPK Peshawar.
2. PA to Director E&SE KPK Peshawar.
3. Mr. Malik Hayat S/O Munir Khan N/Qasid R/O Mohalla Khari Qala Ghari Baghbanan Tehsil & District Peshawar.


DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Annex - D

پرنسپل ہیرنگ بجانب ملک حیات خان، نائب قلمد بمورخ

سوالات

۱	نام
۲	شناختی کارڈ نمبر
۳	موجودہ پوسٹ بمعہ کیل
۴	موجودہ پتہ
۵	موجودہ سکول
۶	آپ بطور گورنمنٹ سرورنٹ کب اور کس سکول میں اور کس پوسٹ پر تعینات ہوئے
۷	کیا آپ کا کیڈر تبدیل ہوا اگر ہوا ہے تو آرڈر کی کاپی مہیا کریں
۸	کیا یہ صحیح ہے کہ آپ ڈاریکسٹر کے آفس میں بطور ملازم عارضی طور پر کام کرتے رہے اگر آپ کا جواب ہاں میں ہے تو کب سے کب تک سپریڈتھسیر کریں

	<p>۹ آپ کا میو خپل ٹرانسفر آرڈر کب ہو اور کب دوسرا آرڈر گورنمنٹ گرلز ماڈل سکول نمبر ۳ کینٹ میں واپس ہو اور کب آپ نے چارج لیا۔ اگر جواب ہاں میں ہے تو چارج رپورٹ کی کاپی مہیا کریں</p>
	<p>۱۰ آپ 10.06.2014 سے 14.12.2018 تک کہاں ڈیوٹی انجام دی پوسٹ اور سکول بتائیں کوئی تحریری ثبوت ہے تو مہیا کریں۔</p>
	<p>۱۱ انکو انری رپورٹ میں آپ پر یہ ثابت ہوا ہے کہ آپ نے بومس NOC پر انشورڈ سٹرکٹ ٹرانسفر ڈاریکٹوریٹ کو مہیا کی جس پر آپ نے مبینہ ٹرانسفر ظاہر کی ہے۔ اس سلسلے میں آپ کیا کہنا چاہتے ہیں</p>
	<p>۱۲ درج بالا نقاط کے علاوہ آپ اپنی صفائی میں کچھ کہنا چاہتے ہیں تو بیان کریں اور ثبوت مہیا کریں</p>
	<p>۱۳ آپ کے خیال میں اس مکتے کا کیا حل ہے</p>

دستخط، نمبر، نشان، انکو، سوال د

۲

تاریخ _____

2.2
D.A concerned
Put up on file
for further asking
comments from
D.A investigation
@ Mmm
21/12/18



OFFICE OF THE HEAD MISTRESS, GGHS CITY RAILWAY STATION PESHAWAR


NO. 1427
To,

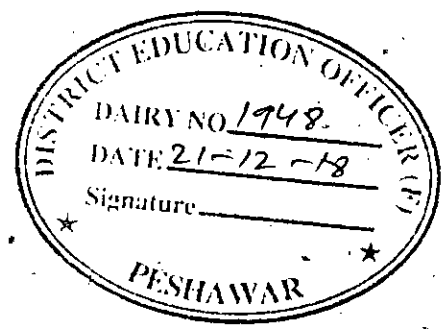
Dated. 21-12-2018

The District Education Officer,
(Female) Peshawar.

Subject:- Enquiry Report about Mr. Malik Hayat Khan (Naib Qasid) GGHS, Civil Quarters Peshawar.
Memo:-

With reference your letter No.3279. dated.14/12/2018.
Please find enclosed herewith a requisite enquiry report in the matter.


HEAD MISTRESS,
GOVT; GIRLS HIGH SCHOOL CITY
RAILWAY STATION PESHAWAR.
21.12.18



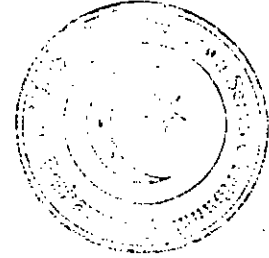
(3) 5/

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 1070/2017

Date of Institution ... 25.09.2017

Date of Decision ... 30.03.2018



Malik Hayat Khan son of Munir Khan R.O Mohallah Khari Qala Ghari, Baghbanan
Post office Musazai, Tehsil and District, Peshawar. ... (Appellant)

VERSUS

1. Secretary to Government of Khyber Pakhtunkhwa E&SE, Peshawar and others.
... (Respondents)

MIAN MUHAMMAD IMRAN,
Advocate

... For appellant

MR. ZIAULLAH,
Deputy District Attorney.

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD AMIN KHAN KUNDI,

... CHAIRMAN
... MEMBER

ATTESTED

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- Arguments of the learned

Chairman, Khyber Pakhtunkhwa Service Tribunal,
Peshawar. counsel for the parties heard and record perused.

FACTS

2. The appellant had been serving in the Education Department right from 1996 upto now. He was aggrieved from stoppage of salary somewhere in the year 2015. In order to get his salary released he first approached the Worthy Peshawar High Court in a writ jurisdiction which was not granted due to lack of jurisdiction.

②
2/10

thereafter, the appellant after availing the departmental remedy approached this Tribunal for redressal.

ARGUMENTS.


3. The learned counsel for the appellant argued that the appellant had been performing his duty right from the year 1996 till 2017. That he is still in service. That no order of removal/termination etc. has been passed against the appellant. That the department for the first time produced an enquiry report against the appellant during pendency of Writ before the Worthy High Court regarding absence of the appellant/non-compliance with the orders. That the said enquiry was not conducted under the relevant disciplinary rules in vogue for the time being. That the salary of the appellant could not be stopped under any rules.

4. On the other hand, the learned Deputy District Attorney argued that the enquiry report was a fact finding enquiry and according to that enquiry the transfer order was found bogus. It was also found that the promotion order of the appellant from Naib Qasid to Junior Clerk was also bogus.

CONCLUSION.

5. Admittedly no regular enquiry was conducted against the appellant. At the most the enquiry pressed into service by the department against the appellant was a fact finding enquiry. The department was bound to have taken the issue to its logical ends through regular enquiry under the disciplinary rules in vogue for the time being but nothing of the sort. In absence of any legal order of termination etc. of the appellant his salary could not be stopped nor he be denied from performing his duties.

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

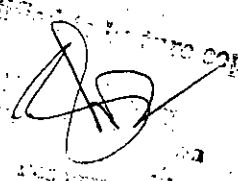
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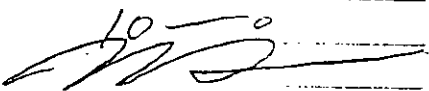
① reg

6. As a sequel to the above discussion, the present appeal is accepted and the department is directed to release the salary of the appellant from the date when his salary was stopped. The department is however, at liberty to conclude the disciplinary proceedings under the relevant rules. Parties are left to bear their own costs. File be consigned to the record room.

Announced 30-03-2018 ed- Niaz Muhammad Khan
Chairman

Certified true copy

M. Amin Khan Kundi

ed- M. Amin Khan Kundi
Member

Date of Presentation	30-3-18
Number of	1200
Carrying Page	8-0
Urgent	2-0
Total	10-0
Presented	
Date of	30-03-18
Date of	30-03-18

14
w/

DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.
NO. 299

Dated Peshawar the 06/02/2019.

To

The Head Mistress,
GGMS NO.3 Cantt Peshawar

Subject: SHOW CAUSE NOTICE/REPLY

Memo:-

Reference vide this office letter NO.4135 dated 5/1/2019, show cause notice served to Mr Malik Hayat N/Q of your school, but the reply of the show cause notice is still awaited, either you have given the show cause notice to the concerned and received any signature from him, your report in this regard should be reach to this office after receipt of this letter within three days for further necessary action.

S. Mami 09/02/19
DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR

15
42

Mr. Zia
for

Sub: - REPLY OF SHOW CAUSE NOTICE.

Respected Sir,

In response of your letter No. 299 dated 06.02.2019, where in your Honour asked me about not taking charge on 05.01.2019, as Naib Qasid in Government Girl Meddle School No. 3, Peshawar Cantt,

Sir,

As on 03.01.2019, I attend the court, I have come to know about the same order. While still I have not been received any copy of the same letter. (Copy of court Order is attached).

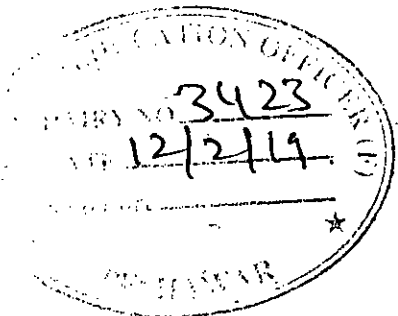
Later on I have got a copy of the same latter from the Court, on 05.01.2019. and submitted my charge Report, in the above mentioned School, on 07.01.2019. (Copy of my charge Report is attached).

It is, therefore, humbly prays that, may kindly accepted my reply, and suspend my show cause notice, issued from your respective office and obliged.

(Copy attached).

I shall be very thankful to you.

Dated 08.02.2019.



Yours obediently

(Malak Hayat)
Naib Qasid

9/2/2019

GGMS #3 Cantt Peshawar.

HEAD MISTRESS
Govt: Girls Middle School
No. 3, Peshawar Cantt

9/2/2019

Mahboob

9/2/19

(8)

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No _____/2017

Malik Hayat Khan

VERSUS

Secretary Elementary & Secondary Education Kpk & Others

APPLICATION FOR CONDONATION OF DELAY IF ANY

Respectfully shewith,


1. That the captioned appeal, with may be read part and parcel of this application, is pending before this learned forum in with I no date of hearing has been fixed.
2. That the appellat time and again approached the Respondents to find about the status of his case but no information of any sort was given to the Appellant.
3. That after much endeavors the Appellant found out that an adverse decision has been passed against him but yet no written documentation given to him.
4. That as such, the Appellant seeks its condonation on the aforementioned grounds.
5. That this learned forum has always leaned in favour of adjudication on merits rather that technicalities.
6. That the appellat is a poor man and seeks kind indulgence of this learned forum.

It is therefore most humbly submitted that on acceptance of this application the delay in lodging the captioned appeal may most humbly be condoned in the interest of justice.

Appellant



MIAN MUHAMMAD IMRAN
Advocates High Court
0333-9577770


&
(MUHAMMAD HAROON DURRANI)
Advocate High Court
0345-91443755

Certified to be true copy

Ex-100
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Through

Date of Presentation of Application 11-5-18
Number of Words 3220
Copying Fee 18/-
Urgent ✓
Total 20
Name of Copyist [Signature]
Date of Completion of Copy 11-5-18
Number of Copy 11-5-18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 1070/2017

Date of Institution ... 25.09.2017

Date of Decision ... 30.03.2018



Malik Hayat Khan son of Munir Khan R.O Mohallah Khari Qala Ghari, Baghbanan
Post office Musazai, Tehsil and District, Peshawar. ... (Appellant)

VERSUS

1. Secretary to Government of Khyber Pakhtunkhwa E&SE, Peshawar and others.
... (Respondents)

MIAN MUHAMMAD IMRAN,
Advocate

... For appellant

MR. ZIAULLAH,
Deputy District Attorney,

... For respondents.

MR. NIAZ MUHAMMAD KHAN, ...
MR. MUHAMMAD AMIN KHAN KUNDI, ...

CHAIRMAN
MEMBER

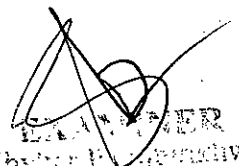
JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant had been serving in the Education Department right from
1996 uptil now. He was aggrieved from stoppage of salary somewhere in the year,
2015. In order to get his salary released he first approached the Worthy Peshawar
High Court in a writ jurisdiction which was not granted due to lack of jurisdiction.

ATTESTED


CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Thereafter, the appellant after availing the departmental remedy approached this Tribunal for redressal.

ARGUMENTS.

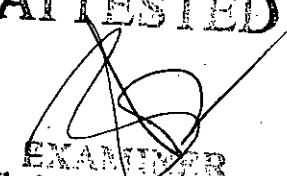
3. The learned counsel for the appellant argued that the appellant had been performing his duty right from the year, 1996 till 2017. That he is still in service. That no order of removal/termination etc. has been passed against the appellant. That the department for the first time produced an enquiry report against the appellant during pendency of Writ before the Worthy High Court regarding absence of the appellant/non-compliance with the orders. That the said enquiry was not conducted under the relevant disciplinary rules in vogue for the time being. That the salary of the appellant could not be stopped under any rules.

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ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

6. As a sequel to the above discussion, the present appeal is accepted and the department is directed to release the salary of the appellant from the date when his salary was stopped. The department is however, at liberty to conclude the disciplinary proceedings under the relevant rules. Parties are left to bear their own costs. File be consigned to the record room.

Announced
30-03-2018

Sd/- Naz Muhammad Khan
Chairman

Sd/- M. Armin Khan Kundli
Member

Certified to be true copy

HEAD OFFICE
KINSHASA
FEDERAL
POLICE

Date of Presentation of Application 11-5-18
Number of Words 1200
Copying Fee 8
Urgent 2
Total 10
Name of Copyist [Signature]
Date of Completion of Copy 11-5-18
Date of Delivery of Copy 11-5-18

حکومت پنجاب ڈارہ بلوچستان ایجوکیشن ڈیپارٹمنٹ

ذرائع و فوائے برائے محالے کو کمانڈے مع شکوہ لبطالطہ مدرس

ڈارہ بلوچستان آرڈر بر سر مدرس آگسٹ 2017/1070-بیانغ

30 03 2018

PK AD Admy
PK Projects

ڈارہ بلوچستان ایجوکیشن ڈیپارٹمنٹ

ذرائع و فوائے

گزارش ہے کہ ذریعہ مذکور نے ذریعے کو لاپرواہی

وہ اور انکو انگری کے کو کمانڈے سے نکال دیا تھا اور ساتھ

میں شکوہ بھی کیا گیا تھا۔ حالانکہ ذریعے ایک پروفیسر

مستعار کے نام سے ہے اور 1996 سے آج تک اپنی ڈیوٹی انجام

دے رہا ہے

2479
4-12-18

ذریعے نے فیس و کچھ اور اس کے بیرون میں اپنے ساتھیوں

کو بھی بااقتدار کے خلاف ایسٹیا کیا تھا۔ (کامیاب ہے)

میں ہیں مگر زخمی کے ذریعے کو نامہ کے کو کمانڈے سے نکال دیا

تلاش کیا گیا ہے کہ ذریعے کو دینے کا حکم صادر فرمایا ہے

لہذا اب عدالت کے پاس ہے کہ ذریعے کو تدارک دیا جائے

نظام کے بحال کرنے اور شکوہ آج جاری کرنے کا حکم صادر فرمایا

تھا۔ ذریعے کا تدارک لیا جائے

02 2018

التا

مہتمم تعلیم ڈارہ بلوچستان ایجوکیشن ڈیپارٹمنٹ

ڈارہ بلوچستان

0333-9359642

1/4

BEFORE THE Khyber Pakhtunkhwa Service Tribunal Peshawar

Execution Petition No: 139/2018 In Service Appeal No 1070/2017

Malik Hayat KhanAppellant

Vs

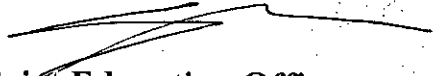
E&SE and Others..... Respondents

APPLICATION FOR ADJOURNMENT FOR THE ABOVE MENTIONED EXECUTION PETITION

Respectfully Sheweth:-

1. That the above mentioned execution Petition is pending for adjudication before this August Tribunal in which 08/08/2018 fixed for hearing.
2. That the Petitioner filed execution Petition for implementation of Judgment Dated 30/03/2018 passed by this August Service Tribunal in Appeal No 1070/2017 Titled Malik Hayat Vs Elementary and Secondary Education.
3. That feeling aggrieved from Judgment Dated 30/03/2018 of this Hon'ble Tribunal the Applicant / Respondent has filed CPLA No: 408-P/2018 in the Supreme Court of Pakistan in which no date has been fixed till yet. *Annex (A)*

It is therefore humbly prayed that on acceptance of this Application the above mention Execution Petition may kindly be adjourned till hearing of the mention CPLA.


**District Education Officer,
Female Peshawar.**

P-2

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA NO. 408-P /2018

Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary
Education Department, Government of Khyber Pakhtunkhwa, Peshawar &
Others

----- PETITIONERS

VERSUS

Malik Hayat Khan

----- RESPONDENT

Appeal from
Counsel for Petitioner
Instituted by

: *KPK, Service Tribunal, Peshawar*
: *Advocate General, KPK, Peshawar*
: *Mian Saadullah Jandoli, AOR*

INDEX

S.No	Description of documents	Dated	Page
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2.	C.P.LA	16-05-2018	1-4
3.	Judgment of Service Tribunal Peshawar	30-03-2018	5-8
4.	Grounds of appeal	25-09-2017	9-14
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11.	Appointment order of Mr. Noman	25-01-2014	33
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13.	Applications for release of salary		35-37
14.	Order of Peshawar High Court in W.P. No. 4636-P/2016	17-04-2017	38-42
15.	Departmental appeal and rejection order	25-05-2017	43
16.	Letter regarding Ghost/Fake employees regularly drawn their salaries	20-10-2016	44-48
17.	Stay application	16-05-2018	49-50
18.	Affidavits	16-05-2018	51-53

CERTIFIED that the paper book has been prepared in accordance with the rules of the Court and all the documents necessary for due appreciation of the court have been included in it. Index is complete in all respect.

(Mian Saadullah Jandoli)
Advocate on Record
Supreme Court of Pakistan

IN THE SUPREME COURT OF PAKISTAN P-3
(Appellate Jurisdiction)

CPLA NO. _____/2018

Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary
Education Department, Government of Khyber Pakhtunkhwa, Peshawar &
Others

----- PETITIONERS

VERSUS

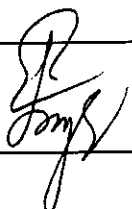


Malik Hayat Khan

----- RESPONDENT

CONCISE STATEMENT

- 1- Subject matter and the law Service Matter/Stoppage of Salary
2- Which side has filed this petition Government / petitioners

Court / Forum	Date of a) Institution b) Decision	Who filed it and with what result.
KPK Service Tribunal Peshawar	a)25/09/2017 b)30/03/2018	Respondent filed service appeal which has been accepted.
Points noted in the impugned Judgment	Treatment of points in the impugned judgment	
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50 روپے				37909
ایڈویکیٹ:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: BC-13-4213				
رابطہ نمبر: 0333 9577770				

بعدالت جناب: J-P Service Tribunal Peshawar

مخاطب: مدعی	دعوی: Execution Petition
مدت صحت خان	علت نمبر:
بنام	مورخہ:
سید رحیمی ایڈووکیٹ	جرم:
ریجولیشن نمبر ۵	تھانہ:

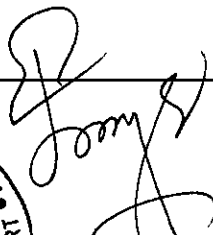

باعت تحریر آگے

مدت صحت خان و مدد منظر خان سکندری کوٹھی باغبان لہستان اور

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ شاہ (البر وکیل) کے آن مقام لہستان کے لیے مہمان محمد عمران (البر وکیل) کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعوی اقبال دعوی 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 و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی 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: 10/5/2018

مقام لہستان کے لیے منظور ہے۔



 Mian Muhammad Imran
 Advocate
 Roedad Shah Advocate
 Allsted Accepted
 Mian Muhammad Imran
 AHe

Before the Khyber Pakhtunkhwa Services Tribunal Peshawar

Execution Petition No. 139/2018

IN

Service Appeal No.1070/2017

Malik Hayat Khan.....Appellant.

V/S

Secretary to Government KP, Elementary and,
Secondary Education, Peshawar and others.....Respondents.

(Reply on behalf of respondent No. 4)

Respectfully Sheweth:-


Para No. 1 to 8:-

It is submitted that the case in hand is concerned with the Administrative Department of the appellant. And Respondent No. 1 to 3, are in better position to satisfy the grievances of the Appellant.

It is pertinent to mention here that after the transfer of the appellant from District Battagram to District Peshawar, his salary was started by Respondent No. 4, under the rules. But when respondent No. 4, received "change form" submitted by the Drawing and Disbursing Officer of the Administrative Department for stoppage of the salary, it was stopped accordingly.

It is further pertinent to mention that as per rules/regulations Administrative Departments are sole responsible for their budgets including salary budget and Respondent No.4 can neither start nor stop any payment without authorization in form of "Change" send by the budget custodian department. And has not yet submitted any claim to Respondent No.4 for starting the salary of the Appellant. As and when received it will be entertained after fulfillment of all the codal formalities. Besides, the appellant has raised no grievances against respondent No. 4.

Keeping in view the above mentioned facts, it is humbly prayed that the Appellant is required to approach his Administrative Department for the satisfaction of his grievances and Execution Petition against Respondent No. 4 having no merits may kindly be set aside.



**ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA**

P-7

BEFORE THE Khyber Pakhtunkhwa Service Tribunal Peshawar

Execution Petition No: 139/2018 In Service Appeal No 1070/2017

Malik Hayat Khan Appellant

Vs

E&SE and Others..... Respondents

PRELIMINARY OBJECTIONS.

1. That the Appellant has got no cause of action / locus standi.
2. That the Appellant concealed material facts from this Hon,ble tribunal.
3. That the Appellant has not come to this Hon,ble tribunal with clean hands.
4. That the Appellant is not entitled for the relief he has claimed.
5. That the Appellant is stopped by his own conduct.
6. That the instant Appeal is based on malafide intention.

Respectfully Sheweth:-

1. That in Reply to Para No.1, It is submitted that the instant Appeal has been decided on dated: 30/03/2018. The Respondent department feeling aggrieved from the said judgment filed CPLA No: 408-P/2018 in Supreme Court of Pakistan against the said judgment.

Annex: A.

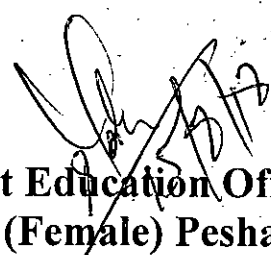
2. That in reply to Para No.2, It is submitted that the DEO Male Peshawar stopped the salary of the Petitioner due to the bogus order of the Petitioner and the Petitioner did not made the DEO Male Peshawar party in the instant Appeal.
3. That in reply to Para No.3, It is submitted that the Respondent department implemented the judgment of this Hon'ble Service Tribunal, in this respect an inquiry officer was nominated through letter No. 2414, Dated: 06/07/2018, & letter for Inter-District inquiry vide No: 3716, Dated: 08/08/2018, while findings of the inquiry officers are still awaited.

Annex: B & C.

4. That in reply to Para No.4 the Respondent Department implemented the judgment of this Hon'ble Service Tribunal and the inquiry proceeding are still continue.
5. That Para No.5 is misleading and against the facts. The Respondents have acted According to law, rules and policy.
6. That in Reply to Para No.6 it is submitted that finding of the inquiries are still awaited and after receiving a finding of the inquiry officer the Respondent Department will proceed the case of the Petitioner.

7. That in Reply to Para No.7 it has already discussed in the above Para of the facts.
8. That in Reply to Para No.8 it is submitted that the Petitioner produced bogus order of Junior Clerk and therefore Respondents stopped his salary, while rest of the Para related to the Petitioner therefore no comments.

It is therefore most humbly prayed before this Honorable court that on acceptance of this Para wise Reply to the Execution Petition in hand may kindly be dismissed.



**District Education Officer,
(Female) Peshawar.**



**PAYROLL SYSTEM
AMENDMENT FORM
MULTIPLE EMPLOYEE ENTRY**

DEO (F) Peshawar

Date 1: _____

OFFICE OF THE _____

Page No. 2 _____

FOR THE MONTH OF 4 2019

302
10/4/19

DDO Code ⁵ (Cost Center) PMB016 Description ⁶ _____

EMPLOYEE DETAILS				GENERAL DATA CHANGE ¹¹			CHANGE IN PAYMENTS/DEDUCTIONS ¹⁴									
Employees Number ⁷				Employee Name ⁸		NIC Number ⁹	Info ¹⁰ Type	Field ID ¹²	New Contents ¹³	Wage Type ¹⁵		Amount		Stop Sat. ¹⁷	Effective Date ¹⁹	Remarks ²⁰
										Rupees ¹⁶	Paisa	Adj.				
00048646				Malik Hayat						5801	419030		P			
				<i>NP</i>						5002	42282		P		As per judgment of Service Appeal	
										5011	46410		P			
						6075 =		21580 -D		5012	39000		P		Ino. 1070/2017	
						6001 =		7800 -D		5288	11700		P		Copy attached	
						6060 =		1560 -D		5309	15756		P			
						6217 =		11726 -D		5964	7306		P			
										5975	14586		P			
										5990	30580		P			
										5322	11946		P			

Mani
District Education Officer
(Female) Peshawar
(Cashier)

Prepared By ²¹ _____

Audited/Checked By ²² _____

²³ Entered/Verified By _____

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR.


Detail of pay and allowances in R/O MALIK HAYAT NQ BPS-4

Period	Pay	HRA	CA	MA	INTERG	ARA 2013	ARA 2015	ARA 2016	ARA 2017	ARA 2018	Total	GPF	BF	EEF	RB & DC	Total Deducti on	NET AMOUNT
Nov-16	13830	1458	1785	1500	450	606	281	561	0	0	20471	830	300	60	451	1641	18830
Dec-16	14200	1458	1785	1500	450	606	281	561	0	0	20841	830	300	60	451	1641	19200
Jan-17	14200	1458	1785	1500	450	606	281	561	0	0	20841	830	300	60	451	1641	19200
Feb-17	14200	1458	1785	1500	450	606	281	561	0	0	20841	830	300	60	451	1641	19200
Mar-17	14200	1458	1785	1500	450	606	281	561	0	0	20841	830	300	60	451	1641	19200
Apr-17	14200	1458	1785	1500	450	606	281	561	0	0	20841	830	300	60	451	1641	19200
May-17	14200	1458	1785	1500	450	606	281	561	0	0	20841	830	300	60	451	1641	19200
Jun-17	14200	1458	1785	1500	450	606	281	561	0	0	20841	830	300	60	451	1641	19200
Jul-17	16940	1458	1785	1500	450	606	281	561	1694	0	25275	830	300	60	451	1641	23634
Aug-17	16940	1458	1785	1500	450	606	281	561	1694	0	25275	830	300	60	451	1641	23634
Sep-17	16940	1458	1785	1500	450	606	281	561	1694	0	25275	830	300	60	451	1641	23634
Oct-17	16940	1458	1785	1500	450	606	281	561	1694	0	25275	830	300	60	451	1641	23634
Nov-17	16940	1458	1785	1500	450	606	281	561	1694	0	25275	830	300	60	451	1641	23634
Dec-17	16940	1458	1785	1500	450	606	281	561	1694	0	25275	830	300	60	451	1641	23634
Jan-18	16940	1458	1785	1500	450	606	281	561	1694	0	25275	830	300	60	451	1641	23634
Feb-18	16940	1458	1785	1500	450	606	281	561	1694	0	25275	830	300	60	451	1641	23634
Mar-18	16940	1458	1785	1500	450	606	281	561	1694	0	25275	830	300	60	451	1641	23634
Apr-18	16940	1458	1785	1500	450	606	281	561	1694	0	25275	830	300	60	451	1641	23634
May-18	16940	1458	1785	1500	450	606	281	561	1694	0	25275	830	300	60	451	1641	23634
Jun-18	16940	1458	1785	1500	450	606	281	561	1694	1694	26969	830	300	60	451	1641	26057
Jul-18	16940	2187	1785	1500	450	606	281	561	1694	1694	27698	830	300	60	451	1641	26057
Aug-18	16940	2187	1785	1500	450	606	281	561	1694	1694	27698	830	300	60	451	1641	26057
Sep-18	16940	2187	1785	1500	450	606	281	561	1694	1694	27698	830	300	60	451	1641	26057
Oct-18	16940	2187	1785	1500	450	606	281	561	1694	1694	27698	830	300	60	451	1641	26057
Nov-18	16940	2187	1785	1500	450	606	281	561	1782	1782	28754	830	300	60	451	1641	27113
Dec-18	17820	2187	1785	1500	450	606	281	561	1782	1782	28754	830	300	60	451	1641	27113
Total	419030	42282	46410	39000	11700	15756	7306	14586	30580	11946	638596	21580	7800	1560	11726	42666	-595930

(Signature)
 District Education Officer
 (Female) Peshawar
 (Cashier)

Non-Drawal Certificate

It is certify that pay and Allowances for the period 1/11/2016 to 31/12/2018 has not been drawn previously by Mr. Malik Hayat, H/O, S/MS No 3 Peshawar Cantt.


District Education Officer
Peshawar

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA NO. 408-P /2018

Amended

P-3

Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary
Education Department, Government of Khyber Pakhtunkhwa, Peshawar &
Others

PETITIONERS

VERSUS

Malik Hayat Khan

RESPONDENT

Appeal from
Counsel for Petitioner
Instituted by

: KPK, Service Tribunal, Peshawar
: Advocate General, KPK, Peshawar
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(Mian Saadullah Jandoli)
Advocate on Record
Supreme Court of Pakistan

IN THE SUPREME COURT
(Appellate Jurisdiction)

~~1000000000~~
P-4

CPLA NO. _____/2018

Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary
Education Department, Government of Khyber Pakhtunkhwa, Peshawar &
Others

PETITIONERS

VERSUS

Malik Hayat Khan

RESPONDENT

CONCISE STATEMENT

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Annex-B
P-5

DISTRICT EDUCATION OFFICE,
(FEMALE) PESHAWAR.

NO. 2415 /G.Br/P.F.M.Hayat

Dated Peshawar the 6/7 /2018.

To

The Principal,
Government Higher Secondary School,
No.2 Cantt: Peshawar.

Subject: INQUIRY AGAINST/MALAK HAYAT N.Q

Memo:-

Please reference the attached letter No.1630/dated 11.6.2018. in this connection you are hereby nominated as enquiry officer to enquire the case of Malak Hayat former Naib Qasid GGMS No.1 Cantt Peshawar and clear cut recommendation may be submitted to this office within a week for further necessary action.

Encls As above.

Endst: No. 2415

A.ine
Dy. DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR

Copy of the is forwarded to the :-

1. District Education Officer, (Male) Peshawar.

A.ine
Dy. DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR

Annex-(C)

P-6

District Education Officer
(Female) Peshawar.
No. 3716 /
Dated 08/09 /2018

To,

The Director,
(E & SE) KPK Peshawar.

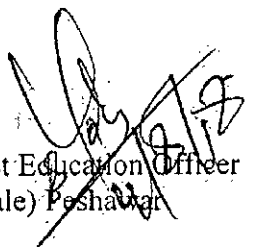
Subject: - CONDUCT INTER DISTRICT INQUIRY AGAINST MALIK HAYAT CLASS-IV IN LIGHT OF COURT JUDGMENT DATED 30-03-2018 PASSED BY THE HON'BLE SERVICE TRIBUNAL PESHAWAR IN SERVICE APPEAL NO.1070/2017 TITLED MALIK HAYAT VS GOVT: OF KPK AND OTHERS.

Memo:

Your good self is requested on the subject cited above and to state that the Hon'ble Service Tribunal Peshawar in the Judgment referred above has issued directions to conduct detail inquiry against the Appellant.

It is worth mentioning here that the Appellant have also made the District Education Officer (Male) Battagram as a party in the above subject Service Appeal.

It is therefore, your good self is requested to conduct Inter District Inquiry against the above mentioned Appellant so that the same inquiry report may be submitted for further necessary action.


District Education Officer
(Female) Peshawar

Before the Khyber Pakhtunkhwa Services Tribunal Peshawar

Execution Petition No. 139/2018

IN

Service Appeal No.1070/2017

Malik Hayat Khan.....Appellant.

V/S

Secretary to Government KP, Elementary and,
Secondary Education, Peshawar and others.....Respondents.

(Reply on behalf of respondent No. 4)

Respectfully Sheweth:-

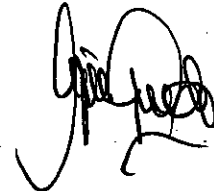
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It is submitted that the case in hand is concerned with the Administrative Department of the appellant. And Respondent No. 1 to 3, are in better position to satisfy the grievances of the Appellant.

It is pertinent to mention here that after the transfer of the appellant from District Battagram to District Peshawar, his salary was started by Respondent No. 4, under the rules. But when respondent No. 4, received "change form" submitted by the Drawing and Disbursing Officer of the Administrative Department for stoppage of the salary, it was stopped accordingly.

It is further pertinent to mention that as per rules/regulations Administrative Departments are sole responsible for their budgets including salary budget and Respondent No.4 can neither start nor stop any payment without authorization in form of "Change" send by the budget custodian department. And has not yet submitted any claim to Respondent No.4 for starting the salary of the Appellant. As and when received it will be entertained after fulfillment of all the codal formalities. Besides, the appellant has raised no grievances against respondent No. 4.

Keeping in view the above mentioned facts, it is humbly prayed that the Appellant is required to approach his Administrative Department for the satisfaction of his grievances and Execution Petition against Respondent No. 4 having no merits may kindly be set aside.



**ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA**

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE SH. AZMAT SAEED
MR. JUSTICE YAHYA AFRIDI

CIVIL PETITION NO.408-P OF 2018

(On appeal from the judgment dated 30.3.2018 of the
Khyber Pakhtunkhwa Service Tribunal, Peshawar passed
in Appeal No.1070/2017)

Secretary to Government of Khyber
Pakhtunkhwa, Elementary &
Secondary Education Department,
Government of Khyber
Pakhtunkhwa, Peshawar and others

... Petitioner (s)

Versus

Malik Hayat Khan

... Respondent (s)

For the Petitioner (s) : Barrister Qasim Wadood, Addl. AG
KPK

Respondent (s) : N.R.

Date of Hearing : 19.10.2018

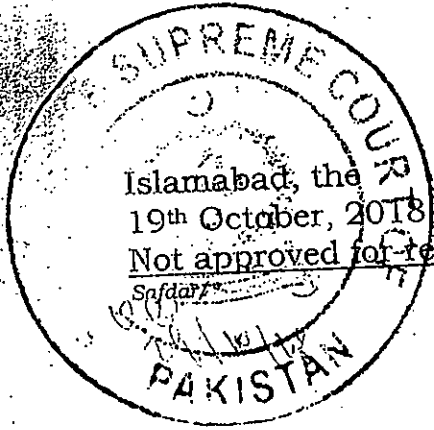
ORDER

SH. AZMAT SAEED, J.- The respondent's salary was stopped, which has been directed to be released by way of the impugned judgment. The learned Addl. AG KPK has been unable to show that under what law or authority, such salary could be stopped as the Respondent is in service. However, the learned Addl. AG KPK states that fresh inquiry has been conducted and the Respondent has been found guilty and appropriate action both departmental and under the criminal law is to be taken. Obviously the

Court Associate
Supreme Court of Pakistan
Islamabad

impugned judgment does not prohibit the Government from proceeding in accordance with the law.

2. Consequently, this Civil Petition being without merit is dismissed and leave declined.



Sd/-J
Sd/-J
Certified to be True Copy

Court Associate
Supreme Court of Pakistan
Islamabad

GR No: 25634/18 Civil/Criminal

Date of Presentation: 22/10/18

No of Volumes: 0

No of Pages: 500

Requisition Fee Rs: 300

Copy Fee in: 800

Court Fee Stamp: 29/10/18

Date of Completion of Copy: 29/10/18

Date of delivery of Copy: 29/10/18

Compared by/Prepared by: Ch. Akhtar Ali

Received by: _____

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1915 /ST

Dated 24 /9 / 2018


To

The Director E&SE,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - **ORDER IN EXECUTION PETITION NO. 139/2018, MR. MALIK HAYAT KHAN.**

I am directed to forward herewith a certified copy of order dated 24.09.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

Most Immediate

Court Matter

DIRECTORATE ELEMENTARY & SECONDARY EDUCATION

Khyber Pakhtunkhwa, Peshawar.



No 1511 / (Lit: II)

Dated Peshawar the 29 / 2018

To

Asstt: Director (Admn.),
local Directorate..

Subject: - **COMPLIANCE OF THE ORDER SHEET DATED 26/9/2018 PASSED BY THE SERVICE TRIBUNAL IN EXECUTION PETITION No: 139/2018 OUT OF SERVICE APPEAL No: 1070/2017 CASE TITLED MALAK HAYAT KHAN VS GOVT:**

Memo:

I am directed & to refer the order sheet dated 26/9/2018 of the Service Tribunal, Khyber Pakhtunkhwa Peshawar, on the subject cited above, decided vide judgment dated 30/3/2018 by the Service Tribunal, Peshawar with the directions that either to produce stay/suspension order of the August Supreme Court of Pakistan or to submit conditional implementation report without fail on 08/10/2018, before the Service Tribunal, Peshawar.

Encl: (AA)

Naval
Asstt: Director (Lit: II)
(E&SE) Khyber Pakhtunkhwa,
Peshawar.

Endst: No _____

Copy forwarded for information to:-

- 1 Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- 2 Addl: Advocate General Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- 3 Section Officer (Lit: II) E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 4 District Education Officer (M) Peshawar.
- 5 District Education Officer (F) Peshawar.

Asstt: Director (Lit: II)
(E&SE) Khyber Pakhtunkhwa,
Peshawar.

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Endst: No. 882-85 /A-20/c-iv/Malik Hayat Dated Peshawar the 5 / 2018

Copy of the above is forwarded to the: -

1. District Education Officer (Male) Peshawar alongwith copy of order sheet of Khyber Pakhtunkhwa Service Tribunal dated 26/09/2018 for favour of further necessary action at your part.
2. District Education Officer (Female) Peshawar alongwith copy of order sheet of Khyber Pakhtunkhwa Service Tribunal dated 26/09/2018 for favour of further necessary action at your part.
3. Assistant Director (Lit-II) E&SE Department Govt: of Khyber Pakhtunkhwa w/r to his letter No. and dated cited above.
4. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

anwar
5/10/2018
Assistant Director (Admn)
Directorate of Elementary & Secy Edu:
Khyber Pakhtunkhwa Peshawar.
62

No. 2021/ST

Dated 8 / 10 / 2018


To

The Director E&SE,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - ORDER IN EXECUTION PETITION NO. 139/2018, MR. MALIK HAYAT KHAN.

I am directed to forward herewith a certified copy of order dated 08.10.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

قیمت
50 روپےایڈوکیٹ: M. ADNAN SHAHبار کونسل ایسوسی ایشن نمبر: BC-89-2380رابطہ نمبر: 0331-0334-321

پشاور بار ایسوسی ایشن، خیبر پختونخوا

سرور کٹر سینیٹر، پشاور

بعدالت جناب:

مخائب: اسپلانٹ	دعویٰ:
حکومت خیبر پختونخوا	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام کے لیے محمد عزیز خان کٹر سینیٹر کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف 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 کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظرتانی و پیروی 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 داخستہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جائے 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:-

ESHAWAR BAR ASSOCIATION
 KHYBER PAKHTUNKHWA

العهد وواشد العہد
 مقام پشاور کے لیے منظور ہے۔

7301-5823198-5

108

Directorate Elementary & Secondary
Education, Khyber Pakhtunkhwa,
Peshawar.
No. _____/F.No.A-20/C-IV/Malak Hayat.
Dated Peshawar the 21/10/2018

PO F
MA
19.11.2018

To
The District Education Officer (F)
Peshawar

Subject: **RELEASE OF PAY**

Memo,

I am directed to refer to the subject noted above and to state that the Honorable Service Tribunal has directed to respondent Department in Execution Petition No. 139/2018 in Service Appeal NO.1070/2017 Titled Malak Hayat Khan S/O Munir Khan r/o Mohallah Khan Qala Dheri Baghbanan Tehsil & District Peshawar Versus Secretary to Govt: of Khyber Pakhtunkhwa E&SE Department Civil Secretariat Peshawar and others, through order sheet dated 26-09-2018 containing the following words,

“Either to produce stay/suspension order of the august Supreme Court of Pakistan or to submit conditional implementation report without fail”. (Annexure-A)

I am further directed to state that the Honorable Tribunal has directed the Worthy Director E&SE KP (Responded No.2) and DEO (F) Peshawar (Responded No.3) who were personally present, vide order sheet dated 11/10/2018 “ to submit implementation report on 01/11/2018 before Service Tribunal. (Annexure -B)

Since the said Malik Hayat N/Qasid was lastly posted in GGMS No.1 Cantt Peshawar vide this office order NO. 2172-79 dated 10/06/2014. (Annexure -C) so, you are directed to issue pay release order in favor of Mr. Malak Hayat against the N/Qasid post at GGMS Cantt No.1 Peshawar immediately as the same has to be provided to the Service Tribunal as per requirement of Execution Petition NO.139/2018 in S/Appeal No.1070/2018, on 01/11/2018

Assistant Director (Admin)

Directorate of E& Secy Education
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 9602

Copy forwarded for information to

- PA to Director E&SE, Khyber Pakhtunkhwa Peshawar.

Assistant Director (Admin)

Directorate of E& Secy Education
Khyber Pakhtunkhwa, Peshawar.

1

26-10-18
DEO (P) Peshawar

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR

OFFICE ORDER/

The competent authority is hereby pleased to adjust Mr.Malak Hayat Khan, N.Q against the vacant post of N.Q at GGHS Civil Quarters Peshawar with immediate effect as per Court Decision subject to final recommendations of inquiry committee.

- Note: -
1. Charge report should be submitted to all concerned.
 2. No TA/DA etc is allowed.


(Samina Ghani)
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Endst: No. 3160-66 /G. Br/ P.File.

Dated Peshawar the 11 / 12 /2018.

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtun Khwa Peshawar.
2. Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer, (Male) Peshawar
4. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar w/r to Service Appeal No.1070/2017
5. Principal, GGHS Civil Quarters Peshawar.
6. Dealing Assistant Litigation Local Office.
7. Official concerned.


DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

10/10/10,

18 13B

D. A concerned
put up on file

S. Man
22/12/18

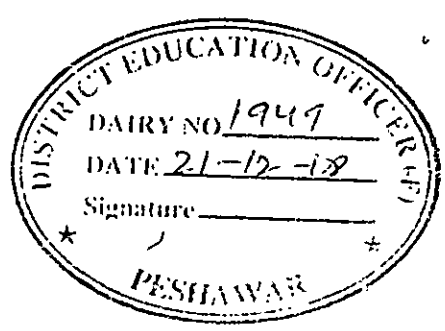
The DEO (Female)
E/o Education
Peshawar.

Report

R/ Madam

Ms Malik Hajrat Khan N. Q

has no take charge in GGMs
903 Peshwar contd. at till date.



Headmistress
Govt. Girls Middle School
No. 3, Peshawar Cantt
21/12/2018

Assistant Director (Adm)
19/11/2018

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR

OFFICE ORDER/

Mr. Malak Hayat Khan, N.Q under transfer/adjusted at GGHS Civil Quarters Peshawar under Endst: No. 3104-8/dated 8.12.2018 is hereby adjusted at G.G.M.S No.3 Cantt. Peshawar with immediate effect as per Court Decision subject to final recommendations of inquiry committee.

- Note: -
1. Charge report should be submitted to all concerned.
 2. No TADA etc is allowed.


(Samina Ghani)
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Endst: No. 3390-98 /G. Br/ P.File.

Dated Peshawar the 15 / 12 / 2018.

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtun Khwa Peshawar.
2. Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer, (Male) Peshawar
4. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar w/r to Service Appeal No.1070/2017
5. Principal, GGHS Civil Quarters Peshawar.
6. Headmistress, GGMS No.3 Cantt: Peshawar.
7. Dealing Assistant Litigation Local Office.
8. Official concerned.


DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR

OFFICE ORDER/

Mr. Malak Hayat Khan, N.Q under transfer/adjusted at GGHS Civil Quarters Peshawar under Endst: No. 3104-8/dated 8.12.2018 is hereby adjusted at G.G.M.S No.3 Cantt. Peshawar with immediate effect as per Court Decision subject to final recommendations of inquiry committee.

- Note: -
1. Charge report should be submitted to all concerned.
 2. No TA/DA etc is allowed.


(Samina Ghani)
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Endst: No. 3390-98 /G. Br/ P.File.

Dated Peshawar the 15 / 12 /2018.

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtun Khwa Peshawar.
2. Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer, (Male) Peshawar
4. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar w/r to Service Appeal No.1070/2017
5. Principal, GGHS Civil Quarters Peshawar.
6. Headmistress, GGMS No.3 Cantt: Peshawar.
7. Dealing Assistant Litigation Local Office.
8. Official concerned.


DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR

OFFICE ORDER/

The competent authority is hereby pleased to adjust Mr. Malak Hayat Khan, N.Q against the vacant post of N.Q at GGHS Civil Quarters Peshawar with immediate effect as per Court Decision subject to final recommendations of inquiry committee.

- Note: -
1. Charge report should be submitted to all concerned.
 2. No TA/DA etc is allowed.

(Samina Ghani)
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Endst: No. 3160-66 /G-Br/P.File. . Dated Peshawar the 11 / 12 /2018.

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtun Khwa Peshawar.
2. Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer, (Male) Peshawar
4. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar w/r to Service Appeal No.1079/2017
5. Principal, GGHS Civil Quarters Peshawar.
6. Dealing Assistant Litigation Local Office.
7. Official concerned.


DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

To,

The D.E.O (Female)

E/o Education

Peshawar

18 MB
D.A concerned
put up on file

S. Man
22/12/18

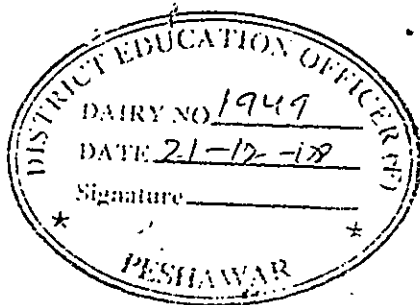
R/ Madam

Report

Ms Malak Hajeet Khan N.O

has no take charge in GGMS

MOB Peshawar until at till date.






Signature of Head Mistress

HEAD MISTRESS
Govt. Girls Middle School
No. 3, Peshawar Cantt

21/12/2018

Assistant Director (Admin)
19/11/2018

قیمت 50 روپے	459			
ایڈویکیٹ:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر:				
رابطہ نمبر:				

بعدالت جناب: مسٹر جسٹس سید سید شامہ

منجانب: <u>سائل</u>	دعویٰ: <u>Execution</u>
ملک <u>صیانت خان</u>	علت نمبر:
بنام	مورخہ:
<u>سکرٹری سیکرٹریٹ</u>	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ سیکشن 173(1) آئی اے آر اے کے تحت دائر کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف 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 یا پکڑنے یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی 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 باختیارات 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

المقوم: 17/12/2019

الع بد

مقام شامہ کے لیے منظور ہے۔

Shamra

Shamra

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

مدعیان خان ملہ صیانت خان سید شامہ
 17301-5923 198-5
 شامہ

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.

This office Notification issued under Endst: No 4144-53 dated 19/11/2018 for conducting enquiry against Malik Hayat Naib Qasid GGMS No. 1 Cantt Peshawar is hereby **WITHDRAWN**.


DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

4769-73
Endst: No. _____/F.No.A.20/Malik Hayat . Dated Peshawar the 17/12/2018

Copy forwarded to the: -

1. District Education Officer (Female) Peshawar.
2. Mr. Parvez Iqbal Principal GHSS NO.3 Peshawar city (Chairman) Inquiry Committee.
3. Mr. Shabir Ahmad Vice Principal Govt: Shaheed Hasnain Sharif Higher Secondary school No.1 Peshawar city.(Member) inquiry committee
4. Deputy Director (Lit:) Local Directorate.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.


Assistant Director (Admn)

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 714 /ST Dated 8-4- /2019


To,

1. The Accountant General,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - ORDER IN EXECUTION PETITION NO.139/2018, MALIK HAYAT
KHAN VS GOVT.

I am directed to forward herewith a certified copy of order dated
03.04.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

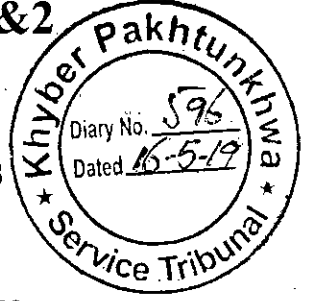

REGISTRAR,
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

BEFORE HONORABLE SERVICE TRIBUNAL KP
PESHAWAR

Subject: Release of salaries of respondents 1&2

Execution Petition No. 139/2018

Titled: Malik Hayat Khan Vs DEO (F) & others



Respectfully sheweth:-

- That the salaries of Respondents were attached on the above titled case.
- That Respondents implemented order/judgment of this honorable service tribunal.
- That in the instant execution petition the date was fixed on 09.05.2019. The respondents submitted the implementation report.
- That the Respondents submitted application for release of salaries which was allowed by this Honorable service tribunal (Annex-A)
- That this Honorable tribunal did not mention the said application and his order sheet on Dated: 09.05.2019.

Therefore it is requested to may be added the word pay release in the order sheet of dated: 09.05.2019 please.

*Put up to the court with
relevant Execution Petition.*

Reader

16/5/19

Man
District Education Officer
(Female) Peshawar

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



Execution Petition No. 139 /2018

IN

Service Appeal No: 1070/2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 539

Dated 11/05/2018

Malik Hayat Khan S/O Munir Khan, R/O Mohalla Khari Qala, Ghari
Baghbanan, Thesil & District Peshawar

.....Petitioner/Applicant

VS

1. Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Civil Secretariat Peshawar
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Main Grand Trunk Road, Near Qilla Bala Hisar Peshawar
3. District Education Officer (Female), G.T Road Peshawar
4. Accountant General, Khyber Pakhtunkhwa, Fort Road Peshawar Cantt

.....Respondents

EXECUTION PETITION IN RESPECT OF
IMPLEMENTATION/EXECUTION OF THE
JUDGMENT DATED: 30/03/2018 IN SERVICE
APPEAL NO. 1070/2017 WHEREBY THE
RESPONDENTS WERE DIRECTED TO RELEASE
THE SALARIES OF THE APPLICANT FROM THE
DATE OF ITS STOPPAGE I.E. 01/03/2015 AND
ALSO TO ADJUST HIM ON HIS POST

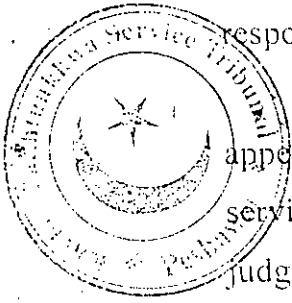
Certified
Khy
Ser
Peshawar

The applicant/petitioner is pleased to beseech before this Honorable Tribunal as under;

1. That the applicant/petitioner filed service appeal no. 1070/2017 before this Honorable Service Tribunal on 25/09/2017 for the release

09.05.2019

Petitioner alongwith his counsel present. Mr. Hayat Khan, AD on behalf of respondent No. 2, Respondent No. 3 DEO (F) Peshawar Mst. Samina Ghani in person and Mr. Zakiullah, Senior Auditor for respondent No. 6 present.



Perusal of the record reveals that the petitioner has filed service appeal regarding release of his salaries from 01.03.2015 till date, the service appeal of the petitioner was allowed by this Tribunal vide judgment dated 30.03.2018.

Today representatives of the department stated that the judgment of this Tribunal has been implemented by the respondent-department to the extent that the petitioner has been paid salary since November 2016 till 2018. Learned counsel for the petitioner stated that the respondent-department has not paid salaries of 19 months therefore, requested that the respondent-department may be directed to pay the same to the petitioner. Representatives of the department seeks time. Adjourned. To come up for implementation report as per judgment of this Tribunal on 12.06.2019 before S.B.

MA

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Certified to be true copy
Kh. [Signature]
Services Tribunal,
Peshawar

Date of Presentation of Application	15-5-19
Number of Pages	800
Copying Fee	6-
Urgent	2-
Total	8-
Name of Copyist	[Signature]
Date of Completion of Copy	15-5-19
Date of Delivery of Copy	15-5-19

Before Honourable Service Tribunal KP
Peshawar

Subject: Release of Salaries of Respondents.

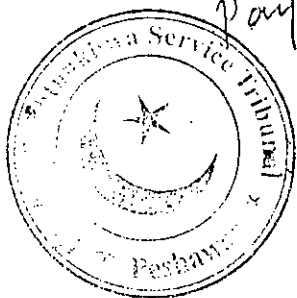
Execution Petition No: 139/2018.

Title: Malik Hayat vs DEO (F) & Others.

Respectfully Sheweth:

- 1) That the salaries of Respondents were attached on above title case.
- 2) That the Respondents implemented order/Judgments of this Honourable Tribunal. (Implementation order is attached).

Therefore it is requested that the Salaries of Respondents may please be released.



Pay is held in
M Amin
9/15/2019

Prani
09/05/19
Respondents.

Certified to be true copy
Khan
Honourable Service Tribunal
Peshawar

DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.
NO. _____/

Dated Peshawar the 10/05 /2019.

To

The Accountant General,
Khyber Pakhtunkhwa Peshawar

Subject: REPORT REGARDING LAST SALARY DRAWN
memo:-

Kindly reference to the subject cited above and you are requested to kindly provide the report of last salary drawn in respect of Mr Malik Hayat N/Q GGMS NO.3 Cantt Peshawar under P.No 00048646 as required in court matter pl.

Endst NO 10 /

Copy for information to the:-

1. Registrar Service Tribunal KP Peshawar

sd
DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR.

Mani 10/05/19
DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR.
5

Before Honourable Service Tribunal KP.
Peshawar

Subject: - Release of Salaries of Respondents

Execution Petition No: 139/2018.

Title: Malik Hayat vs DEO (F) & Others.

Respectfully Sheweth:

- ① That the salaries of Respondents were attached on above title case.
- ② That the Respondents implemented order/Judgments of this Honourable Tribunal. (Implementation order is attached).

Therefore it is requested that the Salaries of Respondents may please be released.

Pay is released

M Amin

9/5/2019

②
Khan
09/05/19
Respondents.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 998 /ST

Dated 22-5/2019


To,

The Accountant General,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - ORDER IN EXECUTION PETITION NO.139/2018,MALIK HAYAT
KHAN VS GOVT.

I am directed to forward herewith a certified copy of order dated
16.05.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

**BEFORE THE HON'BLE, SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Execution Petition No.139/2018 in Service Appeal No.1070/2017

Malik Hayat..... Petitioner

VS


Secretary (E &SE) Khyber Pakhtunkhwa etc..... Respondents

SUBJECT: SUBMISSION OF IMPLEMENTATION REPORT.

RESPECTFULLY SHEWETH.

1. That this Hon'ble Service Tribunal decided the instant appeal on dated 30-03-2018.
2. That the Respondent Department implemented the judgment of this Hon'ble Tribunal with letter in spirit.
3. That the Petitioner did not perform his duty but in light of court judgment Respondent Department paid all the salaries of the absentee period to the Petitioner Annex: A.
4. That in light of the court judgment the Respondent Department conducted inquiry the inquiry officer gave recommendation and the Respondent Department proceeded against the Petitioner under E &D rules 2011.

It is therefore, requested to dismiss the execution petition.


District Education Officer
(Female) Peshawar



PAYROLL SYSTEM
 AMENDMENT FORM
 MULTIPLE EMPLOYEE ENTRY

OFFICE OF THE ³ DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR

FORM: PAY03

FOR THE MONTH OF ⁴ / 2019

Date ¹

Page No. ²

DDO Code ⁵
 (Cost Center)

P W 6 0 1 6

Description ⁶

GENERAL DATA CHANGE							GENERAL DATA CHANGE		CHANGE IN PAYMENTS / DEDUCTIONS														
Employee Number ⁷							Employee Name ⁸	NIC Number	Info ¹⁰ Type	Field ID ¹²	Item Contents	Wage Type ¹⁵	Amount				Stop Sal.	Effective Date ¹⁹	Remarks ²²				
0	0	0	4	8	6	4	6					Rupees ¹⁸			Paise	Ac							
								Malik Hayat NQ															
										Basic Pay	5801	2	0	7	2	7	0		P				
										HRA	5002		2	6	2	3	0		P				
										CA	5011		3	3	9	1	5		P				
										Medical	5012		2	3	7	0	0		P				
										Integrated	5288			6	1	5	0		P				
										ARA 2013	9309		2	1	3	3	1		P				
										ARA 2015	5964		1	4	1	6	9		P				
										ARA 2016	9575			4	1	4	9		P				
										GPF	6075		1	5	7	7	0		D				
										BF	6001			5	7	0	0		D				
										EEF	6006				9	5	0		D				
										G.Insur	6006		1	1	0	2			D				


3
MW
 District Education Officer
 (Female) Peshawar
 (Cashier)

OFFICE OF THE D.E.O. (F) Peshawar 2

Statement showing the detail of pay & allowances in Rs. Malik Huzefa N/O

Period	Pay	H.R.A.	C.A.	Medical Allow.	Int. Secy Allow.	Adhoc: 2013	Adhoc: 2015	Adhoc: 2016	Total
3/15 to 6/15 (4M) B-4	8130x4 32520	1366x4 5464/-	1785x4 7140/-	1200x4 4800	300x4 1200/-	1219x4 4876/-	-	-	56000/-
7/2015 to 11/2015 (5M) B-4	10930x5 54650/-	1366x5 6830/-	1785x5 8925	1200x5 6000/-	300x5 1500/-	1219x5 6095	1093x5 5465	-	89465/-
12/15 to 6/16 (7M) B-4	11230x7 78610/-	1366x7 9562/-	1785x7 12495/-	1200x7 8400/-	300x7 2100/-	1219x7 8533	1123x7 7861/-	-	177561/-
7/16 to 9/16 (2M) B-4	13830x3 41490/-	1458x3 4374/-	1785x3 5355/-	1500x3 4500/-	1350x3 1350/-	609x3 1827/-	281x3 843/-	1383x3 4149/-	63888/-
Total	207270/-	26230/-	33915/-	23700/-	6150/-	21331/-	14169/-	4149/-	336914/-

Period	B.P.F.	B:F.	C:F.F.	P.F.F.	C: Total	Total
3/15 to 9/16 (19M)	830x19 15770/-	300x19 5700/-	58x19 1102/-	50x19 950/-	23522/-	313392/-


 District Education Officer

SH:1 Peshawar Dist.

Pers #: 00048644 Buckle: 0
Name: MALIK HAYAT
MAIB QASID
CHIC No. 13781679612
GPF Interest Free

P Sec:002 Month:April 2019
PW6016 -DISTRICT OFFICER (FEMALE)S
GOVT MIDDLE SCHOOLS (FEMA)

NTN:
GPF #:
Old N:

SH:2 Peshawar Dist.

Pers #: 00048644 Buckle: 0
Name: MALIK HAYAT
MAIB QASID
CHIC No. 13781679612
GPF Interest Free

P Sec:002 Month:April 2019
PW6016 -DISTRICT OFFICER (FEMA)
GOVT MIDDLE SCHOOLS (FEMA)

NTN:
GPF #:
Old N:

04 Active Temporary		PW6016	-
PAYS AND ALLOWANCES:			
0001-Basic Pay		17,820.00	
1000-House Rent Allowance		1,458.00	
1210-Convey Allowance 2005		1,785.00	
1500-Medical Allowance		1,500.00	
1833-Integrated Allow (2005)		450.00	
2148-15% Adhoc Relief All-2013		686.00	
2197-Adhoc Relief Allow 10%		281.00	
2211-Adhoc Relief All 2016 10%		561.00	
2224-Adhoc Relief All 2017 10%		1,782.00	
Gross Pay and Allowances		666,621.00	
DEDUCTIONS:			
IT Payable	1,333.36	Deducted	667.00
GPF Balance	25,575.00		
3501-Benevolent Fund			TAX: (3609) 647.00
3590-Exp. Edu. Fund KPK			Subrc: 830.00
4004-R. Benefits & Death Comp:			300.00
4001-Adj Benevolent Fund			40.00
4075-Adj GPF			451.00
6204-Adj. Exp. Edu. Fund KPK			7,000.00
6217-Adj R. Ben & Death Comp:			21,000.00
			1,540.00
			11,726.00
Total Deductions		44,974.00	
		621,647.00	

D.O.B
01.11.1978
22 Years 05 Months 022 Days

LFP Quota:
HABIB BANK LIMITED KHYBER BAZAR, PESHAW
06960007646001

04 Active Temporary		PW6016	-
PAYS AND ALLOWANCES:			
2247-Adhoc Relief All 2018 10%		1,782.00	
2302-Adjustment House Rent		42,282.00	
2311-Adj Conveyance Allowance		46,410.00	
2312-Adjustment Medical All		39,000.00	
2388-Adj. Integrated All 2005		11,700.00	
2309-Adj. 15% Adhoc Allowance		15,756.00	
2322-Adj Adhoc Relief All 2018		11,946.00	
2964-Adj Adhoc Relief All 2015		7,306.00	
2975-Adj Adhoc Relief All 2016		14,586.00	
Gross Pay and Allowances		666,621.00	
DEDUCTIONS:			
IT Payable	1,333.36	Deducted	667.00
GPF Balance	25,575.00		
			Subrc:
Total Deductions		44,974.00	
		621,647.00	

D.O.B
01.11.1978
22 Years 05 Months 022 Days

LFP Quota:
HABIB BANK LIMITED KHYBER BAZAR, PESHAW
06960007646001

SH:3 Peshawar Dist.

Pers #: 00048644 Buckle: 0
Name: MALIK HAYAT
MAIB QASID
CHIC No. 13781679612
GPF Interest Free

P Sec:002 Month:April 2019
PW6016 -DISTRICT OFFICER (FEMALE)S
GOVT MIDDLE SCHOOLS (FEMA)

NTN:
GPF #:
Old N:

04 Active Temporary		PW6016	-
PAYS AND ALLOWANCES:			
5990-Adj Adhoc Relief All 2017		30,580.00	
5801-Adj Basic Pay		419,030.00	
Gross Pay and Allowances		666,621.00	
DEDUCTIONS:			
IT Payable	1,333.36	Deducted	667.00
GPF Balance	25,575.00		
			Subrc:
Total Deductions		44,974.00	
		621,647.00	

D.O.B
01.11.1978
22 Years 05 Months 022 Days

LFP Quota:
HABIB BANK LIMITED KHYBER BAZAR, PESHAW
06960007646001

38:1 Peshawar D

Pers #: 00648646 Beckle: 0
Name: MALIK HAYAT
HAIB NASID
CNIC No. 13781679812
CPF Interest Free
04 Active Temporary

P Sec: 002 Month: June 2015
PW6016 -DISTRICT OFFICER (GENERAL)
GOVT MIDDLE SCHOOLS (GMO)

NTN:
CPF #:
Old #:

PW6016

PAYS AND ALLOWANCES:	
4100-Basic Pay	207,270.00
4100-Medical Allowance	23,700.00
4110-Adhoc Relief Allowance 15	21,551.00
4112-House Rent Allowance	26,230.00
4113-Conveyance Allowance	33,915.00
4142-Integrated Allowance	3,150.00
4302-Adhoc Rel. Allw 7.5% 2015	14,160.00
4325-Adhoc Relief Allow. 2016	4,149.00

Gross Pay and Allowances 334,914.00

DEDUCTIONS:

Subro:	
4131-Benevolent Fund	5,700.00
4133-CPF Subscription	15,770.00
4134-Education Welfare Fund	950.00
4302-Adhoc Rel. Allw 7.5% 2015	14,160.00
4325-Adhoc Relief Allow. 2016	4,149.00

Total Deductions 22,429.00

314,484.00

D.D. No. 01.11.1978
22 Years 07 Months 002 Days

LFP Quota:
HABIB BANK LIMITED KHAYBER BAZAR, PESHAWAR
06760007646001

1/3 / 2015 to
30/9 / 2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

E.P. No 139/18
Service Appeal No: 1070 / 2018

Khyber Pakhtunkhwa
Service Tribunal

Case No. 9/14

Dated 29-8-18

*Put up to the court
with relevant appeal,
(S.B-1)*

Malik Hayat Khan

VERSUS

SHAHID ZAMAN & Others

31/9/18
**APPLICATION FOR EARLY HEARING/ FIXATION OF INSTANT SERVICE
APPEAL**

Resdun
Respectfully Sheweth;

1. That the subject Service Appeal is pending adjudication in execution proceedings and fixed before this hon'ble Tribunal for 27.09.2018.
2. That on the previous date, despite appellants' efforts, his learned counsel did not attend the proceedings due to which the case has been adjourned. However the appellant could not suffer for non appearance of his learned counsel and for the same reason undersigned has been engaged as his fresh counsel now.
3. That instant Service Appeal has already been decided in favor of appellant on 30.03.2018 but till date due to delaying tactics of respondents, it is yet to be implemented in its letter and spirit and for the same reason the appellant is facing severe financial problems due to non implementation of the judgment dated 30.03.2018. Hence this application.
4. That this hon'ble Tribunal has got every power under the law to fix the case for early hearing and there is no bar in exercise of such power.

It is, therefore, respectfully prayed that on acceptance of this application, the subject service appeal may kindly be fixed for early hearing in the interest of justice.

Dated: _____, 2018

Through

[Signature]
APPLICANT/APPELLANT

[Signature]
MUHAMMAD ADNAN SHER
Advocate High Court, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

COC No. _____, 2018

In Service Appeal No.1070/ 2017

Malik Hayat Khan

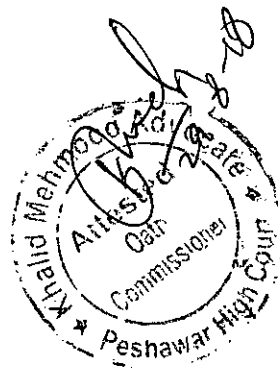
VERSUS

& Others

AFFIDAVIT

I, **Malik Hayat Khan** son of Munir Khan, resident of Mohallah Khari Qala , Ghari Baghbanan, District Peshawar do hereby declare and affirm on oath;

3. That the contents of this application are true and correct to the best of my knowledge and belief &
4. That nothing has been concealed from the august court, which it is necessary to disclose.




DEPONENT



**PAYROLL SYSTEM
AMENDMENT FORM
MULTIPLE EMPLOYEE ENTRY**

OFFICE OF THE ³ **DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR**
FOR THE MONTH OF ⁴ / 2019

FORM: PAY03

DDO Code ⁵ P W 6 0 1 6 Description ⁶
(Cost Center)

Date ¹

Page No. ²

GENERAL DATA CHANGE										GENERAL DATA CHANGE		CHANGE IN PAYMENTS / DEDUCTIONS ¹⁶					Stop Sal.	Effective Date ¹⁹	Remarks ²⁰				
Employee Number ⁷										Info ¹¹ Type	Field ID ¹²	New Contents	Wage Type ¹⁵	Amount									
0	0	0	4	8	6	4	6							Rupees ¹⁶						Paisa	Ac		
												Malik Hayat NQ	Basic Pay	5801	2	0	7	2	7	0			
													HRA	5002		2	6	2	3	0			Arrear of Pay and Allowance with
													CA	5011		3	3	9	1	5			effect from 1/3/2015 to 30/9/2016
													Medical	5012		2	3	7	0	0			
													Intergrated	5288			6	1	5	0			
													ARA 2013	9309		2	1	3	3	1			
													ARA 2015	5964		1	4	1	6	9			
													ARA 2016	9575			4	1	4	9			
													GPF	6075		1	5	7	7	0			
													BF	6001			5	7	0	0			
													EEF	6006				9	5	0			
													G.Insur	6006		1	1	0	2				

Man
District Education Officer:
(Female) Peshawar
(Cashier)

OFFICE OF THE D.E.O. (F) Peshawar

2

Statement showing The detail of Pay & Allowances in P.O. Mr. Malik Hafiz N/O

Period	Pay	H.R.A.	C.A.	Medical Allow.	Integrating Allow.	Adhoc: 2013	Adhoc: 2015	Adhoc: 2016	Total
3/15/06/15 (4M) B-4	5130x4 2590	1366x4 5464/-	1785x4 7140/-	1200x4 4800	300x4 1200/-	1219x4 4876/-	-	-	56000/-
7/2015 to 11/2015 (5M) B-4	10900x5 54650/-	1366x5 6830/-	1785x5 8925	1200x5 6000/-	300x5 1500/-	1219x5 6095/-	1093x5 5465/-	-	69465/-
12/15 to 6/16 (7M) B-4	11230x7 78610/-	1366x7 9562/-	1785x7 12495/-	1200x7 8400/-	300x7 2100/-	1219x7 8533/-	1123x7 7861/-	-	127561/-
7/16 to 9/16 (2M) B-4	13820x3 41490/-	1458x3 4374/-	1785x3 5355/-	1500x3 4500/-	350x3 1350/-	609x3 1827/-	281x3 843/-	1383x3 4149/-	63888/-

Total: 207270/- 26230/- 33915/- 25700/- 6150/- 21331/- 14169/- 4149/- 336914/-

Period	G.P.F.	B.F.	C.I.F.	P.F.F.	G: Total	(C) 23522/-
3/15 to 9/16 (19M)	820x19 15770/-	300x19 5700/-	58x19 1102/-	50x19 950/-	23522/-	313392/-

Net Total:

District Education Officer