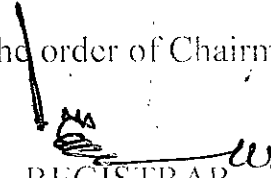


FORM OF ORDER SHEET

Court of _____

Case No. - _____

749/2023

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 |
| 1- | 03/04/2023 | <p>The appeal of Mr. Faizan Ullah presented today by Mr. Yasir Saleem Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p> |

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 739 /2023

Faizan ullah

VS

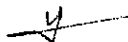
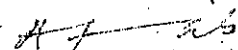
EDUCATION DEPTT:

INDEX

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| 5. | reply letters | D | 8 |
| 6 | departmental appeal | E | 9 |
| 7. | Vakalatnama | | 10 |


APPELLANT

THROUGH:


Yasir Saleem
& 
Afrasiab Khan Wazir
Advocate high Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

(3)

Service Appeal No. 739 /2023

Mr. Faizan Ullah, PST (BPS-12), in district education Officer District North Waziristan**APPELLANT.**

Versus

1. Director education merged district, Khyber Pakhtunkhwa Peshawar.
2. District education officer, District North Waziristan.
3. District Account Officer, District North Waziristan.
4. The secretary E&SE department, Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST INACTION OF THE RESPONDENT BY NOT RELEASING SALARIES W.E.F 01.07.2019 OF THE APPELLANT AND AGAINST INACTION ON DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STIPULATED PERIOD.

Prayer:

That on acceptance of this instant service appeal of the appellant the inaction of the respondents by not releasing salaries of the appellant w.e.f 01.07.2019 till dated may very kindly be declared illegal and without lawful authority of law, and the respondents may further please be directed to release salaries of the appellant w.e.f 01.07.2019 till dated, with all back benefits. Any other remedy which august tribunal deems fit that may also be decided in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts of the appeal are as under:

1. That the appellant is working as PST (BPS-12) in the respondent department. (copy of Appointment letter is attached).....A.
2. That the appellant after that assumed his duty and started performing his duty regularly efficiently and passionately. Copy of assumption order and performance certificate is attached as annexure.....B
3. That on 24.01.2023 the respondent No.3 made an observation over the impugned bills which was removed by the respondent No.2 and resubmitted to respondent No.3. Copy of letter dated

24.01.2023 is attached as annexure

C.

2

4. That on dated 24.01.2023 respondent No.2 removed the observation and resubmitted to the respondent No.3 but no action has been taken on the said bills. Copy of reply letter is attached as annexure.....D
5. That against the inaction of the respondents with regard to the outstanding salaries of the appellant, he also filed departmental appeal to the concerned authority which is still pending. Copy of the departmental appeal is attached as annexure.....E.
6. That appellant further feeling aggrieved and having no other remedy but to file this appeal on the following grounds inter alia.

ON GROUNDS:

- A. That the inaction of the respondents by not releasing salaries of the appellant w.e.f 01.07.2019 is against law, rules and norms of natural justice.
- B. That the appellant have not be treated in accordance with law and rules and as such respondents violated Article 4 and 24 of the constitution of Islamic republic of Pakistan 1973.
- C. That the action of the respondent No.3 amounts to sheer arbitrary and autocratic in nature hence against the norms of natural justice.
- D. That the conduct of respondent No.3 is not only ignoring the competent authority orders but conduct and attitude of the respondents No.3 from such inaction show something unfair means hence also violating the mandatory provision of the constitution that all Govt. departments are duty bound to strictly act in accordance with law.
- E. That its apex court decisions that salary is not bounty that can be stopped at the wishes of high ups.
- F. That the inaction of the respondents by not releasing salaries of the appellant is against Article 38(e) of the Constitution of Islamic republic of Pakistan, 1973.
- G. That the respondents are using colorful exercise of power regarding not releasing the salaries outstanding against the respondents hence this action of the respondents is unwarranted under the law.

3

H. That the appellant seeking indulgence of this honorable Tribunal for intervening in the matter to release immediately the outstanding salaries and clear the bill pending before the respondent No.3 without any cogent reason and the respondent No.3 has no locus standi to stop the bills being clear cut orders of the high ups and competent authority.

I. That the remaining points if any arise during the course of hearing may also be allowed.

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

APELLANT

Ullah
Faizan ullah

THROUGH:

Y
Yasir Saleem

& *Afrasiab*
Afrasiab Khan Wazir
Advocates high Court

Certificate:

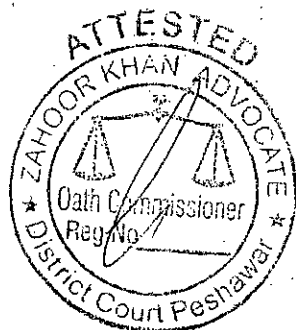
That no earlier appeal is preferred before this august tribunal.

Ullah
Deponent

Affidavit:

I Faizan ullah, resident of district north waziristan, solemnly affirm and declare that the contents of this Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this August Tribunal.

Ullah
Deponent



Annex A (4)


**OFFICE OF THE AGENCY EDUCATION OFFICER,
NORTH WAZIRISTAN AGENCY MIRANSHAH.**

APPOINTMENT ORDER.

Consequent upon on the recommendation of Director Education, FATA vide order dated, 08.14.2015 and departmental selection committee, Mr, Faizan Ullah is hereby appointed against the vacant post of PTC at BCS Maliz Kot on contract basis in BPS-07 (Rs,5800-320-15400) schools mentioned against each on the following terms and condition with effect from the date of taking over charge.

TERMS AND CONDITIONS.

01. His appointments is made on contract basis and liable to be terminated at any time without any notice.
02. He should bring his Medical certificate from Medical Superintendent AHQ Hospital Miranshah.
03. If he failed to assume his charge within 15 days, their order will be treated as cancelled.
04. His original CNIC should be produced to the Accountant local Office.
05. His service will be terminated if he found absent 15 days continuously from the date of taking over charge.



Agency Education Officer,
North Waziristan Agency.

No. 1526-08 /AEO// NWA dated Miranshah the

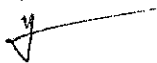
15 1 5 2015.

Copy forwarded to :-

- 01.. The Director Education FATA Warsak Road Peshawar
02. The Agency Accounts Officer North Waziristan Agency
03. The teachers concerned.


Agency Education Officer,
North Waziristan Agency.

ATTESTED



Annex B

(5)

To: The Agency Education Officer
North Waziristan Agency Miranshah

Subject: ARRIVAL/CHARGE REPORT

In the light of Agency Education Officer North
Waziristan Agency Miranshah Vide Order No. 1576-18
Dated: 15 / 5 / 2015 I took over charge as PTC Teacher at
FCS/GPS North Waziristan Kot NWA.

Charge report is submitted for your perusal and further
necessary action.

Your Obediently

Name: Pariz/An allal

Designation: PTC

ATTESTED

✓

6

OFFICE OF THE DISTRICT EDUCATION OFFICER,
NORTH WAZIRISTAN TRIBAL DISTRICT

DUTY / PERFORMANCE CERTIFICATE.

Certified that Mr/Mrst: Paizomullah SIDI Sardar Khan

Is serving is a PTC teacher BPS-12 at GPS /GGPS Naor Khan Kot
since long in the education department. He/She has a good moral character and obedient
He/ She always present in the school during my surprise visit.

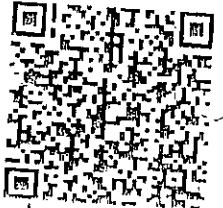

District Education Officer,
North Waziristan tribal district.

ATTESTED





Office of the *Awal*
District Accounts Officer
NORTH WAZIRISTAN MIRAN SHAH
PHONE NO. 0928-300541



No. DAOMRN/NW/2022-23/2301-04

Dated 24/01/2023

To,

The District Education Officer (M)
NW Miran Shah.

**SUBJECT: - CONFIRMATION OF SOURCE-I FORMS & SALARIES OF THE
REGULARIZATION TEACHERS.**

Memo,

Kindly refer to the subject cited above.

The Authorised Representative namely Mr. Abdur Ur Rahim Junior clerk of your office were submitted 14 numbers Source-I Forms and other connected documents for releasing of their salaries at the pre-audit counter section of this office.

The detail of teachers are as under:-

| S. NO | NAME OF EMPLOYEES | PLACE OF POSTING |
|-------|-------------------|------------------------|
| 1 | Abdul Hakeem PST | GPS Pai Khel |
| 2 | Abid Ullah PST | GPS Salman |
| 3 | Sher Zaman PST | GPS Ismial |
| 4 | Fiazan Ullah PST | GPS Noor Khan |
| 5 | Janat Roof PST | GPS Pir Muhammad Salam |
| 6 | Amar Ullah PST | GPS Gul Khan |
| 7 | Yaseen Ullah PST | GPS Assar |
| 8 | Manzoor Ahmad PST | GPS Shershah Doga |
| 9 | Asad Ullah PST | GPS Lawarga. |
| 10 | Waseem Ullah PST | GPS Subat Khan Kot |

It is therefore, requested that the above named regularized teachers may kindly be confirmed / verified and genuine employees of the Education Department before payroll processing for the month of 01/2023 or otherwise please

District Accounts Officer
NW Miran Shah

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Director E&SE Khyber Pakhtunkhwa Peshawar.
3. The Deputy Commissioner NW Miran Shah.
4. Mr. Muhammad Atif Sub Accountant of this office is hereby nominated and personally attend the Education Officer, to verify / confirmed the above named Source Forms from the DEO NW Miran Shah.

District Accounts Officer

ATTESTED

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Amk D
(8)

OFFICE OF THE DISTRICT EDUCATION OFFICER,
NORTH WAZIRISTAN TRIBAL DISTRICT

No. /DEO/NWTD dated Miranshah, the / /2023.
To,

The District Accounts Officer,
NWTD Miranshah.


Subject:- **CONFIRMATION OF SOURCE-I FORMS AND SALARIES OF THE REGULARIZED TEACHERS.**

Memo :-

Kindly refer to your letter No. DAO/MRN/NW/2022-23/2301-04 dated, 24.01.2023 on the subject noted above and to state that the undersigned has already been submitted various source forms of the Community school teachers in the light of Governor directives, various court orders and DE FATA letter received to the office of undersigned time to time and submitted to your good office.

It is further stated that it is a long pending issue and they are performing their duties regularly to the entire satisfaction of the their superiors and they are genuine employees of this office.

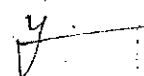
It is therefore, requested in your kind honour that 14 Nos source-1 forms may kindly be processed in the larger interest of justice and public being low paid Govt: servants



District Education Officer,
North Waziristan tribal district.

No. 35835-88 / Dated 24/1/2023

Copy forwarded to :-

01. The Accountant General KPK Peshawar.
02. The Director E&SE KPK Peshawar.
03. The Deputy Commissioner North Waziristan tribal district.
04. Mr, Muhammad Atif Sub Accountant of DAO office .

ATTESTED



District Education Officer,
North Waziristan tribal district.



The Honourable Secy, Edu Distt

Annex E

ICP Peshawar.

(9)

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

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

When a new DEO was posted and stopped all the lengthy correspondence without any legal reason. Therefore it is humbly requested in your gracious honour that a necessary order may kindly be passed to DEO north for release the salaries without stopped by the Ex DEO, for which we are struggling - for the last year.

Dated 1/12/22

Copy to the

- (1) The worthy AG ICP Peshawar.
- (2) The DE(M) Distt ICP
- (3) Distt. Accounts officer north

Yours obediently
 Nasir-ud-din PST & others
 Salma (Cham PST and others)
 Faizan Ullah PST Vice

SO (PE)

Please ask from DEO concerned.

AMITESH

1/12/22

1/12/22

(1)

VAKALATNAMA

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

_____ OF 2023

Razwan Ullah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt of KP & others

(RESPONDENT)
(DEFENDANT)

I/We Razwan Ullah

Do hereby appoint and constitute, **Yasir Saleem & Afrasiab Khan, Advocates High Court, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 31 / 3 / 2023

Oligo

CLIENT(S)

Y

ACCEPTED

YASIR SALEEM

&

AFRASIAB KHAN
ADVOCATES HIGH COURT
PESHAWAR