

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_

780/2023

S.No.

Date of order proceedings

Order or other proceedings with signature of judge

1

2

3

1-

05/04/2023

The appeal of Mr. Rooh 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 to date the fixed.

By the order of Chairman

  
REGISTRAR

# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

## CHECK LIST

Case Title: Rukhullah v/s Health DEPARTT:

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: Yasir Saleem & Afrasiab khan	<input checked="" type="checkbox"/>	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	<input checked="" type="checkbox"/>	
3	Whether appeal is within time?	<input checked="" type="checkbox"/>	
4	Whether the enactment under which the appeal is filed mentioned?	<input checked="" type="checkbox"/>	
5	Whether the enactment under which the appeal is filed is correct?	<input checked="" type="checkbox"/>	
6	Whether affidavit is appended?	<input checked="" type="checkbox"/>	
7	Whether affidavit is duly attested by competent Oath Commissioner?	<input checked="" type="checkbox"/>	
8	Whether appeal/annexures are properly paged?	<input checked="" type="checkbox"/>	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	<input checked="" type="checkbox"/>	
10	Whether annexures are legible?	<input checked="" type="checkbox"/>	
11	Whether annexures are attested?	<input checked="" type="checkbox"/>	
12	Whether copies of annexures are readable/clear?	<input checked="" type="checkbox"/>	
13	Whether copy of appeal is delivered to AG/DAG?	<input checked="" type="checkbox"/>	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	<input checked="" type="checkbox"/>	
15	Whether numbers of referred cases given are correct?	<input checked="" type="checkbox"/>	
16	Whether appeal contains cutting/overwriting?		<input checked="" type="checkbox"/>
17	Whether list of books has been provided at the end of the appeal?	<input checked="" type="checkbox"/>	
18	Whether case relate to this court?	<input checked="" type="checkbox"/>	
19	Whether requisite number of spare copies attached?	<input checked="" type="checkbox"/>	
20	Whether complete spare copy is filed in separate file cover?	<input checked="" type="checkbox"/>	
21	Whether addresses of parties given are complete?	<input checked="" type="checkbox"/>	
22	Whether index filed?	<input checked="" type="checkbox"/>	
23	Whether index is correct?	<input checked="" type="checkbox"/>	
24	Whether Security and Process Fee deposited? On _____	<input checked="" type="checkbox"/>	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	<input checked="" type="checkbox"/>	
26	Whether copies of comments/reply/rejoinder submitted? On _____	<input checked="" type="checkbox"/>	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	<input checked="" type="checkbox"/>	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Yasir Saleem & Afrasiab Khan

Signature: [Handwritten Signature]

Dated: \_\_\_\_\_

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

APPEAL NO. 780 /2023

Rukhullah

VS

HEALTH DEPARTMENT

**INDEX**

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	.....	1-2
2.	Affidavit	.....	3
3.	Appointment order & Application	<b>A</b>	4-5
4.	letters dated 17.01.2019 & 30.04.2019	<b>A1</b>	4-5
5.	letters dated 22.10.2019 & 18.11.2019	<b>B</b>	6-8
6.	Letters dated 11.12.2020 & 13.12.2020	<b>C</b>	9-10
7.	Letter dated 22.11.2021	<b>D</b>	11
8.	Order sheets	<b>E</b>	12-16
9.	departmental appeal	<b>F</b>	17
10.	Vakalatnama	.....	18

  
: APPELLANT

THROUGH:

  
Yasir Saleem

&  
  
Afrasiab Khan Wazir  
Advocate high Court

①

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

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 780 /2023

Case No. 4737

Dated 5/4/2023

Mr. Rukhullah , Chowkidar, in the office of District Health Officer  
District North Waziristan  
.....**APPELLANT.**

**Versus**

1. Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. District Health Officer, District North Waziristan.
3. District Account Officer, District North Waziristan.
4. The secretary Health 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 01.01.2021 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 01.01.2021 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 01.01.2021 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:**

**Filed to-day**

**Brief facts of the appeal are as under:**

**Registered**

1. That the appellant is working as Chowkidar in the respondent department. (Appointment order is attached.....**A**)
2. That the appellant has outstanding salaries against the respondent for which he filed an appeal before the high ups wherein through letter dated 17.01.2019 & 30.04.2019 the secretary health order process it. Copy of letter is attached as annexure.....**A1**)

5/4/23

- 3. That the respondents wrote a letter to Accountant General Khyber Pakhtunkhwa regarding guidance in the matter, whereby the accountant general Khyber pakhtunkhwa gave approval on the following conditions vide dated 18.11.2019 Copy of letter is attached as Annexure.....B.
- 4. That on 11.12.2020 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 13.12.2020 which is still pending. Copy of letter is attached as annexure .....C.
- 5. That the Respondent No.2 sent letters vides dated 22.11.2021 regarding the outstanding salaries but the respondent No.3 is still mum over it. Copy of letter 22.11.2021 is attached as annexure.....D.
- 6. That it is pertinent to mention here that an identical nature case has been decided by the August Tribunal with the direction to the respondents to prepare their outstanding salaries bills to the entitlement of their arrears. Copy of the order sheets are attached as annexure.....E.
- 7. That against the inaction of the respondents with regard to the outstanding salaries of the appellant, he also filed departmental appeal to the appellate authority which is still pending. Copy of the departmental appeal is attached as annexure.....F.
- 8. 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 01.01.2021 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.
- 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 appeal may very kindly be accepted as prayed for.



APELLANT

*[Signature]*  
Rukhullah

THROUGH:

*[Signature]*  
Yasir Saleem

&

*[Signature]*  
Afrasiab Khan Wazir  
Advocates high Court

**Certificate:**

That no earlier appeal is preferred before this august tribunal.

*[Signature]*  
Deponent

**Affidavit:**

I Rukhullah, 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.

*[Signature]*  
**DEPONENT**

Annex A  
(4)

**OFFICE OF THE DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN DISTRICT**

Appott:/Accounts

Dated Miranshah the

/ / 2021

**OFFICE ORDER**

As recommended by the selection committee **Mr. Rokh ullah s/o Muhd. Qadereen Resident of North Waziristan Agency Miranshah** is hereby appointed as Beshli BPS 03 against the vacant Post at Agency Surgeon Office Miranshah, plus usual allowance as admissible under the rules.

His appointment will be on the following terms and condition.

- 1- He is declared medically fit for his job.
- 2- His appointment will be for a period of 03 years on contract/temporary basis from the date of his joining in service and shall be extended on his satisfactory performance & will remain on probation for one year.
- 3- He will be bound to serve or at least 03 years in North Waziristan Agency.
- 4- He will not be indulging in any trade business and any other activity what so ever which has been declared prohibited for the Government Servants in Civil Servant Act 1973.
- 5- If he wished to resign the services a prior notice of 30 days will be submitted, otherwise one month pay shall be deposited in Government treasury through challan.
- 6- He will have to serve anywhere in North Waziristan Agency.
- 7- Salaries should be released after the verification of all the documents by the concerned board/faculty etc:
- 8- He will not be entitled for any TA/DA for joining the service.
- 9- If he accepts the above terms and condition he have to report for duty to the Malaria Center at Agency Surgeon Office Miranshah, North Waziristan Agency within 15 days of the receipt of this officer, otherwise the order will be considered as cancelled.

Sd/-----

**DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN MIRANSHAH**

No. 89083-86 /App

Dated

24/3/2021

Copy to the:-

- 1- Political Agent North Waziristan Miranshah.
- 2- Agency Accounts Officer North Waziristan Agency Miranshah.
- 3- Head Clerk (Accounts Clerk) of this office.
- 4- Official Concerned.

**ATTESTED**

  
**AGENCY SURGEON  
NORTH WAZIRISTAN MIRANSHAH**

To

The District Health Services  
DATA WANSARI ROAD PESHAWAR

Amr A/1 4/1

Subject: Appeal for Release of Salaries

R/Sir, We have the honor to state that our salaries were stopped without any logical reason by the Ex Agency Surgeon. Various reports were submitted to your good office by the Ex Agency Surgeon which is still awaited from your side. In this connection Minister Health up also issued a clear direction to your good office which is also still pending in your office.

In view of the above facts it is humbly requested that our pays may kindly be released for the best interests of public place.

Yours obediently

Lahid Noor Serajudin W/O

- 19<sup>v</sup> Amirullah w/ordruly
- 20<sup>v</sup> Asad w/ordruly
- 21<sup>v</sup> Shohib Ahtaw Beshli
- 22<sup>v</sup> Abrida Devi
- 23<sup>v</sup> Javid Icha Beshli

- 1<sup>v</sup> Zakim Ullah w/ordruly
- 2<sup>v</sup> Sifa tullah w/ordruly
- 3<sup>v</sup> Sihalifi ud din w/ordruly
- 4<sup>v</sup> Shah Faizal w/ordruly
- 5<sup>v</sup> Sadam ud din w/ordruly
- 6<sup>v</sup> Noor Jamal Gul w/ordruly
- 7<sup>v</sup> Nagi Sullat w/ordruly
- 8<sup>v</sup> M. Younus w/ordruly
- 9<sup>v</sup> M. Wali w/ordruly
- 10<sup>v</sup> Lal Baqir w/ordruly
- 11<sup>v</sup> Im dadullah w/ordruly
- 12<sup>v</sup> Hedayatullah w/ordruly
- 13<sup>v</sup> Hazrat Qader w/ordruly
- 14<sup>v</sup> Hasham Rasool w/ordruly
- 15<sup>v</sup> Haroon Iqbal w/ordruly
- 16<sup>v</sup> Hafizullah w/ordruly
- 17<sup>v</sup> Gul Rauf w/ordruly
- 18<sup>v</sup> Gul Qader w/ordruly

ATTESTED  
Attested

- 24<sup>v</sup> Rahim Ullah Beshli
- 25<sup>v</sup> Rasoolullah Chowdhary
- 26<sup>v</sup> Sadiqullah w/ordruly
- 27<sup>v</sup> Rasoolana Devi
- 28<sup>v</sup> M. Tufail Beshli
- 29<sup>v</sup> Idris Ullah Beshli
- 30<sup>v</sup> Numan Ullah Chowdhary
- 31<sup>v</sup> M. Ilyas Beshli

ATT  
ED



Phone: 091-9210106  
FAX: 091-9210212

MERGED AREAS WARSAK ROAD PESHAWAR.  
No. \_\_\_\_\_ /DHS/FATA/Admn Dated: \_\_\_\_\_

To  
✓ The District Surgeon,  
Tribal District, NW.

Subject: APPEAL FOR RELEASE OF SALARIES

ANNEX A<sup>1/2</sup>

It is in reference to a letter of Government of Pakistan, National Commission for Human Rights vide No.08/18/COMP/FATA/NHCR dated 26-12-2018 pertaining to release of outstanding salaries of the appellant Mr. Zahid Noor and others, wherein the commission has vividly referred the order of Supreme Court of Pakistan in captioned case No.16986-G OF 2018 IN THE MATTER OF REG. NON PAYMENT OF SALARIES TO THE STATE EMPLOYEES, the commission further stated that salaries of other 43 persons have already been released by your office vide No.8506-09 dated 10-05-2018.

It is further added that vide your letter No.938 dated 29-04-2016, No.19-10-2016, No.1715/C-2 dated 20-07-2016, 6007/C-2 dated 19-12-2017 and No.6822-23/C-2 vacant position dated 02-01-2018, wherein you have categorically stated that the appellants have not been terminated from services, which has further endorsed by the Agency Accounts officer NW Agency vide his letter No.AAOMR/NWA/2018-19-5085 dated 17-09-2018 and intimated that no record of termination orders of the appellants is available at account office NW Agency.

It is pertinent to mention here that the Minister for Health Khyber Pakhtunkhwa has also been directed the undersigned to release the pay of the appellants i.e Mr. Zahid Noor and others, and Zahidullah and others if stopped without assigning any cogent reason.

Consequent upon above you are hereby directed to give them the termination orders if they are terminated from services; and if not terminated then release their salaries from the date of stoppage without no further delay under intimation to this office in frame of General Financial Rules, as stoppage of pay without assigning cogent reason is illegal.

*Zahidullah*  
Director Health Services  
Tribal Districts, Peshawar  
Dated: 17/12/2018

- No. 713-18 /DHS/FATA/Admn  
CC for information and necessary action to the:
- 1- Registrar Services Tribunal, Peshawar.
  - 2- Coordinator, National Commission for Human Rights w/r to his letter quoted above.
  - 3- PS to Minister Health, Khyber Pakhtunkhwa, Peshawar w/r orders dated 21-12-2018 on the application of appellants.
  - 4- DCO Tribal District, NW
  - ✓ 5- Medical Superintendent DHQ Hospital Miranshah request for same action please.

*Zahidullah*  
Director Health Services  
Tribal Districts, Peshawar

ATTESTED

ATTESTED

*Attested*  
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s, r, a, b

ATTESTED

✓



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

No. SOH-III/1-32/2019/Paramedics  
Dated Pesh: the 30<sup>th</sup> April, 2019

5

To  
District Health Officer,  
North Waziristan District,  
Khyber Pakhtunkhwa.

Subject:- APPEAL FOR RESTORATION OF SALARY ORDER DATED 31-01-2019.

I am directed to refer to the subject cited above and to enclose herewith a copy of application submitted by Mr. Zahid Noor & Zaheenuallah & others (Paramedic staff of North Waziristan District) with the request for favour of further necessary action as per remarks of the Secretary Health, Khyber Pakhtunkhwa recorded on the application, please.

Encls: As above

Encls No. & date even

*[Signature]*  
Section Officer (E-III)

Cc:

1. Director Health Services (Newly Merged Area) Warsak Road Peshawar with the request for further necessary action as per remarks of Secretary Health.
2. PS to Secretary Health Department Peshawar.

*[Signature]*

*[Signature]*  
Section Officer (E-III)

*[Signature]*  
Deputy Surgeon  
North Waziristan District  
Miran Shah

*etc  
Paraw*

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*Attested  
AF - siab*

ATTESTED

*[Signature]*

OFFICE OF THE DISTRICT ACCOUNTS OFFICER  
NORTH WAZIRISTAN (TRIBAL DISTRICT) MIRAN SHAH  
No. DAO/MRN/NWTD/2019-20/3088 Dated 25/10/2019

Annex 6

6

ANNEX B

The Accountant General,  
Khyber Pakhtunkhwa,  
Peshawar.

SUBJECT:- SEEKING OF GUIDANCE REGARDING PAY RELEASE OF  
PARAMEDICS EMPLOYEES OF VARIOUS CATEGORIES OF DHO  
NWTD MIRAN SHAH

Memo,

Kindly refer to the subject cited above.

In this regard it is stated that this office facing problems in payment of pay and allowances of Sixty seven employees of Health Department.

Following is the brief history of the case referred above.

1. The above Sixty seven (67) employees were appointed by the ex-Agency Surgeon in 2011-12.
2. The employees were paid up to 31/08/2012.
3. After that their pay and allowances were stopped with out any legal action and retraced from manual pay bill.
4. The effected employees lodged an appeal before secretary Health KPK and subsequently the Sectary Health directed Director Health services for complete report (Anex "A").
5. The director Health Services sort report from the Agency Surgeon and the Agency Surgeon Submit a Complete report to Director Heath Services FATA (Anex "B").
6. Director Health Services FATA issued order vide No 713-18 dated 17-01-2019 for release of pay to DHO-NWTD (Anex "D")
7. In the meanwhile Director Health Services with drawn his pervious order No 1170-74 dated 31/01/2019 (Anex "E")
8. The effected employees filed writ petition before the Peshawar High Court Peshawar for justice and release their pay and Peshawar High Court issued order in favour of the petitioner for disposing of the case in fortnight (Anex "F").
9. The Petitioner approached to sectary Health for compliance and the sectary Health issued directions to DHO NWTD vide letter NoSOH-

*Attested*  
District Health Officer  
Miranshah Tribal Distt:

ATTESTED  
ATTESTED

ATTESTED  
*Attested*  
AT

11/1-32/2019/Paramedics dated 30/04/2019 for favourable action (Anex "G")

(7)

10. The DHO NWTD made Compliance and released pay vide order No. 1433-37 dated 23/04/2019 and submitted bill to this office



Now this office have creation problems and processing of their claim.

- a. Clear cut the vacancies are not available to adjust all the Petitioners and they desired to adjust the same for pay purpose against other vacant posts le charge nurse etc by DHS FATA Arrear involves (Anex "I")
- b. The DHO NWTD made Advertisement for fresh recruitment in daily Aji dated 03/10/2019 (Anex "J")
- c. The Petitioners lodged fresh suit in the court of senior Civil Judge for interim relief and got statuesque against fresh advertisement (Anex "K")

Keeping in view the above facts this office may be guided to weather release the pay and allowances against the above mentioned posts to avoid COC of the Honourable Court and more prosecution/litigious please.

*Attested*

*[Signature]*  
District Accounts Officer  
NW (Tribal District) Miran Shah

*[Signature]*  
District Health Officer  
Miran Shah Tribal Distt.

*at file*  
*[Signature]*

ATTESTED  
ATTESTED  
*Attested*  
*A7* *siab*

ATTESTED  
*[Signature]*



Office of the  
Accountant General  
Khyber Pakhtunkhwa

(8)

No. H-24 (89)/Miranshah/Vol-II/402

Dated: 18/11/2019

To

The District Accounts Officer,  
North Waziristan (Tribal District)  
Miranshah.

Subject: - SEEKING OF GUIDANCE REGARDING PAY RELEASE OF  
PARAMEDICS EMPLOYEES OF VARIOUS CATEGORIES OF DHO  
NWTD MIRANSHAH.

The undersigned is directed to refer to your office memo NO.DAOMRS/NWTD/2019-20/3056 Dated 22.10.2019 on the subject cited above and to state where that the case is examined in detail and the following points need to be addressed before making payment of arrear of pay & allowance.

- a. The Provincial Government with the collaboration of this office and Director General (MIS) Islamabad implemented the OM (Organizational Management) Module for Provincial side, where in for each sanctioned post, a Position code is allotted by the Finance Department which is used for all type of HR Payments. It may be checked in the system through t-code YOMA005.
- b. A nonpayment certificate from the Department concerned may be obtained and also approach Finance Department Govt. of KP for allocation of funds for payments.
- c. Along with your referred case a letter signed by the Section officer (FATA-II) is received where a cost center PR0049 is mentioned which pertains to AGPR (SO) Peshawar and used for Erstwhile FATA. Against this old cost center PR8129 (Allotted by Finance Department KP), through which 38 employees are drawing their pay up to 31.10.2019, the same may also be elucidated accordingly please.

*Attested*

*Accounts Officer (IAD)*

*[Signature]*  
District Health Officer  
Miranshah Tribal Dist.

ATTESTED  
ATTESTED

*Attes Led*  
*AF*  
*siab*

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Annex E

9



OFFICE OF THE DISTRICT ACCOUNTS OFFICER

NORTH WAZIRISTAN (TRIBAL DISTRICT) MIRANSHAH

No. DAO/MRN/NWTD/2020-21/ 8011

Dated 2/12/2020

To

The District Health Officer  
District North Waziristan.

Subject:

Appeal for Release of Pay in r/o Siraj ud Din & Others & Punching their Sources-II

Kindly refer to the subject noted above and to state that:

- 1) Whether they have been regular and bonafide employees of your department.
- 2) Whether they are performing their duties regularly.
- 3) Whether they were appointed on regular sites or otherwise.
- 4) Whether they are involved in any inquiry.
- 5) Whether their salaries were stopped due to non-opening of their bank accounts or otherwise.

Therefore, it is further requested a clear-cut decision may kindly be intimated to this office for further process the case and also after fulfilling the above observations, kindly submit all bills/source II forms to process in the matter being low-paid Govt employees.

*[Signature]*  
District Account Officer  
North Waziristan Tribal District

ATTESTED

ATTESTED

*[Signature]*  
Attested  
A. J. P. S. C. A.

4

10

**OFFICE OF THE DISTRICT HEALTH OFFICER NORTH WAZIRISTAN TRIBL DISTRICT**

No. 6070/DHO/NWD/MRN/

Dated 13/12/2020

To  
The District Account Officer  
North Waziristan District

Subject- APPEAL For RELEASE OF PAY IN R/o Sirajud din and others and Punching their source II forms

Kindly refer to your letter dated 11-3-2021 on the subject noted above and to state that

- 1- They are regular and bonafide employees of this department
- 2- They are performing their duties regularly to the entire satisfaction of their superiors.
- 3- They have appointed on regular sides.
- 4- They are not involved in any type of inquiry i.e Anti Corruption and NAB etc
- 5- Their salaries have been stopped due to non opening of bank accounts as intimated by your good office vide letter dated 22-1-2021 and 18-2-2021 (Copy attached)

It is therefore requested the observations has been removed by the under sign and verified the source forms and re submitted to your good office for further necessary actions being low paid Government servants and to perform their duty with zeal more than this.



District Health Officer  
Tribal District Miranshah

ATTESTED

ATTESTED

Attest  
AF

ATTESTED



Amir D  
11

**OFFICE OF THE**

**AZIRISTAN AT MIRANSHAH**

No. 76365 /DHO/Court Case

Dated Miranshah the: 22 /11/2021

To

The District Accounts Officer  
District North Waziristan.

Subject: Appeal for Release of Pay in r/o Siraj ud Din & Others & Punching their Source-III

Reference your letter No. 864 Dated 18/11/2021 on the subject noted above and to state that the salaries of Health employees of various cadres are performing their duties regularly under the control of the undersigned. They are the bonafide employees of this Office and there is no complaint/Inquiry against them. Their salaries have been **stopped due to non-opening of bank accounts** as intimated by your good office vide letter dated 18/02/2021. The then DHO has already intimated the same through various letters from time to time (copies attached) but the issue still persists.

Further to resolve the subject case once for all, various letters by the DHS erstwhile FATA, Secretary Health and AG KPK are attached for ready references.

In continuation to the above this office has also intimated the same vide letter No. 433-37 Dated 24/04/2019 and letter No. 4283 Dated 17/09/2020 (copies attached) to resolve the issue of pay release.

In addition to the above all correspondence, the subject case had already been inquired and scrutinized for further authentication through an Inquiry committee by the then DHO DNW, the report of which had already been communicated with your good office (copy attached).

In view of the above facts, it is requested that the out standing salaries of the employees may kindly be released against the newly created position codes so that the employees may feel at ease and perform their duties regularly with zeal more than this.

*Attested*

District Health Officer  
North Waziristan at Miranshah

District Health Officer  
Miranshah Tribal Dist.

ATTESTED

ATTESTED  
*Attested*  
*AT*

ATTESTED





APPLICATION FOR THE IMPLEMENTATION  
OF ORDER AND JUDGMENT DATED 19.07.2022  
IN ALL ABOVE CONNECTED SERVICE  
APPEALS.

Respectfully Sheweth:

1. That above titled service appeals were pending adjudication before this Hon'ble Tribunal and was fixed for hearing on 19.07.2022.
2. That on the date fixed representative of the respondents appeared and produce copy of office order dated 01.02.2020 vide which directions were issued with regard to the payment of outstanding salaries of the applicants. (Copy of office order dated 01.02.2020 is attached as annexure A).
3. That in the light of new development all the appeals were disposed of accordingly vide order dated 19.07.2022. (Copies of order dated 19.07.2022 of all the applicants is attached as annexure B).
4. That thereafter, the applicants approached the respondents and requested for release of their outstanding salaries. In response to the request the department released only the salaries of Zahid Noor Service Appeal No. 1240 & Zabi Ullah Service Appeal No. 1255 and their outstanding salaries have not yet been issued. However the rest of

ATTESTED  
 ATTESTED  
 ATTESTED  
 ATTESTED

Attested  
 A7 5/10/22

x

*[Signature]*

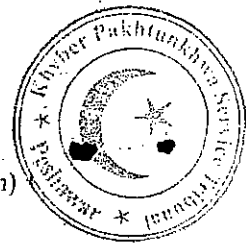
10<sup>th</sup> Oct, 2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Implementation report not submitted. Respondents are directed to submit implementation report on the next date positively. Last chance is given. To come up for implementation report on 30.11.2022 before S.B.

9

(Kalim Arshad Khan)  
Chairman



30<sup>th</sup> Nov, 2022

1. Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Muhammad Atif, District Accounts Officer, Miranshah for respondents present.

02. Learned AAG referred to an office order No. 6692-95/DHO dated 11.01.2021 annexed with the reply submitted by the respondents, wherein District Health Officer, Tribal District Miran Shah had ordered pay releasing/adjustment of the petitioners from the date of stoppage against the clear vacant post for the pay purposes till the availability of their original posts accordingly. In view of the said order, learned counsel for the petitioner does not press this petition for the time being and requests that in case his grievances are not resolved he may be allowed to re-agitate the matter. Disposed of accordingly. Consign.

03. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 30<sup>th</sup> day of November, 2022.

*(Signature)*  
(Kalim Arshad Khan)  
Chairman

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

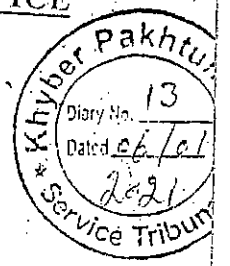
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AT

Number of Presentation of Application: 26/12/22  
Date: 26/12/22  
26/12/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

(15)

Execution No. 15/2020



- 1. Farhatullah Service Appeal No. 1257.
- 2. Hashim Faraz Service Appeal No. 1264
- 3. Shahid Ullah Service Appeal No. 1252
- 4. Kaleemullah Service Appeal No. 1246
- 5. Zabi Ullah Service Appeal No. 1255
- 6. Zahid Noor Service Appeal No. 1240

Applicants

VERSUS

- 1. Director Health Services Tribal Peshawar
- 2. District Health Officer North Waziristan
- 3. Secretary Finance Peshawar
- 4. District Account Officer Tribal District North Waziristan

Respondents

APPLICATION FOR THE IMPLEMENTATION  
OF ORDER AND JUDGMENT DATED 26.11.2020  
IN ALL ABOVE CONNECTED SERVICE  
APPEALS.

ATTESTED  
ATTESTED

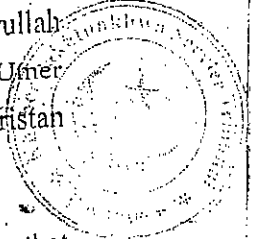
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Certified to be true  
Khyber Pakhtunkhwa  
Service Tribunal

30<sup>th</sup> May, 2022

(15)

(16)




1. Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Umer Hayat Khattak, District Accounts Officer, North Waziristan Miran-Shah for respondents present.

2. Representative of the respondents submits that although by administrative order, the salaries of the petitioners were shown to have been released and on the basis of such an order, the appeals were disposed of yet the department has not filed source form of some of the petitioners. Therefore, respondent No.2 shall submit the source form of the petitioners according to their entitlement to respondent No.4 for preparation and release of the outstanding salaries and arrears if any within thirty days of this order.

3. Disposed of in the above terms. Consign..

4. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 30<sup>th</sup> day of May, 2022.

  
(Kalim Arshad Khan)  
Chairman

Date of Presentation of Application 30/5/22


Number of Words 800

Page 10/10

Page 10/10

Date of Delivery of Copy 01/6/22

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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**VAKALATNAMA**

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

\_\_\_\_\_ OF 2023

Rouichullah

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

State of KP & others

(RESPONDENT)  
(DEFENDANT)

I/We Rouichullah

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. 1/1/4 /2023

\_\_\_\_\_  
**CLIENT(S)**

Y  
**ACCEPTED**

**YASIR SALEEM**

**&**

**AFRASIAB KHAN**

**ADVOCATES HIGH COURT**

**PESHAWAR**