


## FORM OF ORDERSHEET

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

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

797/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	10.04.2023	<p>As per direction of the Worthy Chairman the present appeal is fixed for preliminary hearing and decision on office objections before Single Bench at Peshawar on 11-04-2023. Counsel for the appellant be informed accordingly.</p> <p style="text-align: right;"> REGISTRAR</p>

Respected Sir,

It is submitted that the present appeal was received on 31.01.2023 after thoroughly scrutinizing the same many deficiencies were found in it which was returned to the counsel for the appellant for completion and resubmission within 15 days which was to be resubmitted on 15-02-2023 but counsel for the appellant re-filed the same today on 04.04.2023 late by 48 days.

The appeal is submitted to your Honour under rule-7(c) of Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

REGISTRAR

04/04/2023

Worthy Chairman

All Three

PH +

O/O → filed




10/4/23

The appeal of Mst. Hanifa LHV in the office of the D.H.O N.W received today i.e. on 31.01.2023 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Copy of appointment order of the appellants is not attached with the appeal which may be placed on it.
- 2- Copy of appeal for release of salary made by the appellants and letters mentioned in para-1 of the memo of appeal in respect of appellants are not attached with the appeal which may be placed on it. Annexure-A is letter about the salary of one Zahid Noor but not a letter about the release of salary of present appellants.
- 3- Copy of pay bill for activation of salary and observation of respondent no.3 in respect of appellants mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it. Annexure-C is letter about the salary of one Siraj ud Din but not about the present appellants.

No. 489 /S.T.

Dt. 01/02 /2023

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

M. Afrasiab Khan Adv.  
High Court Peshawar.

- R/s. (1) Copy of appointment order is attached with appeal.
- (2) Copy of appeal for release of salary is attached with the memo of appeal.
- (3) Copy of pay bills of salary & observation is attached in the appeal already in shape of bills.  
Re submitted to day.

  
Afrasiab

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

APPEAL NO. 797 /2022

**Hanifa** VS **HEALTH DEPARTMENT**

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*Handwritten signature*  
**APPELLANT**

**THROUGH:**

*Handwritten signature*  
**Yasir Saleem**  
&  
*Handwritten signature*  
**Afrasiab Khan Wazir**  
**Advocate high Court**

(1)

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

Service Appeal No. 797/2022

Mst.Hanifa , L.H.V, 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.

.....**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 01.04.2022 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 01.04.2022 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 01.04.2022 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 L.H.V in the respondent department.
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.....**A**
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.

(3)

- 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

*nee*  
Hanifa

THROUGH:

*Y*  
Yasir Saleem  
&

*Afrasiab*  
Afrasiab Khan Wazir  
Advocates high Court

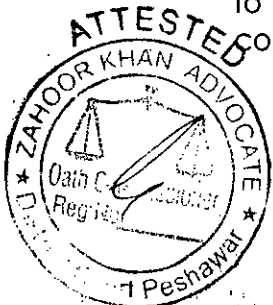
**Certificate:**

That no earlier appeal is preferred before this august tribunal:

*nee*  
Deponent

**Affidavit:**

I Hanifa 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.



*nee*  
DEPONENT

Aux A (4)

OFFICE OF THE AGENCY SURGEON  
NORTH WAZIRISTAN AGENCY AT MIRANSHAH

App/Accounts

Dated Miranshah the

28-1/01/2012

**OFFICE ORDER**

As recommended by the selection committee Mst. Hanifa D/O Qismat Ullah resident of Village Darpa Khel North Waziristan Agency, is hereby appointed as LHV BPS-09(6200-380-17600) against the vacant Post at MCH Amir Rehman Kot plus usual allowance as admissible under the rules.

Her appointment will be on the following terms and condition.

- 1- She is declared medically fit for his job.
- 2- Her appointment will be for a period of 03 years on contract/temporary basis from the date of her joining in service and shall be extended on her satisfactory performance & will remain on probation for one year.
- 3- She will be bound to serve or at least 03 years in North Waziristan Agency.
- 4- She 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 she 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- She 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- She will not be entitled for any TA/DA for joining the service.
- 9- If she accepts the above terms and condition she have to report for duty to at MCH Amir Abdur Rehman Kot North Waziristan Agency within 15 days of the receipt of this officer, otherwise the order will be considered as cancelled.

Sd/—

(Dr. Azam Khan)  
AGENCY SURGEON,  
NORTH WAZIRISTAN AGENCY

112/2012

No. 368-71 /App

Dated

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.

AGENCY SURGEON  
NORTH WAZIRISTAN AGENCY



The Director Health Services

DATA Warsak road Peshawar

Subject: Appeal for release of salaries

We have the honour to state that our pays were stopped without cogent reason. In this connection various reports were submitted thru agency purgana which is still pending in your office. In this regard the Minister Health is issued direction to your good office which is also still pending in your office.

In view of the above facts you are therefore requested that a n/orden may kindly be passed to the extent for release of our pays. We shall be grateful to you for this regard.

Thank

Yours sincerely

Lahid Noori & Serajud din  
Partners

- |                     |                      |                        |                       |                      |                      |                       |                         |                       |                   |                       |                        |                     |                        |                          |                     |                     |                     |                     |                      |                      |                     |                             |                       |                         |                      |                         |                        |                      |                      |                        |                      |                     |                        |                       |                      |                          |               |                        |                           |                          |                       |                       |                     |                      |                       |                      |                      |                         |                       |                     |
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| 22. Zaidullah Tech. | 23. Kamal Nabi Tech. | 24. M. Naik Shah Tech. | 25. Serajud din Tech. | 26. Abdulmalik Tech. | 27. Wasimullah Tech. | 28. Abdul Wahab Tech. | 29. Taimoor Ishaq Tech. | 30. Ghani Ishaq Tech. | 31. Mst Saade LHV | 32. Minadun Gul Tech. | 33. Shahabud-din Tech. | 34. Zaidullah Tech. | 35. Zahoor Ahmed Tech. | 36. M. Nabi Health Tech. | 37. M. Haseeb Tech. | 38. Mst Hanifa LHV. | 39. Amirullah Tech. | 40. Mst. Sajida LHV | 41. Bilal Alam Tech. | 42. Mehdiullah Tech. | 43. A.H.ullah Tech. | 44. Zahinullah Dental Tech. | 45. Baekhtullah Tech. | 46. Atiqur-Rehman Tech. | 47. Sejadullah Tech. | 48. Abidur-Rehman Tech. | 49. Ayub. Rehman Tech. | 50. Asjadullah Tech. | 51. Afzalullah Tech. | 1. Mubeen Ahmad Clerk. | 2. Rashidullah Tech. | 3. Goharullah Tech. | 4. Masroor Ishaq Tech. | 5. Abrar-ud-din Tech. | 6. Abdul Samad Tech. | 7. Bariullah Ishaq Tech. | 8. Ahida LHV. | 9. Jamshid Ahmad Tech. | 10. Ishaq ur-Rehman Tech. | 11. Javed Alam Lab Tech. | 12. M. Saleem - Tech. | 13. Serajud Haq Tech. | 14. Anamullah Tech. | 15. Jehadullah Tech. | 16. Farhadullah Tech. | 17. Amir Saied Tech. | 18. Javed Nabi Tech. | 19. Inzham ur-din Tech. | 20. Moim ur-din Tech. | 21. Rezaullah Tech. |
|---------------------|----------------------|------------------------|-----------------------|----------------------|----------------------|-----------------------|-------------------------|-----------------------|-------------------|-----------------------|------------------------|---------------------|------------------------|--------------------------|---------------------|---------------------|---------------------|---------------------|----------------------|----------------------|---------------------|-----------------------------|-----------------------|-------------------------|----------------------|-------------------------|------------------------|----------------------|----------------------|------------------------|----------------------|---------------------|------------------------|-----------------------|----------------------|--------------------------|---------------|------------------------|---------------------------|--------------------------|-----------------------|-----------------------|---------------------|----------------------|-----------------------|----------------------|----------------------|-------------------------|-----------------------|---------------------|

ATETSTED

ATETSTED

Phone: 091-9210106  
FAX: 091-9210212

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

To  
✓ The District Surgeon,  
Tribal District, NW.

4  
A-4  
ANNEX A

Subject: APPEAL FOR RELEASE OF SALARIES

It is in reference to a letter of Government of Pakistan, National commission for Human Rights vide No.08/18/COMP/FATA/NHCR dated 26-12-2013 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.8506-99 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.AAO/MRN/NWA/2018-19-3085 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 zaheerullah 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.

*Zahid Noor*  
Director Health Services  
Tribal Districts, Peshawar  
Dated: 17/01/2019

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 vide to his letter quoted above.
- 3- PS. to Minister Health, Khyber Pakhtunkhwa, Peshawar w/h 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.

*Zahid Noor*  
Director Health Services  
Tribal Districts, Peshawar

*atc  
Zahid*

ATTESTED

ATTESTED  
*Attested*  
A  
*mas*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

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

(5)

To *J*  
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 & Zaheenullah & 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

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

Encls No. & date even

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]*  
Miran Shah

*C + 2  
Paroviz*

ATTESTED

ATTESTED

*Attested  
A7  
[Signature]*

OFFICE OF THE DISTRICT ACCOUNTS OFFICER  
NORTH WAZIRISTAN (TRIBAL DISTRICT) MIRAN SHAH  
No. DAO/MRN/NWTD/2019-20/3088 Dated 22/10/2019

~~ANEX B~~ 6

6

ANEX B

To,

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 Health 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  
Miran Shah Tribal Distt.

ATTESTED

ATTESTED

*Attested*  
A7

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

7

10. The DHO NWT'D 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 ie charge nurse etc by DHS FATA Arrear involves (Anex"I")
- b. The DHO NWT'D made Advertisement for fresh recruitment in daily Aij dated 03/10/2019 (Anex"J")
- c. The Petitioners lodge 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:

*of file*  
*[Signature]*

**ATTESTED**  
**ATTESTED**

*Attested*  
*A7* *siab*



Office of the  
Accountant General  
Khyber Pakhtunkhwa

8

No. H-24 (89)/Miran Shah/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.DAO/MS/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.

- 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.
- A nonpayment certificate from the Department concerned may be obtained and also approach Finance Department Govt. of KP for allocation of funds for payments.
- 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*

*[Signature]*  
18/11/19  
Accounts officer (IAD)

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

*[Signature]*  
Narain

ATTESTED

ATTESTED

*Attest*  
A7  
sicab



OFFICE OF THE DISTRICT ACCOUNTS OFFICER  
NORTH WAZIRISTAN (TRIBAL DISTRICT) MIRANSHAH  
No. DAO/MRN/NWTD/2020-21/ 8011  
Dated 1/13/2021

Amir E

9

To

The District Health Officer  
District North Waziristan.

Subject:

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

*Siraj ud Din*  
District Account Officer  
North Waziristan Tribal District

ATTESTED

ATTESTED

*Attested*  
*AZ*

10

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

No. 6020/DHO/NWD/MRN/

Dated 13 /12/2020

To

The District Account Officer

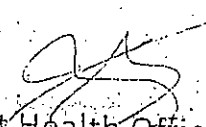
North Waziristan District

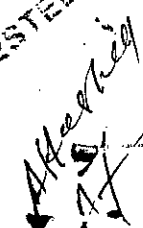
Subject **APPEAL For RELEASE OF PAY IN R/o Sirajud din and others and Punching their source II forms**

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



Annex D  
①①

**OFFICE OF THE**

**AZIRISTAN AT MIRANSHAH**

Dated Miranshah the: 22 /11/2021

No. 16365 /DHO/Court Case

To  
The District Accounts Officer  
District North Waziristan.

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

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. 1433-37 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*

*[Signature]*  
District Health Officer  
North Waziristan at Miranshah

*[Signature]*  
District Health Officer  
Miranshah Tribal Distt

**ATTESTED**

ATTESTED  
*Attested*  
*AJ*

Annex E (12)



**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Petitioner No. 482/  
Execution No. \_\_\_\_\_/2022

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 1087  
Dated 23/8/2022

Haji Akbar Service Appeal No. 1244/2018

.....Applicant

**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

**ATTESTED**

ATTESTED  
  
OFFICER  
Khyber Pakhtunkhwa  
Service Tribunal

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

**ACCEPTED**

Accepted  
A. J. S. Das

ACCEPTED  
A. J. S. Das

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.

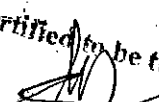
02. Learned AAG referred to an office order No. 6692-95/DHO dated 11.01.2021 annexed with the reply submitted by the respondents, wherein District Health Officer, Tribal District Miran Shah had ordered pay releasing/adjustment of the petitioners from the date of stoppage against the clear vacant post 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.

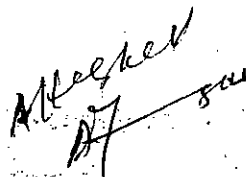
03. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 30<sup>th</sup> day of November, 2022.

  
(Kalim Arshad Khan)  
Chairman

ATTESTED

ATTESTED

Certified to be true copy  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

  
M. Akbar  
D. J. Saeed

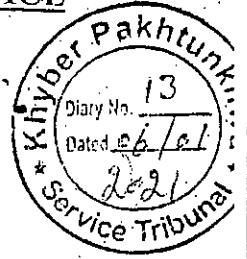
Number of Presentation of Application: 26/12/22  
Date of Presentation: 26/12/22  
Date of Decision: 26/12/22  
Date of Appeal: 26/12/22  
Date of Revision: 26/12/22  
Date of Review: 26/12/22  
Date of Appeal: 26/12/22  
Date of Revision: 26/12/22  
Date of Review: 26/12/22

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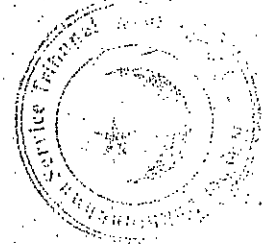
15

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**



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

Attested  
AZ was

Certified to be true copy

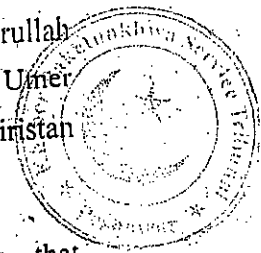
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal

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

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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.

*(Signature)*  
(Kalim Arshad Khan)  
Chairman

Date of Reception of Application 30/5/22  
No. of Bundles 850  
No. of Pages 10/1  
No. of Copies 10/1  
Date of Delivery of Copy 01/6/22

Certified to be true copy  
*(Signature)*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ATTESTED  
ATTESTED

*(Signature)*  
Attested  
AF siab

جواب - مندرجہ ذیل پتے پر لکھنا اور

(16)

موضوع :- درخواست برائے ریٹائرمنٹ اور سیکرٹری

مذکورہ کی جاتی ہے کہ میرا تنخواہ لکھنے کی وجہ سے مہینے A.S. نے بند کیا ہے  
اور جسے سرجن اس کے خلاف میں نے ڈیپوٹیشن لکھی ہے اور اس کو واپس لیا  
تو DGH نے رپورٹ مانگنے کے بعد میرا تنخواہ ریٹائرمنٹ کیا۔ تو اس کے بعد  
میں ریٹائرمنٹ نارٹونے انکو اسٹری معترض کیا۔ تو اس نے بھی میرا  
حق تسلیم کیا۔ کہ اس کے تنخواہ کو فوراً ریٹائرمنٹ کیا جائے۔

تنخواہ ریٹائرمنٹ کے بعد میں اکاؤنٹس اینڈ اینڈ میں جمع کیا تو گاؤنٹس  
انہیں نے کچھ اعتراضات کے ساتھ میں واپس کیا اور جسے سرجن نے  
اعتراضات دور کرنے میں دو ماہوں کاؤنٹس اینڈ میں جمع کیا۔  
میں نے اکاؤنٹس اینڈ میں ایک شہدائی لکھ کر دیا۔  
اکاؤنٹس جنرل نے یہ کو واپس لیا تو AG نے Accounts  
اینڈ نارٹونے کو واضح جوابات جاری کر دیا گیا۔ لیکن یہ بھی کوئی ریٹائرمنٹ  
نہیں ملا۔

خود ادرہ کے سربراہ سے استفسار کیا کہ DGH نارٹونے اور AG  
انہیں سہارا دے کر تنخواہ ریٹائرمنٹ کے احکامات صادر فرما کر  
شکر فرماویں۔

تاریخ 3/10/2022

سید ناصر حسین  
صفیہ  
صفیہ

ATTESTED  
ATTESTED  
Attestal  
A7 swab

18

POWER OF ATTORNEY

In the Court of Supreme Tribunal 1st

Mst Hanifa

- For Plaintiff
- Appellant
- Petitioner
- Complainant

VERSUS

Smt of 1st Lotter

- Defendant
- Respondent
- Accused

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_ Fixed for \_\_\_\_\_

I/We, the undersigned/ \_\_\_\_\_ do hereby nominate and appoint **YASIR SALEEM ADVOCATE HIGH COURT**, my true and lawful attorney, for me in my name and on my behalf to appear at \_\_\_\_\_ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, an appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc. and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at \_\_\_\_\_ the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_ Executant/Executants \_\_\_\_\_ Accepted subject to the terms regarding fee \_\_\_\_\_

**YASIR SALEEM**  
Advocate High Court

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOR LAW CONSULTANT  
FR-4, Fourth Floor, Bileur Plaza, Saddar Road, Peshawar (Canal)



**VAKALATNAMA**

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

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

Mst Hamid

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Health Dept

(RESPONDENT)  
(DEFENDANT)

I/We

Mst Hamid

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. \_\_\_\_\_/\_\_\_\_\_/2023

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

\_\_\_\_\_  
**ACCEPTED**  
**YASIR SALEEM**  
**&**  
**AFRASIAB KHAN**  
**ADVOCATES HIGH COURT**  
**PESHAWAR**