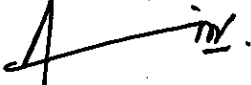


FORM OF ORDER SHEET

Court of _____

Appeal No. 1171/2023

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 25/05/2023 | <p>The appeal of Mst. Safia resubmitted today by Mr. Javed Ali Muhammadzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p> |

The appeal of Mst. Safia Wife of Yar Muhammad, r/o Bijli Ghat Tehsil and District Mardan received today i.e on 18.05.2023 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days:

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- The law under which appeal is filed is not mentioned.
- 4- Addresses of appellatant as well as respondent no. 2. are incomplete which be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 5- Annexure-A of the appeal is illegible which may be replaced by legible/better one.

No. 1445 /S.T.

Dt. 19/5 /2023.

A *ml*

FOR REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Javed Ali Mohammadzai Adv.
High Court Peshawar.

25/5/23

Sir, Resubmitted after complatnce.

Javed Ali

Javed Ali Muhammad zai

Advo, Pesh

BEFORE THE HONOURABLE
SERVICE TRIBUNAL KPK PESHAWAR

1171/2023

Safia

(Appellant)

V E R S U S

Director General (Health), KP and others

(Respondents)

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| 1 | Service Appeal | | 1-3 |
| 2 | Affidavit | | 4 |
| 3 | Copy of Appointment Letter | A | 5 |
| 4 | Copy of Departmental Appeal | B | 6 |
| 5 | Wakalat Nama | | 7 |

Safia
Appellant

Through

Javed Ali
Javed Ali Mohammadzai
Advocate High Court,
Peshawar

Dated: 15.05.2023

①

**BEFORE THE HONOURABLE
SERVICE TRIBUNAL KPK PESHAWAR**

Appeal no. 1171/2023

Safia wife of Yar Mohammad

R/o Bijli Ghar, Tehsil & District Mardan

(Appellant)

V E R S U S

- 1) Director General (Health), Khyber Pakhtunkhwa
Peshawar
- 2) ~~Director~~ ^{Executive} Health, Officer, Mardan
- 3) District Health Officer, Mardan

(Respondents)

U/S 4 KPK Service Tribunal Act 1976

**Appeal against the withholding of monthly
salary of appellant by respondents since
February 2023.**

Respectfully Sheweth,

- 1) That the appellant was appointed by respondent's department in BPS-03 as "DAI" on 28.01.2008 and posted as such at CD Bijli Ghar Mardan. (Copy of appointment order is attached as Annexure A)
- 2) That since her appointment the appellant is performing duties with her ability and zeal and

never provided a single opportunity of complaint to her superiors.

- 3) That since month of February 2023 the respondents without any written office order stopped the salaries of the appellant.
- 4) That being so, on 2nd March 2023 the appellant approached to the respondent No. 1 for release of her monthly salaries, but the same has not been decided in the statutory period, hence this appeal on the following amongst other grounds. (Copy of Departmental Appeal is attached as Annexure B)

Grounds:

- A: That the act of stoppage of salaries of the appellant by respondents is illegal, based on malafide, un-constitutional, in-constant was law and rule on subject.
- B: That the impugned act of the stoppage of salaries of the appellant is not only in violation of law of land i.e. Section 17 of KPK Civil Servant Act 1973 but also against Islamic teachings.
- C: That the impugned act also against the mandate of Constitution of Pakistan.

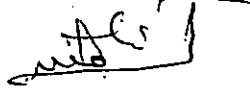
3

D: That as per, constitution of land, the impugned act also amounts of deprivation of life of the appellant.

It is, therefore, humbly requested that on acceptance of this appeal, the respondents may kindly be directed to release the salaries of the appellant forthwith.

See
Appellant

Through



Javed Ali Mohammadzai
Advocate High Court,
Peshawar

Dated: 15.05.2023

(4)

**BEFORE THE HONOURABLE
SERVICE TRIBUNAL KPK PESHAWAR**

Safia

_____ (Appellant)

V E R S U S

Director General (Health), KP and others

_____ (Respondents)

AFFIDAVIT

I, **Safia** wife of Yar Mohammad R/o Bijli Ghar, Tehsil & District Mardan, do hereby solemnly affirm and declare on oath that the contents of the instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble tribunal.



CNC 716101-6315760-6

DEPONENT

Safia

18 MAY 2023

5

Mst. Safia W/O Yar Muhammad is hereby appointed as Dal BPS-3 plus usual allowances as admissible under the rules against the vacant post of Dal BPS-3 at CD Biligar on the following terms and conditions:

Terms & Condition

Ann - (A)

1. Her appointment is purely on contract basis for probation period of initially one year and is liable to terminate at any time without assigning any notice or reason.
2. Her services can be dispensed with during the probation period, if her work and conduct found unsatisfactory.
3. Her appointment will be subject to medical fitness and verification of character and attendance.
4. She will not be entitled to any TA/DA for Medical examination and joining the first appointment.
5. She will be governed by such Service rules and order as framed by the Government from time to time for the category of government servants to which she belongs.
6. As laid down vide Govt. of NWFP E&D Act - 2 vide S&GAD Notification No. SO-6 (E&AD) 1-13 dated 10-08-2005 and also according to the Finance Department Notification No. 8015-8/2006-07/ED dated 13-12-2006, he will not be entitled pension or Gratuity, however in lieu thereof, will be entitled to receive such amount contributed by him towards the contributory provident fund (CP Fund) along with the contributions made by the Govt. of her account in the said fund.
7. If She wishes to resign His/Her service, she will submit her resignation in writing or one month salary in lieu thereof to Govt. Treasury, however she will continue to serve the Govt. till her resignation is accepted by the competent authority.

If she accepts the above-mentioned terms and conditions, she should report to the Incharge CD Biligar for duty on her own expenses within seven days after the receipts of her letter otherwise her appointment order will be considered as cancelled.

Sd/-
Executive District Officer,
(Health) Mardan.
28/1/2008

No. 247-52 /EDO (H), Mardan dated the

A copy is forwarded to the Chief Minister NWFP for information w/r to letter No SO/II/CMS.NWFP/1-7/2008/17206 dated 27th September 2008.

1. District Coordination Officer, Mardan.
2. District Account Officer, Mardan.
4. MO Incharge CD Biligar.

6. Mst. Safia W/O Yar Muhammad Khan R/O Gulr Bagh District Mardan for information and n/action.

Sd/-
Executive District Officer,
(Health) Mardan

Attested
[Signature]

Mst. Safia W/o Yar Muhammad

Mardan is hereby appointed as Dai BPS-3 plus usual allowances as admissible under the rules against the vacant of Dai BPS-3 at CD Bijligar on the following terms and conditions:-

Terms & Conditions:

1. Her appointment is purely on contract basis for a probation period of initially one year and is liable to terminate at any time without assigning any notice or reason.
2. Her services can be dispensed with during the probation period, if her work and conduct found unsatisfactory.
3. Her appointment will be subject to medical fitness and verification of character and attendance.
4. She will not be entitled to any TA/DA for Medical examination and joining the first appointment.
5. She will be governed by such Service rules and order as framed by the Government from time to time for the category of government servants to which she belongs.
6. As laid down vide Govt; of NWFP E&D Act-2 vide S&GAD Notification No. SO-6 (E&AD) 1-13 dated 10.08.2005 and also according to the Finance Department Notification No. 801/5-8/2006-07/FD dated 13.12.2006, she will not be entitled pension or Gratuity, however in lieu thereof, will be entitled to receive such amount contributed by her towards the contributory provident fund (CP Fund) along with the contributions made by the Govt. of her account in the said fund.
7. If She wishes to resign His/Her service, she will submit her resignation in writing or one month salary in lieu thereof to Govt. Treasury, however she will continue to serve the Govt; till her resignation is accepted by the competent authority.

If she accepts the above mentioned terms and conditions, she should report to the Incharge CD Bijligar for duty on her own expenses within seven days after the receipt of her letter otherwise her appointment order will be considered as cancelled.

Attest
Attested

Executive District Officer,
(Health) Mardan

No. 247-52/EDO(H), Mardan

dated the 28.01.2008

A copy of forwarded to the:

1. PS-II to Chief Minister NWFP for information w/r to letter No. SOII/CMS.NWFP/1-7/2008/17206 dated 27th September, 2008.
2. District Coordination Officer, Mardan
3. District Account Officer Mardan
4. MO Incharge CD Bijligar
5. Accountant EDO (N) Office Mardan
6. Mst. Safia W/o Yar Muhammad Khan R/o Guli Bagh District Mardan for information and n/action.

Executive District Officer,
(Health) Mardan

(6)
Ann-B حضور جناب ڈائریکٹر پیلیٹری جیٹن خواہ پشاور

محکمہ اسپل

جناب عالی! موربانہ عرض ہے کہ سائیدہ اربیلانٹ

کامایوار تنخواہ ڈی۔ ایچ۔ او ڈیٹو سردان

نے بغیر لسی و پرو جواز اور نیز بغیر لسی

Written آفس آرڈر کے ماہ فروری 2023

سے بند / Stop کیا ہوا ہے اور یہ کہ سائیدہ اربیلانٹ

بہ قاعدہ سے اپنی ڈیوٹی اہل طریقے سے ادا کر رہی ہے

نیز سائیدہ کی کامیوار کی بندش نہ صرف

غیر اسلامی ہے بلکہ معرکہ قانون کے خلاف ہے

بہذا استدعا ہے کہ منظور ہو اسل بند

سائیدہ اربیلانٹ کی کامیوار تنخواہ کو جاری / release

رہنے کا حکم فرمایا گیا۔ عین نوازشی ہوگی

2-3-2023

سماہ صغیر، دائی C.D بجلی گھر سردان

Sees

Attested
آئی جی

وکالت نامہ

بعدالت سرورس سرینوئل صومہ فیروز پور ہلال آباد

مورثہ 23-5-18 (سرورس لیس)

مقدمہ

دعویٰ

م

LB-10-9822

CANL = 17101-5092273-5

B Mobile, 03339064763

مخاتب
بنام حکومت

باعث تحرے آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ پیروی و جواب وہی وکل کاروائی، متعلقہ
آن مقام اشارہ کیلئے جاوید علی محمد زکی + ولی اللہ ابراہیم

مقرر کر کے اقرار کیا جاتا ہے کہ وکیل موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار حاصل ہوگا
نیز وکیل صاحب کو عرضی دعویٰ داخل کرنے، اجواب دعویٰ، اپیل، نظر ثانی کا بھی اختیار حاصل ہو
گا نیز وکیل صاحب بصورت ڈگری برخلاف من اختیار و چندہ اپیل، نگرانی، نظر ثانی از عدالت ابتداء
تا عدالت انتہا یعنی سپریم کورٹ آف پاکستان دائر کر سکتا ہے وکیل موصوف بصورت عدم پیروی
کاروائی یکطرفہ یا ڈگری یکطرفہ بخلاف درخواست دائر کر سکتا ہے اور وکیل موصوف میری جانب
سے مقدمہ میں بصورت ڈگری چیک یا نقد روپیہ کی شکل میں وصولی کر سکے گا اور مزید یہ کہ وکیل
موصوف مقدمہ متذکرہ کی کل یا جزوی کاروائی کیلئے اپنی بجائے دیگر وکیل بھی اپنے ساتھ مقرر کر سکتا
ہے جس کو بھی وہ جملہ اختیار حاصل ہونگے جو کہ وکیل موصوف کو حاصل ہیں مجھے اس صورت میں
تمام ساختہ پر داختم منظور و قبول ہوگا لہذا میں نے وکالت نامہ ہذا تحریر کر کے اس پر دستخط انشان
انگشت ثبت کر دیا ہے تاکہ سند ہے۔

Attested
accepted
[Signature]

المرقوم 2022

بمقام [Signature] کے لئے منظور ہے