


# FORM OF ORDER SHEET

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

**Appeal No.** 1198/2023

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1-    | 26/05/2023                | <p>The appeal of Mst. Sumaira resubmitted today by Mr. Yasir Saleem Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <b>30-05-2023</b>.</p> <p>By the order of Chairman</p> <p><br/>REGISTRAR.</p> |


This is an appeal filed by Mst. Sumaira today on 23/05/2023 for release of salary against which she made/preferred departmental appeal/ representation on 02.05.2023 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- 1- Copy of observation made by DAO on the pay bill of the appellant mentioned in para-3 of the memo of appeal is not attached with the appeal, be placed on it.
- 2- Affidavit be got attested by the Oath Commissioner.
- 3- The Paper used in printing the memo of grounds of appeal is very low standard.
- 4- Numbers have not been given to respondents.
- 5- The paragraphs of the memo of appeal are not according to sub-(2) (b) of rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974.

No. 1513 /ST,

Dt. 24/5 /2023.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Yasir Saleem Adv.  
High Court Peshawar.

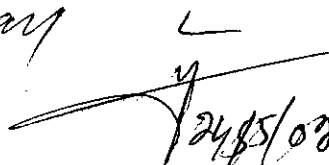
R/A Deptt. appeal is attached with the memo of appeal as second deptt. appeal which has been written by the appellant on 02/5/2023 which has wrongly been attached with the appeal while her 1st deptt. appeal was filed on 12/2/2023 (replaced with the appeal accordingly, which the present appeal is maintained)

(1) objection no 1 copy of pay bill in shape of a bill is already attached as Annex C D-7

(2) objection no 2 has been removed

(3) objection no 3 has also been removed & better pages have been replaced with the appeal

Hence, be submitted to day

  
24/5/2023

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

APPEAL NO. 1198 /2023

SUMAIRA

VS

EDUCATION DEPTT:

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| 3.     | Appointment order dated                     | <b>A</b> | 4    |
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*Sumaira*

**APPELLANT**

**THROUGH:**

*Y*  
Yasir Saleem

&

*Afrasiab Khan Wazir*  
Afrasiab Khan Wazir  
Advocate high Court

1

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

Service Appeal No. 1193 /2023

Mrs. SUMAIRA, PST (BPS-12), in district education Officer District North Waziristan .....**APPELLANT.**

**Versus**

- Director education merged district, Khyber Pakhtunkhwa Peshawar.
- District education officer, District North Waziristan.
- District Account Officer, District North Waziristan.
- 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:**

- That the appellant is working as PST (BPS-12) in the respondent department. (copy of Appointment letter is attached) .....**A.**
- 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**

- 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.

- 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

- 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.

- That appellant further feeling aggrieved and having no other remedy but to file this appeal on the following grounds inter alia.

**ON GROUNDS:**

- 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.
- 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.
- That the action of the respondent No.3 amounts to sheer arbitrary and autocratic in nature hence against the norms of natural justice.
- 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.
- That its apex court decisions that salary is not bounty that can be stopped at the wishes of high ups.
- 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.

- 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.
- 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.
- 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.

APPELLANT  
*Sumaira*  
 SUMAIRA  
 THROUGH: *Y*  
 Yasir Saleem  
 & *A. J. ab*  
 Afrasiab Khan Wazir  
 Advocates high Court

**Certificate:**  
 That no earlier appeal is preferred before this august tribunal.

*Y*  
 Deponent

**Affidavit:**  
 I SUMAIRA , 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.

*Sumaira*  
 Deponent



19

**OFFICE OF THE AGENCY EDUCATION OF DISTRICT RAWALPINDI**

**APPOINTMENT ORDER**

In light of Director Education FATA order dated 08.11.2014 and the recommendation of departmental selection committee, following candidates are hereby appointed against the vacant post of PTCs on contract basis in BPS-6 (Rs-2150,110,5460) schools mention against each on the following terms and conditions with effect from the date of tasking over charges.

| S.NO | NAME OF EMPLOYEES   | PLACE OF POSTING        | Remarks       |
|------|---------------------|-------------------------|---------------|
| 1    | Sadia shaheed Ptc   | FCS Mohd Jbal kot       | Aginst v/post |
| 2    | Negat ptc           | FCS sherali kot         | Do            |
| 3    | Anila Effam ptc     | FCS sherali kot         | Do            |
| 4    | Suaira ptc          | FCS Fared Ullah Kot     | Do            |
| 5    | Zainab ptc          | FCS Muhd yaqoob Kot     | Do            |
| 6    | Taskeen ptc         | FCS Muhd yaqoob Kot     | Do            |
| 7    | Masoom Ptc          | FCS Fared Ullah Kot     | Do            |
| 8    | Nasreen shaheen ptc | FCS Sardar Khari Kot    | Do            |
| 9    | Sameena ptc         | FCS Ghar Machi Khel Kot | Do            |
| 10   | Kalroon bibi ptc    | FCS hashim kot          | Do            |
| 11   | Umar khatab ptc     | GPS data khel kot       | Do            |
| 12   | Imran ullah ptc     | GPS M Aslam Kot         | Do            |
| 13   | Ahsan ullah TT      | GPS Nadeem Kot          | Do            |

**TERMS & CONDITION**

- 1. Their appointments are made on contract basis and shall be liable to be terminated at any time without any notice.
- 2. They should bring their medical certificate from Medical Superintendent Hospital and the same to assume their charges within 10 days their orders will be treated as cancelled.
- 3. Their original CNICs should be produced to the accountant for the purpose.
- 4. Their services will be terminated if they found absent without leave continuously for more than 10 days.

Order No. 37280

Date 13/11/2014

Copy to:-

- 1. Director Education FATA Peshawar
- 2. Agency Accounts Officer NWA
- 3. The Accountant/Block Officer
- 4. Candidates Concerned

**ATTEST**

Accountant Officer  
NWA Rawal Pindi Agency

Agency Education Officer  
NWA Rawal Pindi Agency

To  
The Agency Education Officer  
North Waziristan Agency Miranshah

Amr B/S

Subject: ARRIVAL/CHARGE REPORT

In the light of Agency Education Officer North  
Waziristan Agency Miranshah Vide Order No. 138331-36  
Dated: 7.9.2023 I took over charge as PTC Teacher at  
P.O. 395 Lal mardan Kot NWA.

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

Your Obediently

Name: Sameera

Designation: PTC

ATTESTED  
✓

ATTESTED  
✓




OFFICE OF THE DISTRICT EDUCATION OFFICER,  
NORTH WAZIRISTAN TRIBAL DISTRICT


(C)

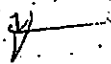
DUTY / PERFORMANCE CERTIFICATE.

Certified that Mr/Mrst: Sumira S/D/ Goharullah

Is serving is a P.T.C teacher BPS-12 at GPS /GGPS Lal mar Sai 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  


ATTESTED  




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



No. DAO/MRN/NW/2022-23/2301-04

Dated 24/01/2023

To:-  
The District Education Officer (M)  
NW Miran Shah.

Amx. 5(7)

**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       | S.NO | NAME OF EMPLOYEES   | PLACE OF POSTING      |
|------|-------------------|------------------------|------|---------------------|-----------------------|
| 1    | Amra Haider PST   | GGPS Naseeb Khan Kot   | 14   | Mukhtar Zada PST    | GGPS Alif Khan Kot    |
| 2    | Zainab PST        | GGPS Zindai Kot        | 15   | Nasreen Shaheen PST | GGPS Said Rasool Kot  |
| 3    | Imran Ullah PST   | GPS Data Khel          | 16   | Taskeen PST         | GGPS Muhd Salam Kot   |
| 4    | Umar Khitab PST   | GPS Muhd Aslam Kot     | 17   | Abida PST           | GGPS Gul Raat Kot     |
| 5    | Ihsan Ullah IT    | GPS Nadeem Kot         | 18   | Anila Afam PST      | GGPS Zair Muhd Kot    |
| 6    | Noor Zubaida PST  | GGPS Inzar Kas         | 19   | Kalnoon Bibi PST    | GGPS Fareed Ullah Kot |
| 7    | Atia Kiran PST    | GGPS Aziz Muhd Kot     | 20   | Sawal Haider PST    | GGPS Per Mitar Kot    |
| 8    | Masoom PST        | GGPS Rahmat Ullah Kot  | 21   | Sadia PST           | GGPS Gul Rat Kot      |
| 9    | Sameena PST       | GGPS Muhd Noor Din Kot | 22   | Nigat PST           | GGPS Akhtar Nawaz Kot |
| 10   | Sumaira PST       | GGPS Lal Marjan Kot    | 23   | Shameem PST         | GGPS Pir Mitar Kot    |
| 11   | Rukhia Bagam PST  | GGPS Aziz Muhd Kot     | 24   | Kalsoom PST         | GGPS Rahmat Ullah Kot |
| 12   | Salra Khan PST    | GGPS Yaqoob Khan Kot   | 25   | Safia PST           | GGPS Mirza Gul Kot    |
| 13   | Salma Khan PST    | GGPS Inzar Kas         |      |                     |                       |

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 DFO NW Miran Shah.

ATTESTED  
ATTESTED

District Accounts Officer

Aux D  
(8)

**OFFICE OF THE DISTRICT EDUCATION OFFICER,  
NORTH WAZIRISTAN TRIBAL DISTRICT**

No.  
To,

/DEO/NWTD dated Miranshah the / /2023.

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 26 Nos source-1 forms may kindly be processed in the larger interest of justice and public being low paid Govt: servants.


No. 35985-88, 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.

  
District Education Officer,  
North Waziristan tribal district.

ATTESTED

  
District Education Officer,  
North Waziristan tribal district.

ATTESTED

Subject: Appeal for release of pay in r/Samina PST and others.

Resd. with great respect it is stated that our pays were stopped by the Mr. Ex DDO North without any cogent reason we lodged appeal to your good office and a letter was issued by the SO primary on 11/8/22 and again directed the DDO on 29/3/23. The DDO has been received our salaries but the DDO female being delay factor.

It is worthy mentioned that stoppage of pay without any cogent reason is illegal as per G.P. rule. And binding superior court order.

The DDO raised observation on our pay bills got closed from the female DDO. The female DDO signed the pending teacher bills and bill pending in the DAO office.

It is therefore humbly requested in your gracious favour that the DDO M/F may kindly be directed to release our outstanding pay bills for the larger interest of justice.

Dated 2/5/23

Yours obediently,

Candidate list as under

Samina PST and others -

- (1) Samina PST. (2) Amra Haidi PST (3) Samra Haidi PST (4) Zainab PST (5) Abidar
- (6) Curranullah (7) Umer Icharab (8) Ihsanullah (9) Noor Zubida PST.
- (10) Atia Keran PST (11) Muboom PST (12) Salmera PST (13) Ruqia PST
- (14) Saira caha (15) Salma caha (16) Muekhlan Zada (17) Nazrin Shukur PST
- (18) Taskeen PST (19) Anila gyan PST (20) Kalnoon bibi PST. (21) Sedra PST.
- (22) Nigal PST (23) Shamim PST. (24) Kalsoom PST. (25) Safia PST.

Handwritten signature/initials

The Honourable Secy Edu Deptt. Amr E (10/A)  
ICP Peshawar.

Subject: Appeal for Release of Pay Stopped  
without any legal reason/legally

With great respect it is brought to your  
kind notice that our pays were stopped without  
any legal reason/legally. we have already lodged  
appeal to Director Edu merged Distt. The DE(M) Distt  
was kind enough and issued order vide No 1666  
dt. 30/11/2019 and No. 2149-51 dt 7/2/19 (Copy attached)  
The Distt Edu Officer conducted enquiry in this  
regard (Copy attached). After enquiry Bills were prepared  
and submitted to the Distt. Accounts Officer, bill returned  
due to some observation, then the same was removed  
and resubmitted to the D.A.O office. (Copy attached)  
The Ex DAO stopped the process and we filled 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 in DEO North for release of salaries  
without stopped by the Ex DEO, for which we are struggl  
ing - for the last year.

ATTESTED

Dated 12/2/2023

- Copy to the
- (1) The Party AG ICP Peshawar,
  - (2) The DE (M) Distt ICP
  - (3) The Accounts Officer

- Yours obediently
- 1. Nasir-ud-din PST & others
  - 2. Sa Ming Chuan PST and others
  - 3. Kalsoon PST

SO (P.E)

ATTESTED

[Signature]

12/2/23

Recd as the  
[Signature]  
[Signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

CIVIL SECRETARITE PESHAWAR  
(PHONE NO. 091-9223587)

No. SO(P/F)/E&SED/5-1/ release Salary Nasiruddin etc/2023  
Dated Peshawar the 2<sup>nd</sup> May, 2023

To

The District Education Officer (Male/Female)  
District North Waziristan.

Subject: -

**APPEAL FOR RELEASE OF PAYS IN R/O NASIRUDDIN, SHOAB  
MUHAMMAD & SAMINA PST AND OTHERS**

I am directed to refer to this Department letter of even No. dated 03.08.2022 & 29.03.2023 on the subject noted above and to enclose herewith a copy of self-explanatory appeal submitted by Mr. Nasiruddin PST and others along with its enclosure regarding release of their outstanding salaries.

2. I am further directed and ask you to solve the issue and release their outstanding salaries within a week time under intimation to this Department.

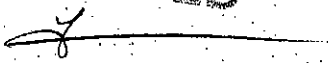
Encl. As above.

  
SECTION OFFICER (P/F)

Copy forwarded to:-

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary, E&SE Department Khyber Pakhtunkhwa.

SECTION OFFICER (P/F)

ATTESTED  


VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

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

Sumera

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Govt of Kp & other

(RESPONDENT)  
(DEFENDANT)

I/We

Sumera

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. 19/5/2023

[Signature]  
CLIENT(S)

[Signature]  
**ACCEPTED**  
**YASIR SALEEM**

**&**  
**AFRASIAB KHAN**  
**ADVOCATES HIGH COURT**  
**PESHAWAR**