


FORM OF ORDER SHEET

Court of Magistrate First Class District Peshawar

Appeal No. 1213/2023

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. Amira Haider resubmitted today by Mr. Yasir Saleem Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>30-05-2023</u>.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>


This is an appeal filed by Mst. Amira Haider today on 22/05/2023 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.

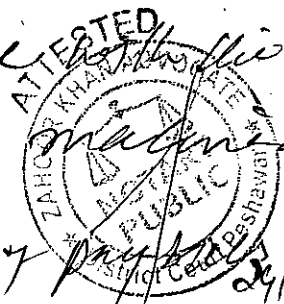
No. 1498/ST,

Dt. 23/5/2023.


For REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

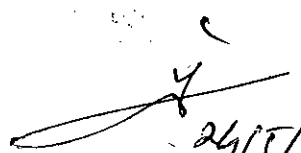
Mr. Yasir Saleem Adv.
High Court Peshawar.

R/sd Departmental appeal attached with the memo of appeal is second dept appeal which has written by the appellant which has already been attached with the appeal while his 1st dept appeal was filed on 12/2/23 replaced with this appeal accordingly when the present B appeal is made.



- ① As per object no 1 copy of pay bill in shape of letter is already attached as Annex p 7
- ② Object no 2 has been removed
- ③ Object no 3 has also been removed & better pages have explained with the appeal.

Have re-submitted today


24/5/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1213 /2022

amira haider
DEPTT:

VS EDUCATION

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Amira Haider
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. 1213/2022

Mrs. amira haider, PST (BPS-12), in district education Officer District North
Waziristan

.....**APPELLANT.**

Versus

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

.....**RESPONDENTS**

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

Prayer:

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

R/SHEWETH:

ON FACTS:

Brief facts of the appeal are as under:

1 That the appellant is working as PST (BPS-12) in the respondent department.

2 That the appellant approached respondent No.1 to kindly released our salaries while respondent No.1 vide order dated 09.01.2019 issued order to respondent No.3 to release their salaries if not terminated. Copy of order dated 09.01.2019 is attached as annexure.....**A.**

- 3 That in response of order dated 09.01.2019 the respondent No.3 issued the outstanding salary released order dated 07.02.2020 after scrutiny and enquiry. Copy of the order dated 07.02.2020 is attached as annexure.....**B.**
- 4 That on 10.02.2020 the respondent No.3 made an objection over the impugned bills which was removed by the respondent No.2 and resubmitted to respondent No.3 vide order dated 12.2.2020 which is still pending. Copy of letters are attached as annexure.....**C.**
- 5 That the Respondent No.2 sent letters dated 03.03.2020 regarding the outstanding salaries but the respondent No.3 still m... over it. Copy of letter 03.03.2020 is attached as annexure.....**D.**
- 6 That against the inaction of the respondents with regard to the outstanding salaries of the appellant also filed departmental appeal to the appellate authority which is pending. Copy of the departmental appeal is attached as annexure.....**E.**

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

ON GROUNDS:

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

F That the inaction of the respondents by not releasing salaries of the appellant is against Article 38(e) of the Constitution of Islamic Republic of Pakistan, 1973.

G That the respondents are using colorful exercise of power regarding not releasing the salaries outstanding against respondents hence this action of the respondents is ultra vires & void ab initio.

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

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

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

APPELLANT

Amira Haider
Amira Haider

THROUGH:

Yasir Ullah
Yasir Ullah

& *Afrasiab Khan Wazir*
Afrasiab Khan Wazir
Advocates High Court

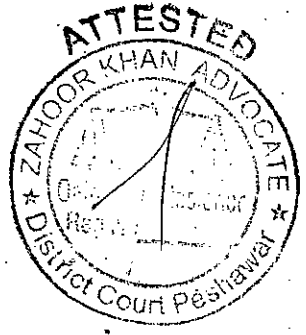
Certificate:

That no earlier appeal is preferred before this august Tribunal.

Affidavit:

I Amira Haider, 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.

Amira Haider
Deponent



OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY

APPOINTMENT ORDER

In light of Director Education FATA order dated 08.11.2013 and the recommendation of departmental selection committee the following candidates are here by appointed against the vacant post of PTC on contract basis in BPS-7 (Rs:2220.120.5820) schools mention against each on the following terms and conditions with effect from the date of tasking over charge.

Sl No	Name of Candidate	Designation	Remarks
1.	(i) Uzma (PTC) (ii) Salma (PTC)	FCS Akhtar Nawaz Kot -do-	Against VI Post. -do-
2.	(i) Nazia (PST) (ii) Abid Ullah (PST)	FCS Salman Kot BCS Maney Khan Kot	-do-
3.	(i) Amreen (PTC) (ii) Mukhtarzada (PTC)	FCS Masrur Kot FCS Sulman Kot	-do- -do-
4.	(i) Abida Ijaz (PTC) (ii) Asifa (PTC)	FCS Nareeb Kot -do-	-do- -do-
5.	(i) Arifa Manzoor (PTC) (ii) Safia (PTC)	FCS Taimur Kot -do-	-do- -do-
6.	(i) Muhammad Sohail (PST) (ii) Haseena Arif (PST)	BCS Haqeen Kot FCS Jahangeer Kot	-do- -do-
7.	(i) Abdul Qayum (PST) (ii) She Abbas Khan (PST)	BCS Wafia Bibi BCS Sardar Khan Kot	-do- -do-
8.	(i) Zahid Ullah PTC (ii) Sawel Haidar PTC	BCS Barakat Khan Kot FCS Taj Muhammad Kot	-do- -do-
9.	(i) Amra Haidar PTC (ii) Abid Ullah PTC	FCS Muhammad Iqbal Kot BCS Shah Muhammad Kot	-do- -do-

Their appointments are made on contract basis and liable to be terminated any time and without any notice.

They should bring their medical certificate from Medical Supdt AHQ Hospital Miranston. If they fail to submit their charges within 10 days, their orders will be treated as cancelled.

Their original CNICs should be produced to the accountant local office

Their services will be terminated if they found absent for days continuously from the date of taking over.

[Signature]
Agency Education Officer
North Waziristan Agency

Order No. 369-22 / 1

Dated 15/3/2014

Copy to the:-

1. Director Education FATA, Peshawar.
2. Agency Accounts Officer, NWA.
3. The Accountant Local Office.
4. Candidates Concerned.

ATTESTED

[Signature]
District Education Officer
North Waziristan Agency

[Signature]
Agency Education Officer
North Waziristan Agency

CERTIFICATES

1. I certify that the CNIC issued by NDRA has been verified and is correct.
2. I certify that all the particulars mentioned above are correct and the service Book attached with the proforma is original and has been signed up-to date by the concerned Officer.
3. I certify that the employee mentioned above regular in attendance and has not been

Office
at District

[Signature]

ANK B(5)
The Agency Education Officer
North Waziristan Agency Miranshah

Subject: ARRIVAL/CHARGE REPORT

In the light of Agency Education Officer North
Waziristan Agency Miranshah Vide Order No. 38331-36
Dated: 7/9/2023. I took over charge as PTC Teacher at
PCS GPS Nabis Khan Kot NWA.

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

Your Obediently

Name: Amra Haidin

Designation: PS7

ATTESTED ATTESTED

y

y


(6)

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

DUTY / PERFORMANCE CERTIFICATE.

Certified that Mr/Mrst: Amra Hader S/D/ Ghulam Hader

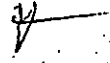
Is serving is a P.T.C teacher BPS-12 at GPS /GGPS Nasib Khan Kot
since long in the education department. He/She has a good moral character and obedient.
He/ She always present in the school during my surprise visit.


District Education Officer,
North Waziristan tribal district.

ATTESTED



ATTESTED





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



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

Dated 24/11/2022

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

Annex (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 TT	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	Saifa 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

Hand 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


District Education Officer,
North Waziristan tribal district.

Copy forwarded to :-

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

ATTESTED


District Education Officer,
North Waziristan tribal district.

ATTESTED

Subject: Appeal For Release of pay in r/Samina pst and others

Resd. with great respect it is stated that our paye were stopped by the then Ex DDO No. 10 without any cogent reason we lodged appeal to your good office and a letter was issued by the SO Primary on 18/022 and again directed the DDO on 29/3/23. The DDO has been received our salaries but the DDO female being delay tactics.

It is worthy mentioned that stoppage of pay without any cogent reason is illegal as per service rule. And binding Superior Court order.

The DDO received obs. that our pay bills got stopped from the female DDO. The female DDO signed the pending teacher bills and bills pending in the DAO office.

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

Dated 2/5/23

Yours faithfully,

Candidates list as under:

Samina pst Nasir ul din pst and others -

- (1) Samina pst. (2) Anva Haidi pst (3) Sami Haidi pst (4) Zainab pst (5) Abidast
- (6) Curranullah (7) Clever Icharab (8) Ihsanullah (9) Noor Zubida pst.
- (10) Alia Kerim pst (11) MABOON PST (12) Salmeria pst (13) Ruchia pst
- (14) Saira ceah (15) Salma ceah (16) Muechlan Zada (17) Nassrin Shuker pst
- (18) Taskeen pst (19) Anila eym pst (20) Kalnoon bibi pst. (21) Sedia pst.
- (22) Negat pst (23) Shamim pst. (24) Kalsoom pst. (25) Syfia pst.

ATTESTED

The Honourable Secy, Edu Deptt, Govt of Punjab
ICP Peshawar. Annex E (10/A)

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

R/14, with great respect it is brought into your kind notice that our pays were stopped without any logical 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 District 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 DAO 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 to DEO north for release the salaries without stopped by the Ex DEO, for which we are struggling - for the last year.

ATTESTED

Dated 12/2/2023

Copy to the

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

Yours obediently
 @ Nasir-ud-din PST & others
 @ Samina Chah PST and others
 @ Imra Haider

SO (P.E.)

ATTESTED

12/2/23

Handwritten notes and signatures at the bottom right, including 'Please ask' and other illegible text.



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 2nd May, 2023

To

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

Subject: -

**APPEAL FOR RELEASE OF PAYS IN R/O NASIRUDDIN, SHOAIB
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.

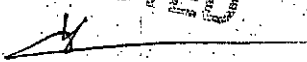
Encl. As above.


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


(4)

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

_____ OF 2023

Amra Haider

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Quil 7 sep & other

(RESPONDENT)
(DEFENDANT)

I/We Amra Haider

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

Amra
CLIENT(S)

[Signature]
ACCEPTED
YASIR SALEEM

&
AFRASIAB KHAN
ADVOCATES HIGH COURT
PESHAWAR