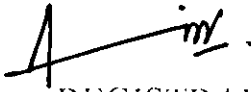


FORM OF ORDER SHEET

Court of _____

Appeal No. 1230/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/05/2023	<p>The appeal of Mr. Shahfiaz Khan presented today by Mr. Yasir Salim Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 01-06-2023</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1230 /2023

Shahfiaz Khan

VS

EDUCATION DEPTT:

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شاه فیاض خان
APPELLANT

THROUGH:

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1230 /2023

Mr. Shahfiaz Khan, 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. (copy of Appointment letter is attached).....A.
2. 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
3. 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.

4. 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.
5. 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.
6. 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 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 appellant may very kindly be accepted as prayed for.

APELLANT:


Shahfiaz Khan

THROUGH:


Yasir Saleem

&


Afrasiab Khan Wazir
Advocates high Court

Certificate:

That no earlier appeal is preferred before this august tribunal.


Deponent

Affidavit:

I Shahfiaz Khan, 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.


Deponent



25/5/23

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.

- | | |
|--|---|
| 1. Mr. Niamat Ullah PST GPS Khader Khel | 18. Mr. Nasr Ullah PST GPS Kharseen |
| 2. Mr. Gohar PST GPS Loli Faqiran | 19. Mr. Meftah Ud Din PST GPS Salman Kot |
| 3. Mr. Shahzeb Khan GPS Malls kot | 20. Mr. Inshauillah PST GPS Ghulam Khan |
| 4. Mr. Nasir ud Din PST GPS Muhammad Aslam Kot | 21. Mr. Muhammad Ali PST GPS Barakozai |
| 5. Mr. Alif Khan PST GPS Dawal din kot | 22. Mr. Naqib Ur Rehman PST GPS Gul Rehan |
| 6. Mr. Hakim Ullah PST GPS Inayat Khan Kot | 23. Mr. Hazrat Zamah PST GPS Gul Rat Kot |
| 7. Mr. Abdul Tawab PST GPS Hassan Shah Kot | 24. Awal Khan GPS Daweger |
| 8. Mr. Isiar Ullah PST GPS Mazalam Kot | 25. Ijaz Muhammad PST GPS Zar Gul |
| 9. Mr. Inam Ullah PST GPS Derlawasta | 26. Shoaib Muhammad GPS Chatoon |
| 10. Mrs. Bibi Gul PST GGPS Pir Matar Kot | 27. Mr. Shahfiaz khah PST GPS assar |
| 11. Mr. Qismat Ullah PST GPS Salman Kot | 28. Gohar Ullah PST GPS Darpa Khail |
| 12. Mr. Khan Nawaz Khan PST GPS Dagal Khalaw | 29. Samad Ur Rehman TT GPS Subat Khan |
| 13. Mr. Muhammad Mamoor Khan PST GPS Jalat K | 30. Sanobar Khan PST GPS Dariwasta |
| 14. Mr. Rahim Ullah PST GPS Baray Kot | 31. Gul Nawar Khan TT GPS Ismail |
| 15. Mr. Nasim Ullah PST GPS Inzar Kas | 32. Nasim Ullah PTS GPS Mashar |
| 16. Mr. Farman Ullah PST GPS Mir Salam Jan Kot | |
| 17. Mr. Farim Ullah Junior clerk | |

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 AHO Hospital Miranston. If they fail to produce 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 tasking over.

[Signature]
Agency Education Officer
North Waziristan Agency

Encl: No. 373-26

Dated 15.1.31 2014

Copy to the:

- Director Education FATA, Peshawar.
- Agency Accounts Officer, NWA.
- The Accountant Local Office.
- Candidates Concerned.

[Signature]
Agency Education Officer
North Waziristan Agency

[Signature]
Agency Education Officer
North Waziristan Agency

ATTENDED

CERTIFICATES

- certified that the CNIC issued by NDRA has been verified and
- certifies that all the particular mentioned above are correct and the service Book attached with the proforma is original and has been sined up to date by the concerned

Officer at District

Annex B (5)

To: 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. 373-76
Dated: 15.3.2014 I took over charge as PTC Teacher at
PUS GPS Assan Kot NWA

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

Your Obediently

Name: Shafiq

Designation: PTC

[Handwritten signature]

ATTESTED

[Handwritten signature]

ATTESTED

[Handwritten signature]

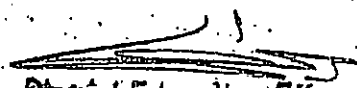
(6)

OFFICE OF THE DISTRICT EDUCATION OFFICER,
NORTH WAZIRISTAN TRIBAL DISTRICT

DUTY / PERFORMANCE CERTIFICATE

Certified that Mr/Mrst: Shehryar S/D/

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

Y

ATTESTED

Y



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



No. DAO/MRN/NW/2022-23/2304-04

Dated 24/01/2023

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

Anex (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 10 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:-

1. Mr. Niamat Ullah PST GPS Khader Khel
2. Mr. Gohar PST GPS Loli Faqiran
3. Mr. Shahzeb Khan GPS Malis Kot
4. Mr. Nasir ud Din PST GPS Muhammad Aslam Kot
5. Mr. Atif Khan PST GPS Dawal din kot
6. Mr. Hakim Ullah PST GPS Inayat Khan Kot
7. Mr. Abdul Tawab PST GPS Hassan Shah Kot
8. Mr. Istar Ullah PST GPS Mazalam Kot
9. Mr. Inam Ullah PST GPS Derlawaste
10. Mrs. Bibi Gul PST GGPS Pir Matar Kot
11. Mr. Qlsmat Ullah PST GPS Salman Kot
12. Mr. Khan Nawaz Khan PST GPS Dagal Khalaw
13. Mr. Muhammad Mamoor Khan PST GPS Jalat Kh
14. Mr. Rahim Ullah PST GPS Baray Kot
15. Mr. Nazim Ullah PST GPS Inzar Kas
16. Mr. Farman Ullah PST GPS Mir Salam Jan Kot
17. Mr. Farim Ullah Junior clerk
18. Mr. Nasr Ullah PST GPS Kharsaan
19. Mr. Meftah Ud Din PST GPS Salman Kot
20. Mr. Inshaullah PST GPS Ghulam Khan
21. Mr. Muhammad Ali PST GPS Barakozai
22. Mr. Naqib Ur Rehman PST GPS Gul Rehman
23. Mr. Hazrat Zaman PST GPS Gul Rat Kot
24. Awal Khan GPS Daweger
25. Ijaz Muhammad PST GPS Zar Gul
26. Shoaib Muhammad GPS Chatoon
27. Mr. Shahzad Khan PST GPS Assar
28. Gohar Ullah PST GPS Darpa Khail
29. Samad Ur Rehman TT GPS Subat Khan
30. Sanobar Khan PST GPS Darlawaste
31. Gul Nawar Khan TT GPS Ismail
32. Nasim Ullah PTS GPS Mashar

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 requested to personally attend the Education Officer, to verify / confirmed the above named Source Forms from the DFO NW Miran Shah.

ATTESTED

ATTESTED

District Accounts Officer

Aur 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:
Memo

**CONFIRMATION OF SOURCE-I FORMS AND SALARIES OF THE
REGULARIZED TEACHERS.**

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 their superiors and they are
genuine employees of this office.

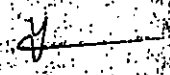
It is therefore, requested in your kind honour that 19 Nos
source-1 forms may kindly be processed in the larger interest of justice and public being low
paid Govt. servants


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


To

The Honourable Secy ESSED up
Peshawar

Amol E (9)

Original Appeal for release of pay stopped illegally by DBO North

With great respect it is stated that our pays were stopped without any cogent reason by the Ex. DBO North. We have already lodged appeal to the DE merged area. The DE merged area was kind enough & issued release order to DBO North - the DBO constituted enquiry committee on the order. The committee submitted report to DBO. But in the meanwhile the process was under process and the new DBO was posted. We appealed to the new DBO and the new DBO was kind enough and Bill prepared and submitted to the DBO office. The DBO office raised observation and the DBO removed the observation and re submitted the bills to the DBO office which is still pending in his office. It is therefore, humbly requested in your kind favour that a necessary order may kindly be passed to DBO & DE merged area for passing the bills as soon as possible being long paid employees.

Dated: 22/2/2023

List of teachers are as under

Yours obediently,
Abedul
Naimullah PST 4

Naimullah PST follows.

- (1) Naimullah PST. (2) Goharullah PST (3) Shahzeb Khan PST.
- (4) Aftabullah PST. (5) Hakimullah PST. (6) Isvarullah PST. (7) Inamullah
- (8) Muzaffarullah PST. (9) Bismillah PST. (10) Muhammad Mamoon Khan PST. (11) Ishaq Ahmad
- (12) Rahimullah PST. (13) Nazimullah. (14) Farmanullah (15) Rahimullah V/Chen. (16) Nazimullah
- (17) Mehtabuddin. (18) Inshah Khan PST. (19) M. Ali PST. (20) Nazimullah. (21) Ahmad
- (22) Hageel Zaman. (23) Iqbal Ahmad. (24) Shohib Ahmad. (25) Shafiq Ahmad PST. (26) Sonoda
- (27) Nazimullah PST. (28) Gulam Nabi Khan TT. (29) Saad ur Rehman TT
- (30) Goharullah PST.

So (PE)

ATTESTED

22/2/2023

10

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

_____ OF 2023

Shah pariz

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Genl F rep & other

(RESPONDENT)
(DEFENDANT)

I/We Shah pariz

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. 22/5/2023

[Signature]
CLIENT(S)

[Signature]
ACCEPTED
YASIR SALEEM
&
AFRASIAB KHAN
ADVOCATES HIGH COURT
PESHAWAR

[Signature]
Shah pariz
Advocate