


FORM OF ORDER SHEET

Court of _____

Appeal No. 1233/2023

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. Qismat Ullah presented today by Mr. Yasir Salim Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>01-06-2023</u>.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1233 /2023

Qismat Ullah

VS

EDUCATION DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	1-2
2.	Affidavit	3
3.	Appointment order dated	A	4
4	Charge assumption & performance certificate	B	5-6
4.	letter dated 24.01.2023	C	7
5.	reply letters	D	8
6	departmental appeal	E	9
7.	Vakalatnama	10


APPELLANT

THROUGH:


Yasir Saleem

&
Afrasiab Khan Wazir
Advocate high Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1233/2023

Mr. Qismat Ullah, 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 appellants the inaction of the respondents by not releasing salaries of the appellants 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 appellants 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 appellants.

R/SHEWETH:

ON FACTS:

Brief facts of the appeal are as under:

1. That the appellants is working as PST (BPS-12) in the respondent department. (copy of Appointment letter is attached):.....A.
2. That the appellants 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 annexureC.

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


Qismat Ullah

THROUGH:


Yasir Saleem

&

Afrasiab Khan 
Advocates high Court

Certificate:

That no earlier appeal is preferred before this august tribunal.

Deponent

Affidavit:

I Qismat Ullah, 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

Annex A (4)

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. Nasir 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. Inshaullah PST GPS Ghulam Khan |
| 4. Mr. Nasir ud Din PST GPS Muhammad Aslam Kot | 21. Mr. Muhammad Ali PST GPS Barakozai |
| 5. Mr. Atif 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. Israr Ullah PST GPS Mazalam Kot | 25. Ijaz Muhammad PST GPS Zar Gul |
| 9. Mr. Inam Ullah PST GPS Derlawasta | 26. Shoaib Muhammad GPS Chatoori |
| 10. Mrs. Bibi Gul PST GGPS Pir Matar Kot | 27. Mr. Shahfiaz Khan PST GPS assar |
| 11. Mr. Qismat Ullah PST GPS Salman Kot | 28. Gohar Ullah PST GPS Darpa Khail |
| 12. Mr. Khani Nawaz Khan PST GPS Dagal Khalaw | 29. Samad Ur Rehman TT GPS Subat Khan |
| 13. Mr. Muhammad Mamoor Khan PST GPS Jalat Kot | 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 PST GPS Mashar |
| 16. Mr. Farman Ullah PST GPS Mir Salam Jan Kot | |
| 17. Mr. Fatim 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 AHQ Hospital Miranshan. If they fail to submit their charges within 15 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 / 1

Dated 15.1.31 / 2014

Copy to the:-

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

[Signature]
Agency Education Officer
North Waziristan Agency

[Signature]
Agency Education Officer
North Waziristan Agency

ATTESTED

CERTIFICATES

- I certified that the CNIC issued by NDRA has been verified.
- 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)

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
P.C.S. SPS Selman Kot NWA

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

Your Obediently

Name: Qasimullah

Designation: PS7

ATTESTED

ATTESTED

(6)

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

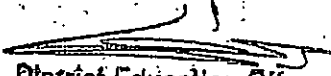
DUTY / PERFORMANCE CERTIFICATE

Certified that Mr/Mrst: Qasimullah S/D/

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

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/2022-23/304-04

Dated 24/11/2023

To:-

The District Education Officer (M)
NW Miran Shah.

Annex C (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. Abdul 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 | 18. Mr. Nasr Ullah PST GPS Kharseen |
| 2. Mr. Gohar PST GPS Loli Faqran | 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. Atif Khan PST GPS Dawal din kot | 22. Mr. Naqib Ur Rehman PST GPS Gul Rehman |
| 6. Mr. Hakim Ullah PST GPS Inayat Khan Kot | 23. Mr. Hazrat Zaman PST GPS Gul Rat Kot |
| 7. Mr. Abdul Tawab PST GPS Hassan Sheh Kot | 24. Awal Khan GPS Daweger |
| 8. Mr. Israr Ullah PST GPS Mazalam Kot | 25. Ijaz Muhammad PST GPS Zar Gul |
| 9. Mr. Inam Ullah PST GPS Darlawasta | 26. Shoaib Muhammad GPS Chatoon |
| 10. Mrs. Bibi Gul PST GGPS Pir Meter Kot | 27. Mr. Shafiq Khan 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 Memoor Khan PST GPS Jalat Kh | 30. Sanobar Khan PST GPS Darlawasta |
| 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 Jun Kot | |
| 17. Mr. Faqim Ullah Junior clerk | |

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:

- The Accountant General Khyber Pakhtunkhwa Peshawar
- The Director E&SE Khyber Pakhtunkhwa Peshawar
- The Deputy Commissioner NW Miran Shah
- 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

Amir D
(8)

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

No.
To,

/DEO/NWTD dated Miranshah the 1 / 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 29 Nos
source-1 forms may kindly be processed in the larger interest of justice and public being low
paid Govt. servants

District Education Officer,
North Waziristan tribal district.

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.

ATTESTED

District Education Officer,
North Waziristan tribal district.

ATTESTED

To

The Honourable Secy B9 SED up
Peshawar

Annex B (9)

Subject: Appeal for release of pay stopped illegally by DEO North

Sir, with great respect it is stated that our pays were stopped without any cogent reason by the Ex. DEO North. We have already lodged appeal to the DE merged area. The DE merged area was kind enough & issued release order to DEO North - The DEO constituted enquiry committee on the order. The committee submitted report to DEO. But in the meanwhile the process was under process and the new DEO was posted, we appealed to the new DEO and the new DEO was kind enough and Bill prepared and submitted to the DAO office. The DAO office raised observation and the DEO removed the observation and re submitted the bills to the DAO 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 DEO & DE merged area for passing the bills as soon as possible so that we can get our pay.

Dated: 22/2/2023.

List of teachers are as under

Yours obediently,
 (Signature)
 Naima ullich PST & others.

- (1) Naima ullich PST. (2) Goherullah PST. (3) Shahzeb ullich PST.
- (4) Athiyallah PST. (5) Hakimullah PST. (6) Abdul Fatah PST. (7) Israrullah PST. (8) Inamullah
- (9) Muhammad Bilal PST. (10) Bismillah PST. (11) Muhammad Mamoon ullich PST. (12) Ishaq ullich
- (13) Rahimullah PST. (14) Nasirullah. (15) Farmanullah. (16) Fahimullah. (17) Nasirullah
- (18) Meftakher ullich. (19) Inshah ullich PST. (20) M. Ali PST. (21) Nazir ullich. (22) Ahmad ullich
- (23) Iqbal ullich. (24) Ijaz ullich. (25) Shabbir ullich. (26) Shabbir ullich PST. (27) Sonoda ullich
- (28) Nasirullah PST. (29) Gulam ullich PST. (30) Saad ullich ullich T.
- (31) Goherullah PST.

So (PE)

ATTESTED

22/2/2023

10

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

_____ OF 2023

Qasmat Ullah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt of KP

(RESPONDENT)
(DEFENDANT)

I/We Qasmat Ullah

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

Qasmat Ullah

CLIENT(S)

Y
ACCEPTED
YASIR SALEEM
&
AFRASIAB KHAN
ADVOCATES HIGH COURT
PESHAWAR

Shah Nawaz Yousef Zai
Advocate