


FORM OF ORDER SHEET

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

Appeal No. 1234/2023

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. Sanobar Khan 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. 1234 /2023

Sanobar Khan

VS

EDUCATION

DEPTT:

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*Sanobar*  
**APPELLANT**

**THROUGH:**

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

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

Service Appeal No. 1234 /2023

Mr. Sanobar Khan, PTC (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 PTC (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.

APPELLANT

*Sano*  
Sanobar Khan

THROUGH:

*Y*  
Yasir Saleem

&

*Afrasiab*  
Afrasiab Khan Wazir  
Advocates high Court

**Certificate:**

That no earlier appeal is preferred before this august tribunal.

*Sano*  
Deponent

**Affidavit:**

I Sanobar 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.

*Sano*  
Deponent

*25-5-23*

**AGENCY EDUCATION OFFICER NORTH WAZIRISTAN**  
**POINTMENT ORDER**

In light of Director Education PATA order dated 07.11.2014 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 taking over charge:

- |   |  |
|---|--|
| 1. Mr. Mamal Ullah PST GPS Khajur Koh           | 18. Mr. Nasir Ullah PST GPS Kharseen       |
| 2. Mr. Gohar PST GPS Loti Faqirani              | 19. Mr. Mattah Ud Din PST GPS Salmian Kot  |
| 3. Mr. Shahzab Khajir GPS Malik Kot             | 20. Mr. Inshah Ullah PST GPS Ghulam Khan   |
| 4. Mr. Nasir Ud Din PST GPS Muhammad Aslam Kot  | 21. Mr. Mohammed Ali PST GPS Barakozai     |
| 5. Mr. Amir Khan PST GPS Dawal dr. 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 Gull Rai Kot  |
| 7. Mr. Abdul Tawab PST GPS Hassan Ghani Kot     | 24. Awel Khan GPS Dawal dr. Kot            |
| 8. Mr. Jeraf Ullah PST GPS Mazalam Kot          | 25. Ijaz Muhammad PST GPS Zar Gul          |
| 9. Mr. Inam Ullah PST GPS De Nawasta            | 26. Shoab Muhammad GPS Sattar              |
| 10. Mrs. Bibi Gul PST GGPS Pir Matar Kot        | 27. Mr. Shahbaz Khan PST GPS assar         |
| 11. Mr. Ghomal Ullah PST GPS Salmian Kot        | 28. Gohar Ullah PST GPS Darpa Khail        |
| 12. Mr. Khalid Nawaz Khan PST GPS Dagal Khalewa | 29. Samad Ur Rehman TT GPS Subat Khan      |
| 13. Mr. Muhammed Memoor Khan PST GPS Jalat      | 30. Sanobar Khan PST GPS Dariwasta         |
| 14. Mr. Rahim Ullah PST GPS Barak Kot           | 31. Gul Nawar Khan TT GPS Ismail           |
| 15. Mr. Nasir Ullah PST GPS Inzel Kot           | 32. Nasim Ullah PTS GPS Mashar             |
| 16. Mr. Farman Ullah PST GPS Mir Salmian Kot    |  |
| 17. Mr. Farim Ullah Junior clerk                |  |

Their appointments are made on contract basis and liable to be terminated on 7 days advance notice.  
 They should bring their medical certificate from Medboat Suppl. AHC Hospital Miranpur. If they fail to produce the same within 7 days their orders will be treated as cancelled.  
 Their original CNICs should be produced to the account and local office.  
 Their services will be terminated if they found absent 15 days continuously from the date of their avur.

*(Signature)*  
 Agency Education Officer  
 North Waziristan Agency

Encl. No. 375-76

Dated 15.12.2014

- Copy to:
- Director Education PATA Peshawar
  - Agency Account Officer NWA
  - The Account Officer
  - Gandolai, Concept

*(Signature)*  
 Agency Education Officer  
 North Waziristan Agency

**ATTESTED**

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. 3-23-76  
Dated: 15.3.2014 took over charge as PTC Teacher at  
PCQS Dara Nawa Kot NWA.

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

Your Obediently

Name: Sanober Khan

Designation: PTC

ATTESTED

[Signature]

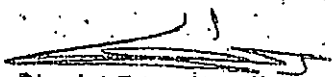
(6)

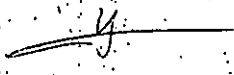
OFFICE OF THE DISTRICT EDUCATION OFFICER,  
NORTH WAZIRISTAN TRIBAL DISTRICT

DUTY / PERFORMANCE CERTIFICATE.

Certified that Mr/Mrst: Sarwar ul Haq (SID) Shamsul Haq

Is serving as a P.T.C teacher BPS-12 at GPS /GGPS Dari wasta Kol  
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







**District Accounts Office**  
NORTH-WAZIRISTAN MIRAN SHAH  
PHONE NO 0924 300541



No. DAOMRN/NW/2022-23/301/24

Date: 11/11/2023  
Annex CCA

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

**SUBJECT: CONFIRMATION OF SOURCE FORMS & SALARIES OF THE REGULARIZATION TEACHERS**

Memo: Kindly refer to the subject stated above.

The Authorized Representative namely Mr. Abdul Ul Rahim Junior clerk of your office were submitted 14 numbers Source 1 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. Nasir Ullah PST GPS Kharseen       |
| 2. Mr. Gohar PST GPS Loli Faqran               | 19. Mr. Meftah Ud Din PST GPS Salmaan Kot  |
| 3. Mr. Shahzad Khan GPS Mails Kot              | 20. Mr. Inshaulah PST GPS Ghulam Khan      |
| 4. Mr. Nasir ud Din PST GPS Muhammad Aslam Kot | 21. Mr. Muhammad Ail PST GPS Barakozal     |
| 5. Mr. Araf Khan PST GPS Dawad 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 Rai Kot   |
| 7. Mr. Abdul Tawab PST GPS Hassan Shah Kot     | 24. Awar Khan GPS Dawaga                   |
| 8. Mr. Israr Ullah PST GPS Mazalam Kot         | 25. Ijaz Muhammad PST GPS Zar Gul          |
| 9. Mr. Inam Ullah PST GPS Darawasta            | 26. Shoab Muhammad GPS Chacon              |
| 10. Mrs. Bibi Gul PST GPS Pir Malar Kot        | 27. Mr. Shahiaz Khan PST GPS assar         |
| 11. Mr. Qasmat Ullah PST GPS Saman Kot         | 28. Gohar Ullah PST GPS Darpa Khail        |
| 12. Mr. Khari Nawaz Khan PST GPS Dagal Khalaw  | 29. Samad Ur Rehman TT GPS Subat Khan      |
| 13. Mr. Muhammad Mahmood Khan PST GPS Jalal K  | 30. Sanobar Khan PST GPS Dariwasta         |
| 14. Mr. Rahim Ullah PST GPS Batay Kot          | 31. Gul Nawar Khan TT GPS Ismail           |
| 15. Mr. Naim Ullah PST GPS Inzar Kas           | 32. Nasim Ullah PTS GPS Mashar             |
| 16. Mr. Farman Ullah PST GPS Mir Salam Jar Kot |  |
| 17. Mr. Farim Ullah Junior clerk               |  |

It is therefore requested that the above named regularized teachers may kindly be confirmed / verified and regular employees of the Education Department before payroll processing for the month of 10/2023 or otherwise please.

- Copy forwarded to:
1. The Accountant General Khyber Pakhtunkhwa Peshawar
  2. The Director ES&SB Khyber Pakhtunkhwa Peshawar
  3. The Deputy Commissioner Miran Shah
  4. Mr. Mahammad Atif Sub... this office is hereby notified...
- the Education Officer to... of the above named...

District Accounts Officer  
NW Miran Shah

ATTESTED

District Accounts Officer

Amir 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 33 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.

To

The Honourable (Seyyid) Sep up  
Pothawan

Amir E (9)

Subject: Approval for release of pay stopped illegally by DDO North

With great respect it is stated that our pay was stopped without any cogent reason by the Ex DDO North. We have already lodged appeal to the DE merged area. The DE merged area was kind enough & issued release order to DDO North. The DDO constituted enquiry committee on the order. The committee submitted report to DDO. But in the meanwhile the process was under process and the new DDO was posted. We appeal to the new DDO and the new DDO was kind enough and Bill prepared and submitted to the DAO office. The DAO office raised observation and the DDO removed the observation and re submitted the bills to the DAO office which is still pending in his office. Sir, I beg to state in your kind honor that a necessary order may kindly be passed to DDO & DE merged area for passing the bills as soon as possible so that our pay can be paid with effect.


Dated: 22/2/2023.

List of Teachers are as under

Yours sincerely,  
 Ahsan ul  
 Nazim ul din PST of  
 Naimullah PST of  
 others.

- (1) Naimullah PST (2) Goharullah PST (3) Shahzeb Ullah PST
- (4) Ahsan ul din PST (5) Hakimullah PST (6) Abdul Tanzeem PST (7) Israrullah PST (8) Imranullah
- (9) Bismillah PST (10) Dismal Ullah PST (11) Muhammad Moinuddin Ullah PST (12) Imranullah
- (13) Rahimullah PST (14) Nasirullah (15) Farmanullah (16) Fakhirullah (17) Nazimullah
- (18) Meftakher ul din (19) Inshah Ullah PST (20) M. Ali PST (21) Nazim ul Rehman (22) Amal
- (23) Nazim ul Rehman (24) Iqbal Moin (25) Shohab Moin (26) Shafiq Ullah PST (27) Samad
- (28) Nazimullah PST (29) Gulam Moin Ullah T (30) Samad ul Rehman T
- (31) Goharullah PST

So (PE)

  
 22/2/2023



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VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

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

Sanober Ishaq

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Govt Employees Union

(RESPONDENT)  
(DEFENDANT)

I/We Sanober Ishaq

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

Sanober Ishaq

CLIENT(S)

Y **ACCEPTED**

**YASIR SALEEM**

&

**AFRASIAB KHAN**

**ADVOCATES HIGH COURT  
PESHAWAR**

[Signature]

Shah Mirza Yousaf Zai

Advocate