


# FORM OF ORDER SHEET

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

**Appeal No. 1239/2023**

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. Gohar 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  REGISTRAR</p>

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

APPEAL NO. \_\_\_\_\_/2023

M. Gohar Ullah

VS


EDUCATION DEPTT:

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**APPELLANT**

**THROUGH:**

  
**Yasir Saleem**

**&**

  
**Afrasiab Khan Wazir**  
**Advocate high Court**

①

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

Service Appeal No. \_\_\_\_\_/2023

<sup>M.</sup> Mr. Gohar Ullah, 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 ~~Principles~~ 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.

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- 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

*Gohar Ullah*  
Gohar Ullah

THROUGH: *Y*

Yasir Saleem

&

*Afrasiab Khan Wazir*  
Afrasiab Khan Wazir  
Advocates high Court

**Certificate:**

That no earlier appeal is preferred before this august tribunal.

*Deponent*  
Deponent

**Affidavit:**

I Gohar 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*  
Deponent



25-5-23

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

In light of Director Education PATA Order dated 08.11.2011 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. Nemat Ullah PST GPS Khaga Khela
2. Mr. Gohar PST GPS Loli Faqir Kot
3. Mr. Shahzeb khali GPS Malis Kot
4. Mr. Nasir ud Din PST GPS Muzaffarabad Aslani Kot
5. Mr. Atif Khan PST GPS Dawat ul Kot
6. Mr. Hakim Ullah PST GPS Inayat Khan Kot
7. Mr. Abdul Tawab PST GPS Haseeb Khan Kot
8. Mr. Iqbal Ullah PST GPS Mazara Kot
9. Mr. Inam Ullah PST GPS Dera Wasla
10. Mrs. Bibi Gul PST GGPS Pir Matar Kot
11. Mr. Qasim Ullah PST GPS Sakhan Kot
12. Mr. Khan Nawaz Khan PST GPS Dera Khawar
13. Mr. Muhammad Mamoor Khan PST GPS Jalal
14. Mr. Rahim Ullah PST GPS Baray Kot
15. Mr. Naim Ullah PST GPS Inzer Kot
16. Mr. Farman Ullah PST GPS Mir Salim Khan Kot
17. Mr. Farim Ullah Junior clerk
18. Mr. Nasir Ullah PST GPS Kharsen
19. Mr. Mullah Ullah PST GPS Sakhan Kot
20. Mr. Inshah Ullah PST GPS Ghulam Khan
21. Mr. Mohammad Ali PST GPS Barakozai
22. Mr. Naqib Ur Rehman PST GPS Gul Rehman
23. Mr. Hazrat Zaman PST GPS Gul Rai Kot
24. Awar Khan GPS Dawat ul Kot
25. Ijaz Muhammad PST GPS Zal Gul
26. Shoab Muhammad GPS Chatoon
27. Mr. Shahbaz Khan PST GGPS assar
28. Gohar Ullah PST GPS Darpa Khail
29. Samad Ur Rehman TT GPS Subat Khan
30. Sanobar Khan PST GPS Dariwasta
31. Gul Nawar Khan TT GPS Ismail
32. Nasim Ullah PTS GPS Mashar

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

They should bring their medical certificates from Medical Superd. AHC Hospital Miran Sah if they will to avail medical facilities within 10 days, their absence will be treated as absence.

Their original CNICs should be produced to the account and local office.

Their services will be terminated if they found absent 10 days continuously from the date of joining.

Agency Education Officer  
 North Waziristan Agency

Encl: No. 375-741

Dated 15.11.2011

- Copy to the:
1. Director Education PATA, Peshawar
  2. Agency Account Officer, NWA
  3. The Accountant General, Office
  4. Candidates Concerned

Agency Education Officer  
 North Waziristan Agency

**ATTESTED**

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. Guba 323-76  
Dated: 15.3.2014 I took over charge as PTC Teacher at  
PCSPS Dargachil Kot NWA.

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

Your Obediently

Name: Gulzarwal

Designation: PTC

ATTESTED

[Signature]

ATTESTED

[Signature]

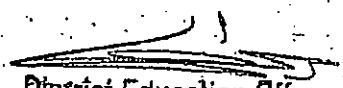
(6)

OFFICE OF THE DISTRICT EDUCATION OFFICER,  
NORTH WAZIRISTAN TRIBAL DISTRICT

DUTY / PERFORMANCE CERTIFICATE:

Certified that Mr/Mrst: Gulzarullah S/D/O M. Sheryf

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





No: DAOMR/NW/2022-23/301-OLP

Dated 24/11/2022

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 Authorized 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:

- |  |  |
|--|--|
| 1. Mr. Niamat Ullah PST GPS Khader Khel        | 18. Mr. Nasir Ullah PST GPS Kharseen       |
| 2. Mr. Gohar PST GPS Lolli Faqiran             | 19. Mr. Maitah Ud Din PST GPS Saliman Kot  |
| 3. Mr. Shahzeb Khan GPS Malls Kot              | 20. Mr. Inshaulah 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 Shah Kot     | 24. Awal Khan GPS Dawager                  |
| 8. Mr. Israr Ullah PST GPS Mazalam Kot         | 25. Ijaz Muhammad PST GPS Zar Gul          |
| 9. Mr. Inam Ullah PST GPS Darlawasta           | 26. Shoab Muhammad GPS Chaloon             |
| 10. Mrs. Bibi Gul PST GGPS Pir Mata Kot        | 27. Mr. Shahfiaz Khan PST GPS assar        |
| 11. Mr. Qasmat Ullah PST GPS Saliman 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 Mamoor Khan EST 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 Salim Jan 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 Miran Shah
- Mr. Muhammad Atif Sub... this office is hereby...

WITNESSED

District Accounts Officer

Aurd  
(8)

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

No.  
To,

/DEO/NWTD dated Miranshah the / /2023.

The District Account's Officer,  
NWTD Miranshah.

Subject:  
Memo

**CONFIRMATION OF SOURCE-1 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 the their superiors and they are  
genuine employees of this office.

It is therefore, requested in your kind honour that 13 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 24/1/23

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.

To

The Honourable (Seyyid) SEP IEP  
Peshawar

Amir E (9)

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

Respected 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. No 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 DEO office. The DEO office raised observation and the DEO removed the observation and re-submitted the bills to the DEO office which is still pending in his office. It is kindly 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 being long paid employees.

Dated: 22/2/2023.

List of teachers are as under

Yours obediently,  
A. K. Khan  
Nizam ul din PST-4

Naima ullich PST 401000.

- (1) Naima ullich PST. (2) Goharullah PST. (3) Shehzeb ulah PST.
- (4) Hafizullah PST. (5) Hakimullah PST. (6) Abdul Tanis PST. (7) Israrullah PST. (8) Inamullah
- (9) Mr. Bobt Gul PST. (10) Rasimullah PST. (11) Muhammad Memor ulah PST. (12) Ishaq Nazki
- (13) Rahimullah PST. (14) Nasimullah. (15) Farmanullah PST. (16) Fakirullah J/Clk. (17) Nasirullah
- (18) Meftakher uldin. (19) Inshah ulah PST. (20) M. Ali PST. (21) Nazir ul-Rahman (22) Anwar
- (23) Hafeez ul Zaman (24) Ijaz Nand. (25) Shohib Mohd (26) Shafiq ulah PST. (27) Sana ul
- (28) Rasimullah PST. (29) Gul moham ulah TF. (30) Sana ul-Rahman TF
- (31) Goharullah PST.

So (PE)

22/2/2023

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**VAKALATNAMA**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

OF 2023

Goharullah

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Govt of KP & others

(RESPONDENT)  
(DEFENDANT)

I/We Goharullah

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 Nawaz Yusuf Zai  
Advocate