


FORM OF ORDER SHEET

Court of _____

Appeal No. 1249/2023

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. M. Nasim 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. 1249 /2023

M. Nasim Ullah

VS

EDUCATION DEPTT:

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Nasim
APPELLANT

THROUGH:

Y
Yasir Saleem

&

Afrasiab
Afrasiab Khan Wazir
Advocate high Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1249 /2023

M.
Mr. Nasim 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 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

M. Nasim Ullah
M. Nasim Ullah

THROUGH:

Y
Yasir Saleem
& *Af ab*
Afrasiab Khan Wazir
Advocates High Court

Certificate:

That no earlier appeal is preferred before this august tribunal.

Y
Deponent

Affidavit:

I Nasim 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.

M. Nasim Ullah
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 hereby 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
- 2. Mr. Gohar PST GPS Loll Faqiran
- 3. Mr. Shahzeb-khan GPS Malls 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 Haasan Shah Kot
- 8. Mr. Israr Ullah PST GPS Mazalam Kot
- 9. Mr. Inam Ullah PST GPS Derlawasta
- 10. Mrs. Bibi Gul PST GGPS Pir Matar Kot
- 11. Mr. Qismat Ullah PST GPS Saiman Kot
- 12. Mr. Khan Nawaz Khan PST GPS Dagal Kot
- 13. Mr. Muhammad Mamoor Khan PST GPS Jalal Kot
- 14. Mr. Rahim Ullah PST GPS Baray Kot
- 15. Mr. Nasir Ullah PST GPS Inzar Kas
- 16. Mr. Farman Ullah PST GPS Mir Salam Khan Kot
- 17. Mr. Faqim Ullah Junior clerk
- 18. Mr. Nasir Ullah PST GPS Kharseen
- 19. Mr. Mehtab Ud Din PST GPS Saiman Kot
- 20. Mr. Inshaullah PST GPS Ghulam Khan
- 21. Mr. Muhammad Ali PST GPS Barakozai
- 22. Mr. Naqib Ur Rehman PST GPS Gul Rehan
- 23. Mr. Hazrat Zamaq PST GPS Gul Rat Kot
- 24. Awal khan GPS Dawager
- 25. Ijaz Muhammad PST GPS Zar Gul
- 26. Shoab Muhammad GPS Chaloon
- 27. Mr. Shahfiyaz Khan PST GPS 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 and without any notice.

They should bring their medical certificate from Medical Supd. HQ Hospital Miranitor. If they fail to do so within 10 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 for days continuously from the date of tasking over.

Agency Education Officer North Waziristan Agency

Encl. No. 375-78

Date 15/1/2014

Copy to the:

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

Agency Education Officer North Waziristan Agency

ATTESTED

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. 373-76a
dated 15.3.2014 took over charge as PTC Teacher at
GPS Maslan Kot NWA.

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

Your Obediently

Name: Masimullah

Designation: PTC

[Handwritten signature]

ATTESTED

ATTESTED

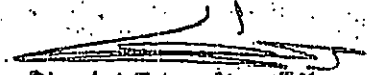
[Handwritten signature]

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

DUTY / PERFORMANCE CERTIFICATE.

Certified that Mr/Mrs: Nasrullah S/DI

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

ATTESTED





OFFICE OF THE
District Accounts Officer
 NORTH WAZIRISTAN MIRAN SHAH
 PHONE NO 0974-300541



No. DA/DMR/NW/2022-23/301-CL

Date 26/11/2023

To
 The District Education Officer (M)
 NW Miran Shah

Annex (C)

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

Memo
 Kindly refer to the subject cited above

The Authorized Representative namely Mr. Abdul Rahim Junior clerk of your office were submitted 32 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 Loll Faqran | 19. Mr. Mattah Ud Din PST GPS Salman Kot |
| 3. Mr. Shahzeb Khan GPS Mails kot | 20. Mr. Insha Ullah PST GPS Ghulam Khan |
| 4. Mr. Nasir ud Din PST GPS Muhammad Aslam Kot | 21. Mr. Muhammad Aiz 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 Raf Kot |
| 7. Mr. Abdul Tawab PST GPS Haesam Shah Kot | 24. Awel Khan GPS Dawager |
| 8. Mr. Istar Ullah PST GPS Mazalam Kot | 25. Ijaz Muhammad PST GPS Zar Gul |
| 9. Mr. Inam Ullah PST GPS Dariawasta | 26. Shoab Muhammad GPS Chatoon |
| 10. Mrs. Bibi Gul PST GGPS Pir Matar Kot | 27. Mr. Shamiaz Khan PST GPS assar |
| 11. Mr. Qismat Ullah PST GPS Salman 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 Marnoor Khan PST GPS Jalal Kot | 30. Sanobar Khan PST GPS Dariawasta |
| 14. Mr. Rahim Ullah PST GPS Baray Kot | 31. Gul Nawar Khan TT GPS Ismail |
| 15. Mr. Nazim 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 | |

It is therefore, requested that the above named regularization teachers may kindly be confirmed / verified and given employees of the Education Department before payroll processing for the month of 11/2023 or otherwise please.

(Signature)
 District Accounts Officer
 Miran Shah

Copy forwarded to:

- The Accountant General Khairpur North West Frontier Province
- The Director R&SB Khyber Pakhtunkhwa Peshawar
- The Deputy Commissioner Miran Shah
- Mr. Mohammed Aiz Sub-District Accounts Office is hereby informed and the Education Officer to Miran Shah for the above named Source-1 Forms.

ATTESTED

District Accounts Officer

ATTACHED

(Signature)

Amd
(8)

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

No.
To

/DEO/NWTD dated Miranshah the 7/2023.

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

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.~~

To

The Honourable (Seyyed) Pothanwar

Amul B (9)

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

With great respect it is stated that our pays were 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 12/11/2022. The committee submitted report to DDO. But in the meanwhile the process was under process and the new DDO was posted, we appeared to the new DDO and the new DDO was kind enough and Bill prepared and submitted to the DAO office. The DDO 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. It is therefore, humbly requested in your kind honour that a necessary order may kindly be passed to DDO & DE merged area for passing the bills as soon as possible being long paid. With sincere

Dated: 22/2/2023

List of teachers are as under

Yours obediently,
 (Signature)
 Naimalullah PST & others.

- (1) Naimalullah PST (2) Goharullah PST (3) Shahzeb Leta PST
- (4) Hujjullah PST (5) Hakimullah PST (6) Abdul Tawab PST (7) Isvarullah PST (8) Inamullah
- (9) Murtaza Beig PST (10) Qasimullah PST (11) Muhammad Mianullah PST (12) Khan Murtaza
- (13) Rahimullah PST (14) Nasirullah (15) Farmanullah (16) Rahimullah (17) Nadeemullah
- (18) Meftakher ul - (19) Inshah Khan PST (20) M. Ali PST (21) Nazimullah (22) Rehman (23) Anwar
- (24) Nazimullah (25) Iqbal Nadeem (26) Shahid Moid (27) Shafiq Leta PST (28) Sonoda
- (29) Nazimullah PST (30) Gul Nadeem Leta (31) Saad ul Rehman T
- (32) Goharullah PST

So (PE)

(Signature)
 22/2/2023

APPROVED

(Signature)

10

VAKALATNAMA

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

_____ OF 2023

Nasimullah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Sub 7 cap v other

(RESPONDENT)
(DEFENDANT)

I/We Nasimullah

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

Nasim
CLIENT(S)

ACCEPTED
YASIR SALEEM

&
AFRASIAB KHAN
ADVOCATES HIGH COURT
PESHAWAR

Shah

Shah nasir yunus zai
Advocate