


FORM OF ORDER SHEET

Court of _____

Appeal No. 1250/2023

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. Samad ur Rehman 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. 1250 /2023

Samad Ur Rahman

VS

EDUCATION DEPTT:

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Samad
APPELLANT

THROUGH:

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1250 /2023

Mr. Samad Ur Rahman, TT (BPS-14), 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 TT (BPS-14) 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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
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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.

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 (Bs: 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 Khib
2. Mr. Gohar PST GPS Loll Faqran
3. Mr. Shahzeb khah GPS Mails kot
4. Mr. Nasir ud Did PST GPS Muhammad Aslam Kot
5. Mr. Ali 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. Israr Ullah PST GPS Mazalam Kot
9. Mr. Inam Ullah PST GPS Derlawasta
10. Mrs. Bibi Gul PST GGPS Pir Matar Kot
11. Mr. Ghisat Ullah PST GPS Salman Kot
12. Mr. Khan Nawaz Khan PST GPS Jagat Khalaw
13. Mr. Muhammad Mamoor Khan PST GPS Jalat K
14. Mr. Rahim Ullah PST GPS Baray Kot
15. Mr. Nasim Ullah PST GPS Inzar Kas
16. Mr. Farman Ullah PST GPS Mir Salam Jan Kot
17. Mr. Faiz Ullah Junior clerk
18. Mr. Nasir Ullah PST GPS Kharseen
19. Mr. Metah 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 Zamaah PST GPS Gul Rat Kot
24. Awaj Khan GPS Dawager
25. Ijaz Muhammad PST GPS Zar Gul
26. Shoab Muhammad GPS Chatoon
27. Mr. Shahriaz khair 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 Supdt AHO Hospital Miranshan if they will to assume their charges within 10 days their order 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 10 days continuously from the date of tasking over.

[Signature]
 Agency Education Officer
 North Waziristan Agency

Encl: No. 375-78

Dated 15.12.14 2014

Copy to the:

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

[Signature]
 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's Order
North Waziristan Agency Miranshah Vide Order No. 373-76
dated: 15.3.2011 I took over charge as PTC Teacher at
PUS GPS Sab-ul-Ikhar Kot NWA.

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

Your Obediently

Name: Samad-ur-Rahman

Designation: PTC

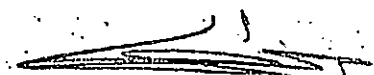
ATTESTED

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

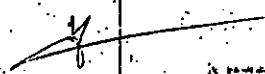
DUTY / PERFORMANCE CERTIFICATE.

Certified that Mr/Mrst: Samadullah SIDH M. Anwar Sull

is serving as a P.T.C teacher BPS-12 at GPS /GGPS Subat Khan Kot 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





No. DAO/MR/NW/2022-23/304-OL

Dated 24/01/2023

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

Annex C(7)

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

Kindly refer to the subject cited above.

The Authorised Representative namely Mr. Abdul 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 Loli Faqran | 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. Alif Khan PST GPS Dawal din Kot | 22. Mr. Naqib Ur Rehman PST GPS Gul Rehari |
| 6. Mr. Hakim Ullah PST GPS Inayat Khan Kot | 23. Mr. Hazrat Zaman PST GPS Gul Raf 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. Shoaib Muhammad GPS Chaloon |
| 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. Khan Nawaz Khan PST GPS Dagal Khalaw | 29. Samad Ur Rehman TT GPS Subat Khan |
| 13. Mr. Muhammad Mahmood Khan PST GPS Jaiat 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 Salari 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:

1. The Accountant General Khyber Pakhtunkhwa Peshawar
2. The Director E&SE Khyber Pakhtunkhwa Peshawar
3. The Deputy Commissioner Miran Shah
4. Mr. Muhammad Atif Suby Accounts Officer's office is hereby notified and the Education Officer, to whom you may place the above named Source Form to the District Accounts Officer NW Miran Shah.

ATTESTED

District Accounts Officer

Amr 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-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 their superiors and they are
genuine employees of this office.

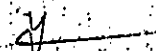
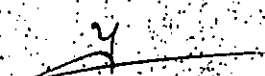
It is therefore, requested in your kind honour that 29 Nos
source-1 forms may kindly be processed in the larger interest of justice and public being low
paid Govt. servants

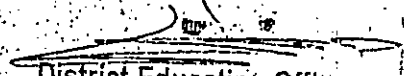
No. 35985-88, Dated 24/1/2023

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 Secy E9 SEP up
Pothawan

Amul E (9)

Subject: Appeal For release of pay stopped illegally by DBO north

1. 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 MOCUS was under process and the new DBO was posted. We appeal to the new DBO and the new DBO was kind enough and Bill prepared and submitted to the DAO office. The DAO office raised observation and the DBO removed the observation and re-submitted the bills to the DAO office which is still pending in his office. His response highly recognized in your kind favour that a necessary order may kindly be passed to DBO of DE merged area for passing the bills as soon as possible so if low paid employees

Dated: 22/2/023

List of teachers are as under

Yours obediently,
Abul Bari
Naimul Ullah PST-4

- Naimul Ullah PST follows
- (1) Naimul Ullah PST. (2) Goharullah PST (3) Shehzeb Khan PST.
 - (4) Atiqullah PST. (5) Hakimullah PST. (6) Israrullah PST. (7) Iqbalullah
 - (8) Bahrul PST. (9) Qasimullah PST. (10) Muhammad Mamoon Khan PST. (11) Iqbal Hussain
 - (12) Rahimullah PST. (13) Nasirullah. (14) Farmanullah (15) Fakirullah V/Chen. (16) Nasirullah
 - (17) Meftakheruddin. (18) Inshah Khan PST. (19) M. Ali PST. (20) Nagi Dur. Rehman (21) Arshad
 - (22) Huzrat Zaman (23) Iqbal Khan. (24) Shohib Moid (25) Shafiqullah PST. (26) Sunood Khan
 - (27) Arshadullah PST. (28) Gulam Nabi Khan TT. (29) Sunad ur Rehman TT
 - (30) Goharullah PST.

So (PE)

22/2/023

10

VAKALATNAMA

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

_____ OF 2023

Samad ur Rehman

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt of K.P. Kohat

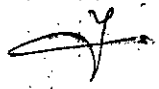
(RESPONDENT)
(DEFENDANT)


I/We Samad ur Rehman

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

Samad
CLIENT(S)


ACCEPTED
YASIR SALEEM
&
AFRASIAB KHAN
ADVOCATES HIGH COURT
PESHAWAR


Shah Mansoor Yousof
Advocate