


FORM OF ORDER SHEET

Court of _____

Appeal No. 1256/2023

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. Naqib 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. 1256 /2023

Naqib Ur Rehman

VS

EDUCATION DEPTT:

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Naqib
APPELLANT

THROUGH:

Y
Yasir Saleem

&

A. Khan
Afrasiab Khan Wazir
Advocate high Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1256 /2023

Mr. Naqib Ur Rehman, 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

Naqib

Naqib Ur Rehman

THROUGH:

Y
Yasir Saleem

&

Afrasiab
Afrasiab Khan Wazir
Advocates high Court

Certificate:

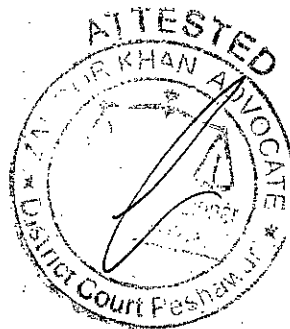
That no earlier appeal is preferred before this august tribunal.

Y
Deponent

Affidavit:

I Naqib Ur Rehman, 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.

Naqib
Deponent



28-5/2023

OFFICE OF THE 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 | 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 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 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 Chaloon |
| 10. Mrs. Bibi Gul PST GGPS Pir Matar Kot | 27. Mr. Shahfiarz 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 Mamoor Khan PST GPS Jalat Ki | 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 Salam Jan Kot | |
| 17. Mr. Farim 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 Miranshah. If they fail to produce 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

Dated 15.1.31 2014

Copy to the:

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

[Signature]
Agency Education Officer
North Waziristan Agency

[Signature]
Agency Education Officer
North Waziristan Agency

CERTIFICATES

- certified that the CNIC issued by NDRA has been verified and...
- Certifies that all the particulars mentioned above are correct and the service Book attached with the proforma is original and has been signed up-to date by the concerned.

Officer
District

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. 373-76 dated: 15.3.2014 I took over charge as PTC Teacher at P.S. GPS Gul Rohan Kot NWA.

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

Your Obediently

Name: Nazir ul Rehman

Designation: PT

ATTESTED

[Handwritten signature]

ATTESTED

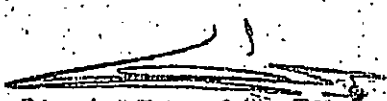
[Handwritten signature]

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

DUTY / PERFORMANCE CERTIFICATE.

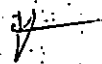
Certified that Mr/Mrst: Nazir baw Rehman S/D/O

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





Office of the
District Accounts Officer
NORTH WAZIRISTAN MIRAN SHAH
PHONE NO. 0928-300541



No. DAO/MR/NW/2022-23/2304-04

Dated 24/11/2022

To:-

The District Education Officer (M)
NW Miran Shah

Anex C (7)

SUBJECT: CONFIRMATION OF SOURCE-I FORMS & SALARIES OF THE REGULARIZATION TEACHERS.

Remo:-

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. Nasr Ullah PST GPS Kharseen |
| 2. Mr. Gohar PST GPS Loli Faqiran | 19. Mr. Meftah Ud Din PST GPS Salman Kot |
| 3. Mr. Shahzob Khan GPS Mails 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 Zaman PST GPS Gul Rai Kot |
| 7. Mr. Abdul Tawab PST GPS Hassan Shah Kot | 24. Awei 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 Chaloon |
| 10. Mrs. Bibi Gul PST GGPS Pir Matar Kot | 27. Mr. Shah Ijaz 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 Mamoor 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 Jan Kot | |
| 17. Mr. Faatim 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 notified to personally attend the Education Officer, to verify / confirmed the above named source forms from the DFO 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-

**CONFIRMATION OF SOURCE-I FORMS AND SALARIES OF THE
REGULARIZED TEACHERS.**

Memo

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 19 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

~~_____~~
District Education Officer,
North Waziristan tribal district.

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 (Sery B95ED up
Peshawar

Amir B (9)

Original 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 12th 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 honour 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,
Abdullah
Nizamuddin PST-7

- 1) Naimatullah PST- (2) Goharullah PST (3) Shahzeb Khan PST. Naimatullah PST follows.
- 4) Hafizullah PST- (4) Hakimullah PST. (5) Abdul Tanzeem PST. (6) Israrullah PST (7) Inamullah
- 10th Baiti Khan PST 19, Qasimullah PST. (20) Muhammad Memorullah PST. (21) Ishaq Nary.
- 1) Rahimullah PST- (13) Nasimullah. (14) Farmanullah (15) Rahimullah V/level. (16) Nasirullah
- 1 Miftakher din. (18) Inshah Khan PST. (19) M. Ali PST. (20) Nazir Khan Rehman (21) Awel
- 1) Hafeez Zaman (23) Ijaz Nard. (24) Shohid Nard (25) Shafiq Khan PST (26) Sanaullah
- 1) Ahsanullah PST- (27) Gul Nisar Khan TT. (28) Saad ur Rehman TT
- 9) Goharullah PST.

So (PE)

22/2/2023

10

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

_____ OF 2023

Nazibullah Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt. of K.P. & others

(RESPONDENT)
(DEFENDANT)

I/We Nazib 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

CLIENT(S)

[Signature]

ACCEPTED
YASIR SALEEM

&
AFRASIAB KHAN
ADVOCATES HIGH COURT
PESHAWAR

[Signature]

Sheikh Anwar Yasir Jari
Advocate