

12.12.2022

Counsel for the appellant present.

Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate

General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Adjourned but as last chance.

To come up for arguments on 02.02.2023 before the D.B.



(FAREEHA PAUL)
Member(E)



(ROZINA REHMAN)
Member (J)

2nd Feb, 2023

Clerk of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Lawyers are on strike, therefore, the case is adjourned. Office is directed to notify the next date on the notice board as well as on the website of the Tribunal. To come up for arguments on 16.03.2023 before D.B.



(Muhammad Akbar Khan)
Member (E)



(Kalim Arshad Khan)
Chairman

SCANNED
KPST
Peshawar

SCANNED
KPST
Peshawar

08.06.2022

Appellant in person present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up arguments on 01.08.2022 before the D.B.




(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

1-8-2022

Proper DB not available the case is adjourned to 1-11-2022


Reader

1st Nov, 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG alongwith Mr. Arshad Ali, ADEO for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Last chance is given to argue the case failing which the case will be decided on the available record without the arguments. To come up for arguments on 12.12.2022 before D.B.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

24.01.2022

Learned counsel for appellant present. Mr. Toseef ur Rehman ADEO alongwith Mr. Kabir Ullah Khattak Additional Advocate General for respondents present.

Mrs. Rozina Rehman learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 14.02.2022 before D.B.



(Salah-Ud-Din)
Member (J)

14.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 19.04.2022 for the same as before.



19th April, 2022

None present for the appellant. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Notice be issued to appellant as well his learned counsel for the date fixed. To come up for arguments on 08.06.2022 before D.B.

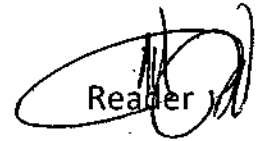


(Mian Muhammad)
Member(E)



Chairman

15.01.2021 Junior to counsel for the appellant present. Addl: AG
alongwith Mr. Arshad Ali, ADEO for respondents present. Due
to pandemic of Covid-19, the case is adjourned to 29.03.2021
for the same.


Reader

29.03.2021 The concerned D.B is not available today, therefore, the
appeal is adjourned to 21.05.2021 for the same.


Reader

21.5.21

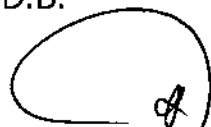
*due to COVID-19, the case is adjourned to
9.9.2021 for the same.*


Reader

09.09.2021 Clerk of counsel for appellant present.

Kabir Ullah Khattak learned Additional A.G for
respondents present.

Lawyers are on general strike. Therefore, case is
adjourned. To come up for arguments on 24.01.2022 before
D.B.

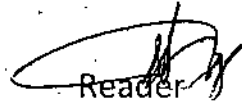

(Rozina Rehman)
Member (J)


Chairman

10-4.2020

Due to COVID19, the case is adjourned to

8/7/2020 for the same as before.


Reader

08.07.2020

Due to COVID19, the case is adjourned to 31.08.2020 for the same as before.


Reader

31.08.2020

Due to summer vacation, the case is adjourned to 06.11.2020 for the same as before.


Reader

06.11.2020

Junior to counsel for the appellant and District Attorney for the respondents present.

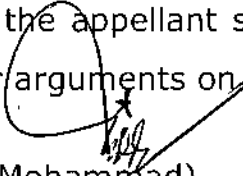
The Bar is observing general strike, therefore, the matter is adjourned to 15.01.2021 for hearing before the D.B.

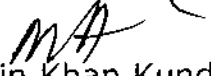

(Mian Muhammad)
Member


Chairman

03.03.2020

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 10.04.2020 before D.B.


(Mian Mohammad)
Member


(M. Amin Khan Kundi)
Member

27.09.2019 Appellant with counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith M/S Shafiq Senior Clerk and Arshad Khan ADO for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 15.11.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

15.11.2019 Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 09.01.2020 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

09.01.2020 Due to general strike of the Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for arguments on 03.03.2.2020 before D.B.


Member


Member

17.07.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned Assistant AG requested for adjournment on the ground that representative of the department is not available and the inquiry report initiated against the appellant is also not available on the record. Therefore, respondent-department is strictly directed to direct the representative to attend the court on the next date and also furnish all the relevant record including the inquiry report. Adjourned to 25.07.2019 for record and arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

25.07.2019

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith M/S Arshed Ali, ADO and Sajid, Superintendent for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 27.09.2019 for arguments before D.B.

27.09.2019

Learned Deputy District Attorney alongwith M/S Shefiq Senior and Arshad Khan ADO for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 23.11.2019 for arguments on 23.11.2019 before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

02.04.2019

Learned counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General for the respondent present. Learned counsel for the appellant requests for adjournment in order to seek fresh instruction from appellant but he is not available due to family bereavement today. Adjourned to 21.05.2019 before D.B.


Member


Chairman

21.05.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned counsel for the appellant requests for adjournment as he could not prepare brief of instant matter due to over work.

Adjourned to 17.07.2019 before D.B.


Member


Chairman


02.11.2018

Neither appellant nor his counsel present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Arshed Ali, ADO for the respondents present. Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 24.12.2018.


Reader

24.12.2018

Learned counsel for the appellant and Mr. Kabirulah Khattak learned Additional Advocate General for the respondents present. Learned Additional Advocate General seeks time to furnish complete record in respect of inquiry conducted against the appellant. Adjourned. To come for complete record/arguments on 18.02.2019 before D.B.

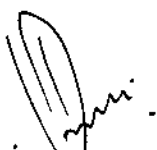

Member


~~Member~~
Member

18.02.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned DDA for the respondents present. The hearing of appeal in hand could not be concluded in the remaining time. Adjourned to 02.04.2019 before D.B.


Member

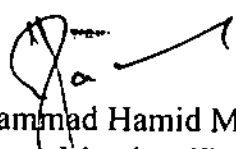

Chairman

Service Appeal No. 994/2016

30.07.2018

Appellant with counsel Syed Noman Bukhari, Advocate present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 31.08.2018 before D.B.



(Ahmad Hassan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

31.08.2018

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 19.09.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

19.09.2018

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 02.11.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

22.01.2018


Clerk of the counsel for appellant present. Mr. Riaz Painsa Khel, Assistant AG for the respondents present. Clerk of the counsel for appellant seeks adjournment as his senior counsel is not available today. Adjourn. To come up for arguments on 22.03.2018 before D.B.


Member


Chairman

22.03.2018


Learned counsel for the appellant and Learned Additional Advocate General alongwith Arshid Ali ADO for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 24.05.2018 before D.B


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member


24.05.2018

Appellant in person and Addl: AG for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 30.07.2018 before D.B


(Muhammad Amin Khan Kundi)
Member

24.01.2017

Counsel for the appellant and Addl: A.G alongwith Mr Raham Taj, ADO for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 20.03.2017.


(M.Aamir Nazir)
Member

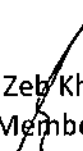
20.03.2017

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. Counsel for the appellant submitted Rejoinder which is placed on file. To come up for arguments on 20.07.2017 before D.B


Chairman

20.07.2017

Junior counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Learned Deputy District Attorney requested for adjournment. Adjourned. To come up for arguments on 22.11.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

22.11.2017 Clerk to counsel for the appellant present. Mr. Muhammad Jan, Deputy District attorney alongwith Arshid ADO (lit) for the respondents present. Clerk to counsel for the appellant requested for adjournment as his counsel is not available. Adjourned. To come up for arguments on 22.01.2018 before D.B.


(Gul Zeb Khan)
MEMBER


(MUHAMMAD HAMID MUGHAL)
MEMBER

10.10.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Chowkidar in Government Primary School Terai Payan Peshawar vide order dated 27.01.2014. That he was performing his duties as such till date. That the salary of the appellant was withheld w.e.f September 2014 constraining the appellant to prefer departmental appeal on 04.06.2014 which was not responded and hence the instant service appeal on 19.09.2016.

That the appellant is entitled to salary and that withholding of the same by respondents is an act contrary to facts and law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 13.12.2016 before S.B.

Appellant Deposited
Security & Process Fee

10-10-16

Chairman



13.12.2016

Counsel for the appellant and Hameed ur Rehman, AD (Litigation) alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply on 24-1-2017 before S.B.

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 994/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23/09/2016	<p>The appeal of Mr. Sannaullah resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10-10-16</u></p> <p style="text-align: right;"> MEMBER</p>

SCANNED
KPST
Peshawar

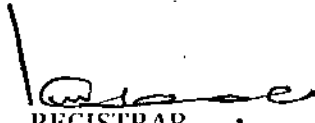
2

The appeal of Mr. Sannaullah Chowkidar GPS Terai Payan Peshawar received today i.e. on 19.09 2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of application mentioned in para-4 of the memo of appeal (Annexure-E) is not attached with the appeal which may be placed on it.

No. 1546 /S.T.

Di. 20/9 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

Sir,

Objections were removed and filed re-submitted.

*of
insert.*

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 994 /2016

Sanaullah

V/S

Education Department

INDEX

No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-03A
2.	Copy of order dated 27-1-2014	A	04-05
3.	Copy of Service Book	A-1	06-08
4.	Copy of Charge Report	B	09
5.	Copy of Payroll	C	10-12
6.	Copy of Attendance Sheet	D	13-30
7.	Copy of Application	E	31
8.	Copy of departmental appeal	F	32-33
9.	Vakalat Nama	-----	34

APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)


(S. NOMAN ALI BUKHARI)


(TAIMUR ALI KHAN)
ADVOCATES, PESHAWAR

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 994 /2016

Khyber Pakhtukhwa
Service Tribunal

Sanaullah, Chowkidar, Government Primary School,
Terai Payan Peshawar.

Diary No. 994
Dated 19-9-2016

(Appellant)

VERSUS

1. The Secretary Education, (E&SE), KPK, Peshawar.
2. The Director Education (E&SE) KPK, Peshawar.
3. The Sub Divisional Education Officer (Male), Peshawar.
4. The District Education Officer (Male), Peshawar
5. The Secretary Finance, KPK, Peshawar.
6. The Headmaster GPS Terai Payan Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 FOR DIRECTING THE RESPONDENTS TO PAY THE SALARIES TO THE APPELLANT FROM SEPTEMBER, 2014 TILL DATE & ONWARDS AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO PAY THE SALARIES OF THE APPELLANT W.E.FROM SEPTEMBER, 2014 TILL DATE & ONWARDS BEING STILL ON THE STRENGTH OF THE DEPTT:. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day

Sanaullah
Registrar

19/9/2016.

Re-submitted to -day
and filed.

Sanaullah
Registrar

21/9/16

RESPECTFULLY SHEWETH:**FACTS:**

1. That the appellant was appointed on 27.1.2014 as Class-IV (Chowkidar) in the Government Primary School Terai Payan Peshawar by the approval of the Departmental Selection Committee, which is also evident from the service book and the appellant is working with diligently and entire satisfaction of the High-up. **(Copy of appointment order and service book are attached as Annexure-A and A-1).**
2. That the appellant gave his arrival report and took charge and performed his duties very honestly, regularly and fairly since the time of his appointment in above mentioned department and also received his salaries till August 2014. **(Copy of the charge report, payroll and attendance Sheet are attached as Annexure-B, C & D).**
3. That the appellant has been Continuously performing his duties without any break for the period for which the salaries were received and has never been found guilty of any kind of absenteeism, truancy, misconduct, misfeasance, malfeasance or nonfeasance, nor been found guilty of dereliction of duty without taking these thin gin to consideration without any reason the appellant pay was stop.
4. That the appellant pay has been stopped due to unknown reasons and without any hearing of the appellant, therefore, appellant submitted application to the District Education Officer (Male) but no action was taken on the appellant application. **(copy of application is attached as Annexure-E)**
5. That then the appellant filed departmental appeal for the salaries from September, 2014 till date and onwards on 4.6.2016, which was not responded with in the statutory period of ninety days. **(Copy of departmental appeal is attached as annexure-F).**
6. That now the appellant has no other remedy, but constrain to file the instant appeal on the following grounds amongst others.

GROUNDS:

- A) That the non-payment of salaries to the appellant despite that appellant is on the strength of department is against the law, rules and material on record, therefore liable to be set aside.
- B) That the appellant is still working on the post of Chowkidar and on the strength of the department but despite the fact that the appellant's salary was stopped in illegal manner and non-payment of salaries on the part of department is illegal and not according to law.
- C) That the appellant is on the strength of the department therefore, he is legally entitled for salaries.
- D) That the appellant is legally entitled for his pay under section 17 of the Civil Servant Act 1973 of Khyber Pakhtunkhwa Peshawar.
- E) That the appellant has not been treated according to law and rules and has been kept deprive from his legal right of monthly pay.
- F) That not paying monthly salary to the appellant despite being the employee of the Deptt: amounts to forced labour which is prohibited under Article-11 of the Constitution of Pakistan.
- G) That the appellant has been deprived from his legal right of pay for the period mentioned above in an arbitrary manner which is not permissible under the norms of justice and fair play.
- H) That the appellant seeks permission to advance other grounds and proofs at the time hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

Sanaullah

THROUGH:
(M. ASIF YOUSAFZAI)
(S. NOMAN ALI BUKHARI)**&**
(TAIMUR ALI KHAN)
ADVOCATES, PESHAWAR

Annexure - 'A' (4)

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (MALE) PESHAWAR.

OFFICE ORDER/

Consequent upon the approval of the Departmental Selection Committee (DSC) the following candidates are hereby appointed as Chowkidar Regular against the vacant post in BPS-01 (Rs.4800-150-9300) plus usual allowances as admissible under the rules at the schools noted each in the interest of Public Services from the date of their taking over charge with the following terms and conditions.

S. No.	Name	Father Name	School	Remarks
1	Sanatullah (Land Donor)	Inayatullah	GPS Terai Payan	Against Vacant Post

Terms & Conditions

1. He will be governed by such rules and regulations as may be prescribed by the Govt. from time to time for category of Govt. Servants to which they belong.
2. In case of resignation prior notice of one month should be given by the official concerned otherwise one month pay and allowances will be forfeited in lieu thereof.
3. Their appointments are purely on temporary basis and liable to termination/ reverted at any stage without assigning any notice/reason.
4. Their services will be liable to termination/reversion at any stage if his N.I.C/Domicile etc testimonial found fake. FIR will be lodged against the accused.
5. They should take over charge of their posts within fifteen days after the issue of this notification/order.
6. Charge reports should be submitted to all concerned.
7. They will produce health and age certificate from the concerned Civil Surgeon.
8. TA/DA is not allowed.
9. This order should be verified from the office of the undersigned before taking over charge.

Sarfraz Khan

(SARFARAZ KHAN)
SUB-DIVISIONAL EDUCATION OFFICER
(MALE) PESHAWAR

Attested

S. M. Khan
28/1/2014
Assistant Sub-Division
Education Officer
Chowkidar Regular

ATTESTED

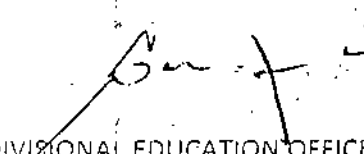
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Inst.No. 416-423 /Apptt./Class-IV/

Dated Peshawar the 27/01 / 2014

Copy of the above is forwarded for information and N/A to the,

- 1). Mr. Sajid Nawaz Khan M.N.A NA-3 Peshawar.
- 2). Mr. Mahmood Jan MPA PK-7 Peshawar
- 3). Accountant General Khyber Pakhtunkhwa Peshawar.
- 4). Suptt. Establishment Local Office
- 5). A.S.D.E.O (M) Concerned.
- 6). Cashier Local Office
- 7). Head Master Concerned.
- 8). Officials Concerned.


SUB DIVISIONAL EDUCATION OFFICER
(MALE) PESHAWAR

Attested

25/1/2014

Assistant Divisional Officer
Peshawar

ATTESTED


Note:- The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name: SANA ULLAH JAN

2. Race: Islam (Afghan, Daudzai)

3. Residence: Village & P/O Terig Payan Distt. Peshawar

4. Father's name and residence: GNAYAT ULLAH
As above



5. Date of birth by Christian era as nearly as can be ascertained: 04-12-1993
(Fourth December 20th & Ninety three)

6. Exact height by measurement: 5-7"


7. Personal marks for identification: NIL

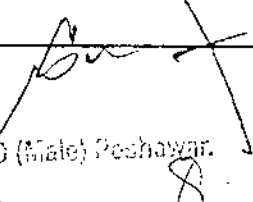
Left hand thumb and finger impression of (Non-Gazetted) officer:

Little Finger  Ring Finger 

Middle Finger  Fore Finger 

Thumb 

Signature of Government Servant: 

Signature and designation of the Head of the Office, or other Attesting Officer: 
SDFO (Male) Peshawar.

F-11111111

ATTESTED

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "p"	7 Date of appointment	8 Signature of Government Servant
<i>Chaukidar</i> <i>21/5/14</i>		<i>21/5/14</i>	<i>Rs- 4800/-</i>	<i>4800-150-900</i>		<i>27/1/2014</i>	<i>[Signature]</i>
<i>TPS</i> <i>Taxi Driver</i> <i>15/1/14</i>		<i>Signature</i> <i>[Signature]</i>		<i>4950/-</i>		<i>17/2014</i>	<i>[Signature]</i>

... and Design of the ... of the ... or other attending ... in attestation ... columns 1 to ...

SDEO (Male)

SDEO (M)

ATTESTED

8	9	10	11	12	13		14	15
Signature of Government Servant.	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.
					Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period	Government to which debitable		
							Allowed Pre Mature Increment vide Govt. of KPK Finance Deptt. No.F.D (SO SR-1) 2-123/2014 Dated 14-7- 2014	
							SDEO (Mgt) Peshawar. 8	
							Under Taking	
							I Mr. <u>Sana Ullah</u> Cowk: Give an under taking to the effect that if any O/payment is made to me on Incorrect award of Pre mature Inc: it will be deducted from my pay/ pension	
							Attested	Signe of Official
							SDEO (Mgt) Peshawar. 9	

ATTESTED

طریقہ رپورٹ

Amnouse

9

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

تعمیرات آرڈر نمبر 416-423 آمد آمد آرڈر نمبر 27/07/014

پیشوا

27/07/014

کتاب

کتاب

Head Master
G. S. Torai Payan
29/1/2014

Assistant Sub Division
Education Officer
Circle Jaitara Bishnagar,

ATTESTED

Lat dt: 30-9-16.

free
30000/-

steno = 500/-
doc = 1000/-

ATTACHED



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL (GENERAL) PAKISTAN
DISTRICT Faisalabad Dist
PAY ROLL SYSTEM

Annexure - C (10)
PAYMENT ADVICE

P Sec: 003 Month: May 2014
PS7064 - Deputy District Officer
Fin: Education Schools
MTN:
GPF #:
Old #:

Pers #: 00714586 BUCKLE:
Name: SANA ULLAH JAN
Dsg: CHOWKIDAR
CNIC No. 1730177198127

GPF Interest Applied
FPS 01 Active Temporary

DEPT CODE PS7064

PAYS AND ALLOWANCES:

0001-Basic Pay	4,800 00
1000-House Rent Allowance	891 00
1210-Leave Allowance 2005	1,700 00
1300-Medical Allowance	1,000 00
1516-Dress/ Uniform Allowance	100 00
1527-Washing Allowance	100 00
1971-Ashoc Allowance 2011 15%	445 00
1973-Ashoc Allowance 2011 50%	1,435 00
2118-Ashoc Relief Allow (2012)	950 00
Gross Pay and Allowances	12,201 00

DEDUCTIONS:

GPF Balance	212 00	Subtr:	212 00
3501-Revolvent Fund			120 00
3511-Adl Group Insurance			3 00
3604-Group Insurance			58 00
3990-Emp. Edu. Fund KP%			50 00

Total Deductions

443 00

NET ACCOUNT PAYABLE:

11,758 00

CUMULATIVE SERVICE

YRS MONTH D O B
00 Years 04 Months 06 Days 04 12 1993

FP Quota:
Payment through DDO

ATTESTED



GOVERNMENT OF PAKISTAN
 ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
 DISTRICT Peshawar
 PAY ROLL SYSTEM

60714586
 Name: SANA ULLAH JAN
 D.O: CHOOKIDAR
 CNIC No 1730177198127
 Date of Intment: 01/12/1993

P Sec 7001
PAYMENT ADVISE
 15/12/2014
 PR7064 -Deputy District Officer
 Education Schools

NTN:
 GPF #:
 Old #:

BPS: 01 Active Temporary
 Gross Pay and Allowances
 1400-152 Adhoc Relief All-2013
 2100-Adhoc Relief Allow-2014

DEPTT CODE PR7064

720.00
 480.00

Gross Pay and Allowances
 GPF Balance 703.00

12,966.00

Subtot

Less: Deductions

443.00

NET AMOUNT PAYABLE

12,523.00

QUALIFYING SERVICE

00 Years 08 Months 005 Days
 D.O B 04.12.1993

LFP Quota:
 Parent through DDO.

ATTESTED

GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHAYDER PAKISTAN
D. DISTRICT
PAY ROLL SYSTEM

12/

PAYMENT ADVICE

274
 274

P Sec: 003 Month: August 2014
 P Sec: 003 Month: August 2014
 PR7064 - Deputy District Officer
 PR7064 - Deputy District Officer

00714584 Buckle
 00714586 Buckle
 Name: SANA ULLAH JAM
 Name: SANA ULLAH JAM
 Designation: CHOWKIDAR
 Designation: CHOWKIDAR
 CNIC No: 1730177198127
 CNIC No: 1730177198127
 Interest Applied

PR7064 - Deputy District Officer
 PR7064 - Deputy District Officer
 Education Schools
 Education Schools
 NTN:
 NTN:
 GPF #:
 GPF #:
 Old #:
 Old #:

01 Active Temporary
 01 Active Temporary
PAYS AND ALLOWANCES -
PAYS AND ALLOWANCES
 2148-15% Adhoc Relief All-2013
 5911-Adj. Adhoc Relief 2011
 2174-Adhoc Relief Allow-2014
 5938-Adj. Adhoc Relief All 2012
 5002-Adjustment House Rent
 5301-Adj. Basic Pay
 5011-Adj. Conveyance Allowance
 5002-Adjustment Medical All

PR7064	
PR7064	
	720.00
	1,392.00
	480.00
	3,004.00
	2,788.00
	15,019.00
	5,319.00
	3,129.00

NET AMOUNT PAYABLE 313.00
 313.00

5030-Adj. Dress/Uniform Allowance
 5030-Adj. Dress/Uniform Allowance
QUALIFYING SERVICE
 YRS MON
 10-Adj. 15% Adhoc Allowance

2,250

ATTESTED

رجسٹر حاضری مدرسین برائے جی بی ایس پسران میان سرگودھا

لوحہ نمبر 2015

بابت ماہ

شعبہ - اللہ

ریاض خان قاری محمد علی

روز	ام	دستخط	ام	دستخط	ام	دستخط	ام	دستخط	ام	دستخط
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5/11/2015

Allegation

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رجسٹر حاضری مدرسہ سین

نام		تاریخ											
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		PST					PST						
		وقت آمد	وقت رفت	حالت	بیماری	وقت آمد	وقت رفت	حالت	بیماری	وقت آمد	وقت رفت	حالت	بیماری
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رجسٹر حاضرہ مدرسین جی پی ایس تیرائی پانچان لہنڈا

تاریخ

بابت ماہ نومبر 2015

تہا لہنڈا		آیا زخان		تاری محمد نور	
روز	آمد	روز	آمد	روز	آمد
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رہسٹر حاضر کی مدرسین جی بی ایس سیرانی بیان

ماہیت ماہ اگست

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31/5/2015

25

رہبر حاضری مدرسہ سین

ماہ جولائی

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رجسٹر حاضر فی مدرسین جنوری ۱۹۲۶ء

پہلی ماہ مارچ

رقم	آد	دستخط	درجہ	آد	دستخط	درجہ	آد	دستخط	درجہ	آد	دستخط	درجہ	آد	دستخط	درجہ	آد	دستخط	درجہ
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مدرستہ مدرسین

سید محمد علی
H. O. D. (M)
Muzaffargarh

Attested

Head Master
Muzaffargarh

میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال

ATTESTED

رہسٹر حاضر کی مدرسہ سیران پایاں
کلیں لیسن سیران پایاں

2014

سیران				قاری محمد نور بد			
چو کمدار				PST			
آئد	دستخط	رواجی	دستخط	آئد	دستخط	رواجی	دستخط
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حالت	سابقہ	بیزن	حالت	سابقہ	بیزن	حالت	سابقہ	بیزن	حالت	سابقہ	بیزن

ATTESTED

Handwritten notes on the left margin, including dates and initials like 'A.S.D.' and 'Month 8.30A'.

گرفتہ ہے۔ ڈسٹرکٹ ایجوکیشن آفیسر مردانہ فوج لکھنؤ
نوسنگ لکھنؤ سب ڈسٹرکٹ ایجوکیشن آفیسر مردانہ فوج لکھنؤ

صبا علیا
درخواست گزار سیدتی سیدتی

گرفتہ ہے۔ ڈسٹرکٹ ایجوکیشن آفیسر مردانہ فوج لکھنؤ
2013/11/15 سے لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ
سٹرکٹ ایجوکیشن آفیسر مردانہ فوج لکھنؤ لکھنؤ لکھنؤ
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The same person was
appointed by Ex-SDO
at this school. without
DSC and his salary
was stopped accordingly.
Now the post is vacant
QA
20.13.15

Sub-Divisional Edu. Officer
Divisional Edu. Officer
101 Police Postwar.

لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ
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TESTED
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To

The District Education Officer (Male)
Khyber Pakhtunkhwa, Peshawar.

**SUBJECT: DEPARTMENTAL APPEAL FOR RELEASING PAY
W.E.FROM SEPTEMBER, 2014 TILL DATE &
ONWARDS.**

Respected Sir,

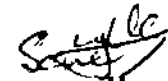
1. That the appellant was appointed in the year 27.1.2014 as Class-iv (Chowkidar) in the Government Primary School Terai Payan Peshawar by the approval of the Departmental Selection Committee and the appellant is working with diligently and entire satisfaction of the High-up. **(Copy of appointment order is attached as Annexure-A).**
2. That the appellant gave his arrival report and took charge and performed his duties very honestly, regularly and fairly since the time of his appointment in above mentioned department and also received his salaries till August 2014. **(Copy of the charge report, payroll and attendance Sheet are attached as Annexure-B, C & D).**
3. That the appellant has been Continuously performing his duties without any break for the period for which the salaries were received and has never been found guilty of any kind of absenteeism, truancy, misconduct, misfeasance, malfeasance or nonfeasance, nor been found guilty of dereliction of duty without taking these thin gin to consideration without any reason the appellant pay was stop.
4. That the appellant also submitted application to the District Education Officer (Male) but no action was taken on the appellant application. **(copy of application is attached as Annexure-E)**
5. That now the appellant filed the departmental appeal on the following grounds.

ATTESTED

GROUNDS:

- A) That the non-payment of salaries to the appellant despite that appellant is on strength of department is against the law, rules and material on record, therefore liable to be set aside.
- B) That the appellant is still working on the post of Chowkidar and is on the strength of the department but despite the fact that the appellant salary was stopped in illegal manner and non-payment of salaries on the part of department is illegal and not according to law.
- C) That non-payment of salaries to appellant despite performance of duty is amounting to forced labour which is prohibited under the Constitution of Pakistan.
- D) That the appellant is legally entitled for his pay under section 17 of the Civil Servant Act 1973 of Khyber Pakhtunkhwa .

It is therefore, most humbly requested that the salary of the appellant from September, 2014 till date and onwards may be released with all back and consequential benefits.

**Appellant**

Sanullah, Chowkidar,
Government Primary School,
Terai Payan Peshawar,
Cell No. 0313-9186276

Date: 4-6-16

Diary No: 1394.

Dated: 4-6-2016.

ATTESTED



VAKALAT NAMA

NO. _____/20

IN THE COURT OF K.P.K Service Tribunal, PeshawarSanaullah(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Educational Deptt.(Respondent)
(Defendant)

I/We

Sanaullah

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Sanaullah

(CLIENT)

ACCEPTED

M. Asif Yousafzai**M. ASIF YOUSAFZAI**
Advocate**M. ASIF YOUSAFZAI**Advocate High Court,
Peshawar.**OFFICE:**Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.

Ph.091-2211391-

0333-9103240

Syed NOMAN Ali Bokhari
& Taimur Ali Khan
Advocate

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

SERVICE APPEAL NO. 994/2016

Sana ullah

V/S

GOVT.

Reply on behalf of Respondents

Respectfully Sheweth:-

The Respondents submit below:-

Preliminary objections:-

- 1.** That the Appellant has got no cause of action/ locus standi.
- 2.** That the instant appeal is badly time barred.
- 3.** That the instant Appeal is not maintainable in its present form.
- 4.** That the instant Appeal is bad for mis- joinder and non- joinder of the necessary parties.
- 5.** That the Appellant has not come with clean hands to this Hon, able Tribunal.
- 6.** That the instant appeal is barred by law.
- 7.** That this Hon, able Tribunal has got no jurisdiction to adjudicate upon the instant Service Appeal.

On Facts:-

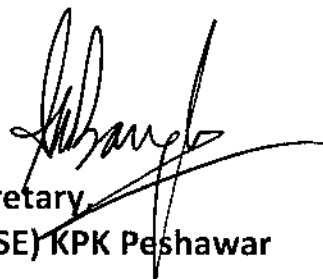
- 1.** That Para No.1 is incorrect, misleading and against the facts. The meeting of District Selection Committee was held on 20/12/2013 wherein the name of the petitioner was not included in the Minutes of DSC.
(DSC Minutes is attached as annexure- A)
- 2.** That Para No.2 is incorrect and denied. The Appellant was wrongly given the charge of duty as Class-IV. As the impugned appointment order was not issued with the approval of the District Selection Committee (DSC) as required under the rules. There is no approval of the District Selection Committee regarding the appointment of the Appellant as class-iv. Moreover, the Appellant has wrongly drawn the salaries.
- 3.** That as the Appellant was wrongly appointed, therefore, his salary was stopped.
Furthermore, an inquiry was conducted regarding the illegal appointments of class-iv wherein all the class-iv appointments other than List Annexed-A, have been declared as illegal and void ib initio by the inquiry officer (Inquiry Report is attached as Annexure-B)
- 4.** That reply to Para No.4 is given in Para No.3.

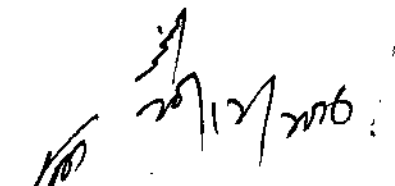
5. That as the Appellant has no cause of action, therefore, his Departmental Appeal was not maintainable.
6. That Para No.6 is incorrect and denied. The Appellant was wrongly appointed.

GROUNDS:

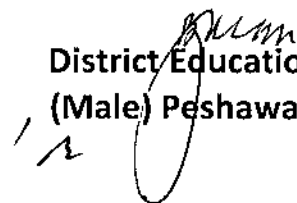
- A- That as the Appellant was wrongly appointed, therefore, he is not entitled for the pay.
- B-That Ground - B is incorrect. As the appointment of the Appellant has been declared illegal/void ib initio.
- C-That the appointment of the Appellant was declared illegal/void ib initio By the inquiry officer, therefore, he is not civil servant.
- D-That Ground - D is incorrect and denied. Detailed reply has been given in the above Paras of the Facts.
- E-That Ground-E is incorrect and denied. The Appellant was wrongly appointed.
- F-That as Appellant is not the employee of the Respondent Department, therefore, he is not entitled for the pay.
- G-That Ground-G is fully replied in Ground-E.
- H-That the Respondents also seek leave of this Hon, able Tribunal to present case law and raise additional grounds at the time of arguments.

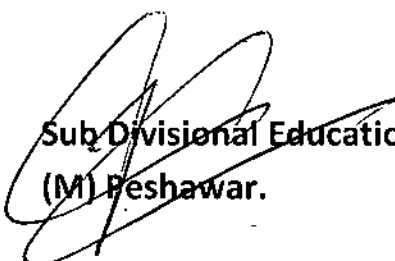
It is therefore, very humbly prayed that on the acceptance of this reply, the instant appeal may very kindly be dismissed.

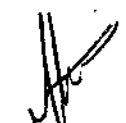

Secretary,
(E & SE) KPK Peshawar


Director,
(E & SE) KPK Peshawar


Secretary,
Finance, KPK Peshawar


District Education Officer
(Male) Peshawar.


Sub Divisional Education Officer,
(M) Peshawar.


Head Master,
GPS, Terai Payan, Peshawar

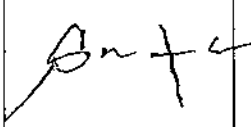
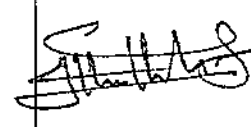
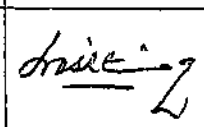
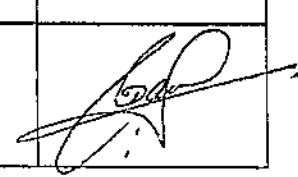
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MEETING OF DISTRICT STEERING COMMITTEE OF DISTRICT PESHAWAR.

ATTENDANC SHEET

Date.20/12/2013

S.NO	NAME OF OFFICER	DESIGNATION	CONTACT NO	SIGNATURE
1	Sarfaraz Khan	S.D.E.O (M) Prim: Peshawar	0308-3387264	
2	Attaullah Khan	Suptt: O/O the Director (E&SE)	0321-9073994	
3	Muhammad Ishtiaq	ASDEO (M) Circle Muttani	0301-8822645	
4	Javed Abbas	Suptt: O/O the SDEO (M) Prim:	0346-7875310	

Amal.
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(3)

**MINUTES OF THE MEETING OF DISTRICT SELECTION COMMITTEE REGARDING
RECRUITMENT OF C-IV FRESH CANDIDATES / RETIRED CANDIDATES / DECEASED
SONS / LAND DONORS / DISABLE HELD ON 20-12-2013 AT THE OFFICE OF SUB
DIVISIONAL EDUCATION OFFICER (Male) PESHAWAR**

The meeting of District Selection Committee regarding recruitment of C-IV candidates was held on 20/12/2013 at 9.00 AM in office of the Sub-Divisional Education Officer (Male) Peshawar under the Chairmanship of the SDEO (Male) Peshawar.
The following attended the meeting.

S#	Name & Designation	Capacity
1	Sarfraz Khan S.D.E.O. (Male) Peshawar	Chairman
2	Attaullah Khan (Representative) Superintendent Office of the Director (E & S E) Khyber Pakhtunkhwa	Members
3	Muhammad Ishtiaq ASDEO (Male) Circle Mattani	Members
4	Javed Abbas Superintendent Office of the SDEO (Male) Peshawar	Member

The meeting was started with the recitation a verse from Holy Quran by Mr. Muhammad Ishtiaq ASDEO (M) Circle Mattani Peshawar.

The criteria regarding recruitment of C-IV are given as under:-

1. Deceased Son Quota 100%.
2. Retired Employees Son Quota 25%
3. Disable 02%.
5. Fresh Candidates Precedent

Working papers for recruitment of C-IV fresh / deceased son / retired son / land donors / disable were placed before the DSC.

In view of the above working papers the following decision were made by the DSC committee are as under:-

1. All the deceased sons / retired employees son / fresh candidates who are recommended by the DSC committee to be appointed as per given criteria.

After thorough examination & manual checking of the relevant documents the following

Candidates were selected for recruitment as given below:-

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DECEASED CANDIDATES FOR DECEASED / RETIRED EMPLOYEES SONS /
LAND OWNER / FRESH APPOINTMENT AS C-IV

S#	Name	Father Name	DOB	Domicile	Remarks
DECEASED SON QUOTA 100%					
1	Kamran Ahmad	Jabir Khan	01-01-1991	Peshawar	Recommended for appointment subject to condition of availability of post.
2	Fazle Subhan	Malak Said Khan	01-01-1985	Peshawar	Recommended subject to condition to obtain the affidavit from Grand Father who is the real land donor.
3	Abdullah	Faizullah Khan	01-01-1989	Peshawar	Recommended for appointment subject to condition to provide affidavit on Stamp Paper/EEC
4	Shahbaz Ali	Akhta Ali	27-11-1990	Peshawar	Recommended for appointment subject to the condition of availability of post.
RETIRED SON QUOTA 25 %					
1	Meera Jan	Abdullah Jan	02-01-1990	Peshawar	Recommended for appointment.
2	Ziaullah	Zakirullah	23-11-89	Peshawar	Recommended for appointment.
3	Nematullah	Muqaddas Khan	30-01-88	Peshawar	Recommended for appointment.
4	Naveed Khan	Hayat Khan	20-01-1995	Peshawar	Recommended for appointment.
5	Noman Haider	Haider Ali	10-01-93	Peshawar	Recommended for appointment.
Land Donor					
1	Awais Khan	Sardar Khan	01-01-1992	Peshawar	Recommended for appointment.
2	Awais Khan	Sahib zada	15-11-1994	Peshawar	Recommended for appointment subject to condition to provide the domicile.
3	Saeedullah	Noor Muhammad	18-01-88	Peshawar	Recommended for appointment subject to the condition to provide the retirement order.
	Nir Wali Gul	Khalista Gul	05-01-1987	Peshawar	Recommended for appointment subject to condition to provide the document.
	Sirajud Deen	Mahabat Khan	1984	Peshawar	Recommended for appointment.

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6	Muz Ali	Mumtaz Ali	01-01-1988	Peshawar	Recommended for appointment
7	Masaud Khan	Sadat Khan	20-04-1985	Peshawar	Recommended for appointment
8	Ansar Nacem	S. Nacem Jan	20-06-1993	Peshawar	Recommended for appointment
Fresh					
1	Khalid Khan	Shehzada	1983	Peshawar	Recommended for appointment
2	Adnan Khan	Asfandyar Khan	20-11-1995	Peshawar	Recommended for appointment
3	Ammad Ali	Muhammad Anwar	01-04-1987	Peshawar	Recommended for appointment
4	Muhammad Akbar	Dost Muhammad	20-01-1996	Peshawar	Recommended for appointment
5	Nafees Ullah	Majeed Gul	20-12-1980	Peshawar	Recommended for appointment subject to condition to provide age relaxation
6	Wiqar Khan	Raza Khan	03-01-1986	Peshawar	Recommended for appointment
7	Shakil Ahmad	Mir Akbar	02-01-1989	Peshawar	Recommended for appointment
8	Ibrar	Naimatullah	03-04-1989	Peshawar	Recommended for appointment
9	Inamullah	Sher Afzal Khan	01-09-1987	Peshawar	Recommended for appointment
10	Ibrahm	Muhammad Ali	17-01-1992	Peshawar	Recommended for appointment
11	S. Younas Jan	S. Afzal Ahmad Shah	01-01-1985	Peshawar	Recommended for appointment

MR Attaullah Khan (Member)
Representative Director E&S Edu :
Khyber Pkhtunkhwa

Mr. Javed Abbas (Member)
Supt. Office of SDEO (M)
Primary Peshawar

Mr. Muhammad Ishtiaq (Member)
ASDEO (M) Circle Mattani

Mr. Sarfaraz Khan (Chairman)
Sub-Divisional Education Officer
(Male) Primary Peshawar

20/12/2013

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ENQUIRY REPORT REGARDING CLASS-IV APPOINTMENT MADE BY EX-DDO
(MALE) PESHAWAR IN HIS TENURE

1. Name of enquiry Officer Siraj Muahmmad DEO (M) Charsadda
2. Date of previous enquiry 22/05/2014
3. Date of existing enquiry 11/10/2014
4. Place of enquiry O/O SDEO (M) Peshawar.

INTRODUCTORY

The Director I & SE KPK, has directed me vide letter No. 2372 dated; 25/08/2014, to make a fresh enquiry in the allegation leveled against Mr. Srafaraz Khan Ex-EDO, Peshawar, by the SDEO (M) Peshawar on chair, in his letter to DEO (M) Peshawar bearing issued No, 138 dated; 12/08/2014 copy enclosed as Anex-A.

HISTORY.

The undersigned has conducted an enquiry regarding appointments of class-IV made by Ex-SDEO (M) Peshawar and the stoppage of salary of 10 Chowkidars by him allegedly illegal, in compliance with the Notification of Director I & SE, KPK, No 12286-90 dated 15/04/2014, and report thereof submitted to Director I & SE, KPK Peshawar under Endst No, 4706 dated 28/05/2014.

The present enquiry is embracing the irregularities as pointed out by SDEO in his above mentioned letter.

PROCEEDINGS.

In order to investigate all the allegations one by one, the SDEO (M) Peshawar was directed to produce documentary proofs in support of illegal appointments of Class-IV, made in anticipation by the accused officer, but he told that he had left nothing to be produced for checking. However he provided a list of 20 newly Class-IV, showing their personal numbers and exact date of starting salary by computer in AG, office copy enclosed as Anex-B. It was also confirmed from the record that salaries of 10 class-Iv stopped by the EX-SDEO, have not been released by him on the recommendation of both former enquiry committees. It was also noted that salary of the concerned 28 Class-Iv recommended by Departmental Selection Committee, for appointment in its meeting held on 20/12/2013 have been partially released and the genuine land donor appointees approved in DSC are still deprived from their salaries. The relevant papers of the issue register showing issue No & date of the appointment orders made by EX-SDEO were found missing in the issue register which also strengthrin the presumption of mala fide intension on the part of Ex-SDEO.

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FINDINGS.

1. It was clearly disclosed that the concerned 20 enlisted Class-IV were neither included in the working paper nor in the minutes of meeting held on 20/12/2013. **Am. C**
2. The dates of releasing pay as mentioned in the list provided by SDEO (M) Peshawar obviously shows that appointments of the concerned 20 Class-IV have been made with out calling DSC meeting which is clear violation of the rules.
3. It was also noted that the number of clear vacancies shown as 28 in the previous enquiry was not correct. It was actually 18 vacancies but shown 28 including the disputed vacancies of 10 Class-IV whose salary were stopped by him.
4. Salary of 11 Class-IV have been released by the Ex-SDEO out of 28 Class-IV appointed on the recommendation of DSC while salary of the concerned 20 disputed appointees have been started against the remaining clear vacancies/10 disputed vacancies occurred by stopping of salary of 10 Class-IV and absentia vacancies.
5. Since the concerned 10 Chowkidar have not yet terminated properly from service by the competent authority, hence appointment against them is not lawful.
6. Payment of salary to the concerned 20 Class-IV appointed in violation of rules is illegal and incorrect from Audit point of view.

CONCLUSION

From the perusal of the available record I reached to the conclusion that the Ex-DDO has made appointments of the enlisted 20 Class-IV in violation of rules and regulation and as such these appointments are legally null and void. This is not a clerical mistake to be taken slightly.

RECOMENDATION

1. Salary of the remaining Class-IV approved by the DSC be released .
2. The issue of 10 concerned Chowkidar needs to be resolved departmentally to release their salaries unless a clear decision of the competent authority regarding the fate of their service is taken place.
3. These obvious irregularities committed by the Ex-DDO in appointment of Class-IV in his short tenure on one hand is a question mark on his performance to regain administration seat in future and on the other hand he stands deserve to disciplinary action under E & D, rules 2011 as well.

(SIRAJ MUHAMMAD)
DISTRICT EDUCATION OFFICER (M) CHARSAIDDA
ENQUIRY OFFICER

Endst; No. 1002-2 / dated 14/10 /2014

Office of the Sub Divisional Education Officer (M) Peshawar

No. 969 /

Dated Peshawar the 14/10/2014

To

The Deputy Accountant General,
Pay Role 3, AG Office Peshawar.

Subject

Stoppage of Pay of Class 1V.

Memo:

I am directed to refer to the subject cited above and to state that enquiry is being conducted against the following class 1V by Director E&SE Khyber Pakhtunkhwa as mentioned by District Education Officer (MALE) Peshawar vide his letter No 1866 dated 16/9/2014 (Copy Enclosed)

In the same letter this office has further directed to stop the pay of those class 1V who have been illegally appointed.

Therefore following Class 1V were appointed by EX-SDEO without the availability of DSC record.

1	Khurshed Alam	00709910	1/1/2014
2	Sirbiland khan	00711333	1/2/2014
3	Qaisar Shah	00711338	1/2/2014
4	Alamgir khan	00711592	1/3/2014
5	Muhammad Rizwan	00711599	1/3/2014
6	Azmat Ali	00711605	1/3/2014
7	Sohail Khan	00711750	1/3/2014
8	Naseem Ullah	00712075	1/3/2014
9	Abbas Khan	00712077	1/2/2014
10	Irshad Khan	00712347	1/4/2014
11	Ismail	00712250	1/4/2014
12	Noor Ullah	00712611	1/4/2014
13	Aziz Ahmad	00711336	1/4/2014
14	Gulzar Khan	00717573	1/6/2014
15	Ikram Ullah	00717577	1/6/2014
16	Kashif Ullah	00712251	1/4/2014

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17	Shams-us- zaman	00710589	1/4/2014
18	Sana ullah jan	00714586	1/5/2014

In this regard it is requested to stop the pay of aforementioned class 1V with immediate effect till the findings/recommendation of enquiry committee.

Name

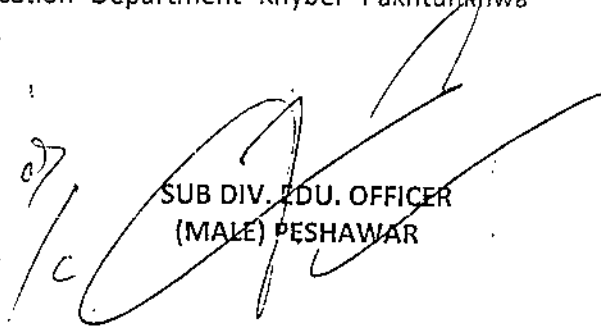
Encl: (As Above)

DISTT. EDU. OFFICER
(MALE) PESHAWAR

Endst. No. 970-74

Copy of the above is forwarded for information to the,

- 1) DEO (Male) Peshawar
- 2) P.S to Accountant General KPK, Peshawar.
- 3) P.S to Secretary to Govt. of Khyber Pakhtunkhwa E&SE Deptt. Peshawar
- 4) P.A to Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
- 5) Cashier local office.

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1/c

SUB DIV. EDU. OFFICER
(MALE) PESHAWAR

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

Service Appeal No.994/2016

Mr. Sana Ullah

V/S

Education Department.

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

- (1-7) All objections raised by the respondents are incorrect. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Incorrect appellant was appointed on 29.01.2014 as Class-IV in GPS Tarai Payan after proper approval of DSC. Which is evident from the appointment order which is annexed with the appeal as Annexure-A.
- 2 Incorrect the appointment order of the appellant was issued with the approval of DSC which is evident from the appointment order 29.01.2014. Moreover the appellant has drawn his salaries till August 2014 due to performance of his duty while Para-2 of the appeal is correct.
- 3 Incorrect the appellant was appointed by the DSC after the fulfilling all the requirements therefore his appointed could not be consider illegal appointment therefore the stoppage of salary despite the performance of the duty by the appellant is illegal and against the law and rules.
- 4 That the replied was given in Para-3.
- 5 That the appellant has good cause of action therefore the departmental appeal which is maintainable.
- 6 Incorrect the appellant was appointed after fulfilling all the codal formalities and stoppage of salary against the law and rules despite the performance of duty therefore he constrained to file the instant appeal for his salaries.

GROUND:

- A) Incorrect, while Para-A of appeal is correct.
- B) Incorrect the appellant was appointed after the fulfilling all codal formalities and he is still working of the post of Chowkidar and on the strength of the department therefore he is legal right of his salaries.
- C) Incorrect, while Para-C of Appeal is correct.
- D) Incorrect and misconceive detail reply has been given in above Para of the facts.
- E) Incorrect while Para-E of the Appeal is correct.
- F) Incorrect the appellant was appointed after fulfilling all the codal formalities and he is still on the strength of the department and he has legal entitle for his pay salaries under KPK Civil Servant Act,1973.
- G) Incorrect while Para-G of the appeal is correct.
- H) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT
Mr. Sana Ullah

Through:



(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT



(TAIMUR ALI SHAH)
ADVOCATE HIGH COURT

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

Rai

DEPONENT

ATTESTED
Oath Commissioner
Zahoor Khan Advocate
Distt: Court Peshawar

20 MAR 2017

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1836-41 /ST

Dated 23-7- / 2019

To

1. The Secretary Education (E&SE) KPK Peshawar,
2. The Director Education (E&SE) KPK Peshawar,
3. The Sub Divisional Education Officer (Male) Peshawar,
4. The District Education Officer (Male) Peshawar,
5. The Secretary Finance KPK Peshawar,
6. The Headmaster GPS Terai Payan Peshawar.

Subject: - ORDER IN APPEAL NO. 994/2016, MR. SANAULLAH VS GOVT.

I am directed to forward herewith a certified copy of order dated 17.07.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

to REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

OK