

3rd April, 2023

Appellant alongwith his counsel present. Mr. Fazal Shah Mohmand, Addl:AG alongwith Mr. Hashmat Ullah, Supdt for the respondents present.

Written reply/comments on behalf of respondents No. 2, 4 and 5 is prepared and is directed to be filed at principal seat. Copy of which is placed on the file. Mr. Zahid Kakakhel, Advocate filed wakaltnama on behalf of respondent No.3 and seeks time to file reply on behalf of respondent No.3. No one is present on behalf of respondent No.1, hence, placed ex-parte. Respondent No. 3 shall file reply within three days at principal seat. To come up for arguments on 02.05.2023 before D.B at camp court Swat.

SCANNED
KPST
Peshawar



(Kalim Arshad Khan)
Chairman
Camp Court Swat


02.05.2023 Appellant in person present.

Muhammad Jan, learned District Attorney for respondents No.1, 2, 4 & 5 present. Respondent No.3 present through counsel.

Reply on behalf of respondent No.3 submitted. Copy of the same was handed over to appellant who made a request for adjournment as his counsel is not available today. Adjourned. To come up for rejoinder, if any, and arguments on 06.06.2023 before D.B at Camp Court, Swat. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar

Mutazem Shah


(Fareeha Paul)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

06.03.2023

Appellant alongwith counsel present:

At the very outset an application for placing on file additional documents was submitted which is accepted. Additional documents are placed on file.

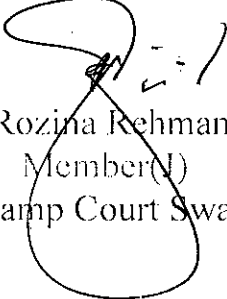
Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections.

Rs-100/-
Appellant Deposited
Security & Process Fee

The appellant is directed to deposit security fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 03.04.2023 before S.B at camp court, Swat.

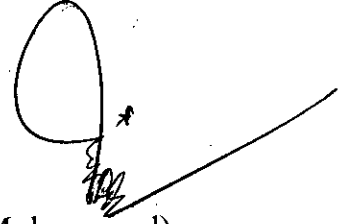
H. J. 13/3/23


(Rozina Rehman)
Member(I)
Camp Court Swat

05.01.2023

Nemo for the appellant.

Notice be issued to the appellant and his counsel to attend the court on the next date. Adjourned. To come up for arguments on office objection on 07.02.2023 before S.B.



(Mian Muhammad)
Member (E)

7th Feb, 2023

Appellant alongwith his counsel present.

Learned counsel for the appellant seeks some time to produce copy of the representation as according to him the appellant could not keep a copy of the representation, which he had to obtain from the respondents. He may do so within 10 days. To come up on 06.03.2023 before S.B at camp court Swat.



(Kalim Arshad Khan)
Chairman
Camp Court Swat

Respect Sir,

It is submitted that the present appeal was received on 24.11.2022, which was returned to the counsel for the appellant for removing objection 1 to 3 (Flag-A). Today i.e. 05.12.2022 he refilled the same without removing the objection no. 1 to 3 with a note i.e. (Flag-B).

The appeal is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

Worthy Chairman

REGISTRAR

8/12/22

*Only office objection
be present before
the court after work
vacation*


[Signature]

The appeal of Mr. Muhammad Jamil son of Buzarg Muhammad Resident of Amankot Distt. Swat received today i.e. on 24.11.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of application dated 17.7.2018 and 22.03.2019 mentioned in para-6&11 of the memo appeal are not attached with the appeal which may be placed on it.
- 2- Copy of application mentioned in para-13 of the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Copy of departmental appeal against the impugned order dated 25.10.2022 is not attached with the appeal which may also be placed on file.

No. 3358 /S.T,

DL 24/11 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

M. Javed Khan Adv. Swat.

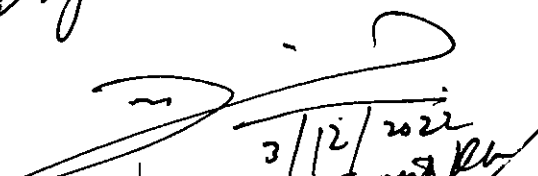
R, Swat

The file is re-submitted after doing the following needfull,

(a) A copy of application dated 17.7.2018 is attached at page 17-18, whereas as copy of application dated 22.3.2019 is already at page 32.

(b) Copy of the application mentioned at para-13 is already at p-34

(c) 25.10.2022, is final order/nortification, against which this service appeal is filed, if still the office is not satisfied with the explanation, then this service appeal may be placed before the honorable tribunal along with the objection.


3/12/2022
M. Javed Khan
ASC

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

Case Title: Muhammad Jamil vs Govt RPK & Others

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?		✓
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on _____	✓	
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____	✓	
26.	Whether copies of comments/reply/rejoinder submitted? on _____	✓	
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Muhammad Jamil

Signature:

[Handwritten Signature]

Dated:

24-11-2022

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 540 /2023

Muhammad Jamil

.....Appellant

VERSUS

Govt of KPK and others

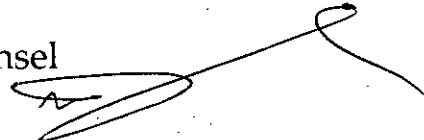
..... Respondents

INDEX

S. #	Description of Documents	Annexures	Pages
1.	Service Appeal		1-10
2	Affidavit		11
3	Addresses of the Parties		12
5	Copy of Notification No. SO(B/T)E&SE/7-13/2015/BISE Dated: 24/06/2015	A	13
6	Copy of the Letter Dated: 30/05/2018	B	14
7	Copy of the Letter Dated: 13/06/2018	C	15
8	Copy of the Notification No. SO(B/T)E&SE/7-13/2015/BISE Dated: 27/06/2018	D	16
9	Copy of Application	E	17-17A/7B
10	Copy of writ petition No. 782-M of 2018	F	18-23
	Copy of order sheets Dated: 07/08/2018 and 17/10/2018	G	24-25
	Copy of order and judgment Dated: 19/03/2019	H	26-31
	Copy of arrival report Dated: 22/03/2019	I	

Copy of application Dated: 22/03/2019	J	33
Copy of letter Dated: 30/05/2022	K	34-
Copy of letter Dated: 01/06/2022	L	35-38A
Copy of report/ letter Dated: 29/07/2022	M	36-36A
Copy of the impugned notification Dated: 25/10/2022	N	37
Other relevant documents	O	38-4
Wakalat Nama		

Appellant
Through Counsel


MUHAMMAD JAVAID KHAN
Advocate Supreme Court
of Pakistan

Office: Allah-o-Akbar Masjid,
College Colony, Saidu Sharif, swat
Cell: 0343-9607492

(1)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No. 540 /2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2054

Dated 24-11-2022

Muhammad Jamil Son of Buzarg Muhammad Resident of Amankot,
Tehsil Babozai District Swat.Appellant

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education at Block-A Civil Secretariat Peshawar.
- 2) Government of Khyber Pakhtunkhwa through Secretary Finance Khyber Pakhtunkhwa at Civil Secretariat at Peshawar.
- 3) ✓ Chairman Board of Intermediate & Secondary Education Saidu Sharif Swat at Kokrai, Saidu Sharif Swat.
- 4) Director Treasuries & Accounts Khyber Pakhtunkhwa at Peshawar
- 5) District Controller of Accounts Swat at Saidu Sharif Swat.

Filed to-day

.....Respondents

Registrar^{ev}

24/11/2022

SERVICE APPEAL UNDER SECTION 4 OF SERVICE
TRIBUNAL ACT READ WITH OTHER RELEVANT
PROVISIONS AGAINST THE ORDER NO. SO (ESTT-I)
FD/1-4/2022 DATED: 25/10/2022 OF RESPONDENT NO.2,

(2)

WHEREBY THE SERVICE PERIOD OF THE APPELLANT
I.E FROM 24/06/2018 TO 22/03/2019 IS TREATED/
CONSIDERED AS EXTRA ORDINARY LEAVE
ILLEGALLY, UNLAWFULLY AND
UNCONSTITUTIONALLY.

PRAYER:

On acceptance of this service appeal, the impugned order No.SO (Estt-I) FD/1-4/2022 Dated: 25/10/2022 of the Respondent No.2 may kindly be set aside, and the Appellant may be paid all the salaries and other emoluments for the period 24/06/2018 to 19/03/2019 as recommended by Respondent No.5 vide letter Dated: 29/07/2022.

Any other relief, deemed fit in the circumstances may also be awarded in favor of the Appellant against the Respondents.

Respectfully Sheweth:

The Appellant submits as under;

1. That the Appellant is permanent employee of Finance Department Government of Khyber Pakhtunkhwa and is presently serving as Admin Officer BPS-17 in the Office of

District Accounts Officer Swat at Saidu Sharif District Swat.

2. That in the year 2015 when the Appellant was serving as Assistant Accountant BPS-16 in the office of District Accounts Officer Swat, the Appellant was sent on deputation to the Board of Intermediate & Secondary Education Swat for the period of three years vide Notification No. SO(B/T)E&SE/7-13/2015/BISE Dated: 24/06/2015. (Copy of Notification No. SO(B/T)E&SE/7-13/2015/BISE Dated: 24/06/2015 is attached herewith as annexure "A").
3. That before the expiry period of the said deputation period, the Respondent No.3 sent a Letter Dated: 30/05/2018 to Respondent No.1 for extension of deputation period / NOC etc. (Copy of the Letter Dated: 30/05/2018 is attached herewith as annexure "B").
4. That the Respondent No.1 then sent a Letter Dated: 13/06/2018 to Respondent No.2 for further extension of the deputation period / NOC etc. (Copy of the Letter Dated: 13/06/2018 is attached herewith as annexure "C").

5. That the Respondent No.2 then granted extension of deputation for further period of two years / NOC etc vide Letter No. SO(ESTT/FD)1-26/2018/M.Jamil Dated: 27/06/2018. (Copy of the Notification No. SO(B/T)E&SE/7-13/2015/BISE Dated: 27/06/2018 is attached herewith as annexure "D").

6. That despite extension of the deputation period for further two years, the Respondent No.3 was reluctant to release the pay and other emoluments of the Appellant illegally and unlawfully. Furthermore, the Respondent No.3 was also obstructing the Appellant in performing his duties as Audit Officer, hence the Appellant applied for the same vide Application Dated: 17/07/2018. (Copy of the Application is attached herewith as annexure "E").

7. That the Appellant was in a miserable and hanging position, because on one hand the Respondent No.3 was not releasing the salary etc of the Appellant, while on the other hand the Appellant couldn't join his Parent Department / Finance Department, therefore the Appellant preferred a writ petition No. 782-M of 2018 before the Peshawar High Court, Mingora Bench / Dar ul

Qaza Swat. (Copy of writ petition No. 782-M of 2018 is attached as annexure "F").

- 8. That the Honorable Peshawar High Court, Mingora Bench / Dar ul Qaza Swat issued a status quo order on 07/08/2018. Similarly, the Honorable Court also issued an order for releasing the monthly salaries of the said Muhammad Jamil Assistant Accountant BPS-16 till further orders vide order Dated: 17/10/2018. (Copy of order sheets Dated: 07/08/2018 and 17/10/2018 is attached as annexure "G").
- 9. That finally the said writ petition of the Appellant was dismissed vide order and judgment Dated: 19/03/2019 by the Honorable Peshawar High Court Mingora Bench / Dara ul Qaza Swat. (Copy of order and judgment Dated: 19/03/2019 is attached as annexure "H").
- 10. That after dismissal of the said writ petition, the Appellant joined his duties in the office of Respondent No.5 by submitting arrival report on 22/03/2019. (Copy of arrival report Dated: 22/03/2019 is attached as annexure "I").

29/07/2022 before the Respondent No.4. (Copy of report/ letter Dated: 29/07/2022 is attached as annexure "M").

16. That after receiving the report/ comments from Respondents No. 4 & 5 the Respondent No.2 issued the impugned notification Dated: 25/10/2022, whereby request of the Appellant for release of outstanding salaries was rejected and the period w.e.f 24/06/2018 to 22/03/2019 was considered as extra ordinary leave without pay under Rule-12 of the Khyber Pakhtunkhwa Civil Servant Revised Leave Rules, 1981. (Copy of the impugned notification Dated: 25/10/2022 is attached as annexure "N").
17. That the Appellant being aggrieved from the impugned notification Dated: 25/10/2022 is submitting this Service Appeal inter alia on the following grounds.

GROUND:-

- i) That from the above narrated facts it is very much clear that from 07/08/2018 to 19/03/2019 the matter of salaries and duties of the Appellant was pending/ sub-judice before the Honorable Peshawar High Court Mingora Bench/ Dar ul Qaza Swat.

- ii) That the concluding para of the paragraph No. 7 of the order and judgment Dated: 19/03/2019 is as under;

"Thus, this petition having no merit is accordingly dismissed. However, it is for his parent department to decide the issue of his salary"


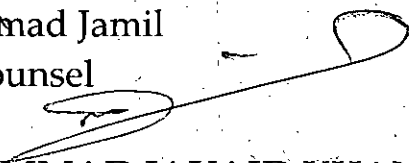
- iii) That the impugned salaries pertains to the period during which the case writ petition No. 782-M of 2018 of the Appellant was pending before the Honorable Peshawar High Court Mingora Bench / Dar ul Qaza Swat, who had issued two restraining orders Dated: 07/08/2018 and 17/10/2018 mentioned above.
- iv) That the principle no work no pay is not a universal constant, it varies from case to case. In this regard wisdom may be drawn from the reported judgments of the Supreme Court of Pakistan reported as SCMR 2007 Page 537 and 2007 PLC (C.S) Page 560.
- v) That the Appellant was on duty for all practical purposes during the period 07/08/2018 to 19/03/2019.
- vi) The factual and legal position of the lis clearly shows that there was no negligence on the part of the Appellant due to pendency of the matter before Honorable Peshawar High Court Mingora Bench/ Dar ul Qaza Swat.

- vii) That the impugned order has been issued in gross violation of the precedents of Apex Court.
 - viii) That the Appellant has a very good service record and has performed his duties honestly and regularly hence is entitled for his monthly salaries for the period aforementioned.
 - ix) That the Appellant has not been treated in accordance with law on the subject matter.
 - x) That other grounds not specifically raised will be argued with the permission of this Honorable Court at the time of arguments.
18. That this appeal is being filed against the Order No.SO(Estt-I) FD/1-4/2022 Dated: 25/10/2022, hence this Honorable Tribunal has got the jurisdiction, and this appeal is in time.

It is therefore humbly prayed that on acceptance of this service appeal, the impugned order No.SO (Estt-I) FD/1-4/2022 Dated: 25/10/2022 of the Respondent No.2 may kindly be set aside, and the Appellant may be paid all the salaries and other emoluments for the period 24/06/2018 to 19/03/2019 as recommended by Respondent No.5 vide letter Dated: 29/07/2022.

10

Any other remedy which is just, appropriate and efficacious may also be awarded in favor of the appellant please.


Appellant
Muhammad Jamil
Through Counsel


MUHAMMAD JAVAID KHAN
Advocate Supreme Court
of Pakistan

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2022

Muhammad JamilAppellant

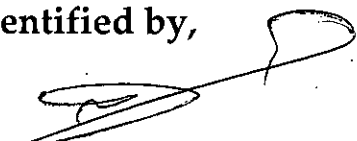
VERSUS

Govt of KPK and others Respondents

AFFIDAVIT

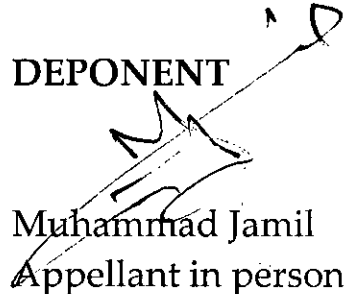
I, Muhammad Jamil (Appellant in person), do hereby solemnly affirm and declare on oath that all the contents of this Service Appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Honorable Court.

Identified by,



MUHAMMAD JAVAID KHAN
Advocate Supreme Court
of Pakistan

DEPONENT



Muhammad Jamil
Appellant in person



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

Service Appeal No. _____/2022

Muhammad JamilAppellant

VERSUS

Govt of KPK and others Respondents

ADDRESSES OF THE PARTIES

ADDRESS OF THE APPELLANT

CNIC: = 15602-2040027-7

Cell: = 0342 8986969

ADDRESSES OF THE RESPONDENTS

1)

**Appellant
Through Counsel**



MUHAMMAD JAVAID KHAN

Advocate Supreme Court
of Pakistan



Annex "A" 13
9

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Block "A" Civil Secretariat Peshawar.

Dated Peshawar the, 24-06-2015

Notification.

No.SO(B/T)E&SE/7-13/2015/BISE Swat. In exercise of powers conferred under Section-12 (8) (ii) of the Khyber Pakhtunkhwa Board of Intermediate & Secondary Education Act, 1990, (Khyber Pakhtunkhwa ACT No. V of 1990), as amended in 2005, the Chief Minister /Controlling Authority of BISEs Khyber Pakhtunkhwa is pleased to appoint Mr. Muhammad Jamil, Assistant Accountant, office of the District Comptroller of Accounts, Swat as Audit Officer BISE, Swat on deputation basis for a period of three years with immediate effect.

2. The terms and conditions of deputation of Mr. Muhammad Jamil, Assistant Accountant, office of the District Comptroller of Accounts, Swat as Audit Officer BISE, Swat will be settled in due course.

SECRETARY

Endst. of even No. & Date.

A Copy is forwarded to:-

1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. All Chairmen Board of Intermediate & Secondary Education Khyber Pakhtunkhwa, Abbottabad, Peshawar, Mardan, Malakand, Swat, Kohat, D.I.Khan & Bannu.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. PS to Chief Secretary Khyber Pakhtunkhwa.
5. PS to Secretary Finance Department.
6. PS to Minister E&SE Khyber Pakhtunkhwa.
7. PS to Secretary E&SE Department.
8. Officer concerned.

(GAUJAR ALI)

SECTION OFFICER (BOARD/TRG)

ATTESTED

(14) Annx "B"

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION SAIDU SHARIF SWAT.

No. 546 /Estt: /BISE, Swat.

Dated:30-05-2018

10

To

The Secretary,
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar.

Subject: COMPLETION OF DEPUTATION PERIOD OF MR. MUHAMMAD JAMIL
AUDIT OFFICER IN BISE SWAT.

Memo:

Reference to the notification vide No.SO(B/T)E&SE/7-13/2015
/BISE,Swat, dated: 24-06-2015.

I am directed to refer to the subject cited above and to state that Mr.
Muhammad Jamil Audit officer completing his deputation period of three (03) years
on 24-06-2018 (A.N).

The information is hereby submitted for further arrangement and
necessary action please.

-sd-

CHAIRMAN
B.I.S.E, SAIDU SHARIF, SWAT.

No. 546 /Estt: /BISE, Swat.

Dated:30-05-2018

Copy for information to:

1. P.S to Chairman BISE, Swat.
2. Section officer (Board/TRG) E&SE Department Khyber Pakhtunkhwa Peshawar.
3. Account General, Khyber Pakhtunkhwa Peshawar.
4. PS to Chief Secretary, Khyber Pakhtunkhwa Peshawar
5. PS to Secretary Finance Department, Khyber Pakhtunkhwa Peshawar.
6. PS to Minister E&SE Department Khyber Pakhtunkhwa Peshawar
7. PS to Secretary E&SE Department Khyber Pakhtunkhwa Peshawar
8. SO (Board/TAG) E&SE Department Khyber Pakhtunkhwa Peshawar
9. Officer Concerned.
10. Personal File of the officer concerned.

SECRETARY

B.I.S.E, SAIDU SHARIF, SWAT.

ATTESTED



No. 548 (Estt: BISE, Swat.

Dated: 30-05-2018

10

The Secretary,
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar

COMPLETION OF DEPUTATION PERIOD OF MR. MUHAMMAD JAMIL
AUDIT OFFICER IN BISE SWAT.

Subject

Reference to the notification vide No. 20(BT)E&SE-132012

Memor

BISE, Swat, dated: 24-08-2012.

I am directed to refer to the subject cited above and to state that Mr. Muhammad Jamil Audit officer completing his deputation period of three (03) years on 24-08-2018 (A.N).

The information is hereby submitted for further arrangement and necessary action please.

-sd-
CHAIRMAN
B.I.S.E, SAIDU SHARIF, SWAT.

Dated: 30-05-2018

No. 548 (Estt: BISE, Swat.

Copy for information to:

1. P.S to Chairman BISE, Swat.
2. Section officer (Board/Trg) E&SE Department Khyber Pakhtunkhwa Peshawar
3. Account General, Khyber Pakhtunkhwa Peshawar
4. P.S to Chief Secretary, Khyber Pakhtunkhwa Peshawar
5. P.S to Secretary Finance Department, Khyber Pakhtunkhwa Peshawar.
6. P.S to Minister E&SE Department Khyber Pakhtunkhwa Peshawar
7. P.S to Secretary E&SE Department Khyber Pakhtunkhwa Peshawar
8. SO (Board/Trg) E&SE Department Khyber Pakhtunkhwa Peshawar
9. Officer Concerned.
10. Personal file of the officer concerned

SECRETARY
B.I.S.E, SAIDU SHARIF, SWAT.

SECRETARY



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT
Block "A" Civil Secretariat Peshawar.

No.SO(B&Trg)E&SE/7-13/2018/BISE Swat
Dated Peshawar, the 13-06-2018.

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department.

Subject: - COMPLETION OF DEPUTATION PERIOD OF MR.
MUHAMMAD JAMIL AUDIT OFFICER IN BISE SWAT.

R/Sir,

I am directed to enclose herewith a copy of letter No. 546/Estt./BISE Swat dated 30-05-2018 received from Secretary, BISE Swat for further necessary action.

It is therefore requested that your views/comments/ NOC on the subject case may be furnished to this Department for further processing of the case.

Yours faithfully,

(AASMA ARIF)
SECTION OFFICER (B&Trg)

Encl: (As above)

Endst: of even No. date.

Copy is forwarded for information to:-

1. Chairman, BISE Swat with reference to his letter cited above.
2. P.S to Secretary E&SE Department
3. P.A to Additional Secretary (Estab) E&SE Department

SECTION OFFICER (B&Trg)

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

No: SO(ESTT/FD/1-26/2018/M. Jamil

Dated Pesh: the 27.06.2018

12

To

The Secretary to Govt: of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject: COMPLETION OF DEPUTATION PERIOD OF MR.
MUHAMMAD JAMIL, AUDIT OFFICER IN BISE, SWAT.

Dear Sir,

I am directed to refer to your letter No.SO(B&Trg) E&SE/1-13/2018/BISE Swat dated 13-06-2018 on the subject noted above and to convey no objection of this Department to the extension in deputation period of Mr. Muhammad Jamil, Audit Officer, BISE Swat for a further period of two years, on existing terms & conditions, please.

Your's faithfully,

Section Officer (Estt:)

Encl: No: & Date even.

Copy forwarded for information to the:-

1. Director, Treasuries & Accounts, Khyber Pakhtunkhwa, Peshawar.
2. District Controller of Accounts, Swat.
3. Officer concerned
4. Office file.

Section Officer (Estt:)

Encl: No: & Date even.

ATTESTED

(17)

Annex E

OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS SWAT.

No. DCA/SW/DT&A:/ 450

Dated .27/07/2020.

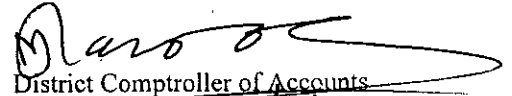
To

The Director
Treasuries & Accounts
Khyber Pukhtunkha
Peshawar.

Subject: **APPLICATION FOR RELEASE OF SALARIES**

Memo :

The post of Assistant Accountant was vacant wef 26/06/2018 to 30/04/2019. A self explanatory application in respect of Muhammad Jamil is submitted for ready reference & perusal please.


District Comptroller of Accounts
Swat. 27/7/2020

~~ATTESTED~~

32811
E7A

To

The District Comptroller Of Accounts

Swat

Subject: Salaries Against The Vacant Post w.e from 26-6-2018 to 25-3-2019

R/Sir,

It is requested that my file is pending with S.O admin Finance Deptt; which needs verification of vacant post from this office. Therefore, you are requested to verify the same post on which I am already working. I shall be very thankful to you.

Yours Sincerely

Muhammad Jamil

Assistant Accountant

DCA Swat

~~ATTESTED~~

17-B

13

Amir

To

The Chairman,
BISE, Saidu Sharif Swat

Subject:

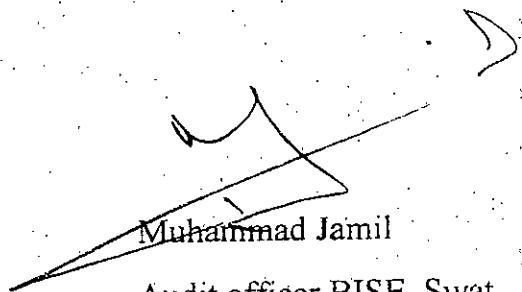
EXNTENSION IN DEPUTATION PERIOD UNDER DEPUTATION
POLICY AND FULL PAYMENT OF DUES.

With due respects, it is submitted that reference your letter No. 546/Estt:/BISE Swat dated 30-05-2018, the Elementary & Secondary Education Department requested Finance Department for views/comments/NOC for my extension in deputation period vide letter No.SO(B&Trg)E&SE7-13/2018. In response to the above letters, the Finance department issued NOC for extension in deputation period No. SO(ESTT/FD/1-26-2018/M. Jamil dated 27-06-2018.

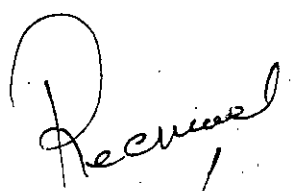
In view of the above, in such cases the finance department is authorized to decide the extension period under the deputation policy; rule no (2) xiii (attested copy attached). The finance department directed me to continue your post under the mentioned rules and orders. Moreover, under the Finance rules and Board calendar only the Govt. Auditors are eligible for the audit.

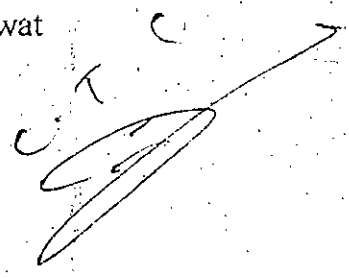
Furthermore, it is requested to pay my dues and full allowances (as same to the other officer in BISE) and save me from financial loss. I shall be very thankful to you.

Yours Obediently


Muhammad Jamil
Audit officer, BISE, Swat

Date: 17/07/2018


Amir
19/7/18



Annex F

(18)

BEFORE THE PESHAWAR HIGH COURT,
MINGORA BENCH / DAR-UL-OAZA AT SWAT

Writ Petition No. 782-M of 2018

Muhammad Jamil Son of Buzarg Muhammad Resident of
Amankot, Tehsil Babozai District Swat

.....Petitioner

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education at Block-A Civil Secretariat Peshawar.
- 2) Government of Khyber Pakhtunkhwa through Secretary Finance Khyber Pakhtunkhwa at Civil Secretariat at Peshawar.
- 3) Chairman Board of Intermediate & Secondary Education Saidu Sharif Swat at Kokrai, Saidu Sharif Swat.
- 4) Director Treasuries & Accounts Khyber Pakhtunkhwa at Peshawar
- 5) District Controller of Accounts Swat at Saidu Sharif Swat

.....Respondents

ATTESTED

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973

FILED TODAY

Respectfully Sheweth:-

1. That the Petitioner is permanent employee of Finance Department Government of Khyber Pakhtunkhwa.
2. That the Petitioner was serving as Assistant Accountant BPS-16 in the Office of District Controller Swat.
3. That the Petitioner was then sent on deputation to the Board of Intermediate & Secondary Education Swat for the period of three years vide Notification No. SO(B/T)E&SE/7-13/2015/BISE Dated: 24/06/2015. (Copy of Notification No. SO(B/T)E&SE/7-13/2015/BISE Dated: 24/06/2015 is attached herewith as annexure "A").
4. That before the expiry period of the said deputation period, the Respondent No.3 sent a Letter Dated: 30/05/2018 to Respondent No.1 (for extension of deputation period / NOC etc) (Copy of the Letter Dated: 30/05/2018 is attached herewith as annexure "B").
5. That the Respondent No.1 then sent a Letter Dated: 13/06/2018 to Respondent No.2 for further extension

ATTESTED

6. That the Respondent No.2 then granted extension of deputation for further period of two years / NOC etc vide Letter No. SO(ESTT/FD)1-26/2018/M.Jamil Dated: 27/06/2018. (Copy of the Notification No. SO(B/T)E&SE/7-13/2015/BISE Dated: 27/06/2018 is attached herewith as annexure "D").
7. That despite extension of the deputation period for further two years, the Respondent No.3 is reluctant to release the pay and other emoluments of the Petitioner illegally and unlawfully. Furthermore, the Respondent No.3 is also obstructing the in performing his duties as Audit Officer; hence the Petitioner applied for the same vide Application Dated: 17/07/2018. (Copy of the Application is attached herewith as annexure "E").
8. That the Petitioner is now in a miserable and hanging position, because on one hand the Respondent No.3 is not releasing the salary etc of the Petitioner, while on the other hand the Petitioner cannot join his Parent Department / Finance Department.
9. That due to the illegal, unlawful and unconstitutional no response attitude of the Respondent No.3, the Petitioner has no other

ATTESTED

GROUNDS :-

- A) That negative response of the Respondent No.3 to the request of the Petitioner for salary and other emoluments is illegal, unlawful and unconstitutional.
- B) That negative response of the Respondents is against the spirit of the merit and equity based policy of Provincial Government.
- C) That negative response of the Respondent No.3 is against the Deputation Policy of the Provincial Government especially Rule No. (2)xiii. (Copy of the Deputation Policy is attached herewith as annexure "F").
- D) That negative response of the Respondent No.3 is against the Article 4 and 25 of Constitution of Islamic Republic of Pakistan, 1973.
- E) That others grounds will be argued at the time of arguments with the prior permission of this August court.

ATTESTED

FILED TODAY

04 AUG 2018 10. That a Notice in respect of institution of this writ

It is therefore humbly prayed that on acceptance of this writ petition a writ may be issued to Respondent No.3 to release the salary and other emoluments of the Petitioner, and the Petitioner be allowed to continue his service as Audit Officer BISE Swat as allowed vide Letter Dated: 27/06/2018.

Any other remedy coupled with cost, which is efficacious and appropriate in peculiar circumstances of the case may please be graciously granted, though not specifically prayed for.

Interim relief:

By way of Interim Relief, Respondent No.3 may be restrained from obstructing the Petitioner in performing his duties as Audit Officer BISE Swat till disposal of the instant writ petition.

Petitioner
Through Counsel

MUHAMMAD TALIB KHAN
Advocate High Court

ATTESTED

FILED TODAY
04 AUG 2018

List of books:

- 1) Constitution of Islamic Republic of Pakistan 1973.
- 2) Any other law book / precedents as per need.

BEFORE THE PESHAWAR HIGH COURT,
MINGORA BENCH / DAR-UL-OAZA AT SWAT

Writ Petition No. 782-M of 2018.

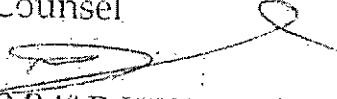
Muhammad Jamil Son of Buzarg Muhammad Resident of
Amankot, Tehsil Babozai District Swat
.....Petitioner

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education at Block-A Civil Secretariat
Peshawar and others Respondents

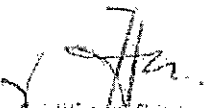
CERTIFICATE

Certified that no other such writ petition is pending on the
same subject matter between the parties.

Petitioner
Through Counsel

MUHAMMAD JAVOID KHAN
Advocate High Court

FILED TODAY
04 AUG 2018


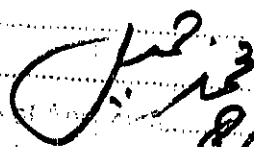
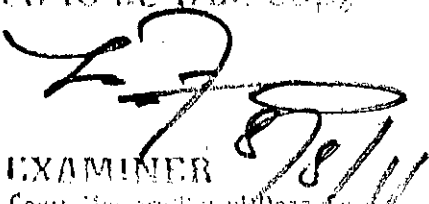
~~ATTESTED~~



Annex G

24

PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA),
SWAT.
FORM "A"
FORM OF ORDER SHEET

Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
	07.08.2018	<p>Interim Relief in W.P No. 782/2018</p> <p>Present:- Mr. Muhammad Javed Khan, Advocate for the petitioner.</p> <p>*****</p> <p><u>Notice. In the meanwhile status quo be</u> maintained.</p> <p style="text-align: right;"> 2 JUDGE</p> <p>25 Name of Applicant:  Date of Presentation of Application: 08/08/18 Date of Filing of Application: 08/08/18 No of Pages: 20 Fees Charged: 4/- Date of Delivery of Copies: 08/08/18</p> <p>Certified to be true copy</p> <p> EXAMINER Peshawar High Court, Mingora/Dar-ul-Qaza Approved Under Article 47 of Constitution of Pakistan</p> <p style="text-align: right;">ATTESTED</p>

Annexure 25

PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

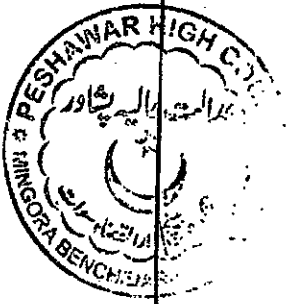
4

Court of

Case No. of

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
17-10-2018	<p>C.M No. 1136-M/2018 In W.P 782/2018 Present: Mr. Aurangzeb, Advocate on behalf of learned counsel for the applicant/petitioner.</p> <p>*****</p> <p>Notice to the respondents. In the meanwhile, the respondents shall pay the monthly salaries to the petitioner.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: center;">Certified to be True Copy</p> <p style="text-align: center;"><i>[Signature]</i> EXAMINER Peshawar High Court, Mingora/Dar-ul-Qaza, Swat Authorized Under Article 07 of Qanoon-e-Shahadat Order 1984</p>

ATTESTED
ACCEPTED
Date: 27-10-18



Abdul Sattar

Office

(15)

HON'BLE MR. JUSTICE IRRAMULLAH KHAN

ATTESTED

SECRET

FORM 100 (REV. 1-15-60) FEDERAL BUREAU OF INVESTIGATION

REPORT OF SUBJECT



~~CONFIDENTIAL~~
~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED~~
~~DATE 10/15/08 BY 60322 UC/STP~~

TO: SAC, [illegible]
FROM: [illegible]

SUBJECT: [illegible]

JOHN

CONFIDENTIAL

ACCEPTED
MAILED



SECRET

Anisa H.

28

**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)**

**W.P No. 782-M/2018
With Interim Relief (N),
C.M 1136/2018 (N) & C.M 1301/2018**

Muhammad Jamil.....(Petitioner)

VS

**Government of Khyber Pakhtunkhwa through
Secretary (E&SE) & others.....(Respondents)**

Present: *Mr. Aurangzeb, Advocate for the petitioner.*

*Mr. Wilayat Ali Khan, A.A.G for the
respondents No. 1 & 2.*

*M/S Barrister Dr. Adnan Khan and Abdul
Ghaffar, Advocates for the respondent No. 3.*

Date of hearing: 18.03.2019

JUDGMENT

SYED ARSHAD ALI, J.- Muhammad Jamil who is a civil servant and the permanent employee of Accountant General Department Khyber Pakhtunkhwa, Peshawar has sought the indulgence of this Court with the following prayer:-

"It is therefore, humbly prayed that on acceptance of this writ petition, a writ may be issued to respondent No. 3 to release the salary and other emoluments of the petitioner and the petitioner be allowed to continue his service as Audit Officer BISE, Swat as allowed vide letter dated 27.06.2018."

5/11/19

Abdul Subouh/ (D.B.) Hon'ble Mr. Justice Muhammad Ghazanfar Khan
Hon'ble Mr. Justice Syed Arshad Ali

ATTESTED

2. It is averred in the petition by the petitioner that through Notification dated 24.06.2015, he was posted as Audit Officer in the Board of Intermediate & Secondary Education, Saidu Sharif, Swat ('The Board') on deputation for a period of three years. However, on 30.05.2018 the Chairman of the Board wrote a letter to the Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar informing him about the completion of deputation period of the present petitioner. On the said application, the Elementary & Secondary Education Department solicited the opinion of the Secretary to Government of Khyber Pakhtunkhwa, Finance Department through letter dated 13.06.2018. In response to the said letter, the Secretary Finance, KPK through letter dated 27.06.2018 had conveyed his no objection for extension of the term of deputation of the present petitioner for two years. It is further averred in the petition that despite extension of the deputation period, the respondent No. 3 is reluctant to release his pay and other emoluments. Thus, he being

aggrieved of the said act of the department has approached this Court through the instant petition which came up for hearing on 07.08.2018. On the said date, notice of this petition was issued to the respondents and it was directed that status quo be maintained. On 17.10.2018, once again it was ordered by this Court that notice of C.M bearing No. 1136-M of 2018 be issued to the respondents and in the meanwhile, the respondents shall pay the monthly salaries to the petitioner.

3. The respondent No. 3 was put to notice, who appeared and filed his para-wise comments, wherein he has stated that through Notification dated 26.06.2018, the present petitioner was relieved from his duties w.e.f. 24.06.2018. He has also complained about the performance of the present petitioner. In this regard, he has placed on file certain explanations sought from the present petitioner regarding the payment of certain amount in violation of rules.

5/11

4. Arguments heard and record of the case was perused with the valuable assistant of learned counsel for the parties.

5. It is evident from record that the present petitioner is the permanent employee of the Accountant General Department Khyber Pakhtunkhwa, Peshawar who was posted as Audit Officer in the Board on deputation for three (3) years vide Notification dated 24.06.2015. The record also suggests that the respondent No. 3/ barrowing department was not happy with his performance and in this regard, he has also placed on file explanation letters which were sought from the present petitioner. When his deputation period was about to complete, the respondent No. 3 i.e. the Chairman BISE, Swat had informed the Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar regarding the same through letter dated 30.05.2018. The said application was forwarded by the E&SE Department to the Secretary to Government of Khyber Pakhtunkhwa, Finance Department through letter dated 13.06.2018 for his comments. In reply thereof, the Finance Department through letter dated 27.06.2018 had conveyed no objection on extension of the deputation period of the present

petitioner. However, the borrowing department through Notification dated 26.06.2018 had relieved the present petitioner from his duties w.e.f. 24.06.2018 and was directed to report to his parent department. The said letter was concealed from this Court when this case came up for hearing on 07.08.2018 and the petitioner obtained an ex-parte status quo from this Court.

6. Indeed it is settled law that a deputationist cannot remain on deputation for an indefinite period or even stipulated period in accordance with his own whims and wishes and both, borrowing and the lending department have the jurisdiction either to withdraw the said deputation or terminate the same. Reliance is placed on 2010 SCMR 378 titled "Dr. Shafi-ur-Rahman Afridi vs C.D.A. Islamabad through Chairman", 2013 PLC (C.S.) 915 titled "Mst. Robia Ayub vs Federation of Pakistan through Secretary Ministry of Education & others" and 2018 PLC (C.S.) 1248 titled "Muhammad Azeem Khan Afridi vs Registrar of the Peshawar High Court & 4 others".

7. Since, after completion of the deputation period of the present petitioner, he was relieved from his service by the borrowing department through Notification dated 26.06.2018, therefore, he has no right to ask for further extension of the deputation period despite the fact that the Finance Department has granted him no objection certificate in this regard. Thus, this petition having no merit is accordingly dismissed. However, it is for his parent department to decide the issue of his salary.

8. Furthermore, the petitioner while obtaining the interim orders on 07.08.2018 & 17.10.2018 had concealed material facts from this Court regarding relieving order issued by the respondent (BISE Swat), therefore both the connected C.O.C petitions bearing Nos. 104 & 126-M of 2018 are hereby dismissed.

Announced
Dt: 19.03.2019

JUDGE

JUDGE

Office
21/03/2019

To

32. Amir
The Secretary,
Govt: of Khyber Pakhtunkhwa,
Finance Department, Peshawar.

22/3/19
[Signature]

Subject:- **ARRIVAL FOR DUTIES**

Dear Sir,

With due respect it is stated that on completion of initial deputation period on 24-06-2018, in BISE Swat, Elementary & Secondary Education Department requested Finance Department for extinction in my deputation **(copy enclosed)**. Finance Department accordingly issued NOC for extension in deputation for a further period of two years **(copy enclosed)**. However the Education Department was reluctant to except the NOC and kept the order hanging.

2. Due to stoppage of my salaries since 24-06-2018 I approach Darul Qaza, Swat in August, 2018 for release of my pay. The court issued notice to respondents on 17-10-2018 with direction that in the meanwhile the respondents shall pay the monthly salaries to the petitioner **(copy enclosed)**, directing finance Department to decide the salaries of the petitioner.

3. It is, therefore, requested that my arrival for duties may be accepted with issuance of orders for release of my pay for the period from 24-06-2018 to 22.03.2019, please.

Your's faithfully,

(MUHAMMAD JAMIL)
Assistant Accountant

C.C.

1. The Secretary to Govt:of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar.
2. The Chairman, BISE Swat.
3. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.

ATTESTED

Assistant Accountant
[Signature]



33
Amir Jt
ADMAN
30/4/19

Directorate of Treasuries & Accounts
Khyber Pakhtunkhwa

Treasury Block, District Courts Compound, Behind Jamia Masjid, Khyber Road, Peshawar,

Phone & Fax: 091-9211856

Dated Peshawar the 26-04-2019

OFFICE ORDER

No: 1-4/DT&A/19/P. T/AA / 1033

In pursuance of Government of Khyber Pakhtunkhwa Finance Department letter No. SO (ESTT-I)FD / 1-26 / 2019 / Jamil, dated 12.04.2019, Mr. Muhammad Jamil Assistant Accountant (BS-16), on his repatriation from deputation to BISE, Swat Finance Department, is hereby posted as Assistant Accountant (BPS-16) in the office of District Comptroller of Accounts, Swat, against the vacant post in the public interest with effect from 22-03-2019.

Director
Treasuries & Accounts
Khyber Pakhtunkhwa

Endst No & date even

Copy for information is forwarded to the:-

1. District Comptroller of Accounts, Swat.
2. Section Officer (Estt-I) Govt: of Khyber Pakhtunkhwa Finance Department, Peshawar w/r to his letter referred above.
3. P.A to Director Treasuries & Accounts Khyber Pakhtunkhwa, Peshawar.
- ✓ 4. Officer concerned.
5. Office order file.

Deputy Director
Treasuries & Accounts
Khyber Pakhtunkhwa

ATTESTED

34

Annex



GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department, Civil Secretariat, Peshawar

finance.gkp.pk

financekpgovt

financekpgovt

KC.NO:SO(ESTT-I)FD/1-26/2022

Dated: the 30-05-2022

To

The Director,
Treasuries & Accounts,
Khyber Pakhtunkhwa.

Subject: APPLICATION FOR RELEASE OF SALARIES IN FID
MR.MUHAMMAD JAMIL, ASSISTANT ACCOUNTANT (BPS-
17).

P/No-246

I am directed to refer to your letter No.1-12/DT&A/22/272 dated 11.03.2022 on the subject noted above and to state to provide concrete reasons of delay ^{for} non-drawing of salaries as well as not joining his parent department after repatriation from BISE Swat (E&SE Deptt.) well in time.

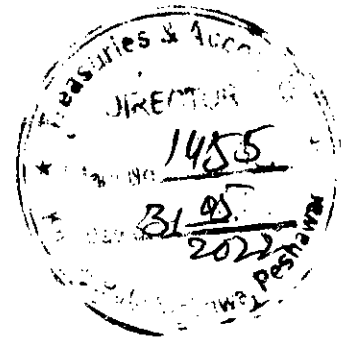
Section Officer (Estt-I)

C.C

PA to Additional Secretary (Admn), Finance Department.

1-2

31/5/22
31/5/22
Amr-I 31/5/22



~~ATTESTED~~

35-
Annex L.
**DIRECTORATE OF TREASURIES & ACCOUNTS
KHYBER PAKHTUNKHWA**

Treasury Block, District Courts Compound,
Behind Jamia Masjid, Khyber Road,
Peshawar

Phone & Fax: 091-9211856



No. 1-12/DT&A/22/590

Dated Peshawar the 01.06.2022

To

The District Comptroller of Accounts,
Swat.

Subject: **APPLICATION FOR RELEASE OF SALARIES IN R/O
MR. MUHAMMAD JAMIL, ASSISTANT ACCOUNTANT
(BPS-16)**

I am directed to refer to the subject cited above & to enclose a copy of Government of Khyber Pakhtunkhwa, Finance Department letter No. KC.NO:SO(ESTT-I)FD/1-26/2022 dated 30-05-2022 for perusal and necessary action.

It is further added that an application was submitted by Mr. Muhammad Jamil, to your office dated Nil stated therein that he applied to Secretary Finance for the vacant post in DCA, Swat & he was adjusted against this post. The confirmation of mentioned post is required to Finance Department for the purpose of release of salary of the waiting period. The application of the Assistant Accountant was simply forwarded for necessary action vide dated 26-06-2019. This Directorate vide No. 1-12/DT&A/19/leave/1438 dated 01-07-2019 has made request to your office that a complete self-contained case along with views/comments in the subject matter be submitted to proceed further in the matter.

Mr. Muhammad Jamil, Assistant Accountant again submitted application to your office dated Nil & stated that his file is pending with Section Officer (Admn), Government of Khyber Pakhtunkhwa, Finance Department which needs verification of vacant post from your office, which was forwarded to this Directorate vide No. DCA/SW/DT&A/450 dated 27-02-2020. Your office was advised vide this Directorate No. 1-12/DT&A/20/Leave/124 dated 20-08-2020 to provide the detailed reasons for non-drawl of pay & allowances from 26-06-2018 to 30-04-2019. It was also advised to submit a self-contained case alongwith your views/comments in the matter as already asked for vide this Directorate No. 1-12/DT&A/19/Leave/1438 dated 01-07-2019. Mr. Muhammad Jamil, Assistant Accountant again submitted application dated 06-02-2022 to your office & stated that his file is pending with Section Officer (Admn), Government of Khyber Pakhtunkhwa, Finance Department which needs verification of vacant post from your office. Your office forwarded the case to this Directorate by neither providing the detailed/reason for non-drawl of pay & allowances nor a complete self-contained case along with views/comments.

It was directed again vide this Directorate No. 1-12/DT&A/22/165 dated 09-02-2022 to provide a complete self-contained case along with your views/comments (as already asked for vide this Directorate No. 1-12/DT&A/19/Leave/1478 dated 01-07-2019 & No. 1-12/DT&A/20leave/124 dated 20-08-2020.

ATTESTED

35 D 274

The case was sent to the Government of Khyber Pakhtunkhwa, Finance Department vide No. 1-12/DT&A/272 dated 11-03-2022. The Government of Khyber Pakhtunkhwa, Finance Department vide KC. NO SO(ESTT-I)FD/1-26/2022 dated 30-05-2022 has asked for to provide concrete reasons of delay for non-drawing of salaries as well as non-joining his parent department after repatriation from BISE, Swat (Elementary & Secondary Education Department) well in time.

In view of the above you are therefore, directed to provide proper justification of delay & non joining the parent department on priority basis please.

Encls: As above


**Deputy Director
Treasuries & Accounts
Khyber Pakhtunkhwa**

Endst No. & Date Even.

Copy forwarded to the Section Officer (Estt-I), Government of Khyber Pakhtunkhwa, Finance Department w/r to Finance Department letter No. referred to above.


**Deputy Director
Treasuries & Accounts
Khyber Pakhtunkhwa**

ATTACHED



36
Office of the
District Comptroller of Accounts

Swat
Ph # 0946-9240346

No. Admin/DCA/Swat /2022/019-20

Dated: July 29, 2022

To

✓ The Director,
Treasuries & Accounts,
Khyber Pakhtunkhwa,
Peshawar.

Subject: - **APPLICATION FOR RELEASE OF SALARIES OF MR MUHAMMAD JAMIL,
AA, DCA SWAT**

Kindly refer to your letter # 1-12/DT&A/22/590 Dated: 01/06/2022 on the subject matter as cited above.

It is submitted that:-

1. That an application filed by Mr. Muhammad Jamil in respect of the title subject has been duly forwarded by this office to your honor vide letter Dated: 03/03/2022.
2. That the concrete reason for delay for non-drawing of salaries, as well as not joining his current department after repatriation from BISE Swat (E&SE) well in time are as under;
3. That Mr. Muhammad Jamil was serving as Assistant Accountant BPS-16 in the office of District Comptroller Swat, the Petitioner was then sent on deputation to the Board of Intermediate & Secondary Education Swat for three years vide Notification No. SO(B/T)E&SE/7-13/2015/BISE Dated: 24/06/2015. Similarly before the expiry of the said deputation period the Chairman Board of Intermediate & Secondary Education Swat sent a letter Dated: 30/05/2018 to Secretary Elementary & Secondary Education Government of Khyber Pakhtunkhwa for the extension of deputation period of the said Mr. Muhammad Jamil. In continuation of the said letter, the Secretary Elementary & Secondary Education Government of Khyber Pakhtunkhwa sent a letter to Secretary Finance Government of Khyber Pakhtunkhwa for extension of deputation period / NOC vide letter Dated: 13/06/2018. Similarly, in continuation of the said letter the Secretary Finance Secretary Government of Khyber Pakhtunkhwa granted extension of deputation for further period of two years/ NOC vide letter Dated: 27/06/2018.
4. That despite the said extension of deputation period/ NOC the Chairman Board of Intermediate & Secondary Education Swat was reluctant to release the salaries and other emoluments of the said Muhammad Jamil Assistant Accountant BPS-16, hence he filed a writ petition No. 782-M of 2018 before the Peshawar High Court, Mingora Bench / Dar ul Qaza Swat. The Honorable Court has issued a status quo order on 07/08/2018.

ATTESTED


Similarly, the Honorable Court also issued an order for releasing the monthly salaries of the said Muhammad Jamil Assistant Accountant BPS-16 till further orders vide order Dated: 17/10/2018.

- 5. That finally the said writ petition of Muhammad Jamil Assistant Accountant BPS-16 was dismissed vide order and judgment Dated: 19/03/2019 by the Honorable Peshawar High Court Mingora Bench / Dara ul Qaza Swat.
- 6. That after dismissal of the said writ petition, the said Muhammad Jamil Assistant Accountant BPS-16 joined his duties in the office of undersigned by submitting arrival report on 22/03/2019.
- 7. That from the above narrated facts it is very much clear that from 07/08/2018 to 19/03/2019 the matter of salaries and duties of Muhammad Jamil Assistant Accountant BPS-16 was pending/ sub-judice before the Honorable Peshawar High Court Mingora Bench/ Dar ul Qaza Swat.
- 8. That the concluding para of the paragraph No. 7 of the order and judgment Dated: 19/03/2019 is as under;

“Thus, this petition having no merit is accordingly dismissed. However, it is for his parent department to decide the issue of his salary”

- 9. That the impugned salaries pertains to the period during which the case writ petition No. 782-M of 2018 of the said Muhammad Jamil Assistant Accountant BPS-16 was pending before the Honorable Peshawar High Court Mingora Bench / Dar ul Qaza Swat, who had issued two restraining orders Dated: 07/08/2018 and 17/10/2018 mentioned above.
- 10. That all of the above factual and legal scenario clearly explains the delay for non-drawing of salaries, as well as non-joining of parent department.

In light of what has been narrated above it is once again requested to release the outstanding arrears (salaries) of the said Muhammad Jamil Assistant Accountant BPS-16 after the proper approval from the quarter concerned.


DISTRICT COMPTROLLER OF ACCOUNTS
SAIDU SHARIF, SWAT

Copy forwarded for information to the:

S.O Establishment-I, Finance Department, Khyber Pakhtunkhwa, Peshawar.


DISTRICT COMPTROLLER OF ACCOUNTS
SAIDU SHARIF, SWAT

372377A

20-11-2018

19-11-2018

20-11-2018

20-11-2018



37

Annex N

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

[facebook.com/GoKPFD](https://www.facebook.com/GoKPFD)

twitter.com/GoKPFD

Dated Pesh: the 25-10-2022

Notification

NO.SO (Estt-I) FD/1-4/2022. In light of Judgment of Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat in Writ Petition No. 782-M/ 2018 with Interim Relief (N), CM 1136/2018 (N) & C.M 1301/2018, the case of **Mr. Muhammad Jamil, Assistant Accountant (BS-17)**, employee of Directorate of Treasuries & Accounts, Establishment regarding non-drawl of salaries has been processed and examined in Regulation Wing of this department.

2. **Whereas** the Peshawar High Court, Peshawar in writ petition No. 1180/2012 dated 19.06.2013 has passed orders that it's a principle "**no work no pay**". Since, in the instant case neither the officer has performed duties at the borrowing organization nor at lending department.

3. Consequent upon above, the period w.e.f 24.06.2018 to 22.03.2019 is hereby treated/ considered as Extra Ordinary Leave (Leave Without pay) under Rule-12 of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981 in the best public interest.

**SECRETARY TO GOVERNMENT
KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

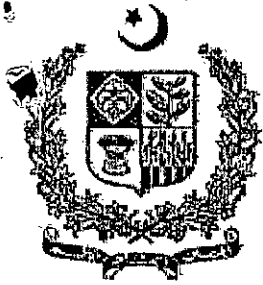
Endst: No: & Date even

Copy forwarded for information to the:

1. Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. District Comptroller of Accounts, Swat.
3. PS to Secretary Finance Department.
4. PS to Special Secretary (A&R), Finance Department.
5. P.A to Additional Secretary (Admn:), Finance Department.
6. Officer concerned.
7. Office order file.

ATTESTED


SECTION OFFICER (E-I)



38
Amal 20/5

Office of the
District Comptroller of Accounts
Swat
Ph # 0946-9240346

No. Admin/DCA/Swat /2022/

Dated: Feb 07, 2022

To

The Director,
Treasuries & Accounts,
Khyber Pakhtunkhwa,
Peshawar.

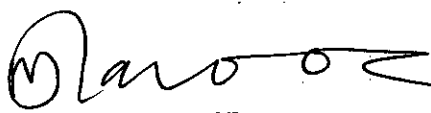
Subject: - **APPLICATION FOR RELEASE OF SALARIES**

The post of Assistant Accountant was vacant w.e.f 24 22-03-18-
26.06.2018 to 30.04.2019. A self
explanatory application in respect of Muhammad Jamil is submitted for ready reference & perusal please.


DISTRICT COMPTROLLER OF ACCOUNTS
SAIDU SHARIF, SWAT

Copy forwarded for information to the:

S.O Establishment-I, Finance Department, Khyber Pakhtunkhwa, Peshawar.


DISTRICT COMPTROLLER OF ACCOUNTS
SAIDU SHARIF, SWAT

ATTESTED



3P
Office of the
District Comptroller of Accounts

Swat
Ph # 0946-9240346

No. Admin/DCA/Swat /2022/

Dated: March 03, 2022

To

The Director,
Treasuries & Accounts,
Khyber Pakhtunkhwa,
Peshawar.

Subject: - **APPLICATION FOR RELEASE OF SALARIES**

The post of Assistant Accountant was vacant w.e.f 26.06.2018 to 30.04.2019. A self-explanatory application along with other documents in respect of Muhammad Jamil is submitted for ready reference & perusal please.

It is therefore requested to release his outstanding arrears (salaries) after the proper approval from the quarter concerned may be sanctioned please.


**DISTRICT COMPTROLLER OF ACCOUNTS
SAIDU SHARIF, SWAT**

Copy forwarded for information to the:

✓ S.O Establishment-I, Finance Department, Khyber Pakhtunkhwa, Peshawar.


**DISTRICT COMPTROLLER OF ACCOUNTS
SAIDU SHARIF, SWAT**

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Block "A" Civil Secretariat Peshawar.

No. SO(B&T)E&SE/7-13/2018/BISE Swat
Dated Peshawar, the 09-08-2018.

To

Mr. Muhammad Jamil,
Audit Officer,
Board of Intermediate & Secondary Education,
Swat.

[Handwritten signature]
10/8

Subject:- **NOTIFICATION.**

I am directed to enclose herewith a copy of Notification No. 568-576/
Estt./BISEE Swat dated 26-06-2018 on the subject cited above received from Secretary,
BISE Swat for information.

You are, therefore directed to report your parent Department for further
posting.

Encl: (As above)

Endst: of even No. date.

Copy is forwarded for information to:-

1. Chairman, BISE Swat.
2. P.S to Secretary E&SE Department.

[Handwritten initials]

[Handwritten signature]
(AASMA ARIF)
SECTION OFFICER (B&Trg)

[Handwritten signature]
SECTION OFFICER (B&Trg)

ATTESTED

DEPARTMENT OF HEALTH & HUMAN SERVICES
PUBLIC HEALTH SERVICE



Block "E" (Continuation)

10/18/81

(5)
10/18

10/18/81
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10/18/81

NOTIFICATION

10/18/81
10/18/81
10/18/81

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(10/18/81)

ATTESTED



41
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Block "A" Civil Secretariat Peshawar.

Dated Peshawar the, 02-04-2019

NOTIFICATION.

No.SO(B/T)E&SE/7-13/2015/BISE Swat. In exercise of powers conferred under Section-12 (8) (ii) of the Khyber Pakhtunkhwa Board of Intermediate & Secondary Education Act, 1990, (Khyber Pakhtunkhwa ACT No. V of 1990), as amended in 2005, the Chief Minister /Controlling Authority of EISEs Khyber Pakhtunkhwa is pleased to appoint Mr. Nasir Ali Senior Auditor (BPS-16) office of the Accountant General, Khyber Pakhtunkhwa as Audit Officer in BISE, Swat on deputation basis for a period of three years with immediate effect.

2. The terms and conditions of deputation of Mr. Nasir Ali Senior Auditor office of Accountant General, as audit officer BISE, Swat will be settled in due Course.

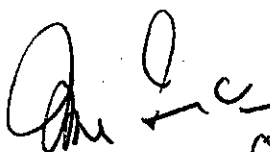
SECRETARY

Endst. of even No. & Date.

A Copy is forwarded to:-

1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. All Chairmen Board of Intermediate & Secondary Education Khyber Pakhtunkhwa, Abbottabad, Peshawar, Mardan, Malakand, Swat, Kohat, D.I.Khan & Bannu.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. PS to Chief Secretary Khyber Pakhtunkhwa.
5. PS to Secretary Finance Department.
6. PS to Advisor for Chief Minister E&SE Khyber Pakhtunkhwa, Peshawar.
7. PS to Secretary E&SE Department.
8. Officer concerned.
9. Master fail.

ATTESTED


(Lal Saeed Khatak) 02/04/2019

SECTION OFFICER (B/T)

بعدالت جناب سروس ٹریڈیونل خیر عفوخواہ لیسٹ اور کمپ کورٹ بھنگ سہرات

Appellate منجانب: 2022 11 ماہ 23 مورخہ

عنوان محمد جمیل نام حکومت و سہرات

مقدمہ نمبر..... جرم.....

وکالت نامہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن

کمپ کورٹ سہرات
بمقام سروس ٹریڈیونل خیر عفوخواہ لیسٹ اور کمپ کورٹ بھنگ سہرات
ASL محمد جاوید خان

لکھ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔
نیز وکیل صاحب کو کرنے راج نامہ و تقرر ثالث و فیصلہ پر حلف دینے، جواب دہی اور اقبال دعویٰ
اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی
تصدیق زر اور اس پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل
کی برآمدگی اور منسوخی نیز دائر کرنے اپیل، نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت
ضرورت مقدمہ مذکورہ کی کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانون کو اپنے ہمراہ یا
اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل
ہونگے اور اس کا ساختہ و پرداختہ منظور و قبول ہوگا و دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ
کے سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصول
کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حدود سے باہر ہو تو وکیل صاحب
پابند ہونگے کہ پیروی مذکورہ کریں۔ وکالت نامہ لکھ دیا کہ سندر ہے۔

2022

11

23 المرقوم:

Attested & Accepted

Supreme Court of Pakistan
Advocate High Court

03428986969
محمد جمیل

محمد جمیل