


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

1383/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/06/2023	<p>The appeal of Mr. Mushtaq Ahmad presented today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1383/2023

Mushtaq Ahmad

V/S

Chief Secretary & Others

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APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
(ADVOCATE HIGH COURT)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 1383/2023

Mr. Mushtaq Ahmad, Retired-Superintendent (BPS-17),
R/O Sufaid Dheri Mohallah Kandi Piran, Peshawar.

(APPELLANT)

VERSUS

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Government of Khyber Pakhtunkhwa through Secretary Administration Department, Civil Secretariat, Peshawar.
3. The Government of Khyber Pakhtunkhwa through Secretary Finance Department, Civil Secretariat, Peshawar.
4. The Director General Health Khyber Pakhtunkhwa, Peshawar.
5. The Estate Officer, Administration Department Government of Khyber Pakhtunkhwa, Peshawar.
6. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED ACTION OF THE
RESPONDENTS OF NOT GRANTING/RELEASING
TO THE APPELLANT HIS MONTHLY SUBSIDY @
OF RS.12,310/- ALONG WITH OUTSTANDING
HOUSE SUBSIDY W.E.F 01.10.2017 TILL HIS
RETIREMENT I.E19.02.2019 ANDAGAINST NOT
TAKING ACTION ON THE DEPARTMENTAL
APPEAL OF THE APPELLANT.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE
IMPUGNED ACTION OF THE RESPONDENTSOF
NOT GRANTING/ RELEASING MONTHLY
SUBSIDY TO THE APPELLANT @ OF RS.12,310/-
ALONG WITH OUTSTANDING HOUSE SUBSIDY

OUTSTANDING HOUSE SUBSIDY W.E.F 01.10.2017 TILL HIS RETIREMENT I.E 19.02.2019 MAY KINDLY BE DECLARED AS ILLEGAL UNLAWFUL AND INEFFECTIVE UPON THE RIGHTS OF THE APPELLANT AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO GRANT/RELEASE MONTHLY HOUSE SUBSIDY TO THE APPELLANT @RS.12,310/- ALONG WITH OUTSTANDING HOUSE SUBSIDY W.E.F 01.10.2017 TILL his RETIREMENT I.E 19.02.2019.ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACT:

1. That the appellant was working as superintendent (BPS-17) in the Health department and was retirement from service on attaining the age of superannuation on 19.02.2019 vide notification dated 27.12.2018.(Copy of notification dated 27.12.2018 is attached as Annexure-A)
2. That the appellant while working in the Health Department was allowed House Subsidy with immediate effect vide order dated 25.04.2005 and has regularly drawn the said benefits till the appellant was relieved from MTI KTH and transferred to Ex-FATA now merged area on 25.09.2017. (Copies of order dated 25.04.2005 and LPC are attached as Annexure-B&C)
3. That the appellant was relieved from MTI, KTH Peshawar and was posted against the vacant post of Superintendent (BPS-17) in the office of DHS Ex-FATA vide order dated 25.09.2017. (Copy of order dated 25.09.2017 is attached as Annexure-D)
4. That the appellant was then posted against the vacant post of Office Superintendent at AHQ Hospital Parachinar w.e from his date of arrival in the Directorate of Health Services Ex-FATA vide order dated 06.10.2017 and the appellant being aggrieved from the order 06.10.2017 challenged that order in this Honorable Tribunal in appeal No.35/2018 along with suspension application. The Honorable Service admitted the case of the appellant for regular hearing and also granted status-quo on 10.01.2018 and in the compliance of the order of this Honorable Tribunal the appellant was adjusted against the vacant post of Account Officer (BPS-17) in Directorate of Health Services Ex-FATA w.e.f 27.09.2017 and

the order dated 06.10.2017 was withdrawn through an order dated 11.04.2018 and due the passing of order dated 11.04.2018, the case of the appellant become infructuous and the case of the appellant was dismissed having being infructuous by the Honorable Tribunal on 16.05.2018. (Copies of order dated 06.10.2017, order sheet dated 10.01.2018 and order dated 11.04.2018 and order sheet dated 16.05.2018 are attached as Annexure-E,F,G&H)

5. That the house subsidy of the appellant w.e.f 01.10.2017 has stopped by the respondents without giving any reason, therefore, he filed departmental appeal for release of his subsidy in the monthly salary w.e.f 01.10.2017 and onward on which correspondence was made among the respondents through different letters and in this respect bill of outstanding amount of house subsidy of the appellant was also prepared, but despite that house subsidy was not granted/released to the appellant. (Copies of departmental appeal and letters are attached as Annexure-I&J)
6. That as the grievance was not redressed by the respondents, therefore, the appellant then filed writ petition No.1416-P/2019 in the Honorable for redressal of his grievance, which was dismissed for want of jurisdiction on 23.05.2023 and mentioned in the judgment/order dated 23.05.2023 that the appellant was placed at liberty to approach the proper forum for redressal of his grievances if so advised. (Copy of judgment dated 23.05.2023 is attached as Annexure-K)
7. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for redressal of his grievances on the following amongst others.

GROUND:

- A) That the action of the respondents not granting/releasing monthly subsidy to the appellant @ of Rs.12,310/- along with outstanding house subsidy w.e.f 01.10.2017 till his retirement i.e 19.02.2019 is against the law, rules, facts, norms of justice, and material on record, therefore, not tenable.
- B) That on the departmental/application correspondence was made among the respondents through different letters and in this respect bill of outstanding amount of outstanding house subsidy of the appellant was also prepared, but despite that house subsidy was not granted/released to the appellant, which is against the norms of justice and fair play.
- C) That the monthly subsidy to the appellant @ of Rs.12,310/- along with outstanding house subsidy w.e.f 01.10.2017 till his retirement

i.e 19.02.2019 was stopped by the respondents without giving any reason which show the arbitrary attitude of the respondents toward the appellant.

- D) That the appellant has not been treated by the respondent in accordance with law and rules on the subject and as such violated Article-4 and 25 of the Constitution of Pakistan.
- E) That the treatment met out to the appellant is highly discriminatory while not releasing the monthly House Subsidy along with outstanding w.e.f 01.10.2017 till his retirement i.e 19.02.2019.
- F) That the treatment of the respondent toward the appellant is clear violation of the fundamental rights of the appellant as enshrined in the Constitution of Pakistan 1973.
- G) That the respondents acted in arbitrary and malafide manner while not releasing the monthly House Subsidy along without standing w.e.f 01.10.2017 till his retirement i.e 19.02.2019.
- H) That the act of the respondents is also clear violation of Article-38 (e) of the Constitution of Islamic Republic of Pakistan.
- I) That the appellant seeks permission of this Hon'ble Tribunal to advance others grounds and proofs at the time of hearing.

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


APPELLANT
Mushtaq Ahmad

THROUGH:


(TAIMUR ALI KHAN)
(ADVOCATE HIGH COURT)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2023

Mushtaq Ahmad

V/S

Chief Secretary & others

AFFIDAVIT

I, Mushtaq Ahmad Retired Superintendent, (BPs-17), R/O Sufaid Dheri Mohallah Kandi Piran, Peshawar (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this august Court.

Mushtaq Ahmad
DEPONENT
Mushtaq Ahmad
(APPELLANT)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2023

Mushtaq Ahmad

V/S

Chief Secretary & Others

APPLICATION FOR CONDONATION OF DELAY IN THE
INSTANT AMENDED APPEAL

RESPECTFULLY SHEWETH:

1. That the instant appeal is pending before this Honorable Tribunal in which date is not fixed so for.
2. That as in the instant appeal the appellant claim his outstanding house subsidy and as monetary issue is involved in the instant appeal and in case of monitory issues no limitation runs.
3. That the august Supreme Court of Pakistan has hold that decision on merit should be encouraged rather than knocking-out the litigants on technicalities including limitation, therefore, appeal needs to be decided on merit (PLD-2003 (SC)-724).
4. That the appellant has good prime facie and may kindly be decide on merit to meet the ends of justice.

It is therefore most humbly prayed that on the basis of above submission, the instant appeal may kindly be decided on merit by condoning the delay to meet the ends of justice.

THROUGH:

Mushtaq Ahmad
APPELLANT

Taimur Ali Khan
TAIMUR ALI KHAN
ADVOCATE HIGH COURT

AFFIDAVIT

It is affirmed and declared that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this august Tribunal.

Musharraf
DEPONENT



A 8

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Dated the Peshawar 27th December, 2018

NOTIFICATION.

No. SOH-III/8-117/2018. The Competent Authority is pleased to accord sanction to the grant of leave encashment of 365 days in lieu of LPR as admissible to Mr. Mushtaq Ahmad, Superintendent BPS-17, attached to Directorate Health Services Tribal District Peshawar under the Revised Leave Rules 1981.

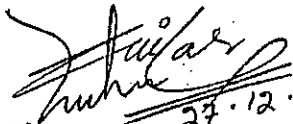
2. The officer concerned shall stand retired from Govt. Service w.e.f. **19-02-2019** on attaining the age of superannuation (i.e. 60 years).

**Secretary to Govt. of Khyber Pakhtunkhwa
Health Department**

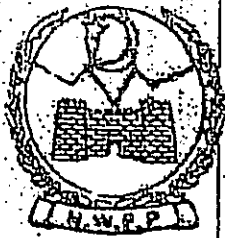
Endst No. of even No and Date.

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Director General Health Services Khyber Pakhtunkhwa, Peshawar with reference to his letter No. 110013-14/Personal dated 14-12-2018.
3. The Director Health Services, Tribal District, Peshawar.
4. PS to Secretary Health, Khyber Pakhtunkhwa.
5. Deputy Director (I.T) Health, Khyber Pakhtunkhwa.
6. Officer concerned.


27.12.18
Section Officer-III

ATTSTED



GOVERNMENT OF NWFP
ADMINISTRATION DEPARTMENT
(ESTATE OFFICE)

Dated Peshawar the 25th April, 2005

ORDER.

Annexure - 1

NO. EO(Admn)R-3036/2004

In pursuance of Government of NWFP Finance Department letter No.SO(SR-IV)1-27/70-II, dated 10-11-1991, housing subsidy amounting to Rs. 3390/- (Rupees three thousand three hundred and ninety only) is hereby sanctioned in favour of Mr. Mushtaq Ahmad, Assistant, Khyber Medical College Peshawar in respect of his/her own House No. NIL, Mohallah Gul Abad Sufaid Deri, Peshawar with immediate effect.

SECRETARY TO GOVT OF N.W.F.P.
ADMINISTRATION DEPARTMENT

Endst No. & Date of even.

Copy forwarded to the:-

1. Accountant General, NWFP, Peshawar.
2. Director General (Audit), NWFP, Peshawar.
3. P.S to Secretary Finance, Finance Department with reference to his letter No. Acct/FD/7-1/2003-2004 dated 01.07.2003.
4. Principal, Khyber Medical College Peshawar.
5. Excise and Taxation Officer-II, Peshawar.
6. Officer/Official concerned.

Est. J. Khan

ATTESTED
[Signature]

S/C

[Signature]
ESTATE OFFICER

ATTSTED



KM/C/KCD/NUMBER TEACHING HOSPITAL (MTI) PESHAWAR
 Phone No.091-9224400 Ext: 2217

No: Audit/9.62/18/DF/KTH

Date: 02/04/2018

Bannu P.No.00657213

LAST PAY CERTIFICATE

K.T.H P.No. 99890607625

G.P.F A/c No. JMD11456

Last Pay Certificate of Mr. Mushtaq Ahmad (BPS-17) Superintendent (MTI) KTH Peshawar, proceeding on Transfer to FATA Secretariat Warsak Road Peshawar.

He has been paid up to 31/07/2017 at the following rates:-

B.Pay	CA	MA	H.Sub	Ad:2013	Ad:2015	Ad:2016	Ad:2017	Total
53370	5000	2276	12310	1280	867	4474	5337	84914

DEDUCTION			
G.P.F	B.F	I.Tax	RB & DC
4270	800	3450	900
			Total
			9420

1. He made over charge of the office of Superintendent (BPS17) on 10.8.2017 A.N
2. Recoveries are to be made from the pay of the Govt. servant as detailed given below:-

DETAILS OF RECOVERIES

S.No	Nature of Recovery	Amount	Recovered	Balance	Instalments	Dates
1	G.P.F	Nil	Nil			

Amended

SERVICE STATEMENT

Prior to 01.08.2013 He was under the audit control of District Comptroller of Accounts Bannu.

ALLOWANCES

B.Pay	P.P	CA	H.Sub	MA	Ad:10	Ad:11	Ad:12	Ad:13	Ad:14	Ad:15	Ad:16	Ad:17	Total
32000	---	5000	9385	1000	6070	1821	4400	3300					
22800	---	5000	9305	182	6070	1821	4360	3420					52605
24400	---	5000	12310	182	6070	1821	4880	3660	2440				54797
25600	---	5000	12310	182	6070	1821	5120	3840	2560				57402
33120	---	5000	12310	2276	6070			3840	2560	3312			54142
34675	---	5000	12310	2276	6070			3840	2560	3468			60488
42810	---	5000	12310	2276	6070			1280		867	4281		70199
44740	---	5000	12310	2276	6070			1280		867	4474		74894
53370	---	5000	12310	2276	6070			1280		867	4474	5337	84914

Transfer from KTH-Peshawar to FATA Secretariat Warsak Road Peshawar Before the KPK Service Tribunal
 Appeal No. 35/2018

[Handwritten Signature]

[Handwritten Signature]
 Audit Officer
 KTH/KMG/KCD
 Peshawar
 2/4/18

ATTSTED



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated the Peshawar 25th September, 2017

NOTIFICATION.

No. SOH-III/3-5/2017. Consequent upon relieving of Mr. Mushtaq Ahmad, Office Superintendent, BS-17 from MTI, KTH, Peshawar vide No. 29069-72/KTH/E, dated: 07-09-2017, he is hereby posted against the vacant post of Office Superintendent BS-17 in office of Director Health Services, FATA with immediate effect in the public interest.

**Secretary to Govt. of Khyber Pakhtunkhwa
Health Department**

Endst of even No and Date.

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Health Services, Khyber Pakhtunkhwa Peshawar.
3. The Hospital Directors, MTIs, LRH & KTH, Peshawar.
4. PS to Secretary Health, Khyber Pakhtunkhwa.
5. PS to Special Secretary Health, Khyber Pakhtunkhwa.
6. Officer concerned.


Section Officer-III

ATTESTED


ATTSTED



DIRECTORATE OF HEALTH SERVICES FATA

FATA SECRETARIAT WARSAK ROAD PESHAWAR

PH # 091-9210212

FAX # 091-9212110

OFFICE ORDER

Consequent upon his arrival in this Directorate on 27-9-2017, in compliance to Provincial Health Department Notification No. SOH-III/3-5/2017 dated 25-9-2017, Mr. Mushtaq Ahmad Office Superintendent (BS-17), is hereby posted against the vacant post of Office Superintendent at AHQ Hospital Parachinar in the interest of public service w.e from his date of arrival in this Directorate.

-- /--

Director Health Services,
FATA, Peshawar.

No 18030-35/DHS/FATA/Admin

Dated 06/10/2017

Copy forwarded to the:-

1. Director General Health Services Khyber Pakhtunkhwa Peshawar.
 2. Deputy Director (Admin) DHS FATA.
 3. Medical Superintendent AHQ Hospital Parachinar.
 4. Agency Accounts Officer Kurram Agency.
 5. PS to Secretary Health, Khyber Pakhtunkhwa Peshawar.
 6. Officer concerned.
- For information and further necessary action.

Director Health Services,
FATA, Peshawar.

ATTESTED
[Signature]

ATTSTED

F 13

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 35 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 272

Dated 09-01-2018

Mushtaq Ahmad, Superintendent (PBS-17),
Director Health Services (FATA) Peshawar.

(APPELLANT)

VERSUS

1. The Addl: Chief Secretary (FATA), FATA Secretariat, Warsak Road Peshawar.
2. The Secretary Social Sector, FATA Secretariat, Warsak Road Peshawar.
3. The Director Health Services (FATA), Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 06.10.2017 WHEREBY THE APPELLANT WAS PREMATURE TRANSFERRED FROM DIRECTOR HEALTH SERVICES (FATA) TO AHQ HOSPITAL PARACHINAR PREMATURELY AND UTTER VIOLATION OF POSTING TRANSFER POLICY, AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Filed to-day

Registrar

9/1/18

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 06.10.2017 MAY BE SET ASIDE BEING, PASSED PREMATURELY AND VIOLATION OF POSTING/TRANSFER POLICY. THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

ATTSTED

107.01.2018

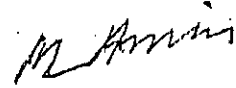
14

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant is serving in Health Department as Superintendent. It was further contended that earlier the appellant was transferred from Khyber Teaching Hospital Peshawar against the vacant in the office of Director Health Services FATA vide order dated 25.09.2017. It was further contended that just after 10 days the appellant was again transferred from the office of Director Health Services FATA to the post of Office Superintendent at AHQ Hospital Parachinar vide impugned order dated 06.10.2017 without completion of his normal tenure. It was further contended that the impugned order was passed by the Director Health Service FATA while the competent authority for transfer/posting of the appellant is Secretary Health. It was further contended that the appellant is going at LPR on 21.02.2018 as inserted the appellant in para-E of the service appeal therefore, the impugned order is illegal and liable to be set-aside. It was further contended by learned counsel for the appellant that the appellant has not yet relinquish the charge.

8/1/18

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 25.01.2018 before S.B. Notice of application for suspending the operation of order dated 06.10.2017 be also issued to the respondents for the date fixed. In the meanwhile status-quo be maintained till the date fixed.

Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member

ATTSTED



DIRECTORATE OF HEALTH SERVICES FATA

FATA SECRETARIAT WARSAK ROAD PESHAWAR

PH # 091-9210212 FAX # 091-9212110

7915

OFFICE ORDER

Amir

In the light of directions of Service Tribunal Khyber Pakhtunkhwa Peshawar on 30-3-2018 in appeal No.35/2018, Mr. Mushtaq Ahmad Office Superintendent (BS-17), is hereby adjusted against the vacant post of Account Officer (BS-17) in Directorate of Health Services, FATA, for the purpose of withdrawal of pay w.e.f his date of arrival in the Directorate i.e 27-9-2017, till further orders.

Consequent upon above, this Directorate office order bearing endorsement No.19030-35/DHS/FATA/Admin dated 6-10-2017, regarding his posting as Office Superintendent (BS-17) in AHQ Hospital Parachinar, is hereby withdrawn.

--/--
Director Health Services,
FATA, Peshawar.

Dated 11 / 04 / 2018

No. 8309-15 /DHS/FATA/Admin

Copy forwarded to the:-

- Chairman Service Tribunal Khyber Pakhtunkhwa Peshawar.
 - Medical Superintendent AHQ Hospital Parachinar.
 - AGPR Sub Office Peshawar.
 - Agency Accounts Officer Kurram Agency.
 - Litigation Assistant DHS FATA.
 - Accountant DHS FATA.
 - Officer concerned.
- For information and further necessary action.

ATTESTED

[Signature]

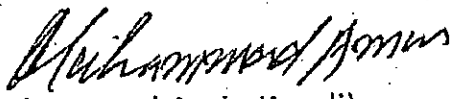
[Signature]
Director Health Services,
FATA, Peshawar.

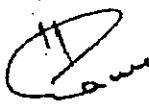
ATTSTED

16.05.2018

H (16)
Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General present.

Learned counsel for the appellant stated that the grievance of the appellant has been redressed and as such the present appeal has become infructuous. Consequently the present service appeal is hereby dismissed having become infructuous. No order as to costs. File be consigned to the record room.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

AT

ATTSTED

The State Officer,
FATA Secretariat
Warsak Road,
Peshawar.
Proper Channel.

Through

Subject: RELEASE OF MONTHLY HOUSE SUBSIDY

Respected Sir,

- 1) That I was posted as Office Superintendent (BPS-17) against the vacant post in the Office of Director Health Services FATA vide dated 25-09-2017. (Copy of Order is attached).
- 2) That vide order dated 06-10-2017. I was transferred against the vacant post of Office Superintendent at AHQ Hospital Parachinar and as the transfer order is premature, therefore, I challenge the same before the service Tribunal in appeal No. 35/2018 along with suspension/status quo application.
- 3) That the Honorable tribunal was kind enough to grant status quo in the favor of appellant but neither I was allow to perform my duty on the vacant post of Office Superintendent in the Office of Director Health Services FATA nor gives me salary on which I filed execution petition for implementing of status quo and release on which of salary Honorable court directed the respondents to release my salary vide order dated 30-3-2018. (Copy of order sheet dated 30-3-2018 is attached).
- 4) Now I am receiving my monthly salary from Directorate Health Service FATA Secretariat, but my house Subsidy has been stopped without and solid reason and house rent is include in my salary.

I was receiving House Subsidy since 25/4/2005 (Order copy enclosed)

Therefore it is requested that the same above I may kindly be given House Subsidy in my monthly pay so that I may be able to get my arrears as well w.e.f 27/9/2017 onward.

I shall be very thankful to you for this act of Kindness.

ATTESTED

Yours Sincerely
Mushtaq Ahmed
Superintendent DHS
FATA Secretariat
Warsak Road, Peshawar

MNCH Program FATA Office

Diary No. 419

ATTSTED

Dated: 07-06-2018 (Encl: 17)

Forwarded to DHS FATA for further NA plz
118



DIRECTORATE HEALTH SERVICES FATA

FATA SECRETARIAT, WARSAK ROAD PESHAWAR

Phone: 091-9210212

Fax: 091-9212110

No. 22422

/DHS/FATA/Admn

Dated: 24/09/2018

(Handwritten initials)

(Handwritten number 18)

To

Deputy Secretary (Estate)
AI&C Department
FATA Secretariat Peshawar.

Amir (Handwritten signature)

Subject: - REQUEST FOR HOUSE SUBSIDY.

Enclosed please find herewith an application submitted by Mr. Mushtaq Ahmad Office Superintendent (BPS-17) of this Directorate, requesting therein for the house subsidy for further necessary action please.

Director, Health Services
FATA, Peshawar.

19/9/18

ATTESTED (Handwritten signature)

ASSW (Handwritten initials)

ATTSTED



10

19

FATA SECRETARIAT
Admn Infra & Coordination Department
ESTATE OFFICE.

No. 101-3/EO/Admn/H. Subsidy/2384

Dated 2/10/2018

To
The Executive Engineer,
Building Division Khyber
Hayatabad Peshawar.

[Handwritten signature]

Subject:- RENT ASSESSMENT CERTIFICATE.

Please find enclose herewith all relevant documents in respect of Mr. Mushtaq Ahmad Superintendent (BPS-17) Directorate of Health Services FATA Peshawar for verification and furnishing Assessment Certificate for further necessary action; please.

Encl: As above.

[Handwritten signature]
Deputy Secretary (Estate)

Mr. Farhat Ali Shingor
for processing

[Handwritten signature]

ATTESTED
[Handwritten signature]

ATTSTED

*1. Inva furnished
for in format of further
action as discussed in the
letter.*

[Handwritten signature]

Drafts Mr. Pl. Proceedit

[Handwritten initials]
40

2

13

PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY

FORM: PAY02



DDO CODE (Cost Center) **P R 0 0 4 9**

Annexure - H

OFFICE OF THE **Director Health Service FATA**

FOR THE MONTH OF **May 2018**

PERSONAL NUMBER **0 0 6 5 7 2 1 3**

EMPLOYEE NAME **Mr. Mushtaq Ahmad**

GRADE (Pay Scale Group) **17 Superintendent**

Salary Status

GENERAL DATA CHANGE		PAYMENT / DEDUCTION		Effective Date	Remarks
Info Type	New Contents	Wage Type	Rupees		
	House Subsidy		16619		House Subsidy wef 01/5/2018 Arrears of House Subsidy wef 01/10/2017 to 30/4/2018.
	Adj House Subsidy		116333		

ATTSTED

Mushtaq Ahmad
Director Health Service
FATA

WP1416-2019- Mushtaq Ahmad VS Govt KP Full PG 21 USB
WP1416-2019- Mushtaq Ahmad VS Govt KP Full PG 21 USB

Returned with remarks that sanction for
Estate office FATA sectt must be provided.

(21)

1) Lease agreement & sanction of expenditure
must be furnished with the claim.

HRA already drawn for the period may
be deducted from the claim.

Annexure - I

[Signature]
A.O.
08.12.18

ATTSTED
[Signature]

ATTSTED

38578

10/11/18



**PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY**

FORM: PAY02

15

DDO CODE (Cost Center) **P R 0 0 4 8**

OFFICE OF THE **Director Health Service FATA**

Amoxuse - J
FOR THE MONTH OF **February 2019**

PERSONAL NUMBER **0 0 6 5 7 2 1 3**

EMPLOYEE NAME **Mr. Mushtaq Ahmad**

GRADE (Pay Scale Group) **17 Superintendent-**

Salary Status

Info Type	New Contents	Wage Type	Amount / Rupees	Effective Date	Remarks
	Housing Subsidy Allowance	1897	18465		House Subsidy Allowance for the month of February 2019 wef 1/2/2019 to 19/2/2019.
	Adj Housing Subsidy Allow	5876	169352 / 237057		
					Arrears house subsidy allowance wef 1/8/2017 to 31/1/2019.

ATTSTED

ATTESTED
[Signature]

[Signature]
**DIRECTOR HEALTH SERVICES
CENTRAL DISTRICTS PESHAWAR**

WP1416-2019- Mushtaq Ahmad VS Govt KP Full PG 21 USB

Per No
Name
Designation

657213
Mushtaq Ahmad
Superintendent

(Handwritten initials)
(Handwritten number 23)

Due ✓ *Drawn*

	Drawn	Due	Difference	Months	Total
1/8/2017 to 30/6/2018	18465	4433	14032	11	154352
1/7/2018 to 31/1/2019	18465	6650	11815	7	82705
TOTAL					237057

Annexure

(Signature)
DIRECTOR HEALTH SERVICES
SERIAL DISTRICTS PESHAWAR

Returned with following observations:

- 1) Sanction of Joint Estate Officer (JEO) must be provided. Sanction of Exp. from Secty SSD is required.
- 2) Claim ref 1.8.17 to 30.6.18 may be made.
- 3) Rs. 12310/- P.M. The excess amount must be attached & Revised Due/Drawn & source state may be supplied.
- 4) Stamp Paper duly stamped must be signed from DHS FATA.

ATTESTED

(Signature)

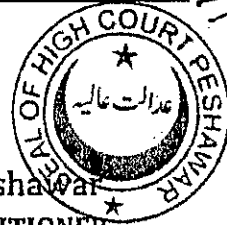
(Signature)

07.2.19

ATTSTED

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

WRIT PETITION No. _____ /2019



MR. MUSHTAQ AHMAD, Superintendent (BPS-17),
o/o Director Health Services (Merged Area), Warsak Road, Peshawar
.....PETITIONER

V E R S U S

- 1- GOVT. OF KHYBER PAKHTUNKHWA,
Through Chief Secretary, Civil Secretariat, Peshawar.
- 2- The Secretary (Admin: Infrastructure & Coordination),
o/o Merged Districts, Warsak Road, Peshawar.
- 3- The Secretary Finance (Merged Area),
Warsak Road, Peshawar.
- 4- The Director Health Service (Merged Area),
Warsak Road, Peshawar.
- 5- The Deputy Secretary Estate (Merged Area),
Warsak Road, Peshawar.
- 6- The Accountant General (Sub-Office),
Fort Road, Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973
AS AMENDED UP TO DATE**

Respectfully Sheweth;

FACTS:

- 1- That, the petitioner is the Law abiding, Peaceful & bonafide resident of District Peshawar and living with his family within the local jurisdiction of this Honourable Court. Copy of the CNIC is attached as ANNEXURE A.
- 2- That, petitioner is the employee of Health Department and presently working under the administrative control of Respondent No. 4 (Director Health Services (Merged Area)) w.e.f. the date of submitting arrival report in Directorate 27.09.2017. Copy of Transfer/adjustment order is attached as ANNEXURE B.
- 3- That, petitioner while serving in Health Department of settled was allowed House Subsidy with immediate effect on 25.04.2005 and has regularly drawn the said benefit till the petitioner is transferred to FATA now Merged Area on 27.09.2017. Copy of the sanction & last Pay Certificate is attached as ANNEXURE C & D.

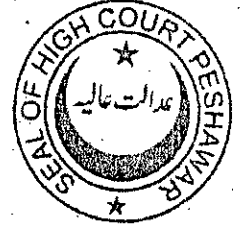
**ATTESTED
EXAMINER**
Peshawar High Court

WP 1416-2019- Mushtaq Ahmad VS Govt. of FATA

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2
23.05.2023	<p><u>W.P No. 1416-P/2019</u></p> <p>Present: Mr. Muhammad Maaz Madni, Advocate for petitioner.</p> <p>Barrister Kamran Qaiser, Addl. AG for respondents.</p> <p>***</p> <p><u>MOHAMMAD IBRAHIM KHAN, J:</u></p> <p>Through this petitioner under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner Mushtaq Ahmad has prayed:</p> <p><i>“It is therefore, most humbly prayed that on acceptance of this writ petition the inaction of the respondents by not releasing the monthly house subsidy @ Rs.12310/- alongwith outstanding House Subsidy w.e.f from 01.10.2017 may very kindly be declare as illegal, unconstitutional, void, ineffective and unwarranted upon the rights of the petitioner.</i></p>



ATTESTED
EXAMINER
Peshawar High Court

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That, the respondents may further please be directed to allow/release the monthly house subsidy @ Rs.12210/- alongwith outstanding house subsidy w.e.f. 01.10.2017 till date.

Any other remedy which this august Court deems fit and has not been specifically asked that may also be awarded in favour of the petitioner.

2. Respondents have filed their respective replies/comments.

3. Arguments heard and available record gone through.

4. Record transpires that the petitioner is a civil servant and the relief sought in this petition comes under the terms and conditions of his service, for which the competent forum is the Khyber Pakhtunkhwa Services Tribunal as under Article 212(2) of the Constitution of Islamic Republic of Pakistan 1973, the jurisdiction of all courts including High Court is specifically barred in the matter of terms & conditions of civil servants

ATTESTED
EXAMINER
Peshawar High Court

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therefore, this court cannot entertain the instant petition.

5. In view of above, this writ petition, being not maintainable before this Court, stands dismissed in limine. The petitioner is at liberty to approach proper forum for the redressal of his grievances, if so advised.

Announced
23.05.2023

W/O
Senior Puisne Judge

JUDGE

CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article B.7 of
the Qanun-e-Shahadat Act 1984
08 JUN 2023

*Muhammad Flaz * *D.B* Hon'ble Mr. Justice Mohammad Ibrahim Khan, J
Hon'ble Mr. Justice Ijaz Anwar, J

88/40
Date of Presentation of Application. 08-06-2023
No of Pages. 4-8
Copying fee
Total. 76-00
Date of Preparation of Copy. 08-06-2023
Date of Delivery of Copy. 08-06-2023
By Jib

VAKALAT NAMA

NO. _____/2023

IN THE COURT OF KP Service Tribunal, Peshawar

Mushaq Ahmad

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Chief Secretary & others

(Respondent)
(Defendant)

I/We, Mushaq Ahmad

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT**, 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 _____/2023

Mushaq Ahmad
(CLIENT)

ACCEPTED



TAIMUR ALI KHAN
Advocate High Court

BC-10-4240
CNIC: 17101-7395544-5
Cell No. 03339390916