## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 393 /2023

SCANNED KPST Poshawar

Inam Ullah

VS

**EDUCATION DEPTT:** 

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APPELLANT

THROUGH:

Yasir Saleem

&

Afrasiab Khan Wazir Advocate high Court

### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 393/2022

2671

#### **Versus**

- Director education merged district, Khyber Pakhtunkhwa Peshawar.
- 2. District education officer, District North Waziristan.
- 3. District Account Officer, District North Waziristan.

4. bey & 4 St. dypt. 19. pres. RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST INACTION OF THE RESPONDENT BY NOT RELEASING SALARIES W.E.F 01.07.2019 OF THE APPELLANT AND AGAINST INACTION ON DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STIPULATED PERIOD.

### Prayer:

That on acceptance of this instant service appeal of the appellant the inaction of the respondents by not releasing salaries of the appellant w.e.f 01.07.2019 till dated may very kindly be declared illegal and without lawful authority of law, and the respondents may further please be directed to release salaries of the appellant w.e.f 01.07.2019 till dated, with all back benefits. Any other remedy which august tribunal deems fit that may also be decided in favor of the appellant.

R/SHEWETH:

ON FACTS:

### Brief facts of the appeal are as under;

That the appellant is working as PST (BPS-12) in the respondent department. Comy of appoulance allow is affacted as Amer A

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- 6. That against the inaction of the respondents with regard to the outstanding salaries of the appellant, he also filed departmental appeal to the appellate authority which is still pending. Copy of the departmental appeal is attached as annexure.
- 7. That appellant further feeling aggrieved and having no other remedy but to file this appeal on the following grounds inter alia.

#### ON GROUNDS:

- A. That the inaction of the respondents by not releasing salaries of the appellant w.e.f 01.07.2019 is against law, rules and norms of natural justice.
- B. That the appellant have not be treated in accordance with law and rules and as such respondents violated Article 4 and 24 of the constitution of Islamic republic of Pakistan 1973.
- C. That the action of the respondent No.3 amounts to sheer arbitrary and autocratic in nature hence against the norms of natural justice.
- D. That the conduct of respondent No.3 is not only ignoring the competent authority orders but conduct and attitude of the respondents No.3 from such inaction show something unfair means hence also violating the mandatory provision of the constitution that all Govt. departments are duty bound to strictly act in accordance with law.
- E. That its apex court decisions that salary is not bounty that can be stopped at the wishes of high ups.
- F. That the inaction of the respondents by not releasing salaries of the appellant is against Article 38(e) of the Constitution of Islamic republic of Pakistan, 1973.

- G. That the respondents are using colorful exercise of power regarding not releasing the salaries outstanding against the respondents hence this action of the respondents is unwarranted under the law.
- H. That the appellant seeking indulgence of this honorable Tribunal for intervening in the matter to release immediately the outstanding salaries and clear the bill pending before the respondent No.3 without any cogent reason and the respondent No.3 has no locus standi to stop the bills being clear cut orders of the high ups and competent authority.
- 1. That the remaining points if any arise during, the course of hearing may also be allowed.

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

APELLANT

Inam Ullah

THROUGH:

Yasir Saleem

&

Afrasiab Khan Wazfir Advocates high Court

Certificate:

That no earlier appeal is preferred before this august tribunal.

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#### Affidavit:

I Inam ullah, resident of district north waziristan, solemnly affirm and declare that the contents of this Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this August Tribuanl.

Deponent

# OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY

#### **Appointment order**

As per recommendation of the departmental selection committee the fowling Male/Fe-male PST teachers are hereby appointed against the vacant posts with immediate effect from the date of taking over charge in the best interest of public.

- 1. Mr. Niamat Ullah PST GPS Bare kot.
- 2. Mr. Asad Ullah PST GPS Data Khel.
- 3. Mr. Ghulam Rasool PST GPS inayat Khan kot.
- 4. Mr. Zahid Ullah PST GPS Zindai Kot.
- 5. Mr. Abid Ullah PST GPS Salman Kot.
- 6. Mr. Sher Abbas Khan PST GPS Mami Rogha Manzar Khel.
- 7. Mr. Inam Ullah PST GPS Dari Wasta.
- 8. Mr. Naseer Ud Din PST GPS M. Aslam Kot.
- 9. Mst. Salma PST GGPS Akhtar Nawaz Kot.
- 10.Mst. Safia PST GGPS Said Rasool Kot.
- 11.MSt. Saima PST GGPS \$iraj Ud Din Kot.
- 12.Mst. Zainab PST GGPS Muhammad AMin Kot.
- 13.Mr. Israr Ullah PST GP\$ Maaz Alam Kot.
- 14.Mr. Abdul Tawab PST GPS Hassan Shah Kot.

Agency Education Officer North Waziristan Agency

Endst No. 38 - 8 / AEO/NWA

Dated: 45/3/2014

- 1. Director Education FATA, FATA Secretariat Peshawar.
- 2. Political agent North Waziristan Agency
- 3. Agency account Office NWA.
- 4. AAEO circle Concerned.
- 5. Candidates concerned.

Agency Education Officer North Waziristan Agency

ATETETED

ANNEX A/1

### DIRECTORATE OF EDUCATION NEWLY MERGED TRIBAL DISTRICTS

WARSAK ROAD PESHAWAR, PAKISTAN PHONE. 091-9210166 FAX 091-9210216

No. | 200

Date Pesh: the / 5/ /2019

disense with supolt

To

The District Education Officer, North Waziristan District.

Subject;

### APPEAL FOR ADJUSTMENT/RELEASE OF PAY.

Memo:

I am directed to refer to subject cited above and to enclose herewith an application in respect of Mr. Niamatullah PST and Imrana PST and others of North Waziristan District for necessary action after proper verification under intimation to this office to resolve the issue once for all.

Encl: As Above.

Endst: No. 120 | -2 /-.

Copy forwarded to the :-

- 1. District Accounts Officer, NWD
- 2. PA to Director Education NMTD.

Deputy Director (F/A)

Dated Pesh: the

\_/20]

Deputy Director (F/A).

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### OFFICE OF THE DISTRICT EDUCATION OFFICER NORTH WAZIRISTAN TRIBL DISTRICT

/DHO/NWD/MRN/

Dated: 03/03/2020

To

The District Account Officer North Waziristan District

Subject: RELEASE OF PAY IN R/o Nimat Ullah and others.

In pursuance of the approval of director of education merged districts vide order No.12.20.2022 dated 09.01.2019 and the recommendations of enquiry officers the outstanding salaries of the following male and female teachers, PST teachers are hereby released from the date of stoppage 01.07.2019 on the basis of non termination and they are the regular employees of this office performing duties regularly and there is no complaint/enquires against them.

- 1- Mr. Naimat ullah PST GPS Kharsin.
- 2- Mr. Ghulam rasool PST GPS Inayat Khan Kot.
- 3- Mr. Asad Ullah PST GPS Datakhel.
- 4- Mr. Zahid ullah PST GPS Zindaie.
- 5- Mr. Abid ullah PST GPS Salman.
- 6- Mr. Sher Abas Khan PST GPS Mamirogha Munzer Khel.
- 17- Mr. Inam ullah PST GPS Dari Wastha.
- 8- Mr. Nazir Ud Din PST GPS Aslam Kot.
- 9- Mrs. Salma PST GGPS Akhter Nawaz Kot.
- 10- Mrs. Safia PST GGPS Said Rasool.
- 11- Mrs. Saima PST GGPS Siraj Ud Din Kot.
- 12- Mrs. Zainab PST GGPS Muhammad Amin Kot.
- 13- Mr. Israr Ullah PST GPS Mazalam Kot.
- 14- Mr. Abdul Tawad PST GPS Hassan Shah.

DISTRUTEDUCATION OFFICER DISTRICT/NORTHAVAZIBISTAM

Endst: No.9285-90/DEO/NWD dated 7 /02.02.2020

Copy to;

- 1- The Director Education Merged Districts with reference to his letter Number quoted above.
- 2- PS to Secretary SSD FATA Secretariat.
- 3- Deputy Commissioner NWD.
- 4- District Account officer NWD with the release the salaries being low paid government:
- 5- AAEO circle concerned.
- Candidates concerned.

ATETETO

DISTRUCT EDUCATION OFFICER

ATTESTE TO THE WAZIN

Allestee





## OFFICE OF THE DISTRICT ACCOUNTS OFFICER

# NORTH WAZIRISTAN (TRIBAL DISTRICT)MIRANSHAH

No.DAO/MRN/NWTD/2020-21/ 80/

Dated An /

Τo

The District Fday Officer District North Waziristan.

Subject;

# Appeal for Release of Pay in No Siral ud Din & Others & Punching their Source-fi

Kindly refer to the subject noted above and to state that;

- 1) Whether they have been regular and bonafide employees of your department.
- 2) Whether they are performing their duties regularly.
- 3) Whether they were appointed on regular sites or otherwise.
- 4) Whether they are involved in any inquiry.
- 5) Whether their salaries were stopped due to non-opening of their bank acceptate or

Therefore, it is further requested a clear-cut decision may kindly be intimated to this office for further process the case and also after fulfilling the above observations; kindly submit all bills/source II forms to process in the matter being low-paid Govt employees.

> District Accounts Office MW (Tribal District) Whran Shah

> > ATTESTED

ALEIS: 20
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## OFFICE OF THE DISTRICT EDUCATION OFFICER NORTH WAZIRISTAN TRIBL DISTRICT

No	/DHO/NWD/MRN/	
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Dated: 12/62/2020

То

The District Account Officer
North Waziristan District

Subject APPEAL For RELEASE OF PAY IN R/o Nimat Ullah and others and Punching their source II

forms

Kindly refer to your letter dated 10-02-2020 on the subject noted above and to state that;

- 1- They are regular and bonafide employees of this department
- 2- They are performing their duties regularly to the entire satisfaction of their superiors.
- . 3- They have appointed on regular sides.
- 4- They are not involved in any type of inquiry i.e Anti Corruption and NAB etc
- 5- Their salaries have been stopped due to non opening of bank accounts as intimated by your good office vide letter dated 22-1-2021 and 18-2-2021 (Copy attached)

It is therefore requested the observations has been removed by the under sign and verified the source forms and re submitted to your good office for further necessary actions being low paid Government servants and to perform their duty with seal more than this.

DISTRICT EDUCATION OFFICER.

ATTESTED

Attestada

ANNIEX 1

# OFFICE OF THE DISTRICT EDUCATION OFFICER NORTH WAZIRISTAN DISTRICT MIRAN SHAH

8

No. 2/27 /DEO/NWTD

Dated: <u>- ろ/</u>3 /2015

То

The District Account Officer, North Waziristan District.

Subject: REQUEST FOR PUNCHING OF SOURCE IS II PROFARMAS.

Refer to subject noted above and to state that the pending source I & II proforms may kindly be punched as soon as possible which have already been still pending in your office. (Copies attached).

It is further stated that they are verifice and bonafide employee of this office. They are regularly performing their duties under the prevailing rules but unexpectedly their salaries have been stopped time and again rendering the employees uncomfortable leading to directly impact in a sense of their service and resultantly proving the detrimental to the system.

Keeping in view the above facts it is requested that the salaries of the employees may be released so that the employees may feel at easy and perform their duties with zeal more than this.

Mr. Snedae Ali puns

DISTRICT EDUCATION OFFICER.

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YASIR SALEEM

Advocate High Court

Advocates, Legal advisors, Service & Laborer, Earl Constitution, Fr. 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantle

#### **VAKALATNAMA**

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

OF 2023	·
namulah (APPELI (PLAIN (PETITI	ITIFF)
<u>VERSUS</u>	
Edu Depti (RESPONE (DEFENI	. ,
Do hereby appoint and constitute, Yasir Saleem & Afrasiab Advocates High Court, Peshawar to appear, plead compromise, withdraw or refer to arbitration for me/us as a Counsel/Advocate in the above noted matter, without any liability his default and with the authority to engage/appoint any Advocate Counsel on my/our cost. I/we authorize the said Ad to deposit, withdraw and receive on my/our behalf all sum amounts payable or deposited on my/our account in the above matter.	, act, ny/our lity for other vocate is and
Dated//2023	
CLIENT(S)	-

ACCEPTED
YASIR SALEEM 4

AFRASIAB KHAN ADVOCATES HIGH COURT PESHAWAR



### DEFICE OF THE DISTRICT EDUCATION DEFICER Mela District North Waziristan, Miranshah

No:35078\_10EO/NWTD/

Daled: 19 | 12 /2022

Email: deannelemvid@gmail.com



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The District account Officer, North Waziristan Tribal District,

Subject:

### REALEASE OF SALARIES.

Merged District vide order No:1220-22 dated:09-01-2019 and No:1666 dated, 30-01-2019 and secretary Education No.50(PE)/E85ED/F-/Gen Misce/2022 dated,11-08-2022 and this office letter No:10095-99 dated,21-11-2019 and the recommendation of the inquiry officer dated,05:09,204.9 the out standing salaries of the following Male & F. Male leachers are hereby released from the date of stoppage with effect from 01-01-2019 on the basis of not terminated and they are regular employees of this office. They are performing their duties regularly and there is no compliant/inquiries.

- 1- Mr. Naimat ullah PST GPS Kharsin.
- 2- Mr. Ghulam rasool PST GPS Inayat Khan Kot.
- 3- Mr. Asad Ullah PST GPS Datakhel.
- · 4- Mr. Zahid ullah PST GPS Zindale.
- \_ 5- Mr. Abid ullah PST GPS Salman.
- 6- Mr. Sher Abas Khan PST GP5 Mamirogha
- 7- Mr. Inam ullah PST GPS Dari Wastha:
- . 8- Mr. Nazir Ud D'n PST GPS Aslam Kot

- 9- Mrs. Salma PST GGPS Akhter Nawaz Knt.
- 10- Mrs. Safia PST GGPS Said Rasool.
- ,11- Mrs. Saima PST GGPS Siraj Ud Din Rot.
- 12-Mrs. Zainab PST GGPS Muhammad Amin Kot.
- 13-Mr. Israr Ullah PST GPS Mazalam Kot.
- 14- Mr. Abdul Tawad PST GPS Hassan Shah.
- 15- Hamid Ur Rehman PST GPS Inayat Khan Ko

Date and even No

Copy forwarded to the:

- 1. Director Education Merged Districts with reference
- 2. SO (PE) Education E&SE Department with lefere be to his order No. quoted
- 3. Deputy Commissioner North Waziristan Distirkt,
- 4. Accountable local Office.
- 5. Candidate soncerned.

DISTRICT EDUCATION OFFICER

reference act his order No. quoted

DISTRICT EDUCATION OFFICER NORTH WAZIRISTAN MIRANSHAN