BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 393 /2023

SCANNED KPSi Reshawar

Asad Ullah

VS

EDUCATION DEPTT:

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And APPELLANT

THROUGH:

ral Yasir Saleem &

Afrasiab Khan Wazir Advocate high Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ther Pelantukhv Fride Tribunal

TIS

Diary No. 2672

PESHAWAR

Service Appeal No. 392 /2022

Dated 2-1 Mr. Asad ullah , PST (BPS-12), in district education Officer District North WaziristanAPPELLANT.

Versus

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

Serry R. C. Sk. dept. 12p perlank RESPONDENTS (4)

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:

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Brief facts of the appeal are as under;

1. That the appellant is working as PST (BPS-12) in the respondent department. Copy of report mut order is ablached in Ama A

2. That the appellant approached respondent No.1 to kindly released our salaries while respondent No.1 vide order dated 09.01.2019 issued order to respondent No.3 to release their salaries if not terminated. Copy of order dated 09.01.2019 is attached as annexure.....A*.//*

3. That in response of order dated 09.01.2019 the respondent No.3 issued the outstanding salary released order dated 07.02.2020 after scrutiny and enquiry. Copy of the order dated 07.02.2020 is attached as annexure.....**B**.

- 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.

I. That the remaining points if any arise during the course of hearing may also be allowed.

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

> APELLANT Asad Ullah

THROUGH: Jiab Yasir Saleem &

ASAd-Deponent

Deponent

Afrasiab Khan Waz<mark>i</mark>r Advocates high Court

Certificate:

That no earlier appeal is preferred before this august tribunal.

Affidavit:

I Asad 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 Tribuani.



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 GP\$ 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 Åkhtar 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 GPS Maaz Alam Kot.
- 14.Mr. Abdul Tawab PST GPS Hassan Shah Kot.

Agency Education Officer North Waziristan Agency

Endst No. <u>38 - 9</u> / AEO/NWA

Dated: 15/3/2014

Copy to:

1. Director Education FATA, FATA Secretariat Peshawar.

ATETETED

- 2. Political agent North Waziristan Agency
- 3. Agency account Officer NWA.
- 4. AAEO circle Concerned.
- 5. Candidates concerned.

Agency Education Officer North Waziristan Agency

ANNEX DIRECTORATE OF EDUCATION NEWLY MERGED TRIBAL DISTRICTS WARSAK ROAD PESHAWAR, PAKISTAN PHONE. 091-9210166 FAX 091 92-10216 Date Pesh: the 1 3 1 01 /2019 1 No. 1 200 M. Shand i ver with Supetto To The District Education Officer, Mr. Ca Bearing North Waziristan District. APPEAL FOR ADJUSTMENT/RELEASE OF PAY. Subject; 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. Deputy Director (F/A Endst: No. 1201 - 2 Dated Pesh: the Copy forwarded to the :-1. District Accounts Officer, NWD 2. PA to Director Education NMTD. Deputy Director (F/A). ATTESTEU ATETSTED Altestel siab

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OFFICE OF THE DISTRICT EDUCATION OFFICER NORTH WAZIRISTAN TRIBL

DISTRICT

Dated: 03/03/2020

ANNEX B

DISTRICT EDUCATION OFFICEI

DISTRUCT EDUCATION ON

ATTESTERICTWORTHWAZIPATAN

Alfester

ATETSTED

DISTRICT/NORTHANAZIR'S

No.____/DHO/NWD/MRN/

Τơ

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.

7- 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.

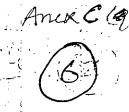
13- Mr. Israr Ullah PST GPS Mazalam Kot.

14- Mr. Abdul Tawad PST GPS Hassan Shah.

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 servant,
- 5- AAEO circle concerned.
- 6- Candidates concerned.



OFFICE OF THE DISTRICT ACCOUNTS OFFICER

NORTH WAZIRISTAN (TRIBAL DISTRICT)MIRANSHAH No.DAO/MRN/NWTD/2020-21/ 80/ Daled 49-1 2120

The District For Officer District North Waziristan.

Subject;

Τo

- Appeal for Release of Pay In r/o Siral ud Din & Others & Punching their Source-II
- 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 accounts 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 Clovt employees.

> District Accounts Offic NW (Tribal District) Miran SD_{ih}

ATTESTED ATETSTED Allastices Allastices

OFFICE OF THE DISTRICT EDUCATION OFFICER NORTH WAZIRISTAN TRIBL

DISTRICT

Dated: 02/02/2020

ANINT

No.____/DHO/NWD/MRN/

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 hot 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 internated 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 heal more theretak.

DISTRICTEDUCATION OFFICE

ATTESTED Attested. Attested. Attested.

OFFICE OF THE DISTRICT EDUCATION OFFICER NORTH WAZIRISTAN DISTRICT MIRAN SHAH

No. 2/27 /DEO/NWTD

То

Dated: <u>3/3</u>/2020

ANNIEX

The District Account Officer, North Waziristan District.

Subject: REQUEST FOR PUNCHING OF SOURCE 1-& II PROFARMAS.

Refer to subject noted above and to state that the pending source I & II profarma 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 vehicle 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.

plase DISTRICT EDUCATION OFFICER. DISTRICT/NORTH-WAZIR/STA Nr. Snedal Ali all the play ind from the And 20 District Accounts Officer ATTESTED NWTD Miranshab ATETSTED 29/12/02 Attestel sid

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Appeal: Revision/Suit/Application/Petition/Case No
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I/We, the undersigned/ Fixed for AVASIR SALEEM ADVOCATE HIGH COURT, my true and appoint attorney, for me in my same and on my behalf to appear at in the above matter and is bareed to sign and file petitions. An appeal, statements, and matter or any matter arising there from and fails to apply for and receive all documents whatsoever, in connection with the or explise of documents, depositions etc. and to apply for and receive all documents whatsoever, in connection with the arising there from and fails to apply for and receive all documents whatsoever, in connection with the or explise of documents, depositions etc. and to apply for and receive all documents or other and to apply for and receive all documents whatsoever, in a connection with the arist spectra and to exploy for and get issued and arise there out; and to apply for and receive payment of any or all sums or submit for the above matter and to employee any other Legal Practitioner authorizing him to exercise the have the same pawers. AND to all acts legally necessary to mange and conduct the said case in all the vertue of this power of of the usual practice in such matter. PROVIDED always, that I/we undertake at time of calling of the case by the case may be dismissed in detault. If it be proceed experime the asid course is shall not be receive and if any state and and the exact whether is the index of the document with the document with the the same and to be apply for and receive any thick first do the above matter and the proceed experiment or submit for the above matter to any other lease who any other lease who any other lease who any the action and arise and the action and any thick fir to do the above the same pawers. AND to all acts legally necessary to manage and conduct the said case in all the the same appear is power or of the
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VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

OF 2023

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(APPELLANT) _(PLAINTIFF) (PETITIONER)

(RESPONDENT)

(DEFENDANT)

VERSUS

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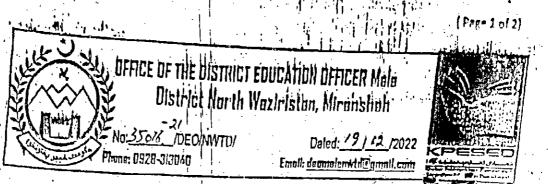
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Do hereby appoint and constitute, Yasir Saleem & Afrasiab Khan, Advocates High Court, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ~/ /2023

ACCEPTED YASIR SALEEM & AFRASIAB KHAN ADVOCATES HIGH COURT PESHAWAR



The District account Officer, North Waziristan Tribal District.

Subject:

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REALEASE OF SALARIES.

In pursuance of the approval of Director of Education Merged District vide order No:1220-22 dated:09-01-2019 and No:1666 dated, 30-01-2019 and secretary Education No.SO(PE)/E&SEN/F-4/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 09,04-9 the out standing salaries of the following Male & F. Male teachers 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 against them.

- 1- Mr. Nalmat ullah PST GPS Kharsin.
- 2- Mr. Ghulam tasool 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.
- 5- Mr. Sher Abas Khan PST GPS Mamirogh
- 7- Mr. Inam ullah PST GPS Dari Wastha: Mr. Nazir Ud D'n PST GPS Aslam Kol
- 9- Mrs. Salma PST GGPS Akhter Nawaz Kot. 10- Mrs. Safia PST GGPS Sald 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. 15- Hamid Ur Rehman PST GPS Inayat Khan Kot

DISTRICT EDUCATION OFFICER

Date and even No

Copy forwarded to the:-

- 1. Director Education Merged Districts with reference it his order No.duoted
- 2. SD (PE) Education E&SE Department with leference to his order No. quoted
- 3. Deputy Commissioner North Waziristan Distinct
 - 4. Accountant local Office. 5. Candidated concerned.

DISTRICT EDUCATION OFFICER