

FORM OF ORDER SHEET

Court of _____

Appeal No. 1586/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/08/2023	The appeal of Mr. Zafrullah presented today by Mr. Yasir Salim Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>07-08-2023</u>

By the order of Chairman


REGISTRAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1586/2023

Zafar Ullah PTC

VS

EDUCATION DEPTT;

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	1-2
2.	Affidavit	3
3.	Appointment order dated	A	4
4	Charge assumption & performance certificate	B	5-6
4.	letter dated 24.07.2023	C	7
5.	reply letters	D	8
6	departmental appeal	E	9
7.	Vakalatnama	10

Zafar Ullah
APPELLANT

THROUGH:

Yasir Saleem
Yasir Saleem
&

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1586/2023

Zafar Ullah PTC (BPS-12), in district education Officer District North Waziristan**APPELLANT.**

Versus

1. Director education merged district, Khyber Pakhtunkhwa Peshawar.
2. District education officer, District North Waziristan.
3. District Account Officer, District North Waziristan.
4. The secretary E&SE department, Khyber Pakhtunkhwa, Peshawar.

.....**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 appellants the inaction of the respondents by not releasing salaries of the appellants 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 appellants 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 appellants.

**R/SHEWETH:
ON FACTS:**

Brief facts of the appeal are as under;

1. That the appellants is working as PTC (BPS-12) in the respondent department. (copy of Appointment letter is attached).....**A.**
2. That the appellants after that assumed his duty and started performing his duty regularly efficiently and passionately. Copy of assumption order and performance certificate is attached as annexure.....**B**
3. That on 24.01.2023 the respondent No.3 made an observation over the impugned bills which was removed by the respondent No.2 and resubmitted to respondent No.3. Copy of letter dated

24.01.2023 is attached as annexureC.

4. That on dated 24.01.2023 respondent No.2 removed the observation and resubmitted to the respondent No.3 but no action has been taken on the said bills. Copy of reply letter is attached as annexure.....D
5. That against the inaction of the respondents with regard to the outstanding salaries of the appellant, he also filed departmental appeal to the concerned authority which is still pending. Copy of the departmental appeal is attached as annexure.....E.
6. 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 appellant may very kindly be accepted as prayed for.

Zafar Ullah
APPELLANT

THROUGH:

y
Yasir Salem

&

Amir Zaman
Amir Zaman

Advocates high Court

Certificate:

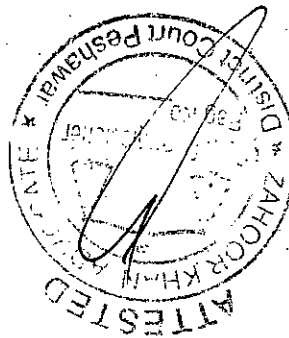
That no earlier appeal is preferred before this august tribunal.

y
Deponent

Affidavit:

I Zafar 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 Tribunal.

Zafar Ullah
Deponent



OFFICE OF THE AGENT IN CHARGE OF HEALTH SERVICES, NORTH WAZIRISTAN AGENCY
APPOINTMENT ORDER

In light of Director Education FATA order dated 08.11.2013 and the recommendation of departmental selection committee the following candidates are hereby appointed against the vacant post of PTC on contract basis in BPS-7 (Rs: 2220,120,5820) schools mention against each on the following terms and conditions with effect from the date of tasking over charge.

- | | |
|---|--|
| (1) Mst. Sanobia PTC GGPS Zindai | (17) Foazia Rahim TT GGPS Zair Muhammad Kot |
| (2) Mst Salma Naaz PTC GGPS Fareed Ullah Kot | (18) Abdul Kareem TT GPS Chashma Khadar Khel |
| (3) Abdul Samad PTC GPS Mustaki | (19) Sher Muhammad Din TT-GPS Ghulam Khan |
| (4) Farman Ullah PTC GPS Shna Khora | (20) Mazhar Ullah TT GPS Gullaq Khel |
| (5) Seeda PTC GGPS Rahmat Ullah Kot | (21) Laiba Izaj TT GPS Zindai |
| (6) Mst Zahira Jabeen PTC GGPS Wazira Khan Kot | (22) Sher Rafat Ullah TT GPS Lawarga |
| (7) Samaila PTC GGPS Rafi Uddin Kot | (23) Javaid Ullah PTC GPS M Aslam Kot |
| (8) Haseena Begum PTC GGPS Siraj Uddin Kot | (24) Muhammad Sajjad TT GPS Data Khel |
| (9) Ambar Hanif PTC GGPS Akbar Khan Kot | (25) Raza Ullah TT GPS Gul abbas Kot |
| (10) Naseer Ullah PTC GPS lolly Pakiran | (26) Muhammad Ilyas PTC GPS M Amen Kot |
| (11) Hidayat Ullah PTC GPS Ghulam Khan | (27) Israr Ahmad PTC GPS Jafat Khan Kot |
| (12) Shams ur Rahman PTC GPS Mashar Kot | (28) Haidar Ali PTC GPS Nadeem Kot |
| (13) Shah Masood PTC GPS Malis Kot | (29) Zafar Ullah PTC GPS Noor Khan |
| (14) Ghufuran Ullah PTC GPS Gulzar Kot | (30) Muhammad Abrar PTC GPS Assar |
| (15) Syma Said Ul Sabireen PTC GGPS Said Rasool Kot | (31) Abdul Haq CT GMS chasma hadar khel |
| (16) Saida PTC GGPS Mirza Gul Kot | (32) Noreen Qayoom PTC GGPS Alif Khan Kot |
| | (33) Nazreen Akhtar PTC GGPS Shehzad Gul Kot |
| | (34) Amir Uddin PTC GPS Noor Khan |

Their appointments are made on contract basis and liable to be terminated any time and without any notice.

They should bring their medical certificate from Medical Supdt AHQ Hospital Miranshah. If they fail to do within their charges within 10 days, their orders will be treated as cancelled.

Their original CNICs should be produced to the accountant local office.

Their services will be terminated if they found absent for days continuously from the date of tasking over.

[Signature]
 Agency Education Officer
 North Waziristan Agency

Encl: No. 385-88

Dated 15.3.14 2014

Copy to the:-

1. Director Education FATA, Peshawar.
2. Agency Accounts Officer, NWA.
3. The Accountant Local Office.
4. Candidates Concerned.

[Signature]
 Agency Education Officer

[Signature]
 Agency Education Officer

ATTESTED
[Signature]

Annex B (5)

To: The Agency Education Officer
North Waziristan Agency Miranshah

Subject: ARRIVAL/CHARGE REPORT

In the light of Agency Education Officer's order
North Waziristan Agency Miranshah Vide Order No. 325-88
Dated: 25.3.2012 I took over charge as PTC Teacher at
P.S. 1395 Zafarullah Now Chg. Kot NWA

Charge report is submitted for your perusal and further
necessary action.

Your Obediently

Name: Zafarullah

Designation: PS

ATTESTED

ATTESTED


(6)

**OFFICE OF THE DISTRICT EDUCATION OFFICER,
NORTH WAZIRISTAN TRIBAL DISTRICT**

DUTY / PERFORMANCE CERTIFICATE.

Certified that Mr/Mrst; Zafarullah (S/D)

is serving as a P.T.C teacher BPS-12 at GPS/GSPS Neoriche Kot
since long in the education department. He/She has a good moral character and obedient
He/ She always present in the school during my surprise visit.


District Education Officer,
North Waziristan tribal district.

ATTESTED



ATTESTED

ATTESTED



Annex (7)



Office of the
District Accounts Officer
NORTH WAZIRISTAN MIRAN SHAH
PHONE NO. 0928-300541



No. DAOMR/NW/2022-23/304-04

Dated 29/07/2023

To

The District Education Officer (M)
NW Miran Shah

Annex (7)

**SUBJECT: CONFIRMATION OF SOURCE FORMS & SALARIES OF THE
REGULARIZATION TEACHERS.**

Memo

Kindly refer to the subject cited above.

The Authorised Representative namely Mr. Abdur Ur Rahim Junior clerk of your office were submitted 10 numbers source forms and other connected documents for releasing of their salaries at the pre audit counter section of this office. The detail of teachers are as under:

- | | |
|---|--|
| (1) Mst. Sanobia PTC GGPS Zindai | (17) Foaziä Rahim TT GGPS Zair Muhammad Kot |
| (2) Mst Salma Naaz PTC GGPS Fareed Ullah Kot | (18) Abdul Kareem TT GPS Chashma Khadar Khel |
| (3) Abdul Samad PTC GPS Mustaki | (19) Sher Muhammad Din TT GPS Ghulam Khan |
| (4) Farman Ullah PTC GPS Shna Khora | (20) Mazhar Ullah TT GPS Gullaq Khel |
| (5) Seeda PTC GGPS Rahmat Ullah Kot | (21) Laiba Iza TT GPS Zindai |
| (6) Mst Zahira Jabeen PTC GGPS Wazira Khan Kot | (22) Sher Rafat Ullah TT GPS Lawarga |
| (7) Samaila PTC GGPS Rafi Uddin Kot | (23) Javald Ulah PTC GPS M Aslam Kot |
| (8) Haseena Begum PTC GGPS Siraj Uddin Kot | (24) Muhammad Sajjad TT GPS Data Khel |
| (9) Ambar Hanif PTC GGPS Akbar Khan Kot | (25) Raza Ullah TT GPS Gul abbas Kot |
| (10) Naseer Ullah PTC GPS lolly Pakiran | (26) Muhammad Ilyas PTC GPS M Amen Kot |
| (11) Hidayat Ullah PTC GPS Ghulam Khan | (27) Israr Ahmad PTC GPS Jalat Khan Kot |
| (12) Shams ur Rahman PTC GPS Mashar Kot | (28) Halidar Ali PTC GPS Nadeem Kot |
| (13) Shah Masood PTC GPS Malis Kot | (29) Zafar Ullah PTC GPS Noor Khan |
| (14) Ghufraan Ullah PTC GPS Gulzar Kot | (30) Muhammad Abrar PTC GPS Assar |
| (15) Syma Said Ul Sabireen PTC GGPS Said Rasool Kot | (31) Abdul Haq CT GMS chasma hadar khel |
| (16) Saida PTC GGPS Mirza Gul Kot | (32) Noreen Qayoom PTC GGPS Alif khan Kot |
| | (33) Nazreen Akhtar PTC GGPS Shehzad Gul Kot |
| | (34) Amir Uddin PTC GPS Noor Khan |

It is therefore, requested that the above named regularized teachers may kindly be confirmed / verified and genuine employees of the Education Department before payroll processing for the month of 07/2023 or otherwise please.

District Accounts Officer
NW Miran Shah

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa Peshawar
2. The Director E&SE Khyber Pakhtunkhwa Peshawar
3. The Deputy Commissioner NW Miran Shah
4. Mr. Muhammad Atif Sub Accountant of this office is hereby nominated to personally attend the Education Officer, to verify / confirmed the above named Source Forms from the DFO NW Miran Shah.

Hand D
(8)

**OFFICE OF THE DISTRICT EDUCATION OFFICER,
NORTH WAZIRISTAN TRIBAL DISTRICT**

No.
To,

/DEO/NWTD dated Miranshah the 24/1/2023.

The District Accounts Officer
NWTD Miranshah.

Subject:-

**CONFIRMATION OF SOURCE-1 FORMS AND SALARIES OF THE
REGULARIZED TEACHERS.**

Memorandum


Kindly refer to your letter No. DAO/MRN/NW/2022-23/2301-04 dated
24.01.2023 on the subject noted above and to state that the

undersigned has already been submitted various source forms of the Community school
teachers in the light of Governor directives, various court orders and DE FATA letter
received to the office of undersigned time to time and submitted to your good office.

It is further stated that it is a long pending issue and they are
performing their duties regularly to the entire satisfaction of their superiors and they are
genuine employees of this office.

It is therefore, requested in your kind honour that 34 Nos
source-1 forms may kindly be processed in the larger interest of justice and public being low
paid Govt. servants


No. 35985-88, Dated 24/1/2023


District Education Officer,
North Waziristan tribal district.

Copy forwarded to:-

01. The Accountant General KPK Peshawar.
02. The Director E&SE, KPK Peshawar.
03. The Deputy Commissioner North Waziristan tribal district.
04. Mr. Muhammad Atif Sub-Accountant of DAO office.

ATTESTED


District Education Officer,
North Waziristan tribal district.

ATTESTED

To

The Honourable Secy B75ED up
Peshawar

Amr P (9)

Subject: Appeal for release of pay stopped illegally by DDO North

Sir, with great respect it is claimed that our pays were stopped without any cogent reason by the Ex. DDO North. We have already lodged appeal to the DE merged area. The DE merged area was kind enough & issued release order to DDO North. The DDO constituted enquiry committee on the order. The committee submitted report to DDO. But in the meanwhile the process was under process and the new DDO was posted. We requested to the new DDO and the new DDO was kind enough and bill prepared and submitted to the DAO office. The DAO office raised observation and the DDO removed the observation and re-submitted the bills to the DAO office which is still pending in his office. It is my hope, kindly requested in your kind favour that a necessary order may kindly be passed to DDO & DE merged area for passing the bills as soon as possible so that our paid bills be sent.

Dated 30/4/23

List of teachers are as under

- Yours obediently,
Suzela
Samubi P.T.C. & others
- 1) Samubia PTC (2) Salma Naz PTC (3) Abdulsamad PTC
 - (4) Farmanullah PTC (5) Saeda PTC (6) Zahira Jabben PTC
 - (7) Samaila PTC (8) Hasina Begum (9) Amber Hanif PTC (10) Naseer ul Haq PTC
 - (11) Hayatullah PTC (12) Sham Sun Rehman PTC (13) Shah nasood PTC (14) Ghaffarullah PTC
 - (15) Syam Baid ul Saberin (16) Saida PTC (17) Rozia Rahn TT (18) Abdul Karim TT
 - (19) Sher Mohd Din TT (20) Mazharullah TT (21) Laiba Jafar TT (22) Javedullah PTC
 - (23) Sher Rafatullah TT (24) Mohd Sajad TT (25) Razaullah TT
 - (26) Mohd Ulyas PTC (27) Israr Ahmad PTC (28) Haidin Ali PTC
 - (29) Zafarullah PTC (30) Mohd Abrar PTC (31) Noorin Hayat PTC
 - (32) Abdul Haq ST

So (PE)

30/4/23

y