


FORM OF ORDER SHEET

Court of _____

Appeal No. 1604/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/08/2023	<p>The appeal of Mr. Muhammad Ilyas presented today by Mr. Yasir Salim Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>08-08-2023</u></p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

APPEAL NO. 1604 /2023

Muhtd Ilyas PTC

VS

EDUCATION DEPTT:

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M. Ilyas
APPELLANT

THROUGH:

y
Yasir Saleem
&

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1604 /2023

Muhammad Ilyas 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 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:

1. That the appellant is working as PTC (BPS-12) in the respondent department. (copy of Appointment letter is attached).....A.
2. That the appellant 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 annexure
.....C.

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.

M. Ilyas
APPELLANT

THROUGH:

Y
Yasir Salem

&

Amir Zaman
Amir Zaman

Advocates High Court

Certificate:

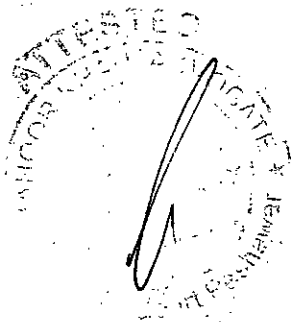
That no earlier appeal is preferred before this august tribunal.

Y
Deponent

Affidavit:

I Muhd Ilyas PTC 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.

M. Ilyas
Deponent



OFFICE OF THE CHIEF EXECUTIVE OFFICER OF 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 here by 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 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) Haidar Ali PTC GPS Nadeem Kot |
| (13) Shah Masood PTC GPS Malis Kot | (29) Zafar Ullah PTC GPS Noor Khan |
| (14) Ghufran 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 Miranshan. If they fail to submit their charges within 75 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 taking 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 Account Officer, NWA.
3. The Accountant Local Office.
4. Candidates Concerned.

[Signature]
 Agency Education Officer

[Signature]
 4

Annex B (5)

The Agency Education Officer
North Waziristan Agency Miranshah

Subject: ARRIVAL/CHARGE REPORT

In the light of Agency Education Officer and
Waziristan Agency Miranshah Vide Order No. 385-88
Dated: 15.3.2014 I took over charge as PTC Teacher at
PCS-3PS M-Amla Kot NWA.

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

Your Obediently

Name: M-11425

Designation: 057

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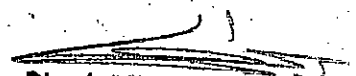
(6)

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

DUTY / PERFORMANCE CERTIFICATE.

Certified that Mr/Mrst: M. Hyas S(D) _____
_____ Kol

is serving as a PTC teacher BPS-12 at GPS /GGPS M. Amli
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.

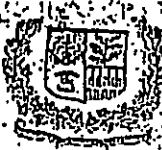

District Education Officer,
North Waziristan tribal district.

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Amxc (7)



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

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

Dated 24/01/2023

To:-

The District Education Officer (M)
NW Miran Shah

Amxc (7)

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

Memo

Kindly refer to the subject cited above.

The Authorized Representative namely Mr. Abdul Ur Rahim Junior clerk of your office were submitted 16 numbers Source-I 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) Foaziā 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) Lalba Izaq TT GPS Zindai |
| (6) Mst Zahira Jabeen PTC GGPS Wazira Khari Kot | (22) Sher Rafat Ullah TT GPS Lawarga |
| (7) Samaila PTC GGPS Rafi Uddin Kot | (23) Javaid 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) Salda 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 01/2023 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 Alif Sub-Accountant of this office is hereby instructed 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.**


Mem:-

Kindly refer to your letter No. DAO/MRN/NW/2022-23/2001-04 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 Nos
source-1 forms may kindly be processed in the larger interest of justice and public being low
paid Govt. servants


District Education Officer,
North Waziristan tribal district.


No. 3985-88, Dated 24/1/2023

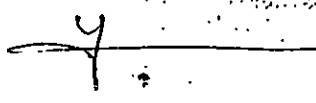
Copy forwarded to:-

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.

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District Education Officer,
North Waziristan tribal district.



To

The Honourable (Secy E9 SED up
Peshawar

Amir E (19)

Request Appeal For release of pay stopped illegally by DDO North

Respected Sir, with great respect it is stated 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 reported to the new DDO and the new DDO was kind enough and Bill prepared and submitted to the DDO office. The DDO office raised observation and the DDO removed the observation and re submitted the bills to the DDO office which is still pending in the office. It is requested that kindly recognized 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 pay can be paid. Yours faithfully,

Dated 30/4/23

List of Teachers are as under

- 1) Samubia DTC (3), Salma Naz DTC (3) Abdulsamad DTC ^{Smubia} Samubia DTC +
- (4) Farmanullah DTC (5), Saeda DTC (6) Zahira Jabeen DTC & others
- (7) Samila DTC (8) Hasina Begum (9) Amber Hany DTC (10) Naseem ul Ainal DTC
- (11) Hayatullah DTC (12) Sham Sam Rehman DTC (13) Shah nasood DTC (14) Ghaffarullah
- (15) Syam Saad ul Saberin (16) Saida DTC (17) Rozaia Rahn TT (18) Abdul Karim DTC
- (19) Sher Mohd Din TT (20) Mazharullah TT (21) Laiba Riyaz TT (22) Javedullah DTC
- (23) Sher Rafiqullah TT (24) Mohd Sajad TT (25) Razaullah TT.
- (26) Mohd Ulyas DTC (27) Idrar Ahmad DTC (28) Haidar Ali DTC
- (29) Zafarullah DTC (30) Mohd Abrar DTC (31) Noorin Begum DTC
- (32) Abdul Hany ST

SO (PE)

Mm 30/4/23

REQUESTED

y