


Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Implementation Petition No. 567/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	09.08.2023	<p>The implementation petition of Mr. Naimat Ullah submitted today by Mr. Yasir Salim Advocate. It is fixed for implementation report before Single Bench at Peshawar on <u>11.08.2023</u>. Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE COURT OF SERVICE TRIBUNAL,**  
**PESHAWAR**

Execution Petition No. 567/2023

In line with Service appeal No. 391 /2023

Niamat Ullah .....Appellant

**Versus**

Director Education & others.....Respondents



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Dated: 08-08-2023

*Niamat*  
Appellant

Through

   
**Yasir Saleem & Mir Zaman**  
Advocates High Court  
Peshawar

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

Execution petition No 567/2023  
In service appeal No 391/2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6935

Dated 09/08/23

Naimat Ullah PTC (BPS-12) in District Education Officer  
District North Waziristan.....Appellant

Versus

1. Director Education Merged Districts Khyber Pakhtunkhwa Peshawar
2. District Education Officer, District North Waziristan
3. District account officer, District North Waziristan
4. The Secretary E&SED Khyber Pakhtunkhwa.

**APPLICATION FOR THE IMPLEMENTATION OF**  
**ORDER AND JUDGMENT DATED 19.07.2022 IN**  
**ALL ABOVE CONNECTED SERVICE APPEALS.**

Respectfully Sheweth:

1. That above titled service appeal was pending adjudication before this Hon'ble Tribunal and was fixed for hearing on 06-06-2023
2. That on the date fixed representative of the respondents appeared and produce copy of office order dated 06-06-2022 vide which directions were issued with regard to the payment of outstanding salaries of the applicants. **(Copy of office order dated 06-06-2022 is attached as annexure A).**
3. That in the light of new development the appeal was disposed of accordingly vide order dated 06-06-2023. **(Copies of order dated 06-06-2023 of the applicants is attached as annexure B).**
4. That there after the applicant approached the respondents and requested for release of their outstanding salaries. In response to the request the department released only the salaries of Abid Ullah Service Appeal No. 742/023 & Asad Ullah Service Appeal No. 744/023 and their outstanding salaries have been issued. However the rest of appellants/ the present applicant is still struggling for release of their salaries and outstanding bills.

5. That it is pertinent to mention here that the pay bills of the applicant is prepared but respondent No. 03 is creating hurdles in way of release of salaries. In this regard the Accountant General KP Peshawar also issue direction to the respondent No. 03 for release of salaries vide letter dated 07-12-2020 however he is not even honoring the order of this Honble Tribunal nor letter dated 07.12.2020. **(Copy of letter dated 07.12.2020 is attached as annexure C).**
6. That it is pertinent to mention here that an identical nature matter an execution No. 15/2020 has been decided by this Hon'ble Tribunal wherein salaries of the employees! Petitioners are allowed with the direction to respondent No. 02 and 03 therein that salaries of the petitioners according to their entitlement may be released along with outstanding arrears if any within 30 days of this order. **(Copy of order sheet dated 30-05-2022 is attached as annexure D).**
7. That as per the order of this Hon'ble Tribunal dated 06-06-2023 respondents are bound to release the salaries as well as outstanding bills. However they have not yet implemented the same in the letter and spirit.

***It is, therefore, most humbly prayed that on acceptance of this application, the order dated 06-06-2023 may please be implemented and respondent No. 03 (DAO) may please be directed to pass and release the monthly salaries as well as the arrears / outstanding pay bills.***

*Wakil*  
Applicants

Date: 05-08-2023

Through

*[Signature]*  
**Yasir Saleem & Mir Zaman**  
Advocates, High Court  
Peshawar

### **AFFIDAVIT**

I, **Yasir Saleem Advocate** (as per instructions of my client), is solemnly affirm and declare 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 Hon'ble Tribunal

*[Signature]*  
DEPONENT



ELEMENTARY & SECONDARY EDUCATION DEPARTMENT, GOVERNMENT OF KHYBER PAKHTUNKHWA



OFFICE OF THE DISTRICT EDUCATION OFFICER  
District North Waziristan, Miranshah

Phone: 0928-313040

Email: deomalenwtd@gmail.com



OFFICE ORDER.

In pursuance of Order passed by the Director Education Merged District order No.1220 Dated 09-01-2019 and No.2149-51 Dated 07-02-2019 and SECY E&SED Order No SO/(PE)/E&SED5-1/Gen-Misc and reminder Dated 29-03-2023 and the recommendation of the committee. The outstanding salaries of the following teachers are hereby released from the date of stoppage on the basis of not terminated and regular, Genuine employees of this office and performing their duties regularly to the entire satisfaction of their superiors.

It is further stated that the source-I and source II may kindly be processed and as well as their salaries may be transferred to their bank accounts to avoid further litigation

- |   |  |
|---|--|
| (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 Idily 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) 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    |
| (17) Niamat Ullah GPS TT Darpa khel                 | (33) Nazreen Akhtar PTC GGPS Shehzad Gul Kot |
| (18) Muhd bilal TT GPS M Aslam Kot                  | (34) Amir Uddin PTC GPS Noor Khan            |
| (19) Mohib Ullah CT GMS Darpa Khel                  |  |
| (20) Rehana Bibi PTC GGPS Siraj Uddin Kot           |  |
| (21) Ambreen Bano PTC GGPS Akhtar Nawaz Kot         |  |
| (22) Samad-Ur-Rahman TT GPS Data Khel               |  |

DISTRICT EDUCATION OFFICER  
NORTH WAZIRISTAN DISTRICT

Endstt No: 27618-23 Dated Miran Shah the 17/6/2023

Copy Forwarded Information to the:

- \* PS to additional secretary (Gen) E&SED KP.
- \* PS to Addition Secretary (Lit) E&SED KP.
- \* Director/Education E&SE Department Khyber Pakhtunkhwa Peshawar
- \* District Account officer NWTd With the request to pass the bills being low paid Govt. servant to avoid further litigation

*Attested*

DISTRICT EDUCATION OFFICER  
NORTH WAZIRISTAN DISTRICT

Annex B (4)



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Service Appeal No. 391/2022

Diary No. 2674

Date 2-1-2023

Mr. Naimat ullah, PST (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. *by B.A.S.R. Dept. 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;

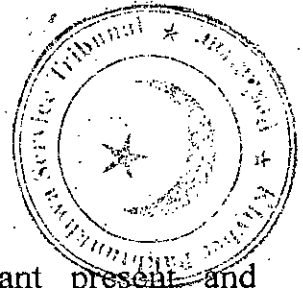
**ATTACHED**

Registrar

1. That the appellant is working as PST (BPS-12) in the respondent department. *(Copy of appointment letter is attached as Annexure '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/1*
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*

led to day  
Registrar  
re-submitted to  
d filed.

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**ORDER**  
**06.06.2023**

Learned counsel for the appellant present and submitted copy of letter No. 35016-21/DEO/NWTD dated 19.12.2022 and stated that in view of the said letter, the desired relief has otherwise been granted to the appellant, therefore, this appeal has outlived its utility. Disposed of accordingly. File be consigned to the record room.

**ANNOUNCED**  
**06.06.2023**

(Salah-Ud-Din)  
Member (Judicial)

*\*Naeem Amin\**

**ATTESTED**



Annex- c (6)

Office of the  
**Accountant General**  
Khyber Pakhtunkhwa Peshawar  
Phone: 091 9211250-53

No.H-24 (89)/Miran Shah/Vol-II/1642-43

Dated 7.12.2020

To

✓  
District Account Officer,  
Miran Shah (North Waziristan).

Subject: REINSTATMENT OF SALARIES.

The undersigned is directed to enclose a self explanatory complaint received from Mrs. Hanifa Bibi and Muhammad Younas & others on the subject cited above and to state that the issue in hand be checked and resolved immediately as per rules and in light of the Khyber Pakhtunkhwa Service Tribunal orders.

2. Moreover, you were asked vide this office letter No. H-24 (89)/Miran Shah/Vol-II/902 (copy enclosed) that cost center PR0049 pertains to Additional Accountant General Pakistan Revenue (Sub-Office) Peshawar used for Erstwhile FATA. Against the old cost center PR-8129 (allotted by the Government of Khyber Pakhtunkhwa Finance Department), through which 38 employees are drawing their salaries up to 30.11.2020, the same may also be elucidated accordingly please.

3. In this regard, report of the same may be submitted to this office for perusal of the competent authority.

ACCOUNTS OFFICER (HAD)

Copy of the above is forwarded to Hanifa Bibi LHV Mr. Muhammad Younas and others for information.

ACCOUNTS OFFICER (HAD)

District Account Officer



To

The Account General

G/A

Up India

Subject Release of pay in R/o Hanifa & M. Yousuf & others

It is brought to your kind notice that all Codal Families have been fulfilled and submitted to the D. Account office Dist D. But no action has been taken in this regard.

It is therefore humbly requested in your gracious honor that necessary order may kindly be passed to Dist. Account office for release of salaries. We shall be greatful to you for this regards.

Said

Thank

Yours Obediently

Dated, 2  
020

Mst Hanifa & M. Yousuf etc  
Said  
Mhinatullah etc. Samad-in-Adhkar 75  
etc

ATTESTED



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VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

\_\_\_\_\_ OF 2023

Naimullah

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Govt. of K.P. & S.P.

(RESPONDENT)  
(DEFENDANT)

I/We Naimullah  
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. 8/8 /2023

Naimullah  
CLIENT(S)

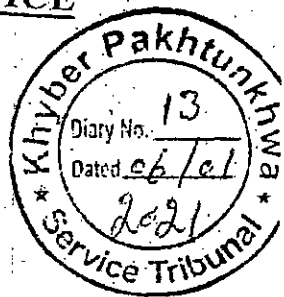
ACCEPTED  
YASIR SALEEM  
&  
Amir Zaman

Amir Zaman

Annex D. (7)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Execution No. 15/2020



1. Farhatullah Service Appeal No. 1257.
2. Hashim Faraz Service Appeal No. 1264
3. Shahid Ullah Service Appeal No. 1252
4. Kaleemullah Service Appeal No. 1246
5. Zabi Ullah Service Appeal No. 1255
6. Zahid Noor Service Appeal No. 1240

.....Applicants

**V E R S U S**

1. Director Health Services Tribal Peshawar
2. District Health Officer North Waziristan
3. Secretary Finance Peshawar
4. District Account Officer Tribal District North Waziristan

.....Respondents

**APPLICATION FOR THE IMPLEMENTATION  
OF ORDER AND JUDGMENT DATED 26.11.2020  
IN ALL ABOVE CONNECTED SERVICE  
APPEALS.**

*[Handwritten signature]*

Certified to be true copy  
*[Signature]*  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar


30<sup>th</sup> May, 2022

1. Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Umar Hayat Khattak, District Accounts Officer, North Waziristan Miran Shah for respondents present.

2. Representative of the respondents submits that although by administrative order, the salaries of the petitioners were shown to have been released and on the basis of such an order, the appeals were disposed of yet the department has not filed source form of some of the petitioners. Therefore, respondent No.2 shall submit the source form of the petitioners according to their entitlement to respondent No.4 for preparation and release of the outstanding salaries and arrears if any within thirty days of this order.

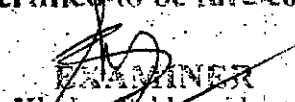
3. Disposed of in the above terms. Consign.

4. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 30<sup>th</sup> day of May, 2022.

  
(Kalim Arshad Khan)  
Chairman

Date of Presentation of Application 30/5/22  
Number of Words 800  
Court Fee 15/-  
Amount 15/-  
Total 15/-  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 01/6/22  
Date of Delivery of Copy 01/6/22

Certified to be true copy

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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