

05.08.2023

Form-A
The implementation petition of Mr. Samad ur Rehman

FORM OF ORDER SHEET

Court of
S.B. P.P. IMPLEMENTATION PESHAWAR Bench at Peshawar

Implementation Petition No. 568/2023 Original file no.

S.No. Date of order proceedings

2

Order or other proceedings with signature of judge

By the order of Chairman

09:08.2023

The implementation petition of Mr. Samad ur Rehman submitted today by Mr. Yasir Salim Advocate. It is fixed for implementation report before Single Bench at Peshawar on 11-08-2023 Original file no. requisitioned. AAG has noted the next date.


By the order of Chairman


REGISTRAR

11.08.2023

Learned counsel for the petitioner present.

Notice be issued to the respondents for submission of implementation report. To come up for implementation report on 26.09.2023 before S.B. P.P given to learned counsel for the petitioner.


(Muhammad Akbar Khan)
Member (I)

BEFORE THE COURT OF SERVICE TRIBUNAL,
PESHAWAR

Execution Petition No. 568/2023

In line with Service appeal No. 1250/2023

Samad-ur-Rehman.....Appellant

Versus

Director Education & others.....Respondents

INDEX

S#	Description of documents	Annexure	Page No
1	Execution petition with Affidavit		1-2
2	Copy Office Order dated 17-06-2022	"A"	3
3.	Copy of Order Dated 01-06-2023	"B"	4-5
4.	Copy of letter dated 17-12-2020	"C"	6
5.	Copy of order sheet dated 30-05-2022	"D"	7-8
6.	Wakalat Nama		9

Dated: 08-08-2023

Samad
Appellant

Through

Y
Yasir Saleem & Mir Zaman
Advocates High Court
Peshawar

M. Za

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution petition No _____/2023
In service appeal No 1250/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No 6988

Dated 09/08/23

Samad UR Rehman TT (BPS-15) 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 01-06-2023
2. That on the date fixed representative of the respondents appeared and produce copy of office order dated 17-06-2022 vide which directions were issued with regard to the payment of outstanding salaries of the applicants. **(Copy of office order dated 17-06-2022 is attached as annexure A).**
3. That in the light of new development the appeal was disposed of accordingly vide order dated 01-06-2023. **(Copies of order dated 01-06-2023 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 Hon'ble 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 01-06-2023 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 01-06-2023 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.

Saued
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



09 AUG 2023

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 Shua Khora | (20) Mazhar Ullah TT GPS Gullaq Khel |
| (5) Seeda PTC GGPS Rahmat Ullah Kot | (21) Laiba Izaj TT GPS Zindal |
| (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 Iolily 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 Afif Khan Kot |
| (17) Niamat Ullah GPS TT Darpa khet | (33) Nazreen Akhtar PTC GPS 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: 2968-23 Dated Miran Shah the 17/6/2023

Copy Forwarded Information to the:

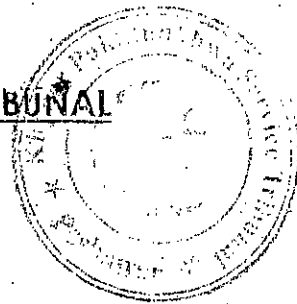
- * PS to additional secretary (Gen) E&SED KP.
- * PS to Addition Secretary (Lit) E&SED KP.
- * Director/Education E&SE Department Khyber Pakhtunkhwa Peshawar
- * District Account officer NWT D With the request to pass the bills being low paid Govt. servant to avoid further litigation

Amir Uddin
y

DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN DISTRICT

Amr B (4)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



Service Appeal No. 1250 /2023

Mr. Samad Ur Rahman, TT (BPS-14), 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:

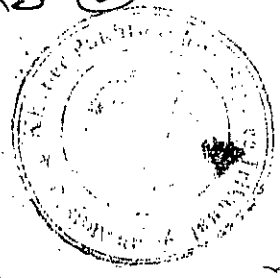
ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

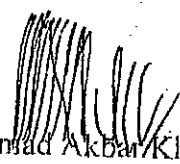
Brief facts of the appeal are as under:

1. That the appellant is working as TT (BPS-14) 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

Annex (5)



- 01.06.2023
01. Learned counsel for the appellant present.
 02. Learned counsel for the appellant produced copy of office order bearing No. 29618-23/DHO/NWD dated 17.06.2022 issued by District Education Officer North Waziristan Tribal District. By virtue of the order, the outstanding salaries of the appellant have been released. Copy of the same is placed on file.
 03. In view of the development, learned counsel for the appellant states that the appeal in hand has met its purpose.
 04. Disposed of having been infructuous. Consign.
 05. Pronounced in open court at Peshawar and given under my hand and seal of the Tribunal this 1st day of June, 2023.


 (Muhammad Akbar Khan)
 Member (E)

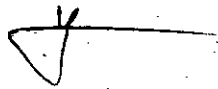
Certified as correct copy

 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

Muzamil

Date of Presentation of Application 01-06-2023
 Number of Words 2-Page
 Copying Fee 10/-
 Urgent -
 Total 10/-
 Name of Applicant Shahzad
 Date of Completion 05-6-23
 Date of Delivery of copy 05-6-23

ATTESTED





Annex = C (6)

Office of the

Accountant General

Khyber Pakhtunkhwa Peshawar

Phone: 091 9211250-53

No.H-24 (89)/Miran Shah/Vol-II/642-43

Dated 7.12.2020

To

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

Subject: REINSTATEMENT 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.


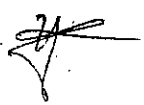
2. Moreover, you were asked vide this office letter No. H-24 (89)/Miran Shah/Vol-II/902. (copy enclosed) that cost center PR0049 pertains to Additional Accountant General Pakistan Revenue (Sub-Office) Peshawar used for Erstwhile FATA. Against the old cost center PR-8129 (allotted by the Government of 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)

ATTESTED


The Account General

Up please

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

Sir

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

It is therefore kindly 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.

Thank

Yours Sincerely

Dated, 7
02020

Mst Hanifa & M. Yousaf etc.

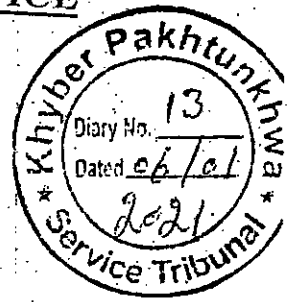
Muhammadullah etc. Samrat-ul-Uloom TT etc.

ATTESTED

[Signature]

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

VERSUS

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

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


30th May, 2022

1. Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Umer 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.

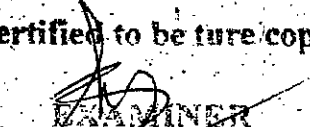
3. Disposed of in the above terms. Consign.

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

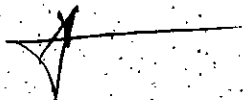

(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 30/5/22
Number of Words 800
Copying Fee 10/-
Urgent 10/-
Total 10/-
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

ATTESTED



VAKALATNAMA

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

OF 2023

Samad-ur-Relma

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt of KP & NW

(RESPONDENT)
(DEFENDANT)

I/We Samad-ur-Relma

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

Samad
CLIENT(S)

ACCEPTED
YASIR SALEEM

&
Amir Zaman