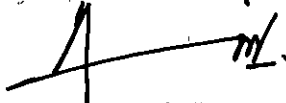


FORM OF ORDER SHEET

Court of _____

Appeal No. 1770/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/09/2023	The appeal of Mr. Nawan Gul presented today by Mr. Yaqub Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

Before The Service Tribunal KPK Peshawar

A. No 1770/23

Nawab Gul

.....Appellant

VERSUS

Director E & SE etc

.....Respondents

SERVICE APPEAL

INDEX

S.No	Descriptions	Annex:	Pages	
			From	to
1	Grounds of appeal		1	2
2	Copy of order	"A"	-	3
3	Copy of Med report and charge report	"B"	4	5
4	Copy of departmental appeal	"C"	6	8
5	Wakalat Nama		-	9

Appellant,

Nawab Gul

Nawab Gul

Trough counsel

Yaqoob Khan advocate High

Court at Dist: courts Mardan.

Dated 29/08/2023

**Before The Hon'able Service Tribunal of KPK at
Peshawar**

D

Appeal No. _____/2023

Nawab Gul son of Umar Jan TT Teacher (BPS-14) GPS Kareer
Habibzai, Meahmand District R/o villabe Shabaz Korona District
MahmandAppellant

VERSUS

1. Director of E & SE, KPK, Peshawar
2. District Education Officer (M) Mahmand
3. District Account Officer Mahmand Respondents

Appeal U/S-4 of the Service Tribunal Act 1974, for grant of salaries of appellant w.e.f 01/12/2022 till 31/05/2023 and onward being serving as a TT Teacher in GPS Kareer Habibzai, District Muhmmand as a regular Civil servant for which, appellant filed departmental appeal/representation dated 27/05/2023 and after laps of 90 x days, appellant filed instant appeal before this Hon'able court.

Respectfully Sheweth;

Appellant humbly submits as under

1. That appellant was appointed as TT Teacher in GPS Kareer Habibzai District Hahmand on 28/04/2007 vide D.E.O (M) Muhammad order No. 4507/22 dated 28/04/2007 on regular basis. (Copy of order is attached).
2. That, appellant was properly med examined an take over charge of the post vide charge report dated 03/05/2007. (Copy of Med report and charge report are attached).
3. That, appellant is performing his duty with respondent on his post regularly without any break of service and appellant is not absented from date of appointment till today.
4. That appellant is entitled for his salary w.e.f 01/12/2022 till 31/05/2023 and onward on the basis of his service.
5. That, respondents have not been paid salaries w.e.f 01/12/2022 till 31/05/2023 and onward without any

reason, while is performing his duty regularly on his post i-e TT teacher at GPS Kareer Habibzai Mahmand.

- 6. That appellat preferred an appeal befor erespodnent No.1 on 27/05/2023 but in vain. (Copy of departmental appeal is attached).
- 7. That appellat is entitled for his salaries w-e-f 01/12/2022 till 31/05/2023 being a regular civil servant of respondents on the following grounds.

Groundss

- A. That appellat has received his salary for post period i-e up to 30/11/2022.
- B. That, appellat is a regular civil servant of respondent and performing his duty regularly.
- C. That appellat is performing his duty and being a regular civil servant of respondent hence, entitled for salary as per law and rules.
- D. That there is no provision of law and general principle of rule that when a civil servant is performing his duty and he is not entitled for his salary while it is golden principle of law that when a civil servant is serving, he is entitled for his salary.

It is, therefore, humbly prayed that on acceptance of this appeal, appellat may please be granted salary w-e-f 01/12/2022 till 31/05/2023 and onward being a regular civil servant of respondents department. Any other relief deemed fit may also be graciously awarded.

Appellant, Nawab Gul
Nawab Gul

Trough counsel Yaqoob Khan
Yaqoob Khan, advocate High Court at Distt: courts Mardan.

Attested

Dated 29/08/2023

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that all the contents of the appeal mentioned above are true and correct to the best of my knowledge and belief and noting has been concealed from this Hon'able court.



Deponent: Nawab Gul

Ann - A
3

APPOINTMENT ORDER.

Consequent upon on the approval of Departmental Selection Committee, the following Male candidates are hereby appointed as TT teachers in BPS.No.14 plus usual allowances as admissible under the rules in the interest of public services with effect from the date of their taking over charge in the schools noted against each.

S.No	Name & Father's Name	School	Remarks
105/01	Abdul Wadood S/O Noor Ullah	GPS Hassan Khel Lakkara	Against vacant post
122/02	Liaqat Ali S/O Akram Khan	GPS Aslam Baro Khel	Against vacant post
118/03	Mohd Asif S/O Alif Khan	GMS Mian Mandi	Against vacant post
109/04	Mohd Naseem S/O Naseeb Jan	GPS Kadi No.5	Against vacant post
108/05	Aslam Khan S/O Dilbar Khan	GPS Dara Gandhab	Against vacant post
144/06	Ghulam Farooq S/O Hukam Khan	GMS Navi Kalai	Against vacant post
101/07	Abdul Sadiq S/O Noor Badshah	GPS Banglow No.2	Against vacant post
107/08	Shahidullah S/O Sherul	GPS Toora Garhi	Against vacant post
116/09	Nawab Gul S/O Umar Jan	GPS Kareer Habibzai	Against vacant post

TERMS/CONDITIONS.

1. The appointment of the candidates are made purely on temporary basis and liable to termination at any time without showing any reason.
2. They will be considered Govt. Servants and will be entitled to all benefits except pension and gratuity.
3. They will be entitled to C.P.Fund.
4. In case if they wish to resign the post they shall have to give one month prior notice or forfeit one month pay in lieu thereof.
5. Health & Age certificate should be produced from the Agency Surgeon Mohmand Agency.
6. They will not be handed over charge of the post if they are below 18 years and above 33 years.
7. If they failed to report their arrival with in 15 days, their appointment will be deemed as cancelled.
8. Their original education qualification/Professional certificates, Domicile Certificates and N.I.C. will be checked before the handing over charge of the posts.
9. They will not be paid their salaries before the verification of their documents from the quarter concerned.
10. Charge Reports should be submitted to all concerned.

(HAJI HASHAM KHAN)
Agency Education Officer,
Mohmand Agency at Ghallanai.

Endst:No. 4507-22 / Dated 28/04/2007.

Copy of the above is forwarded to the :-

1. Director of Education (FATA) NWFP, Peshawar.
2. Political Agent Mohmand Agency at Ghallanai.
3. Agency Accounts Officer Mohmand Agency at Ghallanai.
4. Agency Surgeon Mohmand Agency at Ghallanai.
5. AAEOs/HM concerned.
6. Accountant/Pay Clerk local office.
- 7-15. Candidates concerned

Agency Education Officer,
Mohmand Agency at Ghallanai.

Attested
[Signature]

Ann B
4

MEDICAL CERTIFICATE.

Name of Official. Mr. Nawab Qud.
 Caste or race. Mohmand.
 Father's name. Mr. Umer Jan
 Residence. Village: Hukki Banda Teh. Sakhi. Bahal
District: Muzchan.
 Date of birth. 21-03-1976
 Exact height by measurement. 5-3
 Personal mark of identification. Scar on left elbow
 Signature of the Official. [Signature]
 Signature of head of office. _____

Seal of Office _____

I do hereby certify that I have examined Mr. Nawab Qud. a candidate for employment in the Office of the Education Department and can not discover that he had any disease communicable or other constitutional affection or bodily infirmity except Nil

I do not consider this as disqualification for employment in the office of the Education Department. His age according to his own statement 31 year and by appearance about (31) years.

(Thirty one)

Attested
[Signature]

LIFT HAND THUMB AND FINGER IMPRESSIONS.....

Medical Superintendent
Civil Hospital.....

[Stamp]

چارچ لکچورٹ

Page B
5

صیت عسیمی نواب گل والدہ محمد جان نے آئیے عہدے کا چارج

آج مورخہ 2007-5-3 قبل از دوہرہ عروج آردار منہم

4507 مولفہ 2007-4-28 گورنمنٹ پرائمری سکول کراچی صیت عسیمی

صیت لکچورٹ شروع کی

لکچورٹ عرصے سے

نواب گل عسیمی

چارچ لکچورٹ والدہ

T.T Nawab Gul

1

Taj

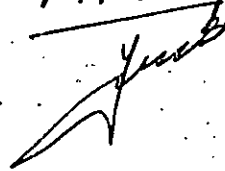
3/5/07

چارچ لکچورٹ والدہ

PTC Zartaj

صیت عسیمی

Attested



435

For RGL105797723
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

Rs. 5/-

(6)

If a registered*
addressed to _____

Date-Stamp

*Write here "letter", "postcard", "packet" or "parcel"
of Receiving Officer with the word "insured" before it when necessary.
Insured for Rs. (in figures) 5/- (in words) Five

Insurance fee Rs. _____
Payable (in words) _____

5 Kilos 77 MAY 23 1953

Name and
address
of sender

The Post Office is not responsible for loss or damage in the case of parcels, unless they are also insured with the special rates.

Amir

7

BEFORE THE DIRECTOR OF E & SE KPK PESHAWAR

Nawas Gul S/O Umar Jan T.T Teacher (BPS-14) G.P.S Kareer Habibzai
Mahmand Distt: R/O Village Shahbaz Koroonah Inzari District Mahmand
Present Address: Village Halki Banda Pirabad Tehsil Takht Bhai District
Mardan. _____ (Appellant)

VS

DEO (M) Mahmand Agency _____ (Respondents)

Representation/D/Appeal for grant of salary of appellant w.e.f 1/12/2022 till
31/5/2023 being serving as a T.T Teacher in G.P.S Kareer Habibzai District
Mahmand Regularly.

**PRAYER: ON ACCEPTANCE OF THIS APPEAL, APPELLANT MAY PLEASE BE
GRANTED SALARY W.E.F 1/12/2022 TILL 31/5/2023 AND
ONWARD ON THE BASIS OF DUTY PERFORMING OF
APPELLANT AS T.T TEACHER IN G.P.S KAREER HABIBZAI
MAHMAND ACCORDINGLY.**

Sir,

Appellant humbly submits as under:

- 1) That appellant was appointed as T.T teacher in G.P.S Kareer Habibzai District Mahmand on 28/4/2007 vide DEO (M) Mahmand order No: 4507/22 dated 28/4/2007 on regular basis. (Copy of order is attached) **A**
- 2) That appellant was properly medically examined and take over charge of the post vide charge report dated 3/5/2007. (copy of Medical report and charge report is attached). **B**
- 3) That appellant is performing his duty with respondent on his post regularly without any break of service and appellant is not absented from ^{his duty w.e.f} date of appointment till today.
- 4) That appellant is entitled for his salary w.e.f 1/12/2022 till 31/5/2023 and onward on the basis of his service performance on the following

GROUNDS:

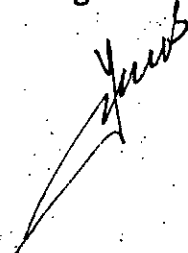
- a) That appellant is a regular civil servant of respondent and performing his duty regularly.
- b) That appellant is performing his duty and being a regular civil servant of respondent, hence entitled for salary as per law and rules.
- c) That there is no provision of law and General Principle of rule that when a Civil Servant is performing his duty and he is not entitled for his salary while it is golden principle of law that when a civil servant is serving, he is entitled for his salary.

It is therefore, humbly prayed that appellant may please be granted salary w.e.f 1/12/2022 till 31/5/2023 and onward on the basis of his performing his duty. Any other relief deemed fit may also be graciously granted.

Dated: 22-05-2023

Nawab Gul
Appellant Nawab Gul

Through Counsel



بندالت سروسز ٹریڈنگ کمپنی

کورٹ فیس	
----------	--

موزی: 29	2023	منجانب	ردیف
مقدمہ:	لوا بگل	بنام:	ڈیپوٹنٹ مینجنگ ڈائریکٹر
دعویٰ:	رسول		
جیم:			

باعث تحریر آئٹم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام **لڈیا اور کے لئے لعموب خان (پبلک ٹرسٹ)** مقرر کر کے قراہ کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی نکل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخاست ہر قسم کی تصدیق ذرا اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمد ہوگی اور سنسوخ دائر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برداشت منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور بند اوکالت نامہ لکھ دیا کہ سندر ہے۔

الہٰذا
29
2023

العہد گواہ شدہ العہد
لڈیا اور کے لئے منظور ہے۔

Attested & Accepted

محمد رسول

لوا بگل
Newab City
بمقام