Appeal No. 586/2013. M. Yousan Khan. None for the appellant present. On previous date none was

present on behalf of the appellant and notice to appellant and his counsel issued for today but even today none is available on behalf of the appellant. As such the appeal is dismissed in default. File be consigned to the record.

ANNOUNCED 14.01.2015

14.01.2015

Membe

04.06.2014

Counsel for the appellant present. Preliminary arguments: partly heard. Pre-admission notice be issued to the learned GP to assist the Tribunal. To come up for preliminary hearing on 16.07.2014.

16.07.2014

No one is present on behalf of the appellant. Mr. Ziaullah, GP for the respondents present. To come up for preliminary hearing on 29.08.2014.

29.08.2014

No one is present on behalf of the appellant. Mr. Ziaullah, GP for the respondents present. Notices be issued to the appellant/counsel for the appellant. To come up for preliminary hearing on 27.10.2014.

Member

Member

Member

Member

(

27.10.2014

No one is present on behalf of the appellant. Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Notices be issued to the appellant/counsel for the appellant. To come up for preliminary hearing on 14.01.2015.

# Form- A

# FORM OF ORDER SHEET

Court of

Case No.\_\_\_

S

586/2014

	Case No	586/2014				
5.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate				
1	2	3				
1	24/04/2014	The appeal of Mr. Yousaf Khan resubmitted today by Mr. Umer Zad Shah Bukhari Advocate may be entered in the				
•		Institution register and put up to the Worthy Chairman for preliminary hearing.				
2	7-5-2014	This case is entrusted to Primary Bench for preliminary hearing to be put up there on $4 - 6 - 20/4$				
		CHAIRMAN				
·						
•						
•	· · · ·					

. . The appeal of Mr. Yousaf Khan son of Nasrullah Jan received today i.e. on 09.04.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

(1-) Memorandum of appeal is unsigned which may be got signed by the appellant

- (2-) Copy of attendance register mentioned in para-2 of the memo of appeal (Annexure-B) is not attached with the appeal which may be placed on it.
- 3- Affidavit may be got attested by Oath Commissioner.
- 4- Annexures of the appeal may be attested.5-

No. 58}\_/S.T, Dt. 04 04 /2014.

REGIS

SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Umar Zad Shah Adv. Bannu.

Service Appeal No<u>586</u>2013

Yousaf Khan S/O Nasur Ullah Jan GMPS, Malak Yar Muhammad Khan Bannu

#### Appellant

## <u>VERSUS</u>

- 1. District Education Officer (Male ) Primary & Secondary Bannu (Ex-DO E & S Education Bannu)
- 2. Director Elementary and Secondary Education, K.P Peshawar.
- 3. Secretary, Elementary and Secondary Education Govt. of K.P Peshawar.

#### Respondents

### INDEX

SNo	Description of Documents	Annexure	Pages
1	Service appeal with affidavit		I to 4
2	Application for the interim relief		5
3.	Copy of appointment order & Charge Report	A	657
4.	Copy of application for salary	B	8
5.	Copy of plaint & order	E4D	9to 16+ 17+
6.	Copy of departmental appeal dated $31/\frac{C}{2}$	E.	19-
7	Wakalatnam		20
8			
9		-	t 1

Appellant

Dated: 22/01/2013

Through Umer Zad Shah Bukhari Advocate Bannu

## Service Appeal No 2013

Yousaf Khan S/O Nasur Ullah: Jan GMPS, Malak Yar Muhammad Khan Bannu

Appellant

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## <u>VERSUS</u>

- 1 District Education Officer (Male ) Primary & Secondary Bannu (Ex-DO E & S Education Bannu)
- 2 Director Flementary and Secondary Education, K P Peshawar
- 3 Secretary Elementary and Secondary Education Govt of K P Peshawar

#### **Respondents**

# INDEX

6			
8			
7	Wakalatnam		No.
6.	Copy of departmental appeal dated 21 / G-1/2	E.	10-
5.	Copy of plaint & order	C4D	9:4-16-17
4	Copy of application for salary	R	1 3
3.	Copy of appointment order & Charge, Report	A	6 to 7
2	Application for the interim relief		5
1	Service appeal with affidavit		
SNO	Description of Documents	Annexure	Pages

Appellant

Dated: 22/01/2013

Advocate Bannu Umer Zad Shah Bukhari Through



Service Appeal No 586/2018

Yousaf Khan S/O Nasur Ullah Jan GMPS, Malak Yar Muhammad Khan Bannu

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internet in the

**VERSUS** 

- 1. District Education Officer (Male) Primary & Secondary Bannu (Ex-DO E & S Education Bannu)
- 2. Director Elementary and Secondary Education, K.P Peshawar.
- 3. Secretary, Elementary and Secondary Education Govt. of K.P Peshawar.

#### Respondents

Appellant

APPEAL U/S 4 OF THE K.P SERVICE TRIBUNAL ACT 1974. FOR THE RELEASE OF PAY W.E.F. FROM 26-10-2009 TILL DATE WITH ARREARS OF ALLOWANCES ETC FOR WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR, DESPITE THE LAPSE OF STAUTORY PERIOD.

#### PRAYER:-

On acceptance of the appeal appropriate directions may please be issued to the respondents to act in the matter in accordance with law and to release monthly salaries to the appellant w.e.f. 26-10-2009 till date with arrears of allowances and connected benefits.

1.

#### **Respectfully Submitted:-**

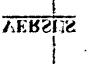
That the appellant joined the respondent Department as Primary School Teach is on 24-10-2009, received charge on 26-10-2009 and since then He performed his duties with honesty and full devotion. (Copy of appointment order and charge transfer certificate are enclosed as Annexure A).

2. a.o-submitted to-diff

That since appointment the appellant is regularly performing his duties to the entire satisfaction of superior officers but strange enough that since appointment the monthly pay with all connected allowances and back benefit have not been paid to his without an omission or commission on his part.

Service Appeal No 2 2013

Khan Bannu Yousaf Khan S/O Nasur Ullah Jan GMPS, Malak Yar Muhammad



(Fx-DO E & S Education Bannu) District Education Officer (Majle) Primary & Secondary Bannu Ľ ber of the folly

Director Elementary and Secondary Education, K P Peshawar 2

Peshawar. Elementary and Secondary Education Govt. of K.P. 3. Secretary,

**Respondents** 

Appellant

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ACT 1974, FOR THE RELEASE OF PAY W.E.F. APPEAL US 4 OF THE R.P. SERVICE TRIBENAL

THE LAPSE OF STAUTORY PERIOD. **HAS NOT BEEN RESPONDED SO FAR, DESPITE** DEPARTMENTAL APPEAL OF THE APPELLANT ALLOWANCES ETC FOR MHICH JHE FROM 26-10-2009 TILL DATE WITH ARREARS OF

#### PRAYER:

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**Respectfully Submitted:-**

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enclosed as Annexure A). (Copy of appointment order and charge transfer certificate are since then He performed his duities with honesty and full devotion. School Teach is on 24-10-2009, received charge on 26-10-2009 and That the appellant joined the respondent Department as Primary

124 (HTA) 40-30 50 1639 10-983

So to the first

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(respondents custody, is enclosed as Annexure B). commission on his part. (Copy of attendance register with and back benefit have not been paid to his giftiout an omission or that since appointment the monthly pay with all connected allowances duries to the entire satisfaction of superior officers but strange enough That since appointment the appellant is regularly performing his

3. That the appellant time and again approached respondents and submitted so many applications for the release of his monthly salaries and his connected allowances etc but no fruitful result came out.

P. 2

- 4. That even the appellant approached the Court of Senior Civil Judge Bannu for the purpose on \_\_\_\_\_\_\_ (Civil Judge No.05 Bannu ) which plaint was returned to the appellant vide order dated
  <u>\$\lambda' \beta' \beta'</u>. (Copy of plaint and order are enclosed as Annexure C & D).
- 5. That the appellant filed Departmental appeal on 31/2/12 which has not been responded so far despite the lapse of more than sixty days. (Copy of appeal is enclosed as Annexure E).
- 6. That the action of the respondents of not releasing the monthly pay with this connected allowances etc of the appellant is against the law, facts and principles of justice on grounds inter alia as follows:-

#### **GROUNDS:-**

- A. That respondents have not treated the appellant in accordance with law and rules on the subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan 1973.
- B. That the appellant has regularly performed his duties with honesty and his is no complaint of any sort against his and He is entitled to the pay and his allowances etc for such period.
- C. That the performance of duty without salary amounts to force labour which is prohibited under Article 11 of the Constitution coupled with his Articles.
- D. That the appellant has not been treated in accordance with law and rules on the subject
- E. That the action of the respondents is against<u>i</u>the principles of social justice guaranteed in the Constitution.
- F. That the appellant seeks the permission of the honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any his relief as deemed appropriate in the circumstances of the case, not specifically asked for, may also be granted in favor of the appellant.

Dated 22/01/2013

Appellant Appellant WW Aw Umer Zad Shah Bukhari

Advocate Bannu

## **AFFIDAVIT**

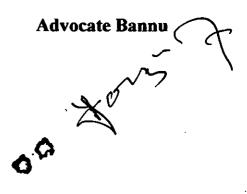
I, Yousaf Khan S/O Nasur Ullah Jan GMPS, Malak Yar Muhammad Khan Bannu do hereby solemnly affirm and declare on oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the honorable Tribunal.

Identified by



DEPONENT

Umer Zad Shah Bukhari



### AFFI DAVIT

I, Yousaf Khan S/O Nasur Ullah Jan GMPS, Malak Yar Muhammad Khan Bannu do hereby solemnly affirm and declare on oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the honorable Tribunal.

Identified by

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DEPONENT

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Umer Zad Shah Bukhari

**Advocate Bannu** 

Service Appeal No /2013

Yousaf Khan S/O Nasur Ullah Jan GMPS, Malak Yar Muhammad Khan Bannu

### Appellant

#### VERSUS

- 1. District Education Officer (Male) Primary & Secondary Bannu (Ex-DO E & S Education Bannu)
- 2. Director Elementary and Secondary Education, K.P. Peshawar.
- 3. Secretary, Elementary and Secondary Education Govt. of K.P Peshawar.

#### Respondents

#### APPLICATION FOR THE RELEASE OF CURRENT SALARIES TILL THE FINAL DECISION OF THE APPEAL

#### **Respectfully submitted:-**

- 1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
- 2. That the grounds of appeal may be considered as integral Part of the application.
- 3. That the impugned action of the respondents being void abinitio, illegal and the result of mala fide and the appellant has a good prima facie case in his favor.
- 4. That the appellant is sanguine of his success in the case and the balance of convenience lies in his favor.
- 5. That if the impugned order is not suspended the appellant would suffer an irreparable loss.

It is therefore prayed that on acceptance of the application, the respondents may kindly be directed to release the current salaries of the appellant till the final decision of the accompanying appeal.

Appellant

Dated:22/01/2013

hrough Umer Zad Shah Bukhari Advocate Bannu

### OFFICE OF HE EXECUTIVE DISTRICT OFFICER, ELEMENTARY & SECONDARY AMPLANE-A EDUCATION BANNU

#### APPOINTMENT ORDER

On acceptance of representative and in compliance to the Honourable Supreme Court of Pakistan judgment dated 28/5/2002 and Honourable Peshawar High Court Bench D.I. Khan judgment dated 28/04/2004 & consequent upon the recommendation of the Department of the Department recruitment committee, the undersigned is please to appoint the following PTC (Male) Denied Candidates of AIOU, 1999 form the merit list in BPS-07 as per PTC recruitment policy plus usual allowances as admissible under the rules; in the schools noted against each candidates with effect from 01/12/2009 in the interest of public service subject to the terms and conditions given below:

-	S.No	Name of Candidate	Father's Name	Address	Denied	BPS	Place of Posting	Remarks
!	1	Yousaf Khan	Nasr Ullah Jan	Kakki	Denied 1999	· · ·	GMPS Yar Muhammad Khan Mamash Khel	V/Post

#### TERMS & CONDITIONS

- Their services will be considered regular bat without pension and gratuity in term of Section-19 of NWFP, Civil servant Act, 1973 as amended vide NWFP, civil servant (Amendment) Act, 2005. He will however be entitled to contributory provident Fund in such a manner and such rates as may be prescribed by the Government.
- 2- His services will be liable to tennination on one month's notice from either side, in case of resignation without notice their / his two months pay / allowances shall be forfeited to Govt:
  3- The appointer should submit their charge papert to all concerned.
- 3- The appointee should submit their charge report to all concerned.
  4- His services can be terminated at any time in case his / that
- 4- His services can be terminated at any time, in case his / their performance is found unsatisfactory during probationary period. In case of misconduct he/they will be preceded against under the NWFP removal from service Special ordinance 2000 & the rules framed from time to time.
- 5- The candidates should join his / their post with in 15 days. The head of the institution concerned should furnish a certificate to the effect that the candidates has joined the post or otherwise, after 15 days of the issuance of this order, failing which, their / his order will be treated as cancelled.
- 6- The appointee is directed to perform his duties in his respective school noted against his name for a minimum period of one year.
- 7- The appointee will produce undertaking on stamp paper to the effect that the District Domicile already produced on or before, 08/07/2006 if found that his previous FR Domicile is not cancelled, then he will be removed from service with out issuing any notice.
- 8- In case of fake certificates / Degree or any other mistake in the said appointment order detected later on the undersigned reserves the right of amendment them service and disciplinary action 3 will initiated against the teacher concerned.
- 9- They are required to produce health & Fitness Certificate from the Medical Superintendent concerned before taking over charge.
- 10- Their original certificate Degree should be verified from the Concerned Board / University Institution on his own expenses before the release of their pay.
- 11- No TA / DA etc is allowed.

#### Sd/- ' (BAKHTULLAH SHAH) EXECUTIVE DISTRICT OFFICER, ELEMENTARY & SECONDARY EDUCATION, BANNU

24-Endst: No 20966 AE-EDO (M) PTC: Apptt: Dated Bannu the \_ Copy for information & necessary action to the:-

- 1- Director of Elementary & Secondary Education NWFP Peshawar.
- 2- Commissioner Bannu Division Bannu
- 3- District Coordination officer Banna.
- 4- District Account Officer Bannu.
- 5- District Nazim Bannu
- 6- Medical superintendent DHQ Banno with the remarks that Health & Fitness certificate may not
   be honored with out the authority issued by the above named officer.
- 7- Candidate Concerned

EXECUTIVE DISTRICT OFFICER, ELEMENTARY & SECONDARY EDUCATION, BANNU

General Strept - 18. 200 - 1. March - 20 9-89-(8) CERTIFICATE OF TRANSFER OF CHARGE. Innexme-A c. Certify that we have on the fore/alternoon of this day 10 - 11 - 2009respectively made over and received charge of this Office of the CGM-P.S. Malake Yar Mechaning Allow Vide E.D. OES SEBRU 2. Particulars of cash and important secret and confidential do = 21501-6comments handed over are noted in the restored. documents handed over are noted on the reversedated 2-11-2009 Signature of relieved Government servant Designation . . . Station Bannu. Signature of rehaving Government servout. Designation P.T.C. OY. P.S.T. Dated. E.D.O. Sand SE Banny Forwarded to the ... N.-W.F.P , Acett. Try. No. 42.

US STELEDO C-je Annesne-B مرفوس رامار ما دار قوا مالی OP The w 26 die 13. De la processing Sur May Lee hegint ds 65 AMART יתכא 013/15/6 18 19 STS Assens 245 SIRIS 11.8.2010 11110 De Jo 6 Mulsi 5 GMB-PST Cicie Level Jel Zille ile

4 up 8 i ele ? On - wand لبدانت فباحيا يرمى مج ماعب متر -Annexne-d () بدستان معنده درمین سم مرح ، بجری ونیو مر اسم Or - <u>Grand A Priving and S</u> <u>J.F. C.VIII Bannu</u> <u>B</u> <u>12</u> <u>Nul 22</u> <u>3</u> <u>12</u> <u>12</u> دد ورست مراد معرور ما رجاحی است ی منبع الم این مغول م درع على كو مغ بند لن هاد ، مح محد عن ) عبورى طور مرسيته ال رمليف ديكر نتواه جات ريليز كرس ما اس مايت جو من من عماعا - Colos Deriction -سنر مد اعلی تو مز مد ما بنا با جاد کر ود تا استعقد معدد ما عدان ی بوری در کری متم می می توری عربی لور TSI ما مردی اور ما مرسی کو لوں مان تره می مجل در عادر میں tacant ریاد میں ظام از من رور مامرمان می جلم ریطارد لعینای دستره تلف ، تم رور حماليخ مغريم س alle در فورس مسل في على 2 . ATTESTED یم مرعنین کار معالد عنی عین داند ( ادلوب Copying Agency wer Court Bank 231/215 مرك لفتفوه من وقت سك كما -- n' control - pring prices 6 i'm con -ار من بر اور مدین ت می وی در ا هوى احكان ئي

یم کم مولد کا کوارن ماعد مان کا لی مول ما مع مل کا لی ارد فقاهر میں اسل فراعلی عامد عنان کو فون لسن کا (10) is in the pase is a low of the sealer is a sealer of the s مين ليدولعل سين ما كرون س J. F. C-VIII Bannu 4 - يركم على على درو دالت اور فعلما المرين في الفير ما عرسان دم 2 - المريد على على درو دالت اور فعلما المرين في من الفير ما عرسان دم - نوما خدون رم بای دن ۵ بنی بنی اسل ما مرمان کو مسلسل نا ظل تلوی مقتان . را ی مادرند عرا دار ما مرسان نا ما تق دیگر تعبری تره می او می ادر دیگر مرامات وطال بع جود العشارى موت رغ Previous Arrears, el lour le a solution of le la - 5 ماتيه نتخواه ما مراعلى ريليز كرم ( ) علام عاد) ( س تو ما درمین کی دادر س مرح مالی جرم مرا با با به کس متر این بين كاربركم 1. ingenous de Plaint Silphere. . & ive vers Part & Parcel ATTESTED opying Agency wer Court Bann 23-12-15 الحي المحجوما -المراسي مل كر مردوان بابر عراف في مارمى مرور بالماد for the Kholig Ville

All and some going & and بعرائة ما يرس ج ماعب ملع من . 8-6-12 12 22 3 12 12 CM يوسف مان دار لفرالته مان من مان مان من ٢٠٠٠ دار مر مالد مان مراح في مات من التدداد مح مل مون VERSUS Or 1 22: 31/2 S.C.Q.L. L.B.L · - جرب ، رئيز سيو سير جمل لعلم ملع سول . - سیریزی انجولی میں فریق کا - 
 - سیریزی انجولی محمد بی فریقولی کا - د - خرین اکادسد میر مرد در کانی نوی -(Male) Accountant (Ale) ۲ - خربی د مرت افسر معلی از ... و من محرک د مون ملي ذكرى رسترقرار يم يدس مفول كم ما مرمان مد ملي ال مز م مجم لوازی Dse /Dse میں لوری کرنے نے لعد لعادر آ -over Court Banut PTe - جرد PTe - 20966-70 PTe Endst No 21307-6 · Grs & Gresting

ارتداد بخ عرى الوزى مامدين والفى منعى ادا در خ برقى مراى د در ای زی دردان می ماند ای ماند ای ایم ا مراعات و سالد اند عند 1/ Monthly Salasers دیا جا ے مائے ناتوا میں اور برطائر کرانے کے علیم ما رس س ی نیر سال فی و نیز مخواه فی مان م ریلیز نیز را ( اناد می مع ایم نیز نیز را ( اناد می مع مع این ا 1 - 1 - 1 المعل معاد ما زان اور لغير محدور فرم دادر مرى مرار كرنا حدرف سردس دولنر دريكوكتنز ب استزرى معون مر منى ببر برنبی افغال فراد اور ملمناج علما کر مری عبی آی محطائر م يوار شخ اه ادا از از از از از انه ما سي ما لي الم روسال 25 کی عمل فارق وزری سے اسراد کا ر- ای وال Une plan fait and and and in an and in the ى بل دادرس يرى جى رين برفيرى مر مر مر مر مر مر م <u>۾ B</u> د مور مسور دری ماین دمون ی مجم تو اون Joining ( Jel , Kell & Streams Arrears المروزد عامره والولاج المفع مقرم ATTA نين مراعليم كو مارس شايام د ارد مردهم وى (122) The second is in the second of the second of the second sec Legal اداكر ناس مفردرى كالمرنه كرس كقام مراب ا میری مر علم مروج متر در ~

جور مرد از مراجع الموری دورمی وی تندی برن مغرب ا و تسرف، ما دے با بند مان جار کر وہ حردہ علم الکار لفنا کی [] د منوع دارمری جرم ر مرات مارع د لورت مرکز می منابع dieloger Require is is is is in the comments ( fin legal obligation og er de un vor le مدعن في تخواه وي محمد محمد المرار المراري على عسم مرس كى فرالف مرجى ميس عشير فكونى ريدا ختيار ادر عسوا أينى عاور الی نموالین عن عربین بر فرون مر علم حم فرج مقرم مالا فور مركوفي كورت فس ABC Py 200+ 200 + 200 ABC R. 15+15+15 منافع المحال ومرجع ومرجع المحال · - يم ما ما ورين > مر عملي عرح في المردول مد عاملي أن لبطر آدم مراعرى كول يجرز عبد عنون لوار لم وموج من دفغ وقف DSC DPC (); is Separatly Single & Jointly C سيليكس على كى سفارت دير كى من جو جمك 18.4.8 مالى بى Appointment Abs. 2) ( ) 5-0, ( ) sel unit معلمه ابن ابن معین ترو کولتر می از مار تعنيات بورى مران لد فرالف منصى عمالي تم اردر لقن الفرى في القرى في الم Copying Agency Lower Ograp Bank ير ما ورون في ما نير مر على على ارس المما من وكارك وح PTe/Psi, J. J. Source / Untrained , in is a fing (Pl Shaet NO4)

مرى كى يى جوموه ما بهوار شخواه مى كالمرار كى الم ما الم المغرر كى · Tentim cal a Join Join - " " رواز افرای دلولی و mining mark مر رول استولی و مرد ما مدایت مراعلم بنوا کر عمل موزیت موری کرے مراحلے کو فوال کے بس ادر مراس عرف عرف الم قادة و يورد المكان من معلمه مسمول 20 prover by Conford PST were verify cos مور دے تھے - اور این این ڈلو موں کو ماری اکھتے کی تائی از جمعلم وی کی کی سی انتخاص اف میں in a ce pilo is a con mala pick of a side ally a man العسامية المردر أردر مردان و ردان و الم و الم و الم الم الم الم الم الم فتلف مورز فرام من من من من راده مركو مخواه جا سروازا Sided Le ar Le ge Release E colisi ( in ) With a 18 lower 2 all a low a bolow a bolow and a series and a series and a series a series a series and a series a series and a series . و کم مرجم مرد مرد ماری کر میں، مرعن مد کی مرم د و فک مور م المناده و مذرعن بالی ادر ایش با متان دخانون سی از ان 1) 12 Teo 1 oursent & Previous Cloci Shi L كر في ان من روز ماركفا ت ي من 6 - يمد المن مارين درد المرجور مر عم كور أف مركمان تاجع محواه ما عداد من - اجرا ادا نه کرن ( ان ادر سر کرن ( ان عرف و ک ATTENT مشرر این قرر د مار می - یون ادر این ای من طرحین مزاری Copyin Ageacy (PL Sheril NOS) 22-12-11

المرز المراج رون الما - هاد مر مرد الروم مراج ت ilifancing forer Labour 61863 ( by a Jue C جو مرفظها عمر مترجى عن اسما اور مرعات مدا عتبار اغدام ا اور اس علم افرام عنبر عازى مرعاعلى حاصر عان يراز مان فاست فح م ما مدعنان مر عمر ومر المالي 2 -7 - ma detujo va 212 - 2 - 1 2 3 (19 1 - 1 - 7 من دان کر کے من ماہ ماجن کا کم فرارا سے مارسان کو در Previous Armanson of 296 al some 10 is in وما بوار مرت رند بدم وسم مراور من اداسه ما عمار كريس مكر وراعلى اداريكي كو در من را مل حاصر معانى كالفنكالى تررى رويد ورويات وديكوت ويرات تر في الحر غرار مدر من المرد عور عن الم المردر تر م ق الم) · مردر تر م ق الم) · 8- 2 in 2 cashi de 8 an p chill i lide / an fix are al مور جوما عتيار ما مت عرائ المربي عرائ المربي على 2 درور می Dee / Dee / Dee / Dee / Dee / Dee سى بى تلف معمالي و كم نه كري نه درو را كري اور مدار الخراص عمله المحادة مرز مالم -- م ( ما ر A (PI Shiel NOB) Di nizici 22.12 1

ب كم مالك عقب لوفكاني في وافت كم عمر در ع عران فل فل ا لى اومرها بالمراسي كم در ى كق مرمان مرفان مر على حو و في مرم المارز ما الو يوسف من من مرون مار مان كرمرون بروكود الموريان - رزی می ار ار ا لتسدي من رك تما مح مر الم ته عل مرانب عضم محدي فكر معرف على وكفن سردس ار الجع الح 2011/2115 1. Registration No.-2. Date of Prasamer and لوسفان 27.72-13 3. Date of Rectipue Copying Agen 73-12-23 aver Court Ba 4. Elata of Presents 1. فالرغال 23 -12-15 レット . . . 6. Dat. 6. No. 77 . . 7.0- ...... 6. 1. 4 . F.E .---ein 9. Tent Fat -----00/Signature of Copyle S Production of the second

اران ما 11/1 في ميم بنون ارون ما 11/1 في معمر 22 معمر المرون ارون معمر 210 - 3 - 22 معمر 21 - 3 - 8 ی <u>1215</u> متردن : بوست بنا) در اکر مین

Order # 09: 08.06.2012

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Copying Agency

Parties present. Arguments heard today and record perused.

Annexne-

Vide my this short order I shall dispose off an application for grant of temporary injunction, moved my the plaintiffs against the defendants, directing them to release their salaries and to restrain them from making new appointments on their posts of PTC/PST. The said application was strongly objected by the opposite party on the ground that plaintiffs have got no cause of action at all, hence their application as well as suit be dismissed.

Record shows that plaintiffs through their suit stressed for declaration cum perpetual injunction against the defendants, to the effect that they were appointed as PTC/PST teachers on 02.11.2009, 24.10.2009, vide endorsement No.20966-70 and 201507-6 after fulfilling all the legal formalities. That since the date of their joining duty, they have not been paid salaries by the detendants, so recovery of the salaries (outstanding and current) also sought by the plaintiffs. In support of their stance plaintiffs annexed with the plaint, their appointments letters. Defendants in their written statement stressed that plaintiffs are not civil servants at all, as their name are not included in the list dated:28.04.2004 prepared as per the order of the August Peshawar High Court, D.I.Khan bench and that this Court has got no jurisdiction to entertain the instant suit.

Now whether the plaintiffs have been appointed or not? Although this point can be resolved through pro and contra evidence but at this stage plaintiffs got hold of the appointment letters which makes them a civil servant under Civil Servant Act, 1973 and so this Court has got no jurisdiction to entertain instant suit, as matter is relating to the Service Tribunal and Service Tribunal alone is the appropriate forum having jurisdiction to take with matters relating the terms and conditions of Civil Servants. Therefore, this Court has got no jurisdiction to entertain the instant suit as the same is returned under Or.7 R.10 of CPC.

No order as to cost. File be consigned to record room after necessary completion.

ANNOUNCED 08.06.2012

( Falzina Shaid ) Civil Judge-VIII. Bannu.

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1. Registration No. 2. Date of Freesontation of Applicat 19:17 3. Deta set Receipt of the file. 4. Enter of Freesentation of Copy of Copy 5. Dato of S. P. . <sup>1</sup>. ្រក្នុងប៉ុន្តែ

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لعدالت جناب ميرين مرسم يترير مل مقدمه عنوان: مسلو مين ميشنور بنام ميريس مريس ملح ضلع ب**غ**رار د عوى': مروري رميل مردي رميل بيني ميرين بيني ميرين بيني ميرين 201 باعث تحريراً نكه مقدمه مندرجه بالاعنوان بالامين ابنى طرف سے واسے پيروى وجواب دہى وكل كارروائى متعلقه ان مقام بنوں ے لیے عمر زاد شاہ بخاری ایڈو کیٹ / پلیڈر مقرر کرے اترار کیا جاتا ہے۔ کہ صاحب موصوف كومقدمه كى كل كارروائى كاكامل اختيار ہو گانيز وكيل صاحب كوراضي نامه مقرر ثالث وفيصله پر حلف دیئے جواب دہی اور اقبال دعوی اور بصورت ڈ کری کرانے اجراء وصولی نقد بذریعہ چیک عرضی دعوی اور درخواست مرمشم کی تصدیق زراس پردستخط کرنے کا اختیار ہو گانیز بصورت عدم پیروی یاد کری یک طرفہ یا پیل کی برآمدی اور منسوخی دائر کرنے اپیل نگرانی و نظر ثانی و پیر وی کرنے کا اختیار ہو گااور بصورت ضر ورت مقدمہ مذکورہ کے کل پاچزوی کارروائی کے واسطے اور وکیل پامختیار قانونی کواپنے ہمراہ پاہتی ہجائے تقرر کا اختیار ہو گااور صاحب مقرر شده کو بھی وہی جملہ مذکور ہاختیارات حاصل ہوئے اور اس کا ساختہ پر داختہ منظور وقبول ہو گااور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہو گااس کے مستحق و کیل صاحب موصوف ہوئے نیز بقایاو خرچہ کی وصولی کرنے کا بھی اختیار ہو گاا گر کوئی تاریخ پیشی مقام دورہ پر ہو تو و کیل صاحب پابند ہوئے کہ پیروی مقدمہ مذکورہ کریں۔ لہذاو کالت نامہ لکھ دیاتا کہ سندرہے۔ مضمون وکالت سن لیا، اچھی طرح سمجھ لیااور قبول ومنظور ہے۔ Accepted prine from مر بوسف من مرجم . بوسف من م

Ver المعتر من المريس الم الم وسفي فان يختنه 030 12 54' DE 0 42 23/14/42 42 05 11.5

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