

FORM OF ORDER SHEET

Court of _____

Appeal No. 1816/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/09/2023	<p>The appeal of Mr. Ghufraan Nawaz resubmitted today by Mr. Yasir Saleem Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;">REGISTRAR</p>

The appeal submitted by Mr. Yasir Saleem Advocate i.e. on 23.08.2023 is incomplete on the following score which is returned to him for completion and resubmission within 15 days.

1. Annexure-A of the appeal is illegible which may be replaced by legible/better one.
2. Copy of charge report in respect of appellant annexed as Annexure-B is not signed by the appellant.
3. Copy of departmental appeal in respect of the appellant annexed as Annexure-E is not signed by the appellant.
4. Copy of duty/ performance certificate in respect of the appellant have no date and dairy no.
5. Affidavit is not appended/duly attested by oath commissioner.
6. Wakalatnama is not attached with the appeal.

No. 3124 /S.T.

Dt. 31-8 /2023



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Yasir Saleem Adv.
High Court Peshawar.

Di
re submitted after compliance
31/8/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1816 /2023

Ghufran Nawaz PTC

VS

EDUCATION DEPTT:

INDEX

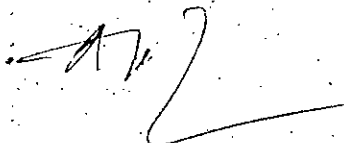
S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	1-2
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APPELLANT

THROUGH:


Yasir Saleem

&



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1816 /2023.

Ghufran Nawaz 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.


APPELLANT

THROUGH:


Yasir Salem

&

Mir Zaman 

Advocates high Court

Certificate:

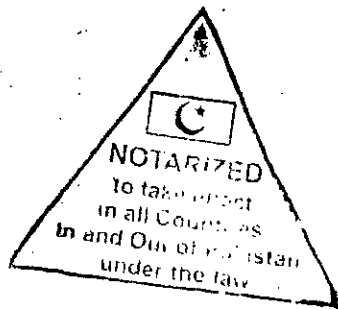
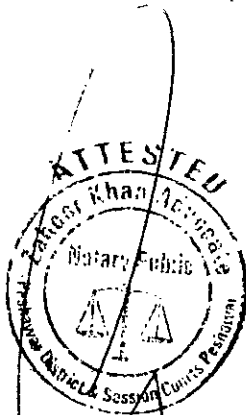
That no earlier appeal is preferred before this august tribunal.


Deponent

Affidavit:

I Ghufraan Nawaz 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.

Deponent 



2023

Ann A (4)

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 taking over charge.

- | | |
|---|--|
| (1) Zafar islam PTC GPS Musaqi | (17) Foazia Rahim TT GGPS Zair Muhammad Kot |
| (2) Ayesha PTC GGPS ZINDAI | (18) Abdul Kareem TT GPS Chashma Khadar Khel |
| (3) Nilma Masood PTC GGPS Rahmat Ullah Kot | (19) Sher Muhammad Din TT GPS Ghulam Khan |
| (4) Fatima Masood PTC GGPS Wazira Khan Kot | (20) Mazhar Ullah TT GPS Gullaq Khel |
| (5) Abida PTC GGPS Zair Muhammad Kot | (21) Laiba Izaj TT GPS Zindai |
| (6) Neelam Anjum PTC GGPS Ghulam Sher Khan Kot | (22) Sher Rafat Ullah TT GPS Lawarga |
| (7) Noorana PTC GGPS Naseeb Khan Kot | (23) Javald Ulah PTC GPS M Aslam Kot |
| (8) Imran Khan PTC GPS Salman Kot | (24) Muhammad Sajjad TT GPS Data Khel |
| (9) Ghufraan Nawaz PTC GPS Assar | (25) Raza Ullah TT GPS Gul abbas Kot |
| (10) Aftab PTC GPS-Noor Khan Kot | (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 |
| | (33) Nazreen Akhtar PTC GGPS Shehzad Gul Kot |
| | (34) Amir Uddin PTC GPS Ncor 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 Miranston. If they fail to produce their charges within 7 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.

Agency Education Officer
North Waziristan Agency

Encl: No. 376-79

Dated 15.1.14 2014

Copy to the:

1. Director Education FATA, Peshawar
2. Agency Accounts Officer, NWA
3. The Accountant Local Office
4. Candidates Concerned

Agency Education Officer

ATTESTED



To: The Deputy Education Officer N/A Miran Shah
Change/Arrival Report

I Shafiq Nawaz assumed my charge as
PTC teacher at GPs/GEPS, Asser 16/3
NWTD. on date 16/3/14 and started my duty
regularly to the entire satisfaction of my
Superior. Change report is submitted for your
kind perusal and record please.

Yours faithfully,
Name Shafiq Nawaz
Designation PTC

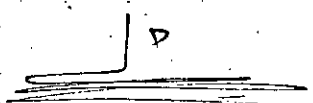
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4

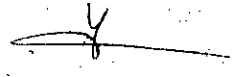
(6)

	DISTRICT EDUCATION OFFICER MALE NORTH WAZIRISTAN DISTRICT	
Phone: (0928) 313040 Email Address:		
		Dated ___ / ___ /2023.

DUTY/PERFORMANCE CERTIFICATE:

It is certified that Mr. Ghufara Nawaz SIO H. M. Shajj is
 working as PTC (BPS- 12) at
 GPS/GGPS Ahlan Tehsil Mir Ali Education
 Department since long. He/She has a good moral character and always found
 present in the said school.


District Education Officer
District North Waziristan

ATTENTION


Annex C (7)



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



No. DAOMRNNW/2022-23/301-04

Dated 24/07/2023

To:-
The District Education Officer (M)
NW Miran Shah

Annex C (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. Abdur Ur Rahim Junior clerk of your office were submitted 14 numbers Source-I Forms and other connected documents for releasing of their salaries at the tre audit counter section of this office. The detail of teachers are as under:-

- | | |
|---|--|
| (1) Zafar islam PTC GPS Musaqi | (17) Foazia Rahim TT GGPS Zair Muhammad Kot |
| (2) Ayesha PTC GGPS ZINDAI | (18) Abdul Kareem TT GPS Chashma Khadar Khel |
| (3) Nilma Masood PTC GGPS Rahmat Ullah Kot | (19) Sher Muhammad Din TT GPS Ghulam Khan |
| (4) Fatima Masood PTC GGPS Wazira Khan Kot | (20) Mazhar Ullah TT GPS Gullaq Khel |
| (5) Abida PTC GGPS Zair Muhammad Kot | (21) Laiba Izaq TT GPS Zindal |
| (6) Neelam Anjum PTC GGPS Ghulam Sher Khan Kot | (22) Sher Rafat Ullah TT GPS Lawarga |
| (7) Noorana PTC GGPS Naseeb Khan Kot | (23) Javaid Ulah PTC GPS M Aslam Kot |
| (8) Imran Khan PTC GPS Salman Kot | (24) Muhammad Sajjad TT GPS Data Khel |
| (9) Ghufuran Nawaz PTC GPS Assar | (25) Raza Ullah TT GPS Gul abbas Kot |
| (10) Aftab PTC GPS Noor Khan Kot | (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) Ghufuran Ullah PTC GPS Gulzar Kot | (30) Muhammad Abrar PTC GPS Assar |
| (15) Syma Said UI 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 Ailif khan Kot |
| | (33) Nazreen Akhtar PTC GGPS Shehzad Gul Kot |
| | (34) Amir Uddjn 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 07/2023 or otherwise please.

District Accounts Officer
NW Miran Shah

Copy forwarded to:-

- The Accountant General Khyber Pakhtunkhwa Peshawar
- The Director E&SE Khyber Pakhtunkhwa Peshawar
- The Deputy Commissioner NW Miran Shah
- 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 DEO NW Miran Shah.

[Handwritten signature and date 24/7/2023]

Best Copy

District accounts officer
North Waziristan, Miranshah.

No. DAO/MRN/NWD/2301-04

Dated: 24-01-2023.

To

The district education officer (M)
NW Miran Shah.

Subject: Confirmation of source I from and salaries of the teachers

Kindly refer to the subject cited above.

The authorize representative namely Mr. Abdur Raheem Junior clerk of your office were submitted 35 numbers source I forms and other connected documents for release of their salaries at the pre audit counter section of this office

The details of teachers as under:

1. Zafar Islam PTC GPS Musaqi
2. Ayesha PTC GGPS ZINDAI
3. Nilma Masood PTC GGPS Rahmat Ullah Kot
4. Fatima Masood PTC GGPS Wazira Khan Kot
5. Abida PTC GGPS Zair Muhammad Kot
6. Neejam Anjum PTC GGPS Ghulam Sher Khan Kot
7. Noorana PTC GGPS Naseeb Khan Kot
8. Imran Khan PTC GPS Salman Kot
9. Ghufra Nawaz PTC GPS Assar
10. Aftab PTC GPS Noor Khan Kot
11. Hidayat Ullah PTC GPS Ghulam Khan
12. Shams ur Rahman PTC GPS Mashar Kot
13. Shah Masood PTC GPS Malis Kot
14. Ghufra Ullah PTC GPS Gulzar Kot
15. Syma Said U Sabireen PTC GGPS Said Rasool Kot
16. Saida PTC GGPS Mirza Gul Kot
17. Niamat Ullah GPS TT Darpa khel
18. Foazia Rahim TT GGPS Zair Muhammad Kot
19. Abdul Kareem TT GPS Chashma Khadar Khel
20. Niamat Ullah GPS TT Darpa khel
21. Muhd bilal TT GPS M Aslam Kot
22. Mohib Ullah CT GMS Darpa Khel
20. Rehana Bibi PTC GGPS Siraj Uddin Kot
21. Ambreen Bano PTC GGPS Akhtar Nawaz Kot
20. Sher Muhammad Din aTT GPS Ghulam Khan
21. Mazhar Ullah TT GPS Gullaq Khel
22. Laiba Izaj TT GPS Zindai
23. Sher Rafat Ullah TT GPS Lawarga
24. Javaid Ullah PTC GPS M Aslam Kot
25. Muhammad Sajjad TT GPS Data Khel
26. Raza Ullah TT GPS Gul abbas Kot
27. Muhammad Ilyas PTC GPS M Amen Kot
28. Israr Ahmad PTC GPS Jalat Khan Kot
29. Haidar Ali PTC GPS Nadeem Kot
30. Zafar Ullah PTC GPS Noor Khan
31. Muhammad Abrar PTC GPS Assar
32. Abdul Haq CT GMS chasma hadar khel
33. Noreen Qayoom PTC GGPS Alif khan Kot
34. Nazreen Akhtar PTC GGPS Shehzad Gul Kot
35. Amir Uddin PTC GPS Noor Khan

It is therefore, requested that the above named regularized teachers may payroll processing for the month of 01/2023 or otherwise please.

District Accounts Officer
NW Miran Shah

ATTESTED

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 Atif Sub Accountant of this office is hereby nominated all personal attend the Education Officer, to verify/confirmed the above named source Forms from the DEO NW Miran Shah

Annex D (8)

OFFICE OF THE DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN DISTRICT

No. _____/DEO/NWD

Dated _____/_____/2023

To

The District Accounts Officer,
North Waziristan District.


Subject: **CONFIRMATION OF SOURCE-I & II FORMS OF SALARIES OF VARIOUS TEACHERS.**

Respected Sir,

Kindly refer to your letter No.2301-04 dated 24/1/2023 on subject noted above and to state that this office has submitted Source-I & II forms of the following teachers along with related documents duly verified and countersigned by the undersigned.

It is further stated that in your gracious honour that necessary action may kindly be taken in this regard being genuine case and regular employee of this department and they are performing their duties regularly.


- | | |
|--|--|
| (1) Zafar Islam PTC GPS Musaql | (17) Fozia Rahim TT GGPS Zair Muhammad Kot |
| (2) Ayesha PTC GGPS ZINDAI | (18) Abdul Kareem TT GPS Chashma Khadar Khel |
| (3) Nilma Masood PTC GGPS Rahmat Ullah Kot | (19) Sher Muhammad Din TT GPS Ghulam Khan |
| (4) Fatima Masood PTC GGPS Wazira Khan Kot | (20) Mazar Ullah TT GPS Gullag Khel |
| (5) Abida PTC GGPS Zair Muhammad Kot | (21) Lalba Izaj TT GPS Zindal |
| (6) Neelam Anjum PTC GGPS Ghulam Sher Khan Kot | (22) Sher Rafat Ullah TT GPS Lawarga |
| (7) Noorana PTC GGPS Naseeb Khan Kot | (23) Javid Ullah PTC GPS M Aslam Kot |
| (8) Imran Khan PTC GPS Salman Kot | (24) Muhammad Sajjad TT GPS Data Khel |
| (9) Ghufraan Nawaz PTC GPS Assar | (25) Raza Ullah TT GPS Gul abbas Kot |
| (10) Aftab PTC GPS Noor Khan Kot | (26) Muhammad Ilyas PTC GPS M Amen Kot |
| (11) Hidayat Ullah PTC GPS Ghulam Khan | (27) Israr Ahmad PTC GPS Jalat Khan Kot |
| (12) Shama ur Rahman PTC GPS Mashar Kot | (28) Haidar Ali PTC GPS Nadeem Kot |
| (13) Shahi Masood PTC GPS Malia 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 Sajid Rasool Kot | (31) Abdul Haq CT GMS chasma hadar khel |
| (16) Saida PTC GGPS Mirza Gul Kot | (32) Nooreen Qayoom PTC GGPS Ailf 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

Endst: No. 41787-90 / Dated 11/1/8 /2023.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioner North Waziristan District.
4. Candidate Concerned.


District Education Officer
North Waziristan District

ATTACHED

To

The Honorable Secy BPSD up
Deraan

Amir E. (3)

Request for release of pay stopped illegally by DSO North

With great respect it is stated that our pay was stopped without any legal reason by the Ex. DSO North. We have already lodged appeal to the DSO merged area. The DSO merged area was kind enough & visited me in the DSO North. The DSO constituted inquiry Committee on the matter. The Committee submitted report to DSO. But in the meanwhile the DSO was under process and the new DSO was posted. He appeared in the new DSO and the new DSO was kind enough and bill prepared was submitted to the DSO office. The DSO office raised observation and the DSO removed the observation and re-submitted the bill to the DSO office which is still pending in the office. I am highly cognized in your kind favour that a necessary order may kindly be passed to DSO & DSO merged area for paying the bills as soon as possible so if we paid our bills.

Dated 30/11/13

List of teachers are as under

Yours obediently,
Yours sincerely,
Kifer Islam PTC
et alia

(1) Ayesha PTC (2) Nagma Masood PTC (3) Fatima Masood PTC

(4) Azeem Amir PTC (5) Arovan PTC (6) Iqbal Khan PTC

(7) Aftab PTC

4

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

_____ OF 2023

Ghaffar Nawaz

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt of KP & others

(RESPONDENT)
(DEFENDANT)

I/We Ghaffar Nawaz

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: 20/8 /2023

Ghaffar Nawaz

CLIENT(S)

ACCEPTED

YASIR SALEEM

&

Mr. Yasir Saleem
PESHAWAR