

# FORM OF ORDER SHEET

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

Appeal No. 1822/2023

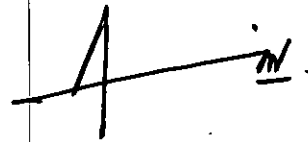
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/09/2023	The appeal of Mst. Abida resubmitted today by Mr. Yasir Saleem Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on
		By the order of Chairman
		REGISTRAR

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. 3120 /S.T.

Dt. 31-8 /2023



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Yasir Saleem Adv.  
High Court Peshawar.

*R/G. Re submitted after deletion*  
*31/8/23*

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

**APPEAL NO. 1822/2023**

Abida PTC

VS

EDUCATION DEPTT:

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*YSL*  
**APPELLANT**

**THROUGH:**

*YSL*  
**Yasir Saleem**  
&

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

Service Appeal No. 1822/2023

Abida 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.

*WTS*  
APPELLANT

THROUGH: *[Signature]*  
Yasir Salem

&

Mir Zaman *[Signature]*

Advocates High Court

**Certificate:**

That no earlier appeal is preferred before this august tribunal.

Deponent

**Affidavit:**

I Abida PTC 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 *Abida*



AUG 2023

**APPOINTMENT ORDER**

In light of Director Education FATA order dated 08.13.2013 and the recommendation of departmental selection committee the following candidates are hereby 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 tasking 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) Nilima 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) Lalba, 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) Ghufran Nawaz PTC GPS Assar                     | (25) Raza Ullah TT GPS Gul abbas Kot         |
| (10) Aftab PTC GPS Noor Khan Kot                    | (26) Muhaminad 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 Alif Khan Kot    |
|   | (33) Nazreen Akhtar PTC GGPS Shehzad Gul Kot |
|   | (34) Amir Uddin PTC GPS Noor 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 Miranpur. If they fail to do so within 15 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 tasking over.

Agency Education Officer  
North Waziristan Agency

Order No. 376-79

Dated 15/3/2014

- Copy to the:-
- Director Education FATA, Peshawar.
  - Agency Account Officer, NWA.
  - The Accountant Local Office.
  - Candidates Concerned.

Agency Education Officer

29





6



**DISTRICT EDUCATION OFFICER MALE  
NORTH WAZIRISTAN DISTRICT**



Phone: (0928) 313040 Email Address:

Dated \_\_\_/\_\_\_/2023

**DUTY/PERFORMANCE CERTIFICATE:**

It is certified that Mr. Abida S/O. M. Jay is working as DTL (BPS- 12) at GPS/GGPS Zer Mad Tehsil Mirakhal Education Department since long. He/She has a good moral character and always found present in the said school.

J A  
**District Education Officer  
District North Waziristan**

**ATTESTED**

[Signature]

Annex C (7)



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



No. DAO/MR/NW/2022-23/2301-04

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. Abdul Ul Rahim Junior clerk of your office were submitted 10 numbers Source-I Forms and other connected documents for releasing of their salaries at the pre-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 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) Javaid 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 Noor Khan            |

It is therefore, requested that the above named regularization 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:

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 Alif Sub Accountant of this office is hereby notified to personally attend the Education Officer, to verify / confirmed the above named Source Forms from the DFO NW Miran Shah.

NOTED

*Belled 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. Neelam Anjum PTC GGPS Ghulam Syer Khan Kot
7. Noorana PTC GGPS Naseeb Khan Kot
8. Imran Khan PTC GPS Salman Kot
9. Ghufuran 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. Ghufuran Ullah PTC GPS Gulzar Kot
15. Syma Said Ul Sabireen PTC GGPS Said Rasool Kot
16. Saïda 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 bifal 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**

*[Signature]*

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.

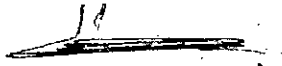
Subject: **CONFIRMATION OF SOURCE-I & II FORMS OF SALARIES OF VARIOUS TEACHERS.**

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.

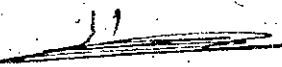
- |  |  |
|--|--|
| (1) Zafar Islam PTC GPS Musaqi                     | (17) Fozia Rahim TT-GGPS Zair Muhammad Kot   |
| (2) Ayesha PTC GGPS ZINDAI                         | (18) Abdul Kareem TT GPS Chashma Khadar Khel |
| (3) Nilma Masood PTC GGPS Rahmat Ullah Kot         | (19) Sher Muhammad Din TT GPS Ghulam Khan    |
| (4) Fatima Masood PTC GGPS Wazira Khan Kot         | (20) Mazhar Ullah TT GPS Gulfoq Khel         |
| (5) Abida PTC GGPS Zair Muhammad Kot               | (21) Latifa Iqbal TT GPS Zindai              |
| (6) Neelam Anjum PTC GGPS Ghulam Sher Khan Kot     | (22) Sher Rafat Ullah TT GPS Liwarga         |
| (7) Noorana PTC GGPS Naseeb Khan Kot               | (23) Javid Ullah PTC GPS M Aslam Kot         |
| (8) Amir Khan PTC GPS Salman Kot                   | (24) Muhammad Sajjad TT GPS Data Khel        |
| (9) Ghulam 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 Mashur Kot            | (28) Haldar Ali PTC GPS Nadeem Kot           |
| (13) Shah Masood PTC GPS Malik Kot                 | (29) Zafar Ullah PTC GPS Noor Khan           |
| (14) Ghulam Ullah PTC GPS Gulzar Kot               | (30) Muhammad Abrar PTC GPS Assar            |
| (15) Syra Said U Sabireen PTC GGPS Said Rasool Kot | (31) Abdul Haq CT GMS chasma hadar Khel      |
| (16) Salda PTC GGPS Mirza Gul Kot                  | (32) Noreen Qayyum PTC GGPS Aif Khan Kot     |
| (17) Niamat Ullah GPS TT Darpa Khel                | (33) Nazreen Akhtar PTC GGPS Shehzad Gul Kot |
| (18) Muhi Bilal TT GPS M Aslam Kot                 | (34) Amir Uddin PTC GPS Noor Khan            |
| (19) Mohib Ullah CT GMS Darpa Khel                 |  |
| (20) Behana Bibi PTC GGPS Sira Uddin Kot           |  |
| (21) Aqibeen Sana PTC GGPS Akhtar Nawaz Kot        |  |
| (22) Samad-Ur-Rahman TT GPS Data Khel              |  |

  
District Education Officer  
North Waziristan District

Encls: 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

Amir E. (9)

The Honorable Begum B. SED UP  
Peshawar

Request for release of pay stopped illegally by DEO North

With great respect it is claimed that our pays were stopped  
without any legal reason by the DEO North. We have already lodged appeal  
to the DE merged area. The DE merged area was kind enough to direct  
enquiry order to DEO North. The DEO constituted enquiry Committee on the  
order. The committee (constituted) reported to DEO. But in the meanwhile  
the process was under process and the new DEO was posted. Accordingly  
the DEO merged area and the new DEO was kind enough and still proposed  
was forwarded to the DEO office. The DEO office raised observation  
and the DEO removed the observation and re-submitted the  
order to the DEO office which is still pending in the DEO office.  
The DEO office kindly recognized in your kind favour that a necessary  
order may be passed to DEO & DE merged area for  
passing the bills as soon as possible so that our paid bills are

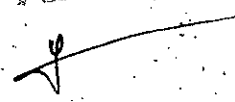
Dated 30/4/23

List of teachers are as under

Yours obediently  
Amir E. PTC  
& others

- (1) Ishtiaq PTC (2) Ayesha PTC (3) Naima Masood PTC (4) Fatima Masood PTC
- (5) Amir PTC (6) Azeem Syed PTC (7) Noorah PTC (8) Imran Khan PTC
- (9) Azeem Masood PTC (10) Aftab PTC

ATTESTED



10

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

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

Abida

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Smit 7.129 d. 5th

(RESPONDENT)  
(DEFENDANT)

I/We \_\_\_\_\_

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. 25 / 8 / 2023

ALL  
\_\_\_\_\_  
CLIENT(S)

ACCEPTED  
YASIR SALEEM

&  
MA  
\_\_\_\_\_  
PESHAWAR