

# FORM OF ORDER SHEET

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

**Appeal No.** 1815/2023

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. Aman Ullah 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 31.08.2023 is incomplete on the following score which is returned to him for completion and resubmission within 15 days.

1. Paper used is of low quality.
2. Copy of duty/performance certificate has no date & dairy no.
3. Charge / arrival report in respect of appellant after appointment mentioned in memo of appeal is not attached, attached one is of 02-07-2021, 8 years after appointment.
4. One more set of copy /set along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3144 /S.T,

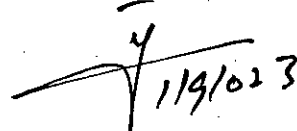
Dt. 1-9 /2023



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Yasir Saleem Adv.  
High Court Peshawar.

*R/W:*  
1) AS per objection no 1 the objection raised by the office is here by removed.  
2) AS per objection no 2 duty performance certificate has been issued by the authority in the same manner which can not be changed.  
3) objection no 3 has been removed  
4) objection no 4 has been removed  
And the same has been re-submitted today on 1/9/23



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**APPEAL NO. 1815 /2023**

**Arman Ullah PTC**

**VS**

**EDUCATION DEPTT:**

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*Arman Ullah*  
**APPELLANT**

**THROUGH:**

*Yasir Saleem*  
**Yasir Saleem**

**&**

*M*

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

Service Appeal No. 1815 /2023

Arman Ullah 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

- 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.

*W. Ullah*  
APPELLANT

THROUGH:

*Yasir Salem*  
Yasir Salem

&

*Amir Zaman*  
Amir Zaman

Advocates high Court

**Certificate:**

That no earlier appeal is preferred before this august tribunal.

*Y*  
Deponent

**Affidavit:**

I Arman Ullah 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 *W. Ullah*



30/9/1

**POINTMENT 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 tasking over charge.

- |  |  |
|--|--|
| (1) Zafar Islam PTC GPS MUSAQI                       | (27) Fozia Rahim TT GGPS Zafar 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 Ijaz 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 Ullah 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) Reza 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) Iqbal Ahmad PTC GPS Jalat Khan Kot      |
| (12) Shams ur Rahman PTC GPS Mashar Kot              | (28) Haider 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) Syama Said Ul Sabireen PTC GGPS Said Rasool Kot | (31) Abdul Haq CT GMS chasma hadar khel      |
| (16) Saide PTC GGPS Mirza Gul Kot                    | (32) Noreen Qayoom PTC GGPS Aliif Khan Kot   |
| (17) Arman Ullah PTC GPS Jan Mohammad Kot            | (33) Nazreen Akhtar PTC GGPS Shehzad Gul Kot |
|  | (34) Amir Uddin PTC GPS Noor Khan            |

They should bring their medical certificate from Medical Supdt AHQ Hospital Miranshah if they fail to produce their charges 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

Encl: No. 376-79

Dated 15.3.2014

Copy to the:-

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

Agency Education Officer

(4) Better Copy

**OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY**

**APPOINTMENT ORDER:**

In the 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) Lalba Iza 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) Javid Ullah 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) Haider 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 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    |
| (17) Arman Ullah PTC GPS Jan Mohammad Kot           | (33) Nazreen Akhtar PTC GGPS Shehzad Gul Kot |
|   | (34) Amir Uddin PTC GPS Noor Khan            |

**Terms And Conditions**

1. Their appointments are made on contract basis and liable to be terminated any time and without any notice.
2. They should bring their medical certificates from Medical Supdt AHQ Hospital Miran Shah if they fail to submit their charge report within 15 days, their order will be treated as a cancelled.
3. Their originals CNIC's should be produced in the Accountant local office.
4. Their services will be terminated if they found absent 15 days continuously from the date of taking over charge.

**AGENCY EDUCATION OFFICER**  
**North Waziristan Agency**

Ends/: \_\_\_\_\_

Dated \_\_\_\_\_ -2014

Copy to the:-

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

**AGENCY EDUCATION OFFICER**  
**North Waziristan Agency**



To

The Agency Education  
Officer North Western Agency

Annex B (5)

Subject Change / Arrival report

As per your order dt 15/3/14 Jam: Armanullah  
PTC took over charge at Gps. M. Astam Kot ad  
Started my duty regularly. Change report  
is submitted today on 16/3/14.

Change report is submitted for your kind  
information & record please

Sahid 16/3/14

Account and local office

Keep on record please

A 16/3/14


Yours Sincerely  
Armanullah PTC  
Gps M. Astam Kot  
-1 ch and an shas

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**OFFICE OF THE DISTRICT EDUCATION OFFICER NORTH WAZIRISTAN DISTRICT.**

**SUBJECT: DUTY PERFORMANCE CERTIFICATE**

Certified that Mr/ MST Aimanullah is performing his/her duty regularly to the entire satisfaction of his superior since long in education department. He/She has good moral character.

  
**DISTRICT EDUCATION OFFICER  
NORTH WAZIRISTAN DISTRICT.**

27

Amir B c (7)

**OFFICE OF THE DISTRICT ACCOUNTS OFFICER**  
**NORTH WAZIRISTAN MIRAN SHAH PHONE**  
**NO. 0928-300541**

NO.DAO/MRN/NFP/2022-23/2301-04

Dated 31/01/2023

To

The District Education Officer (M)  
NW Miran Shah.

**Subject: CONFIRMATION OF SOURCE FORMS & SALARIES OF THE CLASS-IV.**


Memo,

Kindly refer to the subject cited above.

The Authorized Representative namely Mr. Abdur Ur Rahim junior clerk of your office were submitted 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:-

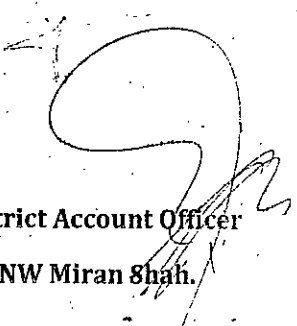
- |   |  |
|---|--|
| (1) Zafar Islam PTC GPS MUSAQI                      | (17) Foazie Rahim TT GGPS Zair Muhammad Kot  |
| (2) Ayesha PTC GGPS ZINDAI                          | (18) Abdul Kareem TT GPS Chashma Khadar Khel |
| (3) Nilma Masood PTC GGPS Rahmat Ullah Kot          | (19) Sher Muhammad 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) 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) Javaid Ullah 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 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    |
| (17) Arman Ullah PTC GPS Jan Mohammad Kot           | (33) Nazreen Akhtar PTC GGPS Shehzad Gul Kot |
|   | (34) Amir Uddin PTC GPS Noor Khan            |

  
District Accounts Officer  
NW Miran Shah

It is therefore, requested that the above named Class-IV may kindly be confirmed / verified and genuine employees of the Education Department before payroll processing for the month of 01/2023 or otherwise please.

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— personally attend the Education Officer, to verify/confirmed the above named Source Forms front the DEO NW Miran Shah.

  
District Account Officer  
NW Miran Shah.

**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 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) JAVAJD ULLAH 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 ABAS 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) 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 CHASHMA KHADAR KHEL    |
| (16) SALDA PTC GGPS MIRZA GUL KOT                   | (32) NOREEN QAYOOM PTC GGPS ALIF KHAN KOT    |
| (17) ARMAN ULLAH PTC GPS JAN MOHAMMAD KOT           | (33) NAZREEN AKHTAR PTC GGPS SHEHZAD GUL KOT |
|   | (34) AMIR UDDIN PTC GPS NOOR KHAN            |

\_\_\_\_\_  
District Education Officer  
North Waziristan District

Endst: No. 11787-30 / 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

The Honorable Geog. B. SED cep  
Doshmawan

Amara E. (3)

Subject: Appeal for release of pay stopped illegally by DBO North

With great respect it is claimed that our pays were stopped without any cogent reason by the P.S. DBO North. We have already lodged appeal in the DE merged area. The DBO merged area was made enough & started release arrears of DBO North. The DBO constituted enquiry committee on the matter. The committee submitted report to DBO. But in the meanwhile the process was under process and the new DBO was posted. We approached the new DBO and the new DBO was made enough and bill prepared and submitted to the DBO office. The DBO office visited observation and the DBO removed the observation and re-authorized the bill to the DBO office which is still pending in the office. We request kindly recognized in your kind favour that a necessary order may kindly be passed to DBO & DE merged area for paying all bills as soon as possible so that our paid bills are not

Dated 30/4/23

List of teachers are as under

Yours obediently

- (1) Jafar Islam (2) Ayub PTC (3) Mahmud Masood PTC (4) Fakhruddin PTC  
 (5) Mehrez PTC (6) M. Islam Ayub PTC (7) Abovaz PTC (8) Farooq Khan PTC  
 (9) Ghaffar PTC (10) Ayub PTC (11) Armanullah

7

10

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

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

Asmanullah

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Govt. of KP & others

(RESPONDENT)  
(DEFENDANT)

I/We Asmanullah

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: 28/8 /2023

[Signature]

CLIENT(S)

ACCEPTED  
YASIR SALEEM

[Signature]  
PESHAWAR