

794/2016

19.10.2016

Agent to counsel for the appellant present and requested for adjournment as counsel for the appellant is not in attendance today. Request accepted. To come up for preliminary hearing on 03.11.2016 before S.B.

(ABDUL LATIF)
MEMBER

20.10.2016

Counsel for the appellant present. On the request of learned counsel for the appellant case file fixed for 03.11.2016 was requisitioned for today. Learned counsel for the appellant submitted an application for withdrawal of the appeal in which he stated that the respondent-department assured to redress the grievances of the appellant therefore he wanted to withdraw the appeal. Request accepted. The instant appeal is accordingly dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
20.10.2016


(ABDUL LATIF)
MEMBER

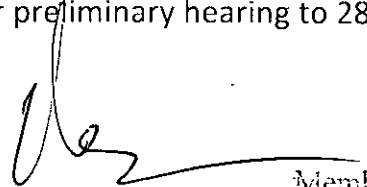
09.08.2016

Agent of counsel for the appellant present. Due to strike of the Bar, preliminary arguments could not be heard. To come up for preliminary hearing on 25.08.2016 before S.B.


Member

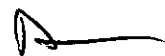
25.08.2016

Clerk of counsel for the appellant present. Seeks adjournment as counsel for the appellant is not in attendance. Adjourned for preliminary hearing to 28.09.2016 before S.B.


Member
Member

28.09.2016



Agent to counsel for the appellant present and requested for adjournment as counsel for the appellant is busy before double bench. Request accepted. To come up for preliminary hearing on 19.10.2016.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 794/2016

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 03/08/2016 | <p>The appeal of Mr. Abdul Rauf presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2- | 04.8.16 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>09.8.16</u></p> <p style="text-align: right;"> MEMBER</p> |

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 794/2016

Abdur Rauf

V/S

Education Deptt:

INDEX

| S.NO. | DOCUMENTS | ANNEXURE | PAGE |
|-------|-----------------------------|----------|-------|
| 1. | Memo of Appeal | ----- | 1-3 |
| 2. | Copy of service book | -A- | 4 |
| 3. | Copy of CNIC | -B- | 5 |
| 4. | Copy of birth certificate | -C- | 6 |
| 5. | Copy of order dt: 21.8.2015 | -D- | 7 |
| 6. | Copy of pay bill | -E- | 8-9 |
| 7. | Copy of certificate | -F- | 10 |
| 8. | Copy of affidavit | -G- | 11 |
| 9. | Copy of departmental appeal | -H- | 12-13 |
| 10. | Vakalat nama | ----- | 14 |

APPELLANT

THROUGH:


M. ASIF YOUSAFZAI

TAIMUR ALI KHAN

&

**S. NOMAN ALI BUKHARI
(ADVOCATES, PESHAWAR)**

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. _____/2016

Abdur Rauf, Chowkidar,
GHS, Kunda, Swabi.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 803

Dated 03/8/2016

(APPELLANT)

VERSUS

1. The Secretary, Education, (E&SE), Peshawar.
2. The Director Education (E&SE), Peshawar.
3. The DEO (Male) (E&SE), Swabi.
4. The District Account Officer, Swabi.
5. The Secretary Finance, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 FOR DIRECTING THE RESPONDENTS TO PAY THE MONTHLY SALARIES TO THE APPELLANT W.E.FROM 01.09.2013 TILL DATE AND ONWARDS AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE NON- PAYMENT OF SALARIES TO THE APPELLANT W.E.FROM 01.09.2013 TILL DATE AND ON WARDS MAY BE DECLARED AS ILLEGAL, UNLAWFUL AND AGAINST THE PRINCIPLES OF NATURAL JUSTICE. THE RESPONDENTS MAY PLEASE BE FURTHER DIRECTED TO PAY THE SALARIES TO THE APPELLANT W.E.FROM 01.09.2013 TILL DATE AND ON WARD BEING STILL THE EMPLOYEE OF EDUCATION DEPARTMENT AND HAS NOT BEEN RETIRED SO FOR. AND ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day

Registrar

3/8/14

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as Chowkidar in the year 1981 and his date of birth was recorded as 01.07.1957 in the service book duly maintained by the Education Deptt:. (Copy of service book is attached as Annexure-A)
2. That the appellant's date of birth in the CNIC is also as 01.07.1957 as well as in the birth certificate duly issued by the NADRA Authorities.(Copy of CNIC and birth certificate are attached as Annexure-B&C)
3. That it is also worth mentioning that the appellant went to Karachi and was on leave w.e.from 01.08.2014 to 31.07.2015. therefore , on return from leave , the appellant was adjusted on his own pay and scale against his original post w.e.from 1.8.2015 vide DEO Office order dated 21.8.2015.(Copy of order is attached as Annexure-D)
4. That the Education Deptt: also submitted Source-2 from the Accounts Office with clear mentioning date of birth as 01.07.1957, but despite that the pay bill of appellant has not been honored, due to wrong entry of date of birth in pay roll of appellant which has wrongly been recorded as 12.09.1953. (Copies of pay bill is attached as Annexure-E)
5. That the appellant has also submitted medical report as well as an affidavit regarding his date of birth (01.07.1957), but despite that no heed was paid to the requests of the appellant. (Copies of certificate and affidavit are attached as Annexure-F&G)
6. That the appellant run from pillar to post and left no stone unturned, but despite that his request was not considered. Thus being compelled, he preferred an appeal to respondent No.2, but the same has not been responded till date expiry of ninety days. (Copy of appeal is attached as Annexure-H)
7. That now the appellant comes to this august tribunal on the following grounds amongst others.

GROUND:

- A) That not paying the monthly salaries to the appellant and not deciding departmental appeal of appellant within statutory period is against the law, facts, material on record and norms of justice.

- B) That the inaction of the respondents in paying monthly salaries to appellant is against the spirits of Section-17 of the Civil Servants Act, 1973.
- C) That the appellant is still the employee of the education Deptt: and has not been retired from service by parent Deptt:. Therefore, his pay cannot be stopped in an arbitrary manner.
- D) That the date of birth in service record is recorded as 01.07.1957 and there is no alteration/ cutting in that entry. Therefore, the respondents department has even adjusted the appellant in the year 2015.
- E) That the appellant is continuously performing his duties, thus in such situation, the stoppage of salary amounts to forced labour, which is prohibited under the Constitution.
- F) That the appellant has not been retired so far from service by his parent Deptt:. Therefore, he cannot be deprived from salaries of the duty he is performing.
- G) That the appellant has not been dealt in accordance with law and rules and has been deprived from salaries in an arbitrary manner.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT:

Abdur Rauf

THROUGH:

M. ASIF YOUSAFZAI

TAIMUR ALI KHAN

&

S. NOMAN ALI BUKHARI
(ADVOCATES, PESHAWAR)

1. Name _____ (نام)

Mr. Abdul Razaq

2. Nationality and Religion _____ (قومیت اور مذہب)

Muslim

3. Residence _____ (مستقل رہائش)

Swabi

4. Father's name and residence _____ (والد کا نام اور رہائش)

Umar Khan

5. Date of birth by Christian era as nearly as can be ascertained _____ (تاریخ پیدائش مطابق من عیسوی)

1-7-1957 (1st July 1957 - Swabi)

6. Exact height by measurement _____ (قد و قامت)

5-6

7. Personal mark for identification _____ (شان شناخت)

A black mole on left hand

8. Left hand/right hand thumb and finger-impressions of (Non-gazette) office _____ (شمالی/دائیں ہاتھ کی انگوٹھوں کے نشانات)

Little Finger (چوہنگیا)

Ring Finger (چوہنگیا کے ساتھ کی انگوٹھ)

Principal
PRINCIPAL
U.H.S. Kunda Distt: Swabi

Fore Finger (انگشت شہادت)

9. Signature of Government servant _____ (سرکاری ملازم کے دستخط)

عبدالرزاق

10. Signature and designation of the Head of the Office, or other Attesting Officer _____

(امدادی کنندہ سر کے دستخط اور نام)

Principal
PRINCIPAL
Swabi

Note:—The entries in this page should be renewed by the holder of this card. Lines 9 and 10 should be dated. *یہ کارڈ ہولڈر کے پاس رہنا چاہیے۔ اس صفحہ پر درج کیے گئے تمام تفصیلاتیں بروقت تجدید کی جائیں۔ لائنیں 9 اور 10 تاریخ سے ہونی چاہئیں۔*

PRINCIPAL
Swabi

| 9 | 8 | 7 | 6 | 5 | 4 | 3 | 2 | 1 | 0 |
|---|---------------------------------|---------------------|---|-------------------------|--|---|------------------------------------|------------------------------------|------------------------------------|
| Signature and designation of the Head Office or other Officer in charge of columns 1 to 8 | Signature of Government servant | Date of appointment | Other elements falling under the term "pay" | Additional elements for | Pay in accordance with the provisions of the pay scale | If applicable, the amount of the gratuity payable | The amount of the gratuity payable | The amount of the gratuity payable | The amount of the gratuity payable |
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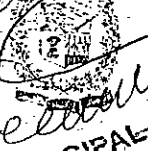
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B (5)

حکومت پاکستان
قومی شناختی کارڈ
16201-0682496-1
محمد الروف خان
محمد الروف خان
01/07/1957
G.H.S. Kunda Dist: Sway
PRINCIPAL

محمد الروف خان
دستخط مال کارڈ

حکومت پاکستان
قومی شناختی کارڈ
16201-0682496-1
محمد الروف خان
محمد الروف خان
01/07/1957
دستخط مال کارڈ

محمد الروف خان
دستخط مال کارڈ

ATTESTED



P04769694

6

حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

بیتاؤں سرٹیفکیٹ

BIRTH CERTIFICATE

CRMS No B162004-15-1046

FORM No P004769694

درخواست دہندہ کا نام: شفا
درخواست دہندہ کا شناختی کارڈ نمبر: 1620129939980
رشتہ: بیٹا

بچے کا نام: شفا
والد کا نام / شناختی کارڈ نمبر: والدہ کا نام / شناختی کارڈ نمبر
جنس: مذہب: پیشہ:
تعلقہ: تحصیل: ضلع: سوات

1-7-1957

1620129939980

APPLICANT's NAME SHAF A

APPLICANT's CNIC NO 1620129939980

RELATION Son

CHILD's NAME FATHER's NAME / MOTHER's NAME / GENDER RELIGION (DISTRICT AND DATE OF BIRTH) NIC NO

ABDUR RAUF KHAN UMARA KHAN SHAF A MALE ISLAM SWABI

1620129939980

1-7-1957

GRAND FATHER's NAME KHUEDAD

GRAND FATHER's CNIC NO

4-12-2015

ADDRESS SHAGAI VILLAGE ANBAR TEHSIL LAHORE DISTRICT SWABI

4-12-2015

SECRETARY

Secretary

Union Council Anbar

Handwritten signature and date: 4/12/15

ATTESTED

7

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWABI

ADJUSTMENT:-

Mr. Abdur Rauf Chowkidar GHS Kunda is hereby adjusted against on his original post w.e.f. 01-08-2015 ^{on return from leave} after availing the Earned Leave w.e.f. (01-08-2014 to 31-07-2015) sanctioned vide this office Endst: No. 4289-91, Dated: 28-08-2014 on his own pay and BPS in the best interest of public service.

Note:-

Necessary entry to this effect should be made in his original service book.

(NISAR MUHAMMAD)
DISTRICT EDUCATION OFFICER,
(MALE) SWABI

Endst No. 12027-28 / Leave File No.4 Chow: Dated 2/8 /2015.

Copy of the above is forwarded for information & necessary action to the:-

1. Principle GHS Kunda w/r to his No. 1180, dated: 07-08-2015 alongwith original service book.
2. District Accounts Officer Swabi.

Handwritten signature and stamp of Principal GHS Kunda
PRINCIPAL
G.H.S. Kunda, Dist. Swabi

Handwritten signature and date
DY: DISTRICT EDUCATION OFFICER,
(MALE) SWABI

ATTESTED



5
⑧

OFFICE OF THE ³ PRINCIPAL GOVT: HIGH SCHOOL KUNDA (SWABI).

FOR THE MONTH OF 4 Nov/2015

Page No. 2

Position Code = 80229367.

DDO Code⁵ Description⁶ **S U 6 0 9 0**

Cost Center) **GHS KUNDA DISTT:SWABI.**

National ID⁹
Card No: _____

Personal⁷ Employee
Number) Name **0 0 2 2 9 1 2 8**

Grade (Pay
Scal(G)10 11 **0 2 Chowkidar MR. Abdul Raouf Khan.**

Salary¹² Status Start Stop

| Adjust in Pay - | GENERAL DATA CHANGE ¹³ | | | CHANGE IN PAYMENTS/DEDUCTION ¹¹ | | | Effective Date ²¹ | Remarks ²² |
|--------------------|-----------------------------------|---------------------------|------------------------|--|--------------------------------|-------------------------|---------------------------------|---|
| | Info ¹⁴ Type | Field ID ¹⁵ | Comments ¹⁶ | Wage Type ¹⁸ | Amount Rupees ¹⁹ | Deductions Paise Adj | | |
| | 5801 | 38805/2 | Pay | 0001 | 12935- | | | Adjustment in GHS Kunda Wide DEO (M) Sumbi No. 12027-28 dated 21-8-2015. Arrear we. A-01-8-15 to 31-10-2015 (3 months -) |
| Adj. P-P- | 5851 | 2640/2 | P-P | 0033 | 880- | 3002 - GPF = 482- | 01.11.2015 | |
| Adj. HRA | 5002 | 2730/2 | HRA | 1000 | 910- | 3501 - B.F = 120- | | |
| Adj. CONV | 5011 | 5355/2 | Conv. | 1210 | 1785- | 3604 - GIF = 58- | | |
| Adj. WA | 5070 | 300/2 | W-A | 1565 | 100- | 3511 - GIF = 03- | | |
| Adj. DA | 5026 | 300/2 | D.A | 1576 | 100- | 3640 - EWF = 50- | | |
| Adj. MA | 5012 | 4500/2 | M-A | 1300 | 1500- | Total = 713/2 | | |
| Adj. 50% | 5859 | 9051/2 | 50% | 1948 | 3017- | Adjustment Deduction | | |
| Adj. 15% | 5309 | 4806/2 | 15% | 2148 | 1602- | 6075 - GPF = 1119-00 | | |
| Adj. 10% | 5950 | 3204/2 | 10% | 2174 | 1068- | 6001 - B.P = 360-00 | | |
| Adj. 10% | | 3882/2 | 10% | 2199 | 1294- | 6006 - GIF = 174-00 | | |
| | | | | | | 4145 - Ad. GIF = 09-00 | | |
| | | | | | | 6060 - EWF = 150-00 | | |
| Total = 75573/2 | | Total = 25191-00 | | Total 1812/2 | | | | |

Prepared By 23

Audited/Checked By 24

25 Entered Verified By

ATTESTED

PRINCIPAL
G.H.S. Kunda Distt: Swabi

9. Signature of Government servant
(مستحقک کے نام سے)

10. Signature and designation of the Head of the Office, or other Attesting Officer

| 1000 | Receipt No. | 01151 | 01152 | 01202 | 01203 | 01207 | 01208 | 01217 | 120X | 121 | | |
|-----------|-------------|--------|--------|--------|-------|-------|--------|--------|--------|--------|---------------------|------------|
| Check | Pay | P.P | HRA | CONV: | W.A | D.A | M.A | 50% | 15% | 10% | 10% | |
| 1-8-2015 | | | | | | | | | | | | |
| 31-8-2015 | = 12935/- | 880/- | 910/- | 1785/- | 100/- | 100/- | 1500/- | 3017/- | 1602/- | 1068/- | 1294/- | Rs=25191/- |
| 1-9-2015 | | | | | | | | | | | | |
| 30-9-2015 | = 12935/- | 880/- | 910/- | 1785/- | 100/- | 100/- | 1500/- | 3017/- | 1602/- | 1068/- | 1294/- | Rs=25191/- |
| 1-10-2015 | | | | | | | | | | | | |
| 1-10-2015 | = 12935/- | 880/- | 910/- | 1785/- | 100/- | 100/- | 1500/- | 3017/- | 1602/- | 1068/- | 1294/- | Rs=25191/- |
| <hr/> | | | | | | | | | | | | |
| | 38805/- | 2640/- | 2730/- | 5355/- | 300/- | 300/- | 4500/- | 9051/- | 4806/- | 3204/- | 3882/- | Rs=75573/- |
| | | | | | | | | | | | Deduction Rs=1812/- | |

Deduction

EPF Rs= 373 x 3 = 1119/-
 B.F. Rs= 120 x 3 = 360/-
 EIF Rs= 58 x 3 = 174/-
 Ad. EIF Rs= 03 x 3 = 09/-
 EWF Rs= 50 x 3 = 150/-

 Total = 1812/-

Net Pay Rs= 73761/-


 PRINCIPAL
 G.H.S. Kunda Distt: Swabi



692
7/18/15

9

GS&PD.K.P.K. 534-PFC-5000 Pads of 100

Date: _____

OFFICE OF THE **PRINCIPAL GOVT: HIGH SCHOOL KUNDA (SWABI).**

FOR THE MONTH OF 4 Nov/2015

Page No. 2

DDO Code⁵ Description⁶ **S U 6 0 9 0**

Position Code = 80229367-

Cost Center) **GHS KUNDA DISTT:SWABI.**

National ID⁹

Personal⁷ Employee Number) Name **0 0 2 2 9 1 2 8**

Card No: _____

Grade (Pay. Scal(G)10 11 **0 2** Chaukialay MR. Abdul Razaf Khan.

Salary¹² Status Start Stop

| Adjust in Pay - | GENERAL DATA CHANGE ¹² | | Wage Type ¹⁸ | CHANGE IN PAYMENTS/DEDUCTION ¹⁷ | | Effective Date ²¹ | Remarks ²² |
|-----------------|-----------------------------------|------------------------|-------------------------|--|-------------------------------------|---|--|
| | Info ¹⁴ Type | Field ID ¹⁵ | | Regular | Amount | | |
| Adj. P-P | 5801 | 38805/2 | Reg 0001 | 12935- | 3002 - GPF = 482- | 01.11.2015 | Adjustment in GHS Kunda vide DDO (M) Swabi No-12027-28 dated 21-8-2015. Annexure w.e.f. 01-8-15 to 31-10-2015 (3 months -) |
| Adj. HRA | 5802 | 2730/2 | HRA 1000 | 910- | 3501 - B.F = 120- | | |
| Adj. CONV | 5811 | 5355/2 | CONV 1210 | 1785- | 3604 - GPF = 58- | | |
| Adj. WA | 5820 | 300/2 | W-A 1565 | 102- | 3511 - Ad ¹ GPF = 03- | | |
| Adj. DA | 5826 | 300/2 | D-A 1576 | 102- | 3640 - EWP = 50- | | |
| Adj. MA | 5812 | 4500/2 | M-A 1300 | 1500- | Total = 713/2 | | |
| Adj. 50% | 5859 | 9051/2 | 50% 1948 | 3017- | Adjustment Deduction | | |
| Adj. 15% | 5809 | 4806/2 | 15% 2148 | 1602- | 6075 - GPF = 1119 - 00 | His date of birth according to service books and CNIC is (01-07-1957) | |
| Adj. 10% | 5850 | 3204/2 | 10% 2174 | 1068- | 6001 - B-F = 360 - 00 | | |
| Adj. 10% | | 3882/2 | 10% 2199 | 1294- | 6006 - GPF = 174 - 00 | | |
| | | | | | 414 - Ad ¹ GPF = 09 - 00 | | |
| | | | | | 6060 - EWP = 150 - 00 | | |
| Total | | 75573/2 | | 25191-00 | | | |
| Deduct | | 1812/2 | | 713-00 | | | |
| Net | | 73761/2 | | 24478/2 | | | |

Prepared By 23
Deduct = 1812/2
Net = 73761/2

Audited/Checked By 24
713-00
Net. 24478/2

Total 1812/2
25 Entered/Verified By
PRINCIPAL
G.H.S. Kunda Distt: Swabi

9. Signature of Government servant
10. Signature and designation of the Head of the Office, or other Attesting Officer

Abdur
Rauf Khan
Chowk

01137 01152 01202 01203 01207 01208 01217 120X 121
Pay P.P HRA Conv. N.A. D.A M.A 50% 15% 10% 10%

| | | | | | | | | | | | | | |
|---------------|----------|--------|--------|--------|-------|-------|--------|--------|--------|--------|--------|------------|-------------|
| 01-8-2015 to | | | | | | | | | | | | | |
| 31-8-2015 | =12935/- | 880/- | 910/- | 1785/- | 100/- | 100/- | 1500/- | 3017/- | 1602/- | 1068/- | 1294/- | | Rs. 25191/- |
| 01-9-2015 to | | | | | | | | | | | | | |
| 30-9-2015 | =12935/- | 880/- | 910/- | 1785/- | 100/- | 100/- | 1500/- | 3017/- | 1602/- | 1068/- | 1294/- | | Rs. 25191/- |
| 01-10-2015 to | | | | | | | | | | | | | |
| 31-10-2015 | =12935/- | 880/- | 910/- | 1785/- | 100/- | 100/- | 1500/- | 3017/- | 1602/- | 1068/- | 1294/- | | Rs. 25191/- |
| <hr/> | | | | | | | | | | | | | |
| | 38805/- | 2640/- | 2730/- | 5355/- | 300/- | 300/- | 4500/- | 9051/- | 4806/- | 3204/- | 3882/- | | Rs. 75573/- |
| | | | | | | | | | | | | Deductions | Rs. 1812/- |

Deduction

- GPF Rs. 373 x 3 = 1119/-
- B.F. Rs. 720 x 3 = 360/-
- E.I.F. Rs. 58 x 3 = 174/-
- Ad. E.I.F. Rs. 03 x 3 = 09/-
- E.C.P. Rs. 50 x 3 = 150/-

- Total = 1812/-

Net Pay Rs. 73761/-

(Signature)
PRINCIPAL
G.H.S. Kunda Distt. Swat

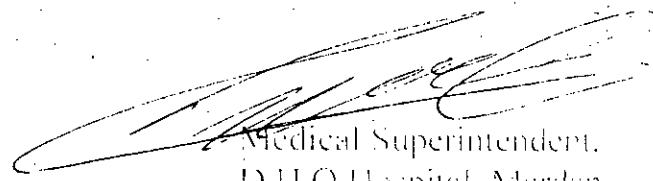
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OFFICE OF THE MEDICAL SUPERINTENDENT
DISTRICT HEADQUARTERS HOSPITAL MARDAN
Ph # 0937-9230145 Fax # 9230226
msdhq09379230145@gmail.com

No. 2029 /MS/PA dated Mardan the 16 /03/2016

AGE ASSESSMENT CERTIFICATE.

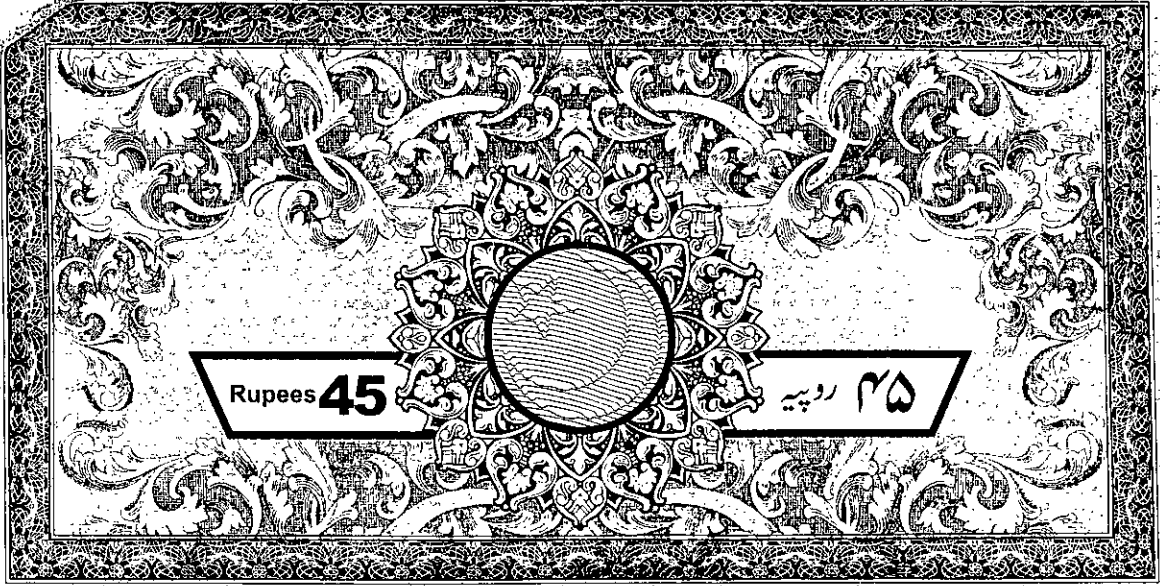
Certified that I have examined Mr. Abdur Raul Khan S/O Umara Khan resident of village Ambar Tehsil Tahor District Swabi today on 16.03.2016. According to Birth certificate of village Secretary, Union Council, Ambar District Swabi Service Book and CNIC his date of birth is 01.07.1957 and is correct.



Medical Superintendent,
D.H.Q Hospital, Mardan.
Medical Superintendent
D H Q. Hospital, Mardan.

Handwritten signature and date
21/3/2016

ATTESTED
Handwritten signature

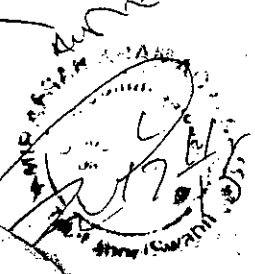


بیان علی

مذہب عبدالرزاق خان ولد عمر افغان ساکنی مشہور پانڈہ کھنڈہ تحصیل ہیڈ کوارٹر سوہاگہاں ضلع
 لہذا بیان ستمبر ۱۹۵۷ء کو سٹی سوہاگہاں ٹرنٹ ہائی سکول کھنڈہ میں بطور جو کنگ
 تصدیق کر کے پانڈہ میں ستمبر ۱۹۵۷ء میں درجے تاریخ پیدائش ۱۹۵۷-۰۷-۰۱ دیکھ اور وہ لگ بھگ
 پانڈہ میں ہی تاریخ پیدائش ۱۹۵۷-۰۷-۰۱ دیکھ جو کہ کھنڈہ میں پیدائش کے مطابق ہے اور مذکورہ
 میں ہی تاریخ پیدائش ۱۹۵۷-۰۷-۰۱ دیکھ کہ کھنڈہ میں ہی پیدائش کے مطابق ہے اور مذکورہ
 میں ہی تاریخ پیدائش ۱۹۵۷-۰۷-۰۱ دیکھ کہ کھنڈہ میں ہی پیدائش کے مطابق ہے اور مذکورہ
 میں ہی تاریخ پیدائش ۱۹۵۷-۰۷-۰۱ دیکھ کہ کھنڈہ میں ہی پیدائش کے مطابق ہے اور مذکورہ
 میں ہی تاریخ پیدائش ۱۹۵۷-۰۷-۰۱ دیکھ کہ کھنڈہ میں ہی پیدائش کے مطابق ہے اور مذکورہ
 میں ہی تاریخ پیدائش ۱۹۵۷-۰۷-۰۱ دیکھ کہ کھنڈہ میں ہی پیدائش کے مطابق ہے اور مذکورہ
 میں ہی تاریخ پیدائش ۱۹۵۷-۰۷-۰۱ دیکھ کہ کھنڈہ میں ہی پیدائش کے مطابق ہے اور مذکورہ

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۱۱-۱-۱۹۸۶ ۱۶۲۰۵۸۲۹۹۶
 عبدالرزاق خان
 عبدالرزاق خان



Received
 17/11/15
 PRINCIPAL
 G.S. Kundla Sindh

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To

The Director Education,
(E&SE), KPK, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL FOR RELEASE OF SALARIES OF THE APPELLANT FROM 01.09.2013 TILL DATE AND ON WARD

Respected Sir,

1. That the appellant is working as Chowkidar in GHS Khanda (Swabi).
2. That the exact date of birth of the appellant is 01.07.1957 which is mentioned in CNIC as well as in the Service Book of the appellant, but the AG Office inadvertently written the date of birth of appellant in pay roll as 12.09.2153.
3. That due to incorrect mentioning date of birth by the AG office in the pay roll system, the salaries of the appellant were stopped by the AG office from 01.09.2013 without any order of stoppage of salary from the department side as the AG office considered the appellant as retired after attaining the age of superannuation, but the appellant is still on the strength of the department and regularly performing his duty.
4. That now the appellant filed the departmental appeal on the following grounds.
 - A) That the stoppage of salaries by the AG office is against the law, rules and material on record, as the appellant is still on the strength of the department and performing his duty regularly.
 - B) That the exact date of birth of the appellant is 01.07.1957 which is mentioned in CNIC as well as in the Service Book of the appellant but the AG Office inadvertently written the date of birth of appellant in pay roll system as 12.09.1953 and due to which the salaries of the appellant were stopped from 1.9.2013 by considering the appellant as retired after attaining the age of superannuation, where as till date the appellant has not been retired from service by the parent Deptt: which means the appellant is punished for the fault of the others.

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- C) That the appellant is still on the strength of the department and regularly performing his duty and is entitled to pay for the service he rendered to the department.
- D) That according to section 17 of the Civil Servant Act, 1973, the appellant is entitled for the salaries as he is still performing his duty.
- E) That according Article-11 of the Constitution of Pakistan, force labour is prohibited and not paying salaries to the appellant despite the fact that he is regularly performing is come in the preview of force labour which is prohibited by the Constitution of Pakistan.
- F) That the appellant has been condemned unheard and has not been treated according to law and rules.

It is therefore, most humbly requested that the salaries of the appellant may be released from 01.09.2013 till date and onwards by accepting this departmental appeal.

Date: 28.4.2016.

Appellant: *عبدالروف*
Abdur Rauf, Chowkidar,
GHS KHunda (Swabi)
Cell No. 0306-5678011

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Abdur Rauf

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Educational Dept.

(Respondent)
(Defendant)

I/We Abdur Rauf (Appellant)

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate, 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

سید ابرو و خان

Dated _____/20

(CLIENT)

ACCEPTED

M. Asif Yousafzai

M. ASIF YOUSAFZAI

Advocate

Tamim Ali Khan
(Advocate)

M. ASIF YOUSAFZAI

Advocate High Court,
Peshawar.

OFFICE:

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Khyber Bazar Peshawar.

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