


FORM OF ORDER SHEET

Court of _____

Appeal No. 2245/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/10/2023	<p>The appeal of Mr. Shamsul Haq presented today by Mr. Mir Zaman Safi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on Parcha Peshai is given to the counsel for the appellant:</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

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

APPEAL NO. 2245 /2023

Shams Ul Haq PTC BPS 12 VS *EDUCATION DEPTT:

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APPELLANT

THROUGH:


Yasir Saleem

&



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 2245/2023

Mr Shams Ul Haq PTC BPS 12 in district education Officer District North Waziristan**APPELLANT.**

Versus

1. Director education merged districts, 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 NO. 3 BY NOT RELEASING SALARIES W.E.F 01.07.2014 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 01.07.2014 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 01.07.2014 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 (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 Islam c 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 Gov. 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.


 APPELLANT

THROUGH: 
 Yasir Salem
 & 
 Mir Zaman
 Advocates High Court

Certificate:

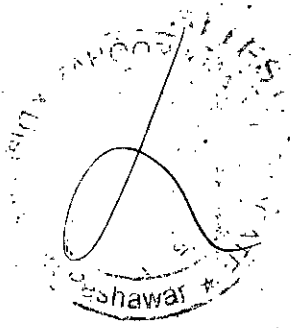
That no earlier appeal is preferred before this august tribunal.


 Deponent

Affidavit:

I Shams Ul Haq 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 



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/TT/CT on contract basis in BPS-7/15 schools mention against each on the following terms and conditions with effect from the date of taking over charge.

- | | |
|---|--|
| (1) Amin Ullah PTC GPS Zindai | (14) Wajiha TT GGPS Mir Ghulam Kot |
| (2) Syed Noor Shah PTC GPS Miran Shah Village | (15) Salma TT GGPS Akbar Khan kot |
| (3) Manzoor Ahmad PTC GPS Tappi | (16) Rahid Ullah PTC GHS Darpakhail |
| (4) Shafiq Ahmad PTC GPS Mossaqi | (17) Rehmat Ullah TT GPS Data Khail |
| (5) Muhammad Ullah PTC GPS M Aslam kot | (18) A if Ullah PTC GPS Inayat Khan Kot |
| (6) Sher Dad Ullah PTC GPS Mir Bahadar | (19) Javed PTC GPS Assar |
| (7) Shams Ul Haq PTC GPS Jalat Khan Kot | (20) Khalil Ur Rehman PTC GPS Civil colony |
| (8) Saddiq Ur Rehman PTC GPS Diwaigar | (21) A.bid Ullah PTC GPC Darpakhail |
| (9) Inam Ullah PTC GPS Raghzai Kalay | (22) Asmat Ullah PTC GPS Awal Khan Kot |
| (10) Zafran Ullah PTS GPS Nazar Kot | (23) Mohib-Ullah CT GMS Darparkhail |
| (11) Sabit Rehman PTS GPS Ozai | (24) Atta Ur Rehman PTC GPS Mashar Kot |
| (12) Haroon Khan PTS GPS Nadeem Kot | (25) Iftikhar Ud Din PTC GPS Loli Pakiran |
| (13) Hayat Ullah PTC GPS M Aslam Kot | (26) Said Ahmad PTC GPS Miran Shah Village |
| | (27) Fozia Sawab PTC GGPS Akhtar Nawaz Kot |

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


AGENCY EDUCATION OFFICER
North Waziristan Agency

Ends/: 218-26Dated 15/3/1-2014

Copy to the:-

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

ATTESTED


AGENCY EDUCATION OFFICER
North Waziristan Agency

To,

District Education Office
North Waziristan Agency.

SUBJECT: CHARGE REPORT/ARRIVAL REPORT.

I Mr/MST Shams ul Haq took my charge as PST on dated

15/3/2019 I am performing my duty regularly.

Name Shams ul Haq

Designation PST

RECEIVED

7

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6

OFFICE OF THE HEADMASTER GHS DARPAKHAIL NORTH WAZIRISTAN DISTRICT

SUBJECT: DUTY PERFORMANCE CERTIFICATE

Certified that Mr/ MST Shams ul Haq 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 OFFICE
NORTH WAZIRISTAN DISTRICT.**

V

Amer € (7)

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

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

Dated: 27/01/2023

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) Amin Ullah PTC GPS Zindai | (14) Wajiha TT GGPS Mir Ghulam Kot |
| (2) Syed Noor Shah PTC GPS Miran Shah Village | (15) Salma TT GGPS Akbar Khan kot |
| (3) Manzoor Ahmad PTC GPS Tappi | (16) Rahid Ullah PTC GHS Darpakhail |
| (4) Shafiq Ahmad PTC GPS Mossaqi | (17) Rehmat Ullah TT GPS Data Khail |
| (5) Muhammad Ullah PTC GPS M Aslam kot | (18) Arif Ullah PTC GPS Inayat Khan Kot |
| (6) Sher Dad Ullah PTC GPS Mir Bahadar | (19) Javed PTC GPS Assar |
| (7) Shams Ul Haq PTC GPS Jalat Khan Kot | (20) Khalil Ur Rehman PTC GPS Civil colony |
| (8) Saddiq Ur Rehman PTC GPS Diwaigar | (21) Abid Ullah PTC GPC Darpakhail |
| (9) Inam Ullah PTC GPS Raghzai Kalay | (22) Asmat Ullah PTC GPS Awal Khan Kot |
| (10) Zafran Ullah PTS GPS Nazar Kot | (23) Mohib Ullah CT GMS Darparkhail |
| (11) Sabit Rehman PTS GPS Ozai | (24) Atta Ur Rehman PTC GPS Mashar Kot |
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| (13) Hayat Ullah PTC GPS M Aslam Kot | (26) Said Ahmad PTC GPS Miran Shah Village |
| | (27) Fozia Sawab PTC GGPS Akhtar Nawaz Kot |

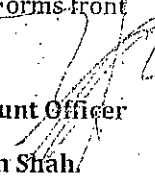

District Accounts Officer
NW Miran Shah

It is therefore, requested that the above named Class-IV may kindly be confirmed as 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 from the DEO NW Miran Shah.

ATTESTED


District Account Officer
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.

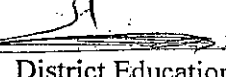
- | | |
|---|--|
| (1) Amin Ullah PTC GPS Zindai | (14) Wajiha TT GGPS Mir Ghulam Kot |
| (2) Syed Noor Shah PTC GPS Miran Shah Village | (15) Salma TT GGPS Akbar Khan kot |
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| (4) Shafiq Ahmad PTC GPS Mossaqi | (17) Rehmat Ullah TT GPS Data Khail |
| (5) Muhammad Ullah PTC GPS M Aslam kot | (18) Arif Ullah PTC GPS Inayat Khan Kot |
| (6) Sher Dad Ullah PTC GPS Mir Bahadar | (19) Javed PTC GPS Assar |
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| (9) Inam Ullah PTC GPS Raghzai Kalay | (22) Asmat Ullah PTC GPS Awal Khan Kot |
| (10) Zafran Ullah PTS GPS Nazar Kot | (23) Mohib Ullah CT GMS Darparkhail |
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| (13) Hayat Ullah PTC GPS M. Aslam Kot | (26) Said Ahmad PTC GPS Miran Shah Village |
| | (27) Fozia Sawab PTC GGPS Akhtar Nawaz Kot |


District Education Officer
North Waziristan District

Endst: No. 37150-54 / Dated 24/01/2023.

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

To

The Honorable Secy EPSED UP
Peshawar

Amor E (3)

General Appeal for release of pay stopped illegally by DDO north

With great respect it is stated that our pays were stopped without any cogent reason by the Ex. DDO north. We have already lodged appeal to the DE merged area. The DE merged area was kind enough to issue release order to DDO north. The DDO constituted enquiry committee on the order. The committee submitted report to DDO. But in the meanwhile the process was under process and the new DDO was posted, reappointed to the new DDO and the new DDO was kind enough and bill prepared and submitted to the DAO office. The DAO office raised observation and the DDO removed the observation and re submitted the bills to the DAO office which is still pending in his office. It is kindly requested in your kind view that a necessary order may kindly be passed to DDO & DE merged area for pass the bills as soon as possible being long paid. Yours sincerely

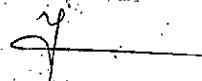
Dated 30/4
023

List of teachers are as under

Yours Sincerely
Aminullah PTC

- 1) Aminullah PTC
- 2) Syed Noor Bakh PTC
- 3) Manzoor Ahmad PTC
- 4) Shafiq Ahmad PTC
- 5) Muhammadullah PTC
- 6) Sherdadullah PTC
- 7) Shams ul Haq PTC
- 8) Saad ul Rehman PTC
- 9) Inamullah PTC
- 10) Zafarullah PTC
- 11) Eshik Rehman PTC
- 12) Haroon Khan PTC
- 13) Hayatullah PTC
- 14) Najiba TT
- 15) Salma TT
- 16) Rabidullah PTC
- 17) Rehamatullah TT
- 18) Arifullah PTC
- 19) Javed PTC
- 20) Ihtisham Rehman PTC
- 21) Atiqullah PTC
- 22) Asmatullah PTC
- 23) Mubtillah e PTC
- 24) Atta ul Rehman PTC
- 25) Iftikhar ul Haq PTC
- 26) Syed Ahmad Ullah PTC
- 27) Faizia Samad PTC

ATTESTED



WAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

_____ OF 2023

Shams ul Haq

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt. of K.P. & W.P.

(RESPONDENT)
(DEFENDANT)

I/We Shams ul Haq

Do hereby appoint and constitute, Yasir Saleem & Mir Zaman safi
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: 23/06/2023

[Signature]
CLIENT(S)

ACCEPTED

YASIR SALEEM

&

Mir Zaman safi

Advocate Peshawar High Court.