


FORM OF ORDER SHEET

Court of _____

Appeal No. 2280/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/11/2023	<p>The appeal of Mst. Fulmima 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. 2280 /2023

Tulmima PTC BPS 12

VS

EDUCATION DEPTT:

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APPELLANT

THROUGH:


Yasir Saleem
&



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 2280 /2023

Mr. Tulmima 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 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

4

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

- (3)
- 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:

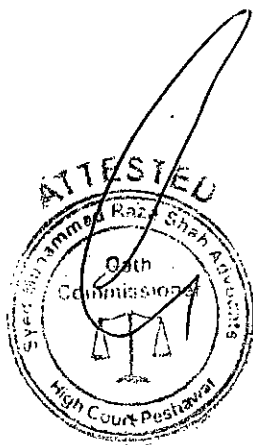
That no earlier appeal is preferred before this august tribunal.


Deponent

Affidavit:

I Tulmima 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 



10 1 NOV 2023

**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. Krishma PTC GGPS Alif Khan kot
2. Sami Ullah TT GPS Datakhel
3. Syed Asad Ullah TPC GPS Darpakhel
4. Naseem Ullah CT GMS Chashma Khadarkhel
5. Abdul Majid PTC GPS Noor Khan kot
6. Siraj Ud Din PTC GPS Mir Bahardar kot
7. Muhammad Salam PTC GPS Jalat Khan kot
8. Tulmima 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

APPROVED

[Signature]
AGENCY EDUCATION OFFICER
North Waziristan Agency

Ends/: 318-20

Dated 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

[Signature]
AGENCY EDUCATION OFFICER
North Waziristan Agency

To,

District Education Office
North Waziristan Agency.

SUBJECT: CHARGE REPORT/Ah'RRIVAL REPORT.

I Mr/ MST Tulmims took my charge as DSE on dated

16/3/2014 I am performing my duty regularly.

Name Tulmims

Disegnation DSE

ATTESTED

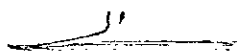


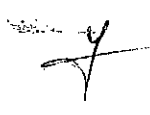
ATTESTED

OFFICE OF THE HEADMASTER GHS DARPAKHAIL NORTH WAZIRISTAN DISTRICT

SUBJECT: DUTY PERFORMANCE CERTIFICATE

Certified that Mr/ MST Fulmina 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.



Amr. C 6

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.

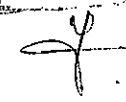
Memo,

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. Krishma PTC GGPS Alif Khan kot
2. Sami Ullah TT GPS Datakhel
3. Syed Asad Ullah TPC GPS Darpakhel
4. Naseem Ullah CT GMS Chashma Khadarkhel
5. Abdul Majid PTC GPS Noor Khan kot
6. Siraj Ud Din PTC GPS Mir Bahardar kot
7. Muhammad Salam PTC GPS Jalat Khan kot
8. Tulumima PTC GGPS Akhtar Nawaz kot

ATTESTED


ATTESTED


District Accounts Officer
NW Miran Shah

It is therefore, requested that the above named Class-IV may kindly be confi 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.

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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 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. Krishma PTC GGPS Alif Khan kot
2. Sami Ullah TT GPS Datakhel
3. Syed Asad Ullah TPC GPS Darpakhel
4. Naseem Ullah CT GMS Chashma Khadarkhel
5. Abdul Majid PTC GPS Noor Khan kot
6. Siraj Ud Din PTC GPS Mir Bahardar kot
7. Muhammad Salam PTC GPS Jalat Khan kot
8. Tulumima PTC GGPS Akhtar Nawaz kot

[Signature]

[Signature]
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.

[Signature]
District Education Officer
North Waziristan District

To

The Honorable (Deputy) DSO
Peshawar

Amran E (9)

Request Appeal for release of pay stopped illegally by DSO North

With great respect it is stated that our pay was stopped without any cogent reason by the Ex. DSO North. We have already lodged appeal to the DE merged area. The DE merged area was kind enough & issued release order to DSO North - The DSO constituted enquiry committee in the order. The committee submitted report to DSO. But in the meantime the process was under process and the new DSO was posted. Accordingly the new DSO and the new DSO was kind enough and bill prepared and submitted to the DSO office. The DSO office raised observation and the DSO removed the observation and re submitted the bills to the DSO office which is still pending in the office.

It is requested that necessary order may kindly be passed to DSO & DE merged area for

Passing the bills as soon as possible so if low paid bills are
Dated 30/4/023

List of teachers are as under

- 1) Aamirullah PTL
- 2) Syed Noor Saah PTL
- 3) Manzoor Ahmad PTL
- 4) Sheraz Ahmad PTL
- 5) Muhammadullah PTL
- 6) Sherdadullah PTL
- 7) Shams-ul-Haq PTL
- 8) Saif-ur-Rahman PTL
- 9) Inamullah PTL
- 10) Zafarullah PTL
- 11) Sabith Rehman PTL
- 12) Laminullah PTL
- 13) Hayatullah PTL
- 14) Wajina TT
- 15) Salma TT
- 16) Rahidullah PTL
- 17) Belmatullah PTL
- 18) Arifullah PTL
- 19) Javed PTL
- 20) Iqbal-ur-Rehman PTL
- 21) Atiqullah PTL
- 22) Asmatullah PTL
- 23) Mehribullah PTL
- 24) Atta-ur-Rehman PTL
- 25) Iftikhar-ud-din PTL
- 26) Syed Ahmad Ullah PTL
- 27) Farzina Samad PTL
- 28) Iqbal-ur-Rehman PTL
- 29) Samiullah PTL
- 30) Syed Asadullah PTL
- 31) Nasimullah PTL
- 32) Abdul Majid PTL
- 33) Tulomina PTL

ATTESTED

[Signature]

ATTESTED

[Signature]

WAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

OF 2023

Tulmiya

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Spent 7. 10p & others

(RESPONDENT)
(DEFENDANT)

I/We Tulmiya

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. 7/11/2023

CLIENT(S)

ACCEPTED

YASIR SALEEM

&

Mir Zaman safi

Advocate Peshawar High Court.