


# FORM OF ORDER SHEET

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

**Appeal No.**

**2434/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/11/2023	<p>The appeal of Mr. Hamid Ullah presented today by Mr. Kamran Khan 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  REGISTRAR</p>

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

Appeal NO. \_\_\_\_\_/2023  
Hamid Ullah VS GOVT OF KPK

**APPLICATION FOR FIXATION OF THE ABOVE TITLED Appeal AT**  
**PRINCIPAL SEAT, PESHAWAR**

Respectfully Sheweth:

1. That the above mentioned Appeal is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

**It is therefore prayed that on acceptance of this application, the appeal may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.**

Appellant/Applicant

Dated: 20/11/23

Through

Kamran Khan

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

APPEAL No. 2434/2023

**HAMID ULLAH**

**VS**

**EDUCATION DETP:**

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**APPELLANT**

**THROUGH:**

  
**KAMRAN KHAN**  
**ADVOCATE**

-1-

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

**SERVICE APPEAL NO. 2134/2023**

Mr. Hamid Ullah, Theology Teacher (BPS-15),  
GPS Mozamin Khan Killi, District Bajaur.

.....**APPELLANT**

**VERSUS**

- 1- The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Education Officer, District Bajaur.
- 3- The District Account Officer, District Bajaur.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ILLEGAL DEDUCTION/ RECOVERY FROM THE SALARY OF THE APPELLANT AND AGAINST AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this service appeal the impugned deduction/ recovery from the appellant may please be set aside, furthermore the recovery so made be declared as illegal and the respondents be directed to repay the same to the appellant with all back benefits. Any other remedy which this august Tribunal deems fit that may also be granted in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That the appellant is an employee of the respondents department and was performing his duty as Theology Teacher quite efficiently and whole heartedly and up to the entire satisfaction of his superiors.

- 2- That while performing his duty with devotion and honesty the appellant was dismissed from service vide order dated 19.10.2015.
- 3- That feeling aggrieved the appellant assailed the dismissal order through departmental appeal followed by service appeal No. 261/2016 before this August service tribunal which was accepted vide judgment dated 05.07.2018 with the direction to reinstate the appellant. Copy of the judgment is attached as annexure .....A.
- 4- That in pursuance to the judgment supra the appellant was reinstated vide order dated 17.09.2018 with all back benefits. Copy of the order dated 17.09.2018 is attached as annexure .....B.
- 5- That all of sudden the respondents started deduction from the salary of the appellant without any reason and justification and the subject deduction is reflected in the pay slip of the appellant. Copy of the pay slip is attached as annexure .....C.
- 6- That appellant visited the respondents regarding clarification of the impugned deduction but in vain and finally the appellant preferred departmental appeal but the same has not been decided within the stipulated period of ninety days. Copy of the departmental appeal is attached as annexure .....D.
- 7- That the appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned illegal deduction/ recovery from the salary of the appellant without any reasons and justification are against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- C- That no justification or any reason has been attributed to the appellant before the initiation of the impugned recovery/ deduction.

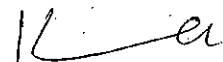

-3-

- D-That the impugned illegal deduction/ recovery from the salary of the appellant is in violation of Article 11 and Article 38(e) of the Constitution of the Islamic republic of Pakistan, 1973.
- E- That the impugned illegal deduction/ recovery from the salary of the appellant is also in violation of section 17 of the Khyber Pakhtunkhwa Civil Servant Act, 1973.
- F- That the appellant seeks permission to advance any other ground 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**  
**HAMID ULLAH**

THROUGH:

  
**KAMRAN KHAN**  
&   
**WALEED ADNAN**  
**ADVOCATES**

**AFFIDAVIT**

I do hereby solemnly affirm that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and nothing have been concealed from this Honorable tribunal.

  
**DEPONENT**

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

**SERVICE APPEAL No. \_\_\_\_\_/2023**

**HAMID ULLAH VS EDUCATION DETP:**

**APPLICATION FOR RESTRAINING THE RESPONDENTS  
FROM THE ILLEGAL DEDUCTION/ RECOVERY TILL THE  
DISPOSAL OF THE ABOVE-MENTIONED APPEAL**

**R/SHEWETH:**

- 1- That the above-mentioned appeal along with this application has been filed the appellant before this august service Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above-mentioned appeal against the illegal and unlawful recovery/ deduction from his salary.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.

It is therefore, most humbly prayed that on acceptance of this application the respondents be restrained from the illegal recovery/ deduction from the monthly salary of the appellant/ applicant till the disposal of the above-mentioned service appeal.

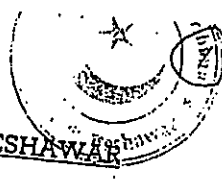
Dated: 16.11.2023

**THROUGH:**

**APPLICANT**

  
**KAMRAN KHAN  
ADVOCATE**

"A"



-5-

BEFORE THE CHAIRMAN SERVICE TRIBUNAL, PESHAWAR

S.A.No. 261 /2016.

Harrid Ullah Khan S/o Habibullah Khan

R/o Khaar P/o Khas Khaar, Tehsil Khar, Bajaur Agency

Sh. F. F. Secretary  
Service  
Registry No. 184  
Date 4-3-2016

Appellant

Versus

- 1) Director of Education FATA, FATA Secretariat, Warsak Road, Peshawar.
  - 2) Agency Education Officer, Bajaur at Khar.
  - 3) Political Agent Bajuar at Khar.
- Respondents

Appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order of respondent No.2 dated 19.10.2015, whereby the appellant has been dismissed from service without any inquiry and reason.

Prayer

On acceptance of the instant appeal the impugned order of respondent No.2 dated 19.10.2015 be declared as illegal, unlawful and without lawful authority and to re-instate the appellant to his service forthwith with all back benefits

Filed to-day  
4/3/16

Re-submitted to-day  
and filed.  
Registered

ATTESTED

Khyber Pakhtunkhwa



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 261/2016

Date of Institution ..... 04.03.2017

Date of Decision ..... 05.07.2018



Hamid Ullah Khan S/o Habibullah Khan,  
R/o Khaar P/o Khas Khaar, Tehsil Khar, Bajaur Agency. .... (Appellant)

VERSUS

1. Director of Education FATA, FATA Secretariat, Warsak Road,  
Peshawar and 2 others. .... (Respondents)

Mr. Gul Rehman Mohmand,  
Advocate ..... For appellant.

Mr. Sardar Shoukat Hayat,  
Additional Advocate General ..... For respondents.

MR. AHMAD HASSAN, ..... MEMBER (Executive)  
MR. MUHAMMAD AMIN KHAN KUNDI ..... MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER. - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The brief facts are that the appellant has been dismissed from service vide impugned order dated 19.10.2015. feeling aggrieved he preferred departmental appeal on 11.11.2015, which was not responded within stipulated period, hence the instant service appeal on 04.03.2016.

*[Handwritten signature and stamp]*

*[Handwritten scribble]*

ARGUMENTS

3. Learned counsel for the appellant argued that after observance of all codal formalities he was appointed as T.T (BPS-14) vide order dated 30.05.2013. After assuming the charge he started performing duty. Twice his documents were verified by the respondents from the quarters concerned. During 2<sup>nd</sup> enquiry his pay was stopped but subsequently released on 20.10.2014. That vide order dated 19.10.2015 he was dismissed from service on submitting fake documents. The impugned dismissal order was passed without following the procedure laid down in the rules and as such the appellant was condemned unheard.

4. On the other hand learned Additional Advocate General argued that he produced fake/hogus B.A Degree. That he was proceeded departmentally after getting his B.A degree verified. It proved fake/hogus. All those involved in producing hogus degree were dismissed including the appellant. The impugned order was passed in accordance with law and rules.

CONCLUSION

5. Perusal of relevant record revealed that the appellant was appointed as T.T on 30.05.2013. He passed an SSC in 1997, Shahadat-UI-Alia in 2001 and Shahadaul-Ul-Almia in 2003. He cleared/passed F.A in 2012. All these documents were got verified by the respondents and thereafter salary was released to him. The service book of the appellant available on record does not contain any entry about passing of B.A examination. Departmental representative when confronted on this point was unable to give any satisfactory reply. He was further confronted that when earlier documents of the appellant were twice verified, the issue of production of fake B A degree had not cropped up. However, he was unable to give any convincing response. The respondents dismissed the appellant on the basis of fact finding

E. M. ANSARI  
Khyber Pakhtunkhwa  
Service Tribunal  
ATTESTED

-8-

enquiry which is full of omissions. That punishment cannot awarded to a civil servant on the basis of fact finding enquiry. The respondents were further directed to produce original application submitted by the appellant at the time of appointment. Ample opportunities were afforded to the respondents to produce relevant record to substantiate the charge of production of fake degree. A photocopy of the application produced by the respondents appears bogus, as the signatures and other details did not match with the application produced by the appellant. It led us to infer that that the respondents dismissed the appellant on the basis of fabricated charges and were unable to defend their position during the course of hearing.

6. As a sequel to the above, the appeal is accepted and the impugned order dated 19.10.2015 is set aside and the appellant is reinstated in service. The intervening period may be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

Announced  
05.07.2018

*Sd/- Ahmad Hassan,*  
Member

*Sd/- M. Amin Khan Kundi,*  
Member

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation	12-7-18
Stamp Fee	1000
Copying Fee	10-00
Urgent	2-00
Total	12-00
Name of Officer	<i>[Signature]</i>
Date of Issue	12-07-18
Date of Delivery	12-07-18

- "B" - 9 -

OFFICE OF THE DISTRICT EDUCATION OFFICER  
DISTRICT BAJAUR AT KHAR

RE-INSTATEMENT ORDER

Consequent upon the decision taken by the honorable service Tribunal Khyber Pakhtoon Khwa Peshawar on 05/07/2018 duly forwarded by registrar Khyber Pakhtoon Khwa Service Tribunal Peshawar No. 1420/ST dated 12/07/2018, the services of Mr; Hamid Ullah Khan s/o Habib Ullah is hereby re-instated in service in the interest of public service with all back benefits.

(Amrullah Wazir)  
District Education Officer  
Bajaur

Endst: No: 841-15 Dated 17/9/2018

Copy forwarded to the:

- 1- Director of Education (NMD) FATA.
- 2- District Accounts Officer Bajaur.
- 3- Assistant District Education officer concerned.
- 4- Accountant of the local office.
- 5- Candidate concerned.

*Amrullah Wazir*  
District Education Officer  
Bajaur  
*Amrullah Wazir*

"C" -10-

Dist. Govt. KP-Provincial  
District Accounts Office Bajaur at Khar  
Monthly Salary Statement (July-2023)



Personal Information of Mr HAMID ULLAH d/w/s of HABIB ULLAH

Personnel Number: 50189252

CNIC: 2110322962747

Date of Birth: 02.04.1981

Entry into Govt. Service: 01.06.2013

NTN:

Length of Service: 10 Years 02 Months 001 Days

Employment Category: Active Temporary

Designation: THEOLOGY TEACHER

DDO Code: BJ6013-DEO Primary Education Bajaur

80925840-DISTRICT GOVERNMENT KHYBE

Payroll Section: 001

GPF Section: 001

GPF A/C No:

GPF Interest Free

Vendor Number: -

Cash Center:

GPF Balance:

195,360.00 (provisional)

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 10

Wage type		Amount	Wage type		Amount
0001	Basic Pay	43,720.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1528	Unattractive Area Allow	1,000.00	2148	15% Adhoc Relief All-2013	431.00
2316	Teaching Allowance 2021	3,224.00	2341	Dispr. Red All 15% 2022KP	4,213.00
2347	Adhoc Rel AI 15% 22(PS17)	4,214.00	2378	Adhoc Relief All 2023 35%	15,302.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3534	R. Ben & Death Comp Fresh	-600.00	3609	Income Tax	-750.00
3914	Education (ROP)	-8,380.00	3990	Emp.Edu. Fund KPK	-135.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
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Deductions - Income Tax

Payable: 8,995.31 Recovered till JUL-2023: 750.00

Exempted: 0.40-

Recoverable: 8,245.71

Gross Pay (Rs.): 79,984.00

Deductions: (Rs.): -15,355.00

Net Pay: (Rs.): 64,629.00

Fayee Name: HAMID ULLAH

Account Number: 4157032758

Bank Details: NATIONAL BANK OF PAKISTAN, 231595 KHAR (BAJAUR) BAJAUR AGENCY KHAR (BAJAUR) BAJAUR AGENCY,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: AEO

Temp. Address:

City:

Domicile: -

Email: hamidwasim499@gmail.com

Housing Status: No Official

بہر وقت خدا۔ وہ سب سے بڑا ہے اور کسب انصاف سے جانچو  
مخبر: حکیمانہ اور عقلی / درود اللہ علیہم اجمعین

صداقت!

میں نے گذشتہ دنوں کے مسائل آپ سے دریافت کیے ہیں اور ان کے حل  
نیابت فوری طور پر اور جلد سے لے کر ان کے حل کے لیے  
سرور مسائل کے لیے ہر طرف تلاش کیا۔ اپنی سرپرستی اور سب سے  
سرور کے لیے میں نے کوشش کی اور سرور کے مسائل کے لیے  
فتوے کے مسائل کو اپنی سرپرستی کے لیے کیا۔

بعد از فتورہ ایسے، آج کے مسائل کو صرف 17/9/2018  
کے حکم کاروائی سے جمعہ کے مسائل کے لیے کیا۔

میں نے بعد از ان مسائل کے لیے کوشش کی ہے اور ان کے لیے  
نے آج کے مسائل کے لیے کوشش کی ہے اور ان کے لیے  
میں نے کوشش کی ہے اور ان کے لیے  
میں نے کوشش کی ہے اور ان کے لیے  
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میں نے کوشش کی ہے اور ان کے لیے

اللہ اعلم

میں نے کوشش کی ہے اور ان کے لیے  
میں نے کوشش کی ہے اور ان کے لیے

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

Appeal No 12023

Hamid Ullah

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt

(RESPONDENT)  
(DEFENDANT)

I/We Appellant

Do hereby appoint and constitute **Kamran Khan Advocate High Court** 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.      /      / 202

  
**CLIENT**

**ACCEPTED**  
  
**KAMRAN KHAN**

  
**WALEED ADNAN**  
**ADVOCATES**