


# FORM OF ORDER SHEET

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

**Appeal No.** 2605/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/12/2023	<p>The appeal of Mr. Yasir Ali presented today by Mr. Saif Ullah Daudzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

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

Service Appeal No 2605 /2023

Yasir Ali.....Appellant

**V E R S U S**


DG Health and others.....Respondents

**I N D E X**

<b>S.No.</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Memo of appeal	*	1-4
2.	Affidavit	*	5
3.	Copy of appointment order dated 14/04/2023	A	6
4.	Copy of the departmental appeal	B	7
8.	Wakalatnama	*	8

  
Appellant

Through

  
**Saif Ullah Daudzai**  
Advocate, High Court,  
Peshawar  
Cell# 0311-2581010

Date: 18/12/2023

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

Service Appeal No. 2505 /2023

Yasir Ali S/o Mosam Khan R/o village barber  
Uppazai P.O Mathra Peshawar (Chowkidar BPS-03)

.....**Appellant**

**V E R S U S**

1. The Director General Health Services, Khyber Pakhtunkhwa, Warsak Road, Peshawar.
2. The District Health Officer, Hasthnagri Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.....**Respondents**

**APPEAL UNDER SECTION-4 OF THE**  
**KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL ACT, 1974 AGAINST THE**  
**NON-ISSUANCE OF SALARY OF THE**  
**APPELLANT WHERE THE**  
**DEPARTMENTAL APPEAL OF THE**  
**APPELLANT HAS NOT BEEN DECIDED**  
**WITHIN STIPULATED TIME**

**Prayer in Appeal**

On acceptance of this appeal, the respondents may be directed to release the salaries of the

appellant with all back benefits and restrain from taking any adverse action against the appellant.

**Respectfully Sheweth:**

The appellant humbly submits as under:

1. That the appellant was appointed as Chowkidar BPS-03 on contract basis on 14/04/2023 in the account of deceased son quota in the respondents department. The appellant performed his duties with full dedication and no complaint has been filed against him. **(Copy of appointment order dated 14/04/2023 is attached as Annexure-A)**
2. That after the appointment the appellant joined the services and performing his duties, but till date the respondents did not release the salaries of the appellant.
3. That the appellant served the department with honesty from 14/04/2023 till date.
4. That the appellant filed departmental appeal before the respondents but the departmental appeal of the appellant is not decided till yet. **(Copy of the departmental appeal is attached as Annexure-B)**

5. That being aggrieved from the action and inaction of the respondents, and having no other alternate and efficacious remedy, hence approaches this Honourable Tribunal, inter alia, on the following grounds:

**GROUND S:**

- A. That not releasing of salaries of the appellant is sheer violation of rules and regulations and such act of the respondents is against the law, rules, norms of justice and material on record.
- B. That appellant is entitled to receive his salary every month because the appellant performing his duty without any complaint but the respondents are reluctant to release the salaries of the appellant.
- C. That the appellant has not been dealt with according to law and rules and has been deprived from his salaries/due right in an arbitrary and fanciful manner.
- D. That the act of the respondents is also violation of the fundamental rights of the appellant guaranteed by the Constitution of Islamic Republic of Pakistan 1973.

E. That any other grounds will be raised at the time of arguments with prior permission of this Hon'ble Court.

For the aforesaid reasons, it is, therefore, humbly prayed that the appeal of the appellant may be accepted as prayed for.

Any other remedy which deems fit by this Honourable Tribunal may also be granted in favour of Appellant.

Appellant

Through



**Saif Ullah Daudzai**  
Advocate, High Court,  
Peshawar

Date: 18/12/2023

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023

Yasir Ali.....Appellant

**V E R S U S**

DG Health and others.....Respondents

**AFFIDAVIT**

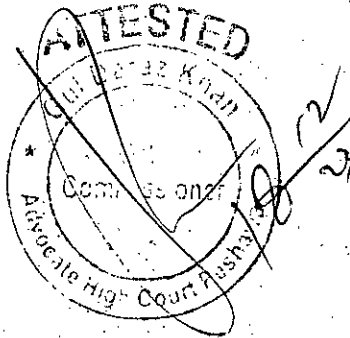
I, **Yasir Ali S/o Mosam Khan R/o village barber Uppazai P.O Mathra Peshawar (Chowkidar BPS-03)**, do hereby solemnly affirm and declare on oath that the contents of the **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by



**Saif Ullah Daudzai**  
Advocate, High Court,  
Peshawar

*J. Ali*  
**D E P O N E N T**



**OFFICE OF THE DISTRICT HEALTH OFFICER PESHAWAR**

**OFFICE ORDER**

Consequent upon approval accorded by the Departmental Selection held on 14/4/2023 in the office of the District Health Office Peshawar, Mr. Yasir Ali S/O Mosam Khan Village Barber Uppazai P/O Mathra Peshawar is appointed as Chowkidar BPS-03 (14260-580-31660) plus usual allowances as admissible under the government servant rules under the prescribed quota for appointment by initial recruitment (Permanent invalidation by Medical Board) subject to the following terms and conditions:

1. He will be on probation initially for a period of one year extendable for a further period of one year.
2. His appointment will be subject to medical fitness.
3. He will not be entitled to any TADA for Medical examination and joining his first appointment.
4. He will be entitled for Contributory Provident Fund (CP Fund) as per Finance department notification No. SOSR-11/FD/2-4/2021/Cabinet dated 19/8/2022.
5. He will be governed by such rules and orders as may be issued by the government for the category of government servants to which he belongs.
6. If he wishes to resign from service, he will have to submit resignation in writing one month in advance OR deposit one month's pay in the government treasury. However he will continue to serve the government till his resignation accepted by the competent authority.

If the above terms and conditions are acceptable to him, he should report to the Basic Health Unit Barbar Upazai Peshawar within 14 days of the receipt of this order.

Sd/xxxxxx  
District Health Officer  
Peshawar

No. 8060-65 /DHO/PF/Appointment

Dated Peshawar the 14/04/2023

A copy is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Coordinator DIHS/Litigation Officer District Health Officer Office Peshawar
3. Medical Officer Incharge BHU Barbar Uppazai Peshawar.
4. Mr. Yasir Ali S/O Mosam Khan Village Barber Uppazai P/O Mathra Peshawar
5. Personal file.
6. Accounts Section.

For information and n/action.

District Health Officer  
Peshawar



## بکھنور جناب ڈسٹرکٹ ہیلتھ آفیسر پشاور

محکمہ اپیل برائے ماہانہ تنخواہ

**جناب عالی!**

گزارش ہے کہ من سائل محکمہ صحت میں بطور چوکیدار (BPS-03) مورخہ 14/04/2023 کو بذمرہ Deceased Qouta بھرتی ہوا اور بھرتی تاریخ سے من سائل محکمہ ہذا میں اپنی ڈیوٹی پوری ایمانداری سے نبھا رہا ہوں اور من سائل کیخلاف کوئی شکایت بھی نہیں ہے تاہم اس کے باوجود من سائل کو تا حال ماہانہ تنخواہ کا اجراء نہیں کیا گیا ہے جس کی وجہ سے من سائل کو شدید مشکلات کا سامنا ہے۔

یہ کہ من سائل اپنی خاندان کا واحد کفیل ہوں اور ماہانہ تنخواہ کا اجراء نہ ہونے کی وجہ سے من سائل کے ساتھ ساتھ خاندان کے دیگر افراد بھی متاثر ہو رہے ہیں۔

لہذا استدعا ہے کہ منظور کی محکمہ اپیل ہذا من سائل کو ماہانہ تنخواہ کی ادائیگی یقینی بنائیں

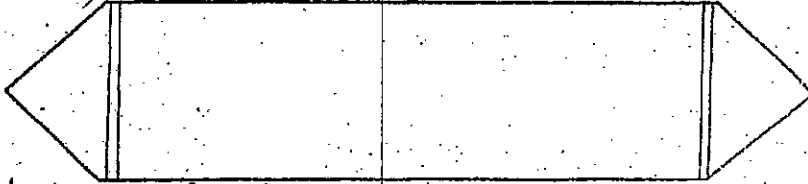
المرقوم 15/09/2023

ج. علی

سائل: یاسر علی

چوکیدار (BPS-03)

بعدالت حساب سرحدیں ٹریبونل جسٹس ہونے کے ساتھ ساتھ



2023ء پنجاب ایڈوائز

پاسرٹل بنام ڈی جی سیلوی ہونے پر

موزجہ  
مقدمہ  
دعویٰ  
جزم

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیر کی وجوہ دی وکل کارروائی متعلقہ  
آن مقام حاصل کیے سے بعد دائرہ دہی ایڈوائز  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر حالت ہ فیصلہ برحلاف دیئے جواب دی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارعشی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائداد التوا لہذا سے ہو سکے وہ ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ یہ بھی  
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ مندر ہے۔

المرقوم 18 ماہ دسمبر 2023

واہ الب

بمقام

پاسرٹل و موصوف کے درمیان سرحدیں ٹریبونل ہونے کے ساتھ ساتھ