


FORM OF ORDER SHEET

Court of _____

Appeal No. 2604/2023

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. Bilal Asif 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. 2604/2023

Bilal Asif.....Appellant

V E R S U S


DG Health and others.....Respondents

I N D E X

S.No.	Description of Documents	Annex	Pages
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

Bilal
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. 2604/2023

Bilal Asif S/o Asif Khan (Late) R/o Hazr Khawani
Jamil Chowk Mohallah Shaheed Abad Peshawar
(Ward Attendant BPS-04).....**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 Ward Attendant (BPS-04) 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 in action 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

Bilal Asif.....Appellant

V E R S U S


DG Health and others.....Respondents

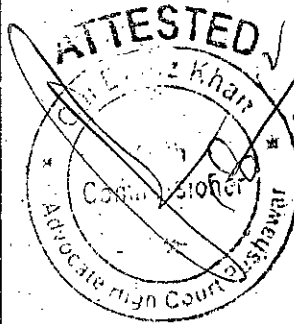
AFFIDAVIT

I, **Bilal Asif S/o Asif Khan (Late) R/o Hazr Khawani Jamil Chowk Mohallah Shaheed Abad Peshawar (Ward Attendant BPS-04)**, 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

Bilal
D E P O N E N T


Saif Ullah Daudzai
Advocate, High Court,
Peshawar





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 Officer Peshawar, Mr. Bilal Asif S/O Asif Khan (Deceased) Hazar Khwani, Jamil Chowk Moh: Shaheed Abad Peshawar is hereby appointed as Ward Attendant BPS-04 (14690-660-34490) plus usual allowances as admissible under the government servant rules under the prescribed quota for appointment by initial recruitment of Para 1 of the Civil Services Rules. (Deceased Quota) 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 TA/DA 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-II/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 Telaband Peshawar within 14 days of the receipt of this order.

Sd/xxxxxx
District Health Officer
Peshawar

No. 8041-46 /DHO/PF/Appointment

Dated Peshawar the 14/04/2023

A copy is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Deputy District Health Officer Badaber Peshawar.
3. Medical Officer Incharge BHU Telaband Peshawar.
4. Mr. Bilal Asif S/O Asif Khan (Deceased) Hazar Khwani, Jamil Chowk Moh: Shaheed Abad Peshawar.
5. Personal file.
6. Accounts Section.

For information and n/action.

District Health Officer
Peshawar

بخدمت جناب ڈسٹرکٹ ہیلتھ آفیسر پشاور

درخواست / محکمہ اپیل برائے اجراء تنخواہ ماہانہ

جناب عالی

گزارش ہے کہ من سائل محکمہ صحت میں بطور وارڈ اینڈنٹ (BPS-04) مورخہ 14/04/2023 کو بذمہ 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 تاحال 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 بمنظوری درخواست / محکمہ اپیل ہذا من سائل کو ماہانہ تنخواہ کی

المرقوم 15/09/2023

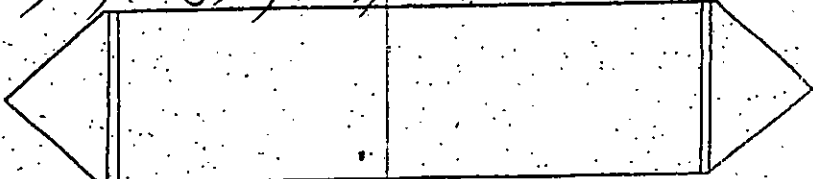
ادائیگی یقینی بنائیں۔

Bikal

سائل: محمد بلال آصف

وارڈ اینڈنٹ (BPS-04)

بعدالت جناب سپریم ٹریبونل جسٹسوں فرمائیں اور



دسمبر 2022ء پنجاب ایڈووکیٹس
 ملائی ریجسٹریشن نمبر Health 10517 اور
 ڈیڑھ

موزونہ
 مقدمہ
 دعویٰ
 رقم

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردہی وجواب دہی وکل کارروائی متعلقہ
 آن مقام دل عہدہ کیلئے سبب الہدہ دا عرضی
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقریر نمائندہ فیصلہ برحلاف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت دیگر کرنے اجراء اور وصولی چیک روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردہی یا دیگر کیلئے یا اپیل کی برآمدگی اور مسوخی
 نیز دائر کرنے اپیل نگرانی و نظربانی و پیردہی 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 تقریر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ
 پروا خستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ چاہے اس تمام اے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حدیثے باہر ہو تو وکیل صاحب یا بندہ اس کے پیردہی
 مذکور کریں۔ لہذا اذکالت نامہ لکھ دیا کہ سند ہے۔

الزقوم
 18
 دسمبر 2022ء

بمقام
 دل عہدہ
 کے لئے منظور ہے۔

ایک
 ملائی ریجسٹریشن نمبر Health 10517 اور
 ڈیڑھ