


# FORM OF ORDER SHEET

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

**Appeal No.** 141/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	16/01/2024	<p>The appeal of Mst. Aysha Sweeper presented today by Mr. Mir Zaman Safi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

APPEAL NO. 141 /2023

Aysha Sweeper BPS 03

VS


EDUCATION DEPTT:

**INDEX**

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	.....	1-2
2.	Affidavit	.....	3
3.	Appointment order dated	A	4
4	Charge assumption & performance certificate	B	5-6
4.	letter dated 24.01.2023	C	7
5.	reply letters	D	8
6	departmental appeal	E	9
7.	Vakalatnama	.....	10

  
APPELLANT

THROUGH:

  
Yasir Saleem

&



(1)

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

Service Appeal No. 141 /2023

Ms. Aysha Sweeper BPS 03 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-03) 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

2

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 unwarranted under the law.

- 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.

*Y*  
APPELLANT

THROUGH:

*Y*  
Yasir Salem  
& *M*  
Mir Zaman

Advocates high Court

**Certificate:**

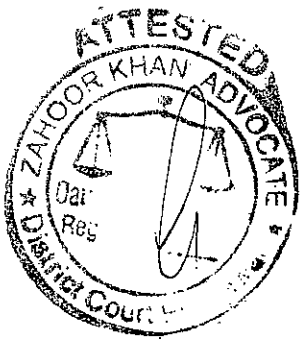
That no earlier appeal is preferred before this august tribunal.

*Y*  
Deponent

**Affidavit:**

I Aysha 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 *Y*



Annex A (4)

**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 Class-IV on contract basis in BPS-03 schools mention against each on the following terms and conditions with effect from the date of taking over charge.

- (1) Gul Zarins Sweeper
- (2) Aziz Ullah Caller
- (3) Nazid Caller
- (4) Ayesha Sweeper
- (5) Shahid Ullah Caller
- (6) Matti Ullah caller
- (7) Hafiz Ullah Caller
- (8) Fazal Rehman

**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 of taking over charge.

  
AGENCY EDUCATION OFFICER  
North Waziristan Agency

Dated 14-3-2014

Ends/: 315-18

Copy to the:-

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

  
AGENCY EDUCATION OFFICER  
North Waziristan Agency

4

Aux B (5)

To,

District Education Office  
North Waziristan Agency.

**SUBJECT: CHARGE REPORT/AN'RRIVAL REPORT.**

I Mr/MST Aysha took my charge as Sweeper on dated

16/3/2016 am performing my duty regularly.

Name Aysha

Disegnation Sweeper

Acc dat

keep on recd

16/3

[Signature]

ATTESTED


[Signature]


6

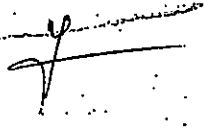
**OFFICE OF THE HEADMASTER GHS DARPAKHAIL NORTH WAZIRISTAN DISTRICT**

**SUBJECT: DUTY PERFORMANCE CERTIFICATE**

Certified that Mr/ MST Aysha Bawer 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.  
District Education Office  
North Waziristan

TESTED  






Amr c 7

**OFFICE OF THE DISTRICT ACCOUNTS OFFICER**

**NORTH WAZIRISTAN MIRAN SHAH**

**PHONE NO. 0928-300541**

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

Dated: 24/01/2023

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 Fida Ullah TT           | 2 Hajra Gul TT         |
| 3 Asma TT                 | 4 Muhammad Salim TT    |
| 5 Senab Kiran PTC         | 6 Naghma PTC           |
| 7 Fahim Ullah PTC         | 8 Farkh Naz PTC        |
| 9 Ayesha Ghulam Qader PTC | 10 Subia Bibi PTC      |
| 11 Nowshin Bibi PTC       | 12 Faiza Bibi PTC      |
| 13 Farhad Bibi PTC        | 14 Hassain Ahmad CT    |
| 15 Shahid Rehman CT       | 16 Saima PTC           |
| 17 Aftab Khan PTC         | 18 Iqra Amjad PTC      |
| 19 Kalsoom PTC            | 20 Ferdos Khan PTC     |
| 21 Muhammad Shoaib PTC    | 22 Hafiz Asif Khan PTC |
| 23 Hamayoon Khan PTC      | 24 Maaz Ullah TT       |
| 25 Muhammad Imran PTC     | 26 Farid Ullah PTC     |
| 27 Gul Zarina Sweeper     | 28 Aziz Ullah Caller   |
| 29 Nazid Caller           | 30 Ayesha Sweeper      |
| 31 Shahid Ullah Caller    | 32 Matti Ullah caller  |
| 33 Hafiz Ullah Caller     | 34 Fazal Rehman        |

*Sch*  
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

*[Signature]*

*[Signature]*  
District Account Officer  
NW Miran Shah.

AMX D 8

**OFFICE OF THE DISTRICT EDUCATION OFFICE**  
**NORTH WAZIRISTAN DISTRICT**

No. \_\_\_\_\_ /DEO/NWD

Dated \_\_\_\_\_ / \_\_\_\_\_ 2023

To

The District Accounts Officer,  
North Waziristan District.

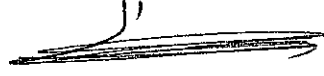
Subject: **CONFIRMATION OF SOURCE-I & II FORMS OF SALARIES OF VARIOUS TEACHERS.**

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) Gul Zarins Sweeper
- (2) Aziz Ullah Caller
- (3) Nazid Caller
- (4) Ayesha Sweeper
- (5) Shahid Ullah Caller
- (6) Matti Ullah caller
- (7) Hafiz Ullah Caller
- (8) Fazal Rehman Caller

  
District Education Officer  
North Waziristan District

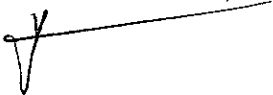
Endst: No. 37150-54 /Dated 24/1 /2023.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commission North Waziristan District.
4. Candidate Concerned.

  
District Education Officer  
North Waziristan District

ACKNOWLEDGED



Ames E (9)

We Honorable (copy E9 SED up  
Pottman

urgent appeal for release of pay stopped illegally by DBO with

file with next report it is stated that our pays were stopped

without any legal reason by the DBO. We are sure that the DBO will not be merged area. The DBO merged area was made through a merger release order to DBO north - No DBO create bid agency committee on the order. The committee (acknowledged report to DBO) but in the circumstances. The process was under process and the new DBO also provide recognition to the new DBO and the new DBO was made through and DBO proposal. All submitted to the DBO office. The DBO office make correct observation and the DBO removed the observation and re-acknowledged the basis to the DBO office which is still pending in the office. It's necessary that you should know that necessary order may not be passed as the DBO merged area for forming the bills as soon as possible strip and paid for services.

List of teachers are as under

Date 5<sup>th</sup> 9/13

- 1) Aman Das PTC 2) Musarat Sakher PTC 3) Panchanab TT a other
- 4) Asma TT 5) Senab Khan TT 6) Fakhriullah PTC 7) Roshida Ghossein and other
- 8) Nazim Khan PTC 9) Fakhri Khan PTC 10) Statik Rahman CT 11) Roshida Ghossein
- 12) Kaban PTC 13) M. Shakir PTC 14) Hamayun Khan PTC 15) M. Imran PTC
- 16) Gul Zamina Sweeper 17) Nazim Khan 18) Shabidullah Khan
- 19) Nazim Khan Khan 20) Nazim Khan TT 21) Nazim Khan TT 22) Nazim Khan PTC
- 23) Parvaz Naz PTC 24) Subhan Khan PTC 25) Panchanab PTC
- 26) Humayun Khan CT 27) Iqbal Anwar PTC 28) Salma PTC
- 29) Faris Khan PTC 30) Nazim Khan TT 31) Nazim Khan TT 32) Nazim Khan PTC
- 33) Parvaz Khan PTC 34) Nazim Khan Khan 35) Nazim Khan Khan
- 36) Nazim Khan Khan 37) Nazim Khan Khan

Yours obediently

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

\_\_\_\_\_ OF 2022

*Aysha*

\_\_\_\_\_  
(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

*Govt Fup & Mr*

\_\_\_\_\_  
(RESPONDENT)  
(DEFENDANT)

I/We *Aysha*

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 *1/1/2022*

*Aysha*  
\_\_\_\_\_  
CLIENT(S)

**ACCEPTED**  
**YASIR SALEEM**

&  
Mir Zaman safi

Advocate Peshawar High Court.