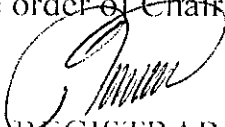


FORM OF ORDER SHEET

Court of _____

Appeal No. 140/2024

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 Nazid Caller 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 style="text-align: right;">By the order of Chairman  REGISTRAR</p>

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

APPEAL NO. 140 /2023/

Nazid Caller 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

nsb
APPELLANT

THROUGH:


Yasir Saleem
&


M

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 140 /2023/

Mr. Nazid Caller 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.

- D. 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.

njl
APPELLANT

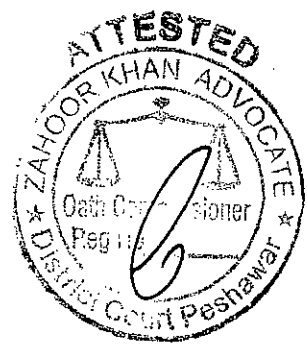
THROUGH: *[Signature]*
Yasir Salem
& *[Signature]*
Mir Zaman
Advocates high Court

Certificate:
That no earlier appeal is preferred before this august tribunal.

[Signature]
Deponent

Affidavit:
I Nazid 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 *njl*



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

Ends/: 315-18

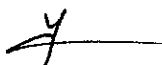
Dated 14-3-2014

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

ATTENDED



30
71
Aux B ⑤

To,

District Education Office
North Waziristan Agency.


SUBJECT: CHARGE REPORT/AH'RRIVAL REPORT.

I Mr/ MST NAZID took my charge as Callar on dated

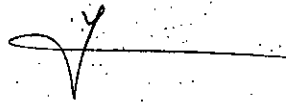
18/3/2024 I am performing my duty regularly.

Name NAZID

Disegnation Callar



ATTESTED




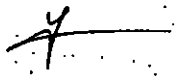
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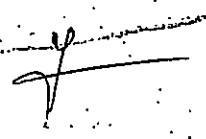
OFFICE OF THE HEADMASTER GHS DARPAKHAIL NORTH WAZIRISTAN DISTRICT

SUBJECT: DUTY PERFORMANCE CERTIFICATE

Certified that Mr/ MST Nasibullah 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 District

TESTED




Annex 2

OFFICE OF THE DISTRICT ACCOUNTS OFFICER

NORTH WAZIRISTAN MIRAN SHAH

PHONE NO. 0928-300541

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

Dated: 2/01/2023

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 Nagma 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 |


District Accounts Officer
NW Miran Shah

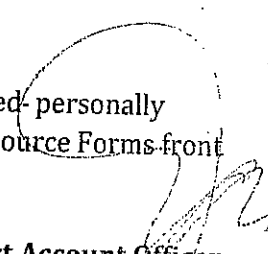
It is therefore, requested that the above named Class-IV may kindly be confirmed as genuine employees of the Education Department before payroll processing for the month of 01/2023 or otherwise please.

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




District Account Officer

NW Miran Shah.

Aux D 8

OFFICE OF THE DISTRICT EDUCATION OFFICE
NORTH WAZIRISTAN DISTRICT

No. _____/DEO/NWD

Dated _____ / _____ 2023

To

The District Accounts Officer,
North Waziristan District.

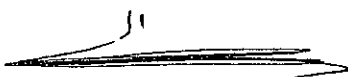
Subject: **CONFIRMATION OF SOURCE-I & II FORMS OF SALARIES OF VARIOUS TEACHERS.**

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 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


District Education Officer
North Waziristan District

Endst: No. 37155-59 /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

To

The Honorable Secy EGSED up
Peshawar

Amex E (9)

Subject Appeal for release of pay stopped illegally by DDO north

With great respect it is claimed that our pays were stopped without any cogent reason by the Ex. DDO north. We have already lodged appeal to the DE merged area. The DE merged area was kind enough to issue release order to DDO north. The DDO constituted enquiry committee on the order. The committee submitted report to DDO. But in the meanwhile the process was under process and the new DDO was posted. We prepared the new DDO and the new DDO was kind enough and bill prepared and submitted to the DAO office. The DDO office raised observation and the DDO removed the observation and re submitted the bills to the DAO office which is still pending in his office. It is humbly requested in your kind honor that a necessary order may kindly be passed to DDO & DE merged area for passing the bills as soon as possible so that our paid bills are not

Dated 30/4/23

List of teachers are as under

Yours obediently

23/4/23
-Anarzeb PTC

- (1) Anar Zeb PTC (2) Mussarat Shabeer PTC (3) Fedallah TT & other
- (4) Asma TT (5) Senab Khair TT (6) Fahri Ullah PTC (7) Ayesha Ghulam Aar PTC
- (8) Nor Shereen Bibi PTC (9) Farhad Bibi PTC (10) Shahid Rehman CT (11) Aftab Khan TT
- (12) Kaboom PTC (13) M. Shohid PTC (14) Hamayun Ullah PTC (15) M. Imran PTC
- (16) Gul Zarina Sweeper (17) Nafid Caller (18) Shahidullah Caller
- (19) Hafizullah Caller (20) Hajra Gul TT (21) Mubd Salam TT (22) Neema PTC
- (23) Parvaz Naz PTC (24) Subia Bibi PTC (25) Rajza Bibi PTC
- (26) Husam Ahmad CT (27) Iqra Anjum PTC (28) Saima PTC
- (29) Faris Ichan PTC (30) Hafiz Asif Ullah TT (31) Manzullah TT
- (32) Paridullah PTC (33) Azizullah Caller (34) Ayesha Sweeper
- (35) Matiullah Caller (36) Razal Rehman Caller

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

OF 2024

Nazid

APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt of P and others

(RESPONDENT)
(DEFENDANT)

I/We

Nazid

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

1/1/2024

CLIENT(S)

ACCEPTED
YASIR SALEEM

&

Mir Zaman safi

Advocate Peshawar High Court.