## FORM OF ORDER SHEET

Court of	-	
Annaal Na		467/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	. 2	, 3
1	29/03/2024	The appeal of Mr. Waqas Khan presented today
-		by Mr. Muzzammil Khan Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar or
		02.04.2024.Parcha Peshi given to the counsel for the
		appellant.
*4		
		By the order of Chairman  REGISTRAR
-		

## <u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> PESHAWAR

APPEAL NO. 46	<del>/</del> /2024
Mr. Waqas Khan	APPELLANT
VERSUS	
The District Director Agriculture (E	ixtension), NowsheraRESPONDENTS

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6.	Copy of the Departmental appeal	F	12-17
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Dated: 29/03/2024

APPELLANT

THROUGH:

MUZZAMMIL KHAN MOHMAND

&

MAHMOOD JAN

UMAR FAROOQ MOHMAND ADVOCATES HIGH COURT

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 487 /2024

#### **VERSUS**

1- The District Director Agriculture (Extension), Nowshera.

2- Director General Agriculture (Extension), KPK, Peshawar.

3- The District Accounts Officer, Nowshera.

.....RESPONDENTS

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED INACTION OF THE RESPONDENTS BY NOT RELEASING THE MONTHLY SALARIES OF THE APPELLANT W-E-F AUGUST, 2022 TILL DATE AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STIPULATED PERIOD OF NINETY DAYS.

#### PRAYER:

That on acceptance of this appeal the respondents may please be directed to release the monthly salaries of the appellant w-e-f August, 2022 till date with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

## R/SHEWETH:

## **ON FACTS:**

Brief facts giving rise to the present appeal are as under:

- 3- That the appellant submitted his arrival report as Field Worker in District Director Agriculture (Extension), Nowshera on 09/05/2022. That the service book of the appellant was also prepared accordingly. Copy of arrival report is attached as annexure..........D
- **5-** That till date the appellant is performing his duties regularly and with devotion but despite of that the salaries of the appellant have been withheld by the respondents.
- 6- That appellant feeling aggrieved from the inaction of the respondents by not releasing the monthly salaries of the appellant w.e.f. August, 2022 till date 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.
- **7-** That the appellant continuously visited the respondent offices regarding release of salaries, but the respondents paved no heed to redress the grievance of the appellant.
- 8- That feeling aggrieved from the inaction and having no other efficacious remedy, the appellant filed the instant appeal on the following grounds inter alia:-

#### **GROUNDS:**

- A- That the inaction of respondents by not releasing the monthly salaries of the appellant w-e-f August, 2022 till date is against the law, facts, norms of natural justice and materials on record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and mala fide manner by not releasing the monthly salaries of the appellant w-e-f August, 2022 till date and as such the inaction of the respondents is clear violation of law and rules.

- D- That the inaction of the respondents is discriminatory and against the norms of natural justice, therefore not tenable in the eyes of law.
- E- That as per the numerous judgments of the Apex Court of Pakistan work done must be paid. Keeping in view this principle the respondents are bound to release the monthly salaries of the appellant.
- F- That under Article 11 of the Constitution of Pakistan, 1973 read with Section-17 of the Civil Servant Act, 1973 the respondents are bound to release the pay of the appellant w.e.f. August, 2022 till date.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the instant appeal of the appellant may kindly be accepted as prayed for.

Dated: 29/03/2024

**APPELLANT** 

THROUGH:

MUZZAMMIL KHAN MOHMAND

&

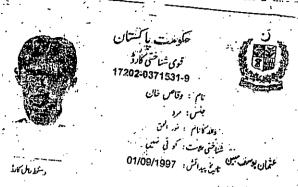
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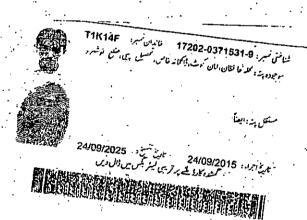
UMAR FAROOQ MOHMAND ADVOCATES HIGH COURT

#### AFFIDAVIT

I, Mr. Waqas Khan, Field Worker (BPS-04), District Director Agriculture (Extension), Nowshera, 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 has been concealed from this Honorable Court.

وواس مان DEPONENT "A" - 4-





## BOARD OF INTERWIEDIATE & SECONDARY EDUCATION MARDAN And Special Control

4554

Roll No	80822	Group	SCIENCE
Enrolment No	1013-B/RPAN-11	Gloup	

## PROVISIONAL AND DETAILED MARKS CERTIFICATE SECONDARY SCHOOL CERTIFICATE EXAMINATION Session 2013 (Annual)



Son/Daughter of Noor Ul Haq Wagas Khan of Institution/District Radiant Public School Aman Kot Nowshera has secured the marks shown against each subject in the Secondary School Examination held in the Candidate month of March/April as Regular

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e. Litera		Marks		9Th 10Th			In Words		
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	75		150	42		35	<del> </del> -	77	Seventy-Seven
2. Urdu	75		75	31	-	-	-	31	Thirty-One
3. Islamiyat (Comp)	75		75		-	44	<del>                                     </del>	44	Forty-Four
4. Pakistan Studies ·		<u> </u>	150	45	7	51	7	110	One Hundred Ten Only
5. Physics	- 65	10		┼	<del></del>	<del>                                     </del>	7.	84	Eighty-Four
6. Chemistry	65	10	150	32	6	39		<del>- </del>	\ <u> </u>
7. Biology	65	10	150	37	5	42	7	91	Ninety-One
8. Maths	75		150	29	-	53	-	82	Eighty-Two

Total 1050

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Date of Birth (In Figures) 01 September, 1997

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Remarks

One, September, One Thousand Nine Hundred Ninety-Seven

12-06-2013 Result Date

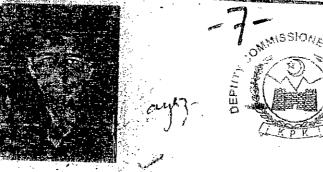
Issue Date

12-JUN-13

Note: Error & Omissions are excepted. Any mistake in above particulars must be intimated within 30 days after declaration of result.

Controller of Examinations **BISE Mardan** 

s. No. 423368	بـــــــــــــــــــــــــــــــــــــ	
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	Mardan, Khyber Pakhtunkhwa, P	lakistan - T
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	SESSION ANNUAL - 2013	0
Thus is to certify that	WAQAS KHAN Son o	NOOR UL HAQ
and student of	RADIANT PUBLIC SCHOOL AMAN KOT NOWSHERA	has passed the Secondary School
Certificate Examination of the B	oard of Intermediate & Secondary Education Mardan, held in Mar	rch / April, 2013 as a Regular candidal
He obtained 613 marks out of	1050 and has been placed in Grade C representing Good	The candidate passed the following subjects
	(Comp) 4. Pakistan Studies 5. Mathematics 6. Physics 7. Chemis	
His date of birth according to add	mission form is (in Figures) 01-09-97 (in Words)	1st September N/H Ninety Seven.
and Management of the second	Bistries Director	
Acett Secretory	Acticulium Extension  Nominara -	- an
Asstt. Secretary	This certificate is issued without alteration or erasure.	Secretary



# OFFICE OF THE DEPUTY COMMISSIONER DISTRICT NOWSHERA KHYBER PAKHTUNKHWA

# (DOMICILE CERTIFICATE)

	· · · · · · · · · · · · · · · · · · ·
I Declare that I was born of parents who are	e permanently domiciled in Khyber Pakhtun Khy
having belonged to it by birth / setteled i	16 it.
I belong by birth to village / Mohallah	AMAN KOT
Tehsil PABBI	MOWSHERA
	Waglas Khasi Signature of the applicant
	Date Wagyas Khan
Pursuance to the declaration dated	
the Anyber Pakhtunkhwa it is her	KHAN. SIDIW of NOOR UL HAQ re by Certified that the said WAQAS KHAN t of the Kbyber Pakhtunkhwa having belonged to
I have satisfied my self from my person	al knowledge / overleaf verification that
the above declaration is true and certified.  This	
S 2/4	ASSISTANT COMMISSIONER NOWSHERA
DEPUTY COMMISSIONER NOWSHERA	777

8-

لورا لحق من لو مره کا کار ہائی، پیائی، يجؤن المراكورط سكونى باشنده ميداوراس كےوالدين اشو بربھى علاقه فدكوروك بائنى و پيدائنى وسكوتى باشندگان بين ميں ان كوذاتى طور پر جا سامون \_ ر پورٹ ترش ہے۔



Amankot Nowshera

## CHARACTER CERTIFICATE

Certified that Mr/Miss WAGAS KHAN S/D/o NOOR UL HAG

resident of Aman Kot

District Nowshera was a regular student of this school

at admission No. 659

Passed SSC (Annual/Supp) Examination 2013

from this institute

He/She bore good moral character while studying at this school.

高.川。司。

Principal

Adjant Public High School

Radiant Public High School Aman Kot Distt: Nowshera OF ROS. No. 2684

SCAO



## Amankot Nowshera

## PROVISIONAL CERTIFICATE

Certified that Mr/Miss WACA	S KHAIN SIDIO NOOK ILL GRE
Who appeared from this school in S	SC examination held in 2012 A/S has
been declared successful in the said	examination. His/Her particular are as under:
B.I.S.E. Mardan Registration	
Marks obtained 6	out of
Grade / Divn	Lde issay
subjects: 1. English 2. Urdu (3	Mathematics 4. Islamiyat (Comp) 5. Pakistan
Studies 6: Physics	8. Fix Low
Date of Birth: 01 Subrem	hex 1997 ST
)	Principal Public Hab Sabasi
	Radiant Public High School Aman Kot Distt: Nowshern
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## OFFICE OF THE DISTRICT DIRECTOR AGRICULTURE (EXTENSION) NOWSHERA.

### OFFICE ORDER.

Mr.Waqas Khan S/O Noor Ul Haq is hereby appointed as Field Worker BPS-03 (Rs.9,610-390-21,310) plus usual allowances as admissible under the rules against the vacant post of Field Worker in Office of the District Director Agriculture (Extension) Nowshera with effect from the date of arrival for duty. His appointment is subject to the following terms and conditions.

- 1. He will get at the minimum of BPS (03) including usual allowances as admissible under the rules. He will also be entitled to annual increment.
- 2. His services will be liable to termination with or without any reason on one month notice from either side. In case of termination without notice be the employee or one month notice from the employee for resignation one month pay and allowances shall be paid by the Government will be refunded by the employee as the case may be.

3. He will contribute the general provided fund as per rules.

4. He will be allowed conveyance, Medical, House Rent allowance. Leaves and TA/DA as per Government Rules.

5. He will join duty at his own expenses.

6. He will be on probation for a period of one year with effect from the date of joining his duty. His services can be terminated at any time in case his performance not found satisfactory during the period.

7. He will produce a medical certificate of fitness from Medical Superintendent. Nowshera before reporting his self for duty to the office of District Director Agriculture Extension Nowshera as required under the rules.

If he accepts the post on the above condition he should report for duty at the District Director Agriculture Extension Nowshera with in fourteen days (14) of the issuance of this order and produce original certificate.

Sd/- (TARIQ MEHMOOD)

DISTRICT DIRECTOR
AGRICULTURE (EXTENSION)
NOWSHERA.

No.  $\frac{595-97}{DDA}$  (E) NSR. Copy forwarded to:-

Dated Nowshera, the 09 / 05 /2022

Torwarded to:-

1. Director General Agriculture (Extension) Khyber Pakhtunkhwa Peshawar.

2. District Accounts Officer, Nowshera.

3. Mr. Waqas Khan S/O Noor Ul Haq Village Amankot District Nowshera.

4. Office record file.

DISTRICT DIRECTOR AGRICULTURE (EXTENSION)

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Pers #: 00995630

Buckle:

Name: WAQAS KHAN

AGRICULTURE INSPECTORS

UNIC No.1720203715319

GPF Interest Applied

03 Active Temporary

PAYS AND ALLOWANCES:

0001-Basic Pay

1001-House Rent Allowance 45%

1210-Convey Allowance 2005

1300-Medical Allowance

2311-Dress Allowance - 2021

2312-Washing Allowance 2021.

2313-Integrated Allowance 2021

2341-Dispr. Red All 15% 2022KP

2347-Adhoc Rel Al 15% 22(FS17)

Gross Pay and Allowances
DEDUCTIONS:

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DISTRICT DIRECTOR ACAICSE

PPF #:

NR6131

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The Worthy

Director General Agriculture (Extension), KPK, Peshawar

Subject:-

DEPARTMENT APPEAL / REPRESENTATION AGAINST NOT RELEASING THE MONTHLY SALARIES OF THE APPELLANT w.e.f AUGUST, 2022 TILL DATE.

## Respected Sir,

1) That appellant is naturally born bonafide citizen of Pakistan.

- 2) That the appellant was initially appointed against the vacant post as Field Worker (BPS-03) through Departmental Selection Committee at District Director Agriculture (Extension), Nowshera vide order dated 09/05/2022.
- 3) That the appellant submitted his arrival report as Field Worker in District Director Agriculture (Extension), Nowshera on 09/05/2022. That the service book of the appellant was also prepared accordingly.
- 4) It is pertinent to mention here that the salary of the appellant was released after verification of his educational antecedents, but astonishingly the salary of the appellant for the month of August, 2022 stopped by the department and till date the salaries of the appellant w.e.f. August, 2022 have been withheld by the department without any clear justification and any rhyme or reason.
- 5). That till date the appellant is performing his duties regularly and with devotion but despite of that the salaries of the appellant have been withheld by the department.
- 6) That the appellant continuously visited the competent authorities regarding release of salaries, but they paved no heed to redress the grievance of the appellant.
- 7) That since that very time the appellant has left no stone unturned and knocked every door of the department, but in vain.

It is therefore, most humbly prayed that the salaries of the appellant may kindly be released w-e-f August, 2022 till date.

Dated: 28/12/2023

APPELLANT

Mr. Waqas Khan

S/o Noor Ul Haq

Field Worker (BPS-03), District Director Agriculture (Extension), Nowshera, R/o Mohallah Hafizan, Aman Kot, P/o Khas, Tehsil Pabbi District Nowshera

فروت من - أد سرك داكر كرا الكرلكدرالكسشن لوكره تودیان گزارش مے ۔ اس ال مذکورہ کو سیا رکن فی میں فیلڈ ورنر عے 105/2012 1st ص بالی استج می جن اور جولائی کی شنو ا در مسخ ملی رہی سکن جنا۔ گزشتہ جسنے کی شخوا میں ملی 0, 2 - 3 - 2 h 1, 1 g 5 Jun Je Lo آریا کیے کیوں تجے آگست کی تسمواہ بن میں۔ جنا۔ دالا ا سائل ان خرسہ اور بال کے دار سرد ھے۔ 101 Le De 1010 Le 1/2 Le Time D 15/09/2022 2000 العارض عان ولم لؤر التق كنه فحد ما خطان فللروركر وع ص عان ولم لؤر التق كنه فحد ما خطان امان كوط ، كاكن نه خاص ، كفيل مي خلل لؤ ثره

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