


FORM OF ORDER SHEET

Court of _____

Appeal No. 496/2024

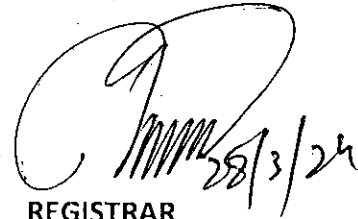
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/04/2024	<p>The appeal of Mr. Muhammad Sadeeq resubmitted today by Mr. Asif Bilal Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on 16.04.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

The appeal of Mr. Muhammad Saeed received today i.e on 27.03.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of appellant is incomplete be completed according to rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondents no. 1 & 5 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.

No. 703 /S.T,

Dt. 28/3 /2024.

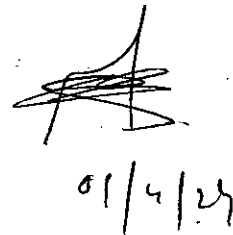


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Asif Bilal Adv.
High Court D.I.Khan.

R/siv,

Resubmitted after necessary
completion



01/4/24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In service Appeal No. 496 /2024

Muhammad Sadeeq VERSUS
(Appellant)

Govt of KPK etc
(Respondents)


INDEX

S. No.	Particulars of documents	Annexure	Page
1.	Service appeal with affidavits		1-6
2.	Copies of retirement papers and pension record of appellant's father	A	7-8
3.	Copy of the appointment order	B	9
4.	Copies of charge report and fitness/medical certificate	C & D	10-12
5.	Copy of the office order No. 4821/DEO(F) dated 31/03/2023	E	13-14
6.	Copies of the writ petition and order dated 25/09/2023/Departmental appeal	F	15-20
7.	Vakalatnama	--	21-22

Dated: 11 /03/2024

Humble Appellant


Muhammad Sadeeq
Through Counsel


Asif Bilal
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 496 /2024

Muhammad Sadeeq Naib Qasid
Govt. Girls Middle School Kotla Habib
District Dera Ismail Khan.

(Appellant)

VERSUS

1. Director, Elementary & Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Female) Dera Ismail Khan.
3. District Accounts Officer, Dera Ismail Khan.

..... **(RESPONDENTS)**

APPEAL UNDER SECTION 4 OF THE KPK SERVICES
TRIBUNAL ACT, 1974

PRAYER:

On acceptance of the instant appeal the respondents may kindly be directed to release the salaries of the appellant from the date of appointment with all back benefits.

Any other relief deemed appropriate in the given circumstances may also be granted to the appellant in the large interest of justice.

2

Note: Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

Respectfully Sheweth;

1. That the appellant is bona-fide resident of Dera Ismail Khan and is law abiding citizen of Pakistan. Copy of CNIC is annexed.
2. That the father of appellant Mukhtiar Alam served the Education Department as Naib Qasid and died during service on 22/08/2023. Now the mother of appellant is getting monthly pension of her deceased husband. Copies of retirement papers and pension record of appellant's father are jointly annexed as **Annexure-A**.
3. That appellant applied for appointment in the Education Department Dera Ismail Khan against the quota reserved for deceased during service employees of the Department and was appointed as Naib Qasid in GGMS Kotla Habib Dera Ismail Khan vide appointment order No. 15550-55 dated 16/12/2022. Copy of the appointment order is annexed as **Annexure-B**.
4. That thereafter the appellant submitted charge report and medical fitness certificate to the quarter concern. Copies of charge report and fitness/medical certificate are annexed as **Annexure-C & D**.
5. That since appointment, the appellant is serving Education Department as sacred and dear to be likened to worship. Appellant always performed his duties with zeal, zest and to the entire satisfaction of his high-ups.
6. That although the appellant is performing his duties regularly but the respondents are releasing the salaries of appellant

[Handwritten signature]

3

without any legal and lawful justification. In this respect the respondent#3 issued an office order No. 4821/DEO(F) dated 31/03/2023 to the respondent#4 but in vain. Copy of the office order No. 4821/DEO(F) dated 31/03/2023 is annexed as **Annexure-E**.

7. That feeling aggrieved by the impugned act of respondents, appellant filed a writ petition No. 329-D/2023 before the Honourable Peshawar High Court Bench Dera Ismail Khan and the same was decided vide judgment dated 25/09/2023 vide which the writ petition was converted into Departmental appeal/representation and transmitted to respondent#2 for decision in accordance with law. Copies of the writ petition and order dated 25/09/2023 are annexed as **Annexure-F & G**.
8. That the respondents did not decide the departmental appeal of appellant within stipulated period, hence, the instant service appeal.
9. That feeling aggrieved by the impugned acts and omissions of respondents, the appellant does not have any other efficacious remedy but to invoke the appellate jurisdiction of this Honourable Tribunal, by way of instant appeal, on inter alia the following grounds:-

GROUNDS:-

- a) That acts and omission of the respondents by not releasing the salaries of the appellant are without any rhymes and reasons, illegal, void ab initio, without jurisdiction and against service laws.
- b) That the appellant appointed as a Naib Qasid in the Education Department and has been performing his duties diligently and faithfully since then. Hence, is entitled to receive his monthly salaries in accordance with law.
- c) That despite fulfilling his obligations as an employee, appellant has not received his monthly salaries for the

(4)

past six months. This non-payment of salaries has caused severe financial hardship, resulting in immense distress to petitioner and his family.

- d) That the delayed release of salaries violates not only the legal obligations of the Education Department but also infringes upon the fundamental rights of an employee to receive timely payment for their work.
- e) That the appellant has exhausted all possible means to resolve this issue, including repeated verbal and written requests to the department. Unfortunately, these attempts have yielded no tangible results, leaving him without any recourse other than seeking the Court's intervention.
- f) That there are plethora of judgments of apex court of the country on the point that salary of civil servant cannot be stopped in the presence of appointment order and without showing any cause and issuing of any notice of stoppage of salary by passing service laws, the very act the respondents is without authority.
- g) That petitioner, being the citizen of this State, deserves to be treated in accordance with law and the discrimination meted out to him without any rhyme or reason, deserves a matching judicial response.
- h) That Counsel for the appellant may please be allowed to raise additional grounds during the course of arguments.

It is therefore respectfully prayed that the instant appeal may please be accepted as prayed for.

Dated: 11/03/2024

Humble Appellant


Muhammad Sadeeq
Through Counsel


Asif Bilal
Advocate High Court

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In service Appeal No. _____/2024

Sadeeq Ullah
(Appellant)

VERSUS

Govt of KPK etc
(Respondents)

CERTIFICATE

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Court.

Dated 11/03/2024


Appellant

NOTE

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

Dated 11/03/2024


Appellant's counsel

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In service Appeal No. _____/2024

Sadeeq Ullah
(Appellant)

VERSUS

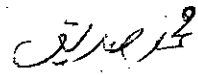
Govt of KPK etc
(Respondents)

AFFIDAVIT

I, **Sadeeq Ullah**, the appellant herein, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following my instructions;
2. That all parawise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein is based on exaggeration or distortion of facts.

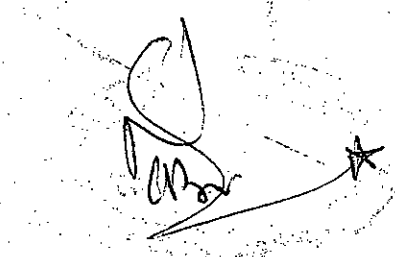
Dated 11/03/2024


Deponent

Identified By:-



Asif Bilal
Advocate High Court
Dera Ismail Khan



Annex "A" (7)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
DERA ISMAIL KHAN

Tell: 09669280133-09669280133. Email: emisdikhan@yahoo.com

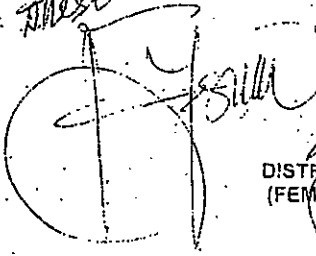
SANCTION:-

Consequent upon the accordance of death of Late, Mukhtiar Alam Ex. Naib Qasid GGMS Kotla Habib DiKhan, who was died during the service on 22-08-2022 family pension, in favour of his legal heir is hereby sanction, w.e.f, 22-08-2022 as admissible under the Govt. of Khyber Pakhtunkhwa pension rules:

Sanction is hereby accorded to the grant of death leave encashment of 365-days' in as admissible under the revised leave rules 1981.

Note:

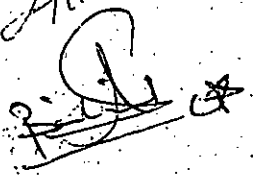
Necessary entry to this effect should be made in his service book and other relevant record.

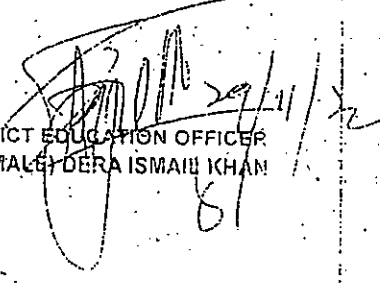
Attested

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN
29/11/22

Endst: No. 1447-20 /Retirement Dated DiKhan the 29 / 11 /2022

Copy to the:-

- 1. District Account Officer DiKhan.
- 2. Deputy District Education Officer (Female) D.I.Khan
- 3. Principal / Head Mistress Concerned.
- 4. Master File.


Attested



DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN
29/11/22

8

OPTION FORM FOR DIRECT CREDIT OF PENSION THROUGH BANK ACCOUNT

Pensioner Information (To Be Filled In by the Pensioner)

PPO No.	00874966
SAP PERSONNEL NO.	
Accounts Office (From where PPO originally issued)	DISTRICT ACCOUNTS OFFICER DIKHAN
Name of Pensioner	Late Mukhtiar Alam
Father/Husband Name	S/o Habib Ullah
Family Pensioner Name:	Mst. Zaidoon Bibi (Widow) of
Spouse/Father/Mother Name	Late Mukhtiar Alam
Pensioner NIC old #	149-81-513420
Pensioner CNIC No:	12101-0977233-1
Family Pensioner CNIC No:	12101-5516551-0
Residential Address (Current)	PO Dera Town, Kotla Habib D.I.Khan
Residential Address (Permanent)	-do-
Designation & Grade at the time of Retirement	Ex-Naib Qasid (BPS-03)
Ministry/Division/Deptt./Office	GOVT. MIDDLE SCHOOL KOTLA, HABIB D.I.KHAN
Present Bank Address & Code No.	
I hereby opt to draw pension through direct credit system and have also submitted *indemnity Bond to the bank.	
*The pensioner shall produce an Indemnity Bond to keep the Bank Indemnified about liabilities with all sums of money whatsoever including mark up of his/her Pensioner Account the Pensioner would further undertake that his/her legal heirs, successors executors shall be liable to refund excess amount if any credited to his/her Pension Account either in full or in installments (as agreed mutually) equal to such excess amount.	
Pensioner's Signature /Thumb Impression	
Dated: 28-09-2022	

Account Verification (To be verified by the Bank)

Account Title (Name)	ZALDOON BIBI
Account No:	2077090571
Bank Name/Address	KHUSHHALI MICROFINANCE BANK
Branch address:	NEAR SYNDICATE MOR DEKHAAN.
Branch Code:	770207
Indemnity Bond Submitted by the Pensioner	



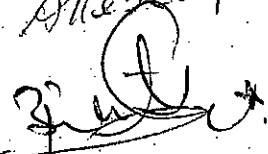
Signature/Stump of Bank Manager

To be issued by Accounts Office

Acknowledgement Receipt No: _____

Date: _____

Signature of Officer _____

Attested




OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN
(0966-9280131), emisdikhan@gmail.com

And

B' 9

APPOINTMENT ORDER:

Consequent upon the recommendation /approval of the Departmental selection committee as contained in its minutes of the meeting held on 14.12.2022. UNDER THE THE KHYBER PAKHTUNKHWA CIVIL SERVANT (APPOINTMENT, PROMOTION AND TRANSFER) RULES 1989, the undersigned is pleased to order the **Appointment** of the following candidates on the following vacant posts of various cadres (as mentioned against each) of Class IV (BPS-03. Rs.9610-390-21310) plus usual allowances as admissible under the Rules, in the school/ place of posting mentioned against each candidate in the best interest of public service with immediate effect, on the following terms and conditions:

S.No	Name of Candidate	Father/Husband Name	CNIC No.	Post	Place of Posting
1	Muhammad Sadeeq	Mukhtiar Alam	12103-1038326-7	Naib Qasid	GGMS Kotta Habib

TERMS & CONDITIONS:

- No TA/DA etc is allowed.
- Charge report should be submitted to all concerned. Taking over of charge shall be considered as submission/acceptance of all of the following conditions by a candidate.
- The appointees shall be considered on probation for a period of one year and shall be deemed confirmed, respectively, under Rule 15 and Rule 16 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.
- This Appointment orders shall stand null and void ab initio, if any certificates/ testimonials are found fake or invalid when it is got verified by this office, and shall be reported to law Enforcement Agencies. Moreover, all expenses of verification will be borne by the candidate.
- This Appointment orders shall stand null and void ab initio, if any of the siblings/ family member has already availed or would avail in future the 100% Quota reserved for the children of deceased employees or those who got retired on recommendation of Medical Board.
- This Appointment orders shall stand null and void ab initio, if any of the siblings/ family member has already availed or would avail in future the 25% Quota reserved for the children of retired on superannuation class iv employees.
- They shall not be handed over charge if their age is over Forty (40) years or below 18 years except the appointee to whom the age relaxation has been properly granted by the quarters concerned or the case shall be forwarded to the undersigned without any delay.
- They are required to join their post within 30 days of issuance of this order: failing which the appointment order will stand cancelled, automatically.
- Their services are liable to termination on one month notice on either side. The pay of one month will be forfeited to the Govt. exchequer in case of resignation without prior notice.
- The appointment is made subject to the condition that the candidate is permanent domiciled of District D.I.Khan, otherwise, this Appointment orders shall stand null and void ab initio.
- They are required to produce health & age certificate from the Medical Superintendent, D.I.Khan.
- They will be governed by such rules and regulation as may be prescribed by the Govt. of Khyber Pakhtunkhwa from time to time for the category to which they belongs.

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Endst.No. 1850-55 dated D.I.Khan the 16 / 12 / 2022

Copy of the above is forwarded to the:-

- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- The Deputy District Education Officer (Female), D.I.Khan.
- District Account Officer, D.I.Khan.
- The SDEO/ Principal/ Headmistress concerned.
- Official concerned.
- Office Copy.

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Attested
3/12/22
Attested
3/12/22

ANX 6 10

ARRIVAL REPORT

I Have The Honour To Submit My Arrival Report Today On 16-12-2022

In Compliance With Order Of Distt Education Officer,

Male / Female Female Dera Ismail Khan (KPK)


Endst: No. 15550-55
16-12-2022

Name Muhammad Saadiq Sig. Head of School

Head Mistress Saliba
3rd Floor
Head Mistress
G.G.M.S Kotla Habib
D.I.Khan

GGM School Kotla Habib
Naib Qasid

Stamp _____

Attested


Handwritten signature and name: *Alto*

Handwritten text: *Sofia B...*

Handwritten text: *Handwritten*

Official stamp: *Dist. Officer (F&A) District P. Khan*

Handwritten text: *Handwritten*

Handwritten text: *0/5*

Handwritten text: *18-12-2022*

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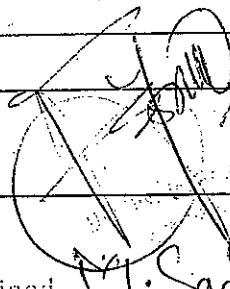
Small handwritten mark: *(11)*

ANX 'D' (12)

MEDICAL CERTIFICATE

Name of Official Muhammad Sadeeq
 Caste or Race Bucha
 Father / H Name Muhammad Alam
 Residence Dera Taro Dikhar
 Date of Birth 01.08.2004
 Exact height by measurement 5.6
 Personal Marks of identification None
 Signature of Official [Signature]
 Signature of Head of Office [Signature]

Seal of Office



Book over in page
[Signature]

District Education Officer
Dera Taro Dikhar

I do hereby certify that I have examined M. Sadeeq a candidate for employment in the office of DEO Female Dikhar not discover that had any disease communicable or other constitutional deflection or bodily infinity except None I do not consider this as disqualification for employment in the office of the DEO Female Dikhar according to his own statement 18 year 4 month 19 days and by appearance 19 days

RIGHT-HAND THUMB AND FINGER IMPRESSIONS: [Impressions]

Hospital Medical Director
DHOT Hospital Dikhar
Medical Director
M.T. DHO Teaching
Hospital Dikhar

Attested
[Signature]



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

Aux ¹³ E (13)

No. 4821 /DEO (F)

Dated DIKhan the 31/03/2023

To,

The District Account Office
Dera Ismail Khan

Subject:- RELEASE/ACTIVATION OF PAY.
Memo,

Enclosed please find herewith the Source-I form along with other relevant documents of the following Class-IV detail given below for Release/activation of pay..

S NO.	NAME & DESIGNATION	NAME OF SCHOOL	Remarks
I.	Muhammad Sadique Najib Qasid	GGMS Kotla Habib DIKhan	Appointement Order NO; 15550-55 Dated;16/12/2022

**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

Endst: No. _____ /

Dated DIKhan the _____ / _____ /2023

Copy of the above is forwarded to:

1. Deputy District Education Officer (F) DIKhan
2. HM Concerned.
3. PA to District Education Officer (Female) DIKhan.
4. Master file

① No vacant ID/Post of NAQ. ② Original order is missing ③ Employment order 503/2023

Resubmitted after doing the needful

**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

Return with the remarks that no salary pay post still available

Attes Let

*DDO
M.S.D
02/05/23*

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR**

REGISTERED
MOST IMMEDIATE

No 9354
AD (Liaison-I)
Dated Peshawar the 12.10.2023

The District Education Officer (Female)
Elementary & Secondary Education D.Khan

Subject: WRIT PETITION NO.329-D/2023 WITH CM 377-D/2023 TITLED MUHAMMAD SADEQ VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA ETC.

on directed to...

the 408 dated 02/07/2023 on the subject...

order sheet dated 25 09 2023

concerning...

petitioner is NAID Qasid & the writ petition is referred to department

Department of Education & Training, District Education Officer, Peshawar

Response for order on the subject for further decision action &... the

Department of Education & Training of the government may be...

the Director with a period of 10 days under instruction to a concerned

Assistant Director (Liaison-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

11/10/23

Copy forwarded to the:

1. Additional Registrar PHC D.Khan Bench w/ to his letter no & dated

called above.

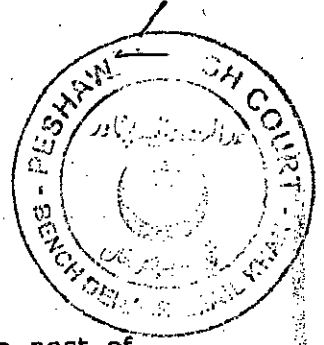
Assistant Director (Liaison-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Assistant Director (Liaison-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Handwritten signature and notes at the top of the page, including "M/S" and other illegible markings.

Aux, F (15)

BEFORE THE PESHAWAR HIGH COURT
BENCH DERA ISMAIL KHAN



Writ Petition No. _____/2023

Muhammad Sadeeq son of Mukhtiar Alam r/o post of
Dera Town, Kotla Habib, Tehsil & District Dera Ismail Khan.

..... (**PETITIONER**)

VERSUS

1. Government of KPK, through Secretary Education Department, Khyber Pakhtunkhwa Peshawar.
2. Director General Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Female) Dera Ismail Khan.
4. District Accounts Officer, Dera Ismail Khan.
5. DDEO (Female), Dera Ismail Khan.

Filed today 27/9/23
Addl. Registrar
27/9/23

..... (**RESPONDENTS**)

**PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN, 1973**

Note: Addresses given above shall suffice the object of service and all necessary and proper parties have been arrayed as respondents.

Prayer:

On acceptance of the instant writ petition, the impugned act of respondents regarding stoppage of salaries of the petitioner may please be declared as illegal, void ab initio, unlawful, without

EXAMINOR
27-9-2023
Peshawar High Court Bench
Dera Ismail Khan

WP No.329-D 2023 (Grounds)

lawful authority, based on mala fide and having no legal effects upon the rights of petitioner, and the respondents may kindly be directed to release the salaries of the petitioner from the date of appointment with all back benefits.

Respectfully Sheweth;

Filed today 27/8/23
Addl. Registrar
12/08/23

1. That the petitioner is bona-fide resident of Dera Ismail Khan and is a law-abiding citizen of Pakistan. Copy of CNIC is annexed.
2. That the father of petitioner Mukhtiar Alam served the Education Department as Naib Qasid and died during service on 22/08/2023. Now the mother of petitioner is getting monthly pension of her deceased husband. Copies of retirement papers and pension record of petitioner's father are jointly annexed as **Annexure-A**.
3. That petitioner applied for appointment in the Education Department Dera Ismail Khan against the quota reserved for deceased during service employees of the Department and was appointed as Naib Qasid in GGMS Kotla Habib Dera Ismail Khan vide appointment order No. 15550-55 dated 16/12/2022. Copy of the appointment order is annexed as **Annexure-B**.
4. That thereafter the petitioner submitted charge report and medical fitness certificate to the quarter concern. Copies of charge report and fitness/medical certificate are annexed as **Annexure-C & D**.
5. That since appointment, the petitioner is serving Education Department as sacred and dear to be likened to worship. Petitioner always performed his duties with zeal, zest and to the entire satisfaction of his high-ups.

EXAMINOR
Dera Ismail Khan

WP No.329-D 2023 (Grounds)

(17)

13

6. That although the petitioner is performing his duties regularly but the respondents are releasing the salaries of petitioner without any legal and lawful justification. In this respect the respondent#3 issued an office order No. 4821/DEO(F) dated 31/03/2023 to the respondent#4 but in vain. Copy of the office order No. 4821/DEO(F) dated 31/03/2023 is annexed as Annexure-E.
7. That feeling aggrieved by the impugned act of respondents, petitioner is left with no other adequate remedy but to invoke the constitution jurisdiction of this honourable court by way of present writ petition, Inter alia, on the following grounds,

GROUND S

Filed today 27/9/23
Addl. Registrar
27/9/23

- a. That acts and omission of the respondents by not releasing the salaries of the petitioner are without any rhymes and reasons, illegal, void ab initio, without jurisdiction and against service laws.
- b. That the petitioner appointed as a Naib Qasid in the Education Department and has been performing his duties diligently and faithfully since then. Hence, is entitled to receive his monthly salaries in accordance with law.
- c. That despite fulfilling his obligations as an employee, petitioner has not received his monthly salaries for the past six months. This non-payment of salaries has caused severe financial hardship, resulting in immense distress to petitioner and his family.
- d. That the delayed release of salaries violates not only the legal obligations of the Education Department but also infringes upon the fundamental rights of an employee to receive timely payment for their work.
- e. That the petitioner has exhausted all possible means to resolve this issue, including repeated verbal and written requests to the department. Unfortunately, these attempts have yielded no tangible results, leaving him without any recourse other than seeking the Court's intervention.
- f. That there are plethora of judgments of apex court of the country on the point that salary of civil servant cannot be stopped in the presence of appointment order and without showing any cause and issuing of any notice of stoppage of

EXAMINER
Peshawar High Court Bench
Dera Ismail Khan

WP No.329-D 2023 (Grounds)

salary by passing service laws, the very act the respondents is without authority.

- g. That petitioner, being the citizen of this State, deserves to be treated in accordance with law and the discrimination meted out to him without any rhyme or reason, deserves a matching judicial response.
- h. That the petitioner has notice to the respondents regarding the institution of present writ petition but the respondents failed to honour the notice of the petitioner's counsel.
- i. That counsel for the petitioner may please be allowed to raise additional grounds during the course of arguments.

Filed today 27/06/23
Addl. Registrar
27/06/23

Prayer:

It is therefore humbly prayed that the instant writ petition may kindly be accepted and the respondents may graciously be directed to release the salaries of petitioner with all back benefits.

Any other appropriate relief which this worthy court deems fit may also be extended in petitioner's favour.

Dated: 12/06/2023

Your humble petitioner,



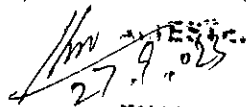
Muhammad Sadeeq

Through counsel



Asif Bilal

Advocate High court


27.9.23

EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan

PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

Date of
Order or
Proceedings
(1)

25.9.2023

Order or other proceedings with signature of Judge(s).

(2)



W.P.No.329-D/2023 (M) with
C.M.No.377-D/2023 (N).

Present: Mr. Ahsan Bilal Langrah, Advocate for
the petitioner.

Mr. Shah Fahad Ansari, Asstt. A.G for
the respondents.

MUHAMMAD FAHEEM WALLI, J.- At the very outset, the learned counsel for the petitioner stated at the bar that in view of clear cut bar contained under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner is supposed to approach the concerned Service Tribunal and the writ jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 is expressly excluded, therefore, the petitioner would be satisfied if this petition is converted into departmental appeal/representation and sent to the concerned departmental authorities for its decision in accordance with law. The learned Asstt. A.G supported the proposition.

2. In view of above, this petition is converted into departmental appeal/representation and transmitted to respondent No.2 for decision in accordance with law.

[Signature]
27.9.23
EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan

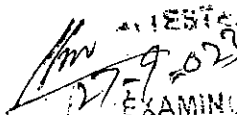
The office is directed to transmit the original file to respondent No.2 and retain copy of the same. The petition stands disposed of accordingly.

Announced
Di: 25.9.2023.


JUDGE

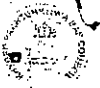

JUDGE

Office
26/9


27-9-23
EXAMINOR
Punjab High Court Bench,
Dera Ismail Khan

Habib

(DR)
Hon'ble Mr. Justice Muhammad Faheem Wali
Hon'ble Mr. Justice Dr. Khurshid Iqbal



ADVOCATE GENERAL

ASIF BILAL

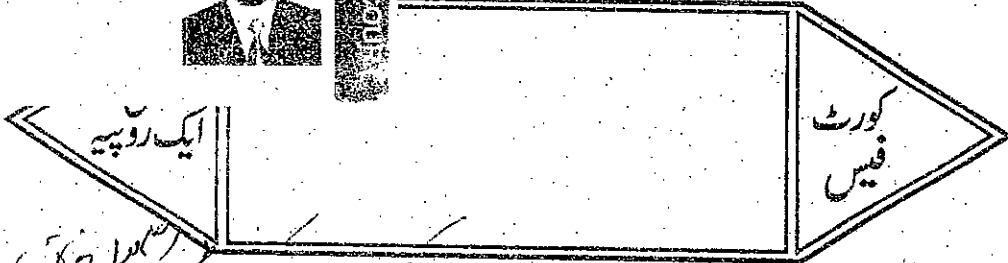
Advocate
bc-11-2826
Date of issue: November 2019
Valid upto: November 2022.



وکالت نامہ

- 22 -

Secretary
KP Bar Council



بدرالت
 صاحب اسٹریٹ سہول رستہ ساجد احمد اورٹ ڈیڑہ
 صاحب
 محترمہ اللہ بیگم
 گورنمنٹ کالہا
 دعویٰ یا جرم
 تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مذکورہ بالا استوائ میں اپنی طرف واسطے بیرونی وجہاً دی برائے پیشی یا تصدیق مقدمہ نامہ
 آصف بیلال
 اورٹ ڈیڑہ ساجد احمد اورٹ ڈیڑہ
 کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ مندرجہ پیشی پر خود کا ہذا بیکریہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب
 مصروف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
 مصروف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب مصروف صدر مقام بکھری کے علاوہ یا بکھری کے اوقات سے پہلے یا بیچے یا بروز تعطیل
 بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر بکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے یا بیچے پیشی ہونے
 پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ واپس کرنے کے بھی صاحب مصروف ذمہ دار نہ ہوں گے مجھ
 کو کس ساختہ پر داخستہ صاحب مصروف مثل کردہ ذات خوذ منظور قبول ہوگا اور صاحب مصروف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسانے ذکر
 نظر ثانی اپیل گمانی ہر قسم درخواست ہر قسم کے بیان دینے اور پر طاش یا مامنی نامہ فیصلہ ردخط کرنے اقبال دعویٰ کا بھی اختیار ہوگا اور بصورت مقرر ہونے
 تاریخ پیشی مقدمہ بزرگ بیرون از بکھری صدر بیرونی مقدمہ کو اور نظر ثانی اپیل و گمانی ہر آدمی مقدمہ یا منسوقی ذکر یک طرفہ یا درخواست علم استانی یا قرنی
 یا کرتاری قبل از فیصلہ اجراءے ذکر ہی صاحب مصروف کو بشرط ادائیگی ٹیبلٹ عیبیہ عیبیہ کا اختیار ہوگا اور تمام ساختہ پر داخستہ صاحب مصروف مثل کردہ
 از خود منظور قبول ہوگا اور بصورت ضرورت صاحب مصروف کو یہ بھی اختیار ہوگا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی
 اپیل گمانی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا بزرگ کو اسپے تہاسبہ یا اسپے اجراء نظر کریں اور اپنے مشیر قانون کو بھی ہر امر میں دی اور دینے
 اختیارات حاصل ہوں گے جیسے صاحب مصروف کو حاصل ہیں اور دوران مقدمہ میرا جج ہر جگہ ہر جائز الطواہ بنے گا وہ صاحب مصروف کا حق ہوگا کہ
 صاحب مصروف کو پوری نہیں تاریخ پیشی سے پہلے اور نہ کروں گا تو صاحب مصروف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت
 میں میرا کوئی مطالبہ کسی قسم کا صاحب مصروف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ گورنمنٹ کالہا کے سلسلے
 2024
 11
 مورخہ
 حتمان وکالت نامہ من ایسا ہے اور ایسی طرح سمجھ لیا ہے اور منظور ہے

Accepted by 12101-1038326-7
 03119453150