


FORM OF ORDER SHEET

Court of _____

Appeal No. 609/2024

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 30/04/2024 | <p>The appeal of Mr. Hayat Ullah received today by registered post through Mr. Inamullah Khan Marwat Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on _____ Counsel for the appellant has been informed telephonically.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p> |

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

Appeal No. 609 /2024

Hayatullah

.....APPELLANT

VERSUS

Govt. of KPK and others

.....RESPONDENTS

INDEX

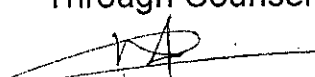
| S # | Description of Documents | Annexure | Page # |
|-----|--|----------|--------|
| 1 | Grounds of Appeal alongwith Interim Relief | ----- | 1-6 |
| 2 | Copy of Appointment order alongwith pay release order and monthly salary statement | A | 7-9 |
| 3 | Copy of Transfer order | B | 10 |
| 4 | Copy of Duty Certificate | C | 11 |
| 5 | Copy of Departmental Appeal | D | 12-14 |
| 6 | Vakalatnama | ----- | 15-16 |

Dated: __/04/2024

Humble Appellant


Hayatullah

Through Counsel


Inamullah Khan Marwat,
Advocate High Court,
District Courts, D.I.Khan.

0336-7969883.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 609 /2024

Hayatullah son of Dad Gul Khan, PST, GPS Sholam Adda, South Waziristan.

.....APPELLANT

VERSUS

- 1. Government of Khyber Pakhtunkhwa through Secretary Education Govt. of K.P.K, Peshawar.
- 2. Director Education (Elementary & Secondary), Khyber Pakhtunkhwa, Peshawar.
- 3. District Education Officer (Male), District South Waziristan at Tank.
- 4. District Account Officer, South Waziristan at Tank.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNALS ACT, 1974 TO DIRECT THE RESPONDENTS TO RELEASE THE MONTHLY SALARY OF THE APPELLANT W.E.F. 1ST SEPTEMBER, 2021 TO TILL DATE AND ONWARD.

Filed to-day

Registrar

Respectfully sheweth;

- 1. That the appellant was appointed as PST in Education Department South Waziristan vide order dated 15/08/2018, and he was posted at GPS Bibak, South

Waziristan. Copy of Appointment order alongwith pay release order and monthly salary statement is enclosed as **Mark-A**.

2. That after getting the medical certificate, the appellant made the arrival and performing his duty till date with full satisfaction of his superiors and presently the appellant is performing his duty at GPS Sholam Adda, South Waziristan. Copies of Transfer order and Duty Certificate are enclosed as **Mark-B & C** respectively.

3. The appellant received his monthly salary till the month of August, 2021, and thereafter the monthly salary of the appellant has been stopped without any lawful reason.

4. That the appellant is still performing his duty regularly, but the monthly salary of the appellant is not releasing by the concerned Authority despite the fact that the appellant approached them for redressal of his grievances time and again, but they paid no heed.

5. That, on 08/01/2024 the appellant submitted the departmental appeal before the Respondent No. 2, but the same was not decided by authority till date; hence the appellant filling the instant appeal on the following

grounds; (Copy of Departmental Appeal is enclosed as **Mark-D)**

GROUNDS:

1. That the act of the respondents while they refused to release the monthly salary of the appellant w.e.f. 1st September 2021 is illegal; against the natural justice, ulterior motives, based on malafide and without jurisdiction.
2. That the appellant was appointed after fulfilling all the codal formalities and the appellant is performing his duties but the respondents did not paid the monthly salary to appellant w.e.f. 1st September 2021, thus the respondents violated the fundamental right of the appellant which is protected under Article 11 of the Constitution of Islamic Republic of Pakistan, 1973.
3. That the Constitution of Islamic Republic of Pakistan, 1973 protected the rights of every citizen and provides the equality amongst the citizen, but the respondents clearly violated the fundamental right of the appellant protected by the Constitution of Islamic Republic of Pakistan.
4. That the appellant is the victim of unlawful and illegal act of the respondents and such a malafide act on the part of respondents is against the law and rules, without jurisdiction and lawful authority, against the natural justice, misuse of official powers and is the outcome of victimization known by the respondents and it has caused an immense mental torture and agony to the appellant.
5. That the counsel for the appellant may kindly be allowed to raise the additional grounds at the time of arguments.
6. That the appeal is being filed within the statutory period prescribed in section 4 of The KPK Service Tribunals Act, 1974.


It is, therefore, prayed that on acceptance of this appeal this court may be pleased to pass orders as prayed for in the heading of this appeal.

Dated: __/04/2024

Humble Appellant
Hayatullah

Hayatullah

Through Counsel



Inamullah Khan Marwat,
Advocate High Court,
District Courts, D.I.Khan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/2024

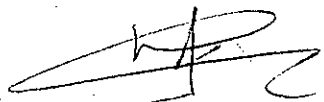
HayatullahAPPELLANT

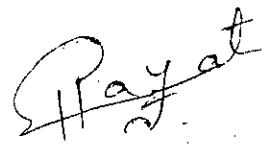
VERSUS

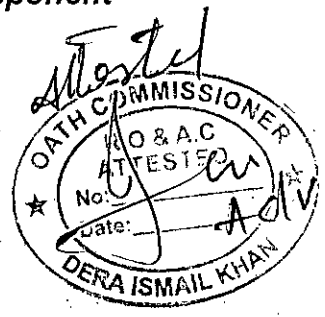
Govt. of KPK and othersRESPONDENTS

AFFIDAVIT

I, the appellant, do hereby solemnly affirm and declare on oath that all the para-wise contents of the appeal are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed or kept secret from this Honourable Court.


Identified by Counsel


Deponent



6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/2024

HayatullahAPPELLANT

VERSUS

Govt. of KPK and othersRESPONDENTS

ADDRESSES OF THE PARTIES


Hayatullah son of Dad Gul Khan, PST, GPS Sholam Adda, South
Waziristan.APPELLANT

-
1. Government of Khyber Pakhtunkhwa through Secretary Education Govt. of K.P.K, Peshawar.
 2. Director Education (Elementary & Secondary), Khyber Pakhtunkhwa, Peshawar.
 3. District Education Officer (Male), District South Waziristan at Tank.
 4. District Account Officer, South Waziristan at Tank.

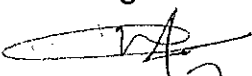
.....RESPONDENTS

Dated: __/04/2024

Humble Appellant


Hayatullah

Through Counsel


Inamullah Khan Marwat,
Advocate High Court,
District Courts, D.I.Khan.



ANNEX A
Page 2 (7)

OFFICE OF THE AGENCY EDUCATION OFFICER
SOUTH WAZIRISTAN AGENCY AT TANK

No. _____ /

Dated Tank the _____ / _____ /2018

APPOINTMENT ORDER:

Consequent upon the recommendation of NTS minutes and approved by the Departmental Selection Committee, the local candidate is hereby appointed purely on regular basis against vacant **PST Post (Male) in BPS-12 Rs. (13320-960-42120) PM** plus usual allowances as admissible under the rules with effect from of his taking over charge in the school noted against his name in the interest of public service with immediate effect.

| S. No | Name | Father Name | Post | Name of School | Remarks/Tehsil |
|-------|-------------|--------------|------|----------------|---|
| 01 | Hayat Ullah | Dad Gul Khan | PST | GPS Bibak | Against Vacant PST Post Teh: Birmal |

TERMS & CONDITIONS:-

1. Charge report should be submitted to all concerned.
2. If the candidate wish to resign his post, he will be given one month prior notice or his pay for one month will be forfeited in lieu thereof.
3. His documents, Date of Birth, CNIC and Domicile certificate should be checked before handed over charge of the post and attested copies thereof may be kept on record of the school.
4. He should produce his Health and Age certificate from Agency Surgeon concerned.
5. He may not be handed over charge if he is below 18-years or above 35 years.
6. If he failed to report of his arrival within 15 days, his appointment order will be treated as cancelled.
7. In any technical / legal flaw is pointed out, the appointment will stand as cancelled.

AGENCY EDUCATION OFFICER
S.W. AGENCY AT TANK

Endst: No. 7300-05 Dated Tank the 15/08 /2018

Copy forwarded to the:

1. Director of Education FATA, Peshawar
2. Political Agent, South Waziristan Agency at Tank.
3. Agency Accounts Officer, South Waziristan Agency at Tank.
4. Additional Agency Education Officer Wana (SWA)
5. Pay Clerk/ Official concerned.

Attested
Wana
ASAC

AGENCY EDUCATION OFFICER
S.W. AGENCY AT TANK



(S)

**OFFICE OF THE DISTRICT EDUCATION
OFFICER TANK**

No. 4559

Dated: 25/08/2022

To:

The District Accounts Officer,
South Waziristan Tribal District
At Tank

Subject: PAY RELEASE ORDER

Respected Sir,

The documents verification in respect of Mr. Hayat Ullah PST GPS Sholam Adda SWTD has been made and found correct. Documents are genuine by the concerned Board/ University. The photocopy of the Attendance Register for the teacher duly inspected by ASDEO Area is hereby attached with.

Furthermore, he has been performed his duties at his place of posting, hence his pay may please be released from 01/09/2021.


DISTRICT EDUCATION OFFICER
SWTD AT TANK

Attested

Dist. Govt. KP-Provincial
 District Accounts Office Tank-S.W. Agency
 (Monthly Salary Statement (July-2021))

9



Personal Information of Mr. HAYAT ULLAH (Wife of GUL DAD KHAN)
 Personnel Number: 00944748 CNIC: 2170524216987 NTN:
 Date of Birth: 16.03.1994 Entry into Govt. Service: 18.09.2018 Length of Service: 02 Years 10 Months 05 Days

Employment Category: Active Temporary
 Designation: PHYSICAL EDUCATION TEACHER 80926522 DISTRICT GOVERNMENT KHYBC
 DDO Code: TW6044-Waziristan
 Payroll Section: 006 GPF Section: 001 Cash Center:
 GPF A/C No: Interest Applied: No GPF Balance: 37570.00
 Vendor Number: -
 Pay and Allowances: Pay scale: DPS For - 2017 Pay Scale Type: Civil BPS: 15 Pay Stage: 2

| Wage type | Amount | Wage type | Amount |
|--------------------------------|-----------|--------------------------------|----------|
| 0001 Basic Pay | 18,780.00 | 1007 House Rent Allowance 45% | 3,524.00 |
| 1210 Convey Allowance 2005 | 2,856.00 | 1300 Medical Allowance | 1,500.00 |
| 1528 Unattractive Area Allow | 1,700.00 | 2211 Adhoc Relief All 2016 10% | 1,351.00 |
| 2224 Adhoc Relief All 2017 10% | 1,878.00 | 2247 Adhoc Relief All 2018 10% | 1,878.00 |
| 2264 Adhoc Relief All 2019 10% | 1,878.00 | 2309 Adhoc Relief All 2021 10% | 1,878.00 |
| 2316 Teaching Allowance 2021 | 3,224.00 | 5002 Adjustment House Rent | 1,175.00 |
| 5150 Adj Teaching Allow 2021 | 3,224.00 | | 0.00 |

Deductions - General

| Wage type | Amount | Wage type | Amount |
|-------------------------------|----------|----------------------|----------|
| 1015 GPF Subscription | 2,890.00 | 3501 Benevolent Fund | 1,200.00 |
| 4004 R. Benefits & Death Comp | 600.00 | | 0.00 |

Deductions - Loans and Advances

| Loan | Description | Principal amount | Deduction | Balance |
|------|-------------|------------------|-----------|---------|
| | | | | |

Deductions - Income Tax

Payable: 0.00 Recovered (All JUL-2021): 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 44,846.00 Deductions (Rs.): 4,690.00 Net Pay (Rs.): 40,156.00

Payee Name: HAYAT ULLAH
 Account Number: 0223606812
 Bank Details: UNITED BANK LIMITED, 210524, CIRCULAR ROAD, CIRCULAR ROAD

Leaves: Opening Balance: Awailed: Earned: Balance:

Permanent Address:

City: TANK Domicile: Housing Status: No Official
 Temp. Address: City: Email: professor1620@gmail.com

Attested
 [Signature]

System generated document in accordance with APPM 4.6.12.9(2R7061/14.07.2021/3.0)
 All amounts are in Pak Rupees
 Errors & omissions excepted (SERVICES/17.07.2021/05136/15)

ANNEX: B
Page = 10



OFFICE OF THE ADEO, S.W.T.D AT BIRMAL
 No. 891 - 95
 DATE 27 / 05 / 2022

Subject: TRANSFER ORDER

Memo: Consequent upon please find herewith The following PST teacher is hereby transferred of their own pay and grade in the interest of public service.

| S.No | Name | From | To | Remarks |
|------|----------------|-----------|------------|---------|
| 1. | Hayan Ulan PST | GPS Bibak | GPS Bholam | AVP |

- Notes:
1. Charge Reports should be submitted to all concerned.
 2. No TA / DA are allowed.

Wm

Assistant District Education Officer,
Birmal, S.W. District

Encls: No _____ dated Wana the _____ / 2022.

Copy to:

1. District Education Officer SWTD at Tank.
2. District Accounts Officer SWTD at Tank.
3. Pay Clerk Local Office.
4. Teachers Concerned.

Attested
[Signature]
A.S.L

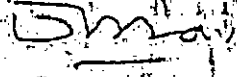
Assistant District Education Officer,
Birmal, S.W. District

ANNEXI- C
Page = 11

Attes t.c.
20.5.22
AS

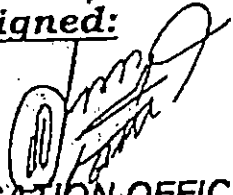
DUTY CERTIFICATE

It is to certify that Mr. Hayat Ullah PST has been performing his duties regularly at GPS Sholam Adda Birmal SWTD with effect from 27.05.2022.


ASDEO (Area)

Assistant District
Education Officer
Birmal

Countersigned:



DISTRICT EDUCATION OFFICER
DISTRICT SOUTH WAZIRISTAN

District Education Officer
SWTD Tank

Attes t.c.
20.5.22
AS

To

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa,
Peshawar.

Subject: DEPARTMENTAL APPEAL / REPRESENTATION FOR
RELEASING THE MONTHLY SALARY OF THE APPELLANT
W.E.F. 1ST SEPTEMBER, 2021 TO TILL DATE AND ONWARD.

Respected Sir,

1. That the appellant was appointed as PST in Education Department South Waziristan vide order dated 15/08/2018, and she was posted at GPS Bibak, D.I.Khan. Cop / of appointment order is annexed herewith.
2. That after getting the medical certificate, the appellant made the arrival and performing his duty till date with full satisfaction of his superiors and presently the appellant is performing his duty at GPS Sholam Adda, South Waziristan.
3. The appellant received his monthly salary till the month of August, 2021, and thereafter the monthly salary of the appellant has been stopped without any lawful reason.
4. That the appellant is still performing his duty regularly, but the monthly salary of the appellant is not releasing by the

Attest
Zabir
AG

concerned Authority despite the fact that the appellant approached them for redressal of his grievances time and again, but they paid no heed.

5. That the act of the concerned Authority / officers while they refused to release the monthly salary of the appellant is illegal, against the natural justice, ulterior motives, based on malafide and without jurisdiction.
6. That the appellant was appointed after fulfilling all the codal formalities and the appellant is performing his duties but the concerned Authority / officers stopped the monthly salary of appellant from the month of September, 2021, thus the concerned Authority / officers violated the fundamental right of the appellant which is protected under Article 11 of the Constitution of Islamic Republic of Pakistan, 1973.
7. That the Constitution of Islamic Republic of Pakistan, 1973 protected the rights of every citizen and provides the equality amongst the citizen, but the concerned Authority / officers clearly violated the fundamental right of the appellant protected by the Constitution of Islamic Republic of Pakistan.

Attested
Wahid

In view of the above submission, it is requested that may kindly be directed the concerned Authority / officers to release the monthly salary of the appellant w.e.f. 1st September, 2021 to till date and onward or any other relief may being deems fit in the interest of the appellant.

Dated: 08/01/2024

With Regards,

Your Humble Respondent

*Attestal
in case
Ase*

Hayat

Hayatullah

PST, GPS Sholam Adda..



INAM ULLAH KHAN

Advocate

bc-12-3702

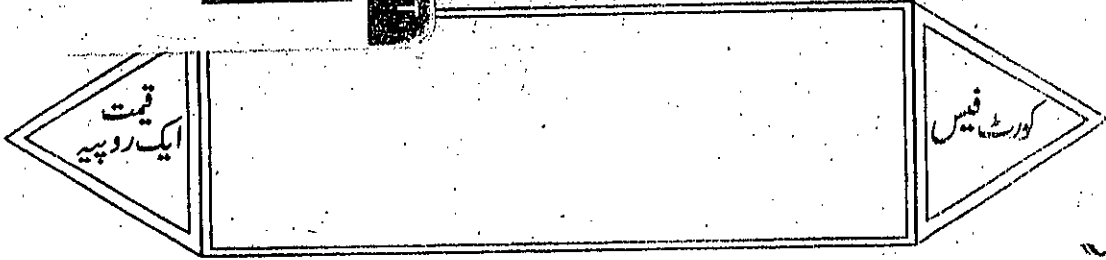
Date of Issue: March 2019

Valid upto: March 2022



وکالت نامہ

Secretary
KP Bar Council



بعدالت جناب

منجانب

بنام

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعث تحریر آئنگے

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی وجوہد ہی برائے پیشی یا تصفیہ مقدمہ بمقام

کے لیے
کو حسب ذیل شرائط پر دلیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذراہم اختیار خاص رو برو عدالت حاضر ہونا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوں اور مقدمہ میری پیمبر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف ایسے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ سمیت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عین نہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پروا خلد صاحب موصوف مثل کردہ ذات خود متنازعہ و قبول ہوگا۔ اور صاحب موصوف کو مرضی دعویٰ یا جواب دعویٰ یا درخواست اجراءے ذکر کی و نظر ثانی اپیل گرانٹی و ہر قسم درخواست پر دخل و تصرف کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ذکر کی کراہت اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر حاشی یا راضی نامہ و فیصلہ بر حلیہ کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور صورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری صدر پیروی مقدمہ مذکورہ نظر ثانی و اپیل و گرانٹی و ہر قسم کی مقدمہ یا پیشوئی ذکر کی یا طرف یا درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از فیصلہ اجراءے ذکر کی بھی صاحب موصوف کو بشرط ادائیگی علیحدہ معائنہ پیروی کا اختیار ہوگا اور تمام ساختہ پروا خلد صاحب موصوف مثل کردہ ذات خود متنازعہ و قبول ہوگا۔ اور صورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا امور سے درخواست نظر ثانی اپیل یا گرانٹی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ہیرسٹر کو اپنے بجائے یا اپنے ہیرسٹر مقرر کریں۔ اور ایسے ہیرسٹر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانہ التزام پڑے گا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں ہر کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ گھدیا ہے۔ تاکہ مستند رہے

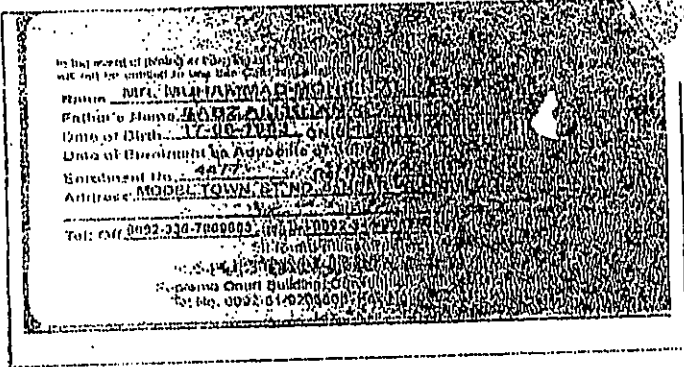
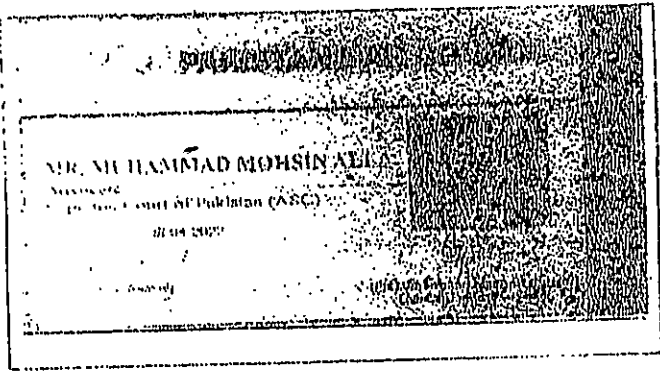
موجودہ ماہ 2022ء

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد العبد العبد

Attested
and
Accepted

حیات اللہ
Payant



VAKALATNAMA

BEFORE THE COURT OF

.....Plaintiff /Appellant /Petitioner/Complainant/ Accused

Vs

.....Defendant/Respondent/ Complainant/ Accused

KNOW ALL to whom these present shall come that I/We.....
do hereby appoint **Muhammad Mohsin Ali Advocate Supreme Court**(herein after called the advocate/s) to be my/our Advocate in the above noted case authorize him:-

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party.
4. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
7. To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.
8. And I/We the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.
9. And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
10. And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
12. And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this.....day of20

Accepted

Muhammad Mohsin Ali
Advocate Supreme Court

M/CLD
Payant