


Form-A

FORM OF ORDERSHEET

Court of _____

Case No. 638/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	08.05.2024	<p>As per direction of the Hon'ble Member Judicial the present appeal is fixed for preliminary hearing before touring Single Bench at D.I.Khan on 20.5.2024. Counsel for the appellant has been informed telephonically.</p> <p style="text-align: right;"> REGISTRAR</p>

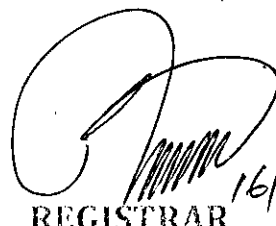
This is an appeal filed by Mr. Abdul Sami today on 16.04.2024 against the stoppage of salary against which he made/preferred departmental appeal/representation on dated 14.02.2024 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondents no. 1, 2 & 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.
- 2- Affidavit is not attested by the Oath Commissioner.
- 3- Annexures of the appeal are unattested.
- 4- Copy of pay roll mentioned in para-4 of the memo of appeal (Annexure-D) is not attached with the appeal, be placed on it.
- 5- In the memo of appeal the word petitioner is used but there exists no provision in the Khyber Pakhtunkhwa Service Tribunal Act/Rules 1974 to use the word of petitioner in the memo of appeal.
- 6- Three more copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 784 /ST,

Dt. 16/4/2024.


16/4/24

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Zain-ul-Abideen Adv.
Supreme Court at D.I.Khan.

Respected Sir,

- 1) That deficiency No 1 is rectified and respondent No 1 and 2 are necessary party.
- 2) The deficiency No 2 is rectified.
- 3) The deficiency No 3 is rectified and the annexures are attested.
- 4) The deficiency No 4 and 5 are rectified.
- 5) The deficiency No 6 is rectified.



Zain-ul-Abideen Afridi
Advocate Supreme Court

The appeal be fixed 768 16/5/24
as by then period of 90 days
will elapsed. R

03/05/2024

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 638 /2024

Abdul Sami

Appellant.

Versus

Assistant Commissioner D.I.Khan etc

Respondents

Service Appeal

INDEX

Sr. #	Discription of Documents	Annexure	Page(s)
1	Opening sheet etc	--	
2	Petition with Grounds of Appeal & Affidavit		1-5
3	Copies of the CNIC and service cards annexed	A&B	6-7
4	Copy of application	C	8
5	Copy of Order of Assistant Collector D.I.Khan/ Copy of the source of information of Appellant	D	9
6	Copy of application to Deputy Commissioner D.I.Khan	E	10-11
7	Wakalat Nama		12

Dated: 23-04-2024

Your Humbly Appellant

Abdul Smai

Through Counsel

Zain-ul-Abideen
Zain-ul-Abideen

Advocate Supreme Court
Dera Ismail Khan.

①

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 638 /2024.

1. Abdul Sami Son of Khurshid Alam caste Gandapur, R/O Near Wensam College D.I.Khan. Patwari Land Acquisition, Dera Ismail Khan.

(APPELLANT)

VERSUS

1. Assistant Commissioner/Assistant Collector Dera Ismail Khan.
2. Deputy Commissioner Dera Ismail Khan.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 13/09/2023 ISSUED BY THE RESPONDENT NO.1 IN RESULT OF WHICH RESPONDENT NO.2 STOPPED THE PAY OF APPELLANT AFTER RECEIVING SAMAN NO.1502 DATED 13/09/2023 FROM ASSISTANT COLLECTOR, DERA ISMAIL KHAN.

Dr

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,

2

1. That the appellant is serving as patwari (BPS-9) in Land Acquisition Department. Since induction he is performing his duties with honesty and with great zeal. Copies of the CNIC and service card are annexed as Annexure-A&B.
2. That the appellant always striven hard to discharge and fulfil the duties and tasks assigned with due diligence and dedication. Service record of the appellant is otherwise unblemished, clean and devoid of any adverse marking since nothing of the sort had ever been conveyed to the appellant in this respect.
3. That one Ahkter Ali son of Mumtaz Khan Mian Khel moved an application to Assistant commissioner Dera Ismail Khan Dated 16.08.2023 in which Ahkter Ali narrated fake story and levelled false allegation of fraud against appellant. Copy of the application is Annexure-C.
4. That thereafter illegal and unlawful enquiry was initiated against the appellant without giving any notice to the *appellant* and later on Assistant Collector Dera Ismail Khan issued saman No. 1502 Dated 13.09.2023 to respondent no.2 to stop the pay of the *appellant* without assigning cogent and lawful reason for doing so. In response to said summon office of the respondent No.2 stopped the pay of the *appellant* w.e.f 01.09.2023 Copy of the source of information of Appellant is annexed as Annexure-D.

3

5. That appellant visited the office of respondent No.2 to release the pay of appellant and in this respect also moved several application to the respondent No.1&2 and lastly moved an application to Deputy Commissioner District Dera Ismail Khan on 14.01.2024 but all in vain. In addition to applications of the appellant has neither been taken up nor any decision is made thereon by the respondent No.1&2. Copy of application is annexed as Annexure-E.
6. That the appellant is left with no other remedy but to knock the doors of this Honourable court inter alia on the following ground.

GROUNDS:

1. That the order passed by the respondent No.1, impugned hereby are arbitrary, discriminatory, legally and factually incorrect, ultra vires, void ab initio and militate against principle of natural justice, thus are liable to be set aside and nullified.
2. That the respondent No 1 has no authority and power to stop the pay of the appellant and the order of the respondent No. 1 is unlawful.
3. That the Assistant commissioner Dera Ismail Khan stopped the pay of appellant without rendering any information or notice to the appellant.
4. That Assistant Commissioner Dera Ismail Khan illegally and unlawfully stopped the pay of appellant without assigning any cogent reason approxamitely for about seven months and further for future.

5. That it is a matter of record that the appellant has been vexed in clear defiance of the law and principles laid by the Superiors courts as well as the Tribunal as could be gathered from the facts and circumstances of the case.
6. That the appellant's history of honest service and satisfactory performance, without any prior complaints, should certainly be taken into consideration when evaluating the situation.
7. That the appellant is the law abiding citizen, beside that this job was the only source of income of the appellant. Appellant is sole bread earner of his family.
8. That the counsel for the appellant may kindly be allowed to raise the additional grounds for the time of arguments.

PRAYER:

In wake of above submissions, it is respectfully prayed that on acceptance of instant appeal the impugned order Dated 13/09/2023 of the Assistant Collector D.I.Khan for stoppage of the pay of appellant, may kindly be declared as null and void, without law full authority and by setting aside impugned order, pay of the appellant may be released from the date of stoppage till date.

OR

Any other relief which this court deems fit may kindly be granted to the appellant.

Date: 22.04.2024

Your Humbly Appellant,

Abdul Sami

Patwari Land Acquisition

Dera Ismail Khan.

Through Counsel.

Zain-ul-Abideen Afridi

Advocate Supreme Court

5

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

Service Appeal No. _____/2024.

Abdul Sami

Appellant.

Versus

Assistant Commissioner D.I.Khan etc

Respondents

Service Appeal

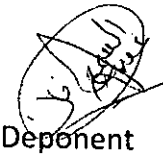
Verification

I, Abdul Sami S/O Khursid Alam, R/O Near Wensam College Dera ismail khan verified that the above titled paras of the *appellant* are true to the best of my knowledge and belief and nothing has been concealed so far.



Affidavit

I, Abdul Sami S/O Khursid Alam, R/O Near Wensam College Dera ismail khan do hereby solemnly affirms that the content of this *appellant* is true to best of my knowledge and personal belief and nothing has been concealed so far



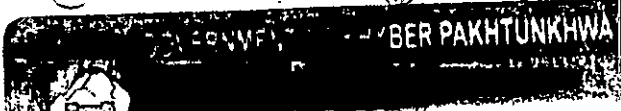
Deponent

Date 23.04.2024

Abdul Sami
Assistant Commissioner
D.I. Khan

(15)

(7)



Handwritten: Muzedat to the
D. I. Khan

Abdus Sami Khan

Patwar (GPS-09)

D. I. Khan *Handwritten initials*



D. I. Khan



Father Name : Khurshid Alam Personnel No: 403086

CNIC No : 12101-3780025-3 Date of Birth : 03-03-1980

Blood Group : AB +ve Date of Appointment : 21-05-20

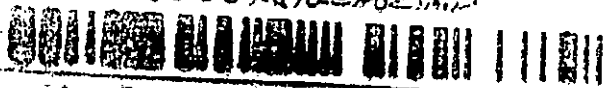
Office (Ph) : 0265-2220118 Call : 0333-3318824

Present Address : Office of the Deputy Commissioner, D. I.

Signature

For Information / Verification, Please Contact Deputy Commissioner, D. I. Khan

آئی ڈی کے دفتر میں موجود ہے۔



(A)

(6)

PAKISTAN National Identity Card

THE NATIONAL IDENTITY CARD ACT, 1973

Name: *Muhammad Ali Khan*



Place of Birth: *Rawalpindi*
District: *Rawalpindi*

Country of Birth: *Pakistan*

Identity Number: *10101 579036-3*

Date of Birth: *10/01/1939*

Place of Issue: *Rawalpindi*

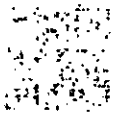
Date of Issue: *10/01/2002*



Ministry of Interior

1970

1970



1970

1970

1970

1970

Attested to be
true Copy.

(8) (C)

یونور ایڈیٹریز اسٹیشنڈ کمشنر صاحب مدظلہ کے ذریعہ ارسال کیے جانے والے

دستاویزات میں مذکورہ بالا کے بارے میں کارروائی کے خلاف ایڈیٹریز کے ذریعہ درخواستیں کی گئی ہیں۔

مذکورہ مسائل کے حوالہ سے درخواستیں کی گئی ہیں اور ان کے حوالہ سے کارروائی کی جا رہی ہے۔

مذکورہ مسائل کے حوالہ سے درخواستیں کی گئی ہیں اور ان کے حوالہ سے کارروائی کی جا رہی ہے۔

مذکورہ مسائل کے حوالہ سے درخواستیں کی گئی ہیں اور ان کے حوالہ سے کارروائی کی جا رہی ہے۔

مذکورہ مسائل کے حوالہ سے درخواستیں کی گئی ہیں اور ان کے حوالہ سے کارروائی کی جا رہی ہے۔

مذکورہ مسائل کے حوالہ سے درخواستیں کی گئی ہیں اور ان کے حوالہ سے کارروائی کی جا رہی ہے۔

مذکورہ مسائل کے حوالہ سے درخواستیں کی گئی ہیں اور ان کے حوالہ سے کارروائی کی جا رہی ہے۔

مذکورہ مسائل کے حوالہ سے درخواستیں کی گئی ہیں اور ان کے حوالہ سے کارروائی کی جا رہی ہے۔

مذکورہ مسائل کے حوالہ سے درخواستیں کی گئی ہیں اور ان کے حوالہ سے کارروائی کی جا رہی ہے۔

مذکورہ مسائل کے حوالہ سے درخواستیں کی گئی ہیں اور ان کے حوالہ سے کارروائی کی جا رہی ہے۔

12051 0971 611-7

یونور ایڈیٹریز اسٹیشنڈ کمشنر صاحب مدظلہ کے ذریعہ ارسال کیے جانے والے

دستاویزات میں مذکورہ بالا کے بارے میں کارروائی کے خلاف ایڈیٹریز کے ذریعہ درخواستیں کی گئی ہیں۔

Handwritten signature

(9)

(1)

Attested to be true copy

EMPLOYEE SYSTEM
APPOINTMENT FORM
(SINGLE EMPLOYEE ENTRY)

TITLE OF THE Patwar Patwari District
OF THE MONTH OF September 2023

DO Code _____
Post Center)

D	1	6	1	4	7
---	---	---	---	---	---

 Description DC Office, Dikhan

Personnel Number

0	0	4	0	3	0	9	6
---	---	---	---	---	---	---	---

 Employee Name: Abdul Sami Khan

National ID Card Number _____

Grade (Pay Scale Group)

0	9
---	---

Patwari

Salary Status _____ Start _____ Stop _____

ITD Type	GENERAL DATA CHANGE			CHANGE IN PAYMENTS / DEDUCTION				Effective Date	Remarks
	Field ID	New Contents	Wage Type	Amount		Rupees --	Paisa -- Adj --		
				Correction					
		Stoppage of Pay							Stoppage of pay, vide sanction No 1502 dated 13/09/2023 received from Assistant Collector, Dikhan, copy Attached
		W.e.f. from	1/9/2023						

(Handwritten signature/initials)

Digit Checked by _____

(E)

(10)

To,

Attested to be true
Copy.

The Deputy Commissioner

District D.I. Khan

Ali

Subject: Application For the Release
of pay of Petitioner.

Respectfully sheweth:

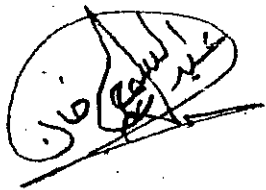
- ①: With due veneration, it is submitted that Petitioner is a Patwari in Land Acquisition Department.
- ②: That AC D.I. Khan illegally & unlawfully stopped the pay of Petitioner without assigning any cogent Reason approximately seven Months Ago.
- ③: That AC D.I. Khan have no authority & Power to do stop the pay of Petitioner.

Therefore, it is humbly
prayed that the pay

of the Petitioners
be released from the date
of stoppage till Date.

Attested to be true
Copy may kindly
Date

14.02.2024



Your's humble

Abdul Sami

Patwari Land Acquisition

Attested to be
true Copy.



SUPREME COURT BAR ASSOCIATION
OF PAKISTAN



ZAIN UL ABIDIN
Advocate Supreme Court of Pakistan
12101-7625297-3

ZAIN UL ABIDIN
President

WASIM NADIM
Secretary



Enrollment Date: 04-12-2021
Date of Birth: 15-04-1970
Membership Date: 26-04-2022

This Card is the property of SCBA of Pakistan
If found stolen in any form, the following address
Supreme Court Bar Association of Pakistan
Confidential No: 12680644006700020000

VAKLATNAMA

BEFORE THE HONOURABLE

KPK Service Tribunal

From Appellant

In the Matter of: Abdul Sami

Plaintiff / Appellant / Petitioner / Complainant

VERSUS

Commissioner D.I. Khan etc

Defendant / Respondent / Accused

In Suit/Case

Service Appeal

I/We do hereby appoint Mr. **ZAIN UL ABIDIN AFRIDI ADVOCATE SUPREME COURT** in the above mentioned matter / case and authorize him/them to do all or any of the following acts, in my/our name and on my/our behalf, that is to say,

1. To appear, act and plead for me/us in the above mentioned case in this Court/ tribunal in which the same may be tried or heard or any other proceedings what so ever, ancillary thereto, including appeal, revision etc; on payment of fees separately for each court by me / us,
2. To sign, verify, file, present or withdraw all/any proceedings, petitions, appeals, cross objections and application for compromise or withdrawal, or for submission to arbitration of the said case or any other documents, as may be deemed necessary or advisable by him/them and to conduct prosecution or defense of the said case at all its stages,
3. To undertake execution proceedings, deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be conferred to be done for the progress and in the course of prosecution of the said case,
4. To appoint and instruct any other Advocate/ legal practitioner authorizing him to exercise the power and authority conferred upon the advocate whenever he/they may think fit to do so and to sign Power of Attorney on our behalf,

I /we, the undersigned do hereby agree to ratify and confirm all acts done by the advocate or his authorized substitute in the matter as my /our own acts, as if done by me/us to intents and purposes, and I /we undertake that I /we or my/our duly authorized agent shall appear in the court on all hearings and will inform the advocate(s) for appearance when case is called and I/we the undersigned agree hereby not to hold the advocate(s) or his/their substitute responsible if the said case be proceeded ex-parte or dismissed in default in consequence of my/our absence from court when it is called for hearing and for the result of the said case, the adjournment costs whenever ordered by the court shall be of the advocate(s) which he/they may receive and retain himself/themselves. I/we the undersigned do hereby agree that in the event of the whole or part of the fees agreed by me/us to be paid to the advocate(s), if remain unpaid, he/they shall be entitled to withdraw from prosecution of the above said case until the same is paid and fee settled is only for the above said case and above court and I /we agree hereby that once fee is paid, I/we shall not be entitled for refund of the same in any case whatsoever.

IN WITNESS WHEREOF, I /we do hereby set my/our hand to these presents, the contents of which have been read / read over, explained fully and understood by me/us on

Date: D 23 M 04 Y 2024

Name of Person Appointing the Advocate Abdul Sami

Signature:

ACCEPTED BY

ZAIN UL ABIDIN AFRIDI
Advocate Supreme Court.