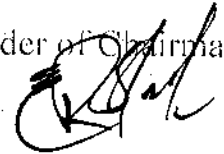


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

675/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1-	20/05/2024	<p>The appeal of Mst. Summaya re-filed today by registered post through Sheikh Ifikharul Haq Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on. <u>19-8-24</u>. Counsel for the appellant has been informed telephonically.</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Mst. Summaya received today i.e on 03.05.2024 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 the appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Copy of impugned order dated 12.12.2023 mentioned in the heading of the appeal is not attached with the appeal be placed on it.
- 3- Annexure-B of the appeal is illegible.

No. 1082 /S.T.

Dt. 6-5 /2024.


6/5/24

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Shiekh Ifrikhar ul Haq Adv.
High Court D.I.Khan.

Respected sir

1. In respect of objection No 2, the detail address as per rule 6 of Khyber Pakhtun Khwa service Tribunal rules 1974, of the appellant has been given. Hence objection has been removed.

2. The copy of impugned order is available on page 9. Annexure - C. Hence objection has been removed.

3. The objection no 3 has been removed.

Hence resubmitted please sir.

Dated 18.5.2024

Your humble Appellant
in file No
Sh: Ifrikhar ul Haq
Adv.

In chg

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In service Appeal No. 675 /2024

Summaya
(Appellant)

VERSUS

DEO(F) Tank etc
(Respondents)

T.C - 0345-9785920

INDEX

S. No.	Particulars of documents	Annexure	Page
1.	Service appeal with affidavits	--	1-5
2.	Copies of the attendance relevant record	A	-6-
3.	Copies of the deduction order along with pay slip	B & C	7-8
4.	Copy of the departmental appeal	D	9
5.	Vakalatnama	--	-10-

Dated: 29/04/2024

Humble Appellant

Sumy ✓

Summaya

Through Counsel

Sheikh Iftikhar ul Haq
A.S.C

Sheikh Iftikhar ul Haq

Advocate Supreme Court

0345-9785920

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 675 /2024

Summaya daughter of Muhammad Saleem r/o village Pai
Tehsil & District Tank.

(Appellant)

VERSUS

1. District Education Officer (Female) Tank.
2. Sub Divisional Education Officer (Female) Tank.
3. District Accounts Officer, Tank.

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

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

PRAYER:

On acceptance of the instant appeal the deduction of monthly salaries in November 2023 vide order dated 12/12/2023 may and the order of the appellate authority is any on the departmental appeal of the appellant although up till now the departmental appeal is not decided in the stipulated period meaning thereby rejection of the departmental may also be set aside and the deduction of salary may kindly be released to the appellant.

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

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 was appointed as PST in the Education Department Tank in the year 2023.
2. That the appellant is serving the department with zeal, zest and full satisfaction of her superior and never remained absent from her duty. Copies of the attendance relevant record are annexed as **Annexure-A**.
3. That during the performance of duties the deduction of salary order was made in the salary for the month of November 2023 vide pay slip order dated 12/12/2023. Copies of the deduction order along with pay slip are annexed as **Annexure-B & C**.
4. That the appellant feeling aggrieved by the deduction of salaries/impugned order dated 12/12/2023, preferred a departmental appeal on 08/01/2024 to the respondent#1 through proper channel to the appellate authority. Copy of the departmental appeal is annexed as **Annexure-D**.
5. That feeling aggrieved by the impugned order dated 12/12/2023, 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 the impugned deduction of salary order is against law, facts, circumstance and on the basis of speculation and slipshod manner.

- b) That the appellant was on duty which is evident from the attendance register, hence, the impugned order is issued in violation of law, service rules and policy.
- c) That no charge sheet, statement of allegations, show cause, no inquiry whatsoever has been conducted while passing the impugned order, hence, the same is liable to be set aside.
- d) 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.
- e) 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: 29/04/2024

Humble Appellant

Summaya ✓
Summaya
Through Counsel

ju fil
Sheikh Iftikhar ul Haq
Advocate Supreme Court

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In service Appeal No. _____/2024

Summaya
(Appellant)

VERSUS

DEO (F) Tank etc
(Respondents)

CERTIFICATE

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

Dated ___/04/2024


Appellant

NOTE

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

Dated 29/04/2024


Appellant's counsel

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In service Appeal No. _____/2024

Summaya
(Appellant)

VERSUS

DEO(F) Tank etc
(Respondents)

AFFIDAVIT

I, **Summaya**, 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 29/04/2024



Sunny
Deponent

Identified By:-

Sheikh Itikhar ul Haq
A.S.C.
Sheikh Itikhar ul Haq
Advocate High Court
Dera Ismail Khan

روزانه کلاس ماه زمستان سال 1392

جستارهای پدیدارشناسی کورسنت ترم نهم
 Arameh - A

مدرس: ...

P.S. 107

P.S. 117

1392-9446756-1 | 1392-0746876-2

روز	دستگاه	رواقی	دستگاه	آمد	دستگاه	رواقی	دستگاه	آمد	دستگاه	رواقی	دستگاه	آمد	روز
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28			P	1:20	P	8:35	9:10	1:20	9:00			8:35	2023
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30			P	1:20	P	8:35	9:10	1:20	9:00			8:35	
31			X	X	X	X	X	X	X	X	X	X	

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Attached to be true copy												
Sunny												
میزان												

7

Ann- "B"

INVOICE NO. 1200-3

DATE

INVOICE NO.	DATE	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL	GENERAL LEDGER CHARGE		COURSE IN PAYMENT'S DEDUCTIONS		STOP	EFFECTIVE DATE
							NEW	CONTENTS	AMOUNT	PAID		
1200-3		10 Days Deduction										
		15 Days Deduction										
		20 Days Deduction										
		25 Days Deduction										
		30 Days Deduction										
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		500 Days Deduction										

Approved by: [Signature]

Authorized/Checked By:

Attended to by: [Signature]

Entered/Verified By:

PSK

FORM 1113

DATE

PERCENT

**Dist. Govt. KP-Provincial
District Accounts Office Tank
Monthly Salary Statement (November-20**

8



Personal Information of Mr SUMMAYA . d/w/s of MUHAMMAD SALEEM

Personnel Number: 01049969 CNIC: 1220197468962 NTN:
Date of Birth: 14.08.1999 Entry into Govt. Service: 20.04.2023 Length of Service: 00 Years 07 Months 012 Days

Ann-e

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL TEACHER 80005027-DISTRICT GOVERNMENT KHYBE

DDO Code: TK6007-DY: DISTT OFFICER (FEMALE) PRY: TANK

Payroll Section: 001 GPF Section: 001 Cash Center:

GPF-A/C No: GPF Interest Free **GPF Balance:** 25,260.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 12 Pay Stage: 0

Wage type		Amount	Wage type		Amount
0001	Basic Pay	19,770.00	1001	House Rent Allowance 45%	2,940.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1550	Special Allowance	800.00	2316	Teaching Allowance 2021	2,664.00
2341	Dispr. Red All 15% 2022KP	1,998.00	2348	Adhoc Rel Al 15%22(newen)	1,998.00
2378	Adhoc Relief All 2023 35%	6,919.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3012	GPF Subscription	-3,300.00	3501	Benevolent Fund	-1,200.00
3541	DC Pension Emp KP 2022	-1,977.00	3914	Education (ROP)	-20,054.00
3990	Emp.Edu. Fund KPK	-135.00	4004	R. Benefits & Death Comp:	-600.00
6075	Adj GPF	-3,240.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till NOV-2023: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 41,445.00 Deductions: (Rs.): -30,506.00 Net Pay: (Rs.): 10,939.00

Payee Name: SUMMAYA .

Account Number: 182500675701

Bank Details: BANK AL HABIB LIMITED, 362015 Dera Ismail Khan Branch Dera Ismail Khan Branch, D.I.K

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: TANK

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: fazzailahmad12345@gmail.com

*Attached to be true copy
Sunny*

System generated document in accordance with APPM 4.6.12.9(522208/28.11.2023/v3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/12.12.2023/01:03:53)

Signature
A.B.C

To
The District Education Officer
Female, Tank.

9

Subject: Appeal Against unjustified and unauthorized deduction from salary made by the SDEO.

Respected Madam,

Ann-D

With profound respect and humble submission, it is requested that I am working as PST at GGPS Niaz Ali Korona Tank. My monthly salary for November 2023 has been deducted for 15 days under head 3914 (ROP). On my approach to the office of the SDEO, it was learnt that the said deduction has been made by the Ex SDEO Mst Sonia Nawaz through proper source form submitted to the District Account Officer Tank. (Copy attached)

Dear Madam,

It is pertinent to mention here that the SDEO has made such deduction without any proper justification/approval of the competent authority. I have neither been informed about my fault nor any opportunity has been provided to me to defend my position. This act of the SDEO is unjustified and illegal.

Your good self is therefore requested to kindly compensate me for the said loss with initiating necessary proceeding against the SDEO for taking an action beyond her authority and competency.

In case my request is not honored, I reserve the right to approach to the next competent/appellate forum in this regard.

Dated: 08/01/2024.

SDEO Tank
For Report

6000
28/01/24
Summaya
Yours Obediently

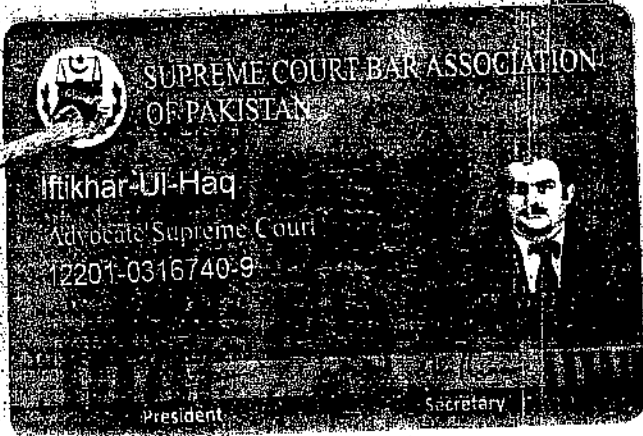
Summaya PST
GGPS Niaz Ali Korona Tank

8/1/24

Attached to be taken
Sunny

CS CamScanner

Signature of Applicant
M. A. B. C.



10

وکالت

کورٹ
فیس

cap cut 5*

Before the K.P.K Service Tribunal

Appellant

Summaya vs D. E. O etc

Service Appeal

u/s 4 of K.P.K S.T. Act 1973

باعث خیرانگہ

D. S. K
Shoikh Iftikhar ul Haq A.S.C

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے دائرہ برائے درخواست کی برائے پیشی یا تفریق مقدمہ چلا گیا ہے کہ میں منظور کیا ہے کہ میں پیشی پر خود یا جڑا بڑیہ رو برو عدالت حاضر ہوتا ہوں گا اور ہر وقت بکارے جانے مقدمہ وکیل صاحب کے اطلاع دینے کے حاضر ہوا کرتا ہوں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر جانبری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل کے ذمہ دار نہ ہوں گے اور مقدمہ صدر کچہری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات سے آگے یا پیچھے پیش ہونے کے لیے درخواست گزار کو اپنی ذمہ داری کے ذمہ دار یا اپنے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ دہاؤں کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے نہ کسی صورت میں وکیل صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دہی یا جواب دہی یا درخواست اجراء اسمائے ذمہ داری اپنی طرف سے ہر قسم درخواست برہنہ کے بیان دینے اور پر مائل یا دماغی نامہ و فیصلہ برطرف کرنے اقبال دہی کا بھی اختیار ہو گا اور بصورت مقرر ہونے یا گرفتاری میں از فیصلہ اجراء ذمہ داری بھی صاحب موصوف کو بشرط ہونے کی طبعہ مختص میری اختیار ہو گا اور تمام ساختہ پر ذمہ داری صاحب موصوف مثل کردہ از خود منظور قبول ہو گا اور بصورت شہرت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مندرجہ بالا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی میں گرفتاری یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا زیر منظر کو تفویض ہو جائے یا اپنے اجراء مقرر کریں اور ایسے شیرتائون کو بھی ہر امر میں دہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور عدالت مقدمہ میں جو کچھ ہر جانب اجراء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری ٹیس بارڈ پیشی سے پہلے اوقات کروں گا اور صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پوری نہ کریں اور ایسی صورت میں ہر امر کی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگی

لہذا وکالت نامہ لکھ دیا ہے تاکہ منظور ہے

مضمون وکالت نامہ مندرجہ بالا ہے اور اس کی طرح کچھ لیا ہے اور منظور ہے

Appellant
Accepted
Signature of Appellant
A.S.C