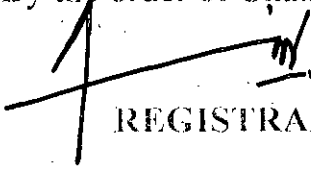



FORM OF ORDER SHEET

Court of _____

Appeal No. 667/2024

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|----------------------------|---|
| 1 | 2 | 3 |
| 1- | 17/05/2024 | <p>The appeal of Mr. Muhammad waqas resubmitted today by Uzma Syed Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 21.05.2024. Parcha Peshi given to the counsel for the appellant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p> |
| | 21 st May, 2024 | <p>Clerk to counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. To come up for preliminary hearing on 28.05.2024 before S.B. P.P given to clerk to counsel for the appellant.</p> <p style="text-align: right;">  (Muhammad Akbar Khan) Member (E)</p> |

Kumamllah

28.5.24

Due to public holiday the case is adjourned to 28-6-2024.


Reader.

The appeal of Mr. Muhammad Waqas received today i.e on 02.05.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 2, 3 & 4 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- The departmental authority to whom the departmental appeal was made has not been made/arrayed necessary party.
- ③ Copy of impugned salary stoppage order mentioned in the memo of appeal is not attached with the appeal be placed on it.
- 4- Annexures-A, C, D & E of the appeal are illegible be replaced by legible/better one.
- 5- Appeal has not been flagged/marked with annexures marks.
- 6- Annexures of the appeal are unattested.

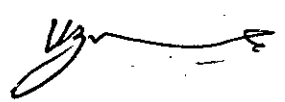
No. 105/2 /S.T,

Dt. 03/5 /2024.


3/5/24
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Noman Ali Bukhari Adv.
High Court Peshawar.

All objections (1 to 6) were removed &
objection No 3 impugned order is already
Annexed with appeal (Annexure E)


17-5-2024

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 667 /2024

Muhammad Waqas

V/S

Education Deptt

INDEX

| S.No. | Documents | Annexure | Page No. |
|-------|-----------------------------|----------|----------|
| 1. | Memo of Appeal | ---- | 1-6 |
| 2. | Copy of appointment order. | -A- | 7 |
| 3. | copy of transfer order | -B- | 8-9 |
| 4. | Copy of pay slip | -C- | 10 |
| 5. | Copy of departmental appeal | -D- | 11 |
| 6. | Copy of impugned order | -E- | 12 |
| 7. | Copy of departmental appeal | -F- | 13-14 |
| 8. | Vakalat Nama | ---- | 15 |

APPELLANT
Muhammad Waqas

THROUGH:


(UZMA SYED)

&

SYED NOMAN ALI BUKHARI
ADVOCATES, HIGH COURT

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

APPEAL NO 667/2024

Mr. Muhammad Waqas, Waiter/Naiq Qasid (Bps-3),
Government Degree College Jamurd, District Khyber.

(APPELLANT)

VERSUS

1. The Director Higher Education Khyber Pakhtunkhwa, Peshawar.
2. The District Account Officer, District Khyber.
3. The Principle Government Degree College Jamurd, District Khyber.
4. The Principle Government Frontier College For Women, Peshawar

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 02.10.2023 RECEIVED ON 27/12/2023, WHEREBY THE PAY FOR THE PERIOD W.E.FROM 01-06-2021 TO 31/07/2023 WAS DENIED TO THE APPELLANT AND AGAINST NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, IMPUGNED ORDER DATED 02/10/2023 MAY KINDLY BE MODIFIED TO THE EXTENT THAT PERIOD W.E.FROM 01/06/2021 TO 31/07/2023 MAY KINDLY BE TREATED AS PERIOD SPENT ON DUTY WITH PAY AND ALL BACK AND CONSEQUENTIAL BENEFITS.

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

APPEAL NO. _____/2024

Mr. Muhammad Waqas, Waiter/Naiq Qasid (Bps-3),
Government Degree College Jamurd, District Khyber.

(APPELLANT)

VERSUS

1. The Director Higher Education Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Higher Education Civil Secretariat Khyber Pakhtunkhwa
Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 02.10.2023 RECEIVED ON 27/12/2023, WHEREBY THE PAY FOR THE PERIOD W.E.FROM 01-06-2021 TO 31/07/2023 WAS DENIED TO THE APPELLANT AND AGAINST NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, IMPUGNED ORDER DATED 02/10/2023 MAY KINDLY BE MODIFIED TO THE EXTENT THAT PERIOD W.E.FROM 01/06/2021 TO 31/07/2023 MAY KINDLY BE TREATED AS PERIOD SPENT ON DUTY WITH PAY AND ALL BACK AND CONSEQUENTIAL BENEFITS.

ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, IS AWARDED IN FAVOR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is the employee of respondents and was appointed as waiter bps-03 after fulfilling all the codal & legal formalities required for the post vide order dated 7-12-2017. **(Copy of appointment order dated 7-12-2017 is attached as annexure-A).**
2. That appellant after taking over the charge of his post the appellant started performing his duty quite efficiently whole heartedly and upto the entire satisfaction of his high ups.
3. That the while performing his duty the appellant has been transferred from Government Frontier College for Women to Government Degree College Jamurd District Khyber through order dated 14-7-2021. **Copy of the order dated 17-4-2021 is annexed as annexure-B.**
4. That in respect to ibid transferred order the appellant submitted his arrival report and started performing his duty with, zeal and zest.
5. That finally in May 2021 the salary of the appellant was issued and after that astonishingly the salary of the appellant stopped without any cogent reason against which the appellant filed Departmental Appeal which is not responded till date. **Copies of Salary Slip and Departmental Appeal dated are attached as annexure-C & D.**
6. That in June 2021 the salary of the appellant was stopped without any cogent reason against which appellant filed Service Appeal No. 1151/2021, during the pendency of this Service Appeal the respondent issue the order dated 02.10.2023 receive to the appellant on 27/12/2023 whereby the respondent released the monthly salary of the appellant but the remaining period treated as leave without pay, earned leave and leave not due. **Copy of order is attached as annexure-E.**
7. That the appellant being aggrieved this departmental appeal which was not responded within statutory period of 90 dyas, hence the present appeal on the following grounds amongst others. **Copy of departmental appeal is attached as annexure-F.**

GROUNDS:

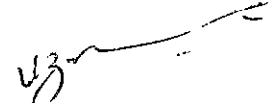
- A. That the impugned inaction of the respondents by not releasing the salaries of the appellant since 1.06.2021 till date is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B. That the appellant has not been treated by the concerned authority in accordance with law and rules and as such the authority violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C. That the appellant is still performing his duties and the inaction of the respondents by not releasing his salaries is amounting to forced labour which is the blatant violation of the Article 11 of the Constitution of Pakistan, 1973.
- D. That the respondents discriminated the appellant by not releasing the monthly salaries of the appellant.
- E. That according superior court judgment when the appellant was re-instead in to service, the Grant of back benefits is right and refusal is exception in appellant remained Gain fully during that period. So the appellant is entitled to all back benefits according to superior court judgment and latest judgment of this Hon'able Tribunal titled as "Muhammad Noman Vs Police Deptt:".
- F. That the period appellant properly performing his duties, but the salary of the appellant was stops without any reason it is fault of the department not of the appellant, so the any irregularities committed by the department not held the appellant responsible according to superior courts judgment.
- G. That if the grievance of the appellant is not resolved then the appellant will face huge financial loss even it will affect the pension of the appellant.
- H. That the appellant cannot be held responsible for the lapse/irregularities committed by the department and in such case the Hon'able Supreme Court of Pakistan has held the department responsible not the appellants.
- I. That has the appellant was not applied not gainfully intervening period therefore keeping in view the judgment reported of Honorable Supreme Court reported as 2007 PLC (C.S) Page#346 the appellant is entitled to all salaries and emoluments removed in the intervening period.

J. That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

APPELLANT
Muhammad Waqas

THROUGH:


(UZMA SYED)

&

SYED NOMAN ALI BUKHARI
ADVOCATES, HIGH COURT

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2024

Muhammad Waqas

V/S

Education Deptt

CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.

(UZMA SYED)
ADVOCATE HIGH COURT

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2024

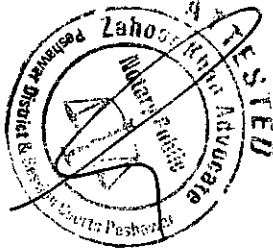
Muhammad Waqas

V/S

Education Deptt

AFFIDAVIT

I, Muhammad Waqas, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.



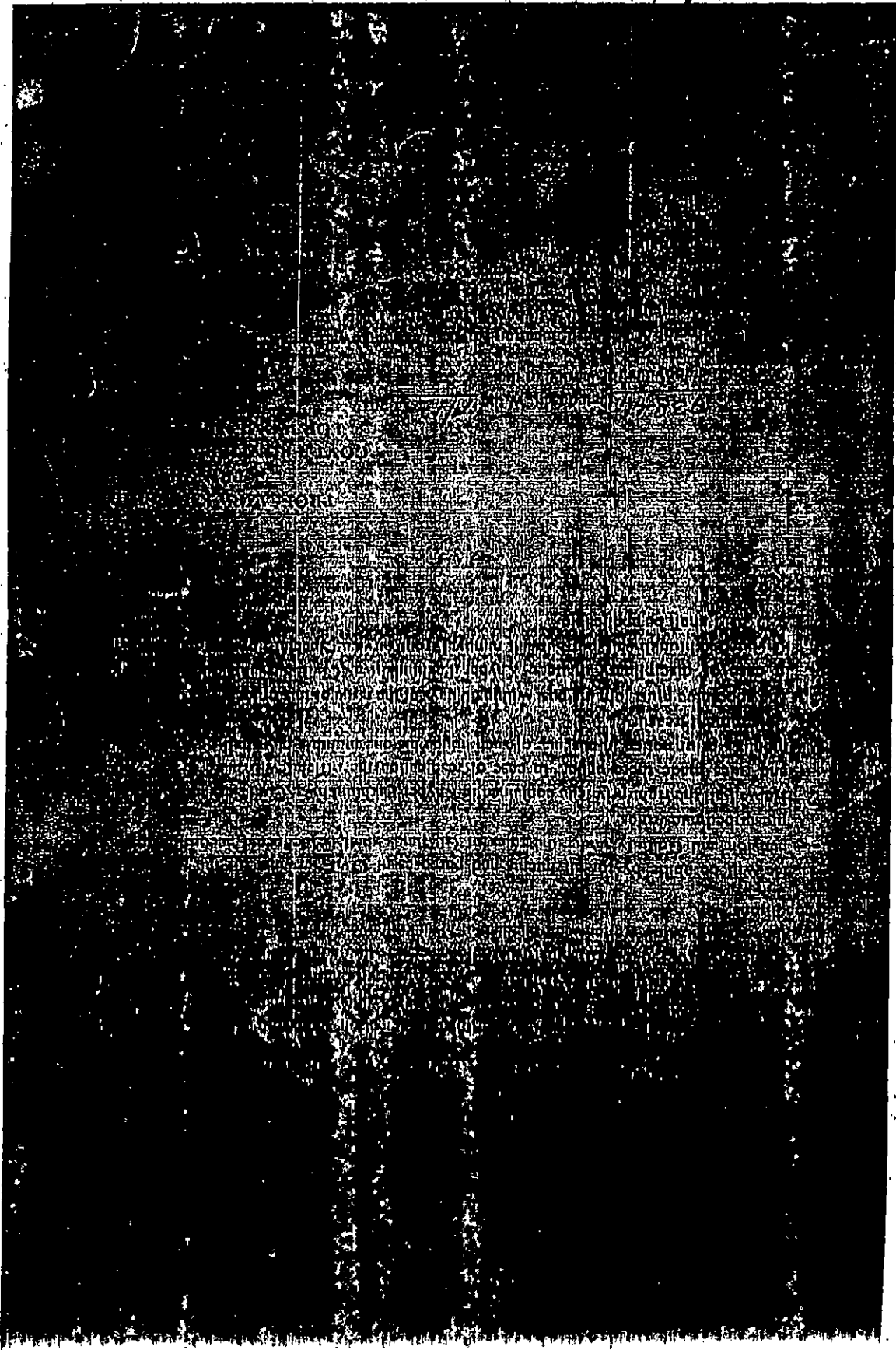
DEPONENT

Muhammad Waqas

ADMITTED

TO THE
OFFICE OF

[Handwritten mark]



⑤

[Handwritten mark]

[Handwritten mark]

OFFICE OF THE PROVINCIAL GOVT FRONTIER COLLEGE
FOREWOMEN PESHAWAR

Ph. No. 0919212805 Email: fcwpsh@yahoo.com

ORDER

APPOINTMENT AGAINST THE DECEASED SON QUOTA

On the recommendations / approval of Departmental Selection Committee Mr. Muhammad Waqas S/o Late Mehboob Khan (Deceased Employee) Resident of Shalobar Qamber Khail Qamar Abad P/O Bara, Tehsil Bara, District Khyber Agency is hereby appointed as Writen in BPS-03 of Rs. (9610-390-2130) plus usual allowances as due and admissible under the rule against the vacant post of Waiter w.e.f the date of his taking over charge on the following terms and conditions

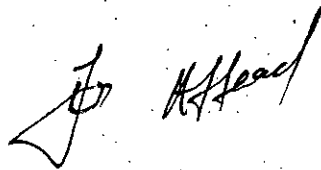
1. He will be abide by for all intents and purpose of Civil Servant for the purpose of pension and Gratuity under the rules of GP funds shall be deduced according to the prescribed rules / rules.
2. He will all the right / privilege contained in Khyber Pakhtunkhwa Civil Servant Act, 2005 and rules made there under. In case of resignation the official will have to give are months prior notice in absence of such notice his one months pay shall be forfeited to Government treasury.
3. The appointee must join his post written 30 days of the issue of this order.
4. In case of disciplinary matters, Khyber Pakhtunkhwa Civil Servants Act, 1973 and Khyber Pakhtunkhwa Civil Servant removal from service (Special Powers) Ordinances F.&D 2011 shall be applicable.

Sd/-
Prof. Azra Khurshid
Principal
Govt. Frontier College
For women Peshawar

Endst No. 738-44 Dated GFCW the 7/12/2017

Copy of the above is forwarded to the: -

1. Director Higher Education Khyber Pakhtunkhwa Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Principal Govt College Peshawar
4. Principal Govt Superior Science College, Peshawar
5. Accountant Local Office
6. Official concerned
7. P/File.



Sd/-
Principal
Govt. Frontier College
For women Peshawar



OFFICE OF THE PRINCIPAL GOVERNMENT COLLEGE PESHAWAR

OFFICE ORDER

In exercise of power conferred in the 3rd meeting of Provincial Management Council (PMC), the Competent Authority is pleased to transfer the services of Muhammad Waqas, Writer (BPS-03) from Government Frontier College for Women Peshawar to Government Degree College Jamrud District Khyber against the vacant post of Naib Qasid (BPS-03) on his own pay & scale in the best public interest.

Note:-

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.

(Professor Dr. Taj Ud Din)
JMC Co-ordinator Peshawar

Indst No. 274-79 /OFC (W) File

Dated 14/07/2021

Copy of the above is forwarded for information and necessary action to the:

- 1) Accountant General Khyber Pakhtunkhwa Peshawar.
- 2) District Account Officer District Khyber.
- 3) Director Higher Education, Khyber Pakhtunkhwa Peshawar
- 4) Principal Govt Frontier College (W) Peshawar with the remarks to release the pa of Official concerned and relived him from duty immediately.
- 5) Principal Govt Degree College Jamrud district Khyber.
- 6) Official concerned.

Principal
Govt College Peshawar

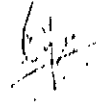
Annex

C. 7

CERTIFICATE OF TRANSFER OF CHARGE

In Compliance with the JMC (Co-ordinator) Peshawar Office order bearing sub: No. 274 79/GFC (W) dated 14/07/2021 Muhammad Waqar Waqar (BPS-03) transferred from Govt. Frontier College for Women Peshawar, hereby submit my arrival for duty and take over the charge against the existing vacant post of (N/Qasid (BPS-03) at Govt Degree College Jamrud, on 17/07/2021 (U.N).


Station: G.D.C. Jamrud, Khyber
Date: 17/07/2021

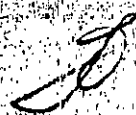
Signature of receiving: 
Government Servant: Muhammad Waqar
Designation: N/Qasid (BPS-03)

Order No. 566-71/GDC Jamrud, Khyber, Dated 17/07/2021.

Copy forwarded to:-

1. Director Higher Education Department Khyber Pakhtunkhwa
2. Accountant General Khyber Pakhtunkhwa
3. JMC Co-ordinator Principal Govt. College Peshawar with his office order bearing No. referred to above.
4. Principal Govt. Frontier College (w) Peshawar
5. District Accounts Officer, Jamrud, Khyber.
6. Official Concerned.


17/7/2021
Principal
G.D.C. Jamrud Khyber
4/3

 RECEIVED
to be true copy
Accountant

RECEIVED

CERTIFICATE OF TRANSFER OF CHARGE

In compliance with the JMC (Co-ordinator) Peshawar Office order bearing endst: No.274/ 79/GFC (W) dated 14.07.2024 I Muhammad Waqas Waiter (BPS-03) transferred from Govt: Frontier College for Women Peshawar, hereby submit any arrival for duty and take over the charge against the existing vacant post N/Qasid (BPS-03) at Govt Degree College Jamrud on 17.07.2021 (F.N).

Location City Jamrud Khyber

Dated 17.072021

Signature of receiving
Government Servant Muhammad Waqas
Designation N/Qasid (BPS-03)

Endst: NO. 56-71/GDC Jamrud Khyber

dated 17/07/2021.

Copy forwarded to:-

1. Director Higher Education Department Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa
3. JMC Co-Ordinator Principal Govt College Peshawar w/r to his office order bearing No. referred to above.
4. Principal Govt Frontier College (W) Peshawar.
5. District Account Officer Jamrud Khyber.
6. Official Concerned.

Principal
G.D.C Jamrud Khyber.

ATTACHED

L

System Generated document in accordance with AP/PA 4.6.12.9182882/1.05.2012/PA.01
All amounts are in Pak Rupees
Errors & omissions excepted (20/05/2017/21:11:17)

Personnel Address: (City, PESHAWAR)
Branch: (Branch Name)
Homeing Status: No (Homeing Status)

Payroll Summary: (City, PESHAWAR)
Account Number: 25031314
Bank Name: UNITED BANK LIMITED, HOUSE PESHAWAR CITY, Peshawar
Gross Pay: 20,110.00
Deductions - Income Tax: 0.00
Responsible: 0.00
Exempted: 0.00
Net Pay: 20,110.00
Payable: 18,492.00

| Item | Description | Amount | Balance |
|------|-------------|--------|---------|
| | | | |

| Wage Type | Amount | Wage Type | Amount |
|---------------------------|-----------|--------------------------|----------|
| Basic Pay | 10,780.00 | House Rent Allowance 45% | 2,120.00 |
| Medical Allowance | 1,785.00 | | |
| Gratuity Allowance 2005 | 1,785.00 | | |
| Adhoc Relief All 2016 10% | 804.00 | | |
| Adhoc Relief All 2017 10% | 804.00 | | |
| Adhoc Relief All 2019 10% | 1,078.00 | | |
| GPF Subsidium | 770.00 | | |
| House Rent, Fund & PFR | 600.00 | | |
| | | H. Benefits & Default | 300.00 |

| Wage Type | Amount | Wage Type | Amount |
|---------------------------|-----------|--------------------------|----------|
| Basic Pay | 10,780.00 | House Rent Allowance 45% | 2,120.00 |
| Medical Allowance | 1,785.00 | | |
| Gratuity Allowance 2005 | 1,785.00 | | |
| Adhoc Relief All 2016 10% | 804.00 | | |
| Adhoc Relief All 2017 10% | 804.00 | | |
| Adhoc Relief All 2019 10% | 1,078.00 | | |

Employment Category: Active Permanent
 Designation: WALTER
 DDO Code: FR4157-PRINCIPAL GOVT-KONTIKH COLLEGE FOR WOMEN PESHAWAR
 Payroll Section: 008
 GPF Section: 003
 Cash Center
 GPF Balances: 24,551.00
 Vendor Number:
 GPF A/C No:
 Invoiced Applied: Yes
 Pay and Allowances:
 Pay Scale: Civil DPS: 03
 Pay Stage: 3
 Pay Scale Type: Civil
 DPS: 03
 Length of Service: 03 Years 05 Months 025 Days
 Date of Birth: 14.05.1974
 Entry into Govt. Service: 08.12.2017
 Personal Number: 00879831
 CNIC: 2120187309739
 NTN:
 Government of Khyber Pakhtunkhwa
 Accountant General Khyber Pakhtunkhwa, Peshawar
 Monthly Salary Statement (May-2021)



8

Amir

BETTER COPY

8

Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa Peshawar
Monthly Salary Statement (May-2021)

Personal Information of Mr. MUHAMMAD WAQAS d/w/s of MEHBOOB KHAN

Personal Number. 00879831 CNIC: 2120187309739 NTN:

Date of Birth 14.05.1994 Entry into Govt. Service 08.12.2017 Length of Service: 03 Years of Months 025 Days

Employment Category: Active Permanent

Designation WATTER

RXXX03872-GOVERNMENT OF KHYBER PAKH

DDO Code: PH4157-PRUINCIPAL GOVT:FRONTIER COLLEGE WOMEN PESHAWAR.

Payroll Section: (X)8 DPF Section: (X)4 Cash Center.

GPF A/C No. h..... applied: Yes GPF Balance 24.551.00

Vendor Number:

Pay and Allowances: Pay scale BPS For – 2017 Pay Scale Type Civil BPS:03 Pay Stage:3

| Wage Type | | Amount | Wage type | | Amount |
|-----------|---------------------------|-----------|-----------|---------------------------|----------|
| (XX)I | Basic Pay | 10,780.00 | 10001 | House Rent Allowance 4500 | 2,120.00 |
| 1210 | Convey Allowances 2005 | 1,785.00 | 1300 | Medical Allowances | 1,500.00 |
| 2211 | Adhoc Relief All 2016 10% | 804.00 | 2224 | Adhoc Relief All 2017 10% | 1,078.00 |
| 2247 | Adhoc Relief All 2018 10% | 1,078.00 | 2264 | Adhoc Relief All 2019 10% | 1,078.00 |

Deduction - General

| Wage Type | | Amount | Wage type | | Amount |
|-----------|------------------|---------|-----------|--------------------------|----------|
| 30801 | GPF Sub-Engineer | -770.00 | 1501 | Benevolent Fund | (KX) (X) |
| 3990 | Employ Fund KPK | -(x)(x) | 40814 | B. Benefit & Death Camp: | -3(8)(8) |

Deductions – Loans and Advance

| Loan | Description | Principal Pay | Deduction | Balance |
|------|-------------|---------------|-----------|---------|
|------|-------------|---------------|-----------|---------|

Deduction – Income Tax

Payable: 0.00 Recoverable till May 2021: 0.81 Exempted 0.00 Recoverable 0.00

Payee Name MUHAMMAD WAQAS

Account No. 250381341

BANK DETAIL UNITED BANK LIMITED 10051 PESHAWAR CITY PESHAWAR CITY, PESHAWAR

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City Peshawar

Domicile

Housing Status: No. Official

Temp Address

Email: waqas.....

System generator documents in accordance with APPM 4.6.12.9 (88282/22.12.2023/v3.0)

*All amount in Pak Rupees

*Errors & omission excepted (Services/01.03.2023/11:17)

ARRESTED

Only 15/6/2021

ST

work/leave
work/leave

1/6/2021 is date

release the monthly salaries of the applicant with the
ST is Master of the applicant requested to

to support the family

along from a very poor family and the only person
without any reason and justification. The applicant

submit of the applicant has been stopped till date
his monthly salaries. But on 1/6/2021 the

has till now 2021 the applicant regularly receiving

has their regularly

Grant college degree I am a higher and perfect
of various station and level transferred from to

This thing source in applicant has been transferred

a duty legal person, performing his duties quite efficiently
the year 2017. The applicant is a hard working and

Government Frontier College for Women Professor in

has been appointed as Master B.P.S 03 in the

ST is humbly stated that the applicant

RISIV,

Subject: Application for the release of monthly salaries
of the applicant with 1.6.2021 till date

The principle (and degree) college I am a district khyber

57

To

(E)

DIRECTORATE OF EDUCATION
KHYBER PAKHTUNKHWA
RAMO CARRI NEAR CHAKKANI MDR. PESHAWAR

Email: education@kpk.gov.pk, ddo@kpk.gov.pk, de@kpk.gov.pk, de@kpk.gov.pk, de@kpk.gov.pk, de@kpk.gov.pk, de@kpk.gov.pk, de@kpk.gov.pk
 Telephone: 091-11-3532111, 3532112, 3532113, 3532114, 3532115, 3532116, 3532117, 3532118, 3532119, 3532120, 3532121, 3532122, 3532123, 3532124, 3532125, 3532126, 3532127, 3532128, 3532129, 3532130, 3532131, 3532132, 3532133, 3532134, 3532135, 3532136, 3532137, 3532138, 3532139, 3532140, 3532141, 3532142, 3532143, 3532144, 3532145, 3532146, 3532147, 3532148, 3532149, 3532150, 3532151, 3532152, 3532153, 3532154, 3532155, 3532156, 3532157, 3532158, 3532159, 3532160, 3532161, 3532162, 3532163, 3532164, 3532165, 3532166, 3532167, 3532168, 3532169, 3532170, 3532171, 3532172, 3532173, 3532174, 3532175, 3532176, 3532177, 3532178, 3532179, 3532180, 3532181, 3532182, 3532183, 3532184, 3532185, 3532186, 3532187, 3532188, 3532189, 3532190, 3532191, 3532192, 3532193, 3532194, 3532195, 3532196, 3532197, 3532198, 3532199, 3532200

DATE: 03/10/2023

EARNED LEAVE:

The Competent Authority (Director, Higher Education) is pleased to award leave to the officer in leave of the period awarded below in accordance with the rules of the Government of Khyber Pakhtunkhwa, Peshawar (2003) and the Government of Punjab, Peshawar (2001) and the Government of Punjab, Peshawar (2001) and the Government of Punjab, Peshawar (2001).

1. Earned Leave:

01/06/2022 to 15/06/2022 (15 days) 1RF

2. Leave of Duty:

15/11/2021 to 15/11/2021 (01 day) (00479)

3. Leave without Pay:

15/11/2022 to 31/12/2022 (17 days)

NOTE:

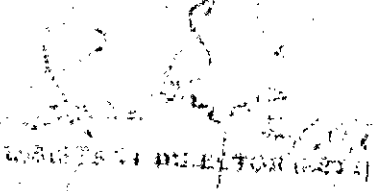
- No further action should be taken in this regard.
- This date shall be subject to verification.

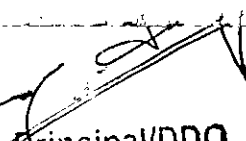
DIRECTOR HIGHER EDUCATION

Order No: 18875-71/GSC/2023 Peshawar 01 (4-00)

Copy of the above is forwarded to:

1. The Director, Government of Punjab, Peshawar.
2. The Director, Government of Punjab, Peshawar.
3. Official Concerns.


DIRECTOR HIGHER EDUCATION


Vice Principal/DDO
GSSC Peshawar.

**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
RANO GHARI NEAR CHAMKANI MOR PESHAWAR**

Dated Peshawar the 02/10/2023

EARNED LEAVE:

The competent authority (Director Higher Education) is pleased to accord announced to the grant of leave for the period detailed below in favor of Muhammad Waqas Waiter (BPS-03) at Govt. Superior Science College, Peshawar as due and admissible to him under revised new Rule 1981.

1. Earned Leave
01.06.2021 to 11.11.2021 = 164 days
2. Leave not Due:-
12.11.2022 to 11.11.2022 = 365 days
3. Leave without Pay;
12.11.2022 to 31.07.2023 = 261 days.

Note:

- i. Necessary entry should be made in her Service Book and leave Account.
- ii. MIS date shall be updated accordingly.

DIRECTOR HIGHER EDUCATION

Endst: No. 16873-75/GFC(W)Peshawar 01 (V-06)

Copy of the above is forwarded to the:

- i. Accordingly General of Khyber Pakhtunkhwa
- ii. Principal, Govt Superior Science College Peshawar.
- iii. Official Concerned.

ASSISTANT DIRECTOR (ESTT)

ATTESTED

on the following grounds:

4. That the appellant being aggrieved his departmental appeal

leave without pay, earned leave and leave not due.

salary of the appellant but the remaining period under as

02.10.2023 whereby the respondent released the monthly

Service Appeal the respondent issue the order dated

Service Appeal No. 1151/2021, during the pendency of this

without any cogent reason against which appellant filed

3. That in June 2021 the salary of the appellant was stopped

Degree College Jamrud District Khyber performed his duty.

Government Frontier College for Women to Government

2. That in 2021 appellant has been transferred from

till deposed.

and performing his duty with full great zeal & zest and with

1. That appellant is the employee of the respondent department and

Respected Sir

31.07.2023 be paid to the appellant.

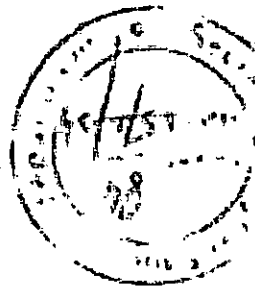
11.11.2021, 12.11.2021 to 11.11.2022 and 12.11.2022 to

extent of monthly salary for the period from dated 01.06.2021 to

impugned order dated 02.10.2023 may kindly be modified to the

On acceptance of the Human Department Appeal the

PRAYER



DATED 02.10.2023

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER

The Secretary Higher Education
Civil Secretariat, KPK Peshawar


Answer F

GROUNDS

- A. That the appellant has not been treated by the concerned Department/authority in with law and rules and as such the authority violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- B. That the appellant is still performing his duty and he is entitled the salary of the said period. The respondent department not paid the salary of the appellant without any cogent reason which is blatant violation of the Article 11 of the Constitution of Pakistan 1973.
- C. That the back benefits is the right of every civil servant and it's denied is an exceptional, when he is gam fully employee.
- D. That the impugned order dated 02.10.2023 is against the principle of the work done must be paid.

It is therefore, most humbly prayed that on acceptance of the instant Departmental Appeal Departmental Appeal the impugned order dated 02.10.2023 may kindly be modified to the extent of monthly salary for the period from dated 01.06.2021 to 11.11.2021, 12.11.2021 to 11.11.2022 and 12.11.2022 to 31.07.2023 be paid to the appellant with all back benefits.

Dated 05/01/2023


Your Sincerely

Muhammad Waqas
Waiter (BPS-03)

Schwarz

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Accepted

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