


FORM OF ORDER SHEET

Court of _____

Appeal No. 1026/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/07/2024	<p>The appeal of Mr. Sher Ayub resubmitted today by Mr. Mir Zaman Safi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 25.07.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Sher Ayub received today i.e on 11.07.2024 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal in r/o of appellant mentioned in para-2 of the memo of appeal is not attached with the appeal be placed on it.
- 2- Annexures of the appeal are unattested.
- 3- Copy of impugned order is not attached with the appeal be placed on it.

No. 351 /Inst./2024/KPST,


Dt. 12/7 /2024.


OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mir Zaman Safi Adv.
High Court Peshawar.

Sir,

That objection No.1 & 2 have been removed while as per objection No.3 the authority has never issued any order regarding Stoppage of Salary. Hence, the instant appeal may kindly be put up before the bench.

ms. 
19/07/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal NO. 1026 12024

Sher AYUB

VS GOVT. OF KPK & OTHERS

APPLICATION FOR FIXATION OF THE ABOVE TITLED Appeal AT
PRINCIPAL SEAT, PESHAWAR

Respectfully Sheweth:

1. That the above mentioned Appeal is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellants/applicants meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

Appeal It is therefore prayed that on acceptance of this application the may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Appellant/Applicant

Dated: _____

Through

M. Safi
MIR ZAMAN SAFI
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1026 /2024

SHER AYUB

VS

EDUCATION DEPTT:

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APPELLANT

THROUGH:


MIR ZAMAN SAFI
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1026 /2024

Mr. Sher Ayub, PST (BPS-12),
GPS Gul Khan Kot, Tribal District North Waziristan.

.....APPELLANT

VERSUS

- 1- The Director, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Education Officer, North Waziristan at Miran Shah.
- 3- The District Account Officer, North Waziristan Tribal District.

.....RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT-1974, FOR THE
RELEASE OF SALARIES W.E.F. 18.01.2021 TILL DATE AND
AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL
APPEAL OF APPELLANT WITHIN THE STATUTORY
PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the respondent Department may very kindly be directed to release the monthly salaries of the appellant w.e.f. 18.01.2021 till date with all other back benefits w.e.f 14.02.2019. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant was initially appointed as PST (BPS-12) vide order dated 11.04.2014. That right from the date of appointment the appellant has served the department quite efficiently and upto the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure.....A.
- 2- That during service the appellant alongwith his other colleagues were terminated from service vide order dated 14.02.2019. That the appellant and his other colleagues feeling aggrieved from the order dated 14.02.2019 preferred a departmental appeal before the respondent No.1 which was accepted and the appellant including his other colleagues have been re-instated into service with all back benefits vide order dated 18.01.2021. Copies of the termination order, departmental appeal and re-instatement order are attached as annexure.....B, C & D.

- 3- That after re-instatement the appellant properly started his duty at the school mentioned in the re-instatement order i.e. GPS Gul Khan Kot, Tribal District North Waziristan with devotion and honesty.
- 4- That it is pertinent to mention that the appellant while regularly performing his duty at the station concerned but salaries of the appellant has not been released till date. That the appellant and his other colleagues time and again visited the quarter concerned and requested for the release of his salaries but the authority concerned is not willing to do so.
- 5- That the appellant feeling aggrieved from the inaction of the respondents by not releasing the monthly salaries of the appellant w.e.f 18.01.2021 preferred departmental before the respondent No.1 but no reply has been received so far. Copy of the departmental appeal is attached as annexure.....E.
- 6- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal before this august Tribunal on the following grounds amongst the others.

GROUND:

- A- That the action and inaction of the respondent Department by withholding monthly salaries of the appellant without any lawful authority and not releasing the same despite of repeated requests of the appellant is against the law, facts, norms of natural justice and materials on the record, hence not tenable in the eye of law.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondent violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the inaction of the respondent Department by not releasing the monthly salaries of the appellant is falling in arbitrary and malafide intention on the part of respondents.
- D- That not releasing the monthly salaries of the appellant is clear violation of Article-11 of the Constitution of Islamic Republic of Pakistan, 1973.
- E- That the action and inaction of the respondents is also violation of the Principle **"WORK DONE MUST BE PAID"**.
- F- That the respondent department knowing the fact that the appellant is regularly performing his duty at his concerned place of posting which is evident from the attendance register but despite that the respondent withheld monthly salaries of the appellant, which is illegal, unlawful and unconstitutional.
- G- That the inaction of the respondent Department by not releasing the monthly salaries of the appellant is also violation of the principle of natural justice.

H- That appellant seeks permission to advance other 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


SHER AYUB

THROUGH:


MIR ZAMAN SAFI
ADVOCATE

CERTIFICATE:

It is, certified that no other earlier appeal was filed between the parties.


DEPONENT

LIST OF BOOKS:

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2024

SHER AYUB

VS

EDUCATION DEPTT:

AFFIDAVIT

I **Mir Zaman Safi**, Advocate High Court, Peshawar on the instructions and on behalf of my client. do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

ACCEPTED



MIR ZAMAN SAFI
Advocate
High Court, Peshawar



OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN MIRAN SHAH

APPOINTMENT ORDER.

On the recommendation of the Departmental Selection Mr. Sher Ayub son of Sherdad Local Candidate is hereby appointed against the vacant post of PTC at GPS Gul Khan Kot Tehsil Datta Khel North Waziristan in BPS No-07 plus usual allowances admissible under the rules wef date of taking over charge.

TERMS & CONDITION

1. His appointment is made on temporary Basis and is liable to terminate at any time without notice, if he wishes to resign from his post, he should give one month prior Notice or forfeit one month pay in lieu thereof.
2. He should bring his Health & Age Certificate from the Medical Superintendent DHQ Hospital Miran Shah Tribal District North Waziristan.
3. If he fails to resume his charge within 15-days his order will be created as cancelled.
4. He should not be handed over charge if he below 18-years and above 35-years of age.
5. His original qualifications, date of birth, Domicile Certificate and CNIC should be checked and photocopy may be placed on record.
6. He will be terminated if his Academic/Professional certificates were found fake/Bogus and tempered.
7. The appointee is entitled for all benefit admissible to Civil Servants.
8. His academic/professional Qualifications will be referred to concerned Board/University etc by depositing usual fee charges for proper necessary verification and his salary will not been drawn until and unless verification is received in this office.
9. He will get 09 months in-service, mandatory professional induction training from PITE or RITE.


**AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN MIRAN SHAH**

Endstt: No: 34005-11

Date Miran Shah The 11/4/2014

Copy to the:

1. Director Education FATA, Peshawar.
2. Political Agent North Waziristan Agency.
3. Agency Accounts Officer North Waziristan at Miran Shah.
4. AAEO Concerned.
5. Candidate concerned
6. Accountant Local office





**OFFICE OF THE DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN, TRIBAL DISTRICT**


No. 1824-29 DEO/NWTD
Dated: 14 / 02 / 2019



TERMINATION ORDER


On the recommendation of circle ASDEO concerned the following teachers are here by terminated due to long absent from the government duty in the best interest of public with immediate effect. The teachers concern may also be informed accordingly.

1. Mr. Malik Din TF GPS Khwajawani Kot
2. Mr. Saddar Nawaz TT GPS Khanzaan Gul Kot
3. Mr. Khan Zaib PST GPS Khanzaan Gul Kot
4. Mr. Shahan Zeb PST GPS Khawajawani
5. Mr. Naik Bahadar PST GPS Zindai Kot
6. Mr. Zafar Ullah PST GPS Usman Kot
7. Mr. Anwar Zeb Khan PST GPS Chashma Hadar Khel
8. Mr. Abdullah PST GPS Pai Khel
9. Mr. Ibad Ullah PST GPS Zareen Kot
10. Mr. Sher Ayub PST GPS Gul Khan Kot
11. Rasool Bayan PST GPS Noor Khan Kot
12. Obaid Ullah TT GPS Gul Khan Kot
13. Nasir Ullah PTC GPS Manny Khan Kot


DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT

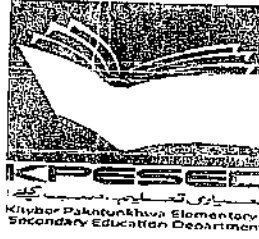
Copy to.

1. The director NMD Khyber Pakhtunkhwa Peshawar
2. The deputy Commissioner North Waziristan
3. ASDEO Circle Concern
4. The District Account Officer North Waziristan
5. The Accountant Local Office Concern
6. The Candidates Concern


DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT




**OFFICE OF THE DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN, TRIBAL DISTRICT**



RE-INSTATEMENT ORDER

In light of director elementary and secondary education KP Peshawar directives vide letter No. NII dated: 13-01-2021, the following teachers are hereby re-instated with all back benefits in the best interest of public.

1. Mr. Malik Din TT GPS Khwajawani Kot
2. Mr. Saddar Nawaz TT GPS Khanzaan Gul Kot
3. Mr. Khan Zaib PST GPS Khanzaan Gul Kot
4. Mr. Shahan Zeb PST GPS Khawajawani
5. Mr. Naik Bahadar PST GPS Zindai Kot
6. Mr. Zafar Ullah PST GPS Usman Kot
7. Mr. Anwar Zeb Khan PST GPS Chashma Hadar Khel
8. Mr. Abdullah PST GPS Pai Khel
9. Mr. Ibad Ullah PST GPS Zareen Kot
10. Mr. Sher Ayub PST GPS Gul Khan Kot
11. Rasool Bayan PST GPS Noor Khan Kot
12. Obaid Ullah TT GPS Gul Khan Kot
13. Nasir Ullah PTC GPS Manny Khan Kot


**DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN MIRAN SHAH**

No. ~~3310-18~~ DEO/RE-INSTATEMENT/NWTD

Dated: 18 / 01 / 2021

Copy to.

1. The director NMD Khyber Pakhtunkhwa Peshawar
2. The deputy Commissioner North Waziristan
3. ASDO Circle Concern
4. The District Account Officer North Waziristan
5. The Accountant Local Office Concern
6. The Candidates Concern


**DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN MIRAN SHAH**

To,

The Director,
E&SE Department,
Khyber Pakhtunkhwa, Peshawar.

E-2

Subject: DEPARTMENTAL APPEAL FOR THE RELEASE OF SALARIES WITH EFFECT FROM 18.01.2021 TILL DATE WITH ALL OTHER BACK BENEFITS.

Respected Sir,

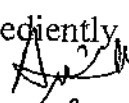
With great reverence it is most humbly stated that the applicant is the employee of your good self-department and is serving as PST (BPS-12) at GPS Gul Khan Kot, Tribal District North Waziristan quite efficiently and upto the entire satisfaction of his superiors. That initially the applicant was appointed as Primary School Teacher in the year 2014 and after appointment the applicant submitted his charge report and started performing his duty with all zeal and zest. That astonishingly the services of the applicant alongwith his other colleagues were terminated vide order dated 14.02.2019. That the applicant feeling aggrieved preferred departmental appeal before your good self which was accepted and directions were issued to the concerned authority for issuance of re-instatement order and in compliance of the directions issued by your good self was compiled with and proper re-instatement order dated 18.10.2021 has been issued and as such in light of the order dated 18.10.2021 the applicant took over the charge against his respective post and started performing his duty at the concerned station with dedication and honesty. That it is pertinent to mention that the applicant while regularly performing his duty at the station concerned but salaries of the applicant has not been released till date. That applicant time and again requested the authority concerned for the release of his salaries with effect from 18.10.2021 but no satisfactory reply has been received to the applicant from the quarter concerned. That the applicant feeling aggrieved from the inaction of the concerned authority i.e. DEO (M), North Waziristan by not releasing the monthly salaries of the applicant preferred this departmental appeal before your good self for redressal of grievances of the applicant.

It is, therefore, most humbly prayed that on acceptance of this departmental appeal the authority concerned may very kindly be directed to ~~release the monthly salaries of the applicant w.e.f 18.10.2021~~ with all other back benefits.

Dated: 29.03.2024



Your obediently


Sher Ayub, PST (BPS-12),
GPS Gul Khan Kot, Tribal District NW

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2024

Sher Ayub

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Sher Ayub

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____ / ____ /2024

CLIENT

ACCEPTED

MIR ZAMAN SAFI
ADVOCATE

OFFICE:

Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0333-9991564
0317-9743003