


FORM OF ORDER SHEET

Court of _____

Appeal No. 1707/2024

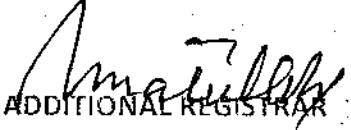
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01 /10/2024	<p>The appeal of Mr. Khan Hayat resubmitted today by Mr. Zafeer Gul Daudzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 04.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Khan Hayat received today i.e on 12.09.2024 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 appellant and respondent no.2 are incomplete be completed according to Khyber Pakhtunkhwa Service Tribunal Rules 1974.
- 2- Memorandum of appeal is not signed by the appellant.
- 3- Copy of stoppage of salary (impugned) order is not attached with the appeal be placed on it.
- 4- Annexures of the appeal are not in sequence.
- 5- Necessary party be made in the heading of appeal.
- 8- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent nos.1 & 4 are unnecessary/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.

No. 783 /Inst./2024/KPST,

Dt. 13/9 /2024.


ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Zafeer Gul Daudzai Adv.
High Court at Nowshera.

Respected Sir,

Objection No 1, 2, 4, 5 & 8 removed which Application for providing order regarding stoppage of salary was not answered nor any reply to the Application was given. the application is annexed as Annexure "D"

Advocate

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25/9/24

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR**

Service Appeal No. 1770 /2024

KHAN HAYAT S/O HIDAYAT SHAH posted at B.H.U MANAHI POST OFFICE AKORA
KHATTAK DISTRICT NOWSHEHRA.

.....Appellant

Versus

The D.G health Department, Khyber Pakhtunkhwa Peshawar &
others


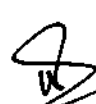
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Appellant

Through

Zafeer gul daudzai

 Abdul malik
&
 Wahid ullah
Advocates, High Court
Peshawar
Cell#03349207486

Dated: 09/09/2024

BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 1770 /2024

KHAN HAYAT S/O HIDAYAT SHAH posted at B.H.U MANAHI POST OFFICE AKORA
KHATTAK DISTRICT NOWSHEHRA.

Versus

1. THE D.G HEALTH DEPARTMENT, KHYBER PAKHTUNKHWA
PESHAWAR.
2. THE DISTICT ACCOUNT OFFICER NOWSHERA.
3. DISTRICT HEALTH OFFICER NOWSHERA

.....Respondents

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 for release of the
salary to the appellants.**

Prayer in Appeal:-

**On acceptance of the instant appeal, the respondents
may kindly be directed to release the salary of
appellant along with back benefits .**

**Any other remedy which this August Tribunal deems
fit that may also be awarded in favour of the appellant.**

Respectfully Sheweth:

Brief Facts:-

1. That appellant was appointed as ward orderly BPS-4 in the health department on 13.10.2022 at District nowshera and started her duty quite efficiently and up to the entire satisfaction of her superiors. (Copies of the appointment order annexed as Annexure "A").
2. That salary for the month of October and November were duly issued to the appellant. (Copy of pay slip is annexed as Annexure "B").

BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1770 /2024

KHAN HAYAT S/O HIDAYAT SHAH R/O MOHALLAH ROSHANI MANIA, P.O ZIARAT
KAKA SAHIB TEHSIL AND DISTRICT NOWSHEHRA.

.....Appellant

Versus

1. The D.G health Department, Khyber Pakhtunkhwa Peshawar.
2. The ACCOUNT OFFICE NOWSHERA Khyber Pakhtunkhwa, Peshawar.
3. Accountant general Khyber Pakhtunkhwa

.....Respondents

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 FOR RELEASE OF
THE SALARY TO THE APPELLANTS.**

Prayer in Appeal:-

On acceptance of the instant appeal, the respondents may kindly be directed to release the salary of appellant along with back benefits .

Any other remedy which this August Tribunal deems fit that may also be awarded in favour of the appellant.

Respectfully Sheweth:

Brief Facts:-

1. That appellant was appointed as Mali BPS-3 in the health department on 26.09.2022 at District Nowshera and started her duty quite efficiently and up to the entire satisfaction of her superiors. (Copy of the appointment order annexed as Annexure "A").
2. That salary for the month of October and November were duly issued to the appellant. (Copy of pay slip is annexed as Annexure "B").
3. That after November the salary of the appellant was stopped illegally and unjustly.

4. That the appellant is still serving as a ward attendant and is performing duty with zeal and zest but despite of service on regularly basis the respondents are not issuing salary to the appellant.
5. That the appellant approached the office of worthy D.H.O Nowshera as well as account office but his grievance was not addressed.
6. That the appellant filed departmental appeal to his department on 05/06/2024 but the same has not been replied yet.
7. That under compelling circumstances having no other remedy to prefer the instant service appeal before this Hon'ble Tribunal inter alia on the following grounds;

G R O U N D S:

- A. That the act of the respondents 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 respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C. That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

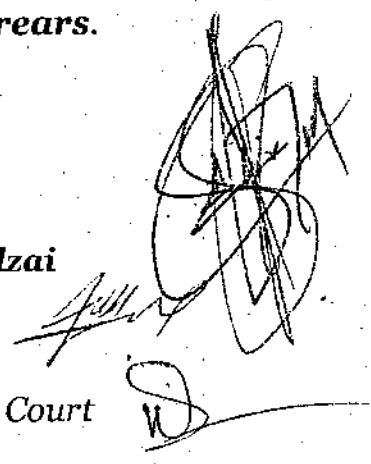
It is, Therefore, most humbly prayed that on acceptance of this instant appeal, Respondents may graciously be directed to release the salaries of the appellant forthwith including the arrears.

Appellant

Through

**Zafeer gul daudzai
Abdul malik
&
Wahid ullah
Advocates, High Court
Peshawar
Cell#03349207486**

Dated: 09/09/2024



**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2024

Khan hayat S/O hidayat shah R/O mohallah roshani mania ,p.o ziarat kaka
sahib TEHSIL AND DISTRICT NOWSHEHRA.

.....**Appellant**

Versus

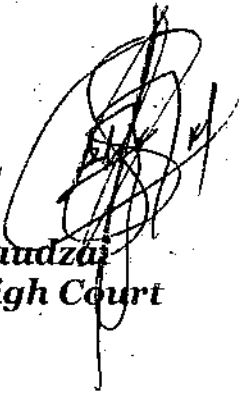
*The D.G health Department, Khyber Pakhtunkhwa Peshawar &
others*

AFFIDAVIT

I, Khan hayat S/O hidayat shah R/O mohallah roshani mania ,p.o ziarat kaka
sahib TEHSIL AND DISTRICT NOWSHEHRA.

do hereby solemnly affirm and declare on oath that the contents of the
accompanying **Service Appeal** are true and correct to the best of my knowledge and
belief and nothing has been concealed from this Hon'ble Court.

Identified by



**Zafeer gul daudzai
Advocate, High Court
Peshawar**

کارزعیات

DEPONENT

CNIC# 17201-3913758-1

Cell# 0313-7886491



29 24

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2024

KHAN HAYAT S/O HIDAYAT SHAH posted at B.H.U MANAHI POST OFFICE AKORA
KHATTAK DISTRICT NOWSHEHRA.

.....**Appellant**

Versus

*The D.G health Department, Khyber Pakhtunkhwa Peshawar &
others*

ADDRESSES OF PARTIES

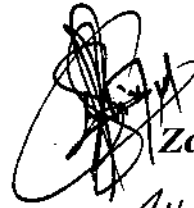
APPELLANT:

KHAN HAYAT S/O HIDAYAT SHAH posted at B.H.U MANAHI POST OFFICE AKORA
KHATTAK DISTRICT NOWSHEHRA.

RESPONDENTS:

4. THE D.G HEALTH DEPARTMENT, KHYBER PAKHTUNKHWA
PESHAWAR.
5. THE DISTICT ACCOUNT OFFICER NOWSHERA.
6. DISTRICT HEALTH OFFICER NOWSHERA

Appellant



Through
Zafeer gul daudzai
Abdul malik

&

Wahid ullah

Advocates, High Court
Peshawar

Cell#03349207486

Dated: 09/09/2024

~~Director Health Officer~~

~~Director Health Officer~~

Director General Health Services, Ministry of Health, Government of Madhya Pradesh
Director Accounts Office, Nowshera
Accounts Section, DHO Office, Nowshera
Mr. S. O. Hidayat Shah Resident of Alkhalilah Koocham Alana Post Office
Office, Nowshera

MS-100

Forwarded to the

Date: 10/10/2022

Director Health Officer

SD

If the above terms & conditions are acceptable to you then please report to DHO Office Nowshera within 07 days after the receipt of this appointment order.
If you are resigning from service you will have to submit resignation in writing one month in advance. One month salary will be paid for the last month.

The appointment will be governed by such rules and orders issued by the Government to force.
You will be liable for further legal proceedings.
In case of any of the documents submitted by you with your application is found forged/fake, you will be liable to commence without any notice and will also be liable for further legal proceedings.

You will not be eligible for any TADA for medical examination and joining the first appointment.
The service can be terminated with warning for probation period on unsatisfactory performance.

The appointment shall be subject to the Medical Fitness and finally on probation for a period of 02 years.
The appointment term & conditions.

(1009) DHO Office, Nowshera with immediate effect, with the following term & conditions.
MIRAPAT SINGH is hereby appointed as Health Officer against the vacant post of Health Officer, DHO Office, Nowshera with immediate effect, with the following term & conditions.

Consequent on approval & recommendation accorded by the Departmental Selection Committee constituted for the purpose, MR. KANAIYAT S.O. (1009) DHO Office, Nowshera with immediate effect, with the following term & conditions.

DIRECTOR OF THE DISTRICT HEALTH OFFICER NOWSHERA
- Phone & Fax: 0923-180759
E-Mail: nwsheeradco@gmail.com



Answer - A

5

S.A

Annexure "A"

Office of the district health Officer Nowshera

Phone and fax: 0923580759

E-mail: Nowshera.edoh@gmail.com

Office order

Consequence on approval recommendations accorded by the departmental selection appointment committee constituted for the purpose, **MR. KHAN HAYAT S/O HIDAYAT SHAH** is hereby appointed as **MALI BPS- 03** against the vacant post of ward attendant at DHO office Nowshera with immediate effect, with the following term and condition.

1. The appointment shall be subject to the medical fitness and initially on probation for a period of 02-years.
2. The service can be dispensed with during the probation period on unsatisfactory performance.
3. You will not entitle to any TA/DA for medical examination and joining the first appointment.
4. In case of any of the documents submitted by you, either your application is found forged/ fake, your service shall be liable to terminate without any notice and will also be liable to further legal proceeding.
5. The appointment will be governed by such rules and orders issued by the Govt from time to time.
6. If you wish to resign from service, you will have to submit resignation in writing one month in advance OR deposit one month pay in the govt. treasury.
7. If the above terms and conditions are acceptable to you then you should report to DHO office Nowshera within 07-days after the receipt of this appointment order.

sd

Attested
J

Government of Kerala
 (Printed Name of the Employer)
 Monthly Salary Statement (Form No. 16)

AN HAVAT/Div. of HAVAT SHAH

EMPLOYEE'S ID: 0201017581

Date: 15.02.2024

Employment Category: Other

Designation: Asst. Health Officer

Health Insurance: Yes

PF Section: Yes

PF No.:

Vendor Number:

Pay and Allowances:

Pay Band: BPS-10
 Pay Scale: 10000-15000
 Dearness Allowance: 113000
 Total: 113000

Sl. No.	Particulars	Amount
1	Basic Pay	10000
2	Dearness Allowance	113000
3	House Rent Allowance	10000
4	Medical Allowance	10000
5	Conveyance Allowance	10000
6	Special Allowance	10000
7	Gratuity	10000
8	PF Contribution	10000
9	Income Tax	10000
10	Professional Tax	10000
11	Other Deductions	10000
12	Net Payable	113000

Sl. No.	Particulars	Amount
1	Income Tax	10000
2	Professional Tax	10000
3	Other Deductions	10000
4	Net Payable	113000

Sl. No.	Particulars	Amount
1	Income Tax	10000
2	Professional Tax	10000
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4	Net Payable	113000

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2	Professional Tax	10000
3	Other Deductions	10000
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Sl. No.	Particulars	Amount
1	Income Tax	10000
2	Professional Tax	10000
3	Other Deductions	10000
4	Net Payable	113000

Annexure B

6

3.

To,
The D.G Health
Khyber Pakhtunkhwa, Peshawar

Annexure 'D'

DEPARTMENTAL APPEAL FOR RELEASE OF SALARY OF APPELLANT

Respected sir,

1. The appellant is law abiding citizen of Pakistan and is permanent resident of district Nowshera.
2. That the appellant was appointed as class 4 in health department on 30.06.2022.(copy of appointment order is annexed)
3. That salary for the month of October and November 2023 were issued to the appellant. (Copy of pay roll is annexed)
4. That after November the salary of the appellant was stopped illegally and unjustly.
5. That the appellant is still serving as class 4 and is performing duty with zeal and zest.
6. That the appellant approached the office of worthy D.H.O Nowshera as well as the office of account officer but the grievance of appellant was not addressed.
7. That now the appellant approaches your good self for release of salary.

It is therefore requested that on acceptance of instant departmental appeal the salary of the appellant may kindly be released

Date: 5/10/23

Applicant

HAYT KHAN S/O HIDAYAT SHAH

Signature _____

Attested
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8

Annexure 'D'


TO,
The worthy D.H.O
Nowshera

**Application for providing copy of order of stoppage of
Salary or source sent for stoppage of salary.**

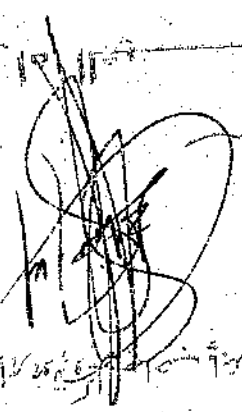
Respected sir,

It is stated that I am an employe in your department and still serving with zeal and zest but my salary has been stopped since long and no order of stoppage of salary or any source sent for stoppage of salary has been given to me. So it is very humbly submitted that a copy of order for stoppage of salary or source may kindly be provided to me.

Dated: 05/08/2024


APPLICANT
Khan HAYAT

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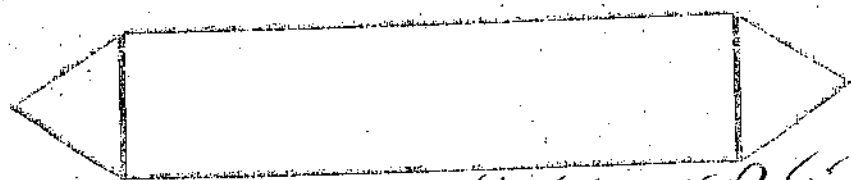
Main body of handwritten text, appearing to be a list or a series of notes, written in Urdu/Arabic script.

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Handwritten text at the bottom of the main body, possibly a signature or a concluding note.

Handwritten text below the main body, possibly a date or a specific reference.

Handwritten text on the right margin, oriented vertically: "Handwritten" (written sideways).



Handwritten text below the diagram, possibly a label or a description of the object.

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