

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.**

Service Appeal No. 1770/2023

Before: MR. AURANGZEB KHATTAK ... MEMBER (Judicial)
MRS. RASHIDA BANO ... MEMBER (Judicial)

Nawab Gul S/O Umar Jan Theology Teacher (BPS-14) GPS Kareer
Habibzai, District Mohmand.....(Appellant)

VERSUS

1. Director E&SE Khyber Pakhtunkhwa Peshawar and another.
2. District Education Officer (Male), Mohmand.
3. District Account Officer, Mohmand.....(Respondents)

Yaqoob Khan
Advocate

--- For appellant

Naseer Uddin Shah
Assistant Advocate General

--- For respondents

Date of Institution.....01.09.2023

Date of Decision.....24.09.2024

Date of Hearing.....24.09.2024

JUDGMENT

RASHIDA BANO, MEMBER (J):- The instant service appeal has been instituted under section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 with prayer copied as below;

“That on acceptance of this appeal, appellant may please be granted salary w.e.f 01.12.2022 till 31.05.2023 and onward being a regular civil servant of



respondent department. Any other relief deemed fit may also be graciously awarded.”

2. Brief of the case alleged by appellant are that the appellant was appointed as Theology Teacher in Government Primary School Kareer Habibzai vide order dated 28.04.2007. He took over the charge of the post on 03.05.2007 and regularly performing his duty till date. Appellant received salary upto 30.11.2022 but there-after his salary was stopped. Feeling aggrieved, he filed departmental appeal which was not responded, hence the present service appeal.

3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and submitted reply.

4. We have heard learned counsel for the appellant and learned Assistant Advocate General for the respondents.


5. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Assistant Advocate General controverted the same by supporting the impugned orders.


6. The perusal of record reveals that the appellant was appointed as a Theology Teacher (BPS-14) vide order dated 28.04.2007. In the present appeal, he seeks the release of his salaries from December 2022 to 31.05.2023, claiming that he received his salary until November 2022, after which the respondents stopped the salaries without any reason. In their reply, the respondents acknowledged the appellant's appointment as a Theology Teacher vide order dated 28.04.2007, but argued that he failed to join his post because he had not completed the necessary document verification, as required under condition No. 9 of the appointment order. When the learned counsel for the

appellant was asked to produce salary slips or a salary statement to demonstrate that he was officially assigned his post following document verification in 2007, performed his duties, and received salaries until November 2022, he was unable to do so. He argued that no computerized salary slips were available in District Mohmand. However, this claim was refuted by the respondents' representative, who produced his own computerized salary slip for the month of January 2019, indicating that such slips were, in fact, available in District Mohmand. Therefore, the appellant's claim that he received salaries until November 2022 is not supported by the record. Furthermore, the appellant failed to provide evidence showing that he performed his duties after his appointment, such as attendance registers from the school where he was employed, any transfer or posting orders during the 15-year period, or crucial documents like his service book, service card, or inclusion his name in the seniority list of Theology Teachers from 2008 to 2022.

7. As a sequel to the above discussion, the appeal in hand is dismissed having no force in it. Costs shall follow the event. Consign.

8. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 24th day of September, 2024.*


(AURANGZEB KHATTAK)
MEMBER (Judicial)


(RASHIDA BANO)
MEMBER (Judicial)


ORDER


24.09.2024

1. Learned counsel for the appellant present. Mr. Naseer Uddin Shah, Assistant Advocate General for the respondents present.

2. Vide our detailed judgment of today placed on file, the appeal in hand is dismissed having no force in it. Costs shall follow the event. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 24th day of September, 2024.*


(AURANGZEB KHATTAK)
MEMBER (Judicial)


(RASHIDA BANO)
MEMBER (Judicial)