


FORM OF ORDER SHEET

Court of _____

Review Petition No. 1245/2024

No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	21/10/2024	<p>The Review Petition in appeal no. 940/2022 submitted today by Syed Roman Shah Advocate. It is fixed for hearing before Division Bench at Peshawar on 24.10.2024. Original file be requisitioned. Parcha Peshi is given to the counsel for the petitioner.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

①

**BEFORE HONORABLE SERVICE TRIBUNAL KPK,
PESHAWAR**

Review petition No. 1245 2024

In

Appeal No.940 of 2022

Mr. Arshad Ul HaqPetitioner

Versus

Government of Khyber Pakhtunkhwa and others.....Respondents

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Arshad Ul Haq
Petitioner

Through Syed Roman Shah
SYED ROMAN SHAH,
Advocate, High court

Dated: /10/2024

(2)

**BEFORE HONORABLE SERVICE TRIBUNAL KPK,
PESHAWAR**

Review petition No. 1245 2024

In

Appeal No.940 of 2022

Mr. Arshad Ul Haq S/o Kemya Gul, naib Qasid office of the Assistant Director,
Local Government & Rural Development Department Karak.....Petitioner

Versus

1. Government of Khyber Pakhtunkhwa, through Secretary, Local Government & Rural Development Department, Peshawar
2. Director General, Local Government & Rural Development Department, Peshawar.
3. Assistant Director, Local Government & Rural Development Department Karak

.....Respondents

**PETITION UNDER RULE, 27 OF KPK SERVICE TRIBUNALS
RULES, 1974 READ WITH SECTION 114, CPC AND ORDER
XLVII, CPC AND ALL OTHER ENABLING LAWS OF THE LAND
FOR REVIEW OF THE JUDGMENT AND ORDER DATED
23/09/2024 PASSED BY THIS HON'BLE TRIBUNAL IN APPEAL
NO.940 OF 2022 TITLE "ARSHAD UI HAQ VS GOVERNMENT
OF KHYBER PAKHTUNKHWA AND OTHERS".**

Respectfully Sheweth!

Petitioner humbly submits as under;

1. That Petitioner has filed above noted Appeal before this Hon'ble Tribunal, in the year 2022 for the release of salaries of the petitioner. (Copy of the appeal is attached as annexure-A)
2. That the case was fixed for hearing on different days and date whereby the respondent has submitted their para-wise comments and finally was decided vide judgment dated 23-09-2024.
3. That while deciding the case real facts has not been appreciated properly by this Hon'ble Tribunal a judgment was passed by dismissing the

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appeal of the appellant/petitioner. (Copy of judgment is attached as annexure-B)

4. That petitioner when perused the judgment it was transpired that the case of the appellant was dismissed on the basis of time limitation being time barred, it is pertinent to mentioned here that the appellant has approached this Honorable Tribunal for the release of salaries which is a recurring cause of action and as per the various Judgments of Worthy Supreme Court the limitation does not run against the claim having financial claim.
5. That with due respect this Hon'ble Tribunal has not appreciated properly the arguments advanced by the appellant, similarly official-respondents has concealed and twisted the real facts.
6. That the real controversy is regarding the release of salaries of the petitioner since January, 2019, whereby the Petitioner was properly appointed as Naib Qasid in the year 2017, similarly petitioner was regularly drawing his salaries till, December 2018 and all of a sudden the salaries of the appellant were estopped being the appointments were illegal. (Copy of source-II is attached as annexure-C)
7. That the respondent for the purpose of digging the real facts of the case has conducted the inquiry into the matter which was proved as a futile exercise and nothing material were attributed against the petitioner. (Copy of the inquiry report is attached as annexure-D)
8. That, it is pertinent to mention here that the salaries of the one other similarly placed employee were also stopped, who approached this Honorable Tribunal for the release of his salaries and his appeal was remanded back to the respondent Department for holding proper inquiry and the respondent despite holding the inquiry into the matter, reinstated the said similarly placed employee, hence the appellant/ Petitioner being similarly placed employee deserved to be treated alike and entitled to the same treatment, as per the Various Judgments of the Honorable Supreme Court. (Judgment of similarly placed employee and the Order Dated 19-07-2022 are attached as annexure-E)

9. That due to non-appreciation of arguments and the superior court judgments presented during the course of arguments, the case of the appellant was dismissed, which needs to be reverted.
10. That it is very much evident from Judgment and order dated 23/09/2024 that the merit of the case was not even discussed and the case of the appellant was dismissed on mere assertion of being time barred, which the violation of the dictums the Honorable Supreme Court that a case must be decided on the basis of merit rather than technicalities.
11. That due to Non-submission of proper assistant and concealing material facts on the part of the official respondents' valuable rights of present petitioner has been taken away through the order of this honorable Tribunal and if the order is not revived great miscarriage of justice will be done with the present petitioner.
12. That as per law and rules this Honorable Tribunal has ample power to make such orders as may be necessary for the ends of justice or to prevent abuse of process.

It is, therefore, respectfully prayed that on accepting this review Petition the judgment dated 23/09/2024 may please be reviewed and the Appeal of the appellant may please be allowed as prayed for in the original Appeal.

ارشد الحق
Petitioner

Through 
SYED ROMAN SHAH
Advocate, High court

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**BEFORE HONORABLE SERVICE TRIBUNAL KPK,
PESHAWAR**

Review petition No. _____ 2024

In

Appeal No.940 of 2022

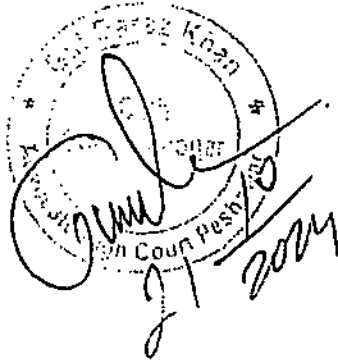
Mr. Arshad Ul HaqPetitioner

Versus

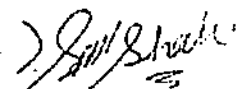
Government of Khyber Pakhtunkhwa and others.....Respondents

AFFIDAVIT

I, Arshad Ul Haq S/o Kemya Gul R/o Teri Landoki, Banda Daud Shah District Karak do hereby solemnly affirm and declare on Oath that the contents of the accompanying **Review petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



Identified by



Syed Roman Shah
Advocate high court

ارشد الحق

DEPONENT

NIC No. 14201-9758700-1

Mobile No. 0331-7575515

(6)

**BEFORE HONORABLE SERVICE TRIBUNAL KPK,
PESHAWAR**

Review petition No. _____ 2024

In

Appeal No.940 of 2022

Mr. Arshad Ul HaqPetitioner

Versus

Government of Khyber Pakhtunkhwa and others.....Respondents

ADDRESSES OF THE PARTIES

PETITIONER/APELLANT

Mr. Arshad Ul Haq S/o Kemya Gul, naib Qasid office of the Assistant Director,
Local Government & Rural Development Department Karak

RESPONDENTS

1. Government of Khyber Pakhtunkhwa, through Secretary Local Government & Rural Development Department Civil Secretariat, Peshawar
2. Director General, Local Government & Rural Development Department, Near PDA Building, Phase-5, Peshawar.
3. Assistant Director, Local Government & Rural Development Department, Near KDA Hospital District, Karak


Petitioner

Through


SYED ROMAN SHAH

Advocate, High court

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Annexure-11



BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWAPESHAWAR

Service Appeal No. 940 /2022

1. Arshad Ul Haq S/o. Kimya Gul, Naib Qasid Office of the Assistant
Director, Local Government & Rural Development Department Karak.
Appellant

Versus

1. Government of Khyber Pakhtunkhwa, through Secretary Local Government and Rural Development, Khyber Pakhtunkhwa Peshawar.
2. Director General Local Government and Rural Development Khyber Pakhtunkhwa Peshawar.
3. Assistant Director, Local Government & Rural Development Karak
Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974,
AGAINST THE STOPPAGE OF SALARIES BY THE RESPONDENT NO.3
WITHOUT ANY LAWFULL AUTHORITY, ANY ENQUIRY OR DISCIPLINARY
PROCEEDING WHICH IS TOTALLY ILLEGAL, WITHOUT ANY
JUSTIFICATION, AND AGAINST THE RULE AND REGULATION THUS
LIABLE TO BE SET ASIDE AND THE APPELLANT IS ENTITLED FOR THE
RELEASE OF HIS SALARIES SINCE JANUARY, 2019 TILL THE FINAL
DISPOSAL OF APPEAL AND ALSO HIS FUTURE SALARIES, AND
AGAINST THE DEPARTMENTAL REPRESENTATION FILED ON
21/03/2022 WHICH HAS NOT YET BEEN DECIDED.

PRAYER

On accepting of this service appeal, the action of respondent No.3, for stopping
of the salary of appellant may please be declare illegal, without lawful
authority, without any justification and against the settle principle of service
law and thus liable to be set aside and the appellant is thus entitled for all his
unpaid salaries since January 2019.

ATTESTED
m

SECRETARY
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR

07-10-24

Further it is requested that if any adverse order passed at the back of appellant
may also be set aside as the same has never been communicated to the
appellant.

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Respectfully Sheweth;

FACTS:-

1. That the appellant was appointed as Naib Qasid in village council Mardan Khel, tehsil Banda Daud Shah, District Karak, after completion of all codal formalities, vide order dated 29/12/2017. (Employment exchange Card, Minuts of meeting of DSC and appointment order are attached as Annexure- A, B, & C respectively).
2. That appellant had submitted the medical fitness certificate and reported his arrival on 29/12/2017 and had started rendering service in the respondent department. (Copy of medical fitness and arrival report are attached as Annexure-D & E).
3. That appellant was regularly drawing his salary till December, 2018 but without any legal proceedings the his salary has been stopped in the month of January, 2019, irrespective of the fact that the appellant had received 13 months regular salaries. (copy of salaries slip attached as Annexure-F)
4. That appellant tried his best to tackle the matter with respondent for his release of salary, in this respect the respondent No.3 had issued letters No.939/ADLGKK, dated 09/09/2020, to respondent No.2. For seeking advice for starting of salaries of appellant which was replied vide letter No. Director (LG) 3-1/Establishment /2020, Dated 23rd November 2020, but no effective step has been taken so far. (Letter dated 09/09/2020 and dated 23/11/2020 are attached as Annexure G & H).
5. That as the matter pertains to the salary hence the appellant was in stern hope that respondents will sort out the matter without indulging this honorable tribunal, the appellant was time and again assured that his salaries will be release but all these assurances remains in vain as no practical step has been taken by the respondents.
6. That as the matter pertains to the recurrent cause of action thus the appellant had filed an appeal/ representation to the worthy respondent No.2 for the release of his salary on 21/03/2022 but so far the same has not been decided and the statutory time has now been elapse hence, this appeal on followings amongst other grounds.

GROUNDS:-

- A. That the act of respondent is illegal, against the rules and regulation and has not complied the codal formalities and thus has no footings in law therefore, is liable to be set aside.
- B. That similar appointed person appeal has been allowed by this honorable court on dated 03/06/2021. (copy of the judgment is attached as Annexure-I)

NOTIFIED
EXAMINED
Atyher, Pakhuzhwa
Services, Yalunak
Peshawar

(9)

(8)

- C. That the act of stopping of salary is discriminatory in nature similarly it is the violation of the fundamental right enshrined in the constitution of Islamic republic of Pakistan which safeguard against discrimination in services.
- D. That by now it is very much clear by the Judgments and guidance of August Supreme Court of Pakistan that all the civil servant will be treated alike and if any tribunal or court of law extends the benefit to any employee, then all the similarly placed employees will get the same benefit, irrespective of whether they have approached the court of law or not.
- E. That while stopping the salary of the appellant the respondents had not considered that the appellant has been appointed following due course of law upon the recommendation of the departmental selection committee, similarly the appellant is rendering his services without any hinder.
- F. That appellant is still performing his duties but his respondents are not paying him his salary which clearly comes under the ambit of forced labour.
- G. That an unjust has been done with the appellant by not giving ample opportunity to be heard in person nor properly enquired by following the prescribed rules as per law and rules.
- H. That it is settle law that once a Civil Servant has been appointed then proper procedure for his removal / dismissal has to be followed and without adopting the same procedure salary of employee can't be stopped under any cannon of law.
- I. That salary is the prerogative of an employee and without adopting legal course it can't be stopped, hence the act of being denial from salary has miserably impacted the appellants overall professional career.
- J. That the matter of salary is recurrent cause of action which accrued to the appellant with each passing month and hence the question of limitation can't be a hurdle in the way of appellant as the appellant being a poor person tried his best to resolve the matter at departmental level but when he came to know that a judgment has been rendered by this Hon'ble Tribunal in an identical case, he approaches this Hon'ble Court for the same relief.
- K. That the impugned act is being not in accordance with law and the principles of justice, liable to be set aside.

ATTESTED

SECRETARY
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(10)
(4)

PRAYER

It is therefore, most humbly prayed that by accepting this service appeal, the action of respondent No.3, for stopping of the salary of appellant may please be declare illegal, without lawful authority, without any justification and against the settle principle of service law and thus liable to be set aside and the appellant is thus entitled for all his unpaid salaries since January 2019.

Further it is requested that if any adverse order passed at the back of appellant may also be set aside as the same has never been communicated to the appellant.

Any other relief not specifically prayed for but deems appropriate in the circumstances of the case may also be granted.

ارشد الحق
Appellant

Through

SHAHID QAYUM KHATTAK
Advocate Supreme Court
of Pakistan

Syed Roman Shah
Advocate High court
Peshawar

Certified that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.
02-16-24

Dated: 31/05/2022

Certified that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.

Advocate

AFFIDAVIT

I do hereby solemnly affirm and declare on Oath that the contents of the above appeal are true and correct to the best of our knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.



ارشد الحق
Deponent

(11)

Annex



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.940/2022

BEFORE: MR. AURANGZEB KHATTAK ... MEMBER (JUDICIAL)
MRS. RASHIDA BANO ... MEMBER (JUDICIAL)

Arshad UI Haq S/O Kimya Gul, Naib Qasid Office of the Assistant Director,
Local Government & Rural Development Department Karak.
... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Local Government & Rural Development Department, Peshawar.
2. Director General, Local Government & Rural Development Department, Peshawar.
3. Assistant Director, Local Government & Rural Development Department Karak. ... (Respondents)

Mr. Syed Roman Shah
Advocate ... For appellant

Mr. Naseer Uddin Shah
Assistant Advocate General ... For respondents

Date of Institution.....31.05.2022
 Date of Hearing.....23.09.2024
 Date of Decision.....23.09.2024

JUDGMENT

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

“On acceptance of instant service appeal, the action of respondent No.3 for stopping of the salary of appellant may please be declare illegal, without lawful authority, without

ATTESTED
 [Signature]
 ASSISTANT
 Secretary, Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar
 02-10-24

any justification and against the settle principle of service law and thus liable to be set aside and the appellant is thus entitled for all his unpaid salaries since January 2019. Further it is requested that if any adverse order passed at the back of appellant may also be set aside as the same has never been communicated to the appellant."

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Naib Qasid vide order dated 29.12.2017 in Village Council Mardan Khel, Tehsil Banda Daud Shah District Karak. The appellant was performing his duty was drawing his salary till December 2018 but all of a sudden his salary was stopped in the month of January 2019. Feeling aggrieved he filed departmental appeal on 21.03.2022, which was not responded to, hence the instant service appeal.

3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

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 order(s).

6. Perusal of record reveals that appellant was appointed as Naib Qasid vide order dated 29.12.2017 in Village Council Mardan Khel, Tehsil Banda

REGISTERED
EX-ADJUTANT
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Daud Shah District Karak. The appellant was performing his duty was drawing his salary till December 2018 but all of a sudden his salary was stopped in the month of January 2019. Feeling aggrieved he filed departmental appeal on 21.03.2022,

7. Appellant was required to file departmental appeal within 30 days from the date of issuance of impugned order in accordance with Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974, which is reproduced below:

"Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him, prefer an appeal of the appeal having jurisdiction in the matter."

8. This case has to face the issue of limitation for the reason that he has filed departmental appeal at a belated stage i.e. beyond the period provided for filing departmental appeal before the appellate authority. The appellant had filed departmental appeal on 10.07.2021 after a considerable delay of 3 years, six months and 13 days which is hopelessly barred by time. Therefore, the appeal in hand is not competent in view of the judgment of the Supreme Court of Pakistan in 2007 SCMR 513 titled "Muhammad Aslam Vs. WAPDA and others", wherein, the Apex Court has held that:

"If departmental appeal was not filed within the statutory period, appeal before Service Tribunal would not be competent. Civil Servant was non-suited for non-filing of appeal within time, therefore, Supreme Court declined to interfere with the judgment passed by Service Tribunal. Leave to appeal was refused."

RE

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


9. For what has been discussed above, when departmental appeal of the appellânt is time barred, service appeal would be incompetent being non-maintainable, hence dismissed. Costs shall follow the event. Consign.

10. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 23rd day of September, 2024.


(AURANGZEB KHATTAK)
Member (J)


(RASHIDA BANO)
Member (J)

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal
Peshawar
07-10-24

Date of Presentation of Application	23-09-2024
Number of Pages	4-p
Copying Fee	20/-
Stamp	20/-
Name of Applicant	07-10-2024
Date of Filing	07-10-2024



PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY

OFFICE OF THE Assistant Director Local Govt & RDD Karate.

FOR THE MONTH OF _____ / 200

DDO Code⁵
(Cost Center) 428215 Description⁶

Personnel Number⁷ 00890073 Employee Name⁸ Mr. Anshu Kumar H/99

National ID⁹ Card Number 14207-9758

Grade (Pay Scale Group)¹⁰ 03 "A" Grade

Salary¹² Status Start Stop

Info ¹¹ Type	Field ID ¹¹	GENERAL DATA CHANGE ¹¹ New Contents ¹¹	Wage Type ¹⁸	CHANGE IN PAYMENTS/DEDUCTIONS ¹¹			Effective Date ¹¹
				Amount ¹¹			
				Rupees ¹⁸	Paise	Adj ¹¹	
							18-12-18
							Pay may be stopped
							the appointment is illegal
							and now these employees reported
							arrival for duty, up till now
							no record of these employees
							available in the office

ASSISTANT DIRECTOR
LG & RDD KARATE

Assistant Director
LG & RDD District Karate
Prepared by

Audited/Checked By

Pay may be stopped
the appointment is illegal
and now these employees reported
arrival for duty, up till now
no record of these employees
available in the office

Annexure - C

(15)

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ATTESTED
[Signature]

Entered in



OFFICE OF THE DIRECTOR GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
KHYBER PAKHTUNKHWA

INQUIRY REPORT IN RESPECT OF RECRUITMENT OF NAIB-QASIDEEN NAMEDLY MR. MAQSOOD ISLAM AND MR. IRSHAD ULLAH IN DISTRICT KARAK

1. That an Inquiry was ordered by Directorate General LGRD Khyber Pakhtunkhwa Peshawar, vide Office Order Dated 19th September, 2019 regarding recruitment of Naib-Qasideen Mr. Maqsood Islam and Mr. Irshad Ullah in District Karak.
2. That the relevant officers, i.e. Mr. Rizwan Ullah, ex-Assistant Director/Assistant Engineer LGRD Karak and Mr. Mujahid Khan, ex-Assistant Director LGRD Karak and currently posted as Assistant Director LGRD Kohistan, were informed to attend the Inquiry Committee along-with relevant documents vide this office letter dated 10.07.2020 (ANNEX-I).
3. That Mr. Rizwan attended the Committee on 20.07.2020 and submitted his statement on 06.08.2020 (ANNEX-II)..
4. That Mr. Mujahid Khan attended the Committee at a very late stage of the inquiry.

✓ STATEMENT OF MR. RIZWAN, EX-ASSISTANT DIRECTOR/ENGINEER KARAK

1. That Mr. Maqsood Islam and Mr. Irshad Ullah were appointed vide Office Order built Dated 29.12.2017 by Mr. Mujahid Khan on back date and the relevant record was not handed over by Mr. Mujahid Khan despite several requests. (Para # 1 of Statement)
2. That one Mr. Musharaf Rehman, Naib-Qasid in Village Council Latamber Gharbi District Karak, resigned from his post in March 2018. Mr. Irshad Ullah was appointed on the said post despite the fact that he did not belong to the Latamber Gharbi Village Council. Mr. Maqbool Islam was appointed in the office of Assistant Director LGRD Karak. (Para # 2 of Statement)

ATTESTED
Page 1 of 5
[Signature]

(17)



OFFICE OF THE DIRECTOR GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
KHYBER PAKHTUNKHWA

3. That the salaries of both Naib-Qasideen were started by submitting Source-1 to District Accounts Office Karak containing fake/bogus signatures of Mr. Rizwan. (Para # 3 of Statement)
4. Neither working paper nor Provincial Government representative letter is on record and available in the office of ADLG Karak (Para # 5 & 6 of Statement)
5. That no such letter is available, which was issued to Employment Exchange Office Karak for requesting list of people to be employed as Naib-Qasid. (Para # 7 of Statement)
6. That the register of attendance for the period of January 2018 till December 2018 does not mention the name of Mr. Maqbool Islam, but salaries have been withdrawn in July 2018 and also the service length mentions therein shows more than 07 months. (Para # 8 of Statement)
7. Mr. Rizwan has prayed in the last para that the appointment orders may be cancelled and new recruitment shall be made on the post(s) fulfilling the government rules.

STATEMENT OF MR. MUJAHID KHAN, EX-ASSISTANT DIRECTOR LGRD KARAK

That Mr. Mujahid Khan was informed time and again to attend the inquiry Committee, but he attended November, 2020. He was informed via letters and telephonic calls on his personal Cellphone, but he failed to show up despite his verbal assurances that he will attend the Committee. List of letters attached (ANNEX-III)

That when he attended, he was handed over a questionnaire containing questions regarding the recruitment of the Naib-Qasideen (ANNEX-IV).

That he submitted, the answers to the questionnaire, via Whatsapp message on 09th December, 2020. (ANNEX-V).

ATTESTED
[Signature]
11/12/2020

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OFFICE OF THE DIRECTOR GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
KHYBER PAKHTUNKHWA

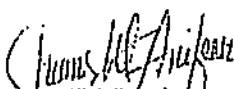
name was in January 2018 till January 2019 (ANNEX-XII). Two possibilities arise out of such omission is that either he was appointed back dated, or he remained absent. If he remained absent, then nothing on the available record shows that any action was taken by the then Assistant Director LGRD.


9. That the attendance register regarding Mr. Arshad Ullah was not provided to the Inquiry Committee.
10. That Mr. Rizwan alleges that the record was kept by his predecessor Assistant Director, Mr. Mujahid Khan, but he denies any allegations regarding non-handing over of record.
11. That the reply given by Mr. Mujahid Khan cannot be ascertained due to non-availability of record.

CONCLUSION

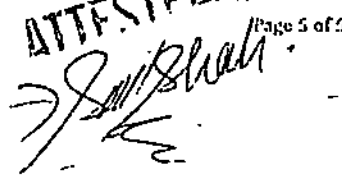
That this inquiry committee cannot reach any definitive position due to non-submission of official record or are missing of the same, hence, in light of the above paras, it is recommended that District Accounts Office, Karak may be approached by the incumbent Assistant Director LGRD Karak regarding provision of documents submitted to them at the time of appointment of the above mentioned officials. Regarding the fake signature, it is recommended that after obtaining original documents from DAO Karak, the same may be forwarded to forensic laboratory of the government for ascertaining the fact, whether the signatures were fake or otherwise.

Report submitted, please.


(Shams Ul Arifan)
Assistant Director (ADMIN)-II
Directorate General LGRD


(Ali Azmat)
Assistant Director (Jr)
District Nowshera

ATTESTED


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(21)

Amwawye 11

Amwawye - E

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1378/2019

Date of Institution ... 21.10.2019
Date of Decision ... 03.06.2021



Maqsood Islam S/O Islam Fadshah, Naib Qasid Office of the
Assistant Director, Local Government & Rural Development
Department, Karak.

(Appellant)

VERSUS

Provincial Government of Khyber Pakhtunkhwa through
Secretary Local Government & Rural Development Department,
Khyber Pakhtunkhwa, Peshawar and two others.

(Respondents)

Abdul Nasir Khattak,
Advocate

For appellant.

Kabir Ullah Khattak,
Additional Advocate General

For respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

CHAIRMAN
MEMBER (3)

JUDGMENT

ROZINA REHMAN, MEMBER: Brief facts of the case are that the
appellant was appointed as Naib Qasid in the office of Assistant
Director Local Government & Rural Development Department on the
recommendation of Departmental Selection Committee. Accordingly
he reported his arrival for duty. It was on 01.03.2019, when he was

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MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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2021/06/03

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informed by the bank official regarding the stoppage of his salary. He submitted departmental appeal which was not responded to, hence, the present service appeal.

2. Learned counsel for the appellant argued that the appellant was properly appointed on the recommendation of DSC, therefore, entitled to receive his salary. He submitted that he was allowed salary for thirteen (03) months which is evident from the last pay slip for the month of January 2019, therefore, the respondents were not authorized to stop his salary. He argued that he is performing his duty regularly but was deprived of his monthly pay and thus the respondents violated rule and regulations of the Government.

3. Conversely, learned A.A.G submitted that the appellant was neither appointed as Naib Qasid nor departmental Selection Committee recommended him for the said post as no DSC was constituted. He contended that appointment order dated 29.12.2017 was issued in back date by the then Assistant Director Local Government and Rural Development Department, Karak by way of Fraud. He, therefore, requested for the dismissal of the instant appeal as the appointment was bogus and fake.

4. From the record, it is evident that upon the recommendation of Departmental Selection Committee petitioner was appointed against the vacant post of Naib Qasid in the office of Assistant Director Local Government and Rural Development Department District Karak vide order dated 29.12.2017. He submitted his arrival

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ATTESTED

For the Officer
In-charge of District Karak
Secty for Treatment
Postmaster

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ATTESTED

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623

report which is available on file where-after he started his service and he received salary which is evident from his payroll available on file. Different letters were produced by the appellant during arguments which are available on file vide which advice was sought by Assistant Director from Director General of Local Government in respect of the present appellant. From the comments of the respondents it is also evident that when the bogus appointment order was pointed out, pay of the appellant was stopped and high ups were informed for conducting inquiry regarding the fake appointment which is still awaited. It is not denied that pay of the appellant was stopped without conducting proper inquiry, therefore, this appeal is allowed with direction to the respondents to conduct proper inquiry within ninety (90) days of the receipt of this judgment. The appellant shall be provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits is subject to the outcome of inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
03.06.2021

(Signature)
(Ahmad Sultan Tareen)
Chairman

(Signature)
(Rozina Rehman)
Member (J)

Certified true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

WANTED TO BE
Date of Presentation of Application 15/06/2021
Number of Pages 18
Copies 1600
Fees 18 - 9
Date of Receipt of Copy 17/6/2021
Date of Delivery of Copy 17/6/2021

(Signature)

623

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ANNOUNCED
03.06.2021

(Signature)
(Ahmad Sultan Tareen)
Chairman

(Signature)
(Rozina Rehman)
Member (J)

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

TESTED TO BE
Date of Presentation of Application: 03/06/2021
Number of Pages: 18
Copies: 1600
Title: 18 - 9
Name of Applicant: [Signature]
Date of Filing of Copy: 17/6/2021
Date of Delivery of Copy: 17/6/2021

(Signature)

(10) (24)



OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVERNMENT, ELECTIONS & RURAL DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA KARAK
Email Address: adkarak@gmail.com

Website: www.lgkp.gov.pk

Email address: adkarak@gmail.com

Phone Number: 0927-291204

No. 677/AD LG KK

Dated: 19/07/2022

Minutes of meeting regarding implementation of the order of Honorable Court of Service Tribunal Khyber Pakhtunkhwa Peshawar in execution Petition No, 217/2021 in service Appeal No, 1378/2019 on dated: 22/06/2022 under the chairmanship of AD LG & RDD Karak held on 18/07/2021.

A meeting was held on 18/07/2022 under the chairmanship of AD LG & RDD Karak in compliance of the order of Honorable Court of Service Tribunal Khyber Pakhtunkhwa Peshwar passed on 22/06/2022 in the execution Petition No, 217/2021 in Service Appeal No, 1378/2019 of Maqsood Islam VS Government.

The meeting was attend by the AD LG & RDD Karak, Progress Officer & Supervisor of the office of AD LG & RDD District Karak and Maqsood Islam along with his council.

The chair welcomed the participants and explain the aim/ objective of the meeting, the applicant i.e Maqsood Islam was of the view that his pay may be drawn against the post of Naib Qasid instead of sound helper.

The chair explained that as per the order of Honorable Court of Service Tribunal of Khyber Pakhtunkhwa Peshawar passed on 22/02/2022 in the said execution petition, his pay has already been released and he has been receiving his pay regularly on monthly basis.

The chair further mentioned that at the present there is no vacant post of Naib Qasid in the office of the Assistant Director Local Government and RDD Karak, as and when the post of Naib Qasid become vacant than his case will be considered on merit as per rules and law. But the appellant was not agree with the suggestion of the chair. He said that matter /case will be decided by the Honorable Court of Service Tribunal of Khyber Pakhtunkhwa and was not ready to resolve the case outside the court.

The meeting was ended with the vote of thanks.

Assistant Director
LG & RDD KARAK

Ends: No & Date Even:

Copy forwarded to the:

1. Register Of Honorable Court of Service Tribunal Kyber Pakhtunkhwa Peshawar.
2. Assistant Director (Litigation) LG & RDD, Khyber Pakhtunkhwa Peshawar,
3. P.A to Director General LG & RDD Kyber Pakhtunkhwa Peshawar.

Assistant Director
LG & RDD KARAK

ATTEST

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TRUE COPY



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~~Approved~~

OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT DISTRICT KARAK

Dated: 26/12/2017

Subject: MINUTES OF THE MEETING

A meeting of the Departmental selection Committee under the Chairmanship of Assistant Director Local Government and Rural Development Department Karak was held on 26/12/2017 to consider recruitment against the vacant posts of Naib Qasid and Sweeper in applications available/ connected, CVs were examined and checked and considered of the full scrutiny of the following candidates recommended for appointment against the posts.

1. Mr. Maqsood Islam S/O Islam Badshah resident of Old Bazar Tehsil and District Karak. The Candidate is register in employment exchange District Karak Vide registration No.13260 he possessed medal Qualification. The applicants fulfil the criteria hence recommended for appointment for the post of Naib Qasid in the Office of the Assistant Director Local Government and Rural Development Department District Karak.
2. Arshad ul Haq S/O Kamia Gul resident of Teri Landoki Tehsil Banda Daud Shah District Karak. The Candidate is register in employment exchange District Karak Vide registration No. 15128 he possessed Metric Qualification. The applicants fulfil the criteria hence recommended for appointment for the post of Naib Qasid in the Village Council Mardan Khel in Local Government and Rural Development Department District Karak.
3. Mr. Balqiaz Shareef S/O Muhammad Shareef resident of Ghundi Kalla P/O Dhub Tehsil and District Karak. The Candidate is register in employment exchange District Karak Vide registration No. 17277 he possessed Metric Qualification. The applicants fulfil the criteria hence recommended for appointment for the post of Sweeper in the Office of the Assistant Director Local Government and Rural Development Department District Karak.

Approved

(Member No. 1)

Secretary (Establishment)
L.G. & RDD KPK

Chairman
Assistant Director
L.G. & RDD Karak

(Member No. 2)

Progress Officer
L.G. & RDD Karak

ATTESTED

Attester

10 (24)



OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVERNMENT, ELECTIONS & RURAL DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA KARAK
Email Address: adkarak@gmail.com

Website: www.lgkp.gov.pk

Email address: adkarak@gmail.com

Phone Number: 0927-191204

No. 677/AD LG KK

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The meeting was ended with the vote of thanks.

[Signature]
Assistant Director
LG & RDD KARAK
[Initials]

Endst: No & Date Even:

Copy forwarded to the:

1. Register Of Honorable Court of Service Tribunal Kyber Pakhtunkhwa Peshawar.
2. Assistant Director (Litigation) LG & RDD, Khyber Pakhtunkhwa Peshawar.
3. P.A to Director General LG & RDD Kyber Pakhtunkhwa Peshawar.

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[Signature]
Assistant Director
LG & RDD KARAK.
ATTES
[Signature]

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TRUE COPY



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~~Approved~~

OFFICE OF THE ASSISTANT DIRECTOR—
LOCAL GOVERNMENT & RURAL DEVELOPMENT,
DEPARTMENT DISTRICT KARAK

Dated: 26/12/2017

Subject: MINUTES OF THE MEETING

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Appellate

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(Member No. 1)

Secretary Officer (Establishment)
L.G. & RDD ICPC

(Member No. 2)

Progress Officer
L.G. & RDD Karak

Assistant Director
L.G. & RDD Karak

ATTESTED



26

OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT DISTRICT KARAK

Dated. 29/12/2017

APPOINTMENT ORDER

Consequent upon the recommendation of selection committee appointment of Mr. Irshad Ul Haq S/O Kamia Gul resident of Teri Landoki Tehsil BD Shah District Karak against the vacant post of Naib Qasid in the office of the Village Council Mardan Khel in Local Government and Rural Development Department District Karak are hereby ordered in BPS-3 in usual pay and allowance in the best interest of public service. He is directed to report his arrival soon after receiving of appointment order.

Assistant Director
LG&RDD Karak

No 1005 /ADLGKIK

Dated. 29/12/2017

Copy forwarded to the:-

1. Director General LG&RDD Khyber Pakhtunkhwa Peshawar.
2. Nazim District Government Karak.
3. Deputy Commissioner Karak.
4. District Accountants Officer Karak.

Assistant Director
LG&RDD Karak

ATTESTED

Irshad Shah

27
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~~Annexure~~

Karrak
SU: 1
Pers #: 00890073
Name: ARSHAD UL HAQ
NAIB QASID
CNIC No. 1420197587001
GPF Interest Free
03 Active Temporary

P Sec: 001 Month: July 2018
KK6215 - ASSISTANT DIRECTOR LOCAL CO
ASSISTANT DIRECTOR LOCAL
NTN:
GPF #:
Old #:

PAYS AND ALLOWANCES:		KK6215
0001-Basic Pay		9,610.00
1000-House Rent Allowance		1,413.00
1210-Convey Allowance 2005		1,785.00
1300-Medical Allowance		1,500.00
1833-Integrated Allowance (2005)		450.00
2140-15% Adhoc Relief All-2013		240.00
2199-Adhoc Relief Allow 810%		170.00
2211-Adhoc Relief All 2016 10%		804.00
2224-Adhoc Relief All 2017 10%		961.00
Gross Pay and Allowances		114,235.00
DEDUCTIONS:		
GPF Balance	0.00	
3501-Benevolent Fund		Subtr: 770.00
4004-R. Benefits & Death Comp:		300.00
		451.00

Total Deductions 1,521.00
112,714.00

D.O.B 13.03.1999 LFP Quota:
00 Years 07 Months 001 Days HABIB BANK LIMITED Habib Bank Ltd Terd
7900365203

Karrak
SU: 2
Pers #: 00890073
Name: ARSHAD UL HAQ
NAIB QASID
CNIC No. 1420197587001
GPF Interest Free
03 Active Temporary

P Sec: 001 Month: July 2018
KK6215 - ASSISTANT DIRECTOR LOCAL CO
ASSISTANT DIRECTOR LOCAL
NTN:
GPF #:
Old #:

PAYS AND ALLOWANCES:
5002-Adjustment House Rent 5,052.00

Arshad
ATTESTED
Arshad

(28)

5011-Adj Conveyance Allowance	10,710.00
5012-Adjustment Medical All	9,000.00
5288-Adj Integrated All 2005	2,700.00
5309-Adj. 15% Adhoc Allowance	1,512.00
5964-Adj Adhoc Relief All 2015	978.00
5975-Adj Adhoc Relief All 2016	3,924.00
5990-Adj Adhoc Relief All 2017	5,766.00
5801-Adj Basic Pay	57,660.00
Gross Pay and Allowances	114,235.00

DEDUCTIONS:

GPF Balance 0.00 Subrc:

Total Deductions 1,521.00

112,714.00

D.O.B 13.03.1999 LFP Quota: HABIB BANK LIMITED Habib Bank Ltd Teri
00 Years 07 Months 001 Days 7900365203

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ATTESTED
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29
15
Annexure 6
OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT DISTRICT KARAK

Website: www.lgprdd.gov.pk
Email address: adlkarak@gmail.com
Phone Number: 0927-291204

No 939 /ADLGKK

Dated: 09/09 /2020

To


The Director General
Local Government & Rural Development
Govt. of Khyber Pakhtunkhwa Peshawar.

SUBJECT: - ADVICE FOR STARTING OF SALARIES

Kindly refer to the subject cited above.

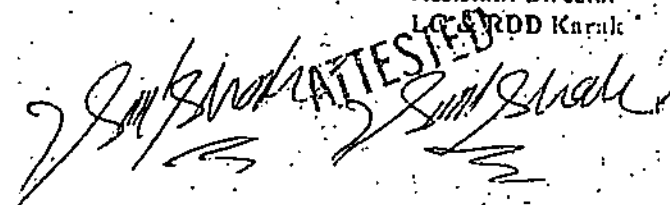
It is stated that the following two no officials were appointed by the then AD LG&RDD vide no 1002/ADLGKK and 1005/ADLGKK dated 29/12/2017 after completion of all codal formalities. The appointees drawn their monthly salaries up to 13 months regularly. Later on, upon the transfer of the said AD LG&RDD Karak the newly posted AD LG & RDD stopped the salaries of the said officials without completion of codal formalities i.e. issuing any order of removal from services/or withdrawal of order etc. Now the said officials have knocked the door of the Honourable service tribunal for restarting of their salaries and the instant case is fixed for hearing on 14/09/2020.

Keeping in view of the above scenario the undersigned may kindly be guided as to either the salaries of the said official may be started or otherwise please.


Assistant Director
LG & RDD Karak

Copy forwarded to the District Account Officer Karak for information please.

Assistant Director
LG & RDD Karak


ATTESTED



(30)
(25)
A. M. H. H.

DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA

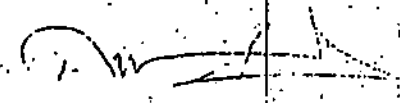
No. Director (I.G) 3-1/Establishment/2020
Dated Peshawar, the 23rd November, 2020

To

The Assistant Director,
LG&RD, Karak.

Subject: ADVICE FOR STARTING OF SALARIES.

I am directed to refer to your letter No. 939/ADLGKK dated 09.09.2020 on the subject cited above and to request you to provide the appointment orders of the officials and copy of Source form on which their salaries were stopped and reasons of stoppage of salaries.


ASSISTANT DIRECTOR (ADMIN/HR)
LG&RD

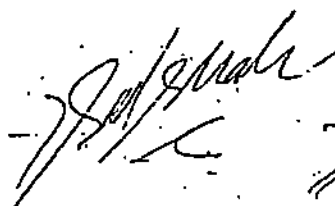
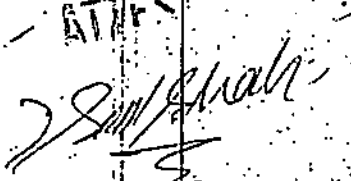
Enclst: No. & date even:

Copy forwarded to the:

1. PA to Director General, LG&RDD, Khyber Pakhtunkhwa.


ASSISTANT DIRECTOR (ADMIN/HR)
LG&RD

ATTESTED

محضور جناب ڈائریکٹر جنرل بلدیات و دیہی ترقی خیبر پختونخوا پشاور
درخواست برائے کا اہدم و منسوخ فرمانے حکم انچارج انگر ان سابقہ اسٹنٹ ڈائریکٹر بلدیات و دیہی ترقی ضلع
کرک بابت بند کرنے اردو کے دینے ماہوار تنخواہ مسائل (ایپلائٹ)۔

جناب عالی!

سائل نہایت سوچا و عاجزانہ گزارش کرتا ہے کہ سائل کو دلچ کونسل مردان خیل تحصیل بانڈہ داؤد شاہ ضلع کرک میں تمام تر قانونی
تقاضوں کی تکمیل کے بعد 29-12-2017 کو نائب قاصد تعینات (Appoint) کیا گیا تھا، ایپلائٹ کی سبھی دفتر روزگار کی رجسٹریشن
کارڈ (Minutes of meeting of DSC) حکمانہ جٹاؤ کمیٹی کی سفارشات، حکم تعلیمی کی تقولات لف ہیں۔
جس پر سائل نے میڈیکل فٹنس (Medical Fitness) جسمانی سوزوئیت و صحت مندی کا سرٹیفیکیشن پیش کر کے اپنے عہدے پر فرائض کی انجام
دہی کیلئے ماضی Arrival Report کردی اور فرائض و خدمات انجام دینا شروع کیا۔ نیز اسٹنٹ ڈائریکٹر بلدیات کرک خدمات کی انجام دہی
پر 13 مئی تک تنخواہ یعنی جنوری 2019 تک تنخواہ ادا کرنا، تنخواہ ادا کرنے کی دستاویزات (Pay Slips) کی تقولات لف درخواست ہے۔
جناب عالی شان اس کے بعد اسٹنٹ ڈائریکٹر کی تبدیلی کی وجہ سے اسٹنٹ انجمنٹر رضوان جو کہ ٹیکنیکل کیڈرز سے تعلق رکھتا تھا اور کچھ عرصہ
کیلئے نگران یعنی انچارج ایکٹنگ چارج کی بنیاد پر اسٹنٹ ڈائریکٹر کا عارضی چارج سنبھالے ہوئے تھا بغیر کسی نوٹس، بلا کسی انکوائری اور ذاتی
شنوائی کا موقع دینے بغیر میری تنخواہ بغیر کسی جائز وجوہات کے بند کر دی۔ سروس فارم کی نقل لف درخواست ہڈا ہے۔ میرے علاوہ ایک اور
نائب قاصد مقصود اسلام کی تنخواہ بھی روک دی گئی جس پر سائل نے آپ جناب کے دفتر کو درخواست برائے وائز اری (Release of
Pay) کی بابت گزارش کی نیز مقصود اسلام نائب قاصد نے سروس ٹریبونل سے رجوع کیا اور عدالت کے حکم پر اب مقصود اسلام کی تنخواہ ریلیز کی گئی
ہے جبکہ سائل کی تنخواہ تاحال بند ہے جو کہ خلاف انصاف، خلاف قانون، خلاف مشق اور خلاف مساوات ہے۔

نیز اسٹنٹ ڈائریکٹر بلدیات کرک نے بذریعہ مراسلہ نمبر 939/ADLGKK مورخہ 09-09-2020 کو تنخواہوں کی وائز اری کیلئے
آپ جناب کے دفتر کو ارسال کیا ہے لیکن اس کے باوجود بھی تاحال سائل کو ماہوار تنخواہ سے محروم رکھا گیا ہے۔ مراسلہ
نمبر 939 مورخہ 09-09-2020 کی نقل منسلک درخواست ہڈا ہے۔

سپریم کورٹ آف پاکستان کے فیصلے کے مطابق جب عدالت یا سروس ٹریبونل ملازمت کے بارے میں کسی نقطہ کے بارے میں اپنا فیصلہ صادر
کرتی ہے تو عدالت کے اس فیصلے کا فائدہ دیگر سرکاری ملازمین کو بھی ملنا چاہئے خواہ ان سرکاری ملازمین نے عدالت سے رجوع کیا ہو یا نہ کیا ہو
۔ عدالتی فیصلے کی نقل لف ہے۔

چونکہ سائل اور مقصود اسلام مذکورہ بالا کی ذمہ داری سنبھالنے کیلئے ہی سٹینٹ میں تقرری کیلئے سفارش کی گئی تھی اور دونوں کی تقرری بھی ایک
ہی تاریخ کو ہی کی گئی تھی۔ اتھارٹی نے جاری کی تھی لہذا دونوں ملازمین کی Law and Fact same (ایک جیسے ہیں) لہذا سائل
بھی اسی سلوک کا حقدار ہے جس کا حقدار مقصود اسلام کو بھی ملنا چاہئے۔ مزید یہ کہ آئین کے آرٹیکلز 189-190 کے تحت عدالت، مشق اور سروس
ٹریبونل کے فیصلے کی پابندی حکومت کے تمام اداروں پر ضروری ہے۔

لہذا استدعا ہے کہ منظور کی درخواست ہڈا سائل کی تنخواہ و وائز اری یعنی ریلیز کرنے کا حکم صادر فرما کر منکورد فرمائیں۔

سائل (ایپلائٹ)

ارشاد الحق ولد کیا مکمل سکول بانڈہ داؤد شاہ ضلع کرک

ارشد الحق

10561

21/3/2022

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ATTEST
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Handwritten signature/initials at the top right.

Handwritten text on the left side of the top section.

Handwritten text on the left side of the top section.

Handwritten text on the right side of the top section.

Handwritten signature/initials on the right side of the top section.

Handwritten text on the right side of the top section.

Handwritten text in the middle section, possibly a date or reference number.

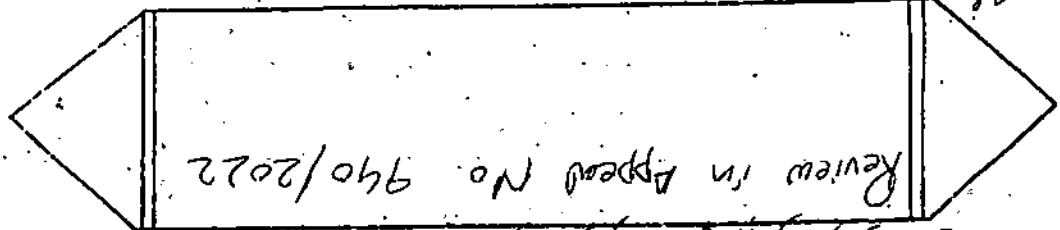
Main body of handwritten text, appearing to be a detailed report or statement.

Vertical handwritten text on the far left side of the page.

Handwritten text below the main body, possibly a signature or title.

Handwritten text in a column on the left side of the bottom section.

Handwritten text on the right side of the bottom section.



Handwritten text below the arrow graphic, possibly a name or title.