FORM OF ORDER SHEET

	Court of	f
	Арр	peal No. 2027/2024
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1 .	2	3
1-	18/10/2024	The appeal of Mr. Tanveer Ullah resubmitted today by Mr. Asif Ali Shah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 28.10.2024. Parcha Peshi given to counsel for the appellant.
		By order of the Chairman RECISTRAR
	D	

The appeal of Mr. Tanveerullah received today i.e on 16.10.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Memorandum of appeal and affidavit are not signed by the appellant.

2-Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.

3- Appellate authority has not been made a necessary party.

No. 916 /Inst./2024/KPST,

Dt. 16/10 /2024.

SERVICE TRIBUNAL **KHYBER PAKHTUNKHWA** PESHAWAR.

Asif Ali Shah Adv. ASC at Peshawar.

The case is resubmitted after necessary correction and tomplation. Respected fir.

Doved: 18-10-2024



BEFORE THE SERVICE TRIBUNAL K.P.K. <u>PESHAWAR</u> Service Appeal No. <u>202-7</u> /2024

ζι: Γ

Tanveer Ullah.....Appellant/Petitioner.

Versus

Director General Livestock & another

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S.No.	Particulars	Annexure	Page Nos.
1	Memo of Appeal		1-4
2	Affidavit		́Ч
3	Address of the Parties		5
4	Appointment order, medical & arrival Report	A, B & C	6-8
5	Departmental appeal & service certificate	D&E	6-8 9-11
6	Salary release & Salary Slip	F&G	12-21
7	Wakalathnama		22

INDEX

Appellan Through: Asif Ali Shah Advocate High Court Peshawar

Chamber: 3-A, Haroon Mansion Khyber Bazzar, Peshawar Cell No. 0333-9006806

Dated:

BEFORE THE SERVICE TRIBUNAL K.P.K. PESHAWAR

Service Appeal No. 2027 /2024

Versus

1. Director General Livestock & Dairy Development (Ext), Khyber Pakhtunkhwa, Peshawar.

2. Secretary Live Stock & Dairy Development, KP, Peshawar

> APPEAL U/S 4 NWFP SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER & ACTIONS OF THE RESPONDENTS WHY BY THE SALARY OF THE APPELLANT HAS NOT BEEN RELEASED FROM THE DATE OF APPOINTMENT TILL DATE AND THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN DEICED IN THE STATUTORY PERIOD.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED ACTIONS & INACTIONS OF RESPONDENTS WHEREBY THE SALARY OF THE APPELLANT HAS NOT BEEN RELEASED MAY KINDLY BE DECLARE AS ULTRA VIRES AND AN ORDER OF RELEASE OF THE SALARY OF APPELLANT MAY KINDLY BE PASSED WITH ALL BACK BENEFITS.

Respectfully Sheweth, The Appellant humbly submits as under:-

Brief facts:

PESHAWAR /2024

Service Appeal No._

Tanveer Ullah S/o Baseer Ullah R/o Mohallah Boda Kandar Khel Khazana, Tehsil Mathra District Peshawar.Appellant

Versus

- 1. Director General Livestock & Dairy Development (Ext), Khyber Pakhtunkhwa, Peshawar, 2. Seevelony Livestock & Dairy Development, KP, Peshawar.
- Accountant General Khyber Pakhtunkhwa.

APPEAL U/S 4 NWFP SERVICE TRIBUNAL ACT 1974 ACTIONS OF THE Ŀ AGAINST THE ORDER RESPONDENTS WHY BY THE SALARY OF THE APPELLANT HAS NOT BEEN RELEASED FROM THE DATE OF APPOINTMENT TILL DATE AND OF <u>THE</u> DEPARTMENTAL APPEAL THE APPELLANT HAS NOT BEEN DEICED IN THE STATUTORY PERIOD.

PRAYER IN APPEAL:

ON ACCEPTANCE THE THIS APPEAL OF OF ACTIONS · & INACTIONS **IMPUGNED** RESPONDENTS WHEREBY THE SALARY OF THE APPELLANT HAS NOT BEEN RELEASED MAY KINDLY BE DECLARE AS ULTRA VIRES AND AN SALARY OF OF RELEASE OF THE ORDER APPELLANT MAY KINDLY BE PASSED WITH ALL BACK BENEFITS.

Respectfully Sheweth,

The Appellant humbly submits as under:-

Brief facts:

1. That the Appellant is law abiding citizen and bona fide resident of Mohallah Boda Kandar Khel Khazana, Tehsil Mathra District Peshawar.

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- 2. That Respondent No.1 has appointed Naib Qasid (BPS-03) per advertisement published in the daily news paper. (Copy of appointment Order is attached as Annexure-A).
- 3. That the Appellant after fulfilling the legal requirements filed his arrival report along with other colleagues and joined his duties.

(Copy of medical & charge report is attached as annexure-B&C).

- 4. That the salary of the Appellant was not released by the respondents without any reason for which the Appellant approached respondents time and again and submitted a written application but no response. The appellant approached personally to respondents for redressal of his grievances but the respondents delayed the matter in submission of comments that's why this court was pleased to attached the salary of the respondents. (Copy of applications are attached as annexure-D)
- 5. That the appellant is serving and performing his duties till date but due unprofessional attitudes of the respondents the appellant is till date deprived from his due right of salary. (Copy of service certificates are attached as annexure-F)
- 6. That the Appellant having no other alternate adequate remedy, hence this writ petition is filling on the grounds interalia:-

<u>GROUNDS:-</u>

That the Appellant has been appointed by the respondents department on the post of Naib Qasid through proper channel vide office order and after joining of the said post the Appellant is performing his duties regularly but the nonreleasing / stoppage of the salary by respondents is against law and unjustifiable.

- That the Appellant for the sake to keep his service safe regularly providing his services but the respondents department taking duty from Appellant like in government beggar camp and not paying salary to Appellant violating his fundamental rights, hence, the Appellant approaches this Hon'ble Court for release of his salary because the salary of other colleagues has already been released and paying then regularly, and this Hon'ble Court have the prerogative to interfere in such like matters. (copy of pay release & salary slip is attached as annexure-F&G)
- C. That the Appellant has excellent service record and performed duty and was too excellent, hence not paying the salary to Appellant by the respondents is great discrimination and the impugned order of withdrawal of the appointment order during pendency of petition have no legal footing.

D.

That the Appellant is very hardworking and punctual in his duty, but the respondents had unlawfully stopped the salary of the Appellant, which was against the law and fundamental rights of the Appellant, the actions of non releasing the pay

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are illegal, unlawful and inoperative upon the rights of the Appellant.

That the Appellant having minor children, and the Appellant is only person to earn livelihood for his family, so the illegal and unlawful act of the respondents has fallen the Appellant as well as his family in a great financial crises, so needs interference of this Hon'ble Court on humanitarian grounds too.

That unless an order of payment of salary of the Appellant is not issued, serious miscarriage of justice would be caused and the Appellant would be suffered by the orders of the Respondents which are fanciful, suffering from patent perversity and material irregularity, needs correction from this Hon'ble Court.

That the Appellant, after running from pillar to post but of no avail, finally decided to approach this Hon'ble Court for seeking justice as no other adequate and efficacious remedy is available to him.

H.

G.

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F.

That the Appellant reserves rights to advance other points at the time of hearing this appeal.

IT IS, THEREFORE, PRAYED THAT IN VIEW OF THE ABOVE SUBMISSIONS THE INSTANT WRIT PETITION MAY GRACIOUSLY BE ACCEPTED AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO ISSUE THE MONTHLY SALARY OF THE APPELLANT FROM THE DATE OF APPOINTMENT TILL DATE AND ONWARD.

> APPELLANT Through

Asif Ali Shah, ASC

Muhammad Afzal

M. Ghayur Ullah Jan

Sikandar Feroz

Khaula Shakoor

& Huzaifa Ahmad Advocates.

Affidavit_:

It is hereby solemnly affirm and declare on oath that all the contents of the instant application are true and correct to the best of my Knowledge and belief and nothing has been concealed intentionally from this Honourable Court.

Deponent

BEFORE THE SERVICE TRIBUNAL K.P.K.

PESHAWAR

Service Appeal No.

_____/2024

Tanveer Uilah.....Appellant/Petitioner.

4

Versus

Director General Livestock & another

Respondents

APPLICATION FOR GRANT OF ORDER OF MAINTAINING STATUS QUO TILL THE FINAL DISPOSAL OF THE MAIN APPEAL.

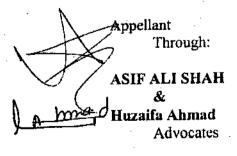
Respectfully Sheweth,

- 1. That the memo of appeal is filed before this Hon'ble Court in which no date of hearing has yet been fixed. It is submitted that at the time of disposal of this application the contents of the accompanying memo appeal may be considered as integral part of this application.
- 2. That apparently the petitioner has got strong competent and prima facie case in his favour and he is sanguine in respect of his success moreover the contents of the main appeal and its supporting documents/annexure connect prima-facie case in favour of present applicant.

3.

That if the status quo is not ordered and the respondent are not restrained from passing any adverse order against the petitioner and by this way the accompanying appeal would become in fructuous and the petitioner would be inconveniened and he would suffer irreparable loss.

IT IS, THEREFORE, MOST HUMBLY PRAYED THAT ON ACCEPTANCE OF THIS APPLICATION AN ORDER OF MAINTAINING STATUS QUO TILL THE FINAL DISPOSAL OF THE MAIN APPEAL MAY KINDLY BE PASSED.



Dated: Affidavit :

It is hereby solemnly affirm and declare on oath that all the contents of the instant application are true and correct to the best of my Knowledge and belief and nothing has been concealed intentionally from this Honourable Court.

Deponent

BEFORE THE SERVICE TRIBUNAL K.P.K. PESHAWAR

/2024

Service Appeal No._

Tanveer Ullah.....Appellant/Petitioner.

Versus

Director General Livestock & another

Respondents

ADDRESSES OF THE PARTIES

APPELLANTS

Tanveer Ullah S/o Baseer Ullah R/o Mohallah Boda Kandar Khel Khazana, Tehsil Mathra District Peshawar.

RESPONDENTS

1. Director General Livestock & Dairy Development (Ext), Khyber Pakhtunkhwa, Peshawar.

2. Accountant General Khyber Pakhtunkhwa.

APPELLANT * Through:

Asif Ali Shah Advocate High Court, Peshawar

Annex"A"



DIRECTORATE GENERAL (EXTENSION) LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT, KHYBER PAKHTUNKHWA, PESHAWAR Tel: 091-9210249/9210276, Fax: 091+9210285 Entail: dolddex1@yahoo.com

-23

Peshawal

Dated

the er /10 12021

OFFICE ORDER.

Consequent upon the recommendation of Departmental Selection Committee in its meeting held on 19.03.2021, Mr. Tanveer Ullah S/O Baseer Ullah R/O Boda Kandar Khel Khazana P/O Mathra, Mathra Tehsil & District Peshawar is hereby appointed as Naib Qasid (BPS-03) @ R.s 9610-390-21310 plus usual allowances against the vacant post in the Directorate General (Extension) Establishment Of Poultry Directorate in Khyber Pakhtunkhwa at Peshawar, with immediate effect in the best interest of public service. His appointment shall be governed by the following terms and conditions:

- 1. His appointment shall be on regular basis in term of section 19 of Khyber Pakhtunkhwa service act 1973 as amended from time to time and pension/ graduate will be admissible at such rate as may be prescribed by the government from time to lime.
- 2. His appointment shall be subject to provision of medical fitness certificate issued by the concerned
- 3. He shall be governed by such rule regulation order and ordinance etc relating to appointment, promotion, transfer, leave, TA, Medical atlendance efficiency and discipline and conduct have been/ may be prescribed by the government for the calegory of Government of his status from time to time and as interpreted by the government.
- 4. His service shall be liable to termination on the following conditions
- At any time without notice and without assigning any reasons his service will be dispensed if his service were not found satisfactory during the period of his appointment on probation i.e. 2
- On one-month prior notice by the Government one side and by him on the other side in case the notice on either side is less than one month, a sum equivalent to the pay for the period by ĺÌ. which the notice fails short of one month will be paid by the Government to him or in lieu
- thereof one moth pay shall be forfelled. By Government without previous notice if itis satisfied on material evidence that he is unfit and / or likely to remain unlit for a considerable period by reasons of ill health or physical disability iii. to discharge his duties. The decision of the Government as to what constitute considerable
- 5. He shall not be entitled to any Travelling/ Daily Allowance on this first appointment/ posting. 5. He shall be enlitled to provident fund in such a manner and at such rates as may be prescribed by
- 7. His appointment shall stand cancelled from the date of issue and the shall have to refund all the
- financial benefits availed, if his educations /other documents proved to be fake/bogus at any stage, If the above terms and conditions are acceptable to him, he should report for joining his duty within 30- days positively. In case of non-submission of acceptance, the offer will automatically stand DIRECTOR HEADQUARTERS canceled.

Copy of even number and date is forwarded to:

- 1. Accountant General, Khyber Pakhtunkhwa.
- 2. P.A to Director General, Livestock & Dairy Development (Ext), Knyber Pakhtunkhwa, Peshawar. 3. Mr. Tanveer Ullah S/O Baseer Ullah R/O Boda Kandar Khel Khazana P/O Mathra, Mathra

Tehsil & District Peshawar

Personal File of Official. 4

DIRECTOR HEADQUARTERS

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Annex B' MEDICAL CERTIFICATE Tanveer Ollah , Name of official Mastin / Pakistoni Caste or race Baseer Ullah Father's name____ Khazana Mc Mathia, Mathia, Tehs, Residence Bodia Kandar Khel Dist PEShawar and 06-01-1999 Date of birth Se Exact height by measurement NIL Personal mark of identification 10-1 Signature of the official Signature of head of office Seal of office I do hereby certify that I have examined Mr. Tanveer Ullah _____a candidate for employment in the Office of the Director (Teneral (Ext.) Live Stock KPK and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except______N/1 I do no consider this as disqualification for employment in the office of the $\frac{45}{66046}$ つま His age according to his own statementyear and by appearance about WENTY TWO MEDICAL SUPERINTER Medical Superinten CIVIL HOSPITAL tanices. 06/10/2021 EFT HAND THUMB AND FINGER IMPRESSIONS GS&PD.XPK.989/13 - 1,000 PADS of LOGI-16.11.21/DHQ MARDAN IORS/MEDICAL CERTIFICATE /

(B) Annex"C"

The Director General (EXT) & Dairy Development Department, Khyber Pakhtunkhwa Peshawar.

Subject:

ARRIVAL REPORT.

Dear Sir,

In compliance of your office order No, 17620-23 dated: 01/10/2021. I beg to submit my Arrival Report for duty today i.e. 01/10/2021 in the Office of Director General (EXT) & Dairy Development Department, in Khyber Pakhtunkhwa Peshawar.

Dated: 01/10/2021.

110/2021

Name: Tanveer Ullah

Father name: Baseer Ullah

Designation: Naib Qasid (BPS-03)



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Annex"D"



The Secretary,

Livestock and Dairy Development Department,

Khyber Pakhtunkhwa, Peshawar.

Subject: REQUEST FOR RELEASE OF SALARY

R/sir.

It is stated with respect that the undersigned was appointed in this department as Naib Qasid (BS-03) vide letter/office order No:17620-23, dated: Peshawar, the 01-10-2021 under your kind authority. The undersigned requested for the release of his salary on 09-03-2022, and another application No: 5993, dated: 06-10- 2023, application No: 6144.dated: 11-10-2023, and another application No DNO 5187 Date 02-01-24 but the salary has not been issued yet.

It is also worth-mentioning that Mr. Irfanullah having personal number:983597. Muhammmad Imran having personal number: 983603 and Mr. Abdul Jalal having personal number: 983521 who are recruited with the undersigned and are taking their salary on time, but the salary of the undersigned has not been issued.

It is therefore, kindly requested to consider my request and an order may please be issued to release the salary otherwise, the undersigned reserve the right to file a case against the high authority and willing to file my case in the high court against this discrimination.

I shall be grateful for this act of kindness.

Enclose:

1. Order No: 17620-23

2. Arrival Report

3. Medical Certificate

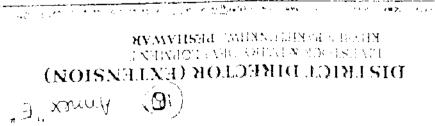
Dated: 06-07-2024



Yours Obediently,

Tanveer Ullah S/O Baseer Ullah R/O Boda Kandar Khel Khazana P/O Mathra, Tehsil and District Peshawar.

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SERVICE CERTIFICATE.

Certificated That Mr. Tarriveer Glub S/O Baseer Ullah is a Ferniarent Linn oyee of Den toner. Tarriveer Glub S/O Baseer Ullah is Development Linn oyee of Den toner is worken is working to Nam Development is to senter the statement of the Development of the statement of the Development of the statement of the st

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SERVICE CERTIFICATE

Correlation In Tarveet Ullab S/O Raseer Ullah as a Construment Servant. He is werking as Naib Qand (BFS-e3) in office of the "Livestock And Dairy Development Department in Mbyber Pakhtunkhwa"

SALARY LOOG

(JAMAN GAMHA 90) Project Director

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Elizia Main Chank, Clarsadda Rand Pertaner Emel, dyldari@yanoo.comTel, 031-0210210, 0210240, Fax: 041-9210365

No:11586 DG L & DD (E)

Dated Peshawar the

26/02/2021

Mr. Tanveer Ullals S/O Basweer Ullah R/O Mandizal, Charsadda District: Peshawar Mobile No: 0305-1920098 Million CHILL

Subject : INTERVIEW FOR THE POST OF CLASS FOUR (BPS-03)

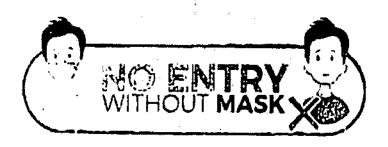
With inferences to the Advertisement floated in the News paper during the month of December 2020 vide no INF (P) 4843/2020 on the subject noted above and to inform that you have been shortlisted for the interviews. Your interview is scheduled to be held on 36/03/2021 at 9:30 AM in the Directorate General (Ext), Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Bacha-Khari Chawk, Charsadda Road, Peshawar.

You are advised to appear before the interview panel on the above mentioned date and time along with your original documents, as given below:

- Original CNIC.
- Original Educational Documents.
- Experience Certificate.
- Any.Other,

No. 13(1)A Shalt be provided for appearing in the interview.

DIRECTORS HEADQUARTERS

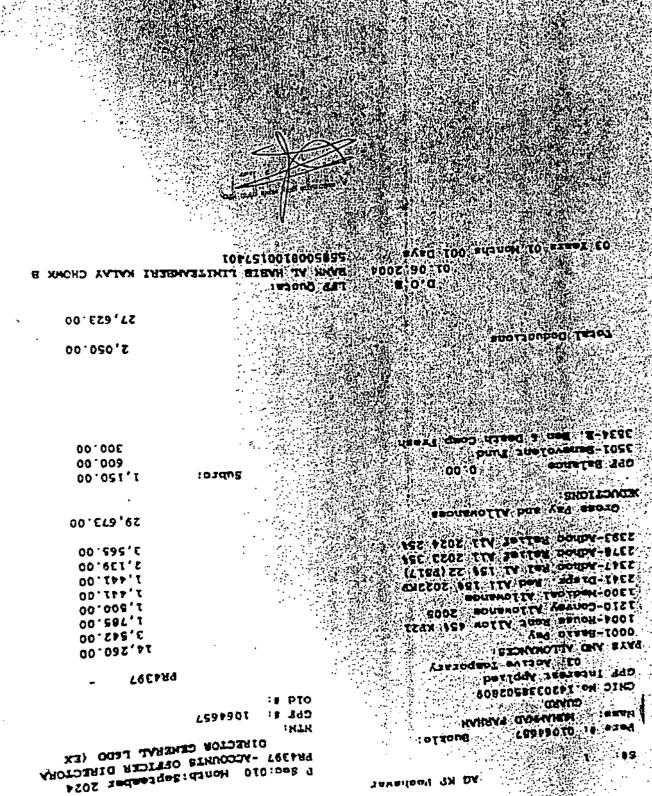


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3 The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated. Tanveer Ollah Name: ____ Myslim / Paristani Race:_ Bidg Kandas Klef Flazana Plo Mathras Residence:_ Matura Father's name and residence: Baseer Cilah 4 7:1¢ Date of birth by Christian era as) - 1nearly as can be ascertained: Exact height by measurement: Personal marks for identification: Left hand thumb and finger impression of (Non-Gazetted) officer: **Ring Finger** Little Finger **Fore Finger** Middle Finger Thumb Signature of Government Servant: Signature and designation of the Head of the Office, or other Attesting Officer.

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	and a student of <u>Islami</u>	a Model School Shabqadar Chars	adıta	
		School Certificate Examination of		and in the
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	representingVery Ge	ood The Candidate passo	ed the following subjects:	
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	5. Chemistry	 Physics Biology 		
	7. Islamiyat (Comp)	.8. Pakistan Studies		
	His date of birth according t	o Admission Form isJanuary	· 6, 1999	
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Roll No 145683 Group SciENCE



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PROVISIONAL AND DETAILED MARKS CERTIFICATE SECONDARY SCHOOL CERTIFICATE EXAMINATION SESSION ANNUAL 2014

Tanveer Ullah

of

ISLAMIA MODEL SCHOOL SHABQADAR CHARSADDA

has secured the marks shown against each subject in the Secondary School Certificate Examination held in the month of March 2014 as Regular Student

SenrDaughter of Basweer Ullah

		MARKS OBTAINED					
Subjects	Marks	9th		t0th		Į	1
		Theory Paper A	Prestical Paper B	Theory Paper A	Proclical Paper 8	Total	In Words
1. English	150	50		38	-]	88	Eighty-Eight
2. Urdu	150	59		38	·	97	Ninety-Seven
3. (slamiyat (Comp)	100	42		18		60	Sixty Only
4. Pakislan Studies	100	32	-	40		72	Seventy Two
5. Maths	150	41		35		76	Seventy-Sig
é, Physics	150	52	5	33	9	99	Ninely-Nine
7. Chemistry	150	40	5	41	9	95	Ninezy-Five
8. Biology	150	49	5	37	9	100	One Handred Only

Total 1100

687-B Six Hundred Eighty-Seven Only

Remarks

Date of Birth: <u>D6th January 1999</u> · Enrolment No: <u>030-B/IMQC-2012</u>

Checked by:

issue Date: 18-06-2014

Controller of Examinations

Note: Emp(s) / Ommission(s) excepted, Any mistake in above particulars must be immaned within 30 days of the issuance of this conflucate

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Divector General in Live STock درالله مقدم دعونی *7.* ماعث تحرمرآ نكبه مفدمه مندرجه عنوان بالامين ابن طرف سے واسطے بیردی دجواب دہی وکل کاروائی متعلق آن متام <u>لِسْمَاعد</u> کیل<u>ے اَصْمَا مُلْمَان حَدْلَقُ اُحْدِ سَ</u> مقرد کر بے اقر آرکیا جاتا ہے۔ کہ ماحب موصوف کو مقدم کی کل کاروائی کا کامل اختیار : وگا - نیز وکیل میا حب کوراضی نامه کرنے دنقر رثالت ہ فیصلہ برحلف دیتے جواب دہی اورا قبال دعو کی اور بسورت ذكرى كرف اجراءادرصولى جيك دروب ارعرضى دعوى ادرد دخواست برتم كى تقدر ل زراي پردينخط كراف كااختيار موكا - نيز صورت عدم بيروى يا ذكرى يكطرفه يا ايل كى برا مدكى ادرمنسونى نيز دانزكرف ايبل تكرانى دنظرتانى دبيروى كرف كالفتيار بوكاراز بصورت ضردرت مقدمه مذكور کے کل یا جزوی کاروائی کے واسطے اورد کمل یا مختار قانونی کواپنے ہمراہ یا اپنے بجائے تقرر کا اختیار موكا ادرما حب مقرر شده كوبهى واى جمله ندكوره باا غتيارات حاصل مول مح ادراس كاساخته رداخت منظور تبول موكا _ دوران مقدم من جوخر چدد مرجان التوائي مقدم محسب س وموكا ~ کوئی تاریخ پیشی مقام دورہ پر ہویا صدب باہر ہوتو دیک ماحب پابند ہوں کے ۔ کہ پردی لمكوركري - لبلا ادكالت نام كصديا كم سندر ب -ا*لرت*وم <u>– ا</u> کے لئے منظور بمقام