


16.05.2022 Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Najeeb Ullah ADO (Litigation) for the respondents present.

Written reply/comments on behalf of respondents submitted which is placed on file. Copy of the same is handed over to the learned counsel for the appellant. To come up for rejoinder if any, and arguments on 21.07.2022 before D.B.



(Mian Muhammad)
Member (E)

12.07.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted for regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 30.11.2021 before the D.B.

Appellant Deposited
Security & Process Fee

12/7/21

Chairman

30.11.2021

Due to non-availability of DB, the case is adjourned to 17-12-2021.

A. mi
Reader

17.12.2021

counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Najeebullah, Supdt for respondents present.

Written reply/comments not submitted. Representative of the respondents seeks time for submission of written reply/comments. Adjourned. To come up for written reply/comments on 01.03.2022 before S.B.

1-3-2022

Due to retirement of the (MIAN MUHAMMAD) MEMBER (E) Honorable Chairman the case is adjourned to come up for the same as before on 16-5-2022




Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 2221 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/02/2021	<p>The appeal of Malka Rehman presented today by Mr. Muhammad Maaz Madni Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/04/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	05.04.2021	<p>Junior to counsel for appellant present.</p> <p>Lawyers are on general strike, therefore, case is adjourned. To come up for preliminary hearing on <u>12/7</u> /2021 before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 2221 /2021

MALKA REHMAN

V/S

EDUCATION DEPTT:
& OTHERS

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1 - 4
2.	CNIC	A	5
3.	Service Card	B	6
4.	Appointment order dated 30.11.2006	C	7
5.	Pay Slips	D	8 - 9
6.	Charge Report	E	10
7.	Service Book	F	11 - 16
8.	Departmental Appeal dated 13.10.2020	G	17 - 18
9.	Application dated 18.01.2021	H	19
10.	Wakalatnama	20

Dated: 01-02-2021

Through:

APPELLANT

MUHAMMAD MAAZ MADNI
ADVOCATE

KHATTAK LAW ASSOCIATES
FLAT NO. 04, 2ND FLOOR,
JUMA KHAN PLAZA, NEAR FATA SECRETARIAT,
WARSAK ROAD, PESHAWAR

0345-9090737, 0314-9965666

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2021

MS. MALKA RAHMAN d/o RAHMAN JAN, SPST (BPS-14)
r/o Ganshal Bala, PO Sheringal, Tehsil Dir, District Dir Upper.

.....APPELLANT

VERSUS

1. GOVT. OF KHYBER PAKHTUNKHWA,
through Director, Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
2. THE DISTRICT EDUCATION OFFICER (FEMALE),
District Dir Upper.

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE
INACTION OF THE RESPONDENTS BY NOT
ADJUSTING/ISSUING PROPER POSTING ORDER IN RESPECT
OF THE APPELLANT & BY NOT RELEASING MONTHLY SALARY
OF THE APPELLANT STOPPED SINCE AUGUST 2015 AND
AGAINST NOT TAKING ANY ACTION ON THE
DEPARTMENTAL APPEAL DATED 13-10-2020 OF THE
APPELLANT WITHIN THE STATUTORY PERIOD OF 90 DAYS

PRAYER:

That on acceptance of the instant service appeal the inaction of the respondent by not adjusting/issuing proper posting order in respect of appellant & stopping the monthly salary of the appellant may very kindly be declared as illegal and proper posting order be issued with release of monthly salaries stopped since August 2015 with all consequential back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

Respectfully Sheweth:

FACTS:

Brief facts which give rise to the instant appeal are as under:-

1. That, the appellant is the Law abiding, peaceful & bonafide citizen of Pakistan having domicile of District Dir Upper and is the employee of the respondent Department.

Copy of CNIC & Service Card is attached as ANNEXURE A & B.

2. That appellant is appointed as Primary School Teacher (BPS-07) now (BPS-12) on the proper recommendation of Departmental Selection Committee and placed the services of the appellant in Government Girls Primary School Ganshall Payeen against the vacant post vide order dated 30-11-2006.

Copy of appointment order dated 30.11.2006 is attached as ANNEXURE C.

3. That appellant submitted her arrival report and took over the charge of the post at Government Girls Primary School Ganshall Payeen and started performing her duty quite efficiently whole heartedly and upto the entire satisfaction of the highups and as such properly salary slips were also issued to the appellant.

Copy of charge Report & Pay Slips are attached as ANNEXURE D & E.

4. That the appellant after performing for quite considerable time on the post of PST (BPS-07) the appellant was promoted and was allowed BPS-09 now BPS-14 and accordingly necessary entry made in the service book of the appellant.

Copy of Service Book is attached as ANNEXURE F.

5. That due militancy in the area Military Operation was started the inhabitants of the area were displaced from the area and the people became IDPs in different areas of the county including the family of the appellant.

6. That after the military operation is completed and the area were cleared the appellant approached the concerned quarter i.e. District Education Officer (m) Dir at Timergara for submission of arrival report and assuming charge at her concerned duty station but neither proper order for posting was issued nor the appellant was allowed to assume charge at GGPS Ganshall Payee but all in vein as the appellant was advise to approach one office or the other for her redressal.

7. That the appellant filed Departmental Appeal dated 13/10/2020 before respondent no. 2 against not issuing proper posting/adjustment order and stoppage of monthly salaries stopped since August 2015 which was properly attested from Oath Commission in Dir Upper, and after laps of 90 when the appellant did not received any response also filed a request for providing a copy of order (if any) passed in response to the departmental Appeal dated 13/10/2020 vide request dated 18/01/2021 but till date no response has been received so far.

Copy of Departmental Appeal dated 13.10.2020
& application dated 18.01.2021 is attached as
ANNEXURE G & H.

8. That the appellant having no other efficacious, adequate and alternate remedy but to approach this Honourable Tribunal on the following grounds amongst others:

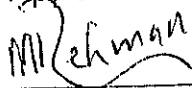
GROUND:-


- A. That act and omission of the respondents by not adjusting/issuing proper posting order to the appellant and also not releasing monthly salary stopped since Aug 2015 is against the Law, Rules, Fact & material available on record hence not tenable in the eye of Law and needs interference of this Honourable Tribunal.
- 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 are clearly violating Article 4, 9, 10-A and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C. That the respondents have not acted in accordance with Law and the rules governing on the subject matter by not adjusting/issuing proper posting order to the appellant and also not releasing monthly salary stopped since Aug 2015 which is illegally stopped since August 2015.
- D. That acts and omission of the respondents while not adjusting/issuing proper posting order to the appellant and also not releasing monthly salary stopped since Aug 2015 is nothing but just to harass the appellant by one way or the other as the appellant is repeatedly visiting the office of respondents for her proper adjustment.
- E. That monthly salaries of the appellant has been stopped since August 2015 which is highly been deprecated by the Apex Supreme Court of Pakistan in its various judgment that salary could not be stopped in anyway and even then the salary of the appellant has not been released.

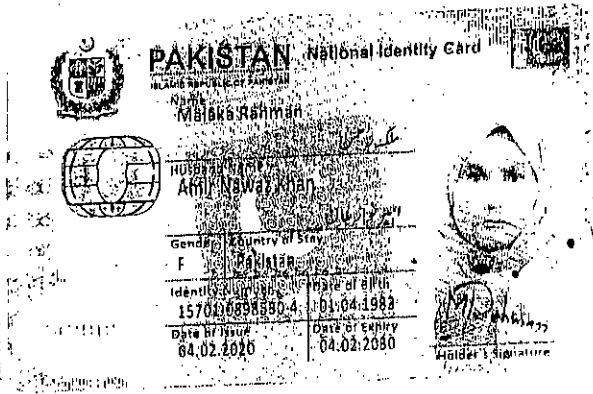
- F. That, there is no adverse order against the appellant regarding removal or dismissal from service as neither any show cause notice, statement of allegation, any publication is issued in the newspaper regarding absence nor charges sheeting for any misconduct and even then the respondent are not adjusting/issuing proper posting order to the appellant.
- G. That acts and omission of the respondent while not adjusting/issuing proper posting order to the appellant and also not releasing monthly salary stopped since Aug 2015 is nothing but performed a misconception of law and under a wrong law hence it had vitiated entire proceedings, which could not be sustained under the law and is liable to be struck down.
- H. That the act and omission on the part of the respondents by not adjusting/issuing proper posting order to the appellant and also not releasing monthly salary stopped since Aug 2015 is clear violation of Article- 38 (e) of the Constitution of Islamic republic of Pakistan which states that:
"to reduce disparity in the income and earning of the individual including the persons in Service of Pakistan".
- I. That act and omission on the part of the respondents while not adjusting/issuing proper posting order to the appellant and also not releasing monthly salary stopped since Aug 2015 is also against the Natural Justice and hence liable to be struck down.
- J.. That any other grounds will be raised at the time of arguments with prior permission of this Honourable Tribunal.

It is, therefore most humbly prayed that the appeal of the appellant may very kindly be accepted as prayed for.

Dated: 01-02-2021

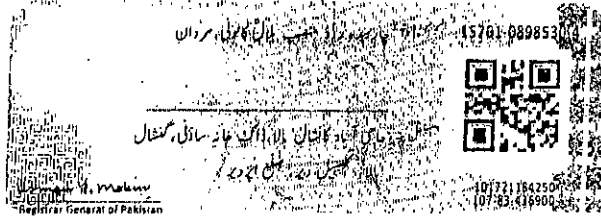
Appellant

 MALKA RAHMAN

Through

 MUHAMMAD MAAZ MADNI
 Advocate. 01/02/2021
 High Court, Peshawar.



ANNEXURE

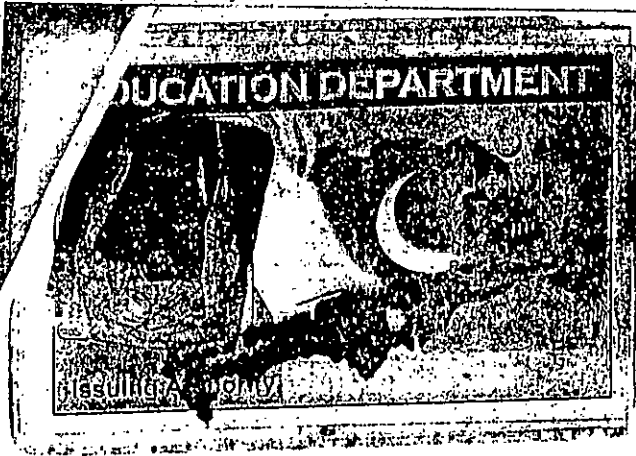
A



گمشدہ کارڈ ملنے پر قریبی ایئر بس میں ڈال دیں

CTC
B

6



ANNEXURE

B

Design - P.S.T
 Qualif. F.A.
 Date of App. 30.11.20
 Age 07
 Name of Candidate *Manjhar Bala Rao Sanni*
 Subject and Dept. *Dir (Spec)*
 Blood Group *A + V* Sign of Holder *M. Acharya*
 N.T.C. No. 15701-0898530-4

CTC

[Handwritten signature]

(7)

OFFICE OF THE DEPUTY DISTRICT OFFICER (FEMALE) DIR UPPER.

ANNEXURE

C

ADJUSTMENT.

Consequent upon their appointment by the Executive District Officer Schools & Literacy Vide EndstNo.4205-10/Dated 17.11.2006 on the following terms and conditions they are further adjusted against vacant posts in the schools noted against each name with immediate effect in the interest of public service:-

S#	Name	Father's Name	Union Council	BPS	Schools where adjusted	REMARKS
1	Malka	Rahman Jan.	Sheringal	7	GGPS Ganshall Payeen	A.V.P
2	Razia	Umar Zarin	Sheringal	7	GGPS Guryal	A.V.P
3	Musarat	Rahim Shad Khan	Tarpatar	7	GGPS Tarpatar No.1	A.V.P
4	Tahira Naz	Sarmajan Khan	Tarpatar	7	GGPS Aligasar	A.V.P
5	Bibi Nazia	Chausur Rahman	Tarpatar	7	GGPS Aligasar	A.V.P
6	Wala Izat	Saeedullah	Tarpatar	7	GGPS Bahoon Almas	A.V.P

TERMS AND CONDITIONS.

- 01- The appointee will be on probation for a period of one year in terms of Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989.
- 02- The Certificates /Degrees of the appointee will be verified from the concerned institutions on the expenses of the teacher concerned. No pay etc is allowed before verification of certificates/degrees.
- 03- Their Services will be considered as regular but without pension and gratuity in terms of Section - 19 of NWFP Civil Servants Act, 1973 as amended by NWFP Civil Servants Act 2005.
- 04- They will contribute C.P Fund @ 10 % of the minimum of pay and 10 % contribute will be made by the Government.
- 05- The appointees will provide Health and age certificate from the concerned Medical Superintendent.
- 06- Their age should not be less than 18 years and above 35 years.
- 07- The appointees will be governed by such rules and regulations /policies as prescribed by the Government from time to time.
- 08- If the appointees fail to take over charge with in fifteen days after issuance of this order, their appointments may be deemed as automatically canceled.
- 09- Charge report should be submitted to all concerned.
- 10- No TA /DA is allowed.
 - 1- The errors and omissions in merit etc if found at any stage can be rectified and the affectee will have no right to claim the order already issued.
 - 2- The appointees will strictly abide the terms and conditions laid down therein

DEPUTY DISTRICT OFFICER,
FEMALE DIR

Dated 30 /11/2006.

Endst:No 469-741
Copy forwarded to the :

- 01- Zilla Nazim Dir Upper.
- 02- District Coordination Officer, Dir Upper.
- 03- Director Schools & Literacy NWFP Peshawar.
- 04- Executive District Officer S&L, Dir Upper.
- 05- District Accounts Officer Dir Upper.
- 06- Appointees concerned.

DEPUTY DISTRICT OFFICER,
FEMALE DIR

CTC
OB

GOVERNMENT OF PAKISTAN
 ACCOUNTS DIR. Upper NWFP
 SHR 129
 Para No: 0087508
 Name: MISS HILKAY
 Des: PRIMARY SCHOOL TEACHER
 NIC No: 1570108985304
 CPF Interest: Free
 07 Regular / Contract

8

P Sec: 001 Month: September 2007
 DP6019 -DY DISTT OFFICER PRY (F) E
 Min: Education Schools
 NTN
 CPF #: 10783456725
 Old #:

PAYS AND ALLOWANCES:		
0001-Basic Pay		2,240.00
1000-House Rent Allowance		882.00
1300-Medical Allowance		425.00
1528-Unattractive Area Allow		75.00
1872-Dearness Allowance-EEGRPO9		383.00
Gross Pay and Allowances		4,705.00
DEDUCTIONS:		
CPF Balance	1,860.00	
3501-Benevolent Fund		465.00
3511-Addl Group Insurance		35.00
3604-Group Insurance		6.00
3640-Emp. Edu. Fund		44.00
		4.00
Total Deductions		554.00
NET AMOUNT PAYABLE		4,151.00

ANNEXURE

D

Subrc: 465.00
 35.00
 6.00
 44.00
 4.00
 554.00
 4,151.00

NET AMOUNT PAYABLE

01.04.1988
 00 Year 10, Months 001 Days
 Government Contribution To CPF: 425.00

LFQ Quota: HBL DIR. KHASS. HBL DIR.
 H250-1

GOVERNMENT OF PAKISTAN
 ACCOUNTS DIR. Upper NWFP
 SHR 328
 Para No: 00879176
 Name: MISS SHAKIELA BIBI
 Des: PRIMARY SCHOOL TEACHER
 NIC No: 10783456725
 CPF Interest: Free
 06 Regular / Contract

P Sec: 001 Month: October 2007
 DP6019 -DY DISTT OFFICER PRY (F) E
 Min: Education Schools
 NTN
 CPF #: 10783456725
 Old #:

PAYS AND ALLOWANCES:		
0001-Basic Pay		3,780.00
1000-House Rent Allowance		1,029.00
1300-Medical Allowance		500.00
1503-Charge Allowance		40.00
1528-Unattractive Area Allow		75.00
1830-Special Relief (2005)		324.00
1831-Adhoc Relief (2005)		324.00
1872-Dearness Allowance-EEGRPO9		391.00
Gross Pay and Allowances		7,463.00
DEDUCTIONS:		
CPF Balance	15,516.00	
3501-Benevolent Fund		436.00
3511-Addl Group Insurance		35.00
3604-Group Insurance		7.00
3640-Emp. Edu. Fund		67.00
		4.00
Total Deductions		549.00
NET AMOUNT PAYABLE		6,914.00

Subrc: 436.00
 35.00
 7.00
 67.00
 4.00
 549.00
 6,914.00

NET AMOUNT PAYABLE

01.08.1983
 03 Year 07 Months 001 Days
 Government Contribution To CPF: 336.00

LFQ Quota: HBL DIR. KHASS. HBL DIR.
 H33-03

CTC

9

P Sec: 001 Month: JANU 2008
DP6019 BY: DISTT OFFICER PRY (F) E
Min: Education Schools
MTN:
CPF: H
DIA:

DEPT CODE DP6019 -00

0001-Basic Pay
1000-House Rent Allowance
1300-Medical Allowance
1528-Unattractive Area Allow
1872-Dearness Allowance-EEGRF09

3,720.00
1,059.00
500.00
75.00
383.00

5,707.00

DEDUCTIONS:

Subrc: 465.00
35.00
6.00
44.00
4.00

CPF Balance 11,425.00
3501-Benevolent Fund
3511-Addl Group Insurance
3604-Group Insurance
3640-Emp. Edu. Fund

554.00

NET AMOUNT PAYABLE 5,199.00

QUALIFYING SERVICE
D.O.B 01.04.1983
01 Years 02 Months 00 Days
Government Contribution to CPF

LFP Quota:
HBL DIR KHASS.
4250-1
465.00

HBL DIR.

GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL, N.W.F.P
DISTRICT Dir Upper
PAY ROLL SYSTEM

PAYMENT ADVICE
P Sec: 001 Month: January 2008
DP6019 BY: DISTT OFFICER PRY (F) E
Min: Education Schools
MTN:
CPF: H
DIA:

Per No: 00887E0B
Name: SHIBB MALIK
CDSB: PRIMARY SCHOOL TEACHER
NIP No: 157010895304
CPF Interest Free
07-Regular/Contract

0001-Basic Pay
1000-House Rent Allowance
1300-Medical Allowance
1528-Unattractive Area Allow
1872-Dearness Allowance-EEGRF09

3,100.00
882.00
425.00
75.00
387.00

4,845.00

DEDUCTIONS:

Subrc: 455.00
35.00
6.00
44.00
4.00

CPF Balance 5,580.00
3501-Benevolent Fund
3511-Addl Group Insurance
3604-Group Insurance
3640-Emp. Edu. Fund

CB

NET AMOUNT PAYABLE 4,390.00

QUALIFYING SERVICE
YRS MON
D.O.B 01.04.1983
01 Years 02 Months 00 Days
Government Contribution to CPF

LFP Quota:
HBL DIR KHASS.
4250-1
465.00

HBL DIR.

10

ANNEXURE E

CHARGE CERTIFICATE
GGPS, Ganshal Payeen

In compliance of the Order and/or endorsement No. 4205-10, vide Deputy

District Officer (Female) Dir, dated 11/11/2006, 30th November 2006.

I take over my charge as PST in GGPS, Ganshal Payeen (Union Council,
Sheringal) on

Taking over

Malka
PST, GGPS Ganshal

M Rehman

Head Teacher
GGPS Ganshal (P)
District Dir Upper

CTC
B

11

(For use in Police Department only)

ANNEXURE-

F

Heirs:--

1.

2.

3.

Verification Roll No. _____ dated _____ received back.

① Passed BSC Examination from BISE Peshawar, under Roll No 104366 in Session 1999, obtained 449/850 marks. Left Thumb-impresion
Grade C

② Passed Intermediate Examination from BISE Peshawar, under Roll No 6432 in Session 2001, obtained 456/1100 marks, (Grade D)
Result declared 2-2-2002.

Qualifications	Date	Qualifications	Date
English		First Arts	③ Passed PTC examination from P. 1041 Islamabad under Roll No N 610967 in Session 2003, obtained 592/900 marks. Result declared on 21-2-2005.
Pushto	<i>[Signature]</i> District Officer (Edn) Feroze Dir Upper	Pleadership Examination	Grade B
Urdu		Training School Final Examination	
Plan-Drawing		Other Qualifications:--	
Finger Print			
Drill Instructing			
Court Duties			
Reserve Duties			

N.B— Line to be drawn under the qualification possessed.

CTC
[Signature]

Note: - 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.

12

1. Name: MAKKA Bibi

2. Race Abgham/wardag

3. Residence village Ganshal Bila P/o Sharningal tah: DIR.
Distt. DIR Upper

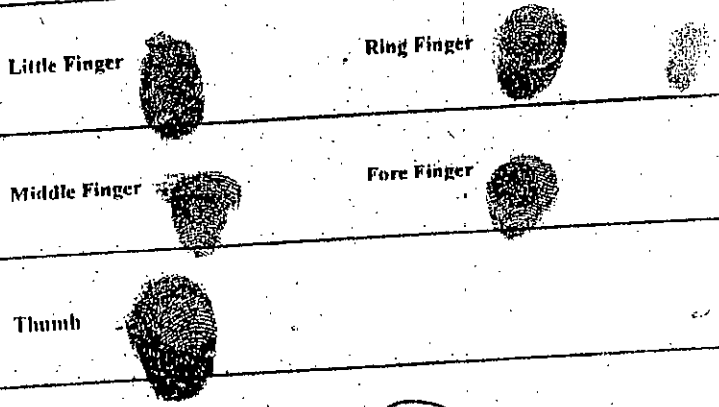
4. Father's name and residence
Rahman Jan

5. Date of birth by Christian areas nearly as can be ascertained 01-04-1983
1st April N/H Eighty Three

6. Exact height by measurement. 5-3
Five feet three inches

7. Personal marks for Identification
NIL

8. Left hand thumb and Finger Impression of (non-Gazetted) Officer.



9. Signature of Government Servant
M Rehman

CTC
RB

10. Signature and Designation of the Head of the Office, or other Attesting Officer.
[Signature]
District Officer
(Acting) Female Dir Upper

ination
1
2
3
4
5
6

Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service courts for pension under Art. 37 C.S.R.	Pay in substantive post	Additional Pay for Officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature of the officer attesting the appointment
PST post at G.P.S.						17/1/06	MR. [Signature]	[Signature]
Ganesh Prasad	Contract	Contract	Rs. 2940/- PH			17/07	MR. [Signature]	[Signature]
SSPS PST Ganesh (G)	Temp.	Temp.	Rs. 2940/- PH			17/07	MR. [Signature]	[Signature]
do	do	do	Rs. 3100/- PM			17/07	MR. [Signature]	[Signature]
Fixation of pay in			BPS No. 9 @ Rs. (3185-190-8885)					
Pay on 30-9-07 in			BPS No. 7 Rs. 2940/-					
Pay fixed on 01-10-07			" 9 Rs. 3185/-					
pay on 01-12-07			" 9 Rs. 3185/-					
BPS No. 9 @ Rs. (3185-190-8885)			MR. [Signature]					
SSPS AST Ganesh	Temp.	Temp.	Rs. 3185/- PH			12/07	MR. [Signature]	[Signature]
Rev. BPS 9 (3820-230-1072)								
SSPS Ganesh	Temp.	Temp.	3820/-			1/08		[Signature]
do	do	do	4050/-			12/08		[Signature]
/			CTC [Signature]					
do	do	do	4280/- PM			12/09		[Signature]

9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period		
<p>Signature: DY:DO (7) DW</p>	30/6/07	pay scale Revised	Signature: DY:DO (7) DW	Appointed as PST against vacant post at 98PS Gambhal paycom. vide EDO(S&L)DIR upper Endst. No 4205-10 dated 17-11-2006. further adjusted vide D.D.O Female D/R Upper Endst. No 469-74 Dated 30/11/06.			
<p>Signature: DY:DO (7) DW</p>	30/11/07	A/c	Signature: DY:DO (7) DW				
<p>Signature: [Signature]</p>	30/6/08	Allowed BPS No 9	Signature: DY:DO (7) DW				
				7-8988 18/6/07.			
				Pay & Allow. Revised R 24726/2-01 40/07 PTC Appl. EDO End No. 4205-10 dt. 17/11/06 up 1/12/06 to 3/5/07			
<p>Signature: DY:DO (7) DW</p>	31/06	pay scale Revise	Signature: DY:DO (7) DW				19/6/02
				through Comput 16/8/07.			
<p>Signature: DY:DO (7) DW</p>	30/11/08	A/c	Signature: [Signature]	Pay & Allowance as 7. The Mark 6, 7, and 8/2007 @ 2555/- PM Rs 12357/2 drawn through Somca.T			
<p>Signature: [Signature]</p>	30/11/09	A/c	Signature: [Signature]	19/08/08 paid Rs 1988 on BPS 9 upto 31-12-07			19/8/07
<p>Signature: [Signature]</p>				Service verified 1-12-06 to 30-11-07 from the office record			
<p>Signature: DY:DO (7) DW</p>							

14

CTC
[Signature]

کیسٹ صنادید سٹریٹ ایجنسی اور سٹیٹس ہائیڈرو پاور کمپنی کی طرف سے

ANNEXURE-G

عنوان: ایل بی پی اور ڈی ایچ ایس کے تحت

PSI کے تحت GPS کے سلسلے میں

تقریباً 1000 سے زیادہ لوگوں کے

صاف کرنے کی کارروائیوں کے لیے

پہلے سے قائم شدہ تعلیم کے تحت GPS کے سلسلے میں

تعمیرات کے لیے بجٹ 2006 کی رقم

آئینل آرڈر نمبر 3014-74-469/2006

تعمیرات کے لیے بجٹ 11/30 کے تحت GPS کے سلسلے میں

تعمیرات کے لیے بجٹ 11/30 کے تحت GPS کے سلسلے میں

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CTC
CB

18

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Handwritten Urdu text in the middle section of the page.

Handwritten Urdu text in the lower middle section of the page.

Handwritten Urdu text at the bottom left of the page.

M. Rehman
Handwritten signature and name.

ATTESTED
A. M. M. A.
S. No: 577
Date: 13-6-2020
District Courts Dir (1)

CTC
Handwritten initials.

19

گورنمنٹ ہسپتال کوئٹہ اور آفیسر صاحبہ فیصلہ فیصلہ

ANNEXURE-H

عنوان: درخواست برائے برائے صحت کے سلسلے میں

درج ذیل مورخہ 13/10/2020

صحت کا ایک صنفی ریفورم ہے۔

ہم کہ سائل کے آپ حضور والا کی طبی حالت میں ایک عرصہ پہلے

برائے صحت کے سلسلے میں درخواست اور بحالی عہدہ PTC پر تعلق

آپ حضور کے دفتر میں مورخہ 10/13/2020 کو داخل کی گئی تھی

لیکن آج تک اس میں ہرچے کوئی جواب وصول نہیں

ہوا۔ اس لیے اس کا کوئی جواب ملنے سے کہہ سکتے ہیں

کوئی جواب ہو تو عدالت کے احکامات کے مطابق صحت کے سلسلے میں

الفارغ

18/10/21

M Rehman

آئی کی فوٹو بنیاد

CTC

OR

صدر رحمان دلا بھٹائی
نیشنل کونسل برائے برائے صحت

کا کونسل

03487848465

(POWER OF ATTORNEY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2021

MALKAREHMAN

VS

GOVT. OF KP& Others

I, Malka Rehman do hereby nominated and appointed **MUHAMMAD MAAZ MADNI**, Advocate, High Court, Peshawar, to be counsel in the above matter for me/us and on my/our behalf as agreed to appear, plead, act and answer in the above court or any appellate court or any court to which the business is transferred in the above matter as and is agreed to sign and file petition, appeals, statements, accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc and to apply for and issue summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution, warrants or order and to conduct any proceedings that may arise there out; and to apply for and receive payment of any or all sums or submit the above matter to arbitration, and to employ an other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

AND to do all acts legally necessary to manage and conduct the said case in all respects whether herein specified or not, as may be proper and expedient.
AND I/WE hereby agree to ratify and confirm all lawful acts done on my/our behalf; under or by virtue of these present or of the usual practice in such matter. PROVIDED always that I/WE undertake at the time of calling of the case by the court I/MY authorized agent shall inform the advocate and make him appear in the court, if the case may be dismissed in default, it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

IN WITNESS WHERE OF I/We hereunto set MY/OUR hand to these presents, the contests of which have been explained to and understood by ME/US this 01ST day of February 2021.

EXECUTANT

Malka Rehman
(Malka Rehman)

Accepted subject to the terms regarding fees:

MUHAMMAD MAAZ MADNI,
ADVOCATE HIGH COURT, PESHAWAR.
BC No. (BC-11-1460)
CNIC No. 17101-9263898-1

01/02/2021

OFFICE: KHATTAK LAW ASSOCIATES,
Juma Khan Plaza, Warsak Road, Peshawar.
Contact#: 0333-9313113, 0345-9090737

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No 2221/2021

MST. MALKA RAHMAN D/O RAHMAN JAN EX.(PST BPS-9) R/O GANSHAL
BALA PO SHARINGAL TESIL DIR DISTRICTAPPELLANT.

Versus.

- 1 The Govt.: of Khyber Pakhtunkhwa through Director E&SE: KP Peshawar.
- 2 The District Education Officer Female Upper Dir ----- RESPONDENTS.

INDEX

S#	DESCRIPTION OF DOCUMENTS	AANEXURE	PAGE
1	Para wise comments	----	1-2
2	Affidavit	-----	3
3	Resignation of the Appellant	A	4
4	Authority	-----	5


DEPONENT

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No 2221/2021

MST. MALKA RAHMAN D/O RAHMAN JAN EX.(PST BPS-9) R/O GANSHAL BALA PO SHARINGAL TESIL DIR DISTRICTAPPELLANT.

Versus.

- 1 The Govt.: of Khyber Pakhtunkhwa through Director E&SE: KP Peshawar.
- 2 The District Education Officer Female Upper Dir ----- RESPONDENTS.

Para wise comments on the behalf of Respondent No 1 & 2.

Respectfully sheweth.

PRELIMINARY OBJECTIONS.

- 1. That the Appellant has not come to the Tribunal with clean hands.
- 2. That the Appellant has no cause of action /Locus standi.
- 3. The Appellant is not an aggrieved person within the meaning of article 199 of the constitution of Islamic Republic of Pakistan.
- 4. That the Appellant has been stopped by her own conduct to file the instant Appeal.
- 5. That the Appeal is bad due to the non-joinder of necessary parties.
- 6. That the present appeal is not maintainable and is time barred.

ON FACTS

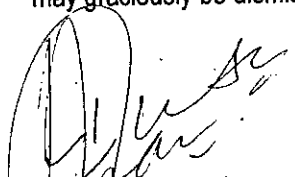
- 1. Para No.1 pertains to the personal information of the appellant and hence needs no comments.
- 2. Para No.2 pertains to the personal information of the appellant and hence needs no comments.
- 3. Para No.3 Pertains to office record and needs no comments.
- 4.. Correct to the extent of PST BPS -7 and promotion to BPS -9 but the rest of the para is denied because the service of the appellant has been verified by the then SDEO/DDO till 30/11/2009 and after that she has tendered resignation which has been accepted by the Executive District Officer (EDO) on 3/11/2010 with effect from 1/3/2010. (Photocopy of the acceptance of resignation order is annexed as A)
- 5. Incorrect. There was no military Operation in Union Council Sharingal, in which GGPS Ganshal payeen is situated while other staff of GGPS Ganshal Payeen were performing their duties quite regularly.
- 6. Incorrect and denied the appellant has submitted resignation which was accepted as annexed in annexure A above. The appellant is the resident of Upper Dir but as per her statement that she had approached DEO Male lower Dir while GGPS Ganshal Payeen is in District Upper Dir under jurisdiction of DEO female Upper Dir.
- 7. Correct to the extent of submitting appeal but rest of the para is denied because she has left the department willfully by tendering resignation which has been accepted by the then EDO Elementary and Secondary Education Upper Dir. The statement of drawing salaries till August 2015 is incorrect. The pay of Ex. Teacher has been stopped w,e,f 1/4/2010 after accepting resignation by the competent authority.
- 8. No comments.

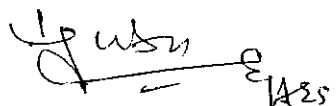
ON GROUNDS

- (A) Incorrect. The act of the respondent is in accordance with law, Rules and record available in the office. It is the appellant who has not acted in accordance with law and rules. The appellant has left the department willfully and has resigned from the post of PST and now trying for re-adjustment after the lapse of 12 years is not justified in eyes of law.
- (B) As already stated in Para No A above.

- (C) As already stated in Para No A above.
- (D) Incorrect. The appellant has resigned willfully and the pay has been stopped w,e,f 1/4/2010 after resignation and now demanding the salaries from 2015 is beyond of understanding. It is pertinent to mention here that the appellant has not paid a single visit to the office of the undersigned.
- (E) Incorrect. The salaries of the appellant have been stopped w,e,f. 1/4/2010 after tendering resignation. The appellant is not on the strength of the department and there is no question of the salaries.
- (F) Incorrect. The resignation tendered by the appellant has already been accepted by the then EDO E&SE vide Endst.6144-46/F-38/EDO/Dir Upper dated 3/11/2010 w,e,f 01/03/2010 annexed as A.
- (G) Incorrect as stated in Para No. A above.
- (H) Incorrect as stated in Para No. A above.
- (I) Incorrect. The appellant has willfully resigned from the post of Primary school Teacher which has been accepted by the competent authority so there is no question of re-adjustment and releasing of salaries.
- (J) The respondents also seek permission to raise other grounds at the time of arguments.

It is therefore humbly prayed that keeping in view of the above made humble submissions, the instant appeal may graciously be dismissed in favor of the answering respondents with cost please.


 DIRECTOR,
 E&SE KP PESHAWAR.
 (RESPONDENT NO 1)


 DISTRICT EDUCATION OFFICER (f)
 UPPER DIR.
 (RESPONDENT NO2)

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No 2221/2021

MST. MALKA RAHMAN D/O RAHMAN JAN EX.(PST BPS-9) R/O GANSHAL BALA PO SHARINGAL TESIL DIR DISTRICTAPPELLANT.

Versus.

- 1 The Govt.: of Khyber Pakhtunkhwa through Director E&SE: KP Peshawar.
- 2 The District Education Officer Female Upper Dir RESPONDENTS.

AFFIDAVIT

I Ajeebullah ADEO office of the District Education Officer Female Upper Dir on the instruction of District Education Officer Female Upper Dir do hereby solemnly affirm and declare on oath that the contents of the accompanying para wise comments submitted by respondents No.1 and 2 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.

Ajeebullah
Ajeebullah ADEO
15701-1175442-9

[Signature]
E&SE

DEPONENT
45701-1175442-9 15701-1134317-6



Annexure (A) (4)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND SECONDARY EDUCATION DIR UPPER.

OFFICE ORDER.

Resignation tendered by Mst:Malika ,PST ,Government Girls Primary School Ganshall Fayeen is hereby accepted with effect from 01.03.2010 on her own request .

Necessary entries to this effect should be made in her service book and her pay may be got stop from computerized pay roll .

EXECUTIVE DISTRICT OFFICER,
ELEMENTARY AND SECONDARY EDUCATION
DIR UPPER.

No 6144-46 /F-38/EDO/S&SE DIR UPPER

Dated 03/11/2010.

Copy to the: .

- 01- District Accounts Officer Dir Upper.
- 02- Deputy District Officer (Female) Dir .
- 03- Mistress Concerned .


EXECUTIVE DISTRICT OFFICER,
ELEMENTARY AND SECONDARY EDUCATION
DIR UPPER.



ETC
@Malh
Asstt: Dist: O
(Insp) Dir (U)

5

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No 2221/2021

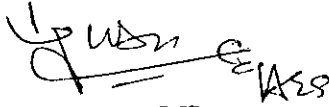
MST. MALKA RAHMAN D/O RAHMAN JAN EX.(PST BPS-9) R/O GANSHAL
BALA PO SHARINGAL TESIL DIR DISTRICTAPPELLANT.

Versus.

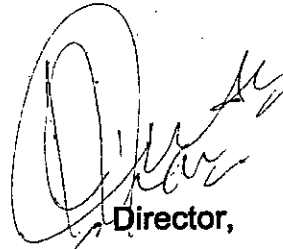
- 1 The Govt.: of Khyber Pakhtunkhwa through Director E&SE: KP Peshawar.
- 2 The District Education Officer Female Upper Dir RESPONDENTS.

AUTHORITY

Mr. Ajeebullah Assistant District Education Officer Female Upper Dir is hereby authorized to submit joint para wise comments in Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal No.2221/2022 titled Mst. Malika Rahman Versus Govt. of Khyber Pakhtunkhwa.



District Education Officer,
Female Upper Dir
Respondent No.1



Director,
E&SE Khyber Pakhtunkhwa Peshawar.
Respondent No.2

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, D.B
PESHAWAR.

No.

Appeal No. 2221 of 20 21

Ms Malka Rahman Appellant/Petitioner

Versus

Govt. of KPK. Director ERSE Respondent

Respondent No. 2

The Distd. Education Officer (Female)

Notice to: —

Distt. Dir Upper

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 30/11/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated~~

Given under my hand and the seal of this Court, at Peshawar this 24

Day of Sep 20 21

for Regd

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. **DB**

No.

Appeal No. 2281 of 20 21

Ms Malka Rahman Appellant/Petitioner

Versus

Govt. of KPK Director ERSE Respondent

Respondent No. 1

Notice to: — Govt. of KPK through Director ERSE
KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 30/11/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated~~

Given under my hand and the seal of this Court, at Peshawar this 2th

Day of 22/11 20 21

(for Reply)

[Signature]
22/11

[Signature]
Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.