

09.06.2022

Appellant in person present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Sajid Ali ADEO for respondents present.

Representative of respondents submitted reply. Copy of the same was handed over to the appellant who requested for adjournment as lawyers are on general strike. Adjourned. To come up for preliminary hearing on 15.07.2022 before S.B.



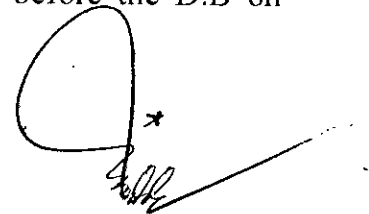
(Rozina Rehman)
Member (J)

15.07.2022

Appellant with counsel present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Reply/comments on behalf of respondents have already been submitted.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Learned counsel for the appellant submitted rejoinder which is place on file and copy of the same is handed over to learned Assistant Advocate General. Adjourned. To come up for arguments before the D.B on 01.09.2022.



(MIAN MUHAMMAD)
MEMBER (E)

01.11.2021

Learned counsel for the appellant contended that the appellant who joined the services as PET in 2000, was promoted to the post of Senior Physical Education Teacher (BS-16) vide order dated 06.09.2017 when she was posted at GGMS Shikray Baba Mardan. However, she was not in receipt of the promotion notification. It was only on consulting her monthly salary slip for the month of April 2021 that she came to know that she is still receiving pay in BS-15 instead of BS-16. Moreover, being recurring cause, no limitation runs against the instant case. Perusal of the file revealed that the appellant on promotion to BS-16, was transferred from GGMS Shikray Baba to GGHS Mohibullah Banda vide order dated 26.09.2017 but she is still serving in GGMS Shikray Baba and has not actualized her promotion in BS-16 as well as transfer to GGHS Mohibullah Banda despite lapse of 4 years. Apparently, the appellant has submitted a departmental appeal dated 24.05.2021 to respondent No.3 for fixation of her ^{pay} in BS-16 which is not responded within the statutory period, hence, the instant service appeal filed in Service Tribunal on 01.09.2021. Since there is no original impugned or final appellate order as per provisions of Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, therefore, it deems appropriate to issue pre-admission notice to the respondents to assist the Tribunal on the issue. To come up for preliminary hearing on 12.01.2022 before S.B.

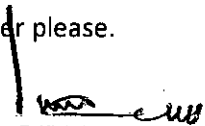


(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7388 /2021

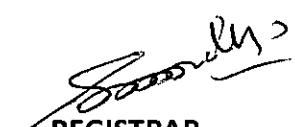
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/09/2021	<p>The appeal of Mst. Bibi Saleha resubmitted today by Mr. Muhammad Adam Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mst. Bibi Saleha, SPET GGMS Shikray Baba, District Mardan presented today i.e. on 01.09.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Certificate be given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- 2- Check list is not attached with the appeal.
- 3- Annexures A & I of the appeal are illegible which may be replaced by legible/better one.
- 4- Copy of departmental representation preferred to the respondent No. 2 mentioned in para 5 is not attached with the appeal, which may be place on it.

No. 1716 /S.T,

Dt. 01/09 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Adam Khan AHC.

10.09.2021 Resubmitted. The requisite Certificate is written on page no. 4. The checklist is attached. While, Annexure "A & I" are though quite legible. Yet, better copies thereof are annexed as desired. The departmental representation as mentioned in Para-5 (Annexure-D) is addressed to the D.E.O/Respondent no. 3. But, the figure "3" is mistyped as "2", which is corrected, as the D.E.O/Respondent no. 3.
Adam

MUHAMMAD ADAM KHAN
B.A LLB Advocate
High Court Mardan

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Mst. Bibi Saleha **Versus**
..... Appellant

Secretary Education & others
..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <u>Muhammad Adam Khan Advocate High Court</u>	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?	√	
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?		x
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		x
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		x
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		x

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- Muhammad Adam Khan

Signature:- Adnan

Dated:- 10-09-2021

0313-9363450

Before The Provincial Service Tribunal Peshawar.

Appeal No. 7388/2021.

Mst; Bibi Saleha V/S The Secy; Education Deptt; etc;

INDEX

S.No.	Description of Documents	Annexure	Pages	
			From	To
1.	Memo of Appeal with Affidavit.	---	1	4
2.	Appointment order.	"A"		5
3.	Promotion order.	"B"	6	7
4.	Pay slip for April,2021.	"C"		8
5.	Deptl Appeal & postal receipt.	"D & F"	9	11
6.	Posting order dated 23-09-2017.	"G"		12
7.	Posting at GGMS Shikray Baba with charge Report.	"H & I"	13	14
8.	Special Attorney.	---	15	16
9.	Wakalat Nama.	---		17

Total:- 17

Dated:- 01-09-2021.

Appellant

Bibi Saleha
(Mst Bibi Saleha)

Through:- *Adam*
Muhammad Adam Khan
Advocate High Court
at District Courts Mardan.

Before The Provincial Service Tribunal Peshawar.

Appeal No. _____ / 2021.

Mst Bibi Saleha D/O Saadur Rashid (wife of Iftikhar Ahmad) (S.P.E.T, The Govt; Girls Middle School Shikray Baba Mardan) resident of Mohallah Mandookhal village sawaldher Mardan.

Appellant.

Versus

1. The Secretary, The Elementary and Secondary Education Department, KPK, Peshawar.
2. The Director, The Elementary and Secondary Education Department, KPK, Peshawar.
3. The District Education Officer (Female) , The Elementary & Secondary Education Department Mardan.

Respondents.

Appeal Under Section-4 of the Service Tribunal Act, 1974, against the non-fixation of Pay of Appellant in BPs-16.

FACTS:-

1. That the Appellant was appointed as PET (Physical Education Teachress) in BPs No.9 vide Endorsement dated 14-11-2000. (Copy Annexure-"A").

2. That gradually the salary of Appellant raised to BPs No.15.
3. That while posted at the Governement Girls Middle School Shikray Baba, Mardan, she alongwith others, was promoted to the post of Senior Physical Education Teachress (BPs No.16) by The Director/Respondent No.2 vide Endorsenemt No.549-55/File No.1/ Promotion Senior PET/B-16 dated 06-09-2017. (Copy Annexure-"B").
4. That on 22-05-2021, on consulting her monthly salary slip for the month of April, 2021, the Appellant learnt that she was still being paid the salary in BPs-15 and that her pay is not fixed in BPs-16, on her promotion. (Copy Annexure-"C").
5. That the Appellant preferred representation to The ^{DEO} Director/Respondent No.2 on 24-05-2021 through proper chanel. (Copies Annexure-"D to F").
6. That inspite of the lapse of the statutory period, the Representation is unresponded.

GROUND:-

- (I) that on promotion to BPs-16 the Appellant had the legal right to have been paid salary in BPs-16 by fixation of her pay in the promoted scale of pay i.e; BPs-16.
- (II) that there was no reason for not fixing her pay in the promoted scale i.e; BPs-16.
- (III) that the Appellant while persuing to know~~ing~~ the fate of her representation, she learnt that on promotion she was ordered to be transferred &

posted as such in the Govt; Girls High School Mohibullah banda, by the DEO/Respondent No.3 vide Endst; No. 9640-43 dated 23-09-2017. But, the said order is not communicated to the Appellant nor to the Head Mistress, Govt; Girls Middle School Shikray Baba Mardan, till date.

(Copy Annexure-“G”).

(IV) that even, the Appellant was not relieved from the post at The GGMS Shikray Baba. Resultantly, the Applicant is still performing her duties there.

(Copies Annexure-“H & I”).

(V) that the fixation of pay is recurring cause of action and accrcues every month, when the deficiency is noticed.

(VI) that Appellant seeks leave of this Hon,ble Tribunal to claim further grounds also.

It is prayed that on acceptance of this Appeal, the fixation of pay of Appellant from the date of her promotion ^{from 23.09.2017} to BPs-16 with arrears there-of may be ordered.

The costs of this Appeal may also be awarded in favour of Appellant against the Respondents.

Dated:-01-09-2021.

Appellant

Bibi Saleha
(Mst Bibi Saleha)

Through:-

Adam
Muhammad Adam Khan
Advocate, Mardan.

Before The Provincial Service Tribunal Peshawar.

Appeal No. _____ / 2021.

Mst; Bibi Saleha V/S The Secy; Education Deptt; etc;

AFFIDAVIT

I, Mst Bibi Saleha/the Appellant, do hereby stated on solemn affirmation that the contents of the above Appeal are true and correct to the best of my knowledge and belief and nothing is concealed from this Honourable Tribunal.

Dated:-01-09-2021.

Deponent: Bibi Saleha
(Mst Bibi Saleha)

Dilaram Khan
ATTESTED
DILARAM KHAN
Advocate
Notary Public Mardan
no. 31 Dated 08
2021

P/5

Annexure - A⁴

OFFICE OF THE AGENCY EDUCATION OFFICER KURRAM AGENCY P.A.F. CHINAR

APPOINTMENT

Attest
ATTESTED

Consequent upon the approval of the Selection Committee, Miss: Bibi Saleha D/O Saad Rashid is hereby appointed as P.E.T at Govt Girls Middle School Shalozan Kurram Agency against the vacant PET post with effect from the date of her taking over charge IN B.P.S NO.9 fixed.

- Note:-
1. She is directed to produce her Medical Certificate from the Medical Supdt A.H. Hospital Parachinar.
 2. Her age should be between 18-40 years.
 3. Her appointment is purely made on temporary basis and liable to termination at any time without assigning any notice, in case she wishes to resign her post she will have to give one month prior notice or forfeit one month pay in lieu thereof.
 4. Charge report in duplicate should be submitted to this office.
 5. No payment will be made to the appointee until and unless her domicile, academic and professional certificates are got verified from the concerned institution.
 6. If She failed to take over charge with fifteen days, her appointment order will automatically be considered as cancelled.

set
Agency Education Officer
Kurram Agency Parachinar

Endst No 4485-89 / Edu Dated 14/11 / 2000

Copy of the above is forwarded to the:-

1. Director of Education PAF. N.W.F.P Peshawar.
2. Agency Accounts Officer Kurram.
3. Accountant Local Office.
4. Teacher concerned.
5. School concerned.
6. Office record.

[Signature]
Agency Education Officer
Kurram Agency Parachinar

Before The Provincial Service Tribunal Peshawar.

Appeal No. _____ / 2021.

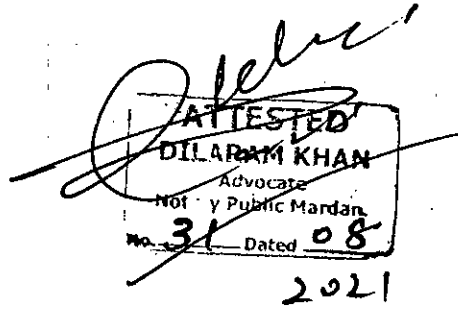
Mst; Bibi Saleha V/S The Secy; Education Deptt; etc;

AFFIDAVIT

I, Mst Bibi Saleha/the Appellant, do hereby stated on solemn affirmation that the contents of the above Appeal are true and correct to the best of my knowledge and belief and nothing is concealed from this Honourable Tribunal.

Dated:-01-09-2021.

Deponent: Bibi Saleha
(Mst Bibi Saleha)



OFFICE OF THE AGENCY EDUCATION OFFICER KURRAM AGENCY PARACHINAR

APPOINTMENT

Consequent upon the approval of the Selection Committee, Miss: Bibi Saleha D/o Saddur Reshid is hereby appointed as P.S.T at Govt Girls Middle School Shalozen Kurram Agency against the vacant PET post with effect from the date of her taking over charge IN B.P.S NO.9 fixed.

- Notice:-
1. She is directed to produce her Medical Certificate from the Medical Supdt A.H.Q Hospital Peshawar.
 2. Her age should be between 18-40 years.
 3. Her appointment is purely made on temporary basis and liable to termination at any time without assigning any notice, in case she wishes to resign her post she will have to give one month prior notice or forfeit one month pay in lieu thereof.
 4. Charge report in duplicate should be submitted to this office.
 5. No payment will be made to the appointee until and unless her domicile, academic and professional certificates are got verified from the concerned institution.
 6. If She failed to take over charge with fifteen days, her appointment order will automatically be considered as cancelled.

S/d

Agency Education Officer
Kurram Agency Parachinar

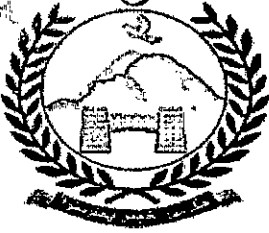
Endst No.4485-89/ Edu Dated 14/11/2000.

Copy of the above is forwarded to the:-

1. Director of Education FATA N.W.F.P Peshawar.
2. Agency Accounts Officer Kurrem.
3. Accountant Local Officer.
4. Teacher concerned.
5. School concerned.
6. Office record.

S/d

Agency Education Officer
Kurram Agency Parachinar.



Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

PH No. 091-9225340- 9225341,
9225338, 9225339
Fax 091-9225345
E-mail rafiq_kk851@yahoo.com

Annexure - 'B'
Auhau
ATTESTED

Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No.SO(B&A)/1-18/E&SE/2012 dated 11.07.2012 and Finance Department Endorsement No SO(FR)/FD/10-22(E)/2010 dated 16.07.2012 , the following Female PETs B-15 are hereby promoted to the post of Senior PET BPS-16(Rs. 18910-1520-64510) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect and further they will be posted in the Government Higher Secondary /High Schools by the District Education Officers concerned against the newly upgraded Senior PET BPS-16 posts, they will be posted by the District Education Officer concerned.

Total No. of sanctioned posts of PETs	194
1/3 share of Sr. PET posts	65
Sr; PETs Posts filled by Promotion	51
Sr; PET posts available vacant	14
Posts available for Promotion	14
Promoted to the post of Senior ATB-16 in this order	13

S. N o.	Sn N o.	Name of Official	Date of Birth		Date of Appointt; as Regular PET	Remarks
1	66	Fahmeeda Yasmeen	Gghs Dheri Katlang	15/09/1985	10/02/2005	Services placed at the disposal of DEO (F) Mardan for further posting.
2	67	Shabina Rahman	Gghs Likpani	06.04.1978	11/02/2005	-----do-----
3	68	Shehnaz Begum	Ggms Khan Pur	02/01/1979	22/02/2005	-----do-----
4	69	Shazia Rani	Ggms Samar Qand Kor;	15/04/1973	15/12/2005	-----do-----
5	70	Laila Khalid	Gghs Kot Jungara	20/04/1986	31/03/2007	-----do-----
6	71	Bibi Saliha	Ggms Shikray Baba	02/02/1980	04/08/2007	-----do-----
7	72	Toseef Begum	Gghs Sheikh Yousaf	06/03/1982	03/09/2007	-----do-----
8	73	Afshan Akbar	Gghss Sokai	27/01/1987	02/02/2008	-----do-----
9	74	Salma Naheed	Ggms Nodeh	23/08/1979	02/02/2008	-----do-----
10	75	Tahassum Begum	Gams Nasir killi	26/08/1979	24/02/2008	-----do-----

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P/7

PET (F) Mardan. 2

9

Terms and Conditions

- 1 They would be on probation for a period of one year extendable for another one year.
- 2 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3 Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be preceded under the rules framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 Their Inter-Se- seniority on lower post will remain intact.
- 6 No TA/DA is allowed for joining his duty.
- 7 They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be recovered and if he is wrongly promoted he will be reversed.

(Muhammad Rafiq Khattak)

Director

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No. ⁵⁴⁹⁻⁵⁵ / File No.1/Promotion Senior PET B-16: Dated Peshawar the 01/08/2017.

Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officers (F) Mardan.
3. District Accounts Officer Mardan.
4. Official Concerned.
5. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
6. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
7. M/File

J. Shrin
05/09/2017

Dy: Director Estab (Female)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

/Noor/

(M)

Pof 1

Dist. Govt. KP-Provincial
District Accounts Office Mardan
Monthly Salary Statement (April-2021)

Annexure - C
1/8



Personal Information of Miss BIBI SALEHA d/w/s of SAAD UR RAHMAN

Personnel Number: 00392015 CNIC: 1610188953040 NTN:
Date of Birth: 02.02.1980 Entry into Govt. Service: 16.11.2000 Length of Service: 20 Years 05 Months 016 Days *Archan*

Employment Category: Vocational Temporary

Designation: PHYSICAL EDUCATION TEACHE 80003440-DISTRICT GOVERNMENT KHYBE

DDO Code: MR6046-DISTT. OFFICER (F/ SEC) MARDAN

Payroll Section: 003 GPF Section: 001 Cash Center: 7

GPF A/C No: EDU KU-004160 Interest Applied: Yes GPF Balance: 447,185.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 15 Pay Stage: 17

ATTESTED

Wage type		Amount	Wage type		Amount
0001	Basic Pay	38,730.00	1000	House Rent Allowance	2,349.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	810.00	2199	Adhoc Relief Allow @10%	546.00
2211	Adhoc Relief All 2016 10%	2,807.00	2224	Adhoc Relief All 2017 10%	3,873.00
2247	Adhoc Relief All 2018 10%	3,873.00	2264	Adhoc Relief All 2019 10%	3,873.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-2,890.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-420.00	3990	Emp. Edu. Fund KPK	-125.00
4004	R. Benefits & Death Comp:	-600.00	4200	Professional Tax	-1,200.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
------	-------------	------------------	-----------	---------

Deductions - Income Tax

Payable: 6,297.90 Recovered till APR-2021: 3,884.00 Exempted: 1574.28 Recoverable: 839.62

Gross Pay (Rs.): 61,217.00 Deductions: (Rs.): -6,435.00 Net Pay: (Rs.): 54,782.00

Payee Name: BIBI SALEHA
Account Number: 1645-9
Bank Details: NATIONAL BANK OF PAKISTAN, 230921 GOJRAT GOJRAT,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: City: MARDAN Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address: City: Email: missifrikhar2280@gmail.com

System generated document in accordance with APPM 4.6.12.9(130696/23.04.2021/v3.0)
* All amounts are in Pak Rupees
* Errors & omissions excepted (SERVICES/30.04.2021/04:57:35)

C

P/A
Regd A/D

Annexure - "D"

To

The District Officer (Female)
E.S.E, Mardan.

Ahmad
ATTESTED

Through proper channel.

Subject:- Proper fixation of pay.

Respectable Madame,

It is submitted that I am employed as SPET (BPs-16) and posted at The GGMs Shikray Baba Mardan.

On 22-05-2021, on consulting the monthly salary statement for the month of April, 2021, it was revealed that I am paid salary in BPs-15 instead of BPs-16.

(Copy attached).

It is submitted that I was promoted as SPET (BPs-16) vide Endorsement No.9640-43/P File promotion PETs dated 23-09-2017. But ~~my~~ salary is not re-fixed in BPs-16.

(Copy attached).

It is requested that my salary may be re-fixed accordingly.

Dated:- 24-05-2021.

Your's obediently,

Bibi Saliha

(Miss Bibi Saliha)
S.P.E.T

P/10

Annexure ⁷E⁹

Akhan
ATTACHED

No. 296

For Insurance Marking (not required)
Star RGL57447852

50 Ps.
50
100

①

uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgment is required

Received a registered*
addressed to _____

Date-Stamp

*Write here "letter", "postcard", "parcel" or "packet"
with the word "insured" before it when necessary.

Initials of Receiving Officer _____

Insured for Rs. (in figures) 500 (in words) _____

Insurance fee Rs. _____ Ps. _____ (in words) _____

Name and address of sender {
_____ M. H. 10

E

P/11

Annexure F

Adnan

ANNEXURE



ACKNOWLEDGEMENT DUE CARD

Miss Bibi Saleha (S.P.E.T) نام

C/o محمد آدم سلطان انٹرنیٹ سٹور پتہ

ضلع تحصیل ڈاکخانہ

پوسٹ کوڈ

(پوسٹ کوڈ لکھنا ہوئے)

RP-54 ①

رسید

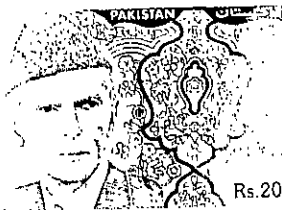
19

رجسٹری یا بیمہ بھیجنے والے کو پست پر دیے گئے پتہ پر واپس بھیجا جائے۔

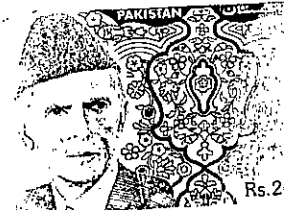
★ ایک رجسٹری The District Officer

برائے (نام) FSE (Fernal) وصول پائی۔

پیر کی پیمانی (وزن) (تھکوں میں) • Marsdar • گرام



تاریخ: 28/5/20
"یکٹ" یا "پارسل" جو چیز ہو تحریر کریں۔ بریک کی صورت
بریک کی صورت میں یہاں اندراج کیا جائے۔ بصورت
قیمت: دس روپے - Rs.10/-





OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

P/12

PHONE/FAX NO. 0937-9230150

Email Address: emismardan_deofemale@yahoo.com

Annexure - G

ADJUSTMENT ORDER.

Consequent upon the promotion for PETs (Female) to Senior PETs BPS-16 vide Director of Elementary & Secondary Education Khyber Pakhtun Khwa Peshawar Notification issued under Endst No.549-55/File No,1/Promotion Senior PETs B-16 dated Peshawar the 06.09.2017 and Finance department Endst No SO (FR)/FD/10-22(E)/2010 dated 16.07.2012 the following (Female) PETs B-15 are hereby Promoted Senior PETs BPS-16@ (18910-1520-64510) plus usual allowances and adjusted in the High/Higher Schools as noted against each from the date of issue of above Notification in the interest of public service on the terms and condition as noted below with immediate effect.

Ahman

ATTENDED

S.No	Sen #	Name of official	Present place of duty	Adjusted at	Remarks
1.	66	Fahmeeda Yasmeen	GGHS Dheri Katlang	GGHS Dheri Katlang	Already Occouped
2.	67	Shabina Rahman	GGHS Lakpani	GGHS Dheri Lakpani	Already Occouped
3.	68	Shehnaz Begum	GGMS Khan Pur	GGHSS Khazana Dheri	AVP
4	69	Shazia Rani	GGHS Samar Qand Koroona	GGHS Samar Qand Koroona	Already Occouped
5.	70	Laila Khalid	GGHS kot Jungara	GGHS Ward No 4 T,Bhai	AVP
6	71	Bibi Saliha	GGMS Shikray Baba	GGHS Mohib Ullah Banda	AVP
7.	72	Toseef Begum	GGHS Sheikh Yousaf	GGHS Siekh Yousaf	Already Occouped
8.	73	Afshan Akbar	GGHSS Sokai	GGHSS Sokai	Already Occouped
9.	74	Salma Naheed	GGMS Nodeh	GGHSS No 1 Mardan	V.S.NO 16
10.	75	Tabassum Begum	GGMS Nasir Killi	GGHS Qazi Abad	V.S.No 16
11.	76	Nayab	GGMS Mehtar Ghundi	GGHS Jalala	AVP
12.	77	Sumaira	GGMS Shah Zaman Qala	GGHSS Kot Jungara	V.S.No 5
13.	78	Sara Khan	GGHS Takht Bhai	GGHS Takht Bhai	Already

CONSEQUENTIAL POSTING TRANSFER

14	Neelum PET	GGHS Qazi Abaad	GGHS Chill Banda	AVP
15	Kousar Naz PET	GGMS China Rustam	GGHS Muhammad Ali Killi	AVP
16	Jayla SPET	GGHS No1	GGHS Manga	AVP

Terms and condition.

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt'.
3. Their Service can be terminated at any time, in case her performance is found unsatisfactory during probation period in case of misconduct, They will be precoded under the rules framed from time to time.
4. Charge report should be submitted to all concernd.
5. Their inter District Seniority on lower post will remain intact.
6. No.TA/D is allowed for joining his duty.
7. They will give on under taking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be recovered and if he is wrongly promoted he will be reversed.

(SAMINA GHANI)

DISTRICT EDUCATION OFFICER
(FEMALE)MARDAN.

Dated Mardan the 23/11/2017

Endst; No. 9640-43 /P.File Promotion PETS

Copy forwarded for information and necessary action to the:-

1. Director (E&SE)Khyber Pakhtun khwa Peshawar
2. District Accounts office Mardan.
3. Principal/Head Mistress Concerned .
4. Official concernd
- 5.
- 6.


DISTRICT EDUCATION OFFICER
(FEMALE)MARDAN

n

9



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

PHONE/FAX NO. 0937-9230150

Email Address: emismardand_deofemale @Yahoo.com

P/13

Annexure - H

Aalam

ATTESTED

OFFICE ORDER

Mst. Bibi Saliha PET BPS-15 is hereby transferred from GGMS Matha Jadeed to GGMS Shekray Baba, in her own pay and scale against vacant post, with immediate effect, in the interest of public service.

Note: No. TA/DA is allowed

Necessary entries should be made in her Service Books.

(DILSHAD BEGUM)
DISTRICT EDUCATION OFFICER,
FEMALE MARDAN.

Endst. No. 5063/5 / P/File dated Mardan the 8/6 /2015

Copy forwarded to the:-

- ✓ 1. District Account Officer Mardan.
2. B& AO Local Office.
3. Head Mistresses concerned
4. Officials Concerned.
5. Personal File.


DISTRICT EDUCATION OFFICER,
FEMALE MARDAN.

P/13

Annexure - I
Attest
ATTESTED

Relieving Chit

Bibi Saliba PET C.G.M.S.

Muhammad Jaded is hereby
relieved of his duty today

13-6-2015 to C.G.M.S.

Shikharaj Baba Khatkar, Mardam
No. ~

[Signature]
Head of C.G.M.S.
Mardam

[Signature]
Shikharaj Baba Khatkar

13/6/2015

Better Copy of

RECEIVED

Page-14

Relieving Chit

Bibi Saliha PET G.G.M.S

Matha jaded is hereby

Relived of his duty today

13-06-2015 to G.G.M.S

Shikray baba Katlang Mardan
No.

S/d
Head Mistress
G.G.M.S Matha Jadeed
Katlang

Stamp and
Sigh 13/6/2015.

P/17
VAKALAT NAMA

In the Court of

Provincial Service Tribunal Peshawar.

Appeal No

No.

of 2021

Mst; Bibi Saleha

(Petitioner)

(Plaintiff)

(Appellant)

VERSUS

The Secy; Education Deptt
etc;

(Respondent)

(Defendant)

I/we

Appellant

the

above noted

Mst Bibi Saleha

do

hereby appoint and constitute **Muhammad Adam Khan, Advocate Mardan** as Counsel in subject proceedings and authorize him to appear, plead etc., compromise, withdraw or refer to arbitration for me/us, as my/our Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel at my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated: 30.08.2021

N.W.F.P. Bar Council

ADVOCATE
High Court

ADAM KHAN

No. BC-09-0600

A. Jahan
Secretary's Signature

Father's Name: BADSHAH GUL
Address: VILL. GOJAR GARHI DISTT. MARDAN
Office Tel: 0931-63013 Fax Tel: 0931-63450
Enrolment Date L.C. 03/08/1978
Enrolment Date H.C. 31/05/1990
Place of Practice: MARDAN
Date of Birth: 04/04/1945
Blood Group: AB+VE
N.I.C.No. 16102-4612618-5

N.W.F.P. BAR COUNCIL

(A Khan)
(Signature of Client)

A Khan
Accepted

"B"

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

No.

Recd

Appeal No. 7388 of 2021.

Mst. Bibi Saleha Appellant/Petitioner

The Secy E&SE Pesh Respondent

Respondent No. 3

Notice to: The Dist. Education officer (Female) E&SE
Deptt. 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 12/11/2022 at 8.00 A.M. If you wish to urge anything against the appellants/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.

Pre-Admission Notice

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.....

Day of.....Dec 2021.

[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. S.B

No.

Appeal No..... 7388 of 20 21

Mst Bibi Saleha Appellant/Petitioner
 Versus

Secy E&SE Pesh. Respondent hs
30/11
 Respondent No..... 2

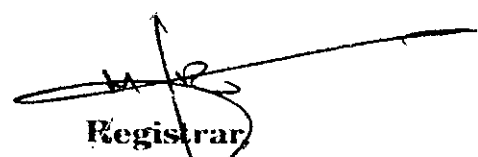
Notice to: The Secretary E&SE Deptt.
Peshawar.

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..... 12/1/2022 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.

Pre-Admission Notice
 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..... 22th
 Day of..... Dec 20th


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, S-15
PESHAWAR.

No.

Appeal No. 7388 of 2021

Mst. Bibi Saleha Appellant/Petitioner

- Mr. Secy ECSE Pesh. Respondent
2

Respondent No.

Notice to: The Director ECSE 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 12/11/2021 at 8.00 A.M. If you wish to urge anything against the appellants/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.

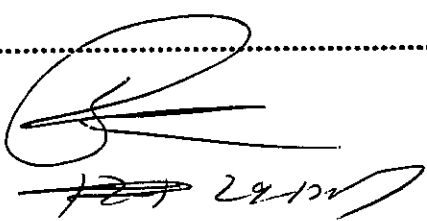
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition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

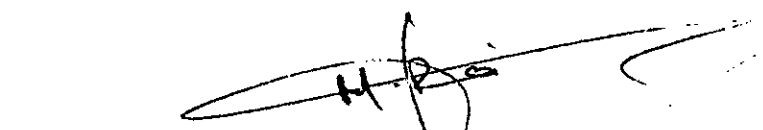
Copy of appeal is attached. Pre-Admission Notice Copy of appeal has already been sent to you vide this

office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 22th

Day of Dec 2021




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.

Before The Provincial Service Tribunal Peshawar.

Appeal No. 7388 / 2021.

Hearing:-15-07-2022.

Mst; Bibi Saleha V/S The Secy; Education Deptt; etc;

INDEX

S.No.	Description of Documents	Annexure	Pages	
			From	To
1.	Rejoinder with Affidavit.	---	1	3
2.	Certificate dated 23.09.2017.	"X/I"	--	4

Total:- 4

Dated:-15-07-2022.

Appellant

Bibi Saleha
(Mst Bibi Saleha)

Through:- *Adam*
Muhammad Adam Khan
Advocate, Mardan.

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.7388/2021.

Hearing 15.07.2021.

Mst Bibi Saleha V/S The Secretary, etc;

Rejoinder:-

Pry; Objections:-

All the preliminary objections are incorrect, false and self-made. Hence, denied. It is added that letter No.9640-43 dated 23-09-2017 regarding transfer and posting of Appellant at the G.G.H.S Muhibullah Banda Mardan was not communicated to her nor the same was received in the Govt; Girls Middle School Shikray Baba Mardan till date. Thus, she/the Appellant was not relieved from GGMS Shikray Baba Mardan nor she could resume duty at the GGHS Muhibullah Banda Mardan, on account of carelessness of the office/Respondent No.3.

(Certificate to the said effect is **Annexure-"X/I"** herewith).

Facts:-

1 & 2:- No further reply.

3 -4 Para-3 and 4 of comments are misleading & malafidely moulded. Denied. The Appellant was ordered to be promoted by the Director/Respondent No.2 vide

letter No. 549-55 dated 06-09-2017, her service were placed at the disposal of The DEO (F) Mardan for further posting. But, the order of further posting was not communicated to her nor to the relevant school. Hence, she was compelled to perform her duty at the G.G.M.S Shikray Baba Mardan. While, the post of SPET at the GGHS Mohiballah Banda Mardan remained occupied by another Teachers. Which the omission occurred due to carelessness of the office of the DEO/Resprondent-3.

The Respondent No.3 has not produced any proof that the posting order was ever conveyed to Appellant or the School. Thus, the Appellant cannot be punished for the same.

5. & 6:- Needs no further comments.

Grounds :-

- I. & II.** incorrect, false & misleading. Denied. The sad fact is discussed above in detail.
- III.** incorrect & misleading. Denied. The said fact is discussed above in detail.
- IV.** Incorrect & false. The referred relieving chit was related to her previous transfer.

V. Incorrect & misleading. Denied.
Nothing of the stated acts could be done unless the posting order is communicated to the official and also to the relevant school. She was illegally deprived to resume duty at the relevant post.

VI. No Comments.

It is prayed that on acceptance of this Appeal, the pay of Appellant may be ordered to be fixed from the date of her promotion with retrospective effect, with costs of this Appeal.

Dated: 15-07-2022.

Appellant

Bibi Saleha

(Mst Bibi Saleha)

through:-

Akhan

Muhammad Adam Khan
Advocate, Mardan.

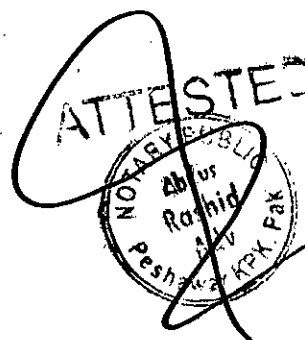
Affidavit:-

I, Mst Bibi Saleha/the Appellant do here by state on Solemn affirmation that the contents of this Rejoinder are true and correct to the best of my knowledge and belief.

Deponent

Bibi Saleha

(Mst Bibi Saleha)



15 JUL 2022

CERTIFICATE

The record of this school shows that letter No.9640-43 dated 23-09-2017 issued from the office of the DEO (F) Mardan in respect of **Bibi Saliha** transfer and posting at the GGHS Mohibullah Banda Mardan is not received in this school.

H.M.GGMS

Shekray Baba Mardan

Alian
HEAD MISTRESS
GGMS Shekray Baba
Kattibing Mardan