


611/14

15.09.2014

Counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Muhammad Iqbal, ADEO for respondents present and reply filed. Copy handed over to counsel for the appellant. To come up for rejoinder on main appeal and reply/arguments on stay application on 14.11.2014. Till then status quo is extended.

14.11.2014

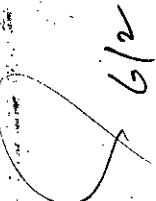
Junior to counsel for the  MEMBER appellant, and Mr. Muhammad Adeel Butt, AAG with Khursheed Khan, SO for the respondents present. The Tribunal is incomplete. To come up for the same on 29.12.2014.


READER

29.12.2014

Junior to counsel for the appellant and Mr. Muhammad Jan, GP with Mosam Khan, AD for the respondents present. The Tribunal is incomplete. To come up for the same on 06.2.2015.


READER

6/2

6.2.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Irfan, ADO Dir Upper for the respondents present. Counsel for the appellant requested for withdrawal of the appeal unconditionally. His signature also obtained in the margin of order sheet. As such the appeal is dismissed as withdrawn. File be consigned to the record.

ANNOUNCED
06.2.2015.


MEMBER

4-7-2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Khursheed Khan, SO and Sajjad Rashid, AD for respondents No. 1 & 2 present and requested for further time. None is available on behalf of respondent No.3. Fresh notice be issued to her positively. To come up for written reply/arguments on application for interim relief on 08.08.2014. Till then status quo is extended.

08-08-2014

Clerk to counsel for petitioner and AAG with Khursheed KHAN SO and Javed Ahmad, MEMBER for three respondents present. The learned Member is on leave, therefore, case to come up for the same on 20.8.2014.

READER

20-08-2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Irfan, AD SO for the official respondents present. The learned Member is on official tour to Abbottabad. To come up for the same on 25.09.2014.

READER

Appeal No. 611/2014
Mst. Salma Bilei

6. 16.06.2014

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. Counsel for the appellant filed an application for suspension of notification dated 21.02.2013 which is placed on file. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the seniority list which is available on page No.33 of the appeal, she filed departmental appeal on 25.04.2014, which has been rejected on 30.04.2014; hence the present appeal on 02.05.2014.

The learned Government Pleader while assisting the Tribunal was of the view that the Seniority list is not final and there is no final order, hence the appeal is not maintainable in its present.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. Counsel for the appellant filed applications for restraining the respondents from processing the promotion cases to the posts of Senior Drawing Mistresses (BPS-16) and application for suspension of notification dated 21.02.2013. Notice of applications should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal on 20.08.2014 as well as reply/arguments on application on 04.07.2014. Meanwhile status-quo, as far as the appellant is concerned, be maintained.

Appellant deposited
Process fee & Security
Rs. 180/- Bank Receipt
attached with file

7. 16.06.2014


This case be put before the Final Bench for further proceedings.

Member

Chairman


3
13.05.2014

Counsel for the appellant present and filed an application for early hearing. Application allowed. To come up for preliminary hearing on 16.05.2014 instead of 02.06.2014.


Member

4
16.05.2014

Counsel for the appellant present. Preliminary arguments partly heard. Pre-admission notice be issued to the learned GP to assist the Tribunal. To come up for preliminary hearing on 20.05.2014.


Member

5
20.05.2014



Clerk of counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Clerk of counsel for the appellant requested for adjournment due to general strike of the Bar. To come up for preliminary hearing on 16.06.2014.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 611/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02/05/2014	<p>The appeal of Mst. Salma Bibi presented today by Mr. Khaled Rehman Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	6-5-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>2-6-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 611 /2014

Mst. Salma Bibi
.....Appellant

Versus

The Govt. and others
.....Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-5
2.	Stay Application with Affidavit			0-6
3.	Credentials		A	7-9
4.	Judgment of Hon'ble High Court.	28.06.2012	B	10-13
5.	Order of the Hon'ble Supreme Court	21.06.2013	C	14-15
6.	Appointment order of appellant with immediate effect	20.06.2013	D	0-16
7.	Order of Hon'ble High Court in Review Petition No.7-M/2012	22.10.2013	E	17-24
8.	Revised appointment order	11.12.2013	F	0-25
9.	Medical Certificate		G	0-26
10.	Extracts from the Service Book		H	27-32
11.	Impugned List for Promotion		I	0-33
12.	Pay Roll		J	0-34
13.	Departmental Representation		K	0-35
14.	Impugned order	30.04.2014	L	0-36
15.	Wakalat Nama			

Through

Appellant

Bmer
Khaled Rahman
Khaled Rahman
Advocate, Peshawar
3-D, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0345-9337312

Dated: 02 / 05 / 2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 611 /2014

Mst. Salma Bibi,
Drawing Mistress, GGHS Wari,
District Dir Upper.....Appellant

642
02/05/2014

Versus

1. The Govt. of Khyber Pakhtunkhwa
through Secretary E&SE,
Civil Secretariat, Peshawar.
2. The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female),
District Dir Upper.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS
ACT, 1974 AGAINST THE IMPUGNED SENIORITY
LIST FOR PROMOTION AND APPELLATE ORDER
DATED 30.04.2014 WHEREBY THE DEPARTMENTAL
REPRESENTATION OF THE APPELLANT FOR
INCLUDING HER IN THE SENIORITY LIST FOR
PROMOTION AND TO CONSIDER HER FOR
PROMOTION TO BPS-16, WAS REJECTED.**

PRAYER:

On acceptance of the instant appeal, the impugned Seniority List for promotion and the impugned appellate order dated 30.04.2014 may graciously be set aside and Respondents be directed to consider appellant for promotion to BPS-16 on the basis of seniority.

101
2/5/14

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That appellant was qualified in view of her qualification (Credentials **Annex:-A**) for the post of Drawing Mistress, hence she applied when vacancies were advertised by Respondent No.3 in the year 2009. In spite of her eligibility she was ignored while others were appointed, therefore, she filed writ petition before the Hon'ble Peshawar High Court, Peshawar in the year 2009 which was finally accepted vide judgment dated 28.06.2012 (**Annex:-B**) and Respondents were directed to appoint the appellant against the post of DM.
2. That against the judgment *ibid*, Respondents filed Civil Petitions before the Hon'ble Supreme Court of Pakistan but the same were dismissed vide order dated 21.06.2013 (**Annex:-C**). In pursuance of the judgment/order *ibid*, the appointment order dated 20.06.2013 (**Annex:-D**) of the appellant and others was issued with immediate effect.
3. That since there was confusion in the judgment of the Hon'ble Peshawar High Court, Peshawar with regard to the back benefits, therefore, a Review Petition No.7-M/2012 was filed before the Hon'ble Peshawar High Court, Peshawar which was accepted vide order dated 22.10.2013 (**Annex:-E**) and it was directed that appellant be considered as appointed from 03.02.2009 without financial benefits with further direction to prepare the joint

Seniority List in this regard.

4. That in pursuance of the order in Review Petition, the appointment order of the appellant was revised and she was considered appointed w.e.f. 03.02.2009 vide order dated 11.12.2013 (**Annex:-F**). Appellant was also medically examined and found fit vide Certificate (**Annex:-G**) and her pay was also revised in view of the order in the Review Petition and re-fixed w.e.f. 03.02.2009 (Extracts from the Service Book **Annex:-H**). Thus appellant was granted the benefits including seniority w.e.f. 03.02.2009.
5. That the Drawing Masters/Mistresses BPS-15 are to be promoted to the posts of Senior Drawing Masters/Mistresses (BPS-16) on the basis of seniority. As vacancies in BPS-16 were available and appellant being senior was in the range of promotion quota, therefore, was entitled for promotion but when the impugned Seniority List for promotion (**Annex:-I**) was prepared, appellant was shocked to know that her name was not included therein, moreover, no general seniority list was prepared and circulated as per the law till date. (Pay Roll **Annex:-J**)
6. That appellant filed Departmental Representation on 25.04.2014 (**Annex:-K**) for including her name in the promotion list and to consider her for promotion to the post of SDM (BPS-16) which was processed but finally rejected vide impugned

order dated 30.04.2014 (**Annex:-L**), hence, this appeal inter-alia on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned order, which is unjust, unfair and hence not sustainable in the eye of law.
- B. That appellant is the senior-most DM and entitled for promotion to the next higher grade but she was ignored and others juniors to her were forwarded for promotion in illegal manner, malafide, without any lawful justification.
- C. That no regular Seniority List was ever formulated, circulated and finalized which was not only the requirement of Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, but even the Hon'ble Peshawar High Court in its order in Review had also directed for formulation of the Seniority List but the same was ignored and the impugned Seniority List for promotion was prepared in violation of the law wherein appellant was not included which has resulted in serious miscarriage of justice.

- D. That the impugned Seniority List for promotion was malafide backdated so as to include favorites and exclude the deserving candidates for promotion without any justifiable cause, therefore, the impugned list so formulated is against the merit policy, rules on the subject and therefore, not maintainable.
- E. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through


Appellant


Khaled Rahman,
Advocate, Peshawar.

Dated: 02 / 05/ 2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2014

Mst. Salma BibiApplicant

Versus

The Govt. of KP and others.....Respondents

Application for restraining the Respondents from processing the promotion cases to the posts of Senior Drawing Mistresses (BPS-16) till the final disposal of the instant appeal.

Respectfully Sheweth,

1. That the above titled service appeal is being filed today which is yet to be fixed for hearing.
2. That the facts alleged and grounds taken in the body of main appeal may kindly be taken as an integral part of this application, which make out an excellent prima facie case in favour of applicant/ appellant.
3. That the balance of convenience also lies in favour of applicant/appellant and in case the Respondents are not restrained from processing the promotion cases to the posts of Drawing Mistresses (BPS-16), the applicant/ appellant will suffer irreparable loss.

It is, therefore, humbly prayed that on acceptance of this application, the Respondents may graciously be restrained from processing the promotion cases of Drawing Mistresses (BPS-16) till the final disposal of the main appeal.

Through

Samy
Applicant

Khaled Rahman
Khaled Rahman,
Advocate, Peshawar

Dated: 02 / 05/ 2014

Affidavit

I, Khaled Rahman, Advocate, as per instructions of my client, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

ATTESTED



Khaled Rahman
Deponent

Annex A

7

Hamdard Open University
Islamabad



Serial No 14231

Certified that Ms/Ms SALMA BEE
Sen/Daughter of MOHAMMAD YOUSAF
Registration No 07NDR0120 Roll No X440877
Semester Autumn 2009 having met all the requirements under
the semester system in this dept awarded the degree of

Department Of Examinations
(Certificate Section)
VERIFIED
Certificate/Degree/Diploma/Transcript
bearing Sr. No. 146231 is
Checked & Found Correct.
Signatures: [Signature]

Bachelor of Arts
Group - General

He/She has secured 55 % marks
and has been placed in C grade

[Signature]
CONTROLLER OF EXAMINATIONS

[Signature]

[Signature]

VICE-CHANCELLOR

Result declared on: September 01, 2010

Date of issue: June 13, 2012

Attested

NOTE: THIS DEGREE IS TO BE REVERSED IN CASE OF ANY DISCREPANCY. A SEPARATE ORIGINAL CERTIFICATE ISSUED SEPARATELY.

ATTESTED

A

35862

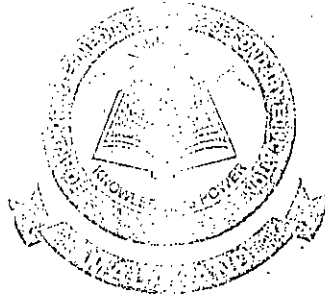
(8) PA

BOARD OF INTERMEDIATE & SECONDARY EDUCATION MALAKAND

AT CHAKDARA WFP PAKISTAN

INTERMEDIATE CERTIFICATE EXAMINATION

DETAILED MARKS & PROVISIONAL CERTIFICATE



INTERMEDIATE (PART-II) ANNUAL EXAMINATION 2006

Roll No: 32121
 Group: Humanities

Safina Bibi Daughter of Muhammad Yousaf

of DIR (WFP)

has secured the marks shown against each subject in the B.S.S.C. Examination held in the month of May as Private candidate.

Subjects	Marks	Marks Obtained				Total	Marks in Words
		Part-I		Part-II			
		Theor.	Pract.	Theory	Pract.		
English	200	30	0	26	0	66	Sixty-Six
Urdu	200	20	0	13	0	75	Seventy-Five
Islamic Education	50	0	0	0	0	27	Twenty-Seven
Pakistan Studies	50	0	0	27	0	27	Twenty-Seven
Islamic Studies	200	20	0	59	0	95	Ninety-Five
Pashto	200	0	0	51	0	106	One Hundred Six
Archaeology	200	0	0	62	0	100	One Hundred Only
Total: 1100						496-D	Four Hundred Ninety-Six Only

Result Verified

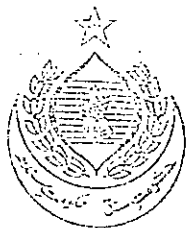
Checked By: [Signature] [Signature]
 Controller of Examinations

Note: Errors / Omissions excepted. Any mistake in marks etc must be intimated within 30 days after receiving the above certificate.
 Computer Cell B.S.S.C. Malakand.
 Date: 22 August 2006

Assistant Controller of Examinations
 Board of Intermediate & Secondary Education, Malakand

Controller of Examinations
 B.S.S.C. Malakand

REGISTERED



OFFICE OF THE EXECUTIVE DISTRICT OFFICER (EDUCATION DISTRICT HYDERABAD)

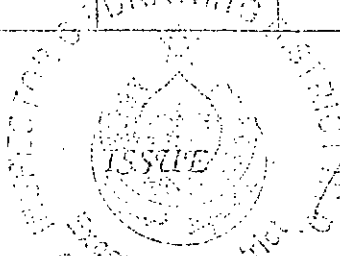
MARKS CERTIFICATE

Certificate Showing the number of marks secured by Mr./Ms Balima Bibi

STO D/O Mohammad Yusuf in each of passing at the 'Elementary / Intermediate / Drawing Grade Examination 2005 to 2006

Seat No. 395 / Center MUBARK TAJWAR T. A YAR Hyderabad G.B. H.S

SUBJECT						TOTAL MARKS	Pass Or Fail Or Conduct	Division / Or %	Remarks
Object	Plain	Nature	Memory	Free					
Max Marks 100	Max Marks 100	Max Marks 100	Max Marks 100	Max Marks 100	Max Marks 100	600			
Min Marks 33	Min Marks 33	Min Marks 33	Min Marks 33	Min Marks 33	Min Marks 33	198			
65	70	60	65	70	65	405	Pass	1st	Division



Inspector of Drawing
HYDERABAD

CONTROLLER

INSPECTOR OF DRAWING
BOARD OF GRADE DRAWING EXAMINATION
(EDUCATION) DISTRICT HYDERABAD
SINDH

Dated 20/07/2006

Annex "B"

10

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, MINGORA BENCH
(DAR-UL-QAZA), SWAT
(Judicial Department)

W.P. No. 2093/2007.

JUDGMENT

Date of hearing: 28.6.2012.


Appellant-Petitioners (Khaista Rehman & others,
by M. Khalid Rehman Advocate.

Respondent (EDO & others) by
Messrs Akhla Murriz Khan Advocate & DAG.

KHALID MAHMOOD, J. This judgment shall dispose of writ petitions No.2093, 1896 of 2007, 294 of 2008, 3402 of 2009, 3620 & 4378 of 2010, 2288 & 159 of 2011, as same question of law is involved in all these petitions.

2. The brief facts of the case are that in response to advertisement for different posts of teachers in the Education Department, petitioners applied for the same. After conducting the test and interview for the said posts, the petitioners were ignored in the matter of appointment and the appointment orders dated 22.8.2007 etc, issued by the respondents department are illegal, without lawful authority and of no legal effect. According to petitioners, they were not invited for interview, rather vide impugned order dated 22.8.2007, appointment of respondents No.5 to 13 was made.

ATTESTED


[Signature]

B

Petitioners have prayed for directing the respondents concerned to appoint the petitioners being trained and qualified for the said posts.

3. On 23.02.2012, during course of hearing, this Court come to the conclusion that all the certificates produced by the petitioners with regard to their professional qualification should be examined by Secretary Education, the Province of Sindh as to whether the same are genuine and have been issued by the concerned Institution and also to verify that the certificates produced by the petitioners are equivalent to Drawing Master. The petitioners were also directed to submit their original certificates with the Additional Registrar of this Court within a week time for sending for the above-said purpose. Prior to that comments and rejoinder were filed by the parties concerned.

4. Counsel for petitioners argued that impugned order issued by respondent No.1/ department is against law, without jurisdiction and of no legal effect; that the petitioners were trained drawing masters; that respondent concerned had totally ignored the petitioners while making the impugned order of appointment in spite of the fact that they were placed at high pedestal of merit and qualified for the appointment.

Atc

REGISTERED
M

12

On the other hand, it was argued on behalf of respondents that all the appointments were made in accordance with law and policy of the Government governing the subject.

5. With the valuable assistance of the counsel for the parties, the record perused.

6. The main grievances of all the petitioners in the present case that all the petitioners had submitted their requisite qualification along with certificate of Drawing Master before the respondent for their appointment. After test and interview, the merit list was prepared by the respondent concerned wherein the petitioners were declared higher in merit but later on instead of appointment of petitioners, the other candidates were appointed on the ground that the Drawing Master certificate obtained by the petitioners from institutions situated in Jamshori and Karachi are not equivalent to the certificate which was prerequisite for the post of Drawing Master. Counsel for the petitioners referred to the recruitment policy. He also referred to the advertisement published on 11.02.2007 in which the required qualification was F.A/F.Sc. with certificate of Drawing Master from any recognized institution. According to the recruitment policy as well as said publication petitioners on the patch-

[Handwritten mark]

[Handwritten signature]

ATTESTED
[Handwritten signature]
Examiner

13

petitioners have been deprived on lame excuse on the ground of delaying tactics regarding the verification of D.M. certificate obtained by the petitioners. It was also pointed out that respondent in subsequent appointment had also appointed other candidates who had obtained DM certificates from the same Institutions whereas, petitioners has been deprived though they have also qualified from the same Institutions, hence act of respondents is discriminatory and is utter violation of Article 25 of the Constitution. Instead of petitioners who were at better pedestal in the merit list, the other candidates who were below at the merit list as compared to the petitioners have been appointed which apparently shows the mala fide on the part of respondents. After thrashing the entire record, we have come to the conclusion that petitioners have wrongly been deprived for appointment against the post of D.M. which requires interference by this Court.

In the light above discussions, facts and circumstances of the case, all the writ petitions are allowed and respondents are directed to appoint the petitioners against the said post positively.

ALC

Announced.
DE 28.6.2012.

~~Signature~~
JUDGE

~~Signature~~
JUDGE

COPIES TO BE MADE

Office
20/07/12

S.No. 32/15
Name of Applicant: Mrs. S. Shalini
Date of Appointment: 24.7.12
Name of Officer: DA

Annex C
14

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE NASIR-UL-MULK
MR. JUSTICE SARMAJ JALAL OSMANY

**Civil Petitions No. 456-P/12, 7-P to 11-P/2013 and
19-P & 20-P of 2013**

Against the judgment dated 28.6.2012 passed by Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat in W.Ps No.2093 of 2007, 3402/2009, 3620/2010, 4378/2010, 159/2011, 2288/2011, 1896/2007 and 294/2008.

Executive District Officer, Schools &
Literacy District Dir Lower, etc

... Petitioners

VERSUS

Khasista Rehman, etc
Lazim Khan, etc
Mst. Laida Tabassum, etc
Mst. Shagufa Bibi, etc
Shircenzada, etc
Gul Rasool Khan, etc
Mst. Nageena, etc
Ghulam Hazrat

(in CP 456-P/2012)
(in CP 456-P/2012)
(in CP 456-P/2012)
(in CP 456-P/2012)
(in CP 456-P/2012)
(in CP 456-P/2012)
(in CP 456-P/2012)
(in CP 456-P/2012)

... Respondents

For the Petitioners:

Ms. Neclam Khan, AAG, KPK
Ms. Naghmana Sardar, DEO

For the Respondents:
(in CPs 8-9& 19-20)

Mr. Esa Khan, ASC

Others:

N.R

Date of hearing:

21.06.2013

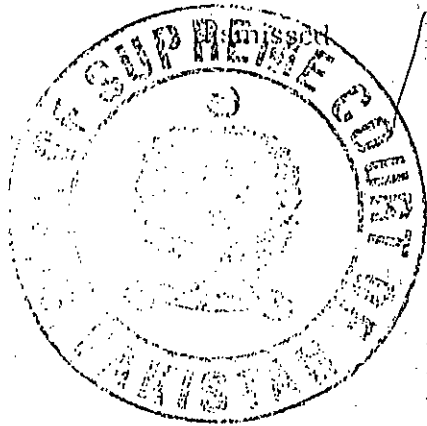
ORDER

Nasir-ul-Mulk, J.- These petitions for leave to appeal have been filed by the Executive District Officer, Schools of three Districts, Dir Lower, Dir Upper and District Buner against the judgment of the Peshawar High Court, Mingora Bench delivered in writ petition No.2093 of 2007 whereby a number of similar writ petitions were disposed of. The respondents had filed writ petitions challenging the decision of the petitioners for appointment to the post of Drawing Master, who though had

TESTED
[Signature]
Registrar,
Court of Peshawar

15

during selection attained the required merits but their appointments were declined on the ground that they had obtained the requisite qualifications from the institutions situated in Jamshoro and Karachi. The petitions were accepted by the High Court on the ground that distinction could not be drawn between the award of degrees or services by the institutions of Jamshoru and Karachi and that of this Province. Thus on the ground of discrimination the writ petitions of respondents were allowed and the petitioners were directed to appoint the respondents to the said posts. We find no merits in these petitions as apparently no reasonable classification exists between the qualifications obtained from the said institutions and from those in Province of K.P.K since the respondents selection was made way back in the year 2007 and six years have passed, we had therefore directed the petitioners to issue appointment orders of the respondents. Today the said order have been produced before us. The respondents, except for one Lazim Khan, in Civil Petition No.07-P of 2013 has been duly appointed. Learned Law Officer states that said the respondent shall also be appointed in due course after his papers are found in order. These petitions have no merits and therefore



Handwritten signature: Ale

sd/- Nasir-ul-Mulk, J.
sd/- Sarmad Jalal Osmani, J.

Certified to be true copy
[Signature]
 Deputy Clerk, 21/7/13
 Supreme Court of Pakistan,
 Peshawar.

Peshawar, the
21st of June, 2013
 arshed/*

Handwritten signature: arshed

Not approved for reporting

Agree "D"
(16)

**OFFICE OF THE DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER.**

PH NO.0944-881900 FAX -0944-880411 Email demisdirupper@gmail.com

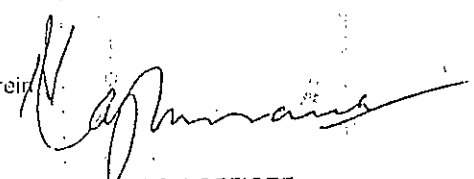
OFFICE ORDER.

As per decision of the Honorable Supreme Court of Pakistan order announced on 19/6/2013, in W/P C.P/8. P/2013 & C.P. 9.P/2013 the following female Drawing Masters are hereby appointed as DM Teachers in BPS - 15 Rs:-(8500-700-29500) plus usual allowances as admissible to them under the rules on regular basis and adjusted against the Vacant posts in the schools noted against their names with immediate effect subject to the following terms and conditions in the interest of public service.

S#	Name of officials	Father's Name	Name of School where adjusted	Remarks
01	Mst: Salma Bibi ✓	Muhammad Yousaf Khan	GGHS Wari	Against vacant post. ✓
02	Mst: Nasroen Bibi	Abdullah	GGMS Chapper	-do-
03	Mst: Rabia Bibi	Qari Abdur Rahman	GGMS Wari (P)	-do-
04	Mst: Jawahira	Arab Said	GGMS Shinkari	-do-
05	Mst: Laida Tabasum	Mian Shahzada Jan	GGMS Jughabanj	-do-
06	Mst: Shagufta	Muhammad Rafiq	GGMS Qulandi	-do-
07	Mst: Shagufta	Shah Nas Khan	GGMS Gogyal	-do-
08	Mst: Azla Bibi	Sher Zada	GGHS Sundal	-do-
09	Mst: Perveen Zob	Mohammad Dost	GGMS Badlai	-do-

TERMS AND CONDITIONS.

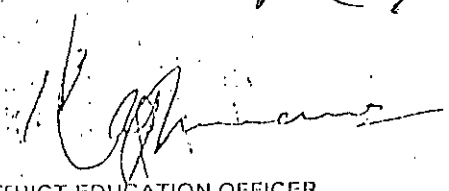
- 01- The appointees will be on probation for a period of one year in terms of Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989.
- 02- The Certificates /Degrees of the appointees will be verified from the concerned institutions. No pay etc is allowed before verification of certificates/degrees.
- 03- Their academic, professional and domicile certificates will be verified on their own expenses from the institutions concerned. If the documents found fake and bogus, their services will be terminated and proper FIR will be lodged against the accused in the Anti- Corruption Department.
- 04- Their Services will be considered on regular basis.
- 05- The appointees will provide Health and age certificates 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 within fifteen days after issuance of this order, their appointments may be deemed as automatically cancelled.
- 09- Charge report should be submitted to all concerned.
- 10- No TA /DA is allowed.
- 11- The appointees will strictly abide the terms and conditions laid down therein.


DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER. W/2013/13.

to 878-80 /F-01(A)/DEO(F)/SEB Dated 20 /06/2013.

Copy forwarded to the ;

- 01- Registrar Supreme Court of Pakistan Peshawar Bench.
- 02- Registrar High Court Bench Darul Qaza Swat.
- 03- P.S to Secretary Elementary and Secondary Education Department K.P.K Peshawar.
- 04- Director Elementary and Secondary Education K.P.K Peshawar.
- 05- District Accounts Officer Dir Upper.
- 06- Head Mistresses Concerned.
- 07- Accountant Middle Schools Female Local Office.
- 08- AP EMIS Local Office.
- 09- Officials concerned.


DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER.

Before The K.P. Service Tribunal Peshawar
Some appeal no. 61114

Put up to the Court with relevant appeal - Ms. Salma Bi Bi vs Education Dept.

Reader concerned

6 July 13/6/14
Application for suspension of Notification dated 21.02.2013

Respectfully sheweth:

1. that the title appeal is fixed for hearing on 16.6.14.
2. that pending the appeal, when notice was issued to the Respondts, they issued notification mentioned above in order to frustrate the object of the appeal. Copy attached.
3. that the facts and grounds taken in the body of appeal be taken as part of the application.
4. That in case the notification ibid, is not suspended an irreparable loss is likely to ensue.

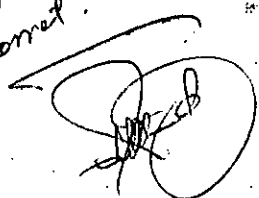
Applicant

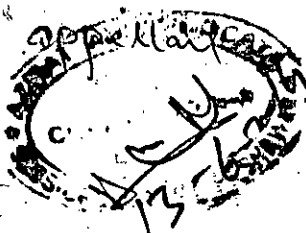
verifies as correct that contents of the application as per the

Applicant, therefore, humbly prayed that the notification dated 21.02.2013 be suspended till final disposal of the appeal.

ATTESTED

13.6.14





Through Counsel





Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936, 0800-33857
E-mail rafiq_kk851@yahoo.com

Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(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 DMs B-15 are hereby promoted to the post of Senior DM BPS-16 (Rs.10000-800-34000) 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 DM BPS-16 posts:-

Total No. of DM (F) Posts duly verified by the DAO	38
1/3 share of Senior DM Posts	13
Share of promotion 100 %	13
Already promoted to the post of SDM B-16	01
Posts available for promotion	12
Promoted to the post of SDM B-16 in this order	05

S.No	S.No	Name of Teacher	Name of School	D/O Birth	Remarks
1	2	Hussan Banu	GGMS Kakad	1/3/1988	Services placed at the disposal of DEO (F) Dir Upper for further posting.
2	3	Razia	GGHS, Ganorai	1/4/1982	-----do-----
3	4	Walayat Bibi	GGMS Tarpatar	2/4/1981	-----do-----
4	5	Arfeen	GGMS Panakot	1/1/1984	-----do-----
5	6	Amina Bibi	GGMS Akhgram	2/1/1987	-----do-----

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

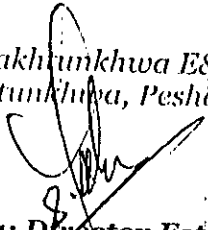
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No. 1868-74 / File No.2/Promotion Senior DM B-16: Dated Peshawar the 21/02/2013.

Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officers (F) Dir Upper.
3. District Accounts Officer Dir Upper.
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


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

Before The K.P. Senuie Tribunal Peshawar
Sonus Appeal No. 611/14

Put up to the Court with relevant appeal. 6 July 13/6/14
Mst. Salma Bai Bi vs Education Dept.
Reader concerned
Application for suspension of Notification dated 21.02.2013

Respectfully sheweth:

1. That the title appeal is fixed for hearing on 16.6.14.
2. That pending the appeal, when notice was issued to the Rspats, they issued notification mentioned above in order to frustrate the object of the appeal. Copy attached.
3. That the facts and grounds taken in the body of appeal be taken as part of the application.
4. That in case the notification ibid, is not suspended an irreparable loss is likely to ensue.

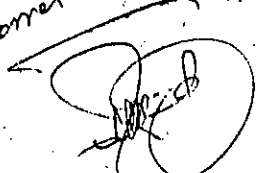
Applicant

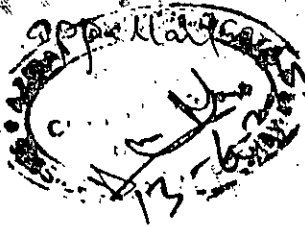
verifies on oath that contents of the application are true and correct.

She, therefore, humbly prays that the notification dated 21.02.2013 be suspended till final disposal of the appeal.

ATTESTED

13.6.14





Through Counsel





Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936, 0800-33857
E-mail rafiq_kk851@yahoo.com

Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(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 DMs B-15 are hereby promoted to the post of Senior DM BPS-16 (Rs.10000-800-3.1000) 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 DM BPS-16 posts:-

Total No. of DM (F) Posts duly verified by the DAO	38
1/3 share of Senior DM Posts	13
Share of promotion 100 %	13
Already promoted to the post of SDM B-16	01
Posts available for promotion	12
Promoted to the post of SDM B-16 in this order	05

S.No	S.No	Name of Teacher	Name of School	D/O Birth	Remarks
1	2	Hussan Banu	GGMS Kakad	1/3/1988	Services placed at the disposal of DEO (F) Dir Upper for further posting.
2	3	Razia	GGHS, Ganorai	1/4/1982	-----do-----
3	4	Walayat Bibi	GGMS Tarpatar	2/4/1981	-----do-----
4	5	Arfeen	GGMS Panakot	1/1/1984	-----do-----
5	6	Amina Bibi	GGMS Akhgram	2/1/1987	-----do-----

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. 1868-74 / File No.2/Promotion Senior DM B-16: Dated Peshawar the 21/02/2013.

Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officers (F) Dir Upper.
3. District Accounts Officer Dir Upper.
4. Official Concerned.

Before The K.P. Service Tribunal Peshawar
Service Appeal No. 611/14

Put up to the Court with relevant appeal
Ms. Salma Bi Bi vs Education Deptt.
6/13/14

Reader concerned

Application for suspension of Notification dated 21.02.2013

Respectfully sheweth.

1. That the title appeal is fixed for hearing on 16.6.14.
2. That pending the appeal, when notice was issued to the Respondents, they issued notification mentioned above in order to frustrate the object of the appeal. Copy attached.
3. That the facts and grounds taken in the body of appeal be taken as part of the application.
4. That in case the notification ibid, is not suspended an irreparable loss is likely to ensue.

Applicant

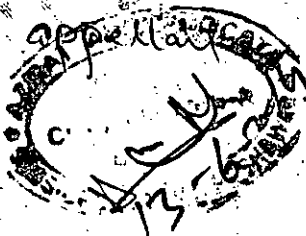
verifies on oath that contents of the application are true to the best of her knowledge

She, therefore, humbly prays that the notification dated 21.02.2013 be suspended till final disposal of the appeal.

ATTESTED

13.6.14

[Signature]



Through

Counsel

[Signature]



Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936, 0800-33857
E-mail rafiq_kk851@yahoo.com

Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(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 DMs B-15 are hereby promoted to the post of Senior DM BPS-16 (Rs.10000-800-34000) 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 DM BPS-16 posts:-.

Total No. of DM (F) Posts duly verified by the DAO	38
1/3 share of Senior DM Posts	13
Share of promotion 100 %	13
Already promoted to the post of SDM B-16	01
Posts available for promotion	12
Promoted to the post of SDM B-16 in this order	05

S.No	S.No	Name of Teacher	Name of School	D/O Birth	Remarks
1	2	Hussan Banu	GGMS Kakad	1/3/1988	Services placed at the disposal of DEO (F) Dir Upper for further posting.
2	3	Razia	GGHS, Ganorai	1/4/1982	-----do-----
3	4	Walayat Bibi	GGMS Tarpatar	2/4/1981	-----do-----
4	5	Arfeen	GGMS Panakot	1/1/1984	-----do-----
5	6	Amina Bibi	GGMS Akhgram	2/1/1987	-----do-----

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. 1868-74 / File No.2/Promotion Senior DM B-16: Dated Peshawar the 21/02/2013.

Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officers (F) Dir Upper.
3. District Accounts Officer Dir Upper.
4. Official Concerned.

Before The K.P. Service Tribunal Peshawar
Service Appeal No. 61114

Put up to the Court with relevant appeal - Ms. Salma Bai Bai vs Education Dept.

Reader concerned

13/6/14
Application for suspension of Notification dated 21.02.2013

Respectfully sheweth:

1. that the title appeal is fixed for hearing on 16.6.14.
2. that pending the appeal, when notice was issued to the R-spts, they issued notification mentioned above in order to frustrate the object of the appeal. Copy attached.
3. that the facts and grounds taken in the body of appeal be taken as part of the application.
4. That in case the notification ibid, is not suspended an irreparable loss is likely to ensue.

Applicant

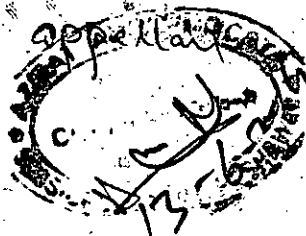
verified on call
that contents of the
application are true
Counsel

It is, therefore, humbly prayed that the notification dated 21.02.2013 be suspended till final disposal of the appeal.

ATTACHED

13.6.14

Through Counsel



[Signature]



Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936, 0800-33857
E-mail rafiq_kk851@yahoo.com

Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(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 DMs B-15 are hereby promoted to the post of Senior DM BPS-16 (Rs.10000-800-34000) 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 DM BPS-16 posts:-.

Total No. of DM (F) Posts duly verified by the DAO	38
1/3 share of Senior DM Posts	13
Share of promotion 100 %	13
Already promoted to the post of SDM B-16	01
Posts available for promotion	12
Promoted to the post of SDM B-16 in this order	05

S.No	S.No	Name of Teacher	Name of School	D/O Birth	Remarks
1	2	Hussan Banu	GGMS Kakad	1/3/1988	Services placed at the disposal of DEO (F) Dir Upper for further posting.
2	3	Razia	GGHS, Ganorai	1/4/1982	-----do-----
3	4	Walayat Bibi	GGMS Tarpatar	2/4/1981	-----do-----
4	5	Arfeen	GGMS Panakot	1/1/1984	-----do-----
5	6	Amina Bibi	GGMS Akhgram	2/1/1987	-----do-----

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 proceeded 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. 1868-74 / File No.2/Promotion Senior DM B-16: Dated Peshawar the 21/02/2013.

Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officers (F) Dir Upper.
3. District Accounts Officer Dir Upper.
4. Official Concerned.



OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE DIR UPPER
PH NO.0944-881900 FAX-0944-880411 Email .demisdirupper@gmail.com
OFFICE ORDER/REVISED.

In continuation of this office appointment order of (Female) Drawing Masters issued vide this office Endst: No.8720-80/F.01(A)/DEO (F)/SEB Dated 20/6/2013.

In the light of the judgment declared on 22/10/2013, by the Honourable Peshawar High Court Peshawar Review P.No.7-M/2012 in W.P.No.3620-2010 and Review P.No.8-M/2012 in W.P.No.4378/2010. The revised appointment order of the following (Female) Drawing Masters in BPS, No.09 Rs.(3820-230-10720) plus usual allowances with effect from 03/02/2009, (without any financial back benefits) up to 28/6/2012 according to the court decision dated 28/6/2012, is hereby ordered in the best interest of public service and their seniority will be considered with effect from 03/02/2009.

S#	Name of Officials	Father's Name	Name of School, where adjusted	Remarks
01	Mst: Salma Bibi	Muhammad Yousaf	GGHS, Wari	A. Vacant post
02	Mst: Nasreen Bibi	Abdullah	GGMS, Chapper	-do-
03	Mst: Rabia Bibi	Qari Abdur Rahman	GGMS, Wari (P)	-do-
04	Mst: Jawahira	Arab Said	GGMS, Shinkari	-do-
05	Mst: Laida Tabasum	Mian Shahzada Jan	GGMS, Jughabanj	-do-
06	Mst: Shagufta	Muhammad Rafiq	GGMS, Qulandi	-do-
07	Mst: Shagufta	Shah Nas Khan	GGMS, Gogyal	-do-
08	Mst: Azia Bibi	Sher Zada	GGHS, Sundal	-do-
09	Mst: Perveen Zeb	Mohammad Dost	GGMS, Badalai	-do-

TERMS AND CONDITIONS.

01. The appointees 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 appointees will be verified from the concerned institutions. No pay etc is allowed before verification of certificates/Degrees.
03. Their academic, professional and domicile certificates will be verified on their own expenses from the institutions concerned. If the documents are found fake and bogus, their services will be terminated and proper FIR will be lodged against the accused in the Anti-Corruption Department.
04. Their Services will be considered on regular basis.
05. The appointees will provide Health and age certificates 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 cancelled.
09. Charge report should be submitted to all concerned.
10. No TA/DA is allowed.
11. The appointees will strictly abide by the terms and conditions laid down there on.

DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER.

Endst: No. 1493-99 / F.No.01(A)/DEO(F)/SLB Dated Dir (U) the 11/12/2013.

Copy forwarded to the:-

01. Registrar Supreme Court of Pakistan Peshawar Bench.
02. Registrar High Court Bench Darul Qaza Swat.
03. PS to Secretary Elementary & Secondary Education Department K.P.K. Peshawar.
04. District Accounts Officer Dir Upper.
05. Accountant Middle School (Female) Local Office.
06. Headmistresses concerned.
07. AP EMIS local office.
08. Officials concerned.

DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER.

11/12/13

F

"After thrashing the entire record, we have come to a conclusion that petitioners have wrongly been deprived for appointment against the post of DM which requires interference by this Court.

In the light of the above discussion, facts and circumstances of the case, all the writ petitions are allowed and Respondents are directed to appoint petitioners against the said posts positively."

3. That although the writ petition has been allowed but with regard to the back benefits the Judgment under Review needs clarification so that subsequently the Department may not interpret it to the prejudice of petitioners by refusing the grant of back benefits to the applicants/petitioners.

4. That it has been made established by the Judgment ibid that applicants/petitioners were entitled for appointment on 03.02.2009 when their appointments were refused unlawfully and other candidates having lower merit position were selected at the cost of petitioners. For that reason, the applicants/petitioners are entitled for appointment w.e.f. the due date i.e. 03.02.2009 with other consequential service benefits and therefore the Judgment under review is silent with

Handwritten signature

FILED TODAY

11 AUG 2012

ATTESTED
EXAMINER
Peshawar High Court

21

regard to the same relief although the relief has been sought specifically in the main writ petition.

5. That in case the Judgment under review is not reviewed, then the private Respondents in writ petition who were unlawfully appointed vide impugned appointment orders dated 03.02.2009 would become much senior to the applicants/petitioners which will result in serious miscarriage of justice.

6. That in identical writ petition No.2759/2009 decided on 20.06.2012 (*Annex:-C*), this Hon'ble Court has allowed the Judgment and the question of back benefits has been resolved by the Hon'ble Court in the concluding para by observing "*In wake of the facts and legal aspects of the case, we allow this writ petition in terms of prayer contained therein.*" The prayer in the writ petition has also been reproduced in the first Para of the Judgment.

7. That since applicants/petitioners were kept deprived of the service inspite of their entitlement by the illegal act of Respondents, therefore, applicants/petitioners cannot be made to suffer on account of the acts of the official Respondents. It is a settled law that the grant of the back benefits is a rule and refusal is an exception.

Att

FILED TODAY

[Signature]
Additional Registrar

ATTESTED

[Signature]
EXAMINER
Punjab High Court

- 8. That when the Judgment was prepared, applicants/petitioners applied for attested copy of it on 24.07.2012 and the copy was delivered on the same day and after the perusal of the Judgment it was realized that the Judgment was silent with regard to the back benefits hence the instant application was moved which is well within time.
- 9. That it is in the interest of justice and fair-play to Review the Judgment dated 28.06.2012 of this august Court to redress the grievance of applicants/petitioners.

In such circumstances, it is respectfully prayed that on acceptance of this Review Petition, this august Court may very kindly be pleased to review its earlier Judgment dated 28.06.2012 to the effect that the back benefits i.e. issuance of the appointment orders of applicants/petitioners as DM w.e.f. 03.02.2009 with other consequential benefits be also incorporated in the operative part of the Judgment.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to applicants/petitioners.

Applicants/Petitioners


Through

Khaleel Rehman,
Advocate, Peshawar.

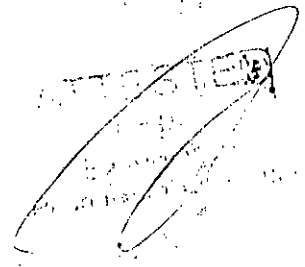


Dated: _____ / 08/ 2012

FILED TODAY


Additional Registrar

ATTESTED



JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT
JUDICIAL DEPARTMENT.

Review PetitionNo...7-M/2012....in...W.P.No.3620/2010 (D)

J U D G M E N T

Date of hearing: 22nd October, 2013

Petitioner (s): (Mst. Laida Tabassum etc.) By
Mr. Khalid Rehman Advocate.

Respondent(s): (EDO) By Daisy Ali Shah A.H.G.
Alghith Mohammed Iqbal ADO/Upper Dist

MAZHAR ALAM KHAN MIANKHEL, J.-

By this single judgment, we propose to decide Review Petitions No.7-M & 8-M of 2012 in Writ Petition No.3620 & 4378 of 2010 respectively, wherein, petitioners namely, Mst. Laida Tabassum etc., have sought review of the judgment dated 28.06.2012 of this Court.

2. The main stance of the petitioners, in their review petitions, was that though this Court allowed their writ petitions but since the respondents couldn't understand its essence, which resulted in deprivation of their due rights qua consequential back benefits, therefore, the judgment of this Court needs review / clarification to this extent.

Handwritten signature/initials

Handwritten mark

Large handwritten signature

3. We have gone through the record carefully and considered the submission made by the learned counsel for both the parties.

24

4. We while seizing of the matter and deciding the same didn't mention the date in our judgment dated 28.06.2012, from which, the petitioners are to be appointed, therefore, in the circumstances of the case, we direct that the petitioners be considered as appointed from 03.02.2009 i.e. from the date, the other candidates were appointed without any financial back benefits. The respondent-department is also directed to prepare the joint seniority list in this regard according to law / rule / procedure. These review petitions are disposed of accordingly.

Announced.
22. 10. 2013

Sd/- Nazim A. Khan
Sd/- Yahya Akbari
JUDGE
JUDGE

CERTIFIED TO BE TRUE COPY

[Signature]
Examiner
Peshawar High Court Pesbawar
Authorized Under Article 87 of
the Qanun-e-Shahadat Order 1984

6231

Date of Presentation of Application 31-10-13

No of Pages 32

Copying fee 1

Urgent Fee 1600

Total 1600

Date of Preparation of Copy 31-10-13

Date Given For Delivery 31-10-13

Date of Delivery of Copy 31-10-13

Received By [Signature]

File
28/10
26/10

[Signature]
31-10-13
Ale

Annex "G"
(26)

N.W.F.P Med No 4.

GS&PD-NWFP-27 FS-2000 P of 100 -29-7-98-(16)


MEDICAL CERTIFICATE.


Name of Official Salma Bibi
 Cast or race Muslim Pakistan
 Father's Name Mohammad Yousof Khan
 Residence Village: Qilegai Wari Tahsil Wara Distt: Upper Dir
 Date of Birth 06-09-1987 According to NIC
 Exact height by measurement 5-6
 Personal mark of identification NIL
 Signature of the official Salma Bibi
 Signature of head of office

Abdul
 Head Mistress
 Seal of Officer G.G.H.S Wari
 Distt: Dir Upper

I do hereby certify that I have examined Mr. Salma Bibi a candidate for employment in the office of the Education Deptt. and cannot discover that he had nay disease communicable of other constitutional affection or bodily infirmity except NIL

I do no consider this as disqualification for employment in the office of the G.G.H.S Wari His age according to own statement (25) years and by appearance about (25) Twenty five Year.


 LEFT HAND THUMB AND FINGER IMPRESSION.....

Abdul
S. I. M.
 Medical Superintendent
 Civil Hospital


issued
 Female
 72-80/
 (2013)
 the
 vacant
 ut-
 Upper
 Salma
 H.S. Wara
 N.W.F.P
 Div Upper

md
 g
 ille
 and
 hako

G

(For use in Police Department only)

- 1) passed S.S.C. (P.A) Exam: 2005 from
 BISE Malakand at Chakdara
 Heirs: under Roll No. 1665 securing marks
 492/850 placed 'C' grade.
- 2) passed P.A (A) Examination from
 BISE Malakand at Chakdara under
 Roll No. 32121 securing marks
 996/1100 placed 'D' grade.

Approved H
 23

(3) passed B.A Examination Autumn
 2009 from University of A.I.O.U Islamabad
 Verification Roll No. dated received back.
 under Roll No. 2449877 securing marks
 492/900 placed 'C' grade, result
 declared on 01/09/2010.

professional:
 quality:

(4) pass Drawing Master Examination
 2005 to 2006 from Board of Grade Drawing
 Examination (Education) Distt: Hyder Abad
 Sindh under Roll No. 396 securing marks
 405/600 placed 'B' grade result declared
 on 30/08/2006.

professional
 quality

Qualifications	Date	Qualifications - Head Mistress
Passed B.ed Examination From A.I.O.U, Islamabad English Under Roll No. AP161635 Registration No. 07NDRO120 Peshawar Final Results Apr: 2013 Marks obtained 569/900 place in Grade Urdu (B) R.D. on 26-12-2013.		Head Mistress G.G.H.S. Warli Distt: Dir Upper
Plan-Drawing		First Arts
Finger Print		B.L. or B.A.
Drill Instructing		Pledership examination
Court Duties		Training School Final Examination
Reserve Duties		Other Qualifications:-

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

ALC

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.

1. Name: Md. SALMA BIBI

2. Race: Muslim / Pakistani

3. Residence: village Isari Bala p/o & Tokel Isari
Dist: Dir Upper






4. Father's name and residence (As above)
Mr. MOHAMMAD YOUSUF

5. Date of birth by Christian era as nearly as can be ascertained (06-09-1987) Sixth September M.H Eighty seven

6. Exact height by measurement 5-6"

7. Personal marks for identification - NIL -

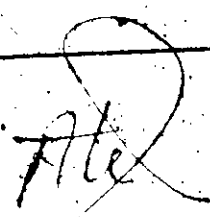
8. Left hand thumb and Finger impression of (Non-Gazetted) Officer.

Little Finger		Ring Finger	
Middle Finger		Fore Finger	
Thumb			

9. Signature of Government Servant Salma

10. Signature and Designation of the Head of the Office, or other attesting Officer.


Head Mistress
G.P.H.S War
Dist: Dir Upper



1 Name of Post	2 Whether substantive or officiating and whether Permanent or temporary	3 If Officiating state (i) Substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant	9 Signature and name of the officer or attesting officer for attestation of columns 1 to 8
		Entire of fixation in the light of the court decision, by the H.C. Patil was revised P.No. 7-M/2012 in W.P.No. 3620-2010 & returned p.no. 8-M/2012 in W.P.No. 4378/2010 judgment dated on 22-10-2013.					<i>Sharma</i>	App. Supp. on 19/11/13
3270-25 B-7		pay on	3/2/2009	in B/S:-9	3820/-		<i>Sharma</i>	sub. or allow on reg. post v date
		" "	01/12/2009	" "	4050/-		<i>Sharma</i>	
		" "	01/12/2010	" "	4280/-		<i>Sharma</i>	
		" "	30/06/2011	" "	4280/-		<i>Sharma</i>	
		" "	01/07/2011	" "	6960/-		<i>Sharma</i>	
		" "	01/12/2011	" "	7540/-		<i>Sharma</i>	
		" "	30/06/2012	" "	7340/-		<i>Sharma</i>	
		" "	9/07/2012	" "	15-8500/-	not upgraded to 2-15	<i>Sharma</i>	
		" "	01/12/2013	" "	9200/-		<i>Sharma</i>	
							<i>Sharma</i>	
							<i>Sharma</i>	
post D.M.							<i>Sharma</i>	
G.G.H.S. wari	Temp.	Temp.	Rs. 9200/- PM			01/12/2013	<i>Sharma</i>	Head of G.G.H.S. Distt.

Head Mistress
G.G.H.S. Wari
Distt. Dir Upper

BPS-15 (8500-700-29500)

File

NIC No. 15702-9462470-4
5

9		10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in columns 1 to 8		Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other attesting Officer	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	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period	Government to which debitable		
Appointed as per decision of the honorable Supreme Court of Pakistan order announced on 19/06/2013 in W.P.C.P.R.P/2013 C.P.9-P/2013 as Drawing Master (F) in B.P.S.-15 plus usual allowances admissible to her under the rules on regular basis & adjusted against vacant post vide D.O (F) Dir Upper Endst. No 872-80 dated 20/06/2013, S.No-07								
					<p>Head Mistress G.G.H.S Warli Distt Dir Upper</p>			
					<p>Revised appointment order in the light of the judgement by the honorable H.C Peshawar review P.No. 7-M/2012 in W.P.No. 3620-2010 & P.No. 8-4/2012 in W.P.No. 4378-2010 declared as 22-10-2015 as D.M (F) in B.P.S.-09 (3820-250-10720) plus usual allowances admissible to her with effect from 3-2-2009 (without financial benefit) upto 28/06/2012, according to the court decision dated 28/6/2012 and the seniority will be considered w.e.f. 3-02-2009 vide D.O (F) Dir Upper Endst. No. 1493-99 dated 11/12/2015.</p>			
<p>Head Mistress G.G.H.S Warli Distt Dir Upper</p>					<p>Head Mistress G.G.H.S Warli Distt Dir Upper</p>		<p>Head Mistress G.G.H.S Warli Distt Dir Upper</p>	
<p>T.No. 283 Date 10/2/14 Paid Rs. 358908/- arrears of pay & allowances from 01-02-2011 to 31-01-2014</p>					<p>via D.O (F) Dir (U) Endst. No. 1619-22 dated 18/01/2014, S.No. 01.</p>			
					<p>Service Verified w.e.f. 3-2-2009 to 31/01/2014 from Acq. rolls & other office record.</p>		<p>Head Mistress G.G.H.S Warli Distt Dir Upper</p>	
							<p>Head Mistress G.G.H.S Warli Distt Dir Upper</p>	

1 Name of Post	2 Whether substantive or officiating and whether Permanent or temporary	3 If Officiating state (i) Substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant	9 Signature designation of the officiating Government Servant attested Columns
							(3)	
			Revised Pay fixation due to award of BPS No 14.					
			Pay on 31-8-2010 in BPS No 9 Rs. 6050/-					
			Pay on 1-9-2010 in BPS No 14 Rs. 6920/-					
			Pay on 1-7-2011 Rs. 8000/-					
			Pay on 1-12-2011 Rs. 8610/-					
			Pay on 1-7-2012 in BPS No 15 Rs. 9200/-					
			Pay on 1-12-2012 in BPS No 14 Rs. 9980/-					
			Pay on 2-12-2012 in BPS No 15 Rs. 9900/-					
			Pay on 1-12-2013 Rs. 10600/-					
			Head of G.G.H.S Wari Distt Dir Hapur					
DM post at G.H.S. Wari	temp	temp				01.12.2013		Head of G.G.H.S Wari Distt Dir Hapur

(Signature)

9 Signature and designation of the head of the office or other attesting officer in Column 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			Government to which debitable
OPTION/UNDER TAKING								
<p>I hereby opt to re-fix my pay on 02-12-2012 in BPS No. <u>15</u> after getting Annual Increment in BPS No. <u>14</u> On 01-12-2012 and I further under take that if any over payment/recovery pointed out later as a result of upgradation to BPS No. <u>15</u> Will be recovered from my monthly salary.</p>								
<p>Sign: <u>[Signature]</u> Name: <u>SALMA BIBI</u></p>				<p>Office verified w.e.f. 02-12-2012 to 31-03-2014 from A/c: <u>[Signature]</u> & other office record.</p>				
<p>MM</p>				<p>Post upgraded to BPS No. <u>15</u> vide Govt: of Khyber Pakhtun Khwa Finance Department No. SO(FR)FD/10-22(E)/2010 Dated 26-06-2012 & Elementary and Secondary Education Department No. SO(B&A) 1-18(E&SE) 2012 Dated 11-07-2012 w.e.f 01-07-2012 vide Director (E&SE) K-P-K Peshawar Letter No. 1685-1709 Dated 27-08-2012</p>				
<p>Head Mistress G.G.H.S Warli Distt: Dir Upper</p>				<p>Head Mistress G.G.H.S Warli Distt: Dir Upper</p>				
				<p>Abandoned BPS NO 14 w.e.f 1-9-2010 vide Distt Education Officer (Female) Quetta NO 1756-58 dated 5/3/2014</p>				
<p>[Signature]</p>				<p>Head Mistress G.G.H.S Warli Distt: Dir Upper</p>				
<p>[Signature]</p>				<p>NO-134 dt 8/04/2014 paid to LSATA on A/c of Officer of BPS-14 w.e.f 28/06/2012 to 31-03-2014</p>				
				<p>Head Mistress G.G.H.S Warli Distt: Dir Upper</p>				

Amend (I) 33

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

SENIORITY LIST OF DRAWING MASTER (FEMALE) TEACHER FOR PROMOTION TO SDM POST UP TO 30/11/2013.

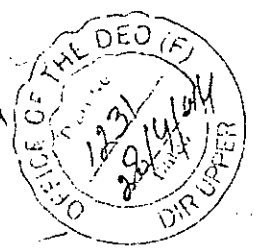
S.No	Name of Teacher	Father's Name	Name of School	Domicile	BPS	Acadmic Qualific:	B.A Division	Prof. Qualif:	D/O Birth	D/O 1st Apptt; in Educ; Deptt;	D/O regular Apptt; against the post	D/O taking over charge against the present post
1	Nasima Bibi	Mohd Ali Khan	GGHSS, Dir	Dir (U)	16	MA/B.ED	2nd	DM	10/3/1964	1/8/1986	1/8/1986	1/8/1986
2	Hussan Banu	Toti Mohd	GGMS Kakad	Dir (U)	15	BA/B.ED	2nd	DM	1/3/1988	1/12/2006	1/3/2009	1/3/2009
3	Razia	Ghulam Khaliq	GGHS, Ganorai	Dir (U)	15	BA	3rd	DM	1/4/1982	1/3/2009	1/3/2009	1/3/2009
4	Walayat Bibi	Haroon Khan	GGMS, Tarpatar	Dir (U)	15	FA		DM	2/4/1981	2/3/2009	2/3/2009	2/3/2009
5	Arfeen	Fateh Mohd	GGMS, Kass Dir	Dir (U)	15	BA	2nd	DM	1/1/1984	2/3/2009	2/3/2009	2/3/2009
6	Amina Bibi	Sher Alam	GGMS Akhgram	Dir (U)	15	BA	2nd	DM	2/1/1987	2/3/2009	2/3/2009	2/3/2009
7	Jamila	Tawkal Khan	GGMS, Bibyaware	Dir (U)	15	BA	3rd	DM	5/1/1982	3/3/2009	3/3/2009	3/3/2009

Handwritten signature/initials.

Annex K

35

ADD (E) Sec. -
Discuss to clarify
the matter.



مذکورہ بات ڈسٹرکٹ سسرنا
مردانہ روزنامہ دہرہ بال
میں

عنوان -
اپیل
صاحب عالی!

گزارش یہ ہے کہ حال ہی میں DM کے پروٹوشی
کے تحت BPS 15 سے BPS نمبر 16 کا ڈی۔ پی۔ سی پروفیشنل
جسٹی میں 03 02/09 اور ایگزیکٹو انسٹوٹ کا DM سرفٹنٹ
رہنی دانی کی اپنی اساتذہ شامل کی گئی ہے جبکہ میں اپنی عدالتی
فصلہ کے مطابق 03 02/09 سے تھری ٹوٹی ہوں۔ اور سیری
سینسٹری میں ان کے ساتھ 03 02/09 سے شروع ہوئی ہے۔
چونکہ مسئلہ کے قواعد و ضوابط کے در سے میں بھی پروٹوشی بالینی
نظر سے ہے۔ حوالہ رکھوں۔ جبکہ DM کے ڈی۔ پی۔ سی
کے لئے سیرٹیفکیشن کے وقت مجھے نظر انداز نہیں کیا گیا اور مجھے سیرک
کا فونی حق سے محروم بھی گئی ہے۔ جو کہ سراسر نا انصافی اور
ظلم کے زہرے میں آتا ہے۔

انڈیکس میں پیش کی جاتی ہے کہ سیرک اپیل پر غور
فرما کر مجھے سیرٹیفکیشن اور BPS میں شامل رکھے مجھے
سیری کا فونی حق کو ان کا حکم صادر فرمائیں۔ میرا پی۔ سی۔

موجودہ
25/11/2014

الغرض سسرنا میں ڈی۔ ایچ۔ اور ضابطہ سسرنا میں سول واری۔

Ale

K



OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE DIR UPPER.

PH NO.0944-881900 FAX-0944-880411 Email .demisdirupper@gmail.com

No. 1968 /F.No.11 (1) /DEO (F) Dir (U)/ Secy: (F) Branch Dated Dir (U) the: 30/4/2014.

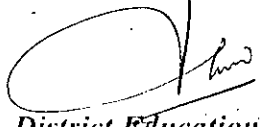
To,

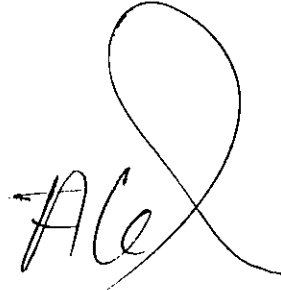
Mst: Salma Bibi D.M,
GGHS, Wari.

Subject:- APPEAL.
Memo:-

Your appeal examined and rejected that :-

- 01- The present seniority list of DM for promotion and DPC was prepared before 6-12-2013.
- 02- It was presented to DPC on 6/12/2013.
- 03- Promotion under this seniority list was postponed by the Department for some time.
- 04- The seniority list of DM already prepared was reconsidered on 17-4-2014 by DPC and No new candidate was included in this DPC/seniority list.
- 05- You have appointed in the competence of the High Court and issued your appointment order accordingly.
- 06- During the preparation of seniority list for DPC your documents were sent to concerned institution for verification. Your service book was neither prepared nor sent to this office for DPC as preparation of service book is impossible without verified documents.
- 07- Your case will be considered during next DPC according to the promotion policy.


District Education Officer
(Female) Dir Upper.
e/s



WAKALAT NAMA

IN THE COURT OF KPK Service Tribunal

Mst- Salma bibi

Appellant(s)/Petitioner(s)

VERSUS

the Govt and others

Respondent(s)

I/We Appellant do hereby appoint
Mr. Khaled Rehman, Advocate in the above mentioned case, to do all or
any of the following acts, deeds and things.

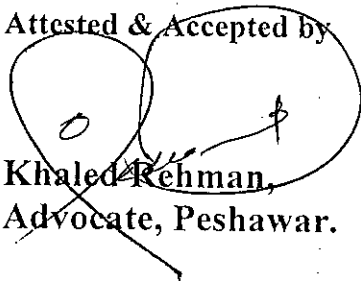
1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by


Khaled Rehman,
Advocate, Peshawar.


Signature of Executants

Before the provincial Gene Tribunal Pakistan

Gene Appeal No. 611/2014

Mst. Salma Bibi

NS

Court.

Application for early hearing

Respectfully Shush;

1. That the titled appeal is pending before the Bench fixed for 2/6/14.

2. That the date so fixed is too far whereas promptness is much more and if the date is not accelerated, irreparable loss will ensue.

It is in the interest of Justice to accelerate the date.

It is, therefore, humbly prayed that the date may kindly be fixed on early basis.

13/5

13.5.2014

Applicant/Appellant

through

Counsel.

"For the aforesaid reasons, it is therefore respectfully prayed that on acceptance this writ petition, this august Court may be pleased to declare the acts and actions of the Respondents of refusing/rejecting the DM Certificates of Petitioners and thereby denying their appointments as such and the impugned orders dated 03.02.2009 whereby private Respondents No.5-29 were appointed as DM and the impugned order dated 29.09.2010, whereby the representation of the petitioners was unlawfully rejected, as without lawful authority and hence of no legal effect and this august Court may further be pleased to set aside the same and direct the Respondents to act in the matter in accordance and issue the appointment orders of petitioners as DM w.e.f. 03.02.2009 with all consequential back benefits."

2. That the writ petition ibid was clubbed with other writ petitions and allowed vide Judgment dated 28.06.2012 (Annex:-B), the relevant part of the Judgment is reproduced herein below:-

Atc

FILED TODAY

Additional Registrar

ATTESTED
 [Signature]
 Additional Registrar

- 12. Misbah-ur-Rahman S/o Muhammad Rahman,
R/o Tehsil Wari, District Dir Upper.
- 13. Muhammad Anwar S/o Sar Zamin Khan,
R/o Tehsil Wari, District Dir Upper.

.....Applicants/Petitioners

Versus

- 1. The Executive District Officer
(E&SE) District Dir Upper.
- 2. The District Coordination Officer,
District Dir Upper.
- 3. The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
- 4. The Secretary
Elementary & Secondary Education,
Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.....Respondents

PETITION UNDER SECTION-114, 117 READ WITH SECTION-151, 152 CPC, FOR REVIEW OF THE JUDGMENT DATED 28.06.2012 PASSED BY THIS AUGUST COURT IN WRIT PETITION NO.3620/2010.

Respectfully Sheweth,

Facts giving rise to the present review petition are as under:-

- 1. That applicants/petitioners had filed the above titled writ petition (*Annex:-A*) before this august Court on 06.10.2010 with the following prayers:-

FILED TODAY

 Registrar
 06 OCT 2012

ATTESTED
 EXAMINER
 Peshawar High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 611/2014
Mst: Salma Bibi DM
GGHS WariAppellant.

Versus.

- 1- The Secretary Govt: of KPK E&SE Deptt: Respondent.
2- The Director (E&SE) Peshawar. -do-
3- DEO(F) Upper Dir. -do-

Written reply on behalf of respondents. 1,2 & 3
Respectfully shewith.

PRELIMINARY OBJECTIONS.

- 1-That the appellant has no cause of action.
2-That the appellant has not come to the tribunal with clean hands.
3-That the appellant has been estopped by his own conduct to file the instant appeal.
4-That the appellant has no locus standi.
5-That the appeal is bad due non joinder of necessary parties.

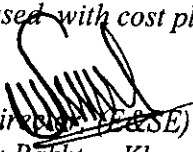
OBJECTIONS ON FACTS.

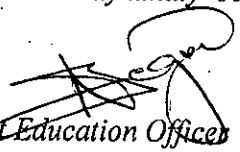
- 1- Pertains to record.
2- Pertains to record.
3- Pertains to record.
4- Pertains to record.
5- Incorrect. The seniority list of Drawing Mistresses for promotion to BPS-16 was prepared before 6-12-2013 and the same seniority list was presented to DPC on 16-12-2013. However the promotion process was postponed by the department for some time. The same seniority list already prepared was reconsidered on 17-4-2014 by the DPC. The name of appellant was not included in the seniority list because, her documents were sent to concerned institutions for verification. Service books of the eligible candidates were necessary for promotion process and the service book of the appellant was incomplete due to her verification of documents from various institutions.
6- Correct to the extent that the appellant filed departmental appeal was rejected having no weight.

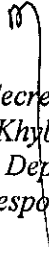
OBJECTIONS ON GROUNDS.

- A- Incorrect. The appellant was treated according with law rules policy and constitution.
B- Incorrect the appellant did not fulfill all codal formalities. So she was not included in DPC. While those included in the promotion process were eligible for promotion.
C- Incorrect. Seniority list of the eligible candidates were prepared and circulated. The name of the appellant was not included in the seniority list because it was clearly mentioned in her appointment order dated 20-6-2013 that her academic, professional certificates will be verified from the concerned institutions. The departmental promotion process of eligible candidates for promotion to BPS-16 were completed before the verification of documents of appellant from various institutions. So she was not included in the DPC.
D- Incorrect. The seniority list prepared by the department for promotion is according to rules, Policy and according to merit.
E- That the respondents seek permission of this Hon: Tribunal to raise additional grounds and proofs at the time of arguments.

It is therefore humbly prayed that the instant appeal of the appellant may kindly be dismissed with cost please.


Director (E&SE)
Khyber Pakhtun Khwa Peshawar.
Respondent No. 02.


District Education Officer
(Female) Dir Upper.
Respondent No. 03


Secretary,
Govt: of Khyber Pakhtunkhwa
(E&SE) Deptt: Peshawar.
Respondent No.1

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 611/2014

Mst: Salma BibiAppellant

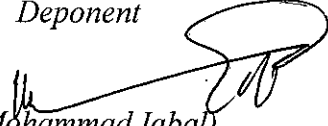
Versus

- 1- The Govt: of Khyber Pakhtunkhwa through Secretary Education Peshawar.*
- 2- The Director Education Peshawar.*
- 3- District Education Officer Female Upper Dir. (Respondents)*

AFFIDAVIT.

I Mr. Mohammad Iqbal Assistant District Education Officer (P&D) office of the District Education Officer Female Upper Dir, do hereby solemnly affirm and declare on oath that the contents of the written reply submitted on behalf of DEO(F) Upper Dir is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon: Tribunal .

Deponent


(Mohammad Iqbal)

*Assistant District Education Officer,
(P&D) Upper Dir.*

NIC No.15702-2469226-3