

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Service Appeal No. 272/2018

BEFORE: KALIM ARSHAD KHAN --- CHAIRMAN
MIAN MUHAMMAD --- MEMBER(E)

**Mst. Gul Merina W/o Sadar Khan R/o Pista Wyani Aatan Khel,
P.O Bara Road, F.R Peshawar..... (Appellant)**

VERSUS

1. Agency Education Officer, F.R Peshawar.
2. Director Education FATA, FATA Secretariat Peshawar.
3. Govt: of Khyber Pakhtunkhwa through Secretary Education Peshawar
4. Assistant Political Agent, F.R Peshawar.
5. Mst. Nabeela Caller Government Girls Primary School Khewa Gul
F.R Peshawar..... **(Respondents)**

Present:

SHAH NAWAZ KHAN,
Advocate

--- For Appellant.

ROEEDA KHAN,
Advocate,

--- For private respondent No.5

KABIRULLAH KHATTAK,
Additional Advocate General

--- For official respondents.

Date of Institution.....19.02.2018

Date of Hearing.....04.04.2022

Date of Decision08.04.2022

JUDGEMENT.

MIAN MUHAMMAD, MEMBER(E):- The appellant is aggrieved of the appointment order of private respondent No.5 dated 11.11.2014 purported to have been made against her post subsequent to a forged resignation attributed to her. Jurisdiction of the Service Tribunal has, therefore, been invoked under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 requesting for pensionary benefits for the period w.e.f 01.11.2003 till 04.07.2013.

02. Brief facts of the case are that the appellant was working as Caller in the Government Girls Primary School Khewa Gul Kalay then F.R Peshawar since 01.11.2003 and was regularly drawing her salary against the post. She submitted resignation on 04.07.2013 which was accepted accordingly. That she preferred departmental appeal on 24.05.2017 for restoration of her service against the post now held by private respondent No.5 allegedly owing to fraud when thumb impression of the appellant had been obtained by her brother in law (husband of private respondent No.5) on a blank paper and converted it into resignation on her behalf. Departmental enquiry conducted on her departmental appeal did not find her plea justified and her appeal was dismissed where-after she instituted the instant service appeal on 19.02.2018.

03. Notices were issued to the parties who submitted written replies/comments on contents of the appeal.

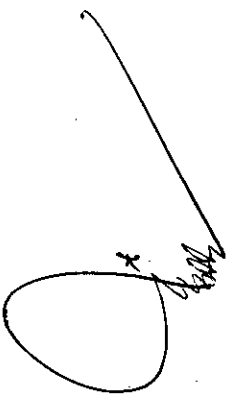
04. We have heard learned counsel for the appellant, learned counsel for private respondent No.5 and Additional Advocate General and perused the case file with connected documents thoroughly.

05. Learned counsel for the appellant pleaded that, since, her joining of the service as Caller at Govt: Girls Primary School Khewa Gul Kaley, She was receiving monthly salary and she used to hand it over to her brother in law Mr. Akhtar Khan (husband of private respondent No.5) for expenses being a joint family. Her brother in law obtained her thumb impression on a blank paper when he pretended that her monthly salary was being converted for disbursement through

Bank Account. Later on, she came to know that private respondent No.5 had replaced the appellant and her salary was also transferred to the name of private respondent No.5. When the appellant came to know about the fake resignation, she approached respondent No.1 on 24.05.2017 for redressal of grievances. The inquiry conducted on her application, was one sided and could not give her due rights. It was further contended that the appellant has rendered 15 years continuous service and she did not resign from service but resignation was tendered by her brother in law (husband of private respondent No.5) on her behalf which is ineffective on rights of the appellant. That the entire process was against the legal procedure of resignation from service. Even statement of the husband of private respondent No.5 and statement of the husband of appellant before the enquiry committee regarding "distribution of family property" and division of the family, is not owned by the appellant because inheritance is a matter to be dealt in accordance with inheritance law while service of a civil servant cannot be given in the family decision of inheritance. At the end of his arguments, the learned counsel concluded the order being void ab-initio, no limitation ran against it.

06. Learned counsel for private respondent No.5 argued that the appellant had submitted resignation from service on 04.07.2013 which was properly accepted. While referring to distribution of family property and statement of Sadar Khan (husband of appellant) learned counsel contended that the school in question had been established on the common land of their family and after division of property, the benefits of school were declared as share of Akhtar Khan (husband of

respondent No.5) and the common residential quarters at Karachi were declared as share of Sadar Khan (husband of the appellant) and other brother Ramrez Khan. Therefore, the appellant submitted resignation from service on her sweet will and no fraud was played with her. Since, the post fell vacant due to resignation of the appellant, private respondent No.5 applied against that and after due process, she was appointed as Caller in the said school on 11.11.2014. Moreover, the willingness of resignation could not be revoked after approval and issuance of the order to this effect. To strengthen her arguments, learned counsel relied on 2007 SCMR 792.



07. Learned Additional Advocate General contended that the appellant had submitted resignation from service which was accepted by the Competent Authority on 04.07.2013 and entry to that effect, was also made in her service book. Resignation once tendered and accepted by the authority could not be revoked or cancelled after sufficient length of time, he added. Moreover, there is no original or appellate order and the service appeal is not maintainable under Section-4 of the Khyber Pakhtunkhwa Service Tribunal, Act, 1974, he concluded.


08. Perusal of record reveals that basically the case pertains to the claim of appellant that she did not tender resignation from service at all. Rather, her brother in law Mr. Akhtar Khan who happens to be husband of private respondent No.5, played fraud when he managed to obtain thumb impression of the appellant on a blank paper on the ground to transfer her salary to bank Account under the government policy. Interestingly, the episode happened on 04.07.2013 when her

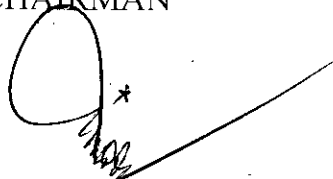
resignation was accepted by respondent No.1 the same day. But she came to know about it on 24.05.2017 i.e after almost 4 years when she submitted application seeking restoration of her service. The available course before the appellant was to have instituted a suit for fraud and forgery in the Competent Court of jurisdiction. The respondent-department processed the resignation according to the written and formal application of the appellant which was considered as a sufficient documentary proof of her willingness for resignation. The government instructions issued under circular No. SOR-II (S&GAD) 6(37)/89 dated 03.10.1989 are quite clear according to which the resignation of a government servant shall either be accepted or rejected by the Competent Authority within a period of 30 days of its submission.

09: What has been elaborated in the preceding paras, the service appeal in hand being devoid of merit and hit by Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 on the ground of maintainability, is therefore dismissed. Costs shall follow the event. Consign.

10. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 8th day of April, 2022.*




(KALIM ARSHAD KHAN)
CHAIRMAN


(MIAN MUHAMMAD)
MEMBER(E)

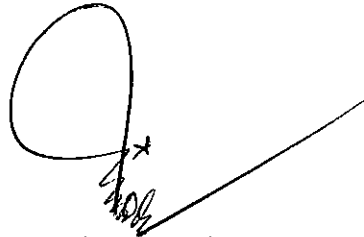
ORDER

08.04.2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents and counsel for private respondents No.5 present.

Vide our detailed judgement of today placed on file (containing 05 pages), the service appeal in hand being devoid of merit and hit by Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 on the ground of maintainability, is therefore dismissed. Costs shall follow the event. Consign.

Announced:
08.04.2022



(Mian Muhammad)
Member(E)



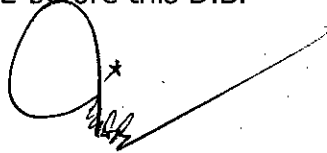
Chairman

272/2018

04.04.2022

Counsel for the appellant present. and Mr. Kabirullah Khattak, Addl. AG for the official respondents and counsel for private respondent No. 5 present.

Arguments heard. To come up for consideration on 08.04.2022 before this D.B.



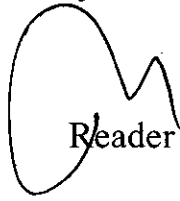
(Mian Muhammad)
Member(E)



Chairman

11.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 31.08.2021 for the same as before.


Reader

31.08.2021

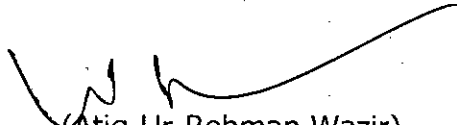
Due to summer vacations, the case is adjourned to 05.01.2022 for the same as before.


READER

05.01.2022

Learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for respondents present.

Former made a request for adjournment as he has not gone through the record. Adjourned. To come up for arguments before the D.B on 04.04.2022.


(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

26.11.2020

Counsel for the appellant present. Zara Tajwar, DDO alongwith Mr. Muhammad Haroon, ADEO for official respondents and counsel for private respondent No.5 present.

Representative of official respondents has produced original service book of the appellant. He is directed to provide Photostat copies of the entire service book for placing on record and also one set each for consumption of appellant as well as private respondent No.5. After providing the requisite copies, original service book shall be handed over to the learned Registrar of this Tribunal for keeping the same in safe custody.

Learned counsel for the appellant has submitted rejoinder to the comments by respondents which is also made part of the record. To come up for arguments on 18.02.2021 before D.B.



(Mian Muhammad)
Member (E)



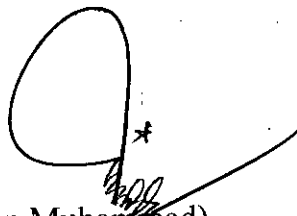
Chairman

18.02.2021

Mr. Haroon Ahmad, Advocate on behalf of counsel for the appellant and Mr. Muhammad Rashid, DDA for official respondents and counsel for private respondent No.5 present.

Former requests for adjournment as learned counsel for the appellant has proceeded to Islamabad today for appearing before the courts there.

Adjourned to 11.05.2021 for arguments before D.B.



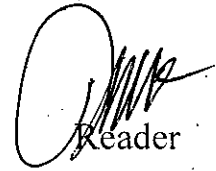
(Mian Muhammad)
Member (E)



Chairman

02.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 29.06.2020 before D.B.



Reader

29.06.2020

Due to public holiday on account of COVID19, the case is adjourned to 24.09.2020 for the same as before.



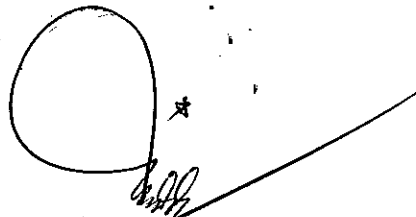
Reader

24.09.2020

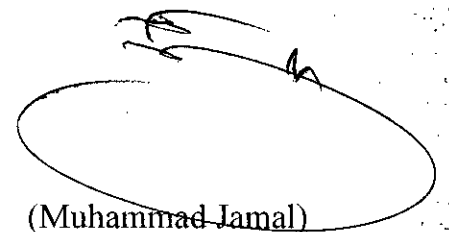
Mr. Shah Nawaz, Advocate counsel for the appellant is present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents and Miss. Roeda Khan, Advocate for respondent No.5 is present.

Learned counsel for the appellant submitted application for declaring the copy of service book produced by official respondents has false, forged, fraudulent and bogus. Copy of the application were handed over to the learned Asst: AG.

File to come up for replication and in the meanwhile the appellant has to submit rejoinder on 26.11.2020 before D.B.



(Mian Muhammad)
Member (E)



(Muhammad Jamal)
Member(J)

A. No. 272/2018
Mst. Gul Merina vs Govt

24.12.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned DDA alongwith Saif ul Islam ADEO for official respondents present. Learned counsel for private respondent present. Representative of official respondents furnished additional documents but without Service Book of the appellant. Learned counsel for the appellant stated that ^{availability of} Service Book of the appellant is appropriate for the proper disposal of the present service appeal. Respondent No.1 is directed to produce the Service Book of the appellant on the next date otherwise, personally appear before this Tribunal to offer explanation. Adjourn. To come up for arguments on 27.02.2020 before D.B.


Member


Member

27.02.2020

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Saif ul Islam ADEO present. Representative of the respondent department submitted additional documents, copy of the same given to learned counsel for the appellant. Learned counsel for the appellant requested for adjournment. Adjourn. To come up for arguments on 02.04.2020 before D.B


Member

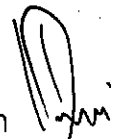

Member

15.05.2019

Counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

Due to demise of his father, learned Member of the Bench (Mr. Hussain Shah) is on leave. Adjourned to 23.07.2019 for arguments before the D.B.

Chairman



23.07.2019

Counsel for the appellant, Mr. Muhammad Jan, Deputy District Attorney for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Respondents were directed to produce service book of the appellant vide order sheet dated 27.02.2019 but neither representative of the department is present nor record mentioned above has been furnished so far, therefore, respondents are directed to direct the representative to attend the court on the next date positively and also furnish the aforementioned record. Case to come up for record and arguments on 10.10.2019 before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

10.10.2019

Due to official tour of Hon'ble Members to Camp Court Swat, instant appeal is adjourned to 24.12.2019 for the same.

Reader



Appeal No. 272/2018


16.1.2019 Counsel for the appellant and Addl. AG alongwith Daud Jan, Superintendent for the respondents present.

Learned counsel for the appellant has provided list of respondents redesignated in accordance with the change of nomenclature, which is placed on file. The office shall make necessary entry in the memorandum of appeal in the light of application.


Learned counsel for the appellant also requests for directions to the official respondents for production of service book of appellant on next date of hearing as the abstracts from the same are necessary for decision of the matter in hand.

Ms. Roida Khan, Advocate has submitted Wakalatnama in her favour by respondent No. 5 and also the comments on her behalf.

The respondent No. 4 shall positively submit his comments/reply on the next date of hearing and the official respondents shall also produce the requisite service record. Adjourned to 27.02.2019 before S.B.


Chairman


27.02.2019 Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Daud Jan, Supdt for respondents present. Representative of the respondents stated that respondent no. 4 rely on written reply of respondents no. 1 to 3. Respondents are directed to produce service book of the appellant on the next date of hearing. Case to come up for rejoinder and arguments on 15.05.2019 before D.B-1


Member
(Ahmad Hassan)

04.12.2018

None for appellant. Daud Jan, Superintendent for respondents No. 1 to 3 alongwith Addl. AG for the respondents present.

Respondents No. 4 and 5 are yet to submit their respective comments. Fresh notices be issued to appellant as well as respondents No. 4 & 5 for 16.01.2019 before S.B.



Chairman

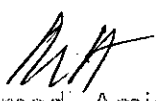
26.07.2018

Since the 25th July 2018 has been declared as public holiday in connection with General Election 2018, therefore the case is adjourned to 05.09.2018 for the same.


Reader


05.09.2018

Counsel for the appellant and Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. None present on behalf of the official respondents. Written reply not submitted on behalf of the respondents. Requested for adjournment. Adjourned. To come up for written reply/comments on 18.10.2018 before S.B.


(Muhammad Amin Kundi)
Member

18.10.2018

Clerk to counsel for the appellant present. Mr. Daud Jan Superintendent present and submitted written reply on behalf of respondent No.1 & 2. Fresh notice be issued to the respondent No.5 for written reply. Adjourn. To come up for written reply/comments of respondent No.5 on 04.12.2018 before S.B.


Member

12.03.2018

Learned counsel for the appellant present.
Preliminary arguments heard.

The appellant (Ex-Caller in Government Girls Primary School Khewa Gul Kalay) has filed the present service appeal with the grievance that one Mst. Nabeela was replaced to the post of appellant and her salary was also transferred to Mst. Nabeela, when the appellant has not tendered any resignation but her brother in law cheated her. The representation/application of the appellant was not redressed.

Points raised need consideration. The appeal is admitted for regular hearing subject to all just/legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 30.04.2018 before S.B



Member

30.04.2018

None present on behalf of appellant. Learned Addl: AG for the respondents present. The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 27.06.2018 before S.B.



Reader

27.06.2018

Appellant alongwith his counsel and Addl. AG for respondents present. Security and process fee not deposited. Appellant is directed to deposit security and process fee within seven (2) days, thereafter notices be issued to the respondents for written reply/comments on 25.07.2018 before S.B.



Appellant Deposited
Security & Process Fee


Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 272/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27/02/2018	<p>The appeal of Mst. Gul Merina resubmitted today by Mr. Shah Nawaz Khan Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 27/2/18</p>
2-	01/03/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/03/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mst. Gul Merina W/O Sadar Khan r/o Pista Wyani Aatan Khel FR Peshawar received today i.e. on 19.02.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned order and departmental appeal against it are not attached with the appeal.
- 2- Copy of appointment order of respondent no.5 is not attached with the appeal.
- 3- Necessary party be made in the heading of appeal.
- 4- Memorandum of appeal is not signed by the appellant.
- 5- Annexures of the appeal may be attested.
- 6- Annexures of the appeal may be flagged.
- 7- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 375 /S.T,

Dt. 20/02 /2018


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Shah Nawaz Khan Adv.

- Deficiency No 1 and 2nd may kindly be requisitioned from Respondents No 1, 2 and five as per Prayer No 1 of this appeal Petitions.
- All other deficiencies are rightly removed by signing annexures, attestation of memorandum of appeal by counsell and thumb impressed by appellant.
- Three sets are submitted for the tribunal and five sets complete in all respect are submitted for Respondents.

Re submitted on 27/02/2018.


Shah Nawaz Adv.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PUKHTUNKHWA, PESHAWAR

Service Appeal No 272 2018

Mst: Gul Merina.....(Appellant)

V E R S U S

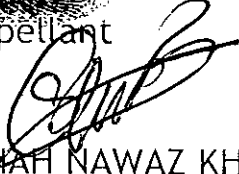
Agency Education Officer and others.....(Respondents)

I N D E X

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGE
1.	Grounds of Appeal alongwith Affidavit	-	1-6
2.	Addresses of the parties	-	7
3.	Copy of the CNIC	'A'	8
4.	Copy of the salary slip for the month of December, 2011	'B'	9
5.	Copy of the resignation application	'C'	10
6.	Copy of the application	'D'	11
7.	Copy of the inquiry report	'E'	12-21
8.	Copy of the application	'F'	22
9.	Wakalat Nama (in original)	-	23

Appellant

Through:


(SHAH NAWAZ KHAN)
Advocate,
High Court, Peshawar
Office: Old Bar Room
Khyber Road, Peshawar
Cell # 0336-3036685

Dated: -07-02-2018

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PUKHTUNKHWA, PESHAWAR

In Re: Service Appeal No 272 / 2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 243

Dated 19-2-2018

✓ Mst: Gul Merina W/O Sadar Khan R/O Pista Wyani Aatan Khel,
P.O Bara Road, F.R Peshawar.....(Appellant)

VERSUS

1. Agency Education Officer, F.R Peshawar
2. Director Education FATA, FATA Secretariat Peshawar
3. Government of Khyber Pakhtunkhwa through Secretary
Education
4. Assistant Political Agent, F.R Peshawar
5. Mst: Nabeela Caller Government Girls Primary School Khewa
Gul F.R Peshawar(Respondents)

Appeal under Section 4 Services Tribunal Act, 1974

Respectfully Sheweth:-

The Appellant humbly submits as under:-

- 1) That the Appellant is a law abiding Pakistani citizen. (Copy of the CNIC is attached as Annex 'A').
- 2) That Appellant was appointed as caller in Government Girls Primary Khewa Gul Kalay F.R Peshawar under the Ministry of Education Government of Pakistan. (Appointment letter is in custody of Respondent No 1).
- 3) That the Appellant regularly withdrawn salary from the department and hand over to her Brother-in-Law namely

Filed to-day

Registrar
19/2/18

Re-submitted to-day
and filed.

Registrar
27/2/18

Afsar Khan for expenses because of joint family. (Copy of the salary slip of December, 2011 is attached as Annex 'B').

- 4) That the Brother-in-Law of the Appellant told to the Appellant that Government has issued the policy of disbursement of pay through Bank Account, asked the Appellant to impress thumb on a white page. (Copy of the false resign application is attached as Annex 'C').
- 5) That after longtime, the Appellant came to know that Mst Nabeela is replaced to the post of the appellant and her salary is also transferred on the name of respondent no 5. No official letter communicated by the department to the Appellant regarding the same.
- 6) That when the matter came into the knowledge of the Appellant, appellant approached to Respondent No 1 and denied the resign by giving an application to the Agency Education Officer. (Copy of the application is attached as Annex 'D').
- 7) That Agency Education Officer constituted an inquiry committee for inquiring into the matter. The Inquiry Committee made a biased inquiry, which is unfair, unjust and not according to the law. The Inquiry Committee report is exclusively against the Civil Servant Act and Rules. (Copy of the inquiry report is attached as Annex 'E').
- 8) That against the report and decision of A.E.O, the Appellant made an appeal/application to the Assistant

Political Agent, who is the Executive Head of Frontier Regions. (Copy of the application is attached as Annex 'F').

- 9) That the grievances, Appellant despite the application to the concerned authorities are not redressed, hence approaches to this Honourable Tribunal for seeking adequate remedy as per law on the following grounds inter-alia:-

GROUND:-

- A) That the Appellant was appointed as caller and she served continuously for about 15 years without any interruption.
- B) That the Appellant served in personal capacity, she was appointed personally and continued her service by performing her duty personally.
- C) That service and attached benefits to service is exclusive right of the Appellant and no other person can deprive the Appellant from service and service benefits.
- D) That resign given by the husband of Respondent No 5 on behalf of the Appellant is ineffective on the rights of the Appellant and against the legal procedure of resignation from service.
- E) Because Appellant is living in F.R Peshawar and having no problem to continue her service.
- F) Because the Appellant has not tendered her resign but the resign as described by husband of Respondent No 5 and husband of Appellant before the Inquiry Committee in the

report was not the decision of Appellant but of the family members. The family members cannot deprive the Appellant from service by keeping the Appellant in darkness.

G) Because the decision on inheritance is a matter to be dealt in accordance of inheritance law and the service of a Civil Servant cannot be given in the family division of inheritance.

H) Because, the Respondents are combined together in depriving the Appellant from her service and attached benefits, therefore, the official Respondents did not cooperate the Appellant and not providing official record to Appellant related to the case.

I) That the Appellant is living with her brother, because her husband is also on one page alongwith the Respondents and restraining the Appellant from struggle to get her right of service and service attached benefits.

J) That the proceeding of resign and appointment of Respondent is not accordance of law, procedure provided for this purpose, hence, not effective against the right and interests of Appellant.

K) That it is a renown principle of law, any order which is void ab-initio no limitation runs

L) That this Honourable Tribunal has got ample power to entertain the instant appeal.

M) That the Appellant seeks permission of this Honourable Tribunal to adduce other grounds during course of arguments.

PRAYER:-

- i. The Respondent No 1 may kindly be directed to provide service record, official circulars, notification, appointment letter and other documents relevant to the Appellant case.
- ii. The Appellant may kindly be restored to her job (position) alongwith the arrear of salaries (back salaries)
- iii. Any other relief as this Tribunal deems fit.

Through:




(SHAH NAWAZ KHAN)
Advocate,
High Court Peshawar

Dated: -07-02-2018

NOTE:-

No such like appeal for the same Appellant has earlier been filed by me before this Honourable Tribunal prior to instant one.


Advocate

6

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PUKHTUNKHWA, PESHAWAR

Mst: Gul Merina.....(Appellant)

V E R S U S

Agency Education Officer and others.....(Respondents)

A F F I D A V I T

I, Mst: Gul Merina W/O Sadar Khan R/O Pista Wyani Aatan
Khel, P.O Bara Road, F.R Peshawar, do hereby solemnly affirm
and declare on oath that all the contents of accompanying
Appeal are true and correct to the best of my knowledge and
belief and nothing has been concealed OR withheld from this
Honourable Court.

Gul MERANA
CNIC# 22501-9246902-4
DEPONENT



9/02/2018

Identified by:-

(SHAH NAWAZ KHAN)
Advocate
High Court, Peshawar

9/02/2018



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PUKHTUNKHWA, PESHAWAR

Mst: Gul Merina.....(Appellant)

V E R S U S

Agency Education Officer and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT

Mst: Gul Merina W/O Sadar Khan R/O Pista Wyani Aatan Khel,
P.O Bara Road, F.R Peshawar


RESPONDENTS

1. Agency Education Officer, F.R Peshawar
2. Director Education FATA, FATA Secretariat Peshawar
3. Government of Khyber Pakhtunkhwa through Secretary
Education
4. Assistant Political Agent, F.R Peshawar
5. Mst: Nabeela Caller Government Girls Primary School Khewa
Gul F.R Peshawar



Appellant




Through:


(SHAN NAWAZ KHAN)
Advocate,
High Court, Peshawar

Dated: 07-02-2018

Annet A

8

 PAKISTAN National Identity Card		
Name Golna		
Husband Name Sadar Khan		
Gender F	Country of Stay Pakistan	
Identity Number 22501-9246902-4	Date of Birth 01.01.1971	Holder's Signature
Date of Issue 07.11.2013	Date of Expiry 07.11.2020	

22501-9246902-4
 ڈاک خانہ برآمدگی و پیک اپ نام عمل
 تحصیل و ضلع قباکی علاقہ ملتان پٹارہ



ڈاک خانہ برآمدگی و پیک اپ نام عمل
 تحصیل و ضلع قباکی علاقہ ملتان پٹارہ

504651001655
 158-71-018097

Registrar General of Pakistan

گمشدہ کارڈ منے پر قریبی لیٹر بکس میں ڈال دیں

Annex B (B)

S#:1 AGPR (SO) PESH

P Sec:002 Month:December 2011
PR0215 -PRIMARY EDUCATION
Min. Of Education

Pers #: 00306744 Buckle:
Name: GUL MERINA
CALLERS
CNIC No.15875015867
CPF Interest Free

NTN:
GPF #:
Old #:

01 Regular / Contract
PAYS AND ALLOWANCES:

PR0215 -

0001-Basic Pay	6,000.00
1000-House Rent Allowance	891.00
1210-Convey Allowance 2005	850.00
1300-Medical Allowance	1,000.00
1528-Unattractive Area Allow	1,700.00
1948-Adhoc Allowance 2010@ 50%	1,800.00
1970-Adhoc Relief Allow 2011	540.00

Gross Pay and Allowances 12,781.00
DEDUCTIONS:

Subrc:

3657-Group Insurance (FATA)	38.00
3661-E.E.F (Exchange)	10.00
3701-Benevolent Fund(Exchange)	120.00
3704-Group Insurance(Exchange)	58.00
3711-Addl Group Insuranc(Exch)	3.00

Total Deductions 229.00
12,552.00

D.O.B 08.11.1975 LFP Quota:
Payment through DDO.

05 برام بلاه اور فوٹو پر مبنی پر کوئی ایسی صورت ہے کہ اس میں ایسی چیزیں ہوں جو کہ
میں نے اس سے پہلے ہی دیکھی تھیں۔

میں نے اس سے پہلے ہی دیکھی تھیں اور اس میں ایسی چیزیں ہوں جو کہ
میں نے اس سے پہلے ہی دیکھی تھیں۔

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میں نے اس سے پہلے ہی دیکھی تھیں اور اس میں ایسی چیزیں ہوں جو کہ
میں نے اس سے پہلے ہی دیکھی تھیں۔



5/1
2011

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میں نے اس سے پہلے ہی دیکھی تھیں اور اس میں ایسی چیزیں ہوں جو کہ
میں نے اس سے پہلے ہی دیکھی تھیں۔
میں نے اس سے پہلے ہی دیکھی تھیں اور اس میں ایسی چیزیں ہوں جو کہ
میں نے اس سے پہلے ہی دیکھی تھیں۔
میں نے اس سے پہلے ہی دیکھی تھیں اور اس میں ایسی چیزیں ہوں جو کہ
میں نے اس سے پہلے ہی دیکھی تھیں۔
میں نے اس سے پہلے ہی دیکھی تھیں اور اس میں ایسی چیزیں ہوں جو کہ
میں نے اس سے پہلے ہی دیکھی تھیں۔
میں نے اس سے پہلے ہی دیکھی تھیں اور اس میں ایسی چیزیں ہوں جو کہ
میں نے اس سے پہلے ہی دیکھی تھیں۔

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دوسرا براہ راست اور مستقیم

Amek

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10

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محکمہ صحت ایجنسی ایجوکیشن انسٹیٹیوٹ آف آرٹس اینڈ سائنسز (F) / AE
 Conduct Examination (17/5/2017) **Amreen D** جناب عالی (11)

موردہ ذرا رش ہے کہ سائلہ گورنمنٹ گنرز پرائمری سکول ضلع کلیکتہ وائی این آر ایف اور
 میں بدذات کالر کام کر رہی تھی۔ چونکہ تنخواہ ان دنوں میں سنٹرل بجارج کے یا تو ہر
 تینے مہینے تھی اور میں تنخواہ اپنے دلپور انسٹریٹ ٹو ٹور محلہ کافریم چلانے کے لئے دیتی تھی
 پھر یہ 15 سال تک میرا تنخواہ میرا دلپور لیتا رہا۔ جبکہ دو سال میرے اگلوں نے مجھے بولا کہ
 اب تنخواہ وزیریم بیک ملے گی جن کے لئے آپ کو کچھ کاغذات پر دستخط کرنا ہونگے
 میں نے اسے سادہ کاغذات پر انگلی لگا کر دیا۔ مجھے ایجوکیشن آفس میں سائن کرنے
 کے بعد میرے چلا کہ میری ڈیوٹی اگلوں نے اپنے بیوی کے نام پر منتقل کیا ہے
 اور یہ احسان میرا ہی کر کے مجھے میری ڈیوٹی واپس دلائی جائے یا میری لورڈ کا پینشن
 منسوخ کر دیا جائے۔ میرا آخری اسرہ آپ صاحبان کی الفانڈ ہے
 تمام حکم و حال لکھ رہی تھی
 بلین لوزار رش خدی

مرحومہ 24 مئی 2017



العارضی

آپ کا سابق فرغان سابقہ کالر گورنمنٹ گنرز پرائمری سکول ضلع کلیکتہ
 کلیکتہ وائی این آر ایف اور

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To

The Assistant Political Agent
FR Peshawar.

Ammer E

12

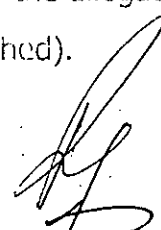
Subject: COMPLAINT GUL MERANA RESIDENT OF PASTAWANI FR PESHAWAR.

Reference to your ^{letter} No. 774/APA(FR)/Edu:Inquiry 2017 dated: 27.11.2017. it is stated that Ms. Gul Merana Ex-caller GGPS Khewa Gul FR Peshawar has already been filed the application to the undersigned to probe the allegation leveled by said officials.

In light of above appellant the inquiry committee has been constituted vide this office letter No.1954-A date: 28.09.2017 to probe the depth of the allegation.

Hence the inquiry officer submitted detailed report (copy attached).

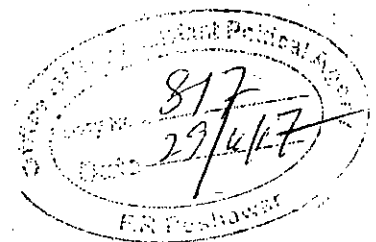
It is therefore requested that it may be seen and file please.


Agency Education officer
FR Peshawar

Endst: No. 2363-65 129/11/2017
Copy for information to the:-

1. The Deputy commissioner/Political Agent FR Pesh.
2. Director Education FATA Peshawar.

Agency Education officer
FR Peshawar



By
Place on file

29/11/17



(13)

OFFICE OF THE PRINCIPAL GHS
KANDI ZARIN KHEL
F.R. PESHAWAR.

No. 1475 Dated 08/11/2017

To

The Agency Education Officer,
F.R. Peshawar.

Subject:-

SUBMISSION OF AN INQUIRY REPORT.

INTRODUCTION.

With reference to your office letter No.1954-A dt 28.09.2017 we,
1.Mr.Mir Nawaz, Principal Government High School Kandi Zarin Khel F.R. Peshawar
2.Mr.Naik Amir Principal, Government High School Bora No. I, F.R. Peshawar, have been
appointed as Inquiry Officers to investigate the allegation, leveled by Gul Mirona, Ex Caller of
GGPS Khiwa Gul Killi F.R. Peshawar and submit a detailed report to your office within a
speculated time.

HISTORY OF

ALLEGATION.

An application has been filed at your office by Miss Gul Mirona Ex
Caller of GGPS Khiwa Gul Killi F.R. Peshawar, leveling the charge that her brother in law,
Mr.Akhtar Khan, husband of Miss Nabila present Caller of the School made her the
application, to sign, regarding her resignation, pretending of changing her salary to a bank, but
after some time she was informed that her resignation, from the post submitted by her, has been
accepted and Miss Nabil, the wife of Akhtar Khan has been appointed on the post.

FINDINGS/PROCEEDURE

ADOPTED

After receiving the letter from the office, we made a contact with the
relevant parties of the case and asked them to make sure their presence at the office of Agency
Education Officer, F.R. Peshawar at Peshawar on 4th Oct, 2017. On scheduled date, both the
parties were found present. Then, for the purpose to inquire the allegation.

First of all, we called on the complainant, Miss, Gul Mirona, Ex Caller of
the school and asked her to give written as well as oral statement in favor of her allegation. In
her reply, she repeated almost all those words that were written in her application. However, she
stated that she was unaware of her resignation and was not willing to resign the post. She was
taken in by the lies of her brother in law, Mr. A.Khan who made her believe that her salary was
to be shifted to a bank and her presence there was necessary for that and that was the reason that
she affixed her thumb impression for transfer of her salary to a bank not for her resignation. She
said that it was a fraud with her. Yet she admitted and said that she had never taken the salary
throughout her service, but always handed over to her brother in law, Mr. Akhtar Khan.

...said that her service should be returned her. We told her, Please produce her witness in favor of her charge if, there is any, but she could not do so.

2. After hearing the oral and receiving written statement of the complainant, we met the alleged one, Mr. Akhtar Khan and put the allegations before him and asked him to give oral as well as written reply, regarding those allegations. In his reply, he pointed out that the land on which the school has been established, was common of their brothers and his sister in law, Miss Gul Mirona had been appointed on the said post at the school when they were unmarried and no illegible female for the post at their home, except her. However, during the division among their brothers which was made by his elder brother, Sadar Khan himself, husband of Miss Gul Mirona also. Under which the land of the school and receiving benefits from it, was declared his share while their common. Residential Quarters at Karachi were given as shares of his brothers, Sadar Khan & Ramraz Khan and that was the reason that Gul Mirona handed over the salary of the post to him regularly. He rejected her charge that she was unaware of her resignation, he said that it was wrong and based on lies only, because, it was the decision of her whole family. She gave an application on 1st May, 2011 for that purpose. (Photo copy attached). Since she was at Karachi at this time while her presence here was necessary for her resignation, so it was not done. As the benefits, receiving from the school was declared his share and his sister in law, Miss Gul Mirona has migrated with her family to Karachi in the previous circumstances of the locality and still living at Karachi with her family, so it is impossible for her to do his duty here in the school. He was compelled by his brother, Mr. Sadar Khan to appoint his wife on the post to get rid us of the hurdles. Otherwise he got the salary with -out any problem. Since it was a decision of her family which compelled him to appoint his wife, Miss Nabila on the post. Yet his wife, Nabila has been appointed for more than two years and receiving her salary monthly while she did not got the salary for the said period and filed the allegation after two or more than two years.

When he was asked if the division was of their brothers and decision of her resignation also of her husband, Sadar Khan, then he should call to verify the statement what he has stated. He asked a time for his coming to certify his statement. The committee gave him a month time.

3. Almost, after a month, on 01-11-2017. Mr. Akhtar Khan along with his brother, Sadar Khan and a witness of his village, Gulab Sahib, came to the committee while Ramraz Khan was not allowed, as he is on job in Karachi. When he was asked about the statements of his wife and his brother, Akhtar Khan, Sadar Khan, husband of Gul Mirona, verified the statement of his brother, Akhtar Khan and declared it true and based on facts. He solemnly declared on a stamp paper (Attached in orig.) and verified his statement by the witness Gulab Sahib that the resignation of his wife was the decision of his family, for, the said post in the school was given to his brother, Akhtar Khan during division among our brothers while our common residential quarters at Karachi were given me and my brother, Ramraz Khan, and that was the reason that my wife, Gul Mirona gave the monthly salary to the owner, Akhtar Khan. Since we are living at Karachi, so it was difficult for her to do her duty here. While that claim of My wife that she was unaware of her resignation and was fraud with her, was wrong and based on lies only, but the fact was that she was aware of the same and knew everything. She had come from Karachi for that purpose only, & resigned from the post willingly.

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but unfortunately she was given greediness of pension & commutation, as she is provoked and excited by some others.

He further added that she wanted to spoil the unity of our brothers. He also cleared out that the nomination of my sister in law, Miss Nabila from the elders of the locality and the concerned Political Authorities, is a clear indicator that the process was transparent and fair as per rules.

We also made try through some elders of the locality to resolve the issue, but the former was not willing to that.

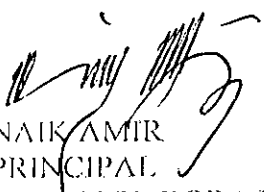
At last we visited the office of AEO FR. Peshawar and asked there from concerned officers/official in the office about the incident. They said how the AEO can sign the same case, resignation of any Government Employee without information. So he had asked her about her resignation who expressed her willingness and said yes.


CONCLUSION:-

In light of above findings, it seems that all the relevant parties, are on one track except the complainant, Gul Mirona Even her husband, Sadar Khan and other family members are also not agree with her allegation. It is true that the nomination of Nabila was not made in right or signed by ignorant and illiterate, but signed it by the elders of the locality and APA concerned who know the same disputes of their locality and above all, how can the responsible AEO can sign the same on closed eyes. So, it can be said that all those people are not lair, but the complainant, Miss Gul Mirona is not true in her allegation/ statement and resigned from her post willingly. As it is said that she is living in Karachi for last two or more than two years also and performing her duty here hundred miles away, in the school which is itself controversial.

RECOMMENDATION/ PROPOSAL.

In light of above para's, it is recommended/proposed that if the worthy AEO FR Peshawar agrees and deems suitable, the request of the complainant, Miss Gul Mirona should be dismissed so that the newly appointed caller perform her duty in the school without any disturbance in the interest of public services please.


NAIK AMIR
PRINCIPAL
GOVT HIGH SCHOOL, BORA NO.1
FR. PESHAWAR


MIR NAWAZ
PRINCIPAL
GHIS KANDI ZARIN KHIL,
FR PESHAWAR.



MS J... ..
11/11/2011



گزیری بیان بنام انگریزی کمیٹی

من مسموہ گزیری بیان سابقہ کالم 44Ps فیوہ محل علیہ افتخار سید اور
گزیری بیان گزیریوں۔ تم میں مذکورہ سکول میں این فرائض سہرا

دے رہی تھی۔ گزیری میری دیور اختر خان نے مجھے کہا: ہاں کی تہوا
بینک کو تبدیل کرنا ہے اسلئے اب میرے ساتھ دفتر جانے

اور وہاں اس درخواست پر انگوٹھا لگا لگئے۔ لہذا میں نے ایسا ہی کیا
میں اختر خان کے ساتھ دفتر آئی۔ اور وہاں میں انگوٹھا لگا

بولوں میں مجھے دیکھ کر چلی کہ میری دیور اختر خان نے مجھے یہ
استغفیٰ پر انگوٹھا لگا لگا ہے اور گزیری استغفیٰ منظور ہوئی اور

لہذا میں نے اسے دوست لہذا ہی بیوی ٹیلی کوئی گزیری ہے جو

ساتھ نے دھوکہ کیا۔ اور مجھے چھوٹ بولی کر میرا استغفیٰ منظور کروا
لہذا میں نے اپنی طرف سے استغفیٰ نہیں دیا ہے۔ بلکہ دھوکہ دیکر
ایسا کیا گیا۔ لہذا مجھے اپنی سرورک و اس دلادیا ہے

ٹریری بیان بنام خستہائی کمیٹی

من مسمی اخترخان ساکن رستوں جوائی ۲۱۷ لہہ ٹریری یا کرمان
مہری بھاونہ سما گل مینہ نے جوہر الزام شکارا اس نے جوہر سے بھری
میں اپنے استغنیہ پر انٹھوٹا ٹکوا لیا اور مجھے یہ کیا گیا ہے آدہ کی استخوانہ بنک
پڑا لنگر کرنا ہوں۔

عالی جاہ! یہ سراسر جھوٹ اور غلط بیان ہے۔ میں نے مہری بھاونہ سے بھری
میں بلکہ مکمل اعتماد میں لے کر انٹھوٹا ٹکوا لیا تھا۔ چونکہ وہ کراچی میں رہائش پذیر تھے
اور لے آئے لے یہاں سکول میں خرائض سرانجام دینا ناکسن تھا۔ چند ہی آدہ
کی قسم میں مذکورہ ٹریری مہری حصے میں آئی تھی۔ جبکہ سترہ اپالٹس کوآرڈرز سر
لکھنوں صدرخان اور امراخان کے حصے میں آئے تھے۔ مہری بھاونہ کا استغنیہ
اس کے حاندانی ضمیمہ تھا کیونکہ ٹریری کی صورت میں اس کی استخوانہ تھی اور کوہلی تھی
استغنیہ اور اس قسم کی تصدیق میرے لکھے صدرخان جو مذکورہ طور پر شوہر
آئے تھے بنا ہے۔ یہ کام نامی صدرہ دستور سے اور اتفاق سے ہوا تھا۔

میں استغنیہ سے پہلے اس کے حصے کا ٹریری بیان اس کے ساتھ منسک کیا جا چکا ہے جس سے
اس کی جھوٹ آسانی سے اندازہ ہو جائے۔

صاحب! ایک بار پھر دافع کرنا ہوں ہے میں نہیں کی کوئی چیز غصب کرنا نہیں چاہتا تھا
دینا چاہتا ہوں جوہر برادری کی قسم کے دوران میرے حصے میں آئی رہی۔ اس کے بعد
لکھنوں کراچی میں اپالٹس کوآرڈرز میں جو اس کا نام شوہر ہے۔ یہ ضمیمہ علیحدہ
تے برادریوں اور متعلقہ APA سے ۲۱۷ لہہ کرمان کیا تھا۔ اس دوران AEO سے

(18) یہ درجہ موجود ہے اس کے اس سے پوچھا کہ یہ کیا ہے
تو اس نے ہاں میں جواب دیا۔

اس کے بارے میں لکھو دی گئی سند ہے اور پروف فوراً

دستخط / نسیم انگوٹھا

احقر خان دلا شرف خان
شناخت کارڈ نمبر 1-7265755-42401



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11/11/2011

ڈائریکٹر فزیکل ایجوکیشن
قائمہ حکومت پاکستان

(19)

درخواست برائے استیفاء نوکری

جناب عالی!

مودبانہ گزارش کی جاتی ہے کہ میں ماسی گولینہ شہزادہ صدر خان
محلہ عالی شاہ خیل پستوانی میں واقع گزرتیر پرائمری اسکول ایڈارڈ
پرائیویٹ ڈیپارٹمنٹ سرانجام دی رہی ہوں۔ میں اپنے مشورہ کے ساتھ
کراچی میں ریٹائرمنٹ پر میرا حاضری بیورو جسکی وہم سے اب میں فزیکل
یوٹھ رہا نہیں کہ ساتھ بیورو۔ اسلئے اب صعبان سے گزارش کی جاتی ہے
کہ میری جگہ پر ماسی (نائب) شہزادہ آفسر خان کو بھرتی کر دے۔
میں لوٹاؤش بیروں اور میرا استیفاء منظور کر کے بھرتی
کا موقع دے۔ بڑی ہمدردی ہوگی۔

عمر ضائر

شکریہ

موفق

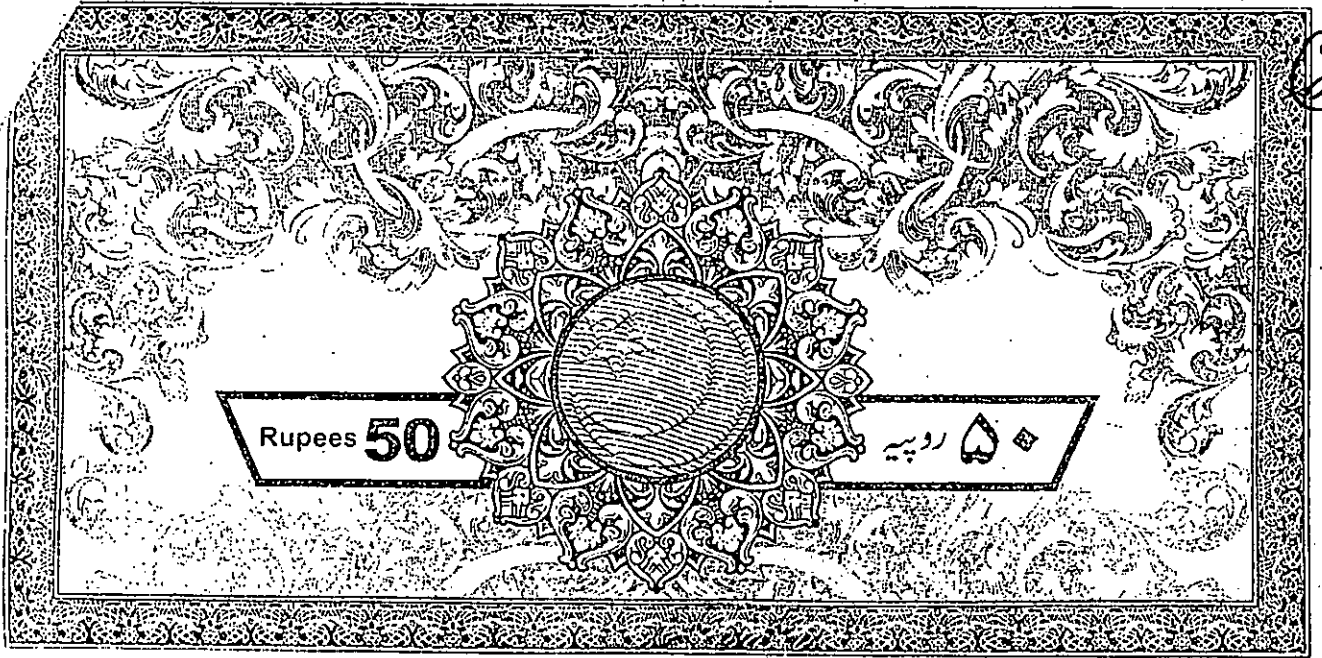
2011

ماسی گولینہ

شہزادہ صدر خان صدر خان

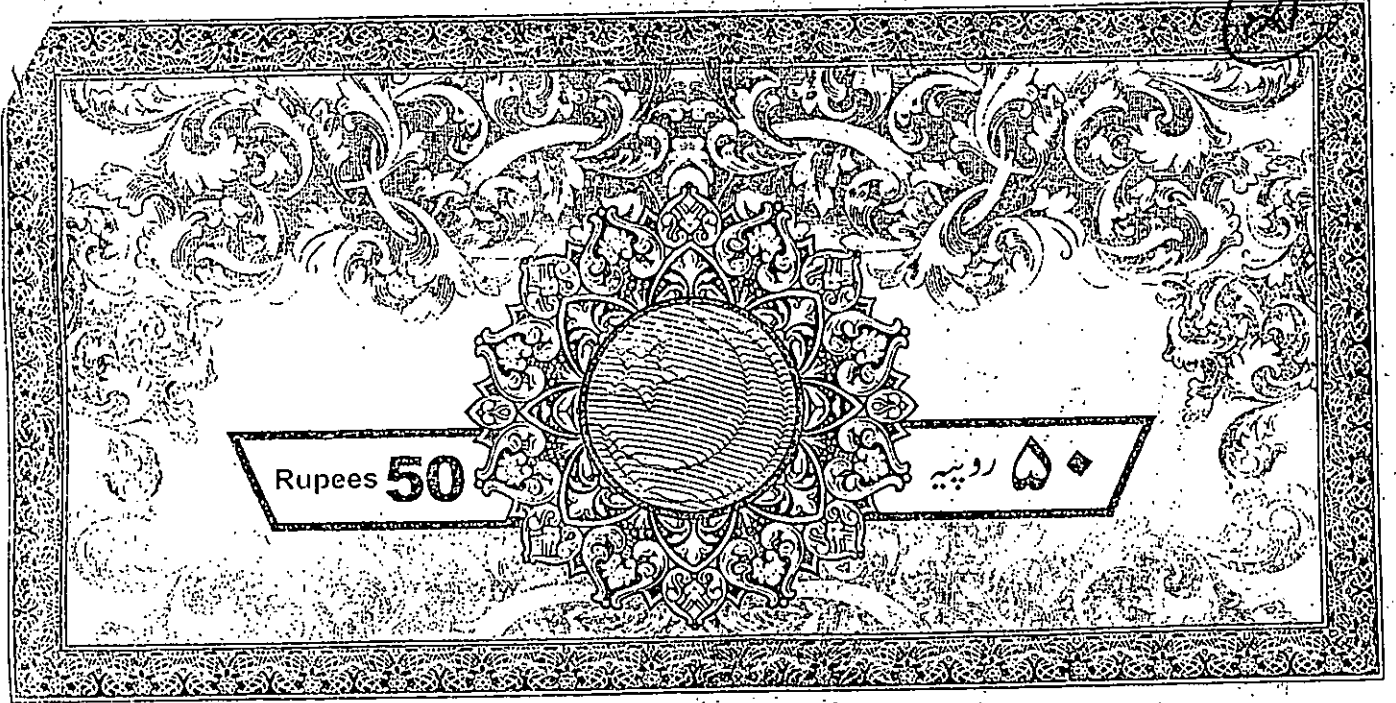
محلہ عالی شاہ خیل پستوانی ایڈارڈ

وہ ہر امر غلط اور جھوٹ پر مبنی ہے کیونکہ اس وقت کے FR AEO کے
کرنے کے باوجود اس نے کہا کہ سب کچھ صحیح ہے اور میں استیفا دے رہا ہوں



حلفیہ بیان :

من مسمی صدرخان ولد مشرف خان ساکن پستونی جو اکی ایف آر پشاور
حلفیہ بیان کرتا ہوں کہ G.P.S خوبہ گل کالج F.R اور ہمارے زمین پر قائم ہے اور
گل میرانہ زوجہ صدرخان مذکورہ سکول پر اپنے فرائض سرانجام دے رہی تھی لیکن وہ
اپنی ننحوالا اپنے دیور اخترخان ولد مشرف خان کو باقائری سے دیتی رہی کیونکہ ہمارے
تیوں بھائی کے برادری کی تقسیم میں کراچی میں موجود ریٹرنس کوالٹرز تھے اور میرے دوسرے بھائی
رمراز خان کو ملی جبکہ مذکورہ سکول کی ننحوالا ہمارے چھوٹے بھائی اخترخان کے حوالے کی۔ اسلئے
میری بوی گل میرانہ باقائری سے اسکو دیتی رہی لیکن چونکہ سکول کی ننحوالا میرے چھوٹے بھائی
اخترخان کو دی گئی تھی اور ڈیوٹی میری بوی گل میرانہ سرانجام دے رہی تھی پھر تقریباً
دو اڑھائی سال پہلے جب ہم یہاں سے مستقل طور پر کراچی منتقل ہوئے اور وہاں مستقل
سکونت اختیار کی تو یہاں مذکورہ سکول میں اپنے فرائض سرانجام دینا مشکل بنس بلکہ ناممکن تھی
اسلئے میں نے اپنے گھر میں اپنی بوی بچوں کیساتھ صلح مشورہ کر کے مذکورہ ٹیڈ سے میری
بوی کے استغنیٰ دینے اور اس سکول کے اصل مالک اخترخان کے بوی کے نام کرانے پر
متفق ہوئے اور یہ ہمارے سارے گھر کے متفقہ فیصلہ تھا اور ہم سب اس پر راضی تھے
جن میں میری بوی گل میرانہ بھی شامل تھی اور اسکا استغنیٰ اس کے مرضی سے دے دی گئی
اور میری بوی جو اب درخواست میں دکھتی ہے کہ مجھ سے دھوکے سے اٹھوٹا لگوا گیا
وہ برابر غلط اور جھوٹ پر مبنی ہے کیونکہ اس وقت کے AEO F.R اور کے
کلیے کے باوجود اس نے کیا کہ سب کچھ صحیح معلوم ہے اور میں استغنیٰ دے رہے ہوں
کیونکہ یہ ہماری خاندانی تقسیم ہے۔ اور جب اس نے اپنے ٹیڈ سے استغنیٰ دی تو اسکی



مجھے کافی طرح گزر چکا ہے اور مذکورہ ٹھہرے پر میرے بھائی اختر خان کی بوی بنیلہ تعینات ہو چکی ہے جسکی نامزدگی اسوقت ملائے کے مشران اور وائس کنسل حکام نے کی تھی۔ اسلئے اگر یہ دھوکہ تھا تو پھر یہ سارا مرحلہ کیسے مکمل ہوتا۔

لہذا ایک مرتبہ پھر حلفیہ طور پر کہتا ہوں کہ میری مذکورہ بوی گل میرانہ ان ساری باتوں سے مملوع تھی اور اسکا استغفی کسی دھوکے یا جبر کی وجہ سے نہیں بلکہ ان کی اپنی رضامندی سے دے دی گئی تھی جو غیروں کے ورغلانے پر ہماری برادری کو تباہ کرنے پر تلی ہوئی ہے۔ لہذا استدعا کرتا ہوں کہ میری بوی گل میرانہ کی غلط بیانی کرنے والی درخواست کو خارج کر کے اور ٹھہرے پر موجود اختر خان کی بوی بنیلہ کو درست سمجھا جائے تاکہ ہم بھائی آپس میں دشمنی سے بچ سکیں۔

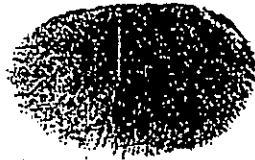
نہایت محترم

صدر خان

العبار

صدر خان وار مشرف خان
آدم خیل - ڈاکخانہ پورہ
تحصل و ضلع لہور۔

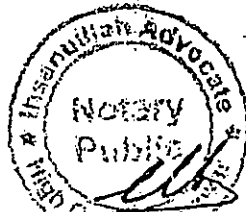
مذکورہ بیان کا گواہ
غلاب صاحب ولد معروف شاہ
شناختی کارڈ نمبر: 225010809954-1



42401.5803646-5

شناختی کارڈ نمبر
خاندان نمبر

Solemnly Affirm before me P. 17 81.



Handwritten signature or mark.



Amment

(22)

بخدمت جناب محترم اے پی اے صاحب ایف آر پشاور

جناب عالی!

مودبانہ گزارش ہے کہ میں پستہ ونی کے خیوا گل کلبے گریڈ پر انٹری سکول میں کلاس فور ملازم تھی۔ جبکہ ان دنوں میں تنخواہ اساتذہ کے ہاتھوں پر مجھے ملتی تھی۔ جو کہ میں اپنے دیور آفسر خان کو گھر کے خرچہ چلانے کے لئے دیتی تھی۔ تقریباً 15 سال تک میرا تنخواہ میرا دیور لیتا تھا۔ جبکہ دو سال پہلے انہوں نے مجھے بولا کہ اب تنخواہ بذریعہ بینک یا ATM کارڈ ملے گی۔ جن کے لئے آپ کو کچھ کاغذات پر دستخط کرنے ہونگے۔ میں نے کسی سادہ کاغذات پر انگوٹھا لگایا۔ پھر مجھے ایجوکیشن آفس بھی ساتھ لے گئے۔ بعد میں پتہ چلا کہ میرا ڈیوٹی انہوں نے اپنے بیوی کے نام پر منتقل کیا۔ آپ صاحبان برائے مہربانی کر کے مجھے میرا ڈیوٹی واپس دلانے۔ یا میرا بورڈ کا پنشن منظور کیا جائے۔ کیونکہ میرا دیور آفسر خان نے میرا 15 سال کے سروس کے محنت پر پانی پیر دئے۔ میرا آخری آسہرہ آپ صاحبان کی انصاف ہے۔
تمام عمر دعا گور ہونگی۔

فقط و آداب

گل میرانہ

سکنہ پستہ ونی ایف آر پشاور

①

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR.

Service Appeal No: 272/2018

Filed by Gul Merina.....Appellant.

Versus

Agency Education Officer FR Peshawar.....Respondents

Comments on behalf of Respondent No. 1 & 2.

Preliminary objections.

- That the instant appeal is not maintainable being devoid of merits.
- That the appellant has concealed material facts from the honorable tribunal.
- That the appellant has no cause of action to file the instant appeal.
- That the instant appeal is badly time barred.
- That the appellant has not come to this honorable tribunal with clean hand.
- That the conduct of appellant estopped her to bring the instant appeal.

ON FACTS.

1. Subject to record.
2. Subject to provision of record.
3. Subject to proof however Appellant is no more employee of respondents department, as she had rendered proper resignation from her services vide letter No. 7295-99 dated 4/7/2013 copy attached as Annexure (A) which has been duly accepted by Competent Authority vide same notification dated 4/7/2013 copy of application attached as Annexure "B".
4. Incorrect: There is no provision of Law under which the case of the appellant could be termed as otherwise, as written application is sufficient documentary proof of her willingness for resignation. Moreover resignation accepted cannot be revoked / cancelled after sufficient length of time.
5. Incorrect. The post vacated due to resignation of the appellant needed to be filled as per law / policy.
6. Proper inquiry was initiated, in order to dig out the veracity of plea of the petitioner, but as per inquiry report, her family members did not agree with the contention of the appellant and admit her resignation as genuine and true and has not been taken from her duress or any false impression (Copy of the inquiry is "C").
7. As mentioned / elucidated under para (6) above.
8. Incorrect: An impartial inquiry was conducted duly supported by written statement of husband of the appellant (Copy attached) as Annexure (C) which fact strongly negated, the plea of the petitioner against the inquiry report.

9. Incorrect. however reply on the grounds is as under.

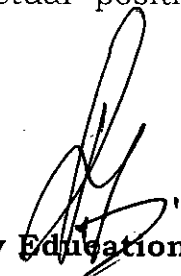
Grounds.

- A. Pertains to record however the appellant herself tendered resignation.
- B. Incorrect. Every official is individually appointed and also renders services personally, no one is allowed to serve through substitute.
- C. Incorrect. Appellant has rendered resignation, therefore could not have any established rights against respondents under the law.
- D. The appellant may constitute a case of fraud under section (420) etc against his own family, as respondents have not put any pressure on the appellant, nor respondents have persuaded, Appellant family members to the effect of her resignation from service.
- E. As elucidated in the above Para.
- F. Incorrect. the appellant resignation on her own request.
- G. Incorrect hence denied.
- H. As elucidated under D above.
- I. No comments.
- J. The order is legal and plea of the appellant hit by principles of laches hence is liable to be dismissed.
- K. The Honorable Tribunal entertain only those appeals which are filed within prescribed period of limitation, therefore, instant appeal is not maintainable.

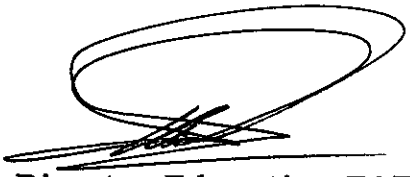
Pray:

In light of the above legal and factual position case and the appellant may kindly be order as dismissed

Respondent No. 1


Agency Education Officer
FR Peshawar

Respondent No. 2


Director Education FATA

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Service Appeal No. 272/2018

Filed by Gul MerinaAppellant.

Versus

AGENCY EDUCATION OFFICER FR PESHAWAR.....Respondents.

AFFIDAVITE

I Saif ul Islam Assistant Agency Education Officer FR Peshawar do hereby solemnly affirm and declare that the contents of the accompanying parawise comments submitted by the respondent No. 1 & 2 are correct to the best of my knowledge and belief and nothing has been concealed from this honorable service Tribunal.


Depoent

CNIC: 17301-1526740-9

Identify by



"A"

OFFICE OF THE
AGENCY EDUCATION OFFICER
FR PESHAWAR
BLOCK-8 NEAR INFORMATION DEPTT.
KHYBER ROAD, PESHAWAR, K.P.K.
Phone No. 091-9210145
No. 725-89 Dated 4/7/13.

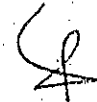
(4)

(96)

Resignation Notification


Consequent upon the request of Ms: Gul, merana W/O Sader Khan Caller at GGPS Khewa Gul Killi FR Peshawar for resignation is accepted in the best interest of public service.

Note:- Necessary entry to this effect should be made in her service Book and other office record.


o/c
SYED HUSSAIN AFRIDI
AGENCY EDUCATION OFFICER
FR PESHAWAR.

Copy of the above is forwarded for information and necessary action to the :-

- 1) Assistant Political Agent FR Peshawar
- 2) Additional Accountant General (PR) sub Office Peshawar
- 3) AAEO (F) FR Peshawar
- 4) Accountant Local Office
- 5) Official Concerned.


o/c
AGENCY EDUCATION OFFICER
FR PESHAWAR.

کذمت جاہ - ایٹمی ایجوکیشن ایڈریس ایف آئی آر ایس

95

معاون استغفی

جاہ عالی

حود بناہہ گزارش ہے کہ میں کانسٹیبل برقیٹام 4476 خود گل کے
پستہ دہی میں اپنی فضا سر ایف آئی آر ایس
ناگربہر و خواہات اور گوپو ٹیوری کی بنا پر میں اپنی پوسٹ
میں مستغفی ہوئی ہوں۔

اور اپنی استغفی ایک فڈت میں فز طور کے لیے پیش کریں ہوں
استدراجی کہ میری استغفی فز طور فزاد میں

4/7/2013 (الموع)

مکین گزارش حقوی

الکادری

Left hand thumb



Right hand thumb



گواہ اور فزاد و لا مدرف فان

گل میرانہ روم پور خان
کنہ عمر شاہ کے پستہ دہی

شمارہ کارڈ نمبر 1-7265755-42401

فوزادہ پستہ دہی ایف آئی آر ایس

AAEO 'F' / Supdt
Agreed as resigned by her
Put up for notification PD
4/7/13

No. 1475 Dated 08/11/2017

The Agency Education Officer,
F.R. Peshawar.

Subject:-

SUBMISSION OF AN INQUIRY REPORT

INTRODUCTION.

With reference to your office letter No.1954-A dt 28.09.2017, we, 1.Mr.Mir Nawaz, Principal Government High School Kandi Zarin Khel F.R Peshawar 2.Mr.Naik Amir Principal, Government High School Bora No. 1, F.R. Peshawar, have been appointed as Inquiry Officers to investigate the allegation, leveled by Gul Mirona, Ex Caller of GGPS Khiwa Gul Killi F.R. Peshawar and submit a detailed report to your office within a speculated time.

HISTORY OF

ALLEGATION.

An application has been filed at your office by Miss Gul Mirona Ex Caller of GGPS Khiwa Gul Killi F.R. Peshawar, leveling the charge that her brother in law, Mr.Akhtar Khan, husband of Miss Nabila present Caller of the School made her the application, to sign, regarding her resignation, pretending of changing her salary to a bank, but after some time she was informed that her resignation, from the post submitted by her, has been accepted and Miss Nabil, the wife of Akhtar Khan has been appointed on the post.

FINDINGS/PROCEEDURE

ADOPTED

After receiving the letter from the office, we made a contact with the relevant parties of the case and asked them to make sure their presence at the office of Agency Education Officer, F.R. Peshawar at Peshawar on 4th Oct, 2017. On scheduled date, both the parties were found present. Then, for the purpose to inquire the allegation,

1. First of all, we called on the complainant, Miss, Gul Mirona, Ex Caller of the school and asked her to give written as well as oral statement in favor of her allegation. In her reply, she repeated almost all those words that were written in her application. However, she stated that she was unaware of her resignation and was not willing to resign the post. She was taken in by the lies of her brother in law, Mr. A.Khan who made her believe that her salary was to be shifted to a bank and her presence there was necessary for that and that was the reason that she affixed her thumb impression for transfer of her salary to a bank not for her resignation. She said that it was a fraud with her. Yet she admitted and said that she had never taken the salary throughout her service, but always handed over to her brother in law, Mr. Akhtar Khan.

C₂

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She said that her service should be returned her. We told her. Please produce her witness in favor of her charge if, there is any, but she could not do so.

2. After hearing the oral and receiving written statement of the complainant, we met the alleged one, Mr. Akhtar Khan and put the allegations before him and asked him to give oral as well as written reply, regarding those allegations. In his reply, he pointed out that the land on which the school has been established, was common of their brothers and his sister in law, Miss Gul Mirona had been appointed on the said post at the school when they were unmarried and no illegible female for the post at their home, except her. However, during the division among their brothers which was made by his elder brother, Sadar Khan himself, husband of Miss Gul Mirona also. Under which the land of the school and receiving benefits from it, was declared his share while their common, Residential Quarters at Karachi were given as shares of his brothers, Sadar Khan & Ramraz Khan and that was the reason that Gul Mirona handed over the salary of the post to him regularly. He rejected her charge that she was unaware of her resignation, he said that it was wrong and based on lies only, because, it was the decision of her whole family. She gave an application on 1st May, 2011 for that purpose. (Photo copy attached). Since she was at Karachi at this time while her presence here was necessary for her resignation, so it was not done. As the benefits, receiving from the school was declared his share and his sister in law, Miss Gul Mirona has migrated with her family to Karachi in the previous circumstances of the locality and still living at Karachi with her family, so it is impossible for her to do his duty here in the school. He was compelled by his brother, Mr. Sadar Khan to appoint his wife on the post to get rid us of the hurdles. Otherwise he got the salary with -out any problem. Since it was a decision of her family which compelled him to appoint his wife, Miss Nabila on the post. Yet his wife, Nabila has been appointed for more than two years and receiving her salary monthly while she did not get the salary for the said period and filed the allegation after two or more than two years.

When he was asked if the division was of their brothers and decision of her resignation also of her husband, Sadar Khan, then he should call to verify the statement what he has stated. He asked a time for his coming to certify his statement. The committee gave him a month time.

3. Almost, after a month, on 01-11-2017, Mr. Akhtar Khan along with his brother, Sadar Khan and a witness of his village, Gulab Sahib, came to the committee while Ramraz Khan was not allowed, as he is on job in Karachi. When he was asked about the statements of his wife and his brother, Akhtar Khan, Sadar Khan, husband of Gul Mirona, verified the statement of his brother, Akhtar Khan and declared it true and based on facts. He solemnly declared on a stamp paper (Attached in orig.) and verified his statement by the witness Gulab Sahib that the resignation of his wife was the decision of his family, for, the said post in the school was given to his brother, Akhtar Khan during division among our brothers while our common residential quarters at Karachi were given me and my brother, Ramraz Khan, and that was the reason that my wife, Gul Mirona gave the monthly salary to the owner, Akhtar Khan. Since we are living at Karachi, so it was difficult for her to do her duty here. While that claim of My wife that she was unaware of her resignation and was fraud with her, was wrong and based on lies only, but the fact was that she was aware of the same and knew everything. She had come from Karachi for that purpose only, & resigned from the post willingly.

But unfortunately she was given greediness of pension & commutation, as she is provoked and incited by some others.

He further added that she wanted to spoil the unity of our brothers. He also cleared out that the nomination of my sister in law, Miss Nabila from the elders of the locality and the concerned Political Authorities, is a clear indicator that the process was transparent and fair as per rules.

We also made try through some elders of the locality to resolve the issue, but the former was not willing to that.

At last we visited the office of AEO FR, Peshawar and asked there from concerned officers/official in the office about the incident. They said how the AEO can sign the same case, resignation of any Government Employee without information. So he had asked her about her resignation who expressed her willingness and said yes.

CONCLUSION:-

In light of above findings, it seems that all the relevant parties, are on one track except the complainant, Gul Mirona Even her husband, Sadar Khan and other family members are also not agree with her allegation. It is true that the nomination of Nabila was not made in night or signed by ignorant and illiterate, but signed it by the elders of the locality and APA concerned who know the same disputes of their locality and above all, how can the responsible AEO can sign the same on closed eyes. So, it can be said that all those people are not fair, but the complainant, Miss Gul Mirona is not true in her allegation/ statement and resigned from her post willingly. As it is said that she is living in Karachi for last two or more than two years also and performing her duty here hundred miles away, in the school which is itself controversial.

RECOMMENDATION/
PROPOSAL

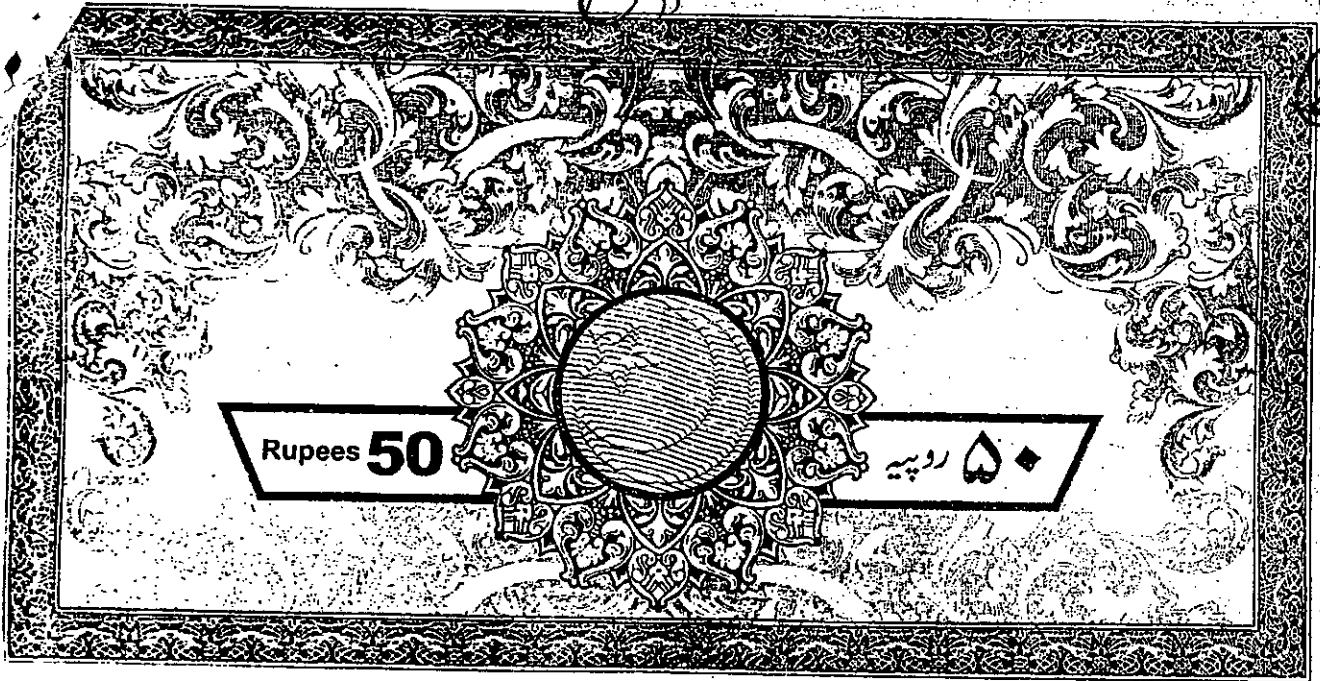
In light of above para's, it is recommended/proposed that if the worthy AEO FR Peshawar agrees and deems suitable, the request of the complainant, Miss Gul Mirona should be dismissed so that the newly appointed caller perform her duty in the school without any disturbance in the interest of public services please.

NAIK AMIR
PRINCIPAL

GOVT HIGH SCHOOL BORA NO.1
FR. PESHAWAR

MIR NAWAZ
PRINCIPAL

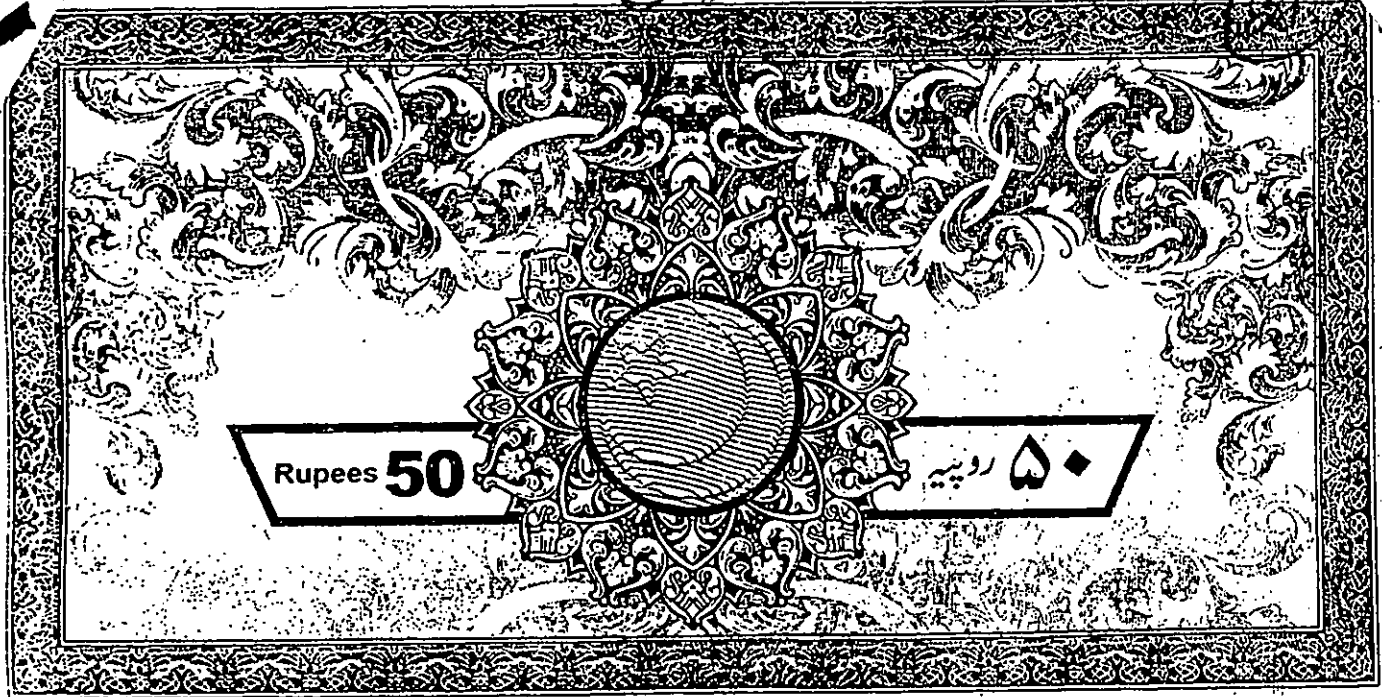
GHS KANDI ZARIN KHIL
FR. PESHAWAR



حلفیہ بیان :

من مسمی صدرخان ولد مشرف خان ساکن پستونی جواکی الف-آر لہنہ

حلفیہ بیان کرتا ہوں کہ P.S.P. جی خیوہ گل کھلے F.R. اور ہمارے زمین پر قائم ہے اور گل میرانہ زوجہ صدرخان مذکورہ سکول پر اپنے فرائض سرانجام دے رہی تھی لیکن وہ اپنی تنخواہ اپنے دلور اخترخان ولد مشرف خان کو باقائمی سے دیتی رہی کیونکہ ہمارے بیٹوں بھائی کے برادری کی تقسیم میں کراچی میں موجود رہائشی کوارٹرز تھے اور میرے دوسرے بھائی رمراخان کو ملی جبکہ مذکورہ سکول کی تنخواہ ہمارے چھوٹے بھائی اخترخان کے حوالے کی۔ اسلئے میری بیوی گل میرانہ باقائمی سے اُسکو دیتی رہی لیکن چونکہ سکول کی تنخواہ میرے چھوٹے بھائی اخترخان کو دی گئی تھی اور ڈیوٹی میری بیوی گل میرانہ سرانجام دے رہی تھی گھر تقریباً دو اڑھائی سال پہلے جب ہم یہاں سے مستقل طور پر کراچی منتقل ہوئے اور وہاں مستقل سکونت اختیار کی تو یہاں مذکورہ سکول میں اپنے فرائض سرانجام دینا مشکل نہیں بلکہ ناممکن تھی اسلئے میں نے اپنے گھر میں اپنی بیوی کو کسپا تھ صلح مشورہ کر کے مذکورہ طہرے سے میری بیوی کے استغفی دینے اور اُسں پر سکول کے اصل مالک اخترخان کے بیوی کے نام کرانے پر متفق ہوئے اور یہ ہمارے سارے گھر کے متفقہ فیصلہ تھا اور ہم سب اس پر راہی تھے جن میں میری بیوی گل میرانہ بھی شامل تھی اور اسکا استغفی اُسکے مدنی سے دے دی گئی اور میری بیوی جو اب درخواست میں لکھتی ہے کہ چھو سے دھوکے سے اٹھوٹا لگوایا گیا وہ برابر غلط اور جھوٹ پر مبنی ہے کیونکہ اس وقت کے F.R. AEO اور کے اپنے کے باوجود اُسں نے کہا کہ سب کچھ مجھے معلوم ہے اور میں استغفی دے رہے ہوں کیونکہ یہ ہماری خاندانی تقسیم ہے۔ اور جب اس نے اپنے طہرے سے استغفی دی تو اُسکی



بھی کافی طرح گزر چکا ہے اور مذکورہ ٹھکانے پر میرے بھائی اختر خان کی بوی
بنیلہ تعینات ہو چکی ہے جسکی نامزدگی اسوقت ملائے کے مشران اور لوئیٹیکل حکام
نے کی تھی۔ اسلئے اگر یہ دھوکہ تھا تو پھر یہ سارا مرحلہ کیسے مکمل ہوتا۔

لہذا ایک مرتبہ پھر حلفیہ طور پر کہتا ہوں کہ میری مذکورہ بوی گل مہرانہ ان ساری
باتوں سے معلوم تھی اور اُسکا استغفی کسی دھوکے یا جبر کی وجہ سے نہیں بلکہ اُن کی
اپنی رضامندی سے دے دی گئی تھی جو غمخیزوں کے ورغلانے پر ہماری برادری کو تباہ
کرنے پر تلی ہوئی ہے۔ لہذا استدعا کرتا ہوں کہ میری بوی گل مہرانہ کی غلط بیانی
کرنے والی درخواست کو خارج کر کے اور ٹھکانے پر موجود اختر خان کی بوی بنیلہ کو
درست سمجھا جائے تاکہ ہم بھائی آپس میں دشمنی سے بچ رہیں۔

نہا گل شاہ

صدر خان

الغافل

مذکورہ بیان کا گواہ۔

غلاب صاحب ولد معروف شاہ

شناختی کارڈ نمبر: 225010809954-1

صدر خان ولد مشرف خان

آدم خیل - ڈاکخانہ پورہ

تحصیل و ضلع ساہیوال

42401-5803646-5

Solemnly Affirm before me P.Y 81.

شناختی کارڈ نمبر

خانزادان نمبر



BEFORE THE HONOURABLE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Misc Application No _____ of 2019
In Re:
Service Appeal 272/2018

Mst: Gul Merina

VERSUS

A.E.O and others

Subject: - CHANGE OF DESIGNATION AND ADDRESSES OF THE
PARTIES

Respectfully Sheweth:-

The Applicant humbly submits as under:-

- 1) That the above titled appeal is pending adjudication before this Honourable Tribunal.
- 2) That in compliance with the direction of this Honourable Tribunal and in furtherance of 25th ^{Amendment to} Constitution of Pakistan, 1973, the new designations and addressed of the parties may be substituted as enclosed herewith.

Appellant/Applicant

Through:


(SHAH NAWAZ KHAN)

Advocate,
High Court, Peshawar

Dated: -16-01-2019

BEFORE THE HONOURABLE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Misc Application No _____ of 2019

In Re:

Service Appeal 272/2018

Mst: Gul Merina

V E R S U S

A.E.O and others

1. District Education Officer (Agency Education Officer),
Peshawar
2. Director Education Government of Khyber Pakhtunkhwa
3. Government of Khyber Pakhtunkhwa through Secretary
Education
4. Assistant Commissioner, Peshawar
5. Mst: Nabeela, Government Girl Primary School Khewa Gul,
Pista Wyani Aatan Khel, P.O Bara Road, Peshawar

Appellant/Applicant

Through:


(SHAH NAWAZ KHAN)

Advocate,
High Court, Peshawar

Dated: -16-01-2019

BEFORE THE HONOURABLE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Misc Application No _____ of 2019
In Re:
Service Appeal 272/2018

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V E R S U S

A.E.O and others

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Appellant/Applicant

Through:


(SHAH NAWAZ KHAN)

Advocate,
High Court, Peshawar

Dated: -16-01-2019

BEFORE THE HONOURABLE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Misc Application No _____ of 2019
In Re:
Service Appeal 272/2018

Mst: Gul Merina

V E R S U S

A.E.O and others

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1. District Education Officer (Agency Education Officer),
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 3. Government of Khyber Pakhtunkhwa through Secretary
Education
 4. Assistant Commissioner, Peshawar
 5. Mst: Nabeela, Government Girl Primary School Khewa Gul,
Pista Wyani Aatan Khel, P.O Bara Road, Peshawar

Appellant/Applicant

Through:


(SHAH NAWAZ KHAN)

Advocate,
High Court, Peshawar

Dated: -16-01-2019

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service appeal no. 272/2018

Mst. Gul Marina

V/S

Agency Education & Others

COMMENTS ON BEHALF OF
RESPONDENT NO. 5 NAMELY MST.
NABEELA

Respectfully Sheweth,

Reply on behalf the plaintiff is as under:

Preliminary objections: -

1. That the appellant has no cause of action to file the instant appeal.
2. That the instant appeal is not maintainable in its present form.
3. The the appellant has concealed material facts from this Hon'ble Tribunal.
4. The the appellant has not come to this Hon'ble Tribunal with clean hands.
5. That the instant appeal is badly time barred.

6. That the conduct of the appellant estopped her to bring the instant appeal.

On Facts:-

1. Para-I is subject to record.
2. Para-2 subject to record.
3. Para -3 is subject to proof, however appellant is no more employee of the Respondent Department as she has submitted an application on 04/07/2013 for resignation which has been properly accepted by the respondent department vide letter No. 7295-99 dated 04/07/2013, however as for the statement of Sadar Khan (husband of) Gul Marina, that the school in which the appellant has performed her duty has been made on their land and was common of their brothers but after the division amongst the brothers, the land of the school and receiving benefits from it was declared the share of the husband of respondent No. 5 namely Akhtar Khan while the common residential quarters at Karachi were given as a share of him alongwith other brothers namely Ramrez Khan. He further stated that Mst. Gul Marina on her sweet will and consent, submitted her application for resignation from her post and no fraud has been conducted with her. As well as the other witness also narrated the same story. (Copy of statement of Sadar Khan,

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Application of resignation and acceptance letter are attached).

4. Para 4 is already explained in Para-3 however, as written application is sufficient, the documentary prove of her willingness for resignation accepted and cannot be revoked / cancelled after sufficient length of time.
5. Para 5 is incorrect, the post vacated due to resignation of the appellant needed to be filled as per law/ policy.
6. That proper inquiry was initiated in order to dig out the veracity appeal of the petitioner but as far inquiry report, her family members did not agree with the contention of the appellant and admitted her resignation as genuine and true. (Copy of inquiry is attached)
7. As mentioned in Para 6.
8. Already explained in Para-3. However, an impartial inquiry was conducted duly supported by the written statement of the appellant's husband which fact strongly negated the plea of the petitioner against the inquiry report.
9. Para -9 is incorrect, however reply on the ground is as under.

GROUNDS:

- A. Pertains to record however the appellant herself tendered resignation.
- B. Incorrect. Every official is individually appointed and also renders services personally, no one is allowed to serve through substitute.
- C. Incorrect. Appellant has rendered resignation, therefore could not have any established rights against respondents under the law.
- D. The appellant may constitute a case of fraud under section 420 etc against his own family, as respondents have not put any pressure on the appellant, nor respondents have persuaded, appellant family members to effect of her resignation from service.
- E. As elucidated in the above Para.
- F. Incorrect, the appellant resignation on her own request.
- G. Incorrect, hence denied.
- H. As elucidated under D above.

I. No Comments.

J. The order is legal and plea of the appellant hit by principles of laches hence is liable to be dismissed.

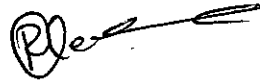
K. The Hon'ble' Tribunal entertain only those appeals which are filed within prescribed period of limitation, therefore, instant appeal is not maintainable.

It is, therefore, most humbly prayed that he appeal of the appellant may kindly be rejected/ dismissed.

Dated: 16/01/2019

Respondent No. 5

Through



ROEDA KHAN

Advocate, High Court
Peshawar.



"A"

④
OFFICE OF THE
AGENCY EDUCATION OFFICER
FR PESHAWAR
BLOCK: 8 NEAR INFORMATION DEPTT.
KHYBER ROAD, PESHAWAR, K.P.K. (96)
Phone No. 091-9210145
No. 7255-99 Dated 4/7/13.

Resignation Notification

Consequent upon the request of Ms: Gul, merana W/O Sader Khan Caller at GGPS Khewa Gul Killi FR- Peshawar for resignation is accepted in the best interest of public service.

Note:- Necessary entry to this effect should be made in her service Book and other office record.

o/c
SYED HUSSAIN AFRIDI
AGENCY EDUCATION OFFICER
FR PESHAWAR.

Copy of the above is forwarded for information and necessary action to the :-

- 1) Assistant Political Agent FR Peshawar
- 2) Additional Accountant General (PR) sub Office Peshawar.
- 3) AAEO (F) FR Peshawar
- 4) Accountant Local Office
- 5) Official Concerned.

o/c
AGENCY EDUCATION OFFICER
FR PESHAWAR.

کذوت جاب آجی ایجوکیشن اینڈ ریسرچ آرڈینریٹ (B) (5)
 استغفی

جناب عالی
 وردبانہ گذارش ہے کہ میں کام ٹریسٹ پر مینجنگ
 لیسٹ میں ہیں اور فزیکل سرٹیفیکیٹ دینی میں
 ناگزیر وجوہات اور گویو عجزوں کی بنا پر میں اس ٹریسٹ
 سے مستغفی ہو رہی ہوں۔
 اور اس استغفی ایک فزیکل میں فزیکل طور پر کیے پیش کرتی ہوں
 اس لئے ہے کہ میری استغفی فزیکل طور پر فزیکل

7/213
 (30)
 مکین نوڈیشن
 الکارف

Right hand
 thumb

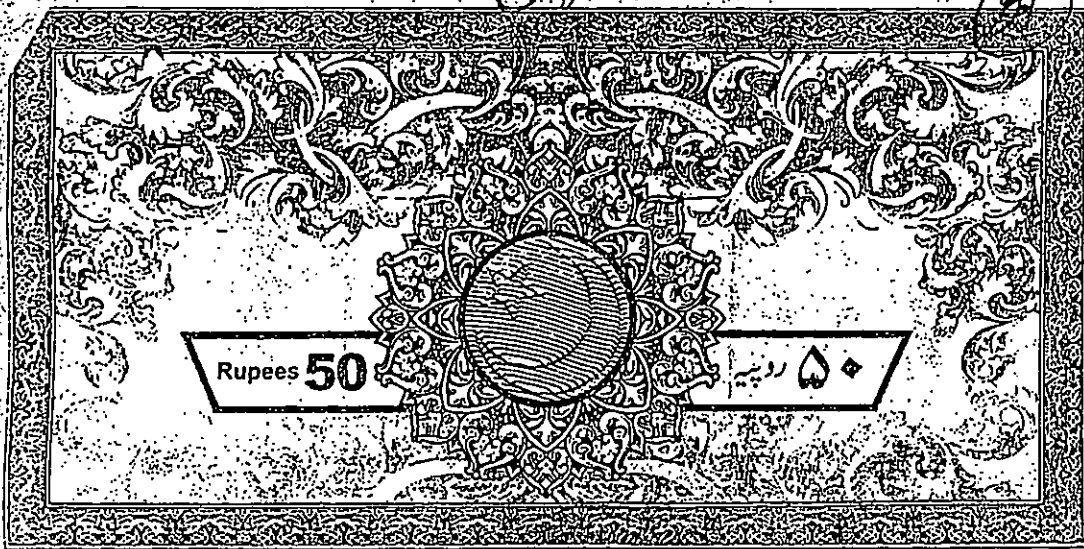
گول میدان زوم سرکار
 کتہ عمر شاہ کے بستہ میں
 ایف آر ایف آرڈینریٹ

گواہ: افترخان ولد
 شریف کازم - 55755
 فزیکل سرٹیفیکیٹ

AAEO 'F' / Supdt
 Agreed as resigned by her
 for notification pl

350538

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بھی کافی عرصہ گزر چکا ہے اور مذکورہ ٹھکانے پر میرے بھائی اختر خان کی بیوی
نبیلہ تعینات ہو چکی ہے جسکی نامزدگی اسوقت علاقے کے مشران اور لوہیوں کے حکام
نے کی تھی۔ اسلئے اگر یہ دھوکہ تھا تو پھر یہ سارا مرحلہ کیسے مکمل ہوتا۔

لہذا ایک مرتبہ پھر حلفیہ طور پر کہتا ہوں کہ میری مذکورہ بیوی گل میرانہ ان ساری
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اپنی رضامندی سے دے دی گئی تھی جو غیروں کے ورغلانے پر ہماری برادری کو شاہ
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کرنے والی درخواست کو خارج کر کے اور ٹھکانے پر موجود اختر خان کی بیوی نبیلہ کو
درست سمجھا جائے تاکہ ہم بھائی آپس میں دشمنی سے بچ سکیں۔

میرانہ

صدر خان

البار

مذکورہ بیان لاگو آہ
مکاتب صاحب ولد معروف شاہ

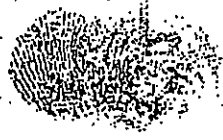
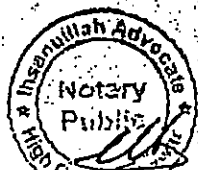
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صدر خان ولد مشرف خان
آدم خیل - ڈاکٹھانہ پورہ
تحصیل رملوے ساور -

شناختی کارڈ نمبر: 424015803646-5

Solemnly Affirm before me P.Y. 81.

خانانہ نمبر



OFFICE OF THE PRINCIPAL GHS
KANDI ZARIN KHIL,
F.R. PESHAWAR.

No. 1475 Dated 08/11/2017

The Agency Education Officer,
F.R. Peshawar.

Subject:- SUBMISSION OF AN INQUIRY REPORT.

INTRODUCTION.

With reference to your office letter No.1954-A dt 28.09.2017. we, Mr. Nur Nawaz, Principal Government High School Kandi Zarin Khel F.R. Peshawar & Mr. Naik Amir Principal, Government High School Bora No. 1, F.R. Peshawar, have been appointed as Inquiry Officers to investigate the allegation, leveled by Gul Mirona, Ex Caller of GGPS Khiwa Gul Killi F.R. Peshawar and submit a detailed report to your office within a stipulated time.

HISTORY OF ALLEGATION.

An application has been filed at your office by Miss Gul Mirona Ex Caller of GGPS Khiwa Gul Killi F.R. Peshawar, leveling the charge that her brother in law, Mr. Akhtar Khan, husband of Miss Nabila present Caller of the School made her application, to sign, regarding her resignation, pretending of changing her salary to a bank, but after some time she was informed that her resignation, from the post submitted by her, has been accepted and Miss Nabil, the wife of Akhtar Khan has been appointed on the post.

FINDINGS/PROCEEDURE

ADOPTED

After receiving the letter from the office, we made a contact with the relevant parties of the case and asked them to make sure their presence at the office of Agency Education Officer, F.R. Peshawar at Peshawar on 4th Oct, 2017. On scheduled date, both the parties were found present. Then, for the purpose to inquire the allegation,

First of all, we called on the complainant, Miss, Gul Mirona, Ex Caller of the school and asked her to give written as well as oral statement in favor of her allegation. In her reply, she repeated almost all those words that were written in her application. However, she stated that she was unaware of her resignation and was not willing to resign the post. She was misled by the lies of her brother in law, Mr. A.Khan who made her believe that her salary was to be shifted to a bank and her presence there was necessary for that and that was the reason that she affixed her thumb impression for transfer of her salary to a bank not for her resignation. She said that it was a fraud with her. Yet she admitted and said that she had never taken the salary throughout her service, but always handed over to her brother in law, Mr. Akhtar Khan.

...said that her service should be returned her. We told her, Please produce her witness in favor of her charge if, there is any, but she could not do so.

After hearing the oral and receiving written statement of the complainant, we met the alleged one, Mr. Akhtar Khan and put the allegations before him and asked him to give oral as well as written reply, regarding those allegations. In his reply, he pointed out that the land on which the school has been established, was common of their brothers and his sister in law, Miss Gul Mirona had been appointed on the said post at the school when they were unmarried and no illegible female for the post at their home, except her. However, during the division among their brothers which was made by his elder brother, Sadar Khan himself, husband of Miss Gul Mirona also. Under which the land of the school and receiving benefits from it, was declared his share while their common. Residential Quarters at Karachi were given as shares of his brothers, Sadar Khan & Ramraz Khan and that was the reason that Gul Mirona handed over the salary of the post to him regularly. He rejected her charge that she was unaware of her resignation, he said that it was wrong and based on lies only, because, it was the decision of her whole family. She gave an application on 1st May, 2011 for that purpose. (Photo copy attached). Since she was at Karachi at this time while her presence here was necessary for her resignation, so it was not done. As the benefits, receiving from the school was declared his share and his sister in law, Miss Gul Mirona has migrated with her family to Karachi in the previous circumstances of the locality and still living at Karachi with her family, so it is impossible for her to do his duty here in the school. He was compelled by his brother, Mr. Sadar Khan to appoint his wife on the post to get rid us of the hurdles. Otherwise he got the salary with -out any problem. Since it was a decision of her family which compelled him to appoint his wife, Miss Nabila on the post. Yet his wife, Nabila has been appointed for more than two years and receiving her salary monthly while she did not got the salary for the said period and filed the allegation after two or more than two years.

When he was asked if the division was of their brothers and decision of her resignation also of her husband, Sadar Khan, then he should call to verify the statement what he has stated. He asked a time for his coming to certify his statement. The committee gave him a month time.

3. Almost, after a month, on 01-11-2017, Mr. Akhtar Khan along with his brother, Sadar Khan and a witness of his village, Gulab Sahib, came to the committee while Ramraz Khan was not allowed, as he is on job in Karachi. When he was asked about the statements of his wife and his brother, Akhtar Khan, Sadar Khan, husband of Gul Mirona, verified the statement of his brother, Akhtar Khan and declared it true and based on facts. He solemnly declared on a stamp paper (Attached in orig.) and verified his statement by the witness Gulab Sahib that the resignation of his wife was the decision of his family, for, the said post in the school was given to his brother, Akhtar Khan during division among our brothers while our common residential quarters at Karachi were given me and my brother, Ramraz Khan, and that was the reason that my wife, Gul Mirona gave the monthly salary to the owner, Akhtar Khan. Since we are living at Karachi, so it was difficult for her to do her duty here. While that claim of My wife that she was unaware of her resignation and was fraud with her, was wrong and based on lies only, but the fact was that she was aware of the same and knew everything. She had come from Karachi for that purpose only, & resigned from the post willingly.

Handwritten signature and notes at the bottom of the page.

but unfortunately she was given greediness of pension & commutation, as she is provoked and excited by some others.

Her father added that she wanted to spoil the unity of our brothers. He also cleared out that the nomination of my sister in law, Miss Nabila from the elders of the locality and the concerned Political Authorities, is a clear indicator that the process was transparent and fair as per rules.

We also made try through some elders of the locality to resolve the issue, but the former was not willing to that.

At last we visited the office of AEO FR. Peshawar and asked there from concerned officers/official in the office about the incident. They said how the AEO can sign the same case, resignation of any Government Employee without information. So he had asked her about her resignation who expressed her willingness and said yes.

CONCLUSION:-

In light of above findings, it seems that all the relevant parties, are on one track except the complainant, Gul Mirona Even her husband, Sadar Khan and other family members are also not agree with her allegation. It is true that the nomination of Nabila was not made in right or signed by ignorant and illiterate, but signed it by the elders of the locality and APA concerned who know the same disputes of their locality and above all, how can the responsible AEO can sign the same on closed eyes. So, it can be said that all those people are not fair, but the complainant, Miss Gul Mirona is not true in her allegation/ statement and resigned from her post willingly. As it is said that she is living in Karachi for last two or more than two years also and performing her duty here hundred miles away, in the school which is itself controversial.

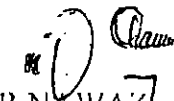
RECOMMENDATION/
PROPOSAL.

In light of above para's, it is recommended/proposed that if the worthy AEO FR Peshawar agrees and deems suitable, the request of the complainant, Miss Gul Mirona should be cancelled so that the newly appointed caller perform her duty in the school without any disturbance in the interest of public services please.



NAIK AMIR
PRINCIPAL

GOVT HIGH SCHOOL, BORA NO.1
FR. PESHAWAR



MIR NAWAZ
PRINCIPAL

GIS KANDI ZARIN KHIL
FR. PESHAWAR

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①

**OFFICE OF THE DISTRICT EDUCATION OFFICER (LITIGATION)
HSD PESHAWAR**

To

**The Superintendent
DEO Office Hassan Khel
SD Peshawar.**

Subject:- PROVISION OF SERVICE BOOKGUL MIRANA EX-CALLER.
Memo:-

I am directed to hand over the service book of Mst Gul Mirana Ex-Caller, to litigation officer, as the case has already been fixed for hearing in honorable service Tribunal Peshawar.

(Appeal No. 272/2018)

Dist. Education Officer

[Signature]

ADEO
(Litigation)
Hassan khel sub-div
Peshawar

NIC 17301-15 26740-9

cell No 0345 9301480

کذمت جاب - ایجنسی ایجوکیشن اینڈ ریسرچ افسار ایف آئی آر

(2)

B

(95)

مستوفی

جہاں پالی

خود بیانہ رگزارش ہے کہ میں آگسٹ 2013 میں ایف آئی آر سے مستوفی ہوئی ہوں۔
میں مستوفی ہو رہی ہوں۔
انڈیا میں ایف آئی آر کے لیے اپنا پتہ لکھ کر بھیج دیا ہے۔
انڈیا میں ایف آئی آر کے لیے اپنا پتہ لکھ کر بھیج دیا ہے۔

4/7/2013

الموع

مکین نوآرٹس سنٹر

اللاؤفٹ

Left hand thumb

Right hand thumb



مکین نوآرٹس سنٹر
گولڈن ہینڈ روم، لاہور

گواہ: ایف آئی آر جہاں پالی
شناخت کارڈ نمبر: 7265755-1-42401
خود بیانہ رگزارش

AAEO 'F' / Supdt
Agreed as resigned by her
Put up for notification pl.
4/7/13

Attested

Signature

(3)

**ASSISTANT POLITICAL AGENT
FR PESHAWAR**

[Handwritten signature]
10/11/2014

No. 2159 /APA(FR)/Nomination.
Dated Peshawar the 10/11/2014

To
The Agency Education Officer
FR Peshawar.

Subject: **NOMINATION FOR APPOINTMENT AS CLASS-IV POSTS.**

Reference your letter No.10084 dated 03.10.2014, on the subject noted above.

The competent authority has been pleased to nominate the following persons for appointment as class-iv against the posts fallen vacant in Educational Institutions mentioned against each:

S.No.	Particulars of the Nominated persons recommended by land donors	Name of Post	Name of School	Remarks
1	Muhammad Nazeef Khan S/O Mutalab Khan, Musa Darra FR Peshawar	Chowkidar	GHS Musa Darra FR Peshawar	Against Vacant Post
2	Khan Alam S/O Zatoool Khan r/o Pastawani FR Peshawar	Chowkidar	G MS Pastawani FR Peshawar	Against Vacant Post
3	Zahida Bibi S/O Multan r/o Asho Khel FR Peshawar	Caller	GGPS Gul Muhammad FR Peshawar	Against Vacant Post
4	Nabila W/O Akhtar Khan r/o Pastawani FR Peshawar	Caller	GGPS Khewa Gul Killi FR Peshawar	Against Vacant Post

[Handwritten signature]
**ASSISTANT POLITICAL AGENT
FR PESHAWAR**

No. 2160 /APA(FR)/Nomination
Copy forwarded to the Deputy Commissioner/Political Agent FR Peshawar.

[Handwritten signature]
**ASSISTANT POLITICAL AGENT
FR PESHAWAR**

AHested
[Handwritten signature]



4

OFFICE OF THE
AGENCY EDUCATION OFFICER
FR PESHAWAR
BLOCK: 8 NEAR INFORMATION DEPTT:
KHYBER ROAD, PESHAWAR, K.P.K
Phone No. 091-9210145

APPOINTMENT

Consequent upon the Nomination/Approval of the Competent Authority vide Assistant Political Agent FR Peshawar letter No.2159/APA(FR)/Nomination dated.10.11.2014, the following candidates of FR Peshawar domicile holder/Land Donor is hereby appointed as Class-IV servant in BPS-1 (Rs.4800-150-9300) PM plus usual allowances against the vacant posts in the schools noted below with effect from the date of their taking over charge in the interest of public service to the following terms and conditions:-

S.#	Name	Desig.	School	Remarks
1.	Muhammad Nazeef Khan S/O Mutalab Khan	Chowkidar	GHS Musa Dara FR Peshawar	Against Vacant Post.
2.	Khan Alam S/O Zatoool Khan	Chowkidar	GMS Pastawani FR Peshawar	Against Vacant Post
3.	Zahida Bibi D/O Multan	Caller	GGPS Gul Muhammad FR Peshawar	Against Vacant Post
4.	Nabila W/O Akhtar Khan	Caller	GGPS Khewa Gul FR Peshawar	Against Vacant Post

TERMS AND CONDITIONS:

- 1) Charge report should be submitted to all concerned.
- 2) If the candidates wish to resign from their posts, they will give one month prior notice or their pay for one month will be forfeited in lieu thereof.
- 3) They should produce their health and age certificate from the Medical Superintendent concerned.
- 4) They may not be handed over charge if their age is below 18 years or above 45 years.
- 5) If they fail to report within 15 days then the appointment order will be treated as cancelled automatically.
- 6) If any technical legal flaw is pointed out at any stage the appointment will stand cancelled and recovery of payment will be made accordingly.

Agency Education Officer
FR Peshawar

No: 10332-37 Dated: 11.11.2014

Copy for information and necessary action to the:-

1. Director Education FATA Peshawar.
2. Addl: Accountant General (PR) Sub office Peshawar.
3. Assistant Political Agent FR Peshawar.
4. Headmasters/Head Teachers concerned.
5. AAEO(M/F) FR Peshawar.
6. Candidates concerned.

Agency Education Officer
FR Peshawar

Asiz

Attested

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Re: Service Appeal No 272/2018

Mst: Gul Merina.....(Appellant)

VERSUS


DEO (Ex AEO).....(Respondents)

I N D E X

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGE
1.	Reply/rejoinder	-	01 - 12
2.	Affidavit	-	13

Appellant

Through:


(SHAH NAWAZ KHAN)
Advocate,
High Court, Peshawar
Cell # 0336-3036685

Dated: -26-11-2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Re: Service Appeal No 272/2018

Mst: Gul Merina.....(Appellant)

VERSUS

DEO (Ex AEO).....(Respondents)

REJOINDER TO COMMENTS ON BEHALF OF APPELLANT TO
WRITTEN COMMENTS OF RESPONDENTS

Respectfully Sheweth:-

REPLY TO PRELIMINARY OBJECTIONS:-

- A) The first objection of the official/Respondents and 2nd objection of Respondent No 5 is false, incorrect, unlawful, hence denied. The record produced by the Respondents support the plea of the Appellant and the Appellant has got strong case against the Respondents. This Honourable Tribunal admitted the instant appeal for regular hearing.
- B) That the second preliminary objection of the official Respondents and objection No 3 of Respondent No 5 is incorrect, false, concocted and unlawful, hence denied. The Appellant very fairly brought all the facts before this Honourable Tribunal and attached all the documents in her possession at the time of presentation of appeal.

- C) The third preliminary objection of official Respondents and first objection of Respondent No 5 is false, incorrect, concocted and unlawful, hence denied. The Appellant has got cause of action. In fact the Appellant has never tendered resign. Both the official Respondents and husband of Respondent No 5 had taken thumb impression on paper only for the purpose of transfer the Appellant salary to bank account. Under the law, no witness is required for resignation, this shown the mala-fide of the Respondent. Nothing is mentioned by Respondents regarding that they have explained the contents of application to the Appellant. It is necessary to mention here that summer vacation starts from 1st June and ends on 31st August each year. The Respondents selected the time of summer vacation for the purpose to keep the Appellant in darkness.
- D) That the fourth preliminary objection of the official Respondent and 5th preliminary objection of Respondent No 5 is incorrect, false, concocted and unlawful; hence denied. No limitation runs against and illegal order and an order which is void ab-initio. The whole procedure of resignation adopted by official Respondents is illegal. The Appellant is kept in darkness about her resignation, at that time; the salary of Appellant remained stopped for the reason of expiry of her CNIC. She was given salary of

several months at once and the Appellant was told by the official Respondents and by husband of the private Respondent to impress thumb on white paper for transfer of salary to bank account. So the Appellant has impressed thumb on paper only for transfer of her salary to bank account only and not for resignation from service. It is also pertinent to mention here that date mentioned of forged resign application is 04-07-2013, which is unlawfully accepted on the same day and notification is issued on the same, while effect to the same is given in the service record of the Appellant from 30-06-2013, which make the order and effect of order void ab-initio; hence no limitation runs against such order. Furthermore, it is hereby clarified that in those days the schools in the area remained closed due to terrorism in ex-tribal areas and re-opened after the successful Military Operation in 2017, when the Appellant went to school for duty she got information regarding the change of her duty in the name of one Mst: Nabeela (Respondent No 5) wife of one Akhtar Gul witness of resign application. When the Appellant got information, she started legal struggle for reinstatement, so limitation not runs against an order, which is void ab-initio.

- E) That the 5th preliminary objection of official Respondents, while objection No 4 of Respondent No 5 is unlawful,

false, concocted and incorrect; hence denied. The Appellant has invoked the jurisdiction of this Honourable Tribunal with clean hands. The Appellant has brought every fact before this Tribunal in her knowledge.

- F) That para No 6 of the preliminary objection of the Respondents is unlawful, incorrect, false, concocted; hence denied. The Appellant has never tendered resign. The Appellant impressed thumb on white page only for transfer of her salary to bank account. The official Respondents and husband of Respondent No 5 deceived the Appellant. Under the law all the official business is required to be carried out through proper channel; hence the resign application was required to be forwarded to ADEO (Ex-AEO) through the head teacher of the school. The mala-fide of Respondents is crystal clear from the process adopted by them and time selected by them for the resign of the Appellant. As the Appellant has never tendered resign, hence the principle of estoppel does not apply to the case of the Appellant.

ON FACTS:-

- 1) Para No 1 of the appeal is correct. The Respondents No 1 to 4 being official Respondents are custodian of the whole official record of the Appellant and responsible for producing the same before this Honourable Tribunal.

- 2) Para No 2 of the appeal is correct and Respondents No 1 to 4 are custodian of the official record and being official Respondents are responsible to produce same before this Honourable Tribunal.
- 3) Para No 3 of the appeal is correct and salary slip is sufficient proof of drawing salary from the the Government. The Appellant is unlawfully deprived from service keeping her in darkness. Resign notification is not tendered to the Appellant by the Respondents. The official Respondents has provided no dispatch record to show that resign notification was handed over to the Appellant nor any receiving sign/thumb impressed by the Appellant to show that resign notification was given to the Appellant. Furthermore, the resign application is not required to be witnessed by some beneficiary. On resign application it is not mentioned that the competent authority explained the contents of application to the Appellant, nor a single word regarding free consent of the Appellant is written, date selected by the Respondents for deceiving the Appellant falls in summer vacations, which expose mala-fide on the part of Respondents. It is necessary to mention here that once a property is transferred to the Government cannot be divided under inheritance nor the Government seat can be divided/transferred/inherited under the family partition/

division of property; hence the Appellant has right to hold her post under the law.

4) Para No 4 of the appeal is correct, while reply of Respondents to para No 4 of the appeal is incorrect, unlawful; hence vehemently denied. The Appellant had never resigned from her post. The official Respondents provided a different application of resign, which is attached by Appellant, while the official Respondents attached a different resign application, which shows mala-fide on the part of Respondents and expose their conduct regarding several attempts of depriving Appellant from her post. The inquiry committee has also mentioned the previous attempt of resignation in their report. The whole process adopted in the case of Appellant by Respondents is against the law; hence having no effects against the rights of Appellant. Moreover, the appointment of Respondent is illegal, incorrect and void ab-initio under Clause 6 of the terms and condition of appointment order No 10332-37 dated 11-11-2014.

5) Para No 5 of the appeal is correct, while para No 5 of reply of Respondent is incorrect, unlawful, hence denied. The Appellant has never resigned from her post. The whole process adopted by Respondents is unlawful, illegal, void ab-initio; therefore, not effective against the right of Appellant. Moreover, the appointment order NO

10332-37 dated 11-11-2014 is void ab-initio under para No 6 of the terms and conditions up-to the extent of Respondent No 5.

- 6) Para No 6 of the appeal is correct, while reply of the Respondents is incorrect; hence denied. The inquiry committee made a biased inquiry. The members of inquiry committee, committed severe illegalities by not keeping in mind the Civil Service Act, 1973 amended up-to date. Inquiry Committee made inquiry in ignorance of law. No official Respondent is examined in inquiry by the inquiry committee. Inquiry Committee has committed another illegality by not providing opportunity to Appellant to cross examine the witness deposing against her in the report of inquiry committee, the committee has not recorded the reason of their findings.
- 7) Para No 7 of the appeal is correct, while para No 7 of the reply by Respondents is incorrect; hence denied. The inquiry committee made a biased inquiry, which is unfair, unjust and illegal. The inquiry committee's report is exclusively against the Civil Servant Act and Rules made under the Act.
- 8) Para No 8 of the appeal is correct, while para No 8 of the reply of the Respondents is incorrect, unlawful, hence denied. Inquiry committee made inquiry in ignorance of law. No official Respondent is examined in inquiry by the

inquiry committee. Inquiry Committee has committed another illegality by not providing opportunity to Appellant to cross examine the witness deposing against her in the report of inquiry committee, the committee has not recorded the reason of their findings.

- 9) Para No 9 of the appeal is correct, while para No 9 of the reply of the respondent is incorrect, hence vehemently denied.
- 10) That the Appellant with prior leave of this Honourable Tribunal seeks permission to take other grounds as well at the time of arguments.

GROUND:-

- A) Ground A of the appeal is correct, while reply to para by the Respondents is incorrect, hence denied. As per record produced by the official Respondents, Appellant served from 01-11-2003 till 04-07-2013 without any interruption. Such a long service entitles a civil servant to pension and pensionary benefits. The Appellant has never resigned from service. The Appellant has impressed thumb on white paper only for the purpose of transfer of salary to Bank account. In those days the Appellant's CNIC was expired and her salary remained stopped. She was given salary for several months at once after getting her thumb impression on white page; hence the above mentioned fact shows mala-fide on the part of Respondents.

- B) Ground B of the appeal is correct, while reply to para B by Respondents is incorrect; hence denied. The official Respondents played their role in commission of fraud against the Appellant. The official Respondents could play their role in a balancing way by retiring the Appellant and giving her pension and pensionary benefits as per length of service of Appellant and later on could appoint their blue eyed Respondent No 5. But the official Respondents put their weight to the side of Respondent No 5 and deprived the Appellant from her post in an illegal way.
- C) Ground C of the appeal is correct, while reply by the Respondent to para C is incorrect, hence denied. As already explained the Appellant has never resigned the whole process adopted by Respondents is illegal, unconstitutional, deceiving and ineffective upon the rights of the Appellant. The process of resign application is illegal; effect given to resign by Respondents in service book is illegal. So, the whole superstructure made on illegal base having no status under the law. The appointment of Respondent No 5 is made on the post unlawfully vacated by the Respondent is liable to be terminated under the law and terms and conditions of appointment order. Furthermore, the nomination of Respondent No 5 is also illegal, unfair and violation of

process for appointment to post in serviced of the Government.

- D) Para No D of grounds of the appeal is correct and reply No D of the reply by Respondents is also correct to the extent of fraud, committed by all the Respondents with their mutual consent against the Appellant. The right of initiation of criminal proceedings against the Respondent is reserved with the Appellant. It is necessary to undo the effects of fraud committed by Respondents by reinstating the Appellant to her post with all back benefits as per law and by declaring the nomination process No 2159/APA (FR)/Nomination dated Peshawar the 10-11-2014 and appointment order No. 10332-37 dated 11-11-2014 as illegal, null and void and ab-initio. It is pertinent to mention here that the official Respondents kept the Appellant in darkness, as nothing is mentioned on the forged resign application regarding free consent. Nor resign notification copy is delivered to Appellant by Respondents.
- E) Para No E of the appeal is correct, while detailed reply of the reply to para D is given in the para D of the rejoinder as above.
- F) Para F of the grounds of the Appeal is correct, while reply to para F by Respondents is incorrect, unlawful, hence

denied. The Appellant has never resigned as already explained in the above paras.

- G) Para G of grounds of appeal is correct, while reply of Respondents to para G is incorrect and unlawful, hence denied. The matters of inheritance are to be dealt under the law of inheritance.
- H) Para H of the grounds of appeal is correct, while reply to para H by the Respondents is incorrect, hence denied. The detailed reply to the reply of para D is given in the rejoinder above.
- I) Para I of the grounds of the appeal is correct.
- J) Para J of the appeal is correct, while reply of the Respondents is incorrect, unlawful, hence denied. The Respondents kept the Appellant in darkness; Appellant impressed thumb on white page only for transfer of her pay to Bank account, as already explained that 4th July falls in summer vacation every year. Furthermore, it is also pertinent to mention here that the Government school remained closed due to Military operation in the area. After the restoration of peace in area and opening the school when the Appellant went to school for duty she got information regarding transfer of her job in the name of private Respondent. As soon as Appellant got information, she started her legal struggle for getting her

job back by giving applications to the AEO (DEO) and APA.
(Copies of the applications are attached with the appeal).


K) Para K of the ground of the appeal is correct, while reply of the Respondent to para K is illegal, incorrect; hence denied. The resign application is illegal, resign notification on the basis of application illegal, effect given to resign notification in service and appointment of Respondent No 5 is illegal and void ab-initio. Under the law as laid down by the Honourable superior Courts in a number of judgments, which are binding on the Courts under Article 189 and 201 of the Constitution of Islamic Republic of Pakistan, 1973 that no limitation runs against a void ab-initio order.

Therefore, it is humbly prayed that on acceptance of appeal and rejoinder of Appellant, the relief may kindly be granted to Appellant as prayed for in appeal.

Furthermore, the resign application dated 04-07-2013 may also be declared forged, illegal, unfair, void ab-initio and ineffective upon the rights of Appellant and the nomination, appointment of the Respondent No 5 may kindly be declared as illegal, null and void and void ab-initio.

Appellant
(Mst: Gul Marina)

Through:


(SHAH NAWAZ KHAN)
Advocate,
High Court, Peshawar

Dated: -26-11-2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Re: Service Appeal No 272/2018

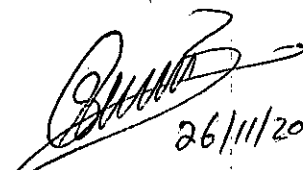
Mst: Gul Merina.....(Appellant)

VERSUS

DEO (Ex AEO).....(Respondents)

AFFIDAVIT

As per information/instruction of my client, all the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed OR withheld from this Honourable Tribunal willfully or deliberately.


26/11/2020
(SHAH NAWAZ KHAN)
Advocate
High Court, Peshawar

2007 S C M R 792

[Supreme Court of Pakistan]

Present: Ch. Ijaz Ahmed and Hamid Ali Mirza, JJ

REGISTRAR, LAHORE HIGH COURT, LAHORE---Appellant

Versus

Syed JAVED AKBAR and another---Respondents

Civil Appeal No.1678 of 2003, decided on 14th December, 2006.

(On appeal from the judgment, dated 16-1-2003 passed by the Punjab Subordinate Judiciary Service Tribunal, Lahore in Appeal No.62 of 1999).

(a) Punjab Subordinate Judiciary Service Tribunals Act (XII of 1991)---

---S. 5---Constitution of Pakistan (1973), Art.212(3)---Leave to appeal was granted by Supreme Court to consider the effect of withdrawal of resignation tendered by judicial officer after lapse of a considerable time.

(b) Punjab Subordinate Judiciary Service Tribunals Act (XII of 1991)---

---S. 5---Reinstatement in service---Resignation, withdrawal of---Effect---Judicial officer tendered his resignation on 2-3-1998 and withdrew it on 20-4-1998, while it was accepted on 2-5-1998---Contention of authorities was that the judicial officer remained absent from duty for 71 days---Punjab Subordinate Judiciary Service Tribunal, allowed appeal of judicial officer on the ground that having tendered his resignation it would not have been appropriate for him to perform judicial functions thus judicial officer did not remain absent in fact---Judicial officer was reinstated by Service Tribunal without back benefit as he had been practising at the bar and intervening period from the date of his relinquishing charge and resuming the same was treated as kind of leave due---Validity---Resignation could be withdrawn or recalled before its acceptance by competent authority---Supreme Court declined to interfere with the judgment passed by Service Tribunal---Appeal was dismissed.

Jai Ram's case AIR 1954, SC 584; Shanker Dutt Shukla's case AIR 1956 All. 70; Reichel's case (LVI) LTR (NS) 539; Muhammad Khan's case PLD 1958 Kar. 75; Ashfaq Ahmad Mir's case 1999 PLC (C.S.) 738; Prof. Muhammad Ali Sheikh's case 2003 PLC (C.S.) 1535; Muhammad Rafique's case 1991 PLC (C.S.) 1040; Muhammad Salim Khan's case 1991 SCMR 440 and Abdul Jabbar Khan's case 1984 PLC (C.S.) 435 rel.

Farooq Zaman Qureshi, Advocate Supreme Court and Nazar Hussain, Deputy Registrar for Appellant.

Respondents: Ex part.

ORDER

Appellant/petitioner sought leave to appeal against the judgment of the Punjab Subordinate Judiciary Service Tribunal, dated 16-1-2003 which was fixed before this Court on 1-12-2003 and leave was granted in the following term:--

"After hearing the learned counsel for the petitioner, we are of the view that it is a fit case for the grant of leave to consider the effect of the withdrawal of the resignation tendered by the petitioner after lapse of a considerable time. Order accordingly. Operation of the order impugned shall remain suspended in the meanwhile."

2. Learned counsel for the appellant submits that respondent No.1 did not attend the office and perform duties after sending applications for withdrawal of resignations and remained absent for 71 days.

3. Be that as it may be, learned Service Tribunal had accepted the appeal by respondent No.1 with cogent reasons after application of mind as evident from the following operative part of the impugned judgment:--

"We have given consideration to the respective contentions of the learned counsel for the parties. There is no dispute that the resignation tendered on 2-3-1998 was withdrawn on 20-4-1998 while it was accepted on 2-5-1998. To our mind having tendered his resignation it would not have been appropriate for the appellant/judicial officer to perform judicial functions. There is no allegation that he remained absent in fact. The learned counsel for the appellant informs us that after the said event he has been practising at the bar.

That being so we will allow the service appeal. The appellant shall be reinstated in service without any financial benefit. Also the intervening period from the date of his relinquishing charge and resuming the same shall be treated as kind of the leave due."

4. It is a settled law that a resignation can be withdrawn or recalled before its acceptance by the competent authority. This view is indirectly supported by the observations of their Lordships of the Indian Supreme Court in a decision reported in Jai Ram's case AIR 1954 SC 584. The relevant observation is as follows:--

"It may be conceded that it is open to a servant, who has expressed a desire to retire from service and applied to his superior officer to give him the requisite permission, to change his mind subsequently and ask for cancellation of the permission thus obtained; but he can be allowed to do so, so long as he continues in service and not after it has terminated."

5. The aforesaid proposition of law is also supported by the following judgments:

(i) Shanker Dutt Shukla's case AIR 1956 All. 70, (ii) Reichel's case (LVI) LTR (NS) 539, (iii) Muhammad Khan's case PLD 1958 Kar. 75, (iv) Ashfaq Ahmad Mir's case 1999 PLC (C.S.) 738, (v) Prof. Muhammad Ali Sheikh's case 2003 PLC (C.S.) 1535, (vi) Muhammad Rafique's case 1991 PLC (C.S.) 1040, (vii) Muhammad Salim Khan's case 1991 SCMR 440 and (viii) Abdul Jabbar Khan's case 1984 PLC (C.S.) 435.

6. For what has been discussed above, this appeal has no merit and the same is dismissed.

M.H./R-25/SC

Appeal dismissed.

گورنمنٹ ہاؤس ایجوکیشن ایف آئی آر ایف آئی آر

(95)

اسٹاف

جناب عالی

خود بخود گزراؤں ہے کہ میں کالریوسٹ پر مبنیام 4476 خود عمل سے
پستہ دہی میں اس طرف سے ریٹائرمنٹ دینی رہی تھی
تاگرینر و جوجھات اور گویو جھوریں کی بنیاد پر میں اس پوسٹ
میں مستحق ہو رہی ہوں۔

اور اس اسٹاف میں اس قدر میں فرطوری کے لیے پیش کرتی ہوں

استحقاق ہے کہ میری اسٹاف فرطوری فرمادیں

الموعم 4/7/2013

میں گزراؤں سے

Left hand thumb



Right hand thumb



الاعتراف

میں میرا نوم پورا جان

کنڈہ عمر شاہ کے پستہ دہی

ایف آئی آر ایف آئی آر

AAEO 'F' / Supdt

Agreed as resigned by her
Put up for notification pl.

گواہ: ایف آئی آر ایف آئی آر

شناخت کارڈ نمبر: 7265755-42401

گورنمنٹ ہاؤس ایجوکیشن ایف آئی آر

Attested

[Signature]

4/7/13

ASSISTANT POLITICAL AGENT
FR PESHAWAR

No. 2159 /APA(FR)/Nomination.
Dated Peshawar the 10/11/2014

To

The Agency Education Officer
FR Peshawar.

Subject: NOMINATION FOR APPOINTMENT AS CLASS-IV POSTS.

Reference your letter No.10084 dated 03.10.2014, on the subject noted above.

The competent authority has been pleased to nominate the following persons for appointment as class-iv against the posts fallen vacant in Educational Institutions mentioned against each:

S.No.	Particulars of the Nominated persons recommended by land donors	Name of Post	Name of School	Remarks
1	Muhammad Nazeef Khan S/O Mutalab Khan, Musa Darra FR Peshawar	Chowkidar	GHS Musa Darra FR Peshawar	Against Vacant Post
2	Khan Alam S/O Zatoool Khan r/o Pastawani FR Peshawar	Chowkidar	G MS Pastawani FR Peshawar	Against Vacant Post
3	Zahida Bibi S/O Multan r/o Asho Khel FR Peshawar	Caller	GGPS Gul Muhammad FR Peshawar	Against Vacant Post
4	Nabila W/O Akhtar Khan r/o Pastawani FR Peshawar	Caller	GGPS Khewa Gul Killi FR Peshawar	Against Vacant Post

3
4
ASSISTANT POLITICAL AGENT
FR PESHAWAR

No. 2160 /APA(FR)/Nomination

Copy forwarded to the Deputy Commissioner/Political Agent FR Peshawar.

3
4
ASSISTANT POLITICAL AGENT
FR PESHAWAR

Attested
SAC



OFFICE OF THE
AGENCY EDUCATION OFFICER
FR PESHAWAR
BLOCK: 8 NEAR INFORMATION DEPTT:
KHYBER ROAD, PESHAWAR, K.P.K
Phone No. 091-9210145

APPOINTMENT

Consequent upon the Nomination/Approval of the Competent Authority vide Assistant Political Agent FR Peshawar letter No.2159/APA(FR)/Nomination dated 10.11.2014, the following candidates of FR Peshawar domicile holder/Land Donor is hereby appointed as Class-IV servant in BPS-1 (Rs.4800-150-9300) PM plus usual allowances against the vacant posts in the schools noted below with effect from the date of their taking over charge in the interest of public service to the following terms and conditions:-

S.#	Name	Desig.	School	Remarks
1.	Muhammad Nazeef Khan S/O Mutalab Khan	Chowkidar	GHS Musa Dara FR Peshawar	Against Vacant Post.
2.	Khan Alam S/O Zatoool Khan	Chowkidar	GMS Pastawani FR Peshawar	Against Vacant Post
3.	Zahida Bibi D/O Multan	Caller	GGPS Gul Muhammad FR Peshawar	Against Vacant Post
4.	Nabila W/O Akhtar Khan	Caller	GGPS Khewa Gul FR Peshawar	Against Vacant Post

TERMS AND CONDITIONS:

- 1) Charge report should be submitted to all concerned.
- 2) If the candidates wish to resign from their posts, they will give one month prior notice or their pay for one month will be forfeited in lieu thereof.
- 3) They should produce their health and age certificate from the Medical Superintendent concerned.
- 4) They may not be handed over charge if their age is below 18 years or above 45 years.
- 5) If they fail to report within 15 days then the appointment order will be treated as cancelled automatically.
- 6) If any technical legal flaw is pointed out at any stage the appointment will stand cancelled and recovery of payment will be made accordingly.

No: 10332-37 Dated: 11.11.2014

Copy for information and necessary action to the:-

1. Director Education FATA Peshawar.
2. Addl: Accountant General (PR) Sub office Peshawar.
3. Assistant Political Agent FR Peshawar.
4. Headmasters/Head Teachers concerned.
5. AAEO(M/F) FR Peshawar.
6. Candidates concerned.

Agency Education Officer
FR Peshawar

Agency Education Officer
FR Peshawar

Aziz

Attested
[Signature]

SERVICE BOOK

OF

Mr. Gul Meena

گل مینا

S/o Tanvir Khan

Designation Callu

Department Education

Price : Rs. 100/-

PRINTED BY:
STATIONERY & PRINTING DEPARTMENT, GOVERNMENT OF KHYBER PAKHTUNKHWA,
PESHAWAR

(For use in Police Department only)

Heirs:

1. _____
2. _____
3. _____

Verification Roll No. _____ dated _____ received back _____

Left Thumb Impression

Qualification	Date	Qualification	Date
English		First Arts	
Pushto		B.L. Or B.A.	
Urdu		Pleadership examiantion	
Plan-drawing		Training School Final examiantion.	
Finger Print.		Other qualification:—	
Drill Instructing			
Court Duties			
Reserve Duties			

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

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: MST: Gul Merina (22501-9246902-4)

2. Race: Muslim

3. Residence: vill: Pastawani Po Bora F.R. Peshawar

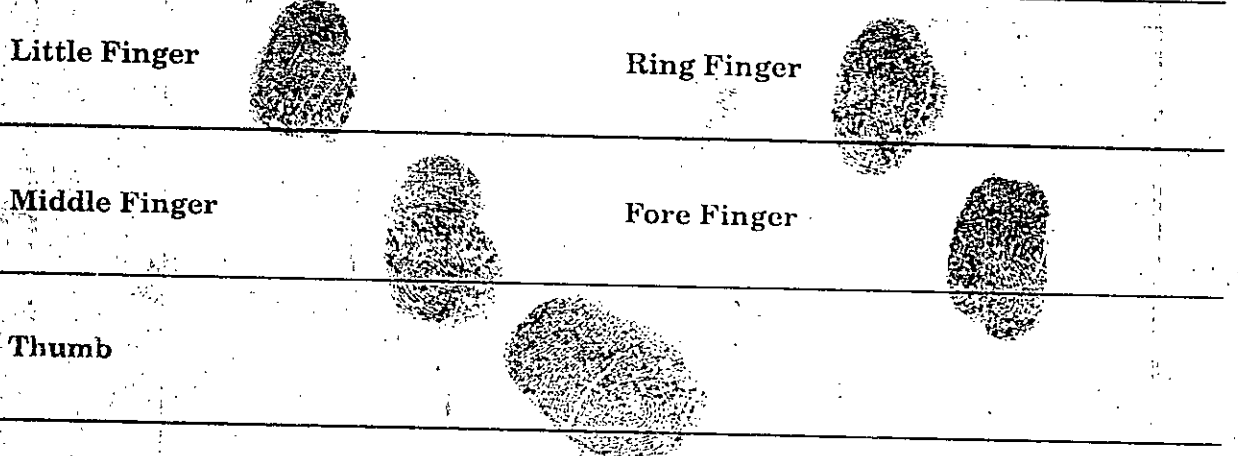
4. Father's name and residence: MR: Janat Khan


5. Date of birth by Christian era as nearly as can be ascertained: (01.07.1969) 1st July N.H. Sixty nine.


6. Exact height by measurement: 5-6

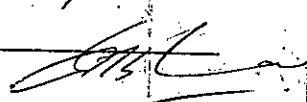
7. Personal marks for identification:

8. Left hand thumb and finger impression of (Non-Gazetted) officer:



9. Signature of Government Servant: 

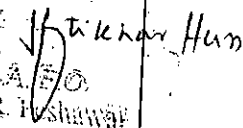



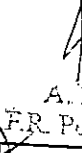
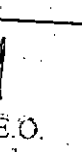
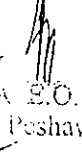


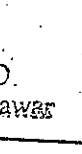
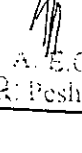
10. Signature and designation of the Head of the Office, or other Attesting Officer.
 
 Agency Education Officer
 Peshawar.

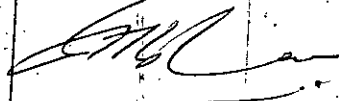
Attested
 

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "P"	Date of appointment	Signature of Government Servant.
Callor Post. 9975 Khewa Gul Kila, Pastawan FR - Peshawar			Rs. 2500/- Pm fixed			1 ¹¹ / ₂₀₀₃	✓
			Rs. 3100/- Pm fixed.			1 ⁷ / ₂₀₀₄	
			Rs. 3500/- Pm fixed.			1 ⁷ / ₂₀₀₅	
			Rs. 4000/- Pm fixed.			1 ¹¹ / ₂₀₀₆	
			Rs. 4000/- Pm fixed.			1 ¹² / ₂₀₀₇	
							Attested Gul



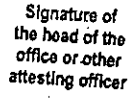
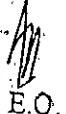





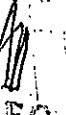




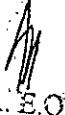

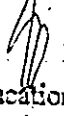


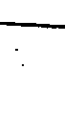
9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or 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 debit to another Government			
					Period			Government to which debit
<p>J. Khan Human A.E.O. F.R. Peshawar</p>				<p>Appointed as Call Post on Contract Basis for 3-years @ Rs.2500/- PM Fixed without allowances with effect from the date of taking over charge vide AEO, F.R. Peshawar End No. 1428-31/APP/Class-IV dated 30.10.2003.</p>				
<p>J. Khan Human A.E.O. F.R. Peshawar</p>						<p>J. Khan Human Agency Education Officer F.R. Peshawar</p>		
							<p>Drawn Rs 7500/- Arrear of pay for the months of 11, 12/03 and 1/04</p>	
<p>J. Khan Human A.E.O. F.R. Peshawar</p>							<p>ANNULLED A.O. 22 6/04</p>	
<p>J. Khan Human A.E.O. F.R. Peshawar</p>							<p>RECEIVED 1-11-2003 30/11/2003</p>	
<p>J. Khan Human A.E.O. F.R. Peshawar</p>						<p>J. Khan Human Agency Education Officer F.R. Peshawar</p>		
							<p>Attested [Signature]</p>	


1	2	3	4	5	6	7	8	
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant.	
			Rs. 4000/- pm fixed			1 ¹² / ₂₀₀₈		
		BPS. No. I (1870-55-3520).						
			Rs. 1870/- pm			1 ¹¹ / ₂₀₀₃		
			Rs. 1925/- pm			1 ¹² / ₂₀₀₄		
		Pay Revised BPS. No. I (2150-65-4100).						
			Rs. 2215/- pm			1 ⁷ / ₂₀₀₅		
			Rs. 2280/- pm			1 ¹² / ₂₀₀₅		
			Rs. 2345/- pm			1 ¹² / ₂₀₀₆		
							Attested [Signature]	

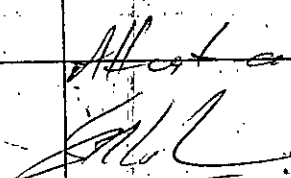
9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or 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 debitible to another Government		
					Period		
 A.E.O. F.R. Peshawar							Services Regularized with effect from First appointment vide Finance Deptt: No. 301/ED/1-221 2008-09 Dated 30-07-2008, But Arrear will be Claimed with effect from 1-7-2008, vide AEO, F.R. Peshawar Endst No. 2255-58/ Class-IV Dated 7-10-2009.
 A.E.O. F.R. Peshawar	30 ¹¹ 2004	A/Inc.	 A.E.O. F.R. Peshawar				
 A.E.O. F.R. Peshawar	30 ⁶ 2005	Pay Revised	 A.E.O. F.R. Peshawar				Agency Education Officer F.R. Peshawar
 A.E.O. F.R. Peshawar	30 ¹¹ 2005	A/Inc.	 A.E.O. F.R. Peshawar				SERVICES REGULARIZED From 1-12-2007 to 30-11-2008 From the O.T. III & other records
 A.E.O. F.R. Peshawar	30 ¹¹ 2006	A/Inc.	 A.E.O. F.R. Peshawar				Agency Education Officer F.R. Peshawar
 A.E.O. F.R. Peshawar	30 ⁶ 2007	Pay Revised	 A.E.O. F.R. Peshawar				

Attested


1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant.
Callah Post G.P.S. Khewa Gul Killa, Pastawani F.R. Peshawar	Pay Revised	B.P.S. No. 2	Rs. 2700/- Pm			17/2007	
			Rs. 2775/- Pm			12/2008	
		Pay Revised					
		B.P.S. No. 2	Rs. 3330/- Pm			17/2008	
			Rs. 3420/- Pm			12/2008	
		<u>"Revised Entries"</u>					
		Pay Revised					
		B.P.S. No. 2	Rs. 2700/- Pm			17/2007	
			Rs. 2785/- Pm			19/2007	
			Rs. 2870/- Pm			12/2007	Attested GMA

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or 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 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 debitible to another Government			
					Period			Government to which debitible
 A.E.O. F.R. Peshawar	30 ¹¹ 2007	Attn:	 A.E.O. F.R. Peshawar					
 A.E.O. F.R. Peshawar	30 ⁶ 2008	Pay received	 A.E.O. F.R. Peshawar					
 A.E.O. F.R. Peshawar	30 ¹¹ 2008	Attn:	 A.E.O. F.R. Peshawar					
 A.E.O. F.R. Peshawar								
 A.E.O. F.R. Peshawar	31 ⁸ 2007	Spl: Incv:	 A.E.O. F.R. Peshawar					
 A.E.O. F.R. Peshawar	30 ¹¹ 2007	Attn:	 A.E.O. F.R. Peshawar					
 A.E.O. F.R. Peshawar	30 ⁶ 2008	Pay received	 A.E.O. F.R. Peshawar					

Attested


1	2	3	4	5	6	7	8
Name of post.	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "P"	Date of appointment	Signature of Government Servant.
Callw Post K. G. PS. Kheusa Gul Killa, Paslawani FR. Peshawar.	Pay Revised BPS No. 2	BPS No. 2 (3035-100-6035)	Rs. 3435/- PM			1/7 2008	
			Rs. 3535/- PM			1/12 2008	
			Rs. 3635/- PM			1/12 2009	
			Rs. 3735/- PM			1/12 2010	
		Pay Revised BPS No. 2 (4900-170-10000)				1/7 2011	
			Rs. 6090/- PM			1/12 2011	
			Rs. 6260/- PM			1/12 2012	
			Rs. 6430/- PM			1/12 2012	
							

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or 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 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 debitale to another Government.			
					Period			Government to which debitale
<i>[Signature]</i> A.E.O. FR. Peshawar	30 th 2008	Atinc.	<i>[Signature]</i> A.E.O. FR. Peshawar					
<i>[Signature]</i> A.E.O. FR. Peshawar	30 th 2009	Atinc.	<i>[Signature]</i> A.E.O. FR. Peshawar				Resignation Notification Resigned from Govt. Service on 30-6-2013 A.N. vide AEO, FR Peshawar Endg. No. 7295-99 Dated 04-07-2013.	
<i>[Signature]</i> A.E.O. FR. Peshawar	30 th 2010	Atinc.	<i>[Signature]</i> A.E.O. FR. Peshawar					
<i>[Signature]</i> A.E.O. FR. Peshawar	30 th 2011	pay Revised	<i>[Signature]</i> A.E.O. FR. Peshawar				S.O. Agency Education Officer FR. Peshawar	
<i>[Signature]</i> A.E.O. FR. Peshawar	30 th 2011	Atinc.	<i>[Signature]</i> A.E.O. FR. Peshawar					
<i>[Signature]</i> A.E.O. FR. Peshawar	30 th 2012	Atinc.	<i>[Signature]</i> A.E.O. FR. Peshawar					
<i>[Signature]</i> A.E.O. FR. Peshawar	30 th 2013 A.N.	Resigned from Govt. Service	<i>[Signature]</i> A.E.O. FR. Peshawar					
							<i>[Signature]</i>	

BEFORE THE HONOURABLE SERVICE TRIBUNAL, PESHAWAR

Mst: Gul Merina

V E R S U S

D.E.O and others

Respectfully Sheweth:-

The Petitioner/Appellant humbly submits as under:-

- 1) That the Official Respondents conduct in the above title case is very poor and against the law from the very first day.
- 2) That Official Respondent after the time and again direction of this Honourable Tribunal produced a service book, which is false, forged, fraudulent, bogus and not a copy of original service book of Petitioner/Appellant.
- 3) That service book copies produced before this Honourable Tribunal contains entries from 01-11-2003. It is pertinent to mention here that the opening page of the service book copy is printed by Stationery and Printing Department, Government of Khyber Pakhtunkhwa, Peshawar; while at that time Khyber Pakhtunkhwa was not existing.
- 4) That Official Respondent in place of repenting their way and performing their duty as per law, they are committing illegal acts against the Petitioner/Appellant continuously. By producing defective documents, Official Respondents tried to deceive and mislead this Honourable Court.

Therefore, in the light of the above facts, the copy of service book produced by Official Respondent be declared false, forged, fraudulent and bogus and tempered one:-

- i. The Official Respondent who attested and presented by copy of the above mentioned service book be proceeded against as per law.
- ii. The Official Respondent be directed to produce a true original and correct service book of Petitioner/Appellant.

Through: Petitioner/Appellant

(SHAH NAWAZ KHAN)
Advocate,
High Court Peshawar

Dated: -24-09-2020

24/9/2020