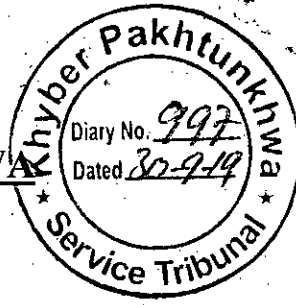


**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL,
PESHAWAR**



CM No. _____/2019

IN

Service Appeal No.192/2018

Mst. Toor e Sina

VERSUS

Secretary, E&SE & others

**SERVICE APPEAL NO.192/2018
APPLICATION U/S 152 C.P.C
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Through Counsels:

...PETITIONER

Dated: 27-09-2019

(SEHRISH HABIB DILAZAK)

&

(MUHAMMAD AWAIS KHAN QAZI)

Advocates, Abbottabad

put up to the court with
relevant appeal.

30/9/19.

Reader

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL,
PESHAWAR

CM No. _____/2019

IN

Service Appeal No.192/2018

Mst. Toor e Sina daughter of Khan Afsar, resident of Majohaän, District Abbottabad

...PETITIONER / APPELLANT

VERSUS

- 1) Secretary, Elementary & Secondary Education (E&SE) Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
- 2) Director, Elementary & Secondary Education (E&SE) Department, KPK, Peshawar
- 3) District Education Officer (Female), Abbottabad
- 4) Principal, GGCMSS No.1, Abbottabad
- 5) Mst.Saima Noreen daughter of Syed Farooq Shah (late) presently posted / adjusted as Hostel Warden at GGCMSS No.1, Abbottabad

...RESPONDENTS

REFERENCE: SERVICE APPEAL NO.192/2018 DECIDED ON 22-08-2019

APPLICATION U/S 152 OF THE CIVIL PROCEDURE
CODE, 1908 FOR AMENDMENT IN JUDGMENT, ORDER
& DECISION DATED 22-08-2019 PASSED BY THIS
HON'BLE TRIBUNAL ON THE GROUND OF CLERICAL
MISTAKE, ERROR & OMISSION.

Respectfully Sheweth;

1. That appellant / petitioner is appointed on deceased employee quota in Education Department on the post of Hostel Warden in GGCMSS No.1, Abbottabad. (Copy of appointment order / letter dated 09.02.2016 is annexed as Annexure "A")
2. That prior to appellant, one Mst.Saima Noreen / respondent No.5 serving on the post of Hostel Warden was removed from service on

the grounds of **misconduct** and **complaints etc** from the same post wherein appellant is appointed.

3. That later on respondent No.5 filed an appeal before this Hon'ble Service Tribunal which was accepted and respondent No.5 was ordered to be re-instated vide judgment and order dated 17.07.2017.
4. That in compliance to the judgment and order dated 17.07.2017 of this Hon'ble Tribunal, respondent No.3 re-instated respondent No.5 at GGHSS Rich Behn, Abbottabad vide Office Order Endst No.7424-29 EB-IV/File No.01/H.W dated 19.10.2017. **(Copy of Office Order Endst No.7424-29 EB-IV/File No.01/H.W dated 19.10.2017 is annexed as Annexure "B")**
5. That immediately after above mentioned re-instatement order, respondent No.3 passed another order bearing No.7739-44 EB-IV/ Corrigendum/H/W dated 27.10.2017 vide which respondent No.3 ordered to adjust respondent No.5 as Hostel Warden and appellant as Lab Assistant at GGHSS Rich Behn, Abbottabad. **(Copy of impugned order No.7739-44 EB-IV/ Corrigendum/H/W dated 27.10.2017 is annexed as Annexure "C")**
6. That against the above mentioned impugned corrigendum order dated 27.10.2017, firstly appellant filed departmental appeal but the same was not decided hence after completion of the statutory period of 90 days, appellant approached this Hon'ble Tribunal by filling an appeal for due redress as per Law. **(Copy of memo of service appeal No.192/2018 is annexed as Annexure "D")**
7. That this Hon'ble Tribunal graciously accepted the service appeal vide judgment, order and decision dated 22.08.2019. **(Attested copy of judgment, order & decision dated 22-08-2019 is annexed as Annexure "E")**
8. That the details of orders is as under:
 - a) Appellant's appointment order dated 09-02-2016 (Annex-A);

- b) Re-instatement Order Endst No.7424-29 EB-IV/File No.01/ H.W dated 19.10.2017 of respondent No.5 at GGHSS Rich Behn, Abbottabad (Annex-B);
- c) Adjustment of respondent No.5 as Hostel Warden and appellant as Lab Assistant at GGHSS Rich Behn, Abbottabad vide impugned Order bearing No.7739-44 EB-IV/ Corrigendum/H/W dated 27.10.2017 (Annex-C);

9. That this Hon'ble Tribunal has graciously accepted the service appeal vide judgment, order and decision dated 22.08.2019 in consequence of which the impugned corrigendum order dated 27.10.2017 stands set aside and the basic appointment order dated 09-02-2016 stands restored but due to clerical mistake, error and omission, the impugned corrigendum order dated 27.10.2017 was mentioned as restored however appellant's appointment order / letter dated 09-02-2016 (Annex-A) and re-instatement Order dated 19.10.2017 of respondent No.5 at GGHSS Rich Behn, Abbottabad (Annex-B) were restored and impugned corrigendum order 27.10.2017 (Annex-C) stands set aside.
10. That the above mentioned clerical mistake, error and omission is floating on surface of record and for discovery of which this Hon'ble Tribunal has not to go deep into merits of the case. Moreover clerical mistake which neither going to merits of the case nor substantially affecting rights of the parties can be corrected.
11. That this Hon'ble Tribunal has ample powers to rectify any wrong or to pass an appropriate order whether a cause is pending before it or not.
12. That petitioner's prayer for amendment is within the permissible parameters envisaged by Section 152 of the C.P.C and appellant shall face irreparable loss due to above mentioned clerical mistake hence this application.

13. That further factual as well as legal points shall be raised at the time of arguments before this Hon'ble Tribunal.

PRAYER:

On acceptance of this application, it is prayed that in the light of above-mentioned clerical mistake, error and omission, the judgment, order and decision dated 22.08.2019 rendered in service appeal No.192/2018 title "Mst.Toor e Sina Vs Secretary E&SE & others" may kindly be amended and appellant's appointment order / letter dated 09-02-2016 (Annex-A) and re-instatement order dated 19.10.2017 (Annex-B) may kindly be mentioned as restored and impugned corrigendum order 27.10.2017 (Annex-C) may please be mentioned as set aside and after making aforementioned amendment/correction, the judgment and order may kindly be ordered to be issued / printed afresh in the best interest of justice.

...PETITIONER

Through Counsels:

Dated: 27-09-2019

(SEHRISH HABIB DILAZAK)

&

(MUHAMMAD AWAIS KHAN QAZI)
Advocates, Abbottabad

AFFIDAVIT:

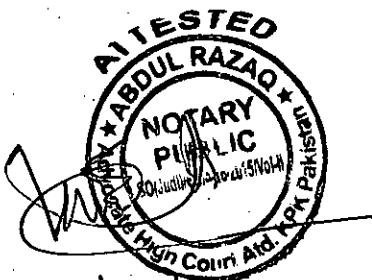
Upon instructions of *petitioner I, Muhammad Awais Khan Qazi Advocate*, do hereby declare that the contents of instant *application* are true and correct to the best of the knowledge and belief of *petitioner* and that nothing has been concealed from this Honourable Tribunal and no such like application has earlier been filed.

DEPONENT

Dated: 27-09-2019

...PETITIONER

Through Counsel:



27/09/2019

Annexure "A"

5

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD



0992-342533, 0992-342314
deofemale_abbottabad@gmail.com

APPOINTMENT ORDER UNDER DECEASED QUOTA.

Consequent upon the approval of competent authority & under the provision of Sub rule (4) of rule 10 of the Khyber Pakhtunkhwa Civil servant (Appointment Promotion & Transfer) rules 1989. The following deceased daughter is hereby appointed under deceased Quota in **BPS-5 @ (Rs.6985-340-17185)** plus usual Allowances as admissible under the rules against Vacant post of Hostel Warden in the interest of Public Service with the following terms & Conditions w.e.f. the date of taking over charge.

S/No	Name /Father name and Address of Applicant	Name of Govt: Servant died during the service.	Qualification & Date of Birth applicant.	REMARKS
1.	Miss Toor-e- Seena D/O Khan Afsar (Deceased) R/O Majuhan Tehsil & District Abbottabad.	Khan Afsar father of applicant Ex-AT GMS Phallah was died during the service on 17-11-1994.	F.A Date of Birth 30-12-1992.	GGGCMS No.1 Abbottabad against vacant post of Hostel Warden.

TERMS AND CONDITIONS

- 1) Her services will be considered as regular and she will be entitled to contribute towards GPF instead of CPF with reference to Govt. of KPK Finance Department Notification No.SOSR-III/FD/12-1/2005 Dated 27-2-2013.
- 2) Her services are liable to termination on one month's notice from either side. In case of resignation without notice her one month pay/allowances shall be forfeited to the Government.
- 3) The appointee should join her post within 15 days of the issuance of this notification. In case of failure to join her post within fifteen days of the issuance of this notification, her appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 4) She will be on probation for a period of one year extendable for another one year in case her performance found satisfactory.
- 5) She will be governed by such rules and regulation as may be issued from time to time by the Government.
- 6) Her services can be terminated at any time in case of unsatisfactory performance/misconduct of the appointee without issuing any notice as per rule during probationary period.
- 7) Charge report should be submitted to all concerned.

6

- 8) The DDO concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after one month of issuance of order.
- 9) The candidate concerned will provide age and health certificate from the Medical Superintendent DHQ Abbottabad.
- 10) The age limit for appointment of Hostel Warden is 18 to 30 years the DDO/ Principal concerned is directed that she will not handed over charge of the post if her age limit is less than 18 years or above 30 years.
- 11) No TA/DA is allowed to her for joining duty.

(SAMINA ALTAF)


District Education Officer
(Female) Abbottabad

Endst: No. 722-26 /EB-IV (F) Apptt: Hostel Warden

Dated 9/2 /2016

Copy forwarded for information to the:

1. District Accounts Officer Abbottabad.
2. District Education officer (Male) Abbottabad.
3. Principal GGCMS No.1 Abbottabad.
4. Miss Toor-e-Seena D/O Khan Afsar R/O Majuhan Tehsil & District Abbottabad.
5. Office File.


District Education Officer
(Female) Abbottabad

Annexure "B"

(7)



OFFICE OF THE DISTRICT EDUCATION

OFFICER (FEMALE) ABBOTTABAD

PH# No. 0992-342533 FAX: 0992-342314
E-mail: dcfemale_abbottabad@yahoo.com

NOTIFICATION

1. Whereas, Mst: Syeda Saima Noreen D/O Syed Farooq Shah was appointed as Hostel Warden in BPS-05 at GCMSS No. 1 Abbottabad by the District Education officer (Female) Abbottabad. Vide Notification No. 10199-G/EB-IV/Apptt: (Assts) dated 25/08/2015.
2. Whereas, the above mentioned Hostel Warden was proceeded under the Khyber Pakhtunkhwa E&D Rules 2011 and Major penalty of "Removal from Service" was imposed upon by the then DEO vide office order No. 12429-30 EB-IV dated 16/12/2015 on the charges of Misbehave with Principal and teacher, Non compliance of Principal orders, complaints of parents, complaints of Hostel C-IV.
3. Whereas, the aggrieved Hostel Warden filed Service Appeal before the Khyber Pakhtunkhwa service tribunal Camp Court Abbottabad vide Service appeal No. 141/2016 dated 11/04/2016 against Government of Khyber Pakhtunkhwa Peshawar and other respondents.
4. Whereas, the appeal of aggrieved Hostel Warden was accepted by the court in favor of aggrieved Mst: Syeda Saima Noreen and issued order as mentioned below.

"For what has been discussed above this Tribunal sets aside the impugned order and reinstate the appellant in service with all back benefits parties are left to bar their own cost. File be consigned to the record."

5. Whereas, after removal from service of Mst: Syeda Saima Noreen another Miss Toor-e-Seenā D/O Khan Afsar was appointed under deceased quota as Hostel Warden at GCMSS No.1 Abbottabad against vacant post and at present no post of Hostel warden is available in District Abbottabad.
6. Whereas, the undersigned discussed the case with Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar in the light of order of Khyber Pakhtunkhwa Service tribunal Camp Court Abbottabad.
7. Now Therefore, in the light of the judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad dated 17/07/2017 on service appeal No. 141/2016 Mst: Syeda Saima Noreen, Ex-Hostel Warden GCMSS No.1 Abbottabad is hereby re-instated in service as Hostel Warden in BPS-05 and adjusted against vacant Post of Lab Assistant at GGHSS Rich Behn on her own pay & Grade w.e.f the date of her removal from service i.e. 16/12/2015 with all back benefits, till the availability of Hostel Warden Post and principal GGHSS Rich Behn is directed to draw her salary from the date of her "Removal from Service" i.e. 16/12/2015.

District Education Officer
(Female) Abbottabad

Dated: 19/10/2017

Endst No: 7424-29 EB-IV/file No.01/H.W

Copy of the above is forwarded to the:

1. Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad with reference to his order on appeal No. 141/2016 in respect of Mst: Syeda Saima Noreen dated 17/07/2017.
2. Principal GCMSS No.1 Abbottabad.
3. Principal GGHSS Rich Behn Abbottabad.
4. District Account Officer Abbottabad.
5. Mst: Syeda Saima Noreen D/O late Syed Farooq Shah R/O House No. 107 Link Road Arami Bagh District Abbottabad.
6. Office file.

District Education Officer
(Female) Abbottabad

AFFIDAVIT

I, _____
resident of _____

~~Annexure~~ Annexure "C" 8
OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD



No. 7739-44/EB-IV/Corrigendum/H/W

Dated: 27/10/2017

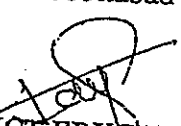
0992-342533, 0992-342314

deofemale_abbottabad@yahoo.com

CORRIGENDUM

In the light of judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Camp: Court Abbottabad dated 17-07-2017 and consequent upon this office re instatement/adjustment order issued vide this office Endst: No.7424-29/EB-IV No.1/H.W dated 19-10-2017 please read Mst: Saima Noureen as Hostel Warden in BPS-05 at GGCMSS No.1 Abbottabad instead of Lab Assistant GGHSS Rich Behen with immediate effect.

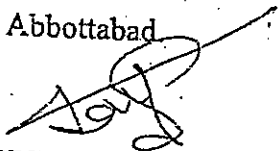
- Note: 1. The intervening period of Mst:Saima Noureen w.e.f 16-12-2015 to the date of her taking over charge at GGCMSS No.1 Abbottabad is hereby adjusted at GGHSS Rich Bhen Abbottabad against the vacant post of Lab:Assistant for drawl of pay purpose.
2. Mst:Toor-e-Seena D/O Khan Afsar already working against the post of Hostel Warden GGCMSS No.1 Abbottabad is hereby adjusted in her own pay and grade against the post of Lab: Assistant at GGHSS Rich Bhen Abbottabad with immediate effect to implement the order of judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Camp: Court Abbottabad dated 17-07-2017. the availability of her own post.


DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD.

Even No:& Date

Copy of the above is forwarded to the:

1. Honorable Khbyer Pakhtunkhwa Service Tribunal Camp Court Abbottabad with reference to his order on appeal No141/2016 in respect of Mst: Syeda Saima Naureen dated 17-07-2016.
2. Principal GGCMSS No.1.Abbottabad.
3. Principal GGHSS Rich Bhen Abbottabad.
4. District Accounts Officer Abbottabad.
5. Mst: Syeda Naureen D/O Late Syed Farooq Shah R/O House No.487 Link Raod Aram Bagh Abbottabad.
6. Mst: Toor-e-Seena Hostel Warden GGCMSS No.1 Abbottabad
7. Office file.


DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD

Corrigendum Hostel warden



Annexure "D" (9)

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA,
PESHAWAR.

Mst. Toor e Sina daughter of Khan Afsar Hostel Warden (under adjustment) resident of Majohaan, Tehsil and District Abbottabad.

...APPELLANT

VERSUS

- 1) Secretary, Elementary & Secondary Education (E&SE) Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2) Director, Elementary & Secondary Education (E&SE) Department, KPK, Peshawar.
- 3) District Education Officer (Female), Abbottabad.
- 4) Principal, GGCMSS No.1, Abbottabad.
- 5) Mst. Saima Noreen daughter of Syed Farooq Shah (Late) presently posted / adjusted as Hostel Warden at GGCMSS No.1 Abbottabad.

...RESPONDENTS

SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE IMPUGNED ORDER BEARING
NO.7739-44 EB IV/CORRIGENDUM/H/W DATED
27.10.2017 PASSED BY RESPONDENT NO.3.

Respectfully Sheweth;

FACTS:-

The facts leading rise to the present service appeal are as under:-

- 1) That appellant is appointed on deceased employee quota in Education Department on the post of Hostel Warden in GGCMSS No.1 Abbottabad. (Copy of appointment letter is annexed as Annexure "A")

- 2) That prior to appellant, one Mst. Saima Noreen / respondent No.5 serving on the post of Hostel Warden was removed from service on the grounds of misconduct and complaints etc from the same post wherein appellant is appointed.
- 3) That later on respondent No.5 filed an appeal before this Hon'ble Service Tribunal which was accepted and respondent No.5 was ordered to be reinstated vide judgment and order dated 17.07.2017. (Copy of judgment & order dated 17.07.2017 is annexed as Annexure "B")
- 4) That after the above mentioned judgment and decision, respondent No.3 sought guidance from respondent No.2 through Letter No.4983 EB-III/ Apptt:H/W dated 31.07.2017 and raised question of appellant's future in respect of above mentioned judgment and order. (Copy of Letter No.4983 EB-III/Apptt:H/W dated 31.07.2017 is annexed as Annexure "C")
- 5) That apart from this, respondent No.3 also wrote a letter bearing No.6806 dated 02.10.2017 to Assistant Director (Litigation), Elementary & Secondary School, KPK, Peshawar and forwarded the copy of aforementioned letter to respondent No.1 as well. (Copy of Letter No.6806 dated 02.10.2017 is annexed as Annexure "D")
- 6) That in compliance to the judgment and order dated 17.07.2017 of this Hon'ble Tribunal, respondent No.3 re-instated respondent No.5 at GGHSS Rich Behn Abbottabad vide Office order Endst No.7424-29 EB-IV/file No.01/H.W dated 19.10.2017. (Copy of Office order Endst No.7424-29 EB-IV/file No.01/H.W dated 19.10.2017 is annexed as Annexure "E")
- 7) That immediately after above mentioned re-instatement order, respondent No.3 passed another order bearing No.7739-44 EB-IV/Corrigendum/H/W dated 27.10.2017 vide which respondent No.3 ordered to adjust respondent No.5 as Hostel Warden and appellant as Lab Assistant at GGHSS Rich Behn Abbottabad. (Copy of impugned order No.7739-44 EB-IV/ Corrigendum/ H/W dated 27.10.2017 is annexed as Annexure "F")
- 8) That feeling aggrieved of the above mentioned impugned order, appellant challenged the same through departmental appeal before respondent No.2 on

03.11.2017 alongwith appellant also filed an application for suspension of the impugned order till the decision of departmental appeal but respondent No.2 neither decided the departmental appeal nor aforementioned application till now. (Copies of departmental appeal is annexed as Annexure "G" whereas application for suspension of impugned order before respondent No.2 is annexed as Annexure "G-1")

- 9) That as respondent No.5 was removed from service on grounds of misconduct and complaints from parents of Boarders of Hostel hence upon her re-instatement, the parents moved an application and alongwith Member Tehsil Council Abbottabad visited the Office of Deputy Commissioner. The Deputy Commissioner upon public complaints and previous record of respondent No.5, vide its office order No.1303-04/PS-07 dated 06.11.2017 directed the respondent No.3 not to post respondent No.5 as Hostel Warden. (Copy of office order No.1303-04/PS-07 dated 06.11.2017 is annexed as Annexure "H")
- 10) That soon after the aforementioned impugned order, appellant became ill and moved an application alongwith her medical. Moreover appellant shown her willingness to leave the charge of her present post (Hostel Warden) and appellant approached the concerned DDEO / Principal and respondent No.3 several times but in vain.
- 11) That after the aforementioned corrigendum order, on 15.11.2017, at about 01.30 pm while appellant was away from her hostel room, Miss Farzana, Miss Humaira alongwith Watchman namely Attique S/o Shad Mohammad firstly removed the CCTV cameras and then broke the lock of appellant's hostel room and Miss Farzana, Miss Farhat alongwith Miss Iffat the Principal entered the room without permission and the whole record of hostel since 10th February 2016 till now comprising 7 registers, Files 16 in number, Government cash Rs.65,000/-, appellant's personal cash Rs.15,000/- present in her purse, Gold Ear rings & one ring, 15 suits, shoes 4 pair, chapal 5 pair alongwith make-up kit (personal belongings of appellant) were forcibly grabbed, snatched and taken into possession. Additionally appellant's entry in the hostel was banned and appellant was prohibited to approach her hostel room and record or other articles aforementioned. In consequence of above mentioned situation, appellant having no other option immediately rushed the local Police Station of P.S Cantt Abbottabad and moved an application

which is pending disposal. Moreover Miss Iffat, Principal, GGCMSS No.1, Abbottabad relieved the appellant with malafide intention on 16.11.2017 without contacting or intimating the appellant or asking about handing over of record etc or return of her personal belongings etc (captured one) which is clear violation of the law / rules and a gross irregularity. (Copy of application dated 15.11.2017 is annexed as Annexure "I")

12) That an inquiry was conducted by PS Cantt and statements of the witnesses were recorded and IO gave its final report wherein appellant's stance was proved against respondents No.3 & 4. (Copies of statements of witnesses alongwith inquiry report are annexed as Annexure "J")

13) That after impugned order, appellant was issued an explanation letter bearing No.8758-61 dated 29.11.2017 and appellant submitted its reply however charged was already submitted. (Copies of explanation letter No.8758-61 dated 29.11.2017 alongwith its reply & postal receipts & charge report are annexed as Annexure "K")

14) That on 14.12.2017, respondent No.3 issued show cause notice regarding non-joining of duty at GGHSS Rich Behn however appellant has already joined her duty. The afore-mentioned notice was replied by appellant. (Copies of show cause notice No.9029-32 dated 14.12.2017 alongwith its reply & postal receipt are annexed as Annexure "L")

15) That later on respondent No.3 stopped the salary of appellant in an illegal and unlawful manner.

16) That appellant being aggrieved of the impugned order No.7739-44 EB-IV/ Corrigendum/ H/W dated 27.10.2017, challenges the same before this Hon'ble Tribunal, inter-alia, on the following grounds:-

GROUNDS:-

- a) That the impugned order dated 27.10.2017 passed by respondent No.3 is against the law, justice, equity, facts available on record, circumstances of the case, illegal, without jurisdiction, the result of illegal exercise of

jurisdiction, void ab-initio and not maintainable in the eye of law hence liable to be set aside.

- b) That the impugned order possess material illegality and irregularity hence the same is not sustainable and is liable to be set aside.
- c) That grave injustice and sheer violation of the law and settled rules have been committed with regard to appellant's post.
- d) That the impugned order has been passed in utter disregard to the circumstances of the case and is based on malafide.
- e) That the judgment and order dated 17.07.2017 of this Hon'ble Service Tribunal has been misinterpreted and has not been implemented in its true latter and spirit and appellant is aggrieved from this act / conduct of respondents and is facing irreparable loss.
- f) That while passing the impugned order, respondent No.3 failed to consider this fact that the tenure of appellant for transfer / adjustment as required under the Law / Rules has not been completed and the same is premature.
- g) That there is only one post of Hostel Warden (BPS-05) sanctioned in District Abbottabad which has already been filled by appellant's appointment. Moreover appellant possess the unblemished service track record and fulfills the entire criteria and has better standing than Mst.Saima Noreen with regard to the post under reference.
- h) That for the post of Lab Ass'stant, respondent No.5 got the Certificate of Teaching from Allama Iqbal Open University Islamabad & Diploma in I.T as well however appellant does not possess such like teaching qualification / experience and in these circumstances appointing / adjusting appellant as Lab Assistant at GGHSS Rich Behn Abbottabad merely means to spoil the precious time and future of students of the aforementioned School as appellant does not have any qualification / experience of teaching. (Copies of Certificate of Teaching & Diploma in I.T obtained by respondent No.5 is annexed as Annexure "M" whereas educational documents of appellant is annexed as Annexure "N")

- i) That appellant has been transferred / adjusted in a far flung area where appellant shall face acute hardships.
- j) That appellant has also filed an application for release of her salary alongwith this appeal as well.
- k) That this service appeal is well time and any delay if caused is due to the severe ailness of appellant. (Copy of medical slip is annexed as Annexure "O")
- l) That further points shall be raised at the time of arguments before this Hon'ble Tribunal with the prior permission.

PRAYER:-

On acceptance of this service appeal, it is humbly prayed that the impugned order No.7739-44 EB-IV/Corrigendum/H/W dated 27.10.2017 may kindly 'be set aside and appellant may kindly be adjusted as Hostel warden at her previous post and place. Any other relief which this Hon'ble Tribunal deem fit and proper in the circumstances of the case may also be granted in the best interest of justice.

[Handwritten Signature]

...APPELLANT

Through Counsels:

[Handwritten Signature]
(MALIK AMJAD ALI AWAN)

&

(SEHRISH HABIB DILAZAK)
Advocates High Court, Abbottabad

Dated:- 09/02 /2018

VERIFICATION:

Verified on this 9th day of February, 2018 that the contents of foregoing Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

Dated:- 09/02 /2018

[Handwritten Signature]
...APPELLANT

Annexure "E"

15

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



Appeal No. 192/18

Mst. Toor e Sina daughter of Khan Afsar Hostel Warden (under adjustment) resident of Majohaan, Tehsil and District Abbottabad.

Khyber Pakhtunkhwa
Service Tribunal

...APPELLANT

Diary No. 189

VERSUS

Dated 09-2-2018

- 1) Secretary, Elementary & Secondary Education (E&SE) Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2) Director, Elementary & Secondary Education (E&SE) Department, KPK, Peshawar.
- 3) District Education Officer (Female), Abbottabad.
- 4) Principal, GGCMSS No.1, Abbottabad.
- 5) Mst. Saima Noreen daughter of Syed Farooq Shah (Late) presently posted / adjusted as Hostel Warden at GGCMSS No.1 Abbottabad.

...RESPONDENTS

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE IMPUGNED ORDER BEARING
NO.7739-44 EB IV/CORRIGENDUM/H/W DATED
27.10.2017 PASSED BY RESPONDENT NO.3.**

Respectfully Sheweth;

FACTS:-

Filed to-day

9/2/18

The facts leading rise to the present service appeal are as under:-

- 1) That appellant is appointed on deceased employee quota in Education Department on the post of Hostel Warden in GGCMSS No.1 Abbottabad. (Copy of appointment letter is annexed as Annexure "A")

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTABAD.



Service Appeal No. 192/2018

Date of Institution ...09.02.2018

Date of Decision ... 22.08.2019

Mst. Toor-e-Sina daughter of Khan Afsar, Hostel Warden (under adjustment)
resident of Majohaan, Tehsil and District Abbottabad. ... (Appellant)

VERSUS

The Secretary Elementary and Secondary Education Department, Khyber
Pakhtunkhwa Civil Secretariat, Peshawar and four others. ... (Respondents)

- | | | |
|---|-----|---------------------|
| MALIK AMJAD ALI,
Advocate | --- | For appellant. |
| MR. MUHAMMAD BILAL,
Deputy District Attorney | --- | For respondents |
| Chaudhery Abdur Rauf,
Advocate | --- | For respondent no.5 |
| MR. AHMAD HASSAN | --- | MEMBER(Executive) |
| MR. MUHAMMAD HAMID MUGHAL | --- | MEMBER(Judicial) |

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the
parties heard and record perused.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ARGUMENTS.

02. Learned counsel for the appellant argued that she was appointed as Hostel
Warden at GGCMSS no.1 Abbottabad against the deceased son/daughter quota vide
order dated 09.02.2016. Prior to that Mst. Saima Noreen (private respondent no.5)
was working against the said post but major penalty of removal from service was
awarded to her by the respondents. He assailed the above orders of the respondents
by filing service appeal no. 441/2016 in this Tribunal and upon acceptance vide

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(17)

judgment dated 17.07.2017, she was reinstated in service with all back benefits. In order to implement the judgment of this Tribunal referred to above, respondent no.3 vide letter dated 31.07.2017 sought advice from respondent no.2 but that failed to evoke any response from the quarters concerned. Thereafter, vide order dated 19.10.2017 private respondent no.5 was reinstated and adjusted against the vacant post of Laboratory Assistant at GGHS Rich Bhen. That through corrigendum dated 27.10.2017, Mst. Saima Noreen was adjusted as Hostel Warden at GGCMSS Abbottabad instead of Lab Assistant with immediate effect. Feeling aggrieved, the appellant filed departmental appeal on 03.11.2017 which remained unanswered, hence, the present service appeal. Impugned order dated 27.10.2017 was arbitrary, whimsical, illegal and unlawful. There was only one post of Hostel Warden (BPS-5) in District Abbottabad against which the appellant was appointed after fulfillment of all codal formalities and discharging duty to the entire satisfaction of the respondents. The appellant did not possess qualification for the post of Lab Assistant.

ATTESTE

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

03. Learned Deputy District Attorney argued that respondent no.3 was bound to implement the judgment of this tribunal dated 17.07.2017, therefore, through order dated 27.10.2017 respondent no.5 was adjusted as Hostel Warden. She also filed Execution Petition in this Tribunal, which was disposed of on the assurance of the respondents that charge of the post of the Hostel Warden would be handed over to Mst. Saima Noreen in due course of time vide order dated 21.11.2017. Action taken by the respondents was duly back by the judgment of this Tribunal referred to above. Moreover, Commissioner Hazara had not been vested with the powers to remove an employee or change his cadre. The appellant refuse to hand over the

charge of the post of Hostel Warden, therefore, principal concerned was compelled to relieve her from duty.

04. Learned counsel for private respondent no.5 relied on arguments advanced by the learned Deputy District Attorney.

CONCLUSION

05. The record revealed that private respondent no.5 was working against the post of Hostel Warden at GGCMSS no.1 Abbottabad. On account of misconduct, she was proceeded under E&D Rules 2011 and thereafter major penalty of removal from service was awarded to her. When the post became vacant, the appellant was appointed against the deceased son/daughter quota as Hostel Warden vide order dated 09.02.2016. On the other hand private respondent no.5 challenged the impugned order referred to above in this Tribunal through service appeal no. 441/2016 decided on 17.07.2017. Her appeal was accepted and she was reinstated in service with all back benefits. It is pertinent to point out that through the appellant was appointed vide order dated 09.02.2016, whereas service appeal was filed by Mst. Saima Noreen on 11.04.2016 but the appellant was not arrayed as a necessary party in the service appeal referred to above. Entire service appeal was also silent on the issue of appointment of the appellant. It would not be out of place to mention here that the respondent should have brought subsequent development into the notice of this Tribunal then the present ^{stalemate} ~~settlement~~ would have been averted. It merits to mention here that in these circumstances no adverse unilateral action could be taken against the appellant. The respondents were well aware of ground realities/subsequent complication, therefore, advice was sought from the administrative department but to no avail.

ATTESTED

[Signature]
 EXAMINED
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

06. On reinstatement, the appellant was rightly adjusted against the Lab Attendant but through corrigendum dated 27.10.2017, she was adjusted against the post of Hostel Warden, whereas the appellant was transferred/adjusted as Laboratory Assistant on GGHS Rich Bhen, Abbottabad. It is pertinent to point out that the appellant was substantive holder of the post of Hostel Warden and could not be appointed/adjusted against any other post. How a regular employee could be dislodged from his/her post with a single stroke? Action of respondents amply proved malafide, bias and malice against the appellant. She was condemned unheard. This action on the part of the respondents is illegal and unlawful. They had no authority to pass an arbitrary order unilaterally and that too without adhering invogue procedure. As the respondents failed to handle the case properly, therefore, they should now face the music.

07. As a sequel to the above, the instant appeal is accepted, the impugned order (dated 27.10.2017 and order dated 09.02.2016) stands restored. Parties are left to bear their own costs. File be consigned to the record room.

(Signature)

(MUHAMMAD HAMID MUGHAL)
Member

(Signature)

(AHMAD HASSAN)
Member
Camp Court Abbottabad.

ANNOUNCED
22.08.2019

Date of Presentation of Application 05-09-19
 Number of Words 2000
 Copying Fee 24-00
 Urgent 4-00
 Total 28-00
 Name of Copyier (Signature)
 Date of Completion of Copy 05-09-19
 Date of Delivery of Copy 05-09-19

Certified to be true copy
(Signature)
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

DBA number

565

BC No.

1 1 - 32 2 7

Name of Advocate

سید حسرت حسین

S.No 101760



SECRETARY
District Bar Association
Abbottabad

وکالت نامہ

جناب جسٹس بنجیو خواہ سروس ٹریڈیونل، پشاور، KPK - بعد ازاں

طوریسینا نام سیکرٹری E&SE پشاور وغیرہ

مخانب: Petitioner (طوریسینا) نوعیت مقدمہ درخواست زبردفعہ C.P.C. 152

باعت تحریر آنکہ Cell # 0333-5034409

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیرونی اور اندری براہ پیشی یا تصفیہ مقدمہ بمقام عدالت پشاور/ایس ایس ایس ایس کورٹ
محترمہ سحر شہ صاحبہ دلدار احمد محمد اویس خان قاضی ایڈووکیٹس
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروکٹ پکارنے
جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ
سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے
علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ
ساعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے
کسی معاوضہ کے ادا کرنے یا بخاند کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختمہ صاحب موصوف
مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم
درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے
اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات
از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کٹرفہ درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب
موصوف کو بشرط ادا ایسی علیحدہ و مختانہ بیرونی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے
کسی جزوی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں
وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف
کاتق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ
کی بیرونی نہ کرے یا ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

2019/09/25

موزخہ: دن ماہ سال

لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے۔

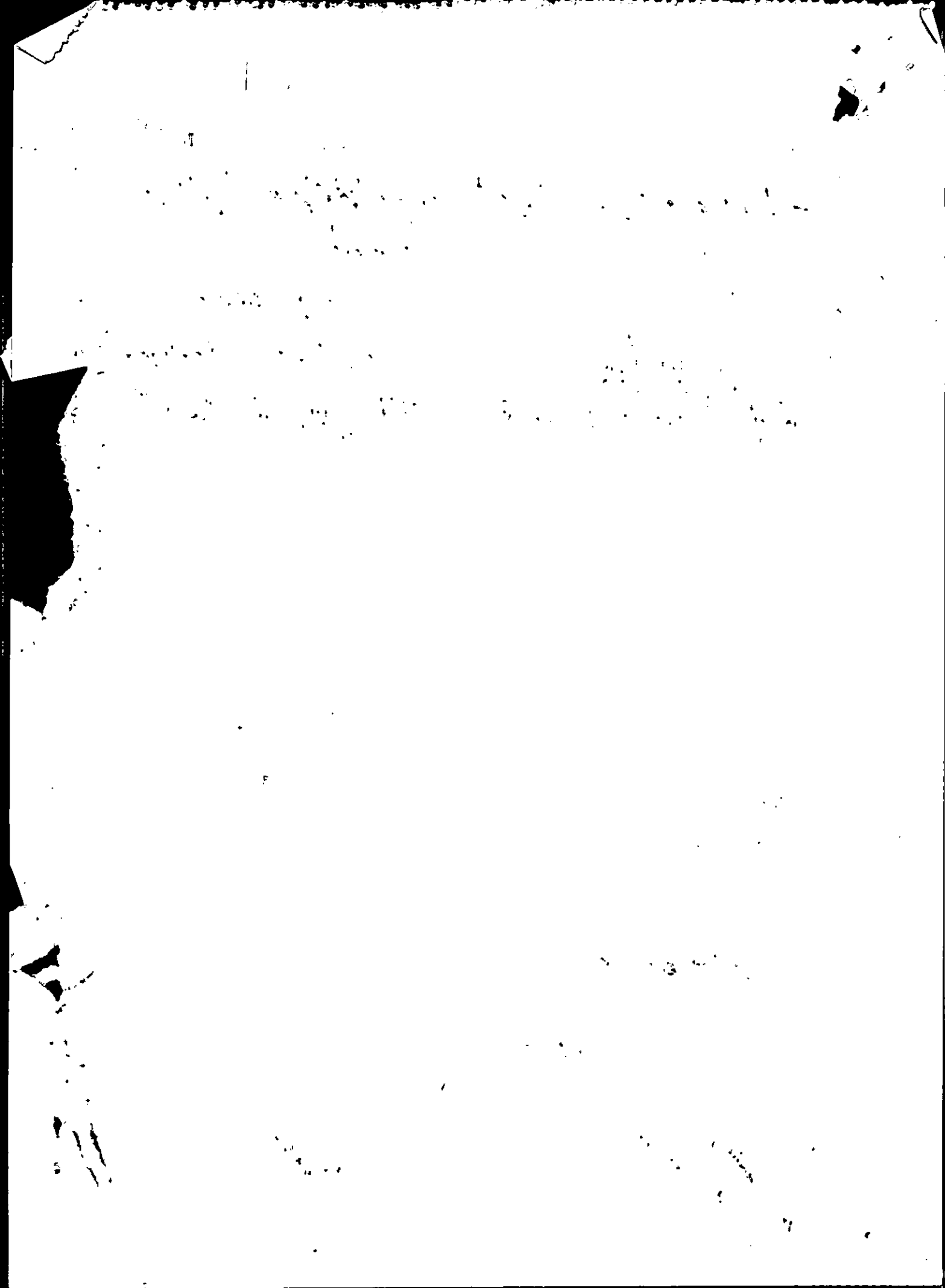
مضمون وکالت نامہ مندرجہ بالا اور اچھی طرح سمجھ لیا ہے اور حاکم ہے۔

Attested & Signed

Handwritten signature and text at the bottom left.

Handwritten signature and text at the bottom right.

Handwritten text on the right margin, including the word "Petitioner" written vertically.



Mst. Toor-e-Sina D/O Khan Afsar-vs- The Secretary Elementary and Secondary Education
Department, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.

Order

AHMAD HASSAN, MEMBER:


03.10.2019

Learned counsel for the appellant through an application dated 27.9.2019 invited attention to some omission/human error/clerical mistake in judgment of this Tribunal dated 22.08.2019 passed in service appeal no.192/2018. The prayer of the appellant in the said appeal was to set aside the impugned order dated 27.10.2017, however the word “set aside” was missing from para-7 of the judgment in question. He has further invited attention to Section-152 of Civil Procedure Code, 1908, which allows amendments in judgments in case of any omission/error and mistake.

We have gone through the plea of the appellant and found it worth consideration and the mistake needs rectification

The submission of the learned counsel for the appellant appeared to be genuine, as such the application is allowed. It is directed that the impugned order dated 27.10.2017 mentioned in para-7 of the judgment shall be considered as “set aside”.

Announced:
03.10.2019



(MUHAMMAD HAMID MUGHAL)
MEMBER



(AHMAD HASSAN)
MEMBER

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No. 192/2018

Date of Institution ...09.02.2018

Date of Decision ... 22.08.2019

Mst. Toor-e-Sina daughter of Khan Afsar, Hostel Warden (under adjustment)
resident of Majohaana, Tehsil and District Abbottabad. ... (Appellant)

VERSUS

The Secretary Elementary and Secondary Education Department, Khyber
Pakhtunkhwa Civil Secretariat, Peshawar and four others. ... (Respondents)

MALIK AMJAD ALI,
Advocate

For appellant.

MR. MUHAMMAD BILAL,
Deputy District Attorney

For respondents

Chaudhery Abdur Rauf,
Advocate

For respondent no.5

MR. AHMAD HASSAN
MR. MUHAMMAD HAMID MUGHAL

MEMBER (Executive)
MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the
parties heard and record perused.

ARGUMENTS.

02. Learned counsel for the appellant argued that she was appointed as Hostel
Warden at GGCMSS no.1 Abbottabad against the deceased son/daughter quota vide
order dated 09.02.2016. Prior to that Mst. Saima Noreen (private respondent no.5)
was working against the said post but major penalty of removal from service was
awarded to her by the respondents. He assailed the above orders of the respondents
by filing service appeal no. 441/2016 in this Tribunal and upon acceptance vide

judgment dated 17.07.2017, she was reinstated in service with all back benefits. In order to implement the judgment of this Tribunal referred to above, respondent no.3 vide letter dated 31.07.2017 sought advice from respondent no.2 but that failed to evoke any response from the quarters concerned. Thereafter, vide order dated 19.10.2017 private respondent no.5 was reinstated and adjusted against the vacant post of Laboratory Assistant at GGHSS Richi Bhen. That through corrigendum dated 27.10.2017, Mst. Saima Noreen was adjusted as Hostel Warden at GGCMSS Abbottabad instead of Lab Assistant with immediate effect. Feeling aggrieved, the appellant filed departmental appeal on 03.11.2017 which remained unanswered, hence, the present service appeal. Impugned order dated 27.10.2017 was arbitrary, whimsical, illegal and unlawful. There was only one post of Hostel Warden (BPS-5) in District Abbottabad against which the appellant was appointed after fulfillment of all codal formalities and discharging duty to the entire satisfaction of the respondents. The appellant did not possess qualification for the post of Lab Assistant.

03. Learned Deputy District Attorney argued that respondent no.3 was bound to implement the judgment of this tribunal dated 17.07.2017, therefore, through order dated 27.10.2017 respondent no.5 was adjusted as Hostel Warden. She also filed Execution Petition in this Tribunal, which was disposed of on the assurance of the respondents that charge of the post of the Hostel Warden would be handed over to Mst. Saima Noreen in due course of time vide order dated 21.11.2017. Action taken by the respondents was duly back by the judgment of this Tribunal referred to above. Moreover, Commissioner Hazara had not been vested with the powers to remove an employee or change his cadre. The appellant refuse to hand over the

charge of the post of Hostel Warden, therefore, principal concerned was compelled to relieve her from duty.

04. Learned counsel for private respondent no.5 relied on arguments advanced by the learned Deputy District Attorney.

CONCLUSION

05. The record revealed that private respondent no.5 was working against the post of Hostel Warden at GGCMSS no.1 Abbottabad. On account of misconduct, she was proceeded under E&D Rules 2011 and thereafter major penalty of removal from service was awarded to her. When the post became vacant, the appellant was appointed against the deceased son/daughter quota as Hostel Warden vide order dated 09.02.2016. On the other hand private respondent no.5 challenged the impugned order referred to above in this Tribunal through service appeal no. 441/2016 decided on 17.07.2017. Her appeal was accepted and she was reinstated in service with all back benefits. It is pertinent to point out that through the appellant was appointed vide order dated 09.02.2016, whereas service appeal was filed by Mst. Saima Noreen on 11.04.2016 but the appellant was not arrayed as a necessary party in the service appeal referred to above. Entire service appeal was also silent on the issue of appointment of the appellant. It would not be out of place to mention here that the respondents should have brought subsequent development into the notice of this Tribunal then the present ~~settlement~~ ^{stalemate} would have been averted. It merits to mention here that in these circumstances no adverse unilateral action could be taken against the appellant. The respondents were well aware of ground realities/subsequent complication, therefore, advice was sought from the administrative department but to no avail.

06. On reinstatement, the appellant was rightly adjusted against the Lab Attendant but through corrigendum dated 27.10.2017, she was adjusted against the post of Hostel Warden, whereas the appellant was transferred/adjusted as Laboratory Assistant on GGHS Rich Bhen, Abbottabad. It is pertinent to point out that the appellant was substantive holder of the post of Hostel Warden and could not be appointed/adjusted against any other post. How a regular employee could be dislodged from his/her post with a single stroke? Action of respondents amply proved malafide, bias and malice against the appellant. She was condemned unheard. This action on the part of the respondents is illegal and unlawful. They had no authority to pass an arbitrary order unilaterally and that too without adhering invogue procedure. As the respondents failed to handle the case properly, therefore, they should now face the music.

07. As a sequel to the above, the instant appeal is accepted, the impugned order dated 27.10.2017 and order dated 09.02.2016⁶ stands restored. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
Member



(AHMAD HASSAN)
Member
Camp Court Abbottabad.

ANNOUNCED
22.08.2019

20.08.2019

Appellant present. Mr. Muhammad Bilal learned Deputy District Attorney for official respondents present. Learned counsel for private respondent No.5 also present. Learned counsel or private respondent No.5 seeks adjournment. Adjourn. To come up for arguments on 22.08.2019 before D.B at Camp Court, Abbottabad.



Member

Member
Camp Court A/Abad

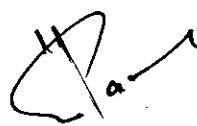
Order

22.08.2019

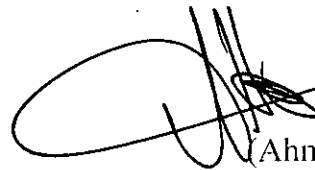
Appellant with counsel present. Mr. Muhammad Bilal, DDA for official respondents no. 1 to 4 and private respondent no.5 with counsel present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the instant appeal is accepted, the impugned order dated 27.10.2017 and order dated 09.02.2016 stands restored. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
22.08.2019



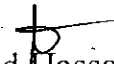
(Muhammad Hamid Mughal)
Member



(Ahmad Hassan)
Member


15.04.2019

Clerk to counsel for the appellant present. Mr. Muhammad Bilal, DDA for respondents present. Written reply not submitted. Request for adjournment. Adjourned. Case to come up for written reply/comments on 17.06.2019 before SB at camp court Abbottabad.


(Ahmad Hassan)
Member
Camp Court A/Abad

17.06.2019

None for the appellant present. Mr. Muhammad Bilal, DDA alongwith Mr. Zahid Gul, ADO for respondents present. Written reply/comment submitted which is placed on file. Notice be also issued to the appellant and his counsel for appearance. Case to come up for rejoinder and arguments on 20.08.2019 before D.B at camp court Abbottabad.

11

(Ahmad Hassan)
Member
Camp Court A/Abad

18.02.2019

Appellant Mst. Toor-e-Sina alongwith her counsel present. Mr. Muhammad Bilal, Deputy District Attorney for official respondents No. 1 to 4 and Private respondent No. 5 Mst. Saima Noreen alongwith her counsel present.

Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Hostel Warden on deceased employee quota. It was further contended that previously private respondent No. 5 Mst. Saima Noreen was appointed on the said post vide order dated 25.08.2015 however, later on she was removed from service vide order dated 16.12.2015. It was further contended that the said private respondent No. 5 filed service appeal against the removal order which was accepted and the said private respondent No. 5 Mst. Saima Noreen was reinstated in service on the said post vide order dated 19.10.2017 on the basis of judgment of this Tribunal. It was further contended that due to reinstatement of the private respondents No. 5 the present appellant Mst. Toor-e-Sina was transferred/adjusted from the post of Hostel Warden to the post of Lab Assistant in Government Girls Middle School Rich Ben vide order dated 27.10.2017. It was further contended that the appellant filed departmental appeal on 03.11.2017 but the same was not responded hence, the present service appeal. It was further contended that the said impugned transfer/adjustment of the appellant was premature and against the transfer posting policy as well as against the lien policy therefore, the impugned transfer/adjustment of the appellant from the post of Hostel Warden to the post of Lab Assistant was illegal and liable to be set-aside.

On the other hand, learned counsel for private respondent No. 5 opposed the contention of learned counsel for the appellant and contended that the private respondent No. 5 was reinstated in service on the basis of judgment of this Tribunal. It was further contended that the private respondent No. 5 was also entitled for the post due to lien policy therefore, the impugned order dated 27.10.2017 was rightly passed by the competent authority.

After hearing the preliminary arguments on both the side, the contention raised the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 15.04.2019 before S.B at

Camp Court Abbottabad. .

Appellant Deposited
Security & Process Fee

MA
(Muhammad Amin Khan Kun
Member
Camp Court Abbottabad

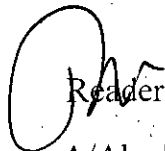
19.09.2018

Since 21st September, 2018 has been declared as public holiday on account of Moharram, therefore, case is adjourned to 14.11.2018 for preliminary hearing before the S.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad


14.11.2018

None for the appellant present . Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 17.01.2019 at camp court Abbottabad.


Reader
A/Abad

17.01.2019

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 18.01.2019 before S.B at Camp Court Abbottabad.


Member
Camp Court A/Abad

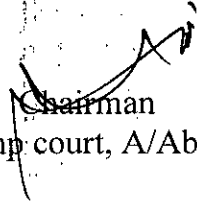
18.01.2019

Appellant absent. Mr. Muhammad Bilal learned Deputy District Attorney on behalf of official respondents present. Learned counsel for private respondent No. 5 present. Adjourn. To come up preliminary hearing on 18.02.2019 before S.B at Camp Court Abbottabad.


Member
Camp Court A/Abad

22.03.2018

Counsel for the appellant, Mr. Usman Ghani, District Attorney alongwith Shujaa Ali, ADO on pre-admission notice present on behalf of the respondents. Counsel for private respondent No. 5 (Chaudhery Abdur Rauf, Advocate) also present and wakalatnama submitted. Both the learned counsels for the parties requested for adjournment. To come up for Preliminary arguments on 20.4.2018, on the points as per previous order sheet, before S.B at Camp Court, Abbottabad.


Chairman
Camp court, A/Abad


20.04.2018

Jumio Counsel for the appellant present and Usman Ghani, District alongwith Shujaa, ADO for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for preliminary hearing as per previous order sheet on 29.06.2018 before the S.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad

29.06.2018

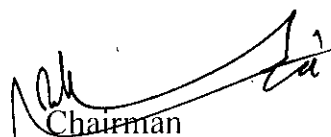
Clerk to counsel for the appellant present. Mst. Samina Noreen, private respondent no.5 in person present. Mr. Shuja Ali, ADO alongwith Mr. Ziaullah, DDA for respondents present. Clerk to counsel for the appellant seeks adjournment. Granted. To come up for preliminary hearing on 21.09.2018 before S.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad

Contd 23-2-17

- (c) What is the law on the point that when any reinstatement order is passed by any court of law/Tribunal whether the fresh appointee can claim any right to be retained against the post which has been again filled through order of the Court/Tribunal?
- (d) Whether the earlier dismissed civil servant, on reinstatement had a lien against that post and any person appointed in his/her place would hold that post subject to the termination of the lien of the original appointee?
- (e) Whether the original appointee who was on probation had any lien against that post?
- (f) Whether the post-in-issue was a substantive post or a temporary post.
- (g) Whether while executing the order of this Tribunal by the department, the appellant could get suspension of the order whereby respondent No. 5 was reinstated as Head Warden?

Without admitting this appeal to regular hearing, no temporary/interim relief can be granted. In order to settle these points, a pre-admission notice is given to the department for 22.03.2018 before S.B at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

23.02.2018

Counsel for the appellant present. The appeal was fixed for preliminary hearing on 22.03.2018 but on the application by the learned counsel for the appellant, this appeal was fixed for today. Counsel for the appellant argued the appeal preliminarily. She also pressed her application for suspension of the impugned order or in the alternative for the release of salary of the appellant. Both these applications were attached with the memorandum of appeal.

The appeal of the appellant is that she was recruited against a post which was vacated on the termination of respondent No. 5.

That she was appointed against the quota of deceased children.



That respondent No. 5 had challenged her removal before this Tribunal and this Tribunal reinstated her. That the department after reinstating respondent No. 5 in her position as Hostel Warden, adjusted the appellant in another position. Through this appeal, the appellant was to be adjusted as Hostel Warden. Before admitting this appeal to regular hearing the following points need to be clarified:-

- (a) Whether on reinstatement of respondent No. 5 as Hostel Warden the appellant would go home or she would be retained in the service?
- (b) Whether a civil servant appointed temporarily against the post of a person who has been reinstated has any vested right to be defending his adjustment on the ground that he/she was recruited in accordance with prescribed procedure?

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 192/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	09/02/2018	<p>The appeal of Mst. Toor-e-Sina presented today by Malik Ahmad Ali Awan 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 -</p>
2-	13-2-18	<p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22-3-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.

No _____ (Lit) Dated 11/09/2019
Phone No. 0992-342533-342324

To
*The Office of the District Attorney
Abbottabad.*

Subject: SERVIE APPEAL NO 192-A/2018 TITLED " TOOR-E-SINA " VS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY & SECONDARY EDUCATION PESHAWR & OTHERS.

Memo:

Reference your letter No 519-21/DA/ATD Dated September 03, 2019, it is brought in to your kind notice that after taking attested copies of the instant above motioned service appeal, case has been sent to high up for request of filling CPLA against the judgment dated 22-08-2019..

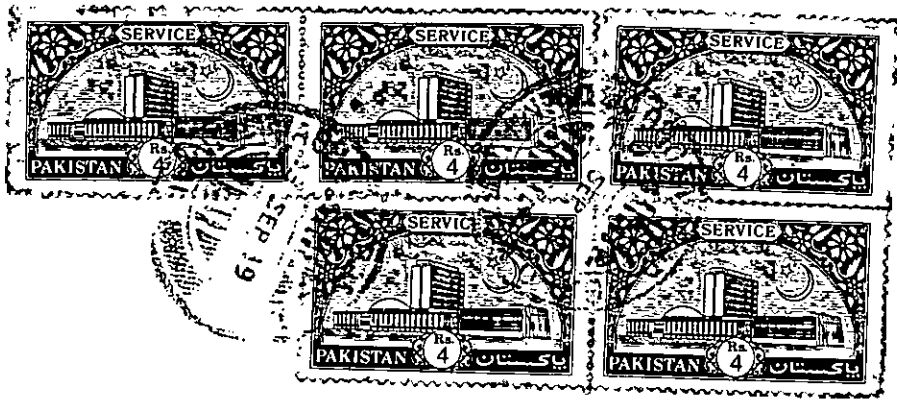
[Signature]
District Education Officer
Female, Abbottabad.

No 7925-27 AD/LIT/ATD

Copy to:

1. Deputy Solicitor Law, Parliamentary Affairs and Human Rights Department Khyber Pakhtunkhwa Peshawar.
2. The Registrar, Service Tribunal Khyber Pakhtunkhwa, Peshawar.
3. Office record.

[Signature]
District Education Officer
Female, Abbottabad.



OPSS

To,

The Registrar Service Tribunal
Khyber Pakhtunkhwa Peshawar

Despatcher
Distt: Edu Officer
(Female) Abbottabad

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA,
PESHAWAR.

Appeal No. 192/2018

Mst. Toor e Sina

VERSUS

Secretary, E&SE etc

SERVICE APPEAL
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19.	Power of attorney (Vakalatnama) alongwith copies of Bar Council Id Cards	--	55

Through Counsel:

Dated:- *09/02* /2018

(MAMAD ALI AWAN)

(SEHRISH HABIB DILAZAK)
Advocates High Court, Abbottabad

(Toor e Sina)
...APPELLANT

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA,
PESHAWAR.

Appeal No. 192/18

Mst. Toor e Sina daughter of Khan Afsar Hostel Warden (under adjustment) resident of Majohaan, Tehsil and District Abbottabad.

Khyber Pakhtunkhwa
Service Tribunal

...APPELLANT

Diary No. 189

VERSUS

Dated 09-2-2018

- 1) Secretary, Elementary & Secondary Education (E&SE) Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2) Director, Elementary & Secondary Education (E&SE) Department, KPK, Peshawar.
- 3) District Education Officer (Female), Abbottabad.
- 4) Principal, GGCMSS No.1, Abbottabad.
- 5) Mst. Saima Noreen daughter of Syed Farooq Shah (Late) presently posted / adjusted as Hostel Warden at GGCMSS No.1 Abbottabad.

...RESPONDENTS

SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE IMPUGNED ORDER BEARING
NO.7739-44 EB IV/CORRIGENDUM/H/W DATED
27.10.2017 PASSED BY RESPONDENT NO.3.

Respectfully Sheweth;

Filed to-day

FACTS:-

Registrar

9/2/18

The facts leading rise to the present service appeal are as under:-

- 1) That appellant is appointed on deceased employee quota in Education Department on the post of Hostel Warden in GGCMSS No.1 Abbottabad.
(Copy of appointment letter is annexed as Annexure "A")

- 2) That prior to appellant, one Mst. Saima Noreen / respondent No.5 serving on the post of Hostel Warden was removed from service on the grounds of **misconduct and complaints, etc** from the same post wherein appellant is appointed.
- 3) That later on respondent No.5 filed an appeal before this Hon'ble Service Tribunal which was accepted and respondent No.5 was ordered to be re-instated vide judgment and order dated 17.07.2017. **(Copy of judgment & order dated 17.07.2017 is annexed as Annexure "B")**
- 4) That after the above mentioned judgment and decision, respondent No.3 sought guidance from respondent No.2 through Letter No.4983 EB-III/ Apptt:H/W dated 31.07.2017 **and raised question of appellant's future** in respect of above mentioned judgment and order. **(Copy of Letter No.4983 EB-III/Apptt:H/W dated 31.07.2017 is annexed as Annexure "C")**
- 5) That apart from this, respondent No.3 also wrote a letter bearing No.6806 dated 02.10.2017 to Assistant Director (Litigation), Elementary & Secondary School, KPK, Peshawar and forwarded the copy of aforementioned letter to respondent No.1 as well. **(Copy of Letter No.6806 dated 02.10.2017 is annexed as Annexure "D")**
- 6) That in compliance to the judgment and order dated 17.07.2017 of this Hon'ble Tribunal, respondent No.3 re-instated respondent No.5 at GGHSS Rich Behn Abbottabad vide Office order Endst No.7424-29 EB-IV/file No.01/H.W dated 19.10.2017. **(Copy of Office order Endst No.7424-29 EB-IV/file No.01/H.W dated 19.10.2017 is annexed as Annexure "E")**
- 7) That immediately after above mentioned re-instatement order, respondent No.3 passed another order bearing No.7739-44 EB-IV/Corrigendum/H/W dated 27.10.2017 vide which respondent No.3 ordered to adjust respondent No.5 as Hostel Warden and appellant as Lab Assistant at GGHSS Rich Behn Abbottabad. **(Copy of impugned order No.7739-44 EB-IV/ Corrigendum/ H/W dated 27.10.2017 is annexed as Annexure "F")**
- 8) That feeling aggrieved of the above mentioned impugned order, appellant challenged the same through departmental appeal before respondent No.2 on

03.11.2017 alongwith appellant also filed an application for suspension of the impugned order till the decision of departmental appeal but respondent No.2 neither decided the departmental appeal nor aforementioned application till now. **(Copies of departmental appeal is annexed as Annexure "G" whereas application for suspension of impugned order before respondent No.2 is annexed as Annexure "G-1")**

- 9) That as respondent No.5 was removed from service on grounds of **misconduct** and **complaints** from parents of Boarders of Hostel hence upon her re-instatement, the parents moved an application and alongwith Member Tehsil Council Abbottabad visited the Office of Deputy Commissioner. The Deputy Commissioner upon public complaints and previous record of respondent No.5, vide its office order No.1303-04/PS-07 dated 06.11.2017 directed the respondent No.3 not to post respondent No.5 as Hostel Warden. **(Copy of office order No.1303-04/PS-07 dated 06.11.2017 is annexed as Annexure "H")**
- 10) That soon after the aforementioned impugned order, appellant became ill and moved an application alongwith her medical. Moreover appellant shown her willingness to leave the charge of her present post (Hostel Warden) and appellant approached the concerned DDEO / Principal and respondent No.3 several times but in vain.
- 11) That after the aforementioned corrigendum order, **on 15.11.2017, at about 01.30 pm** while appellant was away from her hostel room, **Miss Farzana, Miss Humaira alongwith Watchman namely Attique S/o Shad Mohammad** firstly removed the **CCTV cameras** and then broke the lock of appellant's hostel room and **Miss Farzana, Miss Farhat alongwith Miss Iffat the Principal** entered the room without permission and the whole record of hostel since **10th February 2016** till now comprising 7 registers, Files 16 in number, Government cash Rs.65,000/-, appellant's personal cash Rs.15,000/- present in her purse, Gold Ear rings & one ring, 15 suits, shoes 4 pair, chapal 5 pair alongwith make-up kit **(personal belongings of appellant)** were forcibly grabbed, snatched and taken into possession. Additionally appellant's entry in the hostel was banned and appellant was prohibited to approach her hostel room and record or other articles aforementioned. In consequence of above mentioned situation, appellant having no other option immediately rushed the local **Police Station of P.S Cantt Abbottabad** and moved an application

which is pending disposal. Moreover Miss Iffat, Principal, GGCMSS No.1, Abbottabad relieved the appellant with malafide intention on 16.11.2017 without contacting or intimating the appellant or asking about handing over of record etc or return of her personal belongings etc (**captured one**) which is clear violation of the law / rules and a gross irregularity. (**Copy of application dated 15.11.2017 is annexed as Annexure "I"**)

- 12) That an inquiry was conducted by PS Cantt and statements of the witnesses were recorded and IO gave its final report wherein appellant's stance was proved against respondents No.3 & 4. (**Copies of statements of witnesses alongwith inquiry report are annexed as Annexure "J"**)
- 13) That after impugned order, appellant was issued an explanation letter bearing No.8758-61 dated 29.11.2017 and appellant submitted its reply however charged was already submitted. (**Copies of explanation letter No.8758-61 dated 29.11.2017 alongwith its reply & postal receipts & charge report are annexed as Annexure "K"**)
- 14) That on 14.12.2017, respondent No.3 issued show cause notice regarding non-joining of duty at GGHSS Rich Behn however appellant has already joined her duty. The afore-mentioned notice was replied by appellant. (**Copies of show cause notice No.9029-32 dated 14.12.2017 alongwith its reply & postal receipt are annexed as Annexure "L"**)
- 15) That later on respondent No.3 stopped the salary of appellant in an illegal and unlawful manner.
- 16) That appellant being aggrieved of the impugned order No.7739-44 EB-IV/ Corrigendum/ H/W dated 27.10.2017, challenges the same before this Hon'ble Tribunal, inter-alia, on the following grounds:-

GROUND:-

- a) That the impugned order dated 27.10.2017 passed by respondent No.3 is against the law, justice, equity, facts available on record, circumstances of the case, illegal, without jurisdiction, the result of illegal exercise of

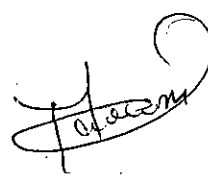
jurisdiction, void ab-initio and not maintainable in the eye of law hence liable to be set aside.

- b) That the impugned order possess material illegality and irregularity hence the same is not sustainable and is liable to be set aside.
- c) That grave injustice and sheer violation of the law and settled rules have been committed with regard to appellant's post.
- d) That the impugned order has been passed in utter disregard to the circumstances of the case and is based on malafide.
- e) That the judgment and order dated 17.07.2017 of this Hon'ble Service Tribunal has been **misinterpreted** and has not been **implemented in its true latter and spirit** and appellant is aggrieved from this act / conduct of respondents and is facing irreparable loss.
- f) That while passing the impugned order, respondent No.3 failed to consider this fact that the tenure of appellant for transfer / adjustment as required under the Law / Rules has not been completed and the same is premature.
- g) That there is only one post of **Hostel Warden (BPS-05)** sanctioned in **District Abbottabad** which has already been filled by appellant's appointment. Moreover appellant possess the unblemished service track record and fulfills the entire criteria and has better standing than Mst.Saima Noreen with regard to the post under reference.
- h) That for the post of Lab Assistant, respondent No.5 got the **Certificate of Teaching from Allama Iqbal Open University Islamabad & Diploma in I.T** as well however appellant does not possess such like teaching qualification / experience and in these circumstances appointing / adjusting appellant as Lab Assistant at GGHSS Rich Behn Abbottabad merely means to spoil the precious time and future of students of the aforementioned School as appellant does not have any qualification / experience of teaching. **(Copies of Certificate of Teaching & Diploma in I.T obtained by respondent No.5 is annexed as Annexure "M" whereas educational documents of appellant is annexed as Annexure "N")**

- i) That appellant has been transferred / adjusted in a far flung area where appellant shall face acute hardships.
- j) That appellant has also filed an application for release of her salary alongwith this appeal as well.
- k) That this service appeal is well time and any delay if caused is due to the severe ailness of appellant. **(Copy of medical slip is annexed as Annexure "O")**
- l) That further points shall be raised at the time of arguments before this Hon'ble Tribunal with the prior permission.

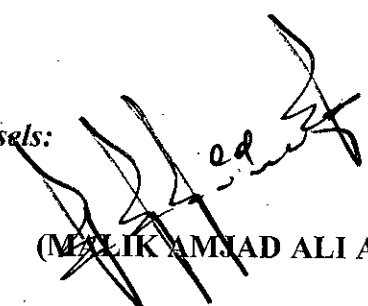
PRAYER:-

On acceptance of this service appeal, it is humbly prayed that the impugned order No.7739-44 EB-IV/Corrigendum/H/W dated 27.10.2017 may kindly be set aside and appellant may kindly be adjusted as Hostel warden at her previous post and place. Any other relief which this Hon'ble Tribunal deem fit and proper in the circumstances of the case may also be granted in the best interest of justice.



...APPELLANT

Through Counsels:



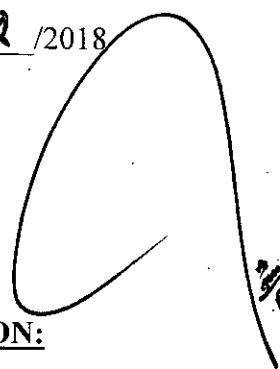
(MALIK AMJAD ALI AWAN)

&

(SEHRISH HABIB DILAZAK)

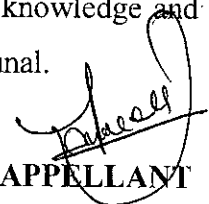
Advocates High Court, Abbottabad

Dated:- 09/02 /2018



VERIFICATION:

Verified on this 9th day of **February, 2018** that the contents of foregoing **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.



...APPELLANT

Dated:- 09/02 /2018

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA,
PESHAWAR.

Mst. Toor e Sina **VERSUS** Secretary, E&SE etc

SERVICE APPEAL

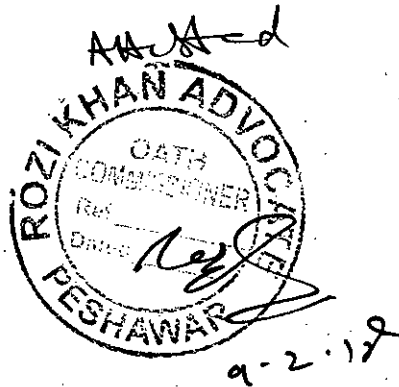
AFFIDAVIT

I, Mst. Toor e Sina daughter of Khan Afsar Hostel Warden (under adjustment) resident of Majohaan, Tehsil and District Abbottabad *appellant*, do hereby solemnly affirm and declare on Oath that the contents of instant *Service Appeal* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.

Dated:- 09/02/2018

DEPONENT

APPELLANT

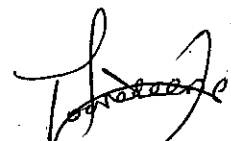


BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA,
PESHAWAR.

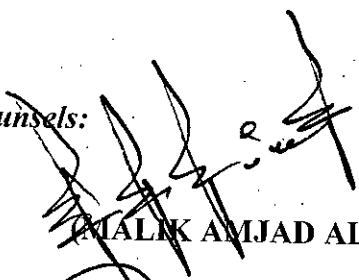
Mst. Toor e Sina **VERSUS** Secretary, E&SE etc

SERVICE APPEAL
CERTIFICATE

*Certified that no such like Service Appeal has earlier been filed
before this Hon'ble Tribunal.*


...APPELLANT

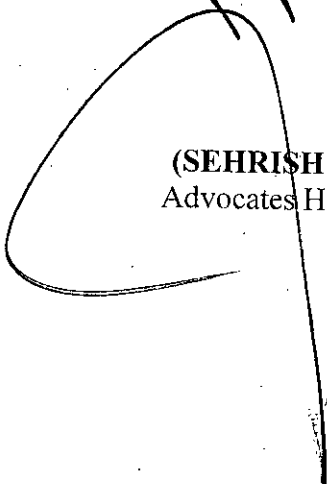
Through Counsels:



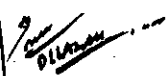
Dated:- 09/02 /2018

(MALIK AMJAD ALI AWAN)

&



(SEHRISH HABIB DILAZAK)
Advocates High Court, Abbottabad



9

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA,
PESHAWAR.

Mst. Toor e Sina **VERSUS** Secretary, E&SE etc

SERVICE APPEAL

APPLICATION FOR SUSPENSION OF THE IMPUGNED
ORDER NO.7739-44 EB-IV/CORRIGENDUM/H/W DATED
27.10.2017 TILL THE DECISION OF TITLED SERVICE
APPEAL.

Respectfully Sheweth,

1. That petitioner / appellant filed titled service appeal before this Hon'ble Service Tribunal, the contents of the same may be treated as an integral part of this application.
2. That petitioner has a good Prima-Facie case and balance of convenience also lies in her favour.
3. That petitioner's tenure has not been completed and petitioner has been transferred in the name of adjustment vide impugned order in an entirely illegal and unjust manner and petitioner has become rolling stone.
4. That if the impugned order No.7739-44 EB-IV/Corrigendum/H/W dated 27.10.2017 is not suspended then petitioner would suffer irreparable loss and purpose of filing present service appeal would become infructuous.

PRAYER:-

On acceptance of this application, the impugned order No.7739-44 EB-IV/Corrigendum/H/W dated 27.10.2017 may kindly be suspended till final disposal of titled service appeal.

[Handwritten Signature]

..PETITIONER

Through Counsels:

[Handwritten Signature]
[Handwritten Signature]

Dated:- 09/02 /2018

(**FAALIK AMJAD ALI AWAN**)

&

[Large Handwritten Signature]
(**SEHRISH HABIB DILAZAK**)
Advocates High Court, Abbottabad

AFFIDAVIT:

I, Mst. Toor e Sina daughter of Khan Afsar Hostel Warden (under adjustment) resident of Majohaan, Tehsil and District Abbottabad *petitioner*, do hereby solemnly affirm and declare on Oath that the contents of instant *application* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.

Dated:- 09/02 /2018

Accepted
ROZI KHAN ADVOCATES
PESHAWAR
[Handwritten Signature]

9-2-18

DEPONENT

[Handwritten Signature]
...PETITIONER

11

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA,
PESHAWAR.

Mst. Toor e Sina **VERSUS** Secretary, E&SE etc

SERVICE APPEAL

APPLICATION FOR RELEASE OF SALARY

Respectfully Sheweth,

1. That petitioner / appellant filed titled service appeal before this Hon'ble Service Tribunal.
2. That getting personal grudge of the departmental appeal, respondent No.3 stopped the salary of applicant without any lawful authority however applicant left her charge and is presently serving at her newly appointed place and obeyed all the orders of her superior.
3. That applicant is badly suffering due to stoppage of her salary.
4. That the act of stoppage of salary is illegal and unlawful.
5. That further points shall be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

PRAYER:-

On acceptance of this application, orders for release of appellant's salary may graciously be passed in the best interest of justice.

Dated:- 09/02 /2018

Through Counsels:

[Handwritten signatures and scribbles]

[Handwritten signature]
...PETITIONER

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA,
PESHAWAR.

Mst. Toor e Sina **VERSUS** Secretary, E&SE etc

SERVICE APPEAL

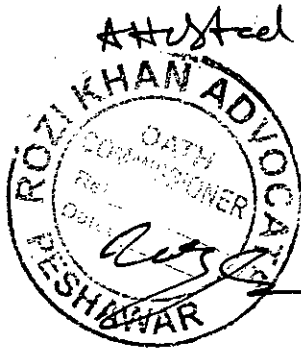
APPLICATION FOR RELEASE OF SALARY

AFFIDAVIT

I, Mst. Toor e Sina daughter of Khan Afsar Hostel Warden (under adjustment) resident of Majohaan, Tehsil and District Abbottabad *petitioner*, do hereby solemnly affirm and declare on Oath that the contents of instant *application* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.

Dated:- 09/02 /2018

DEPONENT
[Signature]
..PETITIONER



02-2-18

A
13

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA,
PESHAWAR.

Mst. Toor e Sina **VERSUS** Secretary, E&SE etc

SERVICE APPEAL

APPLICATION FOR CONDONATION OF DELAY, IF ANY,
CAUSED IN FILLING OF TITLED SERVICE APPEAL.

Respectfully Sheweth,

1. That the titled service appeal is being filed today before this Hon'ble Service Tribunal.
2. That the statutory period for filling the service appeal was going to end when meanwhile applicant got seriously ill and was medically examined wherein the concerned Doctor advised the applicant/ appelland for 7 days bed rest hence applicant / appelland could not approach her counsel to sign the Wakalat nama and file the titled service appeal immediately. **(Copy of medical certificate is already annexed as Annexure "N")**
3. That the sudden situation of ailness as mentioned above was beyond the control and perception of applicant being involuntary in nature hence this application for Condonation of delay, if any, caused in filling the titled service appeal.
4. That further points shall be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

PRAYER:-

On acceptance of this application, the delay, if any, caused in filling the titled service appeal may graciously be

condoned in the light of above mentioned reason and the service appeal may kindly be decided on merits.

Dated:- 09/02 /2018

Through Counsels: [Handwritten signatures]

...PETITIONER

AFFIDAVIT:

I, Mst. Toor e Sina daughter of Khan Afsar Hostel Warden (under adjustment) resident of Majohaan, Tehsil and District Abbottabad *petitioner*, do hereby solemnly affirm and declare on Oath that the contents of instant *application* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.

Dated:- 09/02 /2018

DEFONENT
[Handwritten signature]
...PETITIONER

Attested
[Circular stamp: ROZI KHAN ADVOCATE, PESHAWAR, OATH, AFFIDAVIT, SIGNER]
[Handwritten signature]
9.2.18

Annexure "A"

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD



0992-342533, 0992-342314
deofemale_abbottabad@gmail.com

APPOINTMENT ORDER UNDER DECEASED QUOTA

Consequent upon the approval of competent authority & under the provision of Sub rule (4) of rule 10 of the Khyber Pakhtunkhwa Civil servant (Appointment Promotion & Transfer) rules 1989. The following deceased daughter is hereby appointed under deceased Quota in **BPS-5 @ (Rs.6985-340-17185)** plus usual Allowances as admissible under the rules against Vacant post of Hostel Warden in the interest of Public Service with the following terms & Conditions w.e.f. the date of taking over charge.

S/No	Name /Father name and Address of Applicant	Name of Govt: Servant died during the service.	Qualification & Date of Birth applicant	REMARKS
1.	Miss Toor-e- Seena D/O Khan Afsar (Deceased) R/O Majuhan Tehsil & District Abbottabad.	Khan Afsar father of applicant Ex-AT GMS Phallah was died during the service on 17-11-1994.	F.A Date of Birth 30-12-1992	GGGMS No.1 Abbottabad against vacant post of Hostel Warden.

TERMS AND CONDITIONS

- 1) Her services will be considered as regular and she will be entitled to contribute towards GPF instead of CPF with reference to Govt: of KPK Finance Department Notification No.SQSR-III/FD/12-1/2005 Dated 27-2-2013.
- 2) Her services are liable to termination on one month's notice from either side. In case of resignation without notice her one month pay/allowances shall be forfeited to the Government.
- 3) The appointee should join her post within 15 days of the issuance of this notification. In case of failure to join her post within fifteen days of the issuance of this notification, her appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 4) She will be on probation for a period of one year extendable for another one year in case her performance found satisfactory.
- 5) She will be governed by such rules and regulation as may be issued from time to time by the Government.
- 6) Her services can be terminated at any time in case of unsatisfactory performance/misconduct of the appointee without issuing any notice as per rule during probationary period.
- 7) Charge report should be submitted to all concerned.

- 8) The DDO concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after one month of issuance of order.
- 9) The candidate concerned will provide age and health certificate from the Medical Superintendent DHQ Abbottabad.
- 10) The age limit for appointment of Hostel Warden is 18 to 30 years the DDO/ Principal concerned is directed that she will not handed over charge of the post if her age limit is less than 18 years or above 30 years.
- 11) No TA/DA is allowed to her for joining duty.

(SAMINA ALTAF)
 District Education Officer
 (Female) Abbottabad

Endst: No. 722-26 /EB-IV (F) Apptt: Hostel Warden

Dated 9/2 /2016

Copy forwarded for information to the:

1. District Accounts Officer Abbottabad.
2. District Education officer (Male) Abbottabad.
3. Principal GGCMS.No.1 Abbottabad.
4. Miss Toor-e-Seena D/O Khan Afsar R/O Majuhan Tehsil & District Abbottabad.
5. Office File.

(Signature)
 District Education Officer
 (Female) Abbottabad

OFFICE OF THE DISTRICT EDUCATION OFFICER



APPOINTMENT ORDER UNDER DEEDS

Consequent upon the approval of the Hon'ble Minister for Education, Government of Punjab, the following candidate has been appointed to the post of Hostel Warden, District Abbottabad.

No.	Name / Father's Name and Address of Applicant.	Qualification
1.	Miss Toor-e-Seena D/O Khan Afsar R/O Majuhan Tehsil & District Abbottabad.	B.A. (Hons.)

16

TERMS AND CONDITIONS

Annexure 'B'

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

CAMP COURT, ABBOTTABAD

Service Appeal No. 411/2016

Date of Institution: 11.04.2016

Date of decision: 17.07.2017



Mrs. Syeda Saima Nooren D/o Late Syed Farooq Shah,
R/o House No. 487, Link Road, Aram Bagh Tehsil & District Abbottabad.
(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Education, Peshawar and
others.
(Respondents)

CHAUDARI ABDUR RAUF CHOHAN, Advocate
For appellant.
MR. MUHAMMAD BILAL, Deputy District Attorney
For respondents.
MR. NIAZ MUHAMMAD KHAN, CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN:- Arguments heard and
record perused.

FACTS

2. The appellant has been removed from service under the Khyber
Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules, 2011 vide
impugned order dated 16.12.2015 on the ground of misbehavior with Principal and
Teachers, non compliance of Principal's order, complaints of parents, complaints

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

17

of Hostel Staff. This order of removal was passed during her initial period of probation.

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant was on medical leave during the period when proceedings were initiated against her including the day of impugned order. In this regard he relied upon the record of hospital regarding her admission and discharge on two occasions. He further argued that medical leave could not be refused under the rules. He added that without conducting proper enquiry the appellant could not have been removed from service.

4. On the other hand learned Deputy District Attorney argued that the appellant has rightly been removed from service as she was on initial period of probation and in accordance with the terms and conditions of her appointment read with the Khyber Pakhtunkhwa Civil Servants Act 1973 and rules framed there under she could have been removed from service during the period of probation.

CONCLUSION.

5. There is no cavil to the proposition that a civil servant can be removed as a probationer during the probation if his/her work or conduct is not satisfactory but in the present case the authority has not removed the appellant under the relevant sections and rules regulating the probationers which are Sections 6 and 11 of the Khyber Pakhtunkhwa Civil Servant 1973 read with Rule-15 of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989.

If we go through the impugned order the appellant has been removed from service by the competent authority in exercise of the powers under the Khyber

ATTESTED
Khayser Iqbal
Service Tribunal,
Peshawar

(18)

(19)

Date of Presentation of Application 08-12-17
 Number of Copies 1250
 Copying Fee 5
 Urgent 5
 Total 5
 Name of Applicant [Signature]
 Date of Completion of Copy 12-12-19
 Date of Delivery of Copy 12-12-19

[Signature]
[Signature]

Certified to be true copy
Ex. Secy. (Adm. & Fin.)
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Signature]
[Signature]
[Signature]

17-07-2017

[Signature]

bear their own costs. File be consigned to the record.

order and reinstate the appellant in service with all back benefits. Parties are left to

6. For what has been discussed above this Tribunal sets aside the impugned

and PL/D 1994 Supreme Court 222.

Superior Courts reported in PL/D 1985 Supreme Court 134, 1993 SCMR 603, 1410

before any action and in this regard reliance is placed on the judgments of the

involved then under the well settled principle of law the service of notice is must

the ground on this score alone. Even otherwise if the conduct of the probationer is

rather his services are terminated/dispensed with. The whole proceedings dash to

of removal from service. The Probationer cannot be imposed any major penalty

Pakhtunkhwa Government Servant (T&D) Rules 2011 by imposing major penalty

BETTER COPY

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT, ABBOTTABAD.**

Service Appeal No.141 / 2016

Date of Institution : 11-04-2016

Date of Decision : 17-07-2017

Mst. Syeda Saima Noreen D/o Late Syed Farooq Shah,
R/o House No.487, Link Road Aram Bagh, Tehsil & District Abbottabad.

...(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Education Peshawar & others

...(Respondents)

CHAUDARI ABDUR RAUF CHOCHAN
Advocate

For appellant

Mr. MUHAMMAD BILAL
Deputy District Attorney

For respondents

Mr. NIAZ MUHAMMAD KHAN
Mr. AHMAD HASSAN

**CHAIRMAN
MEMBER**

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN:-
perused.

Arguments heard and record

FACTS:-

2. The appellant has been removed from service under the Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules 2011 vide impugned order dated 10.12.2015 on the ground of misbehavior with Principal and Teachers, non-compliance of Principal's order, complaints of parents, complaints of Hostel Staff. This order of removal was passed during her initial period of probation.

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant was on medical leave during the period when proceedings were initiated against her including the day of impugned order. In this regard he relied upon the record of hospital regarding her admission and discharge on two occasions. He added that without conducting proper enquiry the appellant could not have been removed from service.
4. On the other hand learned Deputy District Attorney argued that the appellant has right been removed from service as she was on initial period of probation and in accordance with the terms and conditions of her appointment read with the Khyber Pakhtunkhwa Civil Servants Act 1973 and rules framed there under she could have been removed from service during the period of probation.

BETTER COPY

CONCLUSION:

5. There is no cavil to the proposition that a civil servant can be removed as a probationer during the probation if his her work or conduct is not satisfactory but in the present case the authority has not removed the appellant under the relevant sections and rules regulating the probationers which are Sections 6 and 11 of the Khyber Pakhtunkhwa Civil Servant Act 1973 read with Rule-15 of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989. If we go through the impugned order the appellant has been removed from service by the competent authority in exercise of the powers under the Khyber Pakhtunkhwa Government Servant (E&D) Rules 2011 by imposing major penalty of removal from service. The probationer cannot be imposed any major penalty rather his services are terminated / dispensed with. The whole proceedings dash to the ground on this score alone. Even otherwise if the conduct of the probationer is involved then under the well settled principle of law the service of notice is must before any action and in this regard reliance is placed on the judgments of the Superior Courts reported in PLD 1985 Supreme Court 134, 1993 SCMR 603, 1410 and PLD 1994 Supreme Court 222.
6. For what has been discussed above this Tribunal sets aside the impugned order and reinstate the appellant in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record.

Sd/-
Niaz Muhammad Khan
Chairman
Camp Court
Abbottabad

Sd/-
Ahmad Hassan
Member

OFFICE OF THE DISTRICT EDUCATION

OFFICER (FEMALE) ABBOTTABAD

PH# No. 0992-342533 FAX: 0992-342314

E-mail: deofemale_abbottabad@yahoo.com

No: 4983 EB-III/Apptt: H/W Dated: 21/07/2017

To,

The Director Elementary & Secondary
Education Department Khyber Pakhtunkhwa
Peshawar.

Annexure "C"

Subject: GUIDANCE
Memo,

Reference service appeal No. 141/2016 dated 14/04/2016 before the Khyber Pakhtunkhwa Service Tribunal Peshawar in R/O Mst: Syeda Saima Noureen D/O late Syed Farooq Shah and decision taken by Honorable Service Tribunal KPK Peshawar dated 17/07/2017 (Copy of decision is attached as (Annexure-A))

BRIEF HISTORY OF THE CASE

It is submitted for your kind information that Syeda Saima Noureen D/O Late Syed Farooq Shah was appointed as Hostel Warden at GGHS No.1 Abbottabad vide Notification No. 10199-G dated 25/08/2015 on the recommendation of District Selection committee, but later on during probationary period she was removed from service on account of the following grounds. The appointment order is attached as (Annexure-B).

1. Misbehaved with Principal/ Teacher.
2. Complaint of parents of Hostel Students.
3. Non compliance of order of the principal.
4. Complaint of Hostel Class-IV.

In the light of above mentioned facts the Ex-DEO (female) Abbottabad removed her from service while removal from service order issued under Endst No. 12429-12430 dated 16/12/2015 copy of removal from service is attached as (Annexure-C)

In the mean while this office appointed Miss: Tour-e-Sena D/O Khan Afsar vide order issued under Endost No. 722-26 dated 09/02/2016 as Hostel Warden against the said post under deceased Quota and she is still working as Hostel Warden at GGHS No.1 Abbottabad. The appointment order is attached as (Annexure-D)


Mst: Saima Noureen gone in appeal against the removal from service order and the Honorable Service Tribunal KPK Peshawar decided the case in favor of appellant i.e. Mst: Saima Nourcen on appeal No. 141/2016 dated 04/04/2016 with all back benefits. The wording of the decision of Honorable Service Tribunal is reproduce as below:


"For what has been discussed above this tribunal set aside the impugned order & reinstate the appellant in service with all back benefits. Parties are left to bear their own casts file consigned to record".

Now the situation is that there is only 01 post of Hostel Warden (BPs-05) is sanctioned in District Abbottabad and the post has already been filled through Deceased Quota.

Mst: Syeda Saima Noureen D/O late Syed Farooq Shah is also B.A/P.T.C/CT please guide that whether Syeda Saima Noureen can be appointed as BA/P.T.C or she should be adjusted as Hostel Warden as per court decision.

In case of her adjustment as per Court decision what can be future of Miss: Tour-e-Sena? In such case please adjust him as (BPs-05) against any vacant post in other District of KPK (if available).


District Education Officer
(Female) Abbottabad

Annexure "D"


OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.

No 6806 Dated: 02-10-2017
Phone No. 0992-342533-342324


To
The Assistant Director (Litigation)
Elementary & Secondary School
Khyber Pakhtunkhawa Peshawar.

Subject: SERVICE APPEAL NO 68/2016 TITLED MST SAIMA NOREEN VERSES GOVERNMENT THROUGH SECRETARY EDUCATION AND OTHERS.

Memo:


It is requested to your good honor that the above mentioned service appeal has been decided on 17-07-2017, department approach the high up for CPLA vide letter No 5046-47 dated 01-08-2017. In the response Directorate approach the law department for CPLA, ADEO (Litigation) went to law department along with relevant record of above mentioned appeal dated 08-09-2017, case was discussed for CPLA and same was declared unfit. The minutes of said meeting was not yet received for ^{Further} ~~facter~~ process.

Now the situation is that there is only one post of Hostel Warden is sanctioned in District Abbottabad and the post has already been filled through Deceased Quota. In this regard a request Guidance letter has been forwarded for your Guidance vide letter No 4983EB-III/Aptt/W dated 31-07-2017. (Copy of said Guidance letter is attached herewith)


District Education Officer
(Female) Abbottabad.

Copy to: 6807-08 2/10/17

1. PA to Secretary Elementary & Secondary Education KPK Peshawar.
2. Office record.


District Education Officer
(Female) Abbottabad

Annexure "E"



**OFFICE OF THE DISTRICT EDUCATION
OFFICER (FEMALE) ABBOTTABAD**

PH# No. 0992-342533 FAX: 0992-342314
E-mail denfemale_abbottabad@yahoo.com

NOTIFICATION

1. Whereas, Mst: Syeda Saima Noreen D/O Syed Farooq Shah was appointed as Hostel Warden in BPS-05 at GGCMSS No. 1 Abbottabad by the District Education officer (Female) Abbottabad. Vide Notification No. 10199-G/EB-IV/Apptt: (Assts) dated 25/08/2015.
2. Whereas, the above mentioned Hostel Warden was proceeded under the Khyber Pakhtunkhwa E&D Rules 2011 and Major penalty of "Removal from Service" was imposed upon by the then DEO vide office order No. 12429-30 EB-IV dated 16/12/2015 on the charges of Misbehave with Principal and teacher, Non compliance of Principal orders, complaints of parents, complaints of Hostel C-iv.
3. Whereas, the aggrieved Hostel Warden filed Service Appeal before the Khyber Pakhtunkhwa service tribunal Camp Court Abbottabad vide Service appeal No. 141/2016 dated 11/04/2016 against Government of Khyber Pakhtunkhwa Peshawar and other respondents.
4. Whereas, the appeal of aggrieved Hostel Warden was accepted by the court in favor of aggrieved Mst: Syeda Saima Noreen and issued order as mentioned below

"For what has been discussed above this Tribunal sets aside the impugned order and reinstate the appellant in service with all back benefits parties are left to bar their own cost. File be consigned to the record."

5. Whereas, after removal from service of Mst: Syeda Saima Noreen another Miss Toor-e-Seena D/O Khan Afsar was appointed under deceased quota as Hostel Warden at GGCMSS No.1 Abbottabad against vacant post and at present no post of Hostel warden is available in District Abbottabad.
6. Whereas, the undersigned discussed the case with Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar in the light of order of Khyber Pakhtunkhwa Service tribunal Camp Court Abbottabad.
7. Now Therefore, in the light of the judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad dated 17/07/2017 on service appeal No. 141/2016 Mst: Syeda Saima Noreen, Ex-Hostel Warden GGCMSS No.1 Abbottabad is hereby re-instated in service as Hostel Warden in BPS-05 and adjusted against vacant Post of Lab Assistant at GGSS Rich Behn on her own pay & Grade w.e.f the date of her removal from service i.e. 16/12/2015 with all back benefits, till the availability of Hostel Warden Post and principal GGSS Rich Behn is directed to draw her salary from the date of her "Removal from Service" i.e. 16/12/2015

[Signature]
District Education Officer
(Female) Abbottabad

Dated: 19/10/2017

Endst No: 7424-29 EB-IV/file No.01/H.W

Copy of the above is forwarded to the:-

1. Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad with reference to his order on appeal No. 141/2016 in respect of Mst: Syeda Saima Noreen dated 17/07/2017.
2. Principal GGCMSS No.1 Abbottabad.
3. Principal GGSS Rich Behn Abbottabad.
4. District Account Officer Abbottabad.
5. Mst: Syeda Saima Noreen D/O late Syed Farooq Shah R/O House No. 107 Link Road Aram Bagh District Abbottabad.
6. Office file.

[Signature]
District Education Officer
(Female) Abbottabad

APPROVED:

(24)

Signature of the District Education Officer

Signature of the Principal

Signature of the District Education Officer

Annexure "F"

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD



No. 7739-44EB-IV/Corrigendum/H/W

Dated: 27/10/2017

0992-342533, 0992-342314

deofemale_abbottabad@yahoo.com

CORRIGENDUM

In the light of judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Camp: Court Abbottabad dated 17-07-2017 and consequent upon this office re instatement/adjustment order issued vide this office Endst: No.7424-29/EB-IV No.1/H.W dated 19-10-2017 please read Mst: Saima Noureen as Hostel Warden in BPS-05 at GGCMSS No.1 Abbottabad instead of Lab Assistant GGHSS Rich Behen with immediate effect.

Note: 1. The intervening period of Mst:Saima Noureen w.e.f 16-12-2015 to the date of her taking over charge at GGCMSS No.1 Abbottabad is hereby adjusted at GGHSS Rich Bhen Abbottabad against the vacant post of Lab:Assistant for drawl of pay purpose.

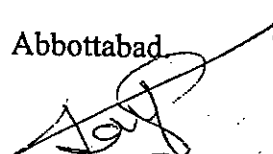
2. Mst:Toor-e-Seena D/O Khan Afsar already working against the post of Hostel Warden GGCMSS No.1 Abbottabad is hereby adjusted in her own pay and grade against the post of Lab: Assistant at GGHSS Rich Bhen Abbottabad with immediate effect to implement the order of judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Camp: Court Abbottabad dated 17-07-2017, till the availability of her own post.


DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD.

Even No:& Date

Copy of the above is forwarded to the:

1. Honorable Khbyer Pakhtunkhwa Service Tribunal Camp Court Abbottabad with reference to his order on appeal No141/2016 in respect of Mst: Syeda Saima Naureen dated 17-07-2016.
2. Principal GGCMSS No.1.Abbottabad.
3. Principal GGHSS Rich Bhen Abbottabad.
4. District Accounts Officer Abbottabad.
5. Mst: Syeda Naureen D/O Late Syed Farooq Shah R/O House No.487 Link Raod Aram Bagh Abbottabad.
6. Mst: Toor-e-Seena Hostel Warden GGCMSS No.1 Abbottabad
7. Office file.


DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD

Corrigendum Hostel warden

25

Annexure "G"

To

The Worthy Director,
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa,
Peshawar.

DEPARTMENTAL APPEAL

INDEX

S.No.	Description of Document	Annexure	Page No.
1.	Departmental appeal	--	1-2
2.	Application for suspension of impugned order	--	3

Dated:- 03/11 /2017

Tabesat

(MST. TOOR E SINA)
Hostel Warden (under transfer / adjustment)
Education Department Abbottabad
Resident of Abbottabad.
CNIC No.13302-4832265-4
Cell No. 0316-8831940

Approved
3/11/17

26

To

The Worthy Director,
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa,
Peshawar.

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER
NO.7739-44 EB-IV/CORRIGENDUM/H/W DATED 27.10.2017;**

Respected Sir,

The appellant challenges the impugned order No.7739-44 EB-IV/Corrigendum/
H/W dated 27.10.2017, on the following **grounds:-**

- 1) That appellant has been appointed as Hostel Warden in GGCMSS No.1 Abbottabad in Education Department 2 years ago. **(Copy of appointment order is annexed herewith)**
- 2) That prior to appellant one Mst. Saima Noreen daughter of Syed Farooq Shah (Late) serving on the post of Hostel Warden was removed from service on account of grounds of **misconduct and complaints etc.** The record in this respect is present for the kind perusal of this good office.
- 3) That later on Mst. Saima Noreen filed an appeal before the Hon'ble KPK Service Tribunal which was accepted and aforementioned employee was ordered to be re-instated vide judgment and order dated 17.07.2017. **(Copy of judgment & order dated 17.07.2017 is annexed herewith)**
- 4) That after the above mentioned judgment and decision, the DEO(F) Abbottabad sought guidance from this good office through Letter No.4983 EB-III/Apptt:H/W dated 31.10.2017 **and raised question of appellant's future** in respect of above mentioned judgment and order. **(Copy of Letter No.4983 EB-III/Apptt:H/W dated 31.10.2017 is annexed herewith)**
- 5) That apart from this, the DEO(F) also wrote a letter bearing No.6806 dated 02.10.2017 to Assistant Director (Litigation), Elementary & Secondary School, KPK, Peshawar and forwarded the copy of aforementioned letter to the PA Secretary Education Department. **(Copy of Letter No.6806 dated 02.10.2017 is annexed herewith)**
- 6) That later on through impugned order No.7739-44 EB-IV/Corrigendum/H/W dated 27.10.2017 DEO(F) adjusted Mst. Saima Noreen as Hostel Warden however appellant as Lab Assistant at GGHSS Rich Behn Abbottabad hence the judgment and decision dated 17.07.2017 of the Hon'ble Service Tribunal has been **misinterpreted** and has not been **implemented in its true latter**

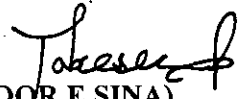
and spirit as the Hon'ble Khyber Pakhtunkhwa Service Tribunal has not mentioned / ordered to adjust Mst. Saima Noreen as Hostel Warden and appellant is aggrieved from this act of DEO(F) and is facing irreparable loss. (Copy of impugned order No.7739-44 EB-IV/ Corrigendum/H/W dated 27.10.2017 is annexed herewith)

- 7) That tenure of appellant for transfer / adjustment as required under the Law / Rules has not been completed and the same is premature.
- 8) That there is only one post of Hostel Warden (BPS-05) sanctioned in District Abbottabad which has already been filled by appellant's appointment. Moreover appellant possess the unblemished service track record and fulfills the entire criteria and has better standing than Mst. Saima Noreen with regard to the post under reference.
- 9) That appellant has been transferred / adjusted in a far flung area where appellant shall face acute hardships.
- 10) That this good office has not been communicated regarding the issuance of above mentioned impugned order.
- 11) That DEO(F) has usurped her official powers vested in it hence committed illegality and irregularity.
- 12) That appellant solicits to be heard in person.

PRAYER:-

In the light of above submissions and on acceptance of this appeal, it is very humbly prayed that the impugned order No.7739-44 EB-IV/ Corrigendum/H/W dated 27.10.2017 may kindly be set aside and appellant may kindly be ordered to resume her service as Hostel Warden in GGCMSS No.1 Abbottabad.

Dated:- 03/11/2017


(MST. TOOR E SINA)
Hostel Warden (under transfer / adjustment)
Education Department Abbottabad
Resident of Abbottabad.
CNIC No.13302-4832265-4
Cell No. ~~0316~~ 0316-8831940

Annexure "G-1"

To

The Worthy Director,
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa,
Peshawar.

**SUBJECT: APPLICATION FOR SUSPENSION OF THE IMPUGNED ORDER
NO.7739-44 EB-IV/CORRIGENDUM/H/W DATED 27.10.2017 TILL THE
DECISION OF DEPARTMENTAL APPEAL;**

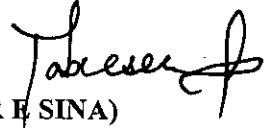
Respectfully Sheweth,

1. That petitioner filed an appeal before this good office, the contents of the same may be treated as an integral part of this application.
2. That petitioner has a good Prima-Facie case and balance of convenience also lies in her favour.
3. That petitioner's tenure has not been completed and petitioner has been transferred in the name of adjustment vide impugned order in an entirely illegal and unjust manner and petitioner has become rolling stone.
4. That if the impugned order No.7739-44 EB-IV/Corrigendum/H/W dated 27.10.2017 of DEO(F) is not suspended then petitioner would suffer irreparable loss and purpose of filing appeal would become infructuous.

PRAYER:-

On acceptance of this application, the impugned order No.7739-44 EB-IV/Corrigendum/H/W dated 27.10.2017 may kindly be suspended till final disposal of the department appeal.

Dated:- 03/11/2017


(MST. TOOR E SINA)
Hostel Warden (*under transfer / adjustment*)
Education Department Abbottabad
Resident of Abbottabad.
CNIC No.13302-4832265-4
Cell No. 0316-8831940



Annexure "A"

OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD

No. 1303-04/PS-07

Dated 06/11/2017

To:

✓
The District Education Officer (Female)
Abbottabad

Subject:

APPLICATION AGAINST DEPUTATION OF WARDEN IN GGHS NO.1
HOSTEL ABBOTTABAD

Memo:

Enclosed please find herewith self-explanatory application dated 02.11.2017 alongwith its enclosures submitted by the parents of Boarders Hostel Government Girls High School No.1 Hostel Abbottabad through Dr. Muhammad Naeem Awan member Tehsil Council Abbottabad on the subject noted above.

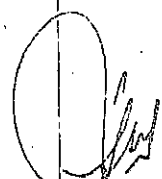
Keeping in view, the public complains and previous record of the Mst. Saima Noreen it is directed that she should not be posted as a hostel warden.

Endst: Even No. & Date:

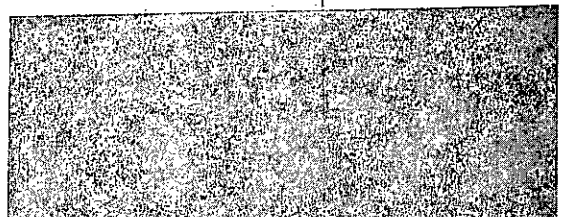
Copy to the:

Dr. Muhammad Naeem Awan member Tehsil Council Abbottabad.


Deputy Commissioner
Abbottabad


Deputy Commissioner
Abbottabad

30



Annexure "I"

بکھور جناب SHO صاحب تھانہ کینٹ ایبٹ آباد

درخواست برادران روزنامہ رپورٹ

عنوان:

جناب عالی!

گزارش ہے کہ سالکہ بطور ہاسٹل وارڈن محکمہ تعلیم ایبٹ آباد میں ملازم ہے اور سالکہ کو ہاسٹل میں برائے سرکاری رہائش کمرہ ملا
ہوا ہے۔ آج مورخہ 15.11.2017 بوقت 07:30 بجے سالکہ کی عدم موجودگی میں نیچر زس فرزانہ وس حیرانے ہمراہ چوکیدار اکی عتیق
ولد شاد محمد کے سالکہ کے کمرہ کو تالہ لگا دیا اور بعد ازاں مس فرزانہ مس فرحت و پرنسپل مس عفت نے سالکہ کے کمرہ کا تالہ کھول کر
10 فروری 2016ء سے تاحال جملہ ریکارڈ ہاسٹل سٹاف مشتمل بر 7 عدد درجہ 7، فائلنگ کل 16 عدد، سرکاری رقم مبلغ 65,000/- روپے اور
سالکہ کا ملکیتی سامان کیش تقریباً 15,000/- روپے جو ہنوز میں موجود تھے، طلائی زیورات Ear rings ایک انگوشی، 15 جوڑے
کپڑے، جوڑے 4 جوڑے، چھپڑا 5 جوڑے، ایئر میک، اپ سامان پر غیر قانونی غور پر ناجائز قبضہ کر لیا اور سالکہ کو کمرہ و ہاسٹل سے زبردستی
دور رہنے کا سختی سے کہا۔

لہذا استدعا ہے کہ روزنامہ رپورٹ کا اندراج فرما کر نقل فراہم کی جاوے۔

مورخہ: 15-11-2017

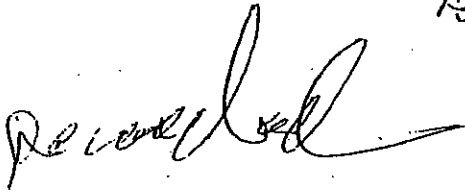
العارض

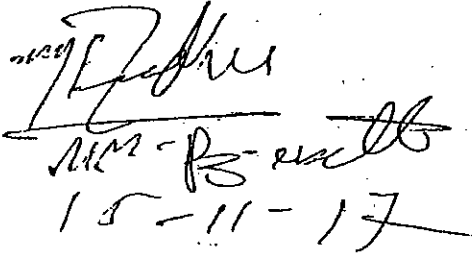
مسما: طور میں ناؤ قتر خان افسر سیکشن سال ہاں، تحصیل ضلع ایبٹ آباد

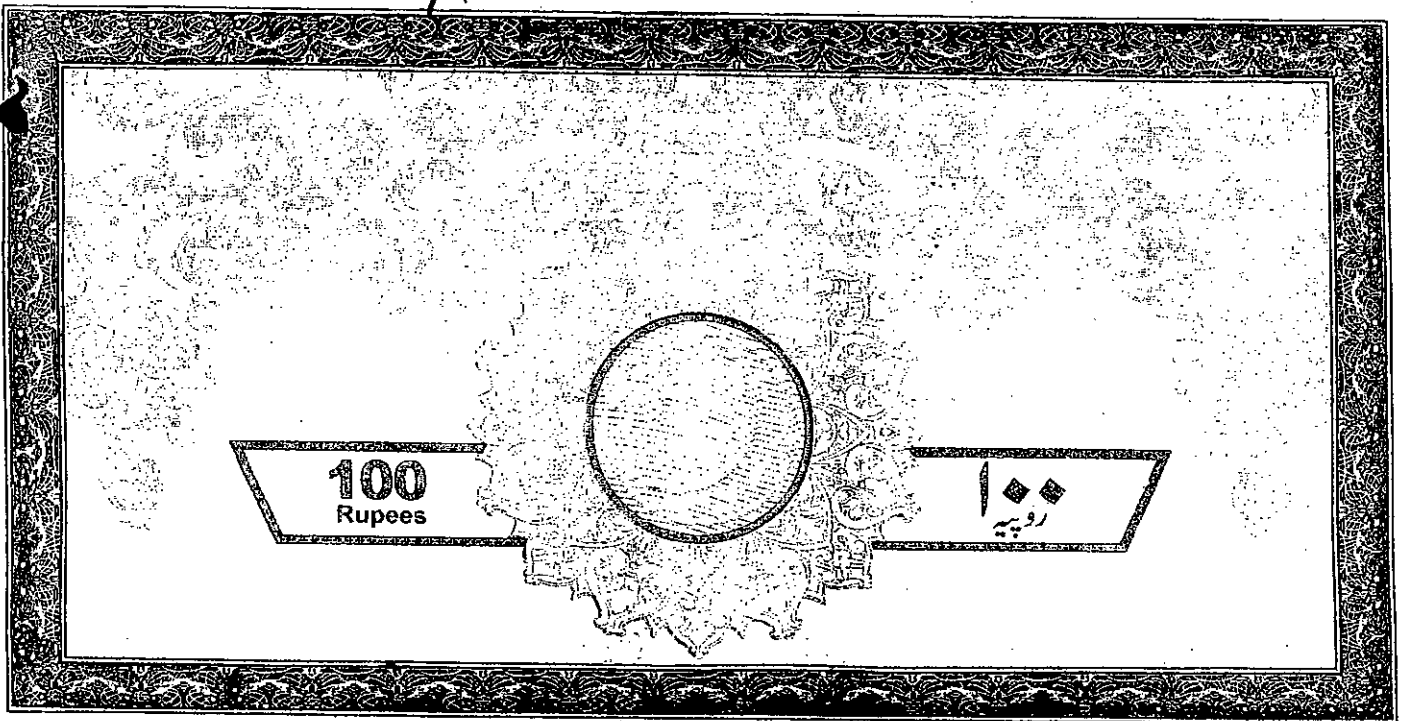
1330-2

شناختی کارڈ نمبر:

رابطہ نمبر:




15-11-17



بیک قلم اسٹیپ ماریج 100 روپے بابت بیان حلفی

۷۷۷

حسبہ علیق احمد خان دہر شاہ قلم ترم محکمہ سیکرٹری بارو بکیم ۲۰ پیر لان ناڑہ۔ کھیل جوہیاں منلع
ایسٹ آباد کاپیوں۔ حلقہ بانی ہوں کہ حورخ $\frac{11}{17}$ ۱۵ کو قریب ۳۵-۱ بجے دن کو میرے نیشنل سیکول
گمران علی حاشیہ نہ میرے دو بیرو محرمہ یا سٹی وارڈن کا من فیلم سے بند کر آیا اور شیڈ وارن طاہہ طور سنا
دختر خان انفر کورٹ فر کیا۔ اور محرمہ مذکورہ کو قفل زنی کر دیا۔ اور عمارہ طور سنا مذکورہ کو مین بیٹ
سے آؤٹ کرنے کا کیا۔ اسکے $\frac{2}{3}$ یوم بعد محرمہ وارڈن مذکورہ سے میرے نیشنل مذکورہ سامان
سے سیٹی نمبر ۲ عدد آثار سے مراد LCD DVR جو کہ ان کے عمارہ $\frac{1}{2}$ سٹاف میں جو چور تھے۔ اور
ساتھ میں جبہ سامان فائلز، رسیدات سامان، رجسٹر ڈیجیٹل بھی انعام کے لئے تھے۔ جب میں نے
سامان مذکورہ تکسبت ثبوت اور سید و غیرہ مانگی تو مجھے مرنے کا بول کر چپ کر دیا۔ اور چند یوم
بعد $\frac{12}{17}$ کو میرے مرنے کو وادی۔ جبہ سامان جو کہ عمارہ طور سنا مذکورہ سے اپنی درخواست تیار
کیے تکسبت تفریح گزارے اس تک بابت من فیلم بے گتہ ہیں۔ چونکہ سامان مذکورہ
میرے نیشنل مذکورہ سے مراد $\frac{1}{6}$ سٹاف کے میرے مانتے انعام کے لئے تھے جنہیں سٹاف مسفر ذمہ
میں صبراً، من فرحت (میرے نیشنل میں عفتت جس فرخ سیزاد مذکورہ ان کے بیرو محرمہ مذکورہ
سے وٹھا کر کے گئے تھے۔ جس کا من فیلم کو کوئی علم نہ رہا۔ جبہ مراتب باہر میرے سیکر
درست میں اور بیان حلفی سے سزا سزا سزا

Handwritten signature and date 8/11/18

المترجم 2018 08

الم 13101-8160563-5
حلف مذکورہ علیق احمد خان (جو کھیران)

Handwritten text in Urdu script, including a signature and the number 683.

1361-81605-635

08/01/2018



S. M. SEST...
Kutcheri...

S. M. SEST...
Kutcheri...

بسم الله الرحمن الرحيم

بسم الله الرحمن الرحيم

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بسم الله الرحمن الرحيم

بسم الله الرحمن الرحيم

مرواٹ جیول ڈائری مہری 3807/c پر موروثی صورتے جو کہ مرواٹ سے
 27/12/12
 سیکم ہر سکول بنیاجیاں پر سکول کے پرنسپل صاحبہ سمیت مفت ماہیہ اور دیگر
 ٹیچر اس طرح مرواٹ سے ہر طور سینا دفتر خان آفسر کے ہیج آف اس کے علاوہ سکول
 کا گورنٹ اور دیگر جو کچھ ہر موروثی صورتے میں موجود ہے وہ مرواٹ سے ہی ہے
 پائل اور بائنی کمرہ تحولا سامان کے بڑا مال کرنے پر الماری کے ایک ڈبہ میں
 رقم مبلغ 5 ہزار برآمد ہوئی اس طرح الماری کے طور سینا کے چند کپڑے بھی
 پر سے مفت دسے علاوہ 65 ہزار روپے پرنسپل صاحبہ نے بدیا کہ جب طور سینا کے والہ
 کے لیکٹ طور سینا میں آتے ہیں ان کے ساتھ اس کے علاوہ زیورات سے متعلق
 طور سینا کے ایک بوفے کے ایک وسیع پیمانے پر جو اہل پیشواؤں کے لیے
 طرح طور سینا کے پائل کے بائنی کمرے سے جو کچھ بگاڑا چیز ہے وہیں میں پرنسپل
 صاحبہ نے طور سینا کے تبادلہ پر سکول پرنسپل صاحبہ کے مختار مارا گیا تھا کہ آپ اپنا بائنی
 کمرہ خالی کر دینا طور سینا کے خالی کرنے پر سکول کے ذمہ دار ٹیچر کے موجودگی میں
 وہاں کھولا اور موجود سامان کے ہر سٹے بنائے ہیں ہر سٹاٹ کے ہر سٹے سامان
 پر دستخط ہے جنک بیان لوف ہے، بات بلکہ کٹھن ہیج پائل ہے
 چوری نہیں ہوئی ہے بلکہ سکول کے اندر کچھ اور کچھ لاشیاں
 خانہ میں سے متعلق باقاعدہ طور پر چھانڈا انکو روکھی شروع ہے سکول
 زمانہ سکول ہونے سے اسے چھانڈا ہونے کے بعد سے اہل مخالف حکم کی
 انکو روکھی ہے اسے سکول کے ستر اہل مخالف کیا ہے دیگر موجود حالات میں
 ہے اس کے علاوہ پولیس کے خوف مخالف کہ وہ انہیں منہی، نقل کا پے
 بیان سکول کے خلاف دیکھا گیا لاش ہے ہر طرف سے فریب ہے

AS110-PS-Cast
 26.1.18

جناب عالی

مرواٹ جیول ڈائری مہری AS110 صاحبہ کے دیوار سے مقل
 پائل کے اہل مخالف، بیانات سناتے کے بعد
 میں حالات سکول کا پایا جاتا ہے جس پر چھانڈا
 انکو روکھی جاری ہے جس کے بعد اہل مخالف
 سامنے لائے جا سکتے ہیں ہر طرف سے فریب ہے

AS110-PS-Cast
 26.1.18

Annexure "K"

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD



No. 8758-61

Dated: 29/11/2017



0992-342533, 0992-342314



Deofemale.abbottabad@gmail.com

To


*Mst. Toor-e-Sina (Ex-Hostel Warden)
GGCMSS No. 1 Abbottabad.*

Subject: EXPLANATION

Memo:

Consequent upon the judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court, Abbottabad, Mst. Syeda Saima Noureen (Ex-Hostel Warden) GGCMSS No.1 Abbottabad has been reinstated vide this office No: 7739-44/EB-IV dated 27/10/2017. But, you have neither handed over the charge to Mst. Syeda Saima Noureen nor taken charge at your new duty station i.e. GGHSS Rich Bhen. Principal GGCMSS No.1 Abbottabad has directed you to hand over the charge but you refused to do so. Principal informed the Undersigned about the situation. Being Government employee this shows negligence on your part.


In this connection, you are hereby directed to explain the reason that why such negligence has been done by you, rather not obeying the department rules and regulations, which is not tolerated at all. Your reply must reach in the office within 15 days positively after issuance of this letter. Otherwise, strict disciplinary action will be taken against you under E&D rules, 2011.


**District Education Officer
(Female) Abbottabad**

Endst: No: _____

Copy for information to:

1. The Director, (E&SE) Khyber Pakhtunkhwa, Peshawar.
2. The Principal GGCMSS No.1 Abbottabad
3. The Principal GGHSS Rich Bhen, Abbottabad.
4. Office File.


**District Education Officer
(Female) Abbottabad**

The District Education Officer (Female),
Abbottabad.

NOTICE
1058
11/11/17

SUBJECT: REPLY TO THE SHOW CAUSE NOTICE NO.8758-61 DATED 29.11.2017;

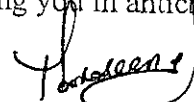
Respected Sir,

The reply to the titled explanation letter is as under:-

1. That vide order No.7739-44 EB-IV/Corrigendum/H/W dated 27.10.2017 this good office had adjusted Mst. Saima Noreen as Hostel warden in place of applicant.
2. That being aggrieved of the same, applicant filed **departmental appeal** which is subjudice before the Worthy Director, E&SE, Peshawar moreover soon after the aforementioned impugned order, applicant became ill and moved an application alongwith her medical before this good office. **(Copy of departmental appeal is annexed herewith)**
3. That applicant never committed any negligence but could not take over charge initially due to filling of departmental appeal and sudden ailness.
4. That applicant shown her willingness to leave the charge of her present post (Hostel Warden) and applicant approached the concerned DDEO / Principal and this good office several times but **getting personal grudge of the departmental appeal, the department officials designed such circumstances which made it difficult to ensure the compliance of order dated 27.10.2017 for the applicant.**
5. That till the decision of departmental appeal, applicant is under statutory obligation to accept the entire orders / lawful directions of her superiors and no negligence is committed by applicant at all and applicant is law abiding citizen who always obeys the orders / directions of her superiors.
6. That even now applicant is ready to accept all or any of the legal orders / directions of her superiors, till the decision of departmental appeal hence this application.

In the light of above submissions, it is, therefore, requested that the charge of Hostel Warden may kindly be taken from applicant and applicant may please be allowed to accept her newly appointed post / seat at Rich Behn School and obliged.

Thanking you in anticipation.



(MST. TOOR E SINA)
Hostel Warden (*under transfer / adjustment*)
Education Department Abbottabad
Resident of Majohaan, District Abbottabad.
CNIC No.13302-4832265-4
Cell No. 03160553883

Dated: 12-12-2017

Copy to:

The Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.

No. 587

For Insurance Notices see reverse.
Stamps affixed, except in case of
uninsured letters of not more than
the initial weight prescribed in
Post Office Guide or on which no
acknowledgement is due

Received a registered
addressed to

Date Stamp

Initials of Receiving Officer

*Write here "letter", "postcard", "packet" or
with the word "insured" before it when neces-
(in words)

Insured for Rs. (in figures)

If insured.

Insurance fee Rs.

Name and
address
of sender

Ps.

Weight
(in words)

Kilo
Grams

CERTIFICATE OF TRANSFER OF CHARGE.

1. Certified that we have on 11-12-2017 the fore/afternoon of this day respectively made

Over and received charge of this office of the Principal GGHS NO2 Atd, Vide DEO (F) A/Abad. Office Order No. 7739-44/IV/Corrigendum/H/W Dated 27-10-2017 Particulars of cash and important secret and confidential documents

Handed over are noted on the reverse:-

Signature of relieved
Government Servant Vacant

Designation Lab/Assistant

Station GGHS Rich Bhan
Abbottabad

Signature of relieving
Government Servant



Mst Toor-e-Seena

Designation

Lab/ Assistant

Date 11-12-2017

Endstt: No. 427 Dated 11-12-2017 Forwarded to the:-

1. DAO ABBOTTABAD.



PRINCIPAL,

GOVT: GIRLS HIGHER SECONDARY
SCHOOL RICHBHEN ABBOTTABAD



Annexure "L"

Abbottabad

PH No. 0992-342533, 342314

SHOW CAUSE NOTICE.

I, **Faiza Shafi** District Education Officer (Female) Abbottabad in a capacity of competent authority satisfied that you have committed following offence.

1. That you were transferred from the Hostel of GCMSS No. 1 Abbottabad to GGHSS Rich Behan vide this office No: 7739-44 dated 27.10.2017 with the direction to join your new assignment with immediate effect. As per the report of the Principal GGHSS Rich Behan you have not join the duty and remained absent after relieving from GCMSS No 1 Abbottabad w.e.from 16.11.2017.
2. That as per letter No; 441 dated 13.12.2017 from Principal GCMSS Abbottabad you misbehaved with the Principal as and when she directed you to hand over the Hostel record /financial matters.
3. That you are using illegal tactics to threaten the department through difference sources.
4. That your explanation was called vide this office NO-8758-61 dated 29.11.2017, reply of explanation was to be given by you up till 14.12.2017 but you failed to explain your position.

Thus you have committed to offences i.e. non compliance of transfer order and non reply of explanation. Since your offences are very much clear and there is no need of any enquiry.

I as the competent authority have decided to proceed against you and impose one of the following Major penalties under relevant E&D rules 2011.

- i. Stoppage of Two increments.
- ii. Removal from service.

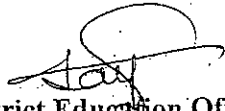
Your reply of this notice must reach the undersigned within 7 days and also inform, if you want to be heard in person, otherwise one sided action will be taken against you.

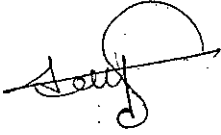
Mst Toor-e-Sina
Ex. Hostel Worden GCMSS
No 1 Abbottabad.

Endst: No. 9029-32 /Dated 14/12 /2017

Copy for information to the:-

1. Director Elementary & Secy, Education KPK Peshawar.
2. PA to Deputy Commissioner Abbottabad.
3. Principal GCMSS No 1 Abbottabad.
4. Principal GGHSS Rich Behan Abbottabad.


District Education Officer
(Female) Abbottabad


District Education Officer
(Female) Abbottabad

The District Education Officer (Female),
Abbottabad.

SUBJECT: REPLY TO THE SHOW CAUSE NOTICE NO.9029-32 DATED 14.12.2017;

Respected Madam;

Para wise reply to the titled **show cause notice** is as under:-

1. Para No.1 of show cause notice is not correct hence denied. In reply to this Para, it is submitted that vide order No.7739-44 EB-IV/Corrigendum/H/W dated 27.10.2017 this good office had adjusted Mst. Saima Noreen as Hostel warden in place of applicant. After the aforementioned corrigendum order, **on 15.11.2017, at about 01.30 pm** while petitioner was away from her hostel room, **Miss Farzana, Miss Humaira alongwith Watchman namely Attique S/o Shad Mohammad** firstly removed the **CCTV cameras** and then broke the lock of petitioner's hostel room and **Miss Farzana, Miss Farhat alongwith Miss Iffat the Principal** entered the room without permission and the whole record of hostel since **10th February 2016** till now comprising 7 registers, Files 16 in number, Government cash Rs.65,000/-, petitioner's personal cash Rs.15,000/- present in her purse, Gold Ear rings & one ring, 15 suits, shoes 4 pair, chapal 5 pair alongwith make-up kit (**personal belongings of petitioner**) were forcibly grabbed, snatched and taken into possession. Additionally petitioner's entry in the hostel was banned and petitioner was prohibited to approach her hostel room and record or other articles aforementioned. (**Witnesses of this occurrence are present and can be produced**)

In consequence of above mentioned situation, petitioner having no other option immediately rushed the local **Police Station of P.S Cantt Abbottabad** and moved an application which is pending disposal. Moreover **Miss Iffat, Principal, GGCMSS No.1, Abbottabad** relieved the petitioner with malafide intention on **16.11.2017** without contacting or intimating the petitioner or asking about handing over of record etc or return of her personal belongings etc (**captured one**) which is clear violation of the law / rules and a gross irregularity. (**Copy of application dated 15.11.2017 is annexed herewith**)

2. Para No.2 of show cause notice is not correct hence denied. In reply to this Para, it is submitted that soon after the aforementioned impugned order, applicant became ill and moved an application alongwith her medical before this good office. Moreover it is admitted that till the decision of departmental appeal,

applicant was under statutory obligation to accept the entire orders / lawful directions of her superiors and no negligence is committed by applicant at all. Applicant shown her willingness to leave the charge of her present post (Hostel Warden) and applicant approached the concerned DDEO / Principal and this good office several times but in vain. **The charge has now been received at GGHSS Rich Behn. Further detail is given in reply to Para No.1 above.**

3. Para No.3 of show cause notice is not correct hence denied. In reply to this Para, it is submitted that petitioner is law abiding citizen who cannot think to commit such like alleged acts / offences. Being aggrieved of impugned order No.7739-44 EB-IV/Corrigendum/H/W dated 27.10.2017 applicant / petitioner filed **departmental appeal** before the Worthy Director, E&SE, KPK, Peshawar and petitioner did not adopt or used any illegal or unlawful means rather petitioner approached the concerned forum for due redress as per law. **(Copy of departmental appeal is annexed herewith)**
4. Para No.4 of show cause notice is not correct hence denied. In reply to this Para, it is submitted that the partiality of this good office is evident from this fact that petitioner replied to the explanation letter in time, the aforementioned reply was sent to this **good office and Worthy Director, E&SE, KPK** as well but showing to get no response from petitioner is merely a tactic to proceed against the petitioner ex-parte. Moreover this good office [DEO (F)] herself became the **complainant, competent authority, witness and Judge** in this case / cause hence the partiality of the competent authority can be judged from this fact.

Why there is no need of inquiry?

With due respect, petitioner submits that the law / rules is not meant solely for **Honourable District Education Officer (F) (Mst. Faiza Shafi)** but **Honourable DEO (F)** being public servant is bound within the limits, rules / regulations of the Department as provided by the statute concerned and the relevant Law / Rules as framed by the **law maker** was to govern the entire **service matters** justly and fairly hence the seat / post of the DEO (F) cannot go beyond the law and is answerable to the **State of Islamic Republic of Pakistan.**

(Copies of reply to explanation Letter No.8758-61 dated 29.11.2017 alongwith postal receipts sent to this good office & the Worthy Director E&SE are annexed herewith)

NOTE:-

Petitioner desired to be heard **in person** with an opportunity of **self defence** and **cross examination** of all the **witnesses** of the present situation / case.

PRAYER:-

In the light of above submissions, it is, requested that the show notice bearing No.9029-32 dated 14.12.2017 may kindly be withdrawn and petitioner may kindly be acquitted of the charges / allegations leveled against her and be saved from any penalty / conviction / sentence,

AND

the entire issue pertaining to handing over of record alongwith other items / articles of GGCMSS No.1 and personal belongings of petitioner may kindly be ordered to be resolved / returned and brought on record in written form for future endeavours conversely applicant / petitioner shall be compelled to approach the competent Court of Law entirely at the risk and cost of concerned officials of this Department.

Thanking you in anticipation.

Dated: 18-12-2017


(MST. TOOR E. SINA)

Employee of Education Department Abbottabad
Resident of Majohaana, District Abbottabad.
CNIC No.13302-4832265-4
Cell No.0316-0553883

COPY TO:

- 1) The Director, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2) PA to Deputy Commissioner, Abbottabad.
- 3) Principal, GGHSS Rich Behn, Abbottabad.
- 4) Miss Iffat, Principal, GGCMSS No.1, Abbottabad.
- 5) Miss Farzana, GGCMSS No.1, Abbottabad.
- 6) Miss Humaira, GGCMSS No.1, Abbottabad.
- 7) Miss Farhat, GGCMSS No.1, Abbottabad.
- 8) Mr. Attique, Watchman, GGCMSS No.1, Abbottabad.

No. 1027

For Insurance Notices see reverse. Rs. Ps.
Stamps affixed except in case of
insured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

Received a registered* _____ Date Stamp
addressed to _____

Initials of Receiving Officer _____
* Write "letter", "postcard", "packet" or "parcel"
with the word "insured" before it when necessary.

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

insured. Insurance fee Rs. _____ Ps. _____
Weight _____ Kilo _____
(in words) _____ Gram _____

Name and address _____
Sender _____

Annexure "M"

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
PROVISIONAL RESULT CARD



Registration No. 124593

Student's Name: SYEDA SAIMA NOREEN
SYED FAROOQ SHAH
Address H. NO. 487 LINK ROAD ARAM BAGH



Roll No. AL660413
Registration No. 11NAD01642
Final Semester SPR-2012

City: ABBOTTABAD
District: ABBOTTABAD

has successfully completed CERTIFICATE OF TEACHING

The detail of passed courses is as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
AUT- 11	0638	TEACHING STRATEGIES & EVALUATION	100	66
AUT- 11	0633	SCHOOL ORGANIZATION	100	54
AUT- 11	0632	EDUCATIONAL PSYCHOLOGY	100	62
AUT- 11	0631	DIMENSIONS IN EDUCATION	100	56
SPR- 12	0634	ENGLISH AND ITS TEACHING	100	55
SPR- 12	0612	PRACTICAL WORKSHOP & TEACHING PRACTICE	100	88
SPR- 12	0605	SOCIAL STUDIES & ITS TEACHING	100	59
SPR- 12	0635	ISLAMIAT AND ITS TEACHING	100	69
SPR- 12	0604	URDU LANGUAGE AND ITS TEACHING	100	67

CREDITS: 5

Total Marks / Obtained

900 / 576

Result Declared on JANUARY 16, 2013

Percentage / Grade

64 B.

Date of issue JANUARY 28, 2013

Controller of Examinations

Disclaimer: This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any privilege or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the official record of the university student.

44

S. No. ICL/SUP/353

Ad. No. DIT-10-39

Institute of Computer Languages



AFFILIATED WITH THE N.W.F.P. BOARD OF TECHNICAL EDUCATION PESHAWAR

DIPLOMA IN I.T AWARDED TO

Mr./Miss/Mrs. SYEDA SAIMA NOREEN

S/D of SYED FAROOQ SHAH

*On Successful Completion of
One Year Computer Course
As per the Prescribed Syllabus of
The Board of Technical Education (N.W.F.P.)
In Grade "B"*

SEMESTER-I

- Introduction to I.T
- Office Automation & Internet
(Ms-Word, Ms-Excel, Power Point, Access, Internet)
- Data Structure & 'C' Programming
- Data Communication
- Introduction to OS
(Windows 2000 / Linux)
- Financial Accounting

SEMESTER-II

- ORACLE - DBA
- System Analysis & Design
- Microsoft Visual Basic
- Business Communication
- Introduction to E-Commerce &
Internet Programming
(HTML, DHTML, JAVA)
- Project



*In recognition thereof This
DIPLOMA
in Information Technology
is awarded to him/her at Abbottabad
on the 12TH Day of*

SEPTEMBER

2011

DIRECTOR/PRINCIPAL

457

Annexure "N"



The University of Haripur

Serial No: 01095

Session Fall 2011 – Spring 2015

TRANSCRIPT

Certified that Toor E Seena D/O Khan Afsar Registration No. 12-GH-BS-24, Department of Psychology, has completed and passed all the requisite courses/examinations for the degree of Bachelors of Sciences in Psychology on 4th November, 2015 from Government Post Graduate College for Women, Haripur



The details of the courses passed are as follow:

Semester/Course Title	NG	Cr.	GP	G	Semester/Course Title	NG	Cr.	GP	G
Semester 1					Semester 5				
English I	2.5	3	7.5	C	Mental Health & Psychopathology I	2.1	3	6.3	C-
Islamic Studies	1.7	2	3.4	D	Developmental Psychology	1.9	3	5.7	D
Introduction to Psychology I	2.7	4	10.8	C+	Applied Statistics I	1.4	3	4.2	D
History of Psychology	2.5	3	7.5	C	Mathematics	2.9	3	8.7	C+
Statistics I	2.3	3	6.9	C	Psychological Testing I	2.4	3	7.2	C
Computer Application	1.6	N/C	0	D	Research Methods I	2.8	3	8.4	C+
Semester 2					Semester 6				
Environmental Psychology	1	N/C	0	D	Research Methods II	3.4	3	10.2	B
Sociology I	3.1	3	9.3	B-	Psychological testing-II	1.7	3	5.1	D
Pak. Studies	2.4	2	4.8	C	Advance Social Psychology	2.2	3	6.6	C-
School of Psychology	2.2	3	6.6	C-	Mental health & psychopathology II	2.1	3	6.3	C-
English II	3.1	3	9.3	B-	Applied Statistics II	3.2	3	9.6	B-
Introduction to Computer	1.9	3	5.7	D	Semester 7				
Statistics II	1.9	3	5.7	D	Human Resource management	2.8	3	8.4	C+
Semester 3					Semester 8				
Personality theories I	2.3	3	6.9	C	Cognitive Psychology	3.6	3	10.8	B+
Experimental Psychology	3	3	9	B-	Leadership in Organization	4	3	12	A
Introduction to Psychology II	3.1	4	12.4	B-	Marketing Research	4	3	12	A
Communication Skills	2.8	3	8.4	C+	Cross Cultural Psychology	3.7	3	11.1	B+
Computer Proficiency	1.2	N/C	0	D	Research Project	4	4	16	A-
Economics I	3.4	3	10.2	B					
Biology I	2	3	6	C-					
Semester 4									
Personality theories II	2.3	3	6.9	C					
Neurological Bases of Behaviour	2.4	3	7.2	C					
Introduction to Social Psychology	2.8	3	8.4	C+					
Sociology II	3.5	3	10.5	B					
Economics II	1.7	3	5.1	D					
Biology II	3	3	9	B-					

Errors and Omissions are accepted.

Total Credit Hours: 132
 *Discounted Credit Hours: 0
 Net Credit Hours: 132
 Total GP: 356.0
 CGPA: 2.70
 Marks Obtained: 3114 /4700
 Percentage: 66.26
 CNIC: 13302-4832265-4

Prepared By:

[Signature]
 Head, Examinations
 Government Post Graduate College for Women
 Haripur, District Haripur, FATA

[Signature]
 Controller of Examinations

46

17

Serial No. 012

GOVT. POSTGRADUATE COLLEGE FOR WOMEN HARIPUR



CHARACTER / PROVISIONAL CERTIFICATE

University Roll No. 3231

No. Registration. 12-GH-BS-24

This is to certify that

Miss Toor E Secna daughter of Khan Afsar
is a bonafide student of this institution from Fall 2011 to Spring 2015 and according to the Preliminary Result Statement of the University of Haripur she has successfully completed all the requirements for the award of BS. in Psychology ^{4th} In June Nov 2015. The candidate has passed the said Program of study by securing 3114/4700 % marks on the aggregate and secured Cumulative Grade Point Average (CGPA) of 2.70

Requirements of this Program of study include a Research project/internship /optional paper.

The title of her Research project/internship /optional paper is Poverty as a socio-economic factor effect the mental health of widow woman

Her character during her stay in the College was Good

Issued on 20-9-2016

BIS

Suee
Principal
Govt. Postgraduate College for Women Haripur.

(47)

S No. ADA: 140211

Roll No. 49256

BOARD OF INTERMEDIATE & SECONDARY EDUCATION



Abbottabad, Khyber Pakhtunkhwa, Pakistan.
HIGHER SECONDARY SCHOOL CERTIFICATE EXAMINATION

SESSION ANNUAL 2011

Humanities Group

This is to certify that TOOR E SEENA

Daughter of KHAN AFSAR

A candidate from GOVT. GIRLS DEGREE COLLEGE HARIPUR

has passed the Higher Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad held in April/May 2011 as a Regular Candidate. She has obtained 662 marks out of 1100 and has been placed in Grade B Representing VERY GOOD

The Examination was taken as a Whole/In Parts and the candidate passed in the following subjects:

- 1. ENGLISH
- 2. URDU
- 3. ISL. EDU-PAK STUDIES
- 4. PSYCHOLOGY
- 5. HOME ECONOMICS
- 6. ARABIC

Asstt. Secretary

This certificate is issued without alteration or erasure.

Secretary

CHARACTER LETTER


University of Peshawar

49

Miss Toor E Seena
is a regular student of the examination
requirements for the award of the degree

ADAN^o 283909

Roll No. 53817



BOARD OF INTERMEDIATE & SECONDARY EDUCATION
 Abbottabad N.W.F.P. - Pakistan
SECONDARY SCHOOL EXAMINATION CERTIFICATE
SESSION ANNUAL 2009

This is to certify that TOOR E SEENA

Daughter of KHAN AFSAR

A candidate from HERA CHILDREN HOME BAGRA HARIPUR (GIRLS)

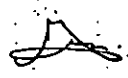
She has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad held in March/April, 2009 as a Regular Candidate. She has obtained 690 marks out of 1050 and has been placed in Grade B Representing VERY GOOD

The candidate passed in the following subjects:


- | | | |
|--------------------|-----------|--------------------|
| 1. ENGLISH | 2. URDU | 3. ISLAMIYAT |
| 4. PAK STUDIES | 5. MATHS | 6. GENERAL SCIENCE |
| 7. ISLAMIC STUDIES | 8. ARABIC | |

Date of Birth according to admission form is THIRTIETH DECEMBER

One Thousand Nine Hundred and NINETY TWO (30-12-1992)


Asstt. Secretary

This certificate is issued without alteration or erasure.


Secretary

(49)

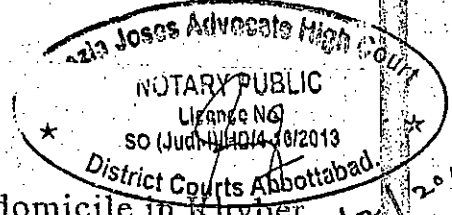


**OFFICE OF THE DEPUTY COMMISSIONER
ABBOTTABAD**

DOMICILE CERTIFICATE



ATTESTED



I declare that I was born of parents who are permanently domicile in Khyber Pakhtunkhwa having belonged to it by birth / settled in it.

I belong to village / Mohallah Maduhan P/O Bodla

Tehsil Havelian District Abbottabad

Toor E Seena
Signature of Applicant

Pursuance to the declaration dated 23 - 12 - 2014 filed by

Mr. / Mrs. / Miss Toor E Seena

Son / Daughter / Wife / Widow of Khan Afsar

Domiciled in the K.P.K. it is hereby certified that the said Deponent

is born of parents who are permanent residents of

Khyber Pakhtunkhwa having belonged to it by birth / settle in it.

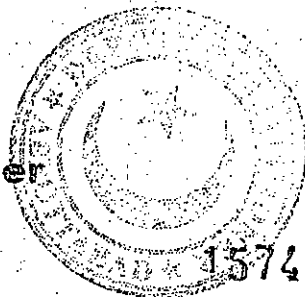
I have satisfied myself form verification of Tehsil Revenue Agency Abbottabad that the above declaration is true and certify.

This 11th day of Feb /2015

No. 1152 / Dated 11-2- /2015

Countersigned

[Signature]
Deputy Commissioner
Abbottabad



Assistant Commissioner
Abbottabad

[Signature]
Additional Assistant Commissioner II
Abbottabad

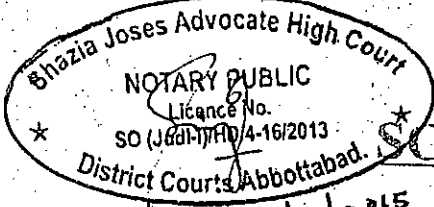
AFFIDAVIT

I Mr. / Mrs. / Miss Toor E Seena

Son / Daughter / Wife of Khan Afsar R/O Vill Majuhan P/O Bodla TEH Haveli

Do hereby declare solemnly affirm and state on oath that the contents of the declaration by me on the overleaf are true and correct to the best of my knowledge and belief and nothing has been suppressed in the declaration in my permanent residence mentioned there in and I have neither applied for nor obtained Domicile Certificate from any other District / Province.

ATTESTED



Deponent. Toor-e-seena
TOOR E SEENA

SCHOOL CERTIFICATE

Certified that Mr. / Miss Toor E Seena

Son / Daughter of Khan Afsar

Completed his/her primary education from school under admission No. _____

His her date of birth according to the school record is 30 - 12 - 1992

His her school leaving certificate is attached along with.

~~Head Master / Principal~~ Rubina



ضابطہ عالی
مقام طور انڈیا رضیہ خان افسر قوم کو عملی سائنسہ جو بیان
آباد آباد کے قصبہ طور انڈیا رضیہ خان افسر قوم کو عملی سائنسہ جو بیان
دیکھ کر اس کے بارے میں 10.12.15 میں جاننے کے لئے

9/2/2015
10/2/2015

SETTLEMENT
NAIB TEHSILDAR
HAVELIAN



OFFICE OF THE MEDICAL SUPERINTENDENT

D.H.Q. Teaching Hospital Haripur

Telephone #: 0995-611850 Fax #: 0995- 610069

E.mail:msph14mudasar@hsa.edu.pk

EXPERIENCE CERTIFICATE

It is certified that Miss. Toor-e-Sina D/O Khan Afsar student of Government Post Graduate College (Women) Haripur has successfully completed internship under the supervision of Psychiatrist DHQ Hospital Haripur with effect from 2nd December 2014 to 26th February 2015.

During the above mentioned period, she was found hard working and punctual towards her job description.

I wish for her bright future.

Medical Superintendent

DHQ Hospital Haripur

MEDICAL SUPERINTENDENT

D.H.Q HOSPITAL HARIPUR

Chit

54

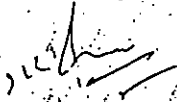
Certified that Name _____
borned student of _____
Her date of birth _____
She was graduated _____

~~22~~
Annual Report

In compliance with the order of
District Education Officer (E) A/Abad
Under Endst No. 722-26 Dated 9-2-2016.

I submit my Annual Report
today on 10-2-2016 (FN).

Thank's
Toorseeena
Toot-e-Seeena
D/o Khan Afsar
(Hostel Warden)
G.G.C.M.S.S. No. 1, Atd.

Seen

Principal
G.G.C.M.S.S. Atd

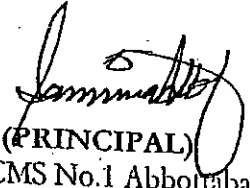
PERFORMANCE/CLEARANCE CERTIFICATE

It is certified that Toor-e-Scena D/o Late Khan Afsar is working as "Hostel Warden" w.e.f 10th February 2016 to till date (one year and eleven months). She is hardworking, devoted and kind. During her stay in Hostel she improved cleanliness / healthy environment and character building of students. She took great interest in academic activities of students, and students showed good results both in school and BISE Abbottabad. Students are saying their prayers regularly and reciting Holy Quran and Hadees Mubarak.

Her financial matters are clear in all respects. It was remarkable that she saved Mess fee and purchased LCD, TV of 65000/- for hostel students.

There is nothing pending on her part till date. Hostel Management Committee and undersigned are very happy and satisfied with her work. She is an asset for hostel of GGCMS No.1 Abbottabad.

Hope for the same performance in near future.


(PRINCIPAL) 31/10/17
GGCMS No.1 Abbottabad.

DR. JAVERIA QAYYUM

MBBS
MOATH
Ph. # 0323-9835689

Annexure "O"

DR. JAVERIA QAYYUM
Ayub Teaching
Hospital Abbotabad

Name: Toor-e-Sana Age: _____ Date: 12/2/2018
Ref. By: Self
Chief Complaint: _____ L.M.P. _____

1) Ab. clauger son cough
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same in
Ror

2) Tal Amogesh
70 x 1 1/2 1

3) Tal Aptee wo
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4) syp hydeef
10 x 1 1/2 1

[Signature]

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next to
7-da w.r.t
12/2/2018

Dr. Javeria Qayyum
MBBS RMP
Abbot

**KHYBER PAKHTUNKHWA
BAR COUNCIL**

ADVOCATE HIGH COURT

MALIK AMJAD ALI AWAN
Advocate High Court
bc-10-1130
Date of Issue: 04-09-2015
Valid upto: 03-09-2018



[Signature]
Secretary
KP Bar Council

Only For Courts



**KHYBER PAKHTUNKHWA
BAR COUNCIL**

ADVOCATE

SERIRISH HABIB
Advocate
bc-11-3227
Date of Issue: 15-05-2018
Valid upto: 15-05-2018

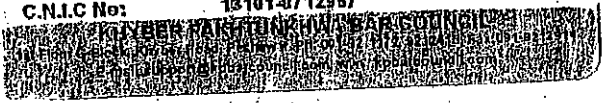


[Signature]
Secretary
KP Bar Council

Only For Courts

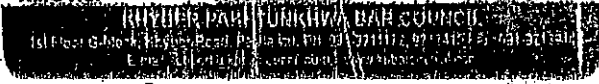
In the event of joining or carrying on any other profession, service or business, the holder will not be entitled to use this Card and shall forthwith surrender it to the KP Bar Council.

Father's Name: **Malik Muhammad Yousof**
Address: **Office 20, Hayat Shair Pao Lawyers Plaza D-11, Courts Abbottabad.**
Office Tel: **Cell No: 0314-6010365**
Enrolment Date L.C: **08-09-1988**
Enrolment Date H.C: **09-09-1988**
Place of Practice: **Abbottabad**
Date of Birth: **02-02-1963**
Blood Group: **A+ve**
C.N.I.C No: **13101-0712987**



In the event of joining or carrying on any other profession, service or business, the holder will not be entitled to use this Card and shall forthwith surrender it to the KP Bar Council.

Father's Name: **Abdul Rehman Khan**
Address: **Moh. Elmal Wala Sanderpur Teh. & Dist. Haripur**
Office Tel: **Cell No: 09921210**
Enrolment Date L.C: **20-01-2012**
Place of Practice: **Haripur**
Date of Birth: **13-05-1980**
Blood Group: **A+ve**
N.I.C No: **13307-0091210**



وکالت نامہ

کورٹ فیس

بعدالت جناب جسٹس بخشو خواہ سروس ٹریبونل، جسٹس بخشو خواہ، رٹاور۔

عنوان: طور سہا بنام سکرٹری E&SE وغیرہ

منجانب: Appellant

نوعیت مقدمہ: Service Appeal

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آل مقام

ملک امجد علی اعوان، مس سحرش حبیب دلاذاک

ایڈوکیٹس ہائی کورٹ و فیڈل شریعت کورٹ آف پاکستان ایبٹ آباد

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب

موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور

کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا نسخہ پر داختم مجھ کو منظور و

قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت ناش بصیغہ مفلسی کے دائرہ کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 08/02/2018

Attested & Accepted

بمقام: رٹاور

For the appellant

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, CAMP COURT ABBOTTABAD.**

CM.No. _____ /2018

IN

Service Appeal No. _____ /2018

To be filed on 23rd / 18
19/18

Toor e Sina **VERSUS** Secretary E&SE & others

SERVICE APPEAL

APPLICATION FOR EARLY HEARING

INDEX

S.No.	Description of Document	Annexure	Page No.
1.	Application for early hearing, alongwith affidavit	--	1
2.	Vakalat Nama <i>already placed on file</i>	--	--

...PETITIONER

Through Counsels:

Dated:- 19/02 /2018

(MALIK AMJAD ALI AWAN)

&

(SEHRISH HABIB DILAZAK)
Advocates High Court, Abbottabad.

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, CAMP COURT ABBOTTABAD.**

CM.No. _____ /2018

IN

Service Appeal No. _____ /2018

Toor e Sina **VERSUS** Secretary E&SE & others

SERVICE APPEAL

**APPLICATION FOR EARLY FIXATION OF THE TITLED
SERVICE APPEAL.**

Respectfully Sheweth,

1. That the titled service appeal is pending adjudication before this Hon'ble Tribunal and the first date of hearing of the appeal is 22/03/2018.
2. That the titled service appeal was filed on February 18 and alongwith the titled service appeal, appellant also filed an application for suspension of the impugned order and as appellant is badly suffering in consequence of the impugned order of the Education Department hence this application for early fixation of titled service appeal in the light of the urgency of the matter.

PRAYER:-

On acceptance of this application, it is, therefore, humbly prayed that the titled service appeal may graciously be fixed at an earliest possible date.

...PETITIONER

Through Counsels:

Dated:- 19/02 /2018

(AMJAD ALI AWAN)

(SEHRISH HABIB DILAZAK)
Advocates High Court, Abbottabad.

AFFIDAVIT: *upon instructions,*

I, Toor e Sina *petitioner / appellant*, do hereby solemnly affirm and declare on Oath that the contents of instant *application* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

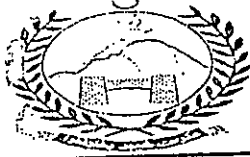
DEPONENT

Dated:- 19/02 /2018

...PETITIONER

Through Counsel:

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD



No. 107-36/145
No. 0199-9/EB-IV/Asstt./Assts:

Dated A. Abad the: 25-8-2015

0992-342533, 0992-342314

Deofemale.abbottabad@gmail.com

Notification

Consequent upon the recommendation of Departmental Selection Committee & under the provision of Sub rule (4) of rule 10 of the Khyber Pakhtunkhwa Civil servant (appointment, Promotion & Transfer) rules 1989, Mrs. Syeda Saima Noreen D/O Syed Farooq Shah is hereby appointed against vacant post of Hostel Warden at GCCMS No.1 ATD in BPS-05 @ Rs. (6985-340-17185) plus usual Allowances as admissible under the rules in the interest of Public Service w.e.f the date taking over charge on following terms & Conditions.

TERMS AND CONDITIONS

1. Her services will be considered as regular and they will be entitled to contribute towards GPF instead of CPF with reference Govt. of KPK Finance Department Notification No.SOSR-III/FD/12-1/2005 Dated.27-2-2013.
2. Her services are liable to termination on one month's notice from either side. In case of resignation without notice their one month pay/allowances shall be forfeited to the Government.
3. The appointees should join their posts within 15 days of the issuance of this notification. In case of failure to joining their posts within fifteen days of the issuance of this notification, their appointment will expire automatically and no subsequent appeal etc. shall be entertained.
4. She will be on probation for a period of one year.
5. She will be governed by such rules and regulation as may be issued from time to time by the Government.
6. Her services can be terminated at any time in case their performance is found unsatisfactory during probationary period. In case of misconduct, she will be preceded under the rules framed by the Government from time to time.
7. Charge report should be submitted to all concerned.
8. The DDO concerned would furnish a certificate to effect that the candidate has joined the post within the prescribed period i.e. 15 Days.
9. The DDO concerned will verify her documents prior to releasing their pay.
10. The candidate concerned will provide age and Health Certificate from the Medical Superintendent DHQ Abbottabad.
11. The DDO should not hand over charge to appointees if their age exceeds 30 years or less than 18 years.
12. No TA/DA is allowed to them for joining duty.

Saima Noreen
DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD

Endst of Even No & Date.

Copy for information to the:

1. Director Elementary & Secondary Education, KPK Peshawar.
2. Deputy Commissioner, Abbottabad.
3. District Accounts Officer, Abbottabad.
4. Head mistress GCCMS No.1 Abbottabad.
5. Officials concerned.
6. Office File.

Saima Noreen
DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD

BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR CAMP COURT ABBOTTABD.

SERVICE APPEAL NO 192-A /20118

ASHTOOR-E- SINA..... APPELLANT


VS

GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY
EDUCATION DEPARTMENT PESHAWAR & OTHERS..... RESPONDENTS

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Dated


12/4/18

Respondents


Through Representative

1

BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR CAMP COURT ABBOTTABD.

SERVICE APPEAL NO 192-A /20118

MST TOOR-E-SINA..... APPELLANT

VS

GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY EDUCATION
DEPARTMENT PESHAWAR & OTHERS.....RESPONDENTS

Para wise comments on behalf of the respondents No 1 to 4

Respectfully Sheweth:

Para wise comments on behalf of the respondents No 1 to 4 are as under.

PRELIMINARY OBJECTION.

1. That the petitioner has no locus standi/cause of action to file service appeal.
2. That the instant service appeal is decided by honourable court as in same matter there is no jurisdiction of this honourable court.
3. That the Petitioner is not aggrieved person within the meaning of Article 199 of Constitution of the Islamic Republic of Pakistan 1973.
4. That the service appeal is against the prevailing rules/policy.
5. That the service appeal is not maintainable in its present form.
6. That the petitioner is not entitled for any relief they have sought from the honourable tribunal.
7. That the appellant has not approach this honourable Tribunal with clean hands.
8. That the Petitioner suppressed the original facts from this honourable tribunal had not entitled for any relief and service appeal is liable to be dismissed.
9. That the service appeal is hopelessly time barred.
10. That the service appeal is bad mis joinder non -joinder of the necessary parties.

ACTUAL OBJECTION

1. Para No.1 of the service appeal is incorrect, to intent that on the removal of Mst Saima Noreen Post was Hostel Warden. was lying vacant appellant appointed as Hostel Warden on deceased reserved quota at that time.
2. Para No.2 service appeal is correct.
3. In the Para No.3 of service appeal is correct.
4. Para No.4 of service appeal is correct.
5. It is correct, respondent No.3 takes step under opinion of high-ups authority regarding rules and regulations.
6. It is incorrect, respondent No.5 was reinstated against the post of Lab Attendant at Govt: Girls Higher Secondary School Rich Bhen.
7. It is correct but respondent No.3 is bound to implement the judgement dated 17-07-2017 to re instate the respondent as Hostel Warden according to own appointment and according to COC judgment dated 21/11/2017 said clearly to relinquish the charge of Hostel Warden from her, adjust the aggrieved due to hostel warden is the one sanction seat in district Abbottabad. Copy of the Judgement and COC are annexed as Annexure "A" and "B".
8. It is incorrect, she was not aggrieved, it decision of court honourable service tribunal dated 17/07/2017. Competent authority issued the corrigendum.
9. It is incorrect, she was removed with allegations. Service Tribunal has reinstated and removed all the allegations; according to Judgement of the Service Tribunal post her on the Hostel Warden. Commissioner office was not proper forum to remove the cadre & service.
10. It is incorrect, she was not ready to relieve the charge from impugned order dated 27-10-2017 after 25 broken days of service she took over charge on 11-12-2017.
11. It is incorrect, after the corrigendum order, she was not hand over the charge of Hostel Warden in spite of asking again and again. Principal relieved her in the light of Judgment of service appeal and controlled Hostel room and record under the committee of School. According to police enquiry Police Officer found the 15000/- thousand her almirah, some dresses are found. Principal said Rs. 55000/- hand over to me at the time of relieving. Gold and other mentioned things are only allegations which are proved by enquiry. Which annexed as Annexure "C".
12. It is incorrect, all allegations are baseless. The report of SHO Cantt is against the statement of Toor-E- Seena . Annexure "D".
13. It is correct, she had not hand over the record and the reply was also not satisfactory.
14. In the Para No.14, she was absent for 25 days due to not joining the school which show cause notice is issued.
15. It is incorrect, salary of applicant was stopped w.e.f 11-12-2017 to February 2018 due to transfer processes. However salary has been realised.
16. That the impugned order is the result of judgement and COC before the honourable tribunal.

GROUNDS

- a) It is incorrect, respondent No.3 took steps according to judgment of the honourable Service Tribunal to re-instate at the same post, which is one sanctioned post of Hostel Warden in Abbottabad, Hence the impugned order is in accordance with law.
- b) It is incorrect, as per Para "a" said para (a).
- c) It is incorrect, as per reply Para a.
- d) As per reply in para (a).
- e) It is incorrect. The judgment has been implemented in true letter and spirit.
- f) It is incorrect. Corrigendum was passed in the light of Judgment to re-instate on Hostel Warden which is one sanctioned post Hostel Warden in District Abbottabad.
- g) It is incorrect, reply has already been given above.
- h) It is incorrect. Respondents have acted in accordance with law and rules.
- i) It is incorrect. She is to serve any where she would be posted.
- j) It is incorrect salary has been released from February 2018.
- k) It is incorrect appeal is badly time barred no comments.
- l) Need no comments.

It is therefore humbly prayed that in the light of foregoing comments the appeal may graciously be dismissed with cost.

Principal
G.G.C.M.S.S. Attd
G.G.C.M.S.S. No 1 Abbottabad.

(Respondent No 4)

District Education Officer
(Female) Abbottabad.

District Education Officer
(Female) Abbottabad
(Respondent No 3)

Director (E & SE)
Khyber Pakhtunkhwa
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

(Respondent No 2)

Secretary E & SE
Khyber Pakhtunkhwa
Peshawar.

(Respondent No 1)

Through Representative

AFFIDAVIT

Stated on oath that the contents of instant para wise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Respondent No 3

Annexure

(19)

(5)

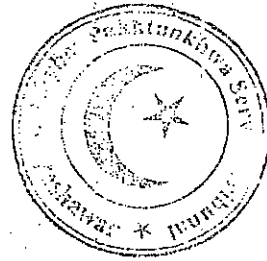
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

CAMP COURT, ABBOTTABAD

Service Appeal No. 441/2016

Date of Institution... 11.04.2016

Date of decision ... 17.07.2017



Mst. Syeda Saima Noreen D/o Late Syed Farooq Shah,
R/o House No. 487, Link Road, Aram Bagh Tehsil & District Abbottabad.
... (Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Education, Peshawar and
others.
... (Respondents).

CHAUDARI ABDUR RAUE CHOHAN,
Advocate

For appellant.

MR. MUHAMMAD BILAL,
Deputy District Attorney

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN,

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN:- Arguments heard and
record perused.

FACTS

2. The appellant has been removed from service under the Khyber
Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules 2011 vide
impugned order dated 16.12.2015 on the ground of misbehavior with Principal and
Teachers, non compliance of Principal's order, complaints of parents, complaints

ATTESTED

(17)

NIAZ MUHAMMAD KHAN
Chairman

"A"
A

ATTESTED

(18)

There is no cavil to the proposition that a civil servant can be removed as a probationer during the probation if his/her work or conduct is not satisfactory but in the present case the authority has not removed the appellant under the relevant sections and rules regulating the probationers which are Sections 6 and 11 of the Khyber Pakhtunkhwa Civil Servant 1973 read with Rule-15 of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989. If we go through the impugned order the appellant has been removed from service by the competent authority in exercise of the powers under the Khyber

CONCLUSION.

under she could have been removed from service during the period of probation. with the Khyber Pakhtunkhwa Civil Servants Act 1973 and rules framed there probation and in accordance with the terms and conditions of her appointment read appellant has rightly been removed from service as she was on initial period of 4. On the other hand learned Deputy District Attorney argued that the from service.

without conducting proper enquiry the appellant could not have been removed argued that medical leave could not be refused under the rules. He added that hospital regarding her admission and discharge on two occasions. He further including the day of impugned order. In this regard he relied upon the record of medical leave during the period when proceedings were initiated against her. The learned counsel for the appellant argued that the appellant was on

ARGUMENTS

of Hostel Staff. This order of removal was passed during her initial period of probation.

(6) (28)



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7

Pakhtunkhwa Government Servant (E&D) Rules 2011 by imposing major penalty of removal from service. The Probationer cannot be imposed any major penalty rather his services are terminated/dispensed with. The whole proceedings dash to the ground on this score alone. Even otherwise if the conduct of the probationer is involved then under the well settled principle of law the service of notice is must before any action and in this regard reliance is placed on the judgments of the Superior Courts reported in PLD 1985 Supreme Court 134, 1993 SCMR 603,1410 and PLD 1994 Supreme Court 222.

6. For what has been discussed above this Tribunal sets aside the impugned order and reinstates the appellant in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record.

Announced
17-07-2017
SD/- Wazir Muhammad Khan
Chairman
Civil Court Appellate

Certified to be true copy
SD/-
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

SD/- Ahmad Hassan
Member

Date of Presentation of Copy 08-12-17
Number of Copies 1200
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Total 8
Charge of Copying [Signature]
Date of Completion of Copy 12-12-17
Date of Delivery of Copy 12-12-17

19

Annexure "B"

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Execution Petition No. 169/17 COC No. _____



Mst. Syeda Salma Noreen D/o Late Farooq Shah
R/o House No.487, Link Road, Aram Bagh,
Tehsil & District, Abbottabad.....Petitioner

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 736

Dated 6-9-17

Versus

1. Dr. Shahzad Khan Bangush Secretary Education Peshawar.
2. Mr. Rafique Khatak Director Elementary and Secondary Education Peshawar.
3. Faiza Shafee District Education Officer Female Abbottabad.
4. Samina Altaf Principal GGCMHS No.1 Abbottabad.....Respondent

Subject:- APPLICATION FOR INITIATING CONTEMPT OF COURT PROCEEDINGS AGAINST THE RESPONDENTS UNDER ARTICLE-204 OF THE CONSTITUTION OF PAKISTAN ISLAMIC REPUBLIC OF PAKISTAN.

Respectfully Sheweth:

1. That the respondents removed the petitioner from service vide order endst. No.12429-12430/EB-IV/Apptt. dated 16.12.2015.
2. That the petitioner appeal against the said order in the service tribunal on 11.4.2016 (copy of appeal is annexed as annexure-A)
3. That after hearing the appeal the service tribunal reinstated the petitioner in the service with all back benefits on 17.7.2017 (copy of the order is annexed as Annexure-B).
4. After the judgment of the honorable tribunal petitioner asked the respondents time and again for the appointment on the said post but despite clear judgment and order of the honorable court respondents taking law in to their hands refuse to accommodate the applicant/petitioner till now (copy of the application is annexed as annexure-C).

That the respondents are deliberately showed disobedience/disrespect to an order of this honorable court and abstracted the course of justice to frustrate the court judgment and order.

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Abbottabad

Certified to be true copy

EP 169/2017

21.11.2017

Counsel for the petitioner and Addl AG alongwith Zahid Gul, ADO for the respondents present. The departmental representative submitted reinstatement order of the petitioner. The learned counsel for the petitioner has also submitted copy of arrival report of the petitioner but he has shown his reservation that respondent No. 4 is not willing to relinquish the charge. The departmental representative inform the Tribunal that respondent No. 4 would be forced to relinquish the charge in accordance with the rules. The petition is therefore, filed duly executed with the direction to the department to ensure the relinquishment of charge by respondent No. 4. File be consigned to the record room.

[Signature]
Chairman
Camp court, Abbottabad.

ANNOUNCED
21.11.2017

Certified to be true copy

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Camp Court, Abbottabad

Date of Presentation of Application 23-11-17
 No. of Words 800
 Filing Fee 600
200
800
 Date of Copy 23-11-17
23-11-17

Amor - 12

**FACT FINDING INQUIRY ON THE APPEAL OF MST. TOOR-E-SINA
REGARDING HER TRANSFER / ADJUSTMENT BY DEO(F)
ABBOTTABAD**

CAPTION OF INQUIRY	Mst. Toor-e-Sina was working as Hostel Warden at GGCMS No.1 Abbottabad. She was transferred / adjusted through corrigendum at GGHS Rich Behn against the post of Lab Assistant on her own pay and grade, vide No.7739-44/EB-IV/ Corrigendum/H-W dated 27-10-2017. Being aggrieved she went into appeal against her transfer and the instant inquiry was initiated by Director E&SE vide notification No. 8172-76/File Abbottabad Vol-III/complaint Cell/2016 dated Pesh. 13-12-2017
DATE & VENUE	20-12-2017, 26-12-2017, 27-12-2017 at GGCMS No.1 Abbottabad & DEO(F) Abbottabad.
FACTORS	<p>The contents of the appeal are as under:</p> <ol style="list-style-type: none">1. The applicant was appointed as Hotel Warden on 10-2-2016 in BPS-05 vide Endst No. 722-26/EB-IV(F) Apptt: Hostel Dated 09-02-2016.2. She performed her duty quite satisfactorily and efficiently for one year and 11 months, and there was no complaint against her from any corner.3. On reinstatement of Ex-Hostel Warden, Mst. Syeda Saima Noreen, from service tribunal, first she was adjusted at GGHS Rich Bhan against Post of L/Assistant on 19-10-2017 and after 10 days i.e., on 27-10-2017 through corrigendum, Ex H/ Warden has been adjusted at GGCMS No.1 Abbottabad as Hostel Warden and the applicant was disturbed and adjusted/transferred at GGHS Rich Bhan against the Post of Lab Assistant.4. The Principal GGCMS No.1 threatened her and expelled her from the Hostel on direction of DEO (F). In this way injustice has been done to her.

In para: (15) and (16)

5. The applicant prayed for justice and demanded action against DEO (F) ATD.

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PROCEEDING

Having received the notification of inquiry from Director E&SE KPK, the inquiry committee contacted the Principal GGCMS No.1 ATD DEO (F) ATD and the applicant and started inquiry.

The inquiry committee conducted inquiry in 20-12-2017, 26-12-2017 and 27-12-2017 at GGCMS No.1 ATD and DEO (F) Office ATD.

1. The applicant and Ex Warden were interrogated and served questionnaire.
2. Ex-Principal Ms. Rashida Begum was also interrogated and served questionnaire.
3. The present Principal was also interrogated regarding the state of affairs of the hostel.
4. DEO (F) was also interrogated and record at DEO (F) regarding appointment/ transfer and removal of Hostel Warden from service in r/o Syeda Seema Noreen was properly perused.
5. All other related material, documentary and physical evidences were recorded.

FINDINGS

After persuing and rainsacking the record, statements and evidences the inquiry has reached to the following findings and facts:

1. Mst Syeda Saima Noreen worked as Hostel Warden temporarily hired by EX-DEO (F) Mst Samina Altaf , w.e.f june 2014 to August 2015. During the period she was paid out of the food charges received from the students. The Principal issued her excellent performance certificate with remarks that **“ During her stay we found her obedient and punctual; She has good manners, pleasant personality and excellent relationship with all her senior colleagues and staff. She is hard working, punctual, committed and confident regarding patience management. She will be asset for**

any organization where she will work".

2. Post of Hostel Warden was advertised and Mst Saima Noreen was selected extending extraordinary favour by awarding 20 marks of experience as Hostel Warden at Abbottabad Public School & College (Annexure...A).

Special attention is drawn towards the order of sentences of the certificate issued by APS&C; that is enough to prove it bogus. The certificate issued by the Principal GCMS No.1 Abbottabad as mentioned in Para-I above was considered for her appointment. Furthermore, the minutes of meeting of DSC regarding appointment of Mst. Saima dated 24-08-2015, issued two days before the meeting i-e., on 22-08-2017. It makes all the proceeding fake and Bogus. (Annexure...B)

3. Mst. Syeda Saima Noreen was appointed vide No.10199-09/EB-IV/Appt:L/Assistants Dated Abbottabad 25-08-2015 as Hostel Warden. (Annexure...C)

4. Ex DEO(F) remained directly involved in the affairs of Hostel whereas the matter falls directly in the responsibility of Principal concerned. Within two months of her appointment, her angelism was turned into devilism and she became disliking figure for DEO. The DEO (F) started targeting her, the record of the Hostel was snatched from her. The DEO(F) compelled the Principal, who issued her service certificate at the time of her appointment as mentioned in Para-1, to submit report against the hostel warden (Annexure... D).

5. The Hostel warden was so pressurized that she submitted her resignation on 17-11-2015 direct to DEO (F). (Annexure...E)

The Ex DEO(F) did not process the resignation and filed it and continued her duty. On 07-11-2015 she fell ill and gone through the operation of appendicitis. On 15-12-2015

13

the Principal submitted a complaint against Mst Saima Noreen with allegations:

- i. Misbehave with the Principal and the teachers.
- ii. Non-compliance of the order of the Principal.
- iii. Complaints of parents.
- iv. Complaints of Hostel Class IV (Annexure.....F)

The complainant Principal could not satisfy and justify the complaint before the inquiry committee. It is worth mentioning here that on 15-12-2015 she was in hospital.

7. On the basis of the charges as referred in Para 5, above of dated 15-12-2015, the DEO(F) using her Kingly order without probing into the allegation, as she has already determined to fire her from service, she issued removal from service order on 16-12-2015 in r/o Syeda Saima Noreen (Annexure.....G). Thus the favor granted on the time of appointment turned into disfavor.
8. Mst. Saima Noreen submitted her service appeal before the honorable service tribunal KPK and got relief from the court of reinstatement into service on 17-07-2017.
9. The present DEO (F) owing to the order of the honorable service tribunal reinstated Mst. Syeda Saima Noreen into service wef 16-12-2015 and adjusted at GGHS Rich Bhan against the vacant post of Lab Assistant with the direction to draw her pay wef 16-12-2015 to till date. (Annexure..... H) vide order No.7424-29/EB IV/ file No. 1/HW dated 19-10-2017.
10. On 27-10-2017 a corrigendum issued under No. 7739-44/EB-IV/Corrigendum/HW dated 27-10-2017. Mst. Saima Noreen was adjusted at GGCMS No.1 Abbottabad from GGHS Rich Bhan and Mst Toor-e-Seena was transferred to GGHS Rich Bhan. This corrigendum order agitated Mst Toor-e-Seena,

(16)

the Hostel warden of GGCMS No.1 ATD and went into the appeal to honorable CM and Director KPK and the instant inquiry was initiated.

11. DEO(F) was asked to clarify that what made her to issue corrigendum as mentioned in Para-9 above as there was no such direction from court exists in the order of court. She took plea that she approached to the Director E&SE Peshawar for guidance in the matter in writing. The Directorate rather to provide guidance in Black and White directed the DEO (F) to adjust Mst Saima Noreen at her previous position and she did.

DEO (F) could not satisfy the inquiry about the legal position of the corrigendum.

12. As long as the appellant is concerned, she is B.S Psychology with PTC. Her father was an Arabic teacher in E&SE Abbottabad and was died in an accident while travelling to his school in 1994. Her mother took her minor three daughters and got shelter in orphanage home Bagra Abbottabad. She served the orphanage and reared her daughters and educated them.

13. After termination of Mst Saima Noreen she was appointed as Hostel Warden of GGCMS No.1 ATD on 09-12-2016 in deceased son quota. She served for one year and eleven months successfully before her transfer to GGHS Rich Bhan. During her service period till transfer no considerable deficiency/ short coming existed on record. As she was transferred a flood of allegations came out against her from students, Parents, teachers and Principal, The DEO(F) also received some allegations in the month of Nov,2017 against her. All these allegations seems to be self-framed to justify her transfer from the school and to adjust Mst Saima Noreen at GGCMS No.1 ATD.

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14. Another inflow of allegations and counter allegations received from different corners, allies of present DEO (F) and Ex-DEO (F). From the appellant and Mst. Saima Noreen, which are kept or record but not being made part of this inquiry being baseless, futile and therefore rejected.

15. The allegation of the applicant against the Principal GGCMS No.1 ATD that she expelled her from hostel gathers no mass- as the applicant was transferred to GGHS Rich Bhan on 27-10-2017 and she was given ample of time to hand over the charge of the post but she didn't leave her charge. In spite of repeated directions, through order book, by the Principal. There was no option for the Principal to get the order of high ups implemented, so she was compelled to move, Toor-e-Seena, the applicant and she did this on 15-11-2017. (The applicant seems to be a puppet in the hands of Ex-DEO(F) and she is being controlled by her and act upon her direction and advise.)

(16. There have been observed irregularities, lawlessness, flaws, mismanagement in the hostel. It has become white elephant for the school, a source of extra income and devilish designs. It is in vulnerable condition and hub of corruption and mal-practices.)

RECOMMENDATIONS

Keeping in view the vulnerability of the hostel it is suggested that:

- a. The hostel should be closed from the next session as in every nook and corner of the dist; Girls Higher/High Schools are available.
- b. An external audit of the Hostel Accounts be conducted since 2012 and onward.
- c. Throughout the District only single post of Hostel warden BPS-05 exists; employees are two, one is surplus. Therefore it is proposed that the appellant should be appointed as PST,

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under deceased son quota being qualified for the post bearing qualification B.S Psychology and PTC.

- d. DEO(F) (present and Ex) be directed to give up their antagonistic behavior using employees as their instruments against each other targeting the employees on the suspicions of belonging to other camps and blame game.
- e. DEO(F) be directed to withdraw her direct involvement & influence in the hostel matters and Principal be allowed to run the institution and hostel affairs independently.

2 DEO 3
Co. W. C. S. S. S. S. S.

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3807/c
27/12/12

سید ارشد اہل سنت نے فرمایا ہے کہ لوگ جو فریضے میں
 آئے ہوں وہ سب کے سب سید پر سبیل صاف ہونا چاہئے
 پھر اس طرح فریضے میں سید پر سبیل صاف ہونا چاہئے
 اور اگر سید پر سبیل صاف نہ ہو تو اسے صاف کرنا
 چاہئے۔ سبیل صاف ہونا چاہئے کہ اس کے ساتھ
 کوئی چیز نہ ہو۔ سبیل صاف ہونا چاہئے کہ اس کے
 ساتھ کوئی چیز نہ ہو۔ سبیل صاف ہونا چاہئے کہ
 اس کے ساتھ کوئی چیز نہ ہو۔ سبیل صاف ہونا چاہئے
 کہ اس کے ساتھ کوئی چیز نہ ہو۔ سبیل صاف ہونا
 چاہئے کہ اس کے ساتھ کوئی چیز نہ ہو۔ سبیل
 صاف ہونا چاہئے کہ اس کے ساتھ کوئی چیز نہ ہو۔
 سبیل صاف ہونا چاہئے کہ اس کے ساتھ کوئی چیز
 نہ ہو۔ سبیل صاف ہونا چاہئے کہ اس کے ساتھ
 کوئی چیز نہ ہو۔ سبیل صاف ہونا چاہئے کہ
 اس کے ساتھ کوئی چیز نہ ہو۔ سبیل صاف ہونا
 چاہئے کہ اس کے ساتھ کوئی چیز نہ ہو۔ سبیل
 صاف ہونا چاہئے کہ اس کے ساتھ کوئی چیز نہ ہو۔

AS110 ps cat
26-1-18

سید ارشد اہل سنت نے فرمایا ہے کہ لوگ جو فریضے میں
 آئے ہوں وہ سب کے سب سید پر سبیل صاف ہونا چاہئے
 پھر اس طرح فریضے میں سید پر سبیل صاف ہونا چاہئے
 اور اگر سید پر سبیل صاف نہ ہو تو اسے صاف کرنا
 چاہئے۔ سبیل صاف ہونا چاہئے کہ اس کے ساتھ
 کوئی چیز نہ ہو۔ سبیل صاف ہونا چاہئے کہ اس کے
 ساتھ کوئی چیز نہ ہو۔ سبیل صاف ہونا چاہئے کہ
 اس کے ساتھ کوئی چیز نہ ہو۔ سبیل صاف ہونا چاہئے
 کہ اس کے ساتھ کوئی چیز نہ ہو۔ سبیل صاف ہونا
 چاہئے کہ اس کے ساتھ کوئی چیز نہ ہو۔ سبیل
 صاف ہونا چاہئے کہ اس کے ساتھ کوئی چیز نہ ہو۔

AS110 ps cat
26-1-18

AS110 ps cat
26-1-18

Date - 16-3-2018

میں نے اپنے اہل و عیال کو معافی مانگتی ہوں۔ میں نے جو کچھ
کہا ہے، کیا آج میں نے سکول میں اس انڈیپ اور
علیم زور سے باتیں کی ہیں اور یہ نہ ہو کہ مجھ سے کچھ

باتیں پوچھی اور وہ میں نے بتائیں۔ سب سے
پہلے اس نے پوچھا کہ کل پاسٹل میں کیا ہوا اور
میں نے کہا کہ اب میں علیہ ایم آئی۔ اس نے سب سے
پہلے دراجو دست نکوائی۔

اس میں معافی مانگی ہوں کہ میں آپ علیہ ایم
کو نہ بتا سکیں۔ یہ وہ صاف کر رہے آئندہ اسے بتی
گاؤ گا۔

آئندہ میں پاسٹل کی کوئی بات جامل نہ سکول میں
پوچھتی ہوں۔ نہ پھر میں اس سے صاف کر رہے۔
اس انڈیپ نے کہا کہ میں اہل و عیال کی (نکوائی) ہے
میں نے کہا کہ میں نے کہا کہ میں باتیں سننے سے
میں نے کہا کہ میں بالوں پر بھی ہیں یقین نہ کرنا
میں میں نے اور کون بات ہے، تیشی میں کچھ
صاف کر رہے۔ آئندہ میں اس کو غلط نہ کروں گی
اور آپ کے طریق پر چلوں گی۔

اور میں طور دنیا پیشاوری ہوئی تھی اور اس
پاس لہجے کے درپیشی آئے اور کیا کہ آپ میں کا

روم لکھو لے، اور عس نے تالیوں سے لے کر عس سے
 باج لے لیا اور عس نے عس کا رشتہ لے لیا۔ اور
 عس نے بولنے کی عس لے لیا اور عس لے لیا۔
 اور عس نے لے لیا اور عس لے لیا اور عس لے لیا
 س لے لیا۔ اس لے لیا اور لے لیا اور لے لیا

عس لے لیا اور لے لیا
 لے لیا اور لے لیا

Sabir

خدمت جناب مہدی لہریہ صاحبہ گورنمنٹ گریڈ سنسٹریل ہائی سکول فیروز

رہنما آباد

جناب عالیہ!

موردیہ لٹریچر میں آپ کو ہاسٹل کے گزشتہ حالات کے بارے میں آگاہ

کرنا چاہتی ہوں۔ یہاں ہاسٹل میں 135 بچیاں ہیں۔ جن کا ریکارڈ ہماری

سابقہ وارڈن منس طور سینئر ریاس موجود مقامات میں ایک ٹی زینب ارشد

چونکہ پیکوٹ کی رہنے والی تھی اسکا نام ریکارڈ میں تو موجود تھا مگر

وہ سابقہ لہریہ اور ڈی ای او سمینہ الطاف کے گھر رہتی تھی اور

اس نے پچھلے ایک سال کی فیس نہیں دی اس کے علاوہ وہ ہاسٹل میں

وارڈن کے ساتھ آنے کے لیے نہیں ہوتی تھی اور کھانا بھی کھاتی تھی جبکہ

سونا کیلئے میڈم سمینہ الطاف کے گھر جاتی تھی ہاسٹل میں اسکو ایک شخص بھی

گھر دیا گیا تھا جس میں وہ 70 روپے دیں تھی اور پچھلے میڈم کو دیا

جاتا تھا۔ اس گھر کے کواچھ بھی مالا ہے۔

ہاسٹل میں ایک اور لڑکی سہیلہ خلیل تھی چونکہ ہماری چیف میڈم تھی۔

میں طور سینئر کے ساتھ ہوتی تھی۔ سہیلہ خلیل آکر مین گروپ میں ہوتی تھی۔

ہیب میں کو Re leave کیا گیا اور وہ سنسٹریل ہائی سکول کے گھر رہنے لگی تو

سہیلہ خلیل رات کو آئے ہاسٹل کے روم میں جا کر سوئی اور صبح اذان کے وقت

واپس آئی جہاں سوتی ہوئی۔ لہذا صبح پانی پھر ماکر ان یا توں کر رہے تھے

لانا جائے۔ میں لٹریچر ہوگی۔

مہدی لہریہ

الارٹیم: آج کی تابعدار شاگردہ = نام = عائشہ امیر

کلاس = 10th = روم نمبر = 25 مورخہ = 2017ء 14

میں نے ایک سال پہلے ہی سے لکھنا شروع کیا ہے۔
میں نے ایک سال پہلے ہی سے لکھنا شروع کیا ہے۔
میں نے ایک سال پہلے ہی سے لکھنا شروع کیا ہے۔
میں نے ایک سال پہلے ہی سے لکھنا شروع کیا ہے۔
میں نے ایک سال پہلے ہی سے لکھنا شروع کیا ہے۔
میں نے ایک سال پہلے ہی سے لکھنا شروع کیا ہے۔
میں نے ایک سال پہلے ہی سے لکھنا شروع کیا ہے۔
میں نے ایک سال پہلے ہی سے لکھنا شروع کیا ہے۔
میں نے ایک سال پہلے ہی سے لکھنا شروع کیا ہے۔
میں نے ایک سال پہلے ہی سے لکھنا شروع کیا ہے۔

میں نے ایک سال پہلے ہی سے لکھنا شروع کیا ہے۔

۵۰

غلط باتیں کہتی وہ آنا دن تک باتیں ظاہر
 ہن ہن ہوئیں۔ بیمار گھروں میں کال کر کے غلط
 باتیں کہتی تھی تاہم میں صبر سے سمجھنے لگی۔
 گھر والے بچوں کو اعلیٰ سے محروم کر دیں۔
 بیمار ہاسٹل کی چیف پیڈلر نے سید خلیل
 آخری آخری دنوں میں عتیق الرحمن
 کے گھر میں سوئے تھے رات کو جاتی تھی۔
 اس کا رات کا کھانا بھی ہاسٹل میں جاتا تھا
 اور عتیق الرحمن اور زائیم بی بی کا کھانا
 بھی ہاسٹل کی بچوں کے ہتھ سے لیتا تھا
 کھانے سے جاتا تھا۔ اور بچیاں نے کھانی تھیں
 ہاسٹل کی بچیاں رات کو عتیق اکھانا کھاتی
 تھیں۔ جس طرح کھانا، انڈیکس اور
 انڈیکس اسٹری کرتے اور آئیں بھارت لگاتا ہے
 سارا کام زائیم روئل کرتی تھی۔ جس طرح
 کاواٹس روک بھی زائیم روئل رکھتی تھی۔
 آخری آخری دنوں میں زائیم روئل سارا
 کام عتیق الرحمن کے گھر میں زائیم کرتی تھی۔

شکر ہے۔
 القادری صاحب
 گل بی بی صاحبہ

خدمت جناب پرنسپل صاحبہ، گورنمنٹ گرلز

سٹیل مارشل سکول، سکول NO 1 ایٹھ آباد

صنائہ عالیہ

موردانہ گزارش ہے کہ پاسٹل کی بچیاں آپ کو

سابقہ حالات و واقعات سے آگاہ کرنا چاہتی ہیں

تھمارے پاسٹل میں موجود طام شاف اپنے کام

اچس طرح سے سرانجام دیتا تھا لیکن ایک

باوجود کچھ کامیاں تھیں جو مندرجہ ذیل ہیں۔

1۔ تھمارے پاسٹل کی 2nd & 3rd year کی بچی زینب ارشد

مدرسہ کے گھر میں رہتی تھیں

2۔ وہ اکثر اوقات پاسٹل میں آتیں اور کھانا

و پیرہ کھانے چلی جاتیں

3۔ اگر انھیں پاسٹل میں رہنا پڑے تو وہ وارڈن

صافہ دہریے میں سوئی تھیں

4۔ زینب بچی کو ایک کمرہ مسابا لیا گیا تھا

جس کا وہ چیزیں علیحدہ کرتی تھیں

اور سوئے کے استعمال میں کرائی تھیں

5۔ جس طرح سنا سب سے زیادہ زینب ارشد

کے ساتھ attached ہیں۔
6۔ میں طور میں اس Case کے دوران نہیں میں
ہماہ کے خلاف درنگلاتی ہیں اور ہمارے والدین
کو بھی ایسے حال میں معنائی ہیں

7۔ ہم سے زبردستی درخواست لگواتی ہیں اور ہمارے
والدین سے بھی Sign کرواتی ہیں۔

8۔ ہمارے پاسٹل میں موجود 10 کلاس کی
پہلی سہلہ ذلیل ہو کدیاں عتیق الرحمن کے گھر
میں آیا جایا کرتی تھی۔

9۔ سہلہ ذلیل اکثر گھانا و پیرہ بھی وہی کھایا کرتی تھی
اور اس بات میں میں طور میں سنا ہر اسے متحرک
ہیں۔

10۔ ریف ارشاد کو مساکردہ کمرہ آج تک
بند ہے۔ کارڈ کے خلاف معمل کھلنا چاہے
منڈم، پاسٹل کی چٹیاں ارضاف کی طلب کار
ہیں۔

آئی ڈی جاگو طالبان
ہیں۔ یہ ہیں اہل ہوس مدرسہ و مدرسہ ہال، پٹی پٹی

Case at
haffer

کے وکیل کریں کس سے مدد کرنی چاہیے
محمد علی
محمد علی

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1548 /ST

Dated 2 / 9 / 2019

To


The District Education Officer Female,
Government of Khyber Pakhtunkhwa,
Abbottabad.

Subject: -

JUDGMENT IN APPEAL NO. 192/2018, MST. TOOR E SINA.

I am directed to forward herewith a certified copy of Judgement dated 22.08.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1761 /ST

Dated 14 / 10 / 2019

To


The District Education Officer Female,
Government of Khyber Pakhtunkhwa,
Abbottabad.

Subject: -

JUDGMENT IN APPEAL NO. 192/2018, MST. TOOR E SINA.

Please refer to this office letter No. 1548/ST, dated 02.09.2019 on the subject noted above and to forward herewith another copy of judgment duly rectified.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR,
CAMP COURT ABBOTTABAD**

CM NO. /2019

IN

Service Appeal No.192/2018

Toor e Sina

...PETITIONER

VERSUS

Government of KPK etc

...RESPONDENTS

SERVICE APPEAL NO.192/2018

APPLICATION

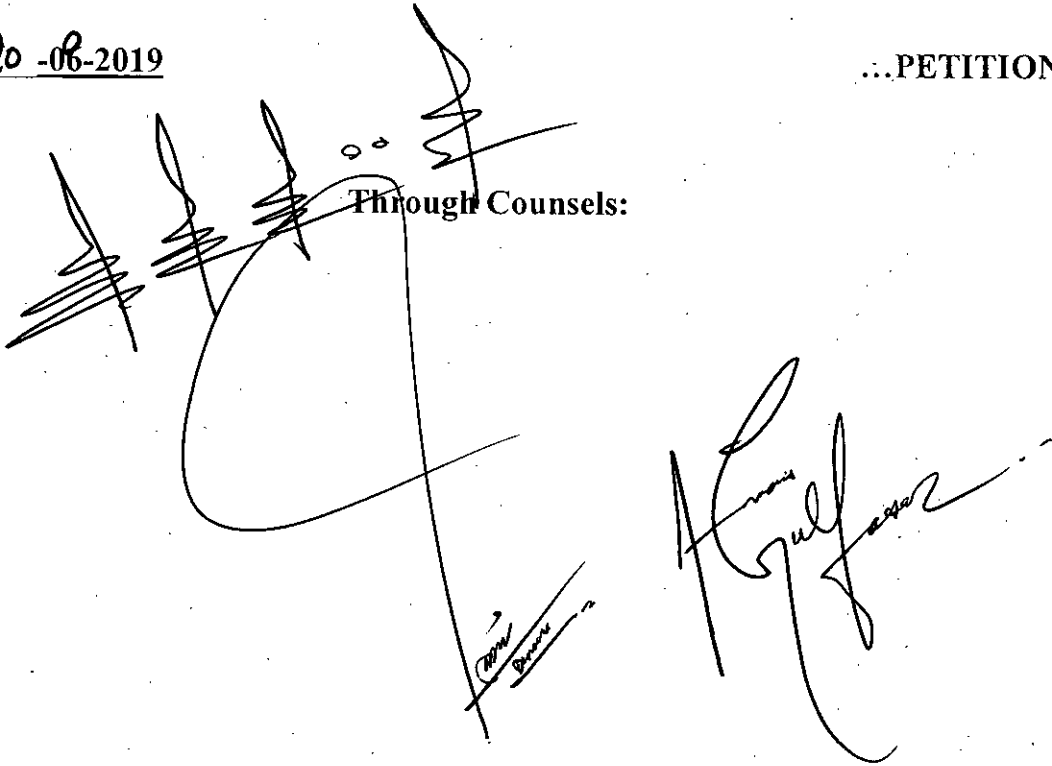
INDEX

S.No.	Description of Document	Annexure	Page No.
1.	Application alongwith affidavit	--	1
2.	Copy of letter bearing No.484 dated 21-05-2019	"A"	2
3.	Power of attorney (وکالت نامہ) already placed on file	--	--

Dated: 20-06-2019

...PETITIONER

Through Counsels:



1

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR,
CAMP COURT ABBOTTABAD

CM NO. _____ /2019

IN

Service Appeal No.192/2018

Toor e Sina

...PETITIONER

VERSUS

Government of KPK etc

...RESPONDENTS

SERVICE APPEAL NO.192/2018

APPLICATION TO PLACE ON FILE THE COPY OF LETTER

NO.484 DATED 21-05-2019.

Respectfully Sheweth;

1. That title Service appeal is pending adjudication before this Hon'ble Tribunal.
2. That the Principal, Government Girls Higher Secondary School Rich Bhen, Abbottabad issued letter bearing No.484 dated 21-05-2019 in the name of respondent No.3 [DEO (F)] which contains the admission on the part of Department regarding wrong adjustment of appellant in present station. (Copy of letter bearing No.484 dated 21-05-2019 is annexed as Annexure "A")

PRAYER:

On acceptance of foregoing application, letter bearing No.484 dated 21.05.2019 may kindly be ordered to be place on file.

Dated: 20-08-2019

...PETITIONER

Through Counsels:

AFFIDAVIT:

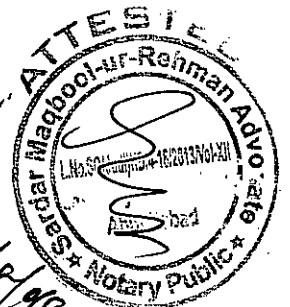
I, Muhammad Awais Khan Qazi Advocate, counsel for petitioner, do hereby declare that the contents of this application are true & correct to the best of the knowledge and belief of legal heirs of petitioner and that nothing has been concealed from this Hon'ble Court.

DEPONENT

Dated: 20-08-2019

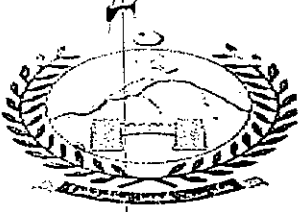
...PETITIONER

Through Counsel:



(2)

Annexure "A"



**OFFICE OF THE PRINCIPAL GOVT GIRLS HIGHER SECONDARY
SCHOOL RICH BHEN ABBOTTABAD**

PH# NO.0992375008

E-mail ad7132richbhen@gmail.com

No. 484 /

Dated 21/5 /2019

To

The District Education Officer
(Female) Abbottabad


Subject: **ADJUSTMENT ISSUE.**

R/Madam,

With great veneration, it is stated that Miss Toor-e-Seena (Warden BPS-05) is wrongly adjusted at our School against the vacant post of Lab Assistant BPS-07.

I request you to post her back to her original designation from which she was transferred, so that we could get have proper Lab Assistant to be handed over the responsibilities of Laboratory.

Thanks.


Principal
Govt Girls Higher Secondary
School Rich Bhen Abbottabad
Principal
Govt. Girls Higher Secondary
School Rich Bhen Abbottabad