

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

**SERVICE APPEAL NO. 491/2018**

Date of institution ... 06.04.2018

Date of judgment ... 01.01.2020

Shaista Bibi D/O Nooran Shah Ex-Primary School Teacher (BPS-12),  
Government Girls Primary School Sheno Killi Kuz Targhaw Bajaur Agency.  
... (Appellant)

**VERSUS**

1. Agency Education Officer Bajaur at Khar Bajaur Agency.
2. Director, Education FATA, FATA Secretariat Warsak Road Peshawar.
3. Secretary, Elementary & Secondary Education, Government of Khyber Pakhtunkhwa Peshawar. ... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 22.11.2017 PASSED BY RESPONDENT NO. 1 WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT HAS BEEN CANCELLED/WITHDRAWN AND AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF THE STATUTORY PERIOD OF MORE THAN NINETY DAYS.

*M. Amin*  
*1.1.2020*

Mr. Fazal Shah Mohmand, Advocate. .. For appellant.  
Mr. Riaz Ahmad Paindakheil, Assistant Advocate General .. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)  
MR. HUSSAIN SHAH .. MEMBER (EXECUTIVE)

**JUDGMENT**

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was appointed as Primary School Teacher in Government Girls Primary School Sheno Killi Kuz Targhaw Bajaur on the recommendation of

Departmental Selection Committee by the competent authority vide order dated 25.09.2017. The appellant assumed the charge on the same day i.e 25.09.2017 and performed her duty on 25.09.2017 & 26.09.2017 however, copy of attendance register of Government Girls Primary School Sheno Killi Kuz Targhaw Bajaur Agency available on record shows that she was allowed Maternity leave by the competent authority with effect from 26.09.2017 to 11.11.2017 vide order dated 26.09.2017. Later on, a corrigendum was issued whereby the appointment order dated 25.09.2017 of the appellant was modified to the effect that Mst. Shaista D/o Nooran Shah PST Government Girls Primary School Sheno Killi Kuz Targhaw Bajaur may be read as Mst. Shaista D/o Nooran Shah Primary School Teacher of Government Girls Primary School Takht Barang Bajaur with effect from the date of issue vide order dated 29.09.2017. It was on 14.11.2017 when the appellant submitted application to the competent authority for extension of her maternity leave for further 45 days copy of the application dated 14.11.2017 is available on the record which also shows that the same was also allowed by the competent authority, however, later on the competent authority i.e Agency Education Officer Bajaur Agency cancelled/withdrawn appointment order of the appellant with immediate effect on the ground that she had not assumed the charge of her duty within 15 days as prescribed/mentioned in the terms and conditions of the appointment order at serial no. 6 vide order dated 22.11.2017. The impugned order dated 22.11.2017 was communicated to the appellant on 28.12.2017 after availing maternity leave as alleged by the appellant in para-5 of the service appeal, therefore, she filed departmental appeal on 03.01.2018 to the Director Education FATA Peshawar which was not responded hence, the present service appeal.

*M. Amin  
1-1-2020*

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was appointed as Primary School Teacher on the recommendation of Departmental Selection Committee vide order dated 25.09.2017. It was further contended that the appellant assumed the charge on the same day as revealed from the copy of arrival report/charge report available on the record. It was further contended that the appellant performed the duty on 25.09.2017 & 26.09.2017 as revealed from the copy of attendance register. It was further contended that the appellant was allowed maternity leave with effect from 26.09.2017 to 11.11.2017 as revealed from the copy of attendance register of Government Girls Primary School Sheno Killi Kuz Targhaw Bajaur Agency vide order dated 26.09.2017. It was further contended that the stamp of the office of the competent authority is also visible under the signature of the competent authority. It was further contended that again the appellant applied for further 45 days maternity leave vide application dated 14.11.2017 which was also allowed by the competent authority. It was further contended that the competent authority cancelled/withdrawn the appointment order of the appellant on the ground that she has not assumed the charge within 15 days as prescribed/mentioned in the terms and conditions of the appointment order at serial no. 6 of the appellant vide order dated 22.11.2017. It was further contended that after availing the maternity leave when the appellant reported for duty she was told on 28.12.2017 that her appointment order has been cancelled/withdrawn by the competent authority therefore, on communication/gaining knowledge of the impugned order, the appellant filed departmental appeal on 03.01.2018 but the same was not responded. It was

*M. Anwar*  
11-1-2022

further contended that the impugned order of cancellation/withdrawn of her appointment order was passed malafidely by the competent authority on the ground that she had not assumed the charge within 15 days although the appellant had assumed the charge on the same day of her appointment and in this respect her copy of the charge report dated 25.09.2017 is available on record. It was further contended that the copy of attendance register available on record also reveals that she has performed duty on 25.09.2017 & 26.09.2017 and thereafter she was granted maternity leave by the competent authority. It was further contended that after filing departmental appeal by the appellant a fact finding inquiry was also conducted by the inquiry committee on the direction of departmental authority i.e Direction Education FATA wherein the inquiry committee comprising of three members submitted inquiry report dated 30.01.2018 in favour of the appellant and have categorically stated that she has taken charge at Government Girls Primary School Sheno Killi Kuz Targhaw Bajaur Agency and after corrigendum she has taken charge at Government Girls Primary School Takht Barang Bajaur and recommended for reinstatement at her post with back benefit. It was further contended that the inquiry <sup>me</sup>commit at last para of the inquiry report also stated that the attitude of the sitting AEO towards the inquiry/committee was unquotable , unprofessional and non-cooperative and recommended that the incumbent AEO Bajour is not fit for the Agency Management post so may be removed from the AEO ship in the best interest of public service, therefore, it was contended that the impugned order was passed illegally, malafidely and liable to be set-aside and the appellant is entitled for reinstatement to her post with back benefits.

*W. Ahmad*  
1-1-2020

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that this court has got no jurisdiction to entertain the present service appeal as the appellant is not a civil servant. It was further contended that the appellant was appointed as Primary School Teacher vide order dated 25.09.2017 and it was categorically mentioned the terms and conditions at serial no. 6 of the appointment order dated 25.09.2017 that if she failed to report of her arrival within 15 days her appointment order will be automatically considered as cancelled. It was further contended that the appellant had not assumed the charge report within 15 days, therefore, she failed to fulfill the terms and conditions no. 6 of the appointment order. It was further contended that the copy of the arrival report, attendance register of the appellant and sanctioned of maternity leave are fake and suspicious and the respondent-department has not issued the same therefore, it was contended that the impugned order was rightly passed by the competent authority and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was appointed as Primary School Teacher on the recommendation of Departmental Selection Committee vide order dated 25.09.2017, it was mentioned in terms and conditions no. 6 of the said appointment order of the appellant that if the appellant failed to report of her arrival within 15 days her appointment order will be automatically considered as cancelled. On one hand, the appellant has claimed that she has assumed the charge on the same date as revealed from the copy of arrival report available on the record and also performed duty on 25.09.2017 & 26.09.2017 as revealed from the copy of attendance register and thereafter she was allowed maternity leave with effect from 26.09.2017 to

*M. Anwar*  
17-1-2020

11.11.2017 by the competent authority as revealed from the copy of attendance register and stamp of the concerned officer is also visible under the signature of the competent authority. It was also claimed by the appellant that she again filed application for extension of further 45 days maternity leaves which was also allowed by the competent authority as revealed from the copy of application dated 14.11.2017, therefore, the impugned order of cancellation/withdrawn of her appointment order on the ground <sup>that in</sup> she has not assumed the charge within 15 days is illegal and liable to be set-aside and she is entitled for reinstatement with back benefits. While on the other hand, learned Assistant Advocate General stated that the arrival report, copy of attendance register and sanctioned of maternity leave are fake and suspicious and the appellant had not assumed the charge as per terms and conditions no. 6 of the appointment order, therefore, the competent authority has rightly cancelled/withdrawn her appointment order. The record also reveals that after gaining the knowledge of the impugned order, the appellant filed departmental appeal within time. The record further reveals that a fact finding inquiry comprising of three members i.e Muhammad Ashraf Vice Principal GCET (M) Jamrud Khyber Agency, Shah Jehan Principal GHSS No. 1 Jamrud Khyber Agency and Aslam Khan Principal GHS Navi Killi Mohmand Agency was also conducted on the direction of the departmental authority i.e Director Education FATA and the inquiry committee submitted inquiry report dated 30.01.2018 in favour of the appellant and stated in the inquiry report that the appellant has assumed the charge within the stipulated time they have also stated that according to the attendance register of the school she has attended that school on 25 & 26 September 2017 than she has gone on maternity leave with effect from 26.09.2017 to 11.11.2017 signed by the AAEO

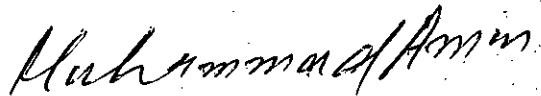
*M. Amin*  
*11-2017*

with relevant stamp they have also stated that AAEO has also confessed that she has sanctioned leave to Mst. Shaista after bringing it in the notice of AEO they have also stated after corrigendum she has also taken charge at Takht Barang Bajaur on 29.09.2017 signed by the Headmistress and AAEO and recommended for her reinstatement on her post with back benefits. The inquiry committee also stated in the last para that the attitude of the sitting AEO towards the inquiry/committee was unquotable, unprofessional and non-cooperative and recommended that the incumbent AEO Bajaur is not fit for the Agency Management post so may be removed from the AEO ship in the best interest of public service meaning thereby that the inquiry report as well as other record fully support the claim of the appellant and negate the claim of the official respondents but despite that the departmental authority has not decided the departmental appeal of the appellant, therefore, we deem it appropriate to direct the departmental authority i.e Director Education FATA to decide the departmental appeal of the appellant within 60 days through speaking order in accordance with law and he is further directed to also communicate the order of departmental appeal to the appellant and thereafter if the appellant was aggrieved she is at liberty to approach this Tribunal. The appeal is disposed of in the above terms.

ANNOUNCED  
01.01.2020



(HUSSAIN SHAH)  
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

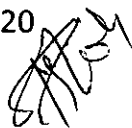
01.01.2020

Counsel for the appellant and Mr. Riaz Ahmad Pindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of seven pages placed on file, we deem it appropriate to direct the departmental authority i.e Director Education FATA to decide the departmental appeal of the appellant within 60 days through speaking order in accordance with law and he is further directed to also communicate the order of departmental appeal to the appellant and thereafter if the appellant was aggrieved she is at liberty to approach this Tribunal. The appeal is disposed of in the above terms.

ANNOUNCED

01.01.2020

  
(HUSSAIN SHAH)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER



08.08.2019

Clerk to counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike on the call of Pakistan Bar council. Adjourn. To come up for arguments on 30.10.2019 before D.B.

  
Member

  
Member

30.10.2019

Appellant absent. Learned counsel for the appellant absent. However junior to counsel for the appellant present and submitted application for adjournment. Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present. Adjourn. To come up for arguments on 01.01.2020 before D.B. Appellant be put to notice for the date fixed.

  
Member

  
Member

17.1.2019

Counsel for the appellant and Addl. AG alongwith M/S Bahramand ADEO and Daud Jan, Superintendent for the respondents present.

Respondent No. 2 has submitted comments which are relied upon by other respondents as per statement of representative. To come up for arguments before D.B on 28.03.2019. The appellant may submit rejoinder, if so desires, within a fortnight.

  
Chairman

28.03.2019

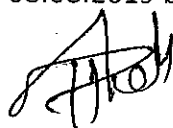
Due to general strike of the bar, the case is adjourn. To come up for rejoinder/arguments on 17.06.2019 before D.B.

  
Member

  
Member

17.06.2019

Clerk to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Clerk to counsel for the appellant submitted rejoinder which is placed on file, and requested for adjournment as counsel for the appellant is not in attendance. Adjourn: ~~17.06.2019~~ To come up for arguments on 08.08.2019 before D.B.

  
Member

  
Member

Service Appeal No. 491/2018

27.08.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present and made a request for adjournment. Granted. To come up for written reply/comments on 24.10.2018 before S.B.

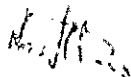
23-10-18

  
(Ahmad Hassan)  
Member

*Due to Retirement of Honorable  
Chairman the Tribunal is non  
functional therefore the case is  
adjourned to come up for the  
same on 10-12-2018*

*Redda*


10.12.2018

  
Counsel for the appellant present. Mr. Behramand, ADEO alongwith Mr. Kabirullah Khattak, Additional AG on behalf of the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for written reply/comments on 17.01.2019 before S.B.

  
Muhammad Amin Khan Kundi  
Member

11.07.2018

Clerk of the counsel for appellant present. Preliminary arguments could not be heard due to killing of a lawyer Barrister Haroon Bilour in a suicide attack during the election campaign. To come up for preliminary hearing on 13.07.2018 before S.B.

  
Chairman

13.07.2018

Mr. Fazal Shah Momand Advocate, counsel for the appellant present and heard on preliminary.

Contents that the appointment order of the appellant as PST Teacher has been cancelled mainly on the ground that he did not assume the charge of the said post within the stipulated period given in the appointment letter, which is against the fact as the appellant assumed the charge on 25.09.2017, the charge assumption report annexed with the appeal.

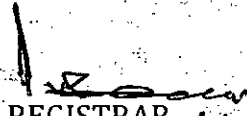

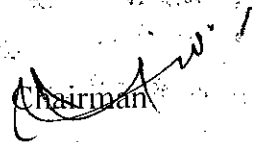

Points raised need consideration. The appeal is admitted to full hearing, subject to all legal objections, if raised by the respondents. Appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 27.08.2018 before S.B.

Appellant Deposited  
Security & Process Fee

  
Chairman

**Form-A**  
**FORM OF ORDERSHEET**

Court of \_\_\_\_\_  
Case No. 491/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	06/04/2018	<p>The appeal of Mst. Shista Bibi presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 6/4/18</p>
2-	09/04/18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/04/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	23.04.2018	<p>Counsel for the appellant present and requested for adjournment. Granted. To come up for preliminary hearing on 11.05.2018 before the S.B.</p> <p style="text-align: right;"> Chairman</p>
	11.05.2018	<p>The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on <u>11.07.2018</u> before S.B.</p> <p style="text-align: right;"> Reader</p>

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 491 /2018

Shaista.....Appellant

**V E R S U S**

AEO and Others.....Respondents.

**I N D E X**

S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-4
2.	Copy of order, charge report & attendance register.	A	5-7
3.	Copy of Medical Certificate & Corrigendum	B & C	8-9
4.	Copy of Medical Certificate & Application	D & E	10-11
5.	Copies of Application with letter dated 13-12-2107	F	12-13
6.	Copy of Order dated 22-11-2017 & appeal dated 03-01-217	G & H	14-15
7.	Wakalat Nama		16

Dated:-04-04-2018

Through

*Shaista*  
Appellant

*Fazal Shah Mohmand*  
Fazal Shah Mohmand

Advocate, Peshawar

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

Email:- fazalshahmohmand@gmail.com

①

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 491 /2018

Shaista Bibi D/O Nooran Shah Ex Primary School Teacher (BPS-12), Govt. Girls Primary School Sheno Killi Kuz Targhaw Bajaur Agency.

.....Appellant

Khyber Pakhtunkhwa  
Service Tribunal

**V E R S U S**

Diary No. 506  
6-4-2018  
Road

1. Agency Education Officer Bajaur at Khar Bajaur Agency.
2. Director, Education FATA, FATA Secretariat Warsak Peshawar.
3. Secretary, Elementary and Secondary Education, Govt. of KPK Peshawar.....Respondents

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 22-11-2017 PASSED BY RESPONDENT NO 1 WHERE BY THE APPOINTMENT ORDER OF THE APPELLANT HAS BEEN CANCELLED/WITHDRAWN AND AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF THE STATAUORY PERIOD OF MORE THAN NINTY DAYS.**

**PRAYER:-**

On acceptance of this appeal the impugned order dated 22-11-2017 of respondent No 1 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Filed to-day  
*[Signature]*  
Registrar

6/4/18 Respectfully Submitted:-

1. That the appellant was appointed as Primary School Teacher (BPS-12), herein after referred to as PST by respondent No 1 vide Order dated 25-09-2017 and she took charge of her post the same day and performed her duties for two days at GGPS Kuz Targhaw. **(Copy of Appointment Order, Charge report and Attendance register is enclosed as Annexure A).**
2. That the appellant was unable to have performed her duties and was advised maternity leave and thus she requested for maternity leave for 45 days which request was acceded to and she was accordingly granted maternity leave for 45 days, i.e from 26-09-2017 to 11-11-2017. It is important to mention that vide Corrigendum dated 29-09-2017 changes were made to the School which was to be read as GGPS Takht Barang Bajaur. **(Copy of Medical Certificate and**

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**Corrigendum dated 29-09-2017 is enclosed as Annexure B & C).**

3. That due to severe complications developed during delivery, the appellant was not fit for performance of duties, therefore was advised further maternity leave for 45 days and accordingly on the following day she made application for the purpose and she was accordingly granted further maternity leave for 45 days, i.e from 13-11-2017 to 27-12-2017. **(Copy of Medical Certificate & application with order is enclosed as Annexure D & E).**
4. That even the appellant made request through written application dated 07-12-2017 that she may not be terminated from service, which was duly forwarded vide letter dated 13-12-2017. **(Copy of Application with letter dated 13-12-2017 is enclosed as Annexure F).**
5. That on 28-12-2017 after availing maternity leave, when the appellant reported for duty she was told that her appointment order has been cancelled/withdrawn by respondent No 1 vide order dated 22-11-2017, where after she obtained copy of the order dated 22-11-2017 on 29-12-2017 and filed departmental appeal before respondent No 2 on 03-01-2018, which has not been responded so far despite the lapse of the statutory period of ninety days. **(Copy of order dated 22-11-2017 and appeal dated 03-01-2018 is enclosed as Annexure G & H).**
6. That the impugned Order dated 22-11-2017 of respondent No 1 is against the law, facts and principles of justice on grounds inter-alia as follows:-

**GROUND:-**

- A. That the impugned order is illegal and void ab initio.
- B. That the appellant has not been treated according to law and rules and respondents have badly violated the procedure set forth by the law and rules.



- C. That no charge sheet and Show Cause notice were communicated to the appellant.
- D. That no inquiry was conducted in the matter to has found out the true facts and circumstances.
- E. That the appellant after appointment took charge of the post and she was on maternity leave till 27-12-2017 but even then her appointment order was withdrawn on allegations having no footings.
- F. That the appellant was not afforded opportunity of personal hearing nor ever it was tried to find out the true facts and circumstances, the impugned order is as such liable to be struck down.
- G. That the appointment was not in consequent to fraud or there was any ineligibility on part of the appellant, thus valuable rights had accrued in favor of the appellant which could not be snatched and more particularly when decisive steps were taken.
- H. That even the procedure set forth in law and rules was never followed and the appellant was condemned unheard.
- I. That the appellant did nothing that would amount to misconduct and he has been awarded major penalty in violation of law, rules and dictums of the superior Courts.
- J. That the impugned order is defective and as such not maintainable in the eyes of law.

**It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for.**

**Any other relief not specifically asked for and deemed appropriate in the circumstances of the case may also be granted in favor of the appellant.**

**Dated: 04.04 -2018**

Through

*Sajid*  
Appellant

*Fazal*  
Fazal Shah Mohmand

Advocate, Peshawar.

(4)

## AFFIDAVIT

I, Shaista D/O Nooran Shah Ex Primary School Teacher (BPS-12), Govt. Girls Primary School Sheno Killi Kuz Targhaw Bajaur Agency, do hereby solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

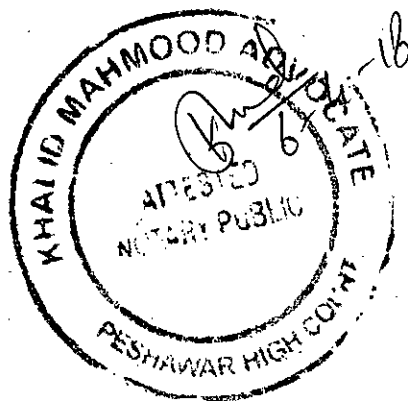
Identified by



Fazal Shah Mohmand

Advocate Peshawar.

*Seena*  
~~DEPONENT~~





(5)

AY

**OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR**  
**AGENCY AT KHAR**

**APPOINTMENT ORDER**

Consequent upon the recommendation of the Departmental Selection Committee, the following female candidate of Bajaur Agency is hereby appointed against vacant PST post in Tehsil Barang at the school noted against her name in BPS-12 @ (13320-960-42120) plus usual allowances as admissible under the rules from the date of her taking over charge in the interest of public service.

Sr#	Name	FatherName	School Where appointed	Remarks
1	Shaista	Nooran Shah	GGPS Sheno Killi Kuz Targhaw	AVP

**Terms and Conditions**

1. The appointment of the candidate is being made purely on temporary basis and is liable to termination at any time without assigning any reason.
2. she will not be entitled to get pension/gratuity benefits however CP fund will be deducted as per rules as a case of fresh candidate.
3. Charge report should be submitted to all concerned in duplicate.
4. Health and age certificate should be produced to this office obtained from the Agency Surgeon Bajaur.
5. She should not be handed over charge of the post if she is below 18 years or above 45 years of age.
6. If she failed to report of her arrival within 15 days her appointment orders will be automatically considered as cancelled.
7. All academic / professional documents / domiciles /CNICs will be verified from the concerned boards/ universities / authorities and if found bogus / fake at any stage, their services will be considered as terminated from the date of appointment against the said post.

*Saf*  
**Mr. Amrullah Wazir**  
**Agency Education officer**  
**Bajaur Agency**

Endst No; 11901-5 Dated 25/9/017

Copy of the above is forwarded to the;

1. Director of Education FATA Peshawar.
2. Political Agent Bajaur Agency.
3. Agency Accounts officer Bajaur Agency.
4. AAEO concerned.
5. Candidate concerned.

*Amrullah Wazir*  
**Agency Education officer**  
**Bajaur Agency**

CHARGE REPORT

In Compliance with AEO Bajaur Appointmen

Order bearing Endst No 11901-S dated 25/09/2017  
Miss Shaista D/O Nooran Shah A/o Barang, Bajaur too  
over charge of my duties as PTC at GGPS  
Sheno killi kuz Tarzhuw today on 25-09-2017

6

Miss Shaista

CCTo

- (i) Agency Education officer Bajaur Agency
- (ii) Agency Accounts officer Bajaur Agency
- (iii) AAEOs Male/Femal. Concerned.
- (iv) Office record.

~~SHB~~  
Incharge  
GGPS Sheno  
killi kuz Tarzhuw  
Bajaur Agency.

شیر ذوالحجرت  
میس شایستا  
NIC No-21103-3147007

CR  
R/S

2017ء

بابت ماہ ستمبر

### رجسٹر حاضری مدرسین

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نام			شمارتہ			ظاہرہ لابی			الویٹر		
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 from 11-11-2017  
 to 11-11-2017

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Officer (F) Bala  
 26/9/2017

دستخط میزبان

26/9/2017  
 26/9/2017





OFFICE OF THE AGENCY EDUCATION  
OFFICER BAJAUR AGENCY AT KHAR

CORRIGENDUM

In partial modification of this office appointment order bearing Endst No: 11901-5, dated 25/9/2017, Mst. Shaista D/o Nooran Shah PST GGPS Sheno Killi Kuz Targhaw Bajaur may be read as Mst. Shaista D/o Nooran Shah PST GGPS Takht Barang Bajaur instead w.e.f the date of issue.

Amrullah Wazir  
Agency Education Officer  
Bajaur Agency

Endst No: 12138-42 Dated 28/9 2017

Copy of the above is forwarded to the;

1. Director of Education FATA Peshawar.
2. Political Agent Bajaur Agency.
3. Agency Accounts officer Bajaur Agency.
4. AAEOs concerned.
5. Candidates concerned.

*Amrullah Wazir*  
Agency Education Officer  
Bajaur Agency

*CR*  
*2/5*

10

\_\_\_\_\_

OUT DOOR PATIENT TICKET

District \_\_\_\_\_ CRP No: \_\_\_\_\_

Facility Name \_\_\_\_\_

Name \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Father's /Husband's Name \_\_\_\_\_

Monthly OPD Serial No. \_\_\_\_\_

Provisional Diagnosis: \_\_\_\_\_

Date

Clinical Findings / Investigations / Treatment / Referred/Test Findings

13/11

Applied for Post-natal care

*[Signature]*

12-11-2017

to 27-12-2017

*[Signature]*  
Medical Superintendent  
Bajaur

CR  
also



کرامت علیہ السلام اور کون سے افسر علیہ السلام

11

درخواست برائے میٹریٹس لیو

جناب عالی

موردہ گزارش کی جانی ہے کہ سائلہ

نے لیل سے سخت بیمار ہے اور ڈاکٹر ڈیڑھ میٹریٹس لیو سرٹیفکیٹ

دے چکی ہے اس سرٹیفکیٹ سے قبل بھی سائلہ نے 45 دن کا

میٹریٹس لیو لے چکی ہے جو کہ اب سائلہ کو مزید 45 دن کی

میٹریٹس لیو اللہ ضرورت ہے جتنی جس سے سائلہ ایسی فرائض

سر انجام دینے سے قاصر ہے اسلئے استدعا کی جاتی ہے کہ آپ جھٹلا

مہربانی کر کے سائلہ ڈاکٹر کے میٹریٹس لیو سرٹیفکیٹ کے مطابق جتنی

دینے کا حکم صہادر فرمائیں

عین گزارش ہوئی

14/11/2017 مورخ

Handwritten signatures and names including 'M. S. A. S.' and 'M. S. A. S.'

M. S. A. S.

Handwritten signature

اپنی نالیدار سے سائلہ بی ایس ٹی 33 بی ایس ٹی

Handwritten signature

دوسری طرف سے...

Handwritten notes in the top right corner.

Handwritten text in the middle section, including the word 'Termination'.

Handwritten text in the lower middle section, including the word 'Termination'.

7/12/2017

Handwritten text at the bottom left.

Handwritten signature and name at the bottom right.

Handwritten initials or signature at the bottom center.



13

FATA SECRETARIAT  
DIRECTORATE OF EDUCATION  
WARSAP ROAD PESHAWAR, PAKISTAN  
PHONE: 011-9210166 FAX 091-9210216  
No. 19661 Date Recd: the / 13 / 12 / 2017.  
E-6/PC/Misc-2.

To

The Agency Education Officer,  
Bajaur Agency.

Subject; APPLICATION FOR RETAINING

Memc;

I am directed to refer to the subject noted above and to enclose herewith a self-explanatory application in respect of Mst. Shaista PST (newly recruited) PST, Govt; Girls Primary School Barang, Bajour Agency with the remarks that being a natural process she may not be disbursed/dislocated and facilitate the said PST appointed on regular basis and is entitle for the same benefits, as other civil servants..

*[Signature]*  
Deputy Director (Estab)  
Directorate of Education (FATA)  
12/12/17

Endst.No. \_\_\_\_\_ /

Dated \_\_\_\_\_ 2017.

Copy to:-  
PA to Director Education FATA

Deputy Director (Estab)  
Directorate of Education (FATA)

*[Handwritten initials]*



OFFICE OF THE AGENCY EDUCATION  
OFFICER BAJAUR AGENCY AT KHAR.

CANCELLATION / WITHDRAWAL

The appointment order issued vide this office Endst No: 11901-5, dated 25/9/2017 in r/o Shaista D/O Nooran Shah as PST (F) at GGPS Shenó Killi Kuz Targhaw Barang Bajaur Agency followed by another corrigendum order bearing Endst No: 12138-42, dated 29/9/2017 is hereby cancelled / withdrawn on account of not ensuring assumption of her charge of duty at the schools within 15 days as prescribed / mentioned in the TERMS & CONDITION of the appointment order at S.No: 6 with immediate effect.

Endst No: 54-58 Dated 22/11/2017

Copy of the above is forwarded to the:

1. Director Education FATA Peshawar.
2. Political Agent Bajaur Agency.
3. Agency Accounts officer Bajaur Agency
4. AAEOs Female concerned.
5. Accountant of the local office.

Amrullah  
Agency Education Officer  
Bajaur Agency

Amrullah  
Agency Education Officer  
Bajaur Agency

CR  
Ely



**VAKALATNAMA**

(16)

IN THE COURT OF Depto KPK Service Tribunal

IN RE. Reshamy

Shahida Petitioner/Plaintiff/Appellant/Complainant

**VERSUS**

AEO by others

Respondents/Defendant /Accused

FIR No.

Dated:

Charge U/s

Police Station:

KNOW ALL to whom these presents shall come that the undersigned appoint:

**Fazal Shah Mohmand Advocate, Supreme Court of Pakistan** to be the Advocate for the Petitioner in

the above mentioned case, to do all the following acts, deeds and things or any of them that is to say:


- 1) To act and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
- 2) To sign, verify and present pleadings, appeals, cross - objections, petitions for execution, review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of said case in all its stages.
- 3) To withdraw or compromise in the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- 4) To receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said case.
- 5) To engage any other Legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.


AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.

AND I hereby agree not to hold the Advocate or its substitute responsible for the result of the said case in consequence of his absence from the court when the said case is called up for hearing.

AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, I shall be entitled to withdraw from the prosecution of the said case until the same is paid.

IN WITNESS WHEREOF I herewith set my hand to these presents the contents of which have been explained to and understood by me, this \_\_\_\_\_ day of \_\_\_\_\_ 2010

Accepted By  
  
**Fazal Shah Mohmand**  
Advocate,  
Supreme Court of Pakistan.

  
Signature/ thumb impression  
of party / parties.

**BEFORE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA**

Writ Appeal No.491/2018.

Mst.Shaista ..... Appellant.

VS

District Education Officer Bajaur ..... Respondent

**COMMENTS ON BEHALF OF RESPONDENT NO.2**

**PRELIMINARY OBJECTIONS**

1. That the appellant has got no cause of action, locus standi to file the instant Appeal.
2. That the appellant has not come to this honorable court with clean hands.
3. That the appellant has concealed ground realities from this honorable court
4. That the appellant has no right to appear before this honorable court.
5. The appeal is time bought.

**ON FACTS.**

1. The appellant was appointed as PST teacher on 25/09/2017 at GGPS Sheno Kalli Targhaw but she did not take charge within the prescribed time. For this reason, her appointment order was automatically cancelled according to the rules and a notification was issued on 22/11/2017. The charge report provided by the Appellant is fake because there is no official stamp of the school on it. The attendance register photocopy, provided by the appellant, is also fake as such register has been bought in the market and fake entries have been made in it. The original teacher attendance register is present in the concerned school where no sign and attendance is there in it. (Copy of the original register is attached as annex.1). The order was issued on 25/09/2017 at 4. Pm and taking charge on the same date is impossible because Sheno Kally is lying at a distance of 90 Km

from Khar among the lofty hills of Tehsil Barang. A written statement is also given by the school staff that Shaista has not come to school for taking charge. (Copy is attached as annexure-2).

2. The maternity leave has not been sanctioned by the respondent No-I. On the one hand, the appellant claims that she had attended her duty for two days i.e. 25,26/09/2017 and, on the other hand, she says that maternity leave was granted to her from 26/09/2017 to 11/11/2017 which is a clear contradiction in the statement. If she had any leave sanction or notification, she should have provided it. The corrigendum order was issued for the facilitation of the appellant to a nearest school but unfortunately, she also failed to arrive on time. Accordingly, a statement of the school staff of GGPS Takht is also attached as annex-3 which is an evidence of her absence in the school.
3. No maternity leave has been sanctioned and granted. The claim is baseless and false.
4. The Appellant cannot claims as a govt employee because she did not take charge on time and, for this reason, civil service rules are not applicable to her.
5. According to terms & conditions No.6 of the appointment order, she had not resumed her duty within 15 days, so her appointment order has automatically been cancelled/withdrawn.
6. As the appellant is not a govt employee so she has no right to appeal in the service tribunal. She must go to High Court for the case.

#### **GROUND.**

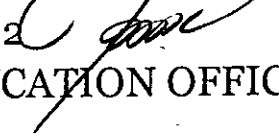
1. The appeal is time bought. Caudal formalities such as explanation, Show cause notices and inquiries are not applicable to her.
2. The claim is false and baseless.
3. The undersigned is not bound to deal with an irrelevant/ non-govt employee on this behalf.
4. Her request for maintenance of the order was illegal.



5. The appellant was already aware of the fact that her service was automatically cancelled.

**Appeal.**

In the view of the above facts, the appellant is not eligible and, therefore, it is humbly requested that the current appeal may please be dismissed.

Respondent No.2   
DISTRICT EDUCATION OFFICER  
BAJAUR

**AFFIDAVIT**

I, do hereby solemnly affirm and declare on oath that the contents of the accompanying Comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

  
DEPONENT

# Annex - 1

شماره

رجسٹر حاضری مدرسین

G.P. 25

شماره

نام	ابوبکر	طابره جی بی	شبینہ جی بی
عہدہ	پروفیسر	مدرس	مدرس

تاریخ	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط
1		P		P		P		P		P		P
2		P		P		P		P		P		P
3		P		P		P		P		P		P
4		P		P		P		P		P		P
5		P		P		P		P		P		P
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7		P		P		P		P		P		P
8		P		P		P		P		P		P
9		P		P		P		P		P		P
10		P		P		P		P		P		P
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31		P		P		P		P		P		P

قسم رخصت	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان
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انتھاقی												
بیماری												
میزان												

دستخط ہیڈ ماسٹر

# Annex - I

## رجسٹر حاضری مدرسین کونسل کوزہ خاؤ

پ. ۵۵

ابتداءً ۲۰۰۷														
نام	امریہ	ظاہر دہلی	شعبہ حیاتی											
عہدہ	پروفیسر	کالرس	P.S.T											
تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط
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قسم رخصت	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان	قسم رخصت
اتفاقیہ										اتفاقیہ
استحقاقی										استحقاقی
بیماری										بیماری
میزان										میزان

دستخط ہیڈ ماسٹر

رجسٹر حاضری مدارس سین

2017

نام	محمد ابو بکر	دولت پور ٹی سی
عہدہ	چوکیدار	کالہ

تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی
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قسم رخصت	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان
اتفاقیت									
استحقاقی									
بیماری									
میزان									

دستخط میزبان  
2017

دستخط میزبان



Annex - 2

رہنما صحتی ندر سین کورنٹری گورنمنٹ ہسپتال سکول نکت

بابت ماہ

ستمبر

۲۰۱۶

نام	عمر	تاریخ	آمد	دستخط	رہائی	دستخط	آمد	دستخط	رہائی	دستخط	آمد	دستخط	رہائی	دستخط	آمد	دستخط	رہائی	دستخط	
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قرضت	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان
انفاقہ									
استحقاق									
بیماری									
میزان									

دستخط ہیڈ ماسٹر

رجسٹر حاضرین مدرسہ گورنمنٹ گرلز ہائر سیکولر کراچی

نام عہدہ	نفاذی بی	غیر نفاذی	توسیع	بابت ماہ
	سر فراز	عامہ		2017

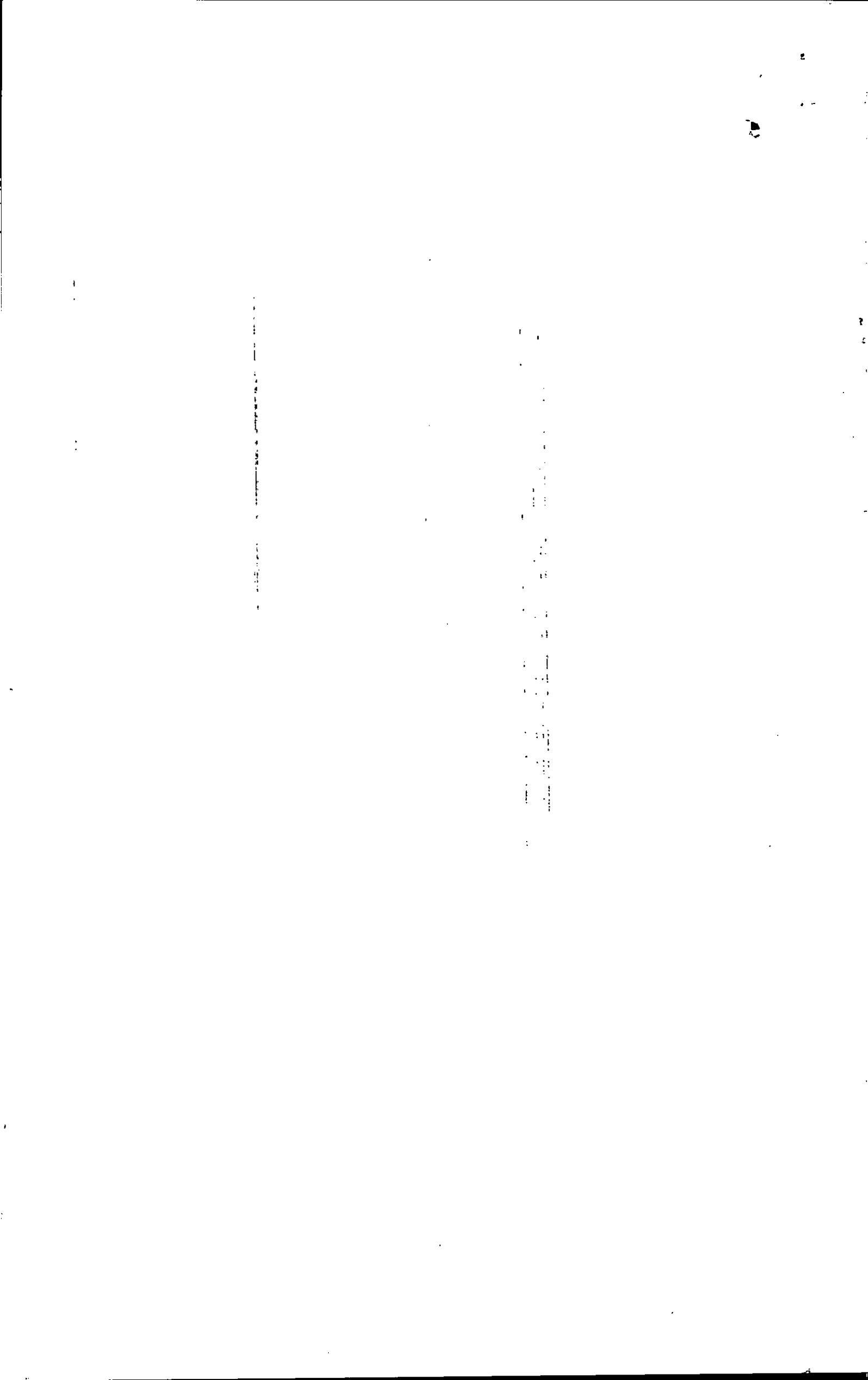
تاریخ	آمد	دستخط	ادائیگی	دستخط	آمد	دستخط	ادائیگی	دستخط	آمد	دستخط	ادائیگی	دستخط	آمد	دستخط	ادائیگی	دستخط	آمد
1	8.00	S.B	12.30	S.B	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00
2	8.00	S.B	12.30	S.B	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00
3	8.00	S.B	11.30	S.B	8.00	A.L	11.30	A.L	8.00	A.L	11.30	A.L	8.00	A.L	11.30	A.L	8.00
4	8.00	S.B	12.30	S.B	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00
5		Sunday		Sunday													
6	8.00	S.B	12.30	S.B	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00
7	8.00	S.B	12.30	S.B	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00
8	8.00	S.B	12.30	S.B	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00
9	8.00	S.B	12.30	S.B	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00
10	8.00	S.B	12.30	S.B	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00
11	8.00	S.B	12.30	S.B	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00
12		Sunday		Sunday													
13	8.00	S.B	12.30	S.B	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00
14	8.00	S.B	12.30	S.B	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00
15	8.00	S.B	12.30	S.B	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00
16	8.00	S.B	12.30	S.B	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00
17	8.00	S.B	12.30	S.B	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00
18	8.00	S.B	12.30	S.B	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00	A.L	12.30	A.L	8.00
19		Sunday		Sunday													
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تاریخ			تاریخ			تاریخ			تاریخ		
مقامی			مقامی			مقامی			مقامی		
امری			امری			امری			امری		
رقم			رقم			رقم			رقم		

HEAD MISTRESS  
G.G.P.S. Jhok

Checked  
By A.E. B  
Amals  
29/11/2017

8:30





Annex-3 اور راجہ

ہیں سہمی قاتح محمد PST ٹورنٹ پر انٹرن  
سکول نیپلی رعاؤ برنڈ اور راجہ ہوں،

کہ شفیح اللہ PST جو NTS کے ذریعے

منجیب ہوا تھا۔ صرف <sup>صنع</sup> 2 دن سے آتا تھا،

اور بعد میں اسکا کھانی شال لائے

دیوٹی (بطور استاد) سرانجام دے

صفحہ ۱

۱) صلح قاتح محمد - 9-0913171-02-1102

23/11/2017



اقرارنامہ خانہ 3333 ایس ٹی بی کے سر

سینہ شہینہ بی بی آئی ڈی اور طارقہ ظاہرہ بی بی اور سہمی ابو بکر چوہدری  
حلقہ اقرار کرتے ہیں کہ اس سکول میں تھالثہ پلاسٹی اسٹانی نے چارج  
لیا ہے۔ اور نہ اب تک دیوٹی سرانجام دینے کے لئے آئی ہے

یہ اقرارنامہ آج بروز جمعرات مورخہ 23/11/2017 قلمبند کیا

گواہ لہذا آفریں جو <sup>بازو</sup> اقرار کرتے ہیں کہ اس  
سکول میں مذکورہ اسٹانی تھالثہ آئی ڈی نے چارج  
لیا ہے اور نہ اب تک آئی ہے

تہا سدر

گورنمنٹ

(شہینہ آئی ڈی) - شناختی کارڈ نمبر 2-6665546-21102

(ظاہرہ بی بی طارقہ) - 8-24023240-5423-21102

حلقہ اقرار

سین Headmistress شاہ بی بی اور PST اُنسانی

مخزالم، کالر صاحبہ اور چوکیدار سرفراز متفقہ طور پر

اقرار کرتے ہیں کہ تا کتہہ PST خود چارج لینے نہیں

آئی گئی اور آج تک (یعنی 20/11/2017) سکول میں آئی ہے

بقول لطیف اودہ Maternity leave 7/1/2017

لینا سب ضرورہ بیان کی تصدیق کرتے ہیں

21102-0892626-4

S. Bibi  
HEAD MISTRESS  
G.G.P.S. Takhi  
Bajaur Agency

شاہ بی بی اور PST سرفراز

Bajaur Agency  
G.G.P.S. Takhi  
HEAD MISTRESS

Ahmad

21102-9015884-8

مخزالم

verified

Headmistress  
G.G.P.S. Takhi  
Bajaur Agency



21102-2917904-7

کالر صاحبہ

(3) چوکیدار سرفراز

اقرارنامہ خلاف 333-3 ایس ٹی کے سرٹیفکٹ

سہ مسدود شہینہ بی بی آئی ڈی اور طاہرہ بی بی اور نسیم ابوبکر چوہدری  
حلفیہ اقرار کرتے ہیں کہ اس سکول میں شائستہ بی ایس ٹی استانی نے چارج  
لے لیے اور نہ اب تک دیوٹی سرانجام دینے کیلئے آئی ہے

یہ اقرارنامہ آج بروز جمعرات مورخہ 11/23/2017 قلمبند کیا

گواہ: لہذا آفریں چوہدری اور کرتے ہیں کہ اس  
سکول میں خدیجہ استانی شائستہ آئی ڈی نے چارج  
لے لیے اور نہ اب تک آئی ہے

تاج سندر

گواہی

نسیم آئی ڈی - شناختی کارڈ نمبر 2-6685546-21102



طاہرہ بی بی کارہ - 8-5423240-21102

- 1 -

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No 491/2018.

Shaista Bibi.....**Appellant.**

**V E R S U S**

DEO & Others.....**Respondents**

**REPLICATION ON BEHALF OF THE APPELLANT.**

**REPLY TO PRELIMINARY OBJECTIONS.**

All the objections raised by the respondents are incorrect and as such denied. The appellant has got a valid cause of action and locus standi to bring the present appeal, which is well within time, the appellant has come to this honorable tribunal with clean hands and the appellant has concealed nothing from this honorable Tribunal. Appellant being aggrieved, is entitled to the relief he has sought.

**REPLY TO FACTS/GROUNDS:**

Comments of the respondents are full of contradictions, rather amounts to admissions and are based on malafide. Respondents have failed to show that the version of the appellant is incorrect. Even respondents have failed to show and substantiate their version referring to any law and rules. In the circumstances the appellant has been deprived of her rights without any omission or commission on her part and she has been deprived of his rights guaranteed by the Constitution and law of the land. Malafide of the respondents is proved from the fact that statements have been brought on record which were even not referred to while passing the impugned order, further the statements are also not appealable to prudence besides the same were never recorded in presence of the appellant. The appellant has not been given opportunity to cross examine the witnesses. The documents produced by the appellant are duly signed by the respondents besides copies forwarded to all concerned. The version of the appellant has not been considered and she never absented herself from duty rather have availed leave sanctioned in her favor. Even the inquiry conducted in the matter is worth perusal which has recommended the appellant for reinstatement with al back benefits. **(Copies enclosed as Annexure A).**

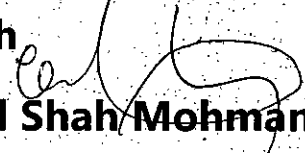
Unilateral action has been taken against the appellant and he has been condemned unheard. The way the alleged inquiry has been conducted is also alien to law and rules. In the circumstances the appellant has not been treated according to law and rules being his

fundamental right. Ex-parte action has been taken against the appellant, as no charge sheet and show cause was communicated to the appellant. The impugned order is void being passed in total disregard of law and rules. The appellant as such entitled to be reinstated in service with all consequential benefits.

**It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for.**

**Dated:- 17-06-2019.**


  
**Appellant**

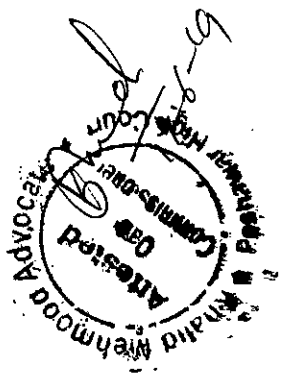
**Through**  
  
**Fazal Shah Mohmand**  
**Advocate Peshawar**

**AFFIDAVIT**

I, Shaista Bibi D/O Nooran Shah Ex Primary School Teacher, (the appellant), do hereby solemnly affirm and declare on oath that the contents of this **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

**Identified by**

  
**Fazal Shah Mohmand**  
**Advocate Peshawar.**



  
**DEPONENT**



OFFICE OF THE PRINCIPAL GCET (MALE)  
AT JAMRUD KHYBER AGENCY  
PHONE NO. 091-5820311

No. 353 Dated Jamrud the 30/01/2018

To The Director of Education FATA,  
FATA Secretariat P.eshawar.

Subject: ENQUIRY REGARDING TO SCRUTINIZE THE APPOINTMENT  
THROUGH NTS IN 2017 IN BAJOUR AGENCY.

Memo: Reference to your letter No. 125-30 dated 04/11/2018, we the undersigned visited Bajour Agency on 15/11/2018 to enquire into the various irregularities/ Mismanagement in the NTS etc.

During our investigation after taking written/ verbal statement of the candidates, we came to the following conclusions / recommendation;

1. Mst: Shaista D/O Nooran Shah PST GGPS Shino Killi Kuz Targhaw Bajour Agency has been appointed against PST post on 25/09/2017 letter No.11901-5 in GGPS Shino Killi Kuz Targhaw by the present AEO. According to register of the School she has attended the School on 25 & 26 September 2017. Then she has gone on Maternity Leave from 26/09/2017 to 11/11/2017 signed by the AAEO with relevant stamp. The AAEO also confessed that she has sanctioned leave to Mst: Shaista after bringing it in the notice of AEO. Outdoor patient chit signed by the Medical Superintendent is also attached, asking for post natal Maternity Leave from 27/12/2017 on 29/9/2017. Corrigendum has been made for partial modification of her appointment order to read it as Mst: Shaista D/O Nooran Shah PST GGPS Takht Barang Bajour instead of GGPS Shino Killi Kuz Targhaw Bajour. After corrigendum she has taken charge at GGPS Takht Barang on 29/09/2017 signed by the incharge Head Mistress and AAEO (F) dated 06/10/2017. Then she has applied to the DE FATA for justice and DE

**ATTESTED**



- 4 -

FATA through his letter No. 19661 dated 13/12/2017 has directed the AEO to facilitate her and give her due right being Maternity Leave a natural process.

Then on 12/11/2017 letter Endst: No. 54-58 the present AEO cancelled/ Withdrawn her appointment order giving reason of not resuming her <sup>charge</sup> with in due time while she was on leave up to 27/12/2017 as signed by the Medical Superintendent Bajour Agency.

Therefore the committee strongly recommended her reinstatement on her post with back benefits.

2. Mr. Ayaz Muhammad S/O Fatih Muhammad Shako Utman Khel Bajour:-  
According to him AEO pointed out three posts of PST in the Tehsil Utman Khel and I was kept on the waiting list. Now a candidate from Khaar Tehsil have been appointed in the Utman Khel Tehsil which is against the policy. Being the permanent resident of Utman Khel he may be considered for appointment according to prevailing policy if he is entitled for the said post.
3. Mst: Haleema Bibi W/O Toor Jan Tehsil Salarzai Bajour Agency:-  
She has provided only application with no other documents with her complaint. The AEO should ask her to bring relevant documents and decide if she is entitled to be selected.
4. Mst: Asia D/O Muhammad Said Tehsil <sup>Khair</sup> Utman ~~zai~~ Bajour Agency:-  
She has been rejected on her present address however her permanent address is of Tehsil <sup>Khair</sup> Utman ~~zai~~. May be considered for appointment if she has legal right according to policy.
5. Mst: Hafsa D/O Abdul Jabbar Khan:-  
She may be considered positively for adjustment.
6. Mr. Tariq Ahmad S/O Sultan Muhammad PST:-  
There is change in the CNIC and case is in the court.
7. Mr. Shahid Mohammad S/O Mehmood Jan:-  
AEO should look into the matter and consider if in the light of other case like Ismail etc.
8. Mr. Sohail Ahmad S/O Gul Zarin Tang Khata Tehsil Khaar:-  
He was on No.09 in the merit list for PET: Eight posts were vacant and filled by AEO. However one candidate Abdur Rashid was terminated due to bogus documents. Now he claims to be appointed. So the case should be sent to the Directorate for approval for the said post.

ATTESTED

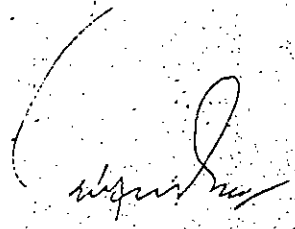
9. Mr. Muhammad Ismail Tehsil Salarzai Bajour Agency:-

The record of NADRA, Certificate of Political Administration, and Maliks of the Salarzaai and also directed by the honourable DE FATA, may be considered for appointment.

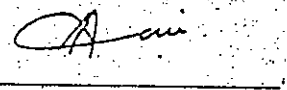
10. Attitude of the sitting AEO towards the enquiry committee unquotable, unprofessional and non-cooperative. He should <sup>was</sup> rage in the instant enquiry which reveals his reservation over the office concealment. So it is her by strong recommended that the incumbent AEO Bajour is not fit for the Agency Management post so may be removed from the AEO ship in the best interest of public service.

Enquiry Committee

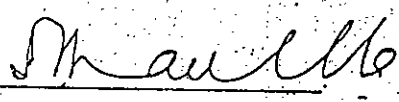
1. Muhammad Ashraf  
Vice Principal  
GCET (M) Jamrud  
Khyber Agency.

Signature 

2. Shah Jehan  
Principal  
GHSS No.1 Jamrud  
Khyber Agency.

Signature 

3. Aslam Khan  
Principal  
GHS Navi Killi  
Mohmand Agency.

Signature 

Copy forwarded for information to the:-

- 1. Additional Chief Secretary FATA Secretariat Peshawar.
- 2. Secretary Social Sector FATA Secretariat Peshawar.

Chairman Enquiry Committee

**ATTESTED**



FATA SECRETARIAT  
DIRECTORATE OF EDUCATION  
WARSAP, ROAD, PESHAWAR, PAKISTAN  
PHONE: 9213166 FAX: 091-9210216

No. 19661

Date Fesh: the / 13 / 12 / 2017.

E-6/PC/Misc-2.

To

The Agency Education Officer,  
Bajaur Agency.

Subject; APPLICATION FOR RETAINING

Memc;

I am directed to refer to the subject noted above to enclose herewith a self-explanatory application in respect of Mst. Shaista PST (newly recruited) PST, Govt. Girls Primary School Barang, Bajour Agency with the remarks that being a natural process, she may not be disbursed/dislocated and facilitate the said PST appointed on regular basis and is entitle for the same benefits, as other civil servants..

*[Signature]*  
Deputy Director (Estab)  
Directorate of Education (FATA)

Endst.No. \_\_\_\_\_ /

Dated \_\_\_\_\_ 2017.

Copy to:-

PA to Director Education FATA

Deputy Director (Estab)  
Directorate of Education (FATA)

**ATTESTED**

7

**OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY  
AT KHAR**

NO 671-74

DATED 21/1/2017

**ATTENDANCE CERTIFICATE**

Certified that the following Enquiry officers attended office of the undersigned regarding conduction of enquiry in the process of recruitments / appointments etc in Bajaur Agency under NTS vide Directorate of Education FATA Officer Endst No: 125-30, dated 4/1/2018 positively.

1. Mr. Ashraf Khan V.P. GECT (M) Jamrud.
2. Mr. Shah Jehan Principal GHS No: 1 Jamrud.
3. Mr. Muhammad Aslam Khan Principal GHS Navi Killi Mohmand Agency.
4. Naseem supdt: Directorate of Education FATA.

*Ambi*  
**Agency Education Officer  
Bajaur Agency**

**ATTESTED**

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Appeal no: 491 / 2018

Mst. Shaista

VERSUS

DEO & others

APPLICATION FOR THE ADJOURNMENT ON THE  
BEHALF OF Appellant.

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Respectfully Sheweth;

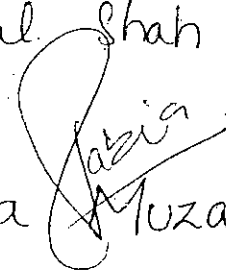
- ①. That the above titled service appeal is pending adjudication in this Hon'able tribunal and is fixed for today, i.e. 30<sup>th</sup> 10-2018.
- ②. That the counsel for the appellant is busy before August Peshawar High Court, Peshawar in some other cases.

It is therefore, humbly prayed that on acceptance of this application, the case may very kindly be adjourned.  
Appellant,

Through,

Fazal Shah Mohmand A.S.C

Through,

Rabia  Muzaffar Advocate.

Dated: 30<sup>th</sup> 10-2018

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 279 /ST

Dated 28 / 1 / 2020


To

The Director E&SE,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: - JUDGMENT IN APPEAL NO. 491/2018, MST. SHAISTA BIBI.

I am directed to forward herewith a certified copy of Judgement dated 01.01.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.