

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 1448/2018

Date of Institution ... 03.12.2018

Date of Decision ... 01.06.2021

Mst. Saira Bibi, Certified Teacher (BPS-15)
GGMS Musa Khan Loyal Shalman, Tehsil Kandikotal,
Khyber Tribal District.

... (Appellant)

VERSUS

The Additional Chief Secretary (Merged Area), Warsak Raod,
Peshawar and four other.

... (Respondents)

Mr. MUHAMMAD MAAZ MADNI,
Advocate

--- For appellant.

MR. MUHAMMAD RASHEED,
Deputy District Attorney

--- For respondents.

MR. SALAH-UD-DIN ---
MR. ATIQ-UR-REHMAN WAZIR ---

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGEMENT:

SALAH-UD-DIN, MEMBER:- The appellant has preferred the instant Service Appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned corrigendum dated 09.07.2018, whereby it was ordered that the order issued vide Endst No. 12942-46 dated 27.06.2018 issued by Agency Education Office Khyber Agency at Jamrud may be read and considered with the addition that the period with effect from 08.05.2013 to 26.06.2018 stands converted into extra-ordinary leave without pay, which was challenged



through filing of departmental appeal but the same was not responded to within the statutory period of ninety days.

2. Precise facts forming the background of the instant appeal are that the appellant was initially posted against the vacant post of PTC vide appointment order dated 23.04.2007 and later on she was posted as CT against the vacant post vide appointment order dated 07.05.2013 issued by the Agency Education Office Khyber Agency at Jamrud, however her salary was stopped with effect from 12.08.2014, which was challenged through Service Appeal bearing No. 230/2015. The said appeal was decided vide order dated 09.01.2018 by remitting the Service Appeal to the departmental Appellate Authority with the directions to decide the departmental appeal of the appellant within a period of ninety days, where-after the appellant shall have her legal right to seek the redressal in accordance with law. The pay of the appellant was stopped on the pretext that her domicile was bogus, however after due inquiry the domicile of the appellant was found genuine, therefore, vide order dated 27.06.2018 issued by Agency Education Officer Khyber Agency, the pay of the appellant was ordered to be released with immediate effect but vide corrigendum dated 09.07.2018 of the same office, it was ordered that the order dated 27.06.2018 may be read and considered with the addition that the period with effect from 08.05.2013 to 26.06.2018 (1888 days) stands converted into *extra-ordinary leave without pay*. The appellant preferred departmental appeal against the corrigendum order dated 09.07.2018, however the same was not responded within the stipulated period, hence the instant appeal.

3. Arguments heard and record perused.

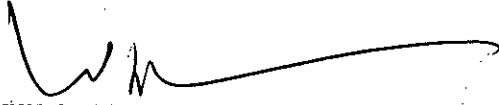
4. The appellant was initially inducted as PTC in BPS-07 vide appointment order dated 23.04.2007 issued by Agency Education Office Khyber Agency at Jamrud. She then applied for the post of CT and upon the approval of the Departmental Selection Committee, she was posted as CT in BPS-09 against the vacant post vide order dated 07.05.2013 issued by Agency Education Office Khyber Agency at Jamrud, however

her pay was stopped on the ground that the domicile of the appellant was not verified as genuine by the concerned Authority.

5. It is evident from the record that due inquiry regarding the genuineness or otherwise of domicile of the appellant was conducted by the concerned Authority, upon the letter issued by the Agency Education Officer Khyber to the Political Agent Khyber. Letter No. 361/PT-LKL dated 21.05.2018 of the Political Tehsildar Landikotal addressed to the Assistant Political Agent, Landikotal is available on the record, which would show that the domicile certificate of the appellant has been found genuine according to the record maintained by the office. Similarly, letter No. 2336/EC(Veri) dated 28.05.2018, addressed by the Political Agent Khyber to the Agency Education Officer, Khyber Agency Jamrud, also supports the stance of the appellant that her domicile is genuine. In view of material available on the record, there is no denial of the fact that the domicile of the appellant is genuine. Keeping in view the facts and circumstances of the case, the respondents were not justified in converting the service period of the appellant with effect from 08.05.2013 to 26.06.2018 in to *extraordinary leave without pay*. The contention of the learned Deputy District Attorney that the appellant has not performed any duty during the period with effect from 08.05.2013 to 26.06.2018 is also not tenable for the reason that nothing in black and white is available on the record, which could show that the appellant was stopped from performing the duty. During the course of arguments, learned counsel for the appellant produced copies of attendance register pertaining to attendance of teachers of Government Girls Middle School Musa Khan Killi Loya Shalman. According to the copies so provided, the appellant remained on duty from the month of April 2017 till the month of December 2017.

6. In light of the above discussion, the appeal in hand is allowed by setting-aside the corrigendum order dated 09.07.2018 and it is directed that the appellant shall be considered to be on duty during the period with effect from 08.05.2013 to 26.06.2018 (1888 days). The appellant

is held entitled to receive her arrears of salary and allowances with effect from 12.08.2014 to 26.06.2018 in accordance with relevant law/rules. Parties are left to bear their own costs. File be consigned to the record room.



**(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)**




**(SALAH-UD-DIN)
MEMBER (JUDICIAL)**


**ANNOUNCED
01.06.2021**

ORDER
01.06.2021

Mr. Muhammad Maaz Madni, Advocate, for the appellant present. Mr. Hidayatullah, ASDEO alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting-aside the corrigendum order dated 09.07.2018 and it is directed that the appellant shall be considered to be on duty during the period with effect from 08.05.2013 to 26.06.2018 (1888 days). The appellant is held entitled to receive her arrears of salary and allowances with effect from 12.08.2014 to 26.06.2018 in accordance with relevant law/rules. Parties are left to bear their own costs. File be consigned to the record room.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

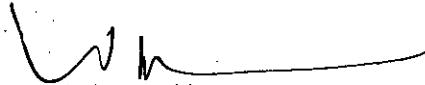

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

ANNOUNCED
01.06.2021

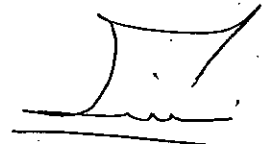
31.05.2021

Mr. Muhammad Maaz Madni, Advocate, for the appellant present. Mr. Hidayatullah, ASDEO alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

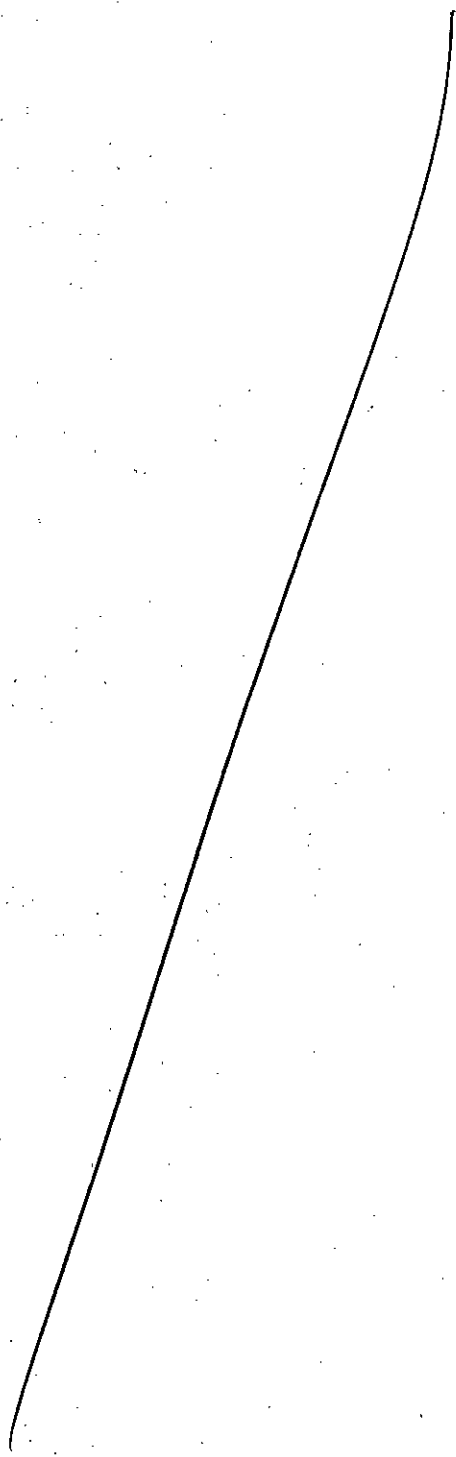
Arguments heard. To come up for order before the D.B on 01.06.2021.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



16.11.2020

Husband of appellant on behalf of appellant present.

Zara Tajwar learned Deputy District Attorney alongwith
Munawar Khan ADEO for respondents present.

Former made a request for adjournment. Adjourned. To
come up for arguments on 04.12.2020 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

04.12.2020

Due to COVID-19 the case is adjourned for the same on
02.03.2021 before D.B.


READER


02.03.2021

Due to COVID-19, the case is adjourned for the
same on 31.05.2021 before D.B


READER

6.5 .2020

Due to COVID19, the case is adjourned to
16/7 /2020 for the same as before.


Reader

16.07.2020

Due to COVID-19, the case is adjourned to 14.09.2020
for the same.



Reader


14.09.2020

Junior counsel for appellant present.

Mr. Muhammad Jan learned Deputy District Attorney
alongwith Munawar Khan SST for respondents present.

Former requests for adjournment as senior counsel is
busy in Abbottabad; adjourned. To come up for rejoinder
and arguments on 16.11.2020 before D.B.


(Attiq ur Rehman)
Member (E)


(Rozina Rehman)
Member (J)

16.01.2020


Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Adjourned to 05.03.2020 for rejoinder and arguments before D.B.

(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

05.03.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for rejoinder and arguments on 06.05.2020 before D.B.


(Mian Mohammad)
Member


(M. Amin Khan Kundi)
Member

27.08.2019

Counsel for the appellant and Addl. AG alongwith Fawad Afzal, Senior Clerk for the respondents.

Respondents states that preparation of written reply is underway and is likely to be completed within a few days. Last opportunity is granted to the respondents for submission of their respective written reply/comments on 25.09.2019 before S.B.


Chairman

25.09.2019

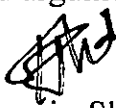
Junior to counsel for the appellant and Addl. AG alongwith Fawad Afzal, Senior Clerk for respondents No. 2 & 3 present. Nem on behalf of respondents No. 1, 4 and 5.


Respondents No. 1, 4 and 5 have not furnished the requisite reply/comments despite last opportunity. The appeal is posted to D.B for arguments on 20.11.2019. The appellant may submit rejoinder, within a fortnight, if so advised.

Chairman 

20.11.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 16.01.2020 for rejoinder and arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member


1448/18

09.04.2019 Counsel for the appellant and Mr. Wahidullah, ADO on behalf of respondents No. 3 & 4 alongwith Addl. AG for the respondents present.

Representative of respondents No. 3 & 4 has submitted comments on behalf of the said respondents which are placed on record. To come up for reply by remaining respondents on 14.05.2019 before S.B.


Chairman

14.05.2019 Junior to counsel for the appellant present. Written reply on behalf of respondents No.1 to 3 still awaited. Hayat AD representative of respondent No.2 and Daud Jan representative of respondent No.3 absent. Notice be issued to respondents as well as absent representatives with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 01.07.2019 before S.B.


Member

01.07.2019 Appellant with counsel present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondent present. Written reply not submitted. None present on behalf of the respondent department, therefore notice be issued to the respondent department to attend the court and submitted written reply/comments. Adjourned. To come up for written reply/comments on 27.08.2019 before S.B.


Member

07.1.2019

Counsel for the appellant present.

States that the salary of the appellant was stopped firstly through order dated 12.08.2014 where-against Service Appeal No. 230/215 was preferred before this Tribunal. The said appeal was decided on 09.01.2018 and the matter was remitted to the departmental appellate authority to decide departmental appeal of the appellant within a period of ninety days, through passing a speaking order. On the contrary, the corrigendum dated 09.07.2018 was issued by respondent No. 4 wherein the period of service of appellant from 08.05.2013 to 26.6.2018 (1888 days) was converted into extra-ordinary leave without pay. No reason for the decision was given in the impugned order. The departmental appeal of appellant submitted on 08.08.2018 also remained un-responded.

In view of the above, the instant appeal is admitted for regular hearing. The 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 21.02.2019 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

21.02.2019

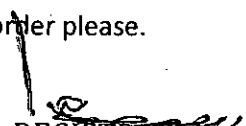

Learned counsel for the appellant present. Written reply not submitted. No one present on behalf of respondent department. Notice be issued to the respondent department with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 09.04.2019 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1448/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/12/2018	<p>The appeal of Mst. Saira Bibi presented today by Mr. Muhammad Maaz Madni Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	07/12/2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/01/2019</u>.</p> <p> CHAIRMAN</p> <p>127/2018 657/</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No. 1448 /2018

SAIRA BIBI

VS

ACS (MERGED AREA)
& OTHERS

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APPELLANT

THROUGH:

MUHAMMAD MAAZ MADNI

Advocate

0333-9313113, 0314-9965666

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No. 1448 /2018

Khyber Pakhtunkhwa
Service Tribunal

MST: SAIRA BIBI, Certified Teacher (BPS-15),
GGMS Musa Khan Loya Shalman, Tehsil Landikotal,
Khyber Tribal District.

Diary No. 1718

Dated 03/12/2018

PETITIONER

VERSUS

- 1- THE ADDITIONAL CHIEF SECRETARY (Merged Area),
Warsak Road, Peshawar.
- 2- THE DIRECTOR (E&SE), Khyber Pakhtunkhwa,
GT Road, Firdous, Peshawar.
- ✓3- THE DIRECTOR OF EDUCATION (Merged Area),
Warsak Road, Peshawar.
- ✓4- THE DISTRICT EDUCATION OFFICER,
Khyber Tribal District at Jamrud.
- 5- THE DISTRICT ACCOUNTS OFFICER,
Khyber Tribal District at Jamrud.

RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
CORRIGENDUM DATED 09-07-2018 WHEREBY THE PERIOD
W.E.F 08-05-2013 TO 26-06-2018 IS CONVERTED INTO
EXTRAORDINARY LEAVE WITHOUT PAY AND AGAINST NOT
TAKING ACTION ON THE DEPARTMENTAL APPEAL DATED
08-08-2018 OF THE APPELLANT WITHIN THE STATUTORY
PERIOD OF NINETY DAYS**

PRAYER:

That on acceptance of this appeal the impugned Corrigendum dated 09-07-2018 may kindly be set aside and the respondent may be directed to release the salary of the appellant w.e.f. 12-08-2014 to 26-06-2018 with all consequential back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

RESPECTFULLY SHEWETH:

FACTS:

Brief facts giving raise to the instant appeal are as under:

Filed to-day

Registrar

3/12/18

- 1- That, appellant is the bonafide resident of village Pero Khel Post Office Landikotal Khyber Tribal District and was initially appointed as PST (BPS-07) by the respondent no. 4 vide appointment order dated 23-04-2007. Copy of the order is attached as **ANNEXURE** **A.**
- 2- That appellant applied for the post of CT (BPS-09) now (BPS-15) and after fulfilling all the codal formalities the appellant was appointed as CT (BPS-09) now (BPS-15) by the Departmental Selection Committee vide order dated 07-05-2013. Copy of the order is attached as **ANNEXURE** **B.**
- 3- That appellant while performing her duties at the assigned station, salary of the appellant was stopped w.e.f. 12-08-2014 vide notification dated 12-08-2014 against which the appellant filed Service Appeal no. 230/2015 before this Honourable Tribunal which was remitted to the appellate authority by treating the appeal of the appellant as Departmental Appeal vide judgment dated 09-01-2018. Copy of the judgment dated 09-01-2018 as **ANNEXURE** **C.**
- 4- That, appellant after receiving the attested copy of judgment dated 09-01-2018 files the same along with application dated 17-01-2018 before respondent no. 3 for implementation. Copy of the application is attached as **ANNEXURE** **D.**
- 5- That respondent start verification of domicile of the appellant as the salary of the appellant was stopped on the pretext of being bogus domicile holder of Khyber Tribal District and after proper investigation by the Political Administration, domicile of the appellant was found genuine vide letter dated 21-05-2018. Copy of the correspondence is attached as **ANNEXURE** **E.**
- 6- That, after verification of domicile the appellant file application 30-05-2018 before respondent no. 3 for release of her salary stopped w.e.f 12-08-2013 with arrears and in response appellant was issued with order dated 27-06-2018 whereupon salary of the appellant was released with immediate effect subject to the condition of arrival report/physical verification and accordingly the appellant submitted arrival report dated 28-06-2018 by complying the order dated 27-06-2018. Copy of the application, order dated 27-06-2018 and arrival report is attached as **ANNEXURE** **F, G & H.**
- 7- That, all of sudden just after 10 days the respondent issued the impugned corrigendum dated 09-07-2018 whereby period w.e.f. 08-05-2013 to 26-06-2018 has been converted into extraordinary leave without pay without any plausible reason after verification of domicile and hence the salary of the appellant was started. Copy of the corrigendum & Salary Slip is attached as **ANNEXURE** **I & J.**

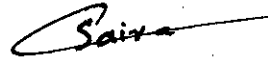
- 8- That, appellant feeling aggrieved from the impugned corrigendum dated 09-07-2018 filed Departmental Appeal dated 08-08-2018 which was forwarded to respondent no. 4 vide letter dated 04-09-2018 for report/comment but no response has so far been received from respondents. Copy of the Departmental Appeal & letter is attached as **ANNEXURE** **K & L**.
- 9- That appellant feeling highly aggrieved and having no other remedy filed the instant appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned corrigendum dated 09-07-2018 passed by respondent no. 4 is against the Law, Rule, Facts and material available on record hence not tenable in the eye of Law and is liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the appellant has been deprived of from her due right of the non-payment of salary w.e.f. 12-08-2014 to 26-06-2018 and the appellant has been punished for the fault of others.
- D- That the respondents acted in arbitrary and malafide manner while not releasing the salary of the appellant w.e.f. 12-08-2013 till 26-06-2018 and converting the period into extraordinary leave without pay.
- E- That the act and action of the respondents is discriminatory, therefore not tenable and liable to be set aside.
- F- That, appellant has been paid for considerable period after appointment as CT but all of a sudden the salary was illegally and without assigning any plausible reason has been stopped w.e.f 12-08-2014.
- G- That under Article 38(e) of the Constitution of Pakistan 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various services of Pakistan.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that appeal of the appellant may be accepted as pray for.

APPELLANT



SAIRA BIBI

Through:



MUHAMMAD MAAZ MADNI

Advocate,

High Court, Peshawar

5

Annexure - A

OFFICE OF THE AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD

APPOINTMENT ORDER.

Consequent upon the approval of the Departmental Selection

Committee the following Male Local Candidates of Landi Kotal Tehsil Khyber Agency are here by appointed purely on temporary & Contract basis against Vacant PTC Posts in BPS No. 07.

@ Rs. 2555-140-6755 P/M plus usual allowances as admissible under the rules w.e.f the date of their taking over charge in the interest of public service.

S.No	Name with Father,s Name	Appointed at	Remarks
01	Saira D/O Fateh Muhammad (Un trained)	GGPS Lous Khan Killi Landi Kotal	Against Vacant PTC Post
02	Kiran D/O Balam Masih (Trained)	GGPS Gulab Noor Killi Landi Kotal	Against Vacant PTC Post

Note: -

1. Charge report should be submitted to all concerned.
2. The appointment of the candidates being purely on temporary/ Contract basis & is liable to terminate at any time without any notice
3. If the candidate wishes to resign their post they shall give one-month prior notice or their pay for one-month will be forfeited in lieu thereof.
4. They should produce their original qualification certificates/ Domicile certificate before taking over charge and attested copies there of be kept on record of the school/ Office after proper verification from the quarters concerned.
5. They should produce their Health and Age certificate from the Agency surgeon concerned.
6. They may not be handed over charge if they is below 18 years or above 33 years.
7. If they fails to report their arrival within 15 days of the issue of this appointment order then it will be treated as cancelled.
8. No Salary may be draw before the verifications of all the testimonials from the quarters concerned.

(MR, MOHAMMAD YOUSAF)
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Endst: No 2604-10 /PTC (Female) Apptt:

Dated 23/4 /2007

Copy forwarded to the:-

1. Director of Education FATA (NWFP) Peshawar
2. Agency Accounts Officer Khyber at Jamrud
3. Agency Surgeon Khyber Agency at Landi Kotal.
- 4-5 AAEO /Pay clerk concerned
- 6-7 Officials concerned

Annexure
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

23/4/2007

ATTESTED

6

Annexure - B



AGENCY EDUCATION OFFICE
KHYBER AGENCY AT JAMRUD
PHONE. 091-5820584

APPOINTMENT ORDER

Consequent upon the approval of the Departmental Selection Committee the following Female local trained candidates of Khyber Agency are hereby appointed purely on contract basis against vacant/ newly created CT posts in BPS No. 09 @ Rs.(6200-380-17600) P/M plus usual allowances under the scale. The date of taking over charge in the school noted against their names in the interest of public services.

S.#	Name	Father's Name	Place of posting	Remarks	
				25%	75%
1	Rahila Bibi	Fazel Karim	GGHS Jamrud	Jam	
2	Farida Hussain	Shah Hussain	GGHS Kalanga	Bara	
3	Nazia	Jehan Zeb	GGMS Azam Din killi	Do	
4	Arjumand Shaheen	Shireen Zada	do		Bara
5	Musarat Shaheen	Naimatullah	GGHS Mawaz killi		Do
6	Saieda Hussain	Shah Hussain	GGHS Haji Ghazi Gul		Do
7	Robina Azam	Sadr-e-Azam	GGMS Susvaki Navai Qamar		Do
8	Gul Naz	Mujahid Shah	GGHS Jamrud		Jam
9	Amna Khan	Jamil Khan	GGMS Waris Khan		Do
10	Rubab Shah	Talib Jan	GGMS Yar Afzal		Do
11	Saira	Fateh Muhammad	GGMS Musa Khan		Lkl
12	Shagufta Bibi	Khumar Shah	GGMS Shah Wali killi		Do

Note

- Charge report should be submitted to the concerned authority.
- The Appointment of the candidates is made purely on contract basis and is liable to terminate at any time without any notice.
- If a candidate wishes to resign his post he will give one month prior notice or his pay for one month will be forfeited in lieu thereof.
- They should produce their original certificates, Domicile before taking over charge and attested copies thereof be kept on record of the school/ office after proper verification from the Board/ University concerned.
- They should produce their Health and Age certificate from the Agency Surgeon concerned.
- They may not be handed over charge if they are below 18 years or above 35 years.
- If they fail to report their arrival within 15 days of the issue of this appointment order, the appointment will be treated as cancelled.
- If any legal technical flaw is pointed out the appointment will stand as cancelled.
- The appointment will not be entitled for pension/commutation and G.P.Fund emoluments as per Govt. contract policy.
- No salary may be drawn before the verifications of all the testimonials from the quarter concerned.

(JADOON KHAN WAZIR)
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Endst: No. 2912-36/Recruitment File. Dated Jamrud the 7/5/2013
Copy of the above is forwarded to the:-

- Director Education (FATA) at Peshawar.
- Political Agent Khyber Agency at Peshawar.
- Agency Accounts Officer Khyber Agency at Jamrud
- Agency Surgeon Khyber Agency at Landi Kotal.
- Principal GHS _____
- Headmaster GHS _____
- AAEO concerned local office.
- Officials concerned.

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

ATTACHED

(7)

Annexure - C

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



APPEAL NO. 230 /2015

A.W.F. Provincial
Service Tribunal
Diary No. 215
Dated 11-03-2015

Mst: Saira Bibi, Certified Teacher (BPS-15),
GGMS Musa Khan Loya Shalman,
Tehsil Landikotal Khyber Agency APPELLANT

VERSUS

- 1- The Additional Chief Secretary FATA, FATA Secretariat Warsak Road Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Education FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 3- The Agency Education Officer, Khyber Agency at Jamrud.
- 4- The Political Agent, Khyber Agency at Khyber House, Peshawar.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 12-08-2014 WHEREBY THE SALARY OF THE APPELLANT WAS STOPPED/ WITH HELD WITH EFFECT FROM 12-08-2014 TILL DATE WITHOUT ANY JUSTIFICATION AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 28-08-2014 may very kindly be set aside and the respondents may be directed to release the monthly salary of the appellant w.e.f. 12.8.2014 till date. Any remedy which this august Court deems fit may also be awarded in favor of appellant.

Handwritten signature
Filed to-day
Registrar
11/3/2015

R/SHEWETH:
ON FACTS:

ATTESTED
Handwritten signature
EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

That appellant is the bonafide resident of Village Pero Khel Post Office Landikotal Khyber Agency and belongs to a respectable family. Copy of the Domicile certificate is attached as annexure A.

That appellant having the requisite qualification for the post of Primary Teaching Certificate PTC (BPS-07) was appointed by the respondent No.3 on the post of Primary teacher (BPS-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL



Service Appeal No. 230/2015

Date of Institution... 11.03.2015

Date of decision... 09.01.2018

Mst. Saira Bibi, Certified Teacher (BPS-15) GGMS Musa Khan, Loya Shalman, Tehsil Landi Kotal, Khyber Agency. (Appellant)

Versus

1. The Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa, Peshawar and two others. (Respondents)

Mr. Muhammad Mahaz Madni, Advocate. For appellant.

Mr. Muhammad Jan, Deputy District Attorney. For respondents.

MR. NIAZ MUHAMMAD KHAN, MR. GUL ZEB KHAN, CHAIRMAN MEMBER

JUDGMENT

Arguments of the learned NIAZ MUHAMMAD KHAN, CHAIRMAN: counsel for the parties heard and record perused.

FACTS

2. The appellant was appointed as C.T Teacher on 07.05.2013. Her pay was stopped vide order dated 12.08.2014 against which allegedly the appellant filed departmental appeal on 10.09.2014 which was not responded to and thereafter she filed the present service appeal on 11.3.2015.

TESTED

ATTESTED

EXAMINER Khyber Pakhtunkhwa Service Tribunal, Peshawar

ARGUMENTS

The learned counsel for the appellant argued that the pay of the appellant was stopped illegally. That the department had alleged that the appellant produced a fake domicile certificate of Khyber Agency but no enquiry was conducted. That the appellant had not been terminated so far by the department. That the appellant was the bona-fide resident of Landi Kotal and not District Charsadda.

4. On the other hand, the learned Deputy District Attorney argued that the present appeal was not maintainable as there was no departmental appeal and the department disowned the alleged departmental appeal. That the appellant was given notice for appearance in order to prove her domicile certificate but she did not appear. That the pay of the appellant was rightly stopped. That the appellant according to certificate annexed by her belonged to District Charsadda and not Khyber Agency.

CONCLUSION

5. Regardless of the factual controversy of the domicile of the appellant it was incumbent upon the department to have had terminated the services of the appellant in case her appointment was illegal but nothing of the sort has been done by the department and only pay of the appellant was stopped. According to appellant she filed departmental appeal which was not decided by the department.

6. In view of the above, this Tribunal decides that the present appeal be remitted to the departmental appellate authority and the departmental appellate authority is directed to decide the departmental appeal of the appellant within a period of ninety days from the date of receipt of this judgment, through passing a speaking order. Thereafter, the appellant shall have her legal right to seek the redressal in accordance with the law. Parties are left to bear their own costs. File be consigned to the record room.

ATTESTED

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Sd
Niaz Muhammad (Chairman)
Sd
Gul Zeb (Member)

Date of Presentation of Application 16-01-18
Number of Words 1200
Copying Fee 8/-
Urgent 2/-
Total 10/-
Name of Officer
Date of Delivery of Copy 16-01-18
Date of Delivery of Copy 16-01-18

Annexure - D

To

The Director Education FATA,
FATA Secretariat, Peshawar.

Subject: Application for Implementation of Court Order.

Sir,

Most respectfully, it is stated that I am working as CT Teacher in Khyber Agency under your kind control. My salary was stopped on the pretext that my domicile is bogus. Against which I filed service appeal which was disposed off with the direction to decide the Departmental Appeal of the appellant (me).

It is therefore requested to decide my Department Appeal and release my salaries stopped since 2014, I shall be very thankful to you for this kindness.

Yours Obediently,

Signature
Mst. Saira Bibi
CT,
Khyber Agency.

Signature 17/01/2018

Received

Today

17/1/2018

0346949494

03358282127

RECEIVED

11

Annexure - E

No. 361

/PT-LKL

Dated Landikotal the

14/03/2018

From

The Political Tehsildar,
Landikotal

To:

The Assistant Political Agent,
Landikotal.

SUBJECT

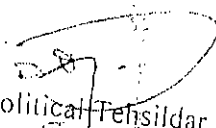
VERIFICATION OF DOMICILE CERTIFICATE I/O MST: SAIRA
BIBI.

Memorandum.

Kindly refer to the attached copy of letter endst: No. 3298-99. Received in this office through Fax.

Record of this office, as well as verification in connection with Domicile Certificate in respect of Mst: Saira bib has been checked made, which reveals that Domicile Certificate is genuine.

Submitted for further necessary action, please.


Political Tehsildar,
Landikotal.
14/03/18

ATTESTED

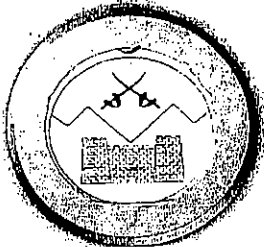


Slava



14/3

12



OFFICE OF THE
ASSISTANT POLITICAL AGENT
LANDIKOTAL

☎ 0924-210947 ☎ 0924-211687

No. 1928 APA-LKL Dated 16/3 /2018

To,

Political Agent Khyber.

Subject: VERIFICATION OF DOMICILE CERTIFICATE I/O MST:SAIRA BIBI.
Memo,

Kindly refer to your office letter No, 3298-99/- on the subject noted above. In this connection a copy of letter No, 361/PT- LKL Dated 14/03/2018 received from Political Tehsildar Landikotal is enclosed for further necessary action, please

[Signature]
Assistant Political Agent
Landikotal

No. /APA-EKL.

Copy forwarded to the Political Tehsildar, Landikotal with reference to his letter No. 361/PT-LKL dated 14.03.2018, for information.

Assistant Political Agent
Landikotal

ATTESTED

[Signature]

No. 677 /PT-LKL Dated Landikotal the
From The Political Tehsildar,
Landikotal.
To: The Additional Political Agent,
Khyber.

21/05/2018

SUBJECT BOGUS DOMICILE FOR APPOINTMENT AGAINST TEHSIL WISE CT POST.

Memorandum.

Kindly refer to the letter No.6488 dated 12.8.2014 of Agency Education Officer, Khyber and No. 7373-74 / APA-LKL, dated 23.12.2014.

Solid inquiry has been made. The record of Domicile Certificate in respect of Mst: Saira bibi in the offices was also checked. Besides, 2 concerned elders, who earlier verified the Domicile Certificate were also summoned to Tehsil, while 2 of whom had died some years back:-

- 1) Haji H. Tahir Khan Khuga Khel Shinwari
- 2) Haji Mian Noor Piro Khel Shinwari.

The above elders once again recorded their statement that the Domicile Certificate is genuine and that Mst: Saira-bibi d/o Fateh Muhammad belongs from Piro Khel section of Shinwari tribe of Tehsil Landikotal. They disclosed that on 15.12.2014, they had given a statement that their signatures are bogus, as they examined a photo copy of the Domicile Certificate at that time and not original one. Adding that after production of the original Domicile Certificate they are confident that their signatures are genuine and not bogus.

Therefore, her case may be processed accordingly, please.

No. 678
please.

/ PT-LKL,
Copy forwarded to the Assistant Political Agent, LKL for information,

Political Tehsildar,
Landikotal.

21/05/18

Political Tehsildar,
Landikotal.

ATTESTED



تعمیر سفید بستان

تعمیر مابت ڈومیسائل سماج سائبرہ بی بی دفتر فتح محمد
 پیرو میل منجھ توکی شہزادی لندیکوٹل کے تعلق ایک بار
 صحیح معلومات حاصل کی اور علاقہ کے لوگوں سے بھی دریافت کیا تو
 تحقیقات کرنے سے معلوم ہوا کہ سماج مذکورہ واقعی لندیکوٹل چیمبر ایڈس
 سے تعلق رکھتی ہے اور ہم نے اس کے ڈومیسائل کی اصل کاپی
 ملا لیا جس میں ہمارے دستخط اصلی ہیں اس سے پہلے
 ہم نے جو بیان دیا تھا کہ گویا اس ڈومیسائل میں ہمارے دستخط
 جعلی ہیں وہ چونکہ نوٹوسٹٹ کاپی تھی اس لئے ہم غلط تھی
 کے شکر ہوئے لیکن اب دوبارہ اس بات کا اعادہ کرتے
 ہیں کہ ہمارے دستخط واقعی اصل ہیں یہ بھی وضاحت کرنا
 چاہتے ہیں کہ ہم ذیل رجسٹران کے علاوہ باقی رجسٹران
 سیمان جانی یعقوب خان اور حسین بہان انعام شہزادی کے سرکردہ
 سفید بستان تھے جو کچھ ہم قبل دونوں وفات پا چکے ہیں
 سیر مذکورہ ڈومیسائل کا ریکارڈ دفتر میں بھی درج ہے

ملک گل امر خان شہزادی

سفید بستان نور پور ضلع شہزادی

Handwritten signature
 121203014050
ATTENDED

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 21203-3441638-9

Attended
 Handwritten signature

P. T. A. K. L.
 Political Tehsildar
 Landikotal 25104118

No. 2336 /EC (Veri) dated Peshawar the 28/05/2018.

From: The Political Agent, Khyber

To: The Agency Education Office, Khyber Agency At Jamrud.

Subject: DOMICILE VERIFICATION (BEING A COURT CASE)/

BOGUS DOMICILES FOR APPOINTMENT AGAINST TEHSIL

WISE CT POST

Memo:

Kindly refer to your letter No.4147-52 dated 10.11.2017 on the subject cited above.

In this connection it is stated that verification in respect of Mst: Shagufa Bibi d/o Khumar Shah and Mst: Saira Bibi d/o Fateh Muhammad resident of Khyber Agency Tehsil Landikotal have been carried out through the elders of the area also attested by Political Tehsildar Landikotal are sent herewith for further necessary action please. (Photo copies enclosed)

Political Agent, Khyber

ATTESTED

[Handwritten signatures and notes]

(16)

To

Annexure - F

The Education Director,
FATA Warsak Road Peshawar.

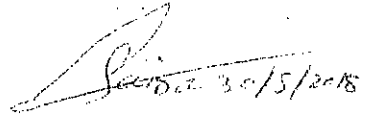
Subject: DOMICILE VERIFICATION (BEING A COURT CASE)/BOGUS
DOMICILES FOR APPOINTMENT AGAINST TEHSIL WISE CT
POST

Reference Political Agent, Khyber Letter No. 2336/EC (Veri) dated
28/05/2018.

With due respect it is stated that my domicile verified by the
Political Agency Khyber from the elders of the Piro Khel section of
Shinwari Tribe of Tehsil Landikotal (Copy Enclosed).

It is therefore I humbly requested to your good office to release
my salary with arrear w.e.f 12-08-2014 to till date due to which me and
my family member is serving very miserable life.

I will be very thankful to you.


28/05/2018

Mst: Saira Bibi D/o Fateh Muhammad
Certified Teacher (BPS-15)
GGMS Musa Khan Loya shalman Tehsil
Landi Kotal, Khyber Agency
Contact # 03469494941

DDCE)
maers
2/05/18

ATTESTED


(17)

Annexure - G

Phone. 091-5820584 Fax 091-5820584

OFFICE ORDER

Consequent upon the recommendation of Political Agent Khyber Agency vide letter No.2336/EC (Veri) dated Peshawar the 28/05/2018, Pay in respect of M/S/Saira D/O Pateh Muhammad CT. P.No.00423592 G.G.M.S Musa Khan Loe Shalman Landi Kotal is hereby released with immediate effect subject to the condition of submission of arrival report/physical verification.

Necessary entry to this effect should also be made in her Service Book.

(MUHAMAD JADOONKHAN)
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Enclst No. 17942-46 Dated 27/06/2018.

Copy forwarded to the:-

1. Agency Accounts Officer Khyber Agency at Jamrud.
2. Director of Education FATA Peshawar.
3. Political Agent Khyber Agency for information with above quoted letter.
4. Local Accounts Clerk for further pay process.
5. Office Copy.

ATTESTED

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Annexure - H

The Agency Education Officer,
Khyber Agency at Jamrud.


Subject: ARRIVAL REPORT.


In compliance of the AEO Khyber Office Order Endst No. 12948-46
Dated 27/06/2018

I Mst: Saira CT D/O Feteah Muhammad GGMS Musa Khan Loe Shalman
Landi Kotal is hereby submit my arrival report to day 28/06/2018 for duty.

Please accept my arrival report.

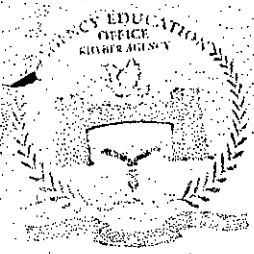
Dated: 28 /06/2018.

 AAO (F)
28/06/2018
Asst. Agency Education Officer
Khyber Agency At Jamrud


Mst: Saira (CT) BPS-15
GGMS Musa Khan Loe Shalman
Landi Kotal Khyber Agency

ATTESTED





(19)

Agency Education Office
Khyber Agency at Jamrud

Phone. 091-5820265 Fax 091-5820265

No. _____
Dated: _____/_____/2018

Annexure - I

CORRIGENDUM

The order issued vide this office Endst:No.12942-46 dated:27/6/2018 may be read and considered with the following addition.

The period w.e.f 08/05/2013 to 26/06/2018 (1888-days) is hereby converted into extraordinary leave without pay.

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Dated: 9 / 7 /2018

Endst:No. 85-88

Copy of the above is forwarded to

01. Director Education FATA at Peshawar.
02. Deputy Comissioner Dist: Khyber.
03. Agency Accounts Officer Khyber Agency at Jamrud.
04. Accounts Section Local office.

ATTESTED

Agency Education Officer
Khyber Agency, at Jamrud



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT
PAY ROLL SYSTEM

PAYMENT ADVICE

P. Sec: 001 Month: August 2018
KH0067 - AGENCY EDUCATION OFFICER K
Min. Of K.A & N.A & S.F.R
NTN:
GPF #:
DEPTT CODE

Pers #: 00423592 Buckle:
Name: SAIRA
C. T TEACHER

CNIC No. 1710151207822
BPS Interest Applied

Annexure - J

15 Vocational Temporary		KP0067
PAYS AND ALLOWANCES:		
0001-Basic Pay		17,450.00
1000-House Rent Allowance		2,349.00
1210-Convey Allowance 2005		2,856.00
1300-Medical Allowance		1,500.00
1528-Unattractive Area Allow		1,000.00
2148-15% Adhoc Relief All-2013		495.00
2199-Adhoc Relief Allow @10%		320.00
2211-Adhoc Relief All 2016 10%		1,575.00
2224-Adhoc Relief All 2017 10%		1,745.00
Gross Pay and Allowances		31,035.00
DEDUCTIONS:		
GPF Balance 20,645.00	Subrc:	2,890.00
3661-E.E.F (Exchange)		100.00
3701-Benevolent Fund(Exchange)		180.00
3705-R. Ben & Death Comp(Exch)		600.00
Total Deductions	NET AMOUNT PAYABLE	3,770.00
		27,265.00

QUALIFYING SERVICE
YRS MON

11 Years 04 Months 00 Days

D.O.B
10.08.1986

LFP Quota:
ALLIED BANK LIMITED TEHSIL BAZAR
012003428-4

Sheet no. 1



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT
PAY ROLL SYSTEM

PAYMENT ADVICE

P. Sec: 001 Month: August 2018
KH0067 - AGENCY EDUCATION OFFICER
Min. Of K.A & N.A & S.F.R
NTN:
GPF #:
DEPTT CODE

Pers #: 00423592 Buckle:
Name: SAIRA
C. T TEACHER

CNIC No. 1710151207822
BPS Interest Applied

15 Vocational Temporary		KP0067
PAYS AND ALLOWANCES:		
2247-Adhoc Relief All 2018 10%		1,745.00
DEDUCTIONS:		
GPF Balance 20,645.00	Subrc:	31,035.00
Total Deductions	NET AMOUNT PAYABLE	3,770.00
		27,265.00

QUALIFYING SERVICE
YRS MON

11 Years 04 Months 00 Days

D.O.B
10.08.1986

LFP Quota:
ALLIED BANK LIMITED TEHSIL BAZAR
012003428-4

Handwritten signature/initials

To

(21)

The Director of Education (Trible)
Warsak Road, Peshawar.

Annexure - K

Subject: Departmental Appeal against order dated 9/7/2018

R/Sir,

Most respectfully, it is stated that I am working as CT under the control of District Education officer, Khyber Trible District in G.G.M.S. Musa Khan Loc Shalman Landi Kotal. My salary was stopped due to unknown reason w.e.f. 8/5/2013 against which I filed Service Appeal in Service Tribunal which was disposed of by treating it as Departmental Appeal. My salary has been released on 27/8/2018 but with immediate effect. Later on vide order date 9/7/2018 my period from 8/5/2013 to 26/6/2018 was treated as Extra Ordinary Leave without pay without any cogent reason.

It is therefore most kindly requested that my salary from 8/5/2013 to 26/6/2018 may kindly be release by setting aside the order dated 9/7/2018. I shall be very thankful
8/8/2018.

ATTESTED

Yours Obediently

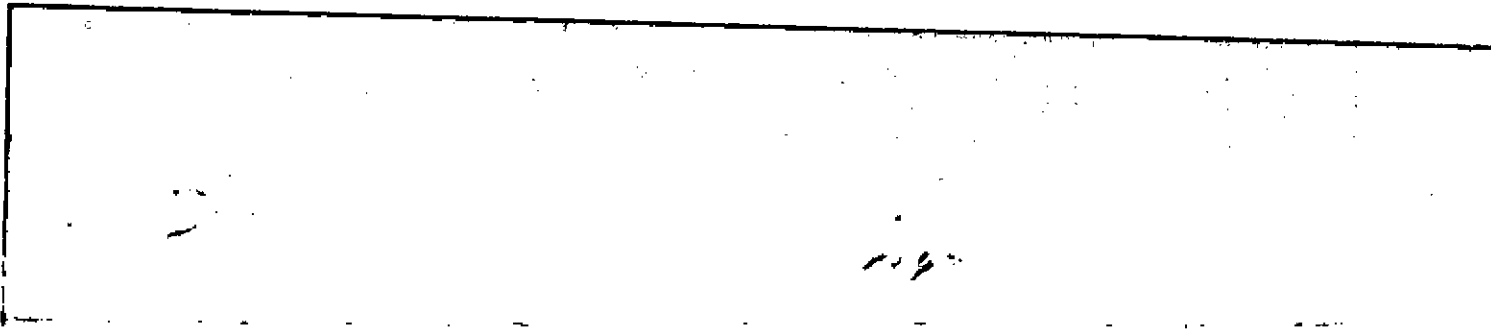
Signature
Saira Bibi
CT. G.G.M.S. Loc Shalman
Khyber
0346-9494941

6/31
8-8-18

Signature
8-8-2018

Signature
8/8/18

Annexure - L



DEPARTMENTAL ORDER

MEMO

I am directed to refer to the S.O. of the Government of Madhya Pradesh dated 19.12.1978 in respect of Mr. Suresh Chandra Singh. The detailed report/comments please.

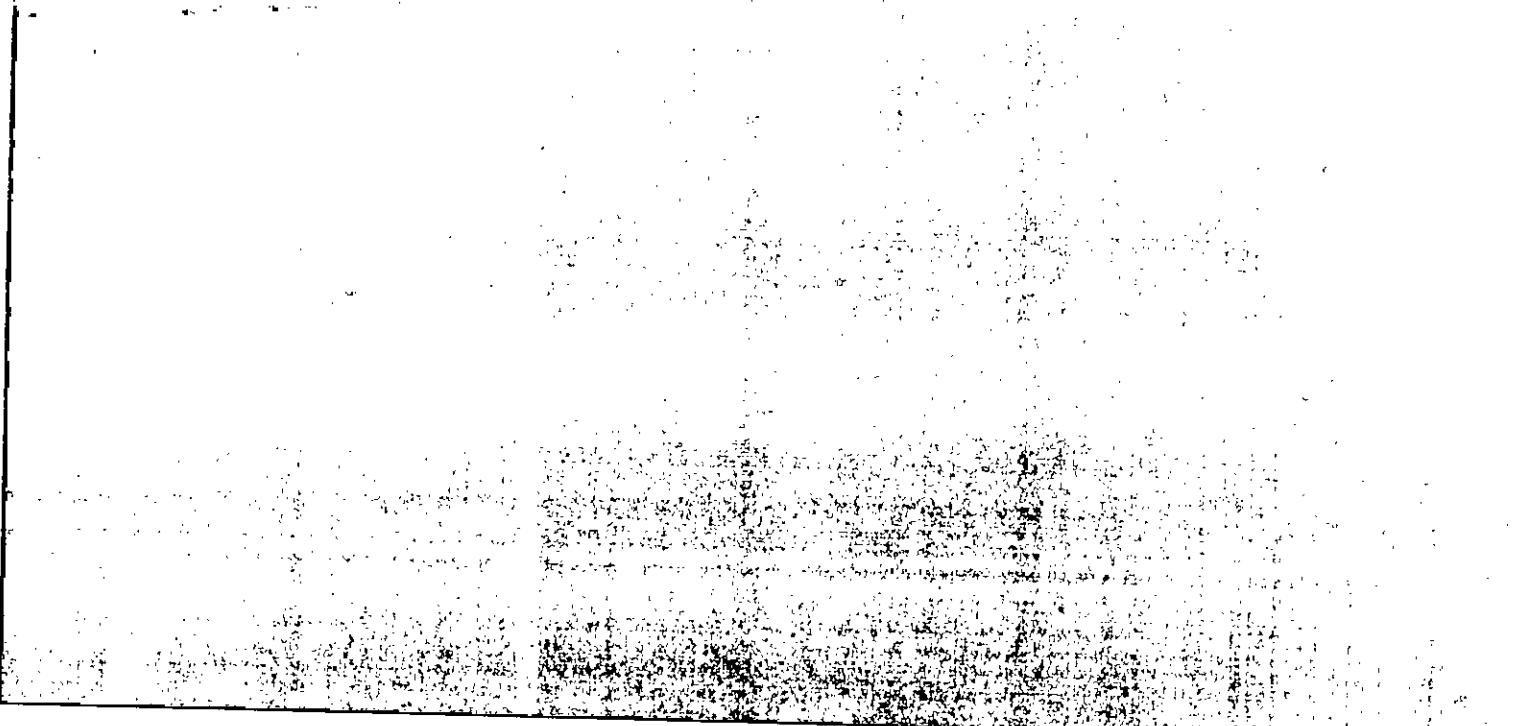
[Signature]
 Director of Education
 Government of Madhya Pradesh

File No.

Date: _____

Copy PA to Director Education, MVTD

[Signature]
 Director of Education
 Government of Madhya Pradesh



BETTER COPY OF PAGE: 22

DIRECTORATE OF EDUCATION
NEWLY MERGED AREA TRIBAL DISTRICTS
WARSAK ROAD, PESHAWAR.
No.11475 dated: 04-09-2018

To

The District Education Officer,
Tribal District Khyber

Subject: DEPARTMENTAL APPEAL AGAINST ORDER DATED
09/07/2018

Mem: -

I am directed to refer to the subject noted above and to enclose herewith an application in respect of Mst. Saira Bibi C, GGMS Loe Shalman, Tribal District Khyber for detailed report/comments please.

Deputy Director (Estab)
Directorate of Education NMTD

Endst: No. _____/- Dated Pesh: the _____/2018

Copy PA to Director Education, NMTD.

Deputy Director (Estab)
Directorate of Education NMTD


ATTESTED

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____ OF 2018

SAIRA BIBI(APPELLANT)

VERSUS

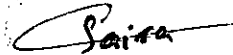
ACS (merged Area) & other (RESPONDENTS)

I/We SAIRA BIBI

do hereby appoint and constitute **MUHAMMAD MAAZ MADNI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 03/12/2018

CLIENT:



(SAIRA BIBI)

ACCEPTED



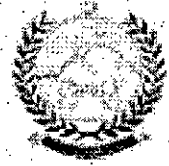
MUHAMMAD MAAZ MADNI
ADVOCATE

3/12/18

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391
Mobile No.0345-9090737, 0333-9313113

Dist. Govt. KP-Provincial
District Accounts Office khyber
Monthly Salary Statement (March-2021)



Personal Information of Mrs SAIRA d/w/s of FATEH MUHAMMAD

Personnel Number: 00423592 CNIC: 1710151207822 NTN:
 Date of Birth: 10.08.1986 Entry into Govt. Service: 24.04.2007 Length of Service: 13 Years 11 Months 009 Days

Employment Category: Active Temporary

Designation: SENIOR CERTIFIED TEACHER 80926161-DISTRICT GOVERNMENT KHYBE
 DDO Code: KH6059-Principal GGHS Gul Abad Khyber
 Payroll Section: 001 GPF Section: 001 Cash Center:
 GPF A/C No: Interest Applied: No **GPF Balance:** 258,272.00
 Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 4

Wage type		Amount	Wage type		Amount
0001	Basic Pay	24,990.00	1000	House Rent Allowance	2,727.00
1210	Convey Allowance 2005	5,000.00	1300	Medical Allowance	1,500.00
1528	Unattractive Area Allow	1,500.00	2148	15% Adhoc Relief All-2013	495.00
2199	Adhoc Relief Allow @10%	320.00	2211	Adhoc Relief All 2016 10%	1,575.00
2224	Adhoc Relief All 2017 10%	2,499.00	2247	Adhoc Relief All 2018 10%	2,499.00
2264	Adhoc Relief All 2019 10%	2,499.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-3,340.00	3501	Benevolent Fund	-1,500.00
3990	Emp.Edu. Fund KPK	-150.00	4004	R. Benefits & Death Comp:	-650.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	82,900.00	-2,302.00	69,088.00

Deductions - Income Tax

Payable: 0.00 Recovered till MAR-2021: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 45,604.00 Deductions: (Rs.): -7,942.00 Net Pay: (Rs.): 37,662.00

Payee Name: SAIRA
 Account Number: 012003428-4
 Bank Details: ALLIED BANK LIMITED, 250058 TEHSIL BAZAR TEHSIL BAZAR,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: KHYBER
 City: KHYBER Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address:
 City: Email: shahsaood.nha@gmail.com

رجسٹر حاضرین مدرسہ اسلامیہ مدرسہ اسلامیہ کالج اسلامیہ

نام، کنوینٹنٹ، ایڈریس، پوسٹ آفس، سٹی، ڈی. ایم، سنٹر، ایڈریس، پوسٹ آفس، سٹی

نام	کنوینٹنٹ	ایڈریس	پوسٹ آفس	سٹی	ڈی. ایم	سنٹر	ایڈریس	پوسٹ آفس	سٹی							
1	SA	12:30	SA	7:30	ANIA	12:30	ANIA	7:30	SA	12:30	SA	7:30	UA	12:30	UA	7:30
2	SA	12:30	SA	7:30	ANIA	12:30	ANIA	7:30	SA	12:30	SA	7:30	UA	12:30	UA	7:30
3	SA	12:30	SA	7:30	ANIA	12:30	ANIA	7:30	SA	12:30	SA	7:30	UA	12:30	UA	7:30
4	SA	12:30	SA	7:30	ANIA	12:30	ANIA	7:30	SA	12:30	SA	7:30	UA	12:30	UA	7:30
5	SA	12:30	SA	7:30	ANIA	12:30	ANIA	7:30	SA	12:30	SA	7:30	UA	12:30	UA	7:30
6	SA	12:30	SA	7:30	ANIA	12:30	ANIA	7:30	SA	12:30	SA	7:30	UA	12:30	UA	7:30
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دستخط پیدائشی

رجیٹر حاضری مدرسین
 Dr. G.M.S. Mussa Khom Vadi

بابت ماہ اگست											
C.T						D.M					
نام	نمبر	تاریخ	آمد	دستخط	روایتی	آمد	دستخط	روایتی	آمد	دستخط	روایتی
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بیماری												
میزان کل												

دستخط میڈیکل

Co. Gen. M.S. Massa Waa Kalli Lai Sheloran

رجسٹر حاضرین مذکورین

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نام عظمیٰ الخ		بابت ماہ		آئینہ		مستحق		مستحق		مستحق		مستحق		مستحق	
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دستخط میڈیکل

رجسٹر حاضری نڈز سین کورسنت کیرنل سیکول سوسائٹی خان پور

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القولیہ
سینا ٹیوٹ
C.T

ایستنبابہ
ایس ایس ٹی
P.S.T

نام نظامی ایف
D.M

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31	SA 1:00	SA 8:00	ASIA 1:00	ASIA 8:00	UA 1:00	UA 8:00	Sunday		

میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال

دستخط ہیڈ ماسٹر

Dr. G. M. S. Mussa Khan Kalbi Loj Shalamam

رجسٹر حاضرین نڈز سین

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سائٹ

تومبر

بابت

نام عظمیٰ الحج			آسیہ ناز			سائٹ		
D.M			P.T.C			C.T		
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قسمت	حال	سابقہ	بیزان	حال	سابقہ	بیزان	حال	سابقہ	بیزان
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دستخط میڈیکل

G.G.M.S Mussa Khan Kalli Loi Shalman

رجسٹر حاضری نڈر سین

2017

بابت ماہ

نام و خطاب			آئی سی ٹی			آئی سی ٹی			آئی سی ٹی			
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نمبر	آمد	دستخط	روایتی	دستخط	آمد	دستخط	روایتی	دستخط	آمد	دستخط	روایتی	دستخط
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میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال

دستخط ہیڈ ماسٹر

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 997 /ST

Dated 16 /06 / 2021


To

The District Education Officer,
Government of Khyber Pakhtunkhwa,
Khyber Tribal District at Jamrud.

Subject: - JUDGMENT IN APPEAL NO. 1448/2018, MST. SAIRA BIBI.

I am directed to forward herewith a certified copy of Judgement dated 01.06.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

parties and have also pointed out that under tax/royalty and for su Rules and in open auc contract and there is no record to show that Government department is exempted from tax/duty, thus the contention of Syed Ayyaz Zahoor, Advocate for the petitioners has substance. Admittedly the petitioners are extracting Bajri sand stone crush from Hub River and other parts of District Lasbela which is liable to payment of royalty, therefore, petition is allowed as prayed for Respondent to pay tax in future and also to pay arrears i.e. w.e.f. 24-2-2001 on the material already extracted by them.

(6) Petition is allowed in the above terms with no order as to costs.

The impugned judgment is not open to exception, as it is well reasoned and based on the law. There is no material irregularity or illegality.

8. For the facts and reasons stated hereinabove, were are of the considered view that this petition is without merit and substance, which hereby dismissed and leave to appeal declined.

Q.M.H./M.A.K./C-64/S

Petition dismissed

2003 S.C.M.R. 228

[Supreme Court of Pakistan]

Present: Syed Deedar Hussain Shah and Tanvir Ahmed Khan, JJ

Syed NIAZ HUSSAIN SHAH BUKHARI, TECHNICIAN (PROCESS)---Petitioner

versus

OIL AND GAS DEVELOPMENT CORPORATION LIMITED through Chairman, OGDC Head Office, Islamabad---Respondent

Civil Petition For Leave to Appeal No.51 of 2002, decided on 11th September, 2002.

(On appeal from judgment dated 2-11-2001 passed by the Federal Service Tribunal, Islamabad, in Appeal No.1076(R)CE of 2000)

Civil service--

Pay entitlement to--When there is no work, there is no pay. [231] C

Civil service--

Salary, refund of--Civil servant after obtaining stay order against his transfer, was allowed to continue his duties at original place, where he was paid salary for about three years. Authority deducted from salary of civil servant the amount paid to him as salary for the period when he remained absent from duty. Service Tribunal dismissed appeals of civil servant--Validity. Civil servant had not performed his duties either at original place or at transferred place, thus, was not entitled to salary. Period for which refund of salary was effected from civil servant was the period for which he did not work. When there was no work, there was no pay. Recovery had rightly been effected from civil servant. Impugned judgment was not open to exception as there was no jurisdictional error or misconstruction of facts and law. No substantial question of law of public importance as envisaged under Art. 212(3) of the Constitution was made out. Supreme Court dismissed petition for leave to appeal in circumstances. Constitution of Pakistan (1973), Art. 212(3). [pp. 230, 231] A, B, C, D, E & F

Sadiq Muhammad Warraich, Advocate Supreme Court and Ejaz Muhammad Khan, Advocate-on-Record (absent) for Petitioner.

Sardar Muhammad Aslam, Dy. A.G. and M.S. Khattak, Advocate-on-Record for Respondent.

Date of hearing: 11th September, 2002.

JUDGMENT

SYED DEEDAR HUSSAIN SHAH, J.--Petitioner seeks leave to appeal against that judgment of the Federal Service Tribunal, Islamabad (hereinafter referred to as the Tribunal) passed in Appeal No.1076(R)CE of 2000 dated 2-11-2001, whereby appeal filed by the petitioner was dismissed.

Briefly stated that facts of the case are that on 4-7-1994, the petitioner was transferred from Missa Kiswal to Peer Koh. He felt that transfer order so issued was mala fide and he was punished being the Union official of the respondent/Corporation, therefore, he approached the NIRC restraining the order under Regulation 32 of NIRC Procedure and Instructions and Regulations, 1974 and a stay order against his transfer to Peer Koh was granted and he was allowed to continue and perform his duties at Missa Kiswal and also paid his salary that after about 3 years the respondent deducted from the salary of the petitioner i.e. the amount which had

No work, no pay. Respondent

DEEDAR HUSSAIN SHAH

been paid to him as salary, during the period he worked at Missa Kiswal on the strength of the stay order of NIRC.

3. Feeling aggrieved, the petitioner approached the Tribunal by way of appeal, which was dismissed. Hence, this petition.

4. We have heard Ch. Sadiq Mohammad Warriach, learned counsel for the petitioner, who, inter alia, contended that that petitioner's absence from duty from 2-7-1994 to 8-8-1994 and 5-10-1994 to 10-9-1996 was wrongly treated as Extra Ordinary Leave (EOL) and the Office Memorandum dated 13-2-1999 issued by the respondent/Head Office may be cancelled; that the Tribunal had not exercised its jurisdiction fairly and the recovery/deduction of the amount already drawn by the petitioner from the respondent is unwarranted.

5. Sardar Muhammad Aslam, learned Dy.A.G., vehemently controverted the contention of the learned counsel for the petitioner and pointed out that no doubt NIRC issued an injunction to the petitioner but the same was re-called by the Tribunal on 18-8-1996. He has also referred to the appeal of the petitioner which is at page 57 of the paper book, in which he has stated as under:

"I had reported for duty at Pirkoh Gas Field. Therefore, regularizing the period of stay, ordered by the Court as E.O.L. is injustice with me."

On his application, office submitted summary to the Chief Personnel Officer of the respondent/Corporation, which reads as under:

(70) Reference para-180/N, it is submitted that as per message No.MK.1331 dated 26-11-1999 (P-244/Cor.) O.M.(F), Missa Kiswal, Mr. Niaz Hussain Shah was relieved from Missa Kiswal Oil Field, for Pirkoh Gas Field. He neither reported at Pirkoh nor at Missa Kiswal Oil Field, after getting stay order from NIRC. O.M.(F), Missa Kiswal Oil Field, did not confirm whether he performed any official duty during his stay (off & on) at Missa Kiswal. Mr. Niaz Hussain neither claimed any field benefit like messing/D.A. and Rota facilities nor paid by the Location Incharge due to his non-performance of any duty.

(71) In view of above, if approved by Manager (Personnel), his request may be regretted in the light of earlier decision as per para 141 please."

The perusal of the above document shows that the petitioner did not perform his usual duties and was not entitled to salary as claimed by him.

Sardar Muhammad Aslam, learned Dy.A.G. further pointed out

recovery has already been effected from the petitioner and that Office Memorandum referred to hereinabove was entirely in accordance with the O.G.D.C. Service Regulations, 1974. It was also pointed out by him that the petitioner in due course of service has already been promoted to his Managerial post.

7. We have considered the arguments of the learned counsel for the parties and have carefully examined the record, which shows that the period for which recovery of refund of the salary was effected from the petitioner was the period for which he did not work. By now, it is settled law that when there is no work there is no pay. The petitioner did not perform his duties as mentioned hereinabove and recovery was rightly effected from him; thereafter, he was promoted to the post of Manager. The impugned judgment is entirely based on proper appreciation of the material available with the Tribunal. We further find that there is no jurisdictional error or misconstruction of facts and law. The impugned judgment is not open to exception.

8. Moreover, a substantial question of law of public importance, as envisaged under Article 212(3) of the Constitution, is not made out.

9. For the facts, circumstances and reasons stated hereinabove, we are of the considered opinion that this petition is without merit and substance, which is hereby dismissed and leave to appeal declined.

S.A.K./N-100/S

Petition dismissed.

2003 S C M R 231

[Supreme Court of Pakistan]

Present: Qazi Muhammad Farooq, Rana Bhagwandas
and Abdul Hameed Dogar, JJ

MUHAMMAD YASEEN---Appellant

versus

THE STATE---Respondent

Criminal Appeal No.109 of 2002, decided on 19th September, 2002.

(On appeal from the judgment dated 31-5-2002 of the Lahore High Court, Lahore, passed in Criminal Appeal No.207 of 1996 and Murder Reference No.134 of 1996).