

15.01.2014

Since 14th January has been declared as public holiday on account of "Eid Milad-un-Nabi". Therefore, case is adjourned to 26.2.14

(H)

Reader

[Handwritten signature]

[Handwritten signature] 26.2.2014
26/2/2014

Appellant with counsel and AAG for the respondents present. The learned counsel for the appellant produced copy of memorandum dated 24.1.2006 from DCO Nowshera to the EDO (S&L) Department Nowshera which was in turn endorsed and forwarded by the EDO (S&L) Nowshera to the Headmistress, GGHS Azakhel Bala for recording entry of the sanction/corrigendum order dated 23.1.2003 in the service book of the appellant, and also preparation of arrear bill from the period of entitlement. On the basis of the said memo, the learned counsel requested for issuance of necessary directions to the Headmistress, GGHS Azakhel Bala District Nowshera (respondent No. 5) for implementation of the direction of the DEO, E&SE, Nowshera pending since 2006. The learned counsel further maintained that the appellant would be satisfied, and the appeal may also be disposed of accordingly, if necessary directions are issued to the said respondent for carrying out the directions referred to above.

In the light of statement at bar of the learned counsel for the appellant, necessary directions are accordingly issued to respondent No. 5 for strict implementation of the directions issued in the above referred memorandum and redressal of longstanding grievance of the appellant pending since 2006. The issue be resolved within a fortnight of the receipt of this order, and compliance be reported to the Registrar of the Tribunal at the earliest. In case of non-compliance and non-submission of compliance report by the respondent before the due date, the appellant may have recourse to the remedy available to her under the law. There shall, however, be no order as to costs.

ANNOUNCED
26.2.2014

[Handwritten signature]
Member

[Handwritten signature]
Chairman

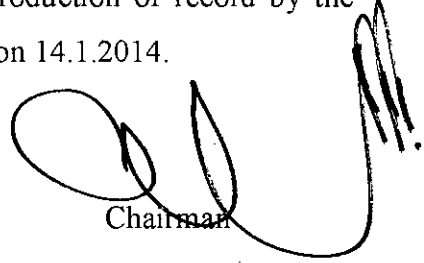
5.7.2013

Appellant with counsel, M/S Tariq Hussain, Supdt for respondents No. 3, Khurshid Khan, SO for respondent No. 4 and Bashir-ur-Rehman, Senior Auditor for respondent No. 7 with Mr. Muhammad Jan, GP for the respondents present. Though served through registered post/concerned officials, neither respondents No. 1, 2, 5, 6 and 8 present nor their representatives are in attendance today. Since the matter relates to the office of DEO (F), E&SE, Nowshera, she be summoned in person alongwith record for further proceedings as well as written reply/comments on behalf of respondents on 30.9.2013.


Chairman

30.9.2013

Appellant with counsel, M/S Amir Badshah, respondent No. 8 on his own behalf and on behalf of respondents No. 1 and 2 and Khurshid Khan, SO No. 4 with Mr. Usman Ghani, Sr. GP for the respondents present. Written reply has not been received, nor record has been produced. Another chance is given for written reply/comments or in the alternative for production of record by the DEO (F) Nowshera for further proceedings on 14.1.2014.


Chairman

Appeal No. 349/2013.
Ms. Nighat Begum

4. 8.5.2013

Counsel for the appellant and Mr, Muhammad Irfan

ADO for the respondents present. Government Pleader is not

present. Counsel for the appellant heard. Contended that the

appellant was appointed as AT (BPS-9) in the year 1996.

Lateron, she was promoted to BPS-14 on acquiring the

sanad/certificate of Shahadat-ul-Alamia which was lateron,

withdrawn and was to be awarded BPS-14 w.e.f. 10.10.2002,

the date on which she got the Sanad of Shahadat-ul-Alamia.

The appellant has been pursuing her case by preferring

appeals for the grant of BPS-14 from 10.10.2002 already

allowed by the competent authority vide letter dated

23.1.2003 but the same has been denied to her. Regarding

limitation, as no formal order is available after 2005, the

learned counsel for the appellant relied on PLD-1992

Supreme Court-825, PLD-2005-SC-405 and decision of

Peshawar High Court, in Writ Petition No.2209/2011, mainly

on the ground that no limitation runs against a void order.

Points raised need consideration. The appeal is admitted to

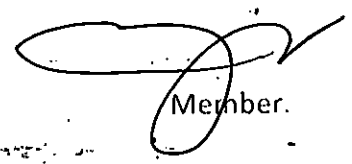
regular hearing, subject to all legal objections. The appellant

is directed to deposit the security amount and process fee

within 10 days. Thereafter, notices be issued to the

respondents. Case adjourned to 5.7.2013 for submission of

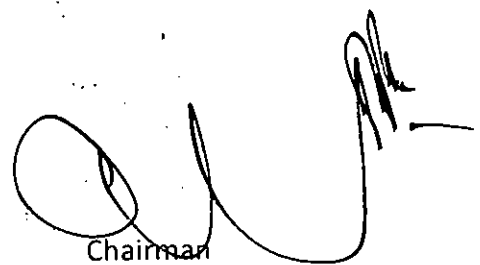
written reply.


Member.

5. 8.5.2013

This case be put before the Final Bench J for further

proceedings.

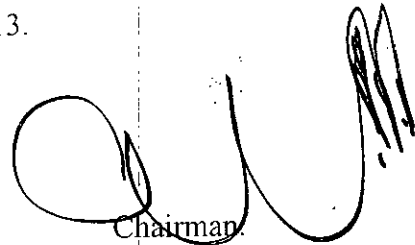

Chairman

Appellant deposit Total
Security & process
fee Rs 2800/- Bank
receipt is attached
with file
Jal

Appeal No. 349/2013.

3. 27.3.2013

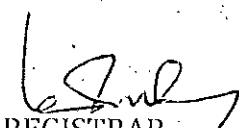
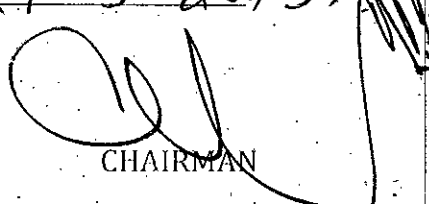
Appellant with Counsel present and heard. In view of the fact that the last departmental appeal available on the record was moved by the appellant in the year 2005, a pre-admission notice be issued to the learned Government Pleader/Respondents No. 1 to 3 for further preliminary hearing, particularly, on the point of maintainability of appeal/²limitation, on 8.5.2013.



Chairman

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 349 /2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07/02/2013	<p>The appeal of Mst.Nighat Begum resubmitted today by Mr. Shah Faisal Ilyas Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	13-2-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>27-3-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mst.Nighat Begum received today i.e. on 29/01/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days:-

- 1- Copy of Impugned order and departmental appeal against it are not attached with the appeal which may be placed on it.
- 2- Page Nos. 18, 23 and 24 of the appeal are illegible which may be replaced by legible one.
- 3- First page of judgment (Annexure-N) is missing which may be placed on file.

No. 194 /S.T,

Dt. 29/1 /2013.

[Signature]
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

MR. SHAH FAISAL ILYAS ADV. PESH.

Respected Sir,

objection No.1 is not genuine because that is not available with the Appellant, and objection No.2 is clarified through better copies, and third objection is also not valid Respected Sir, because we have just these petitions and order in this form.

Re-Submitted

[Signature]

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 349/2013

Mst. Nighat BegumAppellant

V E R S U S

District Coordination Officer, District Nowshera.
and others.....Respondents

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S.No	Description of Documents	Annex	Pages
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4.	Copies of academic documents	A	11-12
5.	Copy of order	B	13
6.	Copy of reinstatement order	C	14
7.	Copy of Certificate	D	15
8.	Copy of order	E	16
9.	Copies of Sanad, Gazzit Notification and registration certificate	F,G & H	17-20
10.	Copy of EDO (S&L) latter	I	21
11.	Copies of application, memorandum and order of DCO	J, K & L	22-24
12.	Copy of Sanad	M	25
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Appellant 

Through



Dated: 29/01/2013

Shah Faisal Ilyas
Advocate High Court,
Peshawar.
Office: LG-137-A,
Deans Plaza, Peshawar
Cantt.
Cell No. 0333-9037904

(1)

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 349 /2013

~~.....~~
~~.....~~ 312
~~.....~~ 29-1-13

Mst. Nighat Begum D/o Subhan-ud-din R/o Village Azakhel
Bala, Mohallah Miangan, P.O Azakhel Bala, Tehsil & District
Nowshera.....Appellant

V E R S U S

1. District Coordination Officer, District Nowshera.
2. Executive District Officer Female (S&L) Department, District
Nowshera.
3. Director Schools and Literacy Department, Dabgari Garden,
Khyber Pakhtunkhwa, Peshawar.
4. Secretary Schools and Literacy Department, Civil Secretariat,
Peshawar.
5. Headmistress Government Girls High School, Azakhel Bala,
District Nowshera
- 29/1/2013 6. Headmistress Government Girls High School, Pabbi, District
Nowshera
7. District Accounts Officer, Nowshera.
8. A.D.O, Nowshera.. Education Department..... Respondents

APPEAL UNDER SECTION 4 OF KHYBER
PUKHTUNKHWA SERVICE TRIBUNAL ACT
1974 AGAINST THE RESPONDENTS IN
WHICH APPELLANT WAS DEPRIVED FROM
BPS-14 w.e.f 10/10/2002 and HER BACK
BENEFITS WHICH IS DUE AGAINST THE
DEPARTMENT SINCE 10/10/2002 UPTO
30/06/2012, FOR WHICH DEPARTMENTAL
APPEALS/ APPLICATIONS AND DIRECTION
OF THE D.C.O, NOWSHERA WERE
NEGLECTED TILL DATE.

PRAYER IN APPEAL:

On acceptance of this appeal the respondents may be directed to issue an order to considered the appellant in BPS-14 since 10/10/2002 till date upto 30/06/2012 and should also award/ give back benefits/ salary and seniority against the said post, any other relief which this august Tribunal deems appropriate under the circumstances of the case may also be awarded to the appellant.

Respectfully Sheweth:

1. That initially on 01/12/1996 the appellant was appointed in BPS-9, against AT Post in Government Girls High School, Pabbi District Nowshera on the basis of her

qualification i.e. Madrassa Sanad and Metric. (Copies of academic documents are annexure "A").

2. That on 18/10/1997 services of the appellant was terminated by the Divisional Directorate of Education (s) Peshawar Division. (Copy of order is annexure "B").
3. That later on the same forum reinstated the appellant on 20/01/1998. (Copy of reinstatement order is annexure "C").
4. That in 1998 the appellant done her Aribic (Hon's) from the Board of Intermediate and Secondary Education, Peshawar. (Copy of Certificate is annexure "D").
5. That on 01/09/1998 selection grade was issued to the appellant in BPS-12 w.e.f. 01/12/1996 in which the name of the appellant is at serial No. 9. (Copy of order is annexure "E").
6. That in 10/12 1999 appellant was formally granted BPS-14 and which was withdrawn later on by the authority/ respondents in this regard no order was issued categorically.
7. That the Sanad/ Certificate of Shahadat-ul-Almia was obtained from a well-known and registered Madrassa

situated at Parhoti Mardan. In this regard Gazzite Notification of 01/04/1985 is also issued with regard to this Madrassa and other such like religious institutions. (Copies of Sanad, Gazzit Notification and registration certificate are annexure "F", "G" & "H" respectively).

8. That EDO (S&L) Department Nowshera direct the authority through a corrigendum vide endorsement No. 196-99/Formal Sanction/ Congr:/Dated Nowshera the 23-01/2003 respondents to grant BPS-14 since 10/10/2002 upon which no action was taken. (Copy of EDO (S&L) latter is annexure "I").
9. That the representation was made on 24/12/2005 for the same relief upon which the EDO (S&L) Department Nowshera issued a memorandum upon which he request/directs the DCO Nowshera to redress the grievance of the appellant but the same was neglected again. (Copies of application, memorandum and order of DCO are annexure "J" , "K" & "L" respectively).
10. That the promotion order in BPS-14 was made on 10/12/1999 upon which token No. 32 was affixed on the same date and the so-called surplus amount was withdrawn on the same date which is visible in the

service book, but on the basis of Sanad from Fafaq-ul-Madaris, Akora Khattak, but the appellant got no concern with the Certificate, and the said Sanad was attached by the official malafidely just to withdraw the amount. (Copy of Sanad is annexed as annexure "M").

11. That in this regard time and again representation/ applications were moved but no response till date by the respondents.
12. That on 01/07/2012 Chief Minister announced up-gradation of all the teachers in BPS-15 and now the appellant is in BPS-15.
13. That like nature Appeal a number of Appeals was disposed off/ decided by this Hon'bel Tribunal which was upheld by the August Supreme Court of Pakistan in the Case of "Rozi Khan..VS..DCO lower Dir etc" vide appeal No. 490 of 2005. (Copy of appeal and August Supreme Court verdict is annexure "N" & "O").
14. That on 23/01/2013 another selection was made in which appellant was once again neglected/ avoid and was not issued the relief prayed for, and was not promoted to BPS-16 being top on seniority.

15. That being aggrieved the appellant approached this Hon'ble Tribunal on the following grounds amongst other inter alia:

GROUND:

- A. That the order of the respondent for not granting BPS-14 to the appellant is against facts, law and procedure, hence, untenable being unjust and unfair.
- B. That the appellant was not treated in accordance with law and rules, thus acted in violation of the relevant laws laid down for this purpose.
- C. That no show cause notice and statement of allegation were served upon the appellant. No regular inquiry was conducted against the appellant, fitness for BPS-14 and the whole departmental proceedings were initiated by respondents illegally and unlawfully without observing the legal codal formalities as required.
- D. That respondents have taken a unilateral action at the back of the appellant. The appellant has not been afforded an opportunity of being heard and thus she has

been condemned unheard and thus the settled principles of natural justice have been violated.

- E. That as mentioned as earlier stated of this appeal, that the act of the respondents is based on malafide and the appellant is the only scapegoat who has been deprived of her due rights illegally, unlawfully and mechanically by the respondents/ department and thus she has been discriminated by the department/ respondents by violating Article 25 of the Constitution of Pakistan 1973.
- F. That the appellant is a regular Civil Servant and has rendered long service in the department with unblemished service record and she could not be deprived of her due rights without observing/ fulfilling the legal formalities and thus the action taken by the respondents/ department against the appellant is based on malafide. The appellant has been deprived from BPS-14 against the rules/ regulation of service and in violation of the established principles of equity and justice, calling for intervention by the Hon'able Tribunal.
- G. That appellant seeks leave of this Hon'able Tribunal to rely on additional grounds at the time of final hearing/ arguments.

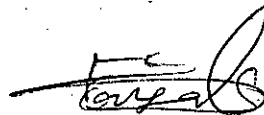
- H. That by not issuing such order of the appellant, shows classical examples of political victimization.
- I. That any other ground may be adduced during the course of argument, with the kind permission of this Hon'ble Tribunal

It is, therefore, most humbly prayed that on acceptance of this appeal, the respondents may be directed to issue an order to considered the appellant in BPS-14 since 10/10/2002 till date upto 30/06/2012 and should also award/ give back benefits/ salary and seniority against the said post. any other relief/ directions/ order which this August Tribunal deems appropriate/ fit under the circumstances of the case may also be awarded/given/ issue to the appellant

Appellant



Through



Dated: 29/01/2013

Shah Faisal Ilyas
Advocate High Court,
Peshawar.

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2013

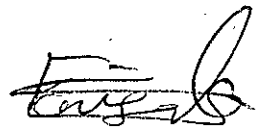
Mst. Nighat BegumAppellant

V E R S U S


District Coordination Officer, District Nowshera.
and others.....Respondents

AFFIDAVIT

I, **Shah Faisal Ilyas**, Advocate, Peshawar do hereby as per information conveyed to me by my client solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


ADVOCATE

ATTESTED


28.07.2013



NOTRY PUBLIC OFFICER
Mian Sibghat Ullah Shah
Advocate High Court Peshawar

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2013

Mst. Nighat BegumAppellant

V E R S U S

District Coordination Officer, District Nowshera.
and others.....Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

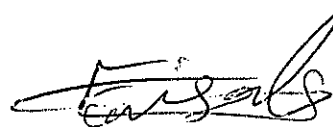
Mst. Nighat Begum D/o Subhan-ud-din R/o Village Azakhel Bala, Mohallah Miangan, P.O Azakhel Pala, Tehsil & District Nowshera.

RESPONDENTS:

1. District Coordination Officer, District Nowshera.
2. Executive District Officer Female (S&L) Department, District Nowshera.
3. Director Schools and Literacy Department, Dabgari Garden, Khyber Pakhtunkhwa, Peshawar.
4. Secretary Schools and Literacy Department, Civil Secretariat, Peshawar.
5. Headmistress Government Girls High School, Azakhel Bala, District Nowshera
6. Headmistress Government Girls High School, Pabbi, District Nowshera
7. District Accounts Officer, Nowshera.
8. A.D.O, Nowshera

Appellant 

Through



Shah Faisal Ilyas
Advocate High Court,
Peshawar.

Dated: 29/01/2013



الجامعة الإسلامية باكستان كورنك حيدر

سن تاسيس 1364 هـ / 1948 م

سند الفرائغ من العلوم الدينية العربية للجامعة الإسلامية باكستان الواقعة في بلدة كورنك من مضافات بنسار

بسم الله الرحمن الرحيم

الحمد لله الذي خلق الانسان وعلمه البيان، واستخافه في الارض فجعل له سائر الاكوان، ولعبت من نبي نوعه رسلا مبشرين ومنذرين لئلا يكون لاحد اثر بعثهم حجة يوم يقيم الناس لرب الغيبين والصلوة والسلام على انزل رسله وسيله للامام خاتم الانبياء وسيد المرسلين وعلى الله وأصحابه اجمعين - اما بعد فان اخانا في دين الله الولي مكرمته بيك بنيت سبحان الذي اصاح خيل بالاقدر دخل هذه المدرسة سنة خمسة عشر و ا. ا. ع. وطلع مائة انت من الهجرة النبوية على صاحبها الف الف تحية و صلوة واقام فيها اثنا سنين فقرأها الكتب المنكولة من علوم شتى ومع هذا قد قرأها على كثير من استمع عنها السنن المتداولة فحسبه والله حسيبه اهلا للعلوم وهو عندنا كريم الاخلاق سليم الطبع ذوا استعداد قادر على التعلم اذ فرغ من تحصيل العلوم وقضى منها وطرا واراد الرجوع الى بلدك وطايب سا الهازاة لعطشاه هذا السند الجامعة الإسلامية باكستان في كورنك من مضافات بنسار في سنة 1364 هـ / 1948 م - فوجدنا تصدق وفادة فحق بغيره لنا اجازتنا شاكرنا الكرام ان يردها لنا بشرط الصهر والايقان واليقين والتثبت وبشرط استقامة الطالب في السنة التي يدرس فيها في سنة واحدة وحسن التدب بحضورها في المدين والفقهاء الكرام ولو عصبه كما انهم انفسنا بقوله الله في السور العنكبوتية واتحاج السنة الثانية في سائر اقسامه ما استطاع والتجيب عن قلة المبالاة بلحكام الشريعة وعن طريقه اهل الزرع والبدعة الشنيعة فان كل من كان على وجه الارض البسيطة فان آخرها يلقاه الانسان حينما يرد على الله اعماله والاتجال من هذا الدنيا كان عدلا ما تار الشرب من كل الميتة حتى تضايها ضعفت نورها وموت وقبوت

رايت الدهر مختلفا يدره فلاحزن يدم ولا سرور
وشدت الملوك بما تصوره فما بقى الملوك ولا تصور

فالمرجونه ان يشغل بالعلوم الدينية وان يجنب عن التدبير في الرزق الفلسفية ونحوها الدنيا الدينية وأوتو عليها السلوك على منهاج السنة النبوية فان الاسلام باعتراف ريع كماله نظري في الغناء الذين يصلحون منها ما اشد لنا من كانا على رشد وهذابة هذا الانسان ان يجد في الاشتغال كتب الحديث ثمنا وشرفا وقدره ان يصحح الله ورسوله وائمة المسلمين ماتهم وان يبذل جهده في نصرة الدين المبين في كل وقت وحين وان الانسان في معرفة الصلحنا وفقها الله وابه للمحب رضى وجعل تحتنا خيرا من الادي والاحول والاقرة الاباء العلى العظيم والحمد لله رب العالمين والصلوة والسلام على خير خلقك محمد

والد واصحابه اجمعين



الرقم 15 - سبتمبر سنة 1390 هـ / 1969 م - 9-15 / الخاتم للجامعة

الكتاب المقدمه للاخ الوصيف بعد ما دخل الجامعة الإسلامية

الصحيح للامام بخارى - الصحيح للامام مسلم - السنن للامام ابو داود الجامع للامام الترمذي - السنن للامام النسائي - السنن للامام ابن ماجه - الموطا للامام مالك - الموطا للامام شاذلي - المعاني الاثار للامام الطحاوي في التفسير الجلالين - التفسير البصائر المشكاة المصابيح الهادية وشرح الروايات في الفقه شرح العقائد -

امضات للمدعيين والكلين للجامعة
شيخ الجامعة شيخ الحديث
بسم الله الرحمن الرحيم
بسم الله الرحمن الرحيم

Attested
عائشة

S. No. PBR- 015474



Roll No. 102848

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan
Secondary School Certificate Examination
SESSION 1995 (ANNUAL)
(HUMANITIES GROUP)

THIS IS TO CERTIFY THAT Nighat Begum
Son/Daughter of Subhanud Din
and a student of Govt: Girls High School Pabbi, Nowshera

has passed the Secondary School Certificate Examination
of the Board of Intermediate and Secondary Education, Peshawar held in April 1995
as a *Regular candidate*. He/She obtained 402 Marks out of 850
and has been placed in Grade D Representing Fair

The Candidate passed in the following subjects:

- | | | | |
|------------|---------------------|---------------------|-----------------|
| 1. English | 3. Islamiyat | 5. Gen: Science | 7. Isl: Studies |
| 2. Urdu | 4. Pakistan Studies | 6. Gen: Mathematics | 8. EHE |

He/She has been awarded Grade C on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is First May,
one thousand nine hundred and Seventy Seven (01-5-1977)

[Signature]
Asstt. Secretary
28th July, 1995

[Signature]
Secretary

This certificate is issued without alteration or erasure.

Attested
[Signature]

13

Annexure-B

2

OFFICE OF THE DIVISIONAL DIRECTOR OF EDUCATION(S) PESHAWAR DIVISION
TERMINATION.

On perusal of the record of this office the appointment of the following teachers has found illegal and irregular, hence their services are hereby terminated with immediate effect.

S.No.	Name & Designation.		School.
1.	Nowsherwan.	CT.	GGHS Narcober Charsadda.
2.	Muhammed Amin.	CT.	-do-
3.	Mir Ahmad Khan.	PET.	-do-
4.	Abdul Mujadd.	A.T.	-do-
5.	Night Begum.	A.T.	GGMS Pabbi Nowshera.
6.	Nagina Naz.	PET.	GGMS Buzahir Khan Qilla Chd;
7.	Seema Gul.	PET.	GGMS Jamat, Charsadda.
8.	Shaheen Begum.	PET.	GGMS Tariq abad, Charsadda.
9.	Ali- Tommano.	PET.	GGHS Frang, Charsadda.
10.	Abida Gul.	PET.	GGMS Shah Afzal abad, Charsadda.
11.	Shazia Akhtar.	PET.	GGMS Mahzara, Charsadda.
12.	Robina Begum.	PET.	GGHS Bahula, Charsadda.
13.	Farah Deebi.	CT.	GGMS Nohqi Gul abad, Chd;
14.	Khalida Begum.	CT.	GGHS Charsadda.
15.	Shazia Naz.	AT.	GGMS Hikmat abad Chd;
16.	Khalida	PET.	GGMS Keptan Killi, Chd;
17.	Azra.	PET.	GGHS Shabqadar Fort, Chd;

(GHULAM MUSTAFA)
DIVL: DIRECTOR OF EDUCATION (S)
PESHAWAR DIV: PESHAWAR.

Encl; No. 25260-25287 / Dated Peshawar the 18/10 /1977.

Copy forwarded to the:-

1. Director of Secondary Education N.W.F.F, Peshawar.
2. District Education Officer (M) Secy; Nowshera.
3. District Education Officer (F) Secy; Nowshera.
4. District Education Officer (F) Secy; Charsadda.
- 5-6. District Accounts Officer Charsadda & Nowshera.
- 7-20. Principals/Headmaster/Headmistresses of the concerned schools.
21. Superintendent Estt; Branch.
22. F/Files.

Aziz Khan

FOR/DIVL: DIRECTOR OF EDUCATION(S)
PESHAWAR DIVISION PESHAWAR.

Attested
Encl

14

Annex-C

3

OFFICE OF THE DIVISIONAL DIRECTOR OF EDUCATION(S) PESHAWAR DIVN: PESHAWAR.

RE-INSTATEMENT.

Consequent upon the acceptance of her appeal against the termination order, Miss: Nighat Begum Ex:A.T. GGMS, Pabbi (NSR) is hereby Re-instated in service with effect from the date of her termination, at GGMS, Pabbi (NSR) against vacant post.

Charge report should be submitted to all concerned.

(GHULAM MUSTAFA)
DIVL: DIRECTOR OF EDUCATION(S)
PESHAWAR DIVISION PESHAWAR.

Endst: No. 1689-93 / F.No. 15/A-4/N.Begum/AT/DDW/Dt: Pesh. the 20/1/1998.

Copy forwarded to the:-

1. Distt: Education Officer (F) Secondary Newsheera.
2. Distt: Accounts Officer Newsheera.
3. Headmistress, GGMS, Pabbi (NSR).
4. Teacher concerned,
5. Supdt: E/Branch.

Aisha Yasmin
Govt Girls Middle School
No. 2 PABBI.

A. Ghulam Mustafa
20/1/98
FOR/DIVISIONAL DIRECTOR OF EDUCATION(S)
PESHAWAR DIVISION PESHAWAR.

attested
- Faris

s. N^o 9019462

Roll No: 73



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan
Honours Examination

SESSION 19 98

THIS IS TO CERTIFY THAT Nighat Begum

Son of Subhanud Din

and a resident of Nowshera District

has passed the HONOURS in Arabic

Examination of the Board of Intermediate & Secondary Education, Peshawar

held in November 1998 in the Third Division

Registered No. 58-B/AR-98

[Signature]
Asstt. Secretary

[Signature]
Secretary

This certificate is issued without alteration or erasure.

Attested
[Signature]

AWARD OF SELECTION GRADE TO AT TEACHER

The following AT teachers are hereby awarded S. Grade in BPS-12 (Rs. 1830-130-3780) and BPS-15 (Rs. 2190-177-4845) w.e.f. the date noted against their names.

(18)

S.No:	Sen No:	Name and Address	D/O Birth	D/O Promotion To P. Grade	Date of Award of S. Grade
1.	1	Dilshad Salisum GGHS NER Cantt	19.1.64	16.12.85	01.09.98
2.	2	Mubashera Gul GGHS Pirpai	14.5.59	16.11.86	04.09.98
3.	3	Perveen Akhtar GHSS Jallozai	8.6.54	15.4.88	01.09.98
4	4	Sharafat GCMS Faru Sabba	2.2.75	22.11.94	01.09.98
5	5	Noorin Sadig GMS Nodda	13.5.75	19.12.94	01.09.98
6	6	Saiqa Dibi GGHS Khair Abad	10.4.71	22.2.95	01.09.98
7	7	Fozia Jabeed GGHS Z.K.K. Sahib	23.1.68	18.12.95	01.09.98
8	8	Shabina GGHS S.K. Fayen	15.6.72	13.10.96	01.9.98
9	9	Hight Mogun GGHS Aza Khel Mala	1.5.77	1.12.96	01.9.98
10	10	Rifat Perveen GGHS ...	14.8.64	1.7.97	01.9.98

IMPORTANT INSTRUCTIONS/DIRECTIONS.

- All the Principals/Headmistresses concerned are directed to check all the particulars of the above named AT teacher if any omission mistakes therein has been detected by them may be intimated to this office within month positively.
- Any AT mentioned above if not holding the post of AT on the date mentioned against each will be considered from the date as dropped from the award of Selection Grade such cases should be reported to this office immediately.
- The Principals/Headmistress and especially D/O will be held personally responsible for any discrepancy as a result of which over payment is made to the teacher but it could be regularised by them within a period of one month.
- An undertaking on the prescribed form given below should be obtained from the above named AT teachers and the same undertaking should be pasted in their B. Book duly attested by their respective heads of the institution before the drawal of payment of arrear pay and allowances.

UNDERTAKING

I Miss/Mst _____ (NAME) /GGHS/GCMS _____ is hereby given an undertaking to the effect that any over payment is made to me as a result incorrect award of S. Grade if detected pointed out later on it will be made good by recovery from my pay/Pension Gratuity etc. As may be fixed by the Govt: Deptt.

Attested by D/O

Name and Designation of the Teacher concerned.

Attested
Faisal

1329
P
The

5. If any of the Qaria teachers is involved in Anti-Corruption/ Departmental/Criminal cases his award of Selection Grade may be considered as dropped and such cases may be brought into the notice of this office.
6. Arrears due to the Award of Selection Grade should be drawn and disbursed to them immediately.
7. Necessary entry to this effect should be made in their Service Books.

(BASHIR MUSSAIN SHAH)
DISTRICT EDUCATION OFFICER
(M&F) SECONDARY NOWSHERA.

Endst:No. 2164-B /S.Grade/A.T(F) Dated Nsr; the 30/6 /2001.

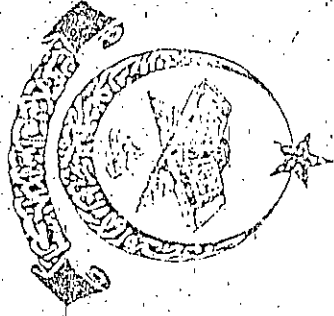
Copy forwarded for information & N/action to the:-

1. Director of Secondary Education (S) NWFP Peshawar.
- 2,5. All the Principals/Headmistress Concerned.
- 6,9. All the Teachers Concerned.
10. A.D.F.O. (Accounts) Local Office.

[Signature]
DISTRICT EDUCATION OFFICER
(M&F) SECONDARY NOWSHERA.

QASIM/

[Signature]
Amma



شهادة الأهلية
تسهيلا

بسم الله الرحمن الرحيم

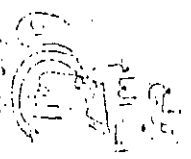
المراد المبرور في عام ١٩٤٤

في مركز جامعة النجاح الوطنية في نابلس

المراد المبرور في عام ١٩٤٤

بمقره في نابلس

بمقره في نابلس



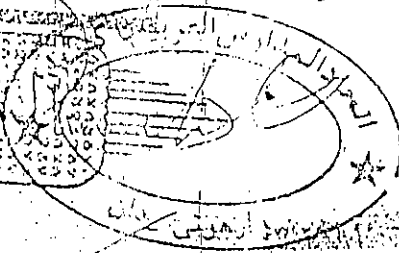
مدير الاتحاد
بمقره في نابلس

رقم السجل ٥٩٨٣٨
رقم الطلبة ٨١٢
الدرجات ٦٠ / ٣
تاريخ الاجراء ١٩٤٤

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

لغوية كشف الدرجات

الشهادة العالمية



المراتب	الكتب الدراسية
٥٨	الصحیح البطاری
٦٢	الصحیح المسام
٥٨	سورة ابي داود
٥٦	بناجج الترهانی
٦١	مؤملین مع طهارتی
٥٣	سنان مع شمسائل

رقم التسجيل ٦٨٢٨

رقم الجلوس ٤٦٢

اسم الطالب/الطالبة فکیمت بیگم

اسم الوالد سیمان الدین

المديرية کفر شهرد

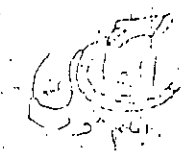
تاریخ المیلاد ١٩٤٤

اسم الجامعہ الفوار السالم

مکان

الدرجة الصغرى ٤٠	الدرجة الكبرى ١٠٠	ساعات الدرجات ٦٠٠	الدرجة المحصلة ١٠٠
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تشهد ادارة اتحاد المدارس العربية بان الطالب/الطالبة المنة كور / بان الطالب المنة كور رفا اعلاء
قد نجح/نجحت في امتحان الشهادة العالمية بتقدير جيد



توقيع مراقب الامتحانات

التاريخ ١٤٠٥

المكتب الرئيس مردان

19

Amended

GOVERNMENT OF NWFP, EDU: DEPT.
Dated Peshawar the, 1-4-1985

12

NOTIFICATION.

NO. Agro-Tech:3-21/85-Deeni Madaris. In pursuance of University Commission, Islamabad's Notification No. D-410/oad/82/120, dated 17.11.1982, regarding equivalence of Deeni Annad with University Degree, the Education Department has been pleased to grant equal status, facilities and fringe benefits to the candidates as under:

S.NO. Name of Sando.	Awarded by	Equal to.
1. Ashahadat-ul-Fazola	Wafaq-ul-Madaris	MA in Arabic/Urdu studies for tech. and higher studies Arabic/Islamic stu
2. Ashahadat-ul-Faregh	Tanzeem-ul-Madaris	-do-
3. Ashahadat-ul-Allia	Wafaq-ul-Madaris-ul-Sulfia (Ahl-e-Madina)	-do-
4. Asultan-ul-Fazal	Wafaq-ul-Madaris	-do-
5. Ashahadat-ul-Alamiyya Pil-Uloomil Arabia Wal Islamia.	Different Schools of thought	-do-

SECRETARY EDUCATION
GOVT. OF N.W.F.P., PESHAWAR

Endst: NO. Agro-Tech:3-21/85-Deeni Madaris Dated: 1-4-1985.

Copy for necessary action to:-

1. Secretary to Govt. of NWFP Finance Dept. No. PD(SR) 123/83, dated 9-3-1985.
- 2-5. The Vice Chancellors, University of Pesh, Engineering Univ. Agriculture University, Techno/Deeni, University D.I. Khan.
- 6-9. The Director of Edu: Colleges, Schools, P.T.A, Technical in NWFP.
10. PS to Secretary Education Govt. of NWFP.
11. PA to Deputy Secretary-I and II Edu: Deptt: NWFP.

OFFICE OF THE DISTRICT EDUCATION OFFICER, SAIDU SHARIF

Endst: NO. 11

Copy forwarded for information and rec.

1. The Sub Divl: Edu: Officer (M) Saidu, Dager & Alpural.
2. The Headmasters of All High Schools (M) in Suet District.
3. The Mohtamim/Sadara Darul Uloom Islamia, Saidu Sharif, Charbagh & Shahpur.
4. The Director of Education(S), NWFP, & w/r to his No. 2045-2133/S-12: Deeni Madrasa dated 8-4-1985.
5. The Director of Education(S), MKD: Div: Saidu Sharif, Swat for information, PESHAWAR.

DISTRICT EDUCATION OFFICER (M)
SAIDU SHARIF

5/5-85

Attested
[Signature]

NOTIFICATION

No. Argo-Tech:3-21/85-Doeni Madaris. In pursuance of Univeristy Commission, Islamabad Notification NO. 8-418/Seed/82/120, dated 17/11/1982, regarding equivalent of Deeni Asnad with University Degree, the Education Department has been pleased to grant equal status, facilities and fringe benefits to the candidates as under:

S. No.	Name of Saned	Awarded by	Equal to
1.	Ashahadat-ul-Fazools	Wafaq-ul-Madaris	M.A in Aribic/ studies for teachers and higher studies Arabic/ Islamic Studies
2.	Ashahadat-ul-Foragh	Tanzeem-ul-Madaris	-do-
3.	Ashahadt-ul-allia	Wafaz-ul-Madaris-Sulfia(Ahi-e-Hadia)	-do-
4.	Assultan-ul-Fazal	Wafaq-ul-Madaris	-do-
5.	Ashahadatj-ul-Alemiyya Fil-Uloomll Arabic Ul Islamia	Different Schools of thought	-do-

Secretary Education
Govt: of NWFP, Peshawar.

Endst: No. Gro-Tooh:3-21/85-Dooni Madaris dated 1/4/1985

Copy for necessary action to:

1. Secretary to Govt: of NWFP Finance Department. FD(SR) 123/83, dated 9/3/1985.
2. The Vice Chancellor, University of Pech, Engineering, University of Agriculture University/ Gomal University d.I.Khan.
3. The Director of Edu: colleges, Schools, FATA, Technical in NWFP.
4. PS to Secretary Education Govt: of NWFP.
5. PA to Deputy Secretary-I EI Edu: Deptt: NWFP.

Office of the District Education Officer, Swat Saidu Sharif

Endst: No. 4

Copy forwarded for information:

1. The Sub Divl: Edu: Officer. (M) Saidu, Dagai & Alpuri.
2. The Headmasters of All High Schools (M) in Swat District.
3. The Mohtemin/Sadars Darul Uloom Islamia, Saidu Sharif, Charbegh & Shabour.
4. The Director of Education (S), NWFP, & w/r to hie No. 2045-2133/S-12.
5. That Director (S) MKD: Div Saidu Sharif, Swat for information please.

District Education Officer (M)
Swat, Saidu Sharif



CERTIFICATE OF REGISTRATION OF SOCIETIES.
ACT XXI OF 1860.

No. 78 / 5 / 126. Date 30 / 09 / 2005.

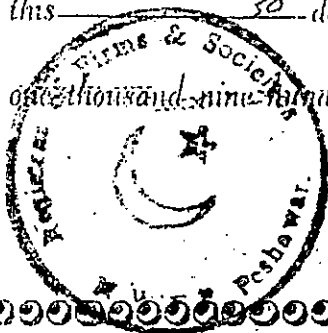
I hereby certify that DARUL ULLOM ITTEHDUI, MADARIL
AL-ISLAMIA, PAR HOTE DISTRICT MAIDAN.

has this day been registered under the Societies' Registration
Act XXI of 1860.

Given under my hand at PESHAWAR.

this 30th day of TWO THOUSAND FIVE (2005).

one thousand nine hundred and XX XXXXX XXXXXX XXXXXX XXXXXX



[Handwritten Signature]

Registrar of Joint Stock Companies
& Societies, N.W.F.P., Peshawar.

Attested
[Signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 03-04-2012

NO.SO(PE)5-12/SSRC/Darul Uloom/2012. In pursuance of the provisions contained in sub-Rule (2) of Rule-3 of Khyber Pakhtunkhwa, Province Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 the Elementary & Secondary Education Department in consultation with the Establishment and Administration Department and the Finance Department hereby directs that in this Department's Notification No. SO(PE)4-5/SSRCVOL.III, dated 18-1-2011, the following further amendments shall be made, namely:

AMENDMENTS

In this Appendix, against serial No. 2 and 3, in column No. 3, after the words "Tanzim-Ul-Walaq-Ul-Madaris", the words "or Darul-Uloom Saidu Sharif Swat, Darul-Uloom Charbagh Swat, Darul-Uloom Chitral, Darul-Uloom Darosh Chitral and any other Government run Darul-Uloom, as notified by the Government from time to time" shall be inserted respectively.

SECRETARY

Copy forwarded to:-

1. Additional Chief Secretary, FATA Warsak Road Peshawar.
2. All Administrative Secretaries Govt. of Khyber Pakhtunkhwa.
3. Secretary to Governor, Khyber Pakhtunkhwa.
4. Accountant General, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
6. Director Elementary & Secondary Education Khyber Pakhtunkhwa.
7. Director Curriculum & Teachers Education Abbottabad.
8. Director PITE Peshawar.
9. Director Education FATA Warsak Road Peshawar.
10. All District Coordination Officers in Khyber Pakhtunkhwa.
11. All Executive District Officers in Khyber Pakhtunkhwa.
12. All Agency Education Officers in FATA.
13. Director Information Khyber Pakhtunkhwa Peshawar with the request to give wide publicity through electronic & press media.
14. The Manager Govt. Printing Press Peshawar for publication in the next issue of Govt. Gazette.
15. Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
16. Chief Planning Officer Elementary & Secondary Education Department.
17. Senior Planning Officer Elementary & Secondary Education Department.
18. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
19. PS to Minister for Elementary & Secondary Education Khyber Pakhtunkhwa.
20. PS to Secretary / Special Secretary / Additional Secretary E&SE Department.
21. PA to Deputy Secretary (Admn) E&SE Department.
22. All Section Officers/Planning Officers / Statistical Officers, E&SE Department.
23. Deputy Director Database Administrator (EMIS) E&SE Department.

Attested
[Signature]

211

Annexure-I

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY DEPARTMENT NOWSHERA.

13

CORRIGENDUM

Consequent upon the Notification issued vide this office
endstt:No.2371-74/F.San:/D.Level/Dated 10-12-1999 regarding formal Sanction
of B-14 in respect of Mst:Nighat Begum A.T,GGHS Aza Khel Bala Nowshera w.e.f
01-12-1996 i.e date of Appointment against A.T.Post,please read 10-10-2002
insted of 01-12-1996 in the notification issued vide above mentioned No & dt:
as the Mistress concerned has passed Shahadatul Alamia Examination from
Ittehadul Maddaris Mardan w.e.from 10-10-2002.

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

(SYED BASHIR HUSSAIN SHAH)
EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LIT DEPTT:NOWSHERA.

Endstt:No. 196-99 / Formal Sanction/Coqr:/Dated Nowshera the 23-01 /2003.
Copy for information & n/a to the:-

- 1- Director School & Lit Deptt:N.W.F.P.
- 2- Head Mistress,GGHS Aza Khel Bala Nowshera.
- 3- District Accounts Officer,Nowshera.
- 4- A.D.O.Concerned.

[Signature]
EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LIT DEPTT:NOWSHERA.

[Signature]

خدمت بناب ڈسٹرکٹ ایگزیکٹو آفیسر تعلیم نوشہرہ

(14)

درخواست برآمد گریڈ 14 میں ترقی

جناب عالی!

موربانہ نذر میں ہے۔ کہ سائلہ شہادت العالمیہ فی العلوم

العربیہ اسلامیہ مردان سے سند حاصل کی ہے اور

گورنمنٹ گریڈ 14 میں بھرتی ہو کر AT معلوم

خدمات سرانجام دے رہی ہے۔

سہ آفران بالا نے مورخہ 23.10.03 کو سائلہ کو گریڈ 14

دینے کے احکامات جاری کیے تھے۔ (حسن کی نظر درخواست دینا

کے ساتھ منسلک ہے) لیکن 3 سال نذر نے کے بعد بھی

سائلہ کو اپنے حق سے محروم رہی۔ سائلہ نے کاروائی پلئے دوبارہ

درخواست بھی دی تھی اسلئے اب ایک بار پھر سائلہ آپ صاحبان کی خدمت

میں التماس کرتی ہے کہ سائلہ کو اپنا حق یعنی گریڈ 14 میں

ترقی دینے کے احکامات صادر فرمائیں تاکہ سائلہ کو اس حق سے محروم

یا تحریری جواب دے دیں کہ سائلہ کو اس حق سے محروم

کیوں رکھا گیا ہے۔

سائلہ تاحیات دعاؤں رہے گی

24/12/05 مورخہ

Ughat Begums

(AT)

نہایت بے علم ولد صاحبان الدین

گورنمنٹ گریڈ 14 میں بھرتی ہو کر اضافی

Attested

23

EXECUTIVE D-300-CT (W/F)-GSR
SCHOOLS AND I-T: NOUSHERA.

135

No. _____ / F.No: Adv: Acc: /
B/S-14/A.T. Port.

Dated 6/1 /2006. *Annexure*

To

The District Coordination Officer,
Nowshera.

Subject:- LETTER OF B/S-14 IN RESPECT OF MPT: NAHAT BEGUM A.T.
GOVT: GHS GHS SCHOOLS, ZILA ZHARBI (NOWSHERA).

Memorandum:-

It is submitted for your kind information that one
Mst: Naht Begum is performing as A.T. at GHS Za Khel Bala (Nowshera).
She has passed her "SHAHJATI IIP-A" Examination from 1996-97
1. D. S. H. S. N in 2nd Division and the result was declared on
10-10-2002. The official had been granted B/S-14 w.e.f. 1-12-96
instead of 10-10-2002 the exact dating of Examination by the
D. C (W/F) Secondary Nowshera vide his order No: 2371-74 dated: 10-12-99
(entry made in the Service Book on page 9), through an oversight.
Although an arrears of Rs: 18049/- (Rupees Eighteen thousand & Forty
nine only) has been paid to the official concerned. However due to
the thorough scrutiny of the case recovery has been started from
the official @ Rs: 1000/- w.e.f. Sept: 2002 upto date total (40 Instal).

Moreover a corrigendum/certification has been issued by
the D.C. (W/F) Nowshera i.e. Syed Hashir Hussain Shsh vide his
Office order No: 196-99 dated: 23-01-2003 w.e.f. 10-10-2002 instead
of 01-12-1996 (copy of Corrigendum and Verified Certificate of
Shahjati IIP-A) are attached here with for reference please.
But due to some un-known reason proper entry of the revised Notifi-
cation has not been recorded in the S/Book, whereas recovery is
still continue from the official.

Your good self being competent authority is requested to
please correct the entry of B/S-14 w.e.f. 10-10-2002 in the light of
relevant documents attached, to settle the case and save the official
from financial loss please.

encl: 3/Book/Documents.

Sd/
EXECUTIVE D-300-CT (W/F)-GSR
SCHOOLS AND I-T: NOUSHERA.

Order No: 1146-48

- Copy of the above is forwarded for information to the:-
- (1) District Officer (Female) Nowshera.
 - (2) Head Mistress GHS Za Khel Bala (Nowshera).
 - (3) Mst: Naht Begum AT GHS Za Khel Bala (Nowshera).

[Signature]
EXECUTIVE D-300-CT (W/F)-GSR
SCHOOLS AND I-T: NOUSHERA.

Attested
[Signature]

Executive District Officer
Schools and Lit: Nowshera

No. _____/F.No: Adv: Inc:/
BPS-14/A.T.Post.
Dated 6/1/2006

To

The District Coordination Officer,
Nowshera.

Subject: Award of BPS-14 in respect of Mst. Nighat Begum A.T Govt: Girls
High School Aza Khel Bala (Nowshera).

Memorandum:-

It is submitted for your kind information that one Mst. Nighat Begum is performing as A.T at GGHS Aza Khel Bala (Nowshera). She has passed her "Ashahatul Alima" Examination from "Ashahatul Madaras Mardan" in 2nd Division and the result was declared on 10/10/2002. The office had been granted BPS-14 w.e.f 1/12/96 instead of 10/10/2002 the exact date of Examination by the Ex-D.E.O (M/F) Secondary Nowshera vide his Endst: No. 2371-74 dated 10/12/99 (entry made in the Service Book on page 9), through an oversight. Although an arrear of Rs. 18049/- (Rupees Eighteen thousand & Forty Nine only) has been paid to the official concerned. However due to the through scrutiny of the case recovery has been started from the official @ Rs. 1000/- w.e.f. Sept: 2002 upto date total (40 Instal).

Moreover a corrigendum/ Notification has been issued by the Ex-D.D.O (S&I) Nowshera i.e. Syed Bashir Hussain Shah vide his office Endst: No. 196-99 dated 23/01/2003 w.e.f 10/10/2002 instead of 01/12/1996 (copy of corrigendum and verified certificate of "Shahadatul Alimia" are attached herewith or reference please. But due to some unknown reason proper entry of the revised notification has not been recorded in the S/Book, whereas recovery is still continue from the official.

Sir,

Your Good self being competent authority is requested to please accrued sanction of BPS-14 w.e.f 10/10/2002 in the light of relevant documents attached, to settle the case and save the official from loss please.

Encl: S/Book/documents.

Executive District Officer
Schools and LIT: Nowshera.

Endst: No. 1146-48/

Copy of the above is forwarded for information to the:-

1. District Officer (Female) S&L Nowshera.
2. Head Mistress GGHS Aza Khel Bala (Nowshera).
3. Mst. Nighat Begum AT GGHS Aza Khel Bala (Nowshera).

Executive District Officer
Schools and LIT: Nowshera.

24

105

District Government Nowshera,
D. C. O. Secretariat.

Annexure - 1 No. 14 DCOTA/NSR/270
27/1 January 2006.

To: The Executive District Officer,
Schools & Literacy Department Nowshera

Subject: AWARD OF BPS-14 IN RESPECT OF MST. NIGILAT BEGUM AT
GOVERNMENT GIRLS HIGH SCHOOL, AZA KHEL, BALA (NOWSHERA).

Memo:
1. Reference your office memo No. 1145-WE F. No. Adv. In: BPS-14 AT Post dated
06-1-2006, on the subject noted above.

2. You are directed to record entry of the office orders vide endst: No. 2371-
74 F. San: D. Level dated 10-12-1999 and Corrigendum order vide endst: No. 196-99 Formal
Sanction/Corr: dated 23-1-2003, issued by your office, in the service book of the above named AT
teacher, and process the case further.

[Signature]
District Coordination Officer,
Nowshera.

[Handwritten notes] (1-1-2006) sub k... *[Signature]*

Attested
[Signature]

District Government Nowshera
D.C.O. Secretariat

No. 14 DCO/EA/NSR 270
24 January 2006,

To

The Executive District Officer
School & Literacy Department Nowshera.

Subject:

**Award of BPS-14 in Respect of Mst. Nighat Begum at
Government Girls High School Aza Khel Bala (Nowshera)**

Memo:

1. Reference your office memo No. 1145-WE E.No: Adv: Inc: BPS-14 AM Post dated 06-01-2006 on the subject noted above.
2. You are directed to record entry of the office orders vide endst: No. 2371-74 F.San: D.Level dated 10/12/1999 and Corrigendum order vide endst: No. 196-99 Formal Sanction Corr: Dated 23/01/2003 issued by your office, in the service book of the above named VI teacher and process the case further.

District Coordination officer
Nowshera.



شهادة التخرج من كلية التربية بجامعة القاهرة



الأحمد لله رب العالمين والصلاة والسلام على خاتم الأنبياء والمرسلين، وعلى آله وصحبه أجمعين، أما بعد، فإن رئاسة
 وزارة التربية والتعليم بجمهورية مصر العربية، بمقتضى قرار وزيرها رقم ١٠٠٠ لسنة ١٩٦٠م،
 المؤتمدة في عام ١٩٦٠م - ١٩٦١م، قد اتفقت لاسئدة النهائية في الكلية على إخراج الطالب/ محمد أحمد محمد من
 تحت الشرف وثائق المدارس المصرية في - ١٩٦١/١٩٦٠م بتقدير جيد جداً وبمقام على ذلك استعملت الشهادة المسالمة
 ورئيس الأوقاف إذ يمنحه هذه الشهادة بوصفه يتقوى الله تعالى. ويسأل الله عز وجل أن يرزقه علماً ينفعه وإيماناً
 يحميه، وأن يجعله من عباده المقبولين. *بسم الله الرحمن الرحيم*

تم الترخيص في ١٩٦١م
 من قبل
 الأستاذ الدكتور/ محمد مصطفى
 رئيس الأوقاف
 الأستاذ الدكتور/ محمد مصطفى
 رئيس الأوقاف

الأستاذ الدكتور/ محمد مصطفى
 رئيس الأوقاف
 الأستاذ الدكتور/ محمد مصطفى
 رئيس الأوقاف

الأستاذ الدكتور/ محمد مصطفى
 رئيس الأوقاف
 الأستاذ الدكتور/ محمد مصطفى
 رئيس الأوقاف

الأستاذ الدكتور/ محمد مصطفى
 رئيس الأوقاف
 الأستاذ الدكتور/ محمد مصطفى
 رئيس الأوقاف

الأستاذ الدكتور/ محمد مصطفى
 رئيس الأوقاف
 الأستاذ الدكتور/ محمد مصطفى
 رئيس الأوقاف

الأستاذ الدكتور/ محمد مصطفى
 رئيس الأوقاف
 الأستاذ الدكتور/ محمد مصطفى
 رئيس الأوقاف

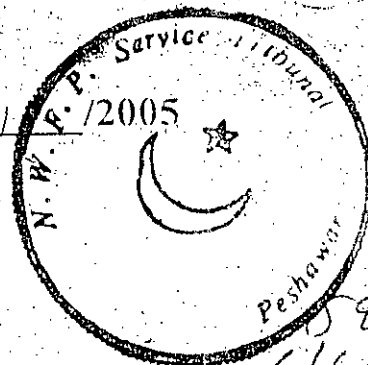


١٩٦١ / ١٩٦٠

شهادة التخرج من كلية التربية جامعة القاهرة

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No. 491



Saeedullah S/O Muhammad Wali,
Ex-Arabic Teacher,
G.M.S., Bakht Bilanda,
Dir Lower
R/O Cheno, Tafash.....Appellant.

Versus

1. The District Coordination Officer,
District Dir Lower.
2. The Executive District Officer,
Schools & Literacy Department,
District Dir Lower.
3. The Director,
Schools & Literacy Department,
NWFP, Peshawar.
4. The Secretary,
Schools & Literacy Department,
NWFP, Peshawar.

M. A. J. a.
6/6/05

SERVICE APPEAL UNDER SECTION 4 OF THE
NWFP SERVICE TRIBUNALS ACT, 1974
AGAINST THE IMPUGNED ORDER DATED
31.01.2005 PASSED BY RESPONDENT NO.1
THEREBY THE APPOINTMENT ORDER OF
APPELLANT DATED 30.07.2004 WAS
WITHDRAWN WITHOUT COGENT REASONS
AGAINST WHICH APPELLANT FILED
DEPARTMENTAL APPEAL BUT THE SAME WAS

ATTESTED
EXAMINER
NWFP Service Tribunal
Peshawar

Attested
[Signature]

dated 31.01.2005 whereby his appointment order dated 30.7.2004 was withdrawn with the prayer that the impugned order may be set aside and respondent No. 1 be directed to restore his appointment order as Arabic Teacher dated 30.7.2004 with all back benefits.

2. Brief facts of the case are that the appellant was initially appointed as Qari in the respondent department on regular basis vide order dated 29.4.1999. He qualified Matric in the year 1995, F.A. in the year 2001 while the Sanad of Shahadat-ul-Alamia also obtained from the recognized institution in the year 1999. The appellant being qualified in the terms of advertisement, applied for the post of Arabic Teacher and after test and interview he obtained high merits but appointment orders could not be issued for unknown reasons and the posts were re-advertised on 25.05.2004 and similarly re-interviewed on 1.6.2004 and a common order dated 30.7.2004 was issued by respondent No. 1 thereby appellant and others were appointed in pursuance of which the appellant assumed the charge of the post of Arabic Teacher at Government Middle School, Odigram on 31.7.2004 and since then he has been performing his duties as such efficiently and regularly for which he was also paid salaries as is evident from the pay rolls. All of a sudden, on 31.1.2005 an order was issued by respondent No. 1 thereby the appointment order of appellant and

ATTESTED
EXAMINER
NWFP Service Tribunal
Peshawar.

Attested
[Signature]

others was withdrawn without any cogent reason against which the appellant preferred a departmental appeal on 28.2.2005 to respondent No. 3 but the said has not been disposed of within the statutory period of 90 days. Hence the instant appeal.

3. The appellant has assailed the impugned order on the grounds that the appellant was fully qualified for the post of Arabic Teacher and his appointment was made by the competent authority after observing all the codal formalities therefore, subsequent withdrawal of the same in arbitrary manner is unjustified and not sustainable under the law and rules. After assuming the charge of the post of Arabic Teacher, the appellant continuously worked for sufficient time which accrued vested rights in his favour which could not be taken back from him under the principle of locus poenitentiae. The impugned order has been passed without notice and assigning any reason. The impugned order has been passed at the back of appellant and he has been condemned unheard and no fair opportunity was given to him to defend his case.

4. The respondents have filed their written reply in which the claim of the appellant as contained in the memo of appeal has been opposed. The appellant has also filed his replication rebutting the objections raised by the respondents.

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NWFP Service Tribunal
Peshawar

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5. Arguments heard and record perused.

6. The learned Counsel for the appellant argued that the appellant was initially appointed as Qari (BS-7) vide order dated 29.4.1999 after proper selection. Later on as a result of advertisement published in the newspaper the appellant applied for the post of A.T and he was properly appointed vide order dated 30.7.2004 as Arabic Teacher BS-9 after the approval of the recruitment committee. It was also argued that the appellant took the charge of the post of Arabic Teacher on 31.7.2004 and received the salary. The counsel also argued that vide order dated 31.1.2005 the appointment order issued on 30.7.2004 was withdrawn. The counsel argued that the appellant is qualified and his appointment was made by the competent authority after observing all the codal formalities. No proper enquiry such as issuing of charge sheet/statement of allegations, show cause notice has been issued to the appellant. The learned counsel also rebutted the objection of the respondents that the Sanad issued by the "Ittehadul-Madaris Mardan is not a recognized/registered by the Higher Education Commission or erst-while University Grants Commission. He also denied the objection raised by the respondents that the institution has not been affiliated with Pakistan Madrasal Education (Establishment and affiliated of Model Deeni Madaris Board. In this connection the

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 EXAMINER
 WFP Service Tribunal
 Peshawar

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counsel for the appellant showed the certificate of Registration wherein the Madrasa islamia Anwarul Uloom Hoti Mardán has been registered under registration No. 9/159 dated 9.12.1967 under the Society Act. The counsel also showed another registration No. 78/5741 dated 30.9.2005 wherein Darul-Ulloom-Ittehadul Madaris Al-Islamia Par Hoti Mardan stands registered under the Societies Act. It was argued by the counsel for the appellant that Sanad of Ittehad-ul-Madaris is competent and authentic document for the appointment of Arabic Teacher and it was never mentioned in the rules nor in the advertisement given in the newspaper for the post that the Sanad would be valid/entertained only when the institutions from which it stands issued is recognized and registered by Higher Education Commission/UGC. It was added in the arguments that the letter of Higher Education Commission dated 7.4.2004 only shows the Sanads from Wafaq/Tanzem-ul-Madaris, Rabit-ul-Madaris and certain individual Madaris which is meant for higher studies and not related with teaching Arabic at School level. He also pointed out a list of Teachers with having the same Sanad who have been appointed against the post of Arabic Teaching Theology Teachers in various Schools. The learned counsel also pointed out that Ordinance No. XL of 2001 was recently promulgated which should not have

ATTESTED

EXAMINER
NWFP Service Tribunal
Peshawar.

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retrospective effect while the Sanad of the appellant obtained is in the year 1999. Hence the appellant has been deprived of his due rights against the law and the competent authority has also not positively responded to mitigate his grievances.

7. The learned AGP relied upon the sole letter date 7.4.2004 from the Higher Education Commission, stating that the Sanad of the appellant issued by the Deni-Madrassa is not valid as the Madrassa has been mentioned as registered/recognized by the Higher Education Commission/UGC. Moreover, the Institution/Madrassa which issued the Sanad is not affiliated to Model Dini Madaris Board as required under the Federal Government Promulgated Ordinance No. XI. of 2001. The AGP contended that the impugned order has rightly been issued and the appellant has no case for the indulgence of the Tribunal.

8. After listening to the arguments of the parties and perusal of record the Tribunal tends to agree with the contention of the counsel for the appellant as neither in the advertisement for the post, validity of the Madrassa or its affiliation to Model Dini Madaris Board was mentioned nor during giving offer of appointment to the appellant this fact/condition was mentioned. The record also shows that "Itchadul Madaris-ul-Arabia Par Hoti Mardan is duly registered" under the

ATTESTED

EXAMINER
NWFP Service Tribunal
Peshawar

Society Act and a number of students with Sanads of that have already been working as Arabic/Theology Teachers in various Schools of the Province as per list shown/attached with replication of the appellant. The appellant was to teach Arabi in the School and neither he was to get higher study nor he was to teach in the College or University as referred to in the letter dated 7.4.2004 from the Higher Education Commission. The appellant had been receiving pay for the last more than three months as evident from the photo-stat copies of the pay rolls, while it was clearly mentioned in the terms and conditions at S.No. 11 of the order of appointment dated 31.7.2004 that the DDO was not to pay the salary to the new appointee until and unless his certificate/sanad is verified from the concerned Board/institution. After the payment of the salary to the appellant the Tribunal draws the conclusion that the respondents have accepted that his sanads are valid and there was no flaw in the appointment. It is also another fact that the services of the appellant were terminated and the appointment order was withdrawn without following the legal procedure as no show cause notice was given and no enquiry was conducted while no chance for the defence was given to the appellant which is a mandatory provision of law. The appointment order issued by the respondent department is also silent to indicate the special clause that

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EXAMINER
NWFP Service Tribunal
Peshawar.

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without giving him any notice his services are to be terminated because of invalidity of sanad. It is also a fact that for C.T. Teachers the qualification is F/A/F.Sc while for SETI which carries BS-16 the basic qualification is BA/B.Sc/B.Ed which for Arabic Teacher in the School with Scale of BS-9 the qualification/sanad of Deemi Madaris should be equivalent to M.A. is against the common sense. The respondents have failed to mention in the advertisement to specify the condition and proper appointment order was issued and the appellant was regularly paid for more than three months.

9. Keeping in view the above facts, this appeal is accepted and the order dated 30.7.2004 is restored and the impugned order dated 31.1.2005 is set aside to the extent of the present appellant as well as other appellants in connected appeals bearing No. 491/2005 titled Saeedullah and 492/2005 Muhammad Idrees Versus DCO District Lower Dir etc, in which common questions of law and facts are involved. The pay of appellants is to be fixed from the date of partial modification in the impugned order with no arrear to be paid. No order as to costs. File be consigned to the record after completion.

ANNOUNCED.
17.06.2006.

(Signature)
(FAIZULLAH KHAN KHATTAK)
MEMBER.

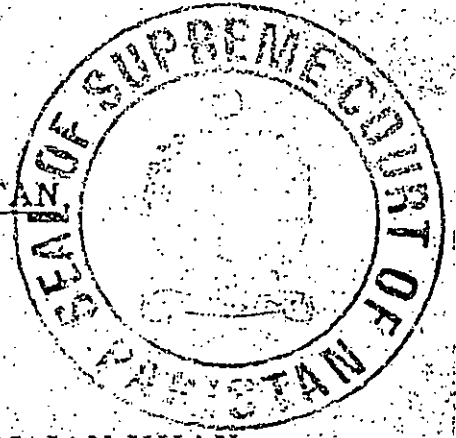
(Signature)
(ABDUL KARIM QASURIA)
MEMBER.

Examiner
Group Service Tribunal
Peshawar

Date of Presentation of Applicant... 27.6.06
 Number of Words... 3200
 Copping Fee... 15/-
 Urgent...
 Total... 18/-
 Name of Copy...
 Date of Completion of Copy... 13.7.06
 Date of Delivery of Copy... 13.7.06

34

فصل 34



IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
MR. JUSTICE IJAZ-UL-HASSAN
MR. JUSTICE MOHAMMAD QAIM JAN KHAN

CIVIL PETITION Nos 660-P, 661-P AND 662-P OF 2006

(On appeal from the judgment dated 17.6.2006 of the NWFP Service Tribunal, Peshawar passed in Appeal Nos.490, 491 and 492 of 2005)

District Coordination Officer, District Dir Lower
and others ... Petitioners

Verdict

Rozi Khan
Saeedullah
Muhammad Idrees ... Respondents

For the petitioners Mr. Tasleem Hussain, ASC

For the respondents Mr. Ijaz Anwar, ASC

Date of hearing: 06.2.2009

ATTESTED
[Signature]
Assistant Registrar
Supreme Court of Pakistan
Peshawar.

JUDGMENT

IJAZ-UL-HASSAN, J. — These petitions for leave to appeal, proceed against common judgment dated 17.6.2006 passed by the NWFP Service Tribunal, Peshawar, whereby Appeal Nos. 490, 491 and 492 of 2005 filed by respondents Rozi Khan, Saeedullah and Muhammad Idrees, Arabic Teachers

were accepted, order dated 30.7.2004 was restored and the impugned order dated 31.1.2005 of termination/withdrawal of respondents, was set aside.

2. Facts of the case need not be reiterated as the same have been mentioned in detail in the impugned judgment as well as in the memo of petitions.

3. We have heard at length Mr. Tasleem Hussain, Advocate, appearing on behalf of petitioners-department and Mr. Ijaz Anwar, Advocate representing the respondents. We have also perused the material on record as well as the impugned judgment minutely.

4. Learned counsel for the petitioner-department mainly contended that appointment of the respondents was withdrawn for valid reasons as 'sanads' of the respondents issued by the "Dini-Madrasa" were not found valid as the 'Madrasa' has not been registered/recognized by the Higher Education Commission. He also added that the Institution/Madrasa which issued the 'Sanad' is not affiliated to Model Dini Madaris Board as required.

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[Signature]
Assistant Registrar

Supreme Court of Pakistan

Registrar

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under the Federal Government Promulgated Ordinance No. XL of 2001.

5. On the other side, learned counsel for the respondents vehemently controverted the above contentions and argued that respondents were appointed as regular employees after completion of legal formalities and approval of the competent authority and that respondents assumed the charge and received three months salaries and as such petitioner-department had no justifiable reasons to withdraw their order of appointment. To substantiate the contentions, reliance was placed on Ghulam Rasool and others versus Government of Balochistan and others, (2002 PLC (CS) 47, Federation of Pakistan through Secretary, Establishment Division, Islamabad and another versus Gohar Riaz, (2004 SCMR 1662) and Abdul Salim versus Government of NWFP through Secretary, Department of Education Secondary, NWFP, (2007 PLC (CS) 179).

6. Record reveals that respondents were initially appointed as 'Qaris' (BS-7) vide order dated 29/4.1999 after proper selection. Subsequently, as a result of advertisement appearing in the newspaper,

ATTESTED

[Signature]
Assistant Registrar
Supreme Court of Pakistan
Peshawar.

the respondents applied for the post of Arabic Teacher (BS-9) and they were appointed as such vide order dated 30.7.2004. The respondents took the charge on 31.7.2004 and received the salary. Vide order dated 31.1.2005, the appointment order issued on 30.7.2004, was withdrawn. The respondents preferred departmental appeals which remained unresponded. Feeling aggrieved, the respondents, approached the NWFP Service Tribunal, Peshawar, byway of filing of appeals, which were accepted as stated and mentioned above.

7. The respondents were qualified and their appointments were made by the competent authority after observance of due process of law. No proper inquiry such as issuing of charge sheet/statement of allegations, show cause notice has been issued to the respondents. The impugned judgment is based on valid and sound reasons and is entirely in consonance with the law laid down by this Court.

Neither there is misreading or non-reading of material evidence, nor misconstruction of facts and

whatsoever, if committed by the department itself, the appointee cannot be harmed, damaged or

SEESTER
 Justice Registrar
 Supreme Court of Pak. law.
 Peshawar.

condemned subsequently when it occurs to the department that it had itself committed some irregularities qua any appointment. This Court has held in Collector of Customs and Central Excise, Peshawar and 2 others versus Abdul Waheed and 7 others, (2004 SCMR 303) that for the irregularities committed by the department itself qua appointment of a candidate, the appointees cannot be condemned subsequently. It was observed:-

"Obviously the appointments so made, were made by the Competent Authority and in case prescribed procedure was not followed by concerned authority, the appointees/respondents could be blamed for what was to be performed and done by the Competent Authority before having verified the qualification and suitability and observance of the due process before issuing the appointment orders."

ATTESTED

[Signature]
Assistant Registrar
Supreme Court of Pakistan
Peshawar.

8. Having considered the matter from all angles in the light of material on file, we find that learned Tribunal in the impugned judgment has discussed all aspects of the matter in a proper manner and has assigned cogent and sound reasoning in the impugned judgment before arriving at the conclusion. Neither any misreading or non-

reading of the evidence on record could be pointed out in the impugned judgment, justifying interference by this Court. Even otherwise no substantial question of law of public importance is involved.

9. Pursuant to above, finding no substance in these petitions, we dismiss the same and decline to grant leave. /

Sd/- Mr. Justice Iqbal Hassan J
Sd/- Mr. Justice Mohammad Qasim Khan J

Certified to be true copy

[Signature]
Assistant Registrar
Supreme Court of Pakistan
Peshawar.

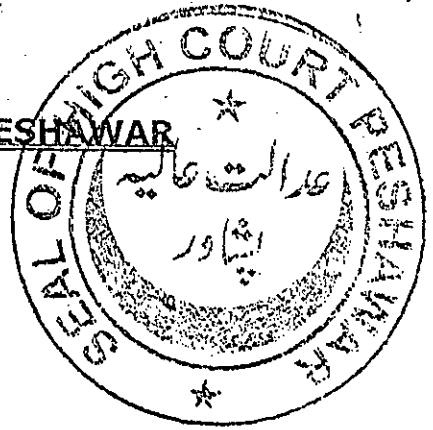
Peshawar.
06.2.2009
(Naseer)

[Signature]
7/2/09

Not approved for reporting

7

IN THE PESHAWAR HIGH COURT, PESHAWAR



Writ Petition No. 2209 /2011

Dil Feroz S/O Dil Roaz
R/O Mohallah New Gul Bahar (Khankhel)
Akora Khattak, District Nowshera.

.....Petitioner

VERSUS

1. The Post Master General, Peshawar.
2. The Director General Post Offices, Islamabad.
3. The Post Master, Nowshera Post Office, Nowshera.
4. The Secretary Ministry of Communications (Postal Services), Islamabad.

.....Respondents

=====

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF
PAKISTAN, 1973.**

=====

Respectfully Submitted;

1. While posted as "Parcel" at Post Office Nowshera, there was alleged forged entries / issuance of income tax receipts, thereby leading a loss of Rs.11,484/- to the Government.

ATTESTED
EXAMINER
Peshawar High Court.

2. Despite the fact that the Petitioner had nothing to do with the jobs of writing or entries and was practically performing his duties without any concern with the allegations, he was made an escape goat and involved in the case vide F.I.R No.9/1989. by operation of law.

3. The Petitioner remained subjected to pretty long agony of trial, when, vide judgment dated 30.04.1994, he was honorably acquitted of the charges and allegations.

(Copy of Judgment of Special Judge-1 is **Annexure "A"**).

4. Since his acquittal, the Petitioner is in his efforts for re-instatement.

5. That the Petitioner addressed different letters a chain from 1996 till last, but to no fruits. The Respondents remained adamant in response to his requests; hence lastly, the Petitioner even addressed a request in writing to the Honorable Chief Justice of Pakistan. However, vide letter dated 23.08.2010, the Petitioner was advised to avail legal remedy in accordance with law.

(Copies of correspondence are **Annexure "B"**).

6. That in view of Judgment of the Honorable Supreme Court reported in PLD 1981 Page 612, the Petitioner may resort in Writ Petition before this Honorable Court in similar circumstances of non response at the hands of the Respondents, hence this petition on the grounds inter alia:-

FRIDAY
 21 JUL 2011

ATTESTED
 EXAMINER
 High Court

② ①

GROUNDS:

- A. That the Petitioner had committed no offence, proved from the Judgment of the Special Judge Anti Corruption and therefore was acquitted "Honorably". Thus, the termination of the Petitioner from his services was void as well as malafide on facts and law both. The Respondents were obliged to reinstate the Petitioner in view of the Judgment of his acquittal. No response to his requests was thus malafide, illegal and seeking interference of this honorable Court.

- B. That under the rules of business, the Respondents are bound to consider and reply the valid communications on behalf of the Petitioner. Turning deaf ear and furnishing no response is violation of the duties on behalf of the Respondents, in negation to law.

- C. That the Honorable Supreme Court has maintained Writ Petition in case of non reply on behalf of the Respondents. In view of such law, the Respondents are obliged to furnish response and, in case of their failure, the Petitioner may resort before this honorable Court.

- D. That Petitioner is subjected to illegalities and malafides at the hands of Respondents and not acting according to law. The Respondents are not doing, "were they are required by law to do", as an envisaged under Article (i) of the Article 199 of the Constitution.


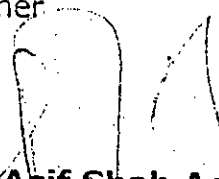
- E. That the facts and law incline in grant of the present Petition.

ATTESTED
[Signature]
[Stamp]

10/12/2011
[Signature]
10/12/2011

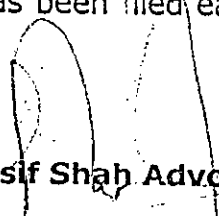
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May this honorable Court be pleased to direct the Respondents to reinstate the Petitioner in services with all his back benefits, or, in alternate, they be directed to furnish reply of the representations of the Petitioner, being their obligations and legal requirement, in the ends of law, fairness and justice and may further be pleased to award any additional relief available and favourable in the ends of law, fairness and justice.


Petitioner
Through

Syed Asif Shah Advocate
Supreme Court Pakistan
Off: 479-A, Saddar Road
Opposite Frontier Co-Operative
Building, Peshawar Cantt.
Cell: 0300-8590289

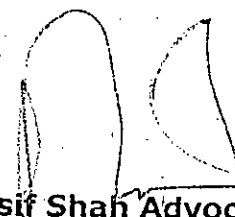
CERTIFICATE:

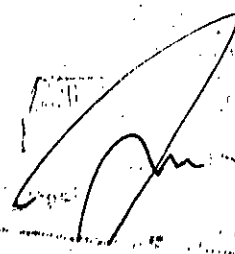
Certified that no such Writ Petition has been filed earlier on the subject matter in this honorable Court.


Syed Asif Shah Advocate

LAW BOOKS:

- 1. Constitution of the Islamic Republic of Pakistan, 1973.
- 2. Law books as per need.


Syed Asif Shah Advocate



RECEIVED
PESHAWAR
11/11/2011

13

5

IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 2299 /2011

Dil Feroz. **Petitioner**

VERSUS

The Post Master General, Peshawar & others. . . . **Respondents**

AFFIDAVIT

I, **Dil Feroz S/O Dil Roaz** R/O Mohallah New Gul Bahar (Khankhel) Akora Khattak, District Nowshera, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

Identified by:

Syed Asif-Shah
Advocate, Peshawar,

[Signature]
DEPONENT

NIC: 19201-7277467-1

No: 575
 Certified that the above was verified on solemnly
 affirmation before me in office, this 16th
 day of July 2011 by Dil Feroz
 s/o Dil Roaz r/o Nowshera
 who was identified by Syed Asif Shah
 who is personally known to me:
[Signature]
Oath Commissioner
 Peshawar High Court, Peshawar.

[Signature]

14

IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 2209 /2011

Dil Feroz. **Petitioner**

V E R S U S

The Post Master General, Peshawar & others. **Respondents**

ADDRESSES OF PARTIES

PETITIONER:

Dil Feroz S/O Dil Roaz
R/O Mohallah New Gul Bahar (Khankhel)
Akora Khattak, District Nowshera.

R E S P O N D E N T S:

1. The Post Master General, Peshawar.
2. The Director General Post Offices, Islamabad.
3. The Post Master, Nowshera Post Office, Nowshera.
4. The Secretary Ministry of Communications (Postal Services), Islamabad.

2/2/10
Petitioner

Through

Syed Asif Shah Advocate
Supreme Court Pakistan
Off: 479-A, Saddar Road
Opposite Frontier Co-Operative
Building, Peshawar Cantt.
Cell: 0300-8590289

ATTESTED
EXAMINER
Peshawar High Court.

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
23.11.2011	<p><u>W.P.No. 2209/2011.</u></p> <p>Present: <i>Mr. Saeed Akhtar</i>, Advocate, for the petitioner. ***</p> <p><u>DOST MUHAMMAD KHAN, C.J.</u>- Petitioner, Dil Feroz, was a packer in the Post Office at Nowshera when he was booked along with others for misappropriation of money. He faced trial, however, ultimately he was acquitted by the Court of competent jurisdiction i.e. Presiding Judge of the Special Court No.1 vide judgment dated 30.04.1994.</p> <p>2. The grievance of the petitioner is that he made several representations before the Departmental Authority for reinstatement but none responded to his supplication and in this way he sat quiet with the hope that one day the Authority would realize that the petitioner was entitled to reinstatement but after a long time he was confronted with a hostile attitude of the respondents and ultimately they refused to reinstate him into service.</p>



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3. It has been held by the Hon'ble Apex Court that every acquittal in a criminal case shall be construed a honourable acquittal albeit it may not be specifically stated therein and keeping in view the principle so laid down by the Apex Court, binding in nature, the petitioner was entitled to reinstatement but due to apathy & indifferent conduct & attitude on part of the Appointing / Competent Authority, the grievance of the petitioner could not be redressed well in time.

4. ~~Although reinstatement into service falls within the purview of terms & conditions of service and is cognizable by the Services Tribunal but one aspect of the case is such which cannot be allowed to escape unnoticed.~~

The petitioner has served the department for 17 long years and qualifying service for pensionary benefits is 15 years under the Rules.

5. Pensionary benefits, if it is construed that the petitioner shall be treated as retired employee, is indefeasible right of any civil servant and no Government of Government Department can deny such right to any

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Peshawar (M.C. Court)

retired employce because that also contains G.P & C.P Funds in which every employee contributes and deduction is made from his salary, therefore, all these emoluments could not be retained by the State as it will amount to a very cruel attitude on part of the State towards its citizen particularly, an employee who had rendered seventeen (17) years service towards the Department thus, his fundamental rights guaranteed by the Constitution is being infringed in a manner unwarranted in law and hit by the constitutional command.

6. The respondents shall, therefore, clearly understand that not paying pensionary benefits to the petitioner, they would violate the constitutional command, law & rules on the subject and they would be liable to be proceeded against in any Court of law and may face consequences due to their conduct.

Needless to remark, that the son of the petitioner, who is stated to be eligible for appointment, has also the right of appointment on the reserved quota, therefore, respondents shall also consider this aspect of the matter.




With these observations & considerations, this petition stands disposed of.

sd/- Dost Muhammad Khan - ej
sd/- Miftahud Din Khan - j

PC ISSUE

~~Adill No. 8/11~~
039

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court Peshawar
Authorised Under Article 233 of
The Qanun-e-Shahadat Order 1984

26-11-11

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1008 /ST

Dated 10/07 /2013

To,

The District Education Officer,
Nowshera,


Subject:- APPEAL NO. 349/2013 MST. NIGHAT BEGUM VS DCO NOSHERA AND OTHERS.

I am directed to send ~~herewith~~ the following order dated 05.07.2013 passed by this Tribunal on the above cited appeal for strict compliance.

Appellant with counsel, M/S Tariq Hussain, Supdt for respondents No. 3, Khurshid Khan, SO for respondent No. 4 and Bashir-ur-Rehman, Senior Auditor for respondent No. 7 with Mr. Muhammad Jan, GP for the respondents present. Though served through registered post/concerned officials, neither respondents No. 1, 2, 5, 6 and 8 present nor their representatives are in attendance today. Since the matter relates to the office of DEO (F), E&SE, Nowshera, she be summoned in person alongwith record for further proceedings as well as written reply/comments on behalf of respondents on 30.9.2013.

Sd/---xxx

CHAIRMAN


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

NO 348 /ST

DATED 03.10.3 /2014

To,

The Headmistress,
Govt. Girls High School,
Azakhel Bala, District Nowshera.

Subject:

**APPEAL NO. 349/2013 MST. NIGHAT BEGUM VS DCO
DISTRICT NOWSHERA**

I am directed to forward herewith a certified copy of order dated 26.2.2014 passed by this Tribunal on subject appeal for strict compliance under intimation to the undersigned.

Encl: As above


**REGISTRAR
KHYBER PAKHTUNKHWA SERVICE,
TRIBUNAL PESHAWAR**