

Form-A
FORM OF ORDER SHEET

Court of _____

Case No. 1079/2022

S.No.	Date of order Proceedings
1	2
1	29/07/2022

Order or other proceedings with signature of judge

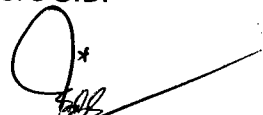
3

The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar and the Hon'ble High Court vide its order dated 27.06.2022 converted the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please. This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put up there on 18-8-22. Notices shall be issued to appellant and his counsel for the date fixed.


REGISTRAR

Nemo for the appellant.

Notice be issued to the appellant and her counsel to attend the court on the next date. Adjourned. To come up for preliminary hearing on 12.10.2022 before S.B.


(Mian Muhammad)
Member (E)

*Appellant info
by telephone
11-8-2022*

18.08.2022

Counsel & Appellant informed telephonically, it is due to non-availability of postal details.



**THE
PESHAWAR HIGH COURT
DERA ISMAIL KHAN BENCH**

Ph No. 0966-920225
Fax No. 0966-920230
Email: phcdikhanbench@yahoo.com

No. 3908 /Judl:/WB

Dated: 25/7/22

To

The Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar

Subject: Writ Petition No.945-D/2016
Maria Bashir VS Govt of Khyber Pakhtunkhwa etc

In continuation of this Court letter No. 3644/Judl:/WB dated 06.07.2022 and with reference to your kind letter No. 2190/ST dated 13.07.2022, I have the honour to send herewith complete original file alongwith annexure and Order dated 27.06.2022 in subject writ petition, as desired, please.


Enclosures as above


ADDITIONAL REGISTRAR


CHECK LIST

		Yes	No
1	Case Title		
2	Case is duly signed	✓	
3	The law under which the case preferred has been mentioned	✓	
4	Approved file cover is used	✓	
5	Affidavit is duly attested and	✓	
6	Case and Annexure are properly paged and numbered according to index	✓	
7	Copies of Annexure are legible and attested (If, not then better copies duly attested have been annexed)	✓	
8	Certified copies of all the requisite documents have been filed	✓	
9	Certificate specifying that no case on similar grounds was earlier submitted in this court/ filed.	✓	
10	Case within time	✓	
11	The value for purpose of Court fee and jurisdiction has been mentioned in the relevant column	✓	
12	Court fee in shape of Stamp Paper is affixed, (For Writ Rs.500/-) For other requirement	✓	
13	Power of attorney is in proper form	✓	
14	Memo of Address filed	✓	
15	List of Book mentioned in the Petition	✓	
16	The requisite number of spare copies attached, (Writ Petition-3, Nos. Civil Appeal (SB-1, SB-2), Civil Revision (SB-1, SB-2))	✓	
17	Case (Revision/Appeal/petition etc) is filed on the prescribed form	✓	
18	Power of Attorney is attached by Jail Authority (For Jail Prisoners Only)	✓	

It is certified that formalities/documentation as required in column No.2 to 18 above, have been fulfilled


Advocate

FOR OFFICE USE ONLY

Case No. _____

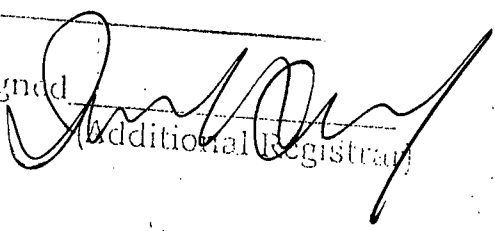
Case received _____

Complete in all respect (Yes/No) (if No, the ground _____)

Dated in Court _____

Signature _____
(Reader)

Dated _____

Countersigned 
(Additional Registrar)

1
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4148

19/12/16

Filed today
No. Registrar.

BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
DERA ISMAIL KHAN BENCH.

Service Appeal No. 1189/2022
Writ Petition No. _____ -D of 2016

Mst. Maria Basheer Vs. Govt. of Khyber Pakhtunkhwa etc
Writ Petition

Index:

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3.	Copies of the letter No.1552-4 dated 10/10/2010 and the Judgment/Order dated 24/04/2009 in WP No.17/2009	B & B-1	10-13
4.	Copy of the letter No.4801-4 dated 14/04/2012	C	14
5.	Copy of the letter No.8809-11 dated 16/06/2012	D	15
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7.	Copy of petitioner's application dated 21/07/2013 for release of her salary	F	17
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Yours Humble Petitioner

(Mst. Maria Basheer)
THROUGH COUNSEL

AHMAD ALI
Advocate Supreme Court

Miss Shumaila Awan
Advocate High Court, D.I.Khan.

17 December, 2016

copy revision
17/12/16

2
10

BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
DERA ISMAIL KHAN BENCH.

Writ Petition No. 945 -D of 2016

Service Appeal No: 1189/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 856

Dated 29/08/2022

Mst. Maria Basheer daughter of Muhammad Basheer, resident of Eid Gah Kalan,
Tehsil & District D.I.Khan.

PETITIONER

VERSUS

- Filed today 4148
Add: Registrar.
19/12/16
1. Government of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
 2. Secretary, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar
 3. Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
 4. District Education Officer (Female), Education Department, D.I.Khan.
 5. Principal, Government Centennial Girls Model Higher Secondary School No.6, (Chah Syed Munawar Shah) D.I.Khan.
 6. District Education Officer (Male), (the then Executive District Officer) Education Department, D.I.Khan.
 7. Deputy Commissioner (the then District Co-ordination Officer), D.I.Khan.
 8. District Accounts Officer, D.I.Khan.

RESPONDENTS

Filed to-day

Registrar

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

Respectfully Sheweth,

1. That the addresses of parties as given above are correct and sufficient for the purpose of service.
2. That the petitioner was appointed as 'Laboratory Assistant' by the District Co-ordination Officer, D.I.Khan, vide letter No.9406/PS(Edu) bearing

endorsement No.9407-10/PS (Edu) dated 29/07/2008. Thereafter, petitioner took over the charge of the post of 'Lab: Assistant'. Respondents No.4 & 5 in order to get start the salary of petitioner, submitted her particulars to the District Accounts officer and accordingly her salary was released and Personal No.00419560 was allotted to the petitioner. Copy of the appointment letter is enclosed as **Annexure A**.

3. That in the meanwhile Writ Petition No.17/2009 of one Mst. Sapna Kanwal (Lab: Assistant) was pending before this august Court and on the basis of same Writ Petition, Mst. Sapna Kanwal was reinstated but the respondent No.4 wrongly, malafidely & illegally **cancelled the appointment** of petitioner vide letter No.1552-4 dated 10/10/2010 under the garb of Judgment dated 24/04/2009 of this august Court. Copies of the letter No.1552-4 dated 10/10/2010 and the Judgment/Order dated 24/04/2009 in WP No.17/2009 are enclosed as **Annexure B & B-1** respectively.

4. That the petitioner was still in service and the then Executive District Officer/respondent No.6 vide letter No.4801-4 dated 14/04/2012 stopped the pay of present petitioner but thereafter vide letter No.8809-11 dated 16/06/2012 released her pay. Copies of both the letter No.4801-4 dated 14/04/2012 and letter No.8809-11 dated 16/06/2012 are respectively enclosed as **Annexure C & D**.

5. That thereafter vide letter No.280 dated 02/07/2013 (**Annexure E**) the respondent No.5 relieved the petitioner to report to the respondent No.6 (the then EDO) for final decision.

6. That in the meanwhile, respondents again vide letter No.22612 dated 22/06/2012 (*allegedly issued by respondent No.6 but the same is a fake letter as there is no record of same in the Education Officer*) stopped salary of the petitioner and she preferred an application on 21/07/2013 (**Annexure F**) for release of her salary but the same has not been paid any heed.

Filed today
10/11/2016
4148
Registrar

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7. That the petitioner's appointment was cancelled due to the Judgment/order dated 24/04/2009 passed in the WP No.17/2009 but in the said Judgment/order of this august Court there is no such direction to cancel the appointment of present petitioner rather direction for accommodation of one 'Sapna Kanwal' were issued. Now the petitioner is being victimized due to the letter No.1552-4 dated 10/10/2010 (Annexure B) despite the fact that she (petitioner) was serving with the respondent No.5 un-till relieved on 02/07/2013 vide letter (Annexure E) with direction to report to respondent No.6.

8. That aggrieved of the cancellation of her appointment letter No.1552-4 dated 10/10/2010, the petitioner preferred Writ Petition No.430-D/2013 which came for final hearing before the Honourable Peshawar High Court, D.I.Khan Bench, on 28.03.2016 and the Honourable Court vide Judgment dated 28.03.2016 was pleased to disposed of the Writ Petition in the following manner:

“4. In view of the above concurrence, this petition is disposed of. The impugned order dated 10.10.2010 is set aside and the respondent No.5 [District Education Officer (Female)] is directed to pass an appropriate order on the petitioner's case after giving her the opportunity of hearing. As the case is too much old, therefore the respondent is directed to pass the order within a period of one month.”

Certified copies of the Writ Petition No. 430-D/2016 and the Judgment dated 28.03.2016 are enclosed as **Annexure G & G-1** respectively.

9. That thereafter the District Education Officer (Female)/respondent No.4 constituted inquiry committee Chaired by Mst. Nighat Shaheen, Principal GGHSS Sherazi No.8, D.I.Khan with Two Members namely 1. Muhammad Ismail, Superintendent DEO (F) D.I.Khan and 2. Mst. Farhat Yasmeen, ADEO (F/S) D.I.Khan. The Inquiry Committee probed into the matter and also recorded the version of petitioner and finally submitted its

Filed today

4148

add: Registrar.

19/10/16

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report with the recommendation to create an appropriate way for the redressal of petitioner's grievance. Copy of the Notification for constitution of Inquiry committee and inquiry report is enclosed as Annexure H & I.

10. That by dint of Judgment dated 28.03.2016, the petitioner is back into service and respondents, despite direction to pass an appropriate order within one month, have not passed any order despite lapse of six months. Moreover, inquiry report also supported the appointment of petitioner.
11. That now six months have been passed and the Inquiry Report is also in the favour of petitioner, but the respondent No.4 is not taking into consideration the rights of petitioner; therefore, the petitioner has been left with no other remedy but to invoke constitutional jurisdiction of this august court for the restoration of her service and salary on, inter alia, the following grounds:

GROUND:

- i. That it is the matter of record that the appointment of petitioner was cancelled vide letter dated 10.10.2010 due to the Judgment dated 24.04.2009 of this Honourable Court in Writ Petition No.17/2009 filed by one Mst. Sapna Kanwal; although there was no such direction.

However, this Honourable Court vide Judgment dated 28.03.2016 in W.P. No.430-D/2013, filed by petitioner, was pleased to set aside the letter dated 10.10.2010 and respondents were directed to issue an appropriate order. After that, respondents conducted an inquiry committee who submitted its report which favours the petitioner. Even then the respondent No.4 is using delaying tactics and is not taking into consideration the right of petitioner. Hence a great injustice is being done to the petitioner.

- ii. That legally, after setting aside the letter/order dated 10.10.2010 (*whereby appointment of petitioner was cancelled*) the petitioner is back into service particularly when petitioner received monthly salary upto 22.06.2012;

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Addl. Registrar
19/11/2016

now after the inquiry report too, there is no iota against the petitioner to question her appointment. Delaying tactics of respondents are without jurisdiction, without lawful authority and having no binding effect upon rights of petitioner accrued to her by dint of her appointment as well as inquiry report.

iii. That the petitioner was validly appointed as "Lab Assistant" and thereafter her salary was also released and she was performing her official duties with zeal, devotion and to the best satisfaction of her superiors. Now the petitioner is entitled for restoration of her place of appointment and resuming of her salaries; and respondents are having no lawful justification to sabotage the rights of petitioner.

iv. That by dint of Judgment dated 28.03.2016, the petitioner is back into service and respondents, despite direction to pass an appropriate order within one month, have not passed any order despite lapse of six months. Moreover, inquiry report also supported the appointment of petitioner. Now there is no adverse order against the petitioner and she is thus entitled to perform her official duties and take monthly salaries. But respondents are not taking into account the rights of petitioner and instead posted the one Mst. Nazneen Rafi at the place of petitioner.

v. That the respondents are having no legal and justified reason to stop the petitioner from performance of her official duties. It is worthy to mention that after issuing appointment letter to petitioner by the then DCO, the then authorities of Education Department (respondents No.4 to 6) as well as the District Accounts Officer honoured the appointment of petitioner and no one objected the appointment order of the petitioner at that time. Copy of the service book and attendance register of petitioner are enclosed as Annexure J. Now the principle of estoppel is attracted against respondents and they are estopped to raise an objection against the petitioner.

vi. That the counsel for petitioner may be allowed to argue additional grounds at the time of hearing of this Writ Petition.

Filed today
4148
Addl. Registrar
19/12/16


~~XXXX~~

In wake of the above submissions, it is respectfully prayed that on acceptance of this Writ Petition, the respondents may kindly be directed to allow the petitioner to perform her official duties being in service with the respondent No.5 and also to release monthly salaries to the petitioner. Any other appropriate relief which this Honourable Court, in the given circumstances, may deem proper in the best interest of justice, may also be granted to the petitioner.

Yours Humble Petitioner

(Mst. Maria Basheer)
THROUGH COUNSEL


AHMAD ALI
Advocate Supreme Court


Miss Shumaila Awan
Advocate High Court, D.I.Khan.

Filed today

Add: Registrar.

17 December, 2016

BOOKS REFERRED:

1. Constitution of Islamic Republic of Pakistan, 1973.

NOTE:

The matter involved in this Writ Petition is to be entertained and adjudicated upon by the Honourable Division Bench.

BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
DERA ISMAIL KHAN BENCH.

Writ Petition No. _____ -D of 2016

Mst. Maria Basheer Vs. Govt. of Khyber Pakhtunkhwa etc
Writ Petition

CERTIFICATE

I, *Mst. Maria Basheer daughter of Muhammad Basheer, resident of Eid Gah Kalan, Tehsil & District D.I.Khan, petitioner*, do hereby certify that no other Writ Petition on the subject has earlier been filed by the Petitioner in this Honourable Court.

Filed today

4148

Advt. Registrar

19/12/16

Maria
Petitioner

AFFIDAVIT:

I, *Mst. Maria Basheer daughter of Muhammad Basheer, resident of Eid Gah Kalan, Tehsil & District D.I.Khan, petitioner*, do hereby solemnly affirm & Declare on Oath that the contents of accompanying Writ Petition are true & correct to the best of my knowledge & belief and that nothing has been concealed from this Honourable Court.

[Signature]

Identified by counsel:
Ahmad Ali,
Advocate Supreme Court.

Maria

Deponent
12101-0903342-6

Name Mst: Maria Basheer.

S/O Mohs Basheer.

R/O D.I. Khan.

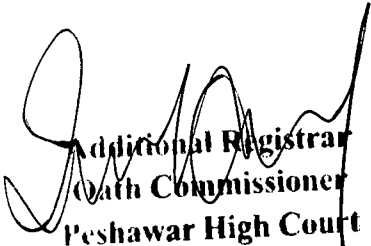
On the Identification of
Ahmad Ali (A.S.C.)

On this 19 day of Dec 2016

Verified the contents of the above

affirmation before me on oath

No. 3792 Dated 19/12/16


Additional Registrar
Oath Commissioner
Peshawar High Court
D.I. Khan Bench

BEFORE THE HONORABLE PESHAWAR HIGH COURT, D. I. KHAN BENCH

Writ Petition No 945-D/2016

Maria Bashir

Vs

Government of Khyber Pakhtunkhwa

4391

COMMENTS ON BEHALF OF RESPONDENT

Filed today 4391

At: Registrar
At Page No. 24/9/19.

S.No.	Description of Documents	At Page No.
1	Para-Wise Comments on Behalf of Respondent No.	1-3
2	Affidavit	4
3	Authority	5
4	Annexure A	6
5	Annexure B	7-10
6	Annexure	/
7	Annexure	
8	Annexure	
9	Annexure	
10	Annexure	

RA
23/9/19

2 *SH*

DEPONENT

Dr. Muhammad Imran Shah
(12101-2797412-1)
SUBJECT SPECIALIST (BS 18)
as
LITIGATION OFFICER
O/O DEO (F), D.I.Khan

Copy Received
23/9/19

(18)

BEFORE THE HONORABLE PESHAWAR HIGH COURT, D. I. KHAN BENCH

Writ Petition No 945-D/2016

Maria Bashir

Vs

Government of Khyber Pakhtunkhwa

COMMENTS ON BEHALF OF RESPONDENT NO.4

Filed today

4391

Add: Registrar.

24/9/19.

Preliminary Objections:

1. That the first appointment order was issued by the DCO, hence, invalid ab initio, for the DCO has not been a competent authority for issuance of this appointment order.
2. The petitioners appointment order had been denied vide the order by EDO dated 10.10.2010 and then by the letter 14.4.2012 till the validity of the appointment order could be justified; whereas the same has not been justified yet.
3. That the Respondent No. 4, DEO (F), (or EDO) did not rectify service of the petitioner. Whereas, the Respondent No.5 (Principal GGCMHS No.6 Chah Syed Munawar Shah, D.I.Khan), being the DDO of the petitioner, was under obligation to forward (for release of pay) the particulars of the petitioner to the District Account Office who was responsible to decide on validity of the signatory authority being competent or otherwise.
4. That another, Mst. Sapna Kanwal was rightly and legally reinstated on the only post of Lab Assistant at GGCMHS No.6 Chah Syed Munawar Shah, D.I.Khan, after the Worthy Judgment by this Honorable Court in Writ Petition No.17-D/2009 and that the Appointment Order of the petitioner being invalid and unjustified ab initio, hence, was cancelled. (without mentioning that the cancellation is made in compliance of the Worthy Judgment ibid.)
5. That the inquiry report ibid in respect of the petitioner has come with **no clear suggestions**; hence, it is impracticable for any further action. Moreover, **the same has been refused/ rejected** by the competent authority vide Letter No.6053-57 dated 15.03.2019 (**Annexed at A**) and has constituted a committee comprised of senior Officers of the Department of Elementary and Secondary Education vide Order No 6058-67, dated the 15.03.2019 (**Annexed at B**) and ordered them to conduct a fresh inquiry to see the matter and come with clear YES/NO to solve the grievances of the petitioner if allowed under the Rules and Policy.
6. That the fresh inquiry report has not been submitted to the DEO (Female), D.I.Khan, yet. That the respondent may kindly be allowed to wait for the inquiry report and to resolve the matter with clear arguments for either side of decision.
7. That this Writ Petition may kindly be dismissed.

Objections on Facts:

1. Para pertains to legal requirements, No comments.
2. **Denied.**
 - a. That the appointment order was issued by the DCO, hence, invalid ab initio, for the DCO has not been a competent authority for this appointment order.

- (2) 19
- b. That the Respondent No. 4, DEO (F), (or EDO) did not rectify service of the petitioner. That the Respondent No.5 (Principal GGCMHS No.6 Chah Syed Munawar Shah, D.I.Khan), being the DDO of the petitioner, was under obligation to forward (for release of pay) the particulars of the petitioner to the District Account Office who was responsible to decide on validity of the signatory authority being competent or otherwise.
3. **Denied.** In fact, Mst. Sapna Kanwal was rightly and legally reinstated on the only post of Lab Assistant after the Worthy Judgment by this Honorable Court in Writ Petition No.17-D/2009 and that the Appointment Order of the petitioner being invalid and unjustified ab initio, hence was cancelled (without mentioning that the cancellation is made in compliance of Worthy Judgment ibid as concocted by the petitioner.)
4. **Strictly Denied.** The petitioners appointment order has been invalid and unjustified ab initio, moreover, had been denied vide the order by EDO dated 10.10.2010, then by the letter 14.4.2012 for the purpose till the validity of the appointment order could be justified; whereas the same has not been justified yet.
5. **Correct.** Admitted.
6. **Strictly Denied to the extent of fakeness of the order dated 22.6.2012.** 4391
24/9/19.
7. **Denied.** That the Appointment Order of the petitioner being invalid and unjustified ab initio, hence was cancelled without mentioning that the cancellation is made in compliance of Worthy Judgment ibid as concocted by the petitioner. In fact, Mst. Sapna Kanwal was rightly and legally reinstated on the only post of Lab Assistant after the Worthy Judgment by this Honorable Court in Writ Petition No.17-D/2009 and that the grievance of the petitioner is being addressed by the respondent by initiating the fresh inquiry that may come with plausible solution of the case in hand.
8. **Admitted.**
9. **Denied.** That the inquiry report ibid has come with **no clear suggestions**; hence, it is impracticable for any further action. Moreover, **the same has been refused/ rejected** by the competent authority vide Letter No.6053-57 dated 15.03.2019 (**Annexed at A**) and has constituted a committee comprised of senior Officers of the Department of Elementary and Secondary Education vide Order No 6058-67, dated the 15.03.2019 (**Annexed at B**) and ordered them to conduct a fresh inquiry to see the matter and come with clear YES/NO to solve the grievances of the petitioner if allowed under the Rules and Policy.
10. **Denied.** As stated in Para 9.
11. **Denied.** As stated in Para 9.

Objections of Grounds:

- i. **Denied.** As mentioned in Para 7 and Para 9 of Facts, in detail.

ii. **Denied.** As mentioned in **Para 7** and **Para 9** of Facts, in detail.

iii. **Denied.** As mentioned in **Para 7** and **Para 9** of Facts, in detail.

iv. **Strictly Denied.**

- a. That the appointment order of the petitioner was issued by the DCO, hence, invalid ab initio, for the DCO has not been a competent authority for this appointment order.
- b. That the petitioner has no vested right to service and/or salaries, yet, the respondent has forwarded her case to a committee comprised of senior Officers of the Department of Elementary and Secondary Education vide Order No 6058-67, dated the 15.03.2019 (**Annexed at B**) and ordered them to conduct a fresh inquiry to see the matter and come with clear YES/NO to solve the grievances of the petitioner if allowed under the Rules and Policy.

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v. **Strictly denied.** The petitioners appointment order has been invalid and unjustified ab initio, moreover, had been denied vide the order by EDO dated 10.10.2010, then by the letter 14.4.2012 for the purpose till the validity of the appointment order could be justified; whereas the same has not been justified yet.

Therefore, it is humbly prayed that the Writ Petition may graciously be dismissed.

Filed today 4391
Addy. Registrar.
24/9/19.


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

CERTIFICATE

Certified that as per worthy Orders of this Honorable Court, the
Comments from the Respondent are duly vetted.



**ASSISTANT ADVOCATE GENERAL
KHYBER PAKHTUNKHWA
PESAHWAR HIGH COURT
D.I.KHAN BENCH**

Assistant Advocate General
K.R.K. D.I. Khan

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BEFORE THE HONORABLE PESHAWAR HIGH COURT, D. I. KHAN BENCH

Writ Petition No 945-D/2016

Maria Bashir

Vs

Government of Khyber Pakhtunkhwa

4391
24/9/19

AFFIDAVIT

I, Dr. Muhammad Imran Shah, Subject Specialist (BS-18), GHSS Muryali, D.I.Khan, Litigation Officer Office of the DEO(F) D.I.Khan, representing on behalf of District Education Officer (Female) D.I.Khan, in the above titled Writ Petition and its connected CMs., do hereby solemnly affirm on oath that all the contents of Para-wise comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

Respondent

**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

DEPONENT

**Dr. Muhammad Imran Shah
12101-2797412-1
Subject Specialist (BS 18)
As
Litigation Officer
O/o DEO (F), D.I.Khan**

Name Dr. Muhammad Imran Shah
S/O Subject SPL
R/O GHSS Muryali D.I.Khan
On the _____

On the 24th Sept, 2019,
Verified at the above
Affiant's signature
No 4255 24/9/19

IDENTIFIED BY

**ASSISTANT ADVOCATE GENERAL
KHYBER PAKHTUNKHWA D.I.KHAN**

*Assistant Advocate General
K.P.K D.I.Khan*

Per the Court
24/9/19

(5) 22

BEFORE THE HONORABLE PESHAWAR HIGH COURT, D. I. KHAN BENCH

Writ Petition No 945-D/2016

Maria Bashir

Vs

Government of Khyber Pakhtunkhwa

Filed today 4391
Adul Registrar.
24/9/19.

AUTHORITY

I, Mrs. Syedda Anjum, District Education Officer (Female), Dera Ismail Khan do **hereby authorize** Dr. Muhammad Imran Shah, Subject Specialist (BS-18), GHSS Muryali, D.I.Khan, working as Litigation Officer for Office of the DEO (F) D.I.Khan, **to represent and submit Para-wise comments / reply** on behalf of the Respondent, the District Education Officer (Female) D.I.Khan, before The Honorable Peshawar High Court, D.I.Khan Bench till the final Judgment in the above titled Writ Petition and its connected CMs.

RESPONDENT

Mrs. Syedda Anjum

**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**



DEPONENT

Dr. Muhammad Imran Shah

12101-2797412-1

Subject Specialist (BS 18)

GHSS Muryali, D.I.Khan

as

LITIGATION OFFICER

O/O DEO (F), D.I.Khan





**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

Phone No. 0966-9280133, emisfdikhan@gmail.com

(6)
23

NOTIFICATION

Reference this Office Letter No. 5319-23, dated D.I.Khan 08.04.2016, wherein the Inquiry Committee had been constituted against Maria Bashir, Ex-Lab Assistant, BS-7, GGCMHS No.6, D.I.Khan.

Reference Office of The Principal GGHSS No.8, Sherazi, D.I.Khan, the Chairperson Inquiry Committee, Letter undated, wherein the recommendations have been forwarded in the matter as it reads: "*It is therefore, recommended to create an appropriate way for the redressal of her grievances.*"

I, Mrs. Syedda Anjum, District Education Officer (Female), D.I.Khan, being Competent Authority, reject the Inquiry report as I do not find the recommendations of the Inquiry Committee practicable as it is not suggesting any clear solution on Yes /No for reinstatement of the Mrs. Maria Bashir, Ex-Lab Assistant, BS-7, GGCMHS No.6, D.I.Khan.

(Syedda Anjum)
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Endst. No. 6053-57

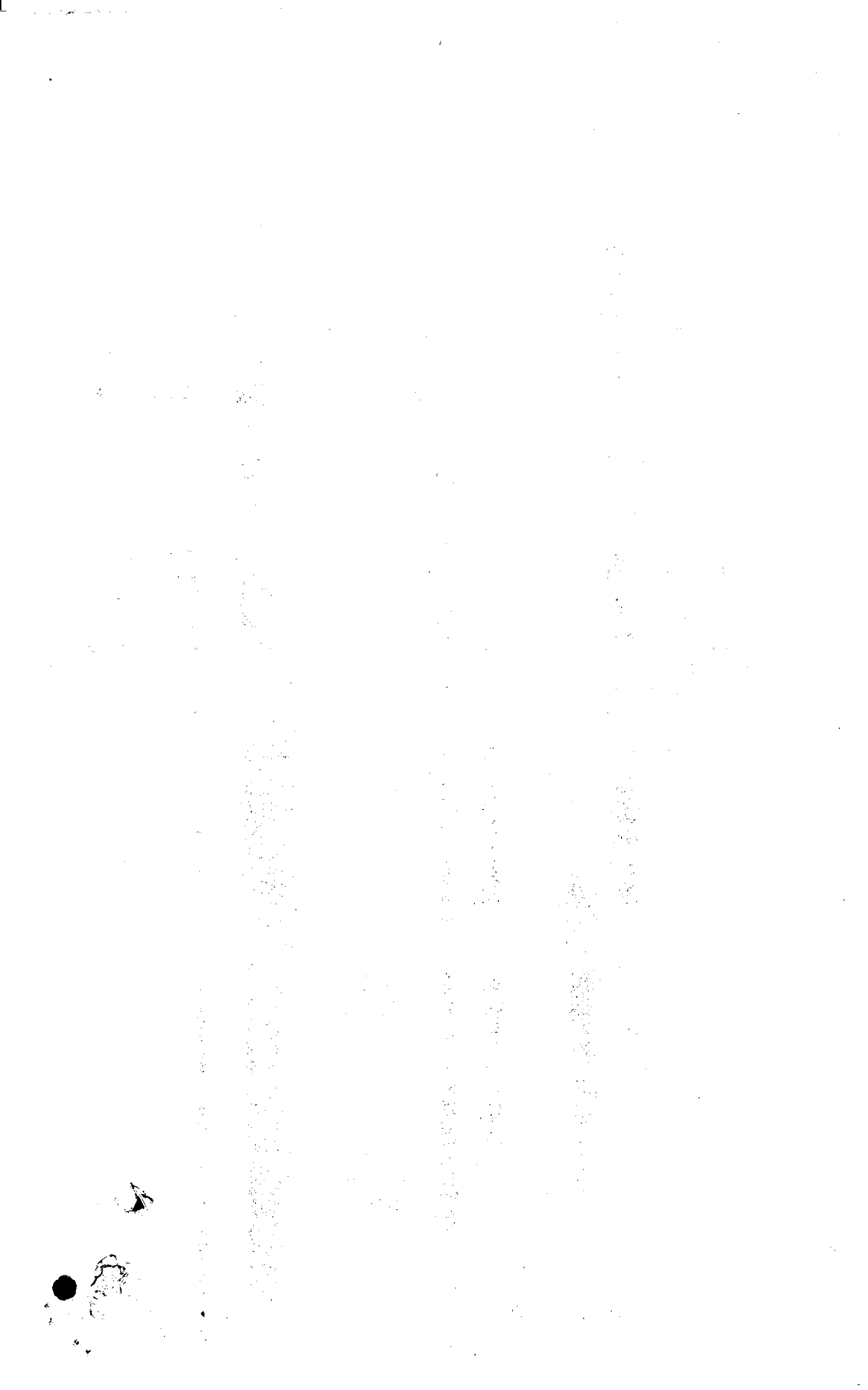
Dated, D.I.Khan the: 15/03/2019.

Copy of the above forwarded for information to:

1. Additional Registrar, Honorable Peshawar High Court Bench, D.I.Khan.
2. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. PA to Secretary Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Mrs. Maria Bashir, the Petitioner.
5. Office copy.

Received By
Maria Bashir
Yaris

(Syedda Anjum)
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN





OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN
(0966-9280133), emisfdikhan@gmail.com

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NOTIFICATION



DEPARTMENTAL ASSESSMENT COMMITTEE
FOR THE PROCESS OF REINSTATEMENT
IN RESPECT OF MRS. MARIA BASHIR, EX. LAB ASSISTANT,
WRIT PETITION NO 430-D/2013, Dated 28.3.2016
WRIT PETITION NO 945-D/2016, Dated 12.2.2019

In compliance to the worthy judgments passed by the Honorable Peshawar High Court, D.I.Khan Bench in Writ Petition No. 430-D/2013, Dated 28.3.2016, the competent authority is pleased to constitute this Departmental Assessment Committee on the subject mentioned above and appoint following Senior Officers for the mentioned matter of immense public interest:

CHAIRPERSON.

1. Mrs. Farzana Yasmeen Principal (BS-19) GGCMHS No.1 D.I.Khan

MEMBERS.

2. Dr. Muhammad Imran Shah Subject Specialist (BS-18), GHSS Muryali, D.I.Khan.
Litigation Officer for O/o the DEO (F), D.I.Khan.
3. Mrs. Noor Khadija Assistant District Education Officer (F) Estab. Secondary,
O/o the DEO (F), D.I.Khan.

TORs: To establish grounds-cum-recommendations for either to REINSTATE or otherwise according to proceedings and/or correspondence by the competent authority before and after the Worthy Judgment by The Honorable Peshawar High Court Bench, D.I.Khan in respect of Mrs. Maria Bashir, Ex-Lab Assistant, BS-7, GGCMHS No.6, , D.I.Khan.

This Committee is hereby directed to see the matter honestly and personally peruse the case such that no indolence is observed in showing compliance to the worthy Judgments/ Orders by the Honorable Peshawar Courts, for if the immediate and sustained relief be given to the petitioner.

Working Papers/ Report of the Committee are required to be put up as immediately as may be possible for further necessary action.

(Syedda Anjum)
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Endst. No. 6650-67

Dated, D.I.Khan the: 15/02/2019.

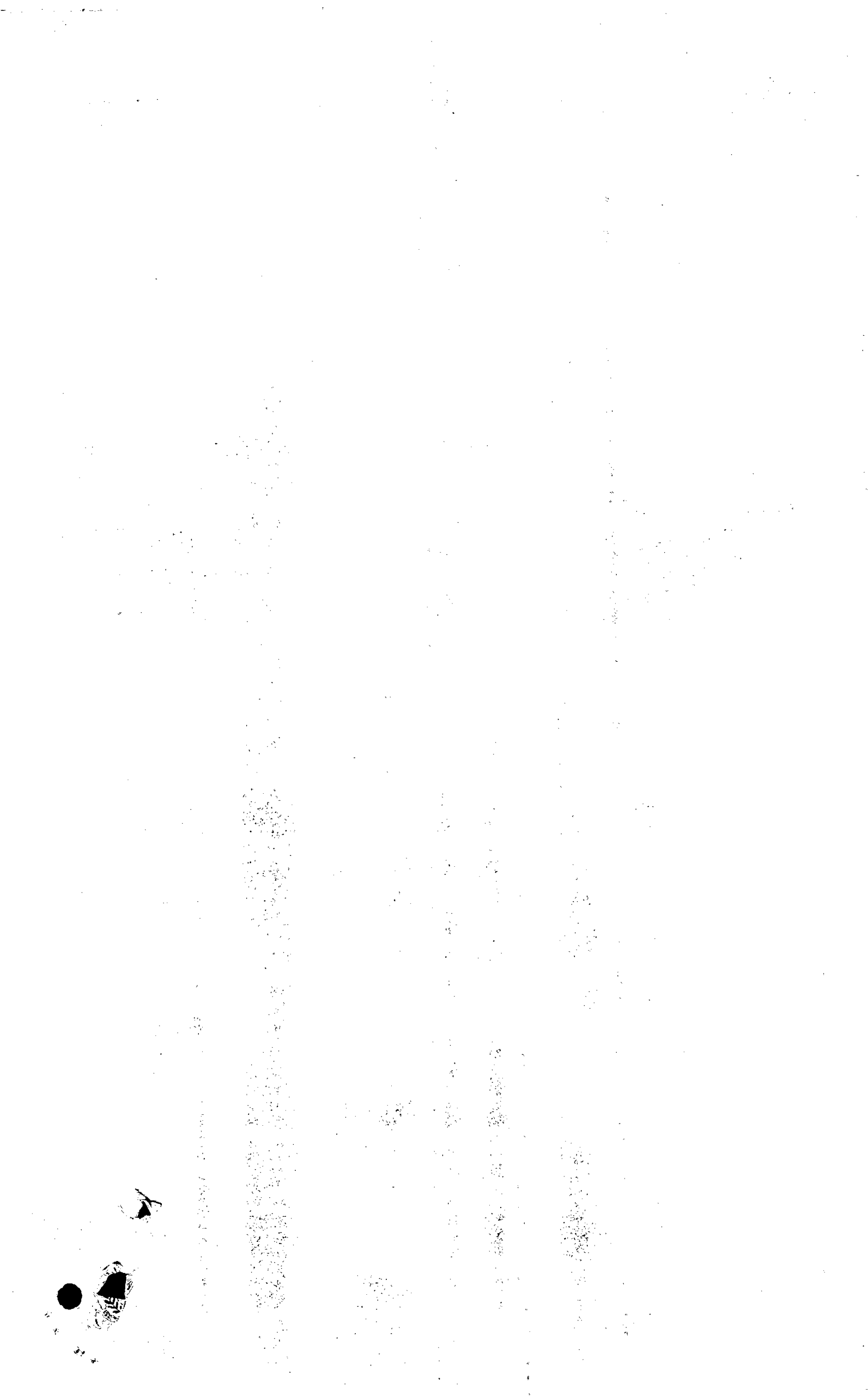
Copy of the above forwarded for information to:

1. Additional Registrar, Honorable Peshawar High Court Bench, D.I.Khan.
2. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. PA to Secretary Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer Male, D.I.Khan, with request to relieve the Male Members for working with the committee.
5. Officer Concerned.
6. Mrs. Maria Bashir, the Petitioner.
7. Office copy.

Received
By Maria Bashir
Yasmeen

(Syedda Anjum)
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

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**OFFICE OF THE PRINCIPAL
GOVERNMENT GIRLS CENTENNIAL MODEL
HIGH SCHOOL, NO.1 DERA ISMAIL KHAN**
(FOR SCRUTINY COMMITTEE)

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**ATTENDANCE SHEET
FOR
THE COMMITTEE
FOR IMPLEMENTATION OF THE WORTHY ORDERS
BY
HONORABLE PESHAWAR HIGH COURT D.I.KHAN BENCH**

S.No.	Name and CNIC No.	Signature	Right Thumb Impression
1.	Mrs. Farzana Shakeen 12101-0897470-2	<i>Farzana</i> 10/6/19	
2.	Jamal Ahmad Mirza 12101-8010915-5	<i>Jamal Ahmad Mirza</i>	
3.	Dr. Muhammad Imran Shah 12101-2797412-1	<i>Dr. Muhammad Imran Shah</i>	
4.	Mr. Khalid Saad Akbar - - - - -		
5.	Mr. Inayatullah 12101-0931449-1	<i>Inayatullah</i>	
6.	Maria Bashir 12101-0903342-6	<i>Maria</i>	
7.	- - - - -		
8.	- - - - -		
9.	- - - - -		

Farzana
Chairperson
Farzana Shaheen
Principal GCMHS
No.1 D.I.Khan

Jamal Ahmad Mirza
Member
Jamal Ahmad Mirza
HM GHS Chahkan

Khalid Saad Akbar
Member
Khalid Saad Akbar
Litigation Officer for
Director: te KPESE

Dr. Muhammad Imran Shah
Member
Dr. Muhammad
Imran Shah
SS GHSS Murva

Inayatullah
Member
Inayatullah
Litigation Officer for
DEO Female DIKhan





OFFICE OF THE PRINCIPAL
GOVERNMENT GIRLS CENTENNIAL MODEL
HIGH SCHOOL, NO.1 DERA ISMAIL KHAN
(FOR SCRUTINY CMMTTEE)

(9)

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WRITTEN STATEMENT BEFORE THE INQUIRY COMMITTEE

Name: Maria Bashir Father Name: M Bashir

CNIC No: 12101-0903342-6 Address Postal:

Address Permanent: M Bashir Ahmad near Eid Grah Keelan
D.I.Khan - Kamran Bashir

Contact No: 03498822944 Prof in: Wenson college

سرس 1: آپ نے پہلے تقرری آرڈر کب ہوئے، کہاں کے ہوئے، کس پوسٹ پر ہوئے،
کرنے کیے،

ج۔ سب اسٹنک کے آرڈر ہوئے 29 جولائی 2008 میں ممبر

سکول میں ہوئے۔

سرس 2: کیا آپ کی پوسٹ کسی اجازت میں اشتہار آیا؟

ج۔ جی نہیں میں تعلیمی اہلیت رکھتی تھی اور جاب کی ابتدا
ضرورت تھی اسلئے D.C.O آفس میں درخواست دے رکھی تھی

کہ آکر کوئی Post بیو تو صحیح لگایا جائے
میرا انٹرویو اُس وقت D.C.O آفس میں ہوا تھا۔ آفس والوں
نے لیا تھا۔

Chairperson
Farzana Shaheen
Principal GGCMHS
No.1 D.I.Khan

Member
Jamal Ahmad Mirza
HM GHS Chahkan

Member
Khalid Saeed Akbar
Litigation Officer for
Director: te KPESE

Member
Dr. Muhammad
Imran Shah
SS GHSS Murva

Member
Inayatullah
Litigation Officer for
DEO Female D.I.Khan





OFFICE OF THE PRINCIPAL
GOVERNMENT GIRLS CENTENNIAL MODEL
HIGH SCHOOL, NO.1 DERA ISMAIL KHAN
(FOR SCRUTINY COMMITTEE)

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WRITTEN STATEMENT BEFORE THE INQUIRY COMMITTEE

نقشہ 3:- آپ اپنی سرورس ہسٹری غور فرمیں۔

ج میں نے 2008 جولائی سے جاب کو جوائن کیا اور میں
وہاں ازالے تک کام کرتی رہی اسفار ریگڈ ایک سرٹیفکیٹ
کی صورت میں میرے پاس ہے 2012 اپریل تک کام کرتی رہی
اپریل 2012 میں stop pay کر دی گئی لیکن میں غیر کھی
سکوں گئی میڈم نے مجھے attendance بگانے سے منع کر دیا اور
سکوں آنے کی بھی اجازت نہ دی۔

نقشہ 4:- کیا آپ کو کوئی ٹرینیشن آرڈر ملا؟

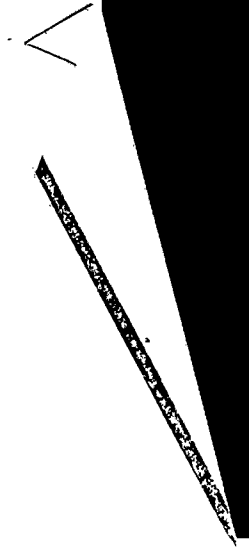
ج مجھے اپریل 2012 میں Pay stop کا آرڈر ملا تھا۔ ٹرینیشن
آرڈر نہیں ملا۔

منریڈ
ج سر میری آپ سب ممبرز request ہے پلینز آپ لوگ میری
تعلیمی قابلیت دیکھتے ہوئے میرے ساتھ تعاون کریں اور میری جاب کو
restart کر دیں میرا ریگڈ کلیر ہے تعلیمی بہاؤ سے بھی اہل ہوں چار سال
کی سرورس ہے اتنے عرصے میں تو کنٹریبلٹ پر تیکے ہوئے بھی conform ہو جائے
ہیں اس لیے میری آپ سب ممبرز سے گزارش ہے کہ مجھے دوبارہ بحال کر دیا جائے

Chairperson Farzana Shaheen Principal GCMHS No.1 D.I.Khan	Member Jamal Ahmad Mirza HM GHS Chahkan	Member Khalid Saeed Akbar Litigation Officer for Directorate KPESE	Member Dr. Muhammad Imran Shah SS GHS Muzfli	Member Inayatullah Litigation Officer for DEO Female DIKhan
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10-05-19

2



Vertical text or markings, possibly bleed-through from the reverse side of the page, appearing as faint, illegible characters.

BEFORE THE HONORABLE PESHAWAR HIGH COURT, D. I. KHAN BENCH

Writ Petition No 945-D/2016

Maria Bashir VS

**Government of Khyber Pakhtunkhwa etc
(DEO Female, DIKhan)**

COMMENTS ON BEHALF OF RESPONDENT NO.4

28
Filed today
Addl. Registrar
11/06/22

S.No.	Description of Documents	At Page No.
1	Comments on behalf of respondent No.4	1-3
2	Affidavit	4
3	Authority	5
4	<u>Annexure A</u>	6
5	<u>Annexure B ((Fresh Inquiry Report))</u>	7-8
6		
7		
8		
9		
10		

11/06/22

Dr. Muhammad Imran Shah
DEPONENT

Dr. Muhammad Imran Shah
12101-2797412-1
Subject Specialist (BS-18)
As
LITIGATION OFFICER
For DEO (Female) D.I.Khan
0966-9280133
0348-0934707

Copy
Received
Md. Yousaf
11-6-22

BEFORE THE HONORABLE PESHAWAR HIGH COURT, D. I. KHAN BENCH

Writ Petition No 945-D/2016

Maria Bashir VS

Government of Khyber Pakhtunkhwa etc.
(DEO Female, DIKhan)

COMMENTS ON BEHALF OF RESPONDENT NO.4

Filed for
Addl. Registrar
29

Preliminary Objections:

1. **That** the first appointment order was issued by the DCO, hence, invalid ab initio, for the DCO has not been a competent authority for issuance of this appointment order.
2. **The** petitioners appointment order had been denied vide the order by EDO dated 10.10.2010 and then by the letter 14.4.2012 till the validity of the appointment order could be justified; whereas the same has not been justified yet.
3. **That** the Respondent No. 4, DEO (F), (or EDO) did not rectify service of the petitioner. Whereas, the Respondent No.5 (Principal GGCMHS No.6 Chah Syed Munawar Shah, D.I.Khan), being the DDO of the petitioner, was under obligation to forward (for release of pay) the particulars of the petitioner to the District Account Office who was responsible to decide on validity of the signatory authority being competent or otherwise.
4. **That** another, Mst. Sapna Kanwal was rightly and legally reinstated on the only post of Lab Assistant at GGCMHS No.6 Chah Syed Munawar Shah, D.I.Khan, after the Worthy Judgment by this Honorable Court in Writ Petition No.17-D/2009, titled as Sapna Kanwal vs KP and that the Appointment Order of the petitioner being invalid and unjustified ab initio, hence, was cancelled. (without mentioning that the cancellation is made in compliance of the Worthy Judgment ibid.)
 - a. That the inquiry report ibid in respect of the petitioner has come with **no clear suggestions**; hence, it is impracticable for any further action. Moreover, **the same has been refused/ rejected** by the respondent No.4 vide Letter No.6053-57 dated, 15.03.2019 (**Annexed at A**) and vide Order No 6058-67, dated the 15.03.2019 has ordered a fresh inquiry to come with clear YES/ NO to solve the grievances of the petitioner if allowed under the Rules and Policy of the Government of Khyber Pakhtunkhwa; although the fresh inquiry did not recommend on reinstatement of this petitioner. (**Fresh Inquiry Report Annexed at B**)
5. **That** the fresh inquiry report suggests on NOT REINSTATING the petitioner to the POST of Lab. Assistant (BS-7) for the appointment order has been invalid ab initio for want of jurisdiction of the issuing authority.
6. **That** this Writ Petition may kindly be dismissed being hit by Doctrine of Laches.

7. That the Petitioner is not aggrieved under Article 199 of the Constitution of Islamic Republic of Pakistan.

Objections on Facts:

1. Para pertains to legal requirements, No comments.

2. **Denied.**

a. That the appointment order was issued by the DCO, hence, invalid ab initio, for the DCO has not been a competent authority for this appointment order.

b. That the Respondent No. 4, DEO (F), (or EDO) did not rectify service of the petitioner. That the Respondent No.5 (Principal GGCMHS No.6 Chah Syed Munawar Shah, D.I.Khan), too did not validate the first appointment order of the petitioner; although, being DDO of the petitioner, Respondent No.5, the Principal was under obligation to forward (for release of pay) the particulars of the petitioner to the District Account Office who was responsible to decide on validity of the signatory authority being competent or otherwise.

3. **Denied.** In fact, Mst. Sapna Kanwal was rightly and legally reinstated on the only post of Lab Assistant after the Worthy Judgment by this Honorable Court in Writ Petition No.17-D/2009 and that the Appointment Order of the petitioner being invalid and unjustified ab initio, hence was cancelled (without mentioning that the cancellation is made in compliance of Worthy Judgment ibid as concocted by the petitioner.)

4. **Strictly Denied.** The petitioners appointment order has been invalid and unjustified ab initio, moreover, had been denied vide the order by EDO dated 10.10.2010, then by the letter 14.4.2012 for the purpose till the validity of the appointment order could be justified; whereas the same has not been justified yet.

5. **Correct.** Admitted.

6. **Strictly Denied to the extent of fakeness of the order dated 22.6.2012.**

7. **Denied.** That the Appointment Order of the petitioner being invalid and unjustified ab initio, hence was cancelled without mentioning that the cancellation is made in compliance of Worthy Judgment ibid as concocted by the petitioner. In fact, Mst. Sapna Kanwal was rightly and legally reinstated on the only post of Lab Assistant after the Worthy Judgment by this Honorable Court in Writ Petition No.17-D/2009 and that the grievance of the petitioner is being addressed by the respondent by initiating the fresh inquiry; although the same did not recommend on reinstatement of this petitioner. (**Fresh Inquiry Report Annexed at B**)

8. **Admitted.**

Filed by 2550
Addl. Registrar
30

9. **Denied.** That the inquiry report *ibid* has come with **no clear suggestions**; hence, it is impracticable for any further action. Moreover, **the same has been refused/ rejected** by the competent authority vide Letter No.6053-57 dated 15.03.2019 (**Annexed at A**) and has constituted a committee comprised of senior Officers of the Department of Elementary and Secondary Education vide Order No 6058-67, dated the 15.03.2019 ordered a fresh inquiry to come with clear YES/ NO to solve the grievances of the petitioner if allowed under the Rules and Policy of the Government of Khyber Pakhtunkhwa; although the fresh inquiry same did not recommend on reinstatement of this petitioner. (Fresh Inquiry Report **Annexed at B**)

10. **Denied.** As stated in Para 9.

11. **Denied.** As stated in Para 9.

Objections of Grounds:

- ii. **Denied.** As mentioned in **Para 7** and **Para 9** of Facts, in detail.
- iii. **Denied.** As mentioned in **Para 7** and **Para 9** of Facts, in detail.
- iv. **Denied.** As mentioned in **Para 7** and **Para 9** of Facts, in detail.
- v. **Strictly Denied.**

a. That the appointment order of the petitioner was issued by the DCO, hence, invalid ab initio, for the DCO has not been a competent authority for this appointment order.

b. That the petitioner has no vested right to service and/or salaries; that the respondent No.4 has forwarded her case to a committee comprised of senior Officers of the Department of Elementary and Secondary Education vide Order No 6058-67, dated the 15.03.2019 ordered a fresh inquiry to come with clear YES/ NO to solve the grievances of the petitioner if allowed under the Rules and Policy of the Government of Khyber Pakhtunkhwa; although the fresh inquiry same did not recommend on reinstatement of this petitioner. (**Fresh Inquiry Report Annexed at B**)

- vi. **Strictly denied.** The petitioners appointment order has been invalid and unjustified ab initio, moreover, had been denied vide the order by EDO dated 10.10.2010, then by the letter 14.4.2012 for the purpose till the validity of the appointment order could be justified; whereas the same has not been justified yet.

Prayer:

Acceding to the aforementioned facts, it is humbly prayed that the Writ Petition, being devoid of merit, may graciously be dismissed by this honorable court.


**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

Filed Today 25/5/20
 Addl. Registrar
 25/5/20

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

W. J. ...

Certified that comments are vetted for
submission as ordered by this honorable court

4 32

BEFORE THE HONORABLE PESHAWAR HIGH COURT, D. I. KHAN BENCH

Writ Petition No 945-D/2016

Maria Bashir VS

Government of Khyber Pakhtunkhwa etc.

(DEO Female, DIKhan)

Filed today 25/5/22
Addl. Registrar

AFFIDAVIT

I, **Muhammad Imran Shah, Senior Subject Specialist (BS-18), Statistics**, working as Ligation Officer for the District Education Officer (Female) D.I.Khan and Miss Farzana Sardar, the District Education Officer (Female) D.I.Khan, the respondent in the above titled Writ Petition and its connected CMs, do hereby solemnly affirm on oath that all the contents of this comments/ statement/ CMs are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

2 Imran

DEPONENT

**Dr. Muhammad Imran Shah
12101-2797412-1
Subject Specialist (BS 18)
As
Litigation Officer
O/o DEO (F), D.I.Khan**

Respondent

**Miss Farzana Sardar
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

IDENTIFIED BY

[Signature]

**ASSISTANT ADVOCATE GENERAL
, KHYBER PAKHTUNKHWA
PESHAWAR HIGH COURT, D.I.KHAN**

Name Muhammad Imran Shah

S/O Senior Subject Specialist

R/O DEO (F), D.I.Khan

On the Identification of A.A.G.

On this 11 day of Jun 2022

Verified the contents
Affirmation before me on oath

No 2542 Dated: 11/06/22

**Additional Registrar
Oath Commissioner
Peshawar High Court
D.I. Khan Bench**

ВНИМАНИЕ
ВНИМАНИЕ
ВНИМАНИЕ
ВНИМАНИЕ

№ _____ Дел № _____

Учреждение _____

Адрес _____

От _____

От _____

В/О _____

В/О _____

ВНИМАНИЕ
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BEFORE THE HONORABLE PESHAWAR HIGH COURT, D. I. KHAN BENCH

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Writ Petition No 945-D/2016

Maria Bashir VS

Government of Khyber Pakhtunkhwa etc.
(DEO Female, DIKhan)

AUTHORITY

I, Miss Farzana Sardar, District Education Officer (Female), D.I.Khan, do hereby authorize Dr. Muhammad Imran Shah, Senior Subject Specialist (BS-18) to represent and submit my signed Statement/ comments on behalf of the Respondent, the District Education Officer (Female) D.I.Khan, before The Honorable Peshawar High Court, D.I.Khan Bench till the final Judgment in the above titled Writ Petition and its connected CMs.



Respondent
Miss Farzana Sardar
**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**



DEPONENT
Dr. Muhammad Imran Shah
12101-2797412-1
Subject Specialist (BS 18)
As
Litigation Officer
O/o DEO (F), D.I.Khan

Filed today 25/5/16
Addl. Registrar
11/06/16



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

Phone No. 0966-9280133, emisfdikhan@gmail.com

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34

NOTIFICATION

Reference this Office Letter No. 5319-23, dated D.I.Khan 08.04.2016, wherein the Inquiry Committee had been constituted against Maria Bashir, Ex-Lab Assistant, BS-7, GGCMHS No.6, D.I.Khan.

Reference Office of The Principal GGHSS No.8, Sherazi, D.I.Khan, the Chairperson Inquiry Committee, Letter undated, wherein the recommendations have been forwarded in the matter as it reads: "*It is therefore, recommended to create an appropriate way for the redressal of her grievances.*"

I, Mrs. Syedda Anjum, District Education Officer (Female), D.I.Khan, being Competent Authority, reject the Inquiry report as I do not find the recommendations of the Inquiry Committee practicable as **it is not suggesting any clear solution on Yes /No** for reinstatement of the Mrs. Maria Bashir, Ex-Lab Assistant, BS-7, GGCMHS No.6, D.I.Khan.

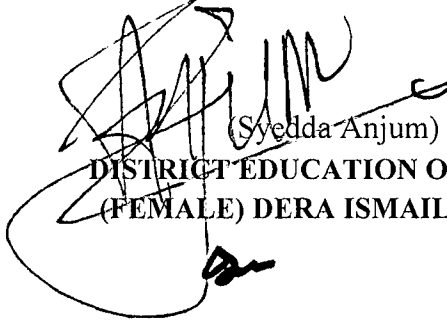
(Syedda Anjum)
**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

Endst. No. 6053-57

Dated, D.I.Khan the: 15/03/2019.

Copy of the above forwarded for information to:

1. Additional Registrar, Honorable Peshawar High Court Bench, D.I.Khan.
2. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. PA to Secretary Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Mrs. Maria Bashir, the Petitioner.
5. Office copy.


(Syedda Anjum)
**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**



(7) MS

OFFICE OF THE PRINCIPAL
GOVT. GIRLS CENTENNIAL MODEL HIGH SCHOOL NO.1
DERA ISMAIL KHAN
(for the Inquiry Committee)

MINUTES OF THE MEETING
FOR
PERSONAL HEARING OF MRS. MARIA BASHIR, EX-LAB ATTENDANT
OF
THE GGHSS NO.6 CHAH SYED MUNAWWAR SHAH, D.I.KHAN
REF: WP. NO. 945-D / 2016

Participants:

- | | |
|----------------------------|---|
| 1. Mrs. Farzana Shaheen, | Principal GGCMHS NO.1, D.I. Khan. (<u>Chairperson</u>) |
| 2. Mr. Jamal Ahmad Mirza | HM GHS Chehkan, D.I.Khan. |
| 3. Dr. Muhammad Imran Shah | Senior SS, GHSS Muryali, D.I.Khan. |
| | Litigation Officer for O/o the DEO (F), D.I.Khan. |
| 4. Mr. Khalid Saeed Akbar | Litigation Officer for Secretariat & Directorate of KPESE. |
| 5. Mr. Inayatullah | Litigation Officer for O/o the DEO (F), D.I.Khan. |
| 6. Mrs. Maria Bashir | Petitioner, Ex-Lab Attendant, GGCMHS NO.6, D.I.Khan. |

Proceedings of the meeting:

Meeting was started on 8:00 AM at the GGCMHS NO.1, D.I.Khan, chaired by Respected Principal. Meeting was attended by the petitioner, Maria Bashir and all members who were then served the attendance sheet for signing in. The recitation of Holy Quran was made to invigorate the theme of justice and truth in the minds of all participants. The petitioner, Maria Bashir, Ex-Lab Attendant, was then served the questionnaire which was duly explained to her by the Respected Chairperson and other members, when needed. After seeing through the verbal/written answers received from the petitioner, the following facts were observed.

Facts of the case in hand:

1. That the first appointment order of Mrs. Maria Bashir, Ex-Lab Assistant was issued by the DCO D.I.Khan, hence, invalid ab initio; since the DCO has not been a competent authority to appoint or terminate employees in BPS 1-10 as held by the Worthy Judgment dated 27.10.2011, by the Honorable Khyber Pakhtunkhwa Services Tribunal in Service Appeal No. 1407 of 2010, titled as Mr. Abdus Salam and others vs. Government of Khyber Pakhtunkhwa Secretary Education.
2. The petitioner's appointment order had been invalidated vide order by the Executive District Officer Elementary and Secondary Education D.I.Khan, dated 10.10.2010 and 14.4.2012, as the validity of the appointment order wasn't justified; whereas, the same has not been justified yet.

 CHAIRPERSON Mrs. Farzana Shaheen, Principal-GGCMHS NO.1, D.I.Khan.	 MEMBER Dr. Muhammad Imran Shah Senior SS Litigation Officer, DEO (F) , D.I.Khan	 MEMBER Mr. Jamal Ahmad Mirza Head Master GHS Chehkan, D.I.Khan	 MEMBER Mr. Khalid Saeed Akbar Litigation Officer KPESE Department, Peshawar High Court D.I.Khan	 MEMBER Mr. Inayatullah Litigation Officer, DEO (F) , D.I.Khan
--	--	--	--	---

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That another, Mst. Sapna Kanwal was reinstated and posted on the only post of Lab Assistant at GGCMHS No.6 Chah Syed Munawar Shah, D.I.Khan, after the Worthy Judgment by this Honorable Court in Writ Petition No.17-D/2009; whereas, Appointment Order of Mrs. Maria Bashir, being invalid and unjustified, ab initio, was cancelled vide No.1552-4 dated 10.10.2010 (without mentioning that the cancellation is made in compliance with the Worthy Judgment ibid.)

4. That the matter had once been inquired into but it had forwarded its report with no clear suggestions; hence, it was impracticable for any further action. Moreover, the same has been refused/ rejected by the competent authority vide Letter No.6053-57 dated 15.03.2019 and has constituted another committee (this one) vide Order No 6058-67, dated the 15.03.2019 and ordered to conduct a fresh inquiry to see the matter and come with clear YES/ NO to solve the grievances of the petitioner, if allowed under the Rules and Policy.
1. That this committee provided the petitioner a consoling chance for proving/ telling how could she be exonerated and be reinstated in service, yet, she failed to prove her initial appointment/ service as rational/ legal.

DECISION:

In view of above submissions, this committee unanimously decides **NOT TO REINSTATE** services of the petitioner, Mrs. Maria Bashir, Ex-Lab Assistant, BS-7, GGHS Chah Syed Munawar Shah, D.I.Khan.

It also recommends passing of a speaking order that will yield an effect of termination of services (from the date of appointment) for the case of petitioner and any case found in future with the same breaching offense –though, it shall be heard in prior and be given a chance to clarify on how it might be vindicated.



In compliance with Notification No. 6058-67, dated the 15.03.2019, this report is hereby submitted to the competent Authority, District Education Officer (Female), D.I.Khan.

Dated:...../...../2019

<p>CHAIRPERSON Mrs. Farzana Shaheen, Principal GGCMHS NO.1, D.I.Khan.</p>	<p>MEMBER Dr. Muhammad Imran Shah Senior SS Litigation Officer, DEO (F) , D.I.Khan</p>	<p>MEMBER Mr. Jamal Ahmad Mirza Head Master GHS Chehkan, D.I.Khan</p>	<p>MEMBER Mr. Khalid Saad Akbar Litigation Officer KPESE Department, Peshawar High Court D.I.Khan</p>	<p>MEMBER Mr. Inayatullah Litigation Officer, DEO (F) , D.I.Khan</p>
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PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

Date of Order or proceedings (1)	Order or other proceedings with signature of Judge(s). (2)
02.5.2017.	<p><u>W.P.No.945-D/2016.</u></p> <p><u>Present:</u> Nemo for the petitioner. ***</p> <p>Comments be called from respondent No.4 so as to reach this Curt within a fortnight.</p> <p style="text-align: right;"> <u>JUDGE</u></p> <p style="text-align: right;"> <u>JUDGE</u></p> <p><i>Offer</i> <i>2/5</i></p> <p><u>Habib</u>*</p>

IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
11.3.2019.	<p><u>W.P. No. 945-D/2016.</u></p> <p><u>Present:-</u> Mr. Ahmad Ali Khan, Advocate for the petitioner.</p> <p>Mr. Adnan Ali Asstt: A.G. for the respondents.</p> <p>***</p> <p>The former requests for adjournment as according to him there is possibility that the grievance of the petitioner would be redressed. Adjourned to a date in office.</p> <p style="text-align: right;"><i>[Signature]</i> <u>JUDGE</u></p> <p style="text-align: right;"><i>[Signature]</i> <u>JUDGE</u></p>


[Handwritten signature]
11/3

Kifayat/*

(D.B) Hon'ble Mr. Justice S.M. Attique Shah
Hon'ble Mr. Justice Shakeel Ahmad

IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
17.9.2019	<p><u>W.P.No.945-D/2016.</u></p> <p><u>Present:-</u> Ms. Shumaila Awan, Advocate for petitioner.</p> <p>Mr. Adnan Ali, Asstt: A.G. for respondents.</p> <p>***</p> <p>Comments of respondent No.4 not received. The latter commits that the requisite comments would be filed within three days. Adjourned to a date in office.</p> <p style="text-align: right;"><u>JUDGE</u>  <u>JUDGE</u></p>

01/11/19


Imran/*

(D.B)

Hon'ble Mr. Justice S.M. Attique Shah
Hon'ble Mr. Justice Sahibzada Asadullah

IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
02.3.2022	<p><u>W.P.No.945-D/2016.</u></p> <p><u>Present:-</u> Mr. Khalid Mahmood Advocate on behalf of Mr. Ahmad Ali, Advocate for petitioner.</p> <p>Mr. Adnan Ali, Asstt: A.G. for respondents.</p> <p>***</p> <p>The latter wants to file better comments in view of subsequent inquiry conducted by the respondents. Allowed. Directed to do so within a fortnight positively. Adjourned to a date in office.</p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: right;"></p> <p style="text-align: right;"><u>JUDGE</u></p>

File
AZ
02/03



Imran/*

(D.B)

Hon'ble Mr. Justice S.M. Attique Shah
Hon'ble Mr. Justice Muhammad Faheem Wali

PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
13.6.2022	<p><u>W.P.No.945-D/2016.</u></p> <p><u>Present:-</u> Mr. Ahmad Ali Khan, Advocate for the petitioner.</p> <p>Mr. Adnan Ali, Asstt: A.G. for the respondents.</p> <p>***</p> <p>The learned counsel for the petitioner seeks time to go through the better comments. May do so. Adjourned to a date to be fixed before forthcoming D.B.</p> <p style="text-align: right;"> <u>JUDGE</u></p> <p style="text-align: right;"> <u>JUDGE</u></p>

Kifayat/ PS*

(D.B)

Hon'ble Mr. Justice Shakeel Ahmad
Hon'ble Mr. Justice Muhammad Faheem Wali

9/12
9/12
14/06

PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

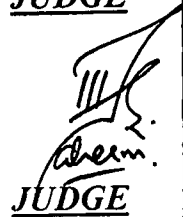
Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
27.6.2022.	<p><u>W.P.No.945-D/2016.</u></p> <p><u>Present:-</u> Mr. Ahmad Ali Khan, Advocate for the petitioner.</p> <p>Mr. Adnan Ali, Asstt: A.G. for the respondents.</p> <p style="text-align: center;">***</p> <p><u>MUHAMMAD FAHEEM WALLI, J.--</u> Through the instant writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner has sought the following relief:-</p> <p style="text-align: center;"><i>“In wake of the above submissions, it is respectfully prayed that on acceptance of this writ petition, the respondents may kindly be directed to allow the petitioner to perform her official duties being in service with the respondent No.5 and also to release monthly salaries to the petitioner. Any other appropriate relief which this Honourable Court, in the given circumstances, may deem proper in the best interest of justice, may also be granted to the petitioner”.</i></p> <p>2. After hearing the learned counsel for the petitioner at some length, it appears from the very appointment letter dated 29.7.2008, that the status of</p>

the petitioner is that of civil servant, as such, in view of the bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, this Court lacks the jurisdiction, however, it being an old case wherein comments are also available on the file, instead of dismissing the same, we send it to the Khyber Pakhtunkhwa Service Tribunal to treat it as service appeal with the direction to decide the same in accordance with law. Office is directed to retain copy of the writ petition alongwith annexures, while the original record be sent to the Service Tribunal. Disposed of accordingly.

Announced.
Dt: 27.6.2022.



JUDGE



JUDGE

Office
27/06

Ann: A 9

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OFFICE OF THE DISTRICT COORDINATION OFFICER DERA ISMAIL KHAN

No. 9406 /PS (Educ)
Dated 29/7/2008

Mst. Maria Bashir D/O Muhammad Bashir R/O Eid Ghah Kalan District
DIKhan is hereby appointed against the Lab Assistant (BPS-7) lying vacant in the
GGHSS Chah Said Munwar on the following terms & conditions:

1. She will produce Age/Medical Fitness Certificate to be obtained from the Medical Superintendent, District Headquarters Teaching Hospital DIKhan at the time of joining.
2. The original documents may be checked/verified from the concerned Board/University through the department concerned.
3. In case she wishes to resign at any time, one month prior notice will be necessary OR in lieu thereof his once month Pay will be forfeited.
4. She will be governed by such Rules and Orders relating to Pay, Usual allowances, T.A/D.A, Medical etc. as may be issued by the Government for the category of official to which he belongs.

DISTRICT COORDINATION OFFICER
DIKHAN

No. 9407-10 /PS (Educ)

Copy is forwarded to:

1. The Secretary to Govt. of NWFP, Department Peshawar.
2. The District Nazim DIKhan
3. The EDO (Finance & Planning) DIKhan.
4. The EDO (School & Literacy) DIKhan.
5. The Principal GGHSS Chah Said Munwar DIKhan.
6. The above named official.
7. The District Accounts Officer, DIKhan.
8. The Personal File.
9. The Service Book.

DISTRICT COORDINATION OFFICER
DIKHAN

ATTESTED

EXAMINOR
Peshawar High Court
D.I. Khan Bench

07/6/11

Attested

07/6/11

Rest of High Court
 Addressed under section 97 of
 Criminal Procedure Code
 EXAMINOR
 Certified to be true Copy

07/6/11

GR No. 1626
 Application Received on 07-6-11
 Copying Fee deposited Rs. 11/-
 No. of Papers 12
 Copying Fee 12/-
 Urgent Fee 2/-
 Total Fee 3/-
 Copy ready for delivery 07-6-11
 Copy delivered on 07-6-11
 Signature of Examiner

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LIT.)
D.I.KHAI

ORDER
21-4-2007

In the compliance with decision of the Honourable High Court dated:
24/04/2009 the Miss: Sapna Kanwal hereby reinstate against her original post of the Lab
Assistant at the (Govt. Girls Centennial Model Higher Secondary School No.6 Chah Syed
Munawar D.I.Khain

✓
Marta Basir order No.9406 dated 29/7/2008 being illegal at unjustified is
cancelled with immediate effect.

Sd/-
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LIT. D.I.KHAIN

Dated D.I.Khain the 10/10/2010

1. District Co-Ordination Officer Dera Ismail Khan
2. District Accounts Officer, D.I.Khain
3. The Principal Concerned for necessary action
4. The above named official.

IN THE DISTRICT OFFICE
SCHOOLS & LIT. D.I.KHAIN

Attested

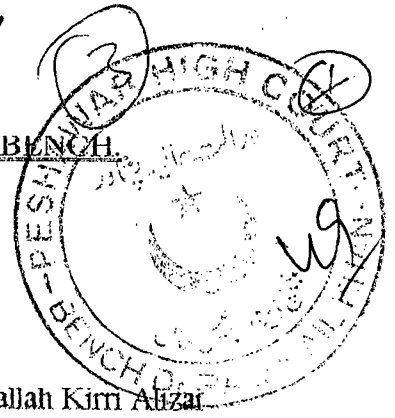
Am. B.

Am. B. 10

Ann: B-1

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BEFORE THE PESHAWAR HIGH COURT, D.I.KHAN BENCH.



Writ Petition No. 17 /2009.

Sapna Kanwal w/o Tauqeer Ahmed r/o House No.180/C Mohallah Kirri Alizar near Millat High School, DIKhan.

(Petitioner)

Versus

1. Govt. of NWFP through Secretary Education, Peshawar.
2. Executive District Officer (School & Literacy) DIKhan.
3. Principal, Govt. Girls Centennial Model Higher Secondary School No.6, Chah Syed Munawar, DIKhan.

(Respondents)

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

Respectfully Sheweth;

Note:- Address given above are sufficient for the purpose of service of parties.

BRIEF FACTS.

1. That the petitioner was appointed as Lab: Assistant in BPS-7 vide order dated 13.2.2008, having requisite qualification for the post. Copy of the appointment order is enclosed as Annexure 'A'.
2. That after receiving appointment order, the petitioner was medically examined and issued medical certificate by the Medical Superintendent on 20.2.2008. Copy of the appointment medical certificate is enclosed as Annexure 'B'.
3. That there after the petitioner went to the concerned school i.e respondent No.3 for taking over the charge but the respondent No.3 refused to accept the charge of the petitioner without assigning any reason, therefore, the petitioner approached respondent No.2, who telephonically directed respondent No.3 to accept the charge of the petitioner but no positive result came out.
4. That the petitioner aggrieved and having no other appropriate remedy, seeks the indulgence of this Honourable Court, in its extra ordinary jurisdiction for the redressal of his grievances, inter alia, the following grounds.

ATTESTED

17/12/09

EXAMINOR

Peshawar High Court
D.I.Khan Bench

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13/11/09

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GROUNDS:

1. That the petitioner is a qualified candidate for Lab Assistant having matric in science as well as intermediate in arts she was legally appointed by the competent authority i.e respondent No.2.
2. That the respondent No.3 was legally obliged to accept the charge of the petitioner but for the reasons best known to her, she refused to accept the charge report of the petitioner.
3. That the respondent No.2 also failed to perform his duties in accordance with law, as he could not compel respondent No.3 for the purpose of taking charge of the petitioner.
4. That whereas the petitioner has duly been appointed then legally respondents are bound, under the law to accept her charge report and let her to perform her duties in response to the appointment order dated 13.2.2008.
5. That the petitioner was asked to have afresh bank account for the purpose of pay to be shifted there and the petitioner opposed an account in National Bank of Pakistan State Life Building Branch Circular Road, DIKhan but till date no pay has been deposited by the respondents.
6. That the counsel for the petitioner may be allowed to raise additional grounds during the course of arguments.

It is, therefore, humbly prayed that the respondents may be directed to accept the charge of the petitioner with respondent No.3 and she be allowed to perform her duties in accordance with law. Any other relief deemed appropriate may also be granted in the circumstances.

INTERIM RELIEF.

Respondents may be restrained to appoint any other candidate on the place of posting of the petitioner i.e Govt: Girls Centennial Model Higher Secondary School No.6, Chah Syed Munawar, DIKhan.

Your Humble Petitioner;
Through counsel;

Saleemullah Khan Ranazai

(Saleemullah Khan Ranazai)
Advocate Supreme Court.

Dated: 12.01.2009.

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13/1/09

TESTED
17/12/06
Peshawar High Court
D.I.Khan Branch

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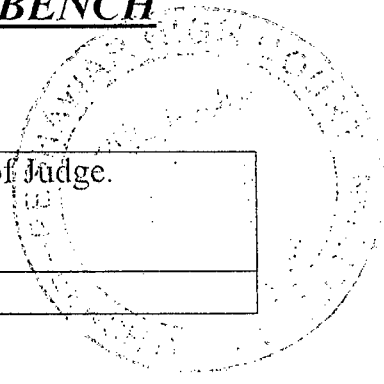
(8)

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PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

Date of order or other proceedings.	Order or other proceedings with signature of Judge.
(1)	(2)



21.4.2009. WP No.17/2009.

Present: Mr. Salimullah Khan Ranazai, Advocate for the petitioner.

SYED YAHYA ZAHID GILANI, J.- The main grievance of the petitioner has been selected on merits and duly appointed, but respondent No.4 is not accommodating petitioner which, on the face of it, is illegal act and valuable right of the petitioner is being violated. Thus, we do not deem it proper to put the respondents on notice and direct respondent No.2 that if the appointment of the petitioner is in accordance with law and that is still intact and no disciplinary proceedings are pending against the petitioner, she should be accommodated on her post within one month with intimation to the petitioner. This writ petition is disposed off accordingly. If the petitioner's grievance is not redressed, she may, if so advised, file a fresh petition.

Announced.
Dt: 21.4.2009

Handwritten initials/signature

Handwritten signature and date 22/4

Handwritten signature and date 17/12/06

JUDGE

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JUDGE

G.R.No. 3577
Application received on 17-12-16
Copying Fee of Rs. 0
No of Pages 3 pages
Copy made on 1/12
Urgent Yes
Total Fee 6/12
Copy ready for 17-12-16
Copy delivered on 17-12-16
Signature of Examiner [Signature]
17/12/16

Certified to be true Copy
[Signature]
EXAMINER
Peshawar High Court Bench D.I.K.
Authorized Under Section 10 of
Qanun-e-Shahadat-Act
17/12/16

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & S) - DIKHAN

ORDER:-

Appointment of Mrs. Maria Beshir Labi Asshegchiss No. 01148 said

Munawar Shah Dikhan was made by the District Coordination Officer Dikhan. The case is subjudice

in Honourable court and her pay may be stopped till further order.

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(Copy forwarded to the-
District Accounts Officer, Dikhan
Principal concerned.
Accountant local office (female).
Official concerned.

5. *A. Alkeshad*
Principals
Munawar Bili

Govt. Girls Secondary School, No. 5
Higher Secondary School, Dikhan
Chah Sial Maharastra Street, Dikhan

A. Alkeshad

EXECUTIVE DISTRICT OFFICER
E & S EDUCATION DIKHAN

M. K. G.
[Signature]

Dated Dikhan the 14/04/2012

EXECUTIVE DISTRICT OFFICER
E & S EDUCATION DIKHAN

Sd/

ENDS: No. 4801-4

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OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDARY EDUCATION D.I.KHAN



3

PAY RELEASE ORDER

I hereby to release pay of Mst. Maria Bashir Laboratory Assistant bearing personnel No: 00419560 GGHSS Chah Syed Munawar No: 06 D.I.Khan w.e.f

01-04-2012 with the remarks that she will regularly attend her school duty in future and warning already issued in this regard.

Sd/-

EXECUTIVE DISTRICT OFFICER

(E&S.E) Education D.I.Khan

Endst: No

8809

Dated D.I.Khan. the 16/06/12

Copy to the:

- 1- District Officer (F) E & S.E D.i.khan.
- 2- District Account Officer D.I.Khan.
- 3- Principal GGHSS Chah Syed Munawar No: 06 D.I.Khan to release her pay.

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Delance. Pay and
inform

EXECUTIVE DISTRICT OFFICER

(E&S) Education D.I.Khan

Attested

Attested

S. Amena Bili

Principal
Govt. Girls Commercial Model
High School, Chah Syed Munawar, No.6
Chah Syed Munawar Chah, D.I. Khan

Ann. E

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SM

Govt: Centennial Girls Modle
H.S.S.No.6 D I Khan
No. 280 Dated; 02/7/2012

To Mrs. Maria Bashir.
Laboratory Assistant.

Subject: CANCELLATION OF ILLEGAL APPOINTMENT ORDERS BY
THE D.C.O D.I.KHAN.

Memo: Ref; EDO, E&SE EDU. DIKHAN,s
Memo No. 22612 dated 22/06/2012.

As directed by the EDO, D I K in his letter referred to above, your case was scrutinized by our department and your appointment has been declared illegal, for DCO D I Khan is not a competent authority to appoint anyone in our department as L/Assistant.

In the light of above you are hereby relieved of your duties with immediate effect and report to the E.D.O E&SED D I Khan for final decision.

sofn
Principal

Govt; Centennial Girls Modle
Higher Secy; School
No.6,DIKhan

Endst. No. 281 Dated 02/07/2012

Copy to the Executive Distt: Officer E&SE dept. D I Khan for information and necessary action please.

Attested



S. Amana Bilal

Principal
Govt; Centennial Girls Modle
Higher Secy; School
No.6,DIKhan

Ann⁴F²³
17
= 55

The District Education Officer (Female),
E&SED, Dera Ismail Khan.

Subject: APPLICATION FOR PAY RELEASE

Dear Madam,

I Mst. Maria Bashir D/O M. Bashir Ahmed working as a Laboratory Assistant in Govt: Girls Higher Secondary School Chah Syed Munawar Dera Ismail Khan since 29th July 2008. My pay has been stopped since 1st July 2012 on the behalf of a letter which was issued from EDO office D.I.Khan on dated 22-06-2012 Endorsement No 22612/- to stop my salary, but after the confirmation of record for this letter from EDO office D.I.Khan it was found that the said endorsement No was not there in the records of EDO office D.I.Khan and it was a fake letter. The copy of this fake letter is also attached hereby for your further necessary action please.

It is to humble request you that kindly release my pay as soon as possible.

Maria

Maria Bashir
Laboratory Assistant,
Govt: Girls Higher Secondary School,
Chah Syed Munawar, D.I.Khan.

D.O/ E&SED

KINDLY RELEASE AFR PAY

BE OBLIGE

21/7/13
Ais Amin Khan

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Diary # 1283
23-7-13

Attested
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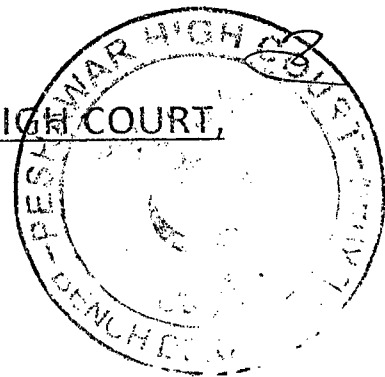
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BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
DERA ISMAIL KHAN BENCH.



Writ Petition No. 430 -D of 2013

Mst. Maria Basheer daughter of Muhammad Basheer, resident of Eid Gah Kalan, Tehsil & District D.I.Khan.

PETITIONER

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, K.P.K. Peshawar.
2. Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar
3. Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), D.I.Khan.
5. District Education Officer (Female), D.I.Khan.
6. Principal, Government Centennial Girls Modle Higher Secondary School No.6, (Chah Syed Munawar Shah) D.I.Khan.
7. Deputy Commissioner (the then District Co-ordination Officer), D.I.Khan.
8. Mst. Sapna Kanwal, wife of Tauqeer Ahmad, resident of Mohallah Kirri Alizai, near Millat High School, D.I.Khan.
9. District Accounts Officer, D.I.Khan.

RESPONDENTS

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

Respectfully Sheweth,

ATTESTED

1. That the addresses of parties as given above are correct and sufficient for the purpose of service.

EXAMINER
Peshawar High Court
D.I.Khan.

10/12/16

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2. That the petitioner was appointed as 'Laboratory Assistant' by the District Co-ordination Officer, D.I.Khan, vide letter No.9406/PS(Edu) bearing endorsement No.9407-10/PS (Edu) dated 29/07/2008. Thereafter, petitioner took over the charge of the post of 'Lab: Assistant' and accordingly her salary was also released by the District Accounts Officer and Personal No.00419560 was also allotted to her. Copy of the appointment letter is enclosed as Annexure A.
3. That in the meanwhile Writ Petition No.17/2009 of one Mst. Sapna Kanwal (Lab: Assistant) was pending before this august Court and on the basis of same Writ Petition, Mst. Sapna Kanwal was reinstated but the respondent No.4 wrongly, mala fide & illegally cancelled the appointment of petitioner vide letter No.1552-4 dated 10/10/2010 under the garb of order dated 24/04/2009 of this august court. Copies of the letter No.1552-4 dated 10/10/2010 and the order dated 24/04/2009 in WP No.17/2009 are enclosed as Annexure B & B-1 respectively.
4. That the petitioner was still in service and the then Executive District Officer/respondent No.4 vide letter No.4801-4 dated 14/04/2012 stopped the pay of present petitioner but thereafter vide letter No.8809-11 dated 16/06/2012 released her pay. Copies of both the letters are respectively enclosed as Annexure C & D.
5. That thereafter vide letter No.280 dated 02/07/2012 (Annexure E) the respondent No.6 relieved the petitioner to report to the respondent No.4 (the then EDO) for final decision.
6. That in the meanwhile, respondents again vide letter No.22612 dated 22/06/2012 (allegedly issued by respondent No.4 but the same is a fake letter as there is no record of same in the Education Officer) stopped salary of the petitioner and she preferred an application (Annexure F) on 21/07/2013 for release of her salary but the same has not been paid any heed.

ATTESTED

EXAMINOR
Peshawar High Court
D. Khan District

97/12/16

7. That the petitioner's appointment was cancelled due to the order dated 24/04/2009 passed in the WP No.17/2009 but in the said order of this august court there is no such direction to cancel the appointment of present petitioner rather direction for accommodation of one 'Sapna Kanwal' were issued. Now the petitioner is being victimized due to the letter No.1552-4 dated 10/10/2010 (*Annexure B*) despite the fact that she (petitioner) was serving with the respondent No.6 un-till relieved on 02/07/2013 vide letter Annexure E with direction to report to respondent No.4.
8. That malafide of the respondents is apparent through the fact that they are not taking the case of petitioner seriously and also not releasing her salary despite the fact that she served under the control of respondent No.6 and now respondents are using delaying tactics and petitioner has been made a rolling stone.
9. That the Principal Bench of this august court while deciding a constitutional petition held that once an appointment order is taken legal effect, the same cannot be withdrawn/rescinded later-on and in view of the same verdict the appointment of petitioner too cannot be cancelled by the respondent No.4.
10. That now the petitioner has been left with no other remedy but to invoke constitutional jurisdiction of this august court to please declare the letter dated 10/10/2010 (*Annexure B*) as void, illegal, without jurisdiction, without lawful authority and having no binding effect upon rights of the petitioner, more particularly when the same has not yet been acted upon, and also to direct the respondents to release salaries of the petitioner and allow her to perform her official duties as there was no direction in the order dated 24/09/2009 passed by this august court regarding cancellation of the appointment of petitioner with such other relief as deemed appropriate in the interest of justice on, inter alia, the following grounds:

ATTESTED

EXAMINER
Peshawar High Court
D. J. Khan

17/12/16

GROUNDS:

- i. That the respondent No. 4 being a responsible officer and being a public servant was required to discharge his duties in a suitable manner judiciously; but instead, he under the garb of order dated 24/09/2009 passed in WP No.17/2009, cancelled the appointment of petitioner despite that fact that there was no such direction by this Honourable Court and, this illegal, unlawful and irresponsible act of the respondent No.4 call for interference and judicial notice of this Honourable Court.
- ii. That the respondent No.8 was to be accommodated per directions of this august court on any vacant post of the Lab: Assistant. But instead the appointment of petitioner was cancelled due to malafide, quite in a non-judicial and ruthless manner.
- iii. That even after the issuance of letter dated 10/10/2010, the salary of petitioner was released by the respondent No.4 vide letter No.8809-11 dated 16/06/2012 (Annexure D) released her pay, however, again vide letter No.22612 dated 22/06/2012 (allegedly issued by respondent No.4 but the same is a fake letter as there is no record of same in the Education Officer) stopped salary of the petitioner.

The petitioner served under the control of respondent No.6 till 02/07/2013, and thereafter, she was relieved with direction to report to respondent No.4, accordingly the petitioner reported to the respondent No.4 and many time visited his office but no response has been given to the petitioner.

- iv. That the petitioner was validly appointed as "Lab Assistant" and thereafter her salary was also released and she was performing her official duties with zeal, devotion and to the best satisfaction of her superiors but the respondent No.4 has victimized the petitioner under the veil of this august court's order dated 24/04/2009, which in no effects the services of petitioner. Hence, a great injustice has been done to the petitioner.

ATTESTED

EXAMINOR
Hoshwar High Court
D. KHAN BENCH

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- v. That the impugned letter dated 10/10/2010 and subsequent letters for stoppages of the salary of petitioner, are based on malafide, without jurisdiction, without lawful authority and are having no binding effect upon rights of the petitioner as the respondent No.4 was having no lawful authority to cancel the appointment order of the petitioner.
- vi. That the petitioner requested the respondents to issue her copies of the despatched registered regarding issuance of letters dated 16/06/2012 (Annexure D) and the letter dated 22/06/2012 whereby the salary of petitioner was stopped. But the respondents did not provide the despatch register to her which amply proves that both these referred letters are antedated and bogus. Copy of the ~~the letter~~ 22/06/2012 and the application dated 17/08/2013 are enclosed as Annexure G & H respectively.
- vii. That the Principal Bench of this august court while deciding a constitutional petition held that once an appointment order is taken legal effect, the same cannot be withdrawn/rescinded later-on and in view of the same verdict the appointment of petitioner too cannot be cancelled by the respondent No.4.
- viii. That the petitioner has been condemned unheard and not a single chance of hearing was given to the petitioner by respondents. Hence, the impugned termination order is liable to be declared as null & void.
- ix. That the counsel for petitioner may be allowed to argue additional grounds at the time of hearing of this Writ Petition.

In wake of the above submissions, it is respectfully prayed that on acceptance of this Writ Petition, the impugned letters dated 10/10/2010 are all the subsequent letters effecting the service of petitioner adversely, may graciously be declare as null & void, without jurisdiction, without lawful authority and having no binding effect upon rights of the petitioner, and the salary of petitioner may please be released. It is further prayed that the

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