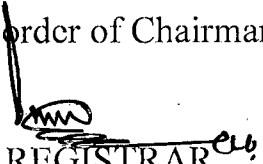


Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. - 1517/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/10/2022	<p>The appeal of Mst. Nayab Azmat resubmitted today by Mr. Kabeer Imam Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and her counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

Respected Sir,

It is submitted that the present appeal is filed against the dismissal/cancellation of appointment order but both the impugned orders were not found on the file. The learned counsel was asked in written to place the said impugned orders on file. In response to our written objection the learned counsel reply that the impugned order is placed on page-19. It is pertinent to mention here that the document on page 19 is only correspondence letter but not a dismissal /cancellation of appointment order.

Submitted for order, please.

Hon'ble Chairman

*Handwritten notes:*  
order of  
objection  
13/10/22

*Handwritten signature:*  
Registrar  
10/10/22

No: 2814 / ST  
Dt: 14-10-2022

Received on 18/10/22  
Submitted on 21/10/22

Registrar

Note


objections removed & resubmitted further order of cancellation is available on page No 28 Annex B of H. resubmitted. Further submitted that instead of dismissed cancelled/withdrawal is to be considered as appointment order of the appelland was been cancelled/withdrawal therefore instead of dismissed cancelled/withdrawal to be considered in appeal. 19/10/2022

The appeal of Nayab Azmat d/o Azmat Ali r/o Mohallah Zareenullah Abad Pabbai Nowshera received today i.e. on 05.10.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ①- Copy of dismissal/cancellation of appointment order mentioned in the heading and para-6 of memo of appeal respectively, is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.
- 3- Affidavit may be got attested by the Oath Commissioner.

No. 2766 /S.T,

Dt. 07/10 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Kabeer Imam Adv. Pesh.

Note :- That the objection raised at para No 7 available on page # 19 which is the removal order of the appellant & on the basis of same order the appellant has been dismissed from the service. Hence all the objections are removed & resubmitted.

Advocate Kabeer Imam



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL PESHAWAR**

In Re S.A. 1507 /2022

Nayab Azmat

**VERSUS**

Govt. of Khyber Pakhtunkhwa and others

**INDEX**

S#	Description of Documents	Annex	Pages
1.	Grounds of Appeal		1-6
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3	Temporary injunction with affidavit		8-10
4	Addresses of Parties		11
5	Copy of appointment order	A	12
6	Copy of charge	"B"	13
7	Copy of clearance certificate	"C"	14
8	Copy of service book	"D to D/3"	15-18
9	copy of the letter #5521-26 dated 17-5-2022	"E"	19
10	Copy of appeal	"F"	20
11	Order and judgment of civil court	"G"	21-28
12	Wakalatnama		29

Dated: 01/10/2022

Appellant

Through

  
KABEER IMAM

Advocate High Court  
Peshawar.

770

BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR

In Re S.A 1507 /2022

Nayab Azmat D/o Azmat Ali R/o zareen ullah abad ,Pabbi ,District  
Nowshera

------(Appellant)

VERSUS

1. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.
2. Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
4. District Education Officer (Female )Nowshera
5. Senior Accounts Officer Nowshera
6. Sub Divisonal Education Officer (female)Nowshera

------(Respondents).

APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICES  
TRIBUNAL ACT -1974 AGAINST  
THE IMPUGNED OFFICE ORDER  
BEARING ENDSST No 5521-26  
DATED 12-5-2022 OF THE  
RESPONDENT NO. 4 WHEREBY  
THE APPOINTMENT OF THE  
APPELLANT HAS BEEN  
CANCELLED /WITHDRAWN AND  
WAS REMOVED FROM THE  
SERVICE ILLEGAL AND  
UNLAWFULLY BY THE  
RESPONDENT#4 WITHOUT ANY  
PRIOR NOTICE FURTHER MORE  
SALARY OF THE APPELLANT HAS  
ALSO BEEN STOPPED WITHOUT  
ANY REM OR REASON IN A  
CLASSICALLY & ARBITRARY  
MANNER.

**Respectfully Sheweth;**

1. That the appellant was appointed as PST (Female) (BPS-12) on regular basis vide letter Endsst#4617-24 dated 9-4-2022 against vacant post at GGPS Spin Qammar Jallozi. **(Copy of the appointment order dated 9-4-2022 is annexed as "A")**.
2. That the appellant took charge of the office as PST-12 at GGPS Spin Qammar Jallozi on dated 9-4-2022. **(copy of the is annexed herewith B)**
3. That after verification and clearance of all educational professional Certificates /Degree/DMCs from the concerned boards/University the Respondent #4 issued a clearance certificate and release the salary of the appellant **.(copy of the clearance certificate letter#5262-68 dated 9-5-2022 is annexed C herewith)**
4. That thereafter the appellant with full zest and zeal performed her duties as PST-12 regularly and received pay/salary from the department.**(copy of the service book is annexed D to D/3 herewith).**
5. That the Respondent#4 vide letter#5521-26 dated 17-5-2022 issued direction to the Legal advisor to provide the court judgment and other relevant documents of the candidates within three (3)days positively otherwise the appointments of the

appellants and other candidates will be cancelled /withdrawn .(copy of the letter #5521-26 dated 17-5-2022 is annexed "E" herewith)

6. That the appellant provided the court judgment but on political basis their appointment was being withdrawn and cancelled wide letter no 5521-26 dated 17-5-2022.(copy of suit#60/1 and order is annexed herewith)
7. That in appointment order at para no 8 it is very much clear that before termination one month prior notice shall be given from either side and the respondents has violated the said rules and cancelled the appointment orders of the appellant without any prior notice which needs to be declared null and void and be set-aside.
8. That after the cancellation of the appointments order the respondents were out to appoint their blue eyed ones upon the regular posts.
9. That feeling aggrieved the appellant prepared a Departmental Appeal/application, but inspite of laps of statutory period no findings were made upon the same, but rather the appellant repeatedly attended the office of the Learned Appellate Authority for

disposal of appeal and every time was extended positive gesture by the Learned Appellate Authority about disposal of departmental appeal and that constrained the appellant to wait till the disposal, on the other hand the Departmental Appeal was also either not decided or the decision is not communicated or intimated to the appellant. (Copy of the appeal is annexed herewith as annexed "F").

10. That feeling aggrieved the appellant prefers the instant appeal against the impugned office order dated 17-5-2022 , upon the following grounds, inter alia:-

**Grounds:**

- A. That the petitioner is a naturally born bonafide citizens of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of the land, interpreted, guaranteed and enforced by the laws of the land and discrimination alongwith unfettered exercise of discriminatory powers by an authority or office is always been deplored, deprecated and depreciated by superior Courts of the land.
- B. That the impugned office order dated 17-5-2022 is illegal, unwarranted and is liable to be set-aside and the



appellant be re-instated in service or their services be restored.

C. That the appellant is also entitled for all back benefits for the period they have worked. Moreover the Service of the Appellants, therein, for the intervening period i.e from the date of their termination till the date of their re-instatement shall be computed towards their pensionary benefits also.

D. That the impugned office order is illegal, unlawful, unwarranted and is liable to be set-aside and the appellant be reinstated in service.

E. That the respondent's without any prior notice has canceled the appointments order of the appellant which is illegal and unwarranted and is liable to be declare null and void and be set-aside.

F. That no one can be condemned unheard, nor anyone can be condemned for no wrong.

G. That salary of the appellant has been estopped plausible reason and without any justification and without and fault on part of the appellant.

H. That from every angle and perspective the impugned dismissal order is illegal, discriminatory, void,

unwarranted, vexatious, and unlawful and is liable to be cancelled and set aside.

I. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

*It is, therefore, most humbly prayed that on acceptance of the instant Appeal the impugned office order Endsst #5521-26 dated 12-5-2022 may graciously be set-aside and the re-instatement of the appellant be given effect w.e.f 7-4-2022 date of first appointment with all back benefits in terms of arrears, seniority and promotion, the respondents may also be restrained from any fresh appointment against the post of appellant till the disposal of the case.*

*Any other relief not specifically asked for may also graciously be extended in favour of the appellant in the circumstances of the case.*

Dated: 01-10-2022.

Appellant  
Through  
KABEER IMAM  
&  
Sumaira Bangash  
Advocate High Court Peshawar.

NOTE:-

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

Advocate.

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2022

Nayab Azmat

**VERSUS**


Govt. of Khyber Pakhtunkhwa and others

**AFFIDAVIT**

I, Mrs Nayab Azmat D/o Azmat Ali R/o Zareen abad ,Pabbi ,District Nowshera do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

**DEPONENT**

Identified By :

  
KABEER MIAM  
Advocate High Court  
Peshawar.

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

C.M No# \_\_\_\_\_ / 2022  
In S.A \_\_\_\_\_ /2022

Mrs Nayab Azmat

**VERSUS**

Govt. of Khyber Pakhtunkhwa and others

**APPLICATION FOR TEMPORARY INJUNCTION**

**SHEWETH**

1. That the petitioner is filing the accompanying appeal, the contents of which may graciously be considered as integral part and parcel of the instant petition.
2. That prima facie case exists in favour of the Petitioner.
3. That balance of convenience is also lies in favor of Petitioner and his quite sanguine of his success.
4. That if the instant application is not allowed the petitioner shall suffer irreparable loss.

It is, therefore, most humbly prayed that on acceptance of the instant petition the respondents be directed to Re-instated the appellant on service and respondent be restrained from fresh appointment against the post of appellant till the final disposal of the accompanying appeal.

Any other relief not specifically asked for may also graciously be extended in favor of the petitioner in the circumstances of the case.

Dated: 01/10/2022

*Appellant*  
Through

***KABEER IMAM***  
Advocates High Court  
Peshawar

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2022

Nayab Azmat

**VERSUS**

Govt. of Khyber Pakhtunkhwa and others

**AFFIDAVIT**

I, Nayab Azmat D/o Azmat Ali R/o zareen abad ,Pabbi ,District Nowshera do hereby solemnly affirm and declare that the contents of the Instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

**DEPONENT**

*Identified By:*

***KABEER IMAM***

Advocate High Court

Peshawar

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES**  
**TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2022

Mrs Nayab Azmat

**VERSUS**

Govt. of Khyber Pakhtunkhwa and others

**ADDRESSES OF PARTIES**

**APPELLANT.**

Nayab Azmat D/o Azmat Ali R/o zareen abad ,Pabbi ,District  
Nowshera

**RESPONDENTS:**

1. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.
2. Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
4. District Education Officer (Female )Nowshera
5. Senior Accounts Officer Nowshera
6. Sub Divisonal Education Officer (female)Nowshera

**Dated: 01-10-2022**

*Appellant*

Through

  
**KABEER IMAM**

Advocate High Court  
Peshawar.



**DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA**

Phone/Fax No. 0923-9220105  
Email: [deofnowshera@gmail.com](mailto:deofnowshera@gmail.com)

**Notification**

In compliance of the Court Judgment in Civil Suit titled Nayab Azmat D/o Aurangzaib Vs DEO (F) Nowshera and under rule 10 sub rule (4) of the Khyber Pakhtunkhwa civil servants (Appointment, Promotion and Transfer) rules, 1989, on consequent upon the recommendation of Departmental selection committee (DSC) is hereby appointed as PST post at GGPS Spin Qamar Jalozaï NSR (under deceased children/widow Quota (Children/Widow of deceased employees) Invalidated in BPS-12 (13320-960-42120) @ Rs.13320/- PM plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and conditions given below with effect from her taking over charge.

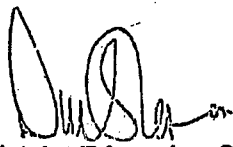
**TERMS & CONDITIONS**

34. No TA/DA etc. is allowed for joining their duty.
35. He/she will be governed by Khyber Pakhtunkhwa Civil Servant Act, 1973 and the rules made thereunder.
36. His service shall be considered regular and he will be eligible for pension /deduction of CF fund in terms of Khyber Pakhtunkhwa Civil Servant Act, 1973 as amended in 2013.
37. He will be on probation for initial period of one year extendable for further one year as per rules.
38. His service can be terminated at any time, in case of his performance is found unsatisfactory during probationary period. In case of misconduct, he will be proceeded under the rules framed from time to time.
39. His service is liable to termination on one month's notice from either side. In case of resignation without notice his one month pay/allowances shall be forfeited to the Government.
40. They should join his post within 15 days of the issuance of this Notification failing which his candidature shall expire automatically and no subsequent appeal etc. Shall be entertained.
41. The age limit of the above post is 18-40
42. Health & Age Certificate should be produced from the Medical Superintendent Concerned before taking over charge to the DDO concerned and the same date of birth shall be reckoned till retirement.
43. His pay will be released subject to verification of his documents/testimonials (i.e domicile CNIC etc)
44. Charge assumption report should be submitted to all concerned.

(DUR E SHAWAR)  
District Education Officer  
(Female) Nowshera

Endst: No. 4617-247 Dated 09/10/2022  
Copy for information and necessary action to the:-

25. Director E&SE Khyber Pakhtunkhwa Peshawar.
26. Senior District Accounts Officer Nowshera.
27. Sub Divisional Education Officer (Female) Concerned.
28. Medical Superintendent District Head Quarter Hospital Nowshera.
29. ADEO (Female) Pry: Establishment Branch Local Officer.
30. Superintendent Establishment Section Local Office.
31. Candidate Concerned
32. Master File

  
District Education Officer  
(Female) Nowshera



## CERTIFICATE OF CHARGE REPORT

1. Certified that we have on the dated charge 09-04-2022 after Noon of this day respectively made over and receive charge of this Office of the PST BPS-12 GGPS Spin Qamar Jallozai District Nowshera Vide DEO (FEMALE) NOWSHERA APPOINTMENT End No: 4617-24/ DATE 09-04-2022.
2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse.


Signature of ~~Relieving~~ Relieving

Name of Government servant Naval Azmat

Station: GGPS Spin Qamar Jallozai NSR

Designation


PST BPS-12

  
AS DEO (F) PABBI  
CIRCLE JALLOZAI  
NOWSHERA



District Education Officer  
(Female) Nowshera

Head Mistress  
GGPS Spin Qamar Jallozai Nowshera

  
HEAD TEACHER  
Govt Girls Primary School  
Spin Qamar Jallozai (NSR)



OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA

(Office Phone# 0923-9220105, Fax# 0923-9220105)

CLEARANCE CERTIFICATE / PAY RELEASE

The following teachers has been appointed against PST post under, on Regular basis vide District Education Officer (Female) Nowshera in the school mentioned noted against her name.

Her educational and professional Certificates /Degree /DMC's have been verified from the concerned boards/ Universities and found correct.

Therefore the undersigned is pleased to issue clearance certificate / pay Release of the following PST teachers.

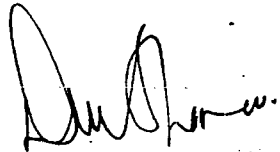
S.No	Name of Teacher & Designation	Father / Husband Name	School Name
1	Mst. Nayab Azmat (PST)	Azmat Ali	GGPS Spin Qamar
2	Mst. Maria (PST)	Anwar Zeb	GGPS Ouch Neher NSR
3	Mst. Sumbal Riaz (PST)	Riaz Ul Haq	GPS Wanda Colony
4	Mst. Kainat (PST)	Pervez Khan	GGPS Rasheed Abad Shabara Nowshera
5	Mst. Rukhsar Nazār Ali (PST)	Nazar Ali	GGPS Rasheed Abad Shabara Nowshera
6	Mst. Nazish (PST)	Irfan Khan	GGPS Spin Qamar

(DUR E SHAWAR)  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA

Endst: No. 5262-68/ DEO (F) NSR Estab: Clearance File / Dated  
NSR 9-15- /2022

Copy of the above is forwarded for information & Necessary action.

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
2. Senior District Accounts Officer Nowshera.
3. Sub Divisional Education Officer (Female) Nowshera.
4. Superintendent Local Office.
5. ADEO (F) Primary Estab: Local Office.
6. EMIS Local Office.
7. Head Mistress Concerned.
8. Official Concerned.
9. Office Copy.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA

Note: The entries on this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: MST: NAYAB AZMAT

2. Race: (Islam)


3. Residence: Moh: Zareen Abad Aman Kot  
P.O. Rabi Nowshera



4. Father's name and residence: MR: AURANG ZAIB



5. Date of birth by Christian era as nearly as can be ascertained: 10/12/1990


6. Exact height by measurement: 5.6

7. Personal marks for identification:

8. Left hand thumb and Finger impression of (Non-Gazetted) officer: 

Little Finger:  Ring Finger: 

Middle Finger:  Fore Finger: 

Thumb: 

9. Signature of Government Servant: Nayab

10. Signature and designation of the Head of the office, or other Attesting Officer: [Signature]  
District Education Officer  
(Female) Nowshera

(For use in Police Department only).

Note:

Heirs. (1) Passed Metric ( ) Exam: in the year of [ ] from BISE Mardan under Roll No: 2598 Marks obtained [ ]

Verification Roll No. 516 dated 10/50 received back

(2) Passed F.A ( ) Exam: in the year of [ ] from BISE Mardan under Left Thumb Impression

Roll No: 139 Marks obtained: 564  
111

Qualification (3) Passed B.A Exam in the year of [ ] Date [ ]

From university of Peshawar under Roll No: 23580 English First Arts

Pushto (4) Passed B.Ed: Exam in the year of [ ]

From under Roll No: 63428 Urdu Pledership examination marks obtained 301

Plan-drawing Training School Final examination 550

(5) Passed P.T.C Exam: in the year of [ ]

From: Allama Iqbal Open University Islamabad under Roll No: [ ] Finger Print Other qualifications

Drill Instructing

Court Duties Passed C.T Exam in the year of [ ]

Reserve Duties From: Allama Iqbal Open University Islamabad under Roll No: AM 635506 Marks obtained 624  
900

District Education Officer

N.B - Line to be drawn under the qualification possessed.

1	2	3	4	5	6	7	8
Name of Post	Substantive Whether substan- tive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
PST B-12							
SAs in Jalozia Kanshera		BPS-12	R: 13320	- 960	- 42120		
		Rs 13320	/ p.			09/4/2022	

nature and Design-  
the head of the off  
other attesting off  
in attestation of  
column 1 to 8

Loc

cl

D

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loc

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8	9	10	11	12	13		14	15
Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period	Government to Which debitable		

Appointed as PST BPs-12  
 Part time D.E.O (F) Nowshera  
 No. 4617-25 dated 09/04/2022

took over  
 charge on  
 09/04/2022  
 District Education Officer  
 (Female) Nowshera

D.E.O Education Officer  
 (Female) Nowshera

Circular issued  
 issued vide D.E.O (F)  
 Nowshera No: 4617-24

TR 20 dated 08/05/2020  
 issued for  
 pay in 1/1/2020

No: 4617-24  
 date 19-4-2022

District Education Officer  
 (Female) Nowshera

1/1/2020  
 1/1/2020

pay release claim  
 vide D.E.O F, No 5262-88  
 dt 5-6-2021

District Education Officer  
 (Female) Nowshera  
 D.E.O

MINDER



OFFICE OF THE  
DISTRICT EDUCATION OFFICER (FEMALE)  
NOWSHERA

No. \_\_\_\_\_ /DEO(F) NSR- E-SA/ dated NSR the \_\_\_\_\_ -2022

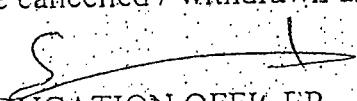
Mst. Roheen Naz  
SST Legal advisor.

Subject ; - VERIFICATION OF COURT JUDGMENT /RELEVANT DOCUMENTS

Reference to this office memo No. 5239-42 dated ; - 28-04-2022 on the subject noted above state that you have badly failed to provide verified court judgment in the case of the following candidates who have been appointed as PST BPS-12 vide this office order Endstt No. and dated noted against you on your proposal in the light of Court judgment. But the court judgment and other relevant documents not been provided to the undersigned by you as well as by the candidates up till now.

Sl	Name of Teacher	Name of schools.	No. & dated of Apptt;-	Remarks
1	Nayab Azmat	GGPS Spin Qamar Jallozai	No. 4617-24 dated ; - 09-04-2022	Appointment order under Court judgment
2	Maria	GGPS Och Neher Jallozai	No. 4449-56 dated ; - 07-04-2022	Do
3	Sumbal Riaz	GGPS GGPS Wapda Colony Pabbi	No. 4441-48 dated ; - 07-04-2022	Do
4	Amina Bibi	GGPS GGPS Wapda Colony Pabbi	No. 4442-48 dated ; - 07-04-2022	Do
5	Kainat	GGPS Rashid Abad	No. 4457-64 dated ; - 07-04-2022	Do
6	Rukhsar	GGPS Rashid Abad	No. 5180-87 dated ; - 28-04-2022	Do


You are therefore finally directed to provide verified court judgment of the above mentioned candidates within three days positively, otherwise their appointments will be cancelled / withdrawn as per action will be initiated against you under the E & D Rules-2011.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA

Endstt No. SS 21-26 / Dated 17/5 -2022

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

1. Director E & SE Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Nowshera
3. Senior District Accounts officer Nowshera
4. District Monitoring Officer Nowshera
5. Sub Divisional Education Officer (Female) Nowshera
6. Superintendent establishment / Dealing Assistant local office

  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA

بھنور جناب ڈائریکٹر ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ

درخواست بہرہ برآمد بحالی PST فہل ٹیچر جو کہ بعد بھرتی ہوئی بمورخہ 12-05-2022 کو دوبارہ نوکری سے نکالی۔

جناب عالی!

گزارش کی جاتی ہے مسکئی نایاب عظمت ولد اورنگزیب جو کہ سانلہ نے BA پاس ہے شہرہ کے دور رفتہ علاقہ کے سکول گورنمنٹ گراڈ سکول پین کمر چلوڑی تحصیل ہی، ضلع نوشہرہ میں PST پوسٹ پر تعینات ہوئی اور بعد از ابغیر کسی حکمانا نوٹس ست مجھے نوکری سے نکال دیا۔ یہ کہ سانلہ ایک غریب گھرانے سے تعلق رکھتی ہے آپ صاحبان سے گزارش ہے کہ سانلہ کو دوبارہ نوکری پر بحالی کرا حکامات صادر فرمائیں۔

العارض

Appeal to be true  
Umar  
Nawaz

نایاب عظمت ولد اورنگزیب  
سکنہ امانکوٹ، ہی، ضلع نوشہرہ

دستخط: Umar Nawaz

06-06-2022



بعدالت جناب محترم محمد عمیر سول جی صاحبان نوشہرہ

رقم	اسم راجر	تعداد	ملاحظات
2298	1	2804	کتاب
10			انٹرنیٹ + آڈیو + ویڈیو + سرفیس
11		1424	نقود + دیواری سرفیس
12		327	کتاب + سرفیس + AD کارڈ



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2022

16/5/2022

**ATTESTED**  
08/05/2022  
Examiners Agency  
Branch J.S.J. Nowshera

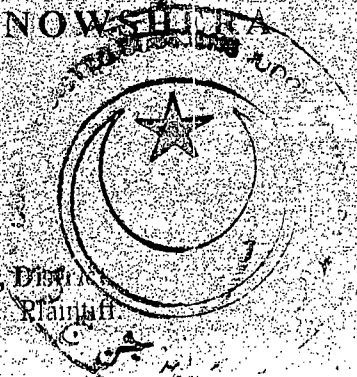
*[Signature]*  
سول جی

*[Signature]*

IN THE COURT OF SENIOR CIVIL JUDGE, NOWSHERA

Civil Suit No. \_\_\_\_\_/2022

Nayab D/o Aurang Zeb  
R/o Mohallah Zain Ullah Abad Aman kot Village and Tehsil Pabbi, District  
Nowshera



Versus

1. The Director of Education (E & SE),  
Malak Saad BRT Stop, JT Road, Peshawar.
2. The District Education Officer (F),  
District, Nowshera

Defendants.

Khaliq Ahmad  
Senior Civil Judge  
District Nowshera  
22-4-22

Suit for declaration and permanent injunction to the effect that  
this Hon'ble Court may graciously be pleased to declare;

1. Defendant No.2 is not competent to deny the plaintiff of his  
appointment against any post in BPS-12 (PST) OR equivalent  
under Rule 10 (4) of the Khyber Pakhtunkhwa Civil Servant  
(Appointment, Promotion and Transfer) Rules, 1989; and
2. Direct:  
The defendant No.2 to immediately appoint the plaintiff  
against any post carrying Basic Pay Scale 12 (Primary School  
Teacher) with all attached benefit under law.
3. Any other remedy, which this Hon'ble Court deemed  
appropriate under the fact and circumstance of the case may  
also be graciously granted.

Respectfully Sheweth,

The concise facts giving rise to the present civil suit are as under

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Branch D.S. Nowshera

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1. That Plaintiff is the daughter of Fahmeeda Ex-Sweeper (BPS-04), GGPS, Aman Kot, Distict Nowshera, who died during her active service.

2. That the Plaintiff highly qualified and eligible to be appointed against the post of PST (BPS-12). The plaintiff is Graduate and the only daughter of late Mst. Fahmeeda Ex Sweeper (BPS-04) GGPS Aman Kot, who died during his service.

3. That Rule 10(4) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989 provide as to the followings.

Khaliq Memon  
Senior Judicial Magistrate  
Nowshera

"Where a civil servant dies or is rendered incapacitated/invalidated permanently during service then notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant Or if the child has not attained the age prescribed for appointment in Government Service, the widow/wife of such civil servant to a post in any of Basic Pay Scale from 3 to 12 in District Cadre post and 3 to 13 against any post in the Provincial Cadre post..... Provided that the child or the wife/widow as the case may be, possess the minimum qualification prescribed for appointment to the post"

22-4-12

4. That plaintiff being highly qualified and eligible under aforesaid provision of law; applied for appointment under the quota before the defendant No.3 after adhering the pre-requisite formalities, who referred the case of the plaintiff to defendant No.2 for legal procedure and compliance of the demands of Rule 10 (4) of the Khyber Pakhtunkhwa (Appointment, promotion and Transfer) Rules, 1989.

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Branch D.S.J. Nowshera

5. That it is pertinent to mention here that under Rule 10(4) of the Khyber Pakhtunkhwa (Appointment, promotion and Transfer) Rules, 1989; quota of appointment of a deceased Employee son is 100%. The defendants are bound to observe the compliance of the rule ibid; notwithstanding as to whether is/ was any other quota or not.

6. That the plaintiff was under legitimate expectancy to be appointed against the post of PST as she was otherwise qualified for such post, but the defendant No.2 made deaf ear to the legitimate accrued right of the plaintiff and now a week ago has denied to appoint the plaintiff against her accrued right.

7. That the value for the purpose of court fee and jurisdiction are the same and plaintiff has been exonerated under the law, however plaintiff is volunteer for the submission if any as per direction of this Hon'ble Court.

8. That both the plaintiff and defendant resides at Nowshera and more so the cause of action has also arisen in Nowshera, therefore, this Hon'ble Court has got the Jurisdiction to entertain and dispose the suit on merit.

Khali  
Senior  
Judge  
Nowshera  
22-4-82

Hence plaintiff being aggrieved and finding no adequate and efficacious remedy is constrained to file this civil suit on the following amongst other grounds:

A. That the defendants have not treated the plaintiff in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan, 1973. Rule 10 (4) of the Khyber Pakhtunkhwa (Appointment, promotion and Transfer) Rules, 1989 clearly provide 100% quota for appointment of one of the child of deceased / invalidated employee, who dies or got invalidated permanently during service. Plaintiff mother was died during service therefore under rule 10 sub rule 4 she was entitle to be appointed against any post carrying basic pay scale 12.

B. That Plaintiff has highly been discriminated. Defendant No.2 has appointed number of candidates on the strength of Rule 10 (4) of the Khyber Pakhtunkhwa (Appointment, promotion and Transfer) Rules, 1989 but in case of plaintiff the denial thereof amounts to discrimination which is the violation of Article 27 of the Constitution of Pakistan, 1973.

22-4-82

C. That all public powers are in the nature of most secret trust and a very high onus was cast upon a functionary to uphold the highest degree of rectitude while dealing with the fate of the public. Since defendant No.2 were under legal obligation to appoint the plaintiff on any post carrying BPS-12 and denial thereof on the part of defendants amount the violation of public trust.

D. That plaintiff is the only daughter of her mother and is jobless since long and more highly qualified and eligible for the post. Plaintiff has legitimate right to be appointed against any PST post under the law.

*Handwritten signature*  
Khalid Mansoor  
Senior Civil Judge  
District  
Nowshera

E. That Plaintiff is entitled to be treated in accordance with law and also entitled to be treated fairly, justly and be provided with opportunity of hearing under the provision and spirit of Article 10A of the Constitution of Islamic Republic of Pakistan, 1973.

F. That Plaintiff would like to seek the permission of this Hon'ble Court to advance more grounds at the time of hearing.

It is therefore, humbly prayed that on acceptance of this Suit, this Hon'ble Court may be pleased to:-

1. Declare

Defendant No.2 is not competent to deny the plaintiff of his appointment against any post in BPS-12 (PST) OR equivalent under Rule 10 (4) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989; and

2. Direct:

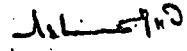
The defendant No.2 to immediately appoint the plaintiff against any post carrying Basic Pay Scale 12 (Primary School Teacher) with all attached benefit under law.


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3. Any other remedy, which this Hon'ble Court deemed appropriate under the fact and circumstance of the case may also be graciously granted.

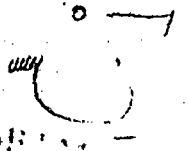
Plaintiff

Through

  
Ashraf Ali Khattak  
Advocate,  
Supreme Court of Pakistan

&  
  
Ali Bakht Mughal  
Advocate, Peshawar

Dated: \_\_\_/\_\_\_/2022

  
Khat: ... (Judge's Name)  
Senior C... (Judge's Title)  
Judicial... (Judge's Designation)  
Nonshera

22-4-22

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Order---03  
22.04.2022

Plaintiff through learned counsel present. Admits and verify the contents of plaint as true and correct. It be registered.

Defendant No. 01 be summoned through registered post A/D whereas Defendant No. 02 be summoned through ordinary means for 28/4/2022.

  
Muhammad Umair  
Civil Judge-I,  
Nowshera

Order---04  
28.04.2022

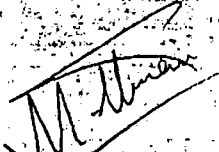
Plaintiff alongwith learned counsel Mr. Ashraf Ali Khattak advocate present. Defendant No. 02 present.

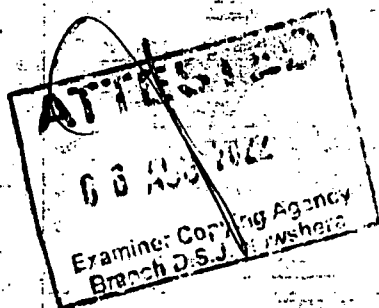
At the very outset of the proceedings learned counsel for Plaintiff moved an application requesting therein for the withdrawal of the instant suit, reason mentioned therein.

In the light of the application, the suit-in-hand is hereby dismissed as withdrawn.

File be consigned to Record Room after its necessary completion and compilation.

Announced  
28.04.2022

  
Muhammad Umair  
Civil Judge-I,  
Nowshera





## (FEMALE) NOWSHERA

Phone/Fax No. 0923-9220105  
Email: deofnowshera@gmail.com

### Notification

In compliance of the Court Judgment in Civil Suit titled Nayab Azmat D/o Aurangzaib Vs DEO (F) Nowshera and under rule 10 sub rule (4) of the Khyber Pakhtunkhwa civil servants (Appointment, Promotion and Transfer) rules, 1989, on consequent upon the recommendation of Departmental selection committee (DSC) is hereby appointed as PST post at GGPS Spin Qamar Jalozai NSR (under deceased children/widow Quota (Children/Widow of deceased employees) Invalided in BPS-12 (13320-960-42120) @ Rs.13320/- PM plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and conditions given below with effect from her taking over charge.


### TERMS & CONDITIONS

34. No TA/DA etc. is allowed for joining their duty.
35. He/she will be governed by Khyber Pakhtunkhwa Civil Servant Act, 1973 and the rules made thereunder.
36. His service shall be considered regular and he will be eligible for pension /deduction of GP fund in terms of Khyber Pakhtunkhwa Civil Servant Act, 1973 as amended in 2013.
37. He will be on probation for initial period of one year extendable for further one year as per rules.
38. His service can be terminated at any time, in case of his performance is found unsatisfactory during probationary period. In case of misconduct, he will be preceded under the rules framed from time to time.
39. His service is liable to termination on one month's notice from either side. In case of resignation without notice his one month pay/allowances shall be forfeited to the Government.
40. They should join his post within 15 days of the issuance of this Notification failing which his candidature shall expire automatically and no subsequent appeal etc. Shall be entertained.
41. The age limit of the above post is 18-40
42. Health & Age Certificate should be produced from the Medical Superintendent Concerned before taking over charge to the DDO concerned and the same date of birth shall be reckoned till retirement.
43. His pay will be released subject to verification of his documents/testimonials (i.e domicile CNIC etc)
44. Charge assumption report should be submitted to all concerned.

(DUR E SHAWAR)  
District Education Officer  
(Female) Nowshera

Endst: No. 4617-24 Dated 09/04/2022  
Copy for information and necessary action to the:-

25. Director E&SE Khyber Pakhtunkhwa Peshawar.
26. Senior District Accounts Officer Nowshera.
27. Sub Divisional Education Officer (Female) Concerned.
28. Medical Superintendent District Head Quarter Hospital Nowshera.
29. ADEO (Female) Pry: Establishment Branch Local Officer.
30. Superintendent Establishment Section Local Office.
31. Candidate Concerned
32. Master File

  
District Education Officer  
(Female) Nowshera



OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA  
Phone/Fax No. 091-2200000

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Annex "H"

OFFICE ORDER

As the following candidates have been appointed as PST BPS-12 vide this office Endst: No noted against each name in the light of court judgment. But verified court judgment and other relevant documents have not been provided to the undersigned by candidates, as well as, legal advisor. Several letters & reminders issued to the legal advisor to provide the same vide this office Memo. No. 5239-42 Dated: 28/04/2022 and Reminder memo: No 5310. Dated: 09/05/2022.

Therefore, the undersigned is pleased to withdraw/cancelled the appointment of the following candidates ab-initio.

S. No.	Name of Teacher	Name of School	No. & Date of Appointment	Remarks
1	Nayab Azmat	GGPS Spin Qamar, Jallozai	No. 4617-24 Dated 09-04-2022	Appointed under Court Judgment
2	Maria	GGPS Och Neher, Jallozai	No. 4449-25 Dated 07-04-2022	do
3	Sumbal Riaz	GGPS Wapla Caloni	No. 4411-18 Dated 07-04-2022	do
4	Kainat	GGPS, Rashid Abad	No. 4457-24 Dated 07-04-2022	do
5	Rukhsar Nazr Ali	GGPS, Rashid Abad	No. 5180-25 Dated 07-04-2022	do
6	Nazish	GGPS, Spin Qamar	No. 5235 Dated 09/05/2022	do

Attested to be true

(Signature)  
Munir  
Munir

(Signature)  
DISTRICT EDUCATION OFFICER  
FEMALE) NOWSHERA

Endst: No 5521-26 / Dated 12/05/2022

The above is forwarded for information to the:  
1. District Education Officer (Female) Fatah  
2. District Commissioner Nowshera  
3. District Accounts Officer Nowshera to stop the salaries.  
4. District Monitoring Officer Nowshera  
5. District Education Officer (Female) Fatah to stop the salaries.  
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DISTRICT EDUCATION OFFICER  
FEMALE) NOWSHERA

Attested  
Attested  
Attested

29/5/2021



مقدمہ پشاور بار ایسوسی ایشن کی طرف سے جاری ہے۔  
پشاور بار ایسوسی ایشن کی طرف سے جاری ہے۔  
پشاور بار ایسوسی ایشن کی طرف سے جاری ہے۔  
پشاور بار ایسوسی ایشن کی طرف سے جاری ہے۔

Nayab W/o Ahmad Ali  
17201-9130783-8

بابت پتہ	
پتہ:	
رقم:	
موجودہ:	
علاقہ نمبر:	
دفعہ:	
مخالف:	

Service Tribunal

پشاور بار ایسوسی ایشن، پتہ پشاور	اپنے نمبر: 0346-9085949
پشاور بار ایسوسی ایشن، پتہ پشاور	اپنے نمبر: 194780
پشاور بار ایسوسی ایشن، پتہ پشاور	اپنے نمبر: 43231
پشاور بار ایسوسی ایشن، پتہ پشاور	اپنے نمبر: 50

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Wholesale