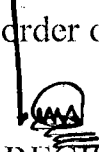


Form- A

## FORM OF ORDER SHEET

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

Case No.- 1518/2022

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. Maria 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 <i>aw</i></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

*Amir*  
*13/10/22*  
*Case order AS*  
*Parti*

*[Signature]*  
Registrar  
10/10/22

No: 2815 / ST

Dt: 14-10-2022

Note *Registrar*  
objection removed & resubmitted further order of  
Cancellation is available on page No 27 G2 Annex.  
Resubmitted


*[Signature]*  
19/10/22

The appeal of Maria d/o Anwar Zeb r/o Mohallah Zain Ala Abad Pabbai Aman Kot 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- Memorandum of appeal may be got signed by the appellant.

No. 2730 /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 1 available on page # 19 which is removal order of the appellant & on the basis of the same order the appellant has been dismissed from the service. Hence all the above mentioned objection are removed & resubmitted.

Advocate Kabeer Imam  
Cam

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

In Re S.A. 1518 /2022

Maria

**VERSUS**

Govt. of Khyber Pakhtunkhwa and others

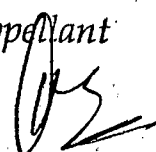
**INDEX**

S#	Description of Documents	Annex	Pages
1.	Grounds of Appeal		1-6
2	Affidavit		7
3	Temperory Injunction with Affidavit		8-10
3	Addresses of Parties		11
4	Copy of appointment order	A	12
5	Copy of charge	"B"	13
6	Copy of clearance certificate	"C"	14
7	Copy of service book	"D to D/3"	15-18
8	copy of the letter #5521-26 dated 12-5-2022	"E"	19
9	Copy of appeal	"F"	20
	Order and judgment of civil court <sup>order 12-5-22</sup> <sub>Cancellation</sub>	G/G1	21-22
12	Wakalatnama		23

Dated: 01/10/2022

Appellant

Through

  
**KABEER IMAM**  
Advocate High Court  
Peshawar.

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

In Re S.A 1518 /2022

Maria D/O Anwar Zeb R/o Mohallah Zain Ala Abad ,P.O Pabbi  
Aman Kot Tehsil and 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 WAS 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.**

2

**Respectfully Sheweth;**

1. That the appellant was appointed as PST (Female) (BPS-12) on regular basis vide letter Endsst#4449-56 dated 7-4-2022 against vacant post at GGPS Ouch Neher NSR. (Copy of the appointment order dated 7-4-2022 is annexed as "A").
2. That the appellant took charge of the office as PST-12 at GGPS GGPS Ouch Neher NSR on dated 7-4-2022.(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.
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

(4)

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 12-5-2022 , 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 12-5-2022 is illegal, unwarranted and is liable to be set-aside and



5

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

.. 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.

.. 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 set-aside and be null and void and be set-aside.

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

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

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

6

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

Maria

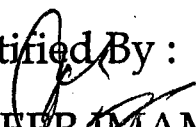
**VERSUS**

Govt. of Khyber Pakhtunkhwa and others

**AFFIDAVIT**

I, Mrs Maria D/O Anwar Zeb R/o Mohallah Zain Ala Abad ,P.O Pabbi Aman Kot Tehsil and 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 IMAM**  
Advocate High Court  
Peshawar.



(5)

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

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

Mrs Maria

**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

20

Maria

**VERSUS**

Govt. of Khyber Pakhtunkhwa and others

**AFFIDAVIT**

I, Maria D/O Anwar Zeb R/o Mohallah Zain Ala Abad ,P.O Pabbi Aman Kot Tehsil and 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



(11)

C

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

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

Mrs Maria

**VERSUS**

Govt. of Khyber Pakhtunkhwa and others

**ADDRESSES OF PARTIES**

**APPELLANT.**

Mrs Maria D/O Anwar Zeb R/o Mohallah Zain Ala Abad ,P.O Pabbi  
Aman Kot Tehsil and 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.

ANNEX (B)

13

**CERTIFICATE OF CHARGE REPORT**

1. Certified that we have on the dated charge 07-04-2022 after Noon of this day respectively made over and receive charge of this Office of the PST -12 GGPS Ouch Neher District Nowshera Vide DEO (FEMALE) NOWSHERA APPOINTMENT End No: 4449-56/DATE.07-04-2022.
2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse.

Signature of relieving



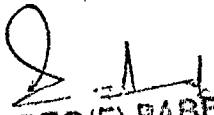
Name of Government servant Maria

Station


Ouch Neher Nowshera

Designation

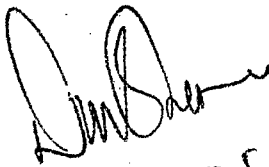
PST BPS-12



ASDEC(F) PABBI  
CIRCLE JALLOZAI  
NOWSHERA



Head Mistress  
GGPS Ouch Neher Nowshera  
G. Ouch Neher Nowshera



DEO  
District Education Officer  
(Female) Nowshera





OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA

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

CLEARANCE CERTIFICATE / PAY RELEASE

ANNEX (C)

14

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 Wapda Colony
4	Mst. Kainat (PST)	Pervez Khan	GGPS Rasheed Abad Shabara Nowshera
5	Mst. Rukhsar Nazar 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 09/05/2022

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 in this page should be renewed or reattested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name: Mst: MARIA

2. Race: (Islam)

3. Residence: Moh: Zareen ullah Abad Amankot  
P.O. Pakki Nowshera

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


5. Date of birth by Christian era as nearly as can be ascertained: 03/05/1995


6. Exact height by measurement: 5.6

7. Personal marks for identification: Nil


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



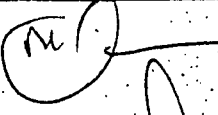
Little Finger 

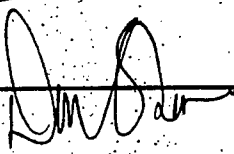
Ring Finger 

Middle Finger 

Fore Finger 

Thumb 

9. Signature of Government Servant: 

10. Signature and designation of the Head of the Office, or the Attesting Officer.   
District Education Officer  
(Female) Nowshera

(For use in all Government Servent).

16

Hairs:

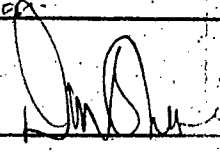
- 1. (1) Pass ( SSC ( ) Exam in the year of
- 2. ~~2012~~ from BISE Mardan under Roll No: 993563
- 3. Marks obtained  $\frac{641}{1050}$

Verification Roll No. (2) Pass ( F.A ( ) Exam in the year of (2014) from BISE Mardan under Roll No: 56539  
 Marks obtained  $\frac{630}{1100}$  Left Thumb Impression

(3) Pass ( BA ( ) Exam in the year of 2017

Qualification	Date	Qualification	Date
from university of Shabeed Benazir Bhutto Islamabad		Peshawar	
Peshawar		under Roll No: 8536	Marks obtained
English	$\frac{280}{550}$	First Arts	

Pushto	(4) Pass ( M.A ) Urdu ( ) in the year of	B.L.O.E.B.A.
Urdu	2020 from university of Peshawar under	Leadership examination
Plan-drawing	Roll No: 25277 Marks obtained $\frac{595}{1100}$	Training School Final examination
	Second Division	

Finger Print  Other qualification:—

Drill Instructing District Education Officer (female) Nowshera

Court Duties

Reserve Duties

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



(For use in all Government Servent).

16

Heirs:

1. (1) Pass ( S.C.C ( ) Exam: in the year of  
 2. 2012 from BISE Mardan under Roll No: 973563  
 3. Marks obtained  $\frac{641}{1050}$

Verification Roll No (2) Pass ( F.A ( ) Exam: in the year of  
 (2017) from BISE Mardan under Roll No: 56539  
 Marks obtained  $\frac{630}{1100}$  Left Thumb Impression

(3) Pass ( B.A ( ) Exam: in the year of 2017  
 from university of Shikohabad Benazir Bhatti Women  
 Peshawar under Roll No: 8536 Marks obtained

English  $\frac{280}{550}$  First Arts

Pashto (4) Pass ( M.A ) Exam ( ) in the year of

Urdu 2020 from university of Peshawar under  
 Roll No: 25277 Marks obtained  $\frac{594}{1100}$

Plan-drawing Second Division Training School Final examination

Finger Print Other qualification:—

Drill Instructing District Education Officer (Female) Nowshera

Court Duties DE

Reserve Duties



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5

8	9	10	11	12	13		14	15
Signature of Government servant	Name and Designation of head of the office or attesting officer (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		

took over charge on 07/04/2022  
 District Education Officer (Female) Nowshera

Appointed as PST R/S-12  
 Post (13320-860-42120)  
 vide D.E.O.F, Nowshera  
 No. 4463-56 dt: 07/4/2022  
 District Education Officer (Female) Nowshera

TR 26 Dtd 07/05/2022  
 issued w.r.t. for pay in m/o Nowshera

Compendium Notification  
 issued vide D.E.O.F  
 Nowshera No. dated  
 District Education Officer (Female) Nowshera

17/01/23  
 D/O

Pay Release Certificate  
 Certificate vide D.E.O.F,  
 Nowshera No. 5262-68  
 dt: 9/5/2022  
 District Education Officer (Female) Nowshera

MINDER



Annex (E) (19)

**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 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. No.	Name of Teacher	Name of schools	No. & dated of Apptt;-	Remarks
1	Nayab Azmat	GGPS Spin Qamar Jallozal	No. 4617-24 dated :- 09-04-2022	Appointment order un Court judgment
2	Maria	GGPS Och Neher Jallozal	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
06	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. 5521-26 / 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



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محضوړ جناب ڈائریکٹر ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ

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

جناب عالی!

گزارش کی جاتی ہے کسی ماریہ ولد انور زیب جو کہ سائلہ نے MA اسلامیات پاس ہے نوشہرہ کے دور رفتہ علاقہ کے سکول گورنمنٹ گریڈ سکول اوچ نہر جلوزئی تحصیل ہسی، ضلع نوشہرہ میں PST پوسٹ پر تعینات ہوئی اور بعد از ابغیر کسی حکیمانہ نوٹس سے مجھے نوکری سے نکال دیا۔ یہ کہ سائلہ ایک غریب گھرانے سے تعلق رکھتی ہے آپ صاحبان سے گزارش ہے کہ سائلہ کو دوبارہ نوکری پر بحالی کرا احکامات صادر فرمائیں۔

Attested to be true  
Sumari  
Jouhar  
Adv

العارض

ماریہ ولد انور زیب

سکنہ اماکوٹ، ہسی، ضلع نوشہرہ

دستخط: Mariyah

06-06-2022

Handwritten signature: *Yousaf Ali*  
THE COURT OF SENIOR CIVIL JUDGE, NOWSHERA (21)

ANNEX 6/9/22

Civil Suir No. \_\_\_\_\_/2022

Maria D/o Anwar Zeb  
R/o Aman Kot, Tehsil Pabbi, District Nowshera.....Plaintiff.

Versus

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

Khalid Mansoor  
Senior Civil Judge (Judicial)  
Judicial Magistrate  
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.

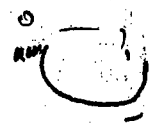
ATTESTED  
10 AUG 2022  
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Branch D.S.J. Nowshera

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Respectfully Sheweth.

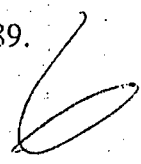
The concise facts giving rise to the present civil suit are as under:-

1. That Plaintiff is the daughter of Anwar Zeb Ex-PST (BPS-12), GPS, Aman Kot, Distict Nowshera, who died on 05-03-1998 during service.
2. That at the relevant time Plaintiff was of very young age and her mother was illetrate therefore, could not avail the benefit of Rule 10 (4) of the APT Rules, 1989.
3. That the plaintiff is Graduate and the only daughter of late Anwar Zeb, who died during his service.
4. That Rule 10(4) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989 provide as to the followings.

  
Khadija Mansoor  
Senior Magistrate (Judicial)  
Junction, Nowshera.  
22-4-22

“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”

5. 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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6. 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.

7. 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.

Khalid Mansoor  
Senior Civil Judge (Judicial)  
Judicial Magistrate  
Nowshera.

8. 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.

9. 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.

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 father was got invalidated permanently during his service and as such declared unfit for further service. Plaintiff was entitled for appointment under the aforesaid referred rules and the denial thereof was violation of the fundamental right of the plaintiff therefore the denial of

ATTESTED  
10 AUG 2022  
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Branch D.S.J. Nowshera

the defendant No.2 of appointment against the post of PST (BPS-12) is not sustainable under the rules.

- 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.
- 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 father 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.
- 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.

Khalid Mansoor  
 Senior (Judicial)  
 Judge, District  
 Nowshera.  
 22-4-22

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 equalent

ATTESTED  
 10/3/2022  
 Examiner

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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.

*[Signature]*  
Khalid Mansoor  
Senior (Judicial)  
Judge Magistrate  
Nowshera.

Plaintiff

22-4-22

Through

*[Signature]*  
Ashraf Ali Khattak  
Advocate,  
Supreme Court of Pakistan

&  
*[Signature]*  
Ali Bakht Mughal  
Advocate, Peshawar

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


**ATTESTED**  
13 AUG 2022  
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Branch D.S. Nowshera

*[Handwritten mark]*

**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 Defendants No. 02 & 03 be summoned through ordinary means for 28/4/2022.

  
**Muhammad Umair**  
Civil Judge-I,  
Nowshera

**Order---04**  
**28.04.2022**

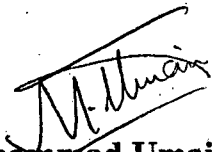
Plaintiff alongwith learned counsel Mr. Ashraf Ali Khattak advocate present. Defendant No. 02 present.

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



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OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA  
Phone/Fax No. 0013-12011

Annex  
G12

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 His office Memo No S239.12 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.

No	Name of Teacher	Name of School	No. & Date of Appointment	Remarks
1	Nayab azmat	GGPS Spin Qamar, Jallezai	No. 4612-04 Dated 09-04-2022	Appointed under Court judgment
2	Maria	GGPS Och Neher, Jallezai	No. 4449-56 Dated 07-04-2022	- do -
3	Farhat Bibi	GGPS Wapda Colony	No. 4411-08 Dated 07-04-2022	do
4	Kainat	GGPS, Rashid Abad	No. 4457-69 Dated: 07/04/2022	do
5	Fahima Khanum	GGPS, Rashid Abad	No. 5180-87 Dated: 07/04/2022	do
6	Azra	GGPS, Spin Qamar	No: 5235 Dated 09/05/2022	do

Attested to be true

*(Signature)*  
District Education Officer

(DURE SHAWAR)  
DISTRICT EDUCATION OFFICER  
FEMALE NOWSHERA

Endst. No 5521-d6 / Dated 12/05/2022

- 1. Copy of the above is forwarded for information to the:-
- 2. Director BPS Education Khyber Pakhtunkhwa Peshawar
- 3. Deputy Commissioner Nowshera
- 4. Senior District Accounts Officer Nowshera to stop the salaries.
- 5. District Monitoring Officer Nowshera
- 6. Sub-Divisional Education Officer (Female) Pabbi to stop the salaries.
- 7. Superintendent/ADEO Estt./Dealing Assistant Local Office
- 8. Legal Advisor Local Office with the directions to explain your position as to why action will not be taken against you under E&D Rules 2011.

DISTRICT EDUCATION OFFICER  
FEMALE NOWSHERA



قیمت  
50 روپے

42920



ایڈویکٹ: کیپر امام  
بار کونسل ایسوسی ایشن نمبر: bc-114-4780  
رابطہ نمبر: 0346-9085949

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

*Service Tribunal*

بعدالت جناب:

	دعوی:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

**باعث تحریر آئکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کا ردائی متعلقہ  
آن مقام کے کیپر امام ایسوسی ایشن کے بندگی کے لیے  
کر کے ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز کو صاحب کو  
راضی کرنے سے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر طرف کی صدیق  
زریعہ در خط لکھنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور سزا، نیز  
دائرہ سے اپیل گرائی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے قلم یا جزیوی  
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا، صاحب  
مقرر شدہ 5-10 کورہ یا اختیار حاصل ہوں گے اور اس کا ساختہ ہوا مختار ہوگا  
دوران مقدمہ میں 5-10 ہر ذمہ اتناے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ نہیں مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب یا 5-10 کے لیے پیروی مذکورہ کریں، اس کا نام لکھ دیا تاکہ سند رہے

5-10  
PESHAWAR BAR ASSOCIATION  
KHYBER PAKHTUNKHWA

المرقوم:

بلد \_\_\_\_\_ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کو کاپی ناقابل قبول ہوگی۔