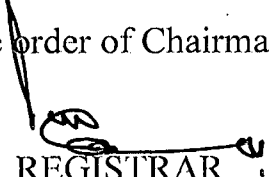


## FORM OF ORDER SHEET

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

Case No.- 1640/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/11/2022	<p>The appeal of Naveeda Gul presented today by Mr. Noor Muhammad Khattak 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 style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;"> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.**

APPEAL No. 1610 /2022

**NAVEEDA GUL VS EDUCATION DEPTT:**


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نوبہنگ

**APPELLANT**

**THROUGH:**



**NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

-1-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO. 1610 /2022

Mrs. Naveeda Gul D/O Afzal Khan, Ex: PST,  
R/O Akhunzada, Shulgara, P/O Charsadda,  
Teshil & District Charsadda

..... **APPELLANT**

**VERSUS**

- 1 The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2 The Director of (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3 The Director of Education (Merged Area), Merged Area Secretariat, Warsak Road, Peshawar.
- 4 The District Education Officer, District Mohmand.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENT BY NOT MAKING PAY FIXATION OF THE APPELLANT W.E.F 12.03.2000.**

**PRAYER:**

**That on acceptance of this appeal the pay fixation/ Pay protection to the appellant w.e.f 12.03.2000 be allowed/granted with all back benefits.. Any other remedy which this august Tribunal deems fit, may also be awarded in favor of the appellant.**

**R/SHWETH:**

**ON FACTS:**

1. That the appellant after successfully passing through all the codal formalities and after the proper recommendation of the selection committee was appointed as PTC BPS-7, now PST BPS-12 at female communal schools at Said Kamal Kor, Bangla No.2, Mohmand Agency vide order dated 12.03.2000.

Copy of the appointment order is attached as Annexure.....**A.**

2. That at the time of appointment the appellant was having matric qualification but later acquired Intermediate Certificate as well as PTC certificate from the directorate of Curriculum and Teacher Education Khyber Pakhtunkhwa. Copies of the Educational Testimonial and PTC certificate are attached as Annexure.....**B.**
3. That whereafter the appellant started performing her duty at the relevant station quite efficiently and up to the entire satisfaction of his superior but in the year 2010 owing to law and order situation most of the community school and the then FATA now merged district became defunct and as such the communal schools were closed.
4. That after rehabilitation the then FATA Secretariat now merged secretariat Khyber Pakhtunkhwa issued notification dated 11.05.2012 whereby the worthy governor of Khyber Pakhtunkhwa pleased to approve the reappointment of community school teachers who qualified to be posted against the regular post of PST BPS-07 in phased manner in their respective agencies now districts. Copy of the Notification dated 11.05.2012 is attached as Annexure .....**C.**
5. That the appellant being qualified and eligible time and again requested the respondents for her re appointment against the post of PST BPS-12 in light of the above mentioned notification but to no avail.
6. That it is worth mentioning that on the same issue the Hon'ble Peshawar High Court, Peshawar passed a judgment dated 26.02.2019 titled Shamina Gilani Vs Government of KP in writ petition No.2975-P/2017 whereby the department was directed to reappoint the colleague of the petitioner against the post of PST BPS-12 within period of 30 days. Copy of the Judgment is attached as Annexure.....**D.**
7. That the appellant being similarly placed employee filed departmental appeal for re appointment against the post of PST BPS-12 in light of the above mentioned notification and judgment of the August Peshawar High Court but to no avail. Copy of the Departmental Appeal is attached as Annexure.....**E.**

8. That the appellant having no other ray of hope but approach to Hon'ble Peshawar High Court, Peshawar through the writ petition which was allowed on the same terms mentioned in the Hon'ble Peshawar High Court, Judgment 26.02.2019 as referred above in Mst. Shamina Gilani Vs State.
9. That during the pendency of COC the appellant was regularized against the post of PST BPS-12 vide regularization/adjustment order dated 26.09.2020. Copy of the Regularization Order is attached as Annexure .....F.
10. That the appellant filed a writ petition before the Hon'ble Peshawar High Court, Peshawar for pay fixation and other emoluments. That the writ petition was disposed of with the direction to the petitioner to approach the proper forum. Copy of the Order/Judgment dated are attached as Annexure .....G"
11. That the appellant feeling aggrieved and having no other remedy filed the instance service appeal on following grounds inter alia.

**GROUND:**

- A- That the inaction of the respondents by not making pay fixation of the appellant w.e.f 12.03.2000 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified/rectified.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the inaction of the respondents by not making pay fixation of the appellant w.e.f 12.03.2000 is also violative of Section 24(a) of the General Clauses Act, 1987
- D- That, the treatment meted out to the appellant is clearly based on discrimination and malafide and as such the respondents violated the principle of natural justice.

-4-

- E- That the respondents acted in arbitrary and malafide manner by inaction of the respondents by not making pay fixation of the appellant w.e.f 12.03.2000.
- F- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: \_\_\_\_\_

**APPELLANT**

نوید گل

**NAVEEDA GUL**

**THROUGH:**

**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

Waleed Adnan  
**WALEED ADNAN**

Umar Farooq Momand  
**UMAR FAROOQ MOMAND**

Muhammad Ayub  
**MUHAMMAD AYUB**

**&**

Khanzad Gul  
**KHANZAD GUL**  
**ADVOCATES**

**AFFIDAVIT**

I, Mrs. Naveeda Gul D/O Afzal Khan, Ex: PST, R/O Akhunzada, Shulgara, P/O Charsadda, Teshil & District Charsadda, do hereby solemnly affirm and declare on Oath that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

نوید گل

**DEPONENT**

-5-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

CM NO. \_\_\_\_\_/2022

IN

APPEAL NO. \_\_\_\_\_/2022

**NAVEEDA GUL**

**VS**

**EDUCATION DEPTT:**

**APPLICATION FOR CONDONATION OF DELAY IN FILING THE**  
**ABOVE NOTED APPEAL**

**R.SHEWETH:**

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so for.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

**GROUND OF APPLICATION:**

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to be decided on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

**APPELLANT**

**MUNTAHA BEGUM**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

-6- "A"  
DIRECTORATE OF EDUCATION  
FATA (N.W.F.P.) PESHAWAR

APPOINTMENT ORDER

Consequent upon the recommendation of the Village Education Committee duly endorsed by Agency Education Officer on proper Agreement Form, Miss Naveeda Qureshi / O. A. Zaidi Khan, P/O. Shamsada having qualification of M.A. is hereby appointed against the project post of P.T.C. in B.S. 7 For the project period at Female Communal School Said Kamal Kore, Bangla No. 2, Mohmand Agency (W.E.C.) taking over charge vice

- Note
1. The employee shall serve the Govt. as Communal Schools teacher from the date of assumption of charge.
  2. She shall devote her whole time to her duties as Communal School teacher.
  3. She shall carry out such administrative and teaching functions in relation to her duties.
  4. She shall submit herself to the lawful orders of the Govt. Officers as well as V.E.C.
  5. She shall motivate the parents to send their children to school.
  6. She shall keep in contact with the V.E.C. & inform them of schools progress, issues & problems.
  7. These posting will not be transferable however, local teachers preferably trained can be advised against regular posts on case to case basis.
  8. They should produce their health & age certificate to the Agency Education Officer Office.

(Dr. Sher Alam Khan)  
Director of Education  
FATA (N.W.F.P.) Peshawar

Dated 12/03/2000.

Enclst No. 1172-01/H-2/FCS/Adoptt.

- Copy to:
- 1) The Chief (FATA) Govt. of NWFP PE&D Department Peshawar.
  - 2) The Agency Education officer Mohmand Agency (1) with the remarks to check all their credentials, verify the same from concerned institutions & not to hand over them charge if there is any discrepancy.  
Teachers from Communal Schools should not be transferred to permanent post.
  - 3) The Agency Accounts Officer Mohmand Agency.
  - 4) The S.A.P. (Coordinator) FATA PE&D Department Govt. of N.W.F.P. Peshawar.
  - 5) The Chairperson Village Education Committee concerned.
  - 6) The candidate concerned.

Asstt. Director (PE&D)  
FOR/Director of Education  
FATA (N.W.F.P.) Peshawar



BETTER COPY PAGE NO .....

(6)

(9)

DIRECTOR OF  
EDUCATION  
FATA (N.W.F.P)  
PESHAWAR

APPOINTMENT ORDER

Consequent upon the recommendation of the Village Education Committee duly endorsed by Agency Education Officer on proper Agreement forms, Miss Naveeda Gul D/O Afzal Khan R/O of Charsadda, having qualification of Matric is hereby appointed against the project post of P.T.C in BPS -07 for the project period at Female Communal School No.2 Said Kamal Kore Bangla No. 2 Muhmand Agency (w.e.f) her taking over charge vice.

Note:

- 1) The employee shall serve the Govt. As Communal Schools Teacher from the date of assumption of charge.
- 2) She shall devote her whole time to her duties as Communal School Teacher.
- 3) She shall carry out such administrative and teaching functions in relation to her duties.
- 4) She shall submit herself to the lawful orders of the Govt. officers as well as V.E.C.
- 5) She shall motivate the parents to send their children to school.
- 6) She shall keep in contact with the V.E.C and inform them of school progress, issues and problems.
- 7) These posting will not be transferable, however, local teachers preferably trained can be adjusted against regular posts on case to case basis.
- 8) They should produce their health and age certificate to the agency education officer office.

(Dr. Sher Alam Khan)  
Director of Education  
FATA (N.W.F.P) Peshawar.

Dated 12/03/2000

Endst No.481-86/H-2/FCS/Appott:

Copy to:

Forwarded.

S No PBP-144497

Roll No. 1784

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan  
Secondary School Certificate Examination  
SESSION 1994 (SUPPLEMENTARY)  
(HUMANITIES GROUP)

THIS IS TO CERTIFY THAT Naveeda Gul  
Son/Daughter of Afzal Khan  
and a resident of Charsadda District

has passed the Secondary School Certificate Examination  
of the Board of Intermediate and Secondary Education, Peshawar held in October 1994.  
as a *Private candidate*. He/She obtained 351 Marks out of 850  
and has been placed in Grade D Representing Fair

The Candidate passed in the following subjects.

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

Date of birth according to admission form is Fifth March,  
one thousand nine hundred and Seventy Eight (05-3-1978)

Asstt. Secretary

26th December, 1994

This certificate is issued without alteration or erasure.

(1) (H)

8

Roll No: 109129

**PESHAWAR**

PROVISIONAL AND DETAILED MARKS CERTIFICATE  
INTERMEDIATE (ANNUAL) EXAMINATION, 2014  
HUMANITIES (Part-II)

**BOARD OF INTERMEDIATE & SECONDARY EDUCATION**

Naveeda Gul Son / Daughter of Afzal Khan

of Charsadda

has secured the marks shown against each subject in the HSSC Examination held in the month of April 2014 as Private Student

Subjects	Marks	Marks Obtained					
		Part-I		Part-II		Total	Marks in Words
		Theory	Pract	Theory	Pract		
English	200	33	--	37	--	70	Seventy Only
Urdu	200	46	--	55	--	101	One Hundred One
Islamic Education	50	36	--	--	--	36	Thirty-Six
Pakistan Studies	50	--	--	33	--	33	Thirty-Three
Islamic Studies	200	72	--	56	--	128	One Hundred Twenty-Eight
Pashto	200	47	--	58	--	105	One Hundred Five
Archaeology	200	40	--	58	--	98	Ninety-Eight
<b>Total : 1100</b>						571-C	Five Hundred Seventy-One Only
Remarks :							

Reg: No 05723-B/P-2013

Checked By : \_\_\_\_\_

Issue Date: 07-08-2014

Controller of Examinations

Note: Error(s)/Omission(s) excepted. Any mistake in above particulars must be intimated within 30 days of the issuance of this certificate.

711

# Departmental Examinations Schools & Literacy Department, NWFP



-9-

## NWFP DETAILED MARKS CERTIFICATE Training Classes Examination PTC

Name Naveda Gul  
Father's Name Afzal Khan

Session 2005  
Roll No. 1095

Subject	Maximum Marks	Marks obtained		
		Internal	External	In words
1. Principles of Education & Method of Teaching	100			33
2. Child Development & Counselling	100			47
3. School Organisation & Classroom Management	100			62
4. Language and Method of Teaching	100			35
5. Mathematics & Method of Teaching	100			47
6. Science & Method of Teaching	100			36
7. Social Studies & Method of Teaching	100			41
8. Islamiyat & Methods of Teaching	100			43
9. Art & Craft, Art & Methods of Teaching	100			48
10. Health and Physical Education	100			55
11. Teaching Practice	200			80
<b>Total</b>	<b>1200</b>			<b>527</b>

Note: Errors/omissions excepted.

Failed/Passed Division Passed Division Final  
Prepared by [Signature]  
Checked by Department [Signature]  
Date of Declaration of Result 30/10/05

[Signature]  
Deputy Director (Examination),  
Schools & Literacy Department,  
N.W.F.P., Peshawar.

FD

STATE OF NEW YORK  
OFFICE OF THE COMMISSIONER OF EDUCATION

It is certified that Miss Naveeda Gul

M/S Afzal Khan has completed the duration of

P.F.C. course w.e.f 01-06-2004 to 01-03-2004 has

passed the examination and her marks are as follows.

-10-

Secretary  
Education

**BETTER COPY: 10**

**COURSE COMPLETION CERTIFICATE**

It is certified that Miss Naveeda Gul D/O Afzal Khan has completed the duration of P.T.C course w.e.f 01-06-2004 to 01-09-2004 her moral characters during her stay remained good.

**Headmistress  
GHSS Miranshah**



"C"  
-11-

**FATA SECRETARIAT**  
Social Sectors Department  
Warsak Road Peshawar

Notification

No. SO(E)/SSD/CSTR/99-108/ The Governor Khyber Pakhtunkhwa in his capacity of the Competent Authority has been pleased to approve the re-appointment of Community School Teachers who qualify to be posted against the regular post of PST (BS-7) in phased manner at the respective Agencies & FRs, purely on regular basis in accordance with the existing recruitment criteria but in relaxation of upper age limit with immediate effect as specified below.

1. The available regular vacant PST (BS-7) posts in the Primary/Middle Schools in FATA will be filled up from amongst the Community School Teachers. No fresh candidate considered for recruitment till all the eligible Community School Teachers are absorbed against regular posts in their respective Agencies/FRs.
2. The non-local eligible Community School Teachers shall be considered for re-appointment against the regular vacant posts of PST (BS-7) after adjustment of local qualified teachers.
3. The services of the un-qualified teachers shall be dispensed with.
4. The Community Schools whose teachers are appointed and shifted to regular schools against regular posts, would be closed down.
5. The respective Community Schools students would be shifted to regular schools and no further recruitment of Community School teachers be made.

Secretary  
Social Sectors Department,  
FATA Secretariat, Peshawar

Endst No. Even Dated Peshawar the 11/05/2012

Copy forwarded to the:-

1. Secretary to Governor, Khyber Pakhtunkhwa Peshawar.
2. Addl: Accountant General (PR) Sub Office Peshawar.
3. Director Education FATA, Peshawar.
4. All Political Agents in FATA.
5. DCO Peshawar, Kohat, Bannu, Lakki, D.I. Khan & Tank.
6. Agency/ District Accounts Officers concerned
7. All the Agency Education Officer in FATA
8. PS to Additional Chief Secretary FATA Peshawar.
9. PS to Secretary Social Sectors Department, FATA Secretariat, Peshawar.
10. PS to Secretary P&D, FATA Secretariat, Peshawar.

*(Signature)*

**FATA SECRETARIAT**  
**Social Sectors Department**  
**Warsak Road Peshawar**

**Notification**

**No.SO(E)/SSD/CSTR/99-108/** The Governor Khyber Pakhtunkhwa in his capacity of the Competent Authority has been pleased to approve the re-appointment of Community School Teachers who qualify to be posted against the regular post of PST (BS-7) in phased manner at the respective Agencies & FRs, Purely on regular basis in accordance with the existing recruitment criteria but in relaxation of upper age limit with immediate effect as specified below.

1. The available regular vacant PST (BS-7) posts in the Primary/Middle School is in FATA will be filled up from amongst the Community School Teachers and no fresh candidate considered for recruitment till all the eligible communal School Teachers are absorbed against regular posts in their respective Agencies/FRs.
2. The non-local eligible Community School Teachers shall be considers re-appointment against the regular vacant posts of PST (BS-7) adjustment of local qualified teachers.
3. The services of the un-qualified teachers shall be dispensed with.
4. The Community School whose teachers are appointed and shifted to schools against regular posts, would be closed down.
5. The respective Community Schools students would be shifted to ne regular schools and no further recruitment of Community School teachers be made.

**Secretary**  
**Social Sectors Department**  
**FATA Secretariat, Peshawar**

**Endst No. Even Dated Peshawar the 11/05/2012**



"D"

18

-12-

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

WRIT PETITION NO. 2975 P / 2017

Mrs. Shamina Gillani W/O Muzzamil Shah,  
R/O Mohallah Fazal Abad Miangaan, Utmanzai, District Charsadda



**VERSUS**

- 1- The Additional Chief Secretary (FATA), FATA Secretariat, Warsak Road, Peshawar.
- 2- Director Education (FATA), FATA Secretariat, Warsak Road, Peshawar.
- 3- Agency Education Officer, Orakzai Agency at Hangu.

**Respondents**

WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN 1973 AS AMENDED UP TO DATE

R/SHEWETH:

ON FACTS:

- 1- That, the petitioner is a bonafide, peaceful & Law abiding citizens of Pakistan and permanent resident of District Charsadda. Copy of the CNIC, is attached as annexure ..... **A.**
- 2- That, the respondent Department issued advertisement for filling up of some vacant post of Teachers at Female Community Schools in FATA in the year 2004.
- 3- That, the petitioner have properly applied for the post being eligible in all respect and having the requisite educational & technical qualification. Copy of the educational testimonials are attached as annexure ..... **B, C & D.**
- 4- That, the petitioner after successfully passing through all the codal formalities was appointed as PTC at Female Community Schools at Orakzai Agency. Copy of appointment order is attached as annexure ..... **E.**
- 5- That, the petitioner after receiving the appointment order taken over the charge at Female Community School at Orakzai Agency at Hangu. Copy of Charge Report is attached as annexure ..... **F.**

FILED TODAY  
Deputy Registrar

19 JUN 2017

That, in the year 2010 owing to Law & Order situation most of the community schools in FATA became defunct and the services of the petitioner also. became terminated.

WP2975P2017CF

**ATTESTED**  
EXAMINER  
Peshawar High Court

26

Judgment Sheet

**IN THE PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT**

Writ Petition No.2975-P of 2017

Mrs. Shamina Gillani Vs The State

**JUDGMENT**

Date of hearing

26.02.2019.

Petitioner (s) by:

*Mr. Noor Mohammad Wazir Advocate*

Respondent(s) by:

*Syed Sikandar Hayat Bhatt Advocate*



**IKRAMULLAH KHAN, J.:** Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner Mrs. Shamina Gillani has prayed for the following relief:-

*"that the inaction of the respondents by not adjusting/ regularizing the petitioner against the post of PST may kindly be declared as illegal, unconstitutional and ineffective upon the rights of the petitioner. That the respondents may be directed to adjust/ regularize the petitioner against the post of PST in the functional school of Orakzai Agency."*

2. In essence, the petitioner was appointed against the vacant post of PTC, at FATA Education Hangu Community Schools in the year 2004 for a project period while her services were dispensed with vide notification dated 31.12.2010. Later on the competent authority closed

SCANNED

ATTESTED  
EXAMINER  
Peshawar High Court

(17)

-14-

all Community Schools in FATA with effect from 3.12.2010 and the services of Teachers and Class-IV were dispensed with on 31.12.2010 with condition that preference would be given in recruitment to them against regular posts when created. On the strength of above notification, not only the services of petitioner but all Communal Teachers appointed for the project were dispensed with however, later on the worthy Governor of Khyber Pakhtunkhwa being competent authority issued notification bearing No.SO(E)/SSD/CSTR/99-108, which reads as:-

*"The Government Khyber Pakhtunkhwa in his capacity as the competent authority has been pleased to approve the re-appointment of Community School Teachers who qualify to be posted against the regular posts of PST(BS-7) posts in phased manner at the respective Agencies and FRs, purely on merit basis in accordance with the existing recruitment criteria but in relaxation of upper age limit with immediate effect as specified below.*

1. The available regular vacant PST(BS-7) posts in the Primary/Middle Schools in FATA will be filled up from amongst the Community School Teachers and no fresh candidate considered for recruitment till all the eligible Community School Teachers are absorbed against regular posts in their respective Agencies/ FRs.
2. The non-local eligible Community School Teachers shall be considered for re-appointment against the regular vacant posts of PST (BS-7) after adjustment of local qualified teachers.
3. The services of the un-qualified teachers shall be dispensed with.

ATTESTED  
EXAMINER  
Peshawar High Court

12

-15-

4. The Community Schools whose teachers are appointed and shifted to other schools against regular posts, would be closed down.
5. The respective Community Schools students would be shifted to nearby regular schools and no further recruitment of Community School Teachers will be made.

Sd/-  
Secretary.  
Social Sectors  
Department, FATA  
Secretariat, Peshawar.

3. According to the said notification, the Communal teachers were given first priority/preference and preventive rights to be recruited till all the eligible Communal Teachers are absorbed against regular posts in their respective Agencies/ FRs but the petitioner has not been given benefit of said notification so far and she has not been appointed while many others were appointed accordingly in view of the said notification.

4. The only ground taken by respondents in their comments for non-appointing the petitioner on regular post was that she did not apply for the advertised posts. The above ground of respondents is a lame excuse as according to notification dated 31.12.2010, the worthy Governor of KPK has specifically mentioned that all the Project employees shall be appointed on regular basis so there was no need to submit application to the respondents for appointment of petitioner rather

**ATTESTED**  
EXAMINER  
Peshawar High Court

respondents were bound as per said notification to communicate appointment order to the petitioner on the vacant sanctioned regular post but they did not fulfill their legal duty and deprived the petitioner from her legal right.

5. Petitioner had accrued legal right in view of above notification issued by the Governor of Khyber Pakhtunkhwa therefore, this writ petition is allowed and the case of petitioner is referred to the Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, for consideration with direction to appoint the petitioner within thirty (30) days in view of above notification if she otherwise fulfills the required criteria for the post on which she had served and regularized.

Announced.  
26.02.2019.

JUDGE

JUDGE

CERTIFIED TO BE TRUE COPY

EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 227 of  
The Constitution of Pakistan 1973

08 APR 2019

- 8756

NO. ....

Date of Presentation of Application ..... 22

No of Pages ..... 05

Copying Fee ..... /

Urgent Fee ..... /

Total ..... /

Date of Preparation of Copy ..... 21

Date of Delivery of Copy ..... 17

Received By: [Signature]

[Signature]

\*Ajayum PA\* (DB)

Hon'ble Mr. Justice Ikramullah Khan & Hon'ble Justice M. Masood Khan

ڈائریکٹر انچارج کیشن (ضمیمہ شدہ اعداد) لیٹا اور

44 (20)

رجسٹر اسٹیمپ براد ریگولر انچارج کیشن

فاب عالی

ہوڈ بائز کز اسٹیشن کی جاتی ہے کہ سائڈ آف

کے زیر سپر سائیم سنال 2000 سے کمندرا کیشن میں بطور PTC  
ڈیگر ایسی ڈیوٹی سہرا انجام دے رہی ہے جس سے سائڈ کی کوششیں کمندرا  
ایجنسی میں کھینچی سکوں پر سونپی تھی اور اب تک ایسی ڈیوٹی  
ایجا نہ رہی ہے انجام دے ایسی ہوں سائڈ کو معلوم ہوا ہے کہ بہت سے  
آستانیاں ریگولر سہرا کھی ہے، کمندرا کیشن میں جاتی ریگولر اسٹیمپ  
Adjust ہوئی ہے۔

اس لیے آپ صاحبان سے رجوع کی جاتی ہے کہ سائڈ کو کبھی ریگولر  
کی جائے اور ایک ریگولر اسٹیمپ پر اسٹیمپ کی جائے سائڈ کو کبھی  
آئی کیشنوں پر ہے۔

العارض

16/4/19.

آئی کیشن ریگولر اسٹیمپ براد

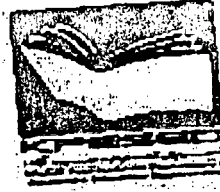
نویسہ گل

PST کمندرا کیشن



"F"-18-

OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT  
Ph. No. : 0924-290180  
FAX : 0924-290180  
Email :- deomohmand@gmail.com



**REGULARIZATION/ADJUSTMENT ORDER OF FEMALE COMMUNITY TEACHERS.**

In compliance of the judgment of Peshawar High Court in Writ Petition No. 4671-P/2019 connected with writ petition No. 4681-P/2019 and subsequent COC No. 346-P/2020 and 347-P/2020, the competent authority has been please to regularize the following PST (BS-12) community school teachers against their names in the newly created posts of PST BPS-12 (13320-960-42120) plus usual allowances as admissible under the rules/terms and condition given below with immediate effect in the interest of public services.

S.No.	Name & Father Name	Post	Place of posting where regularized	Remarks
1	Naveeda Gul D/O Atrai Khan	BPS-12	GGPS Bahi Kote	Against Newly Created Post
2	Munaha Begum D/O Shan Dhar Ali	BPS-12	GGPS Haidi Gandhab	Against Newly Created Post

**TERMS & CONDITIONS**

1. These appointments are conditional and subject to the final decision of the CPLA in the above-mentioned writ petitions No. 4671-P/2019 and writ petition No. 4681-P/2019 which is pending before the Supreme Court of Pakistan.
2. NO TAADA etc is allowed.
3. Charge reports should be submitted to all concerned in duplicate.
4. Appointment is subject to the condition that their certificates/degrees must be verified from the concerned authorities if any documents found bogus/fake/forged, they will be terminated and their case will be reported to law enforcing Department/agencies for further action.
5. Their services are liable to termination on one month's notice from either side. In case of resignation without notice their one-month pay/allowances shall be forfeited to the Government.
6. Pay will be issued by this office after verification of all documents by ADEO concerned.
7. They should join their post within 30 days of the issuance of this appointment order, failing which their appointment will expire atomically and no subsequent appeal etc. shall be entertained.
8. Health and age certificate should be produced from the Medical Superintendent concerned before taking over charge.
9. They will be governed by such rules and regulation as may be issued from time to time by the Government.
10. Before handing over charge he will sign an agreement with the department, otherwise this order will not valid.
11. Their service shall be terminated at any time, in case their performance is found unsatisfactory during contract period. In case of misconduct, he will be proceeded under the rules framed from time to time.
12. Before handing over charge their documents may be checked and if they have not required qualification, they may not be handed over charge.
13. Those teachers who have not passed BA/BSc or equivalent are directed to pass within two years.

Note: - Head Master/ADEO concerned is directed to verify this order from the office of the DEO Mohmand before handing over charge to the official.

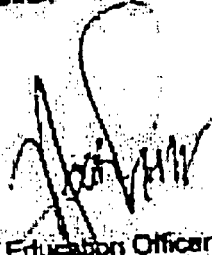
(NOOR HASSAN)  
District Education Officer  
Mohmand Tribal District

dated 26/8/2020

Endst. No. 4487-95

Copy to the:-

1. Registrar (J) Peshawar High Court, Peshawar.
2. Director of Education Elementary & Secondary Khyber Pakhtunkhwa Peshawar.
3. Director of Education NMD Secretariat Peshawar.
4. Deputy Commissioner Mohmand Tribal District.
5. District Account Officer Mohmand Tribal District.
6. ADEO Female concerned.
7. Teachers Concerned.
8. EMIS Section Local Office.
9. Office record.

  
District Education Officer  
Mohmand Tribal District

BETTER COPY  
OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT

**REGULARIZATION/ADJUSTMENT ORDER OF FEMALE COMMUNITY TEACHERS.**

In compliance of the judgment of Peshawar High Court in Writ Petition No. 4671-P/2019 connected with writ petition No.4581-P/2019 and subsequent COC No.346-P/2020 and 347-P/2020, the competent authority has been please to regularize the following PST (BS-12) community school teachers against their names in the newly created posts of PST BPS-12@(13320-960-42120) plus usual allowances as admissible under the rules terms and condition given below with immediate effect in the interest of public services.

S.NO	NAME & FATHER NAME	BPS	Place of Posting where regularized	Remarks
1	Naveeda Gul D/O Afzal Khan	BPS-12	GGPS Bahi Kore	Against Newly Created Post
2	Muntaha Begum D/O Sham Sher Ali	BPS-12	GGPS Halki Gandhab	Against Newly Created Post

**TERMS & CONDITIONS**

1. These appointments are conditional and subject to the final decision of the CPLA in the above mentioned writ petition No. 4671-p/2019 and writ petition 4681-p/2019 which is pending before the supreme court of Pakistan .
2. No TA/DA etc is allowed.
3. Charge reports should be submitted to all concerned in duplicate.
4. Appointment is subject to the condition that their certificate/degrees (must be verified from the concerned authorities if any documents found bogus/fake/forged, they will be terminated and their case will be reported to law enforcing Department/agencies for further action.
5. Their services are liable to termination on one month's notice from either side. In case of resignation without notice their one-month pay/allowances shall be forfeited to the Government.
6. Pay will be issued by this office after verification of all documents by ADEO concerned.
7. They should join their post within 30 days of the issuance of this appointment order, falling which their appointment will expire automatically and no subsequent appeal etc. shall be entertained.
8. Health and age certificate should be produced from the Medical Superintendent concerned before taking over charge.
9. They will be governed by such rules and regulations as may be issued from time to time by the Government.
10. Before handing over charge he will sign an agreement with the department, otherwise this order will not valid.
11. Their services shall be terminated at any time, in case their performance is found unsatisfactory during contract period. In case of misconduct, he will be proceeded under the rules framed from time to time.
12. Before handing over charge their documents may be checked and if they have not required qualification, they may not be handed over charge.
13. Those teachers who have not passed BA/B.Sc or equivalent are directed to pass within two years.

**Note:** Head Master/ADEO concerned is directed to verify this order from the office of the DEO Mohmand before handing over charge to the official.

(NOOR HASSAN)  
District Education Officer  
Mohmand Tribal District



~~Am Jid Akh~~

"5"

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. \_\_\_\_\_/2020



1. ✓ Naveeda Gul, PST,  
Government Girls Primary School Bahi Kore, Ghallanai District  
Mohmand.
2. ✓ Muhammad Sadiq, PTC,  
Government Primary School Zoor Killi Aflatoon, Ghallanai, District  
Mohmand.
3. ✓ Nizakat Bibi, PTC,  
Government Girls Primary School Suran Dara Jar Killi Ghallanai,  
District Mohmand
4. ✓ Saleem Sardar, PST,  
Government Primary School Babi Khel Kamali Ghallanai, District  
Mohmand .
5. ✓ Sherin Gul, PST,  
Government Girls Primary School Karrir Musaf Ghallanai, District  
Mohmand.
6. ✓ Akram Ullah, PTC  
Government Primary Atam Killi Ghallanai, District Mohmand
7. ✓ Miss. Shazia Bibi, PTC,  
Government Girls Primary School \_\_\_\_\_ Ghallanai,  
District Mohmand
8. ✓ Rabia, PST,  
Government Girls Primary School Gorgorai Ghallanai,  
District Mohmand
9. ✓ Ghulam Said, PTC,  
Government Primary School Spinki Tangi, Ghallanai.  
District Mohmand
10. ✓ Shamim, PST,  
Government Girls Primary School Yakh Dhand Tamanzai Tehsil  
Pandiali Ghallanai, District Mohmand
11. ✓ Hayat Muhammad, PST,  
Government Primary School Lakhkar Killi Atmar Khel . Ghallanai,  
District Mohmand.
12. ✓ Muntaha Begum, PST,

ATTESTED  
EXAMINER  
Peshawar High Court

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Government Girls Primary School Bahi Kore Ghallanai, District Mohmand

13. ✓ Shad Ali Khan, PST  
Government Primary School Toor Kore Ghallanai,  
District Mohmand
14. ✓ Samina Gul, PST,  
Government Primary School Toor Kore Ghallanai,  
District Mohmand
15. ✓ Abdul Samad, CT,  
Government Primary School Lakhar Killi Faiz Ali Ghallanai,  
District Mohmand.
16. ✓ Fazal Subhan, PST,  
Government Primary School Zoor Killi Aflatoon Ghallani,  
District Mohmand.
17. ✓ Nasira, PST,  
Government Girls Primary School Kung Farmanullah Ghallanai,  
District Mohmand
18. ✓ Farid Ullah, PST,  
Government Primary School Olai Ambar Ghallanai, District Mohmand.
19. ✓ Zainab, PTC,  
Government Girls Primary School Noosha Ali Ghallanai,  
District Mohmand.

PETITIONERS

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar.
2. The Secretary Education Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary Finance Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. The Additional Chief Secretary (FATA),
5. The Director Education (FATA), FATA Secretariat, Warsak FATA Secretariat, Warsak Road, Peshawar Road, Peshawar.
6. The District Education Officer District Mohmand at Ghallanai.

ATTESTED  
EXAMINER  
Peshawar High Court

RESPONDENTS

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(B)

WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN  
AS AMENDED UPTO DATE.

RESPECTFULLY SHEWETH:

1. That the petitioners were initially appointed as PST Teacher in the Project Community School Teachers in the year \_\_\_\_\_. Since the appointment the petitioners are performing their duties upto the entire satisfaction of their superior Officers. Copy of orders are attached as Annexure-A.
2. That due to some complaint by the local people of the area in some of the agencies the communities' schools were closed in the year 2010 but reopened by the Fata Secretariat soon. Copies of orders of closer and reopening of the school are attached as Annexure-B.
3. That in meantime the worthy Governor Khyber Pakhtunkhwa, in the capacity of the competent authority, notified on 11.05.2012 a policy/guidelines for accommodating the community school teacher against the available regular post. It is also worth to mention here that after the opening Communities schools the petitioners were readjusted / reappointed against their original post in the year 2011. Copies of notification and readjustment order are attached as Annexure-C & D.
4. That the petitioners have been regularized in the year 2013 and onwards vide notification dated 30.08.2013 to the petitioners have been regularized w.e.from 01.09.2013. Since the regular appointment the petitioners are continuously performing their duties upto the entire satisfaction of their superiors officers. Copy of regularization order are attached as Annexure-E.
5. That since the petitioners have more than 10 Years temporary services at their credit which was not counted towards their pay and pension protection which cost huge financial loss to the petitioners.

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Peshawar High Court

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- (4)
6. That having no other remedy the petitioners are constrained to file the instant main writ petition on the following grounds amongst the others.

**GROUND:**

- A) That the inaction of the respondents and not counting their previous service of more than 10 years toward pay and pension protection is against the principle of justice fair play equity and equality.
- B) That in summary to the worthy Governor it was admitted by the respondents department that the petitioners have rendered more than 10 years service on contract basis and also Senate Standing Committee recommended the regularization of the petitioners therefore they should be regularized. On the basis of that summary the worthy Governor KPK has issued notification dated 11.05.2012 (Annexure-C), therefore the petitioners are legally entitled to he benefits of previous service towards pay and pension fixation. Copy of Summary is attached as Annexure-F
- C) That as per pension rules the temporary and officiating followed by confirmation/regularizations will be counted towards pension and pay protection. Copy of the relevant rules is attached as Annexure-G.
- D) That this august Court has already decided writ petition No. 1188-P/2014 and 361-P/2013 wherein the previous service has been ordered to be counted towards pay and pension protection. Copy of Judgment is attached as Annexure-H & I
- E) That even in and other writ petition No. 3221-P/2013 this august Court as directed the respondents to count the previous service towards pay and pension fixation by allowing the writ petition. Copy of Judgment is attached as Annexure-J.
- F) That the august Court has also decided a similar writ petition bearing No. 5585-P/2018 on 04.09.2019. Thus the petitioners are also entitled for the same relief. Copy of the Judgment is attached as Annexure-K.
- G) That the petitioners are not treated in accordance with law and rules keeping in view the above referred judgments the petitioners also deserve same treatment under the principle of equity and equality and consistency.

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Peshawar High Court

(H)

H) That the inaction and not counting the previous service of the petitioners toward pay and pension fixation protection, is against the principle of Article-2A; 9, 25 and 38 of the Constitution.

D) That the petitioner seeks permission to advance other grounds and proofs at the time hearing.

It is, therefore, most humbly prayed that on acceptance of this writ petition the inaction on the part of respondent and not counting the previous service of the petitioner towards pay protection and pensionary benefit may be declared as illegal unconstitutional arbitrary and exploitation of the past good service of the petitioners. The respondent may further please be directed to allow full pay protection and pensionary benefit of the past service to the petitioners to meet the ends of justice, principles of equity and by treating them at par with the petitioner of the above referred writ petition. Any other remedy which this august court deems appropriate may also be awarded in favour of petitioners.

**VERIFICATION:**

It is verified that no other Writ Petition earlier has been filed between the present parties, except the present one.

*[Signature]*  
DEPONENT

**LIT OF BOOKS:**

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. Any other case law as per need.

**NOTE:** Prior Notice along with the copies of the Writ Petition has already been given to the respondents as per amended High Court's Rules dated. 23.02.2016

*[Signature]*  
(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT,  
OF PAKISTAN.

**ATTESTED**  
EXAMINER  
Peshawar High Court

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**JUDGMENT SHEET**

**IN THE PESHAWAR HIGH COURT,  
PESHAWAR,  
(JUDICIAL DEPARTMENT)**

W.P No. 5508-P/2020

Naveeda Gul etc..... Petitioners

Versus.

Govt of KPK etc..... Respondents.

For petitioner:- Mr. Muhammad Asif  
Yousafzai, Advocate.

For respondents:- Barrister Babar Shahzad  
Imran, AAG.

Date of hearing: 21.01.2021

**JUDGMENT**

**MUHAMMAD NAEEM ANWAR, J.-** Through the instant petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioners have prayed for issuance of a writ that:-

“ On acceptance of this writ petition, the inaction on the part of respondents and not counting the previous service of the petitioners towards pay protection and pensionary benefit may be declared as illegal, unconstitutional, arbitrary and exploitation of the past good service of the petitioners. The respondents may further please be directed to allow full pay protection and pensionary benefit of the past service to the petitioners to meet the ends of justice, principles of equity and by treating them at par with the petitioners of the above referred writ petition.”

2. Learned counsel for the petitioners, at the very outset, stated at the bar that similar controversy raised in writ petition No. 2802-P/2020 has been sent by this

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

Court to the respondents for decision in the light of guidelines laid down by a larger Bench of this Court in its judgment dated 22.06.2017, rendered in writ petition No. 3394-P/2016 "titled Amir Zeb etc vs the District Account Officer Nowshera and others" by treating it as departmental appeals, therefore, the instant petition may be disposed of in the like manner.

3. This court on 01.10.2020 while deciding W.P No. 2802-P/2020, has referred the similar controversy to the respondents for its decision in accordance with the Civil Servants Pension Rules 1963 and the operative part of the judgment, for ready reference, is reproduced herein below:-

"In view of the above, we instead of dismissing the writ petition treat them as departmental appeals on behalf of the petitioners and transmit the same to the respondents for consideration and decision strictly in accordance with the Civil Servants Pension Rules, 1963 as well as the guidelines laid down by the larger Bench of this court in its judgment dated 22.06.2017 rendered in writ petition No. 3394-P/2016, titled "Amir Zeb etc vs the District Account Officer Nowshera and others."

4. So, in view of the above, we also instead of dismissing the writ petition treat it as a departmental appeal by sending the same to the respondents for its consideration and decision strictly in accordance with the Civil Servants Pension Rules 1963 as well as the guidelines laid down by

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EXAMINER  
Peshawar High Court

ATTESTED  
EXAMINER  
Peshawar High Court

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the Larger Bench of this Court in its judgment dated 22.06.2017, rendered in writ petition No. 3394-P/2016, titled " Amir Zeb etc vs the District Account Officer Nowshera and others".

The petition is disposed of accordingly.

**Announced**  
21.01.2021  
\*M.Zafar PS\*

JUDGE



JUDGE

(DB: Hon'able Mr. Justice Ijaz Anwar and Hon'able Mr. Justice Muhammad Naeem Anwar)

55557

Date of Presentation of Application: 21-10-22

No of Pages: 8

Copying fee: 32

Total: 32

Date of Preparation of Copy: 8/1/22

Date of Delivery of Copy: 21-10-22

Received By: [Signature]

RECEIVED TO BE FILED IN

High Court, Islamabad

Section 117 of the Constitution of the Islamic Republic of Pakistan

21 OCT 2022



-27-

**VAKALATNAMA**  
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO: \_\_\_\_\_ OF 2022

Naveeda Gal

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt

(RESPONDENT)  
(DEFENDANT)

I/We Naveeda Gal

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

Dated. 26 / 10 / 202

نور محمد  
CLIENT

**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**  
**(BC-10-0853)**  
**15401-0705985-5**

Umar Farooq  
**UMAR FAROOQ**

Waleed Adnan  
**WALEED ADNAN**

&

M. Ayub  
**M. AYUB**  
**ADVOCATES**

**OFFICE:**

Flat No.(TF) 291-292 3<sup>rd</sup> floor  
Deans trade centre Peshawar cantt:  
Mobile No. 0334-5277323