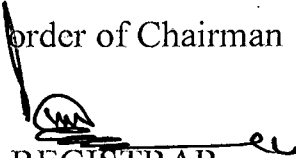


# FORM OF ORDER SHEET

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

Case No.- 1611/2022

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 Muntaha Begum 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>By the order of Chairman</p> <p> REGISTRAR</p>

-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 23.06.2000.
- 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**

*To this*  
**MUNTAHA BEGUM**

**THROUGH:**

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

*W Adnan*  
**WALEED ADNAN**

*U Farooq*  
**UMAR FAROOQ MOMAND**

*M Ayub*  
**MUHAMMAD AYUB**

&

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

**AFFIDAVIT**

I, Mrs. Muntaha Begum W/O Asad Jan, Ex: PST, R/O Amanullah Khan Koroona, P/O Ghazgai, 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.

*Muntaha Begum*  
**DEPONENT**

-5-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

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

IN

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

**MUNTAHA BEGUM**

**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 far.
- 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**

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 appointment forms, Miss Muntha Begum D/O Shamsher Ali R/O Charsadda having qualification of Matric is hereby appointed against the vacant post of P.T.C in B.S-7 for the project period at Female Communal School Said Kamal Kor Bungla No-2 Mohmand Agency (w.e.f.) her taking over charge, and her previous services at CGS Gul Badin R.D.I. Khan are terminated with immediate effect.

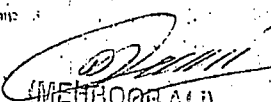
- Note:
1. The employee shall serve the Govt. as Communal Schools Teacher from the date of assumption of charge.
  2. She shall devote her whole time to her duties as Communal School teacher.
  3. She shall carry out such administrative and teaching functions in relation to her duties.
  4. She shall 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 school's progress, issues & 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 & age certificate to the Agency Education Officer Office.

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

Order No. 1013-15/H-3/PCG/Annot dated: 23/04/2009  
Copy to:

1. The Chief (FATA) Govt. of NWFP, P.E.D. Department Peshawar.
2. The Agency Education Officer Mohmand Agency (ii) 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.
3. (ii) In future teachers from communal schools should not be transferred to permanent post.
4. The Agency Education Officer Mohmand Agency (i) Tarnak.
5. The Agency Accounts Officer Mohmand Agency & District Accounts Officer D.I. Khan.
6. The S.A.P. (Coordinator) FATA P.E.D. Department Govt. of NW.F.P. Peshawar.
7. The Chairperson Village Education Committee concerned.
8. The Candidate concerned.

  
Asst. Director of Education  
FATA (N.W.F.P.) Peshawar

  
(MEHBOOB ALI)  
Assistant Secretary  
HQ Peshawar Logistics Area

BESTER COPY PAGE NO ...

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 Muntaha Begum D/O Shamsheer Ali 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, and her previous services GCS Gul Badin FR D.I Khan are terminated with immediate effect.

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.

Endst No.1918-25/H-2/FCS/Appott:

Dated 23/06/2000

Copy to:

Forwarded.

7-8- (9) چارج رپورٹ

میں مسماۃ منتریا بیگم ولد شمشیر علی نے حکم

Directorat of Edn Fata (N.W.F.P) Peshawar

Ltr no 1918.25/H.2/FC: /APPOT Dated 23.6.2000

آج مورخہ 22.8.2000 کو گورنمنٹ کنٹرولز کونسل  
سکول سید کمال کورینٹنگ ٹیچر 2 ہمت آباد کنٹونمنٹ میں  
بجٹ P.T.C اپنے عہدے کا چارج سنبھال لیا ہے

چارج وینڈو

سیر کمال بیگم

22-8-2000

چارج گریڈو

Munirka Begum

(MEHBOOB ALI)  
Assistant Secretary  
HQ Peshawar Logistics Area

"B" - 8

DOMICILE CERTIFICATE

I declare that I was born of parents who are permanently domiciled in North West Frontier Province, having been born/settled in this Province.

I was born at village/Mohallah ANWAR-KI-GHAZI Pansal CHAR SADDI District, Chhar Sada.

Muntaha Begum

Signature of the applicant.

Dated 20 / 9 / 1995

In pursuance to the declaration dated \_\_\_\_\_ filed by MUNTABA BEGUM S/D/ of SHAM SHEER domiciled in the NWFP, it is hereby certified that the said MUNTABA BEGUM is born of parents who are permanent residents of the NWFP, having been born/settled within it.

I have verified myself from personal knowledge and verified copies of the above declaration and do hereby certify.

This 20 day of Sept 1995.

MAGISTRATE 1ST CLASS

(Signature)

COUNTERSIGNED

DEPUTY COMMISSIONER  
CHHARSADDI

No 51397  
20.9.95

-8/A-

٢٤

بسم الله الرحمن الرحيم  
الحمد لله رب العالمين  
والصلاة والسلام على  
سيدنا محمد وآله الطيبين  
الطاهرين

بسم الله الرحمن الرحيم  
الحمد لله رب العالمين  
والصلاة والسلام على  
سيدنا محمد وآله الطيبين  
الطاهرين

بسم الله الرحمن الرحيم  
الحمد لله رب العالمين  
والصلاة والسلام على  
سيدنا محمد وآله الطيبين  
الطاهرين

١٩١٩

Attested

*[Signature]*

Najib Janshori  
Kafsa


٩٥



No. PBP-027711

Roll No. \_\_\_\_\_

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**



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

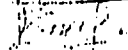
THIS IS TO CERTIFY THAT Muntaha Begum  
Son/Daughter of Shamsher Ali  
and a resident of Charsadda District.

has passed the Secondary School Certificate Examination  
of the Board of Intermediate and Secondary Education, Peshawar held in April 1995  
as a candidate. He/She obtained 333 Marks out of 850  
and has been placed in Grade 3 Representing Satellite Area


The Candidate passed in the following subjects.


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

Date of birth according to admission form is Twentieth April  
one thousand nine hundred and Seventy Six (20-4-1976)

  
Asst. Secretary  
20th July, 1995.

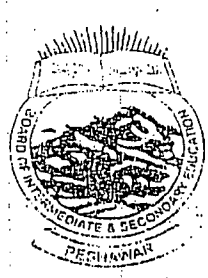
*This certificate is issued without alteration or erasure.*

  
Secretary

  
(MEHBOOB ALI)  
Assistant Private Secretary  
HQ Peshawar Logistics Area

S.No. PE 8970339

-10-

  
**HIGHER SECONDARY SCHOOL**  
**PESHAWAR**  
**PROVISIONAL AND DETAILED MARKS CERTIFICATE**  
**INTERMEDIATE (ANNUAL) EXAMINATION, 2016**  
**HUMANITIES (Part-II)**

Roll No: 122959

Munirah Segum Son / Daughter of Shamsher Khan  
of Charsadda  
has secured the marks shown against each subject in the HSSC Examination held in the month of  
April, 2016 as Private Student

Subjects	Marks	Marks Obtained				Total	Marks in Words
		Part-I		Part-II			
		Theory	Pract	Theory	Pract		
English	200	43	--	40	--	83	Eighty-Three
Urdu	200	43	--	42	--	85	Eighty-Five
Islamic Education	50	17	--	--	--	17	Seventeen
Pakistan Studies	50	--	--	24	--	24	Twenty-Four
Maths	200	35	--	31	--	66	Sixty-Six
Islamic Studies	200	43	--	57	--	100	One Hundred Only
Arabic	200	50	--	52	--	102	One Hundred Two

Total: 1105 477-D Four Hundred Seventy Seven Only

Remarks : [Signature]

Reg: No: 01554-BVP-2014

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

Issue Date: 30-07-2016

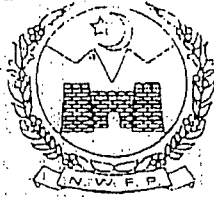
**Controller of Examinations**

Note: Errata (if any) will be published. Any mistake in above certificate must be intimated within 30 days of the issuance of this certificate.

**Assistant Secretary**  
**HQ Peshawar Logistics Area**

S No. 8844

Departmental Examinations Schools & Literacy Department, NWFP



18 -11-

NWFP  
DETAILED MARKS CERTIFICATE  
Training Classes Examination PTC

Name Munir Khan Begum

Session 2010

Father's Name Shahid Khan Ali

Roll No. 03

Subject	Maximum Marks	Marks obtained		
		Internal	External	In words
1. Principles of Education & Method of Teaching	100			50
2. Child Development & Counselling	100			66
3. School Organisation & Classroom Management	100			61
4. Language and Method of Teaching	100			60
5. Mathematics & Method of Teaching	100		—	38
6. Science & Method of Teaching	100			59
7. Social Studies & Method of Teaching	100			43
8. Instructional & Methods of Teaching	100			34
9. Art & Craft, Art & Methods of Teaching	100			35
10. Health and Physical Education	100			45
11. Teaching Practice	200			150
Total	1200			663

Note: Errors/omissions excepted.

Failed/Passed Division Passed Division Final

Prepared by Ali

Checked by Department \_\_\_\_\_

Date of Declaration of Result \_\_\_\_\_

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

(MEHBOOB ALI)  
Assistant Private Secretary  
HQ Peshawar Logistics Area

DIRECTORATE OF CURRICULUM & TEACHERS EDUCATION, KHYBER PAKHTUNKHWA, PESHAWAR

PRIMARY TEACHING CERTIFICATE (PTC)  
(ORIGINAL CERTIFICATE)

Serial No. 9027

Roll No. 83

Session 613

Marks Obtained 543 / 1000

Division 2nd

Certified that Mr./Mrs./Miss Muntaha Begum

Son/Daughter of Shansher Ali is a student of

GEC (F) Jamroud

having passed the prescribed P.T.C. Examination held in 2010

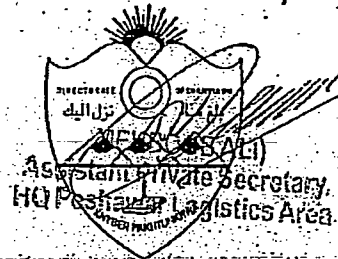
is qualified to teach in Primary Schools of Elementary and Secondary Education Department.

Prepared by [Signature]

Checked by [Signature]

Result declaration date 31/12/2010

Date of Issue 27/2/2013



Assistant Private Secretary,  
HQ Peshawar Logistics Area.

[Signature]  
Assistant Director (Examinations),  
Khyber Pakhtunkhwa, Peshawar.

-12-



FATA SECRETARIAT "11C"  
Social Sectors Department  
Warsak Road Peshawar - 13-

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 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 considered 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 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"  
-14-

~~Handwritten marks~~

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

**WRIT PETITION NO. 2975P/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

17 -15-

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 Khan*

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



-16-

(18)

2

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

-17-

(#)

3

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 absolved 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

18-

(2)

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 175 of  
The Constitution of Pakistan 1973

08 APR 2019

8756

NO.....

Date of Presentation of Application..... 28/2/19

No of Pages..... 05

Copying Fee.....

Urgent Fee.....

Total..... 1000/-

Date of Preparation of Copy..... 27/2/19

Date of Delivery of Copy..... 27/2/19

Received By.....

"A Copy PA" (DB) Hon'ble Mr. Justice Ikramullah Khan & Hon'ble Justice Mr. Waheedullah Khan

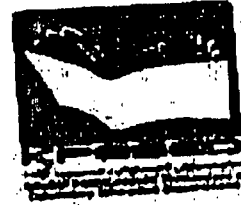
حصہ حساب دہم پندرہ وا - (20) #

مستورین: ریگولر اسٹریٹس  
 حساب عام - الٹا اسٹیٹ  
 23 جولائی 2005 سے 23 جولائی 2006  
 2005 سے 2006 کے درمیان میں ریگولر اسٹریٹس  
 کے حساب سے 2005 سے 2006  
 کے درمیان میں ریگولر اسٹریٹس  
 کے حساب سے 2005 سے 2006  
 کے درمیان میں ریگولر اسٹریٹس  
 کے حساب سے 2005 سے 2006

دوبارہ تصدیق کے احکامات جاری فرمائیں۔  
 2019/06/21  
 99455  
 19/06/2019



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



-20-

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

In compliance of the judgment of Peshawar High Court in Writ Petition No 4571-P/2019 connected with writ petition No.4581-P/2019 and subsequent O.C 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 & Family Name	Post	Place of posting where regularized	Remarks
1	Naveeda Gul D/O Afzal Khan	BPS-12	GGPS Bahl Kore	Against Newly Created Post Against Newly Created Post
2	Muntaha Begum D/O Sham Sher AB	BPS-12	GGPS Haki 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.4571-P/2019 and writ petition No.4581-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, 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 B/ADSO 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

Encl. No. 4487-95 / 2020

Copy to the:-

1. Registrar (J) Peshawar High Court, Peshawar.
2. Director of Education Elementary & Secondary Education, Peshawar.
3. Director of Education NMD Swat.
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.

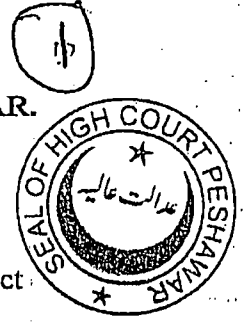
**(NOOR HASSAN)**  
District Education Officer  
Mohmand Tribal District

~~Amjad Ali~~

"G" -21-

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

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



1. ✓ Naveeda Gul, PST,  
Government Girls Primary School Bahi Kora, 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



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

V E R S U S

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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**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 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.

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

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(5)

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 be 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.

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

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- 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:**

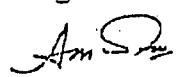
It is verified that no other Writ Petition earlier has been filed between the present parties, except the present one.

  
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

  
(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:-

*SM*  
"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

**ATTESTED**  
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: 8.7

Copying fee: 32

Total: 32

Date of Preparation of Copy: 21/10/2022

Date of Delivery of Copy: 21-10-22

Received By: [Signature]

~~REQUIRED TO BE TRUE~~

~~21 OCT 2022~~

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

APPEAL NO: \_\_\_\_\_ OF 20\_\_

Muntaha Begum

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We (Appellant)

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. \_\_\_\_/\_\_\_\_/202

[Signature]  
CLIENT

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

[Signature]  
**UMAR FAROOQ**

[Signature]  
**WALEED ADNAN**

&

[Signature]  
**M. AYUB**  
**ADVOCATES**

**OFFICE:**

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