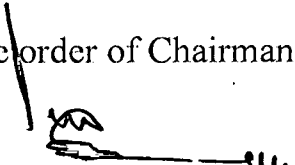


FORM OF ORDER SHEET

Court of _____

Case No. - 1613/2022

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 Bibi Sakina 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>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL No. 1613 /2022

MISS BIBI SAKINA

VS

EDUCATION DEPT:

I N D E X

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal with Affidavit	1-4
2.	Copy of CNIC	A	5
3.	Copy of the service book having entry of appointment at page 5	B	6-7
4.	Copy of retirement order dated 23-12-2021	C	8
5.	Departmental appeal	D	9
6.	Vakalatnama		10

Bibi Sakina
APPELLANT

Through:


NOOR MOHAMMAD KHATTAK
ADVOCATE
SUPREME COURT OF PAKISTAN

BEFORE THE KHYBER PAKHTUNKHA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL 1613 /2022

Miss Bibi Sakina Theology Teacher (T.T) BPS-16,
Government Girls Primary School Agra, District Kurrum

.....**APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary to Government of Khyber Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3- The Director E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Education Officer (F), District Kurrum.
- 5- The District Accounts Officer, District Kurrum.

-----**RESPONDENTS**

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ACTION AND INACTION OF THE RESPONDENTS BY NOT ENTERTAINING THE CLAIM FOR PENSION WITH ULTIMIATE REDUCTION OF SERVICE PERIOD OF THE APPLICATION FROM 26 YEARS QUALIFYNG TO 25 YEARS FOR NO FAULT OF THE APPELLANT AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of the instant service appeal the respondents may kindly be directed to release the pension of the appellant on qualifying service of twenty six years and the respondents may also be directed to grant leave Encashment to the appellant with all back benefits. Any other remedy which this august service tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

Brief facts giving rise to the instant service appeal are as under:-

- 1. That the appellant is a bonafide resident of Kurrum District and a law abiding citizen of Pakistan. Copy of CNIC is attached as Annexure

.....**A**

2. That the appellant being eligible in all respects was initially appointed as PTC Teacher in GGPS Agra District Kurrum. Copy of the service book having entry of appointment at page 5 is attached as Annexure**B**
3. That as per record, during service, the appellant was granted earned leave w.e.f 22-08-1993 to 25-09-1993 (**35 days on full pay**) from 26-09-1993 to 26-11-1993 (**62 days without pay**) vide order dated **2-12-1993**. (*The relevant entry is already attached as annexure.....B*)
4. That the appellant was transferred/adjusted against the post of Theology Teacher (TT) at GGPS Malinali vide order dated **13-10-1994**. (*The relevant entry is already attached as annexure.....B*)
5. That the appellant was granted **extra ordinary leave(EOL) without pay** for the period from 1-07-1999 to 31-07-2005 (**6 years & one month**) vide order dated 15-07-2005 which was further **extended from 01-08-2005 to 30-04-2006 (8 months & 29 days)**vide order dated 21-04-2005. ***As such, the appellant availed a total period of 06 years, 09 months & 29 days EOL.***
6. That the appellant was reinstated/adjusted against TT post at GGPS Agra vide order dated 1-05-2006.
7. That on passing of Shahadatul Alia, the appellant was awarded BPS-14 w.e.f 18-09-2009 vide order dated 09-03-2010.
8. That on account of her absence from duty **12-11-2016** an amount of Rs.1161/- was deducted and the leave period was treated as **leave without pay**.
9. That the appellant was promoted/ upgraded from BPS-14 to BPS-16 w.e.f 20-02-2013 and arrear of promotion to BPS-16 was drawn.
10. ***That the appellant has availed total EOL as under :***
 - a). from 26-09-1993 to 26-11-1993 =63 days***
 - b) from 1-07-1999 to 31-02-2005 =06 years***
 - c) from 1-08-2005 to 30-04-2006 = 269 days***
11. That on completion of 26 years, 02 months and 22 days qualifying service, the appellant in the capacity of Theology Teacher at GGPS Agra was retired vide order dated 23-12-2021 with a statement that the appellant is entitled for the encashment of LPR w.e.f 20-04-

20121 to 28-02-2022 (315 days) as per leave at her credit. Copy of retirement order dated 23-12-2021 is attached as Annexure.....C.

12. That the pension papers of the appellant as per detailed below were passed on to Accounts Officer which were returned with the remarks as under:

Total period of service from 1st appointment till 28/02/2022, 32 years, 03 months and 26 days.

13. That although the appellant has qualifying service for pension but the respondents are reluctant to release the pension of the appellant and other ancillary benefits and lastly aggrieved from the impugned inaction of the respondents preferred departmental appeal before the appellate authority. Copies of departmental appeal is attached as Annexure D.

14. That being highly aggrieved from the inaction of the respondent department, the appellant filed the instant service appeal in this Hon'ble Tribunal on the grounds inter alia as under:-

GROUND:

- A- That the inaction of the respondents by not granting pension to the appellant along with leave Encashment is against the law, facts, norms of natural justice and materials on the record hence not tenable.
- B- That the appellant has not been treated in accordance with law and rules by the respondent department 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 respondent department is based on discrimination, favoritism and nepotism, hence not tenable in the eye of law.
- D- That not granting/allowing pension and leave encashment to the appellant by the respondents is against section 19 of the Civil servant Act, 1973.
- E- That not granting pension and leave encashment to the appellant the respondents violated Article 38 (e) of the Constitution of Pakistan, 1973.
- F- That the respondents acted in arbitrary and malafide manner by not granting/allowing pension and lave encashment to the appellant.
- G- That the inaction of the respondents is violative of Law and rules, therefore not tenable in the eye of law.

H- That petitioner seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal may kindly be accepted as prayed for.

Bibi Sakina
APELLANT

Dated _____

THROUGH:

NOOR
**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

UMAR
UMAR FAROOQ

Mu
MUHAMMAD AYUB

Adnan
WALEED ADNAN

&

Khanzad Gul
**KHANZAD GUL
ADVOCATES**


AFFIDAVIT

I, Miss Bibi Sakina Theology Teacher (T.T) BPS-16, Government Girls Primary School Agra, District Kurrum, do hereby solemnly affirm on oath that the contents of the above **Service Appeal** are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.

Bibi Sakina
DEPONENT

"A" - 5 -

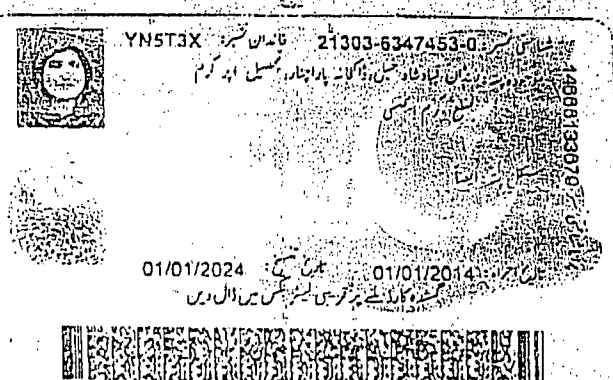
حکومت پاکستان
ملی شناختی کارڈ
21303-6347453-0



Bibi Sakina
06/04/1966

دستور دستور منزل

YN5T3X قلمدان نمبر 21303-6347453-0



14888133870

01/01/2024 01/01/2014

کمرہ کارڈ نمبر 14888133870

A "B" - 6-

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

1. Name *Bibi Sakina*

2. Race *Tari Muslim*

3. Residence *vill. Agra P.O. Agra Tehsil. Palachmar Kurram Agency*



4. Father's name and residence *Sayed Ahmad Shah*


5. Date of birth by Christian era as nearly as can be ascertained *6-4-1966*
(Sixth April N.H. and Sixty Six)


6. Exact height by measurement *5' 3"*

7. Personal marks for identification

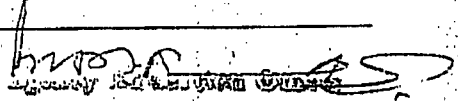
8. Left hand thumb and finger impression of (non-gazetted) officer


Little Finger.  Ring Finger 

Middle Finger.  Fore Finger 

Thumb. 

9. Signature of Government servant *Bibi Sakina*

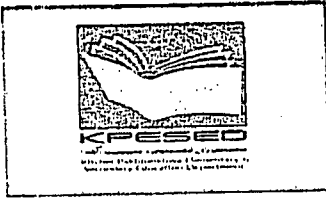
10. Signature and designation of the Head of the Office, or other Attesting Officer. *Re-Attested* 
KURRAM AGENCY PALACHMAR


KURRAM AGENCY PALACHMAR

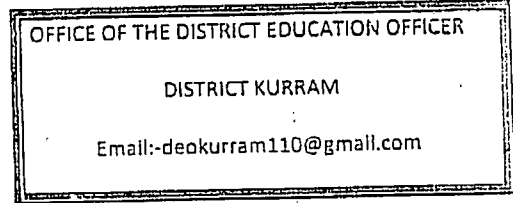
10	11	12	13		14	15
			Leave	Government to which debitible		
Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
31-5-91	Rev of Pay	M. Laxman Rao	Appointed as PTC UT at G.G.P.s Agga vide AEO Kurram No. 2186-90			
31-5-94	Pay Revs	M. Laxman Rao	Transfer/adjusted against T.T. Post at G.G.P.s Malikali vide AEO Enclst No. 768-72/Edu-cll-5100/94			
31-10-94	Transfer/adjusted against T.T. Post	M. Laxman Rao	Transfer/adjusted against T.T. Post at G.G.P.s Malikali vide AEO Enclst No. 768-72/Edu-cll-5100/94			
30-11-95	Direct	M. Laxman Rao	Transfer/adjusted against T.T. Post at G.G.P.s Malikali vide AEO Enclst No. 768-72/Edu-cll-5100/94			
31-10-96	Allowed two adv. increments	M. Laxman Rao	Transfer/adjusted against T.T. Post at G.G.P.s Malikali vide AEO Enclst No. 768-72/Edu-cll-5100/94			
30-11-96	Direct	M. Laxman Rao	Transfer/adjusted against T.T. Post at G.G.P.s Malikali vide AEO Enclst No. 768-72/Edu-cll-5100/94			
30-11-97	Direct	M. Laxman Rao	Transfer/adjusted against T.T. Post at G.G.P.s Malikali vide AEO Enclst No. 768-72/Edu-cll-5100/94			
30-11-98	Direct	M. Laxman Rao	Transfer/adjusted against T.T. Post at G.G.P.s Malikali vide AEO Enclst No. 768-72/Edu-cll-5100/94			
30-11-99	Direct	M. Laxman Rao	Transfer/adjusted against T.T. Post at G.G.P.s Malikali vide AEO Enclst No. 768-72/Edu-cll-5100/94			
30-11-2000	Direct	M. Laxman Rao	Transfer/adjusted against T.T. Post at G.G.P.s Malikali vide AEO Enclst No. 768-72/Edu-cll-5100/94			
30-11-2001	Direct	M. Laxman Rao	Transfer/adjusted against T.T. Post at G.G.P.s Malikali vide AEO Enclst No. 768-72/Edu-cll-5100/94			

R-10

T-370 dated 4-2-96
 Advance of pay on allowing two advance increments of passing P.T. for 15-10-94 to 31-1-95
 M. Laxman Rao
 Agency, Parachinar



"C"
-8-



RETIREMENT

Consequent upon the completion 26-years,02-months and 22-days qualifying service, in respect of Mst: Bibi Sakina T.T Govt: Girls Primary School Agra Mir Jamal District Kurram is hereby retired from service wef 28-02-2021(AN) on completion of 55-years 10-Months and 22-days of age.

She is also entitled for the encashment of LPR wef 20-04-2021 to 28-02-2022 (315-days) as per leave at her credit.

District Education Officer,
Kurram at Parachinar.

No. 12978-82 /Edu: Dated PCR the 23/12 /2021.

Copy Forwarded to the:-

1. District Accounts Officer Kurram.
2. ADEO Female Upper Kurram.
3. Teacher Concerned.
4. Accountant Local Office to stopped her pay from the above mentioned date.
5. Office File.

District Education Officer,
Kurram at Parachinar.

بجرت جہاں ڈائریکٹریٹ ایگزیکٹو ایئر سینیئر ایجوکیشن ڈیپارٹمنٹ پشاور

9- "D" حکم نامہ برائے ایجوکیشن ایگزیکٹو ڈیپارٹمنٹ پشاور

جہاں عالی! موربانہ گزارش ہے کہ سائلہ قلمہ لکھنا میں DEO کے زیر سایہ اپنی خدمات سرانجام دے رہی تھی۔ سائلہ قلمہ لکھنا میں سال 1989 بروز حکم صادرہ 1989/05 کو بھرتی ہوئی۔ سائلہ نے بعد از تعیناتی اپنی خدمات نہایت میں گوش اسلوبی سے سرانجام دی ہیں۔ وہاں سائلہ نے دوران ملازمت مختلف دفتروں میں 1986 سے 1989 تک شامل کر رہے ہیں۔ بعض کو Pay پر اور بعض کو Leave without Pay سمجھا گیا ہے۔ سائلہ نے جب اپنی Qualifying سروس مکمل کی تو اذدوشہ قانون اور اعلیٰ انہوں نے قلمہ لکھنا سے عجاز اختیار کرنے سے سائلہ نے اپنی درخواست برائے ریٹائرمنٹ دینا شروع کر دیا تھا۔ اب سائلہ کو ریٹائرمنٹ سے مرعات فراہم نہیں کئے۔

کھڑا استغاثہ ہے کہ منظور کی ریٹائرمنٹ اپیل مورخہ = 15/7/2022
لکھنا سائلہ کو حکم ریٹائرمنٹ سے مرعات دئے
جانے گا حکم ہمارے کرماتی جائے۔
Babri Sakiney.

آریکاٹا لبرار مسجاتہ بی بی سلیمن
EX:IT#

-10-

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO: _____ OF 20

Miss Bibi Sakina

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Bibi Sakina

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

Bibi Sakina
CLIENT

ACCEPTED

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

Umar Farooq
UMAR FAROOQ

Waleed Adnan
WALEED ADNAN

&

Muhammad Ayub
MUHAMMAD AYUB
ADVOCATES

OFFICE:

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