

24th June, 2022

Appellant alongwith his counsel present. Mr Muhammad Riaz Khan, Paindakhel, Asstt. AG for respondents present.

Respondents have not submitted written reply/comments. Learned AAG seeks time for submission of written reply/comments. To come up for written reply/comments on 17.08.2022 before S.B.

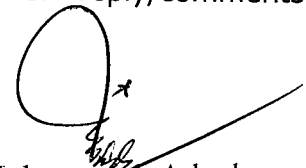


(Kalim Arshad Khan)
(Chairman)

17.08.2022

Nemo for appellant. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Fahim, Assistant for the respondents present.

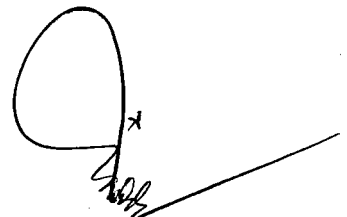
Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned. To come up for reply/comments ~~06.10~~ 10.2022 before S.B.



06.10.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present. Member (E)

Written reply/comments have not been submitted. Learned AAG requested for further time to contact the respondents for submission of written reply/comments on the next date. Last opportunity is granted. To come up for written reply/comments on 28.11.2022 before S.B.



(Mian Muhammad)
Member (E)

18.04.2022

Learned counsel for the appellant present and heard. Learned counsel submits that the appointment order of the appellant was to be re-issued in the light of inquiry report submitted by Mr. Khalil-Ur-Rehman, Principal GHS Miran Shah instead of doing so, her appointment order was withdrawn by office order bearing Endst: No. 15306-12/E-6/Inter Distt; Transfer NWS dated 11.11.2021 against which, she filed department appeal on 01.12.2021, which was not responded within 90 days, hence this appeal. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter notice be issued to the respondents for submission of reply/comments before the S.B on 18.05.2022.



Chairman

18.05.2022

None present on behalf of the appellant.

Rs 700
Security & Process Fee
24/6/22

Security and process fee not deposited, therefore, notice be issued to the appellant to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 24.06.2022 before S.B.




(Mian Muhammad)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 564/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/04/2022	<p>The appeal of Sonia Ikhlas resubmitted today by Mr. Qamar Zaman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		

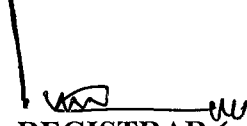
This is an appeal filed Mrt Sonia Ikhlas today on 25/01/2022 against the order dated 11.11.2021 against which she preferred/made departmental appeal/ representation on 01.12.2021 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority report as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

1. Memorandum of appeal may be got signed by the appellant.
2. Annexures of the appeal may be attested.
3. Affidavit may be got attested by the Oath Commissioner.
4. Page No. 6, 21, 28 and 31 are illegible which may be replaced by legible/better one.

No. 167 /ST,

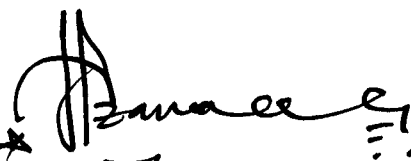
Di. 26/01 /2022.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Qamar Zaman Khattak Adv. Karak.

R/sir,

office objections were removed, if there is again some office objections remains, then fixed before the Honorable Tribunal please.

Thank's * 
Advocate Qamar Zaman
Khattak 30/03/2022

Note :- Before this I submit w.p at Bannu High court, while the matter was so urgent of the Honorable Tribunal was not in function, but at dated 26-03/22 the Honorable High court Bannu passed.

P.T. 0

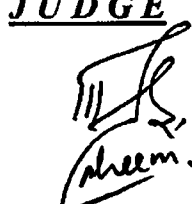
withdrawal, that the Hon'ble Tribunal
is now functional, therefore kindly
consider the time extension for the
submission by the office please.
(copy of order dated 26.03.2022
is attached.)

Thank's 30/03/22
Advocate # ~~Pranav~~
Dhanraj Kumar

PESHAWAR HIGH COURT,
BANNU BENCH.

FORM 'A'

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge (s).
(1)	(2)
24.03.2022	<p><u>W.P No.178-B/2022.</u> Present: Mr. Qamar Zaman Khattak Advocate for petitioner. *** <u>MUHAMMAD FAHEEM WALLI, J.</u>--- Learned counsel for petitioner states that although the present petitioner is civil servant but this petition was filed at the time when the Service Tribunal was not functional and now Chairman has been appointed, therefore, seeks time to approach the Service Tribunal and requested for withdrawal of this petition. Order accordingly. <u>Announced.</u> 24.03.2022.</p> <p style="text-align: right;"><u>JUDGE</u>  <u>JUDGE</u></p>

25 MAR 2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No.....564.....B of 2022

Sonia Ikhlas Vs Govt of Khyber Pakhtunkhawa etc

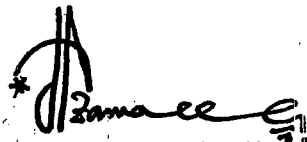
INDEX

S.N	Description of Documents	Annexure	Page
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Dated:18-01-2022


Appellant

Through


Qamar Zaman Khattak
Advocate High Court
LLM UK

①

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

Service Appeal No.....B of 2022

Sonia Ikhlas daughter of Late Ali Abbas Khan wife of
Fawad village Tattar khail, Tehsil Takhati-e-nasrati District
Karak.

(Appellant)

Vs

1. Govt of Khyber Pakhtunkhawa through Chief Secretary
Civil Secretariat Peshawar.
2. Secretary Elementary & Secondary Education Civil
Secretariat, Khyber Pakhtunkhawa, Peshawar.
3. Director Elementary & Secondary Education, Khyber
Pakhtunkhawa, Peshawar.
4. District Education Officer (F), Karak.
5. District Education officer (F) Miran Shah.

(Respondents)

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
ORDER NO.15306-12/E-6/INTER DISTT; TRANSFER N.W.S DATED
PESHAWAR THE NOVEMBER, 11,2021 WHEREBY APPELLANT
HAS BEEN DOWEN GRADED AND WITHDRAWAN HER
TRANSFER ORDER AS WELL AS HER INTIAL ORDER OF
APPOINTMENT AS CT, THAT WHERE NOT TAKING ANY ACTION
ON THE DEPERTMENTAL APPEAL OF THE APPELLANT.**

RESPECTFULLY SHEWETH:

This appeal arising up from the following facts.

1. That appellant is highly qualified. She was appointed
as CT on the basis of deceased son quota vide order
dated 23.12.2016 by the then Agency Education
Officer N.W and was posted at GGHS Gul Shin Kot
Spulga North Waziristan. **(Copies of initial appointment**

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order dated 23.12.2016 & service Book is annexed as Annexure "A").

2. That after about four years the appellant was transferred from GGHS Gul Shin Kot Spulga North Waziristan to her native District Karak against vacant post of CT at GGHS Mandawa, District Karak. **(Copy of transferred order dated 24.07.2020 is annexed as Annexure "B")**.
3. That it is pertinent to mention here that, the initial appointment of the appellant as CT was made in BPS-09 but later the post of CT was upgraded from BPS-09 to BPS-15, vide notification dated 28.07.2016, therefore the pay of the appellant was also fixed in BPS-15. **(Copies of notification dated 28.07.2016 is annexed as Annexure "C")**.
4. That it is also pertinent to mention here that the CT post against which appellant was transferred and adjusted was occupied by one namely Mst. Therefore appellant was adjusted against CT post at GGMS wagi Banda District Karak by the competent authority vide order dated 08.09.2021. **(Copies of order dated 08.09.2021 is annexed as Annexure "D")**.
5. That appellant assumed her charge at GGMS Wagi Banda District Karak and started her duty in pursuance of the order of the competent authority.
6. That meanwhile inquiry committee was constituted to probe into the initial appointment order of the appellant as a CT on the basis of deceased son quota.
7. That the inquiry was conducted in absence and at the back of the appellant without opportunity of defence and also in violation of the prescribed procedure.
8. That the inquiry committee vide its recommendation recommended that appellant may be downgraded as her initial appointment could not be made in BPS-15 on the basis of deceased son quota. **(Copies of inquiry report is annexed as Annexure "E")**.
9. That the Director (E&SE) Khyber pakhtunkhawa, Peshawar vide impugned order dated 11.11.2021 not only withdrawn the transfer order of the appellant dated 24.07.2020 but also withdrawn the initial order of appellant against CT post and directed to re-appoint the appellant against any post of BPS-01 to BPS-12 under the deceased son quota. **(Copy of order cited 11.11.2021 is annexed as Annexure "F")**.

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10. That against the above mentioned withdrawn/downgraded order; the appellant in the first instant submitted departmental appeal to Secretary Elementary & Secondary Education Department Khyber Pakhtukhawa, Peshawar but no response has been received to the appellant so far. The grounds taken in the body of departmental appeal dated 01.12.2021. **(Copies of departmental Appeal is annexed as Annexure "G")**.

11. That appellant feeling highly aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst others.

GROUND

- A. That the worthy Director (E&SE) Khyber pakhtunkawa Peshawar has not treated the appellant in accordance with the law, rules, and policy on the subject and acted in violation of Article-4, 10-A of the Constitution of Pakistan, 1973.
- B. That appellant was appointed in CT in BPS-09 vide order dated 23.12.2016 since the post of CT was upgraded to BPS-15, therefore she was adjusted in BPS-15 and her pay was also fixed accordingly, appellant has served as such for considerable period, the alleged inquiry procedure has been adopted in the absence and in the back of the appellant and she has being condemned unheard which is the violation of the principle laid down by the Hon'ble Supreme court of Pakistan, "Audi Altrum-partum" and also against the principles of natural justice, equity and fair play.
- C. That appellant has been serving against CT post since her first entry into the government service i.e. 2016, the order of adjustment against CT post BPS-15 has not only been notified but also acted upon for long period of more than 4 years. Appellant has also received her salary in BPS-15 since her adjustment on regular basis from year 2016 till the date of impugned order, the competent authority may recalled/withdraw his order under the principles of locus potentia but this competence cannot be exercised once in order is notified and acted upon in the present case, the adjustment order of the appellant against CT post on regular basis has not only been notified but also acted upon for long more than 4 years and therefore vested right

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of the appellant has been accrued against the CT post which cannot be snatched through a single stroke of pen.

- D. That the finding of the inquiry officer is also worth perusal, thereby he stressed that appointment of the appellant against CT post BPS-15 was not the fault of the appellant rather the same is the fault of the appointing authority which cannot be attributed to appellant. The Hon,able Supreme Court of Pakistan vide reported judgment has directed that no action could be taken against employee who has no role in his/her appointment, rather the action shall be taken against the officer who has made the fault, appellant cannot be penalized for the fault of the others.
- E. That the impugned order dated 11-11-2021 is penal order and that too notified without adhering to the prescribed procedure provided in the statute and the rules there under, in the instant case appointing authority of the appellant is the head of District Education (F) District Karak in whereas the impugned order has passed by the director (E&SE) Khyber Pakhtoon Khwa, who is not the appointing authority of the appellant, therefore the same is the vide order, which cannot be legalized on any scope.


In view of the above humble submission it is humbly requested that the impugned order dated 11-11-2021 may kindly be set aside and appellant may be reinstated and allow her to perform her duty at her place of posting i.e. GGMS Wagi Banda, District Karak.

INTERIM RELIEF

That the operation of the impugned order dated 11-11-2021 may be suspended till the disposal of the instant appeal.

Dated: 18-01-2022

Appellant
Through


Qamar Zaman Khattak
Advocate High Court
LLM UK

(5)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Sonia IkhlasAppellant

VERSUS

Govt of KPK etc.....Respondents

AFFIDAVIT

I, Sonia Ikhlas D/o Ali Abbas Khan W/o Fawad R/o Village Tattar Khail, Teahsil Takht-e-Nasrati District Karak, do hereby solemnly affirm and declare on oath that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT

"A" (6)

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY

APPOINTMENT ORDER.

AS per policy of Govt: Khyber Pakhtunkhwa Civil Servants rules regarding deceased son Quota from BPS-01 to BPS-12, Vide DE No. 7236/85, Dated Pesh: the 26/07/2016, Miss Sonia Ikhlas D/O Late Ali Abbas Agency is hereby appointed against vacant Post of GHS Spunga North Waziristan Agency in BPS-09 (09860-610-28160) plus usual allowances admissible under the rules on temporary basis from the date of his/her taking over charge.

TERMS & CONDITION.

- 1- His/Her appointment is made on temporary basis and is liable to terminate at any time without notice, if he wishes to resign from his/her post, he/she should give one month prior notice or forfeit one month pay in lieu thereof.
- 2- He/She should bring his/her Health & Age Certificate from the Medical Superintendent AHQ Hospital Miranshah North Waziristan Agency.
- 3- If he/she fails to resume his/her charge within 15 days his/her order will be treated as cancelled.
- 4- He/She should not be handed over charge if he/she below 18 years and above 35 years of age.
- 5- His/Her original qualifications, date of birth, Domicile Certificate and CNIC should be checked and photocopy may be placed on record.
- 6- He/She will be terminated if his/her Academic/Professional certificates were found fake/Bogus and tempered.
- 7- The appointee is entitled for all benefits admissible to Civil Servants.
- 8- His/Her academic/professional qualifications will be referred to concerned Board/University etc by depositing usual fee charges for proper necessary verification and his/her salary will not be drawn until and unless verification is received in this office.

[Signature]
AGENCY EDUCATION OFFICER,
NORTH WAZIRISTAN AGENCY

Endstt: No. 1617-54 /Deceased Son/Apptt:/CT/AEO/NWA, Dated 23/12 /2016.

Copy to :-

1. The Director of Education (FATA), Khyber Pakhtunkhwa Peshawar.
2. The Political Agent NWA Miranshah.
3. The Agency Accounts Officer Miranshah.
4. AAEO Concerned.
5. Candidate concerned.

[Signature]
AGENCY EDUCATION OFFICER,
NORTH WAZIRISTAN AGENCY

AD P-NO 50335451

(8)

F

SERVICE BOOK

14203-7297335-8

سروس بک

P=75
No. page 8/11

P=75

MW0096

Name: Miss Sonia Akbar

Father's Name: Late Ali Abbas Khan

Qualifications: _____

Designation: CT KPS-09

Department: Education (GHS Gulshan Kot)

Address: _____

Contact: _____

03237920132 803

تعمیر

- 1- Name (نام) Soma Ikhlas (U) (8)
- 2- Nationality and Religion Pakistani / Islam
- 3- Residence Village Gharvi Banda Distt. Karak
(مستقل رہائش)
- 4- Father's name and residence Late Ali Abbas Khan "
(والد کا نام اور پتہ)
- 5- Date of birth by christian era as nearly as can be ascertained 14-04-1991.
(تاریخ پیدائش مطابق سن عیسوی)
- 6- Exact height by measurement 4-10
(قد و قامت)
- 7- Personal mark of identifier Oil
(نشان شناخت)

Left hand/right hand thumb and finger-impressions of (Non-gazetted officer)

(بمرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Index Finger
(بظہر)

Ring Finger
(چھنگلیا کے ہاتھ کی انگلی)

Middle Finger
(انگشت بیانیہ)

Index Finger
(انگشت)

Signature of Govt. Servant
(سرکاری ملازم کے دستخط)

Signature and designation of the Head of the Office or other Attesting officer

(تصدیق کنندہ افسر کے دستخط اور مہر)

Head Mistress
G.G.H.S Gur. Shin Kot
Spulga (NWA)

Note: The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

اس صفحہ کے مندرجہ کم از کم پانچ سال بعد تصدیق ہونا ضروری ہے اور نمبر 9 اور 10 میں دستخطوں کے نیچے تاریخ لکھنی چاہیے۔

انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

دست

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1	2	3	4		5		6	7	8
Name of Post	Whether Substantive or officiating and whether permanent or temporary	If officiating state- (i) substantive appointment or (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position		Additional pay for officiating		Other emoluments falling under the term pay	Date of appointment	Signature of Government servant
			Rs.	Ps.	Rs.	Ps.			
Post BPS-09 CHS Civil SP (پست بپس-۰۹ اے ایس ایف سپ)	اگر عارضی ہے تو (CHS)	اگر عارضی ہے تو رول کے مطابق پیش کرنا مستحق ہے؟	تنخواہ بطور عارضی ملازمت	زائد تنخواہ بطور قائم مقام	باسوائے تنخواہ دیگر الاؤنس	تاریخ تقرری	دستخط سرکاری ملازم		
<u>BPS-09 (9860-610-281601)</u>									
Pay @ Rs-9860/- 24/12/16									
Post up created to BPS-15 w.e.f 24/12/16									
BPS-15 - Pay @ Rs-13510/- p.m 24/12/16									
P/R BPS-15 (16120-1330-5620) Pay @ Rs-16120/- p.m 1-2-2017									
Pay Released due to up-gradation from B-09 to 15, vide NOTIFICATION No. FD/150 (FR) 7-20/2015 dt. Perthover 30-6-2015									
Drawn by BPS-9/BPS-15 11/7/2017 (417587) 39885									
Accounts Officer 11/7/2017									

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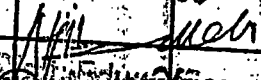
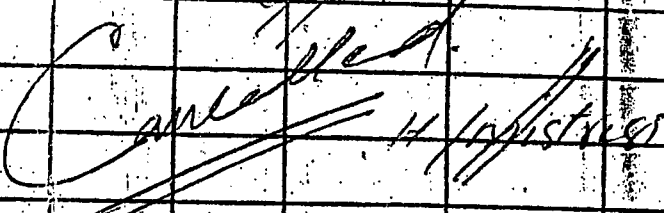
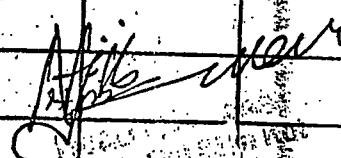
1st

2nd

(3) (10)

9	10	11	12	13		14	15				
Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave net exceeding 120 days) to which leave salary is debit to another Government	Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, reward or praised of the Government servants				
					<table border="1"> <tr> <th data-bbox="901 573 981 675">Period</th> <th data-bbox="981 573 1173 675">Government to which debit to</th> </tr> <tr> <td></td> <td></td> </tr> </table>	Period	Government to which debit to				
Period	Government to which debit to										
دستخط افسر مجاز	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی تبادلہ یا برطرفی	دستخط افسر مجاز	رخصت کی نوعیت ومعیار	<p>چار ماہ کی رخصت کے لئے اوسط تنخواہ کا تین</p>	دستخط افسر مجاز	سزا یا جزا یا غیر مناسب کارکردگی کا ریکارڈ				
<p>Head Mistress G.H.S. Shin Koh Spilga (NWA)</p>				<p>Appointed against vacant CT Post (Deceased Son Quarta) in BPS-09 at GHS Shin Koh (NWA) Spilga vide AEO NO. 1669-51/Deceased Son/APP/1 CT/AEO/NWA, Dated: 23/12/1976</p>							
<p>30-6-2017</p> <p>Head Mistress G.H.S. Shin Koh Spilga (NWA)</p>				<p>Passed SSC Examination from BISE Kohat in 2007 U/Roll NO. 701958, marks obtained 699/900 marks Marks Result declared on 16-07-2007 -</p>							
<p>T-136 at 10/11/17</p> <p>Agency Accounts Officer NWA Miranshah 14/11/17</p>				<p>Head Mistress G.H.S. Shin Koh Spilga (NWA)</p>							

8	9	10	11	12	13		14	15
Signature of Government servant	Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave net exceeding 120 days) to which leave salary is debitabale to another Government چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تعین	Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, reward or praised of the Government servants:
دستخط سرکاری ملازم	دستخط افسر مجاز	تاریخ انقطاع ملازمت	وجوہات انتظام ملازمت ترقی تبادلہ یا برطرفی	دستخط افسر مجاز	رخصت کی نوعیت و معیار	Period عرصہ Government to which debitabale حکومت جسے رقم ادا ہوگی	دستخط افسر مجاز	مزایا جزیایا غیر مناسب کارکردگی کا ریکارڈ
						Service verified as of 24-12-2016 to 30-11-2017 from the pay Bill and other office record.		
						<p>Facused B.A. & B.Sc. in Urdu For Al-Humra Og. hsk Upper University, Islamabad Urdu Roll No. AR 647030 Marks obtained 612/900 Result declared on 26/12/2013</p>		
						<p>Head Mistress G.G.S. Gul Shin Kot Spulga N.W.A</p>		
						<p>Service verified as of 1-12-2017 to 30-11-2018 from the Record of this office</p>		
						<p>Head Mistress G.G.S. Gul Shin Kot Spulga N.W.A</p>		

8	9	10	11	12	13		14	15	
Signature of Government servant	Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave net exceeding 120 days) to which leave salary is debit to another Government	Signature of the Head of the office or other attesting Officer	Reference to any records of punishment, censure, reward or praised of Government servants	
دستخط سرکاری ملازم	دستخط افسر مجاز	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی تدارک یا برطرفی	دستخط افسر مجاز	رضیت کی نوعیت و معیار	چار ماہ کی رخصت کے لئے اوسط تنخواہ کا تین گونہ ادا ہوگی Period: عرصہ Government to which debit: حکومت کے نام ادا ہوگی	دستخط افسر مجاز	سزا یا جزایا غیر مناسب کارکردگی کا ریکارڈ	
						Service Verified			
						From 1-12-2018 to 30-11-2019			
						from the records of this Office			
						 Attesting Officer District Administration Ludhiana N.W.F.			
						Inspection of Maternity Leave was done 16-07-2020 (45 days) vide No. D.C. 1057/2020 dated.			
						 Inspector			
						Service Verified vide 12-11-2019			
						From A/Roll 8 2020 Office Record			
						 Attesting Officer			



OFFICE OF THE AGENCY EDUCATION OFFICER

NORTH WAZIRISTAN AGENCY

No. _____ /AEO/NWA

To

The Director Education,
FATA Peshawar K.P.K.

Subject:- APPROVAL FOR APPOINTMENT UNDER DISEASED SON QUOTA;
Memo:-

Reference this office letter No 1206 dated 31-12-2015 & letter No. 1999 dated 24-2-2016, on the subject cited above.

In this regard it is further submitted in your kind honor that the Male & Female candidates may kindly in list in diseased son quota please. Detail as are under.

S.NO	NAME	Father/Mother NAME	DESIG.	QUALIFICATION	POST APPLIED
1	Ijaz ul Haq	Late Amin Noor Khan	Ex-PTC	BSc/DIE	CT/PTC
2	Rehmanullah	Late Gul Sadat Khan	Ex-PTC	BA CT/PTC	CT/PTC
3	Faiz ur Rehman	Late, Dehshad Khan	Ex-TT	PA/Sanad	P/Imam
4	Raza Muhammad	Late Khair Muhammad	Ex-CT	FA	
5	Kalim Ur Rehman	Late Sadiq Rehman	Ex-PTC	PA/PTC	PTC
6	Zahid Iqbal	Late Sadiq Noor	Ex-SET	BSc/CT	CT
7	Irfanullah	Late Khan Wali Khan	Ex-PTC	BA/CT	CT
8	Sabit Ahmad	Late Muid Ismail	Ex-TT	BA/CT	CT
9	Hafiz Fazal Wahid	Late Lahor Gul	Ex-DM	BSc/DIT	JC/PTC/CT
10	Fazal Aziz	Late Noor Alam	Ex-CT	BA/CT	CT
11	Noor Rehman	Late Saif ur Rehman	Ex-CT	SSc/Sanad	P/Imam
12	Rais Muhammad	Late Sharif Muhammad	Ex-AWI	BSc/CT	CT
13	Marwanullah	Late Jamal ud Din	Ex-CT	PA/PTC	PTC
14	Israr Azam	Late Issa Khan	Ex-L/Asstt	BA/DIT	L/Asstt/JC
15	Shawkatullah	Late Muhammad Iqbal	Ex-TT	SSc	Lab/Asstt
16	Zafreen Fatima	Late Sultan Ayaz	Ex-OT	MA/OT	CT
17	Sunia Akhtas	Late Ali Abbas Khan	Ex-CT	MSc/CT	CT
18	Hina Gul wazir	Late Matiullah Khan	Ex-SET	MA/CT	CT
19	Asghar Ayoub	Late Hussain Ahmad	Ex-TT	BSc/Sanad	TI/Qari
20	Muhammad Farooq	Late Muhammad Sharif	Ex-TT	MA/Sanad	TI
21	Saeedullah	Late Gul Janat Khan	Ex-TT	BSc/Sanad	TI
22	Asma Bibi	Late Jumala Bibi	Ex-TT	SSc/Sanad	TI
23	Anwer Zeb	Late Sher Sahib Khan	Ex-DM	SSc	Lab/Asstt/JC
24	Alam Zeb	Late Rasool Dar	Ex-PTC	MA/PET	PET
25	Wasidullah	Late Ahmad ud Din	Ex-PTC	BA/CT/PTC	CT/PTC
26	Mehraj ul Islam	Late Zinat ul Islam	Ex-TT	SSc/FA	Lab/Asstt/JC
27	Abdul Jalal	Late Abdul Humid	Ex-PTC	SSc/PTC	PTC

AGENCY EDUCATION OFFICER,
NORTH WAZIRISTAN AGENCY.

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" B "

(16)

Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar
PH No. 091-9210389, 9210938,
091-9210437, 9210957, 9210468
Fax 091-9210936

OFFICE ORDER.

Consequent upon the approval of Competent Authority Mst: Sonia Ikhlas CT (BPS-15) GGHS Gul Shin Kot Spulga District North Waziristan is hereby transferred against the vacant post of CT (BPS-15) at GGHS Mandawa District Karak in her own pay and BPS in the interest of public service with immediate effect.

Note:-

1. Charge report should be submitted to all concerned.
2. TADA is not allowed.
3. Her service record/documents will be checked before taking over charge.
4. Her seniority in District Karak will be determined at the bottom of the seniority list under the rules.

DIRECTOR.

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst.No. 1634⁴⁰ /E-6/Transfer(F)General Dated Peshawar the 04/7/2020.

Copy forwarded for information and necessary action to the:-

1. District Education Officer Karak w/r to his No.1997 dated Nil.
2. District Education Officer North Waziristan w/r to his No. 3454 dated 23.07.2020 with the remarks to relive her after fulfilling all codal formalities in the instant transfer matter please.
3. District Accounts Officer Karak.
4. District Accounts Officer North Waziristan.
5. Teachers concerned.
6. P.A to Director Elementary and Secretary Education Peshawar
7. Master file.

Deputy Director (Estt;)
Merged District

24/7/20

(17)

OFFICE OF THE OFFICE OF THE DISTRICT EDUCATION OFFICER
(N.W.T.D)

RELEIVING CHIT.

Certified that Mst Sonia Akhlas C.T BPS-15 GGHS Gul Shin Kot Spulga North Waziristan Tribal District is hereby relieved from her duty to day on 30/7/2020 After Noon due to her transfer to GGHS Mandawa District Karak, Vide Deputy Director (Estab) Merged District Transfer Order No. 1634-40, dated :24/07/2020.

She is directed to report for further duty to the DEO Karak Female District Karak.

Ahmed
District Education Officer
North Waziristan Tribal District

**DISTRICT EDUCATION OFFICER,
NORTH WAZIRISTAN TRIBAL DISTRICT.**

c/s
[Signature]
District Education Officer
Tribal District North Waziristan
2

[Handwritten mark]

(18)

CERTIFICATE OF TRANSFER OF CHARGE

1. Certified that we have on the fore/afternoon of this day respectively made over and receive charge of this office of the Post of C.T. BPS 15 vide District Education Officer (F) Karak Endst No 2760-66/F.1 vol 1 Transfer Dated 17-08-2020
2. Particular of cash and important secret and confidential hundred over are noted on the reverse.

Signature of Relieved

Government Servant SARTAJ BEGUM

Station G.G.M.S MANDAWA

Designation S.S.T

Signature of Reliving Sonia Khaz

Government Servant SONIA KHAZ

Station G.G.M.S MANDAWA

Designation C.T - BPS. 15

Endst No 129

Sartaj Begum
HEADMISTRESS
G.G.M. School Mandawa
District Karak

17-08-2020

Submitted copy to the:-

1. DEO(F) Karak
2. D.A.O Karak

LAST DAY CERTIFICATE

19

1. Last Pay Certificate in respect of Sonia Akhles C.T BPs:15
2. Of the (name of the Department) GHSS Gulshan Kot Spulga NWTD
3. Proceeding to transferred / death Transferred TO GHSS Maindama District
4. He has been paid up to Reserve vide Deputy Director (Estt.) merged District Peshawar Office order No: 1634-40 dt: 24/7/2020

Monthly Pay Rates	
A01151	Rs. 2100/-
A01202	Rs. 2349/-
A01203	Rs. 2356/-
A01217	Rs. 1500/-
Charge-All	Rs. —
A01233	Rs. 1000/-
5% 2013	Rs. 425/-
2.5% 2015	Rs. 274/-
10% 2016	Rs. 1351/-
10% 2017	Rs. 2601/-
10% 2018	Rs. 2611/-
10% 2019	Rs. 2611/-
Gross	Rs. 5898/-

Personal No 50335451

Deduction	
GPF	Rs. 2898/-
BF	Rs. 600/-
RB&DC	Rs. 600/-
EEF	Rs. 125/-
TAX	
Total	Rs. 4223/-

Counter signed

5. He made over the balances of the _____
6. Recovery are to be made from the pay of the employee and the balance on the Reserve is nil.
7. He has been paid leave salary as detail below. Deduction have been made on the reverse of this page is (NIL).
8. He is entitled to draw the following _____
9. He is also entitled to joining time for _____
10. The detail to the Income Tax recovered from him up to _____ days from the beginning of this current year is noted on the reverse is (NIL).

P. S. A. Accountant
NWTD Miranshah

Ahmed Saad
District Education Officer Nm
North Waziristan
Miranshah
GHSS Gulshan Kot
Spulga NWTD

Copy Forwarded to _____

_____ copies of this certificate to be submitted to the District Education Officer, North Waziristan at Miranshah along with S/Book in original/Specimen as per the process please.

Ahmed Saad
District Education Officer
North Waziristan
Miranshah

c/s

District Education Officer
Tribal District North Waziristan

Dist. Govt. KP-Provincial
District Accounts Office Miran Shah-N.W.
Monthly Salary Statement (July-2020)

20



Personal Information of Mrs SONIA IKHLAS d/w/s of ALI ABBAS KHAN

Personnel Number: 50335451, CNIC: 1420372973358
 Date of Birth: 14.04.1991, Entry into Govt. Service: 24.12.2016

NTN:
 Length of Service: 03 Years 07 Months 009 Days

Employment Category: Active Temporary

Designation: CERTIFICATED TEACHER

80926378-DISTRICT GOVERNMENT KHYBE

DDO Code: MW6048-GGHS Gul Shin Kot

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No:

Interest Applied: No

GPF Balance:

111,704.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 15

Pay Stage: 3

Wage type		Amount	Wage type		Amount
0001	Basic Pay	20,110.00	1000	House Rent Allowance	2,349.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1528	Unattractive Area Allow	1,000.00	2211	Adhoc Relief All 2016 10%	1,351.00
2224	Adhoc Relief All 2017 10%	2,011.00	2247	Adhoc Relief All 2018 10%	2,011.00
2264	Adhoc Relief All 2019 10%	2,011.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-2,890.00	3501	Benevolent Fund	-600.00
3534	R. Ben & Death Comp Fresh	-600.00	3990	Emp.Edu. Fund KPK	-125.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till JUL-2020: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 35,199.00 Deductions: (Rs.): -4,215.00 Net Pay: (Rs.): 30,984.00

Payee Name: SONIA IKHLAS

Account Number: 120076

Bank Details: NATIONAL BANK OF PAKISTAN, 230451 KARAK KARAK CITY, KARAK

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: NWA MIRAN SHAH

Domicile: -

Housing Status: No Official

Temp. Address:

City:

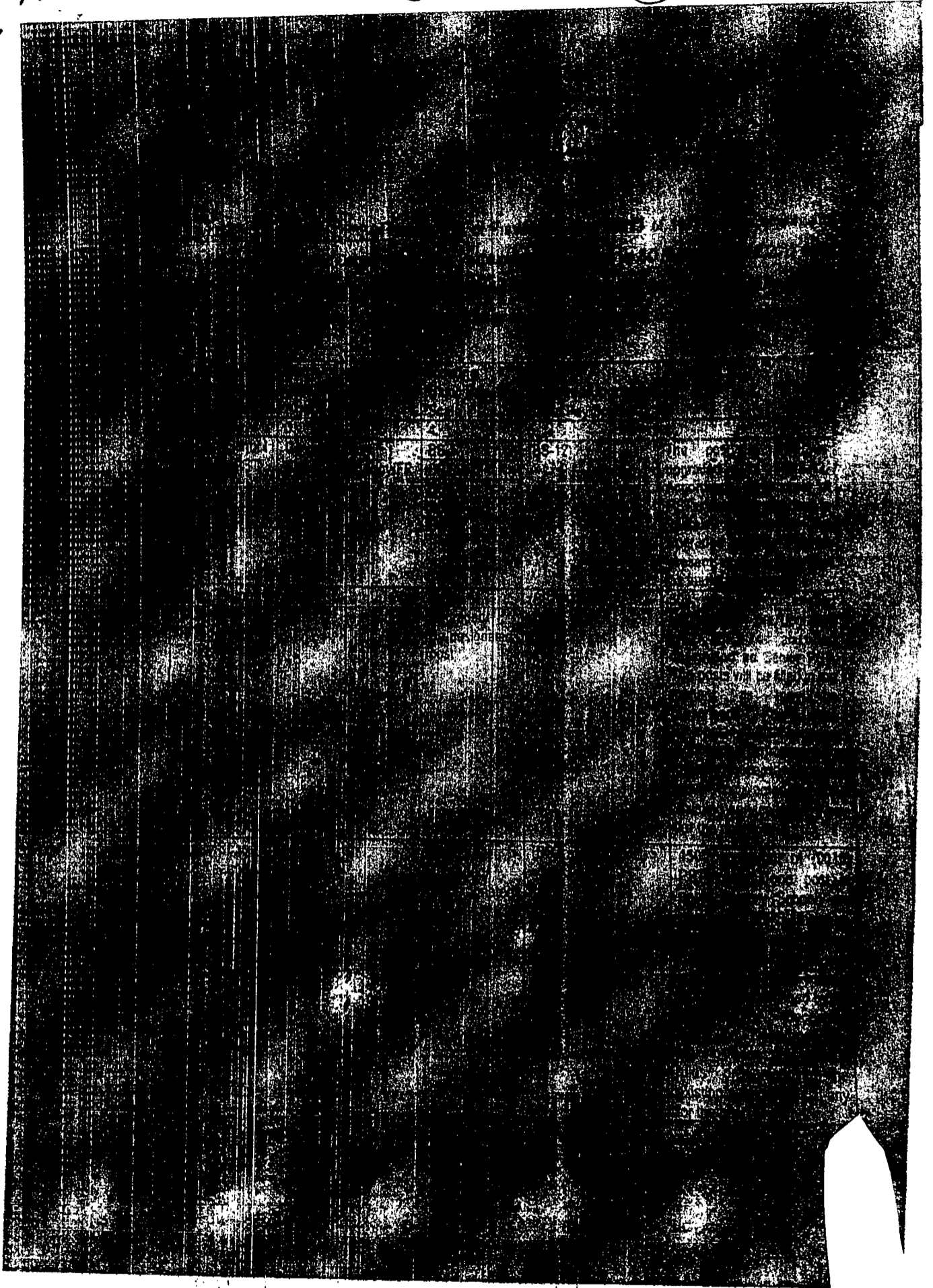
Email: suniaikhlas748@gmail.com

[Handwritten Signature]

[Handwritten Signature]
 District Education Officer
 Tribal District Miran Shah, Khyber Pakhtunkhwa

" C "

(21)



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22

4	Certified Teachers (CT)	Govt. Middle/High/Higher Secondary School (Agency/FR wise breakup attached)	BS-9 BS-10 BS-12 BS-14 BS-15	(BS-15)	All the existing posts of CTs (2956) are upgraded in SPS-15 for the present incumbents as well as future appointees.
5	Senior Certified Teachers (Sr. CT)	-do-	Newly Upgraded/ Re-designated post	(BS-16)	One thirds (1/3) of the total CTs (985) posts are upgraded to SPS-16 and re-designated as Senior CTs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post.
6	Arabic Teachers (A.T)	-do-	BS-9 BS-10 BS-12 BS-14 BS-15	(BS-15)	All the existing posts of ATs (882) are upgraded in BPS-15 for the present incumbents as well as future appointees.
7	Senior Arabic Teacher (Sr. AT)	-do-	Newly Upgraded/ Re-designated post	(BS-16)	One thirds (1/3) of the total ATs (294) posts are upgraded to BPS-15 and re-designated as Senior ATs, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post.
8	Teacher of Theology (T.T)	Govt. Primary/ Middle/High/Higher Secondary School (Agency/FR wise breakup attached)	BS-7 BS-9 BS-10 BS-12 BS-14 BS-15	(BS-15)	All the existing posts of TTs (3436) are upgraded in BPS-15 for the present incumbents as well as future appointees.

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9	Senior Teacher of Theology (Sr. TT)	-do-	Newly Upgraded/ Re-designated post	(BS-16)	One thirds (1/3) of the total TTs (1135) posts are upgraded to BPS-16 and re-designated as Senior TTs, which will be filled in the manner as may be prescribed by the <u>Elementary & Secondary Education Department</u> by making necessary service rules or amending the existing service rules, if any for the post.
10.	Drawing Masters (DM)	Govt. Middle/High/Higher Secondary School (Agency/FR wise breakup attached)	BS-9 BS-10 BS-12 BS-14 BS-15	(BS-15)	All the existing posts of DMs (918) are upgraded in BPS-15 for the present incumbents as well as future appointees.
11.	Senior Drawing Masters (Sr. DM)	-do-	Newly Upgraded/ Re-designated post	(BS-16)	One thirds (1/3) of the total DMs (306) posts are upgraded to BPS-16 and re-designated as Senior DMs, which will be filled in the manner as may be prescribed by the <u>Elementary & Secondary Education Department</u> by making necessary service rules or amending the existing service rules, if any for the post.
12.	Physical Education Teachers (PET's)	-do-	BS-9 BS-10 BS-12 BS-14 BS-15	(BS-15)	All the existing posts of PETs (820) are upgraded in BPS-15 for the present incumbents as well as future appointees.

Senior Teachers

24

13	Senior Physical Education Teachers (Sr. PET's)	-do-	Nowly Upgraded/ Ro-designated post	(BS-16)	One thirds (1/3) of the total PETs (273) posts are upgraded to BPS-16 and re-designated as Senior PETs, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post.
14	Qari/Qaria	-do-	BS-7 BS-9 BS-10 BS-12 BS-14 BS-15	(BS-12)	All the existing posts of Qari/Qaria (318) are upgraded in BPS-12 for the present incumbents as well as future appointees.
15	Sr. Qari/Sr. Qaria	-do-	Nowly Upgraded/ Re-designated post	(BS-15)	One thirds (1/3) of the total Qaris / Qarias (106) posts are upgraded to BPS-15 and re-designated as Senior Qaris / Qaria, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post.

2- It may please be ensured that the teachers, who have already availed the benefits of new upgraded scales referred to above, before the formal issuance of this Notification, are not allowed again the benefit of pay fixation in the new pay scales otherwise the onus for the irregular pay will rest with the departmental officers and Accounts Officers concerned.

3- A policy shall also be devised in the frame work of input / output criteria in terms of qualification, length of service, regularity, punctuality, results, curricular and co-curricular achievements and other performance indicators, so that the teachers do not take the scheme for granted but work for it.

4- Agency / FR wise / School wise breakup of the posts is enclosed here with as annexure.

Authority, Approval of Finance Division, Government of Pakistan, Islamabad as conveyed vide letter No.F.No.1(32)R-1/2015-251/2016 30th May 2016 (copy enclosed).

SECRETARY SOCIAL SECTORS (FATA)

25

Even No. & Date

Copy to:-

1. Secretary Finance Department, FATA Secretariat.
2. Secretary A,I&C Department FATA Secretariat.
3. Secretary (E & SE) Khyber Pakhtunkhwa Peshawar
4. Additional Accountant General (PR) Sub Office Peshawar
5. Director Education (FATA)
6. Director (E & SE) Khyber Pakhtunkhwa Peshawar
7. All Agency Education Officers in Agencies/FRs
8. All Heads of concerned Schools
9. All Agency Accounts Officers in FATA
10. District Accounts Officers, Kohat, Lakki, Bannu, D.I.Khan & Tank
11. SO (TA) SAFRON Division Islamabad with reference his office letter No.3(10) TA/2015 dated 13/5/2016
12. PS to Additional Chief Secretary FATA Secretariat
13. PS to Secretary Social Sector Department FATA Secretariat

(Abdul Manan)
Section Officer (Education)
Social Sector Department

Government of Pakistan
Finance Division
Regular Work

No. 1(32)R-12015-582/2016

Islamabad, 28 July, 2016

Copy to:-

1. Accountant General (PR) Islamabad.
2. Additional Accountant General (PR) Sub Office Peshawar.
3. Director Education (FATA).
4. All Agency Education Officers in Agencies FRs.
5. All Agency Accounts Officers in FATA
6. District Accounts Officers, Kohat, Lakki, Bannu, D.I.Khan & Tank.
7. PS to Secretary Finance Department FATA Secretariat.

(Abdul Manan)
Section Officer (Education)

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" D " (26)

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KARAK**

Address: - KDA, Karak

Phone: 0927-291177

Email: emiskarak@yahoo.com

ADJUSTMENT.

1. Whereas Mst: Sonia Ikhlas CT was transferred from merged District i.e. North waziristan Miranshah vide Director Elementary and Secondary Education Khyber Pakhtunkhwa Endst: No.1634-40/E-6 Transfer (F) General dated 24-07-2020.
2. Whereas she was adjusted at GGMS Mandawa against CT vacant post.
3. Whereas the post was advertised to NTS.
4. Whereas appointment of NTS teacher was made and One Mst: was appointed at GGMS Mandawa vide this Endst: No. 3193-200 dated 29-06-2021.
5. Whereas there is no vacant post at GGMS Mandawa.
6. Whereas her appointed order is suspicious and her case was submitted to the Directorate for further necessary action vide this Office No.1897/File-Vol-1 dated 29/03 /2021.
7. Whereas her case is pending in the Directorate and no decision received to this Office so far.

Now therefore Miss. Sonia Ikhlas, CT GGMS Mandawa is hereby adjusted at GGMS wagi Banda against the vacant post of CT, in the best interest of public.

(ZAIB UN NISA)
District Education Officer
(Female) Karak

Endst:- No. 42019-304 /File-CT/Transfer Dated Karak the 28/09/2021.

Copy of the above is forwarded to the:-

1. PA to Director Elementary and Secondary Education, Khyber Pakhtunkhwa.
2. Headmistress concerned.
3. District Accounts Officer, Karak.
4. B&AO local Office.
5. Teacher concerned.
6. Master File.


District Education Officer
(Female) Karak

(27)

Subject: Transfer from Merged district to District Karak
Memo:

It is stated for your honor that one Mst. Sonja Akhlaas D/O Ali Abbas Khan (late) transferred from North Waziristan District to District Karak vide your good office Ends No. 1634-40/5-51 dated 15/08/2020 vide this office No. 2760-66 dated 15/08/2020.

This office constituted a committee for detail scrutiny of her documents. A meeting of the local committee was held on 10/11/2020 and observation raised. A photo copy of the minutes attached for ready reference.

This office submitted her documents and Minutes of the Meeting to the DEO North Waziristan at Mirnasha Merged for removal of observation vide this office No. 4961-62 dated 21/11/2020.

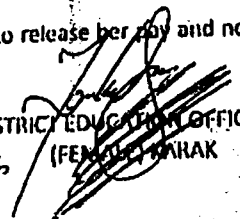
The DEO North Waziristan at Mirnasha Merged District Khyber Pakhtunkhwa received vide his office No. 14673 dated 12/2/2021 which is self explanatory the committee as well as the undersigned is not satisfied from the reply of the DEO concerned.

Detail history of the case is as under.

1. Miss Sonja Akhlaas D/O Ali Abbas Khan (late) appointed against CT BPS 9 post under Beceased Son D/O vide AEO NO 1649-54 dated 23/12/2016 and she took our charge on 24/12/2016 and on the same day she was upgraded to BPS 15.

2. As Per Appointment promotion transfer policy 1989 and para 4 bnc children of the Deceased Govt. Servant be appointed from BPS 3 to 12 in the District cadre post. While the post of CT have been upgraded to BPS 15 by the provisional Government Vide Notification No. SO(B&A)1-18/F&SL/2012 dated 11.07.2012 while the AEO concerned appointment the above named candidate in BPS 09 and upgraded to BPS 15 on the same date. Which needs clarification copy of service book and appointment order is also attached for ready reference.

Hence in the light of the above this office is unable to release her pay and necessary further action required in the case please.


DISTRICT EDUCATION OFFICER
(F&SL) KARAK

Endst. No. _____

Copy to the:-
District Education Officer North Waziristan at Mirnasha Merged District.
Headmistress GGMS Mandawa Karak.
Master file.

DISTRICT EDUCATION OFFICER
(F&SL) KARAK

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Office of the District Education Officer North Waziristan
at Miranshah Merged Areas Khyber Pakhtunkhwa

No. 10173 /DEO NWTD

Dated 12/09/2020

Phone: 0925-313043

Email: deomiranshah@gmail.com

To: The District Education Officer
(Female) Karak

Subject: OBSERVATION ON SERVICE DOCUMENTS

Memo.

Reference your office letter No 4901-02/F-1/Vol-1 Pay Release Infor district dated 2/12/2020 on the subject cited above, 1- is submitted for your kind information that para wise replies of the subject case as mentioned below is submitted herewith as required please
Item No 2 Sonia Ikhlas CT GGHS Gulsthen Kot NWTD Miranshah presently serving at GGHS Mandawa Kurk.

1. In the appointment order terms and conditions at S No 1 showing that the appointment on temporary basis. It is further stated that the appointment order showing BPS-09. Where as Ct teacher are appointed in BPS-15 as notified by the FD Peshawar No. 112/So. (P) 2015 Vol 17/2015.

But due to Zarb-e Azam the office was shifted to Bahawalpur on temporary basis and no such order was received to this office at that time.
Hence the undersigned made her appointment in BPS-09 and then up.

Graded the teacher to BPS-15

2. Notification of post up-Gratdion is attached.
3. Roll No duty recorded in her service book.
4. Notification copy is attached.
5. Column No 8 of the service book signed by the teacher concerned;
6. The then District Education Officer, (NWTD) Miranshah verified /attested the copy of the Service Book.
7. Page No 2 of the service Book verified /attested by the then Director Education Officer Miranshah.
8. Reliving chit has been issued on 3/7/2020 and the teacher has handed over the charge on 17/8/2020 and the transfer of charge report is attached.
9. Health certificate, service certificate, NIC copy is attached.
10. Domicile certificate is attached.

District Education Officer
North Waziristan Miranshah

29



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar
PH No. 091-9210389, 9210938,
091-9210437, 9210957, 9210468
Fax 091-9210936

Dated 13/9/2021

No. 12997 IE-G/Inter Distt: Transfer NWS

To

The District Education Officer,
North Waziristan

Subject:-
Memo:-

ENQUIRY REPORT IN RESPECT OF SONIA IKHLAAS CT

I am directed to refer to the subject noted above and to enclose a copy of enquiry report enquired by Mr, Khalil --ur-Rehman Principal GHS Miran Shah City against Mst; Sonia Ikhlalas CT BPS-15 GGHS Gul Shin Kot Spulga NWTD under transfer to GGHS Mandawa District Karak with the remarks to examine the instant report and submit the Comprehensive report with solid suggestion and comments in a week positively

Encl: Attached

M. Iqbal
Deputy Director (Estt.)
Merged Areas
13.9.21.

Endst: No. _____

Copy forwarded to the:-

1. P.A to Additional Director (Merged Districts) local Directorate

Deputy Director (Estt.)
Merged Areas

" E " (30)

ENQUIRY REPORT IN RESPECT OF SONIA IKHLAAS CT

Ground:

One Mst. Sonia Ikhlās D/O Ali Abbas Khan (late) has been appointed against vacant CT Post under Deceased Son's Quota Vide AEO No. 1649-54 dated 23-12-2016 in BS-09 and on the same day upgraded to BS-15.

As per appointment transfer policy 1989 and para 4 only one children of the deceased government servant is to be appointed from BS-1 to BS 12, while the post of CT had been upgraded to BS-15 by the Provincial Government KP vide notification No. SO(B&A)1-18/E&SE/2012 dated 11-07-2012 whereas, the notification of provincial government was endorsed by the erstwhile FATA Education Department vide notification No: 1(32)R-I/2015-582/2016 dated 28-07-2016.

Procedure:

1. Sonia Ikhlās was interviewed in person in detail about her qualifications and appointment as CT teacher.
2. All her relevant documents such as original NIC, academic credentials, service book, appointment order were scrutinized and checked.
3. Documents and service history of her father name Ali Abbas Khan was also checked from the local office at Miranshah.
4. Her file at the DEO Office NWTD and all the successive notifications of upgradation were studied in detail.

Facts and Findings:

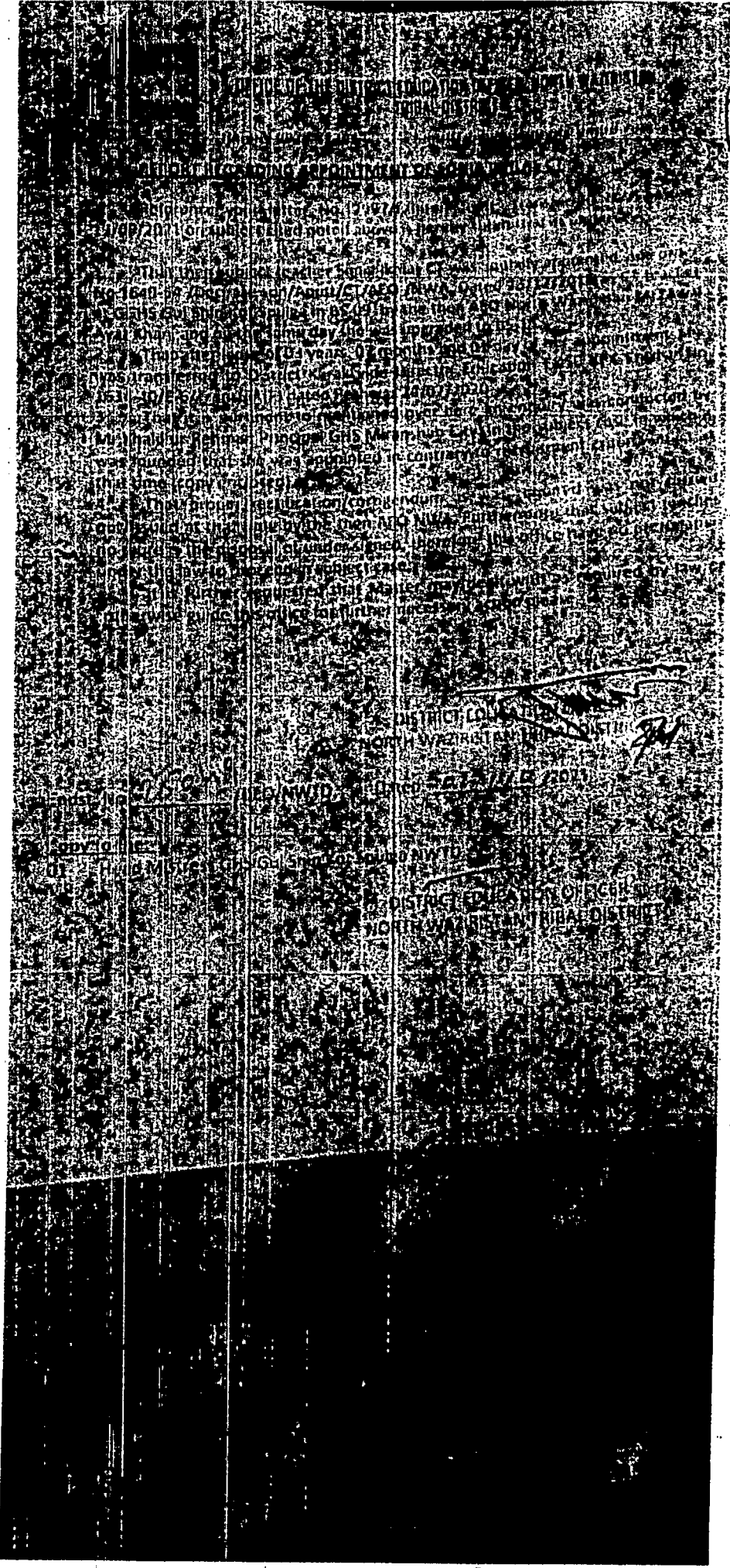
1. One Mst. Sonia Ikhlās D/O Ali Abbas Khan (late) had been appointed by the then Education Officer against vacant CT Post under Deceased Son's Quota Vide AEO No. 1649-54 dated 23-12-2016 in BS-09 as the deceased had no other son or daughter, and on the same day upgraded to BS-15.
2. Mst. Sonia Ikhlās is qualified and eligible in all respects to avail the deceased son's quota, and consequently she was appointed by the then competent authority i.e AEO North Waziristan as CT teacher.
3. The only flaw that can be observed in her case is that she has been appointed in BS-9 on 23-12-2016, whereas the post of CT was upgraded to BS-15 in the erstwhile FATA Education Department vide notification No: 1(32)R-I/2015-582/2016 on dated 28-07-2016.

Recommendations:

The appointment order issued by AEO North Waziristan in respect of Mst. Sonia Ikhlās Vide AEO No. 1649-54 dated 23-12-2016 CT in BS-09 may be declared as null and void in ab initio. She may be reappointed in a lower scale position from BS-1 to BS-12 in her own District, as she is qualified and her salaries may be adjusted from the date of her taking over charge, so as to allow her perform her duties whole heartedly and efficiently. As she is not guilty in the case rather the mistake has been done by the then competent authority AEO North Waziristan who may be held responsible for the same.

KHALIL UR REHMAN
PRINCIPAL GHS MIRAN SHAH CITY

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**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

PH No. 091-9210389, 9210938,

OFFICER ORDER

The transfer order in respect of Mst. Sonia Ikhlas CT from GHS Gul Shin Kot Spulga District North Waziristan to GGHS Mandawa District Karak issued by this Directorate under endorsement No. 1634-40 Dated 24-07-2020 is hereby withdrawn from the date of its issuance.

Furthermore, in pursuance of the recommendations of the Inquiry Report, the DEO North Waziristan is directed to re-appoint Mst. Sonia Ikhlas CT against the post of BPS-01 to BPS-12 under Deceased Son's/Daughter's Quota as per existing Rules/Policy.

- Note: -
1. No DA/DA etc are allowed.
 2. Compliance report should be submitted to all concerned.

Director

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

EndstNo. 15306-12 /E-6/Inter Distt; Transfer NWS Dated Peshawar the 11/11/2021

Copy of the above is forwarded to the:-

1. District Education Officer North Waziristan w/r to his letter No. 25048 Dated 02-10-2021.
2. District Education Officer (F) Karak w/r to her No, 1897/File-1/Volume-1 dated 29.03.2021
3. District Accounts Officers Karak/North Waziristan
- ✓ 4. Headmistress GGHS Gul Shin Ko Spulga NWD
4. Headmistress GGHS Mandawa District Karak
5. Teacher concerned
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa.
7. Master File.

M. Hussain
Deputy Director (Estab)
Merged Districts

11.11.21

“ 9 ”
(33)

To

The Secretary,
(E&SE) Department,
Peshawar

Subject: DEPARTMENTAL APPEAL AGAINST THE
IMPUGNED ORDER DATED 11.11.2021 PASSED BY
DIRECTOR (E&SE), KHYBER PAKHTUNKHWA
PESHAWAR

Respected Sir,

With due respect the applicant humbly submitted as under:

1. That Appellant is highly qualified. She was appointed as CT on the basis of deceased Son quota vide order dated 23.12.2016 by the then Agency Education Officer NW and was posted at GGHS Gul Shin kot Spulga North Waziristan.
2. That after about 4 years she was transferred from GGHS Gul Shin kot Spulga North Waziristan to her native District Karak against vacant post of CT at GGHS Mandawa District Karak.
3. That it is pertinent to mention here that, the initial appoint of the appellant as CT was made in BPS-09 but later the post of CT was upgraded form BPS-09 to BPS-15, vide notification dated 28.07.2016, therefore the pay of the appellant was also fixed in BPS-15.
4. That it is also pertinent to mention here that the CT post against which appellant was transferred and adjusted was occupied by one namely Mst. therefore appellant was adjusted against CT post at GGMS Wagi Banda District

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- Karak by the Competent Authority vide order dated 08.09.2021.
5. That appellant assumed her charge at GGMS Wagi Banda District Karak and started her duty in pursuance of the order of the competent authority.
 6. That meanwhile inquiry committee was constituted to probe into the initial appointment order of the appellant as a CT on the basis of deceased Son quota.
 7. That inquiry was conducted in absence and at the back of the appellant without opportunity of defence and also in violation of the prescribed procedure.
 8. That the inquiry committee vide its recommendation recommended that appellant may be downgraded as her initial appointment could not be made in BPS-15 on the basis of deceased son quota.
 9. That the Director (E&SE) Khyber Pakhtunkhwa, Peshawar vide impugned order dated 11.11.2021 not only withdrawn the transfer order of the appellant dated 24.07.2020 but also withdrawn the initial order of appellant against CT post and directed to reappoint the appellant against any post of BPS-01 to BPS-12 under the deceased son quota.
 10. That appellant now being aggrieved of the impugned order dated 11.11.2021 refers the instant departmental Appeal inter alia, on the following grounds:

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GROUND S:

- A. That the worthy Director (E&SE) Khyber Pakhtunkhwa Peshawar has not treated the appellant in accordance with the law, rules, and policy on the subject and acted in violation of Article-4, 10-A of the Constitution of Pakistan, 1973.
- B. That appellant was appointed in CT in BPS-09 vide order dated 23.12.2016 since the post of CT was upgraded to BPS-15, therefore she was adjusted in BPS-15 and her pay was also fixed accordingly, appellant has served as such for considerable period, the alleged inquiry procedure has been adopted in the absence and in the back of the appellant and she has been condemned unheard which is the violation of the principle laid down by the Hon'ble Supreme Court of Pakistan, "Audi Altrum-Partum" and also against the principles of natural justice, equity and fair play.
- C. That appellant has been serving against CT post since her first entry into the government service i.e. 2016, the order of adjustment against CT post BPS-15 has not only been notified but also acted upon for long period of more than 4 years. Appellant has also received her salary in BPS-15 since her adjustment on regular basis from year 2016 till the date of impugned order, the competent authority may recall/withdraw his order under the principles of locus pontentia but this competence cannot

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be exercised once in order is notified and acted upon in the present case, the adjustment order of the appellant against CT post on regular basis has not only been notified but also acted upon for long more than 4 years and therefore vested right of the appellant has been accrued against the CT post which cannot be snatched through a single stroke of pin.

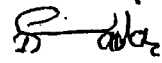
- D. That the finding of the inquiry officer is also worth perusals, thereby he stressed that appointment of the appellant against CT post BPS-15 was not the fault of the appellant rather the same as the fault of the appointing authority which cannot be attributed to the appellant. The Hon'ble Supreme Court of Pakistan vide reported judgment has directed that no action could be taken against employee who has no role in his/her appointment, rather the action shall be taken against the officer who has made the fault, appellant cannot be penalized for the fault of the others.
- E. That the impugned order dated 11.11.2021 is penal order and that too notified without adhering to the prescribed procedure provided in the statute and the rules there under, in the instant case the appointing authority of the appellant is the head of Districts Education (F) District Karak in whereas the impugned order has passed by the Director (E&SE) Khyber Pakhtunkhwa , who is not the appointing authority of the appellant, therefore the

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same is the void order, which cannot be legalized on any scope.

In view of the above humble submissions it is humbly requested that the impugned order dated 11.11.2021 may kindly be set aside and appellant may be reinstated and allow her to perform her duty at her place of posting i.e. GGMS Wagi Banda, District Karak

Appellant

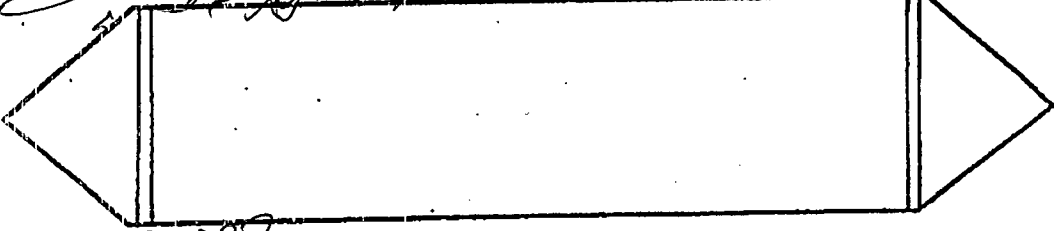


Sonia Ikhlq
C.T Teacher,
GGMS Wagi Banda,
District Karak
Cell No.0344-1901467

Dated 01.12.2021



بعدالت روسی ٹریڈنگ کمپنی



2022ء پنجاب

بنام

Soniaklas vs Govt

موزخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار ہوگا۔ نیز وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ پر حلف دینے، جواب دہی اور انہیال دعویٰ اور بسورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا جاتا ہے۔ نیز تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں ہر چیز ہر جہانہ اتوا۔ سے مقدمہ کے سپرد ہے۔ وہ ہونا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Attested & accepted 2022

_____ ماہ _____

_____ المرقوم 18

_____ واد العب
 _____ سو نیا افسر (ایپلنٹ) کے لئے منظور ہے۔
 _____ مقام

BC No. 10-9973
 Mobil No. 03480105985