

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 6272/2020

BEFORE: SALAH UD DIN --- MEMBER(J)
MIAN MUHAMMAD --- MEMBER(E)

**Mst. Zainab Khushal D/o Khushal Khan R/o H. No. 199/D,
St. No. 4 Sector G-73/2 Islamabad, (Ex.SS Islamiyat
Government Girls Higher Secondary School Chota Lahore,
Swabi..... (Appellant)**

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa.
2. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
3. Ministry of Capital Administration & Development Islamabad through its Director General Islamabad.....(**Respondents**)

Present:

JAVED IQBAL GULBELLA,
Advocate --- For Appellant.

MUHAMMAD RIAZ KHAN PAINDAKHEL,
Assistant Advocate General --- For respondents.

Date of Institution.....19.06.2020
Date of Hearing.....22.09.2022
Date of Decision.....13.10.2022

JUDGEMENT.

MIAN MUHAMMAD, MEMBER(E):- The instant service appeal has been instituted with the prayers that "on acceptance of the instant service appeal, the impugned Notification No. SO(S/F) E&SED/4-10/2017/Mst Zainab Khushal /SS/Swabi dated 29.08.2019 and impugned office order No. So(S/F) E&SED/4-17/2020/Mst. Zainab Khushal dated

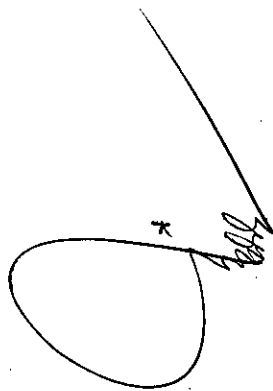
13.05.2020 of the office of Secretary Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa whereby the appellant was removed from service and her departmental appeal was dismissed accordingly, may graciously be set aside and cancelled and by doing so the appellant may very graciously be reinstated into service with all back benefits.”

02. Brief facts, as per memorandum of appeal, are that the appellant was working as Subject Specialist Islamiyat (BS-17) in the respondent department since 29.07.2008. Her services were placed at the disposal of Federal Directorate of Education Islamabad. On completion of the maximum 05 years period of deputation, she was repatriated and directed to report in the parent department which the appellant challenged in the honourable High Court, Islamabad. However, the Writ Petition was disposed of and her intra court appeal was also dismissed upon which she reported in the parent department. But she was imposed the major penalty of removal from service on allegation of willful absence vide impugned order dated 29.08.2019 and her departmental appeal was declined on 13.05.2020. The appellant, in order to seek redressal of her grievances, filed the instant service appeal on 19.06.2020.

03. On admission of the service appeal in preliminary hearing on 15.07.2021, the respondents were put on notice to submit written defense through reply/para-wise comments. Reply/Parawise comments were submitted by the respondents on

31.05.2022. We have heard learned counsel for the appellant as well as learned Assistant Advocate General for the respondents in Divisional Bench and gone through the record thoroughly with their assistance today.

04. Learned counsel for the appellant contended that the appellant had been transferred to the Federal Directorate of Education, Islamabad under the Wedlock policy of the Federal government on deputation basis as her husband was residing in Islamabad. As her family and school going children were residing in Islamabad, her period of deputation was extended from time to time till maximum of 05 years. Besides, her case for permanent absorption in the Federal government was under consideration owing to the Directive of Prime Minister of Pakistan of 2013. On the other hand, on completion of her 05 years of deputation, she was repatriated vide order dated 23.05.2018. The appellant challenged it through Writ Petition before the honourable High Court, Islamabad and it was disposed of on 25.06.2018 with the direction to respondent No. 4 (Director General Federal Directorate of Education Islamabad) to treat the petition as representation and decide it in the light of wedlock policy. The appellant was issued Show Cause Notice on 01.11.2018 with tentative imposition of major penalty of removal from service which was though challenged in the honourable High Court, Islamabad but the appeal was dismissed. The appellant was never willfully absent but was engaged in litigation

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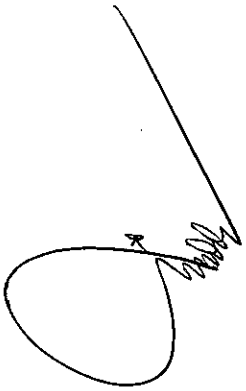
case which was in the knowledge of both borrowing and lending department (parent department). The executive authorities are restrained to take any action in a sub-judice matter as held in 2009 SCMR 369. Even the appellant submitted arrival report in the parent department on 07.03.2019 before her repatriation notification was issued by the Federal Directorate of Education Islamabad on 20.03.2019. But despite that, her arrival report was not accepted by the parent department without any rhyme or reason. It was further argued that the chance of personal hearing was not given to the appellant by the competent authority. Similarly, the impugned Notification imposing the major penalty of "removal from service" has not been issued by the competent authority. Moreover, neither enquiry was ever conducted nor any enquiry dispensation order had been issued. The impugned Notification of imposition of major penalty was wrong, illegal and void which is liable to be set aside and the appellant is entitled to be reinstated in service with all back benefits, he concluded.

05. Learned Assistant Advocate General controverted contention of the learned counsel for appellant and argued that the appellant was transferred to Federal Directorate of Education Islamabad on deputation basis for 05 years w.e.f 05.06.2012 to 15.10.2017 which was not further extendable under the prevalent law and relevant rules. On expiry of the deputation period, she did not submit arrival report to assume duty in the parent

department on 16.10.2017 despite the fact that it had specifically been mentioned in the Notification dated 19.05.2015 that “after completion of the deputation period, she will be deemed as repatriated to her parent department.” The appellant, therefore, illegally over stayed in Federal Directorate of Education Islamabad and remained absent from duty in the parent department w.e.f 16.10.2017. The appellant was therefore, served letter dated 28.03.2018 followed by reminders dated 04.07.2018, 27.07.2018, 14.09.2018 and a Show Cause Notice issued to her by the competent authority on 01.11.2018. The appellant was also granted an opportunity of personal hearing on 21.08.2019 through Secretary Auqaf, Hajj, Religious and Minority Affairs, on behalf of the competent authority. The Chief Minister, being the appellate authority, approved the imposition of impugned penalty of removal from service upon the appellant and subsequently regretted the departmental appeal of the appellant. Since all the codal formalities have been fulfilled before imposition of the major penalty of removal from service upon the appellant, the appeal may therefore, be dismissed with costs, he concluded.

06. Careful perusal of the record reveals that services of the appellant were placed at the disposal of Federal Directorate of Education Islamabad on deputation basis initially for one year on 05.07.2012. The deputation period of the appellant was extended for two years on 06.08.2013 w.e.f 07.08.2013 to 08.08.2015. On

the request of Federal Directorate of Education the deputation period was further extended for two years (w.e.f. 08.08.2015 to 07.08.2017) making it to the maximum five years of deputation vide notification dated 19.05.2015. It is not disputed that the period of 05 years deputation expired on 07.08.2017 but the appellant was not put on notice to report back in the parent department. It was on 23.05.2018 that the appellant was relieved by the Directorate of Federal Education Islamabad with direction to report in her parent department which was challenged in the honourable High Court, Islamabad through Writ Petition No. 2409/2018. Similarly, Show Cause Notice issued to the appellant by the parent department on 01.11.2018 was challenged through ICA No. 495/2018 which was dismissed by honourable High Court, Islamabad on 14.02.2019. The appellant after litigation which was well in the knowledge of both borrowing and lending/parent departments, submitted arrival report in the parent department on 07.03.2019. It was however, not accepted probably on the ground that she had been issued Show Cause Notice with tentative penalty of "removal from service" on 01.11.2018 which the appellant duly replied on 02.01.2019. It is a matter of the record that being an employee of the parent department, she was allowed for 05 years deputation to the Federal Directorate of Education Islamabad. During all this period and even in the litigation phase, the appellant was in touch with her parent department in one way or the other which cannot

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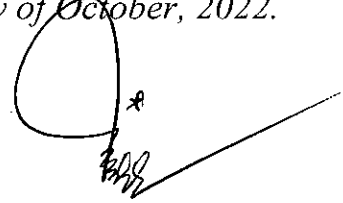
be called or attributed to as willful absence by any yardstick of definition of the term "willful absence".

07. Fair trial and due process is the basic and fundamental right of every citizen guaranteed under Article 10-A of the constitution. It is also fundamental right of the appellant to be dealt with in accordance with law under Article 4 of the constitution. But in the instant case, we have observed that no formal and proper enquiry has ever been conducted against the appellant under the provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 before awarding her the major penalty of "removal from service" on 29.08.2019 which is in utter violation and disregard to the plethora of judgements of august Supreme Court of Pakistan. Reliance in this regard, is placed on 2005 PLC (C.S) 263, 2007 SCMR 963 and 2008 SCMR 1369. Moreover, the appellate order dated 13.05.2020 passed on departmental appeal of the appellant is not a speaking order to have been issued by the appellate authority i.e. Chief Minister Khyber Pakhtunkhwa. The appellant has therefore, been condemned unheard without providing her the ample opportunity of self defence to meet the ends of natural justice and canons of law on the subject for adjudication.

08. As a sequel to the foregoing discussion, the Tribunal is constrained to interfere with the impugned Notification dated 29.08.2019 and appellate order dated 13.05.2020 being not tenable on the touchstone of legal firmity. Both the impugned

orders are therefore, set aside and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

09. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 13th day of October, 2022.*



(MIAN MUHAMMAD)
MEMBER (E)



(SALAH UD DIN)
MEMBER (J)

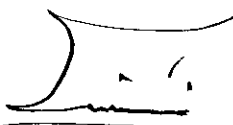
ORDER

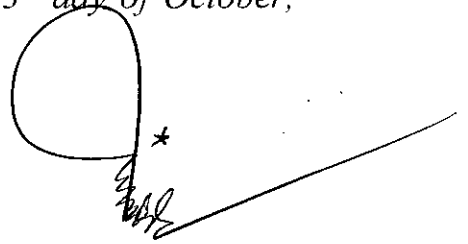
13.10.2022

Appellant alongwith her counsel Mr. Javed Iqbal Gulbella, Advocate present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgement of today separately placed on file containing (08) pages, the Tribunal is constrained to interfere with the impugned Notification dated 29.08.2019 and appellate order dated 13.05.2020 being not tenable on the touchstone of legal firmity. Both the impugned orders are therefore, set aside and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

03. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 13th day of October, 2022.*


(SALAH UD DIN)
MEMBER (J)


(MIAN MUHAMMAD)
MEMBER (E)

5th October, 2022 Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Order could not be announced due to non-availability of proper D.B. To come up for order on 13.10.2022 before the D.B.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

26th July 2022 Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 22.09.2022 before the D.B.



(Salah-Ud-Din)
Member (J)

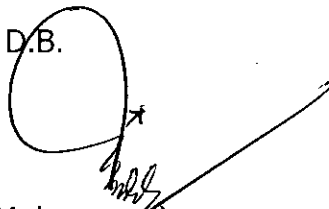


(Kalim Arshad Khan)
Chairman

22.09.2022

Appellant alongwith her counsel present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Arguments heard. To come up for order on 05.10.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

17.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 11.03.2022 for the same as before.

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore case is adjourned to 31/05/2022 for the same as before.

Reader

On
Reader

31.05.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Faheem Ullah, Assistant for the respondents present.

Written reply/comments on behalf of respondents submitted which is placed on file. Copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder if any, and arguments on 26.07.2022 before D.B.

(Mian Muhammad)
Member (E)

6272/2020

15.07.2021

Junior to counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted for regular hearing, subject to all just and legal objection including that of limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 13.12.2021 before the D.B.

Appellant Deposited
Security & Process Fee


Chairman

13.12.2021

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Learned counsel for the appellant submitted an application for deletion of respondent No.3 from the penal of respondents which is placed on file. Application is allowed. Reader of the court is directed to make necessary correction. Learned AAG seeks time to contact respondent No.1 and 2 for submission of written reply/comments. Adjourned. To come up for written reply/comments on 17.02.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

12.01.2021

Mr. Musa Zeb, junior to senior counsel is present for appellant. He submitted that his senior is busy in the Hon'ble Peshawar High Court, Peshawar and requested for adjournment. The request is acceded to, the appeal is adjourned to 07.04.2021 on which date file to come up for preliminary hearing before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

07.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 15.07.2021 for the same as before.

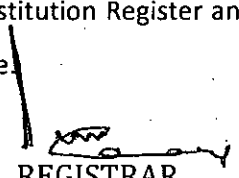

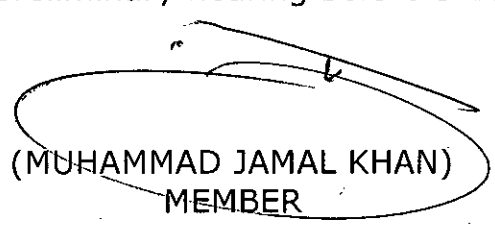

READER

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 6272 /2020

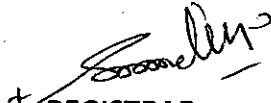
1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/06/2020	<p>The appeal of Mst. Zainab Khushal resubmitted today by Mr. Javed Iqbal Gulbella Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/08/2020</u>.</p> <p> CHAIRMAN</p>
05.08.2020		<p>Mr. Hamza Khan Durrani, Advocate, junior to Mr. Javed Iqbal Gulbela, Advocate learned counsel for the appellant is present. Formal requested for adjournment on the ground that his senior counsel is suffering from certain disease. Adjourned to 28.10.2020. File to come up for preliminary hearing before S.B.</p> <p> (MUHAMMAD JAMAL KHAN) MEMBER</p>
	28.10.2020	<p>Appellant present through representative.</p> <p>Lawyers are on general strike, therefore, case is adjourned to 12.01.2021 for preliminary hearing, before S.B.</p> <p> (Rozina Rehman) Member (J)</p>

The appeal of Mst. Zainab Khushal Ex-SS GGHS Chota Lahore Swabi received today i.e. on 19.06.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned order and departmental appeal against it are not attached with the appeal which may be placed on it.
- 2- Documents referred to in the memo of appeal (Annexures-A to U) are not attached with the appeal which may be placed on it.

No. 1270 /S.T,

Dt. 19-06 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Javed Iqbal Gulbella Adv. Pesh.

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

In Re S.A 6272 /2020

Mst Zainab

VERSUS

Government of Khyber Pakhtunkhwa & Others

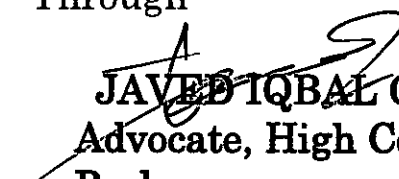
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3.	Addresses of Parties.		13
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7.	Copies of the Letter dated 13/05/1998, 21/04/2006, Approval dated 16/03/2013 and Application for absorption	"E to H/1"	21-25
8.	Copies of the application	"I & J"	26-27
9.	Copies of Writ Petition No: 2409/2018 and Intra Court Appeal 495/2018	"K & L"	28-40
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Dated : 19/06/2020


Appellant

Through


JAVED IQBAL GULBELA
Advocate, High Court,
Peshawar.

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BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re S.A 6272 /2020

Diary No. 5312
Date: 19/6/2020

Mst Zainab Khushal D/o Khushal Khan R/o H.No:
199/D, St.No: 04, Sector G-7-3/2 Islamabad, (Ex. SS
Islamiyat Government Girls Higher Secondary
School Chota Lahore, Swabi)

-----**(Appellant)**

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa.
2. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
3. Ministry of Capital Administration & Development Islamabad through its Director General Islamabad.

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2 me over
13/12/20

-----**(Respondents)**

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT -1974 AGAINST THE IMPUGNED
NOTIFICATION NO. SO(S /F)E&SED/4-
10/2017/ MST. ZAINAB KHUSHAL /SS/
SWABI, DATED 29/08/2019 OF THE OFFICE
OF THE SECRETARY ELEMENTARY &
SECONDARY EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA, WHEREBY THE
APPELLANT HAS BEEN REMOVED FROM
SERVICE, IN AN ILLEGAL & WHIMSICAL
MANNER.

Filed to-day

Registrar

19/6/20

re-submitted to -day
and filed.

Registrar

25/6/20

Respectfully Sheweth;

1. That the Appellant is a naturally born bonafide citizen of the Islamic Republic of Pakistan & hails from a respectable family.

2. That after going through the mandatorily required written examination & interviews via the then NWFP Public Service Commission, the Appellant was inducted into service as Subject Specialist (SS) Islamiyat (BPS-17) on 29/07/2008. (Copy of appointment order dated 29/07/2008 is annexed herewith as Annexure "A")
3. That as the husband of the Appellant is residing in Islamabad, so on the wedlock policy upon her request the Appellant services were called upon by the Federal Directorate of Education Islamabad on the deputation basis. In this respect letter dated 06/08/2012 was issued from the Ministry of Capital Administration and Development Islamabad, Government of Pakistan. (Copy of letter dated 06/08/2012 is annexed as Annexure "B")
4. That after borrowing the services of the Appellant for one year, the same was extended again and again, till the pendulum reached to the office order 02/12/2016, which was addressed to the Appellant vide Notification dated 19/12/2016. (Copies of extension record

(3)

are annexed herewith as annexure "C & D" respectively)

5. That as the Appellant had been sent on deputation under the wedlock policy circulated through office memorandum dated 13/05/1998 of the Establishment Division and office memorandum dated 21/04/2006 of the Establishment Division, Cabinet Secretariat, Government of Pakistan, where-after an approval was also issued vide letter dated 16/03/2013 of the Ministry of Capital Administration and Development, Government of Pakistan, for absorption of Deputationist under the wedlock policy, so the Appellant also moved application for permanent absorption in the Federal Directorate of Education Islamabad. (Copies of the Letter dated 13/05/1998, 21/04/2006, Approval dated 16/03/2013 and Application for absorption are annexed herewith as Annexure "E to H/1" respectively).
6. That as the Appellant had been performing her duties as deputationist under the wedlock policy, that in the meanwhile letter dated 28/03/2018 was issued by the worthy Secretary E & SE Department Khyber Pakhtunkhwa, wherein request for repatriation of the

Appellant was made. This request of Secretary of E & SE was approved vide order dated 23/05/2018 by the Federal Directorate of Education, Islamabad, and the Appellant was repatriated to her parent department. The Appellant moved application both to the Secretary E & SE Department Government of Khyber Pakhtunkhwa, and to Director F.D.E Islamabad. (Copies of the applications are herewith as annexure "I & J" respectively).

7. That besides moving applications to the concerned authorities, the Appellant also preferred Writ Petition No. 2409/2018 in the Hon'ble High Court Islamabad. The Hon'ble High Court disposed off the aforementioned Writ Petition by holding "The Petitioner earlier filed a representation before respondent No.4 which was accordingly decided, however, the same was not decided on the basis of wedlock policy". The Hon'ble Islamabad High Court further transmitted the aforementioned Writ Petition to respondent No.4 with a direction to treat it as Representation and decided in light of wedlock policy and applicable law vide order and judgment dated 25/06/2018 an Intra Court Appeal No: 495/2018 was also later on moved and that was disposed off

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vide order and judgment dated 15/11/2018. (Copies of Writ Petition No: 2409/2018 and Intra Court Appeal 495/2018 are annexed herewith as annexure "K & L" respectively).

8. That as the Writ Petition of the Appellant was decided in her favor, so the Appellant moved application to the Director F.D.E Islamabad for implementation of the order of Islamabad High Court on 30/06/2018. (Copy of the Application is annexed herewith as Annexure "M")
9. That although the repatriation order dated 23/05/2018, issued in response to letter dated 28/03/2018 had already been held by the Hon'ble Islamabad High Court to be without application of law and as against the wedlock policy and had virtually been turned down, which although had not specifically been mentioned as such; but as impliedly and virtually had done so, hence the repatriation order was no more in field, which fact is also got strengthen by subsequent repatriation order. But inspite of all this a Show-Cause Notice was issued by the office of Chief Secretary Khyber Pakhtunkhwa, which was addressed to the Appellant vide office letter dated 01/11/2018. (Copy of the

(6)

letter dated 01/11/2018 is annexed as Annexure "N")

10. That as the I.C.A No 495/2018 of the Appellant was decided on 15/11/2018, so the Appellant moved an application for requesting her repatriation to the Director F.D.E Islamabad on 01/03/2019 and made an application for making her arrival to the Secretary E & SE Khyber Pakhtunkhwa, Peshawar as well. (Copies of the application for repatriation and arrival are annexed herewith as annexure "O & P" respectively).

11. That a repatriation order was thus issued vide Notification order dated 20/03/2019 for repatriating the Appellant and thus the appellant was repatriated to her parent department. (Copy of Repatriation Notification dated 20/03/2019 is annexed herewith as Annexure "Q")

12. That as the appellant had made request for arrival, but the same was not acceded to, so the Appellant moved application as well as made request for personal hearing, which was although granted, but before the Irrelevant Authority, vide order dated 08/08/2019, which took place on 21/08/2019. (Copy of the Letter Dated

08/08/2019 is annexed herewith as Annexure "R")

13. That in spite of the fact, that the Appellant for herself requested for repatriation and even submitted her arrival and the repatriation order was issued on 20/03/2019, but the arrival was not accepted, for reason best known to the Competent Authority, the matter was kept pending till the impugned office notification No: SO(S/F) E& SED/4-10/2017/Mst. Zainab Khushal/ SS/SWABI/ Dated 29/08/2019, whereby the Appellant was removed from service in a thoroughly illegal and unwarranted manner, issued by the office of Secretary Elementary and Secondary Education Department, Government of Khyber Pakhtunkhwa, who is also not a Competent Authority in the instant matter. (Copy of the Impugned Notification of the removal of service dated 29/08/2019 is annexed herewith as Annexure "S" while that of certificate from the Appellant School is Annexure "T" respectively).

14. That feeling aggrieved the appellant prefer the Departmental Appeal for setting aside the impugned Notification dated 29/08/2019 and for her reinstatement

into service with all back benefits, but same was also dismissed during the pendency of service Appeal vide office order No. So(S/F) E & SED/4-17/2020 Dated 13/05/2020 in a classical cursory and whimsical manner.(Copy of impugned office order No. So(S/F) E & SED/4-17/2020 Dated 13/05/2020 annexed herewith as Annexure "U")

15. That feeling aggrieved the appellant prefer the instant service appeal before this Hon'ble Tribunal for her reinstatement into service with all back benefits upon the following grounds inter-alia:-

Grounds:-

- A. That the impugned removal from service order is wrong, illegal & void, hence liable to be set aside.
- B. That no inquiry was ever conducted, nor any inquiry dispensation order was ever issued, even then, the Major Penalty was imposed, which is against the governing rules.

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- C. That no charge-sheet, no statement of allegation was ever issued to the Appellant.
- D. That even no Final Show-Cause Notice was ever issued to the Appellant which is mandatory, even if no inquiry is made or advised or dispensed with.
- E. That no proper right of defense was ever extended to the Appellant & even then harshest penalty was imposed, which is illegal.
- F. That initial repatriation order had already been impliedly cancelled by the Hon'ble Islamabad High Court, which fact is further, affirmed by the issuing fresh repatriation order on 20/03/2019, giving rise to 'a fresh cause of action in favour of the Appellant.
- G. That although repatriation order was issued on 20/03/2019 and thereafter without any notice, Show-Cause Notice or any other direction was ever issued by the Competent Authorities of the Government of Khyber Pakhtunkhwa, rather on the other hand the arrival was not accepted and acceded to without any rim or reason and the matter was kept pending till the

impugned order, which under the law, is not allowed.

H. That pleading her case under wedlock policy is not a curse, where against the Appellant can be blamed for and penalized, which the respondent did.

I. The impugned removal from service Notification is not issued from the Competent Authority, which score is enough for setting aside the same.

J. That even the alleged personal hearing was not conducted by the Competent Authority and thus grave violations of the Rules took place in the case of the Appellant.

K. That the Appellant has committed no illegality, rather made repeated requests for accepting of her arrival, which fact is evident from the entire record, are annexed herewith; but even then the Appellant was condemned; and that too condemned unheard before the Competent Authority.

L. That from every angle the impugned Notification is wrong, illegal, void and is liable to be set aside and by doing so the

Appellant is entitled to be reinstated into service.

M. That the learned appellate authority also simply shelved the appeal without any findings, which under the law is illegal.

N. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore most humbly prayed that, on acceptance of instant Service Appeal, the impugned Notification No. SO(S /F)E&SED/4-10/2017/ Mst. Zainab khushal /Ss/ Swabi, dated 29/08/2019 and impugned office order No. So(S/F) E & SED/4-17/2020/Mst. Zainab khushal Dated 13/05/2020 of the office of the Secretary Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, whereby the Appellant was removed from service and her Departmental Appeal was Dismissed Accordingly, may graciously be set aside and cancelled, and by doing so the Appellant may very graciously be reinstated into service will all back benefits. <

Dated: 19/06/2020


Petitioner

Through


Javed Iqbal Gulbela

&

Saghir Iqbal Gulbela

Advocate, High Court

Peshawar

NOTE:-

No such like appeal for the same appellant upon the same subject matter has earlier been filed by me before this Hon'ble Tribunal.


Advocate.

(12)

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

In Re S.A _____/2020

Mst Zainab

VERSUS

Government of Khyber Pakhtunkhwa & Others

AFFIDAVIT

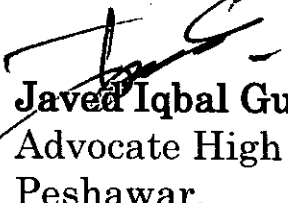
I, Mst Zainab Khushal SS. Islamiyat, do hereby solemnly affirm and declare that all the contents of the accompanied **appeal** is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

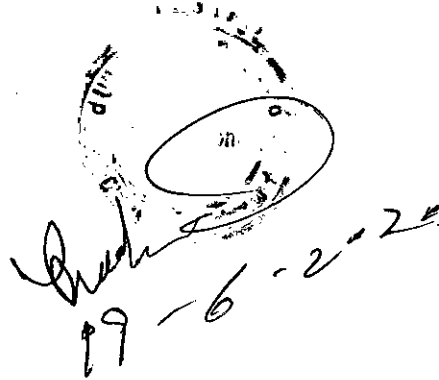

DEPONENT

CNIC:

CELL NO:

Identified By:


Javed Iqbal Gulbela
Advocate High Court
Peshawar.


19-6-2020

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

In Re S.A _____/2020

Mst Zainab

VERSUS

Government of Khyber Pakhtunkhwa & Others

ADDRESSES OF PARTIES

APPELLANT.

Mst Zainab Khushal SS. Islamiyat


RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa.
2. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
3. Ministry of Capital Administration & Development Islamabad through its Director General Islamabad

Dated : 19/06/2020


Appellant

Through


JAVED IQBAL GULBELA
Advocate, High Court,
Peshawar.

**GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT.**

14/17
11/12/08

Am-A

NOTIFICATION.

Dated Peshawar the 29-07-2008.

NO. SO(S)3-2/2007/SS(FEMALE). Consequent upon the recommendations of the NWFP Public Service Commission, the Competent Authority has been pleased to appoint the following Subject Specialists (Female) in D/S-17 (Rt: 9850-740-24650), plus usual allowances as admissible under the rules on Regular basis but without pension and gratuity in terms of Section-19 of the Civil Servant Act 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005 with immediate effect under the provision of Establishment & Administration Department Circular bearing No. SOI-6 (L&AD) 13-1/2005 dt. 10-6-2005.

Sl#	Name with her fathers name & address
1-	Ms. Nadia Taimur D/O Taimur Shah H.No.15 Shah Jee Akeed Near City Railway Station Fajee Abad Peshawar
2-	Miss Sarwat Ghias D/O Malik Mohammad Ghias Khan Post Box No.40 GPO Abbottabad.
3-	Ms. Shagufta Begum D/O Abdul Ghani C/O Saidu Pharmacy Opposite Saidu Group of Hospitals PO Saidu Sharif District Swat.
4-	Ms. Talat Bano D/O Mulki Bahadur H.No.3/123 St.No.46 F-6-RF (PAC) Kamra District Attock
5-	Ms. Sadia Arfeen D/O Tasaddaq Hussain H.No.2529 St.No.2 Sethi Town No.2 Back Supply Depot/Haji Camp Peshawar
6-	Ms. Asia Bibi D/O Muhammad Mushtaq C/O Address PCO Azam Bagh Abbottabad
7-	Ms. Bahishti Tooba D/O Muhammad Israr Vill: & PO Chamkani Moh: Changa Kheal District Peshawar.
8-	Ms. Wasiyat D/O Ali Sayed Moh: Bazid Khel Kalu Khan District Swabi.
9-	Ms. Zainab Khushal D/O Khushal Khan Vill: # 199/D G-7/3-2 Islamabad
10-	Ms. Misbah Naseer D/O Naseer Ahmad, H.No.215 St.No.10 Sector F.3 Phase-VI Hayatabad Peshawar
11-	Ms. Bibi Aisha D/O Latif Ur Rehman H.No. Opp: Hospital Nisatabad Peshawar C/O Faridullah
12-	Ms. Sadia Zahoor D/O Zahoor Ahmad H# 295/97 Moh: Muhammad Zai PO Nauza Shehr Abbottabad.
13-	Ms. Shabane Naz D/O Naik Muhammad W/O Muhammad Luqman Moh: Usman-e-Ghani Hayat Town 26030 Kohat.
14-	Ms. Rabia Anees D/O Abdul Aziz H.No.3336 Moh: Bazza an Qissa Khawani Peshawar
15-	Ms. Hafiza Khalique D/O Fazel Khalique Kuchan-e-Rabat Pir Abad Lunday Kat Mingora Swat.
16-	Ms. Miharat Bilawar D/O Bilawar Khan H.No.104/c Moh: Nawab Banna City
17-	Ms. Sunamayya Umair D/O Shahab-Ud-Din H.No.4223 Moh: Pir Abdullah Shah PO Narak Mandi Peshawar
18-	Ms. Talat Abid D/O Abid Ali Matina Book Centre Near Main Bazar Chowk Mingora Swat
19-	Ms. Isma. Saadia D/O Muhammad Rafique, Moh: Sharif Khan Vill: & PO Sheikh Ul-Baqi Abbottabad.
20-	Ms. Afta Rehman D/O Hidayat Ur Rehman H # 1 St 1 Shadmeh Colony Near PTCL Colony Warsak Road Peshawar.

On their appointment, they are posted in Government Girls Higher Secondary Schools as noted against each subject to the condition given below:

Sl#	Name and Address	Place of Posting	Remarks
1	Ms Nadia Taimur D/O Taimur Shah H.No.15 Jee Abad Near City Railway Station Fajee Peshawar.	SS (Bio) (BS-17) GGHSS Gujrat Garden.	A.V.P
2	Miss Sarwat Ghias D/O Malik Mohammad Ghias Khan Post Box No.40 GPO Abbottabad.	SS (Bio) (BS-17) GGHSS Bafis Man chru.	A.V.P
3	Ms. Shagufta Begum D/O Abdul Ghani C/O Saidu Pharmacy Opposite Saidu Group. of Hospitals PO Saidu Sharif District Swat.	SS (Bio) (BS-17) GGHSS Kopper Malakand.	A.V.P
4	Ms. Talat Bano D/O Mulki Bahadur H.No.3/123 St.No.46 F-6-RF (PAC) Kamra District Attock	SS (Bio) (BS-17) GGHSS Rustam Mardan.	A.V.P
5	Ms. Sadia Arfeen D/O Tasaddaq Hussain H.No.2529 St.No.2 Sethi Town No.2 Back Supply Depot/Haji Camp Peshawar	SS (Bio) (BS-17) GGHSS Khair Abad Nowshera.	A.V.P
6	Asia Bibi D/O Muhammad Mushtaq C/O Address PCO Azam Bagh Abbottabad	SS (Islamiat) (BS-17) GGHSS Hajia Gali Abbottabad.	A.V.P
7	Ms. Bahishti Tooba D/O Muhammad Israr Vill: & PO Chamkani Moh: Changa Kheal District Peshawar.	SS (Islamiat) (BS-17) GGHSS Harichand Charsadda.	A.V.P
8	Ms. Wasiyat D/O Ali Sayed Moh: Bazid Khel Kalu Khan District Swabi.	SS (Islamiat) (BS-17) GGHSS Shewa Swabi.	A.V.P
9	Ms. Zainab Khushal D/O Khushal Khan Vill: # 199/D G-7/3-2 Islamabad	SS (Islamiat) (BS-17) GGHSS Lahor Swabi.	A.V.P
10	Ms. Misbah Naseer D/O Naseer Ahmad, H.No.215 St.10 Sector F.3 Phase-VI Hayatabad Peshawar	SS (Bio) (BS-17) GGHSS Nowshera Kalar.	A.V.P

attested
Principal
MRS. SHEHRA JARREN
Principal
Government Girls Higher Secondary School
Kohat Colony, Peshawar

JAVED IQBAL Gu/Befa
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9465501

Recruitment of Female SS in Various Subject 2008 doc

GOVERNMENT OF PAKISTAN
MINISTRY OF CAPITAL ADMINISTRATION & DEVELOPMENT

Islamabad, the August 06, 2012

From: MAHMOOD KHAN LAKHO
EDUCATION OFFICER (FDE)
TELE: 9204306

To: THE SECRETARY,
ELEMENTARY & SECONDARY DEPARTMENT,
GOVERNMENT OF KHYBER PAKHUNKHWA (KPK),
PESHAWAR.

Subject: TRANSFER ON DEPUTATION OF MRS. ZAINAB KHUSHAL, SUBJECT SPECIALIST (ISLAMIYAT) (BS-17), GOVT. GIRLS HIGHER SECONDARY SCHOOL, CHOTA LAHORE, DISTRICT SWABI UNDER ELEMENTARY & SECONDARY DEPARTMENT, GOVERNMENT OF KPK TO THE EDUCATIONAL INSTITUTIONS UNDER FEDERAL DIRECTORATE OF EDUCATION, ISLAMABAD.

I am directed to refer to Government of KPK's Notification No.SO(S/F)E&ESE/4-10/2012/Zainab Khushal, dated 05-07-2012, on the above subject and to say that the competent authority has been pleased to borrow the services of Mrs. Zainab Khushal, Subject Specialist (Islamiyat) (BS-17), Government Girls Higher Secondary School, Chota Lahore, District Swabi under Elementary & Secondary Department, Government of KPK as Deputy Headmistress (BS-17) under the Federal Directorate of Education, Islamabad on the following terms and conditions:

- i) She will be on deputation initially for a period of one year or till the joining of FPSC's nominee, which ever is earlier.
- ii) On the completion of deputation period, she will stand repatriated to her parent department without any notice, prior to her joining under the Federal Directorate of Education. She will also submit an undertaking on stamp paper duly attested by the First Magistrate Class-I to the effect that she will neither claim for permanent absorption nor file an appeal / writ petition in the court for permanent induction.
- iii) She will draw pay in her own pay grade/scale.
- iv) No TA/DA will be allowed as the deputation is allowed on the request of the incumbent.
- v) The department will retain her lien as admissible under the rules.
- vi) She will be governed by Civil Servants Act, 1973.
- vii) The pension contribution will be paid according to rules.

2. Since Mrs. Zainab Khushal, Subject Specialist (Islamiyat) (BS-17), is working under the administrative control of your department, therefore, it is requested that she may be informed about the terms and conditions regarding her deputation under the Federal Directorate of Education, Islamabad. If the above terms and conditions are acceptable to the incumbent and her Department, then she may be relieved of her duties and directed to report for duty in the Federal Directorate of Education, Islamabad within thirty (30) days from the date of issuance of this letter. If she fails to join within the stipulated period, the offer of appointment on deputation will be treated as CANCELLED.

3. This issues with the approval of the Secretary, Ministry of Capital A&D.

(MAHMOOD KHAN LAKHO)

Copy to:

- i). The AGPR, Islamabad.
- ii). The Director General, FDE, Islamabad.
- iii). The Director Schools (Female), FDE Islamabad. (w.r.t their FDE's U.O.No.F.1-1/2011 (W)/FDE dated 23.2.12).
- ✓ iv). Mrs. Zainab Khushal, Subject Specialist (Islamiyat) (BS-17), Government Girls Higher Secondary School, Chota Lahore, District Swabi.
- v). The personal file.

JAVED IQBAL Gul Bera
Daudzar Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/F)E&SE/4-10/2015/Zainab Khushal SS (Swabi)
Dated Peshawar the, April 28, 2015.

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department.

SUBJECT:- EXTENSION IN DEPUTATION OF MST. ZAINAB KHUSHAL, SS (BS-17)

Dear Sir,

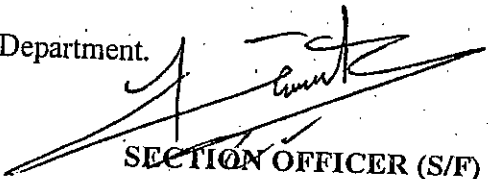
I am directed to refer to the subject noted above and to enclose herewith a copy of Government of Pakistan Federal Directorate of Education, Islamabad letter No.F.1-17/2012-D (W) FDE dated 16-04-2015 alongwith relevant documents regarding extension in deputation period for two years in r/o Mst. Zainab Khushal Subject Specialist Islamiyat (BS-17) for further necessary action.

Yours sincerely,

(FOZIA NAZ)
SECTION OFFICER (S/F)

Endst.of even No & Date

Copy forwarded to PS to Secretary E&SE Department.


SECTION OFFICER (S/F)

JAVED IQBAL G/Bela
Daudzar Law Chamber
Advocate High Court Peshawar
Mob: 0345-9455501



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/F)E&SE/4-10/2015/Zainab Khushal SS (Swabi)
Dated Peshawar the, April 28, 2015.

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
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SUBJECT:- EXTENSION IN DEPUTATION OF MST. ZAINAB KHUSHAL, SS (BS-17)

Dear Sir,

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Yours sincerely,

(FOZIA NAZ)
SECTION OFFICER (S/F)

Endst.of even No & Date

Copy forwarded to PS to Secretary E&SE Department.


SECTION OFFICER (S/F)

JAVED IOBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0745-9405501

(18) (Important)
Am-1/II
Z

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

No.1/228/2016-E-4


Islamabad, the November 15, 2016

OFFICE MEMORANDUM

SUBJECT:- EXTENSION IN DEPUTATION PERIOD OF MRS. ZAINAB KHUSHAL, SUBJECT SPECIALIST (ISLAMIYAT) (BS-17), PRESENTLY POSTED AS SST (BS-17) ISLAMABAD MODEL SCHOOL FOR GIRLS ISLAMABAD, HERDOGHER (F.A), ISLAMABAD, ON DEPUTATION BASIS

P. 18/k

The undersigned is directed to refer to Capital Administration and Development Division (CADD), Islamabad's O.M No.F.14-4/2012-FDE(S) dated 20.10.2016 on the subject noted above and to convey approval of the Competent Authority to the extension in deputation period of Mrs. Zainab Khushal, Subject Specialist (Islamiyat) (BS-17), presently posted as SST (BS-17) Islamabad Model School for Girls Islamabad, Herdogher (F.A), Islamabad, from 08-08-2015 to 07-08-2017, on deputation basis, on standard terms and conditions.


(Rashid Ahmad)
Section Officer (E-4)
Tele: 9103636

Capital Administration and Development Division,
(Mr. Irfan Ullah, Assistant Education Adviser,
Islamabad)

JAVED IQBAL Bul Befa
Daudzai Law Chamber
Advocate High Court Peshawar
MOB: 0345-9101501

19 (Important) #
Am-9/11
2

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION


No.1/228/2016-E-4

Islamabad, the November 15, 2016

OFFICE MEMORANDUM

SUBJECT:- EXTENSION IN DEPUTATION PERIOD OF MRS. ZAINAB KHUSHAL, SUBJECT SPECIALIST (ISLAMIYAT) (BS-17), PRESENTLY POSTED AS SST (BS-17) ISLAMABAD MODEL SCHOOL FOR GIRLS ISLAMABAD, HERDOGHER (F.A), ISLAMABAD, ON DEPUTATION BASIS

P.18/k
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(Rashid Ahmad)
Section Officer (E-4)
Tele: 9103636

~~Capital Administration and Development Division,
(Mr. Irfan Ullah, Assistant Education Adviser,
Islamabad~~

~~JAVED IQBAL Gul Bafa
Daudzai Law Chamber
Advocate High Court Peshawar
- Mob: 0342-9405501~~

(20) REGISTERED (77)

TO BE PUBLISHED IN PART-III OF THE GAZETTE OF PAKISTAN


Government of Pakistan
Federal Directorate of Education

Islamabad, the 19th December, 2016.

NOTIFICATION

No. F.1-17/2012-D(W)FDE.....In pursuance of Capital Administration & Development Division, Islamabad's Letter No.F.14-4/2012-FDE(S) dated 02.12.2016, the tenure of deputation in respect of Mrs. Zainab Khushal, Subject Specialist Islamiyat (BS-17), GGHSS Chota Lahore, Swabi presently working on deputation basis against the post of Secondary School Teacher (SST) (in her own pay & scale) in Islamabad Model School for Girls (I-X), P.M Colony, Islamabad is hereby further extended for a period of 02-years w.e.f. 08.08.2015 to 07.08.2017 (4th & 5th Years) on standard terms and conditions.

2. This is issued with the approval of Secretary, Capital Administration & Development Division, Islamabad.


(RANA MUHAMMAD NAZIR)
DEPUTY DIRECTOR SCHOOLS (FEMALE)

To,
The Manager,
Printing Corporation of Pakistan Press,
University Road,
Karachi

Copy to:-

- ✓ AGPR, Islamabad.
- ✓ Director, Elementary & Secondary Education, Govt. of the KPK, Peshawar.
- ✓ Section Officer (S/F), Elementary & Secondary Education Department, Govt. of the KPK, Peshawar w/r to Notification No. SO(S.F. E&SE/4-10/2015/Zainab Khushal SS dated 19.05.2015.
- ✓ PS to Secretary, Elementary & Secondary Education Department, Govt. of the KPK, Peshawar.
- ✓ District Education Officer (Female), Swabi, KPK.
- ✓ Principal, GGHSS Chota Lahore, Swabi, KPK.
- ✓ Principal, Islamabad Model School for Girls (I-X), P.M Colony, Islamabad.
- ✓ Lady Teacher concerned.
- ✓ Notification file.

(RANA MUHAMMAD NAZIR)
DEPUTY DIRECTOR SCHOOLS (FEMALE)

JAVED IOBAL Gul Beta
Dauzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

W (18)
Am-E
2

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

No.10/30/97-R.II

Islamabad, the 13th May, 1998.

OFFICE MEMORANDUM

Subject:- POSTING OF SERVING HUSBAND / WIFE AT THE SAME STATION.

The undersigned is directed to state that Government has taken note of the socio-economic problems and hardships faced by husbands and wives in Government service due to posting at different stations of duty, and it has been decided to prescribe the following guidelines to facilitate posting of husband and wife at the same station:

- (i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- (ii) If a request involves temporary deputation to another department, it may be processed in consultation with the concerned department, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.
- (iii) When a request is made for permanent transfer to/absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with Rule 4 of the Civil Servants (Seniority) Rules, 1993.
- (iv) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an organization, the Government servant with greater length of service may be preferred.
- (v) Request for posting by a spouse facing serious medical problems may be accorded highest priority.
- (vi) Spouses already posted at one station, including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests for extension of

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate/High Court Peshawar
Mco: 0345-940550/

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

22

Am - P
2

No.10/30/97-R-2.

Islamabad, the 21st April, 2006.

OFFICE MEMORANDUM

SUBJECT:- POSTING OF MARRIED FEMALE GOVERNMENT SERVANTS AT THE PLACE OF RESIDENCE/POSTING OF THEIR HUSBANDS WHO ARE NOT IN GOVERNMENT EMPLOYMENT.

The undersigned is directed to state that keeping in view the socio-economic problems and hardships faced by husbands and wives in Government service due to posting at different stations of duty, the Establishment Division issued instructions/guidelines vide its O.M.No. 10/30/97-R-2, dated 13.5.1998 and 17.12.1999 to facilitate posting of husbands and wives at the same station and the posting of unmarried female civil servants at the place of residence of their parents/families. With a view to facilitate those female government servants whose spouses are not in government service or employed in the private sector (or unemployed, it has been decided to extend the facility to this class of government servants also, to be able to serve at the place of residence of their spouses, irrespective of whether such spouses, are employed with the Government, private sector, or even un-employed.

Secretaries/Additional Secretaries Incharge
of the Ministries/Divisions,
Islamabad/Rawalpindi

Latif

Abdul Hafiz
(Amir-ul-Haq) 21/4/06
Deputy Secretary

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405604

BETTER COPY NO.(22)

**GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION**

No.10/30/97-R-2

Islamabad, the 21st April, 2006

OFFICE MEMORANDUM

**SUBJECT:- POSTING OF MARRIED FEMALE GOVERNMENT
SERVANTS AT THE PLACE OF
RESIDENCE/POSTING OF THEIR HUSBANDS WHO
ARE NOT IN GOVERNMENT EMPLOYMENT**

The undersigned is directed to state that keeping in view the socio----- problems and hardships faced by husbands and wives in Government service due to posting at different stations of duty, the Establishment Division issued instructions/guidelines vide its O.M.No. 10/30/97-R-2, dated 13.05.1998 and 17.12.1999 to facilitate posting of husbands and wives at the same station and the posting of unmarried female civil servants all the place of residence of their parents/families. With a view to facilitate those female government servants whose spouses are not in government service or employed in the private sector for unemployed, it has been decided to extend the facility to this class of government servants also, to be able to serve at the place of residence of their spouses irrespective of whether such spouses, are employed with the Government, private sector or even un-employed.

(Amin -ul-Haq)

Deputy Secretary

Secretaries/Additional Secretaries Incharge
of the Ministries/Divisions,
Islamabad/Rawalpindi.

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9485501

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9485501

No.F.4-57/2011 (Education)
Government of Pakistan
Ministry of Capital Administration and Development.

IMMEDIATE
By S.M

Islamabad: the March 16, 2013

Subject: ABSORPTION OF STAFF UNDER FEDERAL DIRECTORATE OF
EDUCATION (FDE), ISLAMABAD WORKING ON DEPUTATION
BASIS

I am directed to state that in response to a summary submitted to the Prime Minister's Secretariat, Islamabad seeking approval of the Prime Minister for absorption of staff working in the educational institutions under Federal Directorate of Education (FDE), Islamabad the Prime Minister has been pleased to approve absorption of all deputationists (teaching & non-teaching) working under FDE, Islamabad on deputation basis under Wedlock Policy and completed their 05 years of deputation subject to provision in the Recruitment Rules and after fulfillment / completion of all codal / procedural formalities as contained under Civil Servants Act, 1973.

FDE is, therefore, requested that the below given information may be submitted to this Ministry immediately so that process for absorption of the deputationists may be initiated / completed, accordingly:

- Institution-wise list of all the deputationists (male & female) (teaching & non-teaching) as per enclosed Performa (Annex-I).
- Copies of the Recruitment Rules for each cadre posts where a deputationist is likely to be absorbed.
- NOC from the respective parent departments for each deputationist regarding permanent absorption under FDE, Islamabad.
- AJRs / PERs grading for the last 05 years.

After completion of the necessary documentation procedure of the deputationists, their cases will be placed before the respective DPCs.

This may please be treated on PRIORITY.

(Saqib Shahab)
Assistant Educational Advisor

The Director General
Federal Directorate of Education (FDE),
Islamabad.

Copy to.

- P.S to the Secretary, M/o CA&D, Islamabad.
- P.A to J.E.A (Education), M/o CA&D, Islamabad.

JAVED IQBAL Gul Beta
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

BETTER COPY NO.(23)

IMMEDIATE
By S.M

No.F.4-57/2011 (Education)
Government of Pakistan
Ministry of Capital Administration and Development

Islamabad : the March 16, 2013

Subject: **ABSORPTION OF STAFF UNDER FEDERAL DIRECTORATE OF EDUCATION (FDE), ISLAMABAD WORKING ON DEPUTATION BASIS**

I am directed to state that in response to a summary submitted to the Prime Ministers Secretariat, Islamabad seeking approval of the Prime Minister for ----- education (FDE) Islamabad the Prime Minister has been pleased to approve an ----- of all deputations (teaching & non-teaching) working under FDE, Islamabad on deputation basis under Wedlock Policy and completed their 05 years of population subject to provision in the Recruitment Rules and after fulfillment / completion of all codal / procedural formalities as contained under Civil Servants act. 1973.

2 TDE is therefore, requested that the below given information may be submitted to this Ministry immediately so that process for absorption of the deputationists may be initiated / completed, accordingly:

- a. Institution-wise list of all the deputationists (male & female) (teaching non-teaching) as per enclosed Performa (**Annex-I**).
- b. Copies of the Recruitment Rules for each posts where a deputationist is likely to be absorbed.
- c. NOC from the respective parent departments for each deputationist regarding permanent absorption under FDE, Islamabad.
- d. ACRs / PERs grading for the last 05 years.

3 After completion of the necessary documents procedure of the deputationists, their cases will be placed before the respective DPCs.

4 This may please be treated on PRIORITY..

(Saqib Shahab)

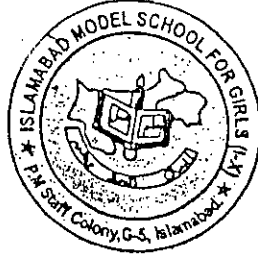
Assistant Education Advisor

The Director General
Federal Directorate of Education (FDE),
Islamabad.
Copy to

- i) P.S to the Secretary, M/o CA&D, Islamabad.
- ii) P.A to I.E.A (Education), M/o CA&D Islamabad.

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501



24 (27) Am-H
[Signature]

**ISLAMABAD MODEL SCHOOL FOR GIRLS (I-X),
P.M STAFF COLONY G-5, ISLAMABAD**

Ph#051-9203644

Ref #F.1-2/2013IMSG(P.M)

Date:15-04-2013

The Deputy Director School (Female)

Federal Directorate of Education

Islamabad.

SUBJECT: PERMANENT ABSORPTION OF DEPUTATIONISTS UNDER FDE

Sir,

Please find enclose herewith required information of Mrs. Zainab Khushal (deputationist) along with attested photocopies of testimonials .

[Signature]

PRINCIPAL

MRS. BUSHRA BEEB
Principal
Islamabad Model School for Girls
(I-X), P. M Colony, Islamabad

[Signature]
JAVED IQBAL Gul Befa
Daudzai Law Chamber
Advocate High Court Peshawar
Mqb: 0343-9405501

(25) MOST IMMEDIATE
Am - H/A

No. F. 2013/Data/Deputationists/(W) FDE
Government of Pakistan
Federal Directorate of Education

Islamabad the, 29th March, 2013.

To,

The AEO

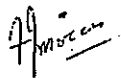
- i. Urban ✓
- ii. Bhara Khu
- iii. Sihala
- iv. Nilore
- v. Tarnoul

Subject: PERMANENT ABSORPTION OF DEPUTATIONISTS UNDER FDE

I am directed to refer to the subject noted above and to say that, the personal record in respect of deputationists (female) to be updated for permanent absorption.

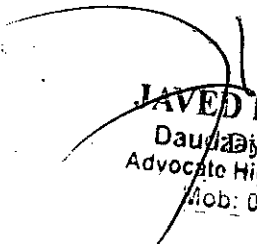
2. Above in view, the required information (Individually) in the consolidated Form as per prescribed format (Over Leaf) along-with attested photo copy of Degree / Certificate of the teacher may be provided to the FDE on 15-04-2013 positively.
3. The above information / documents of the female deputationists teachers may be collected by the clerks of the respective schools and brought to the undersigned.
4. This is issued with the approval of Director General (Edu).
5. It may be treated MOST URGENT.

Attention: The concerned AEOs is requested to complete the ACRs of all deputationists (female teachers) of your respective areas from the date of their joining under FDE to till date and submitted to the Assistant Director (ACR), FDE.


(HASAN IMRAN BAIG)
Dy. Director Schools (FEMALE)

Copy to:-

- ❖ P.S to Director General (Edu).


JAVED IQBAL
Dy. Director Schools (FEMALE)
Advocate High Court Peshawar
Mob: 0345-9465501

To
The Secretary,
Elementary & Secondary Education Department
Peshawar.

(20)

(23)
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Subject: WITHDRAW OF NO. SO(S/F) E& SED/4-10/2015/ZAINAB
KHUSHAL/SS, Dated: Peshawar the March 28th, 2018.

Respected Sir/Madam,

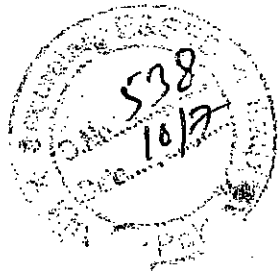
It is very humbly submitted that the applicant was appointed at Islamabad on deputation and deputation period has already been expired on 07-08-2017 and you wrote above said letter to deputy director schools and requested to immediately repatriate me to her parents department. In this regard I am very humbly submitted that my husband is resident of Islamabad and my children are also studying in Islamabad and as accordance with wedlock policy notification no. 10/30/97-R11, dated 13-05-1998 and SRO No. 375/(1)2012 dated: 16-04-2012 copies enclosed. The applicant is entitled to avoid above said wedlock policy.

It is therefore requested that in light of above notification / wedlock policy the letter dated 28-03-2018 may kindly be withdraw and the matter may humbly be resolved as accordance with above said wedlock notifications.

Under the wedlock policy issued me letter for indefinite period and obliged.

Zainab
Zainab Khushal

SS Islamiyat BPS-17



JAVED IQBAL Gul Bafa
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9485501

(27) Am-J (24)

To.

The Director (Schools)
Federal Directorate of Education,
Islamabad.

Subject:

REQUEST FOR CANCELLATION OF REPATRIATION NOTIFICATION

Respected Sir,

Reference Notification No. F.17-42D/2012-SST(W)FDE dated 23-05-2018 regarding my repatriation notification, It is stated that I am working on deputation basis under FDE w.e.f. 08-08-2012. Recently FDE issued a notification regarding my repatriation to parent department. It is further to say that I am working with complete devotion and have showed excellent results throughout my deputation period. Moreover, my children are studying here in Islamabad and my repatriation will create unfortunate hurdles. Kindly cancel my repatriation notification in the light of enclosed wedlock policy and oblige.

Thanking you

Yours faithfully,

(Zainab Khushal)
SST, BS-17
IMCG (I-X), PM Colony, Ibd

Forwarded for necessary action

Sad
MRS. SADIA FARHAT
Vice Principal
Islamabad Model School for Girls
(I-X), PM Colony, Islamabad

JAVED IQBAL, Gul Bafa
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345/9405307

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Am-k

IN THE HONOURABLE ISLAMABAD HIGH COURT, ISLAMABAD

Writ Petition No. 2409 /2018

Zainab Khushal wife of Hayat Muhammad Khan, resident of House No.199-D, St. No.4, Sector G-7/3-2, Islamabad.

.....Petitioner

Versus

For Private Use

1. The Federation of Pakistan through its Secretary Capital Administration and Development Division Pak Secretariat, Islamabad
29 JUN 2018

2. The Secretary Establishment Division, Cabinet Secretariat, Islamabad
Examiner
Copy Supply Section
Islamabad High Court
Islamabad

3. The Secretary Elementary and Secondary Department Government of Khyber Pakhtunkhwa Peshawar.

4. The Director General Federal Directorate of Education, Islamabad

5. The Director Schools, (Female) Federal Directorate of Education, Islamabad.

..... Respondents

WRIT PETITION UNDER ARTICLE 199 OF CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973

Respectfully stated:-

BRIEF FACTS:

1. That the petitioner was appointed as subject Specialist Islamiat BS-17 Government Girls Higher Secondary School Chota Lahore, District Swabi under Elementary and Secondary Department Government of KPK as Deputy Headmistress and Federal Directorate of Education borrow the services of the petitioner in the Federal Directorate of Education Islamabad vide notification/letter dated 6th August 2012 and after completion of five years the petitioner



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21/06/18

JAVED IQBAL Gul Beg
Dawzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-340000

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Form No: HCJD/C-121.

ORDER SHEET.

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.**

Writ Petition No.2409 of 2018

**Zainab Khushal
VS**

**The Federation of Pakistan through its Secretary Capital
Administration and Development Division, Islamabad and 04 others.**

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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02.	25.06.2018:	Mr. Zahid Ayub Rathore, Advocate for the petitioner.
-----	-------------	--

Through the instant petition, the petitioner has assailed notifications dated 23.05.2018 and 13.06.2018 passed by respondent No.4.

2. Learned counsel for the petitioner, *inter-alia*, contended that the petitioner is an employee in the Elementary and Secondary Department, Government of KPK in BS-17. It was contended that her service was borrowed on deputation in August, 2012 and she is married to a person who is currently residing in Islamabad. Learned counsel further contended that on the basis of the Wedlock Policy, she is entitled to stay in Islamabad.

3. The petitioner who is a permanent employee in the Education Department of KPK Government and is working on deputation with Federal Directorate of Education, was ordered to be repatriated

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29 JUN 2018

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Authorized Under Article-87 of
Qanoon-e-Shahadat Order 1984
Islamabad High Court
Islamabad

JAVED IOBAL
Dawood Law Chambers
Advocate High Court F
Mob: 0345-94058

vide notification dated 23.05.2018. The thrust of the arguments by the learned counsel for the petitioner was that in light of the Wedlock Policy, she is entitled to continue. It is an established principle that deputation is an arrangement between the parties i.e. Civil Servant, the borrowing department and the parent department. The consent of all three is required for a person to be posted on deputation. The petitioner earlier filed a representation before respondent No.4, which was accordingly decided, however, the same was not decided on the basis of Wedlock Policy.

3. In view of foregoing, office is directed to transmit the instant petition and its annexures to respondent No.4 which shall treat the same as representation and decide it in light of the wedlock policy and the applicable law expeditiously preferably within ten days from the receipt of this order, after providing an opportunity of hearing to the petitioner.

Certified to Be True Copy
 29 JUN 2018
 Authority
 Date

M. Zaheer Janjua

-sd-
JAVED IQBAL G
 Daudzai Law Chan
 Advocate High Court Pes
 (AAMER FAROOQ) Mob: 0337-940550
JUDGE

31)

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Form No: HCJD/C-121.

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No. 2409 of 2018

Zainab Khushal

Vs

The Federation of Pakistan, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
------------------------------	----------------------------	---

01) 22-06-2018. Mr Zahid Ayub Rathore Advocate, for the petitioner.

The leaned counsel has argued the matter at length.

2. However, in the interest of justice, it would be appropriate if the instant petition be heard by some other Bench.

3. The office is, therefore, directed to place the instant petition before the Hon'ble Chief Justice for appropriate

orders.

4. The learned counsel has requested that since there is urgency, therefore, the petition be fixed before another

Bench on Monday. The Hon'ble Chief Justice may also

consider the request of the learned counsel for fixation of the petition on Monday i.e. 25-06-2018.

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29 JUN 2018

Examiner
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Qanoon-e-Shahadat Order 1904
Islamabad High Court
Islamabad

Tanveer Ahmed.

(ATHAR MINALLAH)

JUDGE

JAVED IQBAL, Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

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IN THE HONOURABLE ISLAMABAD HIGH COURT, ISLAMABAD

Writ Petition No. 2409 /2018

Zainab Khushal wife of Hayat Muhammad Khan, resident of House No.199-D, St. No.4, Sector G-7/3-2, Islamabad.

.....Petitioner

Versus

1. The Federation of Pakistan through its Secretary Capital Administration and Development Division Pak Secretariat, Islamabad
2. The Secretary Establishment Division, Cabinet Secretariat, Islamabad
3. The Secretary Elementary and Secondary Department Government of Khyber Pakhtunkhwa Peshawar.

29 JUN 2018

4. The Director General Federal Directorate of Education, Islamabad
5. The Director Schools, (Female) Federal Directorate of Education, Islamabad.

..... Respondents

WRIT PETITION UNDER ARTICLE 199 OF CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973

Respectfully stated:-

BRIEF FACTS:

1. That the petitioner was appointed as subject Specialist Islamiat BS-17 Government Girls Higher Secondary School Chota Lahore, District Swabi under Elementary and Secondary Department Government of KPK as Deputy Headmistress and Federal Directorate of Education borrow the services of the petitioner in the Federal Directorate Education Islamabad vide notification/letter dated August 2012 and after completion of five years the petitioner



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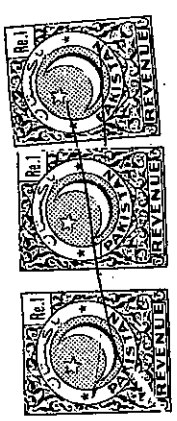
JAVED IQBAL Gul
Daudzai Law Chant
Advocate High Court Peshawar
Mob: 0345-9405501

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20/6/18

was transferred to IMSG, PM Staff Colony, G-5, Islamabad against the vacant post of S.S.T the petitioner vide notification dated 13-11-2017 [Copies of notification are attached]

2. That the petitioner's husband is resident of Islamabad and is also working in Islamabad and under the office memorandum of Federal Government of Pakistan dated 13-05-1998 and 16-04-2012 subject posting of serving husband / wife at the same station and same has been issued recognition of constitutional right of the citizen guaranteed under article 2(A) 3, 4, 9, 14, 25 and in particular article 37, 38 of the Constitution.

3. That aforesaid office memorandum of the Federal Government of Pakistan dated 13-05-1998 and 16-04-2012 having been most frequently and repeatedly appointment in letter and spirit by making appointments and absorptions, in line with the wedlock policy incorporated therein has solved the socio-economic problems and hardship by hundreds of families throughout the country hailing from the provinces in accordance with the spirit of Constitution of the Islamic Republic of Pakistan, 1973.



4. That despite of clear law on the said issue, the defendants/respondents issued impugned office order dated

23-05-2018 whereby the plaintiff was repatriated illegally

unlawfully and in sheer violation of above referred office memorandum with immediate effect to her parent

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Qanoon-e-Shahadat Order 1988
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Islamabad

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Advocate High Court Pes
Mob: 0345-940550

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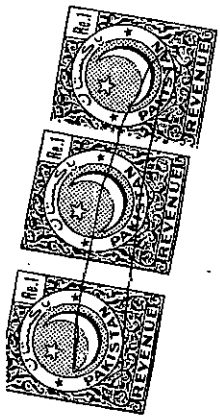
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department i.e. Elementary and Secondary Education Department of Government of KPK, Peshawar due to completion of her deputation tenure it is important to note here that under the wedlock policy there is no limitation and the impugned order dated 23-05-2018 is a result of discrimination and malafide. That due to impugned notification dated 23-05-2018 the petitioner and her family shall suffer the socio-economic problems and hardship and the study of children of the petitioner will also be disturbed and said impugned notification was issued illegally, unlawfully and in sheer violation of above referred office memorandum which is liable to be set-aside.

5.

That the petitioner gave an application to the Federal Directorate of Education, Islamabad and requested for cancellation repatriation notification 23-05-2018 mentioning thereby that the repatriation notification shall create unfortunate hurdles kindly cancel the petitioner's repatriation notification in the light of enclosed wedlock policy the copy of application is attached which was forwarded by the Vice Principal which was regretted vide impugned letter dated 13-06-2018 [Copies are attached].



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6.

20 JUN 2018

That being aggrieved by the notification order dated 23-05-2018 and 13-06-2018 the petitioner has no other efficacious speedy and alternative remedy available in filing instant petition on following grounds:-

Author
 Government of Khyber Pakhtunkhwa
 Peshawar

JAVED IQBAL Gul Bet
 Daudzai Law Chamber
 Advocate High Court Peshawar
 Mob: 0345-9405501

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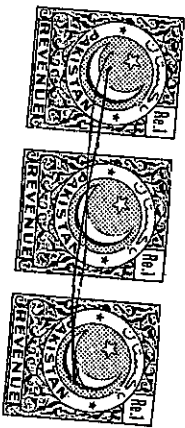
GROUNDS:

a) That the plaintiff is being treated with discrimination as many employees working in Federal Government have been allowed to continue their services in Islamabad whereas the petitioner is being victimized and her grievances has not been redressed as per policy laid down by the Federal Government, hence, the impugned orders are violative to the provisions of section 25 of the Constitution of Islamic Republic of Pakistan, 1973 and also contrary to the law laid down by the Honourable Supreme Court in the Judgment reported in "2002 SCMR 71 & 82".

b) That the impugned order/notification dated 23-05-2018 and 13-06-2018 have neither been passed in the public interest, nor in exigency of service, hence the same being violative to the provisions of the basic principle of transfer has no legal value in the eye of law. Rather, the impugned orders have been passed with mala fide and ulterior motives and against the rights of the petitioner.

c) That the action of the defendants/respondents is against the principle of natural justice, fair play and equity and also violative to Articles 37 & 38 of the Constitution of Islamic Republic of Pakistan as the defendants/respondents are legally bound to provide reasonable facilities and reasonable environment where the petitioner can work for his livelihood.

d) That not only under the mandate of law and Constitution but also juristic force and principles of promissory estoppel and locus poententia the defendants/Respondents are bound not



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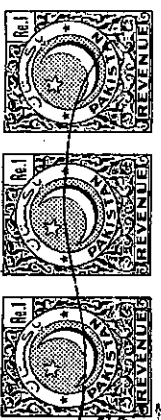
to transfer the plaintiff from Islamabad in line with wedlock policy by know having the aforesaid law, protected by the provisions of the Constitutions and settled principles of the corpus-juris of Pakistan.

e) That in accordance with the wed-lock policy as visualized vide office memorandum dated 14-05-2005, it has been specifically directed:-

"The undersigned is directed to refer to the Ministry of Education OM No.F.9.1/96(W)FD(S&G) dated 31-03-2005 on the subject noted above and to inform that posting of husband and wife and the same station may normally not be disturbed without compelling reasons of public interest. Further no limit has been prescribed in the wed lock policy."

f) That another letter 21-04-2006 has also been issued by the Government on the same subject, which is reproduced herein below:-

"With a view to facilitate those female government servants whose spouses are not in government service or employed in the private sector or employed, it has been decided to extend the facility to this class of government servants also, to be able to serve at the place of residence of their spouses. Irrespective of whether such spouses are, employed with government, private sector or even unemployed".



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29 APR 2006

Asst. Commr.

JAVED IQBAL Gul
Daudzai Law Chambers
Advocate High Court
Mob: 0345-9415

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PRAYER:

It is therefore, most respectfully prayed that this Honourable Court may kindly be issued following writ in favour of the petitioner and against the respondents

1. By declaring the impugned orders/notifications dated 23-05-2018 and 13-06-2018 passed by respondent No.4, illegal, unlawful and against the wedlock policy and may kindly be set-aside and the respondents may kindly be directed to act as accordance with law as letter and spirit of wedlock policy and office memorandum dated 13-05-1998, 21-04-2006 and letter dated 16-04-2012.

Any other relief which this Honourable Court may deem fit and proper may also be awarded.

Zahid
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Petitioner

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Office of the Advocate General
Islamabad Capital Territory
20-06-2018

29 JUN 2018

Through:-

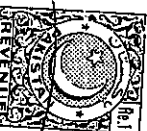
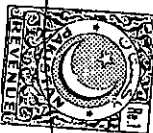
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Authorized Under Article 174
Section 2-Sub Order 1984
Islamabad High Court
Islamabad

ZAHID AYUB RATHORE
Advocate High Court, Islamabad

CERTIFICATE:

Certified that this is first writ petition before this honourable court on the subject matter and no other writ petition is pending at any forum.

It is further certified that this petition has arisen from the violation of mandatory provision of law by the respondent and nor fulfillment their legal obligation.



Additional
Islamabad

Counsel

JAVED IQBAL Gul Be
Daudzai Law Chamber
Advocate High Court Postbox
No: 0345-8405507

(38)
Amr-L (57)

**IN THE ISLAMABAD HIGH COURT,
ISLAMABAD**

Intra Court Appeal No. VAS /2018
in
Writ Petition No. 4142 of 2018

Zainab Khushal wife of Hayat Mukhammad Khan, resident of House
No.199-D, Street No.4, Sector G-7/3-2, Islamabad.
Appellant

Versus

1. The Federation of Pakistan through its Secretary, Capital Administration and Development Division, Pak. Secretariat, Islamabad.
2. The Secretary, Establishment Division, Cabinet Secretariat, Islamabad.
3. The Director General, Federal Directorate of Education, Islamabad.
The Director Schools (Female), Federal Directorate of Education, Islamabad.

Respondents

**INTRA COURT APPEAL UNDER SECTION 3 OF LAW REFORMS
ORDINANCE, 1972, AGAINST THE IMPUGNED ORDER
DATED 02-11-2018 PASSED BY
HIS LORDSHIP MR. JUSTICE AAMER FAROOQ, JUDGE,
ISLAMABAD HIGH COURT, ISLAMABAD
IN WRIT PETITION NO.4142 OF 2018**

Respectfully Sheweth:-

FACTS:

1. That the appellant filed Writ Petition No.2409 / 2018, which was decided and disposed of by this Hon'ble Court vide order dated 25-06-2018 with the expression that "this petition be transmitted to respondent No.4, who will treat the same as a representation and decide it in light of the wedlock policy and applicable law expeditiously, preferably within ten days from receipt of this order after providing an opportunity of hearing to the petitioner."
2. That respondent No.4 did not comply with the direction of this Hon'ble Court in its spirit and ignored the same.

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JAVED IQBAL Gul Beta
Daudzai Law Chamber
Advocate High Court Peshawar
MOB: 0345-9405501

Form No: HCJD/C-121.

ORDER SHEET

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

ICA No. 495 of 2018

Zainab Khushal

Vs

The Federation of Pakistan through its Secretary Capital Administration and
Development Division, Islamabad, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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15-11-2018. Mr. Muhammad Umair Baloch, Advocate for the appellant.

Through this appeal, the appellant has assailed order, dated 02.11.2018, passed by the learned Single Judge in W.P. no. 4142/2018.

2. The facts, in brief, are that the appellant was appointed as Subject Specialist (BS-17) in Government Girls Higher Secondary School, Khyber Pakhtunkhwa. She was transferred to Federal Directorate of Education, Islamabad on deputation basis for a period of five years.

After completion of five years on deputation she was transferred to another school vide notification, dated 13.11.2017. However, vide notifications, dated 23.05.2018 and 13.06.2018, she was ordered to be repatriated to her parent department. Earlier, the appellant had preferred a constitutional petition i.e. W.P No. 2409/2018, which was disposed of vide order, dated 25.06.2018. The request of the appellant relating to her

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Islamabad

JAVED IQBAL Gil Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob/0345-9405501

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retention on the basis of wedlock policy was turned down by the competent authority.

3. The learned Counsel has been heard and the record perused with his able assistance.

4. The learned Counsel, despite his able assistance, could not point out any legal infirmity requiring interference with the impugned order, dated 02.11.2018. The principles and law relating to wedlock policy have been eloquently highlighted in the judgment reported as "*Muhammad Masroor-ul-Haq Vs. Federation of Pakistan through Secretary, M/o Overseas Pakistan and HRD, Islamabad and others*" [2017 PLC(C.S) 1365]. No right has accrued in favour of the appellant and therefore, she could not be treated as an aggrieved person in the context of Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. The impugned judgment does not suffer from any legal infirmity and therefore, this appeal is without merit and accordingly dismissed.

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19 FEB 2019

Executive
Secretary
Court of Sessions
Peshawar

sd

(MIANGUL HASSAN AURANGZEB)
JUDGE

(CHIEF JUSTICE)

Announced in open Court on 14/2/19

sd
Judge

(Chief Justice)

Saeed.

JAVED IQBAL Gul Beta
Daudza/ Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

(32) (41)
Am-M

Dated: 30-06-2018

To

The Director School
Federal Directorate of Education
Islamabad

Subject: **IMPLEMENTATION OF ORDER DATED: 25-06-2018 OF ISLAMABAD HIGH COURT, ISLAMABAD**

Respected Sir,

It is very humbly submitted that applicant is submitted application on dated: 29-05-2018 for the cancellation of repatriation notification 23-05-2018 however some was regretted without considering the wedlock policy and the applicant was informed by notification dated 13-06-2018.

The applicant challenged the same before Islamabad High Court has decided in the write petition No: 2409/2018 vides order dated 25-06-2018 the copy of write petition annexure and order dated: 25-06-2018 are attached with this application.

It is therefore most respectfully prayed that the matter of the applicant may humbly be decided as accordance with order dated 25-06-2018 of Islamabad High Court Islamabad.

FDE	General Directorate of
Directorate Section	Education G-9/14 Islamabad
Diary # 390	02 JUL 2018
Date 2/7/18	390
	2/7/18

Zainab
Your Obediently
Zainab Khushal
SST BPS-17

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 3345-9405801

REGISTERED



**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

No. SO(S/F)E&SED/4-10/2017/Mst. Zainab Khushal/SS/Swabi
Dated Peshawar the November 1st, 2018

To
3/12/18 / Mst. Zainab Khushal (BS-17),
Subject Specialist (Islamiat) Govt. Girls Higher Secondary School,
Chota Lahore Swabi.

SUBJECT: SHOW CAUSE NOTICE

I am directed to refer to the subject noted above and to enclose herewith copy of the show cause notice wherein the Competent Authority i.e. Chief Secretary Khyber Pakhtunkhwa has tentatively imposed upon you the major penalty of "removal from service" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, in connection with the charges leveled against you.

2. You are, therefore, directed to furnish your reply to the show cause notice as to why the aforesaid penalty should not be imposed upon you and intimate whether you desire to be heard in person.

3. Your reply should reach this department within seven (07) days of the delivery of this letter otherwise ex-parte action shall be taken against you.

Encl: as above:


(SHABIR KHAN)
SECTION OFFICER (S/F)

Endst: of even No. & date:

Copy forwarded for information to the:

1. Director E&SE Khyber Pakhtunkhwa, Peshawar alongwith copy of show cause notice.
2. Deputy Director Schools (Female), Govt. of Pakistan Federal Directorate of Education, Islamabad for information of the officer concerned.
3. District Education Officer (Female) Swabi.
4. PS to Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar.
5. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
6. PS to Secretary E&SE Department Peshawar.

Encl: as above:


SECTION OFFICER (S/F)

JAVED IQBAL Gilt Bala
Daudzai Law Chamber
Advocate High Court Peshawar
M.C.P. 0045

(43)
Am-0" (40)

To,

The Director (Schools)
Federal Directorate of Education,
Islamabad.

Subject: **REQUEST FOR REPATRIATION**

Respected Sir,

Reference Notification No. F.17-42D/2012-SST (W) FDE date 23-05-2018 regarding my repatriation notification, it is stated that I am working on deputation basis under FDE w.e.f. 08-08-2012. Federal Directorate of Education (FDE) issued notification regarding my repatriation to parent department i.e. Govt. of KPK. It is further to say that I filed case against the repatriation orders in the Honorable Islamabad High Court vide writ petition No.4142 of 2018 an Intra Court Appeal No.495/2018. The appeal has been dismissed by the honorable Judge of Islamabad High Court dated 14-02-2019.

2. In view of above, it is therefore requested that I may kindly be repatriated to my parent department i.e. Elementary and Secondary Education Department, Khyber Pakhtunkhwa at the earliest, Please.

Thanking your

Yours faithfully,

(Zainab Khushal)

SST, BS-17

IMCG (I-X), PM Colony, IBD

Date: 01-03-2019

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-940500

The Secretary,

Elementary & Secondary Education KPK Peshawar

Subject: Arrival in E&S Education KPK Peshawar

(44) ~~17~~
Am-P
7/3

Respected Sir!

Reference Notification No F-17-425/2012

SST(W) FDE dat 23.5.2018 regarding repatriation notification, it is stated that I am working on deputation basis under FDE W.P.F.08.08.2014 in FDE issued notification regarding my repatriation to parent department KPK. It is further to say that I filed case against repatriation order in High Court vide writ petition No 4142 of 2018 an intra court Appeal No 495/2018

In view of above, it is requested that want to give arrival on 7.3.2019 in my parent department KPK

Thanks

Yours faithfully,
Zainab Khushal
S.S. Islamial
Date 7-3-2019

1921
7/3/19



LAVED IQBAL Gul Bela
Daudza Law Chamber
Advocate High Court Peshawar
Mob: 9945-9405501

BETTER COPY NO.(44)

To

The Secretary,
Elementary & Secondary Education KPK
Peshawar

Subject:- ARRIVAL IN E&S EDUCATION KPK PESHAWAR

Respected sir,

Reference Notification No.F-17-42 D/2012 SST(W) FDE dated 23.05.2018 regarding repatriation notification, it is stated that I my working on deputation basis under FDE w.e.f 08.08.2012 in FDE issued notification regarding my repatriation to parent department KPK. It is further to say that I filed case against repatriation order in High Court vide writ petition No.4142 of 2018 and intra court Appeal No 495/12018.

In view of the above, it is requested that what to give arrival on 2.03.2019 in my parent department KPK.

Thanks

Yours Faithfully

Zainab Khushal
S.S Islamabad
Dated: 7.03.2019

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

45/422
Am-Q

TO BE PUBLISHED IN PART-III OF THE GAZETTE OF PAKISTAN

Government of Pakistan
Federal Directorate of Education

Islamabad the 20th March, 2019

NOTIFICATION

No.F.17-42D/2012-SST(W)FDE..... In pursuance of the honorable Islamabad High Court, Islamabad's orders in Writ Petition No. 4142 of 2018 and Intra Court Appeal No. 495/2018, **MS. ZAINAB KHUSHAL**, SST (Deputationist), Islamabad Model School for Girls (I-X) PM Staff Colony G-5, Islamabad is hereby repatriated with immediate effect to her parent department i-e, Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar due to completion of her deputation tenure under this directorate.

2. She stands relived with immediate effect to report for duty to her parent department.

(Agha Nadeem Khan)
Admin Officer Schools (F)

The Manager,
Printing Corporation of Pakistan Press,
University Road,
Karachi-5.

Copy to:

- The Section Officer (S/F), Elementary & Secondary Education Department, Govt. of Khyber Pakhtunkhwa, Peshawar w.r.t. Letter No. SO(S/F)E&SED/4-10/2017/Mst. Zainab Khushal/SS/Swabi dated 01.11.2018
- The AGPR, Islamabad
- The Head/DDO Concerned
- The APS to Director (Schools)
- The Person Concerned
- Personal File

(Agha Nadeem Khan)
Admin Officer Schools (F)

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 03-5-9405501



GOVERNMENT OF KHYBER PAKHTUNKHWA
AUQAF, HAJJ, RELIGIOUS AND MINORITY AFFAIRS DEPARTMENT
SDU BUILDING, ATTACHED DEPARTMENT'S COMPLEX KHYBER ROAD PESHAWAR
Auqaf@kp.gov.pk @facebook.com/ahrmadept @twitter.com/ahrmadept
Phone & Fax No. 091-9212620

MOST IMMEDIATE / THROUGH TCS

No. PS/AHR&MAD/1-6/2019/
Dated Peshawar the 08th August, 2019

To

✓ Mrs. Zainab Khushal,
SS (Islamiyat) (BPS-17),
GGHSS Chota Lahore Swabi.

Subject: **PERSONAL HEARING**

I am directed to refer to the subject noted above and to state that the competent authority has agreed to provide you with a chance of personal hearing. You are hereby directed to appear before the Secretary Auqaf, Hajj, Religious & Minority Affairs Department, in his Office, on **21-08-2019 at 11:00 AM for personal hearing.**

Amir R
PRIVATE SECRETARY
Ph. No.091-9210203

Endst. of Even No. & Date:

Copy forwarded to PS to Secretary Elementary & Secondary Education with the request to depute a well conversant officer to attend the personal hearing proceeding on the above date time & venue, please.

PRIVATE SECRETARY
Ph. No.091-9210203

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405301



47 (H) Am-S

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone: 091-9210480, Fax # 091-9211419

Dated Peshawar the August 29th, 2019

NOTIFICATION

No. SO(S/F)E&SED/4-10/2017/Mst. Zainab Khushal/SS/Swabi: WHEREAS Mst. Zainab Khushal, Subject Specialist (Islamiyat) BS-17 was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 on account of willful absence after expiry of deputation.

AND WHEREAS major penalty of "removal from service" was tentatively imposed vide show cause notice served upon her by the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa).

AND WHEREAS the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charge, evidence on record, reply to show cause notice and personal hearing granted to her by Secretary, AHR&MA Department on behalf of Competent Authority (Chief Secretary Khyber Pakhtunkhwa) on 21-08-2019, is of the view that the charge against her has been proved.

NOW, THEREFORE, in exercise of the powers conferred under Rule-14 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister) is pleased to confirm the Major penalty of "removal from service" upon Mst. Zainab Khushal, Subject Specialist (Islamiyat) BS-17, with immediate effect.

SECRETARY
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Endst: of Even No. & Date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Swabi.
- ✓ 4. Mst. Zainab Khushal, Subject Specialist (Islamiyat) BS-17.
5. PS to Secretary, E&SE Department, Peshawar.
6. Office order file.


(GULL RUKH)

Section Officer (Schools Female)

JAVED IOBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

TO WHOM IT MAY CONCERN

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Am-T^m
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Date. 29.08.18

Mrs. Zainab Khushal is working in IMSG (I-X) PM Staff Colony G.5, as SST on deputation basis. She is a hard working teacher and achieved good results and high GPA's in FBISE Examination Continuation of her services will highly be appreciated.

Sadia
MRS. SADIA FARHAT
Vice Principal
Islamabad Model School for Girls
(I-X), PM Colony, Islamabad

Javed Iqbal
JAVED IQBAL, Gul Bafa
Daudza Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

(49)

Am-U
2

To,

The Worthy, Chief Minister,
Khyber Pakhtunkhwa Peshawar.

Subject: **DEPARTMENTAL APPEAL AGAINST THE IMPUGNED NOTIFICATION NO. SO(S /F)E&SED/4-10/2017/ MST. ZAINAB KHUSHAL /SS/ SWABI, DATED 29/08/2019 OF THE OFFICE OF SECRETARY E & SE DEPARTMENT, GOVERNMENT OF KHYBER PAKHTUNKHWA, WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE IN A CLASSICALLY CURSORY & WHIMSICAL MANNER.**

Respected Sir,

1. That the Appellant is a naturally born bonafide citizen of the Islamic Republic of Pakistan & hails from a respectable family of district Swat.
2. That after going through the mandatorily required written examination & interviews via the then NWFP Public Service Commission, the Appellant was inducted into service as Subject Specialist (SS) Islamiyat (BPS-17) on 29/07/2008. (Copy of appointment order dated 29/07/2008 is annexed herewith as Annexure "A")
3. That as the husband of the Appellant is residing in Islamabad, so on the wedlock policy upon her

~~JAVED IQBAL, Gul Raib
Dainazai, High Court Chamber
Advocate High Court Peshawar~~

(50) (10)

request the Appellant services were called upon by the Federal Directorate of Education Islamabad on the deputation basis. In this respect letter dated 06/08/2012 was issued from the Ministry of Capital Administration and Development Islamabad, Government of Pakistan. (Copy of letter dated 06/08/2012 is annexed as Annexure "B")

4. That after borrowing the services of the Appellant for one year, the same was extended again and again, till the pendulum reached to the office order 02/12/2016, which was addressed to the Appellant vide Notification dated 19/12/2016. (Copies of extension record are annexed herewith as annexure "C & D" respectively)
5. That as the Appellant had been sent on deputation under the wedlock policy circulated through office memorandum dated 13/05/1998 of the Establishment Division and office memorandum dated 21/04/2006 of the Establishment Division, Cabinet Secretariat, Government of Pakistan, where-after an approval was also issued vide letter dated 16/03/2013 of the Ministry of Capital

JAVED IQBAL, Gul Bela
Daudpuri Law Chamber
Advocate/High Court Peshawar
Mob: 9945-9495807

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Administration and Development, Government of Pakistan, for absorption of Deputationist under the wedlock policy, so the Appellant also moved application for permanent absorption in the Federal Directorate of Education Islamabad. (Copies of the Letter dated 13/05/1998, 21/04/2006, Approval dated 16/03/2013 and Application for absorption are annexed herewith as Annexure "E to H/1" respectively).

6. That as the Appellant had been performing her duties as deputationist under the wedlock policy, that in the meanwhile letter dated 28/03/2018 was issued by the worthy Secretary E & SE Department Khyber Pakhtunkhwa, wherein request for repatriation of the Appellant was made. This request of Secretary of E & SE was approved vide order dated 23/05/2018 by the Federal Directorate of Education, Islamabad, and the Appellant was repatriated to her parent department. The Appellant moved application both to the Secretary E & SE Department Government of Khyber Pakhtunkhwa, and to Director F.D.E Islamabad. (Copies of the applications are herewith as annexure "I & J" respectively).

7. That besides moving applications concerned authorities, the Appellant also preferred Writ Petition No. 2409/2018 in the

JAVED NOBIL Gul Bela
Advocate High Court Peshawar
Law Chamber
No. 5-9405501

(52) (45)

Hon'ble High Court Islamabad. The Hon'ble High Court disposed off the aforementioned Writ Petition by holding " The Petitioner earlier filed a representation before respondent No.4 which was accordingly decided, however, the same was not decided on the basis of wedlock policy". The Hon'ble Islamabad High Court further transmitted the aforementioned Writ Petition to respondent No.4 with a direction to treat it as Representation and decided in light of wedlock policy and applicable law vide order and judgment dated 25/06/2018 an Intra Court Appeal No: 495/2018 was also later on moved and that was disposed off vide order and judgment dated 15/11/2018. (Copies of Writ Petition No: 2409/2018 and Intra Court Appeal 495/2018 are annexed herewith as annexure "K & L" respectively).

8. That as the Writ Petition of the Appellant was decided in her favor, so the Appellant moved application to the Director F.D.E Islamabad for implementation of the order of Islamabad High Court on 30/06/2018. (Copy of the Application is annexed herewith as Annexure "M")
9. That although the repatriation order dated 23/05/2018, issued in response to letter dated 28/03/2018 had already been held by the Hon'ble Islamabad High Court to be without

JAVED IQBAL Gul Bela
Raidzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

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application of law and as against the wedlock policy and had virtually been turned down, which although had not specifically been mentioned as such; but as impliedly and virtually had done so, hence the repatriation order was no more in field, which fact is also got strengthen by subsequent repatriation order. But inspite of all this a Show-Cause Notice was issued by the office of Chief Secretary Khyber Pakhtunkhwa, which was addressed to the Appellant vide office letter dated 01/11/2018. (Copy of the letter dated 01/11/2018 is annexed as Annexure "N")

10. That as the I.C.A No 495/2018 of the Appellant was decided on 15/11/2018, so the Appellant moved an application for requesting her repatriation to the Director F.D.E Islamabad on 01/03/2019 and made an application for making her arrival to the Secretary E & SE Khyber Pakhtunkhwa, Peshawar as well. (Copies of the application for repatriation and arrival are annexed herewith as annexure "O & P" respectively).

11. That a repatriation order was thus issued vide Notification order dated 20/03/2019 for repatriating the Appellant and thus the appellant was repatriated to her parent department. (Copy of Repatriation Notification

JAVED IQB
Gul Bela
Deudai Law Chamber
Advocate High Court Peshawar
Mob: 025-9405507

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dated 20/03/2019 is annexed herewith as Annexure "Q")

12. That as the appellant had made request for arrival, but the same was not acceded to, so the Appellant moved application as well as made request for personal hearing, which was although granted, but before the Irrelevant Authority, vide order dated 08/08/2019, which took place on 21/08/2019. (Copy of the Letter Dated 08/08/2019 is annexed herewith as Annexure "R")

13. That inspite of the fact, that the Appellant for herself requested for repatriation and even submitted her arrival and the repatriation order was issued on 20/03/2019, but the arrival was not accepted, for reason best known to the Competent Authority, the matter was kept pending till the impugned office notification No: SO(S/F) E& SED/4-10/2017/Mst. Zainab Khushal/ SS/ SWABI/ Dated 29/08/2019, whereby the Appellant was removed from service in a thoroughly illegal and unwarranted manner, issued by the office of Secretary Elementary and Secondary Education Department, Government of Khyber Pakhtunkhwa, who is also not a Competent Authority in the instant matter. (Copy of the Impugned Notification of the removal of service

SAVED JOBAL Gul Bela
Daudzal Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

dated 29/08/2019 is annexed herewith as Annexure "S" while that of certificate from the Appellant School is Annexure "T" respectively).

14. That feeling aggrieved the appellant prefers the instant Departmental Appeal for setting aside the impugned Notification dated 29/08/2019 and for her reinstatement into service with all back benefits, upon the following grounds inter-alia:-

Grounds:-

- A. That the impugned removal from service order is wrong, illegal & void, hence liable to be set aside.
- B. That no inquiry was ever conducted, nor any inquiry dispensation order was ever issued, even then, the Major Penalty was imposed, which is against the governing rules.
- C. That no charge-sheet, no statement of allegation was ever issued to the Appellant.
- D. That even no Final Show-Cause Notice was ever issued to the Appellant which is mandatory even if no inquiry is made or dispensed with.

ED IQBAL Gul Belz
Daudzai Law Chamber
The High Court Peshawar
No. 0345-9400001
order

(56)

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E. That no proper right of defense was ever extended to the Appellant & even then harshest penalty was imposed, which is illegal.

F. That initial repatriation order had already been impliedly cancelled by the Hon'ble Islamabad High Court, which fact is further, affirmed by the issuing fresh repatriation order on 20/03/2019, giving rise to a fresh cause of action in favour of the Appellant.

G. That although repatriation order was issued on 20/03/2019 and thereafter without any notice, Show-Cause Notice or any other direction was ever issued by the Competent Authorities of the Government of Khyber Pakhtunkhwa, rather on the other hand the arrival was not accepted and acceded to without any rim or reason and the matter was kept pending till the impugned order, which under the law, is not allowed.

H. That pleading her case under wedlock policy is not a curse, where against the Appellant can be blamed for and penalized, which the responent did.

I. The impugned removal from service Notification is not issued from the Competent Authority, which score is enough for setting aside the same.

DAUZAIB IQBAL Gul Bela
Dauzai Law Chamber
Islamabad High Court Peshawar
Mob: 0345-9405591

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(9)

- J. That even the alleged personal hearing was not conducted by the Competent Authority and thus grave violations of the Rules took place in the case of the Appellant.
- K. That the Appellant has committed no illegality, rather made repeated requests for accepting of her arrival, which fact is evident from the entire record, are annexed herewith; but even then the Appellant was condemned; and that too condemned unheard before the Competent Authority.
- L. That from every angle the impugned Notification is wrong, illegal, void and is liable to be set aside and by doing so the Appellant is entitled to be reinstated into service.

It is, therefore, on acceptance of instant Departmental Appeal, the impugned Notification No. SO(S /F)E&SED/4-10/2017/ Mst. Zainab khushal /Ss/ Swabi, dated 29/08/2019 of the office of the Secretary Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, whereby the Appellant has been removed from service, may graciously be set aside and cancelled, and by doing so the

DAVID IQBAL, Gul Bela
Daudzai Law Chamber
Associate High Court Peshawar
Mob: 03/5-946669

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Appellant may very graciously be reinstated
into service will all back benefits.

Appellant



Mst. Zainab Khushal
SS. Islamiyat, Swabi.*-

Dated : 31/08/2019

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob. 0345-9405501

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AM

Annexure U1

GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. SO(S/F)E&SED/4-17/2020/Mst. Zainab Khushal
Dated Peshawar the May 13, 2020

To ✓
The Mst. Zainab Khushal,
Ex-SS (Islamiyat BS-17),
GGHSS Chota Lahore, Swabi.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED NOTIFICATION NO. SO(S/F)E&SED/4-10/2017/MST. ZAINAB KHUSHAL/SS/SWABI, DATED 29.08.2019 OF THE OFFICE OF SECRETARY E&SE DEPARTMENT, GOVERNMENT OF KHYBER PAKHTUNKHWA, WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE IN A CLASSICALLY CURSORY & WHIMSICAL MANNER.

I am directed to refer to your appeal, dated 31.08.2019 on the subject and to inform that the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) has been pleased to regret your instant appeal, being without merits.

Yours faithfully,

A Salam
19/5/2020

(ABDUS SALAM)
SECTION OFFICER (S/F)

Copy of the above forwarded to:

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Secretary E&SE, Department.
5. PA to DS (Admn) E&SE Department.

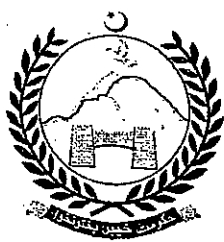
JAVED IQBAL Gul Bela
Daudzar Law Chamber
Advocate High Court Peshawar
Mob: 0745-9405501

A Salam
19/5/2020
SECTION OFFICER (S/F)

59



~~Amir Hassan Khan~~



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Dated Peshawar, the July 05, 2012

DPE, JS
AO(F)
11/7/12 10-7-12

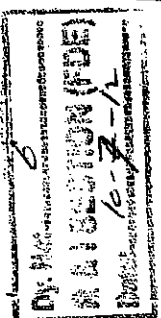
NOTIFICATION

NO.SO(S/F)E&SE/4-10/2012/Zainab Khushal. In the pursuance of NOC issued by the Establishment and Administration Department Government of Khyber Pakhtunkhwa, vide letter No. SO(R-I)/E&AD/1-14/82/Vol.XXIV dated 28-06-2012, to Elementary & Secondary Education Department the services of Ms. Zainab Khushal Subject Specialist Islamiyat (BS-17) GGHSS Chota Lahore District Swabi are hereby placed at the disposal of Federal Directorate of Education for further posting on deputation basis for initial period of one year with immediate effect.

2. Consequent upon above the Subject Specialist concerned officer is relieved with immediate effect to take over charge of her new assignment in the Federal Directorate of Islamabad.
3. No TA/DA is allowed.

SECRETARY

Endst: of even No. & date



Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Directorate, E&SE, Khyber Pakhtunkhwa Peshawar.
3. Executive District Officer Swabi.
4. District Account Officer Swabi.
5. Administrative Officer Female Federal Directorate of Education Govt. of Pakistan Islamabad.
6. Incharge EMISE, E&SE Department.
7. PS to Secretary E&SE Department.
8. Subject Specialist concerned at GGHSS Chota Lahore District Swabi.
9. Office order file.
10. Principal, GGHSS Chota Lahore District Swabi.

2042-DDF
11.7.12

Shahid

11/7/12

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
MOB: 0345-9405501

(AMIR HASSAN KHAN)
SECTION OFFICER(SF)

60



~~2ND NOC~~



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT

(REGULATION WING)

No.SOR-I(E&AD)14/82/Vol.27
Dated the 5th August, 2013

To,

The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject: -

TRANSFER ON DEPUTATION OF MS. ZAINAB KHUSHAL, SUBJECT
SPECIALIST ISLAMIAT GGHSS CHOTA LAHOR SWABI TO FEDERAL
DIRECTORATE OF EDUCATION, ISLAMABAD.

Dear Sir,

I am directed to refer to the Elementary & Secondary Education Department letter No. SO (S/F)4-10/2013/Zainab Khushal dated 15.7.2013 on the subject noted above and to convey NOC of Establishment Department for extension in deputation in favor of Mst. Zainab Khushal, Subject Specialist Islamiyat GGHSS Chota Lahor Swabi, Govt. of Khyber Pakhtunkhwa to Federal Directorate of Education Islamabad for further period of two years w.e.f 07.08.2013 to 08.08.2015. Total period of deputation including the instant extension comes to three (03) years.

Yours faithfully,

Section Officer (Reg-I)

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

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Imp...
RND N 10



**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SE DEPARTMENT**

Dated Peshawar, August 06, 2013

NOTIFICATION

NO.SO(S/F)E&SE/4-10/2013/Zainab Khushal. In pursuance of the NOC issued by the Establishment and Administration Department Government of Khyber Pakhtunkhwa, vide letter No. SOR-I(E&AD)1-14/82/Vol.27 dated 06-08-2013, the services of Ms. Zainab Khushal Subject Specialist Islamiyat (BS-17) GGHSS Chota Lahor District Swabi are hereby extended for a period of two (02) years w.e.f 07-08-2013 to 08-08-2015.

2. Consequent upon the above, Subject Specialist concerned is allowed to carry out her duties already placed at the disposal of Federal Directorate of Education.
3. No TADA is allowed.

SECRETARY

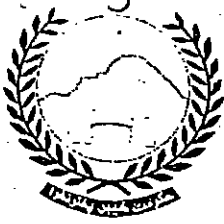
Endst: of even No. & date

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Directorate, E&SE, Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (F) Swabi.
4. District Accounts Officer Swabi.
5. Administrative Officer (Female) Federal Directorate of Education Govt. of Pakistan Islamabad.
6. Principal, GGHSS Chota Lahor District Swabi.
7. Subject Specialist concerned at GGHSS Chota Lahor District Swabi.
8. Incharge EMISE, E&SE Department.
9. PS to Secretary E&SE Department.
10. Office order file.

(BEENISH IMRAN)
SECTION OFFICER (S/F)

JAVED IQBAL Gul Bata
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501



(62)

(last name -)
(IMP part only)

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

NOTIFICATION

Dated Peshawar May 19, 2015.

NO.SO(S/F)E&SE/4-10/2015/Zainab Khushal SS: In pursuance of the NOC issued by the Establishment and Administration Department Government of Khyber Pakhtunkhwa vide letter No. SOR-I (E&AD)1-14/82/ dated 11-05-2015, the deputation period in r/o Ms. Zainab Khushal Subject Specialist Islamiyat (BS-17) GGHSS Chota Lahore, Swabi is hereby extended for period of two (02) years w.e.f 08-08-2015 to 07-08-2017. Total period of deputation including the instant extension comes out to be five (05) years.

2. Consequent upon the above, Subject Specialist concerned is allowed to carry out her duties already placed at the disposal of Federal Directorate of Education, Islamabad. However, after completion of deputation period, she will be deemed as repatriated to her parent department.

SECRETARY

Endst.of even No & date

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE, Peshawar.
3. District Education Officer (F) Swabi.
4. Deputy Director Schools (Female) Govt. of Pakistan Federal Directorate of Education, Islamabad w/r to his letter No.F.1-17/2012-D (W) FDE dated 16-04-2015.
5. Principal GGHSS Chota Lahore, Swabi.
6. Section Officer (R-I) Establishment & Admn: Department w/r to his letter as cited above.
7. PS to Secretary Establishment & Administration Department.
8. PS to Secretary E&SE Department.
9. Incharge EMISE, E&SE Department.
10. Ms. Zainab Khushal Deputy Headmistress (Deputationist), Islamabad Model School for Girls (I-X), P.M Colony, G-5, Islamabad.
11. Office order file.


(FOZIA NAZ)
SECTION OFFICER (S/F)

JAVED IQBAL Gul Bata
Daudzal Law Chamber
Advocate High Court Peshawar
Mob: 9345-9465501

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NO.F.14-14/2012-FDE(S)
GOVERNMENT OF PAKISTAN
MINISTRY OF CAPITAL ADMINISTRATION & DEVELOPMENT

Islamabad, the August 06, 2012

From: MAHMOOD KHAN LAKHO
EDUCATION OFFICER (FDE)
TELE: 9204306

To: THE SECRETARY,
ELEMENTARY & SECONDARY DEPARTMENT,
GOVERNMENT OF KHYBER PAKHUNKHWA (KPK),
PESHAWAR.

Subject: TRANSFER ON DEPUTATION OF MRS. ZAINAB KHUSHAL, SUBJECT SPECIALIST (ISLAMIYAT) (BS-17), GOVT. GIRLS HIGHER SECONDARY SCHOOL, CHOTA LAHORE, DISTRICT SWABI UNDER ELEMENTARY & SECONDARY DEPARTMENT, GOVERNMENT OF KPK TO THE EDUCATIONAL INSTITUTIONS UNDER FEDERAL DIRECTORATE OF EDUCATION, ISLAMABAD.

I am directed to refer to Government of KPK's Notification No.SO(S/F)E&ESE/4-10/2012/Zainab Khushal, dated 05-07-2012 on the above subject and to say that the competent authority has been pleased to borrow the services of Mrs. Zainab Khushal, Subject Specialist (Islamiyat) (BS-17), Government Girls Higher Secondary School, Chota Lahore, District Swabi under Elementary & Secondary Department, Government of KPK as Deputy Headmistress (BS-17) under the Federal Directorate of Education, Islamabad on the following terms and conditions:

- i) She will be on deputation initially for a period of one year or till the joining of FPSC's nominee, which ever is earlier.
- ii) On the completion of deputation period, she will stand repatriated to her parent department without any notice, prior to her joining under the Federal Directorate of Education. She will also submit an undertaking on stamp paper duly attested by the First Magistrate Class-I to the effect that she will neither claim for permanent absorption nor file an appeal / writ petition in the court for permanent induction.
- iii) She will draw pay in her own pay grade/scale.
- iv) No TA/DA will be allowed as the deputation is allowed on the request of the incumbent.
- v) The department will retain her lien as admissible under the rules.
- vi) She will be governed by Civil Servants Act, 1973.
- vii) The pension contribution will be paid according to rules.

2. Since Mrs. Zainab Khushal, Subject Specialist (Islamiyat) (BS-17), is working under the administrative control of your department, therefore, it is requested that she may be informed about the terms and conditions regarding her deputation under the Federal Directorate of Education, Islamabad. If the above terms and conditions are acceptable to the incumbent and her Department, then she may be relieved of her duties and directed to report for duty in the Federal Directorate of Education, Islamabad within thirty (30) days from the date of issuance of this letter.. If she fails to join within the stipulated period, the offer of appointment on deputation will be treated as CANCELLED.

3. This issues with the approval of the Secretary, Ministry of Capital A&D.

M. M. Lakho
(MAHMOOD KHAN LAKHO)

Copy to:

- i). The AGPR, Islamabad.
- ii). The Director General, FDE, Islamabad.
- iii). The Director Schools (Female), FDE Islamabad.(w.r.t their FDE's U.O.No.F.1-1/2011 (W)/FDE dated 23.2.12).
- ✓ iv). Mrs. Zainab Khushal, Subject Specialist (Islamiyat) (BS-17), Government Girls Higher Secondary School, Chota Lahore, District Swabi.
- v). The personal file.

Attestation Usman Ghani Sohaib

Note: Posting orders may be issued in G-6 G-7 Sector
Director Schools Farzana Gondal CELL No
Femal
0322 5066725 051- 9260948 office

SAVED IQBAL Gul Bela
Daudzal Law Chamber
Advocate High Court Peshawar
MOB: 0345-9405501

69



GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
CAPITAL ADMINISTRATION & DEVELOPMENT DIVISION

No.F.14-4/2012-FDE(S)

Islamabad, the 20th October, 2016.

OFFICE MEMORENDUM

SUBJECT: EXTENSION IN DEPUTATION PERIOD FOR TWO YEARS (4TH & 5TH YEARS) W.E.F. 08-08-2015 TO 07-08-2017 IN RESPECT OF MRS. ZAINAB KHUSHAL SST (BS-17) ISLAMABAD MODEL SCHOOL FOR GIRLS ISLAMABAD, HERDOGHER (F.A), ISLAMABAD,

The undersigned is directed and to say that the Secretary, CA&DD is please to forward the case of Mrs. Zainab Khushal, Subject Specialist (Islamiyat) (BS-17) GGHS, Chota Lahore, Swabi, presently working on deputation basis against the vacant post of SST (BS-17) in MSG, Herdogher (F.A), Islamabad regarding extension in deputation period for further two years w.e.f. 08-08-2015 to 07-08-2017 (4th & 5th years). She has been working under Federal Directorate of Education (FDE) since 08-08-2012 and completed 03-years of deputation on 07-08-2015. In this regard the filled in Proforma of Borrowing & Lending Organizations (duly signed) and NOC from parent Department are enclosed.

2. Establishment Division is requested to grant extension in deputation period for further 02-years with effect from 08-08-2015 to 07-08-2017 (4th & 5th years) in respect of Mrs. Zainab Khushal, Subject Specialist (Islamiyat) (BS-17), working on deputation basis on standard terms and conditions in Islamabad Model School for Girls, Herdogher (F.A), Islamabad, under FDE, Islamabad.

Encl: As above.

(IRFAN ULLAH)
Assistant Educational Adviser
Tele:051-9204419

Section Officer (I-4),
Establishment Division,
Government of Pakistan,
ISLAMABAD.

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

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(Important)

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

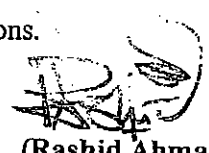
No.1/228/2016-E-4

Islamabad, the November 15, 2016

OFFICE MEMORANDUM

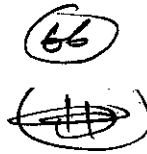
SUBJECT:- EXTENSION IN DEPUTATION PERIOD OF MRS. ZAINAB KHUSHAL, SUBJECT SPECIALIST (ISLAMIYAT) (BS-17), PRESENTLY POSTED AS SST (BS-17) ISLAMABAD MODEL SCHOOL FOR GIRLS ISLAMABAD, HERDOGHER (F.A), ISLAMABAD, ON DEPUTATION BASIS

The undersigned is directed to refer to Capital Administration and Development Division (CADD), Islamabad's O.M No.F.14-4/2012-FDE(S) dated 20.10.2016 on the subject noted above and to convey approval of the Competent Authority to the extension in deputation period of Mrs. Zainab Khushal, Subject Specialist (Islamiyat) (BS-17), presently posted as SST (BS-17) Islamabad Model School for Girls Islamabad, Herdogher (F.A), Islamabad, from 08-08-2015 to 07-08-2017, on deputation basis, on standard terms and conditions.


(Rashid Ahmad)
Section Officer (E-4)
Tele: 9103636

Capital Administration and Development Division,
(Mr. Irfan Ullah, Assistant Education Adviser,
Islamabad)

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501



No.F.1-17/2012-D (W) FDE
Government of Pakistan
Federal Directorate of Education
Islamabad

Islamabad, the 16th April, 2015

Section Officer (S/F),
Elementary & Secondary Education Department,
Govt. of Khyber Pakhtunkhwa,
Peshawar.

Subject: **REQUEST FOR EXTENSION IN DEPUTATION PERIOD IN RESPECT OF MRS. ZAINAB KHUSHAL, SS (BS-17)**

I am directed to refer to the captioned subject and to say that Mrs. Zainab Khushal, Subject Specialist Islamiyat (BS-17), Government Girls Higher Secondary School, Chota Lahore District Sawabi was taken on deputation against the post of Deputy Headmistress (DHM) (in her own pay & grade) under Federal setup for a period of 01-year vide this Directorate's notification of even number dated 18.09.2012. She was further granted 02-years extension w.e.f 08.08.2013 to 07.08.2015. Now, she has requested for further 02-years extension in deputation from 08.08.2015 to 07.08.2017. ✓

2. It is, therefore, requested that NOC / Consent about her further extension in deputation may kindly be communicated to this Directorate for further necessary action, please.
3. This is issued with approval of Director Schools (Female). ✓

(RANA MUHAMMAD NAZIR)
DEPUTY DIRECTOR SCHOOLS (FEMALE)

Copy to:

- ✓ Principal, Islamabad Model School for Girls (I-X), P.M Colony, G-5, Islamabad.
- Person concerned.
- Persona file.

(ABDUL RAZZAQUE)
ASSISTANT DIRECTOR SCHOOLS (FEMALE)

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9435501

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[Handwritten signature]

Dated: 30-06-2018

To

The Director School
Federal Directorate of Education
Islamabad

Subject: IMPLEMENTATION OF ORDER DATED: 25-06-2018 OF ISLAMABAD HIGH COURT, ISLAMABAD

Respected Sir,

It is very humbly submitted that applicant is submitted application on dated: 29-05-2018 for the cancellation of repatriation notification 23-05-2018 however some was regretted without considering the wedlock policy and the applicant was informed by notification dated 13-06-2018.

The applicant challenged the same before Islamabad High Court has decided in the write petition No: 2409/2018 vides order dated 25-06-2018 the copy of write petition annexure and order dated: 25-06-2018 are attached with this application.

It is therefore most respectfully prayed that the matter of the applicant may humbly be decided as accordance with order dated 25-06-2018 of Islamabad High Court Islamabad.

Zainab

Your Obediently
Zainab Khushal

SST BPS-17

FDE General Directorate of Education Islamabad	Copy # 390	General Directorate of Education Islamabad
	Date 27/7/18	
	390	07 JUL 2018
	2/7/18	Kad Section
		Education G-9/A, Islamabad

JAVED IQBAL Gul Tala
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

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[Handwritten signature]

To,

The Principal

Pm Staff Colony G-5 Islamabad

Through Proper Channel

Subject: **Request for relaxation of deputation matter.**

Respected Sir,

It is stated that I am Zainab Khushal BPS -17, working on deputation period from 6 years in under Federal directorate of Education (FDE), Recently the KPK Government issued notification for deputationist reputed to her parent department immediately **NO.F. 17-42D/2012-SST (W) FDE.**

I request to competent authority for give some day's relaxation in this matter, I pursue over case from parent department and hope to consider my request about this matter.

With best regards

Zainab
Zainab Khushal BPS-17

Dated: 24-05-2018

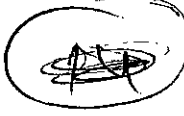
Forwarded for necessary action

Sadi

MRS. SADIA FARHAT
Vice Principal
Islamabad Model School for Girls
(I-X), PM Colony, Islamabad

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

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No. F. 1-9/2012 (W)FDE
GOVERNMENT OF PAKISTAN
FEDERAL DIRECTORATE OF EDUCATION

Islamabad, the 11th September, 2012

OFFICE ORDER

With -immediate effect and until further orders the following teachers shall perform temporary at Islamabad Model School for Girls (I-X), P.M's Staff Colony, Islamabad.

S. No.	Name, Designation & Institute
I.	Mrs. Robina Kausar, EST Islamabad Model School (I-V), G-6/1-4, Islamabad
II.	Mrs. Naseema Begum, EST Islamabad Model School (I-V), G-6/1-4, Islamabad
III.	Mrs. Naheed Akhtar, EST Islamabad Model School (I-V), G-6/1-4, Islamabad
IV.	Mrs. Misbah Arshad, TGT/ET Islamabad Model School (I-V), G-6/1-4, Islamabad
V.	Mrs. Tahira Naz, PTI Islamabad Model School (I-V), G-6/1-4, Islamabad
VI.	Mrs. Zainab Khushal, DHM on deputation posting for the purpose of drawal of salary will be done shortly

2. The abovementioned teachers stand relieved of their duties with the direction to take up their assignment at Islamabad Model School for Girls (I-X), P.M's Staff Colony, Islamabad at once under intimation to this Directorate, failing which disciplinary action will be initiated against them under (E&D) Rules, 1973.

3. This is issued in supercession of FDE's o/p. of even number dated 06.09.2012 with the approval of Director General (Edu).

(MRS. FARZANA ASHRAF GONDAL)
DIRECTOR SCHOOLS (FEMALE)

Distribution:

- ✓ PS to Secretary, M/O CA&D
- ✓ PS to Military Secretary to PM, PM's Secretariat, Islamabad
- ✓ PS to JEA (Edu), M/O CA&D
- ✓ PS to DG, FDE
- ✓ Heads Concerned
- ✓ AEO (Urban)
- ✓ Persons Concerned
- ✓ Personal File

Hasan
(HASAN IMRAN BAIG)
Deputy Director Schools (FEMALE)

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

70

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~~18~~

To,

The Director (Schools)
Federal Directorate of Education,
Islamabad.

Subject: REQUEST FOR CANCELLATION OF REPATRIATION NOTIFICATION

Respected Sir,

Reference Notification No. F.17-42D/2012-SST(W)FDE dated 23-05-2018 regarding my repatriation notification, It is stated that I am working on deputation basis under FDE w.e.f. 08-08-2012. Recently, FDE issued a notification regarding my repatriation to parent department. It is further to say that I am working with complete devotion and have showed excellent results throughout my deputation period. Moreover, my children are studying here in Islamabad and my repatriation will create unfortunate hurdles. Kindly cancel my repatriation notification in the light of enclosed wedlock policy and oblige.

Thanking you

Yours faithfully,

(Zainab Khushal)
SST, BS-17
IMCG (I-X), PM Colony, Ibd

Forwarded for necessary action

Sad
MRS. SADIA FARHAT
Vice Principal
Islamabad Model School for Girls
(I-X), PM Colony, Islamabad

J. Iqbal
26/11/18
High Court Islamabad

J. Iqbal

JAVED IQBAL Gul Beta
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

CERTIFICATE OF TRANSFER OF CHARGES

1. I Certified that we have on the fore/after noon of this day 07/08/2012 (P.N) respectively made over and received charge of the Office of the S.S. Islamiat at G.H.S.S. Lahore
2. Particulars of each and important secret and confidential documents handed over are noted on the reverse.

Signature of relived Zainab
 Government Servant Zainab Khushal
 Designation S.S. Islamiat
 Station G.H.S.S. Lahore
 Signature of reliving _____
 Government Servant _____
 Designation _____

Dated 07-08-2012 (P.N)

Forwarded to the _____

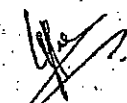
MO

(72)
Relieving Chit.



Mst: Zainab Khushal ss Islamabad.

You have been appointed on deputation basis to the Educational Institutions Under Federal Directorate of Education, Islamabad vice secretary, elementary and secondary department Govt: of Khyber Pakhtun Khawa Peshawar notification No SO (S/F) E & SE/4-10/2012/Zainab Khushal, dated 05/07/2012. You have been relieved from your duties with effect from 07/08/2012 (FN) and directed to report for duty at your new station plz


PRINCIPAL
G.G.H.S.S Lahor
(Swabi)



(~~23~~) (23)

To,

The Director Schools Female,
FDE Islamabad.

Subject: Joining Report Ref: 14-14/2012 FDE(S) dt 8/8/2012

with due respect it is stated that I have been applied for Transfer/Deputation from KPK Chota Lahore SMabi to FDE Islamabad. I received Deputation order copy Secretary Education Islamabad. I will Bond all the Terms & Condition of FDE Islamabad.

It is therefore, requested kindly accepted my Joining Report dated 8-8-2012 F/N. I will be thankful to you.

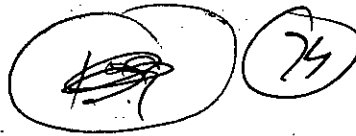
yours obediently

Fainaly
ZAINAB KHUSHAL
S.S. Islamiate
dated 8-8-2012

Diary No 61
8-8-12

- Enclosed
- ① Service certificate
 - ② Relieving order
 - ③ charges Report.

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501



ISLAMABAD MODEL COLLEGE FOR GIRLS, HERDOGHER (F.A), ISLAMABAD.

CHARGE ASSUMPTION REPORT

Certify that I Mrs. Zainab Khushal, SST have this day of the 08-08-2012 (F.Noon) assumption report of the office of Islamabad Model College For Girls Herdogher, Islamabad, on account of Deputation vide office order No.F.1-17/2012-D(W)/FDE dated,18-029-2012

Signature: Zainab

Name: Mrs. Zainab Khushal

Designation: SST (B-17)

No. 433 /2012 IMCG (HR)

Dated: 08-08-2012

ISLAMABAD MODEL COLLEGE FOR GIRLS, HERDOGHER (F.A), ISLAMABAD.

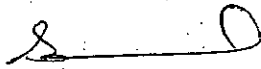
To

The A.G.P.R,
GA-VIII Islamabad.

Forwarded a certificate declaring that the charge of SST (B-17). Of Islamabad Model College for Girls Herdogher (F.A), Islamabad was taken over by the said office on F.Noon dated 08-08-2012.

Copy to:

- Director Schools (F) FDE, IBD.
- The Person Concerned.
- The head Concerned
- AEO Sihala
- AGPR IBD
- Personal File


(Mrs. Sarwat Aslam)
Drawing & Disbursing Officer
Islamabad Model College
For Girls, Herdogher
(F.A) Islamabad

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501



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TO BE PUBLISHED IN PART-III OF THE GAZETTE OF PAKISTAN

Government of Pakistan
Federal Directorate of Education

Islamabad the 18th September, 2012

NOTIFICATION

No. F. 1-17/2012-D (W) FDE..... Consequent upon her relieving on deputation for 01-year by the Government of Khyber Pukhtoonkhwa vide their letter No. SO(S/F)E&SE/4-10/2012/ Zainab Khushal, Subject Specialist B-17 is hereby posted in IMCG Herdogher (FA), Islamabad against the vacant post of SST B-17 on her own pay/grade scale.

2. This directorate allowed her to join her duty w.e.f 08.08.2012 (i.e. the date of her joining under FDE, Islamabad)
3. She shall perform temporary duty in IMMSG (I-X) PM Staff Colony, G-5, Islamabad.
4. The previous officer order No. 1-9/2012/W/FDE dated 11.09.2012 in respect of **Zainab Khushal** may be treated as cancelled.
5. This is issued with the approval of Director Schools (Female).

Handwritten signature of Hasan Imran Baig

**HASAN IMRAN BAIG
DEPUTY DIRECTOR (FEMALE)**

*The Manager,
Printing Corporation of Pakistan Press,
University Road,
Karachi-5*

Copy to:

- ✓ The AGPR, Islamabad
- Head Concerned
- Person Concerned
- Personal File
- Notification File

**MOHAMMAD ASLAM ANSARI
ADMIN OFFICER (FEMALE)**

**JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501**

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TO BE PUBLISHED IN PART-III OF THE GAZETTE OF PAKISTAN

Government of Pakistan
Federal Directorate of Education

Islamabad the 13-11-2017.

NOTIFICATION

No.F.1-17/42-D/2017-SST(W)FDE With immediate effect and until further orders, Ms. Zainab Khushal, Subject Specialist, Islamabad Model College for Girls Herdohger, (FA) Islamabad is hereby transferred to IMSG (I-X) P.M Staff Colony G-5, Islamabad against a vacant post of SST.

2. This is issued with the supersession of this Directorate even letter no dated 16th October, 2017 with the approval of Director Schools.

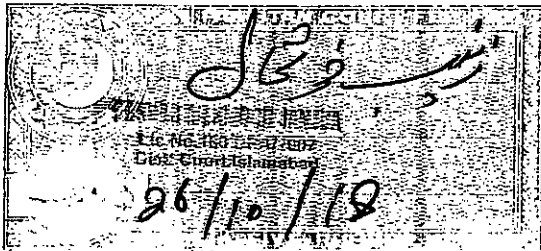
(RIZWAN HASSAN CHINNA)
Assistant Director Schools (F)

The Manager,
Printing Corporation of Pakistan Press,
University Road,
Karachi-5.

Copy to:

- The AGPR, Islamabad
- The Head/DDO Concerned
- The Person Concerned

(RIZWAN HASSAN CHINNA)
Assistant Director Schools (F)



JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

~~77~~ 77

To

The Chief Secretary,
Government of Kyber-Pakhtunkhwa,
Peshawar.

Subject- SHOW CAUSE NOTICE - REPLY OF

87 IN/E
02-1-2019 O/C

Respected Sir,


With reference to letter No.SO(S/F)E&SET/4-10/2017/Mst. Zainab Khushal/SS/Swabi, dated 01-11-2018, on the subject noted above, issued under the signature of Section Officer (S/F), received on 28-12-2018 along with show cause notice, I have the honour to submit my reply as under:-

a) That I was transferred on deputation to the Federal Directorate of Education vide notification dated 05-06-2012 and remained posted as such till 13-06-2018 when I was ordered to be repatriated to my parent department. I filed Writ Petition No.2409 of 2018 before the Hon'ble Islamabad High Court, Islamabad, which has been disposed of vide order dated 25-06-2018. The operative part of the aforesaid order is reproduced as under:-

"3. In view of foregoing, office is directed to transmit the instant petition and its annexures to respondent No.4 which shall treat the same as representation and decide it in light of the wedlock policy and the applicable law expeditiously preferably within ten days from the receipt of this order, after providing an opportunity of hearing to the petitioner."

b) That the borrowing department on receipt of the above order from the Hon'ble High Court again directed to relieve me on deciding my representation vide order dated 10-10-2018. I again filed Writ Petition No.4142 of 2018 against the above order of the borrowing department, which stands dismissed vide order dated 02-11-2018. I filed Intra Court Appeal No.495 of 2018 before the Hon'ble Islamabad High Court, Islamabad, which is still pending for adjudication. It is almost settled that the departmental authorities cannot proceed ahead in a matter pending before a Court of competent jurisdiction. Reliance in this regard is placed on a judgment of the Hon'ble Supreme Court of Pakistan reported as "2009 SCMR 396", whereby all executive authorities of the country were restrained to take any action in a sub judice matter. Needless to add that all executive and judicial authorities in the country are bound to act upon the judgment of the Supreme Court of Pakistan under constitutional

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-940599

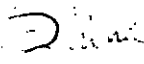
 (78)

command contained in Article 189 read with Article 190 of the Constitution of the Islamic Republic of Pakistan, 1973.

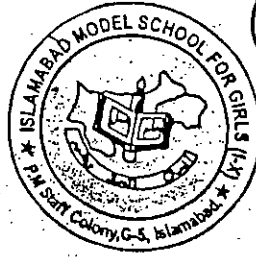
- c) That it becomes crystal clear that I have not remained absent from the duty for the alleged period, therefore, no charge of absence from duty has been proved against me.

2. In view of the above, it is respectfully submitted that my case of repatriation is pending / sub judice before the Hon'ble Islamabad High Court, Islamabad, therefore, no charge against me has been made out. It is accordingly requested that the show cause notice may graciously be withdrawn in the interest of justice and fair play, please.

Yours faithfully,


(Zainab Khushal)
SS (Islamiyat)
GGHSS, Chota Lahore,
Swabi, KPK

JAVED IQBAL Gul Bafa
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9485501



**ISLAMABAD MODEL SCHOOL FOR GIRLS (I-X),
P.M STAFF COLONY G-5, ISLAMABAD**

Ph#051-9203644

Ref #F.1-2/2013IMSG(P.M)

Date:15-04-2013

The Deputy Director School (Female)

Federal Directorate of Education

Islamabad.

SUBJECT: PERMANENT ABSORPTION OF DEPUTATIONISTS UNDER FDE

Sir,

Please find enclose herewith required information of Mrs. Zainab Khushal (deputationist) along with attested photocopies of testimonials .


PRINCIPAL

MRS. BUSHRA AZEEM
Principal
Islamabad Model School for Girls
(I-X), P. M Colony, Islamabad

JAVED IQBAL Gul Bera
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9485501

13/12-DB

Government of Pakistan
Ministry of Federal Education & Professional Training
C-Block, Pak Secretariat, Islamabad.

COURT CASE



F. No 6(10)/6272/2021-Legal

Islamabad 4th October, 2021

Subject: **APPEAL NO. 6272 OF 2020 FILED BY Mst. ZAINAB KHUSHAL THROUGH CHIEF SECRETARY PESHAWER VS MINISTRY OF CAPITAL ADMINISTRATION & DEVELOPMENT ISLAMABAD THROUGH ITS DIRECTOR GENERAL. BEFORE FST KPK.**

Refer to appeal No.6271/2020-SOL. dated 14th September,2021 on subject noted above received from Khayber Pakhtunkhwa Service Tribunal ,Peshawar, and to say that the addressing ministry in said appeal is **The Ministry of Capital Administration & Development, Islamabad** which does not exist in the Pak Secretariat, Islamabad.

2. In view of above, you are hereby requested to correct the nomenclature of the ministry as well as the addressing person of the Ministry/department and communicate to this section of the Ministry of Federal Education & Professional Training so that the case may be forwarded to the department concerned for further necessary action, please.

(Engr. Abid Munir)
Associate Professor
Director Legal

✓ The Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Copy for Information:

- i. SPS to Secretary M/o FE&PT, Islamabad.
- ii. APS to JS/JEA (F.E)
- iii. APS to Director General, FDE, Islamabad.
- iv. APS to Deputy Secretary (Coord, Council, Legal) M/o FE&PT, Islamabad.
- v. Relevant File

Put up to the court with
relevant appeal.

Reader

7/10/2021

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. D.B

No.

Appeal No. 6272 of 2020

Regd

Mst. Zainab Khushal Appellant/Petitioner

Versus

Through Chief Secy Pesh Respondent

Respondent No. 3

Notice to:

Ministry of Capital Administration & Development Islamabad through its Director General Islamabad.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 15/12/2021 at 8:00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 16th

Day of Sep 2021

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

Before the Khyber Pakhtune Khwa
Service Tribunal Peshawar

Mst. Zainab Khushal

Nersus

Gout. of Khyber Pakhtune Khwa
and Others

Application for deletion of
name of Respondent No 3.

Respectfully sheweth.

- ① That the above titled Services Appeal is pending adjudication before this Hon'ble Service Tribunal and fixed for today.
- ② That the Respondent No.3 Devolved and all the administration look after the Interi. Ministry. Therefore, the instant application for deletion of Respondent No.3.

It is therefore most humbly prayed that on acceptance of the instant application may kindly be accepted

dated
13/12/2021

Appellant
Through
Adv. Javed Farbal Gulbad

11-3-2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 6272/2020

Mst. Zainab Khushal SS (Islamiyat).....**Appellant**

VERSUS

1. Chief Secretary, Khyber Pakhtunkhwa,
2. Secretary E&SE, Govt: of Khyber Pakhtunkhwa..... **Respondents.**

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF THE RESPONDENTS NO 01-02.

Respectfully Sheweth,

The Respondents submit as under:-

Preliminary Objections

- I. That the appellant having no cause of action and locus standi.
- II. That appellant is estopped by his own conduct, to approach this Hon'ble Tribunal.
- III. That no vested right of the appellant has been infringed nor any provisions of the Constitution have been violated, therefore, the instant service appeal is not maintainable in the circumstances, because the appellant has filed appeal prior to the instant appeal No:2239/2019 on the same cause of action so the second service appeal is not maintainable.
- IV. That the instant appeal is based on malafide intentions just to put pressure on the Respondents for the grant of illegal and even unauthorized service benefits.
- V. The present appeal has been filed to entangle the Department unnecessarily litigation and to waste the precious time of the respondents as well as of this Hon'ble Tribunal.
- VI. That the present appeal is against the relevant provision of law and rules.
- VII. That in the instant service appeal the appellant has suppressed material facts from this Honourable Tribunal which are sin-qua-non for the just and fair disposal of the case.
- VIII. That the instant appeal is barred by law of limitation.
- IX. That the appeal is bad for mis-joinder & non-joinder of necessary and proper parties.
- X. It is settled law that deputationist cannot be treated as aggrieved persons for the purpose of Article 199 of the Constitution of Islamic Republic of Pakistan 1973. Reliance in this regard is placed as judgment of the august Supreme Court of Pakistan titled as "S.Masood Abbas Rizvi VS FoP" (2014 SCMR 799) and Dr. Shafi ur Rehman Afridi Vs CDA, Islamabad (2010 SCMR 378).
- XI. That the instant appeal is barred by law and rules.

Reply on Facts.

1. That para-01 pertain to her personal record.
2. That para-02 also pertain to her personal record.
3. Correct to the extent that the services of the appellant was placed at the disposal of Federal Directorate of Education on deputation basis for initial period of one year under deputation policy.(Annex-A)

4. Correct to the extent of deputation and its further extension but as per deputation policy after five year the deputation is automatically repatriated annexed policy .(Annex-B)
5. Incorrect and not admitted. The Federal Govt. Notification has not been binding upon the Provincial Govt. as the appellant were placed at the disposal of Federal Directorate of Education Islamabad on deputation basis w.e.f. 05-06-2012 to 15-10-2017, however after expiry of her deputation period on 16-10-2017, she did not assumed her duty in parent department repealed direction vide this Department letter dated 28-03-2018 followed by subsequent reminder dated 04-07-2018, 27-07-2018 & 14-09-2018. (Annex-A,B,C& D)
6. Incorrect and not admitted. That the appellant deputation period was expired on 15-10-2017, after expiry of her deputation period, the appellant automatically stand repatriated. After completion of deputation period of maximum 05 years, no further extension is admissible under law. Hence the appellant illegally stay in F:D.E Islamabad and absent from her duties at her parent department.
7. That the Honourable court has not granted any relief to the appellant and the appellant illegally remained absent from her duties.
8. As already explained in forgoing para-07 that the appellant remained absent from her duties.
9. Incorrect. The request of appellant for cancellation of repatriation was regret by Federal Directorate of Education on 23-05-2018 and the appellant was directed to report for duty in her parent department. But she has not complied so far and remained absent from duty.
10. Incorrect, the appellant was absent from duty after expire of deputation period i.e. 05-06-2012 to 15-10-2017 and hence show cause notice was served upon her.
11. Incorrect. As per deputation policy the appellant was automatically stand repatriated after her expiry of deputation period.
12. Incorrect, as explained above, however, after expiry of her deputation period on 16-10-2017. She did not assumed her duty at parent department despite of repeated notice.
13. Incorrect. She was absent from duty and was proceeded against her under E&D Rules, 2011 and hence removed from service as per approval of the Competent Authority.
14. Incorrect, in response to her departmental appeal after removal from service she was granted an opportunity to defend herself in personal hearing in which she fail to defend herself of willful absence.
15. Incorrect and not admitted. The penalty imposed upon the appellant is according to law, rules on the subject, natural justice, acts, material, evidence on record and confession of the appellant, hence the instant service appeal is liable to dismissed inter alia on the following grounds.

Reply on Grounds

- A. Incorrect and not admitted. The appellant has been treated in accordance with law and no right of the appellant has been violated. Hence denied being a false and baseless and against the facts, record

and inquiry proceedings.

- B. Incorrect as already explained in foregoing para, however the appellant was proceed under Rule 5(1) read with Rule-7 with the Rule-3(a), b of the rules abid.
- C. Incorrect and not admitted. The appellant did not assumed her duty despite repeated directions hence direct show cause notice served upon the appellant under Rule-7 of KP Govt. Servant (E&D) Rules, 2011 dispensing with formal inquiry produce as provided in Rules-5 of the Rules ibid.
- D. Incorrect. The statement of the appellant in this para is false baseless, against the facts, record. In fact, proper proceedings were conducted against the appellant after obtaining approval of the Competent Authority. Moreover second service appeal is not maintainable.
- E. Incorrect. That the appellant has been afforded opportunity of personal hearing in term of Rule-15 of the KP Govt. Servant (E&D) Rules 2011.
- F. The contentions of the appellant are misleading on the found that this Honorable Court had not been granted any status quo, hence the appellant remind absent from duty at her parent department.
- G. Incorrect and not admitted. The charges leveled against the appellant are based on fact which were proved within the meaning of law, thus the penalty imposed is tenable and liable to be maintained in the eye of law and justice. Hence this Para is denied.
- H. Incorrect and not admitted. The appellant thus been treated in accordance with law and no right of the appellant has been violated, hence denied.
- I. Incorrect and not admitted. The Chief Minister being appellate authority in terms of Rule-17(1) of Khyber Pakhtunkhwa Govt. Servant (E&D) Rules, 2011 and pass orders under Rule-17(2) of rules was pleased to approve the impugned removal from service of the appellant.
- J. The contention of the appellant is denied on the founds that the appellant was provided an opportunity to defend her position and was granted personal hearing by Secretary AHR & MA Department on behalf of Competent Authority/Chief Secretary on 21-08-2019 wherein she failed to provide any documents, evidence/cogent reason in her defense .
- K. Incorrect and not admitted. The appellant did not assumed her duty at parent department after expiry of her deputation period despite repeated directions.
- L. Incorrect and not admitted. The penalty imposed upon the appellant is according to law, rules on the subject, natural justice, acts, material, evidence on record and confession of the appellant, hence legal, lawful, by the lawful authority hence, tenable/ maintainable in the eye of law.
- M. The competent Authority (Chief Minister) Khyber Pakhtunkhwa had been pleased to regret the departmental appeal of the appellant being without merit.
- N. The respondents also seek the permission of this Hon'able Tribunal to adduce more grounds and proofs at time of arguments.

In view of the above submissions, it is, therefore, most humbly prayed that this Honourable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favour of the Respondents in the interest of justice.


Secretary
E&SE Department.

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 6272/2020

Mst Zainab Khushal SS(Islamyat)..... **Petitioner**

VERSUS

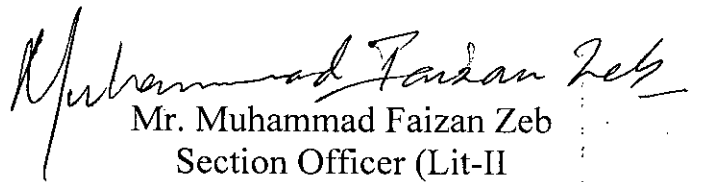
Govt. of Khyber Pakhtunkhwa & others..... **Respondents**

AFFIDAVIT

I, **Muhammad Faizan Zeb**, Section Officer (Litigation-II)

Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

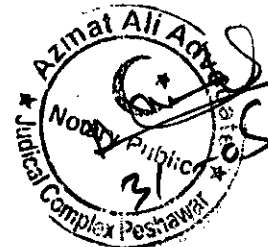
DEPONENT


Mr. Muhammad Faizan Zeb
Section Officer (Lit-II)

IDENTIFIED BY

ADVOCATE GENERAL,
KHYBER PAKHTUNKHWA, PESHAWAR.

ATTESTED



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TO BE PUBLISHED IN PART-III OF THE GAZETTE OF PAKISTAN

Government of Pakistan
Federal Directorate of Education

Islamabad the 23rd May, 2018

NOTIFICATION

No.F.17-42D/2012-SST(W)FDE..... **MS. ZAINAB KHUSHAL, SST**
(Deputationist), Islamabad Model School for Girls (I-X) PM Staff Colony G-5, Islamabad
is hereby repatriated with immediate effect to her parent department i-e, Elementary &
Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar due
to completion of her deputation tenure under this directorate.

2. She stands relived with immediate effect to report for duty to her parent
department.

3. This is issued with the approval of Competent Authority i-e, Additional
Secretary, CA&DD, Islamabad.

(Agha Nadeem Khan)
Admin Officer Schools (F)

*The Manager,
Printing Corporation of Pakistan Press,
University Road,
Karachi-5.*

Copy to:

- The Section Officer (S/F), Elementary & Secondary Education Department, Govt. of Khyber Pakhtunkhwa, Peshawar w.r.t. Letter No. SO(S/F)E&SED/4-10/2015/Zainab Khushal/SS dated 28.03.2018
- The AGPR, Islamabad
- The Head/DDO Concerned
- The APS to Director (Schools)
- The Person Concerned
- Personal File

(Agha Nadeem Khan)
Admin Officer Schools (F)