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such, the impugned order would be deemed to be an order by an authority not competent to issue the order, and, as such, void; and no limitation would run against such order (2007 SCMR 262 (g) and PLJ 2005 SC 709 (Appellate Jurisdiction)).

- (b) The posts of Junior Clerks, Lab Assistants and Assistant Store Keeper (M) were never advertised, and, as such, no codal formalities were observed for appointment of 14 Junior Clerks, 03 Lab. Assistants and one Assistant Store Keeper. Their appointments were, therefore, aptly termed as illegal/irregular, and, consequently, their services have rightly been terminated, as appointments secured through illegal/irregular orders would be void ab-initio and would not confer any right on the holders of such appointment orders. Their appeals also deserve to be dismissed on this score.

- (c)
-) After/painstaking exercise in pursuance of the order dated 20.01.2011 in one of the implementation/execution petitions, for which the then Secretary Education, Mr. Muhammad Arifcen Khan, and his team genuinely deserve commendation, the Scrutiny Committee prepared a detailed report, stretching over hundreds of pages, wherein they held only the appointment of PST Shahana Niazi D/o Ghulam Sadiq (Service Appeal No.2177/10) according to the prescribed procedure, as her name also appeared in the merit list, and recommended her reinstatement into service. The respondent-department also did not contest her appeal in the manner they contested appeals of other appellants. Therefore, her appeal deserves to be accepted.

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- (d) Regarding the remaining cases, the respondents have resisted the appeals on the grounds that neither the posts on which appointments of the appellants were made were sanctioned before advertisement, nor the appellants qualified or were eligible for the posts and codal formalities like test and interview, preparation of merit list and approval of competent authority were not observed; but these assertions of the respondents are belied by the available record as well as some documents produced by the appellants/counsel for the appellants alongwith a joint affidavit by Muhammad Ayub Khan, SET GHS Panyala and Abdullah TT GHS Panyala who performed duty during test and interview of the appellants on 24th, 25th and 26th April 2007, during the course of arguments, showing constitution of committees for conducting test and interview, preparation of merit list after test and interview, besides revealing some cases in which the candidates other than those claimed by the respondents to have been appointed on merit secured more marks than the latter. So far sanction prior to advertisement/publication is concerned, it was duty of the authority to secure the requisite sanction prior to advertising/publicizing the posts for inviting applications, and the appellants can, by no stretch of imagination, be held responsible for any fault/lapse in this respect on the part of the authority i.e. EDO D.I.Khan. Notwithstanding the fact that appellants have placed on file verification of the certificates/testimonials of some of the appellants by the respondent-department, even if some irregularity was found in the appointments, the appellants/appointees should

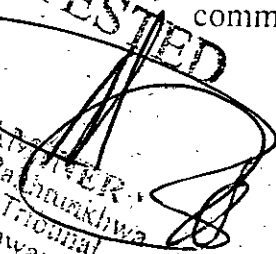
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W. A. WAZIR
Khyber Pakhtunkhwa
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not be made to suffer for such lapses on the part of the appointing authority (1996 SCMR 411 (Supreme Court of Pakistan), 2004 SCMR 303 (Supreme Court of Pakistan), 2006 SCMR 678 (Supreme Court of Pakistan), PLJ 2006 SC 81 (Appellate Jurisdiction), PLJ 2011 Lahore 736 (Multan Bench Multan), and last but not the least 2011 SCMR 1581 (Supreme Court of Pakistan).

- (e) It is a matter of record that not in a single inquiry out of so many inquiries by the department, the then EDO D.I.Khan has been confronted with his signatures on appointment letters, so conveniently termed by the respondent-department as bogus and fake. When the 'authority' has never and no-where disowned his signatures on such appointment letters, how the same can be held as bogus and fake. No-doubt, the record shows departmental proceedings against the then EDO, and major penalty of compulsory retirement has been imposed upon him, but only after causing colossal loss to the national exchequer, for which he must be made accountable and also made to make good the loss so caused to the public money, and also landing hundreds of jobless persons in deep trouble by forcing them to engage in protracted litigation, during which they have not only been robbed of whatever money was left with them after securing the jobs, while he himself enjoying post retirement life with all perks and privileges. In view of implications/consequences of the acts on the part of the then EDO D.I.Khan, the penalty imposed on him does not appear commensurate with the gravity of his guilt, but since that matter is

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not before us, we would stop short of making any order with respect to the departmental proceedings against him, but would, indeed, direct the respondent-department to recover the pay/salary paid to the illegally/irregularly appointed persons from the pension etc. of the then EDO instead of burdening the public exchequer for illegal/irregular acts on the part of the then EDO D.I.Khan.

- (f) No-doubt, an illegal/irregular and an order void ab-initio would not confer a right on the holder of such order, but an order passed by a competent authority in the discharge of his duty after observance of codal formalities does confer right on the holder of such order to be heard in support of order in his favour and his case decided on merit instead of a general order on the direction of some outside authority. If authorities are needed, one can readily refer to a number of cases including cases reported as 1995 PLC(C.S) 419 (Lahore High Court), 2005 SCMR 1814 (Supreme Court of Pakistan), 2006 PLC (C.S) 1140(Northern Areas Chief Court), 2005 SCMR 85 (Supreme Court of Pakistan), 1987 PLC (C.S) 868 (b), 2007 SCMR 330 (Supreme Court of Pakistan), 2008 PLC (C.S) 582 (Northern Areas Chief Court), and 2007 MLD 703 (Lahore). Undoubtedly, notices were not issued to the appellants prior to the impugned order by the DCO D.I.Khan, and they were never provided opportunity of hearing either by the 'authority' prior to passing of the impugned order or during inquiry/ scrutiny proceedings by several committees during the pre and post period of impugned order. As such, the principle of audi-alteram partem was violated at all levels and at all stages, rendering the impugned

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order void and invalid, in respect of those who were found eligible for the posts after observance of codal formalities.

(g) There is no dispute that in the case of appointments, in BPS-1 to BPS-10, the appointing authority, in view of notification of the Provincial Government dated 7th October 2005, was EDO and thus also competent authority for disciplinary matters; whereas the District Coordination Officer was appointing authority for officials in BPS-11 to 15; therefore, the impugned order in respect of the appellants issued by the DCO, D.I.Khan was an order by an incompetent authority and not sustainable in law as held in cases reported as 1983 PLC (C.S) 354 (Service Tribunal Punjab), 2001 PLC (C.S) 1097, 2008 PLC (C.S) 949 (Lahore High Court) and 1985 PLC (C.S) 1002. The contention of the respondents was that the competent authority i.e. EDO D.I.Khan not only endorsed the impugned order issued by the DCO D.I.Khan and issued a letter for implementation of termination order but also issued corrigendum thereby terminating the services of the appellants. Apart from the fact that endorsement of the order of an incompetent authority by the competent authority and follow up letter by him would not validate a void order issued by an incompetent authority, the corrigendum issued after more than 8 months of the impugned order would also not serve any useful purpose in view of PLD 2000 SC 104, as after issuance of termination order the department had become functus-officio.

(h) It was urged on behalf of the respondents that recommendations of

the Standing Committee of the Provincial Assembly assumed legal

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status following judgment/order dated 11.6.2009 of the Peshawar High Court, D.L.Khan Bench, whereby a clear direction was issued to act upon the inquiry report, but they lost sight of the fact that no direction of any authority could absolve the departmental authority from following the law/rules on the subject and fulfill necessary legal requirements before passing the impugned order.

9. As a sequel to the foregoing-discussion, we would make the following order:-

- (i) All the appeals of Junior Clerks, Lab. Assistants and Assistant Store Keeper(M) are dismissed with costs, being devoid of merit.
- (ji) The appeal of Ms.Shahana Niazi (Service Appeal No. 2177/10) is accepted. and by setting aside the impugned order, she is reinstated in service with consequential/back benefits.
- (iii) The appeals of the rest of the appellants including PSTs(M&F), CTs(M&F), PETs(M&F), DMs(M&F), ATs(M&F), TTs(M&F) and Qaris (M&F) are also accepted and impugned termination order in their cases set aside, but instead of their outright reinstatement, their cases are remanded/sent back to the Secretary, Elementary & Secondary Education Department, Peshawar (Respondent No.1) for reconsideration of the cases in the light of above observations for reinstatement of the qualified appellants and a speaking order in respect of those who are not found qualified, by the competent authority, after affording opportunity of hearing to the said appellants through an efficient and fair mechanism to be evolved for the purpose by him so as to ensure

compliance with the mandatory legal requirements on the one hand

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and integrity of the proceedings on the other. Since the matter has already been delayed inordinately, it is expected that the proposed exercise should not take more than three months, whereafter a progress report be submitted to the Registrar of the Tribunal.

- (iv) The respondent-department should also look into claim of those appellants who have alleged performance of duty for considerable time after their appointment, and if they are found to have actually performed duty for certain period, and, as such, entitled to pay/salary for the period of the duty, legal procedure should be adopted for recovery of their claims from the then EDO D.I.Khan who has already been held responsible for appointments in question as a consequence of departmental proceedings against him.

Self Qalander Ali Khan
Chairman
Self Syed Manzoor Ali Qureshi
Member

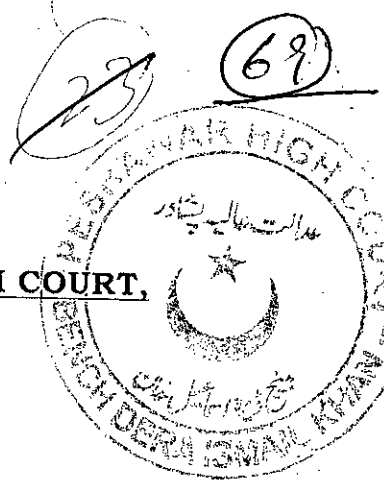
ANNOUNCED
27.10.2011

Certified to be true copy

[Signature]
 MEMBER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

Date of Presentation of Application 8-1-2015
 Number of Pages 6000
 Copying Charges 32
 Urgent 2
 Total 34
 Name of Copy [Signature]
 Date of Completion of Copying 8-1-2015
 Date of Delivery of Copy 8-1-2015

Ann: N-1



**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
DERA ISMAIL KHAN BENCH.**

Writ Petition No. 238 of 2012

Alia Iqbal wife of Muhammad Subhan, daughter of M. Sadiq Hussain, resident of Mohallah Gariban, D.I.Khan. (0344-288-7060)
PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Peshawar.
2. Secretary to Govt. of K.P.K. Elementary & Secondary Education Department, Peshawar
3. Director, Elementary & Secondary Education, Peshawar.
4. Executive District Officer, Elementary & Secondary Education, D.I.Khan.
5. Principal, Government Girls Higher Secondary School No.2, D.I.Khan.
6. District Co-ordination Officer, D.I.Khan.
7. District Accounts Officer, D.I.Khan.

RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN,
1973.

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Peshawar High Court
D.I.Khan Bench 08/11/15

Respectfully Sheweth,

- i. That the petitioner is permanent and bonafide resident of district D.I.Khan and is holding Master Degree in Urdu along with Professional Degree in Bachelor in Education (B.Ed) and Certificate of Teaching (CT) batch 1996. C.V. of petitioner along with testimonial are enclosed herewith as **Annexure A**.
- ii. That in the year 2003, the respondent No.4 announced certain vacancies of teachers in the Education Department D.I.Khan

including the posts of CT (female) teachers. Out of total, 25% Posts of CT Teachers were allocated to open merit whereas, 75% posts were to be filled on the basis of batch-wise/year-wise merit. Copy of the Advertisement of the year 2003 is enclosed as **Annexure B.**

iii. That the petitioner being eligible and having extra qualification, and also having an old batch of year-1996 (*sessions 1995*) in CT, applied for the post of CT Teacher. A merit list was prepared and in the merit list petitioner was positioned at Serial No.76; whereas, below merit persons were appointed who are still serving in the Education Department D.I.Khan. Copy of the merit list of the year 2003 is enclosed as **Annexure C.**

iv. That thereafter some below merit appointments were made by the respondents and the petitioner after getting proof of the said below merit appointments, on 17/12/2005 filed a Writ Petition by challenging the appointments of below merit appointees. Certified copy of the Writ Petition No.353/2005 is enclosed as **Annexure D.**

v. That it would not be out of place to mention here that some other Writ Petitions against the Education Department D.I.Khan were also pending during the relevant time, and on 15/12/2005, the Honourable Division Bench, of this august court had passed an order in the W.P. No. 199, 290 & 232 of year 2005 wherein certain directions were issued to the E.D.O Education D.I.Khan. For implementation of said Judgment dated 15/12/2005 a legal committee was constituted in the year 2006 by this Honourable Court in order to implement the directions contained in the said Judgment. But in that event too, some other illegal, unlawful and below merit appointments were made apparently/clearly in-derogation of the verdict dated 15/12/2005. Thus, in the changed situation and to challenge these subsequent appointments made in derogation of the Judgment of this august court, petitioner withdrew her W.P. No.353/2005 with permission to file fresh one. Hence, vide order dated 27/11/2006 petitioner's Writ Petition stood

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Rawalpindi High Court

D.I.Khan Bench 08/11/05

dismissed as withdrawn with permission to file fresh one. Certified copy of the order dated 27/11/2006 in WP No.353/2005 is enclosed as **Annexure D-1**.

vi. That the petitioner filed fresh Writ Petition **No.22/2007** titled **Alia Iqbal Vs. Govt. of N.W.F.P. etc** wherein she challenged the appointments of 28 appointees on the ground that she, *if her merit is placed in juxtaposition with that of the said appointees*, holds 15th position whereas on batch-wise position comes at 11th number. Certified copy of the W.P. No.22/2007 is enclosed as **Annexure E**.

vii. That, during pendency of WP No.22/2007, the respondents conceded the rights of petitioner and issued her appointment letter No.2695-99 dated 01/02/2007 in favour of the petitioner and also issued a corrigendum letter No.2797-2800 dated 28/02/2007 whereby respondent No.4 acknowledged the rights of petitioner and thereby conceded the W.P. No. 22/2007. Copies of the appointment letter No.2695-99 dated 01/02/2007 and letter No.2797-2800 dated 28/02/2007 are enclosed as **Annexure F-1 & F-2** respectively.

viii. That after taking charge on 01/02/2007, petitioner started to perform her official duties and was allowed BPS-14 and then BPS-15 on the basis of her higher qualification. Copies of Charge Assumption Report and other documents are enclosed as **Annexure G**.

ix. That, as the grievance of petitioner was redressed, therefore, she preferred a Civil Misc. No.62/2007 on 29/03/2007 for withdrawal of the WP No.22/2007 and, as such, the Writ Petition No.22/2007 stood dismissed as withdrawn vide order dated 10/04/2007. Certified copies of the C.M. No. 62/2007 and order dated 10/04/2007 are enclosed as **Annexure H & H-1** respectively.

x. That during the year 2007 an advertisement was made in the month of April 2007 and a number of appointments were made by the respondents which were objected on the ground that

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Chawar High Court

Chawar Bench

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these appointments were made without observing codal formalities i.e. no merit list, no advertisement, no test/interview and thereby the respondents terminated the employees of Education Department appointed within target dates i.e. 01/01/2007 to 30/06/2008. The petitioner being appointed in the month of February-2007 was also terminated. Nevertheless, no termination letter was given to the petitioner by name rather a joint letter was issued by the DCO D.I.Khan bearing No. 802 dated 04/09/2009 **(Annexure I)**.

xi. That initially the petitioner along with others filed WP No.473/2009 but was dismissed vide Judgment dated 29/04/2010 with direction to approach proper forum. Thereafter, vide letter No.8301-11/EDO dated 07/05/2010 **(Annexure J)** the respondent No.4 ordered for implementation of the termination orders issued previously and as such the petitioner was stopped to perform her official duties w.e.f. 28/05/2010.

xii. That thereafter the petitioner preferred a Service Appeal No.1813/2010 before KPK Service Tribunal, Peshawar, where some other appeals of employees of Education Department were also pending. The learned tribunal Judge KPK Service Tribunal vide Judgment dated 27/10/2011 placed in other appeal No.1407/2010 reinstated one Shahana Niazi by accepting her appeal as her appeal was not contested by respondents on the ground that her appointment was according to the prescribed procedure as her name also **appeared in the merit list**. The Honourable Tribunal accepted the appeal, held the impugned termination letter as void and Remanded the case to the Secretary to KPK Elementary & Secondary Education Department for reconsideration of the case in the light of observations made in the judgment dated 27/10/2011 for **reinstatement of the QUALIFIED appellants and a speaking order in respect of those who are not found qualified by the competent authority**. Certified copies of the service appeal No.1813/2010 and order dated 27/10/2011.

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Peshawar High Court
D.I.Khan Bench 08/11/15

along with detailed judgment dated 27/10/2011 are respectively enclosed as **Annexure K-1, K-2 & K-3.**

- xiii. That the said order dated 27/10/2011 to the extent of petitioner is still not implemented as **petitioner is fully qualified**, she appeared in the test & interview of year 2003 and her appointment was made after acceding her rights. Therefore, petitioner for implementation of the Judgment dated 27/10/2011 in view of the given facts & circumstances, and for her reinstatement with all back benefits, pray for issuance of an appropriate Writ to invoke Constitutional Jurisdiction of this august court through the instant Writ Petition on, inter alia, the following grounds:

GROUND:

1. That the respondents were bound by the verdict of Service Tribunal to reinstate the petitioner as she is fully qualified to hold the post of CT teacher by giving her equal protection of law, but by not doing so they have not acted upon the judgment of KPK Service Tribunal.

2. That through the instant Writ Petition and also in view of the Judgments pronounced by his Lordship Mr. Justice Ejaz Afzal Khan, the then Chief Justice Peshawar High Court, Peshawar, uploaded on the website of this august Court, referred as "Muhammad Iqbal Vs. EDO, WP No.364/2010, date of hearing 18/02/2010 (Vol. III Page 1241)", "Fazal Rabbi Vs. Govt. of NWFP, WP No.2484/2009, date of hearing 24/02/2010, (Vol. III Page 1249)"; and "Murad Khan Jadoon Vs. State, COC No.3/2010, date of hearing 25/03/2010, Vol. IV Page 1711)", the petitioner graciously wants redressal of her grievances for which she is facing a number of litigations since 2005. Copies of the referred judgments are enclosed as **Annexure L.**

3. That vide order dated 27/10/2011, the KPK Service Tribunal has reinstated one Mst. Shahana Niazi and as such the petitioner is also entitled for the similar and equal treatment as

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Peshawar High Court
C.J. Khan Bench 08/11/15

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the constitution of Islamic Republic of Pakistan 1973 ensures that all citizen of Pakistan are equal and are having equal protection of law. Hence, respondents are bound to reinstate the appellant with all her back and future benefits like Mst. Shahana Niazi.

4. That the case of petitioner is very much differentiable from those appointees, whose appointments were made from the back door, but the respondents are not taking into consideration the Judgment dated 27/10/2011 of KPK Service Tribunal in line with the facts & circumstances of petitioner's case which does not amount to a good governance.
5. That the petitioner had agitated her rights on the basis of her merit as per merit list of the year 2003 and after a protracted litigation through W.P. No.353/2005 and 22/2007 her rights were acceded by the respondent No.4, therefore, respondents are bound by the acts & deeds of their predecessor officers.
6. That a number of teachers having low merit as compare to the petitioner are still serving in the Education Department, as detailed below in the light of merit list of year 2003, but the petitioner has been discriminated only due to malafide although her case is very much differentiable and different from other terminated employees of the education department.

	Name	Position in merit list of 2003	Appointment order No.
1.	Aisha Siddiqi	233	No.18920-35 dated 27/12/2003
2.	Shahida Gul	105	
3.	Aalia Kamran	148	
4.	Shakeela Naureen	220	No. 20973-75 dated 01/8/2006
5.	Mah Jabeen	213	
6.	Shakila Shaheen	102	
7.	Farhat Rehman	181	
8.	Kaniza Bibi	164	
9.	Humera Kehkashan	219	
10.	Sajida Iffat	146	
11.	Samina Nazli	243	
12.	Shela Irum	223	
13.	Fozia Hayat	245	
14.	Asma Sadaf	82	
15.	Shagufta Andaleeb	253	

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Shahwar High Court
C. Khan Bench 08/11/15

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Whereas the petitioner despite having serial No. **76** in the said merit list has been discriminated. Copies of appointment letters of below merit appointees are enclosed as **Annexure M.**

7. That the petitioner since the year 2005 till 2007 before appointment and again w.e.f. 2009 upto 2011 after appointment, remained engaged in litigation just to safeguard her legal, fundamental and constitutional rights, but the respondents not only before her appointment but also after her appointment, are at daggers drawn towards petitioner illegally, without lawful authority and without jurisdiction. Hence, she has genuine grievance to file present Writ Petition.
8. That now the petitioner despite having higher qualification coupled with her superior batch, has become **over-aged** and as such, respondents with their illegal & unlawful acts, have put the future of petitioner to a dark end.
9. That the respondents have no authority to raise finger at the appointment of petitioner as the same is legal and lawful particularly when below merit teachers are still serving. Moreover, participation of petitioner in test/interview and fulfilment of codal formalities in the year 2003 is apparent from merit list and advertisement. Petitioner also came with W.P. No.353/2005 and then W.P. No.22/2007 on the basis of said merit list in order to assert her constitutional & fundamental rights. Hence, objection of the respondents regarding non-observance of codal formalities is not sustainable.
10. That the petitioner has been deceived by respondents as initially they issued appointment order of the petitioner by conceding her rights in W.P. No.22/2007 as such, she withdrew her Writ Petition; but thereafter, they deviated from their previous commitments and are not going to reinstate the petitioner by implementing the Judgment of KPK Service Tribunal in letter & spirit despite the fact that petitioner is a qualified (as she has CT old batch with extra qualification of B.Ed and MA).

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 Peshawar High Court
 8/1/15

11. That due to interference of political figures the petitioner was discriminated in the year 2003 and when she was appointment, the political figures of subsequent government get in the way of petitioner's service on the baseless allegations that no legal and codal formalities were observed and her appointment is illegal.
12. That despite of long protracted litigation, the legal, fundamental & constitutional rights of petitioner are being denied and as such, acts & deeds of respondents amounts denial of justice to the petitioner.
13. That the counsel for petitioner may be allowed to argue additional grounds at the time of arguments.

It is, therefore, humbly prayed that by issuance of an appropriate writ, the respondents may please be directed to implement the Judgment of Service Tribunal in the circumstances of present case and to reinstate the petitioner by giving her equal protection of law with all back & future benefits as, the matter of seniority as well as future of petitioner is involved.

Or any other appropriate relief, which this Honourable Court in the given circumstances may deem fit in the best interest of justice, may also be granted to the petitioner.

Yours Humble Petitioner

Alia Iqbal

(Alia Iqbal)

THROUGH COUNSEL

Ahmad Ali

Advocate High Court, D.I.Khan.

Dt. 26/05/2012

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Peshawar High Court

D.I.Khan Bench • 8/1/15

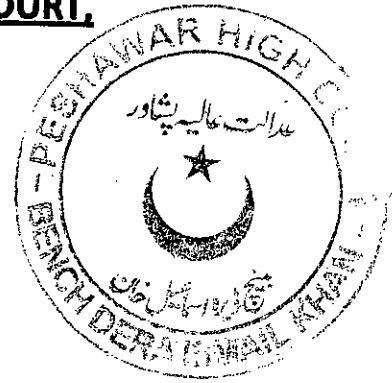
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BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
DERA ISMAIL KHAN BENCH.

Civil Miscellaneous Petition No. 44 of 2013

In the Writ Petition No. 238-D of 2012

Alia Iqbal Vs. Govt. of K.P.K. etc



APPLICATION FOR PLACING ON RECORD THE COPIES OF NECESSARY DOCUMENTS ON THE WRIT PETITION BEING CLOSELY RELATED TO THE MERITS OF WRIT PETITION.

Respectfully Sheweth,

1. That the above titled Writ Petition is pending before this Honourable Court and is fixed for 22/01/2013.
2. That a Committee was constituted by the Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, who prepared its report/finding. In their report, the respondents divided the CT (female) teachers into three following categories:

S #	Description	Period
1.	Category-I	Includes appointments made during the period 31/12/2006 to 01/04/2007.
2.	Category-II	Includes appointments made during the period 01/04/2007 to 01/07/2007.
3.	Category-III	Includes appointments made onwards to 01/07/2007

Copies of the relevant pages from the said report are enclosed as **Annexure CM-1**

3. That the appointment of petitioner was made on 01/02/2007 on the basis of advertisement/recruitment process made in the year 2003 during pendency of her Writ Petition by admitting her rights in the Writ Petition and thereafter WP No.22/2007 was withdrawn by the petitioner. Let it not be gone un-noticed that, in the month of April/May 2007 another advertisement was made by the respondents and a number of appointments were made in response to said fresh advertisement.

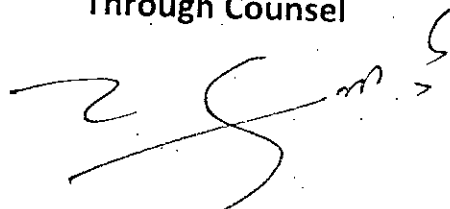
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EXAMINOR
Peshawar High Court
Dera Ismail Khan Bench 8/1/13

4. That as per her date of appointment, the name of petitioner was to be included in the list of 'Category-I' CT Teachers but, the respondents malafidely included the petitioner in 'Category-III' just to show her appointment beyond the scope of Writ Petition No.22/2007 and to bring it within the domain of fresh advertisement of the Year 2007.
5. That at the time of filing present Writ Petition the said Report was not in the knowledge of petitioner and she got knowledge & copies of the said report after the institution of Writ Petition.
6. That the Report/Finding of the Committee has a close nexus with the merits of case in order to show/prove malafide of respondents.

It is, therefore, humbly prayed that on acceptance of the present Misc. Application, the copies of aforesaid documents (relevant pages from Committee's Report), may graciously be placed on record as an integral part of the Writ Petition.

Yours Humble Applicant
(Alia Iqbal)
Through Counsel



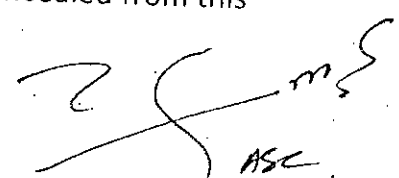
MUHAMMAD YOUNIS THAHEEM
Advocate Supreme Court,
Stationed at D.I.Khan.

Dt. 21/01/2013

AFFIDAVIT:

I, Muhammad Younis Thaheem, Advocate Supreme Court, counsel for the petitioner and on instructions of petitioner, do hereby solemnly affirm and declare on oath that all the Para-wise contents of this Civil Misc. Petition are true & correct to the best of my knowledge, belief and information; and that nothing has been deliberately concealed from this august Court.

M. Younis Thaheem
Advocate
D.I.Khan
21-1-13



DEPONENT

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Peshawar High Court

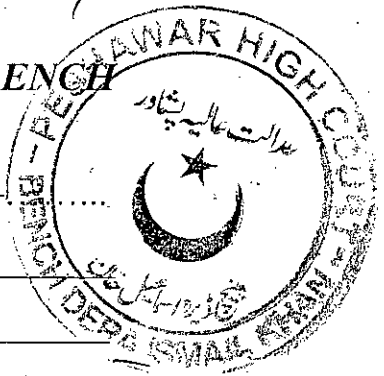
D.I.Khan Bench 08/1/13



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JUDGMENT SHEET
PESHAWAR HIGH COURT D.I.KHAN BENCH
JUDICIAL DEPARTMENT



WP No. 238 of 2012

Date of hearing 26-6-2013

Appellant / petitioner (Alia Iqbal) by
Mr. Muhammad Yousif Taheem Advocate

Respondent (Govt of KPK & others) by
Mr. Khan Wali Khan Mehnd AAS

LAL JAN KHATTAK J.- The petitioner through the instant writ petition has prayed for issuance of an appropriate writ for directions to the respondents to implement the judgment dated 27.10.2011 delivered in service appeal No.1813 of 2010 by the Khyber Pakhtunkhwa Service Tribunal.

2. Facts giving rise to the instant writ petition are that in pursuance of advertisement published in the year 2003 the petitioner applied for her appointment as C.T Teacher. After conducting prescribed test and interview the respondents appointed successful candidates but dropped the petitioner which act of the respondents was impugned by her in writ petition before this Court and ultimately grievance of the petitioner was redressed by the respondents by appointing her vide order dated 01.02.2007. Perusal of record shows that later on services of the petitioner were terminated vide order dated 04.09.2009. This order was impugned by the petitioner before the Service Tribunal which vide its

Gjain

TESTED
EXAMINED
Peshawar High Court
D.I. Khan Bench 08/11/13

~~35~~

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judgment dated 27.10.2011 accepted the appeal by remanding the case(s) to the Secretary to Government of Khyber Pakhtunkhwa for reconsideration of the matter and to pass a speaking order.

3. Petitioner's grouse against the respondents is that they are not considering the case as per judgment dated 27.10.2011 of the Service Tribunal and they be directed to consider the petitioner's case in the light of the judgment *ibid*.

4. After arguing the case at some length counsel for the petitioner was apprised of the amendment brought in Khyber Pakhtunkhwa Service Tribunal Act, 1974 whereby the Tribunal has been vested with power to execute its decision. On this learned counsel for the petitioner requested the Court to allow him to withdraw the instant writ petition with permission to approach the Service Tribunal for execution of its judgment dated 27.10.2011 delivered in service appeal No.1813 of 2010.

5. In view of the above, the instant writ petition is dismissed as not pressed. However, the petitioner is at liberty to approach the Service Tribunal for the redressal of her grievance. Order accordingly.

ANNOUNCED
26.06.2013.


JUDGE


JUDGE

TESTESTED

EXAMINOR

Shawar High Court

© I Khan Bench 08/11/15



S.K. No 54
Application Received on 8.01.15
Copying Fee deposited Rs. ~~.....~~
No of Papers 12 pages
Copying fee .. 1.80
Urgent fee 2/-
Total Fee 20/-
Copy ready for delivery 8.01.15
Copy delivered on 8.01.15
Signature of Examiner *[Signature]*
08/1/15

Checked to be true copy

[Signature] 08/1/15
EXAMINER

Peshawar High Court
Att. Secy. to the Court
Chamber No. 10, Saddar

**BEFORE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR, CAMP AT D.I.KHAN.**

Civil Misc/Execution Petition No. _____ of 2013

Alia Iqbal wife of Muhammad Subhan, daughter of M. Sadiq Hussain, resident of Mohallah Gariban, D.I.Khan.

PETITIONER

VERSUS

Alia Iqbal

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Peshawar.
2. Secretary, to Govt. of K.P.K. Elementary & Secondary Education Department, Peshawar
3. Director, Elementary & Secondary Education, Peshawar.

Are form to file

District Education Officer (Male)/the then Executive District Officer, Elementary & Secondary Education, D.I.Khan.

District Education Officer (Female) D.I.Khan.

Principal, Government Girls Higher Secondary School No.2, D.I.Khan.

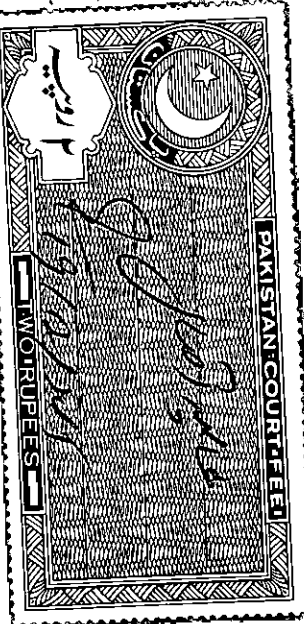
Deputy Commissioner/the then District Co-ordination Officer, D.I.Khan.

RESPONDENTS

PETITION UNDER SECTION 7(2)(D) OF THE K.P.K. PROVINCE SERVICE TRIBUNALS ACT FOR EXECUTION OF THE JUDGMENT DATED 27/10/2011, PASSED IN SERVICE APPEAL No.1813/2010.

Respectfully Sheweth,

- i. That the petitioner is permanent and bonafide resident of district D.I.Khan and is holding Master Degree in Urdu along with Professional Degree in Bachelor in Education (B.Ed) and Certificate of Teaching (CT) batch 1996. C.V. of petitioner is enclosed herewith as Annexure A.




ii. That in the year 2003, the respondent No.4 announced certain vacancies of teachers in the Education Department D.I.Khan including the posts of CT (female) teachers. Out of total, 25% Posts of CT Teachers were allocated to open merit whereas, 75% posts were to be filled on the basis of batch-wise/year-wise merit. Copy of the Advertisement of the year 2003 is enclosed as **Annexure B.**

iii. That the petitioner being eligible and having extra qualification, and also having an old batch of year-1996 (sessions 1995) in CT, applied for the post of CT Teacher. A merit list was prepared and in the merit list petitioner was positioned at Serial No.76; whereas, below merit persons were appointed who are still serving in the Education Department D.I.Khan. Copy of the merit list of the year 2003 is enclosed as **Annexure C.**

iv. That thereafter some below merit appointments were made by the respondents and the petitioner after getting proof of the said below merit appointments, on 17/12/2005 filed a Writ Petition by challenging the appointments of below merit appointees. Certified copy of the Writ Petition No.353/2005 is enclosed as **Annexure D.**

v. That it would not be out of place to mention here that some other Writ Petitions against the Education Department D.I.Khan were also pending during the relevant time, and on 15/12/2005, the Honourable Division Bench, of Peshawar High Court, had passed an order in the W.P. No. 199, 290 & 232 of year 2005 wherein certain directions were issued to the E.D.O. Education D.I.Khan. For implementation of said Judgment dated 15/12/2005 a legal committee was constituted in the year 2006 the august Peshawar High Court, D.I.Khan Bench, in order to implement the directions contained in the said Judgment. But in that event too, some other illegal, unlawful and below merit appointments were made apparently/clearly in-derogation of the verdict dated 15/12/2005. Thus, in the changed situation and to challenge these subsequent appointments made in derogation of the

Witness




Judgment of this august court, petitioner withdrew her W.P. No.353/2005 with permission to file fresh one. Hence, vide order dated 27/11/2006 petitioner's Writ Petition stood dismissed as withdrawn with permission to file fresh one. Certified copy of the order dated 27/11/2006 in WP No.353/2005 is enclosed as **Annexure D-1**.

vi.
Attested
Kamran Khan

That the petitioner, on the same cause of action, filed fresh Writ Petition No.22/2007 titled *Alia Iqbal Vs. Govt. of N.W.F.P. etc* wherein she challenged the appointments of 28 appointees on the ground that she, *if her merit is placed in juxtaposition with that of the said appointees*, holds 15th position whereas on batch-wise position comes at 11th number. Certified copy of the W.P. No.22/2007 is enclosed as **Annexure E**.

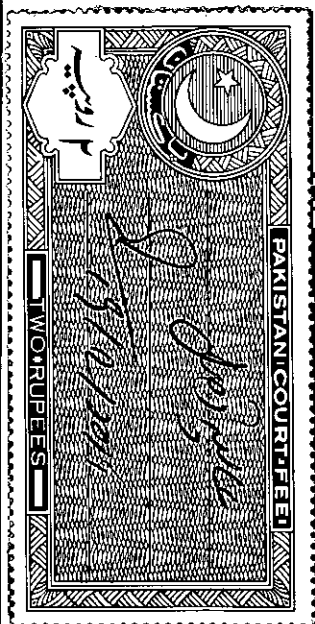
vii.

That, during pendency of WP No.22/2007, the respondents conceded the rights of petitioner and issued her appointment letter No.2695-99 dated 01/02/2007 in favour of the petitioner and also issued a corrigendum letter No.2797-2800 dated 28/02/2007 whereby respondent No.4 acknowledged the rights of petitioner and thereby conceded the W.P. No. 22/2007. Copies of the appointment letter No.2695-99 dated 01/02/2007 and letter No.2797-2800 dated 28/02/2007 are enclosed as **Annexure F-1 & F-2** respectively.

viii.

That after assuming charge on 01/02/2007, petitioner started to perform her official duties and was allowed BPS-14 and then BPS-15 on the basis of her higher qualification. Copies of Charge Assumption Report and other documents are enclosed as **Annexure G**.

ix That, as the grievance of petitioner was redressed, therefore, she preferred a Civil Misc. No.62/2007 on 29/03/2007 for withdrawal of the WP No.22/2007 and, as such, the Writ Petition No.22/2007 stood dismissed as withdrawn vide order dated 10/04/2007. Certified copies of the C.M. No. 62/2007 and order dated 10/04/2007 are enclosed as **Annexure H & H-1** respectively.



x.

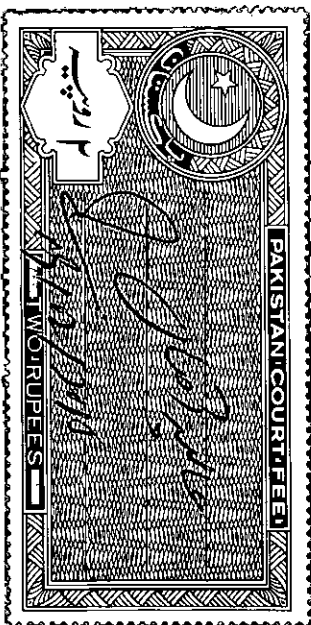
That during the year 2007, in the month of April, an advertisement was made and a number of appointments were made by the respondents which were objected on the ground that these appointments were made without observing codal formalities i.e. no advertisement, no merit list, no test/interview and thereby the respondents terminated the employees of Education Department by mentioning two target dates i.e. between 01/01/2007 to 30/06/2008. The petitioner being appointed in the month of February-2007 was also terminated. Nevertheless, no termination letter was given to the petitioner by name rather a joint letter was issued by the DCO D.I.Khan vide letter bearing No. 802 dated 04/09/2009 **(Annexure I)**.

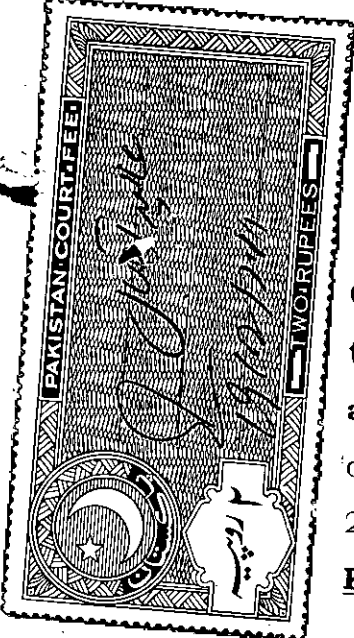
xi.

That initially the petitioner along with others filed WP No.473/2009 but same was dismissed vide Judgment dated 29/04/2010 with direction to approach proper forum. Thereafter, vide letter No.8301-11/EDO dated 07/05/2010 **(Annexure J)** the respondent No.4 ordered for implementation of the termination orders issued previously and as such the petitioner was stopped to perform her official duties w.e.f. 28/05/2010.

xii.

That thereafter the petitioner preferred a Service Appeal No.1813/2010 before this Honourable Tribunal, where some other appeals of employees of Education Department were also pending. The then learned Tribunal Judge KPK Service Tribunal vide Judgment dated 27/10/2011 placed in other appeal No.1407/2010 reinstated one Shahana Niazi by accepting her appeal as her appeal was not contested by respondents on the ground that her appointment was according to the prescribed procedure as her name also **appeared in the merit list**. The Honourable Tribunal accepted the appeal, held the impugned termination letter as void and Remanded the case to the Secretary to KPK Elementary & Secondary Education Department for reconsideration of the case of petitioner in the light of observations made in the judgment dated 27/10/2011 for **reinstatement of the**





QUALIFIED appellants and a speaking order in respect of those who are not found qualified by the competent authority. Copies of the service appeal No.1813/2010 and order dated 27/10/2011 along with detailed Judgment dated 27/10/2011 are respectively enclosed as **Annexure K-1, K-2 & K-3.**

xiii.

That the said order dated 27/10/2011 to the extent of petitioner is still not implemented as **petitioner is fully qualified**, she appeared in the test & interview of year 2003 and her appointment was made after acceding her rights which were denied previously in the year 2003. Therefore, petitioner for implementation of the Judgment dated 27/10/2011 in view of the given facts & circumstances, and for her reinstatement with all back benefits, instituted a Writ Petition No. 238 of 2012 before Honourable Peshawar High Court, D.I.Khan Bench, however, the same in the light of "The Khyber Pakhtunkhwa Service Tribunals (Amendment) Act, 2010" was dismissed as not pressed vide Judgment dated 26/06/2013, however, the petitioner was placed at liberty to approach the Service Tribunal for redressal of her grievance. Certified copies of the WP No. 238/2012 and Judgment dated 26/06/2013 are respectively enclosed as **Annexure L-1 & L-2.**

Attended
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xiv.

That now, therefore, the instant petition is being instituted before this Honourable Tribunal with the request to please implement/ execute the Judgment dated 27/10/2011 passed in Service Appeal No.1813/2010 of the Petitioner in the light of facts & circumstances of petitioner's case and the petitioner may please be reinstated into service with all back benefits along with seniority on, inter alia, the following grounds:

GROUND:

1. That the respondents were bound by the verdict of Service Tribunal to reinstate the petitioner as she is fully qualified to hold the post of CT teacher by giving her equal protection of law, but by not doing so they have not acted upon the judgment of KPK Service Tribunal.

2. That in view of the Judgment dated 27/10/2011, a committee was constituted to whom the petitioner submitted all her documents including copies of the Writ Petitions No.353/2005 and 22/2007. In the inquiry report prepared by the respondent No.4, the appointments were categorized into different groups according to the date of appointment letters and the petitioner's appointment instead of placing in the month of February 2007, respondents malafidely placed the same in the category of December 2007 so as to take away the appointment from domain of WP No.22/2007. Thereby the respondents failed to understand, consider & differentiate the case of petitioner. Copies of the relevant pages of the inquiry report are enclosed as Annexure M.

3. That vide order dated 27/10/2011, the KPK Service Tribunal has reinstated one Mst. Shahana Niazi and as such the petitioner is also entitled for the similar and equal treatment as the Constitution of Islamic Republic of Pakistan 1973 ensures that all citizen of Pakistan are equal and are having equal protection of law. Hence, respondents are bound to reinstate the appellant with all her back and future benefits like Mst. Shahana Niazi.

4. That the case of petitioner is very much differentiable from those appointees, whose appointments were made from the back door, but the respondents are not taking into consideration the Judgment dated 27/10/2011 of KPK Service Tribunal in line with the facts & circumstances of petitioner's case which does not amount to a good governance.

5/ That the petitioner had agitated her rights on the basis of her merit as per merit list of the year 2003 and after a protracted litigation through W.P. No.353/2005 and 22/2007 her rights were acceded by the respondent No.4 in the year 2007, therefore, respondents are bound by the acts & deeds of their predecessor officers.

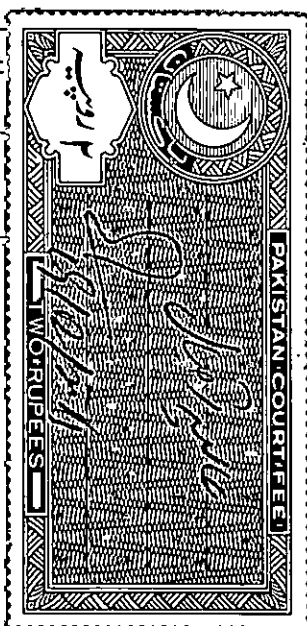
6/ That a number of teachers having low merit as compare to the petitioner are still serving in the Education Department, as

attached
KPK




detailed below in the light of merit list of year 2003, but the petitioner has been discriminated only due to malafide although her case is very much differentiable and different from other terminated employees of the education department.

	Name	Position in merit list of 2003	Appointment order No.
1.	Aisha Siddiqa	233	No.18920-35 dated 27/12/2003
2.	Shahida Gul	105	
3.	Aalia Kamran	148	
4.	Shakeela Naureen	220	No. 20973-75 dated 01/8/2006
5.	Mah Jabeen	213	
6.	Shakila Shaheen	102	
7.	Farhat Rehman	181	
8.	Kaniza Bibi	164	
9.	Humera Kehkashan	219	
10.	Sajida Iffat	146	
11.	Samina Nazli	243	
12.	Shela Irum	223	
13.	Fozia Hayat	245	
14.	Asma Sadaf	82	
15.	Shagufta Andaleeb	253	



Whereas the petitioner despite having serial No.76 in the said merit list has been discriminated. Copies of appointment letters of below merit appointees are enclosed as **Annexure N.**

7. That the petitioner since the year 2005 till 2007 before appointment and again w.e.f. 2009 upto 2013 after appointment, remained engaged in litigation just to safeguard her rights, but the respondents not only before her appointment but also after her appointment, are at daggers drawn towards petitioner illegally, without lawful authority and without jurisdiction. Hence, she has genuine grievance to file present Writ Petition.
8. That now the petitioner despite having higher qualification coupled with her superior batch, has become **over-aged** and as such, respondents with their illegal & unlawful acts, have put the future of petitioner to a dark end and they have also spoiled the entire education and carrier of petitioner.
9. That the respondents have no authority to raise finger at the appointment of petitioner as the same is legal and lawful particularly when below merit teachers are still serving.

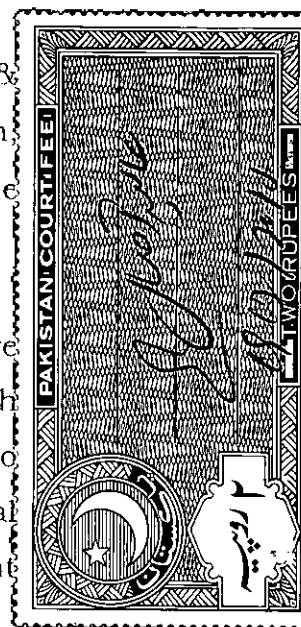
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Moreover, participation of petitioner in test/interview and fulfilment of codal formalities in the year 2003 is apparent from merit list and advertisement. Petitioner also came with W.P. No.353/2005 and then W.P. No.22/2007 on the basis of said merit list in order to assert her constitutional & fundamental rights. Hence, objection of the respondents regarding non-observance of codal formalities is not sustainable.

10. That the petitioner has been deceived by respondents as initially they issued appointment order of the petitioner by conceding her rights in W.P. No.22/2007 as such, she withdrew her Writ Petition; but thereafter, they deviated from their previous commitments and are not going to reinstate the petitioner by implementing the Judgment of KPK Service Tribunal in letter & spirit despite the fact that petitioner is a qualified (as she has CT old batch with extra qualification of B.Ed and MA).
11. That due to interference of political figures the petitioner was discriminated in the year 2003 and when she was appointment, the political figures of subsequent government get in the way of petitioner's service on the baseless allegations that no legal and codal formalities were observed and her appointment is illegal.
12. That despite of **long protracted litigation**, the legal & constitutional rights of petitioner are being denied and as such acts & deeds of respondents amounts denial of justice to the petitioner.

It is also worthy to mention here that respondents are intending to fill up the vacancies of CT Teachers and as such the petitioner as a last resort and also having no alternate also participated in the present tests & interviews; anyhow, denial of legal rights to the petitioner has pave her way to file present petition.

13. That the counsel for petitioner may be allowed to argue additional grounds at the time of arguments.



It is, therefore, humbly prayed that the respondents may please be directed to implement the Judgment of Service Tribunal in the circumstances of present case and to reinstate the petitioner by giving her equal protection of law with all back & future benefits as, the matter of seniority as well as future of petitioner is involved.

Yours Humble Petitioner

Alia Iqbal

(Alia Iqbal)

THROUGH COUNSEL

[Signature]

Muhammad Younis Thaheem
Advocate Supreme Court,
Stationed at D.I.Khan.

Alia Iqbal
[Signature]

Dt. 23/09/2013

CERTIFICATE

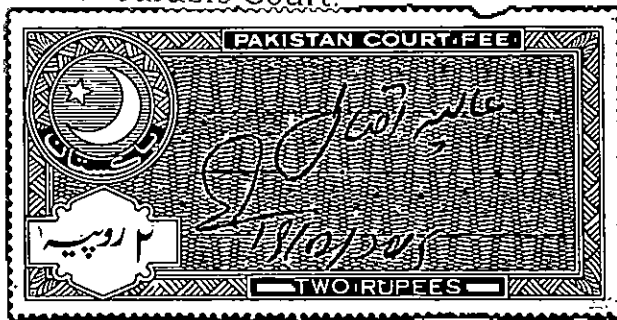
I, *Muhammad Younis Thaheem, Advocate Supreme Court, counsel for the petitioner and on instructions of Petitioner*, do hereby certify that it is the first petition on behalf of petitioner and no other Misc./Execution Petition on the subject has earlier been filed by the Petitioner in this Honourable Court.

Petitioner Through Counsel
[Signature]
ASC.

AFFIDAVIT:

I, *Muhammad Younis Thaheem, Advocate Supreme Court, counsel for the petitioner and on instructions of Petitioner*, do hereby solemnly affirm & Declare on Oath that the contents of accompanying Misc/Execution Petition are true & correct to the best of my knowledge & belief and that nothing has been concealed from this Honourable Court.

[Signature]
Deponent



Ann: 0-2

(70)

02.01.2014

Neither petitioner nor her counsel present, and the petitioner has moved application for adjournment. To come up for arguments on maintainability of the petition on 3.4.2014.

sd/
Chairman

3.4.2014

Mr. Muhammad Subhan, husband of the petitioner, on behalf of the petitioner, M/S Kurshid Khan, SO for respondents No. 1 and 2 and Javed Ahmad, Supdt. for respondent No. 3 with AAG for the respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments on maintainability of the petition or in the alternative for written arguments on 13.6.2014.

sd/
Member

13.6.2014

Counsel for the petitioner present and heard on maintainability of the petition. The learned counsel for the petitioner, inter-alia, contended that case of the petitioner was clearly distinguishable from cases of those appellants in a number of appeals which were decided by the Tribunal on 27.10.2011 and their cases were remanded to the respondent-department for reconsideration in the light of observations made in the judgment; as the petitioner was appointed in pursuance of the publication made in the newspaper thereby inviting applications for appointment and thereafter she was not only appointed vide order dated 1.12.2007 but also corrigendum issued on 28.2.2007 to the effect that her appointment was made in pursuance of the writ petition and the petitioner also assumed the charge and she was further promoted from BPS-9 to BPS-14 vide order dated 14.3.2007 and later awarded BPS-15 vide order dated 25.8.2008 as a result of her struggle for realization of her rights through writ petitions in the court. However, according to the learned counsel for the petitioner, the services of the petitioner were also dispensed with along with scores of others, and she was not reinstated even by the committee constituted by the Peshawar High Court DIKhan Bench in the writ petition of the affected civil servants though candidates much below in the merit list were reinstated. The learned counsel maintained that after remand of the case by the Tribunal to the respondent-department for reconsideration of cases of the appellants, the respondent-department made no distinction between the case of the petitioner and rest of the candidates, and treated her alike by not reinstating her. In view of submissions of the learned counsel for the petitioner, notices be issued to the respondents for implementation report as well as for reply to application for interim relief on 4.7.2014.

ATTESTED

[Signature]
Secretary
Peshawar

sd/
Chairman

90

04.7.2014

Mr. Muhammad Subhan, husband of the petitioner, on behalf of the petitioner, M/S Khurshid Khan, S.O for respondents No. 1 & 2 and Ms. Ghulam Fatima, SDEO(F) Parova for respondents No. 4 & 7 with AAG for the respondents present. Implementation report and reply to application for interim relief have not been received, and request for further time made on behalf of the respondents. To come up for implementation report as well as reply to application for interim relief, positively, on 25.9.2014.

Self member

25.09.2014

Mr. Muhammad Subhan, husband of the petitioner, on behalf of the petitioner, M/S Khurshid Khan, SO for respondents No. 1 and 2, Javid Ahmed, Supdt. for respondent No. 3 and Ms. Ghulam Fatima, SDEO (F) D.I Khan on behalf of remaining respondents No. 4 to 7 with Mr. Muhammad Adeel Butt, AAG present. Implementation report filed on behalf of respondent No. 4, copy whereof is handed over to the husband of the petitioner for comments, if any, and consideration/arguments on 29.12.2014.

Self Chairman

29.12.2014

No one is present on behalf of the petitioner. Mr. Muhammad Adeel Butt, AAG, is present on behalf of the respondents. The Tribunal is incomplete. To come up for comments + consideration/arguments on

26.3.2015

Reader

Certified to be a true copy
Khyber Pakhtunkhwa
Tribunal,
Peshawar

~~Annexure A~~

Ann: P

92

OFFICE THE EXECUTIVE DISTRICT OFFICER (E&SE) D.I.Khan

ORDER:

In pursuance of order dated 27-10-2011 of the KPK Service Tribunal in service appeal No. 1407/2010 and other connected appeals, committee headed by the Secretary to Govt. of Khyber Pakhtunkhwa (E&SE) Department considered the cases of the appellants and similar placed persons and came to the conclusion that the appointment of the following CTs (Female) was illegal, irregular and void ab-initio in terms of rule 10(2) of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 and prescribed method of recruitment. On the recommendation of the committee contained at page 103-104 of the enquiry report, their so called services are hereby terminated.

S. No	Appeal No/Year	Name of appellant	Father's Name	School
1	Nil	Fateeha Niazi	Allah Bakhsh	GGMS Adil Sipra Wanda Lali
2	1849/10	Shahmaz Bibi	Muhammad Nawaz	GGMS Musa Zai Sharif GHS Kot Jai GMS Paharpur
3	2592/10	Nasim Imrana	Choudhary Nabi Bakhsh	GGMS Athog
4	1532/10	Nahed Akhter	Muhammad Rafique	GGMS Bigwani Shumali GGHS Musazai
5	Nil	Fozia Shaheen	Shah Nawaz	GGMS Potah
6	2181/10	Saima Aziz	Aziz ur Rehman	GGHS Rehmani khel Kot Jai No.4 DIKhan
7	2583/10	Azra Bibi	Ghulam Hussain	GGMS Kachi Kath Garh
8	2475/10	Shahmaz Akhter	Jehangir	GGHS No 9 Dimpur GGHS Kulachi
9	2495/10	Qazi Abdul Hafeez	Qazi Abdur Rahim	GGMS No 1 DIKhan
10	2625/10	Naila Yasmin	Muhammad Usman	GGHS Bahari Colony
11	2491/10	Rukhsana Bibi	Muhammad Shafi	GGMS Ruknow
12	1530/10	Samina Mustafa	Abdul Mustata	GGMS Rahmani Khel Chah Mughal Wala
13	3163/10	Tasleem Akhter	Gul Muhammad	GGMS Wanda Lali
14	2326/10	Sahira Hassan	Ahmed Hassan	GGHS Paharpur Kech
15	2546/10	Saeeda Bibi	Imam Din	GGMS Roda
16	2723/10	Jamila Shaheen	Ubaid Ullah	GGMS Himat
17		Samina Nureen	Ahmad Din	GGMS Musazai
18	2038/10	Aneela Sarfarz	Sarfaraz	GGHS Kachi Paind Khan

Annexure (A)
93

19	3052/10	Lubna Sadia	Qamar ud Din	GGMS Paharpur
20	Nil	Kousar Yasmeen	Ghulam Yaseen	GGMS Kiri Alizai
21	Nil	Tahira Anjum	Qamar un Din	GGHS Ratta Kulachi
22	2708	Kalsoom Bibi	Haji Muhammad Bakhsh	GGHS Bigwami Shumali
23	2499/10	Rehana Afzal	Muhammad Afzal	GGHS Muryali
24	2328/10	Rozina Nisar	Sher Bahadar	GGHS Kot Jai
25	1972/10	Amna Begum	Muhammad Sultan	GGMS SaraGara GGHS Lar
26	2332/10	Ishrat Jehan	Khurshid Hussain	GGHS Paharpur
27	2492/10	Nazeera Bibi	Allah Nawaz	GGHSS Kulachi
28	2176/10	Rizwana Bibi	Rabnawaz Khan	GGHS Prova
29	2489/10	Neelam Nisar	Nisar Ahmed	GGMS Ijaz Abad
30	2794/10	Fozia Saeed	Saeedullah	GGHS No.4 D I Khan
31	2367/10	Asma ul Husna	Ghulam Abass.	GGMS Saidu Wali
32	2169/10	Ruqiya Bibi	Bahsir Ahmed	GGHSS Paharpur/GGHS Kiri Shamoza/Ramak/GGHSS Paroa
33	2504/10	Rubina Bibi	Fazal Rehman	GGHS No.9 DIKhan/GGHSS No.6 DIKhan
34	2506/10	Riffat Malik	Malik Nazir	GGMS Sara Garah/Jatta
35	2687/10	Saira Jabeen	Hamidullah	GGHS Muryali/Malana
36	2505/10	Attia Naz	Muhammad Bashir	GGHS Sadu Wali No.2
37	25 1/10	Ruqiya Bibi	Malik Illahi Bakhsh	GGHS Ramak GGHSS Paroa/GGMS Dhapan Wali
38	2497/10	Asia Yasmin	Kaleemullah	GGHS No.6
39	2168/10	Kousar Parveen	Ghulam Farid	GGHS Prova
40	1966/10	Syed Hiza Batoool	Syed Hasham Shah	GGHS Wanda Mozam
41	33 1/10	Gohar Sultana	Muhammad Nawaz	GGMS Gilotti
42	196 3/10	Fozia Malak	Malak Allah Nawaz	GGHS Kot Jai
43	2494/10	Sahrish	Ghulam Farid	GGHS No.9 Din Pur
44	2666/10	Shagufta Bibi	Abdul Qadoos	GGHS Panjala
45	2399/10	Mussrat Rashid	Abdur Rashid	GGMS Gilotti/Yarik
46	2508/10	Irum Ibrar	Abrar Hussain	GGHS No.2/No.4

~~Annex A~~
 94

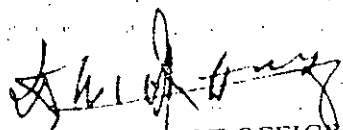
47	2269/10	Shazia Zarin	Shah Muhammad	GGMS Gilotti Rodu
48	2273/10	Fozia Gul	Haji Ghulam Farid	GGHS Kulachi
49	1967/10	Humaira Mumtaz	Ghulam Ahmad	GGMS Saidu Wali
50	2668/10	Shazia	Muhammad Rouf Khan	GGMS Musa Zai Sharif
51	28	Ghazala Bibi	Muhammad Afzal	GGHSS Muryali Dhawa
52	2642/10	Farzana Hakeem	Hakeemud ud Din	GGHSS No. 2 DI Khan
53		Nasreen Khan	Mahmood Khan	GGHS Kacha Mali Khel-GGMS Mithapur
54	2194/10	Adila Bashir	Muhammad Bashir	GGHS Musazai Sharif
55	2640/10	Zeenat Bibi	Faiz ullah	GGHSS Paharpur
56	261 9/10	Aisha Bibi	Ahmad Nawaz	GGHS No. 6 Chah Syed Munawar
57		Fakhar Batool	Ghulzar Hussain	GGMS Athoge
58	2723/10	Jamila	Ghulam Shabir	GGHS Ramak
59		Chaman Zahra	Hanif Muhammad	GGHS No. 5
60		Amber Noreen	Abdul Aziz	GGHS Wanda Mozam.
61		Rukhsana Parveen	Ghulam Hussain	GGHS No. 4 D I Khan
62		Mehrin Begum	Attallah	GGMS Ajmal Abad
63	2712/10	Arjumand Bano	Mumtaz Hussain	GGHS Behari Colony
64	548/11	Shazia Bibi	Amanullah	GGMS Dhakki
65		Farkhanda	Rab Nawaz	GGMS Phulari Athog
66		Shabnam Afroz	Ghulam Yasin	GGMS Kachi Kath Garh
67		Abida Bibi	Habib Ullah	GGMS Madi
68		Farzana Khan	Haq Nawaz	GGHS Lar
69		Safia Mobeen	Muhammad Bakhsh	GGMS Kulachi Wala
70		Mehreen Iram	Imamullah	GGMS Sara Gara
71	2469/10	Samina Zaman	Muhammad Zaman	GGHS Naivela
72	1531 /10	Rukhsana Naz	Nazir Hussain shah	GGMS Gara Essa Khan
73	2330/10	Sadia Naz	Faiz Rusool	GGHS Kech
74	1813/10	Alia Iqbal bibi	Sadiq Hussain	GGHS No. 2
75		Nadia	Asadullah Jan	GGMS Hisam

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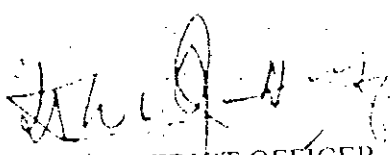
76		Farzana Bibi	Shah Nawaz	GGMS Sara Gara
77		Naheed Akhtar	Muhammad Iqbal	GGMS Kulschi Wala
78		Ambreen Mohab	Muhammad Aslam	GGHS Dhakki
79	32/11	Naila Naz	Qayum Nawaz	GGHS Lar


EXECUTIVE DISTRICT OFFICER
(E&SE) D.I.Khan

Dated D.I.Khan the 08/2/2012

Ends No. 1520-1602
Copy for information to:

1. P.S to Secretary (E&SE) KPK.
2. P.A to Director (E&SE) Peshawar.
3. District Coordination Officer D.I.Khan.
4. District Officer (E&SE) (M/F) D.I.Khan
5. All concerned.


EXECUTIVE DISTRICT OFFICER
(E&SE) D.I.Khan

Ann: Q-196

To: **The Director,**
Elementary & Secondary Education,
Khyber Pakhtunkhaw,
Peshawar.

Subject: **DEPARTMENTAL APPEAL AGAINST ANTEDATED**
TERMINATION LETTER NO.1520-1602 SHOWING DATE
08/02/2012 AND TO PLEASE CONSIDER THE CASE OF
PETITIONER IN THE LIGHT OF WRIT PETITION
NO.353/2005, WRIT PETITION NO.22/2007 AND WRIT
PETITION NO.238/2012 COUPLED WITH THE VERDICT OF
SERVICE TRIBUNAL VIDE JUDGMENT DATED
27/10/2011.

Respected Sir,

The appellant humbly submits as under:

1. That in the **year 2003** the then Executive District Officer, *Schools & Literacy, D.I.Khan, advertised vacancies of the CT Teachers (female) along with other vacancies of various cadres. The petitioner being eligible and having required qualification (CT/1996, BA, B.Ed/2003) applied for the post of CT. Test & Interviews were conducted, merit list was prepared but **below merit candidates were appointed and petitioner despite high merit was deprived of her appointment.***
2. Thus petitioner filed Writ Petition No.353/2005 before Honourable Peshawar High Court, D.I.Khan Bench, and in that continuation another Writ Petition No. 22/2007 was also filed before the Honourable High Court. Both the writ petitions were based on the Advertisement of Year 2003, its Tests, Interviews and Merit List. During pendency of the Writ Petition No.22/2007, the EDO (S&L) by admitting rights of the petitioner, issued her appointment letter on the post of CT (Female) and in this regard issue letter No.2797-2800 dated 28/02/2007 wherein EDO (S&L) conceded/acknowledged the rights of petitioner owing to WP No.22/2007. (Copies enclosed).

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3. That the petitioner started her professional career and in the meanwhile a trend of illegal appointments in the Education Department commenced whereby a number of teachers were appointed without fulfilling any legal & codal formalities. An inquiry was conducted and the name of petitioner was also included in the list of illegal appointees despite the fact that petitioner is/was having no concern with the illegal appointments of the year 2007 & 2008 as her case/right pertains to year 2003 which was delayed due to a protracted litigation in the High Court.
4. That after another round of litigation started and petitioner, who previously litigated to get her rights was again forced to indulge in litigation to save her rights. However in the last, the Service Tribunal in the combined Judgment dated 27/10/2011, passed in Service Appeal No.1813/2010, directed the Secretary Education to inquire into the matter and issue appointment letter to qualified persons and terminate illegal appointees.
5. That the petitioner, who being qualified as her codal formalities like advertisement, test, interview, merit list were existing was not reinstated therefore, petitioner filed Execution Petition No.69/2013, wherein date was fixed for 25/09/2013. On 25/09/2013, District Officer (Female), Education Department D.I.Khan submitted an antedated 'termination letter No.1520-1602 showing date 08/02/2012' along with the implementation report. The said alleged termination letter was neither previously issued to the petitioner nor the same was her knowledge and petitioner after getting knowledge of the same is filing present representation against the said termination letter on the following grounds among others:
 - a. The termination letter No.1520-1602 showing date 08/02/2012, only to the extent of petitioner, is antedated, based on malafide, against law & facts, result of improper exercise of jurisdiction.
 - b. The case of petitioner is differentiable with the case illegal appointees who appointed in the year 2007 & 2008 as the name

(98)

of petitioner has wrongly been included in the list of 1613 teachers.

- c. That as per Judgment dated 26/06/2013 of Honourable Peshawar High Court, D.I.Khan Bench in WP No.238/2012, the case of petitioner is also worth consideration.
- d. In the year 2003, after proper advertisement, test & interview, the petitioner was placed at serial No.76 of the merit list as per policy in vogue at that time. However, due to malafide, political victimization and for fetching illegal benefits, below merit candidates coming at serial No.233, 105, 148, 220, 213, 102, 181, 164, 219, 146, 243, 223, 245, 82, 253 were appointed and petitioner was deprived therefore, she filed WP No.353/2005 and in that context also filed WP No.22/2007. Rights of petitioner were acceded and she was given appointment in response to WP No.22/2007 which was thus withdrawn due to redressal of grievance. Hence, a great injustice has been done to the petitioner by placing her in the list of illegal appointees.
- e. The case of petitioner pertains to the year 2003 which was delayed due to filing of Writ Petition No.353/2005 and Writ Petition No.22/2007. The petitioner does not come within the definition of illegal appointment and all the legal and codal formalities.
- f. The provisions of Section 10(2) of the NWFP (Appointment, Promotion & Transfer) Rules 1989 have been completed in the case of petitioner as her case pertains to the year 2003 whereby entire prescribed method of recruitment was adopted but below merit candidate were illegally appointed.
- g. The impugned termination letter is against the spirit of Judgment dated 27/10/2012 of Honourable Service Tribunal, KPK Peshawar, whereby directions for reinstatement of qualified teachers were passed. The petitioner, being passed through requisite recruitment process, is/was a qualified and legally appointed teacher. Therefore, mandate of the said

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judgment has not been followed and impugned termination is hasty in nature and is ineffective upon rights of the petitioner.

In wake of above submissions, it is respectfully prayed that on acceptance of instant appeal, the impugned termination letter may please be set-aside only to the extent of petitioner and the petitioner may graciously be re-instated in service with all back/future benefits.

Yours Humble Appellant

Encls: (as above)

Dt. 21/10/2014

Alia Iqbal

(Alia Iqbal)

Wife of Muhammad Subhan
R/O Mohallah Gari-ban, Commissionaree Bazaar,
Dera Ismail Khan (K.P.K.)

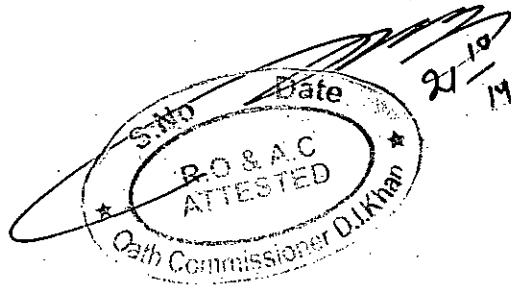
Copy to the District Officer (Female), Education Department, D.I.Khan with a request to reappraise the case of petitioner.

AFFIDAVIT:

I, **the Appellant**, do hereby solemnly affirm & Declare on Oath that the contents of accompanying Departmental Appeal are true & correct to the best of my knowledge & belief and that nothing has been concealed from this Honourable Court.

Alia Iqbal

Deponent



100

To: **The Director,**
 Elementary & Secondary Education,
 Khyber Pakhtunkhwa,
 Peshawar.

Subject: **APPLICATION FOR CONDONATION OF DELAY:**

Respected Sir,

The appellant humbly submits as under:

1. That a departmental appeal is being filed before this Honourable Court and grounds of said departmental appeal may please be considered as an integral part of this application.
2. That the appellant was unaware of the impugned antedated termination letter and got knowledge of the same during course of hearing of Execution Petition No.69/2013 before KPK Service Tribunal, Peshawar on 25/09/2014 hence, from the date of knowledge the departmental appeal is within time and the delay (if any) is liable to be condoned in the interest of justice.

It is, therefore, humbly prayed that on acceptance of instant application, the delay (if any) caused in filing the Departmental Appeal may very kindly be condoned in the interest of justice.

Yours Humble Appellant

Alia Iqbal

(Alia Iqbal)

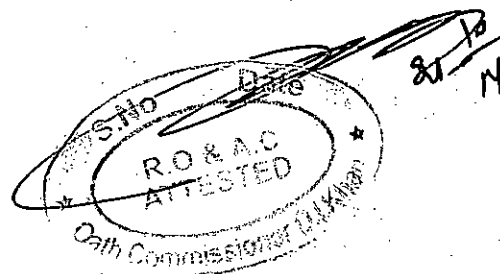
Wife of Muhammad Subhan

R/O Mohallah Gari-ban, Commissionaree Bazaar,
 Dera Ismail Khan (K.P.K.)

Dt. 21/10/2014

AFFIDAVIT:

I, ***the Appellant,*** do hereby solemnly affirm & Declare on Oath that the contents of accompanying Application are true & correct to the best of my knowledge & belief and that nothing has been concealed from this Honourable Court.



Alia Iqbal
Deponent

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Ann: Q-2

No. 699

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

Received a registered letter addressed to and Secretary of the

Initials of Receiving Officer P. P. V. M. S. B. S. *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. Insured for Rs. (in figures) 40 (in words) 40

If insured: Insurance fee Rs. 2 s. 2 (in words) 2 Weight 1 Kilo 1 Grams 100
Name and address of sender

No. 700

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

Received a registered letter addressed to Office of the

Initials of Receiving Officer P. P. V. M. S. B. S. *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. Insured for Rs. (in figures) 40 (in words) 40

If insured: Insurance fee Rs. 2 s. 2 (in words) 2 Weight 1 Kilo 1 Grams 100
Name and address of sender

Ann: Q-3

ACKNOWLEDGEMENT DUE CARD



نام عالیہ اقبال زہرا محمد بیوان
پتہ ضلع گڑھی نکان - ڈیرہ اسماعیل خان

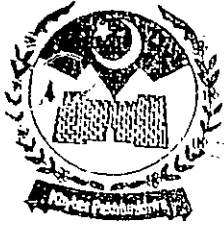
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ڈاکخانہ

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پوسٹ کوڈ

(پوسٹ کوڈ لکھنا ہونی چاہیے)



Ann: R

103

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

REPORT/FINDINGS/RECOMMENDATIONS/
OF THE COMMITTEE WITH REFERENCE TO SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY AND
SECONDARY EDUCATION DEPARTMENT NOTIFICATION NO SO
LITIGATION/E&SE/1-3/2011 /D.I.KHAN DATED 29.11.2011 IN
PURSUANCE OF KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
ORDER DATED 27.10.2011 ON SERVICE APPEAL NO 1407/2010
AND OTHER CONNECTED APPEALS.

INTRODUCTION:

In pursuance of the judgment of Khyber Pakhtunkhwa Services Tribunal dated 27.10.2011 in Service Appeal No.1407/2010 Abdusl Salam versus Province Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education and the others connected Service appeals, (Annexure-A), and judgment dated 16.12.2011 2011 in Service Appeal No 3052/2010 Lubna Sadia versus Province of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa constituted a Committee vide Notification SO Litigation/E&SE/1-3/2011 /D.I.Khan dated 29.11.2011 comprising of the following for reconsideration of the cases in light of the judgment of the Honourable Services Tribunal vide (Annexure-B)

1. Secretary) E&SE Department (Chairman).
2. Director (E&SE) Khyber Pakhtunkhwa, Peshawar (Member).
3. Abdul Wali Khan Dy Director (E&SE) (Member).
4. Ghulam Qasim EDO (E&SE) Tank. (Member).
5. Feroz Hussain Shah EDO (E&SE) DI Khan (Member).
6. Mushraf Ali AD (F&A) E&SE (Member).

TOR:

To examine the appeals of the rest of the appellants including PST(M&F),CT(M&F),PET(M&F),DM(M&F),AJ(M&F),TT(M&F) and Qaris (M&F) in the light of the judgment of Khyber Pakhtunkhwa Services Tribunal dated 27.10.2011 in Service Appeal No 1407/2010 and the others connected service appeals.

To examine, scrutinize the record of local office D.I.Khan regarding the appointments in the year 2007-08.

- To frame efficient and fair mechanism and procedure to find out the qualified appellants according to the observations in the aforesaid judgment and implement.
- To ensure compliance with the mandatory legal requirements on the one hand and integrity of the proceedings on the other.
- To consider the claim of those appellants who have alleged performance of duty for considerable time after their appointment as directed by the Honourable Services Tribunal.
- To provide an opportunity of hearing to the appellants.
- To provide an opportunity to all concerned to produce record, documents etc in support of their claims and possible remedy.
- To act in accordance with rules, Law and Policy prevailing in 2007-08 regarding the recruitment of the above said posts.
- To fulfill the given task within the period as expected and proposed by the Honourable Service Tribunal in his judgment dated 27.10.2011.
- To consign the record in the safe custody of the competent authority.
- To pass on evidence, both documentary and verble, record and analysis, conclude findings and make recommendations as wayforward so as to ensure equity and justice.

BRIEF HISTORY OF THE CASE:

In District DI Khan reportedly illegal and irregular appointments were made in Elementary and Secondary department at a large-scale during the period from 01.01.2007 to 30.06.2008. The matter was highlighted by one Honourable member of Provincial Assembly through Assembly Question No.31. The Provincial Assembly declared the same appointments as illegal and irregular and politically motivated which was debated in the house on 09.08.2008 and was referred to Standing Committee No.26 for scrutiny. The committee finalized its report/recommendations and presented to the Assembly on 12.01.2009, which was adopted on the same day. In order to implement the decision of the Standing Committee, duly adopted by the Provincial Assembly the Elementary and Secondary Education Department constituted the following three Committees to check the appointments record of the appointments made by Ex-Executive District Officer (E&SE) DI Khan for the period from 01.01.2007 to 30.06.2008 in pursuance of the Minutes of the meeting held on 13.01.2009 of the Standing Committee No. 26 of Provincial Assembly vide Notification No. SO (AB) E&SED/4-4/Enq/DIK/2009 dated 01-02-2009.

Committee No.1 for scrutiny of Illegal/Irregular appointments of KPOs /PSTs Sub Assistants /Junior Clerks/ Assistant Store Keepers and Class-IV Male and Female.

Committee No.2 for scrutiny of Illegal/Irregular appointments of CT, DM, T Male and Female.

Committee No.3 for scrutiny of Illegal/Irregular appointments of Arabic Teacher, Theology Teacher and Qari Male and Female.

Enquiry Reports were submitted to the Standing Committee on 08.04.2009. Standing Committee recommended to the department to terminate the

illegal and irregular appointees except Class-IV employees and those who got appointment on Merit.

Peshawar High Court D.I.Khan Bench disposed off a writ Petition No 252/2009 Hassan Ara and six others versus Government of NWFP (Now Khyber Pakhtunkhwa) on 11.06.2009 with the direction to act upon the enquiry report positively within two months, the inquiry report dated 05.01.2009 in which it was reported that the appointment made from 01.01.2007 to 30.06.2008 are illegal.

Against the following 1390 sanctioned posts of various categories of Teachers more than two thousand persons were appointed.

PST	961
AT	61
TT	59
Qari	50
CT	171
DM	43
PET	45
Total	1390

After segregating 440 PST (309 Male + 131 female) were appointed on Merit while the remaining 1613 male & female appointment of various category were illegal and irregular in term of prescribed method of recruitment under the rules. Recommendations of the Standing Committee was processed and approval of the Chief Minister was obtained for termination of these illegal and irregular appointees. The decision of the Standing Committee was communicated to the DCO D I Khan for compliance, in response to which DCO D I Khan terminated 1613 employees vide his office order No 8021/DCO (Edu) dated 04-09-2009 and was endorsed by the Executive District Officer (E&SE) D I Khan vide his office Endst No 10239 dated 04.09.2009.

PROCEEDINGS

In compliance with above referred Notification from the Secretary Elementary & Secondary Education Department, as per direction contained in the judgement of Khyber Pakhtunkhwa Services Tribunal dated 27.10.2011 and to ensure transparency and providing fair opportunity of personal hearing to all concerned and further to ensure compliance with the mandatory legal requirements, the Committee started the enquiry proceeding. For the purpose of personal hearing of the applicants, checking of their academic & professional certificates, credential and service record the following schedule was published in daily "Mashriq" dated 15-12-2011 and other leading and local newspapers, the appellants were called for hearing in Circuit House D.I.Khan on the following dates; Notices were also pasted on District offices Notice Boards so as to give it wide publicity:- (Annexure-C)

No	Category	Date
1.	PST(Male)	19.12.2011

2.	PST(Male)	20.12.2011
3.	PST(Female)	21.12.2011
4.	AT(M&F), TT(M&F), Qari(M&F)	22.12.2011
5.	CT(M&F), PET(M&F), DM(M&F)	23.12.2011

The Appellants and all others similar cases applicant were heard in person in Circuit House D.I.Khan on the above dates. Their signatures are exhibited (Annexure-D)

As per Terms of Reference (TOR) the Committee gone through the available record in Office of the EDO (E&SE) D I Khan and the following Inquiry Reports of the Enquiries conducted for illegal/irregular appointment in E&SE D.I.Khan.

- a. Report of the scrutiny Committee constituted in pursuance of the minutes of the meeting held on 13.01.2009 of the Standing Committee No. 26 of Provincial Assembly vide Notification No. SO(AB)E&SED/4-4/Enq/DIK/2009 dated 01-01-2009 comprising on Mr. Dur Muhammad Loni Deputy Secretary (Admn) E&SE Department(Chairman), Abdul Salam Marwat Principal GHSS No.3 D.I.Khan and Hamidullah Jan Deputy Director (Estab) Directorate of E&SE members on Illegal/Irregular Appointments of KPOs /PSTs /Lab Assistants /Junior Clerks/ Assistant Store Keepers and Class-IV Male and Female made by Ex-Executive District Officer(E&SE) DI Khan for the period from 01.01.2007 to 30.06.2008.
- b. Report of the scrutiny Committee in pursuance of the minutes of the meeting held on 13.01.2009 of the Standing Committee No. 26 of Provincial Assembly vide Notification No. SO(AB)E&SED/4-4/Enq/DIK/2009 dated 01-01-2009 comprising on Hamidullah Jan Deputy Director (Estab) Directorate of E&SE(Chairman), Mr.Mujeeb Ur Rehman Section Officer(Training) E&SE Department, and Masal Khan Principal Govt High School Mandani members on Illegal/Irregular Appointments of CT ,DM,PET Male and Female made by Ex-Executive District Officer(E&SE) DIKhan for the period from 01.01.2007 to 30.06.2008.
- c. Report of the scrutiny Committee constituted in pursuance of the minutes of the meeting held on 13.01.2009 of the Standing Committee No. 26 of Provincial Assembly vide Notification No. SO(AB)E&SED/4-4/Enq/DIK/2009 dated 01-01-2009 comprising on Mr. Muhammad Idrees Deputy Secretary II E&SE Department(Chairman), Hamidullah Jan Deputy Director (Estab) Directorate of E&SE and Abdul Malik Principal Govt Islamia High School No.2 D.I.Khan members on Illegal/Irregular appointments of Arabic Teacher, Theology Teacher and Qari Male and Female made by Ex-Executive District Officer(E&SE) DI Khan for the period from 01.01.2007 to 30.06.2008.
- d. Enquiry Report of the Enquiry Committee constituted vide Notification No. SO (AB) S&L/4-4/2007/Enq/DIK/ dated 27-12-2007 comprising of Mr. Muhammad Arifeen Special Secretary now Secretary E&SE Department (Chairman), Hamidullah Jan Deputy Director (Estab) Directorate of E&SE member on all kind of appointments made by Ex-Executive District Officer (E&SE) DI Khan .

- e. Enquiry Report of Mr Ahmad Khan Special Secretary E&SE Department Enquiry Officer Appointed vide Notification No.SO (S) S-1-17/2008/Inquiry/EDODIK/ dated 21.08.2008 against Executive District Officer (E&SE) DI Khan and other Officials.
- f. Enquiry Report of Mr Jalat Khan Afridi OSD E&A Department Enquiry Officer appointed vide Notification No.SO (E-I) E&AD/4-416/09 dated April 30,2009 against Syed Muhsin Shah DCO and other Officers/Officials of (E&SE) DI Khan .
- g. Enquiry Report of the inquiry Committee headed by the Syeda Sarwat Jahan Directress E&SE Khyber Pakhtunkhwa Peshawar and Hidayatullah Dy: CPO E&SE department as member vide Notification No. SO (AB) E&SED/4-4/DIKhan dated 05/11/2010.
- h. Report of the scrutiny Committee headed by Muhammad Rafiq Khattak Addl:Director E&SE Khyber Pakhtunkhwa Peshawar vide Notification No SO Litigation/E&SE/1-3/2011 dated 07.04.2011
- i. The vacant posts of PST, CT, DM, PET, AT, TT, Qari were advertised in April 2007. Test and Interveiw was held on 26.04.2007 & 17.05.2007, respectively. Merit list was prepared, on the recommendation of the Departmental Selection Committee for 309 Male and 131 Female PST were appointed by Executive District Officer (E&SE) D I Khan vide his office Endst No12655-973 (Male) and No 12974-13116 (Female) dated 02/07/2007 Appointment of the said 309 Male and 131 female PST are intact, but each appellants has annexed copy of individual Appointment order bearing the same No and date.
- j. Whereas present appellants showed that they were appointed on merit under the aforementioned appointment order No and date, but it is evident from the record that their names are not included in the said merit lists and appointment orders.
 Appointments of the remaining appellants were made subsequent to 02.07.2007 and prior to April 2007 that have been made on individual appointment order even though date of issue of the appointment order is same i.e 01.10.2007 but each appointment order bears separate Endst No, since the vacant posts were advertised in April, 2007 and Appointments were made on 02.07.2007, therefore all the appointments prior/subsequent the above cited dates are with out advertisement, interview, Merit list. NWFP (now Khyber Pakhtunkhwa) Civil Servants (Appointment, Promotion and Transfer Rules 1989) were violated. Decision of the Standing Committee No.26, duly adopted by the Provincial Assembly, was implemented. A competent authority terminated them after adoption of Proper procedure. Peshawar High Court D I Khan Bench has also directed for the implementation of the decision of the Standing Committee No.26. The appeals and annexed papers were scrutinized on case-to-case basis and was found that appointments of the appellants were illegal and irregular in term of prescribed method of recruitment.
- k. As per Terms of Reference (TOR) applicants as well as other similar placed persons appeared before the Committee on the date and venue given in the schedule. The Committee heard them personally and

6 (107)

Scrutinized the record and appeals of terminated PST (M & F), AT(M & F), TT(M & F), Qari(M & F), CT(M & F), PET(M & F), DM(M & F) Teachers/officials lying in the office of the Executive District Officer (SE) D. I. Khan on case to case basis in accordance with Khyber Pakhtunkhwa Services Tribunal order dated 27.10.2011. All category of teachers were also provided, an opportunity to adduce additional evidence, in support of their claim, if so required. Application were segregated on the basis of different categories of Teachers/officials from 19.12.2011 to 24.12.2011, This was a time consuming and backbreaking exercise and after frantic efforts Category wise list of various teachers with summary showing the names and other particulars of the appellant and similar nature cases appended below.

FINDINGS

Findings are produced as below:-

All the 1691 appellants and similar nature cases are divided in to the following categories detail of which is given under each category.

S.No	Post	Category				Total No
		I	II	III	IV	
1	PST Male	23	5	365	316	709
2	PST Female	32	2	207	230	471
3	CT Male	9	28	71	9	117
4	CT Female	7	14	58	0	79
5	PET Male	1	26	0	0	27
6	PET Female	5	6	15	0	26
7	DM Male	3	27	0	0	30
8	DM Female	2	21	0	0	23
9	AT Male	3	45	0	0	48
10	AT Female	1	4	18	0	23
11	TT Male	4	2	47	0	53
12	TT Female	7	2	21	0	30
13	Qari Male	1	6	26	0	33
14	Qaria (Female)	1	2	19	0	22
	Total	100	190	847	555	1691

1. PST (M) CATEGORY I

1. 337 PST posts were lying vacant between 31.12.2006 to 01.04.2007 against which the following candidates were appointed as PST with out advertisement before completion of the recruitment process, Merit list, DSC and other procedure.

Appeal No/Year	Name of appellant	Father's Name	School	Apptt: order No	Date	Paid Upto	Year of Passing PST Exams	Whether trained or untrained
187/10	Tariq Hussain	Ghulam Qasim	GPS Ghumsan	9005-06	31.12.2006	30.04.2010	21.02.2005	Trained
188/10	Malik Abdur Rashid	Haji Malik Rashid	GPS Sakhami	9003-4	31.12.2006	31.10.2010	11.05.1999	Trained
189/10	Shoukat Inayat	Muhammad Nawaz	GPS Umar Huba	9008-09	31-12-2006	30-3-2011	9.1.2006	Trained
190/10	Muhammad Safdar	Muhammad Azam	GPS Kot Mehsudan	20376-526	01.01.2007	30.04.2010	1996	Trained

8. In case of appointment of the applicants the vacancies were not advertised No Departmental Selection Committee was constituted for appointment.

9. Appeals being merit less deserve to be dismissed on the analogy of the decision of the Khyber Pakhtunkhwa Services Tribunal decision under Para-9 (i) read with Para-8(b).

13. CT (F) CATEGORY I.

1. 21 CT (F) posts were lying vacant during the period wef 31.12.2006 to 01.04.2007 against which the following candidates were appointed as CT (F) with out advertisement before completion of the recruitment process, Merit list, DSC and other procedure.

Appel. No/y ear	Name of appella nt	Fathers Name	School	Apptt. order No	Date	Paid Upto	Year of Passing CT Exams	Whet her trained or untrained
Nil	Fateeha Niazi	Allah Bakhs	GGMS Adil Sipra/Wanda Lali	41503-07	19.12.2006	30.04.2010	05.05.1996	Trained
1849/10	Shahnaz Bibi	Muhammad Nawaz	GGMS Musa Zai Sharif/GHS Kot Jai/GMS Paharpur	3882-86	20.02.2007	30.04.2010	21.11.2005	Trained
2502/10	Nasim Inwana	Chaudhary Nabi Bakhs	GGMS Athay	082-86	19.01.2007	30.04.2010	20.09.2008	Un-Trained
1512/10	Nabeed Akhter	Muhammad Rafique	GGMS Bignani Shumali/CGHS Musazai	6102-06	15.03.2007	31.03.2010	06.03.2004	Trained
Nil	Fozia Shaheen	Shah Nawaz	GGMS Potah	6232-35	16.03.2007	NA	29.09.2008	Un-Trained
2181/10	Saima Aziz	Aziz ur Rehman	GGHS Rehmani Khel/Kot Jai/No.4 DIKhan	7103-12	30.03.2007	30.04.2010	06.08.2002	Trained
2583/10	Azra Bibi	Ghulam Hussain	GGMS Kachi Kath Garh	7140-40	30.03.2007	30.04.2010	07.10.2002	Trained

- As per recruitment rules, Policy and procedure in practice in 2007 .The posts were to be advertised and were to be filled 25% from open Merit and 75% on the basis of batchwise/yearwise merit.
- The above 7 appointments of CT(F) are illegal and irregular in term of prescribed method of recruitment; neither any advertisement was made to fill the vacancies nor any Test & interview was held.
- No Merit list was prepared in the cases of the appellants. Codal formalities for appointments were flagrantly violated.
- The Executive District Officer (E&SE) D I Khan issued individual separate appointment orders to each and every appellant. NWFP (now Khyber Pakhtunkhwa) Civil Servants (Appointment, Promotion and Transfer Rules 1989 is violated.

6. Decision of the Standing Committee No.26 duly adopted by the Provincial Assembly was implemented. A high Level Enquiry was conducted in their cases. Peshawar High Court D I Khan Bench has also directed for the implementation of the decision of the Standing Committee No.26. Proper procedure was adopted for their termination but they were not terminated by competent authority, which was Executive District Officer Elementary and Secondary Education D I Khan but by the DCO D I Khan, thus irregular, The Honourable Serevice Tribunal set aside the trmination order on technical ground and their çases remanded back to Secretary .
7. The appointments of the appellants were illegal and irregular under Rule 10(2) of the Khyber Pakhtunkhwa civil servant (Appointment Promotion and Transfer Rules 1989 which is reproduced below.
 "Initial recruitment to the posts which do not fall within the purview of the commission shall be made on the recommendations of the departmental Selection Committee after the vacancies have been advertised in the newspapers".
8. In case of appointment of the applicants the vacancies were neither advertised nor recommended by Departmental Selection Committee for the appointment.
9. Appeals being merit less deserve to be dismissed on the analogy of the decision of the Khyber Pakhtunkhwa Services Tribunal decision under Para-9 (i) read with Para-8(b).

14. CT (F) CATEGORY II.

1. 14 CT (F) posts were lying vacant during the period of 01.04.2007 to 01.07.2007. The advertisement was made in the daily "Mashriq" 7-4-2007 to fill the vacancies of teachers, test & interview were held. But no merit list of CT prepared, the following 14 candidates were appointed as CT before completion of the recruitment process, Merit list , DSC and other procedure.

S. N o.	Appel No/yea.	Name of appellant	Fathers Name	School	Apptt order No	Date	Paid Upto	Year of Passing CT Exams	Whether trained or untrained
1	2475/10	Shahnaz Akhter	Jehangir	GGHS No.9 Dinpur/GGH SS Kulachi	12516-20	02.07.2007	30.04.2010	20.03.2007	Trained
2	2495/10	Qazi Abdul Hafeez	Qazi Abdur Rahim	GGMS No.1 DIKhan	12894-98	02.07.2007	30.04.2010	21.11.2005	Trained
3	2625/10	Naila Yasmin	Muhamma d Usman	GGBahari Colony	13161-210	02.07.2007	30.04.2010	21.11.2005	Trained
4	2491/10	Rukhsana Bibi	Muhamma d Shafi	GGMS Ruknow	2360-64	02.07.2007	30.04.2010	21.11.2005	Trained
5	1530/10	Samina Mustafa	Abdul Mustafa	GGMS Rahmani Khel/Chah Mughal Wala	13161-13210	02.07.2007	30.04.2010	20.03.2007	Trained

6	3163/1 0	Tasleem Akhter	Gul Muhammad	GGMS Wanda Lali	12266-70	02.07.2007	30.04.2010	20.03.2007	Trained
7	2326/1 0	Sahira Hassan	Ahmed Hassan	GGHS Paharpur/Ke ch	13161-210	02.07.2007	30.04.2010	06.05.2004	Trained
8	2546/1 0	Saeeda Bibi	Imam Din	GGMS Roda	13116-160	02.07.2007	30.04.2010	20.03.2007	Trained
9	2723/1 0	Jamila Shaheen	Ubaid Ullah	GGMS Himat	12486-90	02.07.2007	30.04.2010	21.11.2005	Trained
10		Samina Nureen	Ahmad Din	GGMS Musazai	13120-24	02.07.2007	30.04.2010	20.03.2007	Trained
11	2038/1 0	Aneela Sarfarz	Sarfaraz	GGHS Kachi Paind Khan	12050-05	02.07.2007	30.05.2010	28.02.2005	Trained
12	3052/1 0	Lubna Sadia	Qamar ud Din	GGMS Paharpur	13161-210	02.07.2007	31.03.2010	25.12.1993	Trained
13	Nil	Kousar Yasmeen	Ghulam Yaseen	GGMS Kiri Alizai	12556-60	02.07.2007	Not Pay	20.03.2007	Trained
14	Nil	Tahira Anjum	Qamar ud Din	GGHS Ratta Kulochi	12974-13116	02.07.2007	Not Pay	25.05.1996	Trained

2. As per recruitment rules, Policy and procedure in practice in 2007 were to be filled 25% from open Merit and 75% on the basis of batchwise/yearwise merit.
3. Their appointments are illegal and irregular in term of prescribed method of recruitment.
4. No Merit list was prepared in the cases of the appellants. Appointments made without observing Codal formalities.
5. The Executive District Officer (E&SE) D I Khan issued individual separate appointment orders to each and every appellant. NWFP (now Khyber Pakhtunkhwa) Civil Servants (Appointment, Promotion and Transfer Rules 1989 is violated).
6. Decision of the Standing Committee No.26 duly adopted by the Provincial Assembly was implemented. A high Level Enquiry was conducted in their cases. Peshawar High Court D I Khan Bench has also directed for the implementation of the decision of the Standing Committee No.26. Proper procedure was adopted for their termination but they were not terminated by competent authority, which was Executive District Officer Elementary and Secondary Education D I Khan but by the DCO D I Khan, thus irregular, The Honourable Serevice Tribunal set aside the trmination order on technical ground and their cases remanded back to Secretary .

The appointments of the appellants were illegal and irregular under Rule 10(2) of the Khyber Pakhtunkhwa civil servant (Appointment Promotion and Transfer Rules 1989 which is reproduced below.

"Initial recruitment to the posts which do not fall within the purview of the commission shall be made on the recommendations of the departmental Selection Committee after the vacancies have been advertised in the newspapers"

In case of appointment of the applicants the vacancies were advertised but Departmental Selection Committee was not constituted.

9. The appointments of the appellants were illegal and irregular. Appeals being merit less deserve to be dismissed.

15. CT (F) CATEGORY III.

1. 30 CT posts were sanctioned on 29.09.2007 by the Government of Khyber Pakhtunkhwa Finance department vide No BOV/FD/2-38/2006-07 dated 29.09.2007 (Annexure-II) against which the following candidates were appointed as CT with out advertisement and observing recruitment process, Merit list, DSC and other procedure.

Appellant No/year	Name of appellant	Fathers Name	School	Apptt. order No.	Date	Paid Upto.	Year of Passing CT Exams	Whether trained or untrained
2708	Kalsoom Bibi	Haji Muhamm ad Bakhsh.	GGHS Bigwani Shumali	20195-99	01.10.2007	30.04.2010	28.12.2006	Trained
2499/10	Rehana Afzal	Muhamm ad Afzal	GGHS Muryali	20340-44	01.10.2007	30.04.2010	05.05.2003	Trained
2328/10	Rozina Nisar	Sher Bahadar	GGHS Kot Jai	20270-74	01.10.2007	30.04.2010	20.03.2007	Trained
1972/10	Amna Begum	Muhamm ad Sultan	GGMS Sara Gara/GGH S Lar	20270-74	01.10.2007	30.04.2010	25.03.2001	Trained
2332/10	Ishrat Jehan	Khurshid Hussain	GGHS Paharpur	20155-59	01.10.2007	30.04.2010	28.12.2004	Trained
2492/10	Nazeera Bibi	Allah Nawaz	GGHSS Kulachi	20506-10	01.10.2007	30.04.2010	21.11.2005	Trained
2176/10	Rizwana bibi	Rabnawa z Khan	GGHS Prova	20391-95	01.10.2007	30.04.2010	20.03.2007	Trained
2489/10	Neelam Nisar	Nisar Ahmed	GGMS Ijaz bab	12511-55	01.10.2007	30.04.2010	20.03.2007	Trained
2794/10	Fozia Saeed	Saeedulla h	GGHS No.4 D I Khan	20320-24	01.10.2007	30.04.2010	20.03.2007	Trained
2367/10	Asma ul Husna	Chulam Abass	GGMS Saidu Wali	20234-38	01.10.2007	30.04.2010	07.10.2002	Trained
2169/10	Rugiya Bibi	Bahsir Ahmed	GGHSS Paharpur/ GGHS Kiri Shamoza/ Ramak/ GG HSS Paroa	20350-54	01.10.2007	30.04.2010	20.03.2007	Trained
2504/10	Rubina Bibi	Fazal Rehman	GGHS No.9 DIKhan/G GHSS No.6 DIKhan	20330-34	01.10.2007	30.04.2010	06.05.2004	Trained
2506/10	Riffat Malik	Malik Nazir	GGMS Sara Garah/Jatta	20365-69	01.10.2007	30.04.2010	20.03.2007	Trained
2687/10	Saira Jabeen	Hamidullah	GGHS Muryali/M alana	20110-14	01.10.2007	30.04.2010	20.07.2004	Trained
2505/10	Attia Naz	Muhamm ad Bashir	GGHS Sadu Wali/No.2	20170-74	01.10.2007	30.04.2010	20.12.2000	Trained
2510/10	Rugiya Bibi	Malik Illahi Bakhsh	GGHS Ramak/ GG HSS Paroa/ GG MS Dhapan Wali	20140-44	01.10.2007	30.04.2010	31.03.2002	Trained
2497/10	Asia Yasmin	Kaleem ullah	GGHS No.6	20391-470	01.10.2007	30.04.2010	31.03.1998	Trained
2168/10	Kousar Parveen	Ghulam Farid	GGHS Prova	20476-80	01.10.2007	30.04.2010	20.03.2007	Trained
1966/10	Syed Hiza Batool	Syed Hasham	GGHS Wanda	20025-29	01.10.2007	30.04.2010	21.11.2005	Trained

	Gohar Sultana	Shah Muhammad Nawaz	Mozam GGMS Gilotti	20512-16	01.10.2007	30.04.2010	23.04.2000	Trained
	Fozia Malak	Malak Allah Nawaz	GGHS Kot Jai	20340-44	01.10.2007	30.04.2010	28.02.2005	Trained
	Sahrish	Ghulam Farid	GGHS No.9 Din Pur	20320-24	01.10.2007	30.04.2010	20.03.2007 /	Trained
	Shagufta Bibi	Abdul Qadoos	GGHS Paniala	20271-75	01.10.2007	30.04.2010	20.03.2007	Trained
	Mussrat Rashid	Abdur Rashid	GGMS Gilotti/Yarik	20540-44	01.10.2007	30.04.2010	21.11.2005	Trained
	Irum Ibrar	Ibrar Hussain	GGHS No.2/No.4	20143-49	01.10.2007	30.04.2010	20.07.2004	Trained
	Shazia Zarin	Shah Muhammad	GGMS Gilotti/Roda	20155-59	01.10.2007	30.04.2010	20.03.2007	Trained
	Fozia Gul	Haji Ghulam Farid	GGHS Kulachi	20517-21	01.10.2007	30.04.2010	08.07.2006	Trained
	Humaira Mumtaz	Ghulam Ahmad	GGMS Saidu Wali	20395-99	01.10.2007	30.04.2010	30.12.2005	Trained
	Shazia	Muhammad Rouf Khan	GGMS Musa Zai Sharif	20140-44	01.10.2007	30.04.2010	10.06.2000	Trained
	Ghazala Bibi	Muhammad Afzal	GGHSS Muryali/Dhawa	20391-95	01.10.2007	30.04.2010	02.03.2007	Trained
	Farzana Hakeem	Hakeem ud Din	GGHSS No.2 DIKhan	20481-85	01.10.2007	30.04.2010	06.08.2002	Trained
	Nasreen Khan	Mahmood Khan	GGHS Kacha Mali Khel/GGMS Mithapur	20265-70	01.10.2007	30.04.2010	09.01.2006	Trained
	Adila Bashir	Muhammad Bashir	GGHS Musazai Sharif	20266-70	01.10.2007	30.04.2010	20.03.2007	Trained
	Zeenat Bibi	Faiz ullah	GGHSS Paharpur	20125-30	01.10.2007	30.04.2010	15.08.2006	Trained
	Aisha Bibi	Ahmad Nawaz	GGHS No.6 Chah Syed Munawar	20522-26	01.10.2007	30.04.2010	14.07.2007	Trained
	Fakhar Batool	Ghulzar Hussain	GGMS Athoge	20125-30	01.10.2007	30.04.2010	24.05.2004	Trained
	Jamila	Ghulam Shabir	GGHS Ramak	203775-79	01.10.2007	30.04.2010	20.03.2007	Trained
	Chaman Zahra	Hanf Muhammad	GGHS No.5	20421-25	01.10.2007	30.04.2010	20.03.2007	Trained
	Amber Noreen	Abdul Aziz	GGHS Wando Mozam	20380-83	01.10.2007	30.04.2010	06.05.2004	Trained
	Rukhsana Parveen	Ghulam Hussain	GGHS No.4 DI Khan	20426-30	01.10.2007	30.04.2010	25.05.1996	Trained
	Mehrin Begum	Attanullah	GGMS Ajmal Abad	20275-79	01.10.2007	30.04.2010	20.07.2004	Trained
	Arjumand Bano	Mumtaz Hussain	GGHS Behari Colony	20290-94	01.10.2007	31.03.2010	12.12.1995	Trained
	Shazia Bibi	Amanullah	GGMS Dhakki	20385-89	01.10.2007	NA	21.11.2005	Trained
	Farkhanda	Rab Nawaz	GGMS Phulari Athog	20480-84	01.10.2007	NA	20.03.2007	Trained
	Shabnam Afroz	Ghulam Yasin	GGMS Kachi Kath Garh	20280-84	01.10.2007	NA	20.03.2007	Trained
	Abida Bibi	Habib Ullah	GGMS Madi	20110-14	01.10.2007	NA	20.03.2007	Trained
	Farzana Khan	Haq Nawaz	GGHS Lar	20441-45	01.10.2007	Not Pay	20.03.2007	Trained
	Safia Mobeen	Muhammad Baksh	GGMS Kulachi Wala	20146-50	01.10.2007	Not Pay	20.03.2006	Trained

	Mehreen Iram	Imamullah	GGMS Sara Gara	20441-45	01.10.2007	Not Pay	20.03.2007	Trained
2469/10	Samina Zaman	Muhammad Zaman	GGHS Naivela	20150-54	01.10.2007	30.04.2010	21.11.2005	Un-Trained
1531/10	Rukhsana Naz	Nazir Hussain Shah	GGMS Gara Essa Khan	13650-55	01.10.2007	30.04.2010		Un-Trained
2330/10	Sadia Naz	Faiz Rasool	GGHS Kech	22827-31	09.10.2007	30.04.2010	21.11.2005	Trained
1813/10	Alia Iqbal bibi	Sadiq Hussain	GGHS No.2	2695-99	01.12.2007	30.04.2010	25.05.1996	Trained
	Nadia	Asadullah Jan	GGMS Hisam	25220-24	01.12.2007	30.04.2010	02.03.2007	Trained
	Farzana Bibi	Shah Nawaz	GGMS Sara Gara	25220-24	01.12.2007	NA	20.03.2007	Trained
	Naheed Akhtar	Muhammad Iqbal	GGMS Kulschi Wala	25260-64	01.12.2007	Not Pay	25.05.1996	Trained
	Ambreen Mohab	Muhammad Aslam	GGHS Dhakki	23455-59	01.12.2007	Not Pay	21.11.2005	Trained
32/11	Naila Naz	Qayum Nawaz	GGHS Lar	20320-24	10.10.2007	30.04.2010	14.07.2005	Trained

- As per recruitment rules, Policy and procedure in practice in 2007 .The posts were to be advertised and were to be filled 25% from open Merit and 75% on the basis of Batchwise/Yearwise merit.
 - The above 58 appointments of CT are illegal and irregular in term of prescribed method of recruitment; neither any advertisement was made to fill the vacancies nor any Test & interview was held, No selection Committee was constituted.
 - No Merit list was prepared in the cases of the appellants. Codal formalities for appointments were flagrantly violated.
 - The Executive District Officer (E&SE) D I Khan issued individual separate appointment orders to each and every appellant. NWFP (now Khyber Pakhtunkhwa) Civil Servants (Appointment, Promotion and Transfer Rules 1989) were violated.
 - Decision of the Standing Committee No.26 duly adopted by the Provincial Assembly was implemented. A high Level Enquiry was conducted in their cases. Peshawar High Court D I Khan Bench has also directed for the implementation of the decision of the Standing Committee No.26. Proper procedure was adopted for their termination but they were not terminated by competent authority ,which was Executive District Officer Elementary and Secondary Education D I Khan but by the DCO D I Khan, thus irregular, The Honourable Serevice Tribunal set aside the trmination order on technical ground and their cases remanded back to Secretary .
- The appointments of the appellants were illegal and irregular under Rule 10(2) of the Khyber Pakhtunkhwa civil servant (Appointment Promotion and Transfer Rules 1989) which is reproduced below.
- "Initial recruitment to the posts which do not fall within the purview of the commission shall be made on the recommendations of the

departmental Selection Committee after the vacancies have been advertised in the newspapers"

- 8. Appeals being merit less deserve to be dismissed on the analogy of the decision of the Khyber Pakhtunkhwa Services Tribunal decision under Para-9 (i) read with Para-8(b).

16. PET (M) CATEGORY I.

- 1. 27 PET posts were lying vacant during the period of 31.12.2006 to 01.04.2007 against which the following one candidate was appointed as PET with out advertisement before completion of the recruitment process, Merit list, DSC and other procedure.

SN O	Appeal No/y. ear.	Name of appellant	Fathers Name	School	Apptt. order No.	Date	Paid Up To:	Year of Passing PET Exams	Whether trained or untrained
1	1407/10	Muhammad Khalid	Rab Nawaz Khan	GMS Kuluchi	5617-20	11.02.2007	30-04-2010	15.11.2003	Trained

- 2. As per recruitment rules, Policy and procedure in practice in 2007 .The posts were to be advertised and were to be filled 25% from open Merit and 75% on the basis of batchwise/yearwise merit.
- 3. The above one appointment of PET is illegal and irregular in term of prescribed method of recruitment; neither any advertisement was made to fill the vacancies nor any Test & interview was held.
- 4. No Merit list was prepared in the cases of the appellants. Codal formalities for appointments were flagrantly violated.
- 5. The Executive District Officer (E&SE) D I Khan issued individual separate appointment orders to each and every appellant. NWFP (now Khyber Pakhtunkhwa) Civil Servants (Appointment, Promotion and Transfer Rules 1989 is violated.
- 6. Decision of the Standing Committee No.26 duly adopted by the Provincial Assembly was implemented. A high Level Enquiry was conducted in their cases. Peshawar High Court D I Khan Bench has also directed for the implementation of the decision of the Standing Committee No.26. Proper procedure was adopted for their termination but they were not terminated by competent authority ,which was Executive District Officer Elementary and Secondary Education D I Khan but by the DCO D I Khan, thus irregular, The Honourable Serevice Tribunal set aside the trimination order on technical ground and their cases remanded back to Secretary .

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OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LITERACY)
D.I.KHAN.

APPOINTMENT ORDER:-

Consequent upon the approval of selection committee and approved by the District Coordination Officer D.I.Khan. The following CT-Female candidates batch wise/open merit/disable are here by appointed on vacant posts in the schools noted against their names in BPS-9 being a qualified, fresh candidates on contract basis and in-service on regular basis as per existing policy in the interest of public service w.e.f. date of taking over charge on the following terms and conditions.

Open Merit

S.No	Name	Father's Name	Posted At	Remarks
1	Aaisha Siddiqa	Abdul Aziz	GGHS Chaudhwan	Vacant Post
2	Qurat ul Aain	Atta Ullah Jan	GGHS Chaudhwan	Vacant Post
3	Shahida Gul	Muhammad Saddiq	GGMS Kot Jai	Vacant Post

Batch Wise

S.No	Name	Father's Name	Posted At	Remarks
1	Farhana Fida	Fida Muhammad	GGHS Chaudhwan	Vacant Post
2	Nighat Parveen	Muhammad Yousaf	GGHS Kulachi	Vacant Post
3	Robina Anjum	Assad Jan	GGMS I ar	Vacant Post
4	Qaiser Shaheen	Muhammad Ayoub	GGHS Musa Zai	Vacant Post
5	Aalia Kaniran	Khan Muhammad	GGHS Musa Zai	Vacant Post
6	Raheela Aalia	Aman Ullah	GGHS Kulachi	Vacant Post
7	Shazia Ambarcen	Abdur Raouf	GGHS Paniyala	Vacant Post
8	Darakshanda Aziz	Abdul Aziz	GGHS Paniyala	Vacant Post
9	Farhat Jabcen	Inayat Ullah	GGHS Paniyala	Vacant Post

Note:-

1. Change report should be submitted to all concern with in 15 days after the issuing of appointment order failing which the appointment should stand automatically cancelled.
2. The service of the above named candidate is made purely on temporary basis and liable to terminate at any time without assigning any reason/notice.
3. The initial period of appointment shall be 3-years after which the contract may be renewed by the competent authority keeping in a view the performance of the teacher concerned.
4. They will produce health and age certificate from the MS concerned.
5. The original documents may be checked/verified by the concerned Board/University through DDO before handing over charge.
6. The contract candidate will be bound to sign an agreement on stamp paper as per recruitment policy.
7. No TA/DA is allowed.

Sd/-

ABDUL RAHIM KHAN
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY D.I.KHAN

Ends No.

18920-35 4/27/2003

Copy submitted to the:

1. Director Schools & Literacy NWFP Peshawar
2. District Coordination Officer D.I.Khan
3. District Accounts Officer D.I.Khan.
4. Principal/Headmaster concerned.

(Signature)
DISTRICT OFFICER (FEMALE)
SCHOOLS & LITERACY D.I.KHAN

(116)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LITERACY)

D.I.Khan

ORDER:

In the light of decision made by the legal committee constituted by Honorable High Court dated 07-07-2006, the following CT (F) are hereby appointed against the vacancies noted against each in the interest of public service with effect from 01-08-2006.

S.No	Name	Father's Name	Posted At	Remarks
1	Farzana Naz	Ghulam Farid	GGMS Zami Khel	Vacant Post
2	Uzma Qurat ul Ain	Farooq Mustafa	GGMS Malang Abad	Vacant Post
3	Shukela Noreen	Abdur Raouf	GGMS Roda	Vacant Post
4	Farzana Yasmin	Abdullah	GGMS Mithapur	Vacant Post
5	Asmat Bibi	Muhammad	GGMS Abdul Khel	Vacant Post
6	Gul Naz	Sakhawat Hussain	GGHS Musazai	Vacant Post
7	Shamim Akhter	Ganju Khan	GGHS Paniyala	Vacant Post
8	Shazia Amin	Muhammad Amin	GGMS Awan	Vacant Post
9	Shahida Khatoon	Haq Nawaz	GGMS Awan	Vacant Post
10	Mahjabeen	Sami Ullah	GGHS Abdul Khel	Vacant Post
11	Jamila Qadir	Qadir Bakhsh	GGMS Kot Jai	Vacant Post
12	Shukela Shaheen	Abdur Rashid	GGMS Malang Abad	Vacant Post
13	Asia Sadia	Noor Muhammad	GGMS Ejaz Abad	Vacant Post
14	Farhat Rahman	Saif ur Rahman	GGMS Kot Jai	Vacant Post
15	Safia Bibi	Imam Bakhsh	GGMS Lar	Vacant Post
16	Ambreen Gul	Allah Nawaz Khan	GGMS Central Jail	Vacant Post
17	Kaniza Bibi	Mushtaq Ahmed	GGMS Babbar Pacca	Vacant Post
18	Khurshid Anwer	Rahim Bakhsh	GGMS Madi	Vacant Post
19	Rafia Firdous	Bashir Ahmed	GGMS Chah Khan Wala	Vacant Post
20	Kausar Bibi	Khalid Hussain	GGMS Jhoke Qureshi	Vacant Post
21	Humera Kehkashan	Muhammad Anwarullah	GGHS No. 4 D.I.Khan	Vacant Post
22	Nargis	Muhammad Hashim	GGMS Kulachi Wala	Vacant Post
23	Sajida Iffat	Muhammad Aslam	GGMS Khanu Khel	Vacant Post
24	Samina Nazli	Haq Daul Khan	GGMS Kiri Khaisoor	Vacant Post
25	Shela Irum	Qadir Bakhsh	GGMS Lar	Vacant Post
26	Fozia Hayat	Muhammad Hayat	GGMS Nad Ali Shah	Vacant Post
30	Asima Sadaf	Muhammad Younas	GGHS Ratta Kulachi	Vacant Post
31	Shagufta Andaleeb	Atia Muhammad	GGHS Parova	Vacant Post

Note:-

- Charge report should be submitted to all concerned within 15 days after the issuing of appointment order, failing which the appointment should stand automatically cancelled.
- The services of the above named candidates are made purely on temporary basis and liable to terminate at any time without assigning any reason/notice.
- They will produce health and age certificate from the MS concerned.
- The original documents may be checked/ verified by the concerned Board/University through DDO before handing over charge.
- All the candidates are directed to report in the office of the District Officers (Male) Schools & Literacy D.I.Khan for further posting/adjustment.
- No TA/DA is allowed.
- District Officers (Male) Schools & Literacy D.I.Khan concerned is directed not to hand over charge to any overage candidate.

Sd/-
ABDUL RAHIM KHAN
 EXECUTIVE DISTRICT OFFICER
 SCHOOLS & LITERACY D.I.Khan

(Handwritten signature and notes)
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OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LITERACY) D.I.KHAN.

BETTER COPY

ORDER:-

In the light of decision made by the legal committee constituted by Honourable High Court Dated 07/7/2006 the following CT (F) candidates are hereby appointed against the vacancies noted against each in the interest of public service with effect from 01/8/2006.

OPEN MERIT

S No.	Name	Father's Name	Posted at	School
1	Farzana Naz	Ghulam Farid	GGMS Zarni Khel	Vacant Post
2	Uzma Qura' ul Ain	Farooq Mustafa	GGI/S Malang Abad	Vacant Post
3	Shakeela Noreen	Abdur Raouf	GGMS Roda	Vacant Post
4	Farzana Yasmin	Abdullah	GGMS Mithapur	Vacant Post
5	Asmat Bibi	Pir Muhammad	GGMS Abdul Khel	Vacant Post
6	Gul Naz	Sakhawat Hussain	GGHS Musazai	Vacant Post
7	Shamim Akhtar	Gamu Khan	GGHS Paniyala	Vacant Post
8	Shazia Amin	Muhammad Amin	GGMS Awan	Vacant Post
9	Shahida Khatoon	Haqnawaz	GGMS Awan	Vacant Post
10	Mahjabeen	Sami Ullah	GGHS Abdul Khel	Vacant Post
11	Jamila Qadir	Qadir Bakhsh	GGMS Kot Jai	Vacant Post
12	Shakeela Shaheen	Abdur Rashid	GGMS Malang Abad	Vacant Post
13	Asla Sadja	Noor Muhammad	GGMS Ejaz Abad	Vacant Post
14	Farhat Rahman	Sail ur Rehman	GGMS Kot Jai	Vacant Post
15	Safia Bibi	Imam Bakhsh	GGMS Lar	Vacant Post
16	Ambreen Gul	Allah Nawaz Khan	GGMS Central Jail	Vacant Post
17	Kanlza Bibi	Mushtaq Ahmad	GGMS Babbar Pacca	Vacant Post
18	Khurshid Anwar	Rahim Bakhsh	GGMS Madi	Vacant Post
19	Rafia Firdos	Bashir Ahmad	GGMS Chah Khan Wala	Vacant Post
20	Kausar Bibi	Khalid Hussain	GGMS Jhoke Qureshi	Vacant Post
21	Humera Kehkashan	Muhammad Anwarullah	GGHS No.4, DIKhan	Vacant Post
22	Nargis	Muhammad Hashim	GGMS Kulachi Wala	Vacant Post
23	sajida Iffat	Muhammad Aslam	GGMS Khanu Khel	Vacant Post
24	Samina Nazli	Haq Dad Khan	GGMS Kirri Khaisore	Vacant Post
25	Shela Irum	Qadir Bakhsh	GGMS Lar	Vacant Post
26	Fozia Hayat	Muhammad Hayat	GGMS Nad Ali Shah	Vacant Post
30	Asma Sadaf	Muhammad Younas	GGMS Ratta Kulachi	Vacant Post
31	Shagufta Andaleeb	Alta Muhammad	GGMS Parova	Vacant Post

Note:-

- 1 Charge report should be submitted to all concerned within 15 days after the issuing of appointment order failing which the appointment should stand automatically recalled
- 2 The services of the above named candidates are made purely on temporary basis and liable to terminate at any time without assigning any reason/notice.
- 3 They will produce health and age certificate from the MS concerned.
- 4 The original documents may be checked/verified by the concerned Board/University through DDO before handing over charge.
- 5 All the candidates are directed to report in the office of District Officers (Male) Schools & Literacy D.I.Khan for further posting/adjustment.
- 6 No TA/DA is allowed.
- 7 District Officer (Male) Sc: candidate

to hand over charge to any overage

(Signature)
(Date)

Sd/-
 Abdul Rahim Khan
 Executive District Officer
 Schools & Literacy D.I.Khan

Endst. No. 20973-75

Dated 01/8/2006

Copy forwarded to:

- 1 Director Schools & Literacy N.W.F.P. Peshawar
- 2 Deputy Advocate General Peshawar High Court, D.I.Khan Bench.
- 3 District Coordination Officer D.I.Khan.
- 4 District Officer (Female) Schools & Literacy D.I.Khan
- 5 District Accounts Officer D.I.Khan
- 6 Candidates concerned.

Sd/-
Abdul Rahim Khan
Executive District Officer
Schools & Literacy D.I.Khan

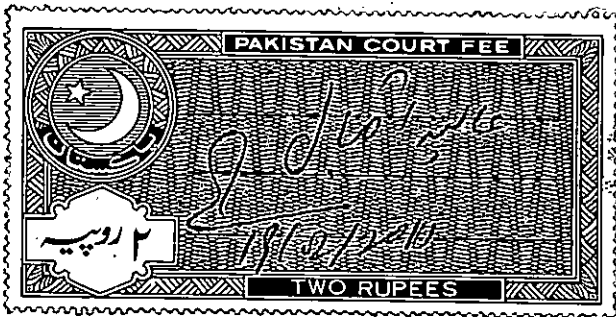
VAKALATNAMA

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR CAMP AT D.I.KHAN**

Service Appeal No. _____ of 2015

Alia Iqbal Versus Govt. of Khyber Pakhtunkhwa etc

I, Alia Iqbal Bibi, the appellant in above titled service appeal do hereby appoint and constitute M/S Kamran Hayat Miankhel and Mr. Muhammad Ilyas Damani Advocates D.I.Khan as my Counsels in subject proceedings and authorise them to appear, plead etc, compromise, withdraw or refer the matter for arbitration of me without any liability for their default and with the authority to engage/appoint any other advocate/counsel at my expenses and receive all sums and amounts payable to me and do all such acts which they may deems necessary for protecting my interest in the matter. They are also authorised to file Appeal, Writ, Revision, Review, Rejoinder, Application for Restoration or Application for setting aside Ex-parte decree/proceedings or any other application/replication on my behalf in protecting/defending my rights.



Alia Iqbal
16-2-2015
Client
(Alia Iqbal Bibi)
CNIC No.12101-5661382-0

ATTESTED & ACCEPTED

Muhammad Ilyas Damani

Advocate High Court,
District Bar Association,
Dera Ismail Khan.

Cell # 0347-973-7870

Kamran Hayat Miankhel

Advocate High Court,
District Bar Association,
Dera Ismail Khan.

Cell # 0346-786-0234
0336-761-3077

"A"

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

No.

APPEAL No. 142 of 20 15

Alia Jarbal Bibi

Appellant/Petitioner

Rege

Versus

through Sayy Education Peshawar.

RESPONDENT(S).

Notice to Appellant/Petitioner

Alia Jarbal Bibi Daughter
OF Sadiq Hussain, wife OF Muhammad Subhan
Resident OF Mohallah Gariban, D-I-Khan.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 24/10/2018 at 00-8-am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

(at camp court D-I-Khan)

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

142

15

APPEAL No..... of 20

Alia Iqbal Bibi

Regd

Appellant/Petitioner

Versus

through Secy Edu Peshawar

RESPONDENT(S)

counsel

Kamran Hayat

Notice to Appellant/Petitioner

Mian Khel Advocate High court
D-I-Khan

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on..... at.....

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

(out camp court D-I-Khan)

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Alra Sybal
~~XXXXXXXXXX~~

Service Appeal No. ~~XXXXXXXXXX~~ 142/15

VS

Government of KPK

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Preliminary Objections

1. That the Service Appeal is not maintainable and incompetent in the eyes of law in its present form.
2. That the appellant is estopped by his own unwholesome conduct as Public Servant to file this appeal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal, when there is provision for Review under Rule 3 of Appeal Rules, 1986.
4. That the appellant has not come to this Honourable Court with clean hands and has suppressed all relevant facts.
5. That the appellant has concealed the material facts and ground realities from this Honourable Tribunal.
6. That the appeal is bad due to mis-joinder / non-joinder of necessary parties.
7. That the appellant has not come to Honourable Court with clean hands.
8. That the KPK Service Tribunal has no jurisdiction to entertain the instant petition in its present form.
9. That the appeal has been mis-oriented, mis-constructed and mistakenly drawn and is incompetent in its present frame and context, and is liable for Rejection.
10. That the appeal is weak having no force, fabricated, fictitious, based on ill will, mala fide motives and having no legal footings in the eyes of law.
11. That the present service appeal is not maintainable in its present form and jurisdiction of this **Honourable Service Tribunal** is barred by the **Section 23 of Khyber Pakhtunkhwa Rules 1974** "According to which no Tribunal shall entertain any appeal in which the matter directly or substantially has already been finally decided by a Court / Tribunal of competent jurisdiction".
12. That the recommendations of the Committee constituted in light of direction of this Honourable Tribunal were implemented and terminated all the illegal teachers and provided them termination orders. Hence the appeal is badly time barred as well as barred by leeches.
13. That the proceeding with the instant appeal would be a futile exercise and just wastage of the precious time of this honourable Tribunal.
14. That as stated in the objections supra, the appeal is bereft of cause of action and is liable for dismissal.

Objection on Facts

1. Para pertains to the address of parties hence need no comments.
2. Incorrect / not admitted. Vehemently denied. The EDO (S&L) advertised vacant post of PST, CT and other cadres on 07.04.2007. After completion of codal formalities 309 male PSTs was appointed on merit under joint appointment order No. 12655-973 dated 02.07.2007. The name of appellant does not reflect in the said appointment order.
 - i. The appellant is one of the 1613 illegal terminated teachers. His services along with **1613 teachers were terminated by the then DCO DIKhan** vide order dated 04.09.2009. (annexure A).
 - ii. Termination orders dated 04.09.2009 were challenged before the **Honourable Peshawar High Court DIKhan** Bench and Honourable High Court suspended

the operation of termination orders dated 04.09.2009 till the decision of writ petitions (**annexure B**).

On 29.04.2010 writ petitions were returned to the petitioners and termination orders dated 04.09.2009 was implemented with effect from 01.05.2010 (**annexure C**).

- iv. That the appellant and others preferred service appeal for reinstatement of their services.
 - v. The **Honourable Service Tribunal vide judgment dated 27.10.2011 in Service Appeal No. 1407/2010** instead of outright reinstatement of appellant and others remanded / sent back case of the appellant and similar placed persons to the Secretary E&SE KPK Peshawar for reconsideration (**annexure D**).
 - vi. The High Level inquiry committee headed by the Secretary E&SE KPK Peshawar examined and considered the case of the appellant and others. The committee dismissed the appeals of all the appellants being devoid of merits as well as legal footings and submitted inquiry report to this Honourable Tribunal. The name of the appellant reflects in the findings of inquiry committee.
 - vii. In compliance with the recommendations of the inquiry committee, the then EDO DIKhan issued **termination order on 08.02.2012**. The name of appellant is present in the termination order list.
 - viii. After submission of inquiry report and termination orders some of the aggrieved affectees filed Execution Petitions for the implementation of the order dated 27.10.2011 of the Honourable Tribunal. The Honourable Tribunal disposed of Execution Petition on 14.03.2012. Subsequently order dated 14.03.2012 of the Honourable Tribunal was challenged in CPLA before Supreme Court of Pakistan. But the apex court declined leave to appeal and dismissed the petitions. Thus termination of the service of the appellant and others attained finality. (**annexure E, F**)
3. Incorrect / not admitted. This para pertains to the record.
 4. Incorrect/not admitted, strongly denied. The appellant was appointed as school teacher **without observing all the codal formalities**. The appointment of the appellant was illegal, out of turn without performing all the pre-requisites which are necessary and compulsory for the appointment of the school teacher as per existing rules. The act of the respondents is quite legal, justified, bonafide, based on real legal facts and in the interest of government and the public at large.
 5. Incorrect/not admitted, intensely denied. In year 2008 Mr. **Israr Ullah Khan Gandapur (Late) Ex MPA** has raised a question in provincial assembly regarding the illegal appointments and recruitments in the education department DIKhan. Hence the provincial Assembly constituted a committee No. 26 for Elementary and Secondary Education Department dated 20.08.2008. The standing committee No. 26 scrutinized all the appointments record of the year 2007-08 and concluded that all the illegal appointed teachers were terminated from service during the period of 01.01.2007 to 30.06.2008. (**Annexure G**) Therefore the appellant has been terminated from service along with all the illegally appointed teachers in the year 2007 & 2008 on the direction of Provincial Government dated 04.09.2009. Then appellant and other terminated teachers approached the **Honourable High Court and Supreme Court of Pakistan**, both the courts has dismissed the appeals of appellant. Then appellant and others approach the Honourable

Service Tribunal and Service Tribunal remanded all the appeals to the Secretary E&SE KPK Peshawar vide judgment dated 27.10.2011 in Service Appeal No. 1407/2010. Therefore, the stance of the appellant is having no truth and is totally false and fictitious.

6. Incorrect / not admitted, vigorously denied. The Secretary Education has constituted a committee to probe the matter. **The committee concluded that the appointment of the appellant and other were illegal and irregular under Rule 10(2) of the Khyber Pakhtunkhwa Civil Servant Appointment Promotion and Transfer Rules 1989** which reproduce as, "initial recruitment to the posts which do not fall within the purview of the commission shall be made on the recommendations of the **Departmental Selection Committee after the vacancies have been advertised in the News Papers**". The termination order of the appellant has been made in good faith, bonafide and in the best interest of public at-large.
7. Incorrect / not admitted, fervently denied. The recommendations of the enquiry committee were implemented with letter and spirit. In the **Execution Petition No. 34/2012 the Director E&SE KPK Peshawar and EDO DIKhan stated at the bar** dated 14.03.2012 before the Service Tribunal that they have already implemented the recommendations of the committee and issued the termination orders / letter accordingly. Further appellants filed **writ petition No 481/2014** and the same was disposed of on 03.02.2015. This act of the respondents cannot be declared against the law on any ground whatsoever but the straight away rejection of appeal. **(Annexure H)**
8. Incorrect / not admitted. The appeal of appellant is badly time barred. According to Section 23 of Khyber Pakhtunkhwa Rules 1974 "No Tribunal shall entertain any appeal in which the matter directly or substantially has already been finally decided by a Court / Tribunal of competent jurisdiction".
9. Incorrect / not admitted. The Honourable Court has no jurisdiction to interfere in the administrative action of the authority in instant Service Appeal.

Objections on Ground

1. Incorrect/ not admitted, strongly denied. After fulfilling all the codal and legal formalities, besides the act of respondents was according to the law with legal justification and in the light of **Judgment on Service Tribunal in service appeal No. 1407/2010 decided on 27.10.2011**. There is no pre-pense malice in fact and malice in law against the appellant.
2. Incorrect / not admitted, vehemently refuted. The report of committee was comprehensive in all respect as per the direction of Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar.
3. Incorrect / not admitted, forcefully denied. The committee was constituted on the direction of the Honourable Service Tribunal. After personal hearing of appellants

committee comes to the conclusion that the **appointments of the appellants were illegal and irregular in the light of Rule 10(2) of APT 1989 (annexure I).**

4. Incorrect / not admitted, hotly denied. The appellants were treated according to law and provided an **opportunity of hearing and defense** but the appellants failed to defend their illegal appointment orders. The termination orders were issued in the public interest by the Competent Authority after fulfilling all legal and codal formalities. therefore, the petitioner has got no cause of action or locus standi to file the writ petition for his grievances
5. Incorrect / not admitted heatedly denied. It is clear crystal from the **judgment dated 14.03.2012 in EP No. 34/2012 the termination orders were produced before the Honourable Service Tribunal and the same termination order were also presented before the Honourable High Court dated 03.02.2015.** The photocopy of the same was provided to the appellants. Hence the appeal of the appellant is badly time barred and in fructuous.

The respondents also seek leave of the Honourable Court to advance and urge additional as well as further grounds during the course of arguments.


PRAYER:

It is, therefore, most humbly prayed that on acceptance of these para-wise comments, the instant Service Appeal being devoid of legal footings and merits, may graciously be dismissed with cost.

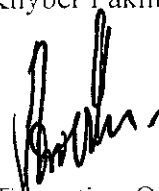

Secretary

Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar



 **Director**
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar



District Education Officer ()
Dera Ismail Khan



BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No.  142/2015

Aliqbal



VS

Government of KPK

Affidavit

I Mr. kamran Khan legal representative of District Education Officer (M) DIKhan do hereby solemnly affirm and declared on oath that content of the above mentioned service appeal are correct to the best of my knowledge and nothing has been concealed from this Honorable Service Tribunal.

M. Khan
Kamran
Deputy
Director

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. ¹⁴² 03/2015

Alia Iqbal.

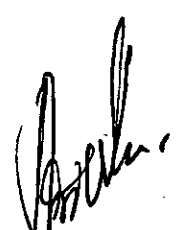


VS

Government of KPK

Authority

I District Education Officer (M/F) DIKhan do hereby authorized Mr. Kamran Khan Legal representative of DEO (M) DIKhan to attend this Honourable Service Tribunal KPK Peshawar DIKhan Bench on my behalf in connection with submission of para wise comments and till the decision of the service appeal.


District Education Officer (M/F)
Dera Ismail Khan

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

Service Appeal No. _____

Alia Iqbal Vs. Govt of K.P.K. etc
Fixed for 12.03.2018

**APPLICATION FOR ADJOURNMENT OF THE ABOVE-CITED
SERVICE APPEAL.**

Respectfully Sheweth,

1. That the above titled service appeal is pending before this Honourable Tribunal and is fixed for 12.03.2018 for filing of REJOINDER.
2. That due to some professional pre-engagement, the counsel for appellant has gone to Islamabad and therefore, rejoinder cannot be filed today before this Honourable Tribunal.

It is, therefore, very humbly requested that the above stated service appeal may kindly be adjourned to another date convenient to this Honourable Tribunal for filing of rejoinder.

Yours Humble Appellant

Dt. 12.03.2018

Alia Iqbal
Alia Iqbal
(Appellant)

VAKALATNAMA

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR CAMP AT D.I.KHAN**

Service Appeal No142 of 2015

Alia Iqbal Versus Govt. of Khyber Pakhtunkhwa etc

I, Alia Iqbal Bibi, the appellant in above titled service appeal do hereby appoint and constitute **Mr. Muhammad Yousuf Khan, Advocate Supreme Court** as my Counsels in subject proceedings and authorise them to appear, plead etc, compromise, withdraw or refer the matter for arbitration of me without any liability for their default and with the authority to engage/appoint any other advocate/counsel at my expenses and receive all sums and amounts payable to me and do all such acts which they may deems necessary for protecting my interest in the matter. They are also authorised to file Appeal, Writ, Revision, Review, Rejoinder, Application for Restoration or Application for setting aside Ex-parte decree/proceedings or any other application/replication on my behalf in protecting/defending my rights.

Dated 23.11.2019

Alia Iqbal

Client

(Alia Iqbal Bibi)

CNIC No.12101-5661382-0

ATTESTED & ACCEPTED

Muhammad Yousuf Khan

Muhammad Yousuf Khan

Advocate Supreme Court,

Dera Ismail Khan.

**BEFORE THE HONOURABLE K.P. SERVICE TRIBUNAL,
PESHAWAR CAMP AT D.I.KHAN.**

**Khyber Pakhtunkhwa
Service Tribunal**

Civil Misc. Application No. 7 of 2019

Diary No. 47

In Service Appeal No.142 of 2015

Dated 2-1-2019

Alia Iqbal Bibi, daughter of Sadiq Hussain, wife of Muhammad Subhan,
resident of Mohallah Gariban, Dera Ismail Khan.

Petitioner

VERSUS

1. **Govt. of Khyber Pakhtunkhwa**, through Secretary Elementary & Secondary Education, Peshawar.
2. **Secretary** Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. **Director**, Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. **District Education Officer (Female)**, Elementary & Secondary Education, Dera Ismail Khan/the then **Executive District Officer**, Elementary & Secondary Education, Dera Ismail Khan.

Respondents

**APPLICATION FOR RESTORATION OF THE
SERVICE APPEAL.**

Respectfully Sheweth,

1. That the above titled service appeal was fixed before this Honourable Court and previously, after April till November 2018 the same could not be fixed at Camp Court D.I.Khan due to non-availability of Camp Court at D.I.Khan. Besides petitioner being womenfolk remained unaware of the date fixed for hearing before this Honourable Tribunal.
2. That on 04.01.2019, petitioner telephonically contacted the Registrar of this Honourable Tribunal and inquired about

the date in her cases and from there it transpired to her that her appeal has been dismissed in default on 26.12.2018 whereas no notice of hearing about the fixation of case on the said date, after the constitution of bench at D.I.Khan, was communicated to the petitioner; and as such present application for restoration of the Service Appeal is being filed before this Honourable Tribunal.

3. That the present application is within time and law favours adjudication of cases on merits and to avoid technicalities. Besides, valuable rights of petitioner are involved.
4. That this Honourable Tribunal has vast powers to restore the Service Appeal.

It is, therefore, most humbly prayed that the above titled service appeal may please be restored.

Appellant/Petitioner

Dt. 07.01.2019

Alia Iqbal

Alia Iqbal

Through Counsel

Ahmad Ali

Ahmad Ali

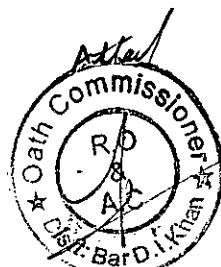
Advocate Supreme Court.

Affidavit:

I the petitioner do hereby solemnly affirm and declare on oath that all the para-wise contents of this application are true and correct to the best of my knowledge, belief and information and that nothing has been deliberately concealed from this Honourable Tribunal.

Ahmad Ali

Identified by Counsel:



7/1

Alia Iqbal
Deponent



**BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR CAMP AT D.I.KHAN.**

Service Appeal No. 142 of 2015

Alia Iqbal Bibi, daughter of Sadiq Hussain, wife of Muhammad Subhan,
resident of Mohallah Gariban, Dera Ismail Khan.

VERSUS

Appellant
S.W.F. Province
Service Tribunal
Diary No. 47
Dated 20/2/15

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Peshawar.
2. Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female), Elementary & Secondary Education, Dera Ismail Khan/the then Executive District Officer, Elementary & Secondary Education, Dera Ismail Khan.

Respondents

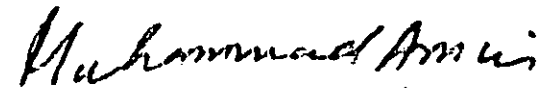
26.12.2018

None present for appellant. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammmad Kamran, ADO for the respondents present. The court time is about to over but non-appeared on behalf of the appellant nor the appellant was present in person, therefore, the instant appeal is hereby dismissed in default. File be consigned to the record room.

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ANNOUNCED
26.12.2018


(Hussain Shah)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

وکالت نامہ

قیثی ایک روپیہ		کورٹ فیس
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K.P.K. Service Tribunal, Camp at DKK

Petitioner

حکومت KPK وغیرہ

عالیہ اقبال

دعویٰ یا جرم

Restoration Application

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہات سے پیش کی گئی یا تصدیق مقدمہ بنام ڈیڑھ سالہ صاحبہ

خیر گل خان صاحبہ ASC

کو حسب ذیل شرائط پر وکیل منظور کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ دو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر عدالت کے احکامات کو عملی جامہ پہناتا رہوں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا بیچے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا بیچے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس لئے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا عمت نہ دہاں کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پرواخذ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسلئے ڈگری نظر ثانی اپیل گزرائی و اہم صورت ہر قسم کے بیان دینے اور پر ثباتی یا راضی نامہ و اعلیٰ برحرف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مقررہ بیرون اپیل پکھری صدر بیرونی مقدمہ مقررہ نظر ثانی اعلیٰ و عمرانی و درآمدگی مقدمہ یا منسوی ڈگری یک طرفہ یا درخواست حکم انتہائی یا قریبی یا گرفتاری قبل از فیصلہ اجراء نہ کریں بھی صاحب موصوف کو بشرط ادا ہونگی علیحدہ علیحدہ بیرونی کا اختیار ہو گا اور تمام ساختہ پرواخذ صاحب موصوف مثل کردہ از خود منظور قبول ہو گا اور اس وقت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مقررہ یا اس کے کسی جزوی کاروائی یا بصورت درخواست نظر ثانی اپیل عمرانی یا دیگر معاملہ و مقدمہ نہ ذمہ کسی دوسرے وکیل یا ہیر سز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جگہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو بیرونی قیثی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی معاوضہ کسی قسم کا یا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

27 مارچ 2019

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted
Accepted
M. J. Khan
ASC

Alia Jorbal

12101-5661382-0

"A"

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

No.

APPEAL No..... of 20

142

JB
15

Alia Iqbal

Appellant/Petitioner

Versus

Through Secy. Edu. Dept. Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

*Alia Iqbal D/o Sadia
W/o M. Subhan P.O. Mank
Garibani D.I. Khan*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 29-10-20 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Comp Court D.I. Khan
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

TB

No.

APPEAL No. 142 of 20 15

Mia Iqbal

Appellant/Petitioner

Versus

Through Secy. Edu: 14 Pk Pesh:

RESPONDENT(S)

through

Notice to Appellant/Petitioner

Kamran Hayat Miankhal
Advocate D.I. Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 29-10-20 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

nt. Camp Court D.I. Peshawar

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

113

No.

APPEAL No. 142 of 2015.

Alia Iqbal Bibi

Appellant/Petitioner

Versus

Through Secy: Edm: KPK Pesh:

RESPONDENT(S)

Counsel

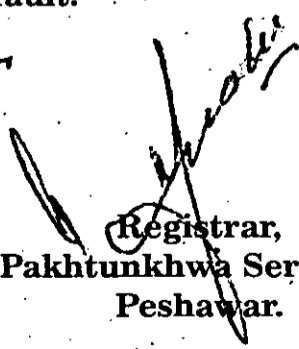
Notice to Appellant/Petitioner

Kamran Hayat Miankhal
Advocate High Court
D. I. Khan

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 27-5-2015 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court D. I. Khan


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

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

No.

Appeal No. 142 of 20

Aliya Iqbal Bano Appellant/Petitioner

Versus
Through Secy. Edu: K.P.K. Pesh: Respondent

Respondent No. 4

Notice to:

Distt. Education Officer (Female) Education
Dera Ismail Khan

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 24-3-2021 on.....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 2nd Day of March 2021

at Camp Court D.I. Khan

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.

"B"

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

TB

No.

Appeal No. 142 of 20 15

Alia Iqbal Bibi Appellant/Petitioner

Versus

Through Secy: Edm: K.P.C. Pesh: Respondent

Respondent No. I

Govt: of K.P.C. through Secy: Edm: Peshawar

Notice to:

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 24-5-2021 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 2nd.....

Day of Muzab.....20 21

at Camp Court D.I. Khan

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.

"B"

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

TB

No.

Appeal No..... 142 of 20 15

..... Alia Iqbal Bibi Appellant/Petitioner

Versus

..... Through Secy, Edm: (P&K) Respondent

Respondent No.....

Notice to:

Govt. of KP through Secy, Edm
Peshawar

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..... 24-5-2015 at 8.00 A.M. If you wish to urge anything against the appelland/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..... 2nd
Day of..... March 20 15

at Camp Court D.I. Khan

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.

“B”

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

TB

No.

Appeal No. 142 of 20 15

Alia Iqbal Bibi

Appellant/Petitioner

Versus

Through Secy, Edu: KPLC Pesh.

Respondent

Respondent No. 3

Notice to:

Director, Edu: Govt. Education Dept. of
KPLC Peshawar.

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 24-5-2021 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 2nd

Day of March 2021.

at Camp Court D.I. Khan

[Signature]
8/3/21

[Signature]

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.

"B"

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

TB

No.

Appeal No. *142* of 20*15*.

Alia 1960 Babi Appellant/Petitioner

Versus

Through Secy. Edm. K.P.C. Peshawar Respondent

Respondent No. *2*

Notice to:

Secy. Ele. & Sec. Education Dept. of K.P.C. Peshawar.

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 *29-5-2015* 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 *2nd*

Day of *March* 20 *21*

at Camp Court D.I. Khan

[Signature]

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.

"A"

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

No.

142

APPEAL No..... of 20¹⁵

Alia Iqbal Bibi

Appellant/Petitioner

Versus

Through Seng (ESSE) Pesh

RESPONDENT(S)

Counsel

Kamran Hayat Mian Khel

Notice to Appellant/Petitioner

Mohammad Ilyas Damani

Advocate Distt Bar Association

DI Khan 03467860234

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on ~~28.10.24~~ ~~8.11.24~~ at.....

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at court

DI Khan

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

TB DIB

No.

APPEAL No.....192..... of 20 15

Alia Iqbal Bibi

Appellant/Petitioner

Versus

Imrogh Syed (CESSE) Pesh


RESPONDENT(S)

Notice to Appellant/Petitioner Alia Iqbal Bibi D/O
Sadiq Hussain w/o Mohammad Subhan
R/O Mohallah Gariban D/Khems

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 28-10-2021 at 8:05 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at court
D/Khems


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.