

26th Oct 2022

None for the appellant present.

Lawyers are on strike today. To come up for Preliminary hearing on 22.11.2022 before S.B at camp court D.I.Khan. P.P given parties.






(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

Form- A

FORM OF ORDER SHEET

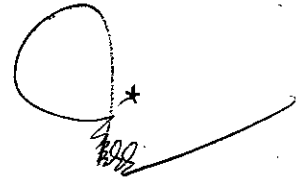
Court of _____

Case No.- _____ 353/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/03/2022	<p>The appeal of Mr. Zaib Un Nisa resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	07.04.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>7-4-2022</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>None present for the appellant. Notice be issued to appellant and her counsel for the next date. To come up for preliminary hearing on 28.04.2022 before S.B at Camp Court, D.I.Khan.</p> <p style="text-align: right;"> Chairman</p>

27.06.2022

Appellant alongwith Mr. Muhammad Junaid Khan, Advocate present and submitted Wakalatnama in the instant appeal stating that he has been engaged a fresh. Alongwith Wakalatnama, learned counsel for the appellant also submitted an application seeking adjournment with permission to submit certain additional documents which are relevant and important in the instant case. Request is acceded to. To come up for preliminary hearing on 27.07.2022 before S.B. at Camp Court, D.I. Khan.



(Mian Muhammad)
Member (E)
Camp Court, D.I.Khan

28.09.2022

Learned counsel for the appellant present and requested for adjournment on the ground that he has not made preparation for preliminary arguments. Adjourned. To come up for preliminary arguments on 26.10.2022 before the S.B at Camp Court D.I.Khan.



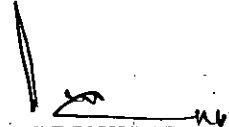
(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

The appeal of Mr. Zaib Un Nisa Retired SET GGMS Nazari Nar District Sooth Waziristan today i.e. on 28.02.2022 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Annexures of the appeal may be attested.
- 3- Appeal has not been flagged/marked with annexures marks.
- 4- Memorandum of appeal may be got signed by the appellatant.
- 5- Certificate be given to the effect that the appellatant has not filed any service appeal earlier on the subject matter before this Tribunal.
- 6- Six more copies/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 604 /S.T,

Dt. 2-3- /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

Respected Sir,

- 1- Removed
- 2- Removed
- 3- Removed
- 4- Removed
- 5- Removed
- 6- Removed

Resubmitted after compliance



10/03/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 353 /2022

Zaib Un Nisa

V/S

Education Department

INDEX

S.NO.	Documents	Annexure	Page No.
1	Memo of appeal	-----	01-06
2	Affidavit	-----	07
3	Condonation of delay application	-----	08-09
4	Copy of notification dated 19.12.2017	A	10
5	Copy of inquiry report	B	11-14
6	Copy of notification dated 16.02.2021	C	15
7	Copy of order dated 05.07.2021	D	16
8	Copy of departmental appeal	E	17-18
9	Vakalat Nama	-----	19

APPELLANT

THROUGH:



(TAIMUR ALI KHAN)

(ADVOCATE HIGH COURT)

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 0333-9390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 372

Dated 28/02/2022

Mst. Zaib Un Nisa Retired-SET (BPS-16)
GGMS Nazari Nar District South Waziristan.

(APPELLANT)

VERSUS

1. The Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female) South Waziristan.
4. The Secretary Finance Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE NOTIFICATION DATED 19.12.2017, WHEREBY THE APPELLANT WAS ALLOWED TO RESUME HER DUTY WITH IMMEDIATE EFFECT SUBJECT TO THE APPROVAL OF HER EOL/EX-PAKISTAN LEAVE W.E.F.01.07.2009 TO 06.12.2016 I.E SEVEN YEARS FIVE MONTHS AND FIVE DAYS FROM THE COMPETENT AUTHORITY AND AGAINST THE NOTIFICATION DATED 16.02.2021 WHEREBY SANCTION WAS GRANTED OF EXTRA ORDINARY LEAVE WITH OUT PAY W.E.F 01.07.2009 TO 06.12.2016 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE WITHIN THE STATUTORY PERIOD NINETY DAYS.

Filed to-day

Registrar

28/2/2022

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY KINDLY BE DIRECTED TO CONVERT THE EXTRA ORDINARY LEAVE WITH OUT PAY PERIOD WITH EFFECT FROM 01.07.2009 TO 06.12.2016 OF THE APPELLANT INTO FULL PAY BY MODIFYING THE NOTIFICATION DATED 19.12.2017 AND NOTIFICATION DATED 16.02.2021 TO THAT EXTENT. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant joined the respondent department as CT in the year in 1993 and was then appointed as SET in the year 1999 and as teacher she worked hard for the betterment of school as well as children of the school. It is pertinent to mention here that since her appointment she has regularly performed her duty with great devotion and honesty, whatsoever, assigned to her.
2. That the appellant was posted as AAEO in the year 1999 and as AAEO she also worked hard for the cause of female education and in this respect she also received appreciation letters from APA FR DI Khan and Dy. Director Education FATA.
3. That when militancy was started in erstwhile FATA (now merged area) and due to which most of the Schools were closed and in that period the brother of the appellant was kidnapped by the militants, which is still missing and three cousins of the appellant were also killed during that period.
4. That the appellant, while serving as Headmistress in GGMS Nazari Nar was regularly performing her duty along with the other staff despite the militancy in the area, but when the Pak Army started operation in FATA area, they stopped all the government officials from performing duty due to operation against the militants in that area and the appellant also received serious threats from Taliban due

to her efforts for the cause of female education in area, she applied for NOC and 1 year Ex-Pakistan leave. It is pertinent to mention here that her school was closed due to militancy in the area which was later on also destroyed by the militants.

5. That the appellant constantly in touch with the department and updated herself about the law and order situation in the FATA area and when the situation became normal in 2016 in FATA (now merged areas) she came back to Pakistan and submitted her arrival report to AEO on 06.12.2016
6. That the appellant constantly remained in touch with the department for her adjustment/resume on his duty as no disciplinary proceeding has been initiated against the appellant during his absence period and after the hectic effort by the appellant for her adjustment, respondent No.2 passed an notification dated 19.12.2017, whereby the appellant allowed to resume her duty with immediate effect subject to the approval of EOL/Ex-Pakistan leave w.e.from 01.07.2009 to 06.12.2016 i.e seven years, five months and five days from the competent authority i.e Finance Department FATA. **(Copy of notification dated 19.12.2017 is attached as Annexure-A)**
7. That inquiry was conducted against the appellant in which the inquiry officer mentioned in his recommendation, that the case of the appellant may be sent to Establishment Department Khyber Pakhtunkhwa for request of relaxation of rules and grant of leave lieu of her absence period as the total absence period of the appellant was about 7 years and as per rule-12 of Khyber Pakhtunkhwa Civil Servant revised leave rules, 1981 she could be granted EOL (Leave without pay) for 05 years retrospectively in lieu of absence which is not sufficient to cover 07 years of absence period. **(Copy of inquiry report is attached as annexure-B)**
8. That on the recommendation of inquiry report, the respondent department sanctioned to grant extra ordinary leave without pay w.e.f 01.07.2009 to 06.12.2016 in respect of the appellant vide notification dated 16.02.2021. **(Copy of notification dated 16.02.2021 is attached as Annexure-C)**
9. That the appellant was retired from service on 01.01.2020 on attaining the age of superannuation vide order dated 05.07.2021 and allowed

232 days in lieu of LPR. (Copy of order dated 05.07.2021 is attached as Annexure-D)

10. That the appellant filed departmental appeal on 16.11.2021 for salaries along with other emoluments for the period w.e.f 01.07.2009 to 06.12.2016 as the appellant was compelled to remain absent in that period due to reason of her life threat given by the militants, which was not responded within the statutory period of ninety days. (Copy of departmental appeal is attached as Annexure-E)
11. That the appellant has no other remedy for redressal of his grievance, except to file the instant appeal in this Honourable Tribunal on the following grounds amongst others.

GROUND:

- A) That not taking action on the departmental appeal of the appellant within the statutory period of ninety days and not granting full pay for the period w.e.f 01.07.2009 to 06.12.2016 are against the law, material on record and principle of natural justice and fair play, therefore, the notification dated 19.12.2017 and notification dated 16.02.2021 are liable to be modified to extent by converting extra ordinary leave into full pay.
- B) That the appellant did not willfully remain absent from her duty, but due to serious threat to her life by the militants and destruction of her school's building by the militants, she was unable to perform her duty in that situation and was compelled to remain absent from her duty, therefore, the appellant should not be punished by converting her absence period 01.07.2009 to 06.12.2016 into extra ordinary leave (leave without pay) for no fault on his part.
- C) That the appellant has properly applied for Ex-Pakistan leave due to serious threat to her life by the militants, but the competent authority did not take any action on his application which was also mentioned by the inquiry officer in his inquiry report and as such the appellant should not be punished for the fault of authority by treating her absence period with effect from 01.07.2009 to 06.12.2016 as extra ordinary leave with out pay.
- D) That the authority has also relaxed leave rules in 1981 by converting her per absence period 01.07.2009 to 06.12.2016 into extra ordinary leave without pay, therefore, the authority may also treated her absence period as on full pay by taking the lenient view on the basis of circumstance of threat to her life by the militants.

- E) That the inquiry officer mentioned in his inquiry report that the brother of the appellant was kidnapped by the militants who is still missing and appellant has serious threat to her life by the militants on which she filed application to the authority for Ex-Pakistan, therefore, the appellant is deserve to be treated with lenient view by converting her absence period with effect from 01.07.2009 to 06.12.2016 into full pay by modifying the notification dated 12.19.2017 and notification dated 16.02.2021 to that extent.
- F) That 232 days instead of 365 days was allowed in lieu of LPR by the authority, which also shows the malafide of the respondent department.
- G) That the appellant has performed her duty with devotion and honesty and work hard for the cause of female education as a teacher and as a AAEO and also received appreciation certificates from the high ups for hard work, but due to militancy and threat to her life she was compel to remain absence from her duty.
- H) That the appellant has not been treated in accordance with law and rules by treating her absence period with effect from 01.07.2009 to 06.12.2016 as extra ordinary leave with out pay without observing the factual position of the threat to her life by the militants, by the authority.
- I) That the appellant seeks permission of this Honourable Tribunal to advance other grounds and proofs at the time of hearing.

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

Z. Amrah Sud

APPELLANT
Zaib Un Nisa

THROUGH:

(Signature)
(TAIMUR ALI KHAN)
(ADVOCATE HIGH COURT)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2022

Zaib Un Nisa

V/S

Education Department

CERTIFICATE:

It is certified that no other similar service appeal between the parties has been filed earlier.

Z. Amal
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Zaib Un Nisa

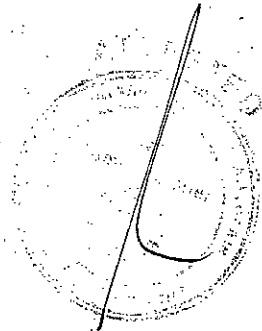
V/S

Education Deptt:

.....

AFFIDAVIT

I, Zaib Un Nisa Retired-SET (BPS-16) GGMS Nazari Nar District South Waziristan, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honourable Tribunal.



Z. Ansahsud

DEPONENT

Zaib Un Nisa
(APPELLANT)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Zaib Un Nisa

V/S

Education Department

.....
APPLICATION FOR CONDONATION OF DELAY IN THE
INSTANT APPEAL

RESPECTFULLY SHEWETH:

1. That the instant appeal is pending before this Honourable Tribunal in which no date is fixed so for.
2. That the appellant was working in Education Department erstwhile FATA (now merged areas) and during militancy the school of the appellant was closed and the appellant also received serious threats from militant due to her efforts for the cause of female education in area, she was compel to remained absent from her duty and when the situation became normal in the FATA in the year 2016 and the schools functional, the appellant was allowed to resume her duty with immediate effect subject to approval of EOL/Ex Pakistan leave w.e.from 01.07.2009 to 06.12.2016 through notification dated 19.12.2017 and the department sanctioned to grant extra ordinary leave without pay w.e.f 01.07.2009 to 06.12.2016 to the appellant through another notification dated 16.02.2021.
3. That the appellant now challenged the notification dated 19.12.2017 and notification dated 16.02.2021 in the instant appeal for conversion of her extra ordinary leave without pay period with effect from 01.07.2009 to 06.12.2016 into full pay by modifying those notifications to that extent.
4. That as the monetary benefits is involve in the instant appeal and monetary benefits is recurring cause of action and no limitation runs in such like issues.

5. That the august Supreme Court of Pakistan has held that decision on merit should be encouraged rather than knocking-out the litigants on technicalities including limitation. Therefore, appeal needs to be decided on merit (PLD-2003(SC)-724).
6. That the the instant appeal may kindly be decide on merit as the appellatant has good case to be decided on merit.

It is therefore most humbly prayed that on the basis of above submission, the instant appeal may be decided on merit by condoning the delay to meet the ends of justice.

Z Amrah Sudd

APPELLANT

THROUGH:

Taimur Ali Khan

**(TAIMUR ALI KHAN)
ADVOCATE PESHAWAR**

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief and nothing has been concealed from this august Tribunal.

Z Amrah Sudd

DEPONENT



NOTIFICATION

Competent Authority is pleased to provisionally allow Mst. Zaib-un-Nisa Ex-SST GGMS Nazari Nar Kot SWA to resume her duty with immediate effect subject to the approval of her EOL/Ex-Pakistan leave w.e.f 1/07/2009 to 6/12/2016 i.e. seven years five months and five days (her date of arrival) from the Competent Authority i.e. Finance Department FATA Secretariat/KPK with following terms and conditions.

1. She will not claim any monetary / service benefits for the above mentioned period at the subsequent stage.
2. In case of non-approval/non sanction of EOL/Ex-Pakistan leave from the leave sanctioning authority, proceeding under E&D Rules will be initiated.
3. She will justify her EOL/Ex-Pakistan Leave by submitting her case through proper channel.

Director Education FATA

Endst. No. 20070-75 A-12 /Mst. Zaib-Un-Nisa SST dated 18/12 2017

Copy for information forwarded to the:-

1. Agency Education Officer SWA w/r to his letter no. 5570 dated 24/11/2017 and letter No. 181 dated 28/4/2017 respectively.
2. P.S to Secretary SSD FATA Secretariat
3. Agency Accounts Officer SWA.
4. Headmistress GGMS Nazari Nar Kot SWA.
5. PA to Director Education FATA
6. Official concerned.

DY: Director (Estab)

(10)

A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z.

B

E

11

Inquiry Report- Absence of Mst. Zaib-un-Nisa, SST GGMS Nazari

Nar Sarwakai SWA

Introduction:

Agency Education Officer South Waziristan Agency intimated (**Annex-I**) that Mst. Zaib-un-Nisa SET GGMS Nazari Nar Tehsil Tiarza SWA left the school in 2009 with an application for leave withy out pay and then went abroad due to some self-explanatory threats and remained abroad for most of the time. Accordingly, her pay has been stopped since 2009. The Agency Education Officer has further informed that she has now submitted her arrival report. The Agency Education Officer has, therefore, requested for guidance regarding resumption of duty and release of her salary.

The Directorate of Education FATA constituted an Inquiry Committee to probe into the absence of Mst. Zaib-un-Nisa SST GGMS Nazari Nar SWA since 2009 vide Order bearing Endst: No. 9689-92/A-12/Zaib-un-Nisa SST dated 17.05.2017 (**Annex-II**) under the chairmanship of Mr. Ali Shah Principal GHS Ilam Godar Khyber Agency with the undersigned as member of the committee. However, as per File of the Establishment Section of the Directorate of Education FATA, Mr. Ali Shah, the Chairman of the committee, has refused to conduct the inquiry on personal reasons. Resultantly, the undersigned conducted the inquiry on his own unaided as no substitute of the Chairman has been provided.

Allegations:

1. Long absence of Mst. Zaib-un-Nisa SST GGMS Nazari Nar Sarwakai SWA since 2009

Inquiry Procedure:

1. Questionnaire to Mst. Zaib-un-Nisa SST GGMS Nazari Nar SWA (**Annex-III**) and Agency Education Officer SWA (**Annex-IV**).

2. Personal Interview with Mst. Zaib-un-Nisa and Agency Education Officer SWA.

3. Careful examination of various relevant record and personal file of the accused teacher.

Findings:

1. The record in her personal file shows that that the accused has entered government service as CT teacher on 11.04.1993 (**Annex-V**) and then appointed as SET on 12.07.1999 (**Annex-VI**). During this period, she has worked as teacher as well as Assistant Agency Education Officer at FR DI Khan and SWA. Her personal file contains appreciation letters from Assistant Political Agent FR D I Khan (**Annex-VII**) and Dy. Director Education FATA (**Annex-VIII**) in recognition of her efforts for the cause of female education.
2. The record shows that the accused was working as SST at GGMS Nazari Nar Sarwakai SWA since 25.04.2009 (**Annex-IX**).
3. The accused requested for 01 year Ex-Pakistan Leave and NOC on 19.07.2009 with the leave to be effective from 15.08.2009 (**Annex-X**). However, due to some deficiencies her application was returned to AEO SWA for making up the deficiencies on 03.08.2009 (**Annex-XI**). The AEO SWA resubmitted her case on 20.04.2010 after lapse of 06 months (**Annex-XII**).
4. The Directorate of Education FATA forwarded her leave application to Director E&SE Khyber Pakhtunkhwa on 07.05.2010 (**Annex-XIII**) for further necessary action. However, the record shows that the competent authority has not sanctioned the desired leave.
5. As per statement of the accused, she has received her last pay for the month of June, 2009.
6. According to her statement, she left the country in December, 2009, because she received serious threats from Taliban due to her efforts for the cause of female education in the area. She has stated that her

(Handwritten initials)

(Handwritten circled 13)

younger brother has been kidnapped by Taliban in 2008 who is still missing. This view has further been strengthened by the statement of Agency Education Officer SWA in his reply to the questionnaire.

7. The accused has stated in her reply to the questionnaire that she remained abroad from December, 2009 to December, 2016 (About 07 Years) and that during this time she remained constantly in touch with the Office of Agency Education Officer SWA and updated herself about the law & order situation in the area. She has stated that she returned back to Pakistan to resume her duty when she was informed that normalcy has returned to the area in 2016. As per record, she has submitted her arrival report to Agency Education Officer on 6th December, 2016 duly received by the AEO SWA (**Annex-XIV**).
8. It has been revealed by the statement of AEO SWA that the area, including schools, remained closed during May, 2009 to October, 2016 due to military operation; So , the education of the students of her schools have not suffered due to her absence.
9. The record shows that no disciplinary action has been initiated against her during her absence from duty.
10. As per statement of AEO SWA she has not availed any kind of leave in her entire service.

Recommendations:

1. As per her statement she has left the country in December, 2009 and returned back to Pakistan in December, 2016 without prior sanction of Ex-Pakistan Leave and grant of NOC. The total period comes to approximately 07 years consecutively. As per Rule-12 of Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981, she could be granted Extraordinary Leave (Leave without pay) for 05 years retrospectively in lieu of absence which is not sufficient to cover her 07 years of absence period. However, Keeping in view the facts that she has earned appreciation of higher authorities in the past for her

19

19 3

achievements in the field of education, the eminent life threats that she received from the militants and the closure of the area as well as schools and subsequent mass exodus due to military operation in South Waziristan Agency she needs to be treated leniently.

It is therefore, recommended that her case may be sent to Establishment Department Khyber Pakhtunkhwa for request of relaxation of rules and grant of leave in lieu of her absence period.



(Muhammad Javed)
Deputy Director (M&E) DoE FATA
(Inquiry Officer)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the February 16, 2021

NOTIFICATION


No.SO(S/F) E&SED/1-3/2020 Zaib Un Nisa: In pursuance of approval accorded by Government of Khyber Pakhtunkhwa, Finance Department vide letter No. SO(FR)FD/5-13/2018/E&SE Department/23290, dated 22.10.2020, sanction is hereby accorded to the grant of Extra Ordinary Leave without pay w.e.f 01.07.2009 to 06.12.2016 in respect of Mst. Zaib Un Nisa, SST, GGMS Nazari Nar, District South Waziristan under Sub Rule (4) of Rule 12 of Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981.

SECRETARY
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT

Endst: SO(FR)5-13/2018/E&SE

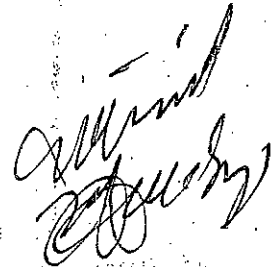
Dated

Copy forwarded to the District Accounts Officer, South Waziristan for information and necessary action please.


Section Officer (FR)
Finance Department

Endst: No.SO(S/F)E&SED/1-3/2020 Zaib Un Nisa

1. The Additional Director (NMDs), Directorate of Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer, South Waziristan.
3. The Section Officer (FR), Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.
4. Mst. Zaib Un Nisa, SST, GGMS Nazari Nar, District South Waziristan.


OJO DEC SWTD Tank


(FAWAD KHATTAK) 16/2/21
SECTION OFFICER (S/F)



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

D
16

OFFICE ORDER

In pursuance of section -13(I) of Khyber Pakhtunkhwa Civil servant Act, 1973(Khyber Pakhtunkhwa Act No XVIII of 1973) Mst. Zaib-u-Nisa SST (G) BPS-10 GGMS, Nazari Naar SWTD stand retired from Government Service on 01.01.2020 (A.N) on attaining sixtieth (60th) year of age, as her date of birth is 02.01.1960.

2. The competent Authority is further pleased to allow her 232 days encashment of leave in lieu of LPR as admissible to her under the Revised leave Rules, 1981.

DIRECTOR
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst.No. 10859-63 /P/F Zaib u Nisa SST SWTD Dated Peshawar the 577 /2021
Copy forwarded for information and necessary action to the:

1. District Account Officer SWTD at Tank with the remarks that if any over payment drawn by the concerned during the period of E.O.L with effect from (01.07.2009 to 06.12.2016) may be recovered in lum-sum from her pension.
2. District Education Officer SWTD w/r to his No. 13259 dated 22.06.2021
4. Teacher concerned
5. P.A to Director Elementary and Secretary Education KPK Peshawar
6. P.A to Addl; Director Elementary and Secretary Education NMD Peshawar.

Callan
OFFICER
SWTD
DIO DEO SWTD

Attested
Asstt. District Education Officer
South Waziristan T/District

[Signature]
Deputy Director (Estt.)
Merged District

The Honorable Director,

Elementary & se Education,

Peshawar kpk.

THROUGH PROPER CHANNEL.

SUBJECT: RESTORATION OF SALARY W.E.F 1st July 2009 TO 31 Dec 2016 and
up gradation.

Respected sir,

With due respects I submit as under:-

- 1) That I was inducted in service of FATA education as C.T teacher on dated 11 April 1993 vide director of education FATA NWFP order No. 810/2 dated 12.04.1993 at GGMS Dawar Khan kot SW Agency and having resumed my duty at the said school started working there (copy annexed as annexure A.)
- 2) That later on I was posted as AAO LR Dikhan/FR Tank vide order No. 24908-11 dated 04-08-1999. By the director of education FATA NWFP Peshawar copy Annexed as Annexure B.
- 3) That during the above said portfolio I performed meritorious duties and being social worker detected many ghost schools as well as teachers and consequently as a result thereof 75 ghost teachers were terminated including illegal posting of underage teachers.
- 4) That in revolt to my said efforts to streamline and tone up the smooth running of the administration I had to face many difficulties including attempts over my life. The clips of news papers as well as decision of the Jirga are annexed as annexure (CDEF).
- 5) That my sincere efforts were admitted by the high ups and appreciation certificate were awarded to me by the political agent south Waziristan agency and deputy Director of FATA governor sect NWFP Peshawar. Copies annexed as annexure G and H.
- 6) That later on I was transferred and posted as head mistress GGMS Nazari Nur and started working there. Copy annexed as annexure I.
- 7) That as a result of demolition of various female school in agency by the terrorists our school was also targeted and smashed to ground but I along with my staff continued

performing duty in open air and shower the photographs of the smashed school are annexed as annexure J.

183
18

8) That I along with my staff continued performing our duties till Pakistan Army operation came into force and we were ordered to leave the agency which was complied with.

9) That the High ups were informed by such decision/order of the Pakistan Army & further instructions were sought. Copy of the letter is annexed as annexure K. It is pertinent to submit that no reply from the high ups was received so far.

10) That I received my salary upto June 2009 but after words I am still deprived of my salary for no fault on my part.

11) That since the Pakistan Army operation has come to an end & Pakistan Army has directed all the inhabitants as well as Govt. servants to join their places of duty I along with my staff have resumed the duty at GGMS Nazari Nar SW Agency w.e.f 06-12-2016 but still my salary has not been released so far.

In the light of the above mentioned facts it is humbly request that my salary w.e.f July 2009 to Dec 2016 may kindly be released an upgrad to 17 to meet the ends of Justice & equality.

Thank

Your obediently

Zahid Ullah
SLE GGMS
Nazari Nar SW District

D-NO: 346
Date: 18/12/2016

Forwarded as original to
Additional Director, District

"A"

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

Regd
No.

TB Dikhan

APPEAL No. 353 of 20 22

Mst Zaib un Nisa

Appellant/Petitioner

Versus

Sayy. CE&SE Pesh.

RESPONDENT(S)


Notice to Appellant/Petitioner

Taimur Ali Khan
(Advocate)
Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 28-4-2022 at 8.00 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
Dikhan


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Counsel
Noted
11/4/22

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,

PESHAWAR.

TB Dikhan

No.

APPEAL No. 353 of 2022

Mst Zaib un Nisa

Appellant/Petitioner

Versus

Secy: (E&SE) Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner

Mst Zaib un Nisa

Retired SET (BPS-16) GGMS NAZARI NAY
Distt South Waziristan

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 28-4-2022 at 8 A.M.

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

Dikhan



Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.



MUHAMMAD JUNAID

Advocate

bc-16-6968

Date: April 2017
Valid upto: April 2020



ADVOCATE

وکالت نامہ

Father's Name: NOOR MUHAMMAD
Address: RAKH MILITARY BAND KORAI, P/O BAND KORAI TEHSIL PAHARPUR D.I. KHAN.
Contact No: 03347233057
Enrolment Date L.C.09-March-2017
Place of Practice: D.I. KHAN
Date of Birth: 07-August-1993
Blood Group: A-VE
C.NIC No: 12103-9740609-9



سروس ٹریبونل PDK

بعد االت جناب

جناب
زینب النساء
انکولیشن دیپارٹمنٹ

دعویٰ یا جرم
نمبر 353/22

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی موجودی برائے پیشی یا تصفیہ مقدمہ بمقام O.D. کے لیے
محمد ادریس حال محمد حسین درویش مالک اور
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں پیشی پر خود یا بذریعہ اختیار خاص ریزرو عدالت حاضر ہونے کا ارادہ رکھتا ہوں گا اور ہر وقت یہاں سے جانے مقدمہ وکیل صاحب
موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوں اور مقدمہ ہری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف
اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بعد از تعطیل بیرونی کرنے کے
ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بعد از تعطیل بیرونی کرنے کے ذمہ دار نہ
ہوں گے اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ سماعت ہونے یا بعد از تعطیل یا پکھری کے اوقات سے پہلے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے
دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عتق نہ واپس کرنے کے بھی ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ساختہ صاحب موصوف مثل کردہ
ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا اجاب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اپیل عمرانی دہرم درخواست پر دستخط و تصدیق کرنے کا
بھی اختیار ہوگا۔ اور کسی قسم یا ڈگری کرانے اور ہر قسم کا رویہ وصول کرنے اور رسید لینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر پیشی یا پیشی نامہ و فیصلہ بر
حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرونی مقدمہ مذکورہ نظر ثانی و اپیل و عمرانی دہرم آمدنی
مقدمہ یا پیشی ڈگری یا طرف یا درخواست حکم انتہائی یا ترقی یا گرفتاری یا فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط انگی علیحدہ عتق نہ بیرونی کا اختیار ہوگا
اور تمام ساختہ پر ساختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو
کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا عمرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ایئر شراک 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 جانہ التوا ہر جگہ، وہ صاحب
موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری نہیں تاریخ پیشی سے پہلے اذکار کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور اسکی
صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند ہے
مورخہ 25 مارچ 2022ء

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

Accepted Junaid

زینب النساء
Zamrah sud

Accepted
O.D. Khan

اعدالت خباب میرزا جی سروس ٹریبونل کے لیے کوئی بھی درخواستیں منظور

زیت النساء نیٹ ورک کیسٹن ڈیپارٹمنٹ

سروس ٹریبونل

بج 353 / 2022

دفعہ 13(1) کے تحت درخواستیں منظور کرنے کے لیے
Additional درخواستیں

جنا - علی ا

جس سے متعلق درخواستیں منظور کرنے کے لیے درخواستیں
دستاویزات کے احوال کی اجازت حاصل ہے

1. حکم ازمان ریزی حکومت بابت vacation

صلاحتہ FATA

2. حکم ازمان صوبائی حکومت بابت ریزی کے بارے میں

3. متعلقہ دفعہ 13(1) کے تحت درخواستیں منظور کرنے کے لیے

4. حکم بابت ریزی کے متعلق درخواستیں منظور کرنے کے لیے

5. Restorations کے متعلق درخواستیں منظور کرنے کے لیے (GAMS)

6. No objection کے متعلق درخواستیں منظور کرنے کے لیے

7. دیگر دستاویزات کے متعلق درخواستیں منظور کرنے کے لیے

8. حکم بابت ریزی کے متعلق درخواستیں منظور کرنے کے لیے

9. حکم بابت ریزی کے متعلق درخواستیں منظور کرنے کے لیے

7. صفحہ 10 کو متعلقہ سے 22/10/2022 کو 23290 - جی بی سی نیا

صفحہ 1504 - جی بی سی 3/19/2021 (EASED) (SIF) No. 50

26/9/19, 2021 - Rabbun Nisa / SST / SW

8. صفحہ 29/4/17 کو 181 آزاد زمین کی

افسریہ (DG) کی فوٹو - FATA

9. Affidavit صفحہ 25/5/17 - حکم عدالت 24/4/18

10. دیگر اسٹیٹمنٹ اور بعد از درخواست پتہ اعلیٰ میں مراجعہ
گزشتہ صفحہ آئینہ لگانے کی اجازت ہو - درخواست 15-10-2021

گیزڈ اسٹیٹمنٹ - سندھ بار اور سٹوڈنٹس کو لیکچر اعلیٰ
دستاویزات لف براجھٹ اسل اصل آرٹ کی اجازت
دی جاوے - سندھ سٹوڈنٹس پتہ انکو آرڈر اسٹارٹ INDEX
اصل مراجعہ اسل کے بعد اسٹارٹ کیا جاوے

لکھو

27/6/22

سائنس مراجعہ آزاد زمین اسٹارٹ

through counsel

