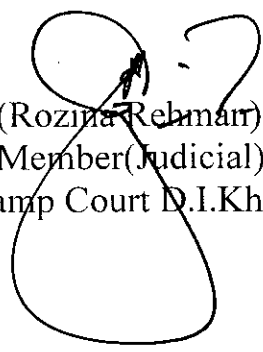


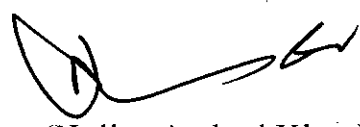
27<sup>th</sup> Oct 2022

1. None present for the appellant. Mr. Muhammad Jan, District Attorney alongwith Mr. Muhammad Nazir, ADEO for respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default. Consign.

3. *Pronounced in open court in D.I.Khan and given under our hands and seal of the Tribunal on this 27<sup>th</sup> day of Oct, 2022.*

  
(Rozina Rehman)  
Member(Judicial)  
Camp Court D.I.Khan

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

27/09/2022

Due to Summer  
up 28/09/2022

vacation come

Reader

28<sup>th</sup> Sept 2022

Brother of the appellant on behalf of the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

The later seeks adjournment on the ground that learned counsel for the appellant is not available today. Last chance is given to argue the case on the next date failing which the case will be decided without the arguments. To come up for arguments on 27.10.2022 before D.B at camp court D.I.Khan.



(Salah Ud Din)  
Member(J)



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

24.01.2022

Tour is Cancelled, therefore, case is adjourned to  
23.05.2022 for the same as before.

  
Reader.

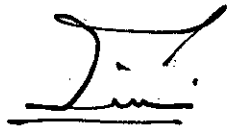
23.05.2022

Nemo for the appellant. Mr. Muhammad Adeel Butt,  
Additional Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore,  
notice for prosecution of the appeal be issued to the appellant as  
well as her counsel through registered post and to come up for  
arguments on 27.07.2022 before the D.B at Camp Court  
D.I.Khan.



(Rozina Rehman)  
Member (J)  
Camp Court D.I.Khan

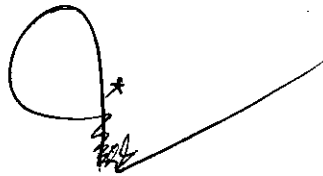


(Salah-ud-Din)  
Member (J)  
Camp Court D.I.Khan

29<sup>th</sup> June 2022

None for the appellant present. Mr. Farhaj Sikandar,  
District Attorney for respondents present.

To come up for arguments on 27.07.2022 before D.B at  
camp court D.I.Khan.



(Mian Muhammad)  
Member(E)



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

27.09.2021

Learned counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that as reply of respondents No. 2 to 5 has been received by him today and after going to the same, he wants to submit rejoinder. Adjourned. To come up for rejoinder as well as arguments before the D.B on 22.11.2021 at Camp Court D.I.Khan.



(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)  
CAMP COURT D.I.KHAN



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT D.I.KHAN

22.11.2021

Counsel for the appellant and Mr. Asif Masood, DDA alongwith Muhammad Nazir, ADEO for the respondents present.

Learned counsel for the appellant seeks time to submit rejoinder to the comments of respondents. Request is accorded. To come up for rejoinder and arguments on 24.01.2022 before the D.B at camp court, D.I.Khan.



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



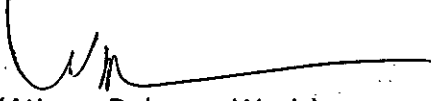
Chairman  
Camp Court, D.I.Khan

22.02.2021

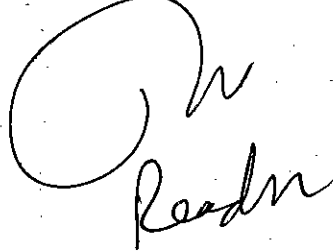
Counsel for the appellant present.

Noor Zaman Khattak learned District Attorney alongwith Muhammad Nasir Litigation Officer for respondents present.

Written reply/comments on behalf of respondents submitted which is placed on file. Copy of the same is handed over to the learned counsel for the appellant. To come up for rejoinder if any, and arguments on 24.05.2021 before S.B at Camp Court, D.I Khan.

  
(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, D.I Khan

*Due to COVID-19 therefore to  
come up for the same on 27/9/21*

  
On  
Readn

23.12.2020

Junior to counsel for the appellant and Muhammad Jan alongwith Kashif Munir Litigation Officer for respondents present.

Written reply/comments on behalf of respondents was not submitted. Representative of respondents seeks time to file written reply/comments. To come up for written reply/comments on 22.12.2020 before S.B at Camp Court, D.I. Khan.

(Atiq-Ur-Rehman Wazir)  
Member (E)  
Camp Court, D.I. Khan

29.12.2020

Due to Pandemic of Covid-19, the case is adjourned to 22.02.2021 for the same.

Reader

~~23.12.2020~~

~~Junior to counsel for the appellant and Muhammad Jan alongwith Kashif Munir Litigation Officer for respondents present.~~  
~~Written reply/comments on behalf of respondents was not submitted. Representative of respondents seeks time to file written reply/comments. To come up for written reply/comments on 22.12.2020 before S.B at Camp Court, D.I. Khan.~~

~~(Atiq-Ur-Rehman Wazir)  
Member (E)  
Camp Court, D.I. Khan~~

20.9.2020

Due to COVID19, the case is adjourned to

21/9/2020 for the same as before.

  
Reader

21.09.2020

Nemo for parties.

Mr. Usman Ghani learned District Attorney present.

Notice be issued to appellant and respondents for written reply/comments for 26.10.2020 before S.B at Camp Court, D.I.Khan.




(Rozina Rehman)  
Member  
Camp Court, D.I Khan

26.10.2020

No one on behalf of both the parties is present. Mr. Usman Ghani, District Attorney is present.

The process for issuance of notice to appellant and respondents be repeated once again for 23.11.2020 directing the respondents to submit written reply/comments before S.B at Camp Court, D.I.Khan.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT D.I.KHAN

28.01.2020

Mr. Fahad Gul, brother of the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 25.02.2020 for preliminary hearing before S.B at Camp Court D.I.Khan.



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

25.02.2020

Counsel for the appellant Sobia Gul present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Primary School Teacher vide order dated 25.02.2011. She assumed the charge on 26.02.2011 but the appellant was not granted salaries till 30.04.2014, therefore, the appellant submitted application on 24.01.2019 for release of salaries for the aforesaid period i.e from the date of appointment till 30.04.2014 but the same was rejected vide order dated 12.02.2019. It was further contended that the appellant filed departmental appeal on 07.03.2019 but the same was not responded hence, the present service appeal. It was further contended that since the appellant has performed the duty regularly since 26.02.2011 till 30.04.2014 therefore, the respondent-department is bound to pay salaries to the appellant.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 20.04.2020 before S.B at Camp Court D.I.Khan.

Appellant Deposited  
Security & Process Fee  
21/3



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



Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 955/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/07/2019	<p>The appeal of Mst. Sobia Gul presented today by Mr. Muhammad Abdullah Baloch 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;"><i>[Signature]</i> REGISTRAR <u>24/7/19</u></p>
2-	20/08/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/09/19.</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	27.09.2019	<p>Nemo for appellant.</p> <p>Notice be issued to appellant/her learned counsel for preliminary hearing on 15.11.2019 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>
	15.11.2019	<p>Mr. Fahad Gul, brother of appellant present.</p> <p>The Worthy Chairman is on leave, therefore, the matter is adjourned to 17.12.2019 for the same.</p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>
	11-12-2019	<p><i>As per order of the Honorable Chairman The case is fixed at camp court D.1. on the 28.1.2020.</i></p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>

①

**BEFORE THE KPK SERVICES TRIBUNAL, KPK**  
**PESHAWAR**

In Service Appeal No. 955 /2019

Mst. Sobia Gul  
**(Appellant)**

Versus

Govt Of KPK, etc  
**(Respondents)**

**SERVICE APPEAL**

**INDEX**


S.No.	Description of document	Annexure	Pages
1	Memo and grounds for appeal	--	1-6
2	Memo of Addresses	--	7
3	Application for condonation of delay with affidavit	--	8-9
4	Copies of CNIC and appointment order dated 26/02/2011	A & B	10-12
5	Copies of fitness certificate and arrival report	C & D	13-15
6	Copy of application dated 24/01/2019 & impugned order dated 12/02/2019	E	16
7	Copy of the departmental appeal	F	17-18
8	Copy of Service Book	G	19-25
8	Vakalatnama	--	

Dated: 22 /07/2019

Your Humble Appellant



**Mst. Sobia Gul**  
Through Counsel



**Muhammad Abdullah Baloch**  
Advocate High Court

2

**BEFORE THE HONOURABLE SERVICES TRIBUNAL, KPK.**

**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 955 /2019

Diary No. 1035

Dated 24/7/19

**Mst. Sobia Gul** daughter of Gul Badshah wife of Amir Waqas, r/o Mohallah Bamuzai , City Lakki Marwat.  
Presently working as PST GGPS Qimat Manjiwala , District Lakki Marwat.

.....(**APPELLANT**)

**VERSUS**

1. Governmet of KPK through secretary Education Department KPK, Peshawar.
2. Director, Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. Deputy District Education Officer (Female) Lakki Marwat.
4. District Education Officer (Female) Lakki Marwat.
5. Sub-Divisional Education Officer (Female) Lakki Marwat.

..... (**RESPONDENTS**)

Filed to-day

Registrar  
24/7/19

AG  
Peshawar

Appeal under section 04 of KPK Service Tribunal Act, 1974, against the impugned order dated 12/02/2019, issued by the District Education Officer (Female) Lakki Marwat (Respondent No.4), whereby application of the appellant for the release of previous salaries was rejected and finally against the indecision of departmental appeal of the appellant.

**PRAYER**

*On acceptance of the instant appeal to set aside the impugned order dated 12/02/2019 issued by the District Education Officer (Female) Lakki Marwat and department may kindly be directed to release the arrear salaries of the appellant since the date of joining i.e February 2011 till release of the first salary i.e June 2014.*

*Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellants as against respondents with costs.*

**Respectfully Sheweth,**

1. That the appellant was appointed as PST(F) Teacher upon the recommendation of DSC against the vacant post vide appointment order Endst. No. 2074-79/PST(F) dated 25/02/2011. Copies of CNIC of appellant and appointment orders are annexed as **Annexure-A & B**. the appellant submitted her medical fitness and arrival report on 26/02/2011. Copies are annexed as **Annexure-C & D**.
2. That appellant had been performing her duties regularly but salary was not released and after many requests and applications, ultimately the department released the salary in the month of year 2014 but did not pay the arrears. After release of the current salary, the appellant had been requesting the department for the release/payment of the arrear salary, i.e salary from February 2011 till release of first salary i.e June 2014.
3. That on the oral commitments by the department, the appellant kept waiting but patience could not bring fruit for the appellant. Besides so many oral and written applications, the appellant submitted an application to the respondent No. 4 on 24/01/2019 which was proceeded and as per report of SDEO, that benefits of the appellant on the very astonishing ground that " application is rejected on the ground that there are many teachers claiming back benefits and there is no vacant posts of PST to that period" on the said report respondent No. 4 DEO(F) rejected the application vide impugned order dated 12/02/2019.

By  
Christine

Copies of the application and impugned order are annexed as **Annexure-E**.

4. That feeling aggrieved from the impugned order dated 12/02/2019, the appellant filed department appeal to the appellate authority on 07/02/2019 which remain undecided and after the laps of statutory period, the appellate jurisdiction of this worthy tribunal is being invoked inter alia on following grounds, whereas the copy of the departmental appeal is enclosed as **Annexure-F**.

**GROUND:**

- i. That the impugned order dated 12/02/2019 of the respondent No. 4 is against facts, law and the material brought on record, against service law and rules, against natural justice and is not sustainable on any ground and is therefore liable to be set aside.
- ii. That refusal on the part of department for not releasing the arrears salary of the appellant is amounting to discrimination with the appellant. The appellant has vested legal service right that her arrears should be paid but the refusal on the part of respondents even on the ground enumerated in the impugned order deserves litmus scrutiny by this Worthy Tribunal.
- iii. That order of DEO(F) based on the report of SDEO (F) is astonishing that there was no vacant post of PST at that period. The appellant along with so many other candidates was appointed vide general appointment order No. 2074-79/PST(F) dated 25/02/2011. The advertisement was floated in daily newspapers and all the codal formalities were adopted. The appellant has been performing her duties since her date of arrival. Copy of the service book is annexed as **Annexure-G**. The appellant has been performing her duties regularly in respective schools.

14  
14/02/2019

- iv. The impugned order was issued without perusing service record and is against the law, rules, adversely affecting rights of the appellant.
- v. That other PST(F)/colleagues appointed with the appellant also faced the same issue but they have been benefited with the release of their salary from the date of their appointment. Case of the appellant is at par with those servants/colleagues of the appellant. The discrimination is being matted out with the appellant which requires indulgence of this Worthy Tribunal.
- vi. That there are various judgment of the apex court wherein the Worthy Courts has held that similar placed employees should be equally treated. It is fundamental right of the appellant based on the principle of "equal pay for equal work".

***It is therefore humbly request that on acceptance of the instant appeal the impugned order dated 12/02/2019 based on the report of 08/02/2019 may kindly be set-aside and department should be directed to release the arrear salaries of the appellant since the date of joining i.e February 2011 till release of the first salary i.e June 2014.***

***Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellants as against respondents with costs.***

Dated: 22/07/2019

Your Humble Appellant



**Mst. Sobia Gul**  
Through Counsel



**Muhammad Abdullah Baloch**  
Advocate High Court

**BEFORE THE KPK SERVICES TRIBUNAL, KPK**  
**PESHAWAR**

In Service Appeal No. \_\_\_\_\_/2019

Mst. Sobia Gul  
**(Appellant)**

Versus

Govt of KPK, etc  
**(Respondents)**

**CERTIFICATE**

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Date: 22 / 07 / 2019

*Sobia Gul*  
Appellant

**AFFIDAVIT**

I, **Mst. Sobia Gul** daughter of Gul Badshah wife of Amir Waqas, r/o Mohallah Bamuzai, appellant herein, do hereby solemnly affirm on oath that all parawise contents of the accompanying appeal are true and correct to the best of my knowledge, belief and information; that nothing has been concealed or kept secret from this worthy Tribunal, nor anything contained therein is based on exaggeration or distortion of facts.

Dated: 22 / 07 / 2019

*Sobia Gul*  
Deponent

*Identified by counsel  
Mst. Sobia Gul  
22/7/19 of advocate*

*Attested by  
Oath Commissioner  
District Bar D.K. Khan*

**BEFORE THE KPK SERVICES TRIBUNAL, KPK  
PESHAWAR**

In Service Appeal No. \_\_\_\_\_/2019

Mst. Sobia Gul  
**(Appellant)**

- Versus

Govt of KPK, etc  
**(Respondents)**

**ADDRESSES OF PARTIES**

**APPELLANT**

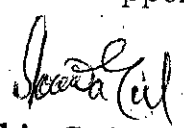
**Mst. Sobia Gul** daughter of Gul Badshah wife of Amir Waqas, r/o  
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Presently working as PST GGPS Qimat Manjiwala , District Lakki  
Marwat.

.....**(APPELLANT)**

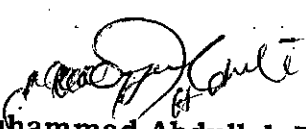
1. Governmet of KPK through secretary Education Department  
KPK, Peshawar.
2. Director, Elementary and Secondary Education Department,  
Khyber Pakhtunkhwa, Peshawar.
3. Deputy District Education Officer (Female) Lakki Marwat.
4. District Education Officer (Female) Lakki Marwat.
5. Sub-Divisional Education Officer (Female) Lakki Marwat.

.....**(RESPONDENTS)**

Your Humble Appellant



**Mst. Sobia Gul**  
Through Counsel



**Muhammad Abdullah Baloch**  
Advocate High Court



(8)

**BEFORE THE KPK SERVICES TRIBUNAL, KPK**  
**PESHAWAR**

In Service Appeal No. \_\_\_\_\_/2019

Mst. Sobia Gul  
**(Appellant)**

Versus

Govt of KPK, etc  
**(Respondents)**

**APPLICATION FOR CONDONATION OF DELAY.**

Respectfully Sheweth;

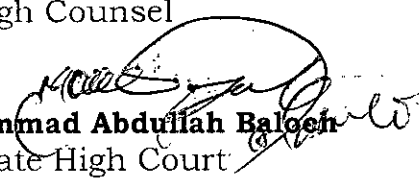
1. That instant appeal is being filed and the contents of main appeal may kindly be considered as integral part of application in hand.
2. That against the impugned order dated 12/02/2019 departmental appeal was filed on 07/03/2019 which was well within time
3. That departmental appeal of the appellant remain undecided and after laps of statutory period, the appellant contacted the department for the fate of her appeal and appellant visited the department several time which consumed few days but no order could be found wherein departmental appeal was decided. The case file was handed over to the counsel on 21/07/2019 which was drafted and prepared on 23/07/2019 and after fulfilling legal requirement, the instant is being filed today. The delay, if any, is not intentional but the appellant being a female have to do everything by herself.
4. That this Honorable Court has got vast and ample powers to condone the delay .
5. It is therefore, requested that on acceptance of the instant application the instant appeal may please be considered within time and delay period may kindly be condone.

Dated: 22/07/2019

Your Humble Appellant



**Mst. Sobia Gul**  
Through Counsel



**Muhammad Abdullah Baloch**  
Advocate High Court

**BEFORE THE KPK SERVICES TRIBUNAL, KPK**  
**PESHAWAR**

In Service Appeal No. \_\_\_\_\_/2019

Mst. Sobia Gul  
**(Appellant)**

Versus

Govt of KPK, etc  
**(Respondents)**

**AFFIDAVIT**

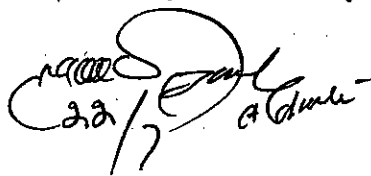
I, **Mst. Sobia Gul** daughter of Gul Badshah wife of Amir Waqas, r/o Mohallah Bamuzai, appellant herein, do hereby solemnly affirm on oath that all parawise contents of the accompanying application are true and correct to the best of my knowledge, belief and information; that nothing has been concealed or kept secret from this worthy Tribunal, nor anything contained therein is based on exaggeration or distortion of facts.

Dated: ~~22~~ 22/07/2019



**Deponent**

identified by counsel



Attested by  
Oath Commissioner  
  
District Bar D.I.Khan

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&A) & SEC. EDUCATION DEPTT. BAKKALARIWAT  
APPOINTMENT ORDER

Consequent upon the recommendations of District Selection Committee, the appointment of below named candidates are hereby ordered as Primary School Teacher (I) in BPS-07 (3530-190-9230) plus usual allowances as admissible under the rules on regular basis against vacant posts, under provision of Establishment & Administration Department circular bearing No. SOR-6(E&AD)13-01/2005 dated 10-08-2005 on the terms & conditions given below in the interest of public service from the date of taking over charge.

OPEN MERIT

SNo	Name	Father name & address	To be posted at	Remarks
1	Marwarida Bibi	Sahib Jan R/o Titter khel	GGPS Ghazi Khel	Court Case
2	Haseena Latif	Latifullah R/o Gandi Khan Khel	GGPS Hafiz Mala Khel	Against vacant post
3	Shehla Mehmood	Mehmood Hashim R/o Tajazai	GGPS Khushdil Adamzai	-do-
4	Najma Naureen	Muhammadullah R/o Pahar Khel Thall	GGPS Wanda Khan Doran	-do-
5	Shakila Qayyum	Abdul Qayyum R/o Lakki	GGPS Mash Habibullah	-do-
6	Romana Gul	Saif Ur Rehman Shah R/o Marmandi	GGPS Qimat Manjivala	-do-
7	Hussan Pari	Nawaz Khan R/o Gandi Khan Khel	GGPS Azal Mir Bhattani	-do-
8	Sobia Gul	Gul Badshah R/o Lakki	GGPS shamooni Khattak, Maazulalh	-do-
9	Famida Gul	Dilawar Khan R/o Gandi Khan Khel	GGPS Gandi Qamar Zaman	-do-
10	Robina Shaheen	Falak Naz R/o Lakki	GGPS Langer Khel Hindal	-do-
11	Sumia Rahim Qureshi	Abdur Rahim R/o Darra Pezu	GGPS Sarga Kheru Khel	-do-
12	Shehla Shaheen	Mir zali Khan R/o Dallo Khel	GGPS Wanda Kalan	-do-
13	Kanwal Urooj	Muhammad Ramizan R/o Lakki	GGPS Wanda Khan Doran	-do-
14	Farhat Nisa	Watan Khan R/o Lakki	GGPS Wanda Lughman	-do-
15	Rukhsana Hayat	Hayat Ullah Khan R/o Nar Abu Samand Begu Khel	GGPS Taxtail Mills	-do-
16	Nighat Sitana	Muhammad Bashir R/o UC Nar Abu Samand Begu Khel	GGPS Shakh Quli Khan No 2	-do-
17	Musarat Shaheen	Muhammad Nazir Khan R/o Serai Naurang	GGPS Sher Jan Abad	-do-
18	Zaheen Begum	Naseeb Ali Shah R/o Mama Khel	GGPS Kotka Madat	-do-
19	Farida Bibi	Muhammad Ghulam R/o Abdul Khel	GGPS Jhang Khel No.2	-do-
20	Hajra Musarat	Muhammad Ibrahim R/o Masha Mansoor	GGPS Biland Khel	-do-

UNION COUNCIL MERTT

SNo	Name	Father name & U/C	To be posted at	Remarks
1	Nadia Parveen	Altaf Khan UC Marmandi Azim	GGPS Nar Gul Hassan Shah	-do-
2	Romana Sohrab	Sohrab Khan UC Serai	GGPS Kotka	-do-

REC'D  
C/O  
32/7

3	Qamar Talat	Hamidullah UC Gandhi Khan Khel	GGPS Amin Jabu Khel	-do-
4	Zubaida	Gul Nawaz Khan UC Baist Khel	GGPS Haram Tala Wakil	-do-
5	Sadia Khan	Kalu Khan UC Ghazni Khel	GGPS Bai Khan Jabu Khel	-do-
6	Musarat Shahcen	Awal Khan UC Kheru Khel Pacca	GGPS Sheri Khel Fagiran	-do-
7	Najma Irum	Amanullah Khan UC Abdul Khel	GGPS Illawal Khel	-do-
8	Sakina Gul	Shah Alam Khan UC Titter Khel	GGPS Tabi Murad	-do-
9	Jamshid Bibi	Ghulam Nabi UC Lakki	GGPS Hamid Abad Lakki	-do-
10	Fehmida	Inayatullah Khan UC Isak Khel	GGPS Zer Jau	-do-
11	Fehmida Bibi	Amin Khan U/C Begu Khel	GGPS Toti Abad	-do-
12	Naureen Niazi	Abdul Ghafar U/C Dara Tang	GGPS WandaKhara	-do-
13	Gul Shan Bibi	Jan Gul U/C Bkhal Ahmad Zai	GGPS Khan Khel Mandozai	-do-
14	Shamim Begum	Ahmad Jan U/C Behram Khel	GGPS Khush Dil Adamzai	-do-

**TERMS & CONDITIONS:**

1. Their appointment will be considered without pension and gratuity in terms of section 19 of NWFP Civil Servant Act 1973, as amended vide NWFP Civil Servant (Amendment) Act, 2005 but the candidates already working as permanent Govt. Servants, will under take whether they want to continue the benefits of old service or new, they will however be entitled to contributory provident fund in such a manner and such a rate as may be prescribed by Govt.
2. In case of resignation without notice two months pay/allowance will be refunded to Govt.
3. Their services will be governed by such rules and regulations as may be issued by Govt. time to time.
4. In case of misconduct they will be proceeded against the civil servant removal from service (special power) ordinance, 2000 and rules frame from time to time.
5. Charge reports should be submitted to all concerned
6. No TA/DA is allowed
7. The undersigned will check and verify the certificates/degrees of above candidates from concerned Boards/Universities before the drawl of their pay.
8. The appointment order is liable to termination, if the candidate failed to take over charge with in 30 days of commencement date.
9. The undersigned reserve the rights of amendment in case of any mistake.
10. They are required to produce health and age certificate from medical superintendent DHQ hospital Lakki Marwat

(Noor Hassan Khan)  
 Executive District Officer  
 Elc: & Sec: Education Deptt  
 Lakki Marwat

Endst No. 2074-79/PST(F)

Dated 25/2/2011

Copy to the

1. Director Elc: & Sec: Education Deptt Khyber Pukhtunkhwa, Peshawar
2. District Co-ordination Officer Lakki Marwat
3. District Officer female local office
4. District Accounts officer Lakki Marwat
5. Deputy District Officer (F) Primary local office
6. Head Teachress school concerned

Executive District Officer  
 Elc: & Sec: Education Deptt

*After*  
*Chaudhry*  
*25/2/11*

MEDICAL FITNESS CERTIFICATE.

Name of Official Sobia Gul

Religion Pakistan Muslim Islam

Father/Husband Name Gul Badshah

Residence Muhallah Mina Kial Lakki Marwat

Dated of Birth 12-9-1989 (NIC No: ..)

Exact Height by measurement 5'1"

Personal Mark of Identification Star on R hand

Signature of Official Sobia Gul

Signature of Head of Office .....

Seal of Office .....

I do hereby certify I have examined Sobia Gul a candidate for employment in the office of the Executive Distt. Dir. Edu. LM and can not discover that he/she had any disease communicable or other constitutional affection or bodily infirmity except .....

I do not consider this as disqualification for employment in the office of the EDO (Ch & Sec.) Education Deptt. Lakki His/Her

age according to his own Statement 21 years and by appearance about Twenty one years )...years.

LEFT/RIGHT HAND THUMB AND FINGER IMPRESSIONS. Attested

(Signature)  
Medical Superintendent  
D.H.Q Hospital Lakki Marwat.  
D.H.Q Hospital (Lakki)

(Signature)  
Medical Superintendent  
D.H.Q Hospital Lakki Marwat

Attested  
(Signature)

Annex - D

16

ARRIVAL REPORT

Reference EDO (E&S) Education Lakki Marwat office Order No:

Encls No. 2074-79/PST/E dated 25/02/2011, I, Mst. Sobia Gul D/O Haji Gul

Badshah is appointed as PST at GGPS Shamoni Khattak, Lakki Marwat.

In compliance with the above order I present myself for the duty in GGPS  
Shamoni Khattak, Lakki Marwat on 26 / 2 / 2011 (F.N).

My arrival may please be accepted.

*Shahida Yasmin*

HEAD MISTRESS

GGPS Shamoni Khattak

District Lakki Marwat

Mst. Sobia Gul, PST

D/O Haji Gul Badshah

*Ates Gul  
22/7*

15

CERTIFICATE OF TRANSFER OF CHARGE

1. Certified that we have on the (forenoon/afternoon) of this day 26-02-2011 (FN) respectively made over and received charge post of PST, vide Executive District Education Officer (E&S) Education Lakki Marwat No. 2074-79 dated: 25-02-2011.
2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse:-

Signature of relieved *Shaz White Yasmeen*  
Govt. Servant: *Shamoni Khattak*  
Designation: Head Teacher

Station: CGPS Shamoni Khattak Maaz Ullah

Signature of relieving *Sobia Gul*  
Govt. Servant Sobia Gul  
Designation PST

Endst: No 2074-79/PST(F) Dated 26-2-2011

Copy to the :-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Lakki Marwat.
3. Deputy District Education Officer (Female) Lakki Marwat.

*Shaz White Yasmeen*  
*Recd*  
*22/2*

To  
The District Education Officer,  
(F), Lakki Marwat

Subject: REQUEST TO RELEASE PREVIOUS SALARIES.

It is stated in your honor that I am a regular PST teacher working at GGPS Qimat Manjiwala. I was appointed, on merit, as PST teacher on 25/02/2011 and was posted at GGPS Maziullah Shamoni Khattak. I took charge on the next day of my appointment but my pay was released on 03/05/2014. Therefore, it is requested in your humble consideration that outstanding pay, for the period of 25/02/2011 to 30/04/2014 should be released.

Annexures:

1. First Appointment Order
2. Charge Report
3. Pay Release Order

Dated: 24/01/2019

*Sobias*  
Yours obediently,

Sobia Gul PST  
GGPS Qimat Manjiwala

Approved with ADEO (Estt) SDEO & ASDEO  
12-2-19

The application is rejected on the ground that there are many teachers claiming the Back Benefit and there are no vacant post of PST for that period -  
8/02/2019

DEO(F) office  
ADEO (Estt)  
Take report from SDEO  
12-2-19  
Rejected  
Sobias  
12-02-19  
replied as posted by ASD (Estt)  
Jago  
12/02/19

Approved  
AC Advocate  
22/1



Annex - F

(17)

The Director,  
Elementary and secondary education,  
Peshawar.

Through proper channel via District Education officer  
Female Lakki Marwat.

**SUBJECT:-** Departmental Appeal/Representation against  
impugned order dated 12/02/2019.

Respected Sir: The appellant humbly submits as under.

1. That the appellant was appointed as PST(F)(BPS-7) upon the recommendation of DSC against the vacant post vide appointment order Endst No 2074-79/PST(F) dated 25/02/2011. The appellant submitted arrival report on 26/02/2011 at GGPS Shamoni Khattak, Lakki Marwat. Copies of appointment order and arrival report are attached.
2. That appellant had been performing her duties regularly but salary was not released till mid of 2014. After release of salary, the appellant found that she had been given current salary and salary from February, 2011 till release of 1<sup>st</sup> salary, was not paid.
3. That the appellant has been requesting before the concern high ups but all the requests of the appellant has been shuffling from desk to desk.
4. That lastly, the appellant submitted another application on 24/01/2019 which was proceeded and as per report of SDEO back benefits of the appellant on the very astonishing ground that "application is rejected on the ground that there are many teachers claiming back benefits and there is no vacant post of PST to that period" on the said report the DEO(F) rejected the application vide impugned order 12/02/2019. Copy of the application and impugned order thereon annexed.
5. That order of the DEO(F) based on the report of SDEO is astonishing that there was no vacant post of PST at that period. The appellant along with so many other candidates were appointed vide general appointed order 25/02/2011. Which clearly indicated appointments against vacant posts. Arrival report was duly submitted. The duties were regularly performed in respective schools. How the posts of PST were not vacant at that period.

*E. J. J.*

1548  
27/3/19

Q. H. S. I. I.  
as  
Ch. H. S. I. I.  
22/7

18

That impugned order was given without perusing service record and is against the law and rules, adversely affecting the rights of the appellant.

7. That other PST teachers/colleagues of appellant were also benefited with the release of their salary on the date of their appointment. Case of the appellant is at par with those servants/colleagues of the appellants
8. That there are various judgment of the apex court wherein the worthy courts has held that similar placed employees should be equally treated. It is fundamental right of the appellant based on the principle of "equal pay for equal work".

*It is, therefore, humbly requested that impugned order dated 12/02/2019 based on report dated 08/02/2019 may kindly be set aside and salary of the appellant from the date of appointment till the date of release of first salary, may kindly be released in the form back benefits.*

Dated 07 /03/2019

Your humble appellant

Sobia gul D/O Gul Badshah  
W/O Amir Waqas, PST, GGPS  
Qimat Manjiwla.

Attested  
by  
C. K. Khatun  
22/17

# SERVICE BOOK

سروس بک



Name: SOBIA GUL

Father's Name: Haji Gul Badshah

Qualifications: B. Ed

Designation: AS 57

Department: Education

Address: Mol. Mina School, Lohki Marwat

Attested  
Signature  
Petitioner

IR

20

1. Name (نام) Miss Sobia Gul — سبیا گل ①
2. Nationality and Religion PAKISTANI Islam پاکستانی مسلم  
(قومیت اور مذہب)
3. Residence Lakki Marwat District LAKKI MARWAT  
(مستقل رہائش) KHAIBAR PAKHTOON KHAWA (B.P.K)  
ضلع و ضلع بگرام و صوبہ خیبر پختونخوا
4. Father's Name and Residence GUL BAH SHAH  
(والد کا نام اور پتہ) گل بادشاہ محلہ میناخیل ضلع بگرام بگرام KPK
5. Date of birth Christian era as Twelfth September N.H nearly as can be ascertained Eighty nine  
(تاریخ پیدائش مطابق سن عیسوی) (12.9.1989)
6. Exact height by measurement Five Feet and one inch 5-1  
(قد و قامت)
7. Personal mark of identification Scar on left Hand  
(نشان شناخت)

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

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

Little Finger (چھٹکیا)



Ring Finger (چھٹکیا کے ساتھ کی انگلی)



Middle Finger (انگشت میاں)



Fore Finger (انگشت شہادت)



Thumb (انگوٹھا)



9. Signature of Govt. Servant (سرکاری ملازم کے دستخط)

Sobia Gul  
26-2-2011

10. Signature and designation of the Head of the Officer or other Attesting Officer

(تصدیق کنندہ افسر کے دستخط اور مہر)

[Signature]

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

اس صفحہ کے مندرجہ کم از کم پانچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر 9 اور 10 میں دستخطوں کے نیچے تاریخ لکھنی چاہیے۔  
انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

Attested  
Sobia Gul

Q An



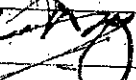



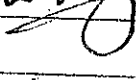

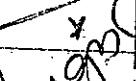







1	2	3	4	5	6	7	8
Name of Post	Whether Substantive of officiating any whether permanent or temporary	It officiating state. (1) subatative appointment of (ii) whether service counts for pension under rule 3-20 C.S.R. (Pb) Volume II	Pay in substantive position	Additional pay for officiating	Other emoluments falling under the term pay	Date of appoint. Ment	Signature of government servant
		رواں کے مطابق پیشکش کا	تختواہ بطور عارضی ملازمت	زائد تختواہ بطور قائم مقام	ماسوائے تختواہ دیگر الاؤنس	تاریخ تقرری	دستخط سرکاری ملازم
BPS No 7 (3530-190-9230)	عارضی مستقل قائم مقام		Rs. 3530/- PM			26/2/11	Jobia Gul
POST OF P.S.T. G.G.P.S. SHAMOODNI			Rs. 5800/- PM			1/2/11	Jobia Gul
KHATTAK KHANZULLAH contract	Regular		Rs. 6120/- PM			1/2/11	Jobia Gul
Do			Rs. 7000/- PM			1/2/12	Jobia Gul
Do			Rs. 7500/- PM			1/12/2012	Jobia Gul
Do			Rs. 8000/- PM			1/12/2013	Jobia Gul
Do			Rs. 8500/-			01/12/2014	Jobia Gul
Do			Rs. 11005/-			01/07/2015	Jobia Gul

S.D. LAKH MARI

T-20 S  
dt: 7/1/15  
of pay to  
to 31/1/15

S.D. LAKH MARI

S.D. LAKH MARI

9	10	11	12	13		14	15	
Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the officer other Attesting Officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government		Signature of the Head of the office other attesting officer	Reference to any recorded punishment of censure or reward, or praised to the Government servants
دستخط افسر مجاز	تاریخ انقطاع ملازمت	ذرائع انتقال ملازمت ترقی یا تبادلہ یا برطرفی	دستخط افسر مجاز	رخصت کی نوعیت و معیار	پارہ ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تعین Period غور Government to which debitable, مقرر ہے		دستخط افسر مجاز	سزا یا جزا یا غیر مناسب کارکردگی کا ریکارڈ
	30/6 2011	Pay Revision		Appointed as P.S. Te (Primary School Teacher Female) at G.G.P.S Samsoni -				
	30/11 2011	Annual Government		Khattak Magullah Rust Lakkhi Marwat BPS No. 7 (3530-190-9230) vide E.O (E & SE) Lakkhi Marwat Endst No 2074-791				
	30/6 2012	Upgraded Post Post		ST (F) Dated 25-8-2011				
	30/11 2012	A. Incharge		Her name is at SR#8 in list of 20 open post Union Council meet (attested copy Attached)				
	30/11 2012	Increment		Her Professional & Academic Qualification are as Under				
S.D.O. (F) Pr: Lakkhi Marwat			S.D.O. (F) Pr: Lakkhi Marwat					
T-20 Dhawan (4222) on A. H. 9/1/15 of pay & Allow. w.e.f. 01/14 to 31/14	20/6/14			① D.S.S.C. (Se) A Grade 673/ marks R.N# 2250 year 2004 (A) Result Declared on 14.9.2004				
				② F. Sc. Grade B 717/1100 Marks R.N# 331 year 2006 Bannu Board Res Declared on 23/01/2007				
				③ F.T.C. First Div. A. Grade 642/900 Marks R.N# B606178 Session 2005 (Spring) A9011 Islamabad. Her Reg No 04 NLM0834 Ret 09.01.2006 Result Declaration Date is 09.01.2006				
S.D.O. (F) Pr: Lakkhi Marwat	30/6/15	R.B.P.S		④ B. A 2nd Div UST Bannu Roll No 7776 Session 2007-2009 Result Declared on 12/10/2009				
S.D.O. (F) Pr: Lakkhi Marwat	30/11/15	Increment		⑤ B. Ed 2nd Div 623/1100 Marks R. No 15307 U.S.T Bannu Result Declared on 04.10.2010				
S.D.O. (F) Pr: Lakkhi Marwat								



Attn: Eval

4

1	2	3	4	5	6	7	8
Name of Post	Whether Substantive of officiating any whether permanent or temporary	If officiating state. (1) substantive appointment of (ii) whether service counts for pension under rule 3-20 C.S.R. (Pb) Volume II اگر عارضی ہے تو رول کے مطابق پیشکش کی سہولت ہے؟	Pay in substantive position تنخواہ بطور عارضی ملازمت	Additional pay for officiating زائد تنخواہ بطور قائم مقام	Other emoluments falling under the term pay ماسوائے تنخواہ دیگر الاؤنس	Date of appointment تاریخ تقرری	Signature of government servant دستخط سرکاری ملازم
			Rs.	Ps.	Rs.	Ps.	
DST Post GAPS contract / DST Post GAPS contract	Regular		Rs = 11655/-			01/12/2015	[Signature]
DST Post GAPS Regular DST Post GAPS Regular	Regular	Revision Entry w.e.f 01-7-2016. BPS 12 (11140 - 800 - 35740)					
	Pay on	30-6-015	Rs = 11655/-				
	Pay on	01-7-016	Rs = 14340/-				
	, ,	01-12-016	Rs = 15140/-				
	, ,	01-7-017	Rs = 18120/-		Revision B-12:		
	, ,	01-12-017	Rs = 19080/-		(13320 - 960 - 42120)		
	, ,	01-12-018	Rs = 20040/-				
	Per/By		Rs = 20040/-			01/12/2018	

[Signature]  
SDEO (P)

24  
5

9 Signature and designation of the Head of the office or other attesting officer column 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion transfer, dismissal etc.)	12 Signature of the head of the officer or other Attesting Officer	13 Nature and duration of leave taken	14 Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitab to another Government	15 Signature of the Head of the office other attesting officer	16 Reference to any recorded punishment of censure, or reward, or raised to the Government servants
<p>دستخط افسر مجاز</p> <p>S.D.E.O (F) Laloi Marwat</p>	<p>30-06-2016</p> <p>Revision</p>	<p>برابت انقطاع ملازمت زنی تاوان ایرٹرنی</p>	<p>دستخط افسر مجاز</p> <p>S.D.E.O (F) Sohrab Khan</p>	<p>رخصت کی نوعیت و معیار</p>	<p>چار ماہ تک رخصت کے لے اوسط تاوان کا تعین</p> <p>Period Government to which debitab to</p>	<p>دستخط افسر مجاز</p> <p>S.D.E.O (F) Pry: Laloi Marwat</p>	<p>سزا ایجاز عجز مناس کارکردگی کا ریکارڈ</p> <p>Passed MA under from 11st Barwal under Roll NO: 42738, Service 2011-2013 Marks obtained 54.7/100 in 2nd Division and result declared on 16-01-2014.</p> <p>Service verified wef 26-02-2011 to 30-11-2015 from A/Roll &amp; other recd of his office.</p> <p>S.D.E.O (F) Pry: Laloi Marwat</p> <p>Service verified wef 01-12-2015 to 30-11-018 from A/R roll &amp; other office record.</p> <p>S.D.E.O (F) Sohrab Khan</p>

Attended  
Sohrab Khan



23  
7

9 Signature and designation of the Head of the office or other attesting officer column 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion transfer, dismissal etc.)	12 Signature of the head of the office or other Attesting Officer	13 Nature and duration of leave taken	14 Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitablc to another Government	15 Signature of the Head of the office other attesting officer.	16 Reference to any recorded punishment or reward, or raised to the Government servants
دستخط افسر مجاز	تاریخ انقطاع ملازمت	بجرات انقطاع ملازمت ترقی یا بطور یا بطریق	دستخط افسر مجاز	رخصت کی نوعیت و معیار	<p>پارہ تک کی رخصت کے لئے اوسط ملازمت کا قیاس</p> <p>Period عرصہ</p> <p>Government to which debitablc, نوعیت</p>	دستخط افسر مجاز	سزا یا جزا یا تعمیر مناسب کارکردگی کا ریکارڈ
					Service verified wef 01-12-016 to 30-11-017 from A/c roll & other office record.		
					Service verified wef 01-12-017 to 30-11-018 from A/c roll & other office record.		

*[Signature]*  
SDEO (P)  
SDEO (E) Jhang

*[Signature]*  
SDEO (P)  
SDEO (E) Jhang

Attn: Civil  
Romana

# UNDER THE LEAVE RULES, 1955

36  
35

WITH A CONTINUOUS/TEMPORARY SERVICE EXCEEDING 3 YEARS

Date of attaining the age of 55/58 years  
Date of coming under the Leave Rules, 1955

not to exceed 5 months at a time

LEAVE TAKEN On half average Pay						BALANCE RETURN FORM LEAVE				Remarks
13	14	15	16	17	18	19	20			
Against half of column 9 in medical Certificate subject to a maximum of 12-6 months in terms of average pay in total service	Dates	Against column 9	Leave not due (upto a maximum of 2 months in the whole service if supported by medical Certificate of 3 months or other wise)	Total (Columns 13 (b) + 15 + 16)	Leave on average Pay Subject to a maximum of 4-2 months (columns 7-11)	Leave on average Pay in excess of 1-2 months (columns 8-12)	Leave on half average Pay (columns 9-17)			
In terms of average Pay (2)	In terms of half average Pay (rule of 23 (1) (b))	YMD	YMD	YMD	YMD	YMD	YMD			
		24-11-2015							Balance	
		(20 days) on full pay							35 days	
								S.D.O. (B) Bry. Lakki Marwat		

*attest ed  
Sohrab Khan*





**N.W.F.P.  
BAR COUNCIL**

**MUNA IMAD ABDULLAH**

Advocate High Court

N.I.C. 12101-0988149-7

S.No 1288



Issuing Authority

وکالت نامہ

کورٹ  
فیس

Before the Honourable KPK Service Tribunal

Appellant

Sobia Gul

مخائب

Caused by Diklan

Govt. of KPK etc

دعوی یا جرم

Service Appeal

تفصیل دعوی یا جرم

باعث تحریر آنکہ

Diklan

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہ دہی برائے پیشی یا تفسیح مقدمہ بنام

Muhammad Abdullah Baloch A/c

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ دو برہم عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ بیرونی غیر حاضری کی وجہ سے کسی طور ایسے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر بکھری کے علاوہ اور جگہ ساعت، ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا عمت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے جب کوکل ساختہ پر واکت صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسانے ڈگری نظر ثانی اپیل دگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر تاشی یا راضی نامہ فیصلہ بر حلف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور بیرون از بکھری صدر بیرونی مقدمہ مزکور نظر ثانی اپیل دگرانی و برآمدگی مقدمہ یا سنوئی ڈگری یک طرفہ یا درخواست حکم استعفی یا ترقی یا گرفتاری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا جی علیحدہ ضابطہ بیرونی کا اختیار ہو گا اور تمام ساختہ پر واکت صاحب موصوف مثل کردہ از خود منظور قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نکل جانے اپیل دگرانی یا دیگر عدالت و مقدمہ مذکورہ کسی دوسرے وکیل یا ہیر سز کو اپنے بجائے یا اپنے امراء مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں دینی اور دینے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی 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 مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سدر ہے

2019 Jun 22 مورخہ

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

Accepted  
Sobia Gul  
Appellant

Sobia Gul  
Appellant

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA  
SERVICE TRIBUNAL, PESHAWAR**

**Service appeal No.955/2019**

**MST: SOBIA GUL**

**VERSUS**

**Govt of KPk, ETC**

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS No.2-5**

**Index**

<b>S/No</b>	<b>Subject</b>	<b>Annexure</b>	<b>Page No</b>
1	Written reply / comments along with affidavit	-----	1-4
2	Replication along with affidavit	-----	5
3	Copy of enquiry dated: 28-11-2012	A	6-8
4	Authority letter.		9

(1)

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA  
SERVICE TRIBUNAL, PESHAWAR**

Service appeal No. 955/2019

**MST: SOBIA GUL**

**VERSUS**

**GOVT OF KPK, ETC**

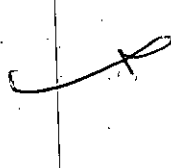
**PARA WISE COMMENTS ON BEHALF OF RESPONDENT No.2,3,4,5**

**Respectfully Sheweth,**

The Respondents humbly submits as under:

**PRELIMINARY OBJECTIONS:**

- i. That the appeal is badly time barred.
- ii. That the appellant has got no locus-standi to file the instant appeal.
- iii. That the appellant has not come to this tribunal with clean hands.
- iv. That the appeal is not maintainable in the present from and also in the present circumstances.
- v. That the appellant has filed the instant appeal just to pressurize the respondents.
- vi. That the appeal is against the facts, rules and laws.
- vii. That the appellant is precluded and estopped from filing the instant appeal due to his own conduct.
- viii. That the appellant has concealed some material facts from this Hon'ble Tribunal. That the appointing authority / previous D.E.O, in 2011 illegally appointed PSTs more than available posts and the appellant was one of them. So, all of these as ghost employees were burden on the department. In this regard the high-ups took inquiry against the appointing authority / D.E.O and the case is pending before National Accountability Court.
- ix. That these employees were never adjusted / given duty in any school but fake vacancies were shown by the above said appointing authority of that time and fake school registers were made. So the provincial authority conducted

 11/11/2020

inquiry against illegal extra appointments and ordered to stop the salaries of above mentioned un-adjusted PSTs. So some of these employees filed petition in different forums.

- x. That in the case of Marwarida Bibi PST GGPS Ghazni Khel, the KPK service Tribunal remanded the case to appellate authority to enquire and decide the matter and in this regard the appellate authority enquire the matter and given his findings through detail order dated: 28-11-2012 . (Copy of enquiry order is Annexure-A)
- xi. That according to the above said order the appellant was enlisted at serial No.10 in the list of un-adjusted PSTs and as per decision of enquiry committee the appellant and other un-adjusted PSTs would only be entitled to salaries from the date of their adjustment against available post.
- xii. That the appellant never objected the above mentioned inquiry before any forum. It is pertinent to mention that the appellant never performed duty for which she is claiming the benefit / salary. Moreover it is settled law that no employee could claim salary for the period which she or he had not worked or performed duty.
- xiii. That the appeal in hand is not verified by the appellant.

**FACTS:**

- 1. That Para No-1 replied as that the appointment of appellant was illegal as mentioned above. The then appointing authority made up fake vacancies to appoint his near & dears. The appellant never took over charge in mentioned school, because there were no post vacant on that time in the concerned school, the charge report / arrival report and other documents are incorrect and fake.
- 2. That Para No-2 is incorrect. The appellant never performed her duties. Many of the appointees were illegally appointed therefore an inquiry was conducted in this regard and the salaries of illegal appointees were stopped because there were no vacant post in any school to adjust the appellant.
- 3. That Para No-3 is incorrect, the appellant concealed actual facts from this Hon'ble Court. Many of the appointees including appellant were illegally

*[Handwritten signature]*  
11/11/2021

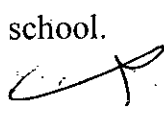
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appointed and in this regard a proper inquiry was conducted and as per decision of enquiry officer all the un-adjusted appointees are only entitled from the date when they will be actually adjusted and as per record the appellant never filed appeal against said order therefore, she is not entitled for any benefit / salaries for period before her adjustment / appointment orders.

4. That the present appeal is filed just to pressurize the department, therefore liable to be dismissed on the following grounds interalia...

**GROUND:**

- i. That Para No. i is incorrect, hence expressly denied. Basically the order dated: 22-02-2019 were made in accordance with law and policy of the Govt because the first order dated 28-11-2012 of enquiry officer clearly decided the matter in respect of claim of the appellant alongwith others and in this respect no appeal was filed by the appellant. More over the appellant was well aware of the all enquiries etc but she remained silent for more than 8 years therefore the appellant is not entitled to back benefits or salaries for the period, when she was not adjusted / appointed.
- ii. That Para No. ii is incorrect, hence expressly denied. The competent authority correctly rejected the claim of the appellant for previous salaries & back benefits. It is pertinent to mention that the appellant kept silent for the period of more than 7 years and didn't prefer the matter before this Hon'ble court because she was well aware of her illegal appointment and her non-adjustment.
- iii. That Para No. iii is replied that the SDEO report was based on proper enquiry as mentioned above wherein the matter of salaries of un-adjusted appointees were properly addressed, therefore the respondent No.4 correctly rejected the application of the appellant.
- iv. That Para No. iv is incorrect, hence expressly denied. The order was issued after proper enquiry of record and case of the appellant. The appellant is not entitled for the period wherein she didn't performed any duty and was not adjusted on any school.


 12/1/2021

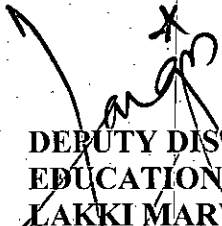



- v. That Para No. v is incorrect, hence expressly denied. All the un-adjusted appointees cases were decided on the same rule.
- vi. Para No. vi. That appellant is treated in accordance with law. The principle mentioned by the appellant is correct and favour the respondents version because the appellant didn't performed her duty therefore she is not entitle for salaries and back benefit for the same period.
- vii. That the respondents may be allowed to raise / advance additional ground at the time of arguments.


It is therefore most humbly prayed that this Hon'ble Tribunal may very graciously be pleased to dismiss the instant appeal with cost.

Dated: /12/2020

  
 DIRECTORY E&S  
 EDUCATION, KPK,  
 PESHAWAR  
 RESPONDENTS NO.2

  
 DEPUTY DISTRICT  
 EDUCATION OFFICER (F)  
 LAKKI MARWAT.  
 Respondent No. 3

  
 DISTRICT  
 EDUCATION OFFICER (F)  
 LAKKI MARWAT.  
 Respondent No. 4

  
 SUB-DIVISION  
 EDUCATION OFFICER (F)  
 LAKKI MARWAT.  
 Respondent No. 5

**Affidavit**  
 It is certified upon oath that the contents of the para wise comments are correct to the best of my knowledge and nothing has been kept concealed intentionally from this Hon'ble Court.

*Vetted subject to necessary correction*  
*Deponent*  
*attachment of annexures and affidavits*

Additional Advocate General  
 Khyber Pakhtunkhwa  
 Service Tribunal Peshawar  
 20/1/2021

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA  
SERVICE TRIBUNAL, PESHAWAR**

**Service appeal No.955/2019**

**MST: SOBIA GUL      VERSUS      Govt of KPK, ETC**

**WRITTEN REPLY ON BEHALF OF RESPONDENTS-2 - 5**

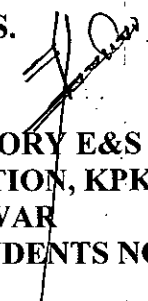
**Respectfully Sheweth:**


The Respondents submits as under:

1. That the contents of main reply / written comments may kindly be considered as integral part of the instant replication.
2. That the departmental appeal was not properly presented neither there is any record of the departmental appeal with the respondents.
3. That as per record it is evident that the main appeal is filed with delay of more than one and half month. No proper reason was provided by the appellant in the application for delay.
4. That no proper and just cause / sufficient cause is available on record for filing appeal with delay.

**IT IS THEREFORE HUMBLY REQUESTED THAT  
IN THE LIGHT OF ABOVE MENTIONED POINTS  
THE SUBJECT APPLICATION MAY GRACIOUSLY  
BE DISMISSED WITH ORDER OF COSTS.**

**Dated: /12/2020**

  
**DIRECTORY E&S  
 EDUCATION, KPK,  
 PESHAWAR  
 RESPONDENTS NO.2**

  
**DISTRICT  
 EDUCATION OFFICER (F)  
 LAKKI MARWAT.  
 Respondent No.4**

**Affidavit:**

It is certified upon oath that the contents of the written reply / replication are correct to the best of my knowledge and nothing has been kept concealed intentionally from this Hon'ble Court.

  
 Deponent.

(6)

BEFORE THE APPELLATE AUTHORITY/DISTRICT  
COORDINATION OFFICER, LAKKI MARWAT.

Marwarida Bibi, PST, GGPS, Ghazi Khel, Lakki Marwat..... Appellant.

Versus

Executive Distt. Officer, E&S Education, Lakki Marwat. .... Respondent

Order.

This order will dispose of an appeal preferred by Mst. Marwarida Bibi, PST, GGPS Ghazi Khel, Lakki Marwat. Her case has been remanded by the Hon'able Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No. 131/2012. In her written appeal the appellant urged for payment of her salary stopped by the Department. The appellant was appointed as PST vide order No. 2074-79/PST (F) dated 25.2.2011 by the Executive District Officer, E&S Education, Lakki Marwat in BPS-07 (Rs.350-190-9230).

Counsel for the appellant is present and heard. He stated that the appellant should be paid salary for her services which she rendered on regular basis as PST. He argued that the appellant should not be punished for a mistake of the Department.

Mr. Mir Azam Khan the present EDO (E&S) Education, Lakki Marwat is present and heard. He stated that at the time of advertisement 19 vacancies were available. According to him 80 PSTs were recruited and that 34 PSTs have been adjusted against the vacancies so occurred. He further stated that now sufficient posts are available with the Department to adjust / pay salaries to the left over PSTs including the appellant.

Brief history of the case is that the then Executive District Officer, E&S Education, Lakki Marwat floated advertisement in Daily Newspapers inviting applications for recruitment of PSTs. The advertisement appeared in Daily "AAJ" dated 11.5.2010. According to record at the time of advertisement 19 vacant posts of PSTs were available while the Deptt. issued orders of 80 Female Primary School Teachers (PSTs) in BPS-7.

The Provincial Govt. in E & S Education Department, Khyber Pakhtunkhwa ordered to conduct inquiry into the matter. The Inquiry Committee properly investigated into the appointments and submitted its report to the Provincial Government. The result / action taken on the recommendations of inquiry report is still pending.

(Continued P/2)

⑦

On getting instructions from the Provincial Government the then EDO (E&S) Education, Lakki Marwat stopped salaries of all the PSTs vide order dated 14.3.2011. Meanwhile most of the PSTs went to different Courts of Law. They succeeded in getting orders for release of their salaries. Therefore pay was released to 32 PSTs against the posts fallen vacant in the Department.

Later on the Department carried out a thorough check of the documents of the PSTs so appointed. On finding their documents forged or altered the services of 13 PSTs were terminated including one Mst. Shamim Akhtar who also received her pay for the services she rendered. The Department found the 35 PSTs eligible for the posts and put them on waiting list for adjustment / release of pay against the vacancies being occurred.

### Findings.

After going through the record and examination of both the parties it has been construed:-

1. That the Department has made appointments over and above the available vacancies. However, the EDO (E&S) Education was competent to make such appointments.
2. That the Provincial Government of Khyber Pakhtunkhwa has made inquiry into the appointments but the action to be taken on recommendations of the Inquiry Report is still pending.
3. That the then EDO (E&S) Education, Lakki Marwat stopped salaries of the so appointed PSTs vide order dated 14.3.2011.
4. That different Courts of Law have ordered for release of salaries of the PSTs so appointed.
5. That the Khyber Pakhtunkhwa Service Tribunal, Peshawar has also issued orders on 8.6.2012 for release of pay in case of Mst. Nelofar, PST, GGPS, Biland Khel, Lakki Marwat vide Appeal No.1514/2011. Her appointment was part of the appointments made by the Education Department as narrated above.
6. That the Khyber Pakhtunkhwa Service Tribunal Peshawar has remanded 21 petitions of PSTs for decision/disposal of departmental appeals. The service appeals of Mst. Shakiba Bibi, Shazia Naureen, Afshah Bibi, Abda Moeen and Farida Bibi are pending with the Tribunal in Service Appeal No.142/2012, 343/2012, 684/2012, 146/2012 respectively.
7. That the Department has put the 35 PSTs on waiting list for adjustment and release of pay against the vacancies to be occurred in the Department.

After going through record and statements of both the parties, I am of the opinion that the Department may make speedy adjustments of the already recruited 35 Nos. PSTs (female) against the vacancies as under:-

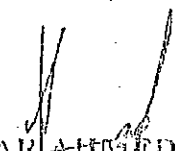
S.No.	Name of PST	Father's Name	Name of GGPS
1	Marwarida Bibi.	Sahib Jan.	Ghara Khel.
2	Najma Iram.	Amanullah.	Alawal Khel.
3	Afshan Bibi.	Azim Khan.	Wanda Faqir, Sheri Khel.
4	Asia Bano.	Yousaf Khan.	M. Aziz, B-Ahmadzai.
5	Ismat Kausar.	Shah Muhammad.	Azim Kala, Maabamansoor.
6	Abida Moeen.	Moeenullah.	Khan Khel Mastran.
7	Hajina Latif.	Latifullah.	Hafiz Mata Khel.
8	Shakila Qayum.	Abdul Qayum.	Mash Habibullah.
9	Romana Gul.	Saifur Rehman.	Qeemat Manjivala.
10	Sobia Gul.	Gul badshah.	Shamoni Khattak Mazullah.
11	Robina Shaheen.	Fulak Naz.	Langer Khel Hindal.
12	Samia Rahim Qureshi.	Abdur Rahim.	Sarga Kheru Khel.
13	Shahla Shaheen.	Mir Zali Khan.	Wanda Kalan.
14	Fahat Nisa.	Watan Khan.	Wanda Laghman.
15	Blighat Sultana.	Muhammad Bashir.	Shakh Quli Khan No.2.
16	Musarat Shaheen.	Muhammad Nazir Khan.	Sherjan Abad.
17	Zaheen Begum.	Nasib Ali Shah.	Kotka Mandath.
18	Farida Bibi.	Muhammad Ghulam.	Jang Khel No.2.
19	Hajra Musarrat.	Muhammad Ibrahim.	Biland Khel.
20	Nadia Parveen.	Altaf Khan.	Nar Gul Hassan Shah.
21	Romana Solrab.	Sohrab Khan.	Kotka Zarwali Khan.
22	Sadja Khan.	Kala Khan.	Bai Khan Jabu Khel.
23	Bakht Nama.	Feroz Khan.	Kotka Muhammad Nawaz.
24	Sakina Gul.	Shah Alam Khan.	Tabi Murad.
25	Shazia Naureen.	M. Afzal Khan.	Raham Dil, Q-Adamyai.
26	Shayista Bibi.	Yunus Khan.	Wanda Banochi.
27	Abida Parveen.	Abdul Aziz.	Langer Khel Hindal.
28	Rukhsana Bibi.	Syed Ahmed.	Aghza Onzha.
29	Sada Hassan.	Noor Hassan.	Tari Khel No.2.
30	Amrina Bibi.	Gul Muhammad.	Sargara M. Khan.
31	Safina Bibi.	Muhammad Shafi.	Ghulam Ali Samti.
32	Fahma Bibi.	Babri Khan.	Mirshah Bhattani.
33	Mehnaz Bibi.	Amanullah.	Wanda Argala.
34	Zainhoon Bibi.	Umer Khan.	Wanda Aurangzeb.
35	Shahida Begum.	Muhammad Ghulam.	Kotka Gul Akhtar, Lakki.

The appellants may also wait for release of her salary till her proper adjustment is made against a vacancy. This order will also dispose of departmental appeals lodged by Mst. Najma Iram, Ismat Kausar and Gulshan Bibi, PSTs. Their cases have been remanded by the Khyber Pakhtunkhwa Service Tribunal, Peshawar in service appeal No.133/2012, 143/2012 and 144/2012 respectively.

The pay will be released to the un-adjusted PSTs from the date of occurrence/availability of the vacancies against which they are adjusted on the base of seniority as above etc.

It is to be noted that the decision of this forum will in no way entitle the applicants to the rights of appointment in any way whatsoever in case their appointments were found illegal / in violation of merit as a result of the outcome of the enquiry already conducted by the Provincial Govt.

Announced.  
28/11/2012

  
 (NISAR AHMED)  
 District Coordination Officer  
 Lakki Marwat.  
 (Appellate Authority).

④ 9

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE LAKKI MARWAT

**Authority**

It is certified that Mr. Muhammad Naiziy ADE(Lt) is hereby authorized to submit written reply/comments in S.A No. 955/2019 titled Mst: Sobia Gul VS Govt of KPK, in the Khyber Pakhtunkhwa Service Tribunal Peshawar on behalf of the undersigned.

  
District Education Officer,  
(Female) Lakki Marwat.