

27th September, 2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

2. After hearing the arguments, learned counsel for the appellant intends to challenge order of termination dated 08.02.2012, which according to him, was not in the knowledge previously as that has not been annexed with the comments by the respondents. As regards this appeal, he does not press it. Disposed of accordingly. The appellant may challenge the order of her termination dated 08.02.2012, subject to limitation and all legal objections. Consign.

3. *Pronounced in open court in D.I.Khan and given under our hands and seal of the Tribunal this 27th day of September, 2022.*



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



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

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

ORDER:

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

S. No	Appeal No/Year	Name of appellant	Father's Name	School
1	2496/10	Muhammad Ashraf	Hussain Bax	GMS Budh
2	2474/10	Muhammad Raees Azam	Muhammad Ishaq	GHS Diyal
3	2310/10	Muhammad Saleem	Allah Ditta	GMS Draban Kalan
4	1744/10	Muhammad Nawaz Khan	Shahbaz Khan	GMS Wanda Shero /GHS Wanda
5	1739/10	Abdul Majid	Mohibullah	GMS Wanda Mer Dil
6	2500/10	Munir Ahmed	Muhammad Ismail	GMS Gara Rashid/Sagu Shumali/Sardaray Wala/Darabri
7	2553/10	Saiful Moanam	Saifullah Khan	GHSS Ramak
8	2166/10	Mushtaq Ahmed	Juma Khan	GHS Babbar Kacha/Jatta
9	1844/10	Muhammad Shakeel	Muhammad Nawaz	GMS Mir Bazi/No.2 Paroa/GHS Dhallah
10	1973/10	Muhammad Qaisar Iqbal	Muhammad Iqbal Khan	GMS Jhoke Darabri/Sadialain
11	2482/10	Muhammad Amjed	Abdul Wahab	GMS Awan/Jhoke Dabari
12	1771/10	Aziz ur Rehman	Muhammad Nawaz	GMS Toba/Wanda Gandhair/ Wanda Karim/GHS Paniala
13	2493/10	Javed Iqbal	Qaiser Parveez Khan	GHS Mandhran Kalan
14	2509/10	Muhammad Tariq	Haji Ahmad Din	GMS Gara Rashid
15	35/11	Muhammad Hanif	Karim Bakhsh	GMS Chah Roshan
16	2488/10	Ajab Khan	Haji Tila Khan	GMS Sheikh Yousaf
17	2502/10	Mazhar Abass	Ghulam Shabir	GHSS Muryali/GHS Babar Kacha
18	2164/10	Samiullah Khan	Gul Hassan Khan	GHSS Ramak/GHSS Paroa
19	1811/10	Syed Shamsul Arif	Syed Arif Shah	GMS Wanda Karim/GHS Kachi Paidn Khan/GMS

Abidul Sultan
S.No. (16)

10 5	2294/10	Asmatullah	Haji Ghulam Siddique	GMS Paharpur/GHS No.2 Paharpur
10 6	1965/10	Syed Shakilur Rehman	Habibur Rehman	GHSS Dhakki
10 7	547/11	Muhammad Arshad Umer Farooq	Meherban Khan	GMS Chah Malwana
10 8	Nil	Muhammad Saeed	Abdul Aziz	GHS W. Moazam
10 9	1809/10	Muhammad Tariq Nadeem	Manzoor Hussain	GHS Dhallah/GMS Hafiz Abad
11 0	Nil	Syed Zia Hussain Shah	Syed Fida Hussain Shah	GHS Bilot Sharif
11 1	Nil	Salim Nawaz	Abdur Rashid	GMS Basti Ali
11 2	Nil	Imran Khan	Mosam Khan	GMS Kot Kundian/Khutti
11 3	Nil	Muhammad Ayub	Muhammad Ramzan	GMS Kot Kundia
11 4	2490/10	Ijaz Hussain	Faiz Muhammad	GMS Kech/Haji Mora
11 5	1808/10	Muhammad Zubair	Ghulam Shabir	GHS Umer Khel Sharqi/Dinpur
11 6	1536/10	Khalil Ahmed	Malik Muhammad Ashraf	GHS Yarik/GMS Awan
11 7	2020/10	Abida Sultana	Amanullah	GMS Adal Sipra

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

Ends No. 714-834/
Copy for information to:

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

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

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

OF
ORDER

appeal No
of Khyber
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1	14
2	22
3	27
4	27
5	180
6	168
7	266
8	306
9	183
10	154
11	154
12	nil
13	nil
14	156
15	197
16	183
17	150
18	183
19	246
20	247
21	154
22	226
23	228

27th June, 2022

None for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned AAG submitted that similar nature of appeal No. 142/2015 titled "Alia Iqbal Versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar and others" has been fixed for arguments on 01.07.2022, therefore, the same may also be clubbed with the said appeal. To come up for arguments on 01.07.2022 before the D.B at camp court D.I.Khan.



(Mian Muhammad)
Member(E)



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

1st July 2022

Counsel for the appellant present: Mr. Muhammad Adeel Butt, Addl: AG and Mr. Farhaj Sikandar, District Attorney for respondents present.

Learned AAG requested for adjournment. Last opportunity is granted to argue the case on the next date. Adjourned. To come up for arguments on 22.08.2022 before D.B at camp court D.I.Khan.



(Mian Muhammad)
Member(E)



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

22/08/2022

Due to Summer vacation
come for 27/09/2022

Reader

24.01.2022

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


Reader.

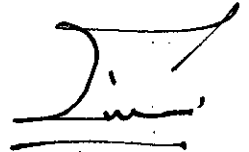
23.05.2022

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

Learned counsel for the appellant requested that similar nature Service Appeal bearing No. 142/2015 titled "Alia Iqbal Bibi Versus Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Peshawar and others", has been fixed for arguments today, however the said appeal has been adjourned for 26.07.2022, therefore, the appeal in hand may also be fixed for arguments on the said date. Adjourned. To come up for arguments on 26.07.2022 before the D.B at Camp Court D.I.Khan.



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

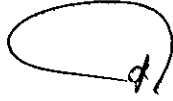


(Salah-ud-Din)
Member (J)
Camp Court D.I.Khan

15.12.2021

Counsel for appellant and Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Dr. Muhammad Imran Shah, Litigation Officer for the respondents present.

Counsel for the appellant seeks adjournment to prepare the case. Request is accorded. To come up for arguments on 24.01.2022 before the D.B at camp court, D.I.Khan.



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



Chairman
Camp Court, D.I.Khan

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

On
Readers

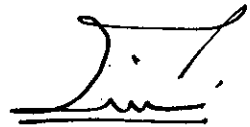
27.09.2021

Hafiz Amanullah, father of the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Father of the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments before the D.B on 28.10.2021 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

28.10.2021

Appellant present through counsel.

Asif Masood Ali Shah, learned Deputy District Attorney for respondents present.

Former made a request for adjournment in order to prepare the brief. Request is accorded. To come up for arguments on 15.12.2021 before D.B at Camp Court, D.I.Khan.



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

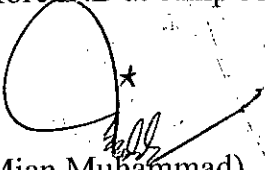


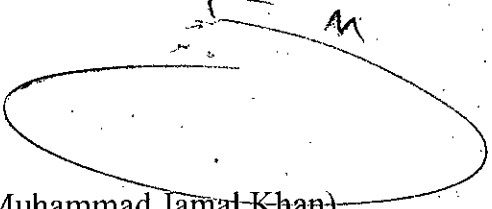
(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

29.10.2020

Junior to counsel for the appellant is present. Mr. Muhammad Jan, Deputy District Attorney for respondents is present.

Since the Members of the High Court as well as of the District Bar Association, D.I.Khan are observing strike today, therefore, the case is adjourned to 22.12.2020 for arguments before D.B at camp court D.I.Khan.


(Mian Muhammad)
Member (E)


(Muhammad Jamal Khan)
Member (J)
Camp Court D.I.Khan

22.12.2020

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



Reader


22.02.2021

Father of appellant on behalf of appellant present:

Noor Zaman Khan Khattak learned District Attorney for respondents present.

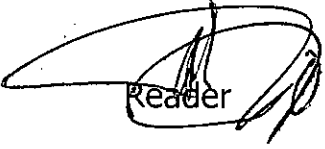
Former made a request for adjournment as counsel for appellant is not available today. Adjourned. To come up for arguments on 24.05.2021 before D.B at Camp Court, D.I. Khan


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


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

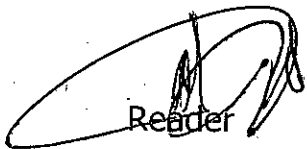
24/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 27/4/2020 at Camp Court, D.I Khan


Reader

26/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 24/9/2020 at Camp Court, D.I Khan.



Reader


24.09.2020

Counsel for appellant present.

Mr. Muhammad Jan learned Deputy District Attorney alongwith Imran Shah Litigation Officer for respondents present.

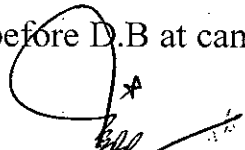
Former requests for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 29.10.2020 before D.B at Camp Court, D.I.Khan.


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


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

24.02.2020

Hafiz Amanullah, father of the appellant, on behalf of the appellant present. Mr. Ziaullah, Deputy District Attorney for respondents present. Father of the appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 25.02.2020 before D.B at camp court D.I.Khan.


Member


Member
Camp Court D.I.Khan

25.02.2020

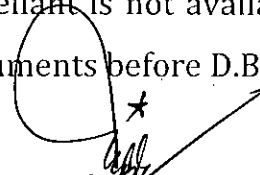
Hafiz Amanullah, father of the appellant, on behalf of the appellant present. Mr. Usman Ghani, District Attorney for respondents ~~for respondents~~ present. Father of the appellant seeks adjournment as his counsel is not available today. Adjourned. To come up for arguments on 26.02.2020 before D.B at camp court D.I.Khan.



Member


Member
Camp Court D.I.Khan

26.02.2020

Hafiz Amanullah, father of the appellant, on behalf of the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Imran Shah, Litigation Officer for the respondents present. Father of the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned to 24.03.2020 for arguments before D.B at Camp Court D.I.Khan.

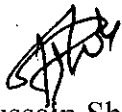

(Mian Mohammad)
Member
Camp Court D.I.Khan



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

Service Appeal No. 938/2018

27.11.2019


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Kamran, ADO (Litigation) for the respondents present. Adjournment requested. Case to come up for rejoinder and arguments on 27.01.2020 before D.B at Camp Court D.I.Khan.



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


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

27.01.2020

Hafiz Amanullah, father of the appellant, on behalf of the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Father of the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 24.02.2020 for rejoinder and arguments before D.B at Camp Court D.I.Khan.


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


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

24.02.2020


hafiz Amanullah, father of the appellant, on behalf of the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 24.03.2020 before D.B at camp court D.I.Khan.

Member

Member
Camp Court D.I.Khan

26.08.2019

Father of the appellant, on behalf of the appellant present. Mr. Muhammad Imran Shah, Litigation Officer alongwith Mr. Farhaj Sikandar, District Attorney for the respondents present. Representative of the department submitted written reply. The same is placed on record. Case to come up for rejoinder and arguments on 22.10.2019 before D.B at Camp Court D.I.Khan.


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

22/10/2019


Since tour to D.I.Khan has been cancelled .To come for the same on 26/11/2019.


Reader

26.11.2019


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 27.11.2019 for rejoinder and arguments before D.B at Camp Court D.I.Khan.

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


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

26.03.2019

Father of the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Rashid, AAO for respondents present. Written reply on behalf of respondent no.6 submitted. Case to come up for written reply/comments of the remaining respondents on 24.06.2019 before S.B at camp court, D.I.Khan.


Member

24.06.2019

Father of the appellant on behalf of the appellant and Mr. Farhaj Sikandar learned Deputy District Attorney for the respondents present. Written reply already submitted on behalf of the respondent No. 6. Representative of the respondent department is not in attendance, therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submitted written reply on the next date of positively. Adjourned. To come up for written reply/comments on 26.08.2019 before S.B. at Camp Court, D.I Khan.


(M. Amin Khan Kundi)
Member

At Camp Court, D.I. Khan

26.03.2019

24.06.2019

Appellant's person present Mr. Farhaj Sikandar learned Deputy District Attorney alongwith Mr. Atta Ullah Kundi (legal) for the respondents present. Written reply already submitted on behalf of respondents No. 1 & 2. Junior to counsel for the private respondent No.3 present and submitted written reply. Counsel for the private respondents No.4 & 7 present and requested for time to file written reply. Last opportunity is granted. To come up for written reply/comments on 26.08.2019 before S.B. at Camp Court, D.I.Khan.

(M. Amin Khan Kundi)


(Member)

28.12.2018

Counsel for the appellant Abida Sultana present. Preliminary arguments heard. It was contended by the learned counsel for the appellant that the appellant was serving in Education Department as Certified Teacher. It was further contended that a common order of termination of 1613 teachers was passed by the competent authority, the name of the appellant was not mentioned in the said order therefore, the appellant approached the respondent-department that her name is not mentioned in the said list of termination of teachers therefore she may be allowed to perform her duty but the respondent-department verbally told her that she has also been terminated from service and was not allowed to join her duty therefore, the appellant approached the Hon'ble High Court for seeking relief and the Hon'ble High Court disposed of the Writ Petition of the appellant with the observations that worthy High Court has got no jurisdiction in the matter and directed the appellant to approach proper forum therefore, the appellant filed departmental appeal on 02.04.2018 which was not decided hence, the present service appeal on 29.06.2018. It was further contended that since the name of the appellant was not mentioned in the list of terminated teachers therefore, the respondent-department was bound to allow the appellant to join her duty.

The contention raised by the 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, notice be issued to the respondents for written reply/comments for 26.03.2019 before S.B at Camp Court D.I.Khan.

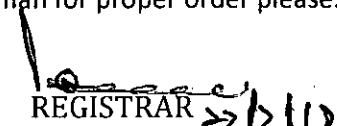


Appellant Deposited
Security & Process Fee


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

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 938/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/07/2018	<p>The appeal of Mst. Abida Sultana resubmitted today by Mr. Muhammad Mohsin Ali 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-	20.11.18	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>29-11-18</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	29.11.2018	<p>Clerk of counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 19.12.2018 before S.B at Camp Court D.I.Khan.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member Camp Court D.I.Khan</p>
	19.12.2018	<p>As per direction of the worthy Chairman Khyber Pakhtunkhwa Service Tribunal, D.I.Khan tour dated 19.12.2018 has been rescheduled and the case is re-fixed for 28.12.2018.</p> <p style="text-align: right;">Reader</p>


This is an appeal filed by Mst. Abida Sultan today on 29.06.2018 against the termination order against which she preferred/made a departmental appeal dated 02-04-2018 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 which is premature as laid down in an authority reported as 2005-SCMR-890.

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

- 1- Copy of termination order in respect of appellant mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1316 /S.T,

Dt. 02/07 /2018

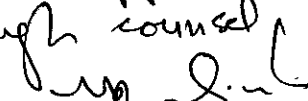

REGISTRAR 2/7/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Mohsin Ali
Advocate High Court/Distt. Court
Dera Ismail Khan.

Respected Sir,

The instant appeal resubmitted with the reason that now the instant appeal is matured.

Furthermore, the copy of termination letter was not been issued by the authority, therefore, the same is not annexed. While the other deficiencies have been removed.

Humble Appellant
through counsel


Dated: 26/7/2018

Muhammad Mohsin Ali
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 938 /2018

Abida Sultana

.....APPELLANT

VERSUS

Govt. of KPK and others

.....RESPONDENTS

INDEX

S #	Description of Documents	Annexure	Page #
1	Grounds of appeal	-----	<u>1-7</u>
2	Copy of Appointment Order along with Advertisement & Educational Certificates	A	<u>8-21</u>
3	Copy of Inquiry etc	B	<u>22-23</u>
4	Copy of List of Illegal Appointees "CT"	C	<u>24-26</u>
5	Copy of W.P No. 700-D/2015 along with Judgment	D	<u>27-33</u>
6	Copy of Departmental Appeal along with Post office receipt & AD Card	E	<u>34-36</u>
7	Vakalatnama	-----	<u>37</u>

Dated: 25-06-2018

Humble Appellant

Abida Sultana
Abida Sultana

Through Counsel

Muhammad Mohsin Ali
Muhammad Mohsin Ali
Advocate High Court,
District Courts, D.I.Khan.
0344-9852393

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

Appeal No. 938/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1098

Dated 29-6-2018

Abida Sultana daughter of Hafiz Amanullah resident of MUhallah Hafiz Meran Khan, City Dera Ismail Khan.

.....APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education Govt. of K.P.K, Peshawar.
2. Secretary Elementary & Secondary Education Govt. of K.P.K, Peshawar.
3. Director Education (Elementary & Secondary), Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female), Dera Ismail Khan.
5. Deputy Commissioner, Dera Ismail Khan.
6. District Account officer, Dera Ismail Khan.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF KPK

SERVICE TRIBUNALS ACT, 1974

Filed to-day

Registrar

29/6/18

PRAYER; On acceptance of this appeal this august court may be pleased to DECLARE the termination order of appellant from service as illegal, without lawful authority, without jurisdiction, void *ab initio* and ineffective upon the rights of the appellant and is liable to be set aside/quashed and to reinstate the appellant against the subject post on the grounds appearing hereinafter;

Re-submitted to -day
and filed.

OR

Registrar

27/7/18

(2)

GRANT any other relief considered just and appropriate under the given circumstances of the case.

Respectfully sheweth;

1. That the brief facts of the case are that, in the year 2007, the then EDO (School & Literacy) Dera Ismail Khan invited the applications for recruitment of different categories of the teachers in Dera Ismail Khan through Daily Mashriq.
2. That being qualified candidate, the present appellant also applied for the post "CT", and appeared in the Interview for the said post. That the process of recruitment was completed, and the appellant was appointed against the said vacant post vide appointment order dated 20464-69 dated 01-06-2008.
3. That later-on, on the basis of political victimization the standing committee 26, Provincial Assembly in the year 2009 conducted inquiry against the appointments made in the year 2007 in education department Dera Ismail Khan. The committee also made some recommendation to education department for termination of Illegal appointments.
4. That the District Education officer Dera Ismail Khan on the instruction of government issued the termination order of

1613 irregular appointees. Therefore, the appellant was also terminated without any notice; moreover, no list of irregular appointees was given by respondents to the appellant. Many persons approached to the service tribunal for redressal of their grievance along with other affectees, but respondents promised that their grievance would be redressed as the appellant was appointed with due process and the name of the appellant was not mentioned in the said list.

5. That being aggrieved, the present appellant filed the writ petition No. 700-D/2015 before Honourable Peshawar High Court Dera Ismail Khan and vide judgment dated 07-02-2018 the writ petition was dismissed being not maintainable on the ground that the appellant was a civil servant. Therefore, the present appellant filed the Departmental Appeal on 02-04-2018 through registered post along with AD Card to Director Education, KPK, Peshawar but the same was not decided by the authority, hence the appellant filing the instant appeal on the following grounds;

GROUND:

1. That the act of the respondents is illegal, against the natural justice, ulterior motives, based on malafide and ineffective upon the rights of the appellant.

2. That the interviews of candidates of different categories of teachers had been conducted in accordance with the policy and merit list was also prepared and, thereafter, the appellant was appointed with due process. It is also very much clear that the appointment of the appellant was not irregular, as the name of the appellant is not mentioned in the said list. But the respondents illegally and without any reason terminated the appellant.
3. That the standing committee conducted the inquiry against the irregular appointments in education department Dera Ismail Khan, and the recommendation was made to terminate those appointees who were appointed irregularly, but the respondents terminated all those appointees who were appointed during that period. Thus the act of the respondents while terminate the appellant is illegal, as the appointment of the appellant was made through due process.
4. That the appellant was eligible candidate for the appointment against the subject post and qualified in the recruitment process, but the respondents clearly ignored the same and terminated the appellant along with all irregular appointees.
5. That the appellant is the victim of unlawful and illegal act of the respondents and such a malafide act on the part of respondents is against the law and rules, without jurisdiction and lawful authority, against the natural justice, misuse of official powers and is the outcome of victimization known by

(5)

the respondents and it has caused an immense mental torture and agony to the appellant.

6. That the counsel for the appellant may kindly be allowed to raise the additional grounds at the time of arguments.
7. That the appeal is being filed within the statutory period prescribed in section 4 of The KPK Service Tribunals Act, 1974.

It is, therefore, prayed that on acceptance of this appeal this court may be pleased to pass orders as prayed for in the heading of this appeal.

Dated: 25-06-2018

Humble Appellant

Abida Sultana

Abida Sultana

Through Counsel

Muhammad Mohsin Ali

Muhammad Mohsin Ali
Advocate High Court,
District Courts, D.I.Khan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/2018

Abida Sultana

.....APPELLANT

VERSUS

Govt. of KPK and others

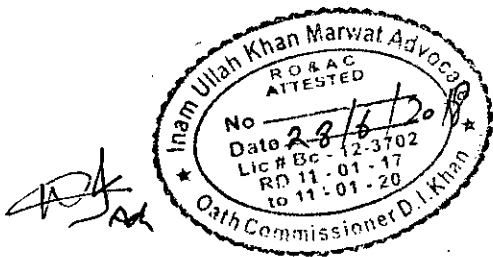
.....RESPONDENTS

AFFIDAVIT

I, the appellant, do hereby solemnly affirm and declare on oath that all the para-wise contents of the appeal are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed or kept secret from this Honourable Court.

Identified by Counsel

Abida Sultana
Deponent



7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/2018

Abida Sultana

.....APPELLANT

VERSUS

Govt. of KPK and others

.....RESPONDENTS

ADDRESSES OF THE PARTIES

Abida Sultana daughter of Hafiz Amanullah resident of MUhallah Hafiz Meran Khan, City Dera Ismail Khan.

.....APPELLANT

-
1. Government of Khyber Pakhtunkhwa through Secretary Education Govt. of K.P.K, Peshawar.
 2. Secretary Elementary & Secondary Education Govt. of K.P.K, Peshawar.
 3. Director Education (Elementary & Secondary), Khyber Pakhtunkhwa, Peshawar.
 4. District Education Officer (Female), Dera Ismail Khan.
 5. Deputy Commissioner, Dera Ismail Khan.
 6. District Account officer, Dera Ismail Khan.

.....RESPONDENTS

Dated: 25-06-2018

Humble Appellant

Abida Sultana
Abida Sultana

Through Counsel

Muhammad Mohsin Ali
Advocate High Court,
District Courts, D.I.Khan.

APPOINTMENT ORDER:

Consequent upon the approval of Selection Committee, the following Fresh (Female) hereby appointed against vacant post of CT the school noted against their name in BPS 09 plus usual allowances being a qualified, fresh candidate as per existing policy in the interest of public service w.e. from the date of taking over charge on the following terms and conditions.

<u>S.No.</u>	<u>Name of Candidate with Father's Name</u>	<u>School Where Posted</u>
01	Abida Sultan D/O Hafiz Amanullah R/O DIKhan	GGMS Adil Sipra

TERMS & CONDITIONS:

1. Charge report should be submitted to all concerned.
2. No Pensioner benefit will be available.
3. The services of the above named candidate is made purely on temporary basis & liable to terminate at any time without assigning any notice/reasons.
4. The candidate will produce Health & Age Certificate from the M/S concerned.
5. The original documents may be checked/verified by concerned Board/University through DDO concerned before handing over charge.
6. No TA/DA is allowed.

Sd/-

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY DIKHAN

Endst.No. 20464-69 / Dated D.I.Khan the 1/6 /2008

Copy to the :-

1. District Schools & Literacy NWFP Peshawar.
2. District Co-ordination Officer, DIKhan.
3. District Accounts Officer DIKhan.
4. Headmistress/ Headmaster concerned.
5. Candidate concerned.

Wd. _____

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY DIKHAN.



NO. 13030

DETAILED MARKS CERTIFICATE

10

B.Ed (Private) New Course

Held in April-May 2011

Session 2010/Annual

Roll No: 851

Name: Abida sultana

The Candidate secured the following marks & has been placed in 2nd Division.

SUBJECT	Total No of Marks Allotted	MARKS OBTAINED	
		In Figure	In Words
C/School Society and Teacher	50	24	Twenty Four
Perspective of Education	100	49	Forty Nine
School Organization and Classroom Management	100	45	Forty Five
Human Development Learning	100	53	Fifty Three
Education Measurement Evaluation	100	46	Forty Six
Education Technology	100	45	Forty Five
Curriculum and Instruction	100	45	Forty Five
English (Comp)	100	46	Forty Six
Viva Voce	50	-	-
Teaching of English	100	45	Forty Five
Teaching of Urdu	100	-	-
Teaching of Pal. Studies	100	-	-
Teaching of Islamiyat	100	58	Fifty Eight
Teaching of Chemistry	100	-	-
Teaching of Physics	100	-	-
Teaching of Bio	100	-	-
Teaching of Math	100	-	-
Computer/Guid and Counse/ School Teachers	50	26	Twenty Six
Project and Practical Skill	200	110	One Hundred Ten
Disny	50	-	-
Total Marks	1200	592	Five Hundred and Ninty Two

The Examination was taken as a Whole

Result Declaration Date. 27/12/2011

Additional Controller of Examination
City Campus, Gomal University,
Dera Ismail Khan.

ADDITIONAL CONTROLLER

Serial

Registration No. _____

Roll No. _____

Session: _____

GOMAL UNIVERSITY

DERA ISMAIL KHAN
N.W.F.P. I.S.I.
PAKISTAN



Provisional Certificate

This is to certify that Mr. / Miss. / Mrs. ABIDA SULTANA

Son/ Daughter/ Wife of HAFIZ AMANULLAH

of the Department / Institute of PREPARED CANDIDATE OF DEGREE B.E.I.HAN

has passed B.E.G. ANNUAL, 2010 Examination held in APRIL, MAY, 2011

in the subject of BACHELOR OF EDUCATION

He/ She was placed in SECOND

division, Securing 592 marks out of 1200

The examination was taken as a whole/in parts.

Dera Ismail Khan.

Dated 27-12-2011

(Signature)
MUHAMMAD YOUSAF
Assistant Accounts Officer
Pak Military Accounts Dept.

(Signature)
ADDITIONAL CONTROLLER OF EXAMINATIONS

Institute of Teachers Education (For
Dera Ismail Khan

REGIONAL INSTITUTE OF TEACHER EDUCATION (FEMALE)
DERA ISMAIL KHAN

D.M/ DIPLOMA IN EDUCATION

Session 2007-08 (Annual)

PROVISIONAL CERTIFICATE

Roll No: 72 Date of declaration of result 31-12-2008

This is to certify that Miss. Abida Sultana Daughter of Hafiz Aman Ullah

of this institution has PASSED the D.M / Diploma in Education Examination , held in August,

2008 as a Regular Candidate. According to the result Gazette/D.M.C supplied by the

Deputy Director Examination (School & Literacy) N.W.F.P Department Peshawar.

Marks Obtained 1184 Out of 1500 Marks

Division Ist: Conduct Good,

Prepared by Muhammad Ismail Assistant.

Checked by: Mrs:Tahira Margis Malik Instructor(18)

MUHAMMAD DUSAYI
Assistant Accounts Officer
Military Accounts Dept.

(SIEFAT AIZDI)
PRINCIPAL

Regional Institute of Teachers Education (Female)
Dera Ismail Khan

(12)

S.NO.

06434
Roll No. 53737



Board of Intermediate and Secondary Education

BANNU N-W.F.P. (PAKISTAN)
SECONDARY SCHOOL CERTIFICATE EXAMINATION
SESSION ANNUAL 2001

THIS IS TO CERTIFY THAT ABIDA SULTANA

Daughter of

HAFIZ AMAN ULLAH

and a student of

DISTRICT DERA ISMAIL KHAN.

has passed the *Secondary School Certificate Examination* of the Board of Intermediate and Secondary Education, Bannu as a PRIVATE candidate. She obtained 444 Marks out of 850 and has been placed in Grade C Representing GOOD

The candidate passed in the following subjects:

- | | | | |
|------------|---------------------|-----------------|-----------------|
| 1. ENGLISH | 3. ISLAMIYAT | 5. MATHEMATICS | 7. GEN: SCIENCE |
| 2. URDU | 4. PAKISTAN STUDIES | 6. ISL: STUDIES | 8. EHE: |

Date of Birth according to admission form is TWENTYTHIRD MARCH,
one thousand nine hundred and EIGHTY THREE.

Prepared on: 06 January 2011

23/3/1983

Asstt; Secretary

This certificate is issued without alteration or erasure

SECRETARY

Dera Ismail Khan

Examination was taken

JULY 2001

13

Serial No. 56347

Registration No. 5755-3G/cc-09

Roll No. 2552

Session: /

GOMAL UNIVERSITY

DERA ISMAIL KHAN.
N.W.F.P
PAKISTAN



Provisional Certificate

This is to certify that Mr./ Miss /Mrs: ABIDA SUJANA

Son / Daughter / Wife of HAFEE AHANULLAH

of the Department / Institute of LATE COLLEGE STUDENT OF GOVT. GIRLS COLLEGE D. I. KHAN

has passed BA. (P-II) ANNUAL, 2006 Examination held in JUNE . JULY, 2006

in the subject of _____

He / She was placed in SECOND

division, Securing 279 marks out of 350

The examination was taken as a whole / in parts.

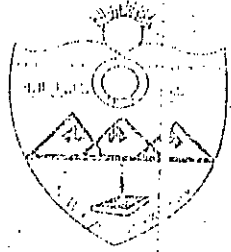
Dera Ismail Khan.

Dated 24-08-2007

ADDITIONAL CONTROLLER OF EXAMINATIONS

(14)

(15)

DIRECTORATE OF CURRICULUM & TEACHERS EDUCATION, N.W.F.P. ABBOTTABAD

 DETAIL MARKS CERTIFICATE
 DIPLOMA IN EDUCATION (2ND TERM)

NAME: - Abida Sultana

SESSION: - 2007-08

FATHER'S NAME: - Hafiz AmanUllah

ROLL NO: - 72

Subjects: -	Maximum Marks	Marks Obtained		
		Internal	External	Total
1. Curriculum and Instructions	100	36	38	74
2. School Organization & Management	100	36	50	86
3. Testing, Evaluation & Basic Research	100	38	38	76
4. Teaching of Computer Science	100	37	36	73
5. Teaching of English	100	37	37	74
6. Teaching of Calligraphy/Art & Craft/Industrial Arts/ Agriculture/Home Economics/Phy: Education.	100	37	46	83
7. Teaching Practice	150	86	52	138
Total 2 nd Term Marks:	750			604
Total 1 st Term Marks:	750			580
G. Total Marks: -	1500			1184

M. HAMMAD YOUSAF
 Assistant Accounts Officer
 Pak Military Accounts Dept.

Note: Errors/Omission excepted.

Failed/Passed: - Passed

Division: - Ist

Prepared By

Checked By

Date of Declaration of Result

Theory Papers	Internal - 40%
	External - 60%
Teaching Practice	Internal - 60%
	External - 40%

Assistant Director
 (Examinations)
 N.W.F.P. Peshawar

31 DEC 2008

Ch
Pre
Data

GG. No. 186878

16

DETAILED MARKS CERTIFICATE
Secondary School Certificate Examination

Session 200 | (Annual/Supplementary)

Name Alida Sultana

Father's Name Haji Amanullah Roll No. 53737

	Max. Marks	Percentage	
		In Figure	In Words
1. English	150	78	
2. Urdu	150	69	
3. Islamiyat Comp:	75	37	
4. Pakistan Studies	75	34	
5. Gen. Mathematics	100	67	
6. General Science	100	37	
7. <u>THE</u>	100	55	
8. <u>IS</u>	100	67	
Total	850	944	

Faqir Ahmad
Faqir Ahmad

This Certificate is issued errors and omission excepted.

Prepared by: _____

Checked by: CF

Date _____ 200

Controller of Examinations
Board of Intermediate & Secondary Education
Bannu

Muhammad Yousaf
Assistant Accounts Officer
Pak Military Accounts Dept

17

INTERMEDIATE AND SECONDARY EDUCATION, BANNU

Detailed Marks Certificate
Intermediate (Examinations Part II)



Sultana
Z Aman Ullah
MANITIES

Session: 2004 (Annual)
Roll No: 19653

Subjects	Marks	Marks Obtained					
		Part-I		Part-II		Total	Marks in Words
		Theory	Pract	Theory	Pract		
ENGLISH	200	34		37		71	Seventy-One
URDU	200	53		53		106	One Hundred Six
ISLAMIC EDUCATION	50	28	--	--	--	28	Twenty-Eight
PAKISTAN STUDIES	50	--	--	24	--	24	Twenty-Four
ISLAMIC HISTORY	200	50		35		85	Eighty-Five
ISLAMIC STUDIES	200	54		59		113	One Hundred Thirteen
ARABIC	200	58		35		93	Ninety-Three
Total: 1100						520-D	Five Hundred Twenty Only

Prepared by [Signature] Compiled by [Signature]
Checked by [Signature]

Remarks:

Date: 06-August, 2004
Note: Errors / Omissions excepted
Khosar and BRAINS Software Enterprise (KBSof)

(HNRI) Computer CELL BISE Bannu

Controller of Examinations
Board of Intermediate & Secondary Education
BANNU

[Signature]
MUHAMMAD YOUSAF
Assistant Accounts Officer
Pak Military Accounts Dept.

35320

17

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION, BANNU

Detailed Marks Certificate
Intermediate Examination Part-II

Name: Abida Sultana
 Father's Name: Hafiz Aman Ullah
 Group: HUMANITIES

Session: 2004 (Annual)Roll No: 19653

Subjects	Marks	Marks Obtained					
		Part-I		Part-II		Total	Marks in Words
		Theory	Pract	Theory	Pract		
ENGLISH	200	34		37		71	Seventy-One
URDU	200	53		53		106	One Hundred Six
ISLAMIC EDUCATION	50	28	--	--	--	28	Twenty-Eight
PAKISTAN STUDIES	50	--	--	24	--	24	Twenty-Four
ISLAMIC HISTORY	200	50		35		85	Eighty-Five
ISLAMIC STUDIES	200	54		59		113	One Hundred Thirteen
ARABIC	200	58		35		93	Ninety-Three
Total: 1100						520-D	Five Hundred Twenty Only

Prepared by [Signature] Compiled by [Signature]
 Checked by [Signature]

Remarks:

Date: 06-August, 2004

Note: Errors / Omissions excepted
 (Khasanah and DRAIN Software Enterprise (KBSoft))

(INR) Computer CELL BISE, Bannu

Controller of Examinations
 Board of Intermediate & Secondary Education
 BANNU

[Signature]
 MUHAMMAD YOUSAF
 Assistant Accounts Officer
 Pak Military Accounts Dept.

S.No: 204019653

Roll No

18

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION, BANNU



Provisional Certificate
Intermediate Examination

SESSION 2004 Annual
Humanities Group

This is to Certify that Abida Sultana
Daughter of Hafiz Aman Ullah

Dera Ismail Khan District

Registration No: _____ has passed the *Intermediate Examination* of the
Board of Intermediate & Secondary Education, BANNU held in 20-5-2004 as a *Private* candidate.
She obtained 520 marks out of 1100 and has been placed in Grade "D"

Checked by [Signature]
Date of Issue: 06-8-2004 06/8/04

[Signature]
Asst. Secretary (Certificate)

Khalqar and BRAINS Software Enterprise (KBSOft)

Computer CELL BISE, Bannu

[Signature]
Assistant Accounts Officer
Muz Military Accounts Dept

19

GOMAL UNIVERSITY



DERA ISMAIL KHAN
(N.W.F.P. PAKISTAN)

Passed/Re-appear/Failed in Agg. Failed

DETAILED MARKS CERTIFICATE
B.A EXAMINATION PART-II
Session 2006/ Annual

Roll No: 2752

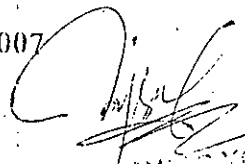
Name: Abida Sultana

The candidate secured the following marks & has been placed in 2nd Division.

SUBJECTS	Total Number of Marks Allotted	MARKS OBTAINED	
		In figures	In Words
1. English	75	24	
2. Urdu	75		
3. Pashto	75		
4. Arabic	75	25	
5. Persian	75		
6. English Elective	75		
7. Statistics	75		
8. Geography	75		
9. History	75		
10. Economics	75		
11. Political Science	75		
12. Islamic Studies	75	36	
13. Pre-Law	75		
14. HPE	75		
15. Pak Studies	40	21	
16. Aggregate Part-I	285	173	
Total Marks	550	279	Two Hundred & Seventy Nine Only

The Examination was taken as a Whole/In Parts

Result Declaration Date: 24/09/2007


MUHAMMAD YOUSAF
 Assistant Accounts Officer
 Pak Military Accounts Dept.

Additional Controller of Examinations
Gomal University, D.I.Khan

20

DOMICILE CERTIFICATE

I, Abida Sultana Son/Daughter of Hafiz Amanullah

hereby declare that I was born of parents who are permanently domiciled in North West Frontier Province having been born/settled in this Province.

I was born at Village/Mohallah Hafiz Miran Khan

Tehsil D.A. Khata District Dera Ismail Khan

Abida Sultana
Signature of the applicant
Dated 9.4.2000

Pursuance to the declaration dated 10/4/2000 filed by
Mr/Miss Abida Sultana Son/Daughter of Hafiz Amanullah

domiciled in North West Frontier Province, it is hereby certified that the said Abida Sultana is born of parents who are permanent residents of the North West Frontier Province having been born/settled within it.

Teli Khan

I have satisfied myself from personal knowledge/verification that the above declaration is true certify accordingly

This 10th day of April 192000

[Signature]

MAGISTRATE 1st CLASS

[Signature]

10/4/2000

Seal

[Signature]
District Accounts Officer
Dera Ismail Khan

COUNTERSIGNED

[Signature]
DISTRICT MAGISTRATE
Dera Ismail Khan.

Seal

[Signature]



Abida Sultana

Two Copies of this certificate

Strike out which over is not applicable.

No. 2097 HC Dated 13/4/2000

(21)

V A R I F I E D

RURAL AREA

1. Patwari Halqa.

2. Girdawar Circle.

3. Tehsildar

Sir,
9

personally known that
Abida Sultana do
Amemullah is born of
parents who are farmer
(No Moh: copy) Mian

Muhammad Ali
School
Adwate
10/4
Ex-councillor
2000. M.C. D.S. K.

U R B A N A R E A

1. Municipal Councilor

For
2. Chairman
Municipal Committee
Town Committee
D.S. K.

3. Tehsildar

Muhammad
10/11

OFFICE OF THE DISTRICT COORDINATION OFFICER, DERA ISMAIL KHAN.

OFFICE ORDER :-

Where as the Executive District Officer of the then School & Literacy Deptt., now Elementary & Secondary Education Deptt made hundreds of illegal / irregular appointments of different scales & cadars of teacher in the District of DIKhan with in the period of 01.01.2007 to 31.08.2009 without absorbing the requisite code formalities.

And whereas the issue of illegal appointments was noticed by the Provincial Govt: and the following enquiry Officers were appointed to have a probe to the matter of illegal / irregular appointments :-

1. Mr. Falak Naz Khan the then Director Education.
2. Mr. Muhammad Arifeen Khan the then Special Secretary for Education.
3. Mr. Haji Ahmad Khan the then Additional Secretary for Education .
4. Mr. Hidayat Ullah Afghani , Director PITE.

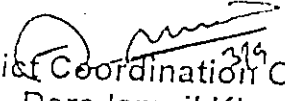
And where as after the enquires, the matter was put before the standing committee No. 26 of the Provincial Assembly on Education , and the Committee after thorough deliberation ordered for termination of all the illegally appointed teachers as communicated in the Govt: of NWFP Elementary & Secondary Education Deptt.: letter No. SO (AB) E&SED/10-11/Std.Com. 26/09, dated 26.08.2009.

And where as a writ petition No. 252/2009 dated 11.06.2009 was lodged in the Honorable High Court bench at DIKhan by Ms: Husan Arra etc for the implementation of the recommendation of the standing committee which was accepted by the Honorable court and ordered the implementation of the standing committee decision within 60 days vide its decision dated 11.06.2009.

And whereas the decision of the standing committee No. 26 was submitted to the Chief Minister NWFP for approval and implementation, who has been pleased to direct for implementation of the decision of the Standing Committee No. 26 as communicated vide Govt: of NWFP, Elementary & Secondary Education Deptt.: letter No. SO (AB) E&SED/10-11/Std.Com. 26/09, dated 26.08.2009.

AR


Now, therefore, I Arshad Khan District Coordination Officer, DIKhan Competent Authority, in compliance of the decision of the standing committee No. 26 of the Provincial Assembly of NWFP contained in E & S E Deptt: letter No. SO (AB) E&SED/10-11/Std.Com. 26/09, dated 26.08.2009. Order of the Hon'ble Peshawar High Court contained in its decision dated 11.06.2009 and order of the Honorable Chief Minister NWFP contained in Elementary & secondary Education Deptt: letter No. No. SO (AB) E&SED/10-11/Std.Com. 26/09, dated 26.08.2009. do hereby terminate services of all the illegally / irregularly appointed teacher, the detail of which is given in the annexure "A" with this order duly signed on every page from page 1 to 60 with immediate effect.


District Coordination Officer,
Dera Ismail Khan

No. 8021 / DCO (Edu) dated DIKhan the 04/09/2009

Copy forwarded to the :-

1. PS to Chief Minister NWFP, Peshawar.
2. PS to Chief Secretary, NWFP, Peshawar.
3. PS to Minister for Education NWFP, Peshawar.
4. Mr. Mukhtiar Ali Khan Advocate MPA, Chairman Standing Committee No. 26, Provincial Assembly NWFP, Peshawar.
5. PS to Secretary for Education NWFP, Peshawar.
6. PS to Director for Education, NWFP Peshawar.
7. All MPAs in DIKhan District.
8. District Accounts Officer, DIKhan.
9. Executive District Officer (Elementary & Secondary Education) DIKhan.
10. All concerned.


District Coordination Officer,
Dera Ismail Khan

CT FEMALE

ANNEX-I-C
Page 124

Annex-u

S./#	Name with Father Name	Present Posting	Edst No. of Applicant Order & Date	D/O Result declaration of CT
1.	Misbah Hayat D/O Muhammad Hayat	GGMS W.Madath	11459-63 dated 25-05-2006	29-09-2008
2.	Naila Naz D/O Qayyum Nawaz	GGHS Lar	20529-24 dated 01-10-2007	Documents not available
3.	Samina Mustafa D/O Abdul Mustafa	GGMS Rahmani Khel	13161-13210 dated 02-07-2007	20-03-2007
4.	Chamnn Zuhra D/O Hanif Muhammad	GGHS Qasaban No.5	20421-25 dated 01-10-2007	20-03-2007
5.	Rozina Nasir D/O Sher Bahader	GGHS Kot Jai	20270-74 dated 01-10-2007	20-03-2007
6.	Ruqia Bib D/O Bashir Ahmad	GGHSS Paharpur	20350-54 dated 01-10-2007	20-03-2007
7.	Jamila Bibi D/O Ghulam Shabir	GGHS Ramak	20375-77 dated 01-10-2007	20-03-2007
8.	Kalzoom Bibi D/O Muhammad Dakhsh	GGHS Bigwani Shomali	20195-97 dated 01-10-2007	28-12-2006
9.	Sadia Naz D/O Faiz Rasul	GGHS Kachi	22827-31 dated 09-10-2007	09-01-2006
10.	Nasreen Khan D/O Faiz Mahmood	GGHS Kacha Mali Khel	20265-79 dated 01-10-2007	09-01-2006
11.	Amreen Moab D/O Muhammad Aslam	GGMS Dhakki	23455-57 dated 01-10-2007	21-11-2005
12.	Jamila Shuheen D/O Ubaid Ullah	GGMS Himmat	12486-93 dated 02-07-2007	21-11-2005
13.	Shahnaz Bibi D/O Muhammad Nawaz	GGMS Musa Zai	3882-86 dated 20-07-2007	21-11-2005
14.	Shazia Bibi D/O Aman Ullah	GGMS Dhakki	20385-87 dated 01-10-2007	21-11-2005
15.	Fozia Malik D/O Malik Allah Nawaz	GGHS Kot Jai	20340-44 dated 01-10-2007	20-03-2008
16.	Syeda Hifza Batool D/O Hashim Shah	GGHS Wanda Mozam	19905-09 dated 02-07-2007	21-11-2005
17.	Saira D/O Hamid Ullah	GGHS Muryali	20110-14 dated 01-10-2007	20-07-2004
18.	Amina Begum D/O Muhammad Sultan	GGHS Sara Garah	20270-74 dated 01-10-2007	25-03-2001
19.	Ambar Noreen D/O Malik Abdul Aziz	GHS Wanda Mozam	20380-83 dated 01-10-2007	01-05-2004
20.	Irum Ibrar D/O Ibrar Hussain	GGHSS No.2 D.I Khan	20145-49 dated 01-10-2007	20-07-2004
21.	Nuheed Akhtur D/O Muhammad Rafiq	GMS Begwani Shomali	6102-06 dated 15-03-2007	06-05-2004
22.	Ishrat Jahan D/O Khurshid Hussain	GGHSS Paharpur	20155-59 dated 01-10-2007	28-12-2004
23.	Mehreen Begum D/O Attnullah	GGMS Ajmal Abad	20275-79 dated 01-10-2007	20-07-2004
24.	Robina Bibi D/O Fazal Rahman	GGHS No.9 Din Pur	20330-34 dated 01-10-2007	06-05-2004
25.	Rihana Afzal D/O Muhammad Afzal	GGHS Muryali	20340-44 dated 01-10-2007	-05-2003
26.	Azra Bibi D/O Ghulam Hussain	GGMS Kachi Katger	7140-64 dated 30-03-2007	07-10-2002
27.	Rozina Shaheen D/O Zakir Hussain	GGHS No.2 D.I Khan	20501-05 dated 01-10-2007	30-07-2007
28.	Ruqia Bibi D/O Malik	GGHS Ramak	20140-44 dated	Session 2001

	Elahi Bakhsh			
	Asma Ul Husna D/O Ghulam Abbas	GGMS Saidu Wali	01-10-2007	
30.	Mehrun Nisa D/O Rahim Bakhsh	GGMS Zafar Abad	20234-38 dated 01-10-2007	07-10-2007
31.	Gohar Sultana D/O Muhammad Nawaz	GGMS Giloty	20391-470 dated 01-10-2007	Documents not available
32.	Alia Iqbal D/O Muhammad Sadiq Hussain	GGMS Adil Sipra	20512-16 dated 01-10-2007	25-04-2000
33.	Farzana Hakeem D/O Hakim Uddin	GGMS No.2 D.I Khan	2695-99 dated 01-02-2007	25-05-1996
34.	Arjaman Bano D/O Mumtaz Hussain	GGHS No.2 D.I Khan	20481-85 dated 01-10-2007	12-10-2003
35.	Moqadsa Nosheen D/O Shah Nawaz	GGHS Bihari Colony	20290-94 dated 01-10-2007	12-12-1995
36.	Lubna Saida D/O Qamar Din	GGHS Patch	20410-15 dated 01-10-2007	30-03-1998
37.	Aroosa Asif D/O Muhammad Asif	GGMS Paharpur	13161-210 dated 02-07-2007	25-12-1993
38.	Shagufta Bibi D/O Abdul Qadus	GGMS Gara Muhabbat	20250-54 dated 01-10-2007	Documents not available
39.	Tasleem Akhtar D/O Gul Muhammad	GGHS Panyala	20271-75 dated 01-10-2007	20-03-2007
40.	Qausar Parveen D/O Ghulam Farid	GMS Wanda Lali	12266-70 dated 02-07-2007	20-03-2007
41.	Ghazala Bibi D/O Muhammad Afzal	GGHS Paroa	20476-80 dated 01-10-2007	20-03-2007
42.	Kishwar D/O Zafar Khan	GGHS Muryali	20391-95 dated 01-10-2007	20-03-2007
43.	Humera Mumtaz D/O Ghulam Ahmad	GGMS Zafar Abad	20630-34 dated 01-10-2007	Document s not available
44.	Abid Bibi D/O Habib Ullah	GGMS Said Wali	20395-99 dated 01-10-2007	30-12-2006
45.	Necelan Nisar D/O Nisar Ahmad	GGMS Maddi	20110-14 dated 01-10-2007	20-03-2007
46.	Tehmina Unqa D/O Muhammad Hanif	GGMS Ijaz Abad	12511-15 dated 02-07-2007	20-03-2007
47.	Shabnum D/O Yasin	GGMS Awan	11247-50 dated 20-05-2006	22-11-1992
48.	Farzana Bibi D/O Shah Nawaz	GGMS Kachi Kathgarh	20280-84 dated 01-10-2007	20-03-2007
49.	Schrish Bibi D/O Khan Gul	GGMS Sarah Gara	25220-24 dated 01-12-2007	20-03-2007
50.	Farkhanda D/O Rab Nawaz	GGMS Hisam	25120-24 dated 01-12-2007	06-05-2004
51.	Nadia D/O Asad Ullah Jan	GGMS Athock	20480-84 dated 01-10-2007	20-03-2007
52.	Shazia D/O M. Rauf Khan	GGMS Hissam	25220-24 dated 01-12-2007	Documents not available
53.	Naheed Akhtar D/O Aurangzeb	GGMS Musa Zair Sharif	20140-44 dated 01-10-2007	10-07-2000
54.	Anila Sarfaraz D/O Sarfaraz	GMS Lang Khair Shah	12559-63 dated 02-07-2007	20-03-2007
55.	Samina Zaman D/O Muhammad Zaman	GGMS Kachi Paind Khan	12591-05 dated 02-07-2007	28-02-2005
56.	Salma Aziz D/O Aziz Ur Rahman	GGHS Niavella	20150-54 dated 01-10-2007	21-11-2005
57.	Rukhsana Parveen D/O Ghulam Hussain Baluch	GGMS Rahmani Khel	7103-12 dated 30-03-2007	06-08-2002
		GGHS No.4 D.I Khan	20426-50 dated 01-10-2007	20-05-1996
				20-03-2007

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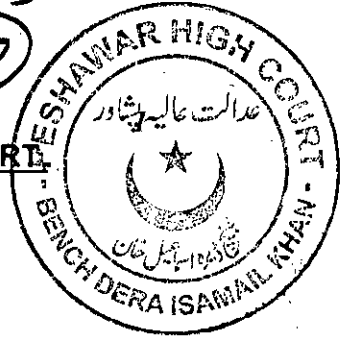
26

59.	Ullah Forzia Gul D/O Ghulam Farid	GGHS Kulachi	01-10-2007 20317-21 dated 01-10-2007	03-07-2006
60.	Naziran Bib D/O Allah Nawaz	GHSS Kulachi	20506-10 dated 01-10-2007	21-11-2005
61.	Tahira Yasmin D/O Ghulam Yasen	GGMS Hissam	25120-24 dated 01-12-2007	10-07-1998
62.	Asin Yasmeen D/O Muhammad Nawaz	GGHS No.6 D.J Khan	20391-470 dated 01-10-2007	31-03-1998
63.	Adeela Bashir D/O Muhammad Bashir	GGMS Muzania	30266-70 dated 01-10-2007	20-03-2007
64.	Naheed Akhtar D/O Muhammad Rafiq	GGMS Bigwani Shomali	6102-06 dated 15- 03-2007	06-05-2004
65.	Sahira Hassan D/O Ahmad Hassan	GGHS Paharpur	13161-210 dated 02-07-2007	06-05-2004
66.	Naseem Imrana D/O Nabi Bakhsh	Appointment order not available	Only document provided	22-07-2008

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ANNEX. D
Page: (27)

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



Writ Petition No. 700-D of 2015

Abida Sultana daughter of Hafiz Amanullah resident of MUhallah
Hafiz Meran Khan, City Dera Ismail Khan.

Filed today 3167

Add: Registrar
21/10/2015

Petitioner

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education Govt. of K.P.K, Peshawar.
2. Secretary Elementary & Secondary Education Govt. of K.P.K, Peshawar.
3. Director Education (Elementary & Secondary), Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), Dera Ismail Khan.
5. District Education Officer (Female), Dera Ismail Khan.
6. Deputy Commissioner, Dera Ismail Khan.
7. District Account officer, Dera Ismail Khan.

Respondents

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

Respectfully Sheweth:

- i. That the addresses of the parties as given above are correct and sufficient for the purpose of service.
- ii. That the brief facts of the case are that, in the year 2007, the then EDO (School & Literacy) Dera Ismail Khan invited the applications for recruitment of different categories of the teachers in Dera Ismail Khan through Daily Mashriq. Copy of advertisement is enclosed as Mark-A.

(Grounds) Of WP No 700-D Of 2015 title Mst.Abida Sultana Vs Govt of KPK

EXAMINER
Peshawar High Court
D.I.Khan Bench

- iii. That being qualified candidate, the present petitioner also applied for the post "CT", and appeared in the Interview for the said post copy of certificates are enclosed as **Mark-B**.
- iv. That the process of recruitment was completed, and the petitioner is appointed against the said vacant post vide appointment order dated 20464-69 dated 01-06-2008. Copy of the appointment order is enclosed as **Mark-C**.
- v. That later-on, on the basis of political victimization the standing committee 26, Provincial Assembly in the year 2009 conducted as inquiry against the appointments made in the year 2007 in education department Dera Ismail Khan. The committee also made some recommendation to education department for termination of illegal appointments. Copy of inquiry and minutes of standing committee are enclosed as **Mark-D**.
- vi. That the District Education officer Dera Ismail Khan on the instruction of government issued the termination order of 1613 irregular appointee. Therefore, the petitioner was also terminated without any notice, moreover, no list of irregular appointee was given by respondents to the petitioner. Therefore, the petitioner approached to the service tribunal for redressal of her grievance alongwith other affectees, but respondents promised that her grievance would be redressed as the petitioner was appointed with due process and the name of the petitioner is not mentioned in the said list. Copy of list is enclosed as **Mark-E**.
- vii. That the petitioner approached the respondents time and again, but till date the grievances of the petitioner is not redressed till date. Copy of departmental appeal is enclosed as **Mark-F**.

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Filed today 3167

Add: Registrar.
21/10/2015

That being aggrieved, the petitioner approaches this Honourable Court to direct the respondents to re-instate the petitioner on the said post, having no other alternative remedy but to invoke the constitutional jurisdiction of this Honourable court, inter alia, on the following grounds:

(Grounds) Of WP No 700-D Of 2015 title Mst.Abida Sultana Vs Govt of KPK

MAJISLEH
Handwritten signature
EXAMINOR
Peshawar High Court
D.I. Khan

(29)

GROUNDS:

1. That the act of the respondents is illegal, against the natural justice, ulterior motives, based on malafide and ineffective upon the rights of the petitioner.
2. That the interviews of candidates of different categories of teachers had been conducted in accordance with the policy and merit list is also prepared and, thereafter, the petitioner was appointed with due process. It is also very much clear that the appointment of the petitioner was not irregular, as the name of the petitioner is not mentioned in the said list. But the respondents illegally and without any reason terminated the petitioner.
3. That the standing committee conducted the inquiry against the irregular appointments in education department Dera Ismail Khan, and the recommendation was made to terminate those appointees who were appointed irregularly, but the respondents terminated all those appointees who were appointed during that period. Thus the act of the respondents while terminate the petitioner is illegal, as the appointment of the petitioner was made through due process.
4. That the Constitution of Islamic Republic of Pakistan, 1973 protected the rights of every citizen and provides the equality amongst the citizen, but the respondents clearly violated the fundamental right of the petitioner protected by the Constitution of Islamic Republic of Pakistan.
5. That the petitioner was eligible candidate for the appointment against the subject post and qualified in the recruitment process, but the respondents clearly ignored the same and terminated the petitioner alongwith all irregular appointees.
6. That the petitioner is the victim of unlawful and illegal act of the respondents and such a malafide act on the part of respondents is against the law and rules, without jurisdiction

(Grounds) Of WP No 700-D Of 2015 title Mst.Abida Sultana Vs Govt of KPK

Filed today 3167
Add: Registrar
21/10/2015

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Adv

ATTESTED
21-10-15
EXAMINOR
D. I. Khan Bench

30

and lawful authority, against the natural justice, misuse of official powers and is the outcome of victimization known by the respondents and it has caused an immense mental torture and agony to the petitioners.

7. That the counsel for the petitioner may kindly be allowed to raise the additional grounds at the time of arguments.

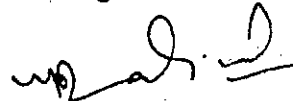
It is therefore, humbly prayed by accepting the instant writ petition, the respondents may please be directed to re-instate the petitioner on the subject post alongwith all back benefits up till now or any other relief may being deem fit by this Honourable court in the interest of the petitioner.

Filed today 3167
Add: Registrar.
21/10/2015

Dated: 20/10/2015

Your Humble Petitioner

Abida Sultana
Through Counsel



Muhammad Mohsin Ali
Advocate High Court, D.I.Khan.

ABJESICL
21-06-18
EXAMINOR
Punjab High Court
D.I.Khan Bench

(31)

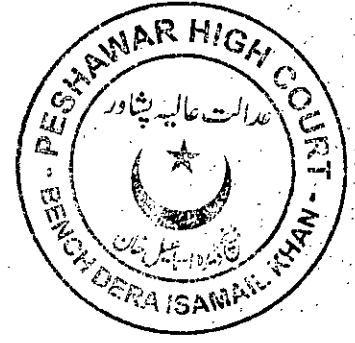
JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH
(Judicial Department)

W.P.No.700-D/2015

Mst. Abida Sultana

Versus

Govt. of Khyber Pakhtunkhwa through
Secretary Education and six others



JUDGMENT

Date of hearing 07.02.2018

Appellant-petitioner (s) by Mr Muhammad Mohsin Ali Advocate

Respondent(s) by Mr. Kamran Hayat Mian Khan AAG

IJAZ ANWAR, J.- Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner Mst. Abida Sultana seeks the following relief:-

"It is, therefore, humbly prayed that by accepting the instant writ petition, the respondents may please be directed to reinstate the petitioner on the subject post alongwith all back benefits up till now."

2. As per averments of the petition, in the year 2007, certain posts of teachers in different categories were advertised. The petitioner applied for the post of CT and also appeared in the interview and was appointed vide order dated 01.6.2008; that on the instructions of

Attested
21-06-18
EXAMINOR
Peshawar High Court
D.I. Khan Bench

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Similarly, she, in the first instance, approached the Service Tribunal against the order of termination dated 04.9.2009, therefore, she cannot be allowed to switch over by filing the present writ petition. Besides, Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 places a bar on the jurisdiction of this Court to entertain any matter pertaining to the terms and conditions of service of the civil servant. Termination is the foremost term and condition of service and can validly be impugned before the Provincial Service Tribunal. Reference can be made to the cases of Ali Azhar Khan Baloch. Vs. Province of Sindh etc (2015 SCMR 456) and Contempt of Court proceedings against Chief Secretary, Sindh etc (2013 SCMR 1752).

5. For the reasons mentioned above, the instant petition being not maintainable is hereby dismissed.

Announced.
Dt: 07.02.2018.
Habib**

JUDGE

JUDGE

(DB)
 Hon'ble Mr. Justice Ijaz Anwar
 Hon'ble Mr. Justice Shakeel Ahmad

G.R.No. 1937
 Application Received on 20-06-18
 Copying Fee deposited Rs: —
 No of Papers 07 Page
 Copying Fee 04
 Urgent Fee: 280
 Total Fee 280
 Copy ready for del on 21-06-18
 Copy delivered on 21-06-18
 Signature of Examiner [Signature]
21-06-18

Certified to be True Copy
21-06-18
 EXAMINOR
 Authorized Under Section 10
 Qanun-e-Sarwat

To

The Director
Education, Khyber Pakhtunkhawa,
Peshawar.

ANNEX:- E
Page:- (34)

Subject: **Departmental Appeal**

Respected Sir:

- i. That the brief facts of the case are that, in the year 2007, the then EDO (School & Literacy) Dera Ismail Khan invited the applications for recruitment of different categories of the teachers in Dera Ismail Khan through Daily Mashriq.
- ii. That being qualified candidate, the present petitioner also applied for the post "CT", and appeared in the Interview for the said post. The process of recruitment was completed, and the petitioner was appointed against the said vacant post vide appointment order dated 20464-69 dated 01-06-2008. Copy of the appointment order is enclosed herewith.
- iii. That later-on, on the basis of political victimization the standing committee 26, Provincial Assembly in the year 2009 conducted an inquiry against the appointments made in the year 2007 in education department Dera Ismail Khan. The committee also made some recommendation to education department for termination of illegal appointments. Copy of inquiry and minutes of standing committee are enclosed herewith.
- iv. That the District Education officer Dera Ismail Khan on the instruction of government issued the termination order of 1613 irregular appointee. Therefore, the petitioner was also terminated without any notice, moreover, no list of irregular appointee was given by respondents to the petitioner. Therefore, the petitioner approached to the service tribunal for redressal of her grievance alongwith other affectees, but respondents promised that her grievance would be redressed as the petitioner was appointed with

(35)

due process and the name of the petitioner is not mentioned in the said list. Copy of list is enclosed herewith.

- v. That being aggrieved, the present petitioner filed the writ petition No. 700-D/2015 before Honourable Peshawar High Court Dera Ismail Khan and vide judgment dated 07-02-2018 the writ petition was dismissed being not maintainable on the ground that the petitioner was a civil servant. Therefore, the present petitioner filing the instant appeal on the following grounds;

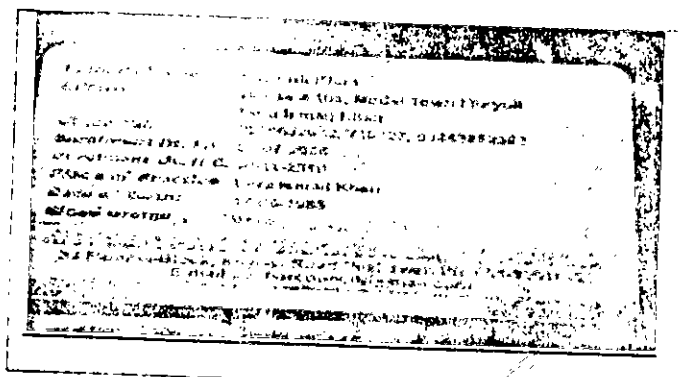
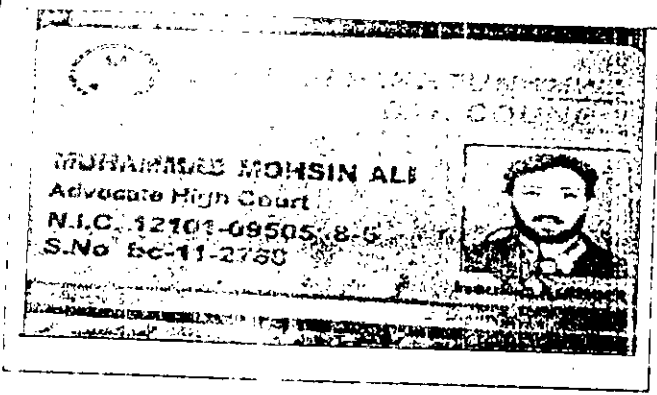
GROUND:

1. That the interviews of candidates of different categories of teachers had been conducted in accordance with the policy and merit list was also prepared and, thereafter, the petitioner was appointed with due process. It is also very much clear that the appointment of the petitioner was not irregular, as the name of the petitioner is not mentioned in the said list.
2. That the standing committee conducted the inquiry against the irregular appointments in education department Dera Ismail Khan, and the recommendation was made to terminate those appointees who were appointed irregularly, but the respondents terminated all those appointees who were appointed during that period. Thus the act of the respondents while terminate the petitioner is illegal, as the appointment of the petitioner was made through due process.
3. That the petitioner was eligible candidate for the appointment against the subject post and qualified in the recruitment process, but the respondents clearly ignored the same and terminated the petitioner alongwith all irregular appointees.

Dated: ____/04/2018

Your's Sincerely,

Abida Sultana D/o
Hafiz Amanullah R/o Muhallah Hafiz
Miran Khan, City Dera Ismail Khan.



VAKALATNAMA

IN THE COURT OF Service Tribunal DERA ISMAIL KHAR
Abida Sultana Plaintiff / Appellant / Petitioner / Complainant

Govt. of K.P. and J.P. Vs
Defendant / Respondent / Complainant / Accused

KNOW ALL to whom these present shall come that I/We Abida Sultana
do hereby appoint **Muhammad Mohsin Ali Advocate High Court** (hereinafter
called the advocate/s) to be my/our Advocate in the above noted case and to

- To act, appear and plead in the above-noted case in this Court or in any other Court to which the same may be tried or heard and also in the appellate Court including the Court of Appeal, and to payment of fees separately for each Court by me/us.
- To sign, file, verify and present pleadings, appeals, cross-objections, objections, writs, review, revision, withdrawal, compromise or other petitions or affidavits or other documents which may be deemed necessary or proper for the prosecution of the said case in all the Courts subject to payment of fees for each stage.
- To file and take back documents, to admit and/or deny the documents in support of the case.
- To withdraw or compromise the said case or submit to an interim award or settlement or any other arrangement that may arise touching or in any manner relating to the said case.
- To take execution proceedings.
- To deposit, draw and receive monthly cheques, cash and other things which may be necessary to be done for the prosecution of the said case.
- To sign and instruct any other Legal Practitioner authorized by law to exercise the powers of attorney hereby conferred upon the Advocate whenever necessary in the said case.
- And I/We the undersigned do hereby agree to rectify and confirm in legal proceedings the Advocate or his substitute in the matter as my/our own acts as if done by me/us and my/our heirs and proposes.
- And I/We undertake that I/We or my/our duly authorized agent would appear at all the hearings and will inform the Advocate for appearance when the case is called.
- And I/We the undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case.
- The adjournment costs whenever ordered by the Court shall be paid by me/us and I/We shall receive and retain for himself.
- And I/We the undersigned to hereby agree that in the event of the Advocate or his substitute being discharged or removed by me/us to be paid to the Advocate remaining unpaid or any part of the fee paid to him from the prosecution of the said case until the date of discharge or removal of the Advocate from the above case and above Court. I/We hereby agree that if the Advocate or his substitute is discharged or removed for the refund of the same in any case, within a period of three months from the date of discharge or removal, if more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand and seal at Dera Ismail Khar on this 23 day of June 2018

Accepted
Muhammad Mohsin Ali
Muhammad Mohsin Ali
Advocate High Court
District Bar, Dera Ismail Khar.

Abida Sultana
Abida Sultana

03367969883

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PUKHTUNKHWA PESHAWER

Appeal No: 938 OF /2018
Abida Sultana D/o Hafiz Amanullah
Resident Of Mhahallah Hafiz Meran Khan
City D I Khan.

“VERSUS”

- (1) Govt of Khyber Pukhtunkhwa through Secretary Education Govt of KPK Peshawar.
- (2) Secretary Elementary & Secondary Education Govt of KPK Peshawar.
- (3) Director Education Elementary & Secondary Khyber Pukhtunkhwa Peshawar.
- (4) The District Education Officer (Female) D I Khan.
- (5) Deputy Commissioner D I Khan.
- (6) District Accounts Officer D I Khan.

Respectfully (Shweth)

Para wise Reply of the respondent No (6) is as under :

Para (1) Incorrect /Not Admitted Para Not related to Respondent No (6)

Para (2) Reply as Para (1)

Para (3) Reply as Para (1)

Para (4) Incorrect /Not Admitted Para related to Respondent No (4) (Being administrative matter.

Para (5) Incorrect / Not Admitted Para not related to Respondent No (6) Being administrative matter case.

It is therefore, humbly prayed that as acceptance of above mentioned para wise reply, that the name of Respondent No (6) may graciously be ~~related~~ from the penal of Respondents.

Deleted


Distt Accounts Officer
Dera Ismail Khan
(Respondent No 6)

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PUKHTUNKHWA PESHAWAR

Appeal No: 938 OF /2018
Abida Sultana D/o Hafiz Amanullah
Resident Of Mhahallah Hafiz Meran Khan
City D I Khan.

“VERSUS”

- (1) Govt of Khyber Pukhtunkhwa through Secretary Education Govt of KPK Peshawar.
- (2) Secretary Elementary & Secondary Education Govt of KPK Peshawar.
- (3) Director Education Elementary & Secondary Khyber Pukhtunkhwa Peshawar.
- (4) The District Education Officer (Female) D I Khan.
- (5) Deputy Commissioner D I Khan.
- (6) District Accounts Officer D I Khan.

AFFIDAVIT

I Mr. Saeed-ur-Rehman Distt Comptroller of Accounts Dera Ismail Khan do hereby solemnly affirms and declare that All the contents of para wise reply submitted by the Respondent No (6) are true and Correct to the best of my knowledge and belief. That nothing has been Concealed the Honorable Court.


DEPONENTS

26/3

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT D.I.KHAN

Execution Petition No. /20 .

in

Service Appeal No. 938 /2018

Abida Sultana vs Government of Khyber Pakhtunkhwa

REPLY ON BEHALF OF RESPONDENT NO. 1-4.

S.No.	DESCRIPTION OF DOCUMENTS	Pages
1	Para-wise Comments on Behalf of Respondent	1-3
2	AFFIDAVIT	4
3	AUTHORITY	5
4	Annexure A	6
5	Annexure B	
6	Annexure C	
7	Annexure D	
8	Annexure E	
9	Annexure F	
10	Annexure G	


DEPONENT

Dr. Muhammad Imran Shah
Subject Specialist (BS 18)
as
LITIGATION OFFICER
O/O DEO (F), D.I.Khan
12101-2797412-1

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, D.I.KHAN

Service Appeal No. **938/2018**
Mr./Mrs. Abida Sultana VS **Government of Khyber Pakhtunkhwa**

Para-wise comments of behalf of Respondent No. 1-4.

Preliminary Objections:

- 1. That the appellant is one of the 1613 teachers' case –illegal, bogus, forfeited, fake, and without any advertisement order, hence, his service was duly terminated either in general or specifically through an omnibus Termination Order by the competent Authority, the EDO E&SE, D.I.Khan vide order dated 12.2.2012, along with 1613 teachers.**
- 2. That the present service appeal is not maintainable in its present form and jurisdiction of this Honourable Service Tribunal is barred by Section 23 of Khyber Pakhtunkhwa Rules 1974; according to which The Tribunal shall not entertain any appeal in which the matter directly or indirectly has already been finally decided by a Court/ Tribunal of the competent jurisdiction.**
- 3. That the appellant has got no cause of action or locus standi to file the instant appeal. Especially, when there is provision for Review under Rule 3 of appeal Rules 1986.**
- 4. That the EDO (Schools & Literacy) advertised vacant posts of PST, CT and other cadres on 07-04-2007. After completion of procedural formalities, 309 male and 131 female PSTs were appointed on merit under joint appointment order No. 12655-973 Dated 02.07.2007. The name of appellant does not reflect in the said appointment order, hence is illegal under the recommendations of the Committee constituted in light of direction of this Honourable Tribunal. The Provincial Assembly constituted a committee No. 26 for Elementary and Secondary Education Department, dated 20-08-2008. The standing committee No. 26 scrutinized all the appointments record of the year 2007-08 and concluded that all the illegal appointees are terminated from services during the period 01-01-2007 to 30-06-2008, except 309 males and 131 females.**
- 5. That the Service Appeal is not maintainable in the eyes of law in its present form.**
- 6. That the appellant is stopped by his own unwholesome conduct as Public Servant to file this appeal.**
- 7. That the appellant has not come to this Honourable Tribunal with clean hands.**
- 8. That the appellant has concealed the material facts and ground realities from this Honourable Tribunal.**
- 9. That the appeal is bad due to mis-joinder/ non-joinder of necessary parties.**
- 10. That the appeal has been mis-oriented, mis-constructed and mistakenly drawn, hence, is incompetent in its present frame and context and is liable for dismissal/ rejection.**
- 11. That the appeal is weak –having no force, fabricated, fictitious, based on ill will, mala fide motives and is having no legal footings in the eyes of law.**
- 12. That the recommendations of the Committee constituted in light of direction of this Honourable Tribunal were implemented and all the illegal teachers were terminated and provided them the termination orders in omnibus display.**
- 13. That the proceeding with the instant appeal would be a futile exercise and just wastage of the precious time of this Honourable Tribunal.**
- 14. That as stated in the objections, the appeal is bereft of cause of action and is liable for dismissal.**

Objections on Facts:

1. Para Pertains to the address of parties hence needs **no comments**.
2. **Incorrect/not admitted vehemently denied.** The so called Order No. **20464-269** dated 1-6-2008 is bogus fake and illegal and **bears fictitious Dispatch Nos.** As a matter of fact, the EDO (Schools & Literacy) has appointed, after complete procedural formalities, only 309 male and **131 female PSTs**, on merit, under **joint appointment order No. 12655-973 Dated 02.07.2007** and the name of appellant does not reflect in the said appointment order, hence is illegal under the recommendations of the Committee constituted in light of direction of this Honourable Tribunal.
3. **Incorrect/ not admitted and strongly denied.** According to Legal and Legislative jurisdiction conferred upon the Provincial Assembly under the Constitution of Islamic Republic of Pakistan, and set rules, **The Provincial Assembly constituted a committee No. 26 for Elementary and Secondary Education Department, dated 20-08-2008.** The standing committee, *ibid*, scrutinized all the appointments record of the year 2007-08 and concluded that all the appointees between 1.1.2007 to 30.6.2008, are illegal and be considered terminated from services, except 309 males and 131 females.
4. The appellant is one of the 1613 illegal terminated teachers under the criterion of period of appointment i.e.1.1.2007 to 30.6.2008. Nonetheless, where the appellant is with fake and bogus appointment order. And that the:
 - a. Service of the similar placed 1613 teachers were terminated by the then DCO DIKhan vide order dated 04.09.2009; which was challenged before the Honourable Peshawar High Court D.I.Khan Bench.
 - b. The Honourable Peshawar High Court D.I.Khan Bench suspended its operation till the decision of writ petition.
 - c. On 29.04.2010 writ petitions we returned to the petitioners and termination order dated 04.09.2009 was implemented with effect from 01.05.2010.
 - d. That several 1613 teachers preferred service appeal for reinstatement of their services.
 - e. The Honourable Service Tribunal vide judgment dated 27.10.2011 in Service Appeal NO. 1407/2010 instead of outright reinstatement of appellant and others remanded/sent back case of the appellant and similarly placed persons to the secretary E&SE KPK Peshawar for reconsideration.
 - f. That the High Level inquiry committee, headed by the Secretary E&SE KPK Peshawar, examined and termed the case of the those appellants being devoid of merits and legal footings and submitted inquiry report to this Honourable Tribunal.
 - g. After submission of inquiry report and termination orders several of the aggrieved appellants filed Execution Petition No. 943/2012 for the implementation of the order dated 27.10.2011 of the Honourable Tribunal.
 - h. The Honourable Tribunal disposed of Execution Petition on 14.03.2012, considering the Judgment has already been implemented and has served its purpose of divine justice.
 - i. Subsequently order dated 14.03.2012 of the Honourable Tribunal was again challenged in CPLA before Supreme Court of Pakistan. But the August Court declined leave to appeal and dismissed the petitions.
 - j. The Honourable Tribunal **disposed of Service Appeal No 943/2012 on 14.03.2018**, due to the Appeal was bereft of merit.
 - k. Subsequently order dated 14.03.2018 of the Honourable Tribunal was challenged in CPLA before Supreme Court of Pakistan. But the August Court vide its worthy **verdict dated 19.9.2018**, declined from grant of leave to appeal and dismissed the

Civil Petitions No. 2238-2263, 2499, 2682, 2778-2781, 3505 and 3514 of 2018 by Rahmatullah and others, in limine.

1. **Thus termination of the service of the appellant and similarly placed others attained its finality.**

5. **Denied.** The appellant has been treated in accordance with law; In general, all the appointments made between 1.1.2007 to 30.6.2008, are illegal and be considered terminated from services, except 309 males and 131 females, vide order dated 26.8.2009 issued by the Secretary E&SE Department. In compliance to the recommendations of the inquiry committee, the then DEO DIKhan issued Specific Termination order on 08.02.2012 to those appellants who appeared before the Inquiry Committee and could not prove validity to their Appointments; but, this appellant having no legal/ genuine Appointment Order, could not face the inquiry committee, yet be considered terminated under the similarity with the convicted 1613 teachers' case.

Objections on Grounds:

1. **Incorrect/ not admitted, strongly denied.** After fulfilling all the Procedural and legal formalities, besides the act of respondents was according to the law with legal justification and in the light of Judgment on Service Tribunal in service appeal No. 1407/2010 decided on 27.10.2011. There is no pretense malice in fact nor in law against the appellant.
2. **Incorrect / not admitted, vehemently refuted.** The appellant has been treated in accordance with law; In general, all the appointments made between 1.1.2007 to 30.6.2008, are illegal and be considered terminated from services, except 309 males and 131 females, vide order dated 26.8.2009 issued by the Secretary E&SE Department.
3. As stated above in Para 1 and 2 of Grounds.
4. **Strongly denied.** As stated above in Para 3 of FACTS.
5. **Incorrect / not admitted, hotly denied.** The appellants were treated according to law and provided an opportunity of hearing and defense but the appellants failed to defend their illegal appointment orders, thence, the termination orders were issued, in the public interest by the Competent Authority after fulfilling all legal and Procedural formalities, therefore, the petitioner has got no cause of action or locus standi to file the Service Appeal for his grievance under **res judicata**.
6. The respondents seek leave of this Honourable Tribunal to advance and urge additional as well as further grounds during the course of arguments.
7. That the appeal is badly time barred.

PRAYER:

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


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

AFFIDAVIT

I, the respondent do hereby solemnly declare on oath that all the Para-wise comments of the above service appeal are true and correct to my best knowledge and belief and that nothing has been deliberately concealed from this Honorable tribunal.

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, D. I. KHAN

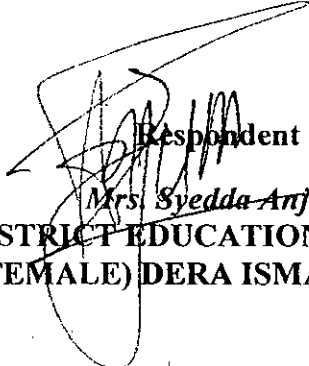
IN SERVICE APPEAL No 938 /2018

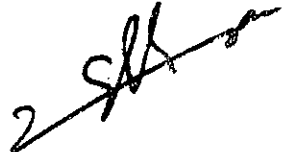
Abida Sultana

Vs Government of Khyber Pakhtunkhwa

AFFIDAVIT

Dr. Muhammad Imran Shah, Subject Specialist (BS-18), GHSS Muryali, D.I.Khan, Litigation Officer, Office of the DEO (F) D.I.Khan, representing on behalf of District Education Officer (Female) D.I.Khan, in above titled Service Appeal, do hereby solemnly affirm on oath that all the contents of Para-wise comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.


Respondent
Mrs. Syedda Anjum
**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**


DEPONENT
Dr. Muhammad Imran Shah
Subject Specialist (BS 18)
as
LITIGATION OFFICER
O/O DEO (F), D.I.Khan
12101-2797412-1

IDENTIFIED BY

**DISRICT ATTORNEY
DERA ISMAIL KHAN**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, D. I. KHAN

Execution Petition No. /20 .

in

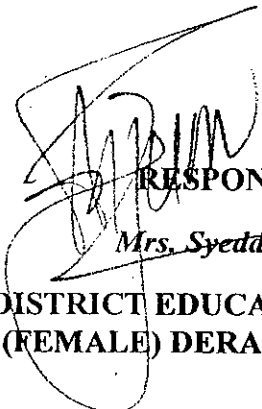
Service Appeal No. 938 /2018

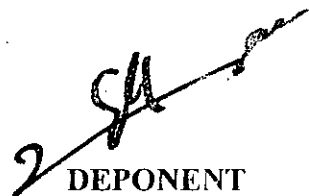
Abida Sultana.

Vs Government of Khyber Pakhtunkhwa

AUTHORITY

I, Mrs. Syedda Anjum, District Education Officer (Female), D.I.Khan do hereby authorize Mr. Dr. Muhammad Imran Shah, Subject Specialist (BS-18), GHSS Muryali, D.I.Khan, working as Litigation Officer Office of the DEO(F) D.I.Khan, to represent and submit Para-wise comments / reply on behalf of the Respondent, the District Education Officer (Female) D.I.Khan, before The Honorable Khyber Pakhtunkhwa Service Tribunal, Camp Court D.I.Khan till the final Judgment in the above titled Execution Petition / Service Appeal.


RESPONDENT
Mrs. Syedda Anjum
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN


DEPONENT
Dr. Muhammad Imran Shah
12101-2797412-1
Subject Specialist (BS 18)
GHSS Muryali, D.I.Khan
as
LITIGATION OFFICER
O/O DEO (F), D.I.Khan

MOST IMMEDIATE

GOVT OF N-W.F.P.
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(AB) E&SED/10-11/Sid.Comt..26/09
Dated 26-08-2009

To

- 1- The District Co-ordination Officer
D.I.Khan
- 2- The Executive District Officer
(E&SE) D.I.Khan

Subject:

**ILLEGAL/IRREGULAR APPOINTMENTS MADE IN
ELEMENTARY & SECONDARY EDUCATION D.I.KHAN**

I am directed to refer to the DCO D.I.Khan letter No.4159/DCO/E&S dated 11-05-2009 and EDO (E&SE) D I Khan letter No.9288-SS dated 13-08-09 and to state that the Chief Minister NWFP (Competent Authority) has been pleased to approve the implementation of decision of Standing Committee No.26 of the Provincial Assembly of NWFP

You are, therefore requested that the decision of the Standing Committee No.26 may strictly be implemented in letter & spirit under intimation to all concerned at the earliest.

*True copy
for*

Nasrullah
(NASRULLAH KHAN) 28/08
SECTION OFFICER (AB)

Endst. Of Even No. & Date

Copy is forwarded to:-

- 1) Directress Elementary & Secondary Education NWFP w/r to above for further necessary action.
- 2) P.S to Secretary E&SED NWFP Peshawar.

SECTION OFFICER (AB)