

27<sup>th</sup> 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 27<sup>th</sup> 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 PETs (Female) was illegal, irregular and void ab-initio in terms of rule 10(2) of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 and prescribed method of recruitment. On the recommendation of the committee contained at page 103-104 of the enquiry report, their so called services are hereby terminated.

S.No	Appeal No/Year	Name of appellant	Father's Name	School
1	1887/10	Saira Afshan	Mureed Sultan	GGMS Gandhi Ashaq
2	201 9/10	Neelam Saba	Hafiz Amanullah	GGMS Saggi
3	28	Rizwana Yasmeen	Niaz Muhammad	GGMS Saggi
4	2471/10	Sobia Tabbassum	Inayatullah	GGHS Malana
5	2467/10	Kiran Fatima	Muhammad Saleem	GGMS Rehmani Khel/GGMS Kurrar
6	1966/10	Beena Gul	Malik Kaleemullah	GGMS Zarni Khel
7	21 50/10	Irum Perwaz	Muhammad Perwaz	GGMS Saidu Wali/GGHS Moazam
8	2470/10	Maria Hina	Muhammad Bilal	GGMS Zafar Abad
9	2660/10	Mehmooda Khanum	Saeed Akber	GGMS Gara Muhabbat
10	Nil	Quratul Ain	Hameedullah Khan	GGMS Mozam/Kurai
11	Nil	Tahira Bibi	Kaloo Khan	GGHSS No.2 DIKhan
12	1726	Madiha Rani	Abdul Hameed Farooqi	GGMS Wanda Lali
13	2564	Sughra Tabasum	Malik Ghulam Rasool	GGMS Khanu Khel/GGMS Mahra
14	2267/10	Arshia Gul	Shaheen Pervaiz	GGMS Ajmal Abad
15	246 9/10	Afshan Niazi	Naceem Akhter	GGMS Galoti/Sari Faqir
16	2622/10	Shabnum Bibi	Haq Nawaz	GGHS Lar/Saidu Wali
17	2622/10	Shabnum Bibi	Haq Nawaz	GGMS Said Wali
18	2797/10	Asma Gul	Hazrat Ullah	GGHS Rata Kulachi
19	3101/10	Fozia Gul	Allah Bakhsh	GGMS Wanda Lali
20	Nil	Naila Sadaf	Mukhtar hmed	GGMS Rehmani Khel
21	Nil	Waheeda Hayat	Umer Hayat	GGMS Kachi Kathgarh/GGMS Hisam
22	Nil	Kashfa Nuzhat	Muhammad Umar Mirza	GGHS Ramak/Chehkan
23	Nil	Khadija Safdar	Safdar Ali	GGHS Kot Jai

1  
Neelam Saba  
S.No (2)

24	N
25	N
26	2

Ends No  
Copy fo

1. P
2. P
3. D
4. D
5. A

24	Nil	Matanat Aizedi	Asmatullah	GGMS Musazai
25	Nil	Naila Rahmat	Rahmatullah Khan	GGMS Hissam/Ruknew
26	2129/10	Rashida Bibi	Muhammad Sharif	GGMS Zarni Khel Kulachi

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

Ends No. 1603-321

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

Copy for information to:

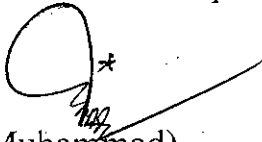
1. P.S to Secretary (E&SE) KPK.
2. P.A to Director (E&SE) Peshawar.
3. District Coordination Officer D.I.Khan.
4. District Officer (E&SE) (M/F) D.I.Khan
5. All concerned.

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

27<sup>th</sup> 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)

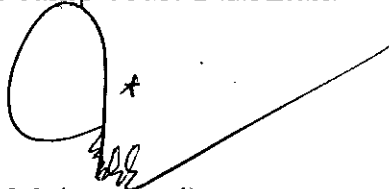


(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

1<sup>st</sup> 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  
came for 27/08/2022

Reader

24.01.2022

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

  
Reader.

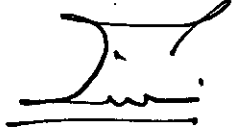
23.05.2022

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

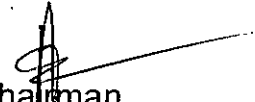
15.12.2021

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  
Readn

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 with counsel present.

Muhammad Rasheed, learned Deputy District Attorney alongwith Khaleel Khan S.I (Legal) for respondents present.

Former made a request for adjournment. 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

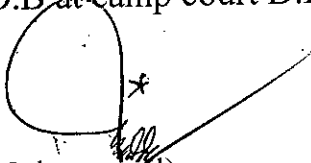


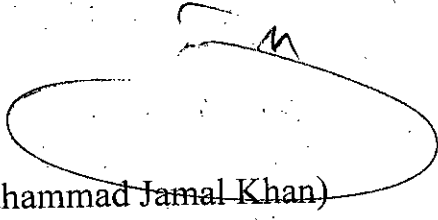
(Rozina Rehman)  
Member (J)  
Camp Court, D.I.Khan

29.10.2020

Hafiz Amanullah, father of the appellant, on behalf of the appellant is present. Mr. Muhammad Jan, Deputy District Attorney for respondents present.

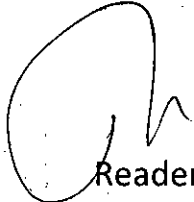
Since the Members of the High Court as well as of the District Bar Association, D.I.Khan are observing strike today, therefore, the case is adjourned to 22.12.2020 for arguments before D.B at camp court D.I.Khan.

  
(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.

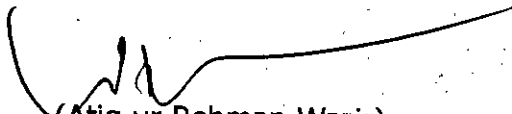
  
Reader


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.

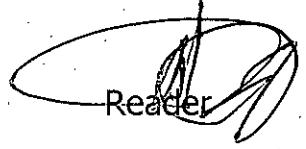
  
(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, D.I Khan

  
(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 ~~20~~ / 4/2020 at Camp Court, D.I Khan

  
Reader

20/4/2020

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

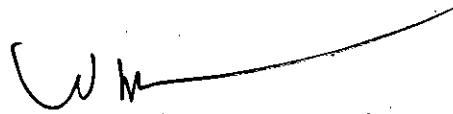
  
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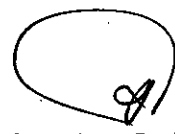
24.09.2020

Counsel for appellant present.

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

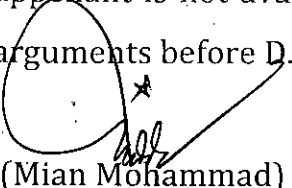
Former requests for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 29.10.2020 before D.B at Camp Court, D.I.Khan.


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

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

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. 937/2018

27.01.2020

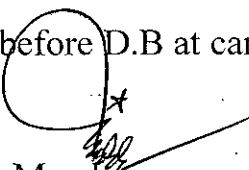
Hafiz Amanullah, father of the appellant, on behalf of the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Father of the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of Khyber Pakhtunkhwa Bar 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

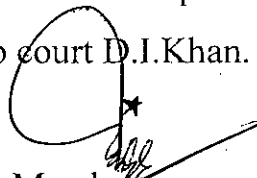
Hafiz Amanullah, father of the appellant, on behalf of the appellant present. Mr. Ziaullah, Deputy District Attorney for respondents present. Father of the appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 25.02.2020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

  
Member

  
Member  
Camp Court D.I.Khan

25.02.2020

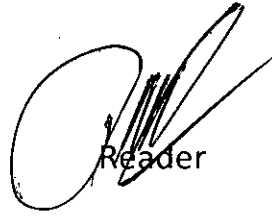
Hafiz Amanullah, father of the appellant, on behalf of the appellant present. Mr. Usman Ghani, District Attorney for respondents ~~for respondents~~ present. Father of the appellant seeks adjournment as his counsel is not available today. Adjourned. To come up for arguments on 26.02.2020 before D.B at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

  
Member

  
Member  
Camp Court D.I.Khan

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

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

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.


24.06.2019

Member  
Camp Court, D.I.Khan  
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

26.08.2019

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

28.12.2018

Counsel for the appellant Neelam Saba 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

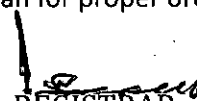
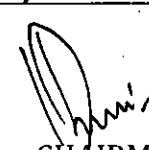



(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I. Khan

**Form- A**  
**FORM OF ORDER SHEET**

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

Case No. 937/2018

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. Neelam Saba 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 &gt;&gt; 17/18</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. Neelam Saba 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. 1315 /S.T,

Dt. 02/07 /2018

  
REGISTRAR  
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 has not been issued by the authority, therefore, the same is not annexed. While the other deficiencies have been removed.

Humble Appellant  
through counsel



Muhammad Mohsin Ali  
Advocate High Court.

Dated: 26/7/2018



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

Appeal No. 937 /2018

Neelam Saba

.....APPELLANT

**VERSUS**

Govt. of KPK and others

.....RESPONDENTS

**INDEX**

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2	Copy of Appointment Order along with Advertisement & Educational Certificates	A	8-19
3	Copy of Inquiry etc	B	20-21
4	Copy of List of Illegal Appointees "PET"	C	22-23
5	Copy of W.P No. 702-D/2015 along with Judgment	D	24-30
6	Copy of Departmental Appeal along with Post office receipt & AD Card	E	31-32
7	Vakalatnama	-----	34

Dated: 25-06-2018

Humble Appellant

*Neelam Saba*  
Neelam Saba

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.**

Khyber Pakhtunkhwa  
Service Tribunal

Appeal No. 937 /2018

Diary No. 1099

Dated 29-6-2018

Neelam Saba 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

Filed to-day  
Registrar  
29/6/18

-----  
**APPEAL UNDER SECTION 4 OF KPK**  
**SERVICE TRIBUNALS ACT, 1974.**  
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**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;

**OR**

re-submitted to -day  
and filed.

Registrar  
29/7/18

(3)

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 thier 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. 702-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 filling the instant appeal on the following grounds;

**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 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

*Neelam Saba*

Neelam Saba

Through Counsel

*Muhammad Mohsin Ali*

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

6

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

Appeal No. \_\_\_\_\_/2018

Neelam Saba

.....APPELLANT

**VERSUS**

Govt. of KPK and others

.....RESPONDENTS

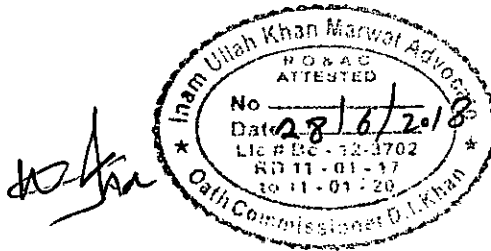
**AFFIDAVIT**

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.

*[Handwritten signature]*

**Identified by Counsel**

*Neelam Saba*  
**Deponent**



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

Appeal No. \_\_\_\_\_/2018

Neelam Saba .....APPELLANT

**VERSUS**

Govt. of KPK and others .....RESPONDENTS

-----  
**ADDRESSES OF THE PARTIES**  
-----

Neelam Saba 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

*Neelamsaba*  
Neelam Saba

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

ANNEX- A  
Page (3)

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

**APPOINTMENT ORDER:**

Consequent upon the approval of Selection Committee, the following Fresh (Female) hereby appointed against vacant post of PET 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	Neelam Saba D/O Hafiz Amanullah R/O DIKhan	GGMS Saggi

**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 TADA is allowed.

Sd/-

**EXECUTIVE DISTRICT OFFICER  
SCHOOLS & LITERACY DIKHAN**

Endst.No. 21224-28 / Dated D.I.Khan the 1/2 /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.

Vla. \_\_\_\_\_

**EXECUTIVE DISTRICT OFFICER  
SCHOOLS & LITERACY DIKHAN.**





2  
GOMAL UNIVERSITY



(10)  
DERA ISMAIL KHAN  
(N.W.F.P PAKISTAN)

**DETAILED MARKS CERTIFICATE**  
**JUNIOR DIPLOMA IN PHYSICAL EDUCATION 2ND TERM**

Examination Held In June 2007 / Annual  
Session: 2006-2007

Roll No: 2305

Name: Neelam Sabah

The candidate secured the following marks & has been placed in First Division

SUBJECTS	Total Number of Marks Allotted	MARKS OBTAINED	
		In figures	In words
Health Education	100	85	Eighty Five only
Science of Movements	100	76	Seventy Six only
Tracks & Fields	100	60	Sixty only
Athletics	100	70	Seventy only
Gymnastics	100	75	Seventy Five only
Teaching Practice	100	70	Seventy only
Games	100	70	Seventy only
Co-Curriculum Activities/Project	50	39	Thirty Nine only
Aggregate of 1st Term	300	166	One Hundred and Sixty Six only
<b>Total Marks</b>	<b>1050</b>	<b>711</b>	<b>Seven Hundred and Eleven</b>

*Muhammad Yousof*  
MUHAMMAD YOUSAF  
Assistant Accounts Officer  
Pak Military Accounts Dept.

Result declaration date: 18/08/2007

*[Signature]*  
Controller of Examinations  
Gomal University D.I. Khan

Serial No. G 00406

جامعة غomal

# GOMAL UNIVERSITY

## DERA ISMAIL KHAN

(N.W.F.P) PAKISTAN

(11)



(Session 2005-2007)

DEPARTMENT OF PHYSICAL EDUCATION, DERA ISMAIL KHAN, and

a student of DEPARTMENT OF PHYSICAL EDUCATION, DERA ISMAIL KHAN, having passed the prescribed examination in JUNE 20 07,

is this day admitted by the GOMAL UNIVERSITY to the

### JUNIOR DIPLOMA IN PHYSICAL EDUCATION

in the FIRST Division is qualified to supervise Physical Education in Districts and to teach this subject in Schools.

The Examination was taken as a whole/in parts.

Date of Birth 12-4-1987 (TWELFTH APRIL FOUR EIGHTY SEVEN)

Registered No. 1177-EDU-2006

Roll No. 2305

MUHAMMAD YOUSAF  
Assistant Accounts Officer  
Pak Military Accounts Dept.

Result declared on AUGUST 18, 2007.

Controller of Examinations

(12)

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION, BANNU**

**DETAILED MARKS CERTIFICATE  
SECONDARY SCHOOL CERTIFICATE EXAMINATION**



Session 2003 (Supply)

Name: Neelam Sabah

Father's Name: Hafiz Aman Ullah

Roll No 869

Subject	Marks	MARKS OBTAINED			
		Theory/Paper-A	Pract./Paper-B	Total	In Words
1. English	150	37	26	63	Sixty-Three
2. Urdu	150	35	36	71	Seventy-One
3. Pakistan Studies	75	37		37	Thirty-Seven
4. Islamiyat (Comp)	75	42		42	Forty-Two
5. General Science	100	42		42	Forty-Two
6. Islamic Studies	100	52		52	Fifty-Two
7. Elements Of Home Economic	100	60		60	Sixty Only
8. Riazi (New)	100	41		41	Forty-One

Prepared by [Signature] Compiled by [Signature]

Total 850

408-D Four Hundred Eight Only

Checked by [Signature]

Remarks

iS,EHE,

Date: 19-11-2003

Note: Errors / Omissions are excepted

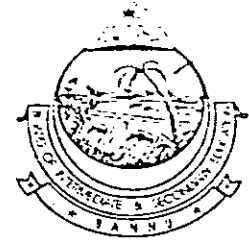
Khaksar and BRAINS Software Enterprise (KBSoft)

Compiled by (HNR) Computer CELL BISE, Bannu

*Controller of Examinations*  
Board of Intermediate & Secondary Education  
BANNU

[Signature]  
MR. AMINAD YOUSAF  
Assistant Accounts Officer  
Pak Military Accounts Dept.

Board of Intermediate and Secondary Education  
Bannu N-W.F.P., (Pakistan)



**SECONDARY SCHOOL CERTIFICATE EXAMINATION**

**SESSION 2003 (SUPPLY)**

*This is to Certify that* Neelam Sabah

*Daughter of* Hafiz Aman Ullah

*Student of* District Dera Ismail Khan

*has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Bannu held in October, 2003 as a Private candidate.*

*She obtained 408 marks out of 850 and has been placed in Grade "D" Representing Fair.*

*This candidate passed in the following subjects:*

1. English	2. Urdu	3. Pakistan Studies	4. Islamiyat (Comp)
5. Fiazi (New)	6. Elements Of Home Economics	7. General Science	8. Islamic Studies

*Date of birth according to admission form is* 12 April, Nineteen Eighty-Seven . (12-04-1987) .

*Date of declaration of Result:* 19-11-2003

*Prepared on:* February 20, 2006

*[Signature]*  
Assistant Secretary

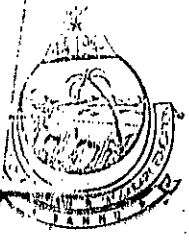
*[Signature]*  
MUHAMMAD YOUSAF  
Assistant Accounts Officer  
Pak Military Accounts Dept.

*[Signature]*  
SECRETARY  
23/2/06

THIS CERTIFICATE IS ISSUED WITHOUT ALTERATION OR ERASURE

13

Regis Certificate is to certify the marks & name of the candidate in the examination of the Board of Intermediate and Secondary Education, Bannu. Regular Candidate. Theory Practic. 50 115 One Six Hundred i.



**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION,  
BANNU N.W.F.P. PAKISTAN** S.No

**Higher Secondary School Certificate Examination**

Session: 2006 (Annual Part-II)

14

Roll No: 26565

Group: Humanities

Registration No: 616-B-GCD-1-H-04

Certificate No: 20626565

This is to certify that Neelam Sabah  
Son / Daughter of Hafiz Aman Ullah  
and a student of Govt. Girls College No. 1, Dikhan

has secured the marks shown against each subject, in the Higher Secondary School Certificate Examination of the Board of Intermediate & Secondary Education, Bannu, held in May, 2006 as Regular Candidate

Subject	Marks	MARKS OBTAINED				Total	In Words
		Part-I		Part-II			
		Theory	Practical	Theory	Practical		
1. English	200	47	--	30	--	81	Eighty-One
2. Urdu	200	50	--	57	--	107	One Hundred Seven
3. Islamic Education	50	32	--	--	--	32	Thirty-Two
4. Pakistan Studies	50	--	--	28	--	28	Twenty-Eight
5. Islamic Studies	200	83	--	61	--	144	One Hundred Forty-Four
6. Health & Physical Education	200	36	16	40	19	115	One Hundred Fifteen
7. Arabic	200	59	--	61	--	120	One Hundred Twenty Only

Total 1100      627-C      Six Hundred Twenty-Seven Only

Remarks

Date of declaration of Result: 05-08-2006

Prepared by: [Signature]

Checked by: [Signature]

Date of issue: 05-08-2006

[Signature]  
 MJF AMBESSY OFFICE  
 105F East Accounts Office  
 327 Chakwal Road, Bannu

**Controller of Examinations**  
Board Of Intermediate and  
Secondary Education, Bannu.

(Compiled by Computer CELL, BISE, Bannu)

Note: Error/Omission excepted

# GOVT GIRLS DEGREE COLLEGE No.1 D.I.K.



15

## PROVISIONAL CERTIFICATE

SESSION 2004-2006

I Certify that Miss Neelam Saleh

Daughter of Hafiz Amrullah

Registered No. 616-B-CPD-1-H-04

Who appeared from this college in the F.A. /-F.Sc. examination held in May, 2006 has according to the "Gazette notification" supplied to me by the Secretary, Board of Intermediate and secondary Education, N.W.F.P. D.I.Khan /Bannu been declared successful in the said examination.

**Note:** This certificate is given only with the object of enabling the student to be admitted to a college / Department and is not to be held equivalent to the Certificate to be given to her by the Secretary, Board of Intermediate and Secondary Education, North West Frontier Province D.I.Khan/Bannu.

Marks Obtained 627/1100 Grade -C- Roll No. 26565

Subject Passed: 1. English 2. Urdu 3. Is: Edu/Pak Study  
4. B. Studies 5. H. P. E. 6. Arabic

1. Conduct :- GOOD

2. Prepared by A. O. C.

SUSAH  
Ass. Secy. Accounts Officer  
Pak Military Accounts Dept.

3. Checked by h

Ashad Bibi  
PRINCIPAL

4. Dated D.I.K the 27/5/2006 1200

GOVT: GIRLS DEGREE COLLEGE NO.1  
DERA ISMAIL KHAN

G.G. College  
D.I. Khan



## DETAILED MARKS CERTIFICATE BACHELOR OF ARTS PART II

16

Held in June-July 2010

Session 2010/Annual

Roll No: 5423

Name: Neelam Saba

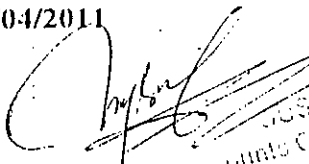
The Candidate secured the following marks & has been placed in 2nd Division

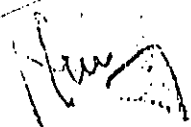
SUBJECT	Total No of Marks Allotted	MARKS OBTAINED	
		In Figure	In Words
English	75	25	Twenty Five
Urdu	75	-	-
Pashto	75	-	-
English Elective	75	-	-
Arabic	75	60	Sixty
Persian	75	-	-
Statistics	75	-	-
Geography	75	-	-
History	75	-	-
Economics	75	-	-
Political Science	75	-	-
Islamic Studies	75	28	Twenty Eight
Law	75	-	-
HPE	75	-	-
Pak Studies	40	19	Nineteen
Sociology	75	-	-
Education	75	-	-
Home Economics	75	-	-
Psychology	75	-	-
Math A	75	-	-
Math Additional	75	-	-
Math B	75	-	-
Aggregate Part-I	285	168	One Hundred and Sixty Eight
<b>Total Marks</b>	<b>550</b>	<b>300</b>	<b>Three Hundred</b>

The Examination was taken as a Whole/In Parts

Result Declaration Date 21/04/2011

Errors & Omissions Accepted

  
 Accounts Officer  
 Accounts Deptt.  
 Pak Military Academy

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



Serial

Registration No. 117-Edu-C6

Roll No. 5403

Session: 2009

# GOMAL UNIVERSITY

DERA ISMAIL KHAN  
K.P.K  
PAKISTAN



## Provisional Certificate

This is to certify that ~~Mr./Miss./Mrs.~~ NEELAM SABAH

~~Son/ Daughter/ Wife of~~ HAFIZ AMAN ULLAH

of the Department/Institute of PRIVATE CANDIDATE OF DISTT:D.I.ZHAN

has passed BA.(P-II) ANNUAL, 2010 Examination held in JUNE, JULY, 2010

in the subject of XXX

~~He / She~~ was placed in SECOND

division, Securing 300 marks out of 550

The examination was taken as a whole/in parts.

Dera Ismail Khan.

Dated 21-04-2011

*Mohammad Qaisar*  
MOHAMMAD QAISAR  
Assistant Accounts Officer  
Pak Military Accounts Dept.

*He*  
ADDITIONAL CONTROLLER OF EXAMINATIONS

(17)

# DOMICILE CERTIFICATE

18

I, Neelam Sabah 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 Dikhan City  
Tehsil D. I. KHAN District Dera Ismail Khan.

Neelam Sabah  
Signature/Thumb Impression  
of the Applicant

Dated: 28.4.2003

Persuance to the declaration dated 2/5/2003 filled in by  
Mr./Miss Neelam Sabah Son/Daughter of Hafiz Amanullah  
domiciled in North West Frontier Province, it is hereby certified that the said  
Mr./Miss Neelam Sabah is born of Parents who are permanently  
residents of the North West Frontier Province having been born/settled\* within it.

I have satisfied myself from personal knowledge/verification by Tehsil Dikhan  
that the above declaration is true and certify accordingly.

This 2nd Day of May 2003

[Signature]  
Deputy District Officer  
(Revenue)  
Deputy District Officer  
and Road Irrigation  
D. I. Khan

[Signature]  
M. YOUSAF  
Assistant Accounts Officer  
Pak Army Accounts Deptt

COUNTERSIGNED

ONE COPY OF  
PHOTOGRAPH

[Signature]  
DISTRICT OFFICER REVENUE  
D. I. KHAN  
Seal  
D. I. KHAN

\*Strike out which ever is not applicable

No: 2636/D.O.R. Dated D.I.Khan the 3/5/2003

ISHRAT ART PRESS D.I.KHAN, Ph: 810981

VERIFICATION MADE

RURAL AREA

1. Patwari
2. Girdawar
3. Councillor
4. N/Nazim
5. Nazim  
Or
6. Police
7. Tehsildar

پہلے سے قائم رہا اور اس کے تحت  
 اس کے تحت قائم رہا اور اس کے  
 تحت قائم رہا اور اس کے تحت  
URBAN AREA  
 محمد علی

1. Councillor

Verified the Council  
 Nazim Baloch  
 Adm. Nazim Member (A)  
 AZIM D.C. No. 3 City  
 Member Teh. Council P. S.

3. Nazim

Or

4. Police

5. Tehsildar

*(Signature)*

2/1/03

Nazim

Verified

A. L. M.

D. Khan

U/C No. 3

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  
 the 04/09/2009

No. 8021 / DCO (Edu) dated DIKhan

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

PET MALIA Annex-1

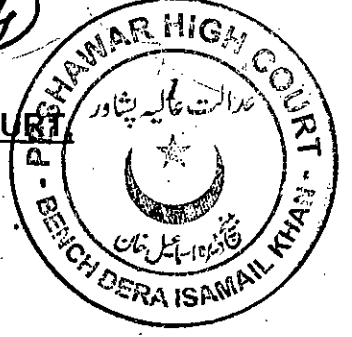
Name with Father Name	Present Posting	Edisi No. of Applicant Order & Date	D/O Result declaration of CI
1. Muhammad Rizal Ul Hassan S/O Sher Bahader	GMS Jhok Rind	14982-86 dated 02-08-2007	31-03-2002
2. Ikram Ullah S/O Umer Khan	GMS Kot Kundian	25575-89 dated 01-12-2007	28-11-2001
3. Muhammad Asif Rizwan S/O Muhammad Aslam	GHS Dhap Shomali	20220-24 dated 01-10-2007	15-12-1998
4. Sami ullah S/O Abdul Razaq	GMS Wanda Lohani	20340-44 dated 01-10-2007	12-10-2004
5. Dismillah Jan S/O Abdullah Jan	Not readable	20230-34 dated 01-10-2007	21-05-2003 (SDPE)
6. Imran Ullah S/O Nasrullah	GMS Talgi	20260-64 dated 01-10-2007	25-04-2000
7. Fazal Rahman S/O Abdur Rahman	GMS Musa Khar	20250-54 dated 01-10-2007	29-12-1998
8. Zahir Abbas S/O Fazal Qayyum	GMS Pusha	20315-17 dated 01-10-2007	22-07-1998
9. Salah Uddin S/O Muhammad Ibrahim	GMS Wanda Karim	20220-24 dated 01-10-2007	19-01-2001
10. Muhammad Akram S/O Muhammad Ramzan	GMS Saggi	20491-95 dated 01-10-2007	20-11-2002
11. Krunnat Ullah S/O Abdullah Khan	GMS Rang Pur Shomali	20409-10 dated 01-10-2007	29-12-1998
12. Inayat Ullah S/O Aslam Khan	GMS Pahar Pur	20191-95 dated 01-10-2007	19-01-2001
13. Muhammad Akbar Shah S/O Muhammad Asghar Shah	GMS Shiakh yousaf	20231-35 dated 01-10-2007	12-10-2004
14. Tariq Iqbal S/O Sardar Ali	GMS Wanda Naurak	20290-94 dated 01-10-2007	31-03-2002
15. Najaf Ali Abid S/O Abid-Hussain	GHS Wanda Mozam	20390-471 dated 01-10-2007	18-08-2007
16. Shafiqat Ullah S/O Khuda Bakhsh	GHS Lar	1625-29 dated 01-02-2008	18-08-2007
17. Abdur Rauf S/O Abdul Aleem	GHS Chah Malwana	20225-29 dated 01-10-2007	Session 2006-07
18. Ghafar Khan S/O Bangel Khan	GMS Wanda Dost Ali	12534-38 dated 02-07-2007	14-05-2007
19. Fakhirul Islam S/O Iahuddin	GMS Jk. Dabbari	20215-19 dated 01-10-2007	Session 2005-06
20. Muhammad Ajmal S/O Muhammad Afzal	GMS Yari Khel	20320-44 dated 01-10-2007	15-09-2006
21. Fakhar Zaman S/O Muhammad Ramzan	GMS Wanda Peroz	20295-99 dated 01-10-2007	28-04-2006
22. Muhammad Qaiser S/O Ghulam Qadir	GMS Jhok Mozam	20260-64 dated 01-10-2007	15-09-2006
23. Wajeh Uddin S/O Allau din	GMS Malakhi	20590-94 dated 01-10-2007	15-09-2008
24. Shams Ur Rahman S/O Aziz Ur Rahman	GMS Bagi Qamar	20550-54 dated 01-10-2007	11-05-1999

23

## PET FEMALE Annex-M

S.#	Name with Father Name	Present Posting	Edst No. of Applicant Order & Date	D/O Result declaration of CT
1.	Maria Hina D/O Muhammad Bilal	GGMS Nai Abadi ZA Colony	13161-310 dated 00-07-2007	Documents not available
2.	Kashifa Nuzhat D/O Muhammad Umer Mirza	GHSS Ramak	30421-25 dated 01-10-2007	PET certificate not available
3.	Kiran Fatma D/O Muhammad Saleem	GGMS Rahmani Khel	7160-64 dated 31-03-2007	Documents not available
4.	Gohar Jabeen D/O Shaikh Mahmood Abbas	GGHS Ramak	6829-31 dated 6-06-2008	Deceased Quota Documents not available Countersigned by the present EDO, order does not carry the sign of any EDO.
5.	Mehmooda Khanum D/O Saeed Akbar	GGMS Gara Mohabat	13161-210 dated 02-07-2007	Documents not available
6.	Arshia Gul D/O Shaheen Pervez	GGMS Ajmal Abad	20425-29 dated 01-10-2007	Documents not available
7.	Nighat Bukhari D/O Sher Ahmad Shah	GGMS Rahmani Khel	20233-36 dated 01-10-2007	Documents not available
8.	Rashida Bibi D/O Muhammad Sharif	GGMS Zarni Khel	20470-73 dated 01-10-2007	15-11-2003
9.	Tahir Bibi D/O Kalu Khan	GGHSS No.2 D.I Khan	13116-160 dated 02-07-2007	12-10-2004
10.	Sobia Tabassum D/O Inayat Ullah Khan	GGHS Musa Zai	3582-85 dated 15-02-2007	19-01-2001
11.	Fozia Gul D/O Allah Bakhsh	GGMS Wanda Lali	20391-470 dated 01-10-2007	21-11-2001
12.	Asma Gul D/O Hazrat Ullah	GGHS Ratta Kulachi	20290-94 dated 01-10-2007	30-06-2004
13.	Wahida Hayat D/O Umer Hayat	GGMS Kachi Katgarh	20391-470 dated 01-10-2007	21-11-2001
14.	Sughra Tabassum D/O Malik Ghulam Rasool	GGHS Khanu Khel	20225-29 dated 01-10-2007	Session 2006
15.	Matannat Azdi D/O Muhammad Asmat	GGMS Musazia	20401-05 dated 01-10-2007	Session 2005-06
16.	Irum Pervez D/O Muhammad Pervez	GGMS Saidu Wali	12519-23 dated 02-07-2007	JDPE are not attached
17.	Beena Gul D/O Malik Kaleem Ullah	GGMS Zarni Khel	12974-13116 dated 02-07-2007	15-09-2006
18.	Afshan Niazi D/O Naeem Akhtar	GGMS Giloty	20465-69 dated 01-10-2007	25-08-2007
19.	Naaila Rahmat D/O Rahmat Ullah	GGMS Hissam	24753-56 dated 01-12-2007	18-08-2007
20.	Madecha Rani D/O	GGMS Wanda Lali	20532-36 dated 01-10-2007	08-03-2007
21.	Qurat ul Ain D/O Hameed ullah Khan	GGMS Qurai D.I Khan	217913-94 dated 22-10-2007	U.T

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



**Writ Petition No. 702-D of 2015**

Neelam Saba daughter of Hafiz Amanullah resident of MUhallah  
Hafiz Meran Khan, City Dera Ismail Khan.

Filed today 3168

**Petitioner**

Add: Registrar.

**VERSUS**

21/10/2015

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.

ATTENDED  
EXAMINOR  
Peshawar High Court  
D.I. Ismail Khan Bench



- iii. That being qualified candidate, the present petitioner also applied for the post "PET", 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 21224-28 dated 01-02-2007. 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**.

*Handwritten signature/initials*

Filed today 3168  
Addl: 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:*

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

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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

WP.702-D of 2015 (Neelam Saba.Vs.Govt of KPK)(Grounds)

*Handwritten signature*

Filed today 3168

Add: Registrar.

21/10/2015

**EXAMINOR**  
D. I. Khan Bench  
Leshwar High Court

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.

Your Humble Petitioner

Filed today 3168

Add: Registrar.

21/10/2015

Dated: \_\_\_/10/2015

~~\_\_\_\_\_~~

Through Counsel

*[Signature]*

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

ATTESTED  
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21-06-18  
EXAMINOR  
-eshwar High Court  
D.I.Khan Bench

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

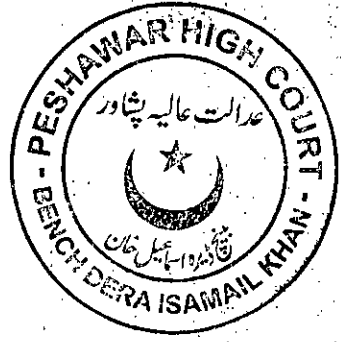
28

W.P.No.702-D/2015

Mst. Neelum Saba

Versus

Govt. of Khyber Pakhtunkhwa through  
Secretary Education and six others



**JUDGMENT**

Date of hearing 07.02.2018

Appellant-petitioner (s) by Mr. Muhammad Mahsum Ali Advocate

Respondent(s) by Mr. Kamran Hayat Miran 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 by the respondents. The petitioner applied for the post of PET and also appeared in the interview and was appointed vide order dated 01.02.2007; that on the

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

instructions of government, the District Education Officer, D.I.Khan issued termination order of 1613 irregular appointees and the petitioner was also terminated; that the petitioner approached the Service Tribunal for redressal of her grievance, but the respondents promised that her grievance would be redressed; that the petitioner time and again approached the respondents, but her grievance could not be redressed, hence the instant petition.

3. Arguments heard and record perused.

4. Perusal of the record reveals that vide order dated 04.9.2009, the services of the petitioner alongwith many other employees were terminated, against which the petitioner approached the Provincial Service Tribunal. The Service Tribunal directed the department to conduct a discrete inquiry regarding the genuineness of the appointments and to see whether the procedure prescribed for the post held by the petitioner or other employees was adopted properly or otherwise. Again, the services of about 1613 teachers were terminated vide order dated 08.02.2012. The petitioner filed departmental appeal but thereafter she has not approached any forum till such time she filed this petition. The order of appointment of the petitioner dated 01.02.2007 was issued against regular post, as such, her status was that of a regular civil servant.

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

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(30)

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. 1936  
Application Received on 20-06-18  
Copying Fee deposited Rs ---  
No of Papers 07 Papers  
Copying Fee 00  
Urgent Fee 281  
Total Fee ---  
Copy ready for delivery 21-06-18  
Copy delivered on 21-06-18  
Signature of Examiner: [Signature]  
21-06-18

Certified to be true Cop.  
21-06-18  
EXAMINOR.  
Peshawar High Court Bench D I Khan  
Authorized Under Section 97 of  
Qanoon-e-Shahadi Act

To

The Director  
Education, Khyber Pakhtunkhawa,  
Peshawar.

31

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 "PET", 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 21224-28 dated 01-02-2007. 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

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. 702-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 filling the instant appeal on the following grounds;

**GROUND:**

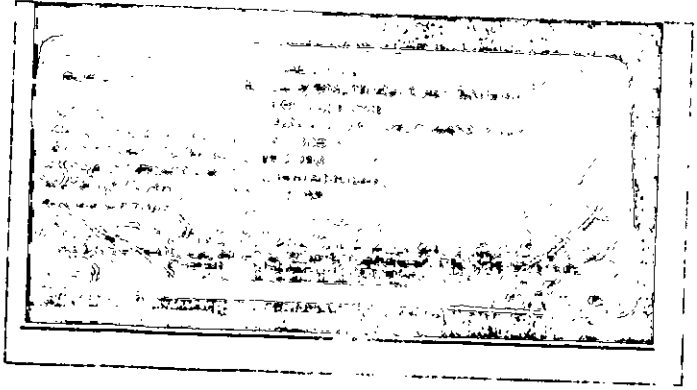
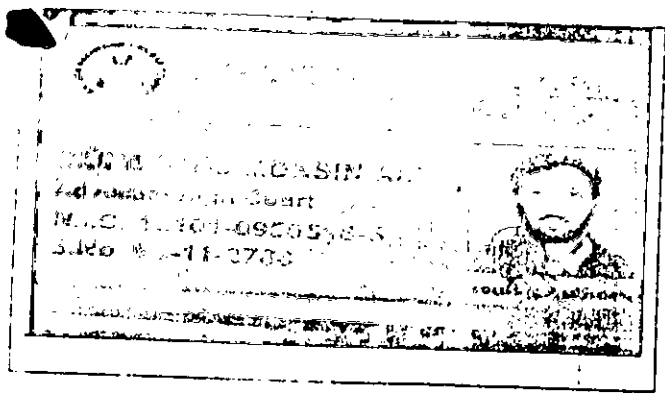
1. That the interviews of candidates of different categories of teachers had been conducted in accordance with the policy and merit list was also prepared and, thereafter, the petitioner was appointed with due process. It is also very much clear that the appointment of the petitioner was not irregular, 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,**

**Neelam Saba** D/o  
Hafiz Amanullah R/o Muhallah Hafiz  
Miran Khan, City Dera Ismail Khan.





**VAKALATNAMA**

IN THE COURT OF SERVICE TRIBUNAL, DERA ISMAIL KHAN

محمد علی Plaintiff / Appellant / Petitioner / Complainant / Accused

محمد علی Vs محمد علی  
Defendant / Respondent / Complainant / Accused

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

1. 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.
2. To sign, file, verify and present pleadings, appeals, cross objections or other documents and review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents or opposite party.
4. To withdraw or compromise the said case or submit to arbitration and mediation or other mode that may arise touching or in any manner relating to the said case.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts towards the said case and other acts and things which may be necessary to be done for the prosecution of the said case.
7. To appoint and instruct any other Legal Practitioner authorized by law to act in the said case with authority hereby conferred upon the Advocate whenever he may think fit to do so and to exercise the power of the said Court on our behalf.
8. And I/We the undersigned do hereby agree to rectify and confirm the acts done by the Advocate or his substitute in the matter as my/our own acts and to indemnify the Advocate and proposes.
9. And I/We undertake that I/We or my/our duly authorized agent would attend in person at all the hearings and will inform the Advocate for appearance when a case is called.
10. And I/We the undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be paid by me/us and I/We shall receive and retain for himself.
12. And I/We the undersigned to hereby agree that in the event of the Advocate or his substitute not appearing as agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the amount of the fee is paid to the Advocate in full in the above case and above Court. I/We hereby agree that the fee is not refundable and I/We shall be entitled for the refund of the same in any case where the Advocate or his substitute does not appear for 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 to these presents. The contents of this Vakalatnama have been understood by me/us on this 25 day of June 2018

Accepted  
Muhammad Mohsin Ali  
Advocate High Court  
District Bar, Dera Ismail Khan.  
0336 796 9883

Neelam Saba

Neelamsaba

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

Appeal No: 937 OF /2018

Neelam Saba D/o Hafiz Amanullah,  
Resident of Mohallah Hafiz Meran Khan,  
D.I.Khan.

**“VERSUS”**

1. Govt of Khyber Pakhtunkhwa 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. District Education Officer (Female) D I Khan.
5. Deputy Commissioner, D.I.Khan.
6. District Accounts Officer D I Khan.

**Respectfully (Sheweth)**

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) As above para no 01.


Para (3) As above para no 01.

Para (4) Incorrect /Not Admitted Para not related to Respondent No (6) being administrative matter.

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

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*

  
**District Accounts Officer,**  
Dera Ismail Khan  
(Respondent No 6)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**KHYBER PUKHTUNKHWA PESHAWAR**

Appeal No: 937 OF /2018

Neelam Saba D/o Hafiz Amanullah,  
Resident of Mohallah Hafiz Meran Khan,  
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. 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. 120**

**in**

**Service Appeal No. 937 12018**

**Neelam Saba 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. **937/2018**  
Mr./Mrs. **Nedam Saba** 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 were 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**

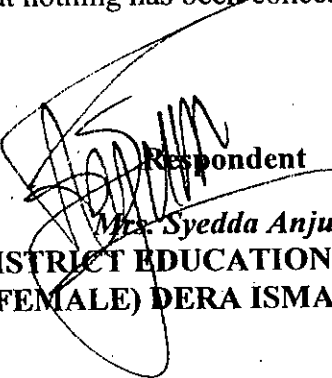
**IN SERVICE APPEAL No 937 /2018**


Neelam Saba

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

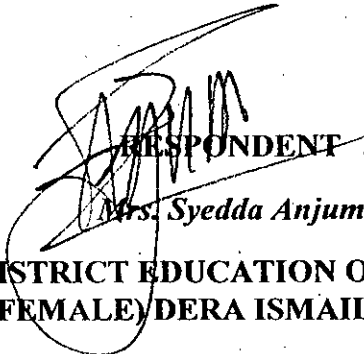
**Service Appeal No. 937 /2018**

**Neelam Saba**

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/Std.Coml..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  
ELEMNTARY & SECONDARY EDUCATION D.I.KHAN**

I am directed to refer to the DCC D.I.Khan letter No.4159/DCO/EDU dated 11-05-2009 and EDO (E&SE) D I Khan letter No.9288-SS dated 18-08-09 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)

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

Appeal No: 937 OF /2018

Neelam Saba D/o Hafiz Amanullah,  
Resident of Mohallah Hafiz Meran Khan,  
D.I.Khan.

**“VERSUS”**

1. Govt of Khyber Pakhtunkhwa 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. District Education Officer (Female) D I Khan.
5. Deputy Commissioner, D.I.Khan.
6. District Accounts Officer D I Khan.

**Respectfully (Sheweth)**

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) As above para no 01.


Para (3) As above para no 01.

Para (4) Incorrect /Not Admitted Para not related to Respondent No (6) being administrative matter.

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

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*

  
**District Accounts Officer,**  
Dera Ismail Khan,  
(Respondent No 6) *26/3*

**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**KHYBER PUKHTUNKHWA PESHAWER**

Appeal No: 937 OF /2018  
Neelam Saba D/o Hafiz Amanullah,  
Resident of Mohallah Hafiz Meran Khan,  
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. 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**

26/12