

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 8482/2020

Date of Institution ... 22.07.2020

Date of Decision ... 07.09.2020

Mst. Qamar Zia W/O Muhammad Jamil, Ex-PST BPS-11, Union Council Dheri Jolgram Village & Post office Dheray, Mohallah Shahkhail, Tehsil Batkhela, Malakand. ... (Appellant).

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education, Peshawar and three others. ... (Respondents)

Present.

Mr. Muhammad Maaz Madni,  
Advocate.

... For appellant

MR. HAMID FAROOQ DURRANI,

... CHAIRMAN

JUDGMENTHAMID FAROOQ DURRANI, CHAIRMAN:-

1. In the instant appeal two fold prayer has been made by the appellant. She has sought the conversion of removal from service order dated 09.08.2006 into that of compulsory retirement and also the grant of Compassionate Allowance in her favour.

2. The memorandum of appeal suggests that the appellant was appointed as PTC on 27.08.1987 and started performing her duty. During the course of service, she applied for two years and 324 days Ex-Pakistan leave which was sanctioned.

On 09.08.2006, an order imposing major penalty of removal from service was passed against the appellant on account of absence from duty after expiry of Ex-Pakistan leave. A departmental appeal was preferred by the appellant on

01.03.2020, which was followed by an application for grant of pension on 19.03.2020.

3. Learned counsel for the appellant heard and available record gone through.

4. It is evident from the record that the appellant was penalized and removed from service on 09.08.2006 against which an application for reinstatement was submitted after lapse of more than 10 years. In the appeal it was conceded that the appellant could not join her duty after expiry of leave due to personal reasons. The appeal contained the only prayer regarding reinstatement of the appellant.

The other representation was submitted on 19.03.2020, yet again, after a long period of three years. The prayer in the representation pertained to the grant of pension in favour of the appellant. It is thus clear from the record that the appellant did not prefer any departmental appeal/representation within the prescribed period containing the prayer put-forth before this Tribunal in the appeal in hand.

5. The element of enormous delay and non-submission of any departmental appeal/representation, containing the prayer as solicited herein, make the appeal in hand meritless for admission to regular hearing. The same is, therefore, dismissed in limine.

File be consigned to the record room.



(HAMID FAROOQ DURRANI)  
CHAIRMAN


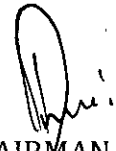
ANNOUNCED  
07.09.2020

Form- A

# FORM OF ORDER SHEET

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

Case No.- 8482 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/07/2020	<p>The appeal of Mst. Qamar Zia presented today by Mr. Muhammad Maaz Madni 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-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/09/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

SERVICE APPEAL NO. 8482/2020

QAMAR ZIA

V/S

EDUCATION DEPARTMENT  
& OTHERS

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5.	Copy of order	22.01.2003	C	18
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7.	Copy of the application	01.03.2017	E	20
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Dated: 22.07.2020

Through:

APPELLANT



MUHAMMAD MAAZ MADNI  
ADVOCATE

Khattak Law Associates,  
Juma Khan Plaza, Warsak Road, Peshawar.  
0345-9090737, 0314-9965666

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

SERVICE APPEAL NO. 8482 /2020

Mst. QAMAR ZIA w/o Muhammad Jamil, Ex-PST (B-11)  
Union Council Dheri Jolgram, Village & P.O. Dheray,  
Mohallah Shakhail, Hukum Khan Korona, Tehsil Batkhela, Malakand  
.....APPELLANT

VERSUS

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7782  
Dated 22/7/2020

1. THE GOVT. OF KHYBER PAKHTUNKHWA  
through Secretary, Elementary & Secondary Education,  
Civil Secretariat Khyber Pakhtunkhwa, Peshawar.
2. THE SECRETARY(FINANCE)  
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. THE DIRECTOR (E&SE)  
Khyber Pakhtunkhwa, Peshawar.
4. THE DISTRICT EDUCATION OFFICER (FEMALE),  
District Malakand at Batkhela.

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE  
AGAINST THE INACTION OF THE RESPONDENT BY NOT  
CONVERTING THE REMOVAL ORDER 09-08-2006 INTO  
COMPULSORY RETIREMENT & NOT ALLOWING 2/3  
COMPASSIONATE ALLOWANCE OF THE PENSION &  
GRATUITY TO THE APPELLANT AFTER TERMINATION FROM  
SERVICE ON 16.08.2006 AND AGAINST NOT TAKING ANY  
ACTION ON THE DEPARTMENTAL APPEAL DATED 19.03.2020  
OF THE APPELLANT WITHIN THE STATUTORY PERIOD

Filed to-day

Registrar

22/7/2020

PRAYER:

That on acceptance of the instant service appeal the act of the respondents by not:

1. Converting the Removal Order dated 09-08-2006 into Compulsory Retirement.

AND

2. Not Allowing Compassionate Allowance of Pension & Gravity.

to the appellant after termination from service on 09-08-2006 may very kindly be declared as illegal and the appellant be 2/3 of

the Compassionate Allowance of Pension & Gravity with all consequential & back benefits.

Any other remedy which this Honourable Tribunal deems appropriate and has not specifically asked for that may also be awarded in favour of the appellant.

Respectfully Sheweth:

FACTS:

Brief facts which give rise to the instant appeal are as under:-

1. That appellant was the employee of the respondent Department and was appointed as PTC (BPS-07) Now PST (BPS-12) Trained Teacher after proper recommendation of the Departmental Selection Committee vide appointment order dated 27-08-1987 and was placed at Serial No. 10 of the order.  
Copy of the appointment order dated 27-08-1987 attached as ANNEXURE..... A.
2. That appellant after appointment submitted his charge report at Government Girls Primary School Qalangi and started performing her duty quite efficiently, whole heartedly and upto the entire satisfaction of her high ups.
3. That service book of the appellant was also prepared at time of entry into service and accordingly necessary entries pertaining to service record was made therein.  
Copy of the Service Book is attached as ANNEXURE..... B.
4. That the appellant was also allowed move over to BPS-11 and BPS-12 w.e.f. 01-12-1999 and w.e.f. 01-12-2001 vide respondent No. 4 order dated 31-12-2003 which has also properly been annotated in the service book of the appellant at page 11.
5. That the appellant applied for 02 Years & 324 Day Ex-Pakistan leave which was properly sanctioned by respondent no. 4 being competent authority vide order date 22-01-2003.  
Copy of order dated 22.01.2003 is attached as ANNEXURE..... C.
6. That after completion of the said leave the appellant applied for extension in the leave by submitting application before the respondent no. 4 which was not sanctioned and in response issued the removal order dated 09-08-2006 under RSO-2000.  
Copy of Removal Order dated 09-08-2006 is attached as ANNEXURE ..... D.

7. That the appellant submitted application for provision of necessary document and reinstatement into service including Removal order date 09-08-2006 whereupon the requisite documents were issued to the appellant after passage of a long time of years but the request of reinstatement into service was not acceded to.

Copy of the application is attached as ANNEXURE.....  
E.

8. That finally the appellant requested the respondent for converting the removal order dated 09-08-2006 into compulsory Retirement and granting/allowing 2/3 compassionate allowance of the pension & Gratuity after the issuance of the removal order dated 09-08-2006 by filing Departmental Appeal dated 19-03-2020 but was not respondent within the statutory period.

Copy of the Departmental Appeal is attached as ANNEXURE .....F.

9. That the appellant having no other efficacious, adequate and alternate remedy but to approach this Honourable Tribunal on the following grounds amongst others:

GROUND S:-

- A. That act & omission of the respondents by not converting the Removal order into Compulsory Retirement and not allowing/granting the 2/3 of compassionate allowance of the pension & gratuity to the appellant is against the Law, Rules, Fact & material available on record hence not tenable in the eye of Law and is liable to be set aside.
- B. That the appellant has not been treated by the respondents in accordance with Law and Rules on the subject noted above and as such the respondents are clearly violating Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C. That the respondents have not acted in accordance with Law and the rules governing on the subject matter by not converting the Removal order into Compulsory Retirement and not allowing/granting the 2/3 of compassionate allowance of the pension & gratuity to the appellant.
- D. That act & omission of the respondents by not allowing/granting the 2/3 of compassionate allowance of the pension & gratuity to the appellant which is against the spirit enshrined in Section-19 (3) of the Civil Servant Act 1973.

- E. That act & omission of the respondents by not allowing/granting the 2/3 of compassionate allowance of the pension & gratuity to the appellant is also against Regulation-353 of the Civil Servant Regulation (C.S.R.).
- F. That no proper procedure was adopted while issuing the impugned order dated 09-08-2006.
- G. That no specific penalty has been specified in the impugned Order 09-08-2006 as mentioned in the RSO-2000 hence the same is void ab initio.
- H. That, it is the consistent view of the Apex Supreme Court of Pakistan that "PENSION IS NOT THE BOUNTY OF THE STATE" and as such the appellant is fully entitled for award of pension & other Pensionary Benefits.
- I. That, act of the respondents by not awarding the appellant 2/3 Compassionate Allowance of Pension & Gratuity after serving the respondent Department for a considerable time of 18 Years 05 months & 10 days service at her credit since 27-08-1987 is against the doctrine of Natural Justice.
- J. That act of the respondents by not awarding the appellant 2/3 Compassionate Allowance of Pension & Gratuity is clear violation of Article-38 (e) of the Constitution of Islamic republic of Pakistan which states that:  
"to reduce disparity in the income and earning of the individual including the persons in Service of Pakistan".
- K. That any other grounds will be raised at the time of arguments with prior permission of this Honourable Tribunal.

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

Dated: 22-07-2020

Appellant



QAMAR ZIA

Through

MUHAMMAD MAAZMAONI

Advocate,

High Court, Peshawar.





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

APPEAL NO. \_\_\_\_\_/2020

QAMARZIZ VS EDUCATION DEPTT:

APPLICATION FOR CONDONATION OF DELAY IN FILING THE  
ABOVE NOTED APPEAL

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay (if any) in filing the above noted appeal inter alia on the following grounds:

GROUND OF APPLICATION:

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That, the Apex Supreme Court in its recent judgment reported as 2018 SCMR page 64 citation (b) held that no limitation would run in the way of Pension & Pensionary benefits.
- C- That it has been the consistent view of the Superior Courts that causes should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 & 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.



APPELLANT

THROUGH:



MUHAMMAD MAAZ MADNI  
ADVOCATE,  
High Court Peshawar

A P P O I N T M E N T . . .

⑥ ANNEXURE A

The following P.T.C trained candidates are hereby appointed as P.T.C, Mistresses in the Basic pay Scale No-7 plus usual allowances as admissible under the rules against the P.T.C, Posts and Schools mentioned against each in the interest of Public Service with the effect from the date of their taking over charge on the terms and conditions given below:

S.No	Name/father's name residence	Qualification Year of passing PTC & Marks	Place of posting	Remarks
1.	Shaheen Karim D/O, Said Karim R/O, Malakand.	Mat/PTC, 85-86/974	GGPS, Zulam-Kot.	Against vacant post.
2.	Ismat Begum D/O, Fazli Karim R/O, Thana.	Mat/PTC 85-86/906	GGPS, Totakan No-2	-do-
3.	Tanweer Samar, D/O, Samar Khan R/O, Dargai.	Mat:/PTC 85-86/885	GGPS, Mina	-do-
4.	Najma Begum D/O, Shah Raza R/O, Alladand.	Mat:/PTC 85-86/817	GGMS, Alladand.	-do-
5.	Samina Yasmin D/O, Amnatullah R/O, Thana.	Mat:/PTC 85-86/761.	GGPS, Piran	Against N/created post.
6.	Shaida Wahid D/O, Fazli Wahid R/O, Thana.	Mat:/PTC 85-86/665	GGPS, Totakan-1	-do-
7.	Kalsoom Begum D/O, Roid Khan R/O, Kharki.	Mat:/PTC 85-86/655	GGPS, Ashakai.	-do-
8.	Shafat Begum D/O, Masbar Sharif R/O, Mehrdi.	Mat/PTC 85-86, 576	GGPS, Mehrdi.	-do-
9.	Hishat Perveen D/O, Sher Afzal R/O, Thana.	Mat:/PTC 86-87/962	GGPS, Qalangi.	Against V/Post.
10.	Zameer Zia D/O, Abdul Majid R/O, B/Julagram.	Mat:/PTC 86-87/960	GGPS, Qalangi.	-do-
11.	Shaida Begum D/O, Baoha Khan R/O, A-lladand.	Mat:/PTC 86-87/954	GGPS, Alladand	-do-
12.	Rukhsana Maz D/O, Fazli Rehman R/O, Malakand.	Mat:/PTC 86-87/920	GGPS, Mina.	-do-
13.	Rashida Begum D/O, Zigrawar R/O, Badraga.	Mat:/PTC 86-87/919	GGPS, Koper.	-do-
14.	Noor Jehan D/O, Zarif Khan R/O, Dargai.	Mat:/PTC 86-87/881	GGPS, Mehrdi.	-do-
15.	Azra Yasmin D/O, Mohd Siddiq R/O, Dargai.	Mat:/PTC 86-87/866	GGPS, Bazdara, (Bala)	-do-
16.	Razia Kausar D/O, Sayad Mohd Saddiq R/O, Dargai.	Mat:/PTC 86-87/855	GGPS, Agara.	-do-
17.	Shaida Perveen D/O, Mohd: Usman R/O Kharki.	Mat:/PTC 86-87/821	GGPS, Brah.	-do-
18.	Zohra Begum D/O, Abdul Wahid R/O, G.U, Khel	Mat:/PTC 86-87/790	GGPS, N/Hero-Shahy	-do-
19.	Saeeda Begum D/O, Faisal Mohammad, R/O, Dargai.	Mat:/PTC 86-87/784	GGPS, Brah.	-do-
20.	Fathima Begum D/O, Amroz Khan R/O, Dargai (Kharki)	Mat:/PTC 86-87/776	GGPS, Malak- Abad (shingri)	-do-
21.	Naseem Begum D/O, Mir Ahmad R/O, Dargai.	Mat:/PTC 86-87/764	GGPS, -dp-	-do-
22.	Shenaz Begum D/O, Shulam Rabhani R/O, Thana.	Mat:/PTC 86-87/731	GGPS, Zalam- Kot-	-do-
23.	Naheed Akhtar D/O, Abdullah Azim R/O, Dargai.	-do-/724	GGPS, Agara.	-do-
24.	Ahmadia D/O, Arsala Khan B-ibi Mohrdi.	-do-/613	GGPS, Mina.	-do-



ATTESTED

concerned.

7

- 2:- No T?A/D.A is allowed.
- 3:- The Appointments are purely temporary and liable to termination at any time with-out assining any notice. In case of resignation, the candidates will have to submit one month's prior notice to the Deptt: or forfeit one month's pay in-to the Govt: treasury in lieu thereof.
- 4. The Sub Divisional Education Officer (T) Batkhola is required to check the original Certificates of the Candidates before handing-over charge to them.
- 5:- The Candidates are required to produce Health and ~~Age~~ <sup>Age</sup> Certificate from the Agency <sup>concerned</sup>.
- 6. The candidates will not tak over charge if their ages exceeds 28 years or below 18 years.
- 7:- If the candidates failed to take-over with-in (15) days of the issue of this order, the order shall stand automatically cancelled.

(MRS: ISMAT SHAD),

DIS: EDUCATION OFFICER (T)  
MALAKAND AGENCY,  
AT BATKHELA.

Endst: No: 4416-4458 /A-15/PTC/Mkd: Dated Batkhola the 27/8/  
1987.

Copy forwarded for information & n/otion to the:-

- 1. Sub Divisional Edu: Officer (F) Mkd: Agency at Batkhola with the remarks that she should ~~collect~~ <sup>collect</sup> applications/ Attested copies of Certificates etc of the above named candidates & submit ~~the same~~ <sup>the same</sup> to the D.E.O (F) Batkhola for office record.
- 2:-25 Candidates concerned.
- 26-45: All Head Mistresses GGMS/GGPS, concerned.

*Ismat Shad*  
District Edu: Officer (Female),  
Malakand Agency,  
at Batkhola.  
27. 8. 87

*CB*

ATTESTED

8

(For use in Police Department only).

Note:—The

# ANNEXURE - B

1. Hairs, Passed G.S. Exam 1986 under R.No 18710 from BISE Rawalpindi obtains marks 580 in grade (B)

2. Race  
3. Resi

Verification Roll No. dated \_\_\_\_\_ received back \_\_\_\_\_

4. Fatl

Passed P.R. Exam in 1986-87 under R.No. 312 from G.E.C (W) Dargi obtains marks 960/1150. Results declared on 31-5-87

5. Date near  
6. Exa

Qualification	Date	Qualifications	Date
Passed Intermediate		Examined in Successive	1989 (A)
English	Under Roll No 69367	First Arts	
Secondary Education Peshawar		B.L or B.A. marks obtained	
Pashtu		Result declared on 5/7/89 dated 19/11/89	
Urdu		Training School Peshawar Examination	
Plan-drawing		Other qualifications—	
Finger print	Passed C.T. (General) 1996	Passed B.A. Examination	
Job as Instructor	from R.D.P. Dept. NWFP	from University of Peshawar	
Peshawar under Roll No. 4215		under Roll No. 67030 obtains	
Secured 639 marks and placed		obtained 288/350 Result	
in Ind. Division		Decl. on 12-3-95	
Reserve duties			
Sub-Dir. Engr. Officer (F)			
WKB Agency at bath held			

7. Pers  
8. Left sion  
Littl  
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Thu  
9. Sig  
10. Sig He Off

N. B.—Aine to be drawn under the qualification possessed.

(9)

Note:—The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name *Dama Lia*

2. Race *Agha*

3. Residence *Village Julgia*

4. Father's name and residence *Abdul Majid*

5. Date of birth by Christian era as nearly as can be ascertained *12-3-69 (below March next sixty nine)*

6. Exact height by measurement *5-2*

7. Personal marks for identification *Scar on the fore head*

8. Left hand thumb and finger impression of (non-gazetted) officer

Little Finger

Ring Finger

Middle Finger

Fore Finger

Thumb

9. Signature of Government servant *Dama Lia*

Signature and designation of the Head of the Office, or other Attesting Officer

*Malakshud pr. Bakhela*

**ATTESTED**

1	2	3	4	5	6	7	
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature Government Servant
<i>N.T.</i> Cops Dalangi off/Temp			Rs 750/-			29/8/87	
"	off/Temp		Rs 781/-			1/12/88	
"	off/Temp		Rs 813/-			20/1/89	
"	"		827/-			1/12/89	
"	"		874/-			1/12/89	
"	"		925/-			1/12/90	
<u>BPS NO-7 C.Rs. 1095-60-1995</u>							
"	"		Rs 1395/-			1/6/91	
<u>BPS NO 9C-Rs 1185-72-2265</u>							
Dheri Gwari	do		Rs 1401/-			1/6/91	
"	"		1473/-			1/12/91	
"	do		Rs 1545 1/2			1/12/92	

@ Advance  
 Office of the Accountant General  
 N.W.F.P. Patharwa  
 Pay fixed in the Revised Pay Scale 1991  
 of Rs. 1095-60-1995 (B-7)  
 @ Rs. 1395/- M.W.E.P 1-4-1991  
 With Next Increment on 1-12-90

pay fixed in the Revised Pay Scale 1991  
 Office of the Accountant General  
 N.W.F.P. Patharwa  
 Pay fixed in the Revised Pay Scale 1991  
 of Rs. 1185-72-2265 (B-9)  
 @ Rs. 1401/- M.W.E.P 1-4-1991  
 With Next Increment on 1-12-90

*OB*

*1*

9	10	11	12	13	14	15
Signature and position of the officer or other attesting officer in attestation forms 1 to 8.	Date of termination of appointment.	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer.	Leave		Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government Period to which debitable.	

S.D.E.O (F) 30/11/88 Inces  
 Appointed as P.T.C. in B.P.S. No. 7 Plus Usual allowance Under D.A.O (F) Bakhela Endst. No 4416-4458 dated 2/8-1987  
 M. Sidhu  
 Sub Divisional Education Officer (F) Muzand Agency of Bakhela

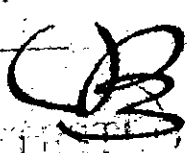
M. Sidhu 30/11/88 Inces  
 S.D.E.O (F) 30/11/88 Inces  
 M. Sidhu 30/11/88 Inces  
 Sub Divisional Education Officer (F) Muzand Agency of Bakhela  
 Service verified w.e.f. 29-8-87 to 30-11-88 from the office record  
 M. Sidhu  
 Sub Divisional Education Officer (F) Muzand Agency of Bakhela

M. Sidhu 30/11/88 Inces  
 S.D.E.O (F) 30/11/88 Inces  
 M. Sidhu 30/11/88 Inces  
 Sub Divisional Education Officer (F) Muzand Agency of Bakhela  
 Service verified w.e.f. 30-12-88 to 30-11-89 from the office record  
 M. Sidhu  
 Sub Divisional Education Officer (F) Muzand Agency of Bakhela

M. Sidhu 30/11/88 Inces  
 S.D.E.O (F) 30/11/88 Inces  
 M. Sidhu 30/11/88 Inces  
 Sub Divisional Education Officer (F) Muzand Agency of Bakhela  
 Service verified w.e.f. 30/11/89 to 30/11/90 from the office record  
 M. Sidhu  
 Sub Divisional Education Officer (F) Muzand Agency of Bakhela

M. Sidhu 30/11/88 Inces  
 S.D.E.O (F) 30/11/88 Inces  
 M. Sidhu 30/11/88 Inces  
 Sub Divisional Education Officer (F) Muzand Agency of Bakhela  
 Service verified w.e.f. 30/11/90 to 30/11/91 from the office record  
 M. Sidhu  
 Sub Divisional Education Officer (F) Muzand Agency of Bakhela  
 sanctioned  
 Following arrears and recoveries made due to revision of pay 9/1/93 drawn diff. of pay scales w.e.f. 1-6-91 to 31-8-91 to 30/11/90 as also fixing F.A. comminative total Rs 827 -  
 2011-12 = @ 1470-00  
 2012-13 = @ 75-00  
 2013-14 = @ 309-00  
 2014-15 = @ 620-00  
 2015-16 = @ 135-00  
 2016-17 = @ 270-00  
 2017-18 = @ 30-00  
 Total = @ 729-00  
 M. Sidhu 24/1/93  
 Sub Divisional Education Officer (F) Muzand Agency of Bakhela

M. Sidhu  
 Sub Divisional Education Officer (F) Muzand Agency of Bakhela



12

I, Mal Jahan PTC  
3000 Delhi hereby given as  
witness to the fact that if any over pay-  
ment is made to me as a result of  
the award of 2/Grade of MES No. 10  
(En. No. 42-42-1710) I will refund the  
amount of over payment be recorded  
from my pay bill on/graduity.

Whether subject  
is an existing  
employee and whether  
permanent or  
temporary

Name of candidate Mal Jahan PTC  
of Delhi 3000

Date of appointment

Name of post

Mal Jahan  
Sub-Divisional Engineer  
Class (F) Malabar  
at Bathala.

S.P.S. Shrivastava

do do do do do

193

B.P.S. No. 9

2187/-

193

2284/-

194

3381/-

195

Revised entries on a/c of S.P.S. made  
B.P.S. No. 10. En. No. 42-42-1710

- pay on 22-11-90 in B.P.S. No. 10 Rs. 957/-
- pay on 1-6-91 (Rev. of pay) Rs. 1467/-
- pay on 1-12-91 (A/Pmt) Rs. 1546/-
- pay on 1-12-92 (A/Pmt) Rs. 2254/-
- pay on 1-12-93 (A/Pmt) Rs. 3041/-
- pay on 1-6-94 (Rev. of pay) Rs. 3502/-
- pay on 1-12-94 (A/Pmt) Rs. 4409/-
- pay on 12-3-95 (3 Adv. on BA) Rs. 5730/-
- pay on 1-12-95 (A/Pmt) Rs. 7371/-

Mal Jahan  
Sub-Divisional Engineer  
Class (F) Malabar  
at Bathala.

1467/10  
2254/20

2254-79-2415  
1467/20

Chief of The Accounts Section,  
M.W.F. Postoffice  
for the month of July 1994  
Rs. 16695.107.3265.15/-  
Rs. 2322/- M.W.F. 1.8.94  
with next payment on 1-12-94

Accounts Officer,  
M.W.F. Postoffice

*[Handwritten Signature]*



9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or reward or praise of the Government Servant.
				Nature and duration of leave taken	Government to which debit to		
				Period	Government to which debit to		
S.D. O. (P) (F) (M) at Batthala	30/11/94	Retired	<i>[Signature]</i>	S.D. O. (P) (F) (M) at Batthala	to 30/11/94	S.D. O. (P) (F) (M) at Batthala	12/12/94
<i>[Signature]</i>	30/11/94	Althru	<i>[Signature]</i>	S.D. O. (P) (F) (M) at Batthala	to 30/11/94	S.D. O. (P) (F) (M) at Batthala	12/12/94
<i>[Signature]</i>	30/11/94	A.P. (P) (F) (M) at Batthala	<i>[Signature]</i>	S.D. O. (P) (F) (M) at Batthala	to 30/11/94	S.D. O. (P) (F) (M) at Batthala	12/12/94
<i>[Signature]</i>	30/11/94	A.P. (P) (F) (M) at Batthala	<i>[Signature]</i>	S.D. O. (P) (F) (M) at Batthala	to 30/11/94	S.D. O. (P) (F) (M) at Batthala	12/12/94
<i>[Signature]</i>	30/11/94	A.P. (P) (F) (M) at Batthala	<i>[Signature]</i>	S.D. O. (P) (F) (M) at Batthala	to 30/11/94	S.D. O. (P) (F) (M) at Batthala	12/12/94
<i>[Signature]</i>	30/11/94	A.P. (P) (F) (M) at Batthala	<i>[Signature]</i>	S.D. O. (P) (F) (M) at Batthala	to 30/11/94	S.D. O. (P) (F) (M) at Batthala	12/12/94
<i>[Signature]</i>	30/11/94	A.P. (P) (F) (M) at Batthala	<i>[Signature]</i>	S.D. O. (P) (F) (M) at Batthala	to 30/11/94	S.D. O. (P) (F) (M) at Batthala	12/12/94
<i>[Signature]</i>	30/11/94	A.P. (P) (F) (M) at Batthala	<i>[Signature]</i>	S.D. O. (P) (F) (M) at Batthala	to 30/11/94	S.D. O. (P) (F) (M) at Batthala	12/12/94
<i>[Signature]</i>	30/11/94	A.P. (P) (F) (M) at Batthala	<i>[Signature]</i>	S.D. O. (P) (F) (M) at Batthala	to 30/11/94	S.D. O. (P) (F) (M) at Batthala	12/12/94
<i>[Signature]</i>	30/11/94	A.P. (P) (F) (M) at Batthala	<i>[Signature]</i>	S.D. O. (P) (F) (M) at Batthala	to 30/11/94	S.D. O. (P) (F) (M) at Batthala	12/12/94

Fixation of 8/800 pay on 22-11-94  
Next stage plus pro pay on 2-12-94

Allowance to be w/e of DE of pay increase no

Mahajan Sub-Divisional Secy (F) Malabar at Batthala

2-11-90 vide Batthala 424 dt 12/2/95

Mahajan Sub-Divisional Secy (F) Malabar at Batthala

1/5 dt 19/3/94

**ATTESTED**

Ordnance S. G. 12/19/94

Three months 12/95 Rs 1175

Service verified to 30/11/94 from the office

S.D. O. (P) (F) (M) at Batthala

Grant of Haj leave w.e.f. 19-3-94 to 31-5-94 (54 days) on full pay w/d DE (P.S.G. Malabar at Batthala N.O. 2202 dt 5/7/94

S.D. O. (P) (F) (M) at Batthala

Service verified w/e from 1-12-93 to 30-11-94 from the office

Mahajan Sub-Divisional Secy (F) Malabar at Batthala

Service verified w/e from 1-12-94 to 30-11-95 from the office

1 Name of post	2 Whether substan- tive or officiating and whether permanent or temporary	3 Officiating status (i) substantive appointment or (ii) whether service counts for pension under Arts 37 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emoluments falling under the term "Pay"	Date of appointment	Signature of Governmen t Officer
33/33 Dhani							
	<i>officiating</i>		<i>Rs. 2837/-</i>				
			<i>Rs. 2944/-</i>				
<i>- Do -</i>	<i>- Do -</i>		<i>= Rs. 3051/-</i>				
<i>- Do -</i>	<i>- Do -</i>		<i>= Rs. 3158/-</i>				
<i>- Do -</i>	<i>- Do -</i>		<i>Rs. 3265/-</i>				
						<i>12-5-97</i>	
					<i>Rs. 2944/-</i>		
					<i>= Rs. 3051/-</i>		
					<i>= Rs. 3158/-</i>		
					<i>= Rs. 3265/-</i>		
					<i>Rs. 3265/-</i>		
						<i>1-12-97</i>	
						<i>1-12-98</i>	
						<i>1-12-99</i>	
<i>- do -</i>	<i>- do -</i>		<i>Rs. 3265/-</i>				
<i>- do -</i>	<i>- do -</i>		<i>Rs. 3265/-</i>				
<i>- do -</i>	<i>- do -</i>		<i>Rs. 3265/-</i>				

  
ATTESTED

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Period	Government to which debitible	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
M. Chahal D.E.O (F) Mkd: at Batk	30/11/98	Adm.	M. Chahal D.E.O (F) Mkd: at Batk	1/12/95 to 30/11/96			Service verified from the office record.
M. Chahal D.E.O (F) Mkd: at Batk	30/11/97	Allowment	M. Chahal D.E.O (F) Mkd: at Batk				Service verified w.e.f. 12/96 to 30-11-98 from the office record.
M. Chahal D.E.O (F) Mkd: at Batk	30/11/98	Allowment	M. Chahal D.E.O (F) Mkd: at Batk				
M. Chahal D.E.O (F) Mkd: at Batk	30/11/99	Adm.	M. Chahal D.E.O (F) Mkd: at Batk				
M. Chahal D.E.O (F) Mkd: at Batk	30/11/00	Renewed entry to 1 ad...	M. Chahal D.E.O (F) Mkd: at Batk				Service verified w.e.f. 1/12/98 to 30/11/99 from the office record.
Allowed 1 Adm. leave passing FR w.e.f. 13-5-97 vide DEO (F) Mkd: at Batk office							
Enrol. No. 1090-93 D. 11/4/2000							Sanctioned Ex-Pakistan/Extraordinary Leave without pay w.e.f. 21-11-2000 to 31-12-2000 vide DEO (Formal) Mkd: at Batk Office ends to No. 7113-15/ENo. 92 DEO (F) Mkd: at Batk dated 4-12-2000.
M. Chahal D.E.O (F) Swat Ranizai Mkd: Agency	30/11/2000	Renewed	M. Chahal D.E.O (F) Swat Ranizai Mkd: Agency				Sub Divl: Edu: Officer (F) Mkd: Agency at Batkhole
M. Chahal D.E.O (F) Swat Ranizai Mkd: Agency	30/11/2001	PIR	M. Chahal D.E.O (F) Swat Ranizai Mkd: Agency				Service Verified W.E.F. 12/99 To 30/11/2000 From the Office Record
M. Chahal D.E.O (F) Swat Ranizai Mkd: Agency	30/11/2001		M. Chahal D.E.O (F) Swat Ranizai Mkd: Agency				

13  
AFFECTED

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment or (ii) whether service counts for pension under Art. 371 C S.K.	Pay in substantive post	Additional Pay for officiating	Basic emolument under the term 'Pay'	Date of appointment	Signature of Government
C.R. BPS No. 10			Rs. 2490			16-7-90	

SEPS Deter

Pay 1-12-2001  
revised  
4 months

A-0

Revised Entry of A-0 B-14 w.e.f. 1-12-98

10	10 (1660-107-3265)	1-12-99	3265			1-12-99	1.3265
11	12 (1830-130-3465)	1-12-99	3465			1-12-99	1.3349
12	10 (1660-107-3265)	1-12-2000	3265			1-12-2000	1.3465
13	12 (1830-130-3750)	1-12-01	3750			1-12-01	1.3520
14	10 (1660-107-3265)	1-12-01	3265			1-12-01	1.3580
15	No. 1 Stage via L						18
16	R BPS NO. 10 (2440-160-2290)	1-12-01	2290			1-12-01	1.5370
17						1-12-02	1.5530
18						1-12-03	1.5690

Office of the Accountant General  
N.W.F.P. Follower,  
Pay Band 10 (1660-107-3265) 1-12-99  
P.M.E.M.P.  
1-12-2001  
1-12-2000  
Account. Office  
P.O. No. 11799 Peshawar

Dy. Commr.  
Singh

Returned - P.A. entry  
Sig. by A.D.O.

**ATTESTED**

17

9	10	11	12	13		14	15
				Leave			
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Period	Government to which debitable		
					<p>Sanctioned Ex-Pakistani/Extra ordinary leave with out pay w.e.f 1<sup>st</sup> 7/2011 to 20/11/2015            2 (Two) years &amp; 324 days vide D.O. Muzhalakand Agency at Balthela office            Ends: No. 641-42 dated 22/11/2013</p>		
						<p>D.O (F) Swat Ranizai            Mkd: Agency            27/11/13</p>	
						<p>Allowed by power in B.P.S. No. 11 w.e.f 01-12-1999 vide EDO (S &amp; L) Muzhalakand office Ends: No. 7326-24/11/11            F.No. 36/11/over dt. 31-12-2003</p>	
			<p>Terminated from service vide EDO (S &amp; L) Muzhalakand at Balthela office Ends: No. 13823-36 dated 09-08-2006</p>			<p>D.O (F) Swat Ranizai            Mkd: Agency            27/11/13</p>	
			<p>Dy. D.O. (F) Edu:            Swat Ranizai Bar</p>			<p>OB            ATTESTED</p>	

(18)

# ANNEXURE

OFFICE OF THE DIST. COORDINATION OFFICER, MALAKAND

DATE: \_\_\_\_\_ /th Jan: 2003

## ORDER

No. \_\_\_\_\_ /DCO/Mkd/L(Edu) Under the powers conferred on the undersigned vide Clause "J" of Para-6 of the District Govt. Rules of 1958, sanction is hereby accorded to the grant of 2 (Two) years and 324 Extra Ordinary Leave with out pay with effect from 1.1.2003 to 20-11-2005 in favour of Miss. Qamar ul PTG as recommended by the E.D.C. (Edu) Batkhela vide his memo. No. 6 dated 10-1-2003 as admissible under the Rules.

*Sd*  
 Dist. Coordination Officer,  
 Malakand at Batkhela.

No. 641-42 /DCO/Mkd/L(Edu)

dated Batkhela the 12/1/2003.

Copy forwarded to the:-

1. The E.D.C. (Edu) Batkhela with reference to the above for information and necessary action. The S/Book of the above named teacher is returned herewith in original.
2. The Agency Accounts Officer, Malakand for information.

*[Signature]*  
 Accounts Officer,  
 O/O Dist. Coordination Officer,  
 Malakand at Batkhela.

*Entry has been made in her Service Book  
 on page 11*

*[Signature]*  
 27/1/03

*[Signature]*  
 15/1/03  
 18  
**ATTESTED**



(19)

(9)

EXECUTIVE DISTT: OFFICER (S&L),  
MALAKAND.

DATED 9/8/2006

**ANNEXURE-D**

ORDER.

WHEREAS Met: Qamer Zia, PST, Govt: Girls Primary School Dheri Julagram (Mkd:) was proceeded against under the N.W.F.P. Removal from Service (Special Powers) ordinance, 2000 as amended.

AND WHEREAS, provided in Section 5(4) of the N.W.F.P. Removal from service (Special powers) ordinance, 2000 as amended, the competent Authority has dispensed with enquiry and served the show cause notice upon her.

NOW THEREFORE, the competent Authority after having considered charge, evidence on record, no response of the accused official, exercising his power under section-3 of the N.W.F.P. Removal from Service (Special powers) ordinance, 2000, as amended has been pleased to impose major penalty by removal from service of Met: Qamer Zia PST GGPS, Dheri Julagram (Malakand).

EXECUTIVE DISTT: OFFICER (S&L),  
MALAKAND.

Endst: No: 12823-30 / F.No: / PF: / Qamer Zia PST/EDO(S&L)/Mkd:

Copy forwarded to:-

1. The District Nazim Malakand for information.
2. The District Coordination Officer Malakand for information.
3. ✓ The Dy: Distt: Officer (E) Batkhels for further n/action.
4. Agency Accounts Officer Malakand.
5. The Official concerned.
6. *HTM Lamsand School*
7. *Office record*

Executive Distt: Officer (S&L),  
Malakand.

*Entry has made in book  
81 Book on Page-11*

*16/8/06*

**ATTESTED**

بخدمت جناب ڈائریکٹر صاحب ایگزیکٹو اینڈ سیکنڈری ایجوکیشن خیبر پختون خوا، پشاور

20

ایکل برائے بحال ملازمت (Re-instatement) P.T.C

## ANNEXURE-E

جناب عالی

گزارش ہے کہ سالہ کاؤں ڈیوٹی جو گرام ملاکنڈ ایجنسی کا مقامی باشندے ہے۔ مگر تعلیم پر مبنی میں بحالیت لی۔ لی۔ سی۔ حلقہ 28-08-87 کو G.P.S ملاکنڈ میں تقرری مل میں لائی تھی۔ تقریباً 14 سال تک اس پوسٹ پر بطور تیسرے ڈیوٹی سرانجام دے چکی ہیں۔  
فوجی ضروریات کی بنا پر مشورہ کے ساتھ سوڈی عرب جانا پڑا۔ 21-11-2000 سے 31-12-2002 تک اور 1-1-2003 سے 20-11-2005 تک Ex-pak leave حاصل کی گئی تھی۔ گورنر کے ساتھ سوڈی عرب میں تھیم تھی۔ مشکلات کی وجہ سے اپنے وطن پاکستان نہیں آسکی۔  
میرے عدم موجودگی میں جناب D.E.O ذرا بٹ خیلہ ملاکنڈ نے 9-8-2006 ملازمت سے برطرف کرنے کا حکم جاری کیا۔ لیکن مجھے ڈس بائر طرفی کا حکم نامہ موصول نہیں ہوا۔

جناب دلایا

آپ صاحبان کے خدمت اقدس میں گزارش ہے کہ تاگزیر حالات اور مشکلات کی بنیاد پر مجھے برطرف کیا گیا ہے۔ میں نے B.A اور C.T.P.T.C کے امتحانات اچھے نمبرات سے پاس کئے ہیں۔ سوڈی عرب کی سٹوڈنٹس سے نمبر 11 تک نوٹو کاپی لفٹ ہیں۔ گزارش ہے کہ مجھے دوبارہ اپنی پوسٹ پر بحال کرنے کی احکامات صادر فرمادیں، مہربانی ہوگی۔

العارضہ:

سید سعید سید  
سائلہ قمر ضیاء W/O محمد جمیل

N.I.C # 15402-9076672-6

رابطہ نمبر: 0347-9997969/ 0332-9459906

گاؤں یونین کونسل ڈھیری جو گرام، گاؤں ڈالخانہ ڈھیری حلقہ اشانہیل انجم خان نوروزی تحصیل بخیلہ ضلع ملاکنڈ

لرقوم: 1-3-2017



ATTESTED



خدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) بٹ حیلہ، ملاکنڈ  
درخواست برآمد: جاری کرنے پشن

(21)

ANNEXURE - F

جناب عالی!

مؤدبانہ گزارش کی جاتی ہے۔ کہ سائل ضلع ملاکنڈ کی مستقل رہائشی ہے۔ سائلہ ایک تعلیمی یافتہ عورت ہے سائلہ نے PTC اور CT کی تعلیم بھی حاصل کر لی ہے۔ سائلہ 1987ء کو PTC کی پوسٹ گورنمنٹ پرائمری سکول تلنگی میں بھرتی کی گئی۔ سائلہ نے بیرونی ملک جانے کیلئے چھٹی لی تھی۔ چھٹی ختم ہونے کے بعد سائلہ مزید چھٹی کیلئے درخواست بھی دی تھی۔ لیکن سائلہ کو نوکری سے درخواست کیا گیا۔ سائلہ کو برخواسگی کی آرڈر کے حصول کیلئے بھی درخواست دی لیکن سائلہ کو وصول نہ ہوئی اور بالآخر میں سائلہ کو نوکری سے متعلق ضروری کاغذات بھی فراہم کی گئی جن میں برخواسگی کا آرڈر بھی تھا اور سائلہ کو 09-08-2006 کو نوکری سے برخاست کیا گیا تھا۔

اسلئے! آپ صاحبان سے التجاء کی جاتی ہے کہ سائلہ نے 18 سال سے زیادہ نوکری کی ہے۔ سائلہ کی سزا کو جبری پشن میں تبدیل کر کے اس بابت قانون کے مطابق پشن جاری کرنے کے احکامات صادر فرمائیں۔

العارض

موزخہ: 19-03-2020

آپ کی فرمانبردار:

قرضیاء زودہ محمد جمیل

یونین کونسل ڈھیری جوگرام،

ڈاکخانہ ڈھیری محلہ شاخیل احکم خان کورونہ

تحصیل حیلہ ضلع ملاکنڈ

15402-9076672-6

0347-9997969

ATTESTED

# (POWER OF ATTORNEY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. \_\_\_\_\_/2020

QAMAR ZIA

VS

Govt. of KP& Others

I, Mst. Qamar Zia do hereby nominated and appointed **MUHAMMAD MAAZ MADNI**, Advocate, High Court, Peshawar, to be counsel in the above matter for me/us and on my/our behalf as agreed to appear, plead, act and answer in the above court or any appellate court or any court to which the business is transferred in the above matter as and is agreed to sign and file petition, appeals, statements, accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc and to apply for and issue summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution, warrants or order and to conduct any proceedings that may arise there out; and to apply for and receive payment of any or all sums or submit the above matter to arbitration, and to employ an other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

AND to do all acts legally necessary to manage and conduct the said case in all respects whether herein specified or not, as may be proper and expedient.

AND I/WE hereby agree to ratify and confirm all lawful acts done on my/our behalf; under or by virtue of these present or of the usual practice in such matter. PROVIDED always that I/WE undertake at the time of calling of the case by the court I/MY authorized agent shall inform the advocate and make him appear in the court, if the case, may be dismissed in default, it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

IN WITNESS WHERE OF I/We hereunto set MY/OUR hand to these presents, the contests of which have been explained to and understood by ME/US this 21 day of July 2020.

EXECUTANT

Qamar Zai  
(Qamar Zai)

Accepted subject to the terms regarding fees:



MUHAMMAD MAAZ MADNI,

ADVOCATE HIGH COURT,

PESHAWAR

BC No. (BC-11-1460)

CNIC No. 17101-9263898-1