


25.03.2021

Counsel for the appellant present. Mr. Riaz Khan  
Paindakhel learned Asst. AG for respondents present.

The Worthy Chairman is on leave, therefore, the case  
is adjourned to 24.06.2021 for arguments before D.B.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

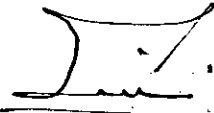
**ORDER**  
**24.06.2021**

None present for the appellant. Mr. Javed Ullah, Assistant  
Advocate General for the respondents present.

The appeal in hand was called on for hearing after various  
interval, however neither the appellant nor anyone else appeared  
on his behalf till closing time of the <sup>Tribunal</sup> court, therefore, the appeal  
in hand stands dismissed in default. Parties to bear their own  
costs. File be consigned to the record room.

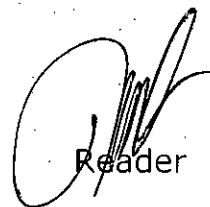
ANNOUNCED  
24.06.2021

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

25.06.2020

Due to public holiday on account of COVID-19 the case is adjourned for the same on 23.09.2020 before D.B.

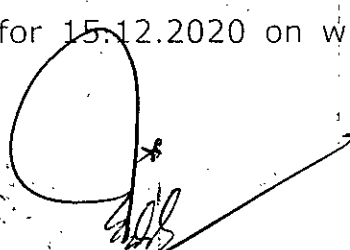


Reader

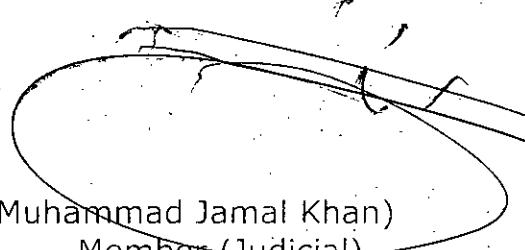
23.09.2020

Appellant has not forth come nor anyone else representing her is present despite having been called time and again and last call was made on 03:55 P.M. Mr. Riaz Ahmad Painsakheil, Assistant Advocate General for the respondents is present.

The perusal of record reveals that last two adjournments were made on the basis of spread of pandemic COVID-19, therefore, it is deemed appropriate to notice to appellant as well as her respective counsel for 15.12.2020 on which to come up for arguments before D.B.




(Mian Muhammad)  
Member (Executive)



(Muhammad Jamal Khan)  
Member (Judicial)

Due to COVID-19 case is  
adjourned to 25-03-2021



Reader

24.12.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Muhammad Jan learned Deputy District Attorney present. Adjourn. To come up for further proceedings/arguments on 27.02.2020 before D.B.

  
Member

  
Member

27.02.2020

Junior to counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General for the respondent present. Junior to counsel for the appellant requested for adjournment as senior counsel for the appellant is not available today. Adjourn. To come up for arguments on 1.04.2020 before D.B.

  
Member

  
Member

01.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 25.06.2020 before D.B.

  
Reader

01.07.2019

Counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Baharamand Assistant for the respondents present. Representative of the respondents seeks time to furnish written reply/comments. Last opportunity is extended with the costs of Rs. 1000/- Adjourned. To come up for written reply/comments on 27.08.2019 before S.B.

  
Member

27.08.2019

Appellant in person present. Nemo for the respondents.

Respondents have not submitted written reply despite last opportunity. The matter is, therefore, posted to D.B for arguments on 14.10.2019.

  
Chairman

14.10.2019


Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments/further proceedings on 24.12.2019 before D.B.

  
Member

  
Member

27.02.2019

Junior to counsel (Miss. Humaira Gul, Advocate) for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Daud Jan, Supdt for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 09.04.2019 before S.B.

  
Member  
(Ahmad Hassan)

09.04.2019

Counsel for the appellant and Addl. AG on behalf of the respondents present.


Learned AAG requests for time to procure reply of the respondents. The respondents shall positively submit the requisite reply/comments on next date of hearing.

Adjourned to 15.05.2019 before S.B.

  
Chairman

15.05.2019


Miss Lubna Advocate present on behalf of learned counsel for the appellant present. Written reply not submitted. Daud Jan Superintendent representative of the respondent absent. He be summoned with the direction to furnish written reply/comments. Last opportunity is granted. Adjourn. To come up for written reply/comments on 01.07.2019 before S.B.

  
Member

07.12.2018

Counsel for the appellant and Mr. Muhammad Jan, DDA  
for the respondents present.

Learned counsel for appellant requests for time to  
substitute the respondents in the memorandum of appeal as  
most of the offices have been re-designated after the merger  
of FATA to Khyber Pakhtunkhwa. May do so within 10 days  
where-after notices be issued to the arranged respondents for  
16.01.2019 on which date they shall also be required to  
furnish their respective reply/comments.

  
Chairman

16.1.2019

Mr. Muhammad Adeel Butt for appellant and  
Addl. AG for the respondents present.

The amended appeal stands filed on 07.01.2019,  
therefore, notices to respondents therein shall be issued for  
27.02.2019 on which date they shall also submit written  
reply/comments to the appeal.

  
Chairman

Appellant Deposited  
Court & Process Fee


10.07.2018

Neither appellant nor his counsel is present. No representative is present on behalf of the respondents. However, Mr. Usman Ghani, District Attorney put appearance on their behalf and made a request for adjournment. Granted. To come up for written reply/comments on 27.08.2018 before S.B.

  
Chairman

27.08.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present and made a request for adjournment. Granted. To come up for written reply/comments on 23.10.2018 before S.B.

  
(Ahmad Hassan)  
Member

23-10-2018

*Due to Retirement of Honorable Chairman  
The Tribunal is non functional  
Therefore the case is adjourned to  
come up for the same on 7-12-2018*

*Final*  
Reader

26.03.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department but due to terrorist activities the schools in the said area were closed. It was further contended that salary of the appellant was stopped by the respondent-department therefore, the appellant filed the departmental appeal to the Director Education FATA for release of her salary but the same was regretted vide order dated 19.01.2018 therefore the appellant filed the present service appeal. It was further contended that since the schools were closed therefore the salary of the appellant was illegally stopped by the respondent-department hence, the same is illegal and liable to be granted.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 21.05.2018 before S.B.

Appellant Deposited  
Security & Process Fee

  
(Muhammad Amin Khan Kundi)  
Member

21.05.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Written reply not submitted. Learned Additional AG seeks adjournment. Adjourned. To come up for written reply/comments on 10.07.2018 before S.B.


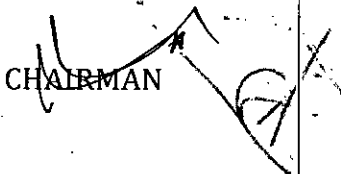

  
(Muhammad Amin Khan Kundi)  
Member



**Form-A**  
**FORM OF ORDERSHEET**

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

Case No. 243/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	21/02/2018	<p>The appeal of Mst. Jamila Khatoon presented today Lubna Rani Butt Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	26/02/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/03/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	08.03.2018	<p>Junior counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 26.03.2018 S.B.</p> <p style="text-align: right;"> (Gul Zeb Khan) Member</p>

The appeal of Mst. Jamila Khatoon D/O Murad Khan GGPS Matta Shah Tehsil Salarzai Bajaur Agency received today i.e. on 08.02.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of arrival report mentioned in para-1 of the memo of appeal (Annexure-B) is not attached with the appeal which may be placed on it.
- 2- Copy of impugned order mentioned in the Index of the appeal at serial No. 3 is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.

No. 312 /S.T,

Dt. 09/02 /2018

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Lubna Rani Butt Adv. Pesh.

*Dear Sir,*

*Re-submitted after completion.*

*Lubna Rani*  
*20/2/18*

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA  
PESHAWAR

*unamended*  
Service Appeal No. 243/18 /2018

Jamila Khatoon D/O Murad Khan , Government Girls Primary  
School, Matta Shah , Tehsil Salar Zai , Bajour Agency.

...Appellant

Versus

- 1) Government of Khyber Pakhtun Khwa through Secretary Education.
- 2) Director Education, Peshawar.
- 3) District Education Officer, District Bajur.

...Respondents

Index

S.No	Description of documents	Annex.	Page
1	Grounds of Appeal along with Affidavit		01-04
2	Addresses of the Parties		05
3	Copy of the impugned order dated	A-B	06-07
4	Copy of the departmental appeal	C	08
5	Copy of the appeal rejection order	D	09
6	Wakalat nama		

Appellant

Through

Lubna Rani

Adeel Butt & Humera Gul  
Advocates, Peshawar

(1)

Before the Honorable Service Tribunal, Khyber Pakhtun khwa,

Peshawar

Khyber Pakhtunkhwa  
Service Tribunal

*amended* Service Appeal No. 243/18 /2018

Diary No. 37

Dated 7-1-2019

Jamila Khatoon D/O Murad Khan , Government Girls Primary  
School, Matta Shah , Tehsil Salar Zai , Bajour Agency.

.....Appellant

Versus

1. Government of Khyber Pakhtun Khwa through Secretary Education.
2. Director Education, Peshawar.
3. District Education Officer, District Bajur.

.....Respondents.

**Amended Appeal, under Section 4 of the Service Tribunal Act, 1974, against the impugned Order Dated 19/01/2018, whereby the Respondents have regretted the Representation/Appeal of the Appellant for the release of her Salary.**

**On acceptance of the appeal , this Honorable Tribunal may graciously setaside the impugned order and the Appellant may kindly be given her salaries and be allowed to perform her duty .**

Respectfully sheweth;

Facts:

That the appellant submits as under,-

1. That consequent upon the approval by the Departmental Selection Committee, the Appellant was appointed by the Respondents as PST BPS (7) on 12/04/2007 and on 13/04/2007 she took the charge on submitting the Arrival Report dated 13/04/2007 in GGPS Matta Shah, Bajur Agency. (Copy of the appointment Order and Arrival Report is annexed as Annexure "A" and "B").

2. That since appointment she was performing her job with zeal and devotion and no complaint whatsoever has ever reached to any respective forum against her.
  - A. That in the year 2008, by the order of the Government, a military operation was started in the agency and no government office was in a condition to work or perform job.
  - B. That soon after, in the year 2017, the military declared the area where the school building was situated, the Appellant went to the school, but she was unlawfully been restrained to perform her duty.
3. That the Respondents than approached to the respondents for the release of her salary and filed the departmental appeal in this respect. (Copy of the departmental appeal is annexed as annexure "C").
4. That unfortunately, the Respondents without any consideration rejected the Departmental Appeal.
5. That appellant approach to this honorable Tribunal for redressal of her grievance on the following grounds amongst others.

**Grounds :-**

- C. That the impugned order is illegal without jurisdiction and based on malafide intentions.
- D. That a non speaking order has no value in the eyes of Law, hence, the Respondents have no legal justification to deny the legitimate constitutional rights of the Appellant.
- E. That it was beyond the control of Appellant to go to school during military operations; therefore, the Respondents have no legal authority to stop her salary.
- F. That the respondents have no legal authority to stop the salary of the Appellant without any formal enquiry or termination letter.
- G. That the impugned order was issued in haste manner, without considering the facts the matter and is vague in nature which is not permissible under the law.
- H. That it is important to mention that Respondents have, in such like cases, allowed salaries to other employees but by denying the legitimate right of salary to the Appellant is discriminatory in nature, hence is against the gist of the fundamental rights of the Appellant as been safeguarded by the Constitution of Pakistan, 1973.
- I. That the right of fair trial guaranteed by 10A of the Constitution of Islamic Republic of Pakistan 1973.
- J. That since the commencement of military operations the appellant is jobless and suffering from hardship.

3

K. The appellant seeks permission to advance further grounds during the course of arguments

It is, therefore, most humbly requested that this Honorable Tribunal may graciously set aside the impugned order and the Appellant may kindly be given her salaries and be allowed to perform her duty .

Appellant  
Through  
Muhammad Adeel Butt  
Lubna Rani  
&  
Humera Gul  
Advocates, Peshawar

Dated

4/1/2019

Note: No such appeal has ever been made to Service Tribunal on the subject by the appellant or in any other court of Law.

Appellant.

4

Before the Honorable Service Tribunal, Khyber Pakhtun khwa,  
Peshawar

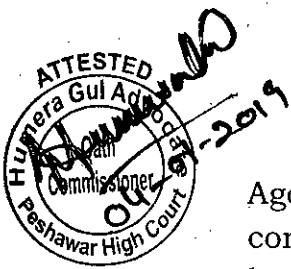
*ameerul* Service Appeal No. 243/18 /2018

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...Appellant

Versus

1. Government of Khyber Pakhtun Khwa through Secretary Education.
2. Director Education, Peshawar.
3. District Education Officer, District Bajur.



**Affidavit**

I, Jameela Khatoon D/O Murad Khan , resident of Bajur Agency do hereby solemnly affirm and declare on oath that all the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal .

Deponent

*Paula.*  
Appellant

5

Before the Honorable Service Tribunal, Khyber Pakhtun khwa,  
Peshawar

*amadeel* Service Appeal No. 243/18 /2018

**Appellant :**

Jamila Khatoon D/O Murad Khan , Government Girls Primary  
School, Matta Shah ,Tehsil Salar Zai ,Bajour Agency.

**Respondents :**

- 1) Government of Khyber Pakhtun Khwa through Secretary Education.
- 2) Director Education, Peshawar.
- 3) District Education Officer, District Bajur.

*P. Adeel*  
Appellant

Through

*Muhammad Adeel Butt*  
Muhammad Adeel Butt

*Lubna Rani*  
Lubna Rani

*Humaira Gul*  
& Humaira Gul

Advocates , Peshawar





**OFFICE OF THE AGENCY EDUCATION OFFICER  
BAJAUR AGENCY AT KHAR**

*Anexure A*

(6)

**APPOINTMENT ORDER:**

Consequent upon the approval by the Departmental Selection Committee, the following Female candidates of sub-division Khar Bajaur Agency are hereby appointed Against PTC Posts purely on temporary basis in BPS-7 plus usual allowances as admissible under the rules/new policy notified by the Govt: of N.W.F.P vide SO (R-VI) E & AD/13-1/2005 dated 10/8/2005 and civil servants amendments act 2005 vide No. PA/N.W.F.P/Legis-1,2005-20440 dated 23/7/2005 with effect from the date of taking over charge in the schools noted against their names in the interest of public service.

S.No	Name of Candidate	Father Name	Name of School where appointed	Remarks
1	Shabana	Suliman Bacha	GGPS Tawhid Abad Arang	Against newly created post
2	Amina Aziz	Azizur Rehman	GGPS Porai Shah Arang	Against newly created post
3	Ilyas Rahim	Rahim Shah	GGPS Bado Arang	Against newly created post
4	Nargas Begum	Bahadar Khan	GGPS Gulshan Abad	Against newly created post
5	Yasmin Bibi	Muhammad Rasool	GGPS Lal Gul Banda	Against Vacant Post
6	Jamila Khatoon	Murad Khan	GGPS Mulla Shah	Against Vacant Post
7	Musarat Begum	Jan Badshah	GGPS Bado Arang	Against newly created post
8	Saima	Noor Gul	GGPS Gulshan Abad	Against newly created post
9	Amina Din	Muhammad Din Khan	GGPS Khuna	Vice Shazia PTC Transferred
10	Ulfat	Haji Shir Jan	GGPS Tawhid Abad	Against newly created post
11	Zinat	Samiullah	GGPS Derago Arang	Against Vacant Post
12	Mehnaz Munir	Bakht Munir	GGPS Mano Derai	Against Vacant Post
13	Robina Aziz	Azizur Rehman	GGPS Porai Shah Arang	Against newly created post
14	Roqia	Muhammad Said	GGPS Gung	Against Vacant Post

**TERMS AND CONDITIONS:**

- The appointment of the candidates is being made purely on temporary basis & is liable to termination at any time without assigning any reason.
- They will not be entitled to get pension/gratuity benefits, however GP Fund & CP Fund will be deducted as per rules in case of fresh candidates.
- Charge report should be submitted to all concerned in duplicate.
- All kinds of documents should be verified from the concerned institution before the drawl of their salaries.
- Health and Age certificate should be produced to this office to be obtained from the Agency surgeon concerned.
- They should not be handed over charge of the posts if they are below 18 years or above 40 years in case of fresh candidates except those candidates to whom Age Relaxation has been granted by the competent authority.
- The trained candidates possessing higher qualifications of F.A or B.A should be placed in BPS -9 if they have not already been availed the facility of advance increments on these qualifications.
- If they failed to report of their arrival with in 15 days, their appointment order will be automatically considered as cancelled.

(Haji Gul-Rehman)  
Agency Education Officer  
Bajaur Agency

Endst: No 2677-82 Dated 12/5/07

Copy of the above is forwarded to the:

- Director of Education FATA N.W.F.P Peshawar
- Agency Accounts Officer Bajaur Agency
- AAEO Female Concerned
- Official Concerned
- Accountant of the local Office

Agency Education Officer  
Bajaur Agency

**ATTESTED**

*[Signature]*

ARRIVAL REPORT

In compliance with the order of the AEO, memo No 2677-82  
dated 12/4/2007, I, Miss. Jamila Khatoon D/o Murad Khan joined my duty  
to day on Friday dated 13/04/2007 before noon.

*[Signature]*  
13.04.07

GGPS Matta Shah  
Bajaur Agency.

Attested by The  
Counsel  
*[Signature]*

(7)  
Signature B

RECEIVED

... in office Matta Shah,

*[Handwritten mark]*

To

The Director Education FATA  
FATA Secretariat Peshawar.

Annure (c)  
8

Subject: APPEAL FOR RELEASE OF PAY

Dear Sir,

With great veneration it is stated in your honor that I was working as PST Teacher at GGPS Mata Shah, Tehsil Salarzai Bajaur Agency in 2008. In meanwhile the whole Agency came under the terrorist activities of the militants. The situation was very tense and life was very difficult in such circumstances, so we shifted from Bajaur to Peshawar on the following grounds.

1. My husband was serving in Police Department as Sub-Inspector; so with the rank it was impossible for him to stay in Bajaur Agency.
2. The post was not transferable to other Agency / District.

Dear Sir, due to the above reasons, I was unable to continue my service there. Later on I resumed my services many time but I was not entertained by the department.

Sir, being appellate authority in this case, I submit my appeal in your honor to please re-instate my services with all back benefits and the Agency Education Officer may be directed to release my pay on humanitarian grounds please.

Your Sincere,

DDCES/16/07  
Jamil Khan  
put up pr  
S  
29/12/17

Jamila  
17301-12791  
29/12/17

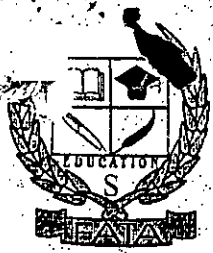
Jamila Khatoon  
Wife of Ahmad Jan  
GGPS Mata Shah  
Bajaur Agency.

# 0315-9901767

ATTESTED

ATTESTED

Amir



FATA SECRETARIAT  
DIRECTORATE OF EDUCATION  
WARSAK ROAD PESHAWAR, PAKISTAN  
PHONE: 091-9210166 FAX: 091-9210216

No. 1427 /Date Pesh: the 13/1 /2018.  
No. E-6/Bajaur/Mohmand.

9

To

Mst. Jamila Khatoon,  
Ex-PST GGPS Mata Shah Bajaur,  
Bajaur Agency.

Signature D,

Subject: APPEAL FOR RELEASE OF PAY.

Memo;

Reference to your request dated 29/12/2017 has been examined by this office and regretted being a time barred and not based on facts.

*[Signature]*  
Deputy Director (Estab)  
Directorate of Education (FATA)

Endst: No. /-

Dated Pesh: the /2018.

Copy to the:-

1. PA to Director Education FATA.

Deputy Director (Estab)  
Directorate of Education (FATA)

ATTESTED

*[Signature]*

Mob: 0345-9223239

*[Signature]*

4

*[Signature]*

# بعدالت جناب و سرپرستین

## سرول ٹریبونل کے بارے

اپیل نمٹے

2 جناب

جیل خانوں بنام

البحرین

و غیر

میرٹھ

مقدمہ

دعویٰ اپیل کے ذریعہ 4 اس ٹریبونل

جرم

### باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام ایسٹاڈ کیلئے جج عدالت سب سے لیتے رہنے جج عدالت مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ذکر کی کرنے اجراء اور وصولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2019ء

ماہ جنوری

المرقوم 01/19 - 07

Lubna Rani

العبد محمد واہ العبد

کے لئے منظور ہے۔

مقام ایسٹاڈ

Accepted by A.Hest

*(Signature)*

*(Signature)*

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA  
PESHAWAR

Service Appeal No. 243 /2018

Jamila Khatoon D/O Murad Khan , Government Girls Primary  
School, Matta Shah , Tehsil Salar Zai , Bajour Agency.

.....Appellant

Versus

Government of Khyber Pakhtun Khwa through Additional Chief  
Secretary FATA.

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6	Wakalat nama		

*Jamila*  
Appellant

Through

*Lubna Rani Butt*  
Lubna Rani Butt,

①

Before the Honorable Service Tribunal, Khyber Pakhtun khwa,

Peshawar

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 183

Dated 08-2-2018

Service Appeal No. 243 /2018

Jamila Khatoon D/O Murad Khan , Government Girls Primary  
School, Matta Shah ,Tehsil Salar Zai ,Bajour Agency.

.....Appellant

Versus

1. Government of Khyber Pakhtun Khwa through Additional Chief Secretary FATA.
2. Secretary Social Sector /Education FATA, Warsak Road ,FATA
3. Director Education FATA
4. Agency Education Officer Bajour Agency

.....Respondents.

Filed to-day

Registrar

8/2/18

**Appeal, under Section 4 of the Service Tribunal Act, 1974 , against the impugned Order Dated 19/01/2018, whereby the Respondents have regretted the Representation/Appeal of the Appellant for the release of her Salary.**

Re-submitted to -day  
and filed.

Registrar

21/2/18

**On acceptance of the appeal , this Honorable Tribunal may graciously set aside the impugned order and the Appellant may kindly be given her salaries and be allowed to perform her duty .**

Respectfully sheweth,;

Facts:

That the appellant submits as under,-

1. That consequent upon the approval by the Departmental Selection Committee, the Appellant was appointed by the Respondents as PST BPS (7) on 12/04/2007 and on 13/04/2007 she took the charge on submitting the Arrival Report dated 13/04/2007 in GGPS Matta Shah,

Bajur Agency. (Copy of the appointment Order and Arrival Report is annexed as Annexure "A" and "B").

2. That since appointment she was performing her job with zeal and devotion and no complaint whatsoever has ever reached to any respective forum against her.
  - A. That in the year 2008, by the order of the Government, a military operation was started in the agency and no government office was in a condition to work or perform job.
  - B. That soon after, in the year 2017, the military declared the area where the school building was situated, the Appellant went to the school, but she was unlawfully been restrained to perform her duty.
3. That the Respondents than approached to the respondents for the release of her salary and filed the departmental appeal in this respect. (Copy of the departmental appeal is annexed as annexure "C").
4. That unfortunately, the Respondents without any consideration rejected the Departmental Appeal.
5. That appellant approach to this honorable Tribunal for redressal of her grievance on the following grounds amongst others.

**Grounds :-**

- C. That the impugned order is illegal without jurisdiction and based on malafide intentions.
- D. That a non speaking order has no value in the eyes of Law, hence, the Respondents have no legal justification to deny the legitimate constitutional rights of the Appellant.
- E. That it was beyond the control of Appellant to go to school during military operations; therefore, the Respondents have no legal authority to stop her salary.
- F. That the respondents have no legal authority to stop the salary of the Appellant without any formal enquiry or termination letter.
- G. That the impugned order was issued in haste manner, without considering the facts the matter and is vague in nature which is not permissible under the law.
- H. That it is important to mention that Respondents have, in such like cases, allowed salaries to other employees but by denying the legitimate right of salary to the Appellant is discriminatory in nature, hence is against the gist of the fundamental rights of the Appellant as been safeguarded by the Constitution of Pakistan, 1973.
- I. That the right of fair trial guaranteed by 10A of the Constitution of Islamic Republic of Pakistan 1973.



- J. That since the commencement of military operations the appellant is jobless and suffering from hardship.
- K. The appellant seeks permission to advance further grounds during the course of arguments

It is, therefore, most humbly requested that this Honorable Tribunal may graciously set aside the impugned order and the Appellant may kindly be given her salaries and be allowed to perform her duty .

*Jamila*  
Appellant

Through

*Muhammad Adeel Butt*  
Muhammad Adeel Butt

*Lubna Rani*  
Lubna Rani

&

*Humaira Gul*  
Humaira Gul

Advocates, Peshawar

Dated

*8/2/2017*

Note: No such appeal has ever been made to Service Tribunal on the subject by the appellant or in any other court of Law.

*Jamila*  
Appellant.

Before the Honorable Service Tribunal, Khyber Pakhtun khwa,  
Peshawar

Service Appeal No. \_\_\_\_\_/2017

Jamila Khatoon D/O Murad Khan , Government Girls Primary  
School, Matta Shah ,Tehsil Salar Zai ,Bajour Agency.

.....Appellant

Versus

Government of Khyber Pakhtun Khwa through Additional Chief  
Secretary FATA.

**Affidavit**

I, Jameela Khatoon D/O Murad Khan , resident of Bajur  
Agency do hereby solemnly affirm and declare on oath that all the  
contents of the Appeal are true and correct to the best of my  
knowledge and belief and nothing has been concealed from this  
Honourable Tribunal .



Jamila  
Deponent

Jameela  
Appellant

Through

Lubna Rani

Advocate, Peshawar

*[Handwritten signature of Lubna Rani]*

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Before the Honorable Service Tribunal, Khyber Pakhtun khwa,  
Peshawar

Service Appeal No. \_\_\_\_\_/2017

Jamila Khatoon D/O Murad Khan , Government Girls Primary  
School, Matta Shah ,Tehsil Salar Zai ,Bajour Agency.

.....Appellant

Versus

Government of Khyber Pakhtun Khwa through Additional Chief  
Secretary FATA.

**Appellant :**

Jamila Khatoon D/O Murad Khan , Government Girls Primary  
School, Matta Shah ,Tehsil Salar Zai ,Bajour Agency.

**Respondents :**

1. Government of Khyber Pakhtun Khwa through Additional Chief  
Secretary FATA, FATA Secretariat , Warsak Road, Peshawar
2. Secretary Social Sector /Education FATA, FATA Secretariat , Warsak  
Road, Peshawar
3. Director Education FATA, FATA Secretariat , Warsak Road, Peshawar
4. Agency Education Officer Bajur Agency .

*Jamila*  
Appellant

Through *Jamila*  
Muhammad Adeel Butt

*Lubna Rani*,  
& Humaira Gul

Advocates , Peshawar



OFFICE OF THE AGENCY EDUCATION OFFICER  
BAJAUR AGENCY AT KHAR

Anexure A

6

**APPOINTMENT ORDER:**

Consequent upon the approval by the Departmental Selection Committee, the following Female candidates of sub-division Khar Bajaur Agency are hereby appointed Against PTC Posts purely on temporary basis in BPS-7 plus usual allowances as admissible under the rules/new policy notified by the Govt: of N.W.F.P vide SO (R-VI) E & AD/13-1/2005 dated 10/8/2005 and civil servants amendments act 2005 vide No. PA/N.W.F.P/Legis-1,2005-20440 dated 23/7/2005 with effect from the date of taking over charge in the schools noted against their names in the interest of public service.

S.No	Name of Candidate	Father Name	Name of School where appointed	Remarks
1	Shabana	Suliman Bacha	GGPS Tawhid Abad Arang	Against newly created post
2	Amina Aziz	Azizur Rehman	GGPS Porai Shah Arang	Against newly created post
3	Ilyas Rahim	Rahim Shah	GGPS Bado Arang	Against newly created post
4	Nargas Begum	Bahadar Khan	GGPS Gulshan Abad	Against newly created post
5	Yasmin Bibi	Muhammad Rasool	GGPS Lal Gul Banda	Against Vacant Post
6	Jamila Khatoon	Murad Khan	GGPS Matta Shah	Against Vacant Post
7	Musarat Begum	Jan Badshah	GGPS Bado Arang	Against newly created post
8	Saima	Noor Gul	GGPS Gulshan Abad	Against newly created post
9	Amina Din	Muhammad Din Khun	GGPS Khuna	Vice Shazia PTC Transferred
10	Ulfat	Haji Shir Jan	GGPS Tawhid Abad	Against newly created post
11	Zinat	Samiullah	GGPS Derago Arang	Against Vacant Post
12	Mehnaz Munir	Bakht Munir	GGPS Mano Derai	Against Vacant Post
13	Robina Aziz	Azizur Rehman	GGPS Porai Shah Arang	Against newly created post
14	Roqia	Muhammad Said	GGPS Gung	Against Vacant Post

**TERMS AND CONDITIONS:**

1. The appointment of the candidates is being made purely on temporary basis & is liable to termination at any time without assigning any reason.
2. They will not be entitled to get pension/gratuity benefits, however GP Fund & CP Fund will be deducted as per rules in case of fresh candidates.
3. Charge report should be submitted to all concerned in duplicate.
4. All kinds of documents should be verified from the concerned institution before the drawl of their salaries.
5. Health and Age certificate should be produced to this office to be obtained from the Agency surgeon concerned...
6. They should not be handed over charge of the posts if they are below 18 years or above 40 years in case of fresh candidates except those candidates to whom Age Relaxation has been granted by the competent authority.
7. The trained candidates possessing higher qualifications of F.A or B.A should be placed in BPS -9 if they have not already been availed the facility of advance increments on these qualifications.
8. If they failed to report of their arrival with in 15 days, their appointment order will be automatically considered as cancelled.

(Haji Gul-Rehman)  
Agency Education Officer  
Bajaur Agency

Endst: No 2677-82 Dated 12/9/07

Copy of the above is forwarded to the:

1. Director of Education FATA N.W.F.P Peshawar
2. Agency Accounts Officer Bajaur Agency
3. AAEO Female Concerned
4. Official Concerned
5. Accountant of the local Office

Agency Education Officer  
Bajaur Agency

ATTESTED

ARRAVAL REPORT

In compliance with the order of the AEO, memo No 2677-82  
dated 12/4/2007, I, Miss. Jamila Khatoon D/o Murad Khan joined my duty  
to day on Friday dated 13/04/2007 before noon.

*[Signature]*  
13.04.07

GGPS Matta Shah  
Bajaur Agency

Attested by the  
Council  
*[Signature]*

Amresure B  
⑦  
④  
④

To

The Director Education FATA  
FATA Secretariat Peshawar.

*Answered* (C) (A)

Subject: APPEAL FOR RELEASE OF PAY

Dear Sir,

With great veneration it is stated in your honor that I was working as PST Teacher at GGPS Mata Shah, Tehsil Salarzai Bajaur Agency in 2008. In meanwhile the whole Agency came under the terrorist activities of the militants. The situation was very tense and life was very difficult in such circumstances, so we shifted from Bajaur to Peshawar on the following grounds.

1. My husband was serving in Police Department as Sub-Inspector, so with the rank it was impossible for him to stay in Bajaur Agency.
2. The post was not transferable to other Agency / District.

Dear Sir, due to the above reasons, I was unable to continue my service there. Later on I resumed my services many time but I was not entertained by the department.

Sir, being appellate authority in this case, I submit my appeal in your honor to please re-instate my services with all back benefits and the Agency Education Officer may be directed to release my pay on humanitarian grounds please.

Your Sincere,

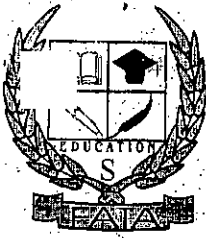
*DDCE 55146 / DT*  
*Jamila Khatun*  
*put up pr.*  
*"*  
*Sana*  
*29/12/11*

*Jamila*  
*17301-12787*  
*29/12/11*

Jamila Khatoon  
Wife of Ahmad Jan  
GGPS Mata Shah  
Bajaur Agency

# 0315-9901767

**ATTESTED**



**FATA SECRETARIAT  
DIRECTORATE OF EDUCATION**

WARSAK ROAD PESHAWAR, PAKISTAN  
PHONE: 091-9210166 FAX: 091-9210216

No. 1427 /Date Pesh: the 1 /2018.

No. E-6/Bajaur/Mohmand.

19/11

9

*Anwarul D.*

To

Mst. Jamila Khatoon,  
Ex-PST GGPS Mata Shah Bajaur,  
Bajaur Agency.

Subject; **APPEAL FOR RELEASE OF PAY.**

Memo;

Reference to your request dated 29/12/2017 has been examined by this office and regretted being a time barred and not based on facts.

*[Signature]*  
Deputy Director (Estab)  
Directorate of Education (FATA)

Endst: No. \_\_\_\_\_ /-

Dated Pesh: the \_\_\_\_\_ /2018.

Copy to the:-

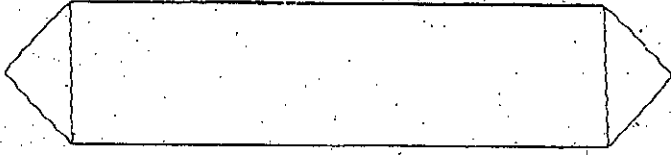
1. PA to Director Education FATA.

Deputy Director (Estab)  
Directorate of Education (FATA)

**ATTESTED**

*[Signature]*

بعدالت چیمبر میں سرور سمن ٹریبونل لٹیاہ



جھیلہ قانون 2ء منجانب  
بنام  
سرکار و علیہ

موردہ  
مقدمہ  
دعوئی  
جرم

### باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام لٹیاہ کیلئے عدول بٹ اور کورٹ میں رائی اور وکیل کے نام سے  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعوئی اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعوئی اور درخواست ہر قسم کی تصدیق  
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائز التوائے مقدمہ کے  
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

2018

ماہ فروری

8

المرقوم

Jamila

العبد العبد العبد

کے لئے منظور ہے۔

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لٹیاہ

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