

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 818/2013

Date of Institution ... 29.04.2013

Date of Decision ... 09.02.2018

Kiran Sabeen, S.S (Urdu), GGHSS Behali, Mansehra
... (Appellant)

VERSUS

1. The Chief Secretary KPK Peshawar and two others.
... (Respondents)

MR. M. ASIF YOUSAFZAI, ... For appellant
Advocate

MR. MUHAMMAD JAN, ... For respondents.
Deputy District Attorney

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. MUHAMMAD AMIN KHAN KUNDI, ... MEMBER

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN. Arguments of the learned
counsel for the parties heard and record perused.

FACTS


2. The appellant was deputed on contract basis on 14.04.2007 and her contract was extended on 11.09.2008 for one year. During continuance of her contract

period an Act under the name of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 was promulgated. As per the provisions of this Act she was to be regularized from 24.09.2009 but her name did not appear in the order of regularization. She then filed an application on 18.6.2010 before the appellate authority for the redressal of her grievance. On this application, the matter was referred to the EDO, E&SE, Mansehra and finally on 28.4.2012 the services of the appellant were regularized w.e.f. 24.09.2009. After this order she assumed her duty. But on 06.12.2012 another order was passed by the Secretary, Elementary & Secondary Education, Peshawar treating her period from 24.09.2009 to 09.5.2012 as leave without pay. Against this order, the appellant filed a departmental appeal on 02.1.2013 which was not responded to and thereafter she filed the present service appeal on 29.4.2013.

ARGUMENTS.

3. The learned counsel for the appellant after giving background of the present appeal argued that the appellant was on leave on medical ground for 45 days from 01.11.2008 to 16.12.2008. That she tried to resume her duty after the expiry of that period but the concerned Principal did not allow her to resume her duty. That a departmental enquiry was held on the basis of the departmental appeal of the appellant dated 2.1.2013 and the enquiry officer submitted fact finding report categorically mentioning that the appellant was ill for 45 days and it was the Principal who did not allow her to mark her attendance in attendance register. The enquiry officer also recommended that 45 days medical leave might be granted to the appellant and the remaining period might be treated as leave without pay. That

on the basis of the said enquiry, a summary was moved and again the then Secretary Establishment in para-24 opined that the appellant was punished for no fault of her and para-7 of the summary was then approved by the Chief Secretary. That nowhere in para-7 the period of absence was treated as leave without pay. He next argued that the appellant was willing to perform her duty but the concerned Principal did not allow her to resume duty and now the principle of no work no pay would not be attracted in case of the appellant.



4. On the other hand, the learned Deputy District Attorney argued that the very application of the appellant dated 18.6.2010 revealed that the appellant did not perform her duty. That no leave was sanctioned in her favour. That it was rightly ordered that the absence period be treated as leave without pay as it was recommended by the enquiry officer also. That under the principle of no work no pay, the same was rightly refused.

CONCLUSION.

5. Admittedly, the appellant was in service on the day when the Regularization Act was promulgated. The very regularization order of the appellant, though belatedly, is proof of her being in service. The only question for determination of this Tribunal is whether the appellant was responsible for not resuming her duty in the relevant period for which she was refused salary and that period was treated as leave without pay. The enquiry officer had opined that it was the fault of the Principal concerned and not the appellant for not resuming her duty. She was willing to resume her duty which was denied by the concerned principal. That

portion of the report of the enquiry officer which recommended that the relevant period be treated as leave without pay is not well founded because once the enquiry officer reached the conclusion that it was not the fault of the appellant then how could he propose that the said period be treated as leave without pay. And if the department was of the view that it was the fault of the appellant as argued by the learned Deputy District Attorney that it was the fault of the appellant that she absented herself without any sanction of leave then, of course, the department was duty bound to proceed against her under the disciplinary rules. Non-initiation of disciplinary proceedings itself is a proof that the appellant was not responsible for any misconduct or absence. In the summary in para-6 which was finally approved in para-7 nowhere the recommendation of the enquiry officer regarding withholding of salary was approved.

6. Consequently, this Tribunal reaches the conclusion that the appellant is entitled for the pay for the relevant period. The appeal is therefore, accepted. Parties are left to bear their own costs. File be consigned to the record room.

Muhammad Amin

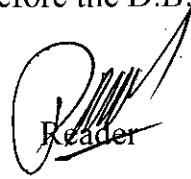
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Niaz Muhammad Khan
(NIAZ MUHAMMAD KHAN)
CHAIRMAN

ANNOUNCED
09.02.2018

21.12.2017

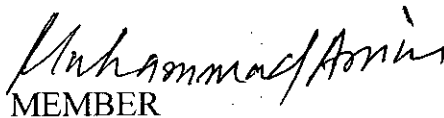
Due to Judicial Officer's Conference today, case is adjourned to 09.02.2018 for the same before the D.B.

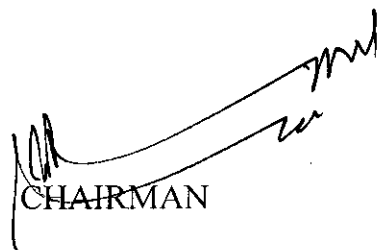

Reader

09.02.2018

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Muhammad Usman, Senior Clerk for the respondents present. Arguments heard and record also perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.



MEMBER


CHAIRMAN

ANNOUNCED
09.02.2018

16.06.2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG alongwith Mr. Muhammad Usman, Senior Clerk for the respondent present. Arguments could not be heard due to learned member executive is on leave. To come up for arguments on 11.07.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member

11.07.2017


Junior to counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present. Requested for adjournment as senior counsel for the appellant is busy in Hon'ble High Court. Adjourned. To come up for arguments on 08.11.2017 before the D.B.



Member


Chairman

08.11.2017

Junior counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Usman Khan, Incharge Litigation for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 21.12.2017 before D.B.


(Gul Zeb Khan)
Member (E)

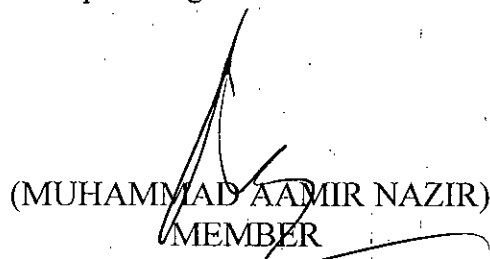

(Muhammad Amin Khan Kundi)
Member (J)

818/2013

19.12.2016

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 20.02.2017 before D.B.


(ASHFAQUETAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

20.02.2017

Counsel for the appellant and Assistant AG for respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 25.04.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

25.04.2017


Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondents present. Learned Additional AG requested for adjournment. Adjourned for final hearing to 19.06.2017 before D.B.


Member


Chairman

27.04.2016


Agent of counsel for the appellant and Mr. Ziaullah, GP for respondents present. Due to general strike of the Bar learned counsel for the appellant is not in attendance. Adjourned for arguments to 04.08.2016 before D.B.


Member


Chairman

04.08.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Jan, GP for respondents present. Relevant documents not produced by the respondent-department as directed vide order sheet dated 03.07.2015. Respondent-department is once again directed to produce the same. Last opportunity granted. To come up for such documents and arguments on ~~27-9-16~~ before D.B.


Member


Member

27.09.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Usman Ghani, Sr. GP for respondents present. Representative of the respondents submitted the requisite record which is placed on file. To come up for arguments on 24.10.2016 before D.B.


Member


Chairman

24.10.2016

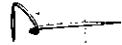
Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Requested for adjournment. To come up for arguments on 19.12.2016 before D.B.


Member


Chairman

07.01.2016

Counsel for the appellant submitted an application for early hearing reason mentioned therein. Application allowed. To come up for arguments on 03.02.2016 instead of 13.05.2016. Parties may be informed accordingly.



Member

03.02.2016

Counsel for the appellant and Mr. Muhammad Jan, GP, for respondents present. Arguments could not be heard due to learned member (Executive) is on official tour to Swat. Therefore, the case is adjourned to 25.3.16 for arguments.



MEMBER

25.03.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to shortage of time. Therefore, the case is adjourned to 27.04.2016 for arguments.



MEMBER



MEMBER

03.07.2015

Counsel for the appellant, M/S Khurshid Khan, SO for respondent No.1, Javid Ahmad, Supdt for respondent No.2 and Khaista Rehman, AD alongwith Mr. Ziaullah, GP for the respondents present. Learned GP requested for adjournment for the reason that on the next date he will produce complete record alongwith enquiry report which is very important for the decision of the case. Adjourned granted. To come up for arguments on 05.10.2015.



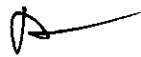
Member



Member

05.10.2015

Counsel for the appellant and Mr. Javed Ahmed, Supdt. alongwith Mr. Usman Ghani, Sr. GP for respondents present. Requisite record not produced by the respondent-department and requested for further time to produce the relevant record. To come up for such record and arguments on 16-12-2015



Member



Member

16.12.2015

Since 16.12.2015 has been declared as local holiday therefore case is adjourned to for the same 13.5.2016



Reader

21.7.2014

Counsel for the appellant, M/S Khurshid Khan, SO for respondent No. 1 and Mosam Khan, AD for respondent No. 2 with AAG for the respondents present. Written reply has not been received despite last chance given for the purpose on the previous date. On the request of representatives of the respondents and learned AAG, yet another last chance is given for written reply/comments on 2.10.2014.


Chairman

02.10.2014

Mr. Taimur Ali, Advocate on behalf of counsel for the appellant, M/S Khurshid Khan, SO for respondent No. 1, Javid Ahmad, Supdt. for respondent No. 2 and Hamad Ahmed, Assistant for respondent No. 3 with Mr. Muhammad Adeel Butt, AAG present. Joint written reply/para-wise comments received on behalf of the respondents, copy whereof is handed over to the learned Advocate appearing on behalf of counsel for the appellant for rejoinder on 23.01.2015.


Chairman

23.1.2015

Counsel for the appellant, M/S. Khursheed Khan, SO for respondent No. 1 and Javed Ahmad, Supdt. for respondent No. 2 with Mr. Muhammad Jan, GP for the respondents present. Rejoinder submitted on behalf of the appellant, copy whereof is handed over to the learned GP. To come up for arguments on 3.7.2015.


MEMBER

28.11.2013

Counsel for the appellant, M/S Khurshid Khan, SO for respondent No. 1, Javed Ahmad, Supdt. for respondent No. 2 and Irshad Muhammad, Supdt. for respondent No. 3 with AAG present. Written reply has not been received, and request for further time made on behalf of the respondents. To come up for written reply/comments on 21.2.2014.

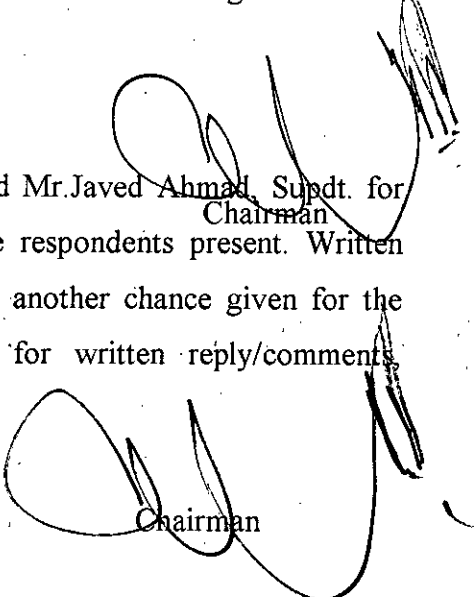

Chairman

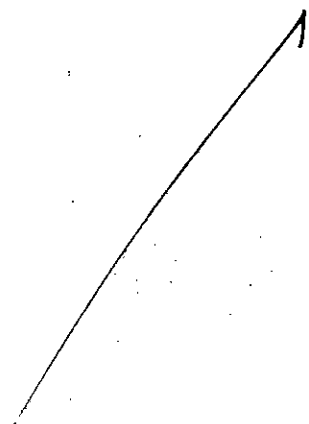
21.2.2014

Counsel for the appellant, M/S Khurshid Khan, SO for respondent No. 1, Sajjad Rashid, ADO for respondent No. 2 and Irshad Muhammad, Supdt. for respondent No. 3 with AAG present. Written reply has not been received, and request for further time made on behalf of the respondents. Another chance is given for written reply/comments on 16.5.2014.

16.5.2014

Counsel for the appellant and Mr. Javed Ahmad, Supdt. for respondent No. 2 with AAG for the respondents present. Written reply has not been received despite another chance given for the purpose. A last chance is given for written reply/comments positively, on 21.7.2014.


Chairman



Appeal No. 818/2013.
Met. Kiran Sabreen.

26.08.2013

Appellant with counsel present and heard on preliminary.

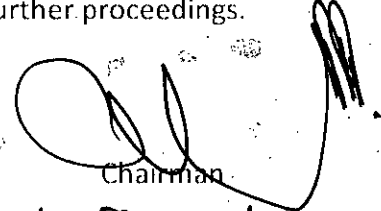
Contended that the appellant has not been treated in accordance with the law/rules. He filed departmental appeal against order dated 06.12.2012 on 02.01.2013, by not responding within the statutory period of 90 days, he filed the instant appeal on 29.04.2013. Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 22.10.2013 for submission of written reply.

Appellant deposited security & process fee Rs 180/- Bank receipt is attached with file


Member.

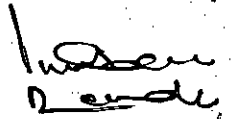
26.8.2013

This case be put before the Final Bench 2 for further proceedings.


Chairman.

28-10-13.

counsel for the appellant present. My Ichurshiol S.O litigation is present for respondent No-1. The worthy chairman is on tour. To come up for written reply/comments on 28-11-13.

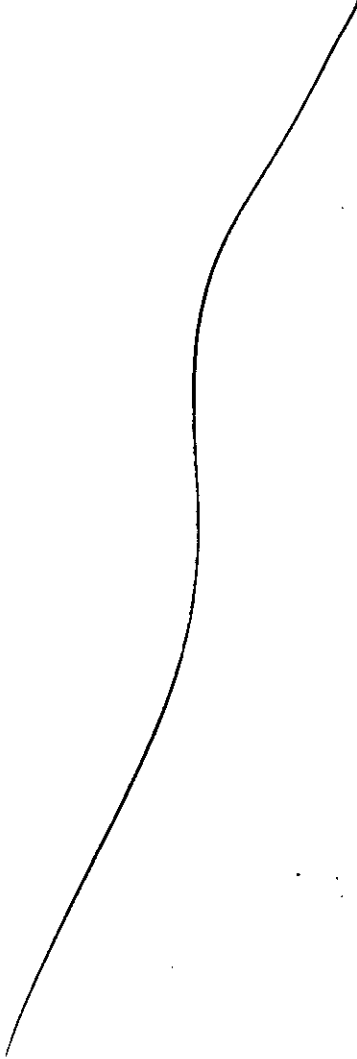

Kiran Sabreen

27.6.2013

3.

Munshi for the Counsel present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 26.08.2013.

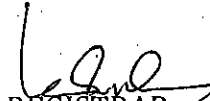
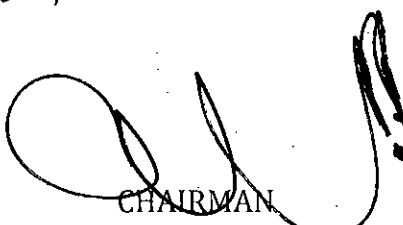

Reader



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 818/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	29/04/2013	<p>The appeal of Mst. Kiran Sabeen presented today by Mr. M.Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	6-5-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>27-6-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 818 /2013.

Kiran Sabeen.

VS

Chief Secretary KPK etc

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3-	Charge report.	B	8
4-	Appointment order 11.9.2008	C	9 - 11
5-	Charge report	D	12
6-	Act of 2009.	E	13 - 14
7-	Appeal.	F	15 - 16
8-	Letter.	G	17
9-	Order 28.4.2012.	H	18
10-	Corrigendum.	I	19
11-	Charge report.	J	20-
12-	Order dt. 6.12.2012.	K	21
13-	Appeal.	L	22
14-	Post availability.	M	23
15-	Vakalat nama	---	24.

APPELLANT

THROUGH:


M.ASIF YOUSAFZAI

ADVOCATE.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 818 /2013.

851
29-4-13

Kiran Sabeen, S.S (Urdu),

GGHSS Behali, Mansehra.....Appellant.

VERSUS

- 1- The Chief Secretary KPK Peshawar.
- 2- The Director Education (E&SE) KPK Peshawar.
- 3- The Secretary Finance Deptt: KPK Peshawar.

.....Respondents.

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT 1974 AGAINST THE ORDER DATED. 6.12.2012 WHEREBY THE PERIOD FROM 24.9.2009 TO 9.5.2012 HAS BEEN TREATED AS LEAVE WITHOUT PAY AND AGAINST NOT TAKING ANY ACTION ON THE APPEAL OF APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the order dated. 6.12.2012 may be set-aside and the respondents may be directed to declare the same period w.e.from 24.9.2009 to 9.5.2012 as period with full pay and other consequential benefits. Any other

remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

R.SHEWETH.

- 1- That the appellant was appointed as Subject Specialist in Urdu in BPS -17 on contract basis for a period of six months vide order dated. 14.4.2007. The appellant took over the charge on 3.5.2007 at GGHSS Garhi Habibullah Mansehra. Copy of the order and charge report is attached as Annexure – A & B.
- 2- That again on 11.9.2008, the appellant was re-appointed as Subject Specialist in Urdu in BPS-17 on contract basis for one year or till the arrival of recommendees of the Public Service Commission which was earlier. The appellant took over charge of the post on 30.9.2008 at GGHSS Garhi Habibullah Mansehra. Copies of order and charge report are attached as Annexure – C & D.
- 3- That in the meanwhile the Govt: of KPK promulgated an Act for the regularization of contract and adhoc employees on 24.10.2009 and under the same Act many colleagues of the appellant were regularized while the same benefits were not extended to the appellant for the reasons that she was not allowed by the principal of the concerned institution to mark her attendance because the appellant remained absent for some days on the basis of her application for medical leave. Copy of the Act is attached as Annexure – E.
- 4- That the appellant submitted an appeal for redressal of her grievances and regularization of her service under the promulgated Act of 2009. The Secretary was kind enough to call report from the Distt: Education Officer Mansehra. Then proper report and summary was put up before the Chief Secretary of the Province and in para-7 of the summary was approved by the Chief Secretary which contained the words "Examination of the above paras and record available on file shall reveal that she had been punished for no fault of her rather

due to the fault of the concerned officer/Principal who was ignorant of the law/ rules. The proposal of admin: deptt; in para-7 endorsed for approval please. Copies of appeal and letter are attached as Annexure – F&G.

- 5- That then on 28.4.2012 an order was issued according to which the appellant was regularized as S.S in Urdu (BPS-17) w.e.from 24.9.2009 under the Act of 2009. The appellant was further posted at GGHSS Behali Mansehra through corrigendum dated. 9.5.2012, and the appellant resultantly took over the charge on 10.5.2012. Copies of order, corrigendum and charge report are attached as Annexure – H,I&J.
- 6- That on 6.12.2012 all of sudden an order was passed whereby the period w.e.from 24.9.2009 to 9.5.2012 was declared as leave without pay. The appellant filed appeal against the said order on 2.1.2013 and waited for statutory period but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copies of order and appeal are attached as Annexure – K&L.

GROUND:

- A- That the order dated 6.12.2012 and not taking any action on the appeal of appellant is against the norms of justice, material on record and principles of fair play. Therefore not tenable.
- B- That the appellant has been punished for the fault of others which amounts to an arbitrary act on the part of respondents.
- C- That the appellant has not been treated according to law and rules and has been deprived from her due legal financial rights which resulted in huge financial loss to appellant.
- D- That the Director Education has also sent post availability for the purpose of pay w.e.from 24.9.2009 to 9.5.2012 but despite that fact the period has been treated as leave without pay which is not permissible under the law. Copy of letter is attached as Annexure – M.

Government of NWFP
Schools & Literacy Department

No.SO(G)/S&L/1-85/2007/SS(Contract)Female
Dated: Peshawar the 14/04/2007.

A
5

Annex-A
P.11

Notification:

Consequent upon the recommendation of the Departmental Selection Committee (DSC), the Competent Authority is pleased to appoint the following Female Subject Specialist (BPS-17) on contract basis for a period of (six months) or till the arrival of the recommendees of the NWFP, Public Service Commission/Departmental whichever is earlier with immediate effect and post them against the vacant post in the schools as noted against their names:-

S.#	Comp ID	Name	Father Name	Address	Domicile	Subject	Posted at School
1	4614	Mowaddah zeb	Aurang zeb khan	Home/Street House No.9 muhalla sheikh dary supply abbottabad. PO:Supply Village/Town:Abbottabad UC/Tehsil/District:Abbottabad/Abbottabad/Abbottabad	Abbottabad	Urdu	GGHCS Sherwan Abbottabad
2	533	Toshiba Saeed	Saeed Gul	Home/Street H.No.49 Near green Valley Public School Kakul Link Road Abbottabad PO:Abbottabad Village/Town:Abbottabad UC/Tehsil/District: Abbottabad/Abbottabad	Abbottabad	Urdu	GGHSS Hajia Gali Abbottabad
3	969	SOFIA SULTAN	SULTAN MUHAMMAD	Home/Street Mohallah Qazia PO:Jhangli Village/Town:Jhangli Qazian UC/Tehsil/District: Jhangli/Abbottabad/Abbottabad	Abbottabad	Urdu	GGHSS Lora Abbottabad
4	2227	BUSHRA BIBI	KHALIL UR REHMAN	Home/Street:MOH.BANDA SAPPAN.ATD PO ABBOTTABAD Village/Town: BANDA SAPPAN UC/Tehsil/District:URBAN CITY/ABBOTTABAD/ABBOTTABAD	Abbottabad	Islamiyat	GGHSS Sherwan Abbottabad
5	2344	Nabeela Taj	Ali rehman	Home/Street Dahree PO:Sherwan Village/Town :Pathool UC/Tehsil/District :Sherwan/Abbottabad/Abbottabad	Abbottabad	Islamiyat	GGHSS Lora Abbottabad
6	2305	Aqeela Sadiq	Muhammad Sadiq Jalal	Home/Street:CB 112/18-H PO:P.M.A Road Village/Town:Hassan Town, Kakul Road UC/Tehsil/District:Gandhi Nagar/Abbottabad/Abbottabad	Abbottabad	Islamiyat	GGHSS Hajia Gali Abbottabad
7	5624	Shamaila Fareed	Fareed-uz-zaman	Home/Street Nasir Auto store PO:Havelian Village/Town:Haripur road Havelian Abbottabad UC/Tehsil/District:Havelian/Abbottabad	Abbottabad	History Cum Civic	GGHSS Lora Abbottabad
8	4367	shahida parveen	muhammad kaleem	Home/Street:house no 272/1 police line noor elahi road digi sar abottabad PO:Abbottabad Village/Town:Abbottabad UC/Tehsil/District:lower malik pura/abbottabad/abbottabad	Abbottabad	History Cum Civic	GGHSS Hajia Gali Abbottabad
9	4063	Saba Rani	Niaz Khan	Home/Street:H.No.T.C 731/1 Mohallah Qillah PO :Nawanshehr Village/Town:Jyasi Road, P.O. Nawanshehr UC/Tehsil/District :Nawanshehr/Abbottabad/Abbottabad	Abbottabad	Economics	GGHSS Havelian Abbottabad
10	2784	Madiha Sarwar	Muhammad Sarwar Khan	Home/Street:House No.689/2 Street No.2 PO :Mandian Village/Town: Mohalla Umer Farooq(RH) Mandian UC/Tehsil/District :Jhangli/Mandian/Abbottabad/Abbottabad	Abbottabad	Economics	GGCMS SHEWA Swabi
11	7008	MST.RASHIDA PARVEEN	MUHAMMAD YOUSAF KHAN	Home/Street:Q/O M TAHIR P L NO 0589 POF HAVELIAN CANT HAVELIAN PO:P.O.F HAVELIAN CANT Village/Town:P.O.F HAVELIAN UC/Tehsil/District:HAVELIAN/ABBOTTABAD	Abbottabad	Economics	GGHSS Sherpao Charsadda
12	4950	Saleqa Gul	Gutzar Khan	Home/Street:Sherwan Khurd PO:Sherwan Village/Town:Sherwan Khurd UC/Tehsil/District: :Sherwan/Abbottabad/Abbottabad	Abbottabad	Maths	GGHSS Sherwan Abbottabad
13	1320	SHAHIDA SHAGNAM	SARDAR WALI UR REHMAN	Home/Street:BILAL HOUSE STREET NO 3 PO :ABBOTTABAD Village/Town:NEAR BILAL MOSQUE BILAL TOWN PMA ROAD UC/Tehsil/District :ABBOTTABAD/ABBOTTABAD	Abbottabad	Maths	GGHSS Malik Pura Abbottabad

ATTESTED

S.#	Comp ID	Name	Father Name	Address	Domicile	Subject	Posted at School
14	7069	Samina Bibi	Mohammad Younis	Home/Street :Noor Elahi road Summendar khan colony Thanda Maira Abbottabad PO :Abbottabad Village/Town :as above UC/Tehsil/District :Saihad/Abbottabad/Abbottabad	Abbottabad	Maths	GGHSS Lora Abbottabad
15	4672	Rifat	Khaili	Home/Street :499/UM PO :Abbottabad Village/Town :Upper Malikpura Jalal baba Chowk UC/Tehsil/District :Uppermalik Pura/Abbottabad/Abbottabad	Abbottabad	Maths	GGHSS Hajja Gali Abbottabad
16	4081	Zahida Parveen	Raja Sikandar khan	Home/Street :House # 35322 near Rehmania Mosque, Lower Kehal, Abbottabad, PO :ABBOTTABAD Village/Town :ABBOTTABAD UC/Tehsil/District :KEHAL/ABBOTTABAD/ABBOTTABAD	Abbottabad	Maths	GGHSS Havelian Abbottabad
17	130	Shabana Sadiq	Muhammad Sadiq	Home/Street :NI PO :Pulfo School Village/Town :village tal mian de sarf UC/Tehsil/District :Abbottabad/Abbottabad/Abbottabad	Abbottabad	Statistics	GGHSS Sherwan Abbottabad
18	6753	Saira Bibi	Abdul Qayyoom	Home/Street :NA PO :Jolian Village/Town :Jolian UC/Tehsil/District :Jolian/Hariपुर/Ha	Abbottabad	Biology	GGHSS Sherwan Abbottabad
19	1282	MARIA ISLAM	HAFIZ ABDUS SALAM	Home/Street :C/O HASNAIN CUSTOMER SERVICE OPPOSITE 66 KV GRID STATION MURREE ROAD PO :ABBOTTABAD Village/Town :SHEIKH-UL-BANDI UC/Tehsil/District :SHEIKH-UL-BANDI/ABBOTTABAD/ABBOTTABAD	Abbottabad	Biology	GGHSS Lora Abbottabad
20	4989	Saima Shamrez	Shamrez Khan	Home/Street :B106 PO :Nawan Shehr Village/Town :Moh Shoab Zai, Jogen UC/Tehsil/District :Nawan Shehr/Abbottabad/Abbottabad	Abbottabad	Biology	GGHSS Hajja Gali Abbottabad
21	7335	BIBI ASIMA	PERVEZ KHAN	Home/Street :C/O YASIR KAMAL PO :SHEIKH-UL-BANDI Village/Town :NEW MOHALLAH VILL & PO SHEIKH-UL-BANDI UC/Tehsil/District :SHEIKH-UL-BANDI/ABBOTTABAD/ABBOTTABAD	Abbottabad	Biology	GGHSS Mayar Jandool Dir Lower
22	2814	NADIA AKHTAR	M.AKHTAR KHAN	Home/Street :STREET NO 14 PO :PAC KAMRA Village/Town :MRF COLONY KAMRA UC/Tehsil/District :KAMRA /ATTOCK/ATTOCK	Abbottabad	English	GGHSS Hajja Gali Abbottabad
23	4604	Soble Tabassum Khan	Abdul Mealik Khan	Home/Street :h.no 802/2 PO :Nawan Shehr Village/Town :Nawan Shehr UC/Tehsil/District :Nawan Shehr/Abbottabad/Abbottabad	Abbottabad	English	GGHSS Sherwan Abbottabad
24	1750	Rakhshanda Hameed	Abdul Hameed Jan	Home/Street :House no480 PO :Abbottabad Village/Town :Upper Malik Pura UC/Tehsil/District :Malikpura/Abbottabad/ABBOTTABAD	Abbottabad	English	GGHSS Havelian Abbottabad
25	5199	Khalida Shaheen	Muhammad Ishaque	Home/Street :H-No 750/6 Mohallah Qilah PO :Nawan Shehr Village/Town :Jadon Colony Nawan Shehr UC/Tehsil/District :Nawan Shehr/Abbottabad/Abbottabad	Abbottabad	English	GGHSS Lora Abbottabad
26	3306	SHEHLA AYUB	SARDAR MUHAMMAD AYUB	Home/Street :REHMATABAD OPP CMH ABBOTTABAD CANTT PO :ABBOTTABAD Village/Town :ABBOTTABAD UC/Tehsil/District :ABBOTTABAD/ABBOTTABAD/ABBOTTABAD	Abbottabad	English	GGHSS Dir Dir Upper
27	7348	asma taj	taj mohammed	Home/Street :house #cbh226a PO :havelian Village/Town :near depot gate sultanpur UC/Tehsil/District :cantt/mandian/Abbottabad/Abbottabad	Abbottabad	Physics	GGHSS Balakot Mansehra
28	4184	Zahida Bibi	Sher Ahmad	Home/Street :C/o Flaz Ahmad PO :Mansehra Road Abbottabad Village/Town :MS office Ayub Teaching Hospital UC/Tehsil/District :/Abbottabad	Abbottabad	Chemistry	GGHSS Lora Abbottabad
29	5227	Kousar Shaheen	Sher Dil Khan	Home/Street :H-No 750/6 Mohallah Qilah PO :Nawan Shehr Village/Town :Jadon Colony Nawan Shehr UC/Tehsil/District :Nawan Shehr/Abbottabad/Abbottabad	Abbottabad	Chemistry	GGHSS Hajja Gali Abbottabad
30	6145	Fozia Waheed	Mohammad Waheed	Home/Street :G-232 P.O.F PO :Havelian cantt Village/Town :Havelian cantt UC/Tehsil/District :Havelian/ABBOTTABAD/ABBOTTABAD	Abbottabad	Chemistry	GGHSS Sherwan Abbottabad
31	1919	SHABNAM PARVEEN	CHANZEB KHAN	Home/Street :J.N.COMPOSING CENTER PO :MANDIAN Village/Town :NR. POST GRADUATE COLLEGE NO.2 UC/Tehsil/District :JHANGI/ABBOTTABAD/ABBOTTABAD	Abbottabad	Chemistry	GGHSS Dir Dir Upper

ID	Name	Father Name	Address	Domicile	Subject	Posted at School
106	Sobia Ahmad	Syed Ahmad Shah	Home/Street: Bahadar colony Near D.C. G Pmt Road Kohat PO Kohat Village/Town Kohat UC/Ths/District: Kohat/Kohat/Kohat	Kohat	English	GGHSS Gumbal Kohat
107	Rehabna Yasmin	Pr Wasil Shah	Home/Street: House 17, Opposite Dits Academy School PO: G.P.O. Village/Town: Happy Valley, Kohat Cantt. UC/Ths/District: Urban Kohat/Kohat	Kohat	English	GGHSS Jhel Kohat
108	Zilie Humra	Sana uljan Khan	Home/Street: outside Jhandi Station bypass road PO Kohat Village/Town: Kohat UC/Ths/District: Kohat/Kohat/Kohat	Kohat	Chemistry	GGHSS Gumbal Kohat
109	Nishat Bibi	Wans Khan	Home/Street: p. o dhodha Moh. main-gan dhodha sharet Village/Town p. o dhodha Moh. main-gan dhodha sharet UC/Ths/District: Kohat/Kohat/Kohat	Kohat	Chemistry	GGHSS Jachai Kohat
110	Naimal Bibi	mohammadkaram	Home/Street: yill dhoda PO: dhoda Village/Town dhoda UC/Ths/District: dhodakohat/Kohat	Kohat	Chemistry	GGHSS Billang Kohat
111	Jamda Naz	Muhammad Ashraf	Home/Street: House 453 sector K-2 street 16 Phase3 Hayatabad PO: 25100 Village/Town: Hayatabad UC/Ths/District: Hayatabad/Faisalabad/Faisalabad	Mansehra	Urdu	GGHSS Oghi Mansehra
112	Kiran sabaen	Sahim Akhtar	Home/Street: Hayabad near civil hospital PO: hinkian Village/Town: shikhan UC/Ths/District: shikhan/Mansehra/Mansehra	Mansehra	Urdu	GGHSS Garhi Habibullah Mansehra
113	Gulnaz Muskeen Khan	Muhammad	Home/Street: mohaihan Harhabad Street No.1 House No 401 PO: Mansehra Village/Town: Mansehra UC/Ths/District: City No.1/Mansehra/Mansehra	Mansehra	Urdu	GGHSS Batta Mansehra
114	Saeeda Bibi	Gazi Zia Ul Haq	Home/Street: Saem PO: Mansehra Village/Town C/O Saemam Khyana Bive Zila Feroz Mansehra UC/Ths/District: Labouk/Mansehra/Mansehra	Mansehra	Urdu	GGHSS Kumbhar Dir Lower
115	Nazla Naseem	Muhammad Naseem	Home/Street: a PO: Gandham Village/Town Gandham UC/Ths/District: Mansehra/Mansehra/Mansehra	Mansehra	Urdu	GGHSS Ouch Dir Lower
116	Fozia Tabassam	Mohammad Younas	Home/Street: C/O Dr. Sher Moud Medical Centre PO New Darband Village/Town: New Darband UC/Ths/District: Darband/Oghi/Mansehra	Mansehra	Urdu	GGHSS Mayer Jandool Dir Lower
117	Sama Akhtar	Abdul Jalil	Home/Street: F#15 PO: Shergah Village/Town Gharhol UC/Ths/District: Kerori/Oghi/Mansehra	Mansehra	Urdu	GGHSS Rabat Dir Lower
118	SYEDA SAIRA BATOOL	SYED LAL HUSSAIN SHAH	Home/Street: MANSEHRA Village/Town: VILLAGE & P.O DATTA UC/Ths/District: MANSEHRA/MANSEHRA/MANSEHRA	Mansehra	History Cum Civic	GGHSS Garhi Habibullah Mansehra
119	banqa yousuf	Muhammad yousuf	Home/Street: muhshah gov girls high school PO Mansehra UC/Ths/District: City no 1/Mansehra Mansehra	Mansehra	History Cum Civic	GGHSS Balakot Mansehra
120	AYISHA BIBI	ABDUL LATIF KHAN	Home/Street: House No C-110 PO: Abdoobad Village/Town: Abadar Colony Sherwan Road UC/Ths/District: City Urban/Abdoobad/Abdoobad	Mansehra	Maths	GGHSS Oghi Mansehra
121	sadia salem	saalem alzai	Home/Street: H.No 310/A-Hanza Street PO: GPO Abdoobad UC/Ths/District: Kehal Abdoobad UC/Ths/District: Kehal Urban/Abdoobad/Abdoobad	Mansehra	Maths	GGHSS Garhi Habibullah Mansehra
122	Saima Nooren	Khali-ur-Rehman	Home/Street: 01 saradi house PO: Dhodal Village/Town: Dhodal UC/Ths/District: Dhodal/Mansehra/Mansehra	Mansehra	Maths	GGHSS Batta Mansehra
123	Bim sava khatoon	Badar ul Islam	Home/Street: House No 349 Banda lal Khan PO Mansehra Village/Town: Mansehra UC/Ths/District: City No.4/Mansehra/Mansehra	Mansehra	Maths	GGHSS Harband Charasda

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Handwritten signature/initials

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	Name	Father Name	Address	Domicile	Subject	Posted at School
	N/A	Noorul Huda	Qazi Noorul Haq Village & PO Dhindah Haripur.	Haripur	History/Civics	GGHSS Brawaf Bandi, Dir(Upper)
275	N/A	Tauseef Naimat	Niamat Ali Shah CO S.Ikramullah Shah Vohi. & PO Ismalla Distt. Swabi	Swabi	History/Civics	GGHSS Dir, Dir(Upper)

Terms and Conditions of their appointments

- The appointment of the above named candidates against SS posts are made on contract basis for a period of 180 days or till arrival of the selectees of the NWFP P.S.C/Departmental Selection Committee whichever is earlier. This order will automatically stand terminated after 180 days from the date of issue of this notification.
- The candidate will sign an agreement with the Schools & Literacy Department, NWFP Peshawar (employer). The services of the employees will be governed by the terms and conditions mentioned in such agreement.
- Their salary is subject to execution of agreement deed containing the terms and conditions of the employment.
- Their services will be liable to termination without any reason during the currency of the agreement. In case of resignation without prior notice their one month pay plus usual allowances will be forfeited.
- The appointees shall join their posts within fifteen days of the issuance of this order otherwise the appointment order will stand cancelled and the vacancy will be offered to the candidate on waiting list on merit from the merit list.
- The EDOs(S&L) concerned shall furnish a certificate to the effect that the appointees have joined the posts or otherwise after fifteen days of the issuance of this order.
- Their services can be terminated at any time in case their performance is found unsatisfactory. In case of misconduct they will be proceeded against under the NWFP Removal from services (Special powers) Ordinance 2000 and E&D rules for the time being in force.
- They shall be required to furnish attested copies of all their certificates/degrees to EDO(S&L) concerned. The EDO(S&L) concerned should check their original certificates/degrees before handing over charge.
- Their appointment is specific school base and non transferable during currency of agreement period.
- They will get pay in BPS-17 (initial) plus usual allowances as admissible under the rules.
- No TA/DA is allowed.
- Charge report should be submitted to all concerned.

**Secretary Schools & Literacy
NWFP, Peshawar.**

Endst: No. SO(G)/S&L/1-85/2007/SS(Contract) Female Dated: 14/04/2007

Copy forwarded for information and necessary action to the:-

1. Accountant General NWFP, Peshawar
2. Distt: Accounts officers concerned
3. Director Schools and Literacy NWFP Peshawar
4. Executive District Officers (S&L) concerned
5. Principal of the Schools concerned
6. Officers concerned
7. PS to the Minister for Education NWFP
8. PS to Secretary to Govt: of NWFP

**(NEK NAWAZ KHAN)
Section Officer (General)**

B 8

CS&PD NW 2239 of 100 each 12-6-88-(213)
CERTIFICATE OF TRANSFER OF CHARGE.

I. Certified that we have on the forenoon of this day on 24/4/07 (FN) respectively made over and received charge of the Office of the SS. (Urdu) at G.H.S.S. - Garhi Habibullah vide Secretary Schools and Literacy Deptt: Peshawar No. SO(4)/1-85/SAL/2007/SS (Contract) Female dt: 14/4/07

2. Particulars of cash and important and confidential documents handed over are noted in the reverse.

Signature of relieved Government servant: *Against vacant Post:*

Station: G.H.S.S. - G. H. ULLAH

Signature of relieving Government servant: *[Signature]*

Designation: SS (Urdu)

No: 176-79 Dated: 23/5/2007

Forward to the
① Secretary Schools/Literacy Deptt: Peshawar
② Director S&L Peshawar - ③ EDO (S&L) Manshera
④ D.A.O. Manshera
N.W.F.P. Acct. Try. No. 42

[Signature]
PRINCIPAL
Govt. Girls Higher Secondary School
Garhi Habibullah Dist: Manshera

ATTESTED

[Signature]

9

**GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT**

Dated: Peshawar the 11th September 2008.

NOTIFICATION:

NO.SO(G)/E&SE/1-85/2008 SS(Contract): In pursuance of the powers conferred under Section 25 of the NWFP Civil Servant Act, 1973 the competent authority is pleased to re-appoint the following Female Subject Specialists (B-17) in various subjects on contract basis as a stop-gap arrangements for a period of one year w.e.f. the date of assumption of charge or till the availability of selectees of the NWFP Public Service Commission / Departmental Selection Committee which ever is earlier:-

S.No.	Name with Father Name	Domicile	subject	Place of Posting
1	Saiam Shamrez D/O Shamrez Khan	Abbottabad	Biology	GGHSS Havelian Abbottabad
2	Uma Fareed D/O Muhammad Fareed	Abbottabad	Biology	GGHSS Baffa, Mansehra
3	Asia Jehan D/O Fudur Rauf	Bannu	Biology	GGHSS Koti Sadaat Bannu
4	Kalsoom D/O Latif Khan	Bannu	Biology	GGHSS Kakki Bannu
5	Shabana Naz D/O Abdul Malik Khan	Charsadda	Biology	GGHSS Shahbaz Garhi, Mardan
6	SANA DIL NASHEEN D/O M. HANIF TARID	D.I.Khan	Biology	GGHSS PAROA, D.I.Khan
7	Lubna Kanwal D/O Raja Wali Dad	Haripur	Biology	GGHSS B/Mimini, Haripur
8	Haleema shabbir D/O Shabir Ahmad	Mansehra	Biology	GGHSS Koti Najeebullah Haripur
9	Tabassum Yaseen D/O Yaseen Khan	Mardan	Biology	GGHSS Katlang, Mardan
10	Jehan Ara Gul D/O Muhammad Bahader Khan	Swabi	Biology	GGHSS Lahor, Swabi
11	Bibi Yasmin D/O (Aun) Esa Khan	Swabi	Biology	GGHSS Samar Bagh, Dir Lower
12	Fozia Waheed D/O M.Waheed	Abbottabad	Chemistry	GGHSS Haja Gal, Abbottabad
13	Zahida Bibi D/O Sher Ahmed	Abbottabad	Chemistry	GGHSS Lora, Abbottabad
14	Riffat Bibi D/O Saadullah Jan	Bannu	Chemistry	GGHSS Ghonwala Bannu
15	SAMINA IKRAKI D/O DR. IKRAI AULLAH	D.I.Khan	Chemistry	GGHSS PAROA, D.I.Khan
16	SHAHIDA D/O AMANULLAH KHAN	D.I.Khan	Chemistry	GGHSS PAHARPUR, D.I.Khan
17	Musarrat Shaheen	Karak	Chemistry	GGHSS Gumbat, Kohat
18	Nashad Bibi D/O Waris Khan	Kohat	Chemistry	GGHSS, Lachi, Kohat
19	Nairat Bibi D/O M.Karim	Kohat	Chemistry	GGHSS, Billitang, Kohat
20	Saima Kamal D/O Luqulafa Kamal	Malaka J. Agency	Chemistry	GGHSS Duch, Dir Lower
21	Lubna Shaoukat D/O Auran Zeb	Mansehra	Chemistry	GGHSS C. H.Ullah, Mansehra
22	Rifat Kousar D/O Ameer Khuro	Mansehra	Chemistry	GGHSS Baffa, Mansehra
23	Nuzhat Jabeen D/O Muhammad Younis	Mansehra	Chemistry	GGHSS Oghi, Mansehra
24	Shahida Kousar D/O Muhammad Ayyaz	Mansehra	Chemistry	GGHSS Sherwan, Abbottabad
25	Haleema Rauf D/O Said Rauf	Mardan	Chemistry	GGHSS Gujrat, Mardan
26	Mehrun Nisa Khalid D/O Khalid Khan	Mardan	Chemistry	GGHSS Kallang, Mardan
27	Maryam Sadiq D/O Rohul Amin	Swabi	Chemistry	GGHSS Chakdara, Dir Lower
28	Asma Shahzadi D/O Shah Murad	Swabi	Chemistry	GGHSS B.Bandi, Dir Upper
29	Asmat Bibi D/O Ghulam Sarwar	Swabi	Chemistry	GGHSS Koha, Swabi
30	Bibi Zohra C/O Toti Rahman	Swat	Chemistry	GGHSS Manglor, Swat

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S.No	Name with Father Name	Domicile	subject	Place of Posting
	NAYYAR NAZIR D/O NAZIR HUSSAIN	D.I.Khan	Maths	GGHSS PAROA, D.I.Khan
123	ADIBA BATOOL D/O SYED RIJAZ HUSSAIN	D.I.Khan	Maths	GGHSS PAHARPUR, D.I.Khan
113	Tasleem Fajima D/O Ghulam Sadiqee	D.I.Khan	Maths	GGHSS Kakkli, Bannu
114	Ambar Rabia D/O Khizar Hayat	Kohat	Maths	GGHSS, Lachi, Kohat
115	Saima Noreen D/O Khalid Rehman	Mansehra	Maths	GGHSS Chakdara, Dir Lower
116	Rana Gul D/O Muhammad Ayub	Mardan	Maths	GGHSS Rustam, Mardan
117	Nusrat D/O said akber	Nowshera	Maths	GGHSS Dak Ismail Khel, Nowshera
118	Mahrugh D/O Muhammad Anif Khan	Swabi	Maths	GGHSS Lahor, Swabi
119	Shaista Gul D/O Akbar Ali	Swat	Maths	GGHSS Malla, Swat
120	Hazish D/O muhammad jani		Maths	GGHSS Akora Khattak, Nowshera
121	Naseem Saleem D/O Muhammad Saleem	Abbottabad	Pak Study	GGHSS Haja Gali, Abbottabad
122	Naila Begum D/O Abdul Qayum	Karat	Pak Study	GGHSS Sikandar Khel Bala Bannu
123	Shabnum Naz D/O Mosaib Khan	Lakki	Pak Study	GGHSS Titter Khel, Lakki
124	Rehana Naeem D/O Fazal Naeem	Mardan	Pak Study	GGHSS Takht Bhai, Mardan
125	Asma Ashfaq D/O Mashfaq	Peshawar	Pak Study	GGHSS Shabqadar Fort, Charsadda
126	Hasina D/O Said Muhammad	Swabi	Pak Study	GGHSS Sawal Dher, Mardan
127	Fahima Gul D/O Muhammad Wali	Swabi	Pak Study	GGHSS Koha, Swabi
128	Rahima Gul D/O Muhammad Wali	Swabi	Pak Study	GGHSS Topi, Swabi
129	Zainab D/O Naimatullah	Bannu	Physics	GGHSS Kakkli Bannu
130	Shamim Sultana D/O Rehm Badshah	Karat	Physics	GGHSS, Shakardarra, Kohat
131	Uzma Begum D/O Mushiq Ahmad	Swabi	Physics	GGHSS Kalabat, Swabi
132	Rina Almas D/O Aisar Khan	Bannu	Statistics	GGHSS S.K.Bala Bannu
133	Tanzeela Naz D/O Aman Ullah	Charsadda	Statistics	GGHSS Utmanzal, Charsadda
134	Rakhsyanda Falak D/O Falak She	D.I.Khan	Statistics	GGHSS Titter Khel, Lakki
135	Anila Ashraf D/O Muhammad Ashraf	D.I.Khan	Statistics	GGHSS, Shakardarra, Kohat
136	Fozia Tabassum D/O Muhammad Miskeen	Mansehra	Statistics	GGHSS Balakot, Mansehra
137	Khadija D/O Farid ul haq	Nowshera	Statistics	GGHSS Dak Ismail Khel, Nowshera
138	Shabana D/O Saad Ullah	Peshawar	Statistics	GGHSS Umarzal, Charsadda
139	Sofia Sultan D/O Sultan Muhammad	Abbottabad	Urdu	GGHSS Lora, Abbottabad
140	Shanaz Akhter D/O Haji Nazir Ahmed	Abbottabad	Urdu	GGHSS Haja Gali, Abbottabad
141	Mowaddah D/O Aurangzeb	Abbottabad	Urdu	GGHSS Sherwan, Abbottabad
142	Mah Pare D/O Abdul Qayum	Bannu	Urdu	GGHSS Sikandar Khel Bala Bannu
143	umme Kalsoom D/O Gul Zarin	Dir Lower	Urdu	GGCMS Timergara, Dir Lower
144	Gul Afshan D/O Israr Ali	Dir Lower	Urdu	GGHSS Ziarat Talash, Dir Lower
145	Farzana Kalsoom D/O Khan Wali	Karat	Urdu	GGHSS Teri, Karak
146	Zainab D/O Fazal Wahid	Malakand Agency	Urdu	GGHSS Rabat, Dir Lower
147	Kiran Sabeen D/O Saleem Akhtar	Mansehra	Urdu	GGHSS G. R.Ullah, Mansehra
148	Jamila Naz D/O Muhammad Ashraf	Mansehra	Urdu	GGHSS Oghi, Mansehra
149	Shazia Rani D/O Fazal Muhammad	Mardan	Urdu	GGHSS Gujrat, Mardan
150	Nighat Bibi D/O Sultan Said	Mardan	Urdu	GGHSS Rustam, Mardan

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S.No.	Name with Father Name	Domicile	subject	Place of Posting
151	Lubna Ali D/O Shaukat Ali	Mardan	Urdu	GGHS Hajhian, Mardan
152	Nargis Shahab D/O Saidul Zaman	Swabi	Urdu	GGHS Topi, Swabi

Terms and Conditions

- i) The appointment of the above candidates will be on contract basis for the period of one year from the date of assumption of charge or till the arrival of the selectees of the NWFP Public Service Commission / Departmental Selection Committee, whichever is earlier.
- ii) They will get pay in BPS-17.
- iii) No TA/DA will be allowed.
- iv) The appointment of the candidates mentioned in Para-I above is subject to the condition that they bear the Domicile of NWFP/FATA.
- v) If they want to terminate their contract before expiry of the same, they will have to serve one month notice in advance failing which they will have to deposit one month pay in lieu of such notice in the Government Treasury.
- vi) They shall not make any request for transfer from the School where they are posted. In case of such occurrence, their service shall stand terminated.
- vii) They should join their post within 30-days of the issue of this notification. The Director Elementary & Secondary Education NWFP, Peshawar, should furnish certificate to the effect that the candidates have joined the post or otherwise after one month of the issue of this Notification.
- viii) They shall execute an agreement with the Government before taking over charge to be signed by the Section Officer (General) of Elementary & Secondary Education Department, Govt of NWFP, on behalf of the Government.
- ix) They will not be entitled to any pension or gratuity for the service rendered by them on contract basis.
- x) Charge report in duplicate should be submitted to all concerned.
- xi) Their service shall be terminated if they violate any provision of the terms and conditions specified in the agreement Bond.
- xii) They shall not be entitled to perform any examination duty of the BISEs/Universities during the currency of the contract.

Secretary

Elementary & Secondary Education Department,
Government of NWFP Peshawar

ENDST:NO & DATE EVEN:

Copy of the above is forwarded to:

- 1) Accountant General, NWFP Peshawar.
- 2) Director of Information, NWFP Peshawar.
- 3) Director Elementary & Secondary Education, NWFP, Peshawar.
- 4) Director Education FATA, Peshawar.
- 5) All Chairmen of BISE/Registrars of Universities in NWFP
- 6) District Accounts Officers concerned.
- 7) Executive District Officers (E&SE) concerned.
- 8) Principals of the Schools concerned.
- 9) Officers concerned.
- 10) PS to Minister for Elementary & Secondary Education NWFP
- 11) PS to Secretary to Govt. of NWFP, E&SE Department.

H. Farid
Farid Ahmad Khattak
Section Officer (General)

CERTIFICATE OF TRANSFER OF CHARGE

12

1. Certified that we have on the forenoon / afternoon of this day 30/09 / 2008 Respectively made over and recieved charge of Office Of The Principal S.S(Urdu) Contract at GGHSS Garhi Habibullah with order of the Secrtary Elementary & Secondary Education N W F P Peshawar Vide.No. SO(G) 1-85/08 dated. 11.09.2008.

2. Particulars of cash and important Confidential documents handed over noted below:-

Signature of Relieved
Govt: Servent Vacant Post
S.S (Urdu)

Station. GGHSS Garhi Habibullah

Signature of Relieving
Govt: Servent [Signature]

Designation. S.S (Urdu)

Dated 09/10/2008.

Forwaded to the :-

- 1- District Account Officer Mansehra.
2. EDO (S&L) Mansehra.
3. Office File.

[Signature]

PRINCIPAL

GOVT: GIRLS HIGHER SECONDARY SCHOOL
G ARHI HABIBULLAH DISTT: MANSEHRA.

ATTESTED

[Signature]

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.III
GAZETTE

North-West Frontier Province

Published by Authority

PESHAWAR, SATURDAY, 24TH OCTOBER, 2009.

PROVINCIAL ASSEMBLY SECRETARIAT
THE NORTH-WEST FRONTIER PROVINCE

NOTIFICATION

Dated Peshawar, the 24th October, 2009.

No.PA/NWFP/Bills/2009/38472.—The North-West Frontier Province Employees (Regularization of Services) Bill, 2009 having been passed by the Provincial Assembly of North-West Frontier Province on 15th October, 2009 and assented to by the Governor of the North-West Frontier Province on 20th October, 2009 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

THE NORTH-WEST FRONTIER PROVINCE
EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009.

(N.-W.F.P. ACT NO. XVI OF 2009)

(First published after having received the assent of the Governor of the North-West Frontier Province in the Gazette of the N.-W.F.P. (Extraordinary), Dated the 24th October, 2009).

AN
ACT

to provide for the regularization of the services of certain employees appointed on adhoc or contract basis.

Preamble.---WHEREAS it is expedient to provide for the regularization of the services of certain employees appointed on adhoc or contract basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

ATTESTED 289

1. Short title and commencement.---(1) This Act shall be called the North-West Frontier Province Employees (Regularization of Services) Act, 2009.

(2) It shall come into force at once and shall be deemed to have been taken effect at the promulgation of the Ordinance.

2. Definitions.---(1) In this Act, unless the context otherwise requires,-

- (a) "Commission" means the North-West Frontier Province Public Service Commission;
- (aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;
- (b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;
- (c) "Government" means the Government of the North-West Frontier Province;
- (d) "Government Department" means any department constituted under rule 3 of the North-West Frontier Province Government Rules of Business, 1985;
- (e) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (f) "post" means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.

(2) The expressions "adhoc appointment" and "civil servant" shall have the same meanings as respectively assigned to them in the North-West Frontier Province Civil Servants Act, 1973 (N.-W.F.P. Act No. XVIII of 1973).

3. Regularization of services of certain employees.--- All employees including recommendees of the High Court appointed on contract or adhoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post:

Provided that the service promotion quota of all service cadres shall not be affected.

4. Determination of seniority.--- (1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

P. ~~3~~

14

(2) The seniority *intense* of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

4A. Overriding effect.--- Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

5. Repeal.--- The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.

BY ORDER OF MR. SPEAKER,
PROVINCIAL ASSEMBLY OF
NORTH-WEST FRONTIER PROVINCE

AMANULLAH
Secretary,
Provincial Assembly of NWFP

F (15)

بخدمت جناب سیکرٹری صاحب،
ایلیمنٹری اینڈ سیکنڈری ایجوکیشن
خیبر پختونخواہ پشاور

مضمون:- درخواست بمراد شمولیت نام درر گیولرسٹ زیر کنٹریکٹ ایس ایس اردو 2007 تا 2009 گزرت
ہائر سیکنڈری سکول گڑی حبیب اللہ تحصیل ضلع مانسہرہ

DL
21/6/10

As (Case)

Please examine
and put up

Dr. A

جناب عالی!

د سی

AS

مودبانہ گزارشات حسب ذیل ہیں:-

۱- یہ کہ میں مسات کرن سبین دختر تسلیم اختر جو آجنگناہ کے پہلے کنٹریکٹ آرڈر 14/4/2007 کے مطابق S.S اردو کی
پوسٹ پزگورنمنٹ گزرت ہائر سیکنڈری سکول گڑی حبیب اللہ مانسہرہ میں اپنی ڈیوٹی سرانجام دیتی رہی۔ میری چارج رپورٹ
14/4/2007 لف ہے۔ دوبارہ آپ کے آرڈر 20/10/2007 کے مطابق بدستور اپنی ڈیوٹی کرتی رہی جسکی
رجسٹر حاضری مدرسین لف ہے۔

۲- یہ کہ آپ کے نیو آرڈر مورخہ 1/9/2008 کے مطابق میں نے پھر مورخہ 30/9/2008 کو چارج سنبھالا اور یکم
اکتوبر 2008 سے 31/9/2008 تک اپنی ڈیوٹی بخوبی سرانجام دیتی رہی۔ جس کی سکول حاضری کی رپورٹ لف
ہے۔ اس کے بعد یکم نومبر 2008 کو بیمار ہو گئی۔ میں نے مورخہ 1/11/2008 تا 14/11/2008 میڈیکل سر
ٹیفیکٹ دو ہفتہ کا DHO صاحب سے تصدیق کروا کر ہمراہ درخواست اس وقت کی پرنسپل صاحبہ کو ارسال کیا۔ دو ہفتے
گزرنے کے بعد میری بیماری میں افاقہ نہ ہوا پھر میں نے ڈاکٹر صاحب سے معائنہ کروایا ڈاکٹر صاحب نے مجھے پھر ایک ماہ
آرام کا مشورہ دیا اور ساتھ ہی مزید میڈیسن لکھ کر دے دیں۔ اور 17/11/2008 تا 16/12/2008 میڈیکل
سرٹیفیکٹ دوبارہ DHO صاحب سے تصدیق کرا کر ہمراہ درخواست پرنسپل صاحبہ کو ارسال کر دی۔

۳- یہ کہ پرنسپل صاحبہ نے میری غیر حاضری EDO صاحب کو ایجوکیشن آفس بھیج دی۔ ایک ماہ گرنے کے بعد جب میں

Elementary & Secondary
Education Department

D.S. (A) Diary No. 2334

21/6

Govt. of Khyber Pakhtun
Elementary & Secondary
Education Department

S.E. Diary No. 1338

21/6

A.S/D & CE

D. No. 356

ATTESTED

21/6

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(16)

میڈیکل سروس کے قابل ہوئی تو میں نے فوراً جا کر سکول میں حاضری کی لیکن پرنسپل صاحبہ نے Attendance لگانے میں پھر آفس گئی۔ EDO صاحب نے مجھے لیٹر لکھ کر دیا کہ جا کر حاضری کریں لیکن اس کے باوجود مجھے پرنسپل صاحبہ نے مجھے Attendance نہ کرنے دیں۔ میں روزانہ ایک لمبا سفر طے کر کے سکول جاتی اور مایوس لوٹ کر گھر واپس آجاتی۔

۴۔ یہ کہ اس درخواست کے ساتھ میرے کنٹریکٹ سروس کا سارا ریکارڈ لف ہے جو کہ پرنسپل صاحبہ کے سروس سرٹیفیکیٹ کے ریمارکس سے صاف عیاں ہے جو میری نیک نیتی اور صفائی کا واضح ثبوت ہے۔
جناب عالی مجھے بہت زیادہ پریشانی کا سامنا کرنا پڑا جو کہ ایک ایجوکیشن کے مدرسین کے لئے قطع غیر صحت مندانہ اقدام خلاف تعلیم و تربیت ہے۔

۵۔ اب جبکہ 31 مئی 2010 کے ریگولر نوٹیفیکیشن کے مطابق اب میرا نام شامل نہیں کیا گیا اس بنیاد پر کہ سائلہ غیر حاضر رہی اور چارج نہیں لیا۔ جبکہ میری چارج رپورٹ اور حاضری کی نوٹو کاپی اکتوبر 2008 لف ہے لہذا استدعا کی جاتی ہے کہ میری اس درخواست پر ہمدردانہ غور کیا جائے اور مجھے میری نوکری پر بحال کرنے کا موقع دیا جائے۔

سائلہ تازیت دعا گور ہے گی۔

العارض

تاریخ 18-6-2010

کرن سبین S.S اردو گورنمنٹ گرلز ہائیر سیکنڈری سکول

گرہمی حبیب اللہ تحصیل ضلع مانسہرہ۔

18/6/2010

GOVERNMENT OF KHYBER PAKHTUNKHWA,
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

6
17

No. SO(G)E&SE/1-85/2010

Dated Peshawar, the 01-07-2010.

To

The Executive District Officer,
Elementary & Secondary Education,
Mansehra.

Subject: - APPLICATION FOR REGULARIZATION AS SUBJECT
SPECIALIST URDU IN GOVERNMENT GIRLS HIGHER
SECONARY SCHOOL, GARHI HABIBULLAH TEHSIL &
DISTRICT MANSEHRA.

I am directed to refer to the subject noted above and to enclose herewith a copy of an application in respect of Miss. Kiran Sabeen D/O Saleem Akhtar for regularization as Subject Specialist Urdu in Government Girls Higher Secondary School Garhi Habibullah Tehsil & District Mansehra alongwith other supporting documents, which is self explanatory.

You are requested to intimate factual position of her service period on contract basis with documentary proof/evidence in respect of above Subject Specialist on top priority basis for proper examination of the case.

Encl: As above.

(FARID AHMAD KHATTAK)
SECTION OFFICER (GENERAL)

Copy forwarded to:-

1. Directress E&SE, Khyber Pakhtunkhwa, Peshawar
2. PS to Secretary Govt: of Khyber Pakhtunkhwa, E&SE Department.

SECTION OFFICER (GENERAL)

ATTESTED

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**Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department**

Dated Peshawar the 28/04/2012

NOTIFICATION.

No. SO(G)E&SED/1-85/2012/Kiran Sabeen/SS Urdu. In partial modification of this Department Notification No. SO(G)E&S/1-85/2009/SS/Contract dated 31/05/2010, in pursuance of the powers conferred under Section 25 of the Khyber Pakhtunkhwa Civil Servant Act, the Competent Authority is pleased to regularize the services of Mst. Kiran Sabeen, Contract employee Female, (Subject Specialist) (BPS-17) in Urdu in Elementary & Secondary Education Department w.e.f 24-09-2009 under the Khyber Pakhtunkhwa, Employees (Regularization of Services) Act, 2009 on the terms and conditions given below.

2. Consequent upon the above she is posted as Subject Specialist (Urdu) at GGHS No. 2, Manshra against vacant post.

TERMS & CONDITIONS.

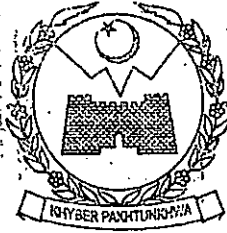
- a) Her services will be considered as regular but without pension & gratuity in terms of Section-19 of the Khyber Pakhtunkhwa, Civil Servants Act, 1973 as amended vide Khyber Pakhtunkhwa, Civil Servants (Amendment) Act, 2005. She will, however, be entitled to contributory Provident Fund in such a manner and at such rates as prescribed by the Government.
- b) Her Terms & Conditions of service shall be governed under the Khyber Pakhtunkhwa Civil Servant Act 1973 and the rules made there under except seniority.
- c) Her services will be liable to termination on one month's notice from either side. In case of resignation without notice her one month pay/allowances, shall be forfeited to Government.
- d) Her seniority will be determined according to Section-4 of the Khyber Pakhtunkhwa, Employees (Regularization of Services) Act, 2009.
- e) She should joined her post within 30-days of the issuance of this notification and she will be required to furnish copies of all her certificates/degrees alongwith original receipts and Photostat copies thereof, pertaining to the verification fee of the concerned Examining body (Board & University) to this Department as well as to the EDO (E&SE) concerned.
- f) She would be on probation for a period of two years extended for another one year.
- g) She will be governed by such rules and regulations as may be issued from time to time by the Government.
- h) Her service can be terminated at any time, in case her performance is found unsatisfactory during probationary period. In case of misconduct she will be proceeded against under the Khyber Pakhtunkhwa, Removal from Services (Special Powers) Ordinance, 2000 and the Rules framed from to time.
- i) She is junior to those Selectees who have been appointed by Government on the recommendations of Khyber Pakhtunkhwa Public Service Commission.
- j) Charge report should be submitted to all concerned.
- k) The EDO (E&SE) concerned is directed not to release her pay until the verification of her documents.
- l) No. TA/DA will be allowed to the appointee for joining her duty.

Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department

ATTESTED

/s/

Government of Khyber Pakhtunkhwa



K (21)

I (19)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Dated Peshawar the, 09th May, 2012

CORRIGENDUM

No. SO(G)E&SED/1-85/2012: In partial modification of this Department's Notification of even Number dated 28-04-2012, the place of posting of Mst. Kiran Sabeen, Subject Special (Urdu) BPS-17 may be read as GGHSS Behali Mansehra instead of GGHSS Mansehra No. 2.

**Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department**

Endst. No. & date even

Copy is forwarded to :-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. Executive District Officer (E&SE) Mansehra.
4. District Accounts Officer, Mansehra.
5. Principal, GGHSS Behali, District Mansehra.
6. PS to Secretary E&SE Department.
7. Officer concerned.

M. Akbar
SECTION OFFICER (GENERAL)

ATTESTED

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GOVERNMENT OF NORTH WEST FRONTIER PROVINCE

J
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CERTIFICATE OF TRANSFER OF CHARGE

Certified that I, Miss: KIRAN SABEEN, S.S (URDU) have this day before/after noon taken over/relinquished charge of the office of PRINCIPAL G.G.H.S.S BEHALI (Manshra) with reference to the Order of the ~~N.W.F.P~~ Government No. SO (G) EESSED 71-85/2012 dated 9/5/2012 transferring Mr. VACANT POST SS (URDU) to Mrs: KIRAN SABEEN SS (URDU)

2. Particulars of Cash and Important/Secret/Confidential documents handed over/taken over are noted on the reverse.

Station BEHALI

Signature of relieved Government Servant VACANT POST
Designation SS (URDU)

Signature of Government servant receiving charge KIRAN SABEEN
Designation SS (URDU)

Dated 10-5-2012

Endst. No. _____

Dated 10/5/2012

From

The Principal
G.G.H.S.S BEHALI

To

1. The Accountant General, K.P.W.F.P, Peshawar
2. E.O.O (E.S.E) Manshra
3. D.A.O Manshra
4. _____
5. _____

Attested
Nasim
PRINCIPAL
Govt. Girls Higher Secondary
School Behali (Manshra)

The charge of the office of S.S (URDU) was transferred from Mr. KIRAN SABEEN VACANT POST (SS) to Mrs. KIRAN SABEEN SS (URDU) on the fore/after noon of the 10-5-2012

Signature PRINCIPAL
Designation Govt. Girls Higher Secondary School Behali (Manshra)

K. Sabeen

ATTESTED

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K

(21)

**Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department**

Dated Peshawar the 06/12/2012

09/92/13262

NOTIFICATION.

No. S.O(G)E&SED/1-85/2012/Kiran Sabeen/SS Urdu. In pursuance of this Department Notification/Corrigendum dated 28-04-2012 and 09-05-2012 respectively, the competent authority is pleased to allow Mst. Kiran Sabeen, Subject Specialist (Urdu) BPS-17 GGHSS Behali District Mansehra to draw pay from the period she has actually performed her duties/taking over charge i.e. 10-05-2012.

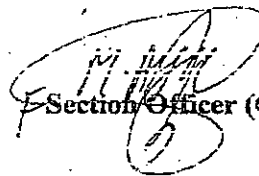
2. The period from 24-09-2009 to 09-05-2012 shall be treated as leave without pay for the purpose of regularization of her services in the light of Khyber Pakhtunkhwa, Employees (Regularization of Services) Act, 2009.

**Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department**

Endst: No. & date even.

Copy forwarded to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. The Executive District Officer, E&SE, Mansehra.
4. The District Accounts Officer, Mansehra.
5. The Principal, GGHSS Behali, Mansehra.
6. P.S to Secretary, E&SE Department.
7. P.S to Additional Secretary, E&SE Department.
8. P.A to Deputy Secretary (Admn), E&SE Department.
9. Officer concerned.


Section Officer (General)

ATTESTED



3

To

The Chief Secretary,
Govt: of Kheyber Pakhtunkhwa,
Peshawar.

RECEIVED
20/01/2013
ISSUE BRANCH
CHIEF SECRETARY
Govt: of Khyber Pakhtunkhwa
Peshawar

22

Subject: APPEAL AGAINST ORDER DATED 6.12.2012.

Sir,

Most profoundly it is submitted that I was appointed as Subject Specialist (Urdu) in BPS-17 on contract basis. Later on the Govt: promulgated the Act of 2009 by virtue of which all the contract employees have been regularized. Since my regularization under the above mentioned Act was not done in time due to which my regularization case was delayed.

I was regularized vide order dated 28.4.2012 in light of Act of 2009 w.e.f 24.9.2009. Thus I again reported my arrival on 9.5.2012, but my salaries payment case was objected by the concerned office. After a lengthy correspondence another order was issued on 6.12.2012 whereby the period w.e.f 24.9.2009 to 9.5.2012 was declared as leave without pay for the purpose of regularization of service in light of Regularization Act, 2009.

I submitted all my claims regarding regularization in time but it was the fault of concerned office who badly failed in processing my regularization case in time. Moreover when my service has been regularized w.e.f 24.9.2012, under an Act, then it could not be legally deprived from the benefits of salaries, which are my legal rights. It is also added that I have totally been deprived from my right of salaries for the fault of other offices, who failed regularizing my service in time. Thus I have be penalized for the faults of others.

It is, therefore, humbly requested that order dated 6.12.2012 may be set aside/modified by treating the period w.e.f 24.9.2009 to 9.5.2012 with all pay benefits and other consequential benefits.

I shall be highly thankful for your kind consideration.

Appellant

K.S 02/01/2013
(Kiran Sabreen)
S.S (Urdu)
G.G.H.S.S Behali
Maneshar.

ATTESTED

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DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR

NO. 744 /A-12/Kiran Sabeen SS

DATED PESHAWAR THE: 7/11/2012.

To

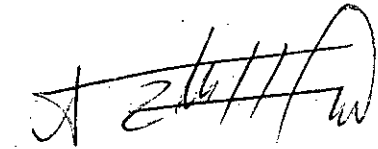
The Secretary
Elementary & Secondary Education
Department Government of Khyber Pakhtunkhwa

Subject: - ADJUSTMENT FOR THE PURPOSE OF PAY

Dear Sir,

I am directed to enclose herewith an application (in original) in respect of Mst. Kiran Sabeen (B-17) SS GGSS Behali District Manshera on the subject cited above for your perusal and adjustment of the above named SS only for the purpose of pay w.e.f 24/09/2009 to 09/05/2012.

I am further directed to request you that a post of SS (Urdu) is lying vacant at GGSS Oghi Mansehra w.e.f 24/09/2009 to 09/05/2012, submitted for further necessary action please.



Deputy Directress (Estab:)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

ATTESSED



Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department

(24)

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar.

Kiran Sabeen (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Dept. (Respondent)
(Defendant)

I/We Kiran Sabeen (Appellant).

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar,** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

KS

(CLIENT)

ACCEPTED

M. Asif Yousafzai
M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL No.818/2013.

Kiran Sabeen SS(Urdu) GGHSS Behali District Mansehra.

... Appellant

VERSUS

Secretary, Elementary & Secondary Education Department, Khyber
Pakhtunkhwa, & Others.

... Respondents

PARAWISE COMMENTS/REPLY FOR AND ON BEHALF OF THE RESPONDENTS.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS

1. That the appellant has no cause of action/locus standi.
2. That the appellant has not come to this Hon^{ble} Tribunal with clean hands.
3. The appellant has concealed the material fact from this Hon^{ble} Tribunal, hence liable to be dismissed.
4. That the instant appeal is based on malafide intentions.
5. That the instant appeal is not maintainable in its present form.
6. That the instant appeal is badly time barred.

ON FACTS

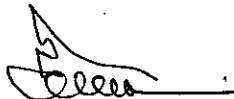
1. Incorrect. The appointment order dated 14.04.2007 of appellant was made on contract basis for a period of Six months and appellant automatically stood terminated from service on expiry of that period.
2. This Para pertains to the service record of the appellant hence needs no comments.
3. The Act for Regularization of contract & adhoc employees promulgated by this Provincial Government is quite clear. Moreover the appellant's claim for payment of salary for the period between 24.09.2009 to 09.5.2012 was not acceded to as she was not in service and did not perform her duties during the said period.
4. The Para is related to record hence needs no comments.
5. Incorrect. After her regularization, the appellant took charge of her duties on 10.5.2012, while has claimed salaries through present appeal for the period from 24.09.2009 to 09.05.2012 during which she did not even perform duty, which is against law, rules & dictums of the Apex Court.
6. Incorrect. Order dated 06.12.2012 has been issued as per rules/policy on the subject. The period from 24.09.2009 to 09.05.2012 was treated as leave without pay for the purpose of regularization of her services in the light of Khyber Pakhtunkhwa, (Regularization of Service) Act 2009. Departmental appeal of the appellant is not available on record. Accordingly, the present appeal is liable to be dismissed on the following grounds amongst the others:-


Cont'd Next Page-(2)

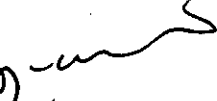
ON GROUNDS

- A Incorrect. The order dated 6-12-2012 is according to rules laws on the subject and norm of justice. Therefore, tenable.
- B Incorrect and denied. The statement of the appellant in this Para is baseless, false and without any legal proof. She was treated in accordance with law, rules on the subject.
- C Incorrect. The appellant has been treated according to law & rules and has not been deprived of her legal financial rights, hence the statement of the appellant in this Para is false, baseless and against the fact, law and rules on the subject.
- D The respondents have acted according to law, by treating the period leave without pay.
- E This Para pertains to court record, hence no comments while it would not be out of place to mention here that every case has different nature.
- F Incorrect and not admitted. As replied in foregoing Paras.
- G Incorrect. The order dated 6-12-2012 is legal and by lawful authority.
- H The respondents seek permission to adduce more grounds & proofs at the time of hearing.

In view of the above submission, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the appeal with cost in favour of the respondent Department.


SECRETARY
Govt: of Khyber Pakhtunkhwa
Finance Deptt:


Director
E&SE Khyber Pakhtunkhwa,
Peshawar.


Secretary
E&SE Department Khyber
Pakhtunkhwa, Peshawar

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

Service Appeal No. 818/2013

Kiran Sabeen


VS

Education Deptt:

REJOINDER ON BEHALF OF APPELLANT

RESPECTFULLY SHEWETH:

Preliminary Objections:

 23/1/2015

(1-6) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

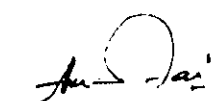
1. It is correct that the appellant was appointed as SS(Urdu) on contract basis for period of six months while last portion of the para is not replied according to para 1 of the appeal.
2. Admitted corrected by the respondents as the service record is laying in the custody of the department.
3. The appellant was appointed on contract basis and her claim also came under the Act for regularization of contract and adhoc employees promulgated by Govt: of KPK and under the same Act many colleagues of the appellant was regularized but the same benefits were not extend to the appellant for th^e reasons that she was not allowed by the principle of the concerned institution to mark he attendance because remained absent for some days on the basis of her application for medical leave. Moreover the appellant was regularized as SS in Urdu w.e.f 24.9.2009 under the Act of 2009 and th^e Director has

- E. Court record revealed that not taking action on the appeal of the appellant is the violation of Supreme Court's verdict according to which the authorities are bound to decide the appeal within reasonable time with cogent reasons and the case of the appellant is same as her appeal was also not decided in specific time which is against the judgment of Supreme Court.
- F. Incorrect and not replied according to para G of the appeal.
- G. Legal.

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

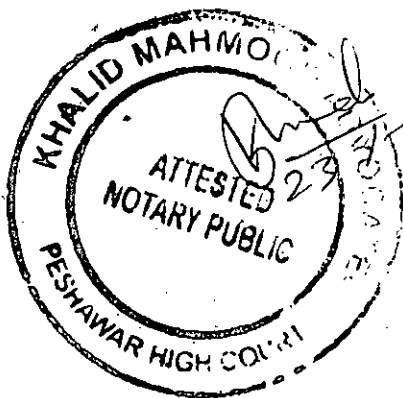
APPELLANT
Kiran Sabeen

Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.




DEPONENT

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

Service Appeal No. 818/2013

Kiran Sabeen

VS

Education Deptt:

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-6) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

1. It is correct that the appellant was appointed as SS(Urdu) on contract basis for period of six months while last portion of the para is not replied according to para 1 of the appeal.
2. Admitted corrected by the respondents as the service record is laying in the custody of the department.
3. The appellant was appointed on contract basis and her claim also came under the Act for regularization of contract and adhoc employees promulgated by Govt: of KPK and under the same Act many colleagues of the appellant was regularized but the same benefits were not extend to the appellant for th^e reasons that she was not allowed by the principle of the concerned institution to mark he attendance because remained absent for some days on the basis of her application for medical leave. Moreover the appellant was regularized as SS in Urdu w.e.f 24.9.2009 under the Act of 2009 and th^e Director has

also sent post availability for the purpose of pay w.e.f 24.9 2009 to 9.5.2012 but despite that fact the period has been treated as leave with out pay which is not permissible under the law.

4. Admitted corrected by the respondents as the service record is laying in the custody of the department.
5. Incorrect. The appellant was regularized as SS in Urdu w.e.f 24.9.2009 under the Act of 2009 by the order dated 28.4.2012 and the Director has also sent post availability for the purpose of pay w.e.f 24.9 2009 to 9.5.2012. Therefore her claim for the salaries from 24.9.2009 to 9.5.2012 is according to law and rules.
6. Incorrect. The order dated 6.12.2012 has been issued against the rules and regulation as appellant was regularized as SS in Urdu w.e.f 24.9.2009 under the Act of 2009 by the order dated 28.4.2012. Therefore it is the right of the appellant to claim for his salaries for the period from 24.9.2009 to 9.5.2012. Moreover the appellant has field departmental appeal which is attached as Annexure L with main appeal which is liable to be accepted on the following grounds amongst others.

GROUND:

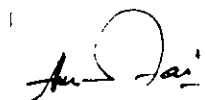
- A. Incorrect. The order dated 6.12.2012 is against the rules and regulation as appellant was regularized as SS in Urdu w.e.f 24.9.2009 under the Act of 2009 by the order dated 28.4.2012. Therefore not tenable.
- B. Incorrect. While para B of the appeal is correct.
- C. Incorrect. The appellant has not been treated according to law and rules and has been deprived from her due legal financial rights which resulted in huge financial loss to appellant, hence the statement of the appellant is right and is according to law and rules.
- D. Incorrect. While para D of the appeal is correct.

- E. Court record revealed that not taking action on the appeal of the appellant is the violation of Supreme Court's verdict according to which the authorities are bound to decide the appeal within reasonable time with cogent reasons and the case of the appellant is same as her appeal was also not decided in specific time which is against the judgment of Supreme Court.
- F. Incorrect and not replied according to para G of the appeal.
- G. Legal.

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

APPELLANT
Kiran Sabeen

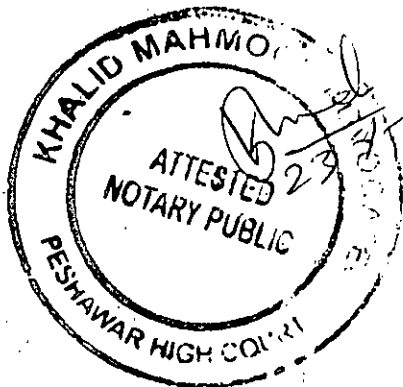
Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.


DEPONENT



Before The KPK Service Tribunal, Peshawar.

Appeal No. 818/2013.

Kiran Sabeen -vs- Govt: of KPK etc.

Application for fixing appeal on
an early date instead of 13.5.2016.

R. Sheweth

1. That the above noted appeal is pending before this august Tribunal.
2. That the appeal is ripe for arguments/full hearing and was previously fixed for 16.12.2015, and the next date was ordered as 13.5.2016 which is a very long gap between the two dates.
3. That the appeal is a very old one pertains to the year 2013, and needs early hearing.
4. That there is no legal hurdle in accelerating the date.

It is therefore, humbly prayed that the appeal in hand may be fixed on an early date instead of 13.5.2016 to meet the ends of justice.

Dated. 6.1.2016.

Appellant
Through

Counsel *M. Asif Yousefzai*

M. Asif Yousefzai
Adv.

Pl. refer at
in appropriate date
when possible.
Rashid
07/01/16

91-1-16
MAM

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 336 /ST

Dated 12 /02/2018

To

The Secretary Elementary & Secondary Education Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 818/2013, MISS. KIRAN
SABEEN.**

I am directed to forward herewith a certified copy of Judgment/Order dated 09/02/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

ll