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		BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALAT
		CAMP COURT, ABBOTTABAD
		Appeal No. 299/2018
		Date of Institution 05.03.2018
		Date of Decision 14.01.2019
		Rasikha Begum Assistant Professor Govt. Girls College Khalabat District Harripur under Deputation Islamabad Model College for Girls (PG)
		Appellant
		Versus
		Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa and 4 others. Respondent
,		Mr. Muhammad Hamid MughalMember(J) Mr. Hussain ShahMember(E)
		JUDGMENT
	14.01.2019	Muhammad Hamid Mughal: Learned counsel for the appellant
		and Mr. Muhammad Bilal learned Deputy District Attorney present.
		2. Aggrieved against her repatriation from Federal Directorate
		of Education (FDE) Islamabad to her parent department vide order
7		dated 01.11.2017 and her adjustment at Govt. Post Graduate
		College for women Haripur, the appellant (Assistant Professor)
		has approached this Tribunal by filing the present service appeal.
		Prayer of the appellant is that the impugned order dated
		01.11.2017 be set aside and she may be allowed to continue her
		service/duty under deputation at the same station i.e. Islamabad
	arii 1	Model College for Girls (PG) G-10/4 Islamabad.
		3. Arguments heard. File perused.
		4. The appellant was posted as Assistant Professor of Home
		Economics Government Girls Degree College Khalabat Township
	<u> </u>	

Haripur when she was transferred on deputation vide order dated 05.08.2008.

- 5. Finally the respondent department vide order dated 01.11.2017 accorded ex-post facto sanction for regularization of over stay period beyond five (05) years in respect of the appellant in the Federal Directorate of Education Islamabad with effect from 08.05.2013, repatriated the appellant and adjusted her at Government Post Graduate College for women Haripur.
- 6. Up till the issuance of the impugned order of repatriation, the appellant remained on deputation in the borrowing department i.e. Federal Directorate of Education Islamabad for more than Nine (09) consecutive years. However the learned counsel for the appellant still persists that the appellant be allowed to continue her service under deputation at the same duty station i.e. Islamabad Model College for Girls (PG) G-10/4 Islamabad. The learned counsel for the appellant remained unable to demonstrate any legal backing in support of the prayer made in the present service appeal.
- 7. It may also be mentioned that the Federal Directorate of Education vide Notification dated 09.01.2018, available on file, has already repatriated the appellant to her parent department.
- 8. In view of the above the appellant has not been able to seek indulgence of this tribunal. Consequently the present service appeal is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

(Hussain Shah) Member

(Muhammad Hamid Mughal)

Member

At Camp Court, Abbottabad

ANNOUNCED 14.01.2019 18.12.2018

Husband of the appellant and Mr. Mr. Kabirullah Khattak learned Additional Advocate General present. Written reply on behalf of respondents No.1, 3 & 4 already submitted. In view of the circumstances of the case the present service appeal is hereby assigned to D.B. Husband of the appellant requested that the present case be fixed at Camp Court Abbottabad. To come up for further proceedings/final hearing on 14.01.2019 before D.B at Camp Court Abbottabad.

(\\a Member

14.01.2019 Learned counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney present. Vide separate judgment of today of this Tribunal placed on file, the present service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

(Hussain Shah) Member

(Muhammad Hamid Mughal) Member

Camp Court A/Abad

ANNOUNCED 14.01.2019 03:09.2018

Appellant in person and Mr. Kabirullah Khattak Additional Advocate General, for the respondents present. Written reply already submitted on behalf of respondents No. 1, 3, and 4. Written reply not submitted on behalf of the respondent No. 5. Therefore, fresh notices be issue to the respondent No. 5 for written reply. To come up for written reply/comments on 17.09.2018 before S.B. 2. 2. 2002. In the meanwhile, status quo shall be maintained till the date fixed.

(Muhammad Amin Kundi) Member

17.09.2018

Mr. Muhammad Hanif, Husband of the appellant present. Mr. Murad Khan, Supdt alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Representative of respondent no.5 not present nor written reply submitted. Very last opportunity granted. Case to come up for written reply/comments of respondent no.5 on 02.11.2018 before S.B. In the meanwhile, Status Tuo Shall be maintained till The date direct.

(Ahmad Hassan) Member

02.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 18.12.2018. Written reply not received.

READER

31.07.2018

Mr. Murad Khan, Supdt alongwith Mr. Kabiraullah Khattak, Addl: AG for respondents present. The above named representative of the respondents made a request for adjournment on the ground that the Secretary has gone to Islamabad to attend some official work and so the comments/written reply could not signed. Since in this case stay has already issued and case will be fixed at camp court Abbottabad. As such the request is allowed but to a short date. Case to come up for written reply/comments on 09.08.2018 before S.B. In the meanwhile, status-quo shall be maintained till the date fixed.

Chairman

09.08.2018

Mr. Irfan Ullah, AD alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present and submitted written reply/comments on behalf of respondents no. 1,3 and 4 and further stated that the written reply/comments on behalf of respondent no.2 be considered as of respondent no.1. Hence, written reply/comments be asked from respondent no.5 for 03.09.2018 before S.B. In the meanwhile, status quo shall be maintained till the date fixed.

Chairman

16.07.2018

Mr. Shahid Clerk of counsel for the appellant Mr. Abdul Aziz Tanoli, Advocate present. None present on behalf of the respondents, however, Mr. Usman Ghani, District Attorney put appearance on behalf of the respondents. The learned District Attorney made a request for short adjournment. To come up for written reply/comments tomorrow i.e. on 17.07.2018 before S.B at camp court, Abbottabad. In the meanwhile status quo shall be maintained till the date fixed.

Chairman Camp Court, A/Abad

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17.07.2018

Mr. Muhammad Hanif, husband of the appellant alongwith Mr. Abdul Aziz Tanoli Advocate, counsel for the appellant present. Mr. Khushi Muhammad, S.O (Litigation) on behalf of the respondents alongwith Mr. Usman Ghani, District present and made a request for adjournment as the comments are under process and will be submitted in shortest time.

Since in this case status quo has been issued, as such to avoid unnecessary delay, the respondents are directed to submit comments/written reply on 31.07.2018 before S.B at Principal Seat Peshawar.

Needless to mention here that after submission of comments/reply, the appeal in hand will automatically be fixed at camp court, Abbottabad before the D.B. In the meanwhile, status quo shall be maintained till the date fixed.

Chairman
Camp Court, A/Abad.

20.04.2018

Counsel for the appellant present. In continuation of this Tribunal order sheet dated 22.3.2018, the learned counsel for the appellant argued that the appellant was recommended for permanent absorption in service of Federal Government in the year, 2013 and in this respect he pressed into service a notification of the Higher Education Department. The learned counsel for the appellant further relied upon a Wedlock Policy of the provincial Government and according to this policy spouse should not be disturbed from the place of their duty. That even a deputationists is to be dealt with in accordance with this policy. That amendments were made in rules in order to serve the spouse at one station.

The points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 28.06.2018 before the S.B at camp court, Abbottabad. In the meantime status quo be maintained.

Appellant Deposited
Security Deposited

Chairman
Camp Court, A/Abad.

28.06.2018

Mr. Abdul Aziz Tanoli, Advocate for appellant present. Pro. Malik Muhammad Siddique (Litigation Officer) alongwith Mr. Ziaullah, Deputy District Attorney for the respondents present. Reply not submitted as the above named representative stated that copy of the appeal has not been provided to them. As such the appellant is directed to furnish copy of appeal to the above named representative to-day. Case to come up for written reply/comments on 16.07.2018 before S.B at camp court, Abbottabad In the meanwhile status quo be maintained till the date fixed.

Member

Chairman Camp court, A/Abad Appeal No. 299/2018
RasiKha Beginn VS Got

22.03.2018

Mr. Abdul Aziz Khan Tanoli, Advocate/counsel for the appellant present. Fresh Wakalatnama submitted, which is placed on file. The appellant who is serving in Education Department of Government of Khyber Pakhtunkhwa was transferred to Federal Government on deputation in the year, 2008 due to spouse policy as her husband was/is serving at Islamabad in Education Department. The appellant after serving for eight years on deputation has been recalled by the lending department.

Now the appellant has challenged that recall order through this appeal on the ground that the appellant was transferred on deputation on the basis of spouse policy. That originally in Rule 20-A of the Appointment, Promotion and Transfer Rules, 1973, the maximum period for deputation was five years but now in the year, 2012 through an amendment the proviso was inserted in rule 20-A which says that tenure of five years shall not apply to some employees including husband or wife. Getting benefit of this proviso the appellant spent eight years instead of five years on deputation. The learned counsel for the appellant today argued that in the presence of this proviso the lending department had committed illegality by recalling the appellant back. Secondly if the lending department, at all, was to recall the appellant back it could be done only in the public interest. But this Tribunal noticed that the proviso as referred to above does not appear to be self executing. It only gives room to the lending and borrowing departments to extend the period beyond five years if both agreed. But the learned counsel for the appellant is not in agreement with this Tribunal and is of the view that when the notification introduced this proviso all those deputationists shall get automatic extension. Secondly, this Tribunal has also observed that the referred Rules of 1973 pertained to the civil servants of the Federal Government and not the Provincial Government. It would be seen whether any such amendment has been made in the Provincial Laws and Rules and whether the deputationists shall be governed by the law and rules of borrowing department or lending department.

These points need further arguments and case is adjourned to 20.04.2018 for further preliminary hearing before S.B at camp court, Abbottabad.

Camp Court, Abbottabade

Form-A

FORMOF ORDERSHEET

Court of			
Case No	299	/2018	.,

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	05/03/2018	The appeal of Mst. Rasikha Begum received today by post, may be entered in the Institution Register and put up to
		Learned Member for proper order please.
		REGISTRAR 1/3/18
2-	15/03/18	This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on $\frac{2^2 \log \mathcal{R} }{2^2 \log \mathcal{R} }$.
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BEFORE KHYBER PAKHTUNHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 299 of 2018

Rasikha Begum Assistant Professor Govt Girls Degree College Khalabat District, Harripur under Deputation Islamabad Model College for Girls (PG) G-10/4, Islamabad.

....APPELLANT

Versus

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and 04 others.

....RESPONDENTS

SERVICE APPEAL INDEX

S.No	DESCREPTION OF DOCUMENTS	ANNEXURE	PAGE NO
1	Memo: of Service Appeal alongwith Affidavit		1 to 4
2	Copy of appointment order of appellant	Α	5-8
3	Copy of Promotion order of appellant	В	9-15
4	Copy of Service Certificate of the husband's of appellant	С	16
5	Copy of impugned order dated 01/11/2017 issued by respondent No.3	D	17
6	Copy of departmental appeal before respondent No.1	E	18-19
7	Copy of notification dated 09/01/2018 issued by respondent No.5.	. F	20
8	Copy of notification dated 14/09/2017 issued by respondent No.2	G	21
9	Copy of both the notifications dated 16/04/2012	"H" & "I"	22-23

Dated 27/02/2018

(Appellant)

Through: Counsel

BEFORE KHYBER PAKHTUNHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 299 of 2018

Rasikha Begum Assistant Professor Govt Girls Degree College Khalabat District, Harripur under Deputation Islamabad Model College for Girls (PG) G-10/4, Islamabad.

Dines No. 3/2....APPELLANT

Versus

Dated 05-3-2018

- Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2. Secretary Establishment & Admin Department Khyber Pakhtunkhwa, Peshawar.
- 3. Secretary Higher Education Archives /Library Department,Khyber Pakhtunkhwa, Peshawar.
 - 4. Director Higher Education Archives /Library Department, Khyber Pakhtunkhwa, Peshawar.
 - 5. Director Colleges, Capital Territory, Islamabad.

....RESPONDENTS

SRVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST IMPUGNED NOTIFICATION DATED 01/11/2017 ISSUED UNDER NOTIFICATION NO. SO(C-III) HE/1-3/09 RASIKHA BEGUM/1485-91 BY RESPONDENT NO 3 TO RESPONDENT NO5 FOR REPATRIATION TO PARENT DEPARTMENT. THE SAID NOTIFICATION IS TOTALLY AGAINST LAW, MALAFIDY AND AGAINST THE SPOUSE POLICY OF GOVERNMENT OF KHYBER

PRAYER:

Filedto

ON ACCEPTANCE OF INSTANT SERVICE APPEAL, THE IMPUGNED NOTIFICATION / ORDER MAY KINDLY BE SET- ASIDE AND THE APPELLANT BE ALLOWED TO CONTINUE HER SERVICE / DUTY UNDER DEPUTATION AT THE SAME DUTY STATION I.E. ISLAMABAD MODEL COLLEGE FOR GIRL (PG) G-10/4 ISLAMABAD.

Respectfully Sheweth.

FACTS

- 1. That, on 18/11/1997, appellant was appointed as a "Lecturer" (BPS-17) at GGC No.2, Abbottabad. (Copy of appointment order is annexed as annexure "A").
- 2. That, on 21/02/2007 appellant was promoted as a "Assistant Professor" (BPS-18) and posted at Govt Girls College Khalabat District Haripur. (Copy of Promotion order is annexed as annexure "B").
- 3. That, appellant's Husband was appointed in Federal Govt College H/9, Islamabad College for boys (Now Islamabad College for boys H-9, Islamabad) as a Associate Professor w.e.f. 13/10/1990 and he is still working there as a Associate Professor. (Copy of Service Certificate is annexed as annexure "C").
 - That, on 13/08/2008, appellant was posted at Islamabad on Deputation and still performing duty in Islamabad Model College For Girl (PG) G-10/4 Islamabad.
 - 5. That, on 01/11/2017 vide impugned notification issued by respondentNo.3 for repatriation to the parent department and adjustment of appellant at Govt Post Graduate College for Women Haripur with immediate effect. (Copy of impugned Notification dated 01/11/2017 is annexed as annexure "D").
 - 6. That, on 27/11/2017, appellant filed a departmental appeal against the impugned notification dated 01/11/2017 before

- 7. That, on 09/01/2018, respondent No.5 issued notification for repatriation of appellant to parent department in the light of notification of respondent No.2 (Copy of notification dated 09/01/2018 is annexed as annexure "F").
- 8. That, the impugned notification is liable to be set-aside on following grounds:-

GROUNDS:

- a. That, said notification is against the Spouse Policy of Govt Employees.
- b. That, on 14/09/2017 vide notification No. SOR-1(E&AD) 9-5/2010 issued by Govt of Khyber Pakhtunkhwa and Admin Department (Regulation Wing), the applicant was permitted to continue her duty for further 05 years. (Copy of notification is annexed as annexure "G").
- c. That, the children of appellant are getting education in different educational institutes in Islamabad and due to impugned order the education of the children of appellant shall be very badly affected.
- d. That, according to the Federal Establishment Division's instruction / guidelines vide OM No. 10/30/97-R-2 dated 12/05/1998 and 17/12/1999 posting of husband and wives at the same station should be facilitated.
- e. That, according to the Govt of Pakistan, Cabinet Secretariat Establishment Division's notification dated 16/04/2012 in exercise of powers conferred by Sub-Section-(1) of Section 25

of the Civil Servants Act, 1973 (LXXI 1973) read with notification No. SRO 120(1) 98, dated 27/02/1998, the Prime Minister the following amendment in the Civil Servants (appointment, promotion and transfer) Rules, 1973 namely:(Copy of both the notifications dated 16/04/2012 are annexed as annexure "H" & "I").

- f. That, in the aforesaid Rules, in rule 20 A, after sub rule (3) the following proviso shall be inserted and shall deem to have always been so inserted, namely: provided that posting of serving husband and wife at the same station shall be exempted from the said rule which means that the deputation according to wed-lock policy was for indefinite period.
- g. That, the instant appeal is well within time.

It is therefore, very humbly prayed that on acceptance of instant appeal, the impugned Notification dated 01/11/2017 may graciously be set- aside and the appellant be allowed to continue her service / duty under deputation at the same duty station i.e. Islamabad Model College For Girl (PG) G-10/4 Islamabad and the impugned order may kindly be suspended till the final decision of Service Appeal.

Dated 27/02/2018

(Appellant)
Through: Counsel

AFFIDAVIT:

I, Rasikha Begum Assistant Professor Govt Girls Degree College Khalabat District, Harripur under Deputation Islamabad Model College for Girls (PG) G-10/4, Islamabad., **Appellant**, do hereby affirm on oath that contents of instant appeal are correct and true to the best of my knowledge and belief and nothing has been suppressed from this Honourable Tribunal and instant appeal is first appeal and same nature of any other appeal is not pending before this Honourable Tribunal.

Dated 27/02/2018

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3 1	Lies Uniquite Bagum? D/O Shbir Jamil, Avuse Ro.9, Faqir Afanl Colony, OIS Road, Jungka Khal, Konat.	Offig; Lecturer in Physics, 6.4.0.80.2, 9.1. When.	- do -
32		Giftg; Lecturer in Paymen, 660 kg.2, Abbottmbld.	⊶d¢~
33.	ters. Zebun Kinn D/O kundamid Zuhan, wohallah Gardi Zardad, Vill; & F.O. Akkerpura, Teh; & Diset; Howsnern.	Gifts; Licturer in St tistion, J.G.C., Cnitral.	- do
34.	mrs. maknt Tasleem, D/O brsoom Knan, Vill; & P.O. Gogdere, Ton; babozai, Mastt; Swat.	Offts; Lecturer in Stratistion, G.G.C. Timorgara.	do
35.	aise Srfia Shanden, 9/0 Sheika Ilam Kerim, 65-6 Wennan Iqbal Yown, Arbab Road, Jeurud Rond, Fulliwar.	Offtm; bleturer in ot tisties, uGC No.2, Abbottubad.	<u>-</u> ùo−
36.		Offtg; Lecturer in Statistics, U.S.C. no. 2, H.I.khan.	-do-
3 7.	Miss Sochana Samsen, D/O Krael Bedomah. P.O. Mox No. 1070, Pusakwar Universit, Pasaswar.	Offits; Locurer in Political Science, 500 No. 2, U.L. Khan.	-do-
38 .	miss Seema Sothi, D/O Band Ferver Sobil, 7-21 yeb Colony, Optosite municipal withs Colloge, widgen Nord, Fashaver.	Offts, Lecturar is Tolitical Science Fig. 6.0.0., Chitral.	
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Tohas & CONDITIONS :-

The appointment of the candidates mentioned above is subject to the goodinion that they are the doubtile of NAM.

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- Their interpos-geniority will be diven seconding to the order of merit aspland by the Europe Bublic pervice Commission.
- Their services will be limble to termination on one wonth a notice from with a side. In or so of real tion without notice to the month's pay/allowances, if may, and i be forfitted
- No. Th/Th Sto; is ollowed on their first epiolitheat as Offth: Lucturer,
- The condidates should join their post which 30 days of the issue of this notification. The national of adjacetion (Colleges) & FF reshort should furnish a certificate to the effect that the condidates have joined the jost or otherwise after one work of the issue of this notification.
- 6 . Charge reports in dulieste asould be submitt a to bil concerned.
- They will be you word by such the sand result ion as may be assued from time to wine by the downment for the estedery of government servants to write they belong. 7.
- 8. A deleration of assets smooth debetosized from them if not already done and kept on record.
- .9, Their appointments will be subject to the sittlefactory report on the verific tion of their on ractor & anticedents.

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Data : No. SO (C) II-2/94-III) - Dated 1 csn; the 16-11-1997. Copy for 1. form tion & n/netion to :-

- The Director of Education (Collands) E.M., Reshawar. The original and decal corollic tog of the oradicates exhaunted are attach d.
- for h.d. Nafr, Pessawar. 3. The Dats/AACs cone mad. 2.
- The Frincipal's concern d. 3.
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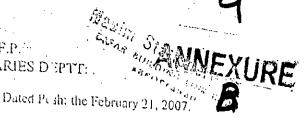
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(F.Malin I. S.L)

SECTION OFFICER (COLLINGS)

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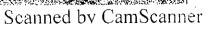
NOTIFICATION.

No.SO(E-III)HE/11-1/05/V-III. The Competent Authority, in consultation with Provincial Selection Board is pleased to order the promotion of the following Female, Lecturers (BPS-17), to the post of Assistant Professors (BPS-18) of college cadre, with immediate effect, on probation for a period of one year, and to post them at the colleges noted against each with the adjustment given below:

S.#	Name and Designating and	Proposed as Assistant	Remarks
<u> </u>	Present Posting.	Professor B-18	T(CITALITY)
1_	2	3	4
1	Jehan Ara Lecturer in Islamiyat	Assistant Professor o	Against Vacant
2	_ GGC, Karak.	Islamiyat GGC, Karak.	Post.
2	Sajida Parveen Lecturer in Urdu	Assistant Professor v.: Urdu	Against Vacant
3	GFC(W) Peshawar.	GFC(W) Peshawar	Post.
,	Anwar Noor Lecturer in History /	Assistant Professor of History	Against Vacant
	Civics, GGC, Mardan.	GCGC, Peshawar.	Post.
	Syeda Kokab Almas Lecturer in Home Economics GGC, Maneri	Assistan' Professor of	Against Vacant
	Swabi.	Economics GGC, Mareri	Post.
5	Surriya Iqbal Lecturer in Pashto GGC,	(Swabi)	
	Karak.		Against Vacant
6	Farzana Samin Lecturer in Islamiyat	GGC, Norvshera	Post.
· 	GGC, Pirpai(Nowshera).	Assistant Professor of	Against Vacant
7	Farhat Seltana Lecturer in Maths	Islamiyat GGC, Pirpaj Assistant Professor of Maths	Post.
	GGC Hampur	1 GGC, Lavelain	Against Vacant
8	Kulsoom Bibi Lecturor in Chemistry	Assistant Professor e	Post
	GCGC, Peshawar.	Chemistry GGC,	Against Vacant Post
9		Karnal Sher Killi, Swabi.	1030.
y	Jamila Abida Lecturer in English	Assistant Professor of English	Against Vacant
10	GFC(W), Peshawar.	GGC, Pabbi	Post.
10	Samina Iffat Lecturer in Stats GGC, Mardan,	Assistant Professor of	Against Vacant
11	Maseem Jabbar Lecturer in Pol.	Statistics GGC, Mard in	Post.
• •	Science GFC(W) Peshawar.	Assistant Professor ct Pol.	Against Vacant
12	Ruthsana Bano Lecturer in	Science GFC(W), Pest awar.	Post.
	Geography GGC, Chethi Dheri.	/ ssistant Professor ct	Against Vacant
	= graphy ddc, cheth bhett.	Ceography GGC, Chi ti Dheri	Post,
13	Tahireen Akhtar Lecturer	(Idansehva)	
	Stats, GGC No.2 A / Abad	Assistant Professor of Statistics GGC, No.2	Against Vacant
	- And the second	A abottabact	Post.
14	Tanveer Gohar Lecturer in	Assistant Professor of Pal.	
	Pol:Sc GGC, Sheikh Maltoon	Science GGC, Mardai	Against Vacant
	Mardan.	57 (1111)	Post.
5	Saira Khatoon Lecturer in Urdu	Assistant Professor of Urdi.	
	GGC, Mansehra.	GGC, Mansehra.	Against Vacant
6	Bus Jehan Lecturer in	Assistant Professor of	Post.
	Economics, GGC, Nowshera	Ecor omics, GGC, Man :i	Against Vacant
		Swabi.	Post.
7	Tahira Sagheer Dar Lecturei in	Assistant Professor of Urth	Accesional V
	Urdu, GGC Manesi (Swabi).	GGC Maneri Swabi.	Against Vacant Post.
8	Rahila Anjum Lecturer in	Assistant Professor of	Against Vacant
 -	Psychology, GGC, Charsadda.	Psycl ology GGC, Cha sadda	Post.
9 -	Waqar-un-Nisa Begum Lecturer in	Assis ant Professor of .	
	Economics,GGC,Mardan	Econe mics GGC, Martan	Agninst Vacant
0	Saeeda Neelofar Jabeen Lecturer	Assistant Professor of	against Vacant
	Islamiyat GGC, Haripur.	Islamizat GGC, Harif cir	- Egainst vacant - Fost.
1	Mussaral Shaheen Lecturer in	Assistant Professor o St.	A ajost Vacant
	Statistics , GGC No.1 DJ.K	GGC, No.1 D.I Khan	Pe t.



72		Assistant Professor of Pol.	Against Vacant
23			Post.
2.5			Against Vacant Post
24	Shahoen Zaman Lecturer in Urdu		Against Vacant
	Urdu, GGC No.1 A/Abad		Post.
25	Razia Sultana Lodhi Lecturer in	Assistant Professor of History	Against Vacant
}	History GGC, Manschra.	GGC, Manselus.	Post.
26	Summaira Riffat Lucturer v	Assistant Prof. of Stats, GGC,	Against Vacant
\ <u></u>	Statistics , GGC No 1D.1 Elian.	No.1 D.I.Khan	Post.
27	Nighat Tabassum Lecturer	Assistant Prof. of Islamiyat	Against Vacaint
28	Islamiyat GGC, Charsadda	GGC, Charsadda.	Post.
+2	Nasreen Jabeen Lecturer in	Assistant Prof. of Islamiyat	Against Vacant
29	Islamiyat, GGC, Flatipur.	GGC, Haripur.	Post
2.9	Rashida Jamil Lecturer in	Assistant Prof. of Islamiyat	Against Vacant
30	Islamiyat, GGC No 1 Abbotrabd	GGC, NO.T Abbottabad	Post.
1.0	Fazeelat Manb Lecturer in	Assistant Prof. of Arabic	Against Vacant
31	Arabic, GGC, Charsadda,	GGC, Charsadda.	Post.
1.	Tahira Begum Lecturer in Pol:Sc, GGC S/Sharif Swat	Assistant Prof. of Pol. Science	Against Vacant
32	Farzana Shaheen Lecturer in	GGC, Saidu Sharif Swat.	Post.
	Urdu, GGC, Mansehra	Assistant Prof. of Urdu GGC.	Against Vacant
33	Nargis Ara Lecturer In	Mansetha.	Post.
l	Chemistry, GGC, Saidu Sharif Swat.	Assistant Prof. of Chemistry GGC, Saidu Sharif Swat.	Against Vacant Post
34	Siddiqa Bashir Lecturer	Assistant Prof. of Urdu GGC,	Against Vacant .
<u> </u>	in Urdu, GGC, Hayatabad l'eshawar.	Mayatabad.	Post.
35	Samma Parveen Lecturer	Assistant Prof. of Biology	Against Vacant
 	In Biology, GGC, Kohat	GGC, Kohat.	Post
36	Neelofar Chand Lecturer in	Assistant Prof. of Pashto	Against Vacant
-	Pashto, GGC, Charsadda	GGC, Charsadda.	Γ'ost.
37	Rukhsana Yasmeen Lecturer in	Assistant Prof. of Psychology	Against Vacant
}	Psychology, GGC, Hayntabad	GGC, Dara Adam Khel (FR	Post.
38	(Peshawar). Farkbanda Batool Lecturer in	Kohat).	
	Islamiyat, GGC No 2, D.I.Khan	assistant Prof of Islamiyat	Against Vacant
39	Safia Gul Lecturer in	GGC, No. 2 D.I.Khan. Assistant Professor of	Post.
	Economics, GFC (IV) Peshavar.	Economics GFC, (W)	Against Vacant Post.
		Peshawar,	Post.
40	Raheela Lecturer in	Assistant Professor of Urdu	Against Vacant
	Urdu, GGC, Haripur	GGC, Haripur	Post.
41	The state of the	Assistant Professor of	Against Vacant
42	GGC, Mardan)	Chemistry GGC, Mardan	Post.
147	Kausar Shaheen Lecturer ir. Islamiyat, GGC, No.2 Abbettabad.	Assistant Professor of	Against Vacant
İ	isiamiyat, GGC, Mil.2 Milocithoad.	Islamiyat GGC, No.2	Post.
43	Afshan Tabassum Lecturer in	Abbottabad.	`
.	History, GGC, Manki (Swabi).	Assistant Professor of History GGC, Manki Swbai	1 0
4-1		. Assistant Professor of Pol.	Post.
	Pol: Science GGC, Gulshan Rehman	Science GGC, Jamrud,	Against Vacant
	Peshawar	Khyber Agency.	Post.
45	Sherin Sabir Shamim Lecturer in	Assistant Professor of	Against Vacant
	Psychology, GGC Haripur.	Psychology GGC, Haripur.	Post.
46		Assistant Professor of Biology	Against Vacant
1	Biology, GFC(W)Peshawar.	GGC, Glshan-e-Rehman	Post.
		Colony, Peshawar.	
47		Assistant Professor of	Against Vacant
ĺ	Economics, GGC, No.2 Abbottabad	Economics GGC No.2,	Post.
-		Abbottabad.	
48	Gulshan Shantim Lecturer in Islamiyat GGC Chitral	Assistant Professor of	Against Vacant
49		Islamiyat GGC, Chitral	Post.
. (4)	1	Assistant Professor of	Against Vacant
-	Geog: GFC(W) Peshawar Hanida Afridi Lecturer in Urdu	Geography GGC, Thana	Post.
50	GGC, Koliat.	Assistant Professor of Urdu	
		GGC, Kohat Assistant Professor of	Post.
	Tolse GGC No.1 Abbound id	Political Science GGC, No.1	Against Vacant
		Abbottabad.	



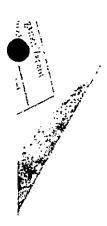


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1	Tolli	deal Science, GGC, Kolint.	Political Science GGC, Kohat.	Post.
54	Taly	seen Begum Lecturer in	Assistant Professor of	l
	Poli	tical Science CGC, Howshera	The state of the s	Against Vacant
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55	[2811]	lda Youral Lecturer in	Assistant Professor of	Against Vacant
	Blut	istica, GGC Peshawar City.	Statistics GGC, Karnal Sher	Post.
			Killi Swiibi	
UG	Chi	reada Yougaf Lecturer in	Assistant Professor of English	Against Vicant
		dish, GFC(W)Peshawar	GGC, Pupal Howstern	Post.
57	Rol	olua Samad Lecturer in	Assistant Professor of	Against Vocant
			1	Post.
	1 "	rehology, GFC, (W) Penhawar.	Psychology GGC, Jamzod	1.07.0
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50		assarat Perveen Lecturer in	Assistant Professor of Idaths	Against Varant
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	Pe	Shawar.	f'eshawar.	
59		ibina Meliboob Lecturer	Assistant Professor of Inaths	Against Vacant
}		iglish, GGC, Mansehra	GGC, Manzehra	Post
60		leber Nigar Lecturer in	Assistant Professor of	Against Vacant
1 ""			1	Post
\	12	lamiyat, GCC Nowshera.	Islamiyat GCC, Sheikli	£ 1577 Pr
1			Maltoon Mardan	
61	12	Durri-I-Shahwar Lecturer in	Assistant Professor of Law	Against Vacant
1		aw, GFC (W) Peshawar	GFC(W), Poshawar	Post
62		Johna Jabeen Lecturer in Law	Assistant Professor of Law	Against Vacant
} ""		GGC No.1 Abbottabad.	GGC, No.1 Abbott.	Post.
63		Anna Maheed Lecturer in Law	Assistant Professor of Law	Against Vacant
1 05			GGC, Lakki	Post.
\- <u></u> -		CGC, Mardan	Assistant Professor of	Against Vacant
િ		Bibi Fatima Lecturer in		Post
1		Computer Sc. GFC (W) Peshawar	Computer Science GGC,	1 1051
			Pablic Nowshera	Against Vacant
ú5	ì	Jalees Valuma Lucturer to	Assista & Professor of English	Post
\		English, GFC (W) Peshawar	GGC, Parput	Against Vacant
66		Zahida Bano Lecturer in	Assistant Professor of English	Post.
		English, GGC, Thana.	GGC, Thana	_ \
67	' }	Shaqusta Imitiaz Lecturer in Flome	Assistant Professor of Flome	Against Vacant
l	!	Economics GGC, Marghuz.	Economics GGC, Marghuz	Post.
Ì			Swabi	-
68	;	Floor-us Saba Lecturer in	Assistant Professor of Home	Against Vacant
		Home Economics, GGC, Gulshan	Economics GGC, Gulshan-e-	Post.
		Rehman, Peshawar	Rehman Colony, Peshawar.	-
69	9	Sandia Afzal Lecturer in	Assistant Professor of Botany	Against Vacant
"		Botany, GGC No.1 Abbottabad	GGC, No.1 Abbottabad.	Post.
70	0	Rukhsana Khan Lecturer in	Assistant Professor of Botany	Against Vacant
' '	~	Botany, GGC, Pirpai.	GGC, Pirpai	Post.
7	1	Salara Aman Lecturer in .	Assistant Professor of Physics	Against Vacant
1		Physics, GFC (W) Peshawar	GGC, Gulshan Rehman	Post.
1		Thypics, G. C (17)	Peshawar	
		Anjum Ara Lecturer in	Assistant Professor of	Against Vacant
17	2	Economics GGC Gul Shan Rehman	Economics GGC, Gulshan	Post
1			Reliman Pesh.	1
		Peshawar.	Assistant Professor of Biolog	y Against Vacaut
7	/3	Parzana Fillal Lecturer in	GGC, Kliwaza Khela.	
<u> </u>		Biology, GGC, Swat.	Assistant Professor of Physic	Post.
1	74	Kishwar Sultana Lecturer in		"
_		Physics, GGC Bannu	GGC, Surani, Bannu.	Post
- \7	75	Shakila Begum Lecturer in	Assistant Professor of Maths	, ,
	$\overline{}$	Maths, GGC, Mardan.	GCC, Lakki	Post.
Ý	76)	Rana Tabbassum Lecturer in	Assistant Professor of Histor	. .
		History, GGC No.2 Abbottabad	GGC, No.2 Abbottabad.	Post
·	" "77	Nagina Parveen Bakhsh Lecturer L	n Assistant Professor of	· Against Vecant
Ī	"	Islamiyat GGC, No.1 Abbottabad.	Islamiyat GCC, Ghazi	Post.
}.	70	Mah Gul Lecturer in	Assistant Professor of	Against Vacant
1	78		Physics, GGC, Kohat	Post.
	F1/2	Physics, GFC(W) Peshawar	Assistant Professor of	Against Vacant
٠ . ا	79	Alia Nisar Locturer in	Statistics GGC, Marghuz	Post
1. 9		Statistics, GPC, (W) Peshawar	Statistics Obe, Marginux	· 清明等。 ** a.s.
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Both Rozina Rethinan Lecturer in English, GGC, Nowshera Assistant Professor of Urdin QGC, Mansalara	65	Saco	eia Tra	Begum Lecturer in sie CEC (W) Peshawar	Ele	etronic No.1 D.I.Khan	<u> r</u>	ost.	
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. 19		Zohra Usman Lecturer in	Assistant Professor of	Against Vacant
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11		Noureen Sayed Lecturer in	Zoology, GGC, Chaisadda.	Post.
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-	6	Nascem Khattak Lecturer in	GGC, Nowshera.	Vice 5.No54
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13	Musrat Riaz Lecturer in	GGC, Havelian.	Vice S.No. 12
14	Physics GGC, Haripur. Nasira Azam Lecturer in Physics GGC, Gulshan Rehman	GGC, Haripur.	Vice S.No.13
15	Peshawar. Humera Naz Lecturer in English GGC, Havelian.	GGC, Haripur	Vice S.No.152 Above Vice S.No.106
16	Natla Sayal Lecturer in Pasino	GCGC, Peshawar	Above Vice S.No. 78
1.7	Rehana Parveen Lecturer in	GFC(W)Peshawar	Above Against Vacant
18	Physics GGC, Lakkii. Tahira Gilani Lecturer in	GGC, No.1 D.I.Khan.	Post. Vice S.No.87
19	Islamiyat GGC, Lakki Marwat Zaibun Nisa Lecturer in Urdu		Above Against Vacan
20	GGC, Barikot. Naila Shabnam Lecturer in	GGC, No.1 D.I.Khan.	Post. Vice S.No.9
21	Physics GGC, Thana. Waheeda Khan Lecturer in	GFC(W), Peshawar	Above Vice S.No.92
22	English GGC, Karak. Tahira Gul Lecturer in History	, GCGC, Peshawar.	Above Against Vacan
2	GGC, Karak.	sh GGC, No. 1 D.I.Khan.	Post Vice S.No.64
12	GGC, No. 2 D.I. Khan.	- Dealessy St	above.
	Computer Science GGC, Bannu. Bibi Nargis Jan, Lecturer in	GFC(W), Peshawar.	Vice S.No.12

CHIEF SECRETARY. GOVERNMENT OF NWFP.

Dated Pesh: the February 21, 2007.

No.SO(E-111)HE/11-1/05/V-III.

Copy forwarded to the :-

- 1. Accountant General, NWFP, Peshawar. 2. Secretary to Govt: NWFP, Establishment Department, Peshawar.
- 3. Director, Higher Education, NWFP, Peshawar.
- 4. Director, Information, NWFP, Peshawa
- 5. Principal, of the Colleges concerned.
- 6. District/Agency Accounts Officer concerned.
- Manager, Government Printing Press, Peshawar.
- 8: P.S. to Minister, for Education, NWFP.
- 9. P.S. to Secretary, Higher Education, NWFP.
- 10. Officers concerned.

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GOVERNMENT OF KHYBER PAKHTUNKHWA HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

Unted Peshawar, 014 November, 2017.

ANNEXURE

NOTIFICATION //485-911.

80,80(C-HDHE/1-3/09/Raslkha Begum/ in consultation with Establishment & Administration Department vide their letter No. SOR-I(E&AD)9-5/2017 dated 14-09-2017, ex-post facto sanction is hereby accorded for the regularization of overstay period beyond five (05) years in respect of Ms. Rusikha Begum, Assistant Professor of Home Economics (BS-18) of Higher Education Department Khyber Pakhtunkhwa in Federal Directorate of Education, Islamabad with effect from 08-05-2013.

Consequent upon her repatriation to the Federal Directorate of Education (FDE) Islamabad, the Competent Authority has further been pleased to approve repatriation of Ms. Rasikha Begum, Assistant Professor of Home Economics (BS-18) and to adjust her at Govt. Postgraduate College for Women, Haripur with immediate effect.

> SECRETARY TO GOVT, OF KHYBER PAKHTUNKHWA HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

1 Director Higher Education, Khyber Pakhtunkhwa, Peshawar with the remarks that the Copy forwarded to the:-

officer concerned may be directed to report for duty immediately. Section Officer (Reg-1), Govt of Khyber Pakhtunkhwa Establishment & Administration

Department w/r to your letter quoted above.

3 Deputy Director (Colleges), Federal Directorate of Education, Islamabad with reference to your notification No. F.1-34/2007-(CA)-FDE dated 12th July 2017.

4 Deputy Director HEMIS Cell Higher Education Department.

5 Principal, Govt. Postgraduate College for Women, Haripur.

6 District Accounts Officer, Haripur.

7 Officer concerned.

(SHAZÌA KHAN)

Section Officer (Colleges-III)

ATTESTED

To.

The Honourable Chief Secretary,

Govt of Khyber Pakhtunkhwa, Peshawar.

Subject:

Departmental appeal against Notification No. SO(C-III) HE/1-3/09 Rasikha Begum/1485-91 dated 01-11-2017 issued by Govt of Khyber Pakhtunkhwa Higher Education Archives & Libraries Department, Peshawar.

Respected Sir,

- 1. That, on 18/11/1997, appellant was appointed as a "Lecturer" (BPS-17) at GGC No.2, Abbottabad.
- 2. That, on 21/02/2007 appellant was promoted as a "Assistant Professor" (BPS-18) and posted at Govt Girls College Khalabat District Haripur.
- 3. That, appellant's Husband was appointed in Federal Govt College H/9, Islamabad College for boys (Now Islamabad College for boys H-9, Islamabad) as a Associate Professor w.e.f. 13/10/1990 and he is still working there as a Associate Professor.
- 4. That, on 13/08/2008, appellant was posted at Islamabad on Deputation and still performing duty in Islamabad Model College For Girl (PG) G-10/4 Islamabad.
- 5. That, on 01/11/2017 vide impugned notification the Higher Education Department has issued order for repatriation to the parent department and adjustment of appellant at Govt Post Graduate College for Women Haripur with immediate effect.
- 6. That, the impugned notification is liable to be set-aside on following grounds:
 - a. That, said notification is against the Spouse Policy of Govt Employees.
 - b. That, on 14/09/2017 vide notification No. SOR-1(E&AD) 9-5/2010 issued by Govt of Khyber Pakhtunkhwa and Admin Department (Regulation Wing), the applicant was permitted to continue her duty for further 05 years.
 - c. That, the children of appellant are getting education in different educational institutes in Islamabad and due to impugned order the education of the children of appellant shall be very badly affected.

- d. That, according to the Federal Establishment Division's instruction / guidelines vide OM No. 10/30/97-R-2 dated 12/05/1998 and 17/12/1999 posting of husband and wives at the same station should be facilitated.
- e. That, according to the Govt of Pakistan, Cabinet Secretariat Establishment Division's notification dated 16/04/2012 in exercise of powers conferred by Sub-Section-(1) of Section 25 of the Civil Servants Act, 1973 (LXXI 1973) read with notification No. SRO 120(1) 98, dated 27/02/1998, the Prime Minister the following amendment in the Civil Servants (appointment, promotion and transfer) Rules, 1973 namely:
- f. That, in the aforesaid Rules, in rule 20 A, after sub rule (3) the following proviso shall be inserted and shall deem to have always been so inserted, namely: provided that posting of serving husband and wife at the same station shall be exempted from the said rule which means that the deputation according to wed-lock policy was for indefinite period.

It is therefore, requested that kindly impugned Notification be set- aside and the appellant be allowed to continue her service / duty under deputation at the same duty station i.e. Islamabad Model College For Girl (PG) G-10/4 Islamabad and the impugned order may kindly be suspended till the final decision of Departmental Appeal.

Rasikha Begum

Associate Professor (Economics) BPS-18
Islamabad Model College For Girl (PG) G-10/4
Islamabad.....APPELLANT

Dated:27/11/2017

Copy for Information:

- 1. PS to Secretary Estab & Admin Department KPK, Peshawar.
- 2. PS to Secretary Higher Education Archives & Libraries Department, Peshawar
- 3. Director Higher Education Archives & Libraries Department, Peshawar
- 4. Deputy Director Colleges, Islamabad.

20

TO BE PUBLISHED IN PART-III OF THE GAZETTE OF PAKISTAN

Government of Pakistan
Federal Directorate of Education

ANNEXURE FIRE

Islamabad, the January 9, 2018

NOTIFICATION

No.F.3-34/2007-(Dep)-(CA)-FDE--- In pursuance of orders from Government of KPK, Higher Education, Achieves & Library Department, Peshawar vide Notification No.SO(C-III)HE/1=3/09/Rasikha Begum, dated 01.11.2017 and with the approval of Capital Administration & Development Division Islamabad, Ms. Rasikha Begum, Assistant Professor of Home Economics (BS-18) working on deputation at Islamabad Model College for Girls (PG), G-10/4 Islamabad under Federal Directorate of Education (FDE) is hereby repatriated to her parent department with immediate effect.

2. This is issued with the approval of competent authority.

(RANA MUHAMMAD NAZIR)

Deputy Director (Colleges)

Saced/*

The Manager,
Gazette of Pakistan
Printing Corporation of Pakistan Press,
University Road, Karachi No.05.

Copy to:

- The AGPR Islamabad.
- Secretary, Higher Education, Achieves & Library Department, Govt. of KPK, Peshawar.
- Dr. Riaz Hussain, AEA (Colleges), CA&D Division, Islamabad with reference to letter No.F.3-2/2011-AEA(C), dated 26.01.2018.
- P.S. to Director General (Education).
- Principal concerned with the remarks to relieve the officer immediately under intimation to this Directorate.
- Officer concerned with the direction to report for duty to the Secretary, Higher Education, Achieves & Library Department, Govt. of KPK, Peshawar.
 - Estate Officer, Estate Office, Islamabad.
 - DD (ACR), FDE, Islamabad
 - Personal file
 - Notification file.



ANNEXAIRE

To be substituted with this department letter bearing of even No. dated 06.09.2017



GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT & ADMN: DEPARTMENT

(REGULATION WING)

No.SOR-1 (E&AD) 9-5/2010 Dated the 14th September, 2017

The Secretary to Govt. of Khyber Pakhtunkhwa.
Higher Education. Archives & Libraries Department.

Subject: -

NO OBJECTION CERTIFICATE FOR EXTENSION IN DEPUTATION BEYOND FIVE YEARS.

Dear Sir.

Department letter No.SO(C-III)/HE/I-3/09/Rasikha Begum/928, dated 10th July, 2017 on the subject noted above and to convey NOC for ex-post facto sanction for regularization of overstay period beyond five years of Ms. Rasikha Begum. Assistant Professor of Home Economics (BS-18) in Federal Directorate of Education, Islamabad w.c.f 08-05-2013. The competent authority has further been pleased to approve repatriation of the above named lady officer to her parent department after the expiry of extended period of her deputation.

Yours faithfully.

SECTION OFFICER(R-I)

Coffe, en

9

CABINET SECRETARIAT ESTABLISHMENT DIVISION

ANNEXURE H

Islamabad, the 16th April, 2012

NOTIFICATION

S.R.O. 375- (1)/2012.--In exercise of the powers conferred by sub-section (1) of section 25 of the Civil Servants Act, 1973 (LXXI of 1973), read with Notification No.SRO 120(1)/98, dated the 27th February, 1998, the Prime Minister is pleased to direct that the following further amendment shall be made in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, namely:-

In the aforesaid Rules, in rule 20 A, after sub-rule (3) the following proviso shall be inserted and shall deem to have always been so inserted, namely;-

"Provided that posting of serving husband and wife at the same station, unmarried female government servants at the place of residence of their parents/family and that of married female government servants at the place of residence/posting of their husbands who are not in government employment shall be exempted from the said rule".

(F. No. 10/30/97-R-2)

(Anjum Bashir Shriki)

Deputy Secretary

GOVERNMENT OF PAKISTAN CABINET SECRETARIAT ESTABLISHMENT DIVISION

No. 10/30/97--R.2

Islamabad, the 16th April, 2012

OFFICE MEMORANDUM

Subject:-

AMENDMENT IN RULE 20-A OF THE CIVIL SERVANTS(APPOINTMENT, PROMOTION & TRANSFER) RULES, 1973

The undersigned is directed to enclose here with a copy of Establishment Division's Notification bearing No. SRO 375(1)/2012, dated 16.04.2012 on the above subject.

2. Ministries/Divisions are requested to circulate the notification amongst all concerned departments under their administrative control for information and compliance.

Encl: As above

(Muhammad Amin Shaikh)
Section Officer

ALL SECRETARIES /ADDITIONAL SECRETARIES INCHARGE MINISTRIES/DIVISIONS ISLAMABAD/RAWALPINDI

Copy to:-

- (1) Secretary General to the President, President's Secretariat (Public), Islamabad.
- (2) The Prime Minister's Secretariat (Public), with reference to their U.O No. 792/PSPM/2012, dated 24.03.2012.
- (3) Secretary, Law, Justice and Human Rights Division with reference to their Dy. No. 147/2012-Law-I, dated 28,02,2007.
- (4) Auditor General of Pakistan, Islamabad.
- (5) Controller General of Accounts, Islamabad.
- (6) Director General, I.B Islamabad.
- (7) Secretary, F.P.S.C., Islamabad.
- (8) All Chief Secretaries of the Provinces.
- (9) Principal Information Officer, Press Information Department, Ibd
- (10) Military Accountant General, Rawalpindi.
- (11) Director General, PPARC/Management Services Wing Establishment Division
- (12) All Senior Joint Secretaries/Joint Secretaries of the Establishment Division
- (13) Deputy Secretary (Computer), Establishment Division with the request to arrange for its placement on the official website of the Establishment Division, Islamabad.

(Muhammad Amin Shaikh)
Section Officer

Marine

BEFORE KHYBER PAKHTUNHWA SERVICE TRIBUNAL PESHAWAR

A CONTRACTOR OF THE STATE OF TH

Starte Chile	Application No/2018
enter de la companya de la companya de la companya de la companya de la companya de la companya de la companya	· IN
	Service Appeal No:of 2018
_	Govt Girls Degree College Khalabat amabad Model College for Girls (PG)
	APPELLANT
Ver Government of Khyber Pakhtunkhwa	- · ·
Pakhtunkhwa, Peshawar & 04 others	
	RESPONDENTS
	; }
APPLICATION FOR SUSPENSION OF IMP	
HE/1-3/09 RASIKHA BEGUM/1485-91 DATI NO.3	ED 01-11-2017 ISSUED BY RESPONDENT
77 0.3	=======================================

Respectfully Sheweth:

- 1. That the instant Appeal is pending before this Hon'ble Tribunal and fixed for hearing.
- 2. That, the appellant is performing her duty at same station Islamabad Model College for girls (PG) G-10/4, Islamabad.
- 3. That, the impugned order kindly be suspended till the disposal of instant service appeal on the following grounds:
 - a). That, impugne dnotification is against the Spouse Policy of Govt Employees.
 - b). That, on 14/09/2017 vide notification No. SOR-1(E&AD) 9-5/2010 issued by Govt of Khyber Pakhtunkhwa and Admin Department (Regulation Wing), the applicant was permitted to continue her duty for further 05 years.
 - c). That, the children of appellant are getting education in different educational institutes in Islamabad and due to impugned order the education of the children of appellant shall be very badly affected.

d). That, according to the Federal Establishment Division's instruction / guidelines vide OM No. 10/30/97-R-2 dated 12/05/1998 and 17/12/1999

posting of husband and wives at the same station should be facilitated.

e). That, according to the Govt of Pakistan, Cabinet Secretariat Establishment

Division's notification dated 16/04/2012 in exercise of powers conferred

by Sub-Section-(1) of Section 25 of the Civil Servants Act, 1973 (LXXI 1973)

read with notification No. SRO 120(1) 98, dated 27/02/1998, the Prime

Minister the following amendment in the Civil Servants (appointment,

promotion and transfer) Rules, 1973 namely:

f). That, in the aforesaid Rules, in rule 20 A, after sub rule (3) the following

proviso shall be inserted and shall deem to have always been so inserted,

namely: provided that posting of serving husband and wife at the same

station shall be exempted from the said rule which means that the

deputation according to wed-lock policy was for indefinite period.

It is therefore, requested that kindly impugned may kindly be suspended

till the final decision of Instant Service Appeal.

Dated: 02/03/2018

(Applicant/ Appellant)

Through: Counsel

AFFIDAVIT:

I, Rasikha Begum Assistant Professor Govt Girls Degree College Khalabat District, Harripur under Deputation Islamabad Model College for Girls (PG) G-10/4, Islamabad., Applicant /Appellant, do hereby affirm on oath that contents of instant appliction are correct and true to the best of my knowledge and belief and nothing has been suppressed from this

Honourable Tribunal.

Dated: 02/03/2018

وكالت نامه روس ترسبول کے . ی : الم كوركنك عنوان: وازعًا بَمُلِمِ مقدمہ مندرجہ میں اپنی طرف سے واسلے بیروی و جواب دہی کل کاروائی متعلقہ آل مقام عدالعيز برفان تولي الأولان على قرأب السيام د کودکیل مقرر کرے اقر ارکرتا ہوں کرمیا حب موسوف کومقدمسکی کل کاروائی کا کال اختیار ہوگا نیز وکیل میا حب موصوف کوکرنے راضی نامدوتقرر فالث وفیعلد برطف ودینے اقبال دموی اور بصورت ویکر و کری کرانے اجراء وصولی چیک ردید ومرضی دموی کا تعدیق اوراس برد عظ کرنے کا افتیار موکا ادر بصورت ضرورت مقدمه فد کور کی ل یاسی جزوی کاروائی کے لئے کسی اور وکیل یا علار صاحب کالونی کوایے مراوایی بجائے تقرر کا اختیار مجى موكا اور صاحب مقرر شده كومجى وى اورويهي في افتيارات مول كاوراس كاساخت يرواخت بحدكومتكورو تول ہوگا۔دوران مقدمہ جوفر چہ و ہر جاندالتوائے مقدمہ کےسب ہوگا اس کے متحق وکل صاحب ہول کے۔ نزبتایارتم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی چھی مقام دورہ یر ہو یا مدے یا ہر ہوتو وکیل صاحب موصوف یابند موں کے کہ ی وی مقدمہ فرکورہ کریں اور اگر عارم قرر کردہ شن کوئی جرو بھایا مولو وکل صاحب موصوف مقدما بروی کے پابندنہ ہوں مے۔ نیز درخواست بمراد استجارت نالش بمیغد مفلی کے دائر کرنے اور اس کی ي دى كابحى صاحب موصوف كوا فقيار بوكا_ لهذا وكالت نامة تحرير كردياتا كهمندر ي

GOVERNMENT OF PAKISTAN CABINET SECRETARIAT ESTABLISHMENT DIVISION

No. 10/30/97--R.2

Islamabad, the 16th April, 2012

OFFICE MEMORANDUM

Subject:-

AMENDMENT IN RULE 20-A OF THE CIVIL SERVANTS(APPOINTMENT, PROMOTION & TRANSFER) RULES, 1973

The undersigned is directed to enclose here with a copy of Establishment Division's Notification bearing No. SRO 375(1)/2012, dated 16.04.2012 on the above subject.

2. Ministries/Divisions are requested to circulate the notification amongst all concerned departments under their administrative control for information and compliance.

Encl: As above

(Muhammad Amin Shaikh) Section Officer

ALL SECRETARIES /ADDITIONAL SECRETARIES INCHARGE MINISTRIES/DIVISIONS ISLAMABAD/RAWALPINDI

Copy to:-

- (1) Secretary General to the President, President's Secretariat (Public), Islamabad.
- (2) The Prime Minister's Secretariat (Public), with reference to their U.O No. 792/PSPM/2012, dated 24.03.2012.
- (3) Secretary, Law, Justice and Human Rights Division with reference to their Dy. No. 147/2012-Law-I, dated 28.02.2007.
- (4) Auditor General of Pakistan, Islamabad.
- (5) Controller General of Accounts, Islamabad.
- (6) Director General, I.B Islamabad.
- (7) Secretary, F.P.S.C., Islamabad.
- (8) All Chief Secretaries of the Provinces.
- (9) Principal Information Officer, Press Information Department, Ibd
- (10) Military Accountant General, Rawalpindi.
- (11) Director General, PPARC/Management Services Wing Establishment Division
- (12) All Senior Joint Secretaries/Joint Secretaries of the Establishment Division
- (13) Deputy Secretary (Computer), Establishment Division with the request to arrange for its placement on the official website of the Establishment Division, Islamabad.

(Muhammad Amin Shaikh)
Section Officer

GOVERNMENT OF PAKISTAN CABINET SECRETARIAT ESTABLISHMENT DIVISION

Islamabad, the 16th April, 2012

NOTIFICATION

S.R.O. 375 (1)/2012.-In exercise of the powers conferred by sub-section (1) of section 25 of the Civil Servants Act, 1973 (LXXI of 1973), read with Notification No.SRO 120(1)/98, dated the 27th February, 1998, the Prime Minister is pleased to direct that the following further amendment shall be made in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, namely:-

In the aforesaid Rules, in rule 20 A, after sub-rule (3) the following proviso shall be inserted and shall deem to have always been so inserted, namely;-

"Provided that posting of serving husband and wife at the same station, unmarried female government servants at the place of residence of their parents/family and that of married female government servants at the place of residence/posting of their. husbands who are not in government employment shall be exempted from the said rule".

(F. No. 10/30/97-R-2)

(Anjum Bashir S Deputy Secretary

1322

2003 P L C (C.S.) 1322

[Lahore High Court]

Present: Justice (Rtd.) Riaz Kayani, Chairman MUHAMMAD ZIA-UL-HAQ

versus ·

SECRETARY TO GOVERNMENT OF THE PUNJAB. LIVESTOCK AND DAIRY DEVELOPMENT DEPARTMENT, LAHORE and 4 others

Appeal No.352 of 2003, decided on 15th April, 2003.

Civil service---

---- Wedłock Policy--- Transfer--- Civil servant was adjusted against post of Assistant at place 'L' under Wedlock Policy as his wife was also working as a teacher at place 'L'---Civil servant was transferred at place 'K'---Government Policy was that spouse had to be allowed to work at the same station to avoid hardship---Wedlock Policy had been introduced and acted upon with a philosophy---If husband in Government Department was posted at one city and his wife posted in another Government Department was working in a different city, it was definitely going to cause mental distress to both of them with the consequences which were not only injurious to them." but to the public and Government exchequer---Authority while rejecting departmental appeal of civil servant, did not consider said circumstances and had failed to give any reason that transfer of civil servant to place 'K' was essential in the administrative interest of Government overriding the Wedlock Policy---Transfer of co-civil servant to place 'L' was not indicated as to how mutual exchange would promote interest of the State---Order transferring civil servant to place. 'K' was set aside and he was allowed to work at place 'L' and case was remanded to be decided afresh after applying mind to representation made by civil servant after hearing civil servant and -co-civil servant. [p. 1324] A

Pervaiz Inayat Malik for Appellant.

Dr. Saeed Ahmad, Law Officer on behalf of Respondents Nos.1 and 2.

Khadim Hussain Sindhu, District Attorney and F.D. Chaudhary for Respondent No.4.

Dr. Khalid Saleem, V.O.(H) for Respondent No.3.

Date of hearing: 14th April, 2003.

JUDGMENT

Muhammad Zia-ul-Haq, Assistant, working with District Livestock Officer, District Government, Lahore, has assailed the order dated 18-1-2003 passed by the Secretary, Government of the Punjab, Livestock and Dairy Development Department, Lahore, whereby the appellant was transferred to Kasur with immediate effect and his representation was also rejected by respondent No.1 on 1-2-2003 declining to interfere with the impugned order dated 18-1-2003.

- 2. Appellant was serving as Assistant with respondent No.3 and was adjusted against the said post on 1-7-2002 under the wedlock policy as his wife was working as a teacher in the Government Tahir Model Girls Middle School, Gulshan-e-Shalimar Scheme, Lahore, under the control of the Education Department. He was transferred to Kasur on 18-1-2003 by respondent No.1 allegedly on the pressure of an MPA who wanted to accommodate respondent No.4, transferred in the place of the appellant. Appellant filed departmental representation before respondent No.1, who declined it on 1-2-2003, hence the present appeal.
- 3. Learned counsel for the appellant contended that the transfer of the appellant to Kasur and that of respondent No.4 to Lahore in the picace of the cappellant was at the behest of an MPA who wanted his man (respondent (No.4) to be posted at Lahore and the said exchange being as a result of fulterior consideration could not be allowed to prosper. It was next submitted by the learned counsel for the appellant that he was posted at the present post fon 1-7-2002 under the wedlock policy, which fact was not even adverted to, rather respondent No.1 rejected his representation without giving any reasons fon the ground that he was junior to many others, a consideration totally alien to the transfer policy. In this manner it was stated that the transfer policy was grossly violated. Learned District Attorney after being assisted by the departmental representative present with office file replied that the appellant had put in more than six years of service at Lahore and his transfer to the present post on 1-7-2002 was a result of devolution policy transferring powers to the Local Government, however, the stark fact remained that the appellant continuously served at Lahore for more than six years and a time had come whereby others had to be accommodated and he was to be shifted from Lahore. Learned counsel for respondent No.4 supported the impugned order and submitted that under section 9 of the Punjab Civil Servants Act, every civil servant was liable to serve anywhere in the province on any post established by the Government. Therefore, appellant could have no grievance, if he was transferred due to the exigency of service for administrative reasons.
- I have heard the respective counsels at length and perused the record.

1324

5. After the transfer of the appellant to Kasur vide impugned order dated 18-1-2003, District Livestock Officer, city District Government, Lahore in the parawise comments submitted to the Appellate Authority on the representation of the appellant, made the following observations:

"The appeal of the official, in original, is forwarded as the contents of the appeal are based on facts. His transfer is premature as he was adjusted in this office w.e.f. 1-7-2002 under (Wedlock Policy) by the Director General (Ext), Livestock and Dairy Development Department, Punjab Lahore, vide Order No.12910-16 dated 17-8-2003.

With reference to the discussion made with the honourable Secretary, Government of the Punjab, Livestock and Dairy Development Department, Punjab, Lahore, dated 18-1-2003, it is submitted that Mr. Muhammad Zia-ul-Haq is the sole official who is dealing with Audit, Accounts and Budget matters and his transfer will affect the working of this office adversely.

It is, therefore, requested that his appeal may please be considered favourably in the light of contents of appeal as well hardship of this office and his transfer orders may be cancelled. However, some other junior most Assistant of this office be substituted for transfer at District Kasur, if it is unavoidable, please.

- 6. These observations indicate that not only the transfer of the appellant to the post which he was holding before his transfer to Kasur was under wedlock policy but the work of the appellant was also appreciated and request was made that the appeal be considered favourably not only on the ground of hardship but also in public interest. Respondent No.1 dismissed the representation of the appellant on 1-2-2003 on the ground that the appellant was junior most without giving any further reasons.
- 7. It is true section 9 ibid has an overriding effect on all circulars notifications and policies. However, if any policy of the Government enunciated in its circular has to be deviated from good reasons have to be given. Undoubtedly, the policy of the Government is that spouses have to be allowed to work at the same station to avoid hardship. On the other hand, section 9 ordains that a Government servant can be transferred and posted anywhere in the Province on any post. There is no denying the prerogative of the Government as mandated in the provision of law quoted, however, the policy and the practice through various circulars and notifications have been made to mollify and temper with the mandate. The authority at the helm of the affairs in order to implement the mandate as provided in section 9 ibid

has to give good reasons why the beneficial construction provided in the circular has to be done away with. Regretfully respondent No.1 hannot at all given any reasons rather was swayed by factors totally divorced from the fact in issue. Wedlock policy has been introduced and acted upon with a philosophy. If the husband in Government department is posted at one city and his wife posted, in another Government department, is working in a different city, it is definitely going to cause mental distress to both of them with the consequences which are not only injurious to them but to the public and Government exchequer. Respondent No.1 while rejecting departmental representation of the appellant did not consider these circumstances and failed to give any reasons that transfer to Kasur was essential in the administrative interest of the Government overriding the wedlock policy. Similarly the transfer of respondent No.4 to Lahore was not indicated as to how the mutual exchange promotes the interest of the State. A policy made is to be implemented and any departure of the same has to be explained. Without giving good reasons the policy of the Government with respect to transfer would become redundant which is not wisdom in enacting it. -

8. As a result of the discussion, appeal is accepted, orders dated 18-1-2003 and 1-2-2003 passed by respondent No.1 transferring the appellant to Kasur are set aside. Appellant shall be allowed to work as Assistant with respondent No.3. The case is remitted to respondent No.1 who shall apply his mind to the representation made by the appellant after hearing both the appellant and respondent No.4 whereafter through a speaking order dispose of the same within 60 days from the date he receives a copy of the judgment of this Tribunal.

H.B.T./115/PST

Appeal accepted.

2003 P L C (C.S.) 1325

[Federal Service Tribuna!]

Before: Akbar M. Memon and Nazar Muhammad Shaikh,' Members

MUHAMMAD ASLAM

versus

MANAGING DIRECTOR, UTILITY STORES CORPORATION OF PAKISTAN (PVT.) LTD. ISLAMABAD and another

Appeal No.1747(K) of 1998, decided on 11th June, 2003.

PLC (Service)

REFORE THE HONOURABLE KINBER PAKITUNKHWA SERVICE TRIBUNAL, PESHAWAR, CAMP COURT ABBOTTABRO

S.A. // 299/2018 . Rasikha Begumu		j pr			Λρbellant.
		Versu	s		/ Cochain.
Govt. of Khyber Pakhtu		j'		i	1 1
Through Secretary High	er Education	1	}		
and others.		;	1		Donasa

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 3 & 4.

Respectfully Sheweth:

Preliminary Objections -

- 1. That the appellant has got neither cause of action nor locus standi to file the instant Service appeal.
- 2. That the appellant has not come to this Honourable Pribural with clean hands and is trying to conceal material facts from this Honourable Pribural
- 3. That the instant service appeal is hit by principle of ladhes.
- 4. That the instant service appeal is not maintainable in the eyes of law, hence liable to be dismissed.
- 5. That the appellant is estopped by her own conduct to file the instant service appeal.

Facts: -

- 1) Correct.
- 2) Correct.
- 3) Pertains to record
- 4) Correct to the extent that the appellant was on deputation to lederal pirectorate of Education Islamabad w.c.f 05/08/2008 to 11/08/2013 (Copy of notification is attached as Anglex-A). Moreover, it is worth to mention that the Provincial Government had rejected extension in her deputation period for further on year beyond #3/08/2013 as well as request for permanent absorption vide letter dated 10/06/2013 and letter dated: 25/10/2013 with the direction to report for dutylin her parent department i.e. Higher Education Department Government of Khyber Pakhturkhwa (Copies of letters are attached as Annex-B and Annex-C). But later on the Competent Authority has been pleased to give no objection certificate (NOC) and to allow permanent absorption of the Appellant in Federal Directorate of Education (FG Colleges) Islamabad. Moreover, the Competent Authority has also grant ex-post facto sanction for regularization of over stay for a period of 4 months beyond 13/08/2013 (Copy of notification is attached as Annex-p). Then a letter was received from Federal Directorate of ducation wherein it has been stated that the case for permanen absorption of the appellant cannot be donsidered due to non-provision in the Recruitment rules. However, her deputation period can be extended beyond '5 years with the approval of Establishment Division on the issuance of "NOC" from parent department (Annex-E). Accordingly the Competent Authority in Higher Education Department in consultation with Establishment and Administration Department accorded ex-post facto sanction for the regularization of over stay period beyond five (05) years in respect of the appellant w.e.f 08-05-2013

Furthermore, the Competent Authority has also approved repair alion of the appellant and adjusted her at Government Postgraduate College for women, Haripur with immediate effect. (Copy of notification is attached as Annex-F). The Federal Directorate of Education has also repatriated the appellant to her parent department (Copy of notification is attached as Annex-G).

- 5) Correct.
- 6) Incorrect. No such appeal is received to this office nor she submitted her arrival report in the office of respondent. No. 4. Moreover, consequent upon the repatriation from Federal Directorate of Education, the appellant was informed through her home address to resume duties with immediate effect otherwise disciplinary action will be initiated against her. (Copy of letter is attached as Annex-II).
- 7) Correct.
- 8) Incorrect as already explained in the preceding paras.

Grounds: -

- a) Incorrect. The appellant is the employee of the Provincial Government of Khyber Pakhtunkhwa, while her husband is the employee of the Federal Government of Pakistan. It is very difficult to adjust both at the same station. Moreover, it is easy for her husband to adjust himself in Federal Colleges in Khyber Pakhtunkhwa under the spouse policy of the Federal Government of Pakistan.
- b) Correct to the extent that the said notification has been issued for ex-post facto sanction for regularization of overstay period beyond five (05) years w.f. 08/05/2013 and not permitted her to continue duty for further 5 years.
- c) Already explained in the preceding paras of facts.
- d) Correct. But each case has its own merits and facts and the said notification as referred to in the service appeal does not attract here.
- e) Correct.
- f) Incorrect as already explained in the preceding paras.
- g) Legal, hence no comments.

Prayers:, -

It is, therefore, numbly prayed that the instant service appeal is based on misconception/misstatement, hence may graciously be dismissed with appropriate costs.

Chief Secretary Covt of Khyber Pakhtunkhwa Respondent No.

Higher Education Department
Respondent No. 3

Director

Higher/Education Department

Respondent No. 4

3/13/18



GOVERNMENT OF NWFP HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

Dated Peshawar: the August 5th, 2008.

NOTIFICATION

No.SO(FC)HE/1-130/07/Rasikha Begum. The Competent Authority is pleased to transfer Mst. Rasikha Begum, Assistant Professor of Home Economics (B-18), Government Girls Degree College Khalabat Township Haripur on deputation basis initially for one year with immediate effect.

Her terms and conditions of deputation will be settled down later on.

(SECRETARY TO GOVT, OF NWFP) HIGHER EDUCATION DEPARTMENT

Endst: no & date even.

Copy to the: -

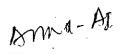
- 1. The Director Colleges, Federal Directorate of Education, Islamabad, with reference to his letter No. F.8-46/2008-S & C dated 02.06.2008 with the request to send Terms and Conditions.
- Director, Higher Education, NWFP Peshawar.
 - 3. Principal, Govt. Girls College Khalabat Township Haripur.
 - 4. Officer, concerned.

(Asifa Sarwar)

SECTION OFFICER (FC)







GOVERNMENT OF NWFP HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

Dated Peshawar: the 04th March, 2010

NOTIFICATION

No. SO(FC)HE/1-3/09/Rasikha Begum. The Competent Authority is pleased to extend the deputation period in respect of Mst. Rasikha Begum. Assistant Professor of Home Economics (BS-18), working in the Federal Directorate of Education Islamabad for a further period of One year w.e.f. 12-08-2010 to 12-08-2011.

Her terms and conditions of deputation will be settled down later on.

SECRETARY TO GOVT. OF NWFP HIGHER EDUCATION DEPARTMENT.

Endst: No. & Date Even

Copy forwarded to the:-

1. Govt. of Pakistan Federal Directorate of Education (F.G. Colleges) Islamabad with reference to their letter F.1-34/2007-(CA)-FDE, dated: 06-02-2010.

2. The Director Higher Education, NWFP Peshawar.

3. Principal Govt. Girls College Khalabat Township Haripur.

4. Officer Concerned.

(ZUBIA QAMAR)

SECTION OFFICER (Female Colleges)

Ahren A2.

TO BE SUBSTITUTED OF SAME EVEN NUMBER & DATE





GOVERNMENT OF KHYBER PAKHTUNKHWA HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

Dated Peshawar: the 05th Sept, 2011.

<u>NOTIFICATION</u>

No. SO(FC)HE/1-3/09/Rasikha Begum. The Competent Authority is pleased to extend the deputation period in respect of Ms. Rasikha Begum, Assistant Professor of Home Economics (BS-18), working in the Federal Directorate of Education Islamabad for a further period of two years ...e.f. 13-08-2011 to 11-08-2013.

Her terms and conditions of deputation will be settled in due course.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

Copy forwarded to the:-

1. Govt. of Pakistan Federal Directorate of Education (F.G. Colleges) Islamabad with reference to their letter No. F.1-34/2007-(CA)-FDE, dated: 08-03-2011.

2. The Director Higher Education, Khyber Pakhtunkhwa Peshawar.

3. Principal Govt. Girls College Khalabat Township Haripur.

4. Ms. Rasikha Begum, Assistant Professor of Home Economics (BS-18) Federal Directorate of Education Islamabad.

(BIBI FATIMA)

SECTION OFFICER (Temale Colleges)

25461 m

Amna-B.

GOVERNMENT OF KHYBER PAKHTUNKHWA HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

Telephone # 091-9213716 Ext: 110 | Fax # 091-9210368



No.SO(FC)HE/1-2/09/Rasikha Begum Dated: Peshawar; 10th June 2013

Τo

The Director (Colleges), Government of Pakistan, Federal Directorate of Education Islamabad.

Subject:

EXTENSION OF DEPUTATION ACCORDING TO WEDLOCK POLICY

I am directed to refer your letter No. F-1-34/2007(CA)FDE dated 28-02-2013 on the subject noted above and to state that Establishment Department Khyber Pakhtunkhwa rejected extension in deputation period in respect of Ms. Rasikha Begum, Assistant Professor (BS-18) of Home Economics for further one year beyond 13-08-2013. (Copy enclosed)

It is therefore, requested that the lady officer may be relieved in time after expiry of deputation period with the direction to report for duty in her Parent Department i.e. Higher Education Department, Government of Khyber Pakhtunkhwa, please.

(Wajeeha Bashir) Section Officer (C-III)

Endst.No.& date even

Copy to the:

 Director Higher Education Khyber Pakhtunkhwa, Peshawar with the direction to inform the lady officer accordingly.

2. Section Officer (Reg-I), Establishment Department w.r.t letter No: SOR-I(E&AD)9-5/2010 dated 20-05-2013.

Section Officer (C-III)

99

GOVERNMENT OF KHYBER PAKHTUNKHWA HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

NO.SO (FC) HE/1-2/09/Rasikha Begum Dated Peshawar the, 10th June, 2013.

To

The Director (Colleges), Government of Pakistan, Federal Directorate of Education, Islamabad.

Subject: -.

EXTENSION OF DEPUTATION ACCORDING TO WEDLOCK POLICY.

I am directed to refer to your letter No.F-1-34/2007(CA) FDE dated 28.02.2013 on the subject noted above and to state that Establishment Department Khyber Pakhtunkhwa rejected extension in deputation period in respect of Ms.Rasikha Begum, Assistant Professor (BS-18) of Home Economics for further one year beyond 13.08.2013 (copy enclosed).

It is therefore, requested that the lady officer may be relieved in time after expiry of deputation period with the direction to report for duty in her parent Department i.e. Higher Education Department, Government of Khyber Pakhtunkhwa, please.

SD/-(WAJEEHA BASHIR) SECTION OFFICER (C-III)

Endst.No.& date even

1-2

Copy to all concerned.

SD/-.SECTION OFFICER (C-III) ;

OFFICE OF THE DIRECTOR HIGHER EDU; KHYBER PAKHTUNKHWA PESHAWAR.

Endst.No. (1) (2) (2) (7) (CA-I/Estt; Branch

Dated Peshawar, the /2013

Copy of the above is forwarded to the:-,

- 1) Director (Colleges) Govt.of Pakistan Federal Directorate of Education Islamabad with the request to relieve Ms.Rasikha Begum Assistant Professor of Home Economics after expiry of deputation period and direct her to report for duty in her parent Department.
- 2) Ms.Rasikha Begum Assistant Professor of Home Economics Islamabad Model college for Girls Capital Administration and Development Division Islamabad with the remarks to report for duty in her parent department after expiry of deputation period.

DEPUTY DIRECTOR (FEMALE)

Bring

Most Immediate

102

Telephone # 091-9213716 Ext: 110 Fax # 091-9210368 GOVERNMENT OF KHYBER PAKHTUNKHWA HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT



No.SO(FC)HE/1-2/09/Rasikha Begum Dated: Peshawar 25th October 2013

/6258-59

To

Prof. Mahmood Akhter Malik,
Director (F.G. Colleges), Government of Pakistan,
Federal Directorate of Education Islamabad:

Subject:

NOC FOR ABSORPTION

I am directed to refer to your letter No:F:1-34/2007-(CA-Dep)FDE dated 30-08-2013 and letter No.F:1-43/2008-(CA)-FDE dated 01-10-2013 on the subject noted above and state that the Establishment Department, Government of Khyber Pakhtunkhwa has shown inability in respect of Ms. Rasikha Begum, Assistant Professor (BS-18) and Syeda Rabila Ahmad, Lecturer (BS-17) for absorption of their Services in federal setup.

It is therefore, requested to direct the officers concerned to report for duty to Government of Khyber Pakhtunkhwa, Higher Education Department within 15 days time positively.

Copy to:

(Wajeeha Bashir) Section Officer (C-III)

Director Higher Education Khyber Pakhtunkhwa, Peshawar.

Section (

Section Officer (C-III



GOVERNMENT OF KHYBER PAKHTUNKHWA HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

104

1-12-1

Dated Peshawar: 27th December, 2013.

NOTIFICATION

No. SO(FC)HE/1-3/09/Rasikha Begum
In continuation of this department notification dated 21-07-2011 and in pursuance of Establishment Department letter No. SOE-I(E&AD)9-5/2010 dated 18-12-2013, the Competent Authority has been pleased to give no objection certificate and to allow permanent absorption of Rasikha Begum, Assistant Professor of Home Economics (BS-18) of Higher Education Department Khyber Pakhtunkhwa in Federal Directorate of Education (F.G. Colleges) Islamabad subject to the condition that no right of lien will be available to her in the Directorate of Higher Education Department.

Moreover, the Competent Authority is also pleased to grant ex-post facto sanction for regularization of over stay for a period of 04 months beyond 13-08-2013.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

Copy forwarded to the:-

- ∠1. Director Higher Education, Khyber Pakhtunkhwa Peshawar
 - 2. Director (F.G. Colleges), Government of Pakistan, Federal Directorate of Education Islamabad.
 - 3. Officer Concerned.

.

SECTION OFFICER(C-III

No.4F.1-34/2007(Dep)-(CA)-FDE **GOVERNMENT OF PAKISTAN** FEDERAL DIRECTORATE OF EDUCATION Islamabad, the February 21, 2017 The Section Officer (C-III), Higher Education, Archives & Libraries Department, Government of KPK; **Peshawar** NOC'FOR PERMANENT ABSORPTION I am directed to refer to your letter No. S.O (C-III) HE/1-3/09/Rasikha Begum/350, dated 20-05-2014 on the subject cited above and to say that as per rules lien of deputationist cannot be terminated till her permanent absorption in the borrowing, départment. Whereas, her case for permanent absorption cannot be considered due to non-provision in the Recruitment Rules. However, her deputation period can be extended beyond "5" years with the approval of Establishment Division on the issuance of "NOC" from her parent department. You are, therefore, requested that "NOC" for further extension in service beyond 08-05-2013 in respect of Ms. Rasikha Begum may please be granted for further processing the case with Establishment Division through CA&DD otherwise she will be repatriated to her parent department without any further delay as she has already availed the maximum period of deputation upto 08-05-2013 DEPUTY DIRECTOR (COLLEGES) P.S. to Director General (Edu) A.P.S. to Director (Colleges) Principal, Islamabad Model College for Girls (PG), G-10/4, Islamabad Person concerned with the remarks to pursue her case with the Government of KPK for further extension in deputation period and provide the same upto 10-03-2017 failing which she will be repatriated to her parent department without any further delay. Personal file

2.

Freenn VERNMENT OF KHYBER PAKHTUNKHWA HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

NOTIFICATION

Dated Peshawar, 01st November, 2017.

No.SO(C-III)HE/1-3/09/Rasikha Begum/ In consultation with Establishment & Administration Department vide their letter No. SOR-I(E&AD)9-5/2017 dated 14:09-2017, ex-post facto sanction is hereby accorded for the regularization of overstay period beyond five (05) years in respect of Ms. Rasikha Begum, Assistant Professor of Home Economics (BS-18) of Higher Education Department Khyber Pakhtunkhwa in Federal Directorate of Education, Islamabad with effect from 08-05-2013.

Consequent upon her repatriation to the Federal Directorate of Education (FDE) Islamabad, the Competent Authority has further been pleased to approve repatriation of Ms. Rasikha Begum, Assistant Professor of Home Economics (BS-18) and to adjust her at Govt. Postgraduate College for Women, Haripur with immediate effect.

> SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

. Copy forwarded to the:-

i. Director Higher Education, Khyber Pakhtunkhwa, Peshawar with the remarks that the officer concerned may be directed to report for duty immediately.)

2. Section Officer (Reg-I), Govt of Khyber Pakhtunkhwa Establishment & Administration

Department w/r to your letter quoted above.

3. Deputy Director (Colleges), Federal Directorate of Education, Islamabad with reference to your notification No. F.I-34/2007-(CA)-FDE dated 12th July 2017.

4. Deputy Director HEMIS Cell Higher Education Department.

5. Principal, Govt. Postgraduate College for Women, Haripur.

6: District Accounts Officer, Haripur,

Officer concerned.

(SHAZIA KHAN)

Section Officer (Colleges-III)

Allow

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TO BE PUBLISHED IN PART-III OF THE GAZETTE OF PAKISTAN

Government of Pakistan Federal Directorate of Education

. Islamabad, the January 9, 2018

NOTIFICATION

No.F.3-34/2007-(Dep)-(CA)-FDE--- In pursuance of orders from Government of KPK, Higher Education, Achieves & Library Department, Peshawar vide Notification No.SO(C-III)HE/1-13/09/Rasikha:Begum dated:01-11-2017 and with the approval of Capital Administration & Development, Division Islamabad Ms. Rasikha Begum Assistant Professor of Home Economics (BS:18) working on deputation at Islamabad Model College for Girls (PG), G-10/4 Islamabad under Federal Directorate of Education (FDE) is hereby repatriated to her parent department with immediate effect.

This is issued with the approval of competent authority.

(RANA MUHAMMAD NAZIR)

Deputy Director (Colleges)

Fine Managers
Gazette of Pakistan
Printing Corporation of Pakistan Press,
University Road, Karachi No.05.

Copylia

The AGPR Islamabad

- Secretary, Higher Education Achieves & Library Department, Govt. of KPK, Peshawar.
- Dr. Riaz Hussain, AEA (Colleges), CA&D Division, Islamabad with reference to letter No.F.3-2/2011-AEA(C), dated 26.01.2018.
- P.S. to Director General (Education).
- Principal concerned with the remarks to relieve the officer immediately under intimation to this Directorate.
- Officer concerned with the direction to report for duty to the Secretary, Higher Education, Achieves & Library Department, Govt. of KPK, Peshawar.
- Estate Officer, Estate Office, Islamabad.
- DD (ACR), FDE, Islamabad
- Personal file

Notification file

106

DIRECTORATE OF HIGHER EDUCATION,
KIIYBER PAKHTUNKHWA PESHAWAR

NOJ 713

CA-I/Estt: Branch/A-12/Ms. Rasikha Begum/H. Economics

Dated Peshawar, the

To

Ms: Rasikha Begum, Assistant Professor of Home Economics UM 130 Upper Malik Pura,

Abbottabad.

Subject:

ADJUSTMENT AT GOVT; POSTGRADUATE COLLEGE FOR WOMEN HARIPUR.

I am directed to enclose herewith Provincial Government Notification dated 01.11.2017 wherein Ex-post facto sanction is granted to you for the regularization of over stay period beyond five years (05) in Federal Directorate of Education, Islamabad w.e.f 08.05.2013. Further Competent Authority has approved your repatriation & adjusts you at Govt; Postgraduate College for Women, Haripur but you did not report for duty till-date as per letter dated 22:12.2017 received from Principal Govt; Postgraduate College for Women, Haripur (Copy enclosed).

You are, therefore, directed to report for duty at Govt; Postgraduate College for Women, Haripur with immediate effect otherwise disciplinary action will be initiated against you.

Endst: No.

ol DY. DIRECTOR (FEMALE)

Copy of the above is forwarded to the Principal y Goyt; Postgraduate,

OCODY. DIRECTOR (FEMALE)

Letters: Documents 36

NOTIFICATION

No. SO(FC)HE/1-3/09/Rapikha Segum (In continuation of this department notification dated 21-07-2011 and in pursuance of Establishment Department letter No. SOE-I(E&AD)9-5/2010 dated 18-12-2013, the Competent Authority has been pleased to give no objection certificate and to allow permanent absorption of Rasikha Begum, Assistant Professor of Home Economics (8S-18) of Higher Education Department Khyber Pakhtunkhwa in Federal Directorate of Education (F.G. Colleges) Islamabad subject to the condition that no right of lien will be available to her in the Directorate of Higher Education Department.

Moreover, the Competent Authority is also pleased to grant ex-post facto sanction for regularization of over stay for a period of 04 months beyond 13-08-2013.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA HIGHER EDUCATION DEPARTMENT

14325-28

Endst: No. & Date Even

Copy forwarded to the:-

1. Director Higher Education, Knyber Pakhtunkhwa Peshawar

2. Director (F.G. Colleges), Government of Pakistan, Federal Directorate of Education Islamabad.

3. Officer Concerned.

1MCG (P/G) Gr- 10/4. /scamubad

SECTION: OFFICER (C:III)

GOVERNMENT OF PAKISTAN CABINET SECRETARIAT ESTABLISHMENT DIVISION

No. 10/30/97--R.2

Islamabad, the 16th April, 2012

OFFICE MEMORANDUM

Subject:- <u>AMENDMENT IN RULE 20-A OF THE CIVIL</u> <u>SERVANTS(APPOINTMENT, PROMOTION & TRANSFER)</u> <u>RULES, 1973</u>

The undersigned is directed to enclose here with a copy of Establishment Division's Notification bearing No. SRO 375(1)/2012, dated 16.04.2012 on the above subject.

2. Ministries/Divisions are requested to circulate the notification amongst all concerned departments under their administrative control for information and compliance.

Encl: As above

(Muhammad Amin Shaikh) Section Officer

ALL SECRETARIES /ADDITIONAL SECRETARIES INCHARGE MINISTRIES/DIVISIONS ISLAMABAD/RAWALPINDI

-Copy to:-

- (1) Secretary General to the President, President's Secretariat (Public), Islamabad.
- (2) The Prime Minister's Secretariat (Public), with reference to their U.O No. 792/PSPM/2012, dated 24.03.2012.
- (3) Secretary, Law, Justice and Human Rights Division with reference to their Dy. No. 147/2012-Law-I, dated 28.02.2007.
- (4) Auditor General of Pakistan, Islamabad.
- (5) Controller General of Accounts, Islamabad.
- (6) Director General, I.B Islamabad.
- (7) Secretary, F.P.S.C., Islamabad.
- (8) All Chief Secretaries of the Provinces.
- (9) Principal Information Officer, Press Information Department, Ibd
- (10) Military Accountant General, Rawalpindi.
- (11) Director General, PPARC/Management Services Wing Establishment Division
- (12) All Senior Joint Secretaries/Joint Secretaries of the Establishment Division
- (13) Deputy Secretary (Computer), Establishment Division with the request to arrange for its placement on the official website of the Establishment Division, Islamabad.

(Muhammad Amin Shaikh) Section Officer

GOVERNMENT OF PAKISTAN CABINET SECRETARIAT ESTABLISHMENT DIVISION

Islamabad, the 16th April, 2012

NOTIFICATION

S.R.O. 375 (1)/2012.—In exercise of the powers conferred by sub-section (1) of section 25 of the Civil Servants Act, 1973 (LXXI of 1973), read with Notification No.SRO 120(1)/98, dated the 27th February, 1998, the Prime Minister is pleased to direct that the following further amendment shall be made in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, namely:-

In the aforesaid Rules, in rule 20 A, after sub-rule (3) the following proviso shall be inserted and shall deem to have always been so inserted, namely;

"Provided that posting of serving husband and wife at the same station, unmarried female government servants at the place of residence of their parents/family and that of married female government servants at the place of residence/posting of their husbands who are not in government employment shall be exempted from the said rule".

(F. No. 10/30/97-R-2)

(Anjum Bashir Shaik)

Deputy Secretary

.1323

2003 P L C (C.S.) 1322

[Lahore High Court]

Present: Justice (Rtd.) Riaz Kayani, Chairman

MUHAMMAD ZIA-UL-HAQ

SECRETARY TO GOVERNMENT OF THE PUNJAB. LIVESTOCK AND DAIRY DEVELOPMENT DEPARTMENT, LAHORE and 4 others

Appeal No.352 of 2003, decided on 15th April, 2003.

Civil service---

----Wedlock Policy---Transfer---Civil servant was adjusted against post of Assistant at place 'L' under Wedlock Policy as his wife was also working as a teacher at place 'L'--Civil servant was transferred at place 'K' Government Policy was that spouse had to be allowed to work at the same station to avoid hardship---Wedlock Policy had been introduced and acted upon with a philosophy---If husband in Government Department was posted at one city and his wife posted in another Government Department was working in a different city, it was definitely going to cause mental distress to both of them with the consequences which were not only injurious to them but to the public and Government exchequer---Authority while rejecting on the ground that he was junior to many others, a consideration totally alien departmental appeal of civil servant, did not consider said circumstances and the transfer policy. In this manner it was stated that the transfer policy was had failed to give any reason that transfer of civil servant to place 'K' was grossly violated. Learned District Attorney after being assisted by the essential in the administrative interest of Government overriding the epartmental representative present with office file replied that the appellant Wedlock Policy---Transfer of co-civil servant to place L' was not indicated as to how mutual exchange would promote interest of the State---Order present post on 1-7-2002 was a result of devolution policy transferring transferring civil servant to place 'K' was set aside and he was allowed to powers to the Local Government, however, the stark fact remained that the work at place 'L' and case was remanded to be decided afresh after applying appellant continuously served at Lahore for more than six years and a time mind to representation made by civil servant after hearing civil servant and co-civil servant. [p. 1324] A

Pervaiz Inayat Malik for Appellant.

Dr. Saeed Ahmad, Law Officer on behalf of Respondents Nos.1 and 2.

Khadim Hussain Sindhu, District Attorney and F.D. Chaudhary for Respondent No.4.

Dr. Khalid Saleem, V.O.(H) for Respondent No.3.

Date of hearing: 14th April, 2003.

JUDGMENT

Muhammad Zia-ul-Haq, Assistant, working with District Livestock officer, District Government, Lahore, has assailed the order dated 18-1-2003 assed by the Secretary, Government of the Punjab, Livestock and Dairy bevelopment Department, Lahore, whereby the appellant was transferred to asur with immediate effect and his representation was also rejected by

spondent No.1 on 1-2-2003 declining to interfere with the impugned order

Mated 18-1-2003.

2. Appellant was serving as Assistant with respondent No.3 and was djusted against the said post on 1-7-2002 under the wedlock policy as his wife was working as a teacher in the Government Tahir Model Girls Middle chool, Gulshan-e-Shalimar Scheme, Lahore, under the control of the ducation Department. He was transferred to Kasur on 18-1-2003 by respondent No.1 allegedly on the pressure of an MPA who wanted to ecommodate respondent No.4, transferred in the place of the ppellant. Appellant filed departmental representation before respondent 0.1, who declined it on 1-2-2003, hence the present appeal.

3. Learned counsel for the appellant contended that the transfer of the ppellant to Kasur and that of respondent No.4 to Lahore in the picace of the appellant was at the behest of an MPA who wanted his man (respondent (0.4) to be posted at Lahore and the said exchange being as a result of therior consideration could not be allowed to prosper. It was next submitted by the learned counsel for the appellant that he was posted at the present post 1-7-2002 under the wedlock policy, which fact was not even adverted to, ather respondent No.1 rejected his representation without giving any reasons and put in more than six years of service at Lahore and his transfer to the had come whereby others had to be accommodated and he was to be shifted from Lahore. Learned counsel for respondent No.4 supported the impugned order and submitted that under section 9 of the Punjab Civil Servants Act, every civil servant was liable to serve anywhere in the province on any post established by the Government. Therefore, appellant could have no grievance, if he was transferred due to the exigency of service for administrative reasons.

I have heard the respective counsels at length and perused the record.

5. After the transfer of the appellant to Kasur vide impugned orded dated 18-1-2003, District Livestock Officer, city District Government Lahore in the parawise comments submitted to the Appellate Authority on the representation of the appellant, made the following observations:

"The appeal of the official, in original, is forwarded as the contents of the appeal are based on facts. His transfer is premature as he was adjusted in this office w.e.f. 1-7-2002 under (Wedlock Policy) by the Director General (Ext), Livestock and Dairy Development Department, Punjab Lahore, vide Order No.12910-16 dates 17-8-2003.

With reference to the discussion made with the honoural Secretary, Government of the Punjab, Livestock and Daily Development Department, Punjab, Lahore, dated 18-1-2003, it submitted that Mr. Muhammad Zia-ul-Haq is the sole official with dealing with Audit, Accounts and Budget matters and his transwill affect the working of this office adversely.

It is, therefore, requested that his appeal may please be considered favourably in the light of contents of appeal as well hardship of this office and his transfer orders may be cancelled. However, some other junior most Assistant of this office be substituted for transfer at District Kasur, if it is unavoidable, please."

- 6. These observations indicate that not only the transfer of the appellant to the post which he was holding before his transfer to Kasur was under wedlock policy but the work of the appellant was also appreciated and request was made that the appeal be considered favourably not only on the ground of hardship but also in public interest. Respondent No.1 dismiss the representation of the appellant on 1-2-2003 on the ground that the appellant was junior most without giving any further reasons.
- 7. It is true section 9 ibid has an overriding effect on all circulars, notifications and policies. However, if any policy of the Government enunciated in its circular has to be deviated from good reasons have to be given. Undoubtedly, the policy of the Government is that spouses have to allowed to work at the same station to avoid hardship. On the other hand, section 9 ordains that a Government servant can be transferred and posted anywhere in the Province on any post. There is no denying the prerogative of the Government as mandated in the provision of law quoted, however, the policy and the practice through various circulars and notifications have been made to mollify and temper with the mandate. The authority at the helm of the affairs in order to implement the mandate as provided in section 9 ibid.

has to give good reasons why the beneficial construction provided in the circular has to be done away with. Regretfully respondent No.1 has not at all given any reasons rather was swayed by factors totally divorced from the fact in issue. Wedlock policy has been introduced and acted upon with a philosophy. If the husband in Government department is posted at one city and his wife posted, in another Government department, is working in a different city, it is definitely going to cause mental distress to both of them with the consequences which are not only injurious to them but to the public and Government exchequer. Respondent No.1 while rejecting departmental representation of the appellant did not consider these circumstances and failed to give any reasons that transfer to Kasur was essential in the administrative interest of the Government over iding the wedlock policy. Similarly the transfer of respondent No.4 to Lahore was not indicated as to how the mutual exchange promotes the interest of the State. A policy made is to be implemented and any departure of the same has to be explained. Without giving good reasons the policy of the Government with respect to transfer would become redundant which is not wisdom in enacting it.

8. As a result of the discussion, appeal is accepted, orders dated 18-1-2003 and 1-2-2003 passed by respondent No.1 transferring the appellant to Kasur are set aside. Appellant shall be allowed to work as Assistant with respondent No.3. The case is remitted to respondent No.1 who shall apply his mind to the representation made by the appellant after hearing both the appellant and respondent No.4 whereafter through a speaking order dispose of the same within 60 days from the date he receives a copy of the judgment of this Tribunal.

H.B.T./115/PST

2003

Appeal accepted.

2003 P L C (C.S.) 1325

[Federal Service Tribuna!]

Before: Akbar M. Memon and Nazar Muhammad Shaikh, Members

MUHAMMAD ASLAM

versus

MANAGING DIRECTOR, UTILITY STORES CORPORATION OF PAKISTAN (PVT.) LTD. ISLAMABAD and another

Appeal No.1747(K) of 1998, decided on 11th June, 2003.