

12.12.2022

Counsel for the appellant present.

Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate

General for the respondents present.

Learned counsel for the appellant requested for adjournment
in order to further prepare the brief. Adjourned but as last chance.

To come up for arguments on 02.02.2023 before the D.B.

SCANNED
KPST
Peshawar


(FAREEHA PAUL)
Member(E)


(ROZINA REHMAN)
Member (J)


02.02.2023

Clerk of learned counsel for the appellant present. Mr.
Muhammad Riaz Khan Paindakhel, Assistant Advocate General for
the respondents present.

Clerk of learned counsel for the appellant requested for
adjournment on the ground that learned counsel for the appellant is
not available today due to strike of lawyers. Adjourned. To come up
for arguments on 08.03.2023 before the D.B.

SCANNED
KPST
Peshawar


(FAREEHA PAUL)
Member(E)


(SALAH-UD-DIN)
Member (J)

29.08.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 4 present.

The Lawyers are on strike and Learned Member (Judicial) Ms. Rozina Rehman is also on leave, therefore, arguments could not be heard. Adjourned. To come up arguments on 27.09.2022 before the D.B.



(Salah-Ud-Din)
Member (Judicial)

27.09.2022

Junior to counsel for appellant present.

Muhammad Jan, learned District Attorney for respondents present.

Due to general strike of the bar, case is adjourned to 04.11.2022 for hearing before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

4th Nov. 2022

Lawyers are on strike today.

To come up for arguments on 12.12.2022 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.



(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman

12.11.2021

Junior of learned counsel for the appellant present.

Kabirullah Khattak, Adli: AG for respondents present.

Former requests for adjournment on the ground that learned senior counsel (Noor Muhammad Khattak) is indisposed today. Adjourned. To come up for arguments on 28.02.2022 before D.B.

(Mian Muhammad)
Member (E)

(Rozina Rehman)
Member (J)

28.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 26.05.2022 for the same as before.

Reader

26th May, 2022

Counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for respondents present.

Learned counsel for the appellant seeks time to further prepare the brief. Adjourned. To come up for arguments on 09.06.2022 before D.B.

(Fareeha Paul)
Member(E)

(Kalim Arshad Khan)
Chairman

9.6.22

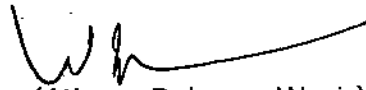
papers D.B is on leave, therefore in case is adjourned to 29.8.22 for same.

07.01.2021

Junior to counsel for the appellant and Assistant A.G for the respondents present.

Former requests for adjournment as learned senior counsel for the appellant is not well today.

Adjourned to 24.02.2021 for arguments before D.B.

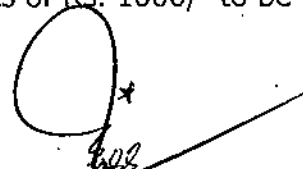

(Atiq-ur-Rehman Wazir)
Member(E)


Chairman

24.02.2021

Junior to counsel for the appellant and Addl. AG for the respondents present.

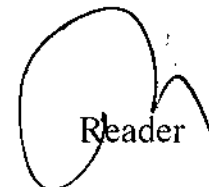
Former requests for adjournment as learned senior counsel for the appellant is engaged before the Darul Qaza Bench of Peshawar High Court at Swat. Adjourned to 10.05.2021 but against costs of Rs. 1000/- to be paid by the appellant.


(Mian Muhammad)
Member(E)


Chairman

10.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 30.08.2021 for the same as before.


Reader

30.08.2021

Due to summer vacations, the case is adjourned to 12.11.2021 for the same as before.


READER

23.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 04.08.2020 before D.B.


Reader

04.08.2020

Due to summer vacation case to come up for the same on 15.10.2020 before D.B.

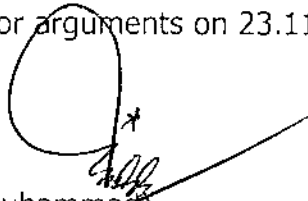

Reader

15.10.2020

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General present.

Junior counsel present on behalf of private respondent No.5 again with a request for adjournment as senior counsel is busy before Hon'ble Peshawar High Court. Last chance is given. To come up for arguments on 23.11.2020 before D.B.


(Mian Muhammad)
Member (E)

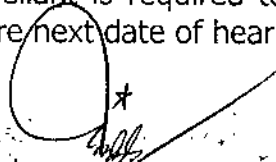

(Rozina Rehman)
Member (J)

23.11.2020

Counsel for the appellant, Asstt. A.G. for official respondents and counsel for private respondent No. 5 present.

Learned counsel for private respondents No. 5 states that the case was not noted in his diary for today. He, therefore, requests for adjournment. Adjourned to 07.01.2021 for hearing before the D.B.

The appellant is required to provide a complete copy of brief before next date of hearing.


(Mian Muhammad)
Member


Chairman

09.12.2019

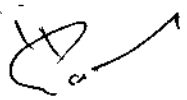
Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 17.01.2020 before D.B.


Member


Member

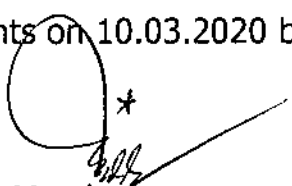
17.01.2020

Abdul Mateen attorney of the appellant on behalf appellant present. Lawyers community is on strike on the call of Khyber Pakhtunkhwa Bar Council. Learned Member (Executive) is not available. Adjourned for 17.02.2020 before D.B.


Member

17.02.2020

Counsel for the appellant present. Asst: AG for official respondents no. 1 to 4 and learned counsel private respondent no. 5 present. Learned counsel for the appellant seeks adjournment. Adjourned To come up for arguments on 10.03.2020 before D.B.


Member

Member

10.03.2020

Junior to counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Junior to counsel for the appellant requested for adjournment on the ground that senior counsel for the appellant is not available today. Adjourn. To come up for arguments 23.04.2020 before D.B.




Member


Member

13.09.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Irfan Assistant for official respondents present. Learned counsel for private respondent present and seeks time to furnish relevant rules of 1991 as well as of 1996. Adjourn. To come up for record and arguments on 30.09.2019 before D.B.


Member


Member

30.09.2019

Due to general strike of the bar, the case is adjourned to 30.10.2019 before D.B.

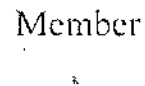

Member


Member

30.10.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned by way of last chance. To come up for arguments on 09.12.2019 before D.B.


Member


Member

29.04.2019

Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the official respondents and counsel for private respondent No. 5 present. Junior to counsel for the appellant requested for adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on ~~28.05.2019~~ before D.B.


Member


Member

28.05.2019

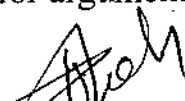
Counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant AG for official respondents No. 1 to 4 and Mr. Taimur Ali Khan, junior counsel for private respondent No. 5 present. Junior counsel for private respondent No. 5 requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Last chance is granted to learned counsel for private respondent No. 5 for arguments. Adjourned to 05.07.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

05.07.2019

Junior to counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General for official respondents present. Private respondent No.5 absent. Learned counsel for private respondent No.5 absent. Case called but none appeared on behalf of private respondent No.5 as such private respondent No.5 is placed ex-parte. Adjourn. To come up for arguments on 13.09.2019 before D.B.


Member

Member

04.02.2019

Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for official respondents present. Learned counsel for private respondent also present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 06.03.2019 before D.B.


Member


Member

06.03.2019

Junior counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for official respondent present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court. Adjourn. To come up for arguments on 05.04.2019 before D.B.

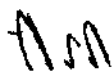
(M. HAMID MUGHAL)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

05.04.2019

Mr. Mir Zaman Advocate for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the official respondents present. Learned counsel for the private respondents also present.


A request for adjournment is made due to indisposition of learned senior counsel for the appellant. Adjourned to 29.04.2019 before D.B.




Member





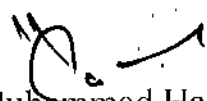

Chairman

08.10.2018

Learned counsel for appellant and Mr. Mr. Riaz Paindakheil learned Assistant Advocate General present. Learned counsel for appellant seeks adjournment. Adjourn. To come up for arguments on 20.11.2018 before D.B



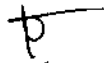
(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

20.11.2018

Junior counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil, Asst: AG for respondents present. Junior to counsel for the appellant requests for adjournment on the ground that learned senior counsel for the appellant is in appearance before Daar Ul Qaza at Swat today. Adjourned to 14.01.2019 for arguments before D.B.



Member




Chairman

14.01.2019

Junior to counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Junior to counsel for the appellant seeks adjournment on the ground that senior counsel for the appellant is not available today. To come up for arguments on 04.02.2019 before D.B.



(Ahmad Hassan)
Member




(M. Amin Khan Kundi)
Member

14.03.2018

appellant absent. Learned counsel for the appellant is also absent. However, junior to learned senior counsel for the appellant as well as junior to learned counsel for private respondent No. 5 present and seeks adjournment. Mr. Riaz Ahmad Pinda Kheil, Assistant AG for official respondents present. Adjourned. To come up for arguments on 10.05.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

10.05.2018

The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come up on 25.07.2018.


READER

25.07.2018

Since 25.07.2018 has been declared as public holiday on account of General Election. Therefore, case is adjourned on 28.08.2018 before D.B





READER

28.08.2018

Counsel for the appellant, Mr. Riaz Ahmad Pindakheil, Assistant AG for official respondents No. 1 to 4 and counsel for private respondent No. 5 also present. Learned counsel for private respondent No. 5 seeks adjournment. Adjourned. To come up for arguments on 08.10.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

17.07.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Assistant AG for official respondents No. 1 to 5 also present. The Learned Executive Member Mr. Gul Zeb Khan is away for interviews in the office of Khyber Pakhtunkhwa Public Service commission therefore, due to incomplete bench the case is adjourned for arguments to 15.11.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member

15.11.2017


Clerk of the counsel for the appellant and Addl. AG for the respondents present. Clerk of counsel submitted before the court that case of similar nature has been fixed for 16.01.2018 and requested that the instant appeal may also be clubbed with the same. To come up for arguments alongwith similar nature of appeal on 16.01.2018 before the D.B.



Member


Chairman

16.01.2018


Appellant in person present. Mr. Zia Ullah, DDA for the respondents present. Appellant seeks adjournment as his counsel is not in attendance today. Adjourn. To come up for arguments on 14.03.2018 before D.B.


(Gul Zeb Khan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

13.7.2016


Counsel for the appellant and Mr. Muhammad Jan, GP for official respondents and counsel for private respondent No. 5 present. Counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 23.11.16.


Member


Member

23.11.2016

Counsel for the appellant, Additional AG for official respondents No.1 to 4 and counsel for private respondent No. 5 present. Rejoinder on behalf of the appellant submitted, copy where of handed over to learned Additional AG as well as learned counsel for private respondent No. 5. To come up for arguments on 4.4.17 before D.B.


(ABDUL LATIF)
MEMBER


(MUHAMMAD AMIR NAZIR)
MEMBER

04.04.2017

Counsel for the appellant and Mr. Adeel Butt, Addl: AG for the respondents present. Argument could not be heard due to incomplete bench. To come up for final hearing on 17.07.2017 before D.B.


Chairman

22.09.2015

Counsel for the appellant and Mr. Khurshid Khan, SO alongwith Addl: A.G for official respondents No. 1 to 4 present. Mr. Asif Yousafzai, Advocate on behalf of private respondent No. 5 present and submitted Wakalat Nama. Requested for adjournment. To come up for written reply/comments on 30.11.2015 before S.B.


Chairman

30.11.2015

Counsel for the appellant, M/S Hameed-ur-Rehman, AD (lit.) and Khurshid Khan, SO alongwith Addl: A.G for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 24.3.2016 before S.B.


Chairman

24.03.2016

Counsel for the appellant, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Assistant AG for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Para-wise comments on behalf of official respondents No. 1 to 4 as well as private respondent NO. 5 submitted. The appeal is assigned to D.B for rejoinder and final hearing for 13.7.2016.


Chairman

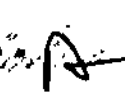
21.04.2015

Counsel for the appellant present. Learned counsel for the appellant seeks adjournment. Adjourned for preliminary hearing to 20.05.2015 before S.B.


Member

20.05.2015

Clerk of counsel for the appellant and Asstt: AG for the respondents present. Clerk of counsel for the appellant submitted an application for adjournment. Adjourned to 12.06.2015 for preliminary hearing before S.B.


Member

12.06.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was senior to private respondent No. 5, Mst. Naz parveen, but shown junior in the seniority list dated 23.8.2011 communicated to the appellant during proceedings before this Tribunal on 2.2.2015 regarding which she preferred departmental appeal on 11.2.2015 followed by service appeal on 27.3.2015.

That the appellant is entitled to seniority in preference to private respondent No. 5 in the light of section 8 of Civil Servants Act, 1973 read with Rules 17(a) of APT Rules, 1989.

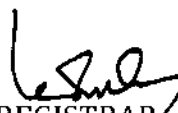


Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 22.9.2015 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 253/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27.03.2015	<p>The appeal of Mst. Farzana Bano resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	31-3-15	<p>This case is entrusted to Bench <u>I</u> for preliminary hearing to be put up thereon <u>2-4-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	02/04/2015	<p>Counsel for the appellant present. Learned counsel for the appellant requested for hearing of the instant appeal with connected appeal fixed for 21.4.2015 before S.B-III. Orders accordingly.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mst. Farzana Bano SET, GGMS, Jehangirpura Wazir Bagh Road Peshawar received to-day i.e. on 19.03.2015 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is unsigned which may be got signed.
- 2- Law under which appeal is filed is not mentioned.

No. 359 /S.T.

Dt. 20/3 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,

*All objections have been removed.
Hence re-submitted today dated 27/3/15.*

27/3/15

Before the Khyber Pakhtunkhwa, Service Tribunal, Peshawar.

Service Appeal No. 253 /2015

Mst. Farzana Bano

Vs

Deputy Directress (Establishment) (F)
Peshawar and four others.

INDEX

S. No.	Description of Documents	Annexure	Page
1	Appeal with affidavit	-	1-5
2	Pages of Service Book, showing entry in service on 11.03.1978	A	6-10
3	Appointment Order as S.E.T dated <u>25.03.1996</u> of the Appellant	B	11-12
4	Appointment Order of Respondent No. 5 as S.E.T dated <u>25.03.1996</u>	C	13-15
5	Policy/order of up-gradation in BPS-17	D	16-17
6	Impugned Final Seniority list	E	18-21
7	Departmental appeal	F	22-23
8	Impugned appellate order dated 25.2.2015	G	24
9	Qualification documents	H	25-31
Wakalat Nama with original copy			

Complete and correct

Dated: 19/03/2015

Mst. Farzana Bano
Appellant

Through:- Noor Muhammad Khattak,
Advocate, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. /2015.

Mst: Farzana Bano (S.E.T) D/O Ghulam Hussain,
Head Mistress, Government Girls Middle School,
New Jehangir Pura, Wazir Bagh Road Peshawar.

Appellant

VERSUS

1. The Deputy Directress, Establishment (F)
Directorate of Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar.
2. The Director, Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar.
3. The Secretary to the Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education,
Civil Secretariat, Peshawar.
4. The District Education Officer (Female)
G.T. Road, Peshawar.
5. Mst: Naz Parveen, Head Mistress,
Govt:-Girls High School, Quaid Abad, Kakshal,
Peshawar. ----- Respondents

Ex-post


Appeal under Section 4 of the Khyber Pakhtunkhwa Peshawar Service Tribunal Act 1974, against the Impugned Seniority List of SETs, as stood on 22-11-2011, issued by the Respondent No 1 (Deputy Directress (Establishment)), received by the appellant through court proceedings of the Service Tribunal on 02-02-2015, and the impugned appellate order of the same Respondent No 1, dated 25-02-2015, received by the Appellant through post on 27-02-2015, whereby the department appeal of the Appellant dated 11-02-2015 has been rejected as a result of which the Appellant has been deprived of her due seniority.

PRAYER APPEAL:- Setting aside the Impugned Seniority List and Appellate Order 25-02-2015, the Respondents No:1 to 4 may kindly be ordered to grant the Appellant her due seniority as SET prior to Respondent No 5.

It is humbly prayed that setting aside the Impugned Seniority List and the Impugned Appellate Order dated 25-02-2015, the Respondents No: 1 to 4 may kindly be ordered to grant the Appellant her due seniority prior to Respondent No: 5, and this Appeal may please be accepted in favour of the Appellant and against the Respondents with cost.

Dated: 19/03/2015.

Mst: Farzana Bano
(Appellant)

Through:  Noor Muhammad Khattak (Advocate)
Peshawar.

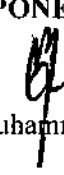
N.B: The addresses of the parties given in the heading of this Appeal are correct and sufficient for service.

AFFIDAVIT

I, Farzana Bano (Appellant) do hereby solemnly affirm that the contents of the accompanied Appeal are correct & true to the best of my knowledge and belief and that nothing has been concealed from the notice of the Honourable Tribunal.

Dated: 19 /03/2015.

DEPONENT


Identified by:- Noor Muhammad Khattak
(Advocate, Peshawar)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. /2015.

Mst: Farzana Bano (S.E.T) D/O Ghulam Hussain,
Head Mistress, Government Girls Middle School,
New Jehangir Pura, Wazir Bagh Road Peshawar.

Appellant

VERSUS

1. The Deputy Directress, Establishment (F)
Directorate of Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar.
2. The Director, Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar.
3. The Secretary to the Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education,
Civil Secretariat, Peshawar.
4. The District Education Officer (Female)
G.T. Road, Peshawar.
5. Mst: Naz Parveen, Head Mistress,
Govt: Girls High School, Quaid Abad, Kakshal,
Peshawar. -----Respondents

Appeal against the Impugned Seniority List of SETs, as stood on 22-11-2011, issued by the Respondent No 1 (Deputy Directress (Establishment)), received by the appellant through court proceedings of the Service Tribunal on 02-02-2015, and the impugned appellate order of the same Respondent No 1, dated 25-02-2015, received by the Appellant through post on 27-02-2015, whereby the department appeal of the Appellant dated 11-02-2015 has been rejected as a result of which the Appellant has been deprived of her due seniority.

PRAYER APPEAL:- Setting aside the Impugned Seniority List and Appellate Order 25-02-2015, the Respondents No:1 to 4 may kindly be ordered to grant the Appellant her due seniority as SET prior to Respondent No 5.

Sir,

The Appellant respectfully submits as under:-

1. That the Appellant initially joined the service as PTC on 11-03-1978 (copy of the relevant pages of the Service Book showing entry in service is annexed as A).
2. That the Respondent No 5 initially joined the service on 4-5-1985 as mentioned in the Impugned Seniority List.
3. That the Appellant and the Respondent No 5, both as in service teachers, were selected and appointed as SETs (Now designated as SSTs) in BPS-16, on 25-03-1996 (copies of the orders annexed as B & C).
4. That the Appellant and Respondents No 5 along with other SETs were upgraded in BPS-17 w.e.f. 01-10-2007 (copy of the order annexed as D).
5. That the appellant is much more senior to the Respondent No 5, in service, but Respondent No 3 ignoring all the laws and ethics promoted the Respondent No 5, and others on regular basis in BPS-17 vide order dated 26-02-2013. The appellant has challenged this order before the Service Tribunal through appeal No 861/2013.
6. That the Service Tribunal demanded the seniority list of the SETs and other record from the Respondent Department on the basis of which the promotions had been made.
7. That after dilly dallying of more than one year, the representative of the Respondent Department produced the Impugned Seniority List of SETs (Females) as it stood on 22-11-2011, issued by the Respondent No 1 to the Honorable Tribunal on 02-02-2015. The said impugned Seniority List was received by the appellant the same day i.e. 02-02-2015 through Tribunal during its proceedings (copy of the impugned Seniority List is annexed as E).
8. That through the said Impugned Seniority List, the appellant has been shown Junior to the Respondent No 5. The Respondent No 5 appears at S.No 13, while the appellant has been placed at S.No 609 of the said list.
9. That the appellant having received the Impugned Seniority List preferred a department appeal before the Respondent No 2 (Director) on 11-02-2015, for the grant of her due seniority (copy of the departmental appeal is annexed as F).
10. That the Respondent No 1, has unlawfully rejected the department appeal vide order dated 25-02-2015 (copy annexed as G).
11. That on the rejection of departmental appeal, the appellant has no other option open to her but to file this Appeal before this Honorable Tribunal for the redress of her grievances on the following amongst the other grounds:-

GROUNDS:-

- (A) That the Impugned Seniority List and impugned Appellate Order dated 25-02-2015 are unlawful, void, arbitrary, illegal, malafide and as such without lawful authority.
- (B) That the impugned Seniority List had neither been prepared and notified according to law nor it had been circulated among the incumbents.
- (C) That producing of Seniority List to the Tribunal after wilful delay represents that there had been no legal and valid seniority list with the Respondent department. The Respondent Department in order to get rid of the problem hatched a plot to bring a bogus, unlawful and haphazard seniority list. If the Respondent Department had a legal and valid seniority list, they would have produced the same to the Tribunal earlier but delay on their part is evident of malafide intentions.
- (D) That the Appellant initially joined the Service on 11-03-1978 and Respondent No 5 entered the service on 04-05-1985. Therefore, the appellant is much more senior to the Respondent No 5, but the Appellant has not been given seniority prior Respondent No 5. So the Impugned Seniority List is not a proper legal, authentic and lawful seniority list. It is the combination of haphazard record.
- (E) That the Appellant and Respondent No 5, being in service teachers, were selected and appointed as SETs in BPS-16 on the same day i.e. 25-03-1996 and both of them alongwith other teachers had been upgraded in BPS-17 on 01-10-2007. Therefore, on the basis of continuous lengthy service the Appellant should have been given her due seniority before Respondent No 5, but the Respondent Department trespassing all the fact and figures have placed the Appellant junior to the Respondent No 5. As a result of this injustice the Appellant could not get promotion on regular basis while Respondent No 5 being junior got promotion.
- (F) That at the time of appointment as SETs, on 25-03-1996, the Appellant was much more qualified than Respondent No 5. The Appellant was M.A, B.Ed., while the Respondent No 5 was only BA, B.Ed.. So on the basis of more service and better qualification the Appellant was entitled to avail seniority earlier than Respondent No 5. The Respondent Department has placed the Appellant junior to Respondent No 5 in the Impugned Seniority List. Such an act on the part of Respondent Department is against all the laws and ethics (copies of qualification documents annexed as H).

- (G) That issuing of seniority list of SETs (BPS-16) is the responsibility of the Director (Respondent No 2) and Respondent No: 1 is not competent to do so.
- (H) That the impugned seniority list is the record of haphazard collection as it is evident from its contents. It is incomplete and not valid and legal seniority list.
- (I) That on the basis of the said Impugned Seniority List, as it stood on 22-11-2011, the promotions were made which was an unlawful act on the part of Respondent Department.
- (J) That the Impugned Appellate Order dated 25-02-2015, is also unlawful, malafide, illegal, void, arbitrary and as such without lawful authority. The departmental appeal was made to the Director (Respondent No 2) but it has been rejected by the Respondent No 1, who was not competent to reject the departmental appeal.
- (K) That the departmental appeal was submitted well in time to the appellate authority (Director). The Appellant received the Impugned Seniority List through Tribunal on 02-02-2015, and filed departmental appeal on 11-02-2015. Therefore, the departmental appeal is not time barred. It was rejected on 25-02-2015; hence the instant Appeal is being filed before the Honourable Tribunal.
- (L) That the Appellant shall also rely on the additional grounds after filing the written statement by the Respondents.
- (M) That the Appellant is entitled to avail her due seniority before Respondent No: 5.
- (N) Under the circumstances as mentioned above the Impugned Seniority List and the Impugned Appellant Order are liable to be set aside.

A
6

GS&PD-NAVY-1624 P.B.-20,000-17-10-77-(203)

I

SERVICE BOOK

OF

Farzana Bano No. 0234048
old Personal
PTC

FARZANA BANO

PTC/S.E.T.

D/O GHULAM HUSSAIN

New Personal No. 14824

~~SECRET~~

(For use in Police Department only).

Verification Roll No. dated received back

Left thumb-impression.

Qualifications	Date	Qualifications	Date
English passed BEd: Exam: Annual-1991 from Peshawar University and Roll no: 905 in 2nd Division Udu result was declared on 27-4-1992.		First Arts B. L. or B. A. Pleadership examination Training School final examination Other qualifications— Passed S.S.C. 100 marks held in March/April, 1976 in the C. Grade section 500 marks out of 900/1000 Under R.O. 15282	
Plan-drawing			
Finger print			
Drill instruction			
Court duties			
Reserve duties			

By: District F. I. Officer
(Exam) Recovery Peshawar
15/12/98

B. F. Khan
District Inspector of Schools
Peshawar Agency

ATTESTED

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

1. Name

Farzana Bano

2. Race

Awan

3. Residence

HN: 751 Mahala Bagyar Shah
Pit. K. M. P. S.

4. Father's name and residence

Ghulam Hussain Awan

5. Date of birth by Christian Era as nearly as can be ascertained.

5.1.1959
Fifth January A.H. Fifty nine

6. Exact height by measurement

7. Personal marks for identification

5:6

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

As seen on the left side above

Little Finger

Ring Finger

Middle Finger

Fore Finger

Thumb

9. Signature of Government servant

Farzana Bano

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

A. Z. Khan
District In-charge

ATTESTED

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating state - (i) substantive appointment or (ii) whether service counts for pension under Art. 371, C. S. R.	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "Pay"	Date of appointment	Signature of Government servant
L. S. P. S. Ashish Kella	K. K. S. S. S.		315/-	NA		11-3-78	F. J. S. B.
A/c	- Do -		315/-	NA		1-6-78	F. J. S. B.
L. S. P. S. Ashish Kella	K. K. S. S. S.		315/-	NA		25-2-78	F. J. S. B.
A/c	- Do -		327/-			1-12-78	F. J. S. B.
A/c	- Do -		339/-			1-12-79	F. J. S. B.
A/c	- Do -		357/-			1-12-80	F. J. S. B.
A/c	-		363/-			1-7-81	F. J. S. B.
A/c	-		375/-			1-12-81	F. J. S. B.
A/c	-		387/-			1-15-82	F. J. S. B.

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of periods of leave on average pay up to four months for which leave salary is debit-able to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 9 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer		Government Period to which debit-able	Signature of the head of the office or other attesting officer	Reference to any recorded punishment for censure, or reward or praise of the Government servant

<i>[Signature]</i>	31-5-78	<i>[Signature]</i>	<i>[Signature]</i>				Approved against A.T. at Rs 315/- on vide D.S. 11/7/78 - P.P. Peshawar 2nd no 604-6 dated 7/3/78
<i>[Signature]</i>	21-9-78	<i>[Signature]</i>	<i>[Signature]</i>				
<i>[Signature]</i>	30-11-78	<i>[Signature]</i>	<i>[Signature]</i> D. I. S.				<i>[Signature]</i> 3rd School
<i>[Signature]</i>	30-11-79	<i>[Signature]</i>	<i>[Signature]</i> A. I. S. Khyber of F.R. Peshawar.				Passed NTC Examination according to the model certificate issued by the principal Govt Training School of Women Peshawar under no 29 dated 10-12-77
<i>[Signature]</i>	30-11-80	<i>[Signature]</i>	<i>[Signature]</i> A. I. S. Khyber of F.R. Peshawar.				
<i>[Signature]</i>	30-6-81	<i>[Signature]</i>	<i>[Signature]</i> S. Khyber Peshawar				District Inspector of Schools Khyber Agency & F. R. Peshawar
<i>[Signature]</i>	30-11-81	<i>[Signature]</i>	<i>[Signature]</i> A. I. S. Khyber				
<i>[Signature]</i>	30-11-81	<i>[Signature]</i>	<i>[Signature]</i> A. I. S. Khyber				SERVICES VERIFIED From 11-3-78 to 30-11-78 From The Pay Bills and Other records of This Office
<i>[Signature]</i>	30-11-81	<i>[Signature]</i>	<i>[Signature]</i> A. I. S. Khyber				
<i>[Signature]</i>	30-11-82	<i>[Signature]</i>	<i>[Signature]</i> A. I. S. Khyber				District Inspector of Schools Khyber Agency & F. R. Peshawar
<i>[Signature]</i>	31-8-82	<i>[Signature]</i>	<i>[Signature]</i> A. I. S. Khyber				

ATT

OFFICE OF THE DIRECTOR OF SECONDARY EDUCATION N.W.F.P. PESHAWAR.

3
B
11


NOTIFICATION.

Consequent upon their selection by the Departmental Selection Committee the Director Secondary Education NWFP, Peshawar has been pleased to appoint the following trained General/Science B.Ed (In service) against S.E.T. Post at the Schools noted against their names in EPS-16 (Rs.2535-197-5450) Plus usual allowances as admissible under the rules with immediate effect subject to the existing terms & Conditions:-

S.No.	Name and Address	D/O B.Ed Result	School	Remarks.
GENERAL B.ED.				
1.	Shahcen Akhtar, B.A. B.Ed. GGHS, (Samand Khan Killi)	120.8.91	GGHS Samand Khan Killi PR Peshawar.	Against vacant S.E.T. Post.
2.	Farzana Bano, M.A. B.Ed. PTC GGPS, Jehangir Pura Peshawar.	27.4.92	GGMS B. Mohammad Kot Mohmand Agency.	-do-
3.	Maz Parwar M.A. B.Ed CT GGMS Sana Ghundi Mohmand Agency.	15.4.93	GGMS Sana Ghundi, M. Agency	-do-
4.	Abis Inayat BA BEd CT GGMS Akbar Abad Takht Bhai	8.5.94	GGHS, Bakaghua Mohmand Agency.	-do-
5.	Wiqarun Nisa MA B Ed CT GGMS, Khirgi, FR, DE Khan.	21.5.95	GGMS, Miranshah NWA.	-do-
6.	Robia Gul MA BEd OM GGHS, Gheriwala, Bannu.	12.10.95	GGMS, Hasnu Khol NWA.	-do-
7.	Bibi Romina Begum MA BEd PTC GGPS Sango Takht Bhai	21.5.95	GGHS, Khar Rajawar Agency.	-do-
8.	Gul Nisa BA BEd CT GGMS Bahadir, Maghul Khol Bannu.	12.10.95	GGMS Azad Pir Kot NWA.	-do-

TERMS & CONDITIONS.

1. They will be governed by such rules and regulation as may be prescribed by the Govt: from time to time for the category of the Govt: Servants to which they belong.
2. Their Service will be liable to termination on one month notice for either side. In case of resignation without notice one month pay will be forfeited in lieu thereof.
3. They should join the posts with ⁱⁿ one month of the issue of this Notification.
4. Their inter-se-seniority will be determined in accordance with the merit of Departmental Selection Committee.
5. Charge should be submitted to all concerned.
6. They shall be on probation for a period of two years.
7. Their original Certificates/Degrees should be checked and verified from the concerned University immediately.
8. Service Book of the teachers must be checked before handing over charge.
9. The declaration of Assets should be obtained from them immediately and placed on record.
10. W.T.A.D.A. is allowed.
11. They are required to produce Health & Age Certificates from Medical Authorities, concerned before taking over charge.

ATTESTED


(SYED ABU SAIED BACHA)
 DIRECTOR OF SECONDARY EDUCATION,
 N.W.F.P. PESHAWAR.

C
13

NOTIFICATION.

Consequent upon their selection by the Departmental Selection Committee, the Director of Secondary Education N.W.F.P., Peshawar has been pleased to appoint the following trained General/Science BEd(In-Service) against SET Posts at the Schools noted against their names in BPS-16(Rs.2535-197-5450) plus usual allowances as admissible under the rules with immediate effect subject to the existing terms and conditions:-

S.No.	Name and Address.	D/O Result B.Ed.	Schools.	Remarks.
<u>GENERAL BEd.</u>				
1.	Rashida Jan MA BEd SV GGHS, Chochian Gul Bela.	25.11.86.	GGMS, Sheikh Killa Charsadda.	Against vacant S.E.T. Post.
2.	Ismat Begum MA BEd AT GGHS, Bicket Gunj, Mardan.	26.11.89.	GGMS, Katakhat, Mdn.	-do-
3.	Sulehan Taj MA BEd PTC GGHS, Landi Arbab, Peshawar.	26.11.89.	GGHS, Rashaki, ISR.	-do-
4.	Zubaira Begum MA BEd CT GGHS, Hayatabad, Peshawar.	26.11.89.	G.G.M.S. Panjtoon Garbhoo Nowshera.	-do-
5.	Naz Parveen BA BEd SET GGMS, Karighar, Bara, K. Agency.	26.11.89.	GGMS, Kalyas, Chd.	-do-
6.	Jehan Zeba MA BEd SV GGMS, Pir Saadi, Mardan.	26.11.89.	GGMS, Mirampur Mdn.	-do-
7.	Sabiha Begum MA BEd DM GGHS, Nishtar Abad, Peshawar.	26.11.89.	GGMS, Mahzara, Chd.	-do-
8.	Zurriat Shohveen BA BEd CT GGMS, Kaga Wala, Peshawar.	26.11.89.	GGHS, Jalozai, ISR.	-do-
9.	Adam Bibi BA BEd CT GGHS No.1, Peshawar Cantt.	26.11.89.	GGHS, Maina, Swabi.	-do-
10.	Shamim Akhtar MA BEd SV GGHS No.1 Mardan.	26.11.89.	GGMS, Surkh Dhori, Mardan.	-do-
12.	Yasmin BA BEd SV GGMS, Baz Muhammad Kor, M. Agency.	26.11.89.	GGHS, Rustam, Mardan.	-do-
14.	Naz Ambaroon BA BEd L.C. SDEO(F) Nowshera.	04.02.89.	GGMS, Palozai, Payan, Nowshera.	-do-
15.	Miraj Begum MA BEd CT GGHS, Nishtar Abad, Peshawar.	26.11.89.	GGHS, Nowshera Kalan.	-do-
15.	Umda Bibi BA BEd CT GGHS, Dabgari, Gate, Peshawar.	26.11.89.	GGHS, Itrampur, Mardan.	-do-
15.	Bibi Zuhra BA BEd CT GGHS, Bicket Gunj, Mardan.	29.11.89.	GGMS, Chergulli, Mardan.	-do-
16.	Mubassara Qazi BA BEd CT GGHS, Zaida, Swabi.	26.11.89.	A.S.D.E.O. (F) Swabi.	-do-
17.	Hussan Ara MA BEd CT GGHS, Jogiwara, Peshawar City.	26.11.89.	GGMS, Dagi Qadeem, Nowshera.	-do-
18.	Sabiba Nasreen BA BEd AT GGHS, Tehkal Bala, Peshawar.	26.11.89.	GGMS, Nahaqi Gul Abad, Charsadda.	-do-
19.	Saima Noz MA BEd CT GGMS, Manyal, Dir.	08.11.90.	GGHS, Rucham, Mardan.	-do-
20.	Rakham Akhtar MA BEd CT GGHS, Dagal, Swabi.	08.11.90.	GGMS, Popa, Swabi.	-do-

AT

(P-2)

REFERENCE BEE.

1.	Tajjila Begum BSc BEI C.T. GGHS, Charsadda.	27.04.92.	GGHS, Shabqdar Fort Charsadda.	Against vacant SET(Sc.) Post
2.	Humaira Shah MSc BEI SET(UT) GGHS, Jamrud, Khy: Agency.	08.08.92.	GGHS, Sitawa, Swabi.	-do-
3.	Yasmeen Usman MSc BEI S.V. GGHS, Khar Bhasaur Agency.	08.05.94.	GGHS, Takkar, Mardan.	-do-
4.	Nighat Shahveen MSc BEI PET CGMS, Lahor, Swabi.	08.05.94.	GGHS, Topi, Swabi.	-do-
5.	Musrat Jamal BSc BEI C.T. GGHS, Garhi Daulatzai.	08.05.94.	GGHS, Baghicha Dhari Mardan.	-do-
6.	Maheed Begum MSc BEI PET GGMS, Shergarh.	08.05.94.	GGHS, Kalabat, Swabi.	-do-
7.	Zahila Nageen BSc BEI P.E.T. GGHS, Punj Pir.	27.05.94.	GGHS, Dobian, Swabi.	-do-
8.	Maheeda BSc BEI CT GGMS, Garhi Ismailzai.	08.05.94.	GGHS, Moini, Swabi.	-do-
9.	Mahila Begum BSc BEI PET GGHS, Zaida, Swabi.	08.05.94.	GGHS, Bam Khel, Swabi.	-do-
10.	Yasmeen Begum BSc BEI CT GGHS, Hoti, Mardan.	08.05.94.	GGHS, Ismaila, Swabi.	-do-

TERMS & CONDITIONS.

1. They will be governed by such rules and regulation as may be prescribed by the Govt: from time to time for the category of the Govt: Servant to which they belong.
2. Their service will be liable to termination on one month notice for either side. In case of resignation, without notice one month pay will be forfeited in full therefor.
3. They should join the posts within one month of the issue of this Notification.
4. Their inter-se-seniority will be determined in accordance with the merit of Departmental Selection Committee.
5. Charge report should be submitted to all concerned.
6. They shall be on probation for a period of two years.
7. Their original certificates/Degrees should be checked and verified from the concerned University immediately.
8. Service Books of the teachers must be checked before handing over charges.
9. The declaration of Assets should be obtained from them immediately and placed on record.
10. Complete information on the prescribed proforma attached alongwith charge report be submitted to this Directorate within a week positively.
11. No W/D is allowed.
12. They are required to produce Health & Age Certificates from the Medical Authorities concerned before taking over charge.

(SYED ABU SAIED BACHA)
Director of Secondary Education,
N.W.F.P., Peshawar.

N/P-3-

ATTESTED

(2-3-)

Enlist: No. 227-280 /A-167/SEE/Apptt:Female. Dated Peshawar the 25.03 /1996

Copy Forwarded for information to the:-

- 1- Director Primary Education NFP, Peshawar.
- 2- Divisional Directors of Education (Schools) Peshawar and Mardan.
- 3- District Accounts Officers concerned.
- 4- District Edu: Officers (Female) Secondary/Primary concerned.
- 5- Principals/Headmistress concerned.
- 6- Officials concerned.
- 7- P/S to Secretary to Govt: of NFP, Education Deptt: Peshawar.
- 8- P/A to Director of Secondary Education NFP, Peshawar.

Aziz Khan

Deputy Director (Secondary)
For/Director of Secy: Education
N.W.F.P., Peshawar.

Farhad / Farhad

ATTESTED

q



GOVERNMENT OF NWFP
FINANCE DEPARTMENT

(REGULATION WING)

Dated Peshawar, the 26th January, 2008.

D
16

NOTIFICATION

NO.FD/SO(FR)10-22/2007. In supersession of this Department's letter No.SO(FR)10-22(B)/2005 dated 01-10-2007 and in pursuance of the decisions of the meeting held under the Chairmanship of Secretary Establishment on 2-1-2008, the Competent Authority is pleased to allow upgradation for the incumbents of the posts as per details given below w.e.f. 1-10-2007:-

S.NO	Existing Designation and Pay Scale	Qualification	Upgraded Scale
1	Primary School Teacher (PST) (BPS-07).	FA/FSc and are trained teachers	BPS-09 (one time only)
2	Primary School Teacher (PST) with requisite experience renamed as Head Teacher/Head Mistress of Primary Schools (BPS-07).	Having 10 years service	BPS-12 (one time only)
3	CT (BPS-09).	BA/BSc and are trained teachers	BPS-15 (one time only)
4	SETs (BPS-16)	With at least ten years service. Upgradation to the post shall be made through DFC as per laid down procedure.	BPS-17
5	Qari/Qaria (BPS-07)	Hafiz Quran with SSC	BPS-12

SECRETARY TO GOVT. OF NWFP
FINANCE DEPARTMENT

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the:-

- 1) All the Secretaries in NWFP, Peshawar.
- 2) All the DCOs/EDOs Schools & Literacy Department, NWFP.
- 3) Accountant General, NWFP, Peshawar.
- 4) Director Schools & Literacy NWFP, Peshawar.
- 5) Director of Education FATA NWFP, Peshawar.
- 6) PSO to Chief Minister, NWFP.
- 7) PSO to Chief Secretary, NWFP.
- 8) PS to Secretary Finance Department, NWFP.
- 9) All District/Agency Accounts Officers in NWFP.

M. Khattak
(NAIB KHAN)
SECTION OFFICER (FR)

ATTESTED

GOVT. OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

17

(REGULATION WING)

NO. SO(FR)/FD/10-22(B)/2007/Vol-11
Dated Peshawar, the 14-10-2010

To

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

Subject: - NOTIFICATION.


Dear Sir,

I am directed to refer to this department Notification bearing No. FD/SO(FR)10-22/2007 dated 01-10-2007 and in the pursuance of Khyber Pakhtunkhwa Service Tribunal decision, the competent authority has been pleased to upgrade 2804 posts of SETs from BPS-16 to BPS-17 as personal, with effect from 01-10-2007 subject to the condition that the posts shall automatically be downgraded as and when vacated by the incumbent under the following break-up:-

Sr. NO.	POSTS	TOTAL NO. OF POSTS
1.	SETs (Male)	2333
2.	SETs (Female)	446
3.	SETs (Technical)	25
TOTAL:-		2804

2 Audit copies may be prepared and sent to this department for authentication.

Yours faithfully,


(SHAUKAT ULLAH)
SECTION OFFICER (FR)

ENDST: NO & DATE EVEN.

Copy forwarded to Budget Officer-V, Finance Department for information please.

SECTION OFFICER (FR)

ATTESTED

E
18

DIRECTORATE OF ELEMENTARY AND
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR.

NO. 2279-82 / File No. A-88/FSL/SET(F) B-16
DATED PESHAWAR THE ... 23/11/2011.

To

1. The Director of Education FATA Peshawar.
2. The Director of Curriculum & Teacher Education
Khyber Pakhtukhwa, Abbotabad.
3. Director PITE Khyber Pakhtukhwa.
4. All Executive District Officers (E&SE)
In Khyber Pakhtukhwa.

Subject:

FINAL SENIORITY LIST OF SET (FEMALE) BPS-16

A copy of the final seniority list of SETs (F) B-16 duly approved by the
competent authority stood 22.11.2011 is submitted here with for information /
record.

Deputy Directoress (Establishment)
E&SE Khyber Pakhtukhwa Peshawar.

Endst: No. 2283-84

Copy to the

1. PS to Secretary to Govt. of Khyber Pakhtukhwa E&SE Deptt.
2. P/A to Director E&SE Khyber Pakhtukhwa Peshawar.

Deputy Directoress (Establishment)
E&SE Khyber Pakhtukhwa Peshawar.

ATTESTED

RAJSENIORITY LIST OF SET FEMALE OF ELEMENTARY AND SECONDARY

22-11-2011

JMKHWA STOOD ON

Decision
22/11/2011


S.No.	Name /Father's Name/ Qualifications	School	Pass B.Ed /Merit	Dom.	Date of Ist. Appnt. in Edu. Deptt.	D/O Appnt / Approval of SET Post	Remarks
1	Amirwar Sultan SET BA B. Ed D/O Abdul Hanan	GGHS Dargai Malakand	1554/400/1 000.	1.3.1954/Malakand	27.4.1948.	8.3.1986.	Abdulf
2	Kausar Nazeed M.Sc E Ed D/O Shahi Khan	ASDQ/O/FCHD	1554/442/1 000	22.6.56/Peshawar	9.12.85.	2.10.88	
3	Amul Bassi BA B. Ed C. O Ziaur-Rahman	GGHS Jareed Manseltra	1555/529/1 000	7.7.59/Manseltra	12.11.85	13.10.88	Transfered to 10/11/88
4	Mughal Yasmeen BA B. Ed D/O Mubarrat Yusuf	GGHS Noz A. Abad	200/536/10 00	8.4.63/A. Abad	2.6.88	13.10.88	
5	Zahra Yasmeen E.A. Bed D. O Saad Ullah Mustafa Shah	GGHS Kai Wan F.R. D. Khan	200/563/10 00	D.I. Khan		14.12.89	
6	Musazir Sakhaz BA Ed D/O Habibullah	GGHS Og Manseltra	1555/509/1 000	30.4.58/A. Abad	11.10.81	14.12.89	
7	Shamim Bai BA BED D/O Abdul Rasheed	GGHS Boghara Karak	1556/454/1 000	Bannu		20.10.89	
8	Rehana Kausar BA BEd D/O Huzefa Akhtar	GGHS Kor War A. Abad	200/310/10 00	A. Abad		21.12.89	
9	Kudiyah Sar BSO Bed D/O Saad Hussain	GGHS Hjr Gali A. Abad	1553/509/1 000	Manseltra		21.12.89	
10	Tabana Taseem BSc Ed D/O Faqir Hussain	GGHS Umanara	1553/509/1 000	10.4. Gali Peshawar		21.12.89	
11	N. Jhal Yaseen BA BEd D/O Hira Nawaz Gondapur	ASDQ F. D. I. Khan	200/518/10 00	22.4.60/D. I. Khan		23.12.89	
12	Shahnoza Yasmeen ESS Bed D. O Aqil Rehman	GGHS Shikardara Kohat	1553/556/1 000	18.00/Kohat	6.6.88	23.12.89	On deputation
13	Naz Perveen SET BA BEd	GGHS Jehangir pura pesh	1990	12.3.62/Peshawar	4.5.05	02.04.90	Hjm
14	Fatich Naz SET MISC. EED	GGHS S. Kania A. Abad	1990	31.8.61/A. Abad	23.6.87	08.11.90	Shifted from Govt
15	Zahra Perveen SET BA BEd	GGHS No 1 Sial Nawang Larkh	1553/347/1 000	15.02.1961	01.01.1987	08.11.90	Doubleing with 2/10
16	Mehmooda Suliana M.Sc Bed D/O Sultan Bahadar	GGHS Sindh Harpur	1553/422/1 000	1.6.00/Jkhal	3.10.69	26.11.90	
17	Parveen Akhtar BA BEd D/O Nuan Barchah	GGHS Thar Naraill	1556/521/1 000	7.2.60/Mardan	9.12.82	26.11.90	
18	Fahal Jehan BA DED D/O Saif Shah	GGHS Swab	1553/459/1 000	1.5.62/Peshawar	18.3.90	26.11.90	
19	Veelonia Nazeed BA EED D/O Raja Malik	GGHS Dak Besud NSR					

DECLINED

S.No.	Name /Father Is Name/ Qualifications	School	Year of BEd / Merit	Date of Birth / Domicile	Date of Ist: Apptt: In Edu: Deptt:	D/o Apptt: Approval of SET Post:	Remarks
1	2	3	4	5	6	7	8
603	Shahbeen Akhtar, SET, BA BEd	GGHS, Samand Khan kull FR Peshawar	1991	8.10.1991	8.11.86	25.3.95	
609	Fazala Banor, SET, MA BEd	GGHS, Samand Khan kull FR Peshawar	1992	5.15.92 Peshawar	11.3.78	25.3.95	
610	Nusrat Perveen, SET, MA BEd	GGHS, Kaipani, Bunir	1992	15.6.22 Bunir	18.7.85	25.3.95	
611	Tajjala Begum, SET, SSc: BEd	GGHS, Shabbadar Chdt	1992	14.4.1992 Charsadda	1.3.88	25.3.95	
612	Hamida shah, SET, M.Sc: BEd	GGHS, Landi Alob Pesh	1992	4.3.1992 Swabi	8.11.90	25.3.95	
613	Roshan Ara, SET, BSc: BEd	GGHS, Mulazai Dikhan	1992	15.4.1992 DIK	26.5.95	25.3.95	
614	Najras Khatoon, SET, Ssc: BEd	GHSS, S Naurang Danna	1992	1.5.1992 DIK	26.5.95	25.3.95	
615	Kateem SET, BA BEd	GGHS, Kele Di	1992	15.10.1992 Di	30.7.95	25.3.95	
616	Naz Perwar, SET, MA BEd	GGHS, Shana Ghundi, M.Ang	1993	3.2.1993 M.Ang	20.4.85	25.3.95	
617	Rozina Inlizar, SET, BSc BEd	GGHS, Ghorwala Bannu	1993	5.9.1993 DIKhan	13.12.92	25.3.95	
618	Bibi Aasha, SET, MA BEd	GGHS, Kumbhar Di	1993	3.4.1993 Chitral	4.0.86	25.3.95	
619	Bibi Ladia, SET, MA BEd	GGHS, Bheel Chitral	1993	5.2.1993 Chitral	1.12.02	25.3.95	
620	Mussarat Jehan, SET, MA BEd	GGHS, Tanderghal Di	1993	15.12.1993 Di	25.7.03	25.3.95	
621	Nusrat Perveen, SET, BA BEd	GGHS, Samanbagh Di	1993	13.10.1993 Chitral	17.11.07	25.3.95	
622	Yasmin Begum, SET, BA BEd d/o Sharim Khan	GGHS, Qual Daira M.K.D	1992	22.7.1992 Malakand	20.9.89	25.3.95	
623	Fazlal SET, BA BEd	GGHS, Falch Pur Swal	1993	30.4.1993 Swal	28.9.89	25.3.95	
624	Kishwar Sultana, SET, BA BEd	GGHS, Tolakan Malakand	1993	15.4.1993 Malakand	11.4.88	25.3.95	
625	Fehmida Begum, SET, BA BEd	GGHS, Khazana Di (L)	1993	12.6.1993 Di	16.7.95	25.3.95	
626	Gul Nasreen, SET, M.Sc BEd	GGHS	1993	15.6.1993 Harpur	29.10.95	25.3.95	
627	Noor Jehan Begum, SET, BA BEd	GGHS, Rabal Di (L)	1993	19.3.1993 Chitral	21.12.81	25.3.95	
628	Dishad Begum, SET, MA BEd	GGHS, Mata Swal	1993	1.1.60 Swal	25.11.80	25.3.95	

FILED

S.No.	Name /Father Is Name/ Qualifications	School	Year of Passing B.Ed /Merit	Date of Birth / Domicile	Date of Ist. Applt: in Edu:Deptt:	D/o Apptt / Approval of SET Post	Remarks
1	2	3	4	5	6	7	8
1763	Nighat Seema SET 3A BED D/o Zahir shah			27.12.1982/FR Peshawar			
1764	Khurshida Jan SET 3A BED D/o Habib Ali			25.02.1978/orc Agy			
1765	Shatab un Nisa SET BA BED D/o Muhammad Shamim Khan			03.04.1983/FR Bannu			
1766	Syeda Ume salma SET BA BED D/o Syed Anwar shah			10.03.1981/orc Agy			
1767	Shagufta Chaman SET BA BED D/o Muhammad Younis			28.09.1972/Bal' Agy			
1768	Rakhsana Sarwar SET BA BED D/o Ghulam Sarwar			12.04.1979/Moh Agy			
1769	Bibi Zuhra SET BA BED D/o S.Sullan Ali shah			12.11.19769/Kurram Agy			
1770	Saeeda Begum SET BA BED D/o Hazrat Ali			01.04.1983/Moh Agy			
1771	Ghazal Saeed SET BA BED D/o Khan Said			02.05.1984/Moh Agy			
1772	Sakina Nawab SET BA BED D/o Haji Nawab Ali			21.03.1978/Kurram Agy			
1773	Hajira SET BA BED D/o Faqir Muhammad			28.11.1976/Moh Agy			
1774	Nadia Ahmad SET BA BED D/o Ahmad gul			02.02.1990/Moh Agy 18.04.1980/Kurram Agy			
1775	Nasim Orakza SET BA BED D/o Syed Khan Orkazai						


 Deputy Director (Female)
 (ESSE) Khyber Pakhtunkhwa
 Peshawar.

ATTENDED

F
22

To

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Through: *Proper Channel*

Subject: Departmental Appeal against the impugned Final Seniority List of SETs (SSTs) (BPS-16) as it stood on 22-11-2011, issued by the Deputy Directress (Establishment), received by the appellant through court proceedings of the Tribunal on 2-2-2015, whereby the appellant has been deprived of her due seniority

Sir,

The appellant respectfully submits as under:

1. That the appellant had initially joined the service as PST on 11-3-1978.
2. That on the basis of requisite qualification and experience, the appellant, as an in-service teacher was selected and appointed as an SET on 25-3-1996.
3. That another teacher namely Naz Parveen who initially joined the service as CT on 5-1-1986 was also selected and appointed as SET (BPS-16) on the same day i.e. 25-3-1996.
4. That the appellant and the other SETs, including Naz Parveen, were upgraded in BPS 17 on 1-10-2007.
5. That the appellant joined the service on 11-3-1978 while Naz Parveen joined the service on 5-1-1986. Therefore, the appellant is senior to Naz Parveen. Moreover, the appellant and Naz Parveen being in-service teachers were selected and appointed as SET on the same day i.e. 25-3-1996. Therefore, on the basis of more service, the appellant should have been placed before Naz Parveen in the Seniority list but the latter has been shown senior to the appellant in impugned seniority list. Appellant appears at S.No.609 while Naz Parveen stands at S.No.13. So through the said impugned seniority list, the appellant has been deprived of her due seniority as well as regular promotion in BPS-17.
6. That the impugned seniority list has neither been prepared according to rules nor notified according to law. It is collection of haphazard record (copy annexed).
7. That the impugned seniority list was not circulated among the incumbents.
8. That the impugned seniority list is neither complete in all respect nor it has been issued by the competent authority i.e. Director Elementary & Secondary Education

ATTESTED

who is authorized to issue the final seniority list of the SETs (BPS-16). The Deputy Directress is not competent to issue final seniority list.

9. That the Tribunal while hearing the case of the appellant had ordered the Respondents to produce the record of appellant's appeal alongwith seniority list about more than one year ago but the Respondents badly failed to produce the required documents and the seniority list well in time. Now they have produced the impugned seniority list consisting of three pages after a long delay. It means that actually there existed no legal and valid seniority list with the Department but in order to deceive the Tribunal the Respondents have played a clever trick by producing the impugned seniority list.
10. If the seniority list had been genuine and logical, the name of the appellant would have appeared before Naz Parveen who is much more junior to the appellant in service.
11. That the appellant is better qualified than Naz Parveen. The former is MA, M.Ed while the latter is only BA B.Ed. But the Department on the basis of the unlawful seniority list has promoted Naz Parveen on regular basis in BPS-17 vide order dated 26-2-2013. The appellant has already challenged the said order of promotion dated 26-2-2013 before the Service Tribunal.
12. That under the circumstances as mentioned above, the impugned seniority list is liable to be cancelled and a legal valid seniority list be prepared and notified according to law wherein the applicant be placed senior to Mst. Naz Parveen.

It is humbly prayed that accepting this Departmental Appeal the impugned seniority list of SETs, as mentioned above, may kindly be repealed and a legal valid seniority list be issued wherein the appellant be given her due place prior to Naz Parveen.

Dated 11-2-2015

Yours obediently

M/C

Mst. Farzana Bano (SET)
Headmistress

GGMS New Jehangir Pura Peshawar

Copy of the above for information and necessary action to:

1. Secretary to the Govt. of KPK, Elementary & Secondary Education, Peshawar.
2. Registrar, KPK Service Tribunal Peshawar with humble submission that this Departmental Appeal may kindly be placed at the court file of the appellant's appeal No. 861/2013.
3. The Deputy Directress (Establishment) Directorate of Elementary & Secondary Education KPK Peshawar.
4. D.E.O (Female) Peshawar.

ATTESTED

Mst. Farzana Bano SET

OFFICE OF THE DIRECTOR ELEMENTARY
AND SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR

No: _____ //A-88/Seniority list(M/F)

Dated Peshawar the 25/2 /2015

G
24

To

The District Education Officer
(Female) Peshawar

SUBJECT:- DEPARMENTAL APPEAL AGAINST THE IMPUGNED FINAL SENIORITY LIST OF SETS (BPS-16) AS IT STOOD ON 22-11-11 ISSUED BY THE DEPUTY DIRECTRESS(ESTABLISHMENT) RECEIVED BY THE APPELLANT THROUGH COURT PROCEEDINGS OF THE TRIBUNAL ON 02-02-2015 WHEREBY THE APPELLANT HAS BEEN DEPRIVED OF HER DUE SENIORITY.

Memo:-

I am directed to enclose herewith a copy of appeal in respect of Farzana Bano Headmistress (SST) Govt. Girls Middle School Jehangir Pura Peshawar, on the above noted subject and to state that her appeal was examined and concluded that it is time barred/baseless as well as received without relevant documents, hence it can not be entertained, also not coverable under the rules. Further more the seniority list as indicated, by the SST(F) concerned has accordingly been endorsed to all the then Executive District Officers through out in the province vide Endst: No:2279-82 dated 23-11-2011 with the clarification that the said seniority list is quite accurate and prepared in the light of rules/policy.

The SST concerned may be informed accordingly.

Encls: As Above.

Self
Deputy Director Establishment(F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No: 4/21

Copy forwarded to the:-

- 1- Mst: Farzana Bano SST GGMS Jehangir Pura Peshawar w.r to her appeal referred to the above.
- 2- PA to Director (E&SE) Local Office.

[Signature]
Deputy Director Establishment(F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

ATTESTED *[Signature]*

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University of Peshawar

(Peshawar)

Session: ANNUAL 1991

DAUGHTER OF _____

D.A. 1992, is this day admitted by the University of Peshawar,
to the Degree of _____
and a Student

Master of Arts

in the _____
Division

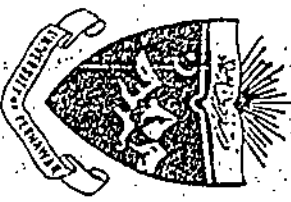
The Subject of Examination being _____
The Examination was taken as a whole / in parts

Serial No. 011765

Register No. SS-F/A-17394

Roll No. 6532

Result Declared on NOVEMBER 22, 1992



Arif Ahmad
Registrar

Counter-Sign

Muhammad
Vice-Chancellor

ATTESTED

(Peshawar)

Session ANNUAL 1991

of GHULAM MOUSAHI

and a student

FARZANA BANO DAUGHTER of GHULAM MOUSAHI having passed the prescribed examination

District Peshawar of DECEMBER 1991, is this day admitted by the University of Peshawar to the Degree of

Bachelor of Education

In the SECOND Division in Theory

In the FIRST Division in Teaching Practice

In the SECOND Division in Aggregate

as ADDITIONAL optional subject.

The /She also passed GUIDANCE as ADDITIONAL optional subject.

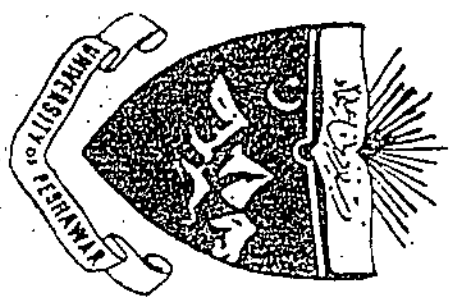
The Examination was taken AGGREGATE in parts.

Fazli Hamid
Registrar

Commissaire

ATTESTED

Muzee 2/1/54
Vice-Chancellor



Serial No. 007578

Registered No. 85-P-17394

Enrollment No. 205

Result declared on APRIL 27, 1992

UNIVERSITY OF PESHAWAR
(Pakistan)

Session ANNUAL 1986

FARZIA BANO DAUGHTER OF GHULAM HUSSAIN and a student

of PESHAWAR DISTRICT having passed the prescribed Examination held in OCTOBER 1985 is this day admitted by the University of Peshawar to the Degree of

Bachelor of Arts

in the SECOND Division

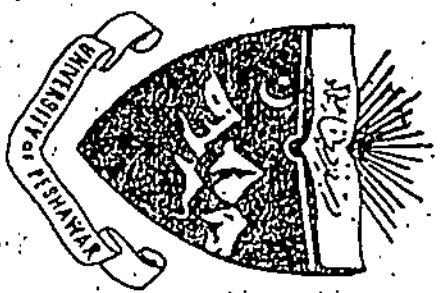
The examination was taken as a whole in parts

Serial No 006375

Registered No. 86-PA-17324

Roll No. 4514

Result declared on 6TH APRIL 1987



ATTESTED

Registrar

Countersigned

Vice-Chancellor

EDUCATION DEPARTMENT
N.W.F. PROVINCE, PESHAWAR



PRIMARY TEACHERS CERTIFICATE
(SEMESTER SYSTEM)

Roll No. 23

Consulative Letter Grade 2
Cumulative S. P. A. 7.7

Certified that _____, son/daughter of _____
resident of _____, District _____
born on _____ (Nineteen hundred & _____)
having passed the Primary Teacher Certificate Semester System is qualified to teach in the Primary Classes of a
School. _____
Trained at the Government Training School _____
Session 1976-1977

For use as a Teacher

Marks obtained.

I. Theory	574
2. Teaching Practice	152
Total	726
Percentage score	61.5

Note:—This Certificate may be made permanent after three years approved service.

Dated Peshawar,
31st October 77
the 19

W. Hussain
Registrar,
Departmental Examinations,
Education Department, Peshawar.

(P. T. O.)

ATTESTED

S. No 153147

Roll No. 17232



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan
INTERMEDIATE EXAMINATION

Humanities Group
SESSION 1985 (ANNUAL)


THIS IS TO CERTIFY THAT Farzana Bano

Son/Daughter of Ghulam Hussain

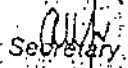
and a resident of Peshawar District

Registered No. 26-B/P-83 has passed the *Intermediate Examination* of
the Board of Intermediate & Secondary Education, Peshawar held in April/May, 1985
as a *Private candidate*. He/She obtained 49.4 Marks out of 1000 x 100
and has been placed in Grade Representing Fair

The Examination was taken as a whole/in parts.


Asstt. Secretary
31-August, 1985

This certificate is issued without alteration or erasure


Secretary

ATTESTED



No 013480

Registration No AUP (E) 1665 - 2003

Al-Khair University



Session 2003

This is to certify that

Farzana Bano D/O Ghulam Hussain

has obtained the degree of

Master of Education

in this University at the Examination held in September, 2003

Controller of Examinations

Chancellor

Muzaffarabad March 2, 2005

ATTESTED

VAKALAT NAMA

NO. 253 /2015

IN THE COURT OF Service Tribunal Peshawar.

Farzana Bano

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Dept.

(Respondent)
(Defendant)

I/We, Mst. Naz Perveen (Respondent No.5).

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

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

Dated 22-9 /2015.

Naz Perveen

(CLIENT)

ACCEPTED

M. Asif Yousafzai

M. ASIF YOUSAFZAI
Advocate.

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

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

Service Appeal No.253 /2015

Mst. Farzana Bano (S.E.T) D/O Ghulam Hussain.

VERSUS

Deputy Directress (Establishment) (F) Peshawar and Four
others.

REPLY ON BEHALF OF RESPONDENTS NO.5

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTION:

1. The appeal is bad for non-joinder of necessary party.
2. The appeal is not maintainable in its present form.
3. The appeal of the appellant is not competent.
4. The appellant has no cause of action, so appeal is not maintainable.
5. The appellant has no locus standi.
6. The appellant concealed the material facts from this Honorable Tribunal.
7. That the appeal is time barred.
8. That even the order dated 25.3.1996 has not been impugned in the appeal nor mentioned in the prayer of appeal and never antedated that order by appellant.
9. That the appellant has not come with clean hands.
10. The appellant has not challenged previous seniority lists.
11. The Appellant is junior most to the Replying Respondent and has no cause of action.
12. That if the appellant wants to challenge seniority list she also make party from SNo. 14 to 608 in the appeal.
13. That the appellant has not filed any departmental appeal and service appeal without departmental remedy is not entertainable.

FACTS:

1. Denied for want of knowledge. However, it is added that the respondent No.5 is senior to the appellant, having her S.No.13 where as the appellant is at Serial No.609. Moreover, seniority list is made on the basis of a cadre of SET post according to the date of regular appointment.
2. Correct. However a seniority list which is mentioned by appellant is prepared on the basis of regular appointment to SET Cadre.
3. That the Para-3 is correct to the extent of the appointment. Moreover, the replying respondent is regular appointed against the post of SET on 2.4.1990 and appellant is appointed as a regular employee against the said post on 25.3.1996.
4. Correct.
5. Incorrect hence denied. The appellant is most junior to the replying respondent, which is clearly shown in the seniority list. Moreover, the seniority list is made on the basis of regularization in SET cadre while the Tribunal granted only graded pay to the appellant and not antedated regularization. (Copy of judgment is attached).
6. Denied for want of knowledge.
7. Not related to replying respondent. And denied for want of knowledge.
8. Correct.
9. Not related to the replying respondents.
10. Not related to the replying respondents. However, the appellant has not submitted any departmental appeal.
11. Incorrect, hence denied. The appellant, as well as the respondent No.5 has been given their due seniority position in the seniority list according to law and the rules and kindly appeal of the appellant may be dismissed on the following grounds amongst others.

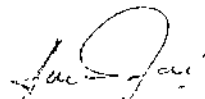
GROUNDS:

- A) Incorrect, hence denied. The order and seniority list are legal and according to law and rules.
- B) Incorrect and misconceived. Moreover, the seniority list is prepared and properly circulated.
- C) Incorrect. Not related to the replying respondents.
- D) Incorrect, hence denied. The seniority has rightly been fixed in the seniority list. Moreover, the said seniority list was prepared on the basis of regular appointment in SET cadre and in SET Cadre the replying respondent is most senior to the appellant.
- E) Incorrect, hence denied. Moreover, as explained in above paras of reply.
- F) Incorrect, hence denied. Moreover, there is no issue of higher qualification because the appellant is appointed as SET on 25.3.1996 and replying respondent as regular SET from the Date 2.04.1990 on the basis of tribunal judgment.
- G) Incorrect, hence denied. Moreover, Not related to the replying respondents.
- H) Incorrect, hence denied. Moreover, seniority list is complete, valid and legal seniority list.
- I) Correct to the extent that the promotion was made on the basis of the seniority list and remaining para is incorrect, hence denied.
- J) Not related to the replying respondents.
- K) Not related to the replying respondents.
- L) Legal
- M) Incorrect, hence denied.
- N) Incorrect, hence denied. Moreover, under circumstances as mention above the appeal of the appellant may be dismissed with cost.

It is, therefore, most humbly prayed that the appeal of the appellant may kindly be dismissed with costs throughout.

Respondent No.5

Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT:

It is affirmed and declared that the contents of reply on behalf of respondent NO.5 are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able Tribunal.


DEPONENT

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 253/ 2015

Mst: Farzana Bano SET GGMS New Jehangir Pura, Peshawar.Appellant.

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa and others.Respondents

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-4.

Respectfully Sheweth :-

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action / locus standi.
- 2 That the instant Service Appeal is badly time barred. Hence is liable to be dismissed.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal in the instant service appeal. Hence liable to be dismissed.
- 4 That the instant service appeal is against the relevant provisions of law.
- 5 That the appellant is not an aggrieved person under article 212 of the constitution of the Islamic Republic of Law of Pakistan 1973.
- 6 That the appellant has not come to this Honorable Tribunal with clean hands.
- 7 That the instant appeal is liable to be dismissed for mis-joinder & non-joinder of the necessary parties to the present appeal.
- 8 That the appellant is estopped by her own conduct to file the instant appeal.
- 9 That the instant Service Appeal is not maintainable in the present circumstances of the case.
- 10 That the impugned Notifications are legally competent & liable to be maintained in favour of the Respondents in the interest of justice.
- 11 That this Honorable Tribunal has got no jurisdiction to entertain the instant Service Appeal.
- 12 That the appellant has been treated as per laws, rules & relevant policy in the instant case.
- 13 That the appellant is not entitled for the grant of relief she has sought from this Honorable Tribunal.
- 14 That the instant Appeal is barred by law.

ON FACTS.

- 1 That Para-I needs no comments being pertains to the service record of the appellant.

- 2 That Para-2 is also relates to the service record of the appellant, needs no further comments.
- 3 That Para-3 is correct to the extent that both the Appellant & Respondent No: 5 were appointed against SET now SST (F) Posts vide appointment order dated 25-3-1996 issued by the Respondent No: 2. However it is further submitted that the Respondent No-5 namely Mst: Naz Parveen was appointed against the SET(F) post on 02-4-1990. The Respondent No: 5, then filed a Service Appeal No: 316 / 1999 under titled Mst: Naz Parveen Versus Govt: of KPK & others on 22-2-1999 before this Honorable Tribunal which was decided on 14-5-2004 in favour of the appellant with the directions to the Respondent Department for the grant of graded pay against the SET(F) post wef 02-4-1990 by this Honorable Tribunal.

Therefore, in compliance of the judgment dated 14-5-2004, the Respondent Department has been pleased to allow graded pay wef 02-4-1990 vide Notification dated 04-2-2007, hence the Respondent No: 5 stood senior from the appellant and has thus allowed promotion against the Headmistress post by the Respondent Department on the basis of her seniority cum fitness. (copy of the said Notification is Annexure-A).


- 4 That Para-4 is correct. Hence needs no further comments.
- 5 That Para-5 is incorrect & denied as against the factual position that as per final seniority list the date of passing of B. Ed examination of the appellant has been shown vide S/No: 609 as 1992, whereas the date of passing of B. Ed examination of the Respondent No: 5 has been shown vide S/No: 13 of the said seniority list as 1989, hence the Respondent No: 5 stood senior to the appellant against the SET(F) post & on the basis of the said seniority list the appellant has been promoted to the post of Headmistress in BPS-17 (Regular) by the Respondent Department vide Notification dated 26-2-2013. in the interest of public service & with immediate effect. (Copy of the S/List as Annexure-B).
- 6 That Para-6 needs no comments, being pertains to record of this Honorable Tribunal.
- 7 That Para-7 is also correct to the extent of the impugned seniority list received by the appellant, hence needs no comments.
- 8 That Para-8 is correct. That the date of passing of B. Ed examination of the appellant is 1992 whereas the date of passing of B. Ed examination of the Respondent No: 5 is, 1989, hence service regularization & grant of seniority against the SET post of both the appellant & Respondent No: 5 have been counted from the said dates as shown in the impugned seniority list by the Respondent Department.
- 9 That Para-9 is correct to the extent that the appellant has filed a departmental appeal against the impugned seniority list which was rejected on the grounds as mentioned in para-3 in the instant reply by the Respondent No: 1 in the interest of justice.
- 10 That Para-10 is correct. Hence needs no further comments.
- 11 That Para-11 is legal, however the Respondents further submit in the following grounds inter alia :-


ON GROUNDS .

- A That ground-A is incorrect & denied. The impugned appellate order dated 25-2-2015 & 22-11-2011 are legal & liable to be maintained in favour of the Respondents.
- B Incorrect & denied. The impugned order dated 22-11-2011 is based on law, rules & policy, hence is liable to be maintained.

- C Incorrect & denied. Detailed reply has been given in Para-3 of the instant reply, Hence needs no further comments.
- D Incorrect & denied. The Respondent No: 5 is senior to the appellant in the light of the judgment dated 14-5-2004 passed by this Honorable Tribunal vide which the Respondent has been granted graded pay wef 02-4-1990 against the SET(F) post vide the above mentioned Notification.
- E Incorrect & denied. Detailed reply of this ground has already been given in para-3. Hence no further comments.
- F Incorrect & denied. Hence needs no comments of being pertains to the academic record of the appellant.
- G Incorrect & denied. Detailed reply has been given above.
- H Incorrect & denied. As replied in Para-3. Hence needs no comments.
- I Needs no comments. As replied in para-3 of the instant reply.
- J Incorrect & denied. The impugned appellate order dated 25-2-2015 is in accordance within law, rules & Policy.
- K Incorrect & denied. Hence needs no further comments.
- L Needs no comments.
- M Incorrect & denied. The appellant is not entitled for the grant of seniority above the Respondent No: 5 on the grounds as submitted in the foregoing paras.
- N Incorrect & denied. The impugned seniority list issued vide Notification dated 22-11-2011 & appellate order dated 25-2-2015 are legal & liable to be maintained in favour of the Respondents with the submission that the Respondents are seek leave of this Honorable Tribunal to submit additional grounds & case law at the time of arguments on main appeal.

In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department.


Secretary
E&SE Department Khyber
Pakhtunkhwa, Peshawar
(Respondents No: 3)


Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1, 2&4)

12

Annex A

OFFICE OF THE DIRECTOR SCHOOLS & LITERACY N.W.F.P. PESHAWAR

(5)

NOTIFICATION

32

In supersession of Notification issued under Ends: No.1962-64/A-4 / SET(Female)/G.Casses/05, dated 19/5/2006 and in pursuance of the Judgment of Service Tribunal, NWFP, Peshawar dated 14/5/2004 in appeal No.316/1999, Mrs. Naz Parveen, SET Govt. Girls Middle School New Jehangir Peshawar, is hereby allowed graded pay of SET as under:

<u>With Effect From</u>	<u>B.P.S</u>
2/4/1990 to 31/5/1991	BPS-15
01/6/1991	BPS-16

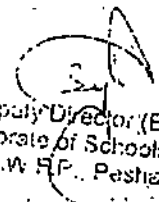
Necessary entry to this effect should be made in her relevant record.

Director Schools & Literacy
NWFP, Peshawar

Endst No. 257-54 /F.No.5/A-17/SET(FY.G.Casses/2005)
Dated 4/7 /2007

Copy forwarded for information & necessary action to the:-

1. Executive District Officer (S&L) Peshawar.
2. District Account Officer, Peshawar.
3. Mrs. Naz Parveen, SET, GGMS Jehangir Pura Peshawar.
4. PA to Director S&L, NWFP.


Deputy Director (Esitb)
Directorate of Schools & Literacy
N.W.F.P., Peshawar

Annex "B"

92/21



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the 26-02-2013

NOTIFICATION

No. SO(PE)/2-6/DPC Meeting (26-12-2012). On the recommendations of the Departmental Promotion Committee, the Competent Authority is pleased to promote the following female SETs (BS-16) to the post of Head Mistresses (BS-17) on regular basis with immediate effect :-

S#	Name	Present Addressess	Proposed place of Posting	Remarks
1	Naz Perveen	SET GGMS Qaid Abad Peshawar	H/M B-17 GGHS Nahaqi Gul Abad Charsadda	A.V.P
2	Mehmooda Yasmeen D/O Haji Ihsanullah	SET GGHS No.1 Kohat City Now HM GGHS Kachai Hassan Khel Kohat	H/M B-17 GGHS Dhand Bakhtawara Kohat	A.V.P
3	Hussan Afroz D/O Akhtar Ali	SET GGMS Kala Khel Masti Khan Bannu	HM B-17 GGHS No.2 Bannu	A.V.P
4	Kamiz Fatima D/O Syed Matin Shah	SET GGMS Chashma Mita Khel Kohat	H/M B-17 GGHS Ustarzai Payan Kohat	Vico S.No.100
5	Imtiaz Bibi D/O Muhammad Sadia	SET GGHS Baghra Haripur	H/M B-17 GGHS Kohata Gola Haripur	A.V.P
6	Nasim Jan Abbasi D/O Muhammad Amir Khan	SET GGCHSS Abbottabad	H/M B-17 GGHS Sakot A/Abad	A.V.P
7	Tehiza Begum D/O Saeed Rehman	SET GGHS Ziarat Talash Dir (L)	H/M B-17 GGHS Safo Dir Lower	A.V.P
8	Imtiaz Parveen D/O Neer-ut Basar	SET GGHS Nowshera Canal	H/M B-17 Khweshgi Payan Nowshera	A.V.P
9	Sul Naz Bibi D/O Muhammad Sadiq	SET GGHS Bondi Muneem Haripur	H/M B-17 GGHS Tolkan Haripur	A.V.P
10	Rashida Habib D/O Habib-ur-Rehman	SET GGHS Chamba Pains Haripur	H/M B-17 GGHS Jabbari Manshra	A.V.P
11	Mehnaz Bibi D/O Wali Ahmad	ADO(Insp)Malakand at Balthala	H/M B-17 GGHS Tolakan Malakand	A.V.P
12	Mst.Inayat Begum D/O Sner Afzal	SET GGMS, Jalala Malakand	H/M B-17 GGHS Garhi Usmani Khel Malakand	A.V.P
13	Tanira Bibi D/O Zigarwar Saic	SET GGMS Kaper Malakand	HM B-17 GGHS Qadar Kali Malakand	A.V.P
14	Mrs. Bibi D/O Fazali Mahboob	SET GGHS Kabal Swat	H/M B-17 GGHS Sarsinal Swat	A.V.P
15	Taj Mahal D/O Fazeel Ghani	ADO(P)Primary Balthala	H/M B-17 GGHS Palonow Malakand	A.V.P
16	Samina Dilawar D/O Dilawar Khan	SET GGHS Sarai Saleh Haripur	H/M B-17 GGHS Kalenjar Haripur	A.V.P
17	Bibi Kibriya D/O Ghulam Nabi	SET GGMS Kuju Chitral	H/M B-17 GGHS Mastuj Chitral	A.V.P
18	Syeda Farrah Bokhari	SET GGMS Halim Sher Killy Mahmand Agency	Services placed at the disposal of Director Education FATA.	As substitute of Mst. Rashida Begum SS(Chem) posted as headmistress GGHS Malakana Nawagai Bajawar Agency for whom FATA Sectt has issued NOC vide No.FS/SSD/SO(E)6884 Dated 9-10-2012 Vice S.NO.102
19	Sarkar Gul	SET GGMS Malak pura Abbottabad	H/M B-17 GGHS Salhad A/Abad	
20	Sadaqat Begum D/O Abdus Salam	SET GGHS Hayatabad Peshawar	H/M B-17 GGHS Malik Sher Badaber Peshawar	A.V.P
21	Saira Parveen D/O Malicob Khan	SET GGMS Sajkot A,Abad	H/M B-17 GGHS Sawan mera Manshra	A.V.P
22	Ifat Batool D/O Muhammad Nazir	SET GGMS No.1 D.I.Khan.	H/M B-17 GGHS Alog Di.Khan.	A.V.P

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23	Sanjeeda Ruby D/O Farooq Shah	SET GGCMHS Kohat.	H/M B-17 GGHS Keri Sheikhan Kohat	A.V.P
24	Adzeba Razzaq D/O Abdur Razaq	SET GGHS Sainad A.Abad.	H/M B-17 GGHS Danda Khelian Mansehra	A.V.P
25	Saeeda Khanum D/O Sh.Khalid Salim	SET GGMS Haidi Mandi Bannu.	H/M B-17 GGHS Akhundani Mama Khel Bannu	A.V.P
26	Sabira Hussain D/O Amir Hussain Khan	SET GGCMHSS Saidu Sharif Swat	H/M B-17 GGHS Gagdarah Swat	A.V.P
27	Aifa Sullana D/O Khuda Bakhsh Baloch	SET GGHS No.4 D.I Khan	I/C Vice Principal B-18 GGHS NO..2 D I Khan (in her own pay and BPS.	A.V.P
28	Rubina Shaheen D/O Karam Ali	SET GGMS Central Jail D.I.Khan.	H/M B-17 GGHS Ama Khel Tank	A.V.P
29	Hamida Begum D/O Tajul Malook	SET GGHS Civil Quarter Peshawar	Instructor B-17 PITE Peshawar	A.V.P
30	Shamim Akhtar D/O Sher Hassan	SET GGHS Kukar Peshawar	H/M B-17 GGHS Ambadher Charsadda.	A.V.P
31	Kalsoom Bano Akhtar D/O S.A.Muhammad	SET GGMS Hissam D.I.Khan	H/M B-17 GGHS Bachken Akhounzai Lakki Marwat	A.V.P
32	Zakia Sultana D/O Muhammad Akram	SET GGMS Dhodial Nawansher A.Abad.	H/M B-17 GGHS Bai Bohed Mansehra	A.V.P
33	Tohida Bano D/O Rafiq Ullah	SET GGHS Dobandi Malakand	H/M B-17 GGHS Maina Malakand	A.V.P
34	Mehwish Naureen D/O M.Ayub Farooqi	SET GGHS Kachi Pand Khan D.I.Khan	H/M B-17 GGHS Nar Azad Chandu Khel Lakki Marwat	A.V.P
35	Fouzia D/O Kifayatullah	SET GGHS Umanzai Charsadda.	H/M B-17 GGHS Zyam Charsadda	A.V.P
36	Humaira Jabeen D/O Khurshid Alam	SET GGHS Akora Khattak NSR.	H/M B-17 GGHS Inzari Nowshera	A.V.P
37	Naheed Begum D/O Rahmat Din	SET GGHS No.1 A.Abad	H/M B-17 GGHS Bhallo Bandi Mansehra	A.V.P
38	Sadia Naz D/O Muhammad Ismail	SET GGHS No.7 D.I Khan	H/M B-17 GGHS Abakhel Lakki Marwat	A.V.P
39	Shabana Asia D/O Qamer Din	SET GGHS Chah Mughal Wala D.I.Khan.	H/M B-17 GGHS Lakki Marwat	A.V.P
40	Mansooria Norin D/O Fazal Din	SET GGHS Jogi wara Peshawar	H/M B-17 GGHS Yaqobi Swabi	A.V.P
41	Noor Jehan Begum D/O S.A.Rashid	SET GGHS Lady Griffith Peshawar.	H/M B-17 GGHS Kopar Mardan	A.V.P
42	Kanwal Chahar D/O Altaah Nawaz	SET GGMS Jatta D.I.Khan	H/M B-17 GGHS Fazil Sadiq Mandew Dikhan	A.V.P
43	Fozia Iqbal D/O Malik Muhammad Iqbal	SET GGMS Kulachi Wala D.I.Khan.	H/M B-17 GGHS GGHS Mandew Khas Bannu	A.V.P
44	Robina Shaheen D/O Muhammad Bakhsh	SET GGMS Baidheri Mangal A.Abad	Instructor RITE (F) A/Abad	Vice Mst. Tassadiq Ara who is going to be retired on 14/03/2013
45	Zahira Rauf D/O Abdul Rauf	SET GGHS Chitta Bhalta Mansehra	H/M B-17 GGHS Baidara Mansehra	A.V.P
46	Shagufta Naz D/O Mian Sher Akbar Khan	SET GGHS Akbar Pura Nowshera	H/M B-17 GGHS Chowki Mamraiz Nowshera	A.V.P
47	Nusrat Begum D/O Bismillah Jan	SET GGHS Dabgari Gate Peshawar	H/M B-17 GGHS Taru Jabba Nowshera	A.V.P. She will be transferred to CGIS Muhammad Zai Peshawar w.e.f 1-4-2013 newly created post.
48	Anwar Jabeen D/O Mushtaq Ahmad	SET GGMS Chapra Haripur.	H/M B-17 GGHS Pairoon Mansehra	A.V.P
49	Santina Qureshi D/O Ghulam Nabi Qureshi	SET GGMS Togh Payan Kohat.	H/M B-17 GGHS Rahmat Abad Karak	A.V.P
50	Shamim Begum D/O Fazale Mulla	H/M GGMS Qilla Sherdil Peshawar	H/M B-17 GGHS Jogunai Peshawar	A.V.P
51	Husina Firdos D/O Mustajab Gul	SET GGHS Kagawala Peshawar	H/M B-17 GGHS Khapa Peshawar	A.V.P
52	Shakila Reeni D/O Abdur Rauf	SET GGHS BSD Peshawar	I/C Instructor B-17 RITE (F) Rajjar Charsadda	A.V.P
53	Shakoula Dano D/O Said Rahim	SET GGHS Malakand	H/M B-17 GGHS Prungy Malakand	A.V.P
54	Syeda Iram Zia D/O Fida Hussain Shah	SET GGMS Lakhra D.I.Khan.	I/C Pripl; B-18 GGHS Beloi Sharif Dikha in her own pay and BPS.	A.V.P
55	Shaheen Akhter D/O Muhammad Ayub	SET GGHS Kag Haripur	H/M B-17 GGHS Trappi Mansehra.	A.V.P

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56	Naseeb Ranara D/O Milan Qasim Jan	SET GGMS Pati Kala Marcan	H/M B-17 GGHS Ato Mardan	A.V.P
57	Tahira Shaheen D/O Gul Zaman Qureshi	SET GGMS Mohri Mofia Haripur	H/M B-17 GGHS Sangow Mansehra	A.V.P
58	Taliat Farhana Jadoon D/O Muzaffar Khan Jadoon	SET GGHS Bagnotar A.Abad	H/M B-17 GGHS Kairi Raki A/Abad	A.V.P
59	Zeenat Bibi D/O Dost Muhammad	SET GGHS No.6 D.I.Khan	H/M B-17 GGHS Aslam Khan Korrena Tank	A.V.P
60	Shoneena Nasreen D/O H.Mushtaq Ahmad	SET GGHS Daraban Khurd D.I.Khan	H/M B-17 GGHS Dabbara Tunk	A.V.P
61	Zahida Siddiqua D/O Haji Abdul Qadus	SET GGHS No.2 Haripur	H/M B-17 GGHS Kharia Haripur	A.V.P
62	Zeenat Ara D/O Sher Munammad Marwat	SET GGHS No.1 Lakki	H/M B-17 GGHS Marmandi Azim Lakki Marwat	A.V.P
63	Razna Jalil D/O Abdul Jalil	SET GGHS Havelian A.Abad.	H/M B-17 GGHS Bandi Matraj Abbottabad	A.V.P
64	Samreen Saad D/O Shah-ur-Din	SET GGMS Khru Wyal D.I.Khan	H/M B-17 GGHS Tajazai Lakki Marwat	A.V.P
65	Mohsina Begum D/O S.Muhammad Sharif	SET GGHS No.2 Peshawar Cantt.	H/M B-17 GGHS Machai Mardan	A.V.P
66	Gul Bahar D/O Abdul Rasheed	SET GGHCMS Mansehra	H/M B-17 GGHS Reerh Mansehra	A.V.P
67	Zahida Ayaz D/O Muhammad Ayaz	SET GGHS Ziarat Tafash Dir(L)	H/M B-17 GGHS Khezana Dir Lower	A.V.P
68	Nayyar Sultana D/O M. Bakhs	SET GGHS No.9 Dinpur D.I.Khan.	H/M B-17 GGHS Pai Tank	A.V.P
69	Sherin D/O Muhammad Jalal	SET GGHS Rajjar Charsadda	H/M B-17 GGHS Bobak Charsadda	A.V.P
70	Naeem Falima D/O Ghulam Sadiq	SET GGCMHS No.1 D.I.Khan.	H/M B-17 GGHS Adhami Sultan Ali Bannu	A.V.P
71	Ulfat Begum D/O Rahat Ullah Khan	SET GGHS No.2 Kohat.	H/M B-17 GGHS Mota Khel Karak	A.V.P
72	Sajida Parveen D/O Fazalur Rehman	GGCMS No.1 Haripur.	H/M B-17 GGHS Beer Haripur.	A.V.P
73	Yasmeen Begum D/O Shamsul Qamar	SET GGHS Mayar Marcan	H/M B-17 GGHS Chargulai Mardan	A.V.P
74	Huma Ka soom D/O Abdulhish Khan	SET GGHS Ghazni Khel Lakki	H/M B-17 GGHS Ghazni Khel Lakki Marwat	vice S.No.101
75	Zuhra Bano D/O Abu Saad Farooqi	SET GGHS Matta Swat	I/C Pipli; B-18 GGHS Matta Swat	A.V.P
76	Bibi Nagina D/O Abdur Rauf	SET GGHS Ghari Habibullah Mansehra	H/M B-17 GGHS Kawai Mansehra	A.V.P
77	Farzana Nawaz SET D/O Muhammad Nawaz	SET GGHS Bandi Maira Abbottabad	H/M B-17 GGHS Kaghan Mansehra	A.V.P
78	Farzana Shaheen D/O Fida Hussain	SET GGHS Gulshan Rehman Colony Peshawar.	H/M B-17 GGHS Kohi Barmol Mardan	A.V.P. She will be transferred to GGHS Warsak Colony Peshawar on 11-4- 2013 on retirement of Ms. Nasira Parveen
79	Sajida Nasreen D/O Muhammad Rashid	SET GGHS No.1 Mansehra.	H/M B-17 GGHS Berkund Mansehra	A.V.P
80	Bibi Safia D/O Hamayun Khan	SET GGHS Batta Mansehra	I/C Vice-Principal B-18 GGHS Abbottabad	A.V.P
81	Samia Jabeen D/O Ashiq Muhammad	SET GGHS Hassa Shumali D.I.Khan	H/M B-17 GGHS Muhammad Ali Madi Khel Bannu	A.V.P
82	Samia Bano D/O Habib-ur-Rehman	SET GGMS Kotty Pain Mansehra.	H/M B-17 GGHS Daryal Mansehra	A.V.P
83	Rahat Begum D/O Syed Badshah	SET GGHS BSD Peshawar	Instructor RITE Female Rajjar Charsadda	A.V.P.
84	Zohra Khatoon D/O Ali Hussain	SET GGCHSS A.Abad	H/M B-17 GGHS Bandi Pullan A/Abad	A.V.P.
85	Zahida Parveen D/O Rehim Bakhs	SET Govt. Girls Comp: Higher Secondary School Peshawar	H/M B-17 GGHS Mandori Nowshera	A.V.P
86	Sabiha Yasmin D/O Karim Bakhs.	SET GGHS Gulbahar Peshawar	H/M B-17 GGHS Palo Dheri Mardan	A.V.P
87	Shabana Tabassum D/O Abdul Rashid	SET GGHS Jogiwara Peshawar	H/M B-17 GGHS Mian Khan Mardan	A.V.P
88	Israr Begum D/O Tajamul Hussain	SET GGHS Irrigation Colony Peshawar	H/M B-17 GGHS Shekho Sardheri Charsadda	A.V.P

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A.V.P

99	Gul Fareen D/O Khurshid Ali Khan	SET GGMS Wallar Nowshera	H/M B-17 GGHS Kolti Kallan Nowshera	A.V.P
90	Arjum Parveen D/O Zarindad Khattak	SET GGMS Achini Payan Peshawar	H/M B-17 GGHS Ikrampur Mardan	A.V.P
91	Samina Siddique D/O Muhammad Sadique	SET GGHS Arra D.I.Khan.	H/M B-17 GGHS Bangish Khel Bannu	A.V.P
92	Farhat Begum D/O Sharif Gul	SET GGHS Nowshera Kalan	H/M B-17 GGHS Spin Khak Nowshera	A.V.P
93	Humida Iqbal D/O Ali Gohar	SET GGHS Par Hafi Mardan	H/M B-17 GGHS Khazana Dheri Mardan	A.V.P
94	Musarat Nazir D/O M. Zahoor Khan	SET GGHS Safwan Khel Peshawar.	H/M B-17 GGHS Garhi Daulat Zai Mardan	A.V.P
95	Nazima Norin D/O Muhammad Yousof	SET GGMS Kekal Barseen A. Abad	H/M B-17 GGHS Battagram	A.V.P
96	Zubaida Roohi D/O Imdad Din	SET GGMS Sultan Pur A.Abad	H/M B-17 GGHS Darian Battagram	A.V.P
97	Khairun Nisa Hashmi D/O Raheem Shah Hashmi	SET GGHS No.4 Basti Ustarana North D.I.Khan	H/M B-17 GGHS Shamshi Khel Bannu	A.V.P
98	Noor-us-Sabah D/O Zaheer Ahmad	SET GGHS ASC Centre-NSR	H/M B-17 GGHS Pir Sabaq, Nowshera	A.V.P
99	Nasreen D/O Safdar Khan	SET GGHS Lund Khwar Mardan	H/M B-17 GGHS Sher Garh Mardan	A.V.P

CONSEQUENTIAL POSTING / TRANSFER

100	Farihat Jan	H/M B-17 GGHS Ustarzai Payan Kohat	H/M GGHS Alizai Kohat	A.V.P
101	Husna	SS (pak-study) working as H/M B- 17 GGHS Ghazni Khel	SS (Pak study) B-17 GGHS Koli Sadat Bannu	A.V.P
102	Hamica Bibi	H/M B-17 GGHS Sathad A/Abad.	H/M B-17 GGHS Berol A/Abad	A.V.P
103	Saida Begum	H/M B-17 GGHS Kandary Mardan.	H/M B-17 GGHS Haji Zafar Ali Koroona Qudrat Kally (Umar Abad) Mardan.	Against newly sanctioned post
104	Rashida Begum	H/M B-17 GGHS Malakana B.Agency	SS (Chemistry) GGHS Harichand (Charsadda)	Against her original post.

2. On their promotion, the Head Mistresses concerned will be on probation for a period of one year in terms of Section 6(2) of NWFP Civil Servant Act, 1973 read with Rule 15(1) of the NWFP Civil Servant (Appointment, Promotion & Transfer) Rules, 1989.

3. No TA / DA allowed.

SECRETARY

Encls. No. & date as above.

1. The Additional Chief Secretary (FATA), FATA Secretariat Warsak Road Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
4. The Accountant General Khyber Pakhtunkhwa, Peshawar.
5. PSO to Chief Secretary to Govt. of Khyber Pakhtunkhwa.
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
7. The Director Education FATA, Warsak Road, Peshawar.
8. The Director Curriculum & Teachers Education, Abbotabad.
9. The Director ESRU, Khyber Pakhtunkhwa.
10. The District Education Officers, Elementary & Secondary Education concerned.
11. The District Accounts Officers concerned.
12. PS to Secretary E&SE Department.
13. Headmistress/SS concerned.
14. Office File.


SECTION OFFICER PRIMARY

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No.253/2015

**Mst. Farzana Bano (S.E.T) D/o Ghulam Hussain,
Headmistress, Government Girls Middle School,
New Jehangir Pura, Wazir Bagh Road, PeshawarAppellant**

V/S

- 1. The Deputy Directress, Establishment (F)
Directorate of Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.**
- 2. The Director, Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.**
- 3. The Secretary to the Government of Khyber
Pakhtunkhwa, Elementary & Secondary Education,
Civil Secretariat, Peshawar.**
- 4. The District Education Officer (Female)
GT Road, Peshawar.**
- 5. Mst. Naz Parveen, (SET) now Headmistress,
Govt. Girls High School, Qauld Abad
Kakshal PeshawarRespondents**

Rejoinder on behalf of the Appellant to the reply of the Respondent No.5.

Sir,

**The Rejoinder on behalf of the Appellant to the reply of Respondent No.5 is as
under:**

Answers to the Preliminary Objections

- 1. Incorrect. All the necessary parties are included in the Appeal. The Respondent No.5
has not pointed out any non joinder.**
- 2. Incorrect. The Appeal is complete in all respect. It is based on facts and maintainable
in its present form.**

3. Incorrect. The Appeal is fully competent while the reply of the Respondent is not competent.
4. Incorrect. There is cause of action. The appellant is much more senior to the Respondent No.5, but the latter has been given undue and unlawful favour by the Respondent Department. The Appellant filed a Departmental Appeal before the Respondents against the Impugned Seniority List. Her Appeal was unlawfully rejected, therefore, the Appellant had to knock at the door of the Honourable Tribunal. Hence the Appeal is maintainable.
5. Incorrect. Appellant has locus standi. It is the Impugned Seniority List which has usurped the due Seniority of the Appellant. The Appellant filed a Departmental Appeal on 11.2.2015 against the Impugned Seniority List. The Appeal was rejected unlawfully by the Respondents. So the Appellant had to invoke the Jurisdiction of the Honourable Tribunal through the Instant Appeal. Therefore, the Appellant has locus standi.
6. Incorrect. The Appellant has not concealed any fact from the notice of the Honourable Tribunal while the Respondent No.5 and the Respondent Department have concealed the facts from the Tribunal.
7. Incorrect. The Appellant got the Impugned Seniority List through Court proceedings of the Tribunal on 02-02-2015 and filed a Departmental Appeal on 11-2-2015, before the Respondents but the same was rejected on 25-02-2015. Thereafter, the Appellant filed the Instant Appeal before the Honourable Tribunal. Hence the Appeal is not time barred.
8. The Respondent No.5 has been grouping in dark. The Order dated 25-03-1996 was an Appointment Order through which the Appellant and the Respondent No.5 alongwith some others in service teachers were appointed as S.E.Ts. So there is no

need to challenge this order. The Order dated 25-03-1996 was not an Impugned Order.

9. Incorrect. The Appellant has come to the Tribunal with clean hands while the Respondent No.5 has not come to the Tribunal with clean hands. The Respondent Department unlawfully extended favour to the Respondent No.5, as a result of which she had been placed Senior in the Impugned Seniority List while the Appellant being Senior had been placed Junior. Moreover, the Respondent Department again providing undue favour to the Respondent No.5, promoted her and ignored the Appellant. So the Respondent No.5 conspired with the Respondent Department to avail undue favour again and again. Therefore, the Respondent No.5 has not come to the Tribunal with clean hands.
10. The Appellant has challenged the Impugned Seniority List which has devoured the right of the Appellant.
11. Incorrect and false. The Appellant is much more senior to the Respondent No.5. The detail has been given in the Appeal of the Appellant. The Appellant has cause of action. The detail has been given in the above Paras.
12. The Appellant has rightly challenged the Impugned Seniority List. The detail has been given in the Appeal and in the above Paras.
13. Incorrect and totally false. The Appellant filed the Departmental Appeal against the Impugned Seniority List on 11-02-2015.

Reply to the Respondent's reply on facts.

1. Incorrect and false. It is on the record that the Appellant joined the Education Department on 11-03-1978 while the Respondent No.5, joined the service on 04.05.1985. Before their appointment as S.E.T., they had been working as teachers

on lower posts. Being in service teachers, they were selected and appointed as S.E.Ts. on the basis of their Seniority cum fitness and requisite qualification vide the order dated 25-03-1996. But the Respondent Department giving undue favour to the Respondent No.5 and placed her senior in the Impugned Seniority List. It is the worst example of discrimination, biased attitude and ill-disposition on the part of Respondent Department. The Respondent No.5, has conspired with the Respondent Department to avail benefits one after the other. Though the Respondent No.5 is much more junior to the Appellant but conspiring with the Respondent Department she got her self placed at Serial No.13 of the Impugned Seniority List while the Appellant being senior had been placed at Serial No.609. Thereafter, the Respondent Department promoted the Respondent No.5 in B.P.S-17 and ignored the Appellant. The Appellant has challenged the order of promotion before the Honourable Tribunal.

2. The Respondent No.5 has admitted Para-2 of the Appeal as correct. It is further submitted that Impugned Seniority List, as stood on 22-11-2011, itself reflects that the date of joining service of the Respondent No.5, is 04-05-1985, while the Appellant's entry in service has been given as 11-03-1978. So the Appellant is much more senior to Respondent No.5. It is the worst example of injustice that the senior has been placed junior and the junior has been placed senior.
3. Incorrect and false. It is submitted that Appellant and Respondent No.5, being in service teacher were selected and appointed as S.E.Ts on 25-03-1996 on regular basis. It is a reality which can only be negated by an insane person. The orders are on the record.
4. Para-4 of the Appeal is correct.
5. Incorrect and false. The Appellant is senior to Respondent No.5. The Seniority List is based on malafide intentions and collection of haphazard record. The Appellant and Respondent No.5 were regularly appointed as S.E.Ts on the basis of length of

service and requisite qualification vide order dated 25-03-1996. Before 25-03-1996, they were not S.E.Ts but lower grade teachers in the Education Department. Furthermore, the Tribunal allowed only graded pay to the Respondent No.5, and not the Seniority against other senior persons. It is further added that on account of appointment as S.E.Ts, the pay of all the appointees was fixed as if they had been promoted from the lower post to the higher post. They were also allowed premature increment. It establishes the fact that length of their service right from the date of joining the Education Department remained intact. So the Appellant is much more senior to the Respondent No.5, but the Seniority List has been framed against all those facts and figures to extend undue benefits to the Respondent No.5. The Impugned Seniority List has made the senior as junior and the junior as senior.

6. Incorrect. It is submitted when the Respondent No.5 is going to reply, every detail of the Appeal is in her knowledge. The Honourable Tribunal demanded the record from the Respondent department but the orders of the Tribunal were complied after twelve months and the Impugned Seniority List was provided to the Tribunal. The Appellant received the same through the court proceedings and submitted Departmental Appeal before the Competent Authority but the same had been rejected unlawfully. Hence the instant Appeal has been filed against the Impugned Seniority List and Impugned appellate order.
7. Incorrect. All the details are in the notice of the Respondent No.5. The detail has been given in Para-6 above.
8. Para-8 of the Appeal is correct.
9. Incorrect. The Respondent No.5 is a party in this case. She received the copy of the Appeal through the Tribunal and submitted her reply. Therefore, everything is in her knowledge.

10. Incorrect. The Departmental Appeal is on the record and also in the knowledge of the Respondent No.5. The Respondent No.5 has given a wrong statement.
11. Incorrect. It is submitted that Respondent No.5 has been given undue favour by the Respondent Department and the Impugned Seniority List is the result of this undue favour.

Reply to the Respondent No.5s reply on grounds.


- A) Incorrect and false. It is submitted that the Impugned Seniority List and the Impugned Appellate order dated 25-02-2015 are unlawful, void, arbitrary, illegal, malafide and as such without lawful authority.
- B) Incorrect. The Impugned Seniority List has neither been prepared and notified according to law nor it has been circulated among the Incumbents.
- C) Incorrect. All the details are in the knowledge of the Respondent No.5 but she intentionally denied the reality. Ground "C" of the appeal is correct.
- D) Incorrect and false. The Seniority List is not a legal and valid Seniority List. It has given undue favour to the Respondent No.5 and deprived the Appellant of her due seniority.
- E) Incorrect and false. Detail has been given in this rejoinder and ground "E" of the appeal.
- F) Incorrect. It is on the record that the Appellant and Respondent No.5 were appointed as SETs on regular basis on 25-3-1996 but the Respondent department has given undue favour to the Respondent No.5. The detail has been given in the Appeal and in this Rejoinder.
- G) Incorrect. Everything is in the knowledge of the Respondent No.5, who has been given undue seniority and promotion by the Respondent department. Moreover,

the Respondent No.1 was not competent to issue the seniority list as the power rests with the Respondent No.2.

- H) Totally incorrect. Ground "G" of the appeal is correct while the reply of the Respondent No.5 is false. The seniority list is invalid and unlawful.
- I) Incorrect. The Respondent No.5 has concealed the facts. The promotion order is based on the Impugned Seniority List so the promotion order is also unlawful and the said order has been challenged by the Appellant.
- J) Incorrect. The Respondent No.5 has tried to conceal the facts. Ground "J" of the appeal is correct.
- K) Incorrect. All the facts and figures are in the knowledge of the Respondent No.5. Ground "K" of the appeal is correct.
- L) Legal. The Appellant shall also rely on the additional grounds at time of arguments.
- M) Incorrect and false. The Appellant is entitled to avail her due seniority before Respondent No.5.
- N) Incorrect and baseless. The Impugned Seniority List and the Impugned Appellate Order are liable to be set aside.

It is humbly prayed that setting aside the defence of the Respondent No.5, the appeal may kindly be accepted as prayed for.

Dated ___/11/2016

Appellant
Through:

Noor Muhammad Khattak
Advocate, Peshawar

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No.253/2015

Mst. Farzana Bano, SET GGMS, New Jehangir Pura, PeshawarAppellant

VERSUS

1. The Deputy Directress, Establishment (F) Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary to the Government of Khyber Pakhtunkhwa, Elementary & Secondary Education, Civil Secretariat, Peshawar.
4. The District Education Officer (Female) GT Road, Peshawar.
5. Mst: Naz Parveen, Headmistress, Govt. Girls High School Quaid Abad, Kakshal, Peshawar.Respondents

Rejoinder on behalf of the Appellant to the comments of Respondent No.1 to 4

Sir,

The rejoinder of the Appellant is submitted as under:

Answers to the Preliminary objections

1. Incorrect. The Appellant has got a cause of action and locus standi. The Appellant filed a departmental appeal against the Impugned Seniority List issued by the Respondent No.1, before the Respondents but it was unlawfully rejected. Therefore, the Appellant had to knock at the door of the Honourable Tribunal in accordance with law. So the Appellant has cause of action and locus standi.
2. Incorrect. The appeal has been filed well in time according to the law and the Appellant is fully hopeful of her success on merit.
3. Incorrect. The Appellant has brought all the facts and figures before the Honourable Tribunal as crystal clear. The appeal has been filed as per law.
4. Incorrect. The appeal is fully covered by the relevant provisions of law.

5. Incorrect. The Appellant is really an aggrieved person. The Respondent Department unlawfully deprived her of her due seniority. Therefore, she had to knock at the door of Tribunal after rejection of her departmental appeal by the Respondent No.1.
6. Incorrect. The Appellant has come to the Tribunal with clean hands while the Respondents have not come to the Tribunal with clean hands.
7. Incorrect. The Respondents have not pointed out any misjoinder and non-joinder of the necessary parties.
8. Incorrect. The Appellant is not estopped by her conduct to bring the instant Appeal before the Tribunal. There is cause of action and the Appellant has locus standi.
9. Incorrect. The case of the Appellant is fully fit and based on facts. It is complete in all respect while the Tribunal has full jurisdiction to decide this case on merit. The Appellant got the seniority list through the proceedings of the Tribunal and filed a departmental appeal before the Respondents. When her appeal was rejected by the Respondents, she invoked the jurisdiction of the Tribunal as per law. So the appeal is maintainable in its present form and the Tribunal will decide the same as per law.
10. Incorrect. The Impugned Seniority List and Impugned appellate order are unlawful, void, illegal, malafide and as such without lawful authority. Therefore, the Appellant has challenged them before the Tribunal.
11. Incorrect. The Tribunal has got full jurisdiction to entertain and decide this case on merit.
12. Incorrect. The Appellant has not been treated as per laws, rules and relevant policy. The Respondent Department has unlawfully deprived the appellant of her due seniority through the Impugned Seniority List which has not been framed and issued as per law. The impugned order of rejection of departmental appeal also presents malafide intentions on the part of the Respondents.
13. Incorrect and false. The appellant is entitled to avail the relief from the Tribunal on merit.
14. Incorrect. The appeal is not barred by law. It has been filed well in time. It is complete in all respect and based on facts. It is further added that the comments filed by the Respondents are not based on facts.

The Respondents No.1 and 4 have not commented upon the Appeal. The comments of the Respondents have been signed by the Respondents No.2 and 3 only. Therefore, in the absence of the comments of the Respondents No.1 and 4, the case of the Respondents is badly damaged.

Reply to the comments on Facts:

1. Respondents have not commented upon Para 1 of the Appeal. Para 1 of the Appeal is correct.
2. Para 2 of Appeal has also not been commented upon by the Respondents. Para 2 of Appeal is correct.
3. The Respondents have given self contradictory statement. On the one hand the Respondents have stated that the Appellant and Respondent No.5, were appointed as SETs (now SSTs) vide order dated 25-3-1996 while on the other hand the Respondents have stated that Respondent No.5 was appointed as SET on 2-4-1990. So self contradiction is clearly visible. Moreover, award of graded pay to an official does not snatch away the seniority of another official. It is an admitted fact that the Appellant joined the service on 11-3-1978 while Mst: Naz Parveen (Respondent No.5) joined the service on 4-5-1985. Therefore, the Appellant is much more senior to Respondent No.5. By availing graded pay Respondent No.5 cannot become senior to the Appellant. The regular promotion of Respondent No.5 in BPS-17, ignoring the Appellant is an act of discrimination and injustice on the part of the Respondent department. The Respondents have deprived the Appellant of her due seniority and awarded the Respondent No.5 again and again without any lawful authority. The Seniority List provided by the Respondents is not a legal, valid and lawful seniority list. It is the combination of haphazard record. So the order of promotion of Respondent No.5 is also not a legal and valid order because this order is based on the same unlawful Seniority List which is the combination of irregularities. The impugned seniority list was neither prepared and notified according to law nor it was circulated among the incumbents according to legal procedure.
4. The Respondents have admitted Para 4 of the Appeal as correct.

5. The statement of the Respondents is totally wrong and against the principles of justice. Respondents have admitted that the Appellant & Respondent No.5 (being in-service teacher) were appointed as SST on the same day i.e. 25-3-1996. It is also a fact that the Appellant joined the service on 11-3-1978 while Respondent No.5 entered the service on 4-5-1985. Therefore, the appellant is much more senior to Respondent No.5. In this case counting of seniority from the date of passing of B.Ed examination does not apply because Appellant and Respondent No.5 were in-service teachers at the time of their appointment as SETs. If the seniority list had been prepared on the basis of length of service, it would have been a legal and valid seniority list. But the Respondent Department negating the lengthy service of the Appellant, has placed her junior to the Respondent No.5 in the Impugned Seniority List. It represents malafide intentions and discrimination. The Respondent department has unlawfully promoted the Respondent No.5 and deprived the Appellant of her promotion. The appellant has already challenged the impugned order of promotion dated 26-2-2013 before the Tribunal.
6. The Respondents have not commented upon Para 6 of the Appeal. Para 6 of the Appeal is correct.
7. That the Respondents have admitted that the impugned seniority list had been provided to the Appellant through court proceedings of the Tribunal. It presents that impugned seniority list was not circulated among the incumbents before providing the same to the Tribunal. Moreover, the Respondents have also treated the seniority list as impugned seniority list. Their statement is on the record.
8. That the Respondents have given a wrong statement. Date of passing any examination is counted in that case where fresh appointments are made. In the instant case both, the Appellant and Respondent No.5, were already in service before their appointment as SETs on 25-3-1996. They were selected and appointed as SSTs on the same date. So for the purpose of fixation of seniority it was essential in this case to fix their seniority from the date of entry in service. But the Respondent department acted unlawfully and prepared the impugned seniority list to extend benefits to the junior and to deprive the senior.

9. Respondent No.1 was not competent to reject the departmental appeal of the Appellant so she had acted against the Rules and Regulations. The Departmental Appeal of the Appellant was addressed to the Director (Respondent No.2) while it has been rejected by the Respondent No.1. So it is an act of irregularity and violation of rules.
10. Para 10 of the appeal has been admitted as correct by the Respondents.
11. That Para 11 of the appeal has been admitted as legal by the Respondents.

Reply to the Comments on Grounds

- a. That reply of the Respondents is incorrect while ground "a" of the Appeal is correct.
- b. Reply of the Respondents to ground "b" is incorrect while ground "b" of the Appeal is correct.
- c. Reply of the Respondents to ground "c" is incorrect while ground "c" of the Appeal is correct. Detail has been given in Appeal and in the facts of this rejoinder in the above Paras.
- d. The Respondents have given a wrong statement. Mere award of graded pay to someone does not deprive a senior person of her seniority and other benefits. The Respondent No.5 was allowed only graded pay by the Tribunal and not the promotion. The Appellant entered the service on 11-3-1978 while Respondent No.5 joined the service on 4-5-1985. Both of them were selected and appointed as SSTs on 25-3-1996, being in-service teachers, their service remained continuous right from the date of entry in service. So one can easily visualize the length of service rendered by them. The Appellant is much more senior to the Respondent No.5. But the Respondent department intentionally deprived the Appellant of her due seniority and placed her in the seniority list at S.No.609 while Respondent No.5 was placed at S.No.13. It is the worst example of discrimination. It is further added that vide orders dated 25-3-1996, thirty eight in-service teachers were appointed as SSTs. Therefore, it is beyond comprehension how one of them has been placed at S.No.13 of the seniority list while the other has been placed at S.No.609. Such an act on the part of Respondent department is highly incredible. The Respondent department has adopted the formula of "fare is foul and foul is fare". Senior has been discarded and junior has been awarded.

- e. The statement of the Respondents is totally incorrect. The detail has been given in the appeal and this rejoinder.
- f. Incorrect and false. The qualification documents of the Appellant are on the record of the Respondent department. Unfortunately, the appellant's higher qualification and lengthy service have not been given any preference or importance by the Respondents. So, malafide intentions are evident on the part of the Respondents.
- g. Incorrect and false. Detail has been given in the Appeal and this Rejoinder.
- h. Incorrect and baseless. The Appellant has given sufficient detail in Appeal and Rejoinder.
- i. The detail has been given by the appellant in Appeal as well as in her Rejoinder.
- j. Incorrect and false. The impugned appellate order dated 25-2-2015 is not a legal and valid order.
- k. Incorrect and false. Ground "k" of the appeal is correct.
- l. Ground "l" has not been commented upon by the Respondents. Ground "l" of the Appeal is correct.
- m. Incorrect and totally false. The Appellant is entitled to avail her seniority from the due date prior to Respondent No.5., in the light of the facts and grounds of her Appeal and Rejoinder.
- n. Totally incorrect. The impugned seniority list dated 22-11-2011 and the impugned appellate order dated 25-2-2015 are nullity in the eye of law. So both of them are liable to be set aside. Moreover, the Appellant is permissible under the law to rely on the additional grounds at the time of arguments.

In the light of the above, it is humbly prayed that setting aside the defence of the Respondents, the Appellant's Appeal may kindly be accepted as prayed for.

Dated ____/11/2016



Appellant

Through:

**Noor Muhammad Khattak
Advocate Peshawar**