

31.07.2019

Appellant alongwith her counsel present.

Learned counsel for the appellant requests for placing further documents ~~in~~^{at} the brief. Shall, do so, positively on the next date of hearing.

Adjourned to 18.09.2019 before S.B.


Chairman

18.09.2019

Mr. Mehr Gul, Advocate is present on behalf of learned counsel for the appellant.

Once again a request for adjournment is made on account of illness of learned counsel. Adjourned to 07.11.2019 but as last chance.


Chairman

07.11 .2019

Nemo for appellant.

It is already past 1.15 P.M and despite repeated calls no one is in attendance on behalf of the appellant.

Dismissed for non-prosecution. File be consigned to the record room.


Chairman




Announced:
07.11.2019

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 616/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/05/2019	<p>The appeal of Mst. Shagufta resubmitted today by Mr. Falak Naz Gigyani Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 13/5/19</p>
2-	18/05/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/06/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	24.06.2019	<p>Learned counsel for the appellant present and seeks adjournment on the ground that the appellant has instructed him to argue the present case in her presence. Adjourn. To come up for preliminary hearing on 31.07.2019 before S.B</p> <p style="text-align: right;"> Member</p>

The appeal of Mst. Shagufta Naz D/O Imran-Ud-Din C.T Teacher received today i.e. on 10.05.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of appellant is incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Copy of appointment order mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Copy of impugned order is not attached with the appeal which may be placed on it.
- 4- Copy of salary slip mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it. Annexure-A is statement of Allied Bank but not a salary slip.

No. 935 /S.T,

Dt. 13-5- /2019.

Amirullah
REGISTRAR
for SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Falak Naz Gigyani Adv. Pesh.

*I removed add my
observation as 1 to 4
As the instead appeal is
for adjustment therefore
there is no impugned order.*

[Signature]
13-5-2019

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 678 /2019

Shagufta Naz

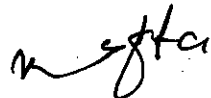
VERSUS

District Education Officer Female Charsadda and Others

INDEX

S#	Description of Documents	Annex	Pages
1.	Grounds of Petition.		1-5
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3.	Addresses of parties		7
4.	Copy of Salary Slip	"A"	8
5.	Copy of Bank statement	"A-1"	98-A
6.	Copy of departmental appeal	"B"	10
7.	Copy of applications	"C/C2"	11-12
8.	Copy of complaint	"D"	13-
9.	Wakalat Nama		

Dated: 07/05/2019



APPELLANT

Through


Falak Naz Gigyani
Advocate, Peshawar.

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 616 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 746

Dated 10-5-2019

Shagufta Naz D/O Imran Ud din CT Teacher. Tehsil Shab Qadir
District Charsadda of Serlech
....Appellant

VERSUS

1. District Education Officer Female Charsadda.
2. Assistant Registrar Khyber Pakhtunkhwa,
Information Commission Peshawar.
3. Secretary Education Khyber Pakhtunkhwa
Peshawar.
4. District Accounts Office Charsadda.

....Respondents

APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT
1974 THAT THE RESPONDENT DEPARTMENT
MAY KINDLY BE DIRECTED TO
ALLOW/ADJUST THE APPELLANT TO
PERFORM HER DUTY ON HER ORIGINAL
POST AS THE RESPONDENT DEPARTMENT
ILLEGALLY RESTRAINED THE APPELLANT
PERFORM HER DUTY ON HER ORIGINAL
POSTS.

Filed to-day

Registrar

10/5/19

Re-submitted to -day
and filed.

Registrar

13/5/19

Prayer:-

ON ACCEPTANCE OF THER APPEAL
THE APPROPRIATE DIRECTION TO
RESPONDENT DEPARTMENT TO
ALLOW/ADJUST THE APPELLANT ON
HER ORIGINAL POSTS WITH ALL BACK
BENEFITS AND THAT ANY OTHER
RELIEF MAY KINDLY BE GRANTED
DEEMED FIT IN THE CIRCUMSTANCES.

Respectfully Sheweth,

1. That the Appellant was appointed by the competent authority as CT Teacher.
2. That the appellant was performed her duty in DEO Office Charsadda instant of her original post as CT Teacher in School as the order of above competent authority although the appellant so many time requested for her original post.
3. That the appellant fulfilled all the codal formality for the appointment of the said post as stated above.
4. That the appellant has been received monthly salary from the Respondent

department. **(Copy of salary slip is annexed as annexure "A")**

5. That the Respondent Department illegally restrained the appellant to perform her duty w.e.f 05/08/2013.
6. That the appellant submitted a departmental appeal with the Respondent department on 03/09/2013 but no response has been given by the appellant. **(Copy of departmental appeal is annexed as annexure "B")**
7. That the appellant submitted so many applications to the Respondent department for allowing adjustment the appellant for her duty but in vain. **(Copy of applications are annexed as annexure "C/C2")**
8. That the appellant also filed a complaint to Respondent No.1 which has properly forwarded to Respondent No.2 for further proceedings but in vain. **(Copy of complaint is annexed as annexure "D")**
9. That feeling aggrieved the Appellant prefers the instant service appeal before

their Hon'ble Tribunal on the following grounds inter alia:-

GROUNDS:-

- A. That not allowing of the appellant on her original post is an illegality on the part of the Respondent Department and utter violation of law and rules on the subject.
- B. That the appellant has not been treated according to law and mandatory provisions of law have been violated by Respondents.
- C. That the appellant is a Civil Servant and it is the responsibility of the Department to allow the appellant.
- D. That the appellant has not been removed or dismissed from service so not allowing of the appellant on her job is clear cut malafidely on part of Respondent department.
- E. That not allowing of the appellant is void and not in according to law because not allowing of the appellant is an illegality on part of the Respondent department even though the

appellant fulfilled all the formality of the said appointment.

F. That the appellant seeks permission of the Hon'ble Tribunal for further additional grounds at the time of arguments.

It is therefore, most humbly prayed that on acceptance of the appeal the appropriate direction to respondent department to allow/adjust the appellant on her original posts with all back benefits and that any other relief may kindly be granted deemed fit in the circumstances

Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.



APPELLANT

Through



Falak Naz Gigyani

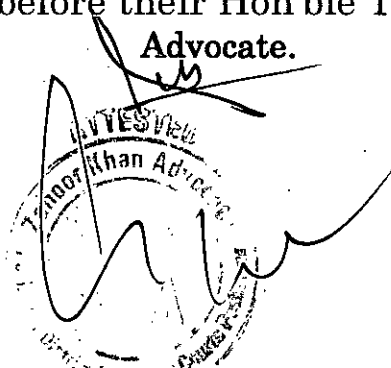
Advocate, Peshawar.

Dated: 10/05/2019

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before their Hon'ble Tribunal.

Advocate.



A P 7

SN: 1

Charoadda

Pers #: 00689767
Name: SHAGUFTA NAZ

Roll #: C. T. TEACHER

P Sec: 001 Month: August 2013
CA7115 - Govt Middle Schools Female
Education Schools

ENIC No. 1710130644174
GPF Interest Applied
15 Vocational Temporary

NTN:
GPF #: CA7115
Old N:

PAYS AND ALLOWANCES:

- 0001-Basic Pay
- 1000-House Rent Allowance
- 1300-Medical Allowance
- 1971-Adhoc Allowance 2011@ 15%
- 1973-Adhoc Allowance 2011@ 50%
- 2118-Adhoc Relief Allow (2012)
- 2148-15% Adhoc Relief All-2013

CA7115 -
9,200.00
1,566.00
1,000.00
783.00
2,610.00
1,840.00
1,350.00

Gross Pay and Allowances

18,379.00

DEDUCTIONS:

- SPF Balance 13,041.00
- 3501-Benevolent Fund
- 3511-Addl Group Insurance
- 3604-Group Insurance
- 3990-Emp. Edu. Fund KPK

Subtr:
1,520.00
180.00
13.00
115.00
100.00

Total Deductions

1,928.00

16,451.00

D.O.B. 20.09.1981
01 Years 03 Months 021 Days

LFP Quota:
ALLIED BANK LIMITED SHARADAR
012004799-4

Salary Slip

Albert
[Signature]

SHABQADAR, TANGI ROAD TEH: CHAR:

01/01/2012 TO 31/12/2012 1/001

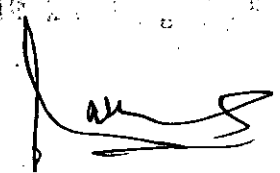
SHAGUFTA NAZ
SAREKH
SAREKH
CHARSADDA

24000
KHYBER PAKHTO

PK35ABPA0003710120047996
CURRENT DEPOSIT ACCOUNT
PAKISTANI RUPEE

010112 ** OPENING BALANCE **			0.00
051012 CASH		3,000.00	3,000.00
031212 TRANSFER		16,916.00	19,916.00
311212 TRANSFER	00000001	17,745.00	37,661.00
311212 ** CLOSING BALANCE **			37,661.00
TOTAL WITHDRAWAL	0.00	TOTAL DEPOSIT	37,661.00

WHT Amount includes 15% Income Tax Surcharge w.e.f. Date of promulgation till 30/06/2011

Attest


AD

9

01/01/2013 TO 15/02/2014 1/001

SHAGUFTA NAZ
SAREKH
SAREKH
CHARSADDA

24000
KHYBER PAKHTO

PK35ABPA0003710120047996
CURRENT DEPOSIT ACCOUNT
PAKISTANI RUPEE

010113 ** OPENING BALANCE **			37,661.00	✓
310113 TRANSFER		21,356.00	59,017.00	✓
250213 CLEARING	01841419	113,337.00	172,354.00	✓
260213 CASH		113,000.00	285,354.00	✓
010313 TRANSFER		18,476.00	303,830.00	✓
020413 TRANSFER		18,476.00	322,306.00	
020513 TRANSFER		17,791.00	340,097.00	
030613 TRANSFER		17,791.00	357,888.00	
020713 TRANSFER		15,071.00	372,959.00	
010813 TRANSFER		16,451.00	389,410.00	
300813 TRANSFER		16,451.00	405,861.00	
011013 TRANSFER		19,171.00	425,032.00	
150214 ** CLOSING BALANCE **			425,032.00	
TOTAL WITHDRAWAL	0.00	TOTAL DEPOSIT	387,371.00	

WHT Amount includes 15% Income Tax Surcharge w.e.f. Date of promulgation till 30/06/2011

2013x

Nbe No: 17101-2064417-6

Handwritten signature and initials, possibly "GGMG" and "CT".

Handwritten signature at the bottom right.

B =

(10)

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر چارسدہ

عنوان: ڈیپارٹمنٹل ایپل برائے Post Allowing/Adjust on her original

جناب عالی!

سائلہ حسب ذیل عرض رساں ہیں:-

- (1) یہ کہ سائلہ محکمہ ایجوکیشن میں سال 2012 CT Teacher بھرتی ہوئی تھی۔
 - (2) یہ کہ سائلہ باقاعدہ طور پر ڈسٹرکٹ ایجوکیشن آفس چارسدہ میں ڈیوٹی سرانجام دے رہی تھی۔ سائلہ کو باقاعدہ کوئی سکول نہیں دیا گیا تھا۔
 - (3) سائلہ نے کئی بار آفسران بالا کو باقاعدہ طور پر سکول میں CT Post پر تعینات کرنے کے لئے کہا تھا۔ لیکن آفسران بالانے مزید انتظار کرنے اور دفتر میں کام کرنے کے لئے کہا تھا۔ اور کہتے تھے کہ آپ کو باقاعدہ طور پر تنخواہ مل رہی ہے۔ اور تمہیں جدھر ضرورت ہوگی آپ سے ڈیوٹی لینگے۔
 - (4) لیکن جناب عالی سائلہ کو مورخہ 5/8/2013 کو بغیر وجہ بتائے ڈیوٹی سے روکا اور تنخواہ بند کی۔ حالانکہ سائلہ کو نہ Dismiss from Service کیا ہے۔ اور نہ Remove from Service کیا ہے۔
- لہذا استدعا ہے کہ سائلہ کا ڈیپارٹمنٹل ایپل منظور کر باقاعدہ طور پر اپنی ڈیوٹی سرانجام دینے اور Pending تنخواہیں دینے کا حکم صادر فرمادیں۔

المرقوم 3/9/2013

العارض

شگفتہ ناز ولد عمران الدین (مرحوم)

CT Teacher District Charsadda

CF 10
خدمت مناب ڈسٹرکٹ ایجوکیشن آفیسر جھارکھنڈ

عنوان :-

درخواست نمبر 41 اچھارت نوٹری
اور pending تنخواہ ادا کرنے

صوبائی سہانہ
نڈاریش ہے کہ سٹیٹس نہ بخور 9-3 نو
Department ارسال آئی تا دفتر میں لکھا ہے
تاکمال کوئی جواب موصول نہ ہے

کچھ اسد عا سہائی ہے کہ مسئلہ لا نا نوٹری و ما
یا مسئلہ کو Dismiss کریں تاکہ مسئلہ اپنے فعلی
قانونی جاری ہوئی کریں۔ مونیٹر کے مسائل خصوصاً جفٹر
والے مسئلہ کہ کل اجازت ملتی وہ کل ایسی تہا آج

11/11/15

9
3-2015

امریکا کا تہیدا
سٹریٹ نار و لہ عمر ان الہی

خدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (زبانہ) چارسدہ

عنوان :- ” درخواست برائے عطائیں گاہی سروس بین
اطلاعات تک رسائی کے قانون 2013ء “

جناب عالی! موربانہ گزارش ہے کہ میں لاپتہ 2012ء تا 2013ء

کے آئینہ تک بطور C.T ایجوکیشنل سہولیات رہی۔ میرا پرنٹل نمبر 00689967 ہے۔
میں میرا بچے کو دل منسلک ہے۔

لہذا آج سے درخواست ہے کہ Right to Information Act, 2013 کے تحت مجھے میرے سروس بین کی فولڈ گاہی عطائے فرما کر مشکور فرمادیں۔

مورخہ: 14 مئی 2018ء

عین نوازش بیگم
الغافل

آئیے کا تابعہ ایجوکیشن
شگفتہ ناز دقتہ عثمان الدین (مرحوم)
گاہوں سرخ - تحصیل شہباز - ضلع چارسدہ
c/o 0307-7183915

17101-2064417-6



D = (13)

DISTRICT EDUCATION OFFICE FEMALE CHARSAJDA

Contact No.0919220086, Email address, emischarsadda.deof@yahoo.com

No. 2/654 /Dated 14/12 2018

TO

Mst. Shaqufiah Naz D/O
Imran ud Din (late) Village Shreikh
Tehsil Shabqaddar District Charsadda.

Subject
MEMO

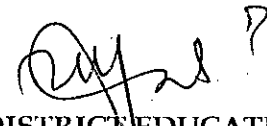
COMPLAINT AGAINST NON SUPPLY OF INFORMATION (COMPLAINT NO 05340).

An application received in this office through Govt. of Khyber Pakhtunkhwa Information Commission vide his No RTIC/AR/1-5340/18 dated 3.12.2018 regarding your Service book. You have not mentioned the School name where you have performed duty in your application.

It is clear that at that time EDO (E&SE) system was bifurcated by the provincial Government and the offices were divided in two offices.

In this connection you are directed to produce the following ^{Service} documents as early as possible, so that this office be able to trace out your Service Book.

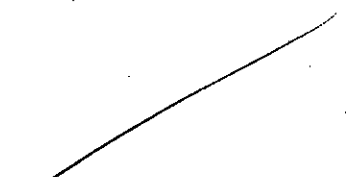
- i) Appointment order.
- ii) Charge Report.
- iii) Medical Certificate.
- iv) Duty Certificate for the Concerned Headmistress where you have performed your duty.


DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAJDA

Endst No. _____

Copy forwarded for information to the

- 1 Assistant Registrar, KP information Commission Peshawar vide letter No & date cited above.
- 2 Office file.


DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAJDA.

To



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION COMMISSION
7th Floor, Tasneem Plaza, Near Benevolent Fund Building,
6th Saddar Road, Peshawar
Email: complaints.kprti@kp.gov.pk
Ph: 92-91-9211151
Fax: +92-91-9211163

14

No: RTIC/AR/1-5340/18

Dated: 03 DEC 2018

12256-57

To

The District Education Officer (DEO-F)/PIO,
Charsadda.

Subject:
Memo:

COMPLAINT AGAINST NON-SUPPLY OF INFORMATION (COMPLAINT NO: 05340)

I am directed to state that a citizen Mst. Shagufta Naz has filed an information request with your department for seeking some information, however the same was not provided to her within prescribed time limit, therefore, she has filed a complaint before the KP Information Commission. (copy attached)

2. It is to direct to explain why action should not be initiated against you for non-provision of information to the requester under section 10 of the KPK RTI Act, 2013

Assistant Registrar,
KP Information Commission,
Peshawar.

Copy to:-

Mst. Shagufta Naz (Complainant)

Assistant Registrar,
KP Information Commission,
Peshawar.

15

50 روپے	13642			
ایڈویکٹ: <u>فدک ناز گلگانی ریڈرس</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: <u>BC-16-7216</u>				
رابطہ نمبر: <u>0315-9933697</u>				


بعدالت جناب: لعدالت صاحب ابجد صید

دعویٰ: <u>سہرس اپیل</u>	منجانب: <u>منتلفہ ناز</u>
علت نمبر: <u>616</u>	
مورخہ: <u>24/9</u>	
جرم:	
تھانہ:	
باعت تحریر آنکہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام پشاور کیلئے فدک ناز گلگانی ریڈرس کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 10-5-2019

العبد گواہ شد العبد

مقام کے لیے منظور ہے۔
 Accepted and allowed.


نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

منتلفہ ناز گلگانی ریڈرس
کلیں صوبہ پختونخواہ