

08.07.2019

Mr. Abdul Mateen, Special Attorney for the appellant and Addl. AG alongwith M/S Irfanullah, Asstt. and Shakeel, Superintendent for the respondents present.

The representatives of respondents request for further time to produce original service book of the appellant as well as the requisite reply.

The needful shall positively be done on next date of hearing. Adjourned to 29.08.2019 for preliminary hearing before S.B.



Chairman

29.08.2019

Mr. Abdul Mateen, Special Attorney for the appellant present.

Special Attorney for the appellant has submitted an application wherein it is stated that the disputed amount of Rs. 118560/-, for 185 days leave encashment, has been credited into bank account of the appellant.

In the circumstances when the appellant is left with no grievance, instant appeal has become infructuous and is disposed of as such.

File be consigned to the record room.



Chairman

Announced:
29.08.2019

16.04.2019

Abdul Mateen present as attorney of the appellant. Heard. Attorney of the appellant has submitted copy of office order dated 22.02.2019 and from perusal of the same it appears that the present service appeal has become infructuous. Attorney of the appellant also submitted another office letter dated 09.01.2019 requiring the appellant to provide her service book. The attorney of the appellant stated that the service book of the appellant is lying in the office of Accountant General Khyber Pakhtunkhwa Peshawar. Attorney of the appellant seeks adjournment for further assistance and submission of proper application for redressal of grievance of the appellant. Adjourn. To come up for further proceedings/preliminary hearing on 23.05.2019 before S.B.



(MUHAMMAD HAMID MUGHAL)
MEMBER

23.05.2019

Abdul Mateen Attorney of the appellant present. Heard.

Attorney of the appellant also submitted application for issuing orders to respondent No.3 to provide original service book of the appellant to the respondent No.4. In the interest of justice, notice of office letter dated 09.01.2019 of the District Education Officer (Female) Peshawar addressed to the appellant and notice of the application filed today be issued to the respondents No.3 & 4 for submission of reply. Adjourn. To come up for reply and preliminary arguments on 08.07.2019 before S.B.

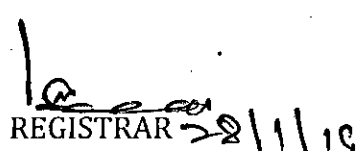




Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 122/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/1/2019	<p>The appeal of Mst. Suraiya Bano presented today by her be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 28/1/19</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11-3-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
11.03.2019		<p>None present on behalf of the appellant therefore, notice be issued to appellant for 16.04.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No 122 /2019.

**Mst: Suraiya Bano (Ex-PST of Education Department),
W/O Sher Zaman & D/O Ghulam Hussain (Late)
Resident of H # 2970, Mohallah Bakkar Qasabaan,
Chowk Garikhana inside Lahori Gate, Peshawar City.**

.....Appellant

Versus

- 1. Secretary to the Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department Civil Secretariat, Peshawar.**
- 2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, G.T Road, Peshawar.**
- 3. Accountant General, Khyber Pakhtunkhwa, Fort Road, Peshawar.**
- 4. District Education Officer (Females) G.T Road, Peshawar.**
- 5. Sub Divisional Education Officer (Females), G.T, Road Peshawar**

.....Respondents

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Complete and Correct

Dated 25 /01/2019


APPELLANT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No 122 /2019.

Mst: Suraiya Bano (Ex-PST of Education Department),

W/O Sher Zaman & D/O Ghulam Hussain (Late)

Resident of H # 2970, Mohallah Bakkar Qasabaan,

Chowk Garikhana inside Lahori Gate, Peshawar City.

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 117

Dated 28/11/2019

.....Appellant

Versus

- 1. Secretary to the Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department Civil Secretariat, Peshawar.**
- 2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, G.T Road, Peshawar.**
- 3. Accountant General, Khyber Pakhtunkhwa, Fort Road, Peshawar.**
- 4. District Education Officer (Females) G.T Road, Peshawar.**
- 5. Sub Divisional Education Officer (Females), G.T, Road Peshawar**

Filed to-day

.....Respondents

Registrar

Appeal under Section 4 of the Service Tribunal Act 1974 against the refusal of the Respondents to grant remaining 185 days Leave Encashment to the Appellant inspite of the direction of the Honourable Peshawar High Court Peshawar dated 28.11.2018 in Writ Petition No 4793-P of 2018.

Prayer in Appeal: Declaring the refusal of the Respondents, especially the Respondent No 4, as null and void and the Respondents be directed to pay remaining 185 days Leave Encashment to the Appellant without any loss of time and punitive action may also be taken against the Respondent No 4 who turned deaf ear to the orders of the Honourable Court.

Sheweth,

The Appellant respectfully submits as under:-

- 1. That the Appellant retired as Primary School Teacher (PST) from the Education Department on attaining the age of superannuation w.e.f. 13.10.2012, vide order of the then Executive District Officer, Elementary & Secondary Education Peshawar, under endorsement No 5574-76, dated 03.11.2012 (Copy of the order annexed as "A"). Through this order the Appellant was allowed 180 days Leave Encashment in lieu of LPR.**
- 2. That after the retirement of the Appellant, the Government of Khyber Pakhtunkhwa Finance Department vide Notification dated 13.12.2012 had amended Rule 20 of Khyber Pakhtunkhwa Civil Servants Revised Leave Rules 1981 and the period of leave encashment was enhanced to 365 days. Under the amendment, inter alia a new sub rule (2) was added which had extended the benefit of enhancement of leave encashment w.e.f. 01.07.2012. (Copy of Notification annexed as "B").**
- 3. As there was sufficient leave of 411 days on the Leave Account of the Appellant, therefore, the Appellant submitted an application on 01.03.2016 to the Respondents No 4 & 5, while a copy of the same was also provided to the Respondent No 3, for the grant of remaining leave encashment of 185 days. As the applicant had a copy of her Leave Account, therefore, she provided the same to the Respondents along with her application dated 01.03.2016 for their convenience (Copy of the application along with copy of Leave Account annexed as "C").**
- 4. As the Appellant received no response from the Respondents No 4 & 5, therefore, the Appellant submitted another application to Respondents No 3, 4 & 5 on 14.10.2017, for the redress of her grievance (copy of the application annexed as "D"). Luckily the Appellant had a copy of her Service Book which she provided to the Respondents alongwith her application dated 14.10.2017, so that the Respondents could easily process her case.**
- 5. That after willful delay of more than one year the District Education Officer (Females) Peshawar wrote a letter to the Appellant under No 8456, dated 12.12.2017, whereby the Appellant had been directed to provide her original Service Book and Leave Account to proceed further in the matter (Copy of the letter annexed as "E").**
- 6. That the Appellant was deeply shocked having received the above mentioned letter of the DEO (Females) Peshawar (Respondent No 4) because the Original Service Book of the Appellant had been forwarded with the pension case of the Appellant to the Accountant General, Khyber**

Pakhtunkhwa Peshawar (Respondent No 3) by the District Education Officer (Females) Peshawar in 2012. The pension case was registered in the office of the Accountant General under No 32 for the year 2012-13. When the pension was sanctioned by the Accountant General, the Original Service Book of the Appellant was preserved and kept on the record of the Respondent No 3 (the original Service Book is still in the custody of the office of the Accountant General). Therefore, the Appellant immediately approached the office of the Respondent No 4 and requested the dealing hands of that office to fetch the original Service Book of the Appellant from the office of the Accountant General (Respondent No 3) to solve her problem.

7. That the District Education Officer (Females) Peshawar wrote a letter to the Accountant General Peshawar for the provision of original Service Book of the Appellant for taking further action. A copy of this letter was endorsed to the Appellant under No 1239, dated 24.01.2018 (copy of the letter annexed as "F").

8. As the Respondents badly failed to redress the grievance of the Appellant, therefore, the Appellant submitted a complaint to the Honourable Chief Justice Peshawar High Court Peshawar on 04.04.2018 for the redress of her grievance (Copy of complaint annexed as "G").

9. That the Appellant brought further facts & figures into the notice of the Honourable Chief Justice Peshawar High Court through an application dated 10.08.2018 (Copy of the application annexed as "H").

10. That the complaint of the Appellant dated 04.04.2018 was converted into Writ Petition (No 4793-P of 2018). The case was heard and decided on 28.11.2018, whereby the appellate concerned authority was directed to decide the Appeal of the Appellant dated 01.03.2016 within 30 days positively, otherwise the Petitioner would be at liberty to approach the Service Tribunal in accordance with law for redressal of her grievance (Copy of the Judgment annexed as "I").

11. That the Appellant provided the Judgment of the Court to all the Respondents through letter dated 03.12.2018 for the implementation of the orders of the Honourable Court in letters & spirit (copy annexed as "J").

12. That the Respondent No 1 has written a letter on 09.01.2019 to the Respondents No 2 & 4 to fetch the Service Book of the Appellant from the office of the Accountant General to redress the grievance of the Appellant at the earliest (Copy of the letter is annexed as "K").

13. That the period of 30 days given by the Honourable Court has since elapsed but the grievance of the Appellant has not been redressed by the

Respondents. Therefore, the Appellant is bound under the order of the Honourable Court to file the appeal before this Honourable Tribunal for the redress of her grievance on the following amongst the other grounds.

GROUND


- A) That in the presence of the orders of the Government dated 13.12.2012 and the order of the Honourable Court dated 28.11.2018, the reluctance of the Respondents in granting of remaining leave encashment to the Appellant is unlawful, arbitrary, illegal, malafide and without lawful authority.
- B) That demanding of Original Service Book from the Appellant by the Respondent No 4 represents mal-administration on the part of Respondent No 4. The original Service Book of the Appellant had been sent to the Accountant General (Respondent No 3) alongwith pension case of the Appellant by the District Education Officer (Females) Peshawar in 2012. When the Pension was sanctioned the Service Book was kept on the record of the Accountant General. In spite of knowledge of this fact, the office of the Respondent No 4 is reluctant to fetch the Service Book from the office of the Accountant General.
- C) That the Honourable High Court have given orders to the Respondents to redress the grievance of the Appellant within 30 days. But the Respondents especially the Respondent No 4 has turned deaf ear to the orders of the Court. The other Respondents are also not ready to comply the orders of the Honourable Court in letters and spirit.
- D) That the copies of the Service Book and Leave Account have already been provided to the Respondents by the Appellant but the Respondents have sent those documents alongwith the orders of the Court to the cold storage.
- E) That the refusal and attitude of the Respondents, (especially the Respondent No 4, towards the Appellant is biased, discriminatory and without lawful authority.
- F) That the Respondents are not ready to grant the Appellant her due right. They are badly violating the orders of the Honourable Court dated 28.11.2018. So the Respondents are liable to be penalized according to law.
- G) That the specified period of 30 days given to the Respondents by the Honourable Court has elapsed but the Respondents are not ready to redress the grievance of the Appellant.
- H) That the appeal of the Appellant dated 01.03.2016 has not been decided by the District Education Officer (Female) Peshawar in spite of the orders of

the Honourable Court while the other Respondent have kept mum. It represents Contempt of Court on the part of the Respondents.

- I) That the Appellant is entitled to avail the benefit of remaining 185 days Leave encashment under the Notification of the Government of Khyber Pakhtunkhwa dated 13.12.2018 and the Honourable Court dated 28.11.2018. The Respondents cannot deprive the Appellant of her due right.
- J) That the Appellant shall also rely on the additional grounds after filing the written statement by the Respondents.
- K) That under the circumstances as mentioned above the refusal of the Respondents may be declared null and void.

It is humbly prayed that setting aside the refusal of the Respondents by declaring the same as null and void, the Appeal of the Appellant may kindly be accepted in favour of the Appellant and against the Respondents with cost and they may please be directed to immediately grant 185 days Leave encashment to the Appellant and it is further prayed that punitive action may also be taken against the Respondents who have violated the orders of the Honourable Court and they have ^{been} continuously tormenting and mentally torturing the Appellant since last six years.

Dated 25 /01/2019


MST Suraiya Bano
(Appellant in person)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No /2019.

ADDRESSES OF THE PARTIES

**Mst: Suraiya Bano (Ex-PST of Education Department),
W/O Sher Zaman & D/O Ghulam Hussain (Late)
Resident of H # 2970, Mohallah Bakkar Qasabaan,
Chowk Garikhana inside Lahori Gate, Peshawar City.**

.....Appellant

Versus

- 1. Secretary to the Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department Civil Secretariat, Peshawar.**
- 2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, G.T Road, Peshawar.**
- 3. Accountant General, Khyber Pakhtunkhwa, Fort Road, Peshawar.**
- 4. District Education Officer (Females) G.T Road, Peshawar.**
- 5. Sub Divisional Education Officer (Females), G.T, Road Peshawar**

.....Respondents

Dated 25 /01/2019

Suraiya Bano
Appellant

A 7

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & S) EDUCATION PESHAWAR.

NOTIFICATION.

Under the provision Govt: of Khyber Pakhtunkhwa revised leave rules 1981, sanction is hereby accorded for the grant of leave encashment equal to 180 days in lieu of LPR not availed by her in respect of Mst: Surriya Bano (PST) GGPS New Kaim Pura Peshawar.

She is further allowed to retire from Govt: service with effect from 13-10-2012 on attaining the age of 60 years.

Her date of birth is 14-10-1952.

- Note:
- 1- Necessary entry to this effect should be made in his S/Book.
 - 2- These orders are final and not to be revoked at any stage.

Encl: Service Book.

EXECUTIVE DISTRICT OFFICER
(E & S) EDUCATION PESHAWAR.

Endst: No 5874-76 /f.No/PF/Surriya Bano PST/Dated 03/11/2012 ✓

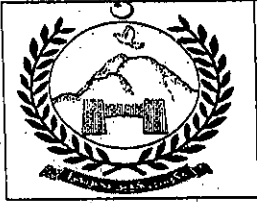
Copy of the above is forwarded to the:-

- 1- District Accounts Officer Peshawar.
- 2- D.D.O(F) Peshawar w/r to her Letter No:15111 Dt: 10-10-2012 along with S/Book.
- 3- EMIS, Local Office Peshawar.
- 4- Official Concerned.

DISTRICT OFFICER (FEMALE)
(E & S) EDUCATION PESHAWAR.

[Handwritten initials]

[Handwritten notes and signatures in the bottom left corner]



B
8

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)
Dated Peshawar the: 13-12-2012

NOTIFICATION

NO. SO (FR) FD 5-92/2005/Vol-V. In exercise of the powers conferred by section 26, of the Khyber Pakhtunkhwa Civil Servant Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981, the following further amendments shall be made, namely:-

AMENDMENT

- I. The existing provision of rule 20 shall be numbered as sub-rule(1) and in sub-rule(1) as so numbered, for the words "one hundred and eighty", the words "three hundred and sixty-five" shall be substituted;
- II. After sub-rule(1) as so numbered, the following new sub-rules shall be inserted, namely:

✓ (2) Encashment of leave preparatory to retirement (LPR) not exceeding three hundred and sixty five days shall be effective from the first day of July, 2012 and shall, for the entire period of leave refused or opted for encashment, be applicable to a civil servant retired, as the case may be, retiring on or, after the first day of July, 2012, provided such leave is available at his credit to a maximum of three hundred and sixty-five days.

(3) If at any time during such period, leave is granted on account of ill health supported by medical certificate or for performance of Hajj, the amount of cash compensation on account of leave pay shall be reduced by an amount equal to the leave pay for the period of leave so granted.

(4) Leave pay for the purpose of encashment of LPR shall be computed on the basis of pay and allowances reckonable towards pension as shown in the last pay certificate of a civil servant".

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

9

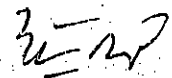
Endst: No .SO(FR) FD/5-92 /2005/Vol-V,

Dated: 13th December, 2012

Copy is forwarded of the above for Information & necessary action to the:-

1. All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa
4. The Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
6. All Heads of Attached Departments in Khyber Pakhtunkhwa.
7. All District Coordination Officers in Khyber Pakhtunkhwa.
8. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa.
9. The Registrar, Peshawar High Court, Peshawar.
10. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
11. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.

Yours Faithfully,


(MUHAMMAD IMTIAZ AYUB)
Addl: Secretary (Regulation)

Endst: No .SO(FR) FD/5-92 /2005/Vol-V,

Copy is forwarded of the above for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretaries to Government of Punjab, Sindh & Balochistan, Finance Department.
3. All Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa.


(RAEES KHAN AFRIDI)
Deputy Secretary (Regulation-I)

Endst: No & Date even.

Copy is forwarded of the above for information to the:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All District Comptrollers of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. All District / Agency Accounts Officers in Khyber Pakhtunkhwa / Fata.
7. All Section / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
8. The Private Secretary to Minister for Finance, Khyber Pakhtunkhwa.
9. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Department.


(BIBI FATIMA)
Section Officer (FR)

*Call to the
Secretary*

To

(1) The DRO (F)
Peshawar.

(2) SDRO (F)
Peshawar.

Subject: Application for the grant of remaining leave encashment of 185 days under the order of the Govt. of KPK Finance Department, Notification No. SD (FR) RD 5-92/2005/Vol-V dated 13-12-2012, by issuing amendment or corrigendum in the retirement order of the Applicant issued under Rndst. No. 5574-76/F.No./PF/Susaiya Bano-PST, dated 3-11-2012.

Madam,

The Applicant respectfully submits as under.

- (1) That the Applicant retired from the Service at the age of Superannuation on 13-10-2012 (AN) vide order No. 5574-76/F.No./PF/Susaiya Bano-PST/ dated 3-11-2012 (Copy annexed as ready reference)
- (2) That the Govt. of KPK (Finance Department) vide order dated 13-12-2012 raised the maximum days of leave encashment to 365 days instead of 180 days w.e.f 1-7-2012 (Copy of the order annexed as ready reference)
- (3) As the order of the Govt. dated 13-12-2012 had been issued after the retirement of the Applicant, therefore, the Applicant could draw the benefit of 180 days leave encashment as evident from the order of retirement dated 3-11-2012.
- (4) That at the time of retirement there was leave of 411 days at the credit of the Applicant. Therefore, the Applicant is entitled to avail the benefit of further leave encashment of 185 days. (Copy of Leave Account is annexed)

attached
Susaiya Bano

- (5) That a copy of 'leave receipt' is available with the applicant showing 411 days leave at her credit. The same is submitted for perusal. The Service Book of the applicant had been sent to the Accountant General along with Pension Papers which had been registered under Serial No. 32 for the year 2012-13. When the Pension case was honored, the Service Book had come into the custody of A.G.'s office.
- (6) That keeping in view the Rules on amendment or corrigendum may be issued for the grant of leave encashment for the remaining 185 days -

It is humbly prayed that an amendment or corrigendum in Retirement Order dated 3-11-2012 may kindly be issued enabling the applicant to draw the leave encashment of remaining 185 days under the Notification dated 13-12-2012

Dated: 1-3-2016

Copy of the above forwarded to the Accountant General, Wazirpur Park, Gurgaon with the request to provide the Service Book to the SDEs Gurgaon or a copy of the Leave Account could be provided to process the case.

Yours Obediently

Sudaiya Bano (EX PST)

Sp
Ghulam Hussain,

Mohallah Bagga, Gurgaon

H.No.

Garhi Khana

Inside Lahori Gate,

Gurgaon City

(PERSONNEL No. 25301)

Sudaiya Bano

12

FORM OF LEAVE ACCOUNT UNDER THE REVISED LEAVE RULES 1981

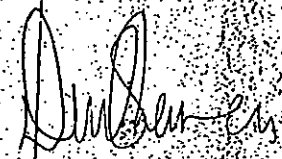
(Approved vide Finance Division's letter No. F-1 (3) - File 1778 dated 18-1-1973)

Leave Account of Mr/Miss/Mrs: MS. Sushilra Bano PE Date of commencement of Service: 30-12-1975
 Date of attaining the age of superannuation: 14-10-1982

Education Department

PERIOD OF DUTY		Leave earned on full pay (4 days for each calendar month)		Leave at credit (Column 21-6)		LEAVE TAKEN																		
						PERIOD		Leave on full pay without medical certificate to maximum of 120 days or 365 days in case of LPR			Leave on full pay medical certificate subject to a maximum of 120 days			Leave on full pay on medical certificate subject to a maximum of 365 days in entire service			LEAVE ON HALF PAY		LEAVE NOT DUE		ABSENCE		REMARKS	
From	To	Y.M.O.	F.Yr	Days	Days	From	To	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	
12-30-75	1-30-78	1-6-78	5	78	109	Leave due on 1/2 pay		10-2-83	conversion to full pay			Leave taken W/L		Leave balance on 1/2 pay		0-2-03		Balance on 31 days 1-7-1978						
1-30-78	6-1-78	6-1-78	78	78	109	8-1-78	8-1-78	85	85	15														
8-1-78	15-10-78	15-10-78	78	94	109	26-1-78	7-2-78	85	85	15														
15-10-78	20-12-78	20-12-78	78	332	411																			

Attached
 Sushilra Bano


 Officer

to be answered

DT

D
13



To

1. The Accountant General,
Khyber Pakhtoon Khwa, Peshawar.
- ✓ ② The District Education Officer(Female),
Peshawar
3. The Sub Divisional Educational Officer(Female),
Peshawar.

Subject:-

APPLICATION FOR PAYMENT OF LEAVE ENCASHMENT OF 185
DAYS UNDER THE ORDER OF THE GOVERNMENT DATED 13/12/2012
WHICH IS EFFECTIVE FROM 01/07/2012.

Sir/Madam,

The applicant respectfully submits as under:-

1. That the applicant retired from the service on 13/10//2012(AN). The copy of the retirement Order is Annexed as ready reference.
2. That the Government of K.P.K had allowed 365 days leave Encashment instead of 180 days vide Notification dated 13/12/2012 w.e.f. 01/07/2012.
3. That the applicant could get the benefit of only 180 days Leave Encashment as her order of retirement had been issued on 03/11/2012. But the applicant is entitled to avail rest of the benefit.
4. That the pension case of the applicant had been forwarded to the office of the Accountant General alongwith her Service Book. The pension case was registered in the District branch of the pension under No.32 for the year 2012-13.
5. That the earlier too the applicant submitted an application for the grant of benefit of rest of Leave Encashment i.e. 185 days as there had been sufficient leave in the credit of her Leave Account of 402 days. But the said application was not responded to till date.
6. That the applicant has a copy of Service Book which is enclosed for perusal while the original service book has been kept on the record of the Accountant General.

attestd
Suroiya Zool

14

It is humbly prayed that the order of Leave Encashment of 185 days may kindly be issued so that the applicant could get her due right without further loss of time.

Dated: 14/10/2017

N.B.: The applicant has been drawing monthly Pension under P.P.O. No. 25301.

AC's Diary
NO 13178
- 24-10-2017

Yours Obediently

Surayia Bano

Mst. Surayia Bano
Ex-PST, GGPS New Karimpura,
Peshawar.

Add:-

H.2970, Moh Baqar Qasaban,
Chowk Gari Khana, inside
Lahori Gate, Peshawar.

Attested
Surayia Bano

E
15



Office of the
District Education Officer, (Female)
Peshawar

No. 8456 Dated: 12/11/2017

To

Mst. Surayia Bano, Ex-PST
H.No.2970, Mohallah Baqar Qasaban, Chowk Gari Khana
Inside Lahori Gate Peshawar.

Subject: APPLICATION FOR PAYMENT OF LEAVE ENCASHMENT OF 185 DAYS UNDER THE ORDER OF THE GOVT: DATED 13/12/2012 WHICH IS EFFECTIVE FROM 01/07/12.

Memo;

I am to refer to your application on the captioned subject and to ask you to furnish original service book and leave account duly signed by the SDEO (F) concerned so as to proceed further into the matter. *Leave Adm. Form also not found.*

*Attested
Surayia Bano*

12/11
District Education Officer
(Female) Peshawar

12/11/17



F
16

Office of the

District Education Officer, (Female)

Peshawar

No. _____ Dated: ____/____/2018

To

The Accountant General
Khyber Pakhtun Khwa Peshawar.

Subject: REQUEST OF MST. SURAYA BANO, PST (RTD) FOR SANCTION OF ENCASHMENT FOR 365 DAYS INSTEAD OF 180 DAYS/PROVISION OF SERVICE BOOK.

Memo;

It is submitted that Mst.Suraya Bano, (Rtd) PST (Pension roll data sheet and pension slip attached) has approached this office for conversion of her encashment from 180 days to 365 days under the existing amendment.

It is; therefore, requested that her original service book may be furnished to this office to examine her request and take further action under the rules..

[Handwritten Signature]

District Education Officer
(Female) Peshawar

Endst: No. 1239 /dated 24/01 /2018.

Copy forwarded to the:-

1. Mst.Suraya Bano, (Rtd) PST H.No.2970, Mohallah Baqar Qasaban, Chowk Gari Khana Inside Lahori Gate Peshawar.She is advised to follow up her case as well.

*Attested
Suraya Bano*

[Handwritten Signature]
9/2/18

District Education Officer
(Female) Peshawar

۱) عزت مآب چی آفریدی صاحب، چیف مینسٹرز اور ٹی کورٹ اور
 ۲) عزت مآب صوبائی مختص غیر مختونخوا، حیات آباد فیز 5، ٹی اور
 عنوان :- پانچ برس کا عمر حد بیت جانے کے باوجود ڈسٹرکٹ ایجوکیشن افسر
 برائے خواتین ٹی ور کا مسئلہ/تفصیلات کنندہ کو لیا میچ 185 روز
 کی لیو انکیشمنٹ (Leave encashment) کی ادائیگی سے انکار
 اور ٹال مشورل جبکہ اکاؤنٹنٹ جنرل غیر مختونخوا کا اس نا انصافی میں
 شامل ہو جانا جس کے نتیجے میں تفصیلات کنندہ کو اسکے جائز قانونی
 حق سے محروم کر دینا جبکہ مسئلہ بار بار دونوں حکام کو ایسے حق کے
 حصول کیلئے درخواستیں کر چکی ہیں لیکن اسکی درخواستوں کو دونوں حکاموں
 نے کورٹ کی ٹولری میں پھینک دیا ہے۔

حیات عالی

مسئلہ/تفصیلات کنندہ حسب ذیل عرض کرتی ہے

۱) یہ کہ مسئلہ/تفصیلات کنندہ کو تعلیم اور سب جیٹ پی ایس ٹی پمٹر
 سائٹس کی عمر پیر پنچ کر تیرہ اکتوبر 2012ء کو ریٹائرڈ ہوئی تھی
 (نقل آرڈر لف ہے)

۲) یہ کہ صوبائی حکومت کے ایک نوٹیفکیشن مورفہ 13 دسمبر 2012ء کے تحت
 سرکاری ملد زمین کو ایک سو روز کی لیو انکیشمنٹ کی بجائے تین سو
 بیس سو روز کی لیو انکیشمنٹ (Leave encashment) کی ادائیگی
 تکمیل جولائی 2012ء سے کرنے کے احکامات جاری ہوئے (نقل
 نوٹیفکیشن لف ہے)

۳) چونکہ مسئلہ/تفصیلات کنندہ کی ریٹائرمنٹ کے آرڈر مذکورہ بالا نوٹیفکیشن
 کی آمد سے قبل مورفہ 3 نومبر 2012ء کو جاری ہوئے تھے اسلئے ان
 آرڈرز میں مسئلہ/تفصیلات کنندہ کو 180 روز کی لیو انکیشمنٹ کی ادائیگی
 کا حکم دیا گیا تھا۔ مسئلہ نے 180 روز کی لیو انکیشمنٹ لے لی۔

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(4)

یہ کہ جب 13 نومبر کا نوٹیفکیشن آیا جس میں سرکاری ملازمین کی لیو انٹیفیکیشن 185 روز سے بڑھا کر 365 روز کر دی گئی، تو سائلہ اشکافیت گذرہ نے بقایہ 185 روز کی لیو انٹیفیکیشن کے حصول کیلئے ایک درخواست مورخہ 2016-3-1 کو جمع فرمادی کہ گذرات 25 ستمبر کو ایجوکیشن افسیر (برائے وائٹن) لٹ اور ادر سے ڈسٹرکٹ ایجوکیشن افسیر لٹ اور لٹ اور ایس ایس کے ذریعہ اس درخواست کی ایک نقل اٹاڈ سنٹ ڈسٹرکٹ ایجوکیشن افسیر کو بھی بھیج دی گئی (نقل درخواست لف ہے)

(5)

یہ کہ کافی عرصہ گزر جانے کے باوجود جب متعلقہ حکام سائلہ اشکافیت گذرہ کا مسئلہ حل نہ کر سکے تو سائلہ اشکافیت گذرہ نے ایک بار پھر مورخہ 14 اکتوبر 2017 کو ایک درخواست تینوں حکام کو ارسال کر دی تاکہ ڈسٹرکٹ ایجوکیشن افسیر برائے وائٹن لٹ اور بقایہ 185 روز کی لیو انٹیفیکیشن کی منظورگی دیکر کسی اٹاڈ سنٹ کے حصول خیر ختم فرما کر ایجوکیشن ٹاڈ سائلہ کو اسکا جائز قانونی حق مل جائے (نقل درخواست لف ہے)

(6)

یہ کہ ڈسٹرکٹ ایجوکیشن افسیر برائے وائٹن لٹ اور کے دفتر سے سائلہ اشکافیت گذرہ کو ایک حیران کن حقیقی حصول معولی جنہیں سائلہ کو حکم دیا گیا کہ وہ اپنی اعلیٰ سرورس بک سرورس بالا دفتر کو فراہم کرے۔ سائلہ کو اس بات کا شکوکہ ہوا کہ محکمہ نے اسکا کہیں بردے پینشن جب اٹاڈ سنٹ جنرل کو بھیجا تھا تو سائلہ نے اعلیٰ سرورس بک بھیجے اور اس کے دفتر میں حضور کو لکھی اور اس بارے متعلقہ پینشن برائچ نے کہیں کا انڈراج زیر طر 32 بردے سال 2012-13 کیا تھا۔ لہذا ڈسٹرکٹ ایجوکیشن افسیر (برائے وائٹن) لٹ اور کو سرورس بک کی ضرورت تھی تو وہ اٹاڈ سنٹ جنرل سے منگوا سکتی تھی لیکن بجائے اسے ہی سے سرورس بک مانگنے، سائلہ کو حکم دیا گیا کہ وہ سرورس بک فراہم کرے۔ سرورس بک تو سرکاری ایجنسیوں سے جو متعلقہ دفتر کی تحویل میں ہوتا ہے وہ فراہم کر دیا جائے گا۔ (نقل جی پی 2017-12-12 لف ہے)

attested
Jawid Bhatti

(۱) یہ کہ ڈسٹرکٹ ایجوکیشن آفیسر (برائے خواتین) ان دنوں مورخہ 2018-1-24 کو ایک چھٹی اکاؤنٹنٹ جنرل لٹر کو سائلہ کی اعلیٰ سروں تک کی فراہمی کیلئے ملکی صحتی ایک بائی سائلہ کو بندوبست 1239 مورخہ 2018-1-24 کو ارسال کی گئی (نقل چھٹی لف سے)

(۲) یہ کہ محکمہ پانچ برس کا بیت جانے کے باوجود سائلہ کو تا حال اسکا جائز قانونی حق نہیں مل رہا۔ سائلہ نے ڈسٹرکٹ ایجوکیشن آفیسر کو اپنی دونوں درخواستوں پر سائلہ کو اپنی سروں تک کی نقل فراہم کر دی گئی جیسے سائلہ کو سائلہ کا لیو اکاؤنٹنٹ میں مسئلہ تھا جبکہ اعلیٰ سروں تک ڈسٹرکٹ ایجوکیشن آفیسر برائے خواتین لٹر نے سائلہ کے پیشکش کیس کے سائلہ اکاؤنٹنٹ جنرل کو بجاوادی ملحق جو آخر از سر کے دفتر میں محفوظ کر لی گئی۔

(۳) یہ کہ سائلہ کے لیو اکاؤنٹنٹ میں پچاس سو روپے سے زائد چھٹی موجود ہے (اسے) صرف 185 روز کی لیو اکاؤنٹنٹ علی یہ جبکہ ذریعہ الٹراف بڑی میں کیا گیا۔ چونکہ حکومتی نوٹیفکیشن مورخہ 2012-12-13 کی رو سے سائلہ اشکابیت کنندہ 365 روز کی لیو اکاؤنٹنٹ لینے کی مقدار ہے اسلئے سائلہ بار بار اپنے محلے اور اکاؤنٹنٹ جنرل کو الٹی کر رہی ہے مگر اسکی فریاد نفسی ان سنی ہو جاتی ہے۔ سائلہ کو پورے چھپے میں بلا اجازت پر نشان کیا جا رہا ہے

اسد علی ہے کہ اس درخواست اشکابیت اور اس کے سائلہ مسئلہ کاغذات کا بغور مطالعہ کرتے ہوئے ڈسٹرکٹ ایجوکیشن آفیسر (برائے خواتین) لٹر اور اکاؤنٹنٹ جنرل فریور جنرل ان درو علم دیا جائے کہ وہ اشکابیت کنندہ کو فوری لیجائیہ 185 روز کی لیو اکاؤنٹنٹ کی ادائیگی کریں۔

تربیا بانو نیت غلام حسین، محلہ بکر قصا بان، اندرون لاہوری گیٹ۔ گاڑی خانہ
 پشاور شہر (والہم) 8484859-0315
 مورخہ 2018-4-4

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کمپینٹ نمبر 14614/2018

مسماة ثریا بانو (سابقہ بی ایس ٹی ٹیچر) دفتر غلام حسین (موم) سکنہ محلہ بکر قصابان اندرون لاہور کی گیس، گاڑی خانہ، ٹی وی اور شہر

نہام

- (1) ڈسٹرکٹ ایجوکیشن آفیسر برائے خواتین جی ٹی وی اور ٹی وی
- (2) ڈائریکٹر ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیرپور، جی ٹی وی اور ٹی وی
- (3) اکادمیٹک کنٹرول خیرپور، فورٹ روڈ ٹی وی

عنوان: - سائلہ کی ریٹائرمنٹ کو تقریباً چھ برس کا عرصہ بیت جانے کے باوجود ڈسٹرکٹ ایجوکیشن آفیسر برائے خواتین ٹی وی اور ٹی وی سے اجازت دینے سے انکار اور ٹی وی کورٹ کو ایک مکرانہ رپورٹ دینا کہ سائلہ کی کمپینٹ نے اپنی سروسز سے ریٹائر ہو کر بالآخر ایس ٹی وی کی جیلڈ ریفریٹ سائلہ کا پینشن کا کیس اکادمیٹک کنٹرول کو بھیج دیا وقت اصلی کروں تک ڈسٹرکٹ ایجوکیشن آفیسر (برائے خواتین) ٹی وی اور ٹی وی سے اجازت دینے سے انکار اور ٹی وی کورٹ کو بعد از ذکر کے دفتر میں کیس کی منظوری کے بعد محفوظ طریقے سے لے کر تعلقہ پینشن برائے ایس ٹی وی میں کیس کا اندراج زیر نمبر 32 برائے سال 13-2012 کیا گیا تھا۔ افسوس کہ سائلہ کی سحر درخواست اکمپینٹ مورخہ 2018 کے 4 کو ملاحظہ کیے بغیر ڈسٹرکٹ ایجوکیشن آفیسر کی غلط اور مکرانہ رپورٹ پر شہادت گزار کو ایس ٹی وی اور ٹی وی کی طرف سے بذراجم بھیجی نمبر 5346 مورخہ 2018 کے 7 حکم دیا جانا کہ وہ اپنا کیس تقویہ پر اپریشنل پراسس کرے اور اپنی اصلی سروسز سے ڈسٹرکٹ ایجوکیشن آفیسر (برائے خواتین) ٹی وی اور ٹی وی کو فراہم کرے اور سٹیٹی ساتھ اس بارے میں ایس ٹی وی اور ٹی وی کو اطلاع دے۔ افسوس کہ ایس ٹی وی اور ٹی وی سے مانگنے کی بجائے سائلہ کی شہادت گزار سے مانگی جا رہی ہے۔ چنانچہ ڈی جی ٹی کورٹ نے حکم دیا کہ وہ اکادمیٹک کنٹرول کے دفتر سے اس کی سہولت اور سائلہ کا مسئلہ حل کر دیں

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خبر جاری ہے: - سائلہ کی شہادت گزار حسب ذیل عرض و مسائل ہے

(1) یہ کہ سائلہ کی کمپینٹ بجلیت بی ایس ٹی ٹیچر ساٹھ برس کی عمر کو پہنچ کر تیسرا اکتوبر 2012 کو ریٹائر ہوئی تھی۔ اور ٹی وی کی سائلہ کی کمپینٹ نمبر 14614/2018 پر موجود ہے

(2) یہ کہ سائلہ جو کہ 3 اکتوبر 2012ء کو سرکاری سے ایسٹریٹوری سے لیا گیا 365 روز کی
 لیوا اینٹی سیفٹ لینے کی مقدار ہے جبکہ اسے صرف 185 روز کی لیوا اینٹی سیفٹ دی گئی ہے۔

(3) یہ کہ حکومتی نوٹیفکیشن مورفم 13 اکتوبر 2013ء کی لینڈنگ 14614/2014ء کی فائل پر موجود ہے
 اور اس کی ساری تفصیل بھی دی گئی ہے کہ کیس جس سائلہ/ اشخاصیت لڈاز کو اس سے جان بوجھ سے
 کم لیوا اینٹی سیفٹ دی گئی تھی۔ اگر فائل پر اظہار فرمائی جائے تو حقیقت کھل کر سامنے آجائے گی۔
 یہ کہ سائلہ نے صرف 185 روز کی لیوا اینٹی سیفٹ لی ہے جبکہ لٹیچر 185 روز کی لیوا اینٹی سیفٹ
 کے حصول کے لئے ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 کو ایف ڈی (2016) کے تحت
 کاغذات سے ارسال کی جو کہ بعض رابطوں کے ذریعہ ایسٹریٹوری لینڈنگ 14614/2014ء پر موجود ہے۔

(4) یہ کہ ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 تو ریکارڈ پر سائلہ/ اشخاصیت لڈاز سے ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1
 زنائن کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 تاکہ ڈسٹریکٹ ایجوکیشن آفیسر جامعہ امارت سنگھ فیصلہ فرمائیں تاکہ اس کی سرکاری کاپی منقولہ
 نام لٹیچر 185 روز کی لیوا اینٹی سیفٹ کی منظوری دیا جائے اور سائلہ کو اس عمل سے مطلع کیا جائے۔ یہ ساری تفصیل
 سائلہ کی لینڈنگ 14614/2014ء میں موجود ہے۔

(5) یہ کہ ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1

*Attended
 Saad Bhatti*

(6) یہ کہ ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1
 ڈسٹریکٹ ایجوکیشن آفیسر (زنائن) کی درخواست مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1 مورفم 3-1

(7) یہ کہ ڈسٹرکٹ ایجوکیشن افسر (جینین) نے مورخہ 2018-1-24 کو ایک جھٹی اکاؤنٹنٹ فہرست
 غیر محفوظ یا لوٹروں تک کی فہرست بھی لکھی تھی لیکن اکاؤنٹنٹ فہرست کے دفتر میں بھی

مردم آزار، بد عنوان اور ظالم افراد موجود ہیں جنہوں نے ڈسٹرکٹ ایجوکیشن افسر کی
 جھٹی کو رپی کی ٹوڑی میں بھنک دیا کیوں کہ سروں تک ڈھونڈنے پر انہیں موت
 آتی ہے۔ دوکری جانب ڈسٹرکٹ ایجوکیشن افسر (خواتین) کے دفتر کا ظالم،

بد عنوان اور مردم آزار محلہ بھلہ سے جان بچانے کیلئے بہ زبرداری معاملہ پر
 ڈال رکھے کہ وہ اپنی سروں تک فریڈم کرے۔ افسر انہوں کی بات سے کہ
 ایک ریٹائرڈ ملازم سے اس کی سروں تک جانلی جا رہی ہے۔ سروں تک تو ڈسٹرکٹ ایجوکیشن افسر

نے معاملہ کے پیشین گوئی کے ساتھ بائج برس قبل اکاؤنٹنٹ فہرست کو بھجوا دی تھی۔ پیشین کی
 منظوری کے بعد سروں تک اکاؤنٹنٹ فہرست کے دفتر میں محفوظ کر لی گئی تھی۔ عذیر بہ کہ
 سروں تک ایک سرکاری اہلکار ڈھونڈے جو کہ دوران سروں متعلقہ محکمہ کی تحویل میں ہوتا ہے

اور ریٹائرڈ ملازم کے بعد یہ اہلکار یعنی سروں تک اکاؤنٹنٹ فہرست کے دفتر میں محفوظ کر لی
 جاتی ہے۔ اگر بعض افسروں کے متعلقہ ڈائریکٹر معاملہ کی شکایت (مورخہ 2018/4/4) سے
 مورخہ 2018/4 اور ایک ساتھ متعلقہ کاغذات معاملہ کی طرف سے ڈسٹرکٹ ایجوکیشن افسر (جینین)

اور اکاؤنٹنٹ فہرست فہرست کو لکھی گئی درخواستوں کا مطالعہ کر لیتے تو وہ معاملہ اشاعت شدہ کو
 پرزور نہ لیتے کہ وہ اپنی سروں تک متعلقہ ڈسٹرکٹ ایجوکیشن افسر کو فریڈم کرے۔
 یہ کہ معاملہ اشاعت نہ کر کے یا کہ اپنی سروں تک کی ایک خود افسریت جانی تھی جس کے ساتھ ساتھ

لیو اکاؤنٹنٹ فہرست میں لیا گیا ہے اور اس کے ساتھ ساتھ سروں تک کے ساتھ ساتھ ایک سے ڈسٹرکٹ ایجوکیشن افسر
 کو فریڈم کر لیا ہے تاکہ ڈسٹرکٹ ایجوکیشن افسر (لاہور) سے لیا جائے کہ معاملہ کے لیے اور اکاؤنٹنٹ میں
 افسر جینین موجود ہیں جنہیں سے 185 روز کی لیا گیا لیو اکاؤنٹنٹ کی اذالہ لکھی ہے

منظوری کی جا سکتی ہے۔
 یہ کہ سٹاک کی کاپی مورخہ 2018/4 کے ساتھ ساتھ ہی ریٹائرمنٹ کے آرڈر لگے ہوئے ہیں
 سٹاک کو ریٹائرڈ ہوئے تقریباً 6 برس کا عرصہ بیت چکا ہے مگر بھی تک اسکا مسئلہ حل نہیں ہوا ہے جس وجہ

سے ڈسٹرکٹ ایجوکیشن افسر (مراٹھ خواتین) اور اکاؤنٹنٹ فہرست غیر محفوظ یا کے دفتر کی
 نالی ہے۔ ان دفاتر کے مردم آزار اہلکار دوکریوں کو پریشان کر کے خوش ہوتے ہیں۔
 اور بھگتہ اس تاک میں لگے رہتے ہیں کہ کسی طرح مطلوبوں سے روج بھجوائیں۔

all the best
 بلکہ سبھی کو

یہ کہ بیومن رائٹس ڈائریکٹریٹ نے بار بار ڈسٹرکٹ ایجوکیشن افسر (فیمین) کو اور
 کو فونس دئے ہیں مگر نتیجہ کچھ بھی برآمد نہ ہوا بلکہ اللہ اعزہ داری سائلہ اکیڈمی کے بر
 ڈال دی گئی ہے کہ وہ اپنی سرورس بند خراب کرے تاکہ اسکا مسئلہ حل کیا جائے
 لہذا ڈائریکٹریٹ آف بیومن رائٹس کی ناکامی کے بعد اب مسئلہ صرف عدالت
 کے روبرو حل ہو سکتا ہے لہذا اوصاف کا اضافہ ہے کہ یہ تعین عدالت
 کے روبرو منجائے۔ اگر لاپتہ یا کبھی کو معاملہ یہی سمجھے گی کہ اس ملک
 اوصاف نام کی کوئی شے نہیں۔ ضروری سہولت کے لئے تمام اعداد کی تفویض ہیں۔

(15)

نوٹ: سرورس کی ایک تعین جو اسکا ایشیاٹک لڈارک مال بھی وہ لفظ ہے
 صفا اصل کوئی شے نہیں بلکہ صرف نام ہے جو اسکا لڈارک مال ہے
 مضمون لکھی گئی ہے۔

شریہ بالونبیت غلام حسین (روح) محلہ بکر قصابان۔ اندرون لاہور ایڈووکیٹ
 گاڑی خانہ۔ پشاور شہر

الموافق 10/8/2018

الطبر 0315-8484859

بسم اللہ الرحمن الرحیم
 اللہ اعزہ دار

نوٹ: اس درخواست اوصاف کی ایک کاپی جناب میاں شاقب شاد صاحب
 چیف جسٹس آف پاکستان کو آئی ہے حالہ اس بیان کی روشنی میں
 بھیجی جا رہی ہے جس میں انہوں نے فرمایا ہے کہ مظلوم اور متاثرہ افراد
 انہیں اپنے دکھ درد سے آگاہ کریں تاکہ انہیں معاف اوصاف کیا جائے
 اور انہیں الگ حق مل سکے۔ تمام درخواستیں جمع ضروری کاغذات لٹ ہیں۔

(2) اگ درخواست کی ایک نقش ڈسٹرکٹ ایجوکیشن افسر (فیمین) کو اور کو
 مع تمام کاغذات بھیجی گئی جا رہی ہے تاکہ انہیں پتہ چل سکے کہ الفا
 حالت علم انہیں سے گمراہ کر رہے ہے۔ جبکہ حقیقت یہ ہے کہ معاملہ کا یہ تعین
 کاغذات 2012 میں اکادمی نے جنرل کو بھیجئے وقت اصل کوئی کئی ای او کے
 دفتر سے اکادمی نے جنرل کو بھیجی اور انہوں نے محفوظ کر لی تھی۔ بجائے
 اکادمی نے جنرل سے اس کے کسے اس کے سے سرورس ایک مالٹی جاب ای جو دفتر کی
 نااہلی، بدعنوانی کا واضح ثبوت ہے۔

(3) اس درخواست کی ایک نقل جمع کاغذات سیکرٹری ایجوکیشن اور سیکرٹری ایجوکیشن کو ارسال
 کی جا رہی ہے تاکہ انہیں معلوم ہو کہ انہوں نے ای او فیمین کو اور کاغذات
 سائلہ کو معاف کرنا کر رہے۔ سائلہ 2012 میں جنرل کو بھیجئے وقت
 دئے بقایہ 1855 روز کی ایجوکیشنل سٹاف کی ایجوکیشنل سٹاف

Is
24

IN THE PESHAWAR HIGH COURT
PESHAWAR

WP 4793-P/18

1. Mst, Surayya Bano Wife of Sher Zaman Resident of Chowk Garikhana,
House No. 2970, Mohallah Bakkar Qasabaan Peshawar. Mob # 0315-
8484859.

(Petitioner)

VERSUS

1. Secretary Elementary & Secondary Education, KPK Peshawar.
2. Director Elementary & Secondary Education, KPK Peshawar
3. Executive District Officer, Elementary & Secondary Education
Peshawar.
4. District Education Officer (Female) Peshawar.
5. Sub Divisional Educational Office (Female) Peshawar.

(Respondents)

DEPTO TODAY
Deputy Registrar
02 OCT 2018

all the
Surayya Bano

PESHAWAR HIGH COURT, PESHAWARORDER SHEET

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
28.11.2018	<p data-bbox="651 558 971 593"><u>WP No.4793-P of 2018.</u></p> <p data-bbox="651 627 1393 692">Present: Mr. Noor Muhammad Khattak, Advocate for the petitioner.</p> <p data-bbox="927 725 1110 742">*****</p> <p data-bbox="651 792 1393 1031"><u>IKRAMULLAH KHAN, J.</u> -- Through the instant Writ Petition, the petitioner has prayed that the DEO (F), Peshawar and Accountant General, Khyber Pakhtunkhwa may be directed to release her leave encashment of 185 days.</p> <p data-bbox="651 1056 1393 1928">02. Brief facts of the instant petition are that the petitioner sent an application/complaint dated 04.04.2018 to the Hon'ble Chief Justice of this Court for the relief mentioned above, which application/complaint was converted into Writ Petition in hand, on 07.09.2018 by the Order of Hon'ble the Chief Justice. Petitioner was retired from the post of Primary School Teacher with leave encashment of 180 days vide Notification dated 03.11.2012. After her retirement, Govt. of Khyber Pakhtunkhwa Finance Department vide Notification 13.12.2012 had amended rule 20 of Khyber Pakhtunkhwa Civil Servant Revised Leave Rules, 1981 and the period of leave encashment was enhanced to 365 days. Under the amendment, inter alia a new sub-rule (2) was added which had extended the benefit of enhance encashment of leave preparatory to retirement with retrospective effect i.e. w.e.f. 01.07.2012.</p> <p data-bbox="651 1953 1393 2078">03. In the light of said Notification, the petitioner had applied to District Education Officer (Female), Peshawar and sub-Divisional Education Officer</p>

atit

Sunja Zm

Female, Peshawar for payment of leave encashment of 185 days on 01.03.2016 but since then her application is in state of limbo.

04. As, the matter purely pertains to the Terms & Conditions of service, however, the learned counsel for the petitioner contended that it is a case of hardship but when this Court having no jurisdiction in term of Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, to entertain the instant petition, could take cognizance of the matter in hand. But as the appeal filed by the petitioner is still pending adjudication before the appellate concerned authority, this Court deem it appropriate to direct the appellate authority to decide the appeal within 30-days positively, otherwise, the petitioner would be at liberty to approach the Service Tribunal in accordance with law for redressal of her grievance.

ANNOUNCED.
28.11.2018.


JUDGE


JUDGE

*Muhammad
Samiq Bacc*

To

J
27

1. The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female) Peshawar.
4. The Sub Divisional Education Officer (Female) Peshawar.

Subject: Implementation of the Judgment of the Honourable Peshawar High Court Peshawar dated 28-11-2018 in Writ Petition No.4793-P/2018

Sir,

The petitioner respectfully submits as under:

1. That the Writ Petition of the Petitioner has been decided by Honourable Peshawar High Court Peshawar on 28-11-2018, whereby the appellate authority (DEO F) Peshawar has been directed to decide the appeal of the petitioner dated 1-3-2016 within 30 days positively (copy of the judgment is annexed for perusal).
2. That to solve the problem of the petitioner the DEO (Female) Peshawar should depute an official to fetch the Service Book of the petitioner from the office of the Accountant General Peshawar for the grant of rest of the leave encashment of 185 days to the Petitioner. The Service Book of the Petitioner had been submitted with the pension case of the petitioner in 2012 to the Accountant General Peshawar. After sanction of the pension the Service Book was registered under No.32 in particular register for the years 2012-13.
3. That to avoid further litigation the problem of the Petitioner may kindly be solved without further loss of time otherwise the Petitioner shall have to knock again at the door of proper legal forum.

It is requested that the orders of the Honourable Court may kindly be implemented in letters and spirit.

Dated 3-12-2018

Yours obediently

Suraiya Bano

Suraiya Bano

Mst: Suraiya Bano
D/o Ghulam Hussain &
Wife of Sher Zaman,
H.No.2970, Mohalla Bakkar Qasabaan,
Chowk Garhi Khana, inside Lahori Gate,
Peshawar. Cell: No. 0315-8484859

Copy of above alongwith judgment of the court to the Accountant General, KPK, with humble submission to provide the Service Book of the petitioner to the the DEO (F) Peshawar for the grant of leave encashment as mentioned in this application.

K
28

GOVERNMENT OF KHYBER PAKHTUNKHWA

Elementary and Secondary Education Department

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

NO.S.O (LIT-I)/E&SE/1-1/2012/3837

Dated Peshawar the 9-1-2019

To

- 1.The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar
- 2.District Education officer(F)
Peshawar.

SUBJECT: - APPLICATION OF SURRAYA BANO EX PST W.P NO.4793/2018

I am directed to refer to the subject noted above and to enclose herewith a copy of application of Mst.Surraya Bano ex PST(alongwith its enclosures) which is self explanatory for strict compliance of Peshawar High Court Peshawar order dated 28-11-2018 by fetching the original Service Book from the office of Accountant General Peshawar to redress the grievances of the applicant at the earliest.

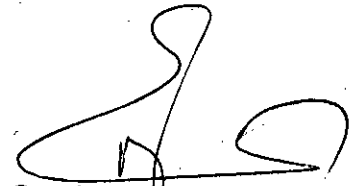
Section officer (Lit-I)

Endst.NO & date as above.

Copy to:-

- 1.Addl Registrar Peshawar High Court.
- 2.P.A to DS(Legal)

*attested
Surraya Bano*


Section officer (Lit-I)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

APPLICATION IN APPEAL NO.122/2019

Mst Suriya Bano.....Appellant

VS

Secretary to Govt: of Khyber Pakhtunkhwa (E&SE) Department and others.

Subject: APPLICATION FOR ISSUING ORDER TO THE RESPONDENT NO.3 PROVIDE ORIGINAL SERVICE BOOK OF THE APPELLANT TO THE RESPONDENT NO.4 TP PROCESS HER CASE OF REMAINING 185 DAYS LEAVE ENCASHMENT AND THE RESPONDENT NO.4 MAY BE ORDERED TO FETCH THE REQUISITE SERVICE BOOK FROM THE OFFICE IF THE RESPONDENT NO.3.

REPLY ON BEHALF OF RESPONDENTS.


RESPECTFULLY SHEWETH:-

1. That Para No.1 of the application is correct.
2. That in reply to Para No.2, it is submitted that the Respondent Department issued notification in light of Peshawar High Court Peshawar order 28/11/2018 on dated 26/02/2019 and sent the bill to the Accountant General Office in June 2019 regarding her arrears.

(Copy of Notification & Arrears Bill are attached)

3. That reply of Para No.3 has already been discussed in the above Para.
4. That in reply to Para No.4, it is submitted that the respondent department has already sent the arrears bill of the Appellant in June 2019.
5. That in reply to Para No.5, it is submitted that the Respondent Department has already processed the case of the Appellant in light of Hon'ble Peshawar High Court order.
6. That Para No.6 & 7 is incorrect and misleading. The detail reply has been given in the above Para.

It is therefore, very humbly prayed that on acceptance of this reply, the instant application may very kindly be dismissed.


District Education Officer
for (Female) Peshawar

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR.

NOTIFICATION.

Consequent upon the Judgment Peshawar High Court Peshawar announced on 28/11/2018 and Govt: of Khyber Pakhtunkhwa Finance Department Notification No. SO(FR)FD/5-92/2005/Vol-V dated 13/12/2012.

The appeal of Mst. Suriya Bano, Ex-PT GGPS New Karimpura Peshawar is hereby accepted and allowed 365 days in lieu of LPR instead of 180 days in the notification issued by this office E. No. 5374-76 dated 3/11/2012.

NOTE :-

1. Necessary entry to this effect should be made in her service book.

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Endst: No. 1493-96 date 26/02/19
Copy forwarded for information to the :

1. Accountant General Khyber-Pakhtunkhwa Peshawar.
2. Additional Registrar Peshawar High Court Peshawar w/r of WP No. 4973-P/2018.
3. SDEO (Female) Town I Peshawar.
4. Official concerned.

Sami 22/02/19
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR

PAYROLL SYSTEM
OFFICE OF THE SDEO (F) TOWN-I PESHAWAR,

FORM: PAY03

FOR THE MONTH OF _____

DDO Code ⁵

6573 ⁶

185712

305 - 6.98119500 = 118.560 =

P.P No

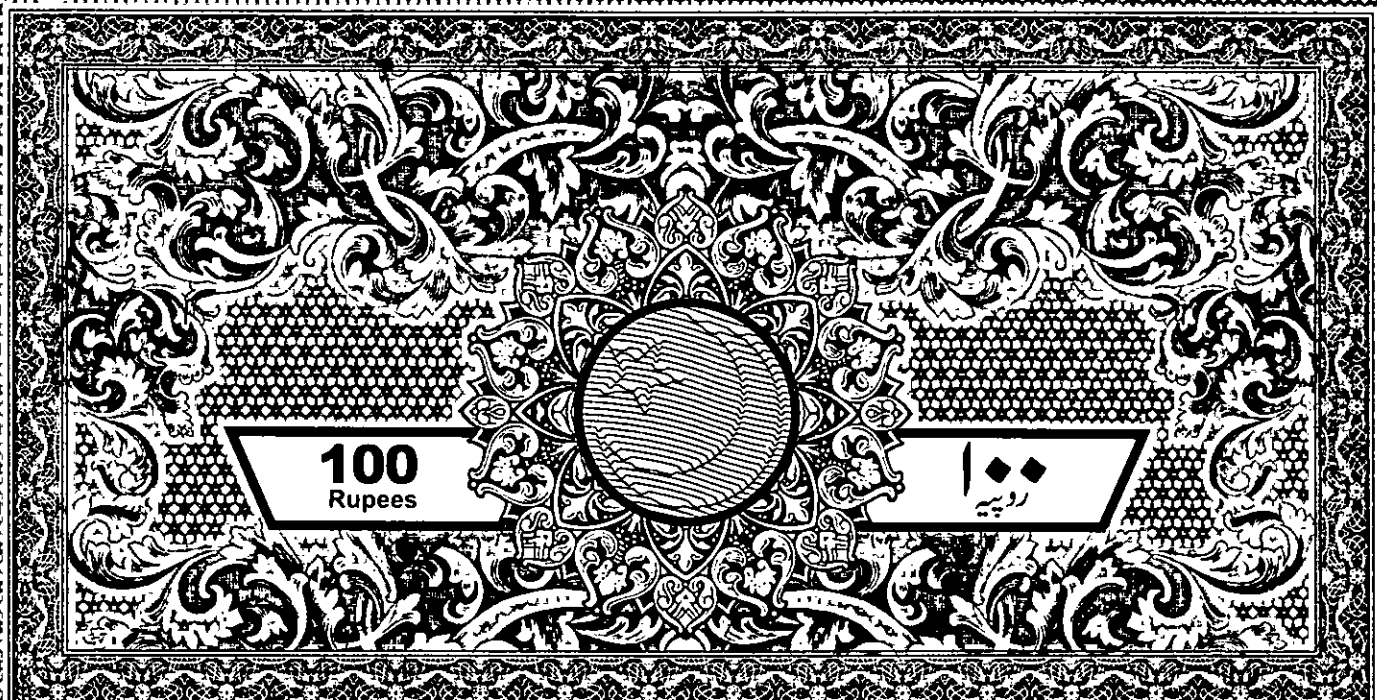
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							11			14				16	Stop Effective		19	Remarks		
							18	Employee Name		20	21	22	23	24	25	26	27	28	29	30
								Swarna Devi												
								Zai-Pst												

[Handwritten Signature]
Sub Divisional Officer
General Town-1 Peshawar

[Handwritten Signature]
2009

Entered / Verified By



100
Rupees

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No: _____ / 2019

Mst. Suraiya Bano (Ex-PST of Education Department) Appellant

Versus

Secretary to the Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department & Others Respondents

Subject: **SPECIAL POWER OF ATTORNEY**

I, Suraiya Bano W/O Sher Zaman and D/O Ghulam Hussain (Late), do hereby confer Special Power of Attorney upon Mr. Abdul Mateen s/o Abdul Rauf, resident of House # 27, Street # 03, Quaid Abad Colony # 2, Kakshal, Peshawar City, to plead this case on my behalf and assist the Honourable Tribunal to decide this case on merit.

Dated: 16/04/2019

Suraiya Bano
Deponent:
CNIC # 17301-9960051-0

ATTESTED

Mukhtar Ahmed Shauzani
NOTARY PUBLIC
District Court Peshawar

47

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR.

NOTIFICATION.

Consequent upon the Judgment Peshawar High Court Peshawar announced on 28/11/2018 and Govt: of Khyber Pakhtunkhwa Finance Department Notification No. SO(FR)FD/5-92/2005/Vol-V dated 13/12/2012.

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NOTE :-

1. Necessary entry to this effect should be made in her service book.

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Endst: No. 1493-96 /

Date 26/02/19

Copy forwarded for information to the :

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Additional Registrar Peshawar High Court Peshawar w/r of WP No. 4973-P/2018
3. SDEO (Female) Town I Peshawar.
4. Official concerned.

Samina 22/02/19
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.



OFFICE OF THE
District Education Officer, (Female)
PESHAWAR.

No. 4267 Dated: 09/01/2019.

To,

Mst: Suraiya Bano Ex-PST,
Wife of Sher Zaman,
House No.2970, Mohallah Bakkar Qasabaan,
Chowk Garhi Khana, inside Lahori Gate.

Subject: **PROVISION OF SERVICE BOOK.**

Memo:

Reference to the subject cited above and you are directed to provide your service book positively within **07 days** after the receipt of this letter, to proceed in your case as per Hon'ble Court direction's dated 28/11/2018 passed in writ petition No.4793-P/2018.

District Education Officer,
(Female) Peshawar.

Endst: No. _____ Dated: ____/____/2019.

Copy of the above is forwarded to the:-

1. Additional Registrar (J), Peshawar High Court Peshawar, w/r to WP No: 4793-P/2018.
2. Office Concerned.

District Education Officer,
(Female) Peshawar.

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No.122...../2019

Mst: Suraiya BanoAppellant

VS

Secretary to the Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department and
others.....Respondents

Subject: **Application for issuing orders to the Respondent No.3 to provide original Service Book of the Appellant to the Respondent No.4 to process her case of remaining 185 days leave encashment and the Respondent No.4 may be ordered to fetch the requisite Service Book from the office of the Respondent No.3**

Sheweth,

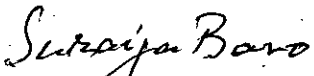
The Appellant respectfully submits as under:

1. That under the orders of the Honourable Peshawar High Court Peshawar dated 28-11-2018, the Respondent No.4 has amended the orders of Appellant/applicant's leave encashment dated 13-12-2012 by enhancing the number of days from 180 to 365 days (copy of the order annexed as A).
2. That inspite of allowing 365 days leave encashment to the Appellant, the Respondent No.4, has directed the Appellant to provide her original Service Book to the office of the Respondent No.4 so that her case of remaining leave encashment could be processed (copy of the order dated 9-1-2019 annexed as B).
3. That the Appellant has already mentioned in her Appeal that her original Service Book had been sent alongwith her pension papers to the office of the Accountant General in 2012, by the District Education Officer (Female) Peshawar. When the pension was sanctioned by the Respondent No.3, the original Service Book of the Appellant was kept on the record of his office.
4. That the Appellant had requested the Respondents No.4, 5 & 3 on 1-3-2016 and 14-10-2017 to allow her remaining 185 days leave encashment under the order of the Govt. of Khyber Pakhtunkhwa dated 13-12-2012 but the Respondent No.4 instead of processing the case of the Appellant demanded her original Service Book from her while the Respondent No.3 kept mum.

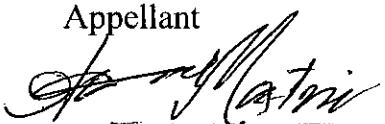
5. That on the intervention of the Honourable High Court, the Respondent No.4 has amended their Notification dated 13-12-2012 whereby the number of leave encashment days have been enhanced from 180 days to 365 days vide Endst: order No.1493-96 dated 26-2-2019 but the Respondent No.4 has once again directed the Appellant through letter No.4267 dated 9-1-2019 to provide her original Service Book to the office of the Respondent No.4 to process her case.
6. That the Appellant has already mentioned in her Appeal that her Service Book has been lying in the office of the Respondent No.3 (Accountant General). But the Respondent No.4 is reluctant to demand the Service Book from the office of the Respondent No.3.
7. That the Respondent No. 1 also wrote a letter to the Respondent No. 4, to fetch the original Service Book of the Appellant from the office of the Respondent No. 3; so that the Appellant's case of remaining leave encashment could be processed. But the Respondent No. 4 badly failed to comply the orders of the superior authority.

It is humbly prayed that Respondent No.3 may kindly be directed to provide the original Service Book of the Appellant which had been kept on his record under Serial No.32 of the particular Register for the year 2012-13, to the Respondent No.4 to process the case of the Appellant and Respondent No.4 may also be made bound to fetch the requisite Service Book from the office of the Respondent No.3 to make payment of 185 days remaining leave encashment to the Appellant.

Dated: 23.05.2019


Mst. Suraiya Bano
Appellant

Through:


Abdul Matin
Special Attorney

47 A

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR.

NOTIFICATION.

Consequent upon the Judgment Peshawar High Court Peshawar announced on 28/11/2018 and Govt: of Khyber Pakhtunkhwa Finance Department Notification No. SO(FR)FD/5-92/2005/Vol-V dated 13/12/2012.

The appeal of Mst. Suriya Bano, Ex PRT GGPS New Karimpura Peshawar is hereby accepted and allowed 365 days in lieu of LPR instead of 180 days in the notification issued by this office E. No. 5374-76 dated 3/11/2012.

NOTE :-

1. Necessary entry to this effect should be made in her service book.

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Endst: No. 1493-96 /

Date 26/02/19

Copy forwarded for information to the :

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Additional Registrar Peshawar High Court Peshawar w/s of WP No. 4973-P/2018
3. SDEO (Female) Town I Peshawar.
4. Official concerned.

S. Ghani 22/02/19
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.



OFFICE OF THE
District Education Officer, (Female)
PESHAWAR.

B

No. 4267 Dated: 09/01/2019.


To,

Mst: Suraiya Bano Ex-PST,
Wife of Sher Zaman,
House No.2970, Mohallah Bakkar Qasabaan,
Chowk Garhi Khana, inside Lahori Gate.

Subject: **PROVISION OF SERVICE BOOK.**

Memo:

Reference to the subject cited above and you are directed to provide your service book positively within **07 days** after the receipt of this letter, to proceed in your case as per Hon'ble Court direction's dated 28/11/2018 passed in writ petition No.4793-P/2018.


District Education Officer,
(Female) Peshawar.

Endst: No. _____ Dated: ____/____/2019.

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1. Additional Registrar (J), Peshawar High Court Peshawar, w/r to WP No: 4793-P/2018.
2. Office Concerned.


District Education Officer,
(Female) Peshawar.

Before the Hon. Justice K. J. Somashekar
Service Tribunal, Lasham

Service Appeal No. 122/2019.

Srinivas Prasad vs Govt. of Karnataka

Respected Sir,

Respectfully it is submitted as under.

- ① That the orders of the Hon. High Court and this Hon. Tribunal have been implemented. The amount of Rs 118560/- for 185 days leave encashment has been received on the account of the Appellant bearing No. 4154-S at the National Bank of Karnataka, Lingayat Branch, Lasham on 3-7-2019.
- ② That the Appellant is thankful to this Hon. Tribunal for granting justice to Appellant for getting her due right.

Dated. 29-8-2019

Srinivas Prasad
Attested
Attested Martin
Reference of
The Appellant.