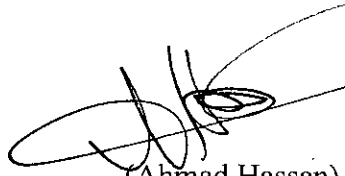
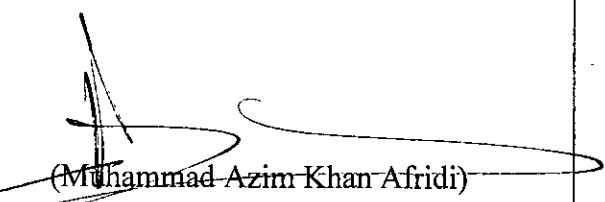


S. No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	07.03.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>CAMP COURT SWAT</u></p> <p>1. Appeal No. 407/2015 Mst. Shagufta and 2. Appeal No. 408/2015 Mst. Hashmi Alam Vs. the Government of Khyber Pakhtunkhwa through Secretary (E&SE) Peshawar and others.</p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellants and Mr. Muhammad Zubair, Senior Government Pleader alongwith M/S Muhammad Shoaib, ADO and Abdul Ali Senior Clerk for respondents present.</p> <p>2. This judgment shall dispose of the instant service appeal No. 407/2015, titled "Mst. Shagufta Versus the Government of Khyber Pakhtunkhwa through Secretary E&SE, Peshawar and others" as well as service appeal No. 408/2015 titled "Mst. Hashmi Alam Versus the Government of Khyber Pakhtunkhwa through Secretary E&SE, Peshawar and others" as identical questions of facts and law are involved therein.</p> <p>3. Brief facts of the afore-stated appeals are that the appellants were serving as PSTs at Government Girls Primary School Lawanda (Samar Bagh) Dir Lower when an amount of Rs. 26000/- was ordered to be recovered from each of the appellants constraining them to prefer departmental appeals followed by the instant service appeals.</p> <p>4. We have heard arguments of the learned counsel for appellants as well as learned Senior Government Pleader for respondents and perused the record.</p> <p>5. The amount ordered to be recovered from the appellants is stated as mis-appropriation of PTC funds. Perusal of record would suggest that neither</p>

any regular enquiry is conducted nor any opportunity of hearing is afforded to the appellants and the impugned orders of recovery were made at their back.

6. In view of the above we are constrained to accept the present appeals, set aside the impugned orders of recovery dated 10.10.2014 and 29.12.2014 and direct that regarding the said recoveries appellants be afforded opportunity of hearing and after adopting due process orders deemed appropriate be passed afresh by the competent authority. Parties are left to bear their own costs. File be consigned to the record room.


(Ahmad Hassan)
Member


(Muhammad Azim Khan Afridi)

Chairman
Camp Court, Swat.

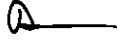
ANNOUNCED

07.03.2017

407/15

07.11.2016

Counsel for the appellant, M/S Muhammad Shoaib and Muhammad Saeed, ATO alongwith Mr. Muhammad Zubair, Sr. GP for respondents present. Rejoinder submitted. Requested for adjournment. Adjourned for final hearing to 07.03.2017 before D.B at camp court, Swat.



Member



Chairman
Camp court, Swat

2.11.2015

None present for appellant. M/S Bashir Ahmad, Headmaster for respondents No.1,2 and 5, Nasrullah, ADO for respondent No.3, Jamil Shah, Senior Auditor for respondent No.4 and Nowsherawan, Senior Auditor for respondent No.6 alongwith Mr.Muhammad Zubair, Sr.G.P for all respondents present. Written reply on behalf of respondents No.1, 2, 5, 6 and 4 submitted. Respondent No.3 submitted letter dated 20.10.2015 according to which he relies on the written statement already submitted by other respondents. The appeal is assigned to D.B for rejoinder and final hearing for 7.3.2016 at Camp Court Swat.


Chairman
Camp Court Swat


07.03.2016

None present for appellant. M/S Bashir Ahmad, Headmaster, Nasrullah, ADO and Jamil Shah, Senior Auditor alongwith Mr.muhammad Zubair, Sr.G.P for respondents present. Due to non-availability of D.B, case adjourned for rejoinder and final hearing before D.B to 01.8.2016 at Camp Court Swat.


Chairman
Camp Court Swat

01.08.2016

Clerk of counsel for the appellant, M/S Nasrullah, ADO, Bashir Ahmad, Headmaster and Jamil Shah, Senior Auditor for the respondents present. Due to non-submission of rejoinder and non-availability of D.B arguments could not be heard. To come up for rejoinder and final hearing before D.B on 07.11.2016 at camp court, Swat.


Chairman
Camp court, Swat.

30.06.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as PST at GGPS Khanoori, Tehsil Dargai when subjected to imposition of penalty for the recovery of Rs. 26000/- vide impugned order dated 10.10.2014 followed by another order dated 12.11.2014 communicated on 15.12.2014 regarding which she preferred departmental appeal on 29.12.2014 followed by service appeal on 21.4.2015.

That the allegations of misappropriation of fund and salary of Chowkidar were unfounded and moreover no fact finding or departmental inquiry was conducted.

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 7.9.2015 at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division.

Appellant Deposited Security & Process Fee


Chairman

07.09.2015


None present for appellant. M/S Muhammad Saeed, ATO, Bashir Ahmed, Headmaster and Nowsher Awan, Senior Auditor alongwith Mr. Muhammad Zubair, Sr. GP, for respondents present. Requested for adjournment. To come up for written reply/comments on 2.11.2015 before S.B at Camp Court Swat.


Chairman
Camp Court Swat

3

13.05.2015

Counsel for the appellant present and seeks adjournment.
Adjourned to 27.5.2015 for preliminary hearing before S.B.


Chairman

4

27.05.2015


Agent of counsel for the appellant present. Counsel for the appellant is stated busy at Darul Qaza, Swat. Adjourned for preliminary hearing to 10.6.2015 before S.B.


Chairman

5

10.06.2015

Agent of counsel for the appellant. Learned counsel for the appellant is stated busy before august Peshawar High Court. Adjourned for preliminary hearing to 30.6.2015 before S.B.


Chairman





Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____

407/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1		3
1	06-05-2015	<p>The appeal of Mst: Shaguftra Bibi 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	11-5-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>13-5-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mst. Shagufta PST GGPS Khanoori Tehsil Dargai distt. Malaknadnd received to-day i.e. on 21.04.2015 is incomplete on the following scores which is returned to the counsel for the appellat for completion and resubmission within 15 days.

- 1- Memorandum of appeal is unsigned which may be got signed.
- 2- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 3- Page Nos. 8, 9, 13, 16, and 17 of the appeal are illegible which may be replaced by legible/better one.
- 4- Annexures of the appeal may be attested.

No. 584/S.T,

Dt. 22/4/2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,

*All objections have been removed,
hence re-submitted today dated 6/5/2015.*

6/5/2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 407 /2015

SHAGUFTA BIBI

VS

Govt: of KPK

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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3.	Order	A	7.
4.	Order	B	8.
5.	Transfer order	C	9.
6.	Relieving order	D	10.
7.	Charge report	E	11.
8.	LPC	F	12.
9.	Letter	G	13.
10.	Application	H	14- 16.
11.	Show cause notice	I	17
12.	Suit	J	17- 22.
13.	Order sheets	K	23- 24.
14.	Impugned orders	K & L	25- 26.
15.	Departmental appeal	M	27- 30.
16.	Vakalat nama	31.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

APPEAL NO. 407 /2015

Mst. Shagufta, P.S.T (BPS-12),
GGPS Khanoori, Tehsil Dargai, District Malakand.

..... **Appellant**

VERSUS

N.W.F. Province
Service Tribunal
Diary No. 372
Dated 21/12-4-2015

- 1- The Government of Khyber Pakhtunkhwa through Secretary of (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director of (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), District Lower.
- 4- The District Account Officer, Dir Lower.
- 5- The District Education Officer (F), District Malakand.
- 6- The District Accounts Officer, District Malakand.

..... **Respondents**

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED ORDERS DATED 28-10-
2014 AND 12-11-2014 COMMUNICATED TO THE
APPELLANT ON 15-12-2014 THROUGH CONSUMER
COURT DISTRICT DIR LOWER WHEREBY
RECOVERY OF RS.26000/- HAS BEEN IMPOSED ON
THE APPELLANT WITHOUT ANY REASON AND
JUSTIFICATION AND AGAINST NOT TAKING
ACTION ON DEPARTMENTAL APPEAL OF THE
APPELLANT WITH IN THE STATUTORY PERIOD OF
NINETY DAYS**

Filed to-day
21/4/15

PRAYER:

That on acceptance of this appeal the impugned orders dated 28-10-2014 and 12-11-2014 communicated to the appellant on 15.12.2014 may very kindly be set aside and the respondents may be directed not to recover Rs.26000/- from the appellant. Any other remedy which this august Tribunal deems fit may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

1. That the appellant was appointed as Primary School Teacher (PST) in respondent Department vide order dated 23.1.2.2010. That in response the appellant submitted her charge report on the very next day at Government Girls Primary School Shahi union District Dir Lower and started performing her duty quite efficiently and to the entire satisfaction of her superiors.
2. That then after the appellant was transferred to GGPS Ghadal from GGPS Shahi and subsequently vide order dated 27.8.2013 the appellant was transferred to GGPS Lawanda District Dir lower. That in response the appellant took over the charge of the said post and started performing her duty quite efficiently and up to the entire satisfaction of her superiors. Copies of the orders are attached as annexure **A and B.**
3. That vide order dated 27-09-2013 the appellant was transferred to Government Girls Primary school Khanuri District Malakand from Government Girls Primary School Lawanda union Council Drangal Tehsil summer Bagh District Dir Lower. That in response the appellant was properly relieved on 30-09-2013 to Government Girls Primary School Khanuri District Malakand and subsequently the appellant submitted her charge report at Government Girls Primary School Khanuri District Malakand vide dated 21-09-2013. Copies of the transferred order, charge report and relieving report are attached as annexure **C, D & E.**
4. That the concerned District Account Officer Dir Lower has also issued Last Pay certificate (LPC) along with Service Book to the concerned authorities vide dated 30-09-2013. Copy of LPC is attached as annexure **F.**
5. That after proper codal formalities the appellant started performing her duty at Government Girls Primary School Khanuri District Malakand as Primary School Teacher (PST) BPS-12 quite efficiently and to the entire satisfaction of her superiors.
6. That appellant while serving as Primary School Teacher (PST) BPS-12 at the concerned station, the salary of the appellant was stopped by the respondents without showing any reason and clear justification. That feeling aggrieved the appellant visited the concerned quarter for the release of her salary but in response the District Education Officer (F) District Malakand have told/informed the appellant that her service record and other related documents have not been received so far by this office, therefore her salary has been withheld till issuance of the said documents from District Dir Lower. Copy of the DEO (F) Malakand Letter dated 12-04-2014 to DEO (F) Dir Lower is attached as annexure **G.**

7. That appellant in consequence filed application/representation before the District Education Officer (F) District Dir Lower for the issuance of verification and other necessary documents. That the concerned authority refused the same on the pretext that the appellant have illegally and wrongly drawn the salaries of the chowkidar namely Zahidullah of the concerned school i.e. Government Girls Primary School Lawanda District Dir Lower. Copy of the application is attached as annexure **H.**
8. That it is very pertinent to mention that appellant has no concern whatsoever with the concerned chowkidar because she was transferred to GGPS Lawanda on 27.8.2013.
9. That not releasing the service documents by the respondents the appellant feeling aggrieved the knocked the door of special judge consumer Court at Dir Lower for the redressal of her grievances. Copies of the application/complaint under section 13 of Consumer Protection Act 1997 is attached as annexure **I.**
10. That during Court proceedings the representative of the concerned authorities provided two different orders dated 28-10-2014 and 12-11-2014 of recovery of Rs.26000/-issued by two different authorities i.e. DEO (F) District Dir Lower and DEO (F) District Malakand. That the Hon'ble Judge of the Consumer Court District Dir Lower vide order/ judgment dated 15-12-2014 directed the appellant to approach the proper forum i.e. The Hon'ble Khyber Pakhtunkhwa Service Tribunal in appeal by challenging the impugned orders. Copies of the order sheets and impugned orders are attached as annexure **J, K and L.**
11. That appellant feeling aggrieved from both the impugned orders dated 28-10-2014 and 12-11-2014 communicated to the appellant on 15-12-2014 filed the Departmental appeal dated 29-12-2014 before respondent No.2 but no reply has been received so far. Hence the present appeal on the following grounds amongst others. Copy of the Departmental appeal is attached as annexure **M.**

GROUND:

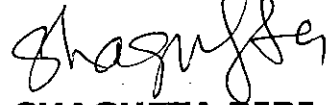
- A- That the impugned orders dated 28-10-2014 and 12-11-2014 issued by the respondents are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

- B- That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the concerned respondents violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondent Department acted in arbitrary and malafide manner by issuing the impugned orders dated 28.10.2014 and 12.11.2014 against the appellant.
- D- That appellant has no concern whatsoever about the drawn of salaries of the concerned Chowkidar rather it is the responsibility of the concerned District Education Officer (F) Dir lower and District Account Officer Dir Lower for which the appellant can not be held/ declared guilty.
- E- That it is the consistent view of the Apex Court that one should not be punished on the fault of others. That the fault has been committed by the concerned respondents and not the appellant.
- F- That no regular inquiry has been conducted by the respondents before issuing the impugned orders dated 28.10.2014 and 12.11.2014 which is as per Supreme Court judgments is necessary in such like matters.
- G- That valuable rights of the appellant have been accrued because she was posted by the Department concerned and she took over the charge and she performed her duty till date, therefore under the prevailing rules the appellant is entitled for her monthly salaries as well as other fringed benefits.
- H- That it is the sole responsibility of respondent No.3 and 4 to stopped the salary of the concerned chowkidar when it was brought into their knowledge by the appellant through letters which have already been attached.
- I- That the recovery amounting Rs.26000/- imposed on the appellant is in total violation of Rules and regulation and as such the respondents violated Article 11 of the Constitution of Pakistan 1973.
- J- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 10.4.2015

APPELLANT



SHAGUFTA BIBI

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2015

SHAGUFTA BIBI

VS

Govt: of KPK

APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUND OF APPLICATION:

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT


SHAGUFTA BIBI

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
DIR LOWER AT TIMERGARA

OFFICE ORDER:

The following female PST Mistresses are hereby transferred to the school noted against the interest of public service with immediate effect on administrative ground.

S#	Name & Designation	From	To	Remarks
1.	Shagufta Bibi B-12	GGPS Ghadal	GGPS Lawanda (S.Bagh)	A.V. Post
2.	Kalsoom B-12	GGPSKaskot	GGPS Badin	A. V. Post

Note:

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.

DISTRICT EDUCATION OFFICER
(F) DIR LOWER AT TIMERGARA

Endst: No. 227-29

Dated Timergara the 27/8/2014.

Copy forwarded to the all concerned.

DISTRICT EDUCATION OFFICER
(F) DIR LOWER AT TIMERGARA

Attested
[Signature]

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER AT TIMERGARA.

B-8

OFFICER ORDER:

The following female P.T. Mistresses are hereby transferred to the school noted against the interest of public service with immediate effect on administrative ground.

Sr#	Name & Designation	From	To	Remarks
1	Shagufta Bibi B-12	GGPS Ghadar	GGPS Lawanda (S.Bagh)	A.V. Post
2	Kalsoom B-12	GGPS Kaskat	GGPS Badin	A.V. Post

Notes:

1. No TA/DA is allowed.
2. Charge Report should be submitted to a concerned.

DISTRICT EDUCATION OFFICER
(F) DIR LOWER AT TIMERGARA

Encl. No.

027-8

Dated: Timergara the 27/8/2013.

Copy of the above is forward to:

1. The District Accounts Officer Dir Lower.
2. The SDEO(F) S.Bagh Dir Lower
3. The Mistresses concerned.

DISTRICT EDUCATION OFFICER
(F) DIR LOWER AT TIMERGARA

Attested
BY

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR

OFFICE ORDER:

Consequent upon relaxation of ban and approval by the competent authority, Mst: Shagufta Bibi PST GGPS Lounda Dir Lower is hereby transferred/adjusted against the vacant post of PST at GGPS Khanori Malakand on her own pay & BPS in the interest of public service with immediate effect.

- Note:-
1. Charge report should be submitted to all concerned.
 2. No TA/DA etc are allowed.
 3. The DEOS (F) concerned are directed to check her original service documents before making payment of her salary.
 4. Her seniority will be determined at the bottom of the seniority list of PST (B-12) as per.

Director
Elementary & Secondary
Education Khyber Pakhtunkhwa

Endst: No. 7421-26/F.No.84/(F)/G.Transfer Dated Peshawar the 27/9/2013

Copy forwarded to all concerned.

Attested
M. A.

C-9

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR

OFFICE ORDER.

Consequent upon retention of her name and approval by the competent authority, Mst. Shagufta Bibi, P.T. CGPS Lomalai Dir. Lower is hereby transferred/adjusted against the vacant post of PST at CGPS Khanori Malakand on her own pay & BPS in the interest of public service with immediate effect.

Note:-

1. Charge report should be submitted to all concerned.
2. No TA/DA etc are allowed.
3. The DEOS (F) concerned are directed to check her original service documents before making payment of her salary.
4. Her seniority will be determined at the bottom of the seniority list of PST (B-12) as per rules.

Director
Elementary & Secondary
Education Khyber Pakhtunkhwa

Endst. No. 1421-3-6 / F.No. 14(F)G.Trans. Dated Peshawar the 27/9/2013

Copy for information to the

1. District Education Officer (Female) Malakand & Dir Lower.
2. District Account Officer Malakand & Dir Lower.
3. Headmistress concerned.
4. Teacher concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa
6. M/File.

Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Attested
G

Approved

Assigned

30/09/13
Department of Health (D)

1/4

Handwritten notes in Arabic script, including the date 30/09/13.

Handwritten notes in Arabic script.

Handwritten notes in Arabic script.

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Handwritten notes in Arabic script.

D-10

E-11

کارخانہ راجستری

میں نے آج کل کے 10/01/2013

اور ڈرائنگ نمبر 7421-28 تاریخ 27/09/2013

میں نے زمین کی ایک سیکشن کی ایکس آرٹ

کو G.P.S. کا نمبر لکھ کر اس میں ایکس آرٹ

کی ایکس آرٹ کے ساتھ ساتھ

ایکس آرٹ کے ساتھ ساتھ

کارخانہ نمبر

Shagufta

01/10/2013

کارخانہ نمبر

Handwritten signature
G.C.P.S. No. 1
Kibor
01/2013

Attested
93

P No 591528

LAST PAY CERTIFICATE

F-12

1. Last Pay Certificate of Miss Shagufta PRT
 of the C.E.P.S. Laundara SIBasti
 proceeding to Transfer
 to C.E.P.S. Khamari Malakand Agency

2. He has been paid upto 30-9-013
 at the following rates:-

Particulars.	Deduction	oo/	pay	7000/-
Substantive Pay		1000	HRA	1300/-
Officiating Pay	3012 GPF 1160/-	1210	Convay	2720/-
Exchange Compensation Allowance	3501 BF 130/-	1300	MA	1000/-
	3511 AGI 131/-	1923	UA	1000/-
	3604 GI 115/-	1948	AdhA 10	1715/-
	3996 EFF 100/-	1970	AdhR	514/-
	<u>Total RS 1568/-</u>	2118	AdhR	1400/-
		2148	157 Adh	1050/-
		<u>Total RS</u>	<u>17705/-</u>	

3. He made over charge of the Office of.....

on the Aftar noon of 30-9-2013

4. Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

5. He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

Period	Rate	Amount
From <u>1-10</u> to <u>2013</u> at Rs. <u>1100</u> a month		
From <u>1-10</u> to <u>2013</u> at Rs. <u>1100</u> a month		
From <u>1-10</u> to <u>2013</u> at Rs. <u>1100</u> a month		

6. He is entitled to draw the following:-

7. He is also entitled to joining time for..... days.

8. The detailed to the Income-tax recovered from him up to the date from the beginning of the current year are noted on the reverse.

No 1033 Dated 4/10/2013
 Forwarded to S.D.F.M. Batkhela for (Signature) Sub:
W.P. Khilji (Designation)
plg

1. Officer in Charge
 (1) Dist: Dte (C)

Att ested
 M
 Q

**DISTRICT EDUCATION OFFICER (FEMALE)
MALAKAND AT BATKHELA**

No. 656/F.No/Confir:/Verif:/PST(F)
Batkheila/DEO(F) Mkd:/Estt:/
Dated 12-04-2014

To

The District Education Officer (Female) Dir Lower.

Subject: CONFIRMATION/VERIFICATION OF PAST SERVICE
Memo:-

The service documents in respect of the following mistress already submitted to your office vide this office memo: No.3582 and no.3584 dated 31.12.2013 may be verified/countersigned and resubmitted to this office at your earliest, so that the pay of the mistresses concerned could be released well in time.

1. Mst. Shagufta Bibi PST.
2. Mst. Hashmi Alam PST.

**DISTRICT EDUCATION OFFICER
MALAKAND AT BATKHELA**

Endst: No.

Copy forwarded to the Director, Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar for information please.

**DISTRICT EDUCATION OFFICER
MALAKAND AT BATKHELA**

Attested
[Signature]

REMINDER.

DISTRICT EDUCATION OFFICER(FEMALE)
MALAKAND AT BATKHELA.

No. 656 /ENo/Confir/Verif/PST(F)
Batkhela/DEC(F) Mkd/Est/
Dated 12-09 /2014.

G- (13)

To The District Education Officer (Female)
Dir Lower.

Subject: CONFIRMATION/VERIFICATION OF PAST SERVICE.
Memo:-

The Service documents in respect of the following mistresses already submitted to your office vide this office memo No.3582 and No.3584 dated 31.12.2013 may be verified/countersigned and resubmitted to this office at your earliest, so that the pay of the mistresses concerned could be released well in time.

- 1.Mst.Shagufta Bibi PST.
- 2.Mst.Hashmi Alam PST.

Pd
DISTRICT EDUCATION OFFICER(F)
MALAKAND AT BATKHELA.

Endst.No. Copy forwarded to the Director, Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar for information please.

sd
DISTRICT EDUCATION OFFICER(F)
MALAKAND AT BATKHELA.

ATTESTED
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بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (F) E&S.E صاحب، ضلع لوئیروہ بہ مقام تیرگرہ

H - 14

درخواست ہر آ ارسال کرنے Service Files

متعلقہ TEDO.E&S.E(F) آفس بٹ جیلہ

اوجوہات ذیل۔

جناب علی!

عرض حسب ذیل ہے۔

1- یہ کے سائیلان گورنمنٹ پرائمری سکول بوٹڈ میں بحیثیت PST تعینات تھی۔ اور اپنی ڈیوٹی انتہائی ایمانداری کے ساتھ ادا کر رہی تھی۔

2- یہ کہ جب سکول مذکورہ میں سائیلان نے چارج لیا تو سکول مذکورہ میں چوکیدار مسخی ذابد اللہ ولد فضل واحد اپنی ڈیوٹی سے مسلسل غائب رہا تھا۔ اور یوں بدیں وجہ سائیلان نے مذکورہ چوکیدار مسخی ذابد اللہ ولد فضل واحد کے خلاف شکایت متعلقہ آفیسر (F) SDEO E&S.E اینڈ ASDEO.E&S.E(F) شریباغ کو بشکل درخواست بھیجی گئی تا کہ مذکورہ چوکیدار کے خلاف قانونی کارروائی عمل میں لائی جاسکے جس پر کافی دن گزرنے کے باوجود کوئی کارروائی عمل میں نہیں لائی گئی۔ جس کے وجہ سے چوکیدار مذکور اپنی ڈیوٹی سے پہلے کے طرح مسلسل غیر حاضر ہوتا رہا۔ جس پر سائیلان نے دوبارہ متعلقہ آفیسر ان شریباغ

(F) SDEO E&S.E اینڈ ASDEO.E&S.E(F) کو چوکیدار مذکور کو بار بار غیر حاضری سے آگاہ کرتے رہے جس پر کافی عرصہ گزرنے کے باوجود چوکیدار مذکور کے خلاف کوئی کارروائی عمل میں نہیں لائی گئی۔ (نقل شکایت درخواست لف ہے۔)

3- یہ کہ اس کے بعد چوکیدار مذکور کے خلاف شکایت بالا آفیسر (F) DEO صاحبہ E&S.E بہ مقام تیرگرہ پہنچائی۔ شکایت درخواست نقل لف ہے۔ دوران شکایت کے ٹائم چوکیدار مذکور تنخواہ وصول کرتا رہا۔ (نقل تنخواہ سابقہ لف ہے۔)

4- یہ کہ آفیسر بالا بہ مقام تیرگرہ DEO صاحبہ E&S.E کو درخواست مذکورہ چوکیدار کے خلاف کرنے کے بعد متعلقہ آفیسر ان شریباغ (F) SDEO E&S.E اینڈ ASDEO.E&S.E(F) بمعہ چوکیدار مذکور نے سائیلان کو مختلف طریقوں سے تنگ کیا جانے لگا اور ڈرانے دھمکانے کی بھی کوشش کی جانی گئی۔

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- 5- یہ کہ سائیکلان نے با آمر مجبوری اپنی عزت اور جان بچانے کی خاطر مذکورہ سکول سے قانونی طور پر اپنے نباد لے کر وائے۔ جو کہ سائیکلہ مسماۃ ہاشمی عالم کا بمورخہ 20/09/2013 اور سائیکلہ مسماۃ شگفتہ بی بی کا بمورخہ 30/09/2013 کو گورنمنٹ گریڈ پرائمری سکول خانوازی نمبر 1 تحصیل بٹ حیلہ ضلع ملاکنڈ ایجنسی ہوگی۔
- 6- یہ کہ اسے طرح ٹرانسفر آرڈر ملنے پر سائیکلان نے اپنے قانونی ذمہ داری پوری کر کے سکول لونڈا کا چارج متعلقہ آفسران ثمر باغ SDEO E&S.E(F) اینڈ ASDEO.E&S.E(F) کو حوالہ کیا۔
- 7- یہ کہ کچھ دنوں بعد سائیکلان نے بٹ حیلہ TEDO E&S.E(F) آفس جا کر گورنمنٹ خانوازی میں چارج لے لی۔
- 8- یہ کہ بعد ازاں سائیکلان نے متعلقہ آفسران بٹ حیلہ سے قانونی طور پر اپنی تنخواہ لینے کا مطالبہ کیا تو متعلقہ آفسران بٹ حیلہ EDO E&S.E(F) نے جوابا کہا کہ آپکی service Files تاحال آفس ہذا کو موصول نہیں ہوئی ہیں۔ جس وقت آپکی service Files آفسران ثمر باغ والے بھیج دیں گے تو ہم آپ کو آپ کی تنخواہ Release کرادیں گے۔
- 9- یہ کہ اس پر سائیکلان نے ثمر باغ SDEO E&S.E(F) اینڈ ASDEO.E&S.E(F) آفس سے رابطہ کر کے استدعا کی برائے مہربانی سائیکلان کی service Files بٹ حیلہ EDO E&S.E(F) آفس بھیجوائے تاکہ وہ اپنی تنخواہ وصول کریں۔ جس پر متعلقہ آفس ثمر باغ والوں نے تسلی کروا کر جلد service Files بھیجنے کا وعدہ کیا۔
- 10- یہ کہ اسی طرح مزید کچھ عرصہ گزرنے پر جب service Files بٹ حیلہ آفس ارسال نہیں کی گئی تو سائیکلان نے ثمر باغ SDEO E&S.E(F) اور ASDEO.E&S.E(F) سے دوبارہ رابطہ کر کے دریافت کیا کہ سائیکلان کی Service Files تاحال ارسال شدہ نہ برائے مہربانی وہ ارسال کر دیں۔ جس پر متعلقہ آفسران یعنی SDEO E&S.E(F) اور ASDEO.E&S.E(F) آفس ثمر باغ نے کہا کہ آپ نے جس چوکیدار کے خلاف یہاں پر درخواست ہائے گزارہ ہیں پہلے اس نسبت بیان حلفی ہمارے پاس جمع کروادیں کہ وہ درخواست ہائے غلط اور خلاف حقائق ہیں۔ جس کے بعد ہی ہم آپ کے Service Files بٹ حیلہ TEDO آفس کو Forward کر دیں گے۔

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جس پر سائیلان نے ایک غیر قانونی حکم ماننے سے انکار کیا۔ اور اپنے قانونی موقف پر قائم رہیں۔

11- SDEO E&SE اور ASDEO. E&S. E(F) آفس ترمباغ نے غیر قانونی طور پر سائیلان کو اپنے جائز اور قانونی حق سے محروم کر رکھا ہے۔ جس کا انکو کوئی قانونی حق حاصل نہ ہے۔

12- یہ کہ متعلقہ آفیسران ترمباغ کی وجہ سے سائیلان کی پچھلے 7 مہینوں سے تنخواہ بھی بند ہیں۔ جو کہ سراسر بے انصافی اور سائیلان کے ساتھ اشتہائی زیادتی کی صورت میں ہیں۔ جو کہ جس میں سائیلان کا کوئی قصور بھی نہ ہیں۔

13- یہ کہ اسی طرح آفس ترمباغ والوں نے مذکورہ جو کیدار کے نسبت سائیلان سے پیسے بھی لاکھوں روپے کی غیر قانونی کوٹھی کیا ہے۔ (نقل سروس ٹیک لف ہے)

14- یہ کہ سائیلان کی Service Files متعلقہ EDO آفس بیٹ فیڈ کو ارسال کرنا عین قریب انصاف ہے۔ اور سائیلان کا قانونی حق بھی ہے۔

استعمالیہ کمرہ منجوری درخواست یہ اس سائیلان کی

Service Files متعلقہ EDO آفس بیٹ فیڈ ارسال

کرنے اور ساتھ ہی

ASDEO. E&S. E(F) طرف قانونی کارروائی کے احکامات

صادر فرمائیں جائیں۔

تاریخ 24/04/2014

سائیلان کے متعلقہ عہدیدار

سائیلان کے متعلقہ عہدیدار

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11 جس پر سائیکل ان کے ایک غیر قانونی حکم ماننے سے انکار کیا۔ اور اپنے قانونی موقف پر قائم رہیں۔

12 TASDEO E&S.E(F) اسڈیو ایف ایس ڈی کے قانونی طور پر
 سائیکل ان کو اپنے جائزہ قانونی حق سے محروم کر رکھا ہے اس کا ان کو کوئی قانونی حق حاصل ہے۔

13 یہ معاملہ فیڈرل انسپریشن کی اجازت سے سائیکل ان کی پتھریلے 7 مہینوں سے تیار ہو چکی ہیں۔ اس کے علاوہ اس کے
 انسانی اور سائیکل ان کے ساتھ اختیار کیا جاتی ہے اور یہی ہیں جو کہ جس میں سائیکل ان کا کوئی قصور بھی نہیں۔

14 یہ ایسی طرح ان انسپریشن والوں نے مذکورہ چوکیدار کے نسبت سائیکل ان کے چلے بھی لائسنس روکنے کی
 غیر قانونی کوئی کیا ہے۔ (انٹل سرورس بک آف ہے)۔

15 یہ سائیکل ان کی Service Files کو محتاط TEDO اسڈیو ایف ایس ڈی کو ذرا سال تک یہ بین الاقوامی ہے
 اور سائیکل ان کا قانونی حق بھی ہے۔

استدعا ہے کہ منظور کی درخواست پر سائیکل ان کی
 Service Files محتاط TEDO اسڈیو ایف ایس ڈی کو ذرا سال
 کے لئے اور ساتھ ہی TASDEO E&S.E(F)
 TASDEO E&S.E(F) کے قانونی کارروائی
 کے احکامات صادر فرمائیں جائیں۔

دوری۔ 24/04/2014

سائیکل نمبر 2 شہادت بی بی زینب بی بی

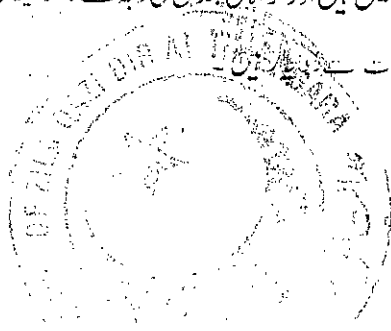
سائیکل نمبر 1 مسعودہ ہاشمی عالم

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- 7- یہ کہ سائیلان پر وہ نشین ذات ہونے کی وجہ سے اپنے فرائض نہیں کو انجام دینے میں میں کافی مشکلات سے دوچار ہوئی لہذا اب امر مجبوری اپنی رت اور جان بچانے کی خاطر مذکورہ سکول سے قانونی طور پر اپنی تباد لے کر دئے۔ جو کہ سائیلہ نمبر 1 مساتہ ہاشمی عالم کا سمورہ 20/09/2012 اور سائیلہ نمبر 2 مساتہ شکستہ بی بی کا سمورہ 30/09/2013 کو گورنمنٹ گریلز پرائمری سکول خانوڑی نمبر 1 بٹ حیلہ دوگی۔
- 8- یہ کہ اس میں رہا سفار اور رٹنے پر سائیلان نے اپنے اپنے قانونی ذمہ داری پوری کر کے سکول مذکورہ کا چارج متعلقہ آفسران کے حوالہ کیا۔ (نقولات مذکورہ لف ہیں)
- 9- یہ کہ پچھ دنوں بعد سائیلان نے بٹ حیلہ EDO E&S.E(F) آفس جا کر گورنمنٹ پرائمری سکول نمبر 1 خانوڑی میں چارج لے لیا۔ اور ڈیوٹی سمبھالنے کے بعد مقررہ تاریخ پر اپنی تنخواہ لینے کیلئے EDO. E&S.E(F) آفس بٹ حیلہ سے رابطہ کیا تو آفس مذکورہ نے جواباً کہا کہ آپ کی Service verification files تاحال آفس کو موصول شدہ نہ ہے اور بدیں وجہ آپ کو تنخواہ نہیں دی جاسکتی۔
- 10- یہ کہ اس پر سائیلان نے شرباغ SDEO E&S.E(F) آفس سے رابطہ کر کے استدعا کی کے برائے مہربانی سائیلان کی Service verification files بٹ حیلہ EDO E&S.E(F) آفس بھیجوائے جائے تاکہ وہ اپنی تنخواہ وصول کر سکیں۔ جس پر متعلقہ آفس نے تسلی کروا کر جلد files بھیجے کا وعدہ کیا۔
- 11- کہ اس طرح میں کہ غور کرنے پر جب Service verification files ارسال نہیں کی گئی تو سائیلان نے شرباغ SDEO E&S.E(F) سے دوبارہ رابطہ کر کے دریافت کیا کہ سائیلان کی Service files تاحال ارسال شدہ نہ ہے برائے مہربانی ارسال کر دیں جس پر متعلقہ آفسران یعنی SDEO E&S.E(F) اور ASDEO E&S.E(F) آفس شرباغ نے کہا کہ آپ نے جس چوکیدار کے خلاف یہاں پر درخواست اہلے گزاری ہیں پہلے اس نسبت بیان حلفی ہمارے پاس جمع کروادوں کہ وہ درخواست ہائے غلط اور خلاف حقائق ہیں جسکے بعد ہی ہم آپکے Service verification files بٹ حیلہ EDO آفس کو Forward کر دیں گے۔ جس پر من سائیلان نے ایک غیر قانونی حکم ماننے سے انکار کیا۔ اور اپنی قانونی موقف پر قائم رہی۔ اور اس نسبت مسول آہیم 1، 2 کو قانونی نوٹس بھی بھیجوائے گئے اور ساتھ ہی اس کی کاپی مسول آہیم 3، 4 کو بھی ارسال کی گئی۔ مگر کوئی دادرسی نہ ہوئی۔ (نقل نوٹس لف ہے)
- 12- یہ کہ بعد سائیلان نے ایک عدد درخواست نسبت قانونی کارروائی برخلاف مسول آہیم 1، 2 جناب EDO E&S.E(F) ضلع ویریا میں (مسول آہیم نمبر 3) کی خدمت میں بھی گزاری مگر درخواست مذکورہ پر بھی کوئی کارروائی عمل میں نہیں لائی گئی۔ (نقل درخواست لف ہے)
- 13- یہ کہ SDEO E&S.E(F) اور ASDEO E&S.E(F) آفس شرباغ نے غیر قانونی طور پر مدعیان کو اپنی جائز اور قانونی حق سے محروم کر رکھا ہیں جس کا ان کو کوئی قانونی حق حاصل نہ ہے۔
- 14- یہ کہ متعلقہ آفسران کی وجہ سے سائیلان کی تنخواہ بھی پچھلے کئی ماہ سے بند ہیں۔ اور جس میں مسول آہیم نے غیر قانونی طور پر سائیلان سے ان سول روپے کی تنوی بھی کی گئی ہے جس کا ان کو کوئی قانونی حق حاصل نہ ہے۔ جو کہ سراسر بے انسانی اور سائیلان کے ساتھ انتہائی زیادتی ہو رہی ہیں جو کہ جس میں سائیلان کا کوئی قصور بھی نہ ہیں۔ اور سائیلان کے بچیں مختلف سکولوں میں زیر تعلیم ہیں اور من سائیلان اپنے خاندان کے واحد کفیل ہیں اور تنخواہ کی بندت کی وجہ سے سائیلان کے بچوں کے تعلیم انتہائی بری طرح متاثر ہو رہی ہیں اور سائیلان انتہائی تاس سے یہاں کی مشکلات سے دوچار ہیں۔

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15- یہ کہ سول آلیہم نمبر 1، 2 نے محض ایک غیر قانونی اور بغیر کسی مقبول وجہ کی بناء پر سائیلان کو ڈھنڈی و جسمانی کوفت میں مبتلا کر رکھا ہے جس کے خلاف ماسائیلان سول آلیہم نمبر 1، 2 کے خلاف قانونی چارہ جوئی کا حق محفوظ رکھتی ہیں۔


16- یہ کہ ماسائیلان کی Service verification Files کو متعلقہ EDO آفس بٹ حیلہ کو ارسال کرنا عین قرین انصاف ہے اور ماسائیلان کا قانونی حق بھی ہیں۔

استدعاء ہے کہ سول آلیہم کے خلاف قانونی کارروائی کر کے قرار واقعی سزا دی جائے اور ماسائیلان کی Service verification files متعلقہ EDO آفس بٹ حیلہ کو مرسل کرنے کے بھی احکامات صادر فرمائیں جائیں نیز دیگر ڈاڈرسی جو قرین انصاف ہو بھی مرحمت فرمائیں جائیں۔



سائیلہ نمبر 1 مسماہ ہاشی عالم سائیلہ نمبر 2 شگفتہ بی بی بذریعہ مختار خاص لائق

مورخہ۔ 16/06/2014

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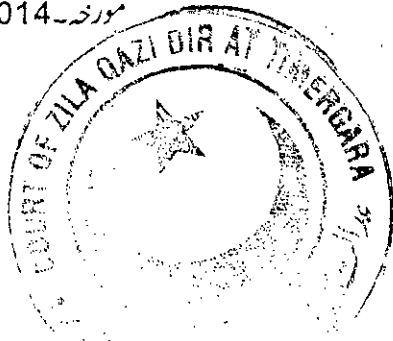
بیان حلفی

لائق ولد فضل حکیم عمر فریباً 33/34 سال سنہ گل ڈھیری تحصیل شرباغ حال مقیم حال حبیب الرحمان کلے سخا کوٹ تحصیل درگی ضلع ملاکنڈ۔

بروئے بیان حلف ہذا اقرار کر کے لکھ دیتا ہوں کہ میں سائیلان مقدمہ کا مختار خاص ہوں اور سائیل نمبر 1 میری بیوی جبکہ سائیل نمبر 2 میری بھانجی ہے۔ سائیلان مقدمہ نمٹنے پر PST سال 2009/2013 میں گورنمنٹ پرائمری گراڈ اسکول لہندہ تحصیل شرباغ میں ڈیوٹی پر تعینات تھی۔ جب سائیلان نے سکول مذکورہ میں چارج لیا تو اس دوران سکول مذکورہ کا چوکیدار عدم موجودگی میں سے غیر حاضر پایا۔ اور کئی دنوں تک مذکورہ چوکیدار حاضر نہیں ہوا۔ جس پر سائیلان نے مذکورہ چوکیدار کو طلب کیا اور اس کی متعلقہ کام SDEO (E&S.E.F) اور ASDEO (E&S.E.F) شرباغ کو ایک درخواست پیش خدمت میں۔ جس پر لونی نسل درآمد نہ ہو سائیلان نے ایک اور درخواست حکام بالا کو گزاری مگر اس پر بھی کوئی کارروائی عمل میں نہیں لائی گئی تو سائیلان نے ایک درخواست جناب DCO صاحب ضلع دیوبند کی خدمت میں پیش کی۔ جس کے بعد مذکورہ چوکیدار کی تنخواہ بند ہوئی۔ جس کے بعد ایک شخص سکول مذکورہ آکر اپنے اچھو مذکورہ پویدار خاہر بیا اور ڈیوٹی انجام دینے لگا۔ اور یوں حکام بالا نے بغیر تصدیق کے اس کی تنخواہ بھی Release کر دی۔ اور یوں جب سائیلان نے مذکورہ شخص کی تنخواہ بند کرنے کی درخواست کی دیگر فرمائیت ہو اور جعلی طور پر اپنے اچھو سکول مذکورہ کا چوکیدار (مسکمی ذہا اللہ) ظاہر کرتا رہا۔ جس کے بعد سائیلان نے ایک درخواست پھر اپنے بالا حکام یعنی SDEO (E&S.E.F) اور ASDEO (E&S.E.F) شرباغ (مسول الہیم نمبر 1,2) سے رابطہ کر کے تمام معاملے سے آگاہ کیا۔ اور ساتھ ہی ایک درخواست بھی دے ڈالی۔ جس کے بعد سائیلان کو مختلف طریقوں سے تنگ کیا جانے لگا اور ڈرانے دھمکانے کی بھی کوشش کر دی گئی۔ اور چونکہ سائیلان پر وہ نفسیانات ہو کر اپنی عزت اور جان بچانے پر مجبور ہو گئی اور باآمر مجبوری سکول مذکورہ سے اپنے تباد لے کر واکر سکول مذکورہ کا چارج حوالہ حکام کیا اور بٹ حیلہ کے ایک گورنمنٹ گراڈ پرائمری سکول نمبر 1 خانوڑی میں چارج لے کر ڈیوٹی انجام دینے لگی۔ لیکن جب سائیلان کی تنخواہ کی مدت پوری ہو گئی تو انٹرنس وصولی تنخواہ متعلقہ آفس EDO بٹ حیلہ رابطہ کیا تو وہاں سے جواباً کہا گیا کہ اچھو کی Service verification files بحال آفس مذکورہ کو موصول شدہ ہیں اور بدیں فوج اچھو کی تنخواہ جاری نہیں کی جاسکتی۔ جس پر سائیلان SDEO (E&S.E.F) اور ASDEO (E&S.E.F) شرباغ (مسول الہیم نمبر 1,2) سے رابطہ کر کے سائیلان کی Service verification files بچوانے کی استدعا کی جس پر ہر دو آفسران بالا نے تسلی کروا کر متعلقہ Files جلد ارسال کرنے کا وعدہ کیا۔ مگر کچھ عرصہ تک جب Service verification files ارسال نہیں کی گئی تو سائیلان نے پھر (مسول الہیم نمبر 1,2) سے رابطہ کر کے Files مذکورہ کے نسبت دریافت کیا تو (مسول الہیم نمبر 1,2) نے جواباً کہا کہ پہلے ہمیں اس نسبت بیان حلفی دے دوں کہ جو درخواست ہائے اپ سائیلان نے چوکیدار مسکمی ذہا اللہ کے خلاف گزاری ہیں وہ غلط اور بے بنیاد ہیں جس پر سائیلان نے انکار کیا اور اس پر (مسول الہیم نمبر 1,2) نے قسم اٹھا کر سائیلان کو تنگ کرنے کی غرض سے سائیلان کی Service verification files کو غیر قانونی طور پر اپنے پاس روک رکھا ہے اور جس کی نسبت سائیلان کی کئی مہینوں کی تنخواہ بھی بند ہیں اور سائیلان کو کافی مشکلات کا سامنا ہیں۔ جو کہ بالکل غلط اور خلاف انصاف ہے۔ سائیلان نے اس نسبت (مسول الہیم نمبر 1,2) کو ایک عدالت قانونی نوٹس بھی ارسال کی جس کی ایک کاپی مسول آئیہ نمبر 3 کو بھی بھیجی گئی اور ساتھ ہی ایک عدالت درخواست EDO صاحب ضلع دیوبند کو بھی دی گئی مگر کوئی دادرسی نہیں ہوئی۔ درخواست سائیلان مبنی بر حقیقت ہے۔ یہی میرا بیان ہے۔

لائق ولد فضل حکیم (مختار خاص سائیلان)

مورخہ 10/06/2014



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قیوم اللہ ولد خادم اللہ بھر قریباً 27/28 سال سنہ گل ڈھیری تحصیل شرباغ۔



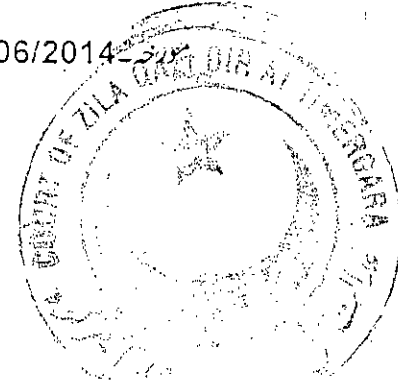
برائے بیان حلف ہذا اقرار کر کے لکھ دیتا ہوں کہ میں سائیلان مقدمہ کو ضامنا اور پچھانتا ہوں جو کہ میرے قریبی رشتہ دار ہیں سائیلان مقدمہ شخصیت PST سال 2009/2013 میں گورنمنٹ پرائمری گریڈ سکول لوئڈا تحصیل شرباغ میں ڈیوٹی پر تھیں۔ جب سائیلان نے سکول مذکورہ میں چارج لیا تو اس دوران سکول مذکورہ کا چوکیدار عدم موجودگی سے غیر حاضر پایا۔ اور کئی دنوں تک مذکورہ چوکیدار حاضر نہیں ہوا۔ جس پر سائیلان نے مذکورہ چوکیدار کے خلاف بغرض قانونی کارروائی کی۔ اس کے بعد بلا کو گزاری مگر اس پر بھی کوئی کارروائی عمل میں نہیں لائی گئی تو سائیلان نے ایک درخواست جناب DCO صاحب ضلع دیوبند کی خدمت میں پیش کی۔ جس کے بعد مذکورہ چوکیدار کی تنخواہ بند ہوئی۔ جس کے بعد ایک شخص سکول مذکورہ آکر اپنے اچھوتے مذکورہ چوکیدار کا رخا کر لیا اور ڈیوٹی انجام دینے لگا۔ اور یوں کام بالائے بغیر تصدیق کے اس کی تنخواہ بھی Release کر دی۔ اور یوں جب سائیلان نے مذکورہ شخص کی معلومات کی تو مذکورہ شخص ایک ایف ڈی او کے ذریعہ جلی طور پر اپنے اچھوتے مذکورہ چوکیدار (سہمی ذہا اللہ) ظاہر کرتا رہا۔ جس کے بعد سائیلان نے ایک بار پھر اپنے بالا حکام یعنی SDEO (E&S.E.F) اور ASDEO (E&S.E.F) شرباغ (مسول الہیم نمبر 1,2) سے رابطہ کر کے تمام معاملے سے آگاہ کیا۔ اور ساتھ ہی ایک درخواست بھی دے ڈالی۔ جس کے بعد سائیلان کو مختلف طریقوں سے تنگ کیا جانے لگا اور ڈرانے دھمکانے کی بھی کوشش کر دی گئی۔ اور چونکہ سائیلان پردہ نشین ذات اور اپنی عزت اور جان بچانے پر مجبور ہو گئی اور باآمر مجبوری سکول مذکورہ سے اپنے تباد لے کر واکر سکول مذکورہ کا چارج حوالہ حکام کیا اور بٹ حیلہ کے ایک گورنمنٹ گریڈ پرائمری سکول نمبر 1 خانوڑی میں چارج لے کر ڈیوٹی انجام دینے لگی۔ لیکن جب سائیلان کی تنخواہ کی مدت پوری ہو گئی تو بغرض وصولی تنخواہ متعلقہ آفس FDO کے ذریعہ حوالہ کیا گیا تو وہاں سے جوابا کہا گیا کہ اچھوتے Service verification files بحال آفس مذکورہ کو موصول شدت ہیں اور بدینہ وہ اچھوتے تنخواہ جاری نہیں کی جاسکتی۔ جس پر سائیلان SDEO (E&S.E.F) اور ASDEO (E&S.E.F) شرباغ (مسول الہیم نمبر 1,2) سے رابطہ کر کے سائیلان کی Service verification files بیجانے کی استدعا کی جس پر ہر دو آفسران بالائے تسلی کروا کر متعلقہ Files جلد ارسال کرنے کا وعدہ کیا۔ مگر کچھ عرصہ تک جب Service verification files ارسال نہیں کی گئی تو سائیلان نے پھر (مسول الہیم نمبر 1,2) سے رابطہ کر کے Files مذکورہ کے نسبت دریافت کیا تو (مسول الہیم نمبر 1,2) نے جوابا کہا کہ پہلے ہمیں اس نسبت بیان حلفی دے دوں کہ جو درخواست ہائے اپ سائیلان نے چوکیدار سہمی ذہا اللہ کے خلاف گزاری ہیں وہ غلط اور بے بنیاد ہیں جس پر سائیلان نے انکار کیا اور اس پر (مسول الہیم نمبر 1,2) نے تصدأ اٹھایا اور سائیلان کو تنگ کرنے کی غرض سے سائیلان کی Service verification files کو غیر قانونی طور پر اپنے پاس رکھے رکھا ہے اور جس کی وجہ سے سائیلان کی کئی مہینوں کی تنخواہ بھی بند ہیں اور سائیلان کو کافی مشکلات کا سامنا ہے۔ جو کہ بلائیں غلط اور خلاف انصاف ہے۔ سائیلان نے اس نسبت (مسول الہیم نمبر 1,2) کو ایک عدالت قانونی ہاؤس میں ارسال کی جس کی ایک کاپی مسول آئیہ نمبر 3 لوہی پھولائی گئی اور ساتھ ہی ایک عدد درخواست EDO صاحبہ ضلع دیوبند کو بھی دی گئی مگر کوئی کارروائی نہیں ہوئی۔ درخواست سائیلان میں بر حقیقت ہے۔ یہی میرا بیان ہے۔

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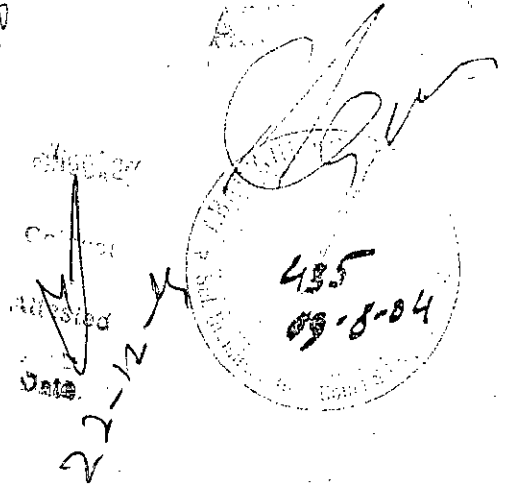
قیوم اللہ ولد خادم اللہ

NIC No. 15303-0843906-1

10/06/2014



Attested by



ایسا عمیل ولد نادر خان پھر قریباً 27/28 سال سکنتہ ہونا تحصیل شمر باغ۔

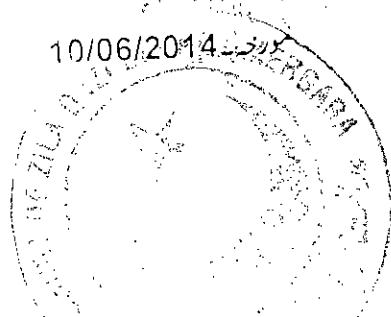
میں نے اس وقت تک کسی لکھنے والوں کے میں سائیلان متعلقہ کو غنا تار اور پھانسا ہوں جو کہ میرے قریبی رشتہ دار ہیں سائیلان مقدمہ بحیثیت PST سال 2009/2013 میں گورنمنٹ پرائمری گراؤ سکول لونڈا تحصیل شمر باغ میں ذیوی پرقینات تھی۔ جب سائیلان نے سکول مذکورہ میں چارج لیا تو اس دوران سکول مذکورہ کا چوکیدار عدم موجود اذیوی سے غیر حاضر پایا۔ اور کئی دنوں تک مذکورہ چوکیدار حاضر نہیں ہوا۔ جس پر سائیلان نے مذکورہ چوکیدار کے خلاف بغرض قانونی کارروائی متعلقہ حکام SDEO (E&S.E.F) اور ASDEO (E&S.E.F) شمر باغ کو ایک درخواست پیش خدمت کی۔ جس پر کوئی عمل درآمد نہ ہو کر سائیلان نے ایک اور درخواست حکام بالا کو گزاری مگر اس پر بھی کوئی کارروائی عمل میں نہیں لائی گئی تو سائیلان نے ایک درخواست جناب DCO صاحب ضلع دیوبند میں پیش کی۔ جس کے بعد مذکورہ چوکیدار کی تنخواہ بند ہوئی۔ جس کے بعد ایک شخص سکول مذکورہ آکر اپنے اچھو مذکورہ چوکیدار ظاہر کیا اور ذیوی انجام دینے لگا۔ اور یوں حکام بالا نے بغیر تصدیق کے اس کی تنخواہ بھی Release کر دی۔ اور یوں جب سائیلان نے مذکورہ شخص کی معلومات کی تو مذکورہ شخص ایک دیگر فریبت ہو اور ذیوی تنخواہ پر اپنے اچھو سکول مذکورہ کا چوکیدار (سستی ذاب اللہ) ظاہر کرتا رہا۔ جس کے بعد سائیلان نے ایک بار پھر اپنے بالا حکام یعنی SDEO (E&S.E.F) اور ASDEO (E&S.E.F) شمر باغ (مسول الہیم نمبر 1,2) سے رابطہ کر کے تمام معاملے سے آگاہ کیا۔ اور ساتھ ہی ایک درخواست بھی دے ڈالی۔ جس کے بعد سائیلان کو مختلف طریقوں سے تنگ کیا جانے لگا اور ڈرانے دھمکانے کی بھی کوشش کر دی گئی۔ اور چونکہ سائیلان پردہ نشین ذات ہے اور اپنی عزت اور بان بچانے پر مجبور ہو گئی اور باآمر مجبوری سکول مذکورہ کو اپنے تبار لے کر واکر سکول مذکورہ کا چارج حوالہ حکام کیا اور بٹ حیلہ کے ایک گورنمنٹ گراؤ پرائمری سکول نمبر 1 خانوڑی میں چارج لے کر ذیوی انجام دینے لگی۔ لیکن جب سائیلان کی تنخواہ کی مدت پوری ہو گئی تو بغرض وصولی تنخواہ متعلقہ آفس EDO بٹ حیلہ رابطہ کیا تو وہاں سے جوابا کہا گیا کہ آپکی Service verification files بحال آفس مذکورہ کو موصول شدہ ہیں اور بدیں وجہ سے سائیلان کی Service verification files بحال ہیں۔ جس پر سائیلان SDEO (E&S.E.F) اور ASDEO (E&S.E.F) شمر باغ (مسول الہیم نمبر 1,2) سے رابطہ کر کے سائیلان کی Service verification files بحال ہونے کی استدعا کی جس پر ہر دو آفسران بالا نے تسلی کروا کر متعلقہ Files جلد از سال کرنے کا وعدہ کیا۔ مگر کچھ عرصہ تک جب Service verification files ارسال نہیں کی گئی تو سائیلان نے پھر (مسول الہیم نمبر 1,2) سے رابطہ کر کے Files بحال کرنے کی درخواست کیا تو (مسول الہیم نمبر 1,2) نے جوابا کہا کہ پہلے ہمیں اس نسبت بیان حلفی دے دوں کہ جو درخواست ہائے اپ سائیلان نے چوکیدار سستی ذاب اللہ کے خلاف گزاری ہیں وہ غلط اور بے بنیاد ہیں جس پر سائیلان نے انکار کیا اور اس پر (مسول الہیم نمبر 1,2) نے قصد اعمد اور سائیلان کو تنگ کرنے کی غرض سے سائیلان کی Service verification files کو غیر قانونی طور پر اپنے پاس روکھے رکھا ہے اور جس کی وجہ سے سائیلان کی کئی مہینوں کی تنخواہ بھی بند ہیں اور سائیلان کو کافی مشکلات کا سامنا ہے۔ جو کہ بالکل غلط اور خلاف انصاف ہے۔ سائیلان نے اس نسبت (مسول الہیم نمبر 1,2) کو ایک عدالت قانونی نوٹس بھی ارسال کی جس کی ایک کاپی مسول آئیہ نمبر 3 کو بھی بھیجی گئی اور ساتھ ہی ایک عدد درخواست EDO صاحب ضلع دیوبند کو بھی دی گئی تاکہ کوئی اور سی نہیں ہوگی۔ درخواست سائیلان مبنی بر حقیقت ہے۔ یہی میرا بیان ہے۔

ایسا عمیل

ایسا عمیل ولد نادر خان

NIC No 15303-3717786-3

10/06/2014



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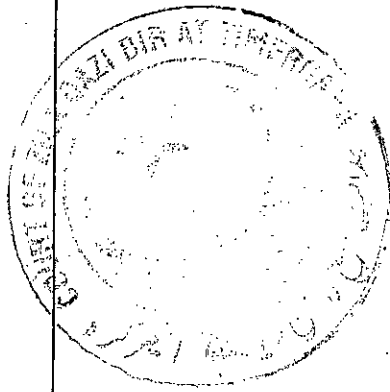
FORM "A" FORM OF ORDER SHEET

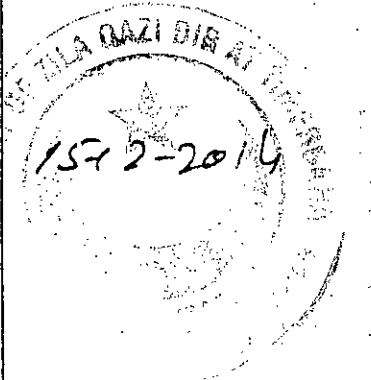
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Court of _____

Case No. _____ of _____

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
<p>0-10 contd-</p>	<p>28-10-2014</p>	<p>that the petitioners be directed to return the cheque book pertaining to the school, register meant for petty repairs and the receipt of the petty repair. The learned counsel requested for time to return the above mentioned documents - Adjourned To come up for further proceedings on 10-11-2014 //</p> <p><i>(Signature)</i> (محمد ذبیر خان) اسٹریٹ ایجوکیشن سب ڈیویژن ڈیپارٹمنٹ برائے تعلیم</p>
<p>0-11</p> <p><i>(Signature)</i></p>	<p>10/11/14</p> <p>24-11-2014</p> <p><i>(Signature)</i></p> <p>22-12-14</p>	<p>Petitioner and respondents present. Petitioners are employes of the respondents being govt. servants while the respondents No.3 is the District Education Officer/employer. Any dispute</p> <p>contd.</p>



Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
0-11 custody	24-11-2014	<p>arising between the parties pertaining to service matter regulated by service law. To come up for maintainability of the petition on 5-12-2014.</p> <p>(Signature) ذنگرک ایڈیشن مع مطلع قاضی دیوانی عدالت</p>
0-12	5-12-2014	<p>Petitioner in person present and submitted application for send the petition in hand to the competent forum. Counsel for the petitioner is not available Respondents present. To come for arguments on the application as well as on the maintainability of the petition on 15-12-14</p> <p>(Signature) ذنگرک ایڈیشن مع مطلع قاضی دیوانی عدالت</p>
0-13	 <p>15-12-2014</p> <p>2014</p>	<p>Petitioner with counsel present Respondents with counsel present The petition of the petitioner pertains to the terms and conditions of the service of the petitioner which does not fall within the parameters of the Consumer</p>

Copy
 22-12-14

FORM "A" FORM OF ORDER SHEET

(24)

Court of _____

Case No. _____ of _____

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
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0-13
contd

15-12-2014

1284

22-12-14

Urgent Fee

Revenue Fee

No of Procs 30

No of ...

Cover ...

Total ...

Date ... 18-12-14

22-12-14

22-12-14

Competent forum if so advised

File be consigned to the record room after completion and compilation.

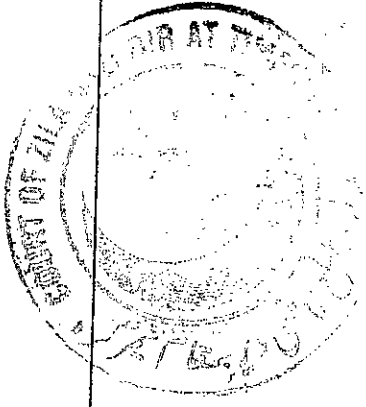
Announced

15-12-2014

(Muhammad Zubair Khan
Sessions Judge/Zila Qazi
Dir Lower at Timergarh)

22-12-14

Attashed
19
a



22-12-14

K- 25

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DISTRICT DIR LOWER AT TIMERGARA

No. _____

Dated Timergara the 10/10/2014.

To

The District Education Office
(Female) Malakand.

0-10
28.10.2014

Subject:- CONFIRMATION / VERIFICATION OF PAST SERVICE.

Memo:-

Reference your letter No.3582 & 3584 dated 31-12-2013, on the subject cited above.
Service book (photo copy) along with other documents in R/o Hashmi Alam PST, & Shagufta Bibi PST, GGPS Lawanda Samar Bagh, Dir Lower, under transferred to GGPS Khanoori No. 1, Distt: Malakand, duly verified by SDEO (F) Samar Bagh vide letter No.377 dated 09-10-2014 and enclosed herewith for further necessary action please.

Note:

The DEO(F) Malakand is requested that outstanding amount of PTC fund on the part of concerned teachers Rs.26000/ (twenty six thousand only) may be recovered from the teachers concerned and deposited, in PTC, Bank Account No. 17900078307 HBL Samar Bagh Dir Lower.

[Handwritten Signature]

DISTRICT EDUCATION OFFICER
(Female) DISTRICT DIR LOWER

Endst: No. 3302-3

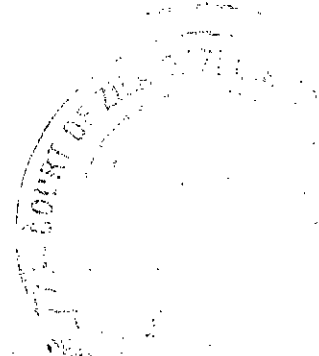
Copy of the above is forwarded to:

1. The District Session Judge Dir Lower at Timergara for information.
2. The Director (E&SE) Khyber Pukhtonkhwa Peshawar for information.
3. The SDEO(F) Samar Bagh Dir Lower.

[Handwritten Signature]

[Handwritten Signature]

DISTRICT EDUCATION OFFICER
(Female) DISTRICT DIR LOWER



Checked
 Copied
 Attested
 Date

[Handwritten marks]

[Handwritten notes and signatures at the bottom of the page]

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MALAKAND AT
BATKHELA.

Handwritten stamps and marks including a circular stamp with '26' and other illegible marks.

PAY RELEASE ORDER/

Consequent upon the verification of their transfer order by the Director, E&SE Khyber Pakhtunkhwa, Peshawar dated 17.9.2013 & 27.9.2013, confirmation/verification of past service rendered in District Dir Lower from the concerned by the DEO(F) Dir Lower vide her office memo:No.3301 dated 10.10.2014 pay of Mst.Hashmi Alam PST, and Shagufta Bibi GGPS Khanoori-1 Malakand transferred from GGPS launda District Dir lower, is hereby released from the date of her taking over charge.

Note.

The SDEO(F) Batkhela & Dargai are advised that the outstanding amount of PTC fund on the part of concerned teachers Rs.26000/- (Twenty Six thousand only) may be recovered from the teachers concerned and deposited, in PTC Bank Account No.17900078307 HBL Samar Bagh Dir Lower as desired by the DEO(F) Dir Lower.

(RABBIA BI BI)
DISTRICT EDUCATION OFFICER (F)
MALAKAND AT BATKHELA.

Indst:No. 4994-5000 /FNo/Confir/Verf/PST(F)/DEO(F) Mkd: Dated 12/11 /2014.

Copy forwarded to:-

- 1.The Director E&SE Department Khyber Pakhtunkhwa, Peshawar for information please.
- 2.The District Education Officer (Female) Dir Lower w/r to her office letter No.cited above for information please.
- 3-4.The Sub: Divisional Education Officer (Female) Swat Ranizai at Batkhela and Sama Ranizai at Dargai for information and necessary action.
- 5.The District Accounts Officer Malakand.
- 6-7.The Teachers concerned.

DISTRICT EDUCATION OFFICER (F)
MALAKAND AT BATKHELA. *Bo*

Abdul Ali/DA
PST(F)

ATTESTED

Handwritten signature

Handwritten notes at the bottom of the page, including the word "Release" and other illegible text.

To

The Honorable Director (E&SE) Department,
Khyber Pakhtunkhwa, Peshawar.

M- (27)

Subject: **DEPARTMENTAL APPEAL AGAINST THE ORDERS
DARED 28-10-2014 AND 12-11-2014
COMMUNICATED TO THE APPELLANT ON 15-12-
2014 THROUGH CONSUMER COURT DISTRICT DIR
LOWER**

R/SHEWETH:

ON FACTS:

1. That the appellant was appointed as Primary School Teacher (PST) in your good self Department vide order dated 23-12-2010. That in response the appellant submitted her charge report on the very next day at Government Girls Primary School Shahi, District Dir Lower and started performing her duty quite efficiently and to the entire satisfaction of her superiors.
2. That then after the appellant was transferred to GGPS Ghadai from GGPS Shahi and subsequently vide order dated 27.8.2013 the appellant was transferred to GGPS Lawanda District Dir Lower from GGPS Ghadai Dir Lower. That in response the appellant took over the charge of her post at GGPS Lawanda and started performing her duty.
3. That ^{then after the APP's} just after one month stay at GGPS Lawanda Dir Lower the appellant was transferred to Government Girls Primary school Khanuri District Malakand vide order dated 27-09-2013. That in response the appellant was properly relieved on 30-09-2013 to Government Girls Primary School Khanuri District Malakand and subsequently the appellant submitted her charge report at Government Girls Primary School Khanuri District Malakand vide dated 1-10-2013.
4. That the concerned District Account Officer Dir Lower has also issued Last Pay certificate (LPC) along with Service Book to the concerned authorities vide dated 30-09-2013.
5. That after proper codal formalities the appellant started performing her duty at Government Girls Primary School Khanuri District Malakand as Primary School Teacher (PST) BPS-12 quite efficiently and to the entire satisfaction of her superiors.

Attest
[Signature]

6. That appellant while serving as Primary School Teacher (PST) BPS-12 at the concerned station, the salary of the appellant was stopped by the concerned authorities of District Malakand without showing any reason and clear justification. That feeling aggrieved the appellant visited the concerned quarter for the release of her salary but in response the District Education Officer (F) District Malakand have told/informed the appellant that her service record and other related documents have not been received so far by this office, therefore her salary has been withheld till issuance of the said documents from District Dir Lower.
7. That appellant in consequence filed application/representation before the District Education Officer (F) District Dir Lower for the issuance of verification and other necessary documents. That the concerned authority refused the same on the wrong pretext that the appellant have illegally and wrongly drawn the salaries of the chowkidar namely Zahidullah of the concerned school i.e. Government Girls Primary School Lawanda District Dir Lower.
8. That feeling aggrieved the appellant knocked the door of special judge consumer Court at Dir Lower for the redressal of her grievances. That it is very pertinent to mention. that appellant have served the concerned school i.e. GGPS Lawanda Dir Lower for less than one month but inspite of that the concerned authorities without any reason and clear justification withheld the service record of the appellant.
9. That during Court proceedings the representative of the concerned authorities provided two different orders dated 28-10-2014 and 12-11-2014 of recovery of Rs.26000/-issued by two different authorities i.e. DEO (F) District Dir Lower and DEO (F) District Malakand.
10. That the Hon'ble Judge of the Consumer Court District Dir Lower vide order/ judgment dated 15-12-2014 directed the appellant to approach the proper forum i.e. The Hon'ble Khyber Pakhtunkhwa Service Tribunal in appeal by challenging the impugned orders.
11. That appellant feeling aggrieved from both the impugned orders dated 28-10-2014 and 12-11-2014 communicated to the appellant on 15-12-2014 filed the present Departmental appeal before your good self on the following grounds amongst others.

Attested
g.

GROUNDS:

89

- A- That the impugned orders dated 28-10-2014 and 12-11-2014 issued by the concerned authorities are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the concerned authorities in accordance with law and rules on the subject noted above and as such the concerned authorities violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondent Department acted in arbitrary and malafide manner by issuing the impugned orders dated 28.10.2014 and 12.11.2014 against the appellant.
- D- That appellant has no concern whatsoever about the drawn of salaries of the concerned Chowkidar rather it is the responsibility of the concerned District Education Officer (F) Dir lower and District Account Officer Dir Lower for which the appellant can not be held/ declared guilty.
- E- That it is the consistent view of the Apex Court that one should not be punished on the fault of others. That the fault has been committed by the concerned authorities and not the appellant.
- F- That no regular inquiry has been conducted by the concerned authorities before issuing the impugned orders dated 28.10.2014 and 12.11.2014 which is as per Supreme Court judgments is necessary in such like matters.
- G- That appellant have served the concerned school i.e. GGPS Lawanda Dir Lower for hardly one month but inspite of that the concerned authority due to malafide intention involved the appellant in the said issue. So much so appellant being PST (BPS-12) has no authority whatsoever to draw the salaries of the concerned Chowkidar rather for the said the competent authority is the DEO (F) Dir Lower and District Account Officer Dir Lower.

Attested
[Signature]

- H- That valuable rights of the appellant have been accrued because she was posted by the Department concerned and she took over the charge and she performed her duty till date, therefore under the prevailing rules the appellant is entitled for her monthly salaries as well as other benefits.
- I- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that on acceptance of this Departmental appeal the impugned orders dated 28.10.2014 and 12.11.2014 regarding recovery of Rs.26000/= may very kindly be set aside. Any other remedy which your good self deems fit may also be awarded in favor of the appellant.

Dated: 29th Dec, 2014

APPELLANT



SHAGUFTA BIBI PST (BPS-12),
GGPS KHANURI DISTRICT MALAKAND

Attested
G.

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2015

Shagufta Bibi

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt. of KPK

(RESPONDENT)
(DEFENDANT)

I/We Shagufta Bibi

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, 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 cost. 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.

Dated. ____/____/2015

Shagufta Bibi

CLIENT

g.
ACCEPTED

NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOONKHWA PESHAWAR

Service Appeal No 407/2015

Mst: Shagufta Bibi PST (BPS-12) GGPS Khanori, Tehsil Dargai, Distt Malakand.

.....
.....
(Appellant)

VERSUS

- 1. The Government of Khyber Pakhtunkhwa through secretary of (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.**
- 2. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar**
- 3. The District Education Officer (F) District Lower Dir.**
- 4. The District Account Officer, Dir Lower.**
- 5. The District Education Officer (F) District District Malakand**
- 6. The District Account Officer, District Malakand.**

(Respondents)

Para wise comments on behalf of respondents no 1, 2 & 5. 6

Respectfully Sheweth
Preliminary Objections.

1. That the appeal is badly barred by time and under the rules is not maintainable.
2. That the appellant had concealed material facts from the Honorable Service Tribunal.
3. That the appellant had got no cause of action to file the instant appeal.
4. That the appellant has got no locus standi to ask for claim.
5. That the appellant is estopped by his own conduct to file the present appeal.
6. That the appeal is not maintainable in its present form and is not competent.
7. That the Honorable Tribunal has no jurisdiction to entertain the appeal.
8. That the instant appeal is bad for mis-joinder/ non joinder of necessary parties.

FACTS.

1-5. Pertains, to record. needs no comments.

6. Incorrect, Respondent No 5 has sent her documents to Respondent No 3 for the verification service/record of her vide endst No 3582 dated 31.12.2013 and than a remainder No 656 dated 12.04.2014 to ensure her early pay release.

7. Related to Respondent No 3 hence no comments.
8. Pertains, to record
9. No comments.
10. Incorrect, Respondent No5 issued Pay Release Order dated 12.11.2014 in the light of letter No 3301 dated 10/10/2014 from respondent No 3 with a special not that:(The DEO(F)Malakand is requested that outstanding amount of PTC fund on the part of concerned teachers Rs:26000/(Twenty six thousand only)may be recovered from the teachers concerned and deposited ,in PTC, Bank Account No. 17900078307 HBL Samar Bagh Dir Lower.(Annexure A)
11. Incorrect, Respondent No 2 considered her appeal and issued a letter No 1543 dated 11.02.2015 to Respondent No 5 for the submission, factual position of the case and Respondent No5 submitted the factual position vide letter No 611 dated 12/03/2015 So the appellatant had got no cause of action to file the instant appeal.
(Annexure B&C)

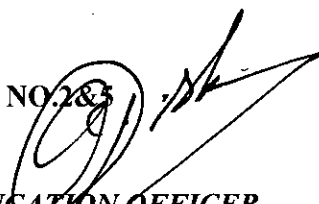
GROUND.

- A. Incorrect, the impugned orders dated 28-10-2014 and 12-11-2014 issued by the Respondents is according to law, facts and norms of natural justice and, available materials on the record showed that no violation has been made.
- B Incorrect, the appellatant has been treated in accordance with law by the Respondent Department and no violation has been committed against the constitution of Islamic Republic of Pakistan 1973.
- C Not admitted, the impugned order dated 28-10-2014 and 12-11-2014 issued was in accordance with law.
- D Incorrect, it was not the matter of the concerned Chowkidar salary but the outstanding amount of PTC Rs 26000/on behalf of the appellatant .
- E As related to respondent 3 hence no comments.
- F As related to respondent 3 hence no comments.
- G Incorrect, respondent no 5 issued a Pay Released Order vide No 4994-5000 dated 12-11-2014.for her monthly salary.
- H. As related to respondent 3 hence no comments.
- I. Incorrect, the imposed recovery of Rs.26000/- is not against the of the Constitution of Islamic Republic of Pakistan 1973.

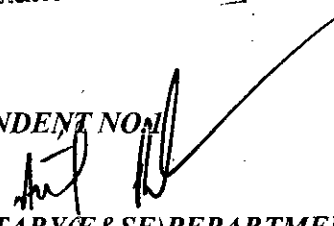
J. The Respondents also seeks permission to raise additional grounds at the time of arguments.

In light of the above facts it is submitted to kindly dismiss the appeal in hand with cost.

RESPONDENT NO. 2&3


DISTRICT EDUCATION OFFICER
(F) MALAKAND AT BARKHELA.
Dist. Educ. Officer
Malakand at Barkhela

RESPONDENT NO. 4


SECRETARY (E&SE) DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR.

RESPONDENT NO. 6


DISTRICT ACCOUNTS OFFICER
MALAKAND

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that all the contents of the accompanying parawise comments are true and correct to the best of my knowledge and belief and all the coddle formalities were fulfilled.


District Education Officer
(F) Malakand at Barkhela.
Dist. Educ. Officer (F)
Malakand at Barkhela

Annexure (A)

(227) 6

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

No. 1543/F.No.28/(F)/Appeal Dir.

Dated Peshawar the 11/2 2015.

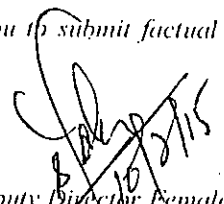
To

The District Education Officer,
(Female) Malakand

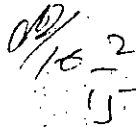
D.E.O (F) Mkd
Diary 228.....
Date:..... 16-2-15.....
At Batkhela

Subject APPEAL

I am directed to refer to the subject cited above and to enclose herewith a copy of applications in respect of Mst. Shagufta Bibib PST GGPS Khanuri and Mst. Hashmi Alam PST GGPS Ghawar Kali Malakand and to ask you to submit factual position of the subject case within one week.


Deputy Director Female
(E&SE) Khyber Pakhtunkhwa.





RRS-12 at the concerned station, the salary of the appellant was stopped by the concerned authorities of District Malakand without showing any reason and clear justification. That feeling aggrieved the appellant visited the concerned quarter for the release of her salary but in response the District Education

Ammeruse (B)

228

DISTRICT EDUCATION OFFICER (FEMALE)
MALAKAND AT BATKHELA.

No. 611

Dated 12/3 /2015.

To

The Director,
Elementary and Secondary Education Department
Khyber Pakhtunkhwa, Peshawar.

Subject:- APPEAL

Memo:

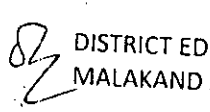
Reference your office letter No.1543/FNo.28/(F)/Appeal Dir dated Peshawar the 11/2/2015.

In this connection it is submitted for kind information and further appropriate action that Mst.Shagufta Bibi PST GGPS Khanoori and Mst.Hashmi Alam PST GGPS Khanoori now GGPS Ghawar Kalli have been transferred from District Dir (Lower) to District Malakand vide Director E&SE Khyber Pakhtunkhwa, Peshawar under E/No.4011-16/FNo.51/(F)/G.Transfer dated Peshawar the 17/9/2013 and E/No.7421-26/FNo.84/(F)/G.Transfer dated 27/9/2013. (Copies attached). And their past service documents were sent to DEO(F) Dir (Lower) vide this office memo:No.3584/FNo/Confirm:/Verif:/PST(F)/Batkhele/DEO(F) Mkd:/Estt:/dated 31.12.2013 & No.3586/ dated 31.12.2013, are duly verified by the DEO(F)Dir (Lower) vide her office letter No.3301/ Dated Timergara the 10/10/2014 with the following

Note. The DEO(F) Malakand is requested that outstanding amount of PTC fund on the part of concerned teachers Rs.26000/- (Rupees:-Twentysix thousand only) may be recovered from the teachers concerned and deposited in PTC, Bank Account No.17900078307 HBL Samar Bagh Dir (Lower). (Copy attached).

It is further stated that this office issued pay release order under endst:No.4994-5000 dated 12/11/2014 (Copy attached)

Submitted for your perusal please.

 DISTRICT EDUCATION OFFICER (FEMALE)
MALAKAND AT BATKHELA.

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 407 of 2015:

Mrs. Shagufta Bibi PST GGPS Khanori MalakandAppellant.

Versus.

Government of Khyber Pakhtunkhwa E&SE Deptt: and others.....Respondents.

(Para-wise reply on behalf of respondent No. 04)

Preliminary Objections.

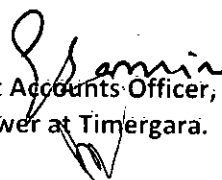
- 1 That the appellant has been transferred to District Malakand and this office has already been countersigned her LPC.
- 2 The appellant is holding the post of PST non gazetted, the matter relates to the Department.
- 3 The appellant now under the audit jurisdiction of DAO Malakand. She has no claim about the District Accounts Officer Dir Lower in the case.

Fact of the case are as under:

A to G: No Comments. Relate to Department.

H. This office cannot activate/stop salary of a Govt: official by itself. It is the responsibility of DDO to stop/activate pay of a Govt: servant on submission of Source duly signed by DDO.

In light of the above facts it is therefore, prayed that the District Accounts Officer Dir Lower may be exonerated in the case.


District Accounts Officer,
Dir Lower at Timergara.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No.407/2015

SHAGUFTA BIBI

VS

EDUCATION DEPTT:

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE
TO THE REPLY SUBMITTED BY THE RESPONDENTS

R/SHEWETH:

1 to 6:

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

1 TO 11:

- 1- Admitted correct by the respondents hence need no comments.
- 2- Admitted correct by the respondents hence need no comments.
- 3- Admitted correct by the respondents hence need no comments.
- 4- Admitted correct by the respondents hence need no comments.
- 5- Admitted correct by the respondents hence need no comments.
- 6- Incorrect and not replied accordingly. That appellant has served in various schools quite efficiently and up to the entire satisfaction of her superiors. That there is no doubt in the documents of the appellant. That the respondents malafidely stopped the salaries of the appellant without any reason and clear justification while the appellant has regularly performed her duty at the concerned station. That appellant time and again visited the concerned quarter for release of her salary but the respondents are not willing to do so.
- 7- Admitted correct hence denied.
- 8- Admitted correct hence need no comments.

- 9- Admitted correct hence need no comments.
- 10- Incorrect and not replied accordingly. That the respondent No.5 issued order for recovery of Rs. 26000/- from the concerned teachers along with the appellant. That has no concern whatsoever drawn the salaries of the concerned Chowkidar. That it is the responsibility of the concerned DEO (F) Dir Lower and District Account Officer Dir Lower for which the appellant cannot be declared guilty.
- 11- Incorrect and not replied accordingly. That appellant feeling aggrieved from the impugned letters dated 28.10.2014 and 12.11.2014 but no reply has been received till date.

GROUND:
(A to E):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect, baseless and not in accordance with law and Rules hence denied. That the impugned letters dated 28.10.2014 and 12.11.2014 are against the law, facts, norms of natural justice and materials on the record. That the respondent Department acted in arbitrary and malafide manner by issuing the impugned letters. That appellant cannot be declared guilty for the said drawn of the salaries of concerned Chowkidar because appellant has no concern with the said matter. That the respondents are illegally issued the impugned letters.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favor of the appellant.

APPELLANT

SHAGUFTA BIBI

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE



OFFICE OF THE
DISTRICT EDUCATION OFFICER (Female)
DISTRICT DIR LOWER,

Tel: 0945-9250083

Email: emisdeofdirower@yahoo.com

No. 5381 /

Dated: 20/10/2015

To

The District Education Officer Female,
Malakand at Batkhela.

Subject:-

**INQUIRY REPORT/RECORD OF MST. SHAGUFTA PST AND MST.
HASHMI ALAM PST, SERVICE APPEAL NO. 407/408 ON 15-09-2015.**

Memo:-

1. The comments already vitted by the honorable AAG may be considered on reply form this office and may be submitted to AAG office under your signature.
2. Rs. 26000/- has not been deposited by the appellant is still pending against her. She may be directed to deposit the same in the account of concerned school PTC. This office will have no other objection on release of her pay, except to recover the grant money Rs.26000/-


District Education Officer (F)
Dir Lower at Timergara.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 598 /ST Dated 28 /3 / 2017

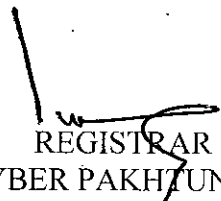
To

The District Education Officer (F),
Government of Khyber Pakhtunkhwa,
Malakand at Batkhela.

Subject: - **JUDGMENT**

I am directed to forward herewith a certified copy of Judgement dated 7.3.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No.407/2015

SHAGUFTA BIBI

VS

EDUCATION DEPTT:

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE
TO THE REPLY SUBMITTED BY THE RESPONDENTS

R/SHEWETH:

1 to 6:

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

1 TO 11:

- 1- Admitted correct by the respondents hence need no comments.
- 2- Admitted correct by the respondents hence need no comments.
- 3- Admitted correct by the respondents hence need no comments.
- 4- Admitted correct by the respondents hence need no comments.
- 5- Admitted correct by the respondents hence need no comments.
- 6- Incorrect and not replied accordingly. That appellant has served in various schools quite efficiently and up to the entire satisfaction of her superiors. That there is no doubt in the documents of the appellant. That the respondents malafidely stopped the salaries of the appellant without any reason and clear justification while the appellant has regularly performed her duty at the concerned station. That appellant time and again visited the concerned quarter for release of her salary but the respondents are not willing to do so.
- 7- Admitted correct hence denied.
- 8- Admitted correct hence need no comments.

- 9- Admitted correct hence need no comments.
- 10- Incorrect and not replied accordingly. That the respondent No.5 issued order for recovery of Rs. 26000/- from the concerned teachers along with the appellant. That has no concern whatsoever drawn the salaries of the concerned Chowkidar. That it is the responsibility of the concerned DEO (F) Dir Lower and District Account Officer Dir Lower for which the appellant cannot be declared guilty.
- 11- Incorrect and not replied accordingly. That appellant feeling aggrieved from the impugned letters dated 28.10.2014 and 12.11.2014 but no reply has been received till date.

GROUND:
(A to E):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect, baseless and not in accordance with law and Rules hence denied. That the impugned letters dated 28.10.2014 and 12.11.2014 are against the law, facts, norms of natural justice and materials on the record. That the respondent Department acted in arbitrary and malafide manner by issuing the impugned letters. That appellant cannot be declared guilty for the said drawn of the salaries of concerned Chowkidar because appellant has no concern with the said matter. That the respondents are illegally issued the impugned letters.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favor of the appellant.

APPELLANT

SHAGUFTA BIBI

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOONKHWA PESHAWAR

Service Appeal No 407/2015

Mst: Shagufta Bibi PST (BPS-12) GGPS Khanori, Tehsil Dargai, Distt Malakand.

..... (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through secretary of (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
3. The District Education Officer (F) District Lower Dir.
4. The District Account Officer, Dir Lower.
5. The District Education Officer (F) District District Malakand
6. The District Account Officer, District Malakand.

(Respondents)

Para wise comments on behalf of respondents no 1, 2 & 5. 6

Respectfully Sheweth
Preliminary Objections:

1. That the appeal is badly barred by time and under the rules is not maintainable.
2. That the appellant had concealed material facts from the Honorable Service Tribunal.
3. That the appellant had got no cause of action to file the instant appeal.
4. That the appellant has got no locus standi to ask for claim.
5. That the appellant is estopped by his own conduct to file the present appeal.
6. That the appeal is not maintainable in its present form and is not competent.
7. That the Honorable Tribunal has no jurisdiction to entertain the appeal.
8. That the instant appeal is bad for mis-joinder/ non joinder of necessary parties.

FACTS.

- 1-5. Pertains to record. needs no comments.
6. Incorrect, Respondent No 5 has sent her documents to Respondent No 3 for the verification service/record of her vide endst No 3582 dated 31.12.2013 and than a remainder No 656 dated 12.04.2014 to ensure her early pay release.

7. Related to Respondent No 3 hence no comments.
8. Pertains. to record
9. No comments.
10. Incorrect, Respondent No5 issued Pay Release Order dated 12.11.2014 in the light of letter No 3301 dated 10/10/2014 from respondent No 3 with a special not that:(The DEO(F)Malakand is requested that outstanding amount of PTC fund on the part of concerned teachers Rs:26000/(Twenty six thousand only)may be recovered from the teachers concerned and deposited .in PTC, Bank Account No. 17900078307 HBL Samar Bagh Dir Lower.(Annexure A)
11. Incorrect. Respondent No 2 considered her appeal and issued a letter No 1543 dated 11.02.2015 to Respondent No 5 for the submission, factual position of the case and Respondent No5 submitted the factual position vide letter No 611 dated 12/03/2015 So the appellant had got no cause of action to file the instant appeal.
(Annexure B&C)

GROUND.

- A. Incorrect, the impugned orders dated 28-10-2014 and 12-11-2014 issued by the Respondents is according to law, facts and norms of natural justice and, available materials on the record showed that no violation has been made.
- B. Incorrect, the appellant has been treated in accordance with law by the Respondent Department and no violation has been committed against the constitution of Islamic Republic of Pakistan 1973.
- C. Not admitted, the impugned order dated 28-10-2014 and 12-11-2014 issued was in accordance with law.
- D. Incorrect, it was not the matter of the concerned Chowkidar salary but the outstanding amount of PTC Rs 26000/on behalf of the appellant .
- E. As related to respondent 3 hence no comments.
- F. As related to respondent 3 hence no comments.
- G. Incorrect, respondent no 5 issued a Pay Released Order vide No 4994-5000 dated 12-11-2014.for her monthly salary.
- H. As related to respondent 3 hence no comments.
- I. Incorrect, the imposed recovery of Rs.26000/- is not against the of the Constitution of Islamic Republic of Pakistan 1973.

7. Related to Respondent No 3 hence no comments.
8. Pertains to record
9. No comments.
10. Incorrect, Respondent No5 issued Pay Release Order dated 12.11.2014 in the light of letter No 3301 dated 10/10/2014 from respondent No 3 with a special not that:(The DEO(F)Malakand is requested that outstanding amount of PTC fund on the part of concerned teachers Rs:26000/(Twenty six thousand only)may be recovered from the teachers concerned and deposited in PTC, Bank Account No. 17900078307 HBL Samar Bagh Dir Lower.(Annexure A)
11. Incorrect, Respondent No 2 considered her appeal and issued a letter No 1543 dated 11.02.2015 to Respondent No 5 for the submission, factual position of the case and Respondent No5 submitted the factual position vide letter No 611 dated 12/03/2015 So the appellat had got no cause of action to file the instant appeal.
(Annexure B&C)

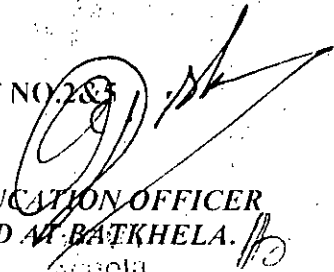
GROUND.

- A. Incorrect, the impugned orders dated 28-10-2014 and 12-11-2014 issued by the Respondents is according to law, facts and norms of natural justice and, available materials on the record showed that no violation has been made.
- B. Incorrect, the appellat has been treated in accordance with law by the Respondent Department and no violation has been committed against the constitution of Islamic Republic of Pakistan 1973.
- C. Not admitted, the impugned order dated 28-10-2014 and 12-11-2014 issued was in accordance with law.
- D. Incorrect, it was not the matter of the concerned Chowkidar salary but the outstanding amount of PTC Rs 26000/on behalf of the appellat .
- E. As related to respondent 3 hence no comments.
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- G. Incorrect, respondent no 5 issued a Pay Released Order vide No 4994-5000 dated 12-11-2014 for her monthly salary.
- H. As related to respondent 3 hence no comments.
- I. Incorrect, the imposed recovery of Rs.26000/- is not against the of the Constitution of Islamic Republic of Pakistan 1973.

J. The Respondents also seeks permission to raise additional grounds at the time of arguments.

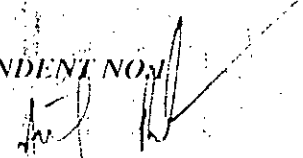
In light of the above facts it is submitted to kindly dismiss the appeal in hand with cost.

RESPONDENT NO. 2 & 3


DISTRICT EDUCATION OFFICER
(F) MALAKAND AT BATHHELA.

MALAKAND AT BATHHELA

RESPONDENT NO. 4

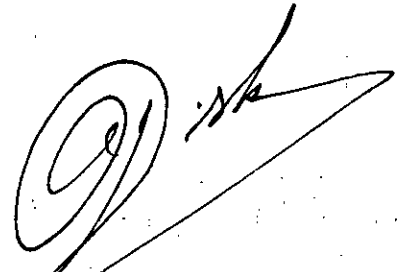

SECRETARY (E & SE) DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR.

RESPONDENT No 6


DISTRICT EDUCATION OFFICER
MALAKAND

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that all the contents of the accompanying parasewise comments are true and correct to the best of my knowledge and belief and all the coddle formalities were fulfilled.


District Education Officer (F)
(F) Malakand at Bathhela.

MALAKAND AT BATHHELA

Annexure (A)

(227) 6

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

No. 1543/F.No.28/(F)/Appeal Dir.

Dated Peshawar the 11/2/2015.

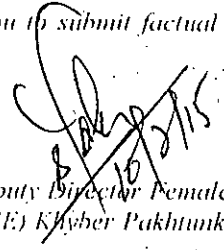
To


The District Education Officer,
(Female) Malakand

D.E.O (F) Mkd
Diary 208.....
Date: 14-2-15
At Batkhela

Subject APPEAL

I am directed to refer to the subject cited above and to enclose herewith a copy of applications in respect of Mst. Shagufta Bibib PST GGPS Khanuri and Mst. Hashmi Alam PST GGPS Ghawar Kali Malakand and to ask you to submit factual position of the subject case within one week.


Deputy Director Female
(E&SE) Khyber Pakhtunkhwa.


00/16-2
5

PPS-13 at the concerned station, the salary of the appellant was stopped by the concerned authorities of District Malakand without showing any reason and clear justification. That feeling aggrieved the appellant visited the concerned quarter for the release of her salary but in response the District Education

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Annexure (B)

DISTRICT EDUCATION OFFICER (FEMALE)
MALAKAND AT BATKHELA.

No. 611

Dated 12/3 /2015.

To

The Director,
Elementary and Secondary Education Department
Khyber Pakhtunkhwa, Peshawar.

Subject:- APPEAL.
Memo:

11/2/2015.

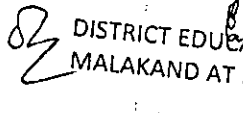
Reference your office letter No.1543/FNo.28/(F)/Appeal Dir dated Peshawar the

In this connection it is submitted for kind information and further appropriate action that Mst.Shagufta Bibi PST GGPS Khanoori and Mst.Hashmi Alam PST GGPS Khanoori now GGPS Ghawar Kalli have been transferred from District Dir (Lower) to District Malakand vide Director E&SE Khyber Pakhtunkhwa, Peshawar under E/No.4011-16/FNo.51/(F)/G.Transfer dated Peshawar the 17/9/2013 and E/No.7421-26/FNo.84/(F)/G.Transfer dated 27/9/2013. (Copies attached). And their past service documents were sent to DEO(F) Dir (Lower) vide this office memo:No.3584/FNo/Confirm:/Verif:/PST(F)/Batkhele/DEO(F) Mkd:/Estt:/dated 31.12.2013 & No.3586/ dated 31.12.2013, are duly verified by the DEO(F)Dir (Lower) vide her office letter No.3301/ Dated Timergara the 10/10/2014 with the following

Note. The DEO(F) Malakand is requested that outstanding amount of PTC fund on the part of concerned teachers Rs.26000/- (Rupees:-Twentysix thousand only) may be recovered from the teachers concerned and deposited in PTC, Bank Account No.17900078307 HBL Samar Bagh Dir (Lower).(Copy attached).

It is further stated that this office issued pay release order under endst:No.4994-5000 dated 12/11/2014 (Copy attached)

Submitted for your perusal please.

 DISTRICT EDUCATION OFFICER (FEMALE)
MALAKAND AT BATKHELA.

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 407 of 2015.

Mrs. Shagufta Bibi PST GGPS Khanori MalakandAppellant.

Versus.

Government of Khyber Pakhtunkhwa E&SE Deptt: and others.....Respondents.

(Para-wise reply on behalf of respondent No. 04)

Preliminary Objections.

- 1 That the appellant has been transferred to District Malakand and this office has already been countersigned her LPC.
- 2 The appellant is holding the post of PST non gazetted, the matter relates to the Department.
- 3 The appellant now under the audit jurisdiction of DAO Malakand. She has no claim about the District Accounts Officer Dir Lower in the case.

Fact of the case are as under:

A to G: No Comments. Relate to Department.

H. This office cannot activate/stop salary of a Govt: official by itself. It is the responsibility of DDO to stop/activate pay of a Govt: servant on submission of Source duly signed by DDO.

In light of the above facts it is therefore, prayed that the District Accounts Officer Dir Lower may be exonerated in the case.


District Accounts Officer,
Dir Lower at Timergara.

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 407 of 2015.

Mrs. Shagufta Bibi PST GGPS Khanōri Malakand **Appellant.**

Versus.

Government of Khyber Pakhtunkhwa E&SE Deptt: and others..... **Respondents.**

(Para-wise reply on behalf of respondent No. 04)

Preliminary Objections.


- 1 That the appellant has been transferred to District Malakand and this office has already been countersigned her LPC.
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District Accounts Officer,
Dir Lower at Timergara.