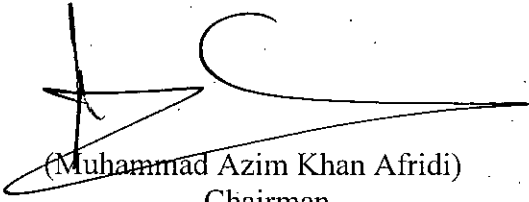



S.No. of order or proceedings.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	03.03.2016	<p align="center"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p align="center"><u>Appeal No.1320/2015</u></p> <p align="center"><u>(Miss Sadia-vs-Secretary Labour Department, Govt. of Khyber Pakhtunkhwa and 3 others).</u></p> <p align="center"><u>JUDGMENT</u></p> <p><u>Muhammad Azim Khan Afridi, Chairman:</u> Counsel for the appellant present.</p> <p>Appellant has preferred the instant appeal against the impugned order dated 3.9.2013 vide which her services were terminated by respondent No. 2 i.e Secretary Workers Welfare Board, Khyber Pakhtunkhwa, Peshawar.</p> <p>Arguments of the learned counsel for the appellant on maintainability of appeal heard and record perused.</p> <p>According to section-2 (b) (ii) of Khyber Pakhtunkhwa Civil Servants Act, 1973 the appellant is not a civil servant as such and in view of section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974, the appeal is not maintainable. The appeal is, therefore, dismissed in limine for want of maintainability. File be consigned to the record room.</p> <p align="right">   (Muhammad Azim Khan Afridi)  Chairman  03.03.16. </p> <p><u>ANNOUNCED</u> 03.03.2016</p>

21.12.2015

Counsel for the appellant present. Requested for adjournment.  
Adjourned for preliminary hearing to 26.1.2016 before S.B.

  
Chairman

26.1.2016

Counsel for the appellant is stated busy before the august  
Peshawar High Court. Adjourned for preliminary hearing to 23.2.2016  
before S.B.

  
Chairman

23.02.2016





Counsel for the appellant present. Seeks adjournment. Last  
opportunity granted. To come up for preliminary hearing on 3.3.2016  
before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1320/2015

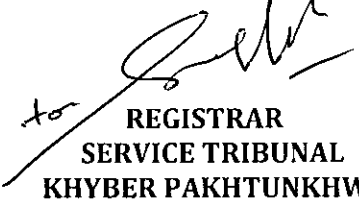
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.11.2015	<p>The appeal of Miss. Sadia resubmitted today by Mr. Misbah Ullah Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-11-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>30-11-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	30.11.2015	<p>Counsel for the appellant present. Learned counsel for the appellant requested for adjournment. Adjourned to 3.12.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>
	03.12.2015	<p>Counsel for the appellant present. Learned counsel for the appellant seeks adjournment. Adjourned to 21.12.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Miss. Sadia d/o Zafeer Gul r/o Sheikh Abad No.2 near Govt. Middle School for Boys Sheikh Abad Peshawar received to-day i.e. on 24.11.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- The law under which appeal is filed is not mentioned.
- 2- Copy of dismissal order of departmental appeal mentioned in para-13 of the memo of appeal (Annexure-J) is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.

No. 1813 /S.T.

Dt. 25/11 /2015

  
to  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Misbahullah Adv. Pesh.

Respect Sir,

- 1- The instant appeal is filed u/s 4 of the Khyber Peshawar Service Tribunal Act 1974 because as per the Judgements of the apex court published in 2002 SCMR 1034 and 2001 SCMR 934, the appellant is a Civil servant for limited purpose.
- 2- So far as the objection No 2 is concern, the appellant has resubmitted her departmental appeal to respondent No 1 who on 25.11.2013 sent the same to respondent No 2 for further necessary action (Annex E at Page 19). Later on the Peshawar High Court Petitioner with its judgement dated 19.11.2014 (Annex F at Page 20-24) directed the respondents to decide the same departmental appeal of the appellant and on the failure of the respondents to decide the departmental appeal within two months, the appellant filed Coc. No 91-P/2014 and 170-P/2015 against the respondents where in the respondents submitted an incompetent compliance report to which the appellant came to know on 11.11.2015 and the High Court accepted that compliance report as dismissal of the departmental appeal of the appellant which is annexure J. Prior to this, the respondents have never informed the appellant about the dismissal of the departmental appeal of the appellant.
3. Needful is done.

Resubmitted after necessary compliance.



26/11/2015

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No. 1320 /2015

Miss Sadia.....(Appellant)

**V E R S U S**

Secretary, Labour Department, Government of Khyber Pakhtunkhwa, R/o Bungalow No. 29-1/F, Near Hamza Foundation Hospital, Khushal Khan Khattak Road, University Town, Peshawar and others.....(Respondents)

**INDEX**

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4.	Copies of the degrees	A, A-1, A-2 & A-3	14-17
5.	Copy of appointment letter	B	18-19
6.	Copy of Good Performance Certificate	C	20
7.	Copy of the termination letter dated 03/09/2013	D	21
8.	Copy of order dated 25/11/2013 of respondent No. 1	E	22
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Appellant  
Miss. Sadia

*Sadia*

Through

Dated: 27/11/2015

*Misbah Ullah*  
Misbah Ullah

Advocate High Court,  
Peshawar.

Cell No. 0333-9132679

①

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No. 1320 /2015

S.W.F. Provincial  
Service Tribunal

Diary No. 134

Dated 24-11-15

Miss Sadia D/o Zafeer Gul R/o Sheikh Abad No. 2, Near Government, Middle School for Boys, Sheikh Abad, Post Office, Karim Pura, O/S Lahori Gate, Peshawar.....(Appellant)

**V E R S U S**

1. Secretary, Labour Department, Government of Khyber Pakhtunkhwa, R/o Bungalow No. 29-1/F, Near Hamza Foundation Hospital, Khushal Khan Khattak Road, University Town, Peshawar.
2. Secretary Workers Welfare Board, Khyber Pakhtunkhwa, Near Shalman Park, Bungalow No. 67, Sector G-4, Phase-II, Hayatabad, Peshawar.
3. Director Education, Workers <sup>welfare</sup> Board Khyber Pakhtunkhwa, ESSI Building Near Nasirullah Babar Hospital, Industrial Estate Area, Kohat Road, Peshawar.
4. Workers Welfare Board, Khyber Pakhtunkhwa, through its Secretary, near Shalman Park, Bungalow No. 67, Sector G-4, Phase-II, Hayatabad, Peshawar.....(Respondents)

**APPEAL AGAINST THE ORDER DATED  
03/09/2013, PASSED BY RESPONDENT  
NO. 2, WHEREBY THE APPELLANT HAS  
BEEN ILLEGALLY AND UNLAWFULLY  
TERMINATED FROM THE SERVICE.**

Filed to file

Registrar

Re-submitted  
before  
26/11/15  
to-day.

**PRAYER:**

*On acceptance of this appeal, the impugned order dated 03/09/2013 may very kindly be set aside and the appellant may kindly be re-instated in her service with all back benefits including her regularization in service and promotion etc.*

*Any other remedy not specifically mentioned, may also be granted.*

**Respectfully Sheweth:**

1. That the appellant have passed her B.A, B.Ed and M.A, M.Ed Examinations in first Division from Peshawar University. (Copies of the degrees are annexure "A", "A-1", "A-2" and "A-3" respectively).
  
2. That after qualifying the written test and interview, the appellant was appointed as Teacher on the sanction post on 23/04/2011 and was posted in Working Folk Grammar High/Secondary School Female-I, Hayatabad, Peshawar. (Copy of appointment letter is annexure "B").

3. That as per the appointment order dated 23/04/2011, the appellant successfully completed her one year probation period and was awarded by Good Performance Certificate by the Principal of concerned School. (Copy of Good Performance Certificate is annexure "C").
  
4. That to utter surprise, the respondents No. 2 ~~and 3~~ vide impugned order dated 03/09/2013, terminated the services of the appellant on the ground of poor performance being in probation period, without any prior notice, charge sheet or inquiry. (Copy of the termination letter dated 03/09/2013 is annexure "D").
  
5. That the respondents appointed their blue eyed, inexperienced, third divisioners and lesser qualified teachers ~~without~~ <sup>with out</sup> any written test and interview on the seat of the appellant, which can be easily verified from the concerned school record.
  
6. That wrong stigma of poor performance used in the termination letter dated 03/09/2013 of the appellant bars the future employment and the



appellant remained jobless from 03/09/2013 till today, while the other colleagues of the appellant appointed with the appellant have been regularized and promoted to next higher grade.

7. That on 16/09/2013 the appellant preferred departmental appeal before the respondent No. 1, who is next higher authority, against the malafide and illegal termination order dated 03/09/2013. Respondent No. 1, instead of deciding the said departmental appeal himself, sent the same to respondent No. 2 for necessary action on 25/11/2013. Such action of respondent No. 1 is mockery of law. (Copy of order dated 25/11/2013 of respondent No. 1 is annexure "E").

8. That having no response from the respondent No. 2, the appellant filed a Civil Suit before the Civil Judge, Peshawar, for the redressal of her grievances but the Civil Court rejected the plaint of the appellant and such order of Civil Court was maintained upto august Peshawar High Court, Peshawar. However the august Peshawar High Court, Peshawar vide its order and judgment dated

19/11/2014 declared that the appellant can approach the proper forum only after the decision of the departmental appeal, pending decision before the respondents and also directed the respondents to decide the departmental appeal of the appellant within two months. (Copy of the judgment dated 19/11/2014 is annexure "F").

9. That as the respondents failed to comply with the clear order dated 19/11/2014 of the august Peshawar High Court, Peshawar to decide the departmental appeal of the appellant, hence the appellant filed contempt of Court petition bearing No. 91-P/2015 against the respondents where in the respondents were directed to decide the departmental appeal of the appellant within 15 days. (Copy of the order dated 06/03/2015 is annexure "G").

10. That the respondents were brave enough by not complying the clear orders of August Peshawar High court, Peshawar, dated 06/03/2015 in C.O.C No. 91-P/2015 so the appellant was constrained to file

another contempt of Court Petition bearing No. 170-P/2015 before the Peshawar High Court Peshawar.

11. That during the pendency of C.O.C No. 170-P/2015, respondents No. 2 and 3 submitted an incompetent compliance report which is not signed by respondent No. 1 who is the next higher authority. (Copy of compliance report is annexure "H").
  
12. That the appellant also send a remainder to respondent No. 1 on 06/11/2015 to decide the appeal of the appellant, but respondent No. 1 did not response. (Copy of reminder dated 06/11/2015 is annexure "I").
  
13. That on the basis of such compliance report, the departmental appeal of the appellant was held dismissed on 11/11/2015 by the august Peshawar High Court, Peshawar. (Copy of the order dated 11/11/2015 is annexure "J").
  
14. That the impugned order dated 09/03/2013 followed by the compliance report dated

11/11/2015 are illegal, unlawful, malafide, against the law and facts and in utter disregard of the law applicable to the matter, hence are liable to be set aside on the following amongst other grounds:

**GROUND:**

A. That as no show cause notice was issued to the appellant prior to her termination, therefore, the termination order dated 03/09/2013 of the appellant is void ab-initio as reflects from good performance certificate issued to appellant in annexure "C". It is held by the august Supreme Court that when removal of an employee of statutory body, even in the absence of statutory rules, is made on particular grounds which are in the nature of charges, the employees has vested right of hearing before any order adverse to his interest was passed. 2001 SCMR 934 = 2002 SCMR 1034 = 2005 PLC (CS) 558.

B. That august Supreme Court repelled the contention while holding that it is wrong that on theory of master and servant relationship the employee can

not be reinstated whose services had been illegally terminated. 2002 SCMR 1034.

C. Termination without show cause notice is against the principal of natural justice which is equated with provision of law. 1994 SCMR 2232, and violation of provision of law is malafide. 2011 SCMR 11.

D. It is settled principal of law that termination with allegation and without show cause notice is malafide and not sustainable in law. 2001 SCMR 934.

E. It is fundamental principal of law that one could not be ousted from employment even if he was a contract employee unless the legal procedure was adopted. The termination order dated 03/09/2013 is also ultra virus of the Constitution of Pakistan, 1973. PLD 2014 Islamabad 38 (F).

F. That the Workers Welfare Board Rules 1997 was used merely as clock to justify the malafide of the order of termination dated 03/09/2013. The

appellant being highly qualified and experienced was terminated, while the lesser qualified and inexperienced teachers were retained. It is held by the august Supreme Court that retrenchment must be in good faith and not to victimize the employees. 2011 SCMR 11.

G. That, anomalous to suggest that a victim of illegal action has to go without redress because sub-constitutional legislation does not lay down the mode for enforcing his rights. Provisions of Section 42 of Specific Relief Act 1877, for such reasons are not exhaustive. Principal, "Wherever there is a right there must be a remedy to enforce it" persuaded courts not to remain bound within the technicalities of Section 42 of Specific Relief Act 1877 for granting relief. 2004 CLC 1029.

H. That termination and dismissal of the appeal of the appellant by respondents No. 2 and 3 is a mockery of law. Even a layman without legal assistance can easily understand that respondents No. 2 and 3 can not hear appeal against their own order of termination dated 03/09/2013. It is held by

superior Courts that a person who exercise original jurisdiction can not exercise appellate jurisdiction in respect of that matter. It is so obvious a proposition of law that it hardly require any authority. PLD 1977 Lahore 929.

- I. That the appellant seeks, permission to advance further arguments at the hearing of this appeal.

It is, therefore, humbly prayed that on acceptance of this appeal, the impugned termination order dated 03/09/2013 may very kindly be set aside and the appellant may kindly be reinstated in her service with all back benefits including her regularization in service and promotion etc.

Any other remedy not specifically mentioned may also be granted.

*Sadia*

Appellant  
**Miss. Sadia**

Through

*Misbah Ullah*

**Misbah Ullah**  
Advocate High Court,  
Peshawar.

Dated: 27/11/2015

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2015

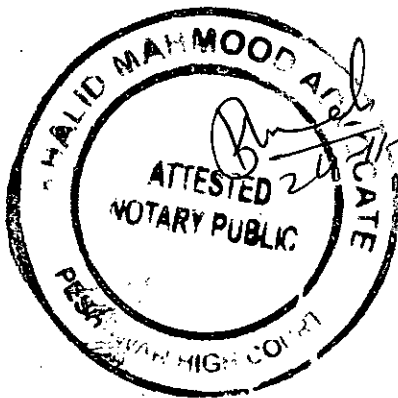
Miss Sadia.....(Appellant)

**V E R S U S**

Secretary, Labour Department, Government of Khyber Pakhtunkhwa, R/o Bungalow No. 29-1/F, Near Hamza Foundation Hospital, Khushal Khan Khattak Road, University Town, Peshawar and others.....(Respondents)

**AFFIDAVIT**

I, Miss Sadia D/o Zafeer Gul R/o Sheikh Abad No. 2, Near Government, Middle School for Boys, Sheikh Abad, Post Office, Karim Pura, O/S Lahori Gate, Peshawar, so hereby solemnly affirm and declare on oath, that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



*Sadia*  
**DEPONENT**



**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2015

Miss Sadia.....(Appellant)

**V E R S U S**

Secretary, Labour Department, Government of Khyber  
Pakhtunkhwa, R/o Bungalow No. 29-1/F, Near Hamza  
Foundation Hospital, Khushal Khan Khattak Road, University  
Town, Peshawar and others.....(Respondents)

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

Miss Sadia D/o Zafeer Gul R/o Sheikh Abad No. 2, Near  
Government, Middle School for Boys, Sheikh Abad, Post Office,  
Karim Pura, O/S Lahori Gate, Peshawar.

**RESPONDENTS:**

1. Secretary, Labour Department, Government of Khyber  
Pakhtunkhwa, R/o Bungalow No. 29-1/F, Near Hamza  
Foundation Hospital, Khushal Khan Khattak Road, University  
Town, Peshawar.
2. Secretary Worker Welfare Board, Khyber Pakhtunkhwa, Near  
Shalman Park, Bungalow No. 67, Sector G-4, Phase-II,  
Hayatabad, Peshawar.

3. Director Education, Workers Board Khyber Pakhtunkhwa, ESSI Building Near Nasirullah Babar Hospital, Industrial Estate Area, Kohat Road, Peshawar.
4. Worker Welfare Board, Khyber Pakhtunkhwa, through its Secretary, near Shalman Park, Bungalow No. 67, Sector G-4, Phase-II, Hayatabad, Peshawar.

Appellant  
**Miss. Sadia**



Through



**Misbah Ullah**  
Advocate High Court,  
Peshawar.

Dated: 27/11/2015

Annex. A

14

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

# University of Peshawar (Pakistan)

Session ANNUAL 2007

SADIA

Son / Daughter of

ZAFEER GUL

and a student / private candidate of GOVERNMENT FRONTIER COLLEGE FOR WOMEN PESHAWAR

having passed the Prescribed examination held in JULY 2007

is this day admitted by the University of Peshawar to the Degree of

## Bachelor of Arts

in SECOND Division

The Examination was taken as a whole / in parts

Serial No 0123396

Registration No. 2005-W-2630

Roll No. 25802

Result declared on OCTOBER 12, 2007

ATTESTED  
ADVOCATE



*[Signature]*  
Registrar

Countersigned

*[Signature]*  
Vice Chancellor

Annex. A,

(15)



# University Of Peshawar

(Pakistan)

Session: Annual 2012

SADIA

Daughter Of

ZAFEER GUL

Student Of

Bakhtawar College of Education Peshawar

having

prescribed examination held in June 2012 is this day admitted by the University Of P.

the Degree of Bachelor of Education

In 2nd Division

In 1st Division

in Teaching Practice In

1st Division in Aggregate

She Passed also in FOUNDATION OF EDUCATION

as an Elective subject

The examination was taken as a whole

Registration No. 2005-W-2630

Roll No. 413

C.N.F.C.No. 17301-3673451-8

Result Declared on December 22, 2012

**ATTESTED**  
h  
**ADVOCATE**



*Attested*  
*Advocate*

*QC*  
*R*

*m. Sa*  
*Chie C*



054116

14

Annexure "A.C"



# University of Peshawar

1942

DIRECTORATE OF DISTANCE EDUCATION



Annex. A<sub>3</sub>

(17)

## PROVISIONAL CERTIFICATE

Session ( 2013-14 )

Roll No. 8554

Date: 20/ 02/ 2015

It is certified that Mr. /Ms. SADIA  
Son/Daughter of Mr. ZAFEER GUL, a student of Distance Education  
has passed the prescribed examination of Master of Education  
held in August-September, 2014 During the session his/her conduct was good.

Total marks obtained 538 out of 800 Division 1<sup>st</sup>

Result declared on: 17<sup>th</sup> February, 2015

ATTESTED

W  
ADVOCATE

(DIRECTOR)

Note: This certificate is issued (errors and omissions accepted) as a provisional document only. It has no legal value independent of the result gazette of the University and the degree awarded thereby.

Miss Sadia  
D/o Zafcer Gul

Ref : WW/DE/7-9-10/05 **Annex B**

Dated: 23/4/2011

Subject:- Appointment

On the recommendations of the Selection Committee of Khyber Pakhtunkhwa Workers Welfare Board, the undersigned is pleased to appoint you on the post of Teacher for 2<sup>nd</sup> shift in the Working Falls Grammar Higher Secondary School, Peshawar-I, functioning under the Directorate of Education, Khyber Pakhtunkhwa Workers Welfare Board. The terms and conditions of the appointment will be as under:-

1. Nature of appointment: - Contract basis for a period of 03 years extendable on performance & mutual consent

Probation period will be for a period of one Year.

2. Pay & Allowance:-

- a) Grade (BPS-14)
- b) Pay Scale Rs. 4920-380-16320
- c) House-Rent Allowance As admissible
- d) Other Allowances As admissible
- e) Medical Facilities Cash allowance @ 30% of the basic pay. Full medical reimbursement will be allowed for medical treatment in the Government Hospital.
- f) Gratuity Gratuity will be admissible as per rules.
- g) C.P.Fund C.P.Fund will be deducted as per rules.

3. Place of duty:-

You will be employed for working Falls Grammar Higher Secondary School, Peshawar-I, and you will not have any claim to employment in any other institution/office of the Board.

4. Notice of termination of appointment:

During the probation period your services can be terminated without any notice or assigning any reason. After successful completion of the probationary period your services can be terminated on one month notice or pay in lieu there of on either side, provided that such termination is not due to misconduct for which you will be terminated without any notice.

*Advised in school*

*3 min  
Nousheen 22/4/2011*

Director Education/Secretary  
Khyber Pakhtunkhwa Workers Welfare Board  
Peshawar.

**ATTESTED**  
*[Signature]*  
Examiner  
Dist. Court Peshawar

**ATTESTED**

**ADVOCATE**

18

*3  
5.10.013*

5. Nature of Duties:

You may be required to stay back in the institution after the routine working hours for duties, whenever asked by the Principal/Vice Principal. You will attend the school/institution during summer and other vacations/holidays for necessary academic/administrative duties if asked by the school authorities.

6. Medical fitness:

You shall have to produce a medical fitness certificates from the Board's Medical Officer or Medical Superintendent of district hospital concerned within one month of joining of service.

7. Offer open upto:

If the above terms and conditions are acceptable to you, then you are requested to sign the duplicate copy of this letter as a token of your acceptance within 10 days positively.

3  
C.T. Khan  
5/12/01 R

Director Education/Secretary  
Khyber Pakhtoonkhwa Workers Welfare Board, Peshawar.

Attested  
by  
Advocate

ATTESTED  
ADVOCATE

8  
Nausheen 9/12/01

Director Education/Secretary  
Khyber Pakhtunkhwa Workers Welfare Board  
Peshawar.

ATTESTED  
District Court Peshawar



Working Folks Grammar School & College (ES), Hayatabad, Peshawar

NO: MSF 98/G/1-2/2524

Date: 29/08/2013

**ANNEX "C"**

**20**

To Whom It May Concern

Certified that Miss Sadia Zafeer and Miss Nousheen Gul Daughters of Zafeer Gul have been working in this Institution as teachers' w.e.f 23.04.2011 and 03.09.2012 respectively. They are regular and punctual teachers and their performance as observed/assessed during their service tenure is satisfactory.

(Mrs. Sumeera Nadeem)  
Principal  
WFGS & College  
Hayatabad, Peshawar

Principal  
Working Folks Grammar School  
Hayatabad, Peshawar

*Attested  
by  
Advocate*

*3*  
*5-10-013*

**ATTESTED**  
**ADVOCATE**

**ATTESTED**

Khyber Pakhtunkhwa workers welfare board  
Peshawar.

*Nousheen Gul*  
*12/2012*

Dated Peshawar, the.....2008  
*Amirul H*

Ref : WWB/DE/9-2/07/1344  
Dated : 03-9-2008

Office Order

The services of the following teachers of Working Folks Grammar Higher Secondary School, Peshawar-I (Female) are no more required by Khyber Pakhtunkhwa Workers Welfare Board on account of poor performance, hence terminated with immediate effect, being in the probation period.

1. Miss Nosheen Gul D/o Zafeer Gul
2. Miss Sadia D/o Zafeer Gul

*3/2/10*  
Director Education/Secretary  
Khyber Pakhtunkhwa Workers Welfare Board, Peshawar

- CC:
1. PS to Secretary, Khyber Pakhtunkhwa Workers Welfare Board
  2. Deputy Director Education
  3. Deputy Director (F&A(Edu))
  4. Working Folks Grammar Higher Secondary School, Peshawar-I (Female)

*Attested  
Advocate*

ATTESTE  
ADVOCATE

n512 of order

ATTESTED  
Director Court Peshawar

Director Education/Secretary  
Khyber Pakhtunkhwa Workers Welfare Board  
Peshawar.

*8 m  
2-2012  
Nosheen 9724  
12/2012*



(22) ~~ARREST~~ Annex: "E"  
③ ④ ⑤

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
LABOUR DEPARTMENT**

No.SOL/LD/3-23/2013/358283  
Dated Peshawar, the 25<sup>th</sup> November, 2013

To

The Secretary,  
Workers Welfare Board,  
Khyber Pakhtunkhwa, Peshawar.

Subject: APPEAL AGAINST THE ORDER, DATED 03-09-2013, OF THE DIRECTOR  
EDUCATION/SECRETARY WORKERS WELFARE BOARD.

I am directed to refer to the subject noted above and to enclose herewith a copy of an appeal in r/o Mst. Sadia D/O Zafeer Gul Ex Chairman, Union Council, Shekhabad, R/O Shekhabad No. 2 Outside Lahori Gate, P/O Karim Pura, Peshawar city alongwith its enclosures for further necessary action under the laid down policy under intimation to this department please.

Encl: As above

*Attested  
by  
Advocate*

(NOOR ALI SHAH)  
Section Officer (Labour)

Endst: No. & Date as above

A copy is forwarded to Mst. Sadia D/O Zafeer Gul Ex Chairman, Union Council, Shekhabad, R/O Shekhabad No. 2 Outside Lahori Gate, P/O Karim Pura, Peshawar city w/r to her appeal referred to above for information.

*Ali Shah*  
Section Officer (Labour)

**ATTESTE**

**ADVOCATE**

23  
~~Annexure B~~  
Annex "F"

JUDGMENT SHEET

PESHAWAR HIGH COURT PESHAWAR  
JUDICIAL DEPARTMENT



Writ Petition No.1950-P of 2014.

JUDGMENT.

Date of hearing 19-11-2014

Appellant/Petitioner Miss Noorshheen Gul etc  
by Mr. Zafeer Gul Spl. attorney  
Respondent Khyber Pakhtunkhwa Workers Welfare  
Board etc by Mr. Mujahid Ali Khan  
A.A.G.

MUHAMMAD GHAZANFAR KHAN, J.:- Through

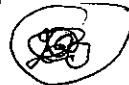
the instant Constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, the petitioners have approached this Court for the following prayer:-

"Therefore, it is most humbly prayed that the termination order dated 03/09/2013 of the petitioners issued by respondent No.1 may kindly be cancelled, being malafide, the judgments of two Courts below dated 12/12/2013 and 04/06/2013 may kindly be declared as illegal and without lawful authority and the suit filed by the petitioners may kindly be decreed with all back benefits".

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*Maj*  
EXAMINER  
Peshawar High Court  
20 DEC 2014

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ADVOCATE



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2- Brief facts of the case are that both the petitioners were appointed by the Directorate of Education, Khyber Pakhtunkhwa Workers Welfare Board, Peshawar as elementary teachers on contract basis for a period of three years extendable on performance & mutual consent vide office orders dated 24/08/2012 and 23/04/2011 respectively and that they were performing their duties to the entire satisfaction of their superiors and no complaint whatsoever was ever made against them. It was further averred in the petition that vide office order dated 03/09/2013 issued by respondent No.3 herein whereby their services were terminated with immediate effect on account of their poor performance. The petitioners then preferred two separate appeals before the Higher Authorities i.e. Chairman/Secretary Minister of Labour and Manpower KPK who instead taking any action sent the same to respondent No.1 for further necessary action under the laid down policy but upto now no response was given to the petitioners. Thereafter the petitioners approached the civil Court by

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 EXAMINER  
 Lower Level Court  
 10 DEC 2014

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**ADVOCATE**

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filing declaratory suit and permanent injunction and during the pendency of the said suit, the respondents (defendants in the suit) put their appearance and filed an application under Order-VII rule-11 CPC for rejection of the plaint which was contested by the petitioners (plaintiffs in that suit). After hearing the learned counsel for the parties, the learned Civil Judge-XIV, Peshawar (respondent No.5 herein) vide his judgment/order dated 12.12.2013 accepted the said application under Order-VII rule 11 CPC and rejected the plaint. Feeling aggrieved with the aforesaid judgment/order the petitioners filed Civil Revision No.09 of 2013 which also met the same fate vide judgment and decree dated 04.06.2014 of the learned Additional District Judge-I, Peshawar (respondent No.4 herein). Hence, having no other adequate and efficacious remedy left with the petitioners, they have knocked the doors of this Court through the instant Constitutional petition.

3. This Court vide order-sheet dated 15.10.2014 admitted this writ petition to regular hearing for

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 Peshawar High Court  
 20 DEC 2014

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consideration the sole question whether respondents No.4 & 5 while rejecting the plaint of the petitioners under Order-VII rule 11 CPC have exercise their jurisdiction in accordance with law.

4- We have heard the learned counsel for the parties and have also gone through the record of the case with their valuable assistance.

5. The attorney for the petitioners himself appeared and argued that the Civil Courts are courts of ultimate jurisdiction and there is no express bar contained in the law for maintenance of such like suits in Civil Courts, so the decree passed by both the lower courts are illegal without any material and are the result of illegal exercise of jurisdiction.

6. On the other hand, Mr. Mujahid Ali Khan, learned AAG appearing on behalf of the respondents, supported and defended the judgments of both the Courts below and maintained that legally the relationship of petitioners and respondents is that of '*Master*' and

ATTESTED  
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 Roohwar High Court  
 20 DEC 2014

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'Servant'. Further that the employment of the petitioners was contractual and was liable to be terminated at any time.

7. Perusal of record shows that the petitioners were the employees of the Worker Welfare Trust Board, and their services were governed under Worker Welfare Trust, Law and Rules. Another thing which is pertinent to mention here for the disposal of this writ petition is that the petitioners in their writ petition in Para No.5 has categorically stated that, "being aggrieved by the aforesaid order the petitioners preferred an appeal to Higher authority i.e Secretary Labour, KPK Peshawar, who instead of taking any action sent the appeals to respondent No.1 for disposal. The respondent No.1 made no response to the said appeal till today",

which means that the petitioners have availed the remedy available to them under the Rules but without waiting for the result thereof

have filed civil suit. There is no cavil with the proposition that the services of petitioners were governed

ATTESTED  
EXAMINER  
Peshawar High Court,  
20 DEC 2014

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under Worker Welfare Board employees Rules 1997. The vehement Rules for the purpose of appeal and representation are 14.01 and 14.04 which provides remedy for appeal before next Higher authority.

8. Both the lower courts have rightly declined to interfere with the orders of authority terminating the petitioners as civil court has no jurisdiction to entertain such like matters, consequently, the writ petition in hand being devoid of any force is dismissed. However, the respondents are directed to decide the appeal of the petitioners pending before them positively within two months and after decision of departmental appeal the petitioners shall be at liberty to seek their remedy before competent fora.

**ANNOUNCED.**  
Dated: 19/11/2014.



*Chief Justice*  
**CHIEF JUSTICE.**

*Muhammad Ghazanfar Khan*  
JL

**CERTIFIED TO BE TRUE COPY**

Examiner  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
The Constitution of Pakistan, 1973

20 DEC 2014

**ATTESTED**

**ATTESTED**

**ADVOCATE**

IN THE PESHAWAR HIGH COURT, PESHAWAR

C.O.C No. 91-P/2015

In

Writ Petition No. 1950-P/2014



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1. Miss Nosheen Gul
2. Miss Sadia Gul daughters of Zafcer Gul R/o Sheikh Abad No. 2, Near G.M.S. for boys, Sheikhabad, Near G.M.S for boys Sheikhabad No. 2, Outside Lahori Gate, Peshawar.....(Applicants)

**VERSUS**

1. Naimat Ullah Khan, Secretary, Khyber Pakhtunkhwa, Worker Welfare Board R/o House No. 129, Street No. 2, Shami Road, Peshawar Cantt.
2. Khyber Pakhtunkhwa Worker Welfare Board, through its Secretary R/o House No. 129, Street No. 2, Shami Road, Peshawar Cantt.
3. Director Education, Khyber Pakhtunkhwa Worker Welfare Board, R/o House No. 129, Street No. 2, Shami Road, Peshawar Cantt.....(Respondents/Contemnors)

CONTEMPT OF COURT APPLICATION FOR  
INITIATING CONTEMPT PROCEEDINGS  
AGAINST THE RESPONDENTS FOR NOT  
DECIDING THE DEPARTMENTAL APPEALS  
OF THE APPLICANTS IN THE STIPULATED  
PERIOD OF TWO MONTHS AS PER ORDER  
OF THIS AUGUST COURT, PASSED IN  
WRIT PETITION NO. 1950-P/2014  
DECIDED ON 19/11/2014.

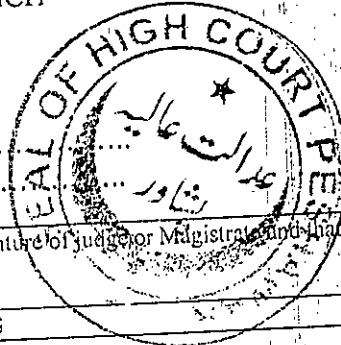
FILED TODAY  
Deputy Registrar  
19 FEB 2015

ATTESTED  
EXAMINER  
Peshawar High Court  
12 MAR 2015

ATTEST  
ADVOCATE

PESHAWAR HIGH COURT, BANNU BENCH  
FORM "A"  
FORM OF ORDER SHEET.

Court of .....  
Case No. ....



Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
	06.03.2015.	<p><u>COC 91-P /2015 in WP No.1950-P/15.</u></p> <p><u>Present:-</u> Mr. Misbah Ullah Advocate, for petitioner.</p> <p>Syed Qaisar Ali Shah AAG, for respondents.</p> <p>====</p> <p><b>ABDUL LATIF KHAN, J.:-</b> Through instant COC, the petitioner seeks initiation of contempt of Court proceedings against the respondents for not deciding the departmental appeals of the applicants in the stipulated period of two months as per order of this Court passed in WP No.1950-P/14 decided on 19.11.2014.</p> <p>2. Perusal of order dated 19.11.2014 passed in WP No.1950-P/14, decided by this Court, reveals that the respondents were directed to decide the appeal of petitioners pending before them positively within two months and after decision of departmental appeal the petitioners shall be at liberty to seek their remedy before</p>

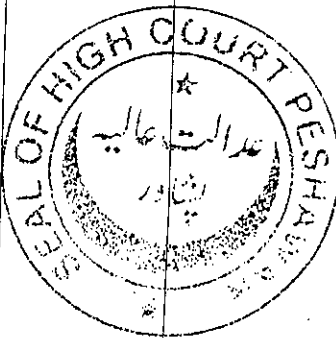
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EXAMINER  
Peshawar High Court.

12 MAR 2015

ATTEST  
ADVOCATE

competent fora but the said order of this Court has not been complied with so far. The petitioners had approached the Secretary Worker Welfare Board, KPK/respondent No.1 by filing an application but no heed was paid to the grouse of petitioners. Respondents are once again directed to comply with the order of this Court positively within 15 days. Additional Registrar(Judicial) of this Court is directed to send the copy of this order to respondents for compliance of order of this Court in the light of application made by petitioners who in turn has to inform the Registrar of this Court about compliance of order of this Court strictly in accordance with law. In case respondents failed to comply with the order of this Court, the petitioners would be at liberty to initiate contempt of Court proceedings against the respondents which would be dealt with strictly in accordance with law. This COC is disposed of accordingly.



Announced.  
06.03.2015.

*Abdul Latif Khan* JUDGE  
*Del Jan Khan* JUDGE

"A. Qayum"

CERTIFIED TO BE TRUE COPY

Examiner  
Peshawar High Court  
Peshawar  
The Sanction Order No. 117 of 1984  
12 MAR 2015

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(32)

Annex: "H"

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Miss Nosheen & Others  
VERSUS  
Naimatullah Khan & Others

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S. No	Documents	Annexure	Page No.
1.	Civil Miscellaneous	--	01
2.	Affidavit	--	02
3.	Memo	--	03
3.	Compliance Report	--	04-05

RESPONDENTS No. 1&2

Dated: 15-07, 2015

Through



MUHAMMAD ADNAN SHER  
Advocate High Court, Peshawar

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ADVOCATE

## BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Civil Miscellaneous In Ref:  
COC No. 170-P/2015  
Writ Petition No: 1950-P/2014

Miss Nosheen Gul &amp; Others

..... PETITIONERS

VERSUS

Naimatullah Khan &amp; Others

..... RESPONDENTS

-----  
APPLICATION FOR SUBMISSION OF COMPLIANCE REPORT IN  
PURSUANCE OF ORDER OF HON'BLE COURT  
-----

Respectfully Sheweth;

1. That the instant contempt petition is pending adjudication before the august court whereby contempt proceedings were initiated against the respondents and fixed for 16.07.2015.
2. That respondents obeyed the directions of this august court in its letter and spirit and *via* instant civil miscellaneous petition hereby submit compliance report in strict observance of orders of this august court.

It is, therefore, respectfully prayed that on acceptance of instant civil miscellaneous petition, the compliance report may kindly be allowed to be submitted and be considered part and parcel of the comments in the main contempt petition.

Dated: 6-7, 2015

RESPONDENTS 1&amp;2

Through

  
MUHAMMAD ADNAN SHER  
Advocate High Court, Peshawar

ATTEST

ADVOCATE




IN THE PESHAWAR HIGH COURT PESHAWAR

Additional documents:  
COC NO.170-P/2015  
W.P.NO.1950-P/2014

Miss Nosheen Gul & Others  
VS  
Naimat Ullah Khan & Others

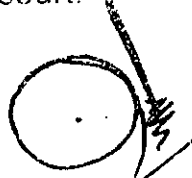
AFFIDAVIT

1. I Haji Qudrat Ullah Assistant Director (Legal) KPK WWB do here by declare & affirm on oath that the contents of enclosed documents are true and correct to the best of my knowledge and belief &
2. That nothing has been concealed from the court, which it is necessary to disclose.

  
DEPONENT

Verified on this 15<sup>th</sup> day of July, 2015, at Peshawar that contents of this Affidavit are true and correct to the best of my knowledge and belief and that nothing has been deliberately concealed from the Hon'able court.

ATTESTED

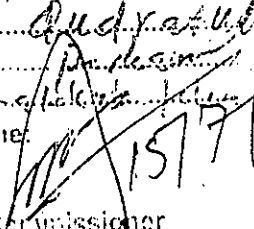
  
DEPONENT  
NIC No.11201-6182087-3

Identified;

  
Intikhab Chamkani  
Advocate

ADVOCATE

No. 897  
Certified that the above was verified on solemn  
affirmation before me in office, this 15<sup>th</sup>  
day of July 2015  
at Peshawar  
who was identified by Haji Qudrat Ullah  
Who is personally known to me.

  
Oath Commissioner  
Peshawar High Court, Peshawar

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

C.M In Ref:  
COC No. 170-P/ 2015  
Writ Petition No: 1950-P/ 2014

-----  
**MEMO OF THE PARTIES**  
-----

**PETITIONER**

- 1. Miss Nousheen Gul &
- 2. Miss SAdia Gul

Daughters of Zafeer Gul  
Resident of Sheikh Abad No.2,  
Near GMS for Boys, Sheikhabad, Outside Lahori Gate, Peshawar

**RESPONDENTS**

- 1. Naimat Ullah Khan

Secretary, Workers Welfare Board, Khyber Pakhtunkhwa  
Near Shalman Park, Phase-II, Sector G-4, Banglow No. 67  
Hayatabad, Peshawar

- 2. Mujahid Hussain Suri

Director Education, Workers Welfare Board KP  
ESSI Building, Near Nasirullah Babar Hospital,  
Industrial Estate Area, Kohat Road, Peshawar

- 3. Khyber Pakhtunkhwa Workers Welfare Board

Through Secretary  
Near Shalman Park, Phase-II, Sector G-4, Banglow No. 67  
Hayatabad, Peshawar

**ATTEST**  
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**ADVOCATE**

RESPONDENTS 1 & 2

Through

*Muhammad Adnan Sher*  
**MUHAMMAD ADNAN SHER**  
Advocate High Court, Peshawar



Subject: Compliance Report of Personal Hearing Appellate Committee Regarding Case Title Miss Nosheen Gul & Miss Sadia Gul Vs Secretary, KP WWB & Others In WP No.1950-P/2014

P.U.C is the order sheet dated 01.07.2015 issued by the Honourable Peshawar High Court Peshawar in COC No.170/P-/2015 in WP No.1950-P/2014/D. reproduced as under:

"Learned Counsel for respondents along with respondent No 2 are directed to submit their replies duly supported by affidavit within a fortnight, failing which, respondents No.1 & 2 are directed to appear in person on 16.07.2015"

The Khyber Pakhtunkhwa Workers Welfare Board, in the light of Honourable Peshawar High Court Peshawar directions, has already notified a personal hearing appellate committee vide No. WWB/DE/9-2/360 dated 17.06.2015.

The said committee personally heard the appellants i.e Miss Sadia Gul Ex Teacher and Miss Nosheen Gul Ex-Teacher, in person on 09.07.2015 and conclude as under, Findings of the Personal Hearing Appellate Committee are as under:-

- i. Both the individuals were appointed on contract basis for a period of 03 years extendable on mutual consent. However, before, completion of their contract period, they were terminated from their services.
- ii. There are no statutory rules in KP WWB and its employees are working on master servant basis, which has already been declared by the Honourable Peshawar High Court Peshawar in its judgement in WP No.1651 dated 17.06.2014.
- iii. Presently no vacancy of teacher is available in our schools at Peshawar i.e WFGHSS, Hayatabad Peshawar.
- iv. The KP WWB in its 79<sup>th</sup> meeting held on 30.06.2015 has decided no extension will be granted to contract employees and all recruitment in KP WWB will be made in future through NTS.
- v. In the instant case, termination of Miss Nosheen Gul was made in the probation period, hence may remained intact in the light of clause-IV of her appointment letter reproduced as under:

"During the probation period your services can be terminated without any notice or assigning any reason. After probation period your service can be terminated on one month notice or pay in lieu there of on either side provided that such termination is not due to misconduct for which you will be terminated without any notice."

- vi. The termination of Miss Sadia Gul was made without one-month prior notice/one month salary in lieu, as per clause-IV of her appointment letter, therefore, she may be paid one month salary and may be considered as relieved from duty.

KP WWB/LC/219 dated 13-07-2015

*Nosheen*

*Sadia Gul*

OFFICE OF SECRETARY WWB  
Diary No. 119  
Dated: 14/07/15

ji051 np

*Attended*

*[Signature]*


HAJI MUHAMMAD ILLAH ALKAN  
Assistant District Judge  
Khyber Pakhtunkhwa  
Workers Welfare Board

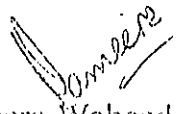
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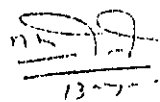
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*decision* *Honorable*  
As per decision of the court, the decision is to be made by the Competent Authority within fortnight but not later than 15.07.2015, the committee report is therefore, submitted for your kind perusal to submit the same to Honourable High Court accordingly.

  
Qudrat Ullah 13/7/15  
Assistant Director (Legal)  
HAJI QUDRATULLAH KHAN  
Assistant Director Legal  
Khyber Pakhtunkhwa  
Workers Welfare Board Peshawar.

  
Sameera Waheed  
Principal WFGHSS, Peshawar-f

  
13-7-15  
Prof: Mujahid Hassan Suri  
Director Education, WWB

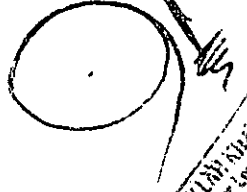
Director Education  
KPK Workers Welfare Board  
Peshawar

Secretary KP-WWB

Submitted for approval please

Honorable Chairman  
KP-WWB

  
Attested

  
HAJI QUDRATULLAH KHAN  
Assistant Director Legal  
Khyber Pakhtunkhwa  
Workers Welfare Board Peshawar

ji051 np

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Annex: I

To

The secretary labour,  
Govt of KPK Peshawar.

Subject: Reinstatement of the petitioners with all back benefits.

Respectfully sheweth:

1. That the petitioner Nousheen gul is B.A B.ed while the petitioner Sadia is B.A B.ed and M.A, M.ed.
2. That both the petitioners were appointed on sanctioned posts through written test and interview on 24-08-2012. And 23-04-2011 respectively and were posted in Working Folks Grammar Higher Secondary School Peshawar 1 (female) Hayatabad Peshawar.
3. That both the petitioners were terminated on 03-09-2013 illegally and the petitioners referred an appeal against their termination to your excellency.
4. That instead of deciding the appeal yourself your excellency send the same to the secretary/Director education for necessary action/decision on 25-11-2013, but they failed to comply of your order.
5. That the Peshawar High Court Peshawar has ordered the Secretary/Director Education of worker Welfare Board to decide the appeal of the petitioners within 15 days positively on 06-03-2015 but they failed to do so.
6. That the secretary/Director Education are deliberately not obeying the order of your excellency dated 25-11-2013 as well as

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the order of August Peshawar High Court dated 06-03-2015, therefore the petitioners were compelled to move contempt of court proceedings against them, in which the next date is fixed in Peshawar high court on 11-11-2015.

Therefore is most humbly prayed that both the petitioners may kindly be reinstated with all back benefits in order to avoid further litigations in future in the best interest of the petitioners as well as of the department.

Petitioner  
Nousheen gul  
Sadia  
Through

*[Handwritten Signature]*  
06/11/2015

(Zafeer gul ) father and attorney for the petitioners  
Ex chairman union council Sheikh Abad R/O Sheikh abad no.2 near  
govt middle school for boys sheikh abad outside lahori gate  
Peshawar city.

Note : all the necessary documents mentioned in the instant application are attached.

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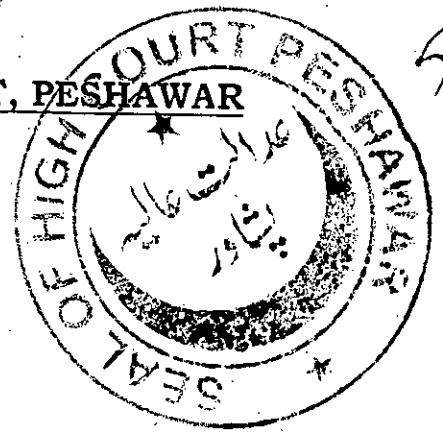
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IN THE PESHAWAR HIGH COURT, PESHAWAR

C.O.C No. 170-P/2015

In

Writ Petition No. 1950-P/2014



1. Miss Nosheen Gul
2. Miss Sadia Gul daughters of Zafeer Gul R/o Sheikh Abad No. 2, Near G.M.S. for boys, Sheikhabad, Outside Lahori Gate, Peshawar.....(Applicants)

**VERSUS**

1. Naimat Ullah Khan, Secretary, Khyber Pakhtunkhwa, Worker Welfare Board R/o House No. 129, Street No. 2, Shami Road, Peshawar Cantt.
2. Mujahid Hussain, Director Education, Khyber Pakhtunkhwa Worker Welfare Board R/o House NO. 129, Street No. 2, Shami Road, Peshawar.
3. Khyber Pakhtunkhwa Worker Welfare Board, through its Secretary R/o House No. 129, Street No. 2, Shami Road, Peshawar Cantt.....(Respondents/Contemnors)

CONTEMPT OF COURT APPLICATION FOR  
INITIATING CONTEMPT PROCEEDINGS  
AGAINST THE RESPONDENTS FOR NOT  
DECIDING THE DEPARTMENTAL APPEALS  
OF THE APPLICANTS IN THE STIPULATED  
PERIOD OF 15 DAYS AS PER ORDER OF  
THIS HON'BLE COURT DATED  
06/03/2015, PASSED IN C.O.C NO. 91-  
P/2015.

FILED TODAY  
Deputy Registrar  
15 APR 2015

ATTESTED  
EXAMINER  
Peshawar High Court  
24 NOV 2015

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**Respectfully Sheweth:**

The applicants humbly submits as under:

1. That this Hon'ble Court, while dismissing the above mentioned Writ Petition vide order dated 19/11/2014, directed the respondents to decide the departmental appeal of the appellant, pending before the respondents, positively within two months.
2. That the <sup>respondents</sup> ~~applicants~~ were failed to decide the departmental appeals of the applicants within the stipulated period of two months despite of filing application for the strict compliance of the order dated 19/11/2014 of this august Court, the applicants were constrained to file C.O.C No. 91-P/2015 against the respondents.
3. That on 06/03/2015, this august Court while disposing off the C.O.C No. 91-P/2015, again directed the respondents to decide the departmental appeals of the applicant strictly within 15 days. The Additional Registrar of this Court was also directed to send the copy of the Court order dated 06/03/2015 to the respondents and the respondents were also directed to inform the registrar of this Court about the compliance of the Court order dated 06/03/2015.
4. That on 12/04/2015, the applicants sent an application to the respondents along with the copy of the Court order dated 06/03/2015 and were requested for the

**FILED TODAY**  
**Deputy Registrar**  
15 APR 2015

**ATTESTED**  
**EXAMINER**  
Poshner High Court  
24 NOV 2015



compliance of the order dated 06/03/2015 of this Court but the respondents paid no heed to such application of the applicants.

- 5. That the respondents are paying no heed to the order dated 19/11/2014 and 06/03/2015 passed by this august Court in Writ Petition No. 1950-P/2014 and C.O.C No. 91-P/2015 and have committed sever contempt of this august Court for which the respondents are liable to serve punishment according to law.

It is, therefore, humbly prayed that the respondents may kindly be awarded exemplary punishment for disobeying the clear orders dated 19/11/2014 passed in Writ petition No. 1950-P/2014 and C.O.C NO. 91-P/2015 of this august Court and also direct to decide the departmental appeal of the applicants forthwith with intimation to this august Court.

Any other remedy, not specifically mentioned, may also be granted.

Applicants  
Miss Nosheen Gul etc

Through

Misbah Ullah  
Advocate High Court,  
Peshawar.

Dated: 15/04/2015

FILED TODAY  
Deputy Registrar  
15 APR 2015

**ATTESTED**  
**EXAMINER**  
Peshawar High Court  
24 NOV 2015



JUDGMENT SHEET

PESHAWAR HIGH COURT PESHAWAR  
JUDICIAL DEPARTMENT

C.O.C NO 170 OF 2015  
IN W.P. No. 1950/2015

Date of hearing 11-11-2015

Appellant (Miss Nosheen Gul) By Misbahullah Advocate.

Respondent (Naima Tullah Khan) By Muhammad Adnan Sher & Muhammad Iqbal Khan Advocate.

MAZHAR ALAM KHAN MIANKHEL, CJ.- Petitioners,

Miss Nosheen Gul and Miss Sadia Gul, have filed this C.O.C for initiating contempt of Court proceedings against the respondents for not implementing the judgment of this Court dated 6.3.2015 passed in COC No. 91-P/2015.

2. Petitioners had filed Writ Petition No. 1950-P/2014, wherein they had sought for setting aside their termination order dated 3.9.2013 and also declaring the judgments of two courts below dated 12.12.2013 and 4.6.2013 to be illegal and without lawful authority. The said writ petition was dismissed on 19.11.2014, however,

11-7-2015

the respondents were directed to decide the appeals of the

ATTESTED  
EXAMINER  
Peshawar High Court  
24 NOV 2015



petitioners pending before them positively within two months. As the departmental appeals of the petitioners were not decided within the stipulated period, therefore, they filed C.O.C No. 91-P/2015, which was disposed of by this Court on 6.3.2015 with the direction to the respondents to comply with the order of this Court positively within fifteen days, failing which, the petitioners would be at liberty to initiate contempt of court proceedings against the respondents. Since the respondents once again failed to comply with the order of the Court, therefore, the petitioners have come to this court with the instant C.O.C.

3. The grievance of petitioners is that the respondents have not honoured the judgment of this Court, as no action has been taken so far towards compliance of the directions issued by this Court. The respondents No. 1 and 2 were, thus, issued show cause notices to which the respondents submitted their

m → T<sup>hm</sup>

compliance report, according to which, the appellate

\*M.Zafra\*

ATTESTED  
EXAMINER  
Rashwan High Court  
24 NOV 2015

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Committee after hearing the petitioners on 9.7.2015, dismissed their appeals.

4. Since the order of this Court have been complied with by the respondents in letter and spirits, therefore, the show-cause notices issued to respondents are hereby recalled and this COC is dismissed.

Announced  
11.11.2015



*[Signature]*  
CHIEF JUSTICE  
*[Signature]*  
JUDGE

*Sp. Mag. Akbar Khan*  
*Sp. M. Younis Thakur*


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بعدالت جناب: خیبرختنوتخواہ سرکس ٹریبونل کنہ

منجانب: ایڈووکیٹ 	دعویٰ: علت نمبر: مورثہ: جرم: تھانہ:
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**باعت تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کاروائی متعلقہ  
 ان مقام پر محبوبہ بیگم نے محبوبہ بیگم کو وکیل مقرر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقریر جالت و فیصلہ برطت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہو گا اور صاحب  
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ برداشتہ منظور و قبول ہوگا دوران مقدمہ  
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وکیل کرنے کا اختیار ہوگا کوئی تاریخ پیشی مقام  
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 24.11.2015

Accepted  
and  
Accepted  
Yours

العبد العبد

مقام: خیبرختنوتخواہ سرکس ٹریبونل کنہ

نوٹ: اس کالت نامہ کی فراہمی یا اس کا قبول ہونا

محبوبہ بیگم  
Sadia