

08.08.2018

Counsel for the petitioner and Mr. Kabirullah Khattak, AAG for the official respondent present. Counsel for the petitioner submitted implementation report, which is placed on file. Counsel for the petitioner stated that grievances of the appellant has been redressed and seeks withdrawal of the instant petition. Consequently the present execution petition is hereby dismissed as withdrawn. File be consigned to the record room.



Muhammad Amin Khan Kundi

Member




ANNOUNCED

13.08.2018

Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. \_194/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13.06.2018	<p>The execution petition submitted by Mst. Saira Bibi through Mr. Noor Muhammad Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 13/6/18</p> <p>This execution petition be put before S. Bench on <u>26/6/18</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-	26.06.2018	<p>Counsel for the appellant present. Mr. Muhammad Jan, DDA for the respondent present. Notice be issued to the respondents department for submission of implementation report. Adjourned. To come up for reply/implementation report on 08.08.2018 before S.B.</p> <p style="text-align: right;"> Member</p>

Phone. 091-5820584 Fax 091-5820584

OFFICE ORDER

Consequent upon the recommendation of Political Agent Khyber Agency vide letter No.2336/EC (Veri) dated Peshawar the 28/05/2018, Pay in respect of Mst:Saira D/O Fateh Muhammad CT. P.No.00423592 G.G.M.S Musa Khan Loe Shalman Landi Kotal is hereby released with immediate effect subject to the condition of submission of arrival report/physical verification.

Necessary entry to this effect should also be made in her Service Book.

(MUHAMAD JADOONKHAN)  
AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD

Enclst No. 17942-46 Dated 27/06/2018.

Copy forwarded to the:-

1. Agency Accounts Officer Khyber Agency at Jamrud.
2. Director of Education FATA Peshawar.
3. Political Agent Khyber Agency for information with above quoted letter.
4. Head Accounts Clerk for further pay process.
5. Office Copy.

AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD

UP

The Agency Education Officer,  
Khyber Agency at Jamrud:

Subject: ARRIVAL REPORT.

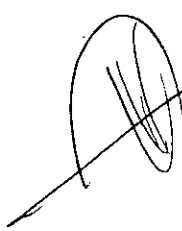
In compliance of the AEO Khyber Office Order Endst No. 12948-46  
dated 27/06/2018

I Mst: Saira CT D/O Feteah Muhammad GGMS Musa Khan Loe Shalman

Landi Kotal is hereby submit my arrival report to day \_\_\_/06/2018 for duty.

Please accept my arrival report.

Dated: 28 /06/2018.

  
A-AEO(F)  
28/06/18  
Asstt. Agency Education Officer  
Khyber Agency at Jamrud



Mst:Saira (CT) BPS-15  
GGMS Musa Khan Loe Shalman  
Landi Kotal Khyber Agency

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

Implementation No. 194 2018  
IN  
APPEAL NO. 230/2015

**SAIRA BIBI VS ACS (FATA) & OTHERS**

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**PETITIONER**

THROUGH:

  
**MUHAMMAD MAAZ MADNI**

**Advocate**

0333-9313113, 0314-9965666

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

Implementation Petition No. 194 2018 Khyber Pakhtunkhwa  
Service Tribunal

IN

Diary No. 681

Dated 13/06/2018

APPEAL NO. 230/2015

MST: SAIRA BIBI, Certified Teacher (BPS-15),  
GGMS Musa Khan Loyo Shalman, Tehsil Landikotal, Khyber Agency.  
\_\_\_\_\_ PETITIONER

VERSUS

- 1- THE ADDITIONAL CHIEF SECRETARY (FATA),  
FATA Secretariat, Warsak Road, Peshawar.
- 2- THE DIRECTOR OF EDUCATION (FATA),  
FATA Secretariat, Warsak Road, Peshawar.
- 3- THE AGENCY EDUCATION OFFICER,  
Khyber Agency at Jamrud.

\_\_\_\_\_ RESPONDENTS

**IMPLEMENTATION PETITION FOR DIRECTING THE  
RESPONDENTS TO OBEY THE JUDGMENT DATED 09-01-  
2018 PASSED IN APPEAL NO. 230/2015 IN LETTER AND  
SPIRIT**

**R/SHEWETH:**

- 1- That petitioner filed service appeal bearing No. 230/2015 before this Honourable Tribunal for the release of her salary which was illegal stopped by the respondents since 30-09-2014.
- 2- That appeal of the petitioner was finally heard by the Honourable Tribunal on 09-01-2018 and remitted the appeal of the appellant to the Departmental Authority.

**The operative part of the judgment is reproduced as below:-**

**"In view of the above, this Tribunal decides that the present appeal be remitted to the Departmental Appellate authority and the Departmental appellate authority is directed to decide the departmental appeal of the appellant within a period of ninety days from the date of receipt of this judgment, though passing a speaking order. Therefore, the appellant shall have her legal right to seek the redressal in accordance with Law."**



(3)

To

Annexure - A

The Director Education FATA,  
FATA Secretariat, Peshawar.

Subject: Applications for Implementation of Court Order

Sir,

Most respectfully, it is stated that I am working as CT Teacher in Khyber Agency under your kind control. My salary was stopped on the pretext that my domestic is bogus. Against which I filed service Appeal which was disposed off with the direction to decide the Departmental Appeal of the appellant (me).

It is therefore requested to decide my Department Appeal and release my salary stopped since 2014, I shall be very thankful to you for this kindness.

17/01/2018

Yours Obediently

Mst. Saiba

C.T,

Khyber Agency

0346949494

03358282127

Received

Today

17/1/2018



(4)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**



APPEAL NO. 230 /2015

M.W.F. Province  
Service Tribunal  
Diary No. 215  
Dated 11-03-2015

Mst: Saira Bibi, Certified Teacher (BPS-15),  
GGMS Musa Khan Loya Shalman,  
Tehsil Landikotal Khyber Agency ..... **APPELLANT**

**VERSUS**

- 1- The Additional Chief Secretary FATA, FATA Secretariat Warsak Road Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Education FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 3- The Agency Education Officer, Khyber Agency at Jamrud.
- 4- The Political Agent, Khyber Agency at Khyber House, Peshawar.

..... **RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 12-08-2014 WHEREBY THE SALARY OF THE APPELLANT WAS STOPPED/ WITH HELD WITH EFFECT FROM 12-08-2014 TILL DATE WITHOUT ANY JUSTIFICATION AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 28-08-2014 may very kindly be set aside and the respondents may be directed to release the monthly salary of the appellant w.e.f. 12.8.2014 till date. Any remedy which this august Court deems fit may also be awarded in favor of appellant.

Filed to-day  
11/3/2015

*Handwritten mark*

**R/SHEWETH:**  
**ON FACTS:**

**ATTESTED**  
*Handwritten signature*  
**EXAMINED**  
Khyber Pakhtunkhwa  
Service Tribunal.  
Peshawar-2-

That appellant is the bonafide resident of Village Pero Khel Post Office Landikotal Khyber Agency and belongs to a respectable family. Copy of the Domicile certificate is attached as annexure ..... **A.**

That appellant having the requisite qualification for the post of Primary Teaching Certificate PTC (BPS-07) was appointed by the respondent No.3 on the post of Primary teacher.

(5)



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 230/2015

Date of Institution... 11.03.2015

Date of decision... 09.01.2018

Mst. Saira Bibi, Certified Teacher (BPS-15) GGMS Musa Khan, Loya Shalman, Tehsil Landi Kotal, Khyber Agency. (Appellant)

Versus

1. The Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa, Peshawar and two others. (Respondents)

Mr. Muhammad Mahaz Madni, Advocate. For appellant.

Mr. Muhammad Jan, Deputy District Attorney. For respondents.

MR. NIAZ MUHAMMAD KHAN, MR. GUL ZEB KHAN, CHAIRMAN MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned

counsel for the parties heard and record perused.

FACTS

2. The appellant was appointed as C.T Teacher on 07.05.2013. Her pay was stopped vide order dated 12.08.2014 against which allegedly the appellant filed departmental appeal on 10.09.2014 which was not responded to and thereafter she filed the present service appeal on 11.3.2015.

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

ARGUMENTS

The learned counsel for the appellant argued that the pay of the appellant was stopped illegally. That the department had alleged that the appellant produced fake domicile certificate of Khyber Agency but no enquiry was conducted. That the appellant had not been terminated so far by the department. That the appellant was the bona-fide resident of Landi Kotal and not District Charsadda.

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4. On the other hand, the learned Deputy District Attorney argued that the present appeal was not maintainable as there was no departmental appeal and the department disowned the alleged departmental appeal. That the appellant was given notice for appearance in order to prove her domicile certificate but she did not appear. That the pay of the appellant was rightly stopped. That the appellant according to certificate annexed by her belonged to District Charsadda and not Khyber Agency.

CONCLUSION

5. Regardless of the factual controversy of the domicile of the appellant it was incumbent upon the department to have had terminated the services of the appellant in case her appointment was illegal but nothing of the sort has been done by the department and only pay of the appellant was stopped. According to appellant she filed departmental appeal which was not decided by the department.

6. In view of the above, this Tribunal decides that the present appeal be remitted to the departmental appellate authority and the departmental appellate authority is directed to decide the departmental appeal of the appellant within a period of ninety days from the date of receipt of this judgment, through passing a speaking order. Thereafter, the appellant shall have her legal right to seek the redressal in accordance with the law. Parties are left to bear their own costs. File be consigned to the record room.

*Handwritten signature*

**AFFIRMED**

**BY/IN PRESENCE OF**  
Khyber Peshawar  
Service Tribunal,  
Peshawar

*Sd*  
Niaz Muhammad (Chairman)

*Sd*  
Gul Zeb (Member)

Date of Presentation of Application 16-01-18

Number of Words 1200

Copying Fee 8

Urgent 25

Total 10

Name of [Signature]

Date of Delivery of 16-01-18

Date of Delivery of 16-01-18

**VAKALATNAMA**

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

\_\_\_\_\_ OF 2018

\_\_\_\_\_ **SAIRA BIBI** \_\_\_\_\_ (APPELLANT/PETITIONERS)

**VERSUS**

\_\_\_\_\_ **ACS (FATA) & OTHERS** \_\_\_\_\_ (RESPONDENTS)

I/We \_\_\_\_\_ **SAIRA BIBI** \_\_\_\_\_  
Do hereby appoint and constitute **MUHAMMAD MAAZ  
MADNI, 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. 11<sup>TH</sup> JUNE 2018

CLIENT:



SAIRA BIBI

ACCEPTED



NOOR MOHAMMAD KHATTAK



MUHAMMAD MAAZ MADNI  
ADVOCATE

OFFICE:

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Mobile No.0345-9090737, 0333-9313113