

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 568/2016

Date of Institution ... 13.05.2016

Date of Decision... 13.04.2023

Mst. Naz Begum, Ex-PST (BPS-12), Government Girls Primary School, Bela Dubair, District Kohistan.

... (Appellant)

VERSUS

The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar and 02 others.

... (Respondents)

MR. NOOR MUHAMMAD KHATTAK,
Advocate

--- For appellant.

MR. MUHAMMAD JAN,
District Attorney

--- For respondents.

MR. KALIM ARSHAD KHAN
MR. SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Precisely stated the facts surrounding the instant service appeal are that upon recommendations of the Departmental Selection Committee, the appellant was appointed as PST (BPS-12) vide appointment order dated 20.05.2014 issued from the office of District Education Officer (Female) Kohistan. Vide the impugned order dated 20.11.2014, the appointment order of the appellant was withdrawn on the ground that she had submitted a fake arrival report and had not joined the duty within 10 days period as prescribed in the terms and conditions of

the appointment order dated 20.05.2014. The appellant had allegedly filed departmental appeal on 15.01.2016, however the same remained un-responded, hence the instant appeal.

2. On admission of the appeal for regular hearing, notices were issued to the respondents, who contested the appeal by way of filing of reply, wherein they refuted the assertion raised by the appellant in her appeal.

3. Learned counsel for the appellant has addressed his arguments supporting the grounds agitated by the appellant in her service appeal. On the other hand, learned District Attorney for the respondents has controverted the arguments of learned counsel for the appellant and has supported the comments submitted by the respondents.

4. Arguments have already been heard and record perused.

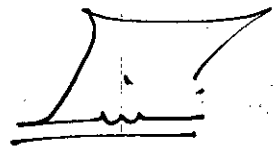
5. The appointment order of the appellant was withdrawn vide the impugned order dated 20.11.2014, which was required to have been challenged within 30 days, however the appellant had preferred departmental appeal after lapse of more than one year i.e on 15.01.2016. The departmental appeal of the appellant was thus barred by time. It is settled proposition of law that when an appeal of an employee was time barred before the appellate Authority, then the appeal before the Tribunal was also not competent. Reliance in this respect is placed on PLD 1990 S.C 951, 2006 SCMR 453 and 2007 SCMR 513. Moreover, worthy Supreme Court of Pakistan in

its judgment reported as 1987 SCMR 92 has held that when an appeal is required to be dismissed on limitation, its merits need not to be discussed.

6. In light of the foregoing reasons, it is held that as the departmental appeal of the appellant was barred by time, therefore, the appeal in hand stands dismissed being not competent. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
13.04.2023


(KALIM ARSHAD KHAN)
CHAIRMAN


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

ORDER
13.04.2023

Learned counsel for the appellant present. Mr. Muhammad Jan,
District Attorney for the respondents present. Arguments have already
been heard and record perused.

Vide our detailed judgment of today, separately placed on
file, it is held that as the departmental appeal of the appellant was
barred by time, therefore, the appeal in hand stands dismissed being
not competent. Parties are left to bear their own costs. File be
consigned to the record room.

ANNOUNCED
13.04.2023



(Kalim Arshad Khan)
Chairman

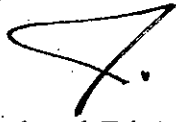


(Salah-Ud-Din)
Member (Judicial)

17th March, 2023

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Arguments heard. To come up for consideration and order on 29.03.2023 before the D.B. Parcha Peshi given to the parties.



(Salah-ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

SCANNED
KCP&T
Peshawar

29th Mar, 2023

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Order could not be announced due to rush of work. To come up for consideration and order on 05.04.2023 before D.B. P.P given to the parties.



(Salah Ud Din)
Member (Judicial)



(Kalim Arshad Khan)
Chairman

SCANNED
KCP&T
Peshawar

RN

05/04/2023

proper D.B is not available therefore,
to come up for the same on 13-4-23





Reader

15.02.2023

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Partial arguments heard. To come up for remaining arguments on 02.03.2023 before the D.B.



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

02.03.2023

Clerk of learned counsel for the appellant present. Mr. Umair Azam Khan, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 17.03.2023 before the D.B. Parcha Peshi given to the parties.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

SCANNED
K.P.S.T
Peshawar

11.11.2022

Appellant not present in person. Her counsel is present.

Naseer Ud Din Shah, learned Additional Advocate General for respondents present.

Evidence of appellant is not available, therefore, learned counsel made a request for adjournment. Last chance is given. To come up for appellant's evidence on 06.12.2022 before D.B.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

06th Dec, 2022

Appellant alongwith her counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Joint statements of appellant Naz Begum and Mr. Naseer-ud-Din Shah on behalf of the respondents recorded and they stated that there was no need to record evidence in this case, therefore, they request that the case may be decided on the basis of memo and grounds of appeal as well as reply and the documents annexed therewith after hearing the parties. To come up for arguments on 15.02.2023 before the D.B.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)




(Kalim Arshad Khan)
Chairman


19.07.2022

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

Appellant's evidence is not available, therefore, learned counsel for the appellant made a request for adjournment. He is directed to produce his entire evidence on 12.09.2022 before D.B.


(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

12.09.2022

Appellant present through counsel.

Naseer Ud Din Shah, learned Assistant Advocate General for respondents present.

Former made a request for adjournment in order to make preparation of the case. Adjourned. To come up for evidence of the appellant on 11.11.2022 before D.B.



(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member(J)

25.04.2022

Appellant alongwith her counsel present. Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

Appellant submitted an affidavit in compliance of observations mentioned in order sheet dated 08.06.2021 alongwith photocopies of Educational certificates of SSC, HSSC and PTC which are placed on file. Learned AAG requested that as he is feeling not well, therefore, statement of the appellant be recorded on the next date. Adjourned. To come up for evidence of appellant on 20.05.2022 before the D.B.



(Rozina Rehman)
Member (J)



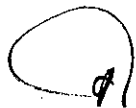
(Salah-Ud-Din)
Member (J)

20.05.2022

Appellant present through counsel.

Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

When the appeal in hand was earlier called on for hearing, learned counsel for the appellant was stated to be busy in the august Peshawar High Court, Peshawar. Learned counsel for appellant is now present, however, it is now closing time of the Court, therefore, evidence of the appellant could not be recorded. Adjourned. To come up for evidence of the appellant on 19.07.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

31.03.2022

Junior of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Compliance of the direction issued vide order sheet dated 08.06.2021 has not been made. Both the sides requested some time for doing the needful. They are directed to do the needful on or before the next date. Moreover, if any party opts for summoning of any witness by the Tribunal, it may also apply while submitting the affidavits. Adjourned. To come up on 25.04.2022 before the D.B.



(Rozina Rehman)
Member (J)




(Salah-ud-Din)
Member (J)

16.09.2021

Appellant present through counsel.

Usman Ghani learned District Attorney for respondents present.

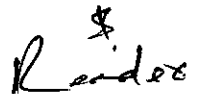
On previous date, issues were framed and both the parties were directed to file affidavits in respect of issuance having regard to the relevancy of onus of proof within 10 days before the office. However, both the parties have not been able to file the requisite affidavits. They are directed to do the needful on or before the next date. If any party opts for summoning of any witness by the Tribunal, it may also apply while submitting affidavits. To come up on 16.12.2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

16.12.21

DB is an Tour case to come up?
For the same on Dated. 31-3-22
(A/10)


Reader



08.06.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Sherzada ASDEO for respondents present.

The appellant is aggrieved from the order of respondents whereby the appointment of the appellant as Arabic Teacher was cancelled/withdrawn. The respondents No.1 to 3 raised preliminary objections while submitting the reply and among them two objections at Para-4 & 5 are significant for the determination on the basis of pro & contra evidence. Therefore, keeping in view the divergent stance of the parties, following issues are framed:

1. Whether the appellant has got no cause of action or locus-standi to prefer this appeal? (OPR).
2. Whether the appellant procured the appointment as Arabic Teacher by fraudulent means/sources? (OPR).
3. Whether the Islamic Sanad/Certificate on the basis of which the appellant was appointed, have been declared as bogus on verification under due course? (OPR).
4. Whether the educational testimonials of the appellant considered for appointment are valid being genuinely procured? (OPA)
5. Jurisdiction.

The above issues have been framed deriving the jurisdiction from Rule-13 of Khyber Pakhtunkhwa Service Tribunal Rules, 1974. Both the parties are directed to file affidavits in respect of issues having regard to the relevancy of onus of proof, within 10 days before the office. If any party opts for summoning of any witness by the Tribunal, it may also apply while submitting the affidavits. The office shall summon the witness for the next date i.e. 16.09.2021 before D.B, if opted by the parties.

Adjourned accordingly.



(Rozina Rehman)
Member (J)



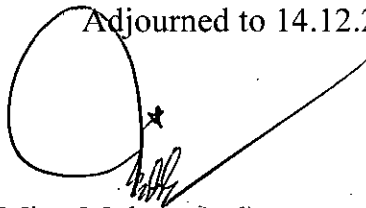
Chairman

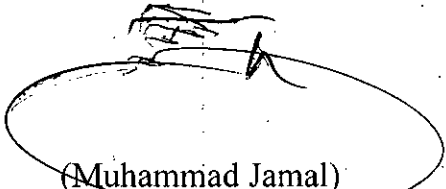
22.09.2020

Mr. Mir Zaman Safi, Advocate junior of Mr. Noor Muhammad Khattak, Advocate on behalf of the appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Sherzada, ADEO (Litigation) for respondents present.

Junior requested that his senior counsel is busy in Hon'able High Court, Peshawar.

Adjourned to 14.12.2020 for arguments before D.B.


(Mian Muhammad)
Member (E)



(Muhammad Jamal)
Member(J)


14.12.2020

Junior counsel for Appellant present.

Zara Tajwar learned Deputy District Attorney alongwith Sher Zada ADEO for respondents present.

Former made a request for adjournment as his counsel is busy before D.B-I. Adjourned. To come up for arguments on 03.03.2021 before D.B.


(Atiq ur Rehman Wazir)
Member (E)

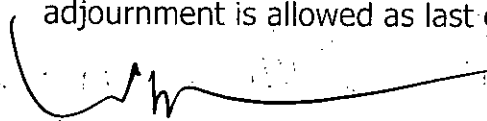

(Rozina Rehman)
Member (J)

03.03.2021

Junior to counsel for the appellant and Addl. AG alongwith Sher Zada, ADO for the respondents present.

Learned senior counsel for the appellant is reported to be busy before Darul Qaza Bench of Peshawar High Court today.

ment
Adjourned is, therefore, sought. Adjourned to 08.06.2021 for hearing before the D.B. As the appeal in hand is old one, the adjournment is allowed as last chance.


(Atiq-ur-Rehman Wazir)
Member(E)


Chairman

15.06.2020

Counsel for the appellant and Additional Advocate General for respondents present.

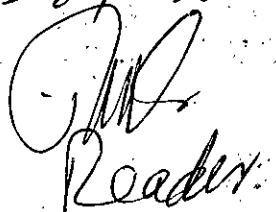
At the outset, learned AAG raised objection regarding jurisdiction of this Tribunal in proceedings with the appeal in hand. He contends that the appellant was appointed on adhoc and contract basis, therefore, was not a civil servant for the purpose of law regulating the jurisdiction of this Tribunal.

On the other hand learned counsel for the appellant referred the judgments handed down by Hon'able Peshawar High Court, Peshawar in Writ Petition No. 518-M/2016 and Review Petition No. 12-M/2017. He was of the view that the appeal in hand was maintainable on the strength of referred judgments. Learned counsel, however, requested for adjournment of the instant appeal to 26.06.2020 when other matter(s) involving similar proposition are already posted for hearing. The request appears reasonable, therefore, instant matter is adjourned to 26.06.2020. To come up alongwith service appeal No. 620/2018 before D.B.


MEMBER

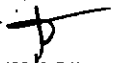

CHAIRMAN


Due to incomplete bench the case is adjourned. To come up for the same on 22-09-2020


Reader

25.11.2019

Due to general strike of the bar, the case is adjourned. To come up on 28.01.2020 before D.B.


Member


Member

28.01.2020

None for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Rahim Dad, ADEO for respondents present. Due to General Strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the instant case is adjourned. To come up for further proceedings/arguments on 26.03.2020 before D.B. Appellant be put on notice for the date fixed.


Member


Member

26.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 15.06.2020 before D.B.


Reader

24.06.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 26.08.2019 before D.B.

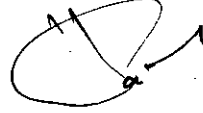

Member


Member

26.08.2019

Clerk to counsel for the appellant present. Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike on the call of Peshawar Bar Association. Adjourn. To come up for arguments on 01.10.2019 before D.B.


Member


Member

01.10.2019

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourned by way of last chance. To come up for arguments on 25.11.2019 before D.B.

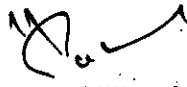

Member


Member

08.10.2018

Learned counsel for appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for appellant seeks adjournment. Adjourn. To come up for arguments on 22.11.2018 before D.B


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

22.11.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 23.01.2019 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

23.01.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 29.03.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


29.03.2019

Counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

Learned counsel for the appellant requests for adjournment due to over work before the Honourable High Court today.

Adjourned to 24.06.2019 before the D.B.

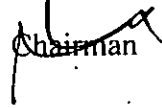

Member


Chairman

16.02.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 24.04.2018 before the D.B.



Member


Chairman

24.04.2018


Junior to counsel for the appellant and Mr. Riaz Paindakheil, learned Assistant Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available. Adjourn. To come up for arguments on 9.07.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

Learned counsel for the appellant and Mr. Sardar Shaukat Qureshi learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 20.08.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

20.08.2018

Learned counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.10.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

20.08.2018


05.06.2017


Clerk of the counsel for appellant present Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Due to strike of the bar learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 02.10.2017 before D.B.

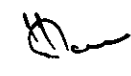

(GULZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

02.10.2017


 Clerk of the counsel for appellant present. Mr. Usman Ghani, District Attorney for the respondents present. Clerk of the counsel for appellant seeks adjournment on the ground that senior counsel was busy before Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 20.12.2017 before D.B.


Member
(Executive)


Member
(Judicial)

20.12.2017

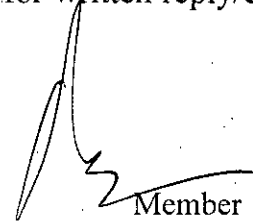
Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 16.02.2018 before the D.B.


Member


Chairman

31.10.2016

Counsel for the appellant and Mr. Hameed ur Rehman, AD (Litigation) alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 29.12.2016 before S.B.



Member

29.12.2016

Appellant in person and Mr. Hameedur Rahman, AD alongwith Addl. AG for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 22.2.2017.



Chairman

22.02.2017

Clerk to counsel for the appellant and Addl. AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 05.06.2017 before D.B.



(AHMAD HASSAN)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMBER

30.6.2016

**SCANNED
KPST
Peshawar**

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as PST when her appointment order dated 20.05.2014 was unilaterally cancelled vide impugned order dated 20.11.2014 communicated to the appellant on 18.12.2015 where-against she preferred departmental appeal on 15.1.2016 which was not responded and hence the instant service appeal on 13.05.2016.

That the allegations of not submitting of arrival report and not performing duty are false and that no enquiry whatsoever was conducted in the manners prescribed by rules.

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/comments for 29.08.2016 before S.B.


Chairman

Appellant Deposited
Security & Process Fee →

29.08.2016




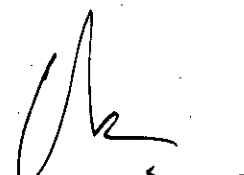
Clerk to counsel for the appellant and Mr. Khan Muhammad, DEO alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 31.10.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 568/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27/05/2016	<p>The appeal of Mst. Naz Begum 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 please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	30-5-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31-5-16</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	31.05.2016	<p>None present for the appellant. Appeal be relisted for preliminary hearing for 20.06.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	20.6.2016.	<p>Clerk to counsel for appellant present. Seeks adjournment. Adjourned for preliminary hearing on 30.6.2016.</p> <p style="text-align: right;"> Member</p>

The appeal of Mst. Naz Begum Ex-PST GGPS Bela Dubair Distrtt. Kohistan received to-day i.e. on 13.05.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of application mentioned in para-2 of the memo of appeal (Annexure-C) is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be flagged.
- 5- Power of attorney is unsigned.
- 6- Annexure-D of the appeal is illegible which may be replaced by legible/better one.

No. 784 /S.T.

Dt. 16/5 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,

*All objections have been removed,
hence re-submitted today dated 27/5/2016.*

27/5/2016.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWR

APPEAL NO. 568 /2016

Mst: Naz Begum

VS

Education Deptt:

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APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 568 /2016

Mst: Naz Begum, Ex: PST (BPS-12),
Govt: Girls Primary School, Bela Dubair, District Kohistan.

K.W.F. Province
Service Tribunal
Diary No. 476
Dated 13-5-2016

..... **APPELLANT**

VERSUS

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), District Kohistan.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 20-11-2014 COMMUNICATED TO THE APPELLANT ON 18.12.2015 WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT HAS BEEN CANCELLED/ WITHDRAWN AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 20.11.2014 communicated to the appellant on 18.11.2015 may kindly be set aside and the respondents may be directed to re-instate the appellant with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That on proper recommendation/approval of the Departmental Selection Committee of Elementary and Secondary Education Department Kohistan, the appellant was appointed as PST (BPS-5) now BPS-12 vide order dated 20-05-2014. That in response the appellant submitted her charge report and Medical Certificate and started performing her duty at the concern station quite efficiently and up to

Filed to-day

13/5/16

re-submitted to-day and filed;

22/5/16

the entire satisfaction of her superiors. Copies of the appointment order and medical certificate are attached as Annexure **A & B.**

- 2- That appellant had regularly performed her duty at the concerned station but the respondent No.3 without any reason and clear justification withheld the salaries of the appellant w.e.f. her first appointment. That appellant time and again visited the concerned quarter for the release of her salaries but of no avail. Copy of the application is attached as annexure **C.**
- 3- That during service the order dated 20.11.2014 was issued which was communicated to the appellant on 18.12.2015 whereby the respondent No.3 quite illegally cancelled/ withdrawn the appointment order of the appellant. Copies of the impugned order dated 20-11-2014 and attendance are attached as annexure **D & E.**
- 4- That appellant feeling aggrieved from the impugned order dated 20.11.2014 filed Departmental appeal to the appellate authority on 15-01-2016 but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure **E.**

GROUND:

- A- That the impugned order dated 20.11.2014 communicated to the appellant on 18.12.2015 issued by the respondent No.3 is 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 respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegation has been issued to appellant before issuance of the impugned order dated 20.11.2014.
- D- That no show cause notice has been served on the appellant by the respondent Department before issuing the impugned order dated 20.11.2014 against the appellant.
- E- That no regular inquiry has been conducted before issuing the impugned order dated 20.11.2014 which is as per

Supreme Court judgments is necessary in punitive actions against the civil servant.

- F- That no chance of personnel hearing/personnel defense has been given to the appellant before issuing the impugned order dated 20.11.2014.
- G- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 20.11.2014 against the appellant.
- H- That the respondent no.3 issued the impugned order dated 20.11.2014 in violation of the principle of Locus Poenitentiae.
- I- That 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: 12.4.2016

APPELLANT



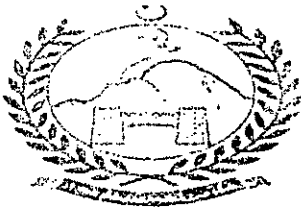
NAZ BEGUM

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE
(0345-9383141)**

A- (9)



OFFICE OF THE DISTRICT EDUCATION OFFICER

(FEMALE) KOHISTAN

Phone & Fax # 0998-407225

APPOINTMENT

Consequent upon recommendation of the District Selection Committee, appointment of the following candidates are hereby ordered against the post of PST, School based and 100% u/c wise merit and on the non availability of local qualified candidates, the candidates from the adjacent districts in BPS-12 @ (Rs.7000 -500-22000) fixed plus usual allowances as admissible under the rules on ad hoc basis on Contract under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of their taking over charge:-

S#	Sr	Roll No.	Name	Father Name	U/Council/District	Home/ Address	Place of Posting	Score
1	3	2260076	Nadia Gul	Dost Mohammad Khan	Dubair Payeen Kohistan.	Kuz Kurkoo Dubair Payeen Tehsil Pattan District Kohistan.	GGMS Jijal.	86.89
2	1	2260496	Halima Nureen	Mohammad Haneef	District Mansehra	P/O Oghi Dhara District Mansehra	GGPS Aisai Abad	87.26
3	1	2260540	Shah Barkat	Fazal Raheem	District Swat	Jan kolai P/O Khawaza Khela Tehsil Matta District Swat.	GGPS Ramolia BK	78.44
4	14	2260473	Gul Jan	Haroon	Harran Kohistan.	Guli Bagh P/O Shilkhan Abad Tehsil Palas District Kohistan.	GGPS Badakoat	54.03
5	2	2260481	Irum Rasheed	Abdul Rasheed	Mansehra	Shergarh Oghi Mansehra	GGPS Bankhad Village	78.82
6	5	2260542	Sumira	Hikmat	Sharaid Kohistan.	Kundal U/C Sharaid Tehsil Palas District Kohistan.	GGPS Bar Komila	91.32
7	2	2260532	Saima Sadeeq	Mohammad Sadeeq	Mansehra	Mongan P/O Machi nol District Mansehra.	GGPS Bar Komila	104.92
8	3	2260103	Tohida Bibi	Fazal Rahman	Mansehra	Dharyal Mansehra	GGPS Bar Komila	101.89
9	1	2260452	Bibi Hanifa	Rustuni	Sharaid Kohistan.	Kundal Tehsil Palas District Kohistan.	GGPS Bar yanjool	69.71
10	2	2260495	Zainab Bibi	Mohammad Iqbal	Sharakot Kohistan.	Sharakot Tehsil Palas District Kohistan.	GGPS Bari Shaha	60.60
11	1	2260522	Noz Begum	Mohammad Essa	Dubair Payeen Kohistan.	Khurkoo Dubair Payeen Tehsil Pattan District Kohistan.	GGPS Bela Dubair.	94.32
12	1	2260057	Kalshanda Jabban	Mohammad Nawaz	Mansehra	Chanoel Baiskot Mansehra.	GGPS Chawa Khass	79.42
13	9	2260472	Kaloom Bibi	Bakht Karan	Swat	Toheed Colony Faiz Abad Saidu Shareef District Swat.	GGPS Chawa Khass	51.25
14	3	2260070	Uzma Bibi	Mohammad Riaz	Mansehra	Upper Jabri Mansehra	GGPS Chawa Seena Khel	81.60
15	4	2260360	Souma Sabar	Sabir Hussain	Mansehra	Mangal Bakkot Mansehra	GGPS Chawa Seena Khel	81.29
16	5	2260514	Gul Nasreen	Ghulam Sarwar	Mansehra	Dharyal Mansehra	GGPS Chawa Seena Khel	80.98
17	6	2260494	Kiran Rahman	Fazal Rahman	Bar Paro Kohistan.	Bar Paro Palas Kohistan.	GGPS Dassu Colony	73.33
18	12	2260464	Saima Kosar	Shahzada	Kuz Jalkot Kohistan.	Dassu Colony Kohistan.	GGPS Dassu Colony	59.63

Attested
7/14
 District Education Officer
 Female Kohistan

5

19	15	2260444	Rukhsana Sadiq	Mohammad Sadiq	Mansehra	P/o Kotli Bala Tehsil & District Mansehra	GGPS Dassu Village	73.49
20	18	2260068	Kaloom Bibi	Sadiq Shah	Mansehra	Shohal Mazullah District Mansehra	GGPS Dassu Village	71.47
21	21	2260476	Aqeela Bano	Mirdad Khan	Mansehra	Dharyal Mansehra	GGPS Dassu Village	61.60
22	7	2260518	Perveen Bibi	Abdul Kamal	Dubair Payeen Kohistan.	Jaag Dubair Payeen Kohistan.	GGPS Dubair Village	54.89
23	2	2660920	Tahmina Rehman	Noor Rehman	Mansehra	Sham dhara Oghi Mansehra	GGPS Dubair Village	92.26
24	2	2260505	Robina NaZ	Noor Zada	Shangla	Kolalai District Shangla	GGPS Dustum Abad	59.20
25	3	2260060	Nazia Yousaf	Qazi Mohammad Yousaf	Mansehra	Shohal Najaf Khan Balakot Mansehra.	GGPS Faridoon Abad	71.02
26	3	2260079	Kanza Yousaf	Yousaf Raza	Mansehra	Maloga Oghi District Mansehra	GGPS Gabir Ranolia	57.71
27	4	2260455	Jamila Khatoon	Muhammad Qasim	Mansehra	Nika Bari Jareed Balakot	GGPS Gamber	76.63
28	3	1161112	Zenat Wali	Mohammad Wali	Shilkhan Abad	Ghazi Abad Tehsil Palas Kohistan.	GGPS Ghazi Abad	73.25
29	5	2260512	Bibi Khudeja	Rahmat Wali	Mansehra	Kaghan P/o Naran Mansehra	GGPS Goshali	82.30
30	11	2661062	Salma Bibi	Ghulam Hussain	Mansehra	Balakot mangli Mansehra	GGPS Goshali	77.81
31	12	2260548	Sajida Ihsan	Urfi Ehsanullah	Swat	Bar Shwa Matta Swat	GGPS Goshali	77.11
32	9	1161348	Rabia Bibi	Rustum Khan	Sharaid Kohistan	Sharaid Tehsil Palas Kohistan.	GGPS Gulab Abad	51.38
33	5	2260567	Jamila Bibi	Shir Jan	Dubair Payeen Kohistan.	Khurkoo Dubair Payeen Tehsil Pattan District Kohistan.	GGPS Jaag Dubair	83.67
34	2	2260447	Halisba Faryal	Mohammad Yousaf	Mansehra	Dhara Oghi Mansehra	GGPS Jalkoat Vill.	72.24
35	6	2260469	Noorun Nisa Bibi	Rahmat Wali Khan	Mansehra	Shohal Najaf Khan Balakoat Mansehra	GGPS Jandar Koat	54.61
36	6	2260482	Benazeer	Abdul Qadir	Khota Koat Kohistan.	Kareen Gaddar Bar Palas Kohistan.	GGPS Kanoi	57.87
37	3	2260487	Nizakat Bibi	Zafran Khan	Mansehra	Kotli Bala Mansehra	GGPS Kass Banda	92.88
38	10	2260502	Anila Sarwar	Ghulam Sarwar	Mansehra	Dharyal Oghi Mansehra	GGPS Kass Banda	73.35
39	19	2660954	Bibi Asima Idrees	Mohammad Idrees	Mansehra	Chitta Batta Mansehra	GGPS Kass Banda	53.72
40	3	2260449	Nasim Akhtar	Khan Jahan	Keyal Kohistan.	Swar steel Kial Pattan Kohistan.	GGPS Keru	68.18
41	7	2260503	Nosheen	Ghulam Sarwar	Mansehra	Dharyal Mansehra	GGPS Lal Abad.	63.74
42	4	2260547	Aisha Bibi	Azizur Rahman	Mansehra	Arban Bhangian Balakot	GGPS Maidan Kolai	73.44
43	3	2660906	Kaloom Bibi	Mohammad Azam	Mansehra	Banda Khait Balakot Mansehra	GGPS Sigloo	78.23

TERMS & CONDIATIONS

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year with effect from the date of issue.
4. They should not be handed over charge if she exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to the competent authority.
5. Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.
6. Her services are liable to termination on one month's notice from either side. In case of resignation without notice her one-month pay/allowances shall be forfeited to the Government.

Approved
29/5
 District Education Officer
 Ferozpur Kohistan
 T14

- 6
7. Pay will not be drawn until and unless a certificate to the effect by DEO is issued that her certificates are verified
 8. She should join her post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, her appointment will expire automatically and no subsequent appeal etc shall be entertained.
 9. Health and Age Certificate should be produced from the Medical Superintendent Kohistan before taking over charge.
 10. She will be governed by such rules and regulations as may be issued from time to time by the Govt.
 11. Her services shall be terminated at any time, in case her performance is found unsatisfactory during her contract period. In case of misconduct, he shall be preceded under the rules framed from time to time.
 12. Her appointment is made on School based, she will have to serve at the place of posting, and Her service is not transferable to any other station.
 13. Before handing over charge once again their document may be checked if they have not the required qualifications they may not be handed over charge.
 14. Before handing over charge she will sign an agreement with the department, otherwise this order will not be valid.

(Khan Muhammad)
DISTRICT EDUCATION OFFICER,
(FEMALE) KOHISTAN

Endst: No. 805-55 / File No. ___ / PST / Adhoc / appointment / Dated Kohistan the 20 May 2014

- Copy forwarded for information and necessary action to the:-
1. The Director, Elementary & Secondary Education Peshawar.
 2. District Accounts Officer Kohistan
 3. Head Mistress School concerned
 4. PA to Secretary Khyber Pakhtunkhwa E&SE Department Peshawar.
 5. S.D.E.O (Female) Kohistan
 6. ASDEO (Female) Circle Concerned
 7. Official Concerned.
 8. Office File

DISTRICT EDUCATION OFFICER,
(FEMALE) KOHISTAN

20/5
14

Attas Del
EP

No. 458

MEDICAL CERTIFICATE

Name of Official Naz Begum
 Caste or race Sardar Khail
 Father's name Muhammad Begg
 Residence Vill Karke Dubais (Jang) Tehsil Paffan District Kohistan
 Date of birth 10-22-1990
 Exact height by measurement 5'3"
 Personal mark of identification.....
 Signature of the Official Naz Begum
 Signature of head of office.....

[Signature]
 Head of Office SDO (Female)
 Primary Kohistan

I do hereby certify that I have examined Mr. Naz Begum a candidate for employment in the Office of the Education Deptt Kohistan and can not discover that he had any disease communicable or other constitutional affection or bodily infirmity except NIL

I do not consider this as disqualification for employment in the office of the Education Deptt Kohistan His age according to his own statement 24 year and by appearance about 24 year.

CNIC: 15602-5631742-0

MF. wound scar on R side near to Eye. brown.
 Eye sight both, 6/6

LEFT HAND THUMB AND FINGER IMPRESSIONS.....

Attested *[Signature]*

[Signature]
 Medical Superintendent,
 Civil Hospital

بجٹ جناب ڈائریکٹر ایلمنٹری اینڈ سیکنڈری ایجوکیشن پشاور

(8) - C

درخواست برائے جاری کرنے کا ہانہ تنخواہ جات

جناب عالی! مذکورہ گزارش ہے کہ میں محکمہ تعلیم میں بطور (PST) اپنے خدمات سرانجام دے رہی ہوں اور گورنمنٹ ٹریننگ کولج میں ڈیپوٹی پرنسپل -

میں نے سکول بڈا میں چارج رپورٹ جمع کر کے ڈیپوٹی شروع کی اور بحال ڈیپوٹی پرنسپل ٹیکنیکل مہری تنخواہ سے دل سے ہوا ہے۔

جناب عالی مجھے انتہائی مشغلات کا سامنا ہے اور کوئی دوسرا ذریعہ معاش نہیں ہے۔ اور میں ڈیپوٹی سرانجام دے رہی ہوں ہانہ تنخواہ اور گزشتہ تنخواہ جات کی مقدار سوں

کنڈا آپ صاحبان سے استدعا ہے کہ مہری ہانہ تنخواہ جاری کرنے کے احکامات صادر فرمائے جائے اور گزشتہ تنخواہ جات بھی ادا کرنے کے احکامات جاری فرمائے۔

مہری
نازیہ بیگم
GGS ہانہ ہونہ

Attested
[Signature]

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
KOHISTAN

Ph: & Fax No. 0998407225

Where as you Naz Begum D/O Muhammad Essa R/O Khurkoo Dubair Payeen P/O Ranolla Tehsil Pattan District Kohistan were appointed as PST teacher in response of your application and conduct of test/interview.

Where as per condition of the appointment order at S.No. 11 you have to join the duty at the school within 10 days.

And, where as you submitted a take arrival report and did not attended the school up till now.

Hence with the approval of the competent authority, your appointment order issued vide this office appointment order bearing endst: No. 805-55/F. No. 5/PST/Adhoc /Appointment dated 20/5/2014 at S.No. 06 at GGPS Bela Dubair, is hereby with drawn with effect from the date of issue in default of nor compliance of the appointment order.

District Education Officer
(Female) Kohistan

Endst: No.6/Estt: 2077/DEO (F) dated 20/11/2014.

Copy of the above is forwarded to all concerned.

D-9

GOVERNMENT OF PAKISTAN
MINISTRY OF NATIONAL EDUCATION

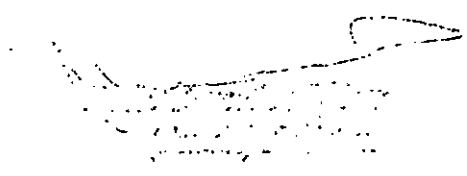
Reference No. 0038407225

Mrs. Farah Naz Begum D/O Muhammad Raza P/O Khurko Dubai Payeen P/O Rindia
Tahsil Peshawar District Kohistan were Appointed as PST teacher in reponse of your
application and conduct of test/interview.

Where as as per condition of the appointment order at S.No. 11, you have to
submit report at the school within 10 days.

But where as you submitted a fake arrival report and did not attended the
school till now.

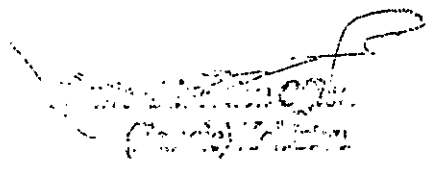
Hence, with the approval of the competent authority, your appointment order
issued with this office appointment order bearing Indst. No. 205-55/F.No.5/PST/Adhoc/
Appointment dated 20/5/2014 at S.No.08 at GPS Bala Dubai, is hereby with drawn with
effect from the date of issue, in default of non compliance of the appointment order.



Chief Executive Officer, Peshawar / DEC (F) dated 18/11/2014.

Copy of the above is forwarded to:

1. Chief Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Kohistan Upper.
3. The District Accounts Officer, Kohistan.
4. The District Monitoring Officer (D.U) Kohistan at Peshawar.
5. The Sub Divisional Education Officer, (F) Kohistan.
6. The Circle O/DCO (F) concerned.
7. The record card
8. To be file.



Communicated on
18-12-2015.

Attached
by

نام		نازیبہ بی		راہ سعید		پ ۲۲	
عہدہ		بی۔ اے۔ ٹی					
تاریخ		آمد		دستخط		رواکی	
آمد		دستخط		رواکی		دستخط	

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حالت		سابقہ		میزان		حالت		سابقہ		میزان	
حالت		سابقہ		میزان		حالت		سابقہ		میزان	
حالت		سابقہ		میزان		حالت		سابقہ		میزان	
حالت		سابقہ		میزان		حالت		سابقہ		میزان	

Attestd
[Signature]

سید فقیر جوگندار		راج سعید			نازیہ بی ایس - ٹی			عمدہ
PST		PST			PST			تاریخ
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تعطیل								6
تعطیل								7
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P	P	SUNDAY					تعطیل	26
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P	P	casual leave					8:30	28
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P	P	8:30	12:00	8:30	12:00	8:30	31	

Handwritten signature and initials.

بخدمت جناب ڈائریکٹر ایگزیکیوٹو ایئر لائنز سیکنڈری ایجوکیشن

F-17

درخواست برائے بحالی سروس

جناب عالی! سٹوڈنٹس نزارش ہے۔ کہ میں مورخ 20/5/2014 کو گورنمنٹ

گورنمنٹ پرائمری سکول بیلہ ڈوبہ میں بطور (12) PST تعینات کیا گیا

مگر بعد از حکم تعیناتی میں نے اپنا خارج رپورٹ متعلقہ قلم میں جمع کر کے اپنی ڈیوٹی فونشن اسلوبی و اہلیاندارگی کے ساتھ دینا شروع کیا۔

مگر میں سکول بیلہ میں ڈیوٹی سرانجام دیتی رہی لیکن شروع سے ہی میری تنخواہ بند ہے۔ کروڑ تھالی جمعے کو ہی تنخواہ نہیں ملی۔

مگر میں نے تنخواہ جاری کرنے کے لیے درخواست جمع کیا تو مسئلہ کو مورخ 2015-12-18 ایک آرڈر دیا گیا جس میں مسئلہ کا

Appointment آرڈر مورخ 20/11/2014 کو Withdraw کیا گیا۔

کیا آپ صاحبان سے استدعا ہے کہ مسئلہ کی دادرسی فرمائے مہری نوٹری بحال کرنے کے احکامات صادر فرمائے مہری نوٹری تنخواہ جاری و اصلاحات جاری کرنے کے احکامات صادر فرمائے جائے۔

تاریخ 15/11/2016

ساتھ نامیہ نمبر 12-PST

Attest

VAKALATNAMA

IN THE COURT OF JKP Service Tribunal Peshawar
Appeal No. 568 OF 2016

Naz Begum (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Department (RESPONDENT)
(DEFENDANT)

I/We Naz Begum

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. ___/___/2016

Muhammad Ayub
Ayub.
06/12/2022.

Naz Begum
CLIENT

[Signature]
ACCEPTED
NOOR MOHAMMAD KHATTAK
(ADVOCATE)

[Signature]
Advocate
Syed Imad Hussain
ADVOCATE

OFFICE:
Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391
Mobile No 0345-0323141

**BEFORE THE KHYER PAKTUNKHAWA SERVICE
TRIBUNAL, PESHAWAR**

Service appeal No.568/2016

Mst.Naz begum.....APPELLANT

VERISUS

Govt: of KPK and others.....RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF 5THE KHYBER
PAKTUNKHAWA SERVICE TRIBUNAL ACT, 1974,**

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

No.1 to 3 AS UNDER:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

1. That the appellant is not an aggrieved persons.
2. That the appellant has got no cause of action/locus standi to file the instant Appeal.
3. That the Appeal is not maintainable in the present circumstances of the issue.
4. That the appellant has concealed the material facts from Hon'ble Tribunal.
5. That the appeal is time barred and not maintainable in eye of Law.
6. That the appeal is groundless and based on malafide, hence the same is liable to be dismissed.
7. That the appellant has estopped by her own conduct.
8. That the service appeal is against the facts, prevailing rules and policy.
9. The appeal is badly time barred and not maintainable.

FACTUAL OBJECTIONS.

1. Para No.1 not correct, the appellant was appointed against post of BPS-12 instead of BPS-05 vide this office No.805-55 dated 20-05-2014. However she did

not attended the school rather she submitted a fake charge report without attending the school.(ASDEO report attached Annexure "A")

2. Para No. 2 is incorrect, neither the appellant attended the school nor she approached the office for release of pay. the application shown as annexure "C" is addressed to Director E&SE without any date and sign rather to DEO (F) Kohistan being competent authority . it is just annexed as to fill formality.
3. Para No. 3 is incorrect. The order is in accordance with condition No.08 of the appointment order issued vide No.805-55 dated 20-05-2014 as per report of SDEO (F).she failed to attend the school properly nor took over charge in the school.(Annexure "B")
4. Para is in correct, she has not submitted the departmental appeal properly.

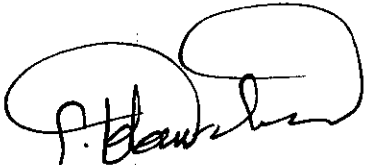
GROUNDS

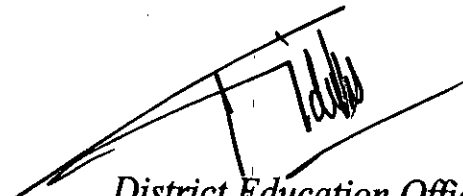
- A. Para is incorrect ,that the withdrawal order was issued in accordance to Law and conveyed to appellant vide this office Endst; No.2077.85 dated 20/11/2014.
- B. Para is not correct, the department has issued the impugned order in accordance to law and rules.
- C. Para is incorrect, As she failed to attend the school and properly took over charge hence no issued charge sheet .
- D. Para is incorrect. stated as above in Para No. "C".
- E. Para is incorrect. stated as above in Para No. "C".
- F. Para is incorrect. stated as above in Para No. "C".
- G. Para is incorrect, that the order is according to rules and Law.
- H. Para is incorrect, that the order is accordance to the principle of locus poenitentiae.
- I. The respondents also see permission to raise additional grouds at the time of arguments.

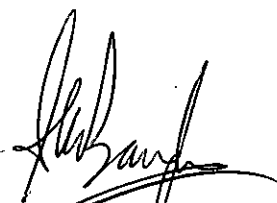
PRAYER.

*It is therefore humbly prayed that on acceptance of above
Para wise comments the appeal may graciously be dismissed
with cost.*

Respondents.....


Director,
E&SE Khyber Pakhtunkhwa
Peshawar


District Education Officer,
(Female) Kohistan.


SECRETARY
Elementary and Secondary Education
Department, Govt. of K.P.K.

جناب D.E.O. زمانہ کوستان کے حکم پر

میں آج مورخہ 30/09/2016 کو 96759 بلڈ ڈویژن

کاوزٹ کیا وہاں کے سٹاف اور چوکیدار کا مطالبہ

نازیم نامی شیخ کو انہوں نے کبھی کبھی سکول

میں نہیں دیکھا اور نہ ہی وہ کبھی ڈیوٹی

پر آئی ہے اور نہ وہ اس کو جانتے ہیں

اور نہ اس کے حوالے سے سکول میں کوئی ریکارڈ

ہذا رپورٹ لپٹن خدمت ہے



ASDEO (F)
Circle Pattan
District Kohistan

30/09/2016

ص 6 ط 1 -

(30 نومبر 2014)

میں نے تم سے ملنے کے لیے 30 نومبر کو تیار ہونے کے لیے کہا تھا اور وہ بھی تیار ہو گیا تھا۔
میں نے تم سے ملنے کے لیے کہا تھا اور وہ بھی تیار ہو گیا تھا۔
میں نے تم سے ملنے کے لیے کہا تھا اور وہ بھی تیار ہو گیا تھا۔

ص 7 ط 1 -

اس کے علاوہ کسی اور کام کا ذکر نہیں ہے۔

رابعہ رحیم

Rabia Rabia

10
25 نومبر -
2016

OF THE DISTRICT EDUCATION OFFICER, (FEMALE) KOHISTAN.

Ph: & Fax No. 0998407225

Where as you Naz Beguim D/O Muhammad Essa R/O Khurkoo Dubair. Payeen P/O Ranolia Tehsil Pattan District Kohistan were Appointed as PST teacher in reponse of your application and conduct of test/interview .

Where as, as per condition of the appointment order at S.No. 11 ,you have to join the duty at the school within 10 days .

And, Where as you submitted a fake arrival report and did not attended the school up till now.

Hence, with the approval of the competent authprity, your appointment order issued vide this office appointment order bearing endst: No.805-55/F.No.5/PST/Adhoc/ Appointment dated 20/5/2014 at S No.06 at GGPS-Bela Dubair, is hereby with drawn with effect from the date of issue , in default of non complaine of the appointment order.

*District Education Officer
(Female) Kohistan.*

Endst No.5/Estt; 2077-85 / DEO (F) dated 20/11 /2014.

Copy of the above is foirwarded to:

1. PA to Director Elementasry & Secondary Education Khyber pakhtunkhwa Peshawar .
2. The Deputy Commissioner Kohistan Upper.
3. The District Accounts Officer, Kohistan.
4. The District Monitoring Officer, (IMU) Kohistant at Pattan.
5. The Sub Divisional Education Officer, (F) Kohistan.
6. The Circle ASDEO (F) concerned.
7. Teacher concernd
8. The Master File.

*District Education Officer
(Female) Kohistan.*

(Annexure A)

Absent reports / Non Performance of duty

It is stated that the following newly appointed officers (NTS) are absent from the duty.

Although they have submitted the charge reports to the office of the under signed, but according

to the reports of circle ASDBO they are still

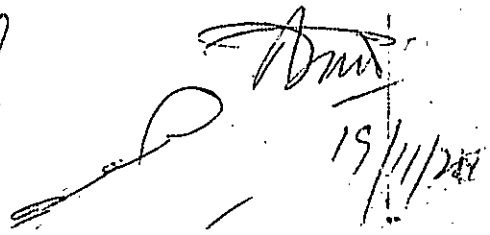
absent from duty, they submitted their charge reports with ^{False signatures}

- | | | |
|-------------------------|-------------------------|--------------|
| 1. Sumera Pst. | 44Ps Bar leomila | SN. 6 |
| 2. Bibi Hanifa | " Bar Yangool | 9 |
| 3. Naz Begum | " Bela Doser | " |
| 4. Robina aqaz | " Dasteem Abad. | 24 |
| 5. Rabia Bibi | " Gulab Abad. | 32 |

It is suggested that their appointments may be withdrawn from the date of issue

Supdt.

issue with drawn


19/11/2021



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN

Phone & Fax # 0998-407225

APPOINTMENT

Consequent upon recommendation of the District Selection Committee, appointment of the following candidates are hereby ordered against the post of PST, School based and 100% u/C wise merit and on the non availability of local qualified candidates, the candidates from the adjacent Districts in BPS-12 @ (Rs.7000 -500-22000) fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of their taking over charge:-

S#	Sr	Roll No	Name	Father Name	U/Council/District	Home/ Address	Place of Posting	Score
✓ 1	3	2260076	Nadia Gul	Dost Mohammad Khan	Dubair Payeen Kohistan.	Kuz Kurkoo Dubair Payeen Tehsil Pattan District Kohistan.	GGMS Jijal.	86.89
✓ 2	1	2260496	Halima Noreen	Mohammad Haneef	District Mansehra	P/O Oghi Dhara District Mansehra	GGPS Afsar Abad	87.26
✓ 3	1	2260540	Shah Barkat	Fazal Raheem	District Swat	Jan kolai P/O Khawaza Khela Tehsil Matta District Swat.	GGPS BK Ranolia	78.44
✓ 4	14	2260473	Gul Jan	Haroon	Harran Kohistan.	Guli Bagh P/O Shilkhan Abad Tehsil Palas District Kohistan.	GGPS Badakoat	54.03
✓ 5	2	2260481	Irrum Rasheed	Abdul Rasheed	Mansehra	Shergarh Oghi Mansehra	GGPS Bankhad Village	78.82
✓ 6	5	2260542	Sumira	Hikmat	Sharaid Kohistan.	Kundal U/C Sharaid Tehsil Palas District Kohistan.	GGPS Bar Komila	91.32
✓ 7	2	2260532	Saima Sadeeq	Mohammad Sadeeq	Mansehra	Mongan P/O Machi pol District Mansehra.	GGPS Bar Komila	104.92
8	3	2660163	Tohida Bibi	Fazal Rahman	Mansehra	Dharyal Mansehra	GGPS Bar Komila	104.89
9	1	2260452	Bibi Hanifa	Rustum	Sharaid Kohistan.	Kundal Tehsil Palas District Kohistan.	GGPS Bar vanjool	69.71
10	2	2260492	Zainab Bibi	Mohammad Iqbal	Sharakoat Kohistan.	Sharakot Tehsil Palas District Kohistan.	GGPS Bari Shaha	60.60
11	1	2260522	Naz Begum	Mohammad Essa	Dubair Payeen Kohistan.	Khurkoo Dubair Payeen Tehsil Pattan District Kohistan.	GGPS Bela Dubair.	94.32
12	1	2260057	Rakhshanda Jabeen	Mohammad Nawaz	Mansehra	Ghanool Balakot Mansehra.	GGPS Chawa Khass	79.42
13	9	2260472	Kaloom Bibi	Bakht Karam	Swat	Toheed Colony Faiz Abad Saidu Shareef District Swat.	GGPS Chawa Khass	51.25
14	3	2260070	Uzana Bibi	Mohammad Riaz	Mansehra	Upper Jabri Mansehra	GGPS Chawa Seena Khel	81.60
15	4	2660861	Somia Sabar	Sabir Hussain	Mansehra	Mangal Balakot Mansehra	GGPS Chawa Seena Khel	81.29
16	5	2260514	Gul Nasreen	Ghulam Sarwar	Mansehra	Dharyal Mansehra	GGPS Chawa Seena Khel	80.98
17	6	2260494	Kiran Rahman	Fazal Rahman	Bar Paro Kohistan.	Bar Paro Palas Kohistan.	GGPS Dassu Colony	73.33
18	12	2260464	Saima Kosar	Shahzada	Kuz Jalkot Kohistan.	Dassu Colony Kohistan.	GGPS Dassu Colony	59.63

11
A. [Signature] 22/5/14
[Signature]
[Signature]

15	2260444	Rukhsana Sadiq	Mohammad Sadiq	Mansehra	P/o Kotli Bala Tehsil & District Mansehra	GGPS Dassu Village	73.49
18	2260068	Kalsoom Bibi	Sadiq Shah	Mansehra	Shohal Mazullah District Mansehra	GGPS Dassu Village	71.47
21	2260076	Aqeela Bano	Mirdad Khan	Mansehra	Dharyal Mansehra	GGPS Dassu Village	63.69
27	2260518	Perveen Bibi	Abdul Kamal	Dubair Payeen Kohistan.	Jaag Dubair Payeen Kohistan.	GGPS Dubair Village	54.89
2	2660920	Tahmina Rehman	Noor Rehman	Mansehra	Sham dhara Oghi Mansehra	GGPS Dubair Village	92.26
2	2260505	Robina NaZ	Noor Zada	Shangla	Kolalai District Shangla	GGPS Dustum Abad	59.20
25	2260060	Nazia Yousaf	Qazi Mohammad Yousaf	Mansehra	Shohal Najaf Khan Balakot Mansehra.	GGPS Faridoon Abad	71.02
26	2260079	Kanzal Yousaf	Yousaf Raza	Mansehra	Maloga Oghi District Mansehra	GGPS Gabir Ranolia	57.71
27	2260455	Jamila Khatoon	Muhammad Qasim	Mansehra	Nika Bari Jareed Balakot	GGPS Gambeer	76.63
28	1161112	Zenat Wali	Mohammad Wali	Shilkhan Abad	Ghazi Abad Tehsil Palas Kohistan.	GGPS Ghazi Abad	73.25
29	2260512	Bibi Khudeja	Rahmat Wali	Mansehra	Kaghan P/o Naran Mansehra	GGPS Goshali	82.30
30	2661062	Salmi Bibi	Ghulam Hussain	Mansehra	Balakot mangli Mansehra	GGPS Goshali	77.81
31	2260548	Sajid Ihsan	Urfi Ehsanullah	Swat	Bar Shwa Matta Swat	GGPS Goshali	77.11
32	1161348	Rabia Bibi	Rustum Khan	Sharaid Kohistan	Sharaid Tehsil Palas Kohistan.	GGPS Gulab Abad	51.38
33	2260567	Jamila Bibi	Shir Jan	Dubair Payeen Kohistan.	Khurkoo Dubair Payeen Tehsil Pattan District Kohistan.	GGPS Jaag Dubair	83.67
34	2260447	Halisa Faryal	Mohammad Yousaf	Mansehra	Dhara Oghi Mansehra	GGPS Jalkoat Vill.	72.24
35	2260469	Noorun Nisa Bibi	Rahmat Wali Khan	Mansehra	Shohal Najaf Khan Balakoat Mansehra	GGPS Jandar Koat	54.61
36	2260482	Bena eer	Abdul Qadir	Khota Koat Kohistan.	Kareen Gaddar Bar Palas Kohistan.	GGPS Kanoi	57.87
37	2260487	Nizakat Bibi	Zafran Khan	Mansehra	Kotli Bala Mansehra	GGPS Kass Banda	92.88
38	2260502	Anila Sarwar	Ghulam Sarwar	Mansehra	Dharyal Oghi Mansehra	GGPS Kass Banda	73.35
39	2660954	Bibi Asima Idrees	Mohammad Idrees	Mansehra	Chitta Batta Mansehra	GGPS Kass Banda	53.72
40	2260449	Nasim Akhtar	Khan Jahan	Keyal Kohistan.	Swar steel Kial Pattan Kohistan.	GGPS Keru	68.18
41	2260503	Noshreen	Ghulam Sarwar	Mansehra	Dharyal Mansehra	GGPS Lal Abad.	63.74
42	2260547	Aisha Bibi	Azizur Rahman	Mansehra	Arban Bhangian Balakot	GGPS Maidan Kolai	73.44
43	2660906	Kalsoom Bibi	Mohammad Azam	Mansehra	Banda Khait Balakot Mansehra	GGPS Sigloo	78.23

TERMS & CONDITIONS

1. NO TA, DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year with effect from the date of issue.
4. They should not be handed over charge if she exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to the competent authority.
5. Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.
6. Her services are liable to termination on one month's notice from either side. In case of resignation without notice her one-month pay/allowances shall be forfeited to the Government.

95

DEPARTMENT
STAFFS FOR
DEPARTMENT

199L

چارج رپورٹ

DEB(F) Kohistan

تسب التحکم

آرڈر نمبر _____ مورخہ _____ کو تہہ پتہ _____

آج مورخہ 26/5/2014 کو قبل از نوپس گورنمنٹ پرائمری سکول

میں اپنی مناصب نشست PS کا چارج سنبھال کر ٹیوٹی کا باقائده آغاز کر دیا ہے۔

Naz Begum

لہذا چارج رپورٹ حاضر خدمت ہے۔

Naz Begum

چارج دہندہ

چارج دہندہ

Assistant Sub-Divisional
Education Officer (F)
Circle Pattan District Kohistan

Katool Saeed
Head Mistress,
Govt. Girls Primary School,
Kohistan.

(For use in Police Department only)

Heirs,






1. Passed SSC Exam from BSE Sect Under Roll
No. 170411, held in 2011(A) Marks obtd, 615/1050.
2. Passed FA Exam from BSE Sect Under R. No. 42/40,
Marks obtd 524/1100
3. Passed PTC Exam from AIOCI Islamabad Under Roll No.
AN 611734, held in 2012, Marks obtd 605/800

Verification Roll No: _____ dated _____ received back _____

Left Thumb Impression

Qualification	Date	Qualification	Date
English		First Arts	
Pushto		B.L. Or B.A	
Urdu		Pleadership examination	
Plan-Drawing		Training School Final Examination	
Finger Print		Other qualification	
Drill Instructing			
Court Duties			
Reserve Duties			

Note: The entries on this page should be reviewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name: Naz Begum
2. Race: SANMIRKHAJ Phetan
3. Residence: Village Karko Dubair, (Jamb) Teh. Pathan
District Kohistan.
4. Father's Name and residence: Muhammad ESSA
5. Date of birth by Christian era as nearly as can be ascertained: 10-02-1990
(Ten Feb N.H. Ninety)
6. Exact height by measurement: 5-5
7. Personal marks for identification:
8. Left hand thumb and finger impression of (Non-Gazetted) officer:
Little Finger:  Ring Finger: 
Middle Finger:  Fore Finger: 
Thumb: 
9. Signature of Government Servant: Naz Begum
10. Signature and designation of the Head of the officer, or other Attesting Officer:

9	10	11	12	13		14	15
Signature and Designation of the head of the office or other attesting officer in a letter of columns 1 to 8	Date of termination or adjustment	Reason of termination (such as resignation, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period	Government to which debitable	
DDO					Appointed as PST in BPS No-12 vide D.O. of Govt. of Punjab dated 20-5-2014. Her name placed on order issued by D.O. No. 805-SS of 20-5-2014. Her name placed on order issued by D.O. No. 11.		
1							DDO

sum

sum

1

Note: The entries on this page should be reviewed and re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name: Nazir Begum
2. Race: SANJHATI hadi phutan
3. Residence: Gillaju Karko Dubay (Jang) Teh Pattan
District Kohistan
4. Father's Name and residence: Mahammad ESSA
5. Date of birth by Christian era, or nearly as early as can be ascertained: 10-02-1990
(Ten Feb. N.H. N.H.T.)
6. Exact height by measurement: 5-5

Personal marks for identification:

Left hand thumb and finger impression of (Non-Gazetted) officer:

Little finger:

Ring finger:

Middle finger:

Index finger:

Thumb:

Signature of Government Servant:

Nazir Begum

Signature and designation of the holder of the office in which the servant is employed:

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.568/2016

NAZ BEGUM

VS

EDUCATION DEPTT:

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

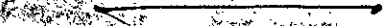
R/SHEWETH:

(1-9):

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

ON FACTS:

- 1- Incorrect and not replied accordingly. That appellant was appointed as PST (BPS-12) by the proper recommendations of Departmental Selection Committee vide order dated 20.05.2014. That after appointment the appellant properly submitted her charge report and started performing her duty at the concerned station quite efficiently and upto the entire satisfaction of her superiors.
- 2- Incorrect and not replied accordingly. That appellant had regularly performed her duty at the concerned station but the respondent No.3 without any reason and clear justification withheld the salaries of the appellant w.e.f. her first appointment. That appellant time and again visited the office of the District Education Officer (Female) for release of salaries but of no avail.
- 3- Incorrect and not replied accordingly. That during service the District Education Officer (F) withdrawn/cancelled the appointment order of the appellant vide dated 20.11.2014 which was communicated to the appellant on 18.12.2015. That appellant was regularly performed her duty at the concerned station but the District Education Officer (F) withheld the salaries of the appellant and lastly withdrawn the appointment order of the appellant without any reason and clear justification. Copy of the attendance register is already annexed with the appeal as annexure.....E.
- 4- Incorrect and not replied accordingly. That appellant preferred her Departmental appeal to the Director E&SE

Department vide dated 15.1.2015 but no response has been given till date. 

GROUND:

(A to G):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That no charge sheet and statement of allegation has been issued to appellant before issuance of the impugned order dated 20.11.2014. That no show cause notice has been served on the appellant by the respondent Department before issuing the impugned order dated 20.11.2014 against the appellant. That no regular inquiry has been conducted before issuing the impugned order dated 20.11.2014 which is as per Supreme Court judgments is necessary in punitive actions against the civil servant. That no chance of personnel hearing/personnel defense has been given to the appellant before issuing the impugned order dated 20.11.2014. That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 20.11.2014 against the appellant. That the respondent no.3 issued the impugned order dated 20.11.2014 in violation of the principle of Locus Poenitentiae.

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

APPELLANT



NAZ BEGUM

THROUGH:



**NOOR MOHAMMAD KHATTAK
DVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.568/2016

NAZ BEGUM

VS

EDUCATION DEPTT:

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

R/SHEWETH:

(1-9):

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

ON FACTS:

- 1- Incorrect and not replied accordingly. That appellant was appointed as PST (BPS-12) by the proper recommendations of Departmental Selection Committee vide order dated 20.05.2014. That after appointment the appellant properly submitted her charge report and started performing her duty at the concerned station quite efficiently and upto the entire satisfaction of her superiors.
- 2- Incorrect and not replied accordingly. That appellant had regularly performed her duty at the concerned station but the respondent No.3 without any reason and clear justification withheld the salaries of the appellant w.e.f. her first appointment. That appellant time and again visited the office of the District Education Officer (Female) for release of salaries but of no avail.
- 3- Incorrect and not replied accordingly. That during service the District Education Officer (F) withdrawn/cancelled the appointment order of the appellant vide dated 20.11.2014 which was communicated to the appellant on 18.12.2015. That appellant was regularly performed her duty at the concerned station but the District Education Officer (F) withheld the salaries of the appellant and lastly withdrawn the appointment order of the appellant without any reason and clear justification. Copy of the attendance register is already annexed with the appeal as annexure.....E.
- 4- Incorrect and not replied accordingly. That appellant preferred her Departmental appeal to the Director E&SE

Department vide dated 15.1.2015 but no response has been given till date.

GROUND:

(A to G):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That no charge sheet and statement of allegation has been issued to appellant before issuance of the impugned order dated 20.11.2014. That no show cause notice has been served on the appellant by the respondent Department before issuing the impugned order dated 20.11.2014 against the appellant. That no regular inquiry has been conducted before issuing the impugned order dated 20.11.2014 which is as per Supreme Court judgments is necessary in punitive actions against the civil servant. That no chance of personnel hearing/personnel defense has been given to the appellant before issuing the impugned order dated 20.11.2014. That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 20.11.2014 against the appellant. That the respondent no.3 issued the impugned order dated 20.11.2014 in violation of the principle of Locus Poenitentiae.

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

APPELLANT

NAZ BEGUM

NAZ BEGUM

THROUGH:

NOOR MOHAMMAD KHATTAK

**NOOR MOHAMMAD KHATTAK
DVOCATE**

K - 34

~~30~~

BEFORE THE PESHAWAR HIGH COURT BENCH DAR-UL-QAZA
SWAT AT MINGORA

WRIT PETITION NO. 518 /2016

Mst: Khadija Bibi, Qaria (BPS-12),
GGHSS Barawal, District Dir Upper **PETITIONER**

VERSUS

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

.....**RESPONDENTS**

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN
1973 AS AMENDED UP TO DATE

R/SHEWETH:
ON FACTS:

Brief facts giving rise to the present writ petition are as under:-

- 1- That petitioner was appointed as Qaria (BPS-12) in the respondent Department on adhoc/school based basis on the proper recommendation of Departmental Selection Committee vide Notification dated 30.4.2014. That in response the petitioner submitted her medical certificate along with charge report and started performing her duty quite efficiently and up to the entire satisfaction of her superiors. Copies of the Notification, medical certificate, charge report and service book are attached as annexure **A, B, C & D.**
- 2- That during the course of service the respondent No.3 issued the order dated 10.9.2014 whereby the petitioner was transferred from GGHSS Barawal to GGHS Sheringal. That petitioner in response to the said order dated 10.9.2014 submitted her arrival report and started her duty at the concerned station quite efficiently and up to the entire satisfaction of her superiors. Copies of the order and attendance register are attached as annexure..... **E and F.**

06 AUG 2016

ATTACHED

1

35

(12)

PESHAWAR HIGH COURT, MINGORA BENCH/
DAR UL QAZA, SWAT

FORM OF ORDER SHEET

Court of

Case No. of

Serial No. of order or proceeding 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
	10.04.2017	<p><u>WP No.518-M/2016.</u></p> <p>Present: Nemo for the petitioner.</p> <p style="text-align: center;">*****</p> <p><u>IKRAMULLAH KHAN, J.-</u> Petitioner has filed instant Constitutional petition for issuance of an appropriate writ with the following prayer:-</p> <p style="text-align: center;">“On acceptance of this writ petition the impugned order dated 1.12.2015 and 21.7.2016 may be declared as illegal, unconstitutional and ineffective upon the rights of the petitioner. That the respondents may further please directed to re-instate the petitioner with all back benefits.</p> <p>2. Despite personal service of petitioner, nobody turned up to pursue the case on her behalf. However, it appears from the contents of writ petition that petitioner was appointed as Qaria on the recommendation of Departmental Selection Committee vide Notification dated 30.4.2014. On 10.9.2014 petitioner was transferred from GGHS Barawal to GGHS Sheringal and accordingly, she</p>

ATTESTED

[Signature]

36

10

assumed the charge of her new assignment. During course of performing duty as Qaria at GGIS Sheringal, respondent No.3 issued an office order dated 1.12.2015, whereby, the appointment of petitioner was withdrawn / cancelled on the ground of long absence from the duty with immediate effect. Feeling aggrieved from the same, petitioner filed a departmental appeal, which was also rejected by the Appellate Authority on 21.7.2016. Hence, petitioner has filed instant writ petitioner.

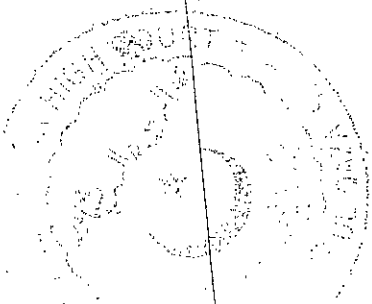
3. The departmental appeal of the petitioner has already been rejected by the Appellate Authority vide impugned order dated 21.7.2016, which is a final order against which writ petition is not maintainable. However, the proper remedy available to the petitioner is to approach the Service Tribunal for redressal of her aforesaid grievances.

4. In these circumstances, instant petition is not maintainable, hence, 'dismissed in limine. However, petition would be at liberty to approach the proper forum, if so advised.

Announced.
Dated: 10.04.2017

Sd. Ikramullah
Sd. Abdul Shakoor
JU

No. 2735
Name of Applicant M. Jalal
Date of Presentation of Application 28-4-17
Date of Disposal of Case 28-4-17
By 031
Date of Disposal of Case 28-4-17
11/4



RECEIVED
 27/4/17
 M. Jalal
 28-4-17

**BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH/
DAR-UL-QAZA, SWAT**

REVIEW PETITION NO. 12- /2017

IN WRIT PETITION NO.518-M/2016

Mst. KHADIJA BIBI, QARIA (BPS-12),
GGHSS Barawal, District Dir Upper.



PETITIONER

VERSUS

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

RESPONDENTS

**REVIEW PETITION AGAINST THE JUDGMENT
DATED 10-04-2017**

R.SHEWETH:

Petitioner respectfully submitted as under:

- 1- That, the applicant/petitioner has filed writ petition No. 518-M/2016 in this august Court by challenging the withdrawal of her appointment issued vide order dated 01-12-2015. Copies of Memo of Writ Petition along with record is attached as **Annexure A.**
- 2- That the said writ petition was fixed on 10-04-2017 before the Honorable Bench comprising of Honorable Judges Mr. Justice Ikram Ullah Khan and Mr. Justice Abdul Shakoor.
- 3- That the said writ petition was dismissed by the Honorable bench vide Judgment dated 10-04-2017 on the issue that the petitioner is civil servant and the matter of the petitioner is fall within the terms and conditions of civil servant for which the proper forum is Service Tribunal and not this august Court. That unfortunately on the said date neither the Counsel for petitioner was present before this august Court nor petitioner. Copy of Judgment/order dated 10-04-2017 is attached as **Annexure B.**

ATTACHED

df

FILED TODAY

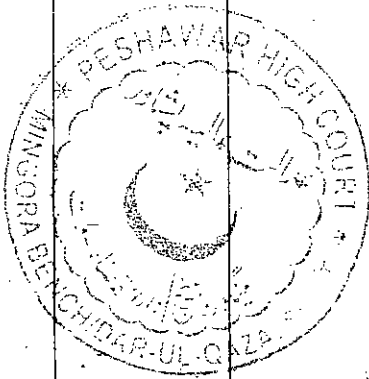
08 MAY 2017

Additional Registrar

PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA),
SWAT.
FORM "A"
FORM OF ORDER SHEET.

38

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
	03.04.2018	<p><u>Rev Pett No. 12-M/2017 in W.P No. 518/2016</u></p> <p><u>Present:-</u> Mr. Noor Muhammad Khattak Advocate for the petitioner.</p> <p>*****</p> <p><u>MUHAMMAD NASIR MAHFOOZ, J:-</u> Through this review petition the petitioner has sought indulgence of this court in an order passed on 10.04.2017, in <u>W.P No. 518-M/2016</u>, vide which the same was dismissed in limine being not maintainable.</p> <p>2. Brief facts of the case are that the petitioner had filed a writ petition No. 518-M/2016 in this court by challenging the withdrawal of her appointment issued vide order dated 01.12.2015, which was dismissed being not maintainable vide judgment and order dated 10.04.2017, hence this petition.</p> <p>3. Valuable arguments of learned counsel for the petitioner heard and record is gone through.</p> <p>4. Perusal of record reveals that the impugned order has been passed on 10.04.2017, whereas the application for attested copies was submitted on 28.04.2017 and on the same day, the attested copies were obtained but the instant review petition has been filed on</p>



08.05.2017, after period of about 28 whereas the limitation for filing of review petition as provided by Article 162 of Limitation Act, is 20 days. Furthermore, there is no application for condonation of delay in filing this review petition, therefore, the detail merits of the case could not be discussed.

4. Besides above legal aspects of the case, the petitioner in this review petition wanted to re-open the case which had already been decided. Furthermore, the learned counsel for the petitioner failed to point out any floating error worth consideration for review and the instant petition is also barred by time.

In view of above as no case is made out, hence the instant review petition is dismissed with no order as to costs.

Announced:
03.04.2018

[Signature]
JUDGE

[Signature]
JUDGE

No. 4
Name of Applicant: *MIN ZAWAR*
Date of Presentation of Application: *24.4.18*
Date of Completion of Copies: *-*
No. of Copies: *3-P*
Urgent Fee: *6/-*
Fee Charged: *6/-*
Date of Delivery of Copies: *24.4.18*

Certified to be true copy

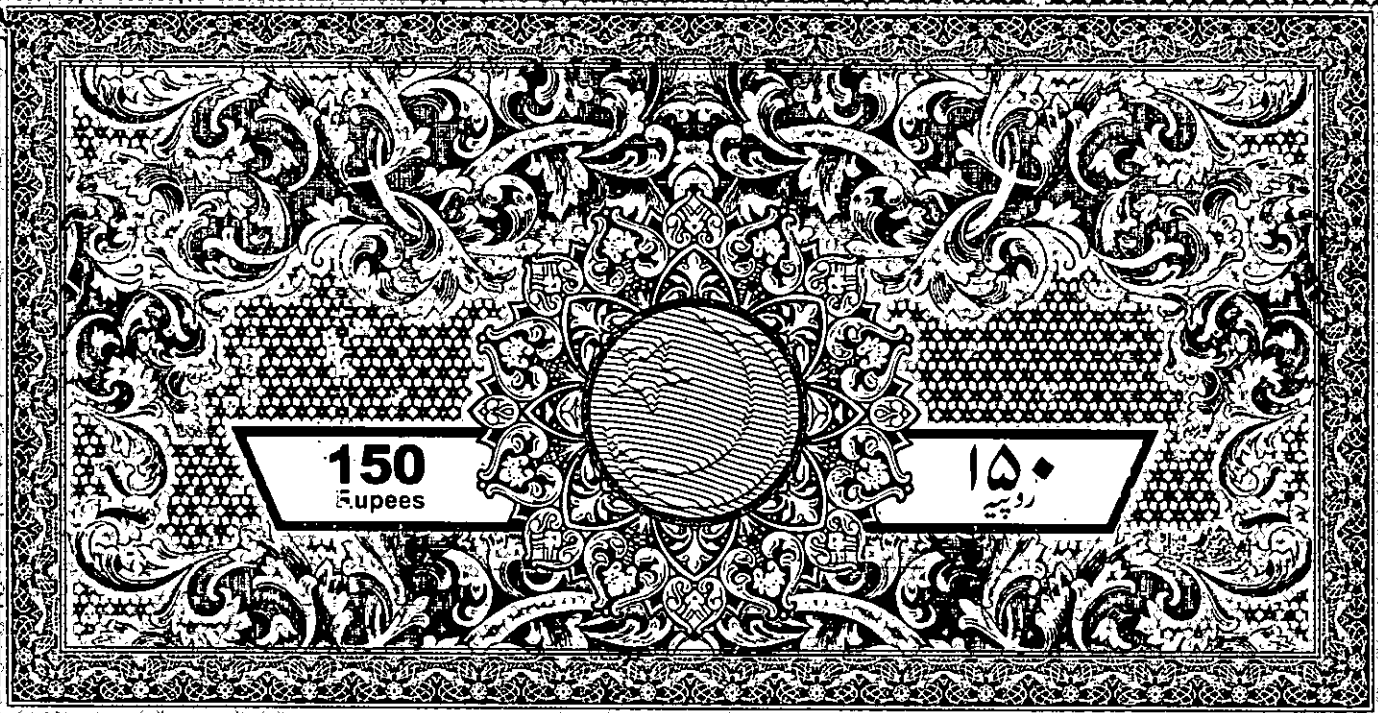
[Signature]
EXAMINER

(Sehullah) "D-8"

Hon'ble Mr. Justice Muhammad Ghazwanfar S. J. J.
Hon'ble Mr. Justice Muhammad Faiz Makhdoor

Dushawar High Court, Mungora Bench, Chardar-ul-Qaza
Announced under Article 162 of Limitation Act
24/4/18

514



150
Rupees

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روپیہ

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Naz Begum v/s Education Dept.

That vide order sheet dated 08-06-2021 and dated 16-09-2021 the appellant was directed to provide on affidavit to the extent of issue No. 4;

Issue No. 4. *Whether the educational testimonials of the appellant considered for the appointment are valid being genuinely procured?*

Statement of Appellant, namely, Naz Begum d/o Muhammad Essa Ex-PST (BPS-12).

Stated on oath that all the educational testimonials mentioned below in this statement and exhibit with it are genuine as obtained after properly appearing in the examination for the mentioned certificate/ degrees from the recognized institutions/ Boards. That all my educational documents are true, correct and genuine, and there is no bogus document preferred through which the appellant has obtained his job/ appointment. All the testimonials of the appellant are exhibit:

- 1) SSC: Roll No: Total Marks: 1050/615 Board Intermediate Secondary Education, Saidu Sharif Swat. (*Ex-AW 1/1*)
- 2) HSSC: Roll No: 42140, Total Marks: 1100/524 Board Intermediate Secondary Education Said Sharif Swat (*Ex-AW 1/2*)
- 3) Bachelor Degree: Roll No, AV453547 Total Marks 1100/704 Bachelor of Arts, Allama Iqbal Open University, Islamabad (B.A). (*Ex-AW 1/3*)
- 4) PTC: Roll No, 611734 Total Marks: 900/605 Allama Iqbal Open University, Islamabad. (*Ex-AW 1/4*)

Naz Begum

XX- Reserved.

R.O & AC



25 APR 2022

192826

S. No: _____

BOARD OF INTERMEDIATE & SECONDARY EDUCATION

SAIDU SHARIF, SWAT

PROVISIONAL AND DETAILED MARKS CERTIFICATE
SECONDARY SCHOOL CERTIFICATE EXAMINATION
Session 2011 (Annual)
Group (Humanities)

THIS IS TO CERTIFY THAT Naz Begum Roll No 16001

Daughter of Muhammad Essa ENROL: No 70364

and Private Candidate of District Swat

has secured the marks shown against each subject in the Secondary School Examination held in the month of March as Private

Subject	Marks			MARKS OBTAINED					In Words
	Theory	Pract	Total	9Th		10Th		Total	
				Th	Pract	Th	Pract		
1. English	75	-	150	51	-	31	-	82	Eighty-Two
2. Urdu	75	-	150	45	-	34	-	79	Seventy-Nine
3. Pakistan Studies	75	-	75	-	-	32	-	32	Thirty-Two
4. Islamiyat (Comp)	75	-	75	44	-	-	-	44	Forty-Four
5. Maths	75	-	150	44	-	44	-	88	Eighty-Eight
6. G.Science	75	-	150	71	-	47	-	118	One Hundred Eighteen
7. Islamic Studies	75	-	150	39	-	35	-	74	Seventy-Four
8. Pashto	75	-	150	53	-	45	-	98	Ninety-Eight

Total 1050

615-C Six Hundred Fifteen Only

Remarks

Date of Birth (In Figures) 10 February, 1990

(In Words) 10th, February, One Thousand Nine Hundred Ninety

Checked By: _____

Note:- Errors/Omissions are subject to subsequent rectification.

Date of Result Declaration. 14-June-2011.

Computer Cell BISE, Swat

[Signature]
 Controller of Examinations
 BISE, Saidu Sharif, Swat.

C No: 109805




BOARD OF INTERMEDIATE & SECONDARY EDUCATION
SAIDU SHARIF, SWAT.

PROVISIONAL & DETAILED MARKS CERTIFICATE
INTERMEDIATE (ANNUAL) EXAMINATION, 2013
HUMANITIES (Part-II)

THIS IS TO CERTIFY THAT NAZ BEGUM Roll No: 42140
Son / Daughter of MUHAMMAD ESSA Reg: No 6203-B/PVTI-2012
and Private Candidate of District Swat
has secured the marks shown against each subject in the **INTERMEDIATE EXAMINATION**
of the Board of Intermediate & Secondary Education Saidu Sharif, Swat held in the
month of May as Private

Subjects	Marks	Marks Obtained						
		Part-I		Part-II		Total	Marks in Words	
		Theory	Pract	Theory	Pract			
English	200	46	--	33	--	79	Seventy-Nine	
Urdu	200	44	--	51	--	95	Ninety-Five	
Islamic Education	50	21	--	--	--	21	Twenty-One	
Pakistan Studies	50	--	--	31	--	31	Thirty-One	
Civics	200	33	--	57	--	90	Ninety Only	
Islamic Studies	200	44	--	54	--	98	Ninety-Eight	
Pashto	200	52	--	58	--	110	One Hundred Ten Only	
Total : 1100							524-D	Five Hundred Twenty-Four Only
Remarks :								

Prepare and Checked by Computer Cell
BISE Saidu Sharif Swat
Result Declaration Date: 05 August, 2013
Note: Errors / Omissions are subject to subsequent rectification.


Controller of Examinations
BISE, Saidu Sharif, Swat.

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
PROVISIONAL RESULT CARD



Serial No. **A34750**

Name **NAZ BEGUM**
Father's Name **MUHAMMAD ESSA**
Address

Roll No. **AV453547**
Registration No. **12NST00050**
Final Semester **Spring 2016**

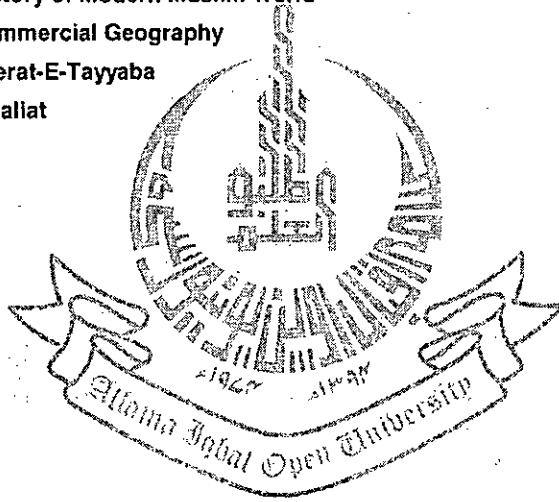
Tehsil **CHARBAGH**
District **SWAT**

has successfully completed

Bachelor of Arts Group - General

The detail of passed courses is as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
Autumn 2013	416	Islamiat	100	70
Autumn 2013	417	Pakistan Studies	100	63
Autumn 2013	1423	Compulsory English-I	100	63
Autumn 2013	1431	Basics of Information & Communication Technology	100	64
Spring 2014	412	Social and Cultural Anthropology	100	66
Spring 2014	413	Sociology-II	100	66
Spring 2014	1424	Compulsory English-II	100	64
Spring 2015	407	History of Modern Muslim World	100	56
Spring 2015	409	Commercial Geography	100	60
Spring 2015	436	Seerat-E-Tayyaba	100	70
Spring 2016	405	Iqbaliat	100	62



Total Credits: 08

Total Marks / Obtained

1100 704

Result Declared on **February 14, 2017**

Percentage / Grade **64 B**

Date of issue **July 20, 2017**

M. Khan
Controller of Examinations

Disclaimer:

This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the official record of the university student.

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
PROVISIONAL RESULT CARD



Serial No. 280307

Name NAZ BEGUM
Father's Name MUHAMMAD ESSA
Address COLLEGE COLONY P/O SAIDU SHARIF

Roll No. AN611734
Registration No 12NST00050
Final Semester AUT- 2012

Tehsil SAIDU SHARIF
District SWAT
has successfully completed PRIMARY TEACHING CERTIFICATE

The detail of passed courses is as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
SPR- 12	0616	SCHOOL COMMUNITY & PRACTICAL ARTS	100	59
SPR- 12	0615	SCHOOL ORGANIZATION & MANAGEMENT	100	77
SPR- 12	0614	EDUCATIONAL PSYCHOLOGY	100	62
SPR- 12	0613	PRINCIPLES OF EDUCATION	100	55
AUT- 12	0619	TEACHING OF GENERAL SCIENCE & PHYSICAL EDUCATION	100	65
AUT- 12	0618	TEACHING OF MATHEMATICS	100	70
AUT- 12	0617	TEACHING OF URDU	100	64
AUT- 12	0620	TEACHING OF ISLAMIAT & SOCIAL STUDIES	100	68
AUT- 12	0611	PRACTICAL WORKSHOP & TEACHING PRACTICE	100	85

CREDITS: 5

Total Marks / Obtained

900 / 605

Result Declared on JUNE 24, 2013

Percentage / Grade

67 B

Date of issue JULY 04, 2013

Controller of Examinations

Disclaimer:

This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

06th Dec, 2022

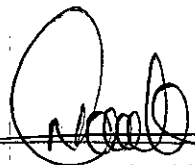
JOINT STATEMENTS OF APPELLANT NAZ BEGUM
AND MR. NASEER-UD-DIN SHAH, ASSISTANT ADVOCATE
GENERAL SERVICE TRIBUNAL PESHAWAR IN SERVICE
APPEAL NO. 568/2016.


Stated that the abovementioned service appeal was fixed for arguments before this Tribunal but the same was fixed for evidence. As there is no need of any evidence in the instant case for the reason that all the necessary documents has already been provided by the parties, therefore, it is very humbly requested that the case may kindly be fixed for arguments.



RO & AC

06th December, 2022


Appellant-Naz Begum


Naseer-ud-Din Shah
Assistant Advocate General


Appellant Identified by Counsel
Muhammad Ayub, Advocate



06/12/22