

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 1263/2016

Date of Institution ... 29.12.2016

Date of Decision... 13.04.2023

Mst. Rubina Naz, Ex-PST (BPS-12), Government Girls Primary School,
Dustam Abad, District Kohistan.

... (Appellant)

VERSUS

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

... (Respondents)

MR. KAMRAN KHAN,
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:- Briefly stated the relevant facts are that upon recommendations of the Departmental Selection Committee, the appellant was appointed as PST (BPS-12) on adhoc basis vide appointment order dated 20.05.2014 issued by 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 Vide the impugned order dated 20.11.2014, the appointment order of the appellant was withdrawn on the ground that she had submitted a fake arrival report and had not joined the duty within 10 days period as prescribed in the terms and conditions of the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 filed departmental appeal on



01.12.2014, 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. A perusal of the record would show that appointment order of the appellant was withdrawn vide the impugned order dated 20.11.2014. The same was challenged by the appellant through filing of departmental appeal on 01.12.2014, however the same remained un-responded, therefore, appellant was required to have filed service appeal before this Tribunal within 30 days after a lapse of 90 days of filing of the departmental appeal. The appellant, however remained in deep slumber and filed the instant appeal on 29.12.2016, which is badly barred by time. The appellant was required to justify the delay of each day, however she has not mentioned any sufficient cause in the application for condonation of delay. It is well settled that law

favours the diligent and not the indolent. Worthy apex court in its judgment dated 03.10.2022 titled “Chief Engineer, Gujranwala Electric Power Company (GEPCO), Gujranwala Versus Khalid Mehmood and others” passed in Civil Appeals No. 1685 to 1687 of 2021 has held as below:-

“12. The law of limitation reduces an effect of extinguishment of a right of a party when significant lapses occur and when no sufficient cause for such lapses, delay or time barred action is shown by the defaulting party, the opposite party is entitled to a right accrued by such lapses. There is no relaxation in law affordable to approach the court of law after deep slumber or inordinate delay under the garb of labeling the order or action void with the articulation that no limitation runs against the void order. If such tendency is not deprecated and a party is allowed to approach the Court of law on his sweet will without taking care of the vital question of limitation, then the doctrine of finality cannot be achieved and everyone will move the Court at any point in time with the plea of void order. Even if the order is considered void, the aggrieved person should approach more cautiously rather than waiting for lapse of limitation and then coming up with the plea of a void order which does not provide any premium of extending limitation period as a vested right or an inflexible rule. The intention of the provisions of the law of limitation is not to give a right where there is none, but to impose a bar after the specified period, authorizing a litigant to enforce his existing right within the period of limitation. The Court is obliged to independently advert to the question of limitation and determine the same and to take cognizance of delay without limitation having been set up as a defence by any party. The omission and negligence of not filing the proceedings within the prescribed limitation period creates a right in favour of the opposite party. In the case of Messrs. Blue Star Spinning Mills LTD Vs. Collector of Sales Tax and others (2013 SCMR 587), this Court held that the concept that no limitation runs against a void order is not an inflexible rule; that a party cannot sleep over their right to challenge such an order and that it is bound to do so within the stipulated/prescribed period of limitation from the

date of knowledge before the proper forum in appropriate proceedings. In the case of Muhammad Iftikhar Abbasi Vs. Mst. Naheed Begum and others (2022 SCMR 1074), it was held by this Court that the intelligence and perspicacity of the law of Limitation does not impart or divulge a right, but it commands an impediment for enforcing an existing right claimed and entreated after lapse of prescribed period of limitation when the claims are dissuaded by efflux of time. The litmus test is to get the drift of whether the party has vigilantly set the law in motion for the redress or remained indolent. While in the case of Khudaded Vs. Syed Ghazanfar Ali Shah @ S. Inaam Hussain and others (2022 SCMR 933), it was held that the objective and astuteness of the law of Limitation is not to confer a right, but it ordains and perpetrates an impediment after a certain period to a suit to enforce an existing right. In fact this law has been premeditated to dissuade the claims which have become stale by efflux of time. The litmus test therefore always is whether the party has vigilantly set the law in motion for redress. The Court under Section 3 of the Limitation Act is obligated independently rather as a primary duty to advert the question of limitation and make a decision, whether this question is raised by other party or not. The bar of limitation in an adversarial lawsuit brings forth valuable rights in favour of the other party. In the case of Dr. Muhammad Javaid Shafi Vs. Syed Rashid Arshad and others (PLD 2015 SC 212), this Court held that the law of limitation requires that a person must approach the Court and take recourse to legal remedies with due diligence, without dilatoriness and negligence and within the time provided by the law, as against choosing his own time for the purpose of bringing forth a legal action at his own whim and desire. Because if that is so permitted to happen, it shall not only result in the misuse of the judicial process of the State, but shall also cause exploitation of the legal system and the society as a whole. This is not permissible in a State which is governed by law and Constitution. It may be relevant to mention here that the law providing for limitation for various causes/reliefs is not a matter of mere technicality but foundationally of the "Law" itself."

6. Moreover, August Supreme Court of Pakistan in its judgment reported as 1987 SCMR 92 has held that when an appeal is required

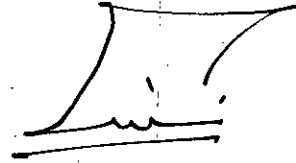
to be dismissed on the ground of limitation, its merits need not to be discussed.

7. Consequently, the appeal stands dismissed being time barred. 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, the appeal stands dismissed being time barred. 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)

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.

SCANNED
DISTRICT
PESHAWAR



(Salah Ud Din)
Member (Judicial)



(Kalim Arshad Khan)
Chairman

R N

05/04/2023

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



Reader


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.

SCANNED
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Peshawar

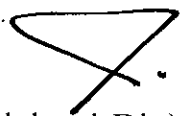

(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

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
KEPT
Peshawar


06th Dec, 2022

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

Joint statements of appellant Rubina Naz 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
ST
FOR SWAN


(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

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)

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)

11.11.2022

Appellant present through counsel.

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.



(Fareeha Paul)
Member (E)




(Rozina Rehman)
Member (J)

SCANNED
KPST
Peshawar

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/degrees of SSC, HSSC, B.A 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)

16.12.21

DB is on Tour case to come up?

For the same on Dated. 31-3-22

Reader

31.03.2022

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

File to come up alongwith connected Service Appeal No. 568/2016 titled "Naz Begum Versus Education Department", on 25.04.2022 before the D.B.

(Rozina Rehman)
Member (J)

(Salah-ud-Din)
Member (J)

~~25.04.2022~~

~~Appellant is alongwith learned counsel present Mr. Mansoor Ahmad Durrani, learned Additional Advocate General for the respondents present.~~

~~Appellant submitted an affidavit in compliance with observations mentioned in order sheet dated 20.03.2022 alongwith photocopies of educational documents of SSC, HSSC and PTE which are placed on file. Learned counsel requested that as he is feeling not well therefore, statement of the appellant be recorded on the next date. For the same, an affidavit was submitted on 20.03.2022 before the DB.~~


(Mansoor Ahmad Durrani)
Member (J)

03.03.2021

Junior to counsel for the appellant and Addl. AG on behalf of the respondents present.

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

Adjourned ^{is} 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

08.06.2021

Appellant present through counsel.

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

File to come up alongwith connected appeal No.568/2016 filed by Naz Begum Vs. Government of Khyber Pakhtunkhwa, on 16.09.2021 before D.B.


(Rozina Rehman)
Member (J)



Chairman

16.09.2021

Appellant present through counsel.

Usman Ghani learned District Attorney for respondents present.

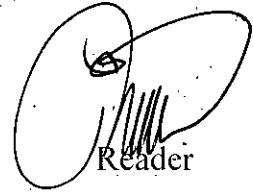
File to come up alongwith connected Service Appeal No.568/2016 titled Naz Begum Vs. Education Department, on 16.12.2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

04.08.2020

Due to summer vacation case to come up for the same on 15.10.2020 before D.B.



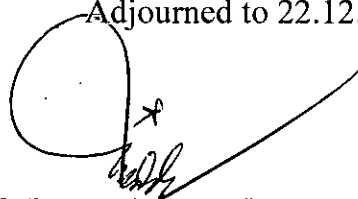
Reader

15.10.2020

Counsel for the appellant is present. Mr. Usman Ghani, District Attorney for respondents is present.

Learned counsel for the appellant seeks adjournment as he has not prepared the brief.

Adjourned to 22.12.2020 for arguments before D.B.



(Mian Muhammad)
Member (E)



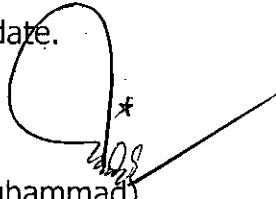
(Rozina Rehman)
Member(J)

22.12.2020

Counsel for the appellant and Addl. AG for the respondents present.

Learned counsel states that there are two other appeals submitted by Mst. Naz Begum and Khadija Bibi involved ^{ing} proposition similar to the one in hand, therefore it would be appropriate to hear all the three appeals together. Other two appeals ^{are} ~~were~~ posted for hearing on 03.03.2021.

Request of learned counsel seems to be reasonable, therefore, this appeal is also adjourned to above noted date.



(Mian Muhammad)
Member(E)



Chairman

30.01.2020

None for the appellant present. Asst: AG 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 10.03.2020 before D.B. Appellant be put on notice for the date fixed.


Member


Member

10.03.2020

Junior to counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Junior to counsel for the appellant requested for adjournment as senior counsel for the appellant is not available today. Adjourn. To come up for arguments 23.04.2020 before D.B.


Member


Member

23.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 04.08.2020 before D.B.


Reader

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 27.11.2019 before D.B.


Member


Member

27.11.2019

Counsel for the appellant present. Addl; AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 30.01.2020 before D.B.


Member


Member


28.1.2019

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

Learned counsel for the appellant requests for adjournment as he could not prepare the brief due to over occupation before the Honourable High Court today.

Adjourned to 08.04.2019 before the D.B.


Member


Chairman

08.04.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 24.06.2019 before D.B.


Member


Member

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

05.07.2018

Junior counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for rejoinder and arguments on 03.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Kundi)
Member

03.09.2018


Appellant absent. Learned counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Fazal Raheem, ADO for the respondents present. Learned counsel for the appellant requested for adjournment to furnish rejoinder. Adjourned. To come up for rejoinder and arguments on 24.10.2018 before D.B.


(M. Amin Khan Kundi)
Member


(M. Hamid Mughal)
Member

24.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 12.12.2018.



Reader

12.12.2018

Nemo for appellant. Mr. Muhammad Riaz Painda Khel, Asstt. A.G alongwith Fazal Rahim, ADO for the respondents present.

On the last date the matter was adjourned through a Reader note on account of the Tribunal being incomplete.

Adjourned to 28.01.2019 for hearing before the D.B. Fresh notices be issued to appellant/counsel.

Noted for 28/01/2019

Counsel. 01/01/19


Member


Chairman

20.02.2018

Clerk of the counsel for appellant and Learned DDA present. None present on behalf of official respondent therefore, fresh notice be issued to the respondent department for attendance. Written reply not submitted despite last opportunities. Requested for further adjournment. Last opportunity further extended subject to payment of cost of Rs. 4000/ which shall be borne by respondent from their own pockets. To come up for written/comments and costs of Rs. 4000/- on 20.02.2018 before S.B.


(Gul Zeb Khan)
Member


22.03.2018

Appellant absent. Learned counsel for the appellant is also absent. However, junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned Additional AG stated that he has personally taken the matter with the DEO (F) Kohistan and requested that the respondents will submit written reply on the next date positively. Last opportunity is further extended. Adjourned. To come up for written reply/comments on 19.04.2018 before S.B.


Member

19.04.2018

Junior counsel for the appellant and Addl: AG alongwith Mr. Fazal Raheem, ADO for the respondents present. Written reply submitted. To come up for rejoinder and arguments on 05.07.2018 before D.B.


Member

19.12.2017

Clerk to counsel for the petitioner present.
No one present on behalf of the respondent
department. Fresh notices along with copies of
appeal be given to the respondents for
10.01.2018


(Muhammad Hamid Mughal)
MEMBER


10.01.2018

Counsel for the appellant present. Mr. Usman Ghani,
District Attorney alongwith Mr. Fazal Rahim, ADO for the
respondents also present. Written reply on behalf of
respondents not submitted despite repeated last
opportunities. Today representative of the department
requested for further adjournment for filing of written reply.
Last opportunity is further extended subject to payment of
cost of Rs. 2000/- which shall be borne by the respondents
from their own pockets. Adjourned. To come up for written
reply/comments and cost of Rs. 2000/- on 23.01.2018 before
S.B.


(Muhammad Amin Khan Kundi)
Member

23.01.2018

Clerk to counsel for the appellant present. Mr. Kabir Ullah
Khattak, Learned Additional Advocate General for the respondents
present. None present on behalf of the official respondents.
Written reply not submitted. Notice be issued to the respondents
for attendance. Adjourned. To come up for written reply/comments
on 20.02.2018 Before S.B


(Muhammad Hamid Mughal)
MEMBER

20.09.2017


Counsel for the appellant and Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 26.10.2017 before S.B


(Ahmad Hassan)
Member

26.10.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hameed-ur-Rehman, AD (litigation) for the respondents also present. Written reply on behalf of respondents not submitted despite last opportunity . Learned Additional AG requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. Adjourned. To come up for written reply/comments and cost of Rs. 1000/- on 22.11.2017 before S.B.

22.11.2017


(Muhammad Amin Khan Kundi),
Counsel for the appellant present. Mr. Usman Ghani,
Member
District Attorney for the respondents also present. Representative of the department is not in attendance therefore, notice be issued to the respondents with direction to direct the representative to attend the court and submit written reply on the next date. Written reply on behalf of respondents not submitted despite extension of last opportunity at the cost of Rs. 1000/-. Learned District Attorney requested for further adjournment. Last opportunity is further extended subject to payment of further cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. Adjourned. To come up for written reply/comments and cost of Rs. 2000/- on 19.12.2017 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

29.05.2017


Appellant Deposited
Security & Process Fee

Counsel for the appellant and Addl. AG for the respondents present. Security and process fee not deposited. Appellant is directed to deposit security and process fee within three days, thereafter notices be issued to the respondents for written reply/comments on 17.07.2017 before S.B.


(AHMAD HASSAN)
MEMBER

05. 17.07.2017

Counsel for the appellant and Additional AG alongwith Mr. Hameed-Ur-Rahman AD (Litigation) for the respondent present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 16.08.2017 before S.B.


(Muhammad Hamid Mughal)
Member

0-----11 16.08.2017


Counsel for the appellant present. Learned Assistant AG for the respondent present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 20.09.2017 before S.B.


(Muhammad Hamid Mughal)
Member

26.04.2017

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was appointed as PST (BPS-05) vide order dated 20.05.2014. While in service the respondents vide order dated 20.11.2014 withdrew his appointment order due willful absence from duty. She preferred departmental appeal on 01.12.2014, which was not respondent within the statutory period, hence the instant service appeal on 29.12.2016. When the learned counsel for the appellant was confronted on the point of limitation and the case being badly barred by time, he placed reliance on 2004 PLC (C.S)1014 and PLC (C.S) 76, wherein it is held with the decision of cases on merits always to be encouraged instead of non-suiting litigants on technical reason including ground of limitation:

Points urged need consideration. Admit. Subject to limitation. Appellant is directed to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 29.05.2017 before S.B.


(Ahmad Hassan)
Member


30.01.2017

Counsel for the appellant present. Seeks adjournment. To come up for preliminary hearing on 20.02.2017 before S.B.


Chairman

20.02.2017

Clerk to counsel for the appellant present. Clerk to counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 09.03.2017 before S.B.


(AHMAD HASSAN)
MEMBER

09.03.2017

Counsel for appellant present. Learned counsel for appellant seeks adjournment. Adjournment granted. To come up for preliminary on 06.04.2017 before S.B.


(ASHFAQUE TAJ)
MEMBER

06.04.2017

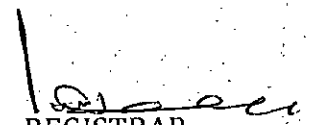


Junior to counsel for the appellant present. Learned senior counsel for the appellant has gone abroad for performing Umra.. Requested for adjournment. To come up for preliminary hearing on 26.04.2017 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1263/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	29/12/2016	<p style="text-align: center;">The appeal of Mst. Robina Naz presented 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> <p style="text-align: center;">2-</p> <p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12-1-17</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-	12.01.2017	<p style="text-align: center;">Counsel for the appellant present. Seeks adjournment. Adjourned for preliminary hearing to 30.01.2017 before S.B.</p> <p style="text-align: right;"> Chairman</p>

SCANNED
KPOT
Peshawar

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal NO. 1263 /2016

RUBINA NAZ

VS

EDUCATION DEPTT:

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APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1263 /2016

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1324

Mst: Rubina Naz, Ex: PST (BPS-12),
Govt: Girls Primary School, Dustam Abad, District Kohistan

Dated 29-12-2016

..... **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 WHEREBY THE APPOINTMENT ORDER DATED 20-05-2014 OF THE APPELLANT HAS BEEN WITH DRAWN WITH EFFECT FROM THE DATE OF ISSUANCE 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 may 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:

- 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-05) 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 the entire satisfaction of her superiors. Copies of the appointment order and charge report are attached as annexure

..... **A & B.**

Filed to-day

Registrar

29/12/16

- 2- That during service an order dated 20-11-2014 was issued against the appellant by the respondent No.3, whereby the appointment order dated 20-05-2014 of the appellant has been withdrawn with effect from the date of appointment on the allegation of absence from duty, though the appellant after her appointment had regularly performed her duty but later on she became ill and after proper check up the concerned doctor informed the appellant that she the patient of Hepatitis "C". That where after the appellant preferred application for medical leave but no response was received from the concerned quarter. Copies of the impugned order dated 20-11-2014, attendance and applications are attached as annexure **C, D and E.**
- 3- That appellant feeling aggrieved from the impugned order dated 20-11-2014 filed Departmental appeal to the appellate authority on 01-12-2014 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:

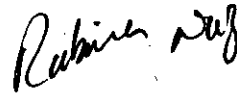
- A- That the impugned order dated 20-11-2014 issued by the respondent No.3 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and 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 no publication whatsoever has been published against the appellant which and as such the impugned order dated 20-11-2014 is not tenable and liable to be set aside.
- H- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 20-11-2014 against the appellant.
- 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: 28.12.2016

APPELLANT



RUBINA NAZ

THROUGH:



NOOR MOHAMMAD KHATTAK

&



**MUHAMMAD MAAZ MADNI
ADVOCATES**

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal NO. _____/2016

RUBINA NAZ

VS

EDUCATION DEPTT:

APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL

R.SHEWETH:

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

GROUND OF APPLICATION:

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

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

APPELLANT

Rubina Naz

RUBINA NAZ

THROUGH:

M
NOOR MOHAMMAD KHATTAK
ADVOCATE

A-52



**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 -500-2000) 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 charge:-

Sl. No.	Name	Father Name	U/Council/District	Home/Address	Place of Posting	Score
3	Nadia Gul	Dost Mohammad Khan	Dubair Payeen Kohistan.	Kuz Kurkoo Dubair Payeen Tehsil Pattan District Kohistan.	GGMS Jijal	86.89
1	Halima Noreen	Mohammad Hanceef	District Manshira	P/O Oghi Dhara District Manshira	GGPS - Aisar Abad	87.26
1	Shah Barkat	Fazal Raheem	District Swat	Jan kolai P/O Khawaza Khela Tehsil Matta District Swat.	GGPS BK Ranolia	78.44
14	Gul Jan	Haroon	Harran Kohistan.	Guli Bagh P/O Shilkhan Abad Tehsil Palas District Kohistan.	GGPS Badakoat	54.03
2	Irrum Rasheed	Abdul Rasheed	Manshira	Shergarh Oghi Manshira	GGPS Bankhad Village	73.82
5	Sumira	Hikmat	Sharaid Kohistan.	Kundal U/C Sharaid Tehsil Palas District Kohistan.	GGPS Bar Komila	91.32
2	Saima Sadeeq	Mohammad Sadeeq	Manshira	Mongan P/O Machi Pal District Manshira.	GGPS Bar Komila	104.92
3	Tohida Bibi	Fazal Rahman	Manshira	Dharyal Manshira	GGPS Bar Komila	104.89
1	Bibi Hanifa	Rustum	Sharaid Kohistan.	Kundal Tehsil Palas District Kohistan.	GGPS Bar Yangool	69.71
2	Zainab Bibi	Mohammad Iqbal	Sharakoat Kohistan.	Sharakot Tehsil Palas District Kohistan.	GGPS Bari Shaba	60.60
1	Naz Begum	Mohammad Essa	Dubair Payeen Kohistan.	Khurkoo Dubair Payeen Tehsil Pattan District Kohistan.	GGPS Bela Dubair.	94.32
1	Rakhshanda Jabeen	Mohammad Nawaz	Manshira	Ghanoool Balakot Manshira.	GGPS Chawa Khass	79.42
9	Kalsoom Bibi	Bakht Karam	Swat	Toheed Colony Faiz Abad Saidu Shereef District Swat.	GGPS Chawa Khass	51.25
3	Uzma Bibi	Mohammad Riaz	Manshira	Upper Jabri Manshira	GGPS Chawa Seena Khel	81.60
4	Sonia Sabar	Sabir Hussain	Manshira	Margal Balakot Manshira	GGPS Chawa Seena Khel	81.29
5	Gul Nasreen	Ghulam Sarwar	Manshira	Dharyal Manshira	GGPS Chawa Seena Khel	80.98
17	Kiran Rahman	Fazal Rahman	Bar Paro Kohistan.	Bar Paro Palas Kohistan.	GGPS Dassu Colony	73.33
12	Saima Kosar	Shahzada	Kuz Jalkot Kohistan.	Dassu Colony Kohistan.	GGPS Dassu Colony	59.62

ATTESTED

[Signature]

[Signature]
District Education Officer
Female Kohistan

18	2260444	Rukhsana Sadiq	Mohammad Sadiq	Manshra	P/o Kotli Bala Tehsil & District Manshra	GGPS Dassu Village	73.49
18	2260068	Kalsoom Bibi	Sadiq Shah	Manshra	Shohal Mazullah District Manshra	GGPS Dassu Village	71.47
21	2260476	Aqeela Banu	Mirdad Khan	Manshra	Dharyal Manshra	GGPS Dassu Village	73.69
7	2260518	Perveen Bibi	Abdul Kamal	Dubair Payeen Kohistan.	Jaag Dubair Payeen Kohistan.	GGPS Dubair Village	74.89
2	2660920	Tahmina Rehman	Noor Rehman	Manshra	Sham dhara Oghi Manshra	GGPS Dubair Village	72.26
2	2260505	Robina Naz	Noor Zada	Shangla	Kolalai District Shangla	GGPS Dustum Abad	72.20
3	2260060	Nazia Yousaf	Qazi Mohammad Yousaf	Manshra	Shohal Najaf Khan Balakot Manshra.	GGPS Faridoon Abad	71.02
3	2260079	Kanza Yousaf	Yousaf Raza	Manshra	Maloga Oghi District Manshra	GGPS Gabir Ranolia	77.71
1	2260455	Jamila Khatoon	Muhammad Qasim	Manshra	Nika Bari Jareed Balakot	GGPS Gambeer	76.63
	1161112	Zenat Ali	Muhammad W...	Shilkhan Abad	Ghazi Abad Tehsil Palas Kohistan.	GGPS Ghazi Abad	73.25
	2260512	Bibi Teja	Rahmat Ali	Manshra	Kaghan P/o Naran Manshra	GGPS Goshali	72.30
	2661062	Sahiba Bibi	Ghulam Hussain	Manshra	Balakot mangli Manshra	GGPS Goshali	77.81
	2260548	Sajida 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	71.38
13	2260567	Jamila Bibi	Shir Jan	Dubair Payeen Kohistan.	Khurkoo Dubair Payeen Tehsil Pattan District Kohistan.	GGPS Jaag Dubair	73.67
1	2260447	Halisba Faryal	Mohammad Yousaf	Manshra	Dhara Oghi Manshra	GGPS Jalkoat Vill	72.24
15	2260469	Noorun Nisa Bibi	Rahmat Wali Khan	Manshra	Shohal Najaf Khan Balakoat Manshra	GGPS Jandar Koat	74.61
6	2260482	Benzээр	Abdul Qadir	Khota Koat Kohistan.	Kareen Gaddar Bar Palas Kohistan.	GGPS Kanoi	75.87
	2260487	Nizakat Bibi	Zafran Khan	Manshra	Kotli Bala Manshra	GGPS Kass Banda	72.88
0	2260502	Anila Sarwar	Ghulam Sarwar	Manshra	Dharyal Oghi-Manshra	GGPS Kass Banda	73.35
9	2660954	Bibi-Asima Idrees	Mohammad Idrees	Manshra	Chitta Batta Manshra	GGPS Kass Banda	75.72
3	2260449	Nasim Akhtar	Khan Jahan	Keyal Kohistan.	Swar steel Kial Pattan Kohistan.	GGPS Keru	76.18
11	2260503	Noshеch	Ghulam Sarwar	Manshra	Dharyal Manshra	GGPS Lal Abad	76.74
42	2260547	Aisha Bibi	Azizur Raliman	Manshra	Arban Bhangian Balakot	GGPS Maida Kolai	73.44
43	2660906	Kalsoom Bibi	Mohammad Azam	Manshra	Banda Khait Balakot Manshra	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.

2

ATTESTED

District Education Officer
Feroz Kohistan

Pay will not be drawn until and unless a certificate to the effect by DEO is issued that her certificates are verified.

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.

Health and Age Certificate should be produced from the Medical Superintendent Kohistan before taking over charge.

- 0. She will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 1. 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 proceeded under the rules framed from time to time.
- 2. 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.
- 3. 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.
- 4. 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

Dist. No. BOS-SS/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.O (Female) Kohistan
- 6. ASD/O (Female) Circle Concerned
- 7. Official Concerned.
- 8. Office File

[Handwritten Signature]
DISTRICT EDUCATION OFFICER,
(FEMALE) KOHISTAN

ATTESTED

[Handwritten Signature]

No 457

8

MEDICAL CERTIFICATE

Name of Official..... Rubina Naz
 Caste or race..... Akhan Khail Pathan
 Father's name..... Noor Zada
 Residence..... village Kalalai p/o Alach
Tehsil Pura District Shangla
 Date of Birth..... 15-03-1993
 Exact height by measurement... 5'2"
 Personal mark of identification.....
 Signature of the Official..... Rubina Naz
 Signature of head of office.....

[Signature]
 Seal of O.G. DSO (Female)
 Primary Kohistan

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

I do not consider this as disqualification for employment in the office of the..... Education Deptt Rawlston His age according to his own statement... 21 year and by appearance about 21 year.

CNIC: 13500-6716748-8
 ME. would star with some red mark to Rt Eye
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LEFT HAND THUMB AND FINGER IMPRESSIONS.....

ATTESTED

[Signature]
 Medical Superintendent
 Civil Hospital

[Signature]

چارج رپورٹ

B-9

صاحب ضلع کوہستان DEO (F) صاحب انعام جناب

تقرری آرڈر نمبر 805-55

تاریخ 12/01/2014 کی تکمیل میں آج بمقام 23 کوئٹہ ازود پور

کا چارج سنبھال کر ڈیوٹی PST میں اپنی منصبیت G.G.P.S-Dustum Abad

کا آغاز کر دیا۔

لہذا چارج رپورٹ حاضر خدمت ہے۔

چارج گریہندہ Rubina Naz

چارج دہندہ Nabila Umar

Head Mistress
G.G.P.S Dustum Abad
Distt: Kohistan

Assistant Sub-Divisional
Education officer (F)
Sirele Pattan Distt: Kohistan

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8
C-10
✓

OFFICE OF THE DISTRICT EDUCATION OFFICER, (FEMALE) KOHISTAN.

Ph: & Fax No.0998407225

Where as you Robina Naaz D/O Noor Zada R/O Kulalai Tehsil Puran P/O Puran District Shanglawere 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. 24, 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 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 Dustum Abad, is hereby with drawn with effect from the date of issue, in default of non compliance of the appointment order.

*District Education Officer
(Female) Kohistan.*

Endst No.5/Estt; 2074 / DEO (F) dated 20/11 /2014.

Copy of the above is forwarded to:

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

*District Education Officer
(Female) Kohistan.*

ATTESTED

[Signature]

D-11

کشیور
پست
PST
PST
قومی شناختی کارڈ نمبر:
فون نمبر:

نمبر	نوع	روزانہ	رہنما	آمد	رہنما	روزانہ	رہنما	آمد	رہنما	روزانہ	رہنما	آمد	رہنما
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Mabilla Omar
Head Mistress
G.P.S Dustam Abadi
Distt: Kohistan

ATTESTED



Head Mistress
G.P.S Dustam Abadi
Distt: Kohistan

چتر گھاٹی مل (پرائیویٹ) لمیٹڈ
 3-3-جی ایئر کونڈیشننگ آرڈر بابت ماہ جون سال 2014

لشور ہوا گرمی	نبیلہ عمر ہوا گرمی	رو بینہ ناز ہوا گرمی
عہدہ: پیپر سٹریٹس	PST	PST
قومی شناختی کارڈ نمبر:		
فون نمبر:		

روز	دستخط	رواگی	دستخط	رواگی	دستخط	رواگی	دستخط	رواگی	دستخط	روز
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14		لشور	7:30	نبیلہ	12:30	7:30	نبیلہ	12:30	7:30	لشور
15										
16		لشور	7:30	نبیلہ	12:30	7:30	نبیلہ	12:30	7:30	لشور
17		لشور	7:30	نبیلہ	12:30	7:30	نبیلہ	12:30	7:30	لشور
18		لشور	7:30	نبیلہ	12:30	7:30	نبیلہ	12:30	7:30	لشور
19										
20		لشور	7:30	نبیلہ	11:30	7:30	نبیلہ	11:30	7:30	لشور
21		لشور	7:30	نبیلہ	12:30	7:30	نبیلہ	12:30	7:30	لشور
22										
23		لشور	7:30	نبیلہ	12:30	7:30	نبیلہ	12:30	7:30	لشور
24		لشور	7:30	نبیلہ	12:30	7:30	نبیلہ	12:30	7:30	لشور
25		لشور	7:30							
26		لشور	7:30	نبیلہ	12:30	7:30	نبیلہ	12:30	7:30	لشور
27		لشور	7:30	نبیلہ	12:30	7:30	نبیلہ	12:30	7:30	لشور
28		لشور	7:30	نبیلہ	12:30	7:30	نبیلہ	12:30	7:30	لشور
29										
30		لشور	7:30	نبیلہ	12:30	7:30	نبیلہ	12:30	7:30	لشور
31										

موزان	موزان	موزان	موزان	موزان	موزان	موزان	موزان	موزان	موزان
حالت	حالت	حالت	حالت	حالت	حالت	حالت	حالت	حالت	حالت
موزان	موزان	موزان	موزان	موزان	موزان	موزان	موزان	موزان	موزان

ATTESTED

(Signature)

خدمت جناب (DEO) ضلع ایلویشی انڈسٹریل ایریا سیکنڈری ایجوکیشن ضلع کوہستان

(15) F جناب عالیہ!


مؤدبانہ گزارش کیجاتی ہے۔ کہ آپ کی طرف سے جاری کردہ ایک نوٹس میں
 جس میں آپ صاحبان مجھے سکول سے غیر حاضر تصور کیا ہے۔ اور مجھے ڈیوٹی
 پر حاضر ہونے کو کہا ہے۔ جیسا کہ آپ کو معلوم ہے۔ کہ میں اپنے ڈیوٹی کا
 فرانسس سر انجام دے رہی تھی۔ کہ اس دوران مجھے ہیپٹائٹس ہو گیا۔ جو کہ
 شدید نوعیت کا تھا۔ تو اس وجہ سے ڈاکٹروں سے مجھے آرام کرنے کا مشورہ
 دیا تھا۔ تو اس دوران میں اپنے سکول جی جی ایس ڈسٹم آباد سیکنڈری
 کو بھی درخواست کا ذریعہ صورت حال سے آگاہ کر چکی ہوں اور اپنے حکم تعلیم کے
 (DEO) نام بھی درخواست دے چکی ہوں، کہ میری صحت یابی تک مجھے چھٹی
 عنایت فرمائیں۔ تو میری بیماری کی وجہ سے مجھے غیر حاضر تصور کیا گیا ہے۔
 لہذا میری بیماری کی تمام میڈیکل رپورٹس درخواست کے ساتھ لفٹ میں
 جو ننگ اب میں اپنے ڈیوٹی کے فرانسس اعلیٰ طریقہ ادا کر رہی ہوں، اور
 انڈسٹریل ایریا صاحبان کو کسی قسم کی شکایت نہیں ملے گی۔
 اس لئے آپ کی خدمت میں التماس ہے۔ کہ ایک عورت ہونے کے ناطے میری تخریب
 جاری ہونے کی احکامات جاری فرمائیں۔ تاکہ میں اپنے ڈیوٹی کے فرانسس اعلیٰ طریقہ
 ادا کر سکوں۔

نوٹری سربراہی ہوگی۔

We Rubina Naz
 Headmistress
 G.G.P.S. Dustam, Abad
 Distt: Kohistan

فقو
 العارضہ

روبینہ ناز - PST
 جی جی ایس ڈسٹم آباد کوہستان

ATTESTED


مورخہ - 2014 - 12 - 1

محترم صاحبہ، ڈسٹرکٹ ہیڈ ماسٹریس صاحبہ گورنمنٹ گرلز ہائی اسکول دستم آباد

صاحبہ عالیہ

گزارش لکھی ہے کہ مجھے پینٹنگس لگ چکی ہیں۔
اور مجھے کافی تکلیف ہے۔ اور پینٹنگوں سے مجھے دو ماہ
کیلئے آرام کا مسورہ دیا ہے۔ کیونکہ مجھے بہت تکلیف ہے۔

اس لئے آپ صاحبان کو اطلاع دیکھی ہے۔ کہ مجھے میری
صحت یا تکلیف سے غائب فرمائیں۔ اور میں یہ
ڈی ای او فیمیل والوں کو بھی درخواست کر ذریعہ مطلع کیا ہے

تو سہی میری ہوتی۔

Attested
Nabila Umar
Head Mistress
G.G.P.S Dustanabad
Dist: Kohistan

فقو

العارضہ

روبینہ ناز PST

G.G.P.S دستم آباد کوہستان

مورخہ - 30/08/2014

ATTESTED



خزانتہ جناب DEOLFA صاحبہ ایڈمنسٹریٹو اینڈ سیکرٹری ایجوکیشن ضلع کوہستان

صاحبہ عالیہ

موردبانہ القاسم ہے۔ کہ روئینہ ناز PST گورنمنٹ گریڈز پرائمری سکول دستم آباد ضلع کوہستان میں اپنے ڈیوٹی کے فرائض سر انجام دے رہی ہے۔ اب چونکہ آپ صاحبان کو مطلع کیا جاتا ہے کہ سائیکل کو پیشا ٹنشن لگ چکی ہے۔ اور ایسی ڈاکٹر سے $\frac{2}{3}$ ماہ کے لئے آرام کا مسورہ دیا ہے۔ کیونکہ سائیکل کو مسوریہ تکلیف ہے۔

اس کے اثر سے صاحبان صبر پائی کر سائیکل کو $\frac{2}{3}$ ماہ تک چھٹی عنایت فرمائیں تاکہ سائیکل مکمل طور پر صحت یاب ہو سکے۔
یو عین نواز جی پورٹ

فقہا

العالمہ

Nabila Umar
Head Mistress
G.G.P.S Dustam Abad
Distt: Kohistan

ATTESTED

روئینہ ناز PST 30/08/2014

G.G.P.S دستم آباد کوہستان

مورخہ - 30/08/2014

اپیل :- برائے بحالی روہینہ ناز PST جی بی بی ایس دستم آباد کوہستان

جناب عالی!

انجمنی معذرت کے ساتھ التماس ہے۔ کہ روہینہ ناز PST دختر نورزادہ پورن شانگلہ کی رہائشی ہے۔ بحیثیت PST گورنمنٹ گرلز پرائمری سکول دستم آباد کوہستان میں این بی ایس کے ذریعے 20/05/2014 کو بھرتی ہوئی ہوں۔ تقرری کے بعد میں محکمہ تعلیم کے تمام لوازمات پوری کر کے اپنی ڈیوٹی سرانجام دے رہی ہوں۔ لیکن دور دراز علاقوں میں ڈیوٹی ہونے کی وجہ سے مجھے اچانک شدید نوعیت کا پیپائٹس ہو گیا تھا۔ تو اس وجہ سے ڈاکٹروں نے مجھے علاج معالجہ کے لیے آرام کرنے کا مشورہ دیا۔ اس کے بعد میں نے اپنی بیماری کی درخواست محکمہ تعلیم DEO(F) کوہستان اور سکول میں موجود دوسری استانی کو بھی بھیجا تھا۔ تاکہ مجھے بیماری کی وجہ سے چھٹی عنایت فائز جائیں۔ لیکن چند دنوں کے بعد انہوں نے مجھے غیر حاضر تصور کر کے نوکری سے برطرفی کا نوٹس بھیجا ہے۔ جو کہ سراسر ظلم اور زیادتی پر مبنی ہے۔ لہذا میری بیماری کی تمام میڈیکل رپورٹ اور ڈیوٹی کے ثبوت درخواست کے ساتھ لف ہیں۔

لہذا آپ صاحبان سے استدعا کی جاتی ہے کہ ایک عہدت ہونے کی بنا پر میری بھرتی اور مجبوری کو مد نظر رکھ کر میری نوکری پر بحالی اور تھما ہوں کی ادائیگی کے لیے DEO(F) کوہستان کو نوٹیفیکیشن جاری فرمائیں۔ اور انشاء اللہ میرا وعدہ ہے۔ کہ آئندہ کسی قسم کی ڈیوٹی سے غفلت کا سہارا نہیں ہونے دیں گے۔ لیکن خدا کے واسطے ہمیں ایک موقع فراہم کریں۔

تو میں آپ کو زندگی بھر دعا کریں دیتی رہوں گی۔

Rubina Naz
Head Mistress
G.G.P.S Dustam/Abadi
Distt: Kohistan

ATTESTED

DEO(F)
Kohistan.

روہینہ ناز بی بی پی ایس دستم آباد کوہستان

مورخ :- 01-12-2014

Director EAST
Plz consider the appeal
as per policy as desired
by Hon'ble Minister EAST.

Please submit
detailed report.

29/12/2014

Personal Assistant to the
Elementary Education
Education and Employment
Khyber Pakhtunkhwa

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar
1263 OF 2016

Rubina Naz

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Rubina Naz

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
06/02/2022

Rubina Naz

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
(ADVOCATE)

Muhammad Maaz Madni

Muhammad Maaz Madni
Advocate

OFFICE:

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

Phone: 091-2211391

Mobile No.0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

APPEAL NO 1263 OF 2016

Mst: Robina Naz -----

Appellant

VERSUS

1. Secretary (E&S) Education Govt: of Khyber Pakhtunkhwa Peshawar
2. Director Elementary & Secondary Education KPK Peshawar
3. District Education Officer (F) District Kohistan

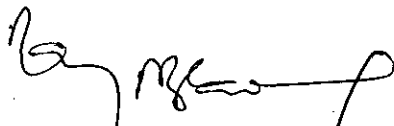
Respondents

PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS NO 1,2&3

INDEX

S#	Particulars of documents	Annexure	Pages
1	Comments along with affidavit		1-4
2	Copy of appointment order	A	5-7
3	Copy of withdrawn order	B+C	8-9

Dated 18-01-2018


Respondent No.3
District Education Officer
Female Kohistan

22/1/18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

APPEAL NO 1263 OF 2016

Mst: Robina Naz -----

Appellant

VERSUS

4. Secretary (E&S) Education Govt: of Khyber Pakhtunkhwa Peshawar
5. Director Elementary & Secondary Education KPK Peshawar
6. District Education Officer (F) District Kohistan

Respondents

PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS NO 1,2&3

Respectfully Sheweth:

PRILIMINARY OBJECTIONS:-

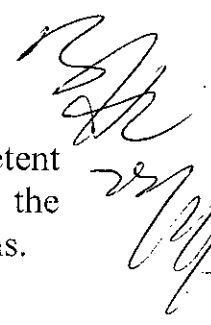
1. That the appellant has not come to this Honorable Court with clean hands.
2. That the appellant has got no cause of action/ locus standi to file the instant appeal.
3. That the appeal has been filed to pressurize the respondents.
4. That the appellant is estopped to sue through her own conduct.
5. That the present appeal is not maintainable due to mis-joinder and non-jonder of necessary parties.
6. That the appellant has concealed the material facts from this Honourable Court.
7. That the appointment order of the appellant has been withdrawn vide Endstt: No.2074 dated 20-11-2014 due to fake arrival report and did not attend the school duty till the date of withdrawl of her order, hence the appeal is liable to be dismissed.
8. That the competent authority has withdrawn the order of the appellant after fulfillment of all codal formalities, hence the instant appeal is liable to be dismissed.
9. That the appellant authority has also rejected his appeal; hence the instant appeal is liable to be dismissed
10. That any other ground & case law will be submitted at the time of humble submissions at the bar.
11. That the appellant is not a civil servant as she has got only a fake arrival report and did not joined her duty at the school.

[Handwritten signature]
22/11/18

Factual Objections:

1. Para No 1 is incorrect, strongly denied with the facts that as per contents of withdrawal order of the appellant, the appellant was appointed as PST bearing Endstt: No.805-55/F.No.5/PST/ Adhoc/Appointment dated 20-05-2014 at s.No.24 at GGPS Dustum Abad, but as per condition of the appointment order at S.No.8 the appellant have to join her duty at the school within 10 days, which was not obeyed by the appellant and she did not attended her duty at the school.**(Copy of appointment order is annexed as annexure –A)** The appellant has submitted Fake / Bogus and self-made record i.e. teacher attendance register and arrival report Copies to this Honourable Court without any Signatures/ acceptance of the competent authority.
2. Para No 2 is incorrect, strongly denied with the facts that the appellant submitted a fake arrival report and did not attend the School with in the specified period as per her appointment order condition No.24.The appellant cannot be considered a civil servant without her arrival and performing duty, then how she can get medical leave. **(copy of withdrawn order is annexed as annexure –B) enquiry report of SDEO as annexure-C**
3. Para No 3 is incorrect, strongly denied with the facts that the appellant has not been aggrieved by the respondents and she seeks extra ordinary relief.

GROUNDS

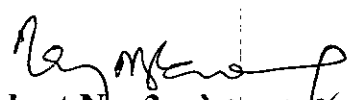
- A. Incorrect, strongly denied with the facts that the action of the competent authority is under the law and rules and the appointment order of the appellant was withdrawn as stated in Para No1 above of factual objections.
 - B. Incorrect, strongly denied with the facts that the action of the competent authority is under the law and rules and the appointment order of the appellant was withdrawn as stated in Para No1 above of factual objections.
 - C. Incorrect strongly denied that the appointment order of the appellant was withdrawn as stated in Para No1 above of factual objections.
 - D. Incorrect, strongly denied with the facts as stated in Para No1 & 2 above of factual objections.
 - E. Incorrect strongly denied with the facts as stated in Para No1 & 2 above of factual objections.
 - F. Incorrect strongly denied with the facts as stated in Para No1 & 2 above of factual objections.
- 


G. Incorrect strongly denied with the facts as stated in Para No1 & 2 above of factual objections.


H. Incorrect strongly denied with the facts that the action of the competent authority is strictly under the law and rules as stated in Para No1 & 2 above of factual objections.

I. That the respondents seek permission for arguing the other points at the time of arguments.

It is therefore, in the light of above stated facts and circumstances, Very humbly prayed that the appeal in hand may please be dismissed with cost.


Respondent No. 3
District Education Officer
(Female) Kohistan


DIRECTOR
Elementary and secondary Education
Khyber Pakhtun Khawa peshawar


SECRETARY
Elementary and secondary Education
Khyber Pakhtun Khawa peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

APPEAL NO 1263 OF 2016

Mst: Robina Naz

Appellant

VERSUS

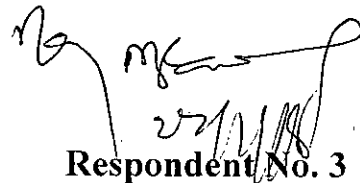
7. Secretary (E&S) Education Govt: of Khyber Pakhtunkhwa Peshawar
8. Director Elementary & Secondary Education KPK Peshawar
9. District Education Officer (F) District Kohistan

Respondents

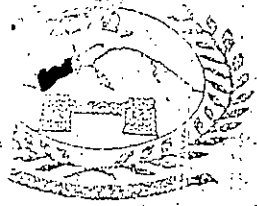
PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS NO 1,2&3

AFFIDAVIT.

I, Raj Mohammad DEO (Female) Kohistan do hereby solemnly affirm and declare that the contents of Para wise comments in the above titled case are true and correct to the best of my knowledge and belief, and that nothing, material has been suppressed from this Honourable court.



**Respondent No. 3
District Education Officer,
(Female) Kohistan**



A-50

**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 as follows on the availability of local qualified candidates, the candidates from the adjacent Districts in BPS-12 @ (Rs. 7000-5000) of 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 charge:-

No.	Name	Father Name	U/Council/District	Home/Address	Place of Posting	Score
3	Nadia Gul	Dost Mohammad Khan	Dubair Payeen Kohistan.	Kuz Kurkoo Dubair Payeen Tehsil Pattan District Kohistan.	GGMS Bijal	86.89
1	Halima Noreen	Mohammad Hanceef	District Manshara	P/O Oghi Dhara District Manshara	GGPS Afsar Abad	87.25
1	Shah Barkat	Fazal Raheem	District Swat	Jan kolai P/O Khawaza Khela Tehsil Matta District Swat.	GGPS Ranolia BK	78.54
14	Gul Jan	Haroon	Harran Kohistan.	Guli Bagh P/O Shilkhan Abad Tehsil Palas District Kohistan.	GGPS Badakeat	81.92
2	Irrum Rasheed	Abdul Rasheed	Manshara	Shergarh Oghi Manshara	GGPS Bankhad Village	78.82
5	Sumira	Hikmat	Sharaid Kohistan.	Kundal U/C Sharaid Tehsil Palas District Kohistan.	GGPS Bar Komila	91.32
2	Saima Sadeeq	Mohammad Sadeeq	Manshara	Mongan P/O Machi Bol District Manshara.	GGPS Bar Komila	104.92
3	Tohida Bibi	Fazal Rahman	Manshara	Dharyal Manshara	GGPS Bar Komila	104.89
1	Bibi Hanifa	Rustum	Sharaid Kohistan.	Kundal Tehsil Palas District Kohistan.	GGPS Bar Yangool	89.71
2	Zainab Bibi	Mohammad Iqbal	Sharakot Kohistan.	Sharakot Tehsil Palas District Kohistan.	GGPS Bar Shaba	80.65
1	Naz Beguim	Mohammad Essa	Dubair Payeen Kohistan.	Khurkoo Dubair Payeen Tehsil Pattan District Kohistan.	GGPS Bela Dubair	84.32
1	Rakhshanda Jabeen	Mohammad Nawaz	Manshara	Chanool Balakot Manshara.	GGPS Chawa Khass	79.42
9	Kalsoom Bibi	Bakht Karam	Swat.	Toheed Colony Faiz Abad Saidu Sharcof District Swat.	GGPS Chawa Khass	51.25
3	Uzma Bibi	Mohammad Riaz	Manshara	Upper Jabri Manshara.	GGPS Chawa Secna Khel	81.60
4	Sonia Sabar	Sabir Hussain	Manshara	Mangal Balakot Manshara.	GGPS Chawa Secna Khel	81.29
5	Gul Nasreen	Ghulam Sarwat	Manshara	Dharyal Manshara.	GGPS Chawa Secna Khel	80.98
6	Kiran Rahman	Fazal Rahman	Bar Paro Kohistan.	Bar Paro Palas Kohistan.	GGPS Dassu Colony	73.89
12	Saima Kosar	Shahzada	Kuz Jalkot Kohistan.	Dassu Colony Kohistan.	GGPS Dassu Colony	59.52

ATTESTED

[Handwritten Signature]

[Handwritten Signature]
District Education Officer
Female Kohistan
14

2260068	Rukhsana Sadiq	Mohammad Sadiq	Manshehra	P/o Kotli Bala Tehsil & District Manshehra	GGPS Dussu Village	3.49
2260076	Kalloom Bibi	Sadiq Shah	Manshehra	Shohal Mazullan District Manshehra	GGPS Dussu Village	3.7
2260518	Aqeela Banu	Mirdad Khan	Manshehra	Dharyal Manshehra	GGPS Dussu Village	3.69
2260920	Perveen Bibi	Abdul Kamil	Dubair Payeen Kohistan	Jaag Dubair Payeen Kohistan	GGPS Dubair Village	3.89
2260505	Tahmina Rehman	Noor Rehman	Manshehra	Sham dhara Oghi Manshehra	GGPS Dubair Village	3.26
2260505	Robina Naz	Noor Zada	Shangla	Kolalai District Shangla	GGPS Dustum Abad	3.20
2260060	Nazia Yousaf	Qazi Mohammad Yousaf	Manshehra	Shohal Najaf Khan Balakot Manshehra	GGPS Faridoon Abad	3.02
2260079	Kanza Yousaf	Yousaf Raza	Manshehra	Maloga Oghi District Manshehra	GGPS Gabir Ranolia	3.71
2260455	Jamila Khaloon	Muhammad Qasim	Manshehra	Nika Bari Jarced Balakot	GGPS Gambeer	3.63
2260512	Zenat	Muhammad	Shilkhan Abad	Chazi Abad Tehsil Palas Kohistan	GGPS Ghazi Abad	3.25
2261062	Bibi Zeja	Rahmat Ali	Manshehra	Kaghan P/o Naran Manshehra	GGPS Goshali	3.30
2260513	Sahib Bibi	Ghulam Hussain	Manshehra	Balakot mangli Manshehra	GGPS Goshali	3.81
2261348	Sajida Hisan	Urfi Ehsanullah	Swat	Bar Shwa Matta Swat	GGPS Goshali	3.11
2260567	Rabia Bibi	Rustum Khan	Sharaid Kohistan	Sharaid Tehsil Palas Kohistan	GGPS Gulab Abad	3.38
2260447	Jamila Bibi	Shir Jan	Dubair Payeen Kohistan	Khurkoo Dubair Payeen Tehsil Pattan District Kohistan	GGPS Jaag Dubair	3.67
2260469	Falisba Faryal	Mohammad Yousaf	Manshehra	Dhara Oghi Manshehra	GGPS Jaikoot Vill	3.24
2260482	Noorun Nisa Bibi	Rahmat Wali Khan	Manshehra	Shohal Najaf Khan Balakoat Manshehra	GGPS Jandar Koat	3.61
2260487	Benazir	Abdul Qadir	Khota Koat Kohistan	Kareen Gaddar Bar Palas Kohistan	GGPS Kanol	3.87
2260502	Nizakat Bibi	Zafran Khan	Manshehra	Kotli Bala Manshehra	GGPS Kass Banda	3.88
2260954	Anila Sarwar	Ghulam Sarwar	Manshehra	Dharyal Oghi Manshehra	GGPS Kass Banda	3.35
2260449	Bibi Asima Idrees	Mohammad Idrees	Manshehra	Chitta Batta Manshehra	GGPS Kass Banda	3.72
2260503	Nasim Akhtar	Khan Jahan	Keyal Kohistan	Swar steel Kial Pattan Kohistan	GGPS Keru	3.18
2260547	Nosheen	Ghulam Sarwar	Manshehra	Dharyal Manshehra	GGPS Lal Abad	3.74
2260906	Aisha Bibi	Azizur Rahman	Manshehra	Arban Bhangian Balakot	GGPS Maidan Kolai	3.44
2260906	Kalloom Bibi	Mohammad Azam	Manshehra	Banda Khait Balakot Manshehra	GGPS Sigloo	3.23

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.

2

ATTESTED

[Handwritten signature]

[Handwritten signature]

District Education Officer
Feroze Kohistan

[Handwritten initials]

DISTRICT EDUCATION OFFICER
(FEMALE) KOKHISTAN

ATTESTED

(*Razan M. Khan*)
DISTRICT EDUCATION OFFICER
(FEMALE) KOKHISTAN

File No. 55-55/PST/Adhoc /appointment/Dated Kohistan the 20 May 2014

1. The Director, Elementary & Secondary Education Peshawar.
2. District Accounts Officer Kohistan
3. Head Mistress School concerned
4. PA to Secretary Khayber Pakhtunkhwa ESSE Department Peshawar
5. S.D.O (Female) Kohistan
6. ASD:O (Female) Circle Concerned
7. Official Concerned
8. Office file

Copy forwarded for information and necessary action to the:

and be drawn up and unless a certificate to the effect (by DHO) is issued that her certificate is valid for her post within 10 days of the issuance of this notification. In case of failure to join then within 10 days of the issuance of this notification, her appointment will expire automatically and no appeal etc shall be entertained.

Her services shall be terminated at any time, in case her performance is found unsatisfactory during the contract period. In case of mismanagement she shall be provided under the rules framed from time to time.

Her appointment is made on School based, she will have to serve at the place of posting, and her services is not transferable to any other station.

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.

Before handing over charge she will sign an agreement with the department, otherwise this order will not be valid.

(7)

OFFICE OF THE DISTRICT EDUCATION OFFICER, (FEMALE) KOHISTAN.

Ph: & Fax No.0998407225

Subj
Me

Where as you Robina Naaz D/O Noor Zada R/O Kulalai Tehsil Puran P/O Puran Dikstrict Shanglawere Appointed as PST teacher in reponse of your application and conduct of test/interveiw.

Where as, as per condition of the appointment order at S.No. 24 ,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 issud 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 Dustum Abad, 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; 2074 / DEO (F) dated 20/11 /2014.

Copy of the above is forwarded 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. Master File.

*District Education Officer
(Female) Kohistan.*

ATTESTED

The Student Education Officer, the District

has advised regarding the performance of study

and stated that the students, who appeared in the examination, on whom the study

reports have been submitted to the District

Office of the District Officer, are as follows:

1. Name of the student: ASOBA

2. Name of the study: They submitted their study reports with

1. Sumera Psi ^{False Discrepancy} G.P.O. Baranwala S.No. 6

2. Bibi Marifa " Baranwala " 9

3. Naz Begum " Baranwala " "

4. Mahamud Ali " Dastan Abad " 24

5. Fatma Bibi " Gulab Abad " 32

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

Supervisor

Pl. Issue with attached documents

19/1/2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

APPEAL NO 1263 OF 2016

Mst: Robina Naz -----

Appellant

VERSUS

1. Secretary (E&S) Education Govt: of Khyber Pakhtunkhwa Peshawar
2. Director Elementary & Secondary Education KPK Peshawar
3. District Education Officer (F) District Kohistan

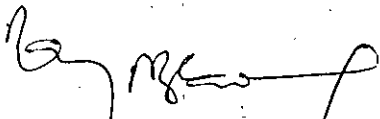
Respondents

PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS NO 1,2&3

INDEX

S#	Particulars of documents	Annexure	Pages
1	Comments along with affidavit		1-4
2	Copy of appointment order	A	5-7
3	Copy of withdrawn order	B	8

Dated 18-01-2018


Respondent No.3
District Education Officer
Female Kohistan

22/1/18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

APPEAL NO 1263 OF 2016

Mst: Robina Naz

Appellant

VERSUS

4. Secretary (E&S) Education Govt: of Khyber Pakhtunkhwa Peshawar
5. Director Elementary & Secondary Education KPK Peshawar
6. District Education Officer (F) District Kohistan

Respondents

PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS NO 1,2&3

Respectfully Sheweth:

PRILIMINARY OBJECTIONS:-

1. That the appellant has not come to this Honorable Court with clean hands.
2. That the appellant has got no cause of action/ locus standi to file the instant appeal.
3. That the appeal has been filed to pressurize the respondents.
4. That the appellant is estopped to sue through her own conduct.
5. That the present appeal is not maintainable due to mis-joinder and non-joinder of necessary parties.
6. That the appellant has concealed the material facts from this Honourable Court.
7. That the appointment order of the appellant has been withdrawn vide Endstt: No.2074 dated 20-11-2014 due to fake arrival report and did not attend the school duty till the date of withdrawl of her order, hence the appeal is liable to be dismissed.
8. That the competent authority has withdrawn the order of the appellant after fulfillment of all codal formalities, hence the instant appeal is liable to be dismissed.
9. That the appellant authority has also rejected his appeal, hence the instant appeal is liable to be dismissed
10. That any other ground & case law will be submitted at the time of humble submissions at the bar.
11. That the appellant is not a civil servant as she has got only a fake arrival report and did not joined her duty at the school.

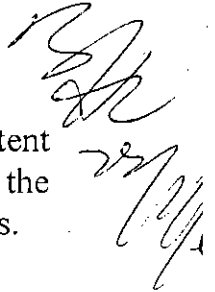
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27/11/18

Factual Objections:

1. Para No 1 is incorrect, strongly denied with the facts that as per contents of withdrawl order of the appellant, the appellant was appointed as PST bearing Endstt: No.805-55/F.No.5/PST/ Adhoc/Appointment dated 20-05-2014 at s.No.24 at GGPS Dustum Abad, but as per condition of the appointment order at S.No.8 the appellant have to join her duty at the school within 10 days, which was not obeyed by the appellant and she did not attended her duty at the school.(Copy of appointment order is annexed as annexure –A) The appellant has submitted Fake / Bogus and self-made record i.e. teacher attendance register and arrival report Copies to this Honourable Court without any Signatures/ acceptance of the competent authority.
2. Para No 2 is incorrect, strongly denied with the facts that the appellant submitted a fake arrival report and did not attend the School with in the specified period as per her appointment order condition No.24.The appellant cannot be considered a civil servant without her arrival and performing duty, then how she can get medical leave. (copy of withdrawn order is annexed as annexure –B) enquiry report of SDEO as annexure-C
3. Para No 3 is incorrect, strongly denied with the facts that the appellant has not been aggrieved by the respondents and she seeks extra ordinary relief.

GROUNDS

- A. Incorrect, strongly denied with the facts that the action of the competent authority is under the law and rules and the appointment order of the appellant was withdrawn as stated in Para No1 above of factual objections.
- B. Incorrect, strongly denied with the facts that the action of the competent authority is under the law and rules and the appointment order of the appellant was withdrawn as stated in Para No1 above of factual objections.
- C. Incorrect strongly denied that the appointment order of the appellant was withdrawn as stated in Para No1 above of factual objections.
- D. Incorrect, strongly denied with the facts as stated in Para No1 & 2 above of factual objections.
- E. Incorrect strongly denied with the facts as stated in Para No1 & 2 above of factual objections.
- F. Incorrect strongly denied with the facts as stated in Para No1 & 2 above of factual objections.

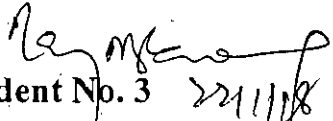



G. Incorrect strongly denied with the facts as stated in Para No1 & 2 above of factual objections.


H. Incorrect strongly denied with the facts that the action of the competent authority is strictly under the law and rules as stated in Para No1 & 2 above of factual objections.

I. That the respondents seek permission for arguing the other points at the time of arguments.

It is therefore, in the light of above stated facts and circumstances, Very humbly prayed that the appeal in hand may please be dismissed with cost.


Respondent No. 3
District Education Officer
(Female) Kohistan


DIRECTOR
Elementary and secondary Education
Khyber Pakhtun Khawa peshawar


SECRETARY
Elementary and secondary Education
Khyber Pakhtun Khawa peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

APPEAL NO 1263 OF 2016

Mst: Robina Naz

Appellant

VERSUS

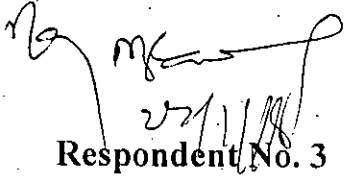
7. Secretary (E&S) Education Govt: of Khyber Pakhtunkhwa Peshawar
8. Director Elementary & Secondary Education KPK Peshawar
9. District Education Officer (F) District Kohistan

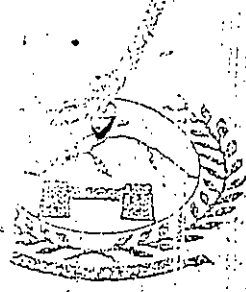
Respondents

PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS NO 1,2&3

AFFIDAVIT.

I, Raj Mohammad DEO (Female) Kohistan do hereby solemnly affirm and declare that the contents of Para wise comments in the above titled case are true and correct to the best of my knowledge and belief, and that nothing, material has been suppressed from this Honourable court.


25/11/18
Respondent No. 3
District Education Officer,
(Female) Kohistan



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN**

Phone & Fax # 0998-407225

A-50 GA

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 availability of local qualified candidates, the candidates from the adjacent Districts in BPS-12 @ Rs. 7000-5000/- 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 charge:-

Sl. No.	Roll No.	Name	Father Name	U/Council/District	Home Address	Place of Posting	Score
1	2260076	Nadia Gul	Dost Mohammad Khan	Dubair Payeen Kohistan.	Kuz Kurkoo Dubair Payeen Tehsil Pattan District Kohistan.	GGMS Sijal	56.39
1	2260496	Halima Nooreen	Mohammad Hanceef	District Manshara	P/O Oghi Dhara District Manshara	GGPS Ameer Abad	87.25
1	2260540	Shah Barkat	Fazal Raheem	District Swat	Jan kolai P/O Khawaza Khela Tehsil Matta District Swat.	GGPS Ranolia BK	78.44
14	2260771	Gul Jan	Haroon	Harran Kohistan.	Guli Bagh P/O Shikhan Abad Tehsil Palas District Kohistan.	GGPS Badakoot	51.03
2	2260481	Irum Rasheed	Abdul Rasheed	Manshara	Shergarh Oghi Manshara	GGPS Bankhad Village	73.82
5	2260542	Sunaira	Hikmat	Sharaid Kohistan.	Kundal U/C Sharaid Tehsil Palas District Kohistan.	GGPS Komila Bar	91.32
2	2260492	Saima Sadeeq	Mohammad Sadeeq	Manshara	Mongan P/O Machi pol District Manshara.	GGPS Komila Bar	104.92
3	2260493	Tohida Bibi	Fazal Rahman	Manshara	Dharyal Manshara	GGPS Komila Bar	104.83
1	2260452	Bibi Hanifa	Rustum	Sharaid Kohistan.	Kundal Tehsil Palas District Kohistan.	GGPS Bar yanjool	89.71
2	2260492	Zainab Bibi	Mohammad Iqbal	Sharakoot Kohistan.	Sharakot Tehsil Palas District Kohistan.	GGPS Bar Shaha	60.60
1	2260522	Naz Begum	Mohammad Essa	Dubair Payeen Kohistan.	Khurkoo Dubair Payeen Tehsil Pattan District Kohistan.	GGPS Bela Dubair.	54.32
1	2260057	Rakhshanda Jabeen	Mohammad Nawaz	Manshara	Ghanool Balakot Manshara.	GGPS Chawa Khass	79.42
9	2260172	Kalsoom Bibi	Bakht Karam	Swat	Toheed Colony Faiz Abad Saidu Shareef District Swat.	GGPS Chawa Khass	51.25
3	2260070	Uzma Bibi	Mohammad Riaz	Manshara	Upper Jabri Manshara.	GGPS Chawa Seena Khel	81.60
4	2260861	Somni Sabar	Sabir Hussain	Manshara	Mangal Balakot Manshara.	GGPS Chawa Seena Khel	81.29
5	2260514	Gul Nasreen	Ghulam Sarwar	Manshara	Dharyal Manshara.	GGPS Chawa Seena Khel	80.98
6	2260494	Kiran Rahman	Fazal Rahman	Bar Paro Kohistan.	Bar Paro Palas Kohistan.	GGPS Dassu Colony	73.33
12	2260464	Saima Kosar	Shahzada	Kuz Jalakot Kohistan.	Dassu Colony Kohistan.	GGPS Dassu Colony	59.82

ATTESTED

B

[Signature]
District Education Officer
Female Kohistan

14

2260044	Rukhsana Sadiq	Mohammad Sadiq	Manshara	P/o Kotli Bala Tehsil & District Manshara	GGPS Dussu Village	3.49
2260068	Kalsoom Bibi	Sadiq Shah	Manshara	Shohal Mazullah District Manshara	GGPS Dussu Village	3.17
2260076	Aqeela Banu	Mirdad Khan	Manshara	Dharyal Manshara	GGPS Dussu Village	3.69
2260518	Perveen Bibi	Abdul Kamal	Dubair Payeen Kohistan	Jaag Dubair Payeen Kohistan	GGPS Dubair Village	4.89
2260926	Tahmina Rehman	Noor Rehman	Manshara	Sham dhara Oghi Manshara	GGPS Dubair Village	2.26
2260505	Rubina Naz	Noor Zada	Shangla	Kolalai District Shangla	GGPS Dustum Abad	3.20
2260060	Nazia Yousaf	Qazi Mohammad Yousaf	Manshara	Shohal Najaf Khan Balakot Manshara	GGPS Faridoon Abad	1.02
2260079	Kanza Yousaf	Yousaf Raza	Manshara	Maloga Oghi District Manshara	GGPS Gabir Rangia	7.71
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1161117	Zenat	Muhammad	Shilkhan Abad	Chazi Abad Tehsil Palas Kohistan	GGPS Ghazi Abad	73.25
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2260487	Nizakat Bibi	Zafran Khan	Manshara	Kotli Bala Manshara	GGPS Kass Banda	92.88
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2260954	Bibi Asima Idrees	Mohammad Idrees	Manshara	Chitta Batta Manshara	GGPS Kass Banda	53.72
2260449	Nasim Akhtar	Khan Jahan	Keyal Kohistan	Swar steel Kial Pattan Kohistan	GGPS Keru	58.18
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2260906	Kalsoom Bibi	Mohammad Azam	Manshara	Banda Khait Balakot Manshara	GGPS Sigloo	78.33

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.

2

ATTESTED

[Handwritten signature]

[Handwritten signature]
 District Education Officer
 Feroz Kohistan
 29/5
 TM

7

not be drawn until and unless a certificate to the effect by DEO is issued that her certificate in
should join her post within 10 days of the issuance of this notification. In case of failure to join the
at within 10 days of the issuance of this notification, her appointment will expire automatically and her
subsequent appeal etc shall be entertained.

Health and Age Certificate should be produced from the Medical Superintendent Kohistan before taking
over charge.

She will be governed by such rules and regulations as may be issued from time to time by the Govt.

Her services shall be terminated at any time, in case her performance is found unsatisfactory during her
contract period. In case of misconduct she shall be proceeded under the rules framed from time to time.

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.

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.

Before handing over charge she will sign an agreement with the department, otherwise this order will not
be valid.

(Rashid Hussain)
DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN

Sl. No. 2015-55 / 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

[Handwritten Signature]
DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN

ATTESTED

[Handwritten Signature]



OFFICE OF THE DISTRICT EDUCATION OFFICER, (FEMALE) KOHISTAN.

B-1

Ph: & Fax No. 0998407225

Subj
Me

Where as you Robina Naaz D/O Noor Zada R/O Kulalai Tehsil Puran P/O Puran District Shanglawere 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. 24, 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 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 Dustum Abad, is hereby with drawn with effect from the date of issue, in default of non compliance of the appointment order.

*District Education Officer
(Female) Kohistan*

Endst No.5/Estt; 2074 / DEO (F) dated 20/11 /2014.

Copy of the above is forwarded 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) Kohistan at Pattan.
5. The Sub Divisional Education Officer, (F) Kohistan.
6. The Circle ASDEO (F) concerned.
7. Teacher concern
8. Master File.

*District Education Officer
(Female) Kohistan*

ATTESTED

The District Headquarters N. 1607 (19) Khabib

Absentees/Non-Performance of duty

It is stated that the following members appeared
absent from duty on the day

Although they have submitted the absence reports

to the office of their respective units and

the reports of circle ASDBs they are still

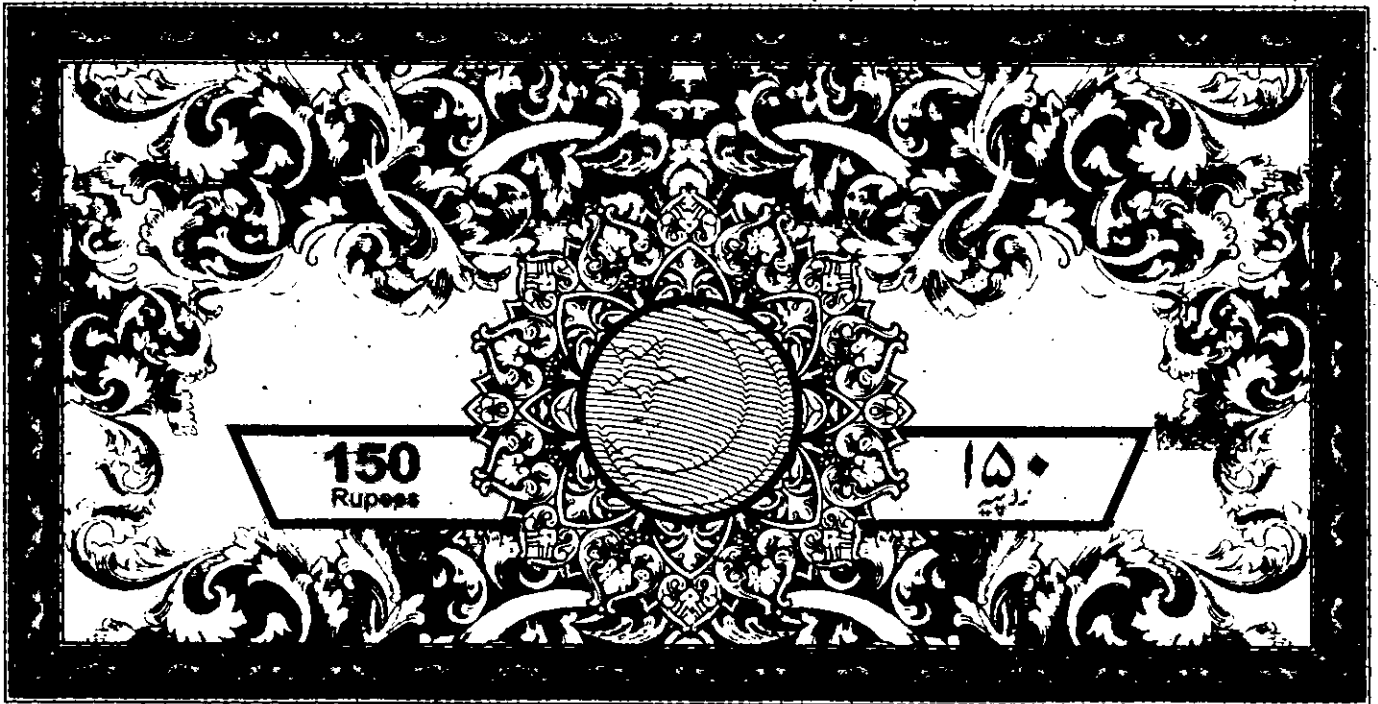
absent from duty they submitted their absence reports with
false signatures

- | | | |
|-------------------------|------------------|------|
| 1. Sumera Pst | 44th Bar Waville | SN-6 |
| 2. Babu Anoufa | 44th Bar Waville | 9 |
| Naz Program | Bar la Dobar | 11 |
| (14) Rabona Naz Program | Dustanabad | 24 |
| Rabona Bibi | Quillabad | 32 |

It is suggested that their absence from

duty be treated as such on the date of issue

Supdt
15/1/88



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Robina Naz v/s Education Deptt.

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;

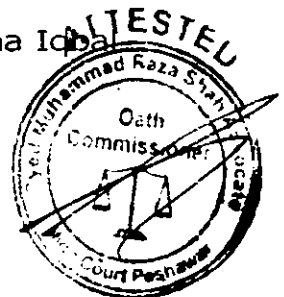
Issue No. 4. *Whether the educational testimonials of the appellant considered for the appointment are valid being genuinely procured?*

Statement of Appellant, namely, Robina Naaz/d/o Noor Zada, 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: 170535 Total Marks: 1050/720 Board Intermediate Secondary Education, Saidu Sharif Swat. (*Ex-AW 1/1*)
- 2) HSSC: Roll No: 43107 Total Marks: 1100/571 Board Intermediate Secondary Education, Saidu Sharif Swat (*Ex-AW 1/2*)
- 3) PTC: Roll No: A0642404 Total Marks: 900/606 Allama Iqbal Open University Islamabad (*Ex-AW 1/3*)

Robina Naz
XX- Reserved.



053037

S. No: _____

BOARD OF INTERMEDIATE & SECONDARY EDUCATION

SAIDU SHARIF, SWAT.

PROVISIONAL AND DETAILED MARKS CERTIFICATE
SECONDARY SCHOOL CERTIFICATE EXAMINATION
 Session 2012 (Annual)
 Group (Humanities)



THIS IS TO CERTIFY THAT Rubina Naz Enrol: No 70527-B/PYT2-2010
 Daughter of Noor Zada Roll No 170535
 and Private Candidate of District Shangla
 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	
				9Th		10Th		Total		
	Theory	Pract	Total	Th	Pract	Th	Pract			Total
1. English	75	-	150	42	-	48	-	90	Ninety Only	
2. Urdu	75	-	150	39	-	49	-	88	Eighty-Eight	
3. Pakistan Studies	75	-	75	-	-	51	-	51	Fifty-One	
4. Islamiyat (Comp)	75	-	75	44	-	-	-	44	Forty-Four	
5. Maths	75	-	150	47	-	67	-	114	One Hundred Fourteen	
6. G.Science	75	-	150	53	-	60	-	113	One Hundred Thirteen	
7. Islamic Studies	75	-	150	58	-	58	-	116	One Hundred Sixteen	
8. Pashlo	75	-	150	46	-	58	-	104	One Hundred Four	
Total 1050									720-B	Seven Hundred Twenty Only

Remarks

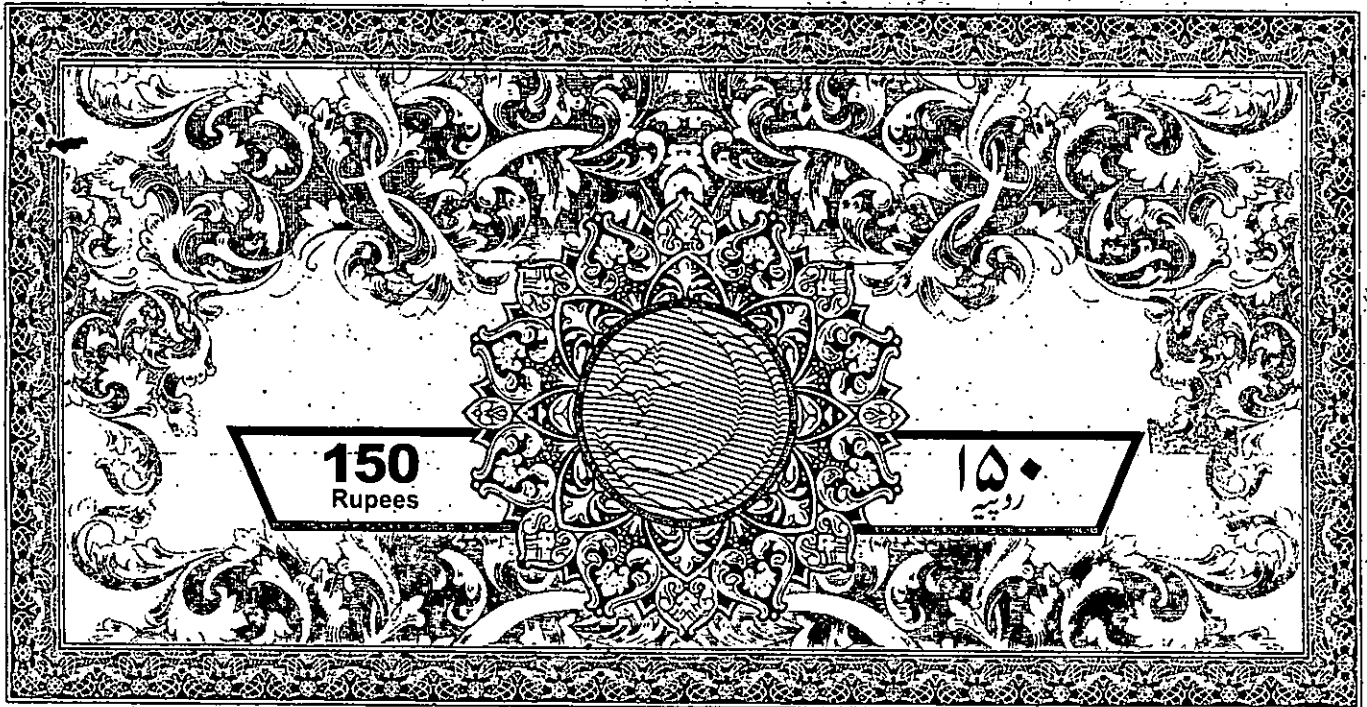
MI

Date of Birth (In Figures) 15 March , 1993
 (in Words) 15th, March , One Thousand Nine Hundred Ninety-Three

Prepared and Checked by Computer Cell BISE Saidu Shari, Swat.
 Note:- Errors/Omissions are subject to subsequent rectification.
 Date of Result Declaration: 11-06-2012.

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

EX AWK



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Robina Naz v/s Educator

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, Robina Naaz/o Noor Zada, 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: 170535 Total Marks: 1050/720 Board Intermediate Secondary Education, Saidu Sharif Swat. (*Ex-AW 1/1*)
- 2) HSSC: Roll No: 43107 Total Marks: 1100/571 Board Intermediate Secondary Education, Saidu Sharif Swat (*Ex-AW 1/2*)
- 3) PTC: Roll No: A0642404 Total Marks: 900/606 Allama Iqbal Open University Islamabad *Ex-AW 1/3*)

XX- Reserved.



06th Dec, 2022

JOINT STATEMENTS OF APPELLANT RUBINA NAZ
AND MR. NASEER-UD-DIN SHAH, ASSISTANT ADVOCATE
GENERAL SERVICE TRIBUNAL PESHAWAR IN SERVICE
APPEAL NO. 1263/2016.

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

Rubina Naz
Appellant Rubina Naz

Naseer-ud-Din Shah
Naseer-ud-Din Shah
Assistant Advocate General

Ayub.
Appellant Identified by Counsel
Muhammad Ayub, Advocate

D → *R*
06/12/2022