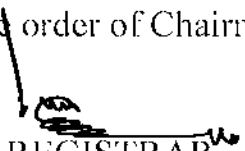


FORM OF ORDER SHEET

Court of _____

Case No.- 325/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/02/2023	<p>The appeal of Mst. Khair Un Nisa resubmitted today by Mr. Javed Ali Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman  REGISTRAR,</p>

The amended appeal of Mst. Khair un-Nisa w/o Arifullah r/o Post Office Toorka Kachkot Asad Khan Bannu received today i.e. on 14.02.2023 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 be got signed by the appellant.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Certificate be given to the effect that no appeal has been filed on the subject matter earlier in this Tribunal.

No. 578 /S.T,

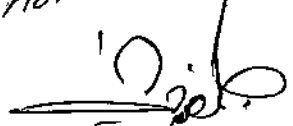
Dt. 15/2 /2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Javed Ali Adv.
High Court Peshawar.

Reply to the observations/objections.

The above noted objections at s.No 1 to 3 have been removed & accordingly the file is being submitted for fixation of regular hearing before Hon'ble Bench.


Javed Ali

AHC

16/2/23

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECKLIST

Case Title: Khair UNISA vs Chief Secty Gothard

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Javed Ali ADU</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	/	
3.	Whether Appeal is within time?		/
4.	Whether the enactment under which the appeal is filed mentioned?	/	
5.	Whether the enactment under which the appeal is filed is correct?	/	
6.	Whether affidavit is appended?	/	
7.	Whether affidavit is duly attested by competent oath commissioner?	/	
8.	Whether appeal/annexures are properly paged?	/	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	/	
10.	Whether annexures are legible?	/	
11.	Whether annexures are attested?	/	
12.	Whether copies of annexures are readable/clear?	/	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	/	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	/	
15.	Whether numbers of referred cases given are correct?	/	
16.	Whether appeal contains cuttings/overwriting?	/	
17.	Whether list of books has been provided at the end of the appeal?	/	
18.	Whether cases relate to this Court?	/	
19.	Whether requisite number of spare copies attached?	/	
20.	Whether complete spare copy is filed in separate file cover?	/	
21.	Whether addresses of parties given are complete?	/	
22.	Whether index filed?	/	
23.	Whether index is correct?	/	
24.	Whether Security and Process Fee deposited? on		/
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on	/	
26.	Whether copies of comments/reply/rejoinder submitted? on	/	
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on	/	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Javed Ali ADU

Signature:

[Signature]

Dated:

13-2-23

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

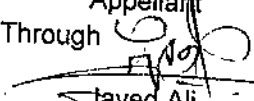
Service Appeal No. 325 /2023

Mst. Khair Un Nisa VERSUS Chief Secretary KPK Peshawar & Others

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Annexure "C"	Copy of Order Dated 09/01/2008	7
Annexure "D"	Copy of Appeal Dated 26/09/2022 <i>copy of application condonation of delay</i>	8-9
Wakalat Nama		10

Dated: February 13, 2023

Appellant
Through  Miss Najma
Javed Ali


Hajra Noreen

Muhammad Haroon

Naveed Khan
Advocates High Court, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 325 /2023

Mst. Khair Un Nisa W/O Arif Ullah Khan R/O P.O Toorka Kachkot Asad Khan
Tehsil and District Bannu
.....Appellant

VERSUS

1. The Chief Secretary Khyber Pakhtunkhwa.
2. The Inspector General Police Khyber Pakhtunkhwa.
3. The District Police Officer, Bannu Khyber Pakhtunkhwa

.....Respondents

Appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 whereby the Departmental Appeal for the reinstatement in service of the Appellant Dated 26/09/2022 has not been responded within the statutory period of 90 days by the Respondent No.3

Prayer in Appeal:

On the acceptance of this Appeal, the impugned order No.66-68 Dated Bannu 09/01/2008 may please be set aside and the Respondents may kindly be directed to accept the appeal of the Appellant Dated 26/09/2022 already submitted to Respondent No.3 to reinstate the Appellant in the service and for resumption of duty accordingly.

Respectfully Sheweth:

The brief facts and background of the instant Service Appeal are as under:

FACTS:

1. That the Appellant is Law abiding citizen and permanent resident of P.O Toorka Kachkot Asad Khan Tehsil and District Bannu.
(Copy of CNIC of the Appellant is annexed as Annexure "A")
2. joined the Police Service as Lady Constable having Service No.218 (BPS 5) at Tehsil and District Bannu on 20/07/2005 Vide Enlistment Order No.360 Dated 21/07/2005.
(Copy of the Enlistment Order is annexed as Annexure "B")
3. That the Appellant since 2005 served the Police Department with zeal and zest and to the satisfaction of the high ups throughout.
4. That at the time of joining the Police Service, the Appellant was unmarried however, after few years of service the Appellant got married resultantly shifted to the husband family at Bannu.
5. That the husband of the Appellant soon went abroad for earning the livelihood while the in-laws of the Appellant restricted the Appellant from continuing her Police Service any more at that time which the Appellant and his parents though resisted to great extent but being a married woman could not succeeded.
6. That the Appellant being helpless, compelled and finding no other way was constrained to submit the resignation from Police Service against her will and in order to save her marital life and curse of the in-Laws.
7. That the Respondent No.3 accordingly accepted the resignation of the Appellant vide Order No.66-68/Dated Bannu the 09/01/2008.
(Copy of Order Dated 09/01/2008 is annexed as Annexure "C")
8. That the Appellant despite of her resignation continued her efforts to convince her in-laws and her husband however, it took long when the husband of the Appellant succeeded to convince his family regarding the job of the Appellant.

9. That though it was late but with hope and expectation the Appellant submitted a written Appeal to the Respondent No.3 for her reinstatement in the Police Service stating therein all the facts and unavoidable circumstances beyond the ordinary control of the Appellant.

(Copy of the Appeal Dated 26/09/2022 is annexed as Annexure "D")


10. That till date the Appeal of the Appellant for her reinstatement has not been responded by the Respondent No.3 despite of the fact that the Appellant has been kept under the impression that her appeal is under process for consideration but till date without any result either way hence, the Appellant is filing this Service Appeal on the following grounds inter alia.

Grounds:

- a- That the resignation from service was not voluntary act of the Appellant rather it was under Duress and against her free will and consent hence, the order dated 09/01/2008 is liable to be set aside.
- b- That the act of resigning the Police Service was not of the own volition of the Appellant but due to the unavoidable circumstances then
- c- That the Respondents are bound to consider the Appeal of the Appellant and non-entertaining the Appeal is against the principles of Natural Justice.
- d- That the Appellant has not been heard and no order to this effect has been passed which needs the interference by this August Tribunal.
- e- That after considering the available facts, circumstances and record the Respondents needs to be directed to reinstate the Appellant accordingly.
- f- That the reasons given in the Appeal of the Appellant are such which require due consideration in this behalf.
- g- That it is settled principle of Law that any act done under duress, compulsion and without free consent is void and ineffective hence, the Appellant is entitled to be reinstated in the Service.
- h- That any other ground will be raised at the time of arguments with prior permission of this August Tribunal.

It is therefore, most humbly prayed that on the acceptance of this Appeal, the impugned order No.66-68 Dated Bannu 09/01/2008 may please be set aside and the Respondents may kindly be directed to accept the appeal of the Appellant Dated 26/09/2022 already submitted to Respondent No.3 to reinstate the Appellant in the service and for resumption of duty accordingly. Any other relief not specifically prayed for which this Hon'ble Court deems just in the circumstances may also be granted accordingly.

Dated: February 13, 2023

Appellant
Through  Miss Najma
Javed Ali


Hajra Noreen

Muhammad Haroon

Naveed Khan
Advocates High Court, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

3

Service Appeal No. _____/2023.

Mst. Khair Un Nisa VERSUS Chief Secretary KPK, Peshawar & Others

ADDRESSES OF PARTIES

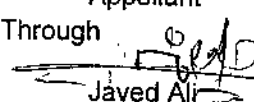
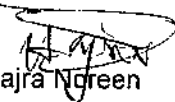
Appellant

Mst. Khair Un Nisa W/O Arif Ullah Khan R/O P.O Toorka Kachkot Asad Khan Tehsil and District Bannu.

Respondents

1. The Chief Secretary Khyber Pakhtunkhwa.
2. The Inspector General Police Khyber Pakhtunkhwa.
3. The District Police Officer, Bannu Khyber Pakhtunkhwa

Dated: February 13, 2023

Appellant
Through  Miss Najma
Javed Ali

Hajra Noreen

Muhammad Haroon

Naveed Khan
Advocates High Court, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2023

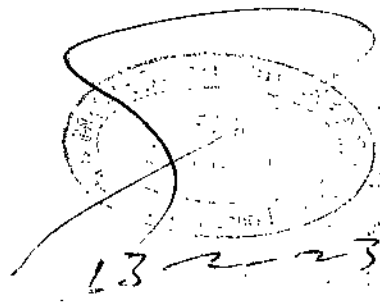
4

Mst. Khair Un Nisa VERSUS Chief Secretary KPK Peshawar & Others

AFFIDAVIT

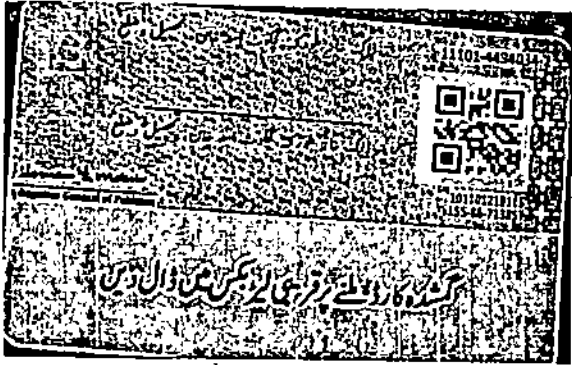
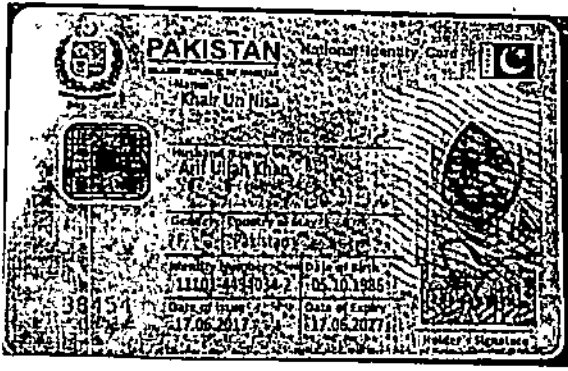
I, Mst. Khair Un Nisa W/O Arif Ullah Khan R/O P.O Toorka Kachkot Asad Khan Tehsil and District Bannu, the Appellant do hereby on oath Affirm and Declare that the contents of this Service Appeal are True and Correct to the best of my knowledge and belief and nothing has been kept concealed.

Khair Un Nisa
Deponent


13-2-23

DN No. 2 - 4A

18



~~ATTESTED~~

Annex B 13

6

ENLISTMENT ORDER

Recruit Lady Constables Wahiy-un-Nisa

W/O Bas Nand Sachan P/O Chalc Sachan

P/S Ghorwal District BANNU is hereby enlisted as

Recruit Lady Constables in BPS (S) w.e.f. 01-07-2001

and allotted constabulary No. 218 Height 5' 6"

Education 10th P/O Birth 05-10-1986 Age on enrolment

8 years 09 Months and 15 days.

Her service is purely on temporary basis and liable for termination at any time without any notice.

District Police Officer,
Bannu.

REGISTERED
2

ANNEX - C
67

ORDER:

Lady Constables Khair un Nisa No.218 and Noor un Nisah No. 263 police Lines, Bannu submitted applications along with affidavits requesting therein for resignation from service.

Therefore, their applications for resign from service are hereby ordered to be approved.

OB No. 3
Dated 1/11

2008.


District Police Officer,
Bannu

No. 66-66 / Dated Bannu, the 9.11
Copies to all concerned.

2008


ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

19

Service Appeal No. _____/2023

Mst. Khair Un Nisa

Versus

Chief Secretary PKPK Peshawar & Others

Application for condonation of delay on behalf of Petitioner/Appellant

Respectfully Sheweth:

The Petitioner/Appellant most humbly submits as under:

1. That the Petitioner/Appellant moves this application for condonation of delay alongwith the instant Appeal in which no date of hearing is fixed till yet.
2. That the Petitioner/Appellant inadvertently made efforts for redressal of his grievances privately with a hope to obtain his due rights.
3. That the delay in filing instant Petition is just because of the above noted reason and not intentional.
4. That valuable rights of the Petitioner/Appellant are attached to the instant Petition for which reason the technicalities should be avoided and merits of the case should be considered.
5. That other ground (if any) will be raised at the time of arguments with permission of this Hon'ble Court.

It is not humbly prayed that on acceptance of instant application, the delay may kindly be condoned and the Petition of the Petitioner/Appellant may kindly be considered within time.

Petitioner/Appellant
Mst. Khair Un Nisa W/O Arif Ullah Khan

Through

Miss Najma

Javed Ali

Hajra Noreen

Naveed Khan

Haroon Khan
Advocates, Peshawar

110

قیمت 50 روپے

Handwritten signature



ایڈوکیٹ: بار کونسل ایسوسی ایشن نمبر: B.C. 14-4760
رابطہ نمبر: 8551364-0313

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

صاحب کسٹومرز

بعدالت جناب:

مخانب: <u>صاحب کسٹومرز</u>	دعویٰ:
<u>صاحب النساء</u>	علت نمبر:
<u>بنام</u>	مورثہ:
<u>صاحب سلیٹر</u>	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ صاحب کسٹومرز کے اکرار کے تحت
 آن مقام صاحب کسٹومرز کے اکرار کے تحت صاحب کسٹومرز کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر حالت و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زرین پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 2-2-13

بیت گواہ شد الع

مقام کے لیے منظور ہے

نوٹ: اس وکالت نامہ کی فونو کالی ناقابل قبول ہوگی۔

Khatun Nisra
 صاحبہ النساء
 رقم کاروائی: 13-2-13

Handwritten signature and notes at the bottom of the page.