

IN THE COURT OF SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 119/2022

Diary No. 5672
Dated: 30/5/2023

Amber Newsheen *E. News*

..... (Appellant)

Versus

Govt. of Khyber Pakhtunkhwa and others

..... (Respondents)

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Through

Applicant

Muhammad Farooq Malik
Muhammad Farooq Malik
Advocate

Supreme Court of Pakistan.

①

BEFORE KHYBER PAKHTUNKHWA (K.P.K) SERVICE TRIBUNAL
PESHAWAR

Appeal No.119/2022

Ambar Nosheen..... Appellant

Versus

FEDERATION OF PAKISTAN etc..... Respondents

APPLICATION FOR PLACING ON RECORD ADDITIONAL
DOCUMENTS

Respectfully Sheweth:

1. That above title appeal along with connected appeals are pending adjudication before this Hon'ble court wherein next date of hearing is 30.05.2023
2. That the attached documents are necessary for the due appreciation of the issue involved in the above referred Writ Petition. (Copies of documents are attached as Annexure "A" to "E" at Page 2 to 9 ")

It is therefore, prayed that on acceptance of this application additional documents may kindly be placed on file.

Through

Petitioner

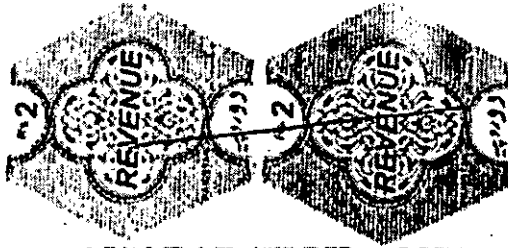

Muhammad Farooq Malik,

Advocate,

Supreme Court of Pakistan

Ameru
"A"

9



IN THE ISLAMABAD HIGH COURT, ISLAMABAD

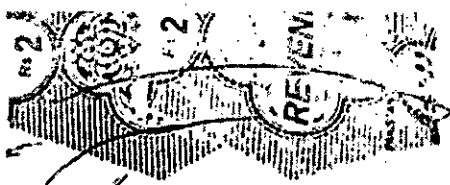
Writ Petition No. 883 / 2023

1. Ms. Azra Fatima, EST, Islamabad Model School for Girls (I-VIII) Shahdra Kalam, Islamabad.
2. Ms. Asma Shahcen, EST, Islamabad Model School (I-V) Islamabad.
3. Ms. Khalida Ahsan, EST, Islamabad Model School (I-V) Islamabad.
4. Ms. Benazir Nagina, EST, Islamabad Model College) for Girls, Rawal Town, Islamabad.
5. Ms. Bibi Surayya, EST, Islamabad Model School for Girls (I-VIII) Mohra Noor, Islamabad.
6. Ms. Shahida Malik, EST, Islamabad Model School (I-V) Islamabad.
7. Ms. Falaq-un-Nisa, EST, Islamabad Model School (I-V) No. 2, G-8/1, Islamabad.
8. Ms. Hafsa Bibi, EST, Islamabad Model School (I-V) Shakrial, Islamabad.
9. Ms. Rabia Niaz, TUGT, Islamabad Model School for Girls (I-X) Dhoke Gangal, Islamabad.
10. Ms. Riffat Nahced, EST, Islamabad Model School (I-V) No.1, E-8, Islamabad.
11. Ms. Rubina Bibi, EST, Islamabad Model School (I-V) No. 1, C-7/2, Islamabad.
12. Ms. Nasira Shabbir, EST, Islamabad Model School (I-V), G-5/1-1., Islamabad.
13. Ms. Saira Yousaf, EST, Islamabad Model School for Girls (I-V), Shahzad Town, Islamabad.
14. Mr. Hamced Ullah, PTI Islamabad Model School for Boys (VI-X), Rawal Dam, Islamabad.

For Private Use
15 MAR 2023
No.1, G-8/1
Examiner
Copy Supply Section
Islamabad High Court
Islamabad

Attested

[Signature]



1. Federal Director, FDE, Islamabad.
2. Federal Director, FDE, Islamabad.
3. Federal Director, FDE, Islamabad.
4. Accountant C

- 15. Ms. Kausar Parveen, EST, Islamabad Model School for Girls G-6/1-2, Islamabad.
- 16. Ms. Adceba Rani, EST, Islamabad Model School for Girls (I-X), No. Shakarial, Islamabad.
- 17. Ms. Shazia Naz, Islamabad Model School for Girls (I-V), NHC, Islamabad
- 18. Ms. Uzma Tariq, EST, Islamabad Model College for Girls, I-9/1, Islamabad..
- 19. Ms. Rabia Rahat, EST, Islamabad Model School for Girls (I-VIII), I-9/4, Islamabad.
- 20. Ms. Nazia Bibi, EST, Islamabad Model School (I-V) No.G, C-9/2, Islamabad.
- 21. Ms. Sajida Anwar, PTI, Islamabad Model School (I-VI No.2, G-9), Islamabad.
- 22. Ms. Sadia Mukhtiar, EST, Islamabad Model School G-VI No.2, G-9/2, Islamabad.
- 23. Ms. Shabana Aziz, SST, Islamabad Model School for Girls, G-6/1-4, Islamabad.
- 24. Ms. Saima Yascen, EST, Islamabad Model School for Girls (I-V), Shahzad Town, Islamabad.
- 25. Ms. Shumaila Gill, EST, Islamabad Model School for Girls (I-VI), Mandla, Islamabad.
- 26. Ms. Jamshed Akhtar, EST, Islamabad Model School for Girls (I-X), Islamabad.
- 27. Ms. Shazia Akbar, EST, Islamabad Model School for Girls (I-X), Drok Jeelani, Islamabad.
- 28. Ms. Nosheen, EST, Islamabad Model School for Girls, (I-VI) Islamabad.

WRIT
Res

Attested
[Signature]

Certified to be True Copy

15 MAR 2015
28
Copy
Authorised
Dated
Islamabad

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1. Federal Directorate of Education (FDE) through its Director General, Islamabad.

2. Federal Directorate of Education through its Deputy Director (S/F), FDE, Islamabad.

4. Accountant General of Pakistan Revenue (AGPR), Islamabad.

Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973

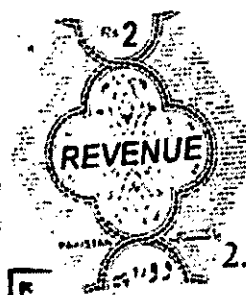
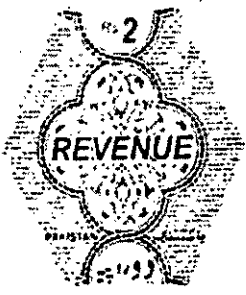
Respectfully Sheweth:-

1. That brief facts giving rise to the institution of instant writ petition, the petitioners were serving on regular basis as Civil Servants in their parent departments and were appointed by transfer on deputation on the basis of wedlock policy under the supervision of Respondent No.2. The respondent No.2 with the consent of the petitioner and with the intention to permanently absorb the petitioner against 10% quota reserved for appointment by transfer in the service Rules amended vide notification dated 1999, sought NOCs from the parent departments for permanent absorption / induction, hence, the parent department provided the said NOCs and placed the services of the petitioners at the disposal of Respondent No.2 (FDE) without retaining their lien for S.No. 1 to 13 as per requisition of FDE.

2. That an amendment was made in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 on 16.04.2012 to facilitate the deputationist under FDE to provide that condition of 5 years maximum period of deputation would not be applicable to deputationist under wedlock policy.

3. That the transfer/deputations of the Petitioners was undertaken under the 'Wedlock Policy' expounded vide Q.M No 10/30/97-R-II dated. 13-5-1998. Each of the Petitioner due to their peculiar

Affected
J. Khan



Certified to be a true copy

15 MAR 2023

Examiner
Copy Supply Section
Authorized Under Article-87 of
Constitution of Pakistan Order 1984
Islamabad

Amir B

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**ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)**

W.P. No. 883 of 2023

Ms Azra Fatima, etc.

Vs

Federation of Pakistan, etc.

S. No.-of order/proceedings	Date of order/proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	<u>14.03.2023</u>	Mr. Muhammad Umair Baloch Advocate for the Petitioners.

1. Through the instant Writ Petition the Petitioners have assailed the Orders / dated 15.02.2023 and 21.02.2023 ("Impugned Orders") passed by the Respondent No. 2 [Federal Directorate of Education].

2. The learned counsel for the Petitioners submits that similar petitions i.e. W.P. Nos. 2877/2022 and 807/2023 are pending before this Court wherein notices have already been issued and the impugned repatriation orders have been suspended.

2. Let notices be issued to the Respondents in the instant petition as well.

3. Relist alongwith similar petitions like W.P. Nos. 2877/2022 and 807/2023 on 29.03.2023.

Certified to Be True Copy
15 MAR 2023
Examined
Copy Suppl. Section
Authorised Under Article-87 of
Qanoon-e-Shahadat Order 1984
Islamabad High Court
Islamabad

Application No. 9436
Date of Presentation of Application 14.3.23
Date of Deposit of Fee C.M. NO. 01/2023
No of Words _____
Copying Fee _____
Urgent Fee _____
Registration & Postage Fee _____
Agency Fee _____
Court Fee of Application _____
Total _____
Name of Copyist _____
Date of Receipt of Copy _____
Date of Completion of Copy 15.3.23
Date of Delivery of Copy _____

Notice. In the meantime the Impugned Orders shall remain suspended till the next date of hearing. In case of non-appearance or any request for adjournment whatsoever on behalf of the Petitioners this injunctive order shall stand automatically vacated.

C.M. NO. 02/2023
Exemption sought for is allowed subject to all just and legal exceptions.

Tanveer Ahmed

(Signature)
**(SAMAN RAFAT IMTIAZ)
JUDGE**

(Signature)

5

**ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)**

W.P. No. 883 of 2023

Ms Azra Fatima, etc.

Vs

Federation of Pakistan, etc.

S. No. of order/proceedings	Date of order/proceedings	Order with signature of Judge and that of parties or counsel where necessary.
-----------------------------	---------------------------	---

14.04.2023.

M/s Muhammad Umair Baloch, Chaudhary Baber Manzoor, Jameel Hussain Qureshi, Rana Ali Ammar, Khaleeq Siddiqui, Adnan Ahmed Khan, Ch. Zakki Rizwan Advocates for the Petitioners, in their respective petitions.

Mr Imran Shaukat Rao, Assistant Advocate General Punjab.

Rana Imran Farooq, A.A.G.

Agha Ghulam Haier, D.D.(L) M/O FE&PT.

Mr Abdul Hafeez, D.D. (Legal) FDE.

Mr S.M. Rehan Naqvi, A.D. FDE.

It is noted that these petitions are regarding repatriation of those deputationists who were placed on deputation on the basis of Wedlock Policy. The matter was decided by way of the reported judgment passed by this Court in the case titled *Mrs. Nusrat Rasheed v. Federation of Pakistan, 2021 PLC (C.S.) 777* which is under consideration in I.C.A. No. 319/2020, therefore, it has been contended that in the interest of justice these petitions may be clubbed alongwith the said I.C.A.

2. In view of the foregoing the office is directed to place these petitions before the Honourable Chief Justice for appropriate orders.

3. The interim relief already granted shall continue till the next date of hearing.

Attested
J. M.

(SAMAN RAFAT IMTLAZ)
JUDGE

Annex
"C"



ISLAMABAD MODEL COLLEGE FOR GIRLS, LOHI BHER (F.A),
ISLAMABAD

JOINING REPORT


- | | |
|---|---|
| 1. Name of Government Servant: | Mrs. Ambar Nosheen |
| 2. Husband Name: | Tahir Hafeez |
| 3. Designation & BPS: | MTT/EST (BPS-09) |
| 4. Qualification: | B.A/B.Ed |
| 5. Domicile: | K.P.K |
| 6. Date of Birth: | 19 August, 1975 |
| 7. Date of Appointment in Govt. Service: | 07 February, 2000 |
| 8. Date of Appointment in F.G. Service: | 12 September, 2007 |
| 9. Date of Re-joining: | 21.02.2023 |
| 10. Hour of Re-joining: | Fore Noon |
| 11. Reason of Re-joining: | Suspension of FDE
Office Order dated
21.02.2023 |
| 12. Reference of Office Order No. & Date: | F.1-9/49-EST/D/FDE,
dated 22.03.2023 |

No. 320/2023/IMCG/L.B

Dated: 28.03.2023

Copy forwarded to:

1. The Deputy Director Schools (Female), FDE, G-9, Islamabad
2. AGPR, Islamabad
3. AEO, Sihala Sector, Islamabad
4. Person Concerned
5. Personal File


Mehr-un-Nisa
Principal
Islamabad Model College
for Girls Lohi Bher
Islamabad


Attested

Annexure

"D"

(8)

To,

Mr. Abdul Waheed,
Director Schools,
Federal Directorate of Education.
G-9, Islamabad

Subject: - **STAY GRANTED & IMPUGNED ORDER SUSPENDED BY THE HONORABLE ISLAMABAD HIGH COURT**

Respected Sir,

The Honorable Islamabad High Court has suspended the Impugned Orders dated 15.02.2023 and 21.02.2023, in W.P. No. 883/2023 (copy enclosed)

2. Accordingly, my School Head/DDO may please be advised to accept my joining and process change for activation of my salary for the month of March, 2023, through AGPR.

3. Thanking you in anticipation.

Encl: As above

Yours obediently,

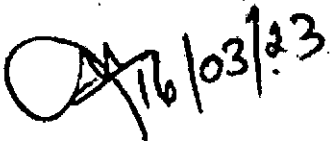


(AMBER NOSHEEN)
MIT/EST (BPS-09),
IMCG, Lohi Bher, (F.A),
Islamabad


Dated: 16th March, 2023

Copy for information & necessary action to:

1. Ms. Sameena Zia, Deputy Director (Schools), FDE, Islamabad
2. Ms. Mehr-un-Nisa, Principal, IMCG, Lohi Bher (FA), Islamabad

 16/03/23

Attested


Amber "E" 

No. P. 1-9/49-EST/D/FDE
Government of Pakistan
Federal Directorate of Education

Islamabad, the 22nd March, 2023.

OFFICE ORDER


In compliance with the orders of Honorable Islamabad High Court dated 14.03.2023 in writ petition No. 883 of 2023, the office order of even number dated 21.02.2023 in respect of Ms. Amber Nosheen, EST (Deputationist) Islamabad Model College for Girls, Lohi Bher (F.A), Islamabad is hereby suspended, accordingly.

2. No TA/DA will be paid in this connection.
3. This issues with the approval of Director General, FDE.

(SAMEENA ZIA)
Deputy Director (S/F)

Copy to:-

- > The Registrar, in compliance with the order of Hon. IHC in W/P No. 883 of 2023.
- > AGPR, Islamabad.
- > AEO concerned.
- > Principal concerned.
- > Section Officer (Primary), Elementary & Secondary Education Department, Government of KPK, Peshawar.
- > Person concerned
- > Personal File.


(MUSLIMAD SHAKEEL)
Assistant Director (S/F)

