


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

1166 /2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/05/2023	<p>The appeal of Mst. Farhat Begum resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

In Service Appeal No. 1166 /2023

Farhat Begum

V/S

Education Department

**APPLICATION FOR FIXING THE INSTANT SERVICE APPEAL
AT PRINCIPAL SEAT AT PESHAWAR.**

RESPECTFULLY SHEWETH:

1. That the petitioner has filed the instant service appeal for fixation of his seniority according to the order of merit assigned by the DSC on the basis of rule 17 (a) of KP Civil Servant APT Rules 1989 in this Honorable Tribunal.
2. That the appellant engaged the counsel which is doing legal practice at Peshawar and the appellant also wants to pursue his case at Principal seat at Peshawar.
3. That it will be convenient for both appellant as well as for his counsel if the instant appeal fix in principal seat at Peshawar.

It is therefore most humbly prayed that on acceptance of this application the instant appeal may kindly be fixed at principal seat at Peshawar.

APPLICANT/PETITIONER

THROUGH:



**(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT**

The appeal of Mst. Farhat Begum C.T. GGHS Chipper Dir Upper received today i.e. on 12.05.2023 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Check list not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal are not attested.
- 4- Affidavit be got attested by the Oath Commissioner.
- 5- Page nos. 7, 11, 16 to 21 are illegible which may be replaced by legible/better one.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1410 /S.T.

Dt. 15/5 /2023.


For REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv.
High Court Peshawar.

Respected Sir.


1- Removed

2- Removed

3- Removed

5- Page nos. 7, 11, 16 to 21 are replaced
by legible one

6- Removed

Resubmitted after
compliance

29/5/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO 1166 /2023

Farhat Begum

VS.

Education Department

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THROUGH:

APPELLANT



TAIMUR ALI KHAN
ADVOCATE HIGH COURT

0333-9390916

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

SERVICE APPEAL NO. 1166 /2023

Farhat Begum, CT (BPS-15),
GGHS Chipper Dir Upper.

Khyber Pakhtunkhwa
Service Tribunal
Wary No. 5997
Dated 12/15/2023
(APPELLANT)

VERSUS

1. The Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. The Director Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female), Dir Upper.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ACTION OF THE RESPONDENTS OF NOT FIXING THE SENIORITY OF THE APPELLANT IN THE POST OF PST (BPS-12) ACCORDING TO THE ORDER OF MERIT ASSIGNED BY THE DEPARTMENTAL SELECTION COMMITTEE ON THE BASIS OF RULE 17 (a) OF THE KHYBER PAKHTUNKHWA CIVIL SERVANT APPOINTMENT PROMOTION AND TRANSFER RULES 1989 AND NOT PROMOTING HER TO THE POST OF CT (BPS-15) FROM DUE DATE ACCORDING TO HER INTER-SE-SENIORITY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

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THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY KINDLY BE DIRECTED TO FIX THE SENIORITY OF THE APPELLANT IN THE POST OF PST (BPS-12) ACCORDING TO THE ORDER OF MERIT ASSIGNED BY THE DEPARTMENTAL SELECTION COMMITTEE ON THE BASIS OF RULE 17 (a) OF THE KHYBER PAKHTUNKHWA CIVIL SERVANT APPOINTMENT PROMOTION AND TRANSFER RULES 1989 AND FURTHER PROMOTE HER TO THE POST OF CT (BPS-15) FROM DUE DATE ACCORDING TO HER INTER-SENIORITY. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is the permanent resident of Village Chapper Tehsil Wari, District Dir Upper. The department advertised numerous posts of various disciplines in daily Mashriq on 04.06.2026 including 6 posts for Union Council Chapper. According to the Govt. Policy 75% seats be filled in through Union Council wise while 25% on open merit, so 5 posts should be go Union Council and on post to open merit. The appellant being eligible for the post of PST (then PTC). **(Copy of Advertisement is attached as Annexure-A)**
2. That after conducting test and interview, merit list was prepared and the appellant was placed at Sr. No.3 in the said list. The department issued the appointment order dated 30.11.2006, wherein the appellant was ignored for no reason. **(Copy of merit list and order dated 30.11.2006 is attached as Annexure-B&C)**
3. That the appellant filed writ petition No.04/2007 in the Peshawar High Court Peshawar with the prayer to direct the competent authority to issue the appointment order of the appellant since 30.11.2006 with all service benefits. **(Copy of writ petition is attached as Annexure-D)**

4. That the said writ petition was heard by the Honorable Peshawar High Court Peshawar on 10.07.2022 and during hearing of the case, the Executive Officer (S&L) Dir Upper stated at the bar the at present three posts of PST were laying vacant in the Union Council to which the appellant belong on which the Honorable Court allowed the case of the appellant and directed the executive District Officer (S&L) Dir Upper to appoint the appellant on one of the vacant posts. **(Copy of judgment dated 10.07.2007 is attached as Annexure-E)**
5. That in pursuance of the decision dated 10.07.2007 of the Honorable Peshawar High Court in writ petition No.04/2007, the appellant was appointed on the post of PST with effect from 10.07.2007 instead of due date 30.11.2006 i.e "the date on which her batchmates and juniors were appointed" vide order dared 28.07.2007. **(Copy of order dated 28.07.2007 is attached as Annexure-F)**
6. That the batchmates of the appellant namely Amrozia Bibi and Esmat Bahar were promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 25.07.2017 despite the fact that all of them were appointed on the basis of same advertisement and Esmat Bahar was low in merit order than the appellant in the initial appointment to the post of PST. **(Copies of order dated 01.08.2016 and dated 25.07.2017 are attached as Annexure-G&H)**
7. That due to not appointing the appellant along with her batchmates w.e.f 30.11.2016 and has not given her seniority according to merit order assigned by the DSC, her batchmates and juniors were promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 25.07.2017, therefore, the appellant filed departmental appeal by modifying her appointment order dated 28.07.2007 and also for antedation of her promotion to the post of CT (BPS-15) with effect from 01.08.2016 the date when her batch mates and juniors were promoted by modifying her promotion order dated 25.07.2017, which was not responded within the statutory period of ninety days. **(Copy of departmental appeal is attached as Annexure-I)**
8. That after the statutory period of ninety days, the appellant filed service appeal No.558/2022 in this Honorable Service Tribunal

(4)

Peshawar. The said appeal was heard on 08.11.2022 and the Khyber Pakhtunkhwa Service Tribunal mentioned in its order/judgment dated 08.11.2022 that the counsel for the appellant submitted that the appellant had to first get her seniority determined from the authority under Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa Government Servant (Appointment, Promotion and Transfer) Rules 1989, which the counsel for the appellant submits, has not been determined by the authority till date. For the purpose he wants to make application to department, which the department has to consider in accordance with law. As regards the appeal, he does not press it for the time being and submits that he would re-agitate the seniority list if not legally fixed by the departments and the appeal of the appellant was dispose of. **(Copies of service appeal and order dated 08.11.2022 are attached as Annexure-J&K)**

9. That the appellant then filed application/departmental appeal for fixation of her seniority in the post of PST according to the order of merit assigned by the Departmental Selection Committee under Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa Government servant (APT) Rules 1989 and for further promotion to the post of CT (BPS-15) from due date on the basis of inter-se-seniority on 19.01.2023, which was not responded within the statutory period of ninety days. **(Copy of application/departmental appeal is attached as Annexure-L)**
10. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUND:

- A). That the appellant after conducting test and interview, merit list was prepared and the appellant was placed at Sr.No.3 of the said list and is entitle to be placed at Sr. No.3 of the seniority list of PST (BPS-12) along with her batch mates who were appointed along the appellant on the same advertisement according to Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 (a) of Khyber Pakhtunkhwa Government Servant (Appointment, Promotion and Transfer) Rules 1989 and

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also entitle for further promotion to the post of CT (BPS-15) from due date according to her inter-se-seniority.

- B) That the appellant was at Sr. No 3 of the merit list, but she was not appointed on 30.11.2006 along with her batch mates without any reason on which she filed writ petition 04/2007, which was allowed on 10.07.2007 and on the basis of that judgment she was appointed on the post of PST, therefore, the appellant should not be punished for the fault of department by depriving her from her inter-se-seniority according to the merit order assigned by the DSC and from further promotion to the post of CT (BPS-15) from due date according to her inter-se-seniority.
- C) That the appellant was at Sr. No 3 of the merit order assigned by the DSC after conducting test and interview by the DSC for the post of PST and is entitle to be placed at Sr. No.3 of the seniority list of PST as per rule 17 (a) of Khyber Pakhtunkhwa Civil Servant Appointment, promotion and Transfer (APT) Rules 1989 and is also entitle for further promotion to the post of CT (BPS-15) from due date according to her inter-se-seniority.
- D) That the appellant has not been treated in accordance with law and rule and has been deprived from her legal right of seniority according to the merit order assigned by the DSC and from further promotion to the post of CT (BPS-15) from due date according to her inter-se-seniority.
- E) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing

It is, therefore, most humbly prayed that the appeal of the appellant may kindly be accepted as prayed for.



APPELLANT
Farhat Begum

THROUGH:



TAIMUR ALI KHAN
ADVOCATE HIGH COURT

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2023

Farhat Begum

VS

Education Department

AFFIDAVIT

I, Farhat Begum, CT (BPS-15), GGHS Chipper Dir Upper, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.


DEPONENT

اللہ ہی کے لئے ہیں مشرق و مغرب (قرآن مجید)

Daily MASHRIQ Peshawar

پشاور
روزنامہ
سیدنا جابر میر شاہ
پشاور

مستقل اشاعت کے 39 سال
ABC CERTIFIED

جلد 39 نمبر 7 جمادی الاول 1427 4 جون 2006ء قیمت 10 روپے پوائے ای الزامی اور تم 300

A 7

پشاور کی ہوا کی آلودگی کی سطح خطرناک ہے۔
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Better Copy

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS AND LITERACY DIR UPPER

TENTATIVE MERIT LIST OF FEMALE CANDIDATES WARI SUB DIVISION.

UNION COUNCIL CHAPPER

S.No	R.No	Name	Father's Name	Union Council	D/O Birth	Scoring								Experience			Remarks		
						SSC	Score	FA/ESc	Score	DAI BSc	Score	MA/MSc	Score	PTC	Score	D/O 1st Appot.		Score	Total
1	7	Azra Begum	Gul Nawaz Khan	Chapper	2.4.56	500	17.97	515	11.75	0	0	0	0	552	19.44	0	0	43.15	
2	168	Shabnam	Muhammad Halim	Chapper	29.10.88	411	14.51	541	9.03	0	0	0	0	604	20.17	0	0	44.49	
3.	76	Farhat Begum	Abdullah	Chapper	3.2.85	447	15.78	554	10.07	0	0	0	0	537	17.9	0	0	43.94	✓
4.		Zehra	Moeen Anwar	Chapper	14.8.83	449	15.85	532	9.09	0	0	0	0	535	17.84	0	0	43.37	
5.		Nasreen Bibi	Abdullah	Chapper	10.1.83	377	13.31	552	10.04	0	0	0	0	582	19.4	0	0	42.75	
6.	9	Bibi Fatima	Munawar Khan	Chapper	7.1.82	444	14.62	504	9.17	0	0	0	0	567	18.9	0	0	42.69	
7.	168	Asmat Bahar	Naimatullah	Chapper	15.4.80	419	14.78	465	8.46	0	0	0	0	672	16.8	0	0	40.65	X

Asmat Bahar
1/24

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8.	340	Mumtaz Begum	Zarwar Khan	Chapper	7.4.84	372	13.13	460	8.37	0	0	0	0	550	18.34	0	0	39.84	
9.	349	Nighat Begum	Munajib Khan	Chapper	1.4.80	385	12.36	472	8.59	0	0	0	0	563	18.77	0	0	39.72	
10.	445	Naziat	Said Daud	Chapper	2.2.83	319	11.26	478	8.66	0	0	0	0	593	19.7	0	0	39.62	
11.		Bibi Sakna	Munawar Khan	Chapper	19.12.80	374	13.02	457	8.31	0	0	0	0	539	17.97	0	0	39.48	
12.	338	Fehmida	Wazir Gul	Chapper	2.1.88	445	17.05	0	0	0	0	0	0	538	17.94	0	0	34.99	
13.	76	Bibi Hawa	Niazbar Khan	Chapper	11.1.81	450	15.89	0	0	0	0	0	0	516	17.02	0	0	33.09	
14.	79	Khals Begum	Zar Muhammad	Chapper	1.2.87	544	18.02	693	12.6	0	0	0	0					31.08	Disable

12/

Alwaid
M

(10)
C
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OFFICE OF THE DEPUTY DISTRICT OFFICER (FEMALE) WARI DIR UPPER.

ADJUSTMENT.

Consequent upon her appointment by the Executive District Officer Schools & Literacy Dir Upper ON UNION COUNCIL MERIT vide Endst.No:4246-50/ F.No. 03/EDO/S&L/ADO(P) dated 17-11-2006 on the following terms and conditions. She is further adjusted against vacant PST (PTC) Female post in the school noted against her name with immediate effect in the interest of public service.

S#	Name	Fathers Name	U/Council	BPS	School where posted	Remarks
01	Mst: Shaabnum	Mohd Haleem	Chapper	07	GGP's Jelar No.2	A.V.P

TERMS AND CONDITIONS.

1. The appointee will be on probation for a period of one year in terms of Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and transfer) Rules 1959.
2. The Certificates/Degrees of the appointee will be verified from the concerned institutions on the expenses of the teacher concerned. No pay etc is allowed before Verification of Certificates/Degrees.
3. Her Service will be considered as regular but without pension and gratuity in terms of section-19 of NWFP Civil servants Act, 1973 as amended by NWFP Civil servants Act 2005.
4. She will contribute C.P fund @ 10% of the minimum of pay and 10% contribute will be made by the Government.
5. The appointees will provide Health and age Certificate from the concerned Medical Superintendent.
6. Her age should not be less than 18 years and above 35 years.
7. The appointee will be governed by such rules and regulations/policies as prescribed by the Government from time to time.
8. If the appointees fail to take over charge within fifteen days after issuance of this order, their appointments may be deemed as automatically canceled.
9. Charge report should be submitted to all concerned.
10. No IA /DA is allowed.
11. The errors and omissions in merit etc if found at any stage can be rectified and the affectee will have no right to claim the order already issued.
12. The appointees will strictly abide the terms and conditions laid down therein.

DEPUTY DISTRICT OFFICER
FEMALE WARI DIR UPPER

Endst: No: 547-51 / F.No.01/DDO(F) Estt: Dated Wari the: 30/11/2006.

- Copy forwarded to the:-
1. Zilla Nazim Dir Upper
 2. District Co-Ordination Officer Dir Upper.
 3. Director schools & Literacy NWFP Peshawar.
 4. Executive District Officer S&L Dir Upper.
 5. District Accounts Officer Dir Upper.
 6. Appointees concerned.

DEPUTY DISTRICT OFFICER
FEMALE WARI DIR UPPER

(11) (12) (13)

OFFICE OF THE DEPUTY DISTRICT OFFICER (FEMALE) WARI DIR UPPER.


ADJUSTMENT.

Consequent upon her appointment by the Executive District Officer Schools & Literacy Dir Upper As per court decision of Honourable Service Tribunal NWFP Peshawar vide Endst:No:4281-84/ F.No. 03/EDO/ S&L/ADO(P) dated 17-11-2006 on the following terms and conditions, She is further adjusted against vacant PST (PTC) Female post in the school noted against her name with immediate effect in the interest of public service.

S#	Name	Fathers Name	U/Council	BPS	School where posted	Remarks
01	Mst: Ismat Dular	Niamatullah	Chapper	07	GGPS Ashuray	A.V.P

TERMS AND CONDITIONS.

1. The appointee will be on probation for a period of one year in terms of Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and transfer) Rules 1989.
2. The Certificates/Degrees of the appointee will be verified from the concerned institutions on the expenses of the teacher concerned. No pay etc is allowed before Verification of Certificates/degrees.
3. Her Service will be considered as regular but without pension and gratuity in terms of section-19 of NWFP Civil servants Act, 1973 as amended by NWFP Civil servants Act 2005.
4. She will contribute C.P fund @ 10% of the minimum of pay and 10% contribute will be made by the Government.
5. The appointees will provide Health and age Certificate from the concerned Medical Superintendent.
6. Her age should not be less than 18 years and above 35 years.
7. The appointee will be governed by such rules and regulations/policies as prescribed by the Government from time to time.
8. If the appointees fail to take over charge with in fifteen days after issuance of this order, their appointments may be deemed as automatically canceled.
9. Charge report should be submitted to all concerned.
10. No TA /DA is allowed.
11. The errors and omissions in merit etc if found at any stage can be rectified and the affectee will have no right to claim the order already issued.
12. The appointees will strictly abide the terms and conditions laid down therein.


DEPUTY DISTRICT OFFICER
FEMALE WARI DIR UPPER

Endst :No: 567-71 / F.No.01/DDO(F)/Estt: Dated Wari the: 30/11 /2006.

Copy forwarded to the:-

1. Zilla Nazim Dir Upper
2. District Co-Ordination Officer Dir Upper.
3. Director schools & Literacy NWFP Peshawar.
4. Executive District Officer S&L Dir Upper.
5. District Accounts Officer Dir Upper.
6. Appointees concerned.


DEPUTY DISTRICT OFFICER
FEMALE WARI DIR UPPER

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



W.P.No. 4 of 2006

- Farhat Begum D/o Abdullah
 R/ Chapper, Tehsil Wari
 District Dir Upper. Petitioner
- Versus
1. Executive District Officer
(S&L), Dir Upper
 2. District Coordination Officer,
Dir Upper
 3. Director, S&L, NWFP, Peshawar.
 4. Secretary, NWFP, Peshawar.
 5. Asmat Bahar D/O Niamatullah
P.T.C. Teacher,
Govt. Primary School Ashrai, Tehsil Wari
District Dir Upper
 6. Khais Begum D/O Zar Muhammad
PTC GGPS, Jelar No.1, Upper Dir Respondents

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

FILED TODAY

30 2006

ATTESTED

Respectfully Sheweth,

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1. That petitioner is the permanent resident of village Chapper, Tehsil Warl, District Dir and has in her credit educational qualifications of Secondary School Certificate, Faculty of Arts and Primary Teaching Certificate, passed in Grade-B. (Copies as Annex: "A").
2. That respondent/ department advertised numerous posts of various disciplines in Dally Mashriq on 04.06.2006 including 6 posts for Union Council, Chapper. According to the Govt. policy 75% seats shall be filled in through council wise while 25% on open merit, so 5 posts shall go to Union Council and one post to open merit. (Copy as Annex: "B").
3. That to fill up the said posts according to the policy, two ladies were transferred to the schools situated at Union Council, Chapper. Amina Bibi from Govt. Girls Primary School, Nasafa to GGPS, Chapper and Shamim Bibi from GGPS Daslor to GGPS Umralli Payan. This transfer was against the policy as they were belonging to other Union Councils.
4. That after conducting test and interview on 14.6.2006 and 20.6.2006, merit list was prepared and petitioner was placed at S.No.3 of the said list, securing 43.94 score, while Respondent No.5 and 6 was placed at S.No.7 and 14 of the list, securing 42.69 and 31.8 scores, in merit list. (Copy as Annex: "C").
5. That on 30.11.2006, Respondent No.1 issued orders of appointment of the teacheresses and petitioner was ignored for no reason. (Copies as Annex: "D").

ATTESTED

EXAMINER
Bahawal High Court

- (14)
6. That on 4.12.2006, petitioner submitted representation before Respondent No.2 which was marked to Respondent No.1 for favourable consideration and Assistant District Officer (S&L) primary for enquiry and report but in vain. (Copy is Annex: "E").
7. That having no other efficacious remedy for relief, petitioner invokes the extraordinary constitutional jurisdiction of this hon'ble court, inter alia, on the following grounds:

GRUNDS:-

- a. That not only petitioner has the requisite educational qualifications for appointment to the post of PTC/ PST but has also qualified the merit and has scored more marks than others but she was ignored, being poor lady, on account of political interference.
- b. That Respondent No.6 who was disabled and was selected but was adjusted in the said Union Council and defeated one seat of the said Union Council.
- c. That the impugned orders are not in accordance with merit policy of the Govt. and vested rights of the petitioner were infringed by violating law, rules and principles of natural justice.
- d. That on one hand, the Govt. is stressing upon the Union Council-wise appointments but on the other hand, two transfer orders have been issued. Had the said two transfer orders from other union councils not made during filling up of the said posts in the said Union Council, petitioner should have not been ignored.

ATTESTED
EXAMINER
Peshawar High Court

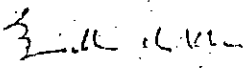
- (18)
- e. That appointments on the basis of the union councils negates section 10 of the Civil Servant Act, 1973.
- f. That the impugned orders are based on malafide and political victimization, so are liable to reversal.

It is, therefore, very humbly prayed that on acceptance of this Writ Petition, this hon'ble court, in exercise of the extraordinary constitutional jurisdiction, may graciously be pleased to:-

- a. Declare order dated 30.11.2006 of Respondent No.1 to be illegal, improper, unjust, arbitrary, discriminatory, malafide, without lawful authority and of no legal effect.
- b. Direct the competent authority, Respondent No.1 to issue order of appointment of petitioner since 30.11.2006 with all service benefits, and / or
- c. Any other writ, direction, orders deemed proper and not specifically asked for, may also be granted/ given.

INTERIM RELIEF:

By keeping in view the aforesaid facts and circumstances of the case, the operation of the impugned orders dated 30.11.2006 be suspended or petitioner be appointed as PTC teacher provisionally till the decision of the case.

Petitioner
through 
Saadullah Khan Marwat
Advocate,

LAW BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. Law books as per need.

CERTIFICATE:

Certified that no such writ petition has been filed earlier on the subject matter in this honourable court.


ADVOCATE

ATTESTED

EXAMINER
Peshawar High Court

PESHAWAR HIGH COURT PESHAWAR.

ORDER SHEET

E (16)

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	10-7-2007	W.P.No.4/2007.

Present: Mr.Saadullah Khan Marwat,
Advocate for the petitioner.

Pir Liaqat Ali Shah, Advocate-
General for respondents 1 to 4
alongwith D.E.O.

DOST MUHAMMAD KHAN, J:- Petitioner

Farhat Begum a resident of Union Council Chapper, Tehsil Wari, District Dir Upper with academic qualifications i.e Secondary School Certificate, Faculty of Arts and Primary Teaching Certificate applied for the post of PST advertised vide public notice appeared in daily "Mashriq" Peshawar dated 4-6-2006. According to her, in the merit list she was at Sr.No.3 but she was not appointed and other teachers were brought to the Union Council on transfer basis thus, her right was infringed in a manner not authorized by law.

2. The plea of respondent No.1 is that as per government policy that female teachers should not be transferred to far flung area but preferably be given jobs to them in their own Union Council thus, questioned transfers were

ATTESTED
EXAMINER
Peshawar High Court

made to the Union Council under consideration and when he was confronted with the legal proposition that once posts are advertised then, the vacancy should be clearly mentioned which has not been done in the instant case hence, leaving room for ulterior consideration and foul play, the learned Advocate-General came to his rescue and stated that the transfer order of the other teachers to the Union Council in question were made prior to the advertisement which was disputed by the learned counsel for the petitioner.

3. At the last leg of the submission, respondent No.1, stated at the bar that at present three posts of PST are lying vacant in the Union Council to which the petitioner belongs and she could be accommodated on one of the post, so that to curtail the life of litigation and to redress the grievance of the petitioner and that the already posted teachers who were having low merits are not disturbed as that action would give birth to another litigation.

4. To the last submission/concession made at the bar, the learned counsel for the petitioner agreed and it was also endorsed by the learned Advocate-General.

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5. This petition is admitted and is accordingly allowed. Respondent No.1 is directed to appoint the petitioner on one of the vacant posts and the rest of the vacant posts be advertised for other eligible candidates.

6. Before parting with this judgment, we would like to direct the Secretary Education, Government of NWFP (School and Literacy) as well as the Secretary Higher Education, Government of NWFP to issue a Circular letter to all the E.D.Os (School and Literacy) of all the Districts of the Province that in future if vacant posts are advertised then, its full description alongwith the number of vacant posts be clearly mentioned so that there remains no ambiguity/vacuum on the part of the Authority concerned. Copy of this order be also sent to the Chief Secretary, Government of NWFP, besides the two Secretaries for necessary action.

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No. of Pages: 12/10/07

Applying Fee: 100/-

Grant Fee: 100/-

Date of Presentation of Application: 12/10/07

Date of Delivery of Copy: 12/10/07

Received by: [Signature]

sd/Dr. Muhammad Ullah

sd/Raj Muhammad Ullah

CERTIFIED TO BE TRUE COPY

[Signature]

Examiner
Peshawar High Court Peshawar
Authorized Under Section 75 Acts Ord.

Issue

12/10/07

13/10/07

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOL AND LITERACY DIR UPPER.

OFFICE ORDER.

F (19)

Consequent upon the decision of the Honourable Peshawar High Court Peshawar, dated 10.07.2007, in Writ Petition No.4/2007 Farhat Begum versus EDO Schools & Literacy Dir upper and others, Mst: Farhat Begum Daughter of Abdullah Resident of Chappar is hereby appointed as PST teacher in BPS-07 plus usual allowances as admissible to her under the rules on regular basis but without PENSION and GRATUITY in terms of Section -19 of the Civil servants Act 1973 as amended vide NWFP Civil Servants (Amendment) Act 2005 bearing No.SOR-6(E&AD)13-1/2005 dated 10.08.2005 and adjusted at GGPS Jelar No.1 against vacant post with effect from 10.07.2007 subject to the following terms and conditions in the interest of public service:-

TERMS AND CONDITIONS.

- 01- The appointment is made subject to the maturity of decision and legal opinion of Advocate General NWFP.
- 02- The appointee will be on probation for a period of one year in terms of Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989.
- 03- The Certificates /Degrees of the appointee will be verified from the concerned institutions. No pay etc is allowed before verification of certificates/degrees.
- 04- The Deputy District Officer Male/Male/Drawing & Disbursing officer concerned will verify their academic, professional and domicile certificates from the institutions concerned. No pay etc is allowed before the verification of certificates otherwise the DDO concerned will be personally held responsible for any consequences.
- 05- Her Services will be considered as regular but without pension and gratuity in terms of Section -19 of NWFP Civil Servants Act, 1973 as amended by NWFP Civil Servants Act 2005.
- 06- She will contribute C.P Fund @ 10 % of the minimum of pay and 10 % contribute will be made by the Government.
- 07- The appointee will provide Health and age certificate from the concerned Medical Superintendent.
- 08- Her age should not be less than 18 years and above 35 years.
- 09- The appointees will be governed by such rules and regulations /polices as prescribed by the Government from time to time.
- 10- If the appointee fail to take over charge with in fifteen days after issuance of this order, their appointments may be deemed as automatically canceled.
- 11- Charge report should be submitted to all concerned.
- 12- No TA /DA is allowed.
- 13- The errors and omissions in merit etc if found at any stage can be rectified and the affectee will have no right to claim the order already issued.
- 14- The appointees will strictly abide the terms and conditions laid down therein.

(HAJI ABDUR RAHMAN)
EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY DIR UPPER.

No 13149-57 /F-Fathat/EDO/S&L/ADO(IP) Dated 28 /07/2007..

Copy forwarded to the :

1. Registrar, Peshawar High Court Peshawar.
2. Zilla Nazim Dir Upper.
3. District Coordination Officer Dir Upper.
4. P.S to Secretary School & Literacy Department NWFP Peshawar.
5. Director Schools & Literacy NWFP Peshawar.
6. Deputy District Officer (Female) Wari.
7. District Accounts Officer Dir Upper.
8. Deputy District Officer (MALE) Dir & Wari.
9. Appointee concerned.

EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY DIR UPPER.

**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DISTRICT
DIR UPPER.**

OFFICE ORDER.

G (20)

Consequent upon the recommendation of Departmental Promotion Committee and pursuance of the Govt :Khyber, Pakhtunkhwa Elementary & Secondary Education Department Notification: SO(B&A)1-18/E&SE/2012 Dated:-16/07/2012 AND Finance Department No (FR)/FD/10-22/2010 Dated:16/07/2012. The following PSHT/SPSTs/PSTs are hereby promoted to CT BPS:15(Rs:-13510-1120-110) plus usual allowances and admissible under the Rules on regular basis under the existing policy of Government Khyber Pakhtunkhwa and they are further adjusted in the schools noted against each names subject to the following terms and conditions with immediate effect in the interest of public service.

Seniority No	Name & Designation	Present school	School where adjusted	Remarks
17	Naseem Bahar, PSHT ✓	GGPS Abakand No:1	GGHSS Dir	Against newly created post
36-	Jamila, PSHT ✓	GGPS Pashta	GGMS Pashta	-do-
37	Sabiha Bano, SPST ✓	GGPS Janbhatti	GGHS Janbhatti ✓	-do-
42	Rukhsana Begum, PSHT ✓	GGPS Amloknar	GGMS Amloknar	A.V.P
75	Fozia Jabeen, PSHT ✓	GGPS Kalsho	GGMS Chukiatan	A.V.P
77	Sarhad Faiz, PSHT ✓	GGPS Lakaro Chinarano	GGHSS Dir	Against newly created post
119-	Dilhisiat, SPST ✓	GGPS Khan Shaheed	GGMS Kass Dir	A.V. Post
123-	Jehan Wala, PSHT ✓	GGPS Gulibagh	GGHS Wari	Against newly created post
169	Shawkat Ara, SPST ✓	GGPS Kotkay	GGMS Chukiatan	A.V. Post.
178-	Bibi Maryam, PSHT ✓	GGPS Hattan	GGMS Darora	A.V. Post.
187	Taslim Yarmullah, PSHT ✓	GGPS Tikerkot	GGHS Sundrawal	A.V. Post
192	Razia Bibi, SPST ✓	GGPS Wari(P)	GGHS Wari(P)	A.V. Post
206	Majida, PSHT ✓	GGPS Badalai(B)	GGMS Daskore(P)	A.V. Post
217	Shaheen, SPST ✓	GGPS Junkass	GGMS Barikot	A.V. Post.
240	Mumlikat SPST ✓	GGPS Panakot No:1	GGHSS Dir	Against newly created post
265	Jawhar Bibi, SPST ✓	GGPS Nawoo	GGMS Kass Dir	-do-
269-	Romina Begum, SPST ✓	GGCMS Usherai	GGHS Samkoot	-do-
300	Fazilat, SPST ✓	GGPS Kandaro Nehag	GGHS Sundal	-do-
302	Irum Naz, PSHT ✓	GGPS Nasirabad	GGHS Akhgram	A.V. Post
308	Nabla, PST	GGPS Akhgram	GGHS Akhgram	A.V. Post
312	Shazia Attaullah, PSHT ✓	GGPS Komira	GGHS Akhgram	-do-
313	Rukhsana Bibi, SPST ✓	GGPS Daskore(B)	GGMS Daskore(B)	A. V. Post
325	Haseena Irfan, PST ✓	GGPS Dir No:1	GGHS Panakot	Against newly created post
358	Jamila Akber, PSHT ✓	GGPS M:Arif Kalay	GGHS Sharingal	-do-
366	Amla Bibi, PSHT ✓	GGPS Zakoo	GGMS Shinkari	A.V. Post
367	Zuhra Bibi, PSHT ✓	GGPS Shahikot	GGHS Janbhatti ✓	A.V. Post
378	Yasmin Zia, SPST ✓	GGPS Miana Khwar	GGMS Kass Dir	A.V. Post
389	Nabowat Bibi, SPST ✓	GGPS Moha	GGHS Gogyal	A.V. Post
397	Asmat Bahar, PSHT ✓	GGPS Shakanai	GGMS Chapper	-do-
398	Ruqia Bibi, SPST ✓	GGPS Mianadoag	GGMS Doag(P)	-do-
399	Anisa, SPST ✓	GGPS Surbat No:1	GGHS Sundrawal	-do-
400	Shaheen Begum, SPST ✓	GGPS Darora No:1	GGMS Darora	-do-
402	Rucha Inhat SPST ✓	GGPS Panakot No:02	GGMS Oulandi	-do-

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10	Ruqia Bibi, PST	GGPS Janbhatti ✓	GGHS Janbhatti	-do-
12-	Falak Naz, PST	GGPS Panakot No:01	GGMS <i>Chukiatan</i>	-do- +
14	Nehayat Bibi, PST	GGPS Nawoo	GGMS Chukiatan	-do-
15	Naheed, PST	GGPS Gandigar(B)	GGHSS Gandigar	-do-
31	Seema Gulfaraz, SPST ✓	GGPS Mian banda	GGMS Bibyawar	-do-
37	Bibi Maryam, SPST ✓	GGPS Manal sar	GGHS Ganori	-do-
45	Salma Begum, SPST ✓	GGPS Dir No:1	GGHSS Dir	-do-
47	Amrozia, PST	GGPS Chapper	GGMS Chapper	-do-
53	Tahlra Naz, PST	GGPS Tarpatar	GGMS Tarpatar	-do-

TERMS AND CONDITIONS

They will be on probation for a period of one year extendable for another one year.

They will be governed by such Rules and Regulation as may be issued from the Govt: time to time.

Their service can be terminated at any time in case of her performance is found satisfactory during the probation period. In case of miss-conduct they will be processed under the prescribed Rules.

Charge reports should be submitted to all concerned.

Their enter seniority on lower post will remain intact.

No TA/DA is allowed.

They will give an undertaking to the effect that any over payment is made to them in the light of this order will be recovered, if they will wrongly promoted and they will be reversed to the previous post.

(BIBI HALEEMA)

DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT DIR UPPER.

Order No: 1796-1847 / F: promotion/CT(F)/ADO(S)/Dated Dir Upper the: 1/8 /2016.

Copy forwarded to the:

- 01- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 02- District Accounts Officer Dir Upper.
- 03- SDEOs (Female) Dir/ Wari for information & necessary action.
- 04- Head Mistresses concerned.
- 05- Accountant (Female) Middle school local office.
- 06- Focal Person EMIS local office.
- 07- Mistresses concerned.

[Signature]
DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT DIR UPPER.

[Signature]

1/8/16

[Signature]

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DISTRICT DIR UPPER.

OFFICE ORDER.

Consequent upon on the recommendation of Departmental Promotion committee and in pursuance of the Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department Notification No:SO(PE)4-5/SSRC/Meting/2012/Teaching cadre Dated:13/11/2012 amended vide No: SO(PE)/SSRC/Meting/2013 teaching Dated:13/11/2012 in Rule(2) of Rules (3) of KPK Civil servants (appointment/transfer, 1989). The following PSHT/SPST/PSTs are hereby promoted to the post of CT BPS:15(Rs:-16120-1330-56020) Plus usual allowances as admissible under the rules on regular basis under the existing policy of Government Khyber Pakhtunkhwa and they are further adjusted in the schools noted against each names subject to the following terms and conditions with immediate effect in the interest of public service.

#	S/L No	Name of Teacher	Fathers Name	Present school	School where adjusted	CNIC No	Remarks
1-	67	Azra Jabeen	Abdul All Jan	GGPS Chukyatan No.1	GGHS Panakot	15701-7165609-6	A.V.P.
2-	79	Khalida Gran	Gran Said	GGPS Shan Jal Bagh	GGMS Qulandi	15701-2398578-0	A.V.P
3-	169	Ra'ida Bibi	Fazal wadood	GGPS Banjal Nohag	GGHS Sundal	15702-9182653-0	A.V.P.
4-	178	Shafaat Bibi	Sher Bahadar Khan	GGPS Kakad	GGHS Warl(P)	15702-8608771-0	A.V.P.
5-	202	Nihayat Begum	Jehan zeb	GGPS Dastor Payeen	GGMS Daskore(B)	15702-2412128-4	A.V.P.
6-	205	Rahat Begum	Shah Wazir Khan	GGPS Gogyal	GGHS Gogyal	15702-2443391-0	A.V.P.
7-	214	Khalida Begum	Badshah sada	GGPS Kakad	GGMS Kakad	15702-2401828-2	A.V.P.
8-	221	Mahla Bibi	Inayat Khan	GGPS Dastor Payeen	GGMS Daskore(B)	15702-6204134-6	A.V.P.
9-	231	Yasmin Bibi	Taj Mohd Khan	GGPS Duryal	GGMS Pashta	15702-6904791-2	A.V.P
10-	233	Samina Begum	Sultan Muhammad	GGPS Chumra	GGHSS Gandijar	15701-4189764-6	A.V.P.
11-	261	Farihat Mullah	Fazal Mullah	GGPS Shamogor	GGMS Bilbyawar	15701-1149732-8	A.V.P
12-	280	Asha Zeb	Jehan Zeb	GGPS Warl Bala	GGHS Warl(P)	15702-8818745-4	A.V.P.
13-	326	Ishrat Jabeen	Atlan Gul Said	GGPS Serwal	GGHS Bilbyawar	15701-9678433-2	A.V.P.
14-	328	Norina Bibi	Gul akbar	GGPS Akhgram	GGHS Akhgram	15702-4690458-8	A.V.P
15-	336	Sahiba Bibi	Ashraf Khan	GGPS Bekhroy	GGHSS Dir	15701-5902841-8	A.V.P.
16	344	Kalsoom Bibi	Abdul Qayoom	GGPS Wa 1 (P)	GGHS Warl(B)	15702-2406788-6	A.V.P.
17	346	Nasreen Bibi	Salam wahid	GGPS Tanzal	GGHS Warl(P)	15702-2403263-4	A.V.P.
18	349	Tasim Bibi	Khairur Rahman	GGPS Gogyal	GGHS SharIngal	15702-6170686-8	A.V.P.
19	380	Lubna Begum	Mohammad Rahim	GGPS Akhgram	GGHS Akhgram	15702-6299720-6	A.V.P.
20	393	Musarat Jehan	Toib Mohammad	GGPS Naw Kakad	GGMS Kakad	15702-0640991-6	A.V.P.
21	408	Shafaat Bibi	Jehan zeb	GGPS Shalga	GGMS Shalga	15702-2933757-6	A.V.P.
22	425	Shabana Anjum	Zegrawar Khan	GGPS Akhgram	GGHS Akhgram	15705-0850364-4	A.V.P.
23	427	Asha Khaliq	Ghulam Khaliq	GGPS Oxral	GGHS Warl(P)	15702-0331706-2	A.V.P
24	429	Farihat Begum	Abdullah	GGPS Chapper	GGMS Chapper	15702-5563827-8	A.V.P.
25	432	Zakia Bibi	Sher Zamin	GGPS Barawary	GGMS Shahikot	15704-5811434-6	A.V.P.
26	434	Sabila Bibi	Sayed Fazal Ghafoor	GGPS Garwal	GGHS Ganori	15701-9320480-2	A.V.P.
27	450	Hajira	Sayed Ali	GGPS Marwal Kaly	GGMS Doag(P)	15000-1825327-4	A.V.P
28	452	Nazia	Bakht Zamin	GGPS Shalga	GGMS Shalga	17201-0903715-4	A.V.P.
29	453	Mehnaz	Bakht zamin	GGPS Shalga	GGMS Shalga	17201-0913310-4	A.V.P.
30	454	Alla Bibi	Chaman Khan	GGPS Ashary	GGHS Warl (P)	15702-7113434-4	A.V.P.
31	461	Mehnaz Begum	Shah Jehan Khan	GGPS Alwaral	GGHS Akhgram	15702-6053625-4	A.V.P.
32	465	Farzana Bibi	Ashbar Khan	GGMS Pula Paw	GGHS Warl(P)	15702-5798531-4	A.V.P.
33	466	Nagina Anjum	Bakht Zamin	GGPS Marl Warl	GGHS Warl(P)	15702-5250645-2	A.V.P
34	468	Shabnam Bibi	Muhammad Arif	GGPS Badatal B	GGMS Badatal	15702-8115354-4	A.V.P.
35	473	Minhas Bibi	Mohd,zahir Shah	GGPS Jelar No 1	GGMS Jelar	15702-1655126-4	A.V.P
36	475	Riaz Begum	Muhib Gul	GGPS Sundal	GGHS Sundal	15702-6564782-0	A.V.P.
37	481	Sajida Akber	Akber Said Khan	GGPS Khat	GGHSS SharIngal	15701-1148633-2	A.V.P.
38	489	Sardna Bibi	Shafiqullah	GGPS Jaber	GGHS Jabar	15701-7420482-2	A.V.P
39	510	Shagufta Naz	Bakhtwar Khan	GGPS Chukyatan No.1	GGMS Kass Dir	15402-1386051-6	A.V.P.
				GGPS Urbar	GGMS Kass Dir	15701-7569377-4	A.V.P.

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41	550	Gul Naz	Niaz bahadar	GGPS Markhano	GGMS Pashta	15701-1104609-6	A.V.P.
42	551	Salma Tabasum	Wazir Zada	GGPS Daskore (B)	GGHS Warl(P)	15702-9865127-8	A.V.P.
43	552	Farihta Naz	Khair Mohammad	GGPS Finakot No.2	GGMS Kass Dir	15702-4783500-6	A.V.P.
44	559	Nilam Naz	Falak Naz	GGPS Minha	GGHS Warl(P)	15702-1887086-2	A.V.P.
45	566	Qasida Tabasum	Shahzada Jan	GGPS Jighabang	GGHS Kotkal	15702-6606770-2	A.V.P.
46	569	Sheema	Mian Asghar Ali Shah	GGPS Elbyawar	GGMS Bibyawar	15702-7262591-8	A.V.P.
47	597	Samina	Taj Muhammad	GGPS Kattan Bala	GGMS Kattan(P)	15701-7262591-8	A.V.P.
48	618	Shaukat Ara	Hazrat Umar	GGPS Barawal	GGMS Tikar Kot	15704-7625002-4	A.V.P.
49	624	Nasira Bibi	Akhun Zada	GGPS Aliana Doag	GGHS Sheringal	15701-6485550-2	A.V.P.

TERMS AND CONDITIONS.

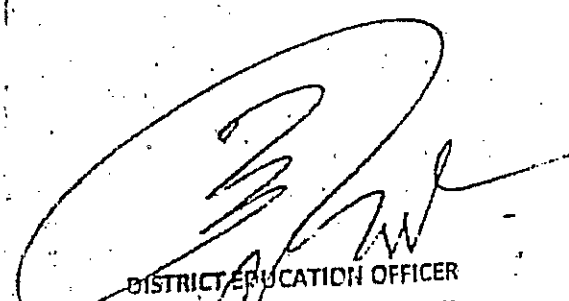
- 1- They will be on probation for a period of one year extendable for another one year.
- 2- They will be governed by such rules and regulation as may be issued from the Govt: time to time.
- 3- Their services can be terminated at any time, in case of his performance is found unsatisfactory during the probation period. In case of miss conduct they will be proceeded under the rules framed from time to time. In case of misconduct they will be proceeded under the framed rules
- 4- Charge reports should be submitted to all concerned.
- 5- Their enter seniority on lower post will remain intact.
- 6- No TA/DA is allowed.
- 7- They will give and undertaking to this effect that any overpayment is made to them in light of this order will be recovered if they will wrongly promoted and they will be reversed to the previous post.
- 8- They shall take over charge on their new stations after 31/07/2017.

DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT DIR UPPER.

Endst No 72/90/67 /F:/CT/ Apptt/In-service, PST, 2017/ Dated Dir Upper the: 25/7 /2017.

Copy forwarded to the:-

- 01- Director E&SE Khyber Pakhtunkhwa Peshawar.
- 02- Deputy Commissioner Dir Upper.
- 03- District Nazim Dir Upper.
- 04- District Accounts Officer Dir Upper.
- 05- SDEOs (Female) Dir/ Warl.
- 06- Head Mistresses concerned.
- 07- Teachers concerned.



DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT DIR UPPER.

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To

The Director (Elementary & Secondary Education),
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL FOR ANTEDATION OF APPOINTMENT ORDER OF THE APPELLANT W.E.F 30.11.2006 BY THE MODIFYING HER APPOINTMENT ORDER DATED 28.07.2007 AND ALSO ANTEDATED HER PROMOTION TO THE POST CT (BPS-15) WITH EFFECT FROM 01.08.2016 BY MODIFYING HER PROMOTION ORDER DATED 08.01.2017

Respected Sir,

1. That the appellant is the permanent resident of village Chapper Tehsil Wari, District Dir Upper. The department advertised numerous post of various discipline in daily Mashriq on 04.06.2006 including 6 posts for Union Council Chapper. According to the Govt. policy 75% seats be filled in through Union Council wise while 25% on open merit, so 5 post should be go to Union Council and one post to open merit. The appellant being eligible applied for the post of PST (then PTC).
2. That after conducting test and interview, merit list was prepared and the appellant was placed at Sr.No.3 of the said list. The department issued the appointment order on 30.11.2006, wherein the appellant was ignored for no reason.
3. That the appellant filed the writ petition No.04/2007 with the prayer to direct the competent authority to issue order of the appointment of the appellant since 30.11.2006 with all service benefits in the Honourable Peshawar High Peshawar.
4. That the said writ petition was heard by the Honourable Court on 10.07.2007 and during hearing of the case, the Executive District Officer (S&L) Dir upper stated at the bar that at present three posts of PST were laying vacant in the Union Council to which the appellant belong on which the Honourable Court allowed the case of the appellant and directed the Executive District Officer (S&L) Dir upper to appoint the appellant on one of the vacant posts.
5. That in the pursuance of the decision dated 10.07.2007 of Honourable Peshawar High Court Peshawar in writ petition No.04/2007, the appellant was appointed on the post of PST with effect from 10.07.2007 instead of due date 30.11.2006 "the date on which her batchmates and juniors were appointed" vide order dated 28.07.2007.

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6. That the batchmates of the appellant namely Amrozia Bibi and Esmat Bahar were promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 01.08.2017 despite the fact that all of them were appointed on the basis of same advertisement and Esmat Bahar was low in merit order than the appellant in the initial appointment to the post of PST.
 7. That due to not appointing the appellant along with her batchmates w.e.f 30.11.2006, her batchmates and juniors were promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 01.08.2017, therefore, the appellant file this departmental appeal for antedation of her appointment w.e.f 30.11.2006 by modifying her appointment order dated 28.07.2007 and also for antedation of her promotion to the post CT (BPS-15) with effect from 01.08.2016 "the date when her batchmate and junior were promoted" by modifying her promotion order dated 01.08.2017 on the following grounds.

GROUNDS:-

- A) That not appointing the appellant with his batchmates w.e.f 30.11.2006 and not promoting her to the post of CT w.e.f 01.08.2016 with batchmate and junior are against the law, rules, facts, norms of justice and material on record, therefore not tenable.
- B) That the appellant was at Sr. No. 03 of the merit order of PST, however, she was not appointment 30.11.2006 along with her batchmates and juniors against which she filed Writ petition No. 04/2007 in the Honourable High Court Peshawar. The said writ petition was heard by the Honourable Court on 10.07.2007 and during hearing of the case, the Executive District Officer (S&L) Dir upper stated at the bar that at present three posts of PST were laying vacant in the Union Council to which the appellant belong on which the Honourable Court allowed the case of the appellant and directed the Executive District Officer (S&L) Dir upper to appoint the appellant on one of the vacant posts, which means that the appellant has been punished for no fault by not appointing him along with his batchmates w.e.f 30.11.2006.
- C) That the appellant has filed the writ petition No.04/2007 for appointment with effect from 30.11.2006 which was allowed, therefore, the appellant is entitle to be appointed with effect from 30.11.2005 instead of 10.07.2007.
- D) That due to not appointing the appellant with his batchmates and juniors on 30.11.2006, the appellant has been deprived from his legal right of promotion to the post of CT on 01.08.2016 as his junior namely Esmat Bahar was promoted to the post of CT on 01.08.2016.

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while the appellant was promoted to the post of CT on 01.08.2017, which is against the norms of justice and fair play.

E) That the appellant has not been treated in accordance with law and rules and has been deprived from her legal right of appointment w.e.f 30.11.2006 along with her batchmates and promotion to the post of CT w.e.f 01.08.2016.

It is therefore, most humbly requested that on acceptance of this departmental appeal, the appointment of the appellant may kindly be antedated to 30.11.2006 by modifying her appointment order dated 28.07.2007 and also antedate her promotion to the post of CT to 01.08.2016 by modifying her promotion order dated 01.08.2017 by revising her seniority on the post of PST and CT.

Date:

263
30-11-2017

Farhat

Appellant

Farhat Begum CT (BPS-15)
GGHS Chapper, Dir Upper

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 162-

Date 25/3/2022

Farhat Begum, CT (BS-15),
GGHS Chapper, Dir Upper.

(APPELLANT)

VERSUS

1. The Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer. (Female) Dir Upper.

(RESPONDENTS)

Filed to-day
Registrar
25/3/2022

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT 1974, FOR ANTEDATION OF APPOINTMENT ORDER OF THE APPELLANT W.E.F 30.11.2006 BY THE MODIFYING HER APPOINTMENT ORDER DATED 28.07.2007 AND ALSO ANTEDATED HER PROMOTION TO THE POST CT (BPS-15) WITH EFFECT FROM 01.08.2016 BY MODIFYING HER PROMOTION ORDER DATED 08.01.2017 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN WITHIN STATUTORY PERIOD 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY KINDLY BE DIRECTED TO ANTEDATED THE APPOINTMENT ORDER OF THE APPELLANT W.E.F 30.11.2006 "THE DATE ON WHICH HER

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BATCHMATES AND JUNIORS WERE APPOINTED" BY THE MODIFYING HER APPOINTMENT ORDER DATED 28.07.2007 AND ALSO ANTEDATED HER PROMOTION TO THE POST CT (BPS-15) WITH EFFECT FROM 01.08.2016 "THE DATE WHEN HER BATCHMATES AND JUNIOR WERE PROMOTED" BY MODIFYING HER PROMOTION ORDER DATED 08.01.2017. (ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.)

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is the permanent resident of village Chapper Tehsil Wari, District Dir Upper. The department advertised numerous post of various discipline in daily Mashriq on 04.06.2006 including 6 posts for Union Council Chapper. According to the Govt. policy 75% seats be filled in through Union Council wise while 25% on open merit, so 5 post should be go to Union Council and one post to open merit. The appellant being eligible applied for the post of PST (then PTC). (Copy of advertisement is attached as Annexure-A)
2. That after conducting test and interview, merit list was prepared and the appellant was placed at Sr.No.3 of the said list. The department issued the appointment order on 30.11.2006, wherein the appellant was ignored for no-reason. (Copy of order dated 30.11.2006 is attached as Annexure-B)
3. That the appellant filed the writ petition No.04/2007 with the prayer to direct the competent authority to issue order of the appointment of the appellant since 30.11.2006 with all service benefits in the Honourable Peshawar High Peshawar. (Copy of writ petition is attached as Annexure-C)
4. That the said writ petition was heard by the Honourable Court on 10.07.2007 and during hearing of the case, the Executive District Officer (S&L) Dir upper stated at the bar that at present three posts of PST were laying vacant in the Union Council to which the appellant belong on which the Honourable Court allowed the case of the appellant and directed the Executive District Officer (S&L) Dir upper to appoint the appellant on one of the vacant posts. (Copy of judgment dated 10.07.2007 is attached as Annexure-D)

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5. That in the pursuance of the decision dated 10.07.2007 of Honourable Peshawar High Court Peshawar in writ petition No.04/2007, the appellant was appointed on the post of PST with effect from 10.07.2007 instead of due date 30.11.2006 "the date on which her batchmates and juniors were appointed" vide order dated 28.07.2007. (Copy of order dated 28.07.2007 is attached as Annexure-E)
 6. That the batchmates of the appellant namely Amrozia Bibi and Esmat Bahar were promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 25.07.2017 despite the fact that all of them were appointed on the basis of same advertisement and Esmat Bahar was low in merit order than the appellant in the initial appointment to the post of PST. (Copies of order dated 01.08.2016 and dated 25.07.2017 are attached as Annexure-F&G)
 7. That due to not appointing the appellant along with her batchmates w.e.f 30.11.2006, her batchmates and juniors were promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 25.07.2017, therefore, the appellant filed departmental appeal on 30.11.2021 for antedation of her appointment w.e.f 30.11.2006 by modifying her appointment order dated 28.07.2007 and also for antedation of her promotion to the post CT (BPS-15) with effect from 01.08.2016 "the date when her batchmates and junior were promoted" by modifying her promotion order dated 01.08.2017, which was not responded within the statutory period of ninety days. (Copy of departmental appeal is attached as Annexure-H)
 8. That the appellant has no other remedy except to file the instant service appeal in this Honourable Service Tribunal on the following grounds amongst others.

GROUND:-

- A) That not appointing the appellant with his batchmates w.e.f 30.11.2006 and not promoting her to the post of CT w.e.f 01.08.2016 with batchmates and juniors are against the law, rules, facts, norms of justice and material on record, therefore not tenable.
- B) That the appellant was at Sr. No. 03 of the merit order of PST, however, she was not appointment on 30.11.2006 along with her batchmates and juniors, against which she filed Writ petition No. 04/2007 in the Honourable High Court Peshawar. The said writ petition was heard by the Honourable Court on 10.07.2007 and during hearing of the case, the Executive District Officer (S&L) Dir upper stated at the bar that at present three posts of PST were laying vacant in the Union Council to which the appellant belong on which the Honourable Court allowed the case of the appellant and directed the

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Executive District Officer (S&L) Dir upper to appoint the appellant on one of the vacant posts, which means that the appellant has been punished for no fault by not appointing him along with his batchmates w.e.f 30.11.2006.

- C) That the appellant has filed the writ petition No.04/2007 for appointment with effect from 30.11.2006 which was allowed, therefore, the appellant is entitle to be appointed with effect from 30.11.2006 instead of 10.07.2007.
- D) That due to not appointing the appellant with his batchmates and juniors on 30.11.2006, the appellant has been deprived from his legal right of promotion to the post of CT on 01.08.2016 as his junior namely Esmat Bahar was promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 25.07.2017, which is against the norms of justice and fair play.
- E) That the appellant has not been treated in accordance with law and rules and has been deprived from her legal right of appointment w.e.f 30.11.2006 along with her batchmates and promotion to the post of CT w.e.f 01.08.2016.
- F) That the appellant seeks permission of this Honourable Tribunal to advance others 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.

Farhat

APPELLANT

Farhat Begum

THROUGH:

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TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

(31)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 558 /2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1162

Dated 25/3/2022

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/1/
(31)

Farhat Begum, CT (BS-15),
GGHS Chapper, Dir Upper.

(APPELLANT)

VERSUS

1. The Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer, (Female) Dir Upper.

(RESPONDENTS)

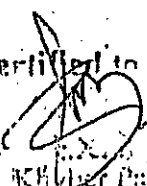
Filed to-day
13/3/22

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT 1974, FOR ANTEDEDATION OF APPOINTMENT ORDER OF THE APPELLANT W.E.F 30.11.2006 BY THE MODIFYING HER APPOINTMENT ORDER DATED 28.07.2007 AND ALSO ANTEDATED HER PROMOTION TO THE POST CT (BPS-15) WITH EFFECT FROM 01.08.2016 BY MODIFYING HER PROMOTION ORDER DATED 08.01.2017 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN WITHIN STATUTORY PERIOD 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY KINDLY BE DIRECTED TO ANTEDATED THE APPOINTMENT ORDER OF THE APPELLANT W.E.F 30.11.2006 "THE DATE ON WHICH HER

Certified to be true copy


Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

11th Nov, 2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Painsakhel, Assistant Advocate General for the respondents present.

2. After arguing the matter at length, learned counsel for the appellant submitted that the appellant had to first get her seniority determined from the authority under Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of the Khyber Pakhtunkhwa Government Servants (Appointment, Promotion and Transfer) Rules, 1989, which, the learned counsel for the appellant submits, has not been determined by the authority till date. For the purpose he wants to make an application to the department, which the department has to consider in accordance with law. As regards this appeal, he does not press it for the time being and submits that he would re-agitate the seniority list if not legally fixed by the department. Disposed of accordingly. Consign.

3. *Pronounced in open court in Swat and given under our hands and seal of the Tribunal on this 08th day of November, 2022.*

(Salah Ud Din)
Member (Judicial)
Camp Court Swat

(Kalim Arshad Khan)
Chairman
Camp Court Swat

800
3/10/-
3/11/-
3/12/-
20/12/22
23/12/22

Certified to be true copy
MEMBER
KHYBER PAKHTUNKHWA
Service Tribunal
Peshawar

To

The worthy District Education Officer (Female)
Upper Dir,

SUBJECT: APPLICATION OF THE APPELLANT FOR FIXATION OF HER SENIORITY IN THE POST PST (BPS-12) ACCORDING TO THE MERIT ORDER ASSIGNED BY THE DEPARTMENTAL SELECTION COMMITTEE ON THE BASIS OF RULE 17 (a) OF THE KHYBER PAKHTUNKHWA CIVIL SERVANT APPOINTMENT PROMOTION AND TRANSFER RULES 1989 AND FOR FURTHER PROMOTION OF THE APPELLANT TO THE POST OF CT (BPS-15) FROM DUE DATE ACCORDING TO HER INTER-SE-SENIORITY.

Respected Sir,

1. That the appellant is the permanent resident of Village Chapper Tehsil Wari, District Dir Upper. The department advertised numerous posts of various disciplines in daily Mashriq on 04.06.2006 including 6 posts for Union Council Chapper. According to the Govt. Policy 75% seats be filled in through Union Council wise while 25% on open merit, so 5 posts should be go Union Council and on post to open merit. The appellant being eligible for the post of PST (then PTC). (Copy of Advertisement is attached as Annexure-A)
2. That after conducting test and interview, merit list was prepared and the appellant was placed at Sr. No.3 in the said list. The department issued the appointment order dated 30.11.2006, wherein the appellant was ignored for no reason. (Copy of merit list and order dated 30.11.2006 is attached as Annexure-B&C)
3. That the appellant filed writ petition No.04/2007 in the Peshawar High Court Peshawar with the prayer to direct the competent authority to issue the appointment order of the appellant since 30.11.2006 with all service benefits (Copy of writ petition is

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4. That the said writ petition was heard by the Honorable Peshawar High Court Peshawar on 10.07.2022 and during hearing of the case, the Executive Officer (S&L) Dir Upper stated at the bar that at present three posts of PST were laying vacant in the Union Council to which the appellant belong on which the Honorable Court allowed the case of the appellant and directed the executive District Officer (S&L) Dir Upper to appoint the appellant on one of the vacant posts. (Copy of judgment dated 10.07.2007 is attached as Annexure-E)
 5. That in pursuance of the decision dated 10.07.2007 of the Honorable Peshawar High Court in writ petition No.04/2007, the appellant was appointed on the post of PST with effect from 10.07.2007 instead of due date 30.11.2006. The date on which her batchmates and juniors were appointed vide order dated 28.07.2007. (Copy of order dated 28.07.2007 is attached as Annexure-F)
 6. That the batchmates of the appellant namely Amrozia Bibi and Esmat Bahar were promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 25.07.2017 despite the fact that all of them were appointed on the basis of same advertisement and Esmat Bahar was low in merit order than the appellant in the initial appointment to the post of PST. (Copies of order dated 01.08.2016 and dated 25.07.2017 are attached as Annexure-G&H)
 7. That due to not appointing the appellant along with her batchmates w.e.f 30.11.2016 and not given her seniority according to merit order assigned by the DSC, her batchmates and juniors were promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 25.07.2017, therefore, the appellant filed departmental appeal by modifying her appointment order dated 28.07.2007 and also for antedation of her promotion to the post of CT (BPS-15) with effect from 01.08.2016 the date when her batch mates and juniors were promoted by modifying her promotion order dated 25.07.2017, which was not responded within the statutory period of ninety days.
 8. That after the statutory period of ninety days, the appellant filed service appeal No.558/2022 in the Khyber Pakhtunkhwa Service

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Tribunal Peshawar. The said appeal was heard on 08.11.2022 and the Khyber Pakhtunkhwa Service Tribunal mentioned in its order/judgment dated 08.11.2022 that the counsel for the appellant submitted that the appellant had to first get her seniority determined from the authority under Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa APT rules 1989, which the counsel for the appellant submits, has not been determined by the authority till date. For the purpose he wants to make application to department, which the department has to consider in accordance with law. As regards the appeal, he does not press it for the time being and submits that he would re-agitate the seniority list if not legally fixed by the departments and the appeal of the appellant was dispose of. (Copies of service appeal and order dated 08.11.2022 are attached as Annexure-I&J)

9. That now the appellant wants to file application/departmental appeal for fixation of her seniority in the post of PST according to the merit order assigned by the Departmental Selection Committee under Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa APT rules 1989 and for further promotion to the post of CT (BPS-15) from due date on the basis of inter-se-seniority on the following grounds amongst others.

GROUND:

- A) That the appellant after conducting test and interview, merit list was prepared and the appellant was placed at Sr. No.3 of the said list and is entitle to be placed at Sr. No 3 of the seniority list of PST (BPS-12) along with her batch mates who were appointed along the appellant on the same advertisement according to Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa APT Rules 1989 and also entitle for further promotion to the post of CT (BPS-15) from due date according to her inter-se-seniority.
- B) That the appellant was at Sr. No 3 of the merit list, but she was not appointed on 30.11.2006 along with her batch mates without any reason on which she filed writ petition 04/2007, which was allowed on 10.07.2007 and on the basis of that judgment she was appointed on the post of PST, therefore, the appellant should not

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be punished for the fault of department by depriving her from her seniority position according to the merit order assigned by the DSC and from further promotion to the post of CT (BPS-15) from due date according to her inter-se-seniority.

- C) That the appellant was at Sr. No. 3 of the merit order assigned by the DSC after conducting test and interview by the DSC for the post of PST and is entitle to be placed at Sr. No.3 of the seniority list of PST as per rule 17 (a) of Khyber PakhtunKhwa Civil Servant Appointment, promotion and Transfer (APT) Rules 1989 and is also entitle for further promotion to the post of CT (BPS-15) from due date according to her inert-se-seniority.
- D) That the appellant has not been treated in accordance with law and rule and has been deprived from her legal right of seniority according to the merit order assigned by the DSC and from further promotion to the post of CT (BPS-15) from due date according to her inter-se-seniority.

It is therefore, most humbly requested that on the acceptance of this application, the seniority of the appellant in the post PST (BPS-12) may kindly be fixed according to the merit order assigned by the Departmental Selection Committee in the light of rule 17 (a) of Khyber PakhtunKhwa Civil Servant Appointment, promotion and Transfer (APT) Rules 1989 and further Promoted her to the post of CT (BPS-15) from due date on the basis of her inter-se-seniority with all back and consequential benefits.

Dated 19/01/2013

Farhat

Yours obediently
Farhat Begum.CT
GGHS Cahpper Dir Upper.

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VAKALAT NAMA

NO. _____/202

IN THE COURT OF KP Service Tribunal, Peshawar

Farhat Begum

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Department

(Respondent)
(Defendant)

I/We, Farhat Begum

Do hereby appoint and constitute Taimur Ali Khan, Advocate High Court 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/202

Fhat

(CLIENT)

ACCEPTED

Taimur Ali Khan

TAIMUR ALI KHAN
Advocate High Court
BC-10-4240
CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:

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Shakir Ullah Torani
Advocate