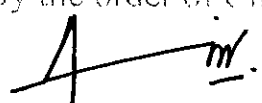


FORM OF ORDER SHEET

Court of _____

Appeal No. 1476/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/07/2023	<p>The appeal of Mst. Gul-e-Lala presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p>
		<p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1476 /2023

GUL-E-LALA

VS

EDUCATION DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal with affidavit	1-4
2.	Copy of the order dated 31-12-2010 & educational testimonials	A & B	5-14
3.	Copies of the medical certificate and charge report	C	15-16
4.	Copy of the impugned order dated 12.08.2011	D	17
5.	Copies of the covering letter and rejection order dated 25.07.2012	E	18-19
6.	Copy of the judgment dated 25.05.2016	F	20-23
7.	Copy of the order dated 12.11.2020	G	24
8.	Copy of the representation	H	25
9.	Copies of the memo of writ petition and order dated 07.02.2023	I	26-34
10.	Vakalatnama	35

APPELLANT

THROUGH:

M
NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1476 /2023

Mst: Gule Lala, Ex-PST (BPS-12),
 GGPS Chanda Khurram, District Karak.

..... APPELLANT

VERSUS

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

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER NO. 4964-70
DATED 12-08-2011 WHEREBY THE APPELLANT HAS
BEEN DISMISSED FROM SERVICE AND AGAINST
THE APPELLATE ORDER DATED 25-07-2012
WHEREBY THE DEPARTMENTAL APPEAL OF THE
APPELLANT WAS REJECTED.

PRAYER:

That on acceptance of this service appeal the impugned order dated 12.08.2011 and appellate order dated 25.07.2012 may very kindly be set aside and the appellant may please be reinstated in to service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

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

1. That the appellant being eligible and qualified for the post of PST was appointed by the respondent vide appointment order bearing Endst: No. 2809-14 dated Karak 31.12.2010 and was posted at GGPS Chanda Khurram. Copy of the order dated 31-12-2010 educational testimonials are attached as annexure**A&B.**
2. That after appointment the appellant was medically examined by the concerned medical officer and in pursuance to the appointment order the appellant assumed the charge of his post. Copies of the medical certificate and charge report are attached as annexure**C.**
3. That after assuming the charge at GGPS Chand Khurram, the appellant started her duty and just after 8 months the District Education Officer (F), Karak without giving any show notice or explanation dismissed the appellant along with other vide impugned order No. 4964-70 dated 12-08-2011. Copy of the impugned order dated 12.08.2011 is attached as annexure**D.**
4. That appellant along-with others filed their departmental appeals before the respondent No. 2 (Director of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar but respondent No. 2 informed the appellant that departmental appeal is forwarded to District Coordination Officer Karak for disposal being appellate authority. That the then District Coordination Officer, Karak after hearing of the parties rejected the departmental appeal vide office order No. 2746/DCO/EA dated 25-07-2012. Copies of the covering letter and rejection order dated 25.07.2012 are attached as annexure**E.**
5. That other colleagues of appellant preferred service appeal No. 995 to 997/2012 before the August Service tribunal which was allowed vide judgment dated 25.05.2016 by setting aside the impugned orders. Copy of the judgment dated 25.05.2016 is attached as annexure**F.**
6. That in light of the above mentioned judgment of Service Tribunal dated 25/05/2016, the respondent No. 1 has withdrawn dismissal order No. 4964-70 dated 12/08/2011 and re-instated other colleagues of appellant vide order dated 12.11.2020. Copy of the order dated 12.11.2020 is attached as annexure**G.**
7. That the appellant then filed application before respondent No. 1 with copy of respondent No. 2 with the request to extend benefits of judgment of Honorable Service Tribunal KP, Peshawar dated 25-05-2016 in favour of appellant

under the principle of consistency and be treated equally but the respondents were reluctant to re-instate the appellant in service. Copy of the representation is attached as annexureH.

8. That the appellant then filed writ petition No. 171-B of 2021 in the Peshawar High Court Bannu Bench. The Hon'able court held vide judgment dated 07/02/2023 that this Court is not competent due to lack of jurisdiction, however, the appellant is at liberty to approach Service Tribunal for the purpose. Copies of the memo of writ petition and order dated 07.02.2023 are attached as annexureI.
9. That in light of judgment of Peshawar High Court Bannu Bench, the appellant approaches before this Hon'able Service Tribunal on the following grounds.

GROUND.

- a. That the impugned dismissal order dated 12/08/2011 and appellate order dated 25.07.2012 are patently illegal, unlawful and against the law and facts hence liable to be set aside.
- b. That the appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- c. That the respondents have not issued any show notice, opportunity of personal hearing and without verifying the documents from the concerned board / university the petitioner alongwith others teachers were dismissed from service on the basis of fake / bogus documents, however, Mst. Samina Ara Ex-PST and Mst. Basin Ara Ex-PST were re-instated in service vide office order Endst: No. 4605-08/F-4/V-I/Trans/File/C-IV/KK dated Karak the 12/11/2020 in light of judgment of Hon'able Service Tribunal dated 25/05/2016 passed in Service Appeal No. 995/2012 (Basin Ara V.S Govt: of KP), Service Appeal No. 996/2012 (Samina Ara V.S Govt: of KP) and, therefore, appellant is entitled to re-instate in service.
- e. That as per judgment of superior courts that once appointment order issued cannot be withdrawn until and unless notice is not given but in the case of appellant no notice has been served to appellant.
- g. That the respondents were requested by the appellant to give the benefits of judgment of Hon'able Service Tribunal dated 25/05/2016 in light of judgment of august Supreme

4

-4-

Court of Pakistan rendered in case titled "Govt: of Punjab through Secretary Edu: & Others V.S Sameena Parveen & Others (2009 SCMR 1) that it was held in the case of Hameed Akhtar Niazi V.S The Secretary Establishment Division Govt: of Pakistan and other (1996 SCMR 1185) that if a Tribunal or higher court decide a point of law relating to the terms and conditions of a civil servant who litigated and there were other civil servants who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the said decision be extended to other civil servants also who may not be parties to that litigation instead of compelling them to approach the Tribunal or any other legal forms. The above view was also reiterated in case of "Tara Chand and others V.S Karachi & Others (2005 SCMR 499) and it was held that according to Article 25 of the Constitution of Islamic Republic of Pakistan 1973 all others are equal before law and entitled to equal protection of law.

- g. That the appellant having requisite qualifications for the post of PST in addition having M.A Islamic Studies and B.Ed,

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

Dated: _____

[Signature]
APPELLANT

Through

[Signature]
**NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT.**

AFFIDAVIT

I Mst: Gule Lala, Ex-PST (BPS-12), GGPS Chanda Khurram, District Karak, do hereby solemnly affirm that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

[Signature]
DEPONENT

(Annex-A)

⑧ -5-

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND
SECONDARY EDUCATION KARAK

APPOINTMENT

Consequent upon the recommendation of the District Recruitment / Selection Committee constituted by the Government of NWFP Schools & Literacy Department (Elementary and Secondary Department) the following candidates are hereby appointed as PST (Primary School) teacher on regular basis in HPS -7(1530-190 9230) Pm plus usual allowance as admissible under the rule on 60% Open Merit, 40% Union Council wise basis, and deceased sons quota w.e.f. the date of their taking over charge on the terms and conditions mentioned below:

12

OPEN MERIT 60% POSTS=16

S.N (1)	NAME	FATHER NAME	UNION COUNCIL	SCHOOL WHERE POSTED	MERIT
1 ✓	Saima Nourcen	Ismail Khan	North Karak	GGPS Kamali Zara Khel	69.64
2	Haseena Ferdous	Mohammad Khaliq	South Karak	GGPS Halala	68.07
3	Baseen Ara	Khyal Tawan	North Karak	GGPS Shakar Khel	67.91
4	Zahcen Akhtar	Mohammad Subhan	Sabir Abad	GGPS Shaikhan Mami Khel	67.76
5 ✓	Haseena Wajid	Avaz Jan	South Karak	GGPS chanda Khurram	67.51
6 ✓	Samina Ara	Khyal Tawan	North Karak	GGPS Shakar Khel	67.03
7	Shoukat Ara	Ghulam Sadique	do	GGPS Faqir Abad Spinn	66.45
8	Munawur Sultana	Qabil Badshah	South Karak	GGPS Daraki Handa	66.39
9	Farukh Naz	Ali Abbas	T.Nasrati	GGPS Guguri	66.00
10	Naila Ferdous	Hazrat Usman	Do	GGPS Darga Shahidan	65.70
11	Sania Mehboob	Mehboob Khan	South North	GGPS Thoor Dand	65.35
12	Zuhra Nourcen	Mohammad Ishaq	Sabir Abad	GGPS Mator	64.64
13	Farhat Nabila	Fazal Munir	Mitha Khel	GGPS Hayat Abad	63.39
14 ✓	Gule Lala	Mudasir Gul	South karak	GGPS Chanda Khurram	63.34
15	Husina Gul	Mohammad Sidique	Do	GGPS Eisak Khurmai	63.24
16	Saira Riaz	Riaz Mohammad Shah	North Karak	GGPS Chanda Khurram	63.12

UNION COUCIL WISE 40%

17

UNION COUNCIL TAKHTI NASRATI					
1	Fariha Naz	Shair Mula Jan	T.Nasrati	GGPS Lais Khan Korona	60.54
UNION COUNCIL CHOKARA					
2	Sadaf Naz	Naqeeb Ur Rehman	Chokara	GGPS Amberi Killa	62.65

BETTER COPY

ANNEXURE - A

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND
SECONDARY EDUCATION KARAK

APPOINTMENT

Consequent upon the recommendation of the District Recruitment/Selection committee constituted by the Government on NWFP Schools & Literacy Department (Elementary and Secondary Education Department) the following candidates are hereby appointed as PST (Primary School Teachers) Teachers on regular basis in BPS-7 (3530-190-9226) plus usual allowances as admissible under the rules on 60% open merit, 40% Union Council wise basis and deceased sons' quota w.e.f. the date of their taking over charge on terms and conditions mentioned below.

OPEN MERIT 60% POSTS= 16

S.N O	NAME	FATHER NAME	UNION COUNCIL	SCHOOLS WHERE POSTED	MERIT
1	Salma Noureen	Ismail Khan	North Karak	GGPS Kamali Zara Khel	69.64
2	Haseen Ferdoos	Muhammad Khalig	South Karak	GGPS Halala	68.07
3	Basran Ara	Khyal Tawan	North Karak	GGPS Shakar Khel	67.93
4	Zaheen Akhtar	Muhammad Subhan	Sabir Abad	GGPS Sheikhhan Mami Khel	67.76
5	Haseena Wajid	Awaz Jan	South Karak	GGPS Chanda Khurram	67.51
6	Samina Ara	Khyal Tawan	North Karak	GGPS Shakar Khel	67.03
7	Soukat Ara	Ghulam Sadique	North Karak	GGPS Faqir Abad	66.45
8	Munawar Sultana	Qabil Badshah	South Karak	GGPS Jaraki Banda	66.39
9	Farukh Naz	Ali Abbas	T. Nasrati	GGPS Gurguri	66.00
10	Naila Ferdoos	Hazrat Usman	Do	GGPS Darga Shahidan	65.70
11	Sania Mehboob	Mehboob Khan	South Karak	GGPS Thoor Dand	65.35
12	Zuhra Noureen	Muhammad Ishaq	Sabir Abad	GGPS Mator	64.64
13	Farkhat Nabila	Fazal Munir	Mitha Khel	GGPS Hayat abad	63.39
14	Gul e Lala	Mudassar Gul	South Karak	GGPS Chanda Khurram	63.34
15	Hasina Gul	Muhammad Sadique	South Karak	GGPS Essak Khumari	63.24
16	Salra Raiz	Riaz Muhammad Khan	North Karak	GGPS Chanda Khurram	63.12

UNION COUNCIL WISE 40%

UNION COUNCIL TAKHTI NASRATI					
1	Fariha Naz	Shah Mulla Jan	T. Nasrati	GGPS Lal Khan Kurona	60.53
UNION COUNCIL CHOKARA					
2	Sadaf Naz	Naqeeb ur Rehman	Chokara	GGPS Amberril Killa	62.65

Attested
District Education Officer
Female Karak

[Handwritten signature]

UNION COUNCIL SABIR ABAD					
3	Anam Sana	Faiz Ullah	Sabir Abud	GGPS Sabir Abad No2	60.90
4	Naila Yasmin	Nasralla Khan	Do	GGPS Dand Edel Khel	58.20
UNION COUNCIL GMK KHEL					
5	Ferdoos Pari	Husain Bad shah	indi Mir Khan Khel	GGPS Kamali Zara Khel	57.21
UNION COUNCIL MITHA KHEL					
6	Hatham Bibi	Dost Khan	Mitha Khel	GGPS Shino Algada	61.77
UNION COUNCIL JANDARI					
7	Shakeela Naz	Inayat Ullah	Jandari	GGPS Faqir Abud Spina	62.85
8	Bushra Khatoon	Banarus Khan	Do	GGPS Mashki Khel	61.74
UNION COUNCIL TERI					
9	Ambarin Fatima	Naralla Jan	Teri	GGPS Esak Khumari	63.11
UNION COUNCIL JATTA					
10	Bibi Khaida	Makial Khan	Jatta	GGPS Shaikan Mami Khel	51.15
11	Sheh Naz Begum	Khan Malik	Do	GGPS Mami Khel	50.36
12	Shazia Gul	Gul Bad Shah	Do	GGPS Mami Khel	50.18

DECEASED:					
1	Saima Jabeem	Azmat Ullah Khan	Faioosa Sar	GGPS DARAKI	62.98
2	Shazia Ghani	Ghani ur Rahman	Jehangiri	GGPS SAIKOT	55.80

TERMS AND CONDITION

1. No TA /DA is allowed.
2. Charge report should be submitted to all concerned in duplicate.
3. They should not be hand over charge if they exceed 35-years and below 18-years of age.
4. Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the undersigned. If any one found producing bogus certificates she will be reported to the law enforcing agencies for further action and their services will be considered as automatically dismissed with no privileges of the past if any.
5. Under the provision of Government of NWFP Civil Servant (Amendment) ACT 2005 came in to force w.e.f 23rd July 2005. Notified vide Establishment and Administration Department (Regulation Wing) Government of NWFP NO.S0 (REGULATION) 6(E&AD) 1-13 2005 Dated 10-8-2005. all the above persons and the person appointed on regular basis to services are posted in the prescribed manner after the commencement of the said act shall, for all intents and purposes be a civil servant except for the purpose of pension or gratuity. Such a civil servant shall in lieu of pension and gratuity, be entitled to receive such amount contributed by him towards the Contributory Provident Fund along with the contribution made by the government to his account in the said fund; in the prescribed manner.
6. If they failed to take over charge within 30 days, the appointment will be deemed as cancelled.
7. Health and age certificate should be produced from the Medical Superintendent concerned before taking over charge.

BETTER COPY

ANNEXURE

UNION COUNCIL SABIR ABAD					
3	Anam Sana	Faiz Ullah Khan	Sabir Abad	GGPS Sabir Abad No 2	50.90
4	Nalla Yasmin	Nasrullah Khan	Do	GGPS Dand Edal Khel	58.20
UNION COUNCIL GMK KHEL					
5	Ferdoos Pari	Husain Bad Shah	GMK Khel	GGPS Kammali Zara Khel	57.21
UNION COUNCIL MITHA KHEL					
6	Hatam Bibi	Dost Khan	Mith Khel	GGPS Shino algada	61.77
UNION COUNCIL JANDRI					
7	Shakeela Naz	Inayat Ullah	Jandari	GGPS Faqr Abad Spina	62.85
8	B ushra Khatoon	Banaras Khan	Do	GGPs Mashki Khel	61.74
UNION COUNCIL TERI					
9	Amberin Fatima	Nasralla Jan	Teri	GGPS Essak Khumari	63.11
UNION COUNCIL JATTA					
10	Bibi Khada	Malal Khan	Jatte	GGPS Shelkhan Mami Khel	51.15
11	Shah Naz Begum	Khan Malik	Do	GGPS Mami Khel	50.36
12	Shazia Gul	Gul Dad Shah	Do	GGPS Mami Khel	52.18
Deceased Sons'					
1	Salma Jabeen	Azmatullah	Paloosa Sar	GGPS Darki	62.98
2	Shazia Ghani	Ghani ur Rehman	Jahangiri	GGPS Salkot	55.80

Terms and Conditions

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned in duplicate.
3. They should not be hand over charge if they exceed 35 years and below 18 years of age.
4. Appointment is subject to the condition that certificates/ documents must be verified from the concerned authorities by the undersigned. If any found producing bogus certificates, she will be reported to the law enforcing agencies for further action and their services will be considered as automatically dismissed with no privileges of the past if any
5. Under the provision of Government NWFP Civil Servant (Amendment) Act 2005, came into force w.e.f. 23rd July 2005, notified vide Establishment and Administration Department (Regulation Wing) Government of NWFP No. SC(Regulation)-6(E&AD)-1-13-2005 Dated 10-08-2005, all the above persons and the person appointed on regular basis to service are posted in the prescribed manner after the commencement of the said act, shall for all intents and purpose be a civil servant except for the purpose of pension or gratuity, be entitled to receive such amount contributed by him towards the Contributory Provident Fund along with the contribution made by the Government to his account in the said fund in prescribed manner.
6. If they failed to take over charge within 30 days the appointment will be deemed as cancelled.
7. Health and age certificate should be produced from the Medical Superintendent concerned before taking over charge.

Attested
District Education Officer
Female Karak

- They are required to produce an affidavit on stamp paper regarding the genuineness of the certificates/Degrees submitted by them in response of the advertisement of this office. They should not be allowed to take over charge if they failed to produce the affidavit at the time of their arrival to join the duty to the concerned DDO. The DDO concerned should countersign the affidavit and the same should be submitted to the undersigned for record.
9. All the appointees will be entitled for the benefits as admissible to a civil Servant except pension and gratuity.
 10. This office will verify their document from the concerned authorities of their own expenses.
 11. The candidates already in regular Service shall have to give an option either to retain the benefit of Contributory Provident Fund allowed to her under her new appointment. Under the provision of NWFP gazette notification issued vide Provincial Assembly Secretariat No. PA/NWFP/Bills/2009/11-7-1983 dated 28-3-2009.
 12. They will remain on probation for a period of 01 year.

(Muhammad Shahid Zaman)
Executive District Officer
Elementary & Secondary Education
Karak

Endst: No. 2809-14 Dated Karak the 3/12/2010

- Copy of the above is forwarded to the:-
1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
 2. District Coordination Officer, Karak
 3. District Officer (F), Elementary & Secondary Education Karak.
 4. Deputy District Officer (F) Primary Karak/B.D. Shah/Takht-e-Nasrati.
 5. District Accounts Officer Karak with request not to honour their pay until & unless verification of documents from concerned Board/University is received. Further more this office will issue proper release order after verification.
 6. Candidates concerned.

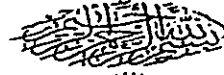
[Handwritten signature]

[Handwritten signature]
Executive District Officer
Elementary and Secondary Education
Karak

[Handwritten signature]
A. H. S. Yusuf
Executive District Officer
Elementary & Secondary Education
Karak

S.No. 133477

Roll No. 4400



Board of Intermediate and Secondary Education
Peshawar N.W.F.P. Pakistan
Secondary School Certificate Examination

SESSION 2001-SUPPLEMENTARY
(Humanities Group)

This is to Certify that Gule Lala Son / Daughter of Mian Mudassir Gul
and a resident of Karak District has passed the Secondary School Certificate
Examination of the Board of Intermediate and Secondary Education, Peshawar held in September, 2001 as a Private
candidate. He / She obtained 495 Marks out of 850 and has been placed in Grade C Representing Good

The Candidate passed in the following subjects:

1. English
2. Urdu

3. Islamiyat
4. Pakistan Studies

5. Mathematics
6. General Science

7. Islamic Studies
8. Elements of Home Economics

Date of birth according to admission form September 15, 1983


Assit Secretary


Secretary

This certificate is issued without alteration or erasure

"B" -8-

18

-9-

S.No. KB 10092

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 8845

BOARD OF INTERMEDIATE & SECONDARY EDUCATION



KOHAT

(N.W.F.P. Pakistan)

INTERMEDIATE EXAMINATION

HUMANITIES GROUP
Session 2003 (Supply)

This is to Certify that Gule Lala

Son/Daughter of Mian Mudassir Gul

and a student of District Karak

Registered No. 578-BK/P-2002 has passed the Intermediate Examination

of the Board of Intermediate & Secondary Education, Kohat held in Nov. 2003

as a Private candidate. He/She obtained 543 marks out of 1100 and has

been placed in D Grade Representing Fair

The Examination was taken as a whole / in parts.

[Signature]
Asst. Secretary

[Signature]
Secretary

This Certificate is issued without attestation of signature.

Serial No 118906



-10-

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
PROVISIONAL RESULT CARD

Name GUL E LALA
Father's Name MIAN MUDDASIR GUL
Address MOHALALH MIAN GAN NEAR NBI
VILL AND PO KARAK D/O MIAN MUDDASIR GUL
Tehsil KARAK
District KARAK
has successfully completed P.T.C

Roll No P693737
Registration 04NKK0483
Final Semester SPRING 2005

The detail of passed courses is as under: Programme.

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
FALLUMN-04	0613	PRINCIPLES OF EDUCATION	100	58
FALLUMN-04	0614	EDUCATIONAL PSYCHOLOGY	100	68
FALLUMN-04	0615	SCHOOL ORGANIZATION & MANAGEMENT	100	61
FALLUMN-04	0616	SCHOOL COMMUNITY & PRACTICAL ARTS	100	69
SPRING -05	0617	PRACTICAL WORKSHOP & TEACHING PRACTISE	100	84
SPRING -05	0617	TEACHING OF URDU	100	55
SPRING -05	0618	TEACHING OF MATHEMATICS	100	63
SPRING -05	0619	TEACHING OF SCIENCE & PHYSICAL EDUCATION	100	63
SPRING -05	0620	TEACHING OF ISLAMIAAT & SOCIAL STUDIES	100	63

Total Credit AIQU 5

Result Declared on January 9, 2006

Date of issue February 7, 2006

Total Marks./Obtained 900 / 592

Percentage./Grade 66 B

Controller of Examination:

Disclaimer:

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

(78) -11-

Serial No 184636

Allama Iqbal Open University Islamabad



Certified that *Mr/Ms* GULE LALA
 Son/Daughter of MIAN MUDASSIR GUL
 Registration No 04-NKK-0483 Roll No P-693737
 Semester SPRING 2005 having met all the requirements
 under the semester system is this day awarded the

Primary Teaching Certificate

He/She has secured 66% marks
 and has been placed in B grade



[Signature]
Controller of Examinations

Result declared on: January 05, 2006

Date of Issue: October 10, 2005

Note: This certificate is issued without alteration/erasure.
The detail of courses is overleaf.

12-

Allama Iqbal Open University Islamabad



Serial No. 106852

Certified that Mr. / Ms. GULE LALA

Son / Daughter of MIAN MUDASSIR GUL


Registration No: 04NKK0483 Roll No: S 479186

having completed the prescribed requirements in semester
Autumn 2007

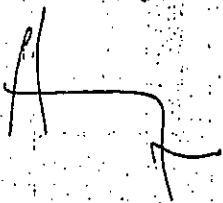
is awarded the degree of:

Bachelor of Arts Group - General

He/She has secured 68 % marks and has been placed in B grade.


CONTROLLER OF EXAMINATIONS
Result declared on September 02, 2008
ISLAMABAD. DATED August 05, 2009




VICE-CHANCELLOR

THIS DEGREE IS TO BE READ IN CONJUNCTION WITH THE TRANSCRIPT, ISSUED SEPARATELY

Book No. 147Serial No. 014606

AL-KHAIR UNIVERSITY (AJK)



DETAILED MARKS CERTIFICATE

This is to certify that Gul-e-Lala
 Son/Daughter of Minn Mudassar Gul
 Registration No. AUAPGK(02) 25-2011 Roll No. 38172
 has passed Bachelor of Education Annual/Supplementary Examination
 held in October 2012 in 1st Division and obtained 834 marks.

The Marks obtained in each subject are given below:-

Papers	SUBJECTS	Marks Obtained	Maximum Marks
ED-501	Perspectives of Education	71	100
ED-502	School Organization & Class Management	54	100
ED-503	Human Growth & Education	66	100
ED-504	Curriculum & Instructions	69	100
ED-505	Islamiyat, Pakistan Studies & Kashmir Studies	69	100
ED-506	English (Compulsory)	49	100
ED-507	Teaching Strategies	76	100
ED-508-A	Islamiyat Elective (Content)	67	100
ED-508-B	Teaching of Islamiyat	73	100
ED-509-A	One Week Workshop	80	100
ED-509-B	Four Week Teaching for Writing & Delivering 40 Lessons to Classes 6-10 According to Selection/ Choice of Group	80	100
ED-510	Two Final Lessons Per Student	80	100
TOTAL :		834	1200

Note: This DMC is issued, errors and omissions excepted, as a NOTICE only. An entry appearing in it does not in itself confer any right or privilege independently to the grant of a proper Certificate / Degree which will be issued under the Regulations in due course.

Muzaffarabad, the 7th March, 2013.

Prepared by.....

Checked by.....

Naveed Agdas
 DY. CONTROLLER OF EXAMINATIONS
 for
 CONTROLLER OF EXAMINATIONS

(Amended) (C) (E) - 15 -

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL KARAK

HEALTH & AGE CERTIFICATE

Name Gul Laha
 Father's Name Mian Mudasir Gul
 Nationality Pakistan
 Cast Khatun / Agghara
 Residence Karachi City
 Date of Birth 15/09/1983 Height 5' 1"
 Personal mark of Identification Normal Scar on Fore head

HEAD OF OFFICE

I hereby certify that I have examined Mr./Mrs. Gul Laha

A candidate for employment in the office of the Education

Department and cannot discover that He/She has any communicable disease constitutional affection or badly infirmity except N/A 6/6 6/6 6/6

I do not considered his/her disqualification for employment in the as above Department.

His/her age according to his own statement/ N.I. Card is (23) years, and by Physical appearance He/ She is about Twenty Eight years of age.

LEFT/RIGHT HAND THUMB FINGERS IMPRESSION

Thumb	Fore Finger	Middle Finger	Ring Finger	Little Finger

Medical Superintendent
DHQ Hospital Karak

19/01/201

Medical Superin
D.H.Q Ho
Karak

M...Sufian KJE...

جارج ریورٹ (۲۸) - ۱۶ -

جوالہ آرڈر نمبر 2809-14
آعداد دفتر سے مطابق
31-12-10

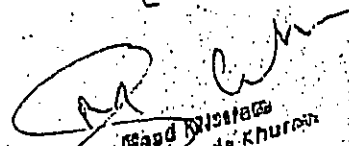
آج بروز ہفتہ صوفیہ 11-1-11 قبل از دوپہر
صیغہ آئل والہ نے کنیت P.A. گورنمنٹ گریڈ پرائمری
سکول چنڈہ مری میں ایک عیدے کا چارج سنبھالا۔
جارج ریورٹ اور رسالہ خدمت ہے۔

دستخط چارج لیٹ وائی

گل والہ

1-1-11

دستخط ایچ جی



(Headmistress)
B.S.P.S. Chanda Khuran
(KARNAL)

2011
1-1-11



(Annex "D")

-17-

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND SECONDARY EDUCATION KARAK

Dismissal Order:-

As approved by the Competent Authority the following Teachers appointed against PRT (Female) post vide Establishment No. 3009 to dated 31-12-2010 are hereby dismissed from services w.e.f date of issue of the order on the basis of producing bogus/fake documents and thus gain irregular and fraudulent appointment against the said post.

S.No	Name	Father's Name	School	Union Council	Marked as Bogus Certificate
1	Saima Shaukeen	Ismail Khan	GO.PS. Grand Zakh Khel	South Karak	FA/PS/1/29/1100
2	Haseena Pichas	Mohammad Khaliq	GO.PS. Lalaha	South Karak	BA/PS/08/290
3	Haseena Aza	Khalid Yaqub	GO.PS. Shikha Khel	South Karak	BA/PS/109/290
4	Haseena Wani	Ahaz Jan	GO.PS. Landa Khayran	South Karak	SSC/728/350/FA/6871/100
5	Saima Aza	Khalid Yaqub	GO.PS. Landa Khel	South Karak	BA/PS/108/290
6	Shoukat Aza	Ehsanul Haque	GO.PS. Landa Khel	South Karak	SSC/601/350/FA/718/100
7	Khanzoor Siddiqui	Qadir Hussain	GO.PS. Harka Banda	South Karak	SSC/200/350
8	Farah Niaz Gul-e-lain	Ali Abbas	GO.PS. Gopari	T. Karak	SSC/63/350
9	Gul-e-lain	Muhammad Gul	GO.PS. Chaudh Khayran	South Karak	SSC/601/350/FA/6850/100

Executive District Officer (E.D.O.)
Elementary & Secondary Education
Karak

Order No. 49764-7/11

Date: 12-3-2011

Copy for information to the:-

1. District Coordination Officer Karak.
2. PS to Secretary Elementary & Secondary Education Department Govt of Khyber Pakhtunkhwa, Peshawar.
3. Director Elementary & Secondary Education Govt of Khyber Pakhtunkhwa, Peshawar.
4. District Accounts Officer Karak.
5. Circle Officer Anticorruption Karak with direction to take necessary action against the above mentioned bogus teachers as per rules.
6. Dy. District Officer (Female) in District Karak.
7. Teachers Concerned.

[Signature]
Executive District Officer (E.D.O.)
Elementary & Secondary Education
Karak

[Signature]
12/3/11

[Signature]

Better Copy

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND
SECONDARY EDUCATION KARAK**

Dismissal Order

As approved by the competent Authority the following Teacher appointed against PST (Female) post vide Endst;No.2809-16 dated 31-12-2010 are hereby dismissed from services w.e.f date of issue of the order on the basis of producing bogus /fake documents and thus gain irregular and fraudulent appointment against the said post.

S.No.	Name	Father Name	School	Union Council	Marks of bogus certificate
1	Salma Naurcen	Ismail Khan	GGPS Kamli Zara Khel	North Karak	FA/PSc 755/1100
2	Hasina Ferdus	Muhammud Khalq	GGPS Halala	South Karak	BA/BSc 378/550
3	Basina Ara	Khilal Tawan	GGPS Shakar Khel	North Karak	BA/BSc 449/550
4	Hasoona Wajid	Awaz Jan	GGPS Chanda Khurram	South Karak	SSC 728/850 FA 687/1100
5	Samina Ara	Khilal Tawan	GGPS Shakar Khel	North Karak	SSC: 602/850 FA: 728/1100
6	Shaukat Ara	Ghulam Sadique	GGPS Faqir Abad	North Karak	SSC: 602/850 FA: 728/1100
7	Munawar Sultana	Qabli Bad Shah	GGPS Daraki Banda	South Karak	SSC: 706/850
8	Farah May	All Abbas	GGPS Gurgul	Takhti Nawail	SSC: 630/850
9	Gul-e-Lala	Mudasir Gul	GGPS Chanda Khurram	South Karak	SSC: 690/850 FA: 685/1100

District officer (F)
Elementary & Secondary Education
Karak

Endst;No 4964-70/

Dated 12-08-2011.

Copy for Information to the :-

1. District Coordination Officer Karak.
2. PS to secretary Elementary & Secondary Education Department Govt of Khyber Pakhtun Khwa Peshawar.
3. Director Elementary & Secondary Education Govt of Khyber Pakhtun Khwa Peshawar.
4. District Account Officer Karak.
5. Circle Officer Anticorruption karak with direction to take necessary action against the above mentioned bogus teachers as per rules.
6. Dy: District Officer (Female) in District Karak.
7. Teacher concerned.

District officer (F)
Elementary & Secondary Education
Karak

Annex 'E' 27 18-
23
~~Annex 'E'~~

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

No. 300 / FNo.47/PST (F) Kohat Division

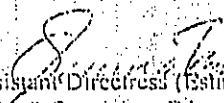
Dated Peshawar the 3/4 2012

- To
1. Mst. Samina Ara D/O Khial Tawan
GGPS Shaker Khel Karak.
 2. Mst. Basim Ara D/O Khial Tawan
GGPS, Shaker Khel Karak.
 3. Mst. Hasina Wajid D/O Awaz Jan
GGPS Chand Khurram
 4. Mst. Gule Lal D/O Mudasir Gul
GGPS Chanda Khurram

Subject:- REPLY OF APPEAL AGAINST THE ORDER NO.4964-70 DATED
12/08/2011 OF THE CANDIDATES


Memo:-


I am directed to refer to your letter the subject noted above and to ask you to submit your departmental appeal to District Coordination Officer Karak being appellant authority after devolution of powers and formation of District Government and local Govt. ordinance, 2001. The Director or Secretary Administration Department are not appellant authority under the rules.



Assistant Directress (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Encls: No. _____
Copy to the:-

1. P.S to Secretary E&SE Department Govt. of Khyber Pakhtunkhwa w/r to his No. SO (Lit) E&SED/G-Misc/2012 dated 07/03/2012.


Assistant Directress (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar



Better Copy of Page No. 
Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar.

No. 300-4 /FNo. 47/PST(F) Kohat Division
Dated Peshawar the 3/4/2012

- To:-
1. Mst. Samina Ara D/O Khial Tawan
GGPS Shaker Khel, Karak.
 2. Mst. Basin Ara D/O Khial Tawan
GGPS Shaker Khel Karak.
 3. Mst. Hasina Wajid D/O Awaz Jan
GGPS Chand Khurram
 4. Mst. Gule Lala D/O Mudaser Gul
GGPS Chanda Khurram

Subject:- REPLY OF APPEAL AGAINST THE ORDER NO.
4964-70 DATED 12/08/2011 OF THE CANDIDATES

Memo.

I am directed to refer to your letter the subject noted above and to ask you to submit your departmental appeal to District Coordination Officer, Karak being appellant authority after devolution of powers and formation of District government and local Govt. ordinance, 2001. The Director or Secretary Administration Department are not appellant authority under the rules.

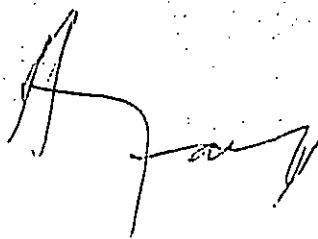
Assistant Director (Estb.)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No _____

Copy to the:-

1. P.S to Secretary E & SE Department Govt: of Khyber Pakhtunkhwa w/r to his No. SO (Lit) E & SED/G-Misc:/2012 dated 07/03/2012.

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



(~~Annex-5~~) (2) -19-
OFFICE OF THE DISTRICT COORDINATION OFFICER, KARAK.

OFFICE ORDER

Dated Karak the 25 /July, 2012

No. 2746 /DCO/Ea . Mst. Samina Ara, Mst. Baina Ara, Mst. Haseena Wajid and Mst. Gule Lala Ex PST Teachers have lodged departmental appeal against their dismissal order issued by the EDO(E & S Education), Karak vide Endst: No. 4964-70 dated 12/08/2011. Both the parties i.e appellants & respondent (EDO E & SE), Karak were summoned and they were heard in person twice in this office. Comments of DEO(E& SE) Karak were also received who has stated that the dismissal order has correctly been issued because the certificates / testimonials of the appellants were declared bogus/fake by the organization concerned. The DEO Education further stated that the appeal of the appellants is time barred.

Moreover, ample opportunity was given to the appellants but they could not produce anything in their defense.

After perusal of the record and hearing both the parties, the undersigned reached to the conclusion that the appeal of appellants carries no weight and is liable to be filed. Therefore, the departmental appeal of the appellants is hereby rejected in the light of E & D Rules, 2011.

DISTRICT COORDINATION OFFICER
KARAK.

Copy forwarded to the:-

1. EDO (E & S) Education Karak.
2. Mst. Samina Ara, Basin Ara daughters of Khial Tawan r/o Mohalla Faqir Khel Karak City.
3. Mst. Haseena Wajid d/o Awaz Jan r/o Mohalla Faqir Khel Karak city.
4. Mst. Gule Lala D/O Mudasir Gul r/o Mohalla Miana Gan Karak City.

DISTRICT COORDINATION OFFICER,
KARAK.

Umm
[Signature]

(Annex 'F') (8)

-20-

BEFORE THE KHYBER PAKHTUNKWA SERVICE TRIBUNAL PESHAWAR



Lawyer No. 1030-
Date 04/9/12

Appeal No. 997/2012

Hasina Wajid D/O Awaz Jan Mohalla Pai Khel, Post Office, Tehsil & District Karak. (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. District Coordination Officer, Karak.)
4. Executive District Officer, Elementary and Secondary Education, Karak.

(Respondents)

Service appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Order No 4970-70 dated 12-08-2011, whereby the service of the appellant has been dismissed from service w.e.f. 31.12.2010 against which her departmental appeal was rejected vide order dated 25.07.2012 conveyed to the appellant on 04.08.2012.

25.05.2016

Counsel for the appellant, M/S Muhammad Owais, Subject Specialist and Hameed-ur-Rehman, AD (lit.) alongwith Mr. Muhammad Jan, Government Pleader for respondents present.

Vide our detailed judgment of today in connected service appeal No. 995/2012 titled "Bassin Ara-vs-Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar and others", this appeal is also disposed of as per detail judgment. Parties are, however, left to bear their own costs. File consigned to the record room.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ANNOUNCED
25.05.2016

(Signatures)

(Signature)

// 15) (2012)

(55) -21-

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 995/2012

Date of institution ... 04.09.2012
Date of judgment ... 25.05.2016



Bassin Ara D/o Khalil Tawan
R/O Mohalla Faqeer Khel Post office,
Tehsil & District Karak.

... (Appellant)

SERVICE APPEAL NO. 996/2012.

Samina Ara D/o Khalil Tawan
R/O Mohalla Faqeer Khel Post office,
Tehsil & District Karak.

... (Appellant)

SERVICE APPEAL NO. 997/2012

Hasina Wajid D/o Awaz Jan
R/O Mohalla Pai Khel, Post office,
Tehsil & District Karak.

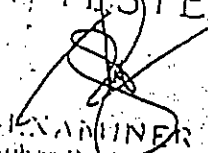
... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. District Coordination Officer, Karak.
4. Executive District Officer, Elementary and Secondary Education Karak.

... (Respondents)

ATTESTE


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER NO. 4970-70 DATED 12.08.2011, WHEREBY THE SERVICE OF THE APPELLANT HAS BEEN DISMISSED FROM SERVICE W.E.F 31.12.2010 AGAINST WHICH HER DEPARTMENTAL APPEAL WAS REJECTED VIDE ORDER DATED 25.07.2012 CONVEYED TO THE APPELLANT ON 04.08.2010.

Mr. Sajid Amin, Advocate.
Mr. Muhammad Jan, Government Pleader.

For appellant.
For respondents.

MR. PIR BAKHSH SHAH
MR. ABDUL LATIF

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

34

20-22-

JUDGMENT

PTIR BAKTISH SHAH MEMBER:- In view of the common question of facts and of law, we propose to dispose of the above three service appeals No. 995 of 2012, 996 of 2012 and 997 of 2012 by way of this single judgment.

Appointed as Primary School Teachers (PST) on the recommendation of District Selection Committee vide order dated 31.12.2010, the appellants were dismissed from service vide impugned order dated 12.08.2011 with effect from the date of issue of appointment order i.e from 31.12.2010, on the ground of producing bogus and fake documents. Their departmental appeals were also rejected vide order dated 25.07.2012. Appellants have come before this Tribunal by instituting service appeals under section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

Arguments heard and record perused.

After a simple perusal of the record, it was noted that the appointments was made by inviting applications through citation in the daily newspaper and appointments of the appellants were duly recommended by the District Selection Committee constituted for the purpose. We have also noted that no show-cause notice or charge sheet or inquiry was conducted in the case. There is nothing on record to specify as to which of the document or documents produced by the appellant was/were bogus/fake and in what respect? It is also not available on record to show that who declared and decided the documents as fake/forged and for what reason? The Tribunal is of the considered opinion that proper opportunity of defense has not been provided to the appellant and order dated 25.07.2012 passed on the departmental appeal of the appellants also does not answer the above questions. The said order is based on the comments of EDO Karak but those comments are also not available on record. In the light of foregoing discussion in brief, the Tribunal is of the considered view that departmental appeals of the appellants have not been duly disposed of through an elaborate and speaking order, hence we are constrained to set-aside the said order of 25 July 2012. The cases are remitted back to the appellate authority with the direction to decide appeals of the appellants afresh through a speaking order in which the above observations of this Tribunal may have

ATTESTED

(3)

-23-

been taken into account. The appeals are decided accordingly. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
25.05.2016

sd/- Pir Bakhtish Shah, Member
sd/- Abdul Latif, Member

Certified to be true copy

ES/ASR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 03-06-2016
 Number of Words 1200
 Copying Fee 8/-
 Urgent 2/-
 Total 10/-
 Name of Copyist [Signature]
 Date of Completion of Copy 03-06-2016
 Date of Delivery of Copy 03-06-2016

[Signature]

(Annex 'G')

(37)

OFFICE OF THE DISTRICT EDUCATION OFFICER,
(FEMALE) KARAK

-24-

NOTIFICATION:

Consequent upon acceptance of appeal in respect of Mst: Samina Ara Ex-PST and Basim Ara Ex-PST District Karak by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar in the capacity of appellate authority in light of the decision of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 25/5/2016 through service appeal No.995/2012 in exercise of power conferred under the Government of Khyber Pakhtunkhwa Government Servant appeal Rules, 1986 vide Notification endorsement No.5927-31/F.No.401/(F)/Appeal Karak dated Peshawar the 4/11/2020.

The Dismissal order of Mst: Samina Ara EX-PST and Basim Ara Ex-PST District Karak issued vide Executive District Officer (SE-L) Karak issued under Endorsement No.4954-70 dated 12/8/2011 is hereby withdrawn and they posted in the School noted against each.

1. Mst: Samina Ara Ex-PST is Posted at GGPS Lalamber No.1 against the vacant post of SPST.
2. Mst: Basim Ara Ex-PST District Karak is posted at GGPS Karak No.2 against the vacant post of SPST.

Note: Their Seniority will remain intact with their seniority counterparts.

DISTRICT EDUCATION OFFICER
(FEMALE) KARAK

Encl: No. 1/2020 Trans/He/C-IV/KK: dated Karak the 17/11 /2020

- Copied to the -
1. Secretary Elementary & Secondary Education Department KPK Peshawar.
 2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
 3. Chairman Service Tribunal Khyber Pakhtunkhwa Peshawar.
 4. Office copy.

DISTRICT EDUCATION OFFICER
(FEMALE) KARAK

Legible Copy

OFFICE OF THE DISTRICT EDUCATION OFFICER,
(FEMALE), KARAK

NOTIFICATION

Consequence upon acceptance of appeal in respect of Mst. Samina Ara Ex-PST and Basin Ara Ex-PST District Karak by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar in the capacity of appellate authority in light of the decision of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 25/5/5/2016 through Service Appeal No.995/2012 in exercise of power conferred under the Government of Khyber Pakhtunkhwa Government Servant Appeal, Rules 1986 vide notification endorsement No.5927-31/F. No.401/(F)/Appeal Karak dated Peshawar the 4/11/2020.

The dismissal order of Mst. Samina Ara Ex.PST and Basin Area Ex-PST District Karak issued vide Executive District Officer (S&L) Karak issued under Endorsement No.4964-70 dated 12.08.2011 is hereby withdrawn and they posted in the school noted against each.

1. Mst. Samina Ara Ex-Post is posted at GGPS Latamber No.1, against the vacant post of SPST.
2. Mst. Basin Ara Ex-PST District Karak is posted at GGPS Karak No.2, against the vacant post of SPST.

Note- There Seniority will remain intact with their seniority counterparts.

Sd/-
District Education Officer
(Female) Karak

Endst. No. _____ P-1/V-I/Trans/file/C-IV/KK: dated Karak the 17/11/2020

Copy to the:-

1. Secretary Elementary & Secondary Education Department KPK Peshawar
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar
3. Chairman Service Tribunal Khyber Pakhtunkhwa, Peshawar
4. Office Copy.

Sd/-
District Education Officer
(Female) Karak

"H"

29

-25-

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (زنانه) کرک

عنوان۔ درخواست برائے بحالی سروس

جناب عالی۔ سائلہ سہ ماہی گل لالا ذیل عرض کرتی ہے۔

سندھ بابت گزارش ہے کہ سائلہ کو بحوالہ آفس آرڈر نمبر 14-2809 مورخہ 31/12/2010 کو پی ایس ٹی کی پوسٹ پر گورنمنٹ گرلز پرائمری سکول سندھ، حیدرآباد میں تعینات کیا گیا۔ Health & Age۔ تعینات ہونے کے بعد سائلہ نے دورانہ ایپل میں اپنی سہ ماہی کا پانچ سہ ماہی لایا اور باقاعدہ ٹیسٹ سے ڈیوٹی دینا شروع کیا۔ سائلہ اور دیگر ٹیچرز کو بوجہ ایس ڈاکومنٹ کی بنیاد پر سروس سے مورخہ 12 اگست 2011 کو بحالی سے کئے گئے۔

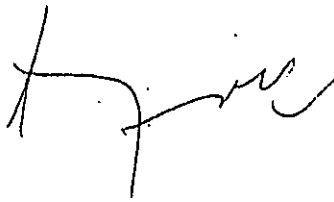
جناب عالی۔ سائلہ اور دیگر تین ٹیچرز نے اپنے برخاستگی آرڈر کے خلاف جناب ڈائریکٹر ایجوکیشن پشاور کو اپیل ارسال کئے۔ ایپل پر فیصلہ کیلئے اس وقت کے ڈسٹرکٹ کوارڈینیشن آفیسر کرک کو مورخہ 03/04/2012 کو ارسال کیا تاہم ڈسٹرکٹ کوارڈینیشن آفیسر کرک نے اپیل کو مورخہ 25/07/2012 کو خارج کیا گیا۔

جناب عالی۔ سہ ماہی سائلہ آرا، باسین آرا اور حسینہ واجد نے برخاستگی آرڈر مورخہ 12/01/2011 اور اپیل خارج آرڈر مورخہ 03/04/2012 کے خلاف سروس ٹریبونل خیبر پختونخواہ میں اپیل جمع کئے گئے جو کہ مورخہ 25 مئی 2016 کو منظور کئے گئے اور برخاستگی آرڈر کو کالعدم قرار دیا گیا۔

جناب عالی۔ سہ ماہی سائلہ آرا اور باسین آرا کو بحوالہ انڈسٹریل نمبر 08-4105 مورخہ 12/11/2020 فیصلہ مورخہ 25/05/2016 آف سروس ٹریبونل کی روشنی میں اپنی سروس پر بحال کئے گئے ہیں اور جبکہ سہ ماہی حسینہ واجد کو فیصلہ ہائی کورٹ مورخہ 22/02/2018 کی روشنی میں بحال کی گئی ہے اور سائلہ نورین دختر اسماعیل خان کو بھی بعد میں بحال کی گئی ہے۔

لہذا سائلہ التماس کرتی ہے کہ سروس ٹریبونل فیصلہ کی روشنی میں سائلہ کو اپنی سروس پر بحال کرنے کی احکامات صادر فرمایا جاوے اور دیگر Candidates کی طرح سائلہ کیساتھ برابری کا سلوک کیا جاوے۔ سائلہ مشکور رہی گی۔

مورخہ 15/12/2022



Gulalada

گل لالا دسترمدی گل محلہ میان گان کرک سٹی

کالی ڈائریکٹر ایجوکیشن پشاور سے بھی استدعا کی جاتی ہے کہ سائلہ کو اپنی سروس پر بحال کیا جائے۔

2

"I"

IN THE HONOURABLE PESHAWAR HIGH COURT
BANNU BENCH, BANNU.

Writ Petition No. 171-B of 2021

Gule Lala Daughter of Mudasir Gul Mohalla Miangan Union Council Karak South Tehsil Road Karak Tehsil & District Karak. ----- (Petitioner)

V E R S U S

1. District Education Officer (Female), Karak.
2. Director Elementary & Secondary Education Department, Peshawar near Govt. Higher Secondary School Shaheed Hasnain Sharif, Peshawar
3. Provincial Govt. of Khyber Pakhtunkhwa through secretary Elementary & Secondary Education Department Civil Secretariat, Peshawar.-- Respondents.

The Addresses of the parties mentioned above are sufficient for proper service.

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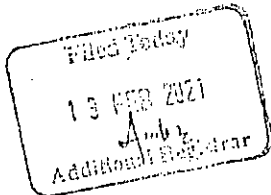
WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN,
1973.

=====

Respectfully Sheweth:-

Facts of the case are as under:-

1. That the petitioner being eligible and qualified for the post of PST was appointed by the respondent No. 1 (District Education Officer Female, Karak) in open merit vide appointment order bearing Endst: No. 2809-14 dated Karak the 03-12-2010 and was posted at GGPS Chanda Khurram. In the said appointment order other candidates were also appointed. ----- (Photocopy of appointment order No. 2809-14 dated 03-12-2010 with qualifications are annexed as Annexure "A").
2. That after obtaining the health & age certificate, the petitioner resumed her charge in GGPS Chanda Khurram. ----- (Photocopy of Health & Age Certificate and Charge report are annexed as Annexure "B").



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EXAMINER
Peshawar High Court
Bannu Bench

3. That after assuming her charge at GGPS Chand Khurram and the petitioner started her duty and just after 8 months and 9 days of issuance of appointment order, the District Education Officer (F), Karak without giving any show notice, the petitioner alongwith 8 others candidates were dismissed from their services vide dismissal order No. 4964-70 dated 12-08-2011 w.e.f. 31-12-2010. -----(Photocopy of dismissal order No. 4964-70 dated 12-08-2011 is annexed as Annexure "C").

4. That petitioner along-with others candidates filed a departmental appeal before the respondent No. 2 (Director of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar but respondent No. 2 informed the petitioner that departmental appeal is forwarded to District Coordination Officer Karak for disposal being appellate authority due to devolution of powers and formation of District Govt; & Local Govt; Ordinance, 2001 vide letter No. 300-4 /F.No. 47/PST(F) Kohat Division dated Peshawar the 03-04-2012. (Photocopy of letter No. 300-4 /F.No. 47/PST(F) Kohat Division dated Peshawar the 03-04-2012 is annexed as Annexure "D").

5. That the then District Coordination Officer, Karak after hearing of the parties rejected the departmental appeal vide office order No. 2746/DCO/EA dated 25-07-2012. (Photocopy of rejection order No. 2746/DCO/EA dated 25-07-2012 is annexed as Annexure "E").

5. That due to financial constraints the petitioner was unable to file service appeal, however, other colleagues of petitioner namely Ms. Hasina Wajid, Ms. Basin Ara & Ms. Samina Ara daughters of Khail Tawan filed Service Appeal No. 995/2012, Service Appeal No. 996/2012 and Service Appeal No. 997/2012 against the dismissal order dated 12-08-2011 and rejection of departmental appeal order dated 25-07-2012 before the honorable Service Tribunal KP Peshawar. The service appeals were accepted vide judgment dated 25-05-2016 and set aside the dismissal order dated 12-08-2011. -----(Photocopy of judgment dated 25-05-2016 of Service Tribunal KP Peshawar is annexed as Annexure "F").

FILED
13 FEB 2021
A. H.
ADMINISTRATIVE OFFICER

A. H.

6. That in light of the above mentioned judgment of Service Tribunal dated 25/05/2016, the respondent No. 1 has withdrawn dismissal order No. 4964-70 dated 12/08/2011 and re-instated other colleagues of petitioner namely Mst. Samina Ara Ex-PST and Mst. Basin Ara Ex-PST and posted at GGPS Latamber No.1 and GGPS Karak No. 2 vide Endst: No. 4605-08/F-4/V-I/Trans/File/C-IV/KK dated Karak the 12/11/2020.

ATTESTED

[Signature]
Peshawar High Court
Shana Bhatt

(Photocopy of re-instatement order dated 12/11/2020 is annexed as Annexure "G").

28 -

7. That the petitioner then filed application before respondent No. 1 with copy of respondent No. 2 with the request to extend benefits of judgment of Hon'able Service Tribunal KP, Peshawar dated 25-05-2016 in favour of petitioner and be treated equally but the respondents were reluctant to re-instate the petitioner in service. ----- (Photocopy of applications are annexed as Annexure "H").
8. That the respondents are reluctant to give the benefits of judgment of Service Tribunal to petitioner and as there is no other efficacious and adequate remedy is available to the petitioner hence the instant writ petition before this honourable court on the following grounds.

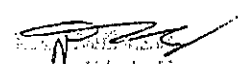
GROUND.

- a. That the impugned dismissal order dated 12/08/2011 is patently illegal, unlawful and against the law and facts hence liable to be set aside.
- b. That respondents have without adopting and fulfilling the basic codal formalities has dismissed the petitioner from services.
- c. That the respondents have not issued any show notice, opportunity of personal hearing and without verifying the documents from the concerned board / university the petitioner alongwith others teachers were dismissed from service on the basis of fake / bogus documents, however, Mst. Samina Ara Ex-PST and Mst. Basin Ara Ex-PST were re-instated in service vide office order Endst: No. 4605-08/F-4/V-I/Trans/File/C-IV/KK dated Karak the 12/11/2020 in light of judgment of Hon'able Service Tribunal dated 25/05/2016 passed in Service Appeal No. 995/2012 (Basin Ara V.S Govt: of KP), Service Appeal No. 996/2012 (Samina Ara V.S Govt: of KP) and, therefore, the respondents are liable to re-instate the petitioner in service although the petitioner has not filed service appeal due to financial constraints.
- d. That Mst. Hasina Wajid again applied for the post of PST Teacher in the next round of advertisement whose appointment was again differed due to bogus documents and this time she filed writ petition No. 189-B of 2015 before this Hon'able Court which was disposed of with the directions to respondents to verify the testimonial of Mst. Hasina Wajid or otherwise issue appointment order of Mst. Hasina Wajid vide judgment dated 22/02/2018. The documents was verified and she

12/11/2021
Amir

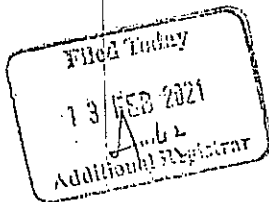
Hasina

ATTESTED


Secretary High Court,
Peshawar

was appointed against the post of PST but the respondents neither issue appointment order of petitioner to give benefits of judgment of Service Tribunal in light of judgment of superior court reported 1996 SCMR 1185 nor to verify the documents of petitioner. -----(Photocopy of judgment dated 22/02/2020 is annexed as Annexure "I").

- e. That the name of Mst. Samina Noureen daughter of Ismail Khan was mentioned in the impugned dismissal order dated 12/08/2011 and she was also re-instated in service after verification of her documents from concerned board / university but the respondents neither re-instate the petitioner in service nor to verify the documents of petitioner hence the petitioner has been treated with discrimination and the respondents violated Article 4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- f. That as per judgment of superior courts that once appointment order issued cannot be withdrawn until and unless notice is not given but in the case of petitioner no notice has been served to the petitioner.
- g. That the respondents were requested by the petitioner to give the benefits of judgment of Hon'able Service Tribunal dated 25/05/2016 in light of judgment of august Supreme Court of Pakistan titled "Govt: of Punjab through Secretary Edu: & Others V.S Sameena Parveen & Others (2009 SCMR) that it was held in the case of Hameed Akhtar Niazi V.S The Secretary Establishment Division Govt: of Pakistan and other (1996 SCMR 1185) that if a Tribunal or higher court decides a point of law relating to the terms and conditions of a civil servant who litigated and there were other civil servants who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the said decision be extended to other civil servants also who may not be parties to that litigation instead of compelling them to approach the Tribunal or any other legal forms. The above view was also reiterated in case of "Tara Chand and others V.S Karachi & Others (2005 SCMR 499) and it was held that according to Article 25 of the Constitution of Islamic Republic of Pakistan 1973 all others are equal before law and entitled to equal protection of law.



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ATTESTED

EXAMINER
Peshawar High Court
Khan Bench

- h. That the petitioner having requisite qualifications for the post of PST in addition having M.A Islamic Studies and B.Ed and capable for teaching.
- i. That any other point will be pressed at the time of argument with permission of this honourable court during the course of argument.

=====

Prayer

So it is, therefore, most humbly and respectfully prayed on acceptance of the instant writ petition this honourable court may very graciously be pleased to issue writ directing to respondent to re-instate the petitioner against the post of PST and to give the benefits of judgment of Hon'able Service Tribunal dated 25/05/2016 passed in Service Appeal No. Service Appeal No. 995/2012, Service Appeal No. 996/2012 and Service Appeal No. 997/2012 with all back benefits i.e. ~~the~~ salary, seniority & annual increments vide which the respondents have already re-instated Mst. Samina Ara Ex PST Teacher and Mst. Basim Ara Ex PST Teacher vide re-instatement order dated 12/11/2020 in light of the above referred judgment of Hon'able Service Tribunal.

Interim Relief.

This Hon'able Court may very graciously be pleased to issue directions to keep one vacant PST Post for petitioner in U.C Karak South till final decision of the main writ petition.

=====

Dated:- 11/02/2021 *Petitioner Gule Lala*

Through *Ahmad Farooq Khattak*
ASC.

Certificate

Certified that no such like petition has been filed on similar ground before this honourable court of any other court.

Gule Lala
Petitioner Gule Lala

Law Books.

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Case law according to need.

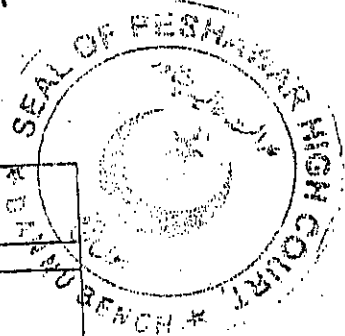
Filed Today
13 FEB 2021
Additional Registrar

ATTESTED

[Signature]
Sudhakar High Court
Sanaou Bench

PESHAWAR HIGH COURT, BANNU BENCH

FORM OF ORDER SHEET

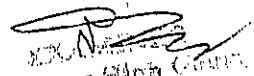


Date of Order or proceedings (1)	Order or other proceedings with signature of Judge(s). (2)
07.02.2023	<p><u>WP No.171-B/2021</u></p> <p>Present: Ahmad Farooq Khattak Advocate for the petitioner</p> <p>Sardar Muhammad Asif, Asstt. A.G. for official respondents</p> <p>***</p> <p>MUHAMMAD FAHEEM WALI, J.--- Through the instant writ petition, the petitioner, in fact, wanted to implement the judgment passed by the Khyber Pakhtunkhwa Service Tribunal on 25.05.2016, where the appeals of Mst. Sumina Ara and Baina Ara, who too were appointed alongwith the petitioner and thereafter, were dismissed from service, were accepted and the matter was remitted back to the appellate authority with certain observations i.e. to verify the credentials of the appellants and thereafter, decide the matter vide detailed judgment dated 25.05.2016. Though, what happened thereafter, is of no concern, rather this Court is to see as to whether the case of the petitioner is at par with the above referred candidates.</p>

Ghaffar Zaman

(D.B) Hon'ble Mr. Justice Sahibzada Asadullah
Hon'ble Mr. Justice Muhammad Faheem Wali

ATTESTED


Peshawar High Court
Bannu Bench

As the petitioner was admittedly appointed against the post on 31.12.2010 and thereafter, was terminated on 12.08.2011. The record tells that the petitioner after assumption of charge, performed her duty for a considerable long time and in such eventuality, she attained the status of a civil servant. Learned counsel for the petitioner still resisted the matter and invited the attention of this Court to an order passed by this Court in WP No.189-B/2015 dated 22.02.2018, where while disposing of the writ petition of one Hasina Wajid, the respondent department was directed to verify the documents / credentials of the said petitioner. The learned counsel further submitted that it was because of the order of this Court passed on 22.02.2018, that Hasina Wajid was blessed with appointment. The worthy Assistant Advocate General was heard on this particular aspect of the case, who apprised the Court and also drew the attention of this Court to the very Writ Petition No.189-B/2015, where this fact is admitted that in fact, the grievance of the petitioner Hasina Wajid was against the order passed in the year 2015 and not in 2011. So, in such eventuality, this limb of the arguments of learned counsel for the petitioner

Ghafoor Zaman

(D.B) Hon'ble Mr. Justice Sahibzada Asadullah
Hon'ble Mr. Justice Muhammad Faleem Wali

ATTESTED

EXAMINER
Peshawar High Court
Bannu Bench

could not convince this Court, as the said writ petition was in pursuance of another matter and it did not pertain to the appointments and termination made in the year 2010 & 2011 and the appointments made thereafter. At this juncture, no ambiguity is left that this Court is lacking jurisdiction and competence as well in this particular matter.

2. Though, the learned counsel for the petitioner wanted the indulgence of this Court with a request that this Court has the competence and power to treat the petitioner at par with those treated by the learned Service Tribunal vide judgment dated 25.05.2016, but we are failed to understand that once this Court lacks jurisdiction, then it cannot treat the case of the petitioner with those in whose favour the judgment was passed by the Service Tribunal, rather the petitioner is at liberty to approach the Service Tribunal for the purpose. As this Court is facing an embargo in the shape of Article 212 of the Constitution, so when competent forum has been created for the purpose, then the litigant or the petitioner must approach the same for redressal of his / her grievance.

Ghaffar Zaman

(D.B) Hon'ble Mr. Justice Sahibzada Asadullah
Hon'ble Mr. Justice Muhammad Faheem Wali

ATTESTED


BY
[Signature]
[Name]
[Title]

3. With these observations, the instant writ petition is disposed of accordingly. However, the petitioner is at liberty to approach competent forum for the redressal of her grievance.

Announced
07.02.2023

Sd/Mr Justice Sahibzada Asadullah ,J
Sd/Mr Justice Muhammad Fahcem Wali ,J

CERTIFIED TO BE TRUE COPY


Peshawar High Court, District Bench
Authorised Under Section 17 of
the District Courts Act, 1973


09 FEB 2023


14/2/2023

Ghaffour Zamun

(D.B) Hon'ble Mr. Justice Sahibzada Asadullah
Hon'ble Mr. Justice Muhammad Fahcem Wali

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO: _____ OF 2023

Gul-e-lala

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Appellant

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. _____ / _____ / 202

Gul-e-lala
CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
(BC-10-0853)
15401-0705985-5

Umar Farooq
UMAR FAROOQ

Waleed Adnan
WALEED ADNAN

&

Muhammad Ayub
MUHAMMAD AYUB
ADVOCATES

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Kamran Khan
Advocate