

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

Service Appeal No. 770/2022


Mst. Basmeen Akhtar PST (BPS-12).....(Appellant)

**V E R S U S**


Govt of Khyber Pakhtunkhwa through Secretary Elementary &  
Secondary Education and others.....(Respondents)

**I N D E X**

<b>S.No.</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Rejoinder		1-4
2.	Affidavit		5
3.	Copies of regularization order and transfer order	A & B	6-8

  
Appellant

Through

  
**Zahoor Islam Khattak**  
Advocate High Court,  
Peshawar.  
Cell No. 0346-9083579

Dated: 11/08/2023

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR.**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6978

Dated 11/08/23

Service Appeal No. 770/2022

Mst. Basmeen Akhtar PST (BPS-12).....(Appellant)

**V E R S U S**

Govt of Khyber Pakhtunkhwa through Secretary Elementary &  
Secondary Education and others.....(Respondents)

**REJOINDER ON BEHALF OF**  
**APPELLANT.**

**Respectfully Sheweth:**

**Preliminary objection:**

All the preliminary objections of respondents from 1 to 8 are false and frivolous, illegal and appellant has genuine cause of action to file the instant appeal.

**Reply on facts:**

1. Paras No. 1 and 2 of the appeal are admitted by respondents by filing no comments.

2. Para No. 3 of the appeal is admitted by the respondents because appellant has performed his duty.
3. Para No. 4 of the appeal is correct while that of reply is incorrect. the Community School Teacher were regularized but appellant was refused to regularized and appointed but later on as per judgment of Peshawar High Court appellant was appointed and regularized.
4. Para No. 5 of the appeal is admitted by the respondents.
5. Para No. 6 of the appeal is correct while of reply is incorrect because the regularization order of the appellant was issued on 14/11/2022, moreover the appellant is also transferred from District Orakzai to District Karak. (Copies of regularization order and transfer order are attached as annexure "A" & "B").
6. Para No. 7 of the appeal is correct while that of the reply is incorrect. Appellants services has been

regularized hence she is entitled to all back benefits and seniority from the date of initial appointment.

7. Para No. 8 of the reply is incorrect. Respondent has no ground to agitate to the appellant's stance.

**REPLY ON GROUNDS:**

- A. Para "A" of the grounds of the appeal is correct, while that of reply is incorrect. Respondents has not treated the appellant and according to rules and regulations, hence the Para is denied.
- B. Para "B" of the ground of appeal is correct, while that of reply is incorrect. Appellant is not treated according to rules and regulations, because other employee has been regularized from the date of their initial appointment, hence the Para is denied.
- C. Para "C" of the appeal is correct. While that of reply is incorrect. As appellant is appointed as well as regularized as per judgment of Peshawar High Court, hence she is entitled to all back benefits along with seniority from the date of initial appointment.
- D. Para "D" of the appeal is correct while that of reply is incorrect appellant is discriminated because all

other employees of the same cadre were regularized from date of initial appointments along with back benefits.

E. Para "E" and "F" of the appeal is correct, while that of reply is incorrect because as per rules the regularization taken place from the date of initial appointment but in the case of appellant the respondents with malafide intention are using delay tactics.

F. Para "G" of the appeal is correct, while that of reply is incorrect. The respondents have not ground to agitate because respondents have regularized the service of the appellant and regularization always take effect from the date of initial appointment.

It is, therefore, humbly prayed that on acceptance of this rejoinder, the appeal of the appellant may be accepted.

*Dee*  
Appellant

Through



**Zahoor Islam Khattak**  
Advocate High Court,  
Peshawar.

Dated: 11/08/2023

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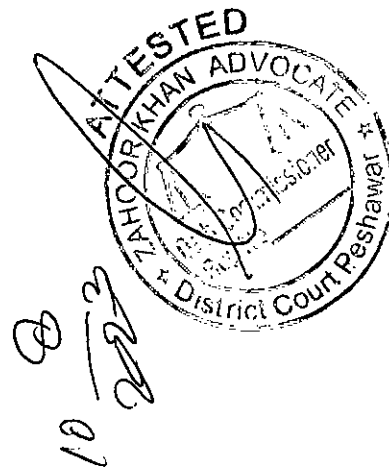
**V E R S U S**

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**AFFIDAVIT**

I, Basmeena Akhtar, Now PST (BPS-12) Frontier  
 Community School Teacher FCS Toor Smut District Orakzai,  
 do hereby solemnly affirm and declare on oath that the  
 contents of the accompanying **Rejoinder** are true and correct  
 to the best of my knowledge and belief and nothing has been  
 concealed from this Hon'ble Tribunal.

*Bas*  
**DEPONENT**





OFFICE OF THE DISTRICT EDUCATION OFFICER-(F)-ORAKZAI  
DISTRICT HEADQUARTER ORAKZAI AT BABER MELA AT HANGU  
deofemaleorakzai2022@gmail.com



**NOTIFICATION:**

1- In pursuance of the decision/order by the Honorable Supreme Court of Pakistan in Civil Petition No. 287-P of 2020 Against the Judgment dated 21-02-2020 of the Honorable Peshawar High Court, Peshawar passed in W.P.No. 2252-P/2019 and in partial modification of this office conditional regularization order bearing Endst: No. 3274-76, dated 28/09/2020, Mst. Basmin Akhtar d/o Ishtiaq Ahmad bearing CNIC# 14202-8400647-6 is hereby declared as Regular incumbent on the already occupied post of Primary School Teacher (PST) in BPS: 12 (Rs. 19770-1430-62670) at GGPS Kharkay, Upper Orakzai plus usual allowances as admissible under the rules with immediate effect on the terms & conditions given below:

2- **TERMS & CONDITIONS:**

- i. Her services shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting & Transfer of Teachers, Lecturers, Instructors & Doctors) Regulatory Act, 2011, and such rules & regulations as may be issued from time to time by the Government.
- ii. Her regularization is subject to the condition that the certificates/documents must be verified from the concerned authority. If she is found guilty of producing bogus/fake/forge/tempered Certificate/Testimonials, she shall be reported to the law enforcing agencies for further action(s) and her regularization shall be de-notified from the date of its issuance.
- iii. Her services shall be considered regular and she shall be eligible for pension/deduction of GP fund in terms of the Khyber Pakhtunkhwa Civil Servants Act, 1973 as amended in 2013.
- iv. Her services are liable to termination on one month notice from either side. In case of resignation without notice, her one month pay/allowances shall be forfeited to the Government.
- v. She shall possess the same qualification required for a regular post.
- vi. She shall have not resigned from her service or termination from service on account of misconduct, inefficiency or any other ground before the commencement of this order.
- vii. Her seniority shall be determined on the basis of her continuous service in the cadre, provided that if the date of continuous service in the case of two or more employees is the same, the employee order in age shall rank senior to the younger one.
- viii. Pay scales and service rules will be subject to revision in accordance with the orders passed by the Government from time to time.
- ix. Her regularization shall take nine (09) months mandatory training at RPDC/DPD.
- x. The pay scales and service rules will be subject to revision in accordance with the orders passed by the Government from time to time.
- xi. In case her performance is found unsatisfactory. She shall be proceeded under the rules framed from time to time.

Attested to be  
true copy  
D. Qureshi

- 7)
- xii. In case of any discrepancy in documents, oversight or clerical mistake, the competent authority has the right to modify or withdrawn regularization order of a candidate according to rules/policy.
  - xiii. The competent authority reserved the right of corrigendum if needed.
  - xiv. Errors & omissions will be acceptable.

Note: - Necessary entries to this affect should be made in her service book.

3. The appointment authority (SHAZIA NAWAZ, DISTRICT EDUCATION OFFICER (FEMALE)-ORAKZAI) in Elementary & Secondary Education Department at all tiers has issued this regularization order in r/o MST. BASMIN AKHTAR D/O ISHTIAQ AHMAD BEARING CNIC# 14202-8400647-6 in compliance of the HONORABLE SUPREME COURT OF PAKISTAN ORDER falling within the competency & should be notified in the official gazette.

(SHAZIA NAWAZ)  
DISTRICT EDUCATION OFFICER  
DISTRICT ORAKZAI

Endst No. 1153-68

Dated: 14/11/22

Copy forwarded for information and necessary action to the:

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Director Education (E&SE) Khyber Pakhtunkhwa Peshawar.
3. Additional Director (Estab :), MAs, Khyber Pakhtunkhwa, Peshawar.
4. Deputy Commissioner, Orakzai.
5. Deputy DEO (F), local office.
6. District Monitoring Officer, EMA, Orakzai.
7. District Accounts Officer, District Orakzai.
8. Section Officer (PE), E&SED, Khyber Pakhtunkhwa, Peshawar.
9. PS to the Secretary to Govt Khyber Pakhtunkhwa E& SE Department, Peshawar.
10. SDEO/ASDEO concerned.
11. Head Teacher concerned.
12. Superintendent local office.
13. Accountant/Pay Clerk, local office.
14. Assistant Programmer/CO, HRMIS, local office.
15. PST Concerned.
16. Master File.

(Signature)  
DISTRICT EDUCATION OFFICER-(F)  
DISTRICT ORAKZAI

Affected to be  
true copy  
(Signature)





**Directorate of Elementary & Secondary Education**  
**Khyber Pakhtunkhwa Peshawar**

Merged Areas Phone# 091/-9330242  
(Pension/RB&DC/B-Fund)

8)

**OFFICE ORDER**

Consequent upon approval of the Competent Authority, the transfer order issued vide this office No- 19393-98 dated 04-05-2023 held in abeyance by this office No. 19411-15 dated 05-05-2023 is hereby released in the interest of public service with effect from the date of its issuance.

Furthermore, the DEO (F) Karak is directed to attend the Service Tribunal regarding lodged appeal in respect of teacher concerned for back benefits already pending before the Khyber Pakhtunkhwa Service Tribunal Peshawar on the fixed dates.

**Director**  
**Elementary and Secondary Education**  
**Khyber Pakhtunkhwa, Peshawar**

Endst: No. 19817-22

Dated Peshawar the 16/05/2023

Copy of the above is forwarded to the:-

1. District Education Officer (Female) District Karak.
2. District Education Officer (Female) District Orkazai.
3. District Accounts Officer Concerned.
4. Teacher concerned.
5. P.A to Additional Director (Estab) Local Directorate.

*la*  
**Assistant Director (Estab)**  
**Elementary and Secondary Education**  
**Khyber Pakhtunkhwa Peshawar**

*[Signature]*  
16/05/2023

*Attested  
to be true copy*  
*[Signature]*