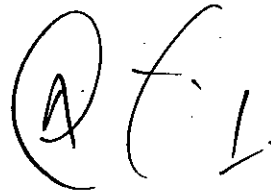


S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	18.04.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.1496/2013</p> <p style="text-align: center;">(Shahnaz Begum-vs- Director Education (E&SE) Govt: of Khyber Pakhtunkhwa, Dubgari Gardan, Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH, MEMBER:</u></p> <p style="text-align: center;">Counsel for the appellant (Ms. Uzma Syed, Advocate) and Mr. Usman Ghan, Sr.GP for respondents present.</p> <p>2. Appointed as PST vide order dated 23.4.2012, the appellant was sacked from service vide impugned order dated 13.06.2013 by withdrawing the said appointment order. The ground given is that her SSC certificate was tampered. Her departmental appeal has not been responded, hence this service appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974.</p> <p>3. Arguments heard and record perused.</p> <p>4. It was submitted by learned counsel for the appellant that she never tampered any SSC certificate. It was argued that no show cause notice or enquiry was conducted or opportunity of personal hearing was given and all of a sudden the appointment order was withdrawn. It was further argued that the SSC certificate if any sent for verification was so sent by respondent-department on its own and appellant was unaware of the same.</p>

5. The learned Sr. GP resisted the appeal on the ground that total number of SSC is 1050 and in order to enhance merit position, the appellant tampered with this figure by forging total as 850. He further submitted that according to Clause-7 of the appointment letter, the appellant is estopped to bring this appeal. He prayed that the appeal being devoid of any merits may be dismissed.

6. After perusal of the record and hearing pro & Contra arguments, it was found that no show cause notice was issued to the appellant as to whether she had declared total number to be 1050 or 850. She denies that she tampered any figure in her SSC certificate. Contrarily, the department has not disclosed any merit list etc of selectees as to how the appellant enhanced her merit position by this alleged tampering. The record is insufficient and this Tribunal cannot reach on a just and a fair conclusion as to whether the appellant in-fact had tampered her SSC certificate and whether through the said tempering the merit position was really changed? Hence the Tribunal in these circumstances, is constrained to remit the case to the appellate authority with the direction to decide departmental appeal of the appellant by dealing with the above points/observation but strictly on merit, within a period of one month after receipt of this judgment. Appeal is disposed of in the above terms. Parties are left to bear their own cost. File be consigned to the record room.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

ANNOUNCED
18.04.2016

09.09.2014

Counsel for the appellant, M/S Sajjad Rashid, AD for respondent No.1 and Ashrafullah, ASDEO (Legal) for respondent No. 3 with AAG for the respondents present. Written reply has not been received and request for further time made on behalf of the respondents. Another chance is given for written reply/comments, positively, on 08.01.2015.


Chairman

08.01.2015

Mr. Muhammad Waseem Ullah Shah, on behalf of the appellant and Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 27.04.2015.



Reader.

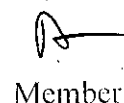
27.04.2015

Counsel for the appellant, M/S Javed Ahmed, Supdt. and Farzand Ali, Assistant alongwith Addl: A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 27.10.2015.


Chairman

27.10.2015

Counsel for the appellant and Mr. Sher Zali Khan, Assistant alongwith Addl: AG for respondents present. Rejoinder submitted copy of which placed on file. Arguments could not be heard due to learned Member (Judicial) is on official tour to D.I. Khan. Therefore, the case is adjourned to 18/4/16 for arguments.


Member

Appeal No. 1496/2013-
Mst. Shahnaz Begum

11.03.2014

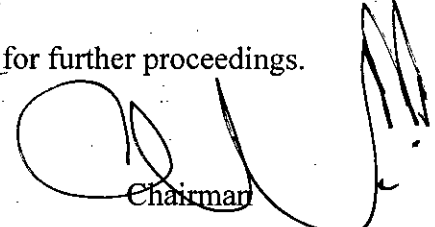
Counsel for the appellant and Mr. Zia Ullah, GP for the respondents present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 13.06.2013, she filed departmental appeal on 29.06.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 14.10.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments on 29.05.2014.

Appellant Deposited
Security & Process Fee
Rs. 2,000/- Bank
Receipt is Attached with File.


Member

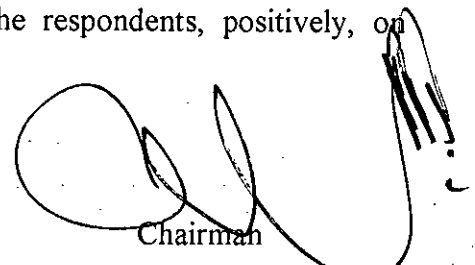
11.03.2014

This case be put before the Final Bench T for further proceedings.


Chairman


29.5.2014

Counsel for the appellant and Mr. Abid Jan, Junior Clerk on behalf of respondent No. 4 with AAG for the respondents present. Representative of respondent No. 4 stated that written reply has been prepared on behalf of respondent No. 4, but requires vetting and signature of the concerned authority. To come up for written reply/comments on behalf of all the respondents, positively, on 9.9.2014.


Chairman

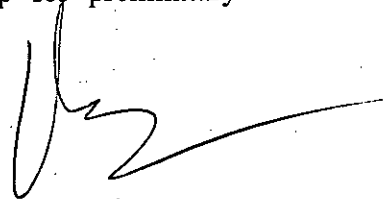
2.
09.01.2014

Counsel for the appellant present. Pre-admission notice be issued to the learned Government Pleader to assist the Tribunal on the point of maintainability of the appeal. To come up for preliminary hearing on 27.01.2014.


Member

4.
27.01.2014



No one is present on behalf of the appellant. Mr. Zia Ullah, GP for the respondent present. To come up for preliminary hearing on 11.03.2014.


Member

Form - A
FORM OF ORDER SHEET

Court of _____

Case No. 1496/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/11/2013	<p>The appeal of Mst. Shahnaz Begum resubmitted today by Mr. Ashraf Ali Khattak Advocate may be entered in the institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	19-11-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>9-1-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mst. Shahnaz Begum Ex-PST received today i.e. on 14.10.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Heading of the appeal is incomplete which may be completed.

No. 1491 /S.T,

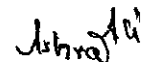
Dt. 21/10 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ashraf Ali Adv. Pesh.

Re- Submitted.

the objection has been duly complied


Ashraf Ali Khattak

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1496/2013

Shahnaz Begum Ex- (PST) D/o
Sair Ullah Shah R/o Akhund
Jhandu

.....Appellant

Versus

The Director Education (E & SE)
Govt: of KPK, Dubgari Gardan,
Peshawar and others

.....Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal along with Affidavit.			1-5
2.	Copy of Appointment order	23-04-2013	A	6-9
3.	Copy of charge Report	24-04-2012	B	10
4.	Copy of impugned order	13-06-2013	C	11
5.	Copy of proforma application, DMC, Secondary School Certificate and PTC Course certificate.		D	12-13
6.	Copy of Departmental appeal		E	14-17
7.	Wakalat Nama			

Shahnaz

Appellant

Through

Ashraf

Ashraf Ali Khattak

and

Nawaz

Nawaz Khan Khattak
Advocates, Peshawar
Cell:0332-9931676.

Dated: _____ / 10/ 2013

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR.

Service Appeal No. 1496 /2013

Shahnaz Begum D/o Sair Ullah Shah R/o Akhundand Jhandu
Khel Tehsil and District Bannu.Appellant.

Versus

1. The Director Education (E & SE) Govt: of KPK,
Dubgari Gardan, Peshawar.
2. The District Education Office, (Female) (E & SE),
District Bannu.
3. The District Account Officer, District Bannu.
4. The Commissioner Bannu Division, Bannu.
.....Respondents.

1587
14-10-13

SERVICE APPEAL UNDER SECTION 4 OF THE
SERVICE TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED 13-06-2013 OF
RESPONDENT NO.2, WHEREIN HE HAS
WITHDRAWN THE VALID APPOINTMENT ORDER
DATED 23-04-2012 AND SET ASIDE THE SAME AND
ALSO RE-INSTATE THE APPELLANT WIFE ALL
BACK BENEFITS AND ALSO DIRECT THE
RESPONDENT TO GRANT/RELEASE THE
OUTSTANDING SALARIES (23-04-2012 TO 13-06-2013)
OF THE APPELLANT WITH ALL ATTACHED
BENEFITS.

re-submitted to ~~the~~
and filed.

Prayer in Appeal:-

On the acceptance of the instant service appeal this Honourable Tribunal may graciously be pleased to declare the impugned order dated 13-06-2013 passed by the respondent No.2, wherein he has withdrawn the valid appointment order dated 23-04-2012 of the appellant; as illegal, unlawful, without

14/10/13

Respectfully Sheweth,

Facts giving rise to the present service appeal are as under:-

1. That respondent No 2 through publication in news papers invited application for appointment against the post of PST/P.T.C.
2. That appellant being qualified and eligible applied on prescribed Proforma application for the post of PST on the basis of Union Council wise quota.
3. That appellant appeared before the Department Selection Committee and after successfully going through the prescribed selection process she was got appointed as PST vide order dated 23-04-2012 (Annexure-A) and was posted at Govt Girls Primary School Noormali Jhandu Khel District Bannu.
4. That appellant took over her Charge on dated 24-04-2012 (Annexure-B) and since then performed her duty till the impugned dated 13-06-2013.
5. That it is pertinent to mention here that appellant has been denied her salary during the interval period that is i.e from 24-04-2012 to 13-06-2013.
6. That respondent No 2 vide dated 13-06-2013 (Annexure-C) withdrawn/canceled her appointment from the date of taking over charge on the ground that BISE Bannu has declared her certificate as tampered.
7. That appellant has never tampered her certificate. She has submitted her original Secondary School Certificate along with DMC and PTC course certificate on prescribed and formulated Proforma application (Annexure-D).
8. That being aggrieved from the impugned order dated 13-06-2013 appellant preferred her departmental appeal before the respondent No.4 (Annexure -E), which is still pending before him without disposal as per appeal rules.

9. That appellant, being aggrieved of the impugned order dated 13-06-2013 and acts and action of the Respondents and having no other adequate and efficacious remedy, files this service appeal inter-alia on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973. Appellant has submitted attested testimonials certificates along with prescribed Proforma application where in it has been categorically declared that appellant has secured 594/1050 marks. She appeared before the departmental selection committee whereby her testimonial were compared with original and were found correct and authentic. The very prescribed Proforma application submitted by the appellant clearly shows that she has rightly, fairly without tampering and misrepresentation filed her Secondary School Certificate and declared her total marks as 594/1050.
- B. That appellant was appointed on regular basis therefore she has got constitutional safe guard and is not governed by principal master in servant. As she is possessor of a legal character and for the enforcement of which she can bring an action... Employer in such cases would be bound to follow the procedure provided for, in the statute or statutory rules before terminating the service of Employee.....In absence of conformity to such procedure the termination of service will not be clothed with validity and Employee will be entitled to an action for Re-Instatement.
- C. That respondents have violated the spirit and provision of section 16 of the civil servant Act, 1973.
- D. That appellant has been condemned unheard. She has been proceeded ex-parte as no show cause or explanation has been sort out/called from her. No inquiry has been conducted in the case of the appellant nor have any other prescribed procedure been adopted before depriving the appellant from her legal service.

- E. That the principle of locus Poenitentiae also applicable to the case of the appellant.
- F. That to complete the procedural formalities was the duty of departmental authorities and if any irregularity was committed by the departmental authorities, civil servant cannot be punished for the same lapse by any rule of equity and justice. Reliance is placed on reported judgments. 1998 PLC (CS) 1041, 2002 PLC (CS) 1298, 200 PLC (CS) 1278, 2000 PLC (CS) 1297, 2001 PLC (CS) 491 and so many others.
- G. That the argument that probationer do not require the right of hearing seriously offends the concept of Social Justice provided in the objective Resolution, 1973. Admittedly, appellant belongs to a less privileged segment of the society with limited social and economic choices in life. Appellant being a female after hectic efforts succeeded in getting a job and served as such for long 14 months and that too without any salary and now has been penalized for no fault of her own. This excessive use of authority has no backing in the eyes of justice, fair play and equity. Appellant has been penalized without knowing the sin or crime she has committed.
- H. That appellant would like to seek the permission this Honourable Tribunal to advance some more grounds at the time of hearing.

For the aforesaid reasons, it is therefore, humbly prayed that the appeal may kindly be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to petitioner.

Through

Shehnaaz
Appellant
Ashraf Ali
Ashraf Ali Khattak

and

Nawaz Khan
Nawaz Khan Khattak
Advocates, Peshawar.

Dated: _____ / 10/ 2013

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____/2013

Shahnaz Begum D/o Sair Ullah Shah R/o Akhundand Jhandu
 Khel Tehsil and District Bannu.Appellant.

Versus

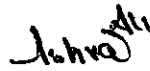
The Director Education (E & SE) Govt: of KPK, Dubgari
 Gardan, Peshawar and others.....Respondents.

Affidavit

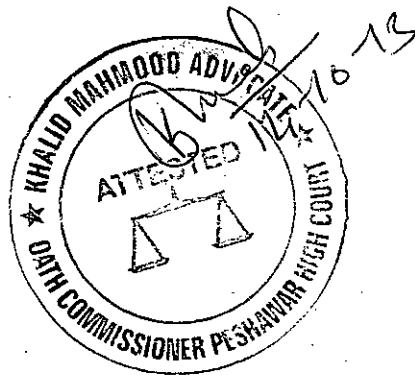
I, Shahnaz Begum D/o Sair Ullah Shah R/o Akhundand
 Jhandu Khel Tehsil and District Bannu , do hereby solemnly
 affirm and declare on oath that the contents of this writ
 petition are true and correct to the best of my knowledge,
 and nothing has been concealed from this Hon'ble Court.

Shahnaz
 Deponent

Identified by



Ashraf Ali Khattak
 Advocate, Peshawar



6

APPOINTMENT ORDER

In compliance with the Honorable Peshawar High Court D.I.Khan Bench Judgment dated 14-4-2011 and judgment of the August Supreme Court of Pakistan in C.P. No.837 and after vacation of stay from the Hon: Court of Civil Judge No.3 Bannu dated 23-4-2012 and on the recommendation of the DPC/DSC Committee in the meeting held on 14-4-2012, the undersigned is pleased to appoint the following PST Female candidates out of Union Council/District Open Merit and other Quotas on Regular Basis but without Pension and Gratuity in BPS-07 plus usual allowances, as admissible under the existing Rules / Policy in the schools noted against their names with effect from their date of taking over charge in the best interest of public service subject to the Terms/Conditions given below:-

(Anx-A)

UNION COUNCIL LEVEL MERIT APPOINTMENT ORDERS

S.No	Name	Father Name	ADDRESS	U/Council	Place of Posting	Remarks
1	Musarat Shaheen	Mehboobur Rehman	Amandi Hanif	Amandi	GGPS Shal Khel Daud Shah	Against VIP
2	Umer Shad	Syed Ayaz	Nahayat Kila	Aral Hathi Khel-II	GGPS Kotka Zahid Sardar Baik Khel	-do-
3	Jamila	Akhtar Jan	Spina Tangi Patol Khel	Aral Hathi Khel-II	GGPS Kotka Haji Sarfaraz Domel	-do-
4	Yasmin bibi	Ghulam Sadiq	Nambat Kila	Aral Hathi Khel-one	GGPS Kotka Gul Rauf Khan Domel	-do-
5	Nasim	Mir Zaman	Kotka Mirdil Domel	Aral Hathi Khel-one	GGPS Ghani Khel Domel	-do-
6	Musarat	Mir Payio shah	Aral Hati Khel	Aral Hathi Khel-one	GGPS Landi Kila	-do-
7	Noorshad	Shakil Rehman	Kotka Sadrawan Vizda	Asperka Wazir	GGPS Kotka Ayub Khan Painsa Khei	-do-
8	Dil Khurshad	Nazif Khan	Asperka Wazir	Asperka Wazir	GGPS Mirmandi Kila	-do-
9	Noor Yana	Sabeza Ali Shah	Terkhuba Kalan	Asperka Wazir	GGPS Inayatullah Khan Kasho Nala Link Road	-do-
10	Huma Wazir	Himatullah Khan	Asperka Wazir	Asperka Wazir	GGPS Kotka Inayatullah Gadi Top	-do-
11	Komal Nusrat Zafer	Zafer Ali khan	Kaski Akhundun	Baka Khel	GGPS Doctor Nordaraz Baka khel	-do-
12	Sufia Larin	Akhtar Ali khan	Kaski Akhundun	Baka Khel	GGPS Narni Khel Baka Khel Murtaaz	-do-
13	Nazia	Noor Baz	Bazar ahmad Khan	Bazar Ahmad Khan	GGPS Khasni Kila Ghani	-do-
14	Roman Bibi	Mohammad Bashir	Kotka Khushbakht	Bazar Ahmad Khan	GGPS Khasni Kila Ghani	-do-
15	Natasha Afridi	Mehrullah Khan	Domana Bezan Khel	Bezan Khel	GGPS Kotka Syed Rehman Shamozi Syed khel	-do-
16	Shamnaz Begum	Amir Jan	Naser Khan Bharat	Bharat	GGPS Kalan Fughal Khel	-do-
17	Nazia Awan	Khan Mohammad	Bharat Khas	Bharat	GGPS Shah Daraz Bharat	-do-
18	Salita Rabail	Younas Javed	H.No.486/C moh:Jang	City-II	GGPS Bannu city No.4	-do-
19	Salma Aslam	Mohammad Aslam	H.No.633/D Moh:Munian Bannu	City-II	GGPS Bannu City No.5	-do-
20	Seemab Gul	Ghazi Mehmood	H.No.274/D Moh:Tanchi Bazar	City-II	GGPS Bannu City No.4	-do-
21	Gul Behramzahida	Noor Ali shah	Gulan Daud Shah	Daud Shah	GGPS Shah Alam Daud Shah	-do-
22	Rahmida	Bakht Ali khan	Musher Daud Shah	Daud Sheh	GGPS Piran Daud Shah Bilal	-do-

Executive District Officer
Elementary & Secondary Education
Bannu

Attested
Jeh

7

	Farakh Naz	Ghulam Nabi	H.No.282/D Moh:Aria Samaj	Fatima Khel	GGPS Kot Beli	-do-
24	Nayab	Nimatullah Khan	Q.No.3/12 S Wapda Colony	Garhi Sher Ahmad	GGPS Kotka Juma Khan	-do-
25	Naila Gul	Ghulam Shah	H.No.150/B Moh:Umer Hayat	Garhi Sher Ahmad	GGPS Kotka Juma Khan	-do-
26	Zafrana Iftikhar	Iftikhar Husain	H.No.419/B Mh:Nasrullah Khan wakil	Garhi Sher Ahmad	GGPS Bannu city No.2	-do-
27	Saleh Gul	Abdur Razaq	Mir Ahmad Ghoriwala	Ghoriwala	GGPS Bharthi Michan Khel	-do-
28	Nayab Younas	Mohammad Younas	Ghoriwala	Ghoriwala	GGPS Ghoriwala Khas	-do-
29	Farshad Begum	Mohammad Afzal	Fazal Haq Malwana	Hasani Kalan	GGPS Kotka Babo Jan Surani	-do-
30	Tahira Islam	Zainul Islam	Bazida Yousaf Khan	Hasani Kalan	GGPS Bazida Karim Khan	-do-
31	Ghulam Fatima	Malay Ayaz	Basia Khel	Haved	GGPS Aslam Khan Derdariz	-do-
32	Saima Ghazal	Sher Nawaz	Multani Landidak	Haved	GGPS Haved Molvi Anwar Shah	-do-
33	Asima Bibi	Maqbool khan	Zabta Khan Derdariz	Haved	GGPS Mohd Subhan Derdariz	-do-
34	Nazera Bibi	Mohd Awaz Khan	Lewan Derdarzi	Haved	GGPS Lewan Derdariz No.2	-do-
35	Umama Wazir	Wali Rehman	Mali Khel Jani Khel	Hindi Khel	GGPS Hindi Khel Jani Khel	-do-
36	Zainub	Dar Awaz Khan	Mali Khel Jani Khel	Hindi Khel	GGPS Matoon Khel Jani Khel	-do-
37	Tahira	Abdur Rasool	Hinjal Noorbaz	Hinjal	GGPS Mir Azam Baist Khel	-do-
38	Feharatun Sadiqa	Khan Gul Khan	ismail khel	Ismail Khel	GGPS Dhandi ismail Khel	-do-
39	Noortaj Begum	Kamal Din	ismail khel	Ismail Khel	GGPS Khujaram Khel Ghulam.Ali	-do-
40	Shanaz Begum	Sairullah Shah	Akhudan	Jhando Khel	GGPS Normali Jhano Khel	-do-
41	Rizwana Jamil	Mohd Jamil	Shabaz Kakki	Kakki-II	GGPS Lower Zone Kakki	-do-
42	Anila Murad	Murad Ali	Ismail Khani	Kala Khel	GGPS Pir Sabir Shah	-do-
43	Zuhra Ajmal	Mohd Ajmal	Shabaz Sheikhhan Shah	Kala Khel	GGPS Shamtiaz Kala Khel	-do-
44	Hina Murard	Murad Ali	Kala Khel Masti Khan	Kala Khel	GGPS Shaddev Nawab Ali	-do-
45	Iftikhar Begum	Ismail Khan	Baik Khel	Khander Khan Khel	GGPS Kotka Nazidullah Karab Kila	-do-
46	Nosheen Sana	Sanaullah Khan	Kotka Mohamad Khan	Khander Khan Khel	GGPS Kotka Raj Ali Azim Kila	-do-
47	Zubaida Nasreen	Ahmad Khan	Awadin Gul Kila	Khander Khan Khel	GGPS Ayub Khan Kila Alanawaz	-do-
48	Nabia Sultan	Sher Dil Khan	Zulqader Mandan	Khawajamad Mandan	GGPS Shukrullah Beri Khel	-do-
49	Musarat Shaheen	Mohammad Salim	Kafshi Khel Zafer Khan	Kosar Fateh Khel	GGPS Luqman Kafshi Khel	-do-
50	Naheed Akhtar	Nek Nawaz	Faiz Talab Abas Mandan	Kosar Fateh Khel	GGPS Bahader Manak Khel	-do-
51	Nabila Nawaz	D.Umer nawaz	Kotka Khan Sherin	Kot Qalander	GGPS Kotka Khan Sherin Degam	-do-
52	Asima bibi	Gul Jehan	Kumkotka Saqi	Lalozai	GGPS Kumkotka Saqi No.2	-do-

Executive Distt. Officer
Elementary & Secondary Edu.,
Bannu

Ahmed
Jil

53	Norin Sozar	Suzar Khan	Torka Surani	Lalozai	GGPS Torka Mohd Nawaz	-do-
54	Nilofar	Umer Hayat Shah	Gider Mama Khel	Mama Khel	GGHS Hasan Khel Kheraki No:2	-do-
55	Aisha	Umer Ayaz Khan	Chota Masoori	Mama Khel	GGPS Nari Jajan	-do-
56	Hasiba-Khatoon	Gul Mehboob Shah	Dari Saidan	Mamash Khel	GGPS Deri Saidan	-do-
57	Amna Bibi	Abdul Nawab	Alladad Mamash Khel	Mamash Khel	GGPS Aladad Mamash Khel	-do-
58	Mehnaz	Umer ayaz Khan	Imaro Kila Mandan	Mandan	GGPS Misal Khan Mandan	-do-
59	Nosheen Gul	Abdul ghani Shah	Saidan Abdul Qadir Shah	Mandan	GGPS Rastab Ali Bozi Kila	-do-
60	Bas Nazira	Shah Qiaz	Saidan Abdul Qadir Shah	Mandan	GGPS Mathan Khan Sabo Khel	-do-
61	Mehnaz Aziz	Aziz Khan	Bangish Mandan Khel	Mandan	GGPS Inayat Mitha Khel	-do-
62	Najma	Mir Hakim khan	Lali Kila	Mandev	GGPS Shah Qiaz Mandev	-do-
63	Shazia	Umer Khan	Mandew	Mandev	GGPS Mandev Khas	-do-
64	Fozia Shah	Rehimdin shah	Chak Dadan	Mira Khel	GGPS Sirmast Mira Khel	-do-
65	Najma	Ghafoor Khan	Fazal Shah Mita Khel	Mitha Khel	GGPS Feroz Fateh Khel	-do-
66	Saira Khan	Sherzali Khan	Fazal Shah Mita Khel	Mitha Khel	GGPS Feroz Fateh Khel	-do-
67	Samrin	Gul Shabaz	Kotka Makhan Kila Patona Mohd Khel	Mohd Khel Wazir	GGPS Kotka Sharifullah Mohd Khel	-do-
68	Ulfat Begum	Aziz Khan	Murib Khel Baka Khel	Mohd Khel Wazir	GGPS Hikmatullah Baka Khel	-do-
69	Nadia	Gul Shamad	Mati Kila Mohd Khel Wazir	Mohd Khel Wazir	GGPS Zakim Mohd Khel	-do-
70	Nusrat Nawaz	Mohammad Nawaz	Amir Waiz Nurar	Mumbathi Barakzai	GGPS Wazir Kila Mumbathi Barakzai	-do-
71	Yasmin Zaib	Umer Khan	Mumbathi Barakzai	Mumbathi Barakzai	GGPS Mumbathi Barakzai	-do-
72	Amna Qureshi	Rehmatullah	Mirbaz Barakzai	Mumbathi Barakzai	GGPS Zonda Ghaibi Delawar	-do-
73	Zahida Kalsoom	Akhtar Zaman	Kotka Amir Waiz Khan nurar	Mumbathi Barakzai	GGPS Khani Kila No.2	-do-
74	Naheed Akhtar	Mohammad Azam Khan	Nar Sher Mast	Nar Jaffer	GGPS Nar Mir Akber Khan	-do-
75	Bushra Norin	Zarban Shah	Pariz Khoni Khel	Nizam Dharma Khel	GGPS Kotka Feroz Shafqat	-do-
76	Musarat	Noor Zaman	Pariz Khoni Khel	Nizam Dharma Khel	GGPS Nizam Dharma Khel	-do-
77	Rafia Rais	Gul Rais Khan	Nurar	Nurar	GGPS Haji Umar Nawaz Nurar	-do-
78	Amrozia	Safdar ali	Nurar	Nurar	GGPS Abas Khan Nurar	-do-
79	Farah Gul	Mohammad Rais	Nurar	Nurar	GGPS Kotka Sardar Ali Nuar	-do-
80	Basmina	Asar Ali shah	Bahader Khel Nurar	Nurar	GGPS Sher Ayaz Nurar	-do-
81	Kanza Norin	Safdar Ali Khan	Shabaz Azmat Khel	Shabaz Azmat Khel	GGPS Kotka Baber Shabaz Azmat Khel	-do-
82	Samrad	Rashid Nawaz	Kotka Khudad Shabaz Azmat Khel	Shabaz Azmat Khel	GGPS Kotka Baber Shabaz Azmat Khel	-do-

Executive Distr. Officer
Inventory & Secondary Idn
Banna

Handwritten signature

9

	Aisha Iqbal	Sir Iqbal	Shabaz Azmat Khel	Shabaz Azmat Khel	GGPS Shabaz Azmat Khel Muqader	-do-
84	Salma Zahid	Zahidullah Khan	Akhundan Shabaz Azmat Khel	Shabaz Azmat Khel	GGPS Shabaz Azmat Khel Muqader	-do-
85	Rakhshanda	Sardar ali khan	Ghora Baka Khel	Takhti Khel	GGPS Noor Badshadin Sany Khel Baka Khel	-do-
86	Shaheen Bibi	Sher Ali Khan	Surat Khan Kila	Takhti Khel	GGPS Khalidin Murib Baka Khel	-do-
87	Shakeela Bibi	Mosam Khan	Ahmad Shah Serki Khel	Zerki Pirba Khel	GGPS Bannuchi Kila Habibullah	-do-

TERMS AND CONDITIONS

1. Their Service will be considered regular but without pension and gratuity in term of Section-19 of NWFP, civil servant Act, 1973 as amended vide NWFP, civil servant Amendment Act, 2005. They will however be entitled to contributory provident Fund in such a manner and such rates as may be prescribed by the Government.
2. Their services will be considered on probation for two year from the date of taking over charge.
3. Their services are not transferable from the Union Council where they are appointed.
4. Their services can be terminated at any time, in case their performances are found unsatisfactory during probation period. In case of misconduct they will be proceeded against under the Khyber Pakhtunkhwa E and D Rules 2011 and the rules framed from time to time.
5. The candidates should join their post within 15 days. The DDO Female Primary Bannu should furnish a certificate to the effect that the candidates have joined the post or otherwise, after 15 days of the issuance of this order, failing which, her/their orders will automatically stand cancelled
6. Charge should not be handed over if age of the candidate is below 18 years or above 35 years as per Govt. Rules.
7. In case of fake certificates/Degrees or any other mistake in the said appointment order detected later on, the undersigned reserves the right of with draw/amendment in the appointment orders accordingly.
8. The DDO Female may not release pay of the above PST Female teachers before proper verification of their documents and pay release order from the undersigned
9. They will produce Health and age certificates from Medical Superintendents concerned Hospital before taking over charge.
10. On the acceptance of the above Terms and Conditions, the appointees should join the post and submit their charge report to all concerned.
11. No TA/DA etc is allowed to any one.

SARAF ALI SHAH
 EXECUTIVE DISTRICT OFFICER
 ELEM:AND SECY: EDU:BANNU

Endst.No. 4192-4288 /AE-I/Female PST/2012 Dated the 23-04-2012

Copy for information and necessary action to:-

1. Secretary Elementary and Secondary Education Khyber Pakhtonkhwa
2. Director Elementary and Secondary Education Khyber Pakhtonkhwa.
3. The District Coordination Officer Bannu
4. District Officer Female E and SE Bannu
5. DDO Female Primary Bannu with the remarks that their pay may not be drawn until and unless their testimonials are not verified from concerned Board/University.
6. District Accounts Officer Bannu
7. Registrar Peshawar High Court Bannu.
8. Member inspection team Peshawar High Court Peshawar w/r to his order No.772/ dated 13-4-2012.
9. Govt. Pleader Bannu

EXECUTIVE DISTRICT OFFICER
 ELEM:AND SECY: EDU:BANNU

*Executive Distt. Officer
 Elementary & Secondary Edu:
 Bannu*

*Asst. Secy
 Edu*

(Ann-B) "چارج رپورٹ"

10

حوالہ آرڈر نمبر 4288-4192 مورخہ 23-4-2012 آئندہ از

E.D.O صاحب پرائیمری ایجوکیشن بنوں

آج مورخہ 24-4-2012 کو قبل از دوپہر شہناز بیگم

دفتر سائبر الہ شاہ نے جی. جی. پی. ایس کورمائی جھنڈ ڈوئیل

میں بحیثیت پی. ایس ٹی پوسٹ پر چارج سنبھال لیا

کسی رپورٹ عرض ہے

SHAHNAZ

چارج دہندہ

Head Mistress
G.C.P.S. Koormali
Jharku Khel Bannu

چارج دہندہ

Attest

ch

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) BANNU.

OFFICE ORDER :-

Mrs. Shah Naz D/O Sairullah Shah has been appointed as PST at GGPS Noormali on U/C Level Merit vide E.D.O. Bannu No. 4191-4288 Dated 23.04.2012, whereas her S.S.C certificate has been submitted to B.I.S.E. Bannu vide B.O. (F) No. 5530 Dated 26.09.2012, the Secretary BISE Bannu declared her certificate as tampered (total marks decreased) vide his letter No. 438 Dated 27.09.2012.

Hence the appointment order is illegal. Therefore in the light of Terms and conditions at S:NC.07, the appointment order in respect of the above named teacher is hereby withdrawn from the date of taking over charge.

[Signature]
District Officer (F) Education,
Bannu.

Encl: NO. 2679-80 Dated 13/6/2013.

Copy to the:-

1. Director of Education Khyber Pakhtunkhwa Peshawar.
2. Sub Divisinal BIA: Officer (F) Bannu.
3. District Accounts Officer Bannu.
4. Candidate concerned.

[Signature]
District Education Officer,
(F) Bannu.

Attested
[Signature]

ایگزیکٹو ڈسٹرکٹ آفیسر ایلیمنٹری اینڈ سیکنڈری ایجوکیشن ضلع بنوں

درخواست فارم برائے تقرری پی ٹی سی ای ایس ٹی (زناتہ) برائے سال 2010
(تقرری ضلعی میرٹ 60% جبکہ یونین کونسل دائرہ 40% پر ہوگی)

رول نمبر 102

ادین میرٹ یونین کونسل دائرہ	مختار کوٹہ
نام بمطابق میٹرک سرٹیفیکٹ	ستیا زین
ولدیت	بدرنگر
کمپیوٹر اور ذوقی شناختی کارڈ نمبر	73018733
گاؤں کا پتہ	بڈہا
ڈومیسائل (ضلع)	بنوں
مؤدبہ رہائشی پتہ	بڈہا
فون اسوبائل نمبر	33467888033
تاریخ پیدائش بمطابق میٹرک سرٹیفیکٹ	5-5-1990
ماہ	دکن

(یہ کالم صرف دفتری استعمال کیلئے ہے)

تعلیمی و پیشہ ورانہ قابلیت

امتحان	سال پاس کردہ	حاصل کردہ نمبرات	کل نمبر	فارمولہ	میرٹ
میٹرک	2006	594	1050	$30 \times 20 = 96$	20-96
ایف اے ایف ایس سی	2008	513	1100	$20 \times 9 = 33$	9-33
بی اے ای ایس سی	2010	632	900	$10 \times 7 = 22$	7-22
ایم اے ایم ایس سی				$05 \times$	
پی ٹی سی ای ایس ٹی	2008	587	900	$30 \times 19 = 57$	19-57
تجزیہ کردی					
ٹوٹل					56-88

متعلقہ یونین کونسل ناظم / حلقہ پٹوار / تحصیلدار کی طرف سے تصدیق:

یہ تصدیق کرتا ہوں کہ سہ ماہی ستیا زین کے تعلق رکھتی ہے۔
ولیدہ خانم

دستخط: ستیا زین

نام: ستیا زین

Muhammad Naeem Khan
Subject Specialist (Economics)
G.H.S.S. Larozai Bannu
0333-9726652

- 11- ادارے کا نام جہاں سے پی ٹی سی پاس کیا ہے۔ عدیم اقبال یونین کونسل
- 12- سرکاری سکولوں میں تدریسی تجربہ۔ ایک سال کیلئے دو تہا ہوا ہے۔ جبکہ تین سال یا زیادہ کیلئے پانچ تہا ہوا ہے۔
- 13- میں حلفیہ اقرار کرتی ہوں کہ مندرجہ بالا کوالیفیکیشن میرے علم کے مطابق ہر لحاظ سے درست ہیں۔ بصورت دیگر غلط اندراج کی نشاندہی پر میں خود ذمہ دار ہوؤں گی۔
- 14- دستخط امیدوار ستیا زین

حصہ اول: دفتر میں استعمال کیلئے

نام بھرتی شدہ چیکنگ کمیٹی (1) ستیا زین (2) ستیا زین

دستخط:

Accepted

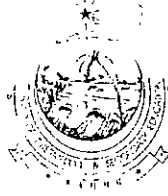
(13)

BU:S.No. 000371

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 378

Board of Intermediate & Secondary Education BANNU (N-W.F.P.), PAKISTAN.



SECONDARY SCHOOL CERTIFICATE EXAMINATION SESSION 2006 ANNUAL

This is to Certify that Shahnaz Begum

Daughter of

Syer Ullah Shah

Student of

Govt Girls Higher Secondary School No. 2, Bannu.

has passed the Secondary School Certificate Examination of the Board of Intermediate & Secondary Education, Bannu held in March, 2006 as a Regular candidate.

She obtained 594 *marks out of 1050 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. Physics	7. Chemistry	8. Biology

Date of birth: (05-01-1990). *in words:* 05 January, Nineteen Ninety.

Registration No.: 092-B-GBU2-1-04

Date of declaration of Result: 26-06-2006

Prepared on: 11-03-2008

Asstt: Secretary

Signature of Asstt: Secretary

SECRETARY

This certificate is issued without alteration or erasure

Attested
JS

To,

1
C4

The Commissioner,

Bannu Division Bannu

SUBJECT; DEPARTMENTAL REPRESENTATION / APPEAL AGAINST THE ORDER ENDST. NO. 2679-80 DATED 13-06-2013 PASSED BY DISTRICT EDUCATION OFFICER (FEMALE) BANNU VIDE WHICH THE APPOINTMENT ORDER DATED 23-04-2012 OF THE APPELLANT WAS WITHDRAWN FROM THE DATE OF TAKING OVER CHARGE.

Respected Sir,

The Appellant submits as under;

- A) That in response of advertisement published by E.D.O (E & S) Education Bannu in daily Mashriq dated _____, the Appellant applied for the post of PTC/PST of union council wise merit list being domiciled and inhabitant of union council Jhandu Khel.
- B) That the Appellant was allotted Roll, No. 102 on her application submitted to E.D.O (E & S) Bannu, wherein she prescribed her qualification and obtained marks according to her testimonials. (Anx - 5)
- C) That after submission of application form, the Appellant appeared in the DPC/DSC meeting held on 14-04-2012 and appointment Order of the Appellant was issued on 23-04-2012 after verification of testimonials from concerned quarters/boards.

Attended
del

- D) That after appointment, the Appellant took over her charge on 24-04-2012 as PST/PTC teacher in Govt. Girls Primary School Noormali Jhandu Khel and was performing her duty with great zeal and ceast:
- E) That after taking over the charge, the Appellant was again asked for submission of her testimonials which were accordingly submitted by her and were sent for verification by the competent authority vide letter No. DDO/F-P-1797 dated 18/09/2012 which were verified and were found correct by B.I.S.E Bannu vide letter No.141 dated 19/09/2012.
- F) That after verification the Appellant transferred from Noormali Jhandu Khel to GGPS No.2 Jhandu Khel, where she was also performing her duty regularly.
- G) That the D.E.O (Female) Bannu vide her letter No. 2679-80 dated 13-06-2013 passed an Order of withdrawal of the Appellant appointment Order on the allegation of tampering in S.S.C certificate without issuing notice and conducting enquiry.
- ∞ H) That being aggrieved from the above stated order the Appellant seeks relief from this Honorable chair, inter alia, on the following grounds;

GROUND:

- 1) That the Appellant being qualified for the post of PTC/PST teacher applied under the procedure & rules and she was than allotted roll No in accordance with the criterion as determined by the education department.
- 2) That the Appellant submitted her testimonials alongwith application form wherein she has mentioned the total marks as well obtained marks in respect of her S.S.C examination, which were pre-verified before interview.

Attested
JSL

- 3) That the Appellant was selected through D.P.S/D.S.C constituted by the competent authority, wherein her application form and testimonials were scrutinized and she was recommended after fulfillment of all procedural formalities.
- 4) That after taking over the charge, her testimonials were again sent for verification and were found correct but all of sudden the D.E.O (Female) Bannu vide her letter No. 8500 dated 26/09/2012 resend the Appellant's certificate, wherein total marks were shown decreased, neither the Appellants was served with any kind of notice before re-verification nor she has been intimated regarding her certificates, furthermore, she has not even informed that whether the certificate submitted by her have been sent or any manipulation, fabrication or tampering has been performed by the education department.
- 5) That if the verification has been made on 26/09/2012 then why the D.E.O (Female) Bannu waited / kept mum till 13/06/2013 inspite of the fact that she was serving as PST teacher and was performing her duty regularly.
- 6) That being the civil servant, the Appellant was neither served with any type of show cause notice nor any opportunity of defense has been provided, moreover, no enquiry has been conducted and if so, the Appellant has not been heard in this respect, thus the procedure has been violated as accrued to a civil servant under the law.
- 7) That the Appellant has submitted her application form with clean hands being obtained her certificate from B.I.S.E Bannu wherein total and obtained marks were clearly mentioned and if any irregularity has been committed by the education department then it cannot be regularized through the withdrawal or termination of civil servant because once a person has been appointed as civil servant then valuable rights accrued to her cannot be snatched in the manner as

Attested
by

17

done with the Appellant; In this respect wisdom can be derived from various judgments of august Supreme Court of Pakistan as mentioned below;

2009 SCMR Page 663

2005 SCMR Page 85

2008 SCMR Page 871

2004 SCMR Page 1077.

It is, therefore, most humbly prayed that on acceptance of instant departmental representation/Appeal, Order No.2679-80 dated 13/06/2013 issued by D.E.O (Female) Bannu be declared as null & void, the Order of appointment of the Appellant may very kindly be re-operated from the date of its issuance and the Appellant be allowed to continue her duty as P.S.T teacher at G.G.P.S No.2 Jhandu Khel being legally selected/appointed with all other benefits.

NOTE: The Appellant may kindly be heard in person, through special attorney or through Counsel.

SHAHNAZ

Appellant

Shahnaz Begum D/O Sairullah Shah

R/O Akhundani Jhandu Khel Tehsil &

District Bannu.

P.S.T teacher G.G.P.S No.2

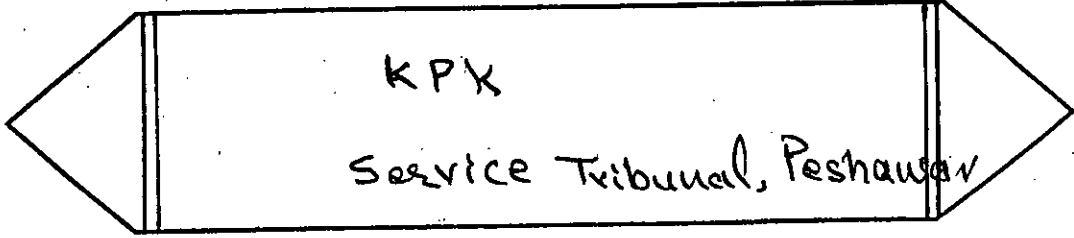
Jhandu Khel Bannu

Dated: 29/06/2013

1. Director Education
2. Director (M)
3. DSH Education officer (Female) Bannu

Attorney
[Signature]

بعدالت



موزعہ
مقدمہ
دعویٰ
جرم

2 پنجاب
بنام

Shahnaz Begum
Vs
D. E. O, Bannu

باعث تحریر آئینہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام پشاور کیلئے شرف علی عقیق منڈ نوار ہنگام

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 14 ماہ الیوبہ 2013

وہ الع
مقام شہناز بیگم
کے لئے منظور ہے۔
Accepted

Shahzadi
Advocate

14/10/13

Shahnaz

BEFORE THE HONORABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1496/2013

Shahnaz Begum D/O Sairullah Shah.....

Appellant

Govt. of Khyber Pakhtunkhwa

VS

Respondent

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS:

Respectfully Sheweth!

Preliminary objections,

1. That the appellant has got no cause of action and locus standi.
2. That the service appeal is bad for non-joinder and mis-joinder of the necessary parties.
3. That the service is not maintainable in its present form as no department has ever been filed.
4. That the service appeal is also suffering from legal defects.
5. That the appellant appointment order has rightly been withdrawn on the basis of her tampered/fake certificate.

FACTS

1. The para pertains to record, hence needs no comments.
2. Incorrect, her fake documents reveals that she was not qualified/eligible for the same post as she has produced fake SSC certificate and the same has been declared fake and bogus by the BISE Bannu (copy attached Annexure-A).
3. Correct to the extent of her appointment order. However, as per /conditions of appointment letter, her SSC certificate was referred to the concerned board and her documents were found fake/tampered. Hence her appointment order has legally been withdrawn.
4. As explained in above para.
5. Incorrect. The respondents have withdrawn her appointment order on the basis of her tampered certificates.
6. Correct that the BISE Bannu has declared her certificate as fake and tampered.
7. Incorrect the SSC certificate of the appellant is tampered one, having no record.
8. The appellant has not made any departmental appeal to DEO Bannu.

Grounds

- A. Incorrect. The appellant is not entitled for a relief on the basis of bogus order.
- B. Incorrect. The respondents have treated the appellant in accordance with law, rules, and policy of the Government. The rest of the para is based on presumptions, hence it is denied.
- C. Incorrect. The respondent validly withdrawn the appointment order and detailed explanation has already been made in above paras.
- D. Incorrect. The respondents have validly withdrawn the appointment order of the appellant.
- E. Incorrect. Her fake documents became the reason of withdrawal of her appointment order.
- F. Incorrect. No principle allows the respondents to appoint any persons on the basis of fake documents.
- G. The para been legal in nature hence no comments.
- H. That the para being legal in nature, however the appellant order has been withdrawn after observing the codal formalities.

It is therefore, very humbly prayed that the service appeal of the appellant may

very graciously be dismissed by this Honorable Tribunal.


District Education Officer (F) Bannu


> Director E&SE Peshawar


Secretary E&SE Peshawar.



Board of Intermediate & Secondary Education,
Bannu

Amex - A

No. 1438 /Certificate/BISE-B/12

Dated. 27-9-2012

(59)

From

The Secretary,
BISE, Bannu.

To

The District Officer (Female)
Elementary & Secondary Education,
District Bannu.

Subject.


VERIFICATION OF SSC CERTIFICATE.

Memo.


Reference your letter No. 8580 dated 26-9-2012.

I am directed to inform you that the certificate of Miss Shahnaz Begum
Daughter of Sair Ullah Shah checked and verified the particular are as under.

Roll No.	Name	Father's Name	Marks Obtained	Grade	DOB
378	Shahnaz Begum	Syer Ullah Shah	594/1050	C	05-1;1990


(ASSISTANT SECRETARY)
Board of Intermediate and
Secondary Education, Bannu.
Contact No. 0346-9513955

Copy for information to
RA to Secretary BISE, Bannu.


Assistant Secretary
BISE Bannu

27/9/12

Amex - A To 9

Roll No. 678

53

D.S. No. 000371

Board of Intermediate & Secondary Education BANNU (N-W.F.P.), PAKISTAN.

Annex-A

SECONDARY SCHOOL CERTIFICATE EXAMINATION SESSION 2006 ANNUAL

[Handwritten Signature]

This is to Certify that Shahnaz Begum

Syer Ullah Shaif

Daughter of

Student of

Govt Girls Higher Secondary School No. 2, Bannu.

has passed the Secondary School Certificate Examination of the Board of Intermediate & Secondary Education Bannu held in March, 2006 as a Regular candidate.

She obtained (594) marks out of 1050 and has been placed in Grade C

Representing

Good.

The candidate passed in the following subjects:

1. English

5. Mathematics

2. Urdu

6. Physics

3. Islamiyat

7. Chemistry

4. Pakistan Studies

8. Biology

Date of birth: (05-01-1990) in words: 05 January, Nineteen Ninety.

Registration No: 092-B-GBU2-1-04

Date of Declaration of Result: 26-06-2006

Prepared on: 11-03-2008

Asstt. Secretary

[Handwritten Signature]

This certificate is issued without alteration or variance

SECRETARY

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1496/2013

SHEHNAZ BEGUM

VS

EDU: DEPARTMENT

REJOINDER ON BEHALF OF APPELLANT IN
RESPONSE TO THE REPLY SUBMITTED BY
THE RESPONDENTS

R/ SHEWETH:

PRELIMINARY OBJECTIONS:

(1 TO 7):

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct by the respondents hence need no comments.
- 2- Incorrect and not replied accordingly. That appellant being qualified for the post of PST due to which appellant submitted her documents for the said post. It is very pertinent to mention that appellant has never tempered her certificate for the appointment on the said post.
- 3- Admitted correct to the extent of the appointment order of the appellant. That appellant has got the SSC certificate from the BISE Bannu in the year 2008 validly. That appellant appeared before the Departmental Selection Committee and appellant was validly appointed on the post of PST vide order dated 23.4.2012 and after appointment appellant submitted her charge report and started performing her duty at GGPS Noormali Jandhu Khel District Bannu. That the valid appointment order of the appellant was withdrawn by the respondents as illegally, unlawfully, void ab initio and not maintainable in the eye of law.
- 4- No comments.

- 5- Incorrect and not replied accordingly. That appellant stated in her service appeal that appellant denied her salary during the interval period i.e. 24.4.2012 to 13.6.2013. Moreover the appellant is entitled for the release of her salaries with all attached benefits according to the principle of "WORK DONE MUST BE PAID".
- 6- Admitted correct hence need no comments.
- 7- Incorrect and not replied accordingly. That appellant has never tempered her certificate. That appellant has submitted her original SSC certificate which was issued by the BISE Bannu along with DMC and PTC course certificate for the appointment on the post of PST.
- 8- Incorrect and not replied accordingly. That appellant preferred her Departmental appeal to the respondent No.4 but no heed was aid on the same.

GROUND:
(A TO E):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless hence denied. That the inaction of the respondent Department by not granting/releasing the monthly salaries of the appellant from the date of first appointment order i.e. 23.4.2012 is against the law, norms of natural justice and the violation of principle "WORK DONE MUST BE PAID".

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

Shehnaaz Begum

APPELLANT

SHEHNAZ BEGUM

THROUGH:

Uzma Syed

**UZMA SYED
ADVOCATE**

قیمت 10 روپے



23612

ایڈووکیٹ/دستخط
بارکوس ابار ایسوسی ایشن
رابطہ نمبر: 0311-9480376

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

منجانب: اپیلانٹ	دعویٰ: سرکاری ملکیت
شعبہ: تعلیم	تاریخ: 20/11/2014
پشاور بار ایسوسی ایشن	موضوع: جرم
پشاور بار ایسوسی ایشن	تھان: پشاور

باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام پشاور میں عطا شدہ ایڈووکیٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقریر نمائندگی و فیصلہ برطاعت دینے جواب دعویٰ اقبال دعویٰ اور درخواست الزام کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز صورت ضرورت میں پیروی یا اہیل کی فراہمی اور منویٰ، نیز دائر کرنے اہیل نمائندگی و پیروی کرنے کا اختیار ہوگا اور صورت ضرورت میں مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل کے اختیار قانونی کو اپنے ہمراہ یا اپنے ساتھ لے کر اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی حملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا پابندی خواہ منظور قبول ہوگا اور اس مقدمہ میں جو فرچہ ہرمانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل کو وصول کرنے کا اختیار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پشاور میں ہی رہنا ضروری ہے، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 27 آئی بی 2015

العہدہ _____ واہ شد _____ العہدہ _____

مقام _____ کے لئے منظور ہے۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1496/2013

SHEHNAZ BEGUM

VS

EDU: DEPARTMAENT

REJOINDER ON BEHALF OF APPELLANT IN
RESPONSE TO THE REPLY SUBMITTED BY
THE RESPONDENTS

R/ SHEWETH:

PRELIMINARY OBJECTIONS:

(1 TO 7):

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct by the respondents hence need no comments.
- 2- Incorrect and not replied accordingly. That appellant being qualified for the post of PST due to which appellant submitted her documents for the said post. It is very pertinent to mention that appellant has never tempered her certificate for the appointment on the said post.
- 3- Admitted correct to the extent of the appointment order of the appellant. That appellant has got the SSC certificate from the BISE Bannu in the year 2008 validly. That appellant appeared before the Departmental Selection Committee and appellant was validly appointed on the post of PST vide order dated 23.4.2012 and after appointment appellant submitted her charge report and started performing her duty at GGPS Noormali Jandhu Khel District Bannu. That the valid appointment order of the appellant was withdrawn by the respondents as illegally, unlawfully, void ab initio and not maintainable in the eye of law.
- 4- No comments.

- 5- Incorrect and not replied accordingly. That appellant stated in her service appeal that appellant denied her salary during the interval period i.e. 24.4.2012 to 13.6.2013. Moreover the appellant is entitled for the release of her salaries with all attached benefits according to the principle of "WORK DONE MUST BE PAID".
- 6- Admitted correct hence need no comments.
- 7- Incorrect and not replied accordingly. That appellant has never tempered her certificate. That appellant has submitted her original SSC certificate which was issued by the BISE Bannu along with DMC and PTC course certificate for the appointment on the post of PST.
- 8- Incorrect and not replied accordingly. That appellant preferred her Departmental appeal to the respondent No.4 but no heed was aid on the same.

GROUND:
(A TO E):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless hence denied. That the inaction of the respondent Department by not granting/releasing the monthly salaries of the appellant from the date of first appointment order i.e. 23.4.2012 is against the law, norms of natural justice and the violation of principle "WORK DONE MUST BE PAID".

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

Shehnaaz Begum

APPELLANT

SHEHNAZ BEGUM

THROUGH:

Uzma Syed
**UZMA SYED
ADVOCATE**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 657 /ST

Dated 26 / 4 / 2016


To

The Deo (F) E&SE,
Bannu.

Subject: - **JUDGMENT**

I am directed to forward herewith a certified copy of Judgement dated 18.4.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.