


FORM OF ORDERSHEET

Court of _____

Case No. _____

1865/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	
1	14.09.2023	<p>As per direction of the Worthy Chairman the present appeal is fixed for decision on office objections before touring Single Bench at D.I.Khan on</p> <p style="text-align: right;"> REGISTRAR</p>

The appeal of Mst. Abida Sultana d/o Hafiz Amanullah r/o Muhallish Hafiz Merza Khan City D.I.Khan received today i.e. on 26.04.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days

- 1- Check list is not attached with the appeal.
- 2- Annexures of the appeal are not attested.
- 3- Copy of enquiry report mentioned in para 3 of the memo of appeal is not attached with the appeal which may be placed on it.
- 4- Copies of departmental appeal, previous service appeal and court order mentioned in para-5 of the memo of appeal are not attached with the appeal.

No. 1337 /S.T. /

DL. 5/5 /2023.

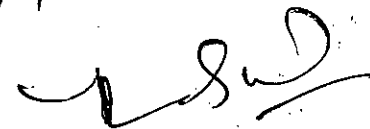

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Mohsin Ali Adv.
High Court D.I.Khan.

Respected Sir.

Resubmitted after removing the objections No 152. However for disposal of instant appeal the copies of enquiry report and copies of previous departmental Appeal, Service Appeal and court order are not necessary. It is requested that the instant Appeal may kindly be fixed before Honourable Tribunal

Muhammad Mohsin Ali



Advocate S.C
District Bar D.I.Khan

- 2/5/23 of 19 of 1997 Epe 12

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 1865 /2023

Abida Sultana

.....APPELLANT

VERSUS

Govt. of KPK and others

.....RESPONDENTS

INDEX

S #	Description of Documents	Annexure	Page #
1	Grounds of appeal alongwith	-----	1-7
2	Copy of Appointment Order along with Advertisement & Educational Certificates	A	8-20
3	Copy of Inquiry etc	B	21-22
4	Copy of List of Illegal Appointees "CT"	C	23-25
5	Copy of W.P No. 700-D/2015 along with Judgment and relevant documents	D	26-32
6	Copy of Departmental Appeal	E	33-34
7	Vakalatnama	-----	35

Dated:

Humble Appellant

Abida Sultana

Abida Sultana

Through Counsel

Muhammad Mohsin Ali
Advocate Supreme Court,
District Courts, D.I.Khan.

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 1865 /2023

Abida Sultana daughter of Hafiz Amanullah resident of MUhallah Hafiz Meran Khan, City Dera Ismail Khan.

.....APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education Govt. of K.P.K, Peshawar.
2. Secretary Elementary & Secondary Education Govt. of K.P.K, Peshawar.
3. Director Education (Elementary & Secondary), Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female), Dera Ismail Khan.
5. Deputy Commissioner, Dera Ismail Khan.
6. District Account officer, Dera Ismail Khan.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNALS ACT, 1974 TO DECLARE THE TERMINATION ORDER OF APPELLANT FROM SERVICE AS ILLEGAL, WITHOUT LAWFUL AUTHORITY, WITHOUT JURISDICTION, VOID AB INITIO AND INEFFECTIVE UPON THE RIGHTS OF THE APPELLANT AND IS LIABLE TO BE SET ASIDE/QUASHED AND MAY KINDLY BE DIRECTED THE RESPONDENTS TO REINSTATE THE APPELLANT AGAINST THE SUBJECT POST.

Respectfully sheweth:

1. That the brief facts of the case are that, in the year 2007, the then EDO (School & Literacy) Dera Ismail Khan invited the applications for recruitment of different categories of the teachers in Dera Ismail Khan through Daily Mashriq.
2. That being qualified candidate, the present appellant also applied for the post "CT", and appeared in the Interview for the said post. That the process of recruitment was completed, and the appellant was appointed against the said vacant post vide appointment order dated 20464-69 dated 01-06-2008. Copy of Appointment Order along with Advertisement & Educational Certificates is enclosed as **Mark-A.**
3. That later-on, on the basis of political victimization the standing committee 26, Provincial Assembly in the year 2009 conducted inquiry against the appointments made in the year 2007 in education department Dera Ismail Khan. The committee also made some recommendation to education department for termination of Illegal appointments. Copy of Inquiry is enclosed as **Mark-B.**
4. That the District Education officer Dera Ismail Khan on the instruction of government issued the termination order of 1613 irregular appointees. Therefore, the appellant was

also terminated without any notice; moreover, no list of irregular appointees was given by respondents to the appellant. Many persons approached to the service tribunal for redressal of their grievance along with other affectees, but respondents promised that their grievance would be redressed as the appellant was appointed with due process and the name of the appellant was not mentioned in the said list. Copy of list is enclosed as **Mark-C**.

5. That being aggrieved, the present appellant filed the writ petition No. 700-D/2015 before Honourable Peshawar High Court Dera Ismail Khan and vide judgment dated 07-02-2018 the writ petition was dismissed being not maintainable on the ground that the appellant was a civil servant. Therefore, the present appellant filed the Departmental Appeal on 02-04-2018 through registered post along with AD Card to Director Education, KPK, Peshawar but the same was not decided by the authority. After that the appellant filed the service appeal before this Honourable Tribunal and at the time of arguments, the representative of DEO (Female) D.I.Khan produced another list of illegal appointees of CT post, wherein the name of appellant was also included, and in the change circumstances, the appeal of the appellant was become infructuous, thereafter, the appellant filed the Departmental appeal on 21/12/2022 but

the same was not decided by authority; hence the appellant filling the instant appeal on the following grounds;

GROUNDS:

1. That the act of the respondents is illegal, against the natural justice, ulterior motives, based on malafide and ineffective upon the rights of the appellant.
2. That the interviews of candidates of different categories of teachers had been conducted in accordance with the policy and merit list was also prepared and, thereafter, the appellant was appointed with due process. It is also very much clear that the appointment of the appellant was not irregular, as the name of the appellant was not mentioned in the said list but later-on the respondents included the name of the appellant malafidly. But the respondents illegally and without any reason terminated the appellant.
3. That the standing committee conducted the inquiry against the irregular appointments in education department Dera Ismail Khan, and the recommendation was made to terminate those appointees who were appointed irregularly, but the respondents terminated all those appointees who were appointed during that period. Thus the act of the respondents while terminate the appellant is illegal, as the appointment of the appellant was made through due process.

- 4. That the appellant was eligible candidate for the appointment against the subject post and qualified in the recruitment process, but the respondents clearly ignored the same and terminated the appellant along with all irregular appointees.
- 5. That the appellant is the victim of unlawful and illegal act of the respondents and such a malafide act on the part of respondents is against the law and rules, without jurisdiction and lawful authority, against the natural justice, misuse of official powers and is the outcome of victimization known by the respondents and it has caused an immense mental torture and agony to the appellant.
- 6. That the counsel for the appellant may kindly be allowed to raise the additional grounds at the time of arguments.
- 7: That the appeal is being filed within the statutory period prescribed in section 4 of The KPK Service Tribunals Act, 1974.

It is, therefore, prayed that on acceptance of this appeal this court may be pleased to pass orders as prayed for in the heading of this appeal.

Dated:

Humble Appellant

Abida Sultana

Abida Sultana
Through Counsel

Muhammad Mohsin Ali
Advocate Supreme Court,
District Courts, D.I.Khan.

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/2023

Abida Sultana

.....APPELLANT

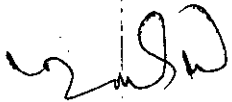
VERSUS

Govt. of KPK and others

.....RESPONDENTS

AFFIDAVIT

I, the appellant, do hereby solemnly affirm and declare on oath that all the para-wise contents of the appeal are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed or kept secret from this Honourable Court.



Identified by Counsel

Abida Sultana

Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/2023

Abida SultanaAPPELLANT

VERSUS

Govt. of KPK and othersRESPONDENTS

ADDRESSES OF THE PARTIES

Abida Sultana daughter of Hafiz Amanullah resident of MUhallah Hafiz Meran Khan, City Dera Ismail Khan.
.....APPELLANT

-
1. Government of Khyber Pakhtunkhwa through Secretary Education Govt. of K.P.K, Peshawar.
 2. Secretary Elementary & Secondary Education Govt. of K.P.K, Peshawar.
 3. Director Education (Elementary & Secondary), Khyber Pakhtunkhwa, Peshawar.
 4. District Education Officer (Female), Dera Ismail Khan.
 5. Deputy Commissioner, Dera Ismail Khan.
 6. District Account officer, Dera Ismail Khan.

.....RESPONDENTS

Dated:

Humble Appellant
Abida Sultana *Abida Sultana*
Through Counsel

Muhammad Mohsin Ali
Advocate Supreme Court,
District Courts, D.I.Khan.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LIT.)

D.I.KHAN.

ANNEX - A
PAGE - 3

APPOINTMENT ORDER:

Consequent upon the approval of Selection Committee, the following Fresh (Female) hereby appointed against vacant post of CT the school noted against their name in BPS 09 plus usual allowances being a qualified fresh candidate as per existing policy in the interest of public service w.e from the date of taking over charge on the following terms and conditions.

<u>S.No.</u>	<u>Name of Candidate with Father's Name</u>	<u>School Where Posted</u>
01	Abida Sultan D/O Hafiz Amanullah R/O DIKhan	GGMS Adil Sipra

TERMS & CONDITIONS:

1. Charge report should be submitted to all concerned.
2. No Pensioner benefit will be available.
3. The services of the above named candidate is made purely on temporary basis & liable to terminate at any time without assigning any notice/ reasons.
4. The candidate will produce Health & Age Certificate from the M/S concerned.
5. The original documents may be checked/verified by concerned Board/ University through DDO concerned before handing over charge.
6. No TA/DA is allowed.

Sd/-

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY DIKHAN

Endst.No. 20464-69 / Dated D.I.Khan the 11/6 / 2008

Copy to the :-

1. District Schools & Literacy NWFP Peshawar.
2. District Co-ordination Officer, DIKhan.
3. District Accounts Officer DIKhan.
4. Headmistress/ Headmaster concerned.
5. Candidate concerned.

Vla. _____

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY DIKHAN.



DETAILED MARKS CERTIFICATE

10

B.Ed (Private) New Course

Held in April-May 2011

Session 2010/Annual

Roll No: 851

Name: Abida sultana

The Candidate secured the following marks & has been placed in 2nd Division.

SUBJECT	Total No of Marks Allotted	MARKS OBTAINED	
		In Figure	In Words
C.B/School Society and Teacher	50	24	Twenty Four
Perspective of Education	100	49	Forty Nine
School Organization and Classroom Management	100	45	Forty Five
Human Development Learning	100	53	Fifty Three
Education Measurement Evaluation	100	46	Forty Six
Education Technology	100	45	Forty Five
Curriculum and Instruction	100	45	Forty Five
English (Comp)	100	46	Forty Six
Viva Voce	50	-	-
Teaching of English	100	45	Forty Five
Teaching of Urdu	100	-	-
Teaching of Pak. Studies	100	-	-
Teaching of Islamiyat	100	58	Fifty Eight
Teaching of Chemistry	100	-	-
Teaching of Physics	100	-	-
Teaching of Bio	100	-	-
Teaching of Math	100	-	-
Commander/Guide and Counselor/School Teachers	50	26	Twenty Six
Project and Practical Skill	200	110	One Hundred Ten
Essay	50	-	-
Total Marks	1200	592	Five Hundred and Ninety Two

The Examination was taken as a Whole

Result Declaration Date: 27/12/2011

Additional Controller of Examination
City Campus, Gomal University,
Dera Ismail Khan.

GOMAL UNIVERSITY

DERA ISMAIL KHAN
NEW FSD
PAKISTAN



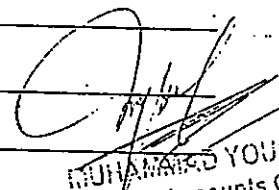
Provisional Certificate

This is to certify that Mr. / Miss. / Mrs. ABIDA SUYDANA
Son/ Daughter/ Wife of MUHAMMAD ANWARULLAH
of the Department / Institute of PRIVATE CANDIDATE OF DEPT. D.I. KHAN
has passed B.E.D. ANNUAL, 2010 Examination held in APRIL, MAY, 2011
in the subject of BACHELOR OF EDUCATION
He/ She was placed in SECOND
division, Securing 592 marks out of 1200

The examination was taken as a whole/in parts.

Dera Ismail Khan.

Dated 27-12-2011


MUHAMMAD YOUSAF
Assistant Accounts Officer
Pak Military Accounts Dept.

ADDITIONAL CONTROLLER OF EXAMINATIONS

Institute of Teachers Education (Female)
Dera Ismail Khan

REGIONAL INSTITUTE OF TEACHER EDUCATION (FEMALE)
DERA ISMAIL KHAN
D.M/ DIPLOMA IN EDUCATION

Session 2007-08 (Annual)

PROVISIONAL CERTIFICATE

Roll No: 72 Date of declaration of result 31-12-2008

This is to certify that Miss. Abida Sultana Daughter of Haiz Aman Ullah
of this institution has PASSED the D.M/ Diploma in Education Examination, held in August,
2008 as a Regular Candidate. According to the result Gazett/D.M.C supplied by the
Deputy Director Examination (School & Literacy) N.W.F.P Department Peshawar.

Marks Obtained 1184 Out of 1500

Division Ist Conduct Good

Prepared by Muhammad Ismail Assistant

Checked by: Mrs Tahira Margis Malik Instructor (18)

Muhammad Ismail
Assistant Accounts Officer
Military Accounts Office

(SIFAT ALZDI)

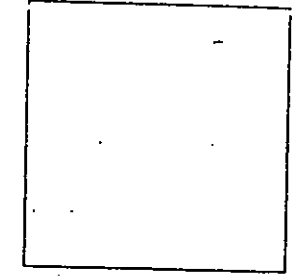
PRINCIPAL

Regional Institute of Teachers Education (Female)
Dera ismail Khan

12

S.NO.

06434
Roll No. 53737



Board of Intermediate and Secondary Education

BANNU N-W.F.P. (PAKISTAN)
SECONDARY SCHOOL CERTIFICATE EXAMINATION
SESSION ANNUAL 2001

THIS IS TO CERTIFY THAT ABIDA SULTANA

Daughter of HAFIZ AMAN ULLAH

and a student of DISTRICT DERA ISMAIL KHAN.

has passed the *Secondary School Certificate Examination* of the Board of Intermediate and Secondary Education, Bannu as a PRIVATE candidate. She obtained 444 Marks out of 850 and has been placed in Grade C Representing GOOD

The candidate passed in the following subjects:

- | | | | |
|------------|---------------------|-----------------|-----------------|
| 1. ENGLISH | 3. ISLAMIYAT | 5. MATHEMATICS | 7. GEN: SCIENCE |
| 2. URDU | 4. PAKISTAN STUDIES | 6. ISL: STUDIES | 8. EHE: |

Date of Birth according to admission form is TWENTYTHIRD MARCH,
one thousand nine hundred and EIGHTY THREE.

(23/3/1983)

Prepared on: 06 January 2011

Asstt; Secretary

This certificate is issued without alteration or erasure

SECRETARY

(B)

Dera Ismail Khan.
Date: _____

Examination was taken on _____

JULY 2006

Serlal No. ---56347---

Registration No. 5755-10/00-15
Roll No. 0000
Session: 7

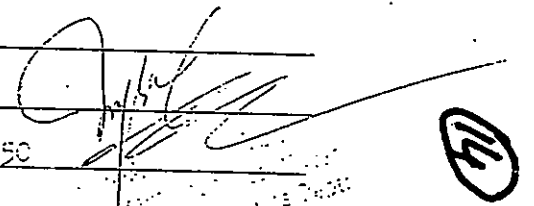
GOMAL UNIVERSITY

DERA ISMAIL KHAN.
N.W.F.P
PAKISTAN



Provisional Certificate

This is to certify that Mr/ Miss /Mrs ABIDA SUJANA
Son / Daughter / Wife of HAFEE AMANULLAH
of the Department/Institute of LATE COLLEGE STUDENT OF GOVT. GIRLS COLLEGE D. I. KHAN
has passed BA. (P-II) ANNUAL, 2006 Examination held in JUNE . JULY, 2006
in the subject of _____
He / She was placed in SECOND
division, Securing 279 marks out of 550



The examination was taken as a whole / in parts.

Dera Ismail Khan.

Dated 24-09-2007

ADDITIONAL CONTROLLER OF EXAMINATIONS

CG. No. 186876

15

DETAILED MARKS CERTIFICATE
Secondary School Certificate Examination

Session 200 / (Annual/Supplementary)

Name Ahida Sultana

Father's Name Haji Hanumalla Roll No. 53737

	Max. Marks	PERCENTAGE	
		In Figure	In Words
1. English	150	78	
2. Urdu	150	69	
3. Islamiyat Comp:	75	37	
4. Pakistan Studies	75	34	
5. Gen. Mathematics	100	67	
6. General Science	100	37	
7. <u>SHE</u>	100	55	
8. <u>IS</u>	100	67	
Total	850	444	<u>52.235</u>

This Certificate is issued errors and omission excepted.

Prepared by: [Signature]

Date 200

Checked by: [Signature]

Controller of Examinations
Board of Intermediate & Secondary Education
Bannu

[Signature]
Assistant Accountant
Pak Military Accounts Dept

35320

(16)

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION, BANNU

Detailed Marks Certificate
Intermediate Examination Part-II

Name: Abida Sultana
 Father's Name: Hafiz Aman Ullah
 Group: HUMANITIES

Session: 2004 (Annual)Roll No: 19653

Subjects	Marks	Marks Obtained					Marks in Words
		Part-I		Part-II		Total	
		Theory	Pract	Theory	Pract		
ENGLISH	200	34		37		71	Seventy-One
URDU	200	53		53		106	One Hundred Six
ISLAMIC EDUCATION	50	28				28	Twenty-Eight
PAKISTAN STUDIES	50			24		24	Twenty-four
ISLAMIC HISTORY	200	50		35		85	Eighty-Five
ISLAMIC STUDIES	200	54		59		113	One Hundred Thirteen
ARABIC	200	58		35		93	Ninety-Three

Total: 1100

520-0 Five Hundred Twenty Only

Prepared by [Signature] Compiled by [Signature]

Remarks:

Checked by [Signature]

Date: 06-August, 2004

Note: Errors / Omissions excepted

KODAK and DRAGS Software Enterprise (KDSol)

(IINR) Controller CELL DISE, Bannu

Controller of Examinations
 Board of Intermediate & Secondary Education
 BANNU

[Signature]
 MUHAMMAD YOUSAF
 Assistant Accounts Officer
 Pak Military Accounts Dept.

SNo: 204019653

Roll No.

17

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION, BANNU



Provisional Certificate
Intermediate Examination

SESSION 2004 Annual
Humanities Group

This is to Certify that

Abida Sultana

Daughter of

Hafiz Aman Ullah

student of

Dera Ismail Khan District

Registration No: _____

has passed the Intermediate Examination of the

Board of Intermediate & Secondary Education, BANNU held in 20-5-2004 as a Private candidate.
She obtained 520 marks out of 1100 and has been placed in Grade "D"

Checked by _____

06/8/04

Date of Issue: 06-8-2004

[Signature]
Asst. Secretary (Certificate)

Khaksar and BRAINS Software Enterprise (KBSoft)

Computer CELL BISE, Bannu

[Signature]
Assistant Accounts Officer
Pak Military Accounts Dept.

18

GOMAL UNIVERSITY



DERA ISMAIL KHAN
(N.W.F.P. PAKISTAN)

Passed/Re-appear/Failed in Agg. Failed

DETAILED MARKS CERTIFICATE
B.A EXAMINATION PART-II
Session 2006/ Annual

Roll No: 2752

Name: Abida Sultana

The candidate secured the following marks & has been placed in 2nd Division.

SUBJECTS	Total Number of Marks Allotted	MARKS OBTAINED	
		In figures	In Words
1. English	75	24	
2. Urdu	75		
3. Pashto	75		
4. Arabic	75	25	
5. Persian	75		
6. English Elective	75		
7. Statistics	75		
8. Geography	75		
9. History	75		
10. Economics	75		
11. Political Science	75		
12. Islamic Studies	75	36	
13. Pre-Law	75		
14. IPE	75		
15. Pak Studies	40	21	
16. Aggregate Part-I	285	173	
Total Marks	550	279	Two Hundred & Seventy Nine Only

The Examination was taken as a Whole/In Parts

Result Declaration Date: 24/09/2007

MUNIR AHMAD YOUSAF
Assistant Accounts Officer
Pak Military Accounts Deptt

Additional Controller of Examinations
Gomal University, D.I.Khan

DOMICILE CERTIFICATE

(19)

I, Abida Sultan Son/Daughter of Hafiz Amrullah

hereby declare that I was born of parents who are permanently domiciled in North West Frontier Province having been born/born/born in this Province.

I was born at Village/Mohallah Hafiz Moran Khan
Tehsil D. A. Khan District Dera Ismail Khan.

Abida Sultan
Signature of the applicant
Dated 4.4.2000

Pursuance to the declaration dated 10/4/2000 filed by
Mr./Miss Abida Sultan Son/Daughter of Hafiz Amrullah

domiciled in North West Frontier Province, it is hereby certified that the said
Abida Sultan is born of parents who are permanent residents of the North West Frontier Province having been born/born/born within it.

I have satisfied myself from personal knowledge/verification that the above declaration is true certify accordingly.

Teli Khan

This 10th day of April 192000

Seal

[Signature]
District Magistrate
Dera Ismail Khan

COUNTERSIGNED
DISTRICT MAGISTRATE
Dera Ismail Khan.

MAGISTRATE 1st CLASS

[Signature]

10/4/2000

Seal

[Signature]



Strike out which over is not applicable.

No. 207 HC Dated 13/4/2000

Abida Sultan
To: Copies of
[unclear]

(20)

VARIFIED

RURAL AREA

1. Palwari Halqa.

2. Girdawar Circle.

3. Tehsildar

Sir,
I personally know
Abida Sultanee who
Announcement is born of
Parents who are
No. Moh: [unclear] Miran

M. [unclear] collect
School
Advocate
1/4 Ex-Councillor
Jawo. M.C. D.I. Ke

URBAN AREA

1. Municipal Councilor

2. Chairman/
Municipal Council/
Town Committee

3. Tehsildar

For
Municipal Council
Chairman
[unclear]

Handwritten notes and signatures at the bottom right.

ANNEX-B
Page 1-21

OFFICE OF THE DISTRICT COORDINATION OFFICER, DERA ISMAIL KHAN.

OFFICE ORDER :-

Where as the Executive District Officer of the then School & Literacy Deptt., now Elementary & Secondary Education Deptt made hundreds of illegal / irregular appointments of different scales & cadars of teacher in the District of DIKhan with in the period of 01.01.2007 to 31.08.2009 without absorbing the requisite code formalities.

And whereas the issue of illegal appointments was noticed by the Provincial Govt; and the following enquiry Officers were appointed to have a probe to the matter of illegal / irregular appointments :-

1. Mr. Falak Naz Khan the then Director Education.
2. Mr. Muhammad Arifeen Khan the then Special Secretary for Education.
3. Mr. Haji Ahmad Khan the then Additional Secretary for Education .
4. Mr. Hidayat Ullah Afghani , Director PIIE.

And where as after the enquires, the matter was put before the standing committee No. 26 of the Provincial Assembly on Education and the Committee after thorough deliberation ordered for termination of all the illegally appointed teachers as communicated in the Govt; of NWFP Elementary & Secondary Education Deptt.; letter No. SO (AB) E&SED/10-11/Std.Com. 26/09, dated 26.08.2009.

And where as a writ petition No. 252/2009 dated 11.06.2009 was lodged in the Honorable High Court bench at DIKhan by Ms: Husan Arra etc for the implementation of the recommendation of the standing committee which was accepted by the Honorable court and ordered the implementation of the standing committee decision within 60 days vide its decision dated 11.06.2009.


And whereas the decision of the standing committee No. 26 was submitted to the Chief Minister NWFP for approval and implementation, who has been pleased to direct for implementation of the decision of the Standing Committee No. 26 as communicated vide Govt; of NWFP, Elementary & Secondary Education Deptt.; letter No. SO (AB) E&SED/10-11/Std.Com. 26/09, dated 26.08.2009.

AS

E
11
illeg
anne
imme

P
PS
PS
Mr. A
No. 26
S to
to D
MPA
ict Ac
itive
erne

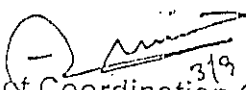
Now, therefore, I Arshad Khan District Coordination Officer, DIKhan Competent Authority, in compliance of the decision of the standing committee No. 26 of the Provincial Assembly of NWFP contained in E & S-E Deptt: letter No. SO (AB) E&SED/10-11/Std.Com. 26/09, dated 26.08.2009. Order of the Hon'ble Peshawar High Court contained in its decision dated 11.06.2009 and order of the Honorable Chief Minister NWFP contained in Elementary & secondary Education Deptt: letter No. No. SO (AB) E&SED/10-11/Std.Com. 26/09, dated 26.08.2009. do hereby terminate services of all the illegally / irregularly appointed teacher, the detail of which is given in the annexure "A" with this order duly signed on every page from page 1 to 60 with immediate effect.


 District Coordination Officer,
 Dera Ismail Khan
 the 24/09/2009

No. 8071 / DCO (Edu) dated DIKhan

Copy forwarded to the :-

1. PS to Chief Minister NWFP, Peshawar.
2. PS to Chief Secretary, NWFP, Peshawar.
3. PS to Minister for Education NWFP, Peshawar.
4. Mr. Mukhtiar Ali Khan Advocate MPA, Chairman Standing Committee No. 26, Provincial Assembly NWFP, Peshawar.
5. PS to Secretary for Education NWFP, Peshawar.
6. PS to Director for Education, NWFP Peshawar.
7. All MPAs in DIKhan District.
8. District Accounts Officer, DIKhan.
9. Executive District Officer (Elementary & Secondary Education) DIKhan.
10. All concerned.


 District Coordination Officer,
 Dera Ismail Khan

2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	
21.	
22.	

CT FEMALE

ANNEX C
Page 23
Annex

S.#	Name with Father Name	Present Posting	Slst. No. of Applicant Order & Date	D/O Result declaration of CT
1.	Misbah Hayat D/O Muhammad Hayat	GGMS W.Mudath	11459-93 dated 23-05-2006	29-09-2008
2.	Naila Naz D/O Qayyum Nawaz	GGHS Lar	20329-24 dated 01-10-2007	Documents not available
3.	Samina Mustafa D/O Abdul Mustafa	GGMS Rahmani Khet	1316-1321G dated 02-07-2007	20-03-2007
4.	Chaman Zuhra D/O Hanif Muhammad	GGHS Qasaban No.5	20421-23 dated 01-10-2007	20-03-2007
5.	Rozina Nasir D/O Sher Bahader	GGHS Kot Jai	20270-74 dated 01-10-2007	20-03-2007
6.	Ruqia Bib D/O Bashir Ahmad	GGHS Paharpur	20350-54 dated 01-10-2007	20-03-2007
7.	Jamila Bibi D/O Ghulam Shabbir	GGHS Ramak	20375-79 dated 01-10-2007	20-03-2007
8.	Kalzoom Bibi D/O Muhammad Bakhsh	GGHS Bigwani Shomali	20195-57 dated 01-10-2007	28-12-2006
9.	Sadia Naz D/O Faiz Rasul	GGHS Kachi	22827-31 dated 09-10-2007	09-01-2006
10.	Nazreen Khan D/O Faiz Mahmood	GGHS Kacha Mali Khet	20265-79 dated 01-10-2007	09-01-2006
11.	Ambreen Moab D/O Muhammad Aslam	GGMS Dhakki	23455-59 dated 01-10-2007	21-11-2005
12.	Jamila Shabeen D/O Ubaid Ullah	GGMS Pimnat	12486-53 dated 02-07-2007	21-11-2005
13.	Shahnaz Bibi D/O Muhammad Nawaz	GGMS Musa Zai	3882-86 dated 20-07-2007	21-11-2005
14.	Shazia Bibi D/O Aman Ullah	GGMS Dhakki	20385-87 dated 01-10-2007	21-11-2005
15.	Fozia Malik D/O Malik Allah Nawaz	GGHS Kot Jai	20340-44 dated 01-10-2007	20-03-2008
16.	Syeda Hifza Balool D/O Hashim Shah	GGHS Wanda Morzun	12905-07 dated 02-07-2007	21-11-2005
17.	Saira D/O Hamid Ullah	GGHS Muryali	20110-14 dated 01-10-2007	20-07-2004
18.	Amina Begum D/O Muhammad Sultan	GGHS Sara Garah	20276-74 dated 01-10-2007	258-03-2001
19.	Ainbar Nooreen D/O Malik Abdul Aziz	GHS Wanda Morzun	20380-83 dated 01-10-2007	01-05-2004
20.	Irum Ibrar D/O Ibrar Hussain	GGHSS No.2 D.I Khan	20145-49 dated 01-10-2007	20-07-2004
21.	Nahed Akhtur D/O Muhammad Rafiq	GMS Begwani Shomali	6102-06 dated 15-03-2007	06-05-2004
22.	Ishrat Jahan D/O Khurshid Hussain	GGHSS Paharpur	20155-59 dated 01-10-2007	28-12-2004
23.	Melireen Begum D/O Atnullah	GGMS Ajmal Abad	20275-79 dated 01-10-2007	20-07-2004
24.	Robina Bibi D/O Fazal Rahman	GGHS No.9 Din Pur	20330-34 dated 01-10-2007	06-05-2004
25.	Ritana Afzal D/O Muhammad Afzal	GGHS Muryali	20340-44 dated 01-10-2007	05-2003
26.	Azra Bibi D/O Ghulam Hussain	GGMS Kachi Katger	7140-64 dated 30-03-2007	07-10-2002
27.	Rozina Shaheen D/O Zakir Hussain	GGHS No.2 D.I Khan	20501-05 dated 01-10-2007	30-07-2007
28.	Ruqia Bibi D/O Malik	GGHS Ramak	20140-44 dated	Session 2001

(Handwritten signatures and marks)

40
41
42
43
Abi
Neclear
Tehmi
Muhai
Shabnun
zana Bib
Naw
Bibi L
Gul
nda D/O
awaz
Asad L
M. Rat
r/D/O
O

24

30

	Elahi Bakhsh			
	Asma Ul Husna D/O Ghulam Abbas	GGMS Saidu Wali	01-10-2007	
30.	Mehrun Nisa D/O Rahim Bakhsh	GGMS Zafar Abad	20234-38 dated 01-10-2007	07-10-2007
31.	Gohar Sultana D/O Muhammad Nawaz	GGMS Giloty	20391-470 dated 01-10-2007	Documents not available
32.	Alia Iqbal D/O Muhammad Sadiq Hussain	GGMS Adil Sipra	20512-16 dated 01-10-2007	25-04-2000
33.	Farzana Hakeem D/O Hakim Uddin	GGHS No.2 D.I Khan	2695-99 dated 01-02-2007	25-05-1996
34.	Arjama Banoo D/O Mumtaz Hussain	GGHS Bihari Colony	20481-85 dated 01-10-2007	12-10-2003
35.	Moqadsa Nosheen D/O Shah Nawaz	GGHS Fatch	20290-94 dated 01-10-2007	12-12-1995
36.	Lubna Saida D/O Qamar Din	GGMS Pakarpur	20410-15 dated 01-10-2007	30-03-1998
37.	Aroosa Asif D/O Muhammad Asif	GGMS Gara Muhabbat	13161-210 dated 02-07-2007	25-12-1993
38.	Shagufta Bibi D/O Abdul Qadus	GGHS Panyala	20250-54 dated 01-10-2007	Documents not available
39.	Tasleem Akhtar D/O Gul Muhammad	GMS Wanda Lali	20271-75 dated 01-10-2007	20-03-2007
40.	Qausar Parveen D/O Ghulam Farid	GGHS Paroa	12266-70 dated 02-07-2007	20-03-2007
41.	Ghazala Bibi D/O Muhammad Afzal	GGHS Muryali	20476-80 dated 01-10-2007	20-03-2007
42.	Kishwar D/O Zafar Khan	GGMS Zafar Abad	20391-95 dated 01-10-2007	20-03-2007
43.	Humera Mumtaz D/O Ghulam Ahmad	GGMS Said Wali	20630-34 dated 01-10-2007	Documents not available
44.	Abid Bibi D/O Habib Ullah	GGMS Maddi	20395-99 dated 01-10-2007	30-12-2006
45.	Necnam Nisar D/O Nisar Ahmad	GGMS Ijaz Abad	20110-14 dated 01-10-2007	20-03-2007
46.	Tehmina Unqa D/O Muhammad Hanif	GGMS Awan	12511-15 dated 02-07-2007	20-03-2007
47.	Shabnum D/O Yasin	GGMS Kachi Kathgari	11247-50 dated 20-05-2006	22-11-1992
48.	Farzana Bibi D/O Shah Nawaz	GGMS Sarah Gara	20280-84 dated 01-10-2007	20-03-2007
49.	Schrish Bibi D/O Khan Gul	GGMS Hisam	25220-24 dated 01-12-2007	20-03-2007
50.	Farkhanda D/O Rab Nawaz	GGMS Athock	25120-24 dated 01-12-2007	06-05-2004
51.	Nadia D/O Asad Ullah Jan	GGMS Hissam	20480-84 dated 01-10-2007	20-03-2007
52.	Shazia D/O M. Rauf Khan	GGMS Musa Zair Sharif	25220-24 dated 01-12-2007	Documents not available
53.	Nahced Akhtar D/O Aurangzeb	GMS Lang Khair Shah	20140-44 dated 01-10-2007	10-07-2000
54.	Anila Sarfaraz D/O Sarfaraz	GGMS Kachi Paind Khan	12559-63 dated 02-07-2007	20-03-2007
55.	Samina Zaman D/O Muhammad Zaman	GGHS Niavella	12501-05 dated 02-07-2007	28-02-2005
56.	Salma Aziz D/O Azizi Ur Rahman	GGMS Rahmani Khel	20150-54 dated 01-10-2007	21-11-2005
57.	Rukhsana Parveen D/O Ghulam Hussain Baluch	GGHS No.4 D.I Khan	7103-12 dated 30-03-2007	06-08-2002
			20428-50 dated 01-10-2007	20-05-1996
			20370-24 dated	20-03-2007

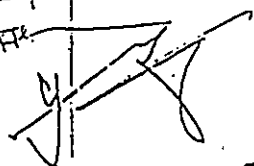

[Handwritten signature]

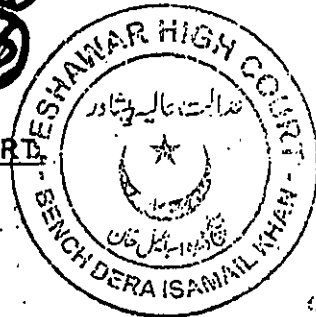
[Handwritten signature]

25

26

57.	Allah Farzia Gul D/O Ghulam Farid	GGHS Kulachi	01-10-2007 0517-21 dated 01-10-2007	08-07-2006 21-11-2005
58.	Naziran Bibi D/O Allah Nawaz	GGHS Kulachi	20506-10 dated 01-10-2007	10-07-1998
59.	Tahira Yasmin D/O Ghulam Yasceen	GGMS Hissam	25120-24 dated 01-12-2007	31-03-1998
60.	Asia Yasmeen D/O Muhammad Phovaz	GGHS No.6 D.I Khan	20391-470 dated 01-10-2007	30-03-2007
61.	Adeela Bashir D/O Muhammad Bashir	GGMS Musazza	20266-70 dated 01-10-2007	06-05-2004
62.	Naheed Akhtar D/O Muhammad Rafiq	GGMS Digwani Shomali	6102-06 dated 15- 03-2007	06-05-2004
63.	Sahira Hassan D/O Ahmad Hassan	GGHS Palahpur	13161-210 dated 02-07-2007	22-07-2008
64.	Naseem Imrana D/O Nabi Bakhsh	Appointment order not available	Only document provided	

FF





**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
DERA ISMAIL KHAN BENCH.**

Writ Petition No. 700-D of 2015

Abida Sultana daughter of Hafiz Amanullah resident of MUhallah
Hafiz Meran Khan, City Dera Ismail Khan.

Filed today 3167

Add: Registrar
21/10/2015

Petitioner

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education Govt. of K.P.K, Peshawar.
2. Secretary Elementary & Secondary Education Govt. of K.P.K, Peshawar.
3. Director Education (Elementary & Secondary), Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), Dera Ismail Khan.
5. District Education Officer (Female), Dera Ismail Khan.
6. Deputy Commissioner, Dera Ismail Khan.
7. District Account officer, Dera Ismail Khan.

Respondents

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

Respectfully Sheweth:

- i. That the addresses of the parties as given above are correct and sufficient for the purpose of service.
- ii. That the brief facts of the case are that, in the year 2007, the then EDO (School & Literacy) Dera Ismail Khan invited the applications for recruitment of different categories of the teachers in Dera Ismail Khan through Daily Mashriq. Copy of advertisement is enclosed as Mark-A.

(Grounds) Of WP No 700-D Of 2015 title Mst.Abida Sullana Vs Govt of KPK

ALLSIED
EXAMINER
Peshawar High Court
D.I. Khan Bench

(27)

(28)

- 2
- iii. That being qualified candidate, the present petitioner also applied for the post "CT", and appeared in the Interview for the said post copy of certificates are enclosed as Mark-B.
- iv. That the process of recruitment was completed, and the petitioner is appointed against the said vacant post vide appointment order dated 20464-69 dated 01-06-2008. Copy of the appointment order is enclosed as Mark-C.
- v. That later-on, on the basis of political victimization the standing committee 26, Provincial Assembly in the year 2009 conducted as inquiry against the appointments made in the year 2007 in education department Dera Ismail Khan. The committee also made some recommendation to education department for termination of illegal appointments. Copy of inquiry and minutes of standing committee are enclosed as Mark-D.
- vi. That the District Education officer Dera Ismail Khan on the instruction of government issued the termination order of 1613 irregular appointee. Therefore, the petitioner was also terminated without any notice, moreover, no list of irregular appointee was given by respondents to the petitioner. Therefore, the petitioner approached to the service tribunal for redressal of her grievance alongwith other affectees, but respondents promised that her grievance would be redressed as the petitioner was appointed with due process and the name of the petitioner is not mentioned in the said list. Copy of list is enclosed as Mark-E.
- vii. That the petitioner approached the respondents time and again, but till date the grievances of the petitioner is not redressed till date. Copy of departmental appeal is enclosed as Mark-F.

Filed today 3167

Add: Registrar.

2/1/2015

That being aggrieved, the petitioner approaches this Honourable Court to direct the respondents to re-instate the petitioner on the said post, having no other alternative remedy but to invoke the constitutional jurisdiction of this Honourable court, inter alia, on the following grounds:

(Grounds) Of-WP No 700-D Of 2015 title Mst.Abida Sultana Vs Govt of KFK

ADVISER
21-01-15
EXAMINER
Shahwar Hussain
D.I. Khan

GROUNDS:

1. That the act of the respondents is illegal, against the natural justice, ulterior motives, based on malafide and ineffective upon the rights of the petitioner.
2. That the interviews of candidates of different categories of teachers had been conducted in accordance with the policy and merit list is also prepared and, thereafter, the petitioner was appointed with due process. It is also very much clear that the appointment of the petitioner was not irregular, as the name of the petitioner is not mentioned in the said list. But the respondents illegally and without any reason terminated the petitioner.
3. That the standing committee conducted the inquiry against the irregular appointments in education department Dera Ismail Khan, and the recommendation was made to terminate those appointees who were appointed irregularly, but the respondents terminated all those appointees who were appointed during that period. Thus the act of the respondents while terminate the petitioner is illegal, as the appointment of the petitioner was made through due process.
4. That the Constitution of Islamic Republic of Pakistan, 1973 protected the rights of every citizen and provides the equality amongst the citizen, but the respondents clearly violated the fundamental right of the petitioner protected by the Constitution of Islamic Republic of Pakistan.
5. That the petitioner was eligible candidate for the appointment against the subject post and qualified in the recruitment process, but the respondents clearly ignored the same and terminated the petitioner alongwith all irregular appointees.
6. That the petitioner is the victim of unlawful and illegal act of the respondents and such a malafide act on the part of respondents is against the law and rules, without jurisdiction

(Grounds) Of WP No 700-D Of 2015 title Mst. Abida Sultana Vs Govt of KPK

Filed today 31/6/15
Addl: Registrar
21/10/2015

Handwritten signature
Adv

REGISTERED
EX-11-18-18
Jashwanth Singh
D.I. Khan

29

and lawful authority, against the natural justice, misuse of official powers and is the outcome of victimization known by the respondents and it has caused an immense mental torture and agony to the petitioners.

7. That the counsel for the petitioner may kindly be allowed to raise the additional grounds at the time of arguments.

It is therefore, humbly prayed by accepting the instant writ petition, the respondents may please be directed to re-instate the petitioner on the subject post alongwith all back benefits up till now or any other relief may being deem fit by this Honourable court in the interest of the petitioner.

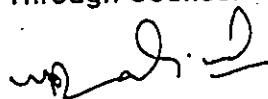
Your Humble Petitioner

Filed today 3167

Add: Registrar.

21/10/2015

Abida Sultana
Through Counsel



Muhammad Mohsin Ali
Advocate High Court, D.I.Khan.

Dated: 20 /10/2015

RECEIVED
21-06-18
EXAMINOR
D.I.Khan Bench

30

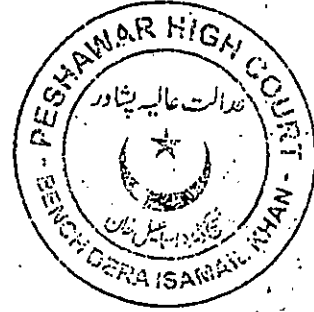
JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH
(Judicial Department)

W.P.No.700-D/2015

Mst. Abida Sultana

Versus

Govt. of Khyber Pakhtunkhwa through
Secretary Education and six others



JUDGMENT

Date of hearing 07.02.2018

Appellant-petitioner (s) by Mr Muhammad Moham Ali Advocate

Respondent(s) by Mr. Kamran Hayat Mian Khan AAG.

IJAZ ANWAR, J.- Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner Mst. Abida Sultana seeks the following relief:-

"It is, therefore, humbly prayed that by accepting the instant writ petition, the respondents may please be directed to reinstate the petitioner on the subject post alongwith all back benefits up-till now."

2. As per averments of the petition, in the year 2007, certain posts of teachers in different categories were advertised. The petitioner applied for the post of CT and also appeared in the interview and was appointed vide order dated 01.6.2008; that on the instructions of

ALIEDIC
21-06-18
EXAMINOR
Peshawar High Court
D.I. Khan Bench

government, the District Education Officer, D.I.Khan issued termination order of 1613 irregular appointees and the petitioner was also terminated; that the petitioner approached the Service Tribunal for redressal of her grievance, but the respondents promised that her grievance would be redressed; that the petitioner time and again approached the respondents, but her grievance could not be redressed, hence the instant petition.

31

3. Arguments heard and record perused.

4. Perusal of the record reveals that vide order dated 04.9.2009, the services of the petitioner alongwith many other employees were terminated, against which the petitioner approached the Provincial Service Tribunal. The Service Tribunal directed the department to conduct a discrete inquiry regarding the genuineness of the appointments and to see whether the procedure prescribed for the post held by the petitioner or other employees was adopted properly or otherwise. Again, the services of about 1613 teachers were terminated vide order dated 08.02.2012. The petitioner filed departmental appeal but thereafter she has not approached any forum till such time she filed this petition. The order of appointment of the petitioner dated 01.6.2008 was issued against regular post, as such, her status was that of a regular civil servant.

2

ALISTED
21-06-18
EXAMINOR
Jeshwar High School
D.I.Khan, Depal

Similarly, she, in the first instance, approached the Service Tribunal against the order of termination dated 04.9.2009, therefore, she cannot be allowed to switch over by filing the present writ petition. Besides, Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 places a bar on the jurisdiction of this Court to entertain any matter pertaining to the terms and conditions of service of the civil servant. Termination is the foremost term and condition of service and can validly be impugned before the Provincial Service Tribunal. Reference can be made to the cases of Ali Azhar Khan Baloch. Vs. Province of Sindh etc (2015 SCMR 456) and Contempt of Court proceedings against Chief Secretary, Sindh etc (2013 SCMR 1752).

5. For the reasons mentioned above, the instant petition being not maintainable is hereby dismissed.

Announced.
Dt: 07.02.2018.
Habib/

JUDGE

JUDGE

(DB)
Hon'ble Mr. Justice Ijaz Anwar
Hon'ble Mr. Justice Shakeel Ahmad

G.R.No. 1937
Application Received on 20-06-18
Copying Fee deposited Rs —
No of Papers 07/22
Copying Fee 04
Urgent Fee —
Total Fee 28/-
Copy read to me on 21-06-18
Copy delivered on 21-06-18
Signature of examiner [Signature]
21-06-18

Confirmed to be True Copy
21-06-18
Peshawar High Court Bench D.I.K.
Authorized Under Section 10
Quetta - Sindh

To

ANNEX:- (33)
"E"

The Director
Education, Khyber Pakhtunkhawa,
Peshawar.

Subject: **Departmental Appeal**

Respected Sir:

- i. That the brief facts of the case are that, in the year 2007, the then EDO (School & Literacy) Dera Ismail Khan invited the applications for recruitment of different categories of the teachers in Dera Ismail Khan through Daily Mashriq.
- ii. That being qualified candidate, the present petitioner also applied for the post "CT", and appeared in the Interview for the said post. The process of recruitment was completed, and the petitioner was appointed against the said vacant post vide appointment order dated 20464-69 dated 01-06-2008. Copy of the appointment order is enclosed herewith.
- iii. That later-on, on the basis of political victimization the standing committee 26, Provincial Assembly in the year 2009 conducted an inquiry against the appointments made in the year 2007 in education department Dera Ismail Khan. The committee also made some recommendation to education department for termination of illegal appointments. Copy of inquiry and minutes of standing committee are enclosed herewith.
- iv. That the District Education officer Dera Ismail Khan on the instruction of government issued the termination order of 1613 irregular appointee. Therefore, the petitioner was also terminated without any notice, moreover, no list of irregular appointee was given by respondents to the petitioner. Therefore, the petitioner approached to the service tribunal for redressal of her grievance alongwith other affectees, but respondents promised that her grievance would be redressed as the petitioner was appointed with due process and the name of the petitioner is not mentioned in the said list. Copy of list is enclosed herewith.
- v. That being aggrieved, the present petitioner filed the writ petition No. 700-D/2015 before Honourable Peshawar High Court Dera Ismail Khan and

vide judgment dated 07-02-2018 the writ petition was dismissed being not maintainable on the ground that the petitioner was a civil servant. Therefore, the present appellant filed the Departmental Appeal on 02-04-2018 through registered post along with AD Card to Director Education, KPK, Peshawar but the same was not decided. After that the appellant filed the service appeal before Honourable Tribunal and at the time of arguments, the representative of DEO (Female) D.I.Khan produced another list of illegal appointees of CT post, wherein the name of appellant was also included, and in the change circumstances, the appeal of the appellant was become infructuous, thereafter, the appellant is filling the instant appeal on the following grounds;

GROUNDS:

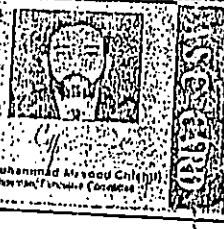
1. That the interviews of candidates of different categories of teachers had been conducted in accordance with the policy and merit list was also prepared and, thereafter, the petitioner was appointed with due process. It is also very much clear that the appointment of the petitioner was not irregular, as the name of the petitioner was not mentioned in the said list but later-on during pendency of service appeal, the representative of DEO(Female) produced another list wherein the name of the appellant was included, which was based on malafide and ulterior motives.
2. That the standing committee conducted the inquiry against the irregular appointments in education department Dera Ismail Khan, and the recommendation was made to terminate those appointees who were appointed irregularly, but the respondents terminated all those appointees who were appointed during that period. Thus the act of the respondents while terminate the petitioner is illegal, as the appointment of the petitioner was made through due process.
3. That the petitioner was eligible candidate for the appointment against the subject post and qualified in the recruitment process, but the respondents clearly ignored the same and terminated the petitioner alongwith all irregular appointees.

Dated: 21/12/2022

Your's Sincerely,
Abida Sultana
 Abida Sultana D/o
 Hafiz Amanullah R/o Muhallah Hafiz
 Miran Khan, City Dera Ismail Khan.

PAKISTAN BAR COUNCIL

MR. MUHAMMAD MOHSIN ALI
 Advocate Supreme Court of Pakistan (ASAC)



(Mr. Muhammad Mohsin Ali) (Advocate Supreme Court)

Not Transferable

Name: **MR. MUHAMMAD MOHSIN ALI**

Father's Name: **MR. ALI SHAN**

Date of Birth: **17-06-1983** CNIC: **71211011-00101031**

Date of Enrolment as Advocate of Supreme Court: **12-01-2002**

Enrolment No.: **4477** Roll No.: **173/PBC/K/1/12**

Advocate: **ABIDA SULTANA, ST. NO. 8, NIAH WAZIRABAD, PESHAWAR**

Phone: **0316-7968883** Fax: **0002-51-020002** Cell: **0316-7968883**

If found Blame return to: **Abida Sultana, St. No. 8, NIAH WAZIRABAD, PESHAWAR**

Address: **Abida Sultana, St. No. 8, NIAH WAZIRABAD, PESHAWAR**

Phone: **0316-7968883** Fax: **0002-51-020002**

VAKALATNAMA

35

BEFORE THE COURT OF Service Tribunal, Peshawar

Abida Sultana Plaintiff / Appellant / Petitioner / Complainant / Accused

Govt of KPK & others Defendant / Respondent / Complainant / Accused

Appeal

KNOW ALL to whom these present shall come that I/We do hereby appoint **Muhammad Mohsin Ali Advocate Supreme Court** (herein after called the advocate/s) to be my/our Advocate in the above noted case authorize him:-

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party.
4. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
7. To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.
8. And I/We the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.
9. And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
10. And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
12. And I/We the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do, hereunto set my/our hand to these presents the contents of which have been understood by me/us on this.....day of20

Accepted
 Muhammad Mohsin Ali
 Advocate Supreme Court

Abida Sultana