

04.09.2023

Clerk of learned counsel for the appellant present.

Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Due to incomplete bench, the case is adjourned to 27.12.2023 for arguments before the D.B. Parcha Peshi given to the parties.



(Salah-ud-Din)  
Member (Judicial)

\*Naem Anin\*

SCANNED  
17/3/23  
Peshawar

07<sup>th</sup> March, 2023

Learned counsel for the appellant present: Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

To come up for arguments alongwith connected Service Appeal No. 119/2022 titled "Amber Nosheen Versus Federation of Pakistan through Secretary M/O Education (defunct CAAD), Pak-Secretariat, Islamabad etc", on 30.05.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED  
Peshawar

(Salah-ud-Din)  
Member (J)

(Kalim Arshad Khan)  
Chairman

30.05.2023

Learned counsel for the appellant present: Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

File to come up alongwith connected Service Appeal bearing No. 119/2022 titled "Amber Nosheen Versus Federation of Pakistan through Secretary M/O Education (defunct CAAD), Pak-Secretariat, Islamabad and 05 others," on 04.09.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED  
Peshawar

(Fareeha Paul)  
Member (E)

(Salah-ud-Din)  
Member (J)

13.12.2022

Learned counsel for the appellannt presnet. Mr. Muhamamd Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Reply/comments on behalf of respondents No. 3 & 4 have already been submitted. As per order sheet dated 10.06.2022, learned Additional Advocate General present on behalf of respondents No. 5 & 6 and relied upon the comments submitted on behalf of respondents No. 3 & 4. Today, none present on behalf of respondents No. 1 & 2 nor submitted reply/comments on their behalf, therefore, their right of defense for submission of reply/comments ~~Shan~~ stands struck of. To come up for arguments on 07.03.2023 before D.B.

SCANNED  
P



(Mian Muhammad)  
Member (E)

20.09.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents No. 3 to 6 present. None present on behalf of respondents No. 1 & 2, therefore, notice be issued to them through registered A.D with the direction to submit written reply/comments on the next date positively, failing which their right for submission of written reply/comments shall be deemed as struck of. Adjourned. To come up for submission of written reply/comments on behalf of respondents No. 1 & 2 on 04.11.2022 before the S.B.

The appellant shall submit registered A.D within 02 days.



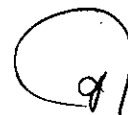
(Salah-Ud-Din)  
Member (J)

04.11.2022

Clerk to counsel for the appellant present.

Muhammad Riaz Khan Paindakhel, learned Assistant Advocate General for respondents present.

Written reply on behalf of respondents No. 3 & 4 have already been submitted. While rest of the respondents 1, 2, 5, & 6 have not submitted written reply. The addresses of all the respondents mentioned above show that these respondents are required to be served through TCS. Therefore, appellant is directed through counsel to do the needful and the above mentioned respondents be summoned through TCS for 13.12.2022 before S.B. Failing which case of appellant would be dismissed for non compliance of the court orders.



(Rozina Rehman)  
Member (J)

10.06.2022

Junior to counsel for the appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Muhammad Asif Assistant for respondents present.


File to come up alongwith connected Service Appeal No.119/2022 titled Ambar Nosheen Vs. Government of Khyber Pakhtunkhwa on 27.07.2022 before S.B.

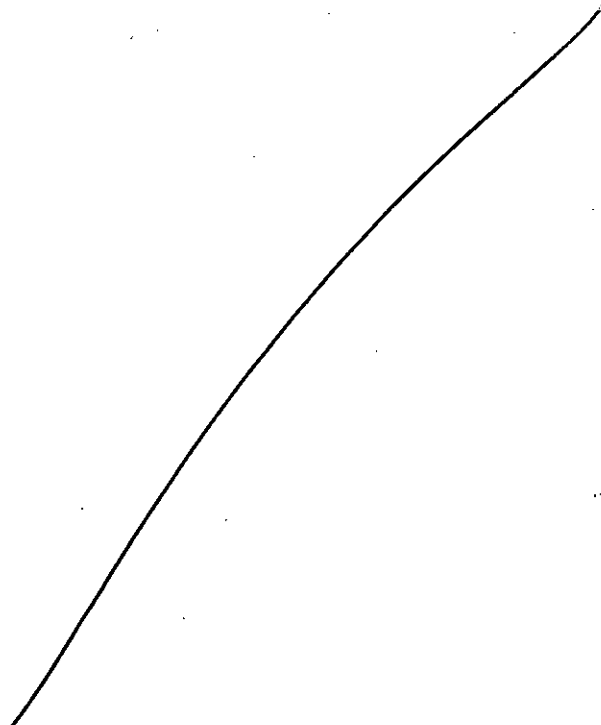
  
(Rozina Rehman)  
Member (J)

27.07.2022

Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Muhammad Asif for respondents present.


File to come up alongwith connected Service Appeal No. 119/2022 titled "Amber Nosheen Vs Government of Khyber Pakhtunkhwa" on 20.09.2022 before S.B.

  
(Fareeha Paul)  
Member (E)



23.02.2022

Due to retirement of the Hon'able Chairman, the case is adjourned to 10.05.2022 for the same before D.B.


  
Reader

10.05.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Ahmad Jan Litigation Officer for respondents present.

File to come up alongwith connected Service Appeal No.119/2022 titled Ambar Nosheen Vs. Government of Khyber Pakhtunkhwa on 20.05.2022 before S.B

  
(Rozina Rehman)  
Member (J)

20.05.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Asif Khan Assistant for respondents present.

File to come up alongwith connected Service Appeal No, 119/2022 titled Ambar Nosheen Versus Government of Khyber Pakhtunkhwa on 10.06.2022 before S.B.

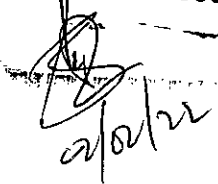
  
(Mian Muhammad)  
Member (E)

27.01.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant at the outset of addressing preliminary hearing stated that the appellant was initially appointed as PST (BS-07 now upgraded to BS-12) in the respondent-department. On mutual consultation between the lending and borrowing departments, her services were placed at the disposal of Federal Directorate of Education Islamabad, on deputation basis for initial period of 01 years on 11.04.2013. On completion of 01 year of deputation period (w.e.f 30.04.2013 to 29.04.2014), the Federal Directorate of Education Islamabad requested the provincial government for NOC for her permanent absorption. The case of her permanent absorption was however, under consideration for want of policy decision at the level of Federal Directorate of Education and could not be materialized. The Federal government therefore requested for extension in her deputation period beyond 29.04.2014 till dated (letter/reference written on 22.08.2016) and further extension. The Provincial government (parent/respondent department) however, did not agree with the proposal of Federal Directorate of Education and ordered her repatriation to parent department on 19.09.2019 which was challenged through writ petition No. 5301-P/2019 in Peshawar High Court. The writ petition was disposed of on 07.10.2021 by directing respondent No.3 to decide her representation within one month positively. The respondent-department vide impugned order dated 24.11.2021 regretted her application and informed that she had already been repatriated to parent department on 19.09.2019 and in case of failure, disciplinary action shall be initiated against her under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. Consequently, upon the Federal Directorate of Education vide office order dated 28.12.2021 relieved the appellant to join her parent department. Against both the impugned orders, a combined writ petition No. 124-P/2022 was instituted in Peshawar High Court on 10.01.2022 which was disposed of on the question of jurisdiction vide judgement dated 17.01.2022 with the direction to be treated as Service appeal by the Service Tribunal for decision in accordance with law. In the light of Peshawar High Court directions, separate service appeals (07) have been filed and learned counsel appeared for preliminary hearing today,

Appellant Deposited  
Security & Process Fee



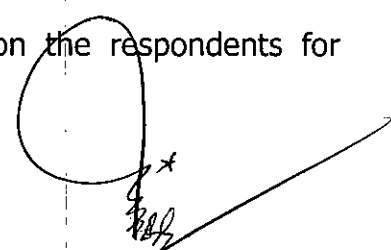
27/01/22

as per direction of Peshawar High Court. Learned counsel's attention was invited towards CRL-89 regarding absorption but he expressed ignorance about that and could not respond to the query of Bench.

It was further contended that husband of the appellant is a Federal government employee and both the Federal and Provincial Government's wedlock policies are in consonance with each other. References/ precedents have been attached with the memorandum of appeal which establishes the fact that the respondent-department has allowed regular employees absorption in Federal Government as well extension in deputation period beyond five years. Since this a selective approach adopted by the respondent-department when allowing certain similarly placed employees while regretting request of the appellant leading to discrimination and violation of Article-25 and 27 of the constitution.

The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 23.02.2022 before S.B.

Application for suspension of impugned order of the Provincial Government dated 23.11.2021 and that of Federal Directorate of Education Islamabad dated 28.12.2021 has also been submitted with memo of service appeal which is also served on the respondents for submission of their reply on the date fixed.



(Mian Muhammad)  
Member(E)





Form- A

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 121/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/01/2022	<p>The appeal of Mst. Ishrat Ara presented today by Mr. Muhammad Farooq Malik Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>27/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

**BEFORE KHYBER PAKHTUNKHWA (K.P.K) SERVICE TRIBUNAL**  
**PESHAWAR**

Appeal No. 121 /2022

Ishrat Ara..... Appellant

Versus

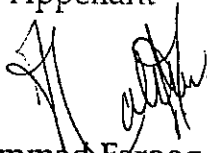
**FEDERATION OF PAKISTAN etc..... Respondents**

**INDEX**

S. No	Description of Documents	Annex	Page
1.	Grounds of appeal with Affidavits/application for suspension		1-12
2.	Copy of Initial Appointment Order	A	13-14
3.	Copy of Service Record of Appellant Husbands	B	15-16
4.	Copies of Spouse Policy of Both Federal and Provincial Governments	C to C-1	17-20
5.	Copy of Deputation Order and NOC	D	21
6.	Copy of writ petition No 5301-P/2019 along with consolidated judgment and orders dated 07.11.2021 of this Hon'able court	E	22-37
7.	Copy of impugned order dated 24.11.2021,	F	38
8.	Copies of Letters dated 22-10-2019 etc	G	39-60
9.	Copy of writ petition 124-P/2022 along with order dated 17.01.2022	H	61-73
10.	Copy of letter dated 16.03.2013	I	74-82
11.	Copies of Gazette Notification alongwith Summary for Prime Minister	J	83-88
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13.	Wakalatnama		90

Appellant

Through:

  
**Mohammad Farooq Malik,**  
Advocate, Supreme Court Pakistan

①

BEFORE KHYBER PAKHTUNKHWA (K.P.K) SERVICE TRIBUNAL  
PESHAWAR

Appeal No. \_\_\_\_\_/2022

Ishrat Ara W/o Shoakat Ali R/o Nor PorShahan Post Office Khas  
District and Tehsil Islamabad

..... appellant

Versus

1. Federation of Pakistan through Secretary M/O Education (defunct CAAD), Pak-Secretariat, Islamabad.
2. Director General Federal Directorate of Education (FDE), G-9/4 Islamabad.
3. Secretary, Primary Elementary & Secondary Education Department, Government of KPK, Peshawar
4. Director Primary Elementary & Secondary Education Government of KPK, Peshawar
5. Government of KPK through Advocate General Peshawar
6. Assistant Director School ,Government of Pakistan , federal directorate of Education Islamabad ..... Respondents

**APPEAL UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT  
1974 AGAINST REJECTION AND  
REPATRIATION ORDER DATED 28/12/2021  
AND AGAINST RELIEVING ORDERS DATED  
\_\_\_\_\_.**

Respectfully Sheweth:

1. That the Appellant is employee of Elementary and Secondary Education Department Govt of KPK Peshawar, who were initially appointed as PST/PTC (Copy of initial

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appointment Order is attached as Annexure-A at Page 13 - 14 )

2. That as a matter of fact the husband of the appellant is permanent resident of Islamabad and also employee of Federal Government who is working at Federal Government of Islamabad. (Copies of Service Record of Appellant 's Husband is attached as Annexure-B to at Page 15 - 16 )
3. That to facilitate posting of serving of spouses at one station Federal Government as well as Government of Khyber Pakhtunkhwa promulgated wedlock policy with a view to address problem and hardship of families due to posting at different stations of duties. (Copies of spouse polices of the both the Governments i.e Federal as well as Provincial are attached as Annexure-C at Page 19 - 20 )
4. That by taking benefit of spouse policy Appellant was transferred from their home district to Islamabad on deputation through her order by taking NOC from her departments. (Copy of Deputation Order and NOC is attached as Annexure-D at Page 21 )
5. That the deputation order of the appellant was time and again extended in her favour by the competent authority.
6. That thereafter Federal Government through different letters dated 19-07-2019, in respect of appellant of

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Elementary and Secondary Education Department requested Government of KPK for issuance of NOC for extension/absorption in the deputation period of petitioner.

7. That respondent No.3 by adopting a novel procedure issued repatriation order of Appellant vides 19.09.2019 Order.
8. That the above mentioned deputation orders were challenged by Appellant through in writ petition No. 5301-P/2019 Hon'able Peshawar Highcourt Peshawar and the this Hon'able High Court vide consolidated judgment and order dated 07.10.2021, converted her writ petition as representation and directed to respondent No.03 that if the case of the Appellant is at par with all those school teachers who had already be given NOCs for permanent absorption , the same relief may also be extended to Writ petitioner. (Copies of writ petition 5301-P/2019 along with consolidated judgment and orders dated 07.11.2021 of this Hon'able court are attached as Annexure- E at Page 22 - 37 )
9. That respondent No.03 without adhering the true import and direction of this Hon'able Court in slip shod manner declined to issue NOC to the Appellant vide impugned order dated , 24.11.2021. (Copy of order dated 24.11.2021 is attached as annexure F at page 38 )
10. That the respondent No .3 in order to accommodate their blue eyed issued NOCs for extension of some of the

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deputationist, despite of the fact that they have completed 5 years deputation period and in some of the cases respondents issued NOCs for permanent absorption of its employees in federal government but they are reluctant for the reason best known to them to issue NOC in favour of the appellant. ( Copy of latter dated 22.10.2019, is attached as annexure G at Page 39 - 60. )

11. That despite the fact respondent No.03 have already issued NOCs for permanent absorption to different similarly placed teachers but with mala fide intention and ulterior motive, despite clear cut directions of this Hon'able court with held the same relief to the Appellant without any cogent and plausible reasons.
12. That in pursuance of the above mentioned order of respondent No:03 federal Government ( respondent No.06) issued letters of repatriation to some up the Appellant .
13. That appellant being aggrieved from high handedness of official respondents invoked constitutional jurisdiction of Peshawar High Court, Peshawar in joined WP No. 124/2022 wherein Hon'able High Court vide order dated 17-1-2022 High Court Sent Writ Petition to this Hon'able Tribunal with the direction to petitioners to file separate appeals before this Hon'able Tribunal For 27-01-2022 (Copy of Writ Petition No. 124/2022 with order dated 17-01-2022 are attached as Annexure-H at Page 61 - 73 )

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14. That petitioner having no other speedy and efficacious remedy invoke the Jurisdiction of this Hon'able Tribunal inter-alia on the following grounds

GROUNDS:

- a. That the act of respondents by issuing impugned letter of repatriation and not issuance of formal absorption order pursuant to approval of Prime Minister Summary dated March 2013 communicated through letter dated 11.11.2014, is illegal, unlawful, void ab-initio and against the principles of natural justice.
- b. That the act of respondents is against the law and is in violation of Fundamental Rights contained in Constitution and violative to O.M. No.8/10/83-R.I, dated 06-03-1983 of the Federal Government, hence the same is void ab-initio and is liable to be declared illegal.
- c. That the act of respondents is discriminatory which is in clear violation of Article 25 & 27 of the Constitution, 1973 as in some of the cases approval for permanent absorption and as well as extension in the deputation has been issued by official respondents but they are reluctant to accommodate the Appellant.
- d. That moreover KPK Government also adopted Spouse Policy of the Federal Government vide Circular Letter No. SORI (S & GAD) 1-1/85 dated 11/7/1998. Hence there is no ambiguity and clash of interest between federal and provincial Government on this issue.

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- e. That the impugned repatriation order is based on malafide and ulterior motives and against spouse policy adopted by both the Provincial and Federal Governments. Moreover Appellant was on deputation for a period of more than five years so they are entitled for permanent absorption.
- f. That the Federal Government issued Letter Dated 16-03-2013 under title of "Absorption of Staff Working Under Federal Directorate of Education Department Islamabad working on deputation basis" wherein summary submitted to PM Secretariat Islamabad for absorption of Teachers who were working on deputation bases. (Copy of Letter Dated 16-03-2013 are attached as Annexure-I at Page 74-80)
- g. That similarly Federal Government also relaxed the time period of 5 years for deputationists who are working on deputation under wedlock policy and that corresponding amended was made in Rule 20-A of Appointment, Promotion and Transfer Rules 1973, so Appellant is also entitled for that benefit of the same policy. (Copy of Gazetted Notification dated 17-04-2012 alongwith summary for PM dated 10-02-2012 are attached as annexure - J at page 83-88)

PRAYER


It is, therefore, respectfully prayed that by accepting instant appeal the respondents may graciously be directed to:-



(7)

- i. Issue formal absorption order of Appellant in the light of Federal Government letter dated 16 March 2013 as issued to other similarly placed employees.
- ii. Declare the impugned Letters of Repatriation as illegal and void ab initio and ineffective upon the rights of appellant.
- iii. Direction to official respondents to issue NOC for extension in deputation period till absorption of her services in Federal Government.
- iv. Any other relief, which this Hon'ble Court deems fit and appropriate, may also be awarded.

Through Appellant


  
Mohammad Farooq Malik,  
Advocate  
Supreme Court of Pakistan

&

Naveed Ullah  
Advocate Peshawar

CERTIFICATE

Certified that no such appeal has earlier been filed in this Hon'ble Court on behalf of the petitioner.

  
Advocate

8

BEFORE KHYBER PAKHTUNKHWA (K.P.K) SERVICE TRIBUNAL  
PESHAWAR

Appeal No. \_\_\_\_\_/2022

Ishrat Arra..... Appellant

Versus

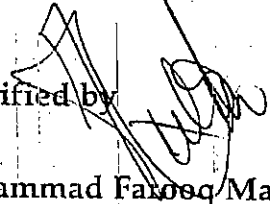
FEDERATION OF PAKISTAN etc..... Respondents

AFFIDAVIT

I, Ishrat Ara W/o Shoakat Ali R/o Nor PorShahan Post Office Khas District and Tehsil Islamabad, do hereby solemnly declare that the accompanying Appeal is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT

Identified by

  
Muhammad Farooq Malik,  
Advocate, Peshawar

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**BEFORE KHYBER PAKHTUNKHWA (K.P.K) SERVICE TRIBUNAL  
PESHAWAR**

Appeal No. \_\_\_\_\_/2022

Ishrat Arra..... Appellant

Versus

FEDERATION OF PAKISTAN etc..... Respondents

**ADDRESSES OF PARTIES.**

**Appellant**

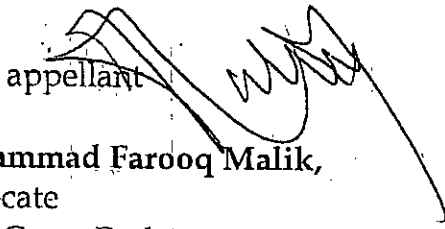
Ishrat Ara W/o Shoakat Ali R/o Nor Por Shahan Post Office Khas  
District and Tehsil Islamabad

**RESPONDENTS**

1. Federation of Pakistan through Secretary M/O Education (defunct CAAD), Pak-Secretariat, Islamabad.
2. Director General Federal Directorate of Education (FDE), G-9/4 Islamabad.
3. Secretary, Primary Elementary & Secondary Education Department, Government of KPK, Peshawar
4. Director Primary Elementary & Secondary Education Government of KPK, Peshawar
5. Government of KPK through Advocate General Peshawar
6. Assistant Director School, Government of Pakistan, federal directorate of Education Islamabad

Through

appellant

  
Mohammad Farooq Malik,  
Advocate  
High Court Peshawar.

10

BEFORE KHYBER PAKHTUNKHWA (K.P.K) SERVICE TRIBUNAL  
PESHAWAR

Appeal No. \_\_\_\_\_/2022

Ishrat Arra..... Appellant

Versus

FEDERATION OF PAKISTAN etc..... Respondents

APPLICATION FOR SUSPENSION OF THE  
IMPUGNED LETTERS DATED 28-12-2021,  
23.11.2021, TILL THE FINAL DECISION OF THE  
APPEAL.

**Respectfully Sheweth:-**

1. *That the above noted Appeal is pending adjudication before this Honourable Court in which no date of hearing has been fixed as yet.*
2. *That the Appellant has got a good prima facie case in their favour, and are sanguine about its success.*
3. *That the balance of convenience also lies in favour of the appellant.*

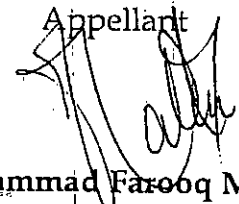
(11)

4. That the facts and grounds of the Revision Petition may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, the operation of the impugned letters dated 28.12.2021 and 23.11.2021 may kindly be suspended, till the final decision of the case.

Through

Appellant

  
Mohammad Farooq Malik,  
Advocate  
Supreme Court of Pakistan  
&

  
Naveed Ullah  
Advocate Peshawar

12

BEFORE KHYBER PAKHTUNKHWA (K.P.K) SERVICE TRIBUNAL  
PESHAWAR

Appeal No. \_\_\_\_\_/2022

Ishrat Arra..... Appellant

Versus

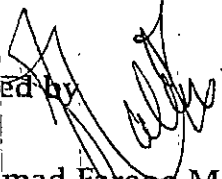
FEDERATION OF PAKISTAN etc..... Respondents

AFFIDAVIT

I, Ishrat Ara W/o Shoakat Ali R/o Nor PorShahan Post Office Khas District and Tehsil Islamabad, do hereby solemnly declare that the accompanying Application for suspension is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT

Identified by

  
Muhammad Farooq Malik,  
Advocate, Peshawar

(13) ANNEXURE A



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
Dated Peshawar the 11-04-2013.

ORDER.

No. SO(PE)E&SED/5-2/IPT/Mardan/Ishrat Ara/CT/2011 In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No. SOR.I (E&AD)1-14/82/Vol.27 dated 10-04-2013. The services of Mst. Ishrat Ara Bibi CT (BS-15) GGHS Ikram Pur District Mardan (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on deputation basis for initial period of one (01) year on usual terms & conditions.

2. The borrowing department/deputationist will deposit Pension Contribution, Leave salary, GP Fund, Group Insurance etc with Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar under the relevant head and will regularly deposit challans to the Director Elementary & Secondary Education Khyber Pakhtunkhwa as per deputation policy of this Provincial Govt.

SECRETARY

Encl. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Education Officer (FDE) Ministry Of Capital Administration & Development Islamabad w/r to his letter No. F. 21-41/2013-FDE(S) dated 09-04-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer Elementary & Secondary Education Mardan.
5. The District Accounts Officer, Mardan.
6. Mst. Ishrat Ara Bibi CT (BS-15) GGHS Ikram Pur District Mardan

Attested

to be true copy

ATTESTED

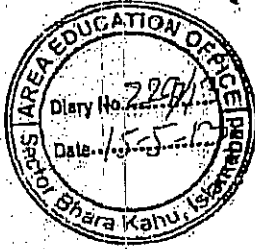
(HINA SAEED)  
SECTION OFFICER (PRIMARY)

Attested

to be true copy

No. F. 9-14/1761-D/W/FDE  
Government of Pakistan  
Federal Directorate of Education  
\*\*\*\*\*

Islamabad, the 08<sup>th</sup> May, 2013.



**OFFICE ORDER**

Consequents upon her relieving on the basis of deputation from Education Department, Government of KPK to FDE vide their letter No. SO(PE)E&SED/5-2/IPT/MARDAN/ISHRAT ARA/CT/2011 dated 11.04.2013, Mrs. Ishrat Ara, CT (B-15) GGHS, Ikram Pur, Mardan taken on deputation on her own pay / grade & scale for a period of 01-year w.e.f. 30.04.2013 to 29.04.2014 is hereby posted in Islamabad Model School for Girls (I-X), University Colony G-5, against a vacant post of TGT (B-16).

2. She has allowed to join her duty w.e.f. 02.05.2013 (i.e. the date of joining under FDE).
3. No TA/DA will be paid in this connection.
4. She stand relieved to her parent department on 29.04.2014.
5. These orders are subject to revision/ modification or cancellation as and when found necessary.
6. This is issued with the approval of Director Schools (Female).

*M A S*  
(MUHAMMAD ASLAM ANSARI)  
ADMN OFFICER (FEMALE)

Copy to:-

- ❖ AGPR, Islamabad.
- ❖ Heads concerned, IMSG, U.C G-5, Islamabad.
- ❖ Section Officer (Primary), School Education Department, Government of KPK w.r.t. letter No. SO(PE)E&SED/5-2/IPT/MARDAN/ISHRAT ARA/CT/2011 dated 11.04.2013.
- ❖ Person Concerned.
- ❖ Personnel File.

(MUHAMMAD ASLAM ANSARI)  
ADMN OFFICER (FEMALE)

ATTESTED

ATTESTED

CC: Mr. Aslam Ansari





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15

"B"

OFFICE OF THE  
SUPERINTENDENT OF POLICE, HEADQUARTERS,  
ISLAMABAD.

CERTIFICATE.

It is certified that Constable Shoukat Ali, No.4058, of Capital Territory Police Islamabad, was recruited as such in Capital Territory Police Islamabad on 10-05-1990. He has 18 years, 05 months and 18 days service at his credit till the issuance of this letter. During the period he remained posted in different formations of Capital Territory Police;

Superintendent of Police,  
Headquarters, Islamabad.

No. 5158

Adm.

Dated: 29-10-12008.

Official Concerned.

RECEIVED  
RECEIVED

Approved  
to be (via copy)

(16)

تصدیقی سرٹیفکیٹ

تصدیق کی جاتی ہے کہ  
 بحوالہ آرڈرنگ نمبر  
 بعدہ

نمبر 4058  
 مورخہ 18-1-95  
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ANNEXURE C

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II. Postings/Transfers to Pakistan Missions Abroad (Other Than Posts Administered by Ministry of Foreign Affairs)

- (i) Posts in foreign missions abroad should be filled on the basis of detailed job descriptions to be prepared by the controlling Ministry;
- (ii) The controlling Ministry should prepare a panel of suitable officers for the post;
- (iii) The panel of suitable officers should be considered by a Committee of the controlling Ministry including a representative of the Establishment Division;
- (iv) The recommendations of the Committee should be considered by the Special Selection Board; and
- (v) The recommendations of the Special Selection Board should be submitted to the competent authority for approval.

2. Ministries/Divisions are requested to proceed further in the matter of postings/transfers as above and bring these instructions to the notice of all departments, offices, autonomous/semi-autonomous bodies and corporations under their control for strict compliance.

[Authority.— Esil, Division O.M. No. 10/10/94-R.2, dated 22-3-1994].

Sl. No. 4

Posting of Serving Husband/Wife at the Same Station

The government has taken note of the socio-economic problems and hardship faced by husbands and wives in government service due to posting at different stations of duty, and it has been decided to prescribe the following guidelines to facilitate posting of husband and wife at the same station:

- (i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- (ii) If a request involves temporary deputation to another department, it may be processed in consultation with the department concerned, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.
- (iii) When a request is made for permanent transfer to absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with the

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## Civil Servants (Seniority) Rules, 1993.

- (iv) If there is a tie between two or more government servants for posting at the same station in the same department/unit of an organization, the government servant with greater length of service may be preferred.
- (v) Request for posting by a spouse facing serious medical problems may be accorded highest priority.
- (vi) Spouses already posted at one station, including those posted on deputation beyond the prescribed maximum period, may not normally be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

## 2. The above guidelines are subject to the following conditions:-

- (i) Posting of husband and wife at the same station should not be made by dislocation of any government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the framework of general policy of postings and transfers.
- (ii) The prescribed selection authority should be consulted in each case.

3. All government servants whose spouses are in government service may be asked to furnish, at the end of every calendar year, the particulars of their spouses to their controlling Ministries/Divisions so as to facilitate maintenance of ICP Charts and up-to-date monitoring of the situation.

4. The above guidelines may be circulated to the autonomous bodies under the charge of Ministries/Divisions for adoption, with such modifications, as may be considered necessary.

[Authority:- Estt. Division O.M.No. 10/30/97-R.II, dated 13-5-1998].

Sl. No. 5

Posting of Unmarried Female Government Servants at the Place of Residence of Parents/Family

It has been brought to the notice of government that unmarried female

\* Chapter 2, Sl.No.147.  
\*\* Individual Career Planning.

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(iii) The process should be completely transparent and in the best public interest.

I am further directed to request that all concerned should ensure that:  
 (a) All postings/transfers are made strictly in accordance with this posting/transfer policy and any one violating the said policy shall be held accountable under the E&D Rules.

(b) If an exemption is required to be made in exigency of service aiming at serving public interest, that shall be allowed only by the Chief Secretary.

(c) Each department, without violating the posting/transfer policy, may add further yardsticks, keeping in view their own requirements, which shall be got approved, from the Chief Secretary.

3. The receipt of this letter may kindly be acknowledged.

(Authority: S&GAD letter No. SOR-I(S&GAD)1-1/85(Vol. I), dated 22.12.99)

**Policy of posting of serving Husband/Wife in the same station.**

Sl.No.9

The following policy of the Federal Government with regard to the posting of husband and wife at one station of duty, has been adopted by the Provincial Government of NWFP in respect of its employees working in Government Departments, Autonomous and Semi-Autonomous Bodies in the NWFP:-

(i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.

(ii) If a request involves temporary deputation to another department, it may be processed in consultation with the concerned department, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.

(iii) When a request is made for permanent transfer to/absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with Section-8 of the NWFP Civil Servants Act, 1973 read with Rule-17 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989.

(iv) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an organization, the Government servant with greater length of service may be preferred.

(v) Request for posting by a spouse facing serious medical problems may accorded highest priority.

(vi) Husband already posted at one station, including those posted deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. The above guidelines are subject to the following conditions:-

(i) Posting of husband and wife at the same station should not be made if it results in the dislocation of any Government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest within the frame work of general policy of postings and transfer.

(ii) The prescribed selection authority should be consulted in each case.

3. It is requested to follow the above policy strictly in letter and spirit.

(Authority: Circular letter No. SORI(S&GAD)1-1/85(V.1), dt. 11.7.98)

**Decision of the Provincial Cabinet meeting held on 8.7.99**

S.No. 10

Decision: DEOs & SDEOs (female) may be posted in their own district of domicile in the Education Department if considered necessary & unavoidable.

(Authority: Circular letter No. SOC(S&GAD)27/89/99, dated 15.07.99)

**Placement Scrutiny Committee**

No.11

Notification:

No. SDI(S&GAD)1-1/98. The competent authority is pleased to constitute a Placement Scrutiny Committee comprising of the following:-

- |    |                                |                  |
|----|--------------------------------|------------------|
| a. | Additional Chief Secretary     | Co-ordinator     |
| b. | Senior Member Board of Revenue | Member           |
| c. | Secretary Home & TA Department | Member           |
| d. | Secretary S&GAD                | Member/Secretary |

2. Functions of the Committee are as under:-

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interest or within the framework of general policy of postings and transfer.

- (ii) The prescribed selection authority should be consulted in each case.

3. It has also been decided that the above guidelines shall also be followed by autonomous/semi-autonomous bodies/corporations etc. under the control of the Federal Government.

[Authority:- Estt. Division O.M. No. 10/30/97-R-2, dated 17-12-1009].

**Sl. No. 5-A**  
**Posting of Married Female Government Servants at the Place of Residence/Posting of Their Husbands Who are Not in Government Employment**

Keeping in view the socio-economic problems and hardships faced by husbands and wives in government service due to posting at different stations of duty, the Establishment Division issued instructions/guidelines vide its OM No. 10/39/97-R-2, dated 13.5.1998 (Sl. No. 4) and 17.12.1998 (Sl.No. 5) to facilitate posting of husbands and wives at the same station and the posting of the unmarried female civil servants at the place of residence of their parents/families. With a view to facilitating those female government servants whose spouses are not in government service or employed in the private sector or unemployed, it has been decided to extend the facility to this class of government servants also to the above to serve at the place of residence of their spouses irrespective of whether such spouses are employed with the government, private sector, or even unemployed.

[Authority:- Estt. Div.'s OM No. 10/30/97-R-2, dated 21-4-2008].

**Sl. No. 6**  
**Normal Tenure for an Officer on the Same Job/Post**

It has been observed that a number of officers remain at the same desk for considerable period of time. This arrangement is not administratively desirable as the officers holding the same post for a long time tend to develop rigidity in the outlook and ideas and do not view the problems with the same objectivity as they normally should. It is, therefore, essential that officers should not be allowed to remain on the same job for any length of time. Normal tenure for an officer on the same post should be three years and should not exceed five years in any case.

2. The above orders apply not only to the Ministries and Divisions but also to all kinds of organizations, including the Attached Departments and Subordinate Offices as well as autonomous bodies and corporations under the administrative control of the various Federal Ministries/Divisions.

3. As regards the technical officers/experts, if they have been recruited for the same post in which they are working, the orders referred to above will not apply. However, if it is possible to rotate such officers, this may be done.

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(44) ANNEXURE 'D'

No. F-9-14/1761-D(W) FDE  
Government of Pakistan  
Federal Directorate of Education  
\*\*\*\*\*

(21) Islamabad, the 22<sup>nd</sup> August, 2016

To: The Secretary,  
Elementary & Secondary Education Department,  
Govt. of Khyber Pakhtunkhwa,  
Peshawar.

Subject: EXTENSION IN DEPUTATION PERIOD IN RESPECT OF  
MRS. ISHRAT ARA BIBI, (DEPUTATIONIST), BS-15.

I am directed to refer to the subject noted above and to say that Mrs. Ishrat Ara Bibi, CT, GGHS, Ikrampur District Mardan was taken on deputation under FDE for a period of 01-year w.e.f. 30.04.2013.

2. Now her deputation period has been expired on 29.04.2014 therefore, she is requesting to FDE for further extension in deputation period of 03-years w.e.f. 30.04.2014 to 29.04.2017.

3. Above in view, you are again requested to furnish the consent / NOC of your department in respect of Mst. Ishrat Ara Bibi, TUGT to this Directorate immediately within 15-days for further necessary action in the matter, please.

4. This is issued with the approval of Director Schools.

(RANA MUHAMMAD NAZIR)  
Dy. Director Schools (Female)

Copy to:

- Mst. Ishrat Ara Bibi, TUGT (Dep), IMCG, Quaid-e-Azam University Colony, Islamabad.
- Head concerned.

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(RANA MUHAMMAD NAZIR)  
Dy. Director Schools (Female)

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BEFORE PESHAWAR HIGH COURT PESHAWAR

ANNEXURE : E

W.P No. 5301-P / 2019

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Ishrat Ara W/o Shoakat Ali R/o Nor Por Shahan Post Office  
Khas District and Tehsil Islamabad ..... Petitioner

Versus

1. Federation of Pakistan through Secretary M/O Education (defunct CAAD), Pak-Secretariat, Islamabad.
2. Director General Federal Directorate of Education (FDE), G-9/4 Islamabad.
3. Secretary, Primary Elementary & Secondary Education Department, Government of KPK, Peshawar
4. Director Primary Elementary & Secondary Education Government of KPK, Peshawar..... Respondents

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

Respectfully Sheweth:

1. That the petitioner is a married female Government Servant and was appointed in Respondent no.3 Department in the year 29/09/2007 as CT Teacher BPS-09.
2. That the husband of the petitioner is resident of Islamabad and also a Government Servant and is serving as constable in the Department of Islamabad Police. Therefore, on basis of Wedlock Policy the petitioner applied for permanent transfer from Govt of KP to Federal Government in pursuance of clause (iii) of the following Policy of Federal Government i.e. Estt.Division's O.M. No.10/30/97-R-II, dated 13-5-1998, published in Estacode-2015, Chapter-3, Serial No. (1.3), which reads as under;

WITNESSES

*[Handwritten signature]*



"Posting of serving husband/wife at the same station.- The Government has taken note of the socio-economic problems and hardship faced by husbands and wives in Government service due to posting at different stations of duty, and it has been decided to prescribe the following guidelines to facilitate posting of husband and wife at the same station:

- i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- ii) If a request involves temporary deputation to another department, it may be processed in consultation with the concerned department, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.
- iii) When a request is made for permanent transfer to/absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with the Civil Servants (Seniority) Rules, 1993.
- iv) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an organization, the Government servant with greater length of service may be preferred.
- v) Request for posting by a spouse facing serious medical problems may be accorded highest priority..
- vi) Spouses already posted at one station, including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond

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the permissible limit may be considered with compassion if interests of public service would permit.

2. The above guidelines are subject to the following conditions:-

- i) Posting of husband and wife at the same station should not be made by dislocation of any Government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the framework of general policy of postings and transfers.
- ii) The prescribed selection authority should be consulted in each case.

3. All Government servants whose spouses are in Government service may be asked to furnish at the end of every calendar year the particulars of their spouses to their controlling Ministries/Divisions so as to facilitate maintenance of ICP Charts and up-to-date monitoring of the situation. 4. The above guidelines may be circulated to the autonomous bodies under the charge of Ministries/Divisions for adoption, with such modifications, as may be considered necessary."

3. That the Respondent no 3 issued transfer orders dated 30/04/2013 of the petitioner on deputation for a period of 3 years to IMCG Quid Azam university colony Islamabad, which was extended from time to time. (Copy of Transfer Order dated 11-04-2013, Deputation Order dated 22-03-2013 & Extension in Deputation Period Letter Dated 22-08-2016 are attached as Annexure-A, B & C at Page \_\_\_\_\_)

4. That thereafter, above Wedlock Policy was permanently adopted by the Federal Government through making amendment in Rule 20-A of Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, vide Notification SRO No.968(I)/82, dated 21-09-2012, contained in Estacode-2015. Chapter 2. Serial No.1. Page No.61. in

(Signed)

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(7)

"Provided that posting of serving husband and wife at the same station, unmarried female government servants at the place of residence of their parents/family and that of married female government servants at the place of residence/posting of their husbands who are not in government employment shall be exempted from the said rule."

Meaning thereby, the deputationists have to be reverted back to their parent departments under Rule 20-A *ibid*, but the addition of proviso exempted the petitioner from applicability 'reversion clause' of Rule 20-A.

5. That the Federal Government has also issued an Office Memorandum No.1(28)/75-D.II, dated 06-03-1975, contained in Estacode-2015, Chapter 3, Serial No.10.2, Page No.436-7, wherein the deputationists have been categorized into two different categories;

- i. Deputationists who have not yet completed five years deputation period and the Borrowing department has no intention to absorb them;
- ii. Deputationists who have completed five years deputation period and the borrowing department has not reverted them and has intion to absorb them.

Particularly in the Second category, the deputationists would be deemed to be automatically absorbed from the date of expiry of period of five years, and the petitioner fell within the second category, hence in light of both of these Notifications, the petitioner became an absorbed employee of respondent no.2 and her lien was terminated with respondent no.3 after passage of first three years of deputation.

6. That in the year 2014, the respondent no.1 formally processed the cases of absorption of different deputationists through letter No.F.1-6/2014-Secy(CA&DD), dated 11.11.2014, which reads as under;

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(26)

(90)

"It is intimated that approximately 11 female teachers (BS-07 to BS-14) are working in different schools of ICT. Their services were requisitioned by CA&D Division from KPK on deputation under wedlock policy since 2007. These teachers have already completed their 05 years deputation period and have requested for permanent absorption under wedlock policy. Their case for permanent absorption was taken up with the Prime Minister in March 2013 along with other cases and the Prime Minister was pleased to approve their absorption under wedlock policy as per recruitment rules.

The cases of these teachers alongwith other cases are also under consideration for permanent absorption in consultation with Establishment Division. Till such time their cases are not decided, they are allowed to continue working under CA&D Division. List of these teachers is enclosed for information."

7. That since, the formal approval of Prime Minister dated March 2013, the respondent No.2 has yet not issued formal orders of absorption of the petitioner.
8. That on dated 19/09/2019 the respondent no 3 vide office order passed the order of the repatriation of the petitioner to her parent department i.e Elementary and Secondary Education Department Khyber Pakhtunkhwa District Mardan, which act of the respondent is in clear violation of the wedlock policy and rules mentioned above. (Copy of Impugned Order dated 19-09-2019 is attached as Annexure-D at Page \_\_\_\_\_)
9. That aggrieved from above said order of repatriation of official respondent petitioner file a representation before Competent Authority but that Representation was not decided as yet. (Copy of representation order dated 27-09-2019 is attached as Annexure- E at Page \_\_\_\_\_)

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(S)

10. That petitioner having no other speedy and efficacious remedy is filing instant Constitution Petition under Article 199 of the Constitution of Pakistan, 1973 inter-alia on the following grounds:

(S)

GROUND:

- a. That the act of respondents of issuing letter dated 19/09/2019 and of not issuance of formal absorption orders pursuant to approval of Prime Minister dated March 2013 communicated through letter dated 11.11.2014, is illegal, unlawful, void ab-initio and against the principles of natural justice.
- b. That the act of respondents is against the law and is violation of Fundamental Rights contained in Constitution 1973 and violative to O.M. No.8/10/83-R.I, dated 06-03-1983 of the Federal Government, hence the same is void ab-initio and is liable to be declared illegal.
- c. That the act of respondents is discriminatory which is in clear violation of Article 25 & 27 of the Constitution, 1973.
- d. That moreover KPK Government also adopted Spouse Policy of the Federal Government vide Circular Letter No. SORI (S & GAD) 1-1/85 dated 11/7/1998. Hence there is no ambiguity and clash of interest <sup>with</sup> but federal and provincial Government.
- e. That this Hon'able Court in famous Case "Shoukat Ali Yousafzai Vs Govt of KPK & Others " had also accepted Writ Petition of Petitioner and absorbed the petitioner of that Writ Petition in PMS Cadre and order of this Hon'able Court was also upheld by the Hon'able Supreme Court of Pakistan. (Copy of Order dated 19-08-2014 passed in Writ Petition No. 2942-P/2013 alongwith CPLA No. 636-P/2014 alongwith Order dated 22-11-2017 of Supreme Court of Pakistan are attached as Annexure F & G at Page \_\_\_\_\_)
- f. That the impugned repatriation order is based on mala fide and ulterior motives and against spouse policy adopted by both the Provincial and Federal Governments. Moreover petitioner was on

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deputation for a period of more than five years so she is entitled for permanent absorption.

PRAYER

In view of the foregoing circumstances, it is respectfully prayed that by accepting instant writ petition the respondents may kindly be directed to act in accordance with above referred law for and may also be directed to;

- i. Issue formal absorption orders of petitioner w.e.f. 30/04/2013, in Federal Government in the light of above referred amended Rule 20-A of Civil Servants (Appointment, Promotion and Transfer) Rules, 1973
- ii. Declare the impugned Letter dated 19/09/2019 as illegal and void abinitio and ineffective upon the right of petitioner.
- iii. Any other relief, which this Hon'ble Court deems fit and appropriate, may also be awarded.

As  
Petitioner

Through

Mohammad Farooq Malik,  
Advocate High Court Peshawar

INTERIM RELIEF

May it please your lordship,  
By way of Interim Relief, pending final decision on Writ Petition the impugned Letter dated 19-09-2019 may graciously be suspended.

As  
Petitioner

Through

Mohammad Farooq Malik,  
Advocate High Court Peshawar

CERTIFICATE

Certified that no such Writ Petition has earlier been filed in this Hon'ble Court on behalf of the petitioner:

LIST OF BOOKS

- 1 Constitution of Islamic Republic Of Pakistan, 1973.
- 2 Any other law as per need.

Advocate

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**BEFORE THE PESHAWAR HIGH COURT  
PESHAWAR**

W.P. No. \_\_\_\_\_/2019

In the matter of:

**MS. ISHRAT ARA**

Versus


**FEDERATION OF PAKISTAN etc**


**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION, 1973**

**AFFIDAVIT**

I, Ishrat Ara W/o Shoakat Ali R/o Nor Por Shahan Post Office Khas District and Tehsil Islamabad, do hereby solemnly swear and affirm that the contents of accompanied Writ Petition are true and correct according to the best of my knowledge and belief and that nothing had been concealed from this Honorable Court.

Identified by

  
**Muhammad Enrooq Malik**  
Advocate High Court

  
Deponent

CNIC 61101-1103119-6

Cell No. 0347-5372625

**ATTESTED**

This affidavit was sworn and verified on the date of \_\_\_\_\_  
 at \_\_\_\_\_  
 day of \_\_\_\_\_ 19 \_\_\_\_\_  
 at Shoakat Ali \_\_\_\_\_ Islamabad  
 in presence of \_\_\_\_\_  
 Attest by \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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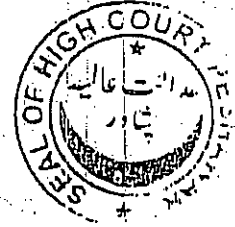
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*Amir Khan H/1*

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT

W.P.No.5301-P of 2019



Date of hearing... 07.10.2021

Petitioner (s) by Mr. Muhammad Farooq Malik, Advocate.

Respondent (s) by Mr. Muhammad Taufique Qureshi, Deputy Attorney General and Ms. Sophia Noreon, AAG.

JUDGMENT

SHAKEEL AHMAD, J.- This judgment shall decide writ petitions Nos.97-P of 2016, 6084-P/2019, 5301-P/2019, and 6989-P of 2019 as common questions of law and facts are involved therein.

2. All these petitions have been filed to seek an order in terms of Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 directing the respondents to issue formal orders of petitioners in the light of Federal Government letter dated 16<sup>th</sup> March, 2013 as issued to other similarly placed employees, to issue NOCs for extension in deputation period till absorption, and declaration to the effect that the impugned repatriation letter of the petitioner is illegal.

3. Brief facts of the case are that, initially, petitioners were appointed as PST/PTC/CT (teachers) and were posted at different places of the respondents

*M. J.*  
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EXAMINER  
Peshawar High Court

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*[Handwritten signature]*



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'department; that the petitioners seek their posting to the places mentioned in their writ petitions, to facilitate the life of spouses at one station in view of the Federal Government as well as Government of Khyber Pakhtunkhwa wedlock policy; that by taking benefit of spouses policy petitioners were transferred from their home districts to different places on deputation through their respective orders by obtaining NOCs from their respective departments and their deputation orders were extended from time to time by the competent authority, however, respondent No.3 issued impugned repatriation orders of petitioners on different dates; that petitioner feeling aggrieved from the aforesaid orders, approached the competent authority for withdrawal of repatriation orders and issuance of NOCS for further extension in their deputation period; that respondent No.3 issued NOCs to some of their blue eyed persons but the petitioners were ignored despite the fact that they have completed 05 years deputation period, hence this petition.

4. We have heard the learned counsel for the parties at great length and scanned the record appended the writ petitions with their valuable assistance.

M. J.  
**ATTESTED**  
 EXAMINER  
 Peshawar High Court

**ATTESTED**  
**ATTESTED**

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5. It appears from the record that the petitioners were serving on deputation as Teachers under the supervision of Federal Directorate of Education, Islamabad. After expiry of their period of deputation, they applied for issuance of NOCs for the permanent absorption as Teachers in the Federal Directorate of Education at Islamabad. We noted that under similar circumstances a number of Teachers were given NOCs by the Secretary Education, Government of Khyber Pakhtunkhwa, Peshawar through separate office orders, proof whereof were enclosed at page-30 to 37 of the writ petition No.6989-P of 2021.

6. In view of the above; we instead of deciding the fate of these petitions on merit, deem it appropriate to convert all the petitions into representation and send the same to the Secretary, Primary Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar to examine the case of each petitioner in the light of newly added proviso in rule 20-A, after sub-rule (3) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973 and earlier office order passed by him, and if, the case of the petitioners falls at par with those School Teachers, they may also be extended similar relief. The Secretary, Primary Elementary & Secondary Education Department,

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EXAMINER  
Peshawar High Court

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Government of Khyber Pakhtunkhwa, Peshawar is directed to decide the representation within a period of one month positively. The writ petition is disposed of in the above terms.



Announced  
07.10.2021  
(Azul)

CHIEF JUSTICE

JUDGE

*Copy*

(DB) Hon'ble Mr. Justice Qaiser Rashid Khan (HCJ)  
Hon'ble Mr. Justice Shakil Ahmad

*[Signature]*  
DECLINED TO BE TRUE COPY  
ESTABLISHED  
Authorised Signatory  
19 OCT 2021

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No. of Pages	6 Pages
Date of Presentation of Application	19.10.2021
Copying fee	24.00
Total	24.00
Date of Preparation of Copy	19.10.2021
Date of Delivery of Copy	19.10.2021
Received By	Ambar Nasheen petitioner

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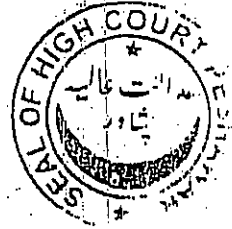
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Annex #1

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT

W.P.No.5301-P of 2019



Date of hearing... 07.10.2021

Petitioner (s) by Mr. Muhammad Farooq Mallk, Advocate.

Respondent (s) by Mr. Muhammad Taufique Qureshi, Deputy Attorney General and Ms. Sophia Noreen, AAG.

JUDGMENT

SHAKEEL AHMAD, J. This judgment shall decide writ petitions Nos.97-P of 2016, 6084-P/2019, 5301-P/2019, and 6989-P of 2019 as common questions of law and facts are involved therein.

2. All these petitions have been filed to seek an order in terms of Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 directing the respondents to issue formal orders of petitioners in the light of Federal Government letter dated 16<sup>th</sup> March, 2013 as issued to other similarly placed employees, to issue NOCs for extension in deputation period till absorption, and declaration to the effect that the impugned repatriation letter of the petitioner is illegal.

3. Brief facts of the case are that, initially, petitioners were appointed as PST/PTC/CT (teachers) and were posted at different places of the respondents

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EXAMINER  
Peshawar High Court

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'department; that the petitioners seek their posting to the places mentioned in their writ petitions, to facilitate the life of spouses at one station in view of the Federal Government as well as Government of Khyber Pakhtunkhwa wedlock policy; that by taking benefit of spouses policy petitioners were transferred from their home districts to different places on deputation through their respective orders by obtaining NOCs from their respective departments and their deputation orders were extended from time to time by the competent authority, however, respondent No.3 issued impugned repatriation orders of petitioners on different dates; that petitioner feeling aggrieved from the aforesaid orders, approached the competent authority for withdrawal of repatriation orders and issuance of NOCS for further extension in their deputation period; that respondent No.3 issued NOCs to some of their blue eyed persons but the petitioners were ignored despite the fact that they have completed 05 years deputation period, hence this petition.

4. We have heard the learned counsel for the parties at great length and scanned the record appended the writ petitions with their valuable assistance.

M.A.  
**ATTESTED**  
 EXAMINER  
 Peshawar High Court

**ATTESTED**  
**ATTESTED**

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5. It appears from the record that the petitioners were serving on deputation as Teachers under the supervision of Federal Directorate of Education, Islamabad. After expiry of their period of deputation, they applied for issuance of NOCs for the permanent absorption as Teachers in the Federal Directorate of Education at Islamabad. We noted that under similar circumstances a number of Teachers were given NOCs by the Secretary Education, Government of Khyber Pakhtunkhwa, Peshawar through separate office orders, proof whereof were enclosed at page-30 to 37 of the writ petition No.6989-P of 2021.

6. In view of the above, we instead of deciding the fate of these petitions on merit, deem it appropriate to convert all the petitions into representation and send the same to the Secretary, Primary Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar to examine the case of each petitioner in the light of newly added proviso in rule 20-A, after sub-rule (3) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973 and earlier office order passed by him, and if, the case of the petitioners falls at par with those School Teachers, they may also be extended similar relief. The Secretary, Primary Elementary & Secondary Education Department,

ATTESTED  
EXAMINER  
Peshawar High Court

ATTESTED

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Government of Khyber Pakhtunkhwa, Peshawar is directed to decide the representation within a period of one month positively. The writ petition is disposed of in the above terms.



Announced  
07.10.2021

CHIEF JUSTICE

JUDGE

*Said*

(DB) Hon'ble Mr. Justice Qaiser Rashid Khan (HCJ)  
Hon'ble Mr. Justice Shakeel Ahmad

*[Signature]*  
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EXAMINER  
19-10-2021

- 10656 -

No. of Application	19-10-2021
Date of Presentation of Application	19-10-2021
No of Pages	6 pages
Copying fee	
Total	24.00
Date of Preparation of Copy	19-10-2021
Date of Delivery of Copy	19-10-2021
Received By	Ambar Nasheen petitioner

ATTESTED  
ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223587

38

No. SO(PE)5-2/IPT/02/Mardan/Mst. Ishrat Ara Bibi /CT/2011-21.  
Dated Peshawar the 24-11-2021

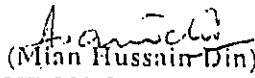
To

Mst. Ishrat Ara Bibi (CT),  
GGHS Ikram Pur District Mardan,  
presently posted TGT (BS-16) at Islamabad Model College for Girls QAU  
Colony, Islamabad.

Subject: - NOC FOR PERMANENT ABSORPTION.

I am directed to refer to your application 27.09.2019 and judgment of the Peshawar High Court Peshawar dated 07.10.2021 passed in writ petition No. 5301-P of 2019, on the subject noted above and to state that your request for grant of NOC for extension in the period of deputation till absorption in the Federal Directorate of Education cannot be acceded to being not covered under the relevant policy.

Moreover, you have already been repatriated to your parent department vide this department order No. SO(PE)5-2/IPT/02/Mardan/Mst. Ishrat Ara Bibi /CT/2011 dated 19.09.2019. therefore, you are directed to report for duty to your parent office i.e office of the District Education Office (F) Mardan. In case of failure, disciplinary action shall be initiated against you under Rule-9 of E&D rules 2011.

  
(Mian Hussain Din)  
SECTION OFFICER (PE)

Copy forwarded to:-

1. The Secretary Establishment Department, Khyber Pakhtunkhwa w/r to letter No. SOR-I (E&AD)/1-14/2015 dated 02.03.2017.
2. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar w/r to letter No. 933/P.File Ishrat Ara CT/IPT dated 03.02.2017.
3. DEO (F), District Mardan.
4. District Accounts Officer, District Mardan.
5. The Assistant Director Schools (F) Government of Pakistan, Federal Directorate of Education Islamabad w/r to his letter No.F.9-14/1761-D/(W)FDE dated 23.02.2016.
6. PS to Secretary E&SE, Khyber Pakhtunkhwa.
7. Master File.

  
SECTION OFFICER (PE)





39

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ANNEXURE

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
No. SO/PE/5-2/PT/Karak/Mst. Rashida Hina PST/2014  
Dated Peshawar the 22.10.2019

The Admin Officer Schools (Female)  
Federal Directorate of Education,  
Government of Pakistan,  
Islamabad.

Subject: REQUEST FOR ISSUANCE OF NOC FOR DEPUTATION PERIOD

Dear Sir,

I am directed to refer to the subject noted and to enclose herewith a copy of an application bearing No. 381 dated 21.10.2019 in respect of Mst. Mst. Rashida Hina, PST (BS-12), GPS No.1, Sabir Abad, District Karak, Khyber Pakhtunkhwa, presently working in Federal Directorate of Education, Government of Pakistan, Islamabad and to state that the lady teacher concerned has already completed her five years deputation period and there is no provision to further extend her deputation period as per deputation policy of this province.

You are, therefore, requested to accept her services on permanent basis in Federal Directorate of Education, Islamabad as per policy/rules of the Federal Government, please.

Yours faithfully,

Encl: As above.

SECTION OFFICER (PRIMARY)

End: of even number & date:

Copy for information to:

1. The Director, Elementary & Secondary Education, KPK, Peshawar.
2. The District Education Officer (Female), Karak.
3. PS to Secretary, E&SE Department, Peshawar.
4. Mst. Rashida Hina, IMCO, Malra Begwal, F/A, Islamabad.

ATTESTED  
ATTESTED

M. Raza

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
NO. SO (PE)/5-2 IPT/KARAK/MST. RASHIDA HINA PST2014  
DATED PESHAWAR THE 22.10.2019

To,

The Admin Officer Schools (Female)  
Federal Directorate of Education  
Government of Pakistan  
Islamabad

Subject:- REQUEST FOR ISSUANCE OF NOC FOR DEPUTATIONIST

Dear Sir,

I am directed to refer to the subject noted and to enclose herewith a copy of an application bearing no. 381 dated 21-10-2019 in respect of Mst. Rashida Hina PST (BS-12), GGPS No. 1 Sabir Abad, District Karak, Khyber Pakhtunkhwa, presently working in Federal Directorate of Education, Government of Pakistan Islamabad and to state that the lady teacher concerned has already completed her five years deputation period and there is no provision to further extend her deputation period as per deputation policy of this province.

You are, therefore, requested to accept her services on permanent basis in Federal Directorate of Education, Islamabad as per policy / rules of the Federal Government, please.

Yours faithfully

SECTION OFFICER (PRIMARY)

Encl: as above

Ends of Even Number and Date:  
Copy for information to

1. The Director Elementary and Secondary Education KPK Peshawar
2. The District Education Officer (Female) Karak
3. PS to Secretary E & SE Department Peshawar
4. Mst. Rashid Hina, IMCG, Maira, Begwal, F/A Islamabad

ATTESTED  
ATTESTED

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GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT



Dated: 28/02/2009

NOTIFICATION

NOTIFICATION issued by the Establishment & Administration Department Govt of Khyber Pakhtunkhwa, vide letter No. 209-INS/AD-1-147008 dated 28.02.2009, for services of Mr. Akhmal Nuzli, SST GMS Number District Swat, is hereby extended for a period of further three years i.e. 18.10.2018 to 18.10.2021 (total period of extension including the initial extension) on the condition that the extension is allowed to carry out the

work assigned upon the date the SST concerned is allowed to carry out the work already placed in the disposal of Federal Director of Education Govt of Pakistan Islamabad.

No TADA is allowed

SECRETARY

- 1- Accountant General Khyber Pakhtunkhwa Peshawar
- 2- Director BSSE Khyber Pakhtunkhwa Peshawar
- 3- Director Schools (Female) Govt. of Pakistan Federal Directorate of Education Islamabad
- 4- Section Officer (R-1) Establishment Department
- 5- P.O. Chief Secretary Khyber Pakhtunkhwa
- 6- P.O. Secretary BSSE Department
- 7- Incharge ENIS BSSE Department
- 8- Mr. Farhan Nuzli SST GMS Number District Swat (Deput. Incharge)
- 9- Office Swat
- 10- Master file

(Signature)  
(Name)

(Signature)

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IMMEDIATELY  
By S.M

No. P.A-57/2011 (Education)  
Government of Pakistan  
Ministry of Capital Administration and Development

Islamabad: the March 16, 2013

SUBJECT: ABSORPTION OF STAFF UNDER FEDERAL DIRECTORATE OF EDUCATION (FDE), ISLAMABAD WORKING ON DEPUTATION BASIS

I am directed to state that in response to a summary submitted to the Prime Minister's Secretariat, Islamabad seeking approval of the Prime Minister for absorption of staff working in the educational institutions under Federal Directorate of Education (FDE), Islamabad the Prime Minister has been pleased to approve absorption of all deputationists (teaching & non-teaching) working under FDE, Islamabad on deputation basis under Wedlock Policy and completed their 05 years of deputation subject to provision in the Recruitment Rules and after fulfillment / completion of all legal / procedural formalities as contained under Civil Servants Act, 1973.

FDE is, therefore, requested that the below given information may be submitted to this Ministry immediately so that process for absorption of the deputationists may be initiated / completed, accordingly:

- a. Institution-wise list of all the deputationists (male & female) (teaching non-teaching) as per enclosed Performa (Annex-I).
- b. Copies of the Recruitment Rules for each cadre posts where a deputationist is likely to be absorbed.
- c. MOC from the respective parent departments for each deputationist regarding permanent absorption under FDE, Islamabad.
- d. ACRs / PERs grading for the last 05 years.

After completion of the necessary documentation procedure of the deputationists, their cases will be placed before the respective DPCs.

This may please be treated on PRIORITY.

(Signature)  
Assistant Educational Advisor

The Director General  
Federal Directorate of Education (FDE),  
Islamabad.

Copy to:

- i) P.S to the Secretary, M/o CA&D, Islamabad.
- ii) P.A to J.E.A (Education), M/o CA&D, Islamabad.

Attested

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013

ORDER

No. SO(PE)5-2/11 that/Siraj Begum PST. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR:I (E&AD)1-14/B2/Vol:27 dated 18-09-2013, the services of Mrs. Siraj Begum PST GCPS Togh Bala NO.1 District Kohat (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis without retaining her lien in the E&SE Department.

SECRETARY

Enclt. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female), Government of Pakistan, Federal Directorate of Education, Islamabad w/r to his letter No.F.2013/P.A. Dep/14-16/17(W) FDE dated 19-08-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F) Elementary & Secondary Education Kohat.
5. The District Accounts Officer Kohat.
6. Mrs. Siraj Begum PST GCPS, Togh Bala, NO.1 District Kohat.

(HINA SAIED)

SECTION OFFICER (PRIMARY)

Mrs. Za Idd Mansoor  
Assistant Professor Physics  
Fazala Inlar College Kohat

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
Dated Peshawar the 11-10-2013

ORDER

No.SO(PE)S-2/IPT/Swabi/Hafsa Bibi PST/2013. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SDR-1 (E&AD)1-14/02/Vol.27 dated 11-10-2013, the services of Mrs. Hafsa Bibi PST CGPS Cabal (Gadoon) District Swabi (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis without retaining her lien in the E&SE Department.

SECRETARY

Encl. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admin. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female) Government of Pakistan (Federal Directorate of Education Islamabad w/r to his letter No.F.2013/P.A.-Dep/14-16-17(W)-FDE dated 12-09-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F) Elementary & Secondary Education Swabi.
5. The District Accounts Officer Swabi.
6. Mrs. Hafsa Bibi PST CGPS Cabal (Gadoon) District Swabi

(ZAMIR KHAN) (MAND)  
SECRETARY OFFICE (PRIMARY)

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
Dated Peshawar the 26-11-2013

ORDER

No. 50/PES-2/IPT/Zamin Ishaq DM/Abbottabad. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR-I (E&AD)1-14/02 dated 13-11-2013, the services of Mrs.Zarqa Ishaq DM CGMS Baran Gali Abbottabad (Khyber Pakhtunkhwa) is hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis on the condition that no right of lien will be retained by her in E&AD Department Khyber Pakhtunkhwa.

SECRETARY.

Endorsement & Date required.

Copy forwarded to:-

1. The Secretary Establishment & Admin. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter NO.II/2013/P.A.Dop/14-16-17(W/P) dated 19-10-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F) Elementary & Secondary Education Abbottabad.
5. The District Accounts Officer Abbottabad.
6. Mrs.Zarqa Ishaq DM CGMS Baran Gali Abbottabad.

(ZAMIN ULLAH MOHAMMAD)  
SECTION OFFICER (PRIMARY)

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AMENDED

FROM: CTOL PESHAWAR (2013)

FILE NO. 1091 2267275

SEP. 24 2013 09:35 AM (P)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19/09/2013.

ORDER

No.50(PE)5-2/IPT/Rubina Bibi PST/Abbottabad. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.DGR-1(E&AD)1-10/82/Vol.27 dated 18-09-2013, the services of Mrs. Rubina Bibi PST CGPS District Abbottabad (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad (F) on permanent basis without retaining her lien in the E&SE Department.

SECRETARY

Encl. No. & Date as above.

Copy forwarded to:

1. The Secretary Establishment & Admin. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No.F.2013/P.A. Dep/14-16-17(W)-FDE dated 26-08-2013.
3. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F) Elementary & Secondary Education Chitral.
5. The District Accounts Officer Chitral.
6. Mrs. Rubina Bibi PST CGPS District Abbottabad.

(HINA SAIED)

SECTION OFFICER (PRIMARY)

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
Dated Peshawar the 11-10-2013

ORDER

No. SO(PE)5-2/IPT/Shahida Malik PST/Abbottabad. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR-I (E&AD)1-14/82/Vol.27 dated 24-09-2013, the services of Mrs. Shahida Malik PST GGPS Kotkal Tehsil and District Abbottabad (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis on the condition that no right of her will be retained by her in E&SE Department Khyber Pakhtunkhwa.

SECRETARY

Budgt. No. & Date as above.

Copy forwarded to:

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No.F.2013/P.A.-Dep/14-16-17(W) FDE dated 12-09-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F) Elementary & Secondary Education Abbottabad.
5. The District Accounts Officer Abbottabad.
6. Mrs. Shahida Malik PST GGPS Kotkal Tehsil and District Abbottabad.

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SECTION OFFICER (PRIMARY)

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 <p>Notification</p>	<p>GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY &amp; SECONDARY EDUCATION DEPARTMENT</p> <p>Dated Peshawar the 17-08-2016</p>
---	--


No. SO(FE)S-2/IPT/Abbottabad/Mst. Farhat Bibi & Parveen Abbasi PST/08: The services of Mst. Farhat Bibi PST, GUPS Romitti, District Abbottabad (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis on the condition that no right of ten will be retained by her in E&SE Department Khyber Pakhtunkhwa.

SECRETARY

Endat. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter No. SOR-1 (E&AD) 14/82 dated 07/03/2016.
2. The Deputy Director School (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No. F.2015/P.A/14-15/(W)FDE dated 16/12/2015
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
4. The District Education Officer (F), District Abbottabad.
5. The District Accounts Officer, District Abbottabad.
6. Mst. Farhat Bibi PST, GUPS Romitti, District Abbottabad.

  
(MUHAMMAD NASIR KHAN)  
SECTION OFFICER (PRIMARY)

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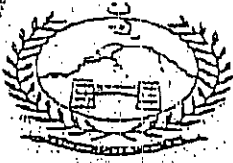
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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 17-08-2016

Notification

No. SO(PE)5-2/IPT/08/Battagram: The services of Mst. Ruqia Shafi AT, GGHS Tiekari Khareri, District Battagram, (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis on the condition that no right of hon will be retained by her in E&SE Department Khyber Pakhtunkhwa.

SECRETARY

Encl. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Adm. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter No. SOR-I (E&AD) 1-14/82 dated 04/03/2016.
2. The Deputy Director School (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No. F.2015/P.A/14-15/CV/PEE dated 29/06/2015
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F), District Battagram.
5. The District Accounts Officer District Battagram.
6. Mst. Ruqia Shafi AT, GGHS Tiekari Khareri, District Battagram.

(MUHAMMAD NASIR KHAN)  
SECTION OFFICER (PRIMARY)

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013.

ORDER

No SO(PE)5-2/IPT/Farhat Sultana PST/Abbottabad. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NDC conveyed to the Elementary & Secondary Education Department vide letter No.SOR-I (E&AD)1-14/02/Vol.27 dated 18-09-2013, the services of Mrs. Farhat Sultana CI GHS Mirpur District Abbottabad (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis without retaining her lien in the E&SE Department.

SECRETARY

Enclt. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No.F.2012/P.A.-Dep/14-16-17(W) FDE dated 20-08-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer(F) Elementary & Secondary Education Chitral.
5. The District Accounts Officer Chitral.
6. Mrs. Farhat Sultana CI GHS Mirpur District Abbottabad.

(HINA SAIED)

SECTION OFFICER (PRIMARY)

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ATTESTED

23/9/13

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REGISTERED



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the 30.10.2017.

NOTIFICATION.

No.S.O(PE)E&SED/5-2/06/IPT/Swat/Mst. Farikhanda Nazli (Deputationist): In pursuance of the NOC/sanction issued by the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, vide letter No.SOR-I/E&AD/1-14/2006 dated 26.02.2009, the services of Mst.Farikhanda Nazli SST GGMS Sumbat District Swat, is hereby extended for a period of further two years w.e.f 16.10.2016 to 15.10.2018, total period of deputation including the instant extension come out to be seven(07) years.

2. Consequent upon the above, the SST concerned is allowed to carry out her duties already placed at the disposal of Federal Directorate of Education Govt. of Pakistan Islamabad.
3. No TA/DA is allowed

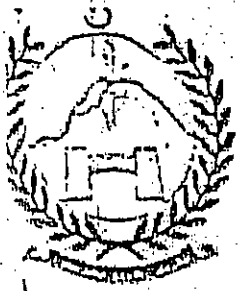
SECRETARY

Enclst: of even No. & date:

Copy forwarded to the:-

- 1- Accountant General Khyber Pakhtunkhwa Peshawar
- 2- Director E&SE Khyber Pakhtunkhwa Peshawar
- 3- Director Schools (Female) Govt. of Pakistan Federal Directorate of Education Islamabad.
- 4- Section Officer (R-1) Establishment Department.
- 5- PS to Chief Secretary Khyber Pakhtunkhwa
- 6- PS to Secretary E&SE Department.
- 7- Incharge EMIS, E&SE Department
- 8- Ms.Farikhanda Nazli SST GGMS Sumbat District Swat (Deputationist).
- 9- Office order file
- 10-Master file

(NAIK MUHAMMAD)  
SECTION OFFICER (PRIMARY)



(52)

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
No. SO(PE)5-2/IPT/Karak/Mst. Rashida Hina PST/2014  
Dated Peshawar the 22.10.2019

The Admin Officer Schools (Female)  
Federal Directorate of Education,  
Government of Pakistan,  
Islamabad.

Subject: - REQUEST FOR ISSUANCE OF NOC FOR DEPUTATION PERIOD

Dear Sir,

I am directed to refer to the subject noted and to enclose herewith a copy of an application bearing No. 381 dated 21.10.2019 in respect of Mst. Mst. Rashida Hina, PST (BS-12), GGPS No.1, Sabir Abad, District Karak, Khyber Pakhtunkhwa, presently working in Federal Directorate of Education, Government of Pakistan, Islamabad and to state that the lady teacher concerned has already completed her five years deputation period and there is no provision to further extend her deputation period as per deputation policy of this province.

You are, therefore, requested to accept her services on permanent basis in Federal Directorate of Education, Islamabad as per policy/rules of the Federal Government, please.

Yours faithfully,

Encl: As above.

SECTION OFFICER (PRIMARY)

End: of even number & date:

Copy for information to:

1. The Director, Elementary & Secondary Education, KPK, Peshawar.
2. The District Education Officer (Female), Karak.
3. PS to Secretary, E&SE Department, Peshawar.
4. Mst. Rashida Hina, IMCO, Main Bazar, F/A, Islamabad.

SECTION OFFICER (PRIMARY)

53



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013.



ORDER


No. SO(PE)S-2/ /hat/Siraj Begum PST. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR-I (E&AD)1-14/82/Vol.27 dated 18-09-2013, the services of Mrs. Siraj Begum PST GCPS Togh Bala NO.1 District Kohat (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis without retaining her lien in the E&SE Department.

SECRETARY

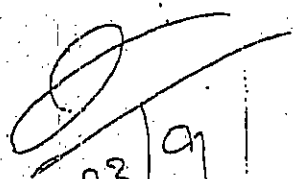
Enclt. No. & Date as above.


Copy forwarded to:-


1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female), Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No.F.2013/P.A.-Dep/14-16-17(W) FDE dated 19-08-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F) Elementary & Secondary Education Kohat.
5. The District Accounts Officer Kohat.
6. Mrs. Siraj Begum PST GCPS Togh Bala NO.1 District Kohat.

  
20.9.2013  
(HINA SAEED)

SECTION OFFICER (PRIMARY)

  
23/9

  
Mrs. Za Idr Mansoor  
Assistant Professor Physics  
Fazala Inter Collage Kohat

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
Dated Peshawar the 11-10-2013

ORDER.

No.SO(PE)5-2/IPT/Swabi/Hafsa Bibi PST/2013. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR-I (E&AD)1-14/82/Vol.27 dated 11-10-2013, the services of Mrs. Hafsa Bibi PST GGPS Gabai (Gadoon) District Swabi (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis without retaining her lien in the E&SE Department.

SECRETARY

Endst. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No.F.2013/P.A.-Dep/14-16-17(W) FDE dated 12-09-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F) Elementary & Secondary Education Swabi.
5. The District Accounts Officer-Swabi.
6. Mrs. Hafsa Bibi PST GGPS Gabai (Gadoon) District Swabi

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(ZAMIR KHAN MOMAND)  
SECTION OFFICER (PRIMARY)

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
Dated Peshawar the 26-11-2013

ORDER

No. 50(P/E&S-2)/PT/Zarina Ishaq DM/Abbottabad. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR-I (E&AD)1-14/82 dated 13-11-2013. The services of Mrs.Zarina Ishaq DM GGMS Baran Gali Abbottabad (Khyber Pakhtunkhwa) is hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis on the condition that no right of lien will be retained by her in E&SE Department Khyber Pakhtunkhwa.

SECRETARY

Encls. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admin. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter NO.P.2013/P.A.Dep/14-16-17(W/PDE dated 29-10-2013.)
3. The Director, Elementary & Secondary Education (Khyber Pakhtunkhwa) Peshawar.
4. The District Education Officer (F) Elementary & Secondary Education Abbottabad.
5. The District Account Officer Abbottabad.
6. Mrs.Zarina Ishaq DM GGMS Baran Gali Abbottabad.

(ZAMIN SHAHMOMAND)  
SECTION OFFICER (PRIMARY)

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FROM: I.T.B. PESHAWAR BRANCH

FILE NO. 1091 226275

SEP. 24 2013 09:35AM FI



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013.

**ORDER**

No.50(PE)5-2/IPT/Rubina Bibi PST/Abbottabad. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.50R-1 (E&A)1-14/82/Vol.27 dated 18-09-2013, the services of Mrs. Rubina Bibi PST GGPS District Abbottabad (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad (11) permanent basis without retaining her lien in the E&SE Department.

SECRETARY

Encls. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No.F.2013/P.A.-Dep/14-16-17(W) FDE dated 26-08-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F) Elementary & Secondary Education Chitral.
5. The District Accounts Officer Chitral.
6. Mrs. Rubina Bibi PST GGPS District Abbottabad.

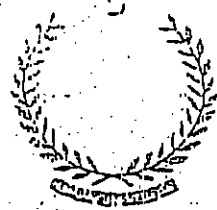
(HINA SAEED)

SECTION OFFICER (PRIMARY)

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
Dated Peshawar the 11-10-2013

ORDER.

No. SO(PE)S-2/IPT/Shahida Malik PST/Abbottabad. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR-I (E&AD)1-14/82/Vol.27 dated 24-09-2013, the services of Mrs. Shahida Malik PST GGPS Kokal Tehsil and District Abbottabad (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis on the condition that no right of lien will be retained by her in E&SE Department Khyber Pakhtunkhwa.

SECRETARY

Encl. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admin. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No.F.2013/P.A.-Dep/14-16-17(W) FDE dated 12-09-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer(F) Elementary & Secondary Education Abbottabad.
5. The District Accounts Officer Abbottabad.
6. Mrs. Shahida Malik PST GGPS Kokal Tehsil and District Abbottabad.

Attested

10/10/2013

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SECTION OFFICER (PRIMARY)

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57

ADD



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 17-08-2016

Notification

No. SO(PE)5-2/IPT/Abbottabad/Mst. Farhat Bibi & Parveen Abbasi PST/98: The services of Mst. Farhat Bibi PST, GGPS Romatti, District Abbottabad (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis on the condition that no right of her will be retained by her in E&SE Department Khyber Pakhtunkhwa.

SECRETARY

Endst. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter No. SOR-I (E&AD) 1-14/82 dated 07/03/2016.
2. The Deputy Director School (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No. F.2015/P.A/14-15/(W)FDE dated 16/12/2015
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F), District Abbottabad.
5. The District Accounts Officer District Abbottabad.
6. Mst. Farhat Bibi PST, GGPS Romatti, District Abbottabad.

ATTESTED

17/08/2016

(MUHAMMAD NASIR KHAN)  
SECTION OFFICER (PRIMARY)

ATTESTED

58

7/21



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 17-08-2016

Notification

No. SO(PE)S-2/IPT/08/Battagram; The services of Mst. Ruqia Shafi AT, GGHS Tickari Khareh, District Battagram, (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis on the condition that no right of lien will be retained by her in E&SE Department Khyber Pakhtunkhwa.

SECRETARY

Endst. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter No. SOR-1 (E&AD) 1-14/82 dated 04/03/2016.
2. The Deputy Director School (Female) Government of Paldstan Federal Directorate of Education Islamabad w/r to his letter No. F.2015/P.A/14-15/W/PDE dated 29/06/2015
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F), District Battagram.
5. The District Accounts Officer District Battagram.
6. Mst. Ruqia Shafi AT, GGHS Tickari Khareh, District Battagram.

(MUHAMMAD NASIR KHAN)  
SECTION OFFICER (PRIMARY)

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to be true copy

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013.

ORDER

No SO(PE)5-2/IPT/Farhat Sultana PST/Abbottabad. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SDR-I (E&AD)1-14/82/Vol.27 dated 18-09-2013, the services of Mrs. Farhat Sultana CT GHS Mirpur District Abbottabad (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis without retaining her lien in the E&SE Department.

SECRETARY

Endst. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No.F.2013/P.A.-Dep/14-16-17(W) FDE dated 20-08-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer(F) Elementary & Secondary Education Chitral.
5. The District Accounts Officer Chitral.
6. Mrs. Farhat Sultana CT GHS Mirpur District Abbottabad.

(HINA SAEED)

SECTION OFFICER (PRIMARY)

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23/9/13

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223587

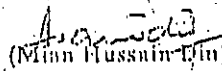
No. SO(PE)5-2/PPT/02/Mardan/Mst. Ishrat Ara Bibi /CT/2011-21  
Dated Peshawar the 24-11-2021

To  
Mst. Ishrat Ara Bibi (CT),  
GGHS Ikram Pur District Mardan,  
presently posted TGT (BS-16) at Islamabad Model College for Girls QAU  
Colony, Islamabad.

Subject: NOC FOR PERMANENT ABSORPTION.

I am directed to refer to your application 27.09.2019 and judgment of the Peshawar High Court Peshawar dated 07.10.2021 passed in writ petition No. 5301-P of 2019, on the subject noted above and to state that your request for grant of NOC for extension in the period of deputation till absorption in the Federal Directorate of Education cannot be acceded to being not covered under the relevant policy.

Moreover, you have already been repatriated to your parent department vide this department order No. SO(PE)5-2/PPT/02/Mardan/Mst. Ishrat Ara Bibi /CT/2011 dated 19.09.2019, therefore, you are directed to report for duty to your parent office i.e office of the District Education Office (F) Mardan. In case of failure, disciplinary action shall be initiated against you under Rule-9 of E&D rules 2011.

  
(Mian Hussain Bin)  
SECTION OFFICER (PE)

Copy forwarded to:-

1. The Secretary Establishment Department, Khyber Pakhtunkhwa w/r to letter No. SOR-1 (E&AD)/1-14/2015 dated 02.03.2017.
2. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar w/r to letter No. 933/P.File Ishrat Ara CT/IPT dated 03.02.2017.
3. DEO (F), District Mardan.
4. District Accounts Officer, District Mardan.
5. The Assistant Director Schools (F) Government of Pakistan, Federal Directorate of Education Islamabad w/r to his letter No.F.9-14/1761-D/(W)FDE dated 23.02.2016.
6. PS to Secretary E&SE, Khyber Pakhtunkhwa.
7. Master File.

DM

6-11-2021

  
SECTION OFFICER (PE)

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BEFORE PESHAWAR HIGH COURT PESHAWAR

W.P No. \_\_\_\_\_/2022

1. Amber Nosheen W/o Tahir Hafeez R/o National Police Foundation O-9 House No. 1492 Street # 17/2 Block C, Islamabad Permanently r/o Sarwar Abad near Hashtnagir Phatak Peshawar City
2. Farhat Yasmeen W/o Muhammad Ishfaq R/o House # 69 / 10-C Sector G-10/3 Islamabad , permanent resident of K.P.K Peshawar
3. Naila Bashir Abbasi W/o Muhammad Naveed Abbasi R/o Gulberg Town House # B-1/8 Street No.1 Islamabad, permanent resident of K.P.K Peshawar
4. Nishat Begum W/o Muhammad Rafiq R/o Muhammadi Town Street No.3 House # 13 Islamabad, permanent resident of K.P.K Peshawar
5. Ishrat Ara W/o Shoakat Ali R/o Nor PorShahan Post Office Khas District and Tehsil Islamabad
6. Shahana Begum wife of Amjid Naeem resident of Block 89/A, Flat No.4, G-10-3, Islamabad permanent resident of Mohallah Meerna khel, Lakki Marwat ..... Petitioners

Versus

1. Federation of Pakistan through Secretary M/O Education (defunct CAAD), Pak-Secretariat, Islamabad.
2. Director General Federal Directorate of Education (FDE), G-9/4 Islamabad.
3. Secretary, Primary Elementary & Secondary Education Department, Government of KPK, Peshawar
4. Director Primary Elementary & Secondary Education Government of KPK, Peshawar
5. Government of KPK through Advocate General Peshawar
6. Assistant Director School, Government of Pakistan, federal directorate of Education Islamabad ..... Respondents

**ATTESTED**  
EXAMINER  
Peshawar High Court



62

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

Respectfully Sheweth:

1. That the petitioners are employee of Elementary and Secondary Education Department Govt of KPK Peshawar, who were initially appointed as PST/PTC. (Copies of initial appointment Orders are attached as Annexure-A at Page 10 - 20 )
2. That as a matter of fact the husbands of the petitioner are permanent resident of Islamabad and also employees of Federal Government who are working at different department of Federal Government of Islamabad. (Copies of Service Record of Petitioners' Husbands are attached as Annexure-B to at Page 21 - 27 )
3. That to facilitate posting of serving of spouses at one station Federal Government as well as Government of Khyber Pakhtunkhwa promulgated wedlock policy with a view to address problem and hardship of families due to posting at different stations of duties. (Copies of spouse polices of the both the Governments i.e Federal as well as Provincial are attached as Annexure-C to ~~C-1~~ at Page 28 - 31 )
4. That by taking benefit of spouse policy petitioners were transferred from their home district to Islamabad on deputation through their respective orders by taking NOC from their respective departments. (Copies of Deputations Order and NOC are attached as Annexure-D to ~~D-1~~ at Page 32 - 37 )
5. That the deputation orders of the petitioner were time and again extended in their favour by the competent authority. (Copies of **Attested** Extension Orders of Petitioner are attached as Annexure- E at Page 38 )

**ATTESTED**  
EXAMINER  
Peshawar High Court

**Attested**  
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6. That thereafter Federal Government through different letters dated 30-10-2013 & 19-07-2019, 12-07-2019, 28-07-2021, 19.07.2021 in respect of petitioner of Elementary and Secondary Education Department requested Government of KPK for issuance of NOC for extension/absorption in the deputation period of petitioner. (Copies of Letter dated 19-07-2019 are attached as Annexure-F at Page 45-49 )

7. That respondent No.3 by adopting a novel procedure issued repatriation orders of petitioners vide different Orders. (Copies of Repatriation Orders are attached as Annexure-G at Page 50-53 )

8. That the above mentioned deputation orders were challenged by petitioners through deferent writ petitions before this Hon'able court and the this Hon'able Court vide consolidated judgment and order dated 07.10.2021, converted all the writ petitions as representation with directed to respondent No.03 that if the case of the petitioners are at par with all those school teacher who had already be given NOCs for permanent absorption , the same relief may also be extended to Writ petitions. (Copies of writ petitions along with consolidated judgment and orders dated 07.11.2021 of this Hon'able court are attached as Annexure- H/ at Page 54-73 )

9. That respondent No.03 without adhering the true import and direction of this Hon'able Court in slip shod manner declined to issue NOCs to the petitioners vide impugned orders dated , 23.11.2021 and 24.11.2021.(copies of orders dated 23.11.2021, 23.11.2021 and 24.11.2021 are attached as annexure- I at page 78-80 ).

**ATTESTED**  
EXAMINER  
Peshawar High Court

10. That the respondent No .3 in order to accommodate their blue eyed issued NOC for extension of some of the deputationist despite of the fact that they have completed 5 years deputation period and in some of the cases respondents issued NOCs for

Attested  
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permanent absorption of its employees in federal government but they are reluctant for the reason best know to them to issue NOC in favour of the petitioney.( Copies of latter dated 22.10.2019, 30.10.2017, are attached as annexure J at Page 81-102)

11. That despite the fact respondent No.03 have already issued NOCs for permanent absorption to different similarly placed teachers but with mala fide intention and ulterior motive , despite clear cut directions of this Hon'able court with held the same relief to the petitioners without any cogent and plausible reasons.

12. That in pursuance of the above mentioned orders of respondent No.03 federal Government ( respondent No.06) issued letters of repatriation to some up the petitiones.(copies of impugned letter dated 28.12.2021 are attached as annexure-K at page 103-107).

13. That petitioner having no other speedy and efficacious remedy invoke the Constitutional Jurisdiction of this Hon'able Court inter-alia on the following grounds;

GROUNDS:

a. That the act of respondents by issuing impugned letters of repatriation and not issuance of formal absorption order pursuant to approval of Prime Minister Summary dated March 2013 communicated through letter dated 11.11.2014, is illegal, unlawful, void ab-initio and against the principles of natural justice.

b. That the act of respondents is against the law and is in violation of Fundamental Rights contained in Constitution and violative to O.M. No.8/10/83-R.I, dated 06-03-1983 of the Federal Government, hence the same is void ab-initio and is liable to be declared illegal.

**ATTESTED**  
EXAMINER  
Peshawar High Court

c. That the act of respondents is discriminatory which is in clear violation of Article 25 & 27 of the Constitution, 1973 as in some of the cases approval for permanent absorption and as well as extension in

Attested

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the deputation has been issued by official respondents but they are reluctant to accommodate the petitioners.

- d. That moreover KPK Government also adopted Spouse Policy of the Federal Government vide Circular Letter No. SORI (S & GAD) 1-1/85 dated 11/7/1998. Hence there is no ambiguity and clash of interest between federal and provincial Government on this issue.
- e. That the impugned repatriations orders are based on malafide and ulterior motives and against spouse policy adopted by both the Provincial and Federal Governments. Moreover petitioners were on deputation for a period of more than five years so they are entitled for permanent absorption.
- f. That the Federal Government issued Letter Dated 16-03-2013 under title of "Absorption of Staff Working Under Federal Directorate of Education Department Islamabad working on deputation basis" wherein summary submitted to PM Secretariat Islamabad for absorption of Teachers who were working on deputation bases. (Copy of Letter Dated 16-03-2013 are attached as Annexure-L at Page 108-116)
- g. That similarly Federal Government also relaxed the time period of 5 years for deputationists who are working on deputation under wedlock policy and that corresponding amended was made in Rule 20-A of Appointment, Promotion and Transfer Rules 1973, so petitioners are also entitled for that benefit of the same policy. (Copy of Gazetted Notification dated 17-04-2012 alongwith summary for PM dated 10-02-2012 are attached as annexure - M at page 117-122)

PRAYER

It is, therefore, respectfully prayed that by accepting instant writ petition the respondents may graciously be directed to:-


**ATTESTED**  
EXAMINER  
Peshawar High Court

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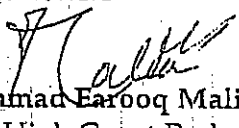
- i. Issue formal absorption orders of petitioners in the light of Federal Government letter dated 16 March 2013 as issued to other similarly placed employees.
- ii. Declare the impugned Letters of Repatriation as illegal and void ab initio and ineffective upon the rights of petitioner.
- iii. Direction to official respondents to issue NOCs for extension in deputation period till absorption of their services in Federal Government.
- iv. Any other relief, which this Hon'ble Court deems fit and appropriate, may also be awarded.

Petitioners  
Through  
  
Mohammad Farooq Malik,  
Advocate High Court Peshawar

INTERIM RELIEF

May it please your lordship?

By way of Interim Relief, pending final decision on Writ Petition the impugned Letters dated 28-12-2021, 23-11-2021, 24-11-2021 of repatriation may graciously be suspended and give direction to Respondent No. 6 not to issue further repatriation order to the petitioners and maintain status quo.

Petitioners  
Through  
  
Mohammad Farooq Malik,  
Advocate High Court Peshawar

CERTIFICATE

Certified that no such Writ Petition has earlier been filed in this Hon'ble Court on behalf of the petitioner.

LIST OF BOOKS

- 1 Constitution of Islamic Republic Of Pakistan, 1973.
- 2 Any other law as per need.

**ATTESTED**  
  
EXAMINER  
Peshawar High Court

67

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. \_\_\_\_\_/2022

Amber Nosheen .....PETITIONER

VERSUS

Federation of Pakistan & others .....RESPONDENTS

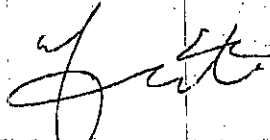
AFFIDAVIT

I, Amber Nosheen W/o Tahir Hafeez R/o National political Foundation O-9 House No. 1492 Street No. 17/2 Block C Islamabad Permanently R/o Sarwar Abad Near Hashtangri, Phatak Peshawar, do hereby solemnly affirm and declare that the contents of the accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

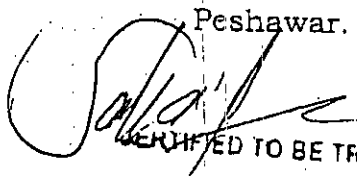
DEPONENT

Identified by:

CNIC: 17301-1222637-0 ✓  
0333-5438260



Muhammad Farooq Malik  
Advocate High Court,  
Peshawar.



CERTIFIED TO BE TRUE COPY

EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 177 of  
The Constitution of Pakistan

2-2 JAN 2022

425

NO:.....

Certified that the above was verified on solemnly affirmation before me in office, this..... day of..... day of..... 2022 by..... who was identified..... who is personally known to me:

10/01/2022

Qazi Commissioner  
Peshawar

Madra verified

68

BEFORE PESHAWAR HIGH COURT PESHAWAR

W.P No. \_\_\_\_\_/2022

MS. ISHRAT ARA..... Petitioners

Versus

FEDERATION OF PAKISTAN etc..... Respondents

ADDRESSES OF PARTIES.

PETITIONER

1. Amber Nosheen W/o Tahir Hafeez R/o National Police Foundation O-9 House No. 1492 Street # 17/2 Block C, Islamabad Permanently r/o Sarwar Abad near Hashtnagar Phatak Peshawar City
2. Farhat Yasmeen W/o Muhammad Ishfaq R/o House # 69 / 10-C Sector G-10/3 Islamabad , permanent resident of K.P.K Peshawar
3. Naila Bashir Abbasi W/o Muhammad Naveed Abbasi R/o Gulberg Town House # B-1/8 Street No.1 Islamabad, permanent resident of K.P.K Peshawar
4. Nishat Begum W/o Muhammad Rafiq R/o Muhammadi Town Street No.3 House # 13 Islamabad, permanent resident of K.P.K Peshawar
5. Ishrat Ara W/o Shoakat Ali R/o Nor PorShahan Post Office Khas District and Tehsil Islamabad
6. Shahana Begum wife of Amjid Naeem resident of Block 89/A, Flat No.4, G-10-3, Islamabad permanent resident of Mohallah Meena khel, Lakki Marwat

**ATTESTED**

EXAMINED  
Peshawar High Court

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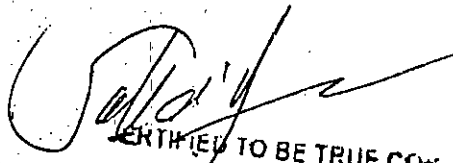
RESPONDENTS

1. Federation of Pakistan through Secretary M/O Education (defunct CAAD), Pak-Secretariat, Islamabad.
2. Director General Federal Directorate of Education (FDE), G-9/4 Islamabad.
3. Secretary, Primary Elementary & Secondary Education Department, Government of KPK, Peshawar
4. Director Primary Elementary & Secondary Education Government of KPK, Peshawar

Through

Petitioner

Mohammad Farooq Malik,  
Advocate  
High Court Peshawar.

  
CERTIFIED TO BE TRUE COPY  
EXAMINER  
Peshawar High Court, Peshawar  
Authorized Officer Article 111 of  
the Constitution of Pakistan 1973  
22 JAN 2022

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**JUDGMENT SHEET**  
**PESHAWAR HIGH COURT, PESHAWAR**  
**JUDICIAL DEPARTMENT**

**W.P. No.124-P/2022**

**Amber Nosheen and others**

**Vs.**

**Federation of Pakistan through Secretary M/O Education  
(Defunct CAAD), Pak Secretariat, Islamabad and others**

**Date of hearing: 17.01.2022**  
**Petitioner(s) by: Muhammad Farooq Mallik, Advocate.**  
**Respondent(s) by: Nemo (Motion case).**



\*\*\*\*\*

**JUDGMENT**

\*\*\*\*\*

**IJAZ ANWAR, J.** This writ petition has been filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, with the following prayer:-

*"It is, therefore, respectfully prayed that by accepting the instant writ petition, the respondents may graciously be directed to:-*

- i. Issue formal absorption orders of petitioners in the light of the Federal Government letter dated 16 March 2013 as issued to other similarly placed employees.*
- ii. Declare the impugned letters of repatriation as illegal and void ab-initio and ineffective upon the rights of the petitioners.*
- iii. Direction to official respondents to issue NOCs for extension in deputation period till absorption of their services in Federal Government.*
- iv. Any other relief, which this Hon'ble Court deems fit and appropriate, may also be awarded".*

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**EXAMINER**  
Peshawar High Court

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2. In essence, initially petitioners were appointed as PST/PTC/CT Teachers in the respondent-E&SED on different dates, however, as their husbands are working in the Federal Government; as such, under the spouse policy, their services were transferred to Islamabad on deputation basis. Later, the Federal Government through different letters requested for the absorption of the petitioners, however, petitioners were issued repatriation orders which were challenged before this Court in different Writ Petitions and vide consolidated judgment dated 07.10.2021, this Court converted the same into representation of the petitioners with directions to the respondents that if the case of the petitioners falls at par with those School Teachers, they may also be extended similar relief. In compliance of the order of this Court, vide the impugned orders dated 23.11.2021 and 24.11.2021, their representation was declined. Hence, this writ petition.

3. Preliminary arguments heard and record perused.

4. Perusal of the record reveals that earlier, petitioners have approached this Court by filing Writ Petition bearing No.5301-P/2019 which was disposed of vide judgment dated 07.10.2021 by directing the respondent (Secretary, Elementary & Secondary Education Department) to decide the representation of the petitioners. In compliance of the order of this Court, the request of the

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10/05/2020

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EXAMINER  
Peshawar High Court

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petitioners for grant of NOCs for permanent absorption was declined. Letters were duly communicated vide dated 23.11.2021 and 24.11.2021.

5. We when put a question to the learned counsel for the petitioners regarding maintainability of this writ petition, his only ground is that the matter pertains to deputation of the petitioners, as such, in terms of Section 2 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, they cannot be termed as "civil servants". We have perused the relevant provisions of the Act *ibid* and find that there is no such exclusion regarding the status of the petitioners from the definition of 'civil servant', even where they remained on deputation with the Federal Government, their status as 'civil servant' shall be that of 'civil servant' of the Province. Even otherwise, petitioners are seeking permanent absorption in the Federal Government where they are serving on deputation and as such, the main grievance is against the Provincial Government when they were regretted NOCs for permanent absorption.

6. Learned counsel for the petitioners, after arguing the case at some length, requested that instead of dismissing the petition in hand, let it be treated as 'service appeal' and be sent to the Khyber Pakhtunkhwa Service Tribunal.

7. We have noted that since this Court has earlier directed for disposal of the departmental appeal/

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Peshawar High Court

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representation of the petitioners and on its decision vide the impugned orders, the matter squarely falls within the jurisdiction of the Khyber Pakhtunkhwa Service Tribunal. We, thus, instead of dismissing the instant petition, treat it Service Appeal and send it to the Khyber Pakhtunkhwa Service Tribunal for its decision in accordance with law. Petitioners are also directed to file separate Service Appeals in the Khyber Pakhtunkhwa Service Tribunal in accordance with law and to appear before the said Tribunal on 27.01.2022 for further proceedings.

Announced  
Dt:17.01.2022

  
JUDGE

  
JUDGE

(DB) Hon'ble Mr. Justice Ijaz Anwar and Hon'ble Mr. Justice Syed Arshad Ali


\*Muhammadullah\*

  
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EXAMINER  
Khyber Pakhtunkhwa High Court, Peshawar  
Authorized Under Article 117 of  
The Constitution of Pakistan 1973

22 JAN 2022

No. 2176a  
Date of Presentation of Application 22/1/2022  
No of Pages 13  
Copying fee 50/-  
Total 50/-  
Date of Preparation of Copy 22/1/2022  
Date of Delivery of Copy 22/1/2022  
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IMMEDIATE ANNEXURE  
Dy S.M.

No.F.4-57/2011 (Education)  
Government of Pakistan  
Ministry of Capital Administration and Development  
\*\*\*\*\*

Islamabad; the March 16, 2013

Subject: ABSORPTION OF STAFF UNDER FEDERAL DIRECTORATE OF EDUCATION (FDE) ISLAMABAD WORKING ON DEPUTATION BASIS

I am directed to state that in response to a summary submitted to the Prime Minister's Secretariat, Islamabad seeking approval of the Prime Minister for absorption of staff working in the educational institutions under Federal Directorate of Education (FDE), Islamabad the Prime Minister has been pleased to approve absorption of all deputationists (teaching & non-teaching) working under FDE, Islamabad on deputation basis under Wedlock Policy and completed their 05 years of deputation subject to provision in the Recruitment Rules and after fulfillment / completion of all legal / procedural formalities as contained under Civil Servants Act, 1973.

FDE is, therefore, requested that the below given information may be submitted to this Ministry immediately so that process for absorption of the deputationists may be initiated / completed, accordingly:

- a. Institution-wise list of all the deputationists (male & female) (teaching non-teaching) as per enclosed Form (Annex-1).
- b. Copies of the Recruitment Rules for each cadre posts where a deputationist is likely to be absorbed.
- c. NOC from the respective parent departments for each deputationist regarding permanent absorption under FDE, Islamabad.
- d. ACRs / PERs grading for the last 05 years.

After completion of the necessary documentation procedure of the deputationists, their cases will be placed before the respective DPCs.

It may please be treated on PRIORITY.

(Signature)  
Assistant Educational Advisor

The Director General  
Federal Directorate of Education (FDE),  
Islamabad.

Copy to:

- i) P.S to the Secretary, M/o CA&D, Islamabad.
- ii) P.A to J.E.A (Education), M/o CA&D, Islamabad.

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013

ORDER

No. SO(PE)S-2/ /hat/Siraj Begum PST. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR:I (E&AD)1-14/82/Vol:27 dated 18-09-2013, the services of Mrs. Siraj Begum PST GGPS Togh Bala NO.1 District Kohat (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis without retaining her here in the E&SE Department.

SECRETARY

Enclt. Nil. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female), Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No.F.2013/P.A. Dep/14-16-17(W) FDE dated 19-08-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F) Elementary & Secondary Education Kohat.
5. The District Accounts Officer Kohat.
6. Mrs. Siraj Begum PST GGPS Togh Bala NO.1 District Kohat.

*[Signature]*  
20-9-2013  
(HINA SABED)

SECTION OFFICER (PRIMARY)

*[Signature]*  
23/9

*[Signature]*  
Mrs. Enam Mansoor  
Assistant Professor Physics  
Fazala Inter College Kohat

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*[Handwritten notes]*  
R/w/2013  
20/9/2013

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
Dated Peshawar the:11-10-2013

**ORDER.**

No.SO(PE)5-2//PT/Swabi/Hafsa Bibi PST/2013. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR-I (E&AD)1-14/82/Vol.27 dated 11-10-2013, the services of Mrs. Hafsa Bibi PST GGPS Gabal (Gadoon) District Swabi (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis without retaining her lien in the E&SE Department.

SECRETARY

Endst. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admin. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No.F:2013/P.A.-Dep/14-16-17(W) FDE dated 12-09-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F) Elementary & Secondary Education Swabi.
5. The District Accounts Officer Swabi.
6. Mrs. Hafsa Bibi PST GGPS Gabal (Gadoon) District Swabi

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(ZAMIN KHAN MOMAND)  
SECTION OFFICER (PRIMARY)

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ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
Dated Peshawar the 26-11-2013

ANNEXURE

ORDER

No. SO/PE/15-1/IPT/Zarqa Ishaq DM/Abbottabad. In pursuance of the Establishment & Administration Department Govt of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR-I (E&AD)1-14/92 dated 13-11-2013, the services of Mrs.Zarqa Ishaq DM GGMS Baran Gali Abbottabad (Khyber Pakhtunkhwa) is hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis on the condition that no right of lien will be retained by her in E&SE Department Khyber Pakhtunkhwa.

SECRETARY

Order No. & Date is above.

Copy forwarded to:-

1. The Secretary Establishment & Admin. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter NO.P.2013/P.A.Dep/14-16-17(W)DE dated 29-10-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F) Elementary & Secondary Education Abbottabad.
5. The District Accounts Officer Abbottabad.
6. Mrs.Zarqa Ishaq DM GGMS Baran Gali Abbottabad.

(ZAMIN ULLAH MOMAND)  
SECTION OFFICER (PRIMARY)

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FROM: HOTEL PESHAWAR BRANCH

FAX NO. 1091 2362275

SEP 24 2013 09:35:41 PJ

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013.

ORDER

No.SO(PE)5:2/IPT/Rubina Bibi PST/Abbottabad. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter.No.SOR-1(E&A)1-14/83/Vol.27 dated 18-09-2013, the services of Mrs. Rubina Bibi PST GGPS District Abbottabad (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis without retaining her lien in the E&SE Department.

SECRETARY

Encls. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admin. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No.F.2013/P.A.-Dep/14-16-17(W)-FDE dated 26-08-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F) Elementary & Secondary Education Chitral.
5. The District Accounts Officer Chitral.
6. Mrs. Rubina Bibi PST GGPS District Abbottabad.

(HINA SAED)

SECTION OFFICER (PRIMARY)

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Handwritten signature and date: 23/9/13

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
Dated Peshawar the 11-10-2013

ORDER

No. SO(PE)S-2/IPT/Shahida Malik PST/Abbottabad. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR-I (E&AD)1-14/82/Vpl.27 dated 24-09-2013, the services of Mrs. Shahida Malik PST CGPS Kalka Tehsil and District Abbottabad (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis on the condition that no right of lien will be retained by her in E&SE Department Khyber Pakhtunkhwa.

SECRETARY

Encls. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No.F.2013/P.A.-Dep/14-16-17(W) FDE dated 12-09-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer(F) Elementary & Secondary Education Abbottabad.
5. The District Accounts Officer Abbottabad.
6. Mrs. Shahida Malik PST CGPS Kalka Tehsil and District Abbottabad.


Accepted  
*[Signature]*  
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*[Signature]*  
SECTION OFFICER (PRIMARY)

Accepted  
*[Signature]*  
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 <p>Notification</p>	<p align="center"><b>GOVERNMENT OF KHYBER PAKHTUNKHWA</b>  <b>ELEMENTARY &amp; SECONDARY EDUCATION DEPARTMENT</b></p> <p align="center">Dated Peshawar the 17-08-2016</p>
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No. SO(PW)5-2/IPT/Abbottabad/Mst. Farhat Bibi & Parveen Abbasi PST/08: The services of Mst. Farhat Bibi PST, GGPS Romatti, District Abbottabad (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis on the condition that no right of lien will be retained by her in T&SE Department Khyber Pakhtunkhwa.

SECRETARY

Encls. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter No. SOR-I (E&AD) 1-14/82 dated 07/03/2016.
2. The Deputy Director School (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No. F.2015/P.A/14-15/(W)FDE dated 16/12/2015
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F), District Abbottabad.
5. The District Accounts Officer District Abbottabad.
6. Mst. Farhat Bibi PST, GGPS Romatti, District Abbottabad.

  
 (MUHAMMAD NASIR KHAN)  
 SECTION OFFICER (PRIMARY)

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 17-08-2016

Notification

No. SO(PE)5-2/PT/08/Battagram: The services of Mst. Ruqia Shafi AT, GGHS Tickari Khareri, District Battagram, (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis on the condition that no right of lien will be retained by her in E&SE Department Khyber Pakhtunkhwa.

SECRETARY

Endst. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter No. SOR-I (E&AD)-14/82 dated 04/03/2016.
2. The Deputy Director School (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No. F.2015./P.A/14-15/DOFDE dated 29/06/2015
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F), District Battagram.
5. The District Accounts Officer District Battagram.
6. Mst. Ruqia Shafi AT, GGHS Tickari Khareri, District Battagram.

(MUHAMMAD NASIR ICH) SECTION OFFICER (PRIMARY)

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013.

**ORDER**

No. SO(PE)5-2/IPT/Farhat Sultana PST/Abbottabad. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR-I (E&AD)1-14/02/Vol.27 dated 18-09-2013, the services of Mrs. Farhat Sultana CT GGHS Mirpur District Abbottabad (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis without retaining her lien in the E&SE Department.

SECRETARY

Encls. No. & Date as above.

Copy forwarded to:-

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No.F.3013/P.A. Dep/14-16-17(W) FDE dated 20-08-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F) Elementary & Secondary Education Chitral.
5. The District Accounts Officer Chitral.
6. Mrs. Farhat Sultana CT GGHS Mirpur District Abbottabad.

(HINA SAEED)

SECTION OFFICER (PRIMARY)

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REGISTERED No. M-302  
L-7646

The Gazette of Pakistan



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, APRIL 17, 2012

PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

CABINET SECRETARIAT

(Establishment Division)

NOTIFICATION

Islamabad, the 10th April, 2012

S. R. O. 375(J)/2012.—In exercise of the powers conferred by sub-section (1) of section 25 of the Civil Servants Act, 1973 (LXXI of 1973), read with Notification No. SRC 120(1)/98, dated the 27th February, 1998, the Prime Minister is pleased to direct that the following further amendment shall be made in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, namely:—

In the aforesaid Rules, in rule 20A, after sub-rule (3) the following proviso shall be inserted and shall deem to have always been so inserted, namely:—

“Provided that posting of serving husband and wife at the same station, unmarried female government servants at the place of residence of their parents/family and that of married female

(1497)

[2422 (2012)/Ex. Gen.]

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government servants at the place of residence/posting of their husbands who are not in government employment shall be exempted from the said rule.

(F.No. 10/30/07/R-3)

ANJUM BASHIR SHAIKH,  
Deputy Secretary.

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Secret

GOVERNMENT OF PAKISTAN  
CABINET SECRETARIAT  
CAPITAL ADMINISTRATION & DEVELOPMENT DIVISION

SUMMARY FOR THE PRIME MINISTER

Subject: - RELAXATION OF TIME PERIOD BEYOND 05 YEARS FOR DEPUTATION UNDER WEDLOCK POLICY

The Federal Directorate of Education (FDE) has hired the services of a number of teachers on deputation basis under the Wedlock Policy of the Government keeping in view the socio-economic problems faced by husbands and wives in government service due to posting at different stations.

2. A problem arose when the quota reserved for deputation was saturated and repatriation orders were issued to some of the deputationists after completion of 05 years of deputation. The purpose was to accommodate the requests of teachers willing for deputation. Consequently, the affected teachers filed Writ Petitions in the Islamabad High Court, Islamabad. The Islamabad High Court, while disposing off 64 similar petitions, pronounced a single judgment dated 24-11-2011, wherein working of some of the petitioners / deputationists in the borrowing department despite expiry of deputation period was declared as contrary to law, against the principles of good governance. It was also observed that this reflected the indifferent approach of both the borrowing as well as parent departments. (Annex-1).

3. The rationale of Wedlock Policy is to facilitate posting of husbands & wives at one station for obvious reasons. The Wedlock Policy also provides consideration of requests for extension in deputation period beyond the permissible limit with compulsation if interests of public service would permit.

4. In the present situation more than 90% teachers working on deputation have been borrowed in FDE under wedlock policy. All of these are skilled, qualified and experienced. Their stay in the educational institutions under FDE will contribute to improvement of educational standards.

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5. Therefore, the existing Wedlock Policy may be reviewed by providing clear provisions that the normal period of deputation i.e. 05 years will not be applicable in cases where an incumbent is borrowed under Wedlock Policy. Moreover, with reference to Establishment Division, Islamabad's O.M. No. 10/30/97-RII, dated 13-05-1998, extension in deputation for a period of 02 years may also be granted to all the incumbents working in FDE under Wedlock Policy.

6. Para-5/N above is submitted for approval of the Honourable Prime Minister, please.

*(Signature)*  
(Liaqat Inayatullah)  
Secretary

Through:

Secretary, Establishment Division, Islamabad.

P.M.'s Secy (Mr. Ghulam Akhtar Ladhani, Principal Secretary to the Prime Minister)  
O.A.S.D. Division U.O. No. F. 4-57/2011 (Education), dated 10 February, 2012

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**ESTABLISHMENT DIVISION**

Subject: **RELAXATION OF TIME PERIOD BEYOND 05 YEARS FOR DEPUTATION UNDER WEDLOCK POLICY**

7. In order to accommodate female government servants both married and unmarried, Establishment Division, with the approval of Punjab Minister, issued instructions/guidelines vide its O.M No. 10.30.97/R.2 dated 13.5.1998 as amended on 17 December, 1999 and 21 April, 2006 (Annex-II) regarding posting of serving husband and wife at the same station, unmarried female government servants at the residence of their parents/family and that of married female government servants at the place of residences/posting of their husbands who are not in government employment.

8. Posting of such employees were treated as on deputation and were regulated under administrative instructions contained in OM dated 18.2.1987, dated 11.4.2000 and dated 4.5.2005 (Annex-III) which provided for extension in the deputation period beyond five years with the approval of Establishment Division. On 3.5.2007 a new rule 20-A was added in Civil Servants (Appointment, Promotion & Transfer) Rules, 1973 (Annex-IV) according to which from the date of the insertion of the said rule, the provincial civil servants cannot be retained on deputation in the Federal Government beyond the maximum period of five years.

9. Since the policy of posting of female government servants is being hit by the existing provisions of the said rules, it is, therefore, proposed that Rule 20-A of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973 may be suitably amended to allow exemption in respect of female provincial government servants who are posted under the policy of the Federal Government regarding posting of serving husband and wife at the same station, unmarried female government servants at the residence of their parents/family and that of married female government servants at the place of residence/posting of their husbands who are not in government employment as under in bold:-

Existing provisions of rule 20-A of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973	Proposed Amendment
<p><b>20A Appointment on deputation:-</b></p> <p>(1) A person in the service of a Provincial Government or an autonomous, semi-autonomous body or corporation or any other organization set up, established, owned, managed or controlled by the Federal Government who possesses the minimum educational qualifications, experience or comparable length of service prescribed for a post shall be eligible for appointment to the said post on deputation for a period not exceeding three years which may be extended for another period of two years on such terms and conditions as may be sanctioned by Federal Government in</p>	<p><b>20A Appointment on deputation:-</b></p> <p>(1) A person in the service of a Provincial Government or an autonomous, semi-autonomous body or corporation or any other organization set up, established, owned, managed or controlled by the Federal Government who possesses the minimum educational qualifications, experience or comparable length of service prescribed for a post shall be eligible for appointment to the said post on deputation for a period not exceeding three years which may be extended for another period of two years on such terms and conditions as may be sanctioned by Federal Government in</p>

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to be true copy.

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<p>consultation with the lending Organization.</p> <p>(2) Subject to any rule or orders on the subject issued by the Federal Government, a civil servant who fulfills the conditions and is considered suitable may be sent on deputation to an autonomous, semi-autonomous body or corporation established by law or to the Provincial Government on such terms and conditions as may be decided by the lending and borrowing organizations.</p> <p>(3) In case of appointment under sub-rule (1) or sub-rule (2) pension contribution shall invariably be made by the borrowing organization.</p>	<p>consultation with the lending Organization.</p> <p>(2) Subject to any rule or orders on the subject issued by the Federal Government, a civil servant who fulfills the conditions and is considered suitable may be sent on deputation to an autonomous, semi-autonomous body or corporation established by law or to the Provincial Government on such terms and conditions as may be decided by the lending and borrowing organizations.</p> <p>(3) In case of appointment under sub-rule (1) or sub-rule (2) pension contribution shall invariably be made by the borrowing organization.</p> <p>Provided that posting of serving husband and wife at the same station, unmarried female government servants at the place of residence of their parents/family and that of married female government servants at the place of residence/posting of their husbands who are not in government employment shall be exempted from the said rule.</p>
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Law & Justice Division  
(Law Section-I)  
By No. 147/2012  
Dated 26/2-2012

792 PSM/2012  
By No. 147/2012  
Date 26/2/2012

10. Section 25 of Civil Servants Act, 1973 provides that President or any person authorized by the President in that behalf may make rules as appear to him to be necessary or expedient. Prime Minister is the competent authority to approve amendments in Rules under the Civil Servants Act, 1973 in terms of Rule 5-A of Schedule V-A of the Rules of Business, 1973 (Annex-V) read with SRO No. 120(1)/1998 dated 27.2.1998 (Annex-VI).

- 11. Draft SRO is added at Annex-VII.
- 12. Approval of the Prime Minister is solicited to the proposal contained in para 9 above.

*Rasool*  
(Khusalqad Akhtar Rasool)  
Establishment Secretary

Prime Minister's Secretariat,  
(Principal Secretary to the Prime Minister), Islamabad.  
Estab. Divn. U.O. No. 10/30/97-R-II dated 27.02.2012

Through  
Secretary,  
Law, Justice & Parliamentary Affairs Division

*Muhammad Masood*  
Muhammad Masood  
Secretary  
Law, Justice & Parliamentary Affairs  
Government of Pakistan  
Islamabad. Tel: 1272712

Attested  
to be true copy

Attested

Attested  
to be true copy

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BEFORE KHYBER PAKHTUNKHWA (K.P.K) SERVICE TRIBUNAL  
PESHAWAR

Appeal No. \_\_\_\_\_/2022

Ishrat Arra..... Appellant

Versus

FEDERATION OF PAKISTAN etc..... Respondents

NOTICE

To,

1. Federation of Pakistan through Secretary M/O Education (defunct CAAD), Pak-Secretariat, Islamabad.
2. Director General Federal Directorate of Education (FDE), G-9/4 Islamabad.
3. Secretary, Primary Elementary & Secondary Education Department, Government of KPK, Peshawar
4. Director Primary Elementary & Secondary Education Government of KPK, Peshawar
5. Government of KPK through Advocate General Peshawar
6. Assistant Director School ,Government of Pakistan , federal directorate of Education Islamabad

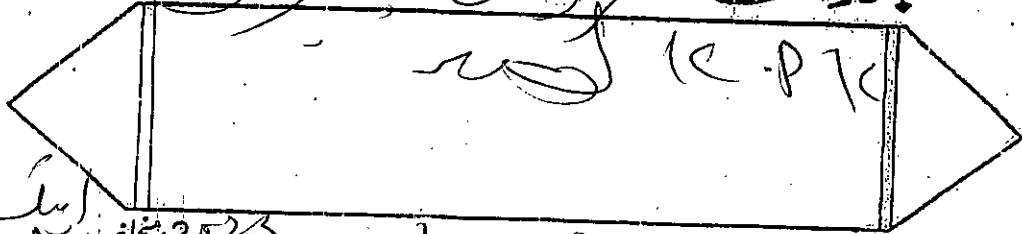
Please take notice that I am filing Service appeal in the Hon'ble Service Tribunal Khyber Pakhtunkhwa, Peshawar on behalf of Appellant.

Appellant

Through

Muhammad Farooq Malik,  
Advocate Supreme Court, of Pakistan

بعدالت کس سبب سے



۲۵۲۰ جناب ایڈووکیٹ  
ینام صدر کورٹ پشاور

۱۰۰۰

موزخہ  
مقدمہ  
دعویٰ  
پریم

### باعث تحریر آفنگ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ ایڈووکیٹ  
آج کے مقام پر یہ عرض کرنا چاہتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا۔ نیز  
وکیل صاحب کو رضامندی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور  
پابندی ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخ  
نیز دائرہ کرنے اپیل گرانے 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 لانا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سہولت  
و اخذ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرتوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

واہ العباد

Advocate  
**NAVEED ULLAH**  
DISTRICT COURT PESHAWAR  
BC-19-1129 0313-9964498