

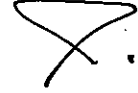
04.09.2023

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.

SCANNED
KPST
Peshawar

Naeem Amin



(Salah-ud-Din)
Member (Judicial)

07th 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
KPST
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
KPST
Peshawar

(Fareeha Paul)
Member (E)

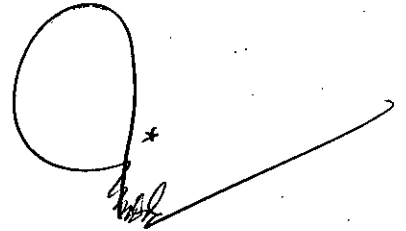
(Salah-ud-Din)
Member (J)

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 ~~is~~ stands struck of. To come up for arguments on 07.03.2023 before D.B.

SCANNED
KPSST
Peshawar




(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 off. 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.

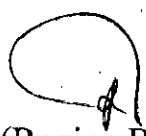

(Salah-Ud-Din)
Member (J)

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.

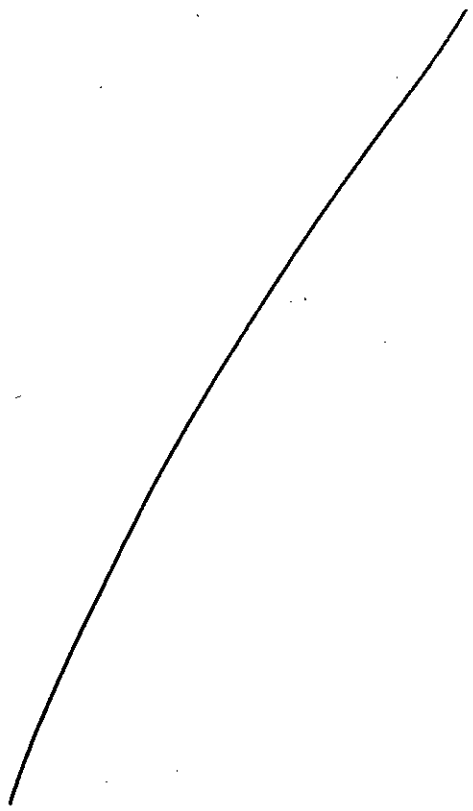

(Rozina Rehman)
Member (J)

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.

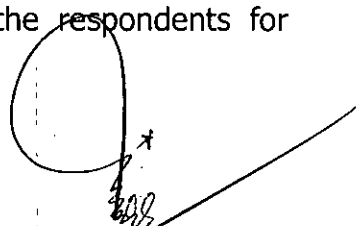
Learned counsel for the appellant at the outset of addressing preliminary hearing stated that the appellant was initially appointed as PTC (BS-07 now upgraded to BS-12) in the respondent-department. On mutual consultation between the lending and borrowing departments, her services were placed at the disposal of Federal Directorate of Education Islamabad, on deputation basis for initial period of 03 years on 13.05.2009. On completion of 05 year of deputation period (w.e.f 09.07.2009 to 08.07.2014), 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 08.07.2014 (letter/reference written on 19.08.2019) 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 21.10.2019 which was challenged through writ petition No. 6084-P/2016 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 23.11.2021 regretted her application and informed that she had already been repatriated to parent department on 21.10.2019 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, 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.

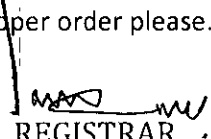

Application for suspension of impugned order of the Provincial Government dated 23.11.2021 and that of Federal Directorate of Education Islamabad dated 28.12.2021 has also been submitted with memo of service appeal which is also served on the respondents for submission of their reply on the date fixed.


(Mian Muhammad)
Member(E)

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 120/2022

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. Nishat Begum 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> REGISTRAR</p>
2-		<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> CHAIRMAN</p>

SCANNED
KPST
Peshawar

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

Appeal No. 120 /2022

Nishat Begum..... Appellant

Versus

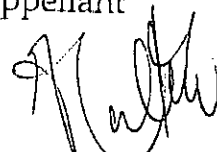
FEDERATION OF PAKISTAN etc..... Respondents

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1.	Grounds of appeal with Affidavit		1-8
2.	Application for suspension with affidavit		9-11
3.	Copy of Initial Appointment Order	A	12-13
4.	Copy of Service Record of Appellant 'Husbands	B	14
5.	Copies of Spouse Policy of Both Federal and Provincial Governments	C to C-1	15-18
6.	Copy of Deputation Order and NOC	D to D-1	19
7.	Copies of Extension Order	E	20
8.	Copy of Letter Dated 19-07-2019	F to F-2	21
9.	Copy of Repatriation Order dated 21-10-2019	G	22-
10.	Copy of writ petition No 6084-P/2019 along with consolidated judgment and orders dated 07.10.2021 of this Hon'able court	H	23-31
11.	Copy of order dated 23.11.2021,	I	32
12.	Copies of Letters dated 22-10-2019 etc.	J	33-54
13.	Copy of impugned letter dated 28.12.2021	K	55
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18.	Wakalatnama		85

Appellant

Through:



Mohammad Farooq Malik,
Advocate, Supreme Court Pakistan

①

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

Appeal No. _____/2022

Nishat Begum W/o Muhammad Rafiq R/o Muhammadi
Town Street No.3 House # 13 Islamabad, permanent resident
of K.P.K Peshawar

.....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 IslamabadRespondents

**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 appointment Order is attached as Annexure-A at Page 12 - 13)

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 14)
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 policies of the both the Governments i.e Federal as well as Provincial are attached as Annexure-C to C-1 at Page 15-18)
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 to D-1 at Page 19)
5. That the deputation order of the appellant was time and again extended in her favour by the competent authority. (Copies of Extension Orders of appellant are attached as Annexure- E at Page 20)
6. That thereafter Federal Government through different letters dated 19-07-2019, in respect of appellant of Elementary and Secondary Education Department requested Government of KPK for issuance of NOC for extension/absorption in the deputation period of petitioner. (Copy of Letter dated 19-07-2019 is attached as Annexure-F at Page 21)
7. That respondent No.3 by adopting a novel procedure issued repatriation order of Appellant vides 19.09.2019 Order. (Copy of

(3)

Repatriation Order dated 21.10.2019 is attached as Annexure-G at Page 22)

8. That the above mentioned deputation orders were challenged by Appellant through in writ petition No. 6084-P/2019 before Hon'able highcourt and the 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 along with consolidated judgment and orders dated 07.11.2021 of this Hon'able court are attached as Annexure- H at Page 23 - 31)
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 , 23.12.2021. (Copy of order dated 23.11.2021 is attached as annexure- I at page 32).
10. That the respondent No .3 in order to accommodate their blue eyed issued NOCs 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 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 J at Page 33-54.)
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

(4)

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 .(Copy of impugned letter dated 28.12.2021 is attached as annexure-K at page 55).

13. That appellant being aggrieved from high handedness of official respondents invoked constitutional jurisdiction of Peshawar High Court, Peshawar in joined Writ Petition No. 124/2022 wherein Hon'able High Court vide order dated 17-1-2022 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-L at Page 56-68)

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

GROUND:

- 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.

5

- 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.
- 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-M at Page 69-71.)
- 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 along with summary for PM dated 10-02-2012 are attached as annexure - N at page 78-83.)


6

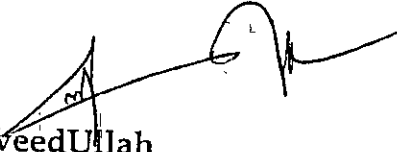
PRAYER

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

- 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

7

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

Appeal No. _____/2022

Nishat Begum..... Appellant

Versus


FEDERATION OF PAKISTAN etc..... Respondents

AFFIDAVIT

I, Nishat Begum W/o Muhammad Rafiq R/o Muhammadi Town Street No.3 House # 13 Islamabad, permanent resident of K.P.K Peshawar, 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

8

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

Appeal No. _____/2022

Nishat Begum..... Appellant

Versus

FEDERATION OF PAKISTAN etc..... Respondents

ADDRESSES OF PARTIES.

Appellant

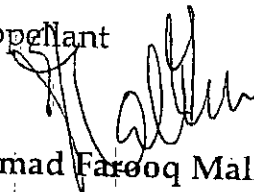
Nishat Begum W/o Muhammad Rafiq R/o Muhammadi Town Street
No.3 House # 13 Islamabad, permanent resident of K.P.K Peshawar

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.

9

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

Appeal No. _____/2022

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

10

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

(11)

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

Appeal No. _____/2022

Nishat Begum..... Appellant

Versus

FEDERATION OF PAKISTAN etc..... Respondents

AFFIDAVIT

I, Nishat Begum W/o Muhammad Rafiq R/o Muhammadi Town Street No.3 House # 13 Islamabad, permanent resident of K.P.K Peshawar, 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

12

15

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BANNU

APPOINTMENT.

The appointment of the following untrained P.T.O. Candidates of constituency W.B.F. (12) from the approved merit list hereby ordered in G.P.S-7 fixed plus usual allowances as due and admissible under the rules against the vacant P.T.O post in the interest of public service with effect from the date of their taking over charge.

S.No	Name with Father's Name.	Posted at.	Remarks.
1.	Shahdama Rehman D/O Ghulam Noonan Lakki Mina Khel.	G.P.S. W/Janessa	Against V/ Post.
2.	Shahida Masrooha D/O Gul Nawaz Lakki Mina Khel.	G.P.S. W/Janessa.	"
3.	Asmaur Samina D/O Abbas Rehman V.P.O. Natera Lakki.	G.P.S. Mir Alam Panyalla	"
4.	Kalbeesha Akhter D/O Abdul Karim V/ Lakki Khel Lakki.	G.P.S. Landiwah Nobi Khel	"
5.	Kakhsana Begum D/O Ghulam Mohi-ud-Din G.P.S. Landiwah Dahi Khel	G.P.S. Landiwah Nobi Khel	"
6.	Mahida Parveen D/O Saib Abbas Mohi Saad Khel Lakki.	G.P.S. Sarkari Michan Khel	"
7.	Irfanul Begum D/O Mir Aslam Nobi Lakki Michan Khel.	G.P.S. Dahi Khel Landiwah	"
8.	Mishat Begum D/O Amanullah Khan V.P.O. Sami Khel.	G.P.S. Mir Asam Michan Khel	"
9.	Dil Jans Bibi D/O Abdul Karim V/ Yakk Khel Lakki Karwat.	G.P.S. Taba Khel Landiwah	"
10.	Robina Khatoon D/O Abdul Sajid V/ Landiwah.	G.P.S. Karat Khel Landiwah.	"
11.	Tehmina Kiran D/O Mir Nawaz Lakki Mina Khel.	G.P.S. Karat Khel Landiwah.	"

Attested
Shahzad Khan
20/11/1999
Principal
G.H.S. Bannu.

TERMS AND CONDITIONS.

- Charge report should be submitted to all concerned.
- No T.A/DA is allowed to any one.
- They will produce their health and age certificate from the medical superintendent District Headquarter Hospital Bannu.
- Their ages should be between 18 and 25 years.
- Their appointments are made purely on temporary basis and are liable to termination at any time without assigning any notice/reason.
- Their original certificates/documents may be got verified before handing over charge.
- They will be governed by such rules and orders relating to leave P.A medical & pay etc as may be issued by the Government from time to time for the category of Govt. servants to which they belong.
- The candidates must take over charge within 15 days.

Attested

(RUSSAN JANA) to be true copy

DISTRICT EDUCATION OFFICER (FEMALE) PRIMARY BANNU

Enclst: No 3/112-3127 A-6/Vol: V DATED 18/11/1999

- Copy to the:-
- The Director Primary Education, Dera Ishtad Peshawar.
 - P.A to Director Primary Education, Dera Ishtad Peshawar.
 - Distt; Accounts Officer, Bannu.
 - Sub Divisional Education Officer, (Female) Bannu & Lakki Karwat.
 - Candidates Concerned

Attested
to be true copy

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR BANNU

APPOINTMENT

The appointment of the following untrained PTC candidates of constituency No PF() from the approved merit list are hereby ordered in BPS-7 fixed plus usual allowances as due to admissible under the rules against the vacant PTC post on the interest of public service with effect from the date of their taking over charge.

S.No	Name with father Name	Posted at	Remarks
1.	Shahbana Rehman d/o Ghani Rehman Lakki Mine Khel	GGPS N/Jander	Against V/ Post
2.	Shida Nnsreen D/o Gul Nawaz Lakki Mina Khel	GGPS N/Jander	Against V/ Post
3.	Kausar Kamina D/o Abdur Rehman V; PO Matra Lakki	GGPS N/Jander	Against V/ Post
4.	Kaleem AKhtar D/o Abdul Karim V; Lakki Khel Lakki	GGPS Mir Alam Panyalla	Against V/ Post
5.	Rukhsana Begum D/o Ghulam Mohy ud Din Moh Shari Khel Lakki	GGPS Landiwah nabi Khan	Against V/ Post
6.	Khalifa perveen D/o Saïd Moh Sneed Khel	GGPS Landiwah Daur Khel	Against V/ Post
7.	Irshad begum D/o Mir Aslam Lakki Mishan Khel	GGPS Michan Khel	Against V/ Post
8.	Nishat Begum D/o Amanullah Khan V; P.O Abbat Khel	GGPS Daur Khel Landiwah	Against V/ Post
9.	Dil Jana Bibi D/o Abdul Karim V; Lakki Khel Lakki Marwat	GGPS Mir Aghan Michan Khel	Against V/ Post
10.	Rotina Shahcen D/o Abdul Maryum V; Landiwah	GGPS Rabi Shah Landiwah	Against V/ Post
11.	Techms Piridus D/o Haq Nawaz Lakki Mina Khel	GGPS Khel Landiwah	Against V/ Post

Terms and conditions:

1. charge report should be submitted to all concerned.
2. No TA/DA is allowed to any one.
3. They will produce their health and certificate from the medical superintendent district headquarter hospital bannu.
4. Their ages should be between 18 and 25 years.
5. Their appointments are made purely on temporary basis and are liable to termination at any time without assigning any notice/reason.
6. their original certificates may be got verified before handing over charge.
7. they will be governed by school rules and orders relating to leave TA medical & Pay etc as may be issued by the Government from time to time for the category of Govt. servants to which they belong.
8. The candidates must take over charge within 15 days.

HUSSAIN JANA
DISTRICT EDUCATION OFFICER
(FEMALE) PRIMARY BANNU

Endst No. 3113-3127/A-6/Vol:V Dated 18/11/1992

Copy to the:

1. The Director Primary Education NWFP Hayatabad Peshawar
2. P.A to Director Primary Education NWFP Hayatabad Peshawar
3. District Accounts Officer, bannu
4. Sub Divisional Education Officer, (female) bannu & Lakki Marwat
5. Candidates concerned.

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Advocate

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ANNEXURE

B

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OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE,
(LOGISTICS), HEADQUARTERS,
ISLAMABAD.

No. 473 /A(HQ)/AFC(Misc):

Dated 07/04 /2018

Subject: SERVICE CERTIFICATE

It is certified that Mr. Muhammad Raffique bearing CNIC No. 11201-0378367-3 is permanent employee of ICT Police, Islamabad against the post of Constable BPS-07 (Buckle # 7730) since 20.10.2004. Till date the official has 13 years, 05 months and 08 days service qualifying for pension purpose to his credit.

2. This certificate is being issued on the personal request of the above named official, please.

(ZIA ULLAH NIAZI),
Audit & Accounts Officer / DDO,
Capital Territory Police,
Islamabad.

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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: - Estt. Division O.M. No. 10/1094-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 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 requirement, 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-1(S&GAD)1-1/85(Vol.1), dated 22.12.99)

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

S.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 disturbed without compelling reasons of public interest. Requests extension of deputation period beyond the permissible limit may 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 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(Vol.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 the Education Department if considered necessary & unavoidable".

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

Placement Scrutiny Committee

No.11

Notification:

No. SOI(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 17.12.1999].

**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 17.12.1999 (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 21-4-2006].

**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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No. P.1-9/2009-MTT(W)FDE
Government of Pakistan
Federal Directorate of Education.

19
Islamabad May 13, 2009

ANNEXURE D

The Section Officer (Primary),
Elementary & Sec. Education Department,
Government of N.W.F.P, Peshawar.

Subject: TRANSFER ON DEPUTATION UNDER FDE

The competent authority has been pleased to borrow the services of Mrs. Nisbat Begum, PST, GGPS, No.1, Bannu city under FDE as MTT on the following terms & conditions:-

- ✓ She will be on deputation initially for a period of 3 years or till joining of regular incumbent of post whichever is earlier.
 - ✓ On completion of deputation, she will stand repatriated to her parent department.
 - ✓ FDE has right to revert her services at any stage.
 - ✓ She will draw pay in own scale.
 - ✓ She will be entitled fringe benefits as admissible to other F.G. employees.
 - ✓ NO TA / DA will be paid for joining.
 - ✓ Deputation allowance will be admissible as per rules.
2. If the above mentioned terms and conditions are acceptable to department & teacher concerned, then she may be relieved to join under FDE within 30 days positively.
3. This is issued with the approval of Competent authority.

(MRS. FARZEN YASHRAR GOTTAL) DEPUTY DIRECTOR (F)

Copy to:-

- ✓ Nisbat Begum, PST, GGPS No.1, Bannu City, NWFP.
- ✓ Office file.

(MUHAMMAD AFZAAL QADIR) ADMA. OFFICER (F)

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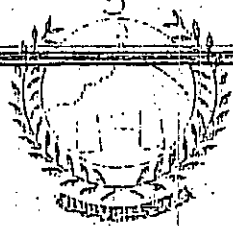
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10-7-2012

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
(Peshawar) Dated: 10-7-2012



ORDER

No.SO(PE)5-2/03/IFT/Bannu/Vol-IV. In pursuance of the NOC conveyed by the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, vide letter No. SOR.I (E&AD)1-14/02/Vol.XXIV dated 06-07-2012, the deputation period in respect of Mst. Misha Begum PST(BS-7) Govt. Girls Primary School NO.1 Bannu City Khyber Pakhtunkhwa (on deputation under Federal Directorate of Education Islamabad) is hereby extended for a further period of two (02) years w.e.f. 23-7-2012 to 23-7-2014. Total period of the deputation including the existing period comes to Five(05) years.

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 provide deposit challans to the Director Elementary & Secondary Education Khyber Pakhtunkhwa as per deputation policy of this Provincial Govt.

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 Assistant Director School (Female) Govt. of Pakistan Federal Directorate of Education Islamabad w/r to her letter No.F.1-9/134/Den/M11(W)FDE dated 21-5-2012.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar w/r to his letter No. 1840/F.No.A-30/PT(F)D.I.Division dated 18-6-2012.
4. The Executive District Officer Elementary & Secondary Education Bannu.
5. The District Accounts Officer Bannu.
6. Mst. Misha Begum PST(BS-7) Govt. Girls Primary School NO.1 Bannu City.
7. The Headmistress GGPS NO.1 Bannu City.

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(MUHAMMAD AYUB KHAN)
SECTION OFFICER (PRIMARY)

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ANNEXURE "F"

REGISTERED AD

No.F.1-9714-MTF (D) FDE
Government of Pakistan
Federal Directorate of Education

Islamabad, the 19th July, 2019

From: Agha Nadeem Khan,
Admn. Officer Schools (Female),
Federal Directorate of Education,
Rohlas Road, Sector G-9/A, Islamabad.

To: Section Officer (Primary),
Elementary & Secondary Education Department,
Govt. of Khyber Pakhtunkhwa,
Peshawar.

Subject: NOC FOR EXTENSION IN THE DEPUTATION PERIOD.

Dear Sir,

I am directed to refer to the subject noted above and to state that the services of Ms. Nishat Begum, Primary School Teacher (PST), Govt. Girls Primary School No.1, Bannu City were borrowed by Federal Directorate of Education (FDE) Islamabad on deputation basis initially for a period of 03-years i.e. from 09.07.2009 to 08.07.2012 to facilitate the posting of serving husband/wife at the same station as laid down in the Establishment Division, Islamabad's guidelines circulated vide O.M No.10/30/97-R.II, dated 13.05.1998 (Annex-I). The initial period of deputation of the incumbent was further extended for 02-years and on 08.07.2014 she has completed her maximum period of deputation i.e. 05-years (Annex-II).

2. FDE had earlier requested the Elementary & Secondary Education Department, Govt. of Khyber Pakhtunkhwa for provision of NOC to consider her case for permanent absorption, however, it is a matter of fact that her case, along with other similar incumbents, has remained under consideration for a policy decision at different times in FDE, but the same could not be materialized so far. Further to clarify that FDE has been retaining the services of Ms. Nishat Begum on deputation basis beyond the permissible limit of 05-years in terms rule 20-A of the Civil Servants (Appointment, Promotion, Transfer) Rules, 1973 for facilitating serving husband/wife on the same station.

3. Therefore, the Elementary & Secondary Education Department, Govt. of KPK is requested to furnish FDE with NOC for regularization of deputation period of Ms. Nishat Begum beyond 08.07.2014 till date and further extension for a period of two years till 18.07.2021. In case her services are required by the Elementary & Secondary Education Department, Govt. of KPK being the lending department, this may be clearly communicated to FDE so that she may be repatriated accordingly.

4. A prompt response in this regard is awaited, please.

Encl: As above

(Agha Nadeem Khan)
Admn. Officer Schools (Female)

Copy to:

- Director, Elementary & Secondary Education Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
- District Education Officer (Female),
- APS to Director General (FDE), Islamabad.
- Area Education Officer, Sector Sialkot, FDE, Islamabad.
- Headmistress, Islamabad Model School (I-V) No.1, I-9/A, Islamabad.
- Lady teacher concerned.

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ANNEXURE 'G'



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 21.10.2019

ORDER

No. SO(PE)5-2/D3/IPT/Bannu/Vol-IV:- The Competent Authority has been pleased to repatriate Mst. Nishat Begum, PST, Govt. Girls Primary School No.1, Bannu City, Khyber Pakhtunkhwa (working in Federal Directorate of Education, Government of Pakistan on deputation basis) to her parent Department i.e Elementary & Secondary Education Department Khyber Pakhtunkhwa, District Bannu, after completion of 5-years deputation period, with immediate effect.

SECRETARY

Encl. No. & Date as above.

Copy forwarded to:

1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, Peshawar
2. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar for further necessary action.
3. The Admn. Officer Schools (Female), Federal Directorate of Education, Government of Pakistan, Islamabad w/r to his letter No. F. 1-9/134-MTT (D) FDE dated 19.07.2019 with the request to repatriate the lady teacher immediately.
4. The District Education Officer (F), Bannu, with the request to adjust the above mistress against vacant post in District Bannu.
5. The District Accounts Officer, Bannu.
6. The Headmistress, Islamabad Model School (IV) No.1, I-9/A, Islamabad
7. PS to Secretary, Elementary & Secondary Education Department, Peshawar.
8. Mst. Nishat Begum, Islamabad Model School (I-V) No.1, I-9/A, Islamabad with the direction to report back to her parent department, immediately.

SECTION OFFICER (PRIMARY)

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BEFORE PESHAWAR HIGH COURT PESHAWAR

W.P No. 6084-P / 2019

1. Farhat Yasmeen W/o Muhammad Ishfaq R/o House # 69 / 10-C Sector G-10/3 Islamabad , permanent resident of K.P.K Peshawar
2. 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
3. Nishat Begum W/o Muhammad Rafiq R/o Muhammadi Town Street No.3 House # 13 Islamabad, permanent resident of K.P.K Peshawar..... 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..... Respondents

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

Respectfully Sheweth:

1. That the petitioners are employees of Elementary and Secondary Education Department Govt of KPK Peshawar, who were initially appointed as under:-

1. Petitioner No.1 PST Government Girls Primary School Chaman Chowk D.I.Khan

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iii. Petitioner No.3 PST Government Girls Primary School No.1 Bannu City (Copies of initial appointment Orders are attached as Annexure-A to A-2 at Page 8-11)

2. That as a matter of fact the husbands of all the petitioners are permanent resident of Islamabad and also employees of Federal Government who are working in different Department at Islamabad. (Copies of Service Record of Petitioners' Husbands are attached as Annexure-B to at Page 12-14)

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 problems and hardship of families due to posting at different stations of duties. (Copies of spouse policies of the both the Governments i.e Federal as well as Provincial are attached as Annexure-C to C-1 at Page 15-18)

4. That by taking benefit of spouse policy petitioners were transferred from their home districts to Islamabad on deputation through their respective orders by taking NOCs from their respective departments. (Copies of Deputations Orders and NOCs are attached as Annexure-D to D-1 at Page 19-21)

5. That the deputation orders of the petitioners were time and again extended in their favour by the competent authority. (Copies of Extension Orders of Petitioners are attached as Annexure-E-1 to E-2 at Page 22-25)

6. That thereafter Federal Government through different letters dated 18-07-2019, 12-07-2019 & 19-07-2019 in respect of petitioners, ^{addressed} ~~to~~ Elementary and Secondary Education Department requested Government of KPK for issuance of NOCs for extension in the deputation period of petitioners (Copies of Letters are attached to be true copy

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7. That respondent No.3 by adopting a novel procedure issued impugned respective repatriation orders of petitioners in different dates. (Copies of Repatriation Orders are attached as Annexure-G^{to G-2} at Page 29-31)

8. That after receiving/above mentioned repatriation orders, petitioners through their respective representation approached the competent authority for withdrawal of repatriation orders and issuance of NOCs for further extension in their deputation period at Islamabad but that was not decided till date (Copies of Representation are attached as Annexure- H^{to H-2} at Page 32-38)

9. That the respondent No.3 in order to accommodate their blue eyed issued NOCs 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 permanent absorption of its employees in federal government but they are reluctant for the reason best know to them to issue NOCs in favour of the petitioners. (Copies of latter dated 22.10.2019, 30.10.2017, are attached as annexure I at Page 39-40.)

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

GROUND:

a. That the act of respondents by issuing impugned letters of repatriation and not issuance of formal absorption orders 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.

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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 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 repatriation order is 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 alongwith absorption orders of some the teachers are attached as Annexure-J at Page 41-42)

g. That similarly Federal Government also relaxed the time period of 5 years for deputationist 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)

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PRAYER

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

- 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 abinitio and ineffective upon the rights of 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.

afat yunus
Petitioners

Through

Mohammad Farooq Malik
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 14-10-2019, 19-09-2019 and 21-10-2019 of repartitions may graciously be suspended.

afat yunus
Petitioners

Through

Mohammad Farooq Malik
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.

Mohammad Farooq Malik
Advocate

[Signature]
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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 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 16th 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.

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Peshawar High Court

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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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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
(12:21:18)

CHIEF JUSTICE

JUDGE

Cd

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

[Signature]
I hereby certify that the above is a true and correct copy of the original.
EXAMINER
19 OCT 2021

— 10656 —

No. of Pages	6 Pages
Date of Presentation of Application	19-10-2021
No of Pages	6 Pages
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	Amber Nasheen petitioner

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(32) ANNEXURE I



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)/E&SED/7-1/Age Relaxation/2021
Dated Peshawar the 23-11-2021

To
Mst. Nishat Begum (MTT),
i. IMSG (I-V) No 1-1-9/4, Islamabad.
ii. Muhammadi Town Street No.3 House # 12 Islamabad.

Subject: - NOC FOR EXTENSION IN DEPUTATION PERIOD TILL ABSORPTION.

Dear Sir,

I am directed to refer to your application and judgment of the Peshawar High Court Peshawar dated 07.10.2021 passed in writ petition No. 5301 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)5-2/03/IPT/Bannu/Vol-IV dated 21.10.2019, therefore, you are directed to report for duty to your parent office i.e office of the District Education Office (F) Bannu. In case of failure, disciplinary action shall be initiated against you under Rule-9 of E&D rules 2011.

(Mian Hussain Dini)
SECTION OFFICER (PE)

Copy forwarded to:-

1. The Secretary Establishment, Department, Khyber Pakhtunkhwa w/r to letter No. SOR-I E&AD/T-14/82/Vol. XXIV dated 06.07.2012.
2. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar w/r to his letter No. 1840/F.No.A-30/IPT(F)D.I Division dated 18.06.2012.
3. The Admn Officer Schools (F) Govt. of Pakistan, Federal Directorate of Education, Islamabad w/r to letter No. F.1-9/134-MMT(D)FDE dated 19.07.2019 with the request to relieve the teacher concerned immediately.
4. DEO (F), District Bannu.
5. District Account Officer, District Bannu.
6. PS to Secretary E&SE, Khyber Pakhtunkhwa.
7. Master File.

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SECTION OFFICER (PE)

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ANNEXURE - J



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), 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.

[Signature]
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, Maira Begwal, F/A, Islamabad.

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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

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the 30.10.2017.

NOTIFICATION.

No.S.O(P/E)E&SED/5-2/06/PT/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

Endst: 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-I) 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

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(NAIK MUHAMMAD)

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IMMEDIATE
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 formal / 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-I).
- 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]
(Suhail Shahid)
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)5-2/13 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)1-14/82/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 lien in the E&SE Department.

SECRETARY

Enlist. 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.P.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.

(HONASABED)

SECTION OFFICER (PRIMARY)

Mrs. Za Idr Mansoor
Assistant Professor Physics
Fazala Inler 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.SOR-I (E&AD)1-14/02/Vol.27 dated 11-10-2013, the services of Mrs. Hafsa Bibi PST CGPS 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 Nd.F.2013/P.A.-Dep/14-16-17(W) PDE 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 Gabal (Gadoon) District Swabi

(ZAMIN CHAND NIOMAND)
SECTION OFFICER (PRIMARY)

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

ORDER

No. 50(PF)5-2/1PT/Zarqa Ishaq/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&AD)1-14/02 dated 13-11-2013, the services of Mrs.Zarqa Ishaq DM GEMS 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.

Encls. No. & Date of issue

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 (Primary) 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 29-10-2012.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (P) Elementary & Secondary Education Abbottabad.
5. The District Account Officer Abbottabad.
6. Mrs.Zarqa Ishaq DM GEMS Baran Gali Abbottabad.

(ZAMIN ULLAH KHAN)
SECTION OFFICER (PRIMARY)

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ANNEXURE

FROM: DTBL PESHAWAR PAKISTAN

FORM NO. 1051 226275

SEP 24 2013 09:35AM P1



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.SDR-1 (E&AD)-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 on permanent basis without retaining her then in the E&SE Department.

SECRETARY

Serial No. & Name of office

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.2010/P.A. Dep/14-16-17(W)-FDE dated 26-06-2013.
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. 50(PC)5-2/PT/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.50R-I (E&AD)1-14/82/Vp1.27 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 & 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 Kokal Tehsil and District Abbottabad.

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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/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 her 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-I (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, GGPS Romatti, District Abbottabad.

(Signature)
 (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/IPT/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/WPDE 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.

(Signature)
 (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, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR-1 (E&AD)1-14/02/Vol.27 dated 18-09-2013, the services of Mrs. Farhat Sultana CI GCHS 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.3012/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 GCHS Mirpur District Abbottabad.

(HINA SAEED)

SECTION OFFICER (PRIMARY)

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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. Farkhanda 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.Farkhanda 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:

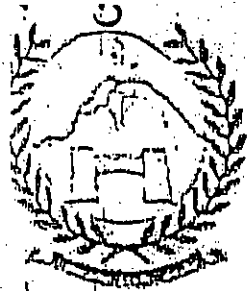
Copy forwarded to the:-

- 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-I) Establishment Department.
- 5- PS to Chief Secretary Khyber Pakhtunkhwa
- 6- PS to Secretary E&SE Department.
- 7- Incharge EMIS, E&SE Department
- 8- Ms.Farkhanda Nazli SST GGMS Sumbat District Swat (Deputationist).
- 9- Office order file
- 10-Master file

Attest:

to be true

(NAIK MUHAMMAD)
SECTION OFFICER (PRIMARY)



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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(PE)5-2/IPT/Karak/1st. 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,

[Handwritten signature]
SECTION OFFICER (PRIMARY)

Encl: As above.

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, Maira Begwal, F/A, Islamabad.

the true copy
Attested

[Handwritten signature]
SECTION OFFICER (PRIMARY)



47

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013.

19

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 lien in the E&SE Department.

SECRETARY

Enlist. 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.-Dop/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.

20.9.2013
(HINA SAEED)

SECTION OFFICER (PRIMARY)

23/9

Mrs. Za Iqbal Nansoor
Assistant Professor Physio.
Fazala Inter College Kohat

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48

48

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.

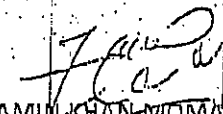
SECRETARY

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 (I) Elementary & Secondary Education Swabi.
5. The District Accounts Officer Swabi.
6. Mrs. Hafsa Bibi PST GGPS Gabai (Gadoon) District Swabi

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(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

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

49

98

ORDER

No. SOR/15-2/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.SDR-I (E&AD)1-14/B2 dated 13-11-2013, the services of Mrs.Zarqa Ishaq DM GCMS Baran Gall 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 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.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 Accounts Officer Abbottabad.
6. Mrs.Zarqa Ishaq DM GCMS Baran Gall Abbottabad.

(ZAMIN Ishaq MOMAND)
SECTION OFFICER (PRIMARY)

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FROM: LTEL PESHAWAR BRANCH

PAK TEL NO: 9982279

SEP 24 2013 09:55AM PT



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

738

Dated Peshawar the 19-09-2013.

ORDER

No.50(PE)S-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&AO)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 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.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 SAIED)

SECTION OFFICER (PRIMARY)

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(19/11)

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 (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

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 Office (F) Elementary & Secondary Education Abbottabad.
5. The District Accounts Officer Abbottabad.
6. Mrs. Shahida Malik PST GGPS Kokal Tehsil and District Abbottabad.

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SECTION OFFICER (PRIMARY)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 17-08-2016

Notification

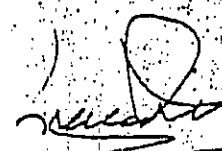
No. SO(PE)5-2/IPT/Abbottabad/Mst. Farhat Bibi & Parveen Abbasi PST/08: The services of Mst. Farhat Bibi PST, GGPS Romatti, District Abbottabad (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis on the condition that no right of lien will be retained by her in E&SE Department Khyber Pakhtunkhwa.

SECRETARY

Inst. 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.

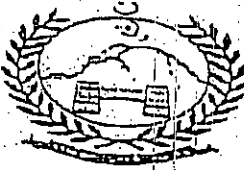

 (MUHAMMAD NASIR KHAN)
 SECTION OFFICER (PRIMARY)

Attested

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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 Khareli, 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)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/(WAFDE) 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 Khareli, 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.

(54)

(2)

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)1-14/82/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

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 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 GGHS Mirpur District Abbottabad.

(HINA SAEED)

SECTION OFFICER (PRIMARY)

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No.F.I-9/134-EST (D) FDE
Government of Pakistan
Federal Directorate of Education

By Registered

Islamabad, December 28, 2021

OFFICE ORDER

In pursuance of the Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar's letter dated 08.07.2009, the services of Ms. Nishat Begum, PST, Government Girls Primary School No.1, Bannu were taken on deputation basis against the post of Matric Trained Teacher (BPS-09) in her own pay & grade vide Federal Directorate of Education, Islamabad's office order dated 06-08-2009.

2. This Directorate has received letter from Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa vide letter No.SO(PE)/E&SED/7-1/Age Relaxation/2021 dated Peshawar 23-11-2021, wherein the directions for Ms. Nishat Begum are reproduced as under:-

".....that your for grant of NOC for extension in the period of deputation till absorption in FDE 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) 5-2/03/IPT/Bannu dated 21.10.2019, therefore, you are directed to report for duty to your parent office i.e office of the District Education Office (F), Bannu. In case of failure disciplinary action shall be initiated against you under rules-9 of Efficiency & Disciplinary Rules-2011."

3. Therefore, pursuant to the above directions, Ms. Nishat Begum, PST, Government Girls Primary School No.1, Bannu, Khyber Pakhtunkhwa presently working as Elementary School Teacher (BPS-14), Islamabad Model School (I-V) No.1, I-9/4, Islamabad is advised, in her own interest, to immediately report back to her Parent Department in compliance with the direction of her Parent Department i.e. Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa.

4. This issues with the approval of Competent Authority.

(ALI AZHAR)

Assistant Director (Schools/Female)

Distribution:

- i. AGPR, Islamabad
- ii. APS to Director General, FDE.
- iii. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment & Admin. Department, Peshawar.
- iv. Director, Elementary & Secondary Education Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
- v. District Education Officer (Female), District Bannu.
- vi. Director (Schools), FDE, Islamabad.
- vii. Area Education Officer (Urban-II), Islamabad.
- viii. Principal/DD, Islamabad Model School (I-V) No.1.I-9/4, Islamabad.
- ix. District Account Officer, District Bannu.
- x. Section Officer (PE), Elementary & Secondary Education Department, Govt. of Khyber Pakhtunkhwa, Peshawar with reference to his office letter No. SO (PE)/E&SED/7-1/Age Relaxation/2021 dated 23-11-2021.
- xi. Ms. Nishat Begum, EST (BPS-14), Islamabad Model School (I-V) No. 1. I-9/4, Islamabad.
- xii. Master File.

Attes:-

Sd/-

(ALI AZHAR)

Assistant Director (Schools/Female)

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ANNEXURE - L

56

5



BEFORE PESHAWAR HIGH COURT PESHAWAR

W.P No. 124-D /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 Meena 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

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2

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 Extension Orders of Petitioner are attached as Annexure- E at Page 30)

ATTESTED
EXAMINER
Peshawar High Court

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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 54-77)
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).
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
EXAMINER
Peshawar High Court

Attested

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(74)

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 petitioner. (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 son 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;

GROUND:

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.S/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

ATTESTED
EXAMINER
Peshawar High Court

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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
JUDGE
Peshawar High Court


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- (61)
- 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.

Through

Petitioners


 Mohammad Farooq Malik,
 Advocate High Court Peshawar

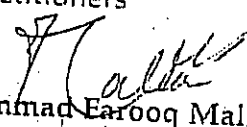
INTERIM RELIEF

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.

Through

Petitioners


 Mohammad Farooq Malik,
 Advocate High Court Peshawar

CERTIFICATE

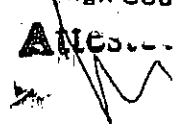
Certified that no such Writ Petition has earlier been filed in this Hon'ble Court on behalf of the petitioner.

LIST OF BOOKS

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

ATTESTED

DEPUTY CLERK
 Peshawar High Court


 Attest

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BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. _____/2022

Amber Nosheen

.....PETITIONER

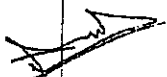
VERSUS

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.

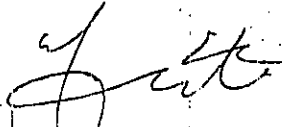


DEPONENT

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 187 of
The Constitution of Pakistan, 1973
22 JAN 2022

no. 425
Certified that the above was verified on solemnly affirmation before me in office, this 16 day of Jan 2022
day of Jan 2022
s/o Tahir Hafeez
who was identified by Mr. Farooq Malik
Who is personally known to me

Officer
10/01/2022

Madra verified

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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 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 Meena khel, Lakki Marwat

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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

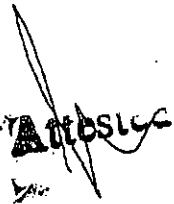
Petitioner

Mohammad Farooq Malik,
Advocate
High Court Peshawar.



EXAMINER
Peshawar High Court, Peshawar
Authorizing Section, Article II 7 of
the Rules of the Court, 1922

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

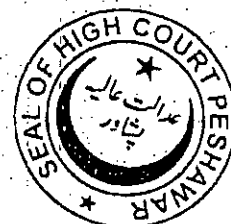
Vs.

**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 Malik, 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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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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EXAMINER
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

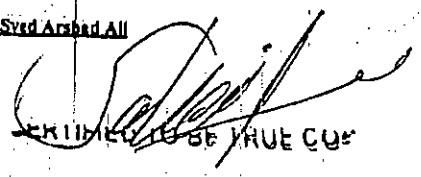


JUDGE

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

Mohammad Shah

No. 21760
 Date of Presentation of Application 22/1/2022
 No of Pages 137
 Copying fee 50/-
 Total 50/-
 Date of Preparation of Copy 22/1/2022
 Date of Delivery of Copy 22/1/2022
 Received By [Signature]



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EXAMINER
 Khyber Pakhtunkhwa High Court, Peshawar
 Authorized Under Article 175-B
 of the Constitution of Pakistan
 22 JAN 2022

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IMMEDIATE ANNEXURE
BY 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

KOB

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 codal / 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-I).
- 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.

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.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013

ORDER

No. SO(PE)S-2/Kohat/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:(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 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) FDU 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.

(HINA SAEB)

SECTION OFFICER (PRIMARY)

Mrs. Za Iqbal Mansoor
Assistant Professor Physics
Fazala Inter College Kohat

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R/w/ Asst. Secy 288
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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 CGPS 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 & 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) PDE 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 Gabal (Gadoon) District Swabi

Zamin Khan Momand
(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

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

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ANNEXURE

ORDER

No. SO(PES-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-1 (E&AD)1-14/82 dated 13-11-2013, the services of Mrs.Zarina Ishaq DM CGMS Baran Gall 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.

Order 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)FDE 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.Zarina Ishaq DM CGMS Baran Gall Abbottabad.

[Signature]
(ZAMIN ULAN MOMAND)
SECTION OFFICER (PRIMARY)

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ATTESTED

FROM: HOTEL PESHAWAR BRANCH

FORM NO. 1091 2362279

SEP. 24 2013 09:35 AM

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.SBR-1 (E&AD)1-14/B2/Vol.27 dated 18-09-2013, the services of Mrs. Rubina Bibi PST GUPS 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

Rolls 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 GUPS 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/B2/Vp.27 dated 29-09-2013, 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

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) FDC 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.

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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/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 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 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)

APPROVED

US: 08/17/2016

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 17-08-2016

Notification

No. SO(PE)5-2/PPT/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 hon 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/(V)FDE 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 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, 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

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 Paldstan 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 GGHS Mirpur District Abbottabad.

(HINA SAEED)

SECTION OFFICER (PRIMARY)

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ANNEXURE

11/17

REGISTERED No. M-302
L-7646



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 16th April, 2012

S. R. O. 375(I)/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. SRO 120(I)/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 20 A, 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 of 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.]

Price: Rs. 2.00

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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.N. 10/30/97-R-20]

ANJUM BASHIR SHAIKH,
Deputy Secretary.

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GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
CAPITAL ADMINISTRATION & DEVELOPMENT DIVISION

Secret

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 wanting 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 wording of some of the petitioners / deputationists in the borrowing department despite expiry of deputation period was declared in contrary to law, against the principle 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 request for extension in deputation period beyond the permissible limit with consideration of 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 Wadlock 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 Wadlock 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 Wadlock Policy.

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

(Signature)
(Inflaz Enayatullah)
Secretary

Through:

Secretary, Establishment Division, Islamabad.

P.M.'s Sectt. (Mr. Khushnood Akhtar Lashari, Principal Secretary to the Prime Minister)
CA&D Division U.O.No.P.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 Prime 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 of 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.

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
20A Appointment on deputation:-	20A Appointment on deputation:-
(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 it 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	(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 it 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

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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)
No. 147/2012
Dated 26/12-2012

792 P.S.PAWAZ
Date: 26/12/2012

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.

Haris
(K. Muhammad Akhtar) Secretary

Prime Minister's Secretariat,
(Principal Secretary to the Prime Minister), Islamabad.
Estab. Divn. U.O. No. 10/30/97-R-1 dated 27.02.2012

Through
Secretary,
Law, Justice & Parliamentary Affairs Division

Muhammad Masood
Secretary
Law, Justice & Parliamentary Affairs
Government of Pakistan
Islamabad. Tel: 3707712

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

Appeal No. _____/2022

Nishat Begum..... Appellant

Versus

FEDERATION OF PAKISTAN etc..... Respondents

NOTICE

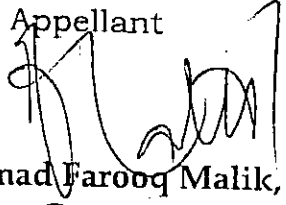
To,

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

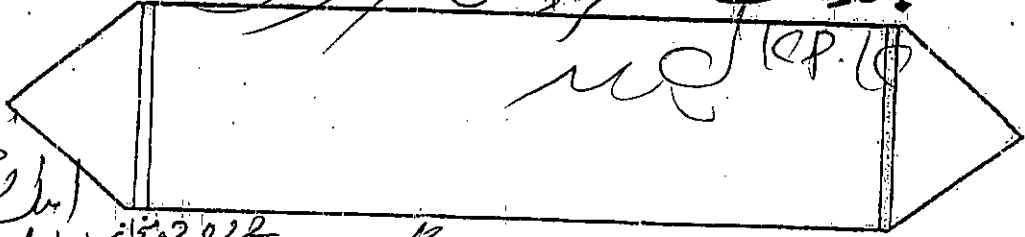
Please take notice that I am filing Service appeal in the Hon'ble Service Tribunal, Khyber Pakhtunkhwa, Peshawar on behalf of Appellant.

Appellant

Through


Muhammad Farooq Malik,
Advocate Supreme Court, of Pakistan

بعدالت کے لئے شہادت



2022ء پنجاب

پنام

نہط بسم

موزخہ
مقدمہ
دعویٰ
پریم

باعث تحریر آنکے

مقدمہ مندرجہ ذیل عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کارروائی متعلقہ
 آج کے مقام پر کیے جانے والے فیصلے کے تحت اس کے لئے درخواستیں اور جواب دہی اور اقبال دعویٰ اور
 مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے والے تقریر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 باسورت ڈگری کرنے کے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے کے اپیل گمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لانا اپنے بجائے تقریر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سنا لختہ
 پر واختم منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ 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
 مذکور کریں۔ لہذا اوقات نامہ لکھ دیا کہ سند ہے۔



المترقوم _____ ماہ _____ 20

کے لئے منظور ہے۔

(Signature)

(Signature)

ADVOCATE
NAVEED ULLAH
 DISTRICT COURT PESHAWAR
 BC-19-1129 0313-9964498

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

Service Appeal No: 120/2022

Nishat Begum, District Peshawar.....Appellant.

VERSUS

Secretary E&SE Department Khyber Pakhtunkhwa & others.....Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 3 & 4.

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. _____

Respectfully Sheweth:-

Dated _____

The Respondents No. 3 & 4 submit as under:-

Preliminary objections

- 1) That the appeal is not maintainable and incompetent in the eyes of Law in the present form.
- 2) That the appellant is estopped due to her own conduct to file this appeal.
- 3) That the appellant has got no cause of action and locus standi to file instant appeal.
- 4) That the appellant has not come to the Tribunal with clean hands and has suppressed all relevant facts.
- 5) That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- 6) That the Honorable Service Tribunal has no jurisdiction to entertain the instant appeal in its present form.
- 7) That the appeal has been mis-oriented, mis-constructed and mistakenly drawn and is incompetent in its present frame and context, and is liable for Rejection.
- 8) That the appeal is weak having no force, fabricated, fictitious, based on ill will, malafide and having no footings in the eyes of law.
- 9) That proceeding with the instant appeal would be a futile exercise and just wastage of the precious time of this Honorable Tribunal.
- 10) That as stated in the objections supra, the appeal is bereft of cause of action and is liable for dismissal.

Respectfully Sheweth

- 1) Para pertains to the appointment of appellant in respondents department as PST/CT, appellant did not annex her appointment order with present service appeal as annexure, hence need verification.
- 2) Para pertains to the services of appellant's husband as Constable of Capital Territory Police Islamabad, hence need verification.

- 3) This para is correct; Government of KPK had introduced spouse policy to facilitate the Government employees that they may reside with their families and also perform their jobs with full satisfaction.
- 4) This para is correct; the appellant is beneficiary of the spouse policy, the services of appellant were transferred from the office of the District Education Officer (Female) Mardan to Federal Education Department Islamabad as the husband of appellant was employee of Federal Government Islamabad. That the then Government of School & Literacy Department NWFP was pleased to place services of appellant at disposal of Federal Directorate of Education Islamabad on deputation basis for a period of 01 years (w.e.f 30.04.2013 to 29.04.2014) as per deputation policy.
- 5) That the appellant did not annex letter / order of her extension in deputation period, hence the claim of appellant regarding extension is not sustainable in eye of law.
- 6) Incorrect / not admitted. The deputation period of appellant was completed on 29.04.2014 and appellant was required to join her services at E&SE Department KPK Peshawar on 19.09.2019. Hence the letter dated 22.08.2016 of the Federal Education Directorate Islamabad is not sustainable in eye of law. Hence theses letter / request of Federal Education Directorate Islamabad did not confer any useful right to the appellant.
- 7) Incorrect / not admitted. As the appellant had completed her deputation period at Federal Education Directorate Islamabad, therefore appellant was rightly repatriated to her parent department for her further services.
- 8) This para is related to the Writ Petition No. 5301-P/2019 of appellant. The Honorable Peshawar High Court was pleased to dispose the writ petition of appellant as representation to the respondent No. 3 the Worthy Secretary E&SE Department Khyber Pakhtunkhwa Peshawar vide order dated 07.11.2021.
- 9) Incorrect / not admitted. As the appellant had completed her deputation period at Federal Education Directorate Islamabad, hence respondent No. 03 was pleased to dismiss the appeal of the appellant vide order dated 24.11.2021 and the appellant was directed to report for duty to the office of the District Education Officer (Female) Mardan.
- 10) This para is misleading, hence strongly denied. The case of present appellant is different from the other employees of the respondent department as annexed on page 39-60 of service appeal. The present appellant had completed her 05 year deputation period and appellant is now requesting for her permanent absorption in the Federal Education Directorate Islamabad which is against the law and badly time barred.

- 11) This para is also misleading, hence strongly denied, as appellant had completed her deputation in the year 2014 and she had apply absorption in the 2019, after laps of 05 year, hence the request of appellant is badly time barred and not sustainable in eye of law.
- 12) This para is related to the repatriation of appellant to the respondent department vide Government of Pakistan Federal Directorate of Education dated 09.09.2019. The deputation period of appellant was completed in the year 2014 and she was repatriated to her parent department in the year 2019. It is clear that she remain illegally in the Federal Directorate of Education after laps of her deputation period.
- 13) This para is legal. The present appellant and 05 others have filed writ petition No. 124-P/2022, which was decided on 17.01.2022, the Honorable High Court was pleased to send the writ petition to the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar.
- 14) Incorrect / not admitted. The appellant is not an aggrieved person. The service appeal of the appellant is an exercise in futility. Further proceeding in this regard would bear no fruit. It is, therefore, requested to this Honorable Tribunal to dismiss the Service Appeal of the appellant with cost being devoid of merit.

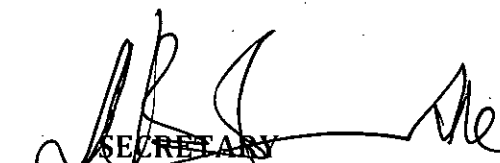
Objections on Grounds


- A. Incorrect / not admitted. The action of the respondents was according to law, based upon the natural principle of justice. No discrimination has been made with present appellant. Present appellant is liable to be proceeded under E&D Rules 2011, as her deputation period was completed in the year 2014 and she illegally worked in the Federal Directorate of Education till 2021.
- B. Incorrect / not admitted. The act of respondent was according to law, the appellant is not entitled for NOC for permanent absorption in the Federal Directorate of Education as the deputation period of appellant was completed in the year 2014 and seek absorption in the year 2019 after laps of 05 years.
- C. Incorrect / not admitted. The act of the respondent department was according to the Constitution of the Islamic Republic of Pakistan 1973, no discrimination had been made with present appellant and therefore, it is requested to this Honorable Tribunal to dismiss the writ petition of the appellant being devoid of merit.
- D. The present appellant was repatriated according to the deputation policy of the Government.

- E. Incorrect, strong denied. Appellant was repatriated according to the law, and policy of the Government. No discrimination had been made with present appellant, the claim of the appellant is totally illegal and against the law.
- F. Incorrect, and denied. Strongly denied. As discussed above.
- G. Incorrect / not admitted. Appellant had violated the rules and regulations of the Government of Khyber Pakhtunkhwa. Law cannot support appellant as appellant as appellant had completed her deputation services and also she was directed to join her parent department.
- H. The counsel for respondents may kindly be allowed to raise additional grounds at the time of arguments.

In view of the above made submissions, it is most humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant appeal in favor of the Respondents in the interest of justice.

Dated ___/___/2022.


SECRETARY
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 3)


DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 4)

AFFIDAVIT

I. Dr. Hayat Khan Assistant Director (Litigation-II) E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief.

ATTESTED


Deponent

