

04.09.2023

Clerk of learned counsel for the appellant present.
Mr. Asad Ali Khan, Assistant Advocate General for the
respondents present.

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



(Salah-ud-Din)
Member (Judicial)

Naem Amin

SCANNED
KPT
Peshawar

07th March, 2023

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

Learned counsel for the appellant seeks time to file rejoinder and argue the case. He may file rejoinder within 07 days. To come up for arguments on 30.05.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KFST
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.

Learned counsel for the appellant submitted an application for placing additional documents, which have been annexed with the application. Additional documents are placed on record subject to all legal and valid objections. Learned Deputy District Attorney requested that time may be granted for perusing of the additional documents placed on file today. Adjourned. To come up for arguments on 04.09.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KFST
Peshawar

(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

13.12.2022

Learned counsel for the appellants present. 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 stands struck off. To come up for arguments on 07.03.2023 before D.B.

SCANNED
KPST
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)

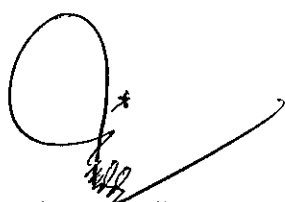
All the mentioned
respondent was
not on notice
through TCS

UNED
ST
Peshawar

20.05.2022

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

Written reply/comments on behalf of respondents not submitted. Representative of the respondents seeks time for submission of written reply/comments. Granted. To come up for written reply/comments on 10.06.2022 before S.B. Status-quo be maintained till date fixed.



(Mian Muhammad)
Member (E)

10.06.2022

Junior to counsel for the appellant present.

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

Respondents No.3 & 4 submitted comments. Learned AAG present on behalf of respondents No.5 & 6 relied upon the comments submitted on behalf of respondents No.3 & 4. Record further shows that respondents No.1 & 2 have not been properly served, therefore, they be put on notice for 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.

Written reply/comments on behalf of the respondents No. 3 to 6 submitted. Reply on behalf of respondents No. 1 & 2 not submitted. Last chance was given. To come up for reply/comments 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.

Again a request was made for submission comments. Last chance is given. To come up for reply/comments on 20.05.2022 before S.B

Learned counsel submits that due to dysfunctional of the Tribunal, he approached the august Peshawar High Court and vide order dated 10.03.2022, his petition was disposed of by directing the respondents to maintain the status-quo till the constitution of the Service Tribunal. In this view of the matter, status-quo be maintained *till date*

fixed



(Rozina Rehman)
Member (J)

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 04.02.2000. 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 18.09.2007. Her deputation period was further extended for 02 years on 27.09.2010. On completion of 05 years of deputation period (12.09.2007 to 11.09.2012), the Federal Directorate of Education Islamabad requested the provincial government for NOC for her permanent absorption, on 30.10.2013. 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 11.09.2012 till dated (letter/reference written on 19.07.2019) and further extension for two years till 18.07.2021. 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 06.11.2019 which was challenged through writ petition No. 6989/2019 in Peshawar High Court. The writ petition was disposed of on 07.10.2021 by directing respondent No.3 to decide her representation within one month positively. The respondent-department vide impugned order dated 23.11.2021 regretted her application dated 21.11.2019 and informed that she had already been repatriated to parent department on 06.11.2019 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, 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

Appellant Deposited
Security & Process Fee

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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.- _____

119/2022

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. Ambar Nosheen 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 up there on <u>27/01/22</u>.</p> <p> CHAIRMAN</p>

UNNED
KpST
Peshawar

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Amber Hashem v/s Federation etc

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly pagged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: M. Farooq Maliki ASG
 Signature: M
 Dated: _____

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

Appeal No. 119 /2022

Ambar Nosheen..... Appellant

Versus

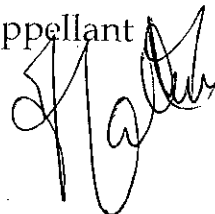
FEDERATION OF PAKISTAN etc..... Respondents

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S. No	Description of Documents	Annex	Page
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2	Copy of Initial Appointment Orders	A	12-13
3	Copy of Service Record of Appellant ' Husbands	B	14-15
4	Copies of Spouse Policy of Both Federal and Provincial Governments	C to C-1	16-19
5	Copy of Deputation Order and NOC	D to D-1	20-21
6	Copies of Extension Orders	E	22-23
7	Copies of Letters Dated 30.10.2013 & 19-07-2019	F to F-2	24-25
8	Copy of Repatriation Order dated 6-11-2019	G	26
9	Copy of writ petition No 6989-P/2019 along with consolidated judgment and orders dated 07.10.2021 of this Hon'able court	H	27-36
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Appellant

Through:



①

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

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 119 /2022

Diary No. 107

Dated 26-01-2022

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

..... Petitioner

Versus

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

Filed to-day

ma
Registrar
26/01/2022

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

(2)

- 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 ' Husband is attached as Annexure-B to at Page 14 - 15)
 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 16 - 19)
 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 ~~20~~ at Page 20 - 21)
 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 22 - 23)

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6. That thereafter Federal Government through different letters dated 30-10-2013 & 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. (Copies of Letter dated 30.10.2013 & 19-07-2019 are attached as Annexure-F at Page 24 - 25)
7. That respondent No.3 by adopting a novel procedure issued repatriation order of Appellant vide 06.11.2019 Order. (Copy of Repatriation Order dated 06.11.2019 is attached as Annexure-G at Page 26)
8. That the above mentioned deputation orders were challenged by Appellant through writ petition No. 6989-P/2019 before Hon'able Peshawar High court Peshawar and the Hon'able Peshawar High Court Peshawar 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 07.10.2021 of this Hon'able court are attached as Annexure- H at Page 27 - 36)
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

4

order dated , 23.11.2021.(Copy of order dated 23.11.2021 is attached as annexure- I at page 37).

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 know to them to issue NOC in favour of the appellant.(Copies of latter dated 22.10.2019, 30.10.2017, are attached as annexure J at Page 38 - 59.)
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 Hon'able Peshawar High court Peshawar 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 the Appellant .(Copy of impugned letter dated 28.12.2021 is attached as annexure-K at page 60).
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

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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 61-73)

14. That petitioner having no other speedy and efficacious remedy invoke the Jurisdiction of this Hon'abletribunal 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.
- 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 &

6

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.


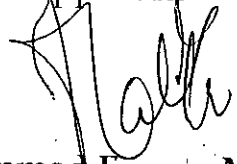
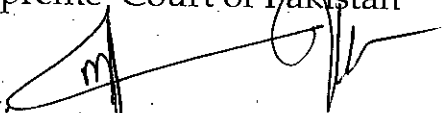
- e. That the impugned repatriation order is based on malafide and ulterior motives and against spouse policy adopted by both the Provincial and Federal Governments. Moreover Appellant was on deputation for a period of more than five years so they are entitled for permanent absorption.
- f. That the 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-L at Page 74-82)
- g. That similarly Federal Government also relaxed the time period of 5 years for deputationists who are working on deputation under wedlock policy and that corresponding amended was made in Rule 20-A of Appointment, Promotion and Transfer Rules 1973, so Appellant is also entitled for that benefit of the same policy. (Copy of Gazetted Notification dated 17-04-2012 alongwith summary for PM dated 10-02-2012 are attached as annexure - M at page 83-88)

PRAYER

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

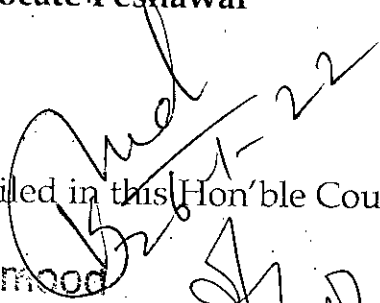
- i. Issue formal absorption order of Appellant in the light of Federal Government letter dated 16 March 2013 as issued to other similarly placed employees.
- ii. Declare the impugned Letters of Repatriation as illegal and void ab initio and ineffective upon the rights of appellant.
- iii. Direction 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.


Khalid Mahmood
Oath Commissioner
Peshawar High Court


ADVOCATE

8 14

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

Appeal No. _____/2022.

MstAmbar Nosheen..... Appellant

Versus

FEDERATION OF PAKISTAN etc..... Respondents

ADDRESSES OF PARTIES.

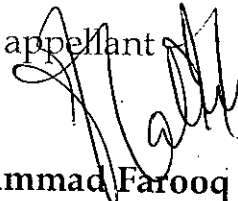
Appellant

Amber Nosheen W/o TahirHafeezR/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

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

appellant


Mohammad Farooq Malik,
Advocate
Supreme Court of Pakistan.

(9) (S)

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

Appeal No. _____/2022

MstAmbarNosheen..... 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:-

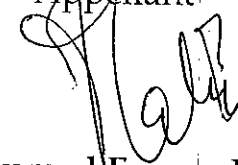
1. That the above noted Appeal is pending adjudication before this Honourable Court in which no date of hearing has been fixed as yet.
2. That the Appellant has got a good prima facie case in their favour, and are sanguine about its success.
3. That the balance of convenience also lies in favour of the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

10

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

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


Appellant
Through


Mohammad Farooq Malik,
Advocate
Supreme Court of Pakistan
&


Naveed Ullah
Advocate Peshawar

1/1

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

W.P No. _____/2019

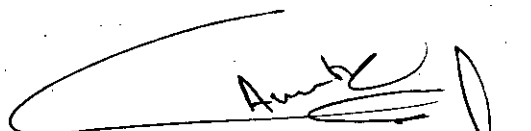
Ambar Nosheen..... Petitioner

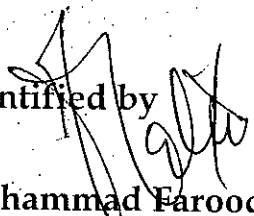
Versus

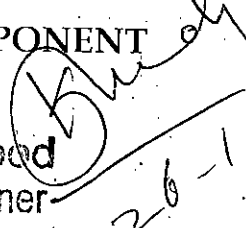
FEDERATION OF PAKISTAN etc..... Respondents

AFFIDAVIT

I, Amber Nosheen W/o TahirHafeez 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, 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


Khalid Mahmood
Oath Commissioner
Peshawar High Court

26-1-22

(12)

ANNEXURE "A"

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PRIMARY PESHAWAR.

APPOINTMENT.

Consequent upon the selection by Departmental Selection committee the appointment of the following P.T.C. trained candidates are hereby ordered in the P.T.C. of Rs. 1480-81-26.5 (Rs. 1480/-) plus usual allowances admissible under the rules in the schools noted against each their names w.e. from the date of taking their over charge subject to the following existing terms and conditions:-

S.No.	Name, Father's Name and address.	D/O Birth.	No. in Int: / M. List.	Open.	Batch wise.	Score.	school.	Remarks.
1.	Na'zia D/O Abdul Manan BA/PTC/99 H/No. T-668, Moh: Islam abad Wistarabad Pesh:	22/12/75	1/256	Open	-	50.55	GGPS Gulbahar No.4.	ANCP.
2.	Samina Begum D/O Badrud Din BA/PTC/99, Village & PO Nasirpur.	1/4/77	2/142	-d	-	55	GGPS Kambha.	AVP.
3.	Ghazala Bibi D/O Khalil ur Rehman, BA/PTC/99, Shaheen Muslim Town H.No.31/A Akhoo Abad No.1.	4/3/75	3/247	-do-	-	55.21	GGPS Gulbahar No.2.	AVP.
4.	Asis Parveen D/O Mohammad Iqbal BA/PTC/99, V. & P.O. Chamakni Moh: Zareen Abad Pesh:	16/3/76	4/145	-do-	-	54.06	GGPS Gul Zai.	ANCP.
5.	Saeed Khalil D/O Khalil ur Rehman BA/PTC/99 Gulabad PO Landi Arbab.	3/7/76	5/07	-do-	-	53.70	GGPS Kakshal Psh;	-do-
6.	Saima Riaz D/O Mohammad Riaz, BA/PTC/99 Railway Quarter near Masjid Washing Line Pesh; Cantt:	3/5/77	6/21	-do-	-	52.91	GGPS Hazarkhawani No.1.	-do-
7.	Salma Usman D/O Mohammad Usman, BA/PTC/99 Vill: Karim Dad Nhasqi Daud Zai Peshawar	18/3/78	7/135	-do-	-	52.19	GGPS Ghari Karim Dad.	ANCP
8.	Ambir Nosheen D/O Mohammad Saddiq, BA/PTC/99 H/No. 102, Sarwar Abad near Hashtanagri Pattak Pesh:	19/8/75	8/233	-do-	-	52.03	GGPS Ghari Abdul Samad.	AVP
9.	Farzana Bibi D/O Saleem ur Rehman, BA/PTC/99 Q.No.8/A Civil Quarters Pesh:	11/4/78	9/155	-do-	-	52.03	GGPS Tahkal Eala No.3.	ANCP
10.	Zaib un Nisa D/O Abdul Malik, BA/PTC/99 H/No. 500, Kucha Tyans Khan, Moh: Hamid abad Pesh:	22/2/77	10/316	-do-	-	51.70	GGPS Khati Gate.	ANCP
11.	Naseem Hafiz D/O Hafiz Mohammad Din, BA/PTC/99, H/No. 4405, Moh: Afridi Khan Dabgari Peshawar.	7/7/74	11/275	-do-	-	51.33	GGPS Palosi Talarzai.	A.V.P.
12.	Noureen D/O Mosam Khan, BA/PTC/99 Qr. No. 104, Civil Quarters Kohat Road Pesh:	20/1/73	12/108	-do-	-	51.03	GGPS Azakhel No.3 Pesh:	AVP.

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- 8. Service books of the teachers must be prepared complete in all respect after their taking over charge.
- 9. They/She are required to produced Health and age certificate from the authority concerned before taking over charge.
- 10. They/She should not apply for transfer from their Union Council where they/she are appointed upto sevenyears in any case.
- 11. No TA/DA is allowed being Ist: Apptt:
- 12. If they /She should not join the post with in fifteen days from the receipt of this orders/notification. The offer of appointment shall stand Cancelled automatically.
- 13. If their certificates/Degrees were found bogus/fak they/She will be handedover to the Police and their service will also be terminated/Dismissed.
- 14. The above selection has been made on the following criteria:-

Marks Obtained Multiplied by the marks allocations to the certificates/Degrees and Divided by the total marks i.e.

$$\frac{620 \times 30}{800} = 22.25$$

ALLOCATION MARKS.

SSC	30
PTC	25
F.A.	20
B.A.	10
M.A.	10

NOTE :-

It is once again stressed that the original certificates/Degrees of the candidates concerned should be checked/verified before handing over charge by the S.D.E.O.(F) Peshawar being a DDO and she will be personally held responsible for any irregularity were found at this stage.

(MRS. RASHID AKHUNDA)
 District Education Officer,
 (Female) Primary Peshawar.

Enclat: No. 37-575 / P.No. 1/APP/PTC/1 AR dated 4/2
 Copy of the above is forwarded to the :-

- 1- Director Primary Education, N.W.F.P. Peshawar.
- 2- P.S Secretary to Govt: of NWFP, Education Deptt: Peshawar.
- 3- Accountant General, N.W.F.P. Peshawar.
- 4- Sub: Divisional Education Officer (F) Peshawar.
- 5- 116 Candidates concerneds.
- 117:- KSNY Supdt: Local Office.
- 118 220. Personal Files.
- 230:- Master file.

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Dy: District Education Officer,
 (Female) Primary Peshawar.

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Annex: B

11

GOVERNMENT OF PAKISTAN
 Information, Broadcasting and National Heritage
 Quaid-e-Azam Academy (Sub-office)
 Block (N) Pak Secretariat Islamabad

Name: Tahir Hafeez
 Designation: Assistant (BS-18)
 Address: H.No. 1492, St. 17/2, Block C
N.P. Foundation Islamabad
 Tele (Off): 051-9246470 Mob: 0333-5430260

Employee's Signature: _____
 Signature of Issuing Authority: _____

OTHER DETAILS

NIC No. 6 1 1 0 1 1 1 9 3 7 5 3 0

Date of Birth: 24-08-1971

Mark of Identification: Mole below Right Eye

Blood Group: O+

INSTRUCTIONS

1. This card is not transferable and is the property of the Govt of Pakistan.
2. This card is to be surrendered on leaving this department.
3. The loss of this card must be reported to issuing authority and nearest Police Station.

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GOVERNMENT OF PAKISTAN
National History & Literary Heritage Division
QUAID-I-AZAM ACADEMY (Sub-Office)
N-Block, Pak. Secretariat
<<>>

No. F.II (21)/2005-QAA

Islamabad, the 04th December, 2019

TO WHOM IT MAY CONCERN

This is to certify that Mr. Tahir Hafeez S/o (Late) Muhammad Hafeez, is working as Assistant in Quaid-i-Azam Academy (Sub-office), National History & Literary Heritage Division, Islamabad, since 17th June, 2005. He is currently working as Assistant in BPS-16.

Zahid Hussain Abro
(Zahid Hussain Abro)
Research Officer

ZAHID HUSSAIN ABRO
Research Officer
Quaid -i-Azam Academy (Sub-Office)
M/o Information Broadcasting and
National Heritage Islamabad

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ANNEXURE C

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. 10/10/94-R.2, dated 22-3-1994].

Sl. No. 4

Posting of Serving Husband/Wife at the Same Station

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

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

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Civil Servants (Seniority) Rules, 1993.

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

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

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

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

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

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

Sl. No. 5

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

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

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

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

I am further directed to request that all concerned should ensure that:

(a) All postings/transfers are made strictly in accordance with this posting/transfer policy and any one violating the said policy shall be held accountable under the E&D Rules.

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

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

The receipt of this letter may kindly be acknowledged:

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

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

Sl.No.9 The following policy of the Federal Government with regard to the posting of husband and wife at one station of duty, has been adopted by the Provincial Government of NWFP in respect of its employees working in Government Departments, Autonomous and Semi-Autonomous Bodies in the NWFP:-

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

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

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

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

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

(vi) Husband already posted at one station, including those posted deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests 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 if it results in the dislocation of any Government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest within the frame work of general policy of postings and transfer.

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

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

(Authority:- Circular letter No. SOR1(S&GAD)1-1/85(V.I), dt. 11.7.98)

Decision of the Provincial Cabinet meeting held on 8.7.99

S.No. 10

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

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

Placement Scrutiny Committee

No.11

Notification: No.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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ANNEXURE "D"

GOVERNMENT OF NWFP
SCHOOL & LITERACY DEPARTMENT.

ORDER.

NO. SO(PE)5-2/174/07/Ms. Ambar Nosheen PTC In pursuance of the Establishment Department Government of NWFP NOC contained in letter No. SORI. (E&AD) 1-14/82 (Vol-XI) dated 16-8-2007, the services of Ms. Ambar Nosheen PTC Govt. Girls Primary School Gahri Abdul Samad District Peshawar (NWFP) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on deputation basis, for initial period of 03 years, on the terms & conditions contained in the letter No. F.4-9/2007/(W) FDE dated 26-07-2007.

SECRETARY TO GOVT. OF NWFP
SCHOOL & LITERACY DEPARTMENT.

Endst.No.SO(PE)5-2/174/07/Ambar Nosheen PTC Dated Pesh: the, 18-09-07.

Copy forwarded to:-

1. The Secretary to Govt. of NWFP Establishment Department w/r to his letter quoted above.
2. The Director General Federal Directorate of Education Islamabad w/r to his letter quoted above.
3. The Director School & Literacy NWFP Peshawar w/r to his letter No.7538/ F.No.1/208/IPT dated 13-2-2007.
4. The Distt: Accounts Officer Peshawar O/O the Accountant General NWFP.
5. The Executive District Officer School & Literacy Peshawar with the request to relieve and direct the lady teacher concerned to report to the Director General Federal Directorate of Education Islamabad for further posting.
6. Ms. Ambar Nosheen PTC Govt. Girls Primary School Gahri Abdul Samad Peshawar.

SECTION OFFICER (PRIMARY)

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33 ANNEX

D/B

No. F.4-9/2007-Dep (W) FDE
Government of Pakistan
Federal Directorate of Education

Islamabad, the 1st October, 2007.

OFFICE ORDER

Consequent upon her relieving from the parent department i.e the Education Department, Government of NWFP, Ms. Amber Nosheen, PTC, Teacher, Government Girls Primary School, Gahri Abdul Samad, District Peshawar (NWFP), taken on deputation as Matric Trained Teacher (in her own pay and grade) for a period of three years vide this Directorate's letter of even number dated 26.07.2007 is hereby posted to F.G. Girls Primary School Nilore (FA) Islamabad vice Farhana Akhtar transferred.

2. She is allowed to join her duty w.e.f. 12.09.2007 (Forenoon).
3. This is issued with the approval of Director General.

(ASIF IQBAL KHAN)
DEPUTY DIRECTOR (F)

Copy to:-

✓

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The A.G.P.R, Islamabad.

The Section officer (Primary), Education Department, Government of NWFP, w.r.t. their letter No. SO(PE)5-2/174/07/Amber Nosheen PTC, dated 18.09.2007.

Head concerned.

Personal file concerned.

Office order file.

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(ASIF IQBAL KHAN)
DEPUTY DIRECTOR (F)

Annex: "E"

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22

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.
No. 5239 / F.No.23/IPT/PST(F) Peshawar.
Dated Peshawar the 27-9-2010.

To

The Secretary to Govt: of Khyber Pakhtunkhwa,
(E&SE) Department, Peshawar.

Subject:

REQUEST FOR EXTENSION IN DEPUTATION PERIOD

Memo

I am directed to refer to the letter No. SO(PE)5-2/02/IPT/Peshawar/Vol-V dated 31-05-2010 on the subject cited above and to enclose herewith NOC and Lien retention certificate in respect of Mst. Amber Nowsheen PST GGPS Garhi Abdul Samad District Peshawar under deputation to Federal Directorate of Education Islamabad regarding extension in deputation for a further period of two years for favour of further process with the request that this Directorate has no objection on extension in her deputation period for further two years period under the rules as desired please.

Deputy Directress (Estab)
Directorate of Elementary & Secy Education
Khyber Pakhtunkhwa, Peshawar.

Endst: No.

Copy of the above is forwarded to the E.D.O. (E&SE) Peshawar w/r to his letter No.7679 dated 17-09-2010 for information and with the remarks send a copy of explanation called from the Mistress concerned for her direct correspondence with the high ups.

Deputy Directress (Estab)
Directorate of Elementary & Secy Education
Khyber Pakhtunkhwa, Peshawar

Govt: of Khyber Pakhtunkhwa
Elementary & Secondary
Education Department
S.E. Diary No. 535
Date, 28/9
Amber Nowsheen PST

SO (PE)

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Elementary & Secondary
Education Department
D.S. No. 4177
Date 28/9/10

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N.C.C

Certified that the under signed have No objection for further Extension in Deputation period for two years in respect of Mat: Amber Nowsheen Ex PST Govt: Girls Primary School Garhi Abdul Samad Peshawar.

C/Signed

Dep. District Officer,
(Female) Peshawar.

Executive Distt. Officer
Elementary & Secondary Education
Peshawar.

LIEN RETENTION CERTIFICATE.

Certified that to the effect that the lien of Mat: Amber Nowsheen PST Govt: Girls Primary School Ghari Abadul Samad Peshawar will be retained till the completion of her deputation period in her parent Department i.e (ECS) Education Peshawar.

C/Signed

Dep. District Officer,
(Female) Peshawar.

Executive Distt. Officer
Elementary & Secondary Education
Peshawar.

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REGISTERED MAIL
MOST IMMEDIATE

No. F.2013/P.A-Dep/14-16-17/(W) FDE
Government of Pakistan
Federal Directorate of Education

Islamabad the 30th October, 2013.

To, ✓
The Section Officer (Primary),
Elementary & Secondary Education Department,
Government of KPK,
Peshawar.

Subject: NO OBJECTION CERTIFICATE FOR PERMANENT ABSORPTION

I am directed to refer to the subject noted above and to say that, Mrs. Amber Nosheen D.O.B 19.08.1975 D/O Muhammad Sadique was taken on deputation under FDE on 03.10.2007 in her own pay/grade & scale i.e MTT (B-09).

2. In the light of approval of the Prime Minister of Pakistan, FDE is preparing the case for permanent absorption of the deputationist for onward transmission to CA&D Division for DPC/DSC. In this regard, the NOCs of parent department for permanent absorption of the deputationists are required.

3. You are requested that, the NOC / consent of your department for permanent absorption in respect of Mrs. Amber Nosheen may be furnished to this Directorate upto 05.11.2013 for further process please.

Attention: The name of above teacher will be considered for permanent absorption in the light of recruitment rule subject to approval by the Departmental Selection Committee / CA&D Division Islamabad on the condition that, completion of 05-years deputation period, meet the wedlock policy, fulfillment of codal & procedural formalities; availability of posts. If the services of above name teacher not absorbed on permanent basis by DSC / CA&DD due to lack of academic / professional qualification OR not fall in the recruitment rule OR any other deficiencies then FDE will not be bound to absorb her services on permanent basis under FDE on the basis of this letter.

- 4. This letter does not confer any right or claim of permanent absorption.
- 5. This is issued with the approval of Director General (Edu).

(Signature)
(HASAN IMRAN BAIG)
Dy. Director Schools (FEMALE)

- Copy to:
- ↓ E.D.O concerned.
 - ↓ D.E.O concerned.
 - ↓ Person concerned. IMSG (I-V), Nilore, IBD with the direction to provide the original NOC before 14.10.2013.

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(HASAN IMRAN BAIG)
Dy. Director Schools (FEMALE)

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No.F.1-9/127-MTT (D) FDE
Government of Pakistan
Federal Directorate of Education

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REGISTERED A/D

Annex F

Islamabad, the 19th July, 2019

From: Agha Nadeem Khan,
Admn Officer Schools (Female),
Federal Directorate of Education,
Rohtas Road, Sector G-9/4, 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. Ambar Nosheen, PTC Teacher, Govt. Girls Primary School, Gahri Abdul Samad District Peshawar were borrowed by Federal Directorate of Education (FDE), Islamabad on deputation basis initially for a period of 03-years i.e. from 12.09.2007 to 11.09.2010 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 11.09.2012 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. Ambar Nosheen 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. Ambar Nosheen beyond 11.09.2012 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), Peshawar.
- APS to Director General (FDE), Islamabad.
- Area Education Officer, Sector Sihala, FDE, Islamabad.
- Principal, Federal Directorate of Education, Islamabad.

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ANNEX:-

G



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 06.11.2019

G

ORDER

No. SO(PE)5-2/IPT/D.I Khan/Mst. Ambar Nosheen PST/Peshawar:- The Competent Authority has been pleased to repatriate Mst. Ambar Nosheen, PST, Govt. Girls Primary School Garhi Abdul Samad, District Peshawar, 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 Peshawar, after completion of 5-years deputation period, with immediate effect.

SECRETARY

Endst. 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 futher necessary action.
3. The Admn. Officer Schools (Female), Federal Directorate of Education, Government of Pakistan, Islamabad w/r to his letter No. F. 1-9/127-MTT (D) FDE dated 19.07.2019 with the request to repatriate the lady teacher immediately.
4. The District Education Officer (F), Peshawar, with the direction to iniate proceedings against the above mistress for overstay as absence from duty.
5. The District Accounts Officer, Peshawar.
6. The Principal, Islamabad Model College for Girls, Lohi Bher (Federal Area), Islamabad.
7. PS to Secretary, Elementary & Secondary Education Department, Peshawar.
8. Mst. Ambar Noshēen, Islamabad Model College for Girls, Lohi Bher (Federal Area), Islamabad. with the direction to report back to her parent department, immediately.

ATTACHED

to be the copy

SECTION OFFICER (PRIMARY)

[Handwritten signature]

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Annex: "H"

BEFORE PESHAWAR HIGH COURT PESHAWAR

W.P.No. 6989-P /2019

U1 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..... Petitioner

Versus

1. Federation of Pakistan through Secretary M/O Education (defunct CAAD), Pak-Secretariat, Islamabad.
2. Director General Federal Directorate of Education (FDE), G-9/4 Islamabad.
3. Secretary, Primary Elementary & Secondary Education Department, Government of KPK, Peshawar
4. Director Primary Elementary & Secondary Education Government of KPK, Peshawar
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} is employee of Elementary and Secondary Education Department Govt of KPK Peshawar, who was initially appointed as PST/PTC (Copies of initial appointment Order is ^{are} attached as Annexure-A at Page 8-10)

ATTESTED

2. That as a matter of fact the husbands of the petitioner is permanent resident of Islamabad and also employees of Federal Government who ^{are} is working as Assistant in National History and Literary Heritage Division Quaid -i-Azam Academy (Sub

(28)

Office) at Islamabad. (Copies of Service Record of Petitioners' Husbands ^{are} is attached as Annexure-B to at Page 11-12)

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 13-16)

4. That by taking benefit of spouse policy petitioner ^{was} transferred from ^{her} home district to Islamabad on deputation through her order by taking NOC from her respective department. (Copy of Deputations Order and NOC are attached as Annexure-D to D-1 at Page 17-18)

5. That the deputation orders of the petitioner ^{was} time and again extended in her favour by the competent authority. (Copies of Extension Orders of Petitioner are attached as Annexure-E at Page 19-20)

6. That thereafter Federal Government through different letters dated 30-10-2013 & 19-07-2019, 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. (Copy of Letter dated 19-07-2019 are attached as Annexure-F at Page 21-22)

7. That respondent No.3 by adopting a novel procedure issued impugned repatriation order of petitioners vide Order dated 6-11-2019. (Copy of Repatriation Order is attached as Annexure-G at Page 23)

8. That after receiving above mentioned repatriation order, petitioner through her representation approached the competent

(29)

authority for withdrawal of repatriation order and issuance of NOC for further extension in her deputation period at Islamabad but that was not decided till date (Copy of Representation is attached as Annexure- H at Page 24-25)

9. 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 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 letters I to I-8 are attached as annexure I at Page 26-37.)

10. 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 letter of repatriation and not issuance of formal absorption order pursuant to approval of Prime Minister Summary dated March 2013 communicated through letter dated 11.11.2014, is illegal, unlawful, void ab-initio and against the principles of natural justice.

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

c. That the act of respondents is discriminatory which is in clear violation of Article 25 & 27 of the Constitution, 1973 as in some of the cases approval for permanent absorption and as well as extension in the deputation has been issued by official respondents but they are reluctant to accommodate the petitioners.

d. That moreover KPK Government also adopted Spouse Policy of the 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 petitioner, ~~was~~ ^{she is} on deputation for a period of more than five years so ~~she~~ ^{she is} 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-J at Page 38)

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 petitioner ^{is} also entitled for that benefit of the same policy. (Copy of Gazetted Notification dated 17-04-2012 alongwith summary for PM dated 10-02-2012) 39 - 46

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 petitioner 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

and to effectuate the rights of petitioner.

(30) (31)

iii. Direction to official respondents to issue NOCs 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.



Petitioner

Through

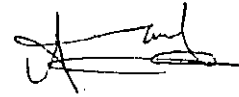


Mohammad Farooq Malik,
Advocate High Court Peshawar

INTERIM RELIEF

May it please your lordship?

By way of Interim Relief, pending final decision on Writ Petition the impugned Letter dated 06-11-2019 of repartition may graciously be suspended.



Petitioner

Through



Mohammad Farooq Malik,
Advocate High Court Peshawar

CERTIFICATE

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

LIST OF BOOKS

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



Advocate



32

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IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. _____/2019

Ambar Nosheen **Petitioner**

VERSUS

Govt of Khyber Pakhtunkhwa through its Chief Secretary and others

..... **Respondents**

AFFIDAVIT

I, Ambar Nosheen W/o Tahir Hafeez R/o National Police Foundation O-9, House No. 1492, Street No. 17/2, Block C, Islamabad., do hereby solemnly affirm and declare on oath 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

CNIC No. 17301-1222637-0

Cell # 0333-5438260

Identified by,



Muhammad Farooq Malik
Advocate, High Court.

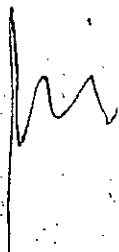
15922

Certified that the above is a true and correct copy of the affirmation by _____ on _____ day of Dec 17, 2019 at _____ Islamabad.

by Tahir Hafeez

by M. Farooq Malik

09/12/19



Nadm verified

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Annex-11/1

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P.No.5301-P of 2019



Date of hearing... 07.10.2021

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

Respondent (s) by Mr. Muhammad Taufique Qureshi, Deputy Attorney General and Ms. Sophia Norcen, 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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M. J.
ATTESTED
EXAMINER
Peshawar High Court

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

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

M. J.
ATTESTED
EXAMINER
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,

ATTESTED
EXAMINER
Peshawar High Court

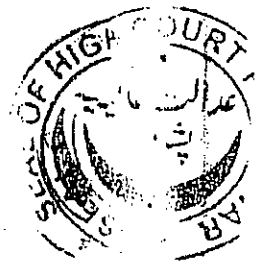
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Government of Khyber Pakhtunkhwa, Peshawar is directed to decide the representation within a period of one month positively. The writ petition is disposed of in the above terms.



Announced.
07.10.2021
(A22/b)

CHIEF JUSTICE

JUDGE

Copy

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

[Signature]
EXAMINER
EXAMINATION CENTER
PESHAWAR
19 OCT 2021

No. 10656
Date of Presentation of Application 19-10-2021
No of Pages 6 Pages
Copying fee
Total 24.00
Date of Preparation of Copy 19-10-2021
Date of Delivery of Copy 19-10-2021
Received By Ambar Nasheen
petitioner

ATTESTED
ATTESTED



(78) (37)

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)5-2/IPT/02/Peshawar/Mst. Amber Nosheen/Vol-VI/2002-21
Dated Peshawar the 23-11-2021

To

Mst. Amber Nosheen (MTT)
Islamabad Model College for Girls,
Lohi-Bher, (Federal Area), Islamabad
Under Federal Directorate of Education Islamabad.

Subject: NOC FOR PERMANENT ABSORPTION.

I am directed to refer to your application 21.11.2019 and judgment of the Peshawar High Court Peshawar dated 07.10.2021 passed in writ petition No. 97-P of 2016, on the subject noted above and to state that your request for grant of NOC for extension in the period of deputation till absorption in the Federal Directorate of Education cannot be acceded to being not covered under the relevant policy.

Moreover, you have already been repatriated to your parent department vide this department order No. SO (PE)5-2/IPT/D.I Khan/Mst. Ambar Nosheen PST/Peshawar dated 06.11.2019, therefore, you are directed to report for duty to your parent office i.e office of the District Education Office (F) Peshawar. In case of failure, disciplinary action shall be initiated against you under Rule-9 of E&D rules 2011.

(Min Hussain Din)
SECTION OFFICER (PE)

Copy forwarded to:-

1. The Secretary Establishment Department, Khyber Pakhtunkhwa w/r to letter No. SOR-I (E&AD)/1-14/82 (Vol-XI) dated 10.08.2007.
2. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar for further necessary action.
3. DEO (F), District Peshawar.
4. District Accounts Officer, District Peshawar.
5. The Admin Officer Schools (F) Government of Pakistan, Federal Directorate of Education Islamabad w/r to his letter No. F.1-9/127-MTT(D)FDE dated 19.07.2019.
6. PS to Secretary E&SE, Khyber Pakhtunkhwa.
7. Master File.

SECTION OFFICER (PE)

NOTED



38

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.

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.

TESTED
ATTESTED

M. R. HINA

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copy

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

To,

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

Subject:- REQUEST FOR ISSUANCE OF NOC FOR DEPUTATIONIST

Dear Sir,

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

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

Yours faithfully

SECTION OFFICER (PRIMARY)

Encl: As above

Ends of Even Number and Date:

Copy for information to

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

ATTESTED
ATTESTED

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REGISTERED



GOVERNMENT OF
- KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the 30.10.2017.

NOTIFICATION.

No.S.O(PE)E&SED/5-2/06/IPT/Swat/Mst. 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

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-1) Establishment Department.
- 5- PS to Chief Secretary Khyber Pakhtunkhwa
- 6- PS to Secretary E&SE Department.
- 7- Incharge EMIS E&SE Department
- 8- Ms.Farkhanda Nazli SST GGMS Sumbat District Swat (Deputationist).
- 9- Office order file
- 10-Master file

ATTACHED
M

(NAIK MUTAMMAD)

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IMMEDIATELY
By S.M

No.F.4-57/2011 (Education)
Government of Pakistan
Minister, 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 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-1).
- b. Copies of the Recruitment Rules for each cadre posts where a deputationist is likely to be absorbed.
- c. NOC from the respective parent departments for each deputationist regarding permanent absorption under FDE, Islamabad.
- d. ACRs / PERs grading for the last 05 years.

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

This may please be treated on PRIORITY.

(Sunil Shahani)
Assistant Educational Advisor

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

Copy to:

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

Attested

to be true copy

RECEIVED

Attested

to be true copy

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013.

ORDER

No. SO(PE)5-2/ / 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-1 (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-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.

19-09-2013
(HINA SAEED)

SECTION OFFICER (PRIMARY)

23/9

Mrs. Za Ina Mansoor
Assistant Professor Physics
Fazala Inler College Kohat

Attested

to be true copy

Attested

to be true copy

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43

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

ORDER

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

SECRETARY

Endst. No. & Date as above.

Copy forwarded to:-

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

Zamin Khan Miano
(ZAMIN KHAN MIANO)
SECTION OFFICER (PRIMARY)

Attested
[Signature]
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[Signature]
ATTESTED



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

877
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ORDER

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

SECRETARY.

Encls. No. & Date as above.

Copy forwarded to:-

1. The Secretary, Establishment & Admin. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter quoted above.
2. The Dy. Director Schools (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 (F) Elementary & Secondary Education Abbottabad.
5. The District Accounts Officer Abbottabad.
6. Mrs.Zarqa Ishaq DM CGMS Baran Gali Abbottabad.

(ZAMIN ULLAH MOMAND)
SECTION OFFICER (PRIMARY)

Attested
to be true copy

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ATTESTED

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ANNEXURE

FROM: CTBL PESHAWAR OFFICE

FILE NO. 1051 2262275

SEP. 24 2013 09:35AM



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19/09/2013.

ORDER

No.SD(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)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

Order No. & Dates 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 SAED)

SECTION OFFICER (PRIMARY)

Attested

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to be true copy

ATTESTED

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

ORDER.

No. SO(PE)5-2/IPT/Shahida Malik PST/Abbottabad. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR-I (E&AD)1-14/82/Vol.27 dated 24-09-2013, the services of Mrs. Shahida Malik PST GGPS 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 her will be retained by her in E&SE Department Khyber Pakhtunkhwa.

SECRETARY

Endst. No. & Date as above.

Copy forwarded to:-

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

Accepted
to be true copy


SECTION OFFICER (PRIMARY)

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


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.

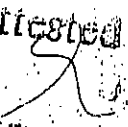
Copy forwarded to:-


1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter No. SOR-1 (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

18/08/2016

Attested

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TESTED
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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)11-14/82 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/(W)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.

(Signature)
 (MUHAMMAD NASIR KHAN)
 SECTION OFFICER (PRIMARY)

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ATTESTED
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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013.

ORDER

No. SO(PE)5-2/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 19-09-2013, the services of Mrs. Farhat Sultana CT 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

Endst. No. & Date as above

Copy forwarded to:-

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

(HINA SAEED)

SECTION OFFICER (PRIMARY)

Attested

to be true copy

23/9/13

REGISTERED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the 30.10.2017

NOTIFICATION.

No.S.O(PE)E&SED/5-2/06/IPT/Swat/Mst. 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

(NAIK MUHAMMAD)
SECTION OFFICER (PRIMARY)



51

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better copy

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

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

Subject: - REQUEST FOR ISSUANCE OF NOC FOR DEPUTATION PERIOD

Dear Sir,

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

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

Yours faithfully,

Encl: As above.

SECTION OFFICER (PRIMARY)

End: of even number & date:

Copy for information to:

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

W

SECTION OFFICER (PRIMARY)



52

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013.

9/9

ORDER

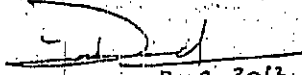
No. SO(PB)5-2/Kohat/Siraj Begum PST. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, NOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR-I (E&AD)1-14/82/Vol.27 dated 18-09-2013, the services of Mrs. Siraj Begum PST GGPS Togh Bala 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

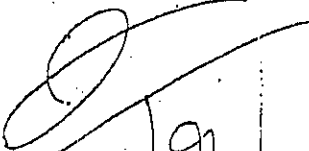
Enclst. No. & Date as above.


Copy forwarded to:-

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


20.9.2013
(HINA SAEED)

SECTION OFFICER (PRIMARY)


23/9


Mrs. Zaida Mansoor
Assistant Professor Physics
Fazala Inter College Kohat

Attested

to be true copy

ATTESTED
ATTESTED



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

3

96

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-1 (E&AD)1-14/82/Vol.27 dated 11-10-2013, the services of Mrs. Hafsa Bibi PST GGPS Gabai (Gadoon) District Swabi (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis without retaining her lien in the E&SE Department.

SECRETARY

Endst. No. & Date as above.

Copy forwarded to:-

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

Attested
to be true copy

(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

ATTESTED
ATTESTED

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AT



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

ORDER

No. SO/PEIS-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.SOR-I (E&AD)1-14/82 dated 13-11-2013, the services of Mrs.Zarqa Ishaq DM GGMS Baran Gali Abbottabad (Khyber Pakhtunkhwa) is hereby placed at the disposal of the Federal Directorate of Education, Islamabad on permanent basis on the condition that no right of lien will be retained by her in E&SE Department Khyber Pakhtunkhwa.

SECRETARY.

Endst. No. & Dates 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 29-10-2013.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The District Education Officer (F) Elementary & Secondary Education Abbottabad.
5. The District Accounts Officer Abbottabad.
6. Mrs.Zarqa Ishaq DM GGMS Baran Gali Abbottabad.

(ZAMIN IHSAN MOMAND)
SECTION OFFICER (PRIMARY)

Attested
to be true copy

ATTESTED

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FROM: HOTEL PESHAWAR BRANCH

FORM NO. 1091 2362279

SEP. 24 2013 09:35AM PI



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.SGR-I (E&AD)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 (01) permanent basis without retaining her lien in the E&SE Department.

SECRETARY

Encls. No. & Date as above

Copy forwarded to:-

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

(HINA SAEED)

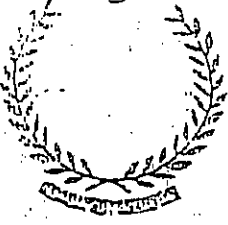
SECTION OFFICER (PRIMARY)

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Handwritten signature and date 23/9/13



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

99

56

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

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)

ATTESTED



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.

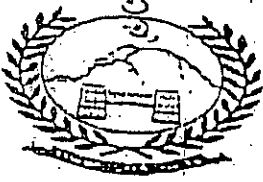
Copy forwarded to:-

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

Attested

(MUHAMMAD NASIR KHAN)
SECTION OFFICER (PRIMARY)

ATTESTED



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) 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/WFDE 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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ATTESTED

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013.

(2)
102

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

Endst. No. & Date as above.

Copy forwarded to:-

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

(HINA SAEED)

SECTION OFFICER (PRIMARY)

Attested

to be true copy

ATTESTED
ATTESTED

23/9/13

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103
No. F.1-9/127-EST (D) FDE
Government of Pakistan
Federal Directorate of Education

Annex: "K"
By Registered
Islamabad: December 28, 2021

OFFICE ORDER

In pursuance of the Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar's letter dated 18.09.2007, the services of Ms. Amber Nosheen, PTC, Government Girls Primary School Ghari Abdul Samad District Peshawar 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 01-10-2007.

2. This Directorate has received letter from Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa vide letter No. SO (PE) 5-2/IPT/02/Peshawar/Mst.AmberNosheen/Vol-VI/2002-21 dated 23-11-2021 wherein the directions for Ms. Amber Nosheen are reproduced as under:-

".....that your request 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/IPT/D.I.Khan/Mst. Amber Nosheen PST/Peshawar dated 06.11.2019, therefore, you are directed to report for duty to your parent office i.e office of the District Education Office (F), Peshawar. 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. Amber Nosheen, PTC, Government Girls Primary School Ghari Abdul Samad District Peshawar presently working as Elementary School Teacher (BPS-14), Islamabad Model College for Girls, Lohi Bheer, 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 Peshawar.
- vi. Director (Schools), FDE, Islamabad.
- vii. Area Education Officer (Urban-II), Islamabad.
- viii. Principal/ DDO, Islamabad Model College for Girls, Lohi Bheer, Islamabad.
- ix. District Account Officer, District Peshawar.
- x. Section Officer (PE), Elementary & Secondary Education Department, Govt of Khyber Pakhtunkhwa, Peshawar with reference to his office letter No. SO (PE) 5-2/IPT/02/Peshawar/Mst.AmberNosheen/Vol-VI/2002-21 dated 23-11-2021
- xi. Ms. Amber Nosheen, EST (BPS-14), Islamabad Model College for Girls, Lohi Bheer, Islamabad
- xii. Master File.

ATTACHED

(ALI AZHAR)
Assistant Director (Schools/Female)

نیشنل

K L

(61)

(1)



BEFORE PESHAWAR HIGH COURT PESHAWAR

W.P No. 124-1/2022

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

(62)

(97)

**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 policies 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 30-47/46)

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 different 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).

ATTESTED
EXAMINER
Peshawar High Court

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

(A) (B4)

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 sonup 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.8/10/83-R.I, dated 06-03-1983 of the Federal Government, hence the same is void ab-initio and is liable to be declared illegal.

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

ATTESTED
EXAMINER
Peshawar High Court

(65)

(8)

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)

ATTESTED
EXAMINER
Peshawar High Court


PRAYER

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

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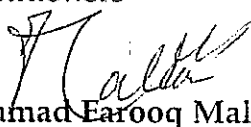
- i. Issue formal absorption orders of petitioners in the light of Federal Government letter dated 16 March 2013 as issued to other similarly placed employees.
- ii. Declare the impugned Letters of Repatriation as illegal and void ab initio and ineffective upon the rights of petitioner.
- iii. Direction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

Petitioners
Through

Mohammad Farooq Malik,
Advocate High Court Peshawar

INTERIM RELIEF

May it please your lordship?

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

Petitioners
Through

Mohammad Farooq Malik,
Advocate High Court Peshawar


CERTIFICATE

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

LIST OF BOOKS

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

ATTESTED
EXAMINER
Peshawar High Court


Advocate

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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.

[Signature]

DEPONENT

Identified by:

CNIC: 17301-1222637-0 ✓

0333-5438260

[Signature]

Muhammad Farooq Malik
Advocate High Court,
Peshawar.

[Signature]

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court Peshawar
Authorized Under Article 8.7 of
The Oath & Shahada Order, 1982

22 JAN 2022

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Noted.....

Certified that the above was verified on solemnly, affirmation before me in office, this 10 day of Jan 2022 Amber Nosheen s/o Tahir Hafeez Peshawar who was identified by Mr. Farooq Malik Who is personally known to me!

[Signature]
Oath Commissioner
Peshawar

[Signature]
10/01/2022

Nadra verified

(68)

(A)

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 KhasDistrict and Tehsil Islamabad
6. Shahana Begum wife of Amjid Naeem resident of Block 89/A, Flat No.4, G-10-3, Islamabad permanent resident of Mohallah Meena khel, Lakki Marwat

ATTESTED
EXAMINER
Peshawar High Court

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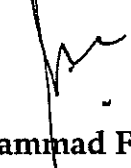
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RESPONDENTS

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.



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EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 17 of
the Punjab & Peshawar Order, 1921

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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ATTESTED

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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ATTESTED
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/

ATTESTED
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 Sved Arshad Ali

Muhammadullah



EXAMINER
Peshawar High Court, Peshawar
Authorised Under Article 175 of
The Constitution of Pakistan

22 JAN 2022

No. 2176a
 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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IMMEDIATE
By S.M

ANNEXURE

No.F.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 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 Performa (Annex-1).
- b. Copies of the Recruitment Rules for each cadre posts where a deputationist is likely to be absorbed.
- c. NOC from the respective parent departments for each deputationist regarding permanent absorption under FDE, Islamabad.
- d. ACRs / PERs grading for the last 05 years.

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

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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75

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013.

ORDER

No. SO(PE)5-2/ 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: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.

[Signature]
20.9-2013
(HINA SAEED)

SECTION OFFICER (PRIMARY)

[Signature]
23/9

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

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R/wt Dept 26/9/2013
w/p

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(140) (76)

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

ORDER.

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

SECRETARY

Endst. No. & Date as above.

Copy forwarded to:-

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

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

SECRETARY

Enter 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.H.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 GGMS Baran Gali Abbottabad.

(ZAMIN KHAN MOMAND)
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)S-2/IPT/Rubina Bibi PST/Abbottabad. In pursuance of the Establishment & Administration Department Govt. of Khyber Pakhtunkhwa, WOC conveyed to the Elementary & Secondary Education Department vide letter No.SOR-1 (E&A)1-14/B2/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

Encl. No. & Date as above

Copy forwarded to:-

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

(HINA SAIED)

SECTION OFFICER (PRIMARY)

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Handwritten signature and date 23/9/13



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

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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to be true copy

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

(MUHAMMAD NASIR KHAN)
SECTION OFFICER (PRIMARY)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 17-08-2016

Notification

No. SO(PE)5-2/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:-

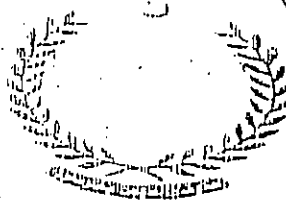
1. The Secretary Establishment & Admn. Department Govt. of Khyber Pakhtunkhwa, w/r to his letter No. SOR-I (E&AD)1-14/82 dated 04/03/2016.
2. The Deputy Director School (Female) Government of Pakistan Federal Directorate of Education Islamabad w/r to his letter No. F.2015./P.A/14-15/(W)FDE dated 29/06/2015
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 ICHLAF)
SECTION OFFICER (PRIMARY)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 19-09-2013.

Handwritten signature and date 19/9/13

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

Endst. No. & Date as above.

Copy forwarded to:-

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

Handwritten signature of Hina Saheed

(HINA SAEED)

SECTION OFFICER (PRIMARY)

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ATTESTED

ANNEXURE 17

REGISTERED No. M - 302
L - 7646

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, APRIL 17, 2012

PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

CABINET SECRETARIAT

(Establishment Division)

NOTIFICATION

Islamabad, the 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(1)/98, dated the 27th February, 1998, the Prime Minister is pleased to direct that the following further amendment shall be made in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, namely:—

In the aforesaid Rules, in rule 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 at the same station, unmarried female government servants at the place of residence of their parents/family and that of married female

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[2422 (2012)/Ex. Gnz.]

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.No. 10/30/07-R-2]

ANJUM BASHIR SHAIKH,
Deputy Secretary.

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SECRET

Secret

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
CAPITAL ADMINISTRATION & DEVELOPMENT DIVISION

SUMMARY FOR THE PRIME MINISTER

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

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

2. A problem arose when the quota reserved for deputation was saturated and repatriation orders were issued to some of the deputationists after completion of 05 years of deputation. The purpose was to accommodate the requests of teachers waiting 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 24-11-701, wherein working of some of the petitioners / deputationists in the borrowing department despite expiry of deputation period was declared as contrary to law, settled rules, 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-I).

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

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

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

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

(Signature)
(Imtiaz Enayat Bhatti)
Secretary

Through:

Secretary, Establishment Division, Islamabad.

P.M.'s Sectt. (Mr. Khushnood Akhtar Lachari, Principal Secretary to the Prime Minister)
CA&D Division U.O.No.F.4-57/2011 (Education), dated 10 February, 2012.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

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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 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.

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

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

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

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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>
--	--

Law & Justice Division
(Law Section-I)
No. 117/2012
Dated 28/2-2012

792 PSM/2012
By No.
Date:

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.

Khushnood Akhtar
(Khushnood Akhtar Lashari)
Establishment Secretary

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

Through
Secretary,
Law, Justice & Parliamentary Affairs Division

Muhammad Masood Ehsani
Muhammad Masood Ehsani
Secretary
Law, Justice & Parliamentary Affairs
Government of Pakistan
Islamabad. Tele: 3202712

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

Appeal No. _____/2022

MstAmbarNosheen..... Appellant

Versus

FEDERATION OF PAKISTAN etc..... Respondents

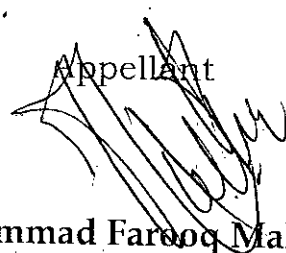
NOTICE

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.

Through


Muhammad Farooq Malik,
Advocate Supreme Court, of Pakistan

بعدالت کروں / قبول

محمد مارو صاحب

2022ء پنجاب ہائی کورٹ
بنام عدلیہ کیس نمٹوانے کے لیے

محمد نوین

موزعہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ
آج کے مقام کے لیے محمد مارو صاحب اور عدلیہ کیس نمٹوانے کے لیے
مقررہ کر کے قرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کر کے تقریر ثالثہ فیصلہ برحلف دینے جناب دہی اور اقبال دعویٰ اور
بلا ضرورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقریر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کسی وی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سہولت
پر واخیز منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشگی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم _____ ماہ _____ 20

واہ العبد _____

محمد نوین

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

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing 499 -p/20 22

In case No. 119 -p/20 22

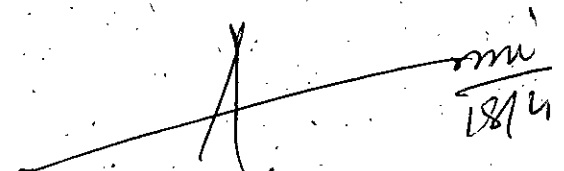
Ambar Nosheen vs Fed. of Pak.

Presented by M. Farooq Malik on behalf of Appellant Entered in the relevant register.

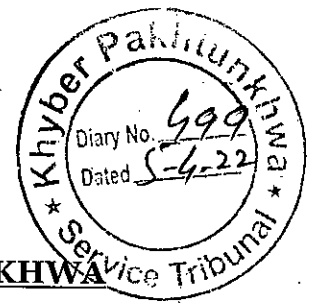
Put up alongwith main case

REGISTRAR

Last date fixed	<u>23-02-2022</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	<u>Defunct</u>
Date(s) fixed in the similar matter by the Branch Incharge	<u>N/A</u>
Available dates Readers/Assistant Registrar branch	<u>N/A</u>


Assistant Registrar

REGISTRAR



1

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

C.M No. _____ of 2022
In
Service Appeal No. 119/2022

*Part 40 of the monthly chain - an
with app*
Ambar Nosheen

.....Petitioner
V E R S U S

Federation of Pakistan & othersRespondents

5/4/22. **APPLICATION FOR EARLY HEARING IN THE ABOVE TITLED
SERVICE APPEAL.**

Reader

Respectfully Sheweth:

1. That the above titled service appeal is pending adjudication before this Honourable Tribunal and is fixed for 10-05-2022.
2. That the given date is too far and lengthy whereas the applicant / appellent cannot be able to survive the said length because respondents are going to pass the relieving order against the applicant / appellent, therefore need urgent fixation of the case.

It is, therefore, most humbly prayed that on acceptance of this application, the above titled case may kindly be fixed as at earliest.

Date: 05-Apr-22

Through

Applicant / Appellant
[Signature]
Muhammad Farooq Malik
Advocate Supreme Court

AFFIDAVIT

I, **Muhammad Farooq Malik Advocate**, (as per instructions of my client), do hereby solemnly affirm and declare that the contents of the accompanying **Early Hearing Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



[Signature]
DEPONENT

2

**PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET**



Date of Order or Proceedings 1	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary 2
<p>10.03.2022.</p>	<p><u>Writ Petition No. 904-P/2022 with IR.</u></p> <p>Present: Mr. Muhammad Farooq Malik, advocate for the petitioner.</p> <p>Mr. Omer Farooq, Addl. AG for respondents.</p> <p>*****</p> <p><u>LAL JAN KHATTAK, J.-</u> Since the petitioner has already approached the Khyber Pakhtunkhwa Service Tribunal by filing service appeal bearing No.119 of 2022, which has been admitted for its regular hearing and the respondents in the application for suspension of the impugned order, have been put on notice, but due to dysfunctional of the tribunal further proceedings in the case could not be conducted, therefore, we in the attending circumstances of the case, dispose of the petition by directing the respondents to maintain the status quo till constitution of the Service Tribunal.</p>

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 15/3/2022
 15/3/2022
 15/3/2022

[Signature]
 JUDGE

[Signature]
 JUDGE

General Administration Department
 Peshawar High Court, Peshawar
 Order No. 904-P/2022

15 MAR 2022

1-1-2022

(1) (3)

BEFORE PESHAWAR HIGH COURT PESHAWAR

Writ petition No. 906/P /2022



I Amber Nosheen W/o Tahir Hafceez R/o National Police
Foundation O-9 House No. 1492 Street # 17/2 Block C,
Islamabad Permanently r/o Sarwar Abad near Hashtnaghri,
Phatak Peshawar City Petitioner

Versus

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

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

FILED TODAY
Deputy Registrar

03 MAR 2022

Respectfully Sheweth:

1. That the Petitioner is employee of Elementary and Secondary Education Department Govt of KPK Peshawar, who were initially appointed as .PSI/PTC (Copy of initial appointment Order is attached as Annexure-A at Page 9 - 10)
2. That as a matter of fact the husband of the Petitioner is permanent resident of Islamabad and also employee of Federal Government who is working at Federal Government of Islamabad. (Copies of

ATTESTED
EXAMINER
Peshawar High Court

(1)

②

Service Record of Petitioner's Husband is attached as Annexure-B to at Page 11-12)

3. That to facilitate posting 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 13-16)

4. That by taking benefit of spouse policy Petitioner 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 17-18)

5. That the deputation order of the Petitioner was time and again extended in her favour by the competent authority. (Copies of Extension Orders of Petitioner are attached as Annexure-E at Page 19-20)

6. That thereafter Federal Government through different letters dated 30-10-2013 & 19-07-2019, 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 30.10.2013 & 19-07-2019 are attached as Annexure-F at Page 21-22)

FILED TODAY
Deputy Registrar
03 MAR 2022

7. That respondent No.3 by adopting a novel procedure issued repatriation order of Petitioner vide 06.11.2019 Order. (Copy of Repatriation Order dated 06.11.2019 is attached as Annexure-G at Page 23 .)

ATTESTED
EXAMINER
Peshawar High Court

8. That the above mentioned deputation orders were challenged by Petitioner through in writ petition No. 6989-P/2019 before this

3

Hon'able court and the this Hon'able Court vide consolidated judgment and order dated 07.10.2021, converted her writ petition as representation and directed to respondent No.03 with direction that if the case of the Petitioner 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.(Coples of writ petition along with consolidated judgment and orders dated 07.11.2021of this Hon'able court are attached as Annexure- H at Page 24-33)

9. That responder: No.03 without adhering the true import and direction of this Hon'able Court in slip shod manner declined to issue NOC to the Petitioner vide impugned order dated , 23.12.2021.(Copy of order dated 23.11.2021 is attached as annexure- I at page 34).

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 favor of the Petitioner.(Copies of latter dated 22.10.2019, 30.10.2017, are attached as annexure J at Page 35-56 .)

FILED TODAY
Deputy Registrar
03 MAR 2022

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 Petitioner without any cogent and plausible reasons.

ATTESTED
Punjab High Court

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 Petitioner .(Copy of impugned letter dated 28.12.2021 is attached as annexure-K at page 57 -).

4

13. That Petitioner aggrieved from high handedness of official respondents invoked constitutional jurisdiction of this Hon'able Court, in joined WP No. 124/2022 wherein on 17-1-2022 this Hon'able Court Sent Writ Petition with the direction to petitioners to file separate appeals before this Worthy Service Tribunal on 27-01-2022 (Copy of Writ Petition No. 124/2022 with order dated 17-01-2022 are attached as Annexure-L at Page 58-70)

14. That consequently in pursuance of direction of this Hon'able court petitioner along with her other colleague submitted their respective separate appeal before KP service tribunal, Peshawar which were admitted for full hearing vide order dated 27-01-2022 but during interval period the office of worthy chairman of KP service tribunal Peshawar became vacant due to retirement of his ongoing chairman since than KP service tribunal is defunct. (copy of admitting note service tribunal is attached as Annexure-M at page 71-73).

15. That now the official respondent are putting pressure and coercive measures to dislodging the petitioner by issuing impugn notice, wherein petitioner along with other were relived from the federal government of respective departments. (copy of reliving order is attached as annexure-N at page 74-76).

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

GROUNDS:

a. That the act of respondents by issuing impugned 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.

Hon'able Court
Deputy Registrar
03 MAR 2022

ATTESTED
EXAMINER
Peshawar High Court

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

c. That the act of respondents is discriminatory which is in clear violation of Article 25 & 27 of the Constitution, 1973 as in some of the cases approval for permanent-absorption and as well as extension in the deputation has been issued by official respondents but they are reluctant to accommodate the Petitioner.

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 Petitioner was on deputation for a period of more than five years so they are entitled for permanent absorption.

ATTESTED
EXAMINER
Peshawar High Court

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 basset.

(Copy of Letter Dated 16-03-2013 are attached as Annexure D & E Page 77-85)

DEPUTY REGISTRAR
03 MAR 2022

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 Petitioner is also entitled for that benefit of the same policy. (Copy of Gazetted Notification dated 17-04-2012 alongwith summary for

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PM dated 10-02-2012 are attached as annexure - F at page 86-91)

PRAYER

It is, therefore, respectfully prayed that by accepting instant writ petition the impugned order along with reliving order passed by federal government may graciously be declared illegal, unlawful and without lawful authority and ineffective upon the rights of the petitioner

Any other relief, which this Hon'ble Court deems fit and appropriate, may also be awarded.

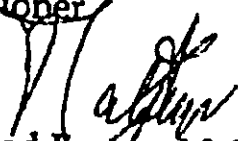
Petitioner
Through

Mohammad Farooq Malik,
Advocate
Supreme Court of Pakistan

INTERIM RELIEF

May it please your lordship?

By way of Interim Relief, pending final decision on Writ Petition the impugned Letters/order may graciously be suspended.

FILED TODAY
Deputy Registrar
03 MAR 2022

Petitioner
Through

Mohammad Farooq Malik,
Advocate
Supreme Court of Pakistan

CERTIFICATE

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

ATTESTED

EXAMINER
Peshawar High Court

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 BS-07 (now upgraded to BS-12) in the respondent-department on 12.09.2007. 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 16.09.2007. Her deputation period was further extended to 07 years on 27.09.2010. On completion of 05 years of deputation period (12.09.2007 to 11.09.2012), the Federal Directorate of Education Islamabad requested the provincial government for NOC for her permanent absorption, on 30.10.2013. 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 11.09.2012 till dated (letter/reference written on 19.07.2019) and further extension for two years till 18.07.2021. 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 06.11.2019 which was challenged through writ petition No. 6989/2019 in Peshawar High Court. The writ petition was disposed of on 07.10.2021 by directing respondent No.3 to decide her representation within one month positively. The respondent-department vide impugned order dated 23.11.2021 regretted her application dated 21.11.2019 and informed that she had already been repatriated to parent department on 06.11.2019 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, 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

STED
 [Signature]

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.

[Handwritten signature]
K...
Peshawar

[Handwritten signature]

(Mian Muhammad)
Member(E)

01-02-2022

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[Handwritten mark]

01-02-2022

01-02-2022

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 119/2022

Amber Nosheen, District Peshawar.....Appellant.

VERSUS

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

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

Respectfully Sheweth:-

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, hence need verification.
- 2) Para pertains to the services of appellant's husband as Assistant BS-16 in the Federal Government 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) Peshawar 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 03 years (w.e.f 18.09.2007 to 17.09.2010) as per deputation policy.
- 5) This para is correct; that the deputation period of appellant was extended for further period of 02 years (till 17.09.2012).
- 6) Incorrect / not admitted. As per government of Khyber Pakhtunkhwa there is no rule for extension in the deputation period after 05 year. The deputation period of appellant was completed on 17.09.2012 and appellant was required to join her services at E&SE Department KPK Peshawar on 18.09.2012. Hence the letter dated 30.10.2013 and 19.07.2019 of the Federal Education Directorate Islamabad is not sustainable in eye of law. Hence these 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 05 year 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. 6989-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 05 year deputation period at Federal Education Directorate Islamabad, hence respondent No. 03 was pleased to dismiss the appeal of the appellant vide order dated 23.11.2021 and the appellant was directed to report for duty to the office of the District Education Officer (Female) Peshawar.
- 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

38-59 of service appeal. The present appellant had completed her 05 year deputation period on 17.09.2012 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 05 year deputation in the year 2012 and she had apply absorption in the 2019, after laps of 07 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 28.12.2021. The deputation period of appellant was completed in the year 2012 and she was repatriated to her parent department in the year 2021. It is clear that she remain illegally in the Federal Directorate of Education after laps of 09 years.
- 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.

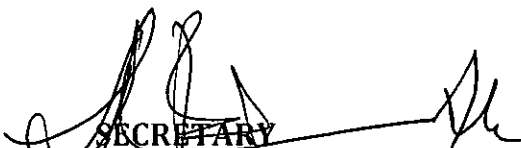
Objections on Grounds

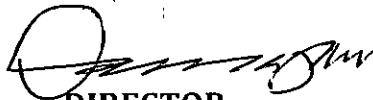
- A. Incorrect / not admitted. The action of the respondents was according to law, based upon the natural principle of justice. No discrimination has been made with present appellant. Present appellant is liable to be proceeded under E&D Rules 2011, as her deputation period was completed in the year 2012 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 2012 and seek absorption in the year 2019 after laps of 07 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 05 year 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

L. 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



IN THE COURT OF SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Appeal No. 119/2022

Amber Nowsheen

..... (Appellant)

Versus

Govt. of Khyber Pakhtunkhwa and others

..... (Respondents)

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S. No.	Description of documents	Annexs	Pages
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2.	Grounds of writ petition No. 883/2023	A	2-4
3.	Copy of order sheets dated 14.03.2023 and 14.04.2023	B	5-6
4.	Copy of Joint Report	C	7
5.	Copy of Stay granted Application	D	8
6.	Copy of Office Order dated 22.03.2023	F	9

Applicant

Through

Muhammad Farooq Malik
Advocate
Supreme Court of Pakistan.

①

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

Appeal No.119/2022

Ambar Nosheen..... Appellant

Versus

FEDERATION OF PAKISTAN etc..... Respondents

APPLICATION FOR PLACING ON RECORD ADDITIONAL
DOCUMENTS

Respectfully Sheweth:

1. That above title appeal along with connected appeals are pending adjudication before this Hon'ble court wherein next date of hearing is 30.05.2023.
2. That the attached documents are necessary for the due appreciation of the issue involved in the above referred Writ Petition (Copies of documents are attached as Annexure "A" to "E" at Page 2 to 9 ")

It is therefore, prayed that on acceptance of this application additional documents may kindly be placed on file.

Through

Petitioner

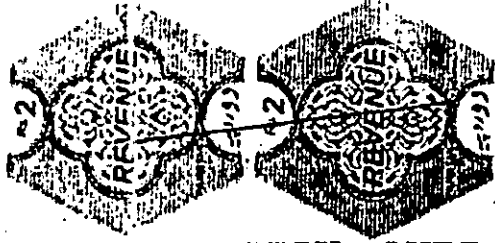

Muhammad Farooq Malik,

Advocate,

Supreme Court of Pakistan

Annex
A

9

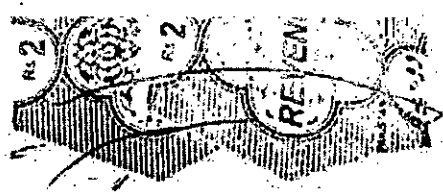


IN THE ISLAMABAD HIGH COURT, ISLAMABAD

Writ Petition No. 883 / 2023

1. Ms. Azra Fatima, EST, Islamabad Model School for Girls (I-VIII) Shahdta Kalam, Islamabad.
2. Ms. Asma Shaheen, EST, Islamabad Model School (I-V) Islamabad.
3. Ms. Khalida Ahsan, EST, Islamabad Model School (I-V) Islamabad.
4. Ms. Benazir Nagina, EST, Islamabad Model College) for Girls, Rawal Town, Islamabad.
5. Ms. Bil i Surayya, EST, Islamabad Model School for Girls (I-VIII) Mohra Noor, Islamabad.
6. Ms. Shahida Malik, EST, Islamabad Model School (I-V) Islamabad.
7. Ms. Falaq-un-Nisa, EST, Islamabad Model School (I-V) Islamabad.
8. Ms. Hafsa Bibi, EST, Islamabad Model School (I-V) Shakrial, Islamabad.
9. Ms. Rabia Niaz, TUGT, Islamabad Model School for Girls (I-X) Dhoke Gangal, Islamabad.
10. Ms. Riffat Naheed, EST, Islamabad Model School (I-V) Islamabad.
11. Ms. Rubina Bibi, EST, Islamabad Model School (I-V) Islamabad.
12. Ms. Nasira Shabbir, EST, Islamabad Model School (I-V), Islamabad.
13. Ms. Saira Yousaf, EST, Islamabad Model School for Girls (I-V), Islamabad.
14. Mr. Hamced Ullan, PTI Islamabad Model School for Boys (VI-X), Islamabad.

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15 MAR 2023
No.1, G-8/1
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Islamabad High Court
Islamabad



3. Federal Director of Schools
Islamabad.
4. Accountant General
FDE, Islamabad.

- 15. Ms. Kausar Parveen, EST, Islamabad Model School for Girls (I-VI), G-6/1-2, Islamabad.
- 16. Ms. Adeeba Rani, EST, Islamabad Model School for Girls (I-VI), No. 2, Shakarial, Islamabad.
- 17. Ms. Shazia Naz, Islamabad Model School for Girls (I-V), NHC, Islamabad
- 18. Ms. Uzma Tariq, EST, Islamabad Model Colleg. for Girls, 1-9/1, Islamabad.
- 19. Ms. Rabia Rahat, EST, Islamabad Model School for Girls (I-VIII), 1-9/4, Islamabad.
- 20. Ms. Nazia Bibi, EST, Islamabad Model School (I-V) No. 6, G-9/2, Islamabad.
- 21. Ms. Sajida Anwar, PTI, Islamabad Model School (I-VI No. 2, G-9,) Islamabad.
- 22. Ms. Sadia Mukhtiar, EST, Islamabad Model School G-VI No. 2, G-9/2, Islamabad.
- 23. Ms. Shabana Aziz, SST, Islamabad Model School for Girls, G-6/1-4, Islamabad.
- 24. Ms. Saima Yaseen, EST, Islamabad Model School for Girls (I-VI), Shahzad Town, Islamabad.
- 25. Ms. Shumaila Gill, EST, Islamabad Model School for Girls (I-VI), Mandla, Islamabad.
- 26. Ms. Jamshed Akhtar, EST, Islamabad Model School for Girls (I-XI), G-5, Islamabad.
- 27. Ms. Shazia Akbar, EST, Islamabad Model School for Girls (I-VI), Dhok Jeelani, Islamabad.
- 28. Ms. Nosheen, EST, Islamabad Model School for Girls, (I-VI), Islamabad.

WRIT
Res

Certified to Be True Copy

15 MAR 2015
28
Authorised Signatory
Islamabad High Court
Islamabad

1. Federal Directorate of Education (FDE) through its Director General, Islamabad.

2. Federal Directorate of Education through its Deputy Director (S/F), FDE, Islamabad.

4. Accountant General of Pakistan Revenue (AGPR), Islamabad.

Respondents

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

Respectfully Sheweth:-

1. That brief facts giving rise to the institution of instant writ petition, the petitioners were serving on regular basis as Civil Servants in their parent departments and were appointed by transfer on deputation on the basis of wedlock policy under the supervision of Respondent No.2. The respondent No.2 with the consent of the petitioner and with the intention to permanently absorb the petitioner against 10% quota reserved for appointment by transfer in the service Rules amended vide notification dated 1999, sought NOCs from the parent departments for permanent absorption / induction, hence, the parent department provided the said NOCs and placed the services of the petitioners at the disposal of Respondent No.2 (FDE) without retaining their lien for S.No. 1 to 13 as per requisition of FDE.

2. That an amendment was made in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 on 16.04.2012 to facilitate the deputationist under FDE to provide that condition of 5 years maximum period of deputation would not be applicable to deputationist under wedlock policy.

Examining
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Authorized Under Article-87 of
Constitution of Pakistan Order 1984
Islamabad
Islamabad

1. That the transfer/deputations of the Petitioners was undertaken under the 'Wedlock Policy' expounded vide Q.M No 10/30/97-R-II dated. 13-5-1998. Each of the Petitioner due to their peculiar

Amir B

(D)

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

W.P. No. 883 of 2023

Ms Azra Fatima, etc.
Vs

Federation of Pakistan, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	14.03.2023.	Mr. Muhammad Umair Baloch Advocate for the Petitioners.

1. Through the instant Writ Petition the Petitioners have assailed the Orders dated 15.02.2023 and 21.02.2023 ("Impugned Orders") passed by the Respondent No. 2 [Federal Directorate of Education].

2. The learned counsel for the Petitioners submits that similar petitions i.e. W.P. Nos. 2877/2022 and 807/2023 are pending before this Court wherein notices have already been issued and the impugned repatriation orders have been suspended.

2. Let notices be issued to the Respondents in the instant petition as well.

3. Relist alongwith similar petitions like W.P. Nos. 2877/2022 and 807/2023 on 29.03.2023.

Certified to Be True Copy

15 MAR 2023

Examiner
Copy Suppl. Section
Authorised Under Article-87 of
Qanoon-e-Shah. Jari Order 1984
Islamabad High Court
Islamabad

Application No. 9436
Date of Presentation of Application 15.3.23
Date of Deposit of Fee C.M. NO. 01/2023
No of Words _____
Copying Fee _____
Urgent Fee PKR
Registration & Postage Fee _____
Agency Fee _____
Court Fee of Application _____
Total _____
Date of Receipt of Copy _____
Date of Completion of Copy 15.3.23
Date of Delivery of Copy _____

Notice. In the meantime the Impugned Orders shall remain suspended till the next date of hearing. In case of non-appearance or any request for adjournment whatsoever on behalf of the Petitioners this injunctive order shall stand automatically vacated.

C.M. NO. 02/2023
Exemption sought for is allowed subject to all just and legal exceptions.

Tanveer Ahmed

(SAMAN RAFAT IMTIAZ)
JUDGE

**ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)**

W.P. No. 883 of 2023

Mrs Azra Fatima, etc.
Vs
Federation of Pakistan, etc.

S. No. of order/proceedings	Date of order/proceedings	Order with signature of Judge and that of parties or counsel where necessary.
-----------------------------	---------------------------	---

14.04.2023

M/s Muhammad Umar Baloch, Chaudhary Baber Manzoor, Jamel Hussain Qureshi, Rana Ali Ammer, Khaleeq Siddiqui, Adnan Ahmed Khan, Ch. Zaki Rizwan Advocates for the Petitioners, in their respective petitions.
Mr Imran Shaukat Rao, Assistant Advocate General Punjab.

Rana Imran Farooq, A.A.G.
Agba Ghulam Haider, D.D.(L) M/O FEART.
Mr Abdul Hafeez, D.D. (Legal) FDE.
Mr S.M. Rehan Nogy, A.D. FDE.

It is noted that these petitions are regarding repatriation of those deputationists who were placed on deputation on the basis of Wedlock Policy. The matter was decided by way of the reported judgment passed by this Court in the case titled *Mrs. Nusrat Raheed v. Federation of Pakistan, 2021 PLC (CS) 777* which is under consideration in I.C.A. No. 319/2020, therefore, it has been contended that in the interest of justice these petitions may be clubbed alongwith the said I.C.A.

2. In view of the foregoing the office is directed to place these petitions before the Honorable Chief Justice for appropriate orders.

3. The interim relief already granted shall continue till the next date of hearing.

(SAMMAN RAFAT II)
JUDGE

Annex
"C"



ISLAMABAD MODEL COLLEGE FOR GIRLS, LOHI BHER (F.A),
ISLAMABAD

JOINING REPORT

1. Name of Government Servant:	Mrs. Ambar Nosheen
2. Husband Name:	Tahir Hafeez
3. Designation & BPS:	MTT/EST (BPS-09)
4. Qualification:	B.A/B.Ed
5. Domicile:	K.P.K
6. Date of Birth:	19 August, 1975
7. Date of Appointment in Govt. Service:	07 February, 2000
8. Date of Appointment in F.G. Service:	12 September, 2007
9. Date of Re-joining:	21.02.2023
10. Hour of Re-joining:	Fore Noon
11. Reason of Re-joining:	Suspension of FDE Office Order dated 21.02.2023
12. Reference of Office Order No. & Date:	F.1-9/49-EST/D/FDE, dated 22.03.2023

No. 320/2023/IMCG/L.B

Dated: 28.03.2023

Copy forwarded to:

1. The Deputy Director Schools (Female), FDE, G-9, Islamabad
2. AGPR, Islamabad
3. AEO, Sihala Sector, Islamabad
4. Person Concerned
5. Personal File

Mehr-un-Nisa
Principal
Islamabad Model College
for Girls Lohi Bher
Islamabad

Amber

"D"

(S)

To,

Mr. Abdul Waheed,
Director Schools,
Federal Directorate of Education,
G-9, Islamabad

Subject: - **STAY GRANTED & IMPUGNED ORDER SUSPENDED BY THE HONORABLE ISLAMABAD HIGH COURT**

Respected Sir,

The Honorable Islamabad High Court has suspended the Impugned Orders dated 15.02.2023 and 21.02.2023, in W.P. No. 883/2023 (copy enclosed)

2. Accordingly, my School Head/DDO may please be advised to accept my joining and process change for activation of my salary for the month of March, 2023, through AGPR.

3. Thanking you in anticipation.

Encl: As above

Yours obediently,

(AMBER NOSHEEN)
MIT/EST (BPS-09),
IMCG, Lohi Bher, (F.A),
Islamabad

Dated: 16th March, 2023


Copy for information & necessary action to:

1. Ms. Sameena Zia, Deputy Director (Schools), FDE, Islamabad
2. Ms. Mehr-un-Nisa, Principal, IMCG, Lohi Bher (FA), Islamabad

16/03/23

U. NU 2704/23 R.1.
Dated 16/03/23

No. P. 1-9/49-EST/D/FDE
Government of Pakistan
Federal Directorate of Education

Amber "E" 

Islamabad, the 22nd March, 2023.

OFFICE ORDER


In compliance with the orders of Honorable Islamabad High Court dated 14.03.2023 in writ petition No. 883 of 2023, the office order of even number dated 21.02.2023 in respect of Ms. Amber Noorheen, EST (Deputatationist) Islamabad Model College for Girls, Lohi Bher (F.A), Islamabad is hereby suspended, accordingly.

2. No TA/DA will be paid in this connection.
3. This issues with the approval of Director General, FDE.

(SAMREENA ZIA)
Deputy Director (S/F)

Copy to:-

- The Registrar, in compliance with the order of Hon. IHC in WP No. 883 of 2023.
- AGPR, Islamabad.
- AEO concerned.
- Principal concerned.
- Section Officer (Primary), Elementary & Secondary Education Department, Government of KPK, Peshawar.
- Person concerned
- Personal File.


(MUHAMMAD SHAKEEL)
Assistant Director (S/F)