

S.No.	Date of Order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary
1	2	3
	18.01.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL CAMP COURT ABBOTTABAD</u></p> <p style="text-align: center;"><u>APPEAL NO. 1644/2013</u></p> <p style="text-align: center;"><u>Andaleeb Saleem Versus Secretary to Government of Khyber Pakhtunkhwa, E&amp;SE, Peshawar and others.</u></p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellant and Mr. Muhammad Siddique, Senior Government Pleader alongwith Mr. Zahid Gul, ADO for official respondents present.</p> <p>2. Mst. Andaleeb Saleem D/O Raja Muhammad Saleem hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with a prayer to grant her seniority in accordance with merit assigned to her by the Departmental Selection Committee.</p> <p>3. According to the appellant she was appointed as PET through the process of Departmental Selection Committee. That order of merit assigned to her by the Departmental Selection Committee was ignored and that she was assigned seniority with effect from the date of arrival. That the appellant was already serving in another department and as</p>

~~18.01.17~~

such she was not in a position to report forthwith to her duty as she was to do so after orders of the relieving authority.

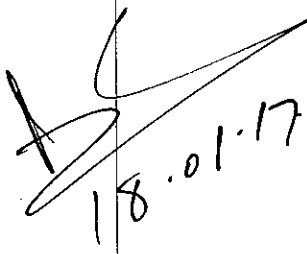
4. Learned counsel for the appellant pressed into service judgment of this Tribunal dated 06.09.2016 passed in service appeal No. 1151/2013 titled "Jehanzeb Versus Government of Khyber Pakhtunkhwa through Secretary, E&SE Peshawar and others" wherein this Tribunal has observed that in case of appointment by initial recruitment the seniority inter-se of such civil servant is to be determined in accordance with the merits assigned by the Departmental Selection Committee.

5. Learned Government Pleader has argued that the appeal is not within time and as such not maintainable.

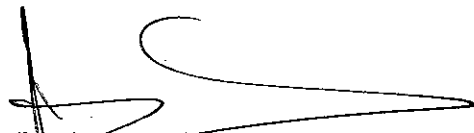
6. We have heard arguments of learned counsel for the parties and perused the record.


7. We are not convinced to dismiss the appeal on the point of limitation as the appellant as well as those civil servants who had not come to the court for seeking such relief are entitled to similar relief granted by this Tribunal in the afore-stated service appeal No. 1151/2013.

7. In view of the judgment of this Tribunal referred to above we are constrained to accept the present appeal and direct that the appellant be assigned seniority in accordance with the order of merit determined by the Departmental Selection Committee and that the date of assumption of charge has no significance for assigning seniority to such

  
18.01.17

civil servant. Parties are left to bear their own costs. File be consigned to the record room.

  
(Muhammad Azim Khan Afridi)  
Chairman  
Camp Court, A/Abad.

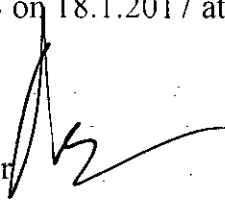
  
(Muhammad Aamir Nazir)  
Member

ANNOUNCED  
18.01.2017

20.09.2016

Counsel for the appellant and Mr. Zahid Gul, ADO alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Counsel for the appellant seeks adjournment. Adjourned for rejoinder and final hearing before the D.B on 18.1.2017 at camp court, Abbottabad.

Member



Chairman  
Camp court, A/Abad



19-

16.6.2015

Mr. Haq Nawaz on behalf of the appellant, M/S Irshad Muhammad, S.O for respondent No.2 and Zahid Gul, ADO alongwith Mr.Muhammad Tahir Aurangzeb, G.P for official respondents No.1,3 & 4 present. Written reply on behalf of respondents No.1,3 & 4 submitted, while representative of respondent No.2 and learned G.P places reliance on the same. Private respondents are absent. Proceeded ex-parte. The appeal is assigned to D.B for rejoinder and final hearing for 21.10.2015 at camp court A/Abad.

  
Chairman  
Camp Court A/Abad

21.10.2015

Mr.Haq Nawaz, husband of the appellant, on behalf of the appellant, M/S Zahid Gul, ADO and Irshad Muhammad, S.O alongwith Mr.Muhammad Tahir Aurangzeb, G.P for respondents present. Due to non-availability of D.B, arguments could not be heard. To come up for rejoinder and final hearing before D.B on 14.3.2016 at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad.

14.03.2016

Counsel for the appellant present and submitted fresh Wakalat Nama. Mr.Zahid Gul, ADO alongwith Mr. Muhammad Saddique, Sr.G.P for respondents also present. Arguments could not be heard due to non-availability of D.B. To come up for rejoinder and final hearing before D.B on 20.9.2016 at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad

12 -  
14.04.2015

Mr Muhammad Tahir Zaman, counsel for the appellant present. Requested for transfer of the instant appeal to Abbottabad. To this effect application has already been submitted to this Tribunal. Since the matter pertains to territorial limits of Hazara Division as such the same is transferred to Abbottabad for preliminary hearing on 22.04.2015.


  
Chairman

13 - 22.4.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially appointed as Lab Assistant in GGDC Abbottabad in the year 1999. That she was appointed as PET (BPS-9) on 18.11.2006 and assumed charge of the post on 1.12.2006. That the appellant was senior to private respondents and as such entitled to be considered for promotion to SPET (BPS-16) but was ignored and others promoted vide impugned order dated 26.2.2013 regarding which she preferred departmental appeal on 25.3.2013 and there-after filed Writ Petition followed by Review Petition and that the appellant diligently pursued her case and due to lack of jurisdiction of the High Court preferred service appeal on 26.12.2013.

That the appellant is entitled to BPS-16 in preference to private respondents being senior.

Points urged need consideration. Admit, subject to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 16.6.2015 before S.B at camp court A/Abad.

  
Chairman  
Camp Court A/Abad

Appellant Deposited  
Security & Process Fee



9.  
Reader Note:

29.12.2014

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Since the Tribunal is incomplete, therefore, case is adjourned to 24.02.2015 for the same.

  
Reader

10.  
24.02.2015

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Preliminary arguments partly heard. The learned counsel for the appellant requested for adjournment. To come up for further preliminary hearing on 07.04.2015.

  
Member

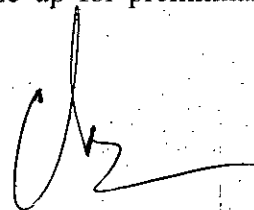
11.  
07.04.2015

Counsel for the appellant and Asst: AG for the respondents present. Counsel for the appellant requested for adjournment. To come up for preliminary hearing on 14.04.2015.

  
Member

6.  
24.06.2014

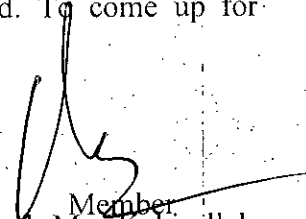
No one is present on behalf of the appellant. Mr. Ziaullah, GP for the respondents present. Notices be issued to the appellant/counsel for the appellant. To come up for preliminary hearing on 12.08.2014.



Member

7.  
12.08.2014

Junior to counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Junior to counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 22.10.2014.



Member

8.  
22.10.2014

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Clerk of counsel for the appellant requested for adjournment due to general strike of the Bar. To come up for preliminary hearing on 29.12.2014.



Member



3.  
19.02.2014

No one is present on behalf of the appellant. To come up for preliminary hearing on 09.04.2014.

  
Member


4.  
09.04.2014

Counsel for the appellant present. Preliminary arguments partly heard. Pre-admission notice be issued to the learned GP to assist the Tribunal. To come up for preliminary hearing on 15.05.2014.

  
Member

5.  
15.05.2014

Clerk of counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Clerk of counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 24.06.2014.

  
Member



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Form- A

FORM OF ORDER SHEET

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

Case No. 1644/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/12/2013	<p>The appeal of Mst. Andleeb presented today by Syed Abdul Haq Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	30-12-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>19-2-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR**

Service Appeal No. 1644/2013

Andleeb .....VS.....Secretary to Govt. of KPK etc

**I N D E X**

<b>S.NO</b>	<b>Description of Documents</b>	<b>Annexs</b>	<b>Pages</b>
1	Service Appeal along with Affidavit		1-5
2	Addresses of the parties		6
3	Appointment Order of the Appellant and its better copy	<b>A</b>	7-10
4	Copy of Notification	<b>B</b>	11-12
5	Seniority/Upgradation from BPS-15 to 16	<b>C</b>	13-15
6	Departmental Appeal	<b>D</b>	16
7	Judgment in Writ Petition No. 675-A/2013	<b>E</b>	17-19
8	Judgment in Review Petition No. 41-A/2013 Writ Petition No. 675-A/2013	<b>F</b>	20-29
9	Charge Report	<b>G</b>	30
10	Academic Qualification	<b>H</b>	<del>31-33</del> 33A
11	Order dated 7/7/2007	<b>I</b>	34
12	Application for Correction	<b>J</b>	35
13	Tentative Seniority List of PET Female	<b>K</b>	36-37
14	Application for Condonation		38-39
15	Wakalat Nama		40

**Appellant**

Through

  
**Syed Abdul Haq**  
**Advocate**

**17-B Haroon Mansion,  
Khyber Bazar, Peshawar  
City.**

**Dated 24/12/2013**

**Cell No. 0333-9546154**

**BEFORE KHYBER PAKHTOONKHAWA SERVICES TRIBUNAL**  
**PESHAWAR.**

Appeal No. 1644 /2013

Andleeb Saleem D/o Raja Muhammad Saleem, R/o House No. CB-28,  
Mohallah Gulshan Iqbal, Post Office Jhangi Tehsil & District Abbottabad.

**VERSUS**

-----APPELLANT

1. Secretary to Government of Khyber Pakhtukhawa, Elementary and Secondary Education Department Peshawar.
2. Secretary to Government of Khyber Pakhtoonkhawa, Finance Department, Peshawar.
3. Director Elementary and Secondary Education Department Peshawar.
4. District Education Officer (Female), Abbottabad.
5. District Accounts Officer, Abbottabad.
6. Musarat Bibi Physical Education Teacher (PET) Govt Girls Higher Secondary School Dhamtour, Abbottabad through DEO (Female) Abbottabad.
7. Rakhshanda Bibi Physical Education Teacher (PET) Govt Girls Higher Secondary School Berot, Abbottabad through DEO (Female) Abbottabad.
8. Rubina Aslam Physical Education Teacher (PET) Govt Girls Higher Secondary School Nawansher, Abbottabad through DEO (Female) Abbottabad.
9. Mehnaz Begum Physical Education Teacher (PET) Govt Girls Higher Secondary School Bandi Attai Khan, Abbottabad through DEO (Female) Abbottabad.
10. Nazma Bibi Physical Education Teacher (PET) Govt Girls Higher Secondary School Sumander Katha, Abbottabad through DEO (Female) Abbottabad.
11. Sobia Physical Education Teacher (PET) Govt Girls Higher Secondary School Dhodial, Abbottabad through DEO (Female) Abbottabad.

-----RESPONDENTS

Dependent No.  
6 to 11, placed  
Ex - parte  
with order  
sheet No-14  
dt/16/11/13.

dated 26/12/13

*[Signature]*

26/12/13

APPEAL UNDER SECTION 4 OF KHYBER PAKHTOONKHAWA SERVICE TRIBUNAL ACT AGAINST THE ORDER OF RESPONDENT NO. 04 DATED 26-02-2013 WHEREBY APPELLANT WAS NOT PROMOTED TO THE POST OF SENIOR PHYSICAL EDUCATION TEACHER (BPS-16) AS PER SENIORITY AND ENTITLEMENT UNDER SECTION 17 OF THE KHYBER PAKHTOONKHAWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES 1989 AND JUNIORS/RESPONDENTS NO.06 TO 11 WERE PROMOTED IN VIOLATION OF THE PRESCRIBED RULES.

**PRAY IN APPEAL:-** ON ACCEPTANCE OF INSTANT APPEAL, THIS HONOURABLE TRIBUNAL MAY GRACIOUSLY BE PLEASED TO ISSUE DIRECTIONS TO RESPONDENT NO 04 TO GRANT PROMOTION TO APPELLANT FROM HER DUE DATE WITH ALL CONSEQUENTIAL BENEFITS.

**ON FACTS**

Respectfully sheweth :-

1. That, the petitioner has been serving in the Education Department as Physical Education Teacher (BPS-09) since 01-12-2006 as per her appointment order being endorsed No. 21124-32 dated 18-11-2006. (Copy of appointment order dated 18-11-2006 is annexed as **Annexure-A**).
2. That, the petitioner, prior to joining her present service was working as Lab. Assistant (BPS-07) at Govt Girls Degree College No. 2 Abbottabad and on her induction in present department, she was granted pay protection etc under the relevant rules.
3. That the Govt of Khyber Pakhtunkhawa Elementary & Secondary Education Department vide notification No

SOPE/45/SSRC/Meeting/2012/teaching Cadre dated 13-11-2012 framed rules for up-gradation of different categories of teachers including up-gradation of Physical Education Teachers from BPS-15 to BPS-16 with re-designation as Senior Physical Education Teachers on the basis of seniority cum fitness (copy of notification is annexed as **Annexure-B**).

4. That petitioner as per service record, academic qualification and seniority was entitled for promotion/up-gradation from BPS-15 to BPS-16 as similarly paced teachers junior physical teachers have been up-graded. (Copy of impugned orders are annexed as **Annexure-C**).
5. That petitioner approached respondent No 04 by filing departmental representation/appeal, but despite the lapse of more than three months, the same was not responded to (copy of representation/appeal is annexed as **Annexure-D**).
6. That verbally respondent told that she joined her services as PET w.e.f 01-12-2006 and the intervening period of issuance of her appointment order i.e. 18-01-2006 till her assumption of charges as Physical Education Teacher on 01-12-2006 was not counted towards her seniority, which is violation of the dictum laid down by the Supreme Court of Pakistan in its judgment reported as SCMR 2009 Page 82.
7. That at the time of initial appointment of the petitioner, her score was more than those teachers, whose up-gradation has already been granted by the respondent No 4 which is clear discrimination in terms of the Article 4 & 25 of the Constitution of Pakistan 1973.
8. That as per dictum laid down by the August Supreme Court of Pakistan, when identical relief have been granted to similarly placed employees, then those who were not party to the litigations are also entitled to be treated at par with.
9. That the appellant approached the Honourable Peshawar High Court Abbottabad bench vide WP No 675-A/2013 for redressal of her

grievances but the same was returned to her due to want of jurisdiction and directed for approaching to this honourable tribunal for seeking remedy. (Copy of judgments are attached as **Annexure-E**)

10. That this honourable tribunal has got ample power and authority to issue direction to the departmental authority/respondent No 4 for up-gradation of the petitioner from BPS-15 to BPS-16 as per her entitlement.

### **GROUND**

- a. That as per seniority list and entitlement of the appellant, she in all respects is fit and eligible to be promotion to the post of Senior Physical Education Teacher (BPS-16) and the promotion order of the juniors/respondents No 05 to 11 in preference to the appellant is against law and facts as well as the violation of fundamental rights of appellant and prescribed policy and natural justice, therefore, the promotion order issued by respondent No 4 is liable to be modified/set-aside to the extent of appellant.
- b. That appellant is the topper of her batch /cadre having unblemished and clean service track record throughout, therefore, the date of assumption of charge within prescribed period in no way shall affect seniority as per the relevant rules and the dictum laid down by the August Supreme Court of Pakistan in the case reported as SCMR 2009 page 82 and the judgment and legal interpretation rendered by the apex Supreme Court of Pakistan is binding in terms of Article 189 & 190 of constitution of 1973 of Pakistan but this aspect of the case was ignored by the competent authority while depriving the appellant from her due right to up-gradation/promotion to the next higher scale under the relevant rules and therefore, the orders issued by respondent No 4 are ab-initio void, illegal, ultra-vire and are hence liable to be set-aside by this honourable tribunal.

Under the above facts and circumstances, it is therefore very humbly prayed that on acceptance of instant appeal, direction may kindly be issued

to respondent No 4 for up-gradation of petitioner from BPS-15 BPS-16 as Senior Physical Education Teacher from the due date with all consequential benefits with cost throughout and any other remedy/relief which this august forum deems fit may also kindly be granted.

*Andleeb*

Appellant

Through

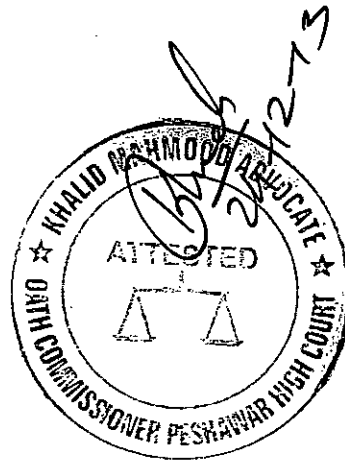
*Syed Abdul Haq*

(Syed Abdul Haq)  
Advocate High Court

Dated \_\_\_\_\_/13

**UNDERTAKING**

I, Andleeb Saleem D/o Raja Muhammad Saleem, R/o House No. CB-28, Mohallah Gulshan Iqbal, Post Office Jhangi Tehsil & District Abbottabad. do hereby undertake on oath that the contents of foregoing appeal are true & correct to the best of my knowledge and believe and nothing material has been concealed from this honourable court.



*Andleeb*

DEPONENT



**BEFORE KHYBER PAKHTOONKHAWA SERVICES TRIBUNAL**  
**PESHAWAR.**

Andleeb Saleem D/o Raja Muhammad Saleem,

-----APPELLANT

**VERSUS**

Secretary to Government of Khyber Pakhtukhawa & others

-----RESPONDENTS

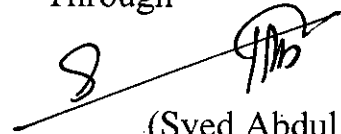
**APPEAL**

**ADDRESSES OF THE PARTIES**

Addresses of parties given in the heading of the Appeal are sufficient for their proper and due service.

  
Appellant

Through

  
(Syed Abdul Haq)  
Advocate High Court

Dated \_\_\_\_\_/13

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCH: & LIT: A.ABAD  
ORDER

Consequent upon the recommendation of the Departmental Selection Committee of the competent authority has been pleased to appoint the following PET (Female) in BPS-09 (Rs 2770-165-7720) plus usual allowances as admissible under the rules of regular basis but without pension and gratuity in terms of section 9 of the civil servants act-1973, amended wide NWFP civil servants (amendment) Act 2005 with immediate effect and placed in the schools as noted against their names with effect from the date of taking over charge subject to the terms and conditions mentioned below:-

PET (FEMALE) - OPEN /SESSION WISE - ON REGULAR BASIS (FRESH)

SNO/ Rno.	Name / Father's Name of Candidates with Address	Score/Session	Place of Posting	Remark
1/11	Saeeda Bano D/O Munayyar Khan r/o Jhanssa	51.75(2005)	GGMS Bagar	-do-
2/13	Mussrat Shaheen d/o Sher Mubki Khan R/O M/Mandroch N/sher	44.64	GGMS Tharyal	-do-
3/1	Rukhsanda Bibi d/o Sajid Mohd r/o Armat Khara Gali	44.43	GGMS Truck	-do-
4/20	Shamraz Bibi d/o M. Sadiq r/o S/Bandi	43.65	GGMS S. alkote	-do-
5/10	Saeeda Ilyass D/O Hyass Mushraq r/o Nagri Bala	43.64	GGMS Khanus Pur Auybia	-do-
6/16	Rubina Aslam D/O M. Aslam r/o Nagri Bala	43.57	GGMS Farwal	-do-
7/02	Mehmaz Begum D/O Ali Aslam R/O B. Saib Khan	42.02	GGHS B. Atik Khan	-do-
8/08	Zainab Bibi d/o M. Ramzan r/o Nagri Bala	42.01	GGMS Jandala	-do-
9/03	Sobia Tasneem d/o S. M. Sadiq r/o Nagri Bala	41.97(2005)	GGMS N. Gali	-do-
10/23	Talhat Bibi d/o Mohabat Khan r/o Jhangi Sadyan	40.16(2005)	GGMS Saikkote	-do-
11/12	Suzmita Bibi d/o M. Zaman r/o Nagri Bala	39.38(2005)	GGMS Darwaza	-do-
12/03	Sobia d/o Maroof Khan r/o Maira Mandroch N/sher	38.41(2005)	GGMS Aziz Timp	-do-

SDPE CANDIDATES

1/15	Atia Mehmood d/o Ahmed Mehmood r/o N/sher	57.00(2005)	GGMS Pawa	-do-
2/19	Andleeb Saieem d/o Raja M. Saieem r/o Jhangl	51.57(2005)	GGMS B/Dhundian	-do-
3/13	Gul Naz Bibi d/o S. Ijaz Ali R/O N/Bala	48.00(2005)	GGMS Maira-Rahmal	-do-
4/14	Faria d/o Ali Akbar R/O Thana Maira	47.80(2005)	GGMS Rajoyi	-do-

DPE CANDIDATES (Diploma in Physical Education)

1/26	Saira Abbasi d/o Khanwaj Muhammad r/o Lora	44.97(2006)	GGHS Lora	-do-
2/09	Rubina Shaheen d/o M. Riaz R/o Najan Aid	44.60(2005)	GGMS Rich Bhen	-do-
3/06	Bushra Khalil D/O Khalil ur Reaman r/o Gharri Lora	42.58(2005)	GGMS Nagri Tatal	-do-
4/17	Saima Khaliqdad D/O Sardar Khaliqdad r/o Nambli Maira	41.09(2005)	GGMS Nambli Maira	-do-

جی ایچ ڈی اے ایف ایف  
 ڈیپارٹمنٹ آف ایجوکیشن  
 گورنمنٹ آف خیبر پختونخوا  
 0333-5049150 0301-8143229

TERMS AND CONDITIONS OF THEIR APPOINTMENTS.

8

1. Their services will be considered regular but without pension / gratuity in term of section 19 of the civil servant act 1973 as amended vide NWFP civil servant (amendment) act 2005. They will not contribute any amount toward C.P.Fund however they will contribute C.P.Fund @ Rs 5% of the minimum of the pay and the 5% contribution will be made by the Govt.
2. They will get initial of the scale including usual allowances as admissible under the rule. They are entitled to annual increment after completion of one year of service.
3. Their services are liable to termination on one month's prior notice from either side. In case of resignation without prior notice their one month pay/allowances, if any shall be forfeited to Govt.
4. Their appointment are purely on temporary basis and liable to termination at any stage without assigning any reason/notice.
5. The appointees should join his/their post within 15 days positively issue of this notification other wise, after 15 days of the issue of this notification, failing which his candidature will expire automatically and no subsequent appeal etc shall be entertain.
6. They will be Governed by such rules and regulations as may be issued from time to time by the Govt.
7. They shall be required to furnish copies of all their certificates / Degrees along with the original receipts and photo copy thereof pertaining to the verification Fee of concerned examining body (Board/University, to the DGO (S&L) Attd. The later shall arrange verification of all the certificates / degrees of the appointee and will issue a clearance certificate to each appointee for the release of his / her pay. His / Her pay bill should not be submitted to the DGO Abbottabad before verification of all certificates / degrees from the concerned institutions of each candidate. herein all relevant documents must be submitted to the DGO (S&L) Attd with in one month of issue of this notification positively.
8. The Principal / Headmaster / DDOs concerned are responsible to get verified their certificates etc from the concerned university, Board and RME etc before the drawl of their pay and report genuineness of their degrees / certificates or otherwise.
9. The overage / underage candidates should not be handed over charge, the age limit is 18 to 35.
10. Any aggrieved candidate has the right of appeal within 10 days of the issue of this notification and in case of acceptance junior most appointee / appointees will be replaced / removed from service.
11. Appointment against disabled / deceased person, subject to the provision of the concerned certificate by the competent authority / standing medical board.
12. They should produce Age & Health certificate from the Medical Superintendent DDO Abbottabad.
13. Charge reports should be submitted to all concerned.
14. No TA / DA is allowed.

(S. BASHIR HUSSAIN SHAH)  
EXECUTIVE DISTRICT OFFICER  
SCHOOLS & LITERACY A. ABAD  
Dated: 18/11/2006

Endst: No. 2/124-32 / (M&F) APPTT/2006/EDD(S&L) ATD.  
Copy forwarded for information and action to the :-

1. Director Schools and Literacy NWFP, Peshawar.
2. District Nazim Abbottabad.
3. District Co-Ordination Officer Abbottabad.
4. District Accounts Officer Abbottabad.
5. DY: DO (Male & Female) Abbottabad.
6. Principal / H/M Concerned Schools.
7. Budget and Accounts Officer Local Office.
8. Candidates: Concerned.
9. Officer Order file.

(SAKINA KHAN)  
DISTRICT OFFICER  
SCHOOLS & LITERACY A. ABAD

Sadeem Pasha

*Signature*

جناب: سید شمس الدین  
روداد ڈسٹرکٹ کالج  
کلب روڈ ایبٹ آباد  
0333-5049133 0301-8142229

**BETTER COPY****OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCH & LIT: A.ABAD****ORDER**

Consequent upon the recommendation of the Departmental Selection Committee, The competent authority has been pleased to appoint the following PET (Female) in BPs-09 (Rs. 2770-165-7720) plus usual allowance as admissible under the rules on regular basis but without pension and gratuity in terms of section 19 of the civil servant act 1973 amended vide NWFP civil servants (Amendment). Act 2005 with immediate effect and posted in the schools as noted against their names with effect from the date of taking over charge subject to the terms and conditions mentioned below:-

**PET (FEMALE) OPEN/SESSION WISE ON REGUALR BASIS (FRESH)**

<b>JDPE Candidates</b>				
S. No/ Rno.	Name/ Father Name of Candidate with Address	Score/ Session	Place of Posting	Remarks
1/11	Saeeda Bano D/O Munawar Khan r/o Jhanssa	51.75(2005)	GGMS Bagan	do
2/4	Mussart Shaheen d/o Sher Mohd: Khan R/O M/Mandroch N/sher	44.64	GGMS Tharyati	do
3/1	Rukshanda Bibi d/o Taj Mohd: r/o Anwar Khara Gali	44.43	GGMS Pluck	do
4/20	Shahnaz Bibi d/o M. Sadiq r/o S/Bandi	43.65	GGMS Sailkote	do
5/10	Saeeda Ilyass D/O Ilyass Mushtaq r/o Nagri Bala	43.64	GGMS Khanus Pur Ayubia	do
6/16	Rubiba Aslim D/O M/Aslam r/o Ngri Bala	43.57	GGMS Tajwali	do
7/02	Mehnaz Begum D/O Ali Asghar R/O B.Saib Khan	42.02	GGMS B.Atta Khan	do
8/08	Zanib Bibi d/o m. Ramzan r/o Nagri Bala.	42.01	GGMS Jhangi	do
9/05	Sobia Tasleem d/o S.M Daqiq r/o Nagri Bala	41.91(2005)	GGMS Riyat	do
10/23	Talhat Bibi d/o Mohabat Khan r/o Jhandi Sadyian	40.16 (2005)	GGMS Sajikote	do
11/12	Nazma Bibi d/o M. Zaman r/o Nagri bala	39.38 (2005)	GGMS Darwaza	do
2/03	Sobia d/o maroof Khan r/o Maira Mandroch N/Sher	38.41 (2005)	GGMS Aziz Bang	do
<b>SDPE Candidates</b>				
1/15	Attia Mehmood d/o Ahmed Mehmood r/o N/Sher	57.20 (2005)	GGMS Pawa	do
2/19	Andleeb Saleem d/o Raja M. saleem r/o jhangi	51.57 (2005)	GGMS B/Dhundian	do
3/13	Gul Zaz bibi d/o Ali R/o N/Sher	48.00 (2005)	GGMS Maira Ruhmat	do
4/14	Faria d/o Ali Akbar R/o Thanda Maira.	47.89 (2005)	GGMS Rojoya	do
<b>DPE Candidates</b>				
1/26	Saiqa Abassi d/o Khanwaj Muhammad r/o Lora	44.97 (2006)	GGMS Lora	do
2/09	Rubina Shaheen d/o M.Riaz r/o Narian Atd	44.64 (2005)	GGMS Rich Bhhen	do
3/06	Bushra Khalil d/o Khalil ur Rehman r/o Gharri Lora	42.58 (2005)	GGMS Nagri Tutial	do
4/17	Saima khaliqdad d/o Sardar Khaliqdad r/o Nambli Maira	41.09 (2005)	GGMS Namli Maira	do

10

BETTER COPYTERMS AND CONDATIONS OF THEIR APPOINTMENT:

1. Their services will be considered regular but without pension & gratuity in term of section 19 of the civil servant act 1973 as amended vide NWFP civil servant (amendment) act 2005, they will not contribute any amount toward G.P Fund Allowance they will contribute C.P Fund @ Rs. 5% of the minimum of the pay and the 5% contribution will be made by the Govt.
2. They will get initial of the scale including usual allowances as admissible under the rule. They are entitled to annual increment after completion of one year of serves.
3. Their services are liable to termination on one month's prior notice from either side. In case of resignation without prior notice their one month pay/allowance, if any shall be forfeited to Govt.
4. Their appointment are purely on temporary basis and liable to termination at any stage without assigning any reason/ notice.
5. Their appointee should join his/their post with in 15 days positively issue of this notification other wise, after 15 days of the issue of this notification, failing which his candidature will expire automatically and not subsequent appeal etc shall be entertain.
6. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
7. They shall be required to furnish copies of all their Certificates/Degrees along with the original receipt and photo copy thereof pertaining to the verification Fee of concerned examining body (Board/university, to the DO (S&L) Atd. The later shall arrange verification of all the certificate/degrees of the appointee and will issue a clearance certificate to each appointee for the release of his/her pay. His/Her pay bill should not be submitted to the DAO Abbottabad before verification of all certificate/degree from the concerned institutions of each candidate, therein all relevant documents must be submitted to the EDO (S&L) Atd with in one month of issue of this notification positively.
8. The Principal/Headmaster/DDOs concerned are responsible to get verified their certificates etc from the concerned universities Boards and RDE etc before the drawl of their pay and report genuineness of their degree/certificate or otherwise.
9. The overage/underage candidates should not be handed over charge, the age limit is 18 to 35.
10. Any aggrieved candidate has the right of appeal within 10 days to the issue of the notification and in case of acceptance junior most appointee/appointees will be replaced/removed from service.
11. Appointment against disable/deceased quota subject to the proviso of the concerned certificate by the competent authority/standing medical board.
12. They should produce Age & Health certificate form the Medical Superintendent DHQ Abbottabad.
13. Charge reports should be submitted to all concerned.
14. No TA/DA is allowed.

Sd

(S.BASHIR HUSSAIN SHAH)  
**EXECUTIVE DISTRICT OFFICER  
 SCHOOLS & LITERACY A.ABAD.**

Endst: No. 21124-32 / (M&F) APPTT: /2006/EDO (S&L) ATDDated: 18/12/2006

Copy forwarded for information and n/action to the:-

1. Director Schools and Literacy NWFP Peshawar
2. District Nazim Abbottabad
3. District Co-Ordination Officer Abbottabad
4. District Account Officer Abbottabad
5. DY&DO (Male & Female) Abbottabad
6. Principal H/M Concerned School
7. Budget and Accounts Officer Local Officer
8. Candidates Concerned
9. Officer Order files.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13, 2012.

SO (PE) 4-VSSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the Appendix and the schedule therewith.

SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Sl. No. & Date as above.

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General, Khyber Pakhtunkhwa Peshawar.
6. The Director (E&SE), Khyber Pakhtunkhwa Peshawar.
7. The Director Education (FA&A), Peshawar.

ALL

12

P  
C

And

Certified Teacher (Industrial Arts) (BPS-16)		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Industrial Arts), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Industrial Arts).
Senior Certified Teacher (Agriculture) (BPS-16)		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teacher (Agriculture), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Agriculture).
Senior Drawing Master (BPS-16)		By promotion, on the basis of seniority-cum-fitness, from amongst Drawing Masters, with at least five years service as such and having qualification as prescribed for initial recruitment of Drawing Master.
Senior Certified Teacher (SCT) (Home Economics) (BPS-16)		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Home Economics), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Home Economics).
Senior Physical Education Teacher (BPS-16)		<del>By promotion, on the basis of seniority-cum-fitness, from amongst Physical Education Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Physical Education Teacher.</del>

Senior Physical Education Teacher (BPS-16)

## OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DISTRICT ABBOTTABAD

## NOTIFICATION

Consequent upon the approval of the Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar regarding the promotion of PET BPS-15 to senior PET post BPS-16 contained in notification bearing Endst.No. 3420-26/F.No.1/Promotion (F) senior PET BPS-16 dated Peshawar 21/02/2013, the following (32) PETs Female are hereby adjusted and posted against senior PET BPS-16 @ (Rs.10000-800-34000) plus usual allowance as admissible to them under the rules with the Terms & conditions given below in the schools noted against their names in the interest of public service w.e.from 21/02/2013.

S.No	S/L No	Name of Teacher	Name of School	Place of Posting	Remarks
1	2	3	4	5	6
1	2	TAHIRA KHURSHID	GGHS No.2 A/Abad.	GGHS No.2 A/Abad.	Post already occupied
2	9	RUQIA BEGUM	GGHSS Havellan	GGHSS Havellan	Post already occupied
3	10	DILSHAD AKHTAR	GGHS Mirpur	GGHS Mirpur	Post already occupied
4	11	NASREEN YOUSAF	GGHS Aziz Bang	GGHS Aziz Bang	Post already occupied
5	12	SHAHIDA JADOON	GGHS No.2 A/Abad	GGHS No.2 A/Abad	Post already occupied
6	13	AMINA PERVEEN	GGMS Dheri Maira	GGCHSS Atd	Vice Sajida Yasmin
7	14	SHAHBANA TAJ	GGHS Jhangi	GGHS Jhangi	Post already occupied
8	15	CHAMAN ARA	GGMS Samissar	GGHS Sajikote Qalandarabad	Vice Bibi Tehsin Naz
9	16	NARIGIS BIBI	GGHS Sial Kote	GGHS Sial Kote	Post already occupied
10	17	NAZIA BIBI	GGHS Kunj	GGHS Kunj	Post already occupied
11	18	AYESHA BIBI	GGCMS A/Abad (NO 1)	GGCMS A/Abad (NO 1)	Post already occupied
12	19	SAIQA BANO	GGHS Sheikhu Bandi	GGHS Sheikhu Bandi	Post already occupied
13	20	SHAZIA NORREN	GGMS Ghumawan	GGHS Kakul	Vice Nadia Noreen
14	21	ZAHIDA ASHRAF	GGHSS MALIKPURA	GGHSS MALIKPURA	Post already occupied
15	22	QAISRA SHAHEEN	GGHS Kuthwal	GGHS Kuthwal	Post already occupied
16	23	SHAKEELA JADOON	GGCMS Nawanshehr	GGCMS Nawanshehr	Post already occupied
17	24	Bushra Syed	GGMS MALIK PURA	GGCHSS Atd	Vice S.No.33 Mehnaz
18	25	MISBAH JAHAN	GGMS BANDA PIR KHAN	GGHS B/Dhundian	Vice Andleeb Saleem
19	26	SAJIDA KHALQDAD	GGHS Bandi Maira	GGHS Bandi Maira	Post already occupied
20	27	ZAIB U NISA	GGHS Upper Kehal	GGHS Upper Kehal	Post already occupied
21	29	REHANA SHAHEEN	GGHS Bagnolar	GGHS Bagnolar	Post already occupied
22	30	SHAISTA NORREN	GGHS Salhad	GGHS Salhad	Post already occupied
23	31	NAZIA REHAN	GGHS BEERAN GALI	GGHS BEERAN GALI	Post already occupied

Signature



14

24	32	SONIA SALEEM	GGCMS A/Abad (NO.1)	GGCMS A/Abad (NO.1)	Post already occupied	
25	33	NADIA KHAN	GGMS Sullanpur	GGHSS Havelian	Vice Nazma Shaheen	See page 2
26	34	MUSARAT SHAHEEN	GGMS Thariyati	GGHSS Dhamtour	Vice Mehfooz Jan	See page 2
27	35	SOBIA	GGHS DHODIAL	GGHS DHODIAL	Post already occupied	
28	36	RUBINA ASLAM	GGMS Serbhaga	GGHS N/Sher	Vice Shagufta	See page 2
29	37	MEHNAZ BEGUM	GGHS Bandi Aitai Khan	GGHS Bandi Aitai Khan	Post already occupied	
30	38	NAZMA BIBI	GGMS TATREELA	GGHS Sammunder Katha	Vice Saeeda Ilyass	See page 2
31	39	RAKSHANDA BIBI	GGMS Palak	GGHS Berote	Vice Saima Bibi	See page 2
32	40	SAEEDA BANO	GGMS Jandalla	GGHS Kari Raiki	Vice Sobla	See page 2

CONSEQUENTIAL ADJUSTMENT OF BPS-15.

SNO	Name of Teacher	Present Station	Place of Posting	Remarks
33	Mehnaz	GGCHSS Atd	GGHS Khanispur	Against VI/Post
34	Ayesha Mushtaq	GGMS Jarral	GGMS Malik Pura	Vice SNO.17
35	Sajida Yasmin	GGCHSS Atd	GGMS Dheri Maira	Vice SNO.6
36	Bibi Tehsin Naz	GGHS Sajikote Q/Abad	GGMS Samissar	Vice SNO.8
37	Nadia Noreen	GGHS Kakul	GGMS Ghumawan	Vice SNO.13
38	<del>Andiye Sabir</del>	<del>GGHS Bandi Phondia</del>	<del>GGMS Bandi Bishkham</del>	<del>Vice SNO.18</del>
39	Nazma Shaheen	GGHSS Havelian	GGMS Sultan Pori	Vice SNO.25
40	Mehfooz Jan	GGHSS Dhamtour	GGMS Thariyati	Vice SNO.26
41	Shagufta	GGHS Nawansher	GGMS Serbhane	Vice SNO.28
42	Saeeda Ilyass	GGHS Sumandar Khata	GGMS Tatreele	Vice SNO.30
43	Saima Bibi	GGHS Berote	GGMS Pluck	Vice SNO.31
44	Sobla	GGHS Kari Raiki	GGMS Jandala	Vice SNO.32

TERMS & CONDITIONS:-

1. On their promotion, the teacher concerned will be on probation for a period of one year in term of section - 6 (2) of Khyber Pakhtunkhwa Civil Servant Act 1973 read with rule 15 (1) of Act of Servant (appointment, Promotion & transfer) rules 1981.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case their performance is found un satisfactory during probationary period. In case of misconduct, they will be proceeded under the rules.
4. Their inter-se-seniority on lower post will remain intact.
5. They will give an undertaking to be recorded in their service book to the effect that if any over payment is made to them in the light of this office will be recovered if they are wrongly promoted, they will be reversed.
6. They should join their post within 15 days of the issuance of this notification. In case of failure to join their posts within stipulated period, their promotion will expire automatically and no subsequent appeals will be entertained.
7. Necessary entry should be recorded in their service books.
8. Charge reports should be submitted to all concerned.

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten mark]*

- 9. Checking of verification of all the documents shall be ensure by the DDO concerned.
- 10. No TA/DA is allowed.

*sd*  
 DISTRICT EDUCATION OFFICER  
 (FEMALE) ABBOTTABAD

Endst: No. 980-1044 /Promotion/Adjustment PET (F) Dated A/Abad the 26/02/2013

- Copy to the:-
- 1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
  - 2. PS to Secretary to Govt: of KPK, E&SE Department, Peshawar
  - 3. PA to Director Elementary & Secondary Education, KPK Peshawar
  - 4. District Accounts Officer Abbottabad
  - 5. Concerned Principal/Headmistress
  - 6. Official Concerned.
  - 7. File concerned.

*[Signature]*  
 DISTRICT EDUCATION OFFICER  
 (FEMALE) ABBOTTABAD

*[Signature]*

To

The District Education Officer (Female)  
Elementary & Secondary Education  
K.P.K Abbottabad.

"D"

THROUGH: PROPER CHANNEL

Subject: Departmental Representation against the Promotion Order of P.E.Ts from BPS 15 to BPS 16. Dated 26/02/2013

Dear Madam!

With due honor, I would like to draw your kind attention towards my following grievances for kind perusal and favorable consideration:

BRIEF FACTS

1. Initially I have served in Government Girls Degree College Mandian Abbottabad as Laboratory Assistant from 1999 to 2006.
2. I applied through proper channel for the post of PET BPS-09 and appointed/selected for the same under your kind supervision on 18/11/2006 being Graduate was subsequently promoted into BPS 14 on 07/07/2007.
3. Subsequently the said posts of PETs were upgraded from BPS 14 to BPS 15.
4. That I have possessed MSc (HPE), SDPE, MED & BEd. qualifications.
5. I was shocked when I come to know that being senior most & highly qualified candidate ignored/deprived for promotion i.e. BPS 15 to BPS 16 through above noted order, 26/02/2013.

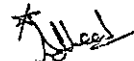
PRAY

It is therefore, requested that above promotion order may please be reviewed & grievances of applicant may please be accorded in the following manners;

- ❖ That Seniority List may please be correct because I am senior most and many junior PET teachers have been promoted from BPS 15 to BPS 16.
- ❖ That I am fully/highly qualified candidate & possessing MSc (HPE), SDPE, MED, BEd as extra qualification fully eligible for promotion from BPS 15 to PBS 16.
- ❖ It is therefore, requested to please withdraw above promotion order for correction of my seniority position & promote me into BPS 16 being senior most, highly qualified & fully entitled for the same.

Thanking you in anticipation

Your Obediently



Andleeb Saleem

PET GGMS Banda Pir Khan,

Teh &amp; Distt Abbottabad

Dated: 25/03/2013

- Copies Encl: 1. Impugned Promotion Order of PETs dated 26/02/2013
2. My initial appointment order
3. Necessary Educational documents i.e., Degrees of MSc (HPE), SDPE, BEd & MED



17  
1  
JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH.

JUDICIAL DEPARTMENT

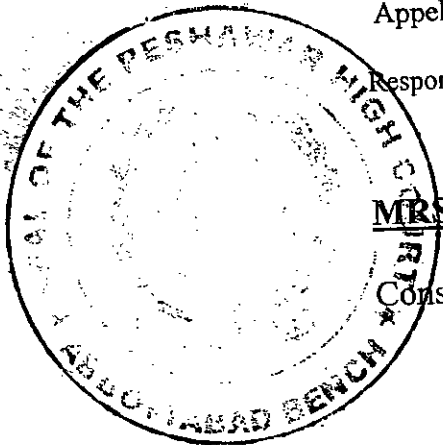
W.P No. 675-A of 2013

JUDGMENT

Date of hearing 18-09-2013

Appellant(s)/Petitioner (s) And Leeb Salim by Fajir Rehman Advocate

Respondent (s) Secretary Govt etc



MRS. IRSHAD QAISER, J:- Andleeb Saleem seeks the

Constitutional jurisdiction of this Court praying that;

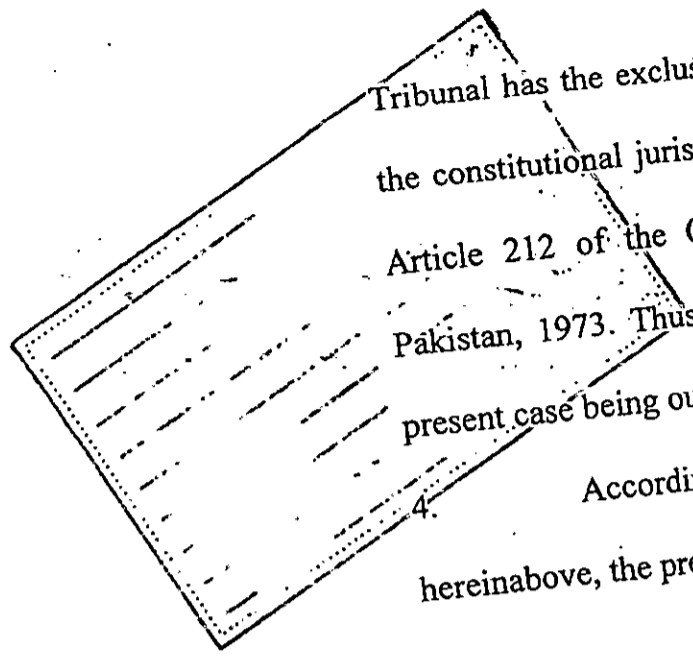
“Direction may kindly be issued to the respondent NO.4 for up-gradation of petitioner from BPS-15 to BPS-16 as physical Education Teacher to Senior Physical Education Teacher from the due date with all consequential benefits with cost throughout & any other remedy which this August Court deems fit may also kindly be granted.”

2. We have heard learned counsel for petitioner and thoroughly perused the available record with his assistance.

3. It is admitted fact that the controversy involved in this constitutional petition relates to the terms and conditions of service of civil servants, therefore, the Service

*J. Qaiser*  
Certified to be True Copy  
27/11/13  
Peshawar High Court  
Abbottabad Bench  
Authorized Under Sec 75 Act 1973

18



Tribunal has the exclusive jurisdiction in the matter, while the constitutional jurisdiction of this Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973. Thus, this Court cannot proceed with the present case being out of its purview.

4. Accordingly, for the reasons stated hereinabove, the present writ petition is dismissed.

**Announced:**  
**18.09.2013**

*SO JUDGES*

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*113*  
Peshawar Bench  
Abbottabad Bench  
Authorized Under Sec 7, Acts Ordms

N<sup>o</sup> 2

Certified

Pasha  
Abbc  
Authorized

Board (C.S.B) (Advisory Body) through

Nadir Khan Hoti vs. Central Selection

SCMR 2017) Nawabzada Muhammad

Sapir Zameer Siddiqui's case (1993

Sapir Shah's case (PLD 1994 SC 738), Dr.

Wazir Khan's case (2002 SCMR 889), Pir

Muhammad's case (2009 SCMR 82),

Samreena Parveen (2009 SCMR 1), Fazal

Education, Lahore and others v.

Government of Punjab, through Secretary

Khatoun's case (2011 SCMR 262),

case (2012 SCMR 971), Miss Subaida

placed reliance on Muhammad Sapir Raja's

arguments, learned counsel for the petitioner

involved in the petition. In support of his

jurisdiction to adjudicate upon the issue

Court, this Court has the exclusive

down by this Court as well as by the apex

Pakistan, 1973; and that the principle laid

of the Constitution of Islamic Republic of

the Constitutional Petition under Article 199

petitioner for redress of her grievance was

23

Certified to be True Copy  
22/11/17  
Registrar, High Court  
Lahore  
Attest: Khan 22/11/17

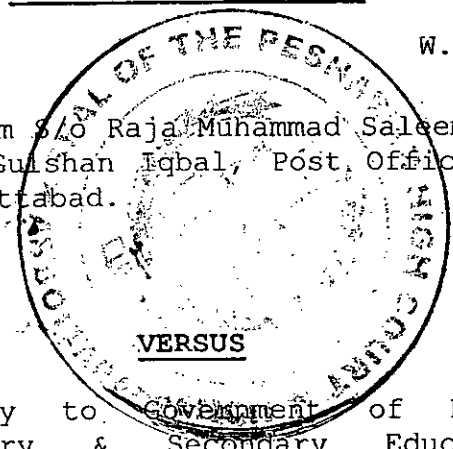
19

EDORS.

**BEFORE HONOURABLE PESHAWAR HIGH COURT**  
**ABBOTTABAD BENCH.**

W.P NO. 675A/2013

Andleeb Saleem S/O Raja Muhammad Saleem, R/o House #. CB-28 Mohallah Gulshan Iqbal, Post Office Jhangi, Tehsil & District Abbottabad.



-----PETITIONER

VERSUS

1. Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.
3. Director Elementary & Secondary Education Department, Peshawar.
4. District Education Officer (Female), Abbottabad.
5. District Account Officer, Abbottabad

-----RESPONDENTS

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 TO THE EFFECT THAT THE PETITIONER IS SENIOR PHYSICAL EDUCATION TEACHER AND UNDER THE RELEVANT RULES SHE IS ENTITLED FOR UPGRADATION AS PER HER ACCADEMIC AND PROFESSIONAL QUALIFICATION & EXPERIENCE.**

**ON FACTS**

Respectfully Sheweth:-

1. That, Petitioner has been serving in the Education Department as Physical Education Teacher (BPS-09) since 01/12/2006 as per her appointment order being endorsed #.21124-32/ (M&F)APPTT/2006/EDO(S&L)ATD dated 18/11/2006 (Copy of Appointment order dated 18/11/2006 is annexed as Annexure-A).
2. That, the petitioner to joining her present service was working as Lab-Assistant (BPS-07) at Government Girls Degree College #.02 Abbottabad and on her induction in the present department, she was granted pay protection etc. under the relevant rules.

N<sup>o</sup> 2770  
11.9.13

ED TODAY

Certified Copy  
27/11/13  
Peshawar High Court  
Abbottabad Bench  
Authorized Under Sec 75 Act 1973

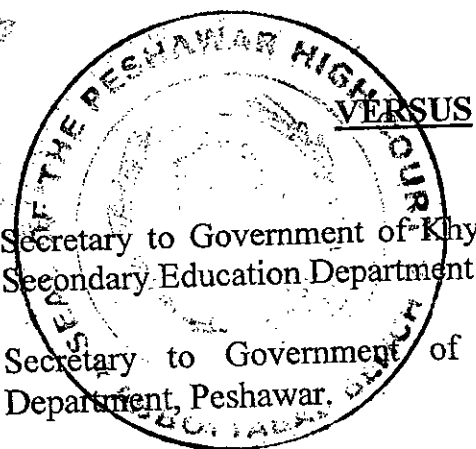
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**BEFORE HONOURABLE PESHAWAR HIGH COURT**  
**ABBOTTABAD BENCH.**

Review Petition No. 41-A/13  
In W.P No. 675-A/2013

Andleeb Saleem D/o Raja Muhammad Saleem, R/o House No. CB-28,  
Mohallah Gulshan Iqbal, Post Office Jhangi Tehsil & District Abbottabad.

-----PETITIONER



Handwritten signature and date: 29/10/13

1. Secretary to Government of Khyber Pakhtukhawa, Elementary and Secondary Education Department Peshawar.
2. Secretary to Government of Khyber Pakhtoonkhawa, Finance Department, Peshawar.
3. Director Elementary and Secondary Education Department Peshawar.
4. District Education Officer (Female), Abbottabad.
5. District Accounts Officer, Abbottabad.

-----RESPONDENTS

Handwritten notes: No 3082 / 9-10-13

**REVIEW PETITION AGAINST THE ORDER/JUDGEMENT OF THIS HONOURABLE COURT DATED 18-09-2013 PASSED IN WRIT PEITION NO. 675-A/2013 TITLED AS "ANDLEEB SALEEM VS. SECRETARY TO GOVT AND OTHERS" WHEREBY THE W.P ALONG WITH RELIEF SOUGHT FOR WAS DISMISSED. THE RELIEF PRAYED FOR IN WRIT PEITION NO. 675-A/2013 IN NO WAY FALLS WITHIN THE JURSIDCTION OF SERVICES TRIBUNAL AS PER PROVISIO TO SECTION 4 OF KHYBER PAKHTUNKHAWA SERVICES TRIBUNAL ACT AND THE DICTUM LAID DOWN BY THE AUGUST COURT AS WELL AS BY THE HONOURABLE APEX COURT, THE ORDER/JUDGEMENT OF THIS HONOURABLE COURT IS REVIEWABLE.**

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27/11/13  
Examiner  
Court



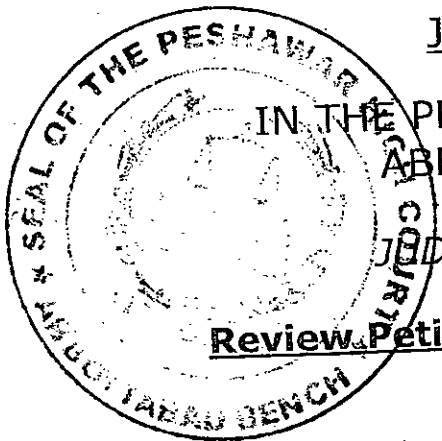
23

Board (C.S.B.) (Advisory Body) through  
Nadir Khan Hoti vs. Central Selection  
SCMR 2017), Nawabzada Muhammad  
Sabit Samer Siddiqui's case (1993  
Sabit Shah's case (PLD 1994 SC 738), Dr.  
Wasir Khan's case (2002 SCMR 889), Pir  
Muhammad's case (2009 SCMR 82),  
Sameena Parveen (2009 SCMR 1), Fazal  
Education, Lahore and others v.  
Government of Punjab, through Secretary  
Khatun's case (2011 SCMR 262),  
case (2012 SCMR 971), Miss Subaida  
placed reliance on Muhammad Sabir Raja's  
 arguments, learned counsel for the petitioner  
 involved in the petition. In support of his  
 jurisdiction to adjudicate upon the issue  
 Court, this Court has the exclusive  
 down by this Court as well as by the apex  
 Pakistan, 1973; and that the principle laid  
 of the Constitution of Islamic Republic of  
 the Constitutional Petition under Article 199  
 petitioner for redress of her grievance was

Certified to be True Copy  
 22-11-17  
 Registrar, High Court  
 Appellate Bench  
 Allahabad Road, Lahore

21

Judgment Sheet



IN THE PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

Review Petition No. 41-A of 2013 in WP  
No.675-A'2013.

**JUDGMENT**

Date of hearing.....24/10/2013.....

Petitioner...(Andleeb Saleem) by M/S Faqir ur  
Rehman Jadoon and Aamir Hafeez  
Abbasi, Advocates.....

Respondent(s)...(Secretary to Government of KPK  
E&S Education, Peshawar etc) ... ..

\*\*\*

**MRS. IRSHAD QAISER, J:-** Andleeb Saleem

petitioner seeks review of the order of this  
Court dated 18.09.2013 passed in WP  
No.675-A of 2013 praying that:

***"Under the above noted facts  
and circumstances, it is  
therefore very humbly prayed  
that on acceptance of instant  
review petition, the  
order/judgment dated  
18.09.2013 may graciously be  
reviewed and WP No.675-  
A/2013 may kindly be restored  
and be decided on merit."***

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Examiner  
Peshawar High Court  
Abbottabad Bench

Authorized Under Sec 75 Acts Ordns

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2. The brief and essential facts leading to the present review petition are that the present petitioner filed Writ Petition No.675-A/2013 on 11.09.2013, which came up for hearing before this Court on 18.09.2013. This Court after hearing the learned counsel for the petitioner came to the conclusion that the relief sought by the petitioner in the writ petition relates to the terms and condition of the service of the petitioner, therefore in view of bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, the Service Tribunal has the exclusive jurisdiction to adjudicate upon the matter and the petition was dismissed.


3. Learned counsel for the petitioner argued that under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1973, the controversy involved in the instant petition has been specifically excluded from the domain of the Services Tribunal,

*Jos*

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27/1/13  
Peshawar High Court  
Abbottabad Bench  
Authorized Under Sec 75 Acts Ordins

therefore, the only remedy available to the

petitioner for redressal of her grievance was the Constitutional Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973; and that the principle laid down by this Court as well as by the apex Court, this Court has the exclusive jurisdiction to adjudicate upon the issue involved in the petition. In support of his arguments, learned counsel for the petitioner placed reliance on Muhammad Zahir Raja's case (2012 SCMR 971), Miss Zubaida Khatoon's case (2011 SCMR 265), Government of Punjab, through Secretary Education, Lahore and others v. Sameena Parveen (2009 SCMR 1), Fazal Muhammad's case (2009 SCMR 82), Wazir Khan's case (2002 SCMR 889), Pir Sabir Shah's case (PLD 1994 SC 738), Dr. Sabir Zameer Siddiqui's case (1993 SCMR 2017), Nawabzada Muhammad Nadir Khan Hoti vs. Central Selection Board (C,S,B)(Advisory Body) through

  
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27/11/12  
Examiner  
Peshawar High Court  
Abbottabad Bench  
Authorized Under Section 5 Act of 1973

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its Chairman, Islamabad and another  
(PLJ 2013 Peshawar 149(DB)) and Athar  
H. Ansari's case (2006 PLC (C.S) 774).

4. Valuable arguments of learned counsel for the petitioner heard and record of the case thoroughly considered.

5. Before this court proceeds to pass any finding on merits of the present case, it would be appropriate to review and analyze the true intent of the relevant provisions contained in Section 4 (b)(i) of the N-W.F.P (now Khyber Pakhtunkhawa) Service Tribunal Act, 1973. The said provision reads as:-

**"4. Any civil servant aggrieved by any final order, whether original or Appellate made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him [or within six months of the establishment of the appropriate Tribunal, whichever is later, prefer an appeal to the Tribunal having jurisdiction in the matter:**

**Provided that—**

(a) .....  
.....

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22/11/13  
Peshawar High Court  
Abbottabad Bench  
Authorized Under Sec 25 of the Act

(b) no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining-

(i) the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or grade :or

(ii) .....

(c) .....

6. No doubt, bar is contained in the foregoing provision regarding filing of appeal against the decision of a departmental authority, determining the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or grade. It has been held by the apex Court in Muhammad Zahir Raja's case (2012 SCMR 971) that:-

*JFR*

"It would be seen that eligibility for promotion and fitness therefor are two separate criteria and have been judicially recognized in a number of decisions i.e. Muhammad Anis and

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*113*  
Peshawar High Court  
Abbottabad Bench  
Authorized Under Sec 75 Acts Ord 1973

**others** (Supra). Whereas eligibility relates primarily to the terms and conditions of service and their applicability to the concerned civil servants, the question of fitness is a subjective evaluation on the basis of objective criteria and hence is not justiciable." In fact according to section 9(1) of the Civil Servants Act, 1973 a right has been confirmed to a civil servant to be considered for promotion if he is eligible on account of possessing the prescribed minimum qualification etc. However, he has no vested right to be promoted. In contrast section 4(1)(b) of the Service Tribunals Act specifically bars appeal to the Tribunal against the order or decision of a departmental authority determining the fitness or otherwise of a person to be appointed or to hold a particular post or to be promoted to a higher grade."

*JOS*

7. It is evident from the record that the petitioner has sought for her promotion / up-gradation from BPS-15 to BPS-16 as Physical Education Teacher to Senior Physical Education Teacher on the ground that

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 27/11/12  
 Peshawar High Court  
 Abbottabad Bench  
 Authorized Under Section 20 of the Courts Ordinance

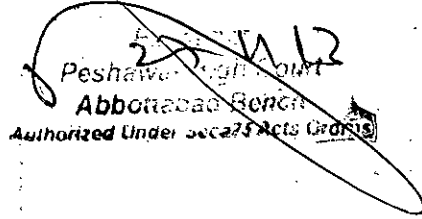
Similarly placed Junior Physical Teachers

have been upgraded. So far as the 'eligibility' of the petitioner for promotion or up-gradation to a higher grade is concerned, it is out of the scope of jurisdiction of this Court, as the same relates to the 'terms and conditions' of the service of the petitioner. It appears from the record that the case of the petitioner has not been placed for consideration before the Departmental Selection Committee or Departmental Selection Board, as the case may be, to evaluate her 'fitness' for promotion to the concerned post. Had the case of the 'fitness' of the petitioner been considered by the said Committee / Board, she would have called in question the criteria / proceedings on the basis of there being unreasonable, unfair and unjust exercise of discretion by the departmental authority, before this Court under Constitutional jurisdiction. When there is nothing on record to suggest that the 'fitness' of the petitioner was evaluated by



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20/11/12  
 Peshawar High Court  
 Abbottabad Bench  
 Authorized Under Section 25 of the Courts Act, 1973





the departmental authority, this Court cannot exercise its jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan.

8. The grounds on which review can be sought are enumerated in Order XLVII Rule 1 CPC, which provides for review on three specific grounds, namely,

**(1) Discovery of new and important matter of evidence, which after the exercise of due diligence, was not within the applicant's knowledge or could not be produced by him at the time when the decree was passed or order was made;**

**(2) Mistake or error apparent on the face of the record; or**

**(3) For any other sufficient reason.**



A judgment may be open to review, 'inter alia' if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be

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20/12  
Peshawar High Court  
Abbottabad Bench  
Authorized Under Sec 75 Act

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detected by a process of reasoning can hardly be said to be an error apparent on the face of the record justifying the Court to exercise its power of review.

In exercise of the jurisdiction, it is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise.

9. Accordingly, for the reasons stated hereinabove, this review petition is dismissed.

SD JUDGE  
*[Signature]*

**Announced:**  
Dt. 24.10.2013

/\*M.S.A\*/  
Certified to be True Copy  
*[Signature]* 27/11/13  
Examiner  
Peshawar High Court  
Abbottabad Bench  
Authorized Under Sec 75 Acts Ord 1974

# CHARGE REPORT

OFFICE OF THE HEAD MISTRESS GOVERNMENT GIRLS HIGH SCHOOL,  
BANDI DHUNDAN, ABBOTTABAD.

30

## CERTIFICATE OF CHARGE.

Certified that I have the Fore Noon of this day dated 01.12.2006 respectfully made over and received the charge of the post of PET at Govt: Girls High School Bandi Dhundan A/Abad in compliance with the Executive District Officer (Schools and Literacy) Abbottabad under Endst No. 21124-32 (M&F) APETT:/2006/EDO(S&L) A/Abad Dated 18.11.2006.

STATION. GGGHS, Bandi Dhundan  
Abbottabad.

Signature of the relieved:  
Govt: Servant. Vacant Post

Dated 01.12.2006.

Signature of the receiving:  
Govt: Servant. [Signature]

No. 323-30 Dated Bandi Dhundan the 01 /12.2006.

Copy of the above is forwarded to:-

- 01-The Executive District Officer (S&L) Abbottabad.
- 02-The District Account Officer, Abbottabad.
- 03-Office File.

Darneem  
Head Mistress,  
Government Girls High School,  
Bandi Dhundan, A/Abad  
Govt. Girls High School  
Bandi Dhundan, Abbottabad

[Signature]

# Allama Iqbal Open University Islamabad



33-A

Serial No. 25188

Certified that Mr. / Ms. **ANDLEEB SALEEM**



Son / Daughter of **RAJA MUHAMMAD SALEEM**

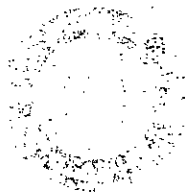
Registration No: **01-NAD-0514** Roll No: **AC658408**

having successfully completed the prescribed requirements  
in semester **SPRING 2010** is awarded the degree of

**Master of Education (M.Ed.)**

He/She has secured **65 %** marks and has been placed in **B** grade.

  
CONTROLLER OF EXAMINATIONS  




  
VICE-CHANCELLOR

Result declared on: **March 16, 2011**

Date of Issue: **January 04, 2012**

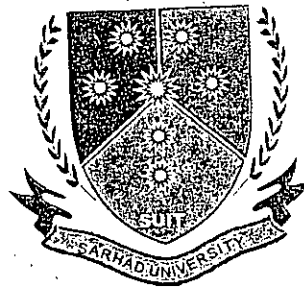
NOTE: THIS DEGREE IS TO BE READ IN CONJUNCTION WITH THE TRANSCRIPT/PROVISIONAL CERTIFICATE ISSUED SEPARATELY



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Registration No. SUT-05-AN-60004

Serial No. 001980



# Sarhad University of Science & Information Technology

This is to certify that Andleeb Saleem

son/daughter of Raja Saleem

Having passed the requisite examination, is hereby awarded the degree of

**Master of Health & Physical Education**

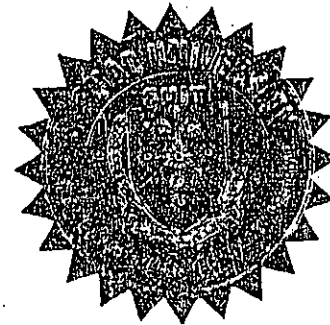
With all the rights and privileges appertaining thereto.

Given at Peshawar (PAKISTAN) on the First Day of December Two Thousand Seven

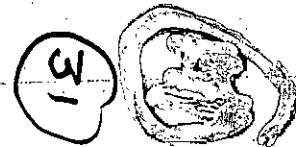
*me*

*[Signature]*  
Registrar

*[Signature]*  
Vice Chancellor

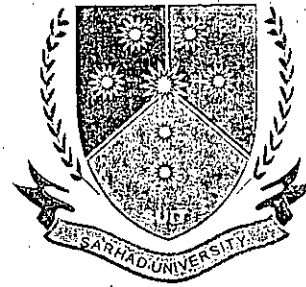


*[Signature]*  
President



Registration No. SUIT-04-01-DPE0067

Serial No. 100808



# Sarhad University of Science & Information Technology

This is to certify that Andleeb Saleem

SON/daughter of Raja Muhammad Saleem

having passed the requisite examination, is hereby awarded the

**Senior Diploma in Health & Physical Education**

Given at Peshawar (PAKISTAN) on the Sixteenth Day of December Two Thousand Six.

*Dr. Akhtar*  
Dean

*[Signature]*  
Registrar



*[Signature]*  
Vice Chancellor

32

*[Handwritten initials]*

(33)

# Allama Iqbal Open University Islamabad



Serial No. 125762

Certified that Mr. / Ms. ANDLEEB SALEEM

Son / Daughter of RAJA MUHAMMAD SALEEM

Registration No: 01-NAD-0514 Roll No: U-685351

having completed the prescribed requirements in semester  
AUTUMN 2007 is awarded the degree of:

**Bachelor of Education (B.Ed)**

He / She has secured 66 % marks and has been placed in B grade.

CONTROLLER OF EXAMINATIONS

Result declared on: July 26, 2008

ISLAMABAD, DATED: January 17, 2009



VICE-CHANCELLOR

NOTE: THIS DEGREE IS TO BE READ IN CONJUNCTION WITH THE TRANSCRIPT/PROVISIONAL CERTIFICATE ISSUED SEPARATELY

(34)

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**OFFICE OF THE DISTRICT COORDINATION OFFICER ABBOTTABAD**

Dated 7/7 /2007

**ORDER**

No. SA (Acct)/1-1/Graded Pay/ 9043-44: In pursuance of the Govt. of NWFP, Finance Department, Notification No. FD (PRC) 1-1/89 dated 07.08.1991, the following officials, working in Education Deptt: Abbottabad, are hereby allowed Graded Pay of PET post (BPS-09 to 14) on account of passing B.A Examination (2<sup>nd</sup> Div) w.e.f the date mentioned against each, with the condition that they will not be entitled for regular appointment/right of seniority as PET:-

S.No	Name & Designation	Place of Posting	Graded Allowed w.e.f
1	Nazia Rehman PET	GGMS Beerangali	24.06.2005
2	Sonia Saleem PET	GGMS Loon Pattian	23.06.2005
3	Zahida Ashraf PET	GGHSS Malikpura	31.03.2002
4	Andleeb Saleem PET	GGHS Bandi Dhundan	01.12.2006

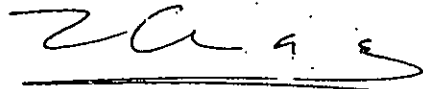
Necessary entry to this effect should be made in the relevant record.

**BY ORDER**  
**DISTRICT COORDINATION OFFICER**  
**ABBOTTABAD**

**Endst: No. & Date Even**

Copy to the: -

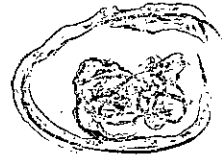
1. EDO (S&L) Abbottabad, along with original service books of the above named officials.
2. District Accounts Officer Abbottabad.

  
**ACCOUNTS OFFICER**  
**DISTRICT COORDINATION OFFICE**  
**ABBOTTABAD**





The Director,  
Elementary & Secondary  
Education, Peshawar



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Through Executive District,  
officer (Through Proper channel)  
Abbottabad.

Sub: CORRECTION IN THE CONTENTS OF KPK SENIORITY LIST

R/Sir

With due honor it is stated that my name is  
appeared at S-NO 263 on the Provincial Seniority List.  
There are some mistakes has been appeared which may  
be corrected as under;

- ① Andleeb Saleem name as per documents.
- ② Father correct name Raja Muhammad Saleem  
according to educational documents.
- ③ Original date of birth 11th March 1981, written  
in all my documents.
- ④ Alongwith my other qualification M.Ed is also  
would be added.
- ⑤ The spelling mistake of SDPE is also to be  
corrected.

Dated 07/03/2012

Thank You

I shall be very thankful for your  
this act of kindness.

Note: my CNIC, B.Ed, M.Ed, MSc, SDPE, matric (your Obediently)  
copies are attached.

No. — DT: 12.03.2012  
Forwarded in original to the EDO (Elcid Sec.)  
Abbottabad for necessary action please.

Andleeb Saleem  
D/O Raja Muhammad Saleem  
PET GCHS Bandi Dhundan  
KPK, Abbottabad.

Andleeb Saleem

Andleeb

Andleeb

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**Directorate of Elemnetary & Secondary Education Khyber Pakhtunkhwa**



**Tantative Seniority List of PET Female E&SE Corrected upto 14.05.2011**

S.No	Name of Teacher	Father's Name	Qualification	Professional	BPS	D/B	Domicile	D/O 1st Apptt:	D/O/ appointment against presnet post	Name of School
1	2	3	4	5	6	7	8	9	10	11
1	SALEEM AKHTAR	MUHAMMAD YOUSAF	SSC	PET	12	19-05-1953	HARIPUR	12-Apr-71	4.12.1971	
2	NAHEED KOUSAR	ALI ASGHAR	BA	CT	15	15-May-53	A.ABAD	12.12.1971	12.12.1971	GGMS Kokal Barseen
3	KOUSAR YASMEEN		BA	BED	15	1-Jan-54	PESHAWAR	14.04.1973	14.4.1973	GGMS Jehangirpura.
4	Bibi Zubaida	Payo Din	SSC	JDPE		30.03.1953	Karak	25.05.1971	1.7.1973	GGMS Surdag
5	BEGUM SULTAN		BA	BED	15	2-May-56	PESHAWAR	24.02.1974	24.2.1974	GGHS no.2 Peshawar Cantt.
6	KANIZ AKHTER	ALLAH DAD KHAN	MA	BED.PET		30-Dec-54	D.I.KHAN	28-Mar-74	28.3.1974	GGCMHS NO. 1 DIKHAN
7	FEHMIDA BEGUM, FA.P.E	SIRAJ UL HAQ			12	1-Feb-65	MALAKAND	17-Oct-84	17.10.1974	GGMS Jalala
8	Hameeda Begum	Qudrat Ullah	BA	BE d		15-May-56	Mansehra	12.22.1974	22.12.1974	
9	HURMAT BEGUM, JDPE.FA	KIRAMATULLAH			12	1-Aug-54	MALAKAND	3-Aug-75	8.3.1975	GGHS BADAM BAGHICHA (Purana Thana)
10	NAHEED BEGUM, BA, JDPE	MUHAMMAD SHAH			15	12-May-55	MALAKAND	18.9.1976	8.3.1975	GGCMHS Thana
11	KHALIDA BEGUM, FA	ZARIN SHAH			12	3-Dec-55	MARDAN	26-May-75	26.5.1975	GGHS Batkhela
12	SHAHEN BIBI	ALI GOHAR	FA	PET		21-05-1955	HARIPUR	16-Jun-75	16.6.1975	
13	GUL BAHAR	MUZAFFAR KHAN	FA	JDPE	12	2-Jan-53	A.ABAD	11.6.1975	6.11.1975	GGHS Bagnotar
14	MAHFOOZ JAN	SHAMS UR REHMAN	SSC	JDPE	12	3-Mar-56	A.ABAD	4.1.1976	4.1.1976	GGHS Dhamtour
15	KAUSAR SULTAN, JDPE.FA	FATEH UR RAHMAN			12	9-Oct-57	MALAKAND	28.4.1976	28.4.1976	GGHS Malakand
16	SHAGUFAT BANO	MIR HUSSAIN	SSC	JDPE	12	1-Feb-55	A.ABAD	23.5.1976	23.5.1976	GGCMS Nawanshehr
17	ISLAM BIBI	MUHAMMAD JAN	FA	JDPE	12	21-Jan-55	LAKKI	1-Oct-75	7.5.1977	GGHS SHAHBAZ KHEL
18	RIFFAT BEGUM	JAMAL UD DIN	FA		12	1-Oct-55	MARDAN	28-May-75	1.10.1977	GGMS SHEIKH MALTOON
19	SURRAYA BEGUM	MEER AFZAL	SSC	JDPE	12	2-Feb-53	A.ABAD	9.3.1978	9.3.1978	GGMS Sultan PUR
20	Shehnza Parveen	Noor Hussain	FA.JDPE		12	6-Jan-56	Swabi	25-Apr-78	25.4.1978	GGHS Tordher
21	Saeeda Fayaz BA	Mir Fayaz			15	1.4.1958	Chitral	5.6.1977	8.6.1978	GGCMHS Denin
22	Rahiyat Begum	Manezai	FA.JDPE		12	25-Apr-57	Swabi	15-Dec-75	25.9.1978	GGHS Yar Hussain
23	SHAHNAZ BEGUM	DR SHAHID IQBAL	SSC	JDPE	12	3-Dec-58	A.ABAD	26.10.1978	26.10.1978	GGHS Khuthiala
24	DILSHAD AKHTAR	SARFARAZ KHAN	MA	BED.PET		14-Aug-60	D.I.KHAN	18-Dec-78	18.12.1978	GGMS KARRI ALI ZAI
25	Bakht Aimal	Inaullah	BA	PET		15-Apr-60	Swat	19-Nov-79	19.11.1979	GGHS Shahdara
26	SAJILA NASREEN	S.AMIR SHAH	MA	PET, BED		21-Sep-58	D.I.KHAN	7-Oct-80	10.7.1980	GGHSS NO. 6 DIKHAN
27	Nargis Parveen	Khuda Bahsh	BA		12	4-Feb-59	FR Kohat	18-Aug-80	18-Aug-80	GGHS Muhammad Hussain Mala
28	NUSRAT JABEEN	MUHAMMAD BASHIR	SSC	JDPE	12	26-Nov-57	MARDAN	16-Sep-80	16.9.1980	GGHS GHALLA DHER
29	TAHIRA SHAHEEN	GHULAM NABI	SSC	JDPE	12	4-Oct-59	HARIPUR	5.10.1980	5.10.1980	GGHS Havelian Village
30	SAJIDA	RAJA SARWAR KHAN	SSC	JDPE	12	4-May-55	A.ABAD	16.10.1980	16.10.1980	GGHSS Comprehencive

BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

Service Appeal No. \_\_\_/2013

Andleeb .....VS.....Secretary to Govt. of KPK etc

APPLICATION FOR CONDONATION, IF  
THIS HONOURABLE TRIBUNAL  
CONSIDERED THE PERIOD ALREADY  
CONSUMED IN PROCEEDINGS BEFORE  
HONOURABLE HIGH COURT, ABBOTTABAD  
BENCH WHEREBY THE APPELLANT FILED  
A WRIT PETITION, AND A REVIEW  
PETITION REGARDING HER GRIEVANCES.

\* \_\_\_\_\_ \*

Respectfully Sheweth;

1. That the above titled Service Appeal is being filed before this Honourable Tribunal in which no date has been fixed so far.
2. That the applicant/Appellant for the first time agitated her grievance before Honourable Peshawar High Court, Abbottabad Bench, Abbottabad.
3. That the Honourable Peshawar High Court, Abbottabad Bench vide his judgments dated 18/9/2013 in Writ Petition and similarly in Review Petition dated 24/10/2013 dismissed her claim due to out of its purview.

4. That the Appellant has strong prima facie, arguable case as no one can be condemned on technical ground.

5. That as per settled principle of law and natural justice that the time consumed may be condoned, spent in wrong forum.

It is, therefore, prayed that by accepting this application, if this Honourable Tribunal spent already may be condoned and the case may be decided on merit.

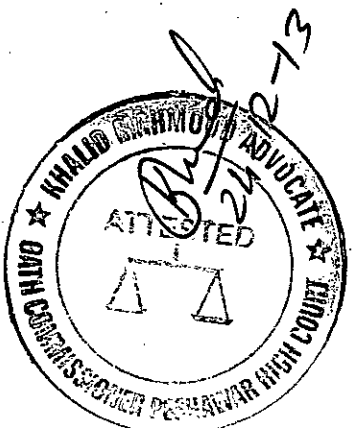
**Applicant/Appellant**

Through

**Syed Abdul Haq  
Advocate  
17-B Haroon Mansion,  
Khyber Bazar, Peshawar  
City.  
Cell No. 0333-9546154**

**A F F I D A V I T**

It is affirmed on Oath that the contents of the above application are true and correct and nothing has been concealed from this Honourable Tribunal.

  
**Advocate**

# وکالت نامہ

کورٹ فیس  
قیمتی

بعدالت سروس سٹریٹ سوسائٹی

عنوان: عبدلیب بنام حکومت

منجانب: ایس اے ایٹ

نوعیت مقدمہ:

## باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام سروس سٹریٹ سوسائٹی اور ایس اے ایٹ کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برآمد استجارت ناش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

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