

27.09.2017

None present on behalf of appellant and Mr. Farhaj Sikandar, District Attorney nor for respondents. Fresh notice be issued to applicant for respondents for implementation report. To come up for reply on C.O.C application on 29.12.2017 before S.B at Camp Court D.I.Khan.

Member
(Judicial)
Camp Court D.I.Khan

29.12.2017

None present on behalf of the petitioner. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Ismail, Budget and Account Officer for the respondents present and stated at the bar that the grievances of the petitioner have been redressed.

Due to non appearance of petitioner and his counsel the present C.O.C application is dismissed in default. File be consigned to the record room.

ANNOUNCED
29.12.2017


(Muhammad Amin Khan Kundi)

Member
Camp Court D.I. Khan

29.03.2016

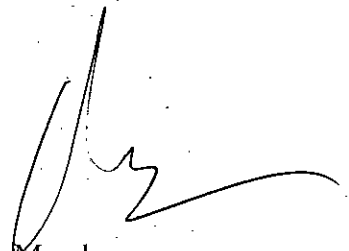
Counsel for the petitioner and Mr. Shazia Nawaz, SDEO
alongwith Mr. Farhaj Sikandar, GP for respondent present. To
come up for written reply on C.O.C application on 24.05.2016


Member


MEMBER
Camp Court D.I Khan

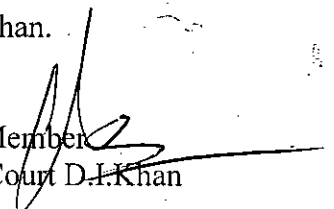
24.05.2016

Counsel for the applicant and Mr. Farhaj Sikandar, GP
present. Notices be issued to the respondents for reply on C.O.C
application. To come up for reply on C.O.C application on
25.10.2016 at camp court D.I. Khan.


Member
Camp Court D.I. Khan

25.10.2016



Mr. Ijaz Hussain, husband of the petitioner and Mr. Farhaj
Sikandar, Government Pleader for the respondents present. Reply on
C.O.C application not submitted by respondents. Learned GP requested for
adjournment. Adjournment granted. To come up for reply on C.O.C
application on 28.03.2017 before S.B at Camp Court D.I.Khan.


Member
Camp Court D.I.Khan

FORM OF ORDER SHEET

Court of _____

C.O.C Application No. 35/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01/03/2016	<p style="text-align: center;">The C.O.C application submitted by Mst. Farah Naz through S.Shahid Sherazi Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;">  REGISTRAR </p>
2-	3-3-16	<p style="text-align: center;">This C.O.C application be put up before Touring S. Bench at D.I.Khan on <u>29-3-16</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>

IN THE KYHBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.O.C No. 35 of 2016

In

Sr. App: No. 469/2015

Mst. Farah NazApplicant

VERSUS

Mst. Shazia Nawaz, SDEO (E&SE) D.I.Khan.Respondent

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S.No	Description of Documents	Annex	Pages
1.	Application and affidavit	*	1-3
2.	Letter of advocate general	"A"	4
3.	Order sheet dated 26/01/2016	"B"	5-6
4.	Letter dated 21/12/2015	"C"	7
5.	Letter dated 09/02/2016	"D"	8
6.	Wakalat Nama		9

Farah Naz Begum
Applicant

Through

M Khan
S. Shahid Sherazi

Date: 01/03/2016

Advocate, D I Khan

①

IN THE KYHBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.O.C No. 35 of 2016
In
Sr. App: No. 469/2015

M.W.F Province
Service Tribunal
Diary No. 163
Dated 1-3-16

Mst. Farah Naz W/O Syed Ijaz Hussain Shah, Head Mistress G.G.P.S
Islamia Colony D.I.Khan, R/O Molana Shoib street, Eidgah Kalan Tehsil
& District D.I.Khan.Applicant

VERSUS

Mst. Shazia Nawaz, SDEO (E&SE) D.I.Khan.Respondent

APPLICATION FOR PROCEEDING
AGAINST THE RESPONDENT FOR
COMMITTING CONTEMPT OF
COURT.

Respectfully Sheweth:

1. That the above noted case was fixed for hearing on 23-02-2016 and Mst. Shazia Nawaz, SDEO (E&SE) D.I.Khan was summoned who now has been summoned for the next date i.e. 29-03-2016.
2. That the directions of Hon'ble Peshawar High Court has been circulated to all DDOs through learned Add: Advocate General D.I.Khan in which the stoppage of salary of teachers due to any reason may not be stopped. Copy of latter dated: 23-11-2015 is attached as annexure A.
3. That on 26-01-2016, the Hon'ble tribunal had issued notice to respondent for releasing of salary of appellant/ applicant. Copy of order sheet is attached as annexure B.
4. That the DEO (F) D.I.Khan had also directed the respondent for payment of salary on dated 21-12-2015 and in the month of

S. Shazia

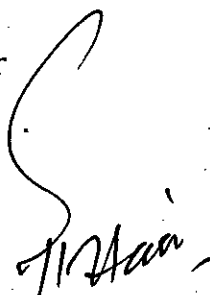
September also but the respondent put deaf ears toward the directions of Hon'ble tribunal. Copy of latter dated: 21-12-2015 is attached as annexure C.

5. That DEO (F) D.I.Khan again directed the respondent for compliance of order of Hon'ble tribunal on dated:09-02-2016 but again she didn't care the direction of her high up just to please her near & dears. Copy of latter dated:09-02-2016 is attached as annexure D.
6. That the respondent willfully disobeying the orders of Hon'ble Tribunal and she has committed contempt of Hon'ble Tribunal by his conduct and needs to be tried accordingly.

It is, therefore, prayed that Mst: Shazia Nawaz, SDEO(F) D.I.Khan may please be proceeded against for contempt of court and she may be tried and punished accordingly.

Petitioner

Through



S. Shahid Sherazi
Advocate, D.I.Khan

IN THE KYHBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.O.C No. _____ of 2016

In

Sr. App: No. 469/2015

Mst. Farah Naz W/O Syed Ijaz Hussain Shah, Head Mistress G.G.P.S
Islamia Colony D.I.Khan, R/O Molana Shoib street, Eidgah Kalan
Tehsil & District D.I.Khan.Applicant

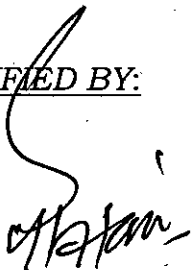
VERSUS

Mst. Shazia Nawaz, SDEO (E&SE) D.I.Khan.Respondent

AFFIDAVIT

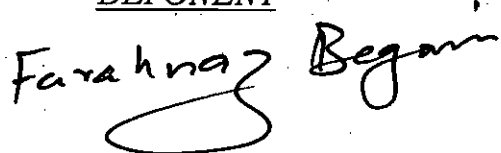
I, Mst. Farah Naz W/O Syed Ijaz Hussain Shah, Head Mistress
G.G.P.S Islamia Colony D.I.Khan, R/O Molana Shoib street, Eidgah
Kalan Tehsil & District D.I.Khan do hereby solemnly affirm and
declare on Oath that the contents of the accompanying
Application are true and correct to the best of my knowledge and
belief and nothing has been concealed from this Hon'ble Court.

IDENTIFIED BY:



S. Shahid Sherazi
Advocate, D.I.Khan

DEPONENT



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
DERA ISMAIL KHAN

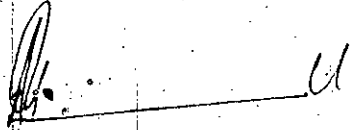
ANX - A

4

OFFICE ORDER

In compliance of version of Additional Advocate General Peshawar High Court DIKhan bench in W.P No.562-D/2015 Gul Afshah V/S Govt: KPK. That any inquiry / suspension of any servant teaching / non-teaching cadre, during inquiry proceedings monthly salary may not be stopped according to rules and policy. Therefore all DDOs are directed to release the monthly salary / pay of all teachers / class-iv subject to their regular performance of duty and according to rules & policy.

Note:- Non Compliance of the undersigned directions the concerned DDOs will face consequences and disciplinary action will be mentioned under E&D rules 2011 KPK.

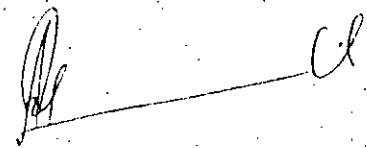

DISTRICT EDUCATION OFFICER,
(FEMALE) DERA ISMAIL KHAN

Endst.No. 8208-10 /

Dated DIKhan the 23 / 11 /2015.

Copy to the:-

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Additional Advocate General Peshawar High Court.
3. DDOs / HMs Concerned.


DISTRICT EDUCATION OFFICER,
(FEMALE) DERA ISMAIL KHAN

ATTESTED

5

BEFORE THE HON'BLE KP SERVICE TRIBUNAL, PESHAWARSr. App: No. 469 of 2015 *COG No.*

Mst: Farah Naz W/O Syed Ijaz Hussain Shah, Head Mistress GGPS
Islamia Colony, D.I.Khan R/O Molana Shoaib Street Eidgah Kalan, Teh.*&
Distt: D.I.Khan.....Petitioner

E.W.F. Province
Service Tribunal

Diary No. 527

Dated 9-5-2015

VERSUS

1. Govt: of KPK through Secretary Education, Peshawar.
2. Director Education (E&SE) KPK, Peshawar.
3. Deputy Director (E&SE) KPK, Peshawar.
4. Executive District Officer, (E&SE), D.I.Khan.
5. District Education Officer (Female), (E&SE), D.I.Khan.
6. Mst: Shazia Nawaz SDEO, (E&SE), D.I.Khan.
7. Mst: Samina Shehnaz, ASDEO, (E&SE), D.I.Khan.
8. Mst: Nasreen Akhtar, R/O Usman Ghani Street, GGPS Islamia
Colony, D.I.Khan.....^(PSHT) Respondents.

**APPEAL U/S 4 SERVICE TRIBUNAL ACT 1973
AGAINST THE ORDER OF RESPONDENT NO.5
WHEREBY HE TRANSFERRED THE APPELLANT
VIDE OFFICE ORDER Endst; No.4851-54,
DATED: 26-05-2014, BE DECLARED AS ILLEGAL,
AGAINST THE SPIRIT OF LAW, FAKE, AND
BOGUS, THEREFORE IN EFFECTIVE UPON THE
RIGHTS OF THE PETITIONER AND
RESPONDENT NO.2 WHEREBY HE DID NOT
RESPOND TO THE DEPARTMENTAL OF
APPELLANT.**

ATTESTED

Aslan

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Filed to
Registrar
21/5/15

6



469/15

26.01.2016

Counsel for the appellant, Mr. Farhaj Sikandar, GP with Mst. Azra Bibi, DEO (F) D.I.Khan for the official respondents, counsel for private respondent No. 8 present and wakalatnama also present on file. SDEO (F) D.I.Khan is on school visit therefore, unable to attend the Tribunal to-day. On the other hand it has been stressed by the learned counsel for the appellant that despite order by the DEO the SDEO is not paying salary to the appellant. Notice be issued to SDEO (F) D.I.Khan as to why her own salary may not be attached for such non-compliance. In the meanwhile it was also stated by the DEO (F) that the matter may be kept pending for a while as promotions are going on in the department and hopefully, both the issues of transfer as well as salary of the appellant and private respondent No. 8 may be resolved. Being reasonable contention, the matter is adjourned for the next date.

also

The learned counsel for the appellant submitted that the appellant was transferred to GGPS Islamia Colony against the post of private respondent No.8. That the said order was revisited vide impugned order dated 26.05.2014 without observing the tenure policy. It was further submitted that the appellant is regularly working since February, 2015 and she has not relinquished charge to private respondent No.8. It was further submitted that the impugned order is the result of political interference. Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. To come up for progress report and written reply on 23.2.2016 at camp court, D.I.Khan. In the meanwhile status quo be maintained.

Appellant Deposited
Security & Process Fee

Certified to be true copy

EMANUEL
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Sd/-
Member
Camp Court
D. I. Khan

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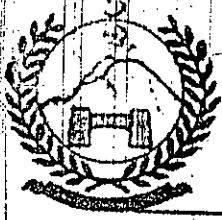
*D. J. King
Court Clerk
11/1/16*

3-2-2016
Date of Delivery of
3-2-2016
Date of Court
King
Name of Court
Total
8
Urgent
6
Copying Fee
800
Number of
3-2-2016
Date of Presentation of Application

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7

ANX-C



OFFICE OF THE DISTRICT EDUCATION (FEMALE) DERA ISMAIL KHAN

To

The Honourable
Service Tribunal Peshawar
Camp Court DIKhan.

Subject:- PAYMENT OF SALARY
Memo:-

In continuation of order of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 23.11.2015.

The monthly salary of the petitioner Farah Naz Begum PSHT BPS-15 is hereby released with immediate effect.

Therefore, SDEO (F) DIKhan being a DDO of the petitioner is directed to pay the salary of the unpaid period.

DISTRICT EDUCATION OFFICER
(FEMALE) DIKHAN.

Endst: No. 9208-09/DEO/Female Dated DIKhan the
Copy of the above is forwarded to :-

21/12/2015.

1. The SDEO (Female) Dera Ismail Khan
2. Govt: Ploder, Service Tribunal Peshawar Camp Court DIKhan.

DISTRICT EDUCATION OFFICER
(FEMALE) DIKHAN.

ATTESTED

8

ANX-D



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Tel: 0966-9280133
Fax: 0966-9280444

Most Urgent Being Court Matter

No 1272 /Legal Branch
Dated D I Khan the 09-02-2016

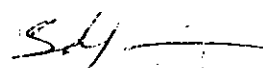
To

The Sub Divisional Education Officer,
(Female), D I Khan.

Subject: COMPLIANCE COURT ORDERS
Memo:

With reference to the appeal No. 469 of 2015 dated 26/01/2016.

Enclosed find herewith the attested (photocopy) of the orders of the Honourable KPK Service Tribunal Peshawar, Camp Court D I Khan for compliance. You are hereby strictly directed to obey the orders of the Honourable Court in letter and spirit so to avoid any legal complication and report to the office of the undersigned immediately.



DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Endst:No. 1273-75

Dated DIKhan the 09-02-16

Copy to the: -

1. Registrar Service Tribunal D I Khan
2. PA to Director E & SE Deptt KPK Peshawar
3. District Government Pleader D I Khan


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

ATTESTED

WAKALATNAMA
(Power of Attorney)

Before the Service Tribunal K.P.

Mst. Farah Naz

(Petitioner)
(Plaintiff)
(Applicant)
(Appellant)
(Complainant)
(Decree Holder)

VERSUS

Mst. Shariza Nawaz

(Respondent)
(Defendant)
(Accused)
(Judgment Debtor)

I/ We, The undersigned in the above noted Application, do hereby appoint and constitute **S. Shahid Irfan Sherazi** Advocate to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted.

[Handwritten signature]

Farahnaz Begum
CLIENT

[Handwritten signature in Urdu]

S. Shahid Irfan Sherazi

Advocate High Court,
Distt: Bar, D.I.Khan.
Cell: 0333-9962514
sisherazi_09@yahoo.com