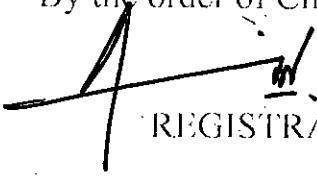


FORM OF ORDER SHEET

Court of _____

Appeal No. 90/2024

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 05/01/2024 | <p>The appeal of Mst. Nighat Shaheen presented today by Mr. Muhammad Shahbaz Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p> |

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

APPEAL No 90 /2024

Nighat Shaheen
Pakhtunkhwa and others

Vs **Government of Khyber**

I N D E X

| S.No | Description of Documents | Annex | Pages |
|------|--|-------|------------------|
| 1. | Appeal and affidavit | . | 1 [▲] 6 |
| 2. | Address of parties | . | 7 |
| 3. | copy of inquiry report | A | 8-9 |
| 4. | copy of the order | B | 10 |
| 5. | copy of appeal and judgement | C | 11-19 |
| 6. | Copy of order dated 9/5/2022 | D | 20-21 |
| 7. | copy of appeal and order dated 7/12/2023 | E | 22-25 |
| 8. | Copies of the calculation | F | 26-36 |
| 9. | Wakalatnama | | 37 |

Appellant

Through

M. S. Z.

Barrister Muhammad shahbaz

khan ADVOCATE HIGH COURT

03139829243

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR

Appeal No 40 2024

Nighat Shaheen P.S.T Govt. Girls primary school zaida, Tehsil and
District swabi.Appellant

VERRSUS

1. Government of Khyber Pakhtunkhwa through
Secretary elementary and secondary Education civil secretariat
Peshawar
2. Director secondary and elementary education, Khyber
Pakhtunkhwa, Dabgari garden Peshawar
3. District education office (female) swabi
4. Sub Divisional education officer (female) swabi
5. Principal government girls primary school No.3 zaida , Tehsil
and District swabi
6. District account officer swabi

.....Respondents

APPEAL UNDER SECTION 4 OF THE KPK SERVICE
TRIBUNAL ACT ,1974, AGAINST THE IMPUGNED
NOTIFICATION DATED 19/10/2022 WHEREBY
PENSION WAS WRONLY CALCULATED AND
AGAINST THE ORDER DATED 07/12/2023 WHEREBY

2

**APPEAL IN PENSION CASE WAS DISMISSED
WITHOUT ADVANCING ANY REASON.**

PRAYER IN APPEAL

On acceptance of this appeal the pension and commutation wrongly calculated may please be improved as per exercise done (annexed)with this appeal through experts.

Respectfully Sheweth;

1. That appellant being an employe of the education department rendered regular services for long 23 years i.e with effect from 22/09/1986 till 15/12/2009.
2. That she applied for 2 months leave when the department granted her 2 years leave one with half pay and one year without pay but when she approached to resume duty on her post she was not given charge of her duty whereafter she knocked at the doors of various authority but with no response. She also approached this honourable tribunal for the said propose but when department issued reminder on 13/01/2015 to join her duties she happily reported to department and was given charge on 03/02/2015.
3. That during this period an inquiry was also conducted in her case before which she recorded her statement and explained

3

her position.(copy of inquiry report is annex as annexure A)

4. That on submission of inquiry report the competent authority imposed major penalty of removal from service vide order dated 21/12/2016.(copy of the order is annexed as annexure B)
5. That aggrieved therefrom the appellant approached this honourable tribunal in service appeal No.411/2017 wherein major penalty of removal from service was converted into compulsory retirement w.e.f 21/12/2016.(copy of appeal and judgement thereon is annexed as annexure C).
6. That aggrieved from the order of this tribunal respondent department filed CPLA No.354-p/2018 before the supreme court of Pakistan but the same was dismissed vide order dated 09/05/2022.(copy of order dated 9/5/2022 is annexed as annexure D).
7. That after dismissal of CPLA pension and commutation was delayed however appellant approach this honourable tribunal for execution and vide order dated 14/10/2022 respondents were directed to grant pension and pensionary benefits and as such thereafter no doubt pension and commutation was granted but the same were wrongly calculated and only Rs.3 lacs were granted as commutation while Rs.8470 as pension

4

per month by the district account officer swabi.(copy of appeal and order dated 7/12/2023 is annexed as annexure E).

8. That calculation made by the respondent account officer is totally incorrect and misconceived while proper calculation of total pension and commutation comes to Rs.3444619/- and monthly pension comes to 55642/- as on 30/6/2023.(Copies of the calculation made by private expert is annexed as annexure F) for perusal.
9. That the calculation made by respondent department and thereafter dismissal of appeal of the pensioner vide order dated 7/12/2023 are unwanted and against the cannons of justice hence, this appeal interalia on the following grounds.

GROUNDS

- A. That, calculations made by the respondents regarding pension and pensionary benefits made by the respondents are totally incorrect, misconceived and against the service record.
- B. That, intentionally the respondents have miscalculated benefits of the appellant depriving her from her long life service benefits and as such the very calculations made by the respondents speaks mala fide.

5

C. That, retirement after due inquiry and tribunal orders have been made in 2017-18 but calculations of commutation and pension has been made up till 2010 without considering her promotions during the course of service.

D. That, minimum pension per month prevailing in the province has also not been awarded to the appellant, which besides discrimination is totally illegal and unwarranted.

E. That, calculations made by experts, annexed with this appeal, were produced before the respondents with departmental appeal but the respondents turned deaf ear to that and did not even consider, hence this appeal.

F. That, pension is part of the terms and conditions of service as provided under section 19 of the KP Civil Servants Act 1973 and this honourable tribunal has jurisdiction to adjudicate and make directions for correction thereof.

G. Any other ground deemed appropriate will be advanced at the time of arguments.

It Is, therefore, humbly prayed that on acceptance of this appeal the respondents may graciously be directed either to accept calculations made by experts annexed with this appeal or improve/correct the calculations by themselves in accordance

6

with law in the interests of justice and award correct commutation and monthly pension to the appellant in the interests of justice.

Appellant

Through

M. S. Z

Barrister Muhammad Shahbaz Khan

Advocate high court

Peshawar

03139829243

Affidavit

I, do hereby affirm and declare on oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable tribunal.

M. S. Z

habzael
5/01/2024

**OATH
COMMISSIONER**

1-10A/C/102/01-4-16/2013/VO-1 Judicial Complex

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Appeal No. _____/2024

**Nighat Shaheen
Pakhtunkhwa and others**

Vs.

Government of Khyber

ADDRESSES OF PARTIES

Appellant

**Nighat Shaheen P.S.T Govt. Girls primary school zaida, Tehsil and
District swabi.**

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Secretary and
Education civil secretariat Peshawar
2. Director secondary and elementary education, Khyber
Pakhtunkhwa, Dabgari garden Peshawar
3. District education office (female) swabi
4. Sub Divisional education officer (female) swabi
5. Principal government girls primary school No.3 zaida , Tehsil and
District swabi
6. District account officer swabi

Through

Appellant

Barrister
shahbaz khan


Muhammad

Advocate high court

0313-9829243

No. 16 /Dated 05/03/2015.

Annexure: "A"

(8)

THE DISTRICT EDUCATION OFFICER (F)
SWABI.

SUBJECT: - ENQUIRY AGAINST MST NIGHAT SHAHEEN PST-12
GGPS SHAH MANSOOR NO 3 NOW WORKING AT GGPS ZAIDA NO 2.

MADAM

1. INTRODUCTION

In response to your office order No 509 dated 28-02-2015 received on 04-03-2015. I undersigned conducted an inquiry against the above named PST on 04-03-2015 at 10:00.

2. HISTORY

The history about the official was that she has taken leave for two times for the period (a) 15-12-2009 to 03-11-2010 (b) 04-11-2010 to 15-12-2011. Her leave was expired on 15-12-2011. But she did not report to the department at the end of leave i.e. 16-12-2011. The charges against her is that she was absent without any application of any official procedure involved to take leave from higher authorities. That absent period was from 16-12-2011 to 03-02-2015 (3 year and 45 days)

3. INQUIRY PROCEDURE

A questioner was served to MST Nighat Shaheen, which is attached here along with her replies for your perusal please. And other documents which are provided by the teacher are also attached.

4. FINDINGS

Accordingly, to the official she has taken leave with proper official procedures. When she came back after leave, she reported to the department and submitted applications several times to adjust her on PST Post. According to her response to the department was not positive. After this she went to England along with her family. She claimed that during this period she was in regular contact with the department. When she get remainder from the department No 49-9 dated 13-01-2015, she immediately reported to the department on 03-02-2015. Now she is performing her duty at GGPS ZAIDA No 2 without any order from the Head of the Department. She claimed that the SDEO(F) Swabi personally told her to join the school and we will send the order. She also claimed that she has not received any pay for the leave period as well as absent period.

Handwritten signature
District Education Officer (F)
Swabi

ATTSTED

5. ANALYSIS

Only Education can save us from the destruction. A teacher is a back bone of a teaching, learning process. If there is a school and children but no teacher, the child can not get education from the four walls of the school. Hence the teacher should not take leave for more than 3 or 4 months and Ex-Pak Leave up to one year. If the teacher needs 3 or 4 years leave then it is better that she leaves the department.

6. RECOMMENDATIONS

Considering her 24 years' service in the Education Department I give the following recommendations;

- a. She should be granted the right of LPR as per Govt: Rules.
- b. She should be granted Pension and Gratuity as per Govt: Rules.
- c. If the department disagree with the recommendation then Legal Advisor of Education Department may be consulted.

SD
HEADMISTRESS
GOVT : GIRLS HIGH SCHOOL BAMKHEL
SWABI.

[Signature]
District Edu. Officer
(Female) Swabi

~~ATTSTED~~



DISTRICT EDUCATION OFFICE (FEMALE) SWABI
(Office phone Fax No 0938280339, emisfswabi@yahoo.com)

10
Annex: "B"

NOTIFICATION.

WHEREAS Mst: Nighat Shaheen, Daughter of Mahboob Khan Mohalla Touse Khani, Village & Post Office Zaida Tehsil and District Swabi PST Govt: Girls Primary School No.1 Shahmansoor Tehsil and District Swabi was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules 2011 on account of her willful and un-authorized absence from duty with effect from 26-2-2015 till the issuance of this order and was directed to resume duty vide final absent Notice No. 1430 dated 05-4-2016 but she failed to resume her duty.

AND WHEREAS absentee notice was served upon the accused official Mst: Nighat Shaheen, Daughter of Mahboob Khan Mohalla Touse Khani, Village & Post Office Zaida Tehsil and District Swabi PST Govt: Girls Primary School No.1 Shahmansoor Tehsil and District Swabi through "Dully News Paper "Aaj" Peshawar dated 06-5-2016 to resume duty within 15 days but on 24-5-2016 she submitted application that she filed a Service appeal No.720/2015 Before the Khyber Pakhtunkhwa Tribunal Peshawar for her adjustment on the post of PST and resumption of Charge after expiry of long leave.

AND WHEREAS the Honorable Service Tribunal disposed her appeal No.720/2015 as "Since the question of resumption of duty is involved, therefore, in the stated situation, the appellant is directed to report personally to the office of DEO (F) Swabi within a week positively for further necessary steps in the matter. The appeal is disposed of in the above terms. Parties are left to bear their own costs." But she did not obey/comply the honorable tribunal orders. Now the undersigned in the capacity of the competent authority after having considered the charges of willful and un-authorized absence from duty against the accused have been proved.

NOW, THEREFORE, in exercise of the powers conferred under Section 10 (iii) of the Khyber Pakhtunkhwa Removal from service under (Efficiency & Discipline) Rules 2011, the undersigned in the capacity of competent authority is pleased to impose the major penalty of removal from service upon Mst: Nighat Shaheen, Daughter of Mahboob Khan Mohalla Touse Khani, Village & Post Office Zaida, Tehsil and District Swabi PST Govt: Girls Primary School No.1 Shahmansoor Tehsil and District Swabi with immediate effect. The period of her absence from duty with effect from 26-2-2015 till the issuance of this order be treated as un-authorized absence from duty with out pay.

(NAGHMANA SARDAR)
DISTRICT EDUCATION OFFICER
(FEMALE)SWABI

Encl: No. 4654-57 /F. No. DA-II/Removal from service dated Swabi the: -21/12/2016.

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

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer, Swabi.
3. Sub-Divisional Education Officer (Female) Swabi.
4. Mst: Nighat Shaheen, Daughter of Mahboob Khan Mohalla Touse Khani, Village & Post Office Zaida Tehsil and District Swabi.

Sd/-
DISTRICT EDUCATION OFFICER
(FEMALE)SWABI

Attended
District Edu. Officer
(Female) Swabi

ATTSTEL

11

BEFORE THE KP SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 411 /2017

Annexure: "C"
Khyber Pakhtunkhwa
Service Tribunal

Diary No. 429

Dated 29-5-2017

Nighat Shaheen

P.S.T Govt. Girls Primary School Zaida, Tehsil and District Swabi.....Appellant

Versus

- ✓1. Government of KPK through Secretary S & Education Civil Secretariat, Peshawar
- ✓2. Director Secondary and Elementary Education, KPK, Dabgari Garden, Peshawar
- ✓3. District Education Officer (F) Swabi
4. Sub Divisional Education Officer (F) Swabi
5. Principal Government Girls Primary School No.3 Zaida, Tehsil and District Swabi.....Respondent(s)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED NOTIFICATION DATED 21-12-2016 AND NON-RESPONDING TO DEPARTMENTAL APPEAL DATED 03-01-2017 WHEREBY WHILE IMPOSING MAJOR PENALTY UPON THE APPELLANT BY REMOVING HER FROM SERVICE WITH IMMEDIATE EFFECT.

PRAYER

On acceptance of this appeal the impugned notification of removal dated 21-12-2016 may graciously be set aside and the appellant having rendered services for more than 28 years be re-instated or she be granted pension along-with back benefits.

Respectfully Sheweth;

1. That, the appellant was appointed as P.S.T in the respondent department on ~~Filed to-day~~ 22.09.1986 and she put-in meritorious service to the satisfaction of her superiors at various schools within the district. (Copy of a portion of service book, profile of the employee, applications, GP Fund Statement, pay roll and selection grade showing active service of the appellant are annexed as Annexure "A" to "F").
2. That while posting at Government Girls Primary School Shahmansoor, she made a request to the competent authority for one month leave which was not only

Registrar
215/17

~~ATTSTED~~

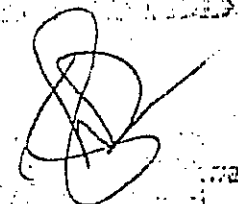
~~ATTSTED~~

2. (12) (11) (5)

accepted rather the appellant was directed to proceed on two years leave one with pay while the other as without pay although the appellant refused but if being in her favour the appellant offered to proceed on leave and went to Kamra Airbase with her husband and kids availing leave with the permission of the competent authority as well on her own will. (Copy of leave sanction order is annexed as Annexure "G").


3. That one month prior to the expiry of the said leave she approached the competent authority for joining her duties at the school wherefrom she had proceeded on leave w.e.f 15-12-2009 to 14-12-2011 but the appellant came to know that awarding her leave with pay was intentional by the than DEO female because she was interested in adjustment of daughter of one of the sub divisional education officer namely Ali Haider and as such she was ordered to wait for some time. (Copy of the application for joining of duty dated 20.11.2011 and 14.02.2012 are annexed as Annexure "H" and "I").
4. That the appellant waited as was asked for regardless of the fact that it was against her choice but even than she was not adjusted against her original post rather she was kept on waiting and her resumption of charge was delayed on one pretext or the other with no payment of salary in spite of attending GGPS Shahmansoor No.1.
5. That the appellant moved a written application before the than DEO female Swabi but with no response rather she was not allowed to join her duties in order to facilitate and prolong the stay of the daughter of the than Sub Divisional Educational Officer against the said post, who was basically inducted after the appellant went on leave with the permission of her department.
6. That the appellant was asked to wait nonetheless for six months and as such no reply whatsoever was given to her regardless of the fact that she made a representation but yet she was asked to wait and was extended an opportunity of availing leave for an year, which itself speak volumes of the mala fide on the pari of the respondents.

ATTSTED



~~ATTSTED~~

- (13) (14) (15) (16)
7. That the appellant time and again moved applications before the high-ups but to no avail as no response of given thereto, rather the whole exercise by the respondent was politically motivated as such she as kept on waiting.
 8. That during the on-going course she was asked to join her duties, which offer was taken by the appellant as a sigh of relief but after serving for about two months and astonishingly without pay and allowances, yet no charge resumption order was issued by the than DEO female Swabi. The said period of teaching in the school was taken an opportunity by the department, as a stress test, which was used to agonize the appellant against her will. (Copy of the application dated 06.10.2012 is annexed as Annexure "J").
 9. That ultimately she moved an application in the month of December 2014 before the DEO Female, which was responded thereto with a notice/letter dated 13.01.2015 for immediate joining of service otherwise disciplinary action will be taken against your person "the appellant". (Copy of the notice/letter dated 13.01.2015 is annexed as Annexure "K").
 10. That in response to the said letter by Sub Divisional Officer Female Swabi; the appellant not only rushed to join her duties but also submitted a written reply thanking the Sub Divisional Educational Officer Female as well as appeared in person and asked for resumption order. (Copy of the reply dated 23.01.2015 is annexed as Annexure "L").
 11. That instead of giving the said order; the appellant was asked and directed in black and white, verbally conveying to join at Government Girls Primary School No.3 Zaida.
 12. That the appellant joined happily with thanks to all and sundry and started her duties with effect from 02.02.2015 at Government Girls Primary School Zaida.
 13. That the appellant was regularly attending her duties, marking attendance in the attendance sheets/register and during the on-going process an inquiry committee was also constituted by the than DEO Female swabi in order to


ATTACHED

(14) (15) (16)

examine the whole matter and to redress the grievances of the appellant. (Copy of the attendance register is annexed as Annexure "M").

14. That the inquiry officer Miss Fatima Baijoo Headmistress Government Higher Secondary School Bhamkhel visited the Government Girls Primary School Zaida and conducted inquiry in the presence of another lady, with her at GPS No.3 Zaida.

15. That a long questionnaire was given which was duly replied to and each and every answer was given as was asked for by the said enquiry officer. (Copy of the detail given to the enquiry officer is annexed as Annexure "N").

16. That she was also asked to continue with her services and in the meanwhile the inquiry officer will submit her report and the appellant will duly be informed as to the grievances sprouted to her beforehand.

17. That reportedly the inquiry office submitted her report but in spite thereof no order whatsoever was passed by the competent authority regarding the grievances of the appellant but to utter disregard she was kept on waiting and as such disappointed therefrom the appellant moved departmental appeal dated 16.03.2015 to redress her grievances once and for all and to pay salary of the appellant along with allowances, back benefits otherwise she will opt for pension. (Copy of the departmental appeal is annexed as Annexure "O").

18. That during the course of inquiry, the appellant was informed time and again by the than DEO female swabi that another inquiry officer has been appointed for conducting inquiry and will submit report of the same but to no avail as such no response is given till date besides the applications submitted before the DEO proved to be a futile exercise.

19. That following the issue at hand, the appellant has put in 28 years plus service in the respondent department; during the entire course her service Appeal No. 720/2015 was also pending adjudication before the Hon'ble Services Tribunal when she received a show cause notice published in Daily Aaj dated 04-05-2016 and as such the same was also brought on record before this Hon'ble Tribunal

APPENDIX

ATTSTED


15 6/11 11

through a C.M which was thereafter noticed but even than she was not allowed to restart her duties. Ultimately vide order dated 03-11-2016 the respondents were directed to give charge of duties to the appellant which remained unheeded to rather she was straight away refused joining of duty. While on the other hand a notification dated 21-12-2016 was issued for doing away with the services of the appellant, which was served via home address. (Copy of the order passed by this Court and impugned notification are annexed as Annexure P and P-1).

20. That departmental appeal against the impugned notification was preferred on 03-01-2017 before the Director Elementary and Secondary Education but with no response till date. Hence this service Appeal inter alia on the following grounds:-

GROUNDS

- A) That the impugned notification of removal from service and imposition of major penalty upon the appellant is totally uncalled for, against the natural justice and against the law governing the subject matter.
- B) That neither inquiry whatsoever has been conducted nor it has been brought as to why the appellant was made absent nor even the subsequent order passed by the Hon'ble Tribunal was complied with rather the impugned notification was issued in utter violation of the law/rules and norms of justice.
- C) That even otherwise, the appellant after rendering 28 years 5 months of service in the respondent Department is entitled for pension and pensionary benefits but that aspect was totally ignored rather prayer of the Appellant in the earlier Appeal for pension in alternative was frustrated and warded off for the reason to avoid the award of pension and just to culminate the whole matter by issuing a notification of removal from services impugned before this Hon'ble Tribunal.
- D) That the inaction on the part of respondent Department, which is also obvious from the grounds taken in the service appeal, speaks malafide and ill-will of the respondents otherwise she could have been compensated in the first round of


ATTESTED

16 (5)

lification but just to deprive her from monetary benefits, such exercise was opted for by doing away with the long-term services rendered in the Department.

E) That in the present scenario, while keeping in view her 28 and half years of service, instead of removal without any inquiry, application of mind and justification; she could have been compulsorily retired but the very contours of notification speak volumes of malice, ill-will, personal grudge and illegality of the respondent Department which requires interference of this Hon'ble Tribunal either for doing away with the notification or its modification to the extent of retirement of the appellant thereof.

It is therefore humbly prayed that on acceptance of this Service Appeal the impugned notification of removal of Appeal serving for a period of 28 and half years in the respondent Department may graciously be done away with or in alternative the respondents be directed to retire the appellant with pensionary/back benefits in the interest of justice.

Any other order deemed appropriate in the circumstances of the case may also be passed for securing the ends of justice.

Nighat Shah eun
Appellant

Through

Muzammi Khan

Muzammi Khan

Advocate

Supreme Court

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Date

No.

C

D

E

F

G

H

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25-1-18

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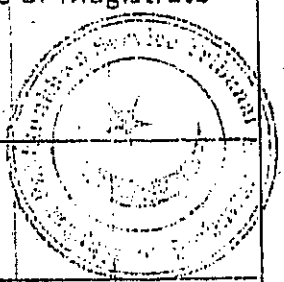
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ATTORNEY

(17) (1) (1) (1)

| Sr. No | Date of order/ proceeding | Order or other proceedings with signature of Judge or Magistrate |
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 411/2017

Date of Institution ... 02.05.2017

Date of Decision ... 16.01.2018

Nighat Shaheen P.S.T Girls Primary School Zaidda, Tehsil and District Swabi

Versus

1. Government of Khyber Pakhtunkhwa, through Secretary, S. & Education Civil Secretariat, Peshawar.
2. Director Secondary and Elementary Education, Khyber Pakhtunkhwa Dabgari Garden, Peshawar.
3. District Education Officer (F) Swabi.
4. Sub Divisional Education Officer (F) Swabi.
5. Principal Government Girls Primary School No.3 Zaidda, Tehsil and District Swabi

16.01.2018

16.01.2018

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: Learned counsel

for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General for the respondents present.

The appellant has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the respondents and made impugned the order dated 21.12.2016 whereby she was awarded major punishment of removal from service on the ground of absence from duty.

2. Learned counsel for the appellant frankly stated that he would

ATTESTED

ATTESTED

not press the present appeal on merits and sought indulgence of this Tribunal for conversion of penalty of removal from service into compulsory retirement from service on the ground that the appellant has put in more than twenty (20) years in service. Learned counsel for the appellant in support of his submission for lesser punishment of compulsory retirement relied upon the judgments of the august Supreme Court reported in 2007 PLC (C.S) 118, 2007 PLC (C.S) 678 and judgment of the Punjab Service Tribunal reported in 2007 PLC (C.S) 665.

3. As against that learned AAG while opposing the present appeal argued that the appellant was on leave w.e.f 15.12.2009 to 03.11.2010 with half pay and from 04.11.2010 to 15.12.2011 without pay. Further argued that after the expiry of the sanctioned leave the appellant remained absent from duty w.e.f 16.12.2011 and hence was rightly awarded punishment of removal from service.

4. Arguments heard. File perused.

5. It is not disputed that the appellant has rendered more than twenty years service, thus lesser punishment of compulsory retirement could have been imposed on her. While keeping in view the length of service of the appellant and the nature of her misconduct the impugned punishment of removal of appellant from service found harsh. Consequently in the given circumstances the impugned punishment of removal from service awarded to the appellant is modified and converted into compulsory retirement from service. The intervening period including all the unauthorized

ATTSTED

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19 15 15

absence period after the expiry of sanctioned leave shall be treated as leave without pay. The present appeal is disposed off in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
16.01.2018

Sd/- M. Hameed Nighal
Member

Sd/- Gulzar Khan,
Member

[Signature]
copy

Date of ...
No ...
Copy ...
By ...
For ...
By ...
Date ...

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09-02-18
09-02-18

ATTSTED

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

① 2

Annexure: (D)

20

Present:

Mr. Justice Sardar Tariq Masood
Mr. Justice Muhammad Ali Mazhar

CIVIL PETITION NO.354-P OF 2018

(On appeal against the judgment dated 16.01.2018 passed by KPK Service Tribunal, Peshawar, in Appeal No.411 of 2017)

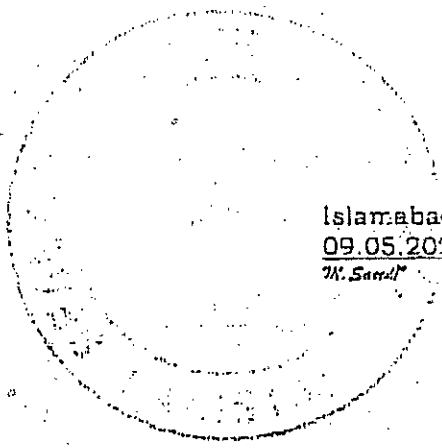
| | | |
|---|-----|-------------|
| Govt. of KP thr. Secy. Elementary & Secondary Education, Peshawar etc | ... | Petitioners |
| Versus | | |
| Nighat Shaheen | ... | Respondents |

| | | |
|---------------------|---|--|
| For the petitioners | : | Mr. Atif Ali Khan, Addl. AG KP. |
| For the respondent | : | Mr. Muzammil Khan, ASC (via video link from Peshawar) |
| Date of hearing | : | 09.05.2022 |

ORDER

SARDAR TARIQ MASOOD, J.- Instant petition is barred by 12 days and the reason set out in the application for condonation of delay that due to lengthy correspondence between various tiers of department and the process of the decision taken by Constituted Law Committee for fitness of the case for filing of CPLA, is not a valid ground to condone the delay. Consequently, Civil Misc. Application No.695-P/2018 is dismissed, as a result thereof Civil Petition No.354-P/2018, is also dismissed being barred by time.

Sd/-J
Sd/-J



Certified to be true copy
[Signature]
Senior
Supreme Court
Pakistan
Islamabad

CR No. 1112/2022

Date of Presentation 6.6.2022

No of Words 300

No of Pages 3

Regulation No. 500

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Date of 10/6/2022

[Signature]

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DISTRICT EDUCATION OFFICE (FEMALE) SWABI



Office Phone & Fax No. 0938280330, email: deofswabi@yahoo.com

TO BE SUBSTITUTED WITH THE OFFICE ORDER VIDE ENDST: NO 5056-G/DA-I
RETIREMENT FILE, DATE SWABI THE 17/10/2019.

21

OFFICE ORDER

Consequent upon the judgment passed by the honorable Khyber Pakhtunkhwa service tribunal Peshawar, in the service appeal No. 411/2017, titled Nighat Shaheen Ex PST GGPS No 1 Shahmansoor Swabi, dated 16/01/2018, wherein major penalty of removal from service was modified and converted into compulsory retirement from service. The intervening period including all the unauthorized absence periods after the expiry of sanctioned leave 16/12/2011 shall be treated as leave without pay. The department was aggrieved by this judgment, and civil petition No. 354-P/2018 was filed in the apex supreme court of Pakistan. The detail of sanctioned leave with effect from 15/12/2009 to 03/11/2010 (322 days) are on average half pay while w.e.f 04/11/2010 to 15/11/2012 (408 days) extraordinary leave (EOL) without pay.

In light of this development, the then competent authority Ms: Dilshad Begum District Education Officer Female Swabi converted the major penalty of removal from service into compulsory retirement, subject to the final outcome of the supreme court of Pakistan in the civil petition number 354-P/2018, vide order Endst: No 5056-G/DA-I retirement file, dated Swabi the 17/10/2019. The civil petition No. 354-P/2018 was dismissed being barred by time on 09/05/2022.

The petitioner filed execution petition No 368 of 2022 wherein direction was issued vide order dated 14/10/2022 to implement the judgment in letter and spirit. Thus, in compliance with the court order, the major penalty of removal from service is converted into compulsory retirement and the intervening period including all the unauthorized absence periods after the expiry of sanctioned leave with effect from 04/11/2010 is treated as leave without pay.

Note:

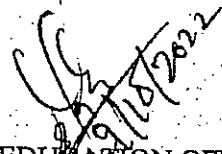
1. She is entitled to pensionary benefits under the rules.
2. Entry to this effect should be made in her original service book.
3. Encashment of leave in Lieu of LPR is not admissible to the official concerned under the Khyber Pakhtunkhwa civil servant revised leave rules, 1981.

(SOFIA TABASSUM)
DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

Endst No 2860 /Dated:- 19/10/2022

Copy of the above is forwarded to the:-

1. Registrar Khyber Pakhtunkhwa service tribunal Peshawar.
2. Director E&SE Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Swabi.
4. District Accounts Officer Swabi.
5. SDEO (F) Swabi with remarks to complete the process on a war basis being a court matter.
6. Education Monitoring Authorities Swabi.
7. ADEO (Primary) Local office Swabi.
8. Head Teacher GGPS No.1 Shahmansoor.
9. Nighat Shaheen D/O Mehboob Khan Ex PST, Mohallah Tawas Khani VPO Zaida Swabi.


DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

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Annexure: "E"

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To,

District Education Officer (Female)
Swabi

Subject: APPEAL IN PENSION CASE

With due respect it is submitted that the undersigned rendered services in the education department w.e.f 22-09-1986 till 15-12-2009 when she was granted leave on half pay for one year vide order No. 139-G/leave/PST(female) dated 06-01-2010 and thereafter one year as leave without pay uptill 15-12-2011 where after she went to Govt Primary School Shah Mansoor for resumption of duties but she was not allowed to assume duty on her post and as such from 16-12-2011 to 03-02-2015 she knocked at the doors of various authority but with no fruitful result, however suddenly she received a reminder from the department bearing No. 49/9 dated 13-01-2015 and she happily reported to the department where she was given charge on 03-02-2015.

It is pertinent to mention here that she has also approach to the service Tribunal for the said purpose, hence she was given charge at GGPS Zaida No. 2, but no such office order. During this period and inquiry against her was also conducted and while she was performing duties at GGPS Zaida No. 2 she appeared before inquiry officer, recorded her statement and explained her position. (Copy of the inquiry report bearing No. 16 dated 05-03-2015 is annexed)

Pension papers

Received on

13/9/2023

13/9/2023

ATTSTED

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After submission of inquiry report the competent authority while imposing major penalty removed the undersigned from service vide order dated 21-12-2016. **(Copy of the order is annexed)**

That aggrieved there from the undersigned approached once again to KP Service Tribunal in Service Appeal No. 4011/2017, wherein major penalty of removal from service was converted into compulsory retirement w.e.f 21-12-2016.

The said order of service tribunal was challenged before the supreme court of Pakistan in CPLA No. 354-P/2018 but the same was dismissed vide order dated 09-05-2022

Inspite dismissal of CPLA the applicant's pension was delayed for one reason and another and ultimately after filing COC she was granted pension on the order of KP Service Tribunal dated 14-10-2022, but sorry to say the monthly pension and calculation of commutation was wrongly made by the department wherein minimum pension to the tune of Rs. 10000/- was awarded while commutation calculation was made to the extent of Rs. 300000/- only which is totally incorrect, against the service records and rather against norms of justice.

The applicant approached to the private experts, submitted complete record of service and after thorough examination and proper calculation total pension commutation comes to Rs. 3444619/- while monthly pension to Rs. 55642/- as on 30-06-

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credited with Rs. 10000/- per month. (Copies of the documents / calculation prepared by experts are annexed for perusal)

It is therefore most humbly requested that on acceptance of this application necessary correction may pleased be made in the commutation amount and monthly pension of the applicant may be granted thereof.

Applicant

Nighat Shaheen

Mst. Nighat Shaheen

Dated: 13 -09-2023

~~13~~



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DISTRICT EDUCATION OFFICE (FEMALE) SWABI

(Office phone Fax No 0938280339, emisfswabi@yahoo.com)

No. 3129 / Dated Swabi the 07/12/2023

To


Mst. Nagina Shaheen,
Ex-PST, GGPS No.1 Shamansoor,
Resident of VPO Zaida, Mohallah Tawas Khani,
Tehsil & Disst: Swabi.

Subject: **APPEAL IN PENSION CASE.**

Memo:

Reference to your appeal on the subject cited above.

In this respect, it is stated that the calculation of Pension made according to Pay @Rs.8470/- pm fixed by the District Accounts Officer Swabi being competent authority for pay fixation.


7/12/2023
Dy: District Education Officer
(Female) Swabi

ATTSTED

Annexure "F"

MRS. NIGHAT SHAHEEN

(26)

PENSION

| No. | From | To | Monthly Rs. | Workout | Amount Rs. |
|------------------|------------|------------|-------------|------------------------|----------------|
| 1 | 22-12-2016 | 30-06-2017 | 33428 | $33428/31 \times 10 =$ | 10783 |
| 2 | 01-07-2017 | 30-06-2017 | | $33428 \times 06 =$ | 200568 |
| 3 | 01-07-2017 | 30-06-2018 | 36677 | $36677 \times 12 =$ | 440124 |
| 4 | 01-07-2018 | 30-06-2019 | 40250 | $40250 \times 12 =$ | 483000 |
| 5 | 01-07-2019 | 30-06-2020 | 44182 | $44182 \times 12 =$ | 530184 |
| 6 | 01-07-2020 | 30-06-2021 | 44182 | $44182 \times 12 =$ | 530184 |
| 7 | 01-07-2021 | 30-06-2022 | 48506 | $48506 \times 12 =$ | 582072 |
| 8 | 01-07-2022 | 30-06-2023 | 55642 | $55642 \times 12 =$ | 667704 |
| Total Rs. | | | | | 3444619 |

ATTSTED

22-12-2016 to 31-12-2016(10 days)

| | | | |
|----------------------|--|------------|-----------------|
| 1 | Net Pension | Rs. | 32490.00 |
| 2 | Med:All:31.25% of 07/2010 & 07/2015 65% Pen: Row#16 | Rs. | 937.50 |
| Total Pension | | Rs. | 33428.00 |

01-07-2017 to 30-06-2018(12M)

| | | | |
|----------------------------|--|------------|-----------------|
| Mrs. Nighat Shaheen | | | |
| 1 | Net Pension | Rs. | 32490.00 |
| 2 | Med:All:31.25% of 07/2010 & 07/2015 65% Pen: Row#16 | Rs. | 937.50 |
| 3 | Increase 07/2017, 10% | Rs. | 3249.00 |
| Total Pension | | Rs. | 36677.00 |

01-07-2018 to 30-06-2019(12M)

| | | | |
|----------------------|--|------------|-----------------|
| 1 | Net Pension | Rs. | 35739.50 |
| 2 | Med:All:31.25% of 07/2010 & 07/2015 65% Pen: Row#16 | Rs. | 937.50 |
| 3 | Increase 07/2018, 10% | Rs. | 3573.95 |
| Total Pension | | Rs. | 40250.95 |

01-07-2019 to 30-06-2020(12M)

| | | | |
|----------------------|--|------------|-----------------|
| 1 | Net Pension | Rs. | 39313.45 |
| 2 | Med:All:31.25% of 07/2010 & 07/2015 65% Pen: Row#16 | Rs. | 937.50 |
| 3 | Increase 07/2019, 10% | Rs. | 3931.34 |
| Total Pension | | Rs. | 44182.29 |

01-07-2020 to 30-06-2021(12M)

| | | | |
|----------------------|--|------------|-----------------|
| 1 | Net Pension | Rs. | 43244.79 |
| 2 | Med:All:31.25% of 07/2010 & 07/2015 65% Pen: Row#16 | Rs. | 937.50 |
| 3 | Increase 07/2020, <i>No increase</i> | Rs. | 0 |
| Total Pension | | Rs. | 44182.29 |

01-07-2021 to 30-06-2022(12M)

| | | | |
|----------------------|--|------------|-----------------|
| 1 | Net Pension | Rs. | 43244.79 |
| 2 | Med:All:31.25% of 07/2010 & 07/2015 65% Pen: Row#16 | Rs. | 937.50 |
| 3 | Increase 07/2021, 10% | Rs. | 4324.47 |
| Total Pension | | Rs. | 48506.76 |

01-07-2022 to 30-06-2023(12M)

| | | | |
|----------------------|--|------------|-----------------|
| 1 | Net Pension | Rs. | 47569.26 |
| 2 | Med:All:31.25% of 07/2010 & 07/2015 65% Pen: Row#16 | Rs. | 937.50 |
| 3 | Increase 07/2022, 15% | Rs. | 7135.38 |
| Total Pension | | Rs. | 55642.14 |

ATTST

01-07-2016 (65%)

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| | | | | |
|----|--|---|----|----|
| 1 | Name: | Mrs. Nighat Shaheen | | |
| 2 | Father's, Husband Name | Gohar Zaman | | |
| 3 | Designation and BPS | Primary School Head BPS-12 | | |
| 4 | Date of Birth | 01-10-1967 | | |
| 5 | Date of 1 st appointment | 22-09-1986 | | |
| 6 | Date of Compulsory Retirement | 21-12-2016 (A.N) | | |
| 7 | Suspension (From To) | -- | | |
| 8 | E.O.L (From / / & / /) | -- | | |
| 9 | Basic Pay on (01/12/2016) Revision 2008 | Rs.30410/- | | |
| a | Personal Pay | -- | | |
| b | Presumptive Pay (Annual Increment) | - | | |
| c | Special Pay | -- | | |
| d | Qualification Pay | -- | | |
| e | Senior Post Allowance (B-20 & above) | -- | | |
| f | Total Pension Emoluments | Rs.30410/- | | |
| 10 | Length of Service | Y | M | D |
| 11 | From (22-09-1986 to 21-12-2016) | 30 | 03 | 0 |
| 12 | Non qualifying service from(4-11-2010 to 15-12-2012 (408 days) | 01 | 01 | 13 |
| 13 | Net qualifying service | 29 | 01 | 17 |
| 14 | Gross Pension= $30410 \times 7 \times 29 / 300$ | Rs.22577.43 | | |
| 15 | Less commuted portion up to 35% | Rs.7202.10 | | |
| 16 | Net Pension (65%) | Rs.13375.33 | | |
| 17 | Med: All: 31.25% of 07/2010 & 2015 65% Pension Row#16 | Rs. 937.50 | | |
| 18 | Increase 07/2010, 15% | Rs.2006.29 | | |
| 19 | Increase 07/2011, 15% | Rs.2307.24 | | |
| 20 | Increase 07/2012, 20% | Rs.3537.74 | | |
| 21 | Increase 07/2013, 15% | Rs.3183.99 | | |
| 22 | Increase 07/2014, 10% | Rs.2441.06 | | |
| 23 | Increase 07/2015, 10% | Rs.2685.17 | | |
| 24 | Increase 07/2016, 10% | Rs.2953.68 | | |
| 25 | Total Net Pension P/M (Row # 16 to 24). | Rs.33428.00 | | |
| 26 | Age next birthday | 50 years | | |
| 19 | Age on the Date of Retirement | 49 y 2 m 20 dys. | | |
| 20 | Rate of commutation | Rs. 219.7548 | | |
| 21 | Total Commutation Row # 15 X Row # 20) | Rs.1582696 | | |
| 22 | Bank Detail | National Bank of Pakistan, Peshawar, Zaida, Branch Code No. 1972, Account No. 4063909800. | | |
| 23 | Address | | | |
| 24 | C.N.I C. No. | 1620208944208 | | |
| 25 | Personal No. | 00234274 | | |

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REVISED ENTRIES DUE TO AWARD ANNUAL INCREMENT/RUNING BASIC PAY SCALE FOR THE PERIOD OF UN-TRAINED SCHEME IN LIGHT OF SUPREME COURT OF PAKISTAN JUDGMENT VIDE FINANCE DEPARTMENT NOTIFICATION NO.FD (PRC)5-2/2002 DATED 30-03-2009 IN RESPECT OF NIHAGAT SHAHEEN P.S.T.BPS-13

| Dated | BPS | B.Pay | Remarks |
|------------|-------|--|--|
| 22-09-1986 | 07 | 560 | Revision 1983. BPS-07 (560-23-1020) |
| 01-12-1986 | | 560 | N.A. Annual Increment |
| 01-07-1987 | | 750 | Revision 1987. BPS-07 (750-31-1370) |
| 01-12-1987 | | 781 | Annual Increment |
| 01-12-1988 | | 812 | |
| 01-12-1989 | | 843 | |
| 01-12-1990 | | 874 | |
| 01-07-1991 | | 1335 | Revision 1991. BPS-07 (1065-54-1875) |
| 01-12-1991 | | 1395 | Annual Increment |
| 01-12-1992 | | 1455 | |
| 04-11-1993 | 1575 | Two advance increment | |
| 01-12-1993 | 1635 | Annual Increment | |
| 01-06-1994 | 2209 | Revision 1994. BPS-07 (1480-81-2695) | |
| 01-12-1994 | 2290 | Annual Increment | |
| 01-12-1995 | 2371 | | |
| 01-12-1996 | 2452 | | |
| 01-12-1997 | 2533 | | |
| 01-12-1998 | 2614 | | |
| 01-12-1999 | 2695 | | |
| 01-12-2000 | 2772 | | Move Over BPS-07 to BPS-08.1994 (1540-88-2860) & discontinue |
| 01-12-2000 | 2860 | Annual Increment | |
| 01-12-2001 | 4380 | Revision 2001. BPS-07 (2220-120-5820) | |
| 01-12-2002 | 4500 | Annual Increment | |
| 01-12-2003 | 4620 | | |
| 01-12-2004 | 4740 | | |
| 01-07-2005 | 5495 | Revision 2005. BPS-07 (2555-140-6755) | |
| 01-12-2005 | 5635 | Annual Increment | |
| 01-12-2006 | 5775 | | |
| 01-07-2007 | 6620 | Revision 2007. BPS-07 (2940-160-7740) | |
| 02-12-2007 | 7010 | Revision 2007. BPS-12 (3630-260-11430) | |
| 01-12-2007 | 7270 | Annual Increment | |
| 01-07-2008 | 8695 | Revision 2008. BPS-12 (4355-310-13655) | |
| 01-12-2008 | 9005 | Annual Increment | |
| 01-12-2009 | 9315 | | |
| 01-12-2010 | 9315 | Leave without pay (4-11-2010 to 15-12-2012 (408 days)) | |
| 01-07-2011 | 15000 | Revision 2011. BPS-12 (7000-500-22000) | |
| 01-12-2011 | 15500 | Annual Increment | |
| 01-12-2012 | 16000 | | |
| 01-12-2013 | 16500 | | |
| 01-12-2014 | 17000 | | |
| 01-07-2015 | 22055 | Revision 2015. BPS-12 (9055-650-28555) | |
| 01-12-2015 | 22705 | Annual Increment | |
| 02-12-2015 | 24000 | One step up-gradation Revision 2015. BPS-13 (9700-715-31150) | |
| 01-07-2016 | 29530 | Revision 2016. BPS-13 (11930-880-38330) | |
| 01-12-2016 | 30410 | Annual Increment | |
| 21-12-2016 | 30410 | RETIRED WITH IMMEDIATE. | |

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| Pension | | Drawn Pay and All: | |
|--|------------|---|------------|
| BPS | 07 | BPS | 12 |
| Last B. Pay | Rs.8660 | Last B. Pay | Rs.9005 |
| Court order | 03-11-2016 | Month | 11/2009 |
| Under trial | 21-12-2016 | Attendance up to | 03/2015 |
| | | Department order with immediate effect | 21-12-2016 |
| <p>Note:- In the said date i.e <i>21-12-2016</i> the competent authority declares her absence w.e.f <i>26-02-2015</i> as un-authored absence from duty. In this regard she is entitled for pension up to <i>25-02-2015</i> instead of <i>04-11-2010</i></p> | | | |

Note:- In the said date i.e *21-12-2016* the competent authority declares her absence w.e.f *26-02-2015* as un-authored absence from

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IN RESPECT OF NIGHAT SHAHEEN, P.S.T, BPS-13, ACCOUNT OF
PAY AND ALLOWANCE, PERSONALNO.00234274

SUMMARY PAY AND ALLOWANCE
RATE

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| S.N | Object head | 16-11-12 | 1-12-12 | 1-7-13 | 1-12-13 | 1-7-14 | 1-12-14 | 1-7-15 | 2-12-15 | 1-7-16 | 1-12-16 to 21-12-2016 |
|------------------|---------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------------------|
| 1 | Basic Pay | 15500 | 16000 | 16000 | 16500 | 16500 | 17000 | 22055 | 24000 | 29530 | 30410 |
| 2 | H.R.A | 1306 | 1306 | 1306 | 1306 | 1306 | 1306 | 1306 | 1306 | 1306 | 1306 |
| 3 | M. All | 1000 | 1000 | 1000 | 1000 | 1200 | 1200 | 1500 | 1500 | 1500 | 1500 |
| 4 | A.A.2010 | 4657 | 4657 | 4657 | 4657 | 4657 | 4657 | 4657 | 4657 | 4657 | 4657 |
| 5 | ARA.2011, 15% | 2325 | 2400 | 2400 | 2475 | 2475 | 2550 | 0 | 0 | 0 | 0 |
| 6 | ARA.2012, 20% | 3100 | 3200 | 3200 | 3300 | 3300 | 3400 | 0 | 0 | 0 | 0 |
| 7 | ARA.2013, 15% | 0 | 0 | 2400 | 2475 | 2475 | 2550 | 2550 | 3600 | 1200 | 1200 |
| 8 | ARA.2014, 10% | 0 | 0 | 0 | 0 | 1650 | 1700 | 2205 | 2400 | 0 | 0 |
| 9 | ARA.2015, 10% | 0 | 0 | 0 | 0 | 0 | 0 | 2205 | 2400 | 600 | 600 |
| 10 | ARA.2016, 10% | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2953 | 3041 |
| Total Rs. | | 27888 | 28563 | 30963 | 31713 | 33563 | 34363 | 36478 | 39863 | 41746 | 42714 |

4/7/16

IN RESPECT OF NIGHAT SHAHEEN, P.S.T, BPS-13, ACCOUNT OF
PAY AND ALLOWANCE, PERSONALNO.00234274

SUMMARY

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| Leave without pay from 04-11-2010 to 15-11-2012 | | |
|--|--|----------------|
| Period | Head | Rs. |
| As per attendance sheet and court order No. Announced on 03-11-2016 and departmental order No.4654-57/F.No.DA-I/Removal from service dated 21-12-2016 with immediate effect. In this regard she is entitled for full pay and allowance. w.e.f 16-11-2012 to 21-12-2016. | Basic Pay | 2651400 |
| | H.R. All: | 65532 |
| | Medical All: | 60416 |
| | Adhoce All: 2010 50%(Ceased 1/7/2017) | 209019 |
| | A.R.All: 2011, 15% (Ceased 1/7/2015) | 44005 |
| | A.R.All: 2012 20% (Ceased 1/7/2015) | 100800 |
| | Adhoc Relief All: 2013 15% (5% shall continue F.L) | 92426 |
| | Adhoc Relief All: 2014 10%. (Ceased 1/7/2016) | 47065 |
| | Adhoc Relief All: 2015 10% (2.5% shall continue F.L) | 30918 |
| Adhoc Relief All: 2016 10% | 16765 | |
| | G. Total Rs. | 3318346 |

ATTESTED

ARREAR STATEMENT WITH EFFECT FROM 16-11-2012 TO 21-12-2016
IN RESPECT OF NIHGAT SHAHEEN, P.S.T, BPS-13, ACCOUNT OF PAY
AND ALLOWANCE, PERSONALNO.00234274

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| Period | Month | Particular | Rate | Due | Drawn BPS-12 | Workout | -Amount Rs. | | |
|--|--------|---|-------|-------|--------------|----------------------|----------------|------|------------------|
| LEAVE WITHOUT PAY FROM 04-11-2010 TO 15-11-2012 | | | | | | | | | |
| <i>Revision 2008 (4355-310-13655) BPS-12</i> | | | | | | | | | |
| 16-11-2012 to 30-11-2012 | 15 (d) | Basic Pay BPS-12 | 15500 | 7750 | 0 | 7750 / 30 x 15=3875 | 2651400 | | |
| 01-12-2012 to 30-11-2013 | 12 (M) | | 16000 | 16000 | | 16000 x 12 =192000 | | | |
| 01-12-2013 to 30-11-2014 | 12 (M) | | 16500 | 16500 | | 16500 x 12 =198000 | | | |
| 01-12-2014 to 30-06-2015 | 07 (M) | | 17000 | 17000 | | 17000 x 07 =119000 | | | |
| 01-07-2015 to 30-11-2015 | 05 (M) | | 22055 | 22055 | | 22055 x 05 =110275 | | | |
| 01-12-2015 | 0 | | 0 | 0 | | 0 | | | |
| 02-12-2015 to 30-06-2016 | 07 (M) | Basic Pay BPS-13 | 24000 | 24000 | 0 | 24000 x 07 =168000 | 65532 | | |
| 01-07-2016 to 30-11-2016 | 05 (M) | | 29530 | 29530 | | 29530 x 05 =147650 | | | |
| 01-12-2016 to 21-12-2016 | 21 (d) | | 30410 | 30410 | | 30410/31x21=20600 | | | |
| 16-11-2012 to 30-11-2012 | 15 (d) | H.R. All: | 1306 | 1306 | 0 | 1306 / 30 x 15=653 | 65532 | | |
| 01-12-2012 to 30-11-2016 | 49 (M) | | | | | 1306 x 49 = 63994 | | | |
| 01-12-2016 to 21-12-2016 | 21(d) | | | | | 1306 / 31 x 21 = 885 | | | |
| 16-11-2012 to 30-11-2012 | 15 (D) | Medical All: | 1000 | 1000 | 0 | 1000 / 30 x 15=500 | 60416 | | |
| 01-12-2012 to 30-06-2014 | 19 (M) | | | | | 1000 x 19 =19000 | | | |
| 01-07-2014 to 30-06-2015 | 12 (M) | | | | | 1200 | | 1200 | 1200 x 12 =14400 |
| 01-07-2015 to 30-11-2016 | 17 (M) | | | | | 1500 | | 1500 | 1500 x 17 =25500 |
| 01-12-2016 to 21-12-2016 | 21 (d) | | | | | 1500 / 31 x 21=1016 | | | |
| 16-11-2012 to 30-11-2012 | 15 (d) | Adhoce All:2010 50%(Ceased 1/7/2017) | 4657 | 4657 | 0 | 4657 / 30 x 15= 2328 | 209019 | | |
| 01-12-2012 to 30-11-2016 | 48(M) | | | | | 4657 x 48= 223536 | | | |
| 01-12-2016 to 21-12-2016 | 21 (d) | | | | | 4657 / 31 x 21=3155 | | | |
| 16-11-2012 to 30-11-2012 | 15 (d) | A.R.All:2011, 15% (Ceased 1/7/2015) | 1397 | 1397 | 0 | 1397 / 31 x 15= 698 | 44005 | | |
| 01-12-2012 to 30-06-2015 | 31 (M) | | | | | 1397 x 31= 43307 | | | |
| 16-11-2012 to 30-11-2012 | 15 (d) | A.R.All:2012 20% (Ceased 1/7/2015) | 3200 | 3200 | 0 | 3200 / 31 x 15 =1600 | 100800 | | |
| 01-12-2012 to 30-06-2015 | 31 (M) | | | | | 3200 x 31= 99200 | | | |

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|--------------------------|--------|---|------|------|---|---------------------|----------------|
| 01-07-2013 to 30-11-2013 | 05 (M) | Adhoc Relief All: 2013 15% (5% shall continue F.L) | 2400 | 2400 | 0 | 2400 x 05= 12000 | 92426 |
| 01-12-2013 to 30-11-2014 | 12 (M) | | 2475 | 2475 | | 2475 x 10= 29700 | |
| 01-12-2014 to 30-06-2016 | 18 (M) | | 2550 | 2550 | | 2550 x 18= 45900 | |
| 01-07-2016 to 30-11-2016 | 05 (M) | | 850 | 850 | | 850 x 05= 4250 | |
| 01-12-2016 to 21-12-2016 | 21 (d) | | | | | 850 / 31 x 21=576 | |
| 01-07-2014 to 30-11-2014 | 05 (M) | Adhoc Relief All: 2014 10%. (Ceased 1/7/2016) | 1650 | 1650 | 0 | 1650 x 05= 8250 | 47065 |
| 01-12-2014 to 30-06-2015 | 07 (M) | | 1700 | 1700 | | 1700 x 07= 11900 | |
| 01-07-2015 to 30-11-2015 | 05 (M) | | 2205 | 2205 | | 2205 x 05= 11025 | |
| 01-12-2015 to 30-06-2016 | 07 (M) | | 2270 | 2270 | | 2270 x 07= 15890 | |
| 01-07-2015 to 30-11-2015 | 05 (M) | Adhoc Relief All: 2015 10% (2.5% shall continue F.L) | 2205 | 2205 | 0 | 2205 x 05= 11025 | 30918 |
| 01-12-2015 to 30-06-2016 | 07 (M) | | 2270 | 2270 | | 2270 x 07= 15890 | |
| 01-07-2016 to 30-11-2016 | 05 (M) | | 567 | 567 | | 567 x 07= 3969 | |
| 01-12-2016 to 21-12-2016 | 21 (d) | | | | | 567 / 31 x 21=384 | |
| 01-07-2016 to 30-11-2016 | 05 (M) | Adhoc Relief All: 2016 10% | 2953 | 2953 | 0 | 2953 x 05= 14765 | 16765 |
| 01-12-2016 to 21-12-2016 | 21 (d) | | | | | | |
| | | | | | | G. Total Rs. | 3318346 |

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IN RESPECT OF NIGHAT SHAHEEN, P.S.T, BPS-13, ACCOUNT OF
PAY AND ALLOWANCE, PERSONALNO.00234274

SUMMARY

| Period | Head | Amount Rs. |
|---|---------------------|---------------|
| 15-12-2009 to 03-11-2010. On account 322 days leave on half average pay but not paid. Vide order No.139-G/Leave/PST(Female) dated 06-01-2010 | Basic Pay | 49590 |
| | H.Rl All: | 13902 |
| | Medical All: | 5324 |
| | Spl:4Add: All: | 4525 |
| | Adhoc Rel.All: 2005 | 7805 |
| | D.R:A: 2006 (F.L) | 14876 |
| | Adhoc Rel.All: 2009 | 19878 |
| Adhoc All: 2010 (50%) | 19085 | |
| | G. Total Rs. | 134985 |

ATTST

ARREAR STATEMENT IN RESPECT OF NIHGAT SHAHEEN, P.S.T, BPS-13, ACCOUNT OF PAY AND ALLOWANCE, PERSONALNO.00234274 (322 days earned leave on half average pay 15-12-2009 to 03-11-2010)

| Period | Month | Particular | Rate | Due | Drawn BPS-12 | Workout | Amount Rs. |
|--|--------|--------------------------------|------|------|--------------|---------------------|---------------|
| <i>Revision 2008 (4355-310-13655) BPS-12</i> | | | | | | | |
| 15-12-2009 to 30-12-2009 | 17(d) | Basic Pay BPS-12 | 9315 | 4657 | 0 | 4657/31x17=2554 | 49590 |
| 01-01-2010 to 31-10-2010 | 10 (M) | | | | | 4657x10=46570 | |
| 01-11-2010 to 03-11-2010 | 03(d) | | | | | 4657/30x03=466 | |
| 15-12-2009 to 30-12-2009 | 17(d) | H.R. All: | 1306 | 1306 | 0 | 1306/31x17=716 | 13902 |
| 01-01-2010 to 31-10-2010 | 10 (M) | | | | | 1306x10=13060 | |
| 01-11-2010 to 03-11-2010 | 03(d) | | | | | 1306/30x03=126 | |
| 15-12-2009 to 30-12-2009 | 17(d) | Medical All: | 500 | 500 | 0 | 500/31x17=274 | 5324 |
| 01-01-2010 to 31-10-2010 | 10 (M) | | | | | 500x10=5000 | |
| 01-11-2010 to 03-11-2010 | 03(d) | | | | | 500/30x03=50 | |
| 15-12-2009 to 30-12-2009 | 17(d) | Spl: Add: All: | 425 | 425 | 0 | 425/31x17=233 | 4525 |
| 01-01-2010 to 31-10-2010 | 10 (M) | | | | | 425x10=4250 | |
| 01-11-2010 to 03-11-2010 | 03(d) | | | | | 425/30x03=42 | |
| 15-12-2009 to 30-12-2009 | 17(d) | A.R All:2005 | 733 | 733 | 0 | 733/31x17=402 | 7805 |
| 01-01-2010 to 31-10-2010 | 10 (M) | | | | | 733x10=7330 | |
| 01-11-2010 to 03-11-2010 | 03(d) | | | | | 733/30x03=73 | |
| 15-12-2009 to 30-12-2009 | 17(d) | Dearness All: 2006(F.L) | 1397 | 1397 | 0 | 1397/31x17=766 | 14876 |
| 01-01-2010 to 31-10-2010 | 10 (M) | | | | | 1397x10=13970 | |
| 01-11-2010 to 03-11-2010 | 03(d) | | | | | 1397/30x03=140 | |
| 15-12-2009 to 30-12-2009 | 17(d) | Adhoc Relief All: 2009 | 1863 | 1863 | 0 | 1863/31x17=1022 | 19878 |
| 01-01-2010 to 31-10-2010 | 10 (M) | | | | | 1863x10=18670 | |
| 01-11-2010 to 03-11-2010 | 03(d) | | | | | 1863/30x03=186 | |
| 01-07-2010 to 31-10-2010 | 04 (M) | Adhoc All: 50% | 4657 | 4657 | 0 | 4657 x 04=18628 | 19085 |
| 01-11-2010 to 03-11-2010 | 03(d) | | | | | 4657/30x03=457 | |
| | | | | | | G. Total Rs. | 134985 |

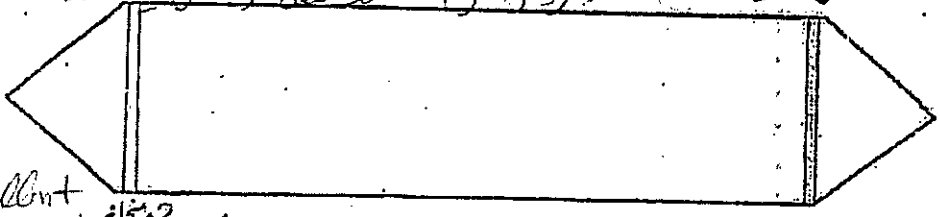
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M
M/S

BC: 18-1865
0313-98,29243

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بعدالت خیریتو تجنوا سرسرف نرا بیونال شاد



Appellant 2 صاحب

یتام حکومت و لبرو

نگت شاہین

| | |
|-------|-------|
| مورخہ | ----- |
| مقدمہ | ----- |
| دعویٰ | ----- |
| جرم | ----- |

باعث تحریر آنگہ

مقدمہ صدر چیئر مین بالائے ایشیا میں اپنی طرف سے واسطے بیرونی وجوہات کی رکن کاروائی متعلقہ /
آن مقام کیلئے بیس سرسرف نرا بیونال شاد

مقررہ کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی رکن کاروائی کا کامل اختیار ہوگا۔ نیز
کیل صاحب کو راجسٹی نامہ کرنے وقت رعایت فیصلہ پر حلف دیئے جو اس بیرونی اور اقبال دعویٰ اور

بیسورٹ ڈگری کرنے اجراء اور صوبائی جیک ورد پیر اور عرضی دعویٰ اور درخواست بر قسم کی تصدیق
زرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیرونی یا ڈگری کی طرف یا اپیل کی یا آنگہ اور منسوخ

نیز دائر کرنے اپیل گمرانی و نظر ثانی و بیرونی کرنے کا اختیار ہوگا اور اس کے بعد اس کے بعد اس کا اختیار
کے کل یا جزوی کاروائی کے واسطے اور رکن یا اختیار قانونی کو اسے ہمراہ لائے جانے کے لئے نظر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا سامنے
بیواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو رکن صاحب پابند ہوں گے کہ بیرونی
تذکرہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Nighat Shah
الرتوم

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Nighat Shah