

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 91 /2016

Date of Institution... 25.01.2016

Date of decision... 21.03.2018

Mst. Salma Waheed daughter of Abdul Waheed, PST Teacher Government Girls
Primary school Tanoha Thakral, Tehsil and District Mansehra.

... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar
and 2 others. (Respondents)

MR. MALIK ASHFAQ AHMED JILANI,
Advocate

... For appellant.

MR. USMAN GHANI,
District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN,

... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: Arguments of the learned counsel for
the parties heard and record perused.

FACTS

2. The appellant was terminated from service on 14.11.2011 against which she filed
departmental appeal on 23.09.2015 which was not responded to and thereafter she filed the
present service appeal on 22.01.2016.

ARGUMENTS

3. The learned counsel for the appellant argued that the order of termination was based on a
judgment of the Peshawar High Court dated 13.11.2014. That the said judgment was set aside by
the Worthy Peshawar High Court in a review petition on 10.06.2015. That the order passed on

the basis of this judgment of lost its force. That if judgment dated 13.11.2014 was looked into nowhere the worthy Peshawar High Court had ordered for the termination of the appellant. That in the judgment dated 13.11.2014 the Peshawar High Court made certain observations by holding the appointment of the appellant as fake and the order of cancelation of appointment of the appellant as legal. But later on in the review petition it was brought to the notice of the Peshawar High Court that no order of cancelation of appointment of the appellant was issued by the department nor the appointment of the appellant was fake as he got himself appointed not on the basis of quota of union council but on merit quota. These arguments prevailed before the Peshawar High Court and the order dated 13.11.2014 was set aside on 10.06.2015. That in the judgment dated 10.06.2015 the DEO alongwith Addl: AG appeared and they confirmed that no cancelation order of appointment of appellant was passed. That when the original writ was fixed for hearing on 10.09.2015 the learned AAG produced copy of termination order dated 14.11.2014. That on the basis of that termination order the writ petition was held to be infructuous and the appellant was left at liberty to avail the legal remedy under the law That in this background the very termination order could not be sustained in the eyes of law. That the department failed to conduct regular enquiry in this regard.

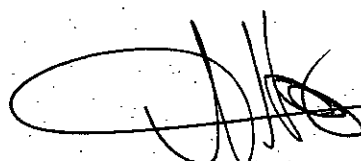
4. On the other hand, the learned District Attorney argued that the department rightly issued the termination order on the basis of the judgment of the Peshawar High Court dated 14.11.2014. That the appointment of the appellant was fake and against merit.

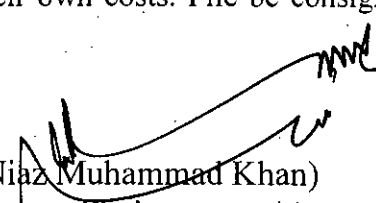
CONCLUSION.

5. The very termination order based on judgment of 14.11.2014 is defective on the face of it because in the judgment dated 14.11.2014 the worthy Peshawar High Court never directed the department to terminate the appellant. In that judgment the department wrongly informed the worthy Peshawar that the appointment order of the appellant was cancelled. This wrong information was later on decided by the High Court in the judgment dated 10.06.2015 and in presence of the DEO and AAG gave judgment that no such cancelation order was passed. But neither DEO nor the AAG informed the High Court that the termination order was already

passed on 14.11.2014 which was concealment of fact before the Peshawar High Court. When the original writ was fixed for hearing on 10.09.2015 the learned AAG produced copy of the termination order passed on 14.11.2014. This is a clear concealment of fact before the Peshawar High Court. However, the High Court disposed of the writ by directing the appellant to avail his remedy under the law. It was after this order that the appellant availed the jurisdiction of this Tribunal through the present service appeal. This Tribunal is therefore, of the view that the order dated 14.11.2014 was passed in sheer violation of law and rules and directions of the High Court. If the department was of the view that whatever the appellant stated before the worthy High Court was wrong or was not based on facts, the proper course for the department was to have issued the charge sheet to the appellant and then proceeded in accordance with the disciplinary rules in vogue for the time being.

6. Consequently, the present appeal is accepted. The appellant is reinstated in service. The department is however at liberty to hold de-novo proceedings within a period of 90 days from the date of receipt of this judgment. Before parting with this judgment this Tribunal observes that the department by concealing the facts from the worthy Peshawar High Court issued the order dated 14.11.2014 on the basis of the judgment of 13.11.2014. The department is of the view that they implemented the judgment but nowhere, as observed above, direction was issued for the termination order of the appellant rather in para-9 the worthy High Court had observed that all those who had connived and colluded with the petitioner are also to be blamed and proceeded against if found guilty. But the department did not honor the observations/directions of the worthy Peshawar High Court. Parties are left to bear their own costs. File be consigned to the record room.


(Ahmad Hassan)
Member


(Niaz Muhammad Khan)
Chairman
Camp Court, A/Abad

ANNOUNCED
21.03.2018

91/16

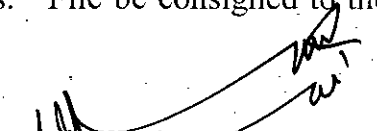
21.03.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Muhammad Usman, Senior Clerk for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.



Member



Chairman
Camp Court, Abbottabad.

ANNOUNCED
21.03.2018

20.09.2017

Appellant alongwith counsel and Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Muhammad Usman, Senior Clerk for the respondents present. Representative of the respondents seeks adjournment. Adjourned. To come up for arguments on 21.12.2017 at camp court, Abbottabad.



Member


Chairman
Camp court, A/Abad.

21.12.2017

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Addl: AG for the respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments on 21.03.2018 before D.B at Camp Court, Abbottabad.

21.03.2018


(Gul Zeb Khan)
Member (Executive)
Camp Court, Abbottabad.
~~Counsel for the appellant and Muhammad Usman, Senior Clerk for the respondents present. Arguments heard and record perused.~~

~~This appeal is accepted as per our dated judgment of today. Parties are left to bear their own costs. File be consigned to the record room.~~


Member

Chairman
Camp Court, Abbottabad.

ANNOUNCED
21.03.2018

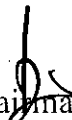
18.08.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Bilal, GP for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 21.10.2016 before S.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad.

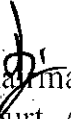
21.10.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 17.04.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad.

17.04.2017

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder submitted. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before the D.B on 20.09.2017 at camp court, Abbottabad.


Chairman
Camp court, A/Abad

17.02.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as PST whereafter she was receiving her salary but was stopped by the respondents without any lawful justification constraining the appellant to prefer W.P No.625-A/2014 which was dismissed but the said judgment reviewed by the august Peshawar High Court and, finally, vide judgment dated 10.9.2015 the same was dismissed with the observations that the appellant may file departmental appeal for redressal of her grievances. That pursuant to the judgment of the august Peshawar High Court departmental appeal was preferred on 23.9.2015 which was not responded and hence the instant service appeal on 25.01.2016.


That the appellant is a regular employee and serving as PST and, therefore, entitled to salary and allied perks and privileges.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 18.5.2016 before S.B at Camp Court A/Abad. Notice of stay application be also issued for the date fixed.


Chairman
Camp Court A/Abad

18.5.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Requested for adjournment. To come up for written reply on main appeal and reply/arguments on stay application 18.08.2016 at camp court, Abbottabad.

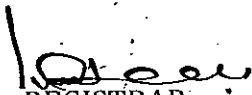


Chairman
Camp court, A/Abad

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ 91/2016 _____

S.No.	Date of order Proceedings	Order or other proceedings with signadure of judge or Magistrate
1	2	3
1	25.01.2016	<p style="text-align: center;">The appeal of Mst. Salma Waheed received today by Post through Malik Ashfaq Ahmad Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p style="text-align: center;">This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>17.2.16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 98/2016

Mst. Salma WaheedAppellant

VERSUS

Government of Khyber Pakhtunkhwa through
Secretary Education, Peshawar etc.
..... Respondents

SERVICE APPEAL

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4	Copy of the charge report.	"B"	18
5	Copy of the medical certificate.	"C"	19
6	Copy of the adjustment order dated 26.07.2010.	"D"	20
7	Copy of the charge report.	"E"	21
8	Copy of the application	"F"	22
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10	Copy of the cancellation order dated 28.09.2011.	"H"	24
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Dated 22.01.2016

Mst. Salma Waheed
...Appellant

Through

MALIK ASHFAQ AHMED JILANI

&

ABDUL SABOOR KHAN,
Advocates High Court,
Mansehra

P-1

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Appeal no. 91/2016

**K.P. Provincial
Service Tribunal**

Diary No. 63

Dated 25-1-2016

Mst. Salma Waheed daughter of Abdul
Waheed, PST Teacher Government Girls
Primary School Tanoha Thakral, Tehsil and
District MansehraAppellant

VERSUS

1. Government of Khyber Pakhtunkhwa through
Secretary Education, Peshawar.
2. Director (Elementary & Secondary)
Education, Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Female),
MansehraRespondents.

**SERVICE APPEAL UNDER SECTION 4
OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER
ENDST. NO.9410-14 DATED 14.11.2014
PASSED BY RESPONDENT NO.3 VIDE
WHICH THE APPELLANT WAS
TERMINATED FROM SERVICE AND
ALSO ORDERED TO RETURN BACK
THE SALARIES W.E.F. 01.09.2009 TO
31.10.2011.**

Handwritten notes:
25/1/16

PRAYER: -

On acceptance of the instant appeal,
the impugned order dated
14.11.2014 passed by respondent
No.3 may graciously be set aside and

the appellant may please be reinstated in service with all back benefits.

Respectfully Sheweth!

1. That, the appellant was duly appointed by the respondent No.3 being an appointing and competent authority against the post of PST at Government Girls Primary School Phulra vide office order dated 22.08.2009 by observing all the legal and codal formalities.

(Copy of the office order dated 22.08.2009 is annexed as annexure "A").

2. That, in the light of the appointment order of the appellant, she took over the charge after submitting the medical certificate to the concerned authority.

(Copies of the charge report and medical certificate are annexed as annexure "B" & "C").

3. That, the respondent No.3 transferred and posted the appellant at Government Girls Primary School Tanoha Thakral against vacant post of PST vide adjustment order dated 26.07.2010 and in complicity of

the said order, the appellant took over the charge.

(Copies of the adjustment order dated 26.07.2010 and charge report are annexed as annexure "D & E").

4. That, the appellant submitted an application to respondent No.1 for her transfer on medical grounds which was allowed and the appellant was transferred and posted at Government Girls Primary School Ganda, Mansehra vide note recorded by the respondent No.3 on the said application on dated 04.08.2011 and the appellant took over the charge of the said post and the respondent No.3 vide office order dated 28.09.2011 cancelled the transfer order of the appellant and directed her to work at the original school i.e. Government Girls Primary School Tanoha Thakral.

(Copies of the application, charge report and cancellation order dated 28.09.2011 are annexed as annexure "F", "G" & "H").

5. That, the appellant was also assigned the duty of the 2013 General Election by the Returning Officer NA-21

Mansehra-II vide order dated 25.04.2013.

(Copy of the order dated 25.04.2013 is annexed as annexure "I").

6. That, the appellant received her salaries since the date of appointment upto 31.10.2011 and thereafter, the salaries of the appellant were withheld and stopped by the respondents without any valid and legal justification. The appellant filed an application the respondent No.3 for release of her salary but no legal action was taken thereon.

(Copy of the application dated 23.01.2013 is annexed as annexure "J").

7. That, the appellant has been performing her professional duties regularly but her salaries were denied to her. Being aggrieved, the appellant filed a Writ Petition No.625-A of 2014 before the Peshawar High Court, Abbottabad Bench which was dismissed vide judgment dated 13.11.2014.

(Attested copies of the Writ Petition alongwith judgment dated 13.11.2014 are annexed as annexure "K" & "L").

8. That, the appellant filed a review petition No.03-A of 2015 before the Honourable Peshawar High Court, Bench Abbottabad which was accepted vide judgment dated 10.06.2015.

(Attested copies of review petition alongwith judgment dated 10.06.2015 are annexed as annexure "M" & "N").

9. That, after the acceptance of review petition, the Writ Petition No.625-A of 2014 was restored and during the proceedings of the Writ Petition, the respondent No.3 submitted impugned order Endst. No.9410-14 dated 14.11.2014 before the Peshawar High Court, Bench Abbottabad vide which the services of the appellant were shown to be terminated and the respondent No.3 also ordered the appellant to return back the salaries w.e.f 01.09.2009 to 31.10.2011, therefore, keeping in view the above-mentioned situation, the Writ Petition of the appellant was dismissed vide judgment dated 10.09.2015 and the appellant was directed to approach to respondents through departmental appeal for the redressal of her grievances which, if

filed, shall be decided in accordance with law.

(Attested copy of the impugned order alongwith judgment dated 10.09.2015 are annexed as annexure "O" & "P").

10. That, the appellant keeping in view the directions of the Honourable High Court filed an appeal before the respondent No.2 on 23.09.2015 which is still pending and no response has been given to the appellant till now.

(Copy of the departmental appeal alongwith registered receipt are annexed as annexure "Q").

11. That, the appellant ran from pillar to post for the redressal of her grievances but in vain, therefore, the appeal seeks the gracious indulgence of this Honourable court for redressal of her grievance through instant appeal inter alia on the following grounds: -

GROUNDS

- a. That, the impugned order dated 14.11.2014 passed by the

respondent No.3 is wrong, illegal, against the law and facts, arbitrary, fanciful, discriminatory, unconstitutional, without lawful authority hence liable to be struck down.

- b. That, the respondents have not advanced any cogent reasons in support of the impugned order dated 14.11.2014.
- c. That, the appellant filed the Writ Petition No.625-A of 2014 on 01.09.2014 which remained pending till 13.11.2014 and later on the appellant filed Review petition on 13.02.2015 which remained pending till 10.09.2015 but during this period, the respondent No.3 have not issued the termination order to the appellant. Later on when the writ petition was restored and the same was fixed for final arguments, the respondent No.3 just to save her skin from the consequences of the same, have submitted the impugned termination order before the High Court which is sheer malafide on the part of the respondent No.3 and speaks volume of manipulation and fabrication on the part of the respondent No.3. Had the respondent

No.3 have passed the impugned order on 14.11.2014 then she would deliver the same to the appellant in time.

- d. That, at the time of arguments on review petition, the respondent No.3 categorically admitted that the appointment order of the appellant has not been cancelled which shows that the impugned order has been manipulated/fabricated by the respondents later on just to save their own skin.
- e. That, it was the bounden duty of the respondents to decide the departmental appeal of the appellant within time but despite such a long time, the respondents have not decided the departmental appeal of the appellant. Similarly, the appellant has not been given the chance of personal hearing by the respondents which is mandatory as well as constitutional right of the appellant.
- e. That, the appellant has perform her duties which great zeal and zest and never found negligent in performing her duties thus the salary has rightly

been issued to the appellant as the appellant has constitutional guaranteed right for receiving the same and order for recovery of the salaries is against the fundamental as well as constitutional rights of the appellant.

- f. That, the respondents have declared the appointment order of the appellant as fake and fictitious on the basis union council merit but later on during the preparation of review petition, the appellant moved an application under Right to Information Act upon which the documents were issued to the appellant in which she was declared at serial No.338 on open merit.

(Copies of the application alongwith merit list are annexed as annexure "R" & "S").

- g. That, the respondents have badly failed to prove the appointment of the appellant as fake and fictitious rather when the respondents came to know that the review petition is accepted and writ petition is fixed for final arguments, they just to deprive the appellant from his valid and legal right manipulated/fabricated the

impugned order which is against the fair play, equity and good conscious.

- h. That, the respondents have not obeyed the order passed by the Honourable Peshawar High in its true letter and spirit as the respondents are bound to decide the departmental appeal within time but they failed to do so.
- i. That, the respondent No.3 have not applied its independent mind nor given any strong, cogent and reliable reasons in support of impugned termination order rather the respondent No.3 have passed the impugned order merely on the basis of order dated 13.11.2014 of Peshawar High Court, Bench Abbottabad. As the said order was reviewed by the Peshawar High Court, Bench Abbottabad and the Writ Petition was restored then the impugned order have no evidentiary value in the eye of law. It is pertinent to mention here that when the review petition was accepted then the previous status of the appellant as teacher was restored and during this period any order passed by the respondents shall be considered as null and void in the eye of law.

It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned order dated

14.11.2014 passed by respondent No.3 may graciously be set aside and the appellant may please be reinstated in service with all back benefits.

INTERIM RELIEF.

It is further requested that the respondents may please be restrained from appointing any other teacher on the post of the appellant and further to recover any amount/ salary from the appellant till the disposal of main appeal and the respondents may please be directed to release the salary of the appellant immediately.

Dated 22.01.2016

Mst. Salma Waheed
...Appellant

سالمی وحید

Through

Asif

MALIK ASHAQ AHMED JILANI

&

ABDUL SABOOR KHAN,
Advocates High Court,
Mansehra.

AFFIDAVIT.

I, Mst. Salma Waheed daughter of Abdul Waheed, PST Teacher Government Girls Primary School Tanoha Thakra, Tehsil and District Mansehra, Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated 22.01.2016

Mst. Salma Waheed
(DEPONENT)

سالمی وحید



**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Mst. Salma WaheedAppellant

VERSUS

Government of Khyber Pakhtunkhwa through
Secretary Education, Peshawar etc.
.....Respondents

SERVICE APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT

Mst. Salma Waheed daughter of Abdul
Waheed, PST Teacher Government Girls
Primary School Tanoha Thakral, Tehsil and
District Mansehra.

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through
Secretary Education, Peshawar.
2. Director (Elementary & Secondary)
Education, Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Female),
Mansehra.

Dated 22.01.2016

Mst. Salma Waheed
...Appellant

Salma Waheed

Through

Malik Ashfaq Ahmed Jilani

MALIK ASHFAQ AHMED JILANI

&

ABDUL SABOOR KHAN,
Advocates High Court,
Mansehra.

Abdul Saboor Khan

2 P-13 P-18

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY MASNEHRA

ORDER

A¹ M¹ X = A¹

As approved by the Departmental Selection Committee, the competent authority has been pleased to appoint the following PST (TRAINED) BPS-7 (@ Rs.2940-160-7740) plus usual allowances as admissible under the rule & and BPS-9 (@ Rs.3820-230-10720) if FAF/Se Second Division against vacant posts mentioned against each in the interest of Public Service with effect from the date of taking over their charge subject to the following terms & conditions.

OPEN MERIT

S.#	NAME	FATHER'S NAME	RESIDENCE	UNION COUNCIL	PLACE OF POSTING	REMARKS
1	SAEEDA NAZ	MUHD ASHRAF	JHANGER	PHULRA	GGPS SUM PHULRA	AV POST
2	RABIA RIAZ	MUHD RIAZ KHAN	BANDA LABYAL	CITY NO 4	GGPS GALI NAMSHERA	AGAINST N/C
3	TAHIRA BIBI	YAR MUHD KHAN	TRANGRI BALA	TRANGRI S.SHAH	GGPS BARA JADEED	AGAINST N/C
4	ANEELA BIBI	RASHID MEHMOOD	DATTA	DATTA	GGPS KHARYALA	AV POST
5	TAHIRA JABEEN	REHMAT	SHINKIARI	SHINKIARI	GGPS KHALIAN ARIAN	AV POST
6	SHAISTA RANI	MUHD FAROOQ	KHAWARI	L/THAKRAL	GGPS GALI NAMSHERA	AGAINST N/C
7	BIBI SAIMA	MUHD RASHID	TERHA PAYEEN	TRANGRI S.SHAH	GGPS BARA JADEED	AGAINST N/C
8	SANAM	MUHD SABIR	CHAKIA	DATTA	GGPS SHAKOORA BATTAL	AV POST
9	SAMERA	ABDUL SATTAR KHAN	BATTAL	BATTAL	GGPS JAGORI	AV POST
10	NOUSHIN AKHTER	WALI MUHD	SHOKOKI	UNAWAB	GGPS CHANDOOR	AV POST
11	BIBI BUSHRA	MUHD HAMAYOON	DHARYAL	SUM	GGPS CHAPRI SINGLI	AV POST
12	SEHRISH DILDAR	DILDAR	KHAKI	BHERKUND	GGPS SHAHKOT	AV POST
13	SHAZIMA SYED	S.MUBARIK ALI SHAH	NOGOZI	CITY NO.2	GGPS GHAKARHARIAN	AGAINST N/C
14	AISHA BIBI	SUFI ABDUL SADIQ SHAHZADA KHISRO FARIDOON	SALAYA PAYEEN	SAWAN MERA	GGPS DEHGRI	AGAINST N/C
15	BIBI SALMA		GIARSACHA	SACHAN	GGPS SUKIAN	AV POST

UNION COUNCIL-WISE

S.#	NAME	FATHER'S NAME	RESIDENCE	UNION COUNCIL	PLACE OF POSTING	REMARKS
1	SUMERA BIBI	ABDUL QUDDUS	ARAB KHUN	ATTERSHISHA	GGPS JABBA	AV POST
2	SALMA WAHEED	ABDUL WAHEED	BANDI SHUNGLI	BANDI SHUNGLI	GGPS PHAGORA	AV POST
3	SHAMAILA AZIZ	AZIZ UR REHMAN	NEEL BATLA	BANDI SHUNGLI	GGPS BAI BALA	AV POST
4	SANJEEDA BIBI	FAZUL REHMAN	JEWAR BANDI	BANDI SHUNGLI	GGPS ARAGHANAYA	AV POST
5	MEHNAZ	TAUS KHAN	BATTAL	BATTAL	GGPS JALGALI	AV POST
6	ABIDA NAZI	ABDUL WAKEEL	BATTAL	BATTAL	GGPS THALIAN	AV POST
7	AISHA BIBI	MUHD ISMAIL	KARMANG BALA	BATTAL	GGPS MATHRA JALGALI	AV POST

22/8
2009

22/8
2009

8	BIBI SHAGUFTA	NAZAKAT HUSSAIN SHAH	DAMDHERI	CHATTER PLAIN	GGPS MOH: MUDSSAR SHAH	AV POST
9	BUSHRA BIBI	HAYDER ZAMAN	DARBAND	DARBAND	GGPS BAGWAI	AV POST
10	SHAZIA HUMAYOON	MUHD YUMAYOON	BAGRIAN	DILBORI	GGPS GHANIAN	AV POST
11	NOSHEEN	S.TASSADAQ HUSSAIN	BAGRIAN	DILBORI	GGPS GORIAN	AV POST
12	RIBI UZMA	S.TASSADAQ HUSSAIN	BAGRIAN	DILBORI	GGPS GORIAN	AV POST
13	SAIRA BIBI	ABDUS SATTAR SHAH	MALOOKRA	HILKOT	GGPS DOSAM BALIMONG	AV POST
14	NAZIA BIBI	S.AZAM SHAH	MALOOKRA	HILKOT	GGPS DOSAM BALIMONG	AV POST
15	ZUBAIDA BIBI	MUHD ZAHIR SHAH	BALIMONG	HILKOT	GGPS KOTHRAY	AV POST
16	BIBI NAIMA RAFIQUE	MUHD RAFIQUE	MARI SHAHWALI	HUMSHERIAN	GGPS MASWAL	AV POST
17	USMA SHAHEEN	MUHD YAQOOB	KOTLI BALA	ICHRIAN	GGPS KOLIAN	AV POST
18	ISHRAT JEHAN	ANWAR ISLAM	ICHRIAN	ICHRIAN	GGPS KOLIAN	AV POST
19	SAIRA BANO	S.MIR ZALI SHAH	CHAPRA PAYEEN	ICHRIAN	GGPS CHAPRA BALA	AV POST
20	NARGIS BIBI	MUHD ALAM	JABBAR GALI	JABBAR DAVELI	GGPS CHANGARI	AV POST
21	SITARA JABEEN	M.MISKEEN	PANJOL	JABBAR DAVELI	GGPS BASO MUNDAGUCHA	AV POST
22	RUQIA BIBI	MUBARIK HUSSAIN SHAH	SERI PANJOL	JABBAR DAVELI	GGPS CHANGARI	AV POST
23	FOZIA TAJ	TAJ MUHD	KARORI	KARORI	GGPS SERI JAND	AV POST
24	ZAHIDA BIBI	ABDUR RAZAAQ	MAKHAN GALI	KARORI	GGPS FATEH BANDI	AV POST
25	UZMA ZAMAN	MUHD ZAMAN	NELBORI	KARORI	GGPS BEERIAN	AV POST
26	FATIMA BIBI	GOHAR AMAN	KOLO BASTI	KARORI	GGPS KALO BASTI	AV POST
27	MUSSRAT SHAHEEN	ABDUR REHMAN	NELBORI	KARORI	GGPS AKHOON BANDI	AGAINST N/C
28	BIBI MARIAM	ABDUR RASHED	BEERIAN	KARORI	GGPS AKHOON BANDI	AGAINST N/C
29	BIBI MUSSRAT	GHULAM QADIR	CHANIAN	KARORI	GGPS MALHAR	AV POST
30	KANEEZ BIBI	JEHAN ZEB	NAMBAL	KARORI	GGPS GALI NAMSHERA	AV POST
31	SAJIDA BIBI	S.HAIDER ALI SHAH	KHABAL BALA	KATHAI	GGPS NAMBAL KHABAL	AV POST
32	NAZIMA BIBI	MUHD AKBAR	FAQIR ABAD	KATHAI	GGPS JATIAN TONOLI	AV POST
33	MEHNAZ BIBI	PERVEZ	KHABAL BALA	KATHAI	GGPS CHAJAR BALA	AV POST



P-15 (B)

34	NIGHAT KAREEM	ABDUL KAREEM	BAI BOHAL	L/NAWAB	GGPS JABA ILYAS	AV POST
35	SHAZIA BIBI	WALI MUHAMMAD	JISGRAN BALA	L/NAWAB	GGPS SHAROTA	AV POST
36	MUSSRAT RASHID	MUHD RASHID	KARKALA	L/NAWAB	GGPS SHAROTA	AV POST
37	SAIMA SULTAN	SULTAN MUHAMMAD	SAFIDA	MANSEHRA DEH	GGPS HADO BANDI	AV POST
38	JEHAN ARA	ARBISTAN KHAN	JAREED	MOHANDRI	GGPS KATHA BARI	AV POST
39	FOZIA	ABDUR REHMAN	JAREED	MOHANDRI	GGPS DOONG	AV POST
40	ALIA BIBI	ALI KHAN	KAJLA	NIKKA PANI	GGPS BRATHER	AV POST
41	BIBI MUSSRAT	MUHD AYUB	CHAMARI	NIKKA PANI	GGPS BRATHER	AV POST
42	RIFFAT SHAHEEN	MUHD KHURSHID	NIKKA PANI	NIKKA PANI	GGPS NIKKA PANI	AV POST
43	SAIMA ZAMAN	MUHD ZAMAN	NIKKA PANI	NIKKA PANI	GGPS NIKKA PANI	AV POST
44	MADEEHA EJAZ	EJAZ AHMAD	ROORIA	PERHINNA	GGPS SARAN KOT	AV POST
45	TAHIRA MEHBOOB	MEHBOOB UR REHMAN	DARWAISH	PERHINNA	GGPS CHANYAL	AV POST
46	SOBIA BIBI	ABDUR RASHED	ROORIA	PERHINNA	GGPS BEERDIAR	AV POST
47	AMINA SARWAR	ALI SARWAR	ROORIA	PERHINNA	GGPS PERHINNA VILFAGI	AV POST
48	HAJARA BIBI	HAIDER ZAMAN	PHULRA	PHULRA	GGPS BATTANGI	AV POST
49	NADIA REHMAN	GOHAR REHMAN	TIMBER	PHULRA	GGPS RUG CHOLDAGALI	AGAINST N/C
50	RABIA ZAMAN	ALI ZAMAN	PHULRA	PHULRA	GGPS RUG CHOLDAGALI	AGAINST N/C
51	GUL SHAD BIBI	MALIK AMAN	GOJRA	PHULRA	GGPS KARAN	AGAINST N/C
52	SURRIYA BIBI	MUHD FARID	BARRI	PHULRA	GGPS KARAN	AGAINST N/C
53	IRUM BIBI	ALAM ZEB	PHULRA	PHULRA	GGPS KANDAR	AV POST
54	RASHIDA BIBI	CHAN ZEB	MONGAN	SANDASAR	GGPS BATRAIR	AV POST
55	TAHIRA NAZ	S MUBARIK SHAH	TRAPPI	SAWAN MERA	GGPS NAKHANI	AV POST
56	NAILA KHURSHID	KHURSHID KHAN	TRAPPI	SAWAN MERA	GGPS MANDI HOTER	AGAINST N/C
57	BIBI GHAZALA	KHURSHID KHAN	TRAPPI	SAWAN MERA	GGPS MANDI HOTER	AGAINST N/C
58	BIBI BUSHRA GILLANI	S NOORAN SHAH GILLANI	TRAPPI	SAWAN MERA	GGPS DEHGRI	AGAINST N/C
59	RUKHSANA BIBI	MISKEEN SHAH	SAWAN MERA	SAWAN MERA	GGPS SAWAN MERA	AV POST

60	NAZMA BIBI	MUHD AYUB	TRAPPI	SAWAN MERA	GGPS CHITTI MOHRI	AV POST
61	SHAISTA PERVEEN	FAZAL ELAHI	SHAMDHRA	SHAMDHARA	GGPS HAWAGALI	AV POST
62	CHAND BIBI	MUHD QASIM	SHAMDHRA	SHAMDHARA	GGPS SHAIK ABAD	AV POST
63	AISHA YOUSAF	MUHD YOUSAF	BAI BARYAL	SHANAYA	GGPS DAVEL	AV POST
✓ 64	SAMMEEIA KALSOOM	ABDUL RAZAQUE	KALAS	SHANAYA	GGPS MANJEHANI	AGAINST N/C
✓ 65	SAIRA BANO	MUHD MUSHTAQ	KHAMARI	SHANAYA	GGPS MANJEHANI	AGAINST N/C
66	RIZWANA ZAMAN	HAIDER ZAMAN	NAZRAL	SHANAYA	GGPS SHANAYA BAI A	AV POST
✓ 67	BIBI ANWAR	MUHD ISHAQ	KALIS	SHANAYA	GGPS KALAS	AV POST
68	NASREEN BIBI	KHAWAJ MUHD	CHACKLI PANSIAL	SHANAYA	GGPS SHANAYA BALA	AV POST
69	FARZANA	MUHD YOUNIS	CHAKLI PANSIAL	SHANAYA	GGPS SHAHKOT	AV POST
✓ 70	NAZIA BIBI	S.ARIF HUSSAIN SHAH	SHERGARH	SHERGARH	GGPS PODNIAL	AV POST
✓ 71	BALQEES	MUHD MISKEEN	TENDKI	SHERGARH	GGPS PODNIAL	AV POST
72	NUSRAT BIBI	MUHD YOUSAF	HARI MERA	SHERGARH	GGPS PARCHIAN	AV POST
73	SAIMA GUL	TAJ MUHD KHAN	SHERGARH	SHERGARH	GGPS PARCHIAN	AV POST
74	NOREEN GUL	ABDUL MUTTLIB	CHITTA ANDIRA	SHERGARH	GGPS BATKARAR	AV POST
75	NAZIA BIBI	S.GUL DAD SHAI	BUTTI	SHERGARH	GGPS GHAJKAR HARIAN	AGAINST N/C
76	S.NAZIMA HUSSAIN	S.IMDAD HUSSAIN SHAH	BATTANG	SUM	GGPS TIMBRI	AV POST
77	IRUM SHAHZADI	RAJA SHAMROZ	DHARYAL	SUM	GGPS DALBANI	AV POST
78	SABEETA KHATOON	FAZAL UR REHMAN	DHARYAL	SUM	GGPS SHARKOT	AV POST
79	NEELAM BIBI SABLE	ABDUL DAYYAN	BAJNA	TANDA	GGPS BAJNA	AV POST
80	BEENISH GUL	PERVEZ KHAN	ICHRIAN	ICHRIAN	GGPS KOTE CHATTER	AV POST
81	SADIA BIBI	MUHD IOBAL	HANIF ABAD	CITY NO.1	GGPS SUKIAN	AV POST

MS & CONDITIONS

Their appointments are made on purely temporary basis and liable to termination at any stage without assigning any reason notice.

They will be governed by such rules and regulations enforce and as may be prescribed by the Govt: from time to time for the category of the Govt: servant which they belong.

In case any of the above candidate failed to assume the charge of his post within 15 days of his appointment, candidature ship will be stand automatically cancelled.

P-17

17

The DDO concerned is responsible to get verified their certificates etc from the concerned Universities/Board & RDI; etc before the draw of their pay and report genuineness of their degrees/Certificates or otherwise.

They will get initial of the scale including usual allowances as admissible under the rules, they are entitle to annual increment according to the rules except Pension and commutation.

Their services are liable to termination on one month prior notice from either side in case of resignation without prior notice, their one month pay /allowances if any shall be forfeited to Govt.

They will not contribute any amount towards GP Fund however they will contribute CP Fund @Rs.5% of the minimum of the pay and the 5% contribution will be made by the Govt.

They shall be required to furnish the copies of all their certificates/Degrees along with original with the original receipt and photo copies of thereof pertaining to the verification fee of the concerned examination Agencies i.e. Board University to the District officer S & L. The District officer S & L shall arrange verification of all the certificates/Degrees of the appointee and will issue a clearance certificates to each appointee for the release of his pay. Their pay bills should not be submitted to the Distt. Account. officer Mansehra before verification of all certificates/Degree from the concerned institution of each candite.

They should produce age and health certificate from the Medical Supdt: DIHQ, Hospital Mansehra.

The DDO must check their original certificates/Degrees etc.

The overage candidates should not be handed over charge, The age limit is 18 to 35 years.

No TA/DA is allowed.

Charge report should be submitted (in duplicate) to all concerned.

The Candidates are directed to take over charge w.e.f. 01/09/2009.

Muhammad Javed
EXECUTIVE DISTRICT OFFICER
E&S EDUCATION MANSEHRA.

22/8 2009

Enclosure No. 15819-15920

Copy forwarded for information and necessary action to the PTC(F) appt:2009, Dated Mansehra the 22/8 2009.

1. Secretary to Government of NWFP S&L Department Peshawar.
2. Director Schools & Lit: Department NWFP Peshawar.
3. Dy: District Officer (M) Mansehra
4. District Account officer Mansehra.
5. P.A to District Co-ordination officer Mansehra.
5. Budget & Account officer local office.
- 6-101. Candidates concerned.

[Signature]
DISTRICT OFFICER (FEMALE)
E&S EDUCATION MANSEHRA.

حاضری رپورٹ

P-18
Annex = "B"

میں نے 27 جولائی 2009ء کو اردگرد اور 15819-15920 کے
گورنمنٹ گریجویٹ اسکول مظفر پورہ میں حاضری کروائی ہے۔
حاضری رپورٹ حاضری فونڈ ہے۔

سید

Head Teacher
Govt. Graduate School
Muzaffargarh

PST

سید وحید

گورنمنٹ گریجویٹ اسکول مظفر پورہ

27/8/2009

فیاہن محبوب الرحمان

مطلوب شاہ

سید قاری شاہ

محمد لیاقت

MEDICAL CERTIFICATE

P-19
Annex = "C"

Name of Official Salma Waheed

Fathers Name Abdul Waheed

Date of birth 01-06-1981

Caste of Race AWAN

Address Dhani Canal P.O Manshera

Tehsil Manshera District Manshera

Exact height by measurement 5-3"

Personal mark of identification NIL

National Identity Card No. 13503-6875204-2

Signature of official [Signature]

Signature of head of Office _____

SEAL OF OFFICE

I do hereby certify that I have examined Mr. Mst. Salma Waheed

employment in the office of the Education Department

and cannot discover that he had any disease communicable of other constitutional affection or bodily infirmity expect NIL

I do not consider this as disqualification for employment in the office of the As Above. His age according to his own statement is 28 years and by appearance about 28 years.

Left hand thumb and finger impression.



26/07/2009
MEDICAL SUPERINTENDENT
DHQ HOSPITAL MANSEHRA
Hospital Mansehra

P - (20)

P (20)
Annex = D

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&S EDU:MANSEHRA.

ADJUSTMENT.

As approved by the Competent authority, Mst:Salma Waheed PST GGPS Phagora is hereby transferred & posted at GGPS Tanoha Thakral against vacant post of PST on her own pay & grade in the interest of public service w.e.f the date of her taking over charge.

Note:-

1. No. TA/DA is allowed.
- ~~2.~~ Charge report should be submitted to all concerned.

26/7/2010


Sd/-
EXECUTIVE DISTRICT OFFICER
E&S EDU:MANSEHRA.

Endst:No. 11780-82/AE-II/Trf:PST/

Dated Mansehra the 26/7/2010

Copy forwarded to the:-

1. District Accounts Officer Mansehra.
2. Dy: District Officer (F) Mansehra.
3. A.D.O Circle concerned.


DISTRICT OFFICER (M)
E&S EDU:MANSEHRA.

P- (21)
Annex "E"

P- (28)
Annex "E"

خاتونہ ریپورٹ

حرف آج مورخہ 10/3/2011 کو گورنمنٹ گرنز پرائمری سکول

میں منعقد ہوا حاضری کر دی ہے۔

حاضری ریپورٹ حاضر فرم ہے۔

مستطی دھند اول سکول

گورنمنٹ گرنز پرائمری سکول
مستطی دھند اول سکول

HEAD TEACHER
G.G.P.S
Tanoha Thakral

۱- (29)
جناب عالی :-
جناب ایگزیکٹو ڈسٹریکٹ آفیسر ایئر لائنز اینڈ سینڈری ایجوکیشن ضلع ملتان

گزارش ہے کہ سائل بلور PSAT گورنمنٹ راز پرائمری سکول
تنویا خانان میں احیاء ہوں۔ مالیزہ شہر کی
ریالٹی ہو۔ ڈاکٹرنے طبی سفر سے منع کیا ہوا ہے۔
اور گھر سے سکول کا فاصلہ تقریباً 70 کلومیٹر پہاڑی
علاقہ ہے۔ گاڑی میں سفر کے دوران سخت
تکلیف کا سامنا کرنا پڑتا ہے۔

برائے مہربانی سائل کی تکلیف کو مد نظر رکھتے ہوئے
کسی بھی نزدیک ترین سٹیشن پر سفر کیا جائے
یا عارضی طور پر کسی بھی سٹیشن پر جو کہ قریب ترین
ہو عارضی تعینات کر دیا جائے۔

امید ہے کہ سائل کی درخواست پر امداد ملے گی۔

الحارثی

PSAT
گورنمنٹ راز پرائمری سکول تنویا خانان

نوٹ :-
ڈاکٹری رٹیفیکیشن
درخواست کے ساتھ لگانے

Allowed
GAS - Granda Mangalwala
Till further order
EDD EISE
Mangalwala

دوبلا
S
AP

حافری دیوڑی

دیں سے آج دورے 08/06/2011 کو بحوالہ آرڈر EDO

ایڈمنسٹریٹو سیکشن کے موجودہ سہ ماہیہ کے

طریقہ کار کے تحت ایڈمنسٹریٹو سیکشن کے موجودہ سہ ماہیہ کے

حافری دیوڑی کے مسائل فروغ ہے

پست - PST
ایڈمنسٹریٹو سیکشن
ایڈمنسٹریٹو سیکشن کے موجودہ سہ ماہیہ کے
ایڈمنسٹریٹو سیکشن

Principal
G.S.P. SCHOOL
Ganda W...
D. Khan

06/08/2011

P-24
Annex = H

P-24
Annex = H

OFFICE OF THE DY: DISTRICT OFFICER (FEMALE) (E & S) EDU: MANSEHRA

No. 225 GB/GA/DDO(F)
Dated 28 /09/2011.

To

Mst: Salmanahed waseem
GGPS Ganda

22/9/2011

Subject:

As all the detailments have been cancelled by all the authorities including Honourable secretary to Govt: of Khyber Pakhtunkhwa E & S Education Department Peshawar vide Notification No.SOG/E&SED/1-31/2011 dated 5-9-2011.

You are therefore strictly directed to work at your original school i.e Govt: Girls Primary School Manaha Th. Kool forthwith failing which you will be considered absent and will be reported to higher authorities for taking action under E & D Rules 1973.

R
DY: DISTRICT OFFICER (F)
E & S EDUCATION MANSEHRA

Endst: No _____ /GB/GA/DDO(F) Dated 28 /09/2011

Copy forwarded to the Assistant District Officer (F) circle Phulora with the direction to make ensure the presence of the above teacher.

sd/-
DY: DISTRICT OFFICER (F)
E&S EDUCATION MANSEHRA

خدمتِ صیابہ ڈسٹرکٹ ایجوکیشن آفیسر صاحبہ (زنانه) مالٹیرہ -

جناب عالیہ!

مؤدباز گزارش ہے کہ مجھے بطور پی۔ ٹی۔ سی۔ ٹیچر، گورنمنٹ ٹیچرز
پرائمری سکول تنوہا ٹھکراں میں مورخہ 26-7-2010 کو تعینات کیا گیا۔

میرا خدو ایک انٹواری ہوئی جس کے نتیجے میں مجھے دسمبر 2011

سے تنخواہ سے محروم رکھا گیا ہے جبکہ میں نے اپنے ذرا الصغیر 10 ستمبر 2012

تک باقاعدگی سے انجام دیے۔

جناب سے التماس ہے کہ میری تنخواہ جاری کی جائے تاکہ میں معاشی

مشکلات سے نکل سکوں اور اپنی ڈیوٹی دوبارہ سے شروع کر سکوں۔

العارضہ
سیدتی وصید - اول معلم - گورنمنٹ ٹیچرز پرائمری سکول تنوہا ٹھکراں

24/2013
23
Asstt Distt Officer (F)
E&S Mans...

سیدتی
HEAD TEACHER
G.G.P.S
Tanoha Thakral

2013-1-23

(0301-814)178

P- (27)
Annex = K

**BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD**

W.P No. 625A of 2014
Mst. Salma WaheedPetitioner

VERSUS

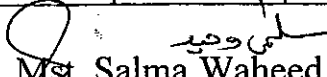
The District Education Officer (Female),
Mansehra etc.....Respondents

WRIT PETITION


INDEX

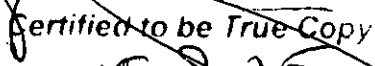
S#	Particulars of documents	Annexure	Pages
1	Memo of Writ Petition alongwith affidavit.	.....	1-7
2	Correct addresses of the parties.	.....	8
3	Certificate and list of law books.	.....	9
4	Copy of the office order dated 22.08.2009.	"A"	10-14
5	Copy of the charge report.	"B"	15
6	Copy of the medical certificate.	"C"	16
7	Copy of the adjustment order dated 26.07.2010.	"D"	17
8	Copy of the charge report.	"E"	18
9	Copy of the application.	"F"	19
10	Copy of the charge report.	"G"	20
11	Copy of the cancellation order dated 28.09.2011.	"H"	21
12	Copy of the order dated 25.04.2013.	"I"	22
13	Copy of the application dated 23.01.2013.	"J"	23
14	Court fees Stamp Rs.500/-	...	24
15	Wakalat Nama.	.....	25

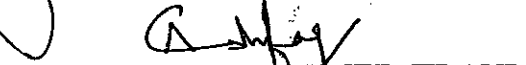
Dated 01.09.2014

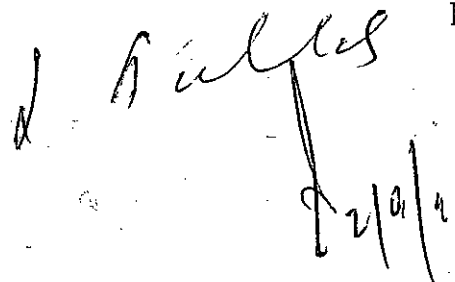

Mst. Salma Waheed
...Petitioner

Through


ABDUL SABOOR KHAN,///
Advocate High Court,
Mansehra.


Certified to be True Copy
15/9/14
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75 Acts Ordms


MALIK ASHFAQ AHMED JILANI,
Advocate High Court,
Mansehra.

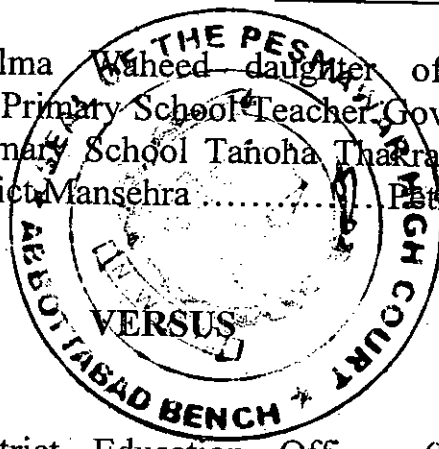

d. H. Jilani
22/9/14

28
Annex K

BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD

W.P No. 625A of 2014

Mst. Salma ~~Waheed~~ daughter of Abdul
Waheed, Primary School Teacher, Government
Girls Primary School Tañoha Tharal, Tehsil
and District Mansehra Petitioner



- VERSUS
1. The District Education Officer (Female),
Mansehra.
 2. The Deputy District Education Officer
(Female), Mansehra.
 3. The S.D.O (Female), District Mansehra.
 4. The District Accounts Officer, Mansehra
..... Respondents.

WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973 FOR A
DECLARATION TO THE EFFECT THAT
WITHHOLDING AND NON-RELEASING
OF THE MONTHLY SALARIES OF THE
PETITIONER WITH EFFECT FROM
31.10.2011 UPTIL NOW BY THE
RESPONDENTS WITHOUT ANY VALID
JUSTIFICATION AND REASONS IS UN-
CONSTITUTIONAL, ILLEGAL,
UNLAWFUL, WITHOUT LAWFUL
AUTHORITY AND AGAINST THE
FUNDAMENTAL RIGHTS OF THE
PETITIONER

15.9.14
Certified to be True Copy
Encl
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75 Acts Ordms

Handwritten signature
2/29/14

PRAYER:-

On acceptance of instant Writ Petition, the respondents may graciously be directed to release and pay the monthly salaries of the petitioner with effect from 31.10.2011 uptil now or any order or writ which is deemed appropriate in the circumstances of the case, may please be passed/issued.

Respectfully Sheweth!

1. That, the petitioner was duly appointed by the respondent No.1 being an appointing and competent authority against the post of PST at Government Girls Primary School Phagora vide office order dated 22.08.2009 by observing all the legal and codal formalities.

(Copy of the office order dated 22.08.2009 is annexed as annexure "A").

2. That, in the light of the appointment order of the petitioner, she took over the charge after submitting the medical certificate to the concerned authority.

Certified to be True Copy
 018970
 Peshawar High Court
 Abbotabad Bench
 Authorized Under Sec 75 Act 1973

Handwritten signature
 2/9/11

(Copies of charge report and medical certificates are annexed as annexure "B" & "C").

- 3. That, the respondent No.1 transferred and posted the petitioner at Government Girls Primary School Tanoha Thakra against vacant post of PST vide adjustment order dated 26.07.2010 and in compliance of the said order, the petitioner took over the charge.

(Copies of the adjustment order dated 26.07.2010 and charge report are annexed as annexure "D" & "E").

- 4. That, the petitioner submitted an application to the respondent No.1 for her transfer on medical grounds which was allowed and the petitioner was transferred and posted at Government Girls Primary School Ganda, Mansehra vide note recorded by the respondent No.1 on the said application on dated 04.08.2011 and the petitioner took over the charge of the said post and the respondent No.1 vide office order dated 28.09.2011 cancelled the transfer order of the petitioner and directed her to work at

15826
 Certified to be True Copy
 Peshawar Bench
 Abbottabad Bench
 Secy. High Secy's Actg. Dir. Genl.

the original school i.e. Govt. Girls Primary School Tanoha Thakral.

(Copies of the application, charge report and cancellation order dated 28.09.2011 are annexed as annexure "F, G & H").

- 5. That, the petitioner was also assigned the duty of the 2013 General Elections by the Returning Officer NA-21 Mansehra-II vide order dated 25.04.2013.

(Copy of the order dated 25.04.2013 is annexed as annexure "I").

- 6. That, the petitioner received her salaries since the date of appointment upto 31.10.2011 and thereafter, the salaries of the petitioner were withheld and stopped by the respondents without any valid and legal justification. The petitioner filed an application to the respondent No.1 for release of her salary but no legal action was taken thereon.

(Copy of the application dated 23.01.2013 is annexed as annexure "J").

That, the petitioner has been performing her professional duties

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2/9/17
 Certified to be True Copy
 15/9/16
 Examiner
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec 75 Act's Ordms

regularly but her salaries have been denied to her.

- 8. That, feeling aggrieved, the petitioner having no other adequate, efficacious or speedy remedy except to invoke the constitutional jurisdiction of this Honourable Court, on the following amongst the other grounds: -

GROUNDS

- a. That, there is no valid and legal justification with the respondents to withhold the monthly salaries of the petitioner.
- b. That, the petitioner has not been treated under the law and has been deprived of his fundamental right to received the salaries of the post against which she has been regularly working.
- c. That, it is the constitutionally guaranteed right of the petitioner to receive the salaries of the post against which she is working and the denial of the same amounts to infringement and violation of the constitutionally guaranteed right.

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Examined

High Court

Abbottabad Bench

Authorized Under Sec 75 Act 1973

P-33

P-33


- d. That, the petitioner has been suffering from mental agony and starvation on account of withholding the salaries of the petitioner by the respondents without any reason.

It is, therefore, most humbly prayed that on acceptance of instant Writ Petition, the respondents may graciously be directed to release and pay the monthly salaries of the petitioner with effect from 31.10.2011 uptil now or any order or writ which is deemed appropriate in the circumstances of the case, may please be passed/issued.

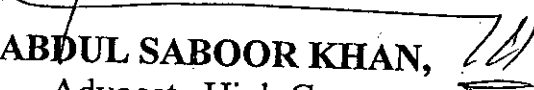
INTERIM RELIEF:

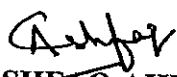
It is further prayed that the respondents No.1 and 4 may kindly be directed to release and pay the monthly salaries of the petitioner till the final disposal of the main Writ Petition.

Dated 01.09.2014

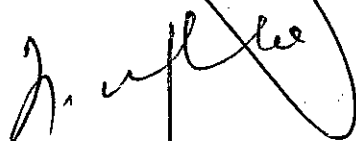

Mst. Salma Waheed
...Petitioner

Through


ABDUL SABOOR KHAN,
Advocate High Court,
Mansehra.


MALIK ASHFAQ AHMED JILANI,
Advocate High Court,
Mansehra.

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Examiner
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75 Acts Ordns


27/9/14

AFFIDAVIT

I, MALIK ASHFAQ AHMAD
JILLANI ADVOCAT HIGH COURT
DISTRICT BAR MANSEHRA Tehsil
and District Mansehra, Advocate do hereby
solemnly affirm and declare on oath that the
contents of the foregoing Writ Petition are true
and correct and nothing has been concealed
from this Honourable Court.

Dated 01.09.2014

Asfaq
MALIK ASHFAQ AHMAD Jilani
(DEPONENT)

5246/19

19

2 Attd SEP 16
malik Ashfaq Ahmed
Pillawan 2000 mansehra

S. ulid

2/9

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15/9/14
Examiner
Peshawar High Court
Abbottabad Bench
Authorized Under Section 45A of Ordinance

S. ulid
2/9/14

**BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD**

W.P No. 625A of 2014

Mst. Salma WaheedPetitioner

VERSUS

The District Education Officer (Female),
Mansehra etc.....Respondents

WRIT PETITION

CORRECT ADDRESSES OF THE PARTIES


PETITIONER

Mst. Salma Waheed daughter of Abdul
Waheed, Primary School Teacher Government
Girls Primary School Tanoha Thakral, Tehsil
and District Mansehra.

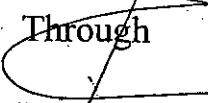
RESPONDENTS


1. The District Education Officer (Female),
Mansehra.
2. The Deputy District Education Officer
(Female), Mansehra.
3. The S.D.O (Female), District Mansehra.
4. The District Accounts Officer, Mansehra.

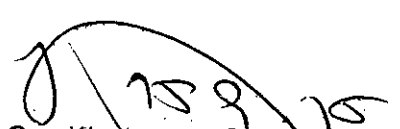
Dated 01.09.2014


Mst. Salma Waheed
...Petitioner

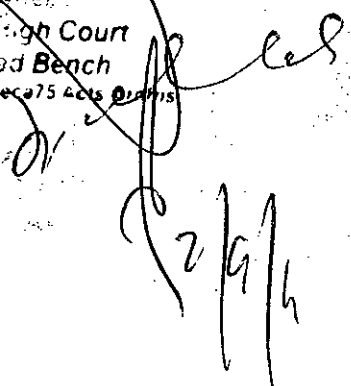
Through


ABDUL SABOOR KHAN,
Advocate High Court,
Mansehra.


MALIK ASHEAQ AHMED JILANI,
Advocate High Court,
Mansehra.


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Examiner
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75 Acts of 1973



CERTIFICATE.

Certified that no such like Writ Petition has ever been preferred nor decided from any court.

Dated 01.09.2014

سالمہ واہید
Mst. Salma Waheed
...Petitioner

Through

[Signature]
ABDUL SABOOR KHAN,
Advocate High Court,
Mansehra.

[Signature]
MALIK ASHFAQ AHMED JILANI,
Advocate High Court,
Mansehra.

LIST OF LAW BOOKS.

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Other law books as per need.

Dated 01.09.2014

سالمہ واہید
Mst. Salma Waheed
...Petitioner

Through

[Signature]
ABDUL SABOOR KHAN,
Advocate High Court,
Mansehra.

[Signature]
MALIK ASHFAQ AHMED JILANI,
Advocate High Court,
Mansehra.

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158/10
Ex. 10/10
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75 Acts Ord. 1973

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P-37
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PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

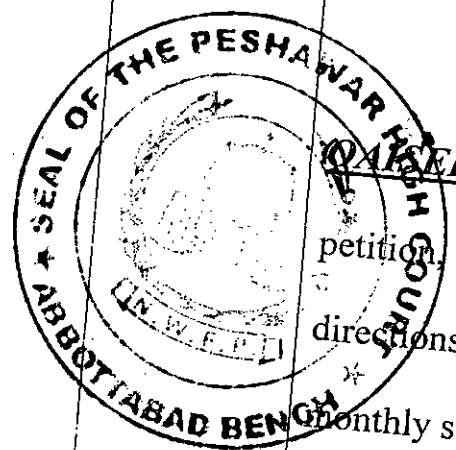
Date of Order or Proceedings	Order of other Proceedings with Signature of Judge.
1	2

13.11.2014

WP No. 625-A/2014.

Present: *Malik Ashfaq Ahmed Jilani advocate for the petitioner.*

Mr. Muhammad Naeem Abbasi, AAG for the respondents.



QASIM RASHID KHAN, J. Through the instant petition, the petitioner has prayed for issuance of directions to the respondents to release and pay her monthly salaries w.e.f. 31.10.2011 uptill now.

2. Precisely, facts leading to the present petition are that the petitioner was appointed by respondent No.1 against the post of PST at Govt: Girls Primary School Phagora vide office order dated 22.08.2009, whereafter she took over the charge and submitted her medical certificate; that thereafter the petitioner was transferred to Govt: Girls Primary School Tanoha Thakra against vacant post of PST on 26.07.2010 and accordingly the petitioner took over the charge; that thereafter the petitioner submitted an application to respondent No.1 for her transfer to Govt: Girls Primary School Ganda, Mansehra and after taking over the charge, the respondent No.1 cancelled the said transfer order and petitioner was

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AS
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec 75 Acts Ordins

directed to work at Govt: Girls Primary School Tanoha Thakra; that the petitioner was also assigned election duties during the general elections held in 2013 but since 31.10.2011 her salaries have been withheld by the respondents without any legal justification and to this effect she also addressed an application dated 23.01.2013 to respondent No.1 but to no avail, hence, the instant petition. Comments were accordingly called from and submitted by respondents No.1,3 and 4.

3. Arguments of the learned counsel for the petitioner and the learned AAG heard in detail and available record perused.

4. As detailed in the preceding paras, the petitioner worked as PST at different schools since her appointment in the year 2009 but her salaries have some how been withheld by the respondent since 31.10.2011.

5. The learned counsel for the petitioner during the course of arguments vehemently argued that the petitioner worked with the respondents / department for good two years and never for once any objection was raised against her testimonials and credentials, as she was appointed against 75% Union Council quota but some how the respondents for malafide and extraneous reasons made her a scapegoat and have withheld her salaries since 31.10.2011 though she has been deligent, honestly and devotedly working with the respondent / department.

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Examiner
Peshawar High Court
Abbottabad Bench

Authorized Under Sec 75 Acts Ordng

6. We are afraid, the petitioner through the present petition has come up with only the half truth. As spelt out from the comments furnished by the respondents, the petitioner managed to get herself appointed as a PST against 75% Union Council quota meant for Union Council Bandi Shungli though she belongs to village Ganda, Tehsil and District Mansehra. We have also before us the report of the inquiry committee, which was constituted in order to probe into the matter in view of the complaints against the Union Council's certificate presented by the petitioner at the time of her appointment. The said certificate, which formed the basis of her appointment against 75% Union Council quota, had been issued by the Nazim of Union Council Bandi Shungli, turned out to be a bogus and fake document.

7. In a situation, where the very document on the basis of which the petitioner was able to get herself appointed as a PST on the 75% quota meant for the residents of Union Council Bandi Shungli, the respondents / department rightly cancelled her appointment order. The said fact regarding the holding of the inquiry wherein the petitioner duly participated was concealed by the petitioner in her petition and the truth was revealed by the respondents in their comments. We are at loss to comprehend as to how the petitioner still has the cheek to invoke the constitutional jurisdiction of this

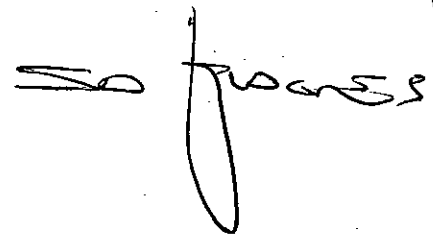
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 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec 75 Acts Orams

P-40
Annex 'L'

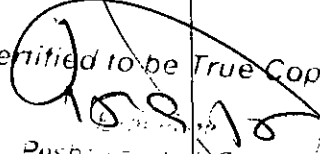
Court when her very credentials and testimonials in the ultimate turned to be fake and bogus.

8. For the reasons stated above, the instant writ petition being devoid of any substance is dismissed.

9. Before parting with this judgment, we may observe with a degree of sarcasm that the officials of the respondent / department, who had connived and colluded with the petitioner firstly in ensuring her appointment and secondly in letting her continue with her service for two long years by drawing salaries from the Govt: exchequer are also to be blamed and proceeded against, if found guilty in the ultimate.



Muhammad Rustam
P/S

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Peshawar High Court
Abbottabad Bench
Authorized Under Section 5 Act 19 of 1973

P-41
Annex M

**BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD**

Review Petition No. 034 of 2015

IN

W.P No.625-A of 2014

Mst. Salma WaheedPetitioner

VERSUS

The District Education Officer (Female),
Mansehra and othersRespondents

REVIEW PETITION

INDEX

S#	Particulars of documents	Annexure	Pages
1	Memo of Review Petition alongwith affidavit.	.....	1-6
2	Attested copy of Writ Petition.	"A"	7-13
3	Attested copy of judgment passed by this Honourable court dated 13.11.2014.	"B"	14-17
4	Copy of application dated 15.11.2014.	"C"	18
5	Copy of the official record.	"D"	19-20
6	Wakalat Nama.	.....	21

Dated 13.02.2015

Mst. Salma Waheed
...Petitioner

Through

Ashfaq
MALIK ASHFAQ AHMED JILANI,
Advocate High Court,
Mansehra.

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159/16
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 215 of Cr.P.C.

H. J. Khan
17/2/15
Peshawar High Court
Abbottabad Bench

**BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD**

Review Petition No. 03A of 2015

IN

W.P No.625-A of 2014

Mst. Salma Waheed daughter of Abdul
Waheed, PST Teacher at Government Girls
Primary School Tanoha Thakral, Tehsil and
District MansehraPetitioner

VERSUS

1. The District Education Officer (Female),
Mansehra.
2. The Deputy District Education Officer
(Female), Mansehra.
3. The S.D.E.O (Female), District Mansehra.
4. The District Accounts Officer, Mansehra
.....Respondents.

WRIT PETITION NO.625-A OF 2014

**REVIEW PETITION AGAINST THE
JUDGMENT PASSED BY THIS
HONOURABLE COURT DATED
13.11.2014 IN THE TITLED WRIT
PETITION ON FACTUAL AS WELL AS
LEGAL GROUNDS.**

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Ex. 10
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75 Acts Ord 1973

Respectfully Sheweth!

FILED

Additional Registrar
Peshawar High Court
Abbottabad Bench

1. That, the petitioner filed the titled
Writ Petition praying therein for
issuance of directions to the

No 633
17.2.15

respondents to release and pay her monthly salaries w.e.f 31.10.2011 uptill now.

2. That, this Honourable court was pleased to call comments from respondents No.1 and 4 who duly furnished the same in which the respondent No.4 admitted all the contentions and submission of the petitioners as contained in Writ Petition.
3. That, the above-titled Writ Petition came up before this Honourable Court on dated 13.11.2014 which was dismissed vide judgment dated 13.11.2014.

(Attested copies of Writ Petition and judgment dated 13.11.2014 are annexed as annexure "A" & "B" respectively).

4. That, the petitioner feeling aggrieved of the judgment dated 13.11.2014 seeks the gracious indulgence of this Honourable Court for review of the same, inter alia on the following legal and factual grounds: -

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Peshawar High Court
Abbottabad Bench
Authorized Under Section 25 of Ordinance
12.11.2015

GROUNDS

- i. That, the titled Writ Petition was announced to be dismissed on 13.11.2014, the petitioner applied for the attested copy of the same vide receipt dated 19.11.2014 and she was provided with the same on dated 10.02.2015 because of non-preparation of the same, so the instant review petition is within time.
- ii. That, the findings recorded in the judgment under review in para No.6 is factually erroneous because the petitioner neither applied for the vacant post of PST at Union council Bandi Shungli on the basis of union council nor she shown herself to be hailing from the said union council while submitting initial application to the respondents.
- iii. That, the petitioner was not in possession of the details of the final merit list at the time of filing of the titled Writ Petition, so she submitted an application under access to Information Act for getting the required official record vide

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Additional Registrar
Peshawar High Court
Abbottabad Bench

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Examiner
Peshawar High Court
Abbottabad Bench

Authorized Under Sec 75 Acts Ord

15/9/15

application dated 15.11.2014 which was duly furnished to the petitioner in which the petitioner has been shown to have been appointed on open merit having 25% quota and not on the basis of union council.

(Copies of application dated 15.11.2014 and official record are annexed as annexure "C" & "D").

iv. That, the findings contained in para No.6 of the judgment under review regarding the report of the inquiry committee is also legally untenable and factually incorrect because neither the petitioner was associated with the so-called inquiry nor any show cause notice whatsoever was served upon the petitioner.

v. That, the findings as contained in para No.7 of the judgment under review regarding the cancellation of the appointment order of the petitioner by the respondent is also factually incorrect because neither the petitioner has been dismissed nor his appointment order has been cancelled nor there is any record whatsoever on the file showing the cancellation of the appointment

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Additional Registrar
Appointments Branch
District Court
139.15

order of the petitioner nor there is anything in the comments of the respondents regarding the cancellation of the appointment order of the petitioner.

- vi. That, the judgment under review is factually incorrect to the extent of finding the testimonials of the petitioner as bogus, there is nothing worthwhile on the file which could remotely suggest that the testimonials of the petitioner were found bogus.
- vii. That, the findings and reasonings recorded in the judgment under review are totally against the law, facts, record and comments filed by the respondents hence it is factually erroneous, perverse and legally untenable warranting the review of the same.
- viii. That, the petitioner being duly qualified applied for the post of PST, underwent through the process of test and interview and finally she was duly recommended for appointment by a competent authority without any fault of the

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15/9/14
Peshawar Bench
Authorized Under Sec 75 Act 1973

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Peshawar Bench
15/9/14

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petitioner, so valuable rights have been accrued in the favour of the petitioner which cannot be taken away under any provision of law and the petitioner cannot be blamed with under the law of the fault, if any committed by the public functionary.

It is, therefore, very humbly prayed that on acceptance of the instant Review Petition, the judgment dated 13.11.2014 may please be review in view of the above stated legal and factual position.

Dated 13.02.2015

Mst. Salma Waheed
...Petitioner

Through

Ashfaq
MALIK ASHFAQ AHMED JILANI,
Advocate High Court,
206 Mansehra.

769/206

ADD
14 Feb 15
Mansehra
Ashfaq Ahmed Jilani

AFFIDAVIT.

I, Malik Ashfaq Ahmed Jilani, Advocate High Court, Mansehra, Petitioner, do hereby solemnly affirm and declare on oath that the contents of the foregoing Review Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

S. Ullah

Dated 13.02.2015

Ashfaq
MALIK ASHFAQ AHMED JILANI,
Advocate High Court,
Mansehra.

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15
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75 Acts Ordns

Re-Filed Today
S. Ullah
Additional Registrar
Peshawar High Court
Abbottabad Bench

S. Ullah

P-48
Annex "N"

PESHAWAR HIGH COURT ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

JUDGMENT SHEET

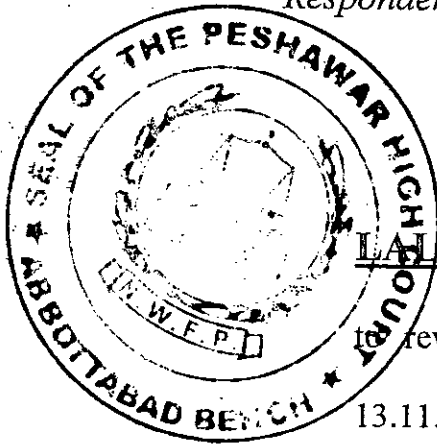
Review Petition No:03-A of 2015

Date of hearing: 10-06-2015

Salma

Petitioner Salma Waheed by Abdul Saboor Khan, Adv.

Respondents Add. No. for Govt.



LAJ JAN KHATTAK, J. This petition is directed to review the judgment delivered by this Court on 13.11.2014 in Writ Petition No.625-A of 2014 whereby writ petition of the petitioner has been dismissed.

Govt

2- Brief facts of the case are that petitioner had filed a writ petition before this Court praying therein that the respondents be directed to release her monthly salaries w.e.f. 01.11.2011. It was her case that being PST Teacher she had received her salary upto 30.10.2011 but thereafter her salary was stopped by the respondents without any legal justification.

3- Learned counsel for the petitioner contended that the judgment under review is factually

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Examiner
Peshawar High Court
Abbottabad Bench

Authorized Under Section 75 Acts Ordinance

not correct, as neither the petitioner was appointed against 75% Union Council's quota nor she had been ever dismissed from service and, as such, the judgment dated 13.11.2014 is liable to be reviewed and the writ petition be heard on merit.

4- Learned AAG argued that the petitioner has not yet been dismissed from service.

5- We have heard learned counsel for the petitioner and learned AAG for the respondents.

6- Perusal of the case record would show that the writ-petitioner had prayed this Court in her writ petition that the respondents be directed to release her monthly salaries, as they without any justification have stopped the same. However, it was held in the judgment under review that her appointment order has been cancelled on the basis of some enquiry. Today, in Court learned Additional Advocate General and District Education Officer (F), Mansehra, informed that the petitioner's appointment order has not yet been cancelled. This information of the department justifies a review of the judgment of this Court.

Jain

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[Signature]
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec 75 ACIS Ordms

Furthermore, contention of the learned counsel for the petitioner that the petitioner was not appointed against 75% Union Council's quota but had

P-50
Annex = N

been appointed against 25% open merit quota also carries weight, as according to the merit list annexed with the review petition, the petitioner has been positioned in the merit list prepared against open merit.

8- Above discussion would reveal that neither the petitioner's appointment order has been withdrawn nor she was appointed against Union Council's quota, therefore, the instant review petition merits acceptance. We therefore, accept the same and on review set aside the order of this court dated 13.11.2014. Resultantly, the writ petition will be heard and decided on its own merits. Office is directed to make necessary entry to this effect in the relevant register. As the matter relates to monthly salaries, therefore, office is further directed to list the case within a fortnight.

Announced.
10.06.2015.

SD J. J. J.

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Peshawar High Court
Abbottabad Bench

Authorized Under Section 5 of the

Muhammad Rustam,
P/S

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE MANSEHRA

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Annex = 0

TERMINATION ORDER

Consequent upon the judgment of the Honorable Peshawar High Court Bench Abbottabad dated 13-11-2014 the service of Mst: Salme Waheed PST GGPS Tanoha Thakral has been terminated with immediate effect, along with the recovery in term of salaries w.e.f 01-09-2009 to 31-10-2011.

[Handwritten Signature]

DISTRICT EDUCATION OFFICER (F)
DISTRICT MANSEHRA

Endst:No 9410-14 /Dated Mansehra the

14-11-2014

Copy to the:-

1. Director Elementary & Secondary Education Khyber PakhtunKhawa Peshawar.
2. Additional Registrar Peshawar high court Bench Abbottabad in w/p No.625-A/2014.
3. SDEO Female Mansehra.
4. ASDEO Female circle concerned.
5. Teacher Concerned.
6. Office Record.

[Handwritten Signature]

DISTRICT EDUCATION OFFICER (F)
DISTRICT MANSEHRA

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Annex^a P!

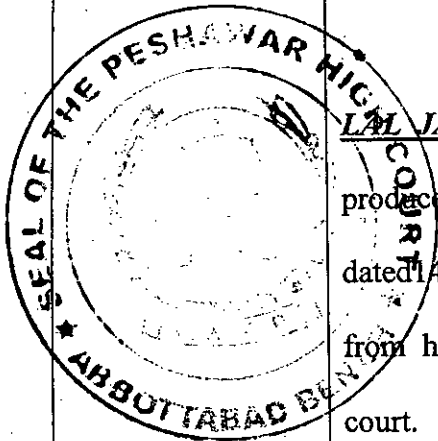
PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
10.09.2015	<p><u>C.M.No. 646-A/2014 in W.P.No. 625-A/2014.</u></p> <p>Present: Mr. Abdul Saboor Khan, Advocate, for the petitioner.</p> <p>Mr. Muhammad Naeem Abbasi, AAG alongwith EDO (Female) Mansehra.</p> <p>***</p> <p><u>LAL JAN KHATTAK, J.-</u> At the very outset, the learned AAG produced copy of an order endorsement No. 9410-4 dated 14.11.2014, vide which the petitioner has been terminated from her service, copy whereof is delivered to the petitioner in court.</p> <p>In view of the above development, this petition has become infructuous and is dismissed. However, the petitioner would be at liberty to approach the respondent-department by filing a departmental appeal for the redressal of her grievance which, if filed, shall be decided in accordance with law.</p> <p style="text-align: right;">SD <i>[Signature]</i></p>



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 15/9/15
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec 75 & 76 Ordins

/*Saif*/

بخدمت جناب ڈائریکٹر ایجوکیشن E&S رفیق خٹک صاحب پشاور

اپیل

جناب عالی!

گزارش ہے کہ سائلہ مسماہ سلمیٰ وحید PST گورنمنٹ پرائمری سکول تنوہا ٹھکراں تحصیل و ضلع مانسہرہ ہوں۔

(۱)۔ یہ کہ سائلہ کی تقرری بطور PST سال 2009 میں ہوئی۔ اس کے بعد سائلہ نے باقاعدہ طور پر 2009 سے لیکر 2011 تک اپنی ڈیوٹی بطریق احسن سرانجام دی اور تنخواہ بھی وصول کرتی رہی۔

(۲)۔ یہ کہ اس کے فوراً بعد DO (زنانہ) نے سائلہ کی تنخواہ بغیر کسی وجہ کے بند کر دی۔ جس پر سائلہ نے متعدد درخواستیں متعلقہ آفیسرز کے پاس جمع کیں لیکن کوئی شنوائی نہ ہوئی۔

(۳)۔ یہ کہ سائلہ نے 2013ء میں ایکشن ڈیوٹی بھی سرانجام دی۔ جو کہ عدالت کے ذریعے لگائی گئی تھیں۔ جس میں ریگولر ٹیچر مانگی گئی تھیں۔ (نقل ایکشن ڈیوٹی لف ہے)۔

(۴)۔ یہ کہ سائلہ نے مورخہ 01.09.2014 کو ہائی کورٹ میں اپنی تنخواہ کے حصول کے سلسلہ میں ایک رٹ نمبری 625-A/2014 دائر کی۔ جس میں فاضل عدالت نے مورخہ 13.11.2014 کورٹ پیشین خارج کر دی۔ اس کے بعد سائلہ نے باقاعدہ طور پر Review Petition No 03A/2015 دائر کی۔ جس پر فاضل عدالت نے Review Petition کو منظور کیا۔ اور سابقہ فیصلے کو میرٹ پر منظور کیا۔ اور باقاعدہ

طور پر یہ ہدایت کی کہ تنخواہ کے کیس کو جلد از جلد عدالت میں لگایا جائے۔
(۵)۔ یہ کہ مورخہ 10.06.2015 کو بابت تنخواہ رٹ پیشین کورٹ میں لگی جس پے متعلقہ AG صاحب نے DO لغمانہ سردار کی وساطت سے آرڈر نمبری 14-10-94 محرمہ 14.11.2014 عدالت میں پیش کیا۔ جس کی رو سے سائلہ کو 13.11.2014 عدالت عالیہ کے فیصلے پر سروس سے Terminate کیا۔ اور باقاعدہ طور پر ریکوری بھی ڈالی۔ (نقل آرڈر لف ہے)۔

PS4

Anna = i

(۶) جناب والا یہ مسلمہ اصول ہے کہ عدالت کا حکم مورخہ 13.11.2014
 Review Petition No 03-A of 2015،
 10.06.2015 کے بعد آرڈر نمبری 14-10-94
 مورخہ 14.11.2014 کی کوئی قانونی حیثیت نہیں ہے۔ (کاپی
 Review، فیصلہ لف ہے)۔

(۷) یہ کہ عدالت عالیہ کے فیصلہ مورخہ 10.09.2015 کے مطابق آنجناب
 کے پاس اپیل دائر کی جاتی ہے۔ جس میں آنجناب کو ہائی کورٹ پشاور ایبٹ
 آباد بیچ کی طرف سے ہدایت دی گئی ہے کہ سائلہ کے دادرسی کو حل کیا
 جائے۔ (نقل فیصلہ لف ہے)۔

لہذا استدعا ہے کہ سائلہ کی اپیل کو منظور فرما کر سائلہ کو بمعہ تنخواہ سال
 2011 تا ستمبر 2015 سروس پر بحال فرمایا جائے۔

المرقوم 23 ستمبر 2015ء

ال
 سہلی وحید دختر وحید PST گورنمنٹ پرائمری سکول تنوہا ٹھکراں تحصیل ضلع مانسہرہ
 سلمانا وحید

ایم اے مایو لوٹسٹریٹ ایجوکیشن بساؤر

No. 791

For Insurance Notices see reverse.
 Stamps affixed except in case of
 uninsured letters of not more than
 the initial weight prescribed in the
 Post Office Guide or on which no
 acknowledgment is due.

Received a registered
 addressed to

Date-Stamp

Initials of Receiving Officer

Insured for Rs. (in figures)

Insurance fee Rs. Ps.

Name and address of sender

Weight (in words)

Kilo Grams

MANSEHRA REG. OFFICE
 23 SEP 15

If insured.

No. 792

For Insurance Notices see reverse.
 Stamps affixed except in case of
 uninsured letters of not more than
 the initial weight prescribed in the
 Post Office Guide or on which no
 acknowledgment is due.

Received a registered
 addressed to

Date-Stamp

Initials of Receiving Officer

Insured for Rs. (in figures)

Insurance fee Rs. Ps.

Name and address of sender

Weight (in words)

Kilo Grams

MANSEHRA REG. OFFICE
 23 SEP 15

If insured.

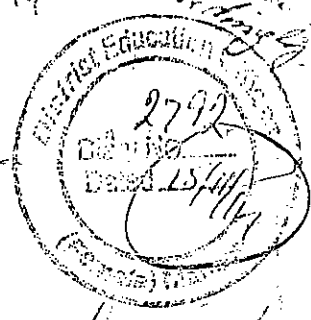
To M. Usman

Supdt. P-55

AD-2(UO) 19/11/14

Annex R P-55

The District Officer (I)
(E&S) Education Mandi



Annex C
5/11/14

Sub: Requirement of documents under information act-2014.

Madam,

It is respectfully stated that I require the following documents:-

1- Attested copy of PST appointment order ENOST No. - 1/5819-15920, dated 22-08-2009.

2- Attested copy of advertisement of the above stated posts.

3- Attested copy of quota detail for U/c Bandi Shungli District Mandi.

4- Attested copy of my application form for above stated posts.

Thanks.

Dated: 11/20/14

wind up

(Signature)

Salma Wahed
D/o Abdul Wahed
PST

56
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P-19
Annex D

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDARY EDUCATION MANSEHRA

MERIT LIST (OPEN) OF FEMALE CANDIDATES APPLIED FOR P.S.T. POST DISTRICT MANSEHRA

Sl. No.	NAME	FATHER NAME	D/O BIRTH	ADDRESS	UNION COUNCIL	TEHSIL	SSC			F.A			B.A			M.A			P.S.T			REMARKS	
							Marks Obtd.	T. Marks	SCORE	Marks Obtd.	T. Marks	SCORE	Marks Obtd.	T. Marks	SCORE	Marks Obtd.	T. Marks	SCORE	Marks Obtd.	T. Marks	SCORE		Marks Obtd.	T. Marks	SCORE
1	SAEEDA NAZ	MUHD ASHRAF	11-12-88	JHANGER	PHULRA	MANSEHRA	690	850	24.35	831	1100	15.11	516	800	6.45				661	900	22.03	67.95	
2	RADIA RAZ	MUHD RAZ KHAN	22-08-83	BANDA LABYAL	CITY NO 4	MANSEHRA	621	850	21.92	562	1100	11.22	297	550	5.40	705	1100	3.26	1231	1500	24.55	66.55	
3	TAMARA BIBI	MAR MUHD KHAN	11-03-83	TRANGRI BALA	TRANGRI S. SHAH	MANSEHRA	613	850	21.64	621	1100	11.29	340	550	4.91	617	1100	2.80	1235	1500	24.70	65.34	
4	ANEELA BE	FASHID MEHMOOD	25-04-86	DATTA	DATTA	MANSEHRA	606	850	21.39	647	1100	11.79	340	550	6.18				1265	1500	25.00	64.63	
5	TAMARA JABEE	REHMAT	25-03-84	SHINKIARI	SHINKIARI	MANSEHRA	601	850	21.21	666	1100	12.11	342	550	6.22				1245	1500	24.60	64.44	
6	SHAIKARAN	MUHD FAROOQ	27-06-84	KHAWARI	LIFAKRAL	MANSEHRA	571	850	20.15	605	1100	11.00	334	550	6.07	721	1100	3.26	957	1200	23.93	64.43	
7	JABEEN	MUHD RASHID	25-05-89	TERHA PAYEEN	TRANGRI S. SHAH	MANSEHRA	584	850	20.61	797	1100	14.49	393	550	7.15				644	900	21.47	63.71	
8	SANAM	MUHD SABIR	10-02-88	CHAKIA	DATTA	MANSEHRA	653	850	23.05	711	1100	12.93	326	550	5.93				640	900	21.33	63.23	
9	SAMEERA	ABDUL SATTAR KHAN	03-03-78	BATTAL	BATTAL	MANSEHRA	682	850	24.07	600	1100	10.91	273	550	4.96	530	1100	2.41	622	900	20.73	63.65	
10	NOUSHA VAYTER	MALIM ULD	25-11-87	SHOKOKI	LAWAB	MANSEHRA	632	850	22.31	743	1100	13.51	337	550	6.02				620	900	20.67	62.50	
11	BIBI BUSHRA	MUHD HAMAYOON	02-02-84	DHARYAL	SUM.	MANSEHRA	573	850	20.22	651	1100	11.64	313	550	5.69				1225	1500	24.55	62.33	
12	SEHRISH DILDAR	DILDAR	04-01-87	KHAKI	BHERKUND	MANSEHRA	652	850	23.01	723	1100	13.15	319	550	5.80				599	900	19.97	61.92	
13	SHAZIYA SYED	S. MUBARIK ALI SHAH	13-03-86	NOGOZI	CITY NO 2	MANSEHRA	555	850	19.59	634	1100	11.63	276	550	5.02				1289	1500	25.72	61.91	
14	AISHA BIBI	SUFI ABDUL SADIQ	07-02-89	SALAYA PAYEEN	SAWAN MERA	MANSEHRA	630	850	22.24	691	1100	12.56	311	550	5.65				642	900	21.40	61.85	
15	BIBI SALMA	SHAHZADA KHISRO FARIDOOON	02-03-85	GIARSACHA	SACHAN	MANSEHRA	610	850	21.53	682	1100	12.40	434	550	7.89				577	900	19.23	61.05	
16	BIBI TEHVEENA	MUHD AFZAL	19-03-85	BAGAL CHAR	G. HULLAH	BALAKOT	541	850	19.09	678	1100	12.33	276	550	5.02				970	1200	24.25	60.59	
17	MUNIZA DAWOOD	M. DAWOOD FIAZ	10-04-85	BEHALI	BEHALI	MANSEHRA	549	850	19.38	783	1100	14.24	359	550	6.51				615	900	20.50	60.62	
18	BUSHRA NOREEN	MUHD SALEEM KHAN	01-01-81	SHERPUR	VALIKPUR	MANSEHRA	616	850	21.74	547	1100	11.95	235	550	4.27				1232	1500	24.64	60.60	
19	BIBI ROBINA	MUHD SADIQ	06-01-74	GHAZI KOT	DATTA	MANSEHRA	667	850	23.54	562	1100	10.22	264	550	4.80				875	1200	21.88	60.43	
20	SAIRA ALI	ALI FARMAN	01-01-89	MALHOO	SHOUKATABAD	MANSEHRA	848	1050	24.23	785	1100	13.91							650	900	21.67	59.80	
21	QURATUL AIN	ABDUR RASHED	02-02-87	BHERKUND	BHERKUND	MANSEHRA	592	850	20.54	733	1100	13.33	307	550	5.58				604	900	20.13	59.59	
22	BUSHRA FIAZ	MUHD FIAZ	15-08-86	CHAKIA	DATTA	MANSEHRA	717	850	25.31	722	1100	13.13							631	900	21.03	59.47	
23	NAZIA BIBI	S. ARIF HUSSAIN SHAH	14-02-84	SHERGARH	SHERGARH	OGHI	564	850	19.91	604	1100	10.98	273	550	4.96				1179	1500	23.58	59.43	
24	S. NAZIYA	S. MOAD HUSSAIN SHAH	18-11-85	BATTANG	S.M.	MANSEHRA	576	850	20.33	657	1100	11.65	330	550	6.00				634	900	21.15	59.41	

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Annex S

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OFFICE OF THE EXECUTIVE DIRECTOR OF OFFICER ELEMENTARY & SECONDARY EDUCATION MANSEHRA

MERIT LIST (OPEN) OF FEMALE CANDIDATES APPLIED FOR P.S.T POST DISTRICT MANSEHRA

NAME	FATHER NAME	D/O BIRTH	ADDRESS	UNION COUNCIL	TEHSIL	SSC			F.A			B.A		M.A		P.S.T			REMARKS	
						Marks Obt.	Total	SCPI	Marks Obt.	Total	Marks Obt.	Total	Marks Obt.	SCPI	Marks Obt.	Total	Marks Obt.	Total		
327 1291	SAIF UR REHMAN	01-01-76	PORI	BALAKOT	BALAKOT	559	850	16.73	495	1100	6.37					823	1200	21.58	49.38	
328 1292	BEENA SADIA	30-03-85	BAFFA	BAFFA	MANSEHRA	441	850	15.56	538	1100	6.78	265	550	4.52		576	900	19.20	49.36	
329 1293	GOHAR ZAVAN	05-07-76	PHAGLA	MATTERS-HSHA	MANSEHRA	530	850	16.71	475	1100	6.69	241	550	4.36		526	900	17.53	49.31	
330 1294	GHULAM JAN	25-10-79	BISSIAN	KARNOL	BALAKOT	449	850	15.85	571	1100	6.33					922	1200	23.05	49.28	
331 1295	S.PIR AZAM SHAH	13-05-61	DHER KHA RAPAD	KARNOL	BALAKOT	409	850	14.44	455	1100	6.32	263	550	4.75		249	900	21.23	49.22	
332 1296	S.TASSADAQ HUSSAIN	16-12-86	SAGRAN	DILBORI	OGHI	487	850	17.15	725	1100	6.58					565	900	18.63	49.20	
333 1297	FAREED KHAN	06-05-80	FORI	BALAKOT	BALAKOT	455	850	17.61	551	1100	6.29					656	900	21.40	49.19	
334 1298	MISKEEN SHAH	07-03-74	SAWAN MERA	SAWAN MERA	MANSEHRA	454	850	16.38	603	1100	6.38					655	900	21.83	49.17	
335 1299	ALI ZAMAN	20-04-83	RORIA	PER-UNA	MANSEHRA	485	850	17.28	543	1100	6.27					595	900	19.83	49.16	FA SEC
336 1300	MUHD YOUSAF	08-03-86	DADAR	BHOGORVONG	MANSEHRA	551	850	15.45	600	1100	6.37					564	900	18.50	49.16	
337 1301	ALI USMAN	04-05-84	KHAWARI	UTRAKAL	MANSEHRA	492	850	17.36	532	1100	6.37					883	1200	22.08	49.11	
338 1302	SUSAL	08-01-79	SUSAL	SHOLAKATABAD	MANSEHRA	528	850	18.64	616	1100	6.32					544	900	18.13	49.09	
339 1303	BANDI SHUNGLI	01-06-61	BANDI SHUNGLI	BANDI SHUNGLI	OGHI	487	850	17.19	455	1100	6.00					916	1200	22.90	49.09	Appeal Document provided
340 1304	MUHD MISKEEN	29-03-83	DATTA	DATTA	MANSEHRA	475	850	16.80	510	1100	6.27	251	550	4.71		549	900	16.30	49.08	
341 1305	MUHD USMAN	02-10-85	KATHA DOBAND	G. JULLAH	BALAKOT	425	850	15.00	555	1100	6.37	251	550	5.25		537	900	17.90	49.06	
342 1306	MUHD SHAFI	15-06-85	DHODIAL	DHODIAL	MANSEHRA	553	850	19.52	555	1100	6.71					565	900	18.83	49.06	
343 1307	SARDAR KHAN	21-04-82	LABARKOT	LABARKOT	MANSEHRA	484	850	17.08	500	1100	6.69	2274	1100	6.95		507	900	16.90	49.06	
344 1308	ABDUL QAYYUM	15-04-77	KULIGA-	SUV	MANSEHRA	470	850	16.59	513	1100	6.41					922	1200	23.05	49.06	
345 1309	QARI MUHD KHAN	22-02-77	BALHAG BALA	JALOC	MANSEHRA	441	850	15.56	472	1100	6.69	251	550	4.75		802	1200	21.05	49.05	
346 1310	ABDUL SATTAR	01-01-79	TRANGRI BALA	TRANGRI S.SHAH	MANSEHRA	510	850	18.00	533	1100	6.65					854	1200	21.35	49.04	
347 1311	MUHD HAMAYUN	19-04-88	HASSAM ABAD	G. JULLAH	BALAKOT	677	1050	19.34	556	1100	6.00					506	900	16.53	48.99	
348 1312	MUZAMMAL SHAH	18-06-85	DARBAND	DARBAND	OGHI	540	950	19.06	572	1100	6.41					585	900	19.50	48.95	
349 1313	MUHD ASHRAF	13-05-82	DHARYAL	SUV	MANSEHRA	556	850	19.98	592	1100	6.75					546	900	18.20	48.94	
350 1314	S.SALEEM SHAH	10-08-75	PHAGLA	MATTERS-HSHA	MANSEHRA	564	850	19.91	577	1100	6.43					556	900	18.53	48.93	
351 1315	SAID UR REHMAN	16-03-78	TANDKI	SHERQARI	OGHI	500	850	17.64	500	1100	6.36					500	900	16.66	48.93	

338 1921
SALMA WAHEED
ABDUL WAHEED
MANSEHRA
SUPERINTENDENT
I.E.O. (FEMALE)

Appeal Document provided

کورٹ فیس وکالت نامہ قیمت

بمقدمہ سلمیٰ وحید نام دولت KPK وغیرہ
 دعویٰ/ہجوم سردس اپیل
 منجانب ایبلانٹ

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ
 ان مقام ایبلانٹ کیلئے مصدقہ ایڈوکیٹ کو وکیل کر کے
 اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب
 موصوف کو کرنے رضی نامہ و تقریر ثالث و فیصلہ بر حلف اور دینے اقبال دعویٰ اور بصورت دیگر
 کرنے اجراء وصولی چیک و روپیہ اور عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنیکا اختیار ہوگا اور
 بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزو کارروائی کے واسطے کسی اور وکیل یا مختار صاحب
 قانون کو اپنے ہمراہ یا اپنی بجائے تقریر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی دہی اور ویسے
 ہی اختیار ہونگے۔ اور اس کا ساختہ پر واختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و
 ہرجانہ التوائے مقدمہ کے سبب ہوگا اور اس کے مستحق وکیل صاحب موصوف ہوں گے
 نیز بقایا خرچہ وصول کرنیکا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے
 باہر ہو تو وکیل صاحب موصوف پابند نہ ہونگے کہ پیروی مقدمہ مذکور کریں اور اگر محتسب مقرر
 کردہ میں کوئی جہز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہونگے نیز
 درخواست میں استجارت نالاش بصیلہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب
 موصوف کو اختیار ہوگا لہذا وکالت نامہ تحریر کر دیا ہے تاکہ سند رہے۔ المرقوم

مورخہ 23/11/2015

کیلئے منظور ہے

مقام

Attested

(Signature)

سلمیٰ وحید PST — ایبلانٹ

سلمیٰ وحید

17-4-17 D.B

BEFORE THE HONOUABE KHYBER PAKHTUNKHAWA, SERVICE

TRIBUNAL PESHAWR CAMP COURT ABBATTABAD

Appeal No 91-A/2016

Salma Waheed D/O Abdul Waheed, PST ,GGPS Tanoha The: Dist.: Mansehra

APPELLANT

Versus.

1. Govt of Khyber Pakhtunkhawa; through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education, Khyber pakhunkhawa Peshawar.
3. District Education Officer (Female) Manserha.

Written reply on behalf of 1,2,&3.

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action to file the present appeal.
2. That the appeal is not maintainable in its present form.
3. That the appeal is time-barred, hence not entertain able.
4. That the appellant did not come to the Tribunal with cleans hands.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appeal is based on false and mala fide hence deserves dismissal.
7. That the appellant has suppressed material facts from this Honorable Tribunal ,hence the appeal is not maintainable & liable to be dismissed.

FACTUAL OBJECTIONS

1. Para No.1 is correct to the extent that she was appointed by Respondent No .3 as PST on 22.08.2009. but later on it revealed that appellant has concealed material facts &involved in mala fide practice.
2. para No.2 pertains with the record hence no comments.
3. Para No.2 pertains with the record hence no comments.
- 4 .para No pertains with the record hence no comments.
- 5 .Para No.5 is correct to the extent that ,appellant did election duty but performing the election duty is not the base for changing the bogus order into legal one.
6. Para No.6 is correct to the extent that appellant received her salaries up to 31.10.2011 and her salary was s topped by realizing that mala fide practice was done by the part of appellant in the process of appointment (recruitment) where as the codal formalities were fulfilled by the Respondent No.3

7. Para No.7 is correct to the extent that Honorable High Court Abbottabad Bench dismissed the appeal & detail judgment was passed against the appellant as well as against others official of respondents No.3 (Department who has remained the part & parcel of that very mala fide practice. High Court judgment is annexed as **(Annexure. A)**
8. Para No .8 is correct need no comments.
9. Para No .9 is correct and solid evidence against the appellant that Honorable High Court Peshawar Abbottabad Bench dismissed the review petition on the base of submission of termination order as mentioned in the Para. Court order CM No.646-A 2014 is annexed as **(Annexure. B)**
10. Para No.10 the facts remains that the Honorable High Court dismissed the petition and they remained only the question of granting relief from the department as per rule. petitioner, thus , filed Departmental appeal which was not admissible in accordance faked appointment, liable to be set aside .Court order is annexed as **(Annexure-C)**
11. Para No.11 needs no comments as facts have already been explained in the foregoing.

GROUNDS:-

- a) Para No .a, is incorrect hence denied.
- b) Para no b is incorrect hence denied . Para is also misconceiving tantamount to replacing the material facts before the court, It admit of no doubt that , through the order /judgment passed by Honorable High Court under W>P 625/2014 dated 13.11.2014, the appointment of appellant has been through out held faked and a result of collusion with certain officials. the appellant was thus, rightly terminated .
- c) Para No c is not admitted .Para also need proof. It is of no consequence that the termination order of the appellant was submitted at belated stage. The appellant was not entitled to continue and eligible for the post on the bases of faked/illegal appointment. The termination order of the appellant dated 14.11.2014. was displayed before the honorable Court .
Para except to judicial record are incorrect as stated.
- d. Para No.d is incorrect & denied .Para is also needs proof. The termination is justified in the light of fact and circumstance as already revealed in the judgment of Honorable Court dated 13.11.2014. petitioner was, thus , no more entitled for government Service on the illegal ground.
- e. Para is denied by the fact that the appointment of appellant was the result of collusion, who was unclean-figured. It was later detected that appellant had provided faked U/C certificate thereby illegally appointed. The acceptance of the departmental appeal was, thus , beyond the truth. In addition to this, the appellant was not entitled to remain in service as the termination to this, the appellant was not entitled to remain in service as the termination was already justified in accordance with the judgment of honorable court.
- f. Para is incorrect. hence denied ,her appellant was not legal, hence Para is extraneous in the wake of faked appointment.
incorrect. As already been clarified that appellant was not the resident of U/C Banda shungli instead of U/C Manserha deh (Rural). The inclusion of appellant in U/C Bandi shungli was the result of malpractice .

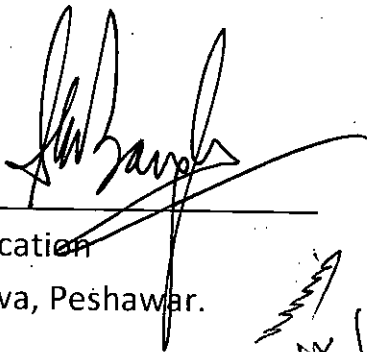
g. incorrect. The faked appointment of appellant had already been proved and established at the competent forum of Honorable Court. Appointment on the basis of wrong U/C was unjustifiable. hence (Para g is denied.

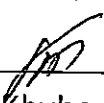
h. Para is incorrect. Appellant is not entitled for any relief as based on the illegal appointment. Para as presented is denied.

i. Para I is incorrect as stated hence denied ,detail reply has been given already in above paras.

It is, therefore, graciously requested that the appeal may very kindly be dismissed with cost.

Respondents

Respondent No1 
Secretary E&SE, Education
Khyber Pakhtunkhawa, Peshawar.

Respondent No2 
Director, E&SE, Education Khyber
Pakhtunkhawa, Peshawar.

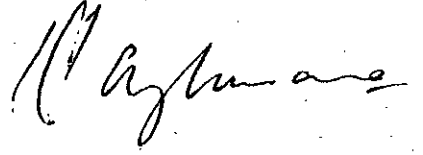
Respondent No3 
District Education Officer (Female) Peshawar

14/12/2016

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE MANSEHRA

TERMINATION ORDER

Consequent upon the judgment of the Honorable Peshawar High Court Bench Abbottabad dated 13-11-2014 the service of Mst: Salme Waheed PST GGPS Tanoha Thakral has been terminated with immediate effect, along with the recovery in term of salaries w.e.f 01-09-2009 to 31-10-2011.

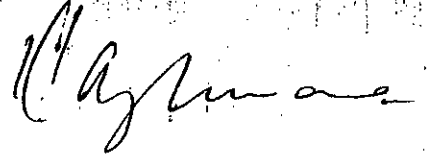


DISTRICT EDUCATION OFFICER (F)
DISTRICT MANSEHRA

Endst: No 9410-14 / Dated Mansehra the: 14-11-2014

Copy to the:-

1. Director Elementary & Secondary Education Khyber PakhtunKhawa Peshawar.
2. Additional Registrar Peshawar high court Bench Abbottabad in w/p No.625-A/2014.
3. SDEO Female Mansehra.
4. ASDEO Female circle concerned.
5. Teacher Concerned.
6. Office Record.



DISTRICT EDUCATION OFFICER (F)
DISTRICT MANSEHRA

PESHAWAR HIGH COURT, PESHAWAR

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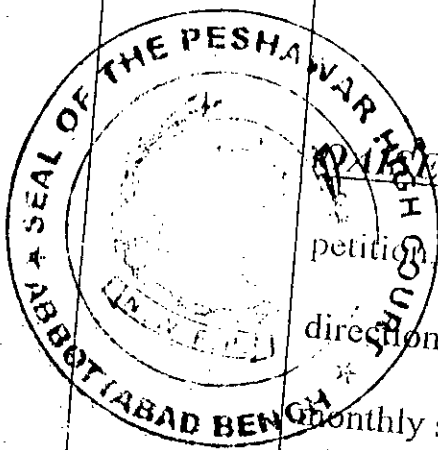
FORM OF ORDER SHEET

Date of Order or Proceedings	Order of other Proceedings with Signature of Judge.
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13.11.2014

WP No. 625-A/2014.

Present: **Malik Ashfaq Ahmed Jilani** advocate for the petitioner.
Mr. Muhammad Nacem Abbasi, AAG for the respondents.



MAJESTER RASHID KILAN, J. Through the instant petition the petitioner has prayed for issuance of directions to the respondents to release and pay her monthly salaries w.e.f. 31.10.2011 uptill now.

2. Precisely, facts leading to the present petition are that the petitioner was appointed by respondent No.1 against the post of PST at Govt: Girls Primary School Phagora vide office order dated 22.08.2009, whereafter she took over the charge and submitted her medical certificate; that thereafter the petitioner was transferred to Govt: Girls Primary School Tanoha Thakra against vacant post of PST on 26.07.2010 and accordingly the petitioner took over the charge; that thereafter the petitioner submitted an application to respondent No.1 for her transfer to Govt: Girls Primary School Ganda, Manshra and after taking over the charge, the respondent No.1 cancelled the said transfer order and petitioner was

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AS
10

directed to work at Govt: Girls Primary School Tanoha Thakra; that the petitioner was also assigned election duties during the general elections held in 2013 but since 31.10.2011 her salaries have been withheld by the respondents without any legal justification and to this effect she also addressed an application dated 23.01.2013 to respondent No.1 but to no avail, hence, the instant petition. Comments were accordingly called from and submitted by respondents No.1,3 and 4.

3. Arguments of the learned counsel for the petitioner and the learned AAG heard in detail and available record perused.

4. As detailed in the preceding paras, the petitioner worked as PST at different schools since her appointment in the year 2009 but her salaries have some how been withheld by the respondent since 31.10.2011.

5. The learned counsel for the petitioner during the course of arguments vehemently argued that the petitioner worked with the respondents / department for good two years and never for once any objection was raised against her testimonials and credentials, as she was appointed against 75% Union Council quota but some how the respondents for malafide and extraneous reasons made her a scapegoat and have withheld her salaries since 31.10.2011 though she has been deligently, honestly and devotedly working with the respondent / department.

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 15/11/13
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec 75 Acts Ordns

6. We are afraid, the petitioner through the present petition has come up with only the half truth. As spelt out from the comments furnished by the respondents, the petitioner managed to get herself appointed as a PST against 75% Union Council quota meant for Union Council Bandi Shungli though she belongs to village Ganda, Tehsil and District Mansehra. We have also before us the report of the inquiry committee, which was constituted in order to probe into the matter in view of the complaints against the Union Council's certificate presented by the petitioner at the time of her appointment. The said certificate, which formed the basis of her appointment against 75% Union Council quota, had been issued by the Nazim of Union Council Bandi Shungli, turned out to be a bogus and fake document.

7. In a situation, where the very document on the basis of which the petitioner was able to get herself appointed as a PST on the 75% quota meant for the residents of Union Council Bandi Shungli, the respondents / department rightly cancelled her appointment order. The said fact regarding the holding of the inquiry wherein the petitioner duly participated was concealed by the petitioner in her petition and the truth was revealed by the respondents in their comments. We are at loss to comprehend as to how the petitioner still has the cheek to invoke the constitutional jurisdiction of this

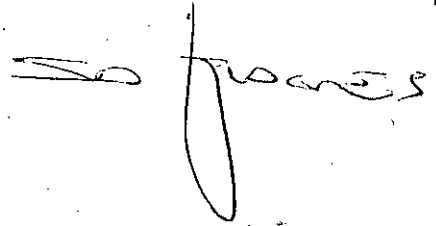
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 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec 75 Acts Ordn.

F-140
Annex 'L'

Court when her very credentials and testimonials in the ultimate turned to be fake and bogus. //

8. For the reasons stated above, the instant writ petition being devoid of any substance is dismissed. //

9. Before parting with this judgment, we may observe with a degree of sarcasm that the officials of the respondent / department, who had connived and colluded with the petitioner firstly in ensuring her appointment and secondly in letting her continue with her service for two long years by drawing salaries from the Govt: exchequer are also to be blamed and proceeded against, I found guilty in the ultimate.



Muhammad Rustam
P/S

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Responsible Court

Abdullah Bench

Authorized Under Sec 15 Acts Ordins

P-1

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Rejoinder No. ____ of 2017

IN

Service Appeal No.91-A/2016

Salma WaheedAppellant

VERSUS

Govt. of KPK through Secretary Education etc ... Respondents

SERVICE APPEAL NO.91-A/2016

**REJOINDER ON BEHALF OF APPELLANT IN
REPLY SUBMITTED BY RESPONDENTS.**

Respectfully Sheweth!

PRELIMINARY OBJECTIONS.

1. All the preliminary objections are evasive, baseless, groundless and having no merit and substance hence denied altogether.

FACTUAL OBJECTIONS.

1. Para No.1 to the extent of concealment of material facts is denied and paras No.2 to 4 need no reply.

- P-2
5. That, the appellant did election duty being a regular teacher of the department and this goes a long way that she was legal and regular employee of the department.
 6. That, reliance of the respondents on the judgment of Peshawar High Court rendered in Writ Petition No.265-A of 2014 is also without merit and substance because the said judgment was impugned by appellant in review petition No.03-A of 2015 which was allowed hence, the reliance on the said judgment by respondents is repelled.
 7. That, Honourable Peshawar High Court, Bench Abbottabad vide order dated 10.09.2015 directed the appellant to file departmental appeal for the redressal of her grievance which was done by the appellant in the light of observation recorded in the said order.
 8. That, the appellant was legally and regularly appointed by competent authority after observing all the legal and codal formalities on open merit quota not on the basis of quota of union council hence, the impugned order is liable to be struck down.

9. That, the comments of the respondents are evasive in nature hence no legal value in the eye of law.

.....PRAYER.....

It is, therefore, very humbly prayed that the above-mentioned appeal of the appellant may kindly be accepted as prayed for.

Dated 10.04.2017

Salma Waheed
Salma Waheed
...Appellant

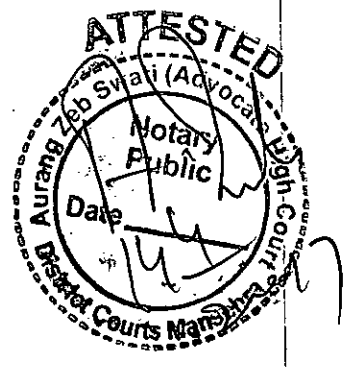
Through
Abdul Saboor Khan
ABDUL SABOOR KHAN,
MALIK ASHFAQ AHMED JILANI,
Advocates High Court,
Mansehra.

AFFIDAVIT.

I, Mst. Salma Waheed daughter of Abdul Waheed, PST Teacher Government Girls Primary School Tanoha Thakra, Tehsil and District Mansehra, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing appeal are true and correct and nothing has been concealed from this Honourable Court.

Dated 10.04.2017

Salma Waheed
Mst. Salma Waheed
(DEPONENT)



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 666 /ST

Dated 30 /03/2018

To

The District Education Officer (Female),
Government of Khyber Pakhtunkhwa,
Mansehra.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 91/2016, MST. SALMA
WAHEED.**

I am directed to forward herewith a certified copy of Judgment/Order dated 21/03/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

ok
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.