

Sr. No.	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	22.08.2019	<p style="text-align: center;"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b>  <b><u>AT CAMP COURT, ABBOTTABAD</u></b>  <b>Service Appeal No. 574/2016</b></p> <p style="text-align: right;">Date of Institution ..... 30.05.2016  Date of Decision ..... 22.08.2019</p> <p>Mst. Shafta Gul daughter of Kamal Khan, resident of Pari Balakot.  <b>Appellant</b></p> <p style="text-align: center;"><b>Versus</b></p> <ol style="list-style-type: none"> <li>1. Government of Khyber Pakhtunkhwa, through Secretary Elementary &amp; Secondary Education Khyber Pakhtunkhwa, Peshawar.</li> <li>2. Director Elementary &amp; Secondary Education Khyber Pakhtunkhwa, Peshawar.</li> <li>3. District Education Officer (Female) Mansehra.</li> </ol> <p style="text-align: right;"><b>Respondents</b></p> <p><b>Mr. Muhammad Hamid Mughal-----Member(J)</b>  <b>Mr. Ahmad Hassan-----Member(E)</b></p> <p style="text-align: center;"><b><u>JUDGMENT</u></b>  <b><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></b> Learned counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney present.</p> <ol style="list-style-type: none"> <li>2. The appellant (Ex-PST Government Girls Primary School Jalgran) has filed the present service appeal against the order dated 19.11.2015 whereby she was removed from service.</li> <li>3. Learned counsel for the appellant argued that the appellant was appointed as PST vide appointment order dated 31.05.2012;</li> </ol>

22.8.2019

that the appellant took charge of her post as PST; that the respondent department did not make payment of salary to the appellant; that the appellant knocked the doors of different quarters for the release of her salary and to this effect the appellant also filed Writ Petition No.930-A/2013 before Hon'ble Peshawar High Court Abbottabad Bench, which Writ Petition was decided vide judgment dated 03.03.2015; that after Nine (09) months of the above mentioned judgment of Hon'ble Peshawar High Court Abbottabad Bench, the respondent department removed the appellant from service vide order dated 19.11.2015; that the appellant was removed from service without observing any legal requirement. Learned counsel for the appellant submitted copy of common judgment passed in Service Appeal bearing No.744/2015 titled Shahida Bibi Versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education and others and argued that vide the said common judgment of this Tribunal, seventeen (17) service appeal of similarly placed persons have already been accepted by this Tribunal.

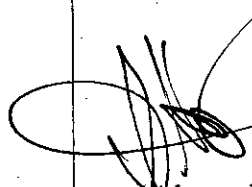
4. As against that learned Deputy District Attorney argued that the appellant was appointed as PST but during the departmental inquiry it surfaced that the appointment of the appellant was factitious and illegal; that the name of the appellant was not reflected in the merit list; that departmental action was also taken against the E.D.O concerned who made illegal appointments.

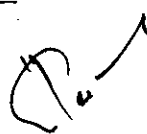
5. Arguments heard. File perused.

22.8.2019

6. It is not disputed that no proper inquiry was conducted against the appellant prior to her removal from service. There is also no dispute that Seventeen (17) other PSTs/ATs/TTs/PETS/CTs appointed by the same EDO and who were also removed from service on the ground that their appointments were illegal, filed service appeals and vide common judgment passed in Service Appeal No.744/2015 (filed by Mst. Shahida Bibi), those seventeen (17) PSTs/ATs/TTs/PETS/CTs have been reinstated in service by placing the respondents at liberty to conduct de-novo inquiry.

7. In view of the above the appellant is reinstated in service with the direction to the respondents to conduct proper inquiry under the law against the appellant. The issue of seniority/back benefit shall be subject to the outcome of proper inquiry. The present service appeal is accepted in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.

  
(Ahmad Hassan)  
Member


  
(Muhammad Hamid Mughal)  
Member  
Camp Court, A/Abad

ANNOUNCED  
22.08.2019

21.08.2019


Learned counsel for the appellant present. Mr. Muhammad Bilal learned Deputy District Attorney alongwith Muhammad Usman. S.C present. Partial arguments heard. Learned counsel for the appellant seeks adjournment for further arguments. Adjourn. To come up for further arguments on 22.08.2019 before D.B at Camp Court, Abbottabad.

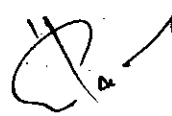
  
Member

  
Member  
Camp Court A/Abad

22.08.2019

Learned counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney present. Vide separate judgment of today of this Tribunal placed on file, the appellant is reinstated in service with the direction to the respondents to conduct proper inquiry under the law against the appellant. The issue of seniority/back benefit shall be subject to the outcome of proper inquiry. The present service appeal is accepted in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member  
Camp Court, A/Abad


ANNOUNCED  
22.08.2019

18.04.2019

Clerk of counsel for the appellant and Mr. Muhammad Bilal, DDA alongwith Muhammad Usman, Senior Clerk for the respondents present.

Due to general strike on the call of Pakistan Bar Council, instant matter is adjourned to 20.06.2019 before the D.B at camp court, Abbottabad.

  
Member

  
Chairman  
Camp court, A/Abad

20.06.2019

Counsel for the appellant and Mr. Muhammad Bilal DDA alongwith Muhammad Usman, Senior clerk for the respondents present.

The representative of respondents has turned up today with the reply on behalf all the respondents and requests for placing on record.

Learned counsel for the appellant does not object to the receipt of reply by the department. The same is therefore, made part of the record. To come up for arguments on 20.08.2019 for arguments before the D.B at camp court, Abbottabad.


  
Member

  
Chairman  
Camp court, A/Abad

20.08.2019

Clerk to counsel for the appellant present. Mr. Muhammad Bilal learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as counsel for the appellant is not available. Adjourn. To come up for arguments on 21.08.2019 before D.B at camp court Abbottabad.

  
Member

  
Member  
Camp Court A/Abad

Service Appeal No. 574/2016

21.02.2019

Clerk of counsel for the appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Muhammad Usman, Senior Clerk for the respondents present. Clerk of counsel for the appellant requested for adjournment. Adjourned to 18.04.2019 for arguments before D.B at Camp Court Abbottabad.

18.04.2019

(Ahmad Hassan) (Muhammad Amin Khan Kundi)  
Member Member  
Clerk of counsel for the appellant, and Mr. Muhammad Bilal, DDA alongwith Muhammad Usman, Senior Clerk for the respondents present.

Due to general strike on the call of Pakistan Bar Council, instant matter is adjourned to 20.06.2019 before the D.B at camp court, Abbottabad.

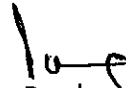
*Miss Justice  
Amir on  
Kachra*

Member

Chairman  
Camp court, A/Abad

29.08.2018

Counsel for the appellant present. Due to summer vacations, the case is adjourned .To come up for the same on 17.10.2018 at camp court Abbottabad.

  
Reader

17.10.2018

Counsel for the appellant present. Mr. Muhammad Usman Senior Clerk alongwith Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant made a request for adjournment. Granted. To come up for arguments on 14.01.2019 before the D.B at camp court, Abbottabad.

  
Member

  
Chairman  
Camp Court, A/Abad

14.01.2019

Learned counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 21.02.2019 before D.B at Camp Court Abbottabad.


  
Member

  
Member

Camp Court Abbottabad

19.02.2018

Clerk to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Usman Senior Clerk for the respondents present. Written reply not submitted despite of last opportunity. Another last opportunity granted subject to payment of cost Rs. 500/-. To come up for written reply/comments and cost on 16.04.2018 before the S.B camp court, A/Abad.

  
Chairman  
Camp Court, A/Abad


16.04.2018

Clerk of counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Muhammad Usman, Senior Clerk for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply and cost of Rs. 500/0 on 25.06.2018 before the .S.B at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad

25.06.2018

Counsel for the appellant Mr. Muhammad Arshad Khan Tanoli Advocate present. Mr. Muhammad Usman, Senior Clerk alongwith Mr. Usman Ghani, District Attorney for the respondents present. Written reply not submitted despite last opportunity, hence defence of respondents is struck off. To come arguments on 29.08.2018 before the D.B at camp court, Abbottabad.

  
Member  
Camp court, A/Abad



21.07.2017

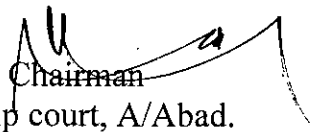
Clerk of counsel for the appellant and Mr. Muhammad Bilal, DDA alongwith Muhammad Usman, Senior Clerk for the respondents present and requested for further time. Granted. To come up for written reply/comments on 21.09.2017 before S.B at camp court, Abbottabad.

  
Chairman

Camp Court, A/Abad

21.09.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Muhammad Usman, Senior Clerk for the respondents present. Seeks further adjournment. Last opportunity is granted. To come up for written reply/comments on 23.11.2017 before S.B at camp court, Abbottabad.

  
Chairman

Camp court, A/Abad.

23.11.2017

Counsel for the appellant and Mr. Muhammad Bilal, DDA alongwith Muhammad Usman, Senior clerk for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 15.01.2018 before S.B at camp court, Abbottabad.

  
Chairman

Camp court, A/Abad

15.1.2018

Clerk of counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Muhammad Usman, Senior Clerk for the respondents present. Seeks adjournment. Further last chance is given. To come up for written reply/comments on 19.02.2018 before S.B at camp court, Abbottabad.

  
Chairman

Camp court, A/Abad.


754/16

24.11.2016

Learned counsel for the appellant argued that identical service appeal No. 745/2015 titled Uzman Sarfaraz Versus Government has already been admitted for regular hearing.

Appellant Deposited  
Security & Process Fee

In view of the above, the instant appeal is also admitted to regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 16.02.2017 before S.B at camp court, Abbottabad.

  
Chairman  
Camp Court, A/Abad

16.02.2017

Clerk of 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/comments on 18.05.2017 before S.B at camp court, Abbottabad.

  
MEMBER  
Camp Court, A/Abad

25.05.2017

Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, case to come up for the same on 21.07.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly

  
Registrar


18.08.2016

Counsel for the appellant present. During the preliminary hearing learned counsel for the appellant sought adjournment so as to produce certified copies of the judgment dated 03.03.2015 of august Peshawar High Court Abbottabad Bench in Writ Petition No. 930-A/2013. Directed to submit attested copies of the same within 2 weeks in office where-after the instant appeal be fixed for preliminary hearing for 22.09.2016 at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad.


22.09.2016

Agent of counsel for the appellant present. Copies of Writ Petition No. 930-Addl: A.G for respondents present. Of 2013 submitted. Counsel for the appellant is not in attendance. Adjourned for preliminary hearing to 20.10.2016 before S.B at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad

20.10.2016





Counsel for the appellant seeks adjournment as he intends to submit further documents including judgment passed by the Hon'ble High Court in Writ Petition No. 930-A/2013. Adjourned for documentation and preliminary hearing to 24.11.2016 before S.B at camp court, Abbottabad.

  
Chairman  
Camp Court, A/Abad

Form- A  
FORM OF ORDER SHEET

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

Case No. 574/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	30/05/2016	<p>The appeal of Mst. Shafta Gul received today by post through Mr. Muhammad Arshad Khan Tanoli 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>
2	31-5-2016	<p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22-06-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	22.06.2016	<p>Agent of counsel for the appellant present. Counsel for the appellant was stated busy before the august Peshawar High Court, Abbottabad Bench. Requested for adjournment. Adjourned for preliminary hearing to 20.07.2016 before S.B at camp court, Abbottabad.</p> <p style="text-align: right;"> Chairman Camp court, A/Abad,</p>
	20.07.2016	<p>Agent of counsel for the appellant present. Seeks adjournment as counsel for the appellant is stated before before the august Peshawar High Court, Abbottabad Bench. Adjourned for preliminary hearing to 18.08.2016 before S.B.</p> <p style="text-align: right;"> Chairman Camp court, A/Abad,</p>

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

Service Appeal No. 574 /2016

Mst. Shafta Gul daughter of Kamal Khan, resident of Pari Balakot.

....APPELLANT

**VERSUS**

Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education (E&SE), Peshawar & others.

....RESPONDENTS

**SERVICE APPEAL**

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4.	Copy of transfer order dated 30/07/2012 and charge report dated 01/08/2012	13 - 14	"C"
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*Shafta*  
....APPELLANT

Through

Dated: \_\_\_\_\_/2016

*(Muhammad Arshad Tanoli)*  
Advocate High Court, Abbottabad

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

Service Appeal No. 574 /2016

Mst. Shafta Gul daughter of Kamal Khan, resident of Pari Balakot.

....APPELLANT

**M.W.P. Province  
Service Tribunal  
Diary No. 550  
Dated 30-5-2016**

VERSUS

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

....RESPONDENTS

**SERVICE APPEAL** UNDER SECTION 4 OF  
KPK SERVICE TRIBUNAL ACT, 1974, FOR  
DECLARATION TO THE EFFECT THAT THE  
APPELLANT WAS APPOINTED BY  
RESPONDENTS' DEPARTMENT AS PST  
TEACHER IN GGPS, JALGRAN VIDE ORDER  
ENDST NO. 6840-49 DATED 31/05/2012 AND

**Filed to file**

**30/5/16**

SHE WAS REMOVED FROM SERVICE BY RESPONDENT NO. 3 VIDE REMOVAL FROM SERVICE ORDER ENDST NO. 1137-76 DATED 14/11/2015 WITHOUT ANY SHOW CAUSE NOTICE, EXPLANATION, INQUIRY, WHICH IS DISCRIMINATORY, PERVERSE, AGAINST THE LAW AND IMPUGNED REMOVAL FROM SERVICE ORDER IS LIABLE TO BE SET ASIDE.

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**PRAYER:** ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, IMPUGNED REMOVAL FROM SERVICE ORDER MAY GRACIOUSLY BE DECLARED NULL AND VOID AND RESPONDENT NO. 3 MAY BE DIRECTED TO APPOINTED THE PETITIONER W.E.F THE DATE OF REMOVAL FROM SERVICE WITH ALL BACK BENEFITS W.E.F 01/08/2012 TO TILL DATE.

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Respectfully Sheweth: -

1. That the appellant was appointed as PST in Government GPS Bela Paris as per merit as

well as policy in vogue, vide appointment order Endst No. 6840-47 dated 31/05/2012. Copy of appointment order is attached as Annexure "A".

2. That the appellant took over the charge in said post in Govt. GPS Bela Paris. Copy of charge report is attached as Annexure "B".
3. That later on appellant was transfer GGPS Paris to GGPS Jalgran vide order Endst No. 1561-64 dated 30/07/2012 and the appellant took over the charge in the said school on 01/08/2012. Copy of transfer order dated 30/07/2012 and charge report dated 01/08/2012 are attached as Annexure "C".
4. That the respondents' department specially respondent No. 3 did not make payment of salary to the appellant to the date of appointment and taking over the charge i.e 01/06/2012. In this regard the appellant time and again submitted departmental representation to respondent No. 3 for salary w.e.f dated of appointment from the date of



taking over the charge. Copies of appeals/ representations are attached as Annexure "D".

5. That respondents' department did not bother to release salary of appellant as per law, therefore, appellant filed writ petition before Peshawar High Court, bench Abbottabad for release of her salary vide writ petition No. 930-A/2013. In the meanwhile the appellant filed Misc. Application No. 425-A/2014 and No. 146-A/2014 in writ petition No. 930/2013, Honourable High Court, bench Abbottabad directed to respondents department to release salary of the petitioner vide order dated 24/07/2014 but respondents' departmental even did not release salary of the appellant for the service rendered by respondents' department and finally writ petition No. 930-A/2013 was decided by the Honourable High Court, bench Abbottabad vide judgment dated 03/03/2015. Copy of judgment of Peshawar High Court, bench Abbottabad dated 03/03/2015 is attached as Annexure "E".

6. That after nine months of the judgment of Honourable High Court, bench Abbottabad, respondents' department removed the appellant from service vide impugned order Endst. No. 11370-76 dated 19/11/2015, which is against the law and liable to be set aside. Copy of impugned order dated 19/11/2015 is attached as Annexure "F".
7. That appellant feeling aggrieved, the appellant filed departmental appeal against impugned removal from service order dated 19/11/2015. Copy of departmental appeal dated 30/01/2016 alongwith TCS receipts are attached as Annexure "G".
8. That respondents' department did not bother to reply to the appellant so far. Hence, feeling aggrieved, the instant appeal is filed, inter-alia, on the following grounds;-

**GROUND:-**

- a) That impugned removal order dated 19/11/2015 is perverse, against the law, without lawful justification and norms of justice and fair play.
- b) That as per law respondents' department was support to issue show cause notice, statement of allegations as well as a proper inquiry as per law was to be conduct without resorting to the mandatory legal requirements, respondent No. 3 removed the appellant from service at her own whims and wishes.
- c) That when law prescribe something which is to be done in a particular manner that must be done in that manner and not otherwise.
- d) That appellant has not been afforded opportunities of personal hearing of defend case which sine quanon prayer to the removal of appellant from service. Hence impugned removal

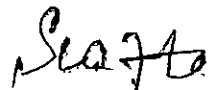
from service order dated 19/11/2015 is liable to be cancelled.

- e) That inspite of the order of Honourable High Court bench Abbottabad dated 24/07/2014, respondents' department only pay salaries of two months instead of the whole period w.e.f 01/06/2012 to till date and violation of order of High Court for payment of salary to the appellant amounts to misconduct on part of respondents' department. Copies of salary slips for two months are attached as Annexure "H".
- f) That this fact may not be left to fade in oblivion that the appellant served the department regularly from the date of appointment removal from service, in this regard copies of attendance register of the school are attached as Annexure "I". Therefore, as per service law she is entitled for the

salary for the services rendered by her in respondents' department.

- g) That there is not other speedy, efficacious remedy available to the appellant, except the present appeal.
- h) That other legal and factual points shall be raised at the time of arguments.

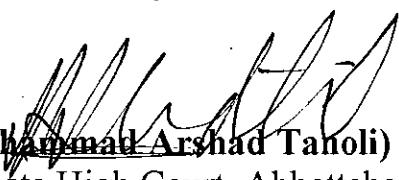
It is, therefore, humbly prayed that on acceptance of the instant service appeal, impugned removal from service order may graciously be declared null and void and respondent No. 3 may be directed to appointed the petitioner w.e.f the date of removal from service with all back benefits w.e.f 01/08/2012 to till date.



...APPELLANT

Through

Dated: \_\_\_\_\_/2016.

  
(Muhammad Arshad Tanoli)  
Advocate High Court, Abbottabad

**VERIFICATION: -**

*Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.*

  
...APPELLANT

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

Service Appeal No. \_\_\_\_\_/2016

Mst. Shafta Gul daughter of Kamal Khan, resident of Pari Balakot.

....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education (E&SE), Peshawar & others.

....RESPONDENTS

**SERVICE APPEAL**

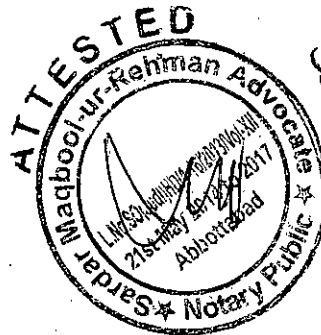
**AFFIDAVIT**

I, Mst. Shafta Gul daughter of Kamal Khan, resident of Pari Balakot, do hereby solemnly affirm and declare that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

*Shafta*  
DEPONENT

Identified by;

*(Signature)*  
(Muhammad Arshad Tanoli)  
Advocate High Court, Abbottabad



(10)

Annex "A"

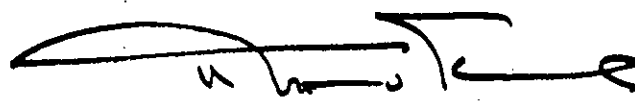
OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&S EDUCATION MANSEHRA

ORDER

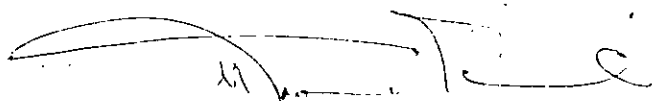
In continuation of this office endst No. 5360-5384 /Estt: (F)Appt:PST (F)/2011-12 Dated Mansehra the 18<sup>th</sup> May, 2012 and on the acceptance of the appeal by the competent authority Miss: Shafiq Gul D/O Kamal Khan R/O Balakot is hereby appointed as a Primary School Teacher **PST (Female)** against the vacant post at GGPS Bela Paras in **BPS 7 @ Rs.5800-320-15400** plus usual allowances as admissible under the rule on regular basis under the existing policy of provincial Government on the terms and conditions given below with immediate effect

TERMS & CONDITIONS:

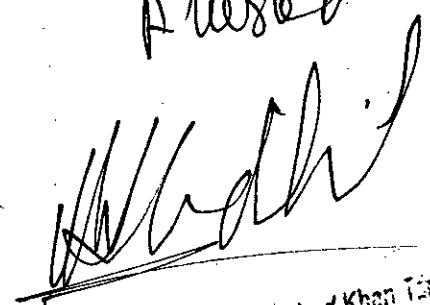
1. His/her appointment are purely on temporary basis and liable to termination at any stage without assigning any reason/notice.
2. He/she will be governed by such rules and regulations enforce and as may be prescribed by the Government from time to time for the category of the Government servants to which he/she belong.
3. In case He/she failed to assume the charge of his/her post within 15 days of his/her appointment, candidature-ship will be stand automatically cancelled.
4. His/her services are regular but will not be entitled for pension/gratuity & he/she will not contribute any amount towards GP Fund however he/she will contribute CP fund on the prescribed rate & half contribution will be made by the Government.
5. He/she will submit to this office, his/her all testimonial and domicile/UC Certificate from the secretary concerned union councils along-with bank drafts in the name of controller / treasurer of the concerned BISE / University within 7 days after the taking over charge for verification.
6. The release of the pay by the concerned DDOs will be subject to the receipt of verified documents by the appointing authority / (EDO E&SE Mansehra)
7. In case a document or documents is / are found fake or forged or Bogus on such scrutiny or all the verification, the service of the teachers concerned shall be terminated. The whole amount paid to him/her as salary will be recovered and a case against him/her shall be registered under relevant section of Law.



C/S



A Ustād




Muhammad Arshad Khan Tan  
Advocate High Court  
Office No. 33 Adjacent  
Distt. Mansehra

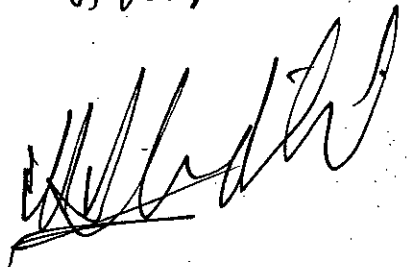
- 8. His/her services are liable to termination on one month prior notice from either side in case of resignation without prior notice, his/her one month pay/allowances if any shall be forfeited to Government Treasury.
- 9. His/her services can be terminated at any time in case his/her performance is found un-satisfactory; he/she will be proceeded against under the removal from service under E&D Rules 2011.
- 10. He/she should produce Age & Health Certificate from the MS DIQ Hospital Manshra.
- 11. He/she may not be handed over the charge if his/her age is above 35 years and below 18 years.
- 12. The Candidates who are working as regular before 1<sup>st</sup> July 2001 in pervious post, his/her entitled for pension / gratuity etc.
- 13. No. TA/DA etc is allowed.
- 14. Charge report should be submitted to all concerned in duplicate.

(Umar Khan Kundi)  
 EXECUTIVE DISTRICT OFFICER  
 E&S EDU: MANSEHRA

Endst: No. 6810-49 /Estt: Appt: PST//2011-12 Dated Manshra the 31/5/ 2012  
 Copy to the:-

- 1. Secretary to Govt: of KP E&SE Department Peshawar.
- 2. Director E&SE Department KP Peshawar.
- 3. District Accounts Officer, Manshra.
- 4-5. District Officer (M&F) Local Office.
- 6-7. Deputy District Officer (Female&Male) E&SE Manshra.
- 8. PA to District Coordination Officer, Manshra.
- 9. Budget & Accounts Officer, local office, Manshra.
- 10. Candidates concerned.

  
 EXECUTIVE DISTRICT OFFICER  
 E&S EDU: MANSEHRA

*Attested:*  


**Muhammad Arshad Khan Tanch**  
 Advocate High Court  
 Office No. 33 Adjacent  
 Dist. 30r Abbottabad



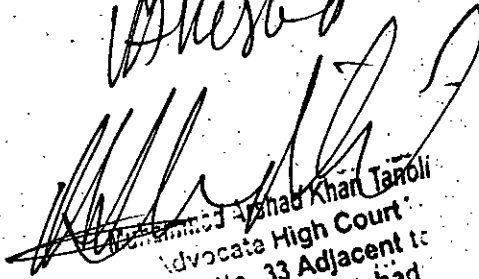
حوسناہ شہیدہ گل دفتر محل خان پست نے کیم (88) EDO  
 31/2012  
 مالٹیرہ آفس آرڈر فیصلہ رنڈر ڈیورٹمنٹ نمبر 69-6845  
 6/1 کو گورنمنٹ گرنڈ پرائمری اسکول بدہ پارس میں قبول کر دیا  
 2012  
 حافری روڈ ہے۔

گورنمنٹ آرڈر فیصلہ رنڈر ڈیورٹمنٹ نمبر 69-6845  
 6/1 کو گورنمنٹ گرنڈ پرائمری اسکول بدہ پارس میں قبول کر دیا  
 2012

گورنمنٹ گرنڈ پرائمری اسکول بدہ پارس

Gul Naveen Begum  
 Head Teacher  
 Govt. Girls Primary School  
 Bela Paras

- 1) EDO صاحب خانہ مالٹیرہ
- 2) DYDO (FE) پرائمری مالٹیرہ
- 3) ریڈی او صاحب سرکل کاتمان
- 4) پید پھر صاحبہ PS بدہ پارس

Attested  
  
 Advocate Arshad Khan Tanoli  
 Office No 33 Adjacent to  
 Court for Abbottabad

13

Annex 'C'

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

MUTUAL TRANSFER.

As approved by the competent authority the following PST teachers are hereby transfer on there own pay and BPS in the interest of public service with immediate effect.

S.NO	NAME OF TEACHER	FROM	TO	REMARKS
1.	Shaiqta Gul PST	GGPS Paras	GGPS Julgran	V.N.2
2.	Chan Gul PST	GGPS Julgran	GGPS Paras	V.N.1

Note:-

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

Sd/-

EXECUTIVE DISTRICT OFFICER  
(E & S) EDUCATION MANSEHRA

Endst: No. 1561-64 /GBMT/DD(U)

Dated: 22/07/2012.

Copy to the:-

1. Assistant District Officer circle concerned.
2. Head Teacher concerned.
3. Teacher Concerned.

Attested

*[Signature]*  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to

*[Signature]*  
DY: DISTRICT OFFICER (F)  
(E&S) EDUCATION MANSEHRA

(14)

حافری رپورٹ

Annex C II

مسماہ - شفق گل حضرت کمال خان نے آئندہ آڈر

حساب EDO آفس مالیکہ آڈر نیل اینڈ سمنٹ

نمبر 64-1561 نے تاریخ 7-2012 کو گورنمنٹ ٹرنز پرزائی

میلگرام میں حافری کر دی ہے

لینڈ رپورٹ ارسال خدمت ہے

المترجم

1-8-2012

سائڈ پیئر پیئر گورنمنٹ ٹرنز پرزائی سول میلگرام

Changul  
Head Teacher  
Govt. Girls Primary School  
Juigran

Attested

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to

Annex

بند جناب DEO/F صاحبہ ایجوکیشن ضلع نالہرہ

جناب عالیہ

15

اپیل برائے نحوہ تقرری حوالہ نمبر 49-6840-6840 جرم 31<sup>5</sup>/<sub>2012</sub>

گزارش خدمت کے ساتھ کی تقرری 31<sup>5</sup>/<sub>2012</sub> کو گورنمنٹ گزٹ میں جاری کی گئی

بیلہ پارس میں دیوں پر سائنڈ نے اپنی ڈیوٹی سرانجام دی ہے سائنڈ کا اثر الفز آڈر

9955 عبکاران میں ہوا ہے وہاں پر سائنڈ ڈیوٹی سرانجام دے رہی ہے

کئی بار نحوہ بھیجے ہوئے ہیں لیکن شنوائی میں حوالی جیسی بنا پر سائنڈ

کو جی کورٹ میں جاتا ہے اس لیے اس کا فیصلہ اب جلد جناب عالیہ

SDEO صاحبہ کی طرف سے بیلہ واصل ہوا ہے جبکہ 9<sup>5</sup>/<sub>2012</sub> تاریخ 18<sup>1</sup>/<sub>2012</sub> پر تقرری

سائنڈ میں سائنڈ نے اپنے کامنڈز دستخط میں جیسے کر دیے ہیں جیسی

تفصیل درج ہے

1) تقرری آڈر نمبر 49-6840-6840 جرم 31<sup>5</sup>/<sub>2012</sub>

2) جی کورٹ آڈر نمبر 930A (2013)

3) دفتر DEO/F کی طرف سے اپیل نمبر 5<sup>5</sup>/<sub>2012</sub> جرم 18<sup>1</sup>/<sub>2012</sub>

4) دفتر DEO/F کی طرف سے بیلہ نمبر 1566-64-64 جرم 30<sup>7</sup>/<sub>2012</sub>

5) حوالی رپورٹ بیلہ پارس 6/6/2012

6) حوالی رپورٹ عبکاران 1/8/2012

7) اپیل عدالت کی طرف سے سکوں میں حوالی کے حوالے سے اسٹیم پلر

سائنڈ شہتہ گل دفتر کمال فون 9955 عبکاران سرگرمی کاغذ

Shafiq

7/2/2014

*(Handwritten signature)*

رایہ فون نمبر 0346960376

03116459826

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to

REGISTERED

16

Dated. 03/02/2014

To :- Sub Divisional EDN Officers  
FEMALE MANSEHRA

Sub :- APPEAL FOR PAY

w/r to your letter No, 59 Dated 16.01.2014

Following documents are enclosed herewith  
for further action please.

a. Appoint order one copy

b. hazri report Gulfran "

c. hazri report Belal Khan "

d. Mutual Transfer order "

Attested  
Beas Hafji "

Muhammad Arshad Khan Jalloli  
Advocate High Court  
Office No 33 Adjacent to  
City Bar Abbottabad

Shafiq  
03/02/2014  
SHEEFA Gul JST D/o KAMAL KHAN  
C/O SABIR STATIONERS  
KAGHAN ROAD BALAK Balakot  
PO BALAKOT DISTT MANSEHRA

Muhammad Arshad Khan Jalloli  
Advocate High Court  
Office No 33 Adjacent to

17

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER(F)MANSEHRA

No 59  
Dated 18-7 /01/2014.

To.

Shaifta Gul PST D/o Kamal Khan  
Village & P/o Balakot  
Tehsil Balakot District Mansehra.

Subject:- APPEAL FOR PAY  
Memo:

I am directed to ask you to provide the supporting documents if you have performed the duty any where enabling this office to decide your appeal.

SUB DIVISIONAL EDUCATION OFFICER  
(FEMALE)MANSEHRA

*Arshad*

Muhammad Arshad Khan Janohi  
Advocate High Court  
Office No: 33 Adjacent to  
Dist. Bar Abbottabad

محکمہ خزانہ - ۵۴۰۵۰۵ میل انگوکھن مالکہ (زنانی)

خبر - عالی

گورنمنٹ ہائیڈرو پاور کمپنی کے ذریعہ سے آرڈر میاں سے رہی دیوہ  
سراپانگہ کے لیے اس سے قبل سائل کے متعدد بار رہی تنخواہ  
کے لئے دفتر سے رجوع کیا گیا تھا۔ تنخواہ نہ مل سکی اس لیے سائل  
عدالتی رجوع کیا۔ ملازمت کے متعدد سائل کے حقوق میں  
دیا گیا ہے جو کہ درخواست کے ساتھ لکھے  
لکھنا اس سائل کو عدالت کے فیصلہ کی روشنی میں

منجملہ دیوہ

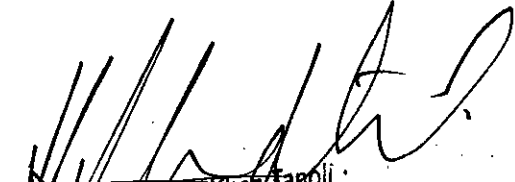
ڈائری کلمہ - ۹۷-۹  
171-14

S.D.O  
(Fe.)

سید شفیق علی پور ۵۴۰۵۰۵ پوسٹ کورنگہ ٹرنہ جی ایس سی جلالپور

Attested

31/01/2014

  
Advocate High Court  
Office No 33 Adjacent to  
Muzaffargarh

BEFORE THE PESHAWAR HIGH COURT  
BENCH ABBOTTABAD

W.P.NO. 9304 /2013

Annex "E"

19

(1) Mst. Uzma Sarfaraz D/O Sarfaraz PST Government Girls Primary School, Badalgran, Tehsil Balakot (2) Mst. Shafta Gul D/O Kamal Khan, PST Government Girls Primary School, Jalgran, Tehsil Balakot, District Mansehra.

.....Petitioners

VERSUS

- (1) The Government of K.P.K. through Secretary, Elementary and Secondary Education, Peshawar.
- (2) The Director Elementary and Secondary Education Department, Peshawar.
- (3) The District Education Officer, Education (Female), Manshra.
- (4) The Deputy District Officer, Education, (Female) Mansehra.
- (5) Assistant District Officer (Female) Circle Kaghan, Tehsil Balakot.
- (6) District Accounts Officer, Mansehra...Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973, THAT NON-RELEASING AND NON-PAYMENT OF THE MONTHLY SALARIES OF THE PETITIONERS BY RESPONDENTS NO.3 to 5 WITHOUT ASSIGNING ANY VALID AND LEGAL REASON IS UNCONSTITUTIONAL, ILLEGAL, UNLAWFUL, DISCRIMINATORY, WITHOUT LAWFUL AUTHORITY AND AGAINST THE CONSTITUTIONALLY GUARANTEED RIGHTS OF THE

No 3825  
28-12-13

*[Handwritten signature]*

Certified to be True Copy

Peshawar Court  
Abbottabad Bench  
Amended Under Section 10 of the

*[Handwritten signature]*  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Dist. Cor. Abbottabad



P (2)

PETITIONERS, THIS ACT OF THE RESPONDENTS IS LIABLE TO BE STRUCK DOWN.

(20)

PRAYER

On acceptance of the instant constitution petition the respondents No.3 to 5 may graciously be directed to release and pay the monthly salaries of the petitioners without any further delay.

Respectfully Sheweth!

1. That, the petitioner No.1 was duly appointed as PST at Government Girls Primary School, Badalgran, Tehsil Balakot and petitioner No.2 also appointed as PST at Government Girls Primary School, Bella Paras, Tehsil Balakot, by competent authority on the recommendation of duly constituted departmental selection committee against the vacant posts lying at above mentioned schools in BPS-07. (Copy of appointment letters are annexed as Annexure "A&B" respectively).
2. That, after being duly appointed, the petitioners were medically examined who submitted their arrival reports at the concerned posted school regularly. (Copies of medical certificates and arrival reports are annexed as Annexure "C&D" respectively).

FILED TODAY

Additional Registrar  
Peshawar High Court  
Abbottabad Bench  
28/12/17

That, the petitioners after their appointments have been regularly performing their services in concerned schools. (Copy of attendance register is attached as Annexure "E").

Certified to be true Cop:

10/1/18  
Peshawar High Court  
Abbottabad Bench

Arshad

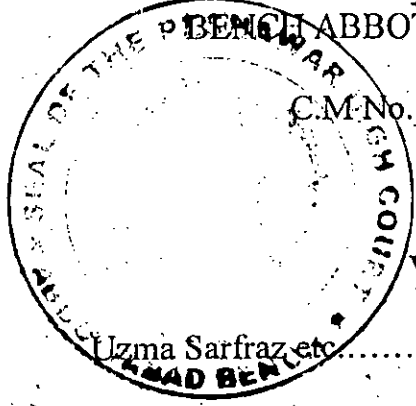
Muhammad Arshad Khan Tan  
Advocate High Court  
Office No. 33 Adjacent

21

P-3

Annex 1

BEFORE THE PESHAWAR HIGH COURT,  
BENCH ABBOTTABAD



C.M.No. 425A of 2014

IN

W.P No.930-A of 2013

Uzma Sarfraz etc ..... Petitioners

19  
27

VERSUS

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

WRIT PETITION

APPLICATION FOR ISSUANCE OF  
DIRECTION TO THE RESPONDENTS  
TO RELEASE THE MONTHLY  
SALARIES OF THE PETITIONERS.

Respectfully Sheweth!

1. That, the above-titled Writ Petition is pending before this Honourable Court which is fixed for 18.09.2014.
2. That, after attendance, the Advocate General was directed to submit the better statement who seek the time for the same and thus the above-titled writ petition was fixed for 18.09.2014.
3. That, the petitioners are regular employees who are working regularly

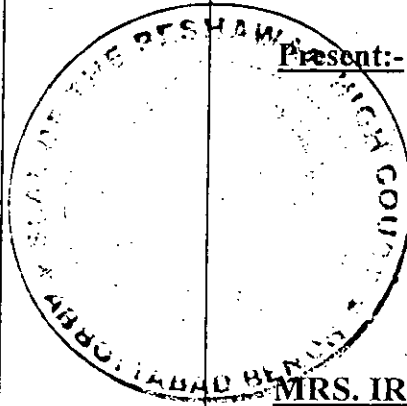
*Muhammad Iqbal Khan*  
Muhammad Iqbal Khan  
Peshawar High Court  
Office No 33 Adjacent

Certified to be True Copy  
*2014*  
Court  
Bench  
Acts Ord

29

PESHAWAR HIGH COURT ABBOTTABAD BENCH.  
FORM "A"  
FORM OF ORDER SHEET

Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of judge or Magistrate and that of parties or counsel where necessary
1	2	3
	24.07.2014	<p style="text-align: center;"><b><u>CM No.425-A/2014 and CM No.746-A/2014 in WP No.930-A/2014</u></b></p> <p><b>Present:-</b> Mr. Abdul SAboor Khan, Advocate for the petitioners.</p> <p>Mr. Muhammad Naeem Abbasi, AAG for the respondents.</p> <p><b><u>MRS. IRSHAD QAISER, J:-</u></b> Through these CMs, the petitioners sought the issuance of direction to the respondents to release the monthly salaries of the petitioners. Notice was issued to respondents. Arguments heard and record perused.</p> <p>Petitioners have annexed their appointment orders dated 31.5.2012. Respondents submitted their comments, wherein they admitted the issuance of above noted appointment order but it was contended that later on the appointment of petitioners was detected as fictitious by the departmental inquiry. On 26.06.2014 respondents were directed to submit inquiry report alongwith the better statement. But inspite of repeated</p>



*Attended*

*Muhammad Arif Khan*  
Advocate High Court  
Office No- 33 Adjacent to  
District Jail Abbottabad

*og*

directions, respondents failed to submit inquiry report. Thus, at present in the absence of inquiry report a prima facie case exists in favour of petitioners. Thus, while relying on the judgment of apex Court in case 'Rector COMSATS V. Ghulam Umar Kazi (2006 SCMR 1894) and to save the petitioners and their families from starvation, the CM is allowed and respondents are directed to release the monthly salary of the petitioners till the disposal of the writ petition

SD JUDGE 1

Certified to be True Copy  
D. U. S. A.  
Ex. 1  
Desaiwa. J. Court  
Abbottabad Bench  
Authorized Under Sec 25 Act 1973

Attested  
Muhammad Iqbal Khan, Talwar  
Associate High Court  
Office No 33 Adjacent to

22

24

P. (9)

BEFORE THE PESHAWAR HIGH COURT  
BENCH ABBOTTABAD

CM No: 746 A/13

Mst. Uzma Sarfaraz etc. ....Petitioners

VERSUS

The Government of K.P.K. through Secretary, Elementary  
and Secondary Education, Peshawar & others.

.....Respondents

WRIT PETITION

APPLICATION SEEKING FOR INTERIM RELIEF  
THAT THE RESPONDENTS NO.3 to 5 BE DIRECTED  
TO RELEASE THE MONTHLY SALARIES OF THE  
PETITIONERS.

Respectfully Sheweth!

1. That, the petitioners have filed the accompanying writ petition before this Honourable Court, the contents of this application for interim relief may graciously be treated as an integral part of the main writ petition.
  2. That, the petitioners have brought a good prima facie case in their favour and are optimistic about the success of the main writ petition.
  3. That, balance of convenience also lies in favour of petitioners.
- That, in case, the monthly salaries of the petitioners is not released; the petitioners would suffer irreparable loss.

*Attested*

*Muhammad Asghar Khan Tandon*  
Advocate High Court  
Office No 33 Adjacent to  
Dist. Jail Abbottabad

*28/1/14*

Certified to be True Copy

Examiner  
Peshawar High Court  
Abbottabad Bench  
Under Sec 75 Acts Ordns

25

*[Handwritten marks]*

It is, therefore, most humbly prayed that on acceptance of the instant application the respondents No.3 to 5 may graciously be directed to release the monthly salaries of the petitioners forthwith.

Dated: 28.12.2013

Mst. Uzma Sarfaraz etc.  
.....Petitioners

THROUGH

*Ashfaq*  
MALIK ASHFAQ AHMED JILLANI  
&  
MUHAMMAD ARIF KHAN  
ADVOCATES (HIGH COURT)  
MANSEHRA

AFFIDAVIT

We (1) Mst. Uzma Sarfaraz D/O Sarfaraz PST Government Girls Primary School, Badalgran, Tehsil Balakot (2) Mst. Shafta Gul D/O Kamal Khan, PST Government Girls Primary School, Jalgran, Tehsil Balakot, District Manshra, hereby certify that the contents of foregoing application are true and correct to the best of our knowledge and belief and nothing has been concealed or suppressed from this Honourable Court.

Dated: 28.12.2013

DEPONENTS

(1) UZMA SARFARAZ \_\_\_\_\_ (2) SHAFTA GUL \_\_\_\_\_

*@gmat* 13501-62/11599-8 *Shafta*  
13501-9692446-2

7406/253

at Atd

28/12

Dec 13

Mst Shafta Gul D Kamal Khan  
Balakot  
Ashfaq Jeehan Adu

Milki

Certified to be True Copy

*[Handwritten signature]*  
28/12/13

*[Handwritten signature]*  
Muhammad Yashad Khan Jafar  
Advocate High Court  
Office No 33 Adjacent to  
Manshera

26

PESHAWAR HIGH COURT ABBOTTABAD BENCH.  
FORM "A"  
FORM OF ORDER SHEET

Serial No of  
order or  
proceeding  
1

Date of Order  
or Proceeding  
2

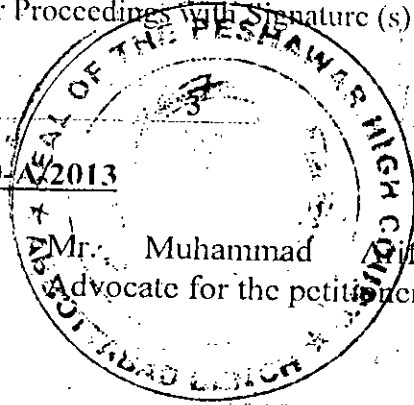
09.01.2014

Order or other Proceeding with Signature (s) of Judge (s)

WP No.930-A/2013

Present:-

Mr. Muhammad Khan,  
Advocate for the petitioners.



Let pre-admission notice be issued  
to the respondents for a date in office.

CM No.746-A/2013

The respondents are directed to  
release the salary of the petitioners, if they have  
performed their duties as asserted by them.

*Attested*  
Muhammad Shahid Khan, Advocate  
Peshawar High Court  
Office No. 13, adjacent to

*30 JAGGS*

Certified to be True Copy

EX-114  
Peshawar Court  
Abbottabad Bench  
Authorized Under Section 75 Acts Ordinance

\*/MSA/\*

27

Annex F

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

REMOVAL FROM SERVICE

As per Judgment passed by the Honorable Peshawar High Court Circuit Bench Abbottabad vide writ petition No.930-A/2013 dated 3.3.2015 Mst:Shaifta Gul D/O Kamal Khan PST Govt:Girls Primary School Jalgran is hereby Removed from service w.e.f the date of appointment.

-sd-

DISTRICT EDUCATION OFFICER  
(FEMALE)MANSIRA

Endstt:NO 11370-76 Dated 19/11/15 2015.

Copy to :-

1. The P.S to secretary Elementary & Secondary Education Peshawar.
2. The Director Elementary & Secondary Education Peshawar
3. The Additional Registrar Peshawar High Court Bench Peshawar.
4. The District Accounts Officer Mansehra.
5. The Sub-Divisional Education Officer (Female) Mansehra
6. Shaifta Gul Govt:Primary School Jalgran .
7. Office copy.

*Attested*  
 Muhammad Arshad Khan Tanoli  
 Advocate High Court  
 Case No. 33 Adjacent to  
 Peshawar

*[Signature]*

DISTRICT EDUCATION OFFICER  
(FEMALE)MANSIRA

Received on  
31/12/2015



To

The Director,  
Education (E&SE)  
KPK, Peshawar.

Annex

G

28

Subject:

DEPARTMENTAL APPEAL AGAINST IMPUGNED  
ORDER ENDST NO. 11370-76 DATED 19-11-2015  
AND RE-INSTATEMENT OF THE APPELLANT IN  
SERVICE.

Sir,

1. With due respect, it is submitted that the appellant was appointed as PST as per prescribed rules and procedure vide appointment order dated 18-05-2012.
2. That the appellant served the department with complete devotion and dedication since her appointment. The department did not pay salary to the appellant w.e.f the date of his appointment to till date.
3. That DEO (Female) Mansehra without conducting proper inquiry & show cause notice, removed the appellant vide impugned removal from service order Endst No. 11370-76 dated 19-11-2015. (Copy attached).
4. That the defendant did not make payment to the appellant w.e.f the date of his appointment i.e. 18-05-2012 till her removal from service

*Attested*  
Advocate  
Office No. 38  
High Court  
Adjacent

5. That the impugned removal from service order of the appellant dated 19-11-2015 is illegal, against the law, discriminatory and liable to be set-aside as she has not been issued show cause notice etc.

29

It view of the above, it is prayed that the impugned removal from service order dated 19-11-2015 may be cancelled and the appellant may be restored on her PST post and arrears of payment of salary wef 18-05-2012 to till date may graciously be ordered to be paid to her and obliged.

Sincerely yours

*Shafa*

Mst. Shaifta Gul  
D/o Kamal Khan  
PST Govt; Girls Primary School  
Jalgran, District Mansehra.

Dated: 30-01-2016

*Attested*

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 30 Adjacent to



Annex "H"

(30)

**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA**

Email: deofmansehra@yahoo.coms

Phone & Fax: 0997-302518

**RELEASE OF PAY.**

In compliance of order passed by the Honorable High Court Bench Abbottabad in writ Petition No.930-A/2014, vide CM No.425-A/2014 and CM No.746-A/2014 dated 24.7.2014, COC No.55-A/2014 dated 25.09.2014, letter No.1504 dated 27.9.2014, by Additional Registrar, Peshawar High Court Bench Abbottabad CM No.645-A/2014 dated 15.10.2014, the salary of Mst:Shafta Gul PST GGPS Bela Paras Gran Circle Kaghan is hereby released.

Sd/-  
DISTRICT EDUCATION OFFICER  
FEMALE MANSEHRA.

Endst: No. 9459-65/PF.Uzma Sarfaraz/ PST/ Dated Mansehra the 15/11 /2014

Copy to :-

1. The Additional Registrar Honorable High Court Bench Abbottabad w/r his writ Petition No.930-A/2014.
2. The District Accounts Officer Mansehra.
3. Sub-Divisional Education Officer (F) Mansehra.
4. Budget and Accounts Officer Local Office.
5. Superintendent Local Office.
6. ASDEO Circler Kaghan.
7. Mst:Shafta Gul PST GGPS Bela Paras Gran Circle Kaghan.

DISTRICT EDUCATION OFFICER  
FEMALE MANSEHRA

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to

Muhammad Arshad Khan Tanoli  
Advocate  
Distt: Courts Abbottabad

(31)

Annex 4 H

GOVERNMENT OF KHYBER PAKHTUNKHWA

Cheque No. 1059696

0000001059696

Token No. 004408

GOVERNMENT OF PAKISTAN

Pre-Audit Cheque

Dated 17/11/2017

Department

Office of

On the State Bank of Pakistan National Bank of Pakistan

Pay to

SUB-DIVISIONAL EDUCATION OFFICER PRNAB

RS. 16774-00

Rupees SIXTEEN THOUSAND SEVEN HUNDRED SEVENTY FOUR ONLY

Attested

Muhammad Waqar  
Advocate High Court Swat  
Office No 33 Adjacent

This cheque is current for three months only after the month of issue

DO NOT WRITE BELOW THIS LINE

Account No. 1059696

THE UNIVERSITY OF CHICAGO  
LIBRARY

32

SA: 1

Mansha

P Sec: 001 North December 2014  
NA7044 - Dy. D O (S) Prv Edu Mansha

abr

Pers #: 00729079      Buckle:  
Name: SHAFIQA GUL  
Occ: PRIMARY SCHOOL TEACHER  
CNIC No. 1350196924402  
GPF Interest Applied  
12 Active Temporary

Min: Education Schools  
NTN:  
GPF #:      NA7044  
OIA #:

PAYS AND ALLOWANCES:

0001-Basic Pay	7,000.00
1000-House Rent Allowance	1,300.00
1210-Convey Allowance 2005	2,854.00
1300-Medical Allowance	1,200.00
1971-Adhoc Allowance 2011@ 15%	650.00
1973-Adhoc Allowance 2011@ 50%	2,177.00
2118-Adhoc Relief Allow (2012)	1,400.00
2146-15% Adhoc Relief All-2013	1,050.00
2174-Adhoc Relief Allow-2014	700.00
Gross Pay and Allowances	48,342.00

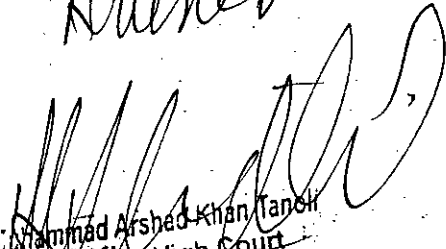
DEDUCTIONS:

GPF Balance	1,160.00	Subrc.	1,160.00
3501-Benevolent Fund			180.00
3511-Addl Group Insurance			13.00
3604-Group Insurance			115.00
3990-Emp. Edu. Fund KFX			100.00

Total Deductions      1,568.00

16,774.00

O. O. B      LFP Quota: 4  
01.01.1995      Payment through ODD.  
00 Years 07 Months 000 Days

*Attested*  
  
M. Kamran Arshed Khan/Tanchi  
Advocate High Court  
Office No. 33 Adjacent to

33

SN: 12

Wanshra

M. S. No. month: December 2011  
MA7044 -1 U D (F) Edu Res:

Para #: 00729095 Buckle  
Name: UZMA SARFRAZ  
Des.: PRIMARY SCHOOL TEACHER  
CNIC No 1350162115998  
GPF Interest Applied

Min: Education Schools  
HTN:  
GPF #:   
Old #:

12 Active Temporary  
PAYS AND ALLOWANCES:

14/044

0001-Basic Pay	7,000.00
1000-House Rent Allowance	1,506.00
1210-Convey Allowance 2005	2,556.00
1300-Medical Allowance	1,200.00
1971-Adhoc Allowance 2011@ 1/	453.00
1973-Adhoc Allowance 2011@ 5/	2,177.00
2118-Adhoc Relief Allow (201/	1,400.00
2148-15% Adhoc Relief All-20/	1,050.00
2174-Adhoc Relief Allow-2014	700.00
Gross Pay and Allowances	18,542.00

DEDUCTIONS:

GPF Balance	1,160.00	
3501-Benevolent Fund		180.00
3511-Adm Group Insurance		13.00
3604-Group Insurance		115.00
3990-Emp. Edu. Fund KPK		100.00

Total Deductions

1,568.00

16,774.00

D. D. 11.03.  
02 Years 07 Months 000 Days

LFP Jata. BALAKOT  
8. ABL, BALAKOT BALAKOT  
2797-7

*Attested*  
*Muhammad Ashad Khan Tanoli*

Muhammad Ashad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to

34

عین سمانہ شیفتہ گل Pst گورنمنٹ ٹریڈنگ اسکول جگلران نے  
مبلغ 16774 روپے تنخواہ لیا گیا بزرگوار ایک کراس نمبر 06740621 حوالہ 6/15  
خود کشی SDFCEI مالیرہ سے وصول کیا کر سید لکھ دی  
تاکہ سندریج اور بوقت ضرورت نکال آئے۔

الحاضر  
Pst شیفتہ گل Shafqa  
انگریزی گورنمنٹ ٹریڈنگ اسکول جگلران نزد کابغان  
COPC No. 13501-9692446-2

A. Usmani  
Mohammed Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to

Witness No. 1 Sakinullah ADO (lit) 6-1-15

A. Usmani  
SDEO (Female)  
Manshra



NATIONAL BANK OF PAKISTAN  
MANSEHRA BRANCH, MANSEHRA

Cheque No 06740621

Date 06/01/2015

Pay Shafqa Gul or bearer  
Rupees Sixteen thousand seven hundred  
& seventy four only

PKR=16774/-

A/C No. 0000002200029421  
SDEO FEMALE MANSEHRA

SDEO (Female)  
Manshra

Please do not write below this line.

⑈06740621⑈0700364⑈0000002200029421⑈000⑈



# Annex

## چشم حاضری مدرسین

گورنمنٹ ریفرنڈری کالج گلبرگ

2012

جولائی بابت ماہ

35

روز	وقت	روز	وقت	روز	وقت	روز	وقت	نمبر
Sunday		Sunday		Sunday				1
وقت	وقت			Gul	1:30	Gul	8:00	2
وقت	وقت			Gul	1:30	Gul	8:00	3
وقت	وقت			Gul	1:30	Gul	8:00	4
وقت	وقت			Gul	1:30	Gul	8:00	5
وقت	وقت			Gul	1:30	Gul	8:00	6
وقت	وقت			Gul	1:30	Gul	8:00	7
		Sunday		Sunday				8
وقت	وقت			Gul	1:30	Gul	8:00	9
وقت	وقت			Gul	1:30	Gul	8:00	10
وقت	وقت			Gul	1:30	Gul	8:00	11
وقت	وقت			Gul	1:30	Gul	8:00	12
وقت	وقت			Gul	1:30	Gul	8:00	13
وقت	وقت			Gul	1:30	Gul	8:00	14
وقت	وقت			Gul	1:30	Gul	8:00	15
Sunday		Sunday		Gul	1:30	Gul	8:00	16
وقت	وقت			Gul	1:30	Gul	8:00	17
وقت	وقت			Gul	1:30	Gul	8:00	18
وقت	وقت			Gul	1:30	Gul	8:00	19
وقت	وقت			Gul	1:30	Gul	8:00	20
وقت	وقت			Gul	1:30	Gul	8:00	21
Sunday		Sunday		Sunday				22
وقت	وقت			Gul	1:30	Gul	8:00	23
وقت	وقت			Gul	1:30	Gul	8:00	24
وقت	وقت			c/l		c/l		25
وقت	وقت			Gul	1:30	Gul	8:00	26
وقت	وقت			Gul	1:30	Gul	8:00	27
وقت	وقت			Gul	1:30	Gul	8:00	28
Sunday		Sunday		Sunday				29
وقت	وقت			Shaza	12-35	Shaza	7:30	30
وقت	وقت			Shaza	12-35	Shaza	7:30	31

19/7/2012  
**ADEELA RANI**  
 ASSISTANT DISTRICT OFFICER  
 E & S EDUCATION  
 MANGSHERRA

*Handwritten signatures and notes*

Muhammad...  
 Advocate  
 Distt. Courts Abbottabad

قسم رخصت  
 اتفاق  
 استحقاق  
 بیاری  
 میزان

میزان

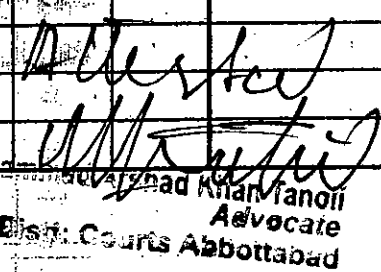
گورنمنٹ لائبریری سکول گلبرگ

رجسٹر حاضری مدرسہ

2012 بابت ماہ

36

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وفاقی	وفاقی	Shatta	11:00	Shatta	7:30	3
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	4
وفاقی	وفاقی	Sunday				5
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	6
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	7
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	8
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	9
وفاقی	وفاقی	Shatta	11:00	Shatta	7:30	10
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	11
وفاقی	وفاقی	SUNDAY				12
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	13
وفاقی	وفاقی	SUNDAY				14
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	15
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	16
وفاقی	وفاقی	Shatta	11:00	Shatta	7:30	17
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	18
وفاقی	وفاقی	SUNDAY				19
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	20
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	21
وفاقی	وفاقی	C/L	12:35	C/L	7:30	22
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	23
وفاقی	وفاقی	Shatta	11:00	Shatta	7:30	24
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	25
وفاقی	وفاقی	SUNDAY				26
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	27
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	28
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	29
وفاقی	وفاقی	Shatta	12:35	Shatta	7:30	30
وفاقی	وفاقی	Shatta	11:00	Shatta	7:30	31

  
 Advocate Khair Tanoli  
 Dist: Courts Abbottabad



راجہ جعفر حاضر می مدینہ کورٹنگ کمر لٹر پور امری سکول حلاکوہ

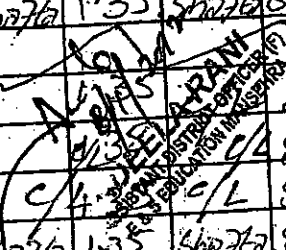
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اکتوبر		پہلے		دوسرے		نمبر
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1:30	8:00	1:30	8:00	1:30	8:00	18
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1:30	8:00	1:30	8:00	1:30	8:00	31
1:30	8:00	1:30	8:00	1:30	8:00	31

دوسرے سلسلے پر لکھو  
 حلاکوہ  
 سکول حلاکوہ

Shahid  
 Tanoli  
 date

میراث	سابقہ	حال	میراث	سابقہ	حال	میراث	سابقہ	حال	میراث	سابقہ	حال	میراث	سابقہ	حال	میراث	سابقہ	حال	میراث	سابقہ	حال	میراث	سابقہ	حال	

شماره		مبلغ		تاریخ		ملاحظات	ردیف
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قصاص	قصاص						4
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قصاص	قصاص	Shazta 1.35	Shazta 8.30				7
قصاص	قصاص	Shazta 1.35	Shazta 8.30				8
قصاص	قصاص	Shazta 12.00	Shazta 8.30				9
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قصاص	قصاص	Shazta 1.35	Shazta 8.30				16
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قصاص	قصاص						26
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قصاص	قصاص	Shazta 1.35	Shazta 8.30				30
قصاص	قصاص	Shazta 12.00	Shazta 8.30				31



دستخط  
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 دستخط  
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 دستخط

Attested

Advocate High Court  
 Office No. 32

محمد وقاص جان		محمد وقاص جان		محمد وقاص جان		محمد وقاص جان		محمد وقاص جان		محمد وقاص جان		محمد وقاص جان	
محمد وقاص جان													
وقاص	وقاص	Shakta	1-30	Shakta	8-30								
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وقاص	وقاص	Shakta	1-30	Shakta	8-30	Speed	1-30	Speed	8-30				
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وقاص	وقاص	Shakta	12-00	Shakta	8-30	Speed	1-30	Speed	8-30				
وقاص	وقاص	Shakta	1-30	Shakta	8-30	Speed	1-30	Speed	8-30				
وقاص	وقاص	Sunday											
وقاص	وقاص	C/L	1-30	C/L	8-30	Speed	1-30	Speed	8-30				
وقاص	وقاص	Shakta	1-30	Shakta	8-30	Speed	1-30	Speed	8-30				
وقاص	وقاص	Shakta	1-30	Shakta	8-30	Speed	1-30	Speed	8-30				
وقاص	وقاص	Shakta	1-30	Shakta	8-30	Speed	1-30	Speed	8-30				
وقاص	وقاص	Shakta	12-00	Shakta	8-30	C - Leave		C - Leave					
وقاص	وقاص	Shakta	1-30	Shakta	8-30	Speed	1-30	Speed	8-30				
		Sunday											
وقاص	وقاص	Shakta	1-30	Shakta	8-30	Speed	1-30	Speed	8-30				
وقاص	وقاص	Shakta	1-30	Shakta	8-30	Speed	1-30	Speed	8-30				
		Shakta	1-30	Shakta	8-30	Speed	1-30	Speed	8-30				
		Shakta	1-30	Shakta	8-30	Speed	1-30	Speed	8-30				
		Shakta	12-00	Shakta	8-30	Speed	1-30	Speed	8-30				
		Shakta	1-30	Shakta	8-30	C - Leave		C - Leave					
		Sunday											

Attested  
 Muhammad  
 Director

محمد وقاص جان

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سولہ ویں درجے کی

وفاقی قومی

گاہیں

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Shuffle Gul

(حصہ دوم)

# لاگ بک

(41)

رپورٹ کی روشنی میں سکول  
اقتدار نے جو کارروائی کی۔

## رائے / رپورٹ معائنہ

16/12/2014

8:45

اجلاس معائنہ  
گورنمنٹ سکول ایف ڈی ایف ایف

مدرسہ سرکارہ ایف ڈی ایف ایف

اور سکول ایف ڈی ایف ایف کے ایک کمرے میں  
16/12/2014

1) بی بی نسیم

2) شہیناز گل

3) وہابہ علیہ

ادنیٰ اعلیٰ اور سکول ایف ڈی ایف ایف

12/7، 7/4، 6/6، 6/7، 0/3

1) سکول ایف ڈی ایف ایف کے کمرے میں

پوسٹ معائنہ سکول ایف ڈی ایف ایف اور سکول ایف ڈی ایف ایف

2) سکول ایف ڈی ایف ایف کے کمرے میں

انڈیکسنگ 4459-65  
Date: 15-11-2014

مدرسہ سرکارہ ایف ڈی ایف ایف کے کمرے میں

دو کمرے ایف ڈی ایف ایف کے کمرے میں

1) سکول ایف ڈی ایف ایف کے کمرے میں

Attested  
Muhammad Asadullah  
Advocate  
Distt: Courts Abbottabad



# لاگ بک (حصہ دوم)

رپورٹ کی روٹڈ میں سکول  
اقتدار نے جوکا والی کی۔

## رائے ا رپورٹ معائنہ

میں نے پڑھ لی ہے۔ اس بارڈر میں سے  
 میں نے پڑھ لی ہے۔ اس بارڈر میں سے  
 وہ تھوڑے اور کی جے۔ سرور کے خصوصیات کا  
 نامہ انتظام میں ہے

قدم سے سہارن کی ہے۔ یہ ہے  
 اس کے لئے Complete ہے  
 وہ تھوڑے اور کی جے۔ سرور کے خصوصیات کا

A 332008  
 circle karnal  
 16/12/2014

Atterbul  
 Advocate  
 Distt: Courts Abbottabad

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD

Ser. No. 272392

PROVISIONAL RESULT CARD


Name SHAFTA GUL  
 Fathers's Name KAMAL KHAN  
 Address AHMED NAWAZ BOOK DEPOT KACHHAN ROAD  
 Tehsil BALAKOT  
 District MANSEHRA  
 has successfully completed BACHELOR OF EDUCATION (B. ED)

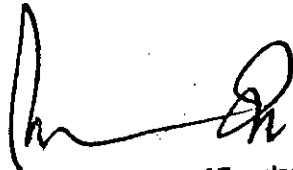
Roll No 606189629  
 Registration No OGNMA0244  
 Final Semester SPR-2009

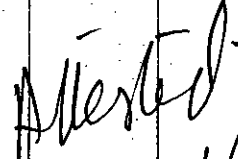
43

The detail of passed courses are as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
SPR-08	0516	EDUCATIONAL PSYCHOLOGY & CURRICULUM	100	62
SPR-08	0514	EVALUATION, GUIDANCE & RESEARCH	100	60
SPR-08	0651	ENGLISH	100	52
SPR-08	0510	SCHOOL ORGANIZATION	100	57
AUT-08	0654	TEACHING OF ISLAMAT	100	54
SPR-09	0652	ISLAM, PAKISTAN AND MODERN WORLD	100	63
SPR-09	0512	PERSPECTIVES OF EDUCATION	100	54
SPR-09	0655	WORKSHOP & TEACHING PRACTICE	100	64
SPR-09	0517	TEACHING OF PAKISTAN STUDIES	100	70

Department Of Examinations  
 (Certificate Section)  
  
**VERIFIED**  
 Certificate/Degree/Diploma/Transcript  
 bearing Sr. No. 272392 is  
 Checked & Found Correct.  
 Signatures:- AS

  
 Assistant Controller of Examinations  
 Certificate Section  
 Allama Iqbal Open University  
 Islamabad.

  
 Muhammad Ghous Khan Jand  
 Advocate High Court  
 Office No 33 Adjacent to

CREDITS: 6

Total Marks / Obtained 900 / 554

Result Declared on FEBRUARY 10, 2010

Percentage / Grade 62 5

Date of issue FEBRUARY 20, 2010

Controller of Examinations

**Disclaimer:**  
 This result card is issued provisionally, error and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma which will be issued after scrutiny of regulations on the basis of the original record of the university student.

# HAZARA UNIVERSITY, MANSEHRA, NWER, PAKISTAN

SNo: 14480

44



## DETAILED MARKS CERTIFICATE BA Annual 2005

Roll No: 18248 ✓ Registration No: 04-P-936  
 Student's Name: Shafta Gul ✓ Father's Name: Kamal Khan  
 Institution/District: Manshra Part: Second

11863/A/ES

Course Name	Maximum Marks	Marks Obtained	Marks In Words	Remarks
1. Part I Marks	285	129 ✓	One Hundred & Twenty-Nine	Pass
2. English Compulsory	75	29 ✓	Twenty-Nine	Pass
3. Pakistan Studies	40	24 ✓	Twenty-Four	Pass
4. Urdu	75	45 ✓	Forty-Five	Pass
5. Islamic Studies	75	46 ✓	Forty-Six	Pass
<b>Total</b>	<b>550</b>	<b>273</b>		
Percentage	49.64 %			
Division	Second			

✓

Prepared by:

Checked by:

**VERIFIED BY**  
 Controller Examinations  
 Hazara University, Mansehra  
 August 25, 2005

Page = 225/298  
09/04/2013

Attested  
 Advocate High Court  
 Office No. 33 Adjacent to

10455/A/04

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

MANSEHRA

No. \_\_\_\_\_

Dated: \_\_\_\_\_ / \_\_\_\_\_ 2013

45

To

1. Principal /H/M GHHS/GHS \_\_\_\_\_
2. B & AO Local official
3. Sub Divisional Officer (Male) Primary Mansehra.

Subject: VERIFICATION

Memo:

Enclosed please find with photocopies of the testimonials of the following teachers duly verified by the concerned Board/ University.

1.  SSC
2.  FA/FSC
3.  BA/BSC
4.  MA/MSC
5.  Professional, PTC/CT/DM/PETA/AT/TT/QARI

S#	Name of Teachers	School Name	Designation
1	Shaiqta Gul	U.P.S. Bela Paras	P.T.C.
/	/	/	/
/	/	/	/
/	/	/	/

You are directed to release their pay

DISTRICT EDUCATION OFFICER (MALE)  
MANSEHRA

Attested  
  
Advocate High Court  
Office No. 33 Adjacent to

# وکالت نامہ

کورٹ فیس

بعدالت حساب کرویس ٹرانسکوئل لکچر سٹور

عنوان: شیف گل بنام حکومت لکچر

منجانب: Appellant

نوعیت مقدمہ: کیس ملزمت باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آل مقام

محمد شرف بن نسو رید کوکسٹ سٹیٹ لکچر

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

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم:

بمقام:

Accepted

Muhammad Anwar Khan  
Advocate/High Court  
Office No 83 Adacent to  
Court for Ahmudnagar  
M. Anwar Khan

سید محمد علی  
سید محمد علی

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

CM No. \_\_\_\_\_/2016

IN

Service Appeal No. 574/2016

Mst. Shafta Gul daughter of Kamal Khan, resident of Pari Balakot.

....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education (E&SE), Peshawar & others.

....RESPONDENTS

**SERVICE APPEAL**

APPLICATION FOR PLACING OF JUDGMENT IN  
WRIT PETITION NO.930-A/2013 DATED 03/03/2015  
AS DIRECTED BY THIS HONOURABLE COURT  
VIDE ORDER DATED

---

Respectfully Sheweth:-

1. That the captioned service appeal of the appellant is pending adjudication before this Honourable Tribunal and the date of hearing is fixed for today i.e 22/09/2016.

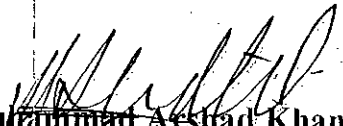
2. That as per direction of this Honourable Tribunal dated judgment of Peshawar High Court, bench Abbottabad in writ petition No.930-A/2013 dated 03/03/2015 is attached as Annexure "A".

It is, prayed that judgment of Peshawar High Court, bench Abbottabad dated 03/03/2015 may graciously be ordered to be placed on court file.

Dated; 21/9 /2016

Through

*Shafiq*  
...APPELLANT

  
(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

JB

Annex A  
B...

2

Judgment Sheet

IN THE PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

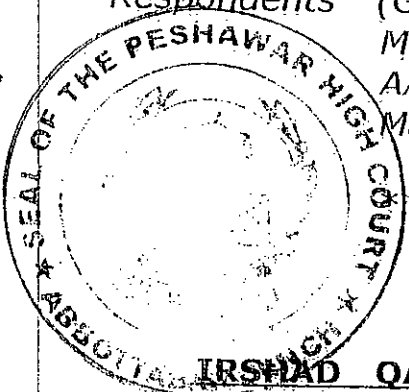
WP No. 930-A of 2013

JUDGMENT

Date of hearing.....03/03/2015.....

Petitioners...(Mst. Uzma Sarfaraz etc) Malik  
Ashfaq Jilani, Advocate.....

Respondents (Govt. of KPK etc) by Mr.  
Muhammad Naeem Abbasi,  
AAG alongwith DEO (F)  
Mansehra, respondent No.3 ...



IRSHAD QAISER, J:- Mst. Uzma

Sarfaraz and Mst. Shafia Gul, petitioners  
seek the Constitutional jurisdiction of  
this Court praying that;

JR

**"It is therefore, most  
humbly prayed that on  
acceptance of the instant  
constitutional petition the  
respondents No.3 and 5  
may graciously be directed  
to release and pay the  
monthly salaries of the  
petitioners without any  
further delay."**

Assisted  
M. Ashraf &  
Coush Adv.

Mined to be True Copy  
10/3/15  
Court  
Abbottabad Bench  
2nd Floor, Sadda 75 Aids Office



*(Handwritten initials)*

2. In essence, the grievance of the petitioners is that they were appointed in Education Department as Primary School Teachers and after their appointments, they have been rendering their services, however, respondents No.3 to 5 withheld their salaries without assigning any reason therefor; and that they have also submitted applications for release of their salaries but to no avail.

3. The respondents submitted their para-wise comments to the writ petition, wherein, they termed the appointments of the petitioners to be fake and bogus.

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

5. The prayer of the petitioners for release of their salaries for the services

*(Handwritten initials)*

Attested  
*(Handwritten signature)*  
M. Ashraf  
Tombli Adl.

Certified to be True Copy  
10/3/15  
Peshawar Bench  
Authorized Under Section 75 of the Ordinance

(AS)

allegedly rendered by them cannot be endorsed because the very appointments of the petitioners, after proper inquiry by the competent authority, were declared illegal. It was clearly mentioned by the respondents in their comments that the names of the petitioners were not reflected in the merit list and they obtained illegal appointment orders and the attendance register presented by them was also fake. The Head Teachers of the concerned schools also submitted their reports to the effect that the petitioners have not performed their duties. It is also evident from the record that the then Executive District Officer, Mansehra, has been removed from service on the charges of illegal appointments of female teachers. Since, the petitioners have miserably failed to prove that they had rendered services

*JOS*

*Alleged*  
*M. Arshad Ali*  
*Comdt. A/V*

Certified to be true Copy  
10/3/15  
Post Office  
Abdullah Khan, Peshawar  
Authorized Under Sec. 75 Arts 177

(26)

after their lawful and legal appointments  
in the Education Department, therefore,  
they are not entitled to be paid salaries  
therefor.

6. Accordingly, for the reasons  
mentioned hereinabove, the present  
petition being without any substance  
and legal force is dismissed.

SO JUDGES

Affixed  
*[Signature]*  
M. Ashraf Khan  
Consty Adv.

Announced:  
Dt. 03.03.2015.

Certified to be True Cop.  
03/03/15  
Court  
Abbottabad Bench  
Supervised Under Sec 75 Acts Ord 1973

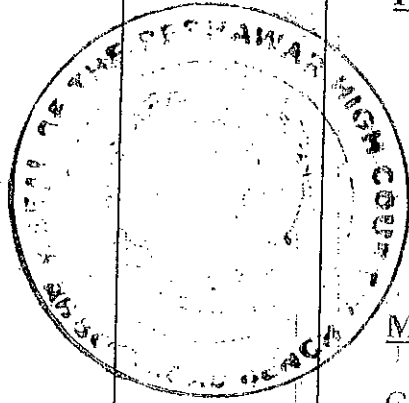
/\*M.S.Awan\*/

No.	37
Date	06-3-15
Page	22
Rate	44.00
Qty	2
Total	46.00
Signature	<i>[Signature]</i>
Date of issue	10-3-15
Date of receipt	10-3-15

(27)

PESHAWAR HIGH COURT ABBOTTABAD BENCH.  
FORM "A"  
FORM OF ORDER SHEET

Serial No of order or proceeding	Date of Order or Proceeding.	Order or other proceedings with Signature of judge or Magistrate and of parties or counsel where necessary
1	2	3
	24.07.2014	<p><u>CM No.425-A/2014 and CM No.746-A/2014 in V No.930-A/2014</u></p> <p><u>Present:-</u> Mr. Abdul SAboor Khan, Advocate for the petitioners.</p> <p>Mr. Muhammad Naeem Abbasi, AAG for the respondents.</p> <p><u>MRS. IRSHAD QAISER, J:-</u> Through these CMs, the petitioners sought the issuance of direction to the respondents to release the monthly salaries of the petitioners. Notice was issued to respondents. Arguments heard and record perused.</p> <p>Petitioners have annexed their appointment orders dated 31.5.2012. Respondents submitted their comments, wherein they admitted the issuance of above noted appointment order but it was contended that later on the appointment of petitioners was detected as fictitious by the departmental inquiry. On 26.06.2014 respondents were directed to submit inquiry report alongwith the better statement. But inspite of repeated</p>



*Attested  
by  
Mr. Abdul Saboor Khan  
Tasleem Adil*

Certified to be True Copy  
Peshawar High Court  
Abbottabad Bench  
Authorized Under Sec 75 Act's Ordns

(28)

directions, respondents failed to submit inquiry report. Thus, at present in the absence of inquiry report a prima facie case exists in favour of petitioners. Thus, while relying on the judgment of apex Court in case 'Rector COMSATS V. Ghulam Umar Kazi (2006 SCMR 1894) and to save the petitioners and their families from starvation, the CM is allowed and respondents are directed to release the monthly salary of the petitioners till the disposal of the writ petition.

Certified to be True Copy  
Res. J. High Court  
Abdullah Saeed  
Sd/-

SD. J. Saeed  
Attested  
M. Ashraf Khan  
Adv.

\*/MSA/\*

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

**Appeal No. 574/2016**

Mst. Shaifta Gul D/O Kamal Khan , Resident of Pari Balakot , Tehsil & District

Mansehra.....Appellant

**VERSUS**

1. Govt of Khyber Pakhtun Khawa, through Secretary Elementary and Secondary Education, Peshawar.
2. Director Elementary and Secondary Education, Khyber Pakhtun Khawa, Peshawar.
3. District Education Officer (Female) Mansehra.

.....Respondents

**WRITTEN REPLY ON THE BEHALF OF RESPONDENTS NO. 1, 2 & 3**

**PRELIMINARY OBJECTIONS**

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appeal is not maintainable in its present form.
3. That the appeal is time barred, hence not maintainable.
4. That the appellant did not come to this honorable tribunal with clean hands.
5. That the appellant is stopped by his own conduct to file the instant appeal.
6. That the appellant has suppressed the material facts from the honorable tribunal, hence not entitled for any relief and liable to be set aside.
7. That the Notification issued by the authority Dated on 27.12.2015, after the fulfillment of all the codal formalities. The Appeal is not maintainable in the eyes of law and liable to be dismissed.

## FACTS

1. Para No.1 is correct to the extent that the appellant was appointed as PST teacher but later on the said appointment of the appellant was detected as fictitious by departmental inquiry.
2. Pertains to record, needs no comments.
3. Pertains to the record of appellant.
4. Pertains to record.
5. Para No.5 is incorrect. Appellant did not provide the required documents for release of salary and she has taken shelter of honorable high court to conceal the facts by fanciful manner.
6. Para No.6 is correct to the extent that appellant was removed from service on the basis of the departmental inquiry, in which the appointment of the appellant was decline bogus and illegal from the day first of the appointment.
7. Para No.7 is incorrect. The appellant is not aggrieved person in the eyes of law but she is liable to be dismissed as she violated the rules and regulations of the appointment process & her appeal was also liable to be rejected.
8. Para No.8 is incorrect. The respondent department has issued her dismissal order on the basis of inquiry report.


## GROUNDS

- a. Para A is not accepted, the said order of removal was made in accordance with law.
- b. Para B is incorrect. Appellant was removed from service after observing all the codal formalities provincial level inquiry was made against such cases which findings were complied as a huge volume.
- c. Needs no comments.
- d. Para D is incorrect. Appellant was removed from service after legal process.(Copy of removal order is annexed as annexure "A")
- e. Para E is misrepresented by the appellant, as appellant was appointed illegally, so from the first day her service was illegal and she has no right to claim salaries.
- f. Para F is not correct. She did not pay her services regularly, as her 1<sup>st</sup> Sept foundation is wrong and illegal, so it is difficult to suppose that she remained regular. Appellant was removed from service after the inquiry and she is not entitled for the salary, defendants acted according to the law after passing the judgment of the honorable high court Dated 03.03.2015.(Judgement is annexed as annexure "B").
- g. Para G needs no comments.
- h. Para H needs no comments.

**PRAYER**

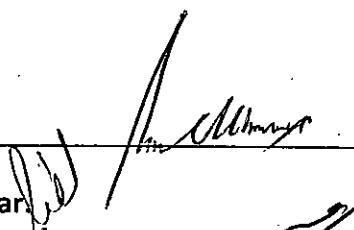
In the light of above mentioned facts it is humbly requested to set aside this appeal with cost.

Respondent No 1. \_\_\_\_\_



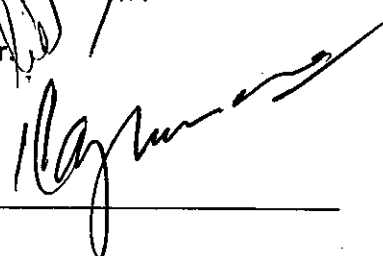
Secretary E&SE, KPK, Peshawar.

Respondent No 2. \_\_\_\_\_




Director E&SE, KPK, Peshawar.

Respondent No 3. \_\_\_\_\_



District Education Officer

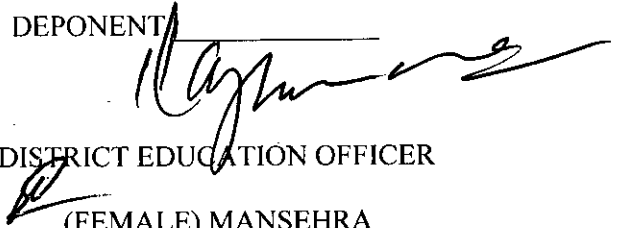
(Female) Mansehra 



## AFFIDAVIT

I, Naghmana Sardar District Education Officer (Female) Mansehra do, hereby solemnly affirm and declare that the para wise comments of Appeal No.574 /2016 titled Mst. Shaifta Gul Versus Govt of KPK is true to the best of my conviction and belief and nothing has been concealed from this Honorable Court.

DEPONENT

  
DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRA

Identified by

Additional Advocate General

Hon'ble High Court Abbottabad

27

Annex  
(A)

(B)

~~1~~

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

REMOVAL FROM SERVICE

As per Judgment passed by the Honorable Peshawar High Court Circuit Bench Abbottabad vide writ petition No.930-A/2013 dated 3.3.2015 Mst:Shaifta Gul D/O Kamal Khan PST Govt:Girls Primary School Jalgran is hereby Removed from service w.e.f the date of appointment.

-sd-

DISTRICT EDUCATION OFFICER  
(FEMALE)MANSHRA

Endstt:NO 11370-76 Dated 19/11/15 2015.

Copy to :-

1. The P.S to secretary Elementary & Secondary Education Peshawar.
2. The Director Elementary & Secondary Education Peshawar.
3. The Additional Registrar Peshawar High Court Bench Peshawar.
4. The District Accounts Officer Mansehra.
5. The Sub-Divisional Education Officer (Female) Mansehra.
6. Shaifta Gul Govt:Primary School Jalgran .
7. Office copy.

*Attested*

Muhammad Arshad Khan Farooqi  
Advocate High Court  
Case No. 33 Adjacent to

*sd*

DISTRICT EDUCATION OFFICER  
(FEMALE)MANSHRA

Received on  
31/12/2015

(B) (C) F (1)

**BEFORE THE PESHAWAR HIGH COURT  
BENCH ABBOTTABAD**

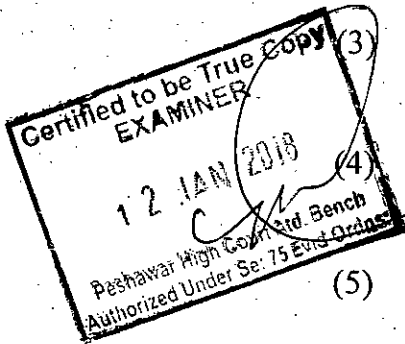
W.P.NO. 9304 /2013

(1) Mst. Uzma Sarfaraz D/O Sarfaraz PST Government Girls Primary School, Badalgran, Tehsil Balakot (2) Mst. Shafta Gul D/O Kamal Khan, PST Government Girls Primary School, Jalgran, Tehsil Balakot, District Mansehra.

.....Petitioners

VERSUS

- (1) The Government of K.P.K. through Secretary, Elementary and Secondary Education, Peshawar.
- (2) The Director Elementary and Secondary Education Department, Peshawar.
- (3) The District Education Officer, Education (Female), Mansehra.
- (4) The Deputy District Officer, Education, (Female) Mansehra.
- (5) Assistant District Officer (Female) Circle Kaghan, Tehsil Balakot.
- (6) District Accounts Officer, Mansehra...Respondents



No 3825  
28-12-13

TODAY

28/12/13

**WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN  
1973, THAT NON-RELEASING AND NON-PAYMENT OF  
THE MONTHLY SALARIES OF THE PETITIONERS BY  
RESPONDENTS NO.3 to 5 WITHOUT ASSIGNING ANY  
VALID AND LEGAL REASON IS UNCONSTITUTIONAL,  
ILLEGAL, UNLAWFUL, DISCRIMINATORY, WITHOUT  
LAWFUL AUTHORITY AND AGAINST THE  
CONSTITUTIONALLY GUARANTEED RIGHTS OF THE**

45

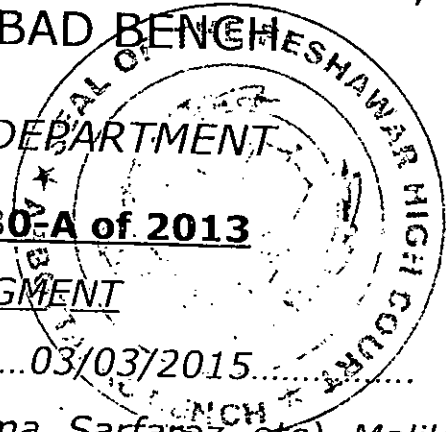
Judgment Sheet

IN THE PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

WP No. 930-A of 2013

JUDGMENT



Date of hearing.....03/03/2015.....

Petitioners...(Mst. Uzma Sarfaraz etc) Malik  
Ashfaq Jilani, Advocate.....

Respondents (Govt. of KPK etc)by Mr.  
Muhammad Naeem Abbasi,  
AAG alongwith DEO (F)  
Mansehra, respondent No.3 ...

\*\*\*\*

IRSHAD QAISER, J:- Mst. Uzma

Sarfaraz and Mst. Shafia Gul, petitioners

seek the Constitutional jurisdiction of

this Court praying that;

*Jilani*

**"It is therefore, most  
humbly prayed that on  
acceptance of the instant  
constitutional petition the  
respondents No.3 and 5  
may graciously be directed  
to release and pay the  
monthly salaries of the  
petitioners without any  
further delay."**

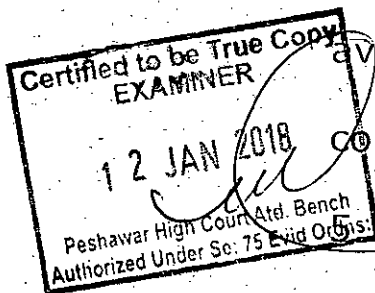
Certified to be True Copy  
EXAMINER  
12 JAN 2018  
Peshawar High Court Attd. Bench  
Authorized Under Sec: 75 Evid Ordns:

2. In essence, the grievance of the petitioners is that they were appointed in Education Department as Primary School Teachers and after their appointments, they have been rendering their services, however, respondents No.3 to 5 withheld their salaries without assigning any reason therefor; and that they have also submitted applications for release of their salaries but to no avail.

3. The respondents submitted their para-wise comments to the writ petition, wherein, they termed the appointments of the petitioners to be fake and bogus.

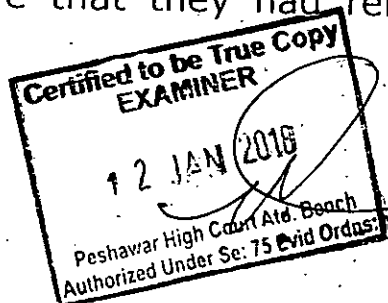
4. Valuable arguments of the learned counsel for the parties heard and available record of the case thoroughly considered.

The prayer of the petitioners for release of their salaries for the services



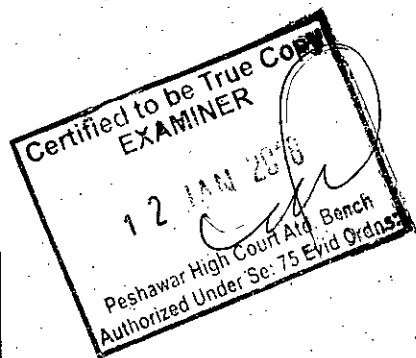
allegedly rendered by them cannot be endorsed because the very appointments of the petitioners, after proper inquiry by the competent authority, were declared illegal. It was clearly mentioned by the respondents in their comments that the names of the petitioners were not reflected in the merit list and they obtained illegal appointment orders and the attendance register presented by them was also fake. The Head Teachers of the concerned schools also submitted their reports to the effect that the petitioners have not performed their duties. It is also evident from the record that the then Executive District Officer, Mansehra, has been removed from service on the charges of illegal appointments of female teachers. Since, the petitioners have miserably failed to prove that they had rendered services

Joey



after their lawful and legal appointments in the Education Department, therefore, they are not entitled to be paid salaries therefor.

6. Accordingly, for the reasons mentioned hereinabove, the present petition being without any substance and legal force is dismissed.



**Announced:**  
Dt.03.03.2015.

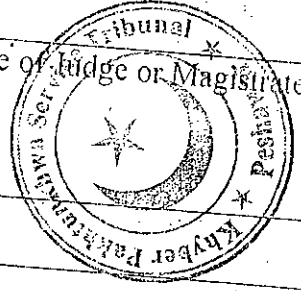
*Self Judge*  
*Self Judge*

/\*M.S.Awan\*/

No.	138
Date of Presentation of Application	12/01/08
No of Pages	57
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Date of Examination of Copy	12/01/08
Date of [unclear]	12/01/08



S.No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

CAMP COURT ABBOTTABAD

1. Appeal No. 744/2015 Shahida Bibi,
  2. Appeal No. 745/2015, Mst. Uzma Sarfaraz,
  3. Appeal No. 746/2015, Mst. Rani Gul,
  4. Appeal No. 748/2015, Madiha Yaqoob,
  5. Appeal No. 760/2015, Rubi Sarfaraz,
  6. Appeal No. 773/2015, Saba Khalil,
  7. Appeal No. 775/2015, Salma Javed,
  8. Appeal No. 776/2015, Mst. Bibi Nageena,
  9. Appeal No. 783/2015, Nosheen,
  10. Appeal No. 785/2015, Rubeena Naz Jilani,
  11. Appeal No. 802/2015, Mst. Saba Tariq,
  12. Appeal No. 807/2015, Mst. Riffat Bibi,
  13. Appeal No. 823/2015, Mst. Nazma Bibi,
  14. Appeal No. 824/2015, Mst. Memoona,
  15. Appeal No. 825/2015, Sanila Tul Kubra,
  16. Appeal No. 826/2015, Mst. Saman Naz,
  17. Appeal No. 917/2015, Mst. Tayyaba Bibi,
- Versus Government of Khyber Pakhtunkhwa through Secretary E&SE, Peshawar and others.

7


JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

017

Counsel for the appellant and Mr. Muhammad Siddique,  
Senior Government Pleader alongwith Mr. Muhammad Usman,  
Senior Government Pleader for the respondents present.

2. This judgment shall dispose of the instant service appeal No. 744/2015 titled Shahida Bib. Versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", as well as service appeals No. 745/2015 Mst.

**ATTESTED**  
  
 MUHAMMAD AZIM KHAN AFRIDI  
 Chairman  
 Khyber Pakhtunkhwa Service Tribunal  
 Peshawar

Uzma Sarfaraz, No. 746/2015 Mst. Rani Gul, No. 748/2015 Madiha  
 Yaqoob, No. 760/2015 Rubi Sarfaraz, No. 773/2015 Saba Khalil,  
 No. 775/2015 Salma Javed, No. 776/2015 Mst. Bibi Nageena, No.  
 783/2015 Nosheen. No. 785/2015 Rubeena Naz Jilani, No. 802/2015  
 Mst. Saba Tariq, No. 807/2015 Mst. Riffat Bibi, No. 823/2015 Mst.  
 Nazma Bibi, No. 824/2015 Mst. Memoona, No. 825/2015 Sanila  
 Tul Kubra, No. 826/2015 Mst. Saman Naz and No. 917/2015 Mst.  
 Tayyaba Bibi Versus Government of Khyber Pakhtunkhwa through  
 Secretary, E&SE Peshawar and others, as identical questions of law  
 and facts are involved in all these appeals.

3. Brief facts giving rise to the case of the appellants are that the  
 appellants were appointed as PSTs/ATs, TTs/PETs/C.Ts but, after  
 enquiry, dismissed from service vide impugned orders dated  
 03.03.2015 where-against departmental appeals of the appellants were  
 partially allowed and dismissal orders of the appellants were  
 converted into that of removal from service and hence the afore-stated  
 service appeals.

4. Learned counsel for the appellants argued that the enquiry was  
 conducted against one Umar Khan the then Executive District Officer;  
 Elementary & Secondary Education who was charged for the illegal  
 appointments including appointments of the appellants. That this  
 Tribunal accepted the service appeal of the said Umar Khan vide  
 judgment dated 12.02.2016 and appeal against the same was also  
 dismissed by the august Supreme Court of Pakistan vide judgment  
 dated 30.09.2016 and that as a consequence of the said judgment, the  
 said civil servant (Umar Khan) was reinstated and appointed as

ATTESTED

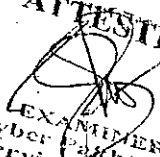
EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

District Education Officer (Male) BPS-19 (Management Cadre) District Haripur vide notification dated 06.01.2017. That beside the said enquiry against the said competent authority no independent enquiry was conducted against the appellants. That show cause notices issued to the appellants were not properly enquired into and no opportunity of hearing in the mode and manners prescribed by rules were afforded to the appellants and as such the impugned final orders are liable to be set aside.

5. Learned Senior Government Pleader has argued that a thorough enquiry was conducted by the department and that the appointments of the appellants were made by the then competent authority namely Umar Khan in violation of rules. That undue favour was extended to the appellants while making the said appointments. That reinstatement of the said E.D.O would not entitle the appellants to reinstatement in service as the appointment orders of the appellants were illegal.

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

7. It is evident from the record that the appellants were proceeded against departmentally on the allegations of illegal appointments. The said competent authority was departmentally proceeded against by the respondents but this Tribunal has reinstated the said competent authority namely Umar Khan in service vide judgment of this Tribunal dated 12.02.2016 which was upheld by the august Supreme Court of Pakistan vide judgment dated 30.09.2016. Perusal of record

**ATTESTED**  
  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

would further suggest that a general show cause notice was issued to the appellants which was duly replied by the appellants. In view of the allegations and rebuttal thereof it was appropriate and require of the competent authority to have afforded an opportunity of hearing including further probe but the competent authority opted to base the impugned orders on the departmental proceedings initiated against Umar Khan, Ex-D.E.O, Elementary & Secondary Education which findings stood extinguished as the said D.E.O has been reinstated in service.

8. In view of the above we are constrained to accept the present appeal, set aside the impugned final orders of removal of appellants from service and reinstate them in service by placing the respondents at liberty to conduct denovo enquiry against the appellants in the mode and manners prescribed by rules within a period of 3 months from the date of receipt of this judgment. In case the respondents fail to conduct and conclude the enquiry within the stipulated period then it shall be deemed that the appellants have been reinstated in service while the period of their absence from duty since the original date of dismissal from service till date shall be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

Ed/- M. Azim Khan Afridi,

Chairman  
Conf. Cas. A/Akad.

Ed/- M. Amir Nazir,  
Member.

Certified to be true copy

EXAMINER  
Khyber Pakhtoonkhwa  
Service Tribunal  
Peshawar



OFFICE ORDER

Consequent upon the recommendation of the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar Abbottabad camp office wide service appeal NO: 943/2017 decision Dated: 18.07.2018 the following PSTs BPS-12 are hereby re-instated and adjusted against each post mention below along with all back benefits as mention in the judgment, in the interest of public with immediate effect;

Sl	NAME	POST	PLACE OF ADJUSTMENT
1	KAZMA BIBI	PST	GPS MOR BARRA KHYBER PAKHTUNKHWA VACANT POST
2	SADIDA BIBI	PST	GPS MOR BARRA KHYBER PAKHTUNKHWA VACANT POST
3	UZMA SARGAZ	PST	GPS LORNA AGANST VACANT POST
4	KANI GUL	PST	GPS HARA MARRA AGANST VACANT POST
5	ROBI SARGAZ	PST	GAWAN SHER AGANST VACANT POST
6	SABA KHALID	PST	GA THAMER AGANST VACANT POST
7	RAPIAT BIBI	PST	GPS DOKANI AGANST VACANT POST

NOTE

1. TERMS & conditions will be applied under section 19 of the KP Civil servant act 1973 amended in 2013 issued wide Govt of KP Finance department (Regulation wing) No SOS R-111/ED/12-1/2005 dated 27-02-2013. They will be governed by such rule and regulation as may be presented by the Govt from time to time for the category which they belong.
2. DPO concerned is directed not to release the pay if their Academic / Professional documents has not been verified. In case of non verified, the com dealing is directed to submit their documents (on which they appointed) to sent for verification from the concern institution/Board/University. In case of fake / bogus degrees / certificate detected late on their reinstatement order would be automatically cancelled from the date of their issuance and will be reported to the law enforcing agencies for further action.
3. Their services shall be terminated at any time; in case their performance is found unsatisfactory at any stage during their service. In case of misconduct they will be proceeded under the rules framed from time to time.
4. Before handing over charge once again their documents may be checked if they have not the required relevant qualification they may not be handed over charge.
5. Charge report should be submitted to all concerned.
6. No TA/DA is allowed.

(Zubaida Khattab)  
 DISTRICT EDUCATION OFFICER  
 (E) MANSEHRA

Enstnt No: 6519-25 reinstatement/Inigation-PST/2018 Dated: 09/08/2018.

Copy to the:

1. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar (Abbottabad Camp Office)
2. Director SE&SE Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Mansehra.
4. Deputy Commissioner Mansehra.
5. SDEO(E)/Middle section/Dealing clerk Concern category.
6. Teacher Concern.

DISTRICT EDUCATION OFFICER  
 (E) MANSEHRA



GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE DISTRICT EDUCATION OFFICER (F) MANSEHRA  
EMAIL: deozubaidaktk@yahoo.com PHONE NO: 0997-300926

OFFICE ORDER

Consequent upon the recommendation of the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar Abbottabad camp office vide service appeal NO; 943/2017 under Decision, dated; 18.07.2018, the following PST's BPS-12 are hereby re-instated and adjusted against each post mention below along with all back benefits as mentioned in the judgment, in the interest of public service with immediate effect.

S#	Name	Post	Place Of Adjustment
1.	Salma Javed	Pst	GGPS Jandaran (Against Vacant Post)
2.	Nosheen	Pst	GGPS Shanaya (Against Vacant Post)

NOTE:

1. TERMS & conditions will be applied under section 19 of the KP Civil servant act 1973 amended in 2013 issued vide Govt of KP Finance department (Regulation wing) No SOS R-111/PD/12-1/2005 dated 27-02-2013. They will be governed by such rule and regulation as may be presented by the Govt; from time to time for the category which they belong.
2. DDO Concerned is directed not to release the pay if their Academic / Professional documents has not been verified. In case of non verified, the concern dealing is directed to submit their documents (on which they appointed) to sent for verification from the concern institution/Board/University. In case of fake / bogus degrees / certificate detected late on their reinstatement order would be automatically cancelled from the date of their issuance and will be reported to the law enforcing agencies for further action.
3. Their services shall be terminated at any time; in case their performance is found unsatisfactory at any stage during their service. In case of misconduct, they will be proceeded under the rules framed from time to time.
4. Before handing over charge once again their documents may be checked if they have not the required relevant qualification they may not be handed over charge.
5. Charge report should be submitted to all concerned.
6. No TA/DA is allowed.


(Zubaida Khattak)

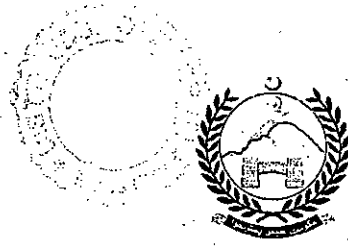
DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRA

Endstt: No: 6783-88 reinstatement/litigation-PST/2018 Dated: 20/08/2018.

Copy to the:

1. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar (Abbottabad Camp Office)
2. Director E&SE Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Mansehra.
4. Deputy Commissioner Mansehra.
5. SDEO(F)/Middle section/Dealing clerk Concern category.
6. Teacher Concern.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRA



**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA**

**OFFICE ORDER.**

Consequent upon the recommendation of the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar Abbottabad camp office vide service appeal No,943/2017 under decision, dated,18.07.2018, the following PSTs BPS-12 is hereby re-instated and adjusted against each post mentioned below along with all back benefits as mentioned in the judgment, in the interest of public service with immediate effect.

S#	Name	Post	Place of Adjustment.
1.	Mst:Saba Tariq	PST	GGPS Kund Deedal against vacant post

Note:-

1. Terms & conditions will be applied under section 19 of the KPK civil servant act 1973 amended in 2013 issued vide Govt: of KPK Finance Department (Regulation Wing) No SOS R-III/FD/12-1/2005 dated 27.02.2013. They will be governed by such rule and regulation as may be presented by the Govt: from time to time for category which they belong.
2. DDO concerned is directed not to release the pay if her academic/professional documents has not been verified. In case of non verified, the concerned dealing is directed to submit her documents(on which they appointed) to sent for verification from the concern institution/Board/University. In case of fake/bogus degrees/certificate detected late on her re-instatement order would be automatically cancelled from the date of her issuance and will be reported to the law enforcing agencies for further action.
3. Her service shall be terminated at any time, in case her performance is found unsatisfactory at any stage during her service. In case of misconduct, they will be proceeded under the rules framed from time to time.
4. Before handing over charge once again her documents may be checked if they have not the required relevant qualification they may not be handed over charge.
5. Charge report should be submitted to all concerned.
6. No TA/DA is allowed.

(Zubaida Khattak)

**DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRA.**

Endst:No 7951-56 /Re-Instatement/Litigation-PST/2018 /Dated 11/09/2018

Copy to the:-

1. Registrar Service Tribunal KPK Peshawar(Abbottabad Camp Office).
2. Director (E&SE) KPK Peshawar.
3. District Accounts Officer Mansehra.
4. Deputy Commissioner Mansehra.
5. SDEO(F) Concerned.
6. Teacher Concerned.
7. Office Copy.

**DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRA**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT, ABBOTTABAD.



Service appeal No. 943/2017

Date of institution ... 25.08.2017  
Date of decision .... 18.07.2018

Mst. Bibi Nagema, A.T Government Girls Middle School, Kotli Bala, District  
Mansehra. ... (Appellant)

Versus

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

Present

Mr. Muhammad Arshad Khan Tanoli,  
Advocate ...  
Mr. Usman Ghani,  
District Attorney ...

For appellant.

For respondents.

MR. SUBHAN SHER, ...  
MR. MUHAMMAD AMIN KHAN KUNDI, ...

CHAIRMAN  
MEMBER.

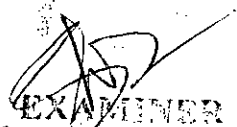
JUDGMENT

SUBHAN SHER, CHAIRMAN:-

Beside the appeal in hand, 16 other appeals No. 944/2017 to 950/2017, 1050/2017, 1051/2017 and 1079/2017, filed by the aggrieved appellants against the same impugned order are pending in this Tribunal today and in all the appeals, facts and grievances viz the impugned order are one and the same, as such, all the appeals will be decided through this single judgment.

2. Stated in brief the facts leading to the filing of appeal in hand are, that the appellant was appointed as Arabic Teacher by the DEO (M) Mansehra. However, later on, 69 teachers including the appellant and 16 other appellants in the

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal.



connected appeals, were dismissed from service on 14.03.2015, on the allegation being appointed against the merit. This order was challenged before the appellate authority but except the present 17 appellants (including the appellant), all the remaining teachers were reinstated as is evident from the orders produced by the learned counsel for the appellant. So the appellant challenged the impugned order in appeal bearing No. 776/2015, before this Tribunal, which was decided on 17.01.2017, whereby the said order was set aside with further direction to the respondents to reinstate the appellant and if desired, the former may conduct denovo enquiry in accordance with the law.

3. The respondents, on the receipt of judgment of this Tribunal, summoned the appellant for personal hearing but she did not appear as she had not been reinstated so far as ordered by this Tribunal. In the meanwhile, respondent No. 2 issued the impugned order, whereby appeal of the appellant (as per version of respondent No. 2) was rejected, however, "dismissal" order was converted into "removal from service". Appellant aggrieved from this very order, again impugned it before the next higher authority i.e. respondent No. 1, which was not responded and the appellant left with no option but to impugn the said order before this Tribunal through the instant appeal.

4. Arguments heard and file perused.

5. Mr. Muhammad Arshad Khan Tanoli Advocate, learned counsel for the appellant contended that the respondents not only committed gross violation of the law on the subject but even did not honor the judgment of this Tribunal as neither the appellant was reinstated nor, proper denovo enquiry was conducted but the impugned order was passed without any authority and without jurisdiction. Further contended that the respondents reinstated the remaining teachers colleagues but

ATTESTED

BY CLERK  
Mst. Pakhtunakha  
Tribunal,  
Peshawar.

by claiming that since she was not reinstated, so she will not attend the office.

summoned the appellant for personal hearing which was refused by the appellant

respondents instead of reinstating the appellant or initiating *de novo* enquiry.

period. However, on the receipt of judgment of this Tribunal referred to above, the

respondents were left at liberty to conduct *de novo* enquiry but within a stipulated

decided on 17.1.2017, the appellant was ordered to be reinstated and the

8. On acceptance of previous appeal of the appellant bearing No. 776/2012.

below.

supported from the official record itself as is evident from the discussion made

learned counsel for the appellant are not only forceful and genuine but fully

went through the available record and found that the contentions raised by the

7. With the assistance of the learned counsels for the parties, this Tribunal

**ATTESTED**  
Signature  
Joint Secretary  
Service Tribunal  
Bhopal

appeal.

been conducted by the respondents and at the end, he requested to dismiss the

the impugned order in the capacity of appellate authority. That proper enquiry was

the learned counsel for the appellant by arguing that the respondent No. 2 passed

6. Mr. Usman Ghani District Attorney strongly opposed the contentions of

SCMR-620.

benefits. He placed reliance on 2017 P.L-870, 2011-P.L.C.(S)942 and 7(04)-

that the appeal of the appellant be accepted and she be reinstated with all back

important and administrative post of DDO (M) Haripur. At the end, he requested

been complied with by not only reinstating him but again posted him against an

Tribunal passed in favour of the then EDO (M) namely Umar Khan Kundhi has

this way again committed discrimination. Further contended that order of this

rejected the request of the present 17 appellants without giving any reason and in

connected appeals, were dismissed from service on 14.03.2015, on the allegation being appointed against the merit. This order was challenged before the appellate authority but except the present 17 appellants (including the appellant), all the remaining teachers were reinstated as is evident from the orders produced by the learned counsel for the appellant. So the appellant challenged the impugned order in appeal bearing No. 776/2015, before this Tribunal, which was decided on 17.01.2017, whereby the said order was set aside with further direction to the respondents to reinstate the appellant and if desired, the former may conduct denovo enquiry in accordance with the law.

3. The respondents, on the receipt of judgment of this Tribunal, summoned the appellant for personal hearing but she did not appear as she had not been reinstated so far as ordered by this Tribunal. In the meanwhile, respondent No. 2 issued the impugned order, whereby appeal of the appellant (as per version of respondent No. 2) was rejected, however, "dismissal" order was converted into "removal from service". Appellant aggrieved from this very order, again impugned it before the next higher authority i.e. respondent No. 1, which was not responded and the appellant left with no option but to impugn the said order before this Tribunal through the instant appeal.

4. Arguments heard and file perused.

5. Mr. Muhammad Arshad Khan Tanoli Advocate, learned counsel for the appellant contended that the respondents not only committed gross violation of the law on the subject but even did not honor the judgment of this Tribunal as neither the appellant was reinstated nor, proper denovo enquiry was conducted but the impugned order was passed without any authority and without jurisdiction. Further contended that the respondents reinstated the remaining teachers colleagues but

ATTESTED

EXAMINER  
Peshawar  
Tribunal

rejected the request of the present 17 appellants without giving any reason and in this way again committed discrimination. Further contended that order of this Tribunal passed in favour of the then EDO (M) namely Umar Khan Kundi has been complied with by not only reinstating him but again posted him against an important and administrative post of DEO (M) Haripur. At the end, he requested that the appeal of the appellant be accepted and she be reinstated with all back benefits. He placed reliance on 2017 PLJ-870, 2011-PLC(C.S)942 and 2004-SCMR-620.

6. Mr. Usman Ghani District Attorney strongly opposed the contentions of the learned counsel for the appellant by arguing that the respondent No. 2 passed the impugned order in the capacity of appellate authority. That proper enquiry has been conducted by the respondents and at the end, he requested to dismiss the appeal.

7. With the assistance of the learned counsels for the parties, this Tribunal went through the available record and found that the contentions raised by the learned counsel for the appellant are not only forceful and genuine but fully supported from the official record itself as is evident from the discussion made below.

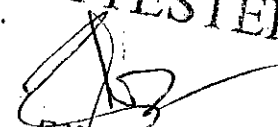
8. On acceptance of previous appeal of the appellant bearing No. 776/2015, decided on 17.1.2017, the appellant was ordered to be reinstated and the respondents were left at liberty to conduct denovo enquiry but within a stipulated period. However, on the receipt of judgment of this Tribunal referred to above, the respondents instead of reinstating the appellant or initiating denovo enquiry, summoned the appellant for personal hearing which was refused by the appellant by claiming that since she was not reinstated, so she will not attend the office for

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

personal hearing. This excuse of the appellant from her personal appearance was justified in the sense that the respondents were bound to reinstate her first and thereafter, initiate regular enquiry which certainly include personal hearing but strange enough, without compliance of the judgment of this Tribunal and initiating regular enquiry, she was summoned for personal hearing which was rightly not honored by her.

9. So far the impugned order dated 18.04.2017 passed by respondent No. 2 is concerned, on bare reading of the said order, it was found not only illegal and in utter violation of the law on the subject but totally against the facts of the case. For instance, in the impugned order, respondent No. 2 i.e Director, E&SE, Peshawar has mentioned that the enquiry was conducted and on the findings/recommendations of the enquiry committee, the appeal of the appellant was rejected but except the enquiry report which is undated and not known that when and on whose direction, it was <sup>conducted,</sup> ~~conducted~~ no other proceedings like charge sheet, statement of allegations, show cause notice or even final order in the shape of dismissal was passed by any competent authority. Similarly, as already discussed, respondent No. 2 has mentioned that the appeal of the appellant was rejected which manifests slackness on his part as neither any final order on the so-called enquiry was passed nor any appeal was filed, so the question of pendency of appeal, did not arise. Again, in the entire so-called proceedings, the competent authority i.e. D.E.O (Female) (respondent No. 3) did not play any role nor explained anywhere as to why her authority was by-passed by the responder No. 2 i.e appellate authority. This conduct of the respondents clearly suggests that they not only intentionally avoided to obey the order of this Tribunal but frankly speaking, it smells malafide on their part against the appellant.

**ATTESTED**  
  
**EXAMINER**  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

10. The crux of the foregoing discussion is that this appeal as well as 16 connected appeals are allowed, the impugned order is set aside and the appellants are reinstated as already ordered by this Tribunal with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

Announced  
18-07-2018

Sd/- Subhan Shee,  
Chairman  
Cand Court A/Abad.

Sd/- M. Anwar Khan Kundi  
Member

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 23-7-18  
Number of Words 2500  
Copying Fee 12/-  
Urgent 2/-  
Total 14/-  
Name of Copyist [Signature]  
Date of Completion of Copy 23-7-18  
Date of Delivery of Copy 23-7-18

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1604 /ST

Dated 18 / 9 / 2019

To


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

Subject: -

JUDGMENT IN APPEAL NO. 574/2016, MST. SHAFTA GUL.

I am directed to forward herewith a certified copy of Judgement dated 22.08.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.