




Form- A
FORM OF ORDER SHEET

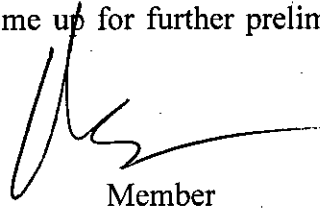
Court of _____

Case No. 1309 /2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
<p>1</p> <p>2</p> <p>3</p>	<p>05/09/2013</p> <p>9-9-2013</p> <p>27-11-2013</p>	<p>The appeal of Mst. Gul Marjana legal heir of Amir Muhammad (Late) Chowkidar resubmitted today by Mr. Hafiz Habib-ur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>27-11-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p><i>Clerk of Counsel for the appellant present. Due to strike of Lawyers Council for the appellant it is not available. To come up for p.H. on 2-1-2014.</i></p> <p style="text-align: right;"> Member.</p>

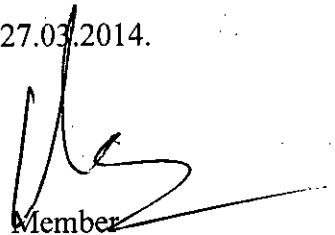
4.
02.01.2014

Counsel for the appellant present. Preliminary arguments partly heard. Through the impugned order dated 20.11.2012, Amir Muhammad, Ex-Chowkidar at GGPS Mera Dak Ismail Khel has been retired due to sudden death, his service was regular but without pension and gratuity. Since through the instant appeal the widow of Late Amir Muhammad claiming pension, it would be appropriate to summon the respondents along with record to clarify the position. Notice be issued to the respondents to appear before the Court along with service record of Late Amir Muhammad, Ex-Chowkidar. To come up for further preliminary arguments on 25.02.2014.


Member

5.
25.02.2013

Counsel for the appellant and Inayat Ullah, ADO with Mr. Muhammad Jan, GP for the respondents present. The representative of the respondents submitted before the court that the matter-in-issue has already been resolved vide judgment of Hon'ble Peshawar High Court, Peshawar, copy of the same is handed over to the learned counsel for the appellant. The learned counsel for the appellant requested for adjournment to go through the record. To come up for further proceedings on 27.03.2014.


Member

Appeal No. 1302/2013
Met. Gul Muneer

27.03.2014

No one is present on behalf of the appellant. Mr. Ziaullah,

GP for the respondent present. Notices be issued to the appellant/counsel for the appellant. To come up for preliminary hearing on 19.05.2014.


Member

6.


Sir

As I have been
addressed by the member
Departmental
with his decision
my Appeal
Application
19/5/2014

7.

19.05.2014

Counsel for the appellant present and stated that grievance of the appellant has been redressed departmentally. He requested for withdrawal of the instant appeal. In this respect his statement also recorded. As such the appeal is dismissed as withdrawn in limine. File be consigned to the record.


Member


ANNOUNCED
19.05.2014

The appeal of Mst. Gul Marjana widow of Amir Muhammad received today i.e. on 30/08/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal may be got signed by the appellant.
- 2- Annexure-D of the appeal is illegible which may be replaced by legible/better one.
- 3- Law under which the appeal is filed is not mentioned.

No. 1223 /S.T,


Dt. 30/8 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hafiz Habib-ur-Rehman Adv. Pesh.

Sir.

Compliance duly made, Appeal is resubmitted
for further orders please.


5.9.2013

BEFORE THE CHAIRMAN SERVICE TRIBUNAL, K.P.K, PESHAWAR.

SERVICE APPEAL NO: 1302 /2013

Mst. Gul Marjanv/s.....Secretary Elementary and Secondary etc


I N D E X

<u>S.No</u>	<u>Particulars</u>	<u>Annexures</u>	<u>Pages</u>
1.	Service appeal with Affidavit	-	1-4
2.	Addresses of parties	-	5
3.	Copy of Service sheet	A	6
4.	Death certificate	B	7
5.	Copy of application and rejection order	C,D	8-9
6.	Copy of departmental appeal	E	10
7.	Wakalat Nama	-	11

Appellant,

Through:

Dated: 30.8.2013


(HAFIZ HABIB UR REHMAN)
Advocate, Peshawar.

BEFORE THE CHAIRMAN SERVICE TRIBUNAL, K.P.K, PESHAWAR.

1295
30.8-13

In Re: SERVICE APPEAL NO: 1302 /2013

Mst. Gul Marjan widow of Amir Muhammad (Late)

Chowkidar in Govt: Girls Primary School

Mera of Dak Ismail Khel Tehsil and

Distt: Nowshera.

.....APPELLANT).

Versus

1. Secretary Elementary and Secondary Education K.P.K, Peshawar.
2. Director of Education Elementary and Secondary Education K.P.K, Peshawar.
3. D.E.O (Female) Nowshera.
4. S.D.E.O (Female) Dabgari Garden, Peshawar.

.....RESPONDENTS.

APPEAL W/S 4 OF THE N.W.F.P SERVICE TRIBUNAL

ACT 1974, AGAINST THE ORDER OF RESPONDENT NO.3

D.E.O(FEMALE) NOWSHERA DATED 20.11.2012.

PRAYER:-

On acceptance of this appeal the impugned order

No. 14547-49 dated 20.11.2012 of the respondent

No.3 may kindly be set aside and the appellant

Mst. Gul Marjan widow of Amir Muhammad

may kindly be granted pension with full benefits.

AC-SUBMITTED TO
and filed.

30/8/13
5/9/13

RESPECTFULLY SHEWETH:

1. That the husband of appellant Amir Muhammad was appointed as Chowkidar in Govt: Girls Primary School Mera Dak Ismail Khel on 16.11.1998. (Copy of Service sheet is annexure A).
2. That the husband of the appellant got ill and expired in the Lady Reading Hospital Peshawar. (Copy of Death certificate is annexure B).
3. That after the death of the husband of the appellant, the appellant filed an application for the grant of pension of her deceased husband but the application of the appellant was not allowed by respondent No.3. (Copy of application is annexure C while the impugned order is annexure D).
4. That after rejecting the application for the grant of pension of the appellant, she further filed a departmental appeal to the higher officer (Director of Education on 30.5.2013 but no reply has been communicated to the appellant so far. (Copy of departmental appeal is annexure E)
5. That the appellant feeling aggrieved from the side of department as no other alternate remedy was available hence this appeal is being filed before this Hon'able Tribunal on the following grounds amongst others :-

GROUNDS:

- A. That the husband of the appellant had satisfactorily served for more than 14 years.
- B. That it is obvious from the facts and record that the husband of the appellant died during service.
- C. That as the husband of the appellant had served for more than 14 years which in view of the Govt: pension Rules, the appellant is entitled to the pension of her deceased husband with full back benefits.

It is therefore, most humbly prayed that on acceptance of this appeal the impugned order dated 20.11.2012 of respondent No.3 may kindly be set aside and the appellant may kindly be granted pension with full back benefits in the larger interest of justice.

Appellant,

Through:



(HAFIZ HABIB UR REHMAN)

Advocate, Peshawar.

Dated: 30.8.2013


BEFORE THE SERVICE TRIBUNAL K.P.K, PESHAWAR.

Mst. Gul Marjanv/s....Secretary Elementary and Secondary etc

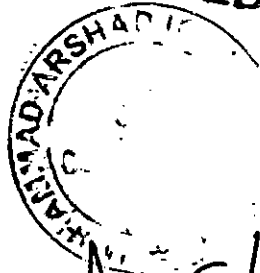
AFFIDAVIT

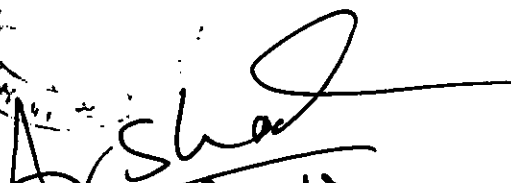
I, Hafiz Habib ur Rehman, Advocate, as per instruction of my client, do hereby solemnly affirm and declare on Oath that the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Tribunal.

Dated: 30.8.2013


(HAFIZ HABIB UR REHMAN)
Advocate, Peshawar.

ATTESTED




30-8-13

BEFORE THE SERVICE TRIBUNAL K.P.K. PESHAWAR.

Mst. Gul Marjanv/s.....Secretary Elementary & Secondary etc

ADDRESSES OF PARTIES

APPELLANT

Mst. Gul Marjan widow of Amir Muhammad (Late)
Chowkidar in G.G.P.S Mera Dak Ismail Khel, Nowhera


V/S

RESPONDENTS

1. Secretary Elementary and Secondary Education KPK, Peshawar.
2. Director of Education Elementary & Secondary KPK, Peshawar
3. D.E.O (Female) Nowshera
4. S.D.E.O (Female) Dabgari Garden, Peshawar.

Appellant,

Through:


(HAFIZ HABIB UR REHMAN)
Advocate, Peshawar.

Annex (A)

(6)

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER, (FEMALE) NOWSHERA.

APPOINTMENT OF CLASS IV.

The following candidates are hereby appointed as class-IV chowkidar @ Rs:1200/-PM plus 300/-PM Adhoc Relief (Fixed) on contract basis under the rules with effect from the date of taking over charge at the schools noted against each according to agreement bond under the following terms & conditions:-

S.No.	Name of Chow:	Father Name	Resident of Village.	Name of School.
①	Amir Mohammad	Habib Din	D.1. Khe	4518- Mrs D.1. Khe

ATTESTED

Shad Munir
Shad Munir Khattak
Asstt. Pr/: of Physics
Cvt: Degree College Pabbi.

Conditions.

- 1- Charge reports should be submitted to all concerned.
- 2- No TA/DA is allowed.
- 3- No joining time is allowed what is absolutely necessary for transit.
- 4- The appointment is purely temporary basis and subject to the termination at any time and without any notice.
- 5- In case of wished to leave the deptt: he should have submit one month prior notice.
- 6- He should produced his health and age certificate from the concerned Civil Surgeon/Medical Supdt: within 10 days of reporting arrival a duty as required under the rules FR 10 SR.4.
- 7- In case the candidate fails to take over charge within 10 days from the date of issue of this order his appointment will stand cancelled automatically.
- 8- The candidate should not be handed over charge if his age is not between 18-25 Years.
- 9- He will produced photo copies or the relevant documents i.e. time of taking over charge.
- 10- He will death with under the E&D rules 1973 if he violate Govt:rules and regulations.

(MRS:ADALAT BEGUM)
SUB DIVISIONAL EDUCATION OFFICER,
(FEMALE) NOWSHERA.

2702
Endst:No. _____ /F.No. _____ /Etab: /Asstt: /SDEO(F) /Dated. 16/11/98

Copy of the above forwarded for information to the:-

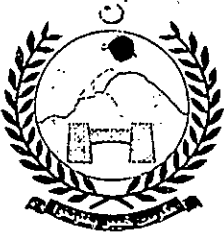
- 1- District Education Officer, (Female) Primary Nowshera.
- 2- District Accounts Officer, Nowshera.
- 3- Headmistress G.G.P. School. *Mrs D.1. Khe*
- 4- Candidate concerned.

SUB DIVISIONAL EDUCATION OF
(FEMALE) NOWSHERA.

Haji Mir Bashir.

*Attested to be
a True copy*

*Mirza
Abdur
Counsel*
APR



7

Annexure (B)

حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHVA PAKISTAN

وفات سرٹیفکیٹ

DEATH CERTIFICATE

CRMS No: D172011-12-0042
NATURE OF DEATH : NORMAL

FORM No: P01590346

درخواست دہندہ کا نام: گل فرجان

مستوفی کا رشتہ: ناوند

درخواست دہندہ کا شناختی کارڈ نمبر: 1720120668526

پتہ: محلہ عباس خیل، گاؤں ڈاک اسماعیل خیل، تحصیل: نوشہرہ، ضلع: نوشہرہ

تاریخ پیدائش	جنس	مذہب	جائے وفات	تاریخ دفن	درجہ موت	مدت عیلت
1-1-1958	مرد	اسلام	ڈاک	19-9-2012	طبعی	19-9-2012

والد کا نام: امیر محمد
شناختی کارڈ نمبر: 1720165307579
حساب الدین

APPLICANT NAME: GUL FARJAN
APPLICANT CNIC: 1720120668526 RELATION WITH DECEASED: Husband
ADDRESS: MOH.ABBAS KHEL, VILLAGE: DAK ISMAIL KHEL,

TEHSIL: NOWSHERA, DISTRICT: NOWSHERA

DECEASED NAME/ CNIC	FATHER NAME/ CNIC	DATE OF BIRTH	SEX	RELIGION	PLACE/DATE OF DEATH	DATE OF BURIAL	REASON OF DEATH	SICKNESS PERIOD
AMIR MUHAMMAD 1720165307579	HABAB UDDIN	1-1-1958	MALE	ISLAM	DAK ISMAIL KHEL 19-9-2012	19-9-2012	NATURAL	

BLOOD RELATION: PERSON CAUSING DISPOSAL OF BODY

NAME: INSAF UDDIN
CNIC: 1720121678443

GRAVEYARD NAME: DAK ISMAIL KHEL

ENTRY DATE: 26-9-2012

ISSUE DATE: 26-9-2012

ADDITIONAL INFORMATION: DUE TO SICKNESS

قریبی رشتہ دار: مد نہیں کنندہ
نام: انصاف الدین
شناختی کارڈ نمبر: 1720121678443
قبرستان کا نام: ڈاک اسماعیل خیل
تاریخ اندراج: 26-9-2012
تاریخ اجراء: 26-9-2012
اضافی معلومات: بیار تھا

دستخط:
سیکرٹری یونین کونسل



اسماعیل خیل (11) ضلع: نوشہرہ

7/09/2012

Reg. No. 38/2012
Attested to
be a true copy
5/9/2013

9

کہ عذرا بنت ڈوئٹریل ایکشن آفیسر (فیمیل) مملکت نوٹس

Annexure (C)

عمران ٹرےسٹریٹ ڈیپارٹمنٹ آف ریسٹوریشن آف آرٹس اور کونسلر آف ایجوکیشن
365 No. 2nd Floor, Encashment

جناب عابد

مورد بیان گزارش کی جاتی ہے کہ عذرا بنت ڈوئٹریل آفیسر محمد سابقہ پوکھرا
گورنمنٹ گریجویٹ ہائی اسکول فیروز ڈاگر، ساجیل قبیلہ مملکت نوشہرہ
میں دوران سروس مورخہ 19/9/12 (1992) وفات پانچے ہے۔

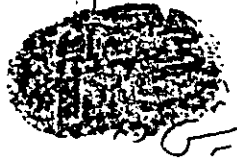
جناب عابد، فرم کارپوریشن آف ڈیپارٹمنٹ آف ایجوکیشن اور گریجویٹ
کالج ٹیکو ٹیکو ڈسٹرکٹ آفیسر (FSE) مملکت نوشہرہ بحوالہ نمبر
14547-49/F.No. PST (Female) Pension cases مورخہ 29/11/12

جناب عابد، سیکرٹری پروڈنشل اسٹیبلشمنٹ آف فیڈریشن نوٹس

Endst No: PA/Khyber Pakhtunkhwa Billo/2013/2049=53
Dated: 22/01/2013 (order copy is Attached)

کی روشنی تمام سرکاری فائلز میں جو کہ سروس سرفٹ ہے۔ کے مطابق
عذرا بنت ڈوئٹریل آفیسر محمد سابقہ پوکھرا مملکت نوشہرہ اور گریجویٹ
قبیلہ مملکت نوشہرہ

وہاں لکھی جاتی ہے کہ زبیر بنت ڈوئٹریل آفیسر مملکت نوشہرہ
اور گریجویٹ اور سابقہ ہی 365 کے دوران ایکشن میں ٹرےسٹریٹ
مستوفی کاغذ و فائیل۔ دو سہ ماہی کے دوران سروسنگی



گن فرجان
بیو آفیسر ڈوئٹریل

General Manager
Head Mistress
Govt. Girl Primary School
Mera Dagan, District of Nowshera

No. 34 Dated: 30/1/13
Submitted to the
Sub Director Education (F)

Dr. Chaudhary SPS Mera
Dok Ismail Head Mistress

P.T.O. Attested
True copy
Date: 5/9/2013

Better Copy

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDARY EDUCATION
OFFICER, NOWSHERA.

Retirement order

Mr. Amir Muhammad Ex-Chowkidar Govt: Girls Primary School Mera Dak Ismail Khel (NSR) is hereby retired from Govt: Service on 19.9.2012 (FN) due to sudden death. His service was regular but without pension and gratuity. Moreover in pursuance of 20 of civil servant revised leave rules 1981, sanction is also accorded to the grant of LPR/Encashment for 180 days in lieu of LPR as admissable to him.

His date of 1st appointment to service is 16.11.98.

His date of Birth according to school is 1.1.58.

Note:- 2 Necessary entry to this efect should be made in his service book accordingly.

(HAJI HASANAT GUL)

EXECUTIVE DISTRICT OFFICER
ELEM & SECONDARY NOWSHERA

Endst No: 14547-49/F.No.PST(Female) Pension dated 20.11.2012

Copy for information and necessary action to the:-

1. Senior Distt: Account Officer Nowshera
2. Deputy District Officer (Female) Nowshera
3. Official concerned

Sd/xxxx

EXECUTIVE DISTRICT OFFICER
ELEM & SECONDARY EDU: NOWSHERA

*Attested to
be a true copy
H. Mahney
5/9/2013*

2. The 1970s

The 1970s were a period of significant change for the world. The Vietnam War continued to be a major focus of international attention. The oil crisis of 1973-74 led to a global energy shortage and a sharp increase in oil prices. The decade also saw the rise of the environmental movement, with the establishment of the Environmental Protection Agency (EPA) in the United States and the signing of the Paris Agreement on Climate Change in 1972.

In the United States, the 1970s were marked by a period of economic stagnation, known as the "stagflation" era. High inflation and unemployment rates were common. The Watergate scandal, which led to the resignation of President Richard Nixon in 1974, was a major political event. The decade also saw the emergence of the punk rock movement and the rise of disco music.

The 1970s were also a time of social and cultural change. The civil rights movement continued to gain momentum, with the passage of the Civil Rights Act of 1968 and the Voting Rights Act of 1965. The feminist movement also gained strength, with the publication of "The Second Sex" by Simone de Beauvoir in 1949 and the founding of the National Organization for Women (NOW) in 1966. The decade also saw the rise of the gay rights movement and the Stonewall riots in 1969.

The 1970s were a time of global conflict and tension. The Vietnam War continued to be a major focus of international attention. The oil crisis of 1973-74 led to a global energy shortage and a sharp increase in oil prices. The decade also saw the rise of the environmental movement, with the establishment of the Environmental Protection Agency (EPA) in the United States and the signing of the Paris Agreement on Climate Change in 1972.



Annexure D

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, ELEMENTARY & SECONDARY EDUCATION OFFICER NOWSHERA

Retirement order

Mr. Amir Muhammad Ex Chowkidar, G.O.P.S. Jhera Dak Iqbal Elhel (NSR) is hereby retired from Govt. Service on 19/9/2012(FN) due to sudden death. His service was regular but without pension and gratuity.

Moreover in pursuance of 26 of employees revised leave rules, 1981, sanction is also accorded to the grant of LPR/Encashment for 180 days in lieu of LPR as admissible to him.

His date of IST Apptt: in to Service: 16/11/1988.
His date of birth according to s/No. 1, 1988.

Note: 2. Necessary entry to this effect should be made in his service Book accordingly.

(HAJI HASANAT GUL)
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDUCATION OFFICER NOWSHERA

Endst. No. 14547-48 / F.No. PST(Female) Pension Rec. dated 20/9/2012

Copy for information & necessary action to the:

1. Senior District Accounts Officer Nowshera.
2. Deputy District Officer (Female) Nowshera.
3. Official concerned.

EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDUCATION OFFICER NOWSHERA

Attested
a true copy
H. Hashim
5/9/2013

