FORM OF ORDER SHEET

Court of		
Anneal No	503/2024	

	•
Appeal No	503/2024

	Apr	peal No. 503/2024
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
. 1-	04/04/2024	The appeal of Mst. Shehnila Shaheen presented
		today by Mr. Khalid Mahmood Advocate. It is fixed for
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	<u>,</u> .	preliminary hearing before touring Single Bench at D.I.Khan
, ·		on 15.04.2024. Parcha Peshi given to the counsel for the
	, .	appellant.
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		By the order of Chairman
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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, **PESHAWAR**

Service Appeal No. 2024

Shehnila Shaheen Daughter OfRafiqullah R/O Mohallah Ghari Saddozai DIKhan Physical education teacher Education Department DIKhan.

.........*APPELLANT*

VERSUS

1. District Education Officer (F) DIKhan.

2. Deputy District Education Officer (F) DIKhan.

......Respondents

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S No.	Description of Documents	Annexure	Page Number
1.	Copy of Grounds of Appeal along with affidavit		1-3
2.	CM with affidavit	i i	4-5
* 3.	copy of appointment order and charge report	A & B	5-2
4.	Copy of application dated 31-08-2020	C	9
5.	Copy of application dated 23-08-2021	D	10
6.	Copy of application dated 02-09-2023	E	11
7.	Copy of departmental appeal dated 28/12/2023	F	1) -12
8.	Vakalatnama		14

Dated: 2 /04/2024

Yours Humble Appellant

(Mst Shehnila Shaheen)

Through Counsel

Khalid Mahmood Advocate High Court Stationed at DIKhan

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR



Service Appeal No. /2024

Shehnila ShaheenDaughter OfRafiqullah R/O Mohallah Ghari Saddozai DIKhan Physical education teacher Education Department DIKhan.

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VERSUS

- 1. District Education Officer (F) DIKhan.
- 2. Deputy District Education Officer (F) DIKhan.

Respondents

SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974

PRAYER:

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE OFFICIAL REPONDENTS MAY KINDLY BE DIRECTED TO ACT IN ACCORDANCE WITH LAW AND ASSIGN THE DUTIES TO APPELLANT AND ALSO RELEASE THE SALARIES OF APPELLANT WITH ALL BACK BENEFITS WHICH ARE ILLEGALLY STOPPED BY THE RESPONDENTS.

Note: The addresses of the parties given above are sufficient for the purpose of services.

Respectfully Sheweth,

Appellant through council humbly submits as under.

- 1. That the appellant is permanently residing at District Dera Ismail Khan and was appointed as Physical Education Teacher(BS-15) in Govt Girls Middle School Lunda Sharif DIKhanvide order No 1313-24/DEO(F)/Estt: (S)/NTS2017 dated 25/01/2019 and subsequently assumed the charge on 25/01/2019. The copy of appointment order and charge report are annexed as A & B.
- 2. ThatAppellantwas performing her duty in the department to the entire satisfaction of his superiors since her appointment and due to some severe domestic problem, applied for one year extra ordinary leave vide application dated 31-08-2020through proper channel vide diary number 33 dated 31-08-2020 which was duly forwarded to Honorable Deputy DEO (F) vide dated 30/09/2020. Copy of the same are annexed as **Annexure C**.
- 3. That appellant submitted another leave application for another two years vide application dated 23-08-2021. Copy of the same is annexed as **Annexure D**.

- That appellant went for arrival at Govt Girls Middle School Lunda Sharif after completion of two-year leaves. The then headmistress refused to accept arrival saying that another PET has been working in place of appellant and directed the appellant to approach DEO regarding this matter and in response to this appellant submitted application to Deputy DEO (F) dated 02-09-2023 for further posting. Copy of the same is Annexed as Annexure E.
- 5. That the respondents remained reluctant to assign the duties to the appellant and inspite of assigning her duties, respondent No 2stopped her pay from November 2023 and this fact was revealed to us in the month of December 2023.
- 6. That aggrieved of stoppage of salaries and non-assigning the duties, the appellant preferred departmental appeal dated 28/12/2023to respondent No 1 (Annexure F) which is not decided by the appellant authority within stipulated period, hence, the appellant does not have any other remedy except to invoke the jurisdiction of this Honorable Tribunal by way of instant service appeal inter alia the following grounds.

GROUNDS:

- i. That the impugned act of respondents and the non-decision of appellant's departmental appeal is the outcome of mala-fide, without jurisdiction, without lawful authority and having no binding effect upon rights of appellant.
- ii. That the act/refusal/omission on the part of respondent is not grounded in reason nor does it smack of sensible or sane approach which is bad in law and circumstance in the present case.
- iii. That appellant is serving the department and performed her duties as per wishes of high ups which was acknowledged by respondents in black and white.
- iv. That the appellant was neither assigned duties nor being paid salary that tantamount to financial strangulation of appellant and her all-dependents children / family.
- v. That the counsel for appellant may be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that on acceptance of instant service appeal, the respondents may kindly be directed to act in accordance with law and assign the duties to appellant and also release the salaries of appellantwith all back benefits which are illegally stopped by the respondents. SH thombs

Dated: 2/04/2024

Appellant

Through Counsel

Khalid Mahmood

Advocate High Court

Stationed At DIKhan



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. /2024

3

Shehnila Shaheen Daughter OfRafiqullah R/O Mohallah Ghari Saddozai DIKhan Physical education teacher Education Department DIKhan.

....APPELLANT

VERSUS

1. District Education Officer (F) DIKhan.

2. Deputy District Education Officer (F) DIKhan.

......Respondents

AFFIDAVIT

I, Shehnila ShaheenDaughter OfRafiqullah, Physical Education Teacher inEducation Department DIKhan appellant do hereby solemnly affirm and declare on oath that all the Para-wise contents of this appeal are true and correct to the best of my knowledge and nothing has been concealed deliberately from this Honorable Court.

Deponent

12101-0569138-4

Identified by Counsel

Khalid Mahmood

Advocate High Court



BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

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CM Petition No.		
voidon 140.		/2024

Service Appeal No. of 2024

MstShehnila ShaheenVS.District Education Officer (F)etc.

APPLICATION WITH THE REQUEST TO RELEASE THE SALARIES OF CURRENT MONTH, TILL FINAL DECISION OF SERVICE APPEAL AND IN THE MEANWHILE, RESPONDENTS MAY ALSO BE ABSATINED FROM TAKING ANY ACTION DETRIMENTAL TO THE SERVICE CAREER OF THE APPELLANT.

Respectfully Sheweth,

- 1. That a service appeal is being filed before this Tribunal and the grounds of same may please be considered as an integral part of the subject petition.
- 2. That the appellant has got a good prima facie case on law as well as on facts and there is every likelihood of the success of the service appeal. Hencebalance of convenience tilts in favor of appellant.
- 3. That the impugned act of respondents is illegal and without jurisdiction therefore in case of non-granting interim relief prayed for, the appellant will suffer an irreparable loss.

It is, therefore, humbly prayed that on acceptance of the present cm petition, the respondents may be directed to release the salaries of current month, till final decision of service appeal and in the meanwhile, respondents may also be absatined from taking any action detrimental to the service career of the appellant.

Yours Humble Appellant

MstShehnila Shaheen

Through Counsel

Dated: _2_/04/2024

Khalid Mahmood

Khalid Mahmood, Advocate High Court Stationed at DIKhan

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA



CM Petition No	/2024
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in

Service Appeal No. of 2024

MstShehnila Shaheen VS. District Education Officer (F) etc.

AFFIDAVIT

I, Shehnila ShaheenDaughter OfRafiqullah, Physical education teacherEducation Department DIKhan appellant do hereby solemnly affirm and declare on oath that all the Para-wise contents of this appeal are true and correct to the best of my knowledge and nothing has been concealed deliberately from this Honorable Court.

Identified by Counsel

Khalid Mahmood

Advocate High Court

Deponent

12/01-0569/38-4



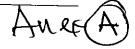


FFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DERA ISMAIL KHAN



Phone No. 0966-9280133

APPOINTMENT ORDER:



Consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of PHYSICAL EDUCATION TEACHER Female school based, in BPS-15 (16120-1320-56020) @Rs.16120/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the provincial Government, in teaching Cadre on the terms and conditions given below with effect from the date of their taking over charge.

S.NO	ROLL NO	NAME	FATHER NAME	CNIC	D.O.B	SCORE	PLACE OF POSTING
01	1728000999	SANIA KHAN	MOHAMMAD JAHANGIR KHAN	12101- 3602612-4	15/09/1995	135.19	GGMS , SINGHR
02	1728001126	SHEHNILA SHAHEEN	RAFIQ ULLAH	12101- 0569138-4	30/09/1994	131.02	GGMS, LUNDA
03	1728000898	KIRAN BATOOL	TARIQ PARVEEZ	12101- 9719895-6	30/03/1988	130.07	GGHS, HATHALA
04	1728000977	UMARA REHMAN	ABDUR REHMAN	12101- 3707387-6	28/03/1992	128.98	GGHS ROPO

TERMS AND CONDITIONS:

- 1. NO TA/DA etc is allowed/
- 2. Charge report should be submitted to all concerned in duplicate.
- 3. Appointment is purely on temporary and contract basis initially for one year from the date of issuance.
- 4. She should not be handed over charge if she exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to competent authority (if required). Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO, anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action Expenditure on verification will be borne by the appointees.
- 5. Her services are liable to termination on one month's notice from either side. In case of resignation without notice her one-month pay/allowances shall be forfeited to the Government.
- 6. Pay will not be drawn until and unless a certificate regarding verification of her documents is issued by this office.
- 7. She should join her post within 10 days of the issuance of this notification. In case of failure to join the post within stipulated period, her appointment will stands expired automatically and no subsequent appeal etc shall be entertained.
- 8. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
- 9. Before handing over charge, she will have to sign an agreement with the Department otherwise this order will not be valid.
- 10. She will be governed by such rules and regulations as may be issued from time to time by the government.

KHALID WHICH

- Her services shall be terminated at any time, in case her performance is found unsatisfactory during her contract period. In case of misconduct, she shall be proceeded under the rules farmed from time to time.
- 12. Her appointment is made on school base, She will have to serve at the place of posting, and her service is not transferable to any other station.
- 13. Before handing over charge, once again their documents may be checked by DDO concerned, if they have not required relevant qualifications as per rules or in case of any degree/certificate issued after December 20 2017, against which she claimed score fro merit they may not be handed over charge of the post.

Sell

(SYEDA ANJUM)
DISTRICTEDUCTION OFFICER
FEMALE DERA ISMAIL KHAN

Endst No. 1313-24

/DEO(F)/Estt:(S)/NTS 2017 Dated DIKhan the 25/2/2019.

Copy forwarded to:

- 01. The Director, E&SE Khyber Pakhtunkhwa Peshawar
- 02. The PS to the Secretary to Govt, Khyber Pakhtunkhwa E&SE Department.
- 03. The District Comptroller of Accounts, Dera Ismail Khan.
- 04. PA to DEO (F) DIKhan.
- 05. The Principal, Head Mistress concerned.
- 06. Accountant Local Middle Female section DIKhan.
- 07. The Candidates concerned.

08. Master file.

DISTRICT EDUCATION OFFICER
FEMALE DERA ISMAIL KHAN

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Govt: Girl Middle School
Lunda Shame

ATTESTED AND ONLY

The District Education officer (Female) Dera Ismail Khan.

Through

Proper channel

Subject:

Extra ordinary leave

Respected madam

with due reverence it is stated that I am unable to perform my duty due to some severe domestic problems. It is therefore requested that kindly grant me one year extra ordinary leave (without pay) with effect from 01-September-2020 to 30-2021. I shall be very thankful to you.

Shehnila Shaheen

PET GGMS Lunda Sharif D.I.Khan

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D/N : 33

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الميدت عن المحرف آمنزنان علم درواسمونان منوان . درقامین راغ لوستگ ارور و خدای سخواه مراش سيد في سام ١٦- ١٥-٥٦ كو گورندش كراندل سكولانده الله المراجع كالوس المراس ال كواسي لومن كا حاري مفالي - ارزركاني عهراع رلورت لف ا ε τη μα ε θος jung & 2 -031-08-20 ε ε ε ε μ' ω c (عرفال) (كالمان) أو المان المان المان المان المان المان المان على المراق المان ما هم اکن سار معلی سائے لیدن سام الح کار الح صالات وسام حول الوں ر العلى مري مي سارن الد- معلق الودور و هي سارن بي رفيت الحقي عياسي على دفيرها وروامن في الله - (علافها) فرسران فن سأل ا تصلما على العدن سألا غالب الوصافرى ى نرین می دور می او متعلق کو میدر داری در بات آستی ری کس were toudier, of the of the feet to the fil عدده ازی نی سائل او الروستا اردر / اورشگ آردر مونه مع ماک بن مري ما محواه بالتا نومبر و مد جراب ميم دن د مركوان عن نها سکول جھ کی ضی اور من الور الله دی صور و اور می ساندی دا محار شخواه ستنها مع العربين كرزنى كول من دو شين ور معادر و معادر 9/12/2023

Lyper Copply Long Long was no servery (ed/6) (10,00) 12 12/2/2012 (2) 1202 4-6-6 2 (1) 1 308-21 i. yu (1 c. 2) (10) (في عنسل عب در ما دروار الاراع (الله على الله - (عالمان) ور ال من من دور الما من من من من در در است سكول من من مع و المعالم و معلى ملا مرا و مات أمت مرك الم were toudianist leave on the to the العنان المرادي المرادي المرادي المرادي المرادي المرادي المرادي المرادية معرف في منو كو مرد من آردر / بوشگ آردر تونه بي ماكر بي من المام كواه داست و مبر دود و در يكم ١١١ در عبر كو الما في نديل Estable of DEOCF, is ? o, us a justice to لعان سرالما ره عراب و العالم العراب المالي المنافي المنافي المنافي المنافي المنافي المنافي المنافية ال و المالية الم LE SON ON ON

KHALIDIVELANOOO Advoorsed at D.J.Khan Stationed at D.J.Khan

