

INDEX

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO	INSTITUTION	ORIGINAL INSTITUTION	DECISION	PAGES
1476/2023	-	17-07-2023	06-03-2024	78

Gule Laha vs Education

Sr.No.	Page No.	No. of Pages	Documents
Part-A			
1	01 - 05	05	Judgment
2	06 - 09	04	Order Sheets
3	10 - 67	58	Appeal
4	68 - 73	06	Reply of R-3
5	74 - 74	01	Wakalatnama
6	75 - 77	03	Notices
7	78 - 78	01	Challen
8	-		
9	-		
10	-		
11	-		
12	-		
Part-B			
1	-		
2	-		
3	-		

Total Pages in Part-A	780
Total Pages in Part-B	0

Muharir Compilation

Incharge Judicial Branch

29/5/24

Sr	RollNo	Name	NIC	Name of School	SSC			HSSC			Bachelor			Master			MS/M.Phil/PhD			B.Ed			M.Ed(5%/MA.Ed(10%)			Academic Marks [out of 100]	NTS Marks [Out of 100]	Total Marks [Out of 200]	Address	Date Of Birth	Father Name	Candidate UC	Village Council	Remarks
					Obt	Total	20% (A)	Obt	Total	20% (B)	Obt	Total	20% (C)	Obt	Total	20% (D)	Obt	Total	20% (E)	Obt	Total	5% (F)	Obt	Total	%age (G)									
42	1518001819	ANEELA	17101-4531676-4	GGPS Sadiq Abad Majooki	675.0	1050.0	12.88	778.0	1100.0	14.15	412.0	550.0	14.98	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	45.35	69.0	114.35	POST OFFICE CHARSA DA MOHAIL PRANG HASSAN KHAIL CHARSA DDA.	1995-12-23	ROOH ULLAH	MC III CHARSA DDA	BABARA NO 8	
38	1518001819	ANEELA	17101-4531676-4	GGPS Station Koroona	675.0	1050.0	12.88	778.0	1100.0	14.15	412.0	550.0	14.98	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	45.35	69.0	114.35	POST OFFICE CHARSA DA MOHAIL PRANG HASSAN KHAIL CHARSA DDA	1995-12-23	ROOH ULLAH	MC III CHARSA DDA	BABARA NO 8		
43	1518000849	NAILA KANWAL	17101-2741082-8	GGPS Sadiq Abad Majooki	908.0	1050.0	17.3	812.0	1100.0	14.76	415.0	550.0	15.09	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	47.15	67.0	114.15	MOH ABBAKAR STRE 07 RAILWAY STATION KOROONA CHARSA DDA	1996-2-14	FARHAD ALI	MCIV CHARSA DDA	11 UMAR ABAD		
39	1518000849	NAILA KANWAL	17101-2741082-8	GGPS Station Koroona	908.0	1050.0	17.3	812.0	1100.0	14.76	415.0	550.0	15.09	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	47.15	67.0	114.15	MOH ABBAKAR STRE 07 RAILWAY STATION KOROONA CHARSA DDA	1996-2-14	FARHAD ALI	MCIV CHARSA DDA	11 UMAR ABAD		
44	2818000648	SEEMA GUL	17101-4509559-4	GGPS Sadiq Abad Majooki	385.0	900.0	8.56	509.0	1100.0	9.25	3.8	4.0	19.0	3.8	4.0	19.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	55.81	58.0	113.81	DHAK KHANA MOHALLAH MAHMOOD ABAD STATION CHD	1991-12-27	MUHAMMAD AKRAM	MC IV		
40	2818000648	SEEMA GUL	17101-4509559-4	GGPS Station Koroona	385.0	900.0	8.56	509.0	1100.0	9.25	3.8	4.0	19.0	3.8	4.0	19.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	55.81	58.0	113.81	DHAK KHANA MOHALLAH MAHMOOD ABAD STATION CHD	1991-12-27	MUHAMMAD AKRAM	MC IV		
45	2919000062	ZARI YOUSAF	17101-1967299-0	GGPS Sadiq Abad Majooki	779.0	1050.0	14.84	632.0	1100.0	11.49	406.0	550.0	14.76	1726.0	2200.0	15.69	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	56.78	57.0	113.78	H NO 26 BLOCK-A, LABOUR COLONY 200-FAMILY FLATES JAMRUD ROAD PESHAWAR	1993-3-30	MOHAMMAD YOUSAF	MC 3	BABARA NO 8	
41	2919000062	ZARI YOUSAF	17101-1967299-0	GGPS Station Koroona	779.0	1050.0	14.84	632.0	1100.0	11.49	406.0	550.0	14.76	1726.0	2200.0	15.69	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	56.78	57.0	113.78	H NO 26 BLOCK-A, LABOUR COLONY 200-FAMILY FLATES JAMRUD ROAD PESHAWAR	1993-3-30	MOHAMMAD YOUSAF	MC 3	BABARA NO 8	
46	1517001837	SANA JAN	17101-3213886-8	GGPS Sadiq Abad Majooki	624.0	900.0	13.87	787.0	1100.0	14.31	367.0	550.0	13.35	738.0	1100.0	13.42	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	54.95	58.0	112.95	MOHAMMAD JUNAID BOOK STALL MOHALLAH ISLAMABAD NO 2 NOWSHERA ROAD CHARSA DDA	1991-9-19	MUHAMMAD I JAN	MC 4	UMAR ABAD	

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1476/2023

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER (E)

Mst: Gule Lala, Ex-PST (BPS-12), GGPS Chanda Khurram, District Karak.
... (Appellant)

VERSUS

1. The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
 2. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
 3. District Education Officer (Female), District Karak.
- ... (Respondents)

Mr. Noor Muhammad Khattak
Advocate

For appellant

Mr. Asif Masood Ali Shah
Deputy District Attorney

For respondents

Date of Institution.....17.07.2023
Date of Hearing.....06.03.2024
Date of Decision.....06.03.2024

JUDGMENT

RASHIDA BANO, MEMBER (J): The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act, 1974 with the prayer as copied below:

“On acceptance of this appeal, the impugned order dated 12.08.2011 and appellate order date 25.07.2012 may very

R

SCANNED
KPS
Peshawar

kindly be set aside and the appellant may please be reinstated in to service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.”


2. Brief facts of the case, as given in the memorandum of appeal, are that appellant was appointed as Primary School Teacher vide order dated 31.12.2010 and was posted at GGPS Chanda Khurram. That after assuming the charge at GGPS Chanda Khuram, the appellant started performing her duty and just after eight months, the DEO (F), Karak without giving any show cause notice or explanation dismissed the appellant alongwith others vide order dated 12.08.2011. They filed departmental appeal which was rejected on 25.07.2012. Other colleagues of the appellant filed service appeal before this Tribunal which was allowed vide order dated 25.05.2016 and in the light of judgment, respondent withdrew dismissal order of the appellant of that service appeal vide order dated 12.11.2020. Appellant filed application before respondent No.1 with the request to extend the benefits of judgment of this Tribunal. Appellant filed writ petition before Worthy Peshawar High Court, Bannu Bench which was disposed of with direction to approach proper forum, hence the instant service appeal.

3. Respondents were put on notice, who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Deputy District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for appellant argued that the impugned order dated 12.08.2011 and appellate order dated 25.07.2012 are illegal, unlawful and

against the law and facts hence liable to be set aside. He further argued that appellant has not been treated in accordance with law and respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan. He further argued that respondent neither issued show cause notice nor provided opportunity of hearing. Respondents without verifying the documents from the concerned board/university terminated her from service on the basis of fake/bogus documents. He argued that the appellant along with Mst. Basin Ara, Mst. Samin Ara and Mst. Hasina Najib filed joint departmental appeal which was rejected vide order dated 24/07/2012 which order of the appellate authority was set aside by this tribunal vide order dated 25/05/2016 with direction to verify educational documents of the appellant and then decide the matter but respondent had not got verified documents of the appellant. Later on, Mst. Samina Ara and Mst. Basin Ara were reinstated in service in light of the judgment of this Tribunal, therefore, appellant is also entitled for the grant of same relief. He therefore, requested that instant appeal might be accepted.

5. Conversely learned Deputy District-Attorney contended that appellant has been treated in accordance with law and rules. He further argued that appellant alongwith others was appointed as PST subject to the condition that that the documents of the appointee must be verified from the concerned authorities by the competent authority. If anyone was found producing bogus certificate her appointment order would stand withdrawn, hence the appointment order of the appellant was withdrawn and she was dismissed from service on the basis of bogus documents.



6. It is pertinent to mention here that present appellant, alongwith with three others namely Mst. Samina Ara, Mst Basin Ara, Mst. Haseena Wajid filed departmental appeal against the order of dismissal from service on the basis of producing fake & forged documents dated 12.08.2011 which was sent by the Assistant Director Establishment Elementary & Secondary Education Khyber Pakhtunkhwa through letter dated 03.04.2012 to be sent to DCO which was accordingly sent to the DCO who rejected it vide order dated 25.07.2012. Said order of DCO was challenged by three other applicants of joint departmental appeal in this Tribunal in Service Appeal bearing No. 995, 996 and 997/2012 which was set aside by this Tribunal vide order dated 25.05.2016 wherein appellate authority was directed to specify the documents which are forged/fake beside issuing of formal charge sheet and statement of allegation where from extent of forgery could be determined. Respondent upon receipt of order of this Tribunal, reinstated all the three co-appellants of the department by ignoring the appellant. Appellate authority was duty bound to get verified educational documents of the appellant and if the same were found forged then he had to pass another speaking order of the rejection of the appeal but appellate authority remained silent to the extent of the appellant when her colleagues were reinstated into service vide order dated 12.11.2020. The appellant also filed another application for her reinstatement.


7. Order dated 25.07.2012 was passed upon joint departmental appeal of the appellant and other three Mst. Basin Ara, Mst. Samina Ara and Mst. Haseena Wajid. The factum of joint departmental appeal and one appellate order was confirmed by the representative of the respondent upon query of this

Tribunal which was set aside by this Tribunal, then silence of the respondent to the extent of appellant is against the rule and principle of natural justice which is discrimination with the appellant.

8. Learned Deputy District Attorney argued that appeal in hand is barred by time but in our opinion when order dated 25.07.2012 upon joint departmental appeal was set aside by this Tribunal with direction to pass speaking order and as a result of said speaking order two respondents Mst. Samin Ara and Mst. Basin Ara were reinstated into service vide order dated 12.11.2020 then in such a situation limitation will not run against that order and hurdle in the way of appellant to approach authority and this Tribunal as appellant was ignored by the appellate authority. Therefore, it is held that appeal of the appellant is not barred by time.

8. For what has been discussed above, we are unison to set aside impugned orders and remand the matter back to the authority to get verify educational documents of the appellant and then pass order in accordance with the verification report within 30 days after receipt of this order. Costs shall follow the event. Consign.

9. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 6th day of March, 2024.*



(Farzeha Paul)
Member (E)



(Rashida Bano)
Member (J)

SCANNED
KPST
PESHAWAR

04.03.2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, learned Deputy District Attorney for respondents present.
2. Respondents are directed to produce entire record of proceedings, inquiry/action taken by the Administrative Department in pursuance of which order dated 17.11.2020 was issued and two of the appellants namely Bassin Ara and Samina Ara were reinstated into service, conducted upon the directions of this Tribunal vide order dated 25.05.2016. File to come up for arguments on 06.03.2024 before D.B. P.P given to the parties.


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)

Mutazem Shah


ORDER


06.03.2024 1. Learned counsel for the appellant present. Mr. Asif Masood

Ali Shah, Deputy District Attorney for the respondents present.

2. Vide our detailed judgment of today placed on file, we are unison to set aside impugned orders and remand the matter back to the authority to get verify educational documents of the appellant and then pass order in accordance with the verification report within 30 days after receipt of this order. Costs shall follow the event. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 6th day of March, 2024.*


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)

*Kaleemullah

RECEIVED
SECRET
PESHAWAR

(7)

filed instant appeal on 17.07.2023 under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974. Points raised need consideration, therefore, appeal is admitted for regular hearing subject to all legal objections. Appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant within 3 days. Adjourned. To come up for written reply/comments on 22.11.2023 before S.B. P.P given to learned counsel for the appellant.


SCANNED
KFST
Peshawar


(Rashida Bano)
Member (J)

KaleemUllah

- 22.11.2023
1. Clerk of counsel for the appellant present. Mr. Asad Ali Khan learned Assistant Advocate General for respondents present.
 2. Written reply on behalf of respondents submitted which is placed on file. A copy of the same is handed over to clerk of counsel for the appellant. To come up for arguments on 04.03.2024 before D.B. P.P given to the parties.

SCANNED
KFST
Peshawar


(Rashida Bano)
Member (J)

KaleemUllah

04.09.2023

Clerk of learned counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for preliminary hearing on 10.10.2023 before the S.B. Parcha Peshi given to clerk to learned counsel for the appellant.

SCANNED
K. S. I
Peshawar

(Salah-Ud-Din)
Member (J)

Naeem Amin

09.10.2023

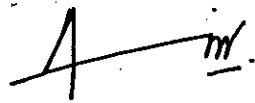

Learned counsel for the appellant present and argued that appellant was appointed vide order dated 31.12.2010 and was dismissed from service vide order dated 12.02.2011 w.e.f the issuance of his appointment order against which appeal was filed by the appellant which was rejected vide order dated 25.07.2012. Learned counsel for the appellant further argued that other colleagues of appellant approached this Tribunal for setting aside impugned order in this appeal and their appeal were accepted. He further argued that in accordance with judgment of superior court when common question of law is decided by the court of law it will also be applicable to others who were effected from litigation of that very order which was set aside by the court of law even if they are not therefore, on the basis of rule of consistency appellant again filed departmental appeal which was rejected therefore, appellant

(9)

FORM OF ORDER SHEET

Court of _____

Appeal No. 1476/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/07/2023	The appeal of Mst. Gul-e-Lala presented today by
SCANNED KPST Peshawar		Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on
		20-07-2023
20-7-23		By the order of Chairman
		 REGISTRAR
		Due to Public Holiday on 1st Muharam ul Haram to come up for the same 4-9-23
		 Reader

Appeal

10

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Gul-e-Lada v/s EDU Dept

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: نور محمد خان

Signature: _____

Dated: _____

11 1

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

APPEAL NO. 1476 /2023

SCANNED
KPST
Peshawar

GUL-E-LALA

VS

EDUCATION DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal with affidavit	1-4
2.	Copy of the order dated 31-12-2010 & educational testimonials	A & B	5-14
3.	Copies of the medical certificate and charge report	C	15-16
4.	Copy of the impugned order dated 12.08.2011	D	17
5.	Copies of the covering letter and rejection order dated 25.07.2012	E	18-19
6.	Copy of the judgment dated 25.05.2016	F	20-23
7.	Copy of the order dated 12.11.2020	G	24
8.	Copy of the representation	H	25
9.	Copies of the memo of writ petition and order dated 07.02.2023	I	26-34
10.	Vakalatnama	35

APPELLANT

THROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE**

12

-/-

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

APPEAL NO. 1476 /2023 Khyber Pakhtunkhwa Service Tribunal

Diary No. 6572

Mst: Gule Lala, Ex-PST (BPS-12),
GGPS Chanda Khurram, District Karak.

Dated 17/07/23

..... **APPELLANT**

VERSUS

1. The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), District Karak.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER NO. 4964-70 DATED 12-08-2011 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE AND AGAINST THE APPELLATE ORDER DATED 25-07-2012 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED.

PRAYER:

That on acceptance of this service appeal the impugned order dated 12.08.2011 and appellate order dated 25.07.2012 may very kindly be set aside and the appellant may please be reinstated in to service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

Filed to day
17/07/23
Registrar

1. That the appellant being eligible and qualified for the post of PST was appointed by the respondent vide appointment order bearing Endst: No. 2809-14 dated Karak 31.12.2010 and was posted at GGPS Chanda Khurram. Copy of the order dated 31-12-2010 educational testimonials are attached as annexure**A&B.**
2. That after appointment the appellant was medically examined by the concerned medical officer and in pursuance to the appointment order the appellant assumed the charge of his post. Copies of the medical certificate and charge report are attached as annexure**C.**
3. That after assuming the charge at GGPS Chand Khurram, the appellant started her duty and just after 8 months the District Education Officer (F), Karak without giving any show notice or explanation dismissed the appellant along with other vide impugned order No. 4964-70 dated 12-08-2011. Copy of the impugned order dated 12.08.2011 is attached as annexure**D.**
4. That appellant along-with others filed their departmental appeals before the respondent No. 2 (Director of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar but respondent No. 2 informed the appellant that departmental appeal is forwarded to District Coordination Officer Karak for disposal being appellate authority. That the then District Coordination Officer, Karak after hearing of the parties rejected the departmental appeal vide office order No. 2746/DCO/EA dated 25-07-2012. Copies of the covering letter and rejection order dated 25.07.2012 are attached as annexure**E.**
5. That other colleagues of appellant preferred service appeal No. 995 to 997/2012 before the August Service tribunal which was allowed vide judgment dated 25.05.2016 by setting aside the impugned orders. Copy of the judgment dated 25.05.2016 is attached as annexure**F.**
6. That in light of the above mentioned judgment of Service Tribunal dated 25/05/2016, the respondent No. 1 has withdrawn dismissal order No. 4964-70 dated 12/08/2011 and re-instated other colleagues of appellant vide order dated 12.11.2020. Copy of the order dated 12.11.2020 is attached as annexure**G.**
7. That the appellant then filed application before respondent No. 1 with copy of respondent No. 2 with the request to extend benefits of judgment of Honorable Service Tribunal KP, Peshawar dated 25-05-2016 in favour of appellant

under the principle of consistency and be treated equally but the respondents were reluctant to re-instate the appellant in service. Copy of the representation is attached as annexureH.

- 8. That the appellant then filed writ petition No. 171-B of 2021 in the Peshawar High Court Bannu Bench. The Hon'able court held vide judgment dated 07/02/2023 that this Court is not competent due to lack of jurisdiction, however, the appellant is at liberty to approach Service Tribunal for the purpose. Copies of the memo of writ petition and order dated 07.02.2023 are attached as annexureI.
- 9. That in light of judgment of Peshawar High Court Bannu Bench, the appellant approaches before this Hon'able Service Tribunal on the following grounds.

GROUND.

- a. That the impugned dismissal order dated 12/08/2011 and appellate order dated 25.07.2012 are patently illegal, unlawful and against the law and facts hence liable to be set aside.
- b. That the appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- c. That the respondents have not issued any show notice, opportunity of personal hearing and without verifying the documents from the concerned board / university the petitioner alongwith others teachers were dismissed from service on the basis of fake / bogus documents, however, Mst. Samina Ara Ex-PST and Mst. Basin Ara Ex-PST were re-instated in service vide office order Endst: No. 4605-08/F-4/V-I/Trans/File/C-IV/KK dated Karak the 12/11/2020 in light of judgment of Hon'able Service Tribunal dated 25/05/2016 passed in Service Appeal No. 995/2012 (Basin Ara V.S Govt: of KP), Service Appeal No. 996/2012 (Samina Ara V.S Govt: of KP) and, therefore, appellant is entitled to re-instate in service.
- e. That as per judgment of superior courts that once appointment order issued cannot be withdrawn until and unless notice is not given but in the case of appellant no notice has been served to appellant.
- g. That the respondents were requested by the appellant to give the benefits of judgment of Hon'able Service Tribunal dated 25/05/2016 in light of judgment of august Supreme

Court of Pakistan rendered in case titled "Govt: of Punjab through Secretary Edu: & Others V.S Sameena Parveen & Others (2009 SCMR 1) that it was held in the case of Hameed Akhtar Niazi V.S The Secretary Establishment Division Govt: of Pakistan and other (1996 SCMR 1185) that if a Tribunal or higher court decide a point of law relating to the terms and conditions of a civil servant who litigated and there were other civil servants who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the said decision be extended to other civil servants also who may not be parties to that litigation instead of compelling them to approach the Tribunal or any other legal forms. The above view was also reiterated in case of "Tara Chand and others V.S Karachi & Others (2005 SCMR 499) and it was held that according to Article 25 of the Constitution of Islamic Republic of Pakistan 1973 all others are equal before law and entitled to equal protection of law.

- g. That the appellant having requisite qualifications for the post of PST in addition having M.A Islamic Studies and B.Ed.

It is therefore, most humbly prayed that the appeal of the appellant may kindly be accepted as prayed for.

Dated: 13/7/23

Gule Lala
APPELLANT

Through

M
NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT.

AFFIDAVIT

I Mst: Gule Lala, Ex-PST (BPS-12), GGPS Chanda Khurram, District Karak, do hereby solemnly affirm that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Gule Lala
DEPONENT



(16)
Annex-A

-5-

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND
SECONDARY EDUCATION KARAK

APPOINTMENT

Consequent upon the recommendation of the District Recruitment / Selection Committee constituted by the Government of NWFP Schools & Literacy Department (Elementary and Secondary Department) the following candidates are hereby appointed as PST (Primary School) teacher on regular basis in BPS -7(3530-190 9230) Plus usual allowance as admissible under the rule on 60% Open Merit, 40% Union Council wise basis, and deceased sons quota w.e.f. the date of their taking over charge on the terms and conditions mentioned below:

OPEN MERIT 60% POSTS=16

S.N	NAME	FATHER NAME	UNION COUNCIL	SCHOOL WHERE POSTED	MERIT
1 ✓	Saima Nourcen	Ismail Khan	North Karak	GGPS Kamali Zara Khel	69.64
2	Haseena Ferdoos	Mohammad Khaliq	South Karak	GGPS Halala	68.07
3	Baseen Ara	Khyal Tawan	North Karak	GGPS Shakar Khel	67.91
4	Zaheen Akhtar	Mohammad Subhan	Sabir Abad	GGPS Shaikhan Mami Khel	67.76
5 ✓	Haseena Wajid	Awaz Jan	South Karak	GGPS chanda Khurram	67.51
6 ✓	Samina Ara	Khyal Tawan	North Karak	GGPS Shakar Khel	67.03
7	Shoukat Ara	Ghulam Sadique	do	GGPS Faqir Abad Spina	66.45
8	Munawar Sultana	Qabil Badshah	South Karak	GGPS Daraki Banda	66.39
9	Farukh Naz	Ali Abbas	T.Narati	GGPS Guguri	66.00
10	Naila Ferdoos	Hazrat Usman	Do	GGPS Darga Shahidan	65.70
11	Sania Mehboob	Mehboob Khan	South North	GGPS Thoor Dand	65.35
12	Zuhra Noureen	Mohammad Ishaq	Sabir Abad	GGPS Mator	64.64
13	Farhat Nabila	Fazal Munir	Mitha Khel	GGPS Hayat Abad	63.39
14	Gule Lala	Mudasir Gul	South karak	GGPS Chanda Khurram	63.34
15	Hasina Gul	Mohammad Sidique	Do	GGPS Eisak Khumai	63.24
16	Saira Riaz	Riaz Mohammad Shah	North Karak	GGPS Chanda Khurram	63.12

UNION COUCIL WISE 40%

<u>UNION COUNCIL TAKHTI NASRATI</u>					
1	Fariha Naz	Shair Mula Jan	T.Nasrati	GGPS Lais Khan Korona	60.54
<u>UNION COUNCIL CHOKARA</u>					
2	Sadaf Naz	Naqeeb Ur Rehman	Chokara	GGPS Amberi Killa	62.65

ATTENDED
to be true copy

17

BETTER COPY

ANNEXURE - A

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND
SECONDARY EDUCATION KARAK**

APPOINTMENT

Consequent upon the recommendation of the District Recruitment/Selection committee constituted by the Government on NWFP Schools & Literacy Department (Elementary and Secondary Education Department) the following candidates are hereby appointed as PST (Primary School Teachers) Teachers on regular basis in BPS-7 (3530-190-9226) plus usual allowances as admissible under the rules on 60% open merit, 40% Union Council wise basis and deceased sons' quota w.e.f. the date of their taking over charge on terms and conditions mentioned below.

OPEN MERIT 60% POSTS= 16

S.N O	NAME	FATHER NAME	UNION COUNCIL	SCHOOLS WHERE POSTED	MERI T
1	Saima Noureen	Ismail Khan	North Karak	GGPS Kamali Zara Khel	69.64
2	Haseen Ferdoos	Muhammad Khaliq	South Karak	GGPS Halala	68.07
3	Baseen Ara	Khyal Tawan	North Karak	GGPS Shakar Khel	67.91
4	Zaheen Akhtar	Muhammad Subhan	Sabir Abad	GGPS Sheikhan Mami Khel	67.76
5	Haseena Wajid	Awaz Jan	South Karak	GGPS Chanda Khurram	67.51
6	Samina Ara	Khyal Tawan	North Karak	GGPS Shakar Khel	67.03
7	Soukat Ara	Ghulam Sadique	North Karak	GGPS Faqir Abad	66.45
8	Munawar Sultana	Qabil Badshah	South Karak	GGPS Jaraki Banda	66.39
9	Farukh Naz	Ali Abbas	T. Nasrati	GGPS Gurguri	66.00
10	Naila Ferdoos	Hazart Usman	Do	GGPS Darga Shahidan	65.70
11	Sania Mehboob	Mehboob Khan	South Karak	GGPS Thoor Dand	65.35
12	Zuhra Noureen	Muhammad Ishaq	Sabir Abad	GGPS Mator	64.64
13	Farkhat Nabila	Fazal Munir	Mitha Khel	GGPS Hayat abad	63.39
14	Gul e Lala	Mudassar Gul	South Karak	GGPS Chanda Khurram	63.34
15	Hasina Gul	Muhammad Sadique	South Karak	GGPS Essak Khumari	63.24
16	Saira Raiz	Riaz Muhammad Khan	North Karak	GGPS Chanda Khurram	63.12

UNION COUNCIL WISE 40%

UNION COUNCIL TAKHTI NASRATI					
1	Fariha Naz	Shal Mulla Jan	T. Nasrati	GGPS Lais Khan Kurona	60.54
UNION COUNCIL CHOKARA					
2	Sadaf Naz	Naqeeb ur Rehman	Chokara	GGPS Amberri Killa	62.65

Attested
District Education Officer
Female Karak

ATTESTED
to be true Copy

18

10

6-

UNION COUNCIL SABIR ABAD					
3	Anam Sana	Faiz Ulla Khan	Sabir Abad	GGPS Sabir Abad No2	60.90
4	Naila Yasmin	Nasralla Khan	Do	GGPS Dand Edel Khel	58.20
UNION COUNCIL GMK KHEL					
5	Ferdoos Pari	Husain Bad shah	indi Mir Khan Khel	GGPS Kamali Zara Khel	57.21
UNION COUNCIL MITHA KHEL					
6	Hatham Bibi	Dost Khan Doulaf	Mitha Khel	GGPS Shino Algada	61.77
UNION COUNCIL JANDARI					
7	Shakeela Naz	Inayat Ullah	Jandari	GGPS Faqir Abad Spina	62.85
8	Bushra Khatoon	Banaras Khan	Do	GGPS Mashki Khel	61.74
UNION COUNCIL TERI					
9	Ambarin Fatima	Naralla Jan	Teri	GGPS Esak Khumari	63.11
UNION COUNCIL JATTA					
10	Bibi Khaida	Makial Khan	Jatta	GGPS Shaikan Mami Khel	51.15
11	Sheh Naz Begum	Khan Malik	Do	GGPS Mami Khel	50.36
12	Shazia Gul	Gul Bad Shah	Do	GGPS Mami Khel	50.18

DECEASED

1	Saima Jabeem	Azmat Ullah Khan	raioosa Sar	GGPS DARAKI	62.98
2	Shazia Ghani	Ghani ur Rahman	Jehangiri	GGPS SAIKOT	55.80

TERMS AND CONDITION

ATTESTED
20/08/2005

- No TA /DA is allowed.
- Charge report should be submitted to all concerned in duplicate.
- They should not be hand over charge if they exceed 35-years and below 18-years of age.
- Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the undersigned. If any one found producing bogus certificates she will be reported to the law enforcing agencies for further action and their services will be considered as automatically dismissed with no privileges of the past if any.
- Under the provision of Government of NWFP Civil Servant (Amendment) ACT 2005 came in to force w.e.f 23rd July 2005. Notified vide Establishment and Administration Department (Regulation Wing) Government of NWFP NO.SO (REGULATION) 6(E&AD) 1-13 2005 Dated 10-8-2005. all the above persons and the person appointed on regular basis to services are posted in the prescribed manner after the commencement of the said act shall, for all intents and purposes be a civil servant except for the purpose of pension or gratuity. Such a civil servant shall in lieu of pension and gratuity, be entitled to receive such amount contributed by him towards the Contributory Provident Fund along with the contribution made by the government to his account in the said fund, in the prescribed manner.
- If they failed to take over charge with in 30 days, the appointment will be deemed as cancelled.
- Health and age certificate should be produced from the Medical Superintendent concerned before taking over charge.

UNION COUNCIL SABIR ABAD					
3	Anam Sana	Faiz Ullah Khan	Sabir Abad	GGPS Sabir Abad No 2	60.90
4	Nalla Yasmin	Nasrullah Khan	Do	GGPS Dand Edal Khel	58.20
UNION COUNCIL GMK KHEL					
5	Ferdoos Pari	Husain Bad Shah	GMK Khel	GGPS Kammali Zara Khel	57.21
UNION COUNCIL MITHA KHEL					
6	Hatam Bibi	Dost Khan	Mith Khel	GGPS Shino algada	61.77
UNION COUNCIL JANDRI					
7	Shakeela Naz	Inayat Ullah	Jandari	GGPS Faqir Abad Spina	62.85
8	B ushra Khaton	Banaras Khan	Do	GGPs Mashki Khel	61.74
UNION COUNCIL TERI					
9	Amberin Fatima	Nasralla Jan	Teri	GGPS Essak Khumari	63.11
UNION COUNCIL JATTA					
10	Bibi Khiada	Maial Khan	Jatta	GGPS Sheikhan Mami Khel	51.15
11	Shah Naz Begum	Khan Malik	Do	GGPS Marni Khel	50.36
12	Shazia Gul	Gul Bad Shah	Do	GGPS Mami Khel	52.18
Deceased Sons'					
1'	Saima Jabeen	Azmatullah	Paloosa Sar	GGPS Darki	62.98
2	Shazia Ghani	Ghani ur Rehman	Jahangiri	GGPS Saikot	55.80

Terms and Conditions

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned in duplicate.
3. They should not be hand over charge if they exceed 35 years and below 18 years of age.
4. Appointment is subject to the condition that certificates/ documents must be verified from the concerned authorities by the undersigned. if any found producing bogus certificates, she will be reported to the law enforcing agencies for further action and their services will be considered as automatically dismissed with no privileges of the past if any
5. Under the provision of Government NWFP Civil Servant (Amendment) Act 2005, came into force w.e.f. 23rd July 2005, notified vide Establishment and Administration Department (Regulation Wing) Government of NWFP No. SC(Regulation)-6(E&AD)-1-13-2005 Dated 10-08-2005, all the above persons and the person appointed on regular basis to service are posted in the prescribed manner after the commencement of the said act, shall for all intents and purpose be a civil servant except for the purpose of pension or gratuity, be entitled to receive such amount contributed by him towards the Contributory Provident Fund along with the contribution made by the Government to his account in the said fund in prescribed manner.
6. If they failed to take over charge within 30 days the appointment will be deemed as cancelled.
7. Health and age certificate should be produced from the Medical Superintendent concerned before taking over charge.

Attested
District Education Officer
Female Karak

ATTESTED
to be true Copy

20

-7-

They are required to produce an affidavit on stamp paper regarding the genuineness of the certificates/Degrees submitted by them in response of the advertisement of this office. They should not be allowed to take over charge if they failed to produce the affidavit at the time of their arrival to join the duty to the concerned DDO. The DDO concerned should countersign the affidavit and the same should be submitted to the undersigned for record.

- 9. All the appointees will be entitled for the benefits as admissible to a civil Servant except pension and gratuity.
- 10. This office will verify their document from the concerned authorities of their own expenses.
- 11. The candidates already in regular Service shall have to give an option either to retain the benefit of Contributory Provident Fund allowed to her under her new appointment. Under the provision of NWFP gazette notification issued vide Provincial Assembly Secretariat No. PA/NWFP/Bills/2009/11-7-1983 dated 28-3-2009.
- 12. They will remain on probation for a period of 01 year.

They should not be allowed to take over charge if they failed to produce the affidavit at the time of their arrival to join the duty to the concerned DDO.

(Muhammad Shahid Zaman)
Executive District Officer
Elementary & Secondary Education
Karak

Endst: No. 2809-14

Dated Karak the 3/12/2010

Copy of the above is forwarded to the:-

- 1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2. District Coordination Officer Karak
- 3. District Officer (F) Elementary & Secondary Education Karak.
- 4. Deputy District Officer (F) Primary Karak/B.D.Shah/Takht-e-Nasrati.
- 5. District Accounts Officer Karak with request not to honour their pay until & unless verification of documents from concerned Board/University is received.
- 6. Candidates concerned.

[Handwritten signature]

[Handwritten signature]
Executive District Officer
Elementary and Secondary Education
Karak

[Handwritten signature]
Attested

Executive District Officer
Elementary & Secondary Education
Karak

ATTESTED
to be true Copy

S.No. 133477

Roll No. 4400



Board of Intermediate and Secondary Education
Peshawar N.W.F.P. Pakistan
Secondary School Certificate Examination

SESSION 2001-SUPPLEMENTARY

(Humanities Group)

ATTESTED
to be true Copy

This is to Certify that Gule Lala Son / Daughter of Mian Mudassir Gul
and a resident of Karak District has passed the Secondary School Certificate
Examination of the Board of Intermediate and Secondary Education, Peshawar held in September, 2001 as a Private
candidate. He / She obtained 495 Marks out of 850 and has been placed in Grade C Representing Good

The Candidate passed in the following subjects:

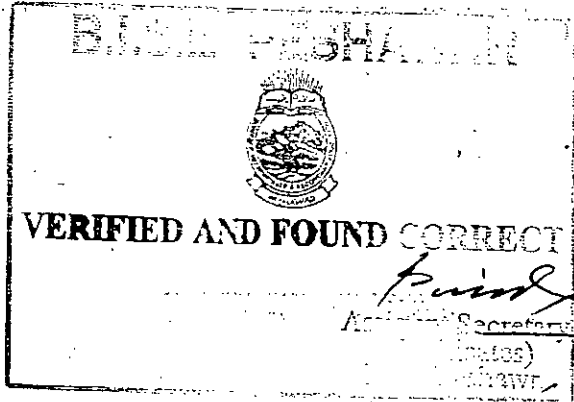
- | | | | |
|------------|---------------------|--------------------|-------------------------------|
| 1. English | 3. Islamiyat. | 5. Mathematics | 7. Islamic Studies |
| 2. Urdu | 4. Pakistan Studies | 6. General Science | 8. Elements of Home Economics |

Date of birth according to admission form September 15, 1983

Asstt Secretary

Secretary

This certificate is issued without alteration or erasure.



9.5.13
9.6.5.2013

GRADING FORMULA

Maximum Marks 850

Percentage of Marks

Grades

Remarks

80% and above

A One 680 and above

Outstanding

70% and below 80%

A 595 to 679

Excellent

60% and below 70%

B 510 to 594

Very Good

50% and below 60%

C 425 to 509

Good

40% and below 50%

D 340 to 424

Fair

Below 40% and Minimum Pass Marks

E 339 and below

Satisfactory

22 4

-9-

S.No. KB 10092

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 8545

BOARD OF INTERMEDIATE & SECONDARY EDUCATION



KOHAT
(N.W.F.P. Pakistan)
INTERMEDIATE EXAMINATION

HUMANITIES GROUP
Session 2003 (Supply)

This is to Certify that Gule Lala

Son/Daughter of Mian Mudassir Gul

and a student of District Karak

Registered No. 578-BK/P-2002 has passed the Intermediate Examination of the Board of Intermediate & Secondary Education, Kohat held in Nov, 2003 as a Private candidate. He/She obtained 543 marks out of 1100 and has been placed in D Grade Representing Fair

The Examination was taken as a whole / in parts.

[Signature]
Asst. Secretary

[Signature]
Secretary

THIS certificate is issued without alteration of measure.

Serial No 118906

23



12

-10-

**ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
PROVISIONAL RESULT CARD**

Name GUL E LALA
Father's Name MIAN MUDDASIR GUL
Address MOHALALH MIAN GAN NEAR NBP
VILL AND P/O KARAK D/O MIAN MUDDASIR GUL
Tehsil KARAK
District KARAK

Roll No P693737
Registration 04NKK0483
Final Semester SPRING 2005

has successfully completed P.T.C Programme.

The detail of passed courses is as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
WUTUMN-04	0613	PRINCIPLES OF EDUCATION	100	58
WUTUMN-04	0614	EDUCATIONAL PSYCHOLOGY	100	68
WUTUMN-04	0615	SCHOOL ORGANIZATION & MANAGEMENT	100	61
WUTUMN-04	0616	SCHOOL COMMUNITY & PRACTICAL ARTS	100	69
SPRING -05	0611	PRACTICAL WORKSHOP & TEACHING PRACTICE	100	90
SPRING -05	0617	TEACHING OF URDU	100	55
SPRING -05	0618	TEACHING OF MATHEMATICS	100	63
SPRING -05	0619	TEACHING OF SCIENCE & PHYSICAL EDUCATION	100	63
SPRING -05	0620	TEACHING OF ISLAMIAH & SOCIAL STUDIES	100	65

Total Credit AIOU 5
Result Declared on January 9, 2006
Date of issue February 7, 2006

Total Marks./Obtained 900 / 592
Percentage./Grade 66 / B

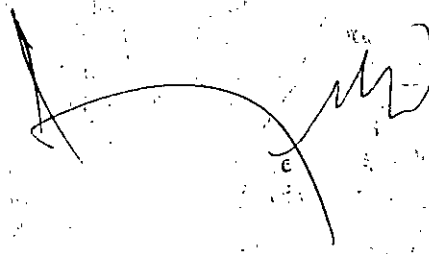
Controller of Examinations

Disclaimer:
This result card is issued provisionally, errors 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 under the rules/regulations on the basis of the original record of the university student.

ATTESTED
to be true Copy

INSTRUCTIONS FOR ISSUANCE OF ORIGINAL CERTIFICATE/DIPLOMA/DEGREE

- (i) As per undertaking signed by the candidate if at any stage from admission to issuance of Certificate/Diploma/Degree, the information provided by the candidate at the time of first admission in the programme is found wrong, mis-statement, false or Certificate / Diploma / Degree tempered or fake, the University has a right to cancel his/her admission, and stop to issuance certificate/diploma and degree. The certificate/Diploma/degree, already issued will also be treated as cancelled, as per regulations/rules of the University.
- (ii) Original Certificate/Diploma/Degree will be issued within a period of two years after completion of the programme.
- (iii) Original Certificate/Diploma/Degree will be processed after clearing all the required dues by the candidate.
- (iv) As admission was granted on provisional basis on the result cards of Boards/Universities, the original Degree/Certificate will be prepared after confirmation of the authenticity of original Degree/Certificate and diploma issued by the Boards/Universities.
- (v) Degree/Certificate/Diploma will be dispatched to the candidate at his/her given address available in the University record or handed over to candidate in person or Father/real Brother/Sister on showing the sufficient proof of relationship.

A handwritten signature in black ink, consisting of a large, sweeping initial 'A' followed by several loops and a final vertical stroke.

24 - 11 -

Serial No 184636

Allama Iqbal Open University Islamabad



Certified that *Mr/Ms* GULE LALA

Son/Daughter of MIAN MUDASSIR GUL

Registration No 04-NKK-0483 Roll No P-693737

Semester SPRING 2005 having met all the requirements

under the semester system is this day awarded the

Primary Teaching Certificate

He/She has secured 66 % marks
and has been placed in B grade



[Signature]
Controller of Examinations

Result declared on: ~~January 09, 2006~~ January 09, 2006

Date of issue: October 10, 2008

Note: This certificate is issued without alteration/erasure.
The detail of courses is overleaf.

The detail of courses passed is as under

Course code	Title of the course	Percentage of Marks obtained
613	Principles of Education	58
614	Educational Psychology	68
615	School Organization and Management	61
616	School Community and Practical Arts	69
617	Teaching of Urdu	55
618	Teaching of Mathematics	63
619	Teaching of Science and Physical Education	63
620	Teaching of Islamiat and Social Studies	65
621	Practical Workshop and Teaching Practice	60

Total credit hours XXX

Obtained / Total marks

592 / 900

Total credits AIOU

5 Full Credits

Cumulative grade point average

XXX

Final semester:

AUTUMN 2004

Final semester

SPRING 2005

Grading Scheme

80% and above:	A+ grade
70% to 79%	A grade
60% to 69%	B grade
50% to 59%	C grade
40% to 49%	D grade
Below 40%	Fail

Controller of Examinations

(25) 10

-12-

Allama Iqbal Open University Islamabad



Serial No. 106852

Certified that Mr. / Ms. GULE LALA

Son / Daughter of MIAN MUDASSIR GUL

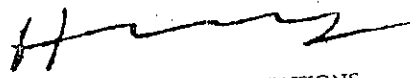
Registration No: 04NKK0483 Roll No: S 479185

having completed the prescribed requirements in semester
Autumn 2007

_____ is awarded the degree of:

Bachelor of Arts Group - General

He / She has secured 68 % marks and has been placed in B grade.


CONTROLLER OF EXAMINATIONS

Result declared on September 02, 2008

ISLAMABAD. DATED August 05, 2009




VICE-CHANCELLOR

THIS DEGREE IS TO BE READ IN CONJUNCTION WITH THE TRANSCRIPT, ISSUED SEPARATELY

~~ATTACHED~~
to be true Copy

(28)

(Amrod-C) - 15-

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL KARAK

HEALTH & AGE CERTIFICATE

Name Gul Lala
 Father Name Mian Mudasir Gul
 Nationality Pakistan
 Cast Khatran / Agpans
 Residence Karak City
Distt & Teh Karak
 Date of Birth 15/09/1983 Height 5'1"
 Personal mark of Identification wound Scar on Forehead

HEAD OF OFFICE

I hereby certify that I have examined Mr./Mrs. Gul Lala
 A candidate for employment in the office of the Education
 Department and cannot discover that He/She has any communicable disease
 constitutional affection or badly infirmity except Nil 6/6 6/6 6/6
 I do not considered his/her disqualification for employment in the as above
 Department.

His/her age according to his own statement/ N.I.Card is (28) years, and by
 Physical appearance He/ She is about Twenty Eight years of age.

LEFT/RIGHT HAND THUMB FINGERS IMPRESSION

Thumb Fore Finger Middle Finger Ring Finger Little Finger



[Signature]
 Medical Superintendent
 DHQ Hospital Karak

19/01/201

Medical Superin
 D.H.Q Ho
 Karak

M...Sufian Ktk...

[Signature]

ATTENDED
 to be true COPY

29 چارج ریلوڈ ~~28~~ -16-

بجوالہ ادڈر عشر 2809-14
آعداد دفتر کے مطابق 31-12-10

آج بروز بوقت مورٹ 1-1-11 قبل از دوپہر
صہما لا قتل لالہ کے بحیثیت P.S.I گورنمنٹ گریڈ پیراشیری
سکول چنڈہ فرم میں اپنے عہدے کا چارج سنبھالا۔
چارج ریلوڈ ارسال خدمت ہے

دستخط چارج لیٹ وائی
گل لالہ
1-1-11

دستخط ایچ اے
[Signature]
Head Constable
G.S.P.S. Chanda Khuran
(KARAS)
21-1-2011

[Signature]

ATTESTED
to be true Copy

30 (Annex "D")

17-

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND SECONDARY EDUCATION KARAK

Dismissal Order:-

As approved by the Competent Authority the following Teachers appointed against PST (Female) post vide Endst No. 2809 Dated 31-12-2010 are hereby dismissed from services w.e.f date of issue of the order on the basis of producing bogus/fake documents and thus gain irregular and fraudulent appointment against the said post.

S.No	Name	Father's Name	School	Union Council	Marks of Bogus Certificate
1	Saima Noureen	Ismail Khan	GGPS K. nabi Zara Khel	North Karak	FA/PSc/758/1100
2	Haseena Firdos	Muhammad Khaliq	GGPS Halala	South Karak	BA/BSc/78/350
3	Bashira Ara	Khalid Fayaz	GGPS Sbdar Khel	North Karak	BA/BSc/49/350
4	Haseena Wajid	Ayaz Jan	GGPS Chandi Khuram	South Karak	SSC/728/350, FA/687/1100
5	Samina Ara	Khalid Fayaz	GGPS Sbdar Khel	North Karak	BA/BSc/49/350
6	Shoukat Ara	Ghulam Sadique	GGPS Faqir Abad	South Karak	SSC/60/350, FA/728/1100
7	Mansoor Sultana	Qabil Haddshah	GGPS D. lake Handa	South Karak	SSC/706/350
8	Farah Naz	Ah Abbas	GGPS Gurgul	North Karak	SSC/630/350
9	Gul-e-Jaha	Mudhasir Gul	GGPS Chandi Khuram	South Karak	SSC/691/350, FA/685/1100

Executive District Officer (E) Elementary & Secondary Education Karak

Endst No. 4966-701

Date: 12-3-2011

Copy for information to the:-

1. District Coordination Officer Karak.
2. PS to Secretary Elementary & Secondary Education Department, Govt of Khyber Pakhtunkhwa, Peshawar.
3. Director Elementary & Secondary Education Govt of Khyber Pakhtunkhwa Peshawar.
4. District Accounts Officer Karak.
5. Circle Officer Anticorruption Branch with direction to take necessary action against the above mentioned bogus teachers as per rules.
6. Dy. District Officer (Female) in District Karak.
7. Teachers Concerned.

[Signature]

Executive District Officer (E) Elementary & Secondary Education Karak

C/S [Signature] 12/3/11

[Signature]

ATTESTED to be true Copy

31
Better Copy

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND
SECONDARY EDUCATION KARAK**

Dismissal Order

As approved by the competent Authority the following Teacher appointed against PST (Female) post vide Endst;No.2809-16 dated 31-12-2010 are hereby dismissed from services w.e.f date of issue of the order on the basis of producing bogus /fake documents and thus gain irregular and fraudulent appointment against the said post.

S.No.	Name	Father Name	School	Union Council	Marks of bogus certificate
1	Saima Naureen	Ismail Khan	GGPS Kamil Zara Khel	North Karak	FA/FSc 755/1100
2	Hasina Ferdus	Muhammad Khaliq	GGPS Halala	South Karak	BA/BSc 378/550
3	Basina Ara	Khilal Tawan	GGPS Shakar Khel	North Karak	BA/BSc 449/550
4	Hasseena Wajid	Awaz Jan	GGPS Chanda Khurram	South Karak	SSC 728/850 FA 687/1100
5	Saimna Ara	Khilal Tawan	GGPS Shakar Khel	North Karak	SSC: 602/850 FA: 728/1100
6	Shaukat Ara	Ghulam Sadique	GGPS Faqir Abad	North Karak	SSC: 602/850 FA: 728/1100
7	Munawar Sultana	Qabil Bad Shah	GGPS Daraki Banda	South Karak	SSC: 706/850
8	Farah Naz	All Abbas	GGPS Gurguri	Takhti Nasrati	SSC: 630/850
9	Gul-e-Lala	Mudasir Gul	GGPS Chanda Khurram	South Karak	SSC: 690/850 FA: 685/1100

District officer (F)
Elementary & Secondary Education
Karak

Endst;No 4964-70/

Dated 12-08-2011.

Copy for information to the :-

1. District Coordination Officer Karak.
2. PS to secretary Elementary & Secondary Education Department Govt of Khyber Pakhtun Khwa Peshawar.
3. Director Elementary & Secondary Education Govt of Khyber Pakhtun Khwa Peshawar.
4. District Account Officer Karak.
5. CInr Officer Anticorruption karak with direction to take necessary action against the above mentioned bogus teachers as per rules.
6. Dy: District Officer (Female) in District Karak.
7. Teacher concerned.

Handwritten signature
District officer (F)
Elementary & Secondary Education
Karak

Handwritten signature
ATTESTED
to be true Copy

32

Annex 'E'

27

-18-

~~Annex 'E'~~

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar

No. 300-4 /FNo.47/PSI (F) Kohat Division

Dated Peshawar the 3/4 2012

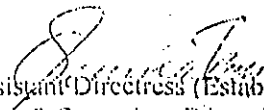
To

1. Mst. Samina Ara D/O Khial Tawan
GGPS Shaker Khel Karak.
2. Mst. Basin Ara D/O Khial Tawan
GGPS, Shaker Khel Karak.
3. Mst. Hasina Wajid D/O Awaz Jan
GGPS Chand Khurram
4. Mst. Gule Lal D/O Mudaiser Gul
GGPS Chanda Khurram

Subject:- REPLY OF APPEAL AGAINST THE ORDER NO.4964-70 DATED
12/08/2011 OF THE CANDIDATES

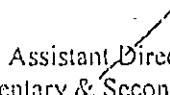
Memo:-



I am directed to refer to your letter the subject noted above and to ask you to submit your departmental appeal to District Coordination Officer Karak being appellant authority after devolution of powers and formation of District Government and local Govt: ordinance, 2001. The Director or Secretary Administration Department are not appellant authority under the rules.


Assistant Directress (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Encls: No. _____
Copy to the:-

1. P.S to Secretary E&SE Department Govt: of Khyber Pakhtunkhwa w/r to his No. SO (Lit) E&SEID/G-Misc/2012 dated 07/03/2012.


Assistant Directress (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar



ATTESTED
to be true Copy

Better Copy of Page No. 2
 Directorate of Elementary & Secy: Education
 Khyber Pakhtunkhwa, Peshawar.

No. 300-4 /FNo. 47/PST(F) Kohat Division
 Dated Peshawar the 3/4/2012

- To:-
1. Mst. Samina Ara D/O Khial Tawan
GGPS Shaker Khel, Karak.
 2. Mst. Basin Ara D/O Khial Tawan
GGPS Shaker Khel Karak.
 3. Mst. Hasina Wajid D/O Awaz Jan
GGPS Chand Khurram
 4. Mst. Gule Lala D/O Mudaser Gul
GGPS Chanda Khurram

Subject:- REPLY OF APPEAL AGAINST THE ORDER NO. 4964-70 DATED 12/08/2011 OF THE CANDIDATES

Memo.

I am directed to refer to your letter the subject noted above and to ask you to submit your departmental appeal to District Coordination Officer, Karak being appellent authority after devolution of powers and formation of District government and local Govt: ordinance, 2001. The Director or Secretary Administration Department are not appellent authority under the rules.

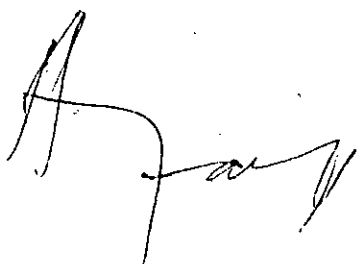
Assistant Director (Estb:)
 Elementary & Secondary Education
 Khyber Pakhtunkhwa, Peshawar

Endst: No _____

Copy to the:-

1. P.S to Secretary E & SE Department Govt: of Khyber Pakhtunkhwa w/r to his No. SO (Lit) E & SED/G-Misc:/2012 dated 07/03/2012.

Assistant Director (Estb:)
 Elementary & Secondary Education
 Khyber Pakhtunkhwa, Peshawar



ATTESTED
 to be true Copy

(34)
~~(Armed-E)~~ (2)

-19-

OFFICE OF THE DISTRICT COORDINATION OFFICER, KARAK.

OFFICE ORDER

Dated Karak the 25 /July, 2012

No. 2746 /DCO/Ea . Mst. Samina Ara, Mst. Baina Ara, Mst. Haseena Wajid and Mst. Gule Lala Ex PST Teachers have lodged departmental appeal against their dismissal order issued by the EDO(E & S Education), Karak vide Endst: No. 4964-70 dated 12/08/2011. Both the parties i.e appellants & respondent (EDO E & SE), Karak were summoned and they were heard in person twice in this office. Comments of DEO(E& SE) Karak were also received who has stated that the dismissal order has correctly been issued because the certificates / testimonials of the appellants were declared bogus/fake by the organization concerned. The DEO Education further stated that the appeal of the appellants is time barred.

Moreover, ample opportunity was given to the appellants but they could not produce anything in their defense.

After perusal of the record and hearing both the parties, the undersigned reached to the conclusion that the appeal of appellants carries no weight and is liable to be filed. Therefore, the departmental appeal of the appellants is hereby rejected in the light of E & D Rules, 2011.

DISTRICT COORDINATION OFFICER
KARAK

Copy forwarded to the:-

1. EDO (E & S) Education Karak.
2. Mst. Samina Ara, Basin Ara daughters of Khial Tawan r/o Mohalla Faqir Khel Karak City.
3. Mst. Haseena Wajid d/o Awaz Jan r/o Mohalla Faqir Khel Karak city.
4. Mst. Gule Lala D/O Mudasir Gul r/o Mohalla Miana Gan Karak City.

DISTRICT COORDINATION OFFICER,
KARAK

amm

[Handwritten signature]

ATTESTED
to be true Copy

(35) Anna - "F" (S)

-20-

BEFORE THE KHYBER PAKHTUNKWA SERVICE TRIBUNAL PESHAWAR



Case No. 1030-
04/9/12

Appeal No. 997/2012

Hasina Wajid D/O Awaz Jan Mohalla Pai Khel, Post Office, Tehsil & District Karak. (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education Peshawar.
- (3. District Coordination Officer, Karak.)
4. Executive District Officer, Elementary and Secondary Education, Karak.

(Respondents)

Service appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Order No 4970-70 dated 12-08-2011, whereby the service of the appellant has been dismissed from service w.e.f 31.12.2010 against which her departmental appeal was rejected vide order dated 25.07.2012 conveyed to the appellant on 04.08.2012.

25.05.2016

Counsel for the appellant, M/S Muhammad Owais, Subject Specialist and Hameed-ur-Rehman, AD (lit.) alongwith Mr. Muhammad Jan, Government Pleader for respondents present.

Vide our detailed judgment of today in connected service appeal No. 995/2012 titled "Bassin Ara-vs-Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar and others", this appeal is also disposed of as per detailed judgment. Parties are, however, left to bear their own costs. File be consigned to the record room.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ANNOUNCED
25.05.2016

ATTESTED
Signature of Examiner

36

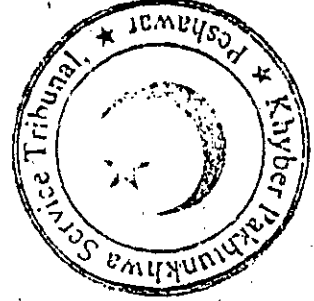
~~33~~

-21-

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 995/2012

Date of institution ... 04.09.2012
Date of judgment ... 25.05.2016



Bassin Ara D/o Khalil Tawan
R/O Mohalla Faqeer Khel Post office,
Tehsil & District Karak.

(Appellant)

SERVICE APPEAL NO. 996/2012

Samina Ara D/o Khalil Tawan
R/O Mohalla Faqeer Khel Post office,
Tehsil & District Karak.

(Appellant)

SERVICE APPEAL NO. 997/2012

Hasina Wajid D/o Awaz Jan
R/O Mohalla Pai Khel, Post office,
Tehsil & District Karak.

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. District Coordination Officer, Karak.
4. Executive District Officer, Elementary and Secondary Education Karak.

(Respondents)

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER NO. 4970-70 DATED 12.08.2011, WHEREBY THE SERVICE OF THE APPELLANT HAS BEEN DISMISSED FROM SERVICE W.E.F 31.12.2010 AGAINST WHICH HER DEPARTMENTAL APPEAL WAS REJECTED VIDE ORDER DATED 25.07.2012 CONVEYED TO THE APPELLANT ON 04.08.2010.

Mr. Sajid Amin, Advocate.
Mr. Muhammad Jan, Government Pleader.

ATTESTED
For appellant,
to be true copy Respondents.

MR. PIR BAKHSH SHAH
MR. ABDUL LATIF

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

37
2
37

20-22-

JUDGMENT

PIR BAKHSH SHAH, MEMBER:-

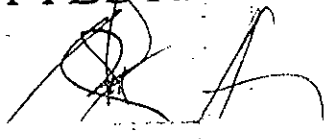
In view of the common question of facts and of law, we propose to dispose of the above three service appeals No. 995 of 2012, 996 of 2012 and 997 of 2012 by way of this single judgment.

Appointed as Primary School Teachers (PST) on the recommendation of District Selection Committee vide order dated 31.12.2010, the appellants were dismissed from service vide impugned order dated 12.08.2011 with effect from the date of issue of appointment order i.e from 31.12.2010, on the ground of producing bogus and fake documents. Their departmental appeals were also rejected vide order dated 25.07.2012. Appellants have come before this Tribunal by instituting service appeals under section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

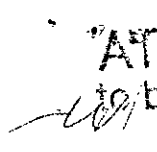
Arguments heard and record perused.

After a simple perusal of the record, it was noted that the appointments was made by inviting applications through citation in the daily newspaper and appointments of the appellants were duly recommended by the District Selection Committee constituted for the purpose. We have also noted that no show-cause notice or charge sheet or inquiry was conducted in the case. There is nothing on record to specify as to which of the document or documents produced by the appellant was/were bogus/fake and in what respect? It is also not available on record to show that who declared and decided the documents as fake/forged and for what reason? The Tribunal is of the considered opinion that proper opportunity of defense has not been provided to the appellant and order dated 25.07.2012 passed on the departmental appeal of the appellants also does not answer the above questions. The said order is based on the comments of EDO Karak but those comments are also not available on record. In the light of foregoing discussion in brief, the Tribunal is of the considered view that departmental appeals of the appellants have not been duly disposed of through an elaborate and speaking order, hence we are constrained to set-aside the said order of 25 July 2012. The cases are remitted back to the appellate authority with the direction to decide appeals of the appellants afresh through a speaking order in which the above observations of this Tribunal may have

ATTESTED



ATTESTED
to be true Copy



38 25

-23-

3

been taken into account. The appeals are decided accordingly. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
25.05.2016

sd/- Pir Bakhtish Shah, Member
sd/- Abdul Latif, Member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 03-06-2016
 Number of Words 1200
 Copying Fee 8-00
 Urgent 2-00
 Total 10-00
 Name of Copyist [Signature]
 Date of Completion of Copy 03-06-2016
 Date of Delivery of Copy 03-06-2016

[Signature]

ATTESTED
to be true Copy

-24-

(37)

Amir 39

OFFICE OF THE DISTRICT EDUCATION OFFICER (FE/TALE) KARAK

NOTIFICATION



Consequent upon acceptance of appeal in respect of Mst. Samina Ara Ex-PT and Basin Ara Ex-PT District Karak by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar in the capacity of appellate authority in light of the decision of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 25/5/2016 through service appeal No.955/2012 in exercise of power conferred under the Government of Khyber Pakhtunkhwa, Government Servant appeal Rules, 1986 vide Notification endorsement No.5927-31/F.No.401(F)/Appeal Karak dated Peshawar the 4/11/2020.

The Dismissal order of Mst. Samina Ara Ex-PT and Basin Ara Ex-PT District Karak issued vide Executive District Officer (S&L) Karak issued under Endorsement No.4954-70 dated 12/8/2011 is hereby with drawn and they posted in the School noted against each.

- 1. Mst. Samina Ara-Ex-PT is Posted at GPS Lalamber No.1 against the vacant post of SPST.
- 2. Mst. Basim Ara Ex-PT District Karak is posted at GPS Karak No.2 against the vacant post of SPST.

Note: Their Seniority will remain intact with their seniority counterparts.

DISTRICT EDUCATION OFFICER (FE/TALE) KARAK

Encl: No. 11 /F-IV/Trans/He/C-IV/KK: dated Karak the 17/11/2020

- 1. Secretary Elementary & Secondary Education Department KPK Peshawar
- 2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
- 3. Chairman Service Tribunal Khyber Pakhtunkhwa Peshawar
- 4. Office copy.

DISTRICT EDUCATION OFFICER (FE/TALE) KARAK

to be true Copy

Handwritten signature and scribbles.

40

Legible Copy

OFFICE OF THE DISTRICT EDUCATION OFFICER,
(FEMALE), KARAK

NOTIFICATION

Consequence upon acceptance of appeal in respect of Mst. Samina Area Ex-PST and Basin Ara Ex-PST District Karak by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar in the capacity of appellate authority in light of the decision of Khyber Pakhtunkhwa service Tribunal Peshawar dated 25/5/5/2016 through Service Appeal No.995/2012 in exercise of power conferred under the Government of Khyber Pakhtunkhwa Government Servant Appeal, Rules 1986 vide notification endorsement No.5927-31/F. No.401/(F)/Appeal Karak dated Peshawar the 4/11/2020.

The dismissal order of Mst. Samina Ara Ex.PST and Basin Area Ex-PST District Karak issued vide Executive District Officer (S&L) Karak issued under Endorsement No.4964-70 dated 12.08.2011 is hereby withdrawn and they posted in the school noted against each.

1. Mst. Samina Ara Ex-Post is posted at GGPS Latamber No.1, against the vacant post of SPST.
2. Mst. Basin Ara Ex-PSt District Karak is posted at GGPS Karak No.2, against the vacant post of SPST.

Note- There Seniority will remain intact with their seniority counterparts.

Sd/-
District Education Officer
(Female) Karak

Endst. No. _____ P-1/V-I/Trans/file/C-IV/KK: dated Karak the 17/11/2020

Copy to the:-

1. Secretary Elementary & Secondary Education Department KPK Peshawar
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar
3. Chairman Service Tribunal Khyber Pakhtunkhwa, Peshawar
4. Office Copy.

Sd/-
District Education Officer
(Female) Karak

ATTESTED
to be true Copy

"H" (41) (89)

-25-

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) کرک

عنوان۔ درخواست برائے بحالی سروس

جناب عالی۔ سائلہ مسماة گل لالا ذیل عرض کرتی ہے۔

مکودبانہ گزارش ہے کہ سائلہ کو بحوالہ آفس آرڈر نمبر 14-2809 مورخہ 31/12/2010 کو پی ایس ٹی کی پوسٹ پر گورنمنٹ گرلز پرائمری سکول سندھ ڈیپارٹمنٹ میں تعینات کیا گیا۔ Health & Age ٹیسٹ کے بعد سائلہ نے دورانہ یکم نومبر 2011 کو اول باا میں اپنے سیدھے کا چارج سنبھال لیا اور باقاعدہ گی سے ڈیوٹی دینا شروع کیا۔ سائلہ اور دیگر ٹیچرز کو بوجہ لوگس ڈاکومنٹ کی بنیاد پر سروس سے مورخہ 12 اگست 2011 کو برخاست کئے گئے۔

جناب عالی۔ سائلہ اور دیگر تین ٹیچرز نے اپنے برخاستگی آرڈر کے خلاف جناب ڈائریکٹر ایجوکیشن پشاور کو اپیل ارسال کئے۔ اپیل پر فیصلہ کیلئے اس وقت کے ڈسٹرکٹ کوآرڈینیشن آفیسر کرک کو مورخہ 03/04/2012 کو ارسال کیا تاہم ڈسٹرکٹ کوآرڈینیشن آفیسر کرک نے اپیل کو مورخہ 25/07/2012 کو خارج کیا گیا۔

جناب عالی۔ مسماة صائمہ آرا، باسین آرا اور حسینہ واجد نے برخاستگی آرڈر مورخہ 12/01/2011 اور اپیل خارج آرڈر مورخہ 03/04/2012 کے خلاف سروس ٹریبونل خیبر پختونخواہ میں اپیل جمع کئے گئے جو کہ مورخہ 25 مئی 2016 کو منظور کئے گئے اور برخاستگی آرڈر کو کالعدم قرار دیا گیا۔

جناب عالی۔ مسماة صائمہ آرا اور باسین آرا کو بحوالہ انڈسٹنٹ نمبر 08-4105 مورخہ 12/11/2020 فیصلہ مورخہ 25/05/2016 آف سروس ٹریبونل کی روشنی میں اپنی سروس پر بحال کئے گئے ہیں اور جبکہ مسماة حسینہ واجد کو فیصلہ ہائی کورٹ مورخہ 22/02/2018 کی روشنی میں بحال کی گئی ہے اور صائمہ نورین دختر اسماعیل خان کو بھی بعد میں بحال کی گئی ہے۔

لہذا سائلہ التماس کرتی ہے کہ سروس ٹریبونل فیصلہ کی روشنی میں سائلہ کو اپنی سروس پر بحال کرنے کی احکامات صادر فرمایا جاوے اور دیگر Candidates کی طرح سائلہ کیساتھ برابری کا سلوک کیا جائے۔ سائلہ مشکور رہی گی۔

مورخہ 15/12/2020

سائلہ
ATTACHED
to be true Copy Gulalala

گل لالا دختر مدثر گل حملہ میاں گان کرک شی

کاپی نو ڈائریکٹر ایجوکیشن پشاور سے بھی استدعا کی جاتی ہے کہ سائلہ کو اپنی سروس پر بحال کیا جائے۔

42

"I"

**IN THE HONOURABLE PESHAWAR HGH COURT
BANNU BENCH, BANNU.**

Writ Petition No. 171-B of 2021

-26-



Gule Lala Daughter of Mudasir Gul Mohalla Miangan Union Council Karak South Tehsil Road Karak Tehsil & District Karak. ----- (Petitioner)

V E R S U S

1. District Education Officer (Female), Karak.
2. Director Elementary & Secondary Education Department, Peshawar near Govt. Higher Secondary School Shaheed Hasnain Sharif, Peshawar
3. Provincial Govt. of Khyber Pakhtunkhwa through secretary Elementary & Secondary Education Department Civil Secretariat, Peshawar. -- **Respondents.**

The Addresses of the parties mentioned above are sufficient for proper service.

=====
**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN,
1973.**
=====

Respectfully Sheweth:-

Facts of the case are as under:-

1. That the petitioner being eligible and qualified for the post of PST was appointed by the respondent No. 1 (District Education Officer Female, Karak) in open merit vide appointment order bearing Endst: No. 2809-14 dated Karak the 03-12-2010 and was posted at GGPS Chanda Khurram. In the said appointment order other candidates were also appointed. ----- (Photocopy of appointment order No. 2809-14 dated 03-12-2010 with qualifications are annexed as Annexure "A").
2. That after obtaining the health & age certificate, the petitioner resumed her charged in GGPS Chanda Khurram. ----- (Photocopy of Health & Age Certificate and Charge report are annexed as Annexure "B").

Filed Today
13 FEB 2021
Amb
Additional Registrar

Amm

ATTESTED
to be true Copy

ATTESTED

EXAMINER
Peshawar High Court
Bannu Bench

3. That after assuming her charge at GGPS Chand Khurram and the petitioner started her duty and just after 8 months and 9 days of issuance of appointment order, the District Education Officer (F), Karak without giving any show ^{cause} notice, the petitioner alongwith 8 others candidates were dismissed from their services vide dismissal order No. 4964-70 dated 12-08-2011 w.e.f. 31-12-2010. -----(Photocopy of dismissal order No. 4964-70 dated 12-08-2011 is annexed as Annexure "C").

4. That petitioner along-with others candidates filed a departmental appeal before the respondent No. 2 (Director of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar but respondent No. 2 informed the petitioner that departmental appeal is forwarded to District Coordination Officer Karak for disposal being appellate authority due to devolution of powers and formation of District Govt: & Local Govt: Ordinance, 2001 vide letter No. 300-4 /F.No. 47/PST(F) Kohat Division dated Peshawar the 03-04-2012. (Photocopy of letter No. 300-4 /F.No. 47/PST(F) Kohat Division dated Peshawar the 03-04-2012 is annexed as Annexure "D").

4. That the then District Coordination Officer, Karak after hearing of the parties rejected the departmental appeal vide office order No. 2746/DCO/EA dated 25-07-2012. (Photocopy of rejection order No. 2746/DCO/EA dated 25-07-2012 is annexed as Annexure "E").

5. That due to financial constraints the petitioner was unable to file service appeal, however, other colleagues of petitioner namely Ms. Hasina Wajid, Ms. Basin Ara & Ms. Samina Ara daughters of Khail Tawan filed Service Appeal No. 995/2012, Service Appeal No. 996/2012 and Service Appeal No. 997/2012 against the dismissal order dated 12-08-2011 and rejection of departmental appeal order dated 25-07-2012 before the honorable Service Tribunal KP Peshawar. The service appeals were accepted vide judgment dated 25-05-2016 and set aside the dismissal order dated 12-08-2011. -----(Photocopy of judgment dated 25-05-2016 of Service Tribunal KP Peshawar is annexed as Annexure "F").

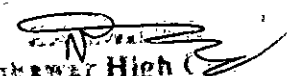
FILED
13 FEB 2021
A. Sub
Additional Registrar

A. Sub

6. That in light of the above mentioned judgment of Service Tribunal dated 25/05/2016, the respondent No. 1 has withdrawn dismissal order No. 4964-70 dated 12/08/2011 and re-instated other colleagues of petitioner namely Mst. Samina Ara Ex-PST and Mst. Basin Ara Ex-PST and posted at GGPS Latamber No.1 and GGPS Karak No. 2 vide Endst: No. 4605-08/F-4/V-I/Trans/File/C-IV/KK dated Karak the 12/11/2020.

ATTESTED
to be true Copy

ATTESTED


Shannu Bensch
Peshawar High C

(Photocopy of re-instatement order dated 12/11/2020 is annexed as Annexure "G").

- 7. That the petitioner then filed application before respondent No. 1 with copy of respondent No. 2 with the request to extend benefits of judgment of Hon'able Service Tribunal KP, Peshawar dated 25-05-2016 in favour of petitioner and be treated equally but the respondents were reluctant to re-instate the petitioner in service. ----- (Photocopy of applications are annexed as Annexure "H").
- 8. That the respondents are reluctant to give the benefits of judgment of Service Tribunal to petitioner and as there is no other efficacious and adequate remedy is available to the petitioner hence the instant writ petition before this honourable court on the following grounds.

GROUND.

- a. That the impugned dismissal order dated 12/08/2011 is patently illegal, unlawful and against the law and facts hence liable to be set aside.
- b. That respondents have without adopting and fulfilling the basic codal formalities has dismissed the petitioner from services.
- c. That the respondents have not issued any show notice, opportunity of personal hearing and without verifying the documents from the concerned board / university the petitioner alongwith others teachers were dismissed from service on the basis of fake / bogus documents, however, Mst. Samina Ara Ex-PST and Mst. Basin Ara Ex-PST were re-instated in service vide office order Endst: No. 4605-08/F-4/V-I/Trans/File/C-IV/KK dated Karak the 12/11/2020 in light of judgment of Hon'able Service Tribunal dated 25/05/2016 passed in Service Appeal No. 995/2012 (Basin Ara V.S Govt: of KP), Service Appeal No. 996/2012 (Samina Ara V.S Govt: of KP) and, therefore, the respondents are liable to re-instate the petitioner in service although the petitioner has not filed service appeal due to financial constraints.
- d. That Mst. Hasina Wajid again applied for the post of PST Teacher in the next round of advertisement whose appointment was again differed due to bogus documents and this time she filed writ petition No. 189-B of 2015 before this Hon'able Court which was disposed of with the directions to respondents to verify the testimonial of Mst. Hasina Wajid or otherwise issue appointment order of Mst. Hasina Wajid vide judgment dated 22/02/2018. The documents was verified and she

18 FEB 2021
Amir

Handwritten signature

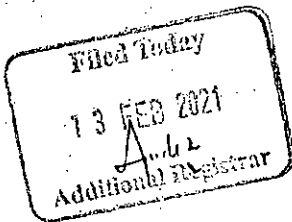
Attested
Handwritten signature

ATTESTED

Handwritten signature
High Court
Peshawar

was appointed against the post of PST but the respondents neither issue appointment order of petitioner to give benefits of judgment of Service Tribunal in light of judgment of superior court reported 1996 SCMR 1185 nor to verify the documents of petitioner. -----(Photocopy of judgment dated 22/02/2020 is annexed as Annexure "I").

- e. That the name of Mst. Samina Noureen daughter of Ismail Khan was mentioned in the impugned dismissal order dated 12/08/2011 and she was also re-instated in service after verification of her documents from concerned board / university but the respondents neither re-instate the petitioner in service nor to verify the documents of petitioner hence the petitioner has been treated with discrimination and the respondents violated Article 4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- f. That as per judgment of superior courts that once appointment order issued cannot be withdrawn until and unless notice is not given but in the case of petitioner no notice has been served to the petitioner.
- g. That the respondents were requested by the petitioner to give the benefits of judgment of Hon'able Service Tribunal dated 25/05/2016 in light of judgment of august Supreme Court of Pakistan titled "Govt: of Punjab through Secretary Edu: & Others V.S Sameena Parveen & Others (2009 SCMR) that it was held in the case of Hameed Akhtar Niazi V.S The Secretary Establishment Division Govt: of Pakistan and other (1996 SCMR 1185) that if a Tribunal or higher court decides a point of law relating to the terms and conditions of a civil servant who litigated and there were other civil servants who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the said decision be extended to other civil servants also who may not be parties to that litigation instead of compelling them to approach the Tribunal or any other legal forms. The above view was also reiterated in case of "Tara Chand and others V.S Karachi & Others (2005 SCMR 499) and it was held that according to Article 25 of the Constitution of Islamic Republic of Pakistan 1973 all others are equal before law and entitled to equal protection of law.



[Handwritten Signature]

ATTESTED

[Handwritten Signature]
EXAMINED
Peshawar High Court,
Bannu Bench

- h. That the petitioner having requisite qualifications for the post of PST in addition having M.A Islamic Studies and B.Ed and capable for teaching.
- i. That any other point will be pressed at the time of argument with permission of this honourable court during the course of argument.


Prayer

So it is, therefore, most humbly and respectfully prayed on acceptance of the instant writ petition this honourable court may very graciously be pleased to issue writ directing to respondent to re-instate the petitioner against the post of PST and to give the benefits of judgment of Hon'able Service Tribunal dated 25/05/2016 passed in Service Appeal No. Service Appeal No. 995/2012, Service Appeal No. 996/2012 and Service Appeal No. 997/2012 with all back benefits i.e ~~the~~ salary, seniority & annual increments vide which the respondents have already re-instated Mst. Samina Ara Ex PST Teacher and Mst. Basin Ara Ex PST Teacher vide re-instatement order dated 12/11/2020 in light of the above referred judgment of Hon'able Service Tribunal.

Interim Relief.

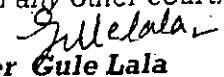
This Hon'able Court may very graciously be pleased to issue directions to keep one vacant PST Post for petitioner in U.C Karak South till final decision of the main writ petition.

Dated:- 11/02/2021 **Petitioner Gule Lala**


Through Ahmad Farooq Khattak
ASC.

Certificate

Certified that no such like petition has been filed on similar ground before this honourable court of any other court.



Petitioner Gule Lala

Filed today
 13 FEB 2021
 Amb
 Additional Registrar

Law Books.

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Case law according to need.

ATTESTED

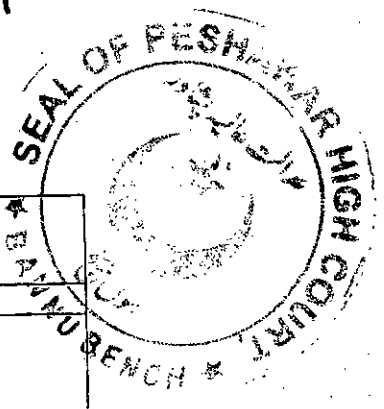

Attestor
Arbawal High Court
Baran Bazar

47

-31-

PESHAWAR HIGH COURT, BANNU BENCH


FORM OF ORDER SHEET



Date of Order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
07.02.2023	<p><u>WP No.171-B/2021</u></p> <p><u>Present:</u> Ahmad Farooq Khattak Advocate for the petitioner</p> <p>Sardar Muhammad Asif, Asstt. A.G. for official respondents</p> <p>***</p> <p><u>MUHAMMAD FAHEEM WALLI, J.---</u> Through the instant writ petition, the petitioner, in fact, wanted to implement the judgment passed by the Khyber Pakhtunkhwa Service Tribunal on 25.05.2016, where the appeals of Mst. Samina Ara and Baina Ara, who too were appointed alongwith the petitioner and thereafter, were dismissed from service, were accepted and the matter was remitted back to the appellate authority with certain observations i.e. to verify the credentials of the appellants and thereafter, decide the matter vide detailed judgment dated 25.05.2016. Though, what happened thereafter, is of no concern, rather this Court is to see as to whether the case of the petitioner is at par with the above referred candidates.</p>

Ghafoor Zaman

(D.B) Hon'ble Mr. Justice Sahibzada Asadullah
Hon'ble Mr. Justice Muhammad Faheem Wali

ATTESTED

Peshawar High Court
Bannu Bench

J

As the petitioner was admittedly appointed against the post on 31.12.2010 and thereafter, was terminated on 12.08.2011. The record tells that the petitioner after assumption of charge, performed her duty for a considerable long time and in such eventuality, she attained the status of a civil servant. Learned counsel for the petitioner still resisted the matter and invited the attention of this Court to an order passed by this Court in WP No.189-B/2015 dated 22.02.2018, where while disposing of the writ petition of one Hasina Wajid, the respondent department was directed to verify the documents / credentials of the said petitioner. The learned counsel further submitted that it was because of the order of this Court passed on 22.02.2018, that Hasina Wajid was blessed with appointment. The worthy Assistant Advocate General was heard on this particular aspect of the case, who apprised the Court and also drew the attention of this Court to the very Writ Petition No.189-B/2015, where this fact is admitted that in fact, the grievance of the petitioner Hasina Wajid was against the order passed in the year 2015 and not in 2011. So, in such eventuality, this limb of the arguments of learned counsel for the petitioner

Ghafoor Zaman

(D.B) Hon'ble Mr. Justice Sahibzada Asadullah
Hon'ble Mr. Justice Muhammad Faheem Wali

ATTESTED

[Signature]
EXAMINER
Peshawar High Court
Bannu Bench

could not convince this Court, as the said writ petition was in pursuance of another matter and it did not pertain to the appointments and termination made in the year 2010 & 2011 and the appointments made thereafter. At this juncture, no ambiguity is left that this Court is lacking jurisdiction and competence as well in this particular matter.

2. Though, the learned counsel for the petitioner wanted the indulgence of this Court with a request that this Court has the competence and power to treat the petitioner at par with those treated by the learned Service Tribunal vide judgment dated 25.05.2016, but we are failed to understand that once this Court lacks jurisdiction, then it cannot treat the case of the petitioner with those in whose favour the judgment was passed by the Service Tribunal, rather the petitioner is at liberty to approach the Service Tribunal for the purpose. As this Court is facing an embargo in the shape of Article 212 of the Constitution, so when competent forum has been created for the purpose, then the litigant or the petitioner must approach the same for redressal of his / her grievance.

Ghaffoor Zaman

(D.B) Hon'ble Mr. Justice Sahibzada Asadullah
Hon'ble Mr. Justice Muhammad Faheem Wali

ATTESTED

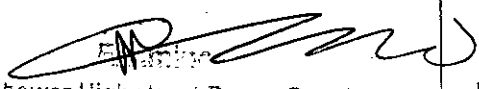
EXAMINER
HON'BLE MR. JUSTICE SAHIBZADA ASADULLAH
HON'BLE MR. JUSTICE MUHAMMAD FAHEEM WALI

3. With these observations, the instant writ petition is disposed of accordingly. However, the petitioner is at liberty to approach competent forum for the redressal of her grievance.

Announced
07.02.2023

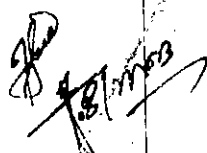

Sd/Mr Justice Sahibzada Asadullah, J
Sd/Mr Justice Muhammad Faheem Wali, J

CERTIFIED TO BE TRUE COPY



Peshawar High Court, Bannu Bench
Authorised Under Article 57 of
Constitution of Pakistan 1973

14/2/2023


09 FEB 2023


68

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Service appeal No. 1476 / 2023

Gule Lala ----- (Appellant)

VERSUS

D.E. O (Female) & Others.----- (Respondents).

SCANNED
KPST
Peshawar

22/11/23

INDEX

S. No	Description of documents	Annexure	Page
1	Written Statement		1-3
2	Affidavit		4
3	Authority		5

Dated:-----/11/2023

~~Respondent No. 3
District Education Officer
(Female), Karak~~

(69)

I

BEFORE THE KHYBER PAKHTUNKHAWA SERVICES TRIBUNAL PESHAWAR

APPEAL NO. 1476/2023

**ANNEXED
KPST
Peshawar**

1. Mst: Gule Lala EX-PST GGPS Chanda Khurram Tehsil & District Karak
..... **APPELLANT.**

22/11/23

Versus

1. The Secretary to Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department Civil Secretariat Peshawar.
2. The Director Elementary and Secondary Khyber Pakhtunkhwa Peshawar,
3. The District Education Officer (F) Karak.....**RESPONDENTS.**

Para wise comments on behalf of the Respondent No .1 to 3.

RESPECTFULLY SHEWETH.

PRELIMINARY OBJECTION.

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 9301

Dated 22-11-23

1. That the appellant has got no cause of action to file the instant appeal
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct to bring the present appeal.
5. That the appeal is bad due for misjoinder and non-Joinder of necessary parties.
6. That the appeal is barred by law and limitation No Departmental appeal has been filed to the competent authority against the impugned Order. Hence not maintainable under Section-4 of Service Tribunal Act.

Facts-

1. That Para 1 is correct to the extent of issuance of appointment order dated 31.12.2010 of the petitioner including other candidate and the District Education officer (Female) karak has dismissed the petitioner alongwith other appointees on 12.8.2011 mentioned in the dismissal order after verification of documents including the documents of the appellant which her documents found bogus and the Department respondent follow the Terms & condition at Para No.4. So the appellant was dismissed in the light of Terms and condition at Para No.4 of the appointment order.
2. That Para 2 pertains to Record
3. That Para 3 is incorrect and not admitted as per Para no 4 of the Terms and condition appointment is subject to the condition that the certificates must be verified from the concerned authorities by the competent authority. If anyone found producing bogus certificate she will be reported to the law

enforcing agencies for further action and their services will be considered as automatically dismissed with no privileges of the post if any. Hence the appellant was dismissed from service due to her bogus Documents.

- 4. That Para 4 is correct to the extent that the appeal of the appellant was rejected by the District Co-ordination Officer Karak ample opportunity was given to the appellant but they could not produce anything in their defense . Office order issued vide his office No.2746/DCO/EA dated 25.7.2012.Hence her appeal was rejected is correct. It is worth mentioned that the appellant if aggrieve from the decision of the appellant authority she is bound to lodged in appeal in the Service Tribunal ~~in~~ with-in Stipulated period while the appellant lodged in writ petition 171-B/of 2021 after laps of 09 years So the appellant lost her right of appeal in the present court.
- 5. Para No.5 is incorrect and not admitted the others colleagues of the appellant lodged in their service appeal on due time while the appellant lodged in appeal in the High court in 2021 already mentioned at Para No.4.
- 6. Para No.6 of the appellant is incorrect and not admitted as the case of the appellant is not a same nature case.
- 7. Para No.7 is incorrect and not admitted that the appellant has no filed any service appeal Or joined other proper remedy if she was aggrieved. Hence the appellant is not entitled to be Re-instated in her service.
- 8. Para No.8 is correct.
- 9. Para No.9 is correct but the present Appeal is badly time barred.

GROUNDS.

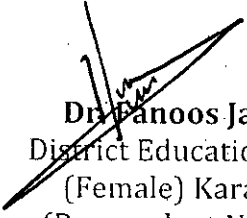
- A. **Incorrect and Denied**, As stated above that after verification the documents as per para No.4 of the appointment order dated 31.12.2010 which were bogus the appellant along with other were dismissed from service vide dismissal order dated 12.8.2012.
- B. **Incorrect and Denied**, the appellant has been treated in accordance with the Rules and policy of the Provincial Government.
- C. **Incorrect and Denied**, the District Coordination Officer Karak give an opportunity to the appellant mentioned at Para No.2 of her rejection Office Order dated 25.7.2012.
- E. **Incorrect and Denied**, As Per Para No.4 of the appointment order already explained at Para No.1 of the fact. Furthermore the judgment of the superior court not applicable in this case.(Para D & F is lifted in the appeal).

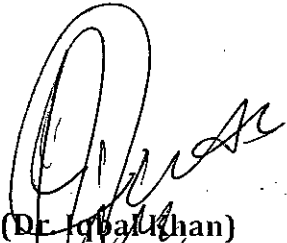
G. **Incorrect and Denied**, The appellatant case is time barred and not come to the Court with in stipulated period hence the judgments mentioned at Para G is not applicable in the present appeal of the appellatant.


g. **Incorrect and Denied**, the respondent Department is bound to implement the Rules and Policy of the Government for appointment.

Prayer:-

In the light of the above stated facts, it is requested to dismiss the case of the appellatant with cost.


Dr. Panoos Jamal
District Education Officer
(Female) Karak
(Respondent No: 3)


(Dr. Iqbal Khan)
DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 2)


(Motasim Billah Shah)
SECRETARY
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1)

72

4

BEFORE THE KHYBER PAKHTUNKHAWA SERVICES TRIBUNAL PESHAWAR.

APPEAL NO. 1476/2023

1. Mst: Gule Lala EX-PST GGPS Chanda Khurram Tehsil & District Karak
..... **APPELLANT.**

Versus

- 2. The Secretary to Govt of Khyber Pakhtunkhawa Elementary & Secondary Education Department Civil Secretariat Peshawar.
- 3. The Director Elementary and Secondary Khyber Pakhtunkhawa Peshawar,
- 4. The District Education Officer (F) Karak.....**RESPONDENTS.**

AFFIDAVIT

I, Dr. Fanoos Jamal DEO(F) Karak, do hereby solemnly affirm and declare on oath that all the contents of accompanying comments are true and correct as per record of the office and knowledge and belief, nothing is lie and nothing has been concealed from this honorable court. It is further stated on oath that in this appeal the answering respondent have neither been placed Ex Party nor their defense has been struck off.

Dated -----/0 /2023.

Deponent
Dr. Fanoos Jamal

ID No. 12102-2287662-2

Identification.



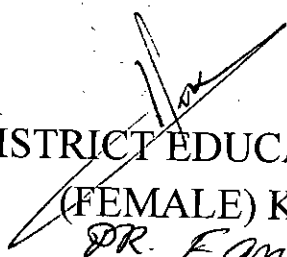
73

5

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
KARAK.

AUTHORITY.

Mst:Muhammad Sultan B & A O DEO (F) Karak is hereby authorized to to submit Para wise comments in the Honourable Service Tribunal in the Services Appeal No._1476/2023 titled Mst: Gul-e- Lala Vrs Govt:of Khyber Pakhtunkhawa. He is also authorized to attend the Hon: Tribunal on behalf of the undersigned.


DISTRICT EDUCATION OFFICER
(FEMALE) KARAK.
DR. Fanoos Jamal

74

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO: _____ OF 2023

SCANNED
CPST
Peshawar

Gul-e-lala

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Appellant

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/202

[Signature]
CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
(BC-10-0853)
15401-0705985-5

UMAR FAROOQ

WALEED ADNAN

&

MUHAMMAD AYUB
ADVOCATES

[Signature]
Kamran Khay
Advocate

OFFICE:

Flat No.(TF) 291-292 3rd floor
Deans trade centre Peshawar cantt:
Mobile No: 0334-5277323