

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**AT CAMP COURT D.I.KHAN**

**Service Appeal No. 115/2022**

**BEFORE:** RASHIDA BANO --- MEMBER (J)  
MUHAMMAD AKBAR KHAN --- MEMBER (E)

Mst. Sadaf Faizullah wife of Abdullah C/o New Mart Bakers Multan Road,  
Dera Ismail Khan, Presently as PST at GGPS Kot Zangbar Tehsil &  
District Tank..... (*Appellant*)

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary Elementary &  
Secondary Education Department, Khyber Pakhtunkhwa, Peshawar & 03  
others..... (*Respondents*)

**Present:-**

SHAUKAT ULLAH BATTANI QADRI,  
Advocate --- For Appellant

MUHAMMAD JAN,  
District Attorney --- For respondents.

Date of Institution.....11.01.2022

Date of Hearing..... 19.02.2024

Date of Decision.....19.02.2024

**JUDGMENT.**

**MUHAMMAD AKBAR KHAN, MEMBER(E):-** The instant service  
appeal has been instituted under Section 4 of the Khyber Pakhtunkhwa  
Service Tribunal, Act 1974 with the prayer copied as under;

*“On acceptance of the instant appeal the appellant may kindly  
be granted all back benefits/salaries in the interest of justice.”*

02. Brief facts of the case are that appellant was serving as Primary  
School Teacher at District Tank. That her brother was kidnapped by unknown  
culprits as is evident from FIR#76 dated 25.04.2019 U/s 365 PPC was  
registered at Police Station Gomal Tank, therefore, she requested for her  
transfer form District Tank to District D.I.Khan. That vide order dated  
29.11.2019, the appellant was awarded major penalty of removal from

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service. Feeling aggrieved, she filed departmental appeal which was accepted and the appellant was reinstated in service, however, the intervening period was treated as leave without pay vide impugned Notification dated 02.10.2020. Feeling aggrieved, from the impugned Notification dated 02.10.2020, she filed departmental appeal on 09.08.2021 which was not responded within the statutory period, hence preferred the instant service appeal on 11.01.2022.

03. Notices were issued to the respondents to submit their reply/comment, however, the responded did not submit reply/comments within the specified time as a result of which their right for submission of reply/comments was struck off vide order sheet dated 18<sup>th</sup> Jan, 2023.

04. Learned counsel for the appellant contended that the impugned Notification No.6973-76 dated 02.10.2020 issued by respondent No. 3 is illegal, against services law and rules, without jurisdiction; that the services law and rules were not complied, hence the appellant is entitled to receive all the back benefits from the department being innocent; that the appellant has been deprived form salaries of eleven months which is against the norms of natural justice, service rules and departmental policy, hence the appellant is entitled to receive all the back benefits i.e. salaries.

05. On the other hand, learned District Attorney argued that the impugned Notification dated 02.10.2020 was issued after recommendation of the inquiry report. Moreover, the appellant is not a committed person to her job and remained absent from duty without prior leave/permission of the competent authority. He is, therefore, not entitled for salary for the period in which she has not performed duty.

06. It is admitted that the appellant stopped attending and performing her duties at the school where she was posted citing security reasons after abduction of her brother. She claims to have submitted application for transfer to D.I.Khan and leave for two months and stopped attending school without getting the leave sanctioned by the DEO (F) Tank, the competent authority. The school was shown closed and the teacher (appellant) absent by the Independent Monitoring Unit (IMU) staff in the monthly visit report. On the second inspection visit the school was reported as non-functional by the IMU inspecting staff. The competent authority initiated disciplinary proceedings against the appellant and imposed major penalty of removal from service on her. However, the appellate authority set aside the order of major penalty on the ground of procedural deficiencies in the disciplinary proceedings. The appellate authority reinstated the appellant into service and treated the intervening period as leave without pay so as to regularize the period in which the appellant remained out of service. We observe that the appellant has already been given departmental relief and there no reason available for further relief. Therefore, we find no legal ground to interfere in the appellate order dated 02.10.2020 and as such the appeal stands dismissed. Costs shall follow the event. Consign.

07. *Pronounced in open court at camp court D.I.Khan and given under our hands and seal of the Tribunal on this 19<sup>th</sup> day of February, 2024.*



(Rashida Bano)  
Member (J)  
Camp Court D.I.Khan





(Muhammad Akbar Khan)  
Member (E)  
Camp Court D.I.Khan

\*Kamranullah\*

ORDER

- 19.02.2024
1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.
  2. Vide our detailed judgment of today separately placed on file, we find no legal ground to interfere in the appellate order dated 02.10.2020 and as such the appeal stands dismissed. Costs shall follow the event. Consign.
  3. *Pronounced in open court at camp court D.I.Khan and given under our hands and seal of the Tribunal on this 19<sup>th</sup> day of February, 2024.*

  
(Rashida Bano)  
Member (J)  
Camp Court D.I.Khan

  
(Muhammad Akbar Khan)  
Member (E)  
Camp Court D.I.Khan

\*Kamranullah\*

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District Education Officer (Female) Tank to produce the entire record and we also direct her to ensure presence of a Grade-17 officer well conversant with the facts of this case. Simultaneously we direct the appellant to procure and produce copy of leave application alleged to have been submitted for the period of her absence. Adjourned. To come up for arguments on 19.02.2024 before D.B at Camp Court, D.I.Khan. P.P given to the parties.

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\*Adnan Shah\*



(Salah Ud Din)  
Member(J)



(Kalam Arshad Khan)  
Chairman  
Camp Court, D.I.Khan


23<sup>rd</sup> Nov. 2023

1. Husband of the appellant on behalf of the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Bench is incomplete. Therefore, case is adjourned. To come up for arguments on 21.12.2023 before D.B at Camp Court, D.I.Khan. P.P given to the parties.

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\*Mutazem Shah\*

  
(Muhammad Akbar Khan)  
Member (E)  
Camp Court, D.I.Khan

21<sup>st</sup> Dec. 2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.


2. Learned counsel for the appellant has submitted that the appellant had made an application for leave and/or for her transfer because of some threats to her, which fact was admitted in the enquiry report on the basis of which the appellant was reinstated. The learned counsel further submitted that the department ought to have considered the application either way but instead the intervening periods which was not allegedly because of any fault on the part of the appellant and vide the impugned order of Director Education, was treated as leave without pay. The department has not submitted reply nor any representative on behalf of the respondents is present, therefore, we put on notice to


18<sup>th</sup> May, 2023

01. Counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl. Advocate General for the respondents present.

02. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Granted. To come up for arguments on 21.06.2023 before the D.B at Camp Court, D.I.Khan. Parcha Peshi given to the parties.

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(Fareeha Paul)  
Member (E)  
(Camp Court, D.I.Khan)

  
(Kalim Arshad Khan)  
Chairman  
(Camp Court, D.I.Khan)

*\*Fazle Subhan, P.S\**


21-6-2023 Proper DB is not available therefore  
case is adjourned to 20-9-2023  
Reader.

20.09.2023

1. Junior to counsel for the appellant present. Mr. Farhaj Sikandar learned District Attorney for the respondents present.

2. Bench is incomplete. Therefore, case is adjourned. To come up for arguments on 23.11.2023 before D.B at Camp Court, D.I.Khan. P.P given to parties.

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(Rashida Bano)  
Member (J)  
Camp Court, D.I.Khan

*\*KaleemUllah\**


16<sup>th</sup> Feb, 2023

Learned counsel for the appellants present. Mr. Muhammad Jan,

District Attorney for the respondents present.

The Bench is incomplete, therefore, the case is adjourned. To come up for arguments on 18.04.2023 before D.B. at camp court D.I.Khan.

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(Muhammad Akbar Khan)  
Member (E)  
Camp Court D.I. Khan


18.04.2023

Appellant present through counsel.


Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 18.05.2023 before D.B. at Camp Court, D.I.Khan. Parcha Peshi given to the parties.

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(Muhammad Akbar Khan)  
Member (E)  
Camp Court, D.I.Khan

\*Mutazem Shah\*

  
(Rozina Rehman)  
Member (J)  
Camp Court, D.I.Khan



23.11.2022

Tour to camp court D.I Khan has been cancelled therefore, the case is adjourned to 18.01.2023 for the same.


  
READER

18<sup>th</sup> Jan, 2023

~~Nemo for the appellant.~~ Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Vide order sheet dated 25.10.2022, last chance was given to the respondents with a cost of Rs. 5000/- to file reply/comments but today there is nobody present on behalf of the respondents nor did they submit written reply/comments. The time provided in Rule-12 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 for filing reply is seven days before the date fixed but despite providing opportunity the respondents have not filed the comments. They are thus placed ex-parte and their right to file reply stands struck off. To come up for arguments on 16.02.2023 before D.B at camp court D.I Khan.

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(Kalim Arshad Khan)  
Chairman  
Camp Court D.I Khan

28.09.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and sought time for submission of reply/comments. Adjourned. To come up for submission of reply/comments on 25.10.2022 before the S.B at Camp Court D.I.Khan.



(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

25.10.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General present. Nemo for respondents.

This case has been pending since January, 2022 and despite directions to the respondents, comments were not submitted, therefore, case is adjourned on payment of cost of Rs.5000/- to be paid to the appellant on the next date with last opportunity for submission of reply. To come up for reply/comments on 23.11.2022 before S.B at Camp Court, D.I.Khan.

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**Peshawar**



(Rozina Rehman)  
Member (J)  
Camp Court, D.I.han

28<sup>th</sup> June 2022

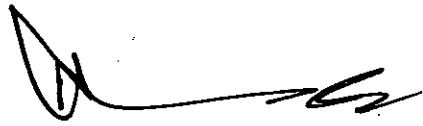
1. Learned counsel for the appellant present and has been heard.

2. The instant appeal was dismissed in default vide order dated 23.05.2022 against which petitioner filed application for restoration of appeal on 02.06.2022 which is within, therefore, the instant appeal is restored to his original number. Appellant is also directed to deposit security and process fee within two days, thereafter notices be issued to the respondents for submission of written reply/comments. To come up for written reply/comments on 27.07.2022 before S.B at camp court D.I.Khan.

3. *Pronounced in open court in D.I.Khan and given under my hand and seal of the Tribunal on this 28<sup>th</sup> day of June, 2022.*

Rs-600/-  
Appellant Deposited  
Security & Process Fee  
4/7/22

D



(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

27/07/2022


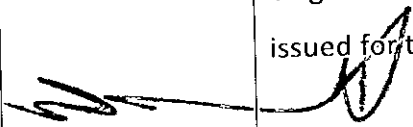

Due to Summer vacation come  
up 28/09/2022

Reader

Form-A  
FORM OF ORDER SHEET

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

Restoration Application No. 320 /2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	02.06.2022	<p>The application for restoration of appeal No. 115/2022 submitted today by Mr. Shaukatullah Battani Qadri Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR — 2/6/2022</p>
2	3-6-22	<p>This restoration application is entrusted to Single Bench at Dera Ismail Khan to be put up there on <u>28-6-22</u>. Original file be requisitioned. Notices to the appellant be also issued for the date fixed.</p> <p>  CHAIRMAN</p>

Service Appeal No. 115/2022

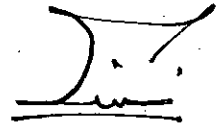
ORDER  
23.05.2022

Nemo for the appellant. Security and process fee have also not been deposited by the appellant.

The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till the closing time, therefore, the appeal in hand stands dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
23.05.2022

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**Peshawar**

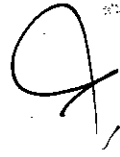


(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

29<sup>th</sup> March, 2022

Counsel for the appellant present and heard.

The appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 23.05.2022 before S.B at camp court, D.I.Khan.



Chairman  
Camp Court, D.I.Khan.




سید (ج) کو بیگ

Form- A

# FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 115/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/01/2022	<p>The appeal of Sadaf Faiz Ullah resubmitted today by Mr. Shaukat Ullah Bettani Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	28.03.2022	<p>This case is entrusted to touring S. Bench at D.I Khan for preliminary hearing to be put up there on <u>28-03-2022</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel<del>s</del> are on strike. To come up for preliminary hearing tomorrow on 29.03.2022 before S.B at camp court, D.I.Khan.</p> <p style="text-align: right;"> CHAIRMAN, Camp Court, D.I.Khan</p>

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST

Case Title: Sadaf Faizullah vs Govt. Khyber Pakhtunkhwa etc

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?	/	
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 A.G/D.A.G?	/	
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 cuttings/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:

Shaukatullah Bettani

Signature:



Dated:

25-01-2022



To

The Registrar,  
Service Tribunal Khyber Pakhtunkhwa,  
Peshawar.

Sadaf Faizullah                      Versus                      Govt. of Khyber Pakhtunkhwa etc

## **SERVICE APPEAL**

Respected Sir,

Reference to objection dated 12/01/2022.

1. In respect of 1<sup>st</sup> objection, it is stated that check list is annexed.
2. In respect of objection#2, it is stated that attested affidavit is annexed
3. All the annexure are attested.
4. Appeal is fagged with annexure-marks
5. Better copy of the Annexure-B is annexed herewith
6. Copy of departmental appeal is already annexed.
7. Two extra copies are being sent to you accordingly.

**Objection has been removed accordingly and service appeal mentioned above is hereby resubmitted for further necessary action please.**

Dated: 25/01/2022

Yours' Sincerely



**Shaukat Ullah Bettani**  
Advocate  
stationed at Dera Ismail Khan

The appeal of Mst. Sadaf Faizullah PST, GGPS Kot Zangbar District Tank received today i.e. on 11.01.2022 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Affidavit may be got attested by the Oath Commissioner.
- 3- Annexures of the appeal may be attested.
- 4- Appeal has not been flagged/marked with annexures marks.
- 5- Annexure-B of the appeal is illegible which may be replaced by legible/better one.
- 6- Copy of first departmental appeal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 7- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 64 /S.T,

Dt. 12/01 /2021



Mr. Shaukatullah Battani Adv.  
High Court D.I.Khan.



**REGISTRAR**  
**SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA**  
**PESHAWAR.**

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

In service Appeal No. 115 /2021

Sadaf Faizullah **VERSUS**  
**(Appellant)**

GOVT of KPK etc  
**(Respondents)**

**I N D E X**

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**KPSI**  
**Peshawar**

S.No.	Description of documents	Pages
1.	Memorandum of Appeal along with affidavit	1-6
2.	Copy of inquiry report	<b>A</b> 7-9
3.	Copy of notification dated 29/11/2019	<b>B</b> 10, 10A
4.	Copy of notification dated 02/10/2020	<b>C</b> 11
5.	Copy of departmental appeal	<b>D</b> 12-14
6.	Copy of first departmental appeal	<b>E</b> 15-16
7.	Vakalatnama	17-18

Dated 30/12/2021

Your humble appellant

*Sadaf*

**Sadaf Faizullah**  
Through counsel

*Shaukat Ullah Bettani*

**Shaukat Ullah Bettani**  
Advocate

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL****PESHAWAR**Khyber Pakhtunkhwa  
Service TribunalService Appeal No. 115 /2022Diary No. 32Dated 11/01/2022

**Mst Sadaf Faizullah** wife of Abdullah c/o New Mart Bakers  
Multan Road, Dera Ismail Khan, presently as PST at GGPS Kot  
Zangbar Tehsil & District Tank, Contact No. 0346-7878473

**(Appellant)****VERSUS**

1. Government of KPK, through Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
2. Director General Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
3. Deputy Director (Female) Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
4. District Education Officer (Female) Tank.

..... **(RESPONDENTS)**

**APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE PARTIALLY IMPUGNED NOTIFICATION NO. 6973-76 DATED 02/10/2020 ISSUED BY RESPONDENT NO. 3, WHEREBY THE SERVICE OF THE APPELLANT WAS REINSTATED BUT THE INTERVENING PERIOD WAS TREATED AS LEAVE WITHOUT PAY.**

**PRAYER**

On acceptance of the instant appeal the appellant may kindly be granted all back benefits/salaries in the interest of justice.

Re-submitted to -day  
and filed.

Registrar  
26/01/2022

Filed to-day  
Registrar  
11/01/2022

**Note:** Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

**Respectfully Sheweth;**

Appellant humbly submits as under;

1. That the appellant was appointed in Education Department District Tank and performed her duties with great zeal, zest and to the entire satisfaction of her superiors. In this respect the service record of the appellant is very much evident.
2. That the appellant was performing her duties according to service rules. Meanwhile the mother of the appellant had been died; moreover, the brother of the appellant was kidnapped by the unknown culprits, in this respect the FIR#76 dated 25/04/2019 u/s 365 PPC was registered at Police Station Gomal Tank. The appellant submitted an application for leave and also requested for her transfer from District Tank to District Dera Ismail Khan as there were life threats to the appellant as well as her family but the then EDO (F) Tank has not considered the application of appellant. In this regard the inquiry report is also annexed for ready reference as **Annexure-A**.
3. That it is pertinent to mention here that the then Deputy Commissioner Tank also endorsed the request of transfer of the appellant.
4. That ironically the District Education Officer (F) Tank issued a notification No. 8775-82 dated 29/11/2019 vide which the appellant was awarded major penalty of removal from service. Copy of notification dated 29/11/2019 is annexed as **Annexure-B**.
5. That feeling aggrieved, the appellant preferred a departmental appeal before the appellate authority. The appellate authority. The appellant conducted inquiry through inquiry officer in subject case vide letter No. 667173 dated 10/03/2020. Thereafter the appellate authority, after examine the appeal, the detail report of DEO (F) Tank and inquiry

report of the view that the recommendation are convincing and justified. In the light of recommendations of the inquiry conducted by the appellate authority, the notification No. 8775-82 dated 29/11/2019 was set aside and the service of the appellant was reinstated but the service and the intervening period was treated as leave without pay vide notification No. 6973-76 dated 02/10/2020. Copy of the notification dated 02/10/2020 is annexed herewith for ready reference as **Annexure-C**.

6. That it is pertinent to mention here that the inquiry officer mentioned in his report that service rules and legal proceedings were not compiled in the case of appellant. In this respect the inquiry report is very much evident.
7. That feeling aggrieved by the impugned notification dated 02/10/2020 the appellant preferred a departmental appeal to the appellate authority i.e. respondent#2 in August 2021 which is not decided as yet. Copy of the departmental appeal is annexed as **Annexure-D**.
8. That jurisdiction of this worthy service tribunal is being invoked in attending circumstances against the impugned notification No. 6973-76 dated 02/10/2020 issued by respondent no. 3, inter alia on the following grounds amongst others;

### **G R O U N D S**

- a. That the impugned notification No. 6973-76 dated 02/10/2020 issued by respondent no. 3 is illegal, against services Law and rules, without jurisdiction, in violation of the precedents of Honourable apex courts of the country and is not justifiable for any reason whatsoever.
- b. That as the service laws & rules were not complied in case of the appellant, hence, the appellant is entitled to receive all the back benefits from the department being innocent.

- c. That the appellant has to feed her children and family and depriving her from salaries of eleven month is against the norms of natural justice, service rules and departmental policy, hence, the appellant is entitled to receive all the back benefits i.e. salaries.
- d. That counsel for the appellant may kindly be allowed to raise additional grounds at the time of arguments.

**It is thus most respectfully prayed that on acceptance of the instant appeal the appellant may kindly be granted all back benefits/salaries in the interest of justice.**

Dated 30/12/2021

Your humble appellant

  
**Sadaf Faizullah**  
Through counsel

  
**Shaukat Ullah Bettani**  
Advocate

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

In service Appeal No. \_\_\_\_\_/2021

Mst. Sadaf Faizullah  
**(Appellant)**

**VERSUS**

GOVT of KPK etc  
**(Respondents)**

**CERTIFICATE**

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Dated 30/12/2021

  
Appellant

**NOTE**

Appeal with enclosure along-with required sets thereof are being presented in separate file covers.

Dated 30/12/2021

  
Appellant's counsel



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

In service Appeal No. \_\_\_\_\_/2021

Mst. Sadaf Faizullah  
**(Appellant)**

**VERSUS**

GOVT of KPK etc  
**(Respondents)**

**AFFIDAVIT**

I, **Mst. Sadaf Faizullah**, appellant herein, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

Dated: 30/12/2021



25/12/22  
*Sadaf*  
Deponent

Identified By:-

**Shaukat Ullah Bettani**  
Advocate  
D.I.Khan

Annexure 'A' (7)

The Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Subject: INQUIRY REPORT  
Memo:

AUTHORITY:-

P-119

Reference the Deputy Director (Estab) E&SE Khyber Pakhtunkhwa Notification No. 6671-73/F.No.416/(F)Appeal dated Peshawar the 10/03/2020 regarding my nomination as Inquiry Officer in subject case.

BRIEF HISTORY:-

In this regards, I visited the Office of the District Education Officer (Female) Tank on 06/07/2020 to conduct inquiry on the appeal submitted to the Director E&SE Peshawar by Mst. Sadaf Faiz Ullah Ex.PST GGPS Kot Zangbar.

Mst. Sadaf Faiz Ullah has rendered her Services as Primary School Teacher BS-12 at Govt. Girls Primary School Kot Zangbar since 2014. She was removed from Service by the DEO (F) Tank vide Endstt. No. 8775-87 Dated the 29/11/2019. Later on she has submitted an appeal to the Director E&SE Peshawar (Competent authority) for re-instatement of her Service. The Director E&SE has called on comments from the DEO (F) Tank vide Deputy Director (Female) E&SE Peshawar letter No. 2036/F.No.416/F/Appeal Dated Peshawar the 13/01/2020.

FINDINGS OF INQUIRY:-

1. According to the statement of SDEO (F) Tank, the then ASDEO (Circle) has reported the absentee of Mst. Sadaf Faizullah Ex. PST to the SDEO (F) Tank.
2. The, then SDEO (F) Tank has called up explanation from Mst. Sadaf Faiz Ullah vide her No. 12018-09 Dated 05/10/2019 regarding her absentee.
3. The, then SDEO (F) Tank has reported the absentee of Mst. Sadaf Faiz ullah for the period w.e.f 06-09-2019 & 26-09-2019 to the DEO (F) Tank vide her No. 14/11/2019.
4. Meanwhile, Mst. Sadaf Faiz Ullah Ex. PST GGPS Kot Zangbar has submitted an application to the DEO (F) Tank subjected that She wants leave either with pay or without pay. Because of her mother's demise and abduction of her elder brother from her village, who was in-service Addl. DC-FBR.

Handwritten notes and scribbles on the left margin.

442  
287-2000

Sadaf  
Attended

requested her transfer to DIKhan because of unfavorable ...  
treat. The Deputy Commissioner Tank has also vetted her application and strongly  
recommended her transfer from District Tank.

Annexure 'A' (8)

Furthermore, the Section Officer (S/F) E&SE Department Khyber Pakhtunkhwa has also  
endorsed her application to the Director E&SE Peshawar vide No. SO (S/F) E&SED 4-  
16/2019/Mst Sadaf Faiz Ullah PST Dated Peshawar the August 16<sup>th</sup> 2019 for transfer  
from Tank to DIKhan for favorable consideration.

7. The DEO (F) Tank has then exercised the powers conferred by the Rule 4 (b)(iii) & 9 of  
the Govt. of Khyber Pakhtunkhwa Efficiency and Disciplinary Rules 2011, and imposed  
the major penalty of removal from service on Mst. Sadaf Faiz Ullah PST GGPS Kot Zangbar  
w.e.f 01/09/2019.

8. Forgoing in view and in the light of prevailing rules, the DEO (F) Tank has not exercised  
the following codal formalities before imposing major penalty under the aforesaid rules.

A. The DEO (F) Tank has not exercised the provision contained in Rule 5 (a) of the  
Govt. of Khyber Pakhtunkhwa Efficiency & Disciplinary Rules 2011, by issuing  
a Show Cause notice to the accused for the reasons to be recorded in writing.  
She just rely on the explanation called up by the then SDEO (F) Tank from Mst.  
Sadaf Faiz Ullah Ex. PST.

B. The DEO (F) Tank has not exercised the provision contained in Rule 5 (b) by  
offering charge sheet to accused and by dispensing inquiry officer or inquiry  
committee before the imposing of major penalty under Rule 4 (b)(iii).

C. The DEO (F) Tank has not given the chance of personal hearing to the accused,  
nor intimated her that sufficient grounds are available and there is no need of  
dispensing inquiry under the framed rules.

D. The DEO (F) Tank has just exercised the power conferred by Rule (9) of the  
Govt. of Khyber Pakhtunkhwa Efficiency & Disciplinary Rules 2011, but not  
bothered the norms and procedure before exercising of the said rule. Provided  
that "in case of willful absence from duty by a Government servant for seven  
or more days, a notice shall be issued by the competent authority through  
registered acknowledgement on his home address directing him to resume  
duty within fifteen days of issuance of the notice. If the same is received back  
as undelivered or no response is received from the absentee within  
stipulated time, a notice shall be published in at least two leading  
newspapers directing him to resume duty within fifteen days of the  
publication of that notice, failing which an ex-parte decision shall be taken  
against the absentee. On expiry of the stipulated period given in the notice,  
major penalty of removal from service may be imposed upon such  
Government servant".

Sadaf  
Faiz Ullah  
PST

**RECOMMENDATIONS:-**

In the light of above detail report, checking of relevant records in detail and critical analysis of written / oral statements. It is crystal cleared that the DEO (F) Tank / Competent Authority has not properly followed the rules & procedure contained in the Govt. of Khyber Pakhtunkhwa Efficiency & Disciplinary Rules 2011, before imposing the major penalty of removal from service upon Mst. Sadaf Faiz Ullah Ex. PST under Rule 4 (b)(iii).

C. In the view of above, the Inquiry Officer is of humble view that the removal from service Order issued by the DEO (F) Tank vide Endstt:No. 8775-87 Dated Tank the 29/11/2019 may be set aside and the Services of Mst. Sadaf Faiz ullah Ex. PST may be re-instated at GGPS Kot Zangbar with effect from her removal date, However the intervening period may be converted into leave without pay.



District Education Officer  
(Male) Tank

Endstt;No. 11035 /

to the:-

Deputy Director (Estab) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar w/r to the above.

Sadaf  
Attested



District Education Officer  
(Male) Tank

محترم جناب ڈی ای او DEO صاحبہ فی میں درخواستیں ڈسٹرکٹ ٹائٹل

جنابہ عالیہ!

گزارش ہے کہ میں معلم صدرین فیض اٹھ-12 PST نے سکیورٹی حادثہ کی وجہ سے 2019-9-3 کو  
without pay دو ماہ کیلئے غرضی دی گئی۔ جسکی کاپی DC Tank اور ڈائریکٹر ایجوکیشن KPK کو بھی سنبھ  
کی گئی۔ لیکن تا حال مجھے میرے درخواست کا کوئی جواب نہیں مل رہا ہے۔ جسکی کاپی لف ہے۔

غرض ہے کہ میں نے گذشتہ 10 سالوں سے کوٹ زنگبار پریسیلر ٹیم ورنہ ڈسٹرکٹ ٹائٹل میں سکول  
بڈ کی ڈیوٹی سرانجام دی ہے۔ لیکن اب سکیورٹی حادثہ کی وجہ سے میں ڈسٹرکٹ ٹائٹل  
میں ڈیوٹی دینے سے قاصر ہوں۔ جیسا کہ میرے درخواست میں بھی غرض کیا ہے کہ ہمیں  
طرح طرح کی دیکھیاں ملیں ہے اور مختبراً دینا ضروری سمجھو کہ پوری فیملی کے ساتھ ڈیوٹی آئی خانہ  
منتقل ہو گئے ہے۔

تہذیب اطلاع کیلئے غرض ہے کہ جب محکمہ طالبان پاکستان کے والدین نے میرے بیٹائی اور  
مگر کے دربارہ افراد کو اغوا کیا تو اسباب یہ دیکھی گئی تھی کہ ہم آپ کے پرنس کو جو کہ  
مہر کاری بھیج رہے آئے ہیں ٹائٹل کر سکتے ہے۔

لہذا ایک بار پھر آپ سے درخواست ہے کہ ان حادثہ میں خود کو اور اپنے 10 ماہ کے بچے کی زندگی کو  
خطرے میں نہیں ڈال سکتی۔ آپ سے التماس ہے کہ مجھے دو ماہ کی غرضی عنایت فرمادی جائے تاکہ میں اپنے  
ڈائریکٹر سنبھال کر سکوں۔ میرے درخواست Acupted یا Rejected کا ایشن دیا جائے۔  
آمد کرنی پورے اس بار غرضی فرمادینا یقین فرمائیں گے۔

آپنی غرضیں گزارش ہوگی۔

- All Necessary document are attached.
- (i) FIR copy (ii) kidnaping news of my brother & other family members
  - 1) DC Tank Remarks
  - 2) Minister of education remarks, letter are attached.

معلم صدرین فیض اٹھ-12

Badaf

(Dated = 7-10-2019

Received  
Daud  
7/10/2019

copy of above is forwarded to the:-  
Director Elementary & Secondary Education KPK.  
DC Tank Peshawar.  
strict monitoring concerned.

محرم صاحبہ ڈی ای او DEO صاحبہ جی ایجوکیشن ڈسٹرکٹ

جنابہ عالیہ!

گزارش ہے کہ میں معلم معروف فیض اللہ 12-PTA گذشتہ 5 برسوں سے  
یوسی ایس ٹیچرز کونٹریکٹ زنگبار GGS school میں بطور 12-PTA ٹیچر ایجوکیشن  
ڈیوٹی سرانجام دے رہی ہوں۔

جیسا کہ آپ کو معلوم ہے کہ کچھ مہینہ پہلے میری والدہ کی وفات واقع ہوئی  
بیمار گھر سے میرے کھائی انٹل اور دو کزن کو نامعلوم افراد نے آٹھا لیا تھا  
آٹھ لے کر سے ہمیں طرح طرح کی دھمکیاں بھیجی ہیں۔ اور ہم اپنے عملے سے  
یعنی گھر بھی نہیں جاسکتے۔ بیماری جانوں کو شدید خطرات لاحق ہے۔

لہذا آپ سے التماس ہے کہ جب تک مجھے ایک سیف جگہ یا میجر ٹرانزیشن  
سوجائے میں ڈسٹرکٹ ٹائٹ میں ڈیوٹی دینے سے قاصر ہوں۔

اسیلا آپ سے گزارش ہے کہ ایک دو مہینہ تک میرے ساتھ کٹاؤں کیا جائے  
یا میجر 2) منبوت بے without pay بھی دی جائے۔

آئندہ کوئی صورت کہ شکل کی اس گفٹری میں آپ اپنے سٹاف کے ساتھ ضرور تعاون  
کریں گے۔ اور دعا ہے کہ اللہ تعالیٰ ہم سب کو اپنے حفظ و امان میں رکھے۔

آپ کی عین گزارش ہوگی۔

Qadaf

معلم معروف فیض اللہ

cc = Director of Education KPK. (Dated 3-9-2018)

Deputy Commissioner Tank.



## WHEREAS:

WHEREAS you Ms. Sadaf Fairullah while serving as PST at GGPS Kot Langoh Tank were proceeded for having committed the gross irregularities as noted below, which constitute the breach of under Rule 3 sub Rules (a), (b), (d) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules 2011

AND WHEREAS an absent report was submitted by SDEO-F Tank vide her No. 1378 dated 12/11/2019 & No. 1430 dated 27/11/2019 along with its enclosure.

AND WHEREAS it is communicated that you did not join the school on the odd occasions in May, 2019 & remained absent continuously since 01/09/2019

AND WHEREAS an explanation was served upon you vide SDEO F Tank vide her No. 1300 19 dated 05/10/2019 but you didn't respond to it.

AND WHEREAS concerned circle's ASDEO submitted reports regarding your willful absence and endorsed you to proceed under the rules for a strict action.

AND WHEREAS your school was reported closed and you were reported absent by IMU in the recent months

AND WHEREAS your school was also declared as NON FUNCTIONAL in the month of October, 2019 due to your willful absence.

Now therefore the Competent Authority in exercise of the power conferred upon me under sub rules 4-b (iii) and 9 of Govt. of Khyber Pakhtunkhwa, Establishment & Administration Department 2011 has been pleased to order the "Removal from Service" of Ms. Sadaf Fairullah PST GGPS Kot Langoh Tank w.e.f. 01/09/2019.

*Sadaf Fairullah*  
Affected

Encls: No. 8371-82

Dated Tank

Copies to:

1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. District Accounts Officer Tank
3. Deputy District Education Officer Female Tank
4. DMO, IMU Tank
5. SDEO-F Tank with the remarks that the entry of removal from service should be recorded in her Service Book & recovery be made for her entire absence period & be submitted to Govt. Treasury through Challan.
6. Assistant Programmer / Focal Person OAMIS.
7. ASDEO (Circle concerned).
8. Official concerned.

*Sadaf Fairullah*  
District Education Officer (F)  
o/c District Tank  
the 29/11/2019

*Sadaf Fairullah*  
District Education Officer (F)  
o/c District Tank



Annexure (B) 10-A

Better copy

**OFFICE OF THE DISTRICT EDUCATION OFFICER (F) TANK.**

**ORDER;**

Whereas you Mrs. Sadaf Faizullah while serving as PST at GGPS Kot Zangbar Tank was proceeded for having committed the gross irregularities as noted below, which constitute inefficiency under rule 3 sub rules (a),(b),(d) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline Rules, 2011).

And Whereas an absent report was submitted by SDEO-F Tank vide her No. 1378 dated 12/11/2019 and No. 1430 dated 27/11/2019 along with its enclosures.

And whereas it is communicated that you did join the school on the odd occasions in May 2019 and remained absent continuously since 01/09/2019

And whereas an explanation was served upon you vide SDEO (F) Tank vide her No. 1208-19 dated 05/10/2019 but you did not respond to it

An whereas your school was reported closed and you were reported absent by IMU in the recent months.

And whereas your school was also declared as NON-FUNCTIONAL in the month of October 2019 for your willful absence.

Now therefore, the competent authority in exercise of the power conferred upon me under sub rules 4-b(iii) and 9 of Govt. of Khyber Pakhtunkhwa Establishment and Administration Department 2011 has been pleased to order the "Removal From Service" of Mrs. Sadaf Faizullah PST GGPS Kot Zangbar w.e.f 01/09/2019.

District Education Officer (F)  
District Tank

Endst: No. 8775-821

dated Tank the 29/11/2019

Copy to the;

1. Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.  
And 7 others

Sadaf  
Attested



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA PESHAWAR

11

Annexure 'C'

NOTIFICATION

1. WHEREAS, District Education Officer (Female) Tank imposed Major Penalty of removal from Service upon Mst. Sadaf Faiz Ullah Ex-PST GGPS Kot Zangbar District Tank vide Notification issued under endorsement No. 8775-82 dated 29-11-2019.
2. WHEREAS, Mst. Sadaf Faiz Ullah Ex-PST GGPS Kot Zangbar District Tank lodged an appeal before the appellate authority dated 01-01-2020.
3. WHEREAS, the appellate authority sent her appeal to District Education Officer (Female) Tank for detail report/comments vide No.2036 dated 13-01-2020.
4. WHEREAS, the District Education Officer (Female) Tank submitted report vide No. 342 dated 21-01-2020.
5. WHEREAS, the appellate authority examine report of the District Education Officer (F) Tank and other available documents on the record.
6. WHEREAS, the appellate authority conducted enquiry through inquiry officer in the subject case vide No.6671-73 dated 10-03-2020.
7. WHEREAS, the enquiry officer submitted enquiry report in respect of the said teacher vide No.11034 on dated 24-07-2020.
8. AND WHEREAS, the appellate authority after having examined the appeal, the detailed report of the DEO (F) Tank and the inquiry report is of the view that the recommendations are convincing and justified.
9. NOW THEREFORE, in exercise of power conferred under the Government of Khyber Pakhtunkhwa Government Civil Servants Appeal Rules, 1986, the appellate authority i-e Director (E&SE) accepts the appeal in respect of Mst. Sadaf Faiz Ullah Ex-PST GGPS, Kot Zangbar District Tank and the order of the DEO (F) Tank issued vide Edst.No. 8775-82 dated 29-11-2019 is hereby set aside as per recommendation of inquiry officer She is hereby re-instated in service and the intervening period is hereby treated as leave without pay.

Director  
Elementary & Secondary  
Education Khyber Pakhtunkhwa

Endst.No. 6973-76 /F.No.416/F/Appeal Tank Dated Peshawar the 2/10 2020  
Copy forwarded for information to the:-

1. District Education Officer (Female) Tank.
2. District Account Officer Tank.
3. Sub Divisional Education Officer (Female) concerned.
4. Teacher concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa.

Sadaf  
Attested

Deputy Director (Female)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, 10/10/20

Annexure 'D'

12

The Director Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL FOR BACK BENEFITS OF  
APPELLANT (MST. SADAF FAIZULAH, PST, GGPS,  
KOT ZANGBAR DISTRICT TANK.

Respected Sir,

The appellant humbly submits as under;

1. That the appellant was appointed in Education Department District Tank and performed her duties with great zeal, zest and to the entire satisfaction of her superiors. In this respect the service record of the appellant is very much evident.
2. That the appellant was performing her duties according to service rules. Meanwhile the mother of the appellant had been died; moreover, the brother of the appellant was kidnapped by the unknown culprits, in this respect the FIR#76 dated 25/04/2019 u/s 365 PPC was registered at Police Station Gomal Tank. The appellant submitted an application for leave and also requested for her transfer from District Tank to District Dera Ismail Khan as there were life threats to the appellant as well as her family but the then EDO (F) Tank has not considered the application of appellant. In this regard the inquiry report is also annexed for ready reference.
3. That it is pertinent to mention here that the then Deputy Commissioner Tank also endorsed the request of transfer of the appellant.

Sadaf  
Attested

4. That ironically the District Education Officer (F) Tank issued a notification No. 8775-82 dated 29/11/2019 vide which the appellant was awarded major penalty of removal from service.
5. That feeling aggrieved, the appellant preferred a departmental appeal before the appellate authority. The appellate authority. The appellant conducted inquiry through inquiry officer in subject case vide letter No. 667173 dated 10/03/2020. Thereafter the appellate authority, after examine the appeal; the detail report of DEO (F) Tank and inquiry report of the view that the recommendation are convincing and justified. In the light of recommendations of the inquiry conducted by the appellate authority, the notification No. 8775-82 dated 29/11/2019 was set aside and the service of the appellant was reinstated but the service and the intervening period was treated as leave without pay vide notification No. 6973-76 dated 02/10/2020. Copy of the notification dated 02/10/2020 is annexed herewith for ready reference.
6. That it is pertinent to mention here that the inquiry officer mentioned in his report that service rules and legal proceedings were not compiled in the case of appellant. In this respect the inquiry report is very much evident. Copy of the inquiry report is annexed herewith as ready reference.
7. That as the service laws & rules were not complied in case of the appellant, hence, the appellant is entitled to receive all the back benefits from the department being innocent.

Sadaf  
Asted

8. That the appellant has to feed her children and family and depriving her from salaries of eleven month is against the norms of natural justice, service rules and departmental policy, hence, the appellant is entitled to receive all the back benefits i.e. salaries.

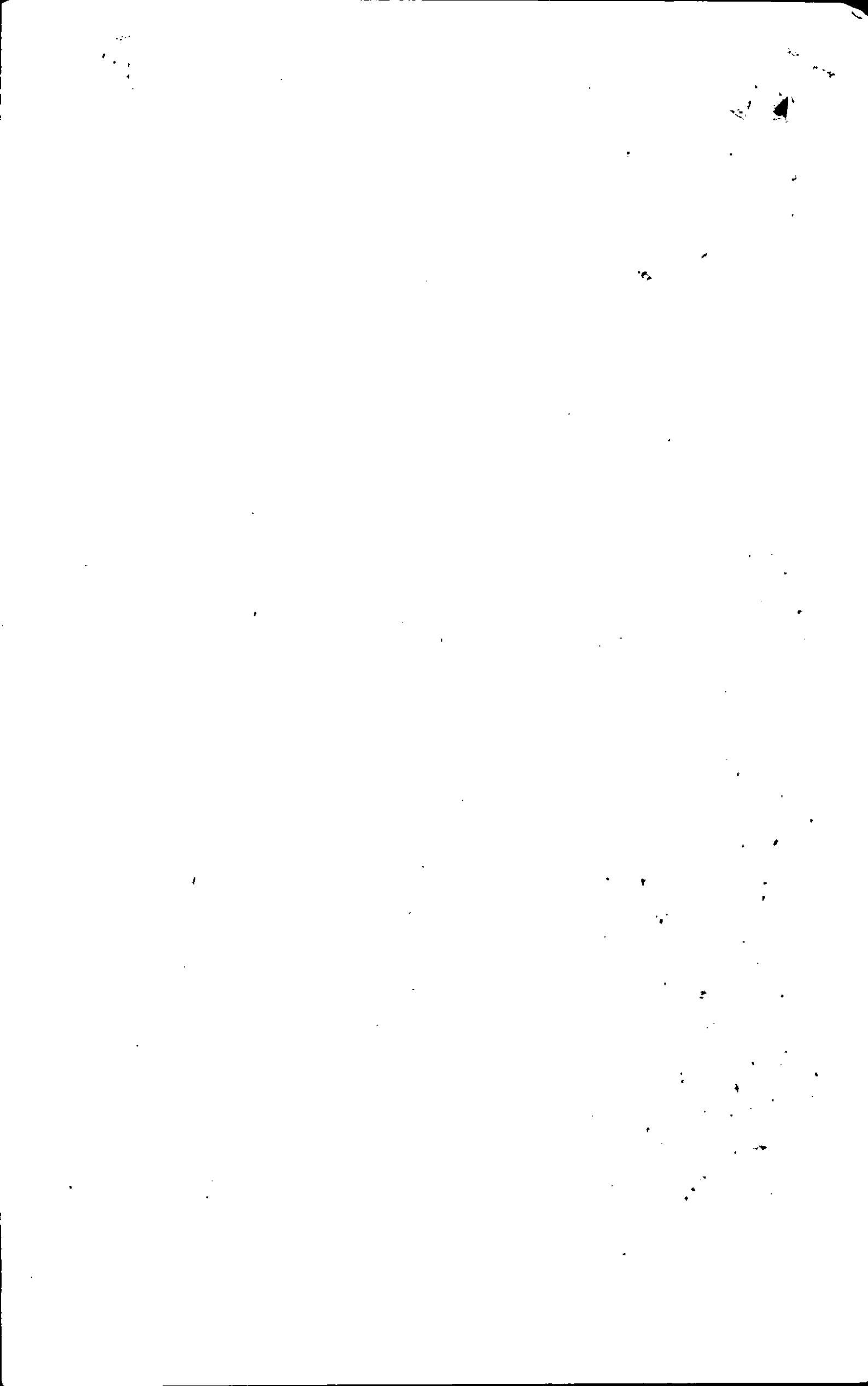
9. That your good-self has got vast and ample powers to accept the department appeal.

**It is, therefore, humbly prayed that the instant appeal may kindly be accepted and the appellant may kindly be granted all back benefits/salaries in the interest of justice.**

Dated 09/08/2021.

Humble Petitioner  
*Sadaf*  
**Miss Sadaf Faizullah**  
PST, GGPS Kot Zangbar  
Tehsil & District Tank.  
Contact No. 0346-7878473

*Sadaf*  
*Mehed*



To.

Annexure 'E'

15

The Director  
Elementary and Secondary Education,  
Peshawar K.P.K

**Subject: - DEPARTMENTAL APPEAL/ REPRESENTATION AGAINST THE IMPLUGED ORDER/LETTER NO.8775-82 DATED 29/11/2019 VIDE WHICH THE SERVICE OF THE APPLICANT WAS REMOVED WITHOUT ANY LAWFUL REASONS**

Respected Sir,

That in pursuance of office letter dated 29/11/2019, the applicant submits as under;

1. I am domiciled resident of Tank It is stated that I Miss Sadaf Faizullah d/o Faizullah and I have served as PST-12 Teacher in GGPS Kot Zangbar UC Serangzona District Tank since 16 May 2014 until I am intimated by an Education office letter of 'Removal from service'.
2. My without pay request of job was the inborn story of tragic story which I have tried to sum up in one paragraph. My mother was admitted in DHQ hospital Dikhan for more than 10 days on death bed of ICU while I was performing my duties as PST teacher in GGPS Kot Zangbar. It shows how hard and far I went for my teaching passion but unfortunately with loss of my dear mother on dated 24 April 2019, and abduction of my elder brother ADC FBR Riaz Khan Miani from village Kot murtaza of district tank by TTP (Tehreek-e-Talaban Pakistan), when he was coming back from beloved mother funeral. That's really struck our whole family with extreme pain and anxiety because one tragedy was just happened and another struck. In those days our whole family was under threat of TTP (Tehreek-e-Talaban Pakistan) that's why I had written an application to the competent authority on 3<sup>rd</sup> September 2019 to give me without pay leave as per (1981 civil servant act) provided this and also copy to the DC Tank Office, DMO and also to Directorate office Peshawar and our family were shifted from district Tank to district Dikhan.
3. At last, luckily my brother was released from the TTP (Tehreek-e-Talaban Pakistan) abduction; he along with DC South Waziristan in a press conference mentioning my name that my sister who is a government servant under threat from TTP (Tehreek-e-

Sadaf  
Attested

Annexure 'E'

(16)

Taliban Pakistan), as TTP (Tehreek-e-Taliban Pakistan) stated that if she was found in District Tank area will also face the same. After that security agencies also admonished our family not to come in that area.

4. Therefore I am afraid of said incident may be occurred with me. That's why I approached to the quarter concern for my transfer from district Tank to district Dikhan. Above all discussion was just written for the purpose that due to serious threats, I have applied for leave to the competent authority and such absence was not willful absence on my part. The competent authority did not conduct any inquiry of personal hearing and made an ex-parte decision of removal from service in my case.

5. Copies of the applications and relevant record are annexed herewith for ready reference.

It is, therefore, in the light of the facts stated above, it is a humble request that instant departmental appeal may graciously be accepted and my service may kindly be re-instated with all back benefits.

Dated: 26/12/2019

  
Yours Humble applicant,

MISS SADAF FAIZULLAH  
PST, GGPS Kot Zangbar,  
Tehsil & District Tank,  
Cell # 03467878473

  
Attested





**KHYBER PAKHTUNKHWA  
BAR COUNCIL**

**ADVOCATE HIGH COURT**

**JAMAL ABDUL NASIR AWAN**

Advocate

bc-09-0916

Date of Issue: August 2020

Valid upto: August 2023



Secretary  
KP Bar Council

In the event of joining or carrying on any other profession, service or business, the member will not be entitled to use this card and shall forthwith surrender it to the KP Bar Council.

Father's Name: HAJI SHAH JEHAN  
Address: ALI STREET ISLAMIA COLONY D.I. KHAN  
Contact No: 03348505400  
Enrolment Date L.C: 11-March-1993  
Enrolment Date H.C: 12-October-1995  
Place of Practice: D.I. KHAN  
Date of Birth: 10-March-1965  
Blood Group: A+VE  
C.NIC.No: 12101-6469570-5

Card No: 20703

**KHYBER PAKHTUNKHWA BAR COUNCIL**  
Bar Council Building, Khyber Road, Peshawar, Ph: 035-8211172, 8212418, Fax: 035-8211014  
E-mail: support@kpbarencouncil.com, www.kpbarencouncil.com

17

**POWER OF ATTORNEY**

Office# JAMAL ABDUL NASIR AWAN ADVOCATE HIGH COURT,  
District Bar  
Dera Ismail Khan.  
Tel: +92-334-8505400

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

SADAF FAIZULLAH {Plaintiff

{Applicant/ Petitioner  
{Appellant  
{Accused/Complainant

Vs

Govt. of K.P.K etc {Defendant/Applicant

{Respondent  
{Complainant/Accused

DERA ISMAIL KHAN

I/WE the Undersigned do hereby nominate and appoint **JAMAL ABDUL NASIR AWAN ADVOCATE HIGH COURT** to be Counsel in the above matter for me/us and on my/our behalf to appear, plead act and answer the above Court/Tribunal or any Appellate Court or any other forum to which the business is transferred in the above matter and to sign and file petitions, statement, accounts exhibits, compromise or other documents whatsoever, in connection with the said matter arising there-from, and also to apply for and issue summons and other writs, to apply for and get issued and arrest, attachment or other execution, warrant or order and to conduct any proceedings that may arise thereon and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other practitioner authorizing him in exercise the Power and Authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND TO do all acts legally necessary to manages and conduct the said case in all respects whether herein specified or not as may be proper and expedient.

AND I/We hereby agreed to ratify and confirm all lawful acts done on my/our behalf under or by virtue of these presents or of the usual practice in such matter.

PROVIDED always that if the case may be dismissed in default, if it be proceeded exparte the said counsel shall not be held responsible for the same, and hereby agree that in the event of the whole fee agreed by me to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid.

Executant(s): 30-12-2021

*Sadaf*

*Jamal Abdul Nasir Awan*  
Advocate High Court

PESH  
AWAR

SHAUKAT ULLAH BETTANI

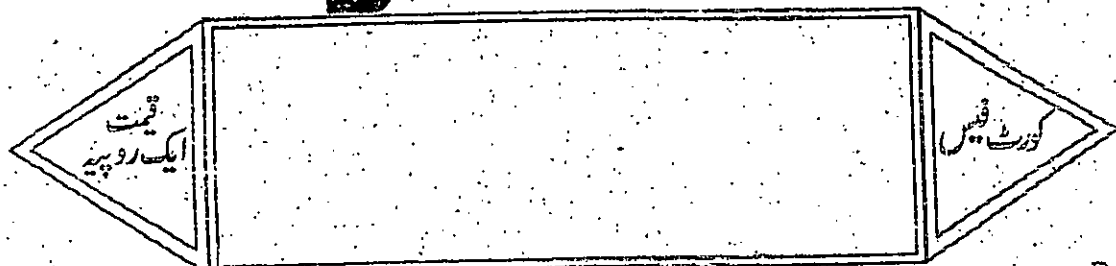
Advocate  
bc-20-1791  
Date of iss May 2020  
Valid upto: May 2023



Secretary  
KP Bar Council

# وکالت نامہ

18



بجالت جناب حسین کتوکخواہ سروس ٹریبونل ایسٹ

مدف قبض اللہ بنام گورنمنٹ آف سندھ کتوکخواہ  
دعویٰ یا جرم سروس ایپل  
تفصیل دعویٰ یا جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی اور جوابدہی کے پیش یا تصفیہ مقدمہ بمقام ڈیڑہ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار خاص رو برو ہواں حاضر ہونا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر ہواں گا، اگر پیشی پر مظہر حاضر نہ ہواں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی شرط ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف مقدمہ مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بعد از قیام بیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف مقدمہ مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بعد از قیام بیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ از جگہ سماعت ہونے یا بعد از قیام یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار نہ ہوں گے واسطے کسی معاوضہ کے ادا کرنے یا نفاذ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل سامنے پر داخلہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جوابی دعویٰ یا درخواست اجراءے ذمہ داری یا نقل کرانی یا جرم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ذمہ داری کے ادا کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر پیشی یا رسمی نامہ فیصلہ بر ملک کرنے، اقبال و دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے نازن پیشی مقدمہ مذکورہ بیرون از پکھری صدر بیروی مقدمہ مذکورہ نظر ثانی و اکتیل و کسائی و برآمدگی مقدمہ یا منسوخی ذمہ داری یا طرف یا درخواست حکم اتھامی یا قرق یا گرفتاری یا قس از فیصلہ اجراءے ذمہ داری بھی صاحب موصوف کو بشرط ادا تکلیف مقدمہ قضات بیروی کا اختیار ہوگا اور تمام سامنے پر داخلہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی یا کسائی یا دیگر محتاط مقدمہ مذکورہ کی دوسرے وکیل یا مددگار کے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے شیر قانون کو بھی ہر امر میں دینی اور دنیوی اختیار حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانبہ الطوائف پڑاگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور اسکی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

موزی 30 ماہ 12 2001

مضمون وکالت نامہ کن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted  
18

Sadoz

ADVOCAT

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

Restoration Application No. 320/22 in Service Appeal No.115/2022

Mst. Sadaf Faizullah

Vs.

Government of Khyber Pakhtunkhwa

**SCANNED  
KPST  
Peshawar**

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Applicant

Through Counsel

  
Shaukat Ullah Bettani Qadri Advocate

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**CAMP COURT DERA ISMAIL KHAN**

*Restoration Appli no 320/2022*

In Service Appeal No. *115* /2021

*142*

*2/6/2022*

**Mst Sadaf Faizullah** wife of Abdullah c/o New Mart Bakers  
Multan Road, Dera Ismail Khan, presently as PST at GGPS Kot  
Zangbar Tehsil & District Tank, Contact No. 0346-7878473

**(Appellant)**

**VERSUS**

1. Government of KPK, through Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
2. Director General Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
3. Deputy Director (Female) Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
4. District Education Officer (Female) Tank.

..... **(RESPONDENTS)**

**SERVICE APPEAL**

**APPLICATION FOR THE RESTORATION OF THE  
ABOVE TITLED SERVICE APPEAL.**

**Respectfully Sheweth,**

Petitioner humbly submits as under;

1. That the above titled service appeal was pending before this learned Tribunal. Copy annexed.
2. That the counsel for petitioner appeared in the court in the above mentioned appeal on 23/05/2022 but later on the counsel for the petitioner remained busy in his other cases resultantly this honourable tribunal dismissed the above

titled service appeal due to non-prosecution vide order dated 23/05/2022. Copy of order dated 23/05/2022 is enclosed herewith.

3. That the presumed absence of petitioner's counsel was not willful but due to misunderstanding by the clerk/reader of the Tribunal.
4. That the petitioner after getting knowledge of order dated 23/05/2022, immediately applied for the attested copies of the case and now instant application is being submitted before this Honourable Tribunal for the restoration of case.
5. That valuable rights of the petitioner are very much involved in the instant case.
6. That this honourable Tribunal has got vast and ample powers to entertain the application in hand.

**It is therefore, humbly prayed that the above titled service appeal may please be restored to meet with the ends of justice.**

May 25, 2022

**Your Humble Petitioner**

**Mst Sadaf Faizullah**

Through Counsel

**Shaukat Ullah Betani**  
Advocate

**AFFIDAVIT:**

I, **Shaukat Ullah Betani Advocate**, the petitioner, do hereby solemnly affirm and declare on Oath that contents of this application are true and correct and nothing has been deliberately concealed from this Hon'ble Court.

Date:- 25/05/2022

**DEBONENT**

ORDER  
23.05.2022

Nemo for the appellant. Security and process fee have also not been deposited by the appellant.

The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till the closing time, therefore, the appeal in hand stands dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
23.05.2022

*Attested*  
*23/5/22*  
*Fakhri*  
Khyber Pakhtunkhwa  
Service Tribunal Peshawar  
*camp court D.I.Khan*



(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL****PESHAWAR**Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 32

Dated 11/01/2022

Service Appeal No. 115 /2022

**Mst Sadaf Faizullah** wife of Abdullah c/o New Mart Bakers  
Multan Road, Dera Ismail Khan, presently as PST at GGPS Kot  
Zangbar Tehsil & District Tank, Contact No. 0346-7878473

**(Appellant)****VERSUS**

1. Government of KPK, through Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
2. Director General Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
3. Deputy Director (Female) Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
4. District Education Officer (Female) Tank.

..... **(RESPONDENTS)**

**APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE PARTIALLY IMPUGNED NOTIFICATION NO. 6973-76 DATED 02/10/2020 ISSUED BY RESPONDENT NO. 3, WHEREBY THE SERVICE OF THE APPELLANT WAS REINSTATED BUT THE INTERVENING PERIOD WAS TREATED AS LEAVE WITHOUT PAY.**

**PRAYER**

On acceptance of the instant appeal the appellant may kindly be granted all back benefits/salaries in the interest of justice.

Filed to-day  
11/01/2022  
Registrar  
EW

Re-submitted to -day  
and filed.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR,

Restoration Application No. 320/22 in Service Appeal No. 115/2022

Mst. Sadaf Faizullah

Vs.

Government of Khyber Pakhtunkhwa

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Applicant

Through Counsel



Shaukat Ullah Bettani Qadri Advocate

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**CAMP COURT DERA ISMAIL KHAN**

In Service Appeal No. 115 /2021

**Mst Sadaf Faizullah** wife of Abdullah c/o New Mart Bakers  
Multan Road, Dera Ismail Khan, presently as PST at GGPS Kot  
Zangbar Tehsil & District Tank, Contact No. 0346-7878473

**(Appellant)**

**VERSUS**

1. Government of KPK, through Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
2. Director General Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
3. Deputy Director (Female) Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
4. District Education Officer (Female) Tank.

..... **(RESPONDENTS)**

**SERVICE APPEAL**

**APPLICATION FOR THE RESTORATION OF THE**  
**ABOVE TITLED SERVICE APPEAL.**

*Respectfully Sheweth,*

Petitioner humbly submits as under;

1. That the above titled service appeal was pending before this learned Tribunal. Copy annexed.
2. That the counsel for petitioner appeared in the court in the above mentioned appeal on 23/05/2022 but later on the counsel for the petitioner remained busy in his other cases resultantly this honourable tribunal dismissed the above.

titled service appeal due to non-prosecution vide order dated 23/05/2022. Copy of order dated 23/05/2022 is enclosed herewith.

3. That the presumed absence of petitioner's counsel was not willful but due to misunderstanding by the clerk/reader of the Tribunal.
4. That the petitioner after getting knowledge of order dated 23/05/2022, immediately applied for the attested copies of the case and now instant application is being submitted before this Honourable Tribunal for the restoration of case.
5. That valuable rights of the petitioner are very much involved in the instant case.
6. That this honourable Tribunal has got vast and ample powers to entertain the application in hand.

**It is therefore, humbly prayed that the above titled service appeal may please be restored to meet with the ends of justice.**

May 25, 2022

**Your Humble Petitioner,**

**Mst Sadaf Faizullah**

Through Counsel

**Shaukat Ullah Betani**  
Advocate

**AFFIDAVIT:**

I, **Shaukat Ullah Betani Advocate**, the petitioner, do hereby solemnly affirm and declare on Oath that contents of this application are true and correct and nothing has been deliberately concealed from this Hon'ble Court.

Date:- 25/05/2022

**DEPONENT**

Service Appeal No. 115/2022

ORDER  
23.05.2022

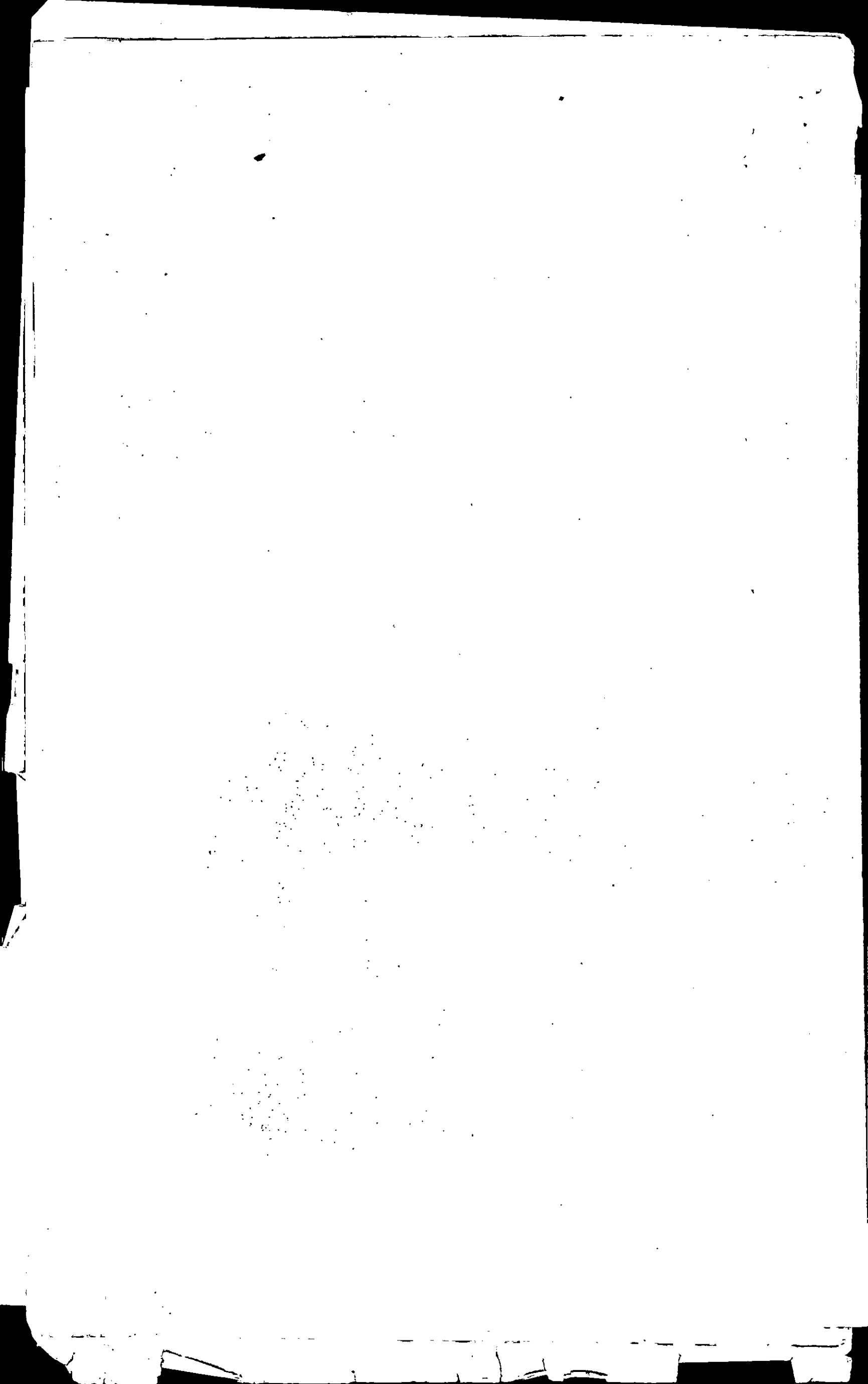
Nemo for the appellant. Security and process fee have also not been deposited by the appellant.

The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till the closing time, therefore, the appeal in hand stands dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
23.05.2022

*Alleged*  
*9/25/22*  
Minister of Health  
Service Through  
Comp Court D.I. Khan

(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan



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May 25, 2022

**Your Humble Petitioner,**

**Mst Sadaf Faizullah**

Through Counsel

**Shaukat Ullah Betani**  
Advocate

**AFFIDAVIT:**

I, **Shaukat Ullah Betani Advocate**, the petitioner, do hereby solemnly affirm and declare on Oath that contents of this application are true and correct and nothing has been deliberately concealed from this Hon'ble Court.

Date:- 25/05/2022

**DEPONENT**

Service Appeal No. 115/2022

ORDER  
23.05.2022

Nemo for the appellant. Security and process fee have also not been deposited by the appellant.

The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till the closing time, therefore, the appeal in hand stands dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
23.05.2022

*Alustad*  
*9/25/5/22*  
Minister, Punjab  
Service Tribunal  
Camp Court D.I.Khan

(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 32  
Date 11/01/2022

Service Appeal No. 115 / 2022

**Mst Sadaf Faizullah** wife of Abdullah c/o New Mart Bakers  
Multan Road, Dera Ismail Khan, presently as PST at GGPS Kot  
Zangbar Tehsil & District Tank, Contact No. 0346-7878473

(Appellant)

**VERSUS**

1. Government of KPK, through Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
2. Director General Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
3. Deputy Director (Female) Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
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..... (RESPONDENTS)

**APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE PARTIALLY IMPUGNED NOTIFICATION NO. 6973-76 DATED 02/10/2020 ISSUED BY RESPONDENT NO. 3, WHEREBY THE SERVICE OF THE APPELLANT WAS REINSTATED BUT THE INTERVENING PERIOD WAS TREATED AS LEAVE WITHOUT PAY.**

**PRAYER**

On acceptance of the instant appeal the appellant may kindly be granted all back benefits/salaries in the interest of justice.

Submitted to -day  
and filed.

Filed to-day  
by  
Registrar  
11/01/2022



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR,

Restoration Application No. 320/22 in Service Appeal No. 115/2022

Mst. Sadaf Faizullah

Vs.

Government of Khyber Pakhtunkhwa

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Applicant

Through Counsel



Shaukat Ullah Bettani Qadri Advocate

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**CAMP COURT DERA ISMAIL KHAN**

In Service Appeal No. 115 /2021

**Mst Sadaf Faizullah** wife of Abdullah c/o New Mart Bakers  
Multan Road, Dera Ismail Khan, presently as PST at GGPS Kot  
Zangbar Tehsil & District Tank, Contact No. 0346-7878473

**(Appellant)**

**VERSUS**

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**SERVICE APPEAL**

**APPLICATION FOR THE RESTORATION OF THE**  
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Petitioner humbly submits as under;

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**It is therefore, humbly prayed that the above titled service appeal may please be restored to meet with the ends of justice.**

May 25, 2022

**Your Humble Petitioner,**

**Mst Sadaf Faizullah**

Through Counsel

**Shaukat Ullah Betani**  
Advocate

**AFFIDAVIT:**

I, **Shaukat Ullah Betani Advocate**, the petitioner, do hereby solemnly affirm and declare on Oath that contents of this application are true and correct and nothing has been deliberately concealed from this Hon'ble Court.

Date:- 25/05/2022

**DEPONENT**

Service Appeal No. 115/2022

O.R.D.E.R  
23.05.2022

Nemo for the appellant. Security and process fee have also not been deposited by the appellant.

The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till the closing time, therefore, the appeal in hand stands dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
23.05.2022

*Handwritten:* 23/5/22  
*Stamp:* Ministry of Labour & Social Security  
*Handwritten:* Salah-Ud-Din  
*Handwritten:* Camp Court D.I. Khan

(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 32

Dated 11/01/2022

Service Appeal No. 115 /2022

**Mst Sadaf Faizullah** wife of Abdullah c/o New Mart Bakers  
Multan Road, Dera Ismail Khan, presently as PST at GGPS Kot  
Zangbar Tehsil & District Tank, Contact No. 0346-7878473

**(Appellant)**

**VERSUS**

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3. Deputy Director (Female) Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
4. District Education Officer (Female) Tank.

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Filed to-day  
11/01/2022  
Registrar

**PRAYER**

On acceptance of the instant appeal the appellant may kindly be granted all back benefits/salaries in the interest of justice.

Re-submitted to -day  
and filed.