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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION NO _____

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Zahida Perveen vs EDUCATION

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Muharir

4/7/24

Muharir Compilation

Incharge

5/7/24

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the appellant due to pending pending/unknown status of the CPLA till 05-11-2016 which resulted in promotion of five junior clerks in supersession of the appellant. Under the circumstances, the subject promotions are very much legal.

05.3- ELEGIBILITY OF THE APPELLANT FOR PROMOTION AS SENIOR CLERK IN LIGHT OF SHORT ORDER OF THE CPLA.

05.4- As explained above that the status of the CPLA was unknown to the Director, however, in wake of the appellant's departmental appeal for the correction of her retrospective seniority, the Directorate obtained a copy of the short order/decision of CPLA on 05-11-2016, whereof, it was revealed that the CPLA was actually dismissed on 01-04-2009 on the request of the counsel of the petitioner department on the grounds that the petitioner department want to proceed against the appellant for her misconduct and seek not to press this petition. (Annex -K)

05.5- As per aforementioned decision of the Supreme Court, the appellant being still not cleared/exonerated from the charges, is not eligible for promotion until conducting of such departmental proceedings and exoneration from the charges. Therefore, the appellant's claim for eligibility of retrospective seniority and promotions, is misleading and baseless.

05.6- It is evident from the above that the appellant case has been withdrawn from the court in dubious manners requiring clarifications of the following :-

- a)- None consultation of the Director Archives in decision regarding withdrawal of the case for the reasons of initiation of departmental proceedings. It is pertinent to mention that departmental proceedings had already been conducted on the basis of which, the competent forum had approved filing of CPLA against the appellant.
- b)- Authentication of the counsel's request made in the court for withdrawal/ not pressing of the case.
- c)- Concealment of the CPLA decision from the Director of Archives for more than seven years.
- d)- None initiation of departmental proceedings against the appellant inspite lapse of more than seven years.
- e)- None initiation of disciplinary proceedings against the appellant even after revealing the decision on 05-11-2016

06- THE APPELLANT DID NOT SUBMIT ANY OPTION REGARDING FORGOING OF PROMOTIONS

The appellant in her written statement before the Inquiry Committee has denied the issue regarding exercising of two options for forgoing of promotion chances.

Clarification. The appellant, soon after appointment in 1994, got married to Mr. Dilshad Hessian, Librarian Incharge, Public Library, Abbottabad and has been settled there. In view of the said reason, two options, regarding availing of promotion chance as Senior Clerk in Peshawar, were sought from the appellant in 2013 & 2014 (Annex-L) However, on both occasions, the appellant opted to forgo her promotion due to domestic reasons, as such, under the provisions contained in notification No. SOR-VI(E&AD)1-3/2009/Vol-VIII dated 22-10-2011, the appellant has been permanently superseded and could not be considered for such promotion in future (Annex-M). The first forgoing option was forwarded along with proper covering letter of Librarian Incharge, Abbottabad Public Library vide bearing No. 1266 dated 08-07-2013 while the second option bears comments of the said Incharge,

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1959/2023

BEFORE: KALIM ARSHAD KHAN ... CHAIRMAN
MISS FAREEHA PAUL ... MEMBER(E)

Zahida Perveen, Ex-PST, GGPS Mir Ahmad Khan Koroona, Khada Banda, Karak.(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary E&SE, Civil Secretariat Peshawar.
2. Director E&SE, Khyber Pakhtunkhwa, Peshawar.
3. DEO (Female), District Karak.(Respondents)

Mr. Tariq Kamal,
Advocate

... For appellant

Mr. Asif Masood Ali Shah,
Deputy District Attorney.


... For respondents

Date of Institution.....	27.09.2023
Date of Hearing.....	03.06.2024
Date of Decision.....	03.06.2024

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 12.05.2023, whereby appointment order of the appellant dated 17.03.2023 was withdrawn. It has been prayed that on acceptance of the appeal, the order dated 12.05.2023 might be set aside and the appellant might be reinstated into service with all accruing back benefits admissible under the rules.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed against the deceased son/daughter quota under the provision of Rule 10(4) of the Khyber Pakhtunkhwa



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Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide order dated 17.03.2023. She was posted at Government Girls Primary School, Mir Ahmad Khan Koroona, Khada Banda, Karak. Respondent No. 03, without any prior notice or show cause, withdrew the appointment order dated 17.03.2023 vide order dated 15.05.2023, which was communicated to her via Whats App on 03.06.2023. After the communication of the impugned order, the appellant preferred departmental appeal to the respondent No. 1 which was not responded within the statutory period; hence the instant service appeal.

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

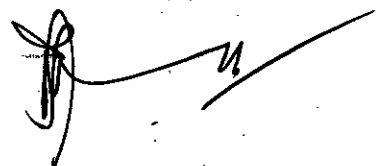
4. Learned counsel for the appellant, after presenting the case in detail, argued that the impugned order was illegal and against the basic norms of justice, hence liable to be set aside. Respondent No. 3 had relied on the letter of the Establishment Department dated 28.04.2023 in respect of appointments under Rule 10(4) of APT Rules 1989, but if the clarification letter was read in juxtaposition with the said rule, it would show that it was misconstrued and misinterpretation of the relevant provision of law. He argued that respondent No. 3 misused her authority and without proper inquiry or investigation passed the impugned order which amounted to violation of fundamental rights of the appellant guaranteed under the Constitution. He further argued that the



respondents had not provided any opportunity of personal hearing to the appellant which was mandatory under the law. He requested that the appeal might be accepted as prayed for.

5. Learned Deputy District Attorney, on the other hand, argued that the appellant was appointed as PST under the deceased son/daughter quota vide order dated 17.03.2023 but she concealed the fact that she was already married as was evident from her CNIC issued on 09.02.2015 with the name of her husband, namely Muhammad Ghaisul Islam, which disentitled her for appointment against the said quota. He further argued that as per Para no. 4 of the terms & conditions, appointment of the appellant was subject to verification of certificates/documents from the concerned authorities by the DEO concerned. It was further stated in those terms and conditions that anyone found producing bogus certificate would be reported to the law enforcing agencies for further action and appointment would stand withdrawn. According to the learned Deputy District Attorney, in view of those clear terms, there was no need of issuance of show cause notice and other codal formalities in case of withdrawal of appointment order. He further argued that the appellant was living with her husband and was not entitled for appointment under Rule 10(4) of the APT Rules 1989. He requested that the appeal might be dismissed.

6. From the arguments and record presented before us, it transpires that the appellant was appointed as PST (BS-12) on quota fixed for children of deceased government servants under provisions of rule 10(4)



of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. On a complaint received by the District Education Officer (Female) Karak, that the appellant was married, residing with her husband and hence not eligible for appointment on the said quota, she ordered for an inquiry and appointed Deputy DEO (F) Karak for that purpose who submitted her report according to which the contents of the complaint were found correct after being verified from different sources. Based on that report, the appointment order was withdrawn after two months. Learned counsel for the appellant, when confronted, did not deny the fact that the appellant was married at the time of her appointment, rather he contended that being married was not a hurdle for appointment on the quota reserved for children of deceased government servants. The contention of the learned counsel for the appellant was not correct as the provincial government had already issued guidance/clarification on 21.02.2020 regarding employment of dependent of government servants who were incapacitated or invalidated permanently or retired on medical board which stated as follows:-

“.....under Rule 10 (4) of APT Rules, 1989, the facility of employment to one of the children of deceased/invalidated Government Servant is given in view of their dependence on their parents. This facility is equally available to male and female children. However in case the female has contracted a marriage, she loses this right. Hence a married daughter is not eligible for this facility.”

In case of married daughter, further clarification was issued vide a letter dated 28.04.2023 by the provincial government as follows:-



“3. It is to further clarify that a married daughter after separation from her husband and dependent on her parents is also entitled to appointment under Rule 10(4) of APT Rules, 1989 subject to the conditions that:


- i. In case the married daughter is separated judicially, she has to produce a divorce certificate duly issued by NADRA.
- ii. In case she has separated customarily she has to produce a certificate from the Deputy Commissioner concerned to the effect that she is separated and is fully dependent on her parents after separation.”

7. In the light of the guidelines issued on 21.02.2020 a married daughter becomes a liability of her husband and hence not entitled for appointment on the quota under rule 10(4) of the APT Rules, 1989. At the time of appointment of the appellant, the fact that she was married did not come into the notice of the appointing authority but as soon as it was highlighted in the complaint and verified through an inquiry, the appointment order was rightly withdrawn as it was against the rule read with the clarification/guidelines.

8. In view of the above discussion, the appeal in hand is dismissed being devoid of merit. Cost shall follow the event. Consign.

9. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 03rd day of June, 2024.


(FAREEHA PAUL)
Member (E)


(KALIM ARSHAD KHAN)
Chairman


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SA 1959/2023

03rd June, 2024 01. Mr. Tariq Kamal, Advocate for the appellant present.
Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 05 pages, the appeal in hand is dismissed being devoid of merit. Cost shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 03rd day of June, 2024.*


(FAREEHA PAUL)
Member (E)


(KALIM ARSHAD KHAN)
Chairman

Fazal Subhan PS

SA 1959/23

19th Dec. 2023

01. Counsel for the appellant present. Mr. Asif Masood Ali Shah, DDA alongwith Muhammad Sultan, B&AO for the respondents present.

02. Reply/comments on behalf of the respondents received through office, a copy whereof handed over to learned counsel for the appellant. To come up for rejoinder, if any, and arguments on 28.03.2024 before the D.B. Parcha Peshi given to the parties. .

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(FAREEHA PAUL)
Member (E)

Fazle Subhan, P.S

28.03.2024 1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondent present.

2. Learned counsel for the appellant wants to submit additional documents. Granted with direction to submit the same within a week.

Adjourned. To come up for arguments on 03.06.2024 before D.B. P.P given to the parties.

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(Fareeha Paul)
Member (E)

(Rashida Bano)
Member (J)

02nd Oct. 2023

01. Learned counsel for the appellant present and heard.

02. Point raised need consideration. 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 fee within 10 days. Thereafter, notices be issued to the respondents through TCS the expenses of which shall be deposited by the appellant within 03 days. To come up for reply/comments on 14.11.2023 before the S.B. Parcha Peshi given to learned counsel for the appellant.

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(FAREEHA PAUL)
Member (E)

Fazle Subhan, P.S

14th Nov. 2023

1. Junior to counsel for the appellant and Mr. Habib Anwar, Additional Advocate General alongwith Mr. Muhammad Sultan Budget & Accounts Officer for respondents present.

2. Reply on behalf of respondents is still awaited. Representative of the respondents requested for time to submit reply/comments. Granted. To come up for reply/comments on 19.12.2023 before S.B. P.P given to the parties.

(Kalim Arshad Khan)
Chairman


Muazzem Shah

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Peshawar

FORM OF ORDER SHEET 9

Court of _____

Appeal No. 1959/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/09/2023.	<p>The appeal of Mst. Zahida Perveen presented today by Mr. Muhammad Alamzeb Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 02-10-2023.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

1. Case Title		Zahida Parveen.....Versus.....Govt. of KPK etc	
2.	Case is duly signed.	Yes	No
3.	The law under which the case is preferred has been mentioned.	Yes	No
4.	Approved file cover is used..	Yes	No
5.	Affidavit is duly attested and appended.	Yes	No
6.	Case and annexures are properly paged and numbered according to index.	Yes	No
7.	Copies of annexures are legible and attested. If not, then better copies duly attested have annexed.	Yes	No
8.	Certified copies of all requisite documents have been filed.	Yes	No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	Yes	No
10.	Case is within time.	Yes	No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes	No
12.	Court fee in shape of stamp paper is affixed. [For writ Rs. 500, for other as required]	Yes	No
13.	Power of attorney is in proper form.	Yes	No
14.	Memo of addressed filed.	Yes	No
15.	List of books mentioned in the petition.	Yes	No
16.	The requisite number of spare copies attached [Writ petition-3, civil appeal (SB-2) Civil Revision (SB-1, DB-2)]	Yes	No
17.	Case (Revision/ Appeal/petition etc) is filed on a prescribed form.	Yes	No
18.	Power of attorney is attested by jail authority (for jail prisoner only)	Yes	No

It is certified that formalities/documentations as required in column 2 to 18 above, have been fulfilled.

Signature:- Tarid

FOR OFFICE USE ONLY

Case:- _____

Case received on _____

Complete in all respect: Yes/ No, (If No, the grounds) _____

Date in court:- _____

Signature _____
(Reader)

Date:- _____

Countersigned:- _____
(Deputy Registrar)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SCANNED
KPST
Peshawar

Service Appeal No. 1959/2023

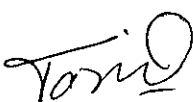
Zahida Parveen.....Appellant

VERSUS

Govt. of KPK & others.....Respondents

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5.	Copy of withdrawal order		8-9
6.	Copy of Departmental Appeal		10-23
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Appellant
Through

Tariq Kamal

&

Muhammad Alamzeb Khan
Advocates High Court
Cell No.0345-455477

(12)

(1)

Before The Khyber Pakhtunkhwa Services Tribunal Peshawar

S.A. 1959, 2023

Zahida Parveen, Ex. PST, GGPS, Mir Ahmad Khan Koroona, Khada Banda, Karak

.....APPELLANT

VERSUS

1. Govt of Khyber Pakhtunkhwa through Secretary E&SE Civil Secretariat Peshawar
2. Director E& SE at Firdaus GT Road Peshawar
3. DEO Female District Karak

Khyber Pakhtunkhwa
Service Tribunal
Case No. 7950
Date 27/09/23

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE SERVICES TRIBUNAL ACT 1974 AGAINST THE ORDER DATED: 12/05/2023, WHEREBY APPOINTMENT ORDER DATED: 17/03/2023 HAS BEEN WITHDRAWN

PRAYER IN APPEAL:

ON ACCEPTANCE OF THE INSTANT APPEAL THE ORDER DATED: 12/05/2023 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY PLEASE BE REINSTATED INTO SERVICE WITH ALL THE ACCRUING BACK BENEFITS ADMISSIBLE UNDER THE RULES

Filed to-day
Registrar
27/09/23

Respectfully Sheweth:

1. That the appellant has been appointed against the deceased employee quota under the provision of section 10 (4) of the APT rules 1989 vide order dated: 17/03/2023. (Copy of Appointment Order Annexed)
2. That the appellant was posted at Govt Girls Primary School- GGPS, Mir Ahmad Khan Koroona, Khada Banda, Karak. (Relevant Documents Annexed)
3. That without any prior notification or show cause, the respondent NO.3 withdrew the appointment order dated 17/03/2023 vide order dated: 12/05/2023 and communicated the same to the appellant via Whats App on 03/06/2023. (Copy of the Withdrawal Order Annexed)
4. That after the communication of the impugned order the appellant preferred departmental appeal to the Respondent No. 1 and after lapse of the statutory period the instant appeal is being preferred on the following grounds. (Copy of Departmental Appeal Annexed)

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GROUNDS:

- A. That the impugned order is illegal and against the basic norms of justice, hence liable to be set aside.
- B. That the Respondent No.3 has relied upon the letter of establishment department dated: 28/04/2023 in respect of appointments under Rule 10(4) of APT 1989, the same if read in juxtaposition with Rule 10(4) of APT, the same would show that the clarification dated: 28/04/2023 is misconstrued and is misinterpretation of the relevant provision of law.
(Copies of Rules /Orders Annexed)
- C. That the Respondent No.3 has misused her authority and without proper inquiry or investigation passed the impugned order which amounts to violation of fundamental rights of hearing guaranteed under the constitution.
- D. That the impugned order has been passed in slipshod manner and in violation of article 4 and 25 of the constitution.
- E. That the respondents have not provided any opportunity of personal hearing to the appellant which is violation of article 10(A) of the constitution.
- F. That any additional ground in respect of the instant appeal will be raised during course of arguments with the permission of the honourable court.

It is, therefore, requested that on acceptance of the instant appeal, the order dated: 12/05/2023 may please be set aside, while the order dated: 17/03/2023 may please be restored with all accruing back benefits admissible under the rules.


Appellant

Through

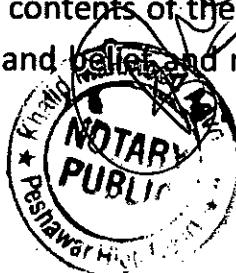

Tariq Kamal Adv
& 

Muhammad Alamzeb Khan Adv

Dated: 27/09/2023

AFFIDAVIT:

I do hereby solemnly declare that the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.




Deponent

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3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ /2023

Zahida Parveen.....Appellant

VERSUS

Govt. of KPK & others..... Respondents

MEMO OF ADDRESSES OF PARTIES

APPELLANT

Zahida Parveen, Ex-PST,
GGPS, Mir-Ahmad Khan Koroona,
Khada Banda, Karak
Presently residing at Usmania Street, Lalazar Colony,
Near Peshawar University House No.25, Peshawar

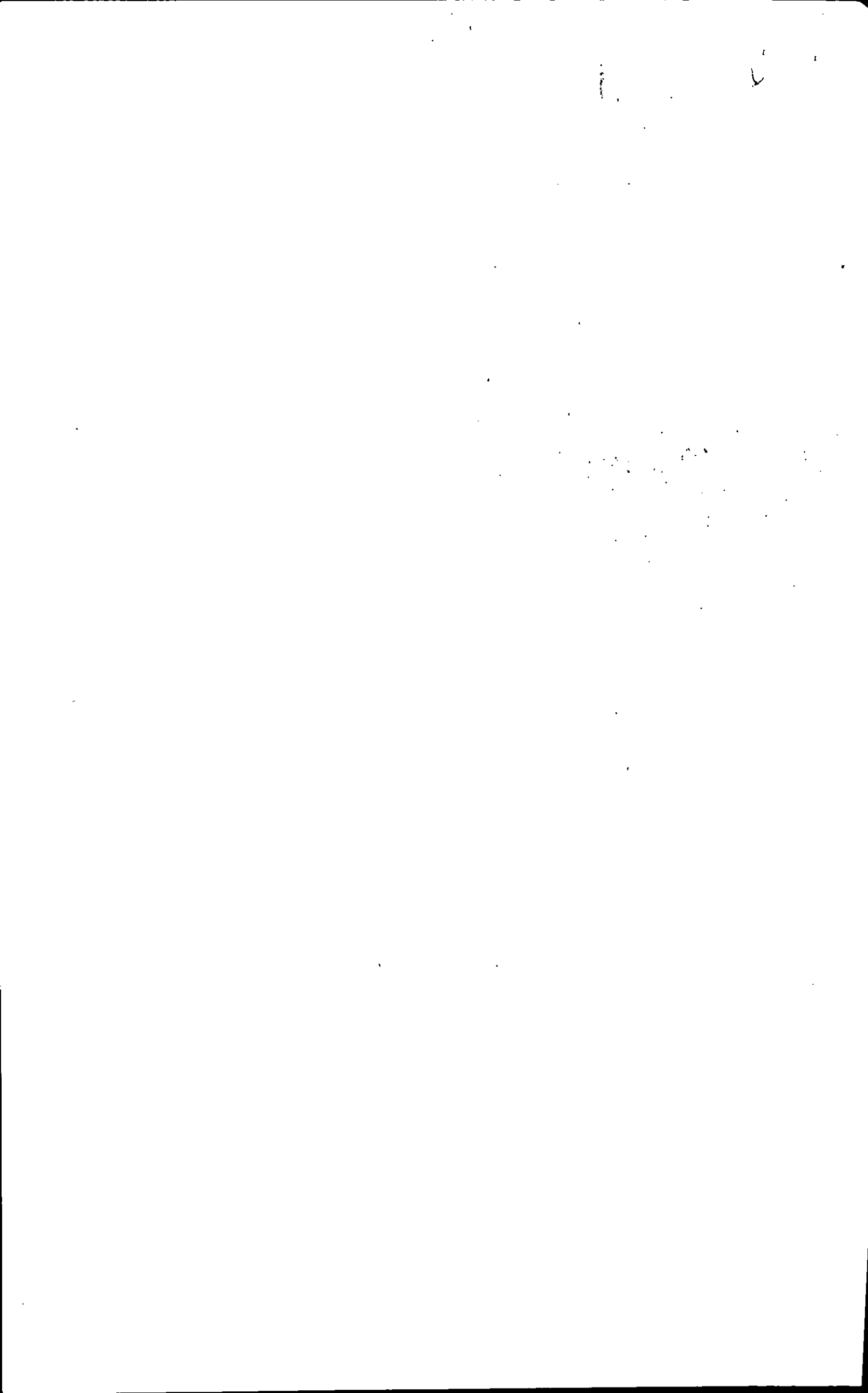
RESPONDENT:

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar
2. Director Elementary & Secondary Education at Firdaus, GT Road, Peshawar
3. District Education Officer Female District Karak

Through Appellant
Tariq
Tariq Kamal

&

Muhammad Alamzeb Khan
Advocates High Court



(15)

Annex A (4)



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KARAK

Address: KDA Karak.

Phone: 0927-291177

Email: emiskarak@yahoo.com

APPOINTMENT.

Under the provision of rule 10 (4) of the Government of NWFP Civil Servants (Appointment, Promotion & Transfer) Rules 1989 and further Amended by the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) Notification No. SO (R-VI) E&AD/1-3/2015 dated 19/4/2016, Miss: ZAHIDA PARVEEN D/O MUHAMMAD RAUF EX-PST NIC NO. 14203-3076904-2 is hereby appointed against the vacant post of PST BPS 12 at GGPS GGPS MIR AHMAD KHAN KOROONA (@Rs.19770-1430-62670) plus usual allowances as admissible under the rules and existing policy of the Provincial Government, in (Deceased/Medical Board/Son/Daughter/Wife Quota) on the terms & condition given below with effect from the date of her taking over charge:-

TERMS & CONDITION.

1. No TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. She should not be handed over charge if she exceed 35 years or below 18 years of age.
4. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned). Anyone found producing bogus certificate will be reported to the law enforcing agencies for further action and appointment will stand withdrawn.
5. Her services are liable to termination on one month's notice from either side. In case of resignation without notice her one month pay/allowances shall be forfeited to the Government.
6. Her pay will not be drawn until and unless verification of the Degrees of the appointee are verified from the concerned Boards/Universities by this office and her pay will be released properly with the signature of the undersigned.
7. The Appointee should join her post within 15 days of the Issuance of this notification. In case of failure, her Appointment will expire automatically and no subsequent Appeal etc shall be entertained.
8. Health & Age certificate should be produced from the Medical Superintendent concerned before taking over charge.
9. She will be governed by such rule & regulation as may be issued from time to time by the Government.
10. Her services shall be terminated at any time; In case her performance as found unsatisfactory during her contract period. In case misconduct, she will be proceeded under the rules framed from time to time.
11. Her pay will be drawn w.e. from her taking over charge.
12. In case it is identified that any child/widow of the deceased mentioned in this order has already availed this opportunity, her order will be considered cancelled.
13. The appointee is required to undergo nine (9) months in service mandatory Professional training at Regional Institute for teacher Education, (RITE) OR (PITE).

DISTRICT EDUCATION OFFICER

(FEMALE) KARAK

Endst: No. 3574-78 /AE-II/Apptt/PST dated Karak the 17/3 /2023.

Copy for forwarded for Information & necessary action to:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Karak with the request that not to draw pay of the officials until and unless of the proper verification & pay release of the undersigned.
3. Registrar Peshawar High Court Bannu Bench.
4. SDEO (F) T/Nasrati for necessary action.
5. Candidates concerned.
6. Master file.

DISTRICT EDUCATION OFFICER

(FEMALE) KARAK

(16) Annexe B³

(5)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KARAK

CHARGE REPORT
(For New Appointee Only)

Certified that Miss./Mr. Zahida Payveen Father Name Muhammad Rauf
Resident of Khada Banda is hereby appointed against the post of PST on School based in
BPS. 12 at (School Name) GGPS Mir Ahmad Khan Koroona under
the District Education Officer Endstt No: 3574-78 Dated 17/3/2023 at
time Forenoon.

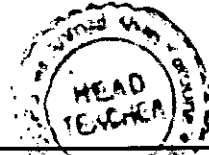
[Signature]
Signature of the
Official (New Appointee)

Attested
Tariq

FOR HEAD OF THE SCHOOL ONLY

File No. _____

Certified that we have on the (fore/afternoon) Forenoon of this day (date) 18/3/2023
respectively and gave a charge of post PST in above mentioned school to this charge report holder,
and received his/her require documents file for school record.



Seal & Signature
Head of the School

Tick to whom Copy of the above is forwarded to:

1. Head of the concern school.
2. ASDEO Circle Office (Female) T/Nasratl Karak
3. The Sub Divisional Education Officer (SDEO)(Female) T/Nasratl Karak.
4. Deputy District Education Officer (Dy.DEO) (Female) Karak.
5. District Education Officer (DEO) Office Karak.
6. District Account Officer Karak.
5. Concern for his/her Record.

(17)

Annex (2)



**OFFICE OF THE DISTRICT EDUCATION
OFFICER (FEMALE) KARAK.**

Phone:0927-291177 Address: KDA KARAK Email:emiskarak@yahoo.com

PROVISIONALLY PAY RELEASE ORDER.

Consequent upon on Pay release in respect of Mst: ZAHIDA PARVEEN D/O MUHAMMAD RAUF CNIC NO. 14203-3076904-2 appointed vide this office Endst: No. 3574-78/AE-II/Apptt/PST dated 17/3/2023 are hereby accorded provisionally with the following terms & conditions:-

Note:-1- If her documents declared bogus be reported to the law enforcing agencies for further action and her appointment will stand withdrawn.

2. If her verified documents not received to this Office from the concerned Boards/Universities with in three months of the issuance of this order, her pay will be stopped automatically.

DISTRICT EDUCATION OFFICER
(FEMALE)KARAK

Endst: No 4143-46 /F-I/V-I/P.Release/PST/KK: Dated Karak the 3/4 /2023.
Copy to the:-

1. Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar please.
2. District Accounts Officer Karak.
3. Sub Divisional Education Officer (F) T/Nasrati.
4. Teacher concerned.
5. Office copy.

DISTRICT EDUCATION OFFICER
(FEMALE)KARAK.

*Attested
Tariq*



(18)

Amman (2)

**OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL KARAK
HEALTH AND AGE CERTIFICATE**

Name

Zahida Parveen

Father's Name

Hush

Muhammad Ghayasul Islam

Nationality

Pakistani

Cast:

Kheladi

Residence

Zero Banda T. Nasrati DHA Karak

Date of Birth

25.10.1983

Height

5-3/8

Personal Mark of Identification:

HEAD OF OFFICE

I hereby certify that I have examined Mr/ Miss Zahida Parveen
a candidate for employment in the Office of the DEO (F) Karak
Department and cannot discover that he/she has any communicable disease
constitutional affection or bodily infirmity except _____

I do not consider his/her disqualification for employment in the the same
Department.

His/her age according to his/her own statement is 39 years
and by physical appearance in my opinion he/she is about thirty nine years
of age.

LEFT/RIGHT HAND THUMB & FINGERS IMPRESSION.

Thumb

Fore Finger

Middle Finger

Ring Finger

Little Finger



Attested
Tasir

Medical Superintendent
DHQ Hospital Karak

18/3/2023

Medical Superintendent
DHQ Hospital Karak

**Nawab Babu DE...**

3 June, 8:44 am

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

Address: KDA Karak.

Phone: 0927-291177

Email: emiskarak@yahoo.com

*Annexure - 3***NOTIFICATION**

WHEREAS one Mst: ZAHIDA PARVEEN D/O MUHAMMAD RAUF R/O KHADA BANDA had applied for appointment as PST under deceased Child/Medical Board quota.

AND WHEREAS she had submitted her documents to this office indicating that she had not got married to any one and is still living with her parents.

AND WHEREAS no one pointed out that she has got married and is not living with her parents at the time of scrutiny of her documents.

AND WHEREAS it is quite evident from Rule 10(4) of APT Rules 1989, that the child or the widow/wife as the case may be appointed against the post for which he or she is eligible and possesses the minimum qualification prescribed for appointment to the post.

AND WHEREAS the competent authority i.e DEO Female Dist Karak constituted a committee for the scrutiny of documents as well as appointments against the vacant posts for which such application were received to the office

AND WHEREAS the committee recommended her for appointment as PST being deserving and eligible candidate.

AND WHEREAS she was appointed as PST at GGPS Mir Ahmad Khan Korozna Dist Karak by the appointing authority under the quota reserved for deceased employees children.

AND WHEREAS a complaint was received in the office of DEO Female Karak regarding provision of wrong information and concealing the facts and keeping in dark the appointing authority. It was brought into the notice of the authority concerned that she has got married and is not living with her parents while at the time of appointment she has concealed this fact from the office.

AND WHEREAS it is evident from the Notification issued by Establishment Dept Khyber Pakhtunkhwa No SO(Policy)/E&AD/1-3/2023/APT rules dated Peshawar the 24/8/2023, that the daughter after contracting marriage becomes liability of her husband and hence not entitled for such appointments under Rule 10(4) of the APT Rules 1989

NOW WHEREAS I, am DEO Female Dist Karak being competent authority is satisfied that Mst Zahida Parveen D/O Muhammad Rauf appointed as PST at GGPS Mir Ahmad Khan Korozna Dist Karak was not entitled and eligible for appointment as per the aforementioned reasons, under the relevant Rules and thus "withdraw her appointment order issued vide Endst No 3574-78 dated 17/3/2023" with effect from the date of its issue.

Attested
Yard
District Education Officer(F)
Karak

Endst: No: 5721-25 Dated Karak The 12/05/2023.

Copy of the above is forwarded for information to the

1. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Account Officer Karak.
3. SDE(F) Takht-e-Nasrati Dist: Karak

District Education Officer (F)
Karak



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KARAK

Address: KDA Karak.

Phone: 0927-291177

Email: emiskarak@yahoo.com

NOTIFICATION

WHEREAS one Mst: ZAHIDA PARVEEN D/O MUHAMMAD RAUF R/O KHADA BANDA had applied for appointment as PST under deceased Child/Medical Board quota.

AND WHEREAS she had submitted her documents to this office indicating that she had not got married to any one and is still living with her parents.

AND WHEREAS no one pointed out that she has got married and is not living with her parents at the time of scrutiny of her documents.

AND WHEREAS it is quite evident from Rule 10(4) of APT Rules 1989, that the child or the widow/wife as the case may be appointed against the post for which he or she is eligible and possesses the minimum qualification prescribed for appointment to the post.

AND WHEREAS the competent authority i.e DEO Female Distt Karak constituted a committee for the scrutiny of documents as well as appointments against the vacant posts for which such application were received to the office.

AND WHEREAS the committee recommended her for appointment as PST being deserving and eligible candidate.

AND WHEREAS she was appointed as PST at GGPS Mir Ahmad Khan Koroona Distt Karak by the appointing authority under the quota reserved for deceased employees children.

AND WHEREAS a complaint was received in the office of DEO Female Karak regarding provision of wrong information and concealing the facts and keeping in dark the appointing authority. It was brought into the notice of the authority concerned that she has got married and is not living with her parents while at the time of appointment she has concealed this fact from the office.

AND WHEREAS it is evident from the Notification issued by Establishment Deptt Khyber Pakhtunkhwa No SO(Policy)/E&AD/1-3/2023/APT rules dated Peshawar the 24/8/2023, that the daughter after contracting marriage becomes liability of her husband and hence not entitled for such appointments under Rule 10(4) of the APT Rules 1989.

NOW WHEREAS I, am DEO Female Distt Karak being competent authority is satisfied that Mst Zahida Parveen D/O Muhammad Rauf appointed as PST at GGPS Mir Ahmad Khan Koroona Distt Karak was not entitled and eligible for appointment as per the aforementioned reasons, under the relevant Rules and thus "withdraw her appointment order issued vide Endst No 3574-78 dated 17/3/2023" with effect from the date of its issue.

*Attested
Yasir*

District Education Officer(F)
Karak

Endst: No: 5721-25 Dated Karak The 12/05/2023.

Copy of the above is forwarded for information to the:

1. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Account Officer Karak.
3. SOE(F) Takht-e-Nasrati Distt: Karak

District Education Officer (F)
Karak

The Secretary

Department of Elementary and Secondary Education (E&SE)

Government of Khyber Pakhtunkhwa

Annexure-D

21

10

3
ES

SUBJECT: REPRESENTATION AGAINST THE ORDER DATED: 12/05/2023

Respectfully Submitted:

- 1) That the appellant had been recommended and appointed against the Deceased Employee Quota under section 10(4) of the APT rules 1989 vide order dated: 17/03/2023. (Annex 1)
- 2) That in pursuance to the order dated 17/03/2023, the appellant joined her duties at GGPS Mir Ahmad Khan Koroonia Khada Banda. (Annex 2- Relevant Documents)
- 3) That out of the blue, the District Education Officer Female Karak withdrew the order dated 17/03/2023 vide order dated: 12/05/2023, communicated on 03/06/2023 via WhatsApp of the appellant. (Annex 3 - Screen Shot)
- 4) That the order dated: 12/05/2023 is liable to be set aside on the following grounds:
 - a. That the impugned order has been passed in haste and arbitrary manner.
 - b. That no prior notice or show-cause has been issued to the appellant in the instant matter so that to clarify the situation.
 - c. That the appellant has been condemned unheard and no proper inquiry or investigation has been conducted in the instant case.
 - d. That the DEO female Karak has misused her authority and in slipshod manner passed the impugned order of which she has no competency.
 - e. That the appellant has rightly /legally been appointed against the quota reserved for the children of the deceased employee under the rules and an illegality has been committed in this respect.

It is, therefore, requested that on acceptance of the instant representation, the order dated: 12/05/2023 may please be set aside, while the order dated: 17/03/2023 may please be restored with all accruing back benefits admissible under the rules.

Thanking in anticipation

Attested
Yorid

Note: The amendment made in 2020 (making a married daughter ineligible) cannot be justifiably applied to us because of the absence of male heir of my father.

Obediently yours

Zahida Perveen -PST

GGPS Mir Ahmad Khan Koroonia
Khada Banda

Dated: 16/06/2023

DEO "P" Karak

Please issue appointment order under S-10 (4) after following all procedural formalities

Primary letter is also made
SM

SOCP/EIT

please take up with DEO for uia as per relevant laws.

16-6-23
Secretary (General)

(22) (11)

The Secretary

Department of Elementary and Secondary Education (E&SE)
Government of Khyber Pakhtunkhwa

Subject: REPRESENTATION AGAINST THE ORDER DATED: 12/05/2023

Respectfully Submitted:

1. That the appellant has been recommended for appointment against the Deceased Employee Quota under section 10(4) of the APT rules 1989 vide order dated: 17/04/2023. (Annex 1)
2. That in pursuance to the order dated 17/04/2023, the appellant joined her duties at GGPS Mir Ahmad Khan Koroona Khada Banda. (Annex 2- Relevant Documents)
3. That out of the blue, the District Education Officer-DEO Female Karak withdrew the order dated 17/04/2023 vide order dated: 12/05/2023, communicated on 03/06/2023 via what's-App of the appellant. (Annex 3 -Screen Shot etc.)
4. That the order dated: 12/05/2023 is liable to be set aside on the following grounds:
 - a. That the Impugned order has been passed in haste and arbitrary manner.
 - b. That no prior notice or show-cause has been issued to the appellant in the instant matter so that to clarify the situation.
 - c. That the appellant has been condemned unheard and no proper inquiry or investigation has been conducted in the instant case.
 - d. That the DEO female Karak has misused her authority and in slipshod manner passed the impugned order of which she has no competency.
 - e. That the appellant has rightly /legally been appointed against the quota reserved for the children of the deceased employee under the rules and an illegality has been committed in this respect.

It is, therefore, requested that on acceptance of the instant representation, the order dated: 12/05/2023 may please be set aside, while the order dated: 17/04/2023 may please be restored with all accruing back benefits admissible under the rules.

Thanking in anticipation

*Attested
Tariq*

Sincerely yours

Appellant/Applicant
Zahida Perveen -PST
GGPS Mi Ahmad Khan Koroona
Khada Banda

Dated: ____/05/2023



(23)

(12)

GOVERNMENT OF KHYBER-PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT
CIVIL SECRETARITE PESHAWAR

No. SO (P/F)/E&SED/2-2/Apptt/Zahida Parveen /2023
Dated Peshawar the, 20th June, 2023

To

The District Education Officer (Female),
Karak.

Subject: - **REPRESENTATION AGAINST THE ORDER DATED 12.05.2022**

I am directed to refer to the subject noted above and to enclose herewith a copy of self-explanatory application submitted by Zahida Parveen PST GGPS Mir Ahmad Khan Koroonah Khada Banda District Karak, with the direction to process the instant appointment case in light of Rule-10 (4) of APT Rules, 1989 and as per remarks on the face of application and dispose of the case at her own level being competent authority.

Encl.As above.


SECTION OFFICER (PRIMARY/F)

Copy forwarded to the PS to Secretary, E&SE Department Khyber Pakhtunkhwa.


SECTION OFFICER (PRIMARY/F)

*Attended
Tariq*

24

13
57

(P/A)
Read with
F/B

To

The Secretary
Elementary and Secondary Education Department (E&SED)
Government of Khyber Pakhtunkhwa

Subject: Complaint against DEO (Female) Karak for cancellation of my PST appointment order.

Sir,

Most respectfully it is stated that after lodging my first complaint with this office against the cancellation of my appointment as PST by the DEO (Female) Karak, this office issued her a letter, No. **SO (P/F)/E&SED/2-2/Apptt/Zahida Parveen/2023, dated 20th June 2023**, for my reinstatement. But she refused to comply with the saying that as long as the amendment notified in 2020 and the reminder in 2023 exist, she cannot comply with it. So I again approach your good self to help me.

I shall be very thankful to you for this favour.

Copy of my first complaint and the other necessary documents are attached with the application.

pe exam a brassi
MA
03.07.2023
SO (PE) F

Attended
Torid

Yours Obediently,
Zahida Parveen, PST,
GGPS Mir Ahmad Khan Koroona,
Khada Banda

Dated: ___/06/2023

Print up in relevant
file
5/7
3/2

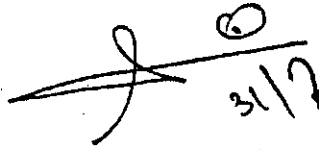


25 14
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block- "A" Opposite M PA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223587

No. SO (P/F)/E&SE/D/2-2/Appt/Zahida Parveen /2023
Dated Peshawar the, 25th July, 2023

To

The Director,
E&SE Khyber Pakhtunkhwa,
Peshawar.

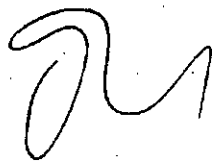

31/7

Subject: -

**COMPLAINT AGAINST DEO (F) KARAK FOR CANCELLATION OF
HER PST APPOINTMENT/ORDER.**

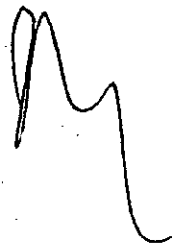
I am directed to refer to the subject noted above and to enclose herewith a copy of self-explanatory application alongwith its enclosures submitted by Zahida Parveen, PST. GGPS Mir Ahmad Khan Koroona Khada Banda District Karak for necessary action as per law/rules being appellate authority in this case. please.

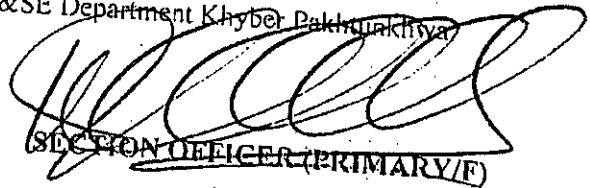
Encl. As above.




SECTION OFFICER (PRIMARY/F)

Copy forwarded to the PS to Secretary, E&SE Department Khyber Pakhtunkhwa




SECTION OFFICER (PRIMARY/F)

Attested
Tariq



26

15

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.

No. 238 /F.No.A-12/PF DEO(F)Karak(2)

Dated Peshawar the 10 / 08 /2023.

To,

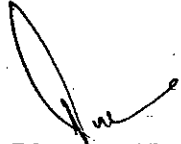
✓
The District Education Officer (Female)
Karak.

Subject:

**COMPLAINT AGAINST DEO(F)KARAK FOR CANCELLATION OF
HER APPOINTMENT ORDER.**

Memo:

I am directed to refer to the subject cited above and to enclose herewith a copy of complaint lodge by Mst Zahida Parveen PST GGPS Mir Ahmad Khan Koroona Khada Banda received from the Section Officer(Primary)Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department bearing letter No.SO(P/F)E&SED/2-2/Appt/Zahda Parveen/2022 dated 25.07.2023 and to ask you to submit detail report/comments within a week time positively.


Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No _____/-

*Attended
Tariq*

Copy forwarded for information to the:-

1. Section Officer Primary)Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department w/r to his No. cited above.
2. PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.

sdh
Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa

(27) (16)

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

Address: KDA Karak.

Phone: 0927-291177

Email: emiskarak@yahoo.com

NO 8622 Dated Karak the 16 / 8 2023

To,

The Section Officer,
Primary (Female) Govt. of Khyber Pakhtu khawa
Elementary and Secondary Education Department Peshawar.

SUBJECT:- REPRESENTATION AGAINST THE ORDER DATED 12.5.2023.

Memo,

Reference your good Office No. SO(P/F)E&SED/2-2/Appt:Zahida Parveen /2023 dated 20th June 2023 on the subject cited above.

It is stated for your kind honour that one MUHAMMAD RAUF Ex PST R/O KHADA BANDA has been Died in Service on 5/8/1984.

His Daughter Zahida Parveen had submitted her documents to this Office for appointment against Deceased Son/Daughter quota under Rule 10(4) of APT Rules 1989. The rules is quite clear that the child or the widow/wife as the case may be appointed against the post for which he or she is eligible and possesses the minimum qualification prescribed for appointment to the post.

The undersigned constituted a committee for the scrutiny of documents as well as appointments against the vacant posts for which such application were received to the office, and the committee recommended her for appointment as PST being deserving and eligible candidate and she was appointed as PST at GGPS Mir Ahmed Khan Koroonia Distt Karak under the quota reserved for deceased employees children vide this Office No. 3574-78 dated 17.3.2023.

A complaint was received in the office of DEO Female Karak regarding provision of wrong information and concealing the facts and keeping in dark the appointing authority. It was brought into the notice of the authority that she has got married and is not living with her parents while at the time of appointment she has concealed this fact from the office.

So it is evident from the Notification issued by Establishment Deptt Khyber Pakhtunkhwa No SO(Policy)/E&AD/1-3/2023/APT rules dated Peshawar the 28.4.2023, that the daughter after contracting marriage becomes liability of her husband and hence not entitled for such appointments under Rule 10(4) of the APT Rules 1989. (Copy attached for ready reference).

Hence the undersigned being competent authority is satisfied that Mst. Zahida Parveen D/of Late Muhammad Rauf wife of Muhammad Ghayss Ul Islam Distt Karak was not entitled and eligible for appointment as per the aforementioned reasons, under the relevant Rules and thus "withdrawn her appointment order issued vide Endst No 5721-25 dated 12.5.2023 with effect from the date of its issue.

Attested
Yasir
DISTRICT EDUCATION OFFICER (F)
KARAK

Endst: No: _____ Dated Karak The _____ /2023.

Copy of the above is forwarded for information to the:

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar w/r to his letter No. 238/F.No.A-12/PF DEO(F) Karak(2).

DISTRICT EDUCATION OFFICER (F)
KARAK

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17

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARITE PESHAWAR
(PHONE NO. 091-9223587)

No. SO (P.F)/E&SED/2-2/Appt/Zahida Parveen/2023
Dated Peshawar the 29th August, 2023

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department,
Peshawar.

Subject: - APPOINTMENT UNDER DECEASED SON'S QUOTA.

Dear Sir,

I am directed to refer to the subject noted above and to state that one Mst. Zahida Parveen was appointed PST by DEO (Female) Karak under deceased son quota (copy attached). However, letter on the said order was withdrawn due to the fact that she was contracting marriage before her appointment (copy enclosed).

2. it is pertinent to mention here that as per report of DEO concerned (copy enclosed) her father was died in 1984.

3. In view of above, advice of Establishment Department is solicited that in the aforementioned scenario as to whether Mst. Zahida Parveen D/o Late Muhammad Rauf wife of Muhammad Ghayas Ul Islam is entitled for appointment under deceased son quota or not and withdrawal of her appointment order is valid or otherwise.

Encl: As Above.

*Attested
Tariq*

Yours faithfully,


SECTION OFFICER (PRIMARY/F)

Copy forwarded to:

1. PS to Secretary, E&SE Department.
2. Directorate E&SE Khyber Pakhtunkhwa.
3. DEO (Female) Karak w/r to his letter quoted above for information.


SECTION OFFICER (PRIMARY/T)

THE ¹KHYBER PAKHTUNKHWA CIVIL SERVANTS
(APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989

PART-I

GENERAL

1. **Short title and commencement:** - (1) These rules may be called the ²[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

(2) They shall come into force at once.

2. **Definitions:**-(1) In these rules, unless the context otherwise requires:-

(a) "Appointing Authority" in relation to a post, means the persons authorized under rule 4 to make appointment to that post;

(b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;

(c) "Commission" means the ³[Khyber Pakhtunkhwa] Public Service Commission;

⁴(d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government, which do not fall within the purview of the Provincial Selection Board;

⁵(dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission:

Provided that more than one such committees may be constituted for civil servants holding different scales of pay".

(e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission];

(f) "Post" means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades ; and

¹ For the words "NWFP" or "North-West Frontier Province", wherever occurred, the words "Khyber Pakhtunkhwa" substituted by the Khyber Pakhtunkhwa Laws (Amendment) Act, 2011 (Khyber Pakhtunkhwa Act.No. IV of 2011) published in the Khyber Pakhtunkhwa Government Gazette Extraordinary dated 2nd April, 2011

² Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Substituted by Clause (d) of sub-rule (1) of Rule 2 vide Notification No. SOR-I (S&GAD) 4-1/80 (Vol-II) dated 14-01-92.

⁵ Clause (dd) added by Notification No. SOR-III (S&GAD) 2-7/86, dated 8-12-1994

Attested
Tariq

31

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10. **Appointment by Initial Recruitment :-**(1) Initial appointment to posts ²³[in various basic pay scales] shall be made-

- (a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or
- (b) if the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

²⁴(2) Initial recruitment to posts which do not fall within the purview of the Commission shall be made on the recommendation of the Departmental Selection Committee, after vacancies have been advertised in newspapers.

²⁵Provided that nothing contained in this sub-rule shall apply to the household staff of the Chief Minister House Peshawar, ²⁶[Khyber Pakhtunkhwa] House Islamabad, ²⁷[Khyber Pakhtunkhwa] Rest Houses Bannu, Swat and Abbottabad, ²⁸[Khyber Pakhtunkhwa] House Nathia Galli and Shahi Mehman Khana, Peshawar and any other House to be established by the Government:

²⁹Provided further that the appointment in Basic Pay Scale-1 to 4 shall be made on the recommendations of the Departmental Selection Committee through the District Employment Exchange concerned, ³⁰[or, where in a District, the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers] ³¹[]

(3) A candidate for initial appointment to a post must possess the educational qualification or technical qualifications and experience and except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post, provided that-

- (i) ³²where recruitment is to be made on the basis of written examination, then, notwithstanding anything to the contrary contained in any other rules for the time being in force, age shall be reckoned on 1st January of the year in which the examination is proposed to be held;
- (ii) in other cases as on the last date fixed for submission of applications for appointment.

²³ The words in basic pay scale-16 to 21 substituted by Notification No. SOR-I(S&GAD)1-117/91 (C), dated 12-10-1993.

²⁴ Sub rule (2) of Rule-10 substituted by Notification No. SOR-I(S&GAD) 1-117/91 (C), dated 12-10-1993.

²⁵ Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 03-07-2003.

²⁶ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

²⁷ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

²⁸ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

²⁹ Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 16-03-2004

³⁰ Sentence added in the Proviso vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 23-01-2006.

³¹ 2nd Proviso in sub- rule (2) of Rule 10 was deleted vide Notification No. SOR-VI(E&AD)1-3/2008 dated 09-05-2008 and added again vide Notification No. SOR-VI(E&AD)1-3/2008 dated 03-11-2008.

³² Clause (i) substituted vide Notification No. SOR-I(S&GAD)4-1/80, dated 17-5-1989.

Attested
Tasir

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³³(4) Where a civil servant dies or is rendered incapacitated/invalidated permanently during service then notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant, or if the child has not attained the age prescribed for appointment in Government Service, the widow/wife of such civil servant, to a post in any of the Basic Pay Scales 1-10:

Provided that the child or the widow/wife, as the case may be, possesses the minimum qualification prescribed for appointment to the post:

Provided further that if there are two widows/wives of the deceased civil servant, preference shall be given to the elder widow/wife.

Provided also that the appointment under this sub rule is subject to availability of a vacancy, and if more than one vacancies in different pay scales are available at a time, and the child or the widow/wife, as the case may be, possesses the qualifications making him or her eligible for appointment in more than one post, he /she shall ordinarily be appointed to the post carrying higher pay scale.

Provided further that this shall not apply to any post in BPS-1-10 falling in the purview of the ³⁴[Khyber Pakhtunkhwa] Public Service Commission.

³⁵(5) Notwithstanding anything contained in any rule for the time being in force, two percent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for disabled candidates and ten percent of all posts meant for initial recruitment shall be reserved for female candidates:

Explanation-I---For the purpose of reservation under this sub-rule "disability" does not include such disability which hampers in the smooth performance of the duties required of a disabled candidate.

Explanation-II---Ten per cent quota reserved above shall be in addition to the posts exclusively reserved for female candidates.

³⁶(6) Notwithstanding anything contained in any rule for the time being in force, five per cent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates hailing from earthquake affected areas of District Mansehra, Battgram, Shangla, Kohistan and Abbottabad (Calamity hit area) for a period of three years commencing from 1st February, 2006.

³⁷(7) Notwithstanding anything contained in any rule for the time being in force, ³⁸[three] percent of all the posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates belonging to minorities in addition to their participation in the open merit:

Provided that, the reservation shall not apply to—

³³ Sub rule (4) substituted vide Notification No. SOR-VI (E&AD)1-3/2011/Vol-VIII, dated 31-08-2012.

³⁴ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

³⁵ Sub rule (5) substituted vide Notification No. SOR-VI (E&AD)1-10/03 (VI), dated 04-12-2007.

³⁶ Sub rule (6) inserted vide Notification No. SOR-VI(E&AD)1-3/03 (VI), dated 01-02-2006

³⁷ Sub rule (7) added vide Notification No. SOR-VI(E&AD)1-3/08, dated 06-01-2009

³⁸ Subs. vide Notification No. SORIV/E&AD/1-10(Minority)/2008, dated 08.01.2014.

Attested
Tasir



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22

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NO. SO(Policy)E&AD/1-3/2019/APT Rules
Dated Peshawar the February 21st, 2020

To

1. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa,
2. All the Administrative Secretaries to Govt. of Khyber Pakhtunkhwa,
3. All the Commissioners, Khyber Pakhtunkhwa,
4. All Heads of the Attached Departments in Khyber Pakhtunkhwa,
5. All the Deputy Commissioners, Khyber Pakhtunkhwa.

Subject: **GUIDANCE/CLARIFICATION REGARDING EMPLOYMENT
DEPENDENT OF INCAPACITATED OR INVALIDATED PERMANENTLY
OR RETIRED ON MEDICAL BOARD.**

Dear Sir,

I am directed to refer to the subject noted above and to state that under Rule 10 (4) of APT Rules, 1989, the facility of employment to one of the children of deceased/invalidated Govt. Servant is given in view of their dependence on their parents. This facility is equally available to male and female children. However in case the female has contracted a marriage, she loses this right. Hence a married daughter is not eligible for this facility (copy enclosed).

02 The above instructions may be brought into the notice of all concerned for compliance in letter & spirit.

Attested
Tariq
Yours faithfully:
[Signature]
SECTION OFFICER (POLICY)

Enclst. Of even No. & date

Copy forwarded to the:-

- 1 Accountant General, Khyber Pakhtunkhwa,
- 2 Chairman, Service Tribunal, Khyber Pakhtunkhwa,
- 3 Chairman, Public Service Commission, Khyber Pakhtunkhwa,
- 4 All Additional Secretaries, Establishment Department,
- 5 All Deputy Secretaries, Establishment Department,
- 6 PS to Chief Secretary, Khyber Pakhtunkhwa,
- 7 PS to Secretary, Establishment Department,
- 8 PS to Special Secretary (Regulation/Establishment), Establishment Department

[Signature] 26/2
SO(Policy)

[Signature]
SECTION OFFICER (POLICY)



(34)

(23)

**GOVT. OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

No. SO(Policy)/E&AD/1-3/2023/APT Rules
Dated Peshawar, the April 28, 2023

To

1. The Additional Chief Secretary, Khyber Pakhtunkhwa.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Divisional Commissioners in Khyber Pakhtunkhwa.
5. All Heads of Attached Departments in Khyber Pakhtunkhwa.
6. All Deputy Commissioners in Khyber Pakhtunkhwa.

Subject: **CLARIFICATION REGARDING APPOINTMENT UNDER RULE 10(4) OF THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENTS,
PROMOTION & TRANSFER) RULES, 1989**

Dear Sir,

I am directed to refer to the subject noted above and to state that Rule 10(4) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 provides for appointment of one of the children, widow or wife of such civil servant who dies during service or is rendered incapacitated/invalidated during service or retired on medical grounds.

2. In this regard, clarification was issued vide this Department's letter of even No. dated 21.02.2020 that daughter after contracting marriage becomes liability of her husband and hence not entitled for such appointment under Rule 10(4) of the APT Rules, 1989.

3. It is to further clarify that a married daughter after separation from her husband and dependent on her parents is also entitled to appointment under Rule 10(4) of APT Rules, 1989 subject to the conditions that:

- i. In case the married daughter is separated judicially, she has to produce a divorce certificate duly issued by NADRA.
- ii. In case she has separated customarily she has to produce a certificate from the Deputy Commissioner concerned to the effect that she is separated and is fully dependent on her parents after separation.

*Attested
Yarid*

Yours faithfully,

(Issa Muljan and Khan)
SECTION OFFICER (POLICY)

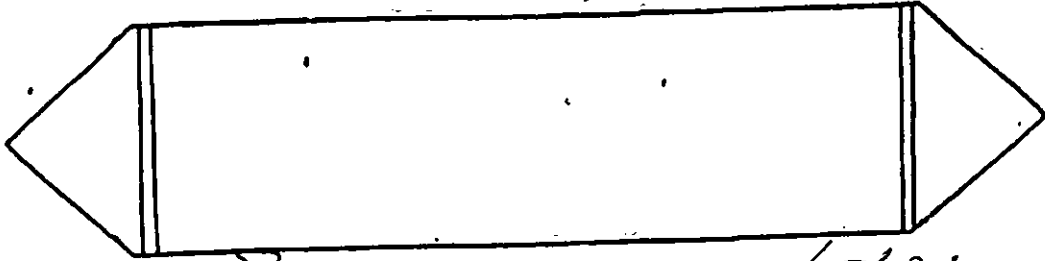
Encls: No & Date Even.

A copy of the above is forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Registrar, Peshawar High Court, Peshawar.
4. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. Provincial Ombudsman, Khyber Pakhtunkhwa.
6. All Heads of Authorities/Autonomous/Semi-Autonomous bodies in Khyber Pakhtunkhwa.
7. Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
8. All Special Secretaries/Additional Secretaries/Deputy Secretaries/Section Officers in E&A Department.
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Secretary, Establishment Department.

SECTION OFFICER (POLICY)

بعد الت فیسر، کھنوخو اسروس ٹرا بیوٹل پشاور



2023ء پنجاب ایڈوانٹ

زایہ بیرون بنام حکومت

موزخ	26	کمبر
مقدمہ	---	---
دعویٰ	---	اپیل
جزم	---	---

زایہ بیرون
کمبر

باعث تحریر برآ نکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کارروائی متعلقہ
آن مقام پشاور کیلئے عالمگیریہ خان / ظریف خان / ایڈووکیٹ

کو مقررہ کر کے اتر کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار دیا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر حالت ہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت اگری کرنے اجراء اور وصولی چیک ورد پیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر مستحلاً کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا اگری یکطرفہ یا اپیل کی برآمدگی اور مندرجہ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرداخت منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جائز التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تارق پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا ادکالت نامہ لکھنڈیا کہ مندر ہے۔

الرتوم: 26
2023

CNIC: 14203-3076904-2

Attested
Accepted
Tariq
2019/023
cell 03015932818

بمقام پشاور
tarikamali1979@gmail.com
BC-10-6195.com

واہ الب

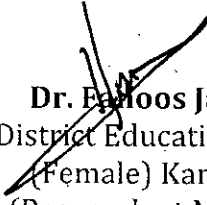
42

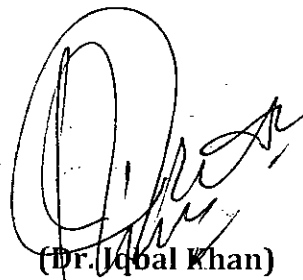
3


F. Incorrect and not agree.

Prayer:-

In the light of the above stated facts, it is requested to dismiss the case of the appellant.


Dr. Fafoos 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)

43

Annex A



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

4

NO. SO(Policy)E&AD/1-3/2019/APT Rules
Dated Peshawar the February 21st, 2020

To

1. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa,
2. All the Administrative Secretaries to Govt. of Khyber Pakhtunkhwa,
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Attested Yours faithfully,
Yasir

SECTION OFFICER (POLICY)

Enclst. Of even No. & date
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2. Chairman, Service Tribunal, Khyber Pakhtunkhwa,
3. Chairman, Public Service Commission, Khyber Pakhtunkhwa,
4. All Additional Secretaries, Establishment Department,
- 5 All Deputy Secretaries, Establishment Department,
- 6 PS to Chief Secretary, Khyber Pakhtunkhwa,
- 7 PS to Secretary, Establishment Department,
- 8 PS to Special Secretary (Regulation/Establishment), Establishment Department

26/2
SOC(Policy)

SECTION OFFICER (POLICY)

Almas



GOVT. OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(Policy)/E&AD/I-3/2023/APT Rules
Dated Peshawar, the April 28, 2023

(44) P-5

Annex B

(5)

To

1. The Additional Chief Secretary, Khyber Pakhtunkhwa.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
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Attested
Yasir

Yours faithfully,

(Issa Muhammad Khan)
SECTION OFFICER (POLICY)

Encls: No & Date Even.

A copy of the above is forwarded to the:-

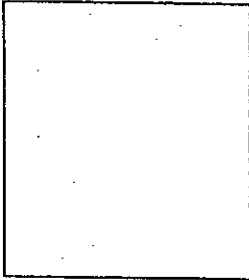
1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
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10. PS to Secretary, Establishment Department.

SECTION OFFICER (POLICY)

Attested
2/

Annex C-6
45

DOMICILE CERTIFICATE



I declare that I was born of Parents who are permanently domiciled in N.W.F.P. having been born in this Province.

I was born at KHADA BANDA
Name ZAHIDA PERVEEN
Signature ZAHIDA PERVEEN
Resident of VILLAGE KHADA BANDA
P. O. TAKHT-E-NASRATTI
Tehsil TAKHT-E-NASRATTI
District KARAK (N.W.F.P.)

Date 07-9-1999

In pursuance to the declaration dated 07/9/99
by ZAHIDA PERVEEN Son of/Daughter MUHAMMAD RAUF
Of KHADA BANDA Tehsil TAKHTENASRATTI District KARAK (N.W.F.P.)
to the effect that he/she has been born of parents who are permanently domiciled in N.W.F.P. Province.

It is hereby certified that the said ZAHIDA PERVEEN
parents are permanent residents of N.W.F.P. Province having been born within it.
I have satisfied myself from my own knowledge/ by verification
Through ca/correlty that the above declaration is true and certify
accordingly.

Given under my hand and that the seal of the Court this

07th day 9th 1999/2000



countersigned

Magistrate 1st Class

MAGISTRATE 1ST CLASS
TAKHT-E-NASRATTI

Deputy Commissioner, Karak.

فون نمبر: 210432 حق شیئینڈی امارت اینڈ ٹیک سیلز کرک

Almas
Handwritten signature and initials.

لعدلی کی جالی ہے۔ کہ طالبہ زلالہ بیرون دھیر محمد روف
 مکہ خدہ باندہ تحصیل کث لعدلی ضلع کراچی کے منتقل باشندہ
 اس نے اپنی تعلیم سکول خدہ سے حاصل کی ہے۔ سکول ریگارد
 کے ولی اعلیٰ مارچ ۱۹۸۳ء میں لکھنؤ میں اس کی سوتیلی ماں سے

(25 - 10 - 1983)

Signature

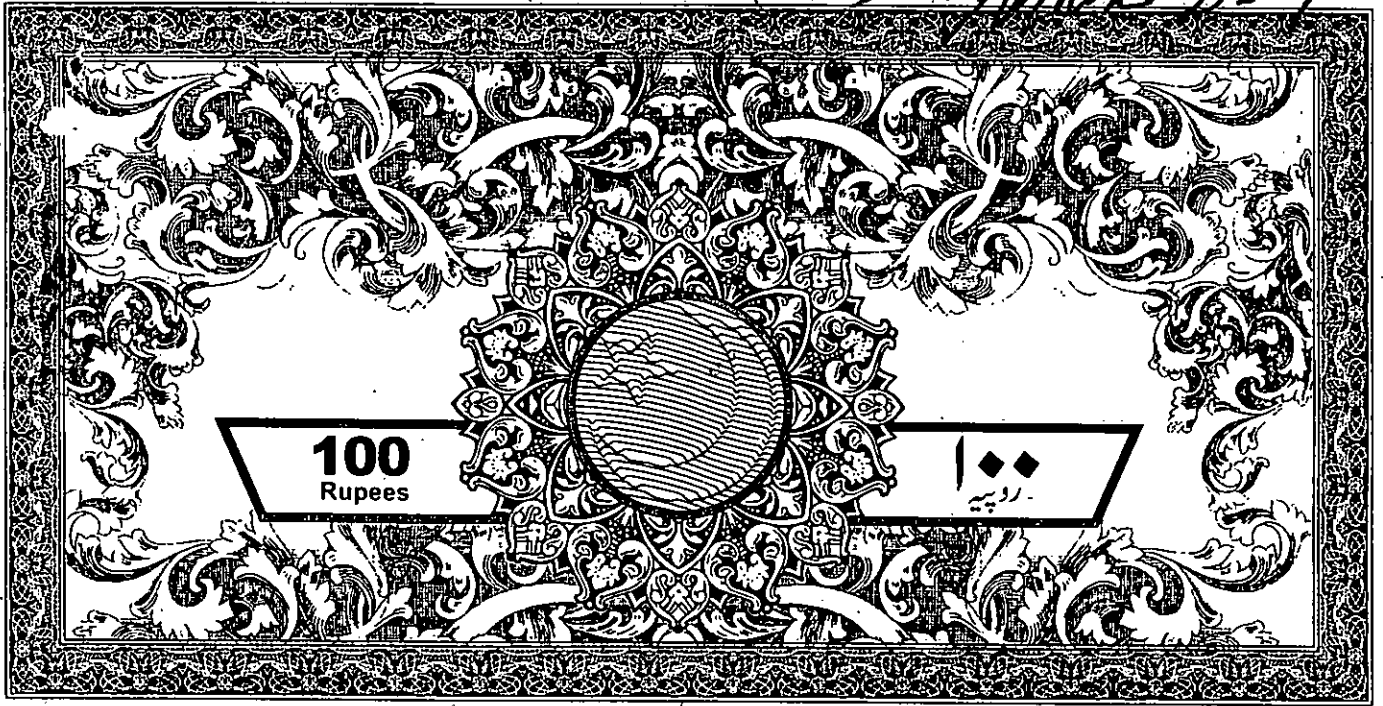
۱۹۸۳
 ۱۰
 ۲۵

Signature

لعدلی کی جالی ہے۔ کہ طالبہ زلالہ بیرون دھیر محمد روف
 مکہ خدہ باندہ تحصیل کث لعدلی ضلع کراچی کے منتقل باشندہ
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 کے ولی اعلیٰ مارچ ۱۹۸۳ء میں لکھنؤ میں اس کی سوتیلی ماں سے

۱۹۸۳
 ۱۰
 ۲۵

شہر لکھنؤ
 سولہ مارچ ۱۹۸۳ء



بیان حلفی

مانندہ سماجی بی زاپہ بیورو مونی PST استاد محمد رؤف، سماج زاپہ بیورو اور سماج ناہر عالمزبیب دفتر ان مونی استاد محمد رؤف ساکنان خدہ بانڈھن تحصیل ٹنڈل کوثری ضلع راولپنڈی میں۔

۱۔ حلفاً بیان ہے کہ ہم مونی استاد محمد رؤف کے جائز اور قانونی درماد میں۔
 بیورو کے علاوہ مونی کسی بیورو اور نہ کوئی اور اولاد ہے۔

۲۔ اب ہم سے زاپہ بیورو میں دفتر محمد رؤف ڈپٹی سیکریٹری ٹنڈل کوثری پر PST پوسٹل ڈیپلرٹی کر رہی ہے۔ مانکر ان بالہ کو یعنی بیورو سماجی زاپہ بیورو دفتر ناہر عالمزبیب کو اس بیورو کی عذر اور المراضہ نہ ہے۔

۳۔ حلفاً بیان ہے کہ بیان حلفی بالہ بالعلیٰ درست ہے۔

العبد
Dhul A.

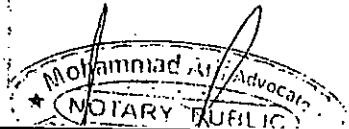
العبد
[Signature]

ناہر عالمزبیب دفتر محمد رؤف

بی بی زاپہ بیورو محمد رؤف

CNIC: 14203-9288281-0

CNIC: 14203-7304962-2



Dated: 29-12-2022

(47) P-8




AB89066058

FAMILY REGISTRATION CERTIFICATE

Applicant Name: Zahida Parveen
Citizen Number: 1420330769042
Document Number: AB89066058


Family Members: 3

It is to certify that the family comprising of the following members is registered in NADRA with the particulars mentioned below as per the information provided.




Name: Bibi Zahida
Identity No: 14203-7304962-2
Date of Birth: 1965
Father Name: Ali Bas Khan
Mother Name: Bibi
Relation With Applicant: Mother

بی بی زہیدہ: پورا نام:
علی باس خان: والد کا نام:
والدہ کا نام:



Name: Zahida Parveen
Identity No: 14203-3076904-2
Date of Birth: 25/10/1983
Father Name: Muhammad Rauf
Mother Name: Bibi Zahida
Relation With Applicant: Self

زہیدہ پروین: پورا نام:
محمد رائف: والد کا نام:
بی بی زہیدہ: والدہ کا نام:

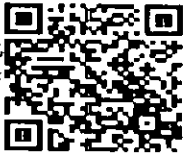


Name: Naheed Alam Zeb
Identity No: 14203-9288281-0
Date of Birth: 16/03/1984
Father Name: Muhammad Rauf
Mother Name: Bibi Zahida
Relation With Applicant: Sister

ناہید عالم زیب: پورا نام:
محمد رائف خان: والد کا نام:
بی بی زہیدہ: والدہ کا نام:

Handwritten signature and initials

- Note:
- The above mentioned family members are linked in NADRA database
 - There could be other family members that may be registered but not linked to this family in NADRA database



This certificate can be verified at <https://fd.nadra.gov.pk/e-id/>

REGISTRAR GENERAL OF PAKISTAN

Date of Issue 29/12/2022 ✓



1420330769042

8/05/23
17/03/23
21/02/28
28/04/23

48

9

BEFORE THE KHYBER PAKHTUNKHAWA SERVICES TRIBUNAL PESHAWAR.

APPEAL NO. 1959/2023

1. Mst:Zahida Parveen Ex-PST GGPS Mir Ahmed Khan Koroona Khada Banda Tehsil District Karak **APPELLANT.**

Versus

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

AFFIDAVIT

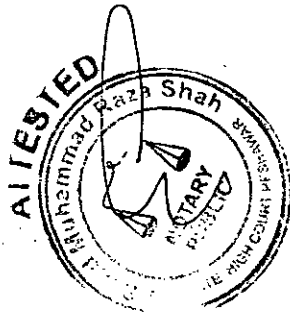
I,Dr.Fanoos Jamal DEO(F) Karak, do hereby solemnly affirm and declare on oath that all the contents of accompanying comments are true and correct as per record of the office and knowledge and belief, nothing is lie and nothing has been concealed from this honorable court. It is further stated on oath 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. 12102287662-2

Identification.



49

60

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
KARAK.

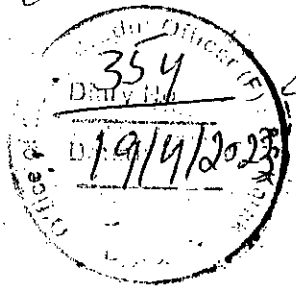
AUTHORITY.

Mr. Muhammad Sultan B & A ODEO (F) Karak is hereby authorized to submit Para wise comments in the Honourable Service Tribunal in the Services Appeal No. 1959/2023 titled Mst:Zahida Parveen 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 Farooq Jamal

Print the matter
at least to
within 10 days
of the date of
issuance

پریسٹ صاحب ڈیپوٹ ڈائریکٹر
P-11
کمیونٹی صحت سروس پروگرام



صاحب عالی بلڈزیشن کی طبیعت پر
نہایت زیادہ توجہ دینا ضروری ہے

کی شادی سے پہلے اور اپنے والدین سے
رہائش پر ہم سے صبر کی تقریریں ہیں اس کی ڈیپوٹ کو
پہنچائی ہے اور اس وقت آپ دفتر والوں سے
پہنچائی ہے قانون کے مطابق شادی سے پہلے
پہنچائی ہے

آپ سے درخواست ہے کہ زائد سے زائد
کی آرڈر کینسل کی جائے اور دیگر مسائل حل
کرنے سے رجوع ہو جائے

فورم 15
23

سینئر ڈائریکٹر

الہ آباد

[Signature]

تعداد 100 (100)

[Signature]

Inquiry Report (51)

12

As per direction of DEO (F) Karan on the body of Complaint for Inquiry/Investigation against MST; Zahida Parveen D/O M. Ruyaf which received to this office on 19/4/23; that the above named person is appointed on deceased Sam Qureshi as PST (BPS-12) at EGPS Mis Ahmad Khan Kosoma while she is married under the rules. She is not entitled for the said appointment.

The undersign reached the village Khada Banda dated 21/4/2023. I have investigated the case from one Shopkeeper which is near by the residential area of the teacher. He admitted that she is married & resident with her husband Mr. M. Ghayas-ul-Islam. I have also asked from other villagers, they also admitted the fact; but they are not ready for written statement, Hence the application is based on fact, So in the light of Govt; of KPK Letter No; SO (Policy) EE/AD/1-3/2023 APT rules dated 28/3/2023; Verification regarding

[Signature]

52 Appointment under Rules 10(4) of RPK ¹³ / 13 / 13

(Appointment / Transfer / Promotion) 1989, that a married

daughter after Contracting marriage become ~~eligible~~

Eligibility of her husband is Hence she is not

entitled from such appointment under the rules

10(4) APT rules 1989. which is already clear-

fixed by the E/AD Even No. dated 21/2/2020.

So she is not eligible Candidate hence her

order be withdrawn on the above mentioned

M. M. Begam
By. DEAF

Kanar

3
AUS

53

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

C.M. No. _____/2024
In
Service Appeal No.1959/2023

SCANNED
KPST
Peshawar

Mst Zahida Parveen.....Appellant

VERSUS

The Secretary to Government of Khyber Pakhtunkhwa E&SE,
Peshawar & Others

.....Respondents

INDEX

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Through Appellant

Tariq
Tariq Kamal
& *Muhammad*
Muhammad Alamzeb Khan
Advocates, High Court
Cell#0301-5932818

Dated 27.03.2024

*Next date
3/6/2024
DB Peshawar*

59

1

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

C.M. No. _____/2024
In
Service Appeal No.1959/2023

Khyber Pakhtunkhwa
Service Tribunal
Date No. 11996
Date 29/3/24

Mst Zahida Parveen.....Appellant

V E R S U S

The Secretary to Government of Khyber Pakhtunkhwa E&SE,
Peshawar & Others

.....Respondents

**Application for place on file
additional document in the above
mentioned Service Appeal.**

Respectfully Sheweth:

1. That the above titled Service Appeal is pending for adjudication before this Honourable Tribunal on 28.03.2024.
2. That the following additional documents accompanied herewith are necessary for just and proper disposal of the above titled Service Appeal.
3. That there is no legal bar in bringing on record the documents necessary for just conclusion of the case.

55

2

It is, therefore, most humbly prayed that on acceptance of this application, the above mentioned additional documents may kindly be considered part and parcel of the above mentioned Service Appeal and same may kindly be included in the main petition.

Through Appellant

Tariq

Tariq Kamal

&

Muhammad
Muhammad Alamzeb Khan

Advocates, High Court

Cell#0301-5932818

Dated 27.03.2024

(56)

(3)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

C.M. No. _____/2024
In
Service Appeal No.1959/2023

Mst Zahida Parveen.....**Appellant**

VERSUS

The Secretary to Government of Khyber Pakhtunkhwa E&SE,
Peshawar & Others

.....**Respondents**

AFFIDAVIT

I, Mst Zahida Parveen , do hereby solemnly affirm and declare on oath that the contents of the **Application** are true and correct and nothing has been concealed from this Hon'ble Court.

Identified By.
Muhammad Manzoor Khan
Muhammad Manzoor Khan

Dany
DEPONENT



29.3-24

Today, 4:12 pm

The District Education Officer,
(Female) Karak

Subject: - APPOINTMENT OF MISS NATASHA RAZA, MISS MEHTAB NAZIR AND NAJMA US SAHAR
PSTs.

Memo: -

It is stated for your kind information that the above named PSTs were appointed on Deceased/Medical Board Quota. Some Facts/Points are brought into your notice are as under.

1. Miss Natasha Raza D/O Late Muhammad Raziq CNIC No. 14203-9867279-0 PST GGPS Tattar Khel No.02 (Karak) has been appointed as a PST B-12 under the Provision of rules 10 (4) Existing policy of the provincial policy of the Government of Khyber Pakhtunkhwa in Deceased/ Medical Board Daughter Quota at GGPS Tattar Khel Vide DEO (F) Karak Endst: No. 7498-500/AE-II/ Apptt:/ PST Dated 26.6.2023.
 - i. She got a Certificate signed by Secretary Village council Tattar Khel Karak on 12.07.2023 that she is personally known to me and still un-married till to date.
 - ii. An another Certificate got from Addl: deputy Commissioner Karak that she is customarily separated from her husband and fully depended and residing at her parents' home Vide No. 3910/DC/EA Dated 22.9.2023.
 - iii. These Both Certificates have been obtained after the date of her appointment and these Certificates are contradictions of each other.
2. Miss Mehtab Nazir D/O Pto Zada Ex-PSHT CNIC No. 14203-0269041-4 PST GGPS Warana Mashan Khel (Karak) has been appointed as a PST B-12 under the Provision of rules 10 (4) Existing policy of the provincial policy of the Government of Khyber Pakhtunkhwa in Deceased/ Medical Board Daughter Quota at GGPS Warana Mashan Khel Vide DEO (F) Karak Endst: No. 1322-25/AE-II/ Apptt:/ PST Dated 18.01.2023.
 - i. She got a Certificate from Addl: deputy Commissioner Karak that she is customarily separated from her husband and fully depended and residing at her parents' home Vide No. 4374/DC/EA Dated 25.10.2023. While this Certificate has been obtained after 10 months later from the date of her appointment. How it is acceptable.

(Contd: on Page-02)

Attested
Tariq

28/3/24

2

To,

The District Education Officer,
(Female) Karak

Subject:- **APPOINTMENT OF MISS NATASHA RAZA, MISS MEHTAB NAZIR AND NAJMA US SAHAR PSTS.**

Memo:-

It is stated for your kind information that the above named PSTs were appointed on Deceased/Medical Board Quota. Some Facts/Points are brought into your notice are as under:-

1. **Miss Natasha Raza** D/O Late Muhammad Raziq CNIC No.14203-9867279-0 PST GGPS Tattar Khel No.02 (Karak) has been appointed as a PST B-12 under the Provision of rules 10 (4) Existing policy of the provincial policy of the Government of Khyber Pakhtunkhwa in Deceased/Medical Board Daughter Quota at GGPS Tattar Khel vide DEO (F) Karak Endst: No.7498-500/AE-II/Apptt:/PST dated:26.6.2023.

- (i) She got a Certificate signed by Secretary Village Council Tattar Khel Karak on 12.07.2023 she is personally known to me and still un-married till to date.
- (ii) An another Certificate got from Addl: Deputy Commissioner Karak that she is customarily separated from her husband and fully depended and residing at her parent's home Vide No.3910/DC/EA Dated:22.09.2023
- (iii) These both Certificates have been obtained after the date of her appointment and these Certificates are contradictions of each other.

2. **Miss Mehtab Nazir** D/O Pio Zada Ex-PSHT CNIC No.14203-0269041-4 PST GGPS Warana Mashan Khel (Karak) has been appointed as a PST B-12 under Provision of rules 10 (4) Existing policy of the provincially policy of the Government of Khyber Pakhtunkhwa in Decesed/Medical Board Daughter Quota at GGPS Warana Mashan Khel Vide CEO (F) Karak Endst No.1322-25/AE-II/Apptt/PST Dated:18.01.2023.

- i. She got a Certificate from Addl: Deputy Commissioner Karak that she is customarily separated from her husband and fully depended and residing at her parent's home vide No.4374/DC/EA Dated:25.10.2023. While this Certificate has been obtained after 10 months later from the date of her appointment. How is acceptable.

Attested
Tariq
28/3/24

59

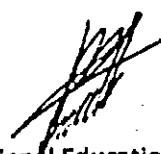
5

3. Miss Najma us Sahar D/O Ulfat Islam CNIC No. 14203-5852256-0 PST GGPS Kari Dhand (Karak) has been appointed as a PST B-12 under the Provision of rules 10 (4) Existing policy of the provincial policy of the Government of Khyber Pakhtunkhwa in Deceased/ Medical Board Daughter Quota at GGPS Kiri Dhand Vide DEO (F) Karak Endst: No. 8404-07/AE-II/Apptt:/ PST Dated 10.08.2023.

I. She got a Certificate from Addl: deputy Commissioner Karak that she is customarily separated from her husband and fully depended and residing at her parents' home Vide No. 3095/DC/EA Dated 08.08.2023. While this Certificate has been obtained 02 days before from the date of her appointment.

It is further submitted that we found out through concerned ASDEO Circle Hamidan that the above named teachers are married women. While the Government of Khyber Pakhtunkhwa clarified in letter of even No. Dated 21.02.2020 vide .No(Policy)E&AD/1-3/2023/ APT Rules Dated 28.04.2023 (Copy attached) that daughter after contracting marriage becomes liability of her husband and hence not entitled for such appointment under Rules 10(4) of APT Rules, 1989. So, the undersigned is requesting for clear directions and Guidelines in this regard for further processes.

- Encl: 1. Non-Marriage Certificates.
2. Fully Dependent certificates.


Sub-Divisional Education Officer,

(F) Takht-e-Nasrati Karak

(M) To: The N.

7

Attested
Yarid
28/3/2024



(60) (6)
**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KARAK**

Address: KDA Karak

Phone: 0927-291177
Email: emskarak@yahoo.com

APPOINTMENT

Under the provision of rule-10 (A) of the Government of NWFP Civil Servants (Appointment, Promotion & Transfer) Rules 1928 and further amended by the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) Notification No. SO (R-VI) EAD/1-3/2015 dated 19/4/2016, Miss **MAGSA IDIL, D/O LATE FAHMIDA TULI, CNIC NO. 14203-9115208-0**, is hereby appointed against the vacant post of **PST RPS J2 at GGPS GHUNDI KILLA (CRS, 19770-1930-02570)** plus usual allowances as admissible under the rules and existing policy of the Provincial Policy of the Provincial Government, in (Deceased/Medical Board/Son/Daughter/Wife Quota) on the terms & condition given below with effect from the date of her taking over charge:-

TERMS & CONDITION

1. No TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. She should not be handed over charge if she exceed 35 years or below 18 years of age.
4. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned). Anyone found producing bogus certificate will be reported to the law enforcing agencies for further action and appointment will stand withdrawn.
5. Her services are liable to termination on one month's notice from either side. In case of resignation without notice her one month pay/allowances shall be forfeited to the Government.
6. Her pay will not be drawn until and unless verification of the Degrees of the appointee are verified from the concerned Boards/Universities by this office and her pay will be released properly with the signature of the undersigned.
7. The Appointee should join her post within 15 days of the issuance of this notification. In case of failure, her Appointment will expire automatically and no subsequent Appeal etc shall be entertained.
8. Health & Age certificate should be produced from the Medical Superintendent concerned before taking over charge.
9. She will be governed by such rule & regulation as may be issued from time to time by the Government.
10. Her services shall be terminated at any time, in case her performance as found unsatisfactory during her contract period. In case misconduct, she will be proceeded under the rules framed from time to time.
11. Her pay will be drawn w.e. from her taking over charge.
12. In case it is identified that any child/widow of the deceased mentioned in this order has already availed this opportunity, her order will be considered cancelled.
13. The appointee is required to undergo nine (9) months in service mandatory Professional training at Regional Institute for teacher Education, (RITE) OR (PITE).

Attested
Taru
28/3/2024

/ |
**DISTRICT EDUCATION OFFICER
(FEMALE) KARAK**

Enst: No. 3564-68 /AE-II/Appnt/PST dated Karak the 17/3 /2023

Copy for forwarded for information & necessary action to:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. District Accounts Officer Karak with the request that not to draw pay of the officials until and unless of the proper verification & pay release of the undersigned
3. Registrar Peshawar High Court Bannu Bench.
4. SDEO (F) T/Nasrati for necessary action.
5. Candidates concerned
6. Master file

**SUB: Divi Edu Officer
(F) Takht-o-Nasrati
(Karak)**

/ |
**DISTRICT EDUCATION OFFICER
(FEMALE) KARAK**

(61) (6)

LEGIBLE COPY

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

Phone:0927-291177

Address KDA Karak

Email:emiskarak@yahoo.com

APPOINTMENT

Under the provision of rule-10 (4) of the Government of NWFP Civil Servants (Appointment Promotion & Transfer) Rules, 1989 and further Amended by the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) Notification No.SO(R-VI) E&AD/1-3/2015 dated:19/4/2016, **Miss Hafsa Tofil D/O Late Fahmida Tofil, CNIC No.14203-9135268-0 is hereby appointed against the vacant post of PST BPS-12 at GGPS Ghundi Killa @Rs.19770-1430-62670) plus usual allowances as admissible under the rules and existing policy of the Provincial Policy of the Provincial Government. In (Deceased/Medical Board/Son/Daghter/Wife Quota) on the terms & condition given below with effect from the date of taking over charge.**

TERMS & CONDITION:-

1. No TA/Da is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. She should not be handed over charge is she is exceed 35 years or below 18 years of age.
4. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned) Anyone found producing bogus certificate will be reported to the law enforcing agencies for further action and appointment will stand withdrawn.
5. Her services are liable to termination on one month's notice from either side in case of resignation without notice her one month pay/allowances shall be forfeited to the Government.
6. Her pay will not be drawn until and unless verification of the Degrees of the appointee are verified from the concerned Boards/Universities be this office and her pay will be released properly with the signature of the undersigned.
7. The Appointee should join her post within 15 days of the issuance of this notification in case of failure, her appointment will expire automatically and no subsequent Appeal etc shall be entertained.
8. Health & Age certificate should be produced from the Medical Superintendent concerned before taking over charge.
9. She will be governed by such rule & regulation as may be issued from time to time by the Government.
10. Her services shall be terminated at any time, in case her performance as found unsatisfactory during her contract period in case of misconduct, she will be proceeded under the rules framed from time to time.
11. Her pay will be drawn w.e.from her taking over charge.
12. In case it is identified that any child/widow of the deceased mentioned in this order has already availed this opportunity, her order will be considered canceled.
13. The appointee is required to undergo nine (9) months in service mandatory Professional training at Regional Institute for teacher Education, (RITE) OR (PITE).

**DISTRICT EDUCATION OFFICER
(FEMALE) KARAK**

Endst No.3564-68/AE-II/Apptt/PST dated Karak the 17/3/2023.

Copy for forwarded for information & necessary action to:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer Karak with the request that not draw pay of the officials until and unless of the proper verification & pay release of the undersigned.
3. Registrar Peshawar High Court Bannu Bench.
4. SDEO (F) T/Nasrati for necessary action.
5. Master file.

**DISTRICT EDUCATION OFFICER
(FEMALE) KARAK**

*Attested
Tamil
28/3/2024*

(62)
OFFICE OF THE DEPUTY COMMISSIONER KARAK

Office of the Deputy Commissioner Karak

No 437/DC/IA/Certificate
Dated 25-2-2023

7

To
The District Education Officer (Female)
Karak

Subject **FULLY DEPENDENT CERTIFICATE**

Reference to the application submitted by Miss Mehtab Nazir D/o Mst. Piro Zada Ex-PSHT and Wife of Muhammad Sagad R/o Warana Mashan Khel Tehsil Takht-e-Nasrati District Karak

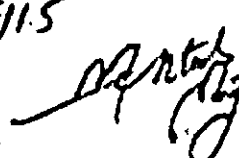
It is submitted that Miss Mehtab Nazir D/o Mst. Piro Zada, Ex-PSHT and Wife of Muhammad Sagad is the real daughter of Mst. Piro Zada Ex-PSHT GGPS Warana Mashan Khel (constantly separated from her husband Muhammad Sagad since long) and fully dependent and residing with her mother duly verified by Field Revenue Staff of Tehsil Takht-e-Nasrati forwarded by Assistant Commissioner Takht-e-Nasrati vide letter No. 800/ACTN dated 24.10.2023 is sent herewith for further necessary action at your end


Add: Deputy Commissioner (G)
Karak 25/11/23

Copy forwarded for information to Miss Mehtab Nazir D/o Mst. Piro Zada, R/o Warana Mashan Khel Tehsil Takht-e-Nasrati District Karak

Add: Deputy Commissioner (G)
Karak

Attested
Tariq
28/3/24

سنہ ۲۰۲۳ میں تصدیق فرم کر کے
د. 03465655115


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LEGIBLE COPY

OFFICE OF THE DEPUTY COMMISSIONER KARAK

No.4374/DC/EA/Certificate

Dated:25.2.2023

To,

The District Education Officer (Female)

Karak

Subject:- **FULLY DEPENDENT CERTIFICATE**

Memo:-

Reference to the application submitted by Miss Mehtab Nazir D/o Pio Zada Ex-PSHT and Wife of Muhammad Sajjad R/O Warana Mashan Khel Tehsil Takht-e-Nasratti District Karak.

It is submitted that Miss Mehtab Nazir D/o Pio Zada Ex-PSHI and Wife of Muhammad Sajjad, is the real daughter of Mst Pio Zada, Ex-PSHT GGPS Warana Mashan Khel (customarily separated from her husband Muhammad Sajjad since long) and fully dependent and residing with her mother duly verified by Field Revenue Staff of Tehsil Takht-e-Nasratti forwarded by Assistant Commissioner Takht-e-Nasratti vide letter No.800/ACTN dated:24.10.2023 is sent herewith for further necessary action at your end.

Addl: Deputy Commissioner (G)

Karak

Copy forwarded for information to Miss Mehtab Nazir D/O Mst Pio Zada, R/O Warana Mashan Khel Tehsil Takht-e-Nasratti District Karak.

Addl: Deputy Commissioner (G)

Karak

*Attested
Yarid
28/3/2023*

64

8

OFFICE OF THE DEPUTY COMMISSIONER KARAK

Office: 0272-210013, Fax: 0272-210023 & Karak, Dist. Karak, Sindh

No. 4539/DC/EA/Certificate

Dated: 06/11/2023

To

The District Education Officer (Female)
Karak

Subject: **FULLY DEPENDENT CERTIFICATE**

Memo

Reference to the application submitted by Miss Zahida Parveen D/o Muhammad Rauf, Ex PST and Wife of Muhammad Ghayas Ul Islam R/o Zera Banda Tehsil Takht-e-Nasratti District Karak.

It is submitted that Miss Zahida Parveen D/o Muhammad Rauf, Ex-PST and Wife of Muhammad Ghayas Ul Islam, is the real daughter of Muhammad Rauf, Ex-PST GPS Alwargi Banda (customarily separated from her husband Muhammad Ghayas Ul Islam since long) and fully dependent and residing with her mother duly verified by Field Revenue Staff of Tehsil Takht-e-Nasratti forwarded by Assistant Commissioner Takht-e-Nasratti vide letter No. 832/ACTN dated 06/11/2023 is sent herewith for further necessary action at your end.



[Signature]
Addl Deputy Commissioner (G)
Karak

CC:-

Miss Zahida Parveen D/o Muhammad Rauf, R/o Zera Banda Tehsil Takht-e-Nasratti District Karak.

*Attested
Tariq*

28/3/24 Addl: Deputy Commissioner (G)
Karak

65 8
LEGIBLE COPY

OFFICE OF THE DEPUTY COMMISSIONER KARAK

No.4538/DC/EA/Certificate

Dated:06.11.2023

To,

The District Education Officer (Female)

Karak

Subject:- **FULLY DEPENDENT CERTIFICATE**

Memo:-

Reference to the application submitted by Miss Zahida Parveen D/o Muhammad Rauf Ex-PSI and Wife of Muhammad Ghayas Ul Islam R/O Zera Banda Tehsil Takht-e-Nasrati District Karak.

It is submitted that Miss Zahida Parveen D/o Muhammad Rauf, Ex-PST and Wife of Muhammad Ghayas Ul Islam, is the real daughter of Muhammad Rauf, Ex-PST GPS Alwargi Banda (customarily separated from her husband Muhammad Ghayas Ul Islam since long) and fully dependent and residing with her mother duly verified by Field Revenue Staff of Tehsil Takht-e-Nasratti forwarded by Assistant Commissioner Takht-e-Nasratti vide letter No.832/ACTN dated:06.11.2023 is sent herewith for further necessary action at your end.

Addl: Deputy Commissioner (G)

Karak

CC:-

Miss Zahida Parveen D/o Muhammad Rauf, R/o Zera Banda Tehsil Takht-e-Nasratti District Karak.

Addl: Deputy Commissioner (G)

Karak

Attested
Tariq
28/3/24