

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1772/2023

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

Mst. Farakh Naz D/O Umar Rauf Khan R/O Surati Kalla Tehsil Takht-e-Nasrati District, Karak.

... (Appellant)

VERSUS

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

... (Respondents)

Syed Roman Shah
Advocate

... For appellant

Mr. Asif Masood Ali Shah
Deputy District Attorney

... For respondents

Date of Institution.....04.09.2023
Date of Hearing.....14.02.2024
Date of Decision.....14.02.2024

JUDGMENT

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

“That on acceptance of the instant service appeal the impugned orders dated 12.05.2023 and 29.08.2023 may graciously be set aside by declaring it illegal, unlawful, without authority based on malafide, void ab-initio and thus not sustainable in the eyes of law and appellant is entitled for reinstatement in service with all back benefits. Any other remedy which this august tribunal deems fit that may also be awarded in favor of the appellant.”

RECEIVED
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR


R.

2. Facts of the instant case are that the appellant was appointed as PST BPS-12 vide order dated 18.01.2023, as mother of the appellant was the employee of the Education Department, who retired from service on medical grounds on 27.04.2022. That all of a sudden, when she was performing her duty, her appointment order was withdrawn vide order dated 12.05.2023 with effect from the date of its issuance. That feeling aggrieved, the appellant filed departmental appeal, which was rejected vide order dated 29.08.2023, hence, the instant appeal.

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

4. Learned counsel for the appellant argued that the impugned order dated 12.05.2023 and appellate order dated 29.08.2023 are against the law, facts, norms of natural justice, hence not tenable and liable to be set aside. He further argued that appellant has not been treated in accordance with law and rules and respondents violated Article 4 & 25 of the Constitution of Islamic Republic of Pakistan 1973. He further argued that neither charge sheet and statement of allegation was served upon the appellant nor show cause notice was issued to her. He submitted that no opportunity of personal hearing was afforded to the appellant and she was condemned unheard.

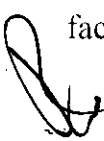
5. Conversely, learned District Attorney contended that the appellant has been treated in accordance with law and rules. He further contended that respondent department withdrew the appointment order of the appellant after confirmation of her marriage as she was living with her husband and in light



of the Government of Khyber Pakhtunkhwa Establishment Department's guidance issued vide letter dated 21.02.2020 and 28.04.2023, after contracting marriage, daughter becomes liability of her husband and she is not entitled for such appointments under Rules 10(4) of the (Appointment, Promotion and Transfer) Rules, 1989.

6. Perusal of record reveals that appellant was appointed as PST BPS-12 on 18/01/2023 under Rule 10 (4) of the (Appointment, Promotion and Transfer) Rules, 1989 because her mother was an employee in the respondent department who retired on medical grounds. Appellant assumed charge of her post and started performing her duties at GGPS Tatar Khel No.2. All of a sudden, her appointment order was withdrawn without any prior information and notice to the appellant vide impugned notification dated 12/05/2023. Appellant approached her department by filling appeal but same was regretted vide order dated 29/08/2023. Perusal of the impugned order dated 12/05/2023 reveals that appellant claimed that she had not got married to anyone and is still living with her parents upon which she being unmarried daughter was appointed in the quota of invalidated retired employees son/daughter under Rule 10(4) of APT Rules 1989.

7. After appointment it came into the notice of the appointing authority that the appellant was married and was not living with her parents at the time of scrutiny of her documents and she concealed the factum of her marriage from the respondents, thus she remained successful to get appointment order upon the deceased/invalidated quota by keeping the appointing authority in dark. Appointment order of the appellant was withdrawn by the authority vide order dated 12.05.2023 on the ground of concealment of her marriage. The factum of marriage was not denied by the learned counsel for the appellant



rather he contended that marriage is not hurdle for appointment against retired/deceased son/daughter quota and he did not deny from the fact of marriage of the appellant. Appellant's counsel's contention is not correct as Government of Khyber Pakhtunkhwa has issued guidelines/clarification regarding employment of dependents of incapacitated/invalidated permanently/retired on medical board on 21/02/2020 which speaks otherwise and is reproduced for ready reference:

"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 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."

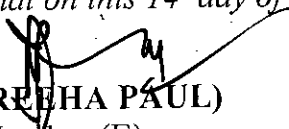
As per notification issued by the Establishment Department Khyber Pakhtunkhwa No. SO (Policy) E&AD/1-3/2023 APT Rules dated 24.04.2023 the daughter after contracting marriage becomes liability of her husband and hence not entitled for such appointments under rule 10(4) of the APT Rules, 1989. She applied with her CNIC having her father's name in it to just conceal the factum of her marriage and not with her husband's name.


8. It is also pertinent to mention that appellant was aware of the guidelines/clarification dated 21.02.2020 regarding employment of dependent of incapacitated/invalidated permanently/retired on medical board dated 21/02/2020 issued by the Government of Khyber Pakhtunkhwa Establishment Department in accordance with which married female daughter was held not eligible for appointment against that quota that's why she shown herself as un-

married. when appellant was fully aware, and she concealed this material fact of her marriage then she does not deserve any leniency.

9. For what has been discussed above, we are unison to dismiss the appeal in hand being devoid of merits. Costs shall follow the event. Consign.

10. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 14th day of February, 2024.*


(FAREEHA PAUL)
Member (E)


(RASHIDA BANO)
Member (J)

*Kaleemullah

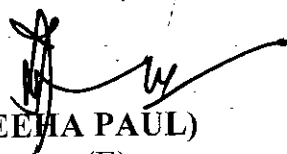
ORDER


14.02.2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.

2. Vide our detailed judgment of today placed on file, we are unison to dismiss the appeal being devoid of merits. Costs shall follow the event. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 14th day of February, 2024.*


(FAREEHA PAUL)
Member (E)


(RASHIDA BANO)
Member (J)

*Kaleemullah

SCANNED
KJPST
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

10(4) APT
8/2/20

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.

Yours faithfully,

SECTION OFFICER (POLICY)

Endst. 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.

26/2
SOC(Policy)

SECTION OFFICER (POLICY)

04th Oct. 2023

01. Counsel for the appellant present. Mr. Asif Masood Ali Shah, DDA for the respondents present.

02. Reply/comments on behalf of the respondents not submitted and request for further time was made on their behalf. Granted. To come up for reply/comments on 31.10.2023 before the S.B. PP given to the parties.

SCANNED
KFST
Peshawar

Fazle Subhan, PS



(FAREEHA PAUL)
Member (E)

31st Oct. 2023

1. Junior to counsel for the appellant and Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. Reply on behalf of the respondents has been submitted through office. Copy of the same was handed over to junior counsel for the appellant. To come up for arguments on 14.02.2024 before D.B. P.P given to the parties.

SCANNED
KFST
Peshawar
Mutazem Shah


(Kalim Arshad Khan)
Chairman


FORM OF ORDER SHEET

Court of _____

Appeal No. 1772/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/09/2023	<p>The appeal of Mst. Farakh Naz presented today by Mr. Shahid Qayum Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 07-09-2023.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;">REGISTRAR</p>
07.09.2023		<p>Learned counsel for the appellant present and argued that appellant was appointed vide dated 18.01.2023 after completion of all codal formalities but vide impugned order dated 12.05.2023 the appointment order of the appellant was withdrawn without providing opportunity of hearing in utter violation of rules and law. Appellant filed departmental appeal on 05.06.2023 which was dismissed vide order dated 29.08.2023. She filed service appeal under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974. Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant within 3 days. Adjourned. To come up for written reply/comments on 04.10.2023 before S.B. P.P given to learned counsel for the appellant.</p>

SCANNED
KPST
Peshawar


 (Rashida Bano)
 Member (J)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: M/S. Fozia Raza v/s TKS

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

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

Name: Shahid Ghalib

Signature: _____

Dated: 4/9/2023

BEFORE THE HON'BLE SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 1772 /2023

Mst. Farakh NazAppellant

Versus

The Secretary Elementary & Secondary Education and others
.....Respondents

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5.	Copy of Departmental Appeal	"C"	8-10
6.	Copy of order dated 29/08/2023	"D"	11
7.	Copy of other documents		12-12A
8.	Wakalat Nama		13

F

Appellant

Through



SHAHID QAYUM KHATTAK
Advocate Supreme Court
of Pakistan

Off: 105-A Town Tower, Jahangir Abad
University Road, Peshawar
Mobile No. 0333-9195776

Dated: 04 /09/2023

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1772 /2023

Khyber Pakhtunkhwa
Service Tribunal

Duty No. 7330

Mst. Farakh Naz D/o Umar Rauf Khan R/o Surati Kalla Tehsil
Takht-e-Nasrati District, Karak

Date 04/9/2023
Appellant

Versus

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

..... Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER/ NOTIFICATION DATED 12/05/2023 PASSED BY RESPONDENT NO. 3 VIDE WHICH THE APPOINTMENT ORDER BEARING NO. 1326-30/AE-II/APPTT/PST DATED 18/01/2023 OF APPELLANT HAS BEEN WITHDRAWN BY RESPONDENT NO. 3 WITHOUT COMPLYING THE CODAL FARMILITIES, AND AGAINST THE ORDER DATED 29/08/2023 PASSED BY RESPONDENT NO. 2 VIDE WHICH THE DEPARTMENTAL REPRESENTATION/ APPEAL FILED BY APPELLANT HAS BEEN REJECTED

~~Director~~
 04/09/23
 Registrar

Respectfully Submitted:

The Appellant humbly submits as under;

1. That appellant was appointed as PST BPS 12 by the respondent No. 3 vide order Endst: No. 1326-30/AE-II/Apptt/PST dated 18/01/2023 on vacant post on the basis of Medical Board Quota as her mother was retired on the basis of Medial grounds. (Copy of the appointment order is attached as Annexure "A")
2. That appellant joint the duty and performing her duties with full zeal and enthusiasm but with out complying the codal formalities i.e issuing charge sheet, statement of allegation and show cause notices etc the respondent No. 3 vide order/ notification bearing

Endst: No. 5726-31 dated Karak the 12/05/2023 withdraw her appointment order with effect from the date of its issue. (Copy of the order/ Notification dated 12/05/2023 is attached as Annexure "B")

3. That appellant filed departmental appeal /representation on 05/06/2023 (the facts and ground agitated therein may please be treated as part and parcel of this appeal) against the impugned order before respondent No. 2, who vide order dated 29/08/2023 rejected the same without complying the procedure envisages in the rules and regulation. (Copy of the Appeal and order are attached as Annexure "C" & "D")
4. That now appellant feeling aggrieved from the above orders hence, filling this appeal on the following amongst other grounds inter alia

GROUND S:

- A) That the impugned actions and inactions violate the mandate provided under Article 4 of the Constitution of Pakistan.
- B) That respondent are legally bound to treat the appellant in accordance to law but here her vested and accrued rights has been taken in a very novel way by brush aside the rule and regulation and procedure envisages in the rule and regulation, hence the same are liable to be set aside.
- C) That appellant was appointed on the basis of Deceased/ retired / Medical Board Quota vide order dated 18/01/2023 after adopting all the legal procedure under the provisions of Rule 10(4) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rule, 1989 but after performing her duties for more than 4 months of her appointment, the same order appointment has been withdrawn in a very novel way brush aside the procedure envisages in the service law, thus the impugned orders are liable to be set aside and the appellant is entitled to be reinstated on service with all back benefit.
- D) That once an appointment order is issued then proper procedure is required for undoing the same but here the respondent without issuing any charge sheet, statement of allegation or show cause

notice withdrawn the order of appointment without affording any opportunity of hearing.

- E) That the alleged Notification of the Establishment department bearing No. SO(Policy) E & AD/1-3/2023/APT Rule dated Peshawar the 28/04/2023 as not applicable to the appellant case as the same can't be applied retrospectively. Even otherwise to these rule can't substitute the substantive law, where there is no such provision available that a daughter lose her right of appointment on her marriage, thus the above notification is misconstrued and equally not applicable on the appellant case.
- F) That both the impugned orders passed by respondents are very much harsh, without any evidence based on surmises & conjectures and is equally against the rules and regulation and also against the principle of natural justice.
- F) That because the impugned actions and inactions are against the principles ordained under Article 25 of the Constitution of Islamic Republic of Pakistan.
- G) That no proper procedure of service law has been adopted by the respondent while passing the impugned withdrawal orders which make the whole proceeding nullity in the eyes of law.
- H) That because the impugned actions and inactions are blatantly against all norms of justice and principles of reasonability based on victimizations and discrimination.
- I) That the impugned orders have been passed in violation of law and rules of disciplinary proceedings and principles of natural justice. The authority wrongly and malafidly based the impugned orders without giving any reason with proof whatsoever, therefore the impugned order is bad in law.
- J) That it is the settle principle of justice that no one should be condemned un. heard but in the instant case no proper enquiry has been conducted to enquire regarding the allegations. No independent witness has been examined in front of appellant nor any opportunity of hearing or cross examination has been provided to appellant. Both the impugned orders are based on non

reading and mis-reading of available record and misinterpretation of law .

K) That respondent No. 2 has not decided the departmental appeal / representation in accordance to the rules and regulation which clearly shows mala fide intention thus, has no sanctity in the eyes of law thus the act of respondents are totally based on mala fide intention which clearly shows discrimination and undue victimization.

It is, therefore, most humbly prayed that on accepting this service appeal, the impugned orders dated 12/05/2023 and order dated 29/08/2023 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio, and thus not sustainable in the eyes of law and appellant is entitled for reinstatement in service with all back benefits of pay and service.

Any other relief not specifically prayed for but deems appropriate in the circumstances of the case may also be granted.

(F)

Appellant

Through

SHAHID QAYUM KHATTAK
Advocate Supreme Court
Of Pakistan

Dated: 04/09/2023

AFFIDAVIT

I, Mst. Farakh Naz D/o Umar Rauf Khan R/o Surati Kalla Tehsil Takht-e-Nasrati District, Karak, do hereby solemnly affirm and declare that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



(F)

DEPONENT

5

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2023

Mst. Farakh NazAppellant

Versus

The Secretary Elementary & Secondary Education and others
.....Respondents

ADDRESSES OF THE PARTIES

ADDRESS OF APPELLANT

Mst. Farakh Naz D/o Umar Rauf Khan R/o Surati Kalla Tehsil
Takht-e-Nasrati District, Karak


ADDRESS OF THE RESPONDENTS

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



Appellant

Through


SHAHID QAYUM KHATTAK
Advocate Supreme Court
Of Pakistan

(6)

Annexure-A



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: FARAKH NAZ D/O REHMAN BIBI Ex-PSHT CNIC NO. 14203-9963559-4 is hereby appointed against the vacant post of PST BPS 12 at GGPS Tatar Khel NO.2 (@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/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 certificates/.
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 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. 1326-30 /AE-II/Apptt/PST dated Karak the 2/18/01 /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 Karak for necessary action.
5. Candidates concerned.
6. Master file.

DISTRICT EDUCATION OFFICER
(FEMALE) KARAK.

J. S. Shah
ATTSTED

(6-A)

Better Copy

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KARAK

Address: KDA Karak.

Phone: 0927-291177 Email: cmiskarak@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: FARAKH NAZ D/O REHMAN BIBI Ex-PSHT CNIC NO. 14203-9963559-4 is hereby appointed against the vacant post of PST BPS 12 at GGPS Tatar Khel NO.2 (@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 certificates/.
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 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.

Ends: No. 1326-30 AE-II/Apptt/PST dated Karak the 08/01/2023

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 undersigKarak
3. Registrar Peshawar High Court Bannu Bench.
4. SDEO (F) T/Nasrati Karak for necessary action
5. Candidates concerned.
6. Master file.

DISTRICT EDUCATION OFFICER
(FEMALE KARAK)

S. M. Shah

ATTSTED

(7)

Annexure - "B"



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KARAK

Address: KDA Karak.

Phone: 0927-291177

Email: emiskarak@yahoo.com

NOTIFICATION

WHEREAS one Mst Farakh Naz D/O Rehman Bibi R/O surati killa 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 applications 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 Haq Nawaz Koroona 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 SQ(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 Farakh Naz D/O Rehman Bibi appointed as PST at GGPS Haq Nawaz Koroona 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 1326-30 dated 18/01/2023" with effect from the date of its issue.

District Education Officer(F)
Karak

Endst: No: 5726-31 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 Distt. Karak

[Signature]
ATTSTED
District Education Officer (F)
Karak

7-A

Better Copy

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KARAK

Address: KDA Karak.

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

NOTIFICATION

WHEREAS one Mst Farakh Naz D/O Rehman Bibi R/O surati killa 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 Haq Nawaz 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 Farakh Naz D/O Rehman Bibi appointed as PST at GGPS Haq Nawaz 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 1326-30 dated 18/01/2023" with effect from the date of its issue.

District Education Officer(F)Karak

Endst. No: 5726-31 1 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 Distt.

District Education Officer(F) Karak

[Handwritten Signature]
ATTSTED

8

Annexure "C"

BEFORE THE WORTHY DIRECTOR ELEMENTARY & SECONDARY
EDU: DEPTT: KP PESHAWAR.

Ms. Farakh Naz daughter of Umar Rauf Resident of Surati Killa Tehsil
Takht-e-Nasrati District, Karak. ----- (Petitioner).

V E R S U S

District Education Officer (Female), Karak ----- (Respondent)

DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION
BEARING ENDST: NO. 5726-31 DATED 12/05/2023 VIDE WHICH
THE APPOINTMENT ORDER BEARING NO. 1326-30/AE-
II/APTT/PST DATED 18/01/2023 OF PETITIONER MS. FARAKH
NAZ HAS BEEN WITHDRAWN BY THE DISTRICT EDUCATION
OFFICER (FEMALE), KARAK.

*(Photocopy of appointment order dated 18/01/2023 and withdrawal
Notification dated 12/05/2023 are annexed as Annexure "A & B")*

Respected Sir,

Brief Facts are as under:-

1. That Mst. Rehman Bibi the mother of the petitioner was performing her duty as PSHT in Education Department, Karak and was retired on medical board.
2. That the appellant applied for appointment as PST on the medical board quota.
3. That under the provision of Rule 10 (4) of the Govt: of NWFP Civil Servant (Appointment Promotion & Transfer) Rule 1989 and further Amended by the Govt: of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) Notification SO (R-V) (E AD/1-3/2015 dated 19/04/2016, the petitioner was appointed as PST on **Deceased / Medical Board** quota vide appointment order bearing No. 1326-30/AE-B/Aptt/PST dated Karak the 18/01/2023 after adopting all legal procedure and adjusted her at Govt: Girls Primary School Haq Nawaz Korrana. The petitioner started her duty in her school from the date of taking over charge. *(Photocopy of attendance register is annexed as Annexure "C")*.

J. S. Shoh
ATTSTED

2. That on the complaint against the appointment order of the petitioner, the District Education Officer (Female), Karak has withdrawn the appointment order of petitioner with the effect from the date of appointment on the ground that it has got 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 and further it is evident from the Notification issued by Establishment Deptt: Khyber Pakhtunkaw No. SO (Policy) E & AD/1-3 /2023 /APT Rules dated Peshawar the 24/08/2023, that the daughter after contracting marriage becomes liability of her husband and hence not entitled for such appointment under Ruled 10 (4) of the APT Rules, 1989. (*Photocopy of APT Rules, 1989 is annexed as Annexure "D"*).
3. That as the appointment order of petitioner has been withdrawn without fulfilling the necessary codal formalities and without wrong presumption of APT Rules, 1989 hence the instant departmental appeal before this appellate authority on the following grounds.

Grounds.

- a. That the impugned withdrawal notification is totally illegal, unlawful and against the law and APT Rules, 1989.
- b. That the petitioner has not concealed about her marriage at the time of her appointment order, however, no retrospective effect has been mentioned in the Notification as mentioned in the impugned withdrawal notification.
- c. That the respondent / District Education Officer (Female), Karak without giving show cause notice, conducting of inquiry in the matter and without giving opportunity of personal hearing the impugned notification has been issued hence committed gross illegality and irregularity.
- d. That it is the legal duty / obligations of respondent /District Education Officer (Female), Karak to conduct proper inquiry in the matter just to fulfill the norms of justice and legal procedure, therefore, the impugned withdrawal notification is liable to be cancelled.
- e. That from the date of appointment the petitioner has regularly performing her duty but not paid single salary for which the petitioner is also entitled of her due salary of duty performed.
- f. That the petitioner seeks permission of this worthy appellate authority for personal hearing through her counsel if allowed.

[Handwritten Signature]
ATTSTED

10

Prayer

It is, therefore, most humbly and respectfully prayed that on acceptance of this departmental appeal, this worthy appellate authority may very graciously be pleased to cancel the impugned withdrawal notification dated 12/05/2023, restore her appointment order dated 18/01/2023 and further requested to pay her salary of duty performed.

Dated:- 05/06/2023

Petitioner

*Ms. Farkh Naz,
PST GGPS Haq Nawaz
Koroona Surati Killa*

*Through Ahmad Yar Khan
(Brother in Law)
Mobile No. 0333-5778899*

Amir Shah

ATTSTED



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

Annexure -D

(11)

NOTIFICATION

Consequent upon the approval of the Appellant Authority, the reinstatement appeal of Mst. Farakh Naz Ex-PST, GGPS, Haq Nawaz Koroona Surati Killa Karak; according to the detailed report view comments by DEO Female Karak vide letter No. 8626 dated 16.8.2023, the appellant "concealing the facts in keeping in dark the appointment authority that she has got married and is not leaving with her parent while at the time of appointment she has concealed this facts from the office" now her appeal is rejected under rules 17 (2)(a) of E&D Rules 2011.

DIRECTOR
Elementary & Secondary
Education Khyber Pakhtunkhwa,

35241-26

Endst:No. /F.No. 401/Vol-I/Appeal/ Karak Dated Peshawar the 29/08/2023

Copy forwarded for information to the:-

1. District Education Officer (Female) Karak, w/r to her letter No & dated cited above. with the direction to inform the concerned accordingly.
2. Mst. Farakh Naz Ex-PST, GGPS, Haq Nawaz Koroona Surati Killa Karak.
3. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa.

Assistant Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa,

29/8/2023



12

OFFICE OF THE DISTRICT EDUCATION OFFICER,
(FEMALE) KARAK

Address: KDA Karak.

Phone: 0927 291177

E-mail: edu@karak.gov.pk

NO _____ Dated Karak the _____ 2023

To,

The Director Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

SUBJECT: APPEAL.

Memorandum

Reference your good Office No.7485 P.No 41-3/appeal/Karak dated 17/7/2023 on the subject cited above

It is stated for your kind honour that one Mst. REHMAN BIBI W/O Umar Rauf Khan R/O Surati Killa has been retired from Service on Medical ground on 27/4/2022

Her Daughter FARAKH NAZ had submitted her documents to this Office for appointment against Deceased Medical Board Son-Daughter quota under Rule 10(4) of APT Rules 1989. The rule 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 this office, and the committee recommended her for appointment as PST being deserving and eligible candidate and she was appointed as PST at GGPS Haq Nawaz Korona Dist Karak under the quota reserved for Deceased Medical Board employees children vide this Office No 1326-30 dated 18/01/2023.

A complaint was received in the office of D.E.O 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 28.9.2023, 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.FARAKH NAZ D/o of REHMAN BIBI EX-PST Dist 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. 5726-31 dated 12.5.2023 with effect from the date of its issue.

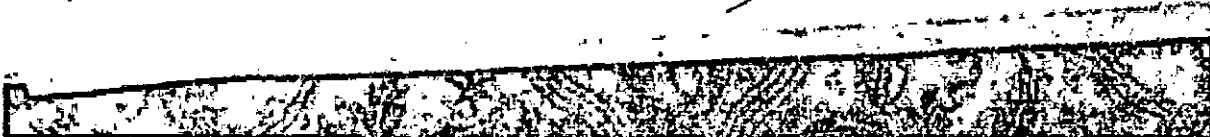
Endst No 8627-29

Dated Karak The 16/18 /2023.

DISTRICT EDUCATION OFFICER (F)
KARAK

Copy of the above is forwarded for information to the
1. Pa to Secretary Govt of Khyber Pakhtunkhwa Elementary and Secondary Education Department
Peshawar

DISTRICT EDUCATION OFFICER (F)
KARAK
ATTSTED



12A

Better copy

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KARAK

Adress KDA Karak

Phone 0927-291177
Email emiskarak@yahoo.com

NO _____ Dated Karak the _____ 2023

To, The Director Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

SUBJECT:- **APPEAL.**

Memo,

Reference your good Office No.7485/F.No 41-3/appeal Karak dated 17/7/2023 on the subject cited above

It is stated for your kind honour that one Mst: REHMAN BIBI WO Umar Rauf Khan R/O Surat Killa has been retired from Service on Medical ground on 27/4/2022

Her Daughter FARAKH NAZ had submitted her documents to this Office for appointment against Deceased Medical Board 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 this office, and the committee recommended her for appointment as PST being deserving and eligible candidate and she was appointed as PST at GGPS Haq Nawaz Korona Distt Karak under the quota reserved for deceased Medical Board employees children vide this Office No. 1326-30 dated 18/01/2023.

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 Nonfication 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 104) of the APT Rules 1989 (Copy attached for ready reference).

Hence the undersigned being competent authority is satisfied that Mst FARAKH NAZ Diof REHMAN BIBI EX-PST 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 5726- 31 dated 12.5,2023"** with effect from the date of its issue.

DISTRICT EDUCATION OFFICER (F)
KARAK

Endst No. 8627-29 Dated Karak The 16 18 /2023.

Copy of the above is forwarded for information to the:

1. Ps to Secretary Govt of Khyber Pakhtu khawa Elementary and Secondary Education Department Peshawar

DISTRICT EDUCATION OFFICER (F)
KARAK

Jal Shah
3
ATTSTED

بعدالت سرور سروسز ایسوسی ایٹس پرائیویٹ لمیٹڈ

Service Appeal No 12013

Appellant

2، پنجاب

فرخ ناز

بینام سیکرٹری ایڈمنسٹریٹو اینڈ

سیکنڈری ایجوکیشن K.P.K.

موزعہ
مقدمہ
دعوی
جرم

باعث تحریر آئٹم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکل کارروائی متعلقہ
آن مقام _____ کیلئے سیدہ شمیمہ بیگم کے نام سے درخواست کی گئی ہے۔
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ پر حلف دینے جو اب دہی اور اقبال دعوی اور
بہ صورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعوی اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بہ صورت 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 با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

R/O
لوہائی فائل تحصیل وکل کریں
فرخ ناز دھیر کھر راؤ خان

المرتوم 04 09 2023

بمقام _____ کے لئے منظور ہے۔

SCANNED
KPST
Peshawar
31/10/23

BEFORE THE KHYBER PAKHTUNKHAWA SERVICES TRIBUNAL PESHAWAR.

APPEAL NO. 1772/2023

1. Mst:Farakh Naz D/of Umar Rauf Khan R/of Surati Killa Tehsil Takht-e-Nasrati 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.....**RESPONDENTS.**

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Respondent No


DISTRICT EDUCATION OFFICER
(FEMALE) KARAK.

APPEAL NO. 1772/2023

SCANNED
KPST
Peshawar

1. Mst:Farakh Naz D/of Umar Rauf Khan R/of Surati Killa Tehsil Takht-e-Nasrati District Karak APPELLANT.

31/10/23

Versus

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

Para wise comments on behalf of the Respondent No .1 to 4.

Khyber Pakhtunkhwa
Service Tribunal

RESPECTFULLY SHEWETH.

Diary No. 8720

PRELIMINARY OBJECTION.

Dated 31-10-23

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

Facts-

1. That Para I pertains to Record.
2. That Para 3 is incorrect and not admitted as per para no 4 of the Terms and condition of appointment of the appellant that her appointment is subject to the condition that the certificate /documents must be verified from the concerned authority 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.
3. That Para 3 is incorrect and not admitted, complaint received to the Respondent No.3 vide SDEO(F) Takht-e-Nasrati letter No.175-76 dated 10.5.2023 that the appellant leaving with her husband, while the Government of Khyber Pakhtunkhwa of even No. dated 21.2.2020 and vide No. (Policy) E & AD/1-3/2023 APT rules 1989 dated 28.4.2023 that the after contracting marriage becomes liability of her husband and not entitled for such appointments under Rules 4 (10) of the APT Rules 1989. (Copy Annex A & B).

So the appointment of the appellant was withdrawn in the light of Terms and condition at Para No.4 of the appointment order.

4. Para No.4 is incorrect.

GROUND.

A. **Incorrect and Denied**, The Decision made by the Respondent Department is accorded with the law.

B. **Incorrect and Denied**, the appellant concealing the facts in keeping in dark the appointing authority that she has married and is not leaving with her parent at the time of her appointment.

C. **Incorrect and Denied**, the Respondent Department issued her withdrawal order after conformation of her Marriage as she is also leaving with her husband while the appellant produced CNIC with her father to the respondent no 3 instead of with husband and concealing the fact from the Department (Copy of CNIC as **Annex C**).

D. **Incorrect and Denied**, According to the Terms and condition of the Appointment order at Para no.4 as well as at Para No.10 no needs coddle formalities as her appointment order is withdrawn in speaking order which is self-explanatory.

E. **Incorrect and Denied**, the appellant order was withdrawn in the light of Government of Khyber Pakhtunkhwa Establishment Department Notification of even No. dated 21.2.2020 and vide No. (Policy) E & AD/1-3/2023 APT rules 1989 dated 28.4.2023 and the rules is applicable since 1989 and Clarification also received in 2020. So the question of retrospective and prospective effect not arise in the present appeal.

F. **Incorrect and Denied**, the withdrawal order of the appellant was issued after fully satisfaction of the competent authority, Proof is also **Annexed**.

F, Incorrect and Denied, the Fundamental right of the appellant is not violated while the appellant concealing the fact from the Department. and provided her CNIC and FRC(Family Registration Certificate) with father Copy of FRC is **Annex D**.

G. **Incorrect and Denied**, Proper Procedure has been adopted and the SDEO(F) Takht-e-Nasrati verified her marriage as well as leaving with her husband. Hence the appellant order was withdrawn after verification of the respondent No.3

H. **Incorrect and Denied**, the appellant order was withdrawn in the light of Government of Khyber Pakhtunkhwa Establishment Department Notification of even No. dated 21.2.2020 and vide No. (Policy) E & AD/1-3/2023 APT rules 1989 dated 28.4.2023 and the rules are applicable since 1989 and Clarification also received in 2020.

- I. **Incorrect and Denied**, The appointment order of the appellant was withdrawn according to the Rules and Policy of the Government.
- J. **Incorrect and Denied**, The appellant admitted the fact that she is marriage and not denied this fact. But she is concealing the fact from the appointing authority at the time of her appointment. After the completion of process of her appointment order was withdrawn.
- K. **Incorrect and Denied**, The respondent No. 2 decided her appeal after Proper Detail Report submitted by respondent No.3 which is self-explanatory. In addition to the above the Respondents are also seeking permission of the Honourable Tribunal to produce additional grounds and proofs at the time of Hearing.

Prayer:-

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

1. Secretary Elementary & Secondary Education Khyber Pakhtunkhawa Peshawar _____

2. Director Elementary and Secondary Education Khyber Pakhtunkhawa Peshawar, _____

3. District Education Officer (F) Karak. _____



ESTABLISHMENT DEPARTMENT

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

Annex A-4

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.

Yours faithfully,

(Issa Muhammad Khan)
SECTION OFFICER (POLICY)

Ends: 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)



OFFICE OF THE SUB-DIVISIONAL EDUCATION
OFFICER (FEMALE) TAKHT-E-NASRATI, KARAK

Amr B-5 DA 1
Sub info
File

No. 175-76

Date: - 10/5/2023.

To

The District Education Officer,
(Female) Karak

Subject: - APPOINTMENT OF MISS FARAKH NAZ D/O REHMAN BIBI EX-PSHT

Memo: -

It is stated for your kind information that Miss Farakh Naz D/O Rehman Bibi Ex-PSHT GGPS Surati Killa (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 Tatar Khel No.2 Vide DEO (F) Karak Endst: No. 1326-30/AE-II/Apptt:/PST Dated 18.01.2023 and further adjusted at GGPS Haq Nawaz Koroona No.02 Vide Corrigendum Order No. 2142-45 dated 25.01.2023.

It is further submitted that we found out that Miss Farkh Naz D/O Rehman bibi is a married woman and lives with her husband. While the Government of Khyber Pakhtunkhwa clarified in letter of even No. Dated 21.02.2020 and 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, we are requesting for clear orders and instructions for our guidance in this regard for further action, please.

Sub-Divisional Education Officer,
(F) Takht-e-Nasrati Karak.

Endst: No. _____

Copy for information to District Accounts Officer Karak.

(Signature)

Sub-Divisional Education Officer,
(F) Takht-e-Nasrati Karak.

Amir-D-7



EA44154484

FAMILY REGISTRATION CERTIFICATE

Applicant Name: Umar Rauf Khan
Citizen Number: 1420353209565
Document Number: EA44154484

Family Members: 11

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: Umar Rauf Khan
Identity No: 14203-5320956-5
Date of Birth: 03/01/1959
Father Name: Gul Rahim Khan
Mother Name: Ajab Nisa
Relation With Applicant: Self

پورانام: عمر رائف خان
والد کا نام: گل رحیم خان
والدہ کا نام: عجب نسا



Name: Rehman Bibi
Identity No: 14203-3537327-8
Date of Birth: 21/08/1962
Father Name: Zuljanaan
Mother Name: Lal Khana
Relation With Applicant: Wife

پورانام: رحمن بی بی
والد کا نام: ذلیجان
والدہ کا نام: لال خانہ



Name: Anwar Rauf
Identity No: 14203-4669279-3
Date of Birth: 01/03/1982
Father Name: Umar Rauf Khan
Mother Name: Rehman Bibi
Relation With Applicant: Son

پورانام: انور رائف
والد کا نام: عمر رائف خان
والدہ کا نام: رحمان بی بی



Name: Farakh Naz
Identity No: 14203-9963559-4
Date of Birth: 28/03/1983
Father Name: Umar Rauf Khan
Mother Name: Rehman Bibi
Relation With Applicant: Daughter

پورانام: فرخ ناز
والد کا نام: عمر رائف خان
والدہ کا نام: رحمن بی بی



Name: Nasir Rauf
Identity No: 14203-0624376-7
Date of Birth: 01/03/1986
Father Name: Umar Rauf Khan
Mother Name: Rehman Bibi
Relation With Applicant: Son

پورانام: ناصر رائف
والد کا نام: عمر رائف
والدہ کا نام: رحمن بی بی

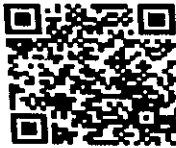


Name: Saima Rauf
Identity No: 14203-4684595-0
Date of Birth: 15/01/1988
Father Name: Umar Rauf Khan
Mother Name: Rehman Bibi
Relation With Applicant: Daughter

پورانام: سائما رائف
والد کا نام: عمر رائف
والدہ کا نام: رحمن بی بی

Note:

1. The above mentioned family members are linked in NADRA database
2. 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://id.nadra.gov.pk/e-ld/>

Dr. Inayatullah

REGISTRAR GENERAL OF PAKISTAN

Date of Issue: 25/05/2022



1420353209565

8



EA44154484



Name: Asad Rauf
Identity No: 14203-5942951-0
Date of Birth: 01/04/1998
Father Name: Umar Rauf Khan
Mother Name: Rehman Bibi
Relation With Applicant: Daughter

پدر نام: عاصمہ رائف
والد کا نام: عمر رائف خان
والدہ کا نام: رحمن بی بی



Name: Asad Rauf
Identity No: 14203-7741152-9
Date of Birth: 03/03/1992
Father Name: Umar Rauf Khan
Mother Name: Rehman Bibi
Relation With Applicant: Son

پدر نام: اسد رائف
والد کا نام: عمر رائف خان
والدہ کا نام: رحمن بی بی



Name: Arfa Rauf
Identity No: 14203-9504383-6
Date of Birth: 01/04/1994
Father Name: Umar Rauf Khan
Mother Name: Rehman Bibi
Relation With Applicant: Daughter

پدر نام: عارفہ رائف
والد کا نام: عمر رائف خان
والدہ کا نام: رحمن بی بی



Name: Rashid Rauf
Identity No: 14203-5856971-1
Date of Birth: 25/03/1997
Father Name: Umar Rauf Khan
Mother Name: Rehman Bibi
Relation With Applicant: Son

پدر نام: راشد رائف
والد کا نام: عمر رائف خان
والدہ کا نام: رحمن بی بی



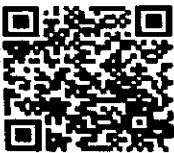
Name: Mussadiq Rauf
Identity No: 14203-9711765-9
Date of Birth: 22/04/2001
Father Name: Umar Rauf Khan
Mother Name: Rehman Bibi
Relation With Applicant: Son

پدر نام: مصدق رائف
والد کا نام: عمر رائف خان
والدہ کا نام: رحمن بی بی

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No: 3

- 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



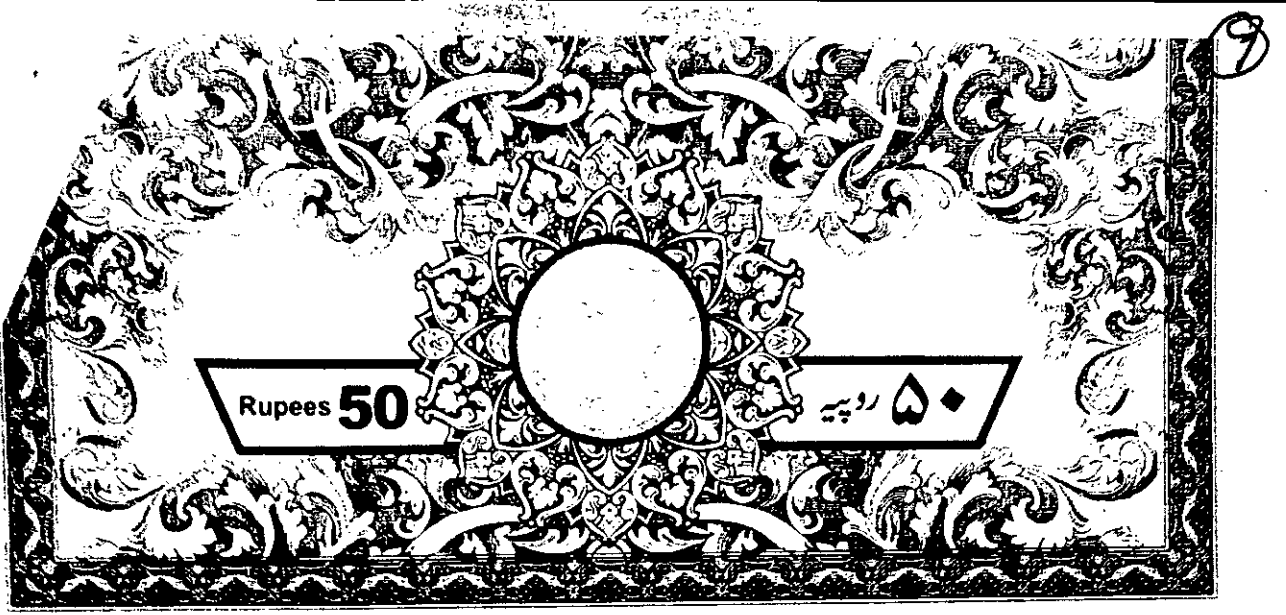
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REGISTRAR GENERAL OF PAKISTAN

Date of issue: 25/05/2022



1420353209565



بیان حلفی بابت تعیناتی میڈیکل بورڈ Quota

منکہ مسماة رحمن بی بی زوجہ عمر اؤف خان شناختی کارڈ نمبر: 8-14203-3537327 ساکن صورتی کلا، ڈاکٹرانہ صورتی کلا تحصیل تحت لہرنی ضلع کرک کارہاٹی ہوں۔ چونکہ من خالف عکھ تعلیم ضلع کرک سے تحسیت PSHT (بی پی ایس 15) گورنمنٹ پرائمری سکول صورتی کلا، مورہ کونڈریو میڈیکل بورڈ رٹائرڈ ہو چکا ہوں، جبکہ من خالف کی طرف سے تاحال اپنے ورثہ میں سے کسی کو بھی میڈیکل بورڈ (Quota) پر تعینات نہیں کیا گیا ہے، من خالف بزرگہ شام بیچہ، بھائی ہوش دھام اور بغیر کسی دباؤ کے اپنی بیٹی مسماة فرح ناز دختر عمر اؤف خان شناختی کارڈ نمبر: 4-14203-9963559 کو اجازت دیتی ہوں کہ وہ من خالف کی طرف سے میڈیکل بورڈ (Quota) پر تعینات ہو سکے، من خالف کو کسی قسم کا کوئی اعتراض نہ ہوگا، من خالف اپنی بیٹی کے تعینات ہونے پر عکھ خدا کے برخلاف کسی قسم کا دعویٰ نہیں کروں گی اور نہ ہی کسی قسم کی عداوتی کارروائی نہیں کروں گی۔ بیان مزکورہ حقیقت کے عین مطابق ہے، کوئی امر پوشیدہ نہیں رکھا گیا ہے، بیان مذکور شام بیچہ پر تحریر کیا تاکہ سند رہے۔

العید:

رحمن بی بی زوجہ عمر اؤف خان شناختی کارڈ نمبر: 8-14203-3537327



ساکن صورتی کلا، ڈاکٹرانہ صورتی کلا تحصیل تحت لہرنی ضلع کرک دستخط: Rahma B.

دستخط: [Signature]

گواہ نمبر 1: حکمران رؤف خان

دستخط: [Signature]

گواہ نمبر 2: محمد عبدالرحمن

Abdul Samad Khan
Advocate
Dait...
Date: 23/05/22

[Signature]



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KARAK

(10)

Address: KDA Karak.

Phone: 0927-291177

Email: emiskarak@yahoo.com

NO 8626 Dated Karak the 16/8 2023

To,

The Director Elementary and Secondary Education,
Khyber Pakhtunkhwa Peshawar.

SUBJECT:- APPEAL.

Memo.

Reference your good Office No.7485/F.No 41-3/appeal/Karak dated 17/7/2023 on the subject cited above.

It is stated for your kind honour that one Mst: REHMAN BIBI W/O Umar Rauf Khan R/O Surati Killa has been retired from Service on Medical ground on 27/4/2022.

Her Daughter FARAKH NAZ had submitted her documents to this Office for appointment against Deceased/Medical Board 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 this office, and the committee recommended her for appointment as PST being deserving and eligible candidate and she was appointed as PST at GGPS Haq Nawaz Korona Distt Karak under the quota reserved for deceased/Medical Board employees children vide this Office No.1326-30 dated 18/01/2023.

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.FARAKH NAZ D/of REHMAN BIBI EX-PST 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 5726-31 dated 12,5,2023 with effect from the date of its issue.

Endst: No: 8627-29 Dated Karak The 16/8 /2023. 8 DISTRICT EDUCATION OFFICER(F) KARAK

Copy of the above is forwarded for information to the:

1. Ps to Secretary Govt:of Khyber Pakhtu khawa Elementary and Secondary Education Department Peshawar.

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OFFICER (F)

(11)

BEFORE THE KHYBER PAKHTUNKHAWA SERVICES TRIBUNAL PESHAWAR.

APPEAL NO. 1772/2023

1. Mst:Farakh Naz D/of Umar Rauf Khan R/of Surati Killa Tehsil Takht-e-Nasrati District Karak **APPELLANT.**

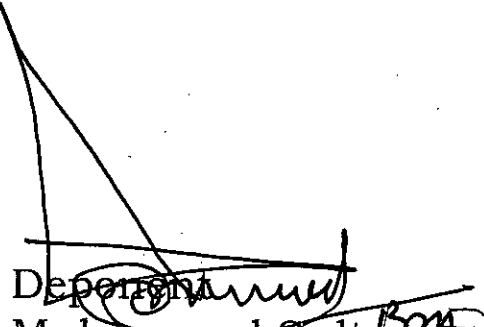
Versus

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.....**RESPONDENTS**

AFFIDAVIT

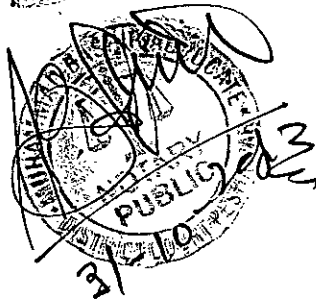
I, Muhammad Sultan, Budget & Accounts Officer BPS-17 in District Education Officer (Female), Karak do hereby solemnly affirm and declare on oath that all the contents of accompanying comments are true and correct as per record of the office and knowledge and belief, nothing is lie and nothing has been 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.


Muhammad Sultan
ID No. 14202-1347715-3


Identification.

ATTESTED

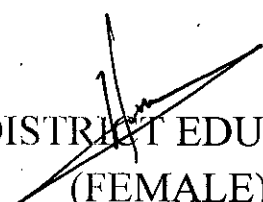


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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
KARAK.

AUTHORITY.

Mr. Muhammad Sultan Budget & Accounts Officer Office of the District Education Officer (Female) Karak is hereby authorized to submit Para wise comments in the Honourable Service Tribunal in the Services Appeal No.1772/2023 titled Mst:Farakh Naz D/of Umar Rauf Khan R/of Surati Killa Tehsil Takht-e-Nasrati District Karak He is also authorized to attend the Hon: Tribunal on behalf of the undersigned.


DISTRICT EDUCATION OFFICER
(FEMALE) KARAK.