

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR

AMENDED APPEAL NO.1166/2023

Farhat Begum

VS


Education Department

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Dated 08/04/2024

Through

*Approved*  
  
Taimoor Ali Khan  
Advocate High Court  
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

AMENDED APPEAL NO. 1166/2023

Farhat Begum CT (BPS-15),  
GGHS Chipper Dir Lower

(APPELLANT)

VERSUS

1. The Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. The Director Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female), Dir Upper.
4. Esmat Bahar CT (BPS-15) GGHS Tarnab Teshil and District Charsadda.

(RESPONDENTS)

-----

AMENDED APPEAL UNDER SECTION OF THE KHYBER PAKHTUNKHWA AGAINST THE IMPUGNED ACTION OF THE OFFICIAL RESPONDENTS OF NOT FIXED THE SENIORITY OF THE APPELLANT IN THE POST OF PST (BPS-12) ACCORDING TO THE ORDER OF MERIT ASSIGNED BY THE DEPARTMENTAL SELECTOION COMMITTEE ON THE BASIS OF RULE-17 (A) OF THE KHYBER PAKHTUNKHWA CIVIL SERVANT APPOINTMENT PROMOTION AND TRANSFER REULES 1999 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WIHTN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER

THAT ON ACCEPTANCE OF THIS AMENDED APPEAL THE RESPONDENTS MAY KINDLY BE DIRECTED TO THE FIX THE SENIORITY OF THE APPELLANT IN THE POST OF PST (BPS-12) ACCORDING TO THE ORDER OF MERIT ASSIGNED BY THE DEPARTMENTAL SELECTION COMMITTEE ON THE BASIS OF RULE 17 (A) OF THE KHYBER PAKHTUNKHWA CIVIL SERVANT APPOINTMENT PROMOTION AND TRANSFER RULES 1989 AND FURTHER PROMOTE HER TO THE POST OF CT (BPS-12) FROM DUE DATE ACCORDING TO HER INTER-SE

SENIORITY, ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:-

FACTS

- 1) That the appellant is the permanent resident of village Chapper Teshil Wari, District Dir Uper. The department advertised numerous posts of various disciplines in daily Mashriq on 04.06.2026 including 6 posts for Union Council Chapper. According to the Govt Police 75% seats be filled through Union Council wise 25% on open merit, so 5 posted should be go Union Council and on post to open merit. Te appellant being eligible for the post of PST (then PTC). (Copy of Advertisement is attached as Annexure-A).
- 2) That after conducting test and interview, merit list was prepared and the appellant was placed at Sr. No. 3, while private Respondent No.4 was at Serial No. 7 in the that list. The department issued to appointment order dated 30.11.2006 of PST (then PTC), wherein the appellant was ignored for no reason. (Copy of merit list and order dated 30.11.2006 is attached as Annexure-B).
- 3) That the appellant filed Writ Petition No. 04/2007 in the Peshawar High Court Peshawar with the prayer to direct the competent authority to issue the appointment order of the appellant since 30.11.2006 with all service benefits. (Copy of Writ Petition is attached as Annexure-C).
- 4) That the said Writ Petition was heard by the Hon' able Peshawar High Court Peshawar on 10.07.2022 and during hearing of the case, the Executive Officer (S&L) Dir Upper stated at the bar the at present three posts of PST were laying vacant in the Union Council to which the appellant belong on which the Hon' able Court allowed the case of the appellant and directed the executive Officer (S&L) Dir Upper to appoint the appellant on one of the vacant posts. (Copy of judgment dated 10.07.2007 is attached as Annexure-E).
- 5) That in pursuance of the decision dated 10.07.207 of the Hon' able Peshawar High Court in writ Petition No 04/2007, the appellant was appointed on the post of PST with effect from 10.07.2007 instead of due date 30.11.2006 i.e "the date on which her batch mates and juniors were appointed" vide order dated 28.07.2007. (Copy of order dated 20.07.2007 is attached as Annexure-F).

- 6) That the batch mate of appellant namely Esmat Bibi who was low in merit was promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 25.07.2017 despite the fact that all of them were appointed on the basis of same advertisement and Esmat Bahar was low in merit order than the appellant in the initial appointment to the post of PST. (Copies of order dated 01.08.2016 and 25.07.2017 are attached as Annexure-G&H).
- 7) That due to not appointing along with her batchmates w.e.f 30.11.2016 and has not given her seniority according to merit order assigned by the DSC her batchmates and juniors were promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of T on 25.07.2017, therefore, the appellant filed Departmental appeal by modifying her appointment order dated 28.07.2007 and also for antedation of her promotion to the post of CT (BPS-15) with effect from 01.08.2016 the date when her batch mates and juniors were promoted by modifying her promoted order dated 25.07.2017, which was not responded within the statutory period of ninety days. (Copy of Departmental appeal is attached as Annexure-I).
- 8) That after the statutory of ninety days, the appellant filed service appeal No. 558/2022 in the Hon' able Service Tribunal Peshawar. The said appeal was heard on 08.11.2022 and the Khyber Pakhtunkhwa Service Tribunal mentioned in its order/Judgment dated 08.11.2022 that the counsel for the appellant submitted that the appellant had to first her seniority determined from the authority under Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of the Khyber Pakhtunkhwa Government servant (Appointment, Promotion, and Transfer) Rules 1989, which the counsel for the appellant submits has not been determined by the authority till date. For purpose he wants to make application to Department which the department has to consider in accordance with law. As regards the appeal, he does not press it for the time being and submits that he would re-agitate the seniority list if not legally fixed by the departments and the appeal of the appellant was dispose of. (Copies of service appeal and order dated 08.11.2022 are attached Annexure-J&K).
- 9) That the appellant then filed application/Departmental appeal for fixation of her seniority in the post of PST according to the order of merit assigned by the Departmental appeal Selection Committee under Section 8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of the Khyber Pakhtunkhwa Government

Servant (APT) Rules 1989 and for further promotion to the post of CT (BPS-15) for due date on the basis of inter-se seniority on 19.01.2023, which was not responded with in the statutory period of ninety days. (Copy of application/Departmental appeal is attached as Annexure-L).

- 10) That the appeal of the appellant was fixed on 12.02.2024 and on the date fixed, the counsel for the appellant requested he wants to make an application for making amendment in the merit and grounds of appeal to assay private respondent who Seniority would be affected by allowing this appeal on which the Hon' able Tribunal allowed. He may submitted amended appeal and now the appellant wants to submit the amended appeal in this Honorable Tribunal on the following grounds amongst duty. (Copy of order sheet dated 12.02.2024 is attached as Annexure-M).

### GROUNDS

- A. That the appellant after conducting test and interview, merit list was prepared and the appellant was placed at Serial No. 3 of the seniority list of PST (BPS-12) along with her batch mates who were appointed along with the appellant on the same advertisement according to Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Section-7 (a) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 (a) of Khyber Pakhtunkhwa Government Servant (Appointment, Promotion and Transfer) Rules 1989 and also entitle for further promotion to the post of CT (BPS-15) from due date according to her inter-se-seniority.
- B. That the appellant was at Sr. No. 3 of the merit list but she was not appointed on 30.11.2006 along with her batch mates without any reason on which she filed Writ Petition No. 04/2007, which was allowed on 10.07.2007 and on the basis of that judgment she was appointed on the post of PST, therefore, the appellant should not be punished for the fault of department by depriving her from inter-se-seniority according to the merit order assigned by the DSC and from further promotion to the post of CT (BPS-15) from due date according to her inter-se-seniority.
- C. That the appellant was at Sr. No. 3 of the merit order assigned by the DSC after conducting test and interview by the DSC for the post of PST and entitle to be placed at Sr. No. 3 of the seniority list of PST as per rule 17 (a) of the Khyber Pakhtunkhwa Civil Servant Appointment, promotion and transfer (APT) Rules 1989 and is also entitle for further promotion to the post of CT (BPS-15) from due date according to her inter-se-seniority.

- D. That the appellant has not been treated in accordance with law and Rules and has been deprived from her legal right of seniority according to the merit order by the DSC and from further promotion to the post of CT (BPS-15) from due date according to her inter-se-seniority.
- E. That the appellant seeks permission of the Hon' able Court Tribunal to advance other grounds and proofs at the time of hearing.

**PRAYER**

It is therefore most humbly prayed that the amended Appeal the respondents may kindly be directed to the fix the seniority of the appellant in the post of PST (BPS-12) according to the order of merit assigned by the departmental Selection Committee on the basis of Rule 17 (a) of the Khyber Pakhtunkhwa Civil Servant appointment Promotion and transfer Rules 1989 and further promote her to the post of CT (BPS-12) from due date according to her inter-se seniority, any other remedy, which this august tribunal deems fit and appropriate that, my also be awarded in favour of appellant.

*E. Haf*  
APPELLANT

THROUGH

*(Signature)*  
(TAIMOOR ALI KHAN)  
ADVOCATE HIGH COURT

&

*(Signature)*  
(SHAKIR ULLAH TORANI)  
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

AMENDED APPEAL NO. 1166/2023

Farhat Begum

Versus

Education Department

AFFIDAVIT

I, Farhat Begum, CT (BPS-15), GGHS, Chipper Dir Upper, (appellant) do hereby affirm and declare that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able Court.



DEPONENT

انڈیا کے لئے ہیں شرق و مغرب (قرآن مجید)

Daily MASHRIQ Peshawar

روزنامہ مشرق پشاور  
سیدنا سیدنا کے بانی  
سیدنا سیدنا میر شاہ

مستقل اشاعت کی 39 سال

ABC CERTIFIED

جلد 39، شمارہ 300، تاریخ 7 جنوری 2006ء، نمبر 1427، قیمت 10 روپے، ای میل: info@peshawar.com

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پشاور کی ایک اور مشہور اخبار  
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OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS AND LITERACY DIR UPPER

TENTATIVE MERIT LIST OF FEMALE CANDIDATES WARI SUB DIVISION.

UNION COUNCIL CHAPPER

S.No	R.No	Name	Father's Name	Union Council	D/O Birth	Scoring										Experience		Remarks	
						SSC	Score	FA/ESc	Score	DAI/BS	Score	MAI/MS	Score	PTC	Score	DIO Ist Appot	Score		Total
1	7	Begum	Gul Nawaz Khan	Chapper	3.1.56	500	13.97	545	11.24	0	0	0	0	553	10.44	0	0	40.15	
<del>2</del>	<del>168</del>	<del>Shebnam</del>	<del>Muhammad Rafiq</del>	<del>Chapper</del>	<del>23.10.86</del>	<del>411</del>	<del>14.51</del>	<del>541</del>	<del>9.03</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>604</del>	<del>20.17</del>	<del>0</del>	<del>0</del>	<del>44.40</del>	
3	76	Farhat Begum	Abdullah	Chapper	3.2.85	447	15.78	554	10.07	0	0	0	0	537	17.9	0	0	43.94	✓
4		Zahid	Moeen Anwar	Chapper	14.8.83	449	15.85	532	9.09	0	0	0	0	535	17.84	0	0	43.37	
5		Nasreen Bibi	Abdullah	Chapper	10.1.83	377	13.31	552	10.04	0	0	0	0	582	19.4	0	0	42.75	
6	9	Bibi Fatima	Munawar Khan	Chapper	7.1.82	444	14.62	504	9.17	0	0	0	0	567	18.9	0	0	42.69	
7	188	Asmat Behar	Nasrullah	Chapper	15.4.80	419	14.78	465	8.46	0	0	0	0	672	16.8	0	0	40.65	✗

Asmat  
Behar

19

10

8.	340	Mumtaz Begum	Zarwar Khan	Chapper	7.4.84	372	13.13	460	8.37	0	0	0	0	550	18.34	0	0	39.84	
9.	349	Higbat Begum	Munasib Khan	Chapper	1.4.80	395	12.36	472	9.59	0	0	0	0	563	18.77	0	0	39.72	
10.	445	Naziat	Said David	Chapper	2.2.83	319	11.26	478	8.65	0	0	0	0	600	19.7	0	0	39.52	
11.		Bibi Salma	Munawar Khan	Chapper	19.12.80	374	13.02	457	8.31	0	0	0	0	539	17.97	0	0	39.48	
12.	338	Fahmida	Wazir Gul	Chapper	2.1.88	445	17.05	0	0	0	0	0	0	538	17.04	0	0	34.99	
13.	76	Ubbi Hawa	Hazbar Khan	Chapper	11.1.81	450	15.89	0	0	0	0	0	0	516	17.02	0	0	33.09	
X 14.	79	Khals Begum	Zar Muhammad	Chapper	1.2.87	544	19.02	693	12.5	0	0	0	0					31.08	Disable

10/1

All-ed  
M

(10)

OFFICE OF THE DEPUTY DISTRICT OFFICER (FEMALE) WARI DIR UPPER

ADJUSTMENT

Consequent upon her appointment by the Executive District Officer, Schools & Literacy Dir Upper ON UNION COUNCIL MERIT vide Endst:No:4246-50/F.No. 03/EDO/S&L/ADO(P) dated 17-11-2006 on the following terms and conditions. She is further adjusted against vacant PST (PTC) Female post in the school noted against her name with immediate effect in the interest of public service.

Sr	Name	Fathers Name	U/Council	BPS	School where posted	Remarks
01	Mst: Sahnium	Mohd Haleem	Chopper	07	G.C.P's Telar No.2	A.V.P

TERMS AND CONDITIONS

1. The appointee will be on probation for a period of one year in terms of Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and transfer) Rules 1989.
2. The Certificates/Degrees of the appointee will be verified from the concerned institutions on the expenses of the teacher concerned. No pay etc is allowed before Verification of Certificates/Degrees.
3. Her Service will be considered as regular but without pension and gratuity in terms of section-19 of NWFP Civil servants Act, 1973 as amended by NWFP Civil servants Act 2005.
4. She will contribute C.P fund @ 10% of the minimum of pay and 10% contribute will be made by the Government.
5. The appointees will provide Health and age Certificate from the concerned Medical Superintendent.
6. Her age should not be less than 18 years and above 35 years.
7. The appointee will be governed by such rules and regulations/policies as prescribed by the Government from time to time.
8. If the appointees fail to take over charge within fifteen days after issuance of this order their appointments may be deemed as automatically canceled.
9. Charge report should be submitted to all concerned.
10. No TA/DA is allowed.
11. The errors and omissions in merit etc if found at any stage can be rectified and the appointee will have no right to claim the order already issued.
12. The appointees will strictly abide the terms and conditions laid down therein.

DEPUTY DISTRICT OFFICER  
FEMALE WARI DIR UPPER

Endst: No: 547-51 / F.No.01/DDO(F) Estt: Dated Wari the: 20/11/2006

Copy forwarded to the:-

1. Zilla Nazim Dir Upper
2. District Co-Ordination Officer Dir Upper
3. Director schools & Literacy NWFP Peshawar
4. Executive District Officer S&L Dir Upper
5. District Accounts Officer Dir Upper
6. Appointees concerned.

DEPUTY DISTRICT OFFICER  
FEMALE WARI DIR UPPER



12

15

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



W.P.No. 6 of 2006

Farhat Begum D/o Abdullah

R/ Chapper, Tehsil Wari

District Dir Upper

Petitioner

Versus

1. Executive District Officer  
(S&L), Dir Upper

2. District Coordination Officer,  
Dir Upper

3. Director, S&L, NWFP, Peshawar.

4. Secretary, NWFP, Peshawar.

5. Asmat Bahar D/O Niamatullah  
P.T.C. Teacher.

Govt. Primary School Ashrai, Tehsil Wari

District Dir Upper

6. Khais Begum D/O Zar Muhammad

PTC GGPS, Jelar No.1, Upper Dir Respondents

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

FILED TODAY

30

ATTESTED

2-  
13  
Respectfully Sheweth,

1. That petitioner is the permanent resident of village Chapper, Tehsil Warl, District Dir and has in her credit educational qualifications of Secondary School Certificate, Faculty of Arts and Primary Teaching Certificate, passed in Grade-B. (Copies as Annex: "A").
2. That respondent/ department advertised numerous posts of various disciplines in Daily Mashriq on 04.06.2006 including 6 posts for Union Council, Chapper. According to the Govt. policy 75% seats shall be filled in through council wise while 25% on open merit, so 5 posts shall go to Union Council and one post to open merit. (Copy as Annex: "B").
3. That to fill up the said posts according to the policy, two ladies were transferred to the schools situated at Union Council, Chapper. Amina Bibi from Govt. Girls Primary School, Nasafa to GGPS, Chapper and Shamim Bibi from GGPS Daslor to GGPS Umrani Payan. This transfer was against the policy as they were belonging to other Union Councils.
4. That after conducting test and interview on 14.6.2006 and 20.6.2006, merit list was prepared and petitioner was placed at S.No.3 of the said list, securing 43.94 score, while Respondent No.5 and 6 was placed at S.No.7 and 14 of the list, securing 42.69 and 31.8 scores, in merit list. (Copy as Annex: "C").
5. That on 30.11.2006, Respondent No.1 Issued orders of appointment of the teacheresses and petitioner was ignored for no reason. (Copies as Annex: "D")

ATTESTED

EXAMINER  
Chabwar High School

(14)

6. That on 4.12.2006, petitioner submitted representation before Respondent No.2 which was marked to Respondent No.1 for favourable consideration and Assistant District Officer (S&L) primary for enquiry and report but in vain. (Copy is Annex: "E").

7. That having no other efficacious remedy for relief, petitioner invokes the extraordinary constitutional jurisdiction of this hon'ble court, inter alia, on the following grounds:

GROUND S :-

- a. That not only petitioner has the requisite educational qualifications for appointment to the post of PTC/ PST but has also qualified the merit and has scored more marks than others but she was ignored, being poor lady, on account of political interference.
- b. That Respondent No.6 who was disabled and was selected but was adjusted in the said Union Council and defeated one seat of the said Union Council.
- c. That the impugned orders are not in accordance with merit policy of the Govt. and vested rights of the petitioner were infringed by violating law, rules and principles of natural justice.
- d. That on one hand, the Govt. is stressing upon the Union Council-wise appointments but on the other hand, two transfer orders have been issued. Had the said two transfer orders from other union councils not made during filling up of the said posts in the said Union Council, petitioner should have not been ignored.

ATTESTED  
EXAMINER  
Deshwar High C

Sheet

- (18)
- e. That appointments on the basis of the union councils negate section 10 of the Civil Servant Act, 1973.
- f. That the impugned orders are based on malafide and political victimization, so are liable to reversal.

It is, therefore, very humbly prayed that on acceptance of this Writ Petition, this Hon'ble court, in exercise of the extraordinary constitutional jurisdiction, may graciously be pleased to:-

- a. Declare order dated 30.11.2006 of Respondent No.1 to be illegal, improper, unjust, arbitrary, discriminatory, malafide, without lawful authority and of no legal effect.
- b. Direct the competent authority, Respondent No.1 to issue order of appointment of petitioner since 30.11.2006 with all service benefits; and/or
- c. Any other writ, direction, order deemed proper and not specifically asked for, may also be granted/ given.

INTERIM RELIEF:

By keeping in view the aforesaid facts and circumstances of the case, the operation of the impugned orders dated 30.11.2006 be suspended or petitioner be appointed as PTC teacher provisionally till the decision of the case.

Petitioner  
through S. K. Khan  
Saadullah Khan Marwat  
Advocate.

LAW BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. Law books as per need.

CERTIFICATE:

Certified that no such writ petition has been filed earlier on the subject matter in this honourable court.

S. K. Khan  
ADVOCATE

ATTESTED  
EXAMINER  
Etchawar High Court



PESHAWAR HIGH COURT PESHAWAR.

ORDER SHEET

E (16)

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
	2 10-7-2007	3 W.P.No.4/2007.

Present: Mr.Saadullah Khan Marwat,  
Advocate for the petitioner.  
Pir Liaqat Ali Shah, Advocate-  
General for respondents 1 to 4  
alongwith D.E.O.

DOST MUHAMMAD KHAN, J.:- Petitioner

Farhat Begum a resident of Union Council Chapper, Tehsil Wari, District Dir Upper with academic qualifications i.e Secondary School Certificate, Faculty of Arts and Primary Teaching Certificate applied for the post of PST advertised vide public notice appeared in daily "Mashriq" Peshawar dated 4-6-2006. According to her, in the merit list she was at Sr.No.3 but she was not appointed and other teachers were brought to the Union Council on transfer basis thus, her right was infringed in a manner not authorized by law.

2. The plea of respondent No.1 is that as per government policy that female teachers should not be transferred to far flung area but preferably be given jobs to them in their own Union Council thus, questioned transfers were

ATTESTED  
EXAMINER  
Peshawar High Court

17

made to the Union Council under consideration and when he was confronted with the legal proposition that once posts are advertised then, the vacancy should be clearly mentioned which has not been done in the instant case hence, leaving room for ulterior consideration and foul play, the learned Advocate-General came to his rescue and stated that the transfer order of the other teachers to the Union Council in question were made prior to the advertisement which was disputed by the learned counsel for the petitioner.

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e

3. At the last leg of the submission, respondent No.1, stated at the bar that at present three posts of PST are lying vacant in the Union Council to which the petitioner belongs and she could be accommodated on one of the post, so that to curtail the life of litigation and to redress the grievance of the petitioner, and that the already posted teachers who were having low merits are not disturbed as that action would give birth to another litigation.

4. To the last submission/concession made at the bar, the learned counsel for the petitioner agreed and it was also endorsed by the learned Advocate-General.

~~ATTESTED~~  
EXAMINER  
Rawal Pindi

18

5. This petition is admitted and is accordingly allowed. Respondent No.1 is directed to appoint the petitioner on one of the vacant posts and the rest of the vacant posts be advertised for other eligible candidates.)

6. Before parting with this judgment, we would like to direct the Secretary Education, Government of NWFP (School and Literacy) as well as the Secretary Higher Education, Government of NWFP to issue a Circular letter to all the E.D.Os (School and Literacy) of all the Districts of the Province that in future if vacant posts are advertised then, its full description alongwith the number of vacant posts be clearly mentioned so that there remains no ambiguity/vacuum on the part of the Authority concerned. Copy of this order be also sent to the Chief Secretary, Government of NWFP, besides the two Secretaries for necessary action.

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Prescription of Application	17/7/07
of Pages	2
ing Fee	100/-
nt Fee	100/-
of Preparation	100/-
of Delivery of Copy	100/-
ed by	

sd/ Dist. Muhammad Ullah  
sd/ RAJ Muhammad Ullah

CERTIFIED TO BE TRUE COPY

Examiner,  
Peshawar High Court Peshawar  
Authorized Under Section 75 Acts Ord.

Issue  
sd/ Bisher  
17/7/07  
1/1/7

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOL AND LITERACY DIR UPPER.

OFFICE ORDER.

F 19

Consequent upon the decision of the Honourable Peshawar High Court Peshawar, dated 10.07.2007, in Writ Petition No.4/2007 Farhat Begum versus EDO Schools & Literacy Dir upper and others, Mst: Farhat Begum Daughter of Abdullah Resident of Chappar is hereby appointed as PST teacher in BPS-07 plus usual allowances as admissible to her under the rules on regular basis but without PENSION and GRATUITY in terms of Section -19 of the Civil servants Act 1973 as amended vide NWFP Civil Servants (Amendment) Act 2005 bearing No.SOR-6(E&AD)13-1/2005 dated 10.08.2005 and adjusted at GGPS Jelar No.1 against vacant post with effect from 10.07.2007 subject to the following terms and conditions in the interest of public service:-

TERMS AND CONDITIONS.

- 01- The appointment is made subject to the maturity of decision and legal opinion of Advocate General NWFP.
- 02- The appointee will be on probation for a period of one year in terms of Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989.
- 03- The Certificates /Degrees of the appointee will be verified from the concerned institutions. No pay etc is allowed before verification of certificates/degrees.
- 04- The Deputy District Officer Male/Male/Drawing & Disbursing officer concerned will verify their academic, professional and domicile certificates from the institutions concerned. No pay etc is allowed before the verification of certificates otherwise the DDO concerned will be personally held responsible for any consequences.
- 05- Her Services will be considered as regular but without pension and gratuity in terms of Section -19 of NWFP Civil Servants Act, 1973 as amended by NWFP Civil Servants Act 2005.
- 06- She will contribute C.P Fund @ 10 % of the minimum of pay and 10 % contribute will be made by the Government.
- 07- The appointee will provide Health and age certificate from the concerned Medical Superintendent.
- 08- Her age should not be less than 18 years and above 35 years.
- 09- The appointees will be governed by such rules and regulations /policies as prescribed by the Government from time to time.
- 10- If the appointee fail to take over charge within fifteen days after issuance of this order, their appointments may be deemed as automatically canceled.
- 11- Charge report should be submitted to all concerned.
- 12- No TA /DA is allowed.
- 13- The errors and omissions in merit etc if found at any stage can be rectified and the affectee will have no right to claim the order already issued.
- 14- The appointees will strictly abide the terms and conditions laid down therein.

(HAJI ABDUR RAHMAN)  
EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY DIR UPPER.

No 13149-57 /F-Farhat/EDO/S&L/ADO(P) Dated 28/07/2007.

Copy forwarded to the :-

1. Registrar, Peshawar High Court Peshawar
2. Zilla Nazim Dir Upper.
3. District Coordination Officer Dir Upper.
4. P.S to Secretary School & Literacy Department NWFP Peshawar.
5. Director Schools & Literacy NWFP Peshawar.
6. Deputy District Officer (Female) Wari.
7. District Accounts Officer Dir Upper.
8. Deputy District Officer (MALE) Dir & Wari.
9. Appointee concerned.

EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY DIR UPPER.

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DISTRICT  
DIR UPPER.

OFFICE ORDER.

G 20

Consequent upon the recommendation of Departmental Promotion Committee and pursuant to the Govt. Khyber Pakhtunkhwa Elementary & Secondary Education Department Notification SO(B&A)1-18/E&SE/2012 Dated:16/07/2012 AND Finance Department No (FR)/FD/10-22/2010 Dated:16/07/2012. The following PSHT/SPSTs/PSTs are hereby promoted to CT DPS:15(Rs:-13510-1170-110) plus usual allowances and admissible under the Rules on regular basis under the existing policy of Government Khyber Pakhtunkhwa and they are further adjusted in the schools noted against each name subject to the following terms and conditions with immediate effect in the interest of public service.

Seniority No	Name & Designation	Present school	School where adjusted	Remarks
17	Naseem Bahar, PSHT ✓	GGPS Abakand No:1	GGHSS Dir	Against newly created post
36	Jamila, PSHT ✓	GGPS Pashita	GGMS Pashita	-do-
37	Sabiha Bano, SPST ✓	GGPS Janbhatti	GGHS Janbhatti ✓	-do-
42	Rukhsana Begum, PSHT ✓	GGPS Amloknar	GGMS Amloknar	A.V.P
75	Fozia Jabeen, PSHT ✓	GGPS Kalsho	GGMS Chuklatan	A.V.P
77	Sarhad Falz, PSHT ✓	GGPS Lakaro Chinarano	GGHSS Dir	Against newly created post
119	Dilhlislat, SPST ✓	GGPS Khan Shaheed	GGMS Kass Dir	A.V. Post
123	Jehan Wala, PSHT ✓	GGPS Gulibagh	GGHS Wari	Against newly created post
169	Shawkat Ara, SPST ✓	GGPS Kotkay	GGMS Chuklatan	A.V. Post.
178	Bibi Maryam, PSHT ✓	GGPS Hattan	GGMS Darora	A.V. Post.
187	Taslim Yarmullah, PSHT ✓	GGPS Tikerkot	GGHS Sundrawal	A.V. Post
192	Razia Bibi, SPST ✓	GGPS Warl(P)	GGHS Warl(P)	A.V. Post
206	Majida, PSHT ✓	GGPS Badalal(B)	GGMS Daskore(P)	A.V. Post
217	Shaheen, SPST ✓	GGPS Junkass	GGMS Barikot	A.V. Post.
240	Mumlikat SPST ✓	GGPS Panakot No:1	GGHSS Dir	Against newly created post
265	Jawhar Bibi, SPST ✓	GGPS Nawoo	GGMS Kass Dir	-do-
269	Romina Begum, SPST ✓	GGCMS Usheral	GGHS Samkoot	-do-
300	Fazilat, SPST ✓	GGPS Kandaro Nehap	GGHS Sundal	-do-
302	Irum Naz, PSHT ✓	GGPS Nasrabad	GGHS Akhgram	A.V. Post
308	Nabla, PST	GGPS Akhgram	GGHS Akhgram	A.V. Post
312	Shazla Attaullah, PSHT ✓	GGPS Komira	GGHS Akhgram	-do-
313	Rukhsana Bibi, SPST ✓	GGPS Daskore(B)	GGMS Daskore(B)	A.V. Post
325	Haseenu Irfan, PST	GGPS Dir No:1	GGHS Panakot	Against newly created post
358	Jamila Akber, PSHT ✓	GGPS M:Arif Kalay	GGHS Sharingal	-do-
366	Amla Bibi, PSHT ✓	GGPS Zakro	GGMS Shinkari	A.V. Post
367	Zuhra Bibi, PSHT ✓	GGPS Shahikot	GGHS Janbhatti ✓	A.V. Post
378	Yasmin Zia, SPST ✓	GGPS Milana Khwar	GGMS Kass Dir	A.V. Post
389	Nabowet Bibi, SPST ✓	GGPS Moha	GGHS Gogyal	A.V. Post
397	Asmat Bahar, PSHT ✓	GGPS Shakanai	GGMS Chapper	-do-
398	Ruqla Bibi, SPST ✓	GGPS Milanadoag	GGMS Doag(P)	-do-
399	Anisa, SPST ✓	GGPS Surhat No:1	GGHS Sundrawal	-do-
400	Shahreen Begum, SPST ✓	GGPS Darora No:1	GGMS Darora	-do-
403	Rukhsana Bibi, SPST ✓	GGPS Panakot No:02	GGMS Oulandi	-do-

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10	Ruqla Bibi, PST.	GGPS Janbhaiti ✓	GGHS Janbhaiti	-do-
12	Falak Naz, PST	GGPS Panakot No:01	GGMS <i>Janbhaiti</i>	-do-
14	Nehayat Bibi, PST	GGPS Nawoo	GGMS Chuklatan	-do-
15	Naheed, PST	GGPS Gandigar(B)	GGHSS Gandigar	-do-
31	Seema Gulfaraz, SPST ✓	GGPS Mian banda	GGMS Bibyawar	-do-
37	Bibi Maryam, SPST ✓	GGPS Manal sar	GGHS Ganori	-do-
45	Salma Begum, SPST ✓	GGPS Dir No:1	GGHSS Dir	-do-
47	Amrozla, PST	GGPS Chapper	GGMS Chapper	-do-
53	Tahlra Naz, PST	GGPS Tarpatar	GGMS Tarpatar	-do-

**15 AND CONDITIONS**

They will be on probation for a period of one year extendable for another one year.

They will be governed by such Rules and Regulation as may be issued from the Govt: time to time.

Their service can be terminated at any time in case of her performance is found satisfactory during the probation period. In case of miss-conduct they will be processed under the prescribed Rules.

Charge reports should be submitted to all concerned.

Their enter seniority on lower post will remain intact.

No TA/DA is allowed.

They will give an undertaking to the effect that any over payment is made to them in the light of this order will be recovered, if they will wrongly promoted and they will be reversed to the previous post.

(BIBI HALEEMA)  
DISTRICT EDUCATION OFFICER  
(FEMALE) DISTRICT DIR UPPER.

Order No: 1796-1847 / F: promotion/CT(F)/ADO(S)/Dated Dir Upper the: 1/8 /2016.

Copy forwarded to the:

- 01- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 02- District Accounts Officer Dir Upper.
- 03- SDEOs (Female) Dir/ War/ for Information & necessary action.
- 04- Head Mistresses concerned.
- 05- Accountant (Female) Middle school local office.
- 06- Focal Person EMIS local office.
- 07- Mistresses concerned.

*[Signature]*  
DISTRICT EDUCATION OFFICER  
(FEMALE) DISTRICT DIR UPPER.  
1/8/16

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DISTRICT DIR UPPER.

OFFICE ORDER.

Consequent upon on the recommendation of Departmental Promotion committee and in pursuance of the Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department Notification No:SO(PE)4-5/SSRC/Meting/2012/Teaching cadre Dated:13/11/2012 amended vide No: SO(PE)/SSRC/Meting/2013 teaching Dated:13/11/2012 in Rule(2) of Rules (3) of KPK Civil servants (appointment/transfer, 1989).The following PSHT/SPST/PSTs are hereby promoted to the post of CT BPS:15( Rs:-16120-1330-56020)Plus usual allowances as admissible under the rules on regular basis under the existing policy of Government Khyber Pakhtunkhwa and they are further adjusted in the schools noted against each names subject to the following terms and conditions with immediate effect in the interest of public service.

#	S/L No	Name of Teacher	Fathers Name	Present school	School where adjusted	CNIC No	Remarks
1-	67	Azra Jabeen	Alkful Ali Jan	GGPS Chukhatan No.1	GGHS Panakot	15701-7165609-6	A.V.P.
2-	79	Khalida Gran	Gran Sald	GGPS Shantal Bagh	GGMS Qulandl	15701-2398578-0	A.V.P.
3-	169	Rafida Bibi	Fazal wadeed	GGPS Baratal Mehag	GGHS Sundal	15702-9182653-0	A.V.P.
4-	178	Shafaat Bibi	Sher Bahadar Khan	GGPS Kakod	GGHS Warl(P)	15702-8608771-0	A.V.P.
5-	202	Nihayat Begum	Jehan zeb	GGPS Dastor Payeen	GGMS Daskore(B)	15702-2412128-4	A.V.P.
6-	205	Rahat Begum	Shah Waiz Khan	GGPS Gogyal	GGHS Gogyal	15702-2443391-0	A.V.P.
7-	214	Khalida Begum	Badshah zeda	GGPS Kakod	GGMS Kakod	15702-2401828-2	A.V.P.
8-	221	Mahla Bibi	Inayat Khan	GGPS Dastor Payeen	GGMS Daskore(B)	15702-6704134-6	A.V.P.
9-	231	Yasmin Bibi	Taj Mohd:Jhan	GGPS Dural	GGMS Pashta	15702-8904791-2	A.V.P.
10-	233	Samina Begum	Sultan Muhammad	GGPS Chumra	GGHSS Gandigar	15701-2189764-6	A.V.P.
11-	261	Farhat Mullah	Fazal Mullah	GGPS Shamogor	GGMS Bilbywar	15701-1149732-8	A.V.P.
12-	280	Aisha Zeb	Jehan Zeb	GGPS Warl Bala	GGHS Warl(P)	15702-8818745-4	A.V.P.
13-	326	Ishrat Jabeen	Alian Gul Sald	GGPS Semal	GGMS Bilbywar	15701-9678433-2	A.V.P.
14-	328	Norina Bibi	Gul akbar	GGPS Akhgram	GGHS Akhgram	15702-4690458-8	A.V.P.
15-	336	Sahiba Bibi	Ashraf Khan	GGPS Bekroy	GGHSS Dir	15701-5902041-0	A.V.P.
16-	344	Kalsoom Bibi	Abdul Qayoom	GGPS Warl (P)	GGHS Warl(B)	15702-2406788-6	A.V.P.
17-	346	Nasreen Bibi	Salam wahid	GGPS Tangal	GGHS Warl(P)	15702-2403263-4	A.V.P.
18-	349	Taslim Bibi	Khairur Raliman	GGPS Gogyal	GGHS Sharingal	15702-6170686-8	A.V.P.
19-	380	Lubna Begum	Mohammad Rahim	GGPS Akhgram	GGHS Akhgram	15702-6299720-6	A.V.P.
20-	393	Musarat Jehan	Toti Mohammad	GGPS Hno Kakad	GGMS Kakad	15702-0640991-6	A.V.P.
21-	408	Shafaat Bibi	Jehan reh	GGPS Shalga	GGMS Shalga	15702-2933757-6	A.V.P.
22-	425	Shabana Anjum	Zegrawar Khan	GGPS Akhgram	GGHS Akhgram	15705-0850364-4	A.V.P.
23-	427	Azra Khalq	Ghulam Khalq	GGPS Osral	GGHS Warl(P)	15702-0331706-2	A.V.P.
24-	429	Farhat Begum	Abdullah	GGPS Chapper	GGMS Chapper	15702-5563827-0	A.V.P.
25-	432	Zakia Bibi	Sher Zamin	GGPS Darawomy	GGMS Shahkot	15704-5811434-8	A.V.P.
26-	434	Sabila Bibi	Sayed Fazal Ghnfoor	GGPS Gogyal	GGHS Ganori	15701-9320480-2	A.V.P.
27-	450	Hajira	Sayed Ali	GGPS Manil Kaly	GGMS Doag(P)	15000-1825327-4	A.V.P.
28-	452	Nozla	Bakht Zamin	GGPS Shalga	GGMS Shalga	17201-0903715-4	A.V.P.
29-	453	Mehnaz	Bakht zamin	GGPS Shalga	GGMS Shalga	17201-0913310-4	A.V.P.
30-	454	Alla Bibi	Chaman Khan	GGPS Ashary	GGHS Warl (P)	15701-7113434-4	A.V.P.
31-	461	Mahnaz Begum	Shah Jehan Khan	GGPS Ashraf	GGHS Akhgram	15702-6053625-4	A.V.P.
32-	465	Farzana Bibi	Ashbar Khan	GGMS Pula Paw	GGHS Warl(P)	15702-5798531-4	A.V.P.
33-	466	Najina Anjum	Bakht Zamin	GGPS Manil Warl	GGHS Warl(P)	15702-5250645-2	A.V.P.
34-	468	Shabnam Bibi	Muhammad Arif	GGPS Badatal	GGMS Badatal	15702-8115354-4	A.V.P.
35-	473	Minhas Bibi	Mahd:zahir Shah	GGPS Jelar No 1	GGMS Jelar	15702-1655126-4	A.V.P.
36-	475	Muz Begum	Muhle Gul	GGPS Sundal	GGHS Sundal	15702-6564782-0	A.V.P.
37-	481	Sajida Akber	Akber Sald Khan	GGPS Khat	GGHSS Sharingal	15701-1148633-2	A.V.P.
38-	489	Samina Bibi	Shahullah	GGPS Jaker	GGHS Jabar	15701-7420482-2	A.V.P.
39-	510	Shagufta Naz	Bakhtwar Khan	GGPS Chukhatan No:1	GGMS Kass Dir	15402-1386051-6	A.V.P.
				GGPS Ular	GGMS Kass Dir	15701-7569377-4	A.V.P.

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41	550	Gul Naz	Niaz bahadar	GGPS Markhand	GGMS Pashta	15701-1104609-6	A.V.P.
42	551	Salma Tabasum	Wazir Zada	GGPS Daskore (B)	GGHS Warl(P)	15702-9865127-8	A.V.P.
43	552	Ferishta Naz	Khalr Mohammad	GGPS Funahat No.2	GGMS Kass Dir	15702-4783500-6	A.V.P.
44	559	Nilam Naz	Falak Naz	GGPS Anoha	GGHS Warl(P)	15702-1887086-2	A.V.P.
45	566	Qayida Tabasum	Shahzada Jan	GGPS Jighabang	GGHS Kotkal	15702-6606770-2	A.V.P.
46	569	Sheema	Mtin Asghar Ali Shah	GGPS Bilbyawar	GGMS Bilbyawar	15702-7262591-8	A.V.P.
47	597	Saminra	Taj Muhammad	GGPS Kattan Bala	GGMS Kattan(P)	15701-7262591-8	A.V.P.
48	618	Shaukat Ara	Hazrat Umar	GGPS Barawal	GGMS Tikar Kot	15704-7625002-4	A.V.P.
49	624	Nasira Bibi	Akhun Zada	GGPS Nilana Doag	GGHS Sheringal	15701-6485550-2	A.V.P.

TERMS AND CONDITIONS.

- 1- They will be on probation for a period of one year extendable for another one year.
- 2- They will governed by such rules and regulation as may be issued from the Govt: time to time.
- 3- Their services can be terminated at any time, in case of his performance is found unsatisfactory during the probation period. In case of miss conduct they will be proceeded under the rules framed from time to time. In case of misconduct they will be proceeded under the framed rules.
- 4- Charge reports should be submitted to all concerned.
- 5- Their enter seniority on lower post will remain intact.
- 6- No TA/DA is allowed.
- 7- They will give and undertaking to this effect that any overpayment is made to them in light of this order will be recovered if they will wrongly promoted and they will be reversed to the previous post.
- 8- They shall take over charge on their new stations after 31/07/2017.

DISTRICT EDUCATION OFFICER  
(FEMALE) DISTRICT DIR UPPER.

Endst No. 726067 /F/CT/Apptt/In-service, PST, 2017/Dated Dir Upper the: 25/7/2017.

Copy forwarded to the:-

- 01- Director E&SE Khyber Pakhtunkhwa Peshawar.
- 02- Deputy Commissioner Dir Upper.
- 03- District Nazim Dir Upper.
- 04- District Accounts Officer Dir Upper.
- 05- SDEOs (Female) Dir/ Ward.
- 06- Head Mistresses concerned.
- 07- Teachers concerned.

DISTRICT EDUCATION OFFICER  
(FEMALE) DISTRICT DIR UPPER.



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To

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

SUBJECT: DEPARTMENTAL APPEAL FOR ANTEDEDATION OF APPOINTMENT ORDER OF THE APPELLANT W.E.F 30.11.2006 BY THE MODIFYING HER APPOINTMENT ORDER DATED 28.07.2007 AND ALSO ANTEDEDATED HER PROMOTION TO THE POST CT (BPS-15) WITH EFFECT FROM 01.08.2016 BY MODIFYING HER PROMOTION ORDER DATED 08.01.2017

Respected Sir,

1. That the appellant is the permanent resident of village Chapper Tehsil Wari, District Dir Upper. The department advertised numerous post of various discipline in daily Mashriq on 04.06.2006 including 6 posts for Union Council Chapper. According to the Govt. policy 75% seats be filled in through Union Council wise while 25% on open merit, so 5 post should be go to Union Council and one post to open merit. The appellant being eligible applied for the post of PST (then PTC).
2. That after conducting test and interview, merit list was prepared and the appellant was placed at Sr.No.3 of the said list. The department issued the appointment order on 30.11.2006, wherein the appellant was ignored for no reason.
3. That the appellant filed the writ petition No.04/2007 with the prayer to direct the competent authority to issue order of the appointment of the appellant since 30.11.2006 with all service benefits in the Honourable Peshawar High Peshawar.
4. That the said writ petition was heard by the Honourable Court on 10.07.2007 and during hearing of the case, the Executive District Officer (S&L) Dir upper stated at the bar that at present three posts of PST were laying vacant in the Union Council to which the appellant belong on which the Honourable Court allowed the case of the appellant and directed the Executive District Officer (S&L) Dir upper to appoint the appellant on one of the vacant posts.
5. That in the pursuance of the decision dated 10.07.2007 of Honourable Peshawar High Court Peshawar in writ petition No.04/2007, the appellant was appointed on the post of PST with effect from 10.07.2007 instead of due date 30.11.2006 "the date on which her batchmates and juniors were appointed" vide order dated 28.07.2007.

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6. That the batchmates of the appellant namely Amrozia Bibi and Esmat Bahar were promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 01.08.2017 despite the fact that all of them were appointed on the basis of same advertisement and Esmat Bahar was low in merit order than the appellant in the initial appointment to the post of PST.
  7. That due to not appointing the appellant along with her batchmates w.e.f 30.11.2006, her batchmates and juniors were promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 01.08.2017, therefore, the appellant file this departmental appeal for antedation of her appointment w.e.f 30.11.2006 by modifying her appointment order dated 28.07.2007 and also for antedation of her promotion to the post CT (BPS-15) with effect from 01.08.2016 "the date when her batchmate and junior were promoted" by modifying her promotion order dated 01.08.2017 on the following grounds.

GROUNDS:-

- A) That not appointing the appellant with his batchmates w.e.f 30.11.2006 and not promoting her to the post of CT w.e.f 01.08.2016 with batchmate and junior are against the law, rules, facts, norms of justice and material on record, therefore not tenable.
- B) That the appellant was at Sr. No. 03 of the merit order of PST, however, she was not appointment 30.11.2006 along with her batchmates and juniors against which she filed Writ petition No. 04/2007 in the Honourable High Court Peshawar. The said writ petition was heard by the Honourable Court on 10.07.2007 and during hearing of the case, the Executive District Officer (S&L) Dir upper stated at the bar that at present three posts of PST were laying vacant in the Union Council to which the appellant belong on which the Honourable Court allowed the case of the appellant and directed the Executive District Officer (S&L) Dir upper to appoint the appellant on one of the vacant posts, which means that the appellant has been punished for no fault by not appointing him along with his batchmates w.e.f 30.11.2006.
- C) That the appellant has filed the writ petition No.04/2007 for appointment with effect from 30.11.2006 which was allowed, therefore, the appellant is entitle to be appointed with effect from 30.11.2006 instead of 10.07.2007.
- D) That due to not appointing the appellant with his batchmates and juniors on 30.11.2006, the appellant has been deprived from his legal right of promotion to the post of CT on 01.08.2016 as his junior namely Esmat Bahar was promoted to the post of CT on 01.08.2016.

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while the appellant was promoted to the post of CT on 01.08.2017, which is against the norms of justice and fair play.

E) That the appellant has not been treated in accordance with law and rules and has been deprived from her legal right of appointment w.e.f 30.11.2006 along with her batchmates and promotion to the post of CT w.e.f 01.08.2016.

It is therefore, most humbly requested that on acceptance of this departmental appeal, the appointment of the appellant may kindly be antedated to 30.11.2006 by modifying her appointment order dated 28.07.2007 and also antedate her promotion to the post of CT to 01.08.2016 by modifying her promotion order dated 01.08.2017 by revising her seniority on the post of PST and CT.

Farhat

Appellant

Date:

26/11/2017

Farhat Begum CT (BPS-15)  
GGHS Chapper, Dir Upper

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

SERVICE APPEAL NO. \_\_\_\_\_ 7022

Khyber Pakhtunkhwa  
Service Tribunal

Stamp No. 167

Reg. No. 25/3/2022

Farhat Begum, CT (BS-15),  
GGHS Chapper, Dir Upper.

(APPELLANT)

VERSUS

1. The Secretary, Elementary & Secondary Education Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer. (Female) Dir Upper.

(RESPONDENTS)

filed-to-day  
Registrar  
25/3/22

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT 1974, FOR ANTEDATION OF APPOINTMENT ORDER OF THE APPELLANT W.E.F 30.11.2006 BY THE MODIFYING HER APPOINTMENT ORDER DATED 28.07.2007 AND ALSO ANTEDATED HER PROMOTION TO THE POST CT (BPS-15) WITH EFFECT FROM 01.08.2016 BY MODIFYING HER PROMOTION ORDER DATED 08.01.2017 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN WITHIN STATUTORY PERIOD 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY KINDLY BE DIRECTED TO ANTEDATED THE APPOINTMENT ORDER OF THE APPELLANT W.E.F 30.11.2006 "THE DATE ON WHICH HER

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BATCHMATES AND JUNIORS WERE APPOINTED" BY THE MODIFYING HER APPOINTMENT ORDER DATED 28.07.2007 AND ALSO ANTEDATED HER PROMOTION TO THE POST CT (BPS-15) WITH EFFECT FROM 01.08.2016 "THE DATE WHEN HER BATCHMATES AND JUNIOR WERE PROMOTED" BY MODIFYING HER PROMOTION ORDER DATED 08.01.2017. (ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.)

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is the permanent resident of village Chapper Tehsil Wari, District Dir Upper. The department advertised numerous post of various discipline in daily Mashriq on 04.06.2006 including 6 posts for Union Council Chapper. According to the Govt. policy 75% seats be filled in through Union Council wise while 25% on open merit. so 5 post should be go to Union Council and one post to open merit. The appellant being eligible applied for the post of PST (then PTC). (Copy of advertisement is attached as Annexure-A)
2. That after conducting test and interview, merit list was prepared and the appellant was placed at Sr.No.3 of the said list. The department issued the appointment order on 30.11.2006 wherein the appellant was ignored for no reason. (Copy of order dated 30.11.2006 is attached as Annexure-B)
3. That the appellant filed the writ petition No.04/2007 with the prayer to direct the competent authority to issue order of the appointment of the appellant since 30.11.2006 with all service benefits in the Honourable Peshawar High Peshawar. (Copy of writ petition is attached as Annexure-C)
4. That the said writ petition was heard by the Honourable Court on 10.07.2007 and during hearing of the case, the Executive District Officer (S&L) Dir upper stated at the bar that at present three posts of PST were laying vacant in the Union Council to which the appellant belong on which the Honourable Court allowed the case of the appellant and directed the Executive District Officer (S&L) Dir upper to appoint the appellant on one of the vacant posts. (Copy of judgment dated 10.07.2007 is attached as Annexure-D)

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5. That in the pursuance of the decision dated 10.07.2007 of Honourable Peshawar High Court Peshawar in writ petition No.04/2007, the appellant was appointed on the post of PST with effect from 10.07.2007 instead of due date 30.11.2006 "the date on which her batchmates and juniors were appointed" vide order dated 28.07.2007. (Copy of order dated 28.07.2007 is attached as Annexure-E)
6. That the batchmates of the appellant namely Amrozia Bibi and Esmat Bahar were promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 25.07.2017 despite the fact that all of them were appointed on the basis of same advertisement and Esmat Bahar was low in merit order than the appellant in the initial appointment to the post of PST. (Copies of order dated 01.08.2016 and dated 25.07.2017 are attached as Annexure-F&G)
7. That due to not appointing the appellant along with her batchmates w.e.f 30.11.2006, her batchmates and juniors were promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 25.07.2017, therefore, the appellant filed departmental appeal on 30.11.2021 for antedation of her appointment w.e.f 30.11.2006 by modifying her appointment order dated 28.07.2007 and also for antedation of her promotion to the post CT (BPS-15) with effect from 01.08.2016 "the date when her batchmates and junior were promoted" by modifying her promotion order dated 01.08.2017, which was not responded within the statutory period of ninety days. (Copy of departmental appeal is attached as Annexure-H)
8. That the appellant has no other remedy except to file the instant service appeal in this Honourable Service Tribunal on the following grounds amongst others.

GROUND:-

- A) That not appointing the appellant with his batchmates w.e.f 30.11.2006 and not promoting her to the post of CT w.e.f 01.08.2016 with batchmates and juniors are against the law, rules, facts, norms of justice and material on record, therefore not tenable.
- B) That the appellant was at Sr. No. 03 of the merit order of PST, however, she was not appointment on 30.11.2006 along with her batchmates and juniors, against which she filed Writ petition No. 04/2007 in the Honourable High Court Peshawar. The said writ petition was heard by the Honourable Court on 10.07.2007 and during hearing of the case, the Executive District Officer (S&L) Dir upper stated at the bar that at present three posts of PST were laying vacant in the Union Council to which the appellant belong on which the Honourable Court allowed the case of the appellant and directed the

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Executive District Officer (S&L) Dir upper to appoint the appellant on one of the vacant posts, which means that the appellant has been punished for no fault by not appointing him along with his batchmates w.e.f 30.11.2006.

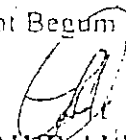
- C) That the appellant has filed the writ petition No.04/2007 for appointment with effect from 30.11.2006 which was allowed, therefore, the appellant is entitle to be appointed with effect from 30.11.2006 instead of 10.07.2007.
- D) That due to not appointing the appellant with his batchmates and juniors on 30.11.2006, the appellant has been deprived from his legal right of promotion to the post of CT on 01.08.2016 as his junior namely Esmat Bahar was promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 25.07.2017, which is against the norms of justice and fair play.
- E) That the appellant has not been treated in accordance with law and rules and has been deprived from her legal right of appointment w.e.f 30.11.2006 along with her batchmates and promotion to the post of CT w.e.f 01.08.2016.
- F) That the appellant seeks permission of this Honourable Tribunal to advance others grounds and proofs at the time of hearing.

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

  
APPELLANT

Farhat Begum

THROUGH:

  
TAIMUR ALI KHAN

(ADVOCATE HIGH COURT)

(51)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

SERVICE APPEAL NO. 558 /2022

Khyber Pakhtunkhwa  
Service Tribunal

Diry No. 1162-

Date 25/3/2022

K  
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Farhat Begum, CT (BS-15),  
GGHS Chapper, Dir Upper.

(APPELLANT)

VERSUS

1. The Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer, (Female) Dir Upper.

(RESPONDENTS)

*Filed to-day*  
*3/3/2022*

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT 1974, FOR ANTEDEDATION OF APPOINTMENT ORDER OF THE APPELLANT W.E.F 30.11.2006 BY THE MODIFYING HER APPOINTMENT ORDER DATED 28.07.2007 AND ALSO ANTEDATED HER PROMOTION TO THE POST CT (BPS-15) WITH EFFECT FROM 01.08.2016 BY MODIFYING HER PROMOTION ORDER DATED 08.01.2017 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN WITHIN STATUTORY PERIOD 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY KINDLY BE DIRECTED TO ANTEDATED THE APPOINTMENT ORDER OF THE APPELLANT W.E.F 30.11.2006 "THE DATE ON WHICH HER

Certified to be true copy

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

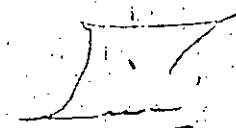


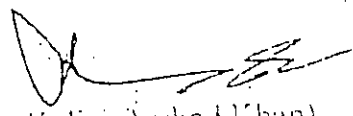
No. 2022

Learned counsel for the appellant present. Mr. Muhammad-Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.


2. After arguing the matter at length, learned counsel for the appellant submitted that the appellant had to first get her seniority determined from the authority under Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of the Khyber Pakhtunkhwa Government Servants (Appointment, Promotion and Transfer) Rules, 1989, which the learned counsel for the appellant submits has not been determined by the authority till date. For the purpose he wants to make an application to the department, which the department has to consider in accordance with law. As regards this appeal, he does not press it for the time being and submits that he would re-agitate the seniority list if not legally fixed by the department. Disposed of accordingly. Consign:

3. *Pronounced in open court in Swat and given under our hands and seal of the Tribunal on this 08<sup>th</sup> day of November, 2022.*

  
(Salah Ud Din)  
Member (Judicial)  
Camp Court Swat

  
(Kalim Arshad Khan)  
Chairman  
Camp Court Swat

20/12/22  
800  
3/12  
13/12  
20/12/22  
23/12/22

  
Clerk  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

To

The worthy District Education Officer (Female)  
Upper Dir,

SUBJECT: APPLICATION OF THE APPELLANT FOR FIXATION OF HER SENIORITY IN THE POST PST (BPS-14) ACCORDING TO THE MERIT ORDER ASSIGNED BY THE DEPARTMENTAL SELECTION COMMITTEE ON THE BASIS OF RULE 17 (a) OF THE KHYBER PAKHTUNKHWA CIVIL SERVANT APPOINTMENT PROMOTION AND TRANSFER RULES 1989 AND FOR FURTHER PROMOTION OF THE APPELLANT TO THE POST OF CT (BPS-15) FROM DUE DATE ACCORDING TO HER INTER-SE-SENIORITY.

Respected Sir,

1. That the appellant is the permanent resident of Village Chapper, Tehsil Wari, District Dir Upper. The department advertised numerous posts of various disciplines in daily Mashriq on 04.06.2026 including 6 posts for Union Council Chapper. According to the Govt. Policy 75% seats be filled in through Union Council wise while 25% on open merit, so 5 posts should be go Union Council and on post to open merit. The appellant being eligible for the post of PST (then PTC). (Copy of Advertisement is attached as Annexure-A)
2. That after conducting test and interview, merit list was prepared and the appellant was placed at Sr. No.3 in the said list. The department issued the appointment order dated 30.11.2006, wherein the appellant was ignored for no reason. (Copy of merit list and order dated 30.11.2006 is attached as Annexure-B&C)
3. That the appellant filed writ petition No.04/2007 in the Peshawar High Court Peshawar with the prayer to direct the competent authority to issue the appointment order of the appellant since 30.11.2006 with all service benefits. (Copy of writ petition is

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4. That the said writ petition was heard by the Honorable Peshawar High Court Peshawar on 10.07.2022 and during hearing of the case, the Executive Officer (S&L) Dir Upper stated at the bar that at present three posts of PST were laying vacant in the Union Council to which the appellant belong on which the Honorable Court allowed the case of the appellant and directed the executive District Officer (S&L) Dir Upper to appoint the appellant on one of the vacant posts. (Copy of judgment dated 10.07.2007 is attached as Annexure-E)

5. That in pursuance of the decision dated 10.07.2007 of the Honorable Peshawar High Court in writ petition No.04/2007, the appellant was appointed on the post of PST with effect from 10.07.2007 instead of due date 30.11.2006. The date on which her batchmates and juniors were appointed vide order dated 28.07.2007. (Copy of order dated 28.07.2007 is attached as Annexure-F)

6. That the batchmates of the appellant namely Amrozia Bibi and Esmat Bahar were promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 25.07.2017 despite the fact that all of them were appointed on the basis of same advertisement and Esmat Bahar was low in merit order than the appellant in the initial appointment to the post of PST. (Copies of order dated 01.08.2016 and dated 25.07.2017 are attached as Annexure-G&H)

7. That due to not appointing the appellant along with her batchmates w.e.f 30.11.2016 and not given her seniority according to merit order assigned by the DSC, her batchmates and juniors were promoted to the post of CT on 01.08.2016, while the appellant was promoted to the post of CT on 25.07.2017, therefore, the appellant filed departmental appeal by modifying her appointment order dated 28.07.2007 and also for antedation of her promotion to the post of CT (BPS-15) with effect from 01.08.2016 the date when her batch mates and juniors were promoted by modifying her promotion order dated 25.07.2017, which was not responded within the statutory period of ninety days.

8. That after the statutory period of ninety days, the appellant filed service appeal No.558.2022 in the Khyber Pakhtunkhwa Service

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Tribunal Peshawar. The said appeal was heard on 08.11.2022 and the Khyber Pakhtunkhwa Service Tribunal mentioned in its order/judgment dated 08.11.2022 that the counsel for the appellant submitted that the appellant had to first get her seniority determined from the authority under Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa APT rules 1989, which the counsel for the appellant submits, has not been determined by the authority till date. For the purpose he wants to make application to department, which the department has to consider in accordance with law. As regards the appeal, he does not press it for the time being and submits that he would re-agitate the seniority list if not legally fixed by the departments and the appeal of the appellant was dispose of. (Copies of service appeal and order dated 08.11.2022 are attached as Annexure-I&J)

9. That now the appellant wants to file application/departmental appeal for fixation of her seniority in the post of PST according to the merit order assigned by the Departmental Selection Committee under Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa APT rules 1989 and for further promotion to the post of CT (BPS-15) from due date on the basis of inter-se-seniority on the following grounds amongst others.

**GROUND:**

- A) That the appellant after conducting test and interview, merit list was prepared and the appellant was placed at Sr. No.3 of the said list and is entitle to be placed at Sr. No 3 of the seniority list of PST (BPS-12) along with her batch mates who were appointed along the appellant on the same advertisement according to Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa APT Rules 1989 and also entitle for further promotion to the post of CT (BPS-15) from due date according to her inter-se-seniority.
- B) That the appellant was at Sr. No 3 of the merit list, but she was not appointed on 30.11.2006 along with her batch mates without any reason on which she filed writ petition 04/2007, which was allowed on 10.07.2007 and on the basis of that judgment she was appointed on the post of PST, therefore, the appellant should not

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be punished for the fault of department by depriving her from her seniority position according to the merit order assigned by the DSC and from further promotion to the post of CT (BPS-15) from due date according to her inter-se-seniority.

- C) That the appellant was at Sr. No 3 of the merit order assigned by the DSC after conducting test and interview by the DSC for the post of PST and is entitle to be placed at Sr. No.3 of the seniority list of PST as per rule 17 (a) of Khyber PakhtunKhwa Civil Servant Appointment, promotion and Transfer (APT) Rules 1989 and is also entitle for further promotion to the post of CT (BPS-15) from due date according to her inter-se-seniority.
- D) That the appellant has not been treated in accordance with law and rule and has been deprived from her legal right of seniority according to the merit order assigned by the DSC and from further promotion to the post of CT (BPS-15) from due date according to her inter-se-seniority.

It is therefore, most humbly requested that on the acceptance of this application, the seniority of the appellant in the post PST (BPS-12) may kindly be fixed according to the merit order assigned by the Departmental Selection Committee in the light of rule 17 (a) of Khyber PakhtunKhwa Civil Servant Appointment, promotion and Transfer (APT) Rules 1989 and further Promoted her to the post of CT (BPS-15) from due date on the basis of her inter-se-seniority with all back and consequential benefits.

Dated 19/01/2013

*Farhat*

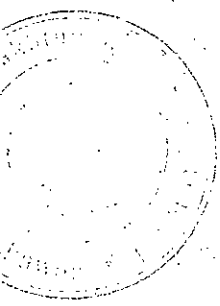
Yours obediently  
Farhat Begum, CT  
GGHS Cahpper Dir Upper.

*Farkhat Begum vs Govt M (37)*

12<sup>th</sup> Feb. 2024

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

2. Learned counsel for the appellant wants to make an application for making amendment in the memo and grounds of appeal to array private respondents whose seniority would be affected by allowing this appeal. He may submit amended appeal within seven days, and the office is directed to issue notices to private respondents, the expenses of which shall also be deposited by the appellant. Similarly, in Para-09 of the appeal the appellant had said that he had made an application for fixation of seniority but the reply of the respondents is evasive on Para-09. However, the learned District Attorney says that not only the seniority of the appellant was determined in accordance with law and rules but there were seniority lists circulated at different points of times, which were not challenged by the appellant. We direct the District Education Officer (F) Upper Dir to produce all the seniority lists alongwith covering letters, inviting objections and the final seniority lists duly attested by her within fifteen days. Copy of the same be shared with the counsel for the appellant. To come up for arguments on 07.05.2024 before D.B at Camp Court, Swat. P.P given to the parties.



(Salah Ud Din)  
Member (J)

(Kalim Arshad Khan)  
Chairman

*Confession to be true copy*

Date of Presentation of Application 05/04/2024  
Number 2-P  
Cost 10/-  
Urgency 5/-  
Total 15/-  
Name \_\_\_\_\_  
Date of \_\_\_\_\_ 05/04/2024  
Date of Decision of Court 07/07/23

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**VAKALAT NAMA**

NO. \_\_\_\_\_/202

IN THE COURT OF KP Sec ure Tribunal, Peshawar

Farhat Begum

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Education Department

(Respondent)  
(Defendant)

I/We, Farhat Begum

Do hereby appoint and constitute Taimur Ali Khan, Advocate High Court Peshawar, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/202

Farhat

(CLIENT)

ACCEPTED

Taimur Ali Khan

TAIMUR ALI KHAN  
Advocate High Court  
BC-10-4240  
CNIC: 17101-7395544-5  
Cell No. 0333-9390916

**OFFICE:**  
Room # FR-3, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar

Shakir Ullah Torani  
Advocate