

SCANNED
KPST
Peshawar
3/10/23

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 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.**

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 Tems 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bogus certificate will be reported to the law enforcing agencies for further action and appointment will STAND WITHDRAWN.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 Pakhtunkhawa 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 Pakhtunkhawa 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 Pakhtunkhawa 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)

Endst: 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

Date: - 10/5/2023.

No. 175-76

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.

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

Annex-D-(7)



EA44154484

GOVERNMENT OF PAKISTAN
NATIONAL DATABASE AND REGISTRATION AUTHORITY
MINISTRY OF INTERIOR


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: Zuljanan
Mother Name: Lal Khana
Relation With Applicant: Wife




پورانام: رحمن بی بی
والد کا نام: ذبیحان
والدہ کا نام: لعل 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

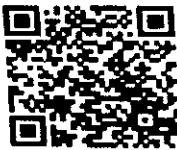
Name: Saima Rauf
Identity No: 14203-4684595-0
Date of Birth: 15/01/1988
Father Name: Umar Rauf Khan
Mother Name: Rehman Bibi
Relation With Applicant: Daughter



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

Note:

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



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

Dr. Tanzeem-ul-Haq

REGISTRAR GENERAL OF PAKISTAN

Date of Issue: 25/05/2022



1420353209565

Umar Rauf



Name: Usma Rauf
Identity No: 14203-5942981-0
Date of Birth: 01/04/1986
Father Name: Umar Rauf Khan
Mother Name: Rehman Bibi
Relation With Applicant: Daughter



پدرانام: 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



پدرانام: 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



پدرانام: 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



پدرانام: 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



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

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No.:

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



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

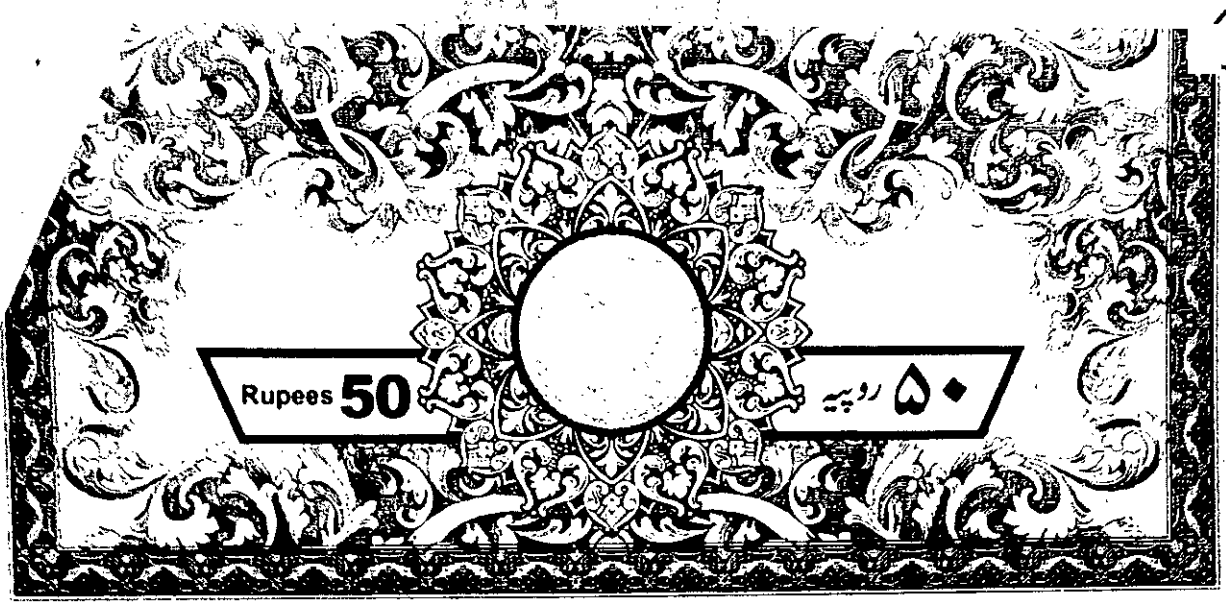
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REGISTRAR GENERAL OF PAKISTAN

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، ڈاکا نہ صورتی کلا تحصیل تحت امرتی ضلع کرک کارہائی ہوں۔ چونکہ من خالف محکمہ تعلیم ضلع کرک سے بحیثیت PSHT (بی پی ایس 15) گورنمنٹ پرائمری سکول صورتی کلا، صورتی کلا، کوئٹہ میڈیکل بورڈ ریٹائرڈ ہو چکا ہوں، جبکہ من خالف کی طرف سے تاحال اپنے در تادم سے کسی کو بھی میڈیکل بورڈ (Quota) پر تعینات نہیں کیا گیا ہے، من خالف بزرگوار شام بیچر، بقائی ہوش و حواس اور بغیر کسی کے دباؤ کے اپنی بی بی مسماة فرح ناز زوجہ 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 بی بی کے تعینات ہونے پر محکمہ خذا کے برخلاف کسی قسم کا دعویٰ نہیں کروں گی اور نہ ہی کسی قسم کی عدالتی کارروائی نہیں کروں گی۔ بیان مزکورہ حقیقت کے عین مطابق ہے، کوئی امر پوشیدہ نہیں رکھا گیا ہے، بیان مذکور شام بیچر پر تحریر کیا تاکہ سند رہے۔

العبد:

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



ساکن صورتی کلا، ڈاکا نہ صورتی کلا تحصیل تحت امرتی ضلع کرک دستخط: Rahman B.

دستخط: [Signature]

گواہ نمبر 1: محترم رؤف خان

دستخط: [Signature]

گواہ نمبر 2: محمد عبداللہ صاحب

Abdul Samad Khan
Advocate
Dait: [Signature]
Date: [Signature]

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.

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.

[Handwritten signature]

[Handwritten signature]

DISTRICT EDUCATION 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.

Deposited
Muhammad Sultan
ID No. 14202-1347715-3

Identification.

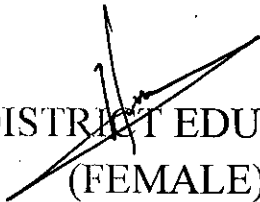
ATTESTED



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.