


FORM OF ORDER SHEET

Court of _____

Appeal No. 1605/2024

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 26/09/2024 | <p>The appeal of Mst. Roqia Bibi resubmitted today by Mr. Muhammad Adeel Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 30.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p> |

The appeal of Mst. Roqia Bibi received today i.e on 19.09.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal are unattested.
- 2- Index of the appeal is unsigned.
- 3- Check list attached with appeal is blank.
- 4- Departmental appeal is unsigned.

No. 797 /Inst./2024/KPST,

Dt. 19/9 /2024.

Amirullah
ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Adeel ButtAdv.
High Court at Peshawar.

*all the objections are
here by removed.*
[Signature]

Before the Service Tribunal, Khyber Pakhtunkhwa, Peshawar

Service Appeal No. 1605 /2024

Rooqia Bibi Ex. TT post, Government Gurls' Primary School, Latif Kalli, Bara,
District Khyber

Appellant

Versus

1. Director of Education, Directorate of Education situated at GT Road Peshawar City.
2. District Education Officer, DEO Office, District Khyber

Respondents

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Before the Service Tribunal, Khyber Pakhtun Khwa, Peshawar

Service Appeal No. _____/2024

Rooqia Bibi Ex. T.T post, Government Gurls' Primary School, Atif Kalli, Bara,
District Khyber

Appellant

Versus

1. Director of Education, Directorate of Education situated at GT Road Peshawar City.
2. District Education Officer, DEO Office, District Khyber

... Respondents

SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974,
AGAINST THE ORDER /NOTIFICATION DATED 23/01/2018
COMMUNICATED TO APPELLANT THROUGH SERVICE TRIBUNAL
DURING PROCEEDINGS IN SERVICE APPEAL 1632/23 IN A CASE TITLED
"SAFIA BIBI VERSUS GOVERNMENT OF PAKISTAN" AND THE SAME
SERVICE APPEAL WAS DISPOSED OFF AS APPELLANT INTENDED TO
CHALLENGE THE ORDER/NOTIFICATION DATED 23/01/2018, AGAINST
WHICH THE APPELLANT FILED THE DEPARTMENTAL APPEAL WHICH IS
NOT RESPONDED WITH IN THE PRESCRIBED PERIOD.

ON ACCEPTANCE OF THE SERVICE APPEAL, THE APPELLANT MAY
PLEASE BE RESINSTATED IN TO SERVICE WITH ALL BACK BENEFITS,
ETC BY SET-ASIDING THE IMPUGNED NOTIFICATION DATED 23/01/2018
WHICH WAS NEVER COMMUNICATED TO THE APPELLANT BEFORE
INSTUTUING THE SERVICE APPEAL NO. 1631/23. ANY OTHER REMEDY
DEEMS FIT MAY ALSO BE GRANTED UNDER THE CIRCUMSTANCES.

(2)

The Appellant submits as under: -

1. That, consequent upon the approval of Departmental Selection committee, The Appellant was accordingly appointed against the vacant post of T.T on 25/08/2009, at Government Girls' Primary School, Latif Kalli bara, District Khyber District Khyber in BPS -07. (Copy of the Appointment order is annexed as Annexure "A")
2. That, due to the Talibanisation and usual law and order situation at that time and consequent upon the proposal of AAEO (Female) Tehsil Bara/LKL/Jamrud Khyber Agency on 21/05/2015, the Appellant was redeployed to GGPS Hayat Shah Kiilli Mulla Gori Jamrud , District Khyber Copy of the Re deployment Order is annexed as Annexure "B")
3. That despite performing her duties, , Appellant was not given monthly salary, for which Appellant submitted several applications for releasing her monthly salaries but in vain.
4. That finally the Appellant filed a departmental representation /appeal before the Respondents on 30.03.2023 and waited for the stipulated period of time but as mentioned above no action whatsoever has been taken by them. (copy of the departmental appeal is annexed as Annexure "C")
5. That the Appellant feeling aggrieved from the inaction of Respondents Order files the Service appeal No.1631/23 before the honorable Service Tribunal, and , during proceedings , the respondent department provided an Order/notification dated 23/01/2018 whereby the Respondents were pleased to struck of her name from the Education Roll of District Khyber. (Copy of the impugned Notification /Order dated 23/01/2018 is annexed as Annexure "D")
6. That as, mentioned above, the Appellant intended before the honorable service tribunal to challenge the same notification/order dated 23/10/2018, hence the Honorable service Tribunal was pleased to dismiss the service appeal 1631/23 being not pressed. (Copy of the Judgment/Order dated 05/April,2024 is annexed as Annexure "E")
7. That the appellant filed a fresh departmental appeal(Annexure F)

(3)

against the Order /Notification dated 23/01/2018 , the same was left un responded, the Appellant waited as per prescribed period, hence filed the instant service appeal inter alia on the following grounds.

GROUNDS:

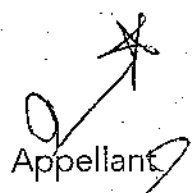
- A. That the impugned order has never been communicated to Appellant in accordance with law and kept that secret in order to unlawfully usurp the precious and fundamental rights of the Appellant protected and safeguarded in the Constitution of Islamic republic of Pakistan, 1973. At this ground alone the impugned Order is liable to be set-aside.
- B. That the Appellant has not been treated in accordance with law.
- C. That the Respondents, by issuing Impugned Notification dated 23/01/2018, have violated the fundamental rights of the Appellant.
- D. That the impugned Order dated 23/01/2018 has been Issued in haste and arbitrary manner, without following the Law/Rules on the subject, hence not tenable in the eyes of law.
- E. That it has been declared, by the August Supreme Court in a reported judgment 2020 SCMR 188, that once the employee get the right it will not be returned.
- F. That the appellant has never been associated with the so called Inquiry proceedings, furthermore, the Apex Supreme Court of Pakistan, has in plethora of Judgments declared that without conducting formal inquiry major penalty can not be awarded to any Civil Servant.
- G. That all the proceedings against the appellant were based on malafide and malicious and purportedly were initiated in order to displace the appellant from her post and appoint any other blue eyed. Furthermore, Keeping in view the unrest, very bad law and order situated in the District Khyber, and the deployment of teachers from one school to other school was made by the Respondents in the respect, the issuance of impugned Order dated 23/01/2018, stoppage of Salary , etc imposed by the Respondents is illegal, un lawful and without having any legal authority.
- H. That the Appellant being a married woman having little kids

knocked the doors of Respondents but till now they are failed to issue a reinstatement Order in favor of the Appellant without any reason.

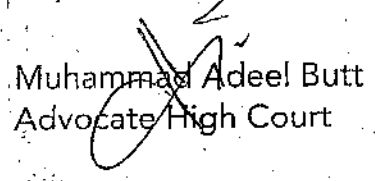
- I. That the Respondents are well aware of the fact that District Khyber has remained the victim of terrorism, and much of the official record of school along with School buildings was destroyed and it is quite impossible for them to find out the record related to Appellant with respect to her performance in schools, hence they purposely are delaying the matter.
- J. That the Appellant belongs to a very poor family and teaching is the only source of income, if the enquiry is not been initiated or concluded, than in the case the Appellant will suffer an irreparable loss.
- K. That the appellant may be allowed to advance other grounds, if arise ,during the course of arguments before this honorable Tribunal

It is, therefore, most humbly requested that this Honorable Tribunal may kindly allow this instant Service Appeal by set-asideing the impugned order dated 23/01/2018 and the appellant may please be reinstated in to service with all consequential and back benefits. Any other remedy deems fit may also be granted under the circumstances.

Dated: ...


Appellant

Through


Muhammad Adeel Butt
Advocate High Court

Note: No such appeal has ever been made to Service Tribunal on the subject by the appellant or in any other court of Law.

Appellant

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Before the Service Tribunal, Khyber Pakhtun khwa, Peshawar

Service Appeal No. _____ /

Rooqia Bibi D/O Arif Ullah GGPS Latif Kalay, Kalanga Bara, Khyber Agency
R/O Umarzai, Charsadda District.

...Appellant


Versus

4. Government of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat Peshawar
5. Director of Education, Directorate of Education situated at GT Road Peshawar City.
6. District Education Officer, DEO Office, District Khyber

...Respondents

Affidavit

As per direction of my client I , do hereby solemnly affirm and declare on oath that all the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal .


Deponent



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Before the Service Tribunal, Khyber Pakhtun khwa, Peshawar

Service Appeal No. _____ /

Rooqia Bibi D/O Arif Ullah GGPS Latif Kalay, Kalanga Bara, Khyber Agency ..
R/O Umarzai, Charsadda District.

...Appellant

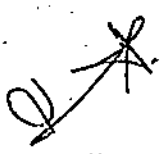
Versus

7. Government of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat Peshawar
8. Director of Education, Directorate of Education situated at GT Road Peshawar City.
9. District Education Officer, DEO Office, District Khyber

...Respondents

ADDRESS OF THE PARTIES

1. Government of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat Peshawar.
2. Director of Education, Directorate of Education situated at GT Road Peshawar City.
3. District Education Officer, DEO Office, District Khyber.


Appellant

Through


Muhammad Adeel Butt
Advocate High court

(7)

(7)

AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD
APPOINTMENT ORDER

Consequent upon the approval of the Departmental Selection Committee Mrs. Roqia Bibi D/o Arif Ullah candidate is hereby appointed against vacant T.T Post at Government Girls Primary School Latif Killi Bara Khyber Agency in BPS No.07/PM (3930-190-9220) plus usual allowances as admissible under the rules w.e.f the date of her taking over charge in the interest of public service.

Note:-

1. Charge report should be submitted to all concerned.
2. The appointment of the candidate is purely on temporary basic and is liable to terminate any time without any notice.
3. If the candidate wishes to resign her post she will give one-month prior notice or her pay for one month will be forfeited in lieu thereof.
4. Her documents; Date of Birth and NIC should be checked before handed over charge of the post and attested copies thereof may be kept on record of the school/office.
5. She should produce his Health and Age certificate from the Agency Surgeon concerned.
6. She may not be handed over charge if he is below 18- years or above 40- years.
7. If he fails to report her arrival within 15- days of the issue of this appointment order then it will be treated as cancelled.
8. No salary may be drawn before the verification of all the testimonials from the quarter concerned.
9. The appointment will not be entitled for pension/commutation and G.P. Fund emoluments as per Govt. policy.

(HASHIM KHAN)
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Encl: No. 4070-761

Dated Jamrud the 25/08/2009

Copy of the above is forwarded to the:

1. Director Education (FATA) at Peshawar.
2. Agency Accounts Officer Khyber Agency at Jamrud.
3. Agency Surgeon Khyber Agency at LandiKotal.
4. AAEO (Female)/ Pay Clerk Concerned.
5. Official Concerned.

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD



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AGENCY EDUCATION OFFICE
KHYBER AGENCY AT JAMRUD
PHONE: 091-5820584 FAX: 091-5820584
NO. _____ DATED: 21/05/2015

AGENCY EDUCATION OFFICE KHYBER AGENCY AT JAMRUD

REDEPLOYMENT ORDER.

Consequent upon the recommendation of AAEO (Female) Jamrud/Bara the following teachers of Tehsil Bara are hereby redeployed to Schools noted against their names on their own request with immediate effect, till the re-opening of their own Schools.

| S.# | Name | Desg | From | Redeployed to |
|-----|----------------|------|--------------------------------|---------------------------------------|
| 1 | Shaheen AKhtar | TT | GGMS Tehsil Bara | GGHS Jamrud. |
| 2 | Nusrat Begum | SST | GGHS Karigar Bara. | GGHS Jamrud |
| 3 | Farida . | CT | GGHS Karigar Bara. | GGHS Jamrud |
| 4 | Shamshad Begum | PST | GGHS Karigar Bara. | GGHS Jamrud. |
| 5 | Farzana Jamal | CT | GGMS Malang Garhi | GGHS Jamrud |
| 6 | Safia Begum | PST | GGPS Musam Jan Killi Bara | GGPS Zulfiqar Killi LKL |
| 7 | Saima Zurin | PST | GGPS Musam Jan Killi Bara | GGPS Mira Jan Bara |
| 8 | Rooqia Bibi | TT | GGPS Latif Killi Shalobar Bara | GGPS Hayat Shah Killi Mulagori Jamrud |
| 7 | Saima Begum | PST | GGPS Akhtar Ali Shah Bara | GGPS Hayat Shah / Mulagori Jamrud |

Note: Charge report should be submitted to all concerned.
TA/DA is not allowed.

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Endst: No. 13241-46 Redeployed File Dated: 21/05/2015

Copy forwarded to the:

- 1 Director Education FATA at Peshawar.
- 2 Political Agent Khyber Agency at Peshawar.
- 3 Principal GGHS Jamrud Khyber Agency
- 4 AAEO (F) Local Office.
- 5 Superintendent local office
- 6 Officials concerned.

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

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(22)

بخدمت جناب ڈائریکٹر صاحب ایجوکیشن خیبر پختونخواہ پشاور

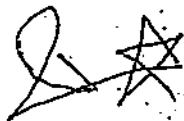
عنوان: سائلہ کی تنخواہ جاری کرے۔ اور ڈیوٹی پر تعینات کرنے کی اجازت دی جائے
جناب عالی!

نہایت ادب سے گزارش کی جاتی ہے کہ سائلہ گورنمنٹ گریڈ پرائمری سکول لطیف گلے شلو بر تحصیل باڑہ میں
بھرتی ہوئی تھی۔ لیکن اس وقت باڑہ تحصیل کے حالات خراب تھے اور تمام تحصیل کے سکول بند تھے اور سائلہ کو
Re-deployed کے طور پر تحصیل جمروڈ میں گورنمنٹ گریڈ پرائمری سکول حیات شاہ جمروڈ عارضی طور پر تعینات
کیا۔ لیکن سکول بہت دور تھا اور سائلہ کے اس وقت چھوٹے چھوٹے بچے تھے۔ اور وہاں پر ڈیوٹی کرنا مشکل تھا۔
سائلہ کو دوبارہ Re-deployed گورنمنٹ گریڈ پرائمری سکول مثل خان گلے میں تعینات کیا گیا۔ جس
پر نظر ثانی کیلئے اس سے پہلے بھی کئی بار ایجنسی ایجوکیشن آفسر جمروڈ کو درخواستیں دی ہیں مگر کوئی شنوائی نہیں ہوئی۔
لہذا آپ صاحبان سے درخواست کرتی ہوں کہ سائلہ کی تنخواہ جاری کرنے کے احکامات صادر فرمائی جائے
اور سائلہ کو ڈیوٹی پر تعینات کرنے کی اجازت دی جائے تاکہ سائلہ اپنی ڈیوٹی احسن طریقے سے سرانجام دیں۔ سائلہ
کی سروس کاغذات درخواست کے ساتھ منسلک ہیں۔

آپ کی عین نوازش ہوگی۔

تاریخ: 30-03-2023

العارض



روقیہ بی بی ٹی ٹی سکول ٹیچر

پرنٹل نمبر: 524096

پتہ: محلہ بامت خیل، عمر زئی، تحصیل و ضلع چارسدہ

رابطہ نمبر: 0314-9818740 0324-9833798

dairy No: 1094 date: 04-04-2023




110
ANX-F
P-13

**Agency Education Office
Khyber Agency at Jamrud**
Phone. 091-5820265 Fax 091-5820265

Notification

Consequent upon the recommendation of enquiry committee Mst:Roqiya Bibi TT (P/No.524096 and Bank account No. 18577100000403 HBL Umarzai) is hereby struck off from the Education roll Khyber Agency with immediate effect in the best interest of public service.

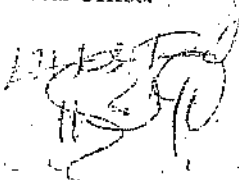
The monthly salaries drawn by the above named fake TT is hereby reported to the concerned political/District administration for early recovery which will be deposited in Govt treasury on Challan.


(MUTAMMAD JADOON KHAN)
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD
ok
JA

Inst: No: 10036-14 /Struck Off/Notification Dated: 23 / 01 / 2013

Copy of the above is forwarded to:

1. Director Education FATA at Peshawar.
2. Political Agent Khyber at Peshawar.
3. Deputy Commissioner District Charsada Umarzai: for recovery traceable from her bank det mentioned above
4. AGPR Sub Office Peshawar.
5. PS to Additional Chief Secretary FATA.
6. PS to Secretary SSD FATA.
7. Agency Accounts Officer Khyber with the request to stop payment of monthly salaries to the above named fake employee.
8. Branch Manager HBL Umarzai : to freeze account of the above named fake employee immediately till the recovery of irregular drawl and to provide the address of the account holder.
9. Superintendent Local Office.


AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD
ok
JA

(11)



Service Appeal No.1631/2023 titled "Rooqia Bibi Vs. Government of Khyber Pakhtunkhwa"

ORDER

5th Apr. 2024 Kalim Arshad Khan, Chairman. Learned counsel for the appellant

present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Munawar Khan ADEO for the respondents present.

2. At the very outset, learned counsel for the appellant was confronted with the order/Notification dated 23.01.2018, whereby, on recommendation of the Inquiry Committee, the appellant was declared as fake Theology Teacher and was struck off from the education rolls of the Khyber Agency. Learned counsel for the appellant submitted that the appellant was never knowing about this order/Notification and she has just come to know in the Court today. She intends to challenge the same by not pressing this appeal.

3. In view of the appeal, instant appeal is dismissed being not pressed. Consign.

4. Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 5th day of April, 2024.

(Rashida Bano)
Member (J)

(Kalim Arshad Khan)
Chairman

Mutazem Shah

Certified to

Khyber Pakhtunkhwa
Services Tribunal
Peshawar

Date of Presentation of Application 23-4-24
Number of Pages 17
Copying Fee 5/-
Urgent 5/2
Total 10/-
Name of
Date of Copy 23-4-24
Date of Delivery of Copy 23-4-24

To:
The Director Education,
Khyber Pakhtunkhwa

Application Date:
6-05-2024

Subject: Departmental Appeal against the Impugned Notification

dated: 06.02.2017,

Dear Sir,

The Appellant submits as under,-

1. That the Appellant filed a Service Appeal 1631/2023 before the Khyber Pakhtun Khwa Service Tribunal for the Grant of Monthly Salaries.
2. That honorable Service Tribunal was pleased to admit the same and noticed the Department for the submission of Reply/Comments.
3. That your Good was pleased to submit the Reply along with annexures.
4. That during the course of Proceedings the Court was pleased to Confront Notification dated 23/01/2018 wherein the Appellant was struck off from the Education Roll.
5. That it was accordingly been informed to the Court by the Appellant that she is not in knowledge of the said notification dated 23/01/2018, hence the appellant didn't press the said service appeal and being aggrieved from the notification dated 23/01/2018 files this departmental appeal inter alia on the following grounds.
 - A. That the Appellant was appointed on 25/08/2009 at vacant post of T.T, GGPS Latif Killi Bara District Khyber the Then Agency, in your esteem Department, but due Talibanisation and other reasons she was re deployed to GGPS Hayat Shah Killi Mulagori Jamrud on 2105, and, till 2017 she was receiving her monthly salary.
 - B. That on 30/03/2023, the appellant preferred a departmental appeal before your good office through him self diary No. 1094 but no reply whatsoever came from your good officer rather no information was given to the appellant regarding the Notification dated 23/01/2018.
 - C. That Appellant since stoppage of her salary knocked every door of but no one ever informed the appellant regarding the issuance of Notification dated 23/01/2018
 - D. That all the proceedings been done, if any, are not in consonance with the E&D Rules, 2011, it was the right of the appellant do be dealt in accordance with law, by issuing Notification dated 23/01/2018, the department has violated the fundamental rights of the Appellant
 - E. That the impugned notification dated 23/01/2018 has no legal sanctity in the eyes of law.
 - F. That the Appellant belongs to a very poor family and the entire family is dependent upon her.

It is therefore most humbly requested to kindly reinstate the Appellant, allow her to perform her duties and pay her out-standing salaries. It is further prayed that all the contents of the Service Appeal No. 1631/23 may also be treated as the integral part of the Departmental Appeal.

Roqia Bibi w/o Tariq Bilal

تاریخ

تاریخ: 08/20/24

مقدمہ: میں نے کچھ دنوں سے آپ کی کامیابیوں سے متاثر ہونے کی بات کرتے ہوئے ہیں۔ آپ نے اپنے شعبے میں جو کام کیا ہے، وہ بہت قابل رشک ہے۔ آپ کی محنت اور لگن نے آپ کو ایک نئے سطح تک پہنچایا ہے۔ میں آپ کی کامیابیوں سے متاثر ہونے کی بات کرتے ہوئے ہیں۔ آپ نے اپنے شعبے میں جو کام کیا ہے، وہ بہت قابل رشک ہے۔ آپ کی محنت اور لگن نے آپ کو ایک نئے سطح تک پہنچایا ہے۔

آپ کا
شاہد
محمد عزیز

| | |
|--------|--------------|
| نام: | Education |
| پتہ: | لاہور |
| فون: | 0334-9166514 |
| تاریخ: | |
| دوسرے: | |



| | |
|------------|----------------|
| پتہ: | 8C-10647 |
| فون: | 0334-9166514 |
| تاریخ: | 16/08/24 |
| اس کا نام: | M. Abdul Raziq |

شاہد: محمد عزیز

1/8

17101-2478345-6