

Appeal No. 480/2012

19.03.2018

Mr. Zia-ud-Din, brother of the appellant alongwith learned counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant stated at the bar that he wants to withdraw the appeal and in this regard signature of learned counsel for the appellant was also obtained at the margin of order sheet as a token of proof. Accordingly the present appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
12.03.2018

Muhammad Amin Khan Kundi
(Muhammad Amin Khan Kundi)
Member


Muhammad Hamid Mughal
(Muhammad Hamid Mughal)
Member

I want to withdraw this appeal

Arshad Saifullah Khan Advocate
19/3/18
Kundi
11201-6267419-3

26.09.2017


Junior to counsel for the appellant and Mr. Ziaullah, DDA for the respondents present. Counsel for the appellant is not in attendance. Seeks adjournment. Adjourned. To come up for arguments on 14.11.2017 before D.B.

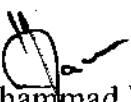

Member


Chairman

14.11.2017


Junior to counsel for the appellant and Mr. Ziaullah, DDA for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 16.01.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

16.01.2018

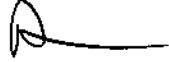
Junior to counsel for the appellant present. Mr. Zia Ullah, DDA for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance today. Adjourn. To come up for arguments on 19.03.2018 before D.B.


(Gul Zeb Khan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

28.11.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant stated that the similar nature case is also fixed on 24.01.2017. The instant appeal may be fixed on 24.01.2017. Request accepted. To come up for arguments on 24.01.2017.



(ABDUL LATIF)
MEMBER



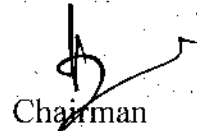
(MUHAMMAD AAMIR NAZIR)
MEMBER

24.01.2017

Agent to counsel for the appellant and Mr. Abdul Shakoor, Assistant Account Officer alongwith Addl: AG for respondents present. Agent to counsel for the appellant requested for adjournment as counsel for the appellant was busy before the Peshawar High Court, Peshawar. To come up for arguments on 20.06.2017 before D.B.



Member




Chairman

20.06.2017

Counsel for the appellant and Mr. Kabir Ullah Khattak, Assistant AG for the respondents present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 26.09.2017 before D.B.



(Gul Zeb Khan)
Member



(Muhammad Amin Khan Kundi)
Member

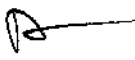
28.10.2015

Junior to counsel for the appellant and Asst: AG for respondents present. Arguments could not be heard due to learned Member (Judicial) is on official tour to D.I Khan. Therefore, the case is adjourned to 20-4-16 for arguments.


Member

20.04.2016

Counsel for the appellant and Mr. Hameedullah, ADO alongwith Asst: AG for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 18.08.2016.



Member


Member

18.08.2016

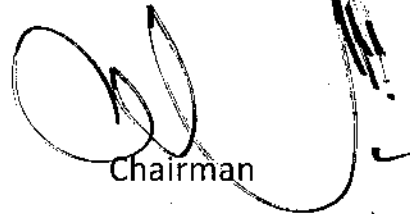
Counsel for the appellant and Mr. Ziullah, GP for respondents present. Learned GP requested for adjournment. Adjournment granted. To come up for arguments on 28.11.2016.


Member


Member

26.09.2014

Mr. Fakhruddin, brother of the appellant with counsel for the appellant (Arbab Saiful Kamal, Advocate) and M/S Amanullah, Supdt. for respondent No. 1, Javed Ahmad, Supdt. for respondent No. 2 and Khursheed Khan, SO for respondent No. 3 with Mr. Muhammad Adeel Butt, AAG present. Representative of respondent No. 1 stated that documents of the appellant have been sent for verification and that after verification of the documents, case of the appellant will be processed. To come up for further proceedings/written reply on 23.1.2015 alongwith connected appeal.


Chairman

23.1.2015

Counsel for the appellant, M/S Amanullah, Supdt. for respondent No.1, Javed Ahmad, Superintendent for respondent No. 2 and Khursheed Khan, SO for respondent No. 3 with Mr. Muhammad Jan, GP present. Representatives of the respondents submitted that process of verification of the documents is in progress and written reply will be prepared on the basis of verified documents. To come up for further proceedings/written reply on 30.4.2015.


MEMBER

30.04.2015

Counsel for the appellant, M/S Khurshid Khan, SO and Javed Ahmed, Supdt. alongwith Addl: A.G for respondents present. Reply on behalf of respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 28.10.2015.


Chairman

480/12
3.3.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Amanullah, Supdt. for respondent No.1 present who already filed written reply. Mr. Mosam Khan, AD for respondent No. 2 and Khursheed Khan, SO for respondent No.3 present and requested for further time. Counsel for the appellant stated that cases of similar nature are pending before the learned Bench-I and fixed for 8.4.2014. He requested that the instant appeal may also be transferred to Bench-I. Request is accepted. To come up for further proceedings on 8.4.2014 before the learned Bench-I.


MEMBER


MEMBER

8-4-14

The Hon'ble Bench is on tour to Swat

*To come up for further proceeding on
20.6.14*

Reader

20.6.2014

Counsel for the appellant, M/S Amanullah, Supdt. for respondent No. 1, Sajjad Rashid, AD for respondent No. 2 and Khurshid Khan, SO for respondent No. 3 with AAG present. Written reply has not been received on behalf of remaining respondents No. 2 and 3. The learned counsel for the appellant stated at the Bar that inspite of the fact that the appellant was performing her duty she was not being paid her pay/salary. The respondents are, therefore, directed to forthwith release pay/salary of the appellant if the appellant is actually performing her duty and not getting pay/salary for the same. To come up for compliance report and also report with regard to redressal of grievance of the appellant by the respondent-department or in the alternative for written reply/comments on behalf of remaining respondents No.2 & 3 alongwith connected appeals on 26.9.2014.


Chairman

2.10.2013.

Counsel for the appellant and Mr. Muhammad Jan, GP with Khursheed Khan, SO and Mosam Khan, Supdt. for the respondents present and requested for further time. To come up for written reply by way of last chance on 27.11.2013.


MEMBER

27.11.2013.

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Khursheed Khan, SO and Mosam Khan AD for the respondents present and requested for further time. To come up for written reply on 22.1.2014, by giving another last chance to the respondents.


MEMBER


MEMBER

22.1.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Amanullah, Supdt. for the respondent No.1 present and reply filed. Copy handed over to counsel for the appellant. Notices be issued to other respondents. To come up for written reply on 8.4.2014.


MEMBER


MEMBER

*Noted for
8/4
11*

6.2.2014

Counsel for the appellant alongwith attorney present and submitted an application for hearing. To come up for written reply on 3.3.2014 instead of 8.4.2014. Notices be issued to the respondents.


MEMBER


MEMBER

14.11.2012

Counsel for the appellant and Mr. Shakirullah, AGP with Abbas Ali, S.O for respondents No. 2 and 3 present and requested for time to file written reply. Notice be issued to respondent No. 1. To come up for written reply positively on 16.1.2013.


MEMBER


MEMBER

16.01.2013

Junior to counsel for the appellant and AAG with Khursheed Ali, S.O and Mashal Khan, AD for respondents No. 2 and 3 present and requested for time to contact respondent No. 1 also. Request is accepted. To come up for written reply of on 14.3.2013.


MEMBER


MEMBER

14.3.13

Junior to counsel for the appellant and AAG with Khursheed Ali, SO and Mosam Khan, AD for the respondents present and requested for further time. To come up for written reply positively on 21.5.2013.


MEMBER

21.05.2013.

None for the appellant present. Muhammad Jan, GP for the respondents present. The Tribunal is incomplete, therefore, case to come up for the same on 28.06.2013.


READER

28.6.2013

Counsel for the appellant, and Mr. Muhammad Jan, GP with Khursheed khan, SO for the respondents present. In pursuance of promulgation of Khyber Pakhtunkhwa Service Tribunal (Amendment) Ordinance 2013, the Tribunal is incomplete. To come up for the same on 2.10.2013.


READER

05.07.2012

Counsel for the appellant present. Respondent No.1 has been served through registered post, but neither he nor his representative is present today. However, the AAG is present for respondents, and requested for adjournment in order to contact the respondents for written reply/comments. The learned counsel for the appellant pointed out that a large number of similar nature cases are already pending before learned Bench-II. Therefore, this appeal alongwith the connected appeal be also sent to learned Bench-II for further proceedings there alongwith connected appeals on 16.07.2012.


MEMBER


CHAIRMAN

16.7.2012.

Counsel for the appellant and Mr. Arshad Alam, AGP with Mr. Mir Azam Khan, EDO (Lakki), Mashal Khan, L.O, Yousaf Khan, Staff Officer, Mirzali Khan, Headmaster and Amanullah, Assistant for the respondents present. Respondents need further time. To come up for written reply on 16.8.2012.


MEMBER

16.8.2012

Counsel for the appellant and Mr. Arshad Alam, AGP with Mashal Khan, L.O and Mirzali Khan, ADO for the respondents present and requested for adjournment. To come up for written reply positively on 14.11.2012.


MEMBER


MEMBER

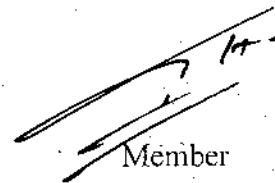
Appeal No. 480/2012.

3.

18.5.2012


Counsel for the appellant present and heard. Contends that the appellant was appointed as C.T vide order dated 25.2.2011 after observing all the legal formalities. She has been performing her duties since then but she has not been paid her salary without any justification. Counsel for the appellant contended that the appellant has not been treated in accordance with the law/rules. Moreover, similar appeals bearing No. 130/2012 by Nusrat Shaheen etc have been admitted to regular hearing and are fixed before FB-II for submission of written reply and requested that this appeal may also be fixed with that appeals. Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 5.7.2012 for submission of written reply.

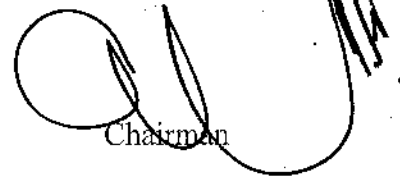
Appellant deposited
Process fee & Security
Rs. 1800/- Bank Receipt
attached with file.


Member

4.

18.5.2012

This case be put before the Final Bench  for further proceedings.

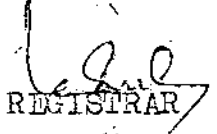
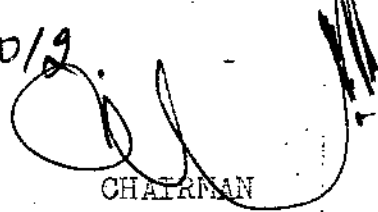

Chairman

FORM "A"

FORM OF ORDER SHEET

Court of.....

Case No. 480/2012 of.....

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
1-	20/04/2012	<p>The appeal of Mst. Hamida Bano presented today by Mr. Saadullah Khan Adv; may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	2-5-2012	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>18-5-2012</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 480 /2012

Hameeda Bano Versus EDO & others

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-3
2.	Advertisement, 11.05.2010	"A"	4
3.	Appointment order,	"B"	5
4.	Charge Report,	"C"	6
5.	Order, 14.03.2011	"D"	7
6.	Representation,	"E"	8

Dated. 21.04.2012

Through

Appellant

Saad Ullah Khan

Saad Ullah Khan Marwat

&

Arbab Saif Ul Kamal

Arbab Saif Ul Kamal

Advocates.

21-A Nasir Mension,
Shoba Bazar, Peshawar.

Ph: 0300-5872676

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

A. W. S. P. Peshawar
Case No. 466
Dated 20/4/12

S.A No. 480 /2012

Hameeda Bano D/o Zain-ud-Din,

CT, GGMS, Naqeeb Ullah Tajori, Lakki MarwatAppellant

Versus

1. Executive District Officer,
Elementary & Secondary Education,
Lakki Marwat.
2. Director, Elementary & Secondary
Education, Peshawar.
3. Secretary, Govt. of KPK, Elementary
& Secondary Education, PeshawarRespondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Filed to file
[Signature]
20/4/12

APPEAL AGAINST OFFICE ORDER NO.
D.Os/DDOs DATED 14.03.2011 OF
R.NO.1 WHEREBY DISTRICT
ACCOUNTS OFFICE WAS DIRECTED
NOT TO PAY MONTHLY SALARIES TO
THE APPELLANT FOR NO LEGAL
REASON.

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That on 11.05.2010, R.No.3 flouted advertisement in Daily "AAJ" for appointment of PST/CT on merit. (Copy as annex "A")
2. That Test & Interview was conducted and thereafter tentative open merit list of the competing candidates was prepared and after going into the due process of appointment, order of

2
appointment of appellant was then issued vide order dated 25.02.2011. (Copy as annex "B")

3. That after assumption of the charge of the post, appellant started function of performance of the official duties by making attendance in the Register at the school concerned. (Copy as annex "C")
4. That the then EDO was transferred and the successor started functions and then on 14.03.2011, he wrote letter to Accounts Office, Lakki Marwat, to not release monthly salaries of the newly appointed teacher, male and female and if released, he shall be responsible for the consequences. (Copy as annex "D")
5. That by keeping in view the aforesaid facts and circumstances of the case, appellant is though performing his/her official duties but the monthly salaries were stopped for no legal reason, yet some of the teachers have got salaries for some months.
6. That on 20.01.2012, appellant submitted representation before the authorities mentioned therein but without any response till date. The impugned order was kept secret from the appellant and he on his own level received the same from the office on 26.12.2011. (Copy as annex "E")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:-

- a. That after completion of the due codal formalities, advertisement, test and interview etc. appellant was appointed as such by the competent authority.
- b. That appellant assumed the charge of the said assignment and is performing his/her official duties till date. Some of the appellants got their salaries for 4/5 months.
- c. That appellant was neither served with any notice regarding complaints nor any inquiry was conducted nor he/her was associated with the same nor he/her was given

opportunity of self defence and chance of cross examination.


- d. That R.No.1 (Abdul Malik) is not vested with the power to write letter to Accounts Office to hold monthly salaries of appellant.
- e. That appellant is not responsible of any transaction, if any, between the two bigs as he/her has no concern with the same.
- f. That no law exists for stoppage of monthly salary of a servant but EDO, E & SE, mis-used his official status by writing letter dated 14.03.2011 to the Accounts Office.
- g. That at present appellant is serving the department without monthly salaries.
- h. That R.No.1 has again advertised the said posts for recruitment and if such practice was carried out by appointing fresh candidates on the post of appellants, the same will give rise to multiple litigations.
- i. That by stopping monthly salaries of appellant, the action of the respondents is based on malafide.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 14.03.2011 of R.No.1 be set aside and respondents be directed to forth with release the monthly salaries from the date of its stoppage with all benefits, with such other relief as may be deemed proper and just in circumstances of the case.


Dated. 21.04.2012

Through

Hamid Bano
Appellant


Saad Ullah Khan Marwat

&


Arbab Saif Ul Kamal
Advocates.

B

5

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELE: & SEC: EDUCATION DEPTT LAKKI MARWAT
APPOINTMENT ORDER

Consequent upon the recommendations of District Selection Committee, the appointment of below named candidates is hereby ordered as CT (F) in BPS-09 (3820-230-10720) plus usual allowances as admissible under the rules on regular basis against open merit, under provision of Establishment & Administration Department circular bearing No. SOR-6(E&AD)13-01/2005 dated 10-08-2005 on the terms & conditions given below in the interest of public service from the date of taking over charge.

S No	Name	Father name & address	To be posted at	Remarks
1.	Rukhsana Gul	Gul Mar Jan R/o Nawar khel	GGMS Mash Habibullah	Against vacant post
2.	Nasim Akhtar	Rasool khan R/o Isak khel	GGMS Jhang khel	-do-
3.	Hameeda Bano	Zain Ud Din R/o Jabi khel	GGMS Naqibullah Tajori	-do-
4.	Maimoona Rehman (PST)	Gul Rehman R/o Muslim Abad Lakki	GGMS Wanda Shahab khel	-do-
5.	Rizwana Gul	Muhammad Qasim R/o Muslim Abad Lakki	GGMS Bharat khel landiwah	-do-
6.	Shabnum Bibi	Izat Khan R/o Michen khel	GGMS Kotka Ayaz Khan Bakhmal Ahmadzai	-do-

TERMS & CONDITIONS:

1. Their appointment will be considered without pension and gratuity in terms of section 19 of NWFP Civil Servant Act 1973, as amended vide NWFP Civil Servant (Amendment) Act, 2005. She will however be entitled to contributory provident fund in such a manner and such a rate as may be prescribed by Govt.
2. In case of resignation without notice two months pay/allowance will be refunded to Govt.
3. Their services will be governed by such a rules and regulations as may be issued by Govt time to time.
4. In case of misconduct she will proceeded against the civil servant removal from service (special power) ordinance, 2000 and rules frame from time to time.
5. Charge reports should be submitted to all concerned
6. No TA/DA is allowed
7. The undersigned will check and verify the certificates/degree of above candidate from concerned Board/Universities before the drawl of pay.
8. The appointment order is liable to termination, if the candidate failed to take over charge with in 30 days of commencement date.
9. The undersigned reserve the rights of amendment in case of any mistake.
10. They are required to produce health and age certificate from medical superintendent DHQ hospital Lakki Marwat

(Noor Hassan Khan)
Executive District Officer
Ele: & Sec: Education Deptt
Lakki Marwat
Dated: 25/02/28

Endst No. 2125-28
Copy to the

1. Director Ele: & Sec: Education Deptt Khyber Pakhtunkhwa, Peshawar
2. District Co-ordination Officer Lakki Marwat
3. District Officer female local office
4. District Accounts officer Lakki Marwat
5. Headmistress school concerned
6. Candidates concerned

Attested by

Executive District Officer
Ele: & Sec: Education Deptt

جارج پورٹ

کوآرڈینیٹر تعلیم و ترقی، جارج پورٹ، ضلع جارج پورٹ، ایف ایچ ایس

گورنمنٹ ایئرڈ ہائی اسکول، 28-25 نومبر 2011ء، سہ ماہی حمیدہ بانو

دختر زین الدین، آف ایچ ایف، 26 جنوری 2011ء، سہ ماہی حمیدہ بانو

یہاں کوآرڈینیٹر تعلیم و ترقی، جارج پورٹ، ضلع جارج پورٹ، ایف ایچ ایس

لکھنا روڈ، ایف ایچ ایس

جارج پورٹ

Hamida Bano

حمیدہ بانو، جارج پورٹ

گورنمنٹ ایئرڈ ہائی اسکول، جارج پورٹ

جارج پورٹ

Ms Asma Injeed

اسما انجید، جارج پورٹ

تعلیم و ترقی

HEAD MISTRESS

G.G.M.S # 2 Noor Aslam
Tajori Lakki Marwat

D

7

D.Os/DDOs (M/F)

Dated 14.03.2011

As you know that appointment orders of various categories have been issued and the appointees are trying to take over their charges in the schools.

A large nos. of verbal and written complaints have been received in this regard.

Hence, you are, directed to not consider these appointment orders and not submit the source proforms to the District Accounts Officer, Lakki Marwat for starting their pay etc. prior the countersignature of the undersigned till further otherwise, you will personally be responsible for the consequences please.

Noted Sir

sdl/-

Ayub Khan

D.O. (M)

14-3-11

sdl/-

Noorani Shah

Dy D.O. (M)

14-3-11

sdl/-

(Haji Abdul Malik)

EDO

sdl/-

Rugia Rahim

Dy D.O. (F)

14.3.11

Attested

by

E

8

To

1. Secretary Elementary & Secondary Education, Peshawar.
2. Director Elementary & Secondary Education, Peshawar.
3. District Coordination Officer Lakki Marwat.
4. Executive District Officer Elementary & Secondary Education Lakki Marwat.
5. Deputy District Officer (M / F) Primary, Lakki Marwat.

Subject: APPLICATION FOR RELEASE OF MONTHLY SALARIES AGAINST THE POST OF PST (M/F) AND C.T (M/F) HELD SINCE 26-02-2011-

Respected Sir,

1. That on 11-05-2010 EDO Lakki Marwat flouted advertisement in Daily "AJJ" for appointment of PST/CT on merit.
2. That Test & interview was conducted and thereafter EDO (E&S) prepared tentative merit list of the competent candidates as well as other process concerned for appointment and appellant was then placed at S/No. _____ in the list dated: 07-02-2011 placed on notice board.
3. That thereafter order of appointment of appellant was issued by EDO (E&S) vide order no. 2074-79/PST(E) dated: 25-02-2011.
4. That appellant started function of performance of the official duties by making attendance in the daily register at the school concerned.
5. That the then EDO (E & S) was transferred and the new one started function and directed the principals etc orally to not allow the newly appointed teachers for performance of their duties as their exists some dispute regarding the aforesaid appointments.
6. That in the meanwhile summer vacations came into existence and appellant was directed that he would be allowed after expiry of the said leave, yet the successor EDO (E & S) initiated inquiry into the matter but till date, the matter was not finalized.
7. That on 14-03-2011, EDO (E&S) wrote letter to Accounts Office Lakki Marwat that regarding complaints in respect of the appointments of the teachers, their pay shall not be released and if released, you will be personally responsible for the consequences.
8. That by keeping in view the aforesaid facts and circumstances of the case, neither appellant was permitted to perform official duties nor any salary was paid to him, yet some of the teachers have got salaries for last different months.

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9. That order of appointment of appellant was issued after observance of the due codal formalities and if there exists any apprehension, appellant is not responsible for the same nor shall he be penalized.
10. That lapses and fault of the authority/department shall not be attributed to appellant, but the defaulter be dealt with as per the requirement of law.
11. That by not allowing appellant for performance of duties and release of pay is based on malafide, and biased intention.

It is, therefore, most humbly requested that EDO (E&S) Education Lakki Marwat be directed to allow appellant for performance of his official duties and monthly salaries be released since from the date of stoppage as well as date of taking over charge.

DT
20.1.12

Your's Obediently

Hamid Bano

Hamid Bano

D/O Zainud Din

9975 Tajori

Attested
by

یعدالت پنجاب سرسٹریٹوں میں صوبہ سرحد پشاور

مجناب ایڈوائسٹ

خمدہ بانو بنام قحہ تہم و ظہر

دعویٰ اپیل

باعی شکریہ ایسکہ

مقررہ سند جو عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آگے مقام پشاور کیلئے سید امداد خان سرور سے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقررات و فیصلہ برحلاف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عری دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز وارڈ کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی سے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا ذمہ داری کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المترقوم

العبد

العبد

العبد

Hamida Khan
 سیدہ الشہ خان مروت
 ایڈووکیٹ

Hamida Bano
 خمدہ بانو

از بابہ شہدائے
 راجہ

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

S.A.No. 480/2012

Hamida Bano D/O Zain ud Din CT

GGMS Naqib Ullah Tajori Lakki Marwat.....Appellant

VERSUS

1. Executive District Officer (E&S) Education Lakki Marwat.
2. Director Elementary & Secondary Education Peshawar.
3. Secretary Govt: of Khyber Pakhtunkhwa (E&SE) Deptt: Peshawar.

Respondents

Subject:- **REPLY/COMMENTS ON BEHALF OF RESPONDENT NO. 1.**

PRELIMINARY OBJECTION:-

1. The appellant has no cause of action.
2. The appellant has come to the tribunal with un clean hands.
3. The appeal in hand is not maintainable in the present form.
4. The appellant concealed the real facts from the this court.
5. The appeal in hand is badly time bared.
6. The appeal is liable to be dismissed due to Mis-Joinder and non joinder of necessary parties.
7. The appellant is estopped by her own conduct to file the present appeal.

COMMENTS OF FACTS:-

1. Para No. "1". Pertains to record hence no comments.
2. Para No. II is also pertains to record.
3. Para No. III belong to appellant's concerned school record. But appellant has not annexed the copies of her school attendance register. So not proved.
4. Para No. IV to extent of stoppage of salary is correct. But the factual status of appellant is as under.
 - (i) That, the appellant has tempered with all degrees/certificates, i.e. she is showing 760 marks instead of 477 in her SSC certificates. Similarly her actual marks in FA certificate is 659 while she has tempered the certificate and written 931 marks in FA certificate. Her graduation degree is also declared fake, by concerned university. Moreover the same fake marks has been mentioned in application form and also has annexed these fake certificates along with application form. After her appointment, her testimonial are sent to verification where by all above certificates and degrees have been declared/marked as "Fake" by concerned University / Board. Moreover all appointments are made subject to verification of every documents. Hence, appellant is neither deserved to any appointment nor salary. (Fake documents are annexed as "A", "B" "C" and "D".)

- (ii) That, once appellant has availed herself of the opportunity in shape of a civil suit which has been dismissed on 01-04-2013. Now, similarly, she, on one hand, has again moved a civil suit which is pending adjudication before civil Judge No. 5 Lakki and on other side/hand, seeking remedy from this Honourable Tribunal while all these three sort of litigations have same cause of action, which is barred by every definition of law.
- (iii) That the suit No. 224 dated: 01-04-2013 of said appellant about salary has been dismissed by civil court Lakki and has got finality, as she did not preferred any appeal, revision or review. Hence appellant is barred to sue here. Copy of suit No. 224 Annexed as Annexure "E", "F", "G".
- 5. Replied earlier in above para.
- 6. Incorrect.

PARAWISE COMMENTS OF GROUND:-

- a. Para No.A to extent of appointment of appellant is correct but subject to the verification of Document. After verification, all testimonial record i.e. SSC Certificate, FA Certificate, BA Degree are marked bogus, tempered/Faked. Actual position of appellant is as under;-
 - I. That, the appellant has tempered with all degrees/certificates, i.e. she is showing 760 marks instead of 477 in her SSC certificates. Similarly her actual marks in FA certificate is 659 while she has tempered the certificate and written 931 marks in FA certificate. Her graduation degree is also declared fake, by concerned university. Moreover the same fake marks has been mentioned in application form and also has annexed these fake certificates along with application form. After her appointment, her testimonial are sent to verification where by all above certificates and degrees have been declared/marked as "Fake" by concerned University / Board. Moreover all appointments are made subject to verification of every documents. Hence, appellant is neither deserved to any appointment nor salary. (Fake documents are annexed as "A", "B" "C" and "D".)
 - II. That, once appellant has availed herself of the opportunity in shape of a civil suit which has been dismissed on 01-04-2013. Now, similarly, she, on one hand, has again moved a civil suit which is pending adjudication before civil Judge No. 5 Lakki and on other side/hand, seeking remedy from this Honourable Tribunal while all these three sort of litigations have same cause of action, which is barred by every definition of law.
 - III. That the suit No. 224 dated: 01-04-2013 of said appellant about salary has been dismissed by civil court Lakki and has got finality, as she did not preferred any appeal, revision or review. Hence appellant is barred to sue here. Copy of suit No. 224 Annexed as Annexure "E", "F", "G".
- (b) Para No.B belong to School record & attendance Register, but she is not deserved due to above mentioned Reasons.
- (c) Para No. C, incorrect. All formalities has been observed & opportunity of defence has been given.
- (d) Incorrect. The respondent No. 1 is vested with the power to stop salary of the appellant in the present situation. Similarly inquiry is also being conducted about these appointments which is in progress
- (e) Incorrect & baseless. Detail reply has been given in the above paras.
- (f) Incorrect. Detail reply has been given in para No. 4 of the facts and in Para A of the grounds.


(g) Replied earlier in Para A of the grounds.

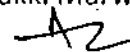
(h) Incorrect, Respondent No.1 Advertised Posts according to Rules & Policy, Moreover all the documents of appellant were declared fake and tempered. So she is not deserved for the said post.

(i) Incorrect, no malafied/discrimination has been observed in all proceedings and due to above facts she is not deserved for said post/salary.

It is therefore, requested that the instant appeal may kindly be dismissed.

Dated. 17-01-2014


District Education Officer
(Female) Lakki Marwat




AFFIDAVIT

I Miss Sabira Parveen District Education Officer (Female) Lakki Marwat solemnly affirm and declared oath that contents of instant reply/comments are true to the best of my knowledge and belief. Nothing has been concealed from this Honourable Court.

Dated.

17/01/2014


District Education Officer
(Female) Lakki Marwat

AR

Board of Intermediate and Secondary Education, Bannu

NO. 20/Secrecy/BISE-B/20/13

Date: 9/12/2013

Annex - A
 Mr. Ishaq
 D.A. C.T.
 21/12

From

The Controller of Examinations,
 Board of Intermediate and,
 Secondary Education, Bannu.

To

The District Education Officer
Female Larki Marwat

Subject: VERIFICATION OF DETAILED MARKS CERTIFICATE(S).

Memo:

Reference to your letter 9432 Dated: 11-12-2013 on the subject cited above and to inform you that photocopies of Detailed Marks Certificates of the following 02 candidates enclosed with the above mentioned letter were thoroughly checked and verified from the record of this office and were found correct /fake as mentioned in the remarks column against each Roll Number.

S.No	R.No	Candidate's Name	Father's Name	Examination	Marks Obtd:	Remarks
1	23238	Hamida Bano	Zain ud Din	SSC/18/2004		Marks changed
2	32278	Hamida Bano	Zain ud Din	HSSC/18/06		Marks changed
<p><i>Khalid</i></p> <p><i>[Signature]</i></p> <p>Distt: Edu: Officer (Female) Larki Marwat <i>[Signature]</i></p>						

Copy to:

The Assistant Secretary, Board of Intermediate and Secondary Education, Bannu

603
 2/12/13

[Signature]
Controller of Examinations
 Board of Intermediate and
 Secondary Education Bannu
[Signature]
 Controller of Examinations
 Board of Intermediate &
 Secondary Education, Bannu
 Ph: No.0928-633446

267

Annex 'A'

INTERMEDIATE AND SECONDARY EDUCATION, BANNU
DETAILED MARKS CERTIFICATE
SECONDARY SCHOOL CERTIFICATE EXAMINATION



Session 2004 ANNUAL (Part-II)

Name: Hamida Bano

Father's Name: Zain Ud Din

Roll No 23238

AS per Mark Record

Marks changed and shown as

Subject	Marks	MARKS OBTAINED		
		Theory/Paper-A	Pract/Paper-B	Total
1. English-I	75	61/44		61
2. English-II	75	59/54		59
3. Urdu-I	75	63/25		65
4. Urdu-II	75	63/48		63
5. Islamiyat (Comp)	75	68/27		68
6. Pakistan Studies	75	67/40		67
7. General Science	100	63/43		63
8. Mathematics	100	94/85		94
9. Islamic Studies-I	100	82/34		82
10. Health & Physical Education	100	59/66	18/18	84

706-A instead of 477-D

In sawan
 Controller of Examinations
 Board of Intermediate and
 Secondary Education Bannu

Prepared by [Signature] Compiled by [Signature]

Total 850

(706-A One) Sevon Hundred Six-Only

Checked by [Signature]

Remarks

IS-I, HPE-II, 477-D

Four Hundred & Seventy Seven only

Date: 19-05-2004

Note: Errors / Omissions are excused
 Khaksar and BRAINS Software Enterprise (KBSoft)
 Compiled by (HNR) Computer CELL BISE, Bannu

[Signature]
Distt. Edu. Officer
 (Female) Lakki Marwat

[Signature]
 Controller of Examinations
 Board of Intermediate & Secondary Education
 BANNU

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION,
BANNU N-W.F.P. PAKISTAN S.No 13760

Higher Secondary School Certificate Examination

Session: 2006 (Annual Part-II)

Annex - C⁹

Roll No: 32278

Group: Humanities

Registration No: 6983-BP-PI-04

Certificate No: 20632278

This is to certify that Hamida Bano
Son / Daughter of Zain Ud Din
and a student of Lakki Marwat

has secured the marks shown against each subject, in the Higher Secondary School Certificate Examination of the Board of Intermediate & Secondary Education, Bannu, held in May, 2006 as Private Candidate

AS per BISE Bannu record

Subject	Marks	MARKS OBTAINED				Total	In Words
		Theory	Practical	Theory	Practical		
1. English	200	70	54	70	44	148	One Hundred Forty Eight
2. Urdu	200	69	67	69	71	173	One Hundred Seventy Three
3. Islamic Education	50	46	42	-	-	46	Forty-Six
4. Pakistan Studies	50	-	-	46	33	46	Forty-Six
5. Islamic Studies	200	81	78	85	67	166	One Hundred Sixty Six
6. Civics	200	85	50	91	50	176	One Hundred Seventy Six
7. Urdu Advanced	200	83	38	69	63	176	One Hundred Seventy Six

Marks changed and shown as 731-A instead of 659-C

Total 1100 (31-A One Nine Hundred Thirty-One Only)

Remarks: 659-C
Six Hundred and fifty Nine only

Distt: Edu: Officer
(Female) Lakki Marwat

Date of declaration of Result: 05-08-2006

Prepared by: [Signature]

Checked by: [Signature]

Date of issue: 05-08-2006

Controller of Examinations
Board Of Intermediate and
Secondary Education, Bannu.

Note: No Omission excepted

(Compiled by Computer) C.I.E. BISE, Bannu



University of Science & Technology Bannu

Near Cantt. Police Station Miran Shah Road, Bannu, (Khyber Pakhtunkhwa) PAKISTAN. (Ph.No.0928-623140)

Ref:No/ **12696** /USTB/Secy.

Dated: **19 12 2013**

The District Education Officer (Female)
Lakki Marwat.



Mir Aala
3/1/12

Subject: Verification of Certificate(s).

Memo: Reference your letter No. 8435 dated 11-12-2013 on the subject cited above; the attached DMC of the following candidate showing marks 451/550 is FAKE.

Roll No	Name	Father Name	Discipline	Session
4442	Hanida Bano	Zain Ud Din	B.A Comb. DMC	2006-08

Allotted

[Signature]
Distt: Edu. Officer
(Female) Lakki Marwat
[Signature]

[Signature]
Controller of Examinations,
UST - Bannu.
[Signature]

Cop to the:

- Honorable Court of Service Tribunal Khyber Pakhtunkhwa Peshawar.
- Honorable Court of Civil Judge No. 5, Lakki Marwat.



S.No: 13058

University of Science & Technology, Bannu N.W.F.P. (Pakistan) Detailed Marks Certificate

BA (Bachelor of Arts) 2006-2008

Supply Examination, February 2009

Name: Hmida Bano Father's Name: Zain Ud Din
Roll No: 4442 Reg. No: 2006-UB-LP-5265

The candidate has secured the following marks and is placed in 2nd Division

S U B J E C T S	M A X I M U M M A R K S				M A R K S O B T A I N E D					in Words
	Theo	Inter	Prac	Total	Theo	Inter	Total	Prac	Total	
English (Comp)	75			75	57	0	57		57	FIFTY-SEVEN
Urdu	75			75	67	0	67		67	SIXTY-SEVEN
Islamic Studies (Elective)	75			75	69	0	69		69	SIXTY-NINE
Pakistan Studies (Comp)	40			40	33	0	33		33	THIRTY-THREE
Part-I				285					225	TWO HUNDRED TWENTY FIVE
Total				550					451	FOUR HUNDRED FIFTY-ONE

Errors & omissions if any are subject to subsequent rectification

The Examination was taken In Parts

To Pass 33% Marks in each Subject (Written & Practical Separately) & 78% Marks in Aggregate

Prepared by: [Signature]

Checked by: [Signature]

Distt: Edu. Officer
(Female) Lakki Marwat

[Signature]
Controller of Examinations
University of Science & Technology, Bannu

Result Declaration Date:	26-03-2009
Issue Date	26-03-2009

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Hamida Bano-Vs-Government

OS.....15:
01/04/2013.

No one present on behalf of plaintiff. Today calls were made repeatedly till the closure of court time but no one appeared on behalf of plaintiff, therefore, the instant suit is hereby dismissed in default, with no order as to costs.

File be consigned to record room after its necessary completion and compilation.

Order Announced Today.
01/04/2013

Handwritten signature of the judge.

(Saqib Khan)
Civil Judge-Cum-Judicial Magistrate-II,
Lakki Marwat

Handwritten notes: 569/12, 2013

Stamp: RECEIVED
Handwritten signature and date: 17/12/13

Stamp: GOVERNMENT OF PUNJAB
Handwritten notes: 5516, 16/12/13, 17/12/13, 17/12/13, 17/12/13
Handwritten signature and date: 17/12/13

کتابت فیہ فیہ منقولہ ہوا۔ کی موت
A-10-1

Civil Judge-II
Lakki Marwat

ہند حکومت غیر مختون خواہ وغیرہ
صحبہ بانو

دعویٰ استوار پر حکم امتناعی

دعویٰ میں درج شدہ حکم و حکم دیا گیا ہے۔ مدعوہ میں مدعیہ کو مانگنے کی خواہش ہے۔ اس کے باوجود
اسے اور اس کے والدین اور دیگر حکم امتناعی عارضی مدعیہ کو مانگنے سے روکا گیا ہے۔ مدعوہ میں مدعیہ کی مانگنے کی خواہ
کی اور اس کے والدین اور دیگر حکم امتناعی عارضی مدعیہ کو مانگنے سے روکا گیا ہے۔ مدعوہ میں مدعیہ کی مانگنے کی خواہ
کا اس کے والدین اور دیگر حکم امتناعی عارضی مدعیہ کو مانگنے سے روکا گیا ہے۔ مدعوہ میں مدعیہ کی مانگنے کی خواہ

صحبہ ذیل عرض کیا

1. یہ میں مدعیہ نے دعویٰ کے عنوان کے تحت مدعیہ سے مدعیہ کو مانگنے کی خواہش ہے۔ اس کے باوجود اسے اور اس کے والدین اور دیگر حکم امتناعی عارضی مدعیہ کو مانگنے سے روکا گیا ہے۔ مدعوہ میں مدعیہ کی مانگنے کی خواہ
کا اس کے والدین اور دیگر حکم امتناعی عارضی مدعیہ کو مانگنے سے روکا گیا ہے۔ مدعوہ میں مدعیہ کی مانگنے کی خواہ

2. یہ مدعیہ نے مدعیہ کو مانگنے کی خواہش ہے۔ اس کے باوجود اسے اور اس کے والدین اور دیگر حکم امتناعی عارضی مدعیہ کو مانگنے سے روکا گیا ہے۔ مدعوہ میں مدعیہ کی مانگنے کی خواہ
کا اس کے والدین اور دیگر حکم امتناعی عارضی مدعیہ کو مانگنے سے روکا گیا ہے۔ مدعوہ میں مدعیہ کی مانگنے کی خواہ

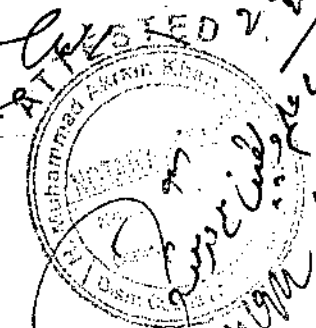
3. یہ میں مدعیہ نے مدعیہ کو مانگنے کی خواہش ہے۔ اس کے باوجود اسے اور اس کے والدین اور دیگر حکم امتناعی عارضی مدعیہ کو مانگنے سے روکا گیا ہے۔ مدعوہ میں مدعیہ کی مانگنے کی خواہ
کا اس کے والدین اور دیگر حکم امتناعی عارضی مدعیہ کو مانگنے سے روکا گیا ہے۔ مدعوہ میں مدعیہ کی مانگنے کی خواہ

4. یہ مدعیہ نے مدعیہ کو مانگنے کی خواہش ہے۔ اس کے باوجود اسے اور اس کے والدین اور دیگر حکم امتناعی عارضی مدعیہ کو مانگنے سے روکا گیا ہے۔ مدعوہ میں مدعیہ کی مانگنے کی خواہ
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24-9-2012

EXAMINER TO
Distt. & Sessions Judge
Lakki Marwat

(مدعیہ)



Handwritten notes and signatures on the right side of the page, including the name 'Hamid Khan'.

~~Amir~~

بعدالت جناب ستر رسول حج صاحب کلی روت

Amir

حمیدہ مایو دختر زین الدین قوم بھیمان سکڑے جالو حیل بمقابلہ و سناج کلی روت

Amir / EPS
24-9-12

بسم

- (۱) حکومت ہوبہ خیر غمخون فواہ بندر لیم سکڑے پری اتھولین لٹاور
- (۲) ڈسٹرکٹ کوادرینین آفینر صنایع کلی روت
- (۳) ایلز بیٹو ڈسٹرکٹ آفینر (EPS) اتھولین صنایع کلی روت
- (۴) ڈسٹرکٹ احادنت آفینر صنایع کلی روت
- (۵) ڈی ڈسٹرکٹ آفینر (F) ایلمینٹری اینڈ سکینڈری اتھولین کلی روت
- (۶) ڈاٹر ٹیکر اتھولین (EPS) لٹاور
- (۷) صید مسٹر لیس گورنمنٹ ٹرنر مدل سکول لقیب اللہ جوڑی

(۱) دعویٰ ملنے ڈگری استقراریہ حق قدیمہ برضف مدعا مسلم بدین معنون کہ من مدعیہ جو الر حکم فر ۹۸-۲۱۵۵
 مورخ ۲۵/۱۱/۸۵ ایلز بیٹو ڈسٹرکٹ آفینر (EPS) اتھولین کلی روت گورنمنٹ ٹرنر مدل سکول لقیب اللہ
 جوڑی میں بطور CT پیمبر فقیرتی ہوکر متعلقہ سکول کی صید مسٹر لیس کو خارج دیوڑ کرے باقاعدہ
 خارج حاصل کر چکی ہوں اور باقاعدگی سے اپنی ڈیوٹی سر انجام دی رہی ہوں۔ اس نے مدعا مسلم
 من مدعیہ کو تنخواہ کی ادائیگی کے پابند نہیں اور مدعا مسلم کی جانب سے من مدعیہ کی تنخواہ کی ادائیگی
 میں ڈکاوٹس پیدا کرنے ادائیگی سے انکار کا کوئی حق حاصل نہ ہے اور من مدعیہ کو تنخواہ کی وصولی کی
 حقدارہ ہوں۔ اور مدعا مسلم کی جانب سے تمام افعال من مدعیہ کے حقوق پر قائم و غیر موثر ہیں
 اور قابل منسوخی ہیں

(ب) دعویٰ ملنے ڈگری حکم استقامی دواہی و تالییدی از ستم حکمیدہ حق قدیمہ برضف مدعا مسلم بدین معنون کہ
 مدعا مسلم کو من فرمایا جائے کہ وہ من مدعیہ کے ساتھ تنخواہ کی ادائیگی میں ڈکاوٹس پیدا نہ کریں اور ایسے
 غیر قانونی افعال و افعاما جاری کرنے سے باز رہیں جو من مدعیہ کی تنخواہ کی ادائیگی پر اثر انداز ہوں
 مدعا مسلم کو حکم دیا جائے کہ وہ من مدعیہ کو ساتھ تنخواہ جاری کرنے باقاعدگی سے ادائیگی کریں
 بصرفہ مقدمہ و دیگر راہی جو قریب انصاف ہو صادر فرمائی جائے

Amir

دوره اولی و دومی در رشته پزشکی

۲۸/۱۱

توجه داشته باشید که این آزمون برای دانشجویان دوره اولی و دومی است.

این آزمون شامل سؤالات تئوری و عملی است.

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این آزمون شامل سؤالات تئوری و عملی است.

توجه داشته باشید که این آزمون برای دانشجویان دوره اولی و دومی است.

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توجه داشته باشید که این آزمون برای دانشجویان دوره اولی و دومی است.

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توجه داشته باشید که این آزمون برای دانشجویان دوره اولی و دومی است.

این آزمون شامل سؤالات تئوری و عملی است.

توجه داشته باشید که این آزمون برای دانشجویان دوره اولی و دومی است.

این آزمون شامل سؤالات تئوری و عملی است.

توجه داشته باشید که این آزمون برای دانشجویان دوره اولی و دومی است.

این آزمون شامل سؤالات تئوری و عملی است.

500/-

توجه داشته باشید که این آزمون برای دانشجویان دوره اولی و دومی است.

توجه داشته باشید که این آزمون برای دانشجویان دوره اولی و دومی است.

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7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
S.A.No.480/2012

Hamida Bibi D/O Zain Ud Din CT GGMS Naqibullah Tajori Lakki Marwat.

.....Appellant.

Versus

1. Executive District Officer (E&S) education Lakki Marwat.
2. Director Elementary & Secondary Education, Peshawar.
3. Secretary Govt: of Khyer Pakhtunkhwa (E&SE) Deptt: Peshawar.

..... Respondents.

Subject:- REPLY/COMMENTS ON BEHALF OF RESPONDENT NO.1,2&3

PRELIMINARY OBJECTION:-

1. The appellant has no cause of action.
2. The appellant has come to the tribunal with unclean hands.
3. The appeal in hand is not maintainable in the present form.
4. The appellant concealed the real facts from this Honourable Court.
5. The appeal in hand is badly time bared.
6. The appeal is liable to be dismissed due to miss-joinder and non-joinder of necessary parties.
7. The appellant is estopped by her own conduct to file the instant appeal.

COMMENTS OF FACTS:-

1. Para No.1 Pertains to record hence no comments.
2. Para No.ii is also pertain to record.
3. Para No.3 belong to appellants concerned school record. But appellant has not annexed the copies of her school attendance register. So not proved.
4. Para No.4 to extent of stoppage of salary is correct. But the factual status of appellant is as under.

(i)That, the appellant has tempered with all degrees/certificates, i.e. she is showing 760 marks instead of 477 in her SSC certificate. Similarly her actual marks in FA certificate is 659 while she has tempered the certificate and written 931 marks in FA certificate. Her graduation degree is also declared fake, by concerned university. Moreover the same fake marks has been mentioned in application form and also has annexed these fake certificate alongwith application form. After her appointment, her testimonial are sent to verification where by all above certificates and degrees have been declared/marked as "fake by concerned university/board. Moreover all appointments are made subject to verification of every documents. Hence, appellant is neither deserved to any appointment nor salary.

(Fake documents are annexed as "A", "B", "C" and "D").

01
30-04-15

(ii) That once appellant has availed herself of the opportunity in shape of a Civil suit which has been dismissed on 01-04-2013. Now, similarly, she on one hand, has again moved a civil suit which is pending adjudication before Civil Judge No. 5 Lakki Marwat and on other side/hand, seeking remedy from this Honourable Tribunal while all these three sort of litigations have same cause of action, which is barred by every definition of law.

(iii) That the suit No. 224 dated: 01-04-2013 of said appellant about salary has been dismissed by Civil Court Lakki Marwat and has got finality, as she did not preferred any appeal, revision or review. Hence appellant is barred to sue her. Copy of suit No. 224 Annexed as Annexure "E", "F" and "G".

5. Replied earlier is above para.

6. Incorrect.


PARAWISE COMMENTS OF GROUNDS:-


- a. Para No. A to extent of appointment of appellant is correct but subject to the verification of document. After verification all testimonial record i.e. SSC Certificate, FA certificate, BA Degree are marked bogus, tempered/faked. Actual position of appellant is as under:-
 - i. That, the appellant has tempered with all degrees/certificates, i.e. she is showing 760 marks instead of 477 in her SSC certificates, similarly her actual marks in FA certificate is 659 while she has tempered the certificate and written 931 marks in FA certificate. Her graduation degree is also declared fake, by concerned university. Moreover the same fake marks has been mentioned in application form and also has annexed these fake certificates alongwith application form. After her appointment, her testimonial are sent to verification where by all above certificates and degrees have been declared/marked as "Fake" by concerned university/Board. Moreover all appointments are made subject to verification of every documents. Hence, appellant is neither deserved to any appointment nor salary. (Fake documents are annexed as "A", "B" "C" and "D").
 - ii. That, once appellant has availed herself of the opportunity in shape of civil suit which has been dismissed on 01-04-2013. Now, similarly, she on one hand, has again moved a civil suit which is pending adjudication before civil judge No. 5 Lakki Marwat and on other side/hand seeking remedy from this Honourable Tribunal while all these three sort of litigations have same cause of action, which is barred by every definition of law.
 - iii. That the suit No. 224 dated: 01-04-2013 of said appellant about salary has been dismissed by civil court Lakki Marwat and has got finality, as she did not preferred any appeal, revision or review. Hence appellant is barred to sue here. Copy of suit No. 224 Annexed as Annexure "E", "F", "G".
- b. Para No. B belong to school record & attendance register but she is not deserved due to above mentioned reasons.
- c. Para No. C, incorrect. All formalities has been observed & opportunity of defense has been given.

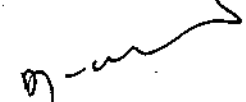
- d. Incorrect. The respondent No. 1 is vested with the power to stop salary of the appellant in the present situation. Similarly inquiry is also being conducted about these appointments which is in progress.
- e. Incorrect & baseless. Detail reply has been given in the above paras.
- f. Incorrect. Detail reply has been given in Para No. 4 of the facts and in Para A of the grounds.
- g. Replied earlier in Para A of the grounds.
- h. Incorrect, respondent No. 1 Advertised posts according to rules & policy, moreover all the documents of appellant were declared fake and tempered. So she is not deserved for the said post.
- i. Incorrect, no malafied/discrimination has been observed in all proceedings and due to above facts she is not deserved for said post/salary.

It is, therefore, requested that the instant appeal may kindly be dismissed.

Dated: ___/___/___.


District Education Officer
(Female) Lakki Marwat.


Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.


Secretary to Government
Of Khyber Pakhtunkhwa Elementary &
Secondary Edu; Deptt; Peshawar

Annex - A

Board of Intermediate and Secondary Education, Bannu

Office/Secretary/BISE-B/2013

Date: 21/12/2013

The Controller of Examinations,
Board of Intermediate and
Secondary Education, Bannu.

To: The District Education Officer
Female Career Manual

Subject: VERIFICATION OF DETAILED MARKS CERTIFICATES

Memo:

Reference to your letter 5432 Dated: 11-12-2013 on the subject cited above and to inform you that photocopies of Detailed Marks Certificates of the following candidates enclosed with the above mentioned letter were thoroughly checked and verified from the record of this office and were found correct. (As mentioned in the remarks column against each Roll Number.

S.No	R.No	Candidate's Name	Father's Name	Examination	Marks Card	Remarks
1	32728	Hamida Bano	Zain ul Din	SSC/10/2013		Marks changed
2	32778	Hamida Bano	Zain ul Din	SSC/10/2013		Marks changed
<p>Distt: Edu Officer (Female) Bannu</p>						

Copy to:

The Assistant Secretary, Board of Intermediate and Secondary Education, Bannu

603
21/12/2013

M. Sawar
 Controller of Examinations
 Board of Intermediate and
 Secondary Education Bannu
 Office of Examinations
 Board of Intermediate &
 Secondary Education, Bannu
 Ph. No. 0928-633445

INTERMEDIATE AND SECONDARY EDUCATION, BANNU

DETAILED MARKS CERTIFICATE
SECONDARY SCHOOL CERTIFICATE EXAMINATION



Session 2004 ANNUAL (Part-II)

Annex-6 B

Name: Hamida Bano

Father's Name: Zain Ud Din

Roll No. 23238

As per BISE Bannu record

Subject	Marks	MARKS OBTAINED		
		Theory/Paper-A	Pract/Paper-II	Total
1. English-I	75	61/44		61
2. English-II	75	60/54		59
3. Urdu-I	75	63/25		65
4. Urdu-II	75	63/48		63
5. Islamiyat (Comp)	75	68/27		68
6. Pakistan Studies	75	67/40		67
7. General Science	100	63/43		63
8. Mathematics	100	64/35		94
9. Islamic Studies-I	100	62/34		82
10. Health & Physical Education	100	59/66	18/66	84

706-A instead of 477-D

Control of Examinations
Board of Intermediate and Secondary Education Bannu

Prepared by [Signature] Compiled by [Signature]
Checked by [Signature]

Total 850 706-A One Seven Hundred Six-Only

Remarks IS-I, HPE-II, 477-D
Four Hundred and Seventy Seven only

Date: 18-06-2004
Errors / Omissions are excepted
Based on BRAINS Software Enterprise (NBS-Soft)
Printed by (HMR) Computer CELL BISE, Bannu

Distt. Edu. Officer
(Female) Lajki Marwat

Controller of Examinations
Board of Intermediate & Secondary Education
BANNU

Annex - 'C'

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION,
BANNU N.W.F.P. PAKISTAN S.No 13760**

Higher Secondary School Certificate Examination

Session: 2005 (Annual Part-II)

Roll No: 32278

Group: Humanities

Registration No: 6983-BP-PI-04

Certificate No: 20632278

This is to certify that
Son / Daughter of
and a student of

Haniela Bano

Zafin Ud Din

Lakki Marwat

has secured the marks shown against each subject, in the Higher-Secondary School Certificate Examination of the Board of Intermediate & Secondary Education, Bannu, held in

May, 2005

as Private Candidate

AS Per BSE Bannu Record

Subject	Marks	MARKS OBTAINED				Total	In Words	
		Theory	Practical	Theory	Practical			
1. English	200	70	54	70	44	148	One Hundred Forty Eight	
2. Urdu	200	69	67	69	71	176	One Hundred Seventy Three	
3. Islamic Education	50	49	42	-	-	46	Forty-Six	
4. Pakistan Studies	50	-	-	46	33	46	Forty-Six	
5. Islamic Studies	200	81	78	81	67	100	One Hundred	
6. Civics	200	63	50	63	50	176	One Hundred Seventy Six	
7. Urdu Advanced	200	63	38	63	31	176	One Hundred Seventy Six	
Total						1100	657	One Nine Hundred Thirty-One Only

Remarks: 657-C
Six Hundred and fifty nine only

Distt. Edu: Officer
(Female) Lakki Marwat

Date of declaration of Result: 05-08-2005

Prepared by: _____

Checked by: _____

Date of issue: 05-08-2005

Controller of Examinations
Board Of Intermediate and
Secondary Education, Bannu

Compiled by Computer (PI) BSE, Bannu

Annex - 6 D

University of Science & Technology Bannu

Near Cantt. Police Station Miran Shah Road, Bannu, (Khyber Pakhtunkhwa) PAKISTAN. (Ph.No.0928-623140)

Ref:No/ **633** /USTB/Secy.

Dated: **12/12/2013**

The District Education Officer (Female)
Lakki Marwat.



Mir Aslam
31/12

Subject: Verification of Certificate(s).

Memo: Reference your letter No. 8435 dated 11-12-2013 on the subject cited above; the attached DMC of the following candidate showing marks 451/550 is FAKE.

Roll No.	Name	Father Name	Discipline	Session
4442	Flamida Bano	Zain Ud Din	B.A Comb. DMC	2006-08

Attested

[Signature]
Distt. Edu. Officer
(Female) Lakki Marwat

[Signature]
Controller of Examinations,
UST - Bannu.

Cop to the:

- Honorable Court of Service Tribunal Khyber Pakhtunkhwa Peshawar.
- Honorable Court of Civil Judge No. 5, Lakki Marwat.

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Hamida Bano-Vs-Government

OS.....15:
01/04/2013.

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No one present on behalf of plaintiff. Today calls were made repeatedly till the closure of court time but no one appeared on behalf of plaintiff, therefore, the instant suit is hereby dismissed in default, with no order as to costs.

File be consigned to record room after its necessary completion and compilation.

Order Announced Today:
01/04/2013

Handwritten signature of the judge.

(Saqib Khan)

Civil Judge-Cum-Judicial Magistrate-II,
Lakki Marwat

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Handwritten notes below the previous section, including a signature and some illegible text.

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کتابت فیہ فی سبیل اللہ

Civil Judge-II
Lakki Marwat

صنیزہ بانو
بناج عدالت غیر متعلقہ خواتین وغیرہ

دعویٰ رکنیت و برائت

درخواست میں آئے ہوئے عدالت کو حکم دیا جائے کہ صرف میں درجہ کو مانگنے کی درخواست کے ساتھ ہی
اسے ادا کریں۔ اور نیز اس حکم ضمنی عارضی عدالت کو منہ و ماہا جائے۔ مدعا میں درجہ کو مانگنے کی
کل اور منگنے میں رکھنا اور پیدائش اور غیرہ کو لا افعال سے باہر نہیں ہے اور اس کے افعال
کا ان کو سے ماہ ہو۔ جو میں درجہ کی درخواست کی اور منگنے میں رکھنا پیدائش میں اور نیز اس کے

خدا کا حسب ذیل عرض ہے:

1. یہ میں درجہ کی دعویٰ کے عنوان کا درجہ اور اس کے نتیجے میں درجہ کی ہے اور درخواست میں مذکور
کا غیر گھبراہٹ سے پڑھا جائے۔ تو باقی انداز میں میں درجہ کا رکھنا نہیں ہے اور اس کے
کا نیز تو اس کا پلٹا لیں میں درجہ کے حق میں ہے۔

2. یہ میں درجہ کو نہ کرنا اور اس کے نتیجے میں - یہ افسوسناک ہے کہ مانگا گیا نہ تھا کہ اس کے
درجہ کے ساتھ تو منگنا ہی ہوگی مگر یہ ہے کہ مدعا میں درجہ کی درخواست کے ساتھ اس کے
اور اس کے ساتھ اس کے ساتھ ہے۔ جب کہ اس کے ساتھ اس کے ساتھ ہے۔

3. یہ میں درجہ کو لا کر اس کے ساتھ اس کے ساتھ ہے اور اس کے ساتھ اس کے ساتھ ہے اور اس کے ساتھ
کا عدالت اس کے ساتھ اس کے ساتھ ہے اور اس کے ساتھ اس کے ساتھ ہے اور اس کے ساتھ

4. یہ میں درجہ کے ساتھ اس کے ساتھ ہے اور اس کے ساتھ اس کے ساتھ ہے اور اس کے ساتھ
کو مانگنے کے ساتھ اس کے ساتھ ہے اور اس کے ساتھ اس کے ساتھ ہے اور اس کے ساتھ

اس کے ساتھ اس کے ساتھ ہے اور اس کے ساتھ اس کے ساتھ ہے اور اس کے ساتھ
حکم رکنیت و برائت میں درجہ کی درخواست کے ساتھ اس کے ساتھ ہے اور اس کے ساتھ

9
2012

بناج عدالت

(درجہ)

صنیزہ بانو



بناج عدالت
بناج عدالت
بناج عدالت
بناج عدالت
بناج عدالت

مالت لڑیں اور میں اختیار کرتا

اور میں مبلغ - اختیار کرتا

500/-

حساب حکم جیان پوری

حساب عالی :- حسب ذیل عرض ہے

1) یہ کہ میں مقدمہ دیکھ جاؤں جو صلح منگوانی میں ہو اور حال کو وقت گزرنے سے سکول

لغیب اللہ جوڑی میں بطور CT ٹیچر تعینات ہوں نقل ڈومیسائل وقوی شناختی کارڈ

2) یہ کہ میں مقدمہ مدرسہ 25/11 کو حکم ایگزیکٹو ڈسٹرکٹ ایجنٹ (EPS) اور کونسل منی پور جوڑی میں 28

کو وقت گزرنے سے سکول لغیب اللہ جوڑی صلح منگوانی میں ہو کر عام قانونی تقاضوں کے بعد متعلقہ سکول

کی حد تک لیس لو جاؤں اور پورے حوالے حاصل کر چکی ہوں اور باقاعدگی سے اپنی ڈیوٹی سرانجام داری ہے

نقل حکم تعیناتی مدرسہ 25/11 بزرگ 2125-28 جارج روڈ میڈیکل فٹنس سرٹیفکیٹ اور

سروس سرٹیفکیٹ لغیب

3) یہ کہ میں مقدمہ جو عام قانونی تقاضوں کو پورا کرنے کے بعد بطور CT ٹیچر بھرتی ہوئی ہوں تنخواہ کی وصولی

کی حد تک ہوں اور مقدمہ میں مندرجہ کی ملازمت تنخواہ جاری کرنے اور اسکی ادائیگی کے پاسد میں

4) یہ کہ مقدمہ میں مقدمہ کے حوالے بھرتی شدہ دیگر اساتذہ کی تنخواہ جاری کرنے اور پورے جسک

من مقدمہ کے ساتھ امتیازی سلوک برتے ہوئے اپنے اختیار کا ناجائز استعمال کر کے بلدیہ میں مقدمہ

کو تنخواہ جاری کرنے اور اسکی ادائیگی سے انکاری ہے جسکا میں کوئی حق حاصل ہے

5) یہ کہ میں بار مقدمہ میں سے مطالبہ کیا کہ وہ من مقدمہ کی تنخواہ جاری کرنے باقاعدگی سے ادائیگی کریں

اور تنخواہ کی ادائیگی میں تاخیر میں پیدا کرنے اور غیر قانونی افعال سرانجام دینے والے اہتمام جاری

کرنے سے باز رہیں مگر پورے سال میں کئی مرتبہ عدالت سے صاف انکاری ہوئے

6) یہ کہ میں مقدمہ کو نئے دعویٰ و بنا کے ساتھ ازاد ہمارے مقدمہ میں عدالت سے اندر صدر و محفل و منام

حاصل ہوا اسلئے دعویٰ حیدر انڈسٹریاں و قابل سماعت حساب گزشتہ سال کے حوالے سے

7) یہ کہ مالت لڑیں اور میں اختیار کرتا 500/- ہے حسب ذیل میں حساب حکم جیان پوری

لغیب اللہ جوڑی میں بلدیہ کی مندرجہ ذیل صورت میں سیر فرم مقدمہ دیکر داری

جو فرم صاف ہو عناد فرمائی جائے

مدرسہ 25/11

حمیدہ بانو ڈھڑھین اللہی کنگہ جیو جیل صلح منگوانی میں

لغیب اللہ جوڑی میں بلدیہ کی مندرجہ ذیل صورت میں سیر فرم مقدمہ دیکر داری
ماہوار منام بیان کیا کہ قوی
غریب دہری مندرجہ ذیل
وقت وضع فرم ہے
اللہ
حمیدہ بانو
Hamida Banu

لقدالت صاحب سپر سول ۳ صباقت کلی روت

حمیدہ بانو دختر زین الدین قوم بھمان سکنہ جالو حیل بمقیل و سناح کلی روت

س

W

24-9-12

- 1) حکومت ہونہ خیر عتقون خواہ بذریعہ سپر سول آجولین لیاور
- 2) ڈسٹرکٹ کوآرڈینیشن آفیسر سناح کلی روت
- 3) ایگزیکٹو ڈسٹرکٹ آفیسر (E.P.S) آجولین سناح کلی روت
- 4) ڈسٹرکٹ ایگرونیٹس آفیسر سناح کلی روت
- 5) ایگزیکٹو ڈسٹرکٹ آفیسر (F) ایگزیکٹو اینڈ سکنڈری آجولین کلی روت
- 6) ڈسٹرکٹ آجولین (E.P.S) لیاور
- 7) صید مسٹر ایس گورنمنٹ ٹرنز مڈل سکول لغیب اللہ جوڑی

(ا) دعویٰ ملنے ڈگری استقراریہ حق تدبیر صرفہ مذکورہ میں بدین معنوں کہ من و تدبیر جو الر حکم نمبر 28-2145 مورخ 25/11/25 ایگزیکٹو ڈسٹرکٹ آفیسر (E.P.S) آجولین کلی روت گورنمنٹ ٹرنز مڈل سکول لغیب اللہ جوڑی میں بطور CT محمد فخری بیوٹر متعلقہ سکول کی صید مسٹر ایس کو چارج دیوار کر کے باقاعدہ چارج حاصل کر چکی ہوں اور باقاعدگی سے اپنی لکھنوی سرانجام دی رہی ہوں۔ اس کے مقدمہ میں من و تدبیر تو تنخواہ کی ادائیگی کے پابند نہیں اور مقدمہ میں من و تدبیر کی تنخواہ کی ادائیگی میں دھماوے پیدا کر کے ادائیگی سے انکار کا کوئی حق حاصل نہ ہے اور من و تدبیر کو من و تنخواہ کی وصولی کی حقدارہ ہوں۔ اور مقدمہ میں من و تدبیر کے حقوق پر حاکم ^{غیر قانونی} من و تدبیر کے حقوق پر حاکم و غیر موثر ہیں اور قابل معنوفی ہیں۔

(ب) دعویٰ ملنے ڈگری حکم انسانی و داعی و تالیفی از قسم حکم تدبیر صرفہ مذکورہ میں بدین معنوں کہ مقدمہ میں کو من و تدبیر فرمایا جائے کہ وہ من و تدبیر کے مانا نہ تنخواہ کی ادائیگی میں دھماوے پیدا کر کے اور اسے غیر قانونی افعال و افعاما جاری کرنے سے باز رہیں جو من و تدبیر کی تنخواہ کی ادائیگی پر اثر انداز ہوں نیز مقدمہ کو حکم دیا جائے کہ وہ من و تدبیر کو مانا نہ تنخواہ جاری کرنے یا قاعدگی سے ادائیگی کریں۔

بیمہ فریضہ مقدمہ در نظر دار رہی جو تریض العناف ہو صا و در فرمائی جائے۔

9/12/12

حکومت ضیاء چیمبر میں سرورکنڈ ٹریبونل کے لیے فیصلہ ہو گا

ممبر 6 بانو نیئر حکومت ^{۲۳} تاریخ ۸-۶-۱۴
AND 480/2012 = 014

دعاؤں کے بارے میں فیصلہ Early Date

ضیاء چیمبر
نڈیشن و ریڈیو

۱۔ یہ کہ سائل کے عدالت صفحہ ۸-۶-۱۴ تاریخ ۸-۶-۱۴

۲۔ یہ کہ سائل کا تاریخ کیسٹ علی متور ۹

۳۔ یہ کہ سائل کے دائرہ میں نڈیشن بیماریاں میں مبتلا ہیں

۴۔ یہ کہ سائل کی صورت کی دینی والی ہے۔

آئے جانے میں کسٹ دستورال ۹

۵۔ یہ کہ سائل کو میں واقع ملازم ہے۔

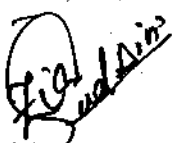
اور کوئی کہیں سپر اور لا، میں ۹

۶۔ یہ کہ سائل کو گورنر سب پوجو آٹھانی پڑتی ۹

کیا ستر ہے - تاریخ ۸-۶-۱۴

نڈیشن Early Date متور ۹

ممبر 6 بانو نیئر ضیاء چیمبر



Hameeda Bano

DFA

19.03.2018

Mr. Zia-ud-Din, brother of the appellant alongwith learned counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant stated at the bar that he wants to withdraw the appeal and in this regard signature of learned counsel for the appellant was also obtained at the margin of order sheet as a token of proof. Accordingly the present appeal is dismissed as withdrawn. Fie be consigned to the record room.

ANNOUNCED

12.03.2018

(Muhammad Amin Khan Kundi)
Member

(Muhammad Hamid Mughal)
Member

2. It is incorrect; the Department as per Govt. policy and orders of the Honorable Service Tribunal has allowed the arrears of pay and allowances to those employees who were appointed before 30.03.1989, whereas the appellant do not fulfill the said criteria, hence not entitled for the pay and allowances for the period he actually did not serve in the project/Department.
3. It is incorrect; the decision of the August Supreme Court of Pakistan is for the regular employees and not for temporary and project employees.
4. As stated above:
5. The grievances/appeal preferred to Conservator of Forests, Malakand Forest Circle East have no weight in the eye of law, due to the reason that the appellant has performed no official duty for the intervening period and the appellant was also recruited after 30.03.1989 thus appeal of the appellant was not considered.

Grounds:

- A. It is incorrect, the appellant is not a regular employee but was appointed for the project period, hence the appellant is not entitled for the back benefit.
- B. The Government/Department is not bound to make payment of salary etc to the jobless persons who had not performed any official duty for the Government. Beside this the Department have never promised to the appellant for adjustment after abolition of the project.
- C. It is incorrect, the Department had allowed back benefit to those officials who were recruited prior to 30.03.1989 or on the order of August Supreme Court of Pakistan but the case of the appellant is different from the other employees and is also against the instructions contained in Govt. of Khyber Pakhtunkhwa S&GAD letter No.SOR-III(S&GAD)/8/38/86 dated 30.03.1989 **(copy enclosed herewith as annexure-C).**
- D. As the appellant was recruited in a project for the project span with the conditions that his service will be terminated after completion of the project. Thus it was upto the appellant that when the same condition was not acceptable to him then why he joined the project.
- E. As state at para No.3.
- F. The nature of the case of the appellant is different from the other employees and the decision of Honorable Supreme Court of Pakistan is not applicable to the instant case of the appellant.
- G. The appellant is temporary and project employee and was recruited solely for the project span hence he is not entitle for the payment of arrears for the period on which he had performed no/any official duty.

The appeal of the appellant is not maintainable, therefore it is humbly prayed that the appeal of the appellant may please be dismissed in the best interest of public.