

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**Service Appeal No.854/2024**

**Nusrat Begum PST GGPS Doghallgy Beha Tehsil Matta Swat.**

**(APPELLANT)**


**VERSUS**

1. The District Education Officer (Female) Swat.
2. The District Account Officer at Saidu Sharif Swat.

**(RESPONDENTS)**

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**Hafsa Gul**  
DISTRICT EDUCATION OFFICER(F)  
SWAT  
**(RESPONDENT NO.1)**

10/10/24

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**Service Appeal No.854/2024**

**Nusrat Begum PST GGPS Doghallgy Beha Tehsil Matta Swat.**

**(APPELLANT)**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 16309

Dated 4-10-24

**VERSUS**

1. The District Education Officer (Female) Swat.
2. The District Account Officer at Saidu Sharif Swat.

**(RESPONDENTS)**

**PARAWAISE COMMENTS ON BEHALF OF REPENDENST NO.1.**

**Respectfully Shewth;**

Respondent submit as under;

**PRELIMINARY OBJECTIONS**

1. That the appellant has no cause of action and locus standi to file the instant appeal against the respondents.
2. That the Present appeal is not maintainable in the present form and manner and is liable to be dismissed.
3. That the appellant has not come to this Hon; Tribunal with Clean hands.
4. That the appellant has concealed the material facts from this Hon; Tribunal and therefore the instant appeal needs to be struck down.
5. That due to legal lacunas, the instant appeal is not maintainable in the eye of law.
6. That the instant appeal is against the Prevailing Rules and laws and hence is liable to be dismissed.
7. The case of the appellant falls within the domain of Policy matters due to which this Hon; Service Tribunal has no Jurisdiction to entertain such like policy matter cases, hence appeal is liable to be dismissed.
8. That the appeal is bad for mis-gender and non-gender of the necessary parties.
9. That the appellant has already complied with the adjustment order dated 18.4.2023 in compliance with the Judgment of the Hon; High Court Mingora Bench Darul Qaza Swat in W.P.No.531-M of 2022 under Title Nusrat Begum....VS....Govt; of KPK & Others dated 2.5.2023 ( **Annexure-A**)

**ON FACTS.**

- i. That this Para pertains to record of DEO(F) Kohistan because the appellant was initially appointed at District Kohistan Vide order Under Endstt;No.775-91 dated 27.12.1999 (**Annexure-B**) and then after terminated vide No.2206-10 dated 1.6.2010 (**Annexure-C**) due to long absence from duty . During the Period in which the appellant was terminated and not re-instated, she produced her transfer order after laps of 01 year & 06 Months, vide No. 2160-66 dated 22.2.2012 (**Annexure-D**) but the same could not be considered. It is

very much astonishing that before the impugned transfer order ,LPC issued upto 1.12.2009 (Annexure-E) before her transfer order dated 22.2.2012 which is a question mark and reflects malafide on the part of the appellant.

Meanwhile the appellant along with others approached to the Hon; High Court Mingora bench Darul Qaza Swat and filed Writ Petition No.270-M of 2015 which was disposed of vide order dated 29.1.2019 (Annexure-F) due to which inquiry was conducted by Director E&SE KP Peshawar and the appellant was re-instated Vide No. 7717-21 dated 30.12.2020 (Annexure-G) subject to the verification of all documents and during the verification ,DEO(F) Kohistan vide No.80 dated 9.2.2021 (Annexure-H) stated that “ the Service record of referred teachers could not be verified” and during the process ,the appellant approached to the Hon;High Court Mingora Bench Darul Qaza Swat and filed writ Petition No.531-M of 2022 under Title Nusrat Begum...VS....DEO(F) Swat and others (Annexure-I) but before the order of the Hon;High Court ,appellant was adjusted with immediate effect and the intervening Period wef 22.2.2012 To 17.4.2023 was converted into leave without Pay and order issued on 18.4.2023 (Annexure-J) and filed before the Hon;High Court as CM No.747-M of 2023 (Annexure-K) and the case was disposed of accordingly vide judgment dated 2.5.2023 (Copy already appended as Annexure-A). Relevant Portion of the Judgment is reproduced below;

**8. when confronted to the subject development, learned counsel for the petitioner could not justify any disability of the petitioner for approaching the Court after a considerable delay. In the Changed Circumstances, the grievances of the petitioner having addressed to the good extent and her miseries & agonies have almost been addressed accordingly. So far as the Claim of the Petitioner with regard to her salary for the intervening period is concerned, for correction of the record/service book it would be appropriate to consider the period of her non-performance of her official obligations as leave without Pay and the same has been rightly considered & declared by the quarter concerned/respondent No.1 in the aforesaid adjustment order so as to avoid future complications. The petitioner in hands stands disposed of accordingly.**

It is pertinent to mention here that the appellant accepted her re-instatement /adjustment order dated 18.4.2023 passed by respondent No.1 without raising objection and now at this juncture ,the stance of the appellant for the annual increment from 31.12.2000,,to 31.2006 is irrelevant because the appellant was terminated on 1.6.2010 and till the decision of the High Copurt in WP No. 270-M of 2015 dated 29.1.2019 ,she was away from service but after the court decision ,she was re-instated on 30.12.2020,therefore, she is not entitle for any benefit and the appeal in hands may graciously be dismissed.

- ii. That this Para as drafted is not admitted because every Civil servant under the command of the Constitution of Islamic Republic of Pakistan and Service rules, is bound to perform duty according to the satisfaction of authorities. hence needs no comments,
- iii. That this Para is not admitted because appellant was terminated on 1.6.2010 and was not in service, therefore, her transfer order during termination Period is suspicious and the same

could not be considered. Detail in this regard has already been incorporated in the above Para-1. hence needs no further comments.

- iv. That as far as transfer of the appellant dated 22.2.2012 is concerned, detail has already been incorporated in the above para-2 and on the other hand judgment in WP No.531-M of 2022 dated 2.5.2023(Already appended as Annexure-A) is very much clear, hence needs no further comments.
- v. That this Para has already been commented in the above Paras-1 and needs no further comments.
- vi. That this Para has already been commented in the above Paras-1 and needs no further comments
- vii. That this Para has already been commented in the above Paras-1 and Judgement in WP No.531-M of 2022 dated 2.5.2023 is very much clear and hence needs no further comments.
- viii. That this Para has already been commented in the above Paras-1 and needs no further comments.
- ix. That this Para has already been commented in the above Paras-1 and needs no further comments.
- x. That this Para has already been commented in the above Paras-1 and needs no further comments.
- xi. That this Para is admitted and after joining duty and compliance of the order dated 18.4.2023 in the of the Judgment in WP No.531-M of 2022 dated 2.5.2023, salary has been released accordingly.
- xii. That this Para is not admitted. detail in this regard has already been incorporated in the above Para-1 and needs no further comments.
- xiii. That the appellant is not an aggrieved person and Pay has been released according to the adjustment order issued by respondent No.1 in the light of the Judgment in WP No. 531-M of 2022 dated 2.5.2023 and hence needs no further comments.
- xiv. That the appellant is not aggrieved person and not entitle for any relief inter alia on the following grounds.

#### **GROUND.**

- a. That this Para is not admitted and denied because the appellant has been treated in accordance with law and rules accordingly.
- b. That this Para is not admitted and denied because the appellant has been facilitated within the contour of the rules and laws but the appellant concealed the facts from this Hon; Service Tribunal. hence the instant appeal is liable to be dismissed.
- c. That this para is not admitted and denied because respondent No.1 exercised the power lawfully and within the rules.
- d. That this Para is not admitted and denied and based on prejudice and malafide intention.

It is, therefore, humbly Prayed that appeal in hands being devoid of merit, may graciously be dismissed.



*Hafsa Gul*  
**DISTRICT EDUCATION OFFICER (F)**  
**SWAT**  
**(Respondent No.1)**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**Service Appeal No.854/2024**

**Nusrat Begum PST GGPS Doghallgy Beha Tehsil Matta Swat.**

**(APPELLANT)**

**VERSUS**

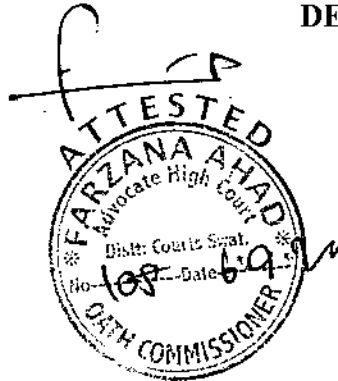
- 1. The District Education Officer (Female) Swat.
- 2. The District Account Officer at Saidu Sharif Swat.

**(RESPONDENTS)**

**AFFIDAVIT**

I, Ms.Hafsa Gul DEO (F) Swat do hereby solemnly affirm and declare that contents of the accompanying Para wise Comment in Service appeal No.854 of 2022 are true and correct to the best of my knowledge and information and nothing has been concealed from this Hon: Service Tribunal. It is further stated that the answering respondent neither being Ex-Party nor their defense struct up / cost.

  
**DEPONENT** Hafsa Gul



**JUDGMENT SHEET****PESHAWAR HIGH COURT  
MINGORA BENCH  
(Judicial Department)**W.P. No. 531-M/2022**JUDGMENT**

Dates of hearing: 02.05.2023

Petitioner:- (Mst. Nusrat Begum) by Mr. Aftab Hussain Butt, Advocate.Respondents (Govt. of KPK & others) by Inayatullah Khan, Assistant A.G for the official respondents alongwith Dr. Shamim Akhtar/respondent No.1 & Abdul Aziz Shaheen (Litigation Officer), in person.

**SHAHID KHAN, J.-** The petitioner has filed the instant constitutional petition, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, with the following prayer;

“it is therefore very humbly prayed that, on acceptance of the instant writ petition, respondent No.1 may kindly be directed to adjusted the petitioner in the nearest school as early as possible against any of the vacant post at her Union Council/Village Council of her abode with all back benefits”

2. In essence, grievance of the petitioner is that she is domiciled resident of District Swat. Initially, she was appointed as Primary School Teacher (PST) alongwith five other females at District Kohistan vide order bearing Endst:

No.775-91, Dated 27.12.1999 and was posted at GGPS Serai Gabral, District Kohistan. After her appointment she was performing her duty with zeal & zest to the entire satisfaction of her high-ups but during the period of past insurgency in district Swat, it was not possible for her to perform her duty in District Kohistan in view of security risk and life threats by the miscreants particularly to the females in government jobs, so she made a written request for her transfer from the district Kohistan to a nearest station at the district Swat, which was approved by the respondent No.2 and consequently, she was transferred to GGPS Daghally Beha, District Swat, vide Notification bearing Endst: No.2160-66/F.No.99/PTC(F) transfer Swat dated Peshawar 22.02.2012, whereas, during the course of aforesaid transfer process, services of the petitioner alongwith eleven others were terminated by the respondent No.4/E.D.O, Kohistan, vide Notification Endst: No.2206-10, dated 01.12.2010. Being aggrieved, the petitioner alongwith others approached this Court through filing a writ petition No.270-M/2015 for redressal of their grievances

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mentioned above including stoppage of their salaries, which was disposed of vide order dated 29.01.2019, in the following terms:

“In view of the above and while relying on the law laid down in *Muhammad Akram's case v/s DCO Rahim Yar Khan and others*, reported as 2017 SCMR 56, this petition is treated as representation and the same is transmitted to the respondent No.2 for adjudication in respect of redressal of the grievances of the petitioners. Office is directed to transmit original file to the respondent No.2 and shall retain photocopy of the same for office record.”

3. Pursuant to the aforesaid judgment, the respondents while considering the representation of the petitioner, inquired into the matter interpedently through an Inquiry Officer, whereas, the respondent No.1 after going through the recommendations of the Inquiry Officer, allowed the representation/ appeal of the petitioner vide Notification bearing Endst: No.7717-21/F.No.394/F/Appeal Swat dated Peshawar 30.12.2020, consequently, she was reinstated to her previous position, however, her services were put at the disposal of respondent

No.1 for her further adjustment. The petitioner persistently remained in close contact with the respondents for her adjustment in compliance of the aforesaid Notification and even she approached them through a written request by submitting an application on 11.01.2021 but with no positive response so she was constrained to file the instant petition for the redressal of her aforesaid grievance.

4. The respondents were put on notice and in compliance with the direction of the Court; para-wise comments have been furnished by the respondent No.1, accordingly.

5. Arguments heard and record gone through with the valuable assistance of the learned counsel for the petitioner and Assistant A.G for the official respondents.

6. The record speaks loud and clear that vide order dated 17.05.2022 the respondent No.1 was put on notice for her personal appearance, she turned up on 21.12.2022 and sought reasonable breathing space i.e., a month to resolve the issue

at her end, so, time was given to her. The proposal of the respondent No.1 has neither been controverted nor denied by the petitioners. On 08.02.2023, the respondent No.1 submitted certain documents alongwith record and points for evaluation of the instant petition, which were reflecting that an inquiry has been conducted in the matter but its report was not available, thus she once again sought time, hence was given to her. Later on, she through an application submitted a copy of an officer order dated 18.04.2023 pertaining to the adjustment of the petitioner coupled with the inquiry report as per her commitment and available on the record.

7. During the course of arguments, the learned Assistant A.G also referred to the aforesaid adjustment order, whereby, the petitioner was ordered to be adjusted against the post of PST at GGPS Doghlai Beha, Tehsil Matta, District Swat, with immediate effect, however, the intervening period i.e., from 22.02.2012 to 17.04.2023 was converted into leave without pay.

8. When confronted to the subject development, learned counsel for the petitioner could not justify any disability of the petitioner for approaching the Court after a considerable delay. In the changed circumstances, the grievances of the petitioner having addressed to the good extent and her miseries & agonies have almost been addressed accordingly. So far as the claim of the petitioner with regard to her salary for the intervening period is concerned, for correction of the record/service book it would be appropriate to consider the period of her non-performance of her official obligations as leave without pay and the same has been rightly considered & declared by the quarter concerned/ respondent No.1 in the aforesaid adjustment order so as to avoid future complications. The petition in hand stands disposed of accordingly.

**Date of announcement.**

Dt: 02.05.2023

**Date of writing judgment**

Dt: 03.05.2023

  
JUDGE

  
JUDGE

Office  
04/05/2023

B' 8 9


**OFFICE OF THE DISTRICT EDUCATION OFFICER PRIMARY KOHISTAN**  
**APPOINTMENT**

Consequently upon the interview held on 3/11/1999 in the office of the district education officer at DASSU, the following female candidates are her-by appointed as P.T.C. (Untrained) teachers in BPS No. 7 @ Rs. 1480/- PM (Fixed) plus usual Allowances as admissible under the rules with effect from the date of taking over the charge on the following terms and condition.


S/N	Name	School	Remarks
1.	Farzana Kiran D/O Wali Muhammad	GGPS Bela Duber	AVP
2.	Nasrat Bejan D/O Muhammad Amin	GGPS Kuchband	AVP
3.	Nafieed D/o Habib Khan	GGPS Sco Village	AVP
4.	Nazhat Bano D/O Mian Orangzab	GGPS Tooli	AVP

**CONDITION**

- No Tu/Du is allowed.
1. They should not be allowed to take over charge if age is less 18 and above 40 years.
2. They should provide Age and health certificate from the DHO Kohistan.
3. Their original certificate should be checked and verified from the concerned Board by the SDEO (Female) Kohistan before handing over the charge.
4. Their services are purely temporary and can be terminated with out assigning any reason.
5. Charge reports should be submitted to all concerned.
6. Their order will be considered as cancelled if they failed to take over charge within 10 days.

  
 27-12-99  
 (ABDUR RASHID)  
 District Education Officer  
 Primary Kohistan (Dassu)

- Encl. No. 725-91 Dated Kohistan the 27/12/99
- Copy of the above is forwarded to the
1. Director of Primary Education, NWFP Hat, Jabra, Peshawar.
  2. District Account Officer Kohistan at Dassu.
  3. Candidate concerned.
  4. Office Order File

  
 27-12-99  
 District Education Officer  
 Primary Kohistan (Dassu)

(A) C 10

OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECONDARY EDUCATION KOHISTAN

NOTIFICATION

Consequent upon enquiry report conducted by the enquiry committee through Deputy District Officer (Female) Elementary & Secondary Education Kohistan the Service of the following Female PTC teachers is hereby terminated due to prolong absent from their duties under special power ordinance 2001 on disciplinary Ground with immediate effect in the interest of public service.

S. #	Name of Teacher	School	Absentee Period	Remarks
1	Farzana Kiran ✓	GGPS Bela Dubair	From 12/11/2009	Terminated from Service
2	Naheed Begum ✓	GGPS Gabair Ranolia	-do-	-do-
3	Nusrat Begum ✓	-do-	-do-	-do-
4	Fozia Kanwal	GGPS Bela Dubair	-do-	-do-
5	Yasmin Khan	GGPS Bela Dubair	-do-	-do-
6	Zaib-ul Haram	GGPS Shatial	-do-	-do-
7	Hussan Bano	GGPS Kayal Village	-do-	-do-
8	Noreena	GGPS Sulemanabad	-do-	-do-
9	Naila Fareed	GGPS Qamar Band	-do-	-do-
10	Sartaj Bibi	GGPS Hayderabad ✓	-do-	-do-
11	Sadaf Afzal	GGPS Khatt Karin	-do-	-do-
12	Bibi Ruquia	GGPS Samad Abad	-do-	-do-

*Self*  
Executive District Officer  
(E & S) Education Kohistan

Endst: No. 2206-10 Dated Kohistan the 1-6 2010

Copy of the above is forwarded to the:-

1. PA to Director Elementary & Secondary Education Department KPK Peshawar
2. District Coordination Officer Kohistan
3. District Accounts Officer Kohistan
4. Dy: District Officer (F) E&SE Kohistan

*Justis*  
Executive District officer  
(E & S) Education Kohistan

*Bana Farooq*  
**SUPERINTENDENT**  
**DISTRICT EDUCATION OFFICER**  
**DISTRICT SWAT**

**ATTESTED**

*Bana Farooq*  
**SUPERINTENDENT**  
**DISTRICT EDUCATION OFFICER**  
**DISTRICT SWAT**

D ~~11~~ (11)

(11)

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**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KHYBER PAKHTUNKHWA, PESHAWAR**

**NOTIFICATION**

Consequent upon the ban-relaxation by the competent authority, the following posting/transfers of PST (Female) are hereby ordered in their own pay & BPS in the interest of public service with immediate effect.

Sr	Name & Designation	From	To	Remarks
1	Mst. Naseema Khan PST	GGPS Segla Kohistan	GGPS Mian Kalay Tajarry Swat	Against V/Post
2	Mst. Nusrat Begum PST	GGPS Dadeer Jamra Kohistan	GGPS Daghally Beha Swat	-do-

Note:-

- iv. Charge report should be sent to all concerned.
- v. No TA/DA etc are allowed
- vi. The EDOs (E&SE) are directed to check the original service document before making payment of their salaries.


**DIRECTOR**

Elementary & Secondary Education  
Khyber pakhtunkhwa, Peshawar.

Endst: No. 2160-66 /F.No.99/PTC(F) Transfer Swat Dated Peshawar the 22/2 2012

Copy of the above is to the:-

1. Executive District Officer (E&SE) Kohistan & Swat
2. District accounts Officers Kohistan & Swat.
3. Teachers concerned.
4. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar
5. Master File.

  
Deputy Directress (Estab)  
Elementary & Secondary Education  
Khyber pakhtunkhwa, Peshawar

E (12) (A)

**LAST PAY CERTIFICATE**

P.No.374601

Last pay certificate of Mst. Nusrat Begum PTC BPS-07  
Office of the GGPS Gabbair Ranolia Education Department District Kohistan

Proceeding to: Transfer to District Swat (Matta)

She has been paid up-to 01/12/2009 as per following rates:-

0001-B-Pay.	.....	Rs. 3530/-
1000-House Rent Allowance.	.....	Rs. 1059/-
1300-Medical Allowance.	.....	Rs. 500/-
1920-UAA. Kohistan 40% (16 G/NG)	.....	Rs. 1412/-
1770-Special Addl: Allo	.....	RS. 370/-
1830- Special All: 2005	.....	Rs. 333/-
1831-Adhoc Relief Allow, 2005	.....	Rs. 333/-
1864-Dearness All, 2006	.....	Rs. 383/-
1909-Adhoc Relief Allow, 2009	.....	Rs. 744/-

**Total : Rs. 8664/PM**

**Deductions:-**

G.P.F. Accumulation. No. IV	___/KH/___/	Css.	Rs.320/-
G.P.F.Advance.	.....	.....	Rs.nil
Contributory Provident Fund.	.....	.....	Rs.nil
Income Tax.	.....	.....	Rs.nil
Additional Group Insurance.	.....	.....	Rs.07
Group Insurance:	.....	.....	Rs. 67/-
Benevolent Fund.	.....	.....	Rs. 35/-
Employees Education Fund, KPK	.....	.....	Rs. 15/-
House Rent Deduction.	.....	.....	Rs.nil

**Total Deduction Rs. 444/- P.M.**  
**NET PAY Rs. 8220/- P.M.**

- i. Recoveries are to be made from the pay of the Government Servants as detailed on the reverse.
- ii. She has been paid leave salary as detailed below.  
Deductions have been made as noted on the reverse.

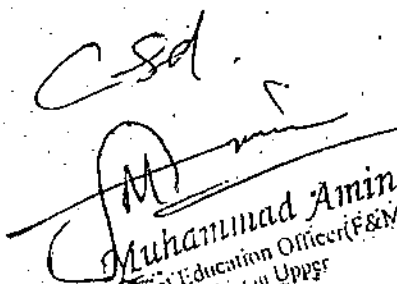
From \_\_\_\_\_ to \_\_\_\_\_ at Rs. \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_ at Rs. \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_ at Rs. \_\_\_\_\_

She is entitled to draw the following:-

She is also entitled to joining time for usually admissible days.

The details to the income Tax recovered from his up-to the date from the beginning of the current year are noted on reverse.

Csd

  
**Muhammad Amin**  
District Education Officer (F&M)  
District Kohistan Upper

  
Sub Divisional Education Officer  
(Female) Dassu Kohistan

Ctz  
F



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Mess,

1. \_\_\_\_\_ 2. \_\_\_\_\_

3. \_\_\_\_\_ 4. \_\_\_\_\_

FIRST APPOINTMENT ORDER:

Passed SSC Examination from DISE  
Peshawar Roll no 9066 obtained  
Left Thumb Impression  
Marks - 360 out of 850 Session (1989)

Academic and Professional  
Qualification

Date

Signature  
Verification/Roll No. Dated  
[Signature]

S.S.C.

Intermediate

Bachelor / B.S.

Master / M.S.

Other Qualifications

Plan-drawing

Drill Instructing

Court Duties

Reserve Duties

Pleadership Examination

Training School Final Examination

N.B. Line to be drawn under the qualification possessed.

CTC  
F

J

F (13)

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT.  
MINGORA BENCH (DARUL-QAZAL SWAT  
(Judicial Department)

W.P. No. 270-M/2015

JUDGMENT

Date of hearing: 29.01.2019

Petitioners:- (Mst. Azra Bibi & others) by Mr. Shams-ul-Hadi, Advocate

Respondents:- (Secretary to Govt. of KPK & others) by Mr. Wilayat Ali Khan, A.A.G.

SYED ARSHAD ALI, J. Through the instant writ petition, the petitioners seek constitutional jurisdiction of this Court with the following prayer:-

" It is, therefore, humbly prayed that on acceptance of this writ petition, the respondents may kindly be directed to release their salaries without further delay

Or

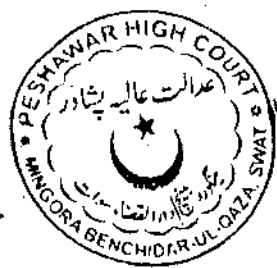
Any other relief which this august Court deems appropriate may kindly be awarded to meet the ends of justice.

2. At the very outset, when learned counsel for the petitioners was confronted with the legal proposition that the matter impugned herein essentially relates to the terms and conditions of the services of the petitioners, therefore, in view of the jurisdictional contour of this Court as envisaged by Article 212 of the Constitution of the Islamic

Nawab (D.D.) Hon'ble Mr. Justice Muhammad Ghazanfar Khan  
Hon'ble Mr. Justice Syed Arshad Ali



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Republic of Pakistan, 1973 whether this Court can entertain this petition. The learned counsel for the petitioners has frankly conceded that this Court has no jurisdiction. however, has requested that this petition may be sent as representation to the respondent No. 2 i.e. Director, E&E, Khyber Pakhtunkwa Peshawar for issuance of an appropriate order.

3. In view of the above and while relying on the law laid down in "Muhammad Akram's case V/S DCO Rahim Yar Khan and others reported as 2017 SCMR 56", this petition is treated as representation and the same is transmitted to the respondent No. 2 for adjudication in respect of redressal of the grievances of the petitioners. Office is directed to transmit original file to the respondent No. 2 and shall retain photocopy of the same for office record.

ANNOUNCED  
Di: 29.01.2019

JUDGE  
*[Signature]*

JUDGE

Certified to be true copy

*[Signature]*  
06-02-19

EXAMINER

Peshawar High Court, Mingora/Dar-ul-Qaza, Swat  
Established Under Article 87 of Qanoon-e-Shahadat Order 1947

6. No. 05  
Name of Applicant.....*[Signature]*  
Date of Presentation of Applicant.....31.01-2019  
Date of Completion of Copies.....06-02-2019  
No of Copies.....03  
Urgent Fee.....  
Fee Charged.....*[Signature]*  
Date of Delivery of Copies.....06-02-2019

*[Handwritten notes]*  
02/02/19



*Recd 15/12/20*

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA**

**RY EDUCATION KHYBER PAKHTUNKHWA**

**NOTIFICATION**

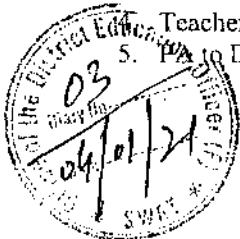
1. **WHEREAS**, Mst. Nusrat Begum Ex-PST GGPS Gabair Ranolia District Kohistan under transfer to GGPS Daghally Beha District Swat was terminated from service by the then Executive District Officer Kohistan vide Notification issued under Endst No.2206-10 dated 01-12-10.
2. **WHEREAS**, Mst. Nusrat Begum Ex-PST Gabair Ranolia District Kohistan has filed Writ Petition No. 270-M/2015 in the Peshawar High Court Mingora Bench (Dar-ul-Qaza) at Swat against the order of the then DEO Kohistan.
3. **WHEREAS**, the Peshawar High Court Mingora Bench (Dar-ul-Qaza) at Swat has announced Judgment on 29/01/2019 in the subject case as **"this petition is treated as representation and the same is transmitted to the respondent No.2 for adjudication in respect of redressal of the grievances of the petitioners,,**
4. **WHEREAS**, the teacher concerned has approached this Directorate through SO (Primary) vide letter No. SO (PE)/E&SED/5-19/Re-Instatement/2020 dated 22.09.2020.
5. **WHEREAS**, the appellate authority has sent her appeal to District Education Officer (F) Swat for detail report comments vide No. 8117 dated 07/10/2020.
6. **WHEREAS**, the District Education Officer (F) Swat has submitted her report vide No.9113 dated 5/11/2020 in which the DEO (C) has stated that the case of Mst. Nusrat Begum Ex-PST is similar to the case of Mst. Azra Bibi & Farzana Kiran PST which has already re-instated in service by the Director in the light of recommendation of inquiry report conducted through Mr. Janas Khan Principal B-19 GHS Deh Bahadar Peshawar.
7. **WHEREAS**, the competent authority has examined report of the District Education Officer (F) Swat and other available documents.
8. **WHEREAS**, the competent authority Director E&SE KPK Peshawar in analogy of the inquiry report conducted by Mr. Janas Khan Principal B-19 GHS Deh Bahadar Peshawar in the case of Mst. Azra Bibi & Farzana Kiran has decided to accept her appeal.
9. **NOW THEREFORE**, in exercise of power conferred under the Government of Khyber Pakhtunkhwa Government Civil Servants Appeal Rules, 1986 the appellate authority i-e Director (E&SE) has accept appeal in respect of Mst. Nusrat Begum Ex-PST GGPS Gabair Ranolia District Kohistan is hereby re-instated in service subject to the verification of all related documents/testimonials from the concerned authorities and service is hereby placed at the disposal of the District Education Officer (Female) Swat for further adjustment.

**Director**  
Elementary & Secondary  
Education Khyber Pakhtunkhwa

Endst:No. 7717-21 /F.No.394/F/Appeal Swat Dated Peshawar the 30/12 2020

Copy forwarded for information to the:-

1. District Education Officer (Female) Swat with the direction to verify all her related documents/testimonials and if the same are found correct then their absent period may be treated as leave without pay and if the same are found otherwise, then she may be dealt as per existing rules/policy for appointment under intimation to this directorate.
2. District Account Officer Swat.
3. Sub Divisional Education Officer (Female) concerned.
4. Teacher concerned.
5. File to Director Elementary & Secondary Education Khyber Pakhtunkhwa.



*30/12/2020*

Assistant Director (Female)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

JSTIE  
Good office  
2020 (Annual)  
(Kohistan) was re-  
No. 7717-  
of

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KOHISTAN

NO. 80 /DEO (F) KH: Dated 9 / 12 /2021.

To  
The District Education Officer,  
(Female) District Swat

Subject: VERIFICATION OF SERVICE DOCUMENTS IN R/O 1-FARZANA BIBI PST  
GGPS BELA DUBAIR 2 NUSRAT BEGUM PST GGPS SERIGABRAL  
(3) AZRA BIBI PST GGPS JALKOT

Memo:

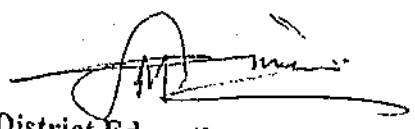
Reference to your office letter No 545 dated 22-01-2021, 10159 dated 08-12-2020 and 10161 dated 08-12-2020 on the subject cited above.


As per report /certificate of the concerned Sub Divisional Education Officer female Dassu Kohistan vide letter No.815 dated 02-02-2021 (Attached herewith) regarding the verification of service record of the above mentioned teachers cannot be traced.

Hence, the service record of referred Teachers could not be verified.

Endstt: No \_\_\_\_\_ Dated \_\_\_\_\_ 2021.

- Copy of the above is forwarded to the:-  
1-PA to Director E/SE Department Peshawar  
2-Sub Divisional Education office r (F) Dassu kohistan  
3-Official concerned

  
District Education officer  
(Female) Kohistan

  
District Education officer  
(Female) Kohistan

I  
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②

**BEFORE THE PESHAWAR HIGH COURT MINGORA**  
**BENCH SWAT**

W.P No. 531-M/2022

Mst. Nusrat Begum D/O Muhammad Amin R/O Beha, Tehsil Matta  
District Swat

..... Petitioner

**VERSUS**

1. District Education Officer (Female), At Saidu Sharif Swat
2. Director Elementary & Secondary Education, Government of Khyber Pakhtunkhwa at Peshawar.
3. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education at Peshawar.
4. DEO (M&F) District Kohistan Upper
5. Sub-Divisional Education Officer (F) Matta, Swat

..... Respondents

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

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*Respectfully Sheweth;*

- 1) That, the petitioner is a permanent resident of district Swat and was appointed as Primary School Teacher-Female (PST-F) with five others at District Kohistan, vide order bearing Endst. No. 775-91 dated Dassu 27.12.1999 at Serai Gabral, Kohistan and was performing her duties with zeal and zest to the satisfaction of her high ups with any complaint from any quarter. **(Copies of CNIC, appointment order dated 27.12.1999 and Service Book are annexed as annexure "A", "B" & "C")**

**FILED TODAY**

29 APR 2022

*AW*  
Additional Registrar

- 2) That, during insurgency in district Swat where the situation was very worst and there was no writ of the state, the miscreants time and again on daily basis were issuing threats to general public specially to female government officials working in education department as over 150 schools, most of them girls' schools, were destroyed - albeit when the pupils were absent, the petitioner was unable to continue her services in in far flung area of district Kohistan due to security issues and life risks, therefore, the petitioner processed application for transfer from her school to a nearest school in district Swat, consequent upon, the petitioner was issued Non-Objection Certificates with others by their concerned DEOs of District Swat and District Kohistan and was transferred from GGPS Gabair Ranolia, District Kohistan to GGPS Daghallgy Beha, District Swat.
- 3) That, later on transfer order was also issued to the petitioner by the worthy Director, Elementary & Secondary Education, Khyber Pakhtunkhwa/ respondent No.2 vide notification bearing Endst. No. 2160-66/F.No.99/PTC(F) transfer Swat dated Peshawar 22.02.2012. **(Copy of order dated 22.02.2012 is annexed as Annexure "D")**
- 4) That, in the meanwhile the petitioner was under transfer from GGPS Gabair Ranolia District Kohistan to GGPS Daghallgy Beha District Swat, she was terminated from services with eleven others, on account of prolong absentia by the then Executive District Officer, Kohistan vide notification bearing No. 2206-10 dated 01.12.2010. **(Copy of notification bearing No. 2206-10 dated 01.12.2010 is annexed as Annexure "E")**
- 5) That, despite frequent requests to the concerned officials, the petitioner with others terminated, were kept in hanging position by one way or the other using delaying tactics. Having left with no option, the petitioner along with five others filed a writ petition in the Hon'ble Peshawar High Court Bench bearing No. W.P. 270-M/2015 against the

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29 APR 2022

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(B) (C) (D)

actions and inactions of the then DEO Kohistan and DEO Swat with three others (respondents), for illegally stopping the salaries of the petitioner and five others (petitioners therein). (Copy of memo of writ petition No. 270-M/2015 is annexed as Annexure "F")

- 6) That, the aforementioned writ petition No. 270-M/2015 was decided by the Hon'ble Peshawar High Court, Mingora Bench vide order/judgment dated 29.01.2019, whereby the ibid writ petition was transmitted to the worthy Director, Elementary & Secondary Education, Khyber Pakhtunkhwa at Peshawar to treat it as representation. The concluding para of the ibid order/judgment dated 29.01.2019 is reproduced for ready reference as below;

*In view of the above and while relying on the law laid down in "Muhammad Akram's case V/S DCO Rahim Yar Khan and others reported as 2017 SCMR 56", this petition is treated as representation and the same is transmitted to the respondent No. 2 for adjudication in respect of redressal of the grievances of the petitioners. Office is directed to transmit original file to the respondent No.2 and shall retain photocopy of the same for office record."*

**(Copy of order/judgment dated 29.01.2019 is annexed as Annexure "G")**

- 7) That, after going through all the codal formalities the case of the petitioner was finally forwarded to worthy DEO-F, Swat/respondent No.1 by the appellate authority (Director, Elementary & Secondary Education, Khyber Pakhtunkhwa)/ Respondent No.2, consequent upon this respondent No. submitted its report vide No. 9113 dated 05.11.2020 in which it has been stated that the

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29 APR 2022

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(4) (2)

case of Mst. Nusrat Begum Ex-PST (petitioner) is similar to the case of Mst. Azra Bibi & Farzana Kiran PST which has already been re-instated in service by the Director in the light of recommendation of inquiry report conducted through Mr. Janas Khan Principal B-19, GHS Deh Bahadar Peshawar, consequent upon, the appellate authority, Director, Elementary & Secondary Education, Khyber Pakhtunkhwa/ respondent No.2 after accepting the appeal of the petitioner, reinstated her and put her service at the disposal of DEO-F /respondent No.1 for her further adjustment vide notification bearing Endst. No. 7717-21/F.No.394/F/Appeal Swat dated Peshawar 30.12.2020. **(Copies of notification bearing Endst. No. 7717-21/F.No.394/F/Appeal Swat dated Peshawar 30.12.2020 and other relevant documents are annexed as Annexure "H")**

- 8) That, the worthy respondent No.1 directed the offices of worthy DEO (M&F) District Kohistan Upper/respondent No.4 and worthy Sub-Divisional Education Officer (F) Matta /respondent No.5 Swat for the provision and verification of the service documents and details about previous duty status is concerned, so the needful was done which is cleared from the letter bearing No. 4254 dated 05.08.2021 by the worthy DEO (M&F) District Kohistan Upper/respondent No.4 whereby the services of the petitioner were verified w.e.f 27.12.1999 to 1.06.2010, i.e. from her appointment till her termination. Likewise, the same process was also undergone by the worthy Sub-Divisional Education Officer (F) Matta, Swat/respondent No.5, who was directed for the same vide office letter bearing No. 409 dated 14.01.2021 in GGPS Doghalgay, Beha Swat. **(Copies of letter bearing No. 4254 dated 05.08.2021 and other relevant documents are annexed as Annexure "I")**

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29 APR 2022

- 9) That, the petitioner time and again requested respondent No.1 for compliance of the aforesaid notification dated 30.12.2020 of the worthy Director, Elementary & Secondary Education,

Additional Registrar

8 21

Khyber Pakhtunkhwa at Peshawar, but was kept at hanging position by delaying the process by one way or the other without any cogent and plausible reasons, therefore the petitioner again filed an application dated 11.01.2021 before respondent No.1, for compliance of the ibid notification requesting the adjustment of the petitioner, but was not responded till date. **(Copy of application dated 11.01.2021 duly acknowledged is annexed as Annexure "J")**

10) That being aggrieved from the actions and inactions of respondent No.1 by keeping the petitioner in hanging position and not complying with the notification dated 30.12.2020, the petitioner having no other adequate, speedy and efficacious remedy but to approach this Hon'ble Court in its original jurisdiction inter alia on the following grounds:

**GROUND:**

- A. That, the action and inaction of the respondents are clearly in disregard with the fundamental rights of the petitioner and against the rules on the subject.
- B. That, the petitioner was not treated like the other same placed employees which leaned to ex-facie discriminatory, being in violation of Articles 4, 25 and 27 of the Constitution as it is the responsibility of the competent authority/respondent No.1, to implement and adhere to policies and guidelines so that, the benefit may be given to all such persons who are covered under it. Its implementation cannot be left at the whims and volition of the competent authority to bestow this benefit or advantage on pick and choose basis, while such type of guidelines or policy should be implemented across the board without any discrimination.

**FILED TODAY**

29 APR 2022

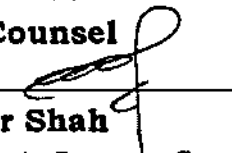
*[Signature]*  
Additional Registrar

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6

- C. That, the actions and inactions of respondent No.1 are in clear malafide intention not only to victimize and discriminate the petitioner, but to disturb her peace of mind and that of the entire family.
- D. That, the keeping the petitioner in hanging position without giving any cogent and plausible reasons is not only in disregard of the fundamental rights of the petitioner but is worst example of maladministration, which is not tenable in the eye of law.
- E. Any other ground not specifically raised will be argued with the prior permission of this August Court.

It is therefore very humbly prayed that, on acceptance of the instant writ petition, respondent No.1 may kindly be directed to adjusted the petitioner in the nearest school as early as possible against any of the vacant post at her Union Council/Village Council of her abode with all back benefits.

Any other relief not specifically prayed for, but this august court deems proper may also be granted in favour of petitioner.

Petitioner  
Through Counsel  
  
Sabir Shah  
Advocate Supreme Court of Pakistan

FILED TODAY

29 APR 2022

Additional Registrar



J (23)

**OFFICE OF THE  
DISTRICT EDUCATION OFFICER (F) SWAT  
(ESTABLISHMENT)**

+92-946-9240-214  [leofswat@gmail.com](mailto:leofswat@gmail.com)

### OFFICE ORDER

Whereas **Mst.Nusrat Begum** D/O Muhammad Amin W/O Muhammad Ali belong to village Beha, Tehsil Matta district Swat, bearing CNIC No.15601-0951165-0 and appointed as PST at GGPS Serai Gabral district Kohistan vide No.771-99 Dated 27.12.1999 and later on she was terminated from service by the then Executive District Officer (E&S) Education vide office Notification under Endstt; No.2206-10 dated 1.6.2010

Whereas Mst.Nusrat Begum along with others approached to the Hon; High Court Mingora Bench Darul Qaza Swat and filed a Writ Petition No.270-M/2015 which was transmitted to Director E&SE KP Peshawar on 29.1.2019 for "adjudication in respect of redressal of the grievances of the Petitioner" including Mst.Nusrat Begum.

Whereas for compliance of the order of the Hon;High Court ,Director Education conducted inquiry through principal and Notification of re-Instatement in R/O Mst.Nusrat Begum issued conditionally vide Notification under Endstt; No. 7717-21 dated 30.12.2020 and could not be adjusted due to non-Verification of service record on the basis of DEO(F) Kohistan Letter No. 80 Dated 9.2.2021

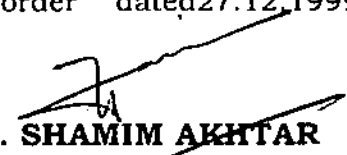
Whereas this office time & again make Correspondence with the quarter concerned for finalization of verification of service record of Mst.Nusrat Begum and finally DEO(F) Dir Lower Mrs.Shaheen Begum was nominated for verification & Inquiry vide Director E&SE KP Peshawar on 28.12.2022 which was conducted and report received on 8.4.2023 and confirmed appointment order of Mrs.Nusrat Begum and letter No.453 dated 28.2.2023 as Correct.

Keeping in view the above detail and order of the Hon; High Court Mingora Bench Darul Qaza Swat Passed on 8.2.2023 in W.P.No.531-M/2022, the undersigned resolve the issue and Ordered for adjustment of Mrs.Nusrat Begum as PST at GGPS Doghlai Beha with immediate effect and the intervening period wef 22.2.2012 To 17.4.2023 is converted into leave without pay.

### TERMS& CONDITIONS

Terms & Conditions already mentioned in the appointment order dated 27.12.1999 will be intact.

o/c

  
**DR. SHAMIM AKHTAR  
DISTRICT EDUCATION OFFICER(F)  
SWAT**

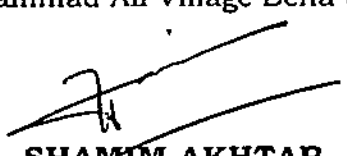
Endstt;No. 3093-02

Dated 18/4/2023

**Copy Forwarded for information and necessary action to the;**

1. Additional Advocate general Peshawar High Court Mingora Bench Darul Qaza Swat .
2. Director Elementary & Secondary Education KP Peshawar.
3. Dy; District Education Officer(F) Upper Swat at Matta.
4. District Comptroller of Account Swat at saidu Sharif.
5. District Monitoring Officer Swat.
6. Sub Divisional Education Officer(F) Matta Swat.
7. Budget 7 Account Officer (lower & Upper) Swat.
8. Mst.Nusrat Begum D/O Muhammad Amin , W/O Muhammad Ali Village Beha tehsil Matta Upper Swat.
9. DEMIS Local Office.
10. Master File.

o/c

  
**DR. SHAMIM AKHTAR  
DISTRICT EDUCATION OFFICER(F)  
SWAT**

K (24)

**BEFORE THE PESHAWAR HIGH COURT**  
**MINGORA BENCH SWAT**

CM No 747-M/2022 in  
**W.P.NO. 531-M/2022**

**Mst.Nusrat Begum D/O Muhammad Amin R/O Beha Tehsil Matta Swat.**  
.....**PETITIONER**

**VERSUS**

1. District Education Officer (Female) Swat.
2. Director Elementary & Secondary Education KP, Peshawar.
3. Government of Khyber Pakhtunkhwa through  
Secretary Elementary & Secondary Education at Peshawar.
4. DEO(M&F) District Kohistan.
5. Sub Divisional Education Officer(F) Matta Swat.

.....**RESPONDENTS**

**INDEX**

S.No.	Description of Documents	Annex	Pages
1.	Application		1
2.	Affidavit		2
3.	Copy of order sheet dated 21.12.2022 & 8.2.2023	A & B	3-4
4.	Office Order/Appointment Order dated 18.4.2023	C	5
5.	Inquiry Report	D	6-10
6.	Authority Letter	E	11


Noted for  
HAG  
Sign  
Date 26-4-2023

**FILED TODAY**

26 APR 2023

Additional Registrar

**Respondent**

  
**Dr. SHAMIM AKHTAR**  
**DISTRICT EDUCATION OFFICER(F)**  
**SWAT**

Handwritten marks and signatures in the top right corner.

**BEFORE THE PESHAWAR HIGH COURT**

**MINGORA BENCH SWAT**

CM No 747-m/2023 in

**W.P.NO. 531-M/2022**

**Mst.Nusrat Begum D/O Muhammad Amin R/O Beha Tehsil Matta Swat.**

.....PETITIONER

**V E R S U S**

1. District Education Officer (Female) Swat.
2. Director Elementary & Secondary Education KP, Peshawar.
3. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education at Peshawar.
4. DEO(M&F) District Kohistan.
5. Sub Divisional Education Officer(F) Matta Swat.

.....RESPONDENTS

**APPLICATION FOR PLACING ON FILE APPOINTMENT ORDER**  
**DATED 18.4.2023 AS PER DIRECTIONS OF THIS HONORABLE**  
**COURT VIDE ORDER DATED 21.12.2022**

Respectfully Sheweth,

The applicant/Respondent submit as under:

1. That the above titled writ petition is pending before this Honorable court, which was fixed on 8.2.2023 , wherein request was made for Inquiry report by the inquiry officer .
2. That inquiry report received from director Education on 8.4.2023 whereof the respondent issued appointment Order of the Petitioner on 18.4.2023 .

**(Copies of order sheet dated 21.12.2022 & 8.2.2023 (Annexures A & B) and office order No..... dated 18.4.2023 are annexed as Annexure-C)**

**In view of the above, it is therefore most humbly prayed that this application may kindly be considered as Progress report and compliance of the order.**

**FILED TODAY**

**26 APR 2023**

**Additional Registrar**

**Respondent**

**Dr.SHAMIM AKHTAR**  
**DISTRICT EDUCATION OFFICER(F)**  
**SWAT**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

L

**Service Appeal No.854/2024**

28

**Nusrat Begum PST GGPS Doghallgy Beha Tehsil Matta Swat.**

**(APPELLANT)**

**VERSUS**

1. The District Education Officer (Female) Swat.
2. The District Account Officer at Saidu Sharif Swat.

**(RESPONDENTS)**

**AUTHORITY LETTER**

Mr. Sultan Nabi office of DEO (F) Swat is hereby authorized to attend the Hon; Service Tribunal Khyber Pakhtunkhwa Peshawar in Service Appeal No. 854 of 2024 on behalf of the Respondent No.1 till the finalization and decision of the instant appeal in hands.



**DISTRICT EDUCATION OFFICER(F)  
SWAT  
(Respondent No.1)**