

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Basmeera Akhtar v/s Govt of KP Through Secretary and others

S#	CONTENTS	YES	NO
1	This Appeal has been presented by <u>Appellant</u>	✓	
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent oath commissioner?	✓	
8	Whether Appeal / Annexures are properly paged?	✓	
9	Whether Certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/ clear?	✓	
13	Whether copy of appeal is delivered to AG/ DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by Petitioner/ Appellant / Respondents?	✓	
15	Whether number of referred cases given are correct?	✓	
16	Whether appeal contains cutting / overwriting?		
17	Whether list of books has been provided at the end of the appeal?		
18	Whether case relate to this Court?	✓	
19	Whether requisite number of spare copies are attached?		
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether security and process fee deposited? On _____		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, Notice along with copy of Appeal and annexures has been sent to Respondents? On _____		
26	Whether copies of comments / reply / rejoinder submitted? On _____		
27	Whether copies of comments/ reply/ rejoinder provided to opposite party? On _____		

It is certified that formalities /documentations as required in the above table, have been fulfilled.

Name:- FAHOOOR ZB/AM

Signature:- 


Dated:- 9/5/2022

The appeal of Mst. Basmeena Akhtar PST Frontier Community School Teacher Toor Smut District Orakzai received today i.e. on 13.04.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Check list is not attached with the appeal.
- 4- Certificate be given to the effect that appellant has not filed any service appeal earlier on the subject matter before this Tribunal.
- 5- Copy of reinstatement order mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.
- 6- Page no. 9 of the appeal is illegible which may be replaced by legible/better one.

No. 936 /S.T,

Dt. 14-4- /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zahoor Islam Khattak Adv. Peshawar.

Sis

Please extend time, because we

have not removed the deficiency within
stipulated time.


Zahoor Islam Khattak

Sis:

All objections 1, 2, 3, 4, & 6 has been removed,

while objection no. 5 is not relevant, because Appellant

is not reinstated in service as per order of high court
conditionally which is attached at page 19 of Appeal.
Appellant have not other order ~~from~~ except at page 19.


Zahoor Islam Khattak

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 770/2022

Basmeena Akhtar.....(Appellant)

V E R S U S

Govt: of KP through Secretary Elementary and Secondary
Education and others.....(Respondents)


I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of the parties		8
4.	Copy of appointment order	A	9
5.	Copy of Writ Petition and order	B	10-17
6.	Copy of conditional order	C	18-19
7.	Copy of departmental appeal	D	20
8.	Wakalat Nama		21


Appellant

Through

Dated: 13/04/2022


Zahoor Islam Khattak
Advocate High Court,
Peshawar.
Cell No. 0346-9083579

1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 770 /2022

Basmeena Akhtar, Now PST (BPS-12) Frontier Community
School Teacher FCS Toor Smut District
Orakzai.....(Appellant)

V E R S U S

1. Government of Khyber Pakhtunkhwa, through Secretary
Elementary and Secondary Education, Civil Secretariat
Peshawar.
2. Director Education, Khyber Pakhtunkhwa, G.T. Road,
Hashtnagari, Peshawar.
3. District Education Officer (DEO) District
Orakzai.....(Respondents)

APPEAL UNDER SECTION 4 OF KHYBER
PUKHTUNKHWA SERVICE TRIBUNAL ACT
1974 FOR FIXATION OF PAY W.E.F. THE
DATE OF FIRST APPOINTMENT I.E.
20/01/2010 INSTEAD OF 20/07/2020 AND
THE RESPONDENTS HAVE NOT DECIDED
THE DEPARTMENTAL APPEAL OF THE
APPELLANT WITHIN THE STATUTORY
PERIOD OF NINETY DAYS.

Prayer:

On acceptance of this appeal, the respondents may be directed to count the previous service of the appellant towards regular service in light of the judgment of Hon'ble Peshawar High Court dated 21/02/2020 and subsequent order dated 20/07/2020, properly place in seniority list with all back benefits.

Respectfully Sheweth:

The appellant submits following facts regarding the appeal:

1. That, initially the appellant was appointed as PTC Now PST in the respondent department after fulfilling all the codal formalities for appointment to the post vide order dated 20/10/2010. (Copy of appointment order is attached as annexure "A").
2. That after receiving the appointment order the appellant submitted her arrival report and assumed

the charge at FCS Toor Smut Orakzai and start performing her duty quite efficiency and the best of her abilities.

3. That appellant performed at FCS Toor Smut Orakzai and all of the sudden the situation in Orakzai Agency (now district) become critical and all the teachers in the school were stopped to performed her duties.

4. That when the situation in the area were stable the appellant approached respondents for and continuation of her service, but the respondents refused by one pretext or the other and appellant filed departmental appeal but it was not decided within the statutory period.

5. That the appellant approached Hon'ble Peshawar High Court, Peshawar for redressal of her grievances and the Hon'ble Peshawar High Court reinstated her in service. (Copy of Writ Petition and order are attached as annexure "B").

- 41
6. That appellant was reinstated in service conditionally as per decision of Hon'ble Peshawar High Court, Peshawar. (Copy of conditional order is attached as annexure "C").
 7. That appellant filed departmental appeal to respondent No. 3 for redressal of her grievances, but they have not decided the appeal within the statutory period. (Copy of departmental appeal is attached as annexure "D").
 8. That appellant feeling aggrieved and having no other remedy filed the instant appeal on the following grounds amongst other:

GROUND:

- A. That by not counting/ including the project service served by the appellant in the respondent department is against the law, facts and norms of natural justice.
- B. That appellant has not been treated by the respondents department in accordance with law

and rules on the subject noted above as such respondents violated Article 4 and Article 25 of the Constitution of Islamic Republic of Pakistan.

- C. That similar nature case titled "Mian Siraj..VS..Govt: of KP" has been decided by this august Tribunal dated 02/07/2010 and as such the same was implemented by the department, therefore, under the principle of consistency reported 2009 SCMR Page-I the applicant to is also entitled for the grant of similar relief.
- D. That the respondent acted in arbitrary and malafide manner while not connected the project service of the appellant towards regular service.
- E. That the act and action of the respondent is discriminatory therefore, not tenable and liable to be set aside.
- F. That under Article 38 of the Constitution of Islamic Republic of Pakistan 1973 states bound to reduce disparity in the income and earning of the

6)

individual including persons in the various service of Pakistan.

G. That appellant will seek permission to advance further ground with prior permission of this Hon'ble tribunal.


It is, therefore, humbly prayed that on acceptance of this Service Appeal, the previous service of the appellant may be counted towards their regular service with all back benefit.

Any other relief which is not specifically asked may also be given in view of the facts and circumstances of the case.


Appellant

Through

Dated: 13/04/2022


Zahoor Islam Khattak
Advocate High Court,
Peshawar.

7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2022

Basmeena Akhtar.....(Appellant)

V E R S U S

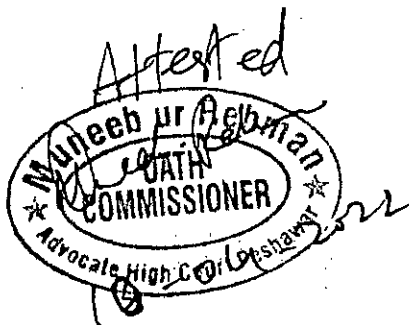
Govt: of KP through Secretary Elementary and Secondary
Education and others.....(Respondents)

AFFIDAVIT

I, Basmeena Akhtar, Now PST (BPS-12) Frontier
Community School Teacher FCS Toor Smut District Orakzai,
do hereby solemnly affirm and declare on oath that the
contents of the accompanying **Service Appeal** are true and
correct to the best of my knowledge and belief and nothing has
been concealed from this Hon'ble Tribunal.

Bn

DEPONENT
CNIC: 14202-8400647-6



IDENTIFIED BY: *Zahoor Islam Khattak*

Zahoor Islam Khattak
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2022

Basmeena Akhtar.....(Appellant)

V E R S U S

Govt: of KP through Secretary Elementary and Secondary
Education and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:


Basmeena Akhtar, Noew PST (BPS-12) Frontier Community
School Teacher FCS Toor Smut District Orakzai.

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa, through Secretary
Elementary and Secondary Education, Civil Secretariat
Peshawar.
2. Director Education, Khyber Pakhtunkhwa, G.T. Road,
Hashtnagari, Peshawar.
3. District Education Officer (DEO) District Orakzai.


Appellant

Through


Zahoor Islam Khattak
Advocate High Court,
Peshawar.

Dated: 13/04/2022

Appoint
ment
order

Annexure A²

9)

OFFICE OF THE AGENCY EDUCATION OFFICER, ORAKZAI AGENCY AT HANGU

Appointment Order of Community PTC (FCS)

Consequent upon the selection of Departmental Selection Committee, the following candidates are hereby appointed as Community PTC teacher against the vacant posts in the school mentioned against their names in BPS No.07 @ RS.3530/PM fixed plus usual allowances as admissible under the rules w.e.f. the date of their taking over charge.

Basim Akhtar DGS Ishaq Ahmed	PTC(FCS)	FCS Four small	Agmt No. 07/10
------------------------------	----------	----------------	----------------

Terms & Conditions:

- 1. Charge report in duplicate should be submitted to all concerned.
- 2. They should devote their whole time to their duty as community school teacher.
- 3. The employees shall serve the Govt. as community school teacher from the date of assumption of charge.
- 4. They shall carry out such administrative and teaching functions in relation to their duties.
- 5. They shall submit his/herself to lawful orders of the Govt. officers as well as V.F.C.
- 6. They should motivate the parents to send their children's to school.
- 7. If they failed to take over charge/join their duties within one month their appointment will be automatically cancelled.
- 8. These posting will not be transferred how ever local teachers preferably trained appointment will be adjusted against regular post on case basis and strictly on merit within in the parameters of rules and regulation.
- 9. They should produce their health and age certificate from the Agency Surgeon Orakzai Agency at Hangu.

Agency Education Officer,
Orakzai Agency at Hangu.

Endst. No. 11S-22/ Dated Hangu the: 20/1/2010.

Copy for information to the:

- 1. Political Agent, Orakzai Agency at Hangu;
- 2. Director of Education (FA/TA) N.W.F.P. Peshawar.
- 3. Agency Accounts Officer, Orakzai Agency at Hangu.
- 4-5. AAEs concerned & Pay clerk of the local office.
- 6. Head teachers Concerned
- 7. Candidate concerned.

Agency Education Officer,
Orakzai Agency at Hangu.

W.P. No. 10
with order

Annexure 'B'

(10)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

W.P. No. _____/2019

Basmin Akhtar D/o Ishtiaq Ahmad R/o District Kamra
Presently Leady Reading Colony, Peshawar.....(Petitioner)



VERSUS

1. Additional Secretary, Tribal Secretariat (merged area), Warsak Road, Peshawar.
2. Director Education, Tribal Secretariat (merged area), Warsak Road, Peshawar.
3. Deputy Director Education Tribal, Tribal Secretariat (merged area), Warsak Road, Peshawar.
4. Agency Education Officer, Orakzai (merged area), District Mangu(Respondents)

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

Prayer in Writ Petition:

ATTESTED

EXAMINER
Peshawar High Court

On acceptance of this Writ Petition, the services of the petitioner may be regularized according to the notification No. SO(E)/SSD/CSTR/99-108 issued by

2

11)

Governor Khyber Pakhtunkhwa in which the non local eligible community school teacher shall be consider for re-appointment against the regular vacant post of PST (BS-07).

Respectfully Sheweth:

The petitioners submit following facts regarding the Writ Petition:

Petitioners

1. That was appointed as Community PTC Teacher against the vacant post on Fixed Pay in BPS-7. (Copy of appointment order is attached as annexure "A").
2. That petitioner has performed her duty as community school with due diligence and no complaint was ever made against her to the high-up's.
3. That Governor Khyber Pakhtunkhwa issued notification for adjustment of local and non local community school teachers and shifted to nearby schools. (Copy of notification is attached "B").

ATTESTED

EXAMINER
PUNJAB HIGH COURT

4. That due to critical situation in District Orakzai, petitioner was prohibited from duty and petitioner was reassured that she will be regularized and adjusted when situation in District Orakzai become normal.
5. That through notification of Governor Khyber Pakhtunkhwa, local and non locals are regularized but petitioner is still waiting for her regularization.
6. That petitioner approached time and again to respondents department for regularization, but respondent turned deaf ear to the application of the petitioner and refused to accept it. (Copy of application is attached as annexure "C").
7. That petitioner having no other adequate alternate remedy for redressal of her grievances, invokes the jurisdiction of this Hon'ble Court on the following grounds, inter alia:

ATTESTED

EXAMINER
Peshawar High Court

That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Court.

It is, therefore, humbly prayed that On acceptance of this Writ Petition, the services of the petitioner may be regularized according to the notification No. SO(E)/SSD/CSTR/99-108 issued by Governor Khyber Pakhtunkhwa in which the non local eligible community school teacher shall be consider for re-appointment against the regular vacant post of PST (BS-07).

Any other remedy which is not specifically asked for and this Hon'ble Court deem fit may also be granted in favour of petitioner.

INTERIM RELIEF:

By way of interim relief on post of PST may be left vacant to the petitioner, till the final decision of the instant Writ Petition.

بسمین اختر
Petitioner

Through

Dated: 25/03/2019

Zahoor Islam Khattak
Advocate High Court
Peshawar.

ATTESTED

EXAMINER
Peshawar High Court

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Issued Under Article 177 of
the Constitution of Pakistan Order 1984

25 FEB 2020

PESHAWAR HIGH COURT, PESHAWAR.

15)

FORM 'A'
FORM OF ORDER SHEET

Date of order.	Order or other proceedings with the order of the Judge
21.02.2020	<p data-bbox="523 359 975 392"><u>W.P.No.2252-P of 2019 with Interim relief.</u></p> <p data-bbox="523 410 975 468">Present: Mr.Zahoor Islam Khattak, advocate for the petitioner.</p> <p data-bbox="651 494 975 545">Mr.Rab Nawaz Khan, AAG for respondents.</p> <p data-bbox="587 588 1118 621">LAL JAN KHATTAK, J.- Petitioner's prayer in the</p> <p data-bbox="523 657 778 690">writ petition is as under:-</p> <p data-bbox="587 723 1054 1116">"It is, therefore, humbly prayed that on acceptance of this writ petition, the services of the petitioner may be regularized according to the notification No.SO(E)/SSD/CSTR/99-108 issued by the Governor Khyber Pakhtunkhwa in which non-local eligible community school teacher shall be considered for re-appointment against the regular vacant post of PST (BPS-07)."</p> <p data-bbox="539 1149 1129 1582">2. Brief facts of the case are that on 20.01.2020 the petitioner was appointed by the respondents as Community PTC teacher in BPS-07 against a vacant post on fixed pay and posted her at FC Toor smat. It is the petitioner's case that due to critical law and order situation in the area her school was closed down and consequently she was prohibited from performing her</p>



Sign

ATTESTED

EXAMINER
Peshawar High Court

duties. It has been averred in the petition that the respondents had assured the petitioner that she would be adjusted but up till now no positive steps and actions have been taken by the respondents. It is the petitioner's point of view that by now there is complete normalcy in the area but the respondents are not adjusting her against the position earlier held by her despite the Notification of Governor of the Province.

3. This court, on 02.05.2019, had directed the respondents to file their parwise comments, which have been so furnished wherein issuance of the desired writ is opposed.

Agan

4. Though the respondents have opposed the petitioner's prayer for her adjustment/re-appointment on the ground that she is non-local but to controvert the bias of the respondents, petitioner has relied upon a judgment of this court dated 16.10.2018 delivered in W.P.No.160-B of 2017 whereby some non-local teachers were re-appointed by the respondents in their department. As relief to non-locals has already been granted to some others, who were placed similar to the petitioner, as per learned counsel for the petitioner, therefore, we deem it appropriate to send the petitioner's

ATTESTED
EXAMINER
Peshawar High Court

case to the respondent No:2 for its reconsideration in light of the Notification dated 11.05.2012 and judgment dated 16.10.2018 referred above and if it is found that the petitioner's case is fully at par with the petitioners of writ petition No.160-B of 2017, then in that situation, she be also given same treatment as to be treated equally in the like circumstances is the grundnorm of our Constitution violation of which cannot be countenanced. It will be appreciated if the petitioner's case is decided by the respondent No:2 within a period of one month from today.

[Signature]
JUDGE

[Signature]
JUDGE

CERTIFIED TO BE TRUE COPY
EXAMINER
Punjab High Court, Patna
Authorized Under Article 229
of the Constitution of India
26-FEB-2020

[Handwritten notes and signatures]
Date of presentation of Application
No. of Pages
Copies
Received

(8)
(75)
**'THE
PESHAWAR HIGH COURT
PESHAWAR**



Ph: No. 091-9210149-158
Ext: No. 364

No. 8523 /Judl:
Dated Peshawar the 27/2/2020

From

The Deputy Registrar (J),
Peshawar High Court,
Peshawar

To

The Director Education, Tribal Secretariat (Merged Area),
Warsak Road, Peshawar.

Subject

Writ Petition No. 2252-P/2019.
Basmin Akhtar... Versus... Additional Secretary, Tribal Secretariat,
(Merged Area)

Memo:

I am directed to send herewith copy of the titled file alongwith all
annexures & copy of Judgment dated 21.02.2020, passed by a Hon'ble Division
Bench of this Court, for information & compliance.

DEPUTY REGISTRAR (J)

Encl:

As above.

Attested to be a

True copy

Warsak

Conditional
order

(9)



Amir

Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar
PH No: 091-9210389, 9210938, -
9210437, 9210957, 9210468
Fax: 091-9210936

No 522 dt 23/6/20

Immediate Court Case

To

The District Education officer
Tribal District Orakzai

Subject: Conditionally implementation of Peshawar High Court
Peshawar Judgment dated 21.02.2020 in writ petition No.
2252/P/2019 filed by Basmin Akhtar.

Memo-

I am directed to refer the subject cited above and to enclose
herewith judgment dated 21.02.2020 in writ petition No. 2252-P/2019 with
the remarks that the petitioner may be re-appointed conditionally subject
to final judgment of the Honorable Supreme Court of Pakistan in CPL.

*3/10/20
3/10/20
3/10/20
NO 3781
20.7.2020*

[Signature]
Asst. Director (Lit)
Merged Districts

Endst. No. 3781
Copy forwarded to
PA to Director B&SE Khyber Pakhtunkhwa

Asst. Director (Lit)
Merged Districts

*Attested to be
a true copy*

[Signature]

deput
mental
Appad

20)

Amir D⁶⁰

To

The District Education Officer
District Orakzai

Subject: Inclusion/Counting of service in the seniority

Respected Madam,

With due regard and veneration I beg to submit the following few for your kind and favorable consideration.

I, Miss Basmeena Akhtar was appointed as PTC on 20-01-2010 along with other candidates by education department of Orakzai agency. I performed my duty with full signs for two years. Unfortunately, I along with other teachers were dismissed from our duties after two years. But our services were resumed by honorable High court decision on 21-02-2020. More ever, we were kept deprived of our seniority by the education dept of district Orakzai. Miss Noreen Anwar, a PST teacher appointed along with me, took the seniority assume to service tribunal. The service tribunal in its decision on 21-10-2021, resumed her seniority from date of her 1st appointment.

Her service tribunal appeal no 860/2017 in this context, your august office is approached to issue the order of my seniority from my date of 1st appointment.

I shall be much obliged for your this out of kindness.

Note: All the relevant documents are attached with the application.

Your Sincerely,

Bn
13/12/2021
Basmeena Akhter PST

Copy forwarded:

1. To Secretry education Education of E & D Kpk Peshawer.
2. To Director Education Of E & D KPk Peshawer.

Attested to be 9

True copy

(20) ees

قیمت
50 روپے

9395



ایڈویکیٹ: ZAHOR salam khattak

بار کونسل/ ایسوسی ایشن نمبر: bc-10-9170

رابطہ نمبر: 0346-9083579

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: حکم نامہ سید سے سر سونیل صاحب لکھنؤ

دعوی:	مخانب: لکھنؤ
علت نمبر:	
مورخہ:	
جرم:	
تھانہ:	

بنام
ایڈووکیٹ
سید سونیل
مدرسہ

باعت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
آن مقام لکھنؤ کیلئے منظور و مدعا اسم حکم نامہ ایڈووکیٹ 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
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 20/11/2020

بد العباد گواہ شد العباد

مقام لکھنؤ کے لیے منظور ہے۔

Accepted

and
Attested

[Signature]

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

لکھنؤ
ایڈووکیٹ سونیل اور لکھنؤ

IN THE COURT OF KP SERVICE TRIBUNAL
PESHAWAR

Basmeena Akhtar vs Govt of Kp through Secretary
and Other

Application For placing ^{on} File Conditional
order of Regularization in above mentioned
Appeal

Respectfully Shewth,

The Applicant/Appellant submit as under,

- 1) That the above mentioned case is pending for adjudication in which date is fixed for today.
- 2) That now Applicant/Appellant want to place on file the Conditional order of regularization, which was inadvertently not place on file.
- 3) There is no legal bar to place on file the above mentioned order.

It is therefore humbly Prayed that
on acceptance of this application the order of
regularization may be placed on file.
Dated 13/5/2022

Applicant/Appellant
Through
Kahror Ismaili

IN THE COURT OF KP SERVICE TRIBUNAL
PESHAWAR

Basmeena Akhtar vs Govt of Kp through Secretary
and Other

Application For placing File Conditional
order of Regularization in above mentioned
Appeal

Respectfully Shewth,

The Applicant/Appellant submit as under.

- 1) That the above mentioned case is pending for adjudication in which date is fixed for today.
- 2) That now Applicant/Appellant want to place on file the Conditional order of regularization, which was inadvertently not place on file.
- 3) There is no legal bar to place on file the above mentioned order.

It is therefore humbly Prayed that on acceptance of this application the order of regularization may be placed on file

Dated 13/5/2022

Applicant/Appellant
Through
Kahoor Ismail Khan

To

**The District Education Officer (F)
Orakzai**

Subject: Reminder Regarding My application

With due regard and veneration, I beg to submit the following few for your kind consideration: I Mrs. **Basmeena Akhtar** (PST) was appointed as PTC on 20-01-2010 along with other candidates in Education Department of Orakzai Agency. I performed my duty continuously for two years. Unfortunately I along with other teachers was dismissed from our duties after two years. The service of all these teachers were resumed by Honorable High Court judgment on 21-02-2020, but we the entire teacher were kept deprive our seniority by education department of district Orakzai.

Miss **Noreen Anwar**, a PTC teacher appointed along with me, took the seniority issue to service tribunal. According to service tribunal Judgment on 21-10-2021, she was given seniority from the date of her first appointment. Here service tribunal appeal No, is 860/2017. since we were appointed on the same date and we have the same service history, so I also claim the seniority.

For this purpose I submitted an application regarding my seniority issue on 14-12-2021 to Secretary Elementary and Secondary education KPK. Its diary No. 1675, dated 14-12-2021.

I have also submitted an application in the Office of the Director Elementary & secondary Education Office with diary No. 3742, dated 14-12-2021. But I receive no reply from the concerned office.

I submitted the application again as a reminder in the office Secretary E&SE KPK on 24-01-2022. its diary No is 956.

I also submitted the same reminder in the director E&SE office on 24-01-2022 its diary No is 957. I have submitted of DEO Orakzai diary No. 553 dated 03-01-2022.

Now I requested you to please take necessary action as per Rule.

Hope for positive response from your kind end.

You're obediently

- Ba*
22-2-2022
- i. Basmeena Akhtar (PST)
 - ii. GGPS Kharky District Orakzai

Copy forwarded.

1. Secretary Elementary & Secondary Education KPK Peshawar.
2. Director Elementary & Secondary Education KPK Peshawar.

Subject: REMINDER REGARDING MY APPLICATION

Respected Sir,

With due respect, it is stated that I Mrs. ^mBaseena Akhtar (PST) submitted an application regarding my seniority issue on 14-12-2021 to secretary Elementary & Secondary Education KPK. Its diary No. 1675 dated. 14-12-2021.

I have also submitted the same application in the August Office of Director Elementary & Secondary Education office with diary No. 3742, dated 14-12-2021.

I request you to please take necessary action as per rule.

Hope for positive response from your kind end.

Note. The Application is attached with the reminder application.

You're obediently

Ba
24/11/2022

Basmeena Akhtar (PST)
GGPS Kharky District Orakzai

Copy Forwarded to:

1. Secretary Elementary & Secondary Education KPK.
2. Director Elementary & Secondary Education KPK.



**District Education Office
Orakzai District**

No. _____

Dated _____ / _____ / 2020

PHONE 0925-690017 FAX 0925-690017

CONDITIONALLY REGULARIZATION:

In pursuant to the Judgment of Honorable Peshawar High Court Peshawar in Petition No.2252/2019 dated 21-02-2020. Mst Basmin Akhtar D/O. Ishtiaq Ahmad is hereby conditionally regularized against the vacant post of PST, BPS-12, Rs 13320/PM (13320-960-42120) at GGPS Kharkay District Orakzai with immediate effect without back benefits conditionally subject to the final judgment of the Supreme Court in CPLA

Note: Necessary entries to this effect should be made in her service book

Terms & Conditions.

6. Charge reports should be submitted to all concerned in duplicate
7. The pay scale and service rules will be subject to revision in accordance with the orders passed by the Government from time to time.
8. If he failed to take over charge within 15 days her appointment order will be automatically cancelled.
9. Her pay will not be drawn till the verification of all of her documents from the concerned Boards/University. If the documents of the above named teacher found fake/bogus, the appointment order will be considered cancelled from the date of conditionally regularization.
10. She has to produce her health and age certificate from the District Surgeon District Orakzai.

District Education Officer
District Orakzai

Endstt. No. 3274-78

Dated 28/03/2020

Copy for information to the:

1. Additional Advocate General Khyber Pakhtunkhwa
2. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa
3. Director NMDs Peshawar
4. District Account Officer, Orakzai.
5. ADEO Concerned.

District Education Officer,
District Orakzai

*Attested to be
a true copy*

[Signature]

13.05 2022

Learned counsel for the appellant present and heard. File to come up for consideration before the S.B on 18.07.2022.



(Kalim Arshad Khan)
Chairman