

IN THE COURT OF HAQ NAWAZ,
DISTRICT JUDGE, ORAKZAI (AT BABER MELA)

CIVIL APPEAL NO. : 25/13 OF 2025
DATE OF ORIGINAL INSTITUTION : 02.05.2025
DATE OF TRANSFER-IN : 29.05.2025
DATE OF DECISION : 29.08.2025

MST. DIL TAJ BEGUM W/O FAIZ ULLAH, R/O MOHALLAH PASS
KALAY, DISTRICT HAGNU

.....(APPELLANT)

-VERSUS-

MST. DIL TAJ W/O MEHBOOB KHAN PRESENTLY SERVING AS
THEOLOGY TEACHER, GOVERNMENT GIRLS PRIMARY SCHOOL
SHERAZ GARHI, DISTRICT ORAKZAI AND OTHERS

..... (RESPONDENTS)

Present : Mr. Safdar Iqbal Khattak Advocate for appellant.
: Abid Ali Advocate for respondents No. 1 and 2.

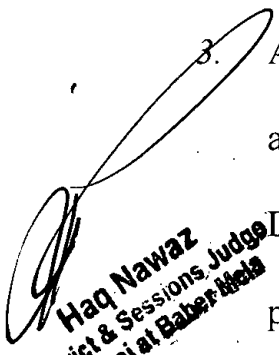
JUDGEMENT
29.08.2025

This civil appeal was preferred by the appellant against the
Order dated 22.02.2025 passed by the Court of learned Senior
Civil Judge, Orakzai, in Civil Suit No. 34/1 of 2023.

2. The suit was brought by the appellant/plaintiff for the recovery
of Rs. 5 million or whatever discovered correct after rendition
of accounts.

3. According to averments of the plaint, the plaintiff was
appointed as Theology Teacher (BPS-7) in Education
Department, District Orakzai, on 14.06.1993. She was later on
promoted to BPS-15 and ultimately retired in the year 2019.

The defendant No. 1, having similar name with the plaintiff,
was appointed as Theology Teacher on 13.10.1995. Both the
plaintiff and defendant No. 1 were having different personnel
and account numbers in their service record, but the salary of

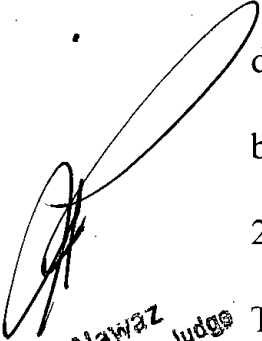

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plaintiff was diverted into the account of defendant No. 1 at the behest of defendant No. 2 who is husband of the defendant No. 1 and posted as Budget and Account Officer in the office of DEO (Female), District Orakzai, causing huge financial losses to the plaintiff as she was senior from the defendant No. 1. Therefore, the suit was filed.

4. The defendant contested the suit by filing written statement. An application under Order VII Rule 11 CPC was also filed. It was contested by the appellant by submitting written reply. The learned trial Court disposed of the suit through his impugned order; hence, this appeal was preferred.

5. I have heard learned counsels for the parties and perused the record.

6. The plaintiff has sought the recovery of Rs. 5 million or whatever was found correct after rendition of account due to diversion of her salary to the account of defendant No. 1 at the behest of her husband/defendant No. 2. According to Article 212 (1) (a) of the Constitution of Pakistan, 1973, the Service Tribunal established under the said Article has exclusive jurisdiction in respect of matters relating to the terms and conditions of persons [who are or have been] in the service of Pakistan, including disciplinary matters and according to sub-article (2) of the said Article, no other court shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of such


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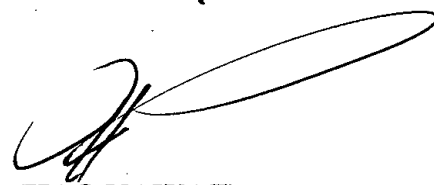
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Administrative Court or Tribunal extends. Whereas according to 2020 PLC (C.S.) 345, the expression "terms and conditions of service" did include "salary" and Service Tribunal had jurisdiction to decide the issue of salaries of employees.

7. In such circumstances, the Civil Court was having no jurisdiction to entertain the suit. Therefore, the plaint is directed to be returned under Order VII Rule 10 CPC for presentation before the proper forum.

8. Copy of this judgment be sent to the trial Court for information. File of this Court be consigned to record room after its necessary completion and compilation.

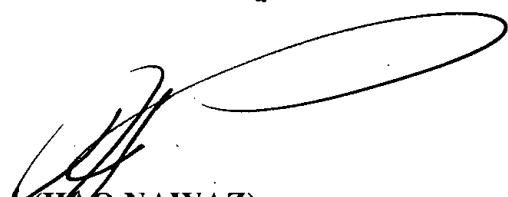
Announced:
29.08.2025


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CERTIFICATE

Certified that this judgment consists of three (03) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 29.08.2025


(HAQ NAWAZ)
District Judge, Orakzai
at Baber Mela