BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 17/2021

 Date of Institution ...
 05.01.2021

 Date of Decision ...
 06.01.2022

MureebaHaseen daughter of Umar Hayat Khan Ex-SST (Maths-Phy) (BS-16)GGHS Bahadar Khel Mughal Khel Bannu.... (Appellant)

VERSUS

Secretary, Elementary & Secondary (E&SE) Education, Khyber Pakhtunkhwa, Peshawar and two others. ... (Respondents)

Mureeb Haseen, Appellant

Muhammad Rasheed, Deputy District Attorney

For respondents

In Person

AHMAD SULTAN TAREEN ATIQ-UR-REHMAN WAZIR

CHAIRMAN MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant was appointed as Senior Subject Teacher (SST) Maths-Physics in BPS-16 vide order dated 22-05-2017. In compliance, the appellant assumed charge of her duty and started performing her duty. Appointment order of the appellant was withdrawn vide order dated 14-12-2017 with immediate effect on the issue of her qualification, against which the appellant filed appeal for restoration of her appointment, which was considered and an inquiry was conducted. The inquiry officer recommended in favor of the appellant, but the respondents issued another order dated 18-09-2020, whereby her appointment order was withdrawn with effect from the date of her appointment, against which the appellant filed departmental appeal dated 30-09-2020, which was rejected

vide order dated 28-12-2020, hence the instant service appeal with prayers that impugned orders dated 18-09-2020 and 28-12-2020 may be set aside and the appellant may be re-instated in service with all back benefits.

02. The appellant herself argued the case and contended that the impugned order dated 18-09-2020 is void ab initio and against the facts and record, as it is a settled law that no order can be passed with retrospective effect; that the impugned order is voilative of section-24 of the General Clauses Act, as the competent authority failed to pass a speaking order with sound reasoning in the light of recommendations recorded by inquiry officer; that the inquiry officer categorically stated that there is negligence on part of the scrutiny committee and the appellant possess the basic qualification for appointment. It was further recommended that the appellant performed duty for a period of seven months, which makes ber entitle for drawl of such salary; that the district education officer also recommended to re-instate her in service, as she fulfilled the requisite qualification; that the impugned order is not tenable in light of recommendations furnished by inquiry officer as well as the district education officer; that the appellant did not commit any irregularity and was rightly appointed after observing all the codal formalities; that the appellant has now joined another job in prosecution department in BPS-16, which she earned by qualifying competitive exam of public service commission, hence the appellant is no more interested to join education department anymore; that the appellant performed duty with effect from 22.5-2017 to 14-12-2017, which is evident from record as well as from comments of the respondents, hence salary for the period may be released with consequential benefits, if any.

03. Learned Deputy District Attorney for the respondents has contended that the appellant is not entitled to be re-instated against the post of SST post, as at the time of recruitment the appellant did not possess the prescribed qualification for the post in question; that the appellant got the prescribed qualification after

due date; that appointment order of the appellant was withdrawn vide order dated 14-12-2017 with immediate effect and later on vide another order, her appointment order was withdrawn with effect from the date of her appointment i.e. 22-05-2017; that an inquiry to this effect was also conducted, findings of which does not support stance of the appellant; that appointment order of the appellant was rightly withdrawn and case of the appellant being devoid of merit may be dismissed.

04. We have heard both the parties and have perused the record.

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05. Record reveals that respondents advertized interalia, posts of SST (Physics-Maths) (BPS-16). Required qualification for the post was bachelor degree in second division with the following two subject i.e. (1) Physics-maths-A OR Physics-maths-B or Physics-statistics and (2) MA Education OR Bachelor in Education. The appellant was holding bachelor degree of BSC in session 2009-12 with statistics-maths-A and obtained physics as an additional subject in session 2016-17. Record would reveal that the appellant was equipped with the required qualification and to this effect; the concerned university has also verified her antecedents. The appellant was appointed as SST with recommendations of the departmental selection committee vide order dated 22-05-2017 and in compliance, the appellant assumed charge of her duty and served for almost seven months, but the respondents without proper inquiry withdrew her appointment order vide order dated 14-12-2017 under the pretext that she had submitted fake DMC for her additional subject of physics. The concerned university at a belated stage vide its letter dated 17-08-2018 verified such DMC to be genuine. Upon appeal submitted by the appellant, an inquiry was conducted and the inquiry officer found that there is negligence on part of the scrutiny committee, as the appellant possessed the required qualification for appointment as SST. The inquiry officer further found that the appellant served for seven months; hence, she is entitled for the salaries, as she had performed her duty.

Upon receipt of inquiry report, respondent No. 2 sought comments of respondent No. 3, while respondent No. 3 in her comments had suggested that the appellant may be re-instated in service as she fulfilled the requisite qualification at the time of her appointment and had also performed more than six months duty, but respondent No. 3 also observed that since the inquiry officer recommended her for release of her salary for the period she performed duty, but such step would generate affirmative response to the appellant and after getting salary, she will resort to further litigation, hence her order of appointment may be withdrawn with effect of date of appointment i.e. 22-05-2017. The competent authority ignored recommendations pertaining to her re-instatement, but recommendation pertaining to withdrawal order of her appointment with retrospective effect was accepted and such order was modified and her appointment was withdrawn with effect from the date of her appointment, depriving the appellant from the salaries even for the period she performed duty. With such mindset, the officers sitting at the helm of affairs would be required to be taken to task.

06. We have observed that the appellant has not been treated in accordance with law and her appointment order was illegally withdrawn, for which she suffered for longer for no fault of her. Inspite of the fact that both the inquiry officer as well as respondent No. 3 recommended that the appellant possessed the requisite qualification at the time of her appointment and it was negligence on part of the scrutiny committee wrongly assessing her antecedents, the respondent No. 2 withdrew her appointment order, which however was not warranted. In view of the situation, the impugned orders are liable to be set at naught and the appellant is entitled to be re-instated with all back benefits, but since the appellant is no more interested to re-join education department as she has joined another service in prosecution department in BPS-16, hence she is held entitled to the salaries and ancillary benefits for the period from 22-05-2017 to 14-12-2017 with direction to the respondents to release her salaries as well as

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ancillary benefits if any, for the mentioned period forthwith. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED 06.01.2022

(AHMAD SULTAN TAREEN) CHAIRMAN

(ATIQ-UR-REHMAN WAZIR) MEMBER (E)

<u>ORDER</u> 06.01.2022

Appellant in person present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the impugned orders are liable to be set at naught and the appellant is entitled to be re-instated with all back benefits, but since the appellant is no more interested to re-join education department as she has joined another service in prosecution department in BPS-16, hence she is held entitled to the salaries and ancillary benefits for the period from 22-05-2017 to 14-12-2017 with direction to the respondents to release her salaries as well as ancillary benefits if any, for the mentioned period forthwith. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED 06.01.2022

(AHMAD SUL **CHAIRMAN**

(ATIQ-UR-REHMAN WAZIR) MEMBER (E)

14.12.2021

Appellant alongwith her counsel present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Baseer Ullah, Litigation Officer for respondents present.

Written reply/comments on behalf of respondents submitted which is placed on file. A copy of the same is also handed over to the appellant. Adjourned. To come up for arguments on 23.12.2022 before D.B.

23.12.2021

Counsel for the appellant and Mr. Muhammad Rasheed, DDA alongwith Nasirullah, Litigation Officer for the respondents present.

(MIAN MUHAMMAD) MEMBER (E)

At the outset of the arguments learned counsel for the appellant referred to the advertisement available on file with emphasis on the column of qualification provided for Secondary School Teacher (Physics/Maths) listed at Serial No. 2 of the advertisement. When questioned about original source of qualification provided in the advertisement the appellant as well as the department could not be able to refer from record any notification issued within the meaning of sub rule (2) of Rules 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. The respondent department is directed to produce the relevant notification to apprise about original source of qualification given in the advertisement. Learned counsel for the appellant also requested for giving direction to the respondent department to bring on record the copy of order dated 14.12.2017, whereby appointment of the appellant was withdrawn. Request is accorded and respondent department is directed to produce the same on next date. To come up for arguments on 06.01.2022 before the D.B.

Atig-ur-Rehman Wazir) Member(E)

24.11.2021

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Haseenullah, Assistant for respondents present.

Written reply/comments not submitted. Representative of the respondents seeks time to submit the same on the next date. Adjourned. To come up for written reply/comments on 0.02.2027 before S.B.

06.12.2021

Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Haseen Ullah, Assistant for respondents present.

Written reply/comments on behalf of the respondents not submitted. Representative of the respondents seeks time to submit the same. Granted but as a last chance. To come up for $w_{1} = 0$ on 14.12.2021 before S.B.

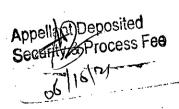
(MIAN MUHAMMAD) MEMBER (E)

(MIAN MUHAMMAD) MEMBER (E) S.A No. 17/2021 06.10.2021

Appellant alongwith her counsel namely Mr. Inayat Ullah Khan, Advocate, present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant was appointed as SST Maths, Physics vide notification dated 22.05.2017 and she assumed the charge in GGHS Bahadar Mughal Khel Bannu on 22.05.2017. He further contended that the appellant was regularly performing her duty, however the appointment order of the appellant was wrongly and illegally withdrawn vide order dated 04.09.2020, which was the appellant on 18.09.2020. communicated to He next contended that the departmental appeal of the appellant was regretted vide order dated 28.12.2020 without assigning any cogent and legal reasons. He further contended that the appointment order of the appellant was withdrawn on the ground that the appellant had allegedly submitted fake DMC of B.Sc additional Physic, however the aforementioned allegations does not hold any ground for the reason that the appellant was already having Bachelor Degree in Education and she was entitled to be appointed even without holding Bachelor Degree in additional Physic; that the aforementioned fact has been affirmed by the inquiry officer in his recommendations submitted to the competent Authority. He next contended that the appellant was neither associated with the inquiry proceedings nor any opportunity of self defense was provided to her, therefore, the impugned orders are liable to be set-aside.

Points raised need consideration, hence the appeal is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments before the D.B on 24.11.2021.



(SALAH-UD-DIN) MEMBER (JUDICIAL)

10.08.2021

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Since 10.08.2021 has been declared public holiday on account of 1st Muharram, therefore, case to come up for the same on 07.10.2021 before S.B.

Reader

Form- A FORM OF ORDER SHEET

	Court o	f
	Case No	17 /2021
5.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2 .	3
- 1-	05/01/2021	The appeal of Mst. Mureeb Hussain presented today by Mr. Inayatulla Khan Advocate may be entered in the Institution Register and put
		up to the Worthy Chairman for proper order please.
•		RĚGISTRAR
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on $\frac{ 9 02/2}{ 2 }$
· · ·		CHAIRMAN
· · · ·	· · ·	
19.0	2.2021 Т	he learned Member Judicial Mr. Muhammad Jamal Khan is
	unde	r transfer, therefore, the case is adjourned. To come up fo
	the s	ame before S.B on 22.04 .2021.
· : ·		
		Reader

22.04.2021 Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 10.08.2021 for the same as before.

Reader

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

S.A.No.___/2021

Mureeb Haseen

Versus

..... Appellant

Secretary (E&S) Education, KP Peshawar. and others...... Respondents

S.No.	Description of documents.	Annex	Pages.
1)	Memo of Service Appeal.		1-6
2) .	Affidavit.		7
3)	Addresses of the parties.		8
4)	Copies of DMCs.	A	9-15
5)	Copy of appointment order dated 22.05.2017.	A/1	16-21
6)	Copy of charge report dated 22.05.2017	B	22
7)	Copies of extract from attendance register for the months of May to December	C .	23-28
8)	Copy of application.	D	29
9)	Copy of inquiry report and findings	<u> </u>	30-32
	prepared by Mr.Musarrat Hussain, DEO (Male) D.I.Khan.		
10)	Copy of comments dated 12.08.2020 recorded by DEO (Female) Bannu.	F	33
11)	Copy of letter dated 17.08.2020	G	34
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13)	Copy of order dated 18.09.2020	I ·	40
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Appellant

Through

Inayat Ullah Khan Advocate High Court Peshawar. LL. M (UK) Cell: 0333-9227736

Dated: 04.01.2021

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES

TRIBUNAL, PESHAWAR

Rhyber Pokhtukhwa Service Tribunal Mary No 9 .e. 2021

S.A.No. 17 /2021

Mureeb Haseen daughter of Umar Hayat Khan Ex-SST (Maths Phy) (BS-16) GGHS Bahadar Khel Mughal Khel Bannu...... Appellant

Versus

1) Secretary, Elementary & Secondary (E&S) Education, Khyber Pakhtunkhwa, Peshawar.

2) Director Elementary & Secondary (E&S) Education, Khyber Pakhtunkhwa, Peshawar.

District Education Officer (Female) Bannu..... Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE SERVICES TRIBUNAL ACT, 1974 AGAINST THE **IMPUGNED** ORDER **RECEIVED** ON 18.09.2020 WHICH WAS QUESTIONED IN THE DEPARTMENTAL APPEAL DATED 30.09.2020 BEFORE RESPONDENT No.1 i.e. SECRETARY ELEMENTARY AND SECONDARY EDUCATION, KP, HOWEVER. THE SAME WAS DECLINED VIDE FINAL ORDER DATED HENCE 28.12.2020. THE INSTANT APPEAL IS BEING FILED WITHIN 30 DAYS, WHICH IS WELL WITHIN TIME.



3)

PRAYER:

On acceptance of this Service Appeal, the impugned order received on 18.09.2020 and final order dated 28.12.2020 may kindly be set aside by restoring the appointment of appellant w.e.f. 22.05.2017 with all consequential back benefits/ arrears of pay. 2

Any other relief to whom the appellant found entitled may also be granted in the given facts and circumstances of the case.

Sir,

Brief facts giving rise to the instant Service Appeal are as under:-

 That the appellant belongs to District Bannu having qualifications of Bachelor of Education, Bachelor of Science and also having cleared physics and additional subject in B.Sc.

(Copies of DMCs are attached as Annex: "A").

 The appellant was appointed as Senior Subject Teacher (SST Maths, Phy) (BS-16) vide appointment Ends No.3876-80 dated 22.05.2017 at serial No. 33.

(Copy of appointment order dated 22.05.2017 is attached as Annex: "A/1").

 The appellant assumed the charge as SST (Maths/ Phy) in GGHS Bahadar Khel Mughal Khel Bannu on 22.05.2017 duly signed by Head Mistress.

(Copy of charge report dated 22.05.2017 is attached as Annex: "B").

4. The appellant was performing her duties at GGHS Bahadar Khel Mughal Khel Bannu for a period of 07 (Seven) months as evident from attendance register.

(Copies of extract from attendance register for the months of May to December are attached as Annex: "C").

5. The appointment order of appellant was withdrawn with immediate effect on 14.12.2017 against which appellant preferred applications for restoration of her appointment order.

3

(Copy of application is attached as Annexure "D").

6. The office of District Education Officer (Female) Bannu referred the matter for inquiry and Mr.Musarrat Hussain Khan District Education Officer (Male) D.I.Khan who conducted an inquiry and submitted his report with recommendations wherein it was recommended as follow;

* 1. <u>There is negligence on the part of scrutiny</u> <u>committee.</u>

- 2. <u>She possessed the basic qualification for</u> <u>appointment as SST at the time of her</u> <u>appointment as per criteria but she has</u> <u>one subject instead of two at that time.</u>
- 3. <u>The appointment order was withdrawn on</u> <u>14.12.2017 after seven months & in this</u> <u>way she was eligible for her salaries as she</u> <u>performed her duties.</u>
- 4. <u>The competent authority now decide her</u> <u>case in the light of above findings as she</u> <u>passed the requisite subject.</u>"

(Copy of inquiry report and findings prepared by Mr.Musarrat Hussain, DEO (Male) D.I.Khan is attached as Annex: "E").

6) That is also pertinent to refer to the comments of District Education
 Officer (Female) Bannu wherein it was mentioned at Citation 'a &
 b' and the same is reproduced in verbatim for ready reference:-

• a. <u>That the competent authority may modify her</u> <u>termination order under the rules.</u>

b. Or she may be reinstated in service as she full filled the requisite qualifications and had also performed more than six months service and the inquiry officer also recommended that the competent authority now decide her case in light of above findings as she passed the requisite subject.

If the competent authority follows the 2nd option, minor penalty of stoppage/ withholding of one annual increment for three years may also be imposed upon the appellant, so that no one can make such a practice in future."

(Copy of comments dated 12.08.2020 recorded by DEO (Female) Bannu is attached as Annex: "F").

7) The appellant's DMC was duly verified as genuine by Controller of Examination, University of Science and Technology (UST) Bannu vide letter reference No.8122/USTB/Secy 18, dated 17.08.2018. (Copy of letter dated 17.08.2020 is attached as Annex: "G").

That the appellant preferred departmental appeal dated 30.09.2020 against the impugned order received by the appellant on 18.09.2020 before respondent No.1 which was declined vide final order dated 28.12.2020.

(Copy of departmental appeal along with postal receipt are attached as Annex: "H", order dated 18.09.2020 is attached as Annex: "I" and final order dated 28.12.2020 is attached as Annex: I/1)").

9) That the appellant feeling aggrieved and dissatisfied with the impugned order seeks reinstatement as SST (Maths, Phys) (BS-16) on the following amongst other grounds:-

GROUNDS

8)

A. The impugned order received by the appellant on 18.09.2020 is void ab-initio and against the facts and record.

It is settled law that no order can be passed with retrospective effect.

 B. The impugned order is violative of Section-24 of the General Clauses Act as the competent authority failed to pass a speaking order with sound reasoning in the light of recommendations recorded by the Inquiry Officer and the inquiry report/ comments submitted by District Education Officer (Female) Bannu.

The inquiry officer categorically stated that there is negligence on the part of scrutiny committee and the appellant possess the basic qualification for appointment as SST at the time of her appointment as per criteria. It was further recommended that she performed her duties for a period of 7 months makes her entitle to draw her salaries.

C.

D.

E.

In addition to the recommendations furnished by the inquiry officer, the <u>District Education Officer (Female)</u> <u>Bannu also recommended to modify her termination order</u> and she may be reinstated in service as she fulfilled the requisite qualifications and also performed duties for more than 6 months, however she suggested to impose a minor penalty of stoppage/ withholding of one annual increment for a period of 3 years.

The impugned order is not tenable in the light of the recommendations furnished by the inquiry officer and the District Education Officer (Female) Bannu.

The appellant did not commit any illegality or irregularity she was appointed as SST (Maths, Phy) (BS-16) Bannu after qualifying National Testing Service (NTS), hence a vested right accrued in her favour and particularly the inquiry officer and District Education Officer (Female) Bannu categorically stated that she was having requisite qualifications, hence fully eligible for the post.

(Copy of advertisement is attached as Annex: "J")

Keeping in view what has been stated above it is therefore humbly prayed to allow this Service Appeal and consequently set aside the impugned order received on 18.09.2020 and final order dated 28.12.2020 by restoring the appointment of appellant w.e.f. 22.05.2017 with all consequential back benefits/ arrears of pay.

Any other relief to whom the appellant found entitled may also be granted in the given facts and circumstances of the case.

Appellant

Inayat Ullah Khan Advocate High Court LL. M (U.K)

&

Muhammad Haris Sher Advocate, Peshawar

Dated: 04.01.2021

<u>BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES</u> <u>TRIBUNAL, PESHAWAR</u>

S.A.No /2021

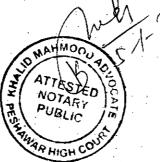
Mureeb Haseen Appellant

Versus

Secretary (E&S) Education, KP Peshawar. and others...... Respondents

AFFIDAVIT

I, Mureeb Haseen daughter of Umar Hayat Khan Ex-SST (Maths Phy) (BS-16) GGHS Bahadar Khel Mughal Khel Bannu (appellant) do hereby affirm and declare on oath that the contents of accompanying Appeal are true and correct and nothing has been concealed from this Hon'ble Tribunal.



Deponent CNIC No. <u>1101-879507</u>2-0 Cell: <u>0337-7125</u>656

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES

TRIBUNAL. PESHAWAR

S.A.No. /2021

Mureeb Haseen Appellant

Versus

Secretary (E&S) Education, KP Peshawar. and others...... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Mureeb Haseen daughter of Umar Hayat Khan Ex-SST (Maths Phy) (BS-16) GGHS Bahadar Khel Mughal Khel Bannu

RESPONDENTS:

Secretary, Elementary & Secondary (E&S) Education, Khyber 1) Pakhtunkhwa, Peshawar.

2) Director Elementary & Secondary (E&S) Education, Khyber Pakhtunkhwa, Peshawar.

3) . District Education Officer (Female) Bannu

Appellant

Through

Inayat Ullah Khan Havis Shir Advocate High Court LL. M (U.K)

&

Muhammad Haris Sher Advocate, Peshawar.

DETAILED MARKS CERTIFICATE Bachelor of Education Session: 2012-2013 One Year Annual Examination Heid in September, 2013 Name: Moreeb Haseen Roll No: 5026 Father's Name: Umer Hayat Khan Reg No: 2009-UB-FGI Institute Name: Umer Hayat Khan Reg No: 2009-UB-FGI Institute Name: Private Candidate The Candidate has secured the following Marks and is placed in 2nd Division. Na Marks OBTAINED Name: Private Candidate The Candidate has secured the following Marks and is placed in 2nd Division. Na Marks OBTAINED Name: Private Candidate The Candidate has secured the following Marks and is placed in 2nd Division. Na Marks OBTAINED Marks OBTAINED In Words Teaching of Physical Science 100 64 64 50TY-FOUR Perspective of Education in Paklelini HM 60	
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Note: Required Pass Percentage in each Subject (Written & Practical S safely) 33, Apgregate Pass Pe	s Percentage 36
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UNIVERSITY OF SCIENCE & TECHNOLO Khyber Pakhtunkhwa PAKISTAN OLOGY BANNU

S.No:185834

DETAILED MARKS CERTIFICATE

Bachelor of Education

Session: 2012-2013

One Year Annual Examination Held in September, 2013

ame: Moreeb H	aseen		R	oll No:	50268	
ather's Name: Umer I	-layat Kha	in .	Re	eg No:	2009-UB-FGB-23	751
	······		vate Car			· · ·
stitute Name:		Pn		luiuate	3	
he Candidate has secured the fo	llowing M	arks and	is place	d in <u>2n</u>	<u>d</u> Division.	
	· · · ·	• •		MA	RKS OBTAINED	
Subjects 0.	Max Marks	Theory	Practical	Total	In Words	Remarks
1 Model Lesson	200	150	· · · · · · · ·	150	ONE HUNDRED FIFTY	<u> </u>
2 Teaching of Physical Science	100	64	· · ·	64	SIXTY-FOUR	
3 Functional English	100	61		61	SIXTY-ONE	
4 Perspective of Education in Pakistan	100	60		60	SIXTY	<u> </u>
5 Teaching of Mathematics	100	59		59	FIFTY-NINE	
6 Curriculum and Instruction	100	47		47	FORTY-SEVEN	
7 Human Development and Learning	100	45		45	FORTY-FIVE	
8 Educational Measurement and Evalu	ation 100	45		45	FORTY-FIVE	
9 School Organization and Classroom	Man 100	43		43	FORTY-THREE	
O Guidence and Counselling	100	40		40	FORTY	<u></u>
Total	1100			614	SIX HUNDRED FOURTEEN	· · · · · · · · · · · · · · · · · · ·
Note:Required Pass Percentage in ea	ch Subject	(Written &	Practical S	Separate	ely) 33, Aggregate Pass Perce	entage 36
The Examination was taken as a	<u>Nhole</u>	· .		•		
Dene					- A	•
Prepared by:					1 comos	
C Man					Controller of Examina University of Science & Technolo	
Checked by:				- 		yy, Darriu
Result Declaration Date 09-	01-2014					
Issue Date 09-	01-2014					
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Errors & omissions excepted, if any, are subject to subsequent rectification.

Khujram khel Po Mandoori Palal Shah Bannu

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REVISED





S.No:58823

University of Science & Technology Bannu Khyber Pakhtunkhwa, Pakis'tan DETAILED MARKS CERTIFICATE Bachelor of Science Session: 2009-2011

Part-I Annual Examination Held in June, 2010

Name:	Moreeb Haseen	Roll No:	20573
Father's Name:	Umer Hayat Khan	Reg No:	2009-UB-FGB-23751
Institute Name:	Federal Govt. Deg	ree College For W	omen Bannu

	Subjects		· · · · · · · · · · ·	· -	MA	ARKS OBTAINED		
No.		Max Marks	Theory	Practical	Total	In Words	Remarks	
1	Statistics	75	24	10	34	THIRTY-FOUR	· .	
2	Computer Science-New	75	15 + 7	10	32	THIRTY-TWO	1	
3	Islamic Education (Comp)	60	27		27	TWENTY-SEVEN		
4	A-Course of Mathematics	-75	12 + 13		25	TWENTY-FIVE		
	Total	285		· .	118	18 ONE HUNDRED EIGHTEEN		

Note: Required Pass Percentage in each Subject (Written & Practical Separately) 33, Aggregate Pass Percentage 36

Prepared by Checked by

Result Declaration Date	14-09-2010	
Issue Date	26-10- 2010	

Controller of Examinations University of Science & Technology, Bannu

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Errors & omissions excepted, if any, are subject to subsequent rectification by the competent authority.

VERSITY OF SCIENCE & TECHNOLOGY BANNU Khyber Pakhtunkhwa PAKISTAN

DETAILED MARKS CERTIFICATE

Bachelor of Science

Session: 2009-2011

Part-II Re-Appear Examination Held in June, 2012

Name:	Moreeb Haseen	Roll No:	20573	
Father's Name:	Umer Hayat Khan	Reg No:	2009-UB-FGB-23751	
			· ·	

Federal Govt. Degree College For Women Bannu Institute Name:

The Candidate has secured the following Marks and is placed in 2nd Division.

	Subjects			ARKS OBTAINED			
No.	- ,	Max Marks	Theory	Practical	Total	In Words	Remarks
	Part-I	285			118	ONE HUNDRED EIGHTEEN	<u> </u>
	Statistics	75	27	10	37	THIRTY-SEVEN	
3	A-Course of Mathematics	• 75	20 + 11		31	THIRTY-ONE	• • •
4	Pakistan Studies (Comp)	40	20		20	TWENTY	
5	Computer Science-New	75	15 + 14	12	41	FORTY-ONE	
Total				·	247	TWO HUNDRED FORTY-SEVEN	· ·

Note: Required Pass Percentage in each Subject (Written & Practical Separately) 33, Aggregate Pass Percentage 36 The Examination was taken In Parts

Prepared by:__

Checked by:

Result Declaration Date	15-08-2012
Issue Date	28-03-2017

Controller of Examinations

S.No:129131

University of Science & Technology, Bannu

1/-

Roll No: 20573

Moreeb Haseen D/O Umer Hayat Kittin Village Khujram Khel Distt Bannu

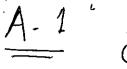
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Additional Subject	in BSc
Session: 2016-2	
Re Appeared Examination Hel	d in December, 2007
Name Moreeb Haseen	Rol No:
Father's Name: Umer Hayat Khan <	Reg No:2009.110_COR_237.01
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Subjects	MARKSCBTADE
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Total 150	71 SEVENTY-ONF
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Sesuit Declaration Date 22-03-2013	
1350 - Date, 22-03-23-5	
Icreeb Haseen D/O Umer Hayat Khan	2

. Ant Blo Mandoori Patal Shah Bannu

DOMICILE CERTIFICA DISTRICT BANNU N.W.F.P. PAKISTAN I declare that I was born of parents who are permanently domiciled in N.WEP. having belonged to it by birth / settled in it. KHUJRAM KHEL I belong by birth to village/Mohallah MOREEBHASEEN Tehsil <u> BANNII</u> District Bannu Signature of the applicant Date <u>18-7-07</u> Pursuance to the declaration dated _______ filed by _________ son / daughter / wife UMER HAYAT KHAN domiciled in the N.WEP. It is hereby certified that the said MOREER HASEEN is born of parents who are permanent residents of the N.W.F.P. having belonged to it by birth settled in it. I have satisfied myself from personal / my knowledge verification that the above declaration is true and certify. This____18#2 ____day of Jul Deputy District Officer Revenue No reeb Haseen Seal Of The C PHOTO / Dated /200 COUNTERSIGNED DISTRICT OFFICER REVENUE & ESTATE / COLLECTOR Seel: BANNU

15 میں عرب میں دفتر عرفی کون میں حوم میں تا ہوں کا مدالج F.R. CS Face mondol-Syed Fakhrud Din Shah Advocate Nice No. 11101-6543717-5



Bannu Female Appointment Order SST Adhoc+

Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar PH No. 091-9210389, 9210938.

9210437,9210389, 9210938, 9210437,9210957, 9210468 Fax 091-9210936 E-mail rafig_kk851@yahoo.com

APPOINTMENT.

Consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of Secondary School Teacher (SST Bio Chem), (SST Maths Phy), (SST General) School based in BPS-16 (Rs. 15880-1280-54280) & Rs. 15880/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms' and condition given below with effect from the date of their taking over (SST Bio Chem).

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	Si RollNo	· Name	Father Name	Address	Acar mie Mur Mar	k Ma	Mark	No. 1997
	1610002	oo Aneela Rehman	Zia Ur Rehman	Mohalla Bhatia Chandm Cha Banna City House Number 2. Banna	$\frac{ 0 }{ 100 }$	1.11	: : (H)	
· .	' 101000 <u>-)</u> ; -	go Aneelo Shaheen	- Mir Peya - Shah	Bannu			103	Ismail Khet ->
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-1	60100033		i Hassan Khan	CNIC No. 1101-7963950-0 Village Cama Chashmai Post Office Bantu District Bannu CNIC No.01101-2273133-6 Village Kai Assal D	 freing		1 5 1 7	Lalozai
5	601003731	Shuzia Gu	i Kifayar Ullah Jan	Tehsil And Distigat home	1 1 68.03	08		Killa GGHs =
0	intercurrence;	Shabina 3 Aziz Ur Reliman	Aziz Dr Rehman	CNIC No.11101-1065831-2 House Number 162/B, Mohqlia Rubnawaz Wakeel Railway Road Bannu City Bannu Kpk CNIC No.11101-1065831-2		- (136.63 Zeo.ee	Adami Sultan Ah GGHS 2
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н	 601000783	Bykhari Salina Wazir	Huq Mahahat Khan	Bannu Opposite To National Bank CNIC No.11101-1252872-2 Village Musakhel Waligai .P.O Domet District Bannu		(rs 1	34.04	GGHS Mumbati Bavakzar
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Bannu Female Appointment Order SST Adhoe2

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- 23 1	161000462	Naila Aman	Aman Ullah Khan	Kotka Abdul Ali Shukrullah Hussain Post-Office Bada Mir Abbas Khan Mandan District Bannu,	(m.gg	04	 129 08	Khan GGHS Gul Khan
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24	161000057	Nighat Jaheen	Aftab Jehan	Wife Of Of Zia Ul Haq Kashfhi Khel Muzafar-Khan Mandan Jumm Tehsil And District Barani	64.91	fi.j	, 128511	t GGHSS Ismailt
23	101000227	Hina Ambrin	Syed Mir Salun Shah	UNIC No.11101-7084086-2 House No.351 / C.302 / C Mohallah Bhatia Inside Katchary Gate Bauma	-66 gg (12	1:11 11	Mania Khel GGHSS Qamer
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27	231000365	 Tabassum Naz	Gulap	CNIC No. 0101-0858160-0 Village Kot Adil Tehsil And District Banni		- +		Najech
			Non	CNIC No.12101-9752532-6	05.69	0^{12}	127.09	Silvandu
-38	10100000000	Mehnaz Dost Ali	Dost Ali Khan	House Number 817 1, Jadid Abadi No 1 Jaman Road Banna CNIC No.11101-3225851-4	 69pr,			Khel Bala GGHS Mahammud Ali Madi
29	161000257	Nazia Azam	Azam Khan	Village Shah Hussain Killa P/O Azlın Killa Təhsil District Banını	03.22	67	· · · · 129 27	Khel
30	101000107	Noshaba Afshin	Spin Gul	CNIC No.11101-0.185185-6 Mohalla Umer Klud Village And Post Office Ghoriwala Bannu CNIC No.	02.0	59	120.6	Wooden Gul GGHS Roz
31	16100007 <u>9</u>	Suima Bibi	Sher Muhammad	CNIC No.11101-1028747-2 Sher Mu8hammad Ghoriwal Post Office Ghori Wala Bamm	ň tyre –	59	1.00 1	Gul Degan
32	161000024	Sadaf Hayat	Muhamma d Hayat Khan		1- 1- 1-1-1-1-	.		Thel OGHS Tozera Bazen
33	101000267	Saba Saud	Saad thinh Khan	CNIC No. 1101-0360810-4 Villaeg Daraz Khell Post Office	:		1	Thef CGHS



Bannu Female Appointment Order SST Adhoe3

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25) - Stonkat - Stronkat	- Əlımikat Nubi Khan	Village And Pest Office Mali How Fatima Khel Kalan CNIC NO.11101-4061409-2	. 03.77	58	121.73	GGHS Abdul Ghaffar Mamand Khel

(SST Maths Phy)

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	an ann nang	Semeren Alas	Qazi Shafi Ur Rehman	House No 554 E Bank Street Bannu CNIC No.11101-0147411-0	05.31	1 26	120,31	OGHS No 4 Bannu
1,	tt:2000000 s	l adaf Igbal	Muhammad Iqbai	Muhammad Iqbal House No 497/B Mohalah Nawab Bann Ucity Bannu	60.61	57	- 11"-64	GGHS Fazat Sadiq Mandew
	tomann31	Hasana Hasana Hannd	Hamid Ullah Shah	CNIC No.11101-83,11578-0 Danishpublic School Kakkip O Kokki CNIC No.11101-7019225-4	62.3.2	1.5.5	: 1 11":12	GGHSS Ghoriwala
۲,	_, 10200-надия	- Mie iza Gul	Gul Salam Khan	† Sheza C/O Bakhtiar Village † And Post Office Sikna Kot † Beli Tehsil And District † Bannu	r - 66.1	50	1. 116.1 117	GGHS Kotka Zobta Khan
E	- 115/17cnna_}7	Nub	Umar Ayub Khan	CNIC No.11101-0798488-6 Ghani Muchen Khel Post Office Shahbaz Azmat Khel Bannu CMICN No.00000000000000000000000000000000000	66	50.	110	Hurts Juna onkander Koch T
	19 % waaqa	- 'annara Sebra di	Balqías Khan	CNR: No.11001-3665410-2 Village And Post Office Ismail Khel Tehsil And District Baumi CNR: No.1100	- - - 64.23	- 51	415.73	GGHS Gul Khan Mirzəli Khel
•	(Conserver))	Nazia Heint	Muhammad Hanif	CNIC No.11101-902281256 Muhammad Qasim General Store New Village Kot Adil Near Aitichison School Adil Colony Bannu CNIC	67.43	~ 47	 114 43	GGHS Adami
	1. y. u. ja	i * horday	l	No.11101-2133020-2 Village Zaker Khel Pos: Olfice Nazam Bazar Surrani Bonan	 03.04		ньод	Sultan Ah GGHS Mewa Khel
11	$u_i u_i (g_i)_{i \in I}$	Rahat Marad	Murad Ali	<u>CNIC No.11101-1.133826-6</u> House Number 478/D Mohallah Akbari Bannu City Near Ghs Ne i Bannu City	10,			r GGHSS Tsmaili Maina Kher
• ;		1 Suha Shah	Prr Raziq Shah	CNIC No.11101 739984724 58 A Phase 1 Ramm Tourn Ship Barmu CNIC No.38302-7330848-0	- - 63 0 *	A^{S}	111.968	GGHS Mandozai
1.	100 100 100 12	1 * Hafiza 1 ^{Amhr} en	Safirullah Khan	Bangalow No 13 Civit Officers Colony Mirendeh Road Bannu CNIC No.11101-8131499/2	57.56	54	111 555	GGHS Abbas Sarki Khel

Bannu Female Appointment Order SST Adhoc4

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			Alhuznani	Sikandar Khan	58.11	1.10		GGHS
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				CNIC No.11101-2971147-8		1		Vuner Khan
	1	Sidra		House No 525/23 Jaman		1		
	10.0000000	Asphin	Asyhar Ali	Koad Jadid Aabadi Bannu -				GGHSS
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TERMS & CONDITIONS.

1 NO 1 A/DA etc is allowed.

- 2. Charge reports should be submitted to all concerned in duplicate.
- Appointment is purely on temporary & contract basis initially for one year wef 1st May, 2017 to 30th April, 2018.
 She should not be banded.
- She should not be handed over charge if she exceeds 35 years or below 18 years of age.
 Age relaxation case may be submitted to competent authority.
- 3. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned), any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.
- 6. His/her services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
- Pay will not be drawn until and unless a certificate to the effect by DEO(concerned) is issued that his/her certificates are verified
- 8. He/She should join his post within to days of the issuance of this notification. In case of failure to join the post within to days of the issuance of this notification, his/her appointment will expire automatically and no subsequent appeal etc shall be entertained.
- Bratth and Age Certificate should be produced from the stedical Superintendent concerned before taking over charge.
- 10. He/she will be governed by such rules and regulations as may be issued from time to time by the Goot.

Bannu Female Appointment Order SST Adhoe6

the her services shall be terminated at any time, in case his performance is found ansatedactory during his/her contract period. In case of misconduct, he/she shall be preceded under the rules framed from time to time.

His/her appointment is made on School based. He/she will have to serve at the place Γ. of posting, and His/her service is not transferable to any other station.

Before hunding over charge once again their document may be checked if they have i_{3} . not the required relevant qulifications as per cutes, they may not be handed over

(Muhammad Rafiq Khattak) Director

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1. And St.: No. 3876-80 Khyber Pakhtunkhwa Peshawar. Ludst: No. 7 File No.2/A-14/SST/Adhac/Apptt: Dated Peshawar the D (5/2017. 1. Accomitant General Khyber Pakhtunkhwa Peshawar.

- 2. Sceretary Khyber Pakhtunkhwa Public Service Commission Peshuwar. 2. District Education Officers Concerned
- 4. District Accounts Officer Concerned
- as Official Concerned.

- PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department. PA to the Director E&SE Klyber Pakhtinikhwa, Peshawar
- 3. MzFile

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Annex "B"

CHARGE ASSUMPTION REPORT

Reference to the appointment order issued by Director E&SE vide Endst: No.3876-80/File No.2/A-14/SST/Adhoc/Apptt: Dated Peshawar the 22/05/2017, I Miss Moreeb Haseen D/O Umer Hayat Khan took the charge of SST (Maths/Physics) at GGHS Bahadar Mughal Khel after noon at dated 22/05/2017.

Charge Given by

Principal/Headin

Khan

Charge Taken By

Miss Moreeb Haseen D/O Umer Hayat

Endst: No. Copy for information to the.

GGHS Bahadar Mughal Khel

Dated 22 / 5 /2017

1. Director E&SE Khyber Pakhunkhwa Peshawer 2.

Distric Accounts Officers concerned

ess

3-Official Concerned.

Printeiphil Actionistress GGHS Bahadar Mughal Khel

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Annex:

The Director Directorate of Elementary and Secondary Education Khyber PakhtunKhwa Peshawar

Subject: <u>Restoration of appointment order of Ms. Moreeb Haseen for the post of SS1</u> (Maths/Physics)

Respected Sir,

To.

With great veneration it is stated that I have been selected for the post of SST (Math's/Physic's) in Govt: Girls High School Bahadur Mughal Khel in District Bannu on dated 22-05-2017 with order no.3876-80/F.No.2/A-17/SST/Adhoc/Apptt:

After that I joined the school and took the charge of SST (Math's/Physics), where I served for 09 months from (22-05-2017 to 28-02-2018), now on the basis of above order of my appointment I requested to your good office to restore my appoint order on the basis of attached HEC verified documents

KPESE

All

Regards,

Ms. Moreeb Haseen D/O Umer Hayat Khan

Date: 18-4-18 Discetor 0

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Signature:

KPK, Pakistan

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Annex: "E"

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DERA ISMAIL KHAN Tell: 09669280138- 09869280131 Email: emisdikhan@yahoo.com

INQUIRY REPORT

INOUIRY OFFICER:

Mr. Mussarat Hussain District Education Officer (M) DIKhan was appointed as a inquiry officer to conduct inquiry in appeal of Miss Mureeb Haseen D/o Umar Hayat Khan Ex-SST (Math/Phy) GGHS Bahadur Mughal Khel Bannu.

NATURE OF INQUIRY:

Mureeb Haseen was appointed as SST (Math/Phy) GGHS Bahadur Mughal Khel Bannu vide Director E&SE Peshawar appointed order No. 3876-80 dated 22-05-2017 at S.No. 33. Later on her salary was not released due to non-verification of additional subjects DMC.

Later on her appointment order was withdrawn with immediate effect vide Director E&SE Peshawar order No. 7936-39 dated 16/12/2017.

Now she submitted appeal for restoration of her appointment order.

METHOD OF INQUIRY:

I personally visited the DEO (Female) Bannu office. Obtained record from the office & also questionnaire was served to the appellant.

FACTS:

The facts regarding the whole inquiry after the discussion & perusal of whole record are as under:-

ESSE Peshawar

- 1) Sha was appointed as SST (Math/Phy) vide Director
- Order No. 7936-39 dated 16/12/2017. (Annexure A) 2) She took over charge as SST (Math/Phy) in GGHS Bahadur Mughal Khel Bannu on 22-5-2017 dully signed by Head Mistress. (Annexure B)
- 3) She regularly performed her duties in said school w.e.f 22-5-2017 to 22-12-2017. (Copy of attendance register is attached Annexure C)
- 4) DEO (Female) Bannu asked principal concerned to submit the charge report of the said official within two days vide her Endst: No. 4302 dated 08-08-2017. (Annexure D)
- 5) DEO (Female) Bannu sent her DMC for verification vide her No. 4983 dated 31-08-2017 & in response to her letter Controller of Examination University of Science & Technology (UST) Bannu declared her DMC as fake vide No. 5139 dated 28-09-2017. (Annexure E)
- 6) The appointment order of appellant was withdrawn on 14-12-2017 vide Director E&SE No. 7936-39 dated 14-12-2017. (Annexure F)
- 7) The appellant submitted her appeal to the Director E&SE for the restoration of her appointment order. (Annexure G)
- The Directorate of E&SE Peshawar also sent verification of DMC 8) No. 2692 dated 12/7/2018. (Annexure H)
- 9) In response to above said letter Controller of Examination UST Bannu verified her DMC vide No. 8122 dated 17-08-2018. (Annexure I)
- 10) Her both DMC's are attached. (Annexure J)
- 11) Questionnaire was served to the appellant & her reply is attached. (Annexure K)

FINDINGS:

- 1- It is obviously clear that she got appointment on fake DMC.
- 2- She got through the examination after appointment.
- 3- Her appointment orders were withdrawn with immediate effect instead of with effect from her date of appointment.

Latter for verification of her DMC was issued too late after the laps of

more than 03 months. 5- Oirectorate EBSE re-verified her DMC's.

5- One passed the regulate Additional Subjects on 22-03-2018.

BECOMMENDATIONS:

- 1) There is negligence on the part of scrutiny committee.
- 2) She possessed the basic qualification for appointment as SST at the time of her appointment as per criteria but she has one subject instead of two at that time.
- 3) The appointment orders was withdrawn on dated 14-12-2017 after seven months & in this way she was eligible for her salaries as she performed her duties.
- 4) The competent authority now decide her case in the light of above findings as she passed the requisite subject.

Mr. Mússarat Hussain Khan District Education Officer (Male) Dera Ismail Khan

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	the post on 22-05	-2017.						
. 2-	She had performe	ed her duty at GO	GHS Bahadur Mug	hal Khel Bar	inu up to13-12	-2017 and s	erved 06 m	onths
	& 22 day's servic	ce.						
3-	That She had a	applied for BSc	Additional Subj	ect in Phy:	session ¹ 201	6-17 but fa	iled. She	again
	applied for the s	ame subject in D	December 2017 and	d passed by s	scouring 71/15	50 marks and	d her DMC	duly
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Annexi "Gi" (31 University of Science & Technology Bannu Near Cantt. Police Station Miran Shah Hood Bannu, Khyber Pakhtunkhwa, PAKISTAN. (Ph.No.0928-623140) STATISTICS AUTOMATICS Dated: 8/22 /USTB/Secy.18

The Dy. Director Establishment Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

S.

Subject:

Ref:No/

To:

Verification of Detail Marks Certificate In respect of Miss. Moreeb Haseen D/O Umar Hayat Khan Dist(: Bannu

Memo:

Reference your letter No. 2692/A-17/SST/F/NTS/Apptt:/2017 dated 12/07/2018, It is to inform that Miss Moreeb Haseen D/O Umar Hayat bearing Roll 85667 had applied for BSC Additional subject in Physics session 2016-17 but failed. She again applied for the same subject in December 2017 and passed by securing marks 71/150 Her DMC is duly verified

Controller of Examinations, UST – Bannu.

CONFIDENTIAL

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Annex:"H"

The Secretary, Elementary & Secondary (E&S) Education, Khyber Pakhtunkhwa, Peshawar.

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 04.09.2020 RECEIVED BY THE APPELLANT ON 18.09.2020, FOR RE-INSTATEMENT IN SERVICE AS SENIOR SUBJECT TEACHER (SST) (BS-16).

Sir,

Τ¢

Brief facts giving rise to the instant departmental appeal are as under:-

- The appellant was appointed as Senior Subject Teacher (SST Maths, Phy) (BS-16) vide appointment Ends No.3876-80 dated 22.05.2017 at serial No. 33.
- 2. The appellant assumed the charge as SST (Maths/ Phy) in GGHS Bahadar Khel Mughal Khel Bannu on 22.05.2017 duly signed by Head Mistress.
- 3. The appellant was performing her duties as such for a period of 7 (Seven) months as evident from attendance register.
- 4. The appointment order of appellant was withdrawn with immediate effect on 14.12.2017 against which she preferred applications for restoration of her appointment order.
- 5. The office of District Education Officer (Female) Bannu referred the matter for inquiry and Mr. Musarrat Hussain Khan District Education Officer (Male) D.I Khan conducted an inquiry and submitted his report with recommendations wherein it was recommended as follow;

- " 1. <u>There is negligence on the part of scrutiny</u> <u>committee.</u>
- 2. <u>She possessed the basic qualification for</u> <u>appointment as SST at the time of her</u> <u>appointment as per criteria but she has one</u> subject instead of two at that time.
- 3. <u>The appointment order was withdrawn on</u> <u>14.12.2017 after seven months & in this</u> <u>way she was eligible for her salaries as she</u> <u>performed her duties.</u>
- 4. <u>The competent authority now decide her</u> <u>case in the light of above findings as she</u> <u>passed the requisite subject.</u>"

It is also pertinent to refer to the comments of District Education Officer (Female) Bannu wherein it was mentioned at Citation a & b and the same is reproduced in verbatim for ready reference:-

21-

- " a. <u>That the competent authority may modify her</u> <u>termination order under the rules.</u>
 - b. Or she may be reinstated in service as she full filled the requisite qualifications and had also performed more than six months service and the inquiry officer also recommended that the competent authority now decide her case in light of above findings as she passed the requisite subject.

If the competent authority follows the 2nd option, minor penalty of stoppage/ withholding of one annual increment for three years may also be imposed upon the appellant, so that no one can make such a practice in future."

- 37
- 6. The appellant DMC was duly verified as genuine by Controller of Examination, University of Science and Technology (UST) Bannu vide letter reference No.8122/USTB/Secy 18, dated 17.08.2018.

7. The appellant seeks reinstatement as SST (Maths, Phys) (BS-16) on the following amongst other grounds:-

<u>GROUNDS</u>

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B.

A. The impugned order dated 04.09.2020 is void ab initio and against the facts and record.

It is settled law that no order can be passed with retrospective effect.

- The impugned order dated 04.09.2020 is violative of Section-24 of the General Clauses Act as the competent authority failed to pass a speaking order with sound reasoning in the light of recommendations recorded by the Inquiry Officer and the inquiry report/ comments submitted by District Education Officer (Female) Bannu.
- The inquiry officer categorically stated that there is negligence on the part of scrutiny committee and the appellant possess the basic qualification for appointment as SST at the time of her appointment as per criteria. It was further recommended that she performed her duties for a period of 7 months makes her entitle to draw her salaries.

In addition to the recommendations furnished by the inquiry officer, the District Education Officer (Female) Bannu also recommended to modify her termination order and she may be reinstated in service as she fulfilled the requisite qualifications and also performed duties for more than 6 months, however she suggested to impose a minor penalty of stoppage/ withholding of one annual increment for a period of 3 years.

D. The impugned order dated 04.09.2020 is not tenable in the light of the recommendations furnished by the inquiry officer and the District Education Officer (Female) Bannu.

The appellant did not commit any illegality or irregularity she was appointed as SST (Maths, Phy) (BS-16) Bannu after qualifying National Testing Service (NTS), hence a vested right accrued in her favour and particularly the District Education Officer (Female) Bannu categorically stated that she was having requisite qualification, hence fully eligible for the post.

Keeping in view what has been stated above it is therefore humbly prayed to allow this Departmental Appeal and set aside the impugned withdrawal notification dated 04.09.2020 with all consequential benefits/ arrears of pay.

Any other relief to whom the appellant found entitled may also be granted in the given facts and circumstances of the case.

Vit

Mureeb Haseen Ex-SST (Maths Phy) (BS-16) GGHS Bahadar Khel Mughal Khel Bannu

Dated: 30.09.2020

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E.



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<u>Substituted with Even No. and date</u> <u>DIRECTORATE OF ELEMENARY & SECONDARY</u> DUCATION KHYBER PAKHTUNKHWA PESHAWAR

Annex ? T

NOTIFICATION

The Appointment Order of Miss Moreeb Haseen SST (M/P) GGHS Bahadar Mughal Khel District Bannu at S.No.33 in the appointment order issued vide this office Endst:No. 3876-80/F.No.2/A-17/SST/F/Apptt:/2017 dated: 22-05-2017 is hereby withdrawn with effect from the date of her appointment.

> Director Elementary & Secondary Education Khyher Pakhtunkhwa Peshawar

Endst.No. 2936-39/A-17/SST/F/NTS/Apptt:/2019.

Dated 14-12-2017.

Copy of the above is forwarded to the:-

- District Education Officer (Female) unnu w/r to her letter No.1210 dated: 12-08-2020.
 Mr.Mussarat Hussain BPS-19 DEC Male) D.I.Khan.
- 3. District Accounts Officer Bannu.
- 4. PA to Director (E&SE) Local Off:
- 5. Master file.

2020

Deputy Director Establishment (F) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

9/020

Received on 18/09/2020



To

DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

1034 / A-17/SST/F/NTS/Apptt/2019

Annex I-1

Dated Peshawar the 28/12/2020

The Section Officer (Primary) Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.

SUBJECT:- DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 04-09-2020 RECIVED BY THE APPELLANT ON 18-09-2020 FOR RE-INSTATEMENT IN SERVICE AS SENIOR SUBJECT TEACHER (SST) (BPS-16).

I am directed to refer to you letter No. SO(PE)/5-19/Re-Instatement/2020 dated: 24-11-2020, on the subject cited above and to state that Ms. Mureeb Haseen, Ex-SST, GGHS Bahadar Mughal Khel Bannu got appointed on "Fake DMC" of BSc additional Physics and her appointment order was withdrawn on 14-12-2017, she submitted appeal to the Competent Authority and an inquiry was conducted, in the light of inquiry report and comments of DEO (F) Bannu, her appeal was regretted by the Competent Authority.

Deputy Director Establishmen (F) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

Copy forwarded for information to the:-

1. PA to Director E&SE Local office.

nole

Deputy Director Establishmen (F) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

وحواسي والعدية ومناو وحدي نیبر پختونخواا پائىلىك ، 3 بېيىش، بېينىڭ ادر زانىغراك ئىچرىز يائىرزادرۇاكترزرىگولىغۇر،ا يىك 2011 - ئىيىش نېسر 4 ئىتىت تىكسالىيىش ، يېشىكە يايىشى يىندىكىندىكى

Annex "J

عمر ا	یب سائن (http://www.nts.pk) پر منتیاب ہے۔مقررہ تاریخ کزرنے کے بعد میصول ہونے والی درخوا تابلیت		ي <u>پ يې د د م</u> نام آسامي	1	1
JU35721	سب سمی بچی جنام شد و به ندر دش سیکند ز دیژن بیچلر و گری جس کے ساتھ در می زیل : دومضامین لا زگی ہوں ۔	(SST)	سال میں سیکنڈری سکول نیچر		
	(i) محسرق میزلوق (دواهنگ بر بانگ)		بيانو.ق/يمسترن	•	
	(ii)- محمح بحي تسليم هُده ويونيورتي ب=ايم اسها بجو كيشن بيانيجو كيشن مي يَفِيلُوا مُرى-		8PS, 16		Į
35721 سال	(1) کې بحی شلیم پید د ب <u>و نورځ - سیکند دو پن ن</u> یکړ د ⁵ ری جس کے ساتحد د. ق ق د د صفایت لارگی بیون - (1)	(SST)	اليكنذري سكول فيجير	2	
	(i)_ فركس بعض A يا-(ii)_ فركس بينص B د-(iii)_ فركس المنتقب (اذبم أيتحس		
	(2)- مى بى تىلىم جد ويو ندرش ب الميرون المويش يا الميوكيش شرائيل أركن-	_	BPS. 16		
1635721	(1) سمى يحى تعليم جدود يوندورش بيداد ويران يتبطر وشرك مسم ست ماتحد درن و شردد معاملتن لا زى وهن -	(SST) جرل	أتبكنذري شول تحجر	3	
	(i) - أَنْحَرِينِ مَالَ زَمُل، بَوَسَيْمَةٍ، تُرُوبٍ ، دَعْبُرُ مساوق كُروبٍ -		BPS 16	Ũ	
	(2) - محمی ہمی تسلیر خدہ یو نیورٹیا ہے، نیم اے ایم کیشن یا ایجو پیشن میں بیلج وشرک -				

مليك كريتر الااما تد و يحسيق يكيل مريز بادرة زيل ب كحل 200 تبرات كالتسم الرشر ت ك جالتك -جسركا هن يتقسمون يطن ترجوكي

(ب) - بی <i>ت</i> بلیت = 100 میر + ۲۰ ۵ مربع یم ان مربع	(۱) _ سکریڈٹ کمیٹ بذریعہ NTS = 100 میں
کل نمبر	تىلىي تابيت
ماصل كرد ذيبر 20x تشيير كل نير	ایس ایس ک
ماس کرد دنیر 20x تنسیح کی تیر	الله السالين الم
	في الم المراجع الم
حاصل کرد دنیر 15x تقسیر کل نمبر	
جاصل کرده نیس 05x تقسیم کی نیس	
حاصل کرد دنجبر x05 تقسیمکل نیس	
یامل کرده نیر 20 تشیم کل نیر یامل کرده نیر 15x تشیم کل نیر مامل کرده نیر 15x تشیم کل نیر مامل کرده نیر 05x تشیم کل نیر	منیے اے / اپنے الیس تک نجا ہے / ڈالیس تک ایم اے / ڈیلیس تک لی لیڈ / ایم اے ایم کیشن ایم ایڈ / ایم اے ایم کیشن ایم ایل / ٹی انگار تک

نيالي ورمانيكون فكسوت شرائرون فالعيم المطرع بوكى مصل كردائير 35 تعميكل نوم بجلد يشددا تداعمات الجريش فكسورت شرائيك تغييم يطريف وشايون -ايم المية الجوتيشن عاص كرود نيسر 20x تفسير بحل فمبر

فوت: (1) بوسکول کی آسان کے لیے طبقہ دیکھر دس سندہ برنب کہ جانسی جس میں اسیداروں کے NTS سے مسل کر، ونہراور تعلی تابیت کے نبروں کو کی کریا جائے۔ (2) بر اسید درت NTS فی دیکوست قارم 300 دوبے چرمن کیا جائے گا۔ اگرایک امیدوار 5 سکولوں کے لئے درخواست دیکا تو اس ے800 روپے بی NTS جارن کریتے۔ جو کہ امیدوارخود برداشت کریں گے۔ (3) - NTS نسب شما 40 فيعد بسر ليما شرودك ب-40 فيسد ي تم فيم في واله : ميدوادة الحريقسوريوة الديم بت نسب نتر شار نتر ، يوة -

من من المنابع المنابع :- (1) قدام قدر بال مكومت فيتر بخونخون برموية المن برحلة المن بالدي خطول الما يتقرر كما Initial Appoinment بريجة المن

کوئے تے تجمت خالفتاً عادش بنیادوں پر Adhoc سنز بکٹ پرایک سال کے لیے ہوں گی۔ (2) سفہ برافرادے کے روفیعداد در آیسی کا میداردوں کے نئی فیسر کو یکھتی ہے۔ (3) اندردید تر بلی تعلی است بر ا اوابات اسپادا کو برداشت کرتا ہوں ک۔ (4) اعرابی کے لئے آب دانے اسپردارداں کوکوکی ٹی اے ڈی اے ٹیس دیا جائے گا۔ (5) سرف عقودہ اقت کے اندرسومول ہونے دائی درخواستوں پڑوکیا جائے کا۔ (8) زیرائش و ا همیار حاصل ب کدد و کولی دید تا سے جغیر کی بچن وقت کی بین ولی شعور پرانٹرو پینسون کردے۔ (7) آثرات اشتبار سے بعد حکومت وقت کی طرف سے بحر آن سے طریقہ کا رش تبدیلی کی کی توصیلیش کمیل اسے مطابق عمل ترک بارند بوکی - (8) کلدانیمحتر کا اینز سیکندری ایج پیشنا کواختیاره اسل بوکا کده دقما مخال آسامیون یا س سند کم به امیدوادجرتی کرد -- (9) متر مشتر ریاد عکوست نیم بریختونتی استقر کردونواش، بجز بعرایت کارت مدین نام است مدین از واحش است می تر واقد اش ، بجز اجرایت کارت مدین ا نیان بادن کی - (10) تا تقلیم اسادہ رف کرمنٹ سے تلیم عدد اداروں کی قابل توں ہوگی - (11) آرکمی اسید درکی ابنا ہیل بالے مستقوم سے خلاف قانونی چار دیوکی جار کی اور اسماد کے اسے سرقادن سازمیت یے تال تصور کما جائے گا۔ (12) نام کے مادات کی مورث میں درخوامت خارم خوابخو مشور تصور کما جائے گا میں انتظار نہیں کی جائے گی۔ (13) اند ویے کے انگر شیز ال جارتی کہ جاتے گا۔ (13) اند ویے کے انگر شیز ال جارتی کہ جاتے گا۔ (13) والونش بجک کے جانمی کے۔ (14) تمام بقرریاں متعلقہ احتفاق کی خیاد پر ہوگی۔ میدوار کا تومی شانتی کارڈاور او میسانک شی متعلقہ صلح کامت جدارتی ہے۔ 30 ستبر 2016 مے بعد پر اس کی ترقی خیار تا تا تیول زیروک - (15) امیدداردان سول شرمرون کردیا قاتل جادل بوک - (16) آید امیدد در بیک وقت 5 سولون می خان تسمامیون کے لئے درخواست در سیکس بار سیددار کے بیک ایک سین میں سلیکش کی صورت میں اس کی تقرری کی ایک سکول میں کی جائے کی اس صورت تدراسکول سلیکش کا انتخاب میں اس بات تاخیل رکھا جائے کا سرورت میں اس کے جعد یا دوسرے والے سیرورز ملکیش کا موقع کی تک (17)، در فواست سے کا طریقہ کار NTS کے دیب سائٹ پڑوڑو جہ۔(18)، متولفه اطلاع کی خان آسامیوں کی تغلیب سکول، اوبود فواست قارم کے ساتھ NTS کے دیب سائٹ بروی گئی ہے ہور مكول كوابية وذديا كماجه

A WE STORE ى ايند سىكىدى ا

2 leiv 2 durante دعوكى 7. باعث تحريرا كمكه مقدمه مندرجه عنوان بالاميں اپنی طرف سے داسطے ہیروی دجواب دہی دکل کار دائی متعِلقہ أن مقام سيساً فر المسليخ ين التكري في المرور في الم مقردكر ب اقراركياجاتا ب- كمصاحب موصوف كومقدمه كك كارواني كاكال اختيار ، وكار يرك وسیل صاحب کوراضی نامه کرنے وتقرر مثالت ہ فیصلہ برحلف دیتے جواب دہی اورا قبال دعوی اور بهسورت ذكرى كرفي اجراءا درصولى جيك درويبه ارعرضي دعوى ادر درخواست برتشم كي نفيدين زرای برد ستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپل کی براہدگ ادر منسونی نیز دائر کرنے اپیل نگرانی دنظر ثانی دبیروی کرنے کا اختیار ہوگا۔از بصورت ضرورت مقدمہ مذکور کے کل یاجز دی کاردائی کے داسطے اور دکیل یا مختار قانونی کواپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔اورمیا حسب مقرر شدہ کوبھی وہی جملہ مذکور ، بااختیا رات حاصل ہوں کے اور اس کا ساختہ مرواختد منظور قبول ہوگا۔ دوران مقدمہ میں جوخر چدد ہرجانہ التوائے مقدمہ کے سبب سے دہوگا۔ کوئی تاریخ بیشی مقام دورہ پر ہویا حد ۔۔ باہر ہوتو وکیل صاحب پابند ہوں ہے۔ کہ بیروی فكوركرين _لېدادكالت نامه كىھديا كەسندر _ - -<u>04</u> المرتوم --يشاور بمقام

Before the Service Tribunal KP, Peshawar. Service Appeal NO. 17/2021 Put of To The Court Mureeb Hassan is Good of KP etc: dergeoth osgind Sile. 800 2419 J41920 Application to change the date of hearing from 7/10/2021 to 6/10/2021 Respectfully Sheweth! That the above titled Service Appeal is fixed for preliminary Hearing on 7/10/2021 before this Itom ble Tribunal. 2. That the under-signed is busy on 7/10/2021 in Murder cross cases before ASJ-Bannu hence it is humbly requested that the above titled Service Appeal may kindly be refixed on 6/10/2021 mstead of 7/10/2021. and Obliged. yours sincerely-24/9/2021 Dele: 24/9/2021 Inayal ullah Ichan Activocate PHZ

Read

Pechawar. LLMZUKJ

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 17/2021

Murreb Haseen Ex-SST (Science) (BPS-16) GGHS Bahadar Khel Bannu.....Appellant

VERSUS

Secretary E&SE Department Khyber Pakhtunkhwa & others......Respondents

IOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-3.

Respectfully Sheweth :-

The Respondents submit as under:-

Preliminary objections

- 1 That the Appellant has got no cause of action/locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts form this Honorable Tribunal.
- 4 That the instant Service Appeal is based on mala fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for the relief she has sought from this Honorable Tribunal.
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the Appeal is not maintainable in its present form.
- 9 That the Appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 10 That this Honorable Tribunal has got no jurisdiction to entertain the instant case.
- 11 That the Notification dated of Respondent No.2 is legal & liable to be maintained on the grounds that the appellant appointed herself on the basis of fake & forged Bachler DMC.
- 12 That appellant is not entitled to be reinstated against the SST (Math/Phy) B-16 post as at the time of recruitment the appellant did not possess the prescribed qualification for the post in question. Moreover, she got the prescribed qualification after appointment. That the Appellant has got no cause of action/locus standi.

<u>ON FACTS</u>

1) *That* first part of the para-1 pertains to the appellant's address while the rest of the para is denied & incorrect on the grounds at the time of submission of application form for the appointment against the SST (Maths/Physics) BPS-16, the appellant did not possess the prescribed qualification for the post in question. Rather she passed physics as an additional subject at bachelor level after recruitment. Moreover, she produced fake & forged Bachelor DMC for the appointment against SST (Maths/Physics) post. (Copy of the advertisement is Annex-A).

- 2) **That** Para-2 correct to the extent that appellant was appointment against the post of SST (Math/Physics) BPS-16 vide order dated 22/05/2017 purely on contract basis & her appointment was subject to the verification of testimonial of the teacher concerned. In this regard, relevant terms & condition of her appointment order dated 22/05/2017 are re-produced hereunder:
 - a. <u>*Term & Condition No.3*</u>: Appointment is purely on temporary & contract basis initially for one year with effect from 01-05-2017 to 30-04-2018.
 - b. <u>Term & Condition No.5</u>: Appointment is subject to the condition that certificate/document must be verified from the concerned authorities by the DEO concerned, anyone found providing bogus certificate will be reported to the law enforcing agencies for further action in view of required criteria/qualification mentioned in the said advertisement.
 - c. <u>Term & Condition No.13</u>: <u>Before handing over charge once again their</u> <u>documents may be checked (if they have not the required relevant</u> <u>qualification as per rules, they may not be handed over charge of the post</u>).
- 3) That incorrect and denied on the grounds that vide Term & Condition No.13 of the order dated 22/05/2017 mentioned hereinabove, the appellant was not eligible for taking over the charge of duty against the post in question & all this occurred on malafide & concealment the facts pertaining to her fake bachelor DMC.
- 4) *That* That para-4 needs of no comments being pertains to record.
- 5) *That* Para-5 is correct to the extent that vide Notification dated 14/12/2017, the appointment order dated 22/05/2017 of the appellant has been withdrawn with immediate effect, however an another dated 7/09/2020 was substituted with even number & date whereby, effect of the Notification dated 14/12/2017 was extended to the date of 1st appointment of the appellant against the post in question. **(Copies whereof attached as Annex-B & C).**
- 6) *That* Paras-6 is correct to the extent that the DEO (F) Bannu has conducted inquiry into the matter. However, the inquiry officer reported in his findings. **(Copy whereof is Annex-D).**
 - 1. That is obviously clear she got appointment on fake DMC.
 - 2. She got the prescribed qualification through the examination after appointment.
 - 3. She passed the requisite additional subjects (Physics on 22-03-2018).
- 7) *That* Para-07 is incorrect & denied on the grounds that the controller of examinations, university of Science & Technology (UST) Bannu verified DMC of the appellant of additional subjects which she passed on 22-03-2018 while she was appointed vide order 22-05-2017, hence, the verified DMC of the appellant was not the one which was submitted at the time of recruitment to the Respondent Department.
- 8) *That* Para-08 is correct to the extent that the Departmental appeal was rejected on merit (time barred) of the case by the Respondent Department.
- 9) That Para-09 needs no comments as detail reply of this has been given in preceding papas of the present reply, however, the Respondent Department further submit on the following grounds inter alia: -

ON GROUNDS

- A. <u>Incorrect & not admitted</u>. The act of the Respondent with regard to the impugned orders against the appellant is legal & justified.
- B. *Incorrect & not admitted*. The act of the Respondent with regard to the impugned orders against the appellant is legal & justified & liable to be maintained in the light of finding of the inquiry reports, wherein, it was admitted that the appellant has been appointed on the basis of fake DMC. **(Copy whereof is Annex-E)**.
- C. **Incorrect & not admitted**. The act of the Respondent with regard to the impugned orders against the appellant is legal on the grounds that the appellant got appointment against the post in question on the basis of fake & forged DMC & this fact has also been acknowledged by the inquiry officer in his report.
- D. <u>Incorrect & not admitted</u>. That the impugned order, passed by the Respondent Department is in accordance with the findings of the inquiry report.
- E. <u>Incorrect & not admitted</u>. The act of the Respondent with regard to the impugned orders against the appellant is legal on the grounds that the appellant got the prescribed qualification for the appointment against the post in question after joining the Department as SST (Maths & Physics) & is a result thereof, her 1st appointment order dated 22-05-2017 was withdrawn by the Respondent No.02 after due process of Law, thereof. The plea of the appellant is illegal & liable to be dismissed with further submission of seeking leave of this Honorable Bench to submit additional grounds, record & case law at the time of arguments on the date fixed.

<u>PRAYER</u>.

In view of the above made submissions, it is requested that this Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department.

Dated __/ /2021.

4RY

R&&E Department Khyber Pakhtunkhwa, Peshawar. (Respondent No: 1).

DIRECTOR DAW

E&SE Department Khyber Pakhtunkhwa, Peshawar. (Respondents No: 2 & 3).

AFFIDAVIT

I. Dr. Hayat Khan Asstt: Director (Litigation-II) E&SE Department do hereby solemnly affirm and declare 0n oath that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.

Deppnent

Contraction of the second second second second second second second second second second second second second s	i - 1

خیبر پختونخواندها من ما به بیشن، به منظل اور فرانسو آف تیم در تیکورد، بالستر کو زوارد دانیم و ما یک 1 201 و سے سیکشن فبسر 4 سے تحت تکسیا یک من ایک بیکسی بیز منبع ایک منابع المحلف ، 3 یہ بیشن، به منطق الدر فرانسو آف تیم در تکور دارد دانیکر و در مکالیتری المیک منابع میں

and and they have

پنونوار کے دیرانظام (مردائ، زمان) سکولوں میں دوجہ ذکن آسامیاں پر کرنے کے لئے نیبر پختوا کے متحلقہ احلاج کے سکوتی ایل اسیدادوں سے جوذہ فدم بے 30 ستمبر 2016 متک ۸/ http/ برا تقلب سے مقرمه ماریخ کر رئے سے بند موسول بونے والی دوخواستوں برقورتش کیا جائے گا۔

	<u> </u>		h) برد شیاب سے سرورہ	ب-ماكت (ttp://www.nts.pk	رم (NTS) كان	بب أي رود خواست	تيس مطلو
JU 35: 21				قابليت	• •	بام آسامی	رښر
0935:21		محدور نازم ودمضالين اركى بول - محدور نازم برول -	دیرین بلجگرد ک ر کاجس کے سا	سمني بحني بشليم شيد ويو زورش يستشين وا	(SST)	میکندری سکول نیچر	<u> </u>
			((٥٦ كيستركون الدكر (دوانويكي و يو		بیانو.تی <i>بر سیستر</i> کیا	
J-35721		ن ين چرو مري	بام ال_الجويسن باالجويس	مم مح بشلوي ور نوخ		8PS. 16	
0735.21	• • •	ساتهودرت دیش دومضایین لارمی سون - میر مستد:	روديرن بليو کر مريڪ	(۱۱) - ۲۰ ما ما میمونیدون (۱) - ۲۰ می شایرادید دیوندر کن - سیک	(SST)	التينذري سكول متجد	
) پېرس ق	قرم في العس 6 يا- (١١	ان از جمس معصب A ما - (ii) - ا	1	المترس التعس	
Ju 35r21		ن چې چرد من	ہے، _{ای} اب کو مشمن باابنجو ^{میر}	اردين ستحميج بشليم فيد ويونيورش		BPS, 15	
JU 35021		بها توررق ذيل دومضا يمنافا زكي تونها-	شدؤو يرجن يعطيرو كرك جسريات	(1) تمني بعي تسليم شيد ايونند برز ب- سيك	sst) ال	استيندري سول يجر	
	iser d		د م مادن م	الارا الكريز جولازي بومنينية كردب		BPS. 16	
<u> </u>	· · ·	شن تین بیچگرڈ نمدی	ے نم اے ایج کیشن بالہ کو تع	الدور التحمير بحج بتلم يؤر ديونة وتتبأه			
		رات کی صبیم اس خرج سے ک جا سن -	200: 6 - 1 2	(2)- من ما مريك من من بريش: اسا تذه مسلكة تدكيلة مريزيان	ستيد		
	0x0,	= = 100 مر جمان مزيد مين مالي = = = 100 مر جمان مالي	(ب) متبلسی تابل				
· · ·		ق تسر			/		

1.	قل کمبر		· · ·
	ماس کرد دنسر 20x تقسیم کل نمبر	 تحلي كالميت	
	ما کن کردونبر 20x تقسیم کل نبر	 التي الميني	· .
 -	کاش تردونبر 20% میج کی بر دانس تردونبر 20% تقسیم کل نمبر	 الإسالي / الإسالين	
<u> </u>		 فراب / فرالحري	
	جامعلی مرد البسر 15x تشبی کل نبر	 Sitisti / Life	
┝╼╧	لی کماد بسر 15x تشیرکل نیم	 لي المر / الم من المح تحقن	
	حاصل کرده نسر 05x تقسیم کی نسر	 الجماية / الجماريا يحوي الم	
	مامل کرد دنبر x05 تقسیر کل نبر		

فيالمر وماليكرت كماموت عرائبران كأتسيه ترطرن بوكي وسماركرد بنبر 35x تشيتكي فير وتجليب عادا تجاسب الجريش فالمسرب تتركيم الطريق وشرابون -ايم ال المالكادى ایم ایک کنیشن حاصل کرد دنمبر 20x تقسیم کل قبر

دك جاني مس شراميد الدول بي NTS مرم مكر وقير الاتلك تقديد ترجم ون كون كروي يك روي المدورات NTS في الم م فقات و(1) بر سکول کی آسامی سے کی طبحہ ویکھ امیر بت است رائے دورة كولوس في الدونواست ويكانوا ألى عدهده ويدى NTS جارت كريم محد دور دوداشت أو ي م قارم 300روب يوزن كياب تركاب أراكيب (3) . NTS سف شرا40 فيعد براية شرورك ب-40 فيعد - تامير ليخوان سيدوار بال شور توق الديم بدار ت ثني شام نهيز ا، وگا-

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شول دانبا ترا دیا سیاب

Bannu Female Appointment Order SST Adhoct Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar PH No. 091-9210389, 9210938. 9210437,9210957, 9210938 Fax 091-9210936 E-mail rafig_kk851(@yahoo.com APPOINTMENT.

Consequent upon recommendation of the Departmental Selection Committee: appointment of the following candidates are hereby ordered against the post of Secondary School Teacher (SST Bio Chem), (SST Maths Phy), (SST General) School based in BPS-to fixed adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching charge

(SST Bio Chem)

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NO TA/DA etc is allowed.

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Charge reports should be submitted to all concerned in duplicate.

- Appointment is purely on temporary & contract basis initially for one year wef 1st May, 2017 to gath April, 2018.
- She should not be handed over charge if she exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to competent authority.
- Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned), any one found pradicing bogus Certificate will be reported to the law enforcing agencies for further

His/her services are liable to termination on one month's notice from either side. In rase of resignation without notice his one-month pay/allowances shall be forfeited to the Government.

Pay will not be drawn until and unless a certificate to the effect by DEO(concerned) is issued that his/her certificates are verified

He/She should join his post within to days of the issuance of this notification. In case of failure to join the post within to days of the issuance of this notification, his/her-appointment will expire automatically and no subsequent appeal etc shall be

Health and Age Cartificate should be produced from the Medical Superintendent concerned before taking over charge. He/she will be governed by such rules and regulations as may be issued from time to

21 Bannu Female Appointment Order SST Adhiev His her services shall be terminated it may thus, be case his performance is found ansatisfactory during his/her contract period. In case of misconduct, be/she shall be preveded under the jules framed from time to thus. His/her appointment is made on School hosed. He/she will have to serve at the place of posting, and His/her bervice is not transferable to any other station. Before hunding over charge once again their document map be checked if they have C_{1} . active mining over energy once again their document may be checked if they have not the required relevant quifications as per rules, they may not be handed over charge of the post. (Muliammad Rafiq Khaltak) Director Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, Pile No.2/A-14/SST/Adhoc/Appt1: Dated Peshawar the M GZent-Accountant Concrat Khyber Pakhtunkhwa Peshawar, Accountant Concrat Khyber Pakhtunkhwa Peshawar, A Destrict Education Officers Concerned Director Education Officers Concerned Director Exst: Khyber Pakhtunkhwa E&SE Department, M Tile M Tile Dy Interior Distable 1 Khyber Pakhtunkhwa Peshawar 'NN



Substituted with Even No. and date DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

Anne:

NOTIFICATION

The Appointment Order of Miss Moreeb Haseen SST (M/P) GGHS Bahadar Mughal Khel District Bannu at S.No.33 in the appointment order issued vide this office Endst:No. 3876-80/F.No.2/A-17/SST/F/Apptt:/2017 dated: 22-05-2017 is hereby withdrawn with effect from the date of her appointment.

> Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

B

26/

Endst No. 2936-39/A-17/SST/F/NTS/Apptt:/2019.

Dated <u>14-12-2017.</u>

Copy of the above is forwarded to the:-

1. District Education Officer (Female) unnu w/r to the letter No.1210 dated: 12-08-2020.

2. Mr.Mussarat Hussain BPS-19 DEC Male) D.I.Klim.

3. District Accounts Officer Bannu.

4. PA to Director (E&SE) Local Of

5. Master file.

12000

Deputy Director Establishment (F) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

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Received on 18/09 2020 4/9/020

T EDUCATION OFFICER OFFICE OF THE DI DERA ISMAIL KHAN MALE] 0266928013 nindikhan@yahoo.col

INQUIRY REPORT

INOUIRY OFFICER:

Mr. Mussarat Hussain District Education Officer (M) DIKhan was appointed as a inquiry officer to conduct inquiry in appeal of Miss Mureeb Haseen D/o Umar Hayat Khan Ex-SST (Math/Phy) GGHS Bahadur Mughal Khel Bannu.

NATURE OF INQUIRY:

Mureeb Haseen was appointed as SST (Math/Phy) GGHS Bahadur Mughal Khel Bannu vide Director E&SE Peshawar appointed order No. 3876-80 dated 22-05-2017 at S.No. 33. Later on her salary was not released due to non-verification of additional subjects DMC. Later on her appointment order was withdrawn with

Immediate effect vide Director E&SE Peshawar order No. 7936-39 dated 16/12/2017.

Now she submitted appeal for restoration of her. appointment order.

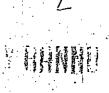
METHOD OF INOUIRY:

I personally visited the DEO (Female) Bannu office. Obtained record from the office & also questionnaire was served to the appellant.

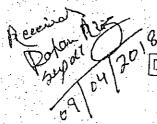
FACTS:

The facts regarding the whole inquiry after the discussion & perusal of whole record are as under:-

UNIVERSITY OF SCIENCE Khyber Pakhtund ya PIKIS



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Session: 2016-2017

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loreeb Haseen D/O Umer Hayat Khan

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KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR No. <u>153 / ST</u> Dated: <u>24/01 /2022</u>

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281 Fax:- 091-9213262

The Director E&SE, Government of Khyber Pakhtunkhwa, Peshawar.

Subject:

То

JUDGMENT IN APPEAL NO. 17/2021 MR. MUREEB HASEEN.

I am directed to forward herewith a certified copy of Judgement dated 06.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

) K	Museeb Haseen VS Gort.	
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	Sr. No	Date of order/	Order or other proceedings with signature of Judge or Magistrate	•
	1	proceedings		
		-	BEFORE THE KINDER DA MOTORINA	•
	~~~~	DDA	BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL Appeal No. 289/2016	
1	Deput	Durine Agome		1.A
	1.1.1.1.1	er Palittinkhwi Tribunal Posha	Date of Institution 28.03.2016 Date of Decision 24.07.2017	
	-		Amir Muqtada Qureshi, Ex-Sub-Engineer, Offfice of the Sub Engineer, Public Health Engineering Division, Mansehra.	•
	· · · · · · · · · · · · · · · · · · ·		1. The Secretary, Public Health Engineering Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.	· . ·
•			2. The Chief Engineer (South), Public Health Engineering, Khyber Pakhtunkhwa, Peshawar.	- •
			3. The Executive Engineer, Public Health Engineering Circle, Abbottabad.	
		24.07.2017	JUDGMENT	
			MUHAMMAD HAMID MUGHAL, MEMBER: - Clerk of the counsel	• • •
			for the appellant and Mr. Muhammad Jan, Deputy District Attorney on behalf	•
			of the official respondents present.	
			2. This single judgment in the above captioned appeal, shall also dispose of	
			appeals (1) bearing No.290/2016 filed by Muslim Shah Ex-Sub Engineer,(2)	
			bearing No. 291/2016 filed by Qaiser Khan Ex-Sub Engineer, (3)bearing	
		····	No.292/2016 filed by Zohaib Khan Ex-Sub Engineer, (4) bearing No.321/2016	
			filed by Murtaza Ali Ex-Sub Engineer, (5) bearing No.322/2016 filed by Syed	
	•	·····	Ashfaq Ahmad Shah Ex-Sub Engineer, (6) bearing No.323/2016 filed by Waqas Ali Ex-Sub Engineer (7) bearing No.323/2016 filed by	
	· .		Waqas Ali Ex-Sub Engineer, (7) bearing No.324/2016 filed by Hussain Zaman Ex-Sub Engineer (8) bearing No.325 (2016 States)	
	· .		Ex-Sub Engineer,(8) bearing No.325/2016 filed by Abdus Samad Ex-Sub Engineer, (9) bearing No.326/2016 filed by Syed Hassan Ali Ex-Sub Engineer,	
· ·			(10) bearing No.327/2016 filed by Ashfaq Ahmad Ex-Sub Engineer, (11)	
			bearing No.328/2016 filed by Abdul Shahid Ex-Sub Engineer, (11)	
			No.329/2016 filed by Farman Ali Ex-Data Entry Operator, (12) bearing No.	
			351/2016 filed by Shaukat Ali Ex-Sub Engineer, (14) bearing No.352/2016	
	·   · ·		filed by Khasif Raza Ex-Sub Engineer, (15) bearing No.352/2016 filed by	
			Irshad Elahi Ex-Sub Engineer, (16) bearing No.353/2016 filed by	

Sajjad Ex-Sub Engineer, (17) bearing No.355/2016 filed by Syed Muhammad Ali Sajjad Ex-Sub Engineer, , (18) bearing No.356/2016 filed by Mohsin Ali Ex-Sub Engineer, , (19) bearing No.357/2016 filed by Muhammad Ahsan Shah Ex-Sub Engineer, , (20) bearing No.358/2016 filed by Muhammad Ali Noor Ex-Sub Engineer against the respondents being identical in nature, arising out of the same law, facts and circumstances

3 The appellant has filed present appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act-1974 against the respondents wherein he made impugned order dated 03.03.2016 passed by the respondent No.1 whereby the departmental appeal of the appellant against his termination order dated 14.02.2014 was dismissed.

4. Brief facts of the case are that the appellant was offered post of Sub-Engineer (BPS-11) vide order dated 22.12.2009 of the Chief Engineer Public Health Engineering Department Khyber Pakhtunkhwa Peshawar.

5. On 15.01.2014 during the hearing of C.Ps No. 2026 & 2029 of 2013, the august Supreme Court of Pakistan directed Chief Engineering Public Health Engineering Department Khyber Pakhtunkhwa to finalize the action against illegal appointees in his department within one month and submit his report through registrar of the august Supreme Court.

6. On 21.01.2014 Show Cause Notice was issued to 25 Sub-Engineers, 01 Senior Scale Stenographer, 06 Steno-typists and 02 Data Entry Operators, including the appellant regarding their illegal appointments and vide order dated 14.02.2014 the appellant was terminated from the post of Sub-Engineer with immediate effect on the ground that he was illegally appointed. The appellant preferred departmental appeal against his termination order but received no response. The appellant than filed appeal before this Tribunal and this Tribunal vide common judgment dated 30.12.2015 passed in appeals 31 in number, remit the case of the appellant to the appellate authority of the Department, without interfering in the impugned order dated 14.02.2014 and issued directions for the decision of departmental appeal strictly in accordance with law/rules considering merits and fulfilling the requirement of a of personal hearing. Resultantly opportunity of hearing was given to the appellant and order dated 03.03.2016 by the appellate authority was issued whereby the departmental appeal of the appellant was dismissed. This led to the present appeal by the appellant.

Learned counsel for the appellant argued that the termination order dated 14.02.2014 as well as the order of the appellate authority dated 03.03.2016 are against the law, facts, and norms of justice on the ground that the appellant possesses the required qualification and was appointed by the competent authority after the fulfillment of all the codal formalities. Eurther argued that after appointment the appellant has accrued vested right and therefore cannot be terminated and thereby allowed to suffer hardship for the lapse/irregularities committed by the department. In support of his case the learned counsel for the appellant referred the judgments reported in 1985 PLC (C.S) 478 ,1985 PLC(C.S) 528, 2004 PLC(C.S)1028,1996 SCMR 4813,1996 SCMR 4813, 1997SCMR 1552, 2004 1077,2005SCMR SCMR 678,2005PLC(C.S)240,2006 SCMR 678,2007PLC(C.S)179,2009SCMR 663,2011SCMR 1618,2011PLC(C.S)331,2014PLC(C.S)479 and 2015SCMR

8. On the other hand learned Deputy District Attorney while controverting the arguments of the learned counsel for the appellant defended the impugned orders on the grounds mentioned therein and maintained that the appellant was appointed illegally on political considerations. Further contented that the post earlier occupied by the appellant has now been filled, upon the recommendation of Public Service Commission on merits. Further argued that some other affectees/illegal appointees also took part in the examination held by Public Service Commission and few of them also succeeded to re-occupy their posts.

9. Arguments of learned counsel for the appellant and Deputy District. Attorney heard. Record perused with their valuable assistance.

10. It is not disputed that the vacancies/posts against which the appellant was appointed, were not advertised at all in the newspapers rather the then Chief Minister of Khyber Pakhtunkhwa provided a list of applicants through his political secretary for appointments against such posts by the departmental authority and in the said list the name of the appellant is also mentioned, more so the appellant has not gone through any test. Hence the appointment was not made on the basis of eligibility cum merit criteria but otherwise due to political pressure etc. It may also be mentioned that neither the appointment was made in accordance with recruitment procedure applicable to the district cadre post, nor through the recommendation of Public Service Commission.

11. It is by now settled that all the appointments to the Government Institutions must be based on a transparent/fair process within the parameter of its applicable rules, regulation etc. but the fact remains that the bureaucracy can be so susceptible to the whims and wishes of the ruling elite class etc which results in an obvious weakening of the state institutions.

12. The argument on behalf of appellant that he met the requisite qualification for the post and as such rightly appointed has no force in it as other persons having requisite qualification and might have been more meritorious were kept out of the whole process of the recruitment. Learned counsel for the appellant remained unable to demonstrate that the judgments referred by him are of any help to the illegal appointee for the purpose of his reinstatement.

13. The appellant must have gone though hardship due to his termination from service but the ill-gotten gains cannot be defended/protected under any canon of law are even on humanitarian consideration in as much as such gains availed by the illegal appointees were at the cost of other deserving citizen of the country with a legitimate expectation that they would be able to seek appointment on the basis of open merit/eligibility cum merit criteria. Wisdom in this regard is gained from judgment of the august Supreme Court of Pakistan tilted Syed Mubashir Raza Jaffri and others -----Petitioners Versus EMPLOYEES OLD-AGE BENEFITS INSTITUTIONS (EOBI) through President of Board, of Trustees and others------Respondents (2014 SCMR Page 949).

14 The august Supreme Court also observed in number of cases that in such situation besides proceedings against the beneficiaries of illeged appointments, the officers who were responsible for implementing illegal directives should also be held equally responsible and severe action should be taken against them so in future it may serve as deterrent for other likeminded persons.

15. As a sequel to above we see no merits in the present appeal. Hence the same is dismissed. Parties are left to bear their own costs. File be consigned to the record room after its completion.

#### (MUHAMMAD HAMID MUGHAL) MEMBER

(AHMAD HASSAN) MEMBER

ANNOUNCED 24.07.2017

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	BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL, PESHAWAR
	BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL PESHAWAR Appeal No. 447/2017 VS
	Date of Institution 10.05.2017 Date of Decision 04.10.2017 Gov.
	Mr. Gohar Zaman, Naib Tehsildar (BPS-14), Irrigation Circle Parova, D.I. Khan.
	(Appellant)
	VERSUS
	1. The Government of Khyber Pakhtunkhwa Peshawar through Chief Secretary, Khyber Pakhtunkhwa, Peshawar and 3 others. (Respondents)
<b>(</b> ,	MR. NOOR MOHAMMAD KHATTAK, Advocate
	MR. ZIAULLAH, Deputy District Attorney For respondents
	MR. AHMAD HASSAN, MR. MUHAMMAD HAMID MUGHAL MEMBER(Judicial)
	IUDGMENT
	AHMAD HASSAN, MEMBER Arguments of the learned counsel for the
	parties heard and record perused.
C	FACTS
	2. The brief facts are that in pursuance of the judgment of this Tribunal passed in
	service appeal no. 559/2010, the appellant was promoted to the post of Naib Tehsildar
	(BPS-14) on regular basis with effect from 29.05.2008 vide order 02.09.2010. But later
	on respondent no.2 vide order dated 20.02.2017 withdrew the promotion order being
	illegal. He preferred departmental appeal on 08 03 2017 which was rejected on
	08.05.2017, hence, the present service appeal on 10.05 2017.

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#### ARGUMENTS

The learned Counsel for the appellant argued that vide order dated 08.12.2009 the 3. appellant was reverted from the post of Naib Tehsildar to Kanungo. That Mr. Abdur Rashid, who was junior to him was regularized as Naib Tehsildar vide order dated 12.10.2009. Feeling aggrieved the appellant filed an appeal in this Tribunal and subsequently in pursuance of judgment dated 23.07,2010, the respondents vide order dated 02.09.2010 promoted the appellant as Naib Tehsildar (BPS-14) w.e.f 29.05.2008. When learned counsel for the appellant confronted on the point whether the aforementioned order to implement the judgment of this Tribunal was issued after getting approval of Departmental Promotion Committee? Heicandidly conceded that the matter was not placed before the said forum for approval. Though Mr. Abdur Rashid was junior to the appellant but was shown senior in the tentative seniority list circulated in 2010. After exhausting departmental remedies, he filed service appeal no. 566/13 in this Tribunal and vide judgment dated 02.12.2016 the appeal was accepted and directions were conveyed for assigning correct position in the seniority list to the appellant. However, vide impugned order dated 20.02.2017 promotion; order dated 02.09.2010 in tavour of the appellant as Naib Tehsildar was withdrawn without any justification. Promotion order of the appellant had been acted upon and as such had attained finality, hence, its withdrawal at a belated stage was against law arules and norms of natural justice. No regular enquiry was conducted prior to withdrawal of the said order. He further assailed that in the case in hand the principle of locus poenentintian was violated. No action was taken against the officer who had issued order dated 08.12.2009. Reliance was placed on 2012 PLC (C.S) 948, 2006 SCMR 496, 1994 SCMR 249 and PLD 1969 (S.C)407.

On the other hand the learned Deputy District Attorney argued that promotion of the appellant as Naib Tehsildar was notified through an administrative order in violation of rules. Approval of DPC being a basic requirement in promotion was not obtained in this case. As such his promotion was illegal and void ab-initio. Upon review by the competent authority, vide impugned order dated 20.02.2017 the appellant was reverted to his original position. So far as promotion of Abdur Rashid is concerned he succeeded in getting stay order from Peshawar High court. Upon vacation of stay order he will also be reverted to his original post having been promoted as Naib Tehsildar through administrative order. Moreover, the service Tribunal upon acceptance of his appeal remanded the case to the respondents for consideration of his promotion case in accordance with law and rules and not through an administrative order. Reliance was placed on 2017 PLC (C.S) 1128, 2003 SCMR 1269, 2017 SCMR 1912 and 2000 SCMR 907.

#### CONCLUSION.

4.

A careful perusal of the entire record would reveal that order dated 02.09.2010 was issued without getting approval of the Departmental Promotion Committee. Attention is invited sub-rule(1)(d) of Rule-2 of Khyber-Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989, read with Rule-7 of Rules ibid, whereby approval of the aforementioned committee is mandatory for promotion. It leaves little doubt that aforementioned promotion order was void ab-initio and even learned counsel for the appellant during the course of arguments admitted this fact. The then Senior Member Board of Revenue exercised powers in utter disregard to rules/laid down/prescribed procedure. It speaks of the apathy on the part of government functionaries for brushing aside such illegal acts under the carpet. They owe an explanation for not taking timely action against the them SMBR, who by his conduct

defeated the principles of merit, transparency, good governance, farplay and justice. It is high time to take corrective to forestall such actions in future. The principle of locuspoenitentiae is not attracted in cases where ill-gotten gains are involved. Moreover, it has also been held by the superior courts in various judgments that one wrong or any number of wrongs cannot be made basis to justify an illegal action of the government. It merits to mention here in 2017 PLC (C.S) 1128 Peshawar High Court held that Departmental Promotion Committee was competent for the purpose of promoticn and said authority had powers to rescind/ withdraw or cancel the sarie: When rules, regulations and policy had been framed for regulating promotion then any breach or deviation from the same for malafide reason or due to arbitrary act of the authority would entitle an aggrieved employee to challenge the same in the court of law. It is still a mystery why the appellant filed review petition, rather than filing execution petition for implementation of judgment of this Tribunal dated 23.7,2010? His grievances could have teen inddressed long ago Silence on the part of appellant is not only intriguing but also smacks malafide or some unholy alliance/ nexus between the appellant and Mr. Abdul Rashid.

6. As a sequel to above, the present appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

MEMBER

#### ANNOUNCED 04.10.2017

#### Present:

Mr. Justice Manzoor Ahmad Malik Mr. Justice Syed Mansoor Ali Shah

#### C.P. Nos.517-L, 1019-L, 1062-L & 1232-L of 2016 and 1929-L/2017

(Against the judgment(s)/order(s) of Punjab Service Tribunal, Lahore dated 21.12.2015 passed in Appeal No.494/2015, and 09.02.2016 passed in Appeal No.3223/2015, and 01.03.2016 passed in Appeal No.1025/2015)

#### Muhammad Sharif (in CP 517-L/2016)

Chief Traffic Officer, Lahore & 2 others (in CP 1019-L/2016) Inspector General of Police Punjab, etc. (in CP 1062-L/2016) Capital City Police Officer, Lahore, etc. (in CP 1232-L/2016) Secretary, Government of the Punjab, Health Department, Lahore (In CP 1929-L/2017)

.....Petitioner(s)

#### Versus

Inspector General of Police, Punjab, Lahore, etc. (in CP 517-L/16) Roqyya Khushnood (in CP 1019-L/2016) Muhammad Sharif (in CP 1062-L/2016) Riasat Ali (in CP 1232-L/2016) Dr. Muzaffar Nasrullah Chattha (in CP 1929-L/2017)

.....Respondent(s)

For the petitioner(s): (in CP 517-L/2016) Mr. Khan Muhammad Vehniwal, ASC.

(in CP 1019-L, 1062-L, 1232-L of 2016 & CP 1929-L/2017)

Rana Shamshad Khan, Addl. A.G. Ch. Zafar Hussain Ahmad, Addl. A.G. a/w Shaukat Ali, DSP. Munir Hussain, DSP. Mr. Naeem Cheema, Law Officer. Mr. Imran Ashraf, S.P. Muhammad Ijaz Khan, Lit. Officer. Muhammad Anwar Yasir, Lit. Officer.

Mr. Mahmood Ahmad Qazi, ASC.

Mr. Hasan Riaz, Research Officer-Civil Judge, SCRC, Islamabad.

For the respondent(s): (in CP 1929-L/2017)

Research Assistance:

Date of hearing:

11.02.2021

#### JUDGMENT

**Syed Mansoor Ali Shah, J.**- We consider in these petitions the scope of entitlement of a civil servant to *back benefits* on his reinstatement in service after his wrongful removal or dismissal penalty imposed on him has been set-aside. We also consider the treatment of the period spent by a civil servant away from duty (due to dismissal from service or absence from duty, etc.) and the purpose and meaning of the terms *leave without pay* or *leave of the kind due* granted to a civil servant.

#### Brief facts of the petitions

2. In **CP 517-L of 2016**, the petitioner, Muhammad Sharif, Sub Inspector in Punjab Police, was compulsorily retired from service by the departmental authority. He preferred a departmental appeal and on expiry of the period stipulated for its decision, moved an appeal before the Punjab Service Tribunal ("Tribunal"). The Tribunal reinstated him in service though the period since the onset of compulsory retirement till reinstatement in service was directed to be treated as leave without pay. He now prays that this intervening period be treated with pay. The department has also called in question the order of reinstatement of Muhammad Sharif in **CP 1062-L of 2016**.

3. In **CP 1019-L of 2016**, the respondent, Roqyya Khushnood, Lady Traffic Warden, was dismissed from service by the Chief Traffic Officer, Lahore. The appellate authority taking a lenient view reinstated her in service but the period spent away from duty was treated as leave without pay. The Tribunal accepted her appeal and the period during which she remained out of service was adjudged to be considered as leave of the kind due. The department now prays that the Tribunal's interference with the departmental proceedings be overturned.

4. In **CP 1232-L of 2016**, the respondent, Riasat Ali, Constable, was dismissed from service by the departmental authority. The appellate authority taking a lenient view reinstated him in service. Nevertheless, minor penalty of censure was imposed and the period between dismissal and reinstatement was directed to be treated as leave without pay. The Tribunal accepted the civil servant's appeal and held that the period during which he was kept away from duty be treated as leave of the kind due. The prays that the order of the Iribunal be reversed.

5. In **CP 1929-L of 2017**, the respondent, Dr. Muzaffar Nasrullah Chattha, Consultant Orthopedic Surgeon, was awarded major penalty of forfeiture of two years of service for absence which was reduced to forfeiture of one year in departmental appeal. The period of absence was to be treated as extraordinary leave without pay. The Tribunal accepted his appeal and decided that the period of absence be treated as earned leave.

6. The petitioners have sought leave of this Court under Article 212(3) of the Constitution of the Islamic Republic of Pakistan, 1973 ("Constitution") to appeal against the decisions of the Tribunal.

#### Back Benefits

7. At the very outset, it is important to underline that the term back benefits has not been mentioned in the service laws of Punjab or Pakistan, however, the term has a wide usage in the sub-continental jurisprudence, including ours, for a longtime. According to Black's Law Dictionary', Back Pay_is the salary that/ an, employee should have received but did not because of any employer's unlawful action? Back Pay Award2 is a judicial decision that an employee or ex-employee is entitled to an accrued but uncollected salary or benefits. The purpose of a back pay award is to make the employee whole i.e., restore the economic status quo that would have obtained but for the wrongdoing on the part of the employer.3 Back pay is a compensation for the tangible economic loss resulting from an unlawful employment practice." Back pay largely translates into back benefits under our jurisprudence. "Back benefits" are, therefore, retroactive payments.⁵ Even though the term back benefits is wider than back pay as it includes other

2 ibid.

¹ 10th Edition, Thomson Reuters, 2014, 166.

³ Aguinaga v United Food & Commercial Workers Int'l Union 993 F.2d 1463, 1473.

#### of back benefits to arrears of pay or back pay y

8. Reinstate in service means to place again in a former state or position⁷ from which the person had been removed.⁸ Reinstatement is effected from the date of dismissal with back pay/ from that date.⁹ A reinstated employee is to be treated as if he had not been dismissed and is therefore entitled to recover any benefits (such as arrears of pay) (that he has lost during his period of unemployment. However, pay in lieu of notice, ex gratia payments' by the employer, or supplementary benefits, and other sums he has received because of his dismissal or any subsequent unemployment.will.be.taken into account¹⁰

9. An employee, i.e. civil servant in this case, whose wrongful dismissal or removal has been set-aide goes back to his service as if he were never dismissed or removed from service. The restitution of employee, in this context, means that there has been no discontinuance in his service and for all purposes he had never left his post. He is therefore entitled to arrears of pay-for-the period he was kept out of service for no fault of his own? No different is the position where an employee has been served with a penalty like reduction in rank or withholding of increment(s) or forfeiture of service; etc.] and the penalty has been set-aside? The employee stands restored to his post with all his perks and benefits intact and will be entitled to arrears of pay as would have accrued to him had the penalty not been imposed on him. This general principle of restitution fully meets the constitutional requirements of fair trial and due process (Article 4 & 10A¹¹) besides the right to life (Article 9¹²) which includes the right to livelihood ensuring all lawful economic benefits that come with the post. Reinstating an employee but not allowing him to enjoy the same terms and conditions of service as his colleagues is also discriminatory.

9 Aiyar's Judicial Dictionary (10th Edition, 1988) 871.

⁶ Back benefits may include other than the pecuniary benefits, like the right to seniority or the right to promotion, etc.

⁷ Black's Law Dictionary (10th Edition, Thomson Reuters, 2014) 1477.

⁸ Black's Law Dictionary, (6th Edition, St. Paul, MINN., West Publishing Co., 1990) 1287.

¹⁰ Oxford Dictionary of Law (Fifth Edition, Reissued with new covers, 2003) 419-420.

(Article 1417) of an employee for being treated as a lesser employee inspite of being reinstated or restored into service.

10. The "concept of reinstatement into service with original seniority and back benefits" is based on the established principle of jurisprudence that "if an illegal action/wrong is struck down by the Court, as a consequence, it is also to be ensured that no undue harm is caused to any individual due to such illegality/wrong or as a result of delay in the redress of his grievance."¹⁵IIf.by.virtue.of.a declaration given_by_the-Court_a civil_servant-is-to-be-treated-as, being still_in_service; he should also be given the consequentiab relief of the-back_benefits.(including.salary) for the period he was kept out of service as if he were actually performing duties.¹⁶ A civil servant once exonerated from the charges would stand restored in service as if he were.never.out of it and would be entitled to back benefits.¹⁹ A five Member Bench of this Court in-*Inspector-General* of *Police,-Punjab v_Tariq Mahmood*¹⁸ authoritatively-reiterated.

"[T]he grant of back benefits to an employee who was reinstated by a Court/Tribunal or the department-is? a rule and denial of such benefit is an exception on the proof of that-such a person had remained (gainfully employed-during such period?"

11. It follows that where the order of dismissal, removal or reduction in rank is set aside unconditionally, back benefits are to be paid necessarily.¹⁹ The grant of back benefits to an employee who has been illegally kept away from his employment is a rule and denial of service benefits to such reinstated employee is an exception.²⁰ When a civil servant is reinstated in service and his dismissal from service is held to be illegal and for no-fault-of-his,

¹⁵ Federation of Pakistan v Sindh High Court Bar Association PLD 2012 SC 1067.
 ¹⁶ Pakistan v Mrs. A. V. Issacs PLD 1970 SC 415; Muhammad Bashir v Government of the Punjab 1994 SCMR 1801; Inspector-General of Police, Punjab v Tariq Mahmood 2015 SCMR 77, 2015 PLC (CS) 366.

¹⁷ Chairman State Life v Siddiq Akbar 2013 SCMR 752; Umer Said v District Education Officer (Female) 2007 SCMR 296.

18 2015 SCMR 77, 2015 PLC (CS) 366.

¹⁹ Qadeer Ahmad v Punjab Labour Appellate Tribunal PLD 1990 SC 787.
 ²⁰ General Manager v Mehmood Ahmed Butt 2002 SCMR 1064; Muhammad Hussain v E.D.O. (Education) 2007 SCMR 855; Umer Said v District Education Officer (Female) 2007 SCMR 296; Inspector General of Police, Punjab v Tariq

¹³ ibid.

¹⁴ ibid.

been in service and as a consequence be-paid-salary from the day he-was illegally removed or dismissed from service. One-of-the exceptions of not granting full back benefits is that if the reinstated employee-had accepted another employment or engaged in any profitable business-during-the intervening period; in such a case; the said amount would be set off against the salary ²¹ This is now available as an instruction under Sl. No. 155, Vol-II, Esta Code, 2007 edition.

12. This principle of restitution and payment of back benefits also finds its presence under the second proviso to section 16 of the Punjab Civil Servants Act, 1974 ("Act") which deals with back benefits in the shape of arrears of pay in the event that the order of dismissal or removal or reduction in rank is set-aside in the following manner:-

Provided further that where a civil servant has been dismissed or removed from service or reduced in rank, he shall, in the event of the order of dismissal, removal from service or reduction in rank being set aside, be entitled to such *arrears of pay* as the authority²² setting aside the order may determine.

13. In the past, the concept of arrears of pay was dealt with by Fundamental Rule 54 ("FR") and Civil Service Rule (Punjab) 7.3 ("CSR") issued by the Federal Government and the Punjab Government, respectively. The said Rules provide as follows;

**F.R. 54**.—Where a Government Servant has been dismissed or removed is reinstated, the revising or appellate authority may grant to him for the period of his absence from duty:—

- (a) if he is honourably acquitted, the full pay to which he would have been entitled if he had not been dismissed or removed and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal or removal; or
- (b) if otherwise, such portion of such pay_and allowances as the revising or appellate authority may prescribe.

 21  Pakistan v Mrs. A.V. Issacs PLD 1970 SC 415; Muhammad Bashir v Government of the Punjab 1994 SCMR 1801; Inspector General of Police, Punjab v Tariq Mahmood 2015 SCMR 77,2015 PLC (C.S.) 366.

In a case falling under clause (b), it will not be treated as a period spent on duty unless the revising or appellate authority so directs.

Explanation:—In this rule, "revising authority" means the "authority" or "authorised Officer" as defined in the Government Servants (Efficiency and Discipline) Rules, 1973, who passes the final order on the case and not the authority who passes an order on appeal.

**CSR 7.3.** When a Government Servant who was dismissed or removed from service, is reinstated, the revising or appellate authority may grant to him for the period of his absence from duty:

a) If he is honourably acquitted, the full pay to which he would have been entitled if he had not be dismissed or removed and by an order to be separately recorded any allowances of which he was in receipt prior to his dismissal or removal; or

b}

If otherwise, such proportion of such pay and allowances as the revising or appellate authority may prescribed"

In a case falling under clause (a)-the-period of absence from duty will be treated as a period <u>spent</u> on duty. In a case falling under clause (b) it will not be treated as period spent on duty unless the revising or appellate authority so directs.

**Note 1**.--This rule is absolute and unconditional and so the question of lien does not arise in the case of Government Servant who is dismissed from service and reinstated on appeal when the period of unemployment between the date of dismissal and reinstatement is declared by the appellate authority as duty.

**Administrative Instruction**.--Post vacated by a dismissed Government Servant may be filled substantively subject to the condition that the arrangements thus made will be reverse if the dismissed Government Servant is reinstated on appeal.

**Note 2.**—The term 'revising authority' as used in this rule includes an authority revising its own orders.

14. FR and CSR predate the Constitution and the Act. After the promulgation of the Constitution in 1973, FR and CSR were given protection under Article 241 of the Constitution, albeit subject to their consistency with the Constitution and till such time that a law was made under Article 240 by the appropriate legislature. Further, section 23(2) of the Act²³ provided that any rules, orders or instructions already in force before the commencement of the Act shall in so far as they were not inconsistent with the provisions of the Act, be deemed to be the IS that Fundamental Rules; Civil Service Rules (Punjab) and other orders or instructions in respect of terms and conditions of service shall remain subject to the Act and in case of any inconsistency, the provisions of the Act shall prevail. Therefore, for the purposes of back benefits, we give primacy to the proviso to section 16 of the Act and examine and interpret it keeping the spirit and wisdom of FR 54 and CSR 7.3 in view.

Coming back to the second proviso to section 16 of the Act, it is important to structure the discretion to be exercised by the authority or court in granting arrears of pay after the order of dismissal, removal or reduction in rank has been set-aside. This discretion is to be structured keeping in mind the constitutional provisions discussed above, the wisdom handed down by the jurisprudence evolved till date and the administrative and financial oversight envisaged under FR, CSR and the Esta Code. The reinstatement or restoration of an employee to the post may be due to the following different reasons: (a) purely on merits; (b) on technical grounds without touching the actual merits of the case and (c) on the ground of leniency where the actual order is either converted into a lesser penalty or totally set-aside.

An employee on reinstatement on merits cannot be deprived of back benefits. Any such deprivation would be against the constitutional rights (discussed above) guaranteed to an employee. Besides, CSR 7.3 (a) also points in this direction. In case of reinstatement or restoration to a post on merits, the employee is entitled to full back benefits and there is no discontinuity of service, thus the question of intervening period does not arise in such a case. The discretion under the second proviso to section 16 of the Act is to be exercised in favour of the employee by granting him all the back benefits.

However, the above principle of grant of back benefits is qualified by a situation where the order of reinstatement is conditional; either civil servant's dismissal from service is declared illegal for a defect in disciplinary proceedings or the penalty is modified to be on the lower side with the result that the civil even though he stands reinstated. Here, an inquiry could still be made into the employee's conduct or his conduct may be considered such as to call for a departmental inquiry. The de novo proceedings could be initiated from the stage where the defect had crept in.²⁴ In such a situation, the entitlement with regard to back benefits is put off till the final determination with regard to the civil servant's conduct. If he is found at fault, the competent authority could justifiably deny him part of the back benefits.²⁵ And, in the latter situation, the civil servant is not declared blameless; rather, his penalty is reduced and, therefore, part of back benefits, as necessitated by the implications of reduced penalty, may justifiably be denied to him.

18. We also feel inclined to underscore that a civil servant cannot be burdened with the loss of service benefits without attributing any charge to him. Appellate authorities, without saying a word about the charge, often, as in two of these petitions, reinstate a civil servant taking a lenient view or on compassionate ground or on the ground of proportionality. This view usually becomes the ground to deny back benefits to the reinstated civil servant. It is underlined for the sake of clarity that the matter of leniency' or 'compassion' or 'proportionality' does not erode the charge rather it does not consider the award of penalty to be appropriate in the case. It may so happen that the charge stands established yet the authority or the court, applying leniency or compassion or proportionality as standard, feels inclined to extend concession of reinstatement to the civil servant. Notably the civil servant in such a case is not reinstated unconditionally and, therefore, he may be denied a portion of pay - while maintaining a proportion between the gravity of the fault of the civil servant and special/extenuating circumstances of the case - he would otherwise get on reinstatement. It would be in step with the second proviso to section 16 of the Act and would also be consistent with the spirit of FR 54(b) and CSR 7.3(b). If an employee is reinstated in such an eventuality, the authority or the court needs to clearly

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proved, concession is being shown to him to avoid the rigors of major penalty, which would otherwise be unwarranted in view of peculiar circumstances of the case.

#### Leave without pay or leave of the kind due

19. In case back benefits as of right are not awarded to the civil servant and he is served with any other penalty after reinstatement in service, the intervening period has to be counted for, otherwise the interruption in the service of a civil servant may entail forfeiture of his service²⁶, therefore, the intervening period has to be regularized by treating it as an extra ordinary leave without pay or leave of the kind due or leave without pay, as the case may be. It is pointed out that the regularization of the intervening period is a totally separate matter and has no bearing on the penalty imposed upon the civil servant. The competent authority may condone interruptions in service provided that the gaps are not due to any fault or willful act of the employee.²⁷ The service gaps are usually regularized as extraordinary leave without pay or leave of the kind due. Terming absence period as extraordinary leave without pay is not a punishment, rather, a treatment given to regularize the period spent away from duty.28 Nor could a concession given to a civil servant that his absence from duty be treated as extraordinary leave without pay mean that major penalty imposed in the same order is wiped off.²⁹ Nevertheless the powers given to treat the period of absence as extraordinary leave without pay or leave of the kind due are to be exercised after due application of mind and considering the facts and circumstances of a case.

20. We, therefore, hold that a civil servant on unconditional reinstatement in service is to be given all back benefits and the only exception justifying part withholding of back benefits could be that he accepted gainful employment/engaged in

²⁷ ibid, rule 2.12.

²⁶ Punjab Civil Services Pension Rules, rule 2.11.

²⁸ National Bank of Pakistan v Zahoor Ahmed Mengal 2021 SCMR 144; NAB v Muhammad Shafique 2020 SCMR 425; Federation of Pakistan v Mamoon Ahmed

dismissal/removal of a civil servant is declared illegal for a detect in disciplinary proceedings without attending to the merits of the case, the entitlement to back benefits may be put off till the inquiry is conducted in the matter finally determining the fault of the civil servant. In case, where there is some fault of the civil servant, including a situation where concession of reinstatement is extended to the civil servant while applying leniency or compassion or proportionality as standard and where penalty is modified but not wiped off in a way that the civil servant is restored to his position, the back benefits will be paid as determined by the authority/court in the manner discussed above in this judgment. We, however, reiterate that "gainful employment/profitable business" creates an overarching exception that would cover all cases involving the question of back benefits.

21. Turning to the petitions in hand, it is seen that the petitioner in **CP 517-L of 2016**, who was compulsorily retired from service by the departmental authority, was reinstated by the Tribunal observing that no evidence had been produced against him during the departmental proceedings and that the departmental action was devoid of merit and justification. Even so, the Tribunal chose to strip the civil servant of service benefits for the period he was kept at bay by relying on "the dictum set by the Apex Court in PLJ 2011 Tr.C. (Services) 82". It has been noticed by us that the judgment reported as PLJ 2011 Tr.C. (Services) 82 was not rendered by this Court but refers to a decision of the Balochistan Service Tribunal delivered in the case of Dr. Abdul Naseer v Government of Balochistan where the civil servant who remained suspended from 31.10.2002 to 14.04.2007 was eventually dismissed. The Balochistan Service Tribunal observed that the civil servant was entitled to benefits for the period of suspension though he was not given benefits for the period he was out of service on the principle of no work, no pay. Strangely, the Balochistan Service Tribunal directed the civil servant "to be reinstated in service with all back benefits from the date of his suspension till date" i.e. the date of decision. The period spent away from duty also fell within that period. In any case, the

not sustainable. When the Iribunal did not ascribe any guilt to the petitioner, he should have been reinstated with all back benefits subject to the exception of not having remained gainfully employed during the intervening period. Therefore, **CP 517-L of 2016** is converted into appeal and allowed and the intervening period between compulsory retirement and reinstatement be considered as if the petitioner were on duty. Consequently, **CP 1062-L of 2016**, preferred by the department against the same judgement of the Tribunal, is disposed of accordingly.

22. In **CP 1019-L of 2016**, the respondent was reinstated on compassionate grounds by the appellate departmental authority yet no responsibility was fixed on her and the Tribunal ordered that the period of her absence be treated as leave of the kind due. As the appellate authority accepted her explanation and did not impose any penalty on her, she could not be refused back benefits unless she remained gainfully employed during the period spent away from duty, which is not the case here. Therefore, **CP 1019-L of 2016** is disposed of in the terms that the intervening period between dismissal and reinstatement be considered as if the respondent were on duty.

23. In CP 1232-L of 2016, the respondent was reinstated by the appellate departmental authority though minor penalty of censure was awarded to him which was maintained by the Tribunal. The absence which was treated as leave without pay was converted by the Tribunal into leave of the kind due. It is true that the respondent was not exonerated of his guilt. Only the penalty was reduced. The Tribunal while affirming the penalty of censure failed to discuss the question of arrears of pay that would have become due to the respondent under the second proviso to section 16 of the Act. In the peculiar facts and circumstances of this case, we do not find it appropriate to remand the matter to the Tribunal at this late stage and, therefore, considering the nature of the penalty of censure, we dispose of CP 1232-L of 2016 in the terms that the intervening period between dismissal and reinstatement be considered as if the respondent were on duty.

major penalty of forfeiture of two years of service for absence which was reduced to forfeiture of one year in departmental appeal. The period of absence was to be treated as extraordinary leave without pay. The Tribunal accepted his appeal and decided that the period of absence be treated as earned leave. The absence of the respondent refers to the period for which he had sought leave on medical grounds, though his request remained undecided. On the other hand, disciplinary proceedings were initiated against him. The Tribunal accepted the respondent's appeal on merits with the end result that the absence be considered as earned leave. Here again, we find the decision of the Tribunal just and proper in the circumstances of the case and, therefore, the petition is dismissed and leave refused.

Judge

Judge

#### **Announced.** Islamabad, 28th April, 2021.

#### Judge

<u>Approved for reporting.</u> Iqbal



#### GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

#### Peshawar, dated the 24th July, 2014.

#### **NOTIFICATION**

<u>No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre</u>: - In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&LD/1-28/2003/Vol-II dated, 09-04-2004, Notification No.SO(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(PE) 4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

#### In the Appendix,-

#### AMENDMENTS

(i) Serial No. 1 shall be renumbered as 1B and before Serial No. 1B, as so renumbered, the following new entries shall be inserted in respective columns, namely:

1	1 2	2	· · · · · · · · · · · · · · · · · · ·	
"1.	Subject Specialist (BPS-17)	<ul> <li>i. At least second class Master's Degree or four years BS Degree in the relevant subject; and</li> <li>ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a</li> </ul>	years	5 (a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No. 3.
		recognized University.	· · .	Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial

(1)

	Director Physical Education (BPS-17)	At least second class Master Physical Education from a University.	's Degree in recognized	22-35 years	(a) Fifty percent by promotion, on seniority-cum 6
					seniority-cum-fitness, from amo Physical Education Teachers (B at least five years service as Sen Education Teacher and Physical Teacher and having qu mentioned in column No. 3:
					Provided that if no suite is available from amongst Senie Education Teachers for promotion post shall be filled by promotion basis of seniority-cum-fitne amongst the Physical Education with at least five years service a having avalification
-					having qualification mentioned No. 3; Note:- If no suitable candidate i in the relevant cadres of the abou ,the post falling in their promo shall be filled by initial recruitme
				(b)	fifty percent by initial recruitme

(i)

against Serial No. 1B, as so renumbered, for the existing entries, the following Shall be substituted, in respectiv

[				•		
<u>1</u> ·	1	3				
<u>1</u> "1B.	2 Secondary School Teacher (BPS-16)	I. At least Degree's University following (a) (Chemistr (b) (Physics, M (c) (Humanitie groups at a as compulso II. Bachelor of Education	Jrom Jrom Jrom Jrom Jrom Jrom Jrom Jrom	B" or Statistics) er equivalent with English or Master of al Art or or MA	d years.	<ul> <li>(a) forty per cent from amongst district concerned in the following</li> <li>(a) forty per cent from amongst Certified Teachers (BPS-16), wi five years service as Senior Teacher and Certified Teach having qualification menti column No.3:</li> <li>Provided that if no candidate is available from Senior Certified Teachers for p then the post shall be filled by pi on the basis of seniority-cui from amongst Certified Teach at least five years service as having qualification mentic column No.3;</li> <li>(b) four per cent from amongst the Drawing Masters(BPS-16) with</li> </ul>
		· ·				(0) Jour per cent from amongst th Drawing Masters(BPS-16), with five years service as Senior Masters and Drawing Mast having qualification mentic column No.3:

.(3) ·

Provided that we may candidate is available from Senior Drawing Masters for 1 then the post shall be filled by p on the basis of seniority-cu from amongst Drawing Maste least five years service as s. having qualification ment column No. 3;

(c) four per cent from amongst Arabic Teachers(BPS-16), wit five years service as Seni Teachers and Arabic Teac having qualification ment column No.3:

Provided that if nc candidate is available from Senior Arabic Teachers for then the post shall be promotion, on the basis of cum-fitness, from Arabic Tec at least five years service a having qualification men column No. 3;

(d) four per cent from amongst Theology Teachers(BPS-16), u five years service as Senio. Teachers and Theology Tec having qualification men column

(4)

Provided that if n candidate is available from Senior Theology Teachers for then the post shall be filled by on the basis of seniority-c from amongst Theology Teach least five years service as having qualification menicolumn No. 3;

(e) three per cent from amongst Qaris (BPS-16), with at least service as Senior Qari and having qualification ment column No.3:

Provided that if no candidate is available from an Senior Qaris then the post sho by promotion, on the basis of cum-fitness, from Qaris with a years service as such an qualification mentioned in colu

(f) twenty per cent from an Primary School Head Teachers with at least seven years : Primary School Head Teac Senior Primary School Teac Primary School Teachers ar qualification mentioned in colu

Provided that if no candidate is available from

(5)

Primary School, Head Teache promotion then the post shall be J promotion, on the basis of senioric fitness, from amongst Senior I School Teachers with at least seve service as Senior Primary Teachers and Primary School I and having qualification menticolumn No.3:

Provided further that if no candidate is available from a Senior Primary School Teach promotion then the post shall from amongst Primary School 1 with at least seven years service and having qualification menticolumn No. 3; and

(ii) twenty Five percent by recruitment. Note:

Ι.

If no suitable candidate is ave the relevant cadre of the above the post falling in their promoti shall be filled by initial recruitm

II. Posts of General SST and SSTsand SST-2 Science shall be promotion or initial recruitmen need basis separately.".

#### SECRETARY TO GOVERNMENT OF KHYBER PAKHT ELEMENTARY & SECONDARY EDUCATION DEP.

#### Endst : of even No & date:

The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawa

2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.

The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar

4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.

5. The Accountant General Khyber Pakhtunkhwa Peshawar.

6. The Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar. The Director of Education (FATA) Peshawar.

8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.

9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.

10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.

11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.

12. The Deputy Director, EMIS (S&SE) Department Khyber Pakhtunkhwa Peshawar. 13. All District Education Officer (M&F) in Khyber Pakhtunkhwa.

14. All District Account Officer in Khyber Pakhtunkhwa.

15. All Agency Education Officer in FATA

16. All Agency Account Officer in FATA.

17.-PS to Governor Khyber Pakhtunkhwa. PeshawGr.

18. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.

19. PS to Chief Secretary Khyber Pakhtur, khwa. Peshawar

20.PS to Minister E&SE Khyber Pakintunkhwa. Peshawar. 21. PS to Secretary E&SE Khuber Pakhtunkhwa. Peshawar.

22. Master file

(ZAMIN KHAN MOMAND) SECTION OFFICER (PRIMARY)

AFTICE OF THE DISTRICT EDUCATION OFFICER (FLMALE) BANNI

Dated 12 108 2000

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The Director E&S Edu Department Khyber Pakhtunkhwa.

SUBJECT, INOU IRY REPORT COMMENTS.

Memo.

Reference your letter No.a-17 SST(F)/NTS Appointment 2019 dated; (9+07-2020 on the subject cited above.

In the subject case report/comments is submitted as under please.

1- That Mst: Mureeb Haseen was appointed as SST (Math/Phy) at GGHS Bahadur Mughal Khel Bannu vide Director E&S Edu: KPK order issued under Endst. No.3876-80 dated: 22-05-2017 and received charge of the post on 22-05-2017,

#### 2- She had performed her duty at GGHS Bahadur Mughal Khel Bannu up to13-12-2017 and served 06 months & 22 day's service.

- 3- That She had applied for BSe Additional Subject in Phy: session 2016-17 but failed She again applied for the same subject in December 2017 and passed by scouring 71/150 marks and her DMC duty verified by the Controller of Exam; UST Bannu vide his letter No.8122 dated; 17-08-2018
- 4- That the competent authority stand withdrawn her appointment orders with immediate effect, which was required from retrospective effect.
- 5- That the Inquiry Officer recommended that salary for the duty period may be paid to her for 07 months, but on the other side such like departmental step will generate affirmative response to the appellant, therefore after getting the salaries she will move the issue to litigation side.

It is therefore suggested:-

a- That the competent authority may modify her termination order under the rules.

b- Or she may be reinstated in service as she full filled the requisite qualifications and bad also performent more than six months service and the inquity officer also recommended that the competent authority Howdecide her case in light of above findings as she passed the requisite subject,

If the competent authority follows the 2^{ml} option, minor peualty of stoppage/withholding of one annual increment for three years may also be imposed upon the appellant, so that no one can make such a practice in

future.

Report is submitted as desired please.

mp 11/2/2020

DISTRICT EDUCATION OFFICER. (FEMALE) BANN

(1))



To

D RECTORATE OF ELEMENARY & SECONDARY EDUCATION KHYBER PAKHTUNAHWA PESHAWAR NO. 01 10 A-17/55T/F/NTS/Apple/2017 Dated Peshawar the 17 1018

The Deputy Controller of Examination, University of Science & Technology Bannu

SUBJECT:- VERIFICATION OF DETAIL MARKS CERTIFICATE IN RESPECT OF MISS. MOREEB HASEEN DOU UMER HAYAT KHAN DISTTIRANNU

Memo:

I am directed to refer to your letter No.5138/USTB/Secy: dated 28-C3-2017 (Copy attached for ready reference) and to enclose herewith copies of DMCs in respect of Miss. Moreeb Haseen D/O Umer Hayat Khan Rolf No.85667 Registration No.2009-UB-FGB-23751 student of Additional Subject of BSC(Physics) session 2015-16 Annual Examination held in May 2016 and another DMC of the above student under Roll No.85667 (Session in 2016-17) Re-appeared examination held in December 2017, for verification please.

Encls: As Above

Deputy Director Establishment Elementary & Secondary Education Ahyber Pakhtunkhwa Poshawar

1903 Erdst: No Copy forwarded for information to the:-1-District Education Officer(F) Bannu w/r to her No. 3095 duted 05-06-2018 2-PA to Director E&SE Local Office

Deputy Director Establishment C Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

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University of Science & Technology, Bannu

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Controller of Examinations

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## University of Science & Technology Bannu (A).: Near Cantt. Police Station Miran Shah Noad Bannu, Khyber Pakhtunkhwa, PAKISTAN. (Ph.No.0928-623140) Dated: 8122 /USTB/Secy.18 Ref:No/ CONFIDENTIAL The Dy. Director Establishment Elementary & Secondary Education To: Khyber Pakhtunkhwa Peshawar Verification of Detail Marks Certificate In respect of Miss, Moreeb Haseen Subject: D/O Umar Hayat Khan Distl: Bannu 2692/A-17/SST/F/NTS/Apptt:/2017 dated Ne. letter your 12/07/2018, It is to inform that Miss Moreeb Haseen D/O Umar Hayat bearing Memo: . Roll 85667 had applied for BSo Additional subject in Physics session 2016-17 but failed. She again applied for the same subject in December 2017 and passed by securing marks 71/150 Her DMC is duly verified Controller of Examinations, UST'- Bannu.



DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION KHYBER PAKHTUNKIIWA PESHAWAR

ATATI7/SST/F/NTS Apptt/2019 Dated Peshawar the NO

//2020 7

The District Education Officer, (Female) Bannu.

### SUBJECT:- INQUIRY REPORT.

Memo:-

To

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I am directed to refer to the subjected cited above and to enclose herewith a copy of inquiry report along with its enclosure in respect of Miss Mureeb Haseen Ex SST. (M/P) GGHS Bahadar Mughal Khel Bannu for your report/comments.

Deputy Director Establishment (F) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

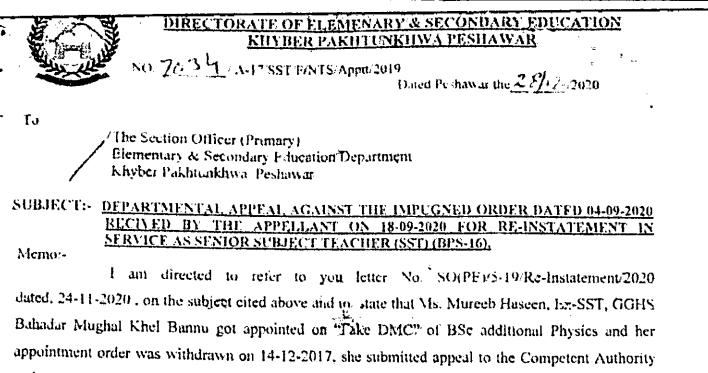
Gota

Copy forwarded for information to the:-

- Mr.Mussrat Hussain DEO (M) D.I.Khan. 1
- 2 PA to Director E&SE Local Office.

Low

Deputy Director Establishment (F) DC Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar



and an inquiry was conducted, in the light of inquiry report and comments of DEO (F) Bannu, her appeal was regretted by the Competent Authority.

Deputy Director Establishmen (F) Elementary & Secondary Education Khyber Pakhunkhwa Peshawar

Copy forwarded for information to the:-

1. PA to Director E&SE Local office.

Deputy Director Establishmen (F) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

KPESED Moreeb Haseen VS -<del>KP</del>1 enti 0.F Edwart in, 3

	GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT No. SO(PE)/5-19/Re-Instatment/2020 Dated Peshawar the 24-11-2020	
1.1	2	١
	The Director. Elementary & Secondary Education. Khyber Pakhtunkhwa, Peshawar	)
Subject	DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 04.09.2020 RECEIVED BY THE APPELLANT ON 18.09.2020, FOR RE- INSTATMENT IN SERVICE AS SENIOR SUBJECT TEACHER (SST) (BS-16)	
Dea Sir	I am directed to refer to the subject noted above and to enclose herewith a copy of	
an appeal be	aring No. 355 dated 07 10.2020 alongwith connected documents in respect of Miss	
Stando Has	een Ex SST (Maths Physics) BS-10, OOris Danadar renor to b	
s arding hr	s re-instatement in service, for views/comments, please	
	Yours Faithfully.	
i py to th	even Number & Date:	
	SECTION OFFICEB (PRIMARY)	
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	Speak.	
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## 12/0 SST Dated 12/08 2020 10.

The Director L&S Edu: Department Khyber Pakhunkhwa.

INQUIRY REPORT COMMENTS. SUBJI CT.

Memo:

Reference your letter No.a-17/SST(F)/NTS Appointment 2019 dated, up.07-2020 on the subject cited above

In the subject case report/comments is submitted as under please.

- That Mst: Mureeb Haseen was appointed as SST (Math/Phy) at GGHS Bahadur Mughal Khel Bannu vide Director E&S Edu; KPK order issued under hadst. No.3876-89 dated; 22 05 2017 and received charac ut the post on 22-05-2017.
- 2- She had performed her duty at GGHS Bahadur Mughal Khel Bannu up to13-12-2017 and served 06 months & 22 day's service.
- 3- That She had applied for BSc Additional Subject in Phy: session 2016-17 but failed She again applied for the same subject in December 2017 and passed by scouring 71/150 marks and her DMC duly verified by the Controller of Exam UST Bannu vide his letter No.8122 dated; 17-08-2018
- 4- That the competent authority stand withdrawn her appointment orders with immediate effect, which was required from retrospective effect.
- 5- That the Inquiry Officer recommended that salary for the duty period may be paid to her for 07 months, but on the other side such like departmental step will generate affirmative response to the appellant, therefore after getting the salaries she will move the issue to litigation side

It is therefore suggested:-

- That the competent authority may modify her temination order under the tiles
- b- Or she may be reinstated in service as she full filled the requisite qualifications and had also performed more than six months service and the inquiry officer also recommended that the competent authority now decide her case in light of above findings as she passed the requisite subject.

If the competent nutbority follows the 2" option, inmar penalty of stoppage withholding of spe annual increment for three years may also be imposed upon the appellant, so that no one can make such a prefice in

future.

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Report is submitted as desired please.



<u>Govt of Khyber Pakhtunkhwa</u> Office of the Distt; Education Officer (F) Bannu. Phone & Fax; 0928-660019</u>

4302 No.

Dated 8/8/2017

The Principal/Head Mistress GGHS Bahadur Mughal Khel .

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Sultert

Memo:-

To,

APPOINTMENT/ SUBMISSION OF COPY OF CHARGE REPORT

District Edu

(Female

Kindly refer to the appointment order as a SST BPS-16 is sued vide Endst: No. 3876-80/F-No.2 A-14 SST/Adgoc/Appointment dated 22-5-2017 at S.No 33 Moreeb Haseen D/O Umer Hayat Khan has been appointed SST Maths Phy) Post at GGHS Bahader Mughel Khel .

Please intimate as to whether she has taken over charge or not. If she has taken over charge then a copy of the charge report may be submitted to this office for reference and record immediately

You are therefore directed to inform the mistress to submit the charge report within two days. Otherwise necessary action will be taken against her.

Endst: No. 4303-04 **. 1**. :

Copy for information to the:-

1 Director Elementary & secondary Education Khyber Pakhtunkhwa Peshawar with reference to his no and date cited above.

2 Mst Moreeb Haseen D/O Umer Hayat Khan Village khujaram Khel Bannu, and with the remarks to submit charge within three days to this office otherwise noncompliance report will be submitted

District irer (Female) BANNI 2

REMINDER 1

DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR A-17/SST/F/NTS/Apptt:/2017 Dated Peshawar the /2018

Annex-H

The Deputy Controller of Examination, University of Science & Technology Bannu

SUBJECT:-

Memo:

[n

VERIFICATION OF DETAIL MARKS CERTIFICATE IN RESPECT OF MISS. MOREEB HASEEN D/O UMER HAYAT KHAN DISTT;BANNU

I am directed to refer to your letter No.5138/USTB/Secy: dated 28-08-2017 (Copy attached for ready reference) and to enclose herewith copies of DMCs in respect of Miss. Moreeb Haseen D/O Umer Hayat Khan Roll No.85667 Registration No.2009-UB-FGB-23751 student of Additional Subject of BSC(Physics) session 2015-16 Annual Examination held in May 2016 and another DMC of the above student under Roll No.85667 (Session in 2016-17) Re-appeared examination held in December 2017, for verification please. Encls:As Above

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Ende

Elementary & Secondary Education hyber Pakhtunkhwa Peshawar Copy forwarded for information to the:-1-District Education Officer(F) Bannu w/r to her No. 3095 dated 05-06-2018

Deputy Director Establishment Elementary & Secondary Education

Shyber Pakhtunkhwa Peshawar

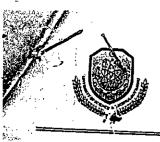
Deputy Director Establishment

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# University of Science & Technology Bannu Near Cantl. Police Station Miran Shah Road Bannu, Kluyber Pakhtunkhwa, PAKISTAN. (Ph.No.0928-623140)

·	Ref:No/	8/22 /USTB/Secy.18		Dated:		
	To:	The Dy. Director Establishn Elementary & Secondary Ed Khyber Pakhtunkhwa Peshav				1151 17, 2018 JENTLAL
	.Subject:	Verification of Detail Marl	(s Certificato In			71 2
		<u>D/O Umar Havat Khan I</u>	Distt: Bannu	respect of N	liss. Moreeb	Haseen
	Memo:					- 
	viemo:	Reference your letter	No. 2692/A-17	/SST/F/NTS	Apptt:/2017	7 dated
		12/07/2018, It is to inform the Roll 85667 had applied for H but failed. She again applied	at Miss Moreeb	Haseen D/O	Umar Haya	t bearing
~ .		but failed. She again applied by securing marks 71/150. He	for the same subj	Direct in Phy	sics session	2016-17
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	Additional Subject in BSc 🗹	
	Session: 2016-2017	
	Re Appeared Examination Held in Cocember, 2	2017
	Moreeb Haseen / Roll No.	
Namoi <u>-</u>	Moreeb Haseen / Roll No:	8:607
ather's Name:	Umer Hayat Khan 🖌 🖌 Reg No:	2009 UB FUB-23751
institute Name.	Private Candidate	
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