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**BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR**  
**SERVICE APPEAL NO. 214/2022**

Shaista Wali ..... APPELLANT

V/S

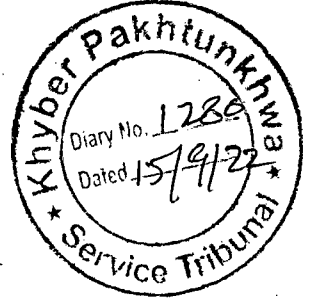
DISTT EDUCATION OFFICER (MALE) KOHAT & OTHER..... RESPONDENTS

Parawise comments on behalf of Respondent No: 1 to 3

Respectfully Sheweth

**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 from the Hon'able Tribunal in the instant service appeal.
4. That the instant service appeal is against the relevant provisions of law.
5. That the appellant has not come to this Hon'able Tribunal with clean hands.
6. That the instant appeal is liable to be dismissed for mis-joinder & non-joinder of the necessary parties to the present appeal.
7. That the appellant is estopped by his own conduct to file the instant appeal.
8. That the instant service appeal is not maintainable in the present form & circumstances of the case.



**FACTS**

1. That Para No: 1 of the fat is correct to the extent that appellant had applied for the post of PTC( Now PST) teacher, rest of the Para is incorrect. After verification of PTC certificate which was found bogus & fake and subsequently concerned authority conducted enquiry and after conclusion of the enquiry proper criminal case was registered (Copy of FIR) already annexed.
2. That Para No: 2 pertain to record.
3. That Para No: 3 already explained vide Para No: 1 of the fact. Hence need no comments.
4. That Para No: 4 is correct to the extent that the appellant himself admitted the guilt and penalized by the learned trial court which speaks the admission of offence. Hence the

respondent department rightly issued the order in accordance with provision of law.  
Court order is already annexed.

5. That Para No: 5 of the facts pertain to record but appellant was found guilty of the charge and rightly punished
6. That the Para No: 6 of the fact is incorrect, did the appellant kept reliance on the previous bogus/fake certificate & it was clear crystal that the applicant was recruited on fake and bogus certificate proved later on. Hence the appellant was preceded and finally penalized.
7. That Para No: 7 is irrelevant. The respondent was not bound by any law for joining wrong forum for representation.
8. That Para No: 8 is correct to the extent that the respondent department rightly rejected/ dismissed the appeal with speaking orders.
9. That the Para No: 9 is totally incorrect appellant cannot come under the definition of sacked employee ordinance 2009. As the appellant was found guilty of the criminal offence. The appellant admit the guilt before the court of law & was penalized with the fine of Rs. 5000/-. It is worth mentioning here that the appellant himself admit the criminal charges then the presumption of innocence could not be established even appellant losses the locus standi.
10. That Para No: 10 is already explained above but again submitted that the appellant does not come under the definition of sacked employees, so the wrong interpretation cannot be roll out.
11. That the respondents may also be allowed to raise additional ground during the course of hearing.
12. As replied vide above Para.


**GROUNDS:-**

- A. That Para No: A of the ground is incorrect, after conducting enquiry by the concerned authority, the appellant was found guilty of the charges, hence dismissed and that order of the respondent is still intact.
- B. That Para No: B of the ground is incorrect and without any lawful justification.
- C. That Para No: C of the ground is incorrect. The action of the respondent does not fall within the ambit of double jeopardy.

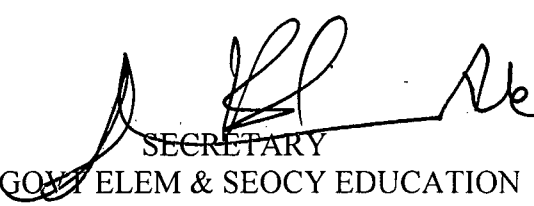
- D. That the Para No: D of the ground is incorrect. All the codal formalities were observed and that too after the conclusion of the enquiry as well as admission of criminal charge.
- E. That Para No: E of the ground is incorrect. The appellant was awarded punishment by the court of law on the basis of the admission of the appellant & if the appellant was aggrieved from the court order, he was at liberty to file an appeal against the decision of the court.
- F. That Para No: F of the ground is totally incorrect as the appellant was guilty of the criminal charge & he himself pleaded guilty of the charges and penalized. Hence the stance so alleged by the appellant is wrong.
- G. That Para No: G of the ground is incorrect. The order was issued by the competent authority.
- H. That Para No: H of the ground is incorrect as the appellant himself admitted the charges,
- I. That Para No: I of the ground is incorrect. The respondent Department passed a legal and speaking order & reasons already mentioned therein.
- J. As explained above.
- K. That Para No: K of the ground is incorrect; the department did not perform any wrongful act as the departments always follow the rules and policy.
- L. The respondents may also be allowed to raise additional grounds at the time of arguments.

**PRAYER**

In the light of the above facts, It is humbly prayed that the appeal is in hand of appellant may graciously be dismissed with heavy cost being merit less & badly time barred.

  
 DISTRICT EDUCATION OFFICER  
 (MALE) KOHAT

  
 DIRECTOR  
 ELEMENTARY & SECONDARY EDUCATION  
 KHYBER PAKHTUNKHWA PESHAWAR

  
 SECRETARY  
 TO GOVT ELEM & SEOCY EDUCATION  
 DEPARMENT KHYBER PKAHTUNKHWA  
 PESHAWAR

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**BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR**  
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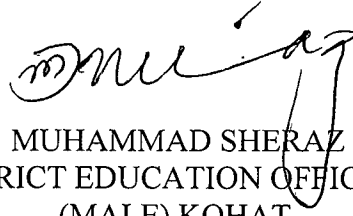
DISTT EDUCATION OFFICER (MALE) KOHAT & OTHER..... RESPONDENTS

Parawise comments on behalf of Respondent No: 1 to 3

**Affidavit**

I, Muhammad Sheraz District Education Officer (Male) Kohat do hereby solemnly affirm and declare on oath that the contents of the accompanying Parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed withheld from this Honourable Tribunal.

Deponent

  
MUHAMMAD SHERAZ  
DISTRICT EDUCATION OFFICER  
(MALE) KOHAT

**ATTESTED**

  
Notary Public  
Peshawar  
31-08-2022

F-12

انسپکشن اور پولیس سرپرست محمد فاروق ٹبرہ

نام نمبر ۲۲-۵۰-۵۰

ATF Report

ایسٹریٹ لائسنسنگ اتھارٹی

فائل: ابتدائی اطلاع ثبت کی تاریخ: ۱۲ دسمبر ۱۹۹۶ء کی رپورٹ نمبر: ۱۵۱ کی رپورٹ نمبر: ۱۵۱

تعداد: ACE کوٹج  
نمبر: 3 27

تاریخ و وقت رپورٹ	سال ۱۹۹۶ء جاگید کے رسم ۱۲ نوٹ ۱۶-۴۵
نام و سکونت اطلاع دہندہ و مستفید	محمد اسحاق سرگودھا کوٹج
فقرت کیفیت مجرم (معدومہ) سال اگر کوئی لیا گیا ہو	ACE (C) ۲۵/۱۶۸/۱۶۷۱/۱۶۷۱/۱۶۷۱
جائے وقوعہ حاصلہ قبضہ سے اور سمت	دفعہ ۱۷۵ DEO کے تحت سرگودھا کوٹج کے صدر دروازے کے بائیں طرف
نیم و سکونت منظم	سرگودھا کوٹج کے صدر دروازے کے بائیں طرف
کارروائی پر تفتیش کے متعلق کی گئی اطلاع درج کرنے کی تاریخ اور وقت	۱۲ دسمبر ۱۹۹۶ء
تھانہ سے روانگی کی تاریخ و وقت	۱۲ دسمبر ۱۹۹۶ء

ابتدائی اطلاع نیچے درج کروا گیا ہے۔ رپورٹ نمبر ۱۵۱ کے تحت رپورٹ  
کوٹج باغیچہ کے اندر داخل ہونے والے شخص نے سرگودھا کوٹج کے صدر دروازے کے بائیں طرف  
جاں بندوق سے حملہ کیا۔ حملہ کرنے والے شخص کی شناخت نہیں ہو سکی۔  
سے جو اس نے چھینا، لکھنؤ کے ایک شخص کو پیش کیا۔ اس شخص نے اسے ۱۳-۱۱-۱۹۹۶ء  
پر ۱۲-۱۲-۱۹۹۶ء کو سرگودھا کوٹج کے صدر دروازے کے بائیں طرف  
جاں بندوق سے حملہ کیا۔ حملہ کرنے والے شخص کی شناخت نہیں ہو سکی۔  
سے جو اس نے چھینا، لکھنؤ کے ایک شخص کو پیش کیا۔ اس شخص نے اسے ۱۳-۱۱-۱۹۹۶ء  
پر ۱۲-۱۲-۱۹۹۶ء کو سرگودھا کوٹج کے صدر دروازے کے بائیں طرف  
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سے جو اس نے چھینا، لکھنؤ کے ایک شخص کو پیش کیا۔ اس شخص نے اسے ۱۳-۱۱-۱۹۹۶ء  
پر ۱۲-۱۲-۱۹۹۶ء کو سرگودھا کوٹج کے صدر دروازے کے بائیں طرف

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119006

FORM "A"

FORM OF ORDER SHEET

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Handwritten Urdu notes on the left side, including the date '20/5/2002' and other markings.

Handwritten Urdu text in the middle section, including case numbers like '409/419/420/468/471/88' and '123198'.

05-8.

20.5.2002.

ATTESTED

EXAMINER  
Court of Special Judge  
Anti-corruption  
Muzaffargarh.

S/3/09

Handwritten signature and stamp of the Examiner.

Attested

Sub Divisional Education Officer  
(Male) Kohat

All the accused except Sardar Bahadur submitted joint application for making plea of guilt. I recorded their joint statements who have been identified by their respective defence counsel.

It is evident from the plea of guilt, made in the joint statement by the accused and also in the application Ex.PX that they have admitted their guilt in connection with getting bogus and fake PTC certificate, which they later on used as genuine. It means that the allegations levelled against the accused in the FIR as well as by the PWs in their statements recorded during the period of enquiry and investigation get support and corroboration from the joint statements of accused recorded today.

This brings me to hold that accused guilty of the charge levelled against them u/s 458/PPQ read with section

...with signature of Judge or Magistrate and that of ... or counsel where necessary



**ATTESTED**

17  
**EXAMINER**  
Court of Special Judge  
Date: 27/3/09

S(2)PC Act and accordingly they are convicted under these sections of law, however in case of sentence court takes lenient view in the matter ~~as~~ as the accused are reported to be young and first offenders, therefore they are sentenced to imprisonment till rising of the court with a fine of Rs. 5000/- each or in default of payment of fine shall further suffer three months S.I. each. They are on bail and their bail bonds are cancelled. They are taken into custody and be sent to jail if they could not pay the fine today.

Accused namely Sarbilahd, Sher Ali, Jhilur Bahian, Shaista Wali and Said Moeen deposited the fine with the reader of court who is directed to deposit the same immediately in the govt. exchequer under the relevant head and copy of the receipt be placed on the file of the instant case for ready reference.

Summon up the PWs in respect of accused Sardar Bahadur with record for 25.6.02.

Attested

Spl. Judge (C. Kohat)

Sub-Divisional Educational Officer  
(Male Kohat)



THE DISTRICT INSPECTOR OF SCHOOLS (P) KHUZDAD - KOHAT.

(8)

Checked and verified by the Deputy Director Primary  
Peshawar vide his No. 37085-92/E. No. 5/BPE/M&A/PTC(M&P)

Dated 25.10.2000.

The following P.T.C. teachers are hereby dismissed from their services with immediate effect having Bogus P.T.C. certificates.

S.NO.	NAME OF TEACHER.	FATHER NAME.	SCHOOL.
<b>KOHAT</b>			
1.	Sirbiland Khan.	Ghulam Jan	G.P.S. Nai Abadi Shahdi Khel.
2.	<del>Shahata Wali.</del>	<del>Ali Ali Shah.</del>	<del>-do-Mangori.</del>
3.	Mubarak Ali Shah.	Abdur Rauf.	-do-Chor Lakki.
4.	-Abdul Shakoor.	Amir Gul	-do-Dh: Gulab Din Tora Stana.
5.	Zahid Rehman	Hafiz Rehman	-do-Shahdi Khel.
6.	Said Maeen.	Said Amir.	-do-Dh: Khan Afzal.
7.	Shaheen Akbar.	Ghulam Ali.	-do-Tor Stana.
8.	Ayub Khan	Hakim Khan.	-do-Chor Lakki.
9.	Gul Hussain	Taj Muhammad.	-do-Sheikh Allahdand
10.	Fazal Raziq	Umer Gul	-do-Darashah Khel.
11.	Hikmat Din.	Salamat Din	-do-Tor Stana.
12.	Zafar Iqbal.	Lachi Khan.	-do-Zair Sheikh Allah Dhand.
13.	Abdul Hamid.	Babar Khan.	-do-Koteri
14.	Jalilur Rehman	Noor Badshah.	-do-Khawaja Khel.
15.	Mushtaq Ahmed.	Haji Saleheen.	-d- Shahdi Khel.
16.	Taj Muhammad.	Mukhtiar Khan.	-do-Boda No. I.
17.	Noorul Haq	Abdul Haq.	-do-Dh: Abdul Manan Shahdi Khel.
18.	Post Muhammad.	Ghulam Muhammad.	-do-Haji Abad Kharmato
19.	Intizer Khan.	Noor Badshah.	-do-Gerhryo Far Khush- hal Gerh.
20.	Sher Ali Khan	Waris Khan	-do-Band Khula.
21.	Zaffar Ali Khan	Raees Khan.	-do-Tora Stana.
22.	Mohd Ayaz Khan.	Ali Akbar.	-do-Dehri Chaman
23.	Sabir Shah	Rahim Shah	-do-
24.	Abdul Wali Khan.	Ali Akbar.	-do-

*M. Aslam*  
M. ASLAM KHAN.  
DISTRICT EDUCATION OFFICER  
(MALE) PRIMARY, KOHAT.

Attested

*[Signature]*  
D.E.O  
(M) Kohat

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**OFFICE OF THE DISTRICT EDUCATION OFFICER (M) PRIMARY KOHAT.**

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**NOTIFICATION.**

As directed and verified by the Deputy Director Primary Education N.W.F.P Peshawar vide his No.37085-92/F.No.5/DPE/P&A/PTC(M&F), dated 25/10/2000.

The following PTC teachers are hereby dismissed from their services with immediate effect having Bogus P.T.C certificates.

S. NO.	NAME OF TEACHER	FATHER NAME	SCHOOL
1.	Sirbiland Khan	Gulam Jan	G.P.S Nai Abadi Shadi Khel
2.	Shaista Wali	Jalil Ali Shah	G.P.S Manori
3.	Mubarak Ali Shah	Abdur Rauf	G.P.S Chor Lakki
4.	Abdul Shakoor	Amir Gul	G.P.S Dh: Gulab Din Tora Stana
5.	Zahid Rehman	Hafiz Rehman	G.P.S Shadi Khel
6.	Said Maeen	Said Amir	G.P.S Dh: Khan Afzal
7.	Shaheen Akbar	Ghulam Ali	G.P.S Tora Stana
8.	Ayub Khan	Hakim Khan	G.P.S Chor Lakki
9.	Gul Hussain	Taj Muhammad	G.P.S Sheikh Allahdad
10.	Fazal Raziq	Umer Gul	G.P.S Darsha Khel
11.	Hikmat Din	Salamat Din	G.P.S Tor Stana
12.	Zafar Iqbal	Lachi Khan	G.P.S Zair Sheikh Allah Dhand
13.	Abdul Hamid	Babar Khan	G.P.S Koteri
14.	Jalil ur Rehman	Noor Badshah	G.P.S Khawaja Khel
15.	Mushtaq Ahmed	Haji Saleheem	G.P.S Shadi Khel
16.	Taj Muhammad	Mukhtair Khan	G.P.S Dhoda No.1
17.	Noorul Haq	Abdul Haq	G.P.S Dh:Abdul Manan Shadi Khel
18.	Dost Muhammad	Ghulam Muhammad	G.P.S Haji Abad Kharmatoo
19.	Intizar Khan	Noor Badshah	G.P.S Gerhryo Par Khushal Garh
20.	Sher Ali Khan	Waris Khan	G.P.S Band Khula
21.	Zaffar Ali Khan	Raes Khan	G.P.S Tora Stana
22.	Mohd: Ayaz Khan	Ali Akbar	G.P.S Dhoke Chamman
23.	Sabir Shah	Rahim Shah	-do-
24.	Abdul Wali Khan	Ali Akbar	-do-

*Attested better copy*

Sub Divisional Education Officer  
(Male) Kohat

-sd/-

M. ASLAM KHAN  
DISTT: EDUCATION OFFICER  
(MALE) PRIMARY KOHAT.

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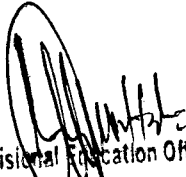
No. 3631-55/F.No.3/I-A.9/M & A, Dated Kohat the 21/12/2000.

17

Copy of the above is forwarded for information to the :-

1. Director Primary Education, N.W.F.P. Peshawar with reference to his No. cited above.
  2. Sub: Divisional Education Officer (M) Kohat to recover the amount paid to them and deposit it into Govt: Treasury.
- 3-24 Candidates concerned.
- 25 Superintendent Police, Kohat with the remarks to lodge as F.I.R against the above named teachers.

*Attested.*

  
Sub Divisional Education Officer  
(Male) Kohat

-sd/-  
DISTT: EDUCATION OFFICER  
(MALE) PRIMARY, KOHAT.