BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 5369/2020

Mst: Tahira Naz Ex-SST (General) District Mardan......Appellant.

VERSUS

Secretary (E&SE) Department, Khyber Pakhtunkhwa & others...Respondents

JOINT PARAWISE COMMENTS ON & FOR BEHALF OF RESPONDENTS No: 1-2.

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 from this Honorable Tribunal in the instant service appeal
- 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 instant Appeal is based on mala fide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
- 9 That the instant Service Appeal is not maintainable in its present form.
- 10 That the instant Service Appeal is bad for mis-joinder & non-joinder of the necessary parties.

11 That the instant Service Appeal is barred by law.

- 12 That the Appellant is not competent to file the instant appeal against the Respondents.
- 13 That the impugned Notification No. 4061-90/A-17/SST/Complaint/Tahira Naz dated 09/12/2019 of the Respondent Department is legally competent & liable to be maintained in favor of the Respondents.(Copy of the said Notification dated 09-12-2019 is Annex-A).
- 14 That no Departmental Appeal has been filed by the appellant to the Respondent Department against the impugned Notification dated 09/12/2019.
- 15 That the recommendation letter of the appellant has been declared as fake and bogus by the KPK PSC.
- 16 That the Notification dated 25-06-2012 has correctly been disowned by the Respondent Department on the grounds of being fake & bogus after observing all Codal formalities.

<u>ON FACTS.</u>

- 1 That Para-I needs no comments.
- 2 That Para-2 pertains to the academic & professional qualification of the appellant.
- 3 That Para-3 is correct to the extent of inviting application for the appointments against the SSTs B-16 post vide advertisement No.01/2009 dated 26-01-2009 through the KPK PSC dully disowned by the Respondent Department dismissed the impugned Notification dated 09-12-2019 on the grounds of being fake & bogus having no record. (Copy of the advertisement dated 26-01-2009 is Ann-B).
- 4 That Para-4 is incorrect & denied on the grounds that no cogent proof & legal justification has been annexed by the appellant in support of her stand regarding her filling of application for the appointment against the SST (G) B-16 post to the KPK PSC/Respondent No.3, nor she has been appeared in written test & interview neither the appellant has been recommended by the KPK PSC against the SST BPS-16 post vide recommendation letter dated 25-06-2012 issued by the KPK PSC.

Therefore, the claim regarding appearing before the Medical Board & declaring her medically fit makes no legal ground & even based on mala fide intensions on the part of the appellant. (Copy of the fake & bogus appointment order dated 25-06-2012 is Annexure-C).

5 That Para-5 is incorrect & denied on the grounds that the appellant has not been recommended by the KPK PSC & adjusted in the Respondent Department against the 'SST (G) B-16 post in District Mohmand vide Notification dated 31-07-2012, hence the plea of the appellant is illegal & liable to be dismissed.

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- 6 That Para-6 is correct that the salary of the appellant has been stopped since February 2019 on the grounds of her fake & bogus appointment order dated 25-06-2012, whereas, rest of the Para regarding filling of a W.P No.3624-P/19 under case tiled Tahira Naz Vs Govt; before the Honorable Peshawar High Court Peshawar is relates to the record of the Court with the submission that the case of the appellant is agasint the provision of section-11 CPC-1908 (Resjudicata) & is laible to be dismissed in favor of the Respondents as evident from the order sheet dated 17-09-2019 & 16-01-2020 (Copies of the order sheets dated 17-09-2019 & 16-01-2020 are Annexures-D & E).
- 7. That Para-7 correct that in view of the fake & bogus appointment order dated 25-06-20012 of the appellant has been served a show cause Notice dated 02-10-2019 dully replied by the appellant in an un satisfactory manner which resulted in the impugned Notification dated 09-12-2019, whereby the fake & bogus, 1st appointment order dated 25-06-2012 has been disowned of being ab initio under the relevant rules against the appellant after due process of Law & procedure. (Copies of the show cause Notice Dated 02-10-2019 & impugned Notification dated 09-12-2019 are Annexures-F & G).
- 8. That Para-8 is incorrect & denied as the act of the Respondent Department with regard to the impugned Notification dated 09-12-2019 against the appellant is legal, hence, the appeal in hand is liable to be dismissed on the following grounds inter alia:-

ON GROUNDS.

- A <u>Incorrect & not admitted</u>. The appellant has been treated as per law, rules & policy vide the impugned Notification dated 09-12-2019 by the Respondent Department in the instance case, hence, the stand of the appellant is baseless & liable to be rejected.
- B Incorrect & not admitted. The appellant has been treated as per law, rules & policy vide the above said Notification dated 09-12-2019 by the Respondent Department in the instance case having no question of violating the provision of Article 10-A of the constitution of Islamic republic of Pakistan 1973, hence, the stand of the appellant is baseless & liable to be rejected.
 - Incorrect & not admitted. The statement of the appellant is without any cogent reason & justification on the grounds as agitated in the foregoing paras of the present reply by the Respondents.
 - **Incorrect & not admitted**. The stand of the appellant is without any cogent reason & legal justification on the grounds that the 1st appointment order dated 25-06-2012 has been found fake & bogus by the Respondents, hence, the services of the appellant against the SST (G) B-16 post has been disowned by the competent authority vide Notification date 09-12-2019 under the relevant provisions of law & rules

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Incorrect & not admitted. The plea of the appellant is without justification & liable to be rejected as the mentioned reported judgments of the apex courts of law do not apply upon the case of the appellant in the given circumstances of the case.

Incorrect & not admitted. The plea of the appellant is without justification & liable to be rejected as the mentioned reported judgments of the apex courts of law do not apply upon the case of the appellant in the given circumstances of the case as the appointment order of the appellant has been found fake & bogus by the Respondent Department.

Legal. However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date fixed.

In view of the above made submissions, it is most humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant Service Appeal in favor of the Respondents in the interest of justice.

/2021. Dated .

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DIRECTOR OM E&SE Department Khyber.

Pakhtunkhwa, Peshawar. (Respondents No: 2)

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

<u>AFFIDAVIT</u>

I, <u>Dr. Hayat Khan Asstt: Director (Litigation-II)</u> E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief.

Deponent

ÉFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 5369/2020

Mst: Tahira Naz Ex-SST (General) District Mardan......Appellant.

VERSUS

Secretary (E&SE) Department, Khyber Pakhtunkhwa & others...Respondents

REPLY TO THE GONDONATION OF DELAY APPLICATION FOR & ON BEHALF OF RESPONDENTS NO: 1 & 2.

Respectfully Sheweth :-

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The Respondents submit as under:-

That Para-1 is incorrect as the case of the appellant is badly time barred under the law of limitation Act 1908, hence, the Notification dated 09-12-2019 is not only legally competent but has also got finality against the appellant.

That Para-2 is also incorrect & denied as the case of the appellant is badly time barred under the law of limitation Act 1908,hence, the Notification dated 09-12-2019 is not only legally competent but has also got finality against the appellant having no question violating the provision Article 10-A of the constitution of 1973.

That Para-3 is incorrect & denied. The statement of the appellant baseless & liable to be rejected as the Respondents have got a very good prima facie case and the chances of its success are very bright in favor of the Respondents if the order dated 09-12-2019 is not maintained, then, the Respondent Department shall suffer huge losses as valuable legal rights are attached with the instant case of the Respondents.

That Para-4 is incorrect & denied. The Respondents have got a very good prima facie case and the chances of its success are very bright in favor of the Respondents.

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

SECRE/TARY

DIRECTOR

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

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

AFFIDAVIT

I, <u>Dr. Hayat Khan Asstt: Director (Litigation-II)</u> E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief. $\iint G^{a}$

Deponent

<u>ÉEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE</u> <u>TRIBUNAL PESHAWAR.</u>

Service Appeal No: 5369/2020

Mst: Tahira Naz Ex-SST (General) District Mardan......Appellant.

VERSUS

Secretary (E&SE) Department, Khyber Pakhtunkhwa & others...Respondents <u>REPLY TO THE STAY APPLICATION FOR & ON BEHALF OF RESPONDENTS No: 1 & 2.</u> Respectfully Sheweth :-

The Respondents submit as under:-

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That Para-1 needs no comments being pertains to the record.

- That Para-2 needs no comments. However, the facts & grounds as taken in the main reply may also be treated an integral part of this reply to the instant application on behalf of the Respondents.
- That Para-3 is incorrect & denied. The Respondents have got a very good prima facie case and the chances of its success are very bright in favor of the Respondents.
 - That Para-4 is incorrect & denied. The Respondents have got a very good prima facie case and the chances of its success are very bright in favor of the Respondents.

That Para-5 is also incorrect & denied. If the operation of the impugned Notification dated 09-12-2019 is not maintained then the Respondent will suffer irreparable loss of the Administrative nature.

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

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

DIRECTOR

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

AFFIDAVIT

I, <u>Dr. Hayat Khan Asstt: Director (Litigation-II)</u> E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief.

Deponent



HINES - FI DIRECTORATE OF ELEMENARY & SECONDAREDUCATION KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION

- 1. WHEREAS, Mst. TahiraNaz d/o Afzal Khan, resident of Mughal Banda Tehsil TakhtbhaiDistrict Mardan was reported by the DEO (F) Swabi as bogus SST (G) and fraudulently working at GGHS Parmoli Swabi vide her report No.1282 dated 28.02.2019.
- AND WHEREAS, a fact-finding inquiry was ordered against the bogus teacher vide Endst: No.8126-28 dated 27.3.2019.
- 3. AND-WHEREAS: the inquiry officer. Mr. Siraj. Muhammad. DEO. (M). Malakand, proved the appointment of Mst. TahiraNaz as SST (G) as bogus vide his report dated 22.7.2019.
- 4. AND WHEREAS, to fulfill the course of natural justice a show cause notice was served upon the referred bogus teacher vide No.5285/a-17/Compliant/TahiraNaz/Swabi dated 02.10.2019.
- 5. AND WHEREAS, she submitted her reply to the show cause on 21-10-2019which was found unsatisfactory.
- 6. AND WHEREAS, she was granted the opportunity of personal hearing vide No.4611/A-17/Compliant /TahiraNaz/Swabi dated 1-11-19, which she did not avail.
- 7. AND WHEREAS, the competent authority, after having considered the evidence on record, findings of inquiry report, reply to show cause of the bogus teacher and non-availing the opportunity of personal hearing by the bogus teacher, has come to the conclusion that the charges given in the show cause have been proved against Mst. TahiraNaz d/o Afzal Khan and that the notification regarding placement of her services at the disposal of Director of education. Fata for further posting issued vide.2816-23/FN0.2/A-14/SST(F)Gen/PSC/APPTT

Dated 25-06-2012is found bogus.

3. NOW THEREFORE, under the mandatory provisions and powers conferred under the section 16 and 21 of General Clauses Act 1897 as amended in 1956 the Director Elementary & Secondary Education Khyber Pakhtunkhwa as the competent authority is pleased to disown ab initio Mst. TahiraNaz d/o Afzal Khan and declare her as bogus SST (G) GGHS Parmoli District Swabi liable to be proceeded as per PPC 419 & 420 by the law enforcing agencies in the interest of public service.

Director Elementary& Secondary Education Khyber Pakhtunkhwa, Peshawar

Dated Peshawar the 07-12-2019.

Endst: No. /A-17/SST/Complaint/TahiraNaz/Swabi Copy forwarded for information and necessary action to the:

1061-70

Hinnesc

NWFP PUBLIC SERVICE COMMISSION <u>2- Fort Road Peshawar Cantt:</u> Website: www.nwfppsc.gov.pk

Dated: 26-01-2009

Advertisement No. 01 / 2009.

Applications are invited for the following posts from Pakistani citizens of N.W.F.P/F.A.T.A domicile by 26-02-2009 (13-03-2009 for candidates from abroad). Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall also be rejected without intimation to the candidates.

AGRICULTURE LIVESTOCK & CO-OPERATIVE DEPTT:

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DIRECTORATE OF INDUSTRIES COMMERCE MINERAL DEV: LABOOR & TECHNICAL EDUCATION DEPARTMENT.

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	One (01) Post of Wale Inspector Wines QUALIFICATION: (i) Bachelor Degree in Mining Engineering from recognized QUALIFICATION: (i) Bachelor Degree in Mining Engineering from recognized under
	<u>OUALIFICATION:</u> (I) Bachelor Degree in trining and University and (ii) 1 st Class Mines Manager's certificate of Competency granted under
	the provision of Mines Act. 1923 and (iii) HWO years experience in Corte of L
	the provision of transformed and the Mines Act 1923
	Government Mining Industries registered under the Mines Act, 1923.
	Government Mining industries registered under the BPS-17 ELIGIBILITY: Male.
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provisions of the rules for the time being in force.

NOTE: For History-cum-Civics : The candidates must possess Master's Degree either in History or Political Science provided the other required subjects has studied at B.A level. The other requirement of teaching degree will, however, remain intact.

For Biology: 2nd Class Master Degree in Botany or Zoology provided that other subject have been studied at graduate level.

AGE LIMIT: 25 to 40 years. PAY SCALE: BPS-17 ELIGIBILITY: Female. ALLOCATION:

S.No	Subject	No. of Posts	Allocation
5.	Islamiyat	02	Merit Quota
6.	Pak: Study	03	Merit Quota
7.	History-Cum-Civics	02	Merit Quota
8.	Economics	02	Merit Quota
9.	English	02	Merit Quota
10.	Statistics	02	Merit Quota
11.	Maths	02	Merit Quota
12.	Biology	02	Merit Quota
13.	Chemistry	02	Merit Quota
14.		02	Merit Quota

(S.No. 52)	Sixteen Hundred Eighty One (1681) Posts of Male SETs. /S.S.Ts (Both
	Science & Arts) (with out graduaty and pension).

<u>OUALIFICATION:</u> For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics –A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University. <u>AGE LIMIT:</u> 21 to 35 years. <u>PAY SCALE:</u> BPS-16 <u>ELIGIBILITY:</u> Male.

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	(S.No. 53)	Thirty Four (34) Posts of Male Disabled SETs. /S.S.Ts (Both Science &
		Arts) (with out graduaty and pension).
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		Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a
	\wedge	recognized University.
	()	For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of
- 4	LATED	the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or
1T	THATED	Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.
•		AGE LIMIT: 21 to 35 years. PAY SCALE: BPS-16 ELIGIBILITY: Male.
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		(I.E) Battagram, Mansehra, Shangla, Kohistan, Abbottabad. (Both
		Science & Arts) (with out graduaty and pension).
		<u>OUALIFICATION:</u> For Secondary School Teacher (General) (i) B.A. Second
		Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a
		recognized University.
		For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of
		the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or
		Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.
		AGE LIMIT: 21 to 35 years. PAY SCALE: BPS-16 ELIGIBILITY: Male.
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(S.No. 59)

Two (02) Posts of Assistant Professor in Computer Engineering in Govt: College of Technology & Govt: Polytechnic Institure. QUALIFICATION: (a) Ph. D in Engineering from a recognized University / Institute with one years's teaching/ professional experience in the relevant subject as · 2- Decrea in Engineering from a recognized University/ Institute

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AGE LIMIT: 18 to 30 years. <u>PAY SCALE</u> : BPS-14. <u>ELIGIBILITY</u> : M ALLOCATION:	laie
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(S.No. 07)	One (01) Fost of Female office Assistant
	OUALIFICATION: Bachelor degree from recognized University.
	AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-14. ELIGIBILITY: Female.
	ALLOCATION: Merit.

CORRIGENDUM

- 1.** The Post of Research Officer for Earth Quake Quota appearing at S.No.2 Advt: No.07/2007 may be read as 02 Post for Chemistry and one for cereal Crops.
 - The Post of Reader Advertised in Advtt: No. 07/2008 S.No. 39 may be read as one post instead of Two Posts.

GENERAL CONDITIONS

2.

- (i) Age, qualification and experience etc shall be reckoned on 26-02-2009 Maximum age limit as prescribed in the recruitment rules shall be relaxed upto 10 years for Govt Servants who have completed 2 years continuous service, upto 10 years for disabled persons and upto 3 years for candidates belonging to backward areas of Zone-1, Zone-3, Merged Areas of Hazara and Mardan Divisions and uper Tanawal, Districts of Swat, Upper Dir, Lower Dir, Chitral, Buner, Kala Dhaka Area, Kohistan District, Shangla, Gadoon Area in Swabi, Backward areas of Mansehra and Batagram, backward areas of Haripur District i.e., Kalanjar Field Kanungo Circle of Tehsil Haripur and Amazai Field Kanungo Circle of Tehsil Ghazi. However, a candidate shall be allowed relaxation in age in one of the above categories provided that the candidates from backward areas, in addition to automatic relaxation of three years shall be entitled to one of the relaxations available to Govt Servants, general or disabled candidates, whichever is relevant and applicable to them.
- Degrees / Diploma / Experience Certificates / Testimonials of unrecognized Institution are not accepted. Only original Degrees / Certificates are accepted. However, the candidates can apply on provisional certificate signed by the Controller of Examination of the respective Institution but candidates shall produce original degrees / certificates before their selection. Detail Marks Certificate for all the examination shall necessarily be required and these should be attached with the application forms.
- (iii) ALLOCATION of vacancies in BPS-17 and below shall be strictly in accordance with the Zonal ALLOCATION as indicated against each post(s). The applications of the candidates other than the specified zone(s) shall be ignored except for posts reserved for Merit quota. No zonal reservation stands for posts allocated to disabled quota and also for the posts in BPS-18 and T above. All such posts shall be filled in on Open Merit.
- (iv) The candidates applying against disabled posts must attach with their application forms of disability certificate from the Previncial Connect for Each disability of the second sec



Ex-armed Forces Personnel must send copy of Discharge Certificate with their applications. Govt. / Semi Govt. / Autonomous / Semi Autonomous Bodies employees may apply direct but their Departmental Permission Certificates should reach within 30 days of the closing date.

Applications should be on the prescribed application form obtainable from the listed below branches of the NATIONAL BANK. Application Fee is Rs. 285/- (Rupees Two Hundred Eight Five only) for all the candidates. In addition to the application fee, the candidates will have to pay Rs. 15/- (rupees fifteen only) on account of Bank Charges. Separate application form will be required for each advertised category of posts. Application forms obtained other than the specified branches of the National Bank will be considered invalid and such applications will not be entertained. The applications on plain paper or Photostat shall not be accepted. Incomplete and late applications shall also be ignored.

(vii) Application must be submitted within time as no extra time is allowed for postal transit. The applications if submitted on the last date for receipt of applications must reach the Commission's office by the closing hours.

- (viii) Applicants married to Foreigners are considered only on production of the Govt. Relaxation Orders.
- (ix) No applicant shall be considered in absentia on paper qualifications unless, he/she possesses exceptionally higher qualifications than the minimum prescribed qualification for a particular post(s).
- (x) Govt. reserves the right not to fill any or fill more or less than the advertised post(s).
- (xi) Candidates who have already availed three chances by physical appearance before the Commission and have failed for the post(s) having one and the same qualifications and scale of pay shall be ineligible.
- (xii) Experience wherever prescribed shall be counted after the minimum qualifications for the post(s), if not specifically provided otherwise against the advertised post(s).
- (xiii) In cases where the number of applications received for post(s) are disproportionately higher than the number of available vacancies, shortlisting of the candidates may be done in any one of the following manner:
 - (a) Written Test in the Subject.
 - (b) General Knowledge or Psychological General Ability Test.
 - (c) Academic and / or Professional record as the Commission may decide.

SPECIFIED BRANCHES OF THE NATIONAL BANK OF PAKISTAN.

<u>Main Branches of:</u>

(w)

(vi)

- (i) Parachinar, Mardan, Swabi, Malakand, Shangla, Chitral, Timargara, Daggar,
 D.I.Khan, Bannu, Karak, Kohat, Hangu, Lakki Marwat, Abbottabad, Haripur, and
 Mansehra.
- (ii) Saddar Road Branch, Tehkal Payan Branch, and G.T Road (Nishtar Abad) Branch Peshawar.
- (iii) Tehsil Bazar Branch Charsadda, Nowshera Cantt: Branch, Bank Square Branch Mingora and city Branch Tank.

(Atta Ur Rehman)

Secretary NWFP Public Service Commission 2-Fort Road Peshawar Cantt: Ph: 9212962

nizer <u>vintment</u> Order No <u>Advi No 1/20</u>09 Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar PH No. 091-9210389, 9210938, 9210437,9210957, 9210468 Fax 091-9210936 E-mail_<u>desekpk@ya</u>h (C) <u>Notification.</u> Anal-

Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, appointment of the following candidates is hereby ordered against the post of Secondary School Teacher (SST General) in BPS-16 (Rs.10000-800-34000) pius usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with further posting against vacant SST General posts:-

S. #	Name Naheed	Father Name Musafar Khan	Domicile	Zone	Permanent Address	Place of Posting
- x2. year	Akhtar		Khyber Agency	J	Hayatabad Phase-IV Tehsil & District: Peshawar	Service placed at the disposal of Director of Education FATA for further posting against vacant SST General
	Bibi	Spect Alt Shak	[*] Mohmand Agency	1	Vill: Mattai Dara P/O Yousaf Khel Mohmand Agency	Service placed at the disposal of Director of Education FATA for further posting against
	Tahira Naz Sabiha	Afzal Khan	Mohmand Agency	1	Mughal Banda P/O, Saro Shah Tehsil Takht Bhai District Mardan	vacani SST General Post. Service placed at the disposal of Director of Education FATA for further posting against vacant SST General
T	Suoina	Mian Gul Jan	Mohmand Agency	1	Khur Abad, Sahib Gul Mahal P/O Dakki Teshil tangi District Charsadda	Post Service placed at the disposal of Director of Education FATA for further posting against vacant SST General Post.

Terms and conditions:-

E.

Her services will be considered regular but without pension & Gratuity in terms of section 19 of the NWFP civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amenament) Act, 2005. She will however be entitled to Contributory provident fund in such a manner and at such rates as per prescribed by the Govt.

In case, she is already in Government: service and working against pensionable post on regular basis before 1st day of July 2001, without any service break, on application to Khyber Pakhtunkhwa Public service Commission through proper channel and selection by the commission, is appointed and allowed choice of option either to retain benefit of

wintment Order No. 11 SST (G) FATA Advi No 1/2009 pension & gratuity as allowed to her under her previous terms of appointment or to avail the benefit of contributory provident fund allowed to her under new appointment. Her services are liable to termination on one months notice from either side. In case of resignation with out notice her one-month pay/allowances shall be forfeited to the She should join her post within 30 days of the issuance of this notification. In case of failure to join there post within one month of issuance of this notification her appointment will expire automatically and no subsequent appeal etc shall be entertained She would be on probation for a period of one year extendable for another one She will be governed by such rules and regulations as may be issued from time to time by the Govt. Her Services can be terminated at any time, in case his performance is found 7, unsatisfactory during probationary period. In case of misconduct, she shall be proceeded under the rules framed from time to time. Charge report should be submitted to all concerned 8. The DEO (F) concerned would furnish a certificate to the effect that the candidate has ø joined the post or otherwise after one month of the issue of his posting orders. The DEO(F) concerned will verify their documents before release of pay. 10. Her seniority will be maintained as determined by the Khyber Pakhtunkhwa Public II.Service Commission. No TAIDA will be allowed to the appointee for joining his duty. 7.2 (Muhammad Rafiq Khattak) Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar. 2816-23 Endst: No. /File No.2/A-14/SST(F) Gen/PSC/Apptt: Dated Peshawar the 2.5 - 6=2012 Copy forwarded for information and necessary action to the:-Accountant General Khyber Pakhtunkhwa Peshawar. Ί. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar. 2. Director of Education FATA Warsak road Peshawar. 3. 4. All Agency Accounts Officers in FATA. 5. Official Concerned PS to the Secretary to Govt; Khyber Pakhtunkhwa E&SE Department. 6. PA to the Director, E&SE Khyber, Bakhtunkhwa, Peshawar-8. M/File Dy: Directoeress (Estab) Elementary and Secondary Education

Khyber Pakhtunkhwardestawar

PESHAWAR HIGH COURT, PESHAWAR FORM OF ORDER SHEET

P. Z. S. J. M. Marker Marker M.	Date of Order of	Order or other Proceedings with Signature of Judge.
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	17.09.2019	Writ Petition No.3624-P/2019
		Present: Mr. Khalid Khan, Advocate, for the petitioner.
	· · · ·	
		Call for the comments of someondants No 2 & 4
	, , ,	Call for the comments of respondents No.3 & 4
		so as to reach this Court within a fortnight. Adjourned
		to a date in office.
* 25a F Landers Withmen -	، در سکور میکیمیتونید داره میری کمکیکیکر میری و مکری برای میرو در سال میروند از میروند از میروند میروند میروند و میروند از میروند از میروند از میروند از میروند از میروند از می	- THE CONSIGNATION OF THE REPORT OF THE SECOND STREET OF THE STREET OF THE SECOND STREET OF SECOND STREET OF THE SECOND STREET OF S
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PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Date-of-order Order or other proceedings with signature of Judge or or proceedings Magistrate and that of parties or counsel where necessary 2. 3 16.01.2020 WP No.3624-P/2019 with I.R. Clerk of counsel for the petitioner. Present: A final opportunity is afforded to respondents No.3 & 4, to file the requisite comments to the writ petition without fail within a fortnight. Senior Puisne Judge Judge red. ATT (DB) Justice Quiser Rashid Khan



DIRECTORATE OF ELEMENARY & SECONDAREDUCATION KHYBER PAKHTUNKHWA PESHAWAR

"Annexure

ANT

NCITIFICATION

- WHEREAS, Mst. TahiraNaz d/o Afzal Khan, resident of Mughal Banda Tehsil TakhtbhaiDistrict Mardan was reported by the DEO (F) Swabi as bogus SST (G) and fraudulently working at GGHS Parmoli Swabi vide her report No.1282 dated 28.02.2019.
- 2. AND WHEREAS, a fact-finding inquiry was ordered against the bogus teacher vide Endst: No.8126-28 dated 27.3.2019.
- 3. AND WHEREAS, the inquiry officer Mr. Siraj Muhammad DEO (M) Malakand proved the appointment of Mst. TahiraNaz as SST (G) as bogus vide his report dated 22.7.2019.
- AND WHEREAS, to fulfill the course of natural justice a show cause notice was served upon the referred bogus teacher vide No.5285/a-17/Compliant/TahiraNaz/Swabi dated 02.10.2019.
- 5. AND WHEREAS, she submitted her reply to the show cause on 21-10-2019which was found unsatisfactory.
- 6. AND WHEREAS, she was granted the opportunity of personal hearing vide No.4611/A-17/Compliant/TahiraNaz/Swabi dated 1-11-19, which she did right avail.
- 7 AND WHEREAS, the competent authority) after having considered the evidence on record, findings of inquiry report, reply to show cause of the bogus teacher and non-availing the opportunity of personal hearing by the bogus teacher, has come to the conclusion that the charges given in the show cause have been proved against Mst. TahiraNaz d/o Afzal khan and that the notification regarding placement of her services at the disposal of Director of education Fata for further posting issued vide.2816-23/FN0.2/A-14/SST(F)Gen/PSC/APPTT Dated 25-06-2012is found bogus.
- 8. NOW THEREFORE, under the mandatory provisions and powers conferred under the section 16 and 21 of General Clauses Act 1897 as amended in 1956 the Director Elementary & Secondary Education Khyber Pakhtunkhwa as the competent authority is pleased to disown ab initio Mst. TahiraNaz d/o Afzal Khan and declare her as bogus SST (G) GGHS Parmoli District Swabi liable to be proceeded as per PPC 419 & 420 by the law enforcing agencies in the interest of public service.

Director Elementary & Secondary Education Khyber Pakhtunxhwa, Peshawar

Dated Peshawar the 07-122019.

Copy forwarded for information and necessary action to the: -

/A-17/SST/Complaint/TaḥiraNaz/Swabi

4061-70



No

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

/A-17/Complaint/Tahira Naz/Swabi

Dated Peshawar the /

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SHOW CAUSE NOTICE

ANN-

1, Hafiz Muhammad Ibrahim, Director Elementary & Secondary Education Khyber Pakhtunkhwa as Competent Authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 do hereby serve upon you Mrst, TahiraNaz D/o Afzal Khanresident of Mughal Banda Tehsil Takht Bhai, Distt. Mardanthis show cause notice as follows:

- a. That consequent upon the report of DEO. (F)-District Swabi wide No. 1282-dated-28.02.2019you have been found to have appointed yourself fraudulently and bogusly as SST (G) and have so far been able to station yourself at GGHS Parmoll District Swabi which is a gross violation of law of the land.
- b. That consequent upon the above report of the DEO (F) Swabi, a formal inquiry was launched against you by the Inquiry Officer Mr. Siraj Muhammad DEO (M) Malakand vide this Directorate Notification No.3089 dated 18.06.2019.
- c. That the inquiry Officer in his report dated 18.07.2019 has proved your appointment as SST (G) as bogus and fake.
- d. That by virtue of this bogus and fake appointment you have fraudulently drawn salaries and have inflicted heavy losses onto the Public/Government Treasury since 25.06,2012.
- After going through the findings and recommendations of the Inquiry Officer, the materials on record and other connected papers including your non-attendance before the inquiry officer, t any satisfied that you have committed crime and have grossly violated the law of land and, therefore, you have rendered yourself liable to be proceeded under PPC 419 & 420.
- 2. As a result, thereof, I as the Competent Authority have tentatively decided to hand you over to the law enforcement agency for the crime you committed as mentioned above and recovery of the losses you inflicted on Government Treasury.
- You are, therefore, required to show cause as to why the aforementioned action should not be 3. taken against you and also intimate whether you desire to be heard in person.
- 4. If no reply to this effect is received within 13 days of its issuance, it shall be presumed that you have no defense to put in and in that case Ex-Parte action shall be faken against you.

(Dr. Hafiz Mi inammad (brahim) Competent Authority Director E&SE Khyber Pakhtunkhwa, Peshawar

(286-90 Enditiof Even No.-& Date.

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

- PS to Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar. 1.
- District Education Officer (F) Swabi.
- 3. Princinpal/Headmistress GGHS Parmoli District Swabi.
- Mrst. TahiraNaz D/o Afzal Khan resident of Mughal Banda, Tehsil Takht Bhai, District Mardan.
- DD Litigation Local Office.
- Abdur Rashid PSHT GPS Central Agra District Malakand. 6. Office Cog

STED

· (Dr. Hafiz Mutlammad Ibrahim) Completent Authority Director E&SE Khyber Pakhtunkhwa, Peshawar

Mrs. TahiraNaz D/o Afzal Khan resident of Mughal Banda, Tehsil Takht Bhai, District Mardan.

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

<u>Service Appeal No: 5369/2020</u>

Mst: Tahira Naz Ex-SST (General) District Mardan......Appellant.

VERSUS

Secretary (E&SE) Department, Khyber Pakhtunkhwa & others...Respondents

JOINT PARAWISE COMMENTS ON & FOR BEHALF OF RESPONDENTS No: 1-2.

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 from this Honorable Tribunal in the instant service appeal.
- 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 instant Appeal is based on mala fide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
- 9 That the instant Service Appeal is not maintainable in its present form.
- 10 That the instant Service Appeal is bad for mis-joinder & non-joinder of the necessary parties.

11 That the instant Service Appeal is barred by law.

- 12 That the Appellant is not competent to file the instant appeal against the Respondents.
- 13 That the impugned Notification No. 4061-90/A-17/SST/Complaint/Tahira Naz dated 09/12/2019 of the Respondent Department is legally competent & liable to be maintained in favor of the Respondents.(Copy of the said Notification dated 09-12-2019 is Annex-A).
- 14 That no Departmental Appeal has been filed by the appellant to the Respondent Department against the impugned Notification dated 09/12/2019.
- 15 That the recommendation letter of the appellant has been declared as fake and bogus by the KPK PSC.
- 16 That the Notification dated 25-06-2012 has correctly been disowned by the Respondent Department on the grounds of being fake & bogus after observing all Codal formalities.

ON FACTS.

- 1 That Para-I needs no comments.
- 2 That Para-2 pertains to the academic & professional qualification of the appellant.
- 3 That Para-3 is correct to the extent of inviting application for the appointments against the SSTs B-16 post vide advertisement No.01/2009 dated 26-01-2009 through the KPK PSC dully disowned by the Respondent Department dismissed the impugned Notification dated 09-12-2019 on the grounds of being fake & bogus having no record. (Copy of the advertisement dated 26-01-2009 is Ann-B).
- 4 That Para-4 is incorrect & denied on the grounds that no cogent proof & legal justification has been annexed by the appellant in support of her stand regarding her filling of application for the appointment against the SST (G) B-16 post to the KPK PSC/Respondent No.3, nor she has been appeared in written test & interview neither the appellant has been recommended by the KPK PSC against the SST BPS-16 post vide recommendation letter dated 25-06-2012 issued by the KPK PSC.

& declaring her medically fit makes no legal ground & even based on mala fide intensions on the part of the appellant. (Copy of the fake & bogus appointment order dated 25-06-2012 is Annexure-C).

5 That Para-5 is incorrect & denied on the grounds that the appellant has not been recommended by the KPK PSC & adjusted in the Respondent Department against the SST (G) B-16 post in District Mohmand vide Notification dated 31-07-2012, hence the plea of the appellant is illegal & liable to be dismissed.

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- 6 That Para-6 is correct that the salary of the appellant has been stopped since February 2019 on the grounds of her fake & bogus appointment order dated 25-06-2012, whereas, rest of the Para regarding filling of a W.P No.3624-P/19 under case tiled Tahira Naz Vs Govt; before the Honorable Peshawar High Court Peshawar is relates to the record of the Court with the submission that the case of the appellant is agasint the provision of section-11 CPC 1908 (Resjudicata) & is laible to be dismissed in favor of the Respondents as evident from the order sheet dated 17-09-2019 & 16-01-2020 (Copies of the order sheets dated 17-09-2019 & 16-01-2020 are Annexures-D & E).
- 7. That Para-7 correct that in view of the fake & bogus appointment order dated 25-06-20012 of the appellant has been served a show cause Notice dated 02-10-2019 dully replied by the appellant in an un satisfactory manner which resulted in the impugned Notification dated 09-12-2019, whereby the fake & bogus, 1st appointment order dated 25-06-2012 has been disowned of being ab initio under the relevant rules against the appellant after due process of Law & procedure. (Copies of the show cause Notice Dated 02-10-2019 & impugned Notification dated 09-12-2019 are Annexures-F & G).
- 8. That Para-8 is incorrect & denied as the act of the Respondent Department with regard to the impugned Notification dated 09-12-2019 against the appellant is legal, hence, the appeal in hand is liable to be dismissed on the following grounds inter alia:-

<u>ON GROUNDS.</u>

- A <u>Incorrect & not admitted</u>. The appellant has been treated as per law, rules & policy vide the impugned Notification dated 09-12-2019 by the Respondent Department in the instance case, hence, the stand of the appellant is baseless & liable to be rejected.
- B Incorrect & not admitted. The appellant has been treated as per law, rules & policy vide the above said Notification dated 09-12-2019 by the Respondent Department in the instance case having no question of violating the provision of Article 10-A of the constitution of Islamic republic of Pakistan 1973, hence, the stand of the appellant is baseless & liable to be rejected.
 - **Incorrect & not admitted**. The statement of the appellant is without any cogent reason & justification on the grounds as agitated in the foregoing paras of the present reply by the Respondents.
 - Incorrect & not admitted. The stand of the appellant is without any cogent reason & legal justification on the grounds that the 1st appointment order dated 25-06-2012 has been found fake & bogus by the Respondents, hence, the services of the appellant against the SST (G) B-16 post has been disowned by the competent authority vide Notification date 09-12-2019 under the relevant provisions of law & rules

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Incorrect & not admitted. The plea of the appellant is without justification & liable to be rejected as the mentioned reported judgments of the apex courts of law do not apply upon the case of the appellant in the given circumstances of the case.

Incorrect & not admitted. The plea of the appellant is without justification & liable to be rejected as the mentioned reported judgments of the apex courts of law do not apply upon the case of the appellant in the given circumstances of the case as the appointment order of the appellant has been found fake & bogus by the Respondent Department.

Legal. However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date fixed.

In view of the above made submissions, it is most humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant Service Appeal in favor of the Respondents in the interest of justice.

Dated /2021.

F.

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DIRECTOR OM

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

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

AFFIDAVIT

I, <u>Dr. Hayat Khan Asstt: Director (Litigation-II)</u> E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief.

Deponent

EFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 5369/2020

Mst: Tahira Naz Ex-SST (General) District Mardan......Appellant.

VERSUS

Secretary (E&SE) Department, Khyber Pakhtunkhwa & others...Respondents

REPLY TO THE CONDONATION OF DELAY APPLICATION FOR & ON BEHALF OF RESPONDENTS NO: 1 & 2.

Respectfully Sheweth :-

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The Respondents submit as under:-

That Para-1 is incorrect as the case of the appellant is badly time barred under the law of limitation Act 1908,hence, the Notification dated 09-12-2019 is not only legally competent but has also got finality against the appellant

- That Para-2 is also incorrect & denied as the case of the appellant is badly time barred under the law of limitation Act 1908,hence, the Notification dated 09-12-2019 is not only legally competent but has also got finality against the appellant having no question violating the provision Article 10-A of the constitution of 1973.
 - That Para-3 is incorrect & denied. The statement of the appellant baseless & liable to be rejected as the Respondents have got a very good prima facie case and the chances of its success are very bright in favor of the Respondents if the order dated 09-12-2019 is not maintained, then, the Respondent Department shall suffer huge losses as valuable legal rights are attached with the instant case of the Respondents.
 - That Para-4 is incorrect & denied. The Respondents have got a very good prima facie case and the chances of its success are very bright in favor of the Respondents.

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

SECRE/TARY

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

<u>AFFIDAVIT</u>

I, <u>Dr. Hayat Khan Asstt: Director (Litigation-II)</u> E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief. $\iint G^{a}$

Deponent

DIRECTOR E&SE Department Khyber Pakhtunkhyva, Peshawar. (Respondents No: 2)

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 5369/2020

Mst: Tahira Naz Ex-SST (General) District Mardan......Appellant.

VERSUS

Secretary (E&SE) Department, Khyber Pakhtunkhwa & others...Respondents <u>REPLY TO THE STAY APPLICATION FOR & ON BEHALF OF RESPONDENTS No: 1 & 2.</u>

Respectfully Sheweth :-

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The Respondents submit as under:-

That Para-1 needs no comments being pertains to the record.

- That Para-2 needs no comments. However, the facts & grounds as taken in the main reply may also be treated an integral part of this reply to the instant application on behalf of the Respondents.
- That Para-3 is incorrect & denied. The Respondents have got a very good prima facie case and the chances of its success are very bright in favor of the Respondents.
 - That Para-4 is incorrect & denied. The Respondents have got a very good prima facie case and the chances of its success are very bright in favor of the Respondents.
 - That Para-5 is also incorrect & denied. If the operation of the impugned Notification dated 09-12-2019 is not maintained then the Respondent will suffer irreparable loss of the Administrative nature.

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

CRETARY

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

DIRECTOR

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

<u>AFFIDAVIT</u>

I, <u>Dr. Hayat Khan Asstt: Director (Litigation-II)</u> E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief.





HNNES & = M DIRECTORATE OF ELEMENARY & SECONDAREDUCATION KHYBER PAKHTUNKHWA PESHAWAR

AND (A)

DEFICATION

- WHEREAS, Mst. TahiraNaz d/o Afzal Khan, resident of Mughal Banda Tehsil TakhtbhaiDistrict Mardan was reported by the DEO (F) Swabi as bogus SST (G) and fraudulently working at GGHS Parmoli Swabi vide her report No.1282 dated 28.02.2019.
- 2. AND WHEREAS, a fact-finding inquiry was ordered against the bogus teacher vide Endst: No.8126-28 dated 27.3.2019.
- 3. AND WHEREAS, the inquiry officer Mr. Siraj Muhammad DEO (M) Malakand proved the appointment of Mst. TahiraNaz as SST (G) as bogus vide his report dated 22.7.2019.
- AND WHEREAS, to fulfill the course of natural justice a show cause notice was served upon the referred bogus teacher vide No.5285/a-17/Compliant/TahiraNaz/Swabi dated 02.10.2019.
- 5. AND WHEREAS, she submitted her reply to the show cause on 21-10-2019which was found unsatisfactory.
- 6. AND WHEREAS, she was granted the opportunity of personal hearing vide No.4611/A-17/Compliant /TahiraNaz/Swabi dated 1-11-19, which she did not avail.
- 7. AND WHEREAS, the competent authority, after having considered the evidence on record, findings of inquiry report, reply to show cause of the bogus teacher and non-availing the opportunity of personal hearing by the bogus teacher, has come to the conclusion that the charges given in the show cause have been proved against Mst. TahiraNaz d/o Afzal Khan and that the notification regarding placement of her services at the disposal of Director of education Fata for further posting issued vide.2816-23/FN0.2/A-14/SST(F)Gen/PSC/APPTT Dated 25-06-2012is found bogus.
- 8. NOW THEREFORE, under the mandatory provisions and powers conferred under the section 16 and 21 of General Clauses Act 1897 as amended in 1956 the Director Elementary & Secondary Education Khyber Pakhtunkhwa as the competent authority is pleased to disown ab initio Mst. TahiraNaz d/o Afzal Khan and declare her as bogus SST (G) GGHS Parmoli District Swabi liable to be proceeded as per PPC 419 & 420 by the law enforcing

agencies in the interest of public service

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4061-70 SST/Complaint/TahiraNaz/Swabi Endst: No. Copy forwarded for information and necessary action to the: -

Director Elementary& Secondary Education Khyber Pakhtunkhwa, Peshawar

Dated Peshawar the 0.7 - 122019.

Annesc =

NWFP PUBLIC SERVICE COMMISSION <u>2- Fort Road Peshawar Cantt:</u> Website: www.nwfppsc.gov.pk

Dated: 26-01-2009

Advertisement No. 01 / 2009.

Applications are invited for the following posts from Pakistani citizens of N.W.F.P/F.A.T.A domicile by 26-02-2009 (13-03-2009 for candidates from abroad). Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall also be rejected without intimation to the candidates.

AGRICULTURE LIVESTOCK & CO-OPERATIVE DEPTT:

(S.Nov.01) One (01) Post.	of assistant Bota	inist. In Liv	estock Res	earch &	Dev:
	N: M.Sc Agricultur	e or B.Sc (Hor	ns) Agricultur	e (Oblamed	i) aller
"4" Years Instruc	M.Sc Agricultur tions after F.Sc) . 1	rom a recogni	zed Universi	ty under it	$\sim - U to$
programme in the	tions after F.Sc) . I subject relating to the	e subject group	s as specified	In Scheuder	, 11 to
which the Vacancy	occurs.		7 FUCIBII	ITV. Both	Sexes.
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ALLOCATION:	Merit.				
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ALLOCATION:		<u> </u>	Zone-1		
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	01				•
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	s of Data Entry (Inerators.			
			h one year D	iploma in (Computer
<u>OUALIFICATI</u>	<u>ON:</u> (i) 2 nd Division e recognized Institute	(ii) Speed of	Ten thousand	d key depre	ssion per
Science from in	g/data entry/verificat	on.			
hour for punching	ng/data entry/verificat: 18 to 30 years. <u>PAY</u>	SCALE: BPS	5-11. <u>ELIGIB</u>	BILITY: Bo	th Sexes.
$\bigwedge \frac{AGE LIMIT:}{AULOCATION}$	18 (0 50 years: <u>1.11.</u>				
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TTHETED ALLOCATION Zone-1 01		01	01		01
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DIRECTORATE OF IN	DUSTRIES COM	<u>IMERCE MI</u>	NEKAL DE	LY. LADU	onu
DIRECTORE ST.	DUCAL EDUCAT	ΓΙΟΝ ΠΈΡΑΙ	TMENT.		

TECHNICAL EDUCATION DEFINITION	
(S.No. 04) One (01) Post of Male Inspector Mines	
Decree in Vining Chelicitie Hom receipt	gnized
University and (ii) 1 Class times and (iii) Two years experience in Govt: of	r Semi
the provision of Milles Act, 1923.	984 Yr. 85
University and (ii) 1 st Class Mines Manager's certificate of experience in Govt: of the provision of Mines Act, 1923 and (iii) Two years experience in Govt: of Government Mining Industries registered under the Mines Act, 1923. ELIGIBILITY:	Male.
$(\mathbf{A} \mathbf{F} \mathbf{Y} \mathbf{A} \mathbf{F} \mathbf{A}) + (\mathbf{A} \mathbf{F} \mathbf{A} \mathbf{F} \mathbf{F} \mathbf{F} \mathbf{A} \mathbf{F} \mathbf{F} \mathbf{F} \mathbf{A} \mathbf{F} \mathbf{F} \mathbf{F}$	

provisions of the rules for the time being in force. **NOTE:** For History-cum-Civics : The candidates must possess Master's Degree either in History or Political Science provided the other required subjects has studied at B.A level. The other requirement of teaching degree will, however, remain intact. **For Biology**: 2nd Class Master Degree in Botany or Zoology provided that other subject have been studied at graduate level.

AGE LIMIT: 25 to 40 years. PAY SCALE: BPS-17 ELIGIBILITY: Female. ALLOCATION:

S.No	Subject	No. of Posts	Allocation
5.	Islamiyat	02	Merit Quota
6.	Pak: Study	03	Merit Quota
7.	History-Cum-Civics	02	Merit Quota
8.	Economics	02	Merit Quota
9.	English	02	Merit Quota
10.	Statistics	02	Merit Quota
11.	Maths	02	Merit Quota
12.	Biology	02	Merit Quota
13.		·····	Merit Quota
14.		02	Merit Quota

(S.No. 52)	Sixteen Hundred Eighty One (1681) Posts of Male SETs. /S.S.Ts (Both
	Science & Arts) (with out graduaty and pension).

<u>OUALIFICATION:</u> For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics – A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University. AGE LIMIT: 21 to 35 years. <u>PAY SCALE</u>: BPS-16 <u>ELIGIBILITY</u>: Male.

LOCATIO	DN:			1	
Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
420	280	281	280	210	210

(S.No. 53) Thirty Four (34) Posts of Male Disabled SETs. /S.S.Ts (Both Science & Arts) (with out graduaty and pension).

<u>QUALIFICATION:</u> For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics – A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University. <u>AGE LIMIT:</u> 21 to 35 years. <u>PAY SCALE:</u> BPS-16 <u>ELIGIBILITY:</u> Male. <u>ALLOCATION:</u> Merit.

(S.No. 54) Ninty Two (92) Posts of Male SETs. /S.S.Ts For Earth Quake Quota (I.E) Battagram, Mansehra, Shangla, Kohistan, Abbottabad. (Both Science & Arts) (with out graduaty and pension).

<u>**OUALIFICATION:**</u> For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics – A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University...... <u>AGE LIMIT:</u> 21 to 35 years. <u>PAY SCALE:</u> BPS-16 <u>ELIGIBILITY:</u> Male. ALLOCATION: Merit.

	•	(B)
a series and the series of the		Nine Hundred and Seventy Three (973) Posts of Female SETs. /S.S.Ts
10	.No. 55)	(Doth Science & Arts) (with out graduaty and pension).
/ L	-	OUALIEICATION, For Secondary School Teacher (General) (1) B.A. Second
, ,		Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a
		and I bivorsity
		E - Second Division with at least 1 wo of
		the Subjects of Physic Chemistry, Zoology, Botany, and Mathematics -A of
		Mathematics B and (ii) B Ed or Equivalent Qualification from a recognized University.
		AGE LIMIT: 21 to 40 years. <u>PAY SCALE</u> : BPS-16 <u>ELIGIBILITY</u> : Female.
		ALLOCATION:
		Merit Zone-1 Zone-2 Zone-3 Zone-4 Zone-5
	•	$\begin{array}{c c c c c c c c c c c c c c c c c c c $
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		Twenty One (21) Posts of Female SETs. /S.S.Ts Disabled (with out
6	S.No. 56)	
! 		graduaty and pension). <u>QUALIFICATION:</u> For Secondary School Teacher (General) (i) B.A Second
		<u>OUALIFICATION</u> For Secondary School Federate (Council of Council of Counci
		recognized University.
ورائل الماليومغن له	- 1997 (\$.1.12-5) f = 65-	The second Division with at least 1 wo of the
	i #	the Subjects of Dhysic Chemistry 7001099, Bolany, and Manchanes 11 of
		Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized on versity.
		AGE LIMIT: 21 to 40 years. years (10 years age relaxation)
		PAY SCALE: BPS-16 ELIGIBILITY: Female.
		ALLOCATION: Merit.
		Fifty One (51) Posts of Female SETs. /S.S.Ts For Earth Quake Quota
	(S.No. 57)	(I.E) Battagram, Mansehra, Shangla, Kohistan, Abbottabad, (with out
		(I.E) Battagram, Mansenra, Shangia, Romstan, 122
		graduaty and pension). <u>QUALIFICATION:</u> For Secondary School Teacher (General) (i) B.A Second
		<u>OUALIFICATION:</u> For Secondary School reacher (General) (c) Literation from a Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a
		Division from a recognized University and (ii) D.Ed of Equivalent Com
		recognized University. For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of
		1 0 1' the of Division Chemistry 700109V BOIAIIV, ally Mathematics II of
		Mathematica P and (ii) B Ed or Equivalent Unlaithcation from a recognized officiently
		AGE LIMIT: 21 to 40 years. <u>PAY SCALE</u> : BPS-16 <u>ELIGIBILITY</u> : Female.
		ALLOCATION: Merit.
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	-	TECHNICAL EDUATION AND MAN POWER TRAINING
	1	DEDADTMENT
		<u>DEPARTMENT.</u>
	(S.No. 58) Two (02) Posts of Assistant Professor Commerce in Govt: Colleges of
	(~~	Commercial/Covit: Commercial Training Institutes.
	L	are an are optimized on the relevant subject from a recognized on versity
	\wedge	with three year teaching experience in recognized college / Govt: Confine Clar Institutes/
	111	a de la construction de la const
ATT	Heren	on (i) Market is Decrease from a recognized liniversity in the relevant subject with the
	-MALLU	Years experience of teaching as Lecturer / Junior Instructor in a recognized conoge
(Υ.	o to Octave and a Institute/ Govt: Commerce College.
		AGE LIMIT: 25 to 40 years. PAY SCALE: BPS-18. ELIGIBILITY: Male.
. *		<u>ALLOCATION:</u> Merit.
	(S.No. 59	9) Two (02) Posts of Assistant Professor in Computer Engineering in
.		a contraction of the standard for the Contraction of the Stiffure.
a ***		OHAL HEIGATION. (2) Ph D in Engineering from a recognized University /
		Institute with one years's teaching/ professional experience in the relevant subject us
		institute with one years is Engineering from a recognized University/ Institute

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					•
• 1					(9)
	Bachelor's Degree in Engined relevant subject from a recog professional experience in the <u>AGE LIMIT:</u> 25 to 40 years. <u>ALLOCATION:</u> Merit.	nized University	as such.	with Seven y	cars teaching
					· .
(S.No. 60)	Twenty Two (22) PostsGovt: College of CommonQUALIFICATION:2 nd C	erce/Govt: Collass Master De	dmmercial t	raining ins	
•	qualification from a recognize AGE LIMIT: 21 to 40 years.	PAY SCALE:	BPS-17. <u>ELI</u>	<u>GIBILITY:</u> N	Male.
	ALLOCATION: Merit Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
	Merit Zone-1 05 04	04	04	03	02
(S.No. 61)	Three (03) Posts of Earthquake Affected Commercial training In <u>QUALIFICATION</u> : 2 nd of qualification from a recognize	Areas for C stitute. Class Master D	egree in the re	elevant subject	t or equivalent
	AGE LIMIT: 21 to 40 years	s. <u>PAY SCALE</u>	<u>:</u> BPS-17. <u>EL.</u>	IGIBILLI X:	Male.
	ALLOCATION: Merit. (D	istrict wise Dis	(fibuuon)		histan
	Battagram		angla 01		01
	01			<u></u>	
(S.No. 62)	Fourteen (14) Posts of for Government Coll Training Institute (GC <u>QUALIFICATION:</u> (i) equivalent qualification from <u>AGE LIMIT:</u> 21 to 40 yea ALLOCATION:	lege of Com CTI). 2 nd Class Ma	ster's Degree University. E: BPS-17. EI	in the rele	vant subject or Male.
	Merit Zone-1	Zone-2	Zone-3	Zone-4	······································
	04 02	02	02	02	02
(S.No. 63)	One (01) Post of M (Disable) for Goven Commercial Training <u>QUALIFICATION:</u> (i) equivalent qualification fro <u>AGE LIMIT:</u> 21 to 40 ye <u>ALLOCATION:</u> Meri	rnment Coll <u>Institute (G</u> 2 nd Class M om a recognized ars. <u>PAY SCAI</u> t.	tor/ Lecture lege of Co <u>CTI).</u> aster's Degree University. <u>E:</u> BPS-17. <u>E</u>	er of com mmerce (e in the rel	evant subject or <u><i>i</i></u> : Male.
(S.No. 64	QUALIFICATION: 2 nd qualification from a recogAGE LIMIT: 21 to 40 yeALLOCATION: Zone	Class Master's mized Universit ears. <u>PAY SCA</u> e-5	Degree in the y. <u>LE:</u> BPS-17. <u>I</u>	ELIGIBILIT	<u>Y:</u> Female.
(S.No. 65	5) One (01) Post of Ma quack Affected Are Govt: Commercial T <u>QUALIFICATION:</u> (equivalent qualification f	ea in Govern Training Insti i) 2 nd Class N	nment Colle itute (GCTI) Master's Degr	ee in the re	elevant subject or

<u>.</u>

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a

(S.No. 66)	Ten (10) Posts <u>QUALIFICATIO</u> <u>AGE LIMIT:</u> 18 ALLOCATION:	DN: Bachelor de to 30 years. PAY	gree from recogni	ized University. 4. <u>ELIGIBILITY</u>	Y: Male.
	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
	02	02	02	02	02
		· · · · · · · · · · · · · · · · · · ·			
(S.No. 67)	One (01) Post	of Female offic	ce Assistant.		
<u> </u>	QUALIFICATION	ON: Bachelor de to 30 years. PAY	egree from recogn	uzed University. 14. <u>ELIGIBILIT</u>	<u>Y:</u> Female.

CORRIGENDUM_

ALLOCATION: Merit.

- 1.* The Post of Research Officer for Earth Quake Quota appearing at S.No.2 Advt: No.07/2007 may be read as 02 Post for Chemistry and one for cereal Crops.
- 2.

The Post of Reader Advertised in Advtt: No. 07/2008 S.No. 39 may be read as one post instead of Two Posts.

GENERAL CONDITIONS.

- Age, qualification and experience etc shall be reckoned on 26-02-2009 Maximum age limit as prescribed in the recruitment rules shall be relaxed upto 10 years for Govt Servants who have completed 2 years continuous service, upto 10 years for disabled persons and upto 3 years for candidates belonging to backward areas of Zone-1, Zone-3, Merged Areas of Hazara and Mardan Divisions and uper Tanawal, Districts of Swat, Upper Dir, Lower Dir, Chitral, Buner, Kala-Dhaka-Area, Kohistan District., Shangla, Gadoon Area in Swabi, Backward areas of Mansehra and Batagram, backward areas of Haripur District i.e., Kalanjar Field Kanungo Circle of Tehsil Haripur and Amazai Field Kanungo Circle of Tehsil Ghazi. However, a candidate shall be allowed relaxation in age in one of the above categories provided that the candidates from backward areas, in addition to automatic relaxation of three years shall be entitled to one of the relaxations available to Govt Servants, general or disabled candidates, whichever is relevant and applicable to them.
- (ii) Degrees / Diploma / Experience Certificates / Testimonials of unrecognized Institution are not accepted. Only original Degrees / Certificates are accepted. However, the candidates can apply on provisional certificate signed by the Controller of Examination of the respective Institution but candidates shall produce original degrees / certificates before their selection. Detail Marks Certificate for all the examination shall necessarily be required and these should be attached with the application forms.
- (iii) ALLOCATION of vacancies in BPS-17 and below shall be strictly in accordance with the Zonal ALLOCATION as indicated against each post(s). The applications of the candidates other than the specified zone(s) shall be ignored except for posts reserved for Merit quota. No zonal reservation stands for posts allocated to disabled quota and also for the posts in BPS-18 and above. All such posts shall be filled in on Open Merit.

(iv) The candidates applying against disabled posts must attach with their applications disability certificate from the Previncine Counces for Detailed at the second seco

Ex-armed Forces Personnel must send copy of Discharge Certificate with their applications. Govt. / Semi Govt. / Autonomous / Semi Autonomous Bodies employees may apply direct but their Departmental Permission Certificates should reach within 30 days of the closing date.

- Applications should be on the prescribed application form obtainable from the listed below branches of the <u>NATIONAL BANK</u>. Application Fee is Rs. 285/- (Rupees Two Hundred Eight Five only) for all the candidates. In addition to the application fee, the pay Rs. 15/- (rupees fifteen only) on account of Bank Charges. Separate application form will be required for each advertised category of posts. Application forms obtained other than the specified branches of the National Bank will be considered invalid and such applications will not be entertained. The applications on plain paper or Photostat shall not be accepted. Incomplete and late applications shall also be ignored.
- (vii) Application must be submitted within time as no extra time is allowed for postal transit. The applications if submitted on the last date for receipt, of applications must reach the Commission's office by the closing hours.
- (viii) Applicants married to Foreigners are considered only on production of the Govt. Relaxation Orders.
- (ix) No applicant shall be considered in absentia on paper qualifications unless, he/she possesses exceptionally higher qualifications than the minimum prescribed qualification for a particular post(s).
- (x) Govt. reserves the right not to fill any or fill more or less than the advertised post(s).
- (xi) Candidates who have already availed three chances by physical appearance before the Commission and have failed for the post(s) having one and the same qualifications and scale of pay shall be ineligible.
- (xii) Experience wherever prescribed shall be counted after the minimum qualifications for the post(s), if not specifically provided otherwise against the advertised post(s).
- (xiii) In cases where the number of applications received for post(s) are disproportionately higher than the number of available vacancies, shortlisting of the candidates may be done in any one of the following manner:
 - (a) Written Test in the Subject.
 - (b) General Knowledge or Psychological General Ability Test.
 - (c) Academic and / or Professional record as the Commission may decide.

SPECIFIED BRANCHES OF THE NATIONAL BANK OF PAKISTAN.

Main Branches of:

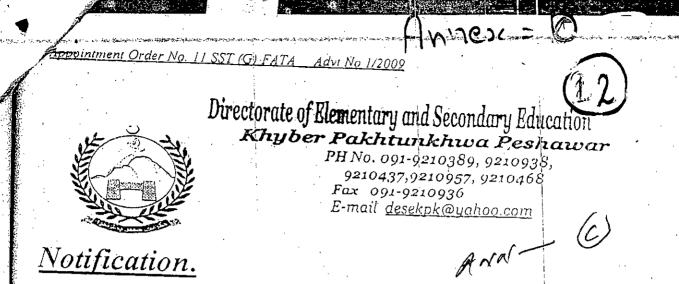
(P)

(vi)

- Parachinar, Mardan, Swabi, Malakand, Shangla, Chitral, Timargara, Daggar,
 D.I.Khan, Bannu, Karak, Kohat, Hangu, Lakki Marwat, Abbottabad, Haripur, and
 Mansehra.
- (ii) Saddar Road Branch, Tehkal Payan Branch, and G.T Road (Nishtar Abad) Branch Peshawar.
- (iii) Tehsil Bazar Branch Charsadda, Nowshera Cantt: Branch, Bank Square Branch Mingora and city Branch Tank.

(Atta Ur Rehman)

Secretary NWFP Public Service Commission 2-Fort Road Peshawar Cantt: Ph: 9212962



Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, appointment of the following candidates is hereby ordered against the post of Secondary School Teacher (SST General) in BPS-16 (Rs. 10000-800-34000) pius usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms, and condition given below with immediate effect and further his Services placed at the disposal-of-Director Education FATA for further posting against vacant SST Genral posts:-

S. #	Name	Father Name	Domicile	Zone	Permanent Address	Place of Posting
1	Naheed Akhtar	Musafar Khan	Khyber Agency	1	Hayatabad Phase-IV Tehsil & District: Peshawar	Service placed at the disposal of Director of Education FATA for further posting against vacant SST General
2.	Nazakai Bibi	Syed Ali Shah	Mohmand Agency	1	Vill: Mattai Dara P/O Yousaf Khel Mohmand Agency	Post. Service placed at the disposal of Director of Education FATA for further posting against vacant SST General
(J.) 4	Tahira Naz	Afzal Khan	Mohmand Agency	1	Mughal Banda P/O, Saro Shah Tehsil Takht Bhai District Mardan	Post. Sérvice placed at the disposal of Director o Education FATA for further posting agains vacant SST General Post
		*Mian*GulfJan**	Mohmand Agency		Khur Abad, Sahib Gul Mahal P/O Dakki Teshil tangi District Charsadda	Service placed at the disposal of Director of Education FATA for further posting against vacant SST General Post.

Terms and conditions:-

1

2.

Her services will be considered regular but without pension & Gratuity in terms of section 19 of the NWFP civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005. She will however be entitled to Contributory provident fund in such a manner and at such rates as per prescribed by the Govt.

In case, she is already in Government: service and working against pensionable post on regular basis before 1st day of July 2001, without any service break, on application to Khyber Pakhtunkhwa Public service Commission through Proper channel and selection by the commission, is appointed and allowed choice of option either to retain benefit of

ATTE STED

wintment Order No. 11 SST (G) PATA Advt. No 1/2009 pension & gratuity as allowed to her under her previous terms of appointment or to avail the benefit of contributory provident fund allowed to her under new appointment. Her services are liable to termination on one months notice from either side. In case of resignation with out notice her one-month pay/allowances shall be forfeited to the Government. She should join her post within 30 days of the issuance of this notification. In case of failure to join there post within one month of issuance of this notification her appointment will expire automatically and no subsequent appeal etc shall be entertained. She would be on probation for a period of one year extendable for another one vear. She will be governed by such rules and regulations as may be issued from time to time by the Govi. 7. Her Services can be terminated at any time, in case his performance is found unsatisfactory during probationary period In case of misconduct, she shall be proceeded under the rules framed from time to time. Charge report should be submitted to all concerned The DEO (F) concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after one month of the issue of his posting orders. The DEO(F) concerned will verify their documents before release of pay. 10. Her seniority will be maintained as determined by the Khyber Pakhtunkhwa Public II.Service Commission. No TA/DA will be allowed to the appointee for joining his duty. 12.

> (Muhammad Rafiq Khattak) Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

2816-23 Endst: No.

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8.

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/File No.2/A-14/SST(F) Gen/PSC/Apptt: Dated Peshawar the 2.5-6=2012

Copy forwarded for information and necessary action to the Accountant General Khyber Pakhtunkhwa Peshawar.

Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar.

Director of Education FATA Warsak road Peshawar.

- All Agency Accounts Officers in FATA. 4
- 5: . Official Concerned
- PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department. 6.
- PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar. 7.
- 8. M/File

Dy: Directoeress'(Estab) Elementary and Secondary Education Khyber Pakhtunkhwa Hastlawar

PESHAWAR HIGH COURT, PESHAWAR

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FORM OF ORDER SHEET

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	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
	1	2
	17.09.2019	Writ Petition No.3624-P/2019
•		Present: Mr. Khalid Khan, Advocate, for the petitioner.
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		Call for the comments of respondents No.3 & 4
÷. Fa⊈- ,		so as to reach this Court within a fortnight. Adjourned
• •		
• .		to a date in office.
		SENIOR PUISNE JUDGE
•		SENIOR PUISNE JODGE
		JUDGE
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	(Fayaz)	(D.B) Justice Qaiser Rashid Khan & Justice Muhammad Naeem Anwar

"ANAV-E"

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Order or other proceedings with signature of Judge or Date of order Magistrate and that of parties or counsel where necessary or proceedings 3. 2. WP No.3624-P/2019 with I.R. 16.01.2020 Clerk of counsel for the petitioner. Present: A final opportunity is afforded to respondents No.3 & 4, to file the requisite comments to the writ petition without fail within a fortnight. Senior Puisne Judge Judge Quiser Rushid K



DIRECTORATE OF ELEMENARY & SECONDAREDUCATION KHYBER PAKHTUNKHWA PESHAWAR

1' Annexuse

NOFIFICATION

- WHEREAS, Mst. TahiraNaz d/o Afzal Khan, resident of Mughal Banda Tehsil TakhtbhaiDistrict Mardan was reported by the DEO (F) Swabi as bogus SST (G) and fraudulently working at GGHS Parmoli Swabi vide her report No.1282 dated 28.02.2019.
- 2. AND WHEREAS, a fact-finding inquiry was ordered against the bogus teacher vide Endst: No.8126-28 dated 27.3.2019.
- 3. AND WHEREAS, the inquiry officer Mr. Siraj Muhammad DEO (M) Malakand proved the appointment of Mst. TahiraNaz as SST (G) as bogus vide his report dated 22.7.2019.
- AND WHEREAS, to fulfill the course of natural justice_a, show-cause notice-was-served upone the referred bogus teacher vide No.5285/a-17/Compliant/TahiraNaz/Swabi dated 02.10.2019.
- 5. AND WHEREAS, she submitted her reply to the show cause on 21-10-2019which was found unsatisfactory.
- 6. AND WHEREAS, she was granted the opportunity of personal hearing vide No.4611/A-17/Compliant/TahiraNaz/Swabi dated 1-11-19, which she did not avail.
- 7. AND WHEREAS, the competent authority, after having considered the evidence on record, findings of inquiry report, reply to show cause of the bogus teacher and non-availing the opportunity of personal hearing by the bogus teacher, has come to the conclusion that the charges given in the show dause have been proved against Mst. TahiraNaz d/o Afzal khan and that the notification regarding placement of her services at the disposal of Director of education Fata for further posting issued vide.2816-23/FNo.2/A-14/SST(F)Gen/PSC/APPTT Dated 25-06-2012is found bogus.

NOW THEREFORE, under the mandatory provisions and powers conferred under the section 16 and 21 of General Clauses Act 1897 as amended in 1956 the Director Elementary & Secondary Education Khyber Pakhtunkhwa as the competent authority is pleased to disown ab initio Mst. TahiraNaz d/o Afzal Khan and declare her as bogus SST (G) GGHS Parmoli District Swabi liable to be proceeded as per PPC 419 & 420 by the law enforcing agencies in the interest of public service.

Elementary& Secondary Education Khyber Pakhtunkhwa, Peshawar

Dated Peshawar the 07-12-2019.

Endst: No. ____/A-17/SST/Complaint/TahiraNaz/Swabi Copy forwarded for information and necessary action to the: -



Directorate of Elementary & Secondary Education Khyber

A-17/Complaint/Tahira-Naz/Swabissur - / Dated Peshawar the

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SHOW CAUSE NOTICE

ANN -

I, Hafiz Muhammad Ibrahim, Director Elementary & Secondary Education Khyber Pakhtunkhwa as Competent Authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 do hereby serve upon you Mrst, TahiraNaz D/o Afzal Khanresident of Mughal Banda Tehsil Takht Bhai, Distt. Mardanthis show cause notice as follows:

- a. That consequent upon the report of DEO (F) District Swabi vide No.1282 dated 28.02.2019 You have been found to have appointed yourself fraudulently and bogusly as SST (G) and have so far been able to station yourself at GGHS Parmoli District Swabi which is a gross violation of law of the land.
- b. That consequent upon the above report of the DEO (F) Swabi, a formal inquiry was launched against you by the Inquiry Officer Mr. Siraj Muhammad DEO (M) Malakand vide this Directorate Notification No.3089 dated 18.06.2019.
- c. That the Inquiry Officer in his report dated 18.07.2019 has proved your appointment as SST
 (G) as bogus and fake.
- d. That by virtue of this bogus and fake appointment you have fraudulently drawn salaries and have inflicted heavy losses onto the Public/Government Treasury since 25.06.2012.
- 1. After going through the findings and recommendations of the Inquiry Officer, the materials on record and other connected papers including your non-attendance before the inquiry officer, the arm satisfied that you have committed crime and have gressly violated the law of land and, therefore, you have rendered yourself liable to be proceeded under PPC 419 & 420.
- 2. As a result, thereof, I as the Competent Authority have tentatively decided to hand you ever to the law enforcement agency for the crime you committed as mentioned above and recovery of the losses you inflicted on Government Treasury.

3. You are, therefore, required to show cause as to why the aforementioned action should not be taken against you and also intimate whether you desire to be heard in person.

4. If no reply to this effect is received within 15 days of its issuance, it shall be presumed that you have no defense to put in and in that case Ex-Parte action shall be raken against you.

(Dr. Hafiz Multammad Ibrahim) Competent Authority Director E&SE Khyber Pakhtunkhwa, Peshawar

Enditiof Even No. & Date _____

- Copy of the above is forwarded for Information to the: -
- 1. PS to Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
- 2. District Education Officer (F) Swabi.
- 3. Princinpal/Headmistress GGHS Parmoli District Swabi.
 - Mrst. TahiraNaz D/o Afzal Khan resident of Mughal Banda, Tehsil Takht Bhai, District Mardan.
 - DD Litigation Local Office.
- Abdur Rashid PSHT GPS Central Agra District Malakand.
 Office Cogy.

STED

(Dr. Hafiz Multammad Ibrahim) Competent Authority Director E&SE Khyber Pakhtunkhwa, Peshawar

Mrs. TahiraNaz D/o Afzal Khan resident of Mughal Banda, Tehsil Takht Bhai, District Mardan,

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

Service Appeal No. 100/2019 Dinry No. 105

Mixber Pakktukhwi

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Service Mark Con General

Dated 25/21 Abdul Malik S/O Said Muhammad Shah, Ex-SST (Gen), R/o Village Nao Kelli, Tensil Prang Ghar, Tribal District Mohmand. . Appelloni

- 1. Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat Peshawar. 2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil
- Secretariat, Peshawar.
- Khyber Pakhtunkhwa Public Service Commission through Chairman, Fort

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974, READ WITH ALL ENABLING PROVISIONS OF LAW, GOVERNING THE SUBJECT, AGAINST:

NOTIFICATION 04.04.2019 OF APPOINTMENT ALONGWITH AD		NO.2, VIE DATED: DATED: 05.	7, DATED: DE WHICH 05.03.2012 03.2012, OF VNED.
THE APPELLANT.	HAS UNILATERALLY	BEEN DISOV	VNED.

PRAYER-IN-APPEAL:

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On Acceptance of Instant Appeal, the impugned Notification dated 04.04.2019 of Respondent No.2 alongwith Pre & Post Proceedings thereto, may be declared as illegal, Unlawful, without Lawful Authority, void-ab-initio and of no legal effect, Hence, be set at naught and appellant may be reinstated in service with all back benefits, in the best interest of justice and eauity.

Respectfully Sheweth:

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2.

That appellant is law abiding peaceful citizen of Pakistan and permanent resident of Tribal District Mohmand. (Copy of CNIC, is attached as Annexure "A")

That appellant obtained Master degree, in the year 2005, from University of Peshawar and having passed PST, CT, B.Ed & M.Ed courses from Elementary Collage Jamrud & Allama labal Open University, Islamabad, respectively.

(Copies of CV and Educational Testimonials, are attached as Annexure "B" &"C", respectively)

That, consequent upon recommendation of the Departmental 3. Selection Committee, appellant was appointed as PIC. Jeachers in 12311

Certis

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Hamid Salim Law Officer, Hayat Khan Assistant Director and Abdul Wahid ADEO for respondents present.

Vide detailed judgment of today of this Tribunal placed on file of connected service appeal No.1014/2019 tilted Mst. Ishrat Vs. Education Department, the impugned orders stand set aside and the appellant is reinstated in service with direction to the Department to conduct proper inquiry. They shall investigate the issue through a proper inquiry reaching to a logical conclusion to find out the real culprits who maneuvered to make it possible and thereafter, the fate of appellant be decided in the light of the said inquiry. The respondents shall conclude the proceedings within 90 days after receipt of this judgment. The issue of back benefits shall be subject to the outcome of inquiry. With no order as to costs. File be consigned to the record room.

Announced. 20.01.2021

Atiq-ur-Rehman Wazir) Member (É)

(Rozina Rehman) Member (3)

Date of Presentation of Application_2 8050 10

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Date of Indivery in C.

ZFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1014/2019

 Date of Institution
 ...
 02.08.2019

 Date of Decision
 ...
 20.01.2021

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Mst. Ishrat W/O Sher Afghan Khan Ex-SST (Gen), R/O Village Fazal Abad, Tehsil Takht Bhai, District Mardan.

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat Peshawar and two others.

(Respondents)

<u>Present:</u>

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Amin ur Rehman Yousafzai, Advocate

For appellant.

Kabir Ullah Khattak, Additional Advocate General

... For official respondents,

ROZINA REHMAN ATIQ UR REHMAN WAZIR

MEMBER (J) MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER: This judgment is intended to dispose of 40

connected service appeals which are:

- 1. Service Appeal No.958/2019
- 2. Service Appeal No. 959/2019
- 3. Service Appeal No.960/2019

Service Appeal No.961/2019



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1	5. Service Appeal No.962/2019
	6. Service Appeal No.963/2019
	7. Service Appeai No.964/2019
	8. Service Appeal No.965/2019
1	9. Service Appeal No.966/2019
	10. Service Appeal No.967/2019
	111. Service Appeal No.968/2019
	12. Service Appeal No.969/2019
0)	13. Service Appeal No.970/2019
	14. Service Appeal No.971/2019
<u>.</u>	15. Service Appeal No.972/2019
	16. Service Appeal No.973/2019
	17. Service Appeal No.974/2019
	18. Service Appeal No.975/2019
	19. Service Appeal No.1009/2019
8;	20: Service Appeal No.1010/2019
	21. Service Appeal No.1011/2019
	22. Service Appeal No.1012/2019
	23. Service Appeal No.1013/2019
the the	24. Service Appeal No.1014/2019
) 2c	//2/ 25. Service Appeal No.1015/2019
	l 26. Service Appeal No.1016/2019
	27. Service Appeal No.1017/2019
	28. Service Appeal No.1018/2019
I	29. Service Appeal No.1024/2019
	30. Service Appeal No.1025/2019
	31. Service Appeal No.1026/2019
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ATTESTED HE Service Tribunal Ŕ

COMPANY -

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Service Appeal No.1027/2019 1 32. 33. Service Appeal No.1028/2019 Service Appeal No.1029/2019 34. 35. Service Appeal No.1030/2019 Service Appeal No.1031/2019 1 36. Service Appeal No.1032/2019 37. 38. Service Appeal No.1033/2019 Service Appeal No.1041/2019 39. 40. Service Appeal No.1111/20219

In view of common questions of law and facts, the above captioned appeals are being disposed of by this order.

2. Precisely stated the facts of the case are that the appellants were appointed as SSTs. They were directed to produce service record but failed. After completion of codal formalities, they were removed from service by means of orders dated 04.04.2019 and 05.04.2019. They preferred departmental appeals but the same were not responded to, hence, the present service appeals.

3. Learned counsel for appellants submitted that the appointments were made in accordance with law by following the prescribed procedure which cannot be held fake appointments. That notifications dated 04.04.2019 and 05.04.2019 are against law and facts. That the appellants were not treated in accordance with law and they were not given an opportunity to defend themselves as enshrined in Article 10-A of the Constitution of Islamic Republic of Pakistan 1973. Learned counsel further argued that neither Tregular inquiry was conducted nor the appellants were served with show cause notices, hence, they all were condemned unheard. That all the appellants being qualified, were properly appointed after due process of law appellants was found bogus, thus, their appointment/adjustment notification dated 11.02.2010 was disowned. Category-II includes those employees who upon recommendation of D.S.C, were appointed as PTC, subsequently applied for SSTs' posts and were selected by the Khyber Pakhtunkhwa Public Service Commission. It was on 04.04.2019 when they received notification vide which appointment record in respect of these appellants was found bogus, thus, their appointment notification was disowned. Appellants of category-III are those, who were appointed as SSTs on the recommendations of KPPSC and two of them were promoted to the rank of S.S. and it was on 04.04.2019 when they received notification vide which appointment record in respect of these appellants was found bogus, thus, their appointment hey received notification vide which appointment record in respect of these appellants was found bogus, thus, their appointment hey received notification vide which appointment record in respect of these appellants was found bogus, thus, their appointment/adjustment notification was disowned.

Secondary School Teachers (SST) previously known as S.E.T are 6. usually appointed through Departmental Promotion Committee or through Public Service Commission. As per existing policy, the promotion share is 75% of various Teaching Cadre and 25% is through initial recruitment. Recruitment of SSTs were lastly made through Public Service Commission in 2012 while in the year 2008, SSTs were recruited on Adhoc/Contract Basis and later on, they were regularized. As per respondents there were rumors that various number of SSTs, SETs have been inducted in the system and working in different agencies without adopting the proper recommendation of Public Service Commission or Departmental Promotion Committee. This Itask was assigned to two Assistant Directors who checked the credentials of all the SSTs and submitted report where-after another Inquiry Committee was constituted and 69 SSTs were declared fake being directly inducted in the system. The Inquiry report was not available on record and it was produced upon the directions of Bench. There is a riddle as to how the

respondents came to know without any inquiry after a long period of service by all the appeliants that their appointment order is fake. Different documents were produced by the appellants which were placed on file which show that some of the appellants applied for a post published by the Public Service Commission as they produced application forms. Appellant in Service Appeal No.964/2019 Shakir Ullah produced his application form, one Abdul Malik appellant in Service Appeal No.968/2019 also produced Call Letter for Interview from Public Service Commission. Similarly, appellant in Service Appeal No.1010/2019 also produced his Call Letter. Some documents were produced by appellant in Service Appeal No.965/2019 vide which he was directed by the Commission to rectify the deficiencies. Another letter addressed to the Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education vide which recommendations in favor of 21 recommendees was sent and few recommendees are still in service. Another recommendation in favor of three ladies is available on file wherein appellants Mst. Sarwat Jehan and Mst. Tahira Naz are available at Serial No. 1 & 3 whereas Mst. Rabia Shams at Serial No.2 is still in service. Similarly, other documents also show same entries. Record further shows that appellants in Service Appeals No.1027/2019 and 1033/2019 i.e. Mst. Sarwat. Jehan and Mist. Seema Mujahid respectively were properly promoted as there was nothing against them. They are qualified and they served the Department for a long period. They drew their salaries and lastly, they were removed by the authority by disowning their service record. As per recommendations of the Inquiry report, 69 SSTs were neither recommended by the Public Service Commission nor promoted/recruited by the Elementary & Secondary Education Khyber. Pakhtunkhwa. Their salaries were recommended to be stopped and proceedings under the Khyber

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were recommended to be initiated. The competent authority while passing the impugned order did not bother to go through the contents of the inquiry report. The appellants have received salaries for a long period which strengthen their case. The respondents did not irk to conduct proper inquiry as to who issued such orders and who processed and submitted their salaries to the Account Office. The respondents avoided all such mandatory steps and out rightly stopped their salaries by disowning their appointment orders, thus allow the real culprits to stay behind the curtain, knowing the fact that the appellants have now developed a vested right over the posts as they have drawn salaries for a long period against the sanctioned posts. The respondents handled the case carelessly by not reaching to a logical conclusion, hence, left the appellants in a hanging position.

7. In view of the situation, the impugned orders stand set aside and the appellants are reinstated in service with direction to the Department to conduct proper inquiry. They shall investigate the issue through a proper inquiry reaching to a logical conclusion to find out the real culprits who maneuvered to make it possible and thereafter, the fate of appellants be decided in the light of the said inquiry. The respondents shall conclude the proceedings within 90 days after receipt of this judgment. The issue of back benefits shall be subject to the outcome of inquiry. With no order as to costs. File be consigned to the record room.

ANNOUNCED. 20.01.**2021** Certified to be ture copy Rozina Rehman) Member (J) Atiq ur Rehman Wazir) Sta. Member (E) ີພວ.

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