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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTABAD

Service Appeal No. 1221/2019

BEFORE: MRS. ROZINA REHMAN ... MEMBER (J)
 MISS. FAREEHA PAUL ... MEMBER(E)

Rafia Mussadiq D/o Mussadiq Lodhi, PST (Elementary & Secondary Education Department, Khyber Pakhtunkhwa), R/o Battal Maira, Lissan Nawab, Tehsil & District Mansehra.

.... (Appellant)

Versus

1. Provincial Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), District Mansehra.

.... (Respondents)

Mr. Iftikhar Ahmad Khan Tanoli
Advocate

...

For appellant

Mr. Muhammad Adeel Butt
Addl. Advocate General

...

For respondents

Date of Institution.....23.09.2019
Date of Hearing.....16.06.2022
Date of Decision.....16.06.2022

JUDGEMENT

FAREEHA PAUL MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the impugned order dated 03.03.2015 through which the appellant had been dismissed from service with the request that order may be set aside and she may be reinstated in service with all back benefits.



2. Brief facts of the case, as per memorandum of appeal, are that the appellant is a resident of Union Council Lassan Nawab, Teshil & District Mansehra. On 20.05.2011 District Education Office, Mansehra advertised different posts of teaching cadre in daily "Aaj". Appellant submitted application, test was conducted by the DEO, Mansehra and a merit list was prepared in which the appellant was on second position. The candidate who was at first position was appointed but instead of appointment of appellant two candidates, namely Sobia Irshad and Saba Khaleeq were appointed. Appellant submitted many applications before respondent No. 3 which were not responded. Feeling aggrieved she filed writ petition before Hon'able Peshawar High Court Abbottabad Bench. During the hearing in Hon'able High Court on 21.05.2019, it was revealed by the representative of the department that appellant was dismissed from service on 03.03.2015. It was stated by the department in its comments that appointments including the appointment of the appellant were made illegally by the then Executive District Officer (Education), Umar Khan on which he was dismissed from service. It was disclosed from those comments that the appellant was appointed as PST. Appointment letters of appellant and other candidates alongwith inquiry report were submitted before the court from where it was disclosed that appointment of the appellant was made just in paper and no letter was issued to her. The appellant withdrew her writ petition from Hon'able Peshawar High Court, Abbottabad Bench with the request to approach proper forum and file departmental appeal before respondent No. 3 against her dismissal order dated 03.03.2015 which was granted vide its judgement dated 21.05.2019. Appellant filed departmental appeal on 12.06.2019, which was not decided. Hence this service appeal.

3. Respondents were put on notice but reply/comments were not submitted despite repeated directions, hence the right of submission of written reply/comments was struck off. We have heard the learned counsel for the appellant as well as the



Assistant Advocate General and perused the case file with connected documents minutely and thoroughly.

4. The learned counsel for the appellant presented the entire case alongwith all documentary evidence. He contended that neither the appointment letter nor any dismissal order was communicated to the appellant. It was in the hearing before the Hon'able Peshawar High Court, Abbottabad Bench, that they came to know about the dismissal order.

5. As the right of respondents to submit written reply/comments was struck off the learned Additional Advocate General relied on the material present before him and contended the case, that the appointments were made wrongly by the DEO, Umair Khan for which he was also proceeded against. He further contended that as the appointments were not according to rules hence they were terminated.

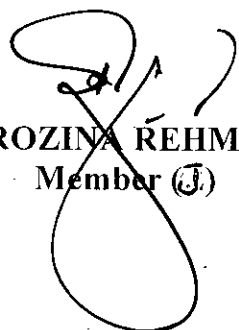
6. Perusal of the record indicates that the appellant was at serial No. 2 of the merit list for PST (Female) District Mansehra by securing 43.82 percentage points. Another candidate at serial No. 4 Saba Khaleeq having 42.57 percentage points was appointed as PST which indicates the appellant having high percentage than her was also fit for appointment. In case of Saba Khaleeq it was noted that she was also removed from service vide order dated 03.03.2015. She appealed before the Service Tribunal vide service appeal No. 955/2017. Her case alongwith certain other cases was considered and heard with the service appeal No. 943/2017 of one Mst. Bibi Nageena and all the cases were disposed off vide judgment dated 18.07.2018, in which all the appeals were allowed, the impugned order was set aside and appellants were reinstated in service with all back benefits. The stance of inquiry committee that the appointment of the appellant was illegal and against the recruitment rules/policy was not the fault of the appellant/candidates. It was a fault on the part of appointing authority for which the appellant should not be penalized. If a



candidates who had less percentage points than the appellant had been appointed then why the appellant was not fit for appointment.

7. In view of all the facts available before us, we have arrived at a conclusion that the appellant came in the ambit of being appointed, hence the appeal stands accepted/allowed as prayed for. Order of respondents dated 03.03.2015 is set aside with the direction to reinstate her in service with all back benefits. Parties are left to bear their own costs. Consign.

8. *Pronounced in open court in Abbotabad and given under our hands and seal of the Tribunal on this 16th day of June, 2022.*



(ROZINA REHMAN)
Member (J)



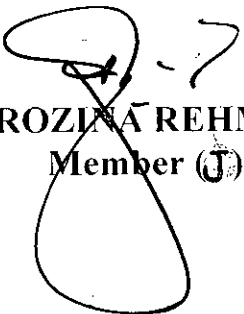
(FAREEHA PAUL)
Member (E)

Service Appeal No. 1221/2019 Rafia Mussadiq

Mr. Iftikhar Ahmad Khan Tanoli, Advocate for the appellant present.
Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgement containing 04 pages, we have arrived at the conclusion that the appellant came in the ambit of being appointed, hence the appeal stands accepted/allowed as prayed for. Order of respondents dated 03.03.2015 is set aside with the direction to reinstate her in service with all back benefits. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Abbotabad and given under our hands and seal of the Tribunal on this 16th day of June, 2022.*


(ROZINA REHMAN)
Member (J)


(FAREEHA PAUL)
Member (E)

18.05.2022

Learned counsel for the appellant present. Mr. Asif Masood, DDA alongwith Mr. Muhammad Usman, Incharge (Litigation) for respondents present.

Written reply/comments not submitted despite numerous opportunities. Today again representative of the respondents requested for time for submission of written reply/comments, therefore right for submission of written reply/comments is struck off. Adjourned. To come up for arguments before D.B on 16.06.2022 at camp court Abbottabad.



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

19.01.2022

Learned counsel for the appellant present. Mr. Muhammad Usman, Incharge (Litigation) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and paid costs of 5000/-, which is handed over to learned counsel for the appellant and his endorsement in this respect was obtained at the margin of order sheet.

Representative of the respondents again requested for adjournment by stating that the comments have already been prepared, however signature of the concerned officers have not been obtained, therefore, a short adjournment may be given. Respondents are directed to positively submit the comments on 15.03.2022 before the S.B at Camp Court Abbottabad, failing which their right for submission of written reply/comments shall be deemed as struck off.



(Salah-ud-Din)
Member (J)
Camp Court A/Abad

Read R) Soooli Cedi Jy
C/FAKAR TANON 19/1/2022
A/Abad

15.11.2021

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Muhammad Usman, Incharge Litigation for the respondents present.

Representative of the respondents submitted an application for extension of time to furnish reply/comments. Application placed on file. Last opportunity is granted to the respondents to submit written reply/comments on the next date, failing which their right for submission of written reply/comments shall be deemed as struck off. Case to come up on 01.12.2021 before S.B at camp court, Abbottabad.



Chairman
Camp Court, A/Abad

01.12.2021

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Muhammad Usman, Incharge Litigation for the respondents are present.

The respondents did not submit the written reply on previous date and they were afforded opportunity for today's date with warning as to striking their right of reply but today they through their representative named above seeks time for submission of the comments. Keeping the previous warning intact, the respondents are allowed to submit the written reply before the next date in office failing which they shall be liable to make payment of Rs. 5000/- as cost to the appellant in addition to the consequences of previous warning. Case to come up on 19.01.2022 before the S.B at camp court, Abbottabad.




Chairman
Camp Court, A/Abad

16.03.2021

Learned counsel for the appellant present.

Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Written reply/comments was not submitted, therefore, notice be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 17/6/2021 before S.B at Camp Court, Abbottabad.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

17.06.2021

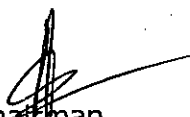
Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 28.09.2021.


Reader

28.09.2021

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakheil, Asstt. AG alongwith Muhammad Usman, Incharge Litigation for the respondents present.

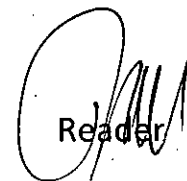
Representative of the respondents seeks further time to furnish reply/comments. Respondents are directed to file written reply/comments within 10 days in office, failing which their right for submission of written reply/comments shall be deemed as struck off and the appeal will be heard on the basis of available record without reply of the respondents. Case to come up on 15.11.2021 before S.B at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

Due to covid ,19 case to come up for the same on 16/ 4 /21
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on 10 / 20
at camp court abbottabad.



Reader

20.10.2020

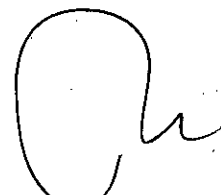
Nemo for parties.

Usman Ghani learned District Attorney present.

Written reply was not submitted on behalf of respondents.
Notice be issued to appellant/counsel and respondents for
reply/comments, for 15.12.2020 before S.B at Camp Court,
Abbottabad.


(Rozina Rehman)
Member (J)
Camp Court, A/Abad


Due to COVID-19 case is adjourned to 16-03-2021


Reader

Service Appeal No. 1221/2019

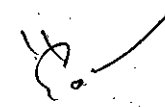
16.12.2019

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Case to come up for written reply/comments on 21.01.2020 before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

21.01.2020

Clerk to counsel for the appellant present. Written reply not submitted. Fazal Subhan S.O representative of respondent No.1 absent. Respondents as well as absent representative be put to notice to furnish reply. Adjourn. To come up for written reply/comments on 18.02.2020 before S.B at Camp Court Abbottabad.


Member
Camp Court, Abbottabad

22.10.2019

Counsel for the appellant present. Learned counsel for the appellant contended inter-ali that the appellant filed Writ Petition No. 760-A/2012 before the Honourable Peshāwar High Court Abbottabad Bench for issuance of directions to the respondents to appoint the appellant as PST; that during the course of hearing in the Writ Petition it transpired that the appellant was appointed as PST vide order dated 31.05.2012; that on 21.05.2019 during the course of hearing in the said Writ Petition it was also revealed that the appellant was dismissed from service vide order dated 03.03.2015; that neither the appointment letter nor dismissal order were communicated to the appellant; that after gaining knowledge of order of dismissal from service, the appellant filed departmental appeal on 12.06.2019 but the same was not answered; that the impugned order of dismissal from service is against law, rules on the subject and against the norms of justice.

Points urged need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents. To come up for written reply/comments on 16.12.2019 before S.B at camp court, Abbottabad.

Appellant Deposited
Security & Process Fee

29/10/19

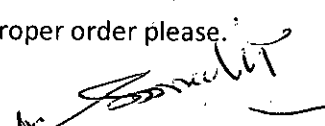

Member
Camp court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1221/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/10/2019	<p>The appeal of Mst. Rafia Mussadiq resubmitted today by Mr. Iftikhar Ahmad Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22-10-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Ms. Rafia Mussadiq D/O. Mussadiq ~~vs~~ PST The & Distt Mansēhra received today i.e. on 23.09.2019 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

1. Annexures of the appeal may be flaged ✓
2. Annexures of the appeal may be attested. ✓
3. Affidavit may be got attested by the Oath Commissioner. ✓
4. One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal. ✓

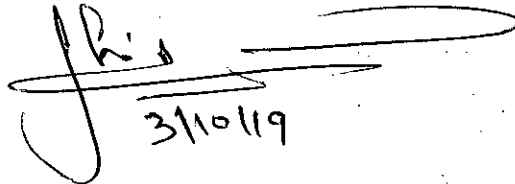
No. 1637 /S.T,

Dt. 24-9-2019


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Iftikhar Ahmad Tanoli Adv.
High Court, A. Abad

All objection removed.


31/10/19

IFTIKHAR AHMED KHAN TANOLI
Advocate
28, Lawyer Chamber
Sherpao Plaza
Distt. Courts, Abbottabad

1
BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR



Service Appeal No. 955 /2017

Saba Khalil W/o Khalig wr Rehman 99 Ps
Bandi Dost Muhammad R/o Lansa Nawas Tehsil &
District Mansehra

...APPELLANT
Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1000

Dated 25/08/2017

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Mansehra.

...RESPONDENTS


Filed today

Registrar

25/8/17

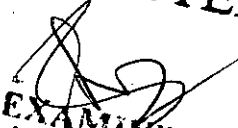
SERVICE APPEAL UNDER SECTION 4 OF
KPK SERVICE TRIBUNAL ACT, 1974, FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT WAS FIRSTLY REMOVED
FROM SERVICE ON 03.03.2015 VIDE

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

IMPUGNED ORDER NO. 1956-657AE/ESI/B
DATED 03.03.2015 WHICH WAS
CHALLENGED BY THE APPELLANT VIDE
SERVICE APPEAL NO.776/15 BEFORE THIS
HONOURABLE TRIBUNAL AND THE SAME
WAS DECIDED BY THIS HONOURABLE
VIDE JUDGMENT DATED 17/01/2017 WITH
THE DIRECTION TO REINSTATE THE
APPELLANT IN SERVICE AND THE
DEPARTMENT WAS AT LIBERTY TO
CONDUCT DENOVO INQUIRY AGAINST
THE APPELLANT WITHIN THE PERIOD OF
03 MONTHS. BUT THE RESPONDENTS'
DEPARTMENT WITHOUT REINSTATING
THE APPELLANT AND WITHOUT
PROVIDING PROPER OPPORTUNITY TO
DEFEND HER CASE AGAIN MAINTAINED
REMOVAL FROM SERVICE ORDER DATED
03/03/2015 VIDE IMPUGNED NOTIFICATION
NO. 2999-3083 DATED 18/04/2017 WHICH IS
PERVERSE, MALAFIDE, AGAINST THE
JUDGMENT OF SERVICE TRIBUNAL AND
THE SAME IS LIABLE TO BE SET ASIDE.

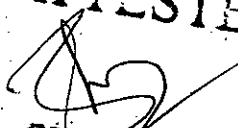
ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, IMPUGNED REMOVAL FROM SERVICE NOTIFICATION DATED 18/04/2017 MAY GRACIOUSLY BE SET ASIDE AND RESPONDENTS DEPARTMENT MAY GRACIOUSLY BE DIRECTED TO REINSTATE THE APPELLANT IN SERVICE WITH ALL SERVICE BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEM APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth:-

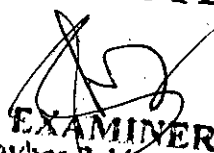
1. That the appellant was appointed as *PST*) in the respondents department vide order dated 26/06/2012 which was issued by the competent authority after fulfilling the requisite criteria. Copy of appointment letter dated 26/06/2012 is attached as Annexure "A".

ATTESTED

EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

2. That the respondents' department conducted an inquiry against the then EDO namely Umar Kundi regarding his bogus appointments. As a result, the said officer was removed from service who has been reinstated in service vide judgment of August Supreme Court of Pakistan. It is further submitted that the apex court directed the respondents' department to conduct denovo inquiry against the said officer but no inquiry has so far been conducted against the said officer. Copy of order of reinstatement of the said officer is attached as Annexure "B".

3. That respondent No.3 on the basis of inquiry conducted against the then EDO, Umer Kundi, dismissed the appellant from service on 3.3.2015 and thereafter on acceptance of the service appeal removed from service.


4. That the appellant feeling aggrieved filed service appeal No. 773/15 before this

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Honourable Tribunal which was decided on 17/01/2017. Copy of judgment of this Honourable Tribunal is attached as Annexure "C".

5. That as per judgment of this Honourable Tribunal competent authority was supposed to conduct denovo inquiry against the appellant after reinstating her in service. But respondents department without re-instating the appellant in service conducted an inquiry without informing the appellant in time. In this regard application of the appellant is attached as Annexure "D".
6. That respondents' department on the basis of illegal, arbitrary and one sided inquiry, again removed the appellant from service with effect from 3/3/17 vide impugned Notification No. 2999-3083 dated 18/04/2017. Copy of impugned notification dated 18/04/2017 is attached as Annexure "E".

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

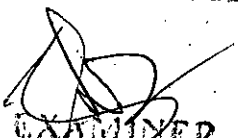
7. That the appellant filed departmental appeal against the impugned notification on 24/04/2017. Copy of departmental appeal is attached as Annexure "F".

Hence, the instant service appeal is filed, inter-alia, on the following grounds:-

GROUND:-

- a. That removal from service order has been issued by respondent No.2 on 18/04/2017 with retrospective effect which is not maintainable in the eyes of law. That removal from service order is always prospective and not retrospective. In this regard, a judgment of this Honourable Tribunal is attached as Annexure "E".
- b. That the impugned removal from service order is perverse, malafide, against the law, discriminatory, against the principles of natural

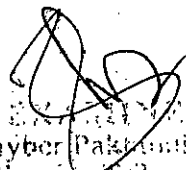
ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

justice. It is further submitted that some similar employees who were sailing in the same boat had been reinstated by the respondent No.2 on acceptance of their departmental appeal. Hence, the impugned removal from service of the appellant is liable to be set aside.

- c. That illegal inquiry was conducted against the appellant without reinstating her in service which is against the principle of good governance, fair play and the law of inquiry. Hence, the removal from service Notification dated 18/04/2017 is nullity in the eyes of law.
- d. That respondents' department did not afford opportunity to the appellant to defend her case before the inquiry officer. Hence, the inquiry officer conducted the inquiry in a hasty manner, without applying judicious mind, maintained the punishment of

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

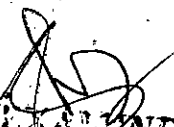
removal from service of the appellant.

Therefore, removal from service on the basis of arbitrary and partial inquiry is liable to be set aside.

- e. That there is no other prompt and efficacious remedy available to the appellant except the invocation of jurisdiction of this Honourable Tribunal.
- f. That service appeal of the appellant is within the period of limitation and this Honourable Tribunal has jurisdiction to entertain the instant service appeal of the appellant.
- g. That other grounds shall be urged at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the instant service appeal, impugned removal from service Notification dated 18/04/2016 may graciously be set-aside and

ATTESTED


EXAMINER
Keyber Pakhtunkhwa
Service Tribunal,
Peshawar

respondents department may graciously be directed to reinstate the appellant in service with all service back benefits. Any other relief which this Honourable Tribunal deem appropriate in the circumstances of the case may also be granted to the appellant.

Dated: 19/8 /2017

Through

[Signature]
...APPELLANT

Muhammad Arshad Khan Tanoli
(Muhammad Arshad Khan Tanoli)
Office No. 33 Adjacent to
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

[Signature]
...APPELLANT

Certified to be true copy

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 07-11-18
Number of Words 3600
Copying Fee 20
Urgent 2
Total 22
Name of Copyist [Signature]
Date of Completion of Copy 07-11-18
Date of Delivery of Copy 07-11-18

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR



Service Appeal No. 955 /2017.

Saba Khalid D/o Khalig ur Rehman 99 Ps
Bandi Dost Muhammad R/o Lansa Nawas Tehsil &
District Mansehra.

...APPELLANT
Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1000

Dated 25/08/2017

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Mansehra.

...RESPONDENTS

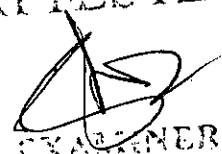
Filed today

Registrar

25/8/17.

SERVICE APPEAL UNDER SECTION 4 OF
KPK SERVICE TRIBUNAL ACT, 1974, FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT WAS FIRSTLY REMOVED
FROM SERVICE ON 03.03.2015 VIDE

ATTESTED


REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Appeal No. 955/2017
Suba Khalid vs Govt



18.07.2018

Counsel for the appellant Mr. Muhammad Arshad Khan Tanoli, advocate and Mr. Muhammad Usman, Litigation Incharge alongwith Mr. Usman Ghani, District Attorney for the respondents present.

Arguments heard and file perused.

Vide our detailed judgment of today in connected appeal No. 943/2017, titled "Mst. Bibi Nageena Vs. Government of Khyber Pakhtunkhwa through Secretary, E&SE, Peshawar and others", this appeal is also allowed, the impugned order is set aside and the appellants are reinstated with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

Muhammad Amin
Sd/- Subhan Sheer
Chairman
Court Appellate
Sd/- M. Amin Khan Kundi
Member

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 07-11-18
Number of Words 800
Copying Fee 6-0
Urgent 2-0
Total 8-0
Name of Copyists [Signature]
Date of Completion of Copy 07-11-18
Date of Delivery of Copy 07-11-18

1

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**



Service Appeal No. 943 /2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 987

Dated 25/08/2017

Mst. Bibi Nageena, A.T, Govt. Girls Middle School Kotli Baala, District
Mansehra.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Mansehra.

...RESPONDENTS

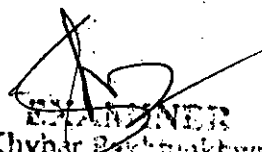
SERVICE APPEAL UNDER SECTION 4 OF
KPK SERVICE TRIBUNAL ACT, 1974, FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT WAS FIRSTLY REMOVED
FROM SERVICE ON 14-3-15 VIDE

Filed to-day

~~Registered~~

25/8/17

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

rejected the request of the present 17 appellants without giving any reason and in this way again committed discrimination. Further contended that order of this Tribunal passed in favour of the then EDO (M) namely Umar Khan Kundgi has been complied with by not only reinstating him but again posted him against an important and administrative post of DEO (M) Haripur. At the end, he requested that the appeal of the appellant be accepted and she be reinstated with all back benefits. He placed reliance on 2017 PLJ-870, 2011-PLC(C.S)942 and 2004-SCMR-620.

6. Mr. Usman Ghani District Attorney strongly opposed the contentions of the learned counsel for the appellant by arguing that the respondent No. 2 passed the impugned order in the capacity of appellate authority. That proper enquiry has been conducted by the respondents and at the end, he requested to dismiss the appeal.

7. With the assistance of the learned counsels for the parties, this Tribunal went through the available record and found that the contentions raised by the learned counsel for the appellant are not only forceful and genuine but fully supported from the official record itself as is evident from the discussion made below.

8. On acceptance of previous appeal of the appellant bearing No. 776/2015, decided on 17.1.2017, the appellant was ordered to be reinstated and the respondents were left at liberty to conduct denovo enquiry but within a stipulated period. However, on the receipt of judgment of this Tribunal referred to above the respondents instead of reinstating the appellant or initiating denovo enquiry, summoned the appellant for personal hearing which was refused by the appellant by claiming that since she was not reinstated, so she will not attend the office.

ATTESTED

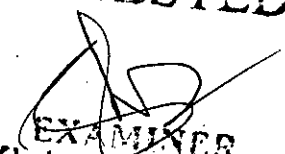
EXAMINER
Cyber Pakhtunkhwa
Service Tribunal,
Peshawar

EW 18.7.2018
[Signature]

personal hearing. This excuse of the appellant from her personal appearance was justified in the sense that the respondents were bound to reinstate her first and thereafter, initiate regular enquiry which certainly include personal hearing but strange enough, without compliance of the judgment of this Tribunal and initiating regular enquiry, she was summoned for personal hearing which was rightly not honored by her.

9. So far the impugned order dated 18.04.2017 passed by respondent No. 2 is concerned, on bare reading of the said order, it was found not only illegal and in utter violation of the law on the subject but totally against the facts of the case. For instance, in the impugned order, respondent No. 2 i.e Director, Ed SE, Peshawar has mentioned that the enquiry was conducted and on the findings/recommendations of the enquiry committee, the appeal of the appellant was rejected but except the enquiry report which is undated and not known that when and on whose direction, it was ~~conducted~~ ^{conducted,} no other proceedings like charge sheet, statement of allegations, show cause notice or even final order in the shape of dismissal was passed by any competent authority. Similarly, as already discussed, respondent No. 2 has mentioned that the appeal of the appellant was rejected which manifests slackness on his part as neither any final order on the so-called enquiry was passed nor any appeal was filed, so the question of pendency of appeal, did not arise. Again, in the entire so-called proceedings, the competent authority i.e. D.E.O (Female) (respondent No. 3) did not play any role nor explained anywhere as to why her authority was by-passed by the responder No. 2 i.e appellate authority. This conduct of the respondents clearly suggests that they not only intentionally avoided to obey the order of this Tribunal but frankly speaking, it smells malafide on their part against the appellant.

ATTESTED

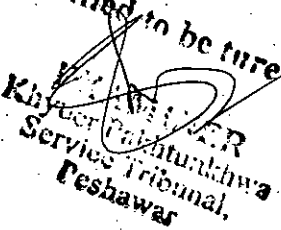

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

10. The crux of the foregoing discussion is that this appeal as well as 16 connected appeals are allowed, the impugned order is set aside and the appellants are reinstated as already ordered by this Tribunal with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

9 211 112

Announced
18-07-2018

Sd/- Subhan Sheer,
Chairman
conf court A/Abad
Sd/- M. Amin Khan Kurdi
Member

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 07-11-18
Number of Words 2400
Copying Fee 14.00
Urgent 2.00
Total 16.00
Name of Copyist [Signature]
Date of Completion of Copy 07-11-18
Date of Delivery of Copy 07-11-18

connected appeals, were dismissed from service on 14.03.2015, on the allegation being appointed against the merit. This order was challenged before the appellate authority but except the present 17 appellants (including the appellant), all the remaining teachers were reinstated as is evident from the orders produced by the learned counsel for the appellant. So the appellant challenged the impugned order in appeal bearing No. 776/2015, before this Tribunal, which was decided on 17.01.2017, whereby the said order was set aside with further direction to the respondents to reinstate the appellant and if desired, the former may conduct denovo enquiry in accordance with the law.

3. The respondents, on the receipt of judgment of this Tribunal, summoned the appellant for personal hearing but she did not appear as she had not been reinstated so far as ordered by this Tribunal. In the meanwhile, respondent No. 2 issued the impugned order, whereby appeal of the appellant (as per version of respondent No. 2) was rejected, however, "dismissal" order was converted into "removal from service". Appellant aggrieved from this very order, again impugned it before the next higher authority i.e. respondent No. 1, which was not responded and the appellant left with no option but to impugn the said order before this Tribunal through the instant appeal.

4. Arguments heard and file perused.

5. Mr. Muhammad Arshad Khan Tanoli Advocate, learned counsel for the appellant contended that the respondents not only committed gross violation of the law on the subject but even did not honor the judgment of this Tribunal as neither the appellant was reinstated nor, proper denovo enquiry was conducted but the impugned order was passed without any authority and without jurisdiction. Further contended that the respondents reinstated the remaining teachers colleagues but

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

SN 18.7.21 R
M

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT, ABBOTTABAD.



Service appeal No: 943/2017

Date of institution ... 25.08.2017
Date of decision 18.07.2018

Mst. Bibi Nageena, A.T Government Girls Middle School, Kotli Bala District
Manshra. (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary, Elementary &
Secondary Education, Peshawar and 2 others. (Respondents)

Present

Mr. Muhammad Arshad Khan Tanoli,
Advocate
Mr. Usman Ghani,
District Attorney

For appellant.

For respondents.

MR. SUBHAN SHER, ...
MR. MUHAMMAD AMIN KHAN KUNDI, ...

CHAIRMAN
MEMBER.

JUDGMENT

SUBHAN SHER, CHAIRMAN:-

Beside the appeal in hand, 16 other appeals No. 944/2017 to 959/2017, 1050/2017, 1051/2017 and 1079/2017, filed by the aggrieved appellants against the same impugned order are pending in this Tribunal today and in all the appeals, facts and grievances viz the impugned order are one and the same, and such, all appeals will be decided through this single judgment.

2. Stated in brief the facts leading to the filing of appeal in hand are, that the appellant was appointed as Arabic Teacher by the DEO (M) Manshra. However, later on, 69 teachers including the appellant and 16 other appellants in the

ATTESTED

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Handwritten notes]
EW.
18.7.2018
MS

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 129/2019

Rafia Mussadiq

...APPELLANT

V E R S U S

Provincial Government KPK through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar and others.

...RESPONDENTS

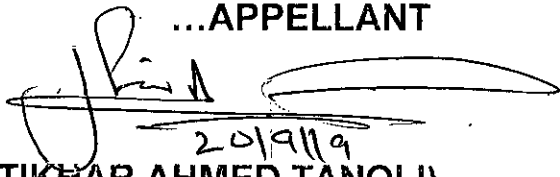
SERVICE APPEAL
INDEX

S.No.	Description of Document	Annexure	Page No.
1.	Service Appeal alongwith affidavit and certificate	--	1-11
2.	Copies of the CNIC and Domicile Certificate	"A" & "B"	12-13
3.	Copies of all educational documents	"C", "D", "E", "F" & "F-1"	14-18
4.	Copy of advertisement	"G"	19
5.	Copy of merit list	"H"	20
6.	Copies of applications	"I"	21-23
7.	Copy of Writ Petition	"J"	24-31
8.	Copy of the comments	"K"	32-35
9.	Copy of the inquiry report	"L"	36-42
10.	Copy of the letter No.6850 / 59 / Est: (F) Apptt : PET (F) / 2011-12 dated 31.05.2012	"M"	43-44
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Through:

Dated: 20/9/2019

...APPELLANT


20/9/19
(IFTIKHAR AHMED TANOLI)
Advocate High Court, Abbottabad.
Office No.28, Sher Pao Lawyers
Plaza, District Courts, Abbottabad.
Cell No.0314-5014407

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1286

Service Appeal No. 1221/2019

Dated 23/9/2019

Rafia Mussadiq D/o Mussadiq Lodhi, P.S.T (Elementary & Secondary Education Department, Khyber Pakhtunkhwa), R/o Battal Maira, Lissan Nawab, Tehsil & District Mansehra.

...APPELLANT

V E R S U S

- 1) Provincial Government KPK through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2) Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 3) District Education Officer (Female) District Mansehra.

...RESPONDENTS

Filed to-day

Registrar

23/9/19

Re-submitted to-day
and filed.

Registrar

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974 READ WITH RULE
3(1) OF THE KPK CIVIL SERVANTS (APPEAL)
RULES 1986, AGAINST THE ORDER DATED
03.03.2015, VIDE WHICH THE RESPONDENT
NO.3, IN EXERCISE OF POWERS HAD
DISMISSED THE APPELLANT FROM SERVICE.**

PRAYER:-

ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED ORDER DATED 03.03.2015 OF RESPONDENT NO.3 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE, MAY GRACIOUSLY BE SET ASIDE WITH FURTHER DIRECTIONS TO THE RESPONDENTS TO REINSTATE THE APPELLANT WITH ALL RETROSPECTIVE EFFECTS. OR ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS PROPER, JUST AND LAWFUL, MAY GRACIOUSLY BE GRANTED.

Respectfully Sheweth,

FACTS:

1. That, the appellant is the resident of Union Council Lassan Nawab, Tehsil and District Mansehra. (Copies of the CNIC and Domicile Certificate are annexed as Annexures "A" & "B" respectively)
2. That, the appellant has completed her education from different institutions and after that she

completed PTC training and as well as B.Ed. **(Copies of all educational documents are annexed as Annexures "C", "D", "E", "F" "F-1" respectively)**

3. That, on 20.05.2011 education department Mansehra advertised different posts of teachers in Daily "Aaj". **(Copy of advertisement is annexed as annexure "G")**
4. That, appellant submitted application for the above said posts of teachers and test was conducted by the D.E.O Mansehra. In the merit list appellant was on second position. **(Copy of merit list is attached as Annexure "H")**
5. That, the candidate who was on first position appointed, but instead of appointment of appellant two candidates namely Sobia Irshad and Saba Khaleeq were appointed.
6. That, for appointment appellant submitted many applications before the respondent No.3 but did

not paid any heed. **(Attested copies of applications are annexed as Annexure "I")**

7. That, feeling aggrieved appellant filed a Writ Petition No.760-A/2012 before the Honourable Peshawar High Court Abbottabad Bench. **(Copy of Writ Petition is annexed as Annexure "J")**

8. That, the case of the appellant had been lingered on by the department and finally they submitted comments on 10.02.2015 and they denied the right of appointment of the appellant therein. **(Copy of the comments is annexed as Annexure "K")**

9. That, department stated in their comments that all the appointments including appointment of the appellant were made illegally by the then EDO Umer Khan, on which Umer Khan was dismissed. It was disclosed from the comments of department that appellant was appointed as PST but department denied in the comments. **(Copy of the inquiry report is annexed as Annexure "L")**

10. That the department submitted appointment letters of appellant and other candidates alongwith inquiry report before the Court from where it was also disclosed that the appointment of the appellant was made just in papers but neither any letter was issued to the appellant nor received by the appellant. **(Copy of the letter No.6850 / 59 / Est: (F) Apptt : PET (F) / 2011-12 dated 31.05.2012 is annexed as Annexure "M")**

11. That, on 21.05.2019 during the hearing in Honourable High Court it was revealed on submission of the letter No.1976-85/AE/Establishment dated 03.03.2015 before the Honourable Court by the representative of the department that appellant was dismissed on 03.03.2015. **(Copy of the letter dated 03.03.2015 is annexed as Annexure "N")**

12. That, it was the malafide of the department that neither the letter was issued to the appellant nor the dismissal order. Then appellant returned back her writ petition and filed departmental appeal

before the respondent No.3 against the impugned dismissal order dated 03.03.2015. **(Copies of the order of Honourable High Court dated 21.05.2019 and appeal is annexed as annexures "O" & "P" respectively)**

13. That, appellant was dismissed from service without any reason and without intimating the appellant.
14. That, appellant filed departmental appeal against her dismissal order dated 03.03.2015 on 12.06.2019 well within time but respondent still not decide said appeal even after expiry of 90 days on 12.09.2019 hence appellant has no other remedy except this appeal before this Honourable Tribunal. **(Original receipt of post office is annexed as Annexure "Q")**
15. That, feeling aggrieved from the act of respondents and impugned order of respondent No.3 being illegal, void, against the established principles of justice and fair play, discriminatory, arbitrary, without jurisdiction, against principles of

natural justice, equity and fair play which is liable to be set aside, inter alia, on the following grounds:-

G R O U N D S :-

- a. That, the impugned order is non-speaking through which illegally, unlawfully dismissed the appellant and is liable to be set aside.
- b. That, all the impugned order is bases on malafide and personal grudge, which is against the law and justice and basic fundamental rights and the relevant rules and regulations, hence liable to be declared as null and void.
- c. That, no show cause notice whatsoever has been served to the appellant by the respondent No.3, hence the impugned dismissal order is liable to be set aside.
- d. That no inquiry was conducted and no other legal formalities were completed and the

impugned order was issued and was concealed.

- e. That the order of dismissal from service was issued in a slipshod, arbitrary, fanciful and capricious manner, hence, not maintainable in the eyes of law.
- f. That order of respondents regarding dismissal from service of petitioner is malafide, discriminatory and clear violation of constitutional right of appellant.
- g. That the Honourable forum has the jurisdiction.
- h. That appeal is within time.
- i. That other points will be urged at the time of arguments with the prior permission of this Honourable Tribunal.

In view of what have been submitted, it is humbly prayed that on acceptance of the instant appeal, the impugned order of the respondent No.3 dated 03.03.2015 may graciously be set aside with further directions

to the respondents to re-instate the appellant
with all benefits with retrospective effect.

Rafia -
...APPELLANT

Through:


20/9/19

(IFTIKHAR AHMED TANOLI)
Advocate High Court, Abbottabad.
Office No.28, Sher Pao Lawyers
Plaza, District Courts, Abbottabad.
Cell No.0314-5014407

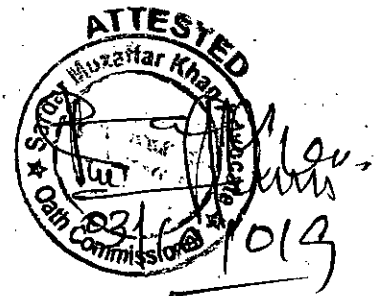
Dated: - 20/9 /2019

VERIFICATION:-

*Verified that the contents of the instant **Service Appeal**
are true and correct to the best of my knowledge and belief and
that nothing material has been suppressed from this Honorable
Tribunal:*

Dated: - 20/9 /2019

Rafia -
...APPELLANT



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.

Rafia Mussadiq

Service Appeal No. /2019

...APPELLANT

V E R S U S

Provincial Government KPK through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar and others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Rafia Mussadiq D/o Mussadiq Lodhi, P.S.T (Elementary & Secondary Education Department, Khyber Pakhtunkhwa), R/o Battal Maira, Lissan Nawab, Tehsil & District Mansehra **Appellant**, do hereby solemnly affirm and declare on Oath that the contents of instant **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

Dated:- 20/9 /2019

Rafia-
...APPELLANT



**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.**

Service Appeal No. /2019

Rafia Mussadiq

...APPELLANT

V E R S U S

Provincial Government KPK through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar and others.

...RESPONDENTS

**SERVICE APPEAL
CERTIFICATE**


Certified that no such Service Appeal under the same case title has earlier been filed before this Hon'ble Tribunal.

Rafia-

...APPELLANT

Through:

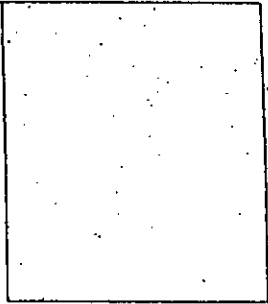
Dated: 20/9 /2019


 20/9/19
(IFTIKHAR AHMED TANOLI)
 Advocate High Court, Abbottabad.
 Office No.28, Sher Pao Lawyers
 Plaza, District Courts, Abbottabad.
 Cell No.0314-5014407

DOMICILE CERTIFICATE

"B" *الکبری*

MANSEHRA.



I declare that I was born of parents who permanently domiciled in N.W.F.P having belong to it by birth / settled in it.

I belong by birth village / Mohallah BATTAL MAIRA.

Tehsil MANSEHRA District MANSEHRA

Rafiq
Signature of Applicant

Dated 26/06/2005

Pursuant to the deceleration dated _____

filed by RAFIA MUSSADDIQ Son/ daughter of MUHAMMAD MUSSADDIQ LO
domiciled in N.W.F.P is hereby certified that said RAFIA MUSSADDIQ

is born of parents who was permanent residents of N.W.F.P. Having belonged to by birth / settled in it.

I have satisfied myself from personal *my* knowledge, verification that the above declaration is true and certify.

This 30th Day of June 2005

COUNTER SIGNED

No/0601 Dated 30/6/05

Countersigned

District Officer
Revenue & Estate Mansehra

DISTRICT REVENUE OFFICER
MANSEHRA

[Signature]
Deputy District Revenue Officer
30/6/05

Adil Stationery Mart
Kashmir Road Mansehra
Tel # 304810



ADA No 168140

Roll No. 58321

BOARD OF INTERMEDIATE & SECONDARY EDUCATION



Abbottabad N.W.F.P. - Pakistan
SECONDARY SCHOOL EXAMINATION CERTIFICATE
SESSION ANNUAL 2005

This is to certify that RAFIA MUSSADIQ
Daughter of MUHAMMAD MUSSADIQ LODHI
A candidate from GOVT. GIRLS HIGH SCHOOL LASSAN NAWAB MANSEHRA
has passed the Secondary School Certificate Examination of the Board of
Intermediate and Secondary Education, Abbottabad held in March, 2005 as a
Regular Candidate. She has obtained 564 marks out of 1050 and has been placed
in Grade C Representing GOOD.

The candidate passed in the following subjects:

- | | | | |
|------------|--------------------|------------------|--------------------|
| 1. ENGLISH | 2. URDU | 3. ISLAMIYAT | 4. PAK STUDIES |
| 5. MATHS | 6. GENERAL SCIENCE | 7. B.H ECONOMICS | 8. ISLAMIC STUDIES |

Date of Birth according to admission form is FIRST JUNE

One Thousand Nine Hundred and NINETY-ONE (01-06-1991)


Asstt/Secretary

This certificate is issued without alteration or erasure.


Secretary



ADA No 082612

Roll No. 48514

BOARD OF INTERMEDIATE & SECONDARY EDUCATION



Abbottabad N.W.F.P. - Pakistan
HIGHER SECONDARY SCHOOL EXAMINATION CERTIFICATE
SESSION ANNUAL 2007

Humanities Group

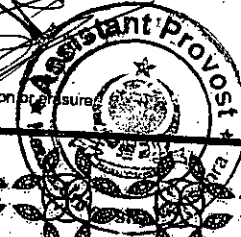
This is to certify that RAFIA MUSSADIQ
Daughter of MUHAMMAD MUSSADIQ LODHI
A candidate from MANSEHRA DISTRICT
has passed the Higher Secondary School Certificate Examination of the Board of
Intermediate and Secondary Education, Abbottabad held in May/June 2007 as a
Private Candidate. She has obtained 578 marks out of 1100 and has been
placed in Grade C Representing GOOD.

The Examination was taken as a Whole/In-Parts and the candidate passed in the
following subjects:

1. ENGLISH
2. URDU
3. ISL. EDU-PAK STUDIES
4. ISLAMIC HISTORY
5. CIVICS
6. ISLAMIC STUDIES


Asstt. Secretary

This certificate is issued without alteration or pressure.




Assistant Secretary

Serial No. 004881

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Registration No. 08-FEFM-38

Roll No. 15843

HAZARA UNIVERSITY

Mansehra, Pakistan

Annex
"E"



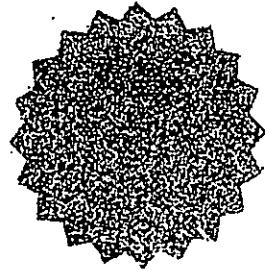
AD

The University in recognition of the fulfilment of prescribed requirements has conferred upon
Mr / Ms Rafia Mussadiq Son / Daughter of Muhammad Mussadiq Lodhi

The Degree of **BACHELOR OF ARTS** in the examination
held in June, 2009 session Annual 2009 (Regular)

He / She was placed in Second Division / Grade / CGPA.

The examination was taken as a Whole.



[Signature]
Controller of Examinations

Date 29-08-2009

[Signature]
Vice Chancellor

[Signature]
Registrar



Alama Iqbal Open University
Delhi

12 F



Serial No. 192403

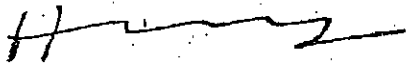
Certified that *Mr/Ms* **RAFIA MUSSADIQ**
Son/Daughter of **MUHAMMAD MUSSADIQ LODHI**
Registration No. **07-NMA-1503** *Roll No.* **Z-640615**
Semester **Autumn 2008** *having met all the requirements under*
the semester system is this day awarded the

Primary Teaching Certificate

He/She has secured **70 %** marks
and has been placed in **A** *grade*

Result declared on: **July 20, 2009**

Date of issue: **March 03, 2010**


Controller of Examinations

Note: This certificate is issued without alteration/erasure.
The detail of courses is overleaf.





The detail of courses passed is as under

Course code	Title of the course	Percentage of Marks obtained
613	Principles of Education	65
614	Educational Psychology	74
615	School Organization and Management	66
616	School Community and Practical Arts	53
617	Teaching of Urdu	75
618	Teaching of Mathematics	65
619	Teaching of Science and Physical Education	69
620	Teaching of Islamiat and Social Studies	81
611	Practical Workshop and Teaching Practice	

Total credit hours **XXX**

Obtained / Total marks **630 / 900**

Total credits AIU **5**

Cumulative grade point average **XXX**

First semester: **Autumn 2007**

Final semester: **Autumn 2008**

Grading Scheme

80% and above:	A+ grade
70% to 79%	A grade
60% to 69%	B grade
50% to 59%	C grade
40% to 49%	D grade
Below 40%	Fail

Controller of Examinations



ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD

PROVISIONAL RESULT CARD

Serial No. 333945

Name **RAFIA MUSSADIG**
 Father's Name **MUHAMMAD MUSSADIG LODHI**
 Address **C/O ASIF MEHMOOD LODHI GOVT
 HIGH SCHOOL LASSAN NAWAB**
 Tehsil **MANSEHRA**
 District **MANSEHRA**

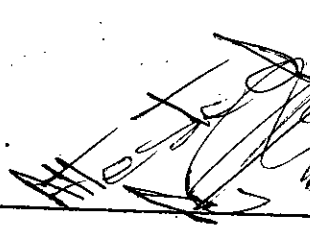

Roll No. **AE620073**
 Registration No **07NMA1503**
 Final Semester **AUT- 2010**

F-1

has successfully completed **BACHELOR OF EDUCATION (B. ED)**

The detail of passed courses are as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
AUT- 09	0514	EVALUATION, GUIDANCE & RESEARCH	100	64
AUT- 09	0651	ENGLISH (COMPULSORY)	100	58
AUT- 09	0518	EDUCATIONAL PSYCHOLOGY & CURRICULUM	100	58
AUT- 09	0513	SCHOOL ORGANIZATION	100	62
SPR- 10	0656	TEACHING OF URDU	100	66
SPR- 10	0517	TEACHING OF PAKISTAN STUDIES	100	71
AUT- 10	0655	WORKSHOP & TEACHING PRACTICE	100	76
AUT- 10	0652	ISLAM, PAKISTAN AND MODERN WORLD	100	54
AUT- 10	0512	PERSPECTIVES OF EDUCATION	100	64

CREDITS: 6
 Result Declared on **JULY 18, 2011**
 Date of issue **JULY 29, 2011**

Total Marks / Obtained **500 / 573**
 Percentage / Grade **64 B**

Disclaimer:
 This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.


Controller of Examinations

بیماریوں کی تشخیص اور علاج کے لیے طبی اہلکاروں کی خدمات فراہم کرنے کے لیے طبی اہلکاروں کی خدمات فراہم کرنے کے لیے طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

سلسلہ	نمبر	تاریخ	عنوان	نوعیت	مقام	تفصیلی
418	35 سال	2.7.2011	GGHS No.2 Manshra	9	پولیس	پولیس ایجنسی کے لیے طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...
418	35 سال	4.7.2011	ایسا	9	پولیس	پولیس ایجنسی کے لیے طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...
418	35 سال	6.7.2011	ایسا	14	پولیس	پولیس ایجنسی کے لیے طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...
418	35 سال	9.7.2011	ایسا	9	پولیس	پولیس ایجنسی کے لیے طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...
418	35 سال	11.7.2011	ایسا	9	پولیس	پولیس ایجنسی کے لیے طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...
418	35 سال	14.7.2011	ایسا	15	پولیس	پولیس ایجنسی کے لیے طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...
418	35 سال	19-07-11	ایسا	07	پولیس	پولیس ایجنسی کے لیے طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

حکومت سندھ (17) اور پولیس کے درمیان معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

1. (1) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

2. (2) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

3. (3) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

4. (4) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

5. (5) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

6. (6) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

7. (7) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

8. (8) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

9. (9) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

10. (10) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

11. (11) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

12. (12) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

13. (13) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

14. (14) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

15. (15) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

16. (16) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

17. (17) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

18. (18) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

19. (19) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

20. (20) اس معاہدے کے تحت طبی اہلکاروں کی خدمات فراہم کرنے کے لیے...

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Annex 4 G

108-5-2011

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26/06/2011

Handwritten notes and signatures on the right side of the page.

استخبارتیں مطلوب ہیں (شائع شدہ)

روزنامہ مشرق پشاور اور روزنامہ آج اینٹ آباد

INF(P)1533 میں ETEA ٹیسٹ کی تاریخ

22/06/2011 کے بجائے 26/06/2011

"H" انیس

20

9

LASSAN NAWAB																									
UNION COUNCIL WISE MERIT LIST OF PST (Female) District Mansehra																									
S#	Roll No	Name	Father Name	Address	D/O Birth	D/O of Decl: of Prof:	Name of Instit ution	ET Marks	Ptage	Academic Qualification															Remarks
										SSC			FA/FSC			BA/BSC			MA/MSc			M-Phil			
									Obt	Tot	Ptage	Obt	Tot	Ptage	Obt	Tot	Ptage	Obt	Tot	Ptage	Obt	Tot	Ptage		
1	1470	RASHIDA BIBI	M.ZAHOOR	LASSAN NAWAB	13/3/65	20/9/07	AIOU	152	20.27	548	850	9.671	459	1100	12.52	207	550	1.83						44.34	
2	5001	RAFIA MUSADIQ	MOHAMMAD MUSADIQ LODHI	LASSAN NAWAB	06-01-91	20/7/09	AIOU	132	17.6	564	1050	8.057	578	1100	15.76	264	550	2.4						43.82	✓
3	844	NAZMA BIBI	MOHD ASLAM	LASSAN NAWAB	11-04-84	17/9/10	AIOU	124	16.53	514	850	9.071	629	1100	17.15									42.76	
4	220	SABA KHALEEQ	KHALEEQ UR REHMAN	LASSAN NAWAB	15/4/92	17/9/10	AIOU	140	18.87	599	850	10.57	489	1100	13.34									42.57	
5	2731	HAJRA BIBI	ABDULLAH	LASSAN NAWAB	20/4/86	14/3/09	AIOU	120	16	470	850	8.294	651	1100	17.75									42.05	

Tentative
List

"I"

Small
M. Akmal
M. Akmal
M. Akmal

اپنی کتاب EDO میں رجسٹریشن فرم جانے والی ہے۔
اپنی اپنی اپوائنٹمنٹ کی تاریخ پر۔

گزارش تمام اہلیں جمعیتی راجح و صرف علی انہاں کو اس کے
PST کیسٹ کے لیے ایڈیٹ کیا گیا اور جو فیڈ بک کیسٹ آدی ان
کی ٹی آر میں شامل کیا نام Top of list میں شامل کیا گیا ہے
دستور سے ڈال دیا گیا تو پتہ لگایا گیا کہ یہ بھی فیڈ بک کیسٹ میں شامل ہے

جناب عالی! جنرل آفیسر کے ساتھ ایک مینٹل آرڈر کیا گیا جس میں
جنرل آفیسر اور سیکرٹری جنرل کے درمیان اختلاف کو دور کرنے کے لیے
ایک میٹنگ منعقد کرنے کے لیے کہا گیا ہے۔

اپوائنٹمنٹ کر دیا گیا ہے۔
اپنے اساتذہ اور اساتذہ کے ساتھ جمعیتی کام میں آکر لیا جائے۔
مخصوص ڈیپارٹمنٹ میں حجاج سالہ اور عدالت رجوع کرنا کا حق
دکھائی دیں، امید ہے آپ انصاف فرمائیں گے۔
میں گزارش ہوگی۔

اپنی اہلیوں -
آپ سے متعلقہ چچا راجح و صرف علی انہاں کو اس کے
فون نمبر 0334-5124849

(1) ساجی برائے ذاتی ریکارڈ -

EDDO (بدلتا) comments
بالتا

پست کے لکھنے والے
پست

گزارش ہے کہ سائل کی شکایتی درخواستوں کا ایک کسٹم کو اب نے
PST کے ہمارے ایٹا لیٹ پاس کیا۔ سیرٹ لیٹ جو آڈیٹرز کی گئی
اس میں راجہ صاحب کا نام سیرٹ لیٹ میں Top of list تھا۔
لیکن جب 18-5-012 کو 5384-5385 کے آرڈر کے تحت راجہ کو دیکھ کر
والوں نے سیرٹ لیٹ دیکھا کہ شہزادی کی نام سیرٹ لیٹ پر ہے
اور آج کی کوئٹن میں صرف دو بچوں کے آرڈر ہوئے ہیں۔
میں پھر بھی حیرت میں رہا حالانکہ خائنل سیرٹ لیٹ کو تو دین کرنا
چاہیے تھا۔ کہ آج دو بچیاں تھے سیرٹ لیٹ میں اب پہلے آگئیں
والہ ایس جنرل آرڈر کے بعد ایک انفرادی آرڈر کیا۔ جو سیرٹ لیٹ
در سیرٹ لیٹ کو جوڑ کر سیرٹ لیٹ سے ما خلیق 10 خلیق الزمان

کا ایک کسٹم کو اب کو پھر سیرٹ لیٹ میں اپنا کر دیکھیں
آڈیٹ کیا۔ یہ انفرادی آرڈر کیلئے ایک آرڈر کی گئی تھی، اس میں
سکی۔ لیکن ما خلیق 10 خلیق الزمان نے ماہ جون میں شروع
سکول میں شامل کی اور 30 جون تک وہ سکول میں حاضر رہا۔
سیرٹ لیٹ سے سیرٹ لیٹ اور 4 کو جوڑ کر سیرٹ لیٹ کو appoint

رنا سیرٹ لیٹ اور نا اہل تھا ہے۔
سائل نے مورخ 7-012-4 کو EDO سے پیل کی ہے لیکن ایک دفعہ
آڈیٹ کے باوجود اس کوئی جواب نہیں ملا۔ اس کے سائل
کو کوئی جواب نہیں ملا۔

یہاں کی خدمت میں اپیل کرتا ہوں کہ سائل کی بجلی کو اصلاح دے
 دئے اور اسے بارہم سے فیری بجلی کی *appointments* کرنے سے
 احتیاط ہمارے صحت کے لئے
 جواب: الہ اعلم بقولہا۔ ذیلین الزمان جو آواز دیا گیا اس
 پر شکریہ ادا کرتا ہوں۔ جبکہ اس پر 18-5-012 سے دوسرا
 نمبر 57-6850 لگا ہوا ہے۔

یہنا میں جواب کی خدمت میں التماس کرتا ہوں کہ جیسے اصلاح
 دیا جائے اور فیری بجلی کی کٹوری کی جائے۔ سائل راجد کرتا
 ہے کہ آپ اس کے ساتھ ساتھ فیری بجلی دے دیں گے۔
 سائل ناکسیت ذمہ دار ہے۔

اجازت

پروفیسر محمود جبار دادو ویدو کی بین کونسل کونسل ڈاٹ کام

0334-5124849

12 اپریل 2012

Handwritten signature and the letter "J" in quotes.

Handwritten number "24" inside a circle.

**BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH**



In Re:

Rafia Mussadiq daughter of Muhammad Mussadiq resident of Batal Mara,
Lassan Nawab Shab Post Office, Lassan Nawab Tehsil & District Mansehra.

....PETITIONER

VERSUS

1. Government of Khyber Pakhtunkhawa through Chief Secretary Khyber Pakhtunkhawa, Peshawar.
2. Director School and Literacy Department Govt. of Khyber Pakhtunkhawa.
3. Executive District Officer, (Elementary & Secondary) Education, District Mansehra.
4. District Coordinate Officer, District Mansehra.
5. Sobia Irshad D/o Muhammad Arshad resident of Union Council Lassan Nawab, Tehsil & District Mansehra.
6. Saba Khaleeq D/o Khaleeq ur Rehman resident of Union Council Lassan Nawab, Tehsil & District Mansehra.

....RESPONDENTS

Certified to be True Copy
EXAMINER
25 MAY 2013
Peshawar High Court Atd. Bench
Authorized Under Sec. 75 Evid Ordns.

WRIT PETITION

UNDER ARTICLE 199 OF THE CONSTITUTION
OF ISLAMIC REPUBLIC OF PAKISTAN, 1973
SOLICITING DECLARATION TO THE EFFECT
THAT PETITIONER BEING QUALIFIED FOR THE
PST (PRIMARY SCHOOL TEACHER)
(FEMALE) TEACHER IS ENTITLED TO BE

Handwritten notes: No 2355, 12-10-12

Additional Registrar
Peshawar High Court
Abbottabad Bench

APPOINTED AS PST (FEMALE) TEACHER IN UNION COUNCIL LASSAN NAWAB AND THE APPOINTMENT ORDER ISSUED BY RESPONDENT NO. 3 OF RESPONDENT NO. 5&6 IN PREFERENCE TO PETITIONER IS BASED ON NEPOTISM RESULT OF POLITICAL INFLUENCE AND IGNORING THE MERITS, IS ILLEGAL, VOID, MALAFIDE, WITHOUT LAWFUL AUTHORITY, AGAINST THE GRANTED CONSTITUTIONAL RIGHTS OF THE PETITIONER, HAVING NO LEGAL EFFECTS ON THE RIGHT OF THE PETITIONER TO BE APPOINTED AS PST (FEMALE) TEACHER IN UNION COUNCIL LASSAN NAWAB, HENCE IS NOT SUSTAINABLE AND IS LIABLE TO BE SET-ASIDE.

PRAYER:- ON ACCEPTANCE OF INSTANT WRIT PETITION, APPOINTMENT ORDER OF RESPONDENT NO. 5 & 6 BE DECLARED NULL AND VOID, ILLEGAL, MALAFIDE, RESULT OF POLITICAL INFLUENCE WITHOUT LAWFUL AUTHORITY AND BE ORDER TO BE CANCELLED AND RESPONDENTS BE DIRECTED TO APPOINT PETITIONER AS PST (FEMALE) TEACHER IN UNION COUNCIL LASSAN NAWAB BEING QUALIFIED CANDIDATE AS PER LAW AND POLICY OF THE GOVERNMENT AND MERITS OF THE LIST OF UNION COUNCIL LASSAN NAWAB MANSEHRA AND ANY OTHER RELIEF WHICH THIS

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Peshawar High Court Atd. Bench
Authorized Under Sec. 75 Evid Ordns.

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench
2/10/12

HONOURABLE COURT DEEM FIT AND PROPER
IN THE CIRCUMSTANCES OF THE CASE MAY
ALSO BE GRANTED.

Respectfully Sheweth: -

FACTS:

1. That the petitioner is permanently resident of Union Council Lassan Nawab Tehsil & District, Mansehra from the time of his predecessors. Copies of ID Card & Domicile of petitioners are attached as Annexure "A" & "B".
2. That the petitioner completed his education from various institutions upto BA and also did her training of PTC and on completion of training certificate was issued to petitioner. Copies of certificates of SSC, F.A, B.A, PTC & B.Ed are attached as Annexure "C", "D", "E", "F" & "F-1" respectively.
3. That on 20/05/2011 respondent No. 3. advertised various posts in daily "AAJ" Abbottabad/Pakistan about the appointment of teachers in various scales. Copy of advertisement is attached as Annexure "G".

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EXAMINER
25 MAY 2011
Peshawar High Court A. Bench
Authorized Under Sec. 75 Evid Ordns.

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench
12/05/11

4. That the petitioner submitted his application on the basis of aforesaid qualification in the office of respondent No. 1 to 3. The respondent No. 3 arranged the Eata Test and announced the result, which was passed by the petitioner. Copy of result is attached as Annexure "H".

5. That petitioner was placed at the serial No. 2 of the merit list the candidate at serial No. 1 has been appointed and now the petitioner is at serial No. 1 in the list. Copy of merit list is attached as Annexure "I".

6. That the official respondents, instead of appointing the petitioner illegally, malafidely, without lawful authority, on basis of politically influence, without considering the merits and qualification of petitioner, wrongly appointed respondent No. 5 in Govt. Girls Primary School Sharota situated in Union Council Lissan Nawab and appointed respondent No. 6 in Govt. Girls Primary School Seir Malwal in Union Council Karori. Copy of appointment order of respondents No. 5 & 6 will be provided after getting the same. Copy of adjustment order of respondent No. 5, is attached as Annexure "I-1"

7. That being aggrieved from the order of respondent No. 3, petitioner moved applications to respondent No. 3 &

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EXAMINER
24
Peshawar High Court
Authorized Under Sec. 15 Evid Ordns.

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Additional Registrar
Peshawar High Court
Abbottabad Bench
12/0/27

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4, but no step was taken by respondents thus the grievance of the petitioner remain un-redressed. Copies of applications are attached as Annexure "J" & "K".

8. That despite of efforts for obtaining the copies of appointment letters the petitioner has not been given the order of appointment.

9. That petitioner is most deserving and eligible for the post as compare to respondent No. 5 & 6.

10. That feeling aggrieved from the appointment order of respondent No. 5 & 6, petitioners come to this Honourable Court with the instant petition as no other efficacious and adequate remedy available to the petitioner, hence the instant petition inter-alia on the following amongst many other grounds:-

GROUNDS:-

a. That the appointment order of respondent No. 5 & 6 is against facts, law, policy and is based on malafide, collusion of respondents, hence is not tenable and is liable to be cancelled.

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EXAMINER
25 MAY 2019
Peshawar High Court Atd. Bench
Authorized Under Se: 75 Evid Ordns.

FILED TODAY

Additional Registrar
Peshawa. High Court
Abbottabad Bench

6/2/19

28

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b. That the appointment order made in respect of respondent No. 5 by respondents No. 1 to 3 is in flagrant violation of policy of appointment evolved by the official respondents themselves, hence liable to be declared illegal as such by this Honourable Court in the best interest of justice and law and the appointment order of respondent No. 5 & 6 is unlawful, without lawful authority, malafide, perverse, and is the result of political influence, hence liable to be struck down and petitioner be ordered to be appointed as PST teacher at Lassan Nawab Union Council.

c. That the qualification and merit shows that the petitioner is suitable candidate and appointment of respondent No. 5 & 6 instead of petitioner is totally made with collusion and malafidely, hence not tenable.

d. That petitioner was deliberately deprived from his legal right by the respondents.

e. That the court fee stamp worth Rs. 500/- are affixed.

Certified to be True Copy
EXAMINER
20/10/12
Peshawar High Court Atd. Bench
Authorized Under Sec. 75 Evid Ordns.

FI ED TODAY

Additional Registrar
Peshawar High Court
Abdullah Bench
12/10/12

Under the circumstances, it is respectfully prayed that on acceptance of instant writ petition, appointment order of

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respondent no. 5 & 6 be declared null and void, illegal, malafide, result of political influence without lawful authority and be order to be cancelled and respondents be directed to appoint petitioner as PST (female) teacher in union council Lissan Nawab being qualified candidate as per law and policy of the government and merits of the list of union council Lissan Nawab Mansehra and any other relief which this Honourable court deem fit and proper in the circumstances of the case may also be granted.

INTERIM RELIEF:

It is further prayed that the operation of impugned appointment order may kindly be suspended till final disposal of instant writ petition, she and her family will suffer irreparable loss due to the illegal and malafide acts of the respondents, It will be highly in the interest of justice to suspend the impugned appointment order until the final disposal of the titled writ petition.

ED TODAY

Registrar
Peshawar High Court
Abbottabad
12/10/12

Dated: 12/10/2012

Rafiq
...PETITIONER

Through;

(Signature)
(NADEEM KHAN)
Advocate High Court, Abbottabad

VERIFICATION:

Verified that the contents of foregoing writ petitioner are true and correct to the best of my knowledge and belief and nothing has been suppressed therein from this Honourable Court.

Certified to be True Copy
EXAMINER
23 MAY 2013
Peshawar High Court, Bench
Authorized Under Sec. 75 Evid Ordns.



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BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

W.P No. _____ /2012

In Re:

Rafia Mussadiq daughter of Muhammad Mussadiq resident of Batal Mara, Lissan Nawab Shab Post Office, Lissan Nawab Thsil & District Mansehra.

....PETITIONER

VERSUS

Government of Khyber Pakhtunkhawa through Chief Secretary, Khyber Pakhtunkhawa, Peshawar and others.

....RESPONDENTS

WRIT PETITION
AFFIDAVIT

Certified to be True Copy
EXAMINER
25/10/2012
Peshawar High Court (Circuit Bench)
Authorized Under Sec. 5 Evid Ordns.

I, Rafia Mussadiq daughter of Muhammad Mussadiq resident of Batal Mara, Lissan Nawab Shab Post Office, Lissan Nawab Thsil & District Mansehra, do hereby affirm and declare on oath, that the contents of foregoing writ petition are true and correct to the best of my knowledge and belief and that nothing material has been suppressed from this Honourable Court.

13503-7542283-8 ^{Rafia} DEPONENT

Identified by:

Nadeem Khan
(NADEEM KHAN)
Advocate High Court, Abbottabad

3487/146
146
Atd
12 Oct 12
Rafia Mussadiq D/o M. Mussadiq
Batal Mara Lissan Nawab
Dist. Mansehra

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench
12/10

Amir
Court Commissioner
(Additional Registrar)
Peshawar High Court (Circuit) Bench
Abbottabad
12/10

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IN FRONT OF THE HONOURABLE HIGH COURT PESHAWAR
BENCH ABBOTTABAD.

26

Writ Petition No 760-A /2012

st. Rafia MusadaqPetitioner

Annexure

"K"

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa,
Government of Punjab & Others.....Respondents,

RESPECTFULLY SHEWETH.

PRINCIPAL OBJECTIONS.

- That the Petitioner has got no cause of action to file the instant Writ Petition.
- That the instant Writ Petition is not maintainable in its present form.
- That the Petitioner has not come to this Honorable Court with clean hands.

S:

Para 1 needs no comments.

Para 2 is extraneous and needs no comments.

Respondent Department issued advertisement, where in it was specifically mentioned that Candidates who fulfill the requirements of contesting EATA Test and their eligibility as per u/c policy may be considered.

Para 3 is incorrect, Para 3 is also not admitted. EATA Test was announced and the overall marks and eligibility of the Petitioner, as Per Educational qualification the Petitioner had occupied third position in the U/c Merit List, while there were only 2 posts available for the successful candidates, who were more eligible than the Petitioner.

Hence the plea of the Petitioner is not maintainable.

(Copy of original Merit List is annexed as A)

Para is misconceiving and not admitted. That the Merit List attached at Annexure-I is fictitious and fabricated, wherein Respondent No.5 has not been shown. In fact, the Petitioner was at S.No.3 in the Merit List, which is tantamount of suppressing the material facts on the part of the Petitioner.

Para is incorrect. Para also needs proof. Respondent 5 was a deserving candidate having top position in the Merit List, besides being a bonafide resident of u/c Lissan nawab and, by all appearance, entitled for the post. While Respondent 6 is an illegal appointee, who has been placed under Departmental proceedings through the findings of enquiry and also is liable to meet the consequent of dismissal.

(Copy of contents of the said enquiry is annexed as B)

Para is incorrect. Para also needs proof. That the contention of the Petitioner is quite baseless. As has already been mentioned in the foregoing para that Petitioner was at S.No.3 in the Merit list of her union council. The copies of applications annexed at Annexure-J & K were not submitted by the petitioners but were submitted by Mr. Asif Mehmood.

No Comments.

No Comments.

No Comments.

CONCLUSIONS:

Para is incorrect. Para also needs proof. That appointment were made in accordance with the policy and nothing can be termed as illegal malafide on the part of Respondent.

Para is incorrect. Para also needs proof. 2 vacant posts in at u/c Lissan Nawab had been filled by way of merit. Where as the Petitioner was not entitle, as per educational qualification.

Incorrect. Para also needs proof. Merit List displayed the actual position of all the candidates.

Hence there is nothing to be termed as malafide.

Incorrect. Needs proof.



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3

It is, therefore humbly prayed that an acceptance of above comments the writ petition may graciously be dismissed with costs.

Respondent 1 _____
DEO (F) Mansehra.

Velled

10/2/15

Adv: Advocate General
Abbotabad



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AFFIDAVIT

I, Raja Fazaldad Superintendent SDEO (Female) District Education Officer (F) Mansehra, do, hereby solemnly affirm and declared that the contents of reply in the instant W.P No.760-A/2012 titled case Rafia Musadaq Versus Education are correct and true to the best of my knowledge and belief and I have concealed nothing as material facts before this Honorable Court.

Raja Fazaldad
DEPONENT

13101 - 9756005 - 7

709/147

147

Identified by

[Signature]
19/2/15

D. Sult: Advocate General,
Abbottabad

10 Feb 15
Raja Fazaldad Superintendent
SDEO (Female) Mansehra

[Signature]
15/2/15
10/2/15

INTRODUCTION:

DURING THE YEAR 2012 AND 13 IN OFFICE OF THE TDO, ELEMENTARY AND SECONDARY EDUCATION, DISTRICT MANSEHRA APPOINTMENTS OF FEMALE TEACHERS IN VARIOUS CADRES WERE CARRIED OUT PURSUANT TO AN ADVERTISEMENT PUBLISHED IN DAILY AAJ DATED: 20-05-2011, WHEREIN CERTAIN IRREGULARITIES/ILLEGALITIES IN VIOLATION OF RULES AND PRESCRIBED PROCEDURE WERE NOTED, THEREBY RESULTING IN BREACH OF MERIT/ILLEGAL PRACTICE AND IGNORING THE RIGHTFUL CANDIDATES.

1. The Competent Authority has constituted the enquiry committee, comprising the following officers vide Notification No: SO(S/M)S&SED/4-17/2013 to conduct formal enquiry against Mr. Umar Khan Ex-EDO (E & SE) (BS-19) Mansehra now DEO(M) Haripur and Miss. Shamim Akhtar Deputy DO (E & SE) Mansehra (BS-18) and others for the charges mentioned in the charge sheet and statement of allegations(Annex-A)

- i. SAYED. HIDAYAT JAN (PCS SG BS-20), Special Secretary, Agriculture Department, Khyber Pakhtunkhwa, Peshawar.
- ii. MUHAMMAD. KHALAQ BAIG, Principal (BS-20) R.I.T.E (M), Haripur.

2. Both the accused officers i.e. Mr. Umar Khan, Ex-DEO (E & SE) , Mansehra and Miss. Shamim Akhtar, Deputy District Officer(E & SE) , Mansehra have been charge sheeted as under:

a. The accused Mr. Umar Khan Ex-DEO (M) (E & SE) Mansehra presently posted as DEO(M) Haripur

i. That while posted as DEO (M) Mansehra (BS-19) committed the following irregularity (Annex-I)

MADE ILLEGAL APPOINTMENTS OF CT, DM, PET, AT, QARIAS AND PSTS (FEMALE) DURING THE YEAR 2012 AND 2013 IN VIOLATION OF RULES AND PRESCRIBED PROCEDURE IN DISTRICT MANSEHRA.

b. Mst. Shamim Akhtar Deputy District Officer (BS-18) Female (E & SE), Mansehra

i. That while posted as Deputy District Officer (BS-18) (Female) (E & SE), Mansehra, committed the following irregularity (Annex-II)

MADE ILLEGAL APPOINTMENTS OF CT, DM, PET, AT, QARIAS AND PSTS (FEMALE) DURING THE YEAR 2012 AND 2013 IN VIOLATION OF RULES AND PRESCRIBED PROCEDURE IN DISTRICT MANSEHRA.

Venue of Enquiry:

The enquiry was conducted in the office of Dy. DEO (Female) Mansehra.

PROCEEDINGS:

1. The committee informed both the accused officers vide No. PS/SSA/Enquiry /2013 Dated 25/7/2013. The District Accounts Officer Mansehra was also asked to provide copies of appointment orders of the teachers quoted in subject enquiry (Annex-III)

2. Copies of Charge sheets and Statements of allegations which were already sent to the both officers by the Department were re-submitted to them with the directions to submit their replies in the stipulated time.

3. The committee visited the office of DEO (Female) Mansehra on 01/8/2013 to conduct enquiry. Mr Umar Khan Ex EDO (E & SE) Mansehra and Miss Shamim Akhtar Dy. DEO (Female) Manshera were present alongwith their staff and attended the enquiry proceedings (Annex-IV)

[Handwritten signatures]

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2 of 59

The Present DEO (M) and Dy. DEO (F) Mansehra were asked to provide all the records and other related record mentioned in the letter to the committee on the day of enquiry vide. No: SS (AD) Enquiry/2013 Dated-01/08/2013 (Annex-V).

The enquiry proceedings continued on daily basis w.e.f 01-08-2013 and on the very second day, one of the accused Mr. Umar Khan, insisted on his designation as recorded in his reply to the Charge sheet/statement of allegations submitted to the committee, claiming that he had not served as DEO (Male) Mansehra during the year 2012 rather he had served as EDO(E & SE) Mansehra. Despite persuasion by the committee regarding factual position of the designation as contained in the Education Department Notification No: SO(S/M E&SED/3-12-2012/Management Cadre dated: 28-12-2012, he was still adamant not to change his stance. (Annex-V (A)).

On account of this, the committee immediately informed and requested the Administrative Department for rectification of the designation of the accused as contained in the charge sheet/statement of allegation vide letter No: SS (AD) Enquiry/2013 dated: 02-08-2013 and subsequent reminder of even number dated: 17-08-2013 (Annex-V(B-C)) viz a viz reminder to the department from the Chief Minister Secretariat, vide No: SO-1/CMS/KPK/3-12/2013/3514 dated: 27-08-2013 (Annex-V (D)).

The proceedings remained continued until the same were adjourned due to falling of Eid-ul-Fitr Holidays; Independence day, coupled with appearance in the PHC by Chairman of the Enquiry committee in an official case and proceedings on leave by most of the concerned staff of the office of DEO(F), Mansehra as well. The same were, however, resumed w.e.f 16-08-2013, and since action on rectification of designation of the accused couldn't be communicated to the committee, therefore, the Administrative Department was again reminded for early successful as well as granting an extension of two weeks vide letter No: SS (AD) Enquiry/2013 dated: 27-08-2013. (Annex-V (E)).

The Education Department vide their letter No: SO(S/M)E&SED/4-17/2013/Umer Khan dated: 02-Sept. 2013 intimated that a summary for rectification of the designation of the accused in the charge sheet /statement of allegation was moved to the Chief Minister, Khyber Pakhtunkhwa/Competent Authority. Similarly an extension for further two weeks w.e.f 27-08-2013 was also allowed vide letter quoted ibid (Annex-V (F)).

FACTS

REPLIES TO THE CHARGE SHEET:

REPLY OF MR UMER KHAN TO THE CHARGE SHEET:

Mr. Umar Khan EX- EDO E&SE Mansehra in his reply of charge sheet sent to the committee through registered cover vide NO:7475-76 Dated 27/07/2013 has taken the stand that he had not served as DEO (M) BS-19 Mansehra during the period 2012 but worked as EDO E&S BS-19 Mansehra w.e.f.01/03/2011/to 31/12/2012. He added that in the charge sheet it has been recorded that he while posted as DEO(M) BS-19 Mansehra committed the irregularities of making illegal appointments of female teachers during the year 2012 & 2013 in violation of rules and prescribed procedure in District Mansehra whereas he had not worked as DEO Male Mansehra during the said period. He further added that he was neither an authority for appointments for female side nor made even a single appointment of female teacher in capacity of posting as District Education Officer BS-19 (M) Mansehra and hence question of making illegal appointments of CT,DM,PET,AT,QARI, PST(Female) during the year 2012 and 2013 in violation of rules and prescribed procedure does not arise. He requested for the exemption from the charges and with-drawl of charge sheet from him (Annex-VI).

committee vide No. SS/(AD)/enquiry/2013 Dated: 02-8-2013 informed the Secretary and Secondary Education Department, Peshawar through Fax about the technical raised by Mr. Umar Khan regarding his reply that his designation was not DEO (M). The matter was brought into the notice of Department for taking appropriate action earliest regarding the rectification of designation in the charge sheet/statement of officers to avoid further complications/delay (Annex-VII).

A questionnaire regarding the illegal appointments /record and related matters was sent to both the officers i.e Mr. Umar Khan and Miss Shamim Akhtar on 01/08/13 which was filled by them on the day of enquiry. They were further given an opportunity to add /reveal their record/information in their defense (Annex -VIII).

REPLY TO THE QUESTIONNAIRE BY MR. UMAR KHAN

Mr. Umar Khan in his annotated reply to the questionnaire stated that presently he is working at Haripur. The question regarding appointment of CT, DM, PET, AT, Qari and PST issued under his signature during the year 2012 & 13 is related to the record and the concerned staff presently posted at DEO (M) and (F) offices Manshera will be in better position to provide required information to the committee for year 2012 and that he has not made any appointment as DEO(M) Manshera in the year 2013. He admitted that Chairman/Members of selection committees were appointed by him. Dy. DEO (F) had attended the meetings, copies of the merit lists were provided to all the members and that record of separate /initial appointment orders of all the cadres were in the record of office of the DEO(F) Manshera. He accepted that addition of a candidate of an AT (Female) at S.No. 9(A) was made as it was left-over but was on merit. His detailed annotated reply is added herewith (Annex-IX)

He further stated that the District Selection Committee had authorized the chairman for disposal of appeal if any.

REPLY TO THE CHARGE SHEET /ALLEGATIONS BY MISS. SHAMIM AKHTAR DY. DEO MANSHERA.

Miss. Shamim Akhtar denied the charges and termed the allegations as incorrect. She said that being DO female she was not appointing authority and did not make irregularity in appointment process. She said appointments were not within her jurisdiction and she cannot be responsible for these. All appointment orders were issued by the then EDO (E & SE) Manshera Mr. Umer Khan Kundi

She further submitted that she was appointed as DO female Manshera on 15/06/2011 and the appointment process of various cadres of school teachers was in progress. Mr. Umer Khan EDO E&SE Manshera was enjoying the full-fledged powers of the appointing authority and committees were constituted/appointed by Mr. Umer Khan EDO himself who went through the entire process of appointment, signed the entire confidential record and the same was kept in the custody of Mr. Umer Khan EDO and Mr. Farooq Supdtt Office of EDO (E&SE). Appointment orders were issued after the approval of DSC of whom she was also a member. **She further stated that some individual orders came to her notice and that she explained the irregularities in her personal capacity to the worthy Secretary E&SE Mr. Farooq Supdtt, Manshera, further she had not allowed the salaries to such appointees (Annex-X)**

On one individual illegal adjustment orders of a candidate, signed by Mr. Farooq Supdtt, Manshera, off of DEO female Manshera, she called explanation from Mr. Farooq Supdtt and brought the matter into the notice of worthy Secretary in a meeting at Peshawar. Mr. Farooq was advised and enquiry initiated against Mr. Umer Khan EDO E&SE Manshera and It is cleared that **she made notice of the irregularities to the Department and thereafter proceedings were initiated (Annex-XI)**

and that she had informed Mr. Umer Khan EDO, E& SE Manshera vide
S.Os 9485/19/9/2012 and 1722/24 Dated 17/12/2012 whereby a single order issued without
knowledge and verification (Annex-XII).

She further clarified that the merit list was signed by her during the course of preliminary
enquiry regarding irregular appointments conducted by Mr. Riaz Khan Swati EDO E&SE
Manshera. Mr. UMER KHAN requested her to sign the list which she did in the presence of Mr.
Farooq enquiry officer. She further stated that illegal appointments did not bear her
signature. She further elaborated that Mr. Umar Khan EDO E&SE Manshera was
the head, he made all the procedural measures and himself responsible for
irregularity and that she has been deliberately involved in the obnoxious
process whereas she had neither any role or concern in the matter. She further
requested for exoneration as she never committed any blunder or irregularities which has been
raised. She claimed to be innocent and wrongly involved and requested for personal hearing
immediately.

Statement of Miss. Shamim Akhtar DDO (F) on Affidavit.

She has also submitted an affidavit on solemn affirmation stating that she was
entirely parted from all the process of appointments by the then EDO, no meetings were
conducted in her and the record was in the custody of Mr. Farooq Supdt. and the then EDO.

That she had done her job honestly and impartially. After the issuance of general orders
came to her knowledge that illegal orders were made on the basis of appeals. She officially
informed the then EDO who didn't bother to reply it. She didn't have any appeal in her office
and no appeal can be decided without the approval of DSC but being the member of DSC she
was completely unaware about the appeals. The meeting of DSC which was held on 14/05/2012
and in the minutes of meeting she had not given the approval to EDO to decide the appeals and
this point was not discussed in the meeting. All the appointments were made by Mr. Umer Khan
and without consulting and by passing the committee. She prayed for exoneration from the
charges. (Annex-XIII)

REPLY TO QUESTIONNAIRE BY MISS SHAMIM AKHTAR DDO(F) MANSEHRA

21. In annotated reply to the Questionnaire, she confirmed that merit lists were prepared by
the committees constituted by Mr. Umar Khan and that all the record of appointment of CT,
PET, DM, AT, TT, PST, was in the custody of Superintendent Farooq and EDO Umar Khan and
she is aware of only one appeal of Khadija Bibi candidate of Disable quota. She further
confirmed that the name of Bibi Nageena at S.No 9(A) of the merit list of AT was added after
the signature of committee without her consent / signature. The same order was cancelled by
the EDO Umar Khan on 30-11-2012 but delivered to her on 23-04-2013 and she stopped her
pay. She added that she brought in to the notice of worthy Secretary Mr. Humayun and the
EDO through official correspondence regarding the issuance of irregular and out of merit orders
by the EDO E&S, Mansehra and that Mr. Farooq maintained all the record with him. Her
detailed reply is added at (Annex-XIV).

Statement on affidavit of Mohammad Farooq supdt: Office of District Education Officer E & SE Manshera.

22. Stated that the lists for test/interview were prepared by him and Naz Hussain Shah
Clerk. The concerned committees handed over to him the completed lists. The appeals for
correction of particulars were disposed off by the said committees. The appointment orders
were made on the final lists which were compiled by the committees. All the orders were issued
on merit. Copies of the orders which were issued on the acceptance of separate appeals were
placed on the file by him.

[Handwritten signatures]

Mr. Mohammad Farooq Supdt: further stated in separate reply that he has with him copies of nine orders only and nothing else (Annex-XV).

- 1. Aisfa Zameer D/O Sarzameer
- 2. Bibi Sarfaraz D/O Sarfaraz
- 3. Farah Mussaddaq D/O Mussaddaq Lohdi
- 4. Mehma Bibi D/O M. Aslam
- 5. Saba Khaleeq D/O Khaleequr Rehman
- 6. Saman Naz D/O Mohammad Younis
- 7. Sadaf Riaz D/O Mohammad Riaz
- 8. Memona Nawaz D/O Mohammad Nawaz
- 9. Nageena D/O Abdul Rashid

Statement of Mohammad Arshed Dispatch Clerk

Mohammad Arshed J/clerk solemnly recorded that during his duties as dispatch clerk (from 19.03.2011 to 2.7.2012) Mr. Umer Khan Khundi EDO mostly took the register with him and issued dispatch numbers himself or by someone. The dispatch numbers which were pointed out by the enquiry committee, have not been found entered, and that he was unaware about these numbers. The letters which were sent to him were entered by him on the Dispatch Register as per following details:

6557 dated 02.5.2012, 6294-6301 dated 26.5.2012, 6384-91 dated 28.5.2012, 6392-99 dated 28.5.2012, 6742-45 dated 30.5.2012.

He further stated that the following numbers were not entered by him in the dispatch register (Annex-XVI).

1. 5331-5359 dated 18.5.2012	10. 5360-5380 dated 18.5.2012
2. 5385-5413 dated 18.5.2012	11. 5920-5931 dated 18.5.2012
3. 5932-5943 dated 18.5.2012	12. 5944-5955 dated 18.5.2012
4. 6142 dated 23.5.2012	13. 6168-76 dated 24.5.2012
5. 6177-84 dated 24.5.2012	14. 6366-71 dated 28.5.2012
6. 6790-6849 dated 30.5.2012 this is not entered in register	15. 6840-6849 dated 30.5.2012
7. 6860-69 dated 30.5.2012	16. 6870-85 dated 30.5.2012
8. 6886-91 dated 30.5.2012	17. 6514-49 dated 30.5.2012
9. 6550-85 dated 30.5.2012	

Statement of Mohammad Ikram J/C

26. Stated on oath that he had been performing his duties as Dispatcher since 03.7.2012. The appointment orders bearing the signature Umer Khan Kundi EDO were verified by him (dispatcher) personally from the officer and after that he entered dispatch number. He further stated that only one copy of the appointment order was sent to him which he used to send back to the officer concerned after entering dispatch number. None of the teacher was delivered the appointment order through post or by hand through him. After 3.00 P.M he used to deliver the dispatch register to Mr. Umer Khan Kundi EDO who usually collected the register daily. (Annex-XVII).

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Maseera Begum Assistant District Education Officer (Female)

She solemnly stated that she has worked for the scrutiny of lists of AT, TT, Qaria. Necessary attention was made. The DO (F) Miss. Shamim Akhtar always directed them to work with honesty and keep vigilant eye, so that merit of the candidates may not suffer. The hand written lists were handed to Mr. Farooq supdt. Any addition or alteration in the computerized lists is the responsibility of concerned superintendent and computer branch. All the procedure of appointment process was done by Mr. Umer Khan Kundi EDO and Mr. Farooq supdt. (Annex-XVIII).

Rehman Assistant O/O DO(F)

He stated on oath that the lists were handed over to the supdt, after completion. No appeal was received through him. The record was with supdt of the concerned DO (F) is dutiful and honest officer. She has never provoked for any illegal action but always directed them to work with honesty and for the sake of Allah. She had not committed any dishonesty in the appointment process. (Annex-XIX).

Kaz Hussain Shah Junior clerk O/O DO(F)

He recorded on oath that he had collected the EATA form of the applicants only. Rest of work including merit list was completed by Mr. Farooq supdt. He further stated on oath DO (F) is an honest and dutiful officer. She had never provoked them for illegal activity but always led them toward honesty and dedication (Annex-XX).

All Assistant District Education Officers (Female) in their written statement/replies have recorded the present position of newly appointed PSTs in their concerned circles/areas which is annexed as (XXI (A-G)).

The teachers appointed on their individual appeals were also called through the office of Mansehra. Eight (08) female teachers of different cadres attended the enquiry on 16-08-2013 whereas two (02) others on 17-08-2013 and some remained absent. Replies to the questionnaire are as under: (Annex-XXII (A-J)).

Sr	Name & Father's Name	Appointed As	Reply
19	Robina Naz Jillani D/O Ghulam Jillani	AT	She recorded that her brother has submitted appeal for appointment in the office and he had received the appointment order by someone and that she did not remember EATA test roll number and the marks obtained. She is presently working at GGHS Kaghan and receiving salary. She even did not know her merit list number.
20	Bibi Nageena D/O Abdul Rasheed	AT	She has not recorded her roll number and marks obtained in EATA test and she did not remember the same. Her brother has submitted the appeal for appointment and also received her appointment order. She is also unaware about her service book and recorded her merit list No. as 09.

[Handwritten signature]

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the February 27, 2014

NOTIFICATION

NO.SO(S/M)E&SED/4-17/2013/Umar Khan DEO: WHEREAS Mr. Umar Khan Ex-Executive District Officer (BS-19), E&SE/ District Education Officer Male Mansehra (now District Education Officer Male Karak) was proceeded against under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules; 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS inquiry committee was constituted comprising the following officers to conduct formal inquiry against the accused officer, for the charges leveled against him in accordance with the rules.

i. Syed Hidayat Jan, (PCS SG BS-20), Special Secretary, Agricultural Department, Khyber Pakhtunkhwa Peshawar (now Secretary Zakat, Usher, and Social Welfare Department.

ii. Mr. Khallaq Daig Principal BS-20, RITE Male Haripur

3. AND WHEREAS the Inquiry committee after having examined the charges, evidence on record and explanation of the accused officer has submitted the report.

4. AND WHEREAS a show cause notice was served upon Mr. Umar Khan Ex-Executive District Officer (BS-19), E&SE/ District Education Officer Male Mansehra (now District Education Officer Male Karak) dated 25-12-2013 circulated to him on 01-01-2014.

5. AND WHEREAS the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the Show Cause Notice and personal hearing granted to him by Secretary Establishment Khyber Pakhtunkhwa on behalf of Chief Minister Khyber Pakhtunkhwa on 14-02-2014 at 1100 hours, is of the view that the charges against the accused officer have been proved.

6. NOW, THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose major penalty of **Removal from service** upon Mr. Umar Khan Ex-Executive District Officer (BS-19), E&SE/ District Education Officer Male Mansehra (now District Education Officer Male Karak) with immediate effect.

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the: -

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 3- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4- District Education Officer (Male), Mansehra/ Karak.
- 5- Mr. Umar Khan District Education Officer Male (BS-19) District Karak.
- 6- District Accounts Officer Mansehra/ Karak.
- 7- PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 8- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 9- PS to Special Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 10- Office order file.

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

Amx.
" M "

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To be substituted even endorsement No/Date

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&S EDUCATION MANSEHRA

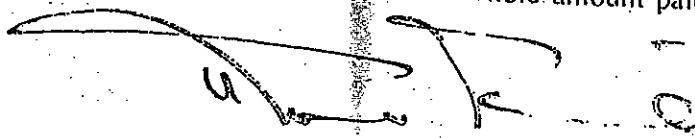
ORDER

In Continuation to this office endorsed No. 5360-5384/Estt; (F) Apptt: PST (F)/2011-12 dated 18/05/2012 on the acceptance of appeal the following candidates are hereby appointed as Primary School Teacher **PST (Female)** against vacant posts in their relevant union councils in **BPS 7 @ Rs.5800-320-15400** plus usual allowances as admissible under the rule on regular basis under the existing policy of provincial Government on the terms and conditions given below with immediate effect.

S#	Name of Candidate	Father's Name	U/Council	Place of Posting
1	Rafia Musadiq	Musadiq Lodhi	Lassan Nawab	GGPS Fateh Bandi
2	Nazma Bibi	Muhammad Aslam	Lassan Nawab	GGPS Angar Bain
3	Sab Khaliq	Khaliq ur Rehman	Lassan Nawab	GGPS Seri Malwal

TERMS & CONDITIONS:

1. Their appointments are purely on temporary basis and liable to termination at any stage without assigning any reason/notice.
2. They will be governed by such rules and regulations enforce and as may be prescribed by the Government from time to time for the category of the Government servants to which they belong.
3. In case they failed to assume the charge of their posts within 15 days of their appointment candidature-ship will be stand automatically cancelled.
4. Their services are regular but will not be entitled for pension/gratuity & they will not contribute any amount towards GP Fund however they will contribute CP fund on the prescribed rate & half contribution will be made by the Government.
5. They will submit to this office, their all testimonial and domicile/ UC Certificate from the secretary concerned union councils along-with bank drafts in the name of controller / treasurer of the concerned BISE / University within 7 days after the taking over charge for verification.
6. The release of the pay by the concerned DDOs will be subject to the receipt of verified documents by the appointing authority / (EDO E&SE Mansehra)
7. In case a document or documents is / are found fake or forged or Bogus on such scrutiny or all the verification, the service of the teachers concerned shall be terminated. The whole amount paid to



him/her as salary will be recovered and a case against him/her shall be registered under relevant section of Law.

8. Their services are liable to termination on one month prior notice from either side in case of resignation without prior notice, their one month pay/allowances if any shall be forfeited to Government Treasury.
9. Their services can be terminated at any time in case their performance is found unsatisfactory; they will be proceeded against under the removal from service under E&D Rules 2011.
10. They should produce Age & Health Certificate from the MS DHQ Hospital Mansehra.
11. They may not be handed over the charge if their age is above 35 years and below 18 years.
12. The Candidates who are working as regular before 1st July 2001 in pervious post, their entitled for pension / gratuity etc.
13. No. TA/DA etc is allowed.
14. Charge report should be submitted to all concerned in duplicate.

(Umar Khan Kundi)
EXECUTIVE DISTRICT OFFICER
E&S EDU: MANSEHRA

Endst: No. 6850-59 /Estt: (F)Apptt:PET(F)/2011-12 Dated Mansehra the 31st May 2012

Copy to the:-

1. Secretary to Govt: of KPK E&SE Department Peshawar.
2. Director E&SE Department KPK Peshawar.
3. District Accounts Officer, Mansehra.
- 4-5. District Officer (M&F) Local Office.
6. Deputy District Officer (Female) E&SE Mansehra.
7. PA to District Coordination Officer, Mansehra.
8. Budget & Accounts Officer, local office, Mansehra.
- 9-67. Candidates concerned.


EXECUTIVE DISTRICT OFFICER
E&S EDU: MANSEHRA

"N" کتب

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

NOTIFICATION

- 1:- Where as Mst. Rafia Mussadiq D/O Mussadiq Lohdi as PL GGHS/GGMS/GGP Fateh Bondi served with show cause notice under the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Revised Rules 2011 the charges mentioned in her Show Cause Notice
- 2:- And where as the inquiry committee comprising the following officers conducted an inquiry regarding the illegal appointments in the office of Ex- Executive District Officer Elementary and Secondary Education Mansehra.
 - i) Syed hidayat Jan, (PCS SG B-20) Agricultural Department Khyber Pakhtunkhwa, Peshawar (Lower Secretary Zakat, Usher and Social Welfare Department)
 - ii) Mr Akhalhaq Baig, Principal BS-20 RITE Male Haripur
- 3:- And where as the inquiry Committee after having examined the record pointed out that you were appointed illegally and against the recruitment rules and policy.
- 4:- And where as District Education Officer (Female) in the capacity of competent Authority, after having considered the charges, evidence on record, recommendation of report of the inquiry committee and replies in response to Show Cause Notices, is of the view that the charges against you have been proved
- 5:- Now, therefore, in exercise of the powers conferred under Khyber Pakhtunkhwa Govt Servants (Efficiency and Discipline) Revised Rules 2011 the District Education Officer (Female) Mansehra, in the capacity of competent Authority is pleased to impose major penalty of "DISMISSAL" from Govt. Services upon Mst. Rafia Mussadiq D/O Mussadiq Lohdi PL GGHS/GGMS/GGP Fateh Bondi

[Signature]
DISTRICT EDUCATION OFFICER
FEMALE MANSEHRA.

Endst: No. 1976-85 /AE. /Estab: dated 03/03 /2015.

- Copy to the:-
1. Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa, Peshawar
 2. Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar
 3. District Accounts Officer Mansehra.
 4. District Monitoring Officer Mansehra.
 5. Deputy Commissioner Mansehra.
 6. Principal/Headmistress _____
 7. SDEO(F) Mansehra.
 8. Budget and Accounts Officer Local Office.
 9. Mst: _____
 10. Office File.

[Signature]
DISTRICT EDUCATION OFFICER
FEMALE MANSEHRA.

ANX, 016

46

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH



In Re:

Rafia Mussadiq daughter of Muhammed Mussadiq resident of Batal Mara,
Lassan Nawab Shab Post Office, Lassan Nawab Tehsil & District Mansehra.

....PETITIONER

VERSUS

1. -Government of Khyber Pakhtunkhawa through Chief Secretary Khyber Pakhtunkhawa, Peshawar.
2. Director School and Literacy Department Govt. of Khyber Pakhtunkhawa.
3. Executive District Officer, (Elementary & Secondary) Education, District Mansehra.
4. District Coordinate Officer, District Mansehra.
5. Sobia' Irshad D/o Muhammad Arshad resident of Union Council Lassan Nawab, Tehsil & District Mansehra.
6. Saba Khaleeq D/o Khaleeq ur Rehman resident of Union Council Lassan Nawab, Tehsil & District Mansehra.

....RESPONDENTS

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EXAMINER
16 SEP 2019
Peshawar High Court, Abbottabad Bench
Authorized Under Sec 5 of the Evidence Ordinance, 1974

No 2355
12-10-12

WARRANT PETITION

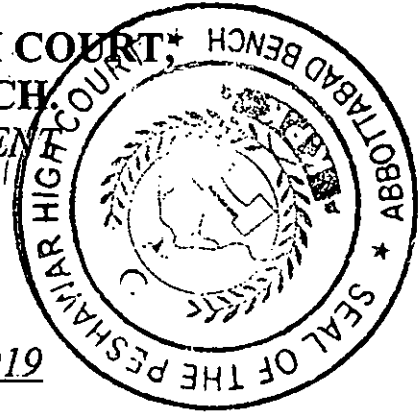
UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 SOLICITING DECLARATION TO THE EFFECT THAT PETITIONER BEING QUALIFIED FOR THE POST (PRIMARY SCHOOL TEACHER) (FEMALE) TEACHER IS ENTITLED TO BE

Additional Registrar
Peshawar High Court
Abbottabad Bench

Judgment Sheet

**IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH
JUDICIAL DEPARTMENT**

W.P. No. 760-A/2012.

JUDGMENT

Date of hearing: 21.05.2019

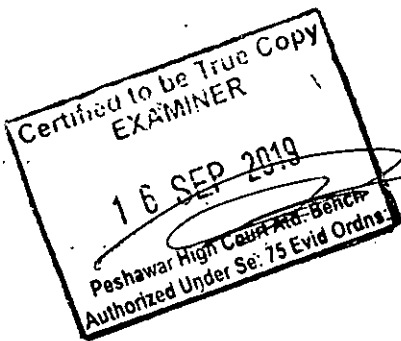
Petitioner (Rafia Mussadiq) by Mr. Muhammad
Shafique Awna,
Advocate.

Official Respondents by: Raja Muhammad
Zubair, AAG.

Respondent No. 6 by: Mr. Muhammad
Arshad Khan Tanoli,
Advocate.

IJAZ ANWAR, J:- The petitioner seeks the
constitutional jurisdiction of this Court praying
that:-

"On acceptance of instant writ petition, appointment order of respondents No. 5 & 6 be declared null and void, illegal, malafide, result of political influence without lawful authority and be order to be cancelled and respondents be directed to appoint petitioner as PST (Female) Teacher in union Council Lissan Nawab being qualified candidate as per law and policy of the government and merits of the list of union council Lissan Nawab Mansehra and any other relief which this honourable court deem fit



and proper in the circumstances of the case may also be granted."

2. Brief facts of the case are that the petitioner applied against the post of PTC Teacher and qualified the Eata Test. The petitioner was on serial No. 2 of final merit list. The candidate appearing on serial No. 1 was appointed, thus according to the petitioner, she became on the top of merit list, however, the respondents malafidely appointed respondents No. 5 and 6, as such petitioner has approached this court through the instant petition.

3. Arguments heard and record perused.

4. Perusal of the record reveals that the petitioner has called in question appointment of respondents No. 5 and 6 and prayed for her appointment in the instant writ petition. The record transpires that during the pendency of the instant writ petition, vide office order dated 31.05.2012, the petitioner was issued appointment letter, however, the writ petition was kept pending. Learned AAG stated that the petitioner as well as respondents

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EXAMINER
16 SEP 2019
Peshawar High Court And Bench
Authorized Under Se: 75 Evid Ordns:

No. 5 and 6 were subsequently terminated from service and the respondent No. 6 has then approached the Service Tribunal whose appeal has now been allowed by the Service Tribunal vide order dated 18.07.2018 and she was reinstated in Service with all back benefits.

5. Learned counsel for the petitioner, after consulting the petitioner stated at the bar that the termination notification dated 03.03.2015 whereby the services of the petitioner were terminated, has not been communicated to the petitioner.

6. Be that as it may, copy of the termination order handed over to the petitioner. Learned counsel for the petitioner, after receipt of termination letter, requested for withdrawal of this petition with permission to approach proper forum. Request granted. The petitioner may seek appropriate remedy in accordance with law, if she is so advised.

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EXAMINER
16 SEP 2019
Peshawar High Court Afd. Bench
Authorized Under Se: 75 Evid Ordns:

Announced.
Dt. 21.05.2019.

[Signature]
JUDGE

[Signature]
JUDGE

بخدمت جناب ڈائریکٹر ایلیمنٹری اینڈ سیکنڈری ایجوکیشن
خیبر پختون خواہ پشاور

اپیل برخلاف حکم مورخہ 03/03/2015 ڈسٹرکٹ ایجوکیشن آفس زنانہ مانسہرہ لیٹر نمبری
03/03/2015 جسکی رو سے ایپلانٹ کو نوکری
1976-85/AE-Establishment مجاریہ سے نکالے جائیگا غیر مجازانہ وغیر قانونی و مبنی برنا انصافی حکم صادر کیا گیا "استدعا ہے کہ ایپلانٹ کو نوکری پر
بطور PST بحال کیا جائے اور سابقہ مفادات بھی ایپلانٹ کو دیے جائیگا حکم صادر فرمایا جاوے۔"

جناب عالی! مضمون اپیل ذیل ہے۔

- 1- یہ کہ ایپلانٹ مستقل رہائش یونین کونسل لساں نواب تحصیل و ضلع مانسہرہ آباد اجداد سے چلی آرہی ہے۔ تائید میں نقل شناختی کارڈ و ڈومیسائل سرٹیفکیٹ لف بطور "A" & "B" ہیں۔
- 2- یہ کہ سائل نے اپنی تعلیم مختلف اداروں سے مکمل کی جس میں PTC کی ٹریننگ اور بی ایڈ کی تعلیم شامل ہے۔ تائید میں نقول سرٹیفکیٹ ہائے لف بطور "C", "D", "E", "F", "F-1" ہیں۔
- 3- یہ کہ محکمہ تعلیم مانسہرہ کی طرف سے مورخہ 20/05/2011 کو اساتذہ کی مختلف آسامیوں کے لئے روزنامہ آج میں اشتہار دیا گیا۔ نقل اشتہار لف بطور "G" ہے۔
- 4- یہ کہ ایپلانٹ نے بھی درخواست داخل کی اور ETA ٹیسٹ DEO مانسہرہ کے ذریعے ہوا اور میرٹ لسٹ ایپلانٹ کو ملی اُس میں ایپلانٹ کا دوسرا نمبر تھا۔ نقل لف بطور "H" ہے۔
- 5- یہ کہ سائل سے پہلے جو امیدوار تھی اُس کو بھرتی کیا گیا اور سائل کو بھرتی کرنیکی بجائے دیگر امیدواروں کو بھرتی کیا گیا جس میں ثوبیہ ارشاد اور صبا خلیق شامل ہیں۔

6- یہ کہ ایپلانٹ نے اپنے چچا آصف محمود کے ذریعے ایجوکیشن آفس مانسہرہ و DCO مانسہرہ کو درخواست دیں مگر کوئی شنوائی نہ ہوئی۔ نقول درخواست ہائے لف بطور "ا" ہیں۔

7- یہ کہ جب ایپلانٹ کی کوئی دادرسی نہ ہوئی تو ایپلانٹ نے فاضل عدالت عالیہ ایبٹ آباد سٹیج کے روبرورٹ پیش نمبر 760-A/12 دائر کی۔ نقل رٹ پیش لف بطور "ل" ہے۔

8- یہ کہ محکمہ کی طرف سے عدالت عالیہ کے روبرو معاملہ کولٹکا یا گیا اور بالا آخر محکمہ کی طرف سے مورخہ 10/02/2015 کو کمٹنس داخل کیے گئے جس میں اس بات سے انکار کیا گیا کہ سائلہ کا کوئی حق تعیناتی بنتا ہے۔ نقل کمٹنس محکمہ لف بطور "K" ہیں۔

9- یہ کہ محکمہ کی طرف سے موقوف اختیار کیا گیا کہ اُس وقت کے مانسہرہ کے EDO عمر خان نے غیر قانونی طور پر بھرتیاں کی تھیں جس میں ایپلانٹ بھی شامل ہے اور انکو ائری کے نتیجے میں عمر خان کو ملازمت سے برطرف کیا گیا۔ نیز اس انکو ائری میں یہ ظاہر کیا گیا کہ ایپلانٹ کی بھی بطور PST تعیناتی ہوئی تھی جبکہ محکمہ کی طرف سے داخل کردہ کمٹنس میں محکمہ والوں نے اس بابت بدینتی سے انکار کیا تھا۔ رپورٹ انکو ائری کی نقل لف بطور "L" ہے۔

10- یہ کہ انکو ائری رپورٹ شامل کرتے وقت محکمہ کی طرف سے ایپلانٹ اور دوسری خواتین کی تعیناتی کا خط بھی عدالت میں پیش کیا گیا جس سے ایپلانٹ پر یہ عیاں ہوا کہ ایپلانٹ کی تعیناتی اغذی طور پر کی گئی تھی مگر ایپلانٹ کو نہ تو تعیناتی کا کوئی خط جاری کیا گیا اور نہ ہی ایپلانٹ کو وصول ہوئی۔ نقل تعیناتی چٹھی نمبر 31/05/2012 مورخہ 2011-12، 6850/59/Estt:(F)Apptt:PET(F) لف بطور "M" ہے

11- یہ کہ مورخہ 21/05/2019 کو جب ایپلانٹ کی طرف سے دائر کردہ رٹ متذکرہ بالا کی سماعت شروع ہوئی تو محکمہ کی طرف سے پیش ہونے والے نمائندہ نے انکشاف کیا کہ ایپلانٹ کو کوئی سے چٹھی نمبر 1976-85/AE/Establishment

مورخہ 03/03/2015 کے ذریعے فارغ کر دیا گیا تھا اور نقل بھی روبرو عدالت حوالہ دیکل ایپلانٹ کی گئی۔ نقل چٹھی مذکورہ لف بطور "N" ہے۔

12- یہ کہ ایپلانٹ کے ساتھ شدید نا انصافی کی گئی نہ تو اسکی تعیناتی کے خط چٹھی ارسال کی گئی اور نہ ہی اسکو نوکری سے نکالنے کا حکم ارسال کیا گیا جو ایپلانٹ کو مذکورہ بالا تاریخ پر عدالت میں دیے گئے جس بناء پر ایپلانٹ نے اپنی رٹ واپس کی کیونکہ نوکری سے نکالنے کے حکم کے خلاف ایپلانٹ کا حق اپیل جناب کے روبرو بنتا ہے۔ نقل آرڈر عدالت مجاریہ 21/05/2019 لف بطور "O" ہے۔

13- یہ کہ ایپلانٹ نوکری سے نکالے جانے کے آرڈر مورخہ 03/03/2015 کے خلاف جناب کی خدمت میں اپیل دائر کر رہی ہے۔

وجوہات اپیل:-

i- یہ کہ حکم زیر اپیل نکالے جانے ایپلانٹ سے اسر غلط و خلاف قانونی اور مبنی برنا انصافی ہے اور دوسروں کے ناکردہ گناہ کی پاداش میں ایپلانٹ کو سزا دی جائے۔

ii- یہ کہ ایپلانٹ کو نوکری سے نکالے جانے کو حکم ایپلانٹ کو نام نہاد انکوٹری کے دوران شامل نہ کرنے اور دفاع کا موقع نہ دیے جائے اور ایپلانٹ کے متوقف کو سنے بغیر اسکی پشت پر جاری کیا گیا اس لئے یہ حکم قابل منسوخی ہے۔

iii- یہ کہ ایپلانٹ ٹیسٹ میں کم نمبر حاصل کرنیوالی قانون صباہ خلیق کو بھی نوکری سے نکالا گیا جسکی اپیل فاضل سروس ٹریبونل خیبر پختون خواہ نے مورخہ 18/07/2018 کو منظور فرمائی اور اسکو نوکری پر بحال کیا گیا اور اس کو اسکے سابقہ واجبات بھی ادا کرنے کا حکم صادر کیا گیا اور اسکے ساتھ مسماة نگینہ بی بی کی بھی اپیل دیگر اساتذہ کی طرح منظور کی گئی۔ نقل فیصلہ فاضل سروس ٹریبونل لف بطور "P" ہے۔

iv - یہ کہ مطابق قانون اپیلانٹ کے خلاف نہ تو انکوائری کی گئی اور نہ ہی قانون کے دیگر لوازمات پورے کیے گئے۔ محکمہ تعلیم کے اہلکاروں کی بدینتی اس سے صاف ظاہر ہے کہ اگر اپیلانٹ کو نوکری دی گئی تھی تو سال 2012ء سے لے کر 2015ء تک نوکری کا خط فاضل عدالت عالیہ میں پیش کیوں نہیں کیا گیا اور اگر سال 2015ء میں اپیلانٹ کو نوکری سے فارغ کر دیا تھا تو 4 سال تک محکمہ تعلیم کے اہلکاروں نے وہ خط فاضل عدالت عالیہ میں کیوں پیش نہیں کیا اور اپیلانٹ کو وہ خط رسال کیوں نہیں کیا گیا جو اس بناء پر سائل کو نوکری سے نکالنے کو حکم قابل منسوخی ہے اور سائل بھی نوکری پر دیگر اساتذہ کی طرح بحال ہونے کی حقدار اور سابقہ فوائد دلانے جانے کی حقدار ہے۔

لہذا استدعا ہے کہ بمنظوری اپیل ہذا اپیلانٹ کو نوکری سے نکالے جانے کا حکم مورخہ 03/03/2015 منسوخ فرمایا جا کر اپیلانٹ کو سابقہ مفادات کے ساتھ نوکری پر بحال فرمایا جائے۔

المرقوم 12-6-2019

Rafia =

رافعہ مصدقہ دختر مصدقہ لودھی ساکنہ بطل میرالساں نواب ڈاکخانہ لساں نواب ضلع مانسہرہ

(5)

Ana 'S" وکالت نامہ

کورٹ فیس

بعدالت خطاب سروس ٹریڈ اینڈ کمپنیز کے لیے KPK پشاور

عنوان: راقفہ معذوقہ نام حکومت KPK

منجانب: اعلیٰ عدالت راقفہ معذوقہ

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آں مقام

پشاور ایس آر کے لیے افتتاحی اصولی اور عدالت

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوفہ کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوفہ کو کرنے رضی نامہ و تقرر ثالث فیصلہ برطرف دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ و مرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا محکمہ صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا جہ سے باہر ہو تو وکیل صاحب موصوفہ پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر عمار مقرر کردہ میں کوئی جزو بچایا ہو تو وکیل صاحب موصوفہ

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمبراد استجارت ثالث بیخیزہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوفہ کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 20/9/2019

بمقام: ایس آر پشاور

راقفہ معذوقہ دستخط و درجہ
Rafia

Attested & signed.
20/9/19