

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

Service Appeal No. 1403/2019

Date of Institution ... 07.10.2019

Date of Decision ... 27.06.2022

Mst. Naeema Shaheen D/O Rasool Khan. R/O Mohallah Madina Colony, Guli Bagh, Tehsil & District, Mardan.

... (Appellant)

**VERSUS**

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

... (Respondents)

MR. AMJID ALI,  
Advocate

--- For appellant.

MR. NASEER-UD-DIN SHAH,  
Assistant Advocate General

--- For respondents.

MR. SALAH-UD-DIN  
MS. ROZINA REHMAN

--- MEMBER (JUDICIAL)  
--- MEMBER (JUDICIAL)

**JUDGMENT:**

SALAH-UD-DIN, MEMBER:- Shortly stated the facts as alleged by the appellant in her appeal are that after participation in competitive examination, the appellant was appointed as ASDEO (F) (BPS-16) vide Notification dated 12.07.2016, upon recommendations of Khyber Pakhtunkhwa Public Service Commission; that the appointment order of the appellant was verified vide order dated 28.11.2016 issued by Deputy Director Establishment (F) Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar and her pay was released vide order dated 15.12.2016 passed by District Education Officer (F) Mardan; that the appellant was properly performing her duty, however her appointment order was withdrawn vide order dated

29.05.2019 passed by Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar and recovery of salary was also ordered vide order dated 31.05.2019; that both the aforementioned orders being wrong and illegal are liable to be set-aside; that the appellant filed departmental appeal, which was not responded within the statutory period, hence the instant service appeal.

2. Respondents contested the appeal by way of submitting para-wise comments, wherein they controverted the stance taken by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the appellant was properly appointed as ASDEO (F) upon recommendations of Khyber Pakhtunkhwa Public Service Commission; that after performing of her duty with zeal and zest for about three years, the appointment order of the appellant was wrongly and illegally withdrawn vide impugned order dated 29.05.2019; that no regular inquiry was conducted in the matter and appointment order of the appellant was withdrawn without any legal justification; that no opportunity of self defense or personal hearing was provided to the appellant and she has been treated with discrimination; that the appointment order of the appellant was verified from the concerned quarter, therefore, the impugned order of recovery of salaries from the appellant is also wrong and illegal. Reliance was placed on 2011 PLC (C.S) 1296 and judgment of this Tribunal dated 19.01.2022 passed in Service Appeal No. 826/2019 titled "Mst. Sadia Bibi Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar".

4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant had not at all appeared in the competitive examination for the post of ASDEO (F), which fact has been affirmed through letter dated 20.02.2019, issued by Assistant Director (III) Khyber Pakhtunkhwa Public Service Commission; that a thorough inquiry was conducted in the matter and it was found that the appellant had procured her appointment through bogus




means, therefore, the competent Authority has rightly withdrawn the appointment order of the appellant by declaring the same as void ab-initio being fake and bogus; that the appellant had procured her appointment through fake and bogus recommendation letter of Khyber Pakhtunkhwa Public Service Commission, therefore, the competent Authority was justified in issuing order for recovery of the salaries paid to the appellant.

5. We have heard the arguments of learned counsel for the appellant as well as learned Assistant Advocate General for the respondents and have perused the record.


6. A perusal of the record would show that vide Notification dated 12.07.2016, the appellant was appointed as ASDEO (F) upon recommendations of Khyber Pakhtunkhwa Public Service Commission. Vide impugned order dated 29.05.2019 passed by Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, the order of appointment of the appellant was withdrawn on the ground that the same was procured by the appellant through production of fake and bogus recommendation letter of the Khyber Pakhtunkhwa Public Service Commission. On bare perusal of the impugned order dated 29.05.2019, it is evident that no regular inquiry was conducted in the matter and the appellant was thus condemned unheard. The appellant has served for about three years, therefore, competent Authority was required to have conducted a proper inquiry into the matter prior to passing of the impugned order dated 29.05.2019, whereby the appointment order of the appellant has been withdrawn. The appellant has not been provided fair opportunity to defend herself. The impugned order is, therefore, not sustainable in the eye of law and is liable to be set-aside.

7. Consequently, the appeal in hand is allowed by setting-aside the impugned order. The appellant is reinstated in service for the purpose of inquiry and the matter is remitted to the competent Authority to conduct regular inquiry within a period of 60 days of receipt of copy of this judgment. The appellant shall be associated with the inquiry by providing her fair




opportunity of defending herself. In view of peculiar nature of controversy in question, the issue of salary as well as back benefits shall be subject to outcome of the inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
27.06.2022



(ROZINA REHMAN)  
MEMBER (JUDICIAL)



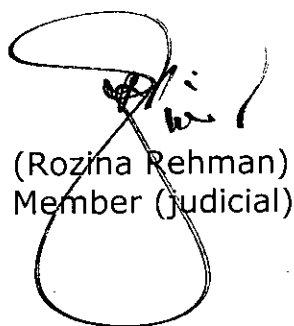
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

ORDER  
27.06.2022

Appellant alongwith her counsel present. Mr. Bakhmal Jan, Assistant Director (Litigation) and Mr. Muhammad Tufail, Assistant alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting-aside the impugned order. The appellant is reinstated in service for the purpose of inquiry and the matter is remitted to the competent Authority to conduct regular inquiry within a period of 60 days of receipt of copy of this judgment. The appellant shall be associated with the inquiry by providing her fair opportunity of defending herself. In view of peculiar nature of controversy in question, the issue of salary as well as back benefits shall be subject to outcome of the inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
27.06.2022



(Rozina Rehman)  
Member (Judicial)

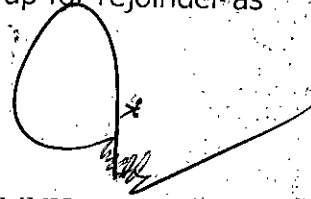


(Salah-Ud-Din)  
Member (Judicial)

26.04.2022

Husband of the appellant. Mr. Muhammad Adeel Butt, Addl:  
AG alongwith Mr. Asif Nawaz, Assistant for respondents present.

Written reply/comments on behalf of the respondents  
submitted which is placed on file. A copy of the same is handed  
over to the husband of the appellant. To come up for rejoinder as  
well as arguments on 27.06.2022 before D.B.


  
(MIAN MUHAMMAD)  
MEMBER(E)

6

26.01.2022

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG present. No representative of the respondents is in attendance.

Learned counsel for the appellant has submitted an application for impleadment of Khyber Pakhtunkhwa Public Service Commission in the penal of respondents. Application is accepted. Khyber Pakhtunkhwa Public Service Commission through its Secretary is impleaded as respondent. Office is required to make necessary entries in the heading of appeal as well as relevant register. Learned counsel for the appellant is directed to provide a set of appeal complete in all respect within three days for the newly impleaded respondent. Thereafter, notice be issued to him. Fresh notices shall be also issued to other respondents by way of last chance. To come up for written reply/comments of respondents No. 1 to 6 on 08.03.2022 before S.B.

  
(Atiq Ur Rehman Wazir)  
Member (E)

08.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 30.05.2022 for the same as before.

  
Reader.

12.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

Chairman

Stipulated period passed reply not submitted.

09/01/2022. Due to unavailability of the bench, the case is adjourned to 14/01/2022

Reader

Chairman

(Atiq Ur Rehman Wazir)  
Member (E)

to 6 on 08.03.2022 before S.B.

chance. To come up for written reply/comments of respondents No.

notices shall be also issued to other respondents by way of last

14.01.2022. Appellant with counsel present. Mr. Kabirullah Khattak,

Addl. A.G. for respondents present.

Reply/comments on behalf of official respondents are

still awaited. Learned Additional Advocate General sought time

for submission of reply/comments. Last opportunity is granted.

To come up for reply/comments before the S.B. on 26.01.2022.

Commission in the penal of respondents. Application is accepted.

application for amendment of Khyber Pakhtunkhwa Public Service

(Atiq-Ur-Rehman Wazir)

Member (E)

26.01.2022



20.12.2021

Mr. Yasir Khan, Advocate, junior or learned counsel for the appellant present. Mr. Asif Masoodi Ali Shah, Deputy District Attorney for respondents present.

Junior of learned counsel for the appellant requested for adjournment as senior counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 15.02.2022.

(Atiq Ur Rehman Wazir)  
Member (E)

Chairman

The bottom of the page contains several handwritten signatures and stamps. On the right side, there is a circular stamp with illegible text inside. Below it, there are several handwritten signatures in black ink, some of which appear to be initials or names. The overall appearance is that of a formal document with multiple signatories.

28.05.2021

Appellant present in person. Preliminary arguments heard.

Points raised 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 for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 01.09.2021.

Appellant Deposited  
Security & Process Fee

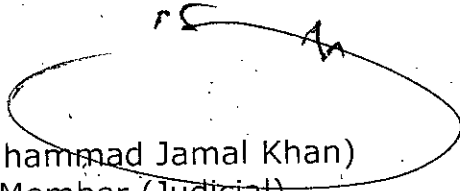
28/5/21



Chairman

19.10.2020

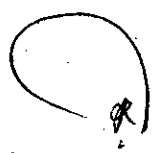
The legal fraternity is observing strike today, therefore, the case is adjourned to 23.12.2020 on which date to come up for preliminary hearing before S.B.

  
(Muhammad Jamal Khan)  
Member (Judicial)

23.12.2020

Junior counsel for appellant present.

He made a request for adjournment as senior counsel is not in attendance. Adjourned. To come up for preliminary hearing on 16.03.2021 before S.B.

  
(Rozina Rehman)  
Member (J)

16.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 23.06.2021 before S.B.

  
Reader

13.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 28.05.2021 for the same as before.

  
Reader

26.02.2020

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 31.03.2020 before S.B.

Member

31.03.2020


Due to public holiday on account of COVID-19, the case is adjourned to 23.06.2020 for the same. To come up for the same as before S.B.

  
Reader

23.06.2020

Nemo for the appellant.

Notice be issued to the appellant and her counsel for 17.08.2020 before S.B.

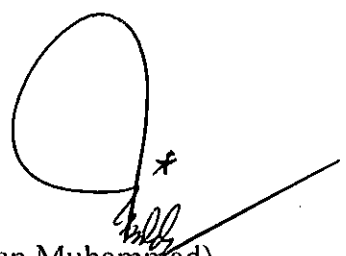
  
Member

17.08.2020

None for the appellant present.

Notices be issued to the appellant and his counsel for appearance.

Adjourned to 19.10.2020 before S.B.

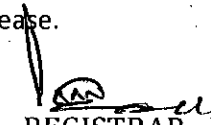



  
(Mian Muhammad)  
Member(E)

Form- A

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_ 1403/2019 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/10/2019	<p>The appeal of Mst. Naeema Shaheen resubmitted today by Mr. Amjid Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	25/10/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/12/19</u>.</p> <p> CHAIRMAN</p>
	09.12.2019	<p>Nemo for appellant.</p> <p>Notices be issued to appellant/counsel for preliminary hearing before S.B on 14.01.2020.</p> <p> Chairman</p>
	14.01.2020	<p>Junior to counsel for the appellant present.</p> <p>Requests for adjournment due to general strike of the Bar. Adjourned to 26.02.2020 before S.B.</p> <p> Chairman</p>

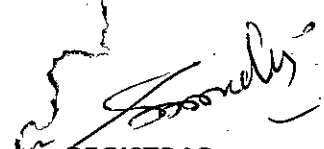
The appeal of Mst. Naeema Shaheen d/o Rasool Khan r/o Mohallah Madina Colony Guli Bagh Tehsil and District Mardan received today i.e. on 07.10.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Wakalat nama in favour of appellant be placed on file.

No. 1700 /S.T,

Dt. 8-10-2019.

Mr. Amjid Ali Adv. Mardan.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

*Go*

*objection has been removed and returned*



*24/10/19*

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA,  
SERVICE TRIBUNAL, PESHAWAR**

S.A.No. 1403 /2019

Mst. Naeema Shaheen.....Appellant

**VERSUS**

Govt. of Khyber Pakhtunkhwa through  
Secretary Education and others .....Respondents

**I N D E X**

S#	Description of documents.	Annexure	Pages.
1.	Service Appeal		1-3
2.	<i>Stay Application</i>		4
3.	Addresses of the parties.		5
4.	Copy of appointment order dated 18.01.2012	A	6-10
5.	Copy of appointment order dated 12.07.2016	B	11-17
6.	Copy of certificates	B/1	18-20
7.	Copy of order dated 28.11.2016	C	21
8.	Copy of order dated 15.12.2016	D	22
9.	Copy of order dated 29.05.2019	E	23
10.	Copy of recovery order dated 31.05.2019-2-6-2019	F	24-25
11.	Copy of appeal with P/o receipt	G	26-27
12.	Wakalatnama		28

Appellant *[Signature]*

Through

*[Signature]*  
Amjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

~~NO. 00~~

(1)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA,  
SERVICE TRIBUNAL, PESHAWAR**

S.A.No. 1403 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Mst. Naeema Shaheen D/o Rasool Khan  
R/o Mohallah Madina Colony,  
Guli Bagh, Tehsil & District, Mardan

Diary No. 1348

Date 07/10/2019

.....Appellant

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar
2. Director Education, Near Govt. Higher Secondary School, G.T Road, Peshawar.
3. District Education Officer (F), Mardan
4. Sub-Divisional Education Officer (F), Mardan
5. Deputy Director Establishment (F), Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

**SERVICE APPEAL U/S 4 OF SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE  
IMPUGNED WITHDRAWAL ORDER DATED  
29.05.2019 AND RECOVERY ORDER DATED  
31.05.2019, VIDE WHICH APPELLANT'S  
APPOINTMENT ORDER WAS WITHDRAWN  
AND HE WAS DIRECTED TO PAY BACK THE  
PAYMENT HE RECEIVED IN THIS RESPECT.**

Filed to-day  
07/10/19  
Registrar

**RESPECTFULLY SHEWETH:-**

1. That appellant was appointed as PST Teacher in District Mardan by respondent No.3 vide order dated 18.01.2012. (Copy of appointment order dated 18.01.2012 is Annex "A")
2. That appellant after proper competition and recommendation was recommended by the Public Service Commission, requisite qualification and appointed



as ASDEO (F) BPS-16 vide order dated 12.07.2016. (Copy of appointment order dated 12.07.2016 is Annex "B", and copy of certificates are Annex "B/1")

- 3. That vide order dated 28.11.2016 appointment order dated 12.07.2016 was verified by Deputy Director Establishment respondent No.5. (Copy of order dated 28.11.2016 is Annex "C")
- 4. That pay of appellant was released vide order dated 15.12.2016 by respondent No.3. (Copy of order dated 15.12.2016 is Annex "D")
- 5. That appellant performed his duties to the entire satisfaction of his superiors for 3 years and 4 months.
- 6. That to the utter shock and dismay of appellant, respondent No.2 withdrew appointment order dated 12.07.2016 of appellant vide order dated 29.05.2019 and order for recovery vide order dated 31.05.2019, which both orders are illegal, without lawful authority and liable to be set-aside. (Copy of order dated 29.05.2019 is Annex "E" and recovery order dated 31.05.2019 is Annex "F")
- 7. That being aggrieved, the appellant filed a departmental appeal, but despite lapse of the statutory period (Copy of appeal with P/o receipt is Annex "G" , the same has not been decided yet, hence instant appeal, inter-alia, on the following grounds:-

**GROUND**S

- A. Because no inquiry has been conducted into instant case.
- B. Because appellant has not been associated with any sort of inquiry.
- C. Because, it is right of appellant to be dealt with as per Article 4 of the Constitution, as E&D Rules, 2011 but no proceedings.
- D. Because no charge sheet has been given to appellant.
- E. Because no statement of allegation has been given to appellant.
- F. Because no show cause notice has been given to appellant.
- G. Because appellant has performed duty for which she has been paid, in such circumstances recovery can't be ordered.

- H. Because appellant has been discriminated, violating Article 25/27 of the Constitution.
- I. Because appellant is innocent and falsely been charged.
- J. Because principle of locus poententia is applicable to it with all force.
- K. Because appellant can't be deprived of both the posts i.e. ASDEO as well as PST.

**PRAYER:**

*It is, therefore, humbly requested that on acceptance of this appeal, the impugned withdrawal order dated 29.05.2019 and recovery order dated 31.05.2019 may please be declared as illegal without lawful authority and may please be set-aside and appellant may please be reinstated in service with all back benefits.*

*Any other relief deemed fit may also be graciously granted.*

Appellant

Through

Amjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

**AFFIDAVIT**

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.

Deponent



**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA,  
SERVICE TRIBUNAL, PESHAWAR**

CM.No. \_\_\_\_\_ /2019

IN

S.A.No. \_\_\_\_\_ /2019

Mst. Naeema Shaheen.....Appellant

**VERSUS**

Govt. of Khyber Pakhtunkhwa through  
Secretary Education and others .....Respondents

Application for suspension of operation of the  
impugned withdrawal order dated 29.05.2019  
and recovery order dated 31.05.2019 may  
please be suspended till decision of the case.

Respectfully Sheweth:

1. That the above titled appeal is being filed before this hon'ble Tribunal.
2. That the grounds of main appeal may kindly also be considered as part and parcel of this application.
3. That appellant is having a good prima-facie case in his favour and is also sanguine about its success.
4. That balance of convenience also lies in favour of appellant.
5. That if the relief as prayed for in the heading of this application is not granted, the very purpose of titled appeal will become infructuous.

It is, therefore, prayed that on acceptance of this application, the operation of the impugned withdrawal order dated 29.05.2019 and recovery order dated 31.05.2019 may please be suspended till decision of the case.

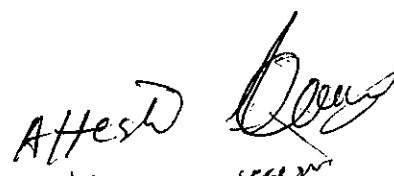
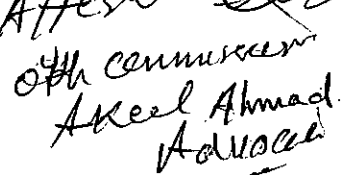
Appellant  
Through

  
**Amjad Ali (Mardan)**  
Advocate  
Supreme Court of Pakistan

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.

  
Deponent

  
Attest  
  
Attest



**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA,  
SERVICE TRIBUNAL, PESHAWAR**

S.A.No. \_\_\_\_\_/2019

Mst. Naeema Shaheen.....Appellant

**VERSUS**

Govt. of Khyber Pakhtunkhwa through  
Secretary Education and others .....Respondents

**MEMO OF ADDRESSES**

**APPELLANT:**

Mst. Naeema Shaheen D/o Rasool Khan  
R/o Mohallah Madina Colony,  
Guli Bagh, Tehsil & District, Mardan

**RESPONDENTS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar
2. Director Education, Near Govt. Higher Secondary School, G.T Road, Peshawar.
3. District Education Officer (F), Mardan
4. Sub-Divisional Education Officer (F), Mardan
5. Deputy Director Establishment (F), Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.

  
Appellant

Through

  
**Amjad Ali (Mardan)**  
Advocate  
Supreme Court of Pakistan

Better copy of page no

(67)

BETTER COPY

Office of The Exective Officer (E &Sec.) Education, Mardan

Officer order / Implementation of the Judgment.

Consequent upon the implementation of the Judgment Peshawar High Court Peshawar dated.07/12/2011 in Writ Petition No.1302,734,2239,2296 of 2010 Mst Romania , Muhammad Zeb Mst:Naeema Shaheen :Robi Yaqoob and Mst Nazia V/S Secretary (E&Se) Education. Peshawar and others and wide letter No So E& SED 1-4-2011 ,Wide Director latter No 3588/AD (Eligation-1)dated 23/12/2011 and vide DCO letter No 6577-75/DCO (M)HRDO dated 26/12/2012 and vide letter No 193-95/DCO (M) HRDO dated o9/0/2012 .The competent authority is pleased to appoint the following PSTs teachers in BPS-7 against the vacant post at the schools noted against each with effect.from the date of the judgment, incorrect the of Public service.

S No	Name and Father Name	U/C	School where appointed	Remarks
1	Romania D/O Said Hussain	Kdh Banwol	GGPS Sangao	Against vacant post
2	Mohammad Zeb S/O Muhammad Sher	Gujar Gari	GPS Mian Gano Cham	Do-
3	Naeema Shaheen D/O Rasool Khan	Goli Bagh	GGPS Hoti NO 1	Do- //
4	Robi Yaqoob D/O Mohammad Yaqoob	Charghuli	GGPS Charguli	Do-
5	Nazia D/O Muhammad kaleem	Garhi ismail zai	GGPS cham rang No 2	Do-

Note: 1. Serial No .3 will further adjusted at her own U/C when a post become vacant.

2. Terms and condition will be the same as mentioned in this office cndst: No 1575/G dated 19/02/2010.

Bahadar Khan Marwat

Exective Distt: Officer

(E&S)E ducation Mardan.

Endst No 588-93

Dated 18-01-2012

Copy of the above is fowrded to the,

1. So litigation Govt of KPK (E&S) Educatio, department Peshawar W/R letter no.abobe.
2. 2. Director (E&S) Education Peshawar w/r letter no above.
3. Distric CO- ordination officer Mardan w/r letter no above.
4. Depty District officer (M&F) Concerend)
5. All Concerend.

  
ADVOCATE  
SUPREME COURT

Exective Distt: Officer  
(E&S)Education  
Mardan.

*Annex A*

6

Consequent upon the implementation of the judgement of Peshawar High Court Peshawar dated. 02/12/2011 in writ-petitions No. 1302, 734, 2239, 2296 of 2010 titled Mst. Romania, Mohammad Zeh, Mst. Naeema Shaiheen, Mst. Rabi Yaqoob and Mst. Nazia V/S Secretary (E & Sec) Education Peshawar and others and wide letter No. 50(H) (E & Sec) / 1-1 / 2011 dated. 20/12/2011, wide Director letter No. 3588 / AD (Integration - I) dated. 23/12/2011 and wide DCO letter No. 5577 - 75 / DCO (M) HRDO dated. 26/12/2011 and wide letter No. 193 - 95 / DCO (M) HRDO dated. 09/01/2012. The competent authority is pleased to appoint the following PSTs teachers in UPS - 7 against the vacant post at the schools noted against each with effect from the date of the judgement, in the interest of public service.

S.No.	Name & Father's Name	NIC	School where appointed	Remarks
1.	Romania D/O Saif Hussain	Kohi Panjawal	GGPS Sangoo	Against vacant post
2.	Mohammad Zeh S/O Mohammad Shor	Guljar Gahki	GGPS Mian Cano Chum	-do-
3.	Naeema Shaiheen D/O Rasool Khan	Guljar Gahki	GGPS Hafiz No. 1	-do-
4.	Rabi Yaqoob D/O Mohammad Yaqoob	Chargah	GGPS Chargah	-do-
5.	Nazia D/O Mohammad Kaleem	Gahki Banail Zai	GGPS Chum Rang No. 2	-do-

Note: 1. Serial No. 3 will further adjusted at her own W/C when a post become vacant.

2. Terms and conditions will be the same as mentioned in this office order, No. 1575 / G dated. 19/02/2010.

(Signature) Executive District Officer (E & S) Education Mardan

Endst. No. 583-93

Dated 18-01-2012

Copy of the above is forwarded to the,

1. SD litigation Govt of Khyber Pakhtunkhwa (E & S) Education department Peshawar w/r letter no above.
2. Director (E & S) Education Peshawar w/r letter no. above.
3. District Co-ordination officer Mardan w/r letter no. above.
4. District Account Office Mardan.
5. Deputy District Officer (M&F) Concerned.
6. All concerned.

Head Mistress  
GGHS CHARGAH  
Mardan

(Signature)  
Executive District Officer  
(E & S) Education Mardan

Mussarat Begum  
SET  
GGHS Chum Rang Mardan

ADVOCATE  
SUPREME COURT

ADVOCATE  
SUPREME COURT

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (ERS) EDUCATION MARDAN.

RELEASE OF PAY.

(7)

Consequent upon the Academic/Professional Certificates/Degrees has been verified from the concerned Board/University by the D.D.O. (F) Mardan in respect of Mst: Naeema-Shaheen PST GGPS, Hoti No.1.(Mardan) vide her No. 646 dated, ~~28.5.2012~~ 28.5.2012, therefore, the pay of the above named mistress is hereby released with effect from the date of her taking over charge.

Necessary entry to this effect should be made in her service Book.

(BAHADAR KHAN MARWAT)  
EXECUTIVE DISTRICT OFFICER  
ELE: & SECY:EDU: MARDAN.

Endst:NO. 8741-42 /Pay release file, Dated Mardan the 12/6/2012

Copy forwarded to the :-

1. Deputy District Officer (Female) Mardan w/r to her No. & date cited above.
2. District Accounts Officer Mardan.

~~Signature~~  
EXECUTIVE DISTRICT OFFICER  
ELE: & SECY:EDU: MARDAN.

Deputy District Officer  
Hoti No.1  
Date 14/6/12

480 III  
d

*(Handwritten initials)*

*Signature*

*19/1/12*

*me into*

*Signature*

*Signature*

*Signature*

*Signature*

(8)

خارجی نوٹ

میں نے آرڈر نمبر 588-93 تاریخ 18/9/2012  
لعداد، دو نمبر بتایا ہے 18 سوری 2012 کو  
گواہت گزرا ہائی سکول پارہ پوٹی نمبر 1  
میں بطور ٹیچر خارج ہوا۔

خارج دیہوالی

خارج لیہوالی

Miglot

SMZ

Miglot  
Headmaster  
Gardian's Day School  
Karnal, India

Signature

Signature

Signature  
DATE

SECRET



(9)

گورنمنٹ گرلز ہائی اسکول

میں مس نکیٹ آرا بیڈ سٹریٹس آف

گورنمنٹ گرلز ہائی اسکول پار ہٹی

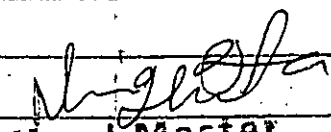
یہ اقرار کرتی ہوں کہ میں لعمہ سٹاپس ولد

حاجی رسول خان سکول فیزا میں سٹاپس ساہ

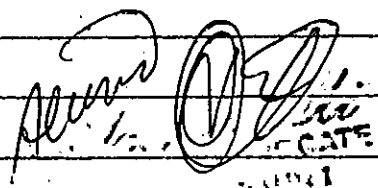
18 جنوری 2012ء سے بطور استانی اپنے

فرائض سر انجام دے رہی ہے۔ میں لعمہ سٹاپس

اپنے فرائض پوری اہمیت سے جوڑا کر رہی ہے۔



Head Master  
Govt. Girls P.S. School  
Par Hoti No. 1 Mardan



# MEDICAL CERTIFICATE

Name of official Naeema Shabeen ✓ (10)

Caste or race Muslim

Father's name Asad Khan ✓

Residence Canli Bakh Garden

Date of birth 16-04-1979 (As per card)

Exact height by measurement 5'3"

Personal mark of identification Scar on the forehead

Signature of the official \_\_\_\_\_

Signature of head of office \_\_\_\_\_

*[Handwritten signature]*  
25-6-12  
District Office  
Mardan

Seal of office \_\_\_\_\_

I do hereby certify that I have examined Mr. Naeema Shabeen candidate for employment in the Office of the ED (H.S.) Peshawar and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except \_\_\_\_\_

I do not consider this as disqualification for employment in the office of the Police His age according to his own statement 33 year and by appearance about year 33

*[Handwritten signature]*  
P.S.T.



LEFT HAND THUMB AND FINGER IMPRESSIONS

MEDICAL SUPERINTENDENT,  
CIVIL HOSPITAL Mardan  
District Hospital Mardan.

*[Handwritten signature]*

Dh 18/01/2012

Directorate of Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,  
9210437, 9210957, 9210468  
Fax 091-9210936  
E-mail [desekpk@yahoo.com](mailto:desekpk@yahoo.com)

Ann-B  
(71)



**NOTIFICATION**

Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, appointment of the candidate is hereby ordered against the post of ADEO/ASDEO(Female) BPS-16 (Rs.12910-1035-34960) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Management Cadre on the terms and condition given below with immediate effect and further their services are placed at the disposal of DEO(F) concerned for further posting against vacant ADEO/ASDEO(F) posts.

S. #	Name	Father Name	Domicile	Zone	Permanent address	Remarks
1	Mst. Naeema Shaheen	Rasool Khan	Mohmand Agency	I	Mohallah Madina Colony Guli Bagh Mardan	Service is placed at the disposal of DEO(F) Mardan for further posting against vacant ADEO/ASDEO posts.

**TERMS AND CONDITIONS:-**

- 1- Her service will be considered regular under the Khyber Pakhtunkhwa Civil Servant Amendment Act, 2013 and Finance Department Circular No SOSR-III/FD/12-1/2005 dated 27-02-2013.
- 2- Her service is liable to termination on one months notice from either side. In case of resignation without notice her one month pay/allowances shall be forfeited to the Government.
- 3- She should join the post within 30 days of the issuance of this notification. In case of failure to join her post within one month of the issuance of this notification, her appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 4- She should be on probation for a period of one year extendable for another one year.
- 5- She will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 6- Her service can be terminated at any time, in case her performance is found unsatisfactory during probationary period. In case of misconduct, she shall be proceeded under the rules framed from time to time.
- 7- Charge report should be submitted to all concerned.
- 8- The DEO (F) concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after one month of the issue of his posting orders.
- 9- The DEO(F) concerned will verify her documents before release of pay.
- 10- Her seniority will be maintained as determined by the Khyber Pakhtunkhwa Public Service Commission.
- 11- No TA/DA etc will be allowed to the appointee for joining her duty.

Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst.No. 171-75/A-17/ADEO(F) 2015-16/Public Service Commission Dated Peshawar the 12/7/2016

Copy of the above is forwarded to the:-

- 1- District Education Officer(Female) Mardan
- 2- District Account Officer, Mardan
- 3- Sub Divisional Education Officer(F) Mardan
- 4- Mistress concerned
- 5- PA to Director (E&SE) Local Office.
- 6- Master file.

\*/Naor/\*16/\*

*Anja P. P.*  
ADVOCATE  
SUPREME COURT

*[Signature]*  
12/7/16  
Deputy Director Establishment(F)  
(E&SE) Khyber Pakhtunkhwa,

*[Signature]*  
ADVOCATE  
SUPREME COURT

**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN**

(12)

**NOTIFICATION/ADJUSTMENT.**

Consequent upon the Services placed on the disposal of the under signed vide Director of Elementary & Secondary Education Khyber Pakhtun Khwa Peshawar Notification issued under Endst No.171-75/ A-17 ADEO(F) 2015-16/Public Service Commission dated Peshawar the 12-07.2016 Mst: **Naeema Shaheen** D/O **Rasool Khan** ADEO/ASDEO is hereby adjusted at Circle **Gujrat District Mardan**, from the date of taking over charge in the interest of Public service.

**Terms and condition:**

- 1 Their service will be considered regular under the Khyber Pakhtun Khwa civil servant amendment Acts,2013 and Finance Department Circular No. SOSR-III/FD/12-1/2005 dated 27-02-2013.
- 2 Her services is liable to termination on one months notice from either side. In case of resignation without notice her one month pay/allowances shall be forfeited to the Govt.:
- 3 She should join the post within 30 days of the issuance of this notification. In case of failure to join her post within one month of issuance of this notification, her appointment will expire automatically and no-subsequent appeal etc shall be entertained.
- 4 She should be on probation for a period of one year extendable for another one year.
- 5 She will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 6 Her service can be terminated at any time, in case her performance is found unsatisfactory during probationary period.
- 7 . In case of misconduct, She shall be proceeded under the rules framed from time to time.
- 8 Charge report should be submitted to all concerned.
- 9 The DDO concerned will verify her documents before release of pay.
- 10 The Seniority will maintained as determined by the Khyber Pakhtun Khwa public Service Commission.
- 11 No.TA/DA etc is allowed.

**(SAMINA GHANI)**  
DISTRICT EDUCATION OFFICER  
(FEMALE)MARDAN.

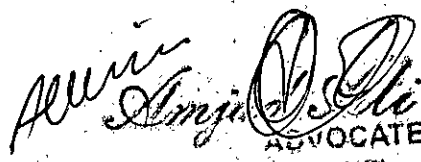
Endst;No. 5968-71 / Personal File, Naeema Shaheen Dated Mardan the 16/7 /2016

Copy forwarded for information and necessary action to the:-

- 1 Director (E&SE)Khyber Pakhtun khwa Peshawa,w/r to No. cited above.
- 2 District Accounts office Mardan.
- 3 SDEO(F) Mardan.
- 4 Official concerned.

  
DISTRICT EDUCATION OFFICER  
(FEMALE)MARDAN

*Ms. Jalal.*  
*Do The need full.*  
*15/7/16*

  
ADVOCATE  
SUPREME COURT

No. 171-75

REGISTERED

B. P. S. A

REGISTERED  
POSTAL  
OFFICE  
MADRAS

(13)

Mst. Naema Shaheen w/o Muhammad Khan

Mohallah Machine Colony  
Madan, Corbi Bagh Hoti

ESNAPUR CITY

POSTMASTER  
Director (B & SB)  
K. P. S. A.

جی. نائی  
محمد علی  
محمد علی

2373



**DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR**

NO. 5106 /A-17/ADEO/ASDEO/F/PSC/2015-16

Dated Peshawar the 28/11/2016

14  
14

To

The District Education Officer  
(Female) Mardan

**SUBJECT:- VERIFICATION OF APPOINTMENT ORDER**

Memo:-

I am directed to refer your letter No.10003 dated 23-11-2016 on the subject cited above and to inform you that the appointment order of the following ASDEO(F) issued vide this office Endst. No.171-75/A-17/ADEO/F/PSC/2015-16 dated 12-07-2016, Endst: No.2736-40 dated 15-04-2016, and Endst. No.3664-75 dated 22-02-2016, has been checked with office record and found correct:-

S.No	Name with father name	Order No & Date
1	Mst.Naeema Shaheen D/O Rasool Khan	No.171-75 dated 12-07-2016
2	Mst.Sarwat Samandar D/O Samandar Khan	No.2736-40 dated 15-04-2016
3	Mst.Bibi Sajida D/O Syed Muhammad Ibrahim	No.3664-75 dated 22-02-2016

\*Noor/16\*

DA's GST/ADD  
14/12/16

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

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



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

PHONE/FAX NO. 0937-9230150

Email Address:-emismardand\_deofemale @Yahoo.com

15  
15

NOTIFICATION /PAY RELEASE SANCTION

Consequent upon the verification of Academic /Professional Certificates /Degrees/ from the concerned Board /University through the Sub: Divisional Education Officer (Female)Mardan , vide No, 3399 dated,11-11 -2016, in respect of Mst, Naeema Shaheen D/O Rasool Khan ASDEO, Circle Gujrat Mardan, who is appointed / posted at ASDEO(F) Mardan vide Adjustment No.5968-71 dated 16-7-2016.

The Pay of the above Mst, Naeema Shaheen ASDEO(F) Circle Gujrat Mardan , is hereby released from the date of her taking over charge.

(Miss: Samina Ghani)  
DISTRICT EDUCATION OFFICER  
(FEMALE)MARDAN.

10858-59  
Endst:No. \_\_\_\_\_ / P.F/ Naeema Shaheen , ASDEO(F) Dated. 15/12 /2016.

Copy to the:-

1. District Account Officer, Mardan.
2. SDEO(F) Mardan w/r to No.3399 dated ,11-11 -2016.

*S. Khan*  
DISTRICT EDUCATION OFFICER  
(FEMALE)MARDAN.

*Attorney*  
*Advocate*  
ADVOCATE  
SUPREME COURT



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)

MARDAN

PHONE/FAX NO. 0937-9230150

Email Address: emismardan\_deofemale @Yahoo.com

(16)

No. 10003 /File, Naeema Shaheen ASDEO/DA-SST. Dated. 22/11 /2016.  
To

The Director  
(Elementary & Secondary)  
Education Khyber Pakhtun Khwa Peshawar.

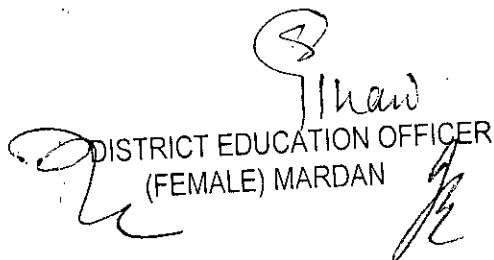
Subject: VERIFICATION OF APPOINTMENT/ADJUSTMENT ORDERS..

Memo:-

Reference your good office order Nos. detail as given below of the following ASDEOs who appointed/ adjusted in District Mardan, photo copies of their appointments forwarded herewith for favour of verification and early return to this office for further proceedings.

S.No.	Order No. & date	Name with father name.	Remarks
1	No.171-75 dated 12-7-2016	Mst. Naeema Shaheen D/O Rasool Khan	Photo copy of order attached.
2	No.2736-40 dated 15-4-2016	Mst. Sarwat Samandar D/O Samandar Khan	Photo copy of order attached.
3	3664-75 Dated 22-2-2016	Bibi Sajida D/O Syed Muhammad Ibrahim.	Photo copy of order attached.

Encl: As above.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) MARDAN

  
ADVOCATE  
SUPREME COURT



# MEDICAL CERTIFICATE

(17)

us/o Muhammed. Khan

Name of official MST: Noema Shaheen

Caste or race Azghan

Father's name Rasool Khan

Residence Mah: Madina Kalony Guli Bagh Hoti  
Mardan

Date of birth 16-04-1979

Exact height by measurement 5-6

Personal mark of identification a wound on fore head

Signature of the official [Signature]

Signature of head of office \_\_\_\_\_

Seal of office \_\_\_\_\_

I do hereby certify that I have examined Mr. Noema Shaheen a candidate for employment in the Office of the Edu: depart. ADO post and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except Nil

I do not consider this as disqualification for employment in the office of the Ac shen

His age according to his own statement (37) year and by appearance about thirty seven year.

[Signature]  
Secretary  
Standing Medical Board  
Police/Services, Peshawar

[Signature]  
35/06/2016  
MEDICAL SUPERINTENDENT,

CIVIL HOSPITAL  
Police/Service Hospital  
Peshawar  
35/06/2016

LEFT HAND THUMB AND FINGER IMPRESSIONS

[Signature]  
Physician  
Police/Services, Hospital,  
Peshawar

[Signature]  
ADVOCATE  
SUPREME COURT

S No. 5221

Roll No. 150530

Group. Pre-Medical



# Board of Intermediate and Secondary Education Peshawar NWFP Pakistan

INTERMEDIATE EXAMINATION  
SESSION 1997 - ANNUAL

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

*Ann-B/1*  
*(18)*

*This is to Certify that*                      **Naeema Shaheen**                      *Son/Daughter of*                      **Rasool Khan**  
*and a Student / resident of*              **Government Girls College Mardan**              *Registered No. 22-B/CM-95*              *has passed the*  
*Intermediate Examination of the Board of Intermediate & Secondary Education, Peshawar*  
*held in*              **May, 97**              *as a Regular/Private Candidate. He/She obtained*              **529**              *Marks out of*              **1100**  
*and has been placed in Grade*              **D**              *Representing*              **Fair**              *He/She has been awarded Grade*              **D**  
*on the basis of internal assessment by the institution concerned. The Examination was taken as a whole / in parts.*

*[Signature]*  
Asstt Secretary

*[Signature]*  
Secretary



UNIVERSITY OF PESHAWAR  
(Pakistan)

191

Bachelor of Education, Annual Examination 2003

Detailed Marks Certificate  
Required: Pass Percentage - 40, Aggregate Pass Percentage - 45

Name: *Naeema Shaheen*

Father's Name: *Rasool Khan*

Registration No. 98-MG-3232

Gender: *Female*

Roll No. 1755

The Candidate appeared from: *Mardan*

The Candidate secured 2nd division in THEORY and 2nd division in PRACTICE OF TEACHING; and has been placed in overall 2nd division.

Subjects / Papers

Marks Obtained

	Marks Obtained		
	Maximum Marks	In Words	
Educational Psychology, Guidance & Counselling	100	41	Forty One
Perspectives of Education & Contemporary Social Issues	100	59	Fifty Nine
Curriculum and Instructions	100	44	Forty Four
Islamiyat and Islamic Ethics / Islamic History (for Non Muslims)	50	22	Twenty Two
School Organization and Classroom Management	50	30	Thirty only
Functional English	50	21	Twenty One
Evaluation Techniques	50	22	Twenty Two
I. Methods of Teaching in <i>English</i>	100	43	Forty Three
II. Methods of Teaching in <i>Urdu</i>	100	53	Fifty Three
Elective Subject: <i>Foundation of Education</i>	100	60	Sixty only
Practice of Teaching	200	90	Ninety only
<b>Total:</b>	<b>1000</b>	<b>485</b>	<b>Four Hundred and Eighty Five</b>

Errors and omissions are subject to audit and rectification

The examination was passed in Parts

Examination held in Theory 26.07- 26.08. 2003  
Teaching Practice  
Regular Students (07-31) 05. 2003  
Private Candidates (10-20) 09. 2003  
Private Candidates (21-31) 09. 2003

*M. J. Khan*  
Controller of Examinations

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

OFFICE OF THE  
POLITICAL AGENT MOHMAND AGENCY

Domicile Certificate

Political Agent Mohmands  
Ghailanai  
(90)

Certified that Mr/Miss Naeema Shaheem  
Son / Daughter of Rasool Khan belongs to  
recognised tribe of Mohmand Section Muda khed and his / her  
father is a permanent bonafide resident of the tribal areas of Mohmand  
Agency sub Section Shahbaz kor village Saran Dasa and  
he / she is an eligible candidate to avail himself / herself of the seats  
reserved for the special Areas (Division Peshawar backward Areas  
Mohmand Agency).

Category B 3

729  
26-6-97  
Countersigned: Ghailanai

Political Naib Tahsildar  
Mohmand Agency  
Ghailanai  
No. \_\_\_\_\_ dated \_\_\_\_\_

Political Agent Mohmand  
Ghailanai  
Political Agent Mohmands  
Ghailanai

Assistant Political Agent  
Mohmand Agency  
Assistant Political Agent  
Upper Mohmands, Ghailanai  
No. 601 Dated 15-6-97

Advocate  
Supreme Court

Advocate  
Supreme Court



**DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION**  
**KHYBER PAKHTUNKHWA PESHAWAR**

NO. 5106 /A-17/ADEO/ASDEO/F/PSC/2015-16

Dated Peshawar the 28/11/2016

Annex-C

Annex-C

To

The District Education Officer  
(Female) Mardan

**SUBJECT:- VERIFICATION OF APPOINTMENT ORDER**

Memo:-

I am directed to refer your letter No.10003 dated 23-11-2016 on the subject cited above and to inform you that the appointment order of the following ASDEO(F) issued vide this office Endst. No.171-75/A-17/ADEO/F/PSC/2015-16 dated 12-07-2016, Endst: No.2736-40 dated 15-04-2016, and Endst. No.3664-75 dated 22-02-2016, has been checked with office record and found correct:-

S.No	Name with father name	Order No & Date
1	Mst.Naeema Shaheen D/O Rasool Khan	No.171-75 dated 12-07-2016
2	Mst.Sarwat Samandar D/O Samandar Khan	No.2736-40 dated 15-04-2016
3	Mst.Bibi Sajida D/O Syed Muhammad Ibrahim	No.3664-75 dated 22-02-2016

\*Noor/16\*

DA's GST/ADD

14/12/16

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

Advocate  
SUPREME COURT

Advocate  
SUPREME COURT

Aux-D

Annex-D

(99)



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

PHONE/FAX NO. 0937-9230150

Email Address: emismardand\_deofemale @Yahoo.com

NOTIFICATION /PAY RELEASE SANCTION

Consequent upon the verification of Academic /Professional Certificates /Degrees/ from the concerned Board /University through the Sub: Divisional Education Officer (Female)Mardan , vide No, 3399 dated,11-11 -2016, in respect of Mst, Naeema Shaheen D/O Rasool Khan ASDEO, Circle Gujrat Mardan, who is appointed / posted at ASDEO(F) Mardan vide Adjustment No.5968-71 dated 16-7-2016.

The Pay of the above Mst, Naeema Shaheen ASDEO(F) Circle Gujrat Mardan , is hereby released from the date of her taking over charge.

(Miss: Samina Ghani)

DISTRICT EDUCATION OFFICER  
(FEMALE)MARDAN.

10858-59  
Endst: No. \_\_\_\_\_ / P:F/ Naeema Shaheen , ASDEO(F) Dated. 15/12 /2016.

Copy to the:-

1. District Account Officer, Mardan.
2. SDEO(F) Mardan w/r to No.3399 dated ,11-11 -2016.

S  
Mhaw

DISTRICT EDUCATION OFFICER  
(FEMALE)MARDAN.

Mur  
Amir Ali  
ADVOCATE  
SUPREME COURT

Mur  
Amir Ali  
ADVOCATE  
SUPREME COURT

NOTIFICATION

Aux-E  
93

1. WHEREAS, One Mst. Naeema Shaheen D/O Rasool Khan domiciled Mohamand Agency resident of Mohallah Madina Colony Guli Bagh Mardan who was adjusted as ASDEO (Female) in District Mardan Notification vide No.171-75/ADEO(F)2015-16/Public Service Commission dated 02/02/2017 upon the production of fake & bogus recommendation letter of the Khyber Pakhtunkhwa Public Service Commission.
2. AND WHEREAS, the competent authority had directed the above said accused ASDEO to produce authentic/verified service record from the concerned authorities but she failed to comply with the legitimate directions of high-up's regarding production of requisite authentic documents.
3. AND WHEREAS, THE Asstt. Director II Khyber Pakhtunkhwa Public Service Commission verified/confirmed that Mst. Naeema Shaheen D/O Rasool Khan has neither applied for the post of ADEO (Management Cadre) nor recommended by the Public Service Commission as ADEO vide Letter No. PSC-/IX 005638-39 Dated 18-03-2019
4. AND WHEREAS, it has come into the notice of the competent authority that Mst. Naeema Shaheen D/O Rasool Khan having no legal status of the said appointment order as well as the recommendation letter of Public Service Commission which has been proved fake & bogus vide Public Service Commission Khyber Pakhtunkhwa Peshawar letter NO.PSC-/IX 003780 dated 20/02/2019.
5. NOW THEREFORE, under the mandatory provisions and power conferred under the section 20 & 21 of General Clauses Act 1897 as amended in 1956 and in pursuance of the scrutiny of selection/appointment record in respect of above mentioned ADEO/ASDEO which was found fake/bogus, their appointment /adjustment Notification No. 171-75 dated 12-07-2016 is hereby Withdrawn and declared as null & void ab initio with the direction to the District Education Officer concerned to recover salaries and other allied benefits drawn by Mst. Naeema Shaheen D/O Rasool Khan and to register FIR against the fake/bogus ASDEO in the interest of Public Service.

Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. \_\_\_\_\_ / F.No. A-17/ASDEOs/Naeema Shaheen Dated Peshawar the 29/5/2019.

Copy forwarded with the request to take legal action and recover the outstanding amount from the accused to the :-

1. Accountant General, Khyber Pakhtunkhwa Peshawar with the request to direct the DAOs concerned for appropriate action.
2. Director Anti Corruption, Hayat Abad Khyber Pakhtunkhwa Peshawar.
3. Assistant Director Anti Corruption, District Nowshera.
4. District Education Officer (Female) concerned.
5. District Accounts officer concerned with the request to cooperate in the matter.
6. Section Officer (S/F) E&SED, Khyber Pakhtunkhwa.
7. P.S to secretary E&SED, Khyber Pakhtunkhwa.
8. P.A to Director E&SED, Khyber Pakhtunkhwa

Deputy Director (F/Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

ADVOCATE  
SUPREME COURT

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN.

Endost: No. 5840/G / P/File. Naeema Shaheen ASDEO(F) Dated 31/05/2019.

Copy for information & necessary action to the:-

1. Director, E&SE Khyber Pakhtunkhwa Peshwar w/r to above.
2. Director, Anti Corruption for lodging the FIR against the above Fake/Bougus ASDEO (Female) Mardan.
3. District Accounts Officer Mardan.
4. P/S to Secretary to Govt: of E&SE Deptt: Peshawar.
5. Sub:Divisional Education Officer(Female) Mardan for taking further action as directed by the competent authority, and submit necessary action in written to this office for onward submission.

DISTRICT EDUCATION OFFICER  
(FEMALE) MARDAN

ADVOCATE  
SUPREME COURT



OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICE (FEMALE) MARDAN

Annex - F

No 107-10

Dated:- 31 / 5 / 2019

(24)

To

The Mst. Naeema Shaheen  
Ex- ASDEO Circle Sharqi Hoti  
Mardan.

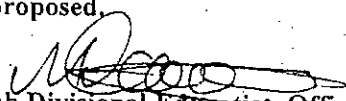
Subject:- RECOVERY.

Memo,

Reference District Education Officer (Female) Mardan Endst No.5840/G/P/File. Naeema Shaheen ASDEO(F) Dated:-31/05/2019.

Your appointment being found fake and as such your service discovered by the competent authority and further directed to recover all salaries TA/Con; Allowance etc, received during the entire period of your fake service.

You are therefore directed to attend this office along with all details of monetary benefits received from department within 03 days, to work out total recovery and its back deposit into Govt: Treasury failing which legal action by Admn: Department will be proposed.

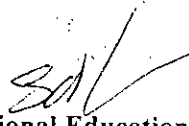
  
Sub Divisional Education Officer  
(Female) Mardan


Endst No \_\_\_\_\_ Dated: \_\_\_\_\_ / \_\_\_\_\_ / 2019.

Copy for information to the:-

1. P.A.Director (E&SE) Khyber Pakhtunkhwa Peshawar w/r/ to above.
2. District Education Officer (Female) Mardan.
3. Budget & Account local Office for similar necessary action please.

  
ADVOCATE  
SUPREME COURT

  
Sub Divisional Education Officer  
(Female) Mardan

  
ADVOCATE  
SUPREME COURT





# OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICE (FEMALE) MARDAN

No \_\_\_\_\_

Dated:- / /2019

(25)

To,

The District Education Officer  
(Female) Mardan.

Subject:- RECOVERY OF SALAIIES & ALLIED BENEFITS.

Respected Madam,

It is brought into your notice that Mst. Naeema Shaheen D/O Rasool Khan has been informed well on time in the light of Notification from the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar under Endst No.440-46/F.No.A-27/ASDEOs/Naeema Shaheen, Dated: 29/5/2019 ( Copy Attached) to submit all the details of her fakely received salaries & allied Benefits but she has not responded nor has she contacted us.

Now it is requested in your honour to please direct this office what further necessary action can be taken against her. This office waits for your kind advice instructions.

( Mst. Malak Taja)

Sub Divisional Education Officer

( Female) Mardan.

Endst No 273/S Dated: 2/6 /2019.

Copy for information to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Mardan.
3. MSt. Naeema Shaheen Ex- ASDEO Circle Sherqi Hoti.
4. Office File.

Sub Divisional Education Officer

( Female) Mardan.

ADVOCATE  
SUPREME COURT

Ann-G (85)

To,

Secretary,  
Elementary & Secondary Education,  
Govt. of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.

**Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 29.05.2019, WHEREBY APPLICANT'S APPOINTMENT ORDER HAS DATED 12.07.016 HAS BEEN WITHDRAWN**

Sir,

Appellant humbly submits as under:-


1. That applicant was initially appointed as PST on 08.01.2012 in GGPS Hoti No.1, Mardan. (Copy order is attached)
2. That later on, applicant was appointed as ASDEO (F), Mardan vide order No.171-75 on 12.07.2016. (Copy order is attached)
3. That applicant's documents were checked/ verified and found correct by the competent authority. (Copy of order is attached)
4. That on 15.12.2016, vide office order No.10858-59 applicant's pay release sanction was issued. (Copy of order is attached)
5. That applicant's has performed her duties satisfactory for 3 years & 4 months without a single complaint.
6. That astonishingly on 29.05.2019 vide an office order applicant's appointment order has been withdrawn malafidely without any logical reason. (Copy of order is attached)
7. That applicant is jobless.

*It is, therefore humbly prayed that, withdrawal order dated 29.05.2019 may please be set-aside and applicant may please be reinstated in service with all back benefits.*

Date: 12/6/2019

  
ADVOCATE  
SUPREME COURT

Appellant



Naeema Shaheen  
D/o Rasool Khan  
R/o Mohallah Madina Colony,  
Guli Bagh, District Mardan

2019 منجانب امجد علی

7/10/2019

حکومت

بنام

حماہ نعیم شاہین

مورخہ:

مقدمہ:

دعویٰ:

جزم:

### باعث تحریر آفندہ

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آج کے مقام پر کیلئے امجد علی ایڈووکیٹ، سپریم کورٹ آف پاکستان اسلام آباد

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ

پر حلف دیے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر

دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے سے اپیل نگرانی و نظر ثانی و پیروی کرنے کا

اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و جانہ

التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہوا یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سنڈ رہے۔

7/10/2019

امجد علی

7

المرقوم:

العبد

گواہ

العبد

بمقام اور کے لیے منظور ہے۔

Attested & Accepted  
Supreme Court

BC 105506

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing \_\_\_\_\_ -p/20 \_\_\_\_\_

In case No. 1403 -p/20 19

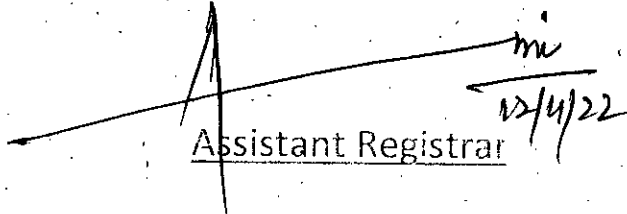
Mst. Naeema Shaheen vs. Sey. Education

Presented by Amjid Ali Advocate on behalf of Appellant. Entered in the relevant register.

Put up alongwith main case

REGISTRAR

Last date fixed	<u>08-03-2022</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	<u>Service Tribunal Defunct</u>
Date(s) fixed in the similar matter by the Branch Incharge	<u>—</u>
Available dates Readers/Assistant Registrar branch	<u>26-04-2022</u>

  
Assistant Registrar 12/4/22

REGISTRAR

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.**

Service Appeal No: 1403/2019

**Mst: Naeema Shaheen Ex- ASDEO (F) District Mardan.....Appellant.**

**VERSUS**

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

**JOINT PARAWISE COMMENTS ON & FOR BEHALF OF RESPONDENTS No: 1-5.**

Respectfully Sheweth:-

The Respondents 1-5 submit as under:-

**PRELIMINARY OBJECTIONS.**

1. **That** the Appellant has got no cause of action/locus standi.
2. **That** the instant Service Appeal is badly time barred.
3. **That** the Appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
4. **That** the instant Service Appeal is based on mala-fide intentions.
5. **That** the Appellant has not come to this Honorable Tribunal with clean hands.
6. **That** the Appellant is not entitled for the relief she has sought from this Honorable Tribunal for her reinstatement in service against the ASDEO (F) In B-16 post in the Respondent Department due to the production of fake & bogus recommendation letter of the Khyber Pakhtunkhwa Public Service Commission which has already denied vide letter No. PSC/IX.003780 dated 20-02-2019.
7. **That** the instant Service Appeal is against the prevailing law & rules.
8. **That** the instant Appeal is based on mala fide intentions just to put extra pressure on the Respondents for gaining illegal service benefits including her reinstatement in service in service against the ASDEO (F) In B-16 post in the Respondent Department due to the production of fake & bogus recommendation letter of the Khyber Pakhtunkhwa Public Service Commission which has already denied vide letter No. PSC/IX.003780 dated 20-02-2019.
9. **That** the instant Service Appeal is not maintainable in its present form.
10. **That** the instant Service Appeal is bad for mis-joinder & non-joinder of the necessary parties including the Khyber Pakhtunkhwa Public Service Commission on the strength of which the appellant is claiming her 1<sup>st</sup> appointment order/recommendations duly disowned by the commission vide the aforementioned letter.
11. **That** the instant Service Appeal is barred by law and limitation.

12. **That** the Appellant is not competent to file the instant appeal against the Respondents.
13. **That** the impugned order & Notifications dated 29-05-2019 & 31-05-2019 of the Respondent Department are legally competent & liable to be maintained in favor of the Respondents.
14. **That** no Departmental Appeal has been filed by the appellant to the Respondent Department against the impugned order & Notifications dated 29-05-2019 & 31-05-2019, hence, got finality against the appellant.
15. **That** the recommendation letter of the appellant has been declared as fake and bogus by the Khyber Pakhtunkhwa Public Service Commission.
16. **That** the Notification dated 12/07/2016 has correctly been disowned by the Respondent Department after due process of Law & procedure in field.

#### ON FACTS.

1. **That** Para-1, being pertains to the Service Record of the Appellant against the PST (F) post issued on dated 18-01-2012 by the Respondent No. 03 **Annex-A**.
2. **That** Para-2 is incorrect on the grounds that the recommendation letter dated 13-07-2016 of the appellant dated 12-07-2016 against the ASDEO (F) in BPS-16 post in the Respondent Department has been disowned by the Khyber Pakhtunkhwa Public Service Commission vide letter No. PSC/IX.003780 dated 20-02-2019 of being fake & bogus & even without any cogent record furthermore, Khyber Pakhtunkhwa Public Service Commission as a Respondent in the instant case on malafide intention just to avoid bringing the factual position by the commission before this honorable Tribunal & even it would be in the interest of justice to put the Khyber Pakhtunkhwa Public Service Commission on Notice for the submission of reply in the present case so as to meet both ends of justice attached recommendation letter is **Annexure-B**.
3. **That** Para-3 is also incorrect & denied on the grounds that the appellant has been found guilty of production fake & bogus recommendation letter Khyber Pakhtunkhwa Public Service Commission against the ASDEO (F) post which has already been disowned by the commission whom the appellant has not made as a necessary party in the column of the Respondent on mala fide intentions just to avoid bringing the factual position of the letter dated 12-07-2016 before this Honorable Bench, whereas, the plea regarding the verification of appointment order dated 12-07-2019 is illegal & even has been made on the basis of production fake & bogus letter dated 28-11-2016 before the Respondent No.03, therefore, the burden of proof lies upon the shoulders of the appellant in the given circumstances of the case copy of the letter dated 28-11-2016 is **Annexure-C**.
4. **That** Para-4 is also incorrect & denied on the grounds that the whole service record of the appellant is fake & bogus which has resulted in the recovery order dated 31-05-2019 from the appellants on the grounds of her induction against the ASDEO (F) post in BPS-16 on fake & bogus recommendation letter which has also been disowned by the commission vide his office letter No. PSC/IX.003780 dated 20-02-2019, hence, the claim of the appellant regarding release of her monthly salaries against the said post vide order dated 15-12-2016 is itself illegal & liable to be rejected in view of the aforesaid submissions made by the Respondents in the present reply & copy of the letter dated 15-12-2016 is **Annexure-D**.
5. **That** Para-5 is incorrect on the grounds as agitated in the forgoing paras, hence, needs no further comments.

6. **That** Para-6 is correct that vide Notification dated 29-05-2019 the 1<sup>st</sup> appointment order 12-07-2016 has been withdrawn as well as & order of recovery from the appellant vide letter dated 31-05-2019 has also been made by the Respondent Department under the provision of section-20 & 21 of General Clauses Act 1956 after due process of Law & procedure in field & copies of the cited letter dated 29-05-2019 & 31-05-2019 are attached as **Annexure-E & F**.
7. **That** Para-7 is also incorrect as no Departmental appeal against the Notification & order dated 29-05-2019 & 31-05-2019 has been filed by the appellant within time limitation, hence the appeal in hand is liable to be dismissed on the following inter alia:-

### GROUND.

- A **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy vide the above said Order & Notification dated 29-05-2019 & 31-05-2019 by the Respondent Department in the instance case, hence, the stand of the appellant is baseless & liable to be rejected on the grounds that the appellant was not a regular Civil Servants under section 2 (b) of Civil Servants Act 1973, hence, there was no need of inquiry as the letter dated 12-07-2016 has already been disowned by the Khyber Pakhtunkhwa Public Service Commission on dated 20-02-2019 & a copy of the letter is **Annexure-G**.
- B **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy by the Respondent Department in the instance case, hence, the stand of the appellant is baseless & liable to be rejected.
- C **Incorrect & not admitted.** The statement of the appellant is without any cogent reason & justification on the grounds as agitated in the foregoing paras of the present reply by the Respondents.
- D **Incorrect & not admitted.** The stand of the appellant is without any cogent reason & legal justification on the grounds that the documents of the appellant have been found fake & bogus by the respondents, hence, his services against the ASDEO (F) B-16 post has been disowned by the competent authority vide notification date 29-05-2019 along with the recovery of salaries vide letter dated 31-05-2019 under the relevant provisions of law & rules.
- E **Incorrect & not admitted.** The plea of the appellant is without justification & liable to be rejected in favor of the Respondent Department.
- F **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy vide the above said Order & Notification dated 29-05-2019 & 31-05-2019 by the Respondent Department in the instance case, hence, the stand of the appellant is baseless & liable to be rejected on the grounds that the appellant was not a regular Civil Servants under section 2 (b) of Civil Servants Act 1973, hence, there was no need of inquiry as the letter dated 12-07-2016 has already been disowned by the Khyber Pakhtunkhwa Public Service Commission on dated 20-02-2019.
- G **Incorrect & not admitted.** The stand of the appellant is without any cogent reason & legal justification on the grounds that the documents of the appellant have been found fake & bogus by the respondents, hence, his services against the ASDEO (F) B-16 post has been disowned by the competent authority vide notification date 29-05-2019 along with the recovery of salaries vide letter dated 31-05-2019 under the relevant provisions of law & rules.

H **Incorrect & not admitted.** The plea of the appellant is without justification & liable to be rejected in favor of the Respondent Department having not violating the provision of Articles-25 & 27 of the constitution of Islamic Republic of Pakistan 1973.


I **Incorrect & not admitted.** The statement of the appellant is without any cogent reason & justification on the grounds as agitated in the foregoing paras of the present reply by the Respondents.


J **Incorrect & not admitted.** The statement of the appellant is without any cogent reason & justification on the grounds as agitated in the foregoing paras of the present reply by the Respondents.

K **Incorrect & not admitted.** The statement of the appellant is without any cogent reason & justification on the grounds as agitated in the foregoing paras of the present reply by the Respondents. However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date fixed.

**In view of the above made submissions, it is most humbly prayed that this Honorable Tribunal may very graciously be pleased to dismiss the instant Appeal with cost in favor of the Respondent Department in the interest of justice.**


Dated \_\_\_/ \_\_\_/2022.

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

  
**DIRECTOR**  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 2-5)

**AFFIDAVIT**

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

  
Deponent





**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.**

C.M NO. \_\_\_\_\_/2019 Service Appeal No: 1403/2019

**Mst: Naeema Shaheen Ex- ASDEO (F) District Mardan.....Applicant.**

**VERSUS**

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

**REPLY TO THE APPLICATION ON BEHALF OF THE RESPONDANTS NO.1-5**

Respectfully Sheweth:-

The Respondents 1-5 submit as under:-

1. That para-1 needs no comments being relates to the record of this Honorable Tribunal.
2. That para-2 is also needs no comments, however, the facts & grounds taken in the main reply to the titled appeal may be treated as an integral part of reply of the instant application on behalf of the respondents No.1-5.
3. That para-3 is incorrect and denied. The stand of the applicant is without any proof as valuable legal rights are attached with the instant matter of the respondents & if the titled application has not been dismissed, then respondents shall suffer huge loss as the appellant has got no prima-pacie case in her favor.
4. That para-4 is also incorrect & denied as the respondents have got a very strong case in their favor with bright of success as the factor of balance of convenience is also in favor of the Respondents No.1-5 in the instant case.
5. That para-5 is incorrect & denied. The case of the applicant does not fall within the jurisdiction of this Honorable Tribunal under the relevant law & liable to be dismissed & if the operation of the Notification and order dated 29-05-2019 & 31-05-2019 have not been maintained by this Tribunal, then the Respondent Department shall suffer huge financial and administrative losses as this fake & bogus case of the appellant shall open a chain of litigation for the Respondent Department for no legal grounds & justification.

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

Dated \_\_\_/ \_\_\_/2022.

**DIRECTOR**

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 1-5)

**AFFIDAVIT**

**I. Dr. Hayat Khan Assistant Director (Litigation-II)** E&SE Department  
Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents  
of the instant Application are true & correct to the best of my knowledge & belief.

**Deponent**

Office Of The Executive Officer (E & Sec) Education, Mardan  
 Officer order / Implementation of the judgment

Annex-A  
 A  
 6

Consequent upon the implementation of the judgment of Peshawar High Court Peshawar dated. 07/12/2011 in writ-petitions No. 1302, 234, 2259, 2296 of 2010 titled Mst. Romania, Mohammad Zeh, Mst. Naqema Shaiheen, Mst. Rabi Yaqoob and Mst. Nazia W/S Secretary (E & Sec) Education Peshawar and others and wide letter No. SO(14) (E & Sec) / 1-4 / 2011 dated. 20/12/2011, wide Director letter No. 3586 / AD (Litigation - I) dated. 23/12/2011 and wide DCO letter No. 5777 - 78 / DCO (M) HRDO dated. 26/12/2011 and wide letter No. 1195 - 95 / DCO (M) HRDO dated. 09/01/2012. The competent authority is pleased to appoint the following PSTs teachers in posts - 7 against the vacant post at the school noted against each with effect from the date of the judgment, in the interest of public service.

S.NO.	Name & Father's Name	W/C	School where appointed	Remarks
1.	Romania D/O Saif Hussain	Kelso Muhammawol	GGPS Sungaoo	Against vacant post
2.	Mohammad Zeh S/O Mohammad Sheri	Gujan Gushi	GGPS Mian Gano Chum	-do-
3.	Naqema Shaiheen D/O Rasool Khan	Gul Bagh	GGPS Hoti No. 1	-do-
4.	Rabi Yaqoob D/O Mohammad Yaqoob	Charguli	GGPS Charguli	-do-
5.	Nazia D/O Mohammad Kaleem	Garhi Hamid Zai	GGPS Chum Rang No. 2	-do-

- Note: 1. Serial No. 3 will further adjusted at her own W/C when a post become vacant.  
 2. Terms and conditions will be the same as mentioned in this office order; No. 1575 / G dated. 19/02/2010.

(Signature)  
 Executive Officer  
 (E & S) Education Mardan

Endst. No. 588-93

Dated. 18-01-2012

- Copy of the above is forwarded to the,  
 1. SO Litigation Govt of Khyber Pakhtunkhwa (E & S) Education department Peshawar w/r letter no above.  
 2. Director (E & S) Education Peshawar w/r letter no. above.  
 3. District Co-ordination officer Mardan w/r letter no. above.  
 4. District Account Officer Mardan.  
 5. Deputy District Officer (N.S.F) concerned.  
 6. All concerned.

Head Mistress  
 GGHS Ch. GULLI  
 Mardan

(Signature)  
 Executive Officer  
 (E & S) Education Mardan

Mussarat Begum  
 SET  
 GGHS Ch. GULLI Mardan

(Signature)  
 Advocate  
 SUPREME COURT

(Signature)  
 Advocate  
 SUPREME COURT

BETTER COPY

Office of The Exective Officer (E &Sec.,)Education, Mardan

Officer order / Implementation of the Judgment.

Consequent upon the implementation of the Judgment Peshawar High Court Peshawar dated.07/12/2011 in Writ Petition No.1302,734,2239,2296 of 2010 Mst Romania , Muhammad Zeb Mst:Naeema Shaheen :Robi Yaqoob and Mst Nazia V/S Secretary (E&Se) Education. Peshawar and others and wide letter No So E& SED 1-4-2011 ,Wide Director latter No 3588/AD (Eligation-1)dated 23/12/2011 and vide DCO letter No 6577-75/DCO (M)HRDO dated 26/12/2012 and vide letter No 193-95/DCO (M) HRDO dated o9/0/2012 .The competent authority is pleased to appoint the following PSTs teachers in BPS-7 against the vacant post at the schools noted against each with effect from the date of the judgment, incorrect the of Public service.

S No	Name and Father Name	U/C	School where appointed	Remarks
1	Romania D/O Said Hussain	Kdh Banwol	GGPS Sangao	Against vacant post
2	Mohammad Zeb S/O Muhammad Sher	Gujar Gari	GPS Mian Gano Cham	Do-
3	Naeema Shaheen D/O Rasool Khan	Goli Bagh	GGPS Hoti NO 1	Do- //
4	Robi Yaqoob D/O Mohammad Yaqoob	Charghuli	GGPS Charguli	Do-
5	Nazia D/O Muhammad kaleem	Garhi ismail zai	GGPS cham rang No 2	Do-

Note: 1. Serial No .3 will further adjusted at her own U/C when a post' become vacant.

2. Terms and condition will be the same as mentioned in this office cndst: No 1575/G dated 19/02/2010.

Bahadar Khan Marwat

Exective Distt: Officer

(E&S)E ducation Mardan.

Endst No 588-93

Dated 18-01-2012

Copy of the above is fowrded to the,

1. So litigation Govt of KPK (E&S) Educatio, department Peshawar W/R letter no abobe.
2. 2. Director (E&S) Education Peshawar w/r letter no above.
3. Distric CO- ordination officer Mardan w/r letter no above.
4. Depty District officer (M&F) Concerend)
5. All Concerend.

*Sum*  
*Sum*  
ADVOCATE  
SUPREME COURT

Exective Distt: Officer  
(E&S)Education  
Mardan.



KHYBERPUKHTUNKHWA PUBLIC SERVICE COMMISSION  
2 Fort Road, Peshawar Cantt, (Near Governor House)  
PH No. 9213563, 9213750, 9214131 Fax No. 9211795

Annex B 108

No. PSC-IX 003780

Dated 20/12/2018

IMMEDIATE

DDF  
Put up today

to  
21/2/17

To

The Deputy Director,  
National Accountability Bureau, Block III PDA complex, Phase-V  
Hayatabad Peshawar.

Subject: Provision of information /record u/s 19 of NAO, 1999 – investigation against Fazal Manan S/o Fazal Hanan , Ex-Director Education , FATA and others regarding Corruption and Corrupt Practices in Illegal appointments (97266).

Dear Sir,

I am directed to refer to your letter No. 1/654/IW-II/NAB(kpk)(97266)/990 Dated 16.11.2018 on the subject noted above to state that the commission has rechecked its record which revealed that none of the following candidates has been recommended for the post of ADO Advertisement No 2/2015 S.No 26.

S.No	Name with F/Name	District /Zone	Remarks
1	Sadia Bibi D/O Muhammad Akram Shah	Moh. Agy/1	Sadia Akram D/O Muhammad Akram got 49 marks in the ability test she had not been interviewed against adv.2/2015 sr.26.
2	Saira D/O Ajmal Khan	Moh. Agy/1	She has neither applied for the posts of ADO nor appeared in interview adv.02/2015 sr.26.
3	Miss Naeema Shaheen d/o Rasool Khan	Moh. Agy/1	She has neither applied for the posts of ADO nor appeared in interview adv.02/2015 sr.26
	Miss Neelam d/o Fazal Malik	Moh. Agy/1	She has not applied for the posts of ADO nor appeared in interview adv.02/2015 sr.26.

Yours, Faithfully

(Masroof Gul)  
Assistant Director III

21/2

on  
on issued  
on  
on  
on



**DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION**

**KHYBER PAKHTUNKHWA PESHAWAR**

NO. 5106 /A-17/ADEO/ASDEO/F/PSC/2015-16

Dated Peshawar the 28 / 11 /2016

Annex - C  
(H) 9

(H)

To

The District Education Officer  
(Female) Mardan

**SUBJECT:- VERIFICATION OF APPOINTMENT ORDER**

Memo:-

I am directed to refer your letter No.10003 dated 23-11-2016 on the subject cited above and to inform you that the appointment order of the following ASDEO(F) issued vide this office Endst. No.171-75/A-17/ADEO/F/PSC/2015-16 dated 12-07-2016, Endst: No.2736-40 dated 15-04-2016, and Endst. No.3664-75 dated 22-02-2016, has been checked with office record and found correct:-

S.No	Name with father name	Order No & Date
1	Mst.Naeema Shaheen D/O Rasool Khan	No.171-75 dated 12-07-2016
2	Mst.Sarwat Samandar D/O Samandar Khan	No.2736-40 dated 15-04-2016
3	Mst.Bibi Sajida D/O Syed Muhammad Ibrahim	No.3664-75 dated 22-02-2016

\*Noor/16\*

DA's GST (ADD)

14/12/16

*[Signature]*  
Deputy Director Establishment (F)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

*[Signature]*  
ADVOCATE  
SUPREME COURT

Annex - D (10)  
125  
15

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN  
PHONE/FAX NO. 0937-9230150  
Email Address: cmismardand\_deofemale @Yahoo.com

NOTIFICATION /PAY RELEASE SANCTION

Consequent upon the verification of Academic /Professional Certificates /Degrees/ from the concerned Board /University through the Sub: Divisional Education Officer (Female) Mardan , vide No, 3399 dated, 11-11 -2016, in respect of Mst, Naeema Shaheen D/O Rasool Khan ASDEO, Circle Gujrat Mardan, who is appointed / posted at ASDEO(F) Mardan vide Adjustment No.5968-71 dated 16-7-2016.

The Pay of the above Mst, Naeema Shaheen ASDEO(F) Circle Gujrat Mardan , is hereby released from the date of her taking over charge.

(Miss: Samina Ghani)  
DISTRICT EDUCATION OFFICER  
(FEMALE) MARDAN.

10858-59  
Endst: No. \_\_\_\_\_ / P.F/ Naeema Shaheen , ASDEO(F) Dated. 15/12 /2016.

Copy to the:-

1. District Account Officer, Mardan.
2. SDEO(F) Mardan w/r to No.3399 dated ,11-11 -2016.

Shaw  
DISTRICT EDUCATION OFFICER  
(FEMALE) MARDAN.

Advocate  
SUPREME COURT

NOTIFICATION

Ann-E (11)  
F  
(13)

1. WHEREAS, One Mst. Naeema Shaheen D/O Rasool Khan domiciled Mohamad Agency resident of Mohallah Madina Colony Guli Bagh Mardan who was adjusted as ASDEO (Female) in District Mardan Notification vide No.171-75/ADEO(F)2015-16/Public Service Commission dated 02/02/2017 upon the production of fake & bogus recommendation letter of the Khyber Pakhtunkhwa Public Service Commission.
2. AND WHEREAS, the competent authority had directed the above said accused ASDEO to produce authentic/verified service record from the concerned authorities but she failed to comply with the legitimate directions of high-up's regarding production of requisite authentic documents.
3. AND WHEREAS, THE Asstt. Director II Khyber Pakhtunkhwa Public Service Commission verified/confirmed that Mst. Naeema Shaheen D/O Rasool Khan has neither applied for the post of ADEO (Management Cadre) nor recommended by the Public Service Commission as ADEO vide Letter No. PSC-/IX 005638-39 Dated 13-03-2019
4. AND WHEREAS, it has come into the notice of the competent authority that Mst. Naeema Shaheen D/O Rasool Khan having no legal status of the said appointment order as well as the recommendation letter of Public Service Commission which has been proved fake & bogus vide Public Service Commission Khyber Pakhtunkhwa Peshawar letter NO.PSC-/IX 003780 dated 20/02/2019.
5. NOW THEREFORE, under the mandatory provisions and power conferred under the section 20 & 21 of General Clauses Act 1897 as amended in 1956 and in pursuance of the scrutiny of selection/appointment record in respect of above mentioned ADEO/ASDEO which was found fake/bogus, their appointment /adjustment Notification No. 171-75 dated 12-07-2016 is hereby Withdrawn and declared as null & void ab initio with the direction to the District Education Officer concerned to recover salaries and other allied benefits drawn by Mst. Naeema Shaheen D/O Rasool Khan and to register FIR against the fake/bogus ASDEO in the interest of Public Service.

Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

4/4/19

Endst: No. \_\_\_\_\_ /F.No.A-17/ASDEOs/Naeema Shaheen Dated Peshawar the 29/5/2019.

Copy forwarded with the request to take legal action and recover the outstanding amount from the accused to the :-

1. Accountant General, Khyber Pakhtunkhwa Peshawar with the request to direct the DAOs concerned for appropriate action.
2. Director Anti Corruption, Hayat Abad Khyber Pakhtunkhwa Peshawar.
3. Assistant Director Anti Corruption, District Nowshera.
4. District Education Officer (Female) concerned.
5. District Accounts officer concerned with the request to cooperate in the matter.
6. Section Officer (S/F) E&SED, Khyber Pakhtunkhwa.
7. P.S to secretary E&SED, Khyber Pakhtunkhwa.
8. P.A to Director E&SED, Khyber Pakhtunkhwa

*[Signature]*  
ADVOCATE

*[Signature]*  
Deputy Director (F/Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

SUPREME COURT

**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN.**

Endost: No. 5840/G /P/File. Naeema Shaheen ASDEO(F) Dated 31/05/2019.

Copy for information & necessary action to the:-

1. Director, E&SE Khyber Pakhtunkhwa Peshwar w/r to above.
2. Director, Anti Corruption for lodging the FIR against the above Fake/Bogus ASDEO (Female) Mardan.
3. District Accounts Officer Mardan.
4. P/S to Secretary to Govt: of E&SE Deptt: Peshawar.
5. Sub:Divisional Education Officer(Female) Mardan for taking further action as directed by the competent authority, and submit necessary action in written to this office for onward submission.

DISTRICT EDUCATION OFFICER  
(FEMALE) MARDAN

*[Signature]*

*[Signature]*  
ADVOCATE  
SUPREME COURT

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 826/2019

Date of Institution ... 24.06.2019

Date of Decision ... 19.01.2022



Mst. Sadia Bibi D/ Muhammad Akram Shah,, Ex-ADEO (F) Nowshera R/o Chali,  
Taza Gram P.O Lund Khwar, Tehsil & District Mardan.

... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary Elementary & Secodary  
Education, Civil Secretariat Peshawar. ... (Respondents)

Amin-Ur-Rehman  
Advocate

... For Appellant


Muhammad Riaz Khan Paindakheil,  
Assistant Advocate General

... For respondents

**AHMAD SULTAN TAREEN** ...  
**ATIQ-UR-REHMAN WAZIR** ...

**CHAIRMAN**  
**MEMBER (EXECUTIVE)**

**ATTESTED**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**JUDGMENT**

**ATIQ-UR-REHMAN WAZIR MEMBER (E):-** This single judgment

shall disposed of the instant service appeal as well as the connected service appeal bearing No. 827/2019 "titled Mst Neelam Versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Civil Secretariat Peshawar and two others" and service appeal bearing No. 877/2019 "titled Mst Saira Versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Civil Secretariat Peshawar and two others" as common question of law and facts are involved therein.

02. Brief facts of the case are that upon recommendations dated 15-12-2016 of Public Service Commission, the appellant was appointed as Assistant



District Officer (ADO) BPS-16 vide order dated 02-02-2017. During the course of her service, the respondents found that recommendation letter of the Public Service Commission in respect of the appellant was fake, hence her appointment order dated 02-02-2017 was withdrawn vide order dated 28-02-2019 with direction to District Education Officer concerned to recover the salaries and other allied benefits drawn by the appellant during the period. Vide letter dated 18-03-2019, the appellant was asked to deposit an amount of rupees 7, 48,545.00/ into Government Treasury. To this effect, two inquiries were under process against the appellant simultaneously by National Accountability Bureau (NAB) as well as Anti-corruption Establishment (ACE). Feeling aggrieved, the appellant filed writ petition No 2043-P/2019 against two inquires on the same charges, which was disposed of vide judgment dated 16-05-2019 on the terms that the respondents has already confined its inquiry to one forum, hence the instant writ petition has served its purpose. As an interim relief, the respondents were directed that petitioner shall not be harassed or called for investigation without court permission. The appellant filed department appeal dated 01-03-2019, which was not responded within the statutory period, hence the instant appeal with prayers that the impugned orders dated 28-02-2019 and 18-03-2019 may be set aside and the appellant may be re-instated in service with all back benefits.

03. Learned counsel for the appellant has contended that the impugned orders are against law, facts and norms of natural justice, hence not tenable and liable to be set aside; that the appellant has not been treated in accordance with law, as the appellant was not afforded appropriate opportunity to defend her cause as enshrined in Article-10(A) of the Constitution, hence the respondents acted without jurisdiction; that it is well settled law that regular inquiry is must before imposition of major penalty of removal from service, which however was not done in case of the appellant;

**ATTESTED**

  
**MINER**  
 Khayber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

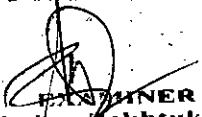
that no charge sheet/statement of allegation, nor any show cause was served upon the appellant and the appellant was condemned unheard; that the appellant being qualified was selected after due process of law and fulfillment of all codal formalities, despite the appellant was thrown out of service with a single stroke of pen, which has caused grave miscarriage of justice; that the charges of document being fake was vague, unspecific and did not show any lapse on part of the employee or commission of any fraud by her, therefore the appellant could not be made to suffer for whimsical and mechanical acts of the authorities. Reliance was placed on 2011 SCMR 1581, 2016 SCMR 1299 and 2010 PLD SC 483.

04. Learned Assistant Advocate General for the respondents has contend that the appellant could not produce any cogent proof and legal justification in support of her stand regarding her recommendations by the public service commission and it was found that the recommendation letter by the public service commission was fake; that the appellant could not prove that she has been recommended by public service commission, therefore her claim regarding her appearance before medical board and her service rendered makes no legal ground; that due to the above reason, services of the appellant has been disowned by the respondents after due process of law alongwith the recovery of Rs. 7,48,545/ on account of salaries received by her; that appeal of the appellant is baseless and without any cogent proof and justification, therefore is liable to be dismissed.

05. We have heard learned counsel for the parties and have perused the record.

06. Record reveals that public service commission vide advertisement No 2/2015 dated 05-03-2015, advertised 15 posts of Female ADO. The appellant equipped with qualification of MA/ M.Ed/ B.Ed/ CT and already serving as a teacher had applied for the post. Placed on record is letter dated 30-11-2015

**ATTESTED**

  
**ATTORNEY**  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

of Public Service Commission addressed to the appellant, stating therein that your application for the subject post is incomplete and please make up the following deficiencies within three days, which would suggest that the appellant had applied for the subject post. Still another letter dated 04-12-2015 by public service commission addressed to the appellant would show that the appellant has been called for interview, which also strengthen contention of the appellant that the appellant has properly applied against the post, hence was recommended by the commission vide letter dated 15-12-2016. Upon receipt of recommendation of the commission, the Directorate of Education referred the appellant to DG Health Services for constitution of medical board vide order dated 26-01-2017 and accordingly, the appellant was granted medical fitness certificate by the medical board on 27-01-2017. Services of the appellant were placed at the disposal of DEO (Female) Nowshera for further posting against the vacant post of ADEO/ASDEO vide order dated 02-02-2017. In pursuance of the order, the appellant assumed the charge on 20-02-2017 and started performing her duty. After assuming duty, the process of verification of her document started. The directorate of education verified that appointment order dated 02-02-2017 in respect of the appellant has been checked with office record and was found correct. Letter dated 07-03-2017 of district education officer Nowshera would show that educational and professional certificates/degrees/DMCs have been verified from the concerned Board/universities and were found correct. After verification of antecedents of the appellant, salary of the appellant was activated in the district account office Nowshera and the appellant served for almost two years, until her appointment order was withdrawn vide order date 28-02-2019.

**ATTESTED**


  
**EXAMINER**  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

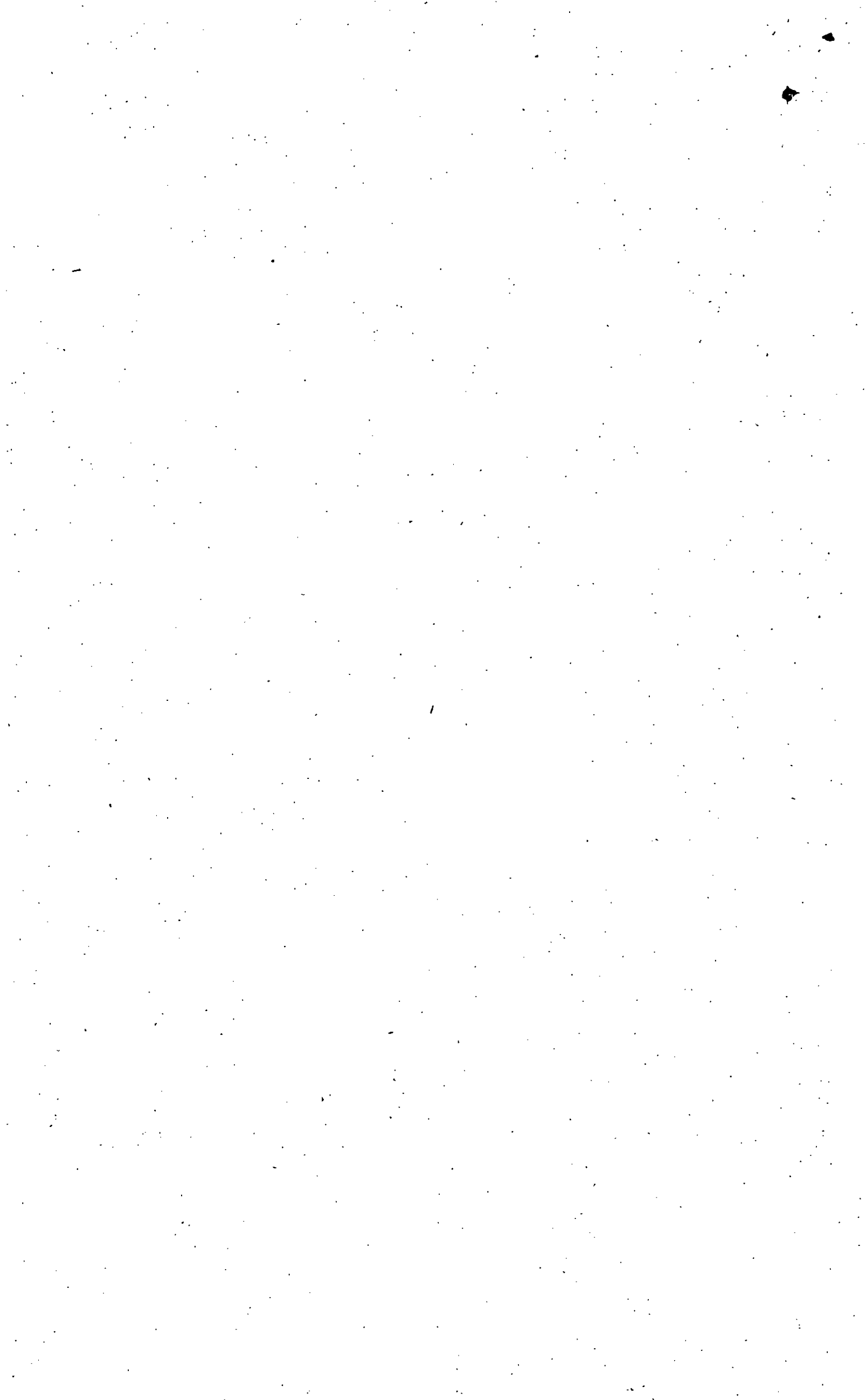
07. Placed on record are documents which would suggest that NAB as well as ACE simultaneously started investigation against the appellant, but upon

intervention of High Court in Writ Petition No 2043-P/2019, vide judgment dated 16-05-2019 the respondents were refrained not to harass or call the appellant for investigation without court permission. Record is silent as to what happened to such case, but the respondents without any inquiry and without taking any legal course, had withdrawn appointment order dated 02-02-2017 in respect of the appellant vide order dated 28-02-2019 under the pretext that her recommendation letter from public service commission was fake.

08. Since no inquiry was conducted either by education department or by public service commission and upon query of this tribunal, the respondent could not ascertain as to what was the source, which had pointed out that recommendation in respect of the appellant were fake, rather we were informed that it was due to rumors in the department that some individual entered the system illegally and upon verification, it was found that documents of the appellant as well as other were fake. Due to incomplete information and absence of inquiry, we are confined to the available record to evaluate the stance of the respondents with respect to their claim. We have observed that the appellant was equipped with the prescribed qualification as well as experience required for the post of ADO. Sufficient material is available on record to show that the appellant had applied for the subject post. The process of advertisement of the post until final selection and her posting against the post is in order and in a sequence, which took almost two years fulfilling all the codal formalities and the appellant served against the post for two years performing her duty to the entire satisfaction of her superior, which

is evident from the commendation certificates awarded to the appellant. As per practice in vogue, the respondents placed requisition for recommendation of 15 posts of ADO (Female), whereas the commission recommended candidates, which does not exceed the requisite number. It is un-believable

**ATTESTED**  
  
**EXAMINER**  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar



that a lengthy process of selection spreading over two years of time and culminating into selection of the appellant being female would be maneuvered by her illegally. Antecedents of the appellant had gone through the process of verification and everything was clear during her initial appointment, which is evident from record of the respondents, which is un-disputed and not fake. Appointment order of the appellant was issued by the competent authority, which also is not disputed. Similarly, her medical fitness, preparation of service book, her posting against a post by District Education Officer and her salary are also not fake and are un-disputed. The appellant has served against the post for quite longer and has developed vested right over the post, but was relieved of her duty overnight without observing the legal formalities under the pretext that her recommendation letter was fake. It however was the statutory duty of the appointing authority to check and re-check the appointment procedure, which however was done in case of the appellant well before time, but later in time, the respondents denied its own acts and to this effect, the Supreme Court of Pakistan in its judgment reported as 1996 SCMR 1350 have held that authority having itself appointed civil servant could not be allowed to take benefit of its lapses in order to terminate service of civil servant merely because it had itself committed an irregularity in violating procedure governing appointment. Appointment of the appellant was made by competent authority by following the prescribed procedure, petitioner were having no nexus with the mode of selection process and they could not be blamed or punished for the laxities on part of the respondents. The order affecting the rights of a person had to be made in accordance with the principle of natural justice; order taking away the rights of a person without complying with the principles of natural justice had been held to be illegal. Government was not vested with the authority to withdraw or rescind an order if the same had taken legal effect and created certain legal rights in favor of the appellant. Reliance is place on 2017 PLC (CS) 585. It is also thought

**ATTESTED**

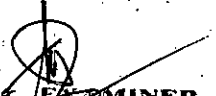
**EXAMINER**

**Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar**



provoking that even if we assume that the appellant entered the system by a fake order, then how it would be possible without assistance of either Public Service Commission or the Education Department and it is more alarming that the respondents neither initiated any inquiry against Public Service Commission nor against Education Department and simply removed the appellant from service on the charge, which was not proved through a regular inquiry. Record would suggest that during the two years tenure of her service, the appellant performed well and no complaint whatsoever, was filed against her, rather she was awarded commendation certificates. To this effect, the supreme court of Pakistan in its judgment reported as 2011 SCMR 1581 have held that the charges of appointment order being fake was vague, nonspecific and did not show any lapse on part of the employee or commission of any fraud by him/her or non-possession of requisite qualification by him or his appointment to be made by an incompetent officer.... Department had not found performance of employee to be un-satisfactory..... impugned order was set aside in circumstances. The august Supreme Court of Pakistan in its judgment reported as 2004 SCMR 303 has held that appointment of civil servant was made by competent authority. If prescribed procedure was not followed by the concerned authority, the civil servant could not be blamed for what was to be performed and done by the competent authority. Supreme court noted it with concern that in case the civil servant was to be removed then the same would amount to hitting hard creating problems for the society at large considering each of the civil servants being the bread earner of his/her family. Appointing authority had been acting mechanically without application of mind; therefore, the civil servant could not be made to suffer for whimsical and mechanical acts of the authorities."

**ATTESTED**

  
**EXAMINER**  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

09. It is a well settled legal proposition that regular inquiry is must before imposition of major penalty of removal from service, whereas in case of the




appellant, no such inquiry was conducted. The august Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. In absence of proper disciplinary proceedings, the appellant was condemned unheard, whereas the principle of Audi Alterm Partem was always deemed to be imbedded in the statute and even if there was no such express provision, it would be deemed to be one of the parts of the statute, as no adverse action can be taken against a person without providing right of hearing to him. Reliance is placed on 2010 PLD SC 483.

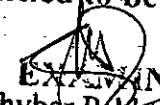
10. We are of the considered opinion that the appellant has not been treated in accordance with law and was illegally kept away from performance of her duty in whimsical and mechanical way, which however is not allowable under the law.


11. In a situation, we are inclined to accept the instant appeal as well as the connected service appeals. The impugned orders are set aside and the appellants are re-instated in service with all back benefits. Parties are left to bear their own costs, file be consigned to record room.

ANNOUNCED  
19.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

Certified to be true copy

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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

ORDER

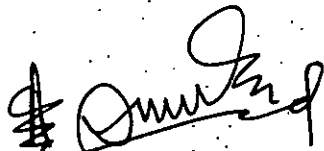
19.01.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil, Assistant Advocate General for respondents present. Arguments heard and record perused.

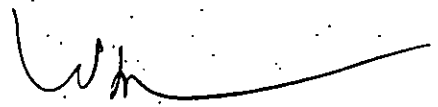
Vide our detailed judgment of today, separately placed on file, we are inclined to accept the instant appeal as well as the connected service appeals. The impugned orders are set aside and the appellants are reinstated in service with all back benefits. Parties are left to bear their own costs, file be consigned to record room.

ANNOUNCED

19.01.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN



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

for  
*Muqanna shabeen*

2011 P L C (C.S.) 1296

[Supreme Court of Pakistan]

Present: Tassaduq Hussain Jillani and Amir Hani Muslim, JJ

EXECUTIVE DISTRICT OFFICER (EDU.), RAWALPINDI and others

Versus

Mst. RIZWANA KAUSAR and 4 others

Civil Petitions Nos. 1701-L, 1702-L, 1722-L, 1732-L and 1733-L of 2010, decided on 2  
2011.

(On appeal against the judgment, dated 22-6-2010 passed by the Punjab Service  
Lahore, in Appeals Nos. 2123, 2606, 2602, 2607 and 2214 of 2009).

(a) Locus poenitentiae, principle of---

----Principle of locus poenitentiae would not arise in a situation when some benefit  
awarded to a person against declared law.

Muhammad Nadeem Arif v. IGP Punjab, Lahore 2011 SCMR 408 rel..

(b) Civil service---

----Termination of service after few years of appointment---Appointment order found  
bogus/fake/irregular---Validity---Such charge was vague, non-specific and did not show  
on part of employee or commission of any fraud by him or non-possession of requisite qualification  
by him or his appointment to be made by an incompetent officer---Department had no  
performance of employee to be unsatisfactory---Impugned order was set aside in circumstances

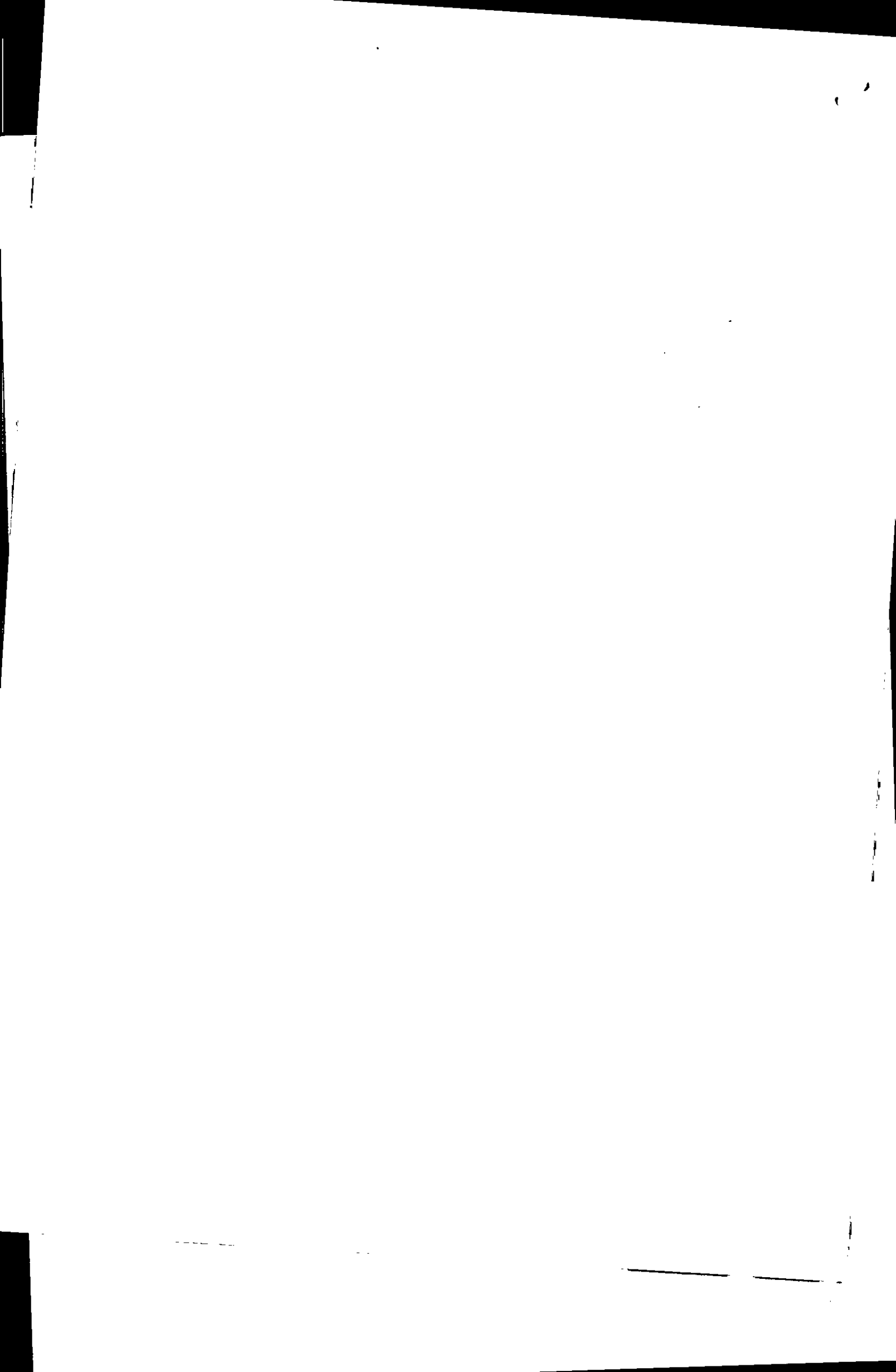
Muhammad Nadeem Arif v. IGP Punjab, Lahore 2011 SCMR 408; Nazir Ahmad P  
Government of Sindh through Chief Secretary, Sindh and others 2009 PLC (C.S.)  
Executive District Officer (Education) Rawalpindi v. Muhammad Younas 2007 SCMR 183

Secretary, M/o Finance and another v. Kazim Raza 2008 PLC (C.S.) 877; Punjab  
Punjab through Secretary Agriculture Government of Punjab and others v. Zulfiqar  
SCMR 678 and Secretary to Government of N.-W.F.P. v. Sadullah Khan 1996 SCMR 413

Faisal Zaman Khan, Additional Advocate-General and Nizar Ahmed Abbas  
Representative, Rawalpindi for Petitioners.

Nemo for Respondents.

Date of hearing: 26th May, 2011.



## ORDER

**TASSADUQ HUSSAIN JILLANI, J.**--- This order shall dispose of Civil Nos.1701-L, 1702-L, 1722-L, 1732-L, 1733-L of 2010 as they have nexus and the issue similar.

2. Facts briefly stated are that in Civil Petition No.1701-L/10 Mst. Rizwana Ka appointed as Oriental Teacher vide order dated 28-11-1995 and in the year 2006 her serv terminated on the ground that her appointment order was bogus and irregular. In Civi No.1702-L of 2010 respondent Mst. Riffat Sadiq was appointed as PTC Teacher on 24-8- in the year 1999 her services were terminated on the same ground. In Civil Petition No.1 2010 respondent Mst. Ghulam Batool was appointed as PTC Teacher on 1-8-199 services were terminated after 4 years in the year 1999. In Civil Petition No.1732-of 20 Nighat Perveen was appointed as PTC Teacher but again in 1999 her services were t on similar grounds i.e. that the appointment was bogus and irregular. In Civil No.1733-L of 2010 re Mst. Zahida Nasreen was appointed as Drawing Master Teacher on 23-12-1995 the same ground her services were terminated on 21-2-2009.

3. These petitions have a chequered history. The respondents challenged their termination from service before various forums and ultimately before the learned High constitutional petitions. In terms of the judgments passed by the learned High Court, re were again proceeded against through a regular inquiry and they were served with a charg specimen of which has been placed on record in Civil Petition No.1701-L of 2010 at which reads as follows:--

"As per finding of the Enquiry Report under E&D Rules, 1975/1999 (6 and ; appointment has been proved bogus/fake and irregular.

I, Raja Muhammad Zarait, Authority in the case have decided that an opportunity you for the best interest of justice and issued show-cause notice, where your appoi genuine or incorrect, and you should be proved herself.

Therefore, you are directed to attend the office of the undersigned on 5-8-2022 (sic a.m. in person positively along with all relevant documents/record etc.

If you do not attend the above said date the one sided action will be taken against y E&D Rules 1975/1999."

4. Learned Additional Advocate-General submits that the expression "bogus/ irregular" appearing in the afore-referred charge-sheet means that their appointments were an officer, who was holding the charge of District Education Officer and she did not f procedure prescribed in law for the appointments. However, he does not deny the respondents possess the requisite academic qualifications; that during their service. ther complaint whatsoever regarding their performance and that the departmental authoritie proceed against the respondents for almost a period of 4 years. Learned Law Officer sut the learned Tribunal in accepting the appeals of the respondents in vogue the principle poenitentiae, which according to him, was not applicable in the instant cases as th

appointments were illegal and they could not be allowed to perpetuate an ill-gotten gain. was placed by the learned Law Officer on Muhammad Nadeem Arif v. IGP Punjab, Lah SCMR 408) and Nazir Ahmad Panhwar v. Government of Sindh through Chief Secreta and others (2009 PLC (C.S.) 161).

5. There is no cavil with the proposition that the principle of locus poemteritiae would in a situation when some benefit is awarded to a person against the declared law and the of this Court in 2011 SCMR 408, to which reference has been made by learned Law Off alio reiterates this view. However, the said issue would not be relevant in the peculiar circumstances of this case as the grounds which weighed with the learned Tribunal are with the law laid down by this Court, to which reference has been made in the impugned ju

6. Having heard learned Law Officer and having gone through the impugned judgment of the view that the charge under which the respondents were proceeded against was t appointment has been proved Bogus/Fake/irregular". They were rather vague and non-sp did not spell out as to whether the respondents committed any fraud, made any concealme did not possess the requisite qualification. The charge even did not allege that the app were made by an officer who was not competent to make the appointments. In acce appeals of the respondents, the learned Tribunal was persuaded by the fact that ther allegation that the respondents did not qualify for the posts in question or there was any the part of the respondents. The Tribunal also took note of the fact that their performan service was never found by the Department to be unsatisfactory. Relying on some judgme Court, the Tribunal found that the action taken was uncalled for and not sustainable in learned Law Officer relies on a judgment of this court reported at Executive Distric (Education] Rawalpindi v. Muhammad Younas (2007 SCMR 1835) wherein the court obs "when the basic order is without lawful authority then the superstructure shall have to fi ground automatically" but the said ratio was laid down in a distinct context and the contex in the said case, the appellant was a PTC Teacher and procured the appointment concealing his dismissal from Pakistan Army. In the instant cases, there is no such conce misrepresentation and there was no allegation that they suffered from any disqualification.

7. In the afore-referred circumstances, we are of the view that the impugned judgment with the law laid down by this Court in Secretary, M/o Finance and another v. Kazim R. PLC (C.S.) 877), Province of Punjab through Secretary Agriculture Government of P others v. Zulfiqar Ali (2006 SCMR 678) and Secretary to Government of N.-W.F.P. v. Khan (1996 SCMR 413) and therefore, is unexceptionable. No question of law t importance within the meaning of Article 212(B) of the Constitution has been raised warrant interference. The petitions lacking in merit are accordingly dismissed and leave re

S.A.K./E-3/SC

Leave refused.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1014/2019

Date of Institution ... 02.08.2019  
Date of Decision ... 20.01.2021

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

... (Appellant)

VERSUS

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

... (Respondents)

Present:

Amin ur Rehman Yousafzai,  
Advocate ... For appellant.

Kabir Ullah Khattak,  
Additional Advocate General ... For official respondents.

ROZINA REHMAN ... MEMBER (J)  
ATIQU UR REHMAN WAZIR ... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER: This judgment is intended to dispose of 40  
connected service appeals which are:

1. Service Appeal No.958/2019
2. Service Appeal No. 959/2019
3. Service Appeal No.960/2019
4. Service Appeal No.961/2019

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In view of the above statements and facts the committee came to the conclusion as follows:-

1. Under sub rule 5(3) A & B, charge sheet and show cause notice to the accused is mandatory requirement, while in case of Mr. Zia ur Rehman Ex-PST no show cause notice has been served.
2. No opportunity of personal hearing was given to the appellant to defend himself. It is also against the E & D rule.
3. The appellant was also having B.ED degree issued from recognized university AIQU on 26-12-2013, at the time of his removal.
4. The appellant is also having the PTC Certificate from Allama Iqbal Open University.
5. Removal Order issued by Add:DEO is also objectionable i.e not made on proper removal format, rather this is looking a letter.
6. No proper written proofs i.e notice show cause notice or opportunity of personal hearing were available against the appellant.
7. The Honorable Service Tribunal has already been set a side the impugned order on 26-03-2019.

RECOMMENDATION:

Looking and examining the oral and documentary evidences, it is recommended that the appellant may be re-instated with immediate effect without back benefits on regular PST post in Lower kurram on the basis of his domicile and due to non-availability of Male Community School in Lower and Central Kurram.

COMMITTEE MEMBERS

1. SHERIN GUL  
Principal GMHS Sadda  
District Kurram

2. MAJEED GUL  
Head Master GHS Uchat  
District Kurram

Date: 23-09-2019

ATTEST  
*[Signature]*



5. Service Appeal No.962/2019
6. Service Appeal No.963/2019
7. Service Appeal No.964/2019
8. Service Appeal No.965/2019
9. Service Appeal No.966/2019
10. Service Appeal No.967/2019
11. Service Appeal No.968/2019
12. Service Appeal No.969/2019
13. Service Appeal No.970/2019
14. Service Appeal No.971/2019
15. Service Appeal No.972/2019
16. Service Appeal No.973/2019
17. Service Appeal No.974/2019
18. Service Appeal No.975/2019
19. Service Appeal No.1009/2019
20. Service Appeal No.1010/2019
21. Service Appeal No.1011/2019
22. Service Appeal No.1012/2019
23. Service Appeal No.1013/2019
24. Service Appeal No.1014/2019
25. Service Appeal No.1015/2019
26. Service Appeal No.1016/2019
27. Service Appeal No.1017/2019
28. Service Appeal No.1018/2019
29. Service Appeal No.1024/2019
30. Service Appeal No.1025/2019
31. Service Appeal No.1026/2019

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Questions

Q.No:3

Have you given the opportunity of personal hearing to the appellant before his removal?

Q.No:4

The appellant was also having the B.ED Degree issued on 26-12-2013. Meaning the appellant was having B.ED degree before his removal you have ignored the said qualification. Please explain your views.

Q.No:5

Any other comments.

Reply of Add:DEO

Due to which he was unqualified for the said PTC post. Therefore he removed from service.

Remarks of

No Comments.

No Comments.

3. Statement of Mr. Zia ur Rehman Ex-PST

Mr. Zia ur Rehman has also submitted his statement that the Ex-Add:DEO has not given any notice or show cause notice before his removal. More over the Ex-Add:DEO has not given the opportunity of personal hearing while the appellant was having B.ED degree but the respondent department has ignored the said qualification.

*A. Zia ur Rehman*

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

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

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

2. Learned counsel for appellants submitted that the appointments were made in accordance with law by following the prescribed procedure which cannot be held fake appointments. That notifications dated 04.04.2019 and 05.04.2019 are against law and facts. That the appellants were not treated in accordance with law and they were not given an opportunity to defend themselves as enshrined in Article 10-A of the Constitution of Islamic Republic of Pakistan 1973. Learned counsel further argued that neither regular inquiry was conducted nor the appellants were served with show cause notices, hence, they all were condemned unheard. That all the appellants being qualified, were properly appointed after due process of law.

The Additional DEO was asked to check the Questionnaire and submit replies. The Add: DEO submitted the reply, which is reviewed and placed along with remarks of the committee noted against each reply of the Add:DEO Lower and Central Kurram.

Questions  
Q.No:4  
Please follow

Questions	Reply of Add:DEO	Remarks of the committee
<p>Q.No:1 Was the Ex-Add:DEO Lower and Central Kurram issued any notice or show cause notice against the appellant? If yes please provide.</p>	<p>There is no notice issued to the appellant due to as per SSD notification No so (E)/SSD/CSTR/99-108 all the services of the un-qualified teachers should be dispensed with (SSD notification attached) as the professional qualification was must for the said post.</p>	<p>The reply of Add:DEO reveals that no notice or show cause notice issued by Ex-Add:DEO.</p>
<p>Q.No:2 Was the department given the opportunity of personal hearing to the appellant before the issuance of his removal order?</p>	<p>As per SSD notification there was no opportunity to the appellant as mentioned above.</p>	<p>Opportunity of personal hearing was not given by the Add:DEO before the issuance of removal order of the appellant.</p>
<p>Q.No:3 Is there available any male community school in Lower or Central Kurram?</p>	<p>There is no male community school in Lower and Central Kurram.</p>	<p>If there is no male community School in Lower and Central Kurram the appellant will be reappointed against the vacant PST Post in Lower or Central Kurram.</p>

*Handwritten signature*

and fulfillment of all codal formalities but they were shown out of service with a single stroke of pen without care and caution of its legal consequences which caused grave miscarriage of justice. In order to substantiate his version, reliance has been placed on 2011 SCMR 1581; 2004 SCMR 303; 2016 SCMR 1299 and 2010 PLD SC 483.

3. Conversely learned A.A.G appearing on behalf of respondents, controverted the contentions of learned counsel for appellants by contending that claim of the appellants regarding their appointment is baseless and liable to be rejected as they never applied for the said post nor appeared in any interview, therefore, their appointment was declared fake & bogus and have been disowned by the Department vide notifications dated 04.04.2019 and 05.04.2019. He submitted that they were treated as per law, rules and policy and there is no question of violation of Article 10-A of the Constitution of Islamic Republic of Pakistan 1973, hence stance of the appellants is baseless and liable to be rejected and lastly, he submitted that those appellants who claimed to have been recommended by the Khyber Pakhtunkhwa Public Service Commission, failed to produce any proof of their recommendation by Public Service Commission. Reliance was placed on 2005 SCMR 1814; 2005 SCMR 1040; 2009 SCMR 1492 and 2012 SCMR 673.

4. Before dilating upon the main issue, it merits a mention here that total 40 connected cases are intended to be disposed of through this single judgment. There are three categories of cases, category-I includes five cases of those employees who were appointed on contract basis and subsequently were regularized in service under the KP Employees (Regularization of Service) Act, 2009 and it was on 04.04.2019 when they received notification vide which appointment record in respect of these appellants was found.

To,  
The Additional District Education Officer,  
Lower and Central Kurram at Sadda.

Subject: Enquiry report against Mr. Zia ur Rehman Ex-PST Male Community School  
Zawkai Central Kurram.

Memo:

Kindly reference your office letter No 901-05/Edu Dated. 11-06-2019, the undersigned enquired in to the matter as follows:

Background:

Mr. Zia ur Rehman Ex-PST Male Community School Zawkai Central Kurram was serving as PST at Male Community School Zawkai Central Kurram. The Add:DEO Lower and Central kurram has issued his removal order vide End No.5005-12 Dated. 05-08-2016, due to lake of prescribed professional qualification on the basis of letter No 9822-35 Dated. 02-08-2016 but without any notice or show cause notice.

Procedure adopted for Enquiry:

In the subject case the following officers/officials were interviewed through both oral and written statement for their views and comments:

- I. Mr. Ahmad Khan Add: District Education officer Lower and Central Kurram.
- II. Mr. Azad Khan SST GMS Khar Kali Lower Kurram ( Ex-DEO Lower and Central Kurram).
- III. Mr. Zia ur Rehman Ex-PST Male Community School Zawkai Central Kurram.

*A. T. Farid*  
*R. Khan*

A 27

bogus, thus, their appointment/adjustment notification dated 11.02.2010 was disowned. Category-II includes those employees who upon recommendation of D.S.C, were appointed as PTC, subsequently applied for SSTs' posts and were selected by the Khyber Pakhtunkhwa Public Service Commission. It was on 04.04.2019 when they received notification vide which appointment record in respect of these appellants was found bogus, thus, their appointment notification was disowned. Appellants of category-III are those, who were appointed as SSTs on the recommendations of KPPSC and two of them were promoted to the rank of S.S and it was on 04.04.2019 when they received notification vide which appointment record in respect of these appellants was found bogus, thus, their appointment/adjustment notification was disowned.

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

6. That as stated in above paras the appellant has been re-instated in light of the recommendations of the enquiry committee, the enquiry committee recommended the re-instatement with immediate effect without back benefits.

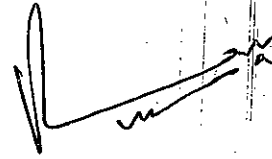
7. Legal, the respondent also submits on following grounds inter alia.

**GROUNDS.**

- A. Incorrect and denied the responded department has acted according to the Law / Policy.
- B. Incorrect and denied, the respondent department did not violate Article 4 & 25 of the constitution of Islamic Republic of Pakistan.
- C. Incorrect and dined, the respondent department is bond to abide by the law / rules and policy, as elucidated above that the appellant was removed from service due to lack of prescribed professional qualification, furthermore an enquiry has already been conducted in his case by the Additional District Education Lower & Central Kurram and on the basis of enquiry recommendations he was re-instated into service with immediate effect without back benefits, (**Enquiry report is attached as Annex-A**).
- D. Incorrect and denied, detail reply has already been submitted above under para 5 on grounds.
- E. Incorrect and denied, detail reply has already been submitted above under para 5 on grounds.
- F. Respondents also seek permission of Honorable Tribunal to produce additional grounds at time of hearing.

**Prayer:**

In the light of the above stated facts, it is requested to dismiss the case of the appellant.




**Respondent No.3**

**Additional DEO Lower & Central  
Kurram at Sadda**

**AFFIDAVIT**

I the above respondent do hereby declare and affirm that the above comments are true and correct to the best of our knowledge and thereof noting has been concealed from this Honorable Tribunal.



**Respondent No.3**

**Additional DEO Lower & Central  
Kurram at Sadda**



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

(1)

**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR .**

**Service appeal No.6356/2020.**

**Zia-Ur-Rehman .....Petitioner.**

**Versus**

**District Education Officer Kurram & others.....Respondents**

**Comments on behalf of Respondent No. 3.**

**Preliminary objections.**

- *That the appellant have got no cause of action, locus standi to file the instant appeal.*
- *That the appellant has not come to this Court with clean hands.*
- *That the appeal is not maintainable in the present form.*
- *That the appellant is estopped by his own conduct to bring the instant appeal.*
- *That the appeal is badly time barred.*
- *That the appellant has concealed material facts from the Honorable Service Tribunal.*

**ON FACTS.**

1. *Correct to the extent that the appellant was serving as PST Communal Teacher and was removed from service due to lack of prescribed professional qualification.*
2. *Correct to the extent that in light of the Judgment of the Honorable Service Tribunal, the Additional District Education Officer Lower & Central Kurram constituted an enquiry committee, on the basis of the recommendations of the enquiry committee the appellant was re-instated into service with immediate effect without back benefits (**Enquiry report is attached as Annex-A**).*
3. *That as stated under para-2 above, the Additional District Education Officer Lower & Central Kurram constituted an enquiry committee, on the basis of the recommendations of the enquiry committee the appellant was re-instated into service with immediate effect without back benefits.*
4. *Incorrect and denied, in the case of appellant, he was lacking to the prescribed professional qualification, furthermore and enquiry has already been conducted in his case by the Additional District Education Lower & Central Kurram and on the basis of enquiry recommendations he was re-instated into service with immediate effect without back benefits,( **Enquiry report is attached as Annex-A**).*
5. *Incorrect and denied, in the case of appellant, he was lacking to the prescribed professional qualification, furthermore an enquiry has already been conducted in his case by the Additional District Education Lower & Central Kurram and on the basis of enquiry recommendations he was re-instated into service with immediate effect without back benefits,( **Enquiry report is attached as Annex-A**).*

7

Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 were recommended to be initiated. The competent authority while passing the impugned order did not bother to go through the contents of the inquiry report. The appellants have received salaries for a long period which strengthen their case. The respondents did not irk to conduct proper inquiry as to who issued such orders and who processed and submitted their salaries to the Account Office. The respondents avoided all such mandatory steps and out rightly stopped their salaries by disowning their appointment orders, thus allow the real culprits to stay behind the curtain, knowing the fact that the appellants have now developed a vested right over the posts as they have drawn salaries for a long period against the sanctioned posts. The respondents handled the case carelessly by not reaching to a logical conclusion, hence, left the appellants in a hanging position.

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

ANNOUNCED.

20.01.2021

(Atiq ur Rehman Wazir)  
Member (E)

(Rozina Rehman)  
Member (J)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 826/2019

Date of Institution ... 24.06.2019

Date of Decision ... 19.01.2022



Mst. Sadla Bibi; D/ Muhammad Akram Shah,, Ex-ADEO (F) Nowshera R/o Chail,  
Taza Gram P.O Lund Khwar, Tehsil & District Mardan.

... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary Elementary & Secodary  
Education, Civil Secretariat Peshawar. ... (Respondents)

Amin-Ur-Rehman  
Advocate

... For Appellant

Muhammad Riaz Khan Paindakheil,  
Assistant Advocate General

... For respondents

**AHMAD SULTAN TAREEN** ...  
**ATIQU-UR-REHMAN WAZIR** ...

**CHAIRMAN**  
**MEMBER (EXECUTIVE)**

**ATTESTE**

**JUDGMENT**

**ATIQU-UR-REHMAN WAZIR MEMBER (E):-** This single judgment

shall disposed of the instant service appeal as well as the connected service appeal bearing No. 827/2019 "titled Mst Neelam Versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Civil Secretariat Peshawar and two others" and service appeal bearing No. 877/2019 "titled Mst Saira Versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Civil Secretariat Peshawar and two others" as common question of law and facts are involved therein.

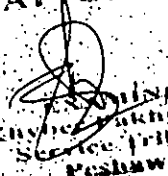
02. Brief facts of the case are that upon recommendations dated 15-12-2016 of Public Service Commission, the appellant was appointed as Assistant

Atiq-Ur-Rehman Wazir  
Chairman  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

District Officer (ADO) BPS-16 vide order dated 02-02-2017. During the course of her service, the respondents found that recommendation letter of the Public Service Commission in respect of the appellant was fake, hence her appointment order dated 02-02-2017 was withdrawn vide order dated 28-02-2019 with direction to District Education Officer concerned to recover the salaries and other allied benefits drawn by the appellant during the period. Vide letter dated 18-03-2019, the appellant was asked to deposit an amount of rupees 7, 48,545.00/ into Government Treasury. To this effect, two inquiries were under process against the appellant simultaneously by National Accountability Bureau (NAB) as well as Anti-corruption Establishment (ACE). Feeling aggrieved, the appellant filed writ petition No 2043-P/2019 against two inquirees on the same charges, which was disposed of vide judgment dated 16-05-2019 on the terms that the respondents has already confined its inquiry to one forum, hence the instant writ petition has served its purpose. As an interim relief, the respondents were directed that petitioner shall not be harassed or called for investigation without court permission. The appellant filed department appeal dated 01-03-2019, which was not responded within the statutory period, hence the instant appeal with prayers that the impugned orders dated 28-02-2019 and 18-03-2019 may be set aside and the appellant may be re-instated in service with all back benefits.

03. Learned counsel for the appellant has contended that the impugned orders are against law, facts and norms of natural justice, hence not tenable and liable to be set aside; that the appellant has not been treated in accordance with law, as the appellant was not afforded appropriate opportunity to defend her cause as enshrined in Article-10(A) of the Constitution, hence the respondents acted without jurisdiction; that it is well settled law that regular inquiry is must before imposition of major penalty of removal from service, which however was not done in case of the appellant;

ATTESTED

  
 Attesting Officer  
 National Accountability Bureau  
 Islamabad

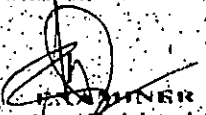
that no charge sheet/statement of allegation, nor any show cause was served upon the appellant and the appellant was condemned unheard; that the appellant being qualified was selected after due process of law and fulfillment of all codal formalities, despite the appellant was thrown out of service with a single stroke of pen, which has caused grave miscarriage of justice; that the charges of document being fake was vague, unspecific and did not show any lapse on part of the employee or commission of any fraud by her, therefore the appellant could not be made to suffer for whimsical and mechanical acts of the authorities. Reliance was placed on 2011 SCMR 1581, 2016 SCMR 1299 and 2010 PLD SC 483.

04. Learned Assistant Advocate General for the respondents has contend that the appellant could not produce any cogent proof and legal justification in support of her stand regarding her recommendations by the public service commission and it was found that the recommendation letter by the public service commission was fake; that the appellant could not prove that she has been recommended by public service commission, therefore her claim regarding her appearance before medical board and her service rendered makes no legal ground; that due to the above reason, services of the appellant has been disowned by the respondents after due process of law alongwith the recovery of Rs. 7,48,545/- on account of salaries received by her; that appeal of the appellant is baseless and without any cogent proof and justification, therefore is liable to be dismissed.

05. We have heard learned counsel for the parties and have perused the record.

06. Record reveals that public service commission vide advertisement No 2/2015 dated 05-03-2015, advertised 15 posts of Female ADO. The appellant equipped with qualification of MA/ M.Ed/ B.Ed/ CT and already serving as a teacher had applied for the post. Placed on record is letter dated 30-11-2015

**ATTESTED**

  
 J. K. KHAN  
 Member  
 Service Tribunal  
 Peshawar

of Public Service Commission addressed to the appellant, stating therein that your application for the subject post is incomplete and please make up the following deficiencies within three days, which would suggest that the appellant had applied for the subject post. Still another letter dated 04-12-2015 by public service commission addressed to the appellant would show that the appellant has been called for interview, which also strengthen contention of the appellant that the appellant has properly applied against the post, hence was recommended by the commission vide letter dated 15-12-2016. Upon receipt of recommendation of the commission, the Directorate of Education referred the appellant to DG Health Services for constitution of medical board vide order dated 26-01-2017 and accordingly, the appellant was granted medical fitness certificate by the medical board on 27-01-2017. Services of the appellant were placed at the disposal of DEO (Female) Nowshera for further posting against the vacant post of ADEO/ASDEO vide order dated 02-02-2017. In pursuance of the order, the appellant assumed the charge on 20-02-2017 and started performing her duty. After assuming duty, the process of verification of her document started. The directorate of education verified that appointment order dated 02-02-2017 in respect of the appellant has been checked with office record and was found correct. Letter dated 07-03-2017 of district education officer Nowshera would show that educational and professional certificates/degrees/DMCs have been verified from the concerned Board/universities and were found correct. After verification of antecedents of the appellant, salary of the appellant was activated in the district account office Nowshera and the appellant served for almost two years, until her appointment order was withdrawn vide order date 28-02-2019.

07. Placed on record are documents which would suggest that NAB as well as ACE simultaneously started investigation against the appellant, but upon

ATTESTED

EXAMINER  
 Higher Pakhtunkhwa  
 Service Tribunal  
 Peshawar

Intervention of High Court in Writ Petition No 2043-P/2019, vide judgment dated 16-05-2019 the respondents were refrained not to harass or call the appellant for investigation without court permission. Record is silent as to what happened to such case, but the respondents without any inquiry and without taking any legal course, had withdrawn appointment order dated 02-02-2017 in respect of the appellant vide order dated 28-02-2019 under the pretext that her recommendation letter from public service commission was fake.

08. Since no inquiry was conducted either by education department or by public service commission and upon query of this tribunal, the respondent could not ascertain as to what was the source, which had pointed out that recommendation in respect of the appellant were fake, rather we were informed that it was due to rumors in the department that some individual entered the system illegally and upon verification, it was found that documents of the appellant as well as other were fake. Due to incomplete information and absence of inquiry, we are confined to the available record to evaluate the stance of the respondents with respect to their claim. We have observed that the appellant was equipped with the prescribed qualification as well as experience required for the post of ADO. Sufficient material is available on record to show that the appellant had applied for the subject post. The process of advertisement of the post until final selection and her posting against the post is in order and in a sequence, which took almost two years fulfilling all the codal formalities and the appellant served against the post for two years performing her duty to the entire satisfaction of her superior, which is evident from the commendation certificates awarded to the appellant. As per practice in vogue, the respondents placed requisition for recommendation of 15 posts of ADO (Female), whereas the commission recommended candidates, which does not exceed the requisite number. It is un-believable

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
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that a lengthy process of selection spreading over two years of time and culminating into selection of the appellant being female would be maneuvered by her illegally. Antecedents of the appellant had gone through the process of verification and everything was clear during her initial appointment, which is evident from record of the respondents, which is un-disputed and not fake. Appointment order of the appellant was issued by the competent authority, which also is not disputed. Similarly, her medical fitness, preparation of service book, her posting against a post by District Education Officer and her salary are also not fake and are un-disputed. The appellant has served against the post for quite longer and has developed vested right over the post, but was relieved of her duty overnight without observing the legal formalities under the pretext that her recommendation letter was fake. It however was the statutory duty of the appointing authority to check and re-check the appointment procedure, which however was done in case of the appellant well before time, but later in time, the respondents denied its own acts and to this effect, the Supreme Court of Pakistan in its judgment reported as 1996 SCMR 1350 have held that authority having itself appointed civil servant could not be allowed to take benefit of its lapses in order to terminate service of civil servant merely because it had itself committed an irregularity in violating procedure governing appointment. Appointment of the appellant was made by competent authority by following the prescribed procedure, petitioner were having no nexus with the mode of selection process and they could not be blamed or punished for the laxities on part of the respondents. The order affecting the rights of a person had to be made in accordance with the principle of natural justice; order taking away the rights of a person without complying with the principles of natural justice had been held to be illegal. Government was not vested with the authority to withdraw or rescind an order if the same had taken legal effect and created certain legal rights in favor of the appellant. Reliance is place on 2017 PLC (CS) 585. It is also thought

**ATTESTED**



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provoking that even if we assume that the appellant entered the system by a fake order, then how it would be possible without assistance of either Public Service Commission or the Education Department and it is more alarming that the respondents neither initiated any inquiry against Public Service Commission nor against Education Department and simply removed the appellant from service on the charge, which was not proved through a regular inquiry. Record would suggest that during the two years tenure of her service, the appellant performed well and no complaint whatsoever, was filed against her, rather she was awarded commendation certificates. To this effect, the supreme court of Pakistan in its judgment reported as 2011 SCMR 1581 have held that the charges of appointment order being fake was vague, nonspecific and did not show any lapse on part of the employee or commission of any fraud by him/her or non-possession of requisite qualification by him or his appointment to be made by an incompetent officer. Department had not found performance of employee to be un-satisfactory..... impugned order was set aside in circumstances. The august Supreme Court of Pakistan in its judgment reported as 2004 SCMR 303 has held that appointment of civil servant was made by competent authority. If prescribed procedure was not followed by the concerned authority, the civil servant could not be blamed for what was to be performed and done by the competent authority. Supreme court noted it with concern that in case the civil servant was to be removed then the same would amount to hitting hard creating problems for the society at large considering each of the civil servants being the bread earner of his/her family. Appointing authority had been acting mechanically without application of mind; therefore, the civil servant could not be made to suffer for whimsical and mechanical acts of the authorities."

ATTESTED

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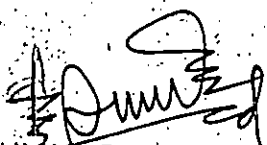
09. It is a well settled legal proposition that regular inquiry is must before imposition of major penalty of removal from service, whereas in case of the

appellant, no such inquiry was conducted. The august Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. In absence of proper disciplinary proceedings, the appellant was condemned unheard, whereas the principle of Audi Alteram Partem was always deemed to be imbedded in the statute and even if there was no such express provision, it would be deemed to be one of the parts of the statute, as no adverse action can be taken against a person without providing right of hearing to him. Reliance is placed on 2010 PLD SC 483.

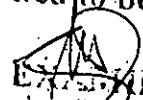
10. We are of the considered opinion that the appellant has not been treated in accordance with law and was illegally kept away from performance of her duty in whimsical and mechanical way, which however is not allowable under the law.


11. In a situation, we are inclined to accept the instant appeal as well as the connected service appeals. The impugned orders are set aside and the appellants are re-instated in service with all back benefits. Parties are left to bear their own costs, file be consigned to record room.

ANNOUNCED  
19.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

Certified to be true copy

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal.  
Peshawar

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

ORDER

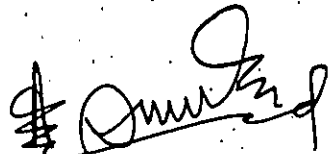
19.01.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil, Assistant Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, we are inclined to accept the instant appeal as well as the connected service appeals. The impugned orders are set aside and the appellants are reinstated in service with all back benefits. Parties are left to bear their own costs, file be consigned to record room.

ANNOUNCED

19.01.2022.



(AHMAD SULTAN TAREEN)  
CHAIRMAN



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