

**BEFORE THE KHYBER PAKHTOON KHWA**

**SERVICE TRIBUNAL, PESHAWAR**

Reply in

Re, Service Appeal No. 7848/2021

Mst. Bibi Nazia , AT(BPS-15) GGHSS, Badwan, Dir Lower.

**(Appellant)**

**Versus**

1. District Education Officer (F) Dir Lower at Timergara

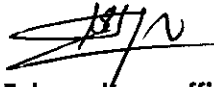
2. Director, Elementary and secondary Education Khyber  
Pakhtunkhwa Peshawar

3. Secretary, Elementary and secondary Education Khyber  
Pakhtunkhwa Peshawar.

**(RESPONDENTS)**

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District Education officer (F)  
District Dir Lower  
Respondent/No.1

**BEFORE THE KHYBER PAKHTOON KHWA**  
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1. Mst.Bbi Nazia , AT(BPS-15) GGHSS, Badwan, Dir Lower.

(Appellant)

***Versus***

1. District Education Officer (F) Dir Lower at Timergara
2. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
3. Secretary, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar. (RESPONDENTS)

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS, 1 to 3.**

**Respectfully sheweth:-**

**PRELIMINARY OBJECTIONS.**

1. That the Appellant is not the "aggrieved" person with the meaning of Article 212 of the Constitution of the Islamic Republic of Pakistan 1973.
2. That the Appellant has got no cause of action /locus standi.
3. That the Appellant has not come to this Honorable court with clean hands.
4. That the Appellant is estopped by his own conduct.
5. That the instant service appeal suffers from laches, hence not maintainable in the present form.
6. That the appeal of the appellant is premature and barred by law.

## ON FACTS

1. Para -1 pertains to record.
  
2. Para-2 is pertains to record.
  
3. Para-3 of the facts is incorrect, hence denied. And further stated that she was not transferred, but adjusted in GGHSS Badwan, in detail, it is stated that due to non presence of the DEO (F) Dir Lower, the additional charge of the office of the DEO (F) Dir Lower was handed over to the DEO(M) Dir Lower to maintain office work/activates till the arrival of the DEO(F) Dir Lower and the impugned adjustment order dated 16-03-2020 was issued by the DEO (M) Dir Lower at that period. Against the adjustment order dated 16-03-2020, the local community as well as District Monitoring Officer /Education Monitoring authority reported the issue that due to the adjustment of the appellant at GGHSS Badwan from GGMS Markhanai, the students are suffering badly, due to lack of teaching staff at GGMS Markhanai, in the District Steering Committee held by the worthy Deputy Commissioner Dir Lower, the respondent No.1 being competent authority withdrawn her adjustment order on dated 16-03-2020, in the light of the minutes of the meeting of District Steering Committee dated 29-09-2021 vide Endstt: no 18384-88 dated Timergara the 15-11-2021. (Copy of the Order dated 16-03-2020 is attached as "A", Copy of minutes of the DSC dated 29-09-2021 is attached as "B", and copy of the withdrawal of adjustment order dated 15-11-2021 is attached as "C")
  
4. Para-4 of the facts is correct, needs no comments.

5. Para-5 of the facts is incorrect, hence denied and it is further stated that the transfer order was withdrawn as per law and according to the minutes of the meeting dated 29-09-2021, as after her adjustment to GGHS Badwan , the issue was reported by District Monitoring Officer /Education Monitoring authority and verbal complaints were also made by the local inhabitants as well as students of the school against the transfer of the appellants .

6. Para-6 of the facts pertains to record.

7. Incorrect

**GROUND**

A. Incorrect, the office order dated 15-11-2021 was made in good faith and as per rules and law in the interest of public.

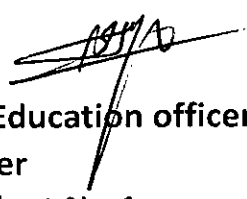
B. Incorrect hence denied as discussed above in the facts the all codal formalities , were issued as per rules .hence claim of the ,appellant is denied.

C. In correct hence denied .detail reply has been submitted in the above Para's.

D. Incorrect hence denied, the respondents imposed the penalty as per Law, rules and policies.

E. Legal, however the respondents also seek leave to raise additional grounds at the time of arguments.

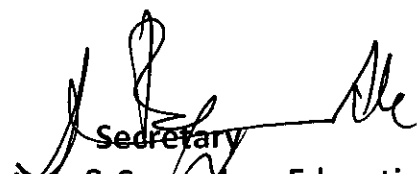
It is, therefore, humbly prayed that on acceptance of the above submission, the instant Service Appeal may very graciously be dismissed in favor of the answering respondents with cost.



District Education officer (F)  
Dir Lower  
Respondent No.1

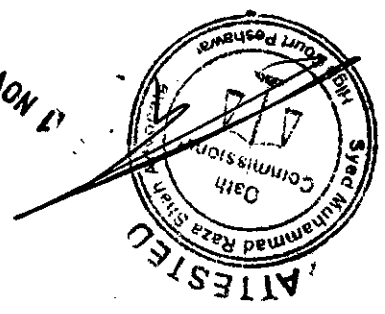


Director,  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Respondent No.2



Secretary  
Elementary & Secondary Education  
Khyber Pakhtunkhwa  
Respondent No.3

3 NOV 2022



on behalf Respondents 1, 2, 3

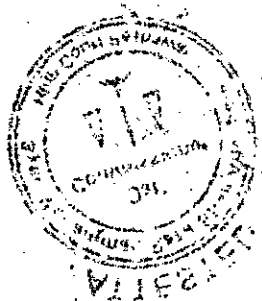
Deponent

Muhammad Usman Abbas (F)

*[Signature]*

All contents of the enclosure apply  
to the best of my knowledge,  
and belief, nothing material has been  
omitted or suppressed.

Asfandani



NOV 1951

*[Faint, illegible text, likely bleed-through from the reverse side of the page]*

# AUTHORITY LETTER

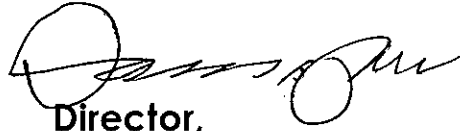
(6)

Mr. Muhammad Usman, ADEO o/o DEO (F) Dir Lower is hereby authorized to submit the comments /reply in the Re. Service Appeal No.7848/2021

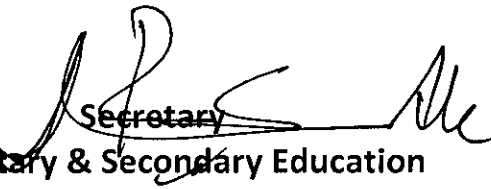
Title: Mst.Bibi Nazia v/s DEO (F) Dir Lower and others On behalf of the under signed,



District Education officer (F)  
Dir Lower  
Respondent No.1



Director,  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Respondent No.2



Secretary  
Elementary & Secondary Education  
Khyber Pakhtunkhwa  
Respondent No.3





(B) (11) (7)

OFFICE OF THE  
DISTRICT EDUCATION OFFICER (F)  
DIR LOWER RAJSHAHI



☎ 0945-9250083

DEO FEMALE DIR LOWER

✉ emisdeofemaledirlower@gmail.com

NEAR POLICE LINE, EDUCATION COMPLEX BALAMBAT TEHSIL TIMERGARA DISTRICT DIR LOWER.

OFFICE ORDER.

Mst: Bibi Nazia AT B-15 at GGMS Markhanai is hereby adjusted against vacant post of AT B-15 at GGHS adwan on her own pay and grade in the interest of public service with immediate effect.

Note:.

1. No TA/DA is allowed.
2. Charge Report should be submitted to all concerned.

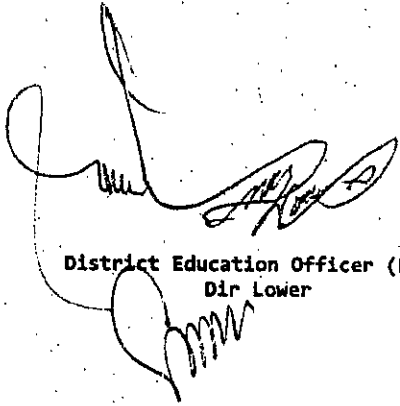
Ghulam Nabi Khan  
District Education Officer (F)  
Dir Lower.

Endst: SB40-42

Dated 16 /02/2020.

Copy of the above is forwarded to:

1. The District Account Officer Dir Lower.
2. The Principal / Head Mistress concerned.
3. The Official Concerned.

  
District Education Officer (F)  
Dir Lower



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
EDUCATION MONITORING AUTHORITY

District Monitoring Officer Dir Lower  
Phone 0945-825767 Email: dmo.jmu.dirlower@gmail.com

No. Dir Lower/EMA/74/2021

Dated: 30-09-2021

Cases Reported by EMA Team District Dir Lower Regarding the month of August 2021.

01. GGHS Zimdera.

02 Teachers Detailed

Two teachers have been Detailed to GGHS Kumber and GGHS Bishgram, while the subject school in itself is need, furthermore detailment policy is no more functional.

Decision: DDEO (F) stated that order of one teacher has already been withdrawn. The Chair directed DDEO (F) to withdraw the order of the subject teacher with immediate effect for smooth running of the school in the best public interest.

02. GGMS Markhani.

Teacher Detailed

Bibi Nazia was appointed through NTS on AT Post at GGMS Markhani Medan, she took charge and then detailed to GGHS Badwan while the subject school was itself in need of teachers. Decision: The chair directed DEO (F) to withdraw the order of the reported teacher immediately.

03. GPS Utata

Water Source is Occupied

The water source is occupied by the resident despite of the agreement of education department with him.

Decision: SDEO concerned told the chair that he had visited the school and the issue has been probably resolved. The chair however directed him to report it to DMO office the latest situation with proof.

04. GHS Makhi

Main Gate Blockade.

The main gate of the subject High school is blocked by the landowner and the said school is using the gate of the adjacent primary school.

Decision: The Chair Directed that the issue shall be resolved by applying any mean including imposing of section four, so as to get the Gate opened.

05. GGPS Tangar. Challenge

The school was visited on 28/08/2021.:

Only one teacher is available, no students is present.

Decision: The chair directed DEO (F) and DMO to make a joint visit to the school and meet the local community. If the issue was not resolved by the community, then the school will be closed

06. GPS Kass Barikot (15093) (M) Status: Land demarcation Challenge.

This school is having no boundary wall and is vulnerable from all sides. Area of the school is disputed and needs proper land demarcation. The issue is being reported since 2014, funds for boundary wall were also provided but later on were returned to DEO (M) office due to the above mentioned issue. Different inquires etc have also been ordered from time to time but in vain

(9)

**Decision:** SDEO concerned told the chair that solution to this issue is the construction of a middle school near the primary one. By providing land to the middle portion the dispute will be settled as the other person will get a job.

07. GHSS BAGH MAIDAN (36573) (S)

**Special Case of SS**

Due to the construction of GDC Lal Qalah, the enrollment in the higher Secondary portion of this school is only Six (06). The chances of the new admission are very low. The HSSC portion is almost useless, hence be wind up and the SS of the said school be adjusting somewhere else, as they are not attended lower classes.

**Decision:** DEO(M) told the chair that Principal of the school has been contacted to enhance enrollment in first year, the chair endorsed the idea.

08. GGPS Manzari Ttangi. (M)

The school building is in worst condition (& Due to water leakage bad smell is also felt) as cleared from the picture.

**Decision:** The Chair directed TMO Balambat to send his team and remove the garbage near the schools immediately.

09. GGHS Rabat (challenge) (D)

**Water Leakage Issue**

The school was visited on Tuesday dated 31/08/2021 which was in very worst condition, as cleared from the picture.

Furthermore, the subject school is overcrowded and is facing the shortage of space serious problem.

The then DC Mr. Shaukat Yousafzal directed that a private building be hired for the high section with consultation of the concerned MPA.

**Decision:** The Chair directed TMO Balambat to send his team and remove the garbage near the schools immediately, Furthermore the chair directed that as and when funds received, the said school be rehabilitated.

10. GGMS khali Bala (Barkley) (D)

**WORST CONDITION OF THE SCHOOL**

The subject case was already reported. The school is in dilapidated condition. Neither boundary wall nor any other basic facility is available and in an urgent need of reconstruction.

**Decision:** DDEO(F) informed the Chair that the reported school will be reconstructed wholly.

11. GGPS KOTKI (A)

**Slow reconstruction**

Slow pace of the reconstruction of the demolished building/ caused embarrassment for the students and teacher in teaching activity.

**Decision:** SDO C&W stated that funds for the reported school have been transferred to highways mistakenly and it will take some time to transfer them to C&W building. The Chair however directed SDO C&W to work on it and start work in order to save students from harsh weather.

12. GPS Toor Qalah. (M)

**Over Crowded / Space Issue**

The school was visited on 08 September 2021. Three rooms of the Subject school are under the use of adjacent High School including one Computer Lab which is nonfunctional, used as a computer storage / locked. The mentioned school is itself overcrowded and need of space.

Decision: The chair directed DEO (M) to vacate one room so as to provide some space to the students of primary portion.

13. GPS Uninmbat Colony (A)

In DMO's visit the teacher Mr. Wakeed Ullah was found unauthorized absent, who had left the school before the time for attending APTA meeting as per statement of the incharge.

Decision: The Chair directed DEO (M) to dispatch a warning letter along with deduction regarding the subject dny, to the reported teacher so as to avoid such activities in the future,

14. GGHSS KUMBER. (M)

**Over Crowded / Scholarship**

The school was visited on Tuesday dated 24 /08/21

The School was over crowded / Less spnce for 1249 students.

Miss Zainab SST(BIO/CHEM) is reported unauthorized absent since 26/08/2019 without any information / as per unauthentic information, she has gone for scholarship.

Decision: DEO(F) informed the Chair that order of the reported teacher has been withdrawn and she has not been awarded extension.

15. Transfer of GGMS Barkhani staff. (A)

**Rationalization**

Two teachers have been transferred from the said school, while that school in itself facing the shortage of staff.

Decision: DEO(F) told the Chair that the post will be filled soon. However, the chair directed that the order of the transferred teachers be withdrawn immediately.

16. GPS Kufalano Shah Maldan (A)

**Maize Duty**

Out of two teachers one is tasked for maize duty.

The school is overcrowded and is not controlled by a single teacher

Decision: SDEO told the Chair that maize duty has been ended and the teacher is on duty now. The Chair directed that in two teacher school, one teacher must not be deputed on duty in future.

17. GGMS BANR: Twice Exam Duty in a year. (A)

(11)

Miss Farhana CT of GGMS Banr has performed exam duty twice while as per rule allowed one time /year.

Decision: The Chair directed DEO (F) to avoid repetition of smeller cases in future, by not allowing the same teachers two times in the same years for performing duties.

18. GPS Ghanam Shah Habitual (A) Absenteeism ( Challenge)

Visited the school on 11/08/2021. Attendance of the Chowkidar Mr. Muhammad Ibrahim was marked but he was not present having no leave or duty record. He was marked Un-authorized absent multiple time. His previous Un-authorized absenteeism record is following (115/180 days Absent).

Decision: SDEO informed the chair that salary of the reported teacher has already been stopped. The Chair directed that as per government policy deduction may be made from the subject person and the proof shall be share with DMO Dir Lower.

19. GHS Takwaro (A)

The school was visited on 7-08-21 at about 08:23 am. The following were the findings; Incharge Mr. Saeed Ul Haq SST was not coming out of the class intentionally, despite of the fact his time was finished. Furthermore, he was not cooperative with DCMA/was not cooperative to provide the data to the DCMA.

Out of 14, three teachers were given C/L, as per rule 10% (02) Teachers were allowed.

One was on exam duty, in the remaining thirteen teachers, 03 were marked on C/leave, and one came late.

TT post is vacant since long time.

Decision: The chair directed DEO (M) to call explanation from Mr. Saeed Ul Haq for not responding adequately to DCMA. The chair further directed that regarding C/L the government policy in vogue shall be implemented in letter and speared.

20. GGHSS Rani: (A)

Unauthorized Absent.

Aseel Muhammad I/C

Hasisa Niyazi L/A

Left the school before the time.

Riaz Uddin S/C

Shah Faisal N/Q

Decision: The Chair directed DEO (F) that the subject matter must be dealt as per rules.

21. GPS Kattan Bala (15097) (S+A) Status: Psychological Issue of PSHT

Mr. Abdur Rahman PSHT is a psychological patient due to which the management of the school is worst condition

Decision: The Chair directed DEO (M) to send him for proper treatment.

22. GGPS Shekawli Toormang: (A)

Chowkidar unauthorized absentee.

When it was visited GGPS Shekawli on 17.08.2021. the chowkidar was found unauthorized absent.

Decision: DEO(F) told the Chair that deduction has already been made from the reported staff.

23. GPS Utala Dushkhel (15297) (D) Status: All classes are overcrowded

This school is having 05 class rooms and a huge student's enrollment of 440 including 89 girl students. All the classes are overcrowded as almost all of them are having more than 60 students. Class wise enrollment is as under;

Class	Total Enrollment	Girls
5 <sup>th</sup>	67	07
4 <sup>th</sup>	58	07
3 <sup>rd</sup>	77	11
2 <sup>nd</sup>	83	23
1 <sup>st</sup>	89	21
K.G	56	18
Nursery	10	02
Total	440	89

Decision: SDEO concerned told the chair that he had visited the school and the issue has been probably resolved. The chair however directed him to report it to DMO office with solid proof before the next DSC Meeting.

24. GHS Munjaye. (D)

Due to break down the local channel, water was rushed inside the school.

A boundary wall for the remaining portion & a protection wall is required.

Decision: XEN irrigation is vehemently directed to erect a protection wall to protect the school from any mishap in the future.

25. GPS Lacha Payeen (Transformer Risk to the Students) (S)

As cleared from the video transformer is a risk for the school children.

Decision: The Chair directed SDO WAPDA to visit the site and work on it immediately, before happening of any mishap.

26. GGPS Baroon (D)

Boundary wall of GGPS Baroon is on the verge of collapse, which required reconstruction / Rehabilitation.

Decision: DEO(F) stated that an affidavit of the additional land may be provided to the office and funds will be given to the school in case of no issue from the local community.

27. GMS Mulyano Banda (D)

The school building is in dilapidated condition and requires reconstruction.

During rain water leaks inside the classroom.

Decision: The Chair directed DEO (M) to provide funds for repairing the roof and constructing boundary walls of the reported schools

**28. GGPS NAGRI PAYEEN Status. Conditional Grans fund used in other repair work. (A)**  
The school received Rs.85000/- conditional grant fund of boundary wall repair but it is utilized in to other minor repairs and buying other unnecessary stock for the school without any permission letter of shifting amount from the office.

Decision: The Chair directed DEO F to call an explanation from the concerned and resolve the issue at your own level with submission the report to DMO Office before the next DSC Meeting.

**29. GPS Awarai Takwara (D)**  
The school is overcrowded; the available space is insufficient for the subject students. Even no shades are available/students are sitting the open hot weather.

Decision: The Chair directed DEO (M) to provide funds for repairing the roof and constructing boundary walls of the reported schools.



**30. GPS Qashudal. (D)**  
One side of the boundary wall is in the subject school is in need of urgent reconstruction

Decision: The Chair directed DEO (M) to provide funds for repairing the roof and constructing boundary walls of the reported schools

**31. GPS Manogai Dushkhei (15154) Status: Boundary Wall (D)**  
Side-3, of the subject school boundary wall is partially in need of reconstruction / rehelations and is a serious threat for the students as informed by the Head teacher.

Decision: The Chair directed DEO (M) to provide funds for repairing the roof and constructing boundary walls of the reported schools.

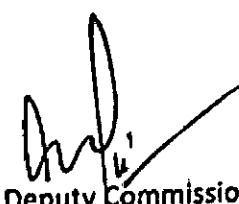
The meeting was ended with a vote of thanks from the Chair.

  
Additional Deputy Commissioner (G)  
Dir Lower  


Copy forwarded for information:

1. The Director General Education Monitoring Authority (EMA) Khyber Pakhtunkhwa.
2. PS to Secretary Elementary & Secondary Edu: Government of Khyber Pakhtunkhwa.

3. Director Elementary & Secondary Education Khyber Pakhtunkhwa.
5. The Secretary Communication & Works Government of Khyber Pakhtunkhwa.
6. The Commissioner Malakand Division at Saidu Sharif Swat.
7. The PS to Chief Secretary Government of Government of Khyber Pakhtunkhwa.
8. The Monitoring Officer-1, ESRU, E&SE Department.
8. All the Participants of the meeting for strict compliance.

  
Additional Deputy Commissioner (G)  
Dir Lower





**OFFICE OF THE DISTRICT EDUCATION OFFICER (Female) DIR LOWER AT TIMERGARA.**

**OFFICE ORDER.**

As reported by the DCMA/EMA Dir Lower and DSC meeting minutes held on 29-09-2021 the transfer order issued under Endst: No. 5840-42 dated 16-03-2020 in respect of Mst. BIBI Nazia AT B-15 at GGMS Markhanai is hereby withdrawn in the interest of public service.

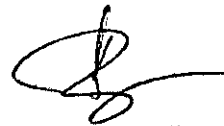
- Note:**
1. No TA/DA is allowed.
  2. Charge Report should be submitted to all concerned.

(Asmat Ara Qureshi )  
 District Education Officer (Female)  
 Dir Lower at Timergara

Endst: No. 18384-88 Dated Timergara the 15/11/2021.

Copy Of the above is forwarded to:

1. The District Accounts Officer Dir Lower.
2. DMO EMA Dir Lower.
3. The Principal GGHS Bandwan Dir Lower.
4. The Head Mistress GGMS Markhanai Dir Lower.
5. For Office Record.

  
 District Education Officer (Female)  
 Dir Lower at Timergara

olc