

15.12.2022

Due to general strike of the Bar, case is adjourned to

07.03.2023 before D.B. Office is directed to notify the next date

on notice board as well as the website of the Tribunal.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)




(Rozina Rehman)
Member (J)

13th Oct., 2022

Counsel for the appellant present. M. Muhammad Adeel Butt, Addl. Advocate General alongwith Director E&SE Khyber Pakhtunkhwa (respondent No. 2) in person Bahramand ADEO for the respondents present.

File to come up alongwith connected Service Appeal No. 7623/2021 titled "Shakir Ullah Vs. Government of Khyber Pakhtunkhwa" for arguments on 03.11.2022 before the D.B.


(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman


03.11.2022

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

File to come up alongwith connected Service Appeal No. 7623/2021 titled "Shakir Ullah Vs. Government of Khyber Pakhtunkhwa" for arguments on 15.11.2022 before D.B.


(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)


15th Nov. 2022

Counsel for the appellant present.

Mr. Muhammad Jan, District Attorney alongwith Bahramand, Assistant Director and Mehtab Gul, Law Officer for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Adjourned To come up for arguments on 15.12.2022 before the D.B.


(FAREEHA PAUL)
Member(E)


(ROZINA REHMAN)
Member (J)

SCANNED
KPST
Peshawar

14.07.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 12.09.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

12.09.2022

Appellant present through counsel.

Muhammad Jan, learned District Attorney alongwith Bahraman ADEO for respondents present..

File to come up alongwith connected Service Appeal No.7623/2021 titled "Shakir Ullah Vs. Government of Khyber Pakhtunkhwa" on 29.09.2022 before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member(J)

29.09.2022

Appellant present through counsel.

Muhammad Jan, learned District Attorney alongwith Bahraman ADEO and Muhammad Tufail Assistant for respondents present.

File to come up alongwith connected Service Appeal No.7623/2021 titled "Shakir Ullah Vs. Government of Khyber Pakhtunkhwa" on 13.10.2022 before D.B.



(Fareeha Paul)
Member (E)

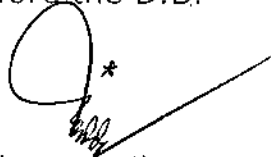


(Rozina Rehman)
Member (J)

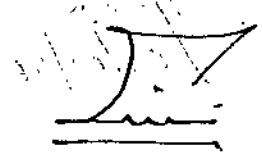
17.06.2022

Junior of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant sought adjournment on the ground that learned counsel for the appellant is unable to attend the Tribunal today due to death of his close relative. Adjourned. To come up for arguments on 24.06.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

24th June, 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Bakhtmal Jan, AD and Mehtab Gul, Law Officer for the respondents present.

During the course of arguments it came to the notice of the Bench that earlier appeal of the appellant filed against the order dated 04.04.2019 was decided by a Bench headed by Mrs. Rozina Rehman, Learned Member (Judicial) who had also handed down the judgment. Therefore, it is appropriate that this appeal be placed before the Bench of Mrs. Rozian Rehman, Learned Member (Judicial). To come up for arguments on 01.07.2022 before the D.B.



(Fareeha Paul)
Member(E)



Chairman

01.07.2022

Bench is not available, therefore, case is adjourned to 14.7.2022 for the same as before.



Reader

04.01.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present and furnished copy of enquiry report, which is placed on file. Preliminary arguments heard and record perused.

Vide my detail order of today in connected service appeal No.7623/2021 this appeal is also admitted for full hearing subject to all just and legal objections. 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. To come up for written reply/comments on 26/04/2022 before S.B.

RS. 500/-
Appellant Deposited
Security & Process Fee

Auff
05/04/22


Chairman

26.04.2022

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Written reply/comments not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 01.06.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

1st June, 2022

Counsel for the appellant present. Mr. Haseenullah, Assistant for respondent No. 1 & 2 and Mr. Hamid Saleem, Law Officer for the respondent No.3 present.

Respondent No. 1 & 2 have submitted reply/comments, which is placed on file. Respondent No.3 submitted application for deletion from the panel of respondents. Case to come up for arguments on 17.06.2022 before D.B.

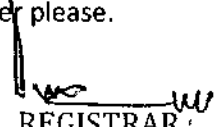



Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 7699 /2021 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/10/2021	<p>The appeal of Mr. Muhammad Sohail presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>11/11/21</u>.</p> <p> CHAIRMAN</p>
	11.11.2021	<p>Counsel for the appellant present. Case to come up on 04.01.2022 before S.B alongwith connected Service No. 7623/2021 titled "Shakirullah Vs. Secretary, E&SE Department, Khyber Pakhtunkhwa Peshawar and others".</p> <p> Chairman</p>

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

SERVICE APPEAL NO. 7699 /2021

MUHAMMAD SOHAIL

V/S

EDUCATION DEPTT:

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5	Impugned notification dt :4.4.2019	C	9
6	Departmental appeal	D	10-11
7	Judgment	E	12-19
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Dated: 26.10.2021

APPELLANT

Through:

**NOOR MOHAMMAD KHATTAK
ADVOCATE**

FLATE NO. 01, 2ND FLOOR,
JUMA KHAN PLAZA, NEAR FATA SECRETARIAT,
WARSAK ROAD, PESHAWAR.

0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2021

Mr, Muhammad Sohail, SST (G) (BPS-16),
GMS, Sura Dara , District, Mohmand.

..... **APPELLANT**

VERSUS

- 1- The Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Chairman Khyber Pakhtunkhwa Public Service Commission, Fort Road, Peshawar.

..... **RESPONDENTS**

SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 11.6.2021 WHEREBY THE WITHDRAWAL NOTIFICATION DATE 4.4.2019 REGARDING APPOINTMENT OF THE APPELLANT AS S.S.T (G) (BPS-16) HAS BEEN RESTORED IN UTTER VIOLATION OF LAW AND RULES AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned Notification dated 4.4.2019 and 11.6.2021 may kindly be set aside and the appellant may kindly be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

R.SHEWETH:

ON FACTS:

- 1- That the appellant was initially appointed by the competent authority on contract basis for a period of one year vide order dated 16.09.2008 and was later on regularized w-e-f 01-01-2009 through regularization Act, 2009. Copies of the appointment and regularization order dated 11.02.2010 are attached as annexure**A& B.**

- 2- That in light of the ibid order the appellant got himself medically examined and also submitted arrival report. his superiors.
- 3- That after proper verification of Educational antecedents and service documents the salary of the appellant has been released/started by the concerned authorities. That it is pertinent to mention that during the said period the appellant has successfully completed his probationary period and as such the Department confirmed the appellant against the post of SST (BPS-16).
- 4- That unfortunately vide impugned Notification dated 4.4.2019 the appointment Notification dated 5.1.2010 of the appellant has been disowned by the respondents without any reason and clear justification. Copy of the impugned Notification is attached as annexureC.
- 5- That feeling aggrieved the appellant filed Departmental appeal followed by service appeal before this august Tribunal. That this august Tribunal vide judgment dated 20.1.2021 accepted the appeal of the appellant by set aside the impugned Notification dated 4.4.2019 and reinstated the appellant with further direction to the respondents to conduct proper Departmental inquiry. Copies of the Departmental appeal and judgment are attached as annexureD & E.
- 6- That vide Notification dated 15.3.2021 the appellant was reinstated into service for the purpose of denovo inquiry. That in response the appellant submitted his charge report and started his duty but again vide impugned Notification dated 11.6.2021 the respondent No.2 restored the Notification dated 4.4.2019 in utter violation of the judgment of this august Tribunal. Copies of the Notification, Charge report and impugned Notification are attached as annexure.....F,G&H
- 7- That feeling aggrieved the appellant filed Departmental appeal but no reply has been received so far. Hence the instant appeal on the following grounds is filed before this august Tribunal. Copy of the Departmental appeal is attached as annexureI

GROUND:

- A- That the impugned Notifications dated 4.4.2019 and 11.6.2021 issued by the respondent No.2 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

- B- That the appellant has not been treated by the concerned authority in accordance with law and rules and as such the authority violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the impugned Notifications dated 4.4.2019 and 11.6.2021 has been issued by the respondents in violation of the Principle of locus Poenitentiae.
- D- That no charge sheet and statement of allegation has been issued by the respondents before issuing the impugned Notifications dated 4.4.2019 and 11.6.2021.
- E- That no show cause notice has been issued to appellant before issuing the impugned Notifications dated 4.4.2019 and 11.6.2021 by the respondents.
- F- That no chance of personal hearing/defense has been provided to the appellant and as such the appellant has been condemned unheard.
- G- That during service the appellant had successfully completed his probationary period and as such the Department confirmed the appellant against the post of SST (BPS-16).
- H- That the appellant was also assigned seniority in the cadre of SST (BPS-16) and was due for promotion to the next higher scale but unfortunately the authority without any reason & rhyme and without following codal formalities straight away issued the impugned Notifications dated 4.4.2019 & 11.6.2021 whereby the appointment Notification of the appellant dated 16.09.2008 has been disowned by the authority.
- I- That the concerned authority acted in arbitrary and malafide manner while issuing the impugned Notifications dated 4.4.2019 and 11.6.2021.
- J- That appellant seeks permission and advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may kindly be accepted as prayed for.

Dated: _____ .10.2021

APPELLANT

Sohail
MUHAMMAD SOHAIL

THROUGH:

Me
NOOR MOHAMMAD KHATTAK
& Haider Ali
HAIDER ALI

ADVOCATES, PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

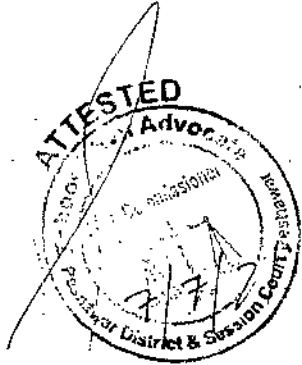
Muhammad Sohail

VS

EDUCATION DEPTT:

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



15/11/11
DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

15/11/11
CERTIFICATION

ANNEX "A"
6

OFFICE OF THE DIRECTOR ELEMENTARY & SECONDARY EDUCATION NWFP, PESHAWAR

NOTIFICATION

In pursuance of the powers conferred under section 25 of the NWFP Civil Servant Act, 1973 the competent authority is pleased to re-appoint the following Male/Female SST (B-16) on contract basis as a stop-gap arrangements for a period of one year w.e.f. the date of assumption of charge or till the availability of selectees of the NWFP Public Service Commission / Departmental Selection Committee whichever is earlier:-

Sr	Name	Father Name	Subject	Place of Posting
1	Manzoor Khan	Mumtaz Khan	General	GHS Surjal
2	Shams Ul Arifeen	Khurshid Khan	General	GMS Sarl Khan Kalan
3	Muhamimad Umar Khan	Ghulam Rabbani	Science	GHS Hadora Banda
4	Gohar Ali	Khaista Muahmimad	Science	GHS Kalam
5	Ashfaq Ahmad	Fazli Raziq	General	GHS Angori Kurram Agency
6	Muhammad Iqbal	Khan Bahadur	General	GHS Angori Kurram Agency
7	Ishtiaq Ahmad	Rahman Shah	General	GHS Baza Kurram Agency
8	Abdur Rasheed	Lal Muhammad	Science	GHS Darmaiak Kohat
9	Zeeshan Akbar	Muhammad Akbar	Science	GHS Shakoor Charsadda
10	Hazrat Wali	Ghulam Hazrat	Science	GHS Udigram Dir Upper
11	Nazim Ullah	Kareem Ullah	General	GHS Chapor Chitral
12	Mahmood Alam Khan	Nazir Gul	General	GHS Kochi-Kurram Agency
13	Muhammad Sohail	Ghuncha Khan	Science	GMS Suran Dara Mohmand Agency
14	Inayat Ur Rahman	Abdul Rahman	General	GHS Kalaya Orakzai Agency
15	Muhammad Ashraf	Shahzad Khan	Science	GHS Bagan
16	Hamayun Rashid	Abdur Rashid	General	GGHS Baghan
17	Sharafat Ali	Muhammad Sulleman	General	GHS Khaira Gali
18	Jawad Ali	Muhammad Banaris	General	GHS Nagri Tutail
19	Murad Ali	Hakam Khan	General	GMS Suma Karaga
20	Ghulam Mustafa	Ihsanul Haq	Science	GHS Chamiali
21	Muhammad-Umar Khan	Ghulam Rubbani	Science	GHS Hadora Banda
22	Bakht Nabi	Karim Shah	General	GMS Battian
23	Muhammad Ijaz	Zarwali Khan	General	GHS Kafoor, Dheri
24	Abdul Karim	Jehangir khan	General	GHS Shahi-Bala
25	Feroz Khan	Abdur Rashid	Science	GHS Charpariza
26	Zafar Iqbal	Nazar Gul	Science	GHS Zahir Abad
27	Momin Khan	Zarin Khan	Science	GHS H.M Noor Killi
28	Alamzeb	Fazal Rahim	Science	GHS Utroor
29	Muhammad Tahir	S.Gaffar Shah	General	GHS Jehangira
30	Zahoor Khan	Sameen Khan	General	GHS Jalsai
31	Bakht Zamin Khan	Muhammad Sher	General	GHS No.2 Tordher

ATTESTED

7



Terms and Conditions

1. The appointment of the above candidates will be on contract basis for the period of one year from the date of assumption of charge till the arrival of the selectees of the NWFP Public Service Commission/Departmental Selection Committee, whichever is earlier.
2. They will draw Pay in BPS-16.
3. No TA/DA is allowed.
4. If they want to resign from the service before expiry of the contract, they will have to serve one month notice in advance falling which they will have to deposit prior notice to the appointing authority one month pay in lieu of such notice, in the Government Treasury.
5. Their appointments have been made for specific schools, so shall not make any request for transfer from the School where they are posted. In case in case of such occurrence, their service shall stand terminated.
6. They should join their posts within 15-days of the issue of this notification. The Executive District Officer, Elementary & Secondary Education concerned, should furnish certificate to the effect that the candidates have joined the post or otherwise within 15-days of the issue of this Notification.
7. They shall execute an agreement with the Government before taking over charge, signed by the concerned EDOs Elementary & Secondary Education NWFP, on behalf of the Government/Director (E&SE).
8. They will not be entitled for any pension or gratuity for the service rendered by them on contract basis and shall not claim regularization for their contract service.
9. Charge report in duplicate should be submitted to all concerned.
10. Their service shall be terminated if they violate any provision of the terms and conditions specified in the agreement Bond/Deed.
11. They shall not be entitled to perform any examination duty of the BISEs/University/RDE, NWFP, during the current contract period.


Director
Elementary & Secondary
Education, NWFP, Peshawar

Endst No.5139 - 5197/A-14/SST/M&F/Contract One Year/

Dated : 16/09/2008

Copy of the above is forwarded to..

1. Accountant General, NWFP Peshawar
2. Director of Education, FATA, NWFP Peshawar
3. Distt: Accounts Officers concerned
4. Director Elementary & Secondary Education NWFP, Peshawar
5. Executive District Officers (E&SE) concerned
6. Principals/Head Masters/Head Mistress concerned
7. SST concerned
8. PS to the Minister for Education NWFP
9. PS to Secretary to Govt: of NWFP
10. All Chairman BISE/Registrars of University in NWFP, with the request to comply with the above condition as at 5.No
11. PA to Director (E&SE) Local Office
12. Master File


Deputy Director (Estab:)
Elementary & Secondary
Education, NWFP, Peshawar

ATTESTED

ANNEX

B

8

OFFICE OF THE DIRECTOR ELEMENTARY & SECONDRY EDUCATION NWFP PESHAWAR

NOTIFICATION

The competent authority has been pleased to regularize the services of the following Adhoc/contract employee against the post of SST (M) (BPS-16) with effect from 01-01-2009, under the NWFP Employees (Regularization of Services) Act, 2009 on the terms and conditions give at the end of this Notification:-

S.No	Name of SST	Father's Name	School address	No. & date of the current contract appu order
1	Ashfaq Ahmad	Fazli Raziq	GHS Angori Kurram Agency	No.5139-5197 dated 16-9-2008
2	Muhammad Iqbal	Khan Bahadur	GHS Angori Kurram Agency	No.5139-5197 dated 16-9-2008
3	Ishraq Ahmad	Rehman Shah	GHS Baza Kurram Agency	No.5139-5197 dated 16-9-2008
4	Abdur Rashid	Lal Muhammad	GHS Darmalak Kohat	No.5139-5197 dated 16-9-2008
5	Zeeshan Akbar	Muhammad Akbar	GHS Shakoor Charsadda	No.5139-5197 dated 16-9-2008
6	Hazrat Wali	Ghulam Hazrat	GHS Odigram Dir. Upper	No.5139-5197 dated 16-9-2008
7	Nazim Ullah	Karim Ullah	GHS Chapor Chitral	No.5139-5197 dated 16-9-2008
8	Mahmood Alam Khan	Nazir Gul	GHS Kochi Kurram Agency	No.5139-5197 dated 16-9-2008
9	Muhammad Sohail	Ghuncha Khan	GMS Suran dara Muhmaid Agency	No.5139-5197 dated 16-9-2008
10	Inayat Ur Rahman	Abdul Rahman	GHS Kalaya Orakzai Agency	No.5139-5197 dated 16-9-2008

Terms and Condition of their appointment:

1. His services will be considered as regular but without pension & gratuity in terms of section -19 of NWFP Civil Servants Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2007, he will, however be entitled to contributory Provident Fund in such manner and at such rates as prescribed by the Government
2. The seniority will be determined according to Section-4 of the NWFP Employees (Regularization of Services) Act, 2009.
3. He will be required to furnish copies of all there certificates / degrees along with original receipts and Photostat copies thereof, pertaining to the verification fee of the concerned Examining body (Board & University) to the Executive Distt. Officer (E&SE) concerned.
4. The Executive Distt. Officer (E&SE) concerned is directed not to release their pay until the verification of their documents.

Director
Elementary & Secondary
Education NWFP, Peshawar

Enclost: No 2221-27 / A-14/SET (M) Regularization SST Contract Dated Pesh: the 11-02-2010

1. Accountant General NWFP, Peshawar
2. Director of Education (FATA) NWFP, Peshawar
3. All Executive Distt. Officers (E&SE) concerned.
4. All Agency Education Officers concerned.
5. Agency Accounts Officers concerned.
6. All Disst. Accounts Officers concerned.
7. All Principals/ Headmasters concerned.
8. Teacher concerned.
9. PS to the Minister for E&SE NWFP, Peshawar.
10. PS to the Secretary to Govt. of NWFP, E&SE Deptt.
11. PA to the Director E&SE NWFP, Peshawar

Deputy Director (Establishment)
E&SE NWFP, Peshawar

ATTESTED



NOTIFICATION

ANNEXURE

9

1. WHERE AS: one Mr. Muhammad Sohail S/O Ghuricha Gul who himself appointed/adjusted as SST (G) in GMS Suran Dara District Mohmand vide E&SE Notification No 2221-27 dated 11/02/2010 upon the production of fake/bogus appointment/adjustment order not issued by the Directorate of Education erstwhile FATA Nor by the Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa.
2. AND WHERE AS, the competent authority has directed the above said accused SST to produce authentic and verified service record from the concerned authorities, but he failed to comply with the legitimate directions of high ups regarding production of requisite authentic documents/record.
3. AND WHERE AS, further an inquiry committee was constituted by the competent authority vide Notification No. 8154-63 dated 04/8/2016 who have gone through the entire case record and it has been proved that the said appointment/adjustment order for the aforesaid post advertised by Public Service Commission Khyber Pakhtunkhwa was turned out fake/bogus.
4. AND WHERE AS, it has come to the notice of the competent authority that Mr. Muhammad Sohail S/O Ghuncha Gul, having no legal status of the said appointment/adjustment order.
5. NOW THEREFORE, under the mandatory provision and power conferred under Section-20 & 21 for General clauses Act-1897 as amended in 1956 and in pursuance of the scrutiny of selection/appointment record in r/o the above mentioned SST which was found fake/bogus, thus his appointment/adjustment E&SE Notification No. 2221-27 dated 11/02/2010 is hereby "DISOWNED" ab initio and with the direction to District Education Officer (concerned) to recover salaries and other allied benefits drawn by Mr. Muhammad Sohail S/O Ghuncha Gul in the interest of Public Service.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

5674-78
Endst. No. _____ dated 4-4 2019
Copy forwarded to the:-

1. Deputy Commissioner, District Mohmand with the request to take legal action.
2. District Education Officer District Mohmand with the direction to take necessary steps for the recovery of outstanding amount against fake/bogus SST concerned.
3. District Account Officer District Mohmand to co-operate in the matter.
4. PS to Secretary Elementary and Secondary Education Khyber Pakhtunkhwa.
5. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa.

ATTESTED

Deputy Director (Estab)
Merged Districts

ATTESTED

گورنمنٹ ایئر لائنز پاکستان (EAL) کے لیے درخواستیں

گورنمنٹ ایئر لائنز پاکستان (EAL) کے لیے درخواستیں فرم 4-4-2019ء سے 4-4-2019ء تک کی رو سے درخواستیں جمع کروانی ہیں۔
KPPSC اور EAL کے درمیان، آپ کی درخواست کے احکامات بحسب آئی سی سی کے تحت 11-2-2010ء اور 11-2-2010ء کے احکامات کے تحت درخواستیں جمع کروانی ہیں۔

گورنمنٹ ایئر لائنز پاکستان (EAL) کے لیے درخواستیں فرم 4-4-2019ء سے 4-4-2019ء تک کی رو سے درخواستیں جمع کروانی ہیں۔
KPPSC اور EAL کے درمیان، آپ کی درخواست کے احکامات بحسب آئی سی سی کے تحت 11-2-2010ء اور 11-2-2010ء کے احکامات کے تحت درخواستیں جمع کروانی ہیں۔

گورنمنٹ ایئر لائنز پاکستان (EAL) کے لیے درخواستیں فرم 4-4-2019ء سے 4-4-2019ء تک کی رو سے درخواستیں جمع کروانی ہیں۔
KPPSC اور EAL کے درمیان، آپ کی درخواست کے احکامات بحسب آئی سی سی کے تحت 11-2-2010ء اور 11-2-2010ء کے احکامات کے تحت درخواستیں جمع کروانی ہیں۔

گورنمنٹ ایئر لائنز پاکستان (EAL) کے لیے درخواستیں فرم 4-4-2019ء سے 4-4-2019ء تک کی رو سے درخواستیں جمع کروانی ہیں۔
KPPSC اور EAL کے درمیان، آپ کی درخواست کے احکامات بحسب آئی سی سی کے تحت 11-2-2010ء اور 11-2-2010ء کے احکامات کے تحت درخواستیں جمع کروانی ہیں۔

گورنمنٹ ایئر لائنز پاکستان (EAL) کے لیے درخواستیں فرم 4-4-2019ء سے 4-4-2019ء تک کی رو سے درخواستیں جمع کروانی ہیں۔
KPPSC اور EAL کے درمیان، آپ کی درخواست کے احکامات بحسب آئی سی سی کے تحت 11-2-2010ء اور 11-2-2010ء کے احکامات کے تحت درخواستیں جمع کروانی ہیں۔

گورنمنٹ ایئر لائنز پاکستان (EAL) کے لیے درخواستیں فرم 4-4-2019ء سے 4-4-2019ء تک کی رو سے درخواستیں جمع کروانی ہیں۔
KPPSC اور EAL کے درمیان، آپ کی درخواست کے احکامات بحسب آئی سی سی کے تحت 11-2-2010ء اور 11-2-2010ء کے احکامات کے تحت درخواستیں جمع کروانی ہیں۔

گورنمنٹ ایئر لائنز پاکستان (EAL) کے لیے درخواستیں فرم 4-4-2019ء سے 4-4-2019ء تک کی رو سے درخواستیں جمع کروانی ہیں۔
KPPSC اور EAL کے درمیان، آپ کی درخواست کے احکامات بحسب آئی سی سی کے تحت 11-2-2010ء اور 11-2-2010ء کے احکامات کے تحت درخواستیں جمع کروانی ہیں۔

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ANNEXURE

12

12

20.01.2021

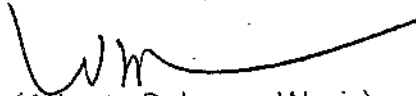
Appellant present through counsel.

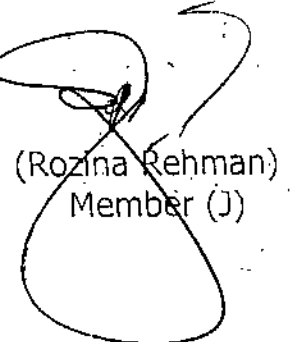
Kabir Ullah Khattak learned Additional Advocate General alongwith Hamid Salim Law Officer, Hayat Khan Assistant Director and Abdul Wahid ADEO for respondents present.

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

Announced.

20.01.2021


(Atiq-ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

~~ATTESTED~~

13



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 Bhaj, District Mardan.
(Appellant)

VERSUS

1. 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

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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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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 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar



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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.

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

3. Learned counsel for appellants submitted that the appointments were made in accordance with law by following the prescribed procedure which cannot be held fake appointments. That notifications dated 04.04.2019 and 05.04.2019 are against law and facts. That the appellants were not treated in accordance with law and they were not given an opportunity to defend themselves as enshrined in Article 10-A of the Constitution of Islamic Republic of Pakistan 1973. Learned counsel further argued that neither 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.

ATTENDED

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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.

4. 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.

5. 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

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EXAMINER
Peshawar

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

6. 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

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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

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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.

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

ANNOUNCED.

20.01.2021

(Atiq ur Rehman Wazir)
Member (E)

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Rozina Rehman)
Member (J)





ANNEXURE

F



DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA

NOTIFICATION

In compliance to the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar Judgment dated 20-01-2021 rendered in Service Appeal #1024/2019 the impugned order/notification in respect of Muhammad Sohail S/O Ghuncha Khan, Ex SST (General) GMS Suran Dara District Mohmand issued vide this Directorate under endorsement No. 5674-78 dated 04-04-2019 is hereby set aside for the purpose of de novo Inquiry.

Director
Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 3549-51 /A-12/Re-instatement/SST (M&F)
Dated Peshawar the 15/03 /2021

Copy forwarded to the:-

1. District Education Officer Mohmand for further necessary action as per the Honorable Service Tribunal Peshawar Judgment referred above.
2. Additional Director (Estab) Merged District Khyber Pakhtunkhwa, Peshawar.
3. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

Deputy Director (Estab)
Merged Districts

~~ATTESTED~~

OFFICE OF THE DISTRICT EDUCATION OFFICER
MOHMAND TRIBAL DISTRICT

Ph. No. ☎: 0924-290180

FAX ☎: 0924290180

Email ✉: - deomohmand@gmail.com



REINSTATEMENT / ADJUSTMENT.

In compliance of the competent authority Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa the following SSTs Male/Female District Mohmand who are disowned are hereby reinstated and adjusted as per the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar Appeal # and Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Endst: # mentioned to each official with immediate effect.

S.#	Name of Officials / Designation	Appeal #	Endst: # dated	Name of school where adjusted	Remarks
1.	Shakir Ullah S/O Zargur SST	964/2019	3555-57/A-12/Rre-instatement/SST (M&F) dated 15/03/2021	GMS Halki Gandao	A.V.P
2.	Hazrat Jan S/O Akhtar Jan SST	966/2019	3552-54/A-12/Rre-instatement/SST (M&F) dated 15/03/2021	GHS Gato Warsak	A.V.P
3.	Nizakat D/O Shah Saïd SST	1111/2019	3519-21/A-12/Rre-instatement/SST (M&F) dated 15/03/2021	GGHS Shahalam Salay	A.V.P
4.	Tahirã Naz D/O Fazli Dayan SST	1031/2019	3531-33/A-12/Rre-instatement/SST (M&F) dated 15/03/2021	GGHS Prang Ghar	A.V.P
5.	Asma D/O Muhammad Akbar SST	975/2019	3516-18/A-12/Rre-instatement/SST (M&F) dated 15/03/2021	GGMS Sabaz Ali Baro Khel	A.V.P
6.	Ishrat D/O Sher Afghan SST	1014/2019	3534-36/A-12/Rre-instatement/SST (M&F) dated 15/03/2021	GGHS Kachkool Khwazai	A.V.P
7.	Seema D/O Ikran u Din SST	975/2019	3522-24/A-12/Rre-instatement/SST (M&F) dated 15/03/2021	GGMS Sahib Dad Nahqi	A.V.P
8.	Gihazal Sana D/O Sana Ullah SST	1018/2019	3503-6/A-12/Rre-instatement/SST (M&F) dated 15/03/2021	GGMS Kashmir Kore	A.V.P
9.	Muhammad Farooq S/O Muhammad Yousaf SST	971/2019	3543-45/A-12/Rre-instatement/SST (M&F) dated 15/03/2021	GMS Alingar	
10.	Zafar Iqbal S/O Gul Rahman SST	963/2019	3546-48/A-12/Rre-instatement/SST (M&F) dated 15/03/2021	GMS Ashraf Abad	A.V.P
11.	Yar Khan S/O Ali Rahman SST	969/2019	3540-42/A-12/Rre-instatement/SST (M&F) dated 15/03/2021	GMS Bahadar Killi	
12.	Abdul Malik S/O Saïd Muhammad SST	968/2019	3537-39/A-12/Rre-instatement/SST (M&F) dated 15/03/2021	GMS Taj Muhammad	A.V.P

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Muhammad Sohail S/O Ghuncha Khan SST	1024/2019	3549-51/A-12/Rre- instatement/SST (M&F) dated 15/03/2021	GMS Bahai Dag	A.V.P
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Financial Transfer.


Name of official	Name of Present school	Where transfer	Remarks
Sahib Zad SST	GMS Bahadar killi Soran	GMS Qalagai	Against V.S.#11
Zurghaun shah SST	GMS Alingar	GHS Kag Pand	Against V.S.#09

Indst. No. 2/13-20 Dated 19/03/2021

Copy forwarded for information and necessary action to:

1. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director Education NMD-Khyber Pakhtunkhwa, Peshawar
4. Deputy Commissioner, Mohmand Tribal District.
5. District Account Officer Mohmand Tribal District.
6. Cashier Local Office.
7. Officials Concerned.
8. Office record.

(Noor Hassan Khan)
District Education Officer
Mohmand Tribal District.


District Education Officer
Mohmand Tribal District

AMZ/K.S.C

ATTESTED

Charge Report

ANNEXURE

23

I MR (Muhammad Sahail s/o Ghuncha Khan SST (G) took the charge of SST (G) Post at Gms Bhai Daag (Mohmand) under direction of E & S KPK Peshawar No 3549-SI dated 15-03-2021 and adjustment order DEO Mohmand No 2113-20 dated 20-03-2021 on 20-03-2021 P/A.

Charge Report should be submitted to all concerned.

Signature of In-charge
Charge

Mr. Muhammad Sahail

SST (G) - 4/12/2021

Signature
Master
Bahi Daag
District Mohmand

Signature of Relieved official

ATTESTED

To,

The Secretary (E&SE) Department,
Khyber Pakhtunkhwa, Peshawar.

ANNEXURE I

25

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED NOTIFICATION DATED 11.6.2021 WHEREBY THE DISOWNED ORDER DATED 4.4.2019 HAS BEEN RESTORED

R.SHEWETH:

That initially the appellant was inducted/ regularized w-e-f 1-1-2009 vide notification dated 11-2-2010 as Secondary School Teacher (BPS-16). That in response the appellant got himself medically examined and also submitted arrival report. That where after the appellant started performing his duty at the concerned station quite efficiently and up to the entire satisfaction of his superiors. That after proper verification of Educational antecedents and service documents the salary of the appellant has been released/started by the concerned authorities.

That it is pertinent to mention that appellant is equipped with the qualification of M.A and professional qualification of Bachelor of Education which is over and above the requisite qualification for the post of SST (BPS-16). That it is pertinent to mention that during the said period the appellant has successfully completed his probationary period and as such the Department confirmed the appellant against the post of SST (BPS-16).

That unfortunately the authority without any reason & rhyme and without following codal formalities straight away issued the impugned Notification dated 4.4.2019 whereby the appointment Notification of the appellant dated 11-2-2010 has been disowned by the authority. Against which the appellant filed Departmental appeal followed by service appeal before the Tribunal and the august Tribunal directed the authority to re-instate the appellant into service and where after conduct denovo inquiry in the matter.

That unfortunately vide impugned Notification dated 11.6.2021 the disowned order dated 4.4.2019 has been restored without any regular inquiry.

It is therefore most humbly prayed that on acceptance of this Departmental appeal the impugned Notification dated 11.6.2021 may kindly be set aside and the appellant may be re-instated into service with all back benefits.

DATED: 09.7.2021

APPELLANT

15/7/21
Muhammad Sohail, SST (BPS-16),
GMS Suran Dara, District Mohmand.

VAKALATNAMA

BEFORE THE MEDICAL TEACHING INSTITUTION,
APPELLATE TRIBUNAL, PESHAWAR

PETITION NO: _____ OF 2021

Muhammad Sohail

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We M. Sohail

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate. Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2021

ishtard

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
(BC-10-0853)

15401-0705985-5

KAMRAN KHAN

&

MUHAMMAD MAAZ MANDI
ADVOCATES

OFFICE:

Flat No.4, 2ND Floor,
Juma khan plaza near
FATA Secretariat, Warsak road
Peshawar City. Mobile No. 0345-9383141

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 7699/2021

Muhammad Sohail, Ex-SST (General) District Mohmand.....Appellant.

VERSUS

Secretary (E&SED), Khyber Pakhtunkhwa & others.....Respondents

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

Respectfully Sheweth:-

The Respondents No.1-2 submit as under:-

Preliminary Objections.

- 1 That the Appellant has got no cause of action/locus standi.
- 2 That the appellant is not an aggrieved person within the meaning of Article 212 of the constitution of Islamic Republic of Pakistan 1973.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal.
- 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 he/she has sought from this Honorable Tribunal as his/her 1st appointment/adjustment Notification No. 7057-70/A-D/Apptt of SST (G)/PSC/2012 dated 05/05/2012 has been disowned vide Notification bearing Endst No. 5663-68 dated 04-04-2019 by the Respondent No.02 of being fake & bogus against the Ex-SST (General) B-16 in District Mohmand after due process of Law & procedure.
- 7 That the instant Appeal is based on mala fide intentions, just to put extra pressure on the Respondents for gaining illegal service benefits.

- 8 That the instant Service Appeal is not maintainable in its present form.
- 9 That the instant Service Appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 10 That the impugned Notifications dated Notifications dated 04-04-2019 & 11-06-2021 of the Respondent Department are legally competent & liable to be maintained in favor of the Respondents.
- 11 That no Departmental Appeal has been filed by the appellant to the Respondent Department against the impugned Notifications dated 04-04-2019 & 11-06-2021, hence, the instant appeal is not maintainable.
- 12 That the recommendation letter of the appellant has been declared as fake and bogus by the Khyber Pakhtunkhwa Public Service Commission/Respondent No.03.
- 13 That the Notification dated 25-05-2012 has correctly been disowned by the Respondent Department on the grounds of being fake & bogus after observing all Codal formalities by the Respondent No.02 in view of the inquiry committee notified vide Notification bearing No. 1911-16 dated 08-02-2021 who submitted its report vide letter No. 778 dated 24-04-2021 to the Respondent Department. **(Copy of the Notification dated 08-02-2021 is attached as Annex-A).**

ON FACTS.

- 1 That Para-1 is correct to the extent of publication of an advertisement through the National Press, whereby, the Respondent No.3/ KPK PSC has invited applications for the recruitment against the SST B-16 (G) Post in the Respondent Department, wherein, no application has been filed by the appellant nor appeared in test/interview for the post in question & has produced fake & bogus recommendation letter of the Respondent No.3 by showing him/her self to have been recommended by KP PSC against the SST (G) Post in B-16 & on the basis of the said fake & bogus recommendation letters of the Respondent No.03 the appellant adjusted got himself against the noted post in District Bajour on malafide intentions in the Respondent Department. **(Copy of the advertisement is attached as Annex-B).**
- 2 That Para-2 is also in correct & denied to the extent of publication of an advertisement through the National Press, whereby, the Respondent No.3/ KPK PSC has invited applications for the recruitment against the

SST B-16 (G) Post in the Respondent Department, wherein, no application has been filed by the appellant nor appeared in interview for the post in question & has produced fake & bogus recommendation letter of the Respondent No.3 by showing his self to has been recommended by the PSC against the SST (G) Post in B-16 & on the basis of the said fake & bogus appointment order, the appellant has got adjusted her/his self against the noted post in District Bajour on malafide intentions in the Respondent Department which was resulted in constitution of inquiry committee vide Notification No. 1911-16 dated 08-02-2021 through Mr. Muhammad Saleem & Munawar Gul who have submitted their inquiry report vide letter No. 778 dated 24-04-2021 to the Respondent No.2. **(Copy of the inquiry report is Annexure-C).**

- 3 That Para-3 is incorrect on the grounds that the whole service record of the appellant has been proved by the inquiry committee as fake & bogus during their inquiry proceeding against the appellant.
- 4 That Para-4 is incorrect & denied on the grounds that the act of the Department with regard to the Notification dated 04-04-2019 is legal & even is the result of due process of Law & procedure.
- 5 That Para-5 is correct that in view of the Departmental proceedings conducted by the Respondent Department against the appellant under the relevant provision of Law & Rules in field including formal inquiry, wherein, the 1st appointment order dated 25-05-2012 of the appellant has been proved fake & bogus, hence, her/his services against the mentioned post have been disowned by the Respondent No.2 vide Notification dated 11-06-2021 after due process of Law, therefore, the claim of the appellant is illegal & liable to be rejected.**(Copy of the Notification dated 11-06-2021 is Annexure-D).**
- 6 That Para-6 is correct that vide Notification dated 15-03-2021 the appellant was reinstated in service only for the purpose of De-Novo inquiry which was concluded vide Notification dated 04-04-2019, whereby, the services of the appellant has been disowned to the extent of the 1st appointment order dated 25-05-2012 of the appellant by the Respondent Department. **(Copy of the Notification dated 04-04-2019 is Annexure-E).**
- 7 That para-7 is incorrect & denied as no Departmental appeal against the Notification dated 04-04-2019 of the Respondent No.2 has been filed by the appellant till date, hence, got finality under the Law of limitation Act 1908 against the appellant, therefore, the appeal in hand is liable to be dismissed on the following grounds inter alia:-

ON GROUNDS.

- A **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy vide the above said Notifications dated 04-04-2019 & 11-06-2021 by the Respondent Department in the instant case, hence, the stand of the appellant is baseless & liable to be rejected.
- B **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy having no question of violating the provision of Article-4 & 25 of the constitution of 1973 by the Department.
- 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 as the Notifications dated 04-04-2019 & 11-06-2021 is legal & liable to be maintained.
- D **Incorrect & not admitted.** The stand of the appellant is without any cogent reason & legal justification, hence, denied.
- E **Incorrect & not admitted.** The plea of the appellant is without justification & liable to be rejected.
- F **Incorrect & not admitted.** The plea of the appellant is without justification & liable to be rejected as he/she has been treated as per Law & Rules by the Respondent No.2.
- G **Incorrect & not admitted.** As the whole service record of the appellant has been proved by the inquiry committee fake & bogus during their inquiry proceeding against the appellant.
- H **Incorrect & not admitted.** Hence, needs no further comments.
- I **Incorrect & not admitted.** Hence, needs no further comments.
- J **Legal.** However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date fixed.


5

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

Dated ___/___/2022.

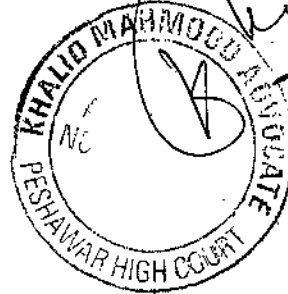

DIRECTOR

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


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

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 para wise Comments are true & correct to the best of my knowledge & belief.



Deponent

(1)

4/11

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR

NOTIFICATION

In compliance to the judgment of the Honorable Service Tribunal rendered in service appeal No.1 to 40, the competent authority is pleased to constitute a committee, comprising the following officers to conduct denovo enquiry against the SSTs inducted in the system illegally/unlawfully into the various Districts/Sub Divisions Khyber Pakhtunkhwa.

1. Muhammad Salim Principal (BS-19) (Chairman)
GCMHS No.1 Tank
2. Ahmad Shahab Principal (BS-19) (Member)
GHSS No.2 Peshawar

Annexure A

Terms of References (ToR)

- i. To compare and cross Examine / check the lists of SSTs provided by the AEOs offices with the lists of SSTs provided by Public Service Commission.
- ii. To determine that whether the SSTs working in various Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar Department had been recommended by the Public Service Commission or otherwise.
- iii. To examine whether the adjustment / transfer orders of the said SSTs had been issued by the Directorate of Education.
- iv. To examine whether, the record viz a Personal Files etc of these SSTs exist in the Directorate of Education (FATA) and in the respective Agency Accounts Officer.
- v. To dig out their Jst date of induction in the system and present status of the inducted SSTs.
- vi. To propose proper strategy keeping in view all the relevant legal aspects for proceedings against these inducted teachers.
- vii. To propose / suggest further course of legal proceedings to be followed by the competent authority against these SSTs in case of their names do not exist in the list provided by Public Service Commission, keeping in view the following two lines.
 - a) If the competent authority proceeds against them under KPK Government Servants (Efficiency & Discipline) Rules 2011, will they not be given the status of a civil servant? While they are not.
 - b) If the competent authority straight away lodge an FIR against them in the respective political agent office / police station, avoiding KPK Government Servants (Efficiency & Discipline) Rules 2011, then the question of their status will not arise that if they were not civil servants then how they remained on the strength / acquaintance role of education department for such period of time?
- viii. To examine / scrutinize the reply in response to the statement of allegations so far issued by the competent authority and suggest further line of action to the competent authority and suggest further line of action to the competent authority.
- ix. To verify / examine / scrutinize their all relevant service record along with qualification both general and professional.

- x. To fix responsibility on officer / official with the convenience of whom these inductions have been made.
- xi. Any other related issue / problem the committee may like to consider for probe.

(2)
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Director
Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. _____ / E.No. E-06/Khyber (KC now)

Dated Peshawar the _____ / _____ 2021.

Copy of the above is forwarded to the:-

1. Additional Advocate (G) Service Tribunal Peshawar Khyber Pakhtunkhwa.
2. Register Service Tribunal Peshawar.
- 1-2. Chairman/Member of the Committee.
3. District Education Officer Lower & Central Kurram with the remarks to provide complete records/full cooperation to the Inquiry Committee during proceedings.
4. P.A to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

y/c DY: DIRECTOR (ESTAB)
MERGED DISTRICTS

NWFP PUBLIC SERVICE COMMISSION

2- Fort Road Peshawar Cantt:

Website: www.nwfppsc.gov.pk

Dated: 26-01-2009

ADVERTISEMENT No. 01 / 2009.

Annex
Advertiser

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

AGRICULTURE LIVESTOCK & CO-OPERATIVE DEPTT:

(S.No. 01) One (01) Post of assistant Botanist. In Livestock Research & Devt Deptt:
QUALIFICATION: M.Sc Agriculture or B.Sc (Hons) Agriculture (Obtained) after "4" Years Instructions after F.Sc) from a recognized University under research programme in the subject relating to the subject groups as specified in schedule-II to which the Vacancy occurs.
AGE LIMIT: 21 to 33 years. **PAY SCALE:** BPS-17. **ELIGIBILITY:** Both Sexes.
ALLOCATION: Merit.

(S.No. 02) Two (2) Posts of Research officers Fodder. In L&DD Deptt:
QUALIFICATION: M.Sc Agriculture or B.Sc (Hons) Agriculture (Obtained) after "4" Years Instructions after F.Sc) from a recognized University under research programme in the subject relating to the subject groups as specified in schedule-II to which the Vacancy occurs.
AGE LIMIT: 21 to 33 years. **PAY SCALE:** BPS-17. **ELIGIBILITY:** Male.
ALLOCATION:

Merit	Zone-1
01	01

CHIEF ENGINEER WORKS & SERVICE DEPARTMENT.

(S.No. 03) Five (05) Posts of Data Entry Operators:
QUALIFICATION: (i) 2nd Division PA/FSc with one year Diploma in Computer Science from the recognized Institute (ii) Speed of Ten thousand key depression per hour for punching/data entry/verification.
AGE LIMIT: 18 to 30 years. **PAY SCALE:** BPS-11. **ELIGIBILITY:** Both Sexes.
ALLOCATION:

Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
01	01	01	01	01

TESTED

DIRECTORATE OF INDUSTRIES, COMMERCE, MINERAL DEV, LABOUR & TECHNICAL EDUCATION DEPARTMENT.

(S.No. 04) One (01) Post of Male Inspector Mines
QUALIFICATION: (i) Bachelor Degree in Mining Engineering from recognized University and (ii) 1st Class Mines Manager's certificate of Competency granted under the provision of Mines Act, 1923 and (iii) Two years experience in Govt or Semi Government Mining Industries registered under the Mines Act, 1923.
AGE LIMIT: 21 to 33 years. **PAY SCALE:** BPS-17. **ELIGIBILITY:** Male.
ALLOCATION: NOTE: In case of non-availability of candidates possessing the

Exp 26/01/2009 Abdul malik vs Govt UPR 403 page 5

provisions of the rules for the time being in force.

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

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

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

ALLOCATION:

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

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

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

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.

AGE LIMIT: 21 to 35 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Male.

ALLOCATION:

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

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

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

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.

AGE LIMIT: 21 to 35 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Male.

ALLOCATION: Merit.

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

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

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.

AGE LIMIT: 21 to 35 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Male.

ALLOCATION: Merit.

(S.No. 55) Nine Hundred and Seventy Three (973) Posts of Female SETs /S.S.Ts (Both Science & Arts) (with out graduaty and pension).

QUALIFICATION: For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.
For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Phisic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.
AGE LIMIT: 21 to 40 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Female.

ALLOCATION:

Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
243	162	162	162	122	122

(S.No. 56) Twenty One (21) Posts of Female SFTs /S.S.Ts Disabled (with out graduaty and pension).

QUALIFICATION: For Secondary Schoo. Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.
For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Phisic, Chemistry, Zoology, Eotany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.
AGE LIMIT: 21 to 40 years. (10 years age relaxation)
PAY SCALE: BPS-16 **ELIGIBILITY:** Female.
ALLOCATION: Merit.

(S.No. 57) Fifty One (51) Posts of Female SETs /S.S.Ts For Earth Quake Quota (I.E) Battagram, Mansehra, Shangla, Kohistan, Abbottabad; (with out graduaty and pension).

QUALIFICATION: For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B Ed or Equivalent Qualification from a recognized University.
For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Phisic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.
AGE LIMIT: 21 to 40 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Female.
ALLOCATION: Merit.

TECHNICAL EDUCATION AND MAN POWER TRAINING
DEPARTMENT.

(S.No. 58) Two (02) Posts of Assistant Professor Commerce in Govt: Colleges of Commercial/Govt: Commercial Training Institutes.

QUALIFICATION: (i) Ph. D. in-the relevant subject from a recognized University with three year teaching experience in recognized college / Govt: Commercial Institutes/ Govt: Commercial Institutes/ Govt: Commerce College ass Instructor/ Lecturer OR (ii) Master's Degree from a recognized University in the relevant subject with Five Years experience of teaching as Lecturer / Junior Instructor in a recognized college / Govt: Commercial Institute/ Govt: Commerce College.
AGE LIMIT: 25 to 40 years. **PAY SCALE:** BPS-18. **ELIGIBILITY:** Male.
ALLOCATION: Merit.

(S.No. 59) Two (02) Posts of Assistant Professor in Computer Engineering in Govt: College of Technology & Govt: Polytechnic Institute.

QUALIFICATION: (a) Ph. D. in Engineering from a recognized University / Institute with one years's teaching/ professional experience in the relevant subject as such OR (b) Master's Degree in Engineering from a recognized University/ Institute with five years teaching/ professional experience in the relevant subject as such; OR (c)

ATTESTED

S.No. 66)	Ten (10) Posts of Male office Assistant.				
	QUALIFICATION: Each of degree from recognized University.				
	AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-14. ELIGIBILITY: Male.				
	ALLOCATION:				
	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
	02	02	02	02	02
S.No. 67)	One (01) Post of Female office Assistant.				
	QUALIFICATION: Bachelor degree from recognized University.				
	AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-14. ELIGIBILITY: Female.				
	ALLOCATION: Merit.				

CORRIGENDUM

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

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

GENERAL CONDITIONS

- (i) Age, qualification and experience etc shall be reckoned on 26-02-2009 Maximum age limit as prescribed in the recruitment rules shall be relaxed upto 10 years for Govt Servants who have completed 7 years continuous service upto 10 years for disabled persons and upto 3 years for candidates belonging to backward areas of Zone-1, Zone-3, Merged Areas of Hazara and Mardan Divisions and upper Tanawal, Districts of Swat, Upper Dir, Lower Dir, Chitral, Buner, Kala Dharka Area, Kohistan District, Shangla, Gadoon Area in Swabi, Backward areas of Manshara and Balagram, backward areas of Haripur District i.e., Kalanjar Field Kanungo Circle of Tehsil Haripur and Amazai Field Kanungo Circle of Tehsil Ghazi. However, a candidate shall be allowed relaxation in age in one of the above categories provided that the candidates from backward areas, in addition to automatic relaxation of three years shall be entitled to one of the relaxations available to Govt Servants, general or disabled candidates, whichever is relevant and applicable to them.
- (ii) Degrees / Diploma / Experience Certificates / Testimonials of unrecognized Institution are not accepted. Only original Degrees / Certificates are accepted. However, the candidates can apply on provisional certificate signed by the Controller of Examination of the respective Institution but candidates shall produce original degrees / certificates before their selection. Detail Marks Certificate for all the examination shall necessarily be required and these should be attached with the application forms.
- (iii) ALLOCATION of vacancies in BPS-17 and below shall be strictly in accordance with the Zonal ALLOCATION as indicated against each post(s). The applications of the candidates other than the specified zone(s) shall be ignored except for posts reserved for Merit quota. No zonal reservation stands for posts allocated to disabled quota and also for the posts in BPS-18 and above. All such posts shall be filled in on Open Merit.
- (iv) The candidates applying against disabled posts must attach with their application forms of disability certificate from the Provincial Council for Rehabilitation of Disabled Persons as well as disability certificate from the respective Medical Superintendent / Medical Board showing therein the specific disability.

ATTACHED

- (v) Ex-armed Forces Personnel must send copy of Discharge Certificate with their applications. Govt. / Semi Govt. / Autonomous / Semi Autonomous Bodies employees may apply direct but their Departmental Permission Certificates should reach within 30 days of the closing date.
- (vi) Applications should be on the prescribed application form obtainable from the listed below branches of the NATIONAL BANK. Application Fee is Rs. 285/- (Rupees Two Hundred Eight Five only) for all the candidates. In addition to the application fee, the candidates will have to pay Rs. 15/- (rupees fifteen only) on account of Bank Charges. Separate application form will be required for each advertised category of posts. Application forms obtained other than the specified branches of the National Bank will be considered invalid and such applications will not be entertained. The applications on plain paper or Photostat shall not be accepted. Incomplete and late applications shall also be ignored.
- (vii) Application must be submitted within time as no extra time is allowed for postal transit. The applications if submitted on the last date for receipt of applications must reach the Commission's office by the closing hours.
- (viii) Applicants married to Foreigners are considered only on production of the Govt. Relaxation Orders.
- (ix) No applicant shall be considered in absentia on paper qualifications unless, he/she possesses exceptionally higher qualifications than the minimum prescribed qualification for a particular post(s).
- (x) Govt. reserves the right not to fill any or fill more or less than the advertised post(s).
- (xi) Candidates who have already availed three chances by physical appearance before the Commission and have failed for the post(s) having one and the same qualifications and scale of pay shall be ineligible.
- (xii) Experience wherever prescribed shall be counted after the minimum qualifications for the post(s), if not specifically provided otherwise against the advertised post(s).
- (xiii) In cases where the number of applications received for post(s) are disproportionately higher than the number of available vacancies, shortlisting of the candidates may be done in any one of the following manner:
- Written Test in the Subject.
 - General Knowledge or Psychological General Ability Test.
 - Academic and / or Professional record as the Commission may decide.

SPECIFIED BRANCHES OF THE NATIONAL BANK OF PAKISTAN:

Main Branches of:

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

ATTESTED

(Atta Ur Rehman)

Secretary

NWFP Public Service Commission
2-Port Road Peshawar Cantt. Ph: 9212962

ATTESTED

(10)

Main

Annex-C



OFFICE OF THE PRINCIPAL GOVT SHAHEED SHER
NAWAZ CMHS NO.1



TANK.

No. 7781

Dated: 24/04/2021.

Annexure-I

The Director Elementary and Secondary Education
Department Khyber Pakhtunkhwa Peshawar.

Subject: - INQUIRY REPORT

Memo,

Reference to your kind Notification No. 1911-16/F.No.E-06/Khyber (KC now) Dated Peshawar the 08-02-2021. Enclosed find here with Inquiry report consists of (19) pages along-with supporting documents (182 pages) for further necessary process as desired please.

Enclose. (As above).

Muhammad Salim
Principal/Chairman Inquiry Committee.

APDE (MS)

APDE (MS)
F. No. 1911-16
24/4/21

[Signature]
24/4/21

[Faint handwritten notes]

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INQUIRY REPORT

TITLE OF INQUIRY:

Denovo inquiry on the direction of the Honorable KP Service Tribunal against the SSTs inducted in the system illegally and unlawfully in various Districts/ Sub Division Khyber Pakhtunkhwa.

INQUIRY COMMITTEE

1. Muhammad Salim Khan Principal (BPS-19) GSSNCMHS No.1 Tank (Chairman Inquiry Committee)
2. Munawar Gul Principal (BPS-19) GHSS Tarnab Farm Peshawar (Member Inquiry Committee)

BACKGROUND OF INQUIRY:

The Secondary School Teachers (SSTs) previously known as SETs are usually appointed/ recruited through Departmental Promotion Committees (DPC) or Public service commission. It is provincial cadre post and the Director E&SE Department Khyber Pakhtunkhwa Peshawar is appointing authority for appointment against the said post in Khyber Pakhtunkhwa and Ex- FATA, while Director Education FATA was only limited to the adjustment of the SST, whose services were placed at his disposal for further posting in various Agencies/ FRs of Ex-FATA. Previously as per recruitment policy 50% SSTs were directly recruited/ appointed through Public Service Commission whereas 50% through departmental promotion committee from different junior teaching cadres. According to the existing policy 75% SSTs are promoted from various junior teaching cadres and 25% through initial recruitment. Recruitment of SST, were lastly made through Public Service Commission in 2012 while in 2008 a large number of SSTs were recruited on contract basis and were later on regularized since 01-01-2009.

In the 1st quarter of 2014 some reports/complaints were received to the Director of Education FATA from various quarters that some SETs/SSTs have been inducted in the system without proper recommendations of KP Public Service Commission or approval of the departmental promotion committee and all these illegally and unlawfully inducted teachers are properly working in various Agencies / FRs of FATA. On this the Director FATA assigned the task to 02 Assistant Directors to probe into the matter. They were required to check credentials of all the SSTs Male / Female working in Ex-FATA and cross match their selection and appointment orders with the record of the Directorate of Elementary and Secondary Education and that of KP Public Service Commission. Subsequently after cross checking of the data provided by the AEOs with record provided by KPPSC and Directorate of Elementary and Secondary Education, appointment orders of 158 teachers working in Ex-FATA were found/ declared as suspected and recommended for conducting broad based inquiry to probe appropriately into the matter.

Consequently, a broad based committee under the chairmanship of the then Director Education FATA was constituted with the approval of Additional Chief Secretary FATA to conduct proper inquiry in this regard. Meanwhile, the KP NAB also intervened in the said case/issue. The inquiry committee in coordination with NAB authorities decided to conduct a fresh inquiry in the said case by obtaining list of all recommended candidates from FATA (Zone I) for the post of SST under advertisement No.01/2009 from KP PSC and list of SSTs promoted / recruited on contract basis and later on regularized against SETs / SSTs post, from the Directorate of Elementary and Secondary Education Department.

The inquiry committee completed the task and submitted report to the authorities concerned. According to the findings and conclusion of the said inquiry committee 69 SETs / SSTs working in various Tribal

10/10 2/2
88

appointments and Ex FATA were found directly inducted in the system illegally and unlawfully by producing fake appointment orders.

The Director Elementary and Secondary Education being competent authority in the said case recommended against all the aforementioned SETs /SSTs and after proper verification and personal hearing, while appointment orders of 46 SETs /SSTs were disowned by issuing disowned Notification in respect of each.

40 out of 46 disowned appointees filed departmental appeal to the Appellate Authority. However, their appeals were not honored. Then all the 40 appellants filed appeal before KP Service Tribunal against the disowned Notification issued by the Director Elementary and Secondary Education Department. While the remaining 06 appointees did not file appeal against their disowned Notifications and they are still out of system.

The Honorable Service Tribunal issued order in the service appeal 1-40 and set aside the disowned Notifications issued by the Director E&SE Department and re-instated the appellant in service with directions to the department to conduct proper inquiry.

The operational part of the judgment is quoted as under:

"In view of the situation, the impugned orders stand set aside and the appellant are re-instated 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 culprit who maneuvered to make it possible and thereafter, the fate of the appellants be decided in the light of said inquiry. The respondents shall conclude the proceeding within 90 days after receipt of this judgment. The issue of back benefit shall be subject to the outcome of inquiry. With no order as to costs."

The Director E&SE Department Peshawar in compliance with the judgment of the Honorable Court ordered the instant inquiry vide Endst: No. 1911-16/F.No:E-06/Khyber (KC now) Dated Peshawar the 08-02-2021, with the TORs given below.(Annex A)

The Director E&SE Department Peshawar being respondent in the said service appeals also set aside the disowned Notifications issued in respect of all the 40 appellants and they were allowed to join their duties against their previous positions.

TERMS OF REFERENCES:

1. To compare and cross examine/ check the lists of SSTs provided by the AEOs offices with the list of SSTs provided by Public Service Commission.
2. To determine that whether the SSTs working in various Director E&SE Department Khyber Pakhtunkhwa Peshawar had been recommended by the Public Service Commission or otherwise.
3. To examine whether the adjustment / transfer orders of the said SSTs has been issued by the Directorate of Education.
4. To examine whether the record viz a personal file etc of these SSTs exist in the Directorate Education (FATA) and in the respective Agency Accounts Offices.
5. To dig out their 1st date of induction in the system and present status of the inducted SSTs.
6. To propose proper strategy keeping in view all the relevant legal aspects for proceeding against these inducted teachers.

(10) 279

To propose/ suggest further course of legal proceedings to be followed by the competent authority against these SSTs in case of their names do not exist in the list provided by the Public Service Commission, keeping in view the following two lines:

- a. If the competent authority proceeds against them under KPK Government Servants E&D rules 2011, will they not be given the status of a civil servant? While they are not.
 - b. If the competent authority straight away lodged an FIR against them in the respective political agent office/ police station, avoiding KPK Government Servants E&D rules 2011, then the question of their status will not arise that if they were not civil servants then how they remained on the strength/ acquaintance role of education department for such a period of time?
8. To examine/ scrutinize the reply in response to the statement of allegations so far issued by the competent authority and suggest further line of action to the competent authority.
 9. To verify/examine/ scrutinize their all relevant service record along with qualification both general and professional.
 10. To fix responsibility on officers/ officials with the convenience of whom these induction have been made.
 11. Any other related issue/ problem the committee may like to consider for probe.

PROCEDURE OF INQUIRY:

The instant inquiry committee initiated fresh process in order to obtain complete record/ data of the working as well as disowned SSTs in order to conduct proper inquiry in the instant case. Some written complaints were also found on the record submitted by those SSTs whose appointment orders were disowned, requesting for proceeding against some SSTs who were inducted directly and illegally but were not proceeded against and are still working. (Annex B P 3 to 5) The committee visited Tribal Districts Orakzai, Kurram, Mohmand, Khyber, Bajour, Sub Division Darazinda D.I.Khan and Tribal District South Wazirisitan, as almost all the alleged illegal appointees were reported to have been working in these Districts. The available record pertaining to the instant inquiry was obtained and thoroughly examined. The committee further obtained available data of SETs/SSTs working in all the Tribal Districts and Sub Divisions, complete record of recommended candidates for the post of SST under Advertisement No.01/2009 from KPPSC and recruitment record of contract employees and their regularization notifications from Director E&SE Department Peshawar. The data obtained from KP PSC and Director E&SE Department Peshawar was cross checked with the data of working SSTs provided by DEOs Tribal Districts and Sub Divisions.

The committee also cross checked the appointment and adjustment orders in respect of all the appointees who were found working but could not be verified as recommended by the KP PSC with the record maintained by the Directorate of E&SE Department Peshawar and Directorate of Ex-FATA.

Opportunity for personal hearing and cross examination the evidences was offered to all the SSTs who had produced appointment orders, taken over charge against SST post and had been working in various Tribal Districts and Sub Divisions but their recommendations against the SST posts were not verified by the Public Service Commission and their appointment orders were found suspicious. (Annex C P 6 to 10) However, most of them refused to avail such opportunity on the plea that they wanted to change the instant inquiry committee and they had also submitted a written application in this regard to the authorities concerned. (Annex D P 11 & 12). However ten (10) accused teachers appeared before the inquiry committee, were properly heard. (Annex E P 13 to 25)

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The following officers/ officials of Ex Directorate of FATA were also interrogated and their statements were obtained:

1. Mr. Fazali Manan Ex- Director.
2. Mr. Syed Manzar Jan Ex- Additional Director.
3. Mst. Badr -E- Haram Ex- Deputy Directress.
4. Mr. Muhammad Kashif Ex Assistant Director.
5. Mr. Farid Ullah Ex Superintendent.
6. Mr. Naik Muhammad Ex- Dealing Assistant.
7. Mr. Aftab Ahmad Ex- Dealing Assistant.
8. Mr. Muhammad Anwar Ex C/O.
9. Mr. Muhammad Fayaz Dispatcher.

OBSERVATIONS

The available recruitment record of SST (M&F) provided by the Director E&SE Department Peshawar reveals that 2136 SSTs were appointed through online submission of application to Director E&SE Department Peshawar in 2008 on contract basis for 01 year. Later on they were regularized in service with effect from 01-01-2009 through proper notifications made by the Director E&SE Department Peshawar under the NWFP Employees Regularization Act 2009.

On the other hand KP PSC under Advertisement No.01 2009 offered 2852 posts of SST M/F for NWFP/FATA domicile candidates. Tests and interviews were held and PSC recommended more than 2500 candidates M/F for appointment against SETs/SSTs posts out of which 367 candidates (291 Male and 76 Female) were selected from zone 01 and recommended to be appointed in various Agencies and FRs of Ex- FATA. (Annex F P 26 to 52)

During cross checking of all the appointment orders issued by the Director E&SE Department Peshawar under various notifications and posted in almost all the Districts including FATA and regularization notification issued in this regard, appointment of only two appointees who claimed to be appointed by the DE E&SE on contract basis were found fake and forged. However, during cross checking of the SST data provided by the DEOs of all the Tribal Districts, Sub Divisions with the record provided by KP PSC, it was found that 59SSTs who had taken over charge and have been working against SST post in Ex-FATA (some of them transferred to other Districts) could not be matched with the candidates recommended by KPPSC. Hence, it is evident that they were not selected by KP PSC and their appointment orders and service against SST post are illegal, unlawful, irregular and unauthorized. Some of these illegal appointees were even not eligible to apply for the post Advertised by KP PSC because they did not possess prescribed qualifications required for the post as per Advertisement, which reveals that they have neither applied for the post through PSC nor have been gone through the recruitment process. (Annex G P 53 to 63)

After thorough examination of the mode of induction of the aforementioned appointees it was found that their way of induction and present status is not the same. Therefore they are divided into three main categories as per given detail.

CATEGORY A.

34 accused appointees whose appointment orders could neither be verified from KP Directorate nor their adjustment orders from Director Ex FATA. They have not been recommended by the KP PSC for appointment against SST post. They have managed their appointment orders through their own sources. Their detail particulars and irregularities observed by the inquiry committee are elaborated as under: (Annex H P 64 to 113)

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Name	Father's Name	Place of posting	Order No.	Remarks/ Comments of inquiry Committee
Muhammad Sohail	Ghuncha Khan	GMS Bahai Dag Mohmand	5139-97 dt: 16-09-2008. Rg: 2221-27 dt: 11-02-2010.	He claims to be appointed by the Director E&SE D on contract basis and then regularized. However, his appointment/ regularization order was found fake and fabricated. He was offered opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
Kifayat Ullah	Rahim Ullah	GHS Loi Shalman Khyber	13731-35 dt: 25-10-2012.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
Luban Ali	Mohib Ali	GMS Suleman Khel Orakzai	13736-41 dt: 25-10-2012.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
Hazrat Jan	Akhtar Jan	GHS Gato Warsak Mohmand	13736-41 dt: 25-10-2012.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
Ishfaq Ahmad	Fazal Raziq	GHS Angori Kurram	17510-16 dt: 31-10-2012.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His B.Ed result was declared on January 14, 2010 while last date of submission of application to KP PSC was 26-02-2009. (Annex G P 53) Hence, he was not even eligible to apply for the post. His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
Muhammad Iqbal	Khan Bahadar	GHS Angori Kurram	17510-16 dt: 31-10-2012.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex

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				D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
Nargis	Bahadur Khan	GGMS Khuna Bajour	12414-17 dt: 02-11-2012.	She was offered proper opportunity for personal hearing and cross examination the evidences but she refused to avail such opportunity. (Annex D P 11 & 12) Her appointment order was disowned. Now the said notification has been set aside on the directions of the Court and she is working.
Shabana Bibi	Abdul Sattar	GGHS Nayat Killi Bajour	12414-17 dt: 02-11-2012.	She was properly summoned through DEO Bajour to appear before the inquiry committee for personal hearing but she failed to avail such opportunity. Her appointment order was disowned. Now the said notification has been set aside on the directions of the Court and she is working.
9. Inayat Ur Rehman	Abdur Rehman	GMS Laza Banda Bajour	1138-43 dt: 22-01-2013.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
10. Muhammad Tariq	Sher Muhammad	GHS Inzar Patti Orakzai	1138-43 dt: 22-01-2013.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His B.Ed result was declared on February 10, 2010 while last date of submission of application to KP PSC was 26-02-2009. (Annex G P 54) Hence, he was not even eligible to apply for the post. His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
11. Abdul Hai	Muhammad Tayyab	GHS Tangi Charmana Bajour	6231-36, dt: 23-01-2013.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
12. Muhammad Naeem	Maneen Khan	GHS Mandati Orakzai	6231-36 dt: 23-01-2013.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was

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					disowned. Now the said notification has been set aside on the directions of the Court and he is working.
13.	Noor Muhammad	Muqem Khan	GHS Jalat Milla Orakzai	6231-36 dt: 23-01-2013.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
14.	Basra Begum	Fazli Wahab	GGHS Ragagan Bajour	2672-76 dt: 19-02-2013.	She was offered proper opportunity for personal hearing and cross examination the evidences but she refused to avail such opportunity. (Annex D P 11 & 12) Her appointment order was disowned. Now the said notification has been set aside on the directions of the Court and she is working.
15.	Nusrat	Hayat Khan	GGHS Bandgai Bajour	2672-76 dt: 19-02-2013.	She was offered proper opportunity for personal hearing and cross examination the evidences but she refused to avail such opportunity. (Annex D P 11 & 12) Her appointment order was disowned. Now the said notification has been set aside on the directions of the Court and she is working.
16.	Asad Rahim	Noor Rahim	GHSS Pidas Orakzai	3238-43 dt: 05-03-2013.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
17.	Bashir Ahmad	Khan Muhammad	GHS Inzar Patti Orakzai	3238-43 dt: 05-03-2013.	He was offered proper opportunity for personal hearing and cross examination the evidence but he refused to avail such opportunity. (Annex D P 11 & 12) His B.Ed result was declared on 18, 2009 while last date of submission of application to KP PSC was 26-02-2009. (Annex P 55) Hence, he was not even eligible to apply for the post. His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
18.	Ishtiaq Ahmad	Roman Shah	GHS Baza Kurram	3236-41 dt: 05-03-2013.	He was offered proper opportunity for personal hearing and cross examination the evidence but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.

					set aside on the directions of the Court and he is working.
19	Shahid Hussain	Nadar Khan	GHS Kochi Kurram	3236-41 dt: 05-03-2013.	His appointment order was disowned; however, he did not file appeal against the disowned notification before the KP Service Tribunal. He was not summoned for personal hearing.
20	Mahmood Alam	Nazir Gul	GHS Kochi Kurram	3236-41 dt: 05-03-2013.	His appointment order was disowned; however he did not file appeal against the disowned notification before the KP Service Tribunal. He was not summoned for personal hearing.
21	Shah Nawaz Khan	Shah Nazar Khan	GHS Badshah Mir Kali Khyber	3242-45 dt: 05-03-2013.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
22	Muhammad Zeb	Haji Dilawar Khan	GHS Badshah Mir Khyber	3242-45 dt: 05-03-2013.	He was properly heard by the inquiry committee. According to his statement he has been appointed through legal process and has been working regularly, devotedly and honestly since his taken over charge against the SST post. However, he failed to provide recommendation letter of KP PSC. His appointment order has not been disowned and has been working since taken over charge till date.
23	Shabeena Naz	Noor Hassan	GGHS Gumbat Mardan	6134-38 dt: 16-04-2013.	She was offered proper opportunity for personal hearing and cross examination the evidences but she failed to avail such opportunity. Her B.A result was declared on August 27, 2009 and B.Ed result on July 18, 2011 while last date of submission of application to KP PSC was 26-02-2009. (Annex G P 56 & 57) Hence, She was not even eligible to apply for the post. Her appointment order was disowned. Now her disowned notification has been set aside on the directions of the Court and she is working.
24	Ghazala	Ikram Ud Din	GGMS Zarif Dheri Mardan	6134-38 dt: 16-04-2013.	She was offered proper opportunity for personal hearing and cross examination the evidences but she failed to avail such opportunity. Her appointment order was disowned. Now her disowned notification has been set aside on the directions of the Court and she is working.

25.	Seema	Ikram Ud Din	GGMS Sahib Dad Nahqi Mohmand	3247-51 dt: 30-04-2013.	She was offered proper opportunity for personal hearing and cross examination the evidences but she refused to avail such opportunity. (Annex D P 11 & 12) Her appointment order was disowned. Now her disowned notification has been set aside on the directions of the Court and she is working.
26.	Nizakat	Shah Said	GGHS Shah Alam Salay Mohmand	3627-33 dt: 03-09-2013.	She was offered proper opportunity for personal hearing and cross examination the evidences but she refused to avail such opportunity. (Annex D P 11 & 12) Her B.Ed result was declared on January 14, 2010 while last date of submission of application to KP PSC was 26-02-2009. (Annex G P 58) Hence, she was not even eligible to apply for the post. Her appointment order was disowned. Now her disowned notification has been set aside on the directions of the Court and she is working.
27.	Shazia Jan	Jan Afzal	GGHS Manga Mardan	2479-84 dt: 19-03-2013.	She availed opportunity for personal hearing in spite of the fact that she had signed refusal statement along with other appellants. She was properly heard by the inquiry committee. According to her statement she has appointed through legal process and no forgery has been committed by her. She failed to provide recommendation letter of KP PSC. Her appointment order was disowned. Now her disowned notification has been set aside on the directions of the Court and he is working.
28.	Seema Mujahid	Mujahid Ali	GGHSS Takhtbai Mardan	2479-84 dt: 19-03-2013.	She was offered proper opportunity for personal hearing and cross examination the evidences but she refused to avail such opportunity. (Annex D P 11 & 12) Her seniority has been determined and finalized by the Director E&SE Department Peshawar being competent authority in spite of the fact that she is not included in the inter Se merit list of SST(F) provided by the KP PSC and has been promoted to SS post on the basis of illegally occupied post of SST. Her appointment order was disowned by the department but she had been promoted to SS post before the issuance of such notification. She is regularly working against SS post.
29.	Alia	Ithbar Gul	GGHS Haryan Kot Malakand	13727-33 dt: 25-10-2012.	She was properly heard. During personal hearing she stated that she has been appointed legally and has been serving regularly since taken over charge. She refused charges and evidences of illegal appointment lodged against her.

					However, she failed to provide recommendation letter issued by KP PSC. Her appointment order has not been disowned and she has been working since taken over charge till date. She has been transferred from FATA to District Malakand.
30.	Salma Jabeen	Abdul Ghaffar	Not traced	13727-33 dt: 25-10-2012.	She was transferred from District Bajour to District Mohmand but she did not take over charge there. She could not be traced and was therefore not summoned for interrogation.
31.	Anila	Nader Shah	GGHS Azim Kor Mohmand	3491-96 dt: 04-03-2013.	She was properly heard by the inquiry committee. According to her statement she has been appointed through legal process and no forgery has been committed by her. She failed to provide recommendation letter of KP PSC. Her appointment order has not been disowned and she has been working since taken over charge till date.
32.	Sania Wali	Khan Wali	Not traced	3251-56 dt: 04-09-2013.	She was transferred from District Bajour as per statement of DEO Bajour. However, she could not be traced and was therefore not summoned and interrogated.
33.	Kaloom Shah	Qeemat Shah	GGHS Merubak Mohmand	4271-76 dt: 05-03-2013.	Her appointment order was disowned; however, she did not file appeal against the disowned notification before the KP Service Tribunal. She was not summoned for personal hearing.
34.	Saima Abdul Wadood	Abdul Wadood	GGHS Merubak Mohmand	4271-76 dt: 05-03-2013.	Her appointment order was disowned; however she did not file appeal against the disowned notification before the KP Service Tribunal. Therefore, she was not summoned for personal hearing.

CATEGORY B.

25 accused appointees whose appointment orders bearing No. and Date of Directorate of E&SE D KP Peshawar are fake. However their adjustment orders issued by Director Ex- FATA were found verified from the issue record. (Annex J P 114 to 135)

S#	Name	Father's Name	Place of posting	Order No.	Remarks/ Comments of the Inquiry Committee
1.	Iftikhar Ali	Mir Salam Khan	GMS Jan Noor Baka Khel Wazir SD Bannu	955-59 dt: 05-03-2012.	He was properly heard. According to his statement, he had applied to PSC. He further stated that he has been serving in the department since his taken over charge till date and nobody has asked about his illegal status. However, he failed to provide recommendation letter of PSC. His appointment order has not been disowned and he has been working.

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1.	Abdul Baseer	Gulshan Khan	Ex- AAEO FR D.I.Khan DEO Office SD Darazinda	955-59 dt: 05-03- 2012.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
	Muhammad Farooq	Muhammad Yousaf	GMS Alingar Mohmand	955-59 dt: 05-03- 2012.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
4.	Abdul Malik	Said Muhammad	GMS Taj Muhammad Mohmand.	955-59 dt: 05-03- 2012.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
	Yar Khan	Ali Rehman.	GMS Bahadar Killi Mohmand	955-59 dt: 05-03- 2012.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
5.	Zafar Iqbal	Gul Rehman	GMS Ashraf Abad Mohmand	955-59 dt: 05-03- 2012.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
7.	Muhammad Naeem	Muhammad Salim	GMASCMHS Landi Kotal Khyber	4057-70 dt: 30-05- 2012.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
8.	Atta Ullah	Abdul Jabbar	GHS Kharghali Khyber	4057-70 dt: 30-05- 2012.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the

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	Ahmad Shah	Suleman Shah	GHS Subhan Khur Mohmand	4057-70 dt: 30-05-2012.	said notification has been set aside on the directions of the Court and he is working. He was properly heard. According to his statement he had applied to PSC and has been serving in the department for the last 9 years and his appointment is legal. However he failed to provide recommendation letter of PSC. His appointment order has not been disowned. He has been working since taken over charge till date.
10	Shakir Ullah	Zargar	GMS Halki Gandao Mohmand	4057-70 dt: 30-05-2012.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
11	Zia Ur Rehman	Atta Ur Rehman	GHS Ekka Ghund Mohmand	5644-50 dt: 20-04-2012.	He was properly heard. According to his statement he had applied to PSC and attended the interview and had been recommended for the post of SST. His appointment order has not been disowned and he has been working since taken over charge till date.
12	Sarwat Jahan	Gul Rehman	GGHSS Landi Kotal Khyber	2408-13 dt: 16-02-2012.	She was offered proper opportunity for personal hearing and cross examination the evidences but she refused to avail such opportunity. (Annex D P 11 & 12) Her seniority has been determined and finalized by the Directorate E&SE Department Peshawar in spite of the fact that she is not included in the inter Se merit list of SST(F) provided by the KP PSC and she has been promoted to SS post on the basis of illegally occupied post of SST. Her appointment order against SST was disowned by the department but she had been promoted to SS post before the issuance of such notification and she has been regularly working against SS post.
13	Robia Shams	Shams Ur Rehman	GGHSS Ghallanai Mohmand		She was summoned to appear before the inquiry committee for personal hearing and cross examination the evidences but she failed to avail such opportunity. Her appointment order has not been disowned and has been working since taken over charge till date.

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14.	Tahira Naz	Fazal Dayan	GGHS Prang Ghar Mohmand		She was offered proper opportunity for personal hearing and cross examination the evidences but she refused to avail such opportunity. (Annex D P 11 & 12) Her appointment order was disowned. Now the said notification has been set aside on the directions of the Court and she is working.
15.	Asma	Muhammad Akbar	GGMS Sabaz Ali Baro Khel Mohmand	11174-86 dt: 15-08-2012.	She was offered proper opportunity for personal hearing and cross examination the evidences but she refused to avail such opportunity. (Annex D P 11 & 12) Her B.Ed result was declared on January 14, 2010 while last date of submission of application to KP PSC was 26-02-2009. She is domiciled of district Charsada (Annex G P 59&60) Her appointment order was disowned. Now the said notification has been set aside on the directions of the Court and she is working.
16.	Zubaida Begum	Gul Akbar	GGMS Kuta Trap Mohmand	11174-86 dt: 15-08-2012.	She was properly heard. According to her statement she had applied to PSC for recruitment against SST post and had been recommended. However she failed to provide recommendation letter issued by PSC. Her statement against alleged illegality and forgery on his part was found unsatisfactory. Her appointment order has not been disowned. She has been working since taken over charge till date.
17.	Alia Taj	Taj Ud Din	GGMS Sro Killij Mohmand	11174-86 dt: 15-08-2012.	She was properly heard. According to her statement she had applied to PSC and was recommended for posting. She refused any act of illegal appointment. However she failed to provide recommendation letter of PSC. Her B.Ed result was declared on July 18, 2009 while last date of submission of application to KP PSC was 26-02-2009. (Annex G P 61) Hence, She was not even eligible to apply for the post. Her appointment order has not been disowned. She has been working since taken over charge till date.
18.	Ghazala Sana	Sana Ullah	GGMS Kashmir Kore Mohmand	11174-86 dt: 15-08-2012.	She was offered proper opportunity for personal hearing and cross examination the evidences but she refused to avail such opportunity. (Annex D P 11 & 12) Her appointment order was disowned. Now the said notification has been set aside on the directions of the Court and she is working.

19.	Hira Shams	Shams Ur Rehman	GGHS Mian Mandi Mohmand	11174-86 dt: 15-08-2012.	She was summoned to appear before the inquiry committee for personal hearing and cross examination the evidences but she failed to avail such opportunity. Her BA result was declared on March 31, 2009 and her B.ED result was declared on September 06, 2010 while last date of submission of application to KP PSC was 26-02-2009. (Annex G P 62&63) Her appointment order has not been disowned and she has been working since taken over charge till date.
20.	Fazli Raziq	Fazli Rabi	GHS Sra Mila Orakzai	12614-19 dt: 04-10-2012.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
21.	Muhammad Qasim	Mukamil Shah	GHS Mandati Orakzai	12614-19 dt: 04-10-2012.	He was offered proper opportunity for personal hearing and cross examination the evidences but he refused to avail such opportunity. (Annex D P 11 & 12) His appointment order was disowned. Now the said notification has been set aside on the directions of the Court and he is working.
22.	Naheed Akhtar	Musafar Khan	GGHSS Landi Kotal Khyber	9074-82 dt: 28-06-2012.	She was properly heard. According to her statement she had applied to PSC. She further stated that she has been serving in the department till date and nobody has asked about her illegal status. However she failed to provide recommendation letter of PSC. Her appointment has not been disowned and she is working since taken over charge till date.
23.	Basmina Begum	Mir Alam Khan	GGHS Jalala Mardan	9074-82 dt: 28-06-2012.	Her appointment order was disowned, however she did not file appeal against the disowned notification before the KP Service Tribunal. She was not summoned for personal hearing.
24.	Farzana	Riwaj Ud Din	GGMS Gujar Gari Mardan	2816-23 dt: 25-06-2012.	She was summoned for personal hearing and cross examination the evidences but she failed to avail such opportunity. Her appointment order has not been disowned. According to the statement of her Head Mistress she is missing since 06-06-2019.
25.	Ishrat	Bahadur Sher	GGHS Kachkool Khwazai	2816-23 dt: 25-06-2012.	She was offered proper opportunity for personal hearing and cross examination the evidences but she refused to avail such

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		Mohmand		opportunity. (Annex D P 11 & 12) Her appointment order was disowned. Now the said notification has been set aside on the directions of the Court and she is working.
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CATEGORY C.

02 number of accused appointees whose appointment orders were not provided to the inquiry committee. Their status was checked from the available record. Their appointment were neither verified by the Directorate of E&SE Peshawar nor they have been recommended by the KP PSC for the posting against SST post. However they have been taken over charge against SST post and had also been working for some time.

Sl. No.	Name	Father's Name	Place of posting	Order No.	Remarks/ Comments of Inquiry committee.
1.	Ahmad Shah	Feroz Shah	GHS Spin Qabar Khyber	Appointment order not provided by the office	He had taken over charge against SST post at GHS Spin Qabar Khyber but has been struck off from the system before issuance of disowned notification as per record. He could not be traced. He was not summoned for personal hearing.
2.	Fazli Haleem	Kalim Hussain	GHS Mawaz Killi Khyber	Appointment order not provided by the office	He had been taken over charge against SST post in District Khyber and has been working there. His appointment order was disowned by the Director E&SE Department Peshawar, however he did not file appeal against disowned notification before the KP Service Tribunal. He was not summoned for personal hearing.

It is evident from the above-mentioned detail of alleged illegal appointees that:

- 34 numbers of the said appointees have been inducted in the system by producing fake and forged appointment as well adjustment orders managed by themselves through their own sources. Therefore no one other than the beneficiaries can be held responsible for such illegality and forgery with huge loss to the public exchequer.
- 25 alleged illegal appointees who claimed to be appointed on the recommendations of public service commission have been inducted in the system by producing adjustment order issued by the Director Ex-FATA on the basis of fake appointment orders not verified from the record of Directorate of Elementary and Secondary Education Department KP being appointing authority.

Mr. Fazal Manan has been posted as Director Ex-FATA since 20-1-2006 to 31-10-2012. He was summoned by the Inquiry committee and properly interrogated. According to him it is retreated that the adjustment orders of SSTs made by DE FATA were based on the appointment notifications already issued by the competent authority, as specified at serial No.4 (2)(c) of the APT rules, 1989 and the adjustment orders would have not been issued by DE FATA if the appointments had not been ordered by the director E&SE KP. He further stated that all the prerequisites of appointments were to be full filled by the respective appointing authority before issuance of appointment notifications. According to him

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there was neither any established mechanism/procedure nor any precedent available in the history of Directorate of Education FATA that appointment notification issued by the E&SE KP were to be verified before making adjustment against vacant post in FATA and recruitment policy of SETs also did not indicate the requirement of verification of such notification issued by the respective appointing authority before making adjustment of already appointed teachers. He also stated that the adjustment of hundreds of SETs had been made in FATA schools and even a single notification of appointment has not been verified before adjustment. He further clarified that a copy of each and every adjustment notification of SSTs issued by the DE FATA was endorsed to the Director E&SE KP with reference to his notification and also to KP Public Service Commission. But neither the Public Service Commission had raised any objection or disowned its recommendation nor the DE E&SE KP had raised any objection on the adjustment made on the basis of its appointment notification at any stage.

According to him, he had not given any specific orders or decisions to issue adjustment order without processing the case on file and it was a routine matter and the case had to be examined and put up on file as PUC with a note sheet and process through the proper channel of officers on the concerned sections for approval of the Director. He also provided detail of some appointees adjusted in FATA whose services were verified by the Director E&SE which certify availability of their service record at the level of Directorate E&SE KP. He further added that the illegal and unlawful adjustment orders had been stood automatically void and ineffective when the appointment orders were declared as fake and disowned by the appointing authority as the content of their adjustment orders were very much clear and consequential to the appointment notification. He further added that the Director FATA did not have any authority of appointment of SSTs/SETs (BS-16) and being the provincial cadre employees they are to be appointed by DE E&SE KP. According to him the DE FATA had just to adjust the teacher already appointed and their services placed at his disposal by the Director DE S&SEKP. He stated that he did not accept any kind of responsibility in this regard and he had made adjustment as per procedure already in vogue followed by his predecessors and successors and had not made any violation of prescribed policy and procedures.

He also stated that adjustment of the candidates would not have been made without the appointment orders of the respective teachers issued by the appointing authority and the DE FATA may not be held responsible for the illegal and invalid appointment orders of SSTs as he did not enjoy any legal authority for appointment. (Annex K P.136 to 142)

Mr. Syed Manzar Jan remained as Deputy Director Ex-FATA since November 16, 2010 to April 05, 2011. According to his statement his job was to confirm the vacancies, tally names given in the appointment orders with names proposed for adjustment on file proceeded on the directions of the Director. He further stated that no process for verification of letters existed at the office as a lot of letters and orders etc were received on daily basis, action was taken and copies for information were sent to the concerned quarters. In the said case according to him, copies for information were regularly sent to the appointing authorities i.e. Director E&SE Department Peshawar as well as other quarter but no illegality or irregularity was pointed out so far by any of the office. He also stated that Director E&SE Department Peshawar is the appointing authority for SSTs and the candidates appointed were kept at the disposal of the Director Ex-FATA for further adjustment only, so the Director E&SE Department Peshawar is responsible for any irregularity being appointing authority. He denied any type of illegality or irregularity committed by him during all his service tenure. (Annex L P 143 & 144)

Mst. Badr-E- Haram was posted as Deputy Directress FATA since 16-7-2011 to 30-03-2014. According to her statement her job during posting at Directorate of Education Ex FATA was to ensure that the corresponding vacancies exist in the agency, to tally the names of SST given in the order

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by the Director E&SE Department Peshawar with the name in the adjustment order and ensure that the draft prepared for adjustment is duly endorsed to all the stake holder including the appointing authority.

According to her there was no such practice mechanism / policy for formal verification of letter/ orders / notifications of the parent directorate and the undersigned was also not assigned any such task. She further stated that as the appointment orders were received from the Directorate of Elementary and secondary Education and the Adjustment orders were properly intimated to them who acknowledged the same, so the responsibility may be traced at the level of Director E&SE Department Peshawar. According to her she has fulfilled her duty honestly throughout her professional career and no illegality regarding the adjustment orders had come into her knowledge. (Annex M P 145 & 146)

Mr. Kashif Khan posted as Assistant Director Colleges and schools in Ex-FATA since 24-11-2011 to 18-05-2015 and AD training DE Ex-FATA since 15-04-2016 to 26-04-2018 was heard in length. According to his statement his job as Assistant Director was to ensure that corresponding vacancies existed in the Districts and also to ensure that the draft proposed for adjustment is duly endorsed to all stakeholders including the appointing authority. He further stated that for the first time a complaint regarding bogus / fake appointment of 04 numbers SSTs in Orakzai Agency was received from KP PSC and in pursuance of the above the Director E&SE Department Peshawar was approached for verification of the said order. According to him the Director E&SE Department Peshawar responded that no such appointment order have been issued by the appointing authority. He added that an enquiry committee including him as member was constituted to unearth the factual position. The committee submitted its report and declared all the 04 SSTs as fake and recommended action against them. According to him some illegal transfer orders of SST issued by Director E&SE Department Peshawar are also on the record and he has also persuaded such cases for verification and action.

He further stated that he along with another Assistant Director was assigned the task by Director E&SE Ex-FATA to carry out a comparative study of the KP PSC selectees and the incumbent SST "list provided by the AEOs" in FATA. According to him thorough scrutiny was made and 158 number of suspected SST were detected and recommended for in depth inquiry. He further stated that he feels proud to say that this grey list of 158 number of suspected SST provided a base for all the succeeding inquiries carried out by the NAB as well as the department.

He also stated that there was no precedent of verification of appointment orders issued by the Director E&SE Department Peshawar in the history of DE FATA since its establishment in 1972/75. In the instant case copies of each appointment order has been endorsed to the Director E&SE Department Peshawar for verification. He also provided documentary evidence in support of his statement. (Annex N P 147 to 171) Statements of all the four officers mentioned above were found comprehensive, reasonable, genuine and convincing.

Mr. Fareed Ullah Khan Ex Superintendent Establishment, Naik Muhammad DA, Aftab Ahmed DA, Muhammad Anwar C/O and Fayaz Ahmed Dispatch In-charge were also interrogated. They were of the view that they have obeyed their superiors and had followed their directions as subordinate staff. They further stated that no irregularities have been observed by them and adjustment orders have been issued on the provision of appointment orders issued and received from Director E&SE Department Peshawar. Mr. Fayaz Khan the dispatcher in his statement said that copy of each and every order issued by DE FATA had been delivered for information and verification to the Director E&SE Department Peshawar. He provided some photo copies of peon book which reveals the delivery of adjustment orders in question to the Directorate of E&SE Department Peshawar. (Annex P P 172 to 182)

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One alleged illegal appointee Mr. Ahmed Shah S/O Firozshah on S.No01 in category C has already been struck off from the system before the issuance of disowned notification and could not be traced. While another appointee Mr. Fazli Haleem S/O Kalim Hussain was declared fake by the previous inquiry committee and his appointment order was disowned by the Director E&SE Department Peshawar. He did not file appeal against the disowned notification before the Service Tribunal and therefore was not summoned for interrogation.

FINDINGS:

In view of the above narrated facts, perusal of the available office record and the documentary evidence, the committee has come to the conclusion that:

1. All 61 accused appointees mentioned above were found inducted in the system illegally and unlawfully without going through proper recruitment process, recommendations of the KP PSC and appointment by Director E&SE Department Peshawar. Their appointment notifications are baseless, fake and forged. They have managed their appointment orders on their own level through scanning or other techniques. Their adjustment orders based upon their appointment notifications are also void and ineffective. Their appointment orders being fake and forged are liable to be disowned.

2. 07 Nos of appointment orders bearing fake numbers and dates of the office of the Director E&SE Department Peshawar in respect of 25 SSTs generated by the accused appointees through their own sources have been submitted to the then Director FATA for further adjustment against vacant posts. On provision of all such orders proper files have been processed as per routine practice through all the concerned officer/ official and adjustment orders have been issued on approval accorded by the Ex-Director FATA Mr. Fazle Manan.

It is pertinent to mention that the Director Ex-FATA was neither appointing authority of SSTs nor appointment record except their appointment notifications were provided to the Directorate of Ex-FATA. No formal practice of verification of the appointment letters received to DE FATA was available as per policy in vogue. Moreover, copies of all such adjustment appointment orders were endorsed and delivered to the Director E&SE KP with reference to his appointment orders for information but no any objection were raised by the quarter concerned regarding invalid status of such appointees. All such adjustment orders have been issued as per established routine procedure on the provision of appointment orders. Hence, the DE FATA and his team may not be held responsible for illegal induction of appointees in the system through the said adjustment orders. The beneficiaries/illegal appointees along with those who provided them technical and other support are sole responsible for this act of forgery and illegality with huge loss to the public exchequer. They know better how did they come into system and who did facilitate them to get their fake appointment orders.

Moreover the Director Ex-FATA has made a lot of correspondence with the Director E&SE Department Peshawar since 2013 to 2017 for verification of appointment orders of suspicious SSTs inducted in the system. Various inquiries have also been conducted by the DE FATA to scrutinize and verify, appointment status of the suspicious SSTs. A committee comprising two Assistant Directors at DE FATA Mr. Muhammad Kashif Khan and Muhammad Ullah ordered by the DE Ex-FATA was assigned the task to carry out a comparative study of the KP PSC selectees and the incumbent SSTs working in Ex-FATA. The committee after thorough scrutiny detected 158 number of suspicious SSTs and recommended for a broad based inquiry for further verification. Such efforts of the committee provided a base for all the succeeding inquiries including the instant inquiry. Hence all the efforts made by the Ex-Directorate to unearth the defaulters may not be ignored.

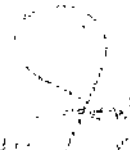
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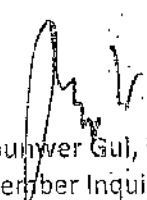
RECOMMENDATION.

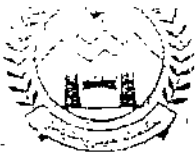
The committee hereby recommends that:

1. The Previous "Disowned" notifications set aside on the direction of Honorable KP Service Tribunal in respect of 38 illegally inducted appointees on serial No.01 to 18, 21, 23 and 24 to 27 in category A and on serial No.02 to 08, 10, 14, 15,18,20,21 and 25 in Category B of the instant report may be restored with the same direction to the DEOs concerned already communicated through the said notifications.
2. 12 numbers of illegal appointees on serial No.22, 29 and 31 in category A and on S.No.01,9,11,13,16,17,19,22 and 24 in category B have also been proved to join their services on producing fake appointment orders. But their appointment orders were not disowned. They possess the same illegal status as the previously disowned appointees have. Hence, they may be treated accordingly.
3. 02 numbers of illegal appointees on serial No.23 in category A and on serial No.12 in category B were recommended for promotion to SS posts before issuance of their disowned notification and they were promoted on the basis of illegally occupied SST posts. Their case may be sent to the competent authority to be proceeded against for their illegal and unlawful induction in the system.
4. 02 numbers of illegal appointees on serial No 30 and 32 in category A mentioned above could not be traced. Reportedly they are working in District Charsada/ Mardan. Hence, they both may be traced and treated accordingly.
5. 06 numbers of illegally inducted employees on serial No.19,20,33 and 34 in category A, on serial No.23 in category B and on serial No.2 in category C whose appointment orders were disowned but they did not file appeal against the said notification before the service tribunal and they are still out of system. Hence, no further proceeding is required against them as their previous status is intact.
6. 01 illegal appointee on serial No.1 in category C has already been struck off from the system. Hence, He may not be proceeded against for further action.

Dated: 22 / 04 / 2021.


Muhammad Salim, Principal
Chairman Inquiry Committee


Muhyver Gul, Principal
Member Inquiry Committee



NOTIFICATION

ANNEX-D

WHEREAS, the judgment of the Honorable Khyber Pakhtunkhwa, Service Tribunal Khyber Pakhtunkhwa Peshawar, dated 20-01-2021 rendered in Service Appeal #964/2019 in respect of Mr. Shakir Ullah S/O Zargar Ex SST (General) GHS Rahat Kor (Alimzai) District Mohmand is with the direction to the competent authority to set aside the impugned order/notification issued vide this Directorate under endorsement No. 5663-68 dated 04-04-2019 and to conduct proper Inquiry.

AND WHEREAS, the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar set aside the impugned order/notification issued by this Directorate under endorsement No. 5663-69 dated 04-04-2019, vide Notification No. 3555-57 dated 15-03-2021 and constituted an inquiry committee vide notification No. 1911-16 dated 08-02-2021.

AND WHEREAS, the inquiry committee submitted its report vide No. 778 dated 24-04-2021.

NOW THEREFORE, in the light of recommendations of the inquiry committee, the set aside notification in respect of Mr. Shakir Ullah S/O Zargar Ex SST (General) GHS Rahat Kor (Alimzai) District Mohmand issued vide Notification No. 5663-68 dated 04-04-2019 is hereby restored, while the notification issued vide Notification No. 3555-57 dated 15-03-2021 is hereby withdrawn with effect from the date of its issuance.

Director

Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 9584/89 /A-12/Re-instatement/SST (M)

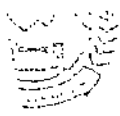
Dated Peshawar the 11/6/2021

Copy forwarded to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. District Education Officer Mohmand.
3. District Accounts Officer Mohmand
4. Principal/Headmaster concerned.
5. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
6. PA to Additional Director (Estab) Merged Districts Khyber Pakhtunkhwa, Peshawar.

Deputy Director (Estab)
Merged Districts

ATTESTED



ANNEX

31

NOTIFICATION

1. WHERE AS: one Mr. Shakirullah S/O Zargar who himself appointed/adjusted as SST (G) in GHS Rahat Kor Alim Zar District Mohmand vide Notification No. 3506-13/File No. 2/A-14/SST(M)/PSC/Apptt. dated 25/5/2012 and No. 7057-70/A-1/Apptt. of SST (General) (PSC)2012 dated 30/5/2012 upon the production of fake/bogus appointment/adjustment order not issued by the Directorate of Education erstwhile FATA Nor by the Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa.
2. AND WHERE AS, the competent authority has directed the above said accused SST to produce authentic and verified service record from the concerned authorities, but he failed to comply with the legitimate directions of high ups regarding production of requisite authentic documents/record.
3. AND WHERE AS, further an inquiry committee was constituted by the competent authority vide Notification No. 8/54-63 dated 04/05/2016 who have gone through the entire case record and it has been proved that the said appointment/adjustment order for the aforesaid post advertised by Public Service Commission Khyber Pakhtunkhwa was turned out fake/bogus.
4. AND WHERE AS, it has come to the notice of the competent authority that Mr. Shakirullah S/O Zargar, having no legal status of the said appointment/adjustment order.
5. NOW THEREFORE, under the mandatory provision and power conferred under Section-20 & 21 for General clauses Act-1897 as amended in 1956 and in pursuance of the scrutiny of selection/appointment record in r/o the above mentioned SST which was found fake/bogus, thus his appointment/adjustment Notification No. 3506-13/File No. 2/A-14/SST(M)/PSC/Apptt. dated 25/5/2012 and No. 7057-70/A-1/Apptt. of SST (General) (PSC)2012 dated 30/5/2012 is hereby "DISOWNED" ab initio and with the direction to District Education Officer, (concerned) to recover salaries and other allied benefits drawn by Mr. Shakirullah S/O Zargar in the interest of Public Service.

BA

Annexure E

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

5663-68

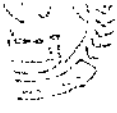
Endst. No. _____ dated 4/4/2019
Copy forwarded to the -

1. Deputy Commissioner, District Mohmand with the request to take legal action.
2. District Education Officer District Mohmand with the direction to take necessary steps for the recovery of outstanding amount against fake/bogus SST concerned.
3. District Account Officer District Mohmand to co-operate in the matter.
4. Head Master GHS Rahat Kor Alim Zar District Mohmand.
5. PS to Secretary Elementary and Secondary Education Khyber Pakhtunkhwa.
6. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa.

ATTESTED

Deputy Director (State)
Merged Districts

ATTESTED



NOTIFICATION

1. WHERE AS: one Mr. Shakirullah S/O Zargar who himself appointed/adjusted as SST (G) in GHS Rahai Kor Alim Zar District Mohmand vide Notification No. 3506-13/File No. 2/A-14/SST(M)/PSC/Appnt. dated 25/5/2012 and No. 7057-70/A-1/Appnt. of SST (General) (PSC)2012 dated 30/5/2012 upon the production of fake/bogus appointment/adjustment order not issued by the Directorate of Education erstwhile FATA Nor by the Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa.
2. AND WHERE AS; the competent authority has directed the above said accused SST to produce authentic and verified service record from the concerned authorities, but he failed to comply with the legitimate directions of high ups regarding production of requisite authentic documents/record.
3. AND WHERE AS, further an inquiry committee was constituted by the competent authority vide Notification No. 8154-63 dated 04/8/2016 who have gone through the entire case record and it has been proved that the said appointment/adjustment order for the aforesaid post advertised by Public Service Commission Khyber Pakhtunkhwa was turned out fake/bogus.
4. AND WHERE AS, it has come to the notice of the competent authority that Mr. Shakirullah S/O Zargar, having no legal status of the said appointment/adjustment order
5. NOW THEREFORE, under the mandatory provision and power conferred under Section-20 & 21 for General clauses Act-1897 as amended in 1956 and in pursuance of the scrutiny of selection/appointment record in r/o the above mentioned SST which was found fake/bogus, thus his appointment/adjustment Notification No. 3506-13/File No. 2/A-14/SST(M)/PSC/Appnt. dated 25/5/2012 and No. 7057-70/A-1/Appnt. of SST (General) (PSC)2012 dated 30/5/2012 is hereby "DISOWNED" ab initio and with the direction to District Education Officer, (concerned) to recover salaries and other allied benefits drawn by Mr. Shakirullah S/O Zargar in the interest of Public Service.

31

Annexure-E

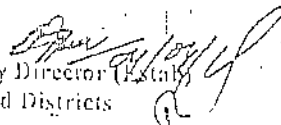
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

5663-68

Endst. No. _____ dated 4/4 2019
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5. PS to Secretary Elementary and Secondary Education Khyber Pakhtunkhwa.
6. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa.


ATTESTED


Deputy Director (Estt.)
Merged Districts

ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7699/2021

Muhammad Sohail.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa & Others.....Respondents

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Senior Law Officer
Khyber Pakhtunkhwa
Public Service Commission Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7699/2021

Muhammad Sohail.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa & others.....**Respondents**

**APPLICATION FOR DELETION OF THE (RESPONDENT NO. 03)
FROM THE PANEL OF RESPONDENTS.**

Khyber Pakhtunkhwa
Service Tribunal


Diary No. 118

Dated 01/06/2022

RESPECTFULLY SHEWETH:

1. That the above mentioned appeal is pending before this Honorable Tribunal.
2. That the appellant has malafidely dragged Khyber Pakhtunkhwa Public Service Commission and the instant service appeal suffers mis-joinder of parties.
3. That the appellant was appointed on contract basis, later on regularized through an act of legislature. So the respondent No. 03 has no concern with the instant appeal, also no relief has been sought against it by the appellant.
4. That respondent No. 03 being linked to the instant appeal neither as necessary, nor proper party, seeks deletion from the panel of respondents.

It is, therefore, requested that on acceptance of this application respondent No. 03 may kindly be deleted from the panel of respondents.

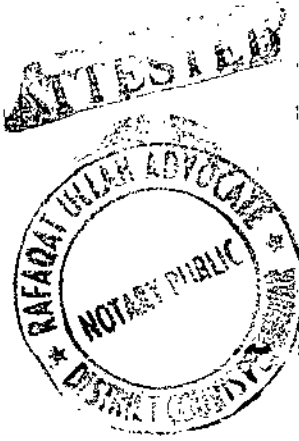

CHAIRMAN
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.03)



AFFIDAVIT

Stated on oath that the contents of this Para wise comments are true and correct & nothing has been concealed from this Honorable tribunal.

DEPONENTS



[Handwritten signature]
01/06/2022

[Handwritten signature]

**MEHTAB GUL
LAW OFFICER
FOR (RESPONDENT NO.03)**