

BEFORE THE KHYBER PAKHTOON KHWA
SERVICE TRIBUNAL, PESHAWAR

Reply in

Service Appeal No. 7949/2021

1. Mst.Nergus Begum D/O Zain Ul Abideen, serving as Drawing Master (BPS-15) at GGMS Kwarai Mano Banda, Dir Lower.

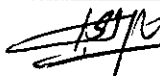
(Appellant)

Versus

1. Government of KP through, Secretary, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
3. District Education Officer (F) Dir Lower at Timergara. (Respondents)

Index:

S.No	Description		Page
1	Para wise Reply		1-4
2	Affidavit		5
3	Authority Letter		6
4	Copy of the appointment order Dated 21-02-2020 and adjustment order dated 29-06-2020 of the Respondent No.4	A	7-9
5	Copy of the letter dated 13-07-2020	B	10
6	Copy of the promotion order of the Rabia Naz	C	11-12
	Copy of the adjustment order of the Respondent No.4	D	13-14


District Education officer (F)
District Dir Lower
Respondent No.3

①

BEFORE THE KHYBER PAKHTOON KHWA

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

(Respondents)

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

Respectfully sheweth:-

PRELIMINARY OBJECTIONS.

1. That the Appellant is not the "aggrieved" person with the meaning of Article 212 of the Constitution of the Islamic Republic of Pakistan 1973.
2. That the Appellant has got no cause of action /locus standi to file the instant service appeal.
3. That the Appellant has not come to this Honorable court with clean hands.
4. That the Appellant is estopped by his own conduct.

5. That the instant service appeal suffers from laches, hence not maintainable in the present form.
6. That it is not the sweet will of the appellant to serve the department at the place of their own choice.

ON FACTS

1. Para -1 of the facts is correct up to the extent of the appointment as Drawing Master (BPS-15) AT GGMS Babagam vide office order dated 14-03-2015 on contract /ad hoc basis, while after regularization she filed an application for transfer from GGMS Babagam to GGMS Kwaro Mano Banda and after consideration of her application she was transferred to GGMS Kwaro Mano Banda vide office order dated 13-02-2019.
2. Para-2 is correct.
3. Para-3 of the facts is incorrect, hence denied. And further stated that she was not transferred, but adjusted in GGHS Khall. in detail, it is stated that the respondent No.4 was appointed as D.M (BPS-15) at GGHS Namaz Kot, Lal qillah Maidan vide officer dated 21-02-2020, as she (Respondent No.4) gone for charge to the said school .it was sought out that the post in question was filled by transfer ,and there was no any vacant of D.M (BPS-15) at that time, so she (the Respondent No.4) was re adjusted vide order dated 29-06-2020 at G.G.H.S Khall on wrong post of Senior Drawing Master (BPS-16) as no post of D.M (BPS-15) was vacant at that time. Mean while a letter was issued from the Principal G.G.H.S Khall that there is no vacant post of D.M (BPS-15), and she (Respondent No.4) may be adjusted against any vacant Post of D.M (BPS-15) and the adjustment order dated 29-06-2020 may kindly be withdrawn.(Copy of the appointment order Dated 21-02-2020 and adjustment order dated 29-06-2020 of the Respondent No.4 is attached as "A". Copy of the letter dated 13-07-2020 is attached as "B").

4. Para-4 of the facts pertains to record.
5. Para-5 of the facts is incorrect, hence denied and it is further stated that the Respondent No.4 was not transferred as she was adjusted at G.G.H.S Khall koz kalay vide adjustment order dated 28-01-2021.it is pertinent to mention here that the Respondents No,4 was serving on wrong post of D.M (BPS 16)and after promotion of the teachers from D.M (BPS-15) TO S.D.M (BPS-16) ,Mst Rabia Naz was also promoted to S.D.M and after promotion she was adjusted as S.D.M (BPS-16) at GGMS Khall Payeen while the respondent No,4 was re adjusted at G.G.H.S Khall Koz Kalay on the post vacated from Mst.Rabia Naz .(Copy of the promotion order of the Rabia Naz is attached as "C", while Copy of the adjustment order of the Respondent No.4 is attached as "D").
6. Para-6 is incorrect, detail reply given in para above.
7. Para-7 pertain to record.
8. _ Para -8 pertain to record.
9. Para-9 is incorrect.

GROUND

- A.** Incorrect, the respondents always follows rules and policies in letter and spirit, as and when the post becomes available the appellant will be facilitated as per law and rules.
- B.** Incorrect hence denied as discussed above in the facts the all codal formalities, were issued as per rules .hence claim of the appellant is denied.
- C.** In correct hence denied .detail reply has been submitted in the above Para's.
- D.** Incorrect hence denied.

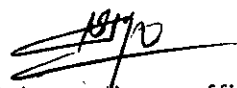
F. In correct hence denied .detail reply has been submitted in the above Para's


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

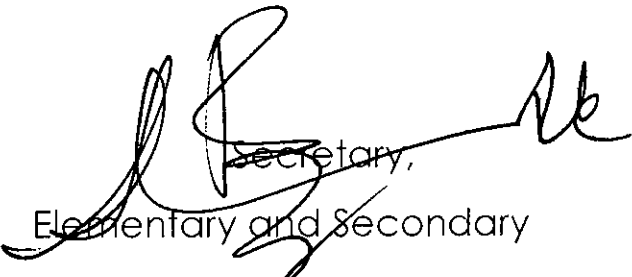
H. In correct hence denied .detail reply has been submitted in the above Para's

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

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


District Education officer (F)
Dir Lower
Respondent No.3


Director,
Elementary and Secondary
Khyber Pakhtunkhwa
Respondent No.2


Secretary,
Elementary and Secondary
Khyber Pakhtunkhwa
Respondent No.1

BEFORE THE KHYBER PAKHTOON KHWA

SERVICE TRIBUNAL, PESHAWAR

Reply in

Service Appeal No. 7949/2021

- 1. Mst.Nergus Begum D/O Zain Ul Abideen, serving as Drawing Master (BPS-15) at GGMS Kwarai Mano Banda, Dir Lower.

(Appellant)

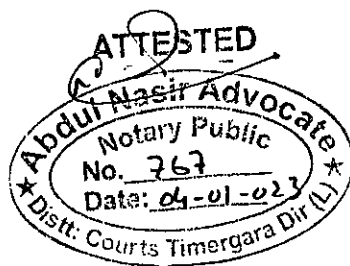
Versus

- 1. Government of KP through,Secretary, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar.
- 2. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
- 3. District Education Officer (F) Dir Lower at Timergara.

(Respondents)

Affidavit

I, Muhammad Usman, ADEO o/o DEO (F) Dir Lower do hereby solemnly affirm and state on oath that the whole contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this August court.



Muhammad Usman
Deponent

Muhammad Usman

AUTHORITY LETTER

Mr. Muhammad Usman, ADEO o/o DEO (F) Dir Lower is hereby authorized to submit the comments /reply in the Re. Service Appeal No.7949/2021

Title: Mst.Nergus begum v/s Government of KP and others On behalf of the under signed,

District Education officer (F)
Dir Lower
Respondent No.3

Director,
Elementary and Secondary
Khyber Pakhtunkhwa
Respondent No.2

Secretary,
Elementary and Secondary
Khyber Pakhtunkhwa
Respondent No.1



(2)

(7)

**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
Dir Lower (Phone # 0945 9250083)**

APPOINTMENT

Consequent upon the recommendation of the Departmental Selection Committee, appointment of the following candidates is hereby ordered purely on merit against the vacant posts of Drawing Master (DM) on Ad hoc School based in BPS: 15 (Rs.16120-1330-56020/-) Fixed plus usual allowances as admissible to them under the Rules and existing policy of the Provincial Government on the terms & conditions given below with effect from the date of their taking over charge (01.03.2020) in the interest of public service.

S.#	Name of candidate	Father's Name	School where appointed	D/O Birth	Score	Remarks
1	REEMA BEGUM	BACHA KHAN	GGHS TAWDA CHINA	03/04/1994	130.65	A.V.P
2	BUSHRA SHAFI	SHAFI UD DIN	GGMS BABAGAM	15/07/1995	130.52	A.V.P
3	LAILA NAWAZ	MUHAMMAD NAWAZ KHAN	GGMS GHURGAY	28/12/1995	130	A.V.P
4	SAVIRA JAN	SAID MUHAMMAD JAN	GGMS BARKHANY	07/11/1994	128.14	A.V.P
5	QUDSIA BIBI	MANZOOR QADIR	GGHS NIMAZKOT	18/04/1993	127.3	A.V.P
6	AMIA BIBI	MUHAMMAD AYUB	GGHSS MAYAR	28/04/1996	126.97	A.V.P

Terms & Conditions

- No TA/DA is allowed.
- Charge reports should be submitted to all concerned.
- Appointment is purely on temporary & ad hoc basis for one year period with effect from 01-03-2020 to 28-02-2021. Charge will be taken with effect from 01-03-2020 on opening of schools after Winter Vacations.
- They should not be handed over charge if their age exceeds 35 (Thirty Five) or below 18 years of age.
- Appointment is subject to the condition that their certificates/documents must be verified from the concerned authorities, and anyone found producing bogus certificate/s or degree/s their appointment shall be cancelled and they will be reported to the Law enforcing agencies for further legal action.
- Their services are liable to termination of one month's prior notice from either side. In case of resignation without notice their one month pay/allowances shall be forfeited to the Government treasury.
- Pay shall not be drawn until and unless a certificate issued by this office that to the effect that the documents have been verified.
- They should join their posts within 15 days after the commencement of their contract. In case of failure to join the post within 15 days of the issuance of this Notification their appointment shall stand expired automatically and no subsequent appeal etc. shall be entertained.
- Health & Age Certificate should be produced from the Medical Superintendent before taking over charge.
- They will be governed by such Rules and Regulations as may be issued from time to time by the Government.
- Their services shall be terminated at any time in case their performance is found unsatisfactory during their service period. In case of misconduct, they shall be proceeded against under the relevant rules & regulations announced from time to time.
- Their appointment is Ad hoc and school based. They shall have to serve at their place of posting and their services are not transferable to any other station.

DISTRICT EDUCATION OFFICER (FEMALE)

(Handwritten signature)

(Handwritten signature)

- 8
13. Before handing over charge to them, their documents may be checked and if found bogus or false may be reported to this office for necessary action.
 14. Posting within the schools is the wholly solely authority of the appointing authority and no one has right to claim for a specific school
 15. All the Principals / Headmistresses are required to collect an affidavit from each candidate to follow all the terms and condition listed above and will keep it on record.
 16. If any meritorious candidate is deprived from appointment by this order and the competent authority accepts her appeal, the appointment order of the low merit candidate will be withdrawn and adjustment order will be reviewed according to the merit
 17. They must take 09 months mandatory professional training as Induction Program from K.T.T Colleges of Khyber Pakhtunkhwa.
 18. Errors and omissions will be acceptable within the specified period.

(SHAHEEN BEGUM)
DISTRICT EDUCATION OFFICER
FEMALE DIR LOWER AT TIMERGARH

Indst No. 57724-3316/DM/Appointment/Ad hoc/NTS dated: 21/02/2020.

Copy of the above is forwarded for information & necessary action to the

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Dir Lower.
3. District Account Officer Dir Lower
4. Principal/Headmistress concerned.
5. The B&AO Local Office
6. The Assistant D/A Secondary Local Office
7. The candidates concerned.
8. Master File.

C/C ~~127~~
DISTRICT EDUCATION OFFICER
FEMALE DIR LOWER AT TIMERGARH
Dist. Education Officer
Dir Lower

(9)

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) DIR LOWER AT TIMERGARA
CORRIGENDUM ORDER

The place of posting in respect of the following DMs as shown vide this office order Endst: No. 5304-5316 dated 21-02-2020 may be read as under in the interest of public service.

S.No	Name of Teachers	Designation	Previous Place posting	Name of school where adjusted
1	QUDSIA BIBI	DM B-15	GGHS NIMAZ KOT	GGHS KHALI
2	AMIA BIBI	DM B-15	GGHS MAYAR	GGHS SHERKHANI

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

(ASMAT ARA QURISHI)
DISTRICT EDUCATION OFFICER
(F) DIR LOWER AT TIMERGARA

Endst: No. 7054-581 dated Timergara the 29/06/2020.
Copy of the above is forwarded to the:-

1. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. District Account Officer Dir Lower.
3. The Accountant Local office.
4. The Teachers concerned.
5. Master File.

Asmat Ara Qurishi
DISTRICT EDUCATION OFFICER
(F) DIR LOWER AT TIMERGARA

OFFICE OF THE PRINCIPAL,
G.G.H.S .KHALL DIR LOWER.
No. 5510-11 /Dated Khall the 13 /7/2020.

To,

The District Education Officer(F),
Dir Lower at Timargara.

Subject;- CORRIGENDUM ORDER.

Memo:-

Please refer to your office Order Endst No. 7054-58 dated 29/6/2020. One Mst Qudsia BiBi D/M- B-15 GGHS Namazkot (Newly appointed) trough NTS has been adjusted at GGHS Khall against D/M Post.

In this regard it is stated for your kind information that there is no vacant D/M B-15 Post.

It is therefore, requested that she may be adjusted against any vacant post of D/M B-15 in District Dir Lower and the adjustment Order at GGHS Khall may be withdrawn please.

(Encls) ⑤

PRINCIPAL
GOVT. PRINCIPAL SCHOOL
GGHS, KHALL DIR LOWER.

Endst No. 5510-11/Dated 13/7/2020

Copy forwarded to the Mist Qudsla Bibi D/o Manzoor Qadir for information pl:

Principal,
GGHS, Khall Dir (Lower)
DISTRICT DIR LOWER



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

Tel: 09459250083
FAX# 0945824083
Email: emiadeofdirlower@gmail.com

OFFICE ORDER

Consequent upon the promotion of CTs, DMs, ATs, TTs, Female B-15 to SCTs, SDMs, SAs, STTs Female B-16 on regular basis as notified by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Notification issued vide Endst. No.8757-62 /A-17/DPC-2020/KPK Dated Peshawar the 04/01/2021. The following Female Teachers are here by adjusted/ Posted in the schools mentioned against their names.

1. PROMOTION OF CTs TO THE POST OF SCT B-16

S.No	Name of Teacher(SCTs)	BPS	Present Station	Place Of Posting	Remarks
1	ZAINAB BIBI	16	GGMS SEER TOORMANG	GGHS KHALL	A.V. Post
2	NAHID BEGUM	16	GGMS KAWRO MANO BANDA	GGHS KADH	A.V. Post
3	FUZIA BIBI	16	GGMS SIYAR QALAGAI	GGHSS RANI	A.V. Post
4	HAMIDA	16	GGMS MANDISH	GGHSS RABAT	A.V. Post
5	NARGAS ARA	16	GGMS BANDA TALASH	GGHSS NAGARI PAYEEN	A.V. Post
6	SIDRA	16	GGHS DARA RAMORA	GGHS RAMORA	A.V. Post
7	NOREENA BIBI	16	GGHSS CHAKDARA	GGHSS CHAKDARA	Already Occupied
8	KALSOOM BEGUM	16	GGHS KHAZANA	GGHSS SADDO	A.V. Post
9	ABGINA	16	GGMS BANDA TALASH	GGHSS NAGRI PAYEEN	A.V. Post
10	UZLEFAT	16	GGMS TIKNAI PAYEEN	GGHS KHANPUR	A.V. Post
11	SABIHA NASEEM	16	GGMS TOOR QILA	GGHSS MIANKALAY	A.V. Post
12	SHAKILA NAZ	16	GGHS ZIMDARA	GGHSS KUMBER	A.V. Post
13	RAZIA	16	GGHS INZARO	GGHS BAJAWRO	A.V. Post
14	SUMAYYA	16	GGHSS SHATAI	GGHSS SHATAI	Already Occupied

2. PROMOTION OF DM TO THE POST OF SDM B-16

S.No	Name of Teacher(SDMs)	BPS	Present Station	Place Of Posting	Remarks
1	RABI NAZ	16	GGMS KHALL PAYEEN	GGHS KHALL	A.V. Post
2	GUL NAZ BEGUM	16	GGHS MALAKAND	GGHS MALAKAND	Already Occupied
3	RABIA SULTAN	16	GGMS KHEMA	GGHSS SADOO	A.V. Post

PROMOTION OF ATs TO THE POST OF SATs B-16

S.No	Name of Teacher (SATs)	BPS	Present Station	Place Of Posting	Remarks
1	KALSOOM BIBI	16	GGHS SALIGRAM	GGHS SALIGRAM	Already Occupied
2	WAHIDA BIBI	16	GGMS MINA BATTAN	GGHS TALAI SIA	A.V. Post
3	SHEHNAZ BEGUM	16	GGMS KHALL(P)	GGHSS KOTO	A.V. Post
4	ABIDA NOUREEN	16	GGMS SADBAR KALI	GGHSS MIANKALAY	A.V. Post
5	NOORUL AZAM BIBI	16	GGHS M.BRONGOLA	GGHS M.BRONGOLA	Already Occupied
6	UZMA BIBI	16	GGMS DARA RAMORA	GGMS DARA RAMORA	Already Occupied

PROMOTION OF TTs TO THE POST OF STT B-16

S.No	Name of Teacher	BPS	Present Station	Place Of Posting	Remarks
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Attested

[Signature]
DISTRICT EDUCATION OFFICER (F)

Dist. Education Officer (F) District Dir Lower

13/01/2021

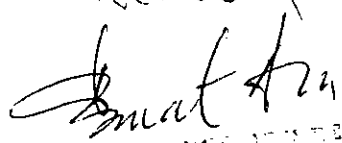
	SHAH WAGRIN	16	GGMS KHALL(P)	GGHS KHALL	A.V Post
3	ABIDA PARVEEN	16	GGHS MORANAI	GGHS MAKHAI	A.V. Post
4	UZMA BEGUM	16	GGMS KHEMA	GGHS KANDARO	A.V. Post
5	SAJIDA AKHTER	16	GGMS TIKNAI PAYEEN	GGHSS KITYARI	A.V Post

Note: 1. Terms and conditions will remain the same as in notification referred above.

(ASMAT ARA QURESHI)
District Education Officer
(F) District Dir Lower.

Endst: No. 12397-13429 Dated Timergara the 13/01/2021

- Copy forwarded for information and necessary action to the:-
1. District Account Officer District Dir Lower.
 2. All the Principals/ Head Mistresses concerned.
 3. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
 4. Officials Concerned.
 5. Master File.

Attested

 District Education Officer
 District Dir Lower. 13/01/2021

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) DIR LOWER AT TIMERGARA

OFFICE ORDER

Consequent upon the acceptance of appeals and recommendation of appellate committee the place of posting in respect of the following mistresses as shown vide this office order Endst: No. 12370-96, 1297-31429 and 12430-43 dated 13-01-2021 may be read noted against their names in the interest of public service from date of their promotion order.

SST General B-16

S.No	Name of Teachers	Designation	Present School	Name of school where adjusted
1	RUKHSANA GUL	SST B-16	GGHS ZAIMDARA	GGHSS OUCH

SCT B-16

S.No	Name of Teachers	Designation	Present School	Name of school where adjusted
1	Abgina	SCT B-16	GGHSS Nagri Payeen	GGHS Osakai

SAT B-16

S.No	Name of Teachers	Designation	Present School	Name of school where adjusted
1	Abida Noureen	SAT B-16	GGHSS Mian kalay	GGHS Damtal

STT B-16

S.No	Name of Teachers	Designation	Present School	Name of school where adjusted
1	Abida Parveen	STT B-16	GGHS Makhai	GGHS Malakand Payeen
2	Shamim Begum	STT B-16	GGHS Jango	GGHSS Kityari
3	Sajida Akhtar	STT B-16	GGHSS Kityari	GGHS Jango

S.Qaria B-15

S.No	Name of Teachers	Designation	Present School	Name of school where adjusted
1	Shukat Begum	S.Qaria B-15	GGHSS Munda	GGHSS Ziarat Talash
2	Shahana	S.Qaria B-15	GGHS Mian Brangola	GGHSS Khadagzai

SDM B-16

S.No	Name of Teachers	Designation	Present School	Name of school where adjusted
1	Rabia Sultan	SDM B-16	GGHSS Saddo	GGHSS MianKalay



The following Consequential Adjustment has been made in the interest of public service.

TT B-15

S.No	Name of Teachers	Designation	Present School	Name of school where adjusted
1	Asma Hamid	TT B-15	GGHS Khall	GGMS Khall Payeen

DM B-15

S.No	Name of Teachers	Designation	Present School	Name of school where adjusted
1	Qudsia Bib	DM B-15	GGHS Khall	GGMS Khall Payeen

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

(ASMAT ARA QURESHI)
DISTRICT EDUCATION OFFICER
(F) DIR LOWER AT TIMERGARA

Ernst No 12600-5 dated Timergara the 28/07/2021
Copy of the above is forwarded to the:-

- 1 The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
- 2 District Account Officer Dir Lower
- 3 The Principal/Headmistress concerned.
- 4 The Teachers concerned
- 5 Master File

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[Handwritten signature: Asmat Ara]
DISTRICT EDUCATION OFFICER 22
(F) DIR LOWER AT TIMERGARA