

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR CAMP TRIBUNAL ABBOTTABAD**

Service Appeal No. 1340/2022

Muhammad Waqas .....Appellant

VERSUS

Government Khyber Pakhtunkhwa & Others.....Respondents

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NOS. 1 & 2**

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**District Education Officer (M)**  
**Abbottabad**  
**(Respondent No. 02)**

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TRIBUNAL PESHAWAR CAMP TRIBUNAL ABBOTTABAD**

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**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NOS. 1 & 2**

**Respectfully Sheweth:**

Para wise comments on behalf of respondent are submitted as under:

**PRELIMINARY OBJECTIONS:-**

1. That the appellant has no cause of action to file the instant service appeal.
2. That the appellant has no locus standi to file the instant service appeal.
3. That the appellant did not come to this Honorable Tribunal with clean hands.
4. That the appellant concealed and distorted the material facts from this Honorable Tribunal.
5. That the present service appeal has been filed just to pressurize the respondents.
6. **That as per Section 10 of Civil Servant Act 1973, every Government Servant is bound to serve anywhere within the District in the best interest of public service without raising any objection in this regard.**
7. That the instant service appeal is not maintainable in its present form.
8. That the transfer order dated 11-04-2022 was issued by the competent authority in the best interest of the public service hence, same is liable to be maintained.
9. That all the proceedings have been done by the competent authority as per Rule & Law hence, the service appeal is liable to be dismissed without any further proceedings.

### **Factual Objections:-**

1. That Para No. 1, of the instant service appeal relates to service record of the appellant hence, need no further comment.
2. In reply to Para No. 2, of the instant service appeal it is submitted that appellant applied for mutual transfer with one Mr. Muhammad Imran, DM GHSS Bagnotar Abbottabad but his request was regretted due to the recommendations of Mr. Muhammad Imran as ASDEO by Public Service Commission.
3. That Para No. 3, of the instant service appeal relates to record.
4. That Para No. 4, of the instant service appeal is as composed is incorrect hence, denied and not admitted. Comprehensive reply has already been given in Para No. 2 of the factual objections.
5. That Para No. 5, of the instant service appeal is correct to the extent of issuance of transfer order dated 11-04-2022, while rest of the Para as composed is incorrect hence, denied and not admitted. Furthermore transfer order 11-04-2022 was issued by the competent authority in the best interest of public service purely on administrative ground in accordance with the recommendations of inquiry committee. All the teaching staff of GMS Maira Rehmal were transferred on administrative ground (Copy of Inquiry report and transfer order dated 03-02-2022 are annexed herewith as Annexure "A" & "B" respectively)
6. That Para No. 6, of the instant service appeal as composed is incorrect hence denied and not admitted appellant did not annex the copy of postal receipt as a documentary proof.
7. In reply of Para No. 7, of the instant service appeal it is submitted that after the expiry of 90 days said suspension automatically stands ceased.
8. That the Para No. 08 of the instant service appeal is correct to the extent of issuance of transfer order in respect of Headmaster GMS Maira Rehmal while rest of the Para as composed is incorrect hence denied and not admitted.
9. That the Para No. 09 of the instant Service Appeal as composed is incorrect and hence, denied and not admitted.

**GROUND:-**

- a. That ground a, as composed is incorrect hence, denied. Comprehensive reply has already given in Para No. 5 of the factual objections.
- b. That ground b, as composed is incorrect hence, denied and not admitted.
- c. That ground c, as composed is incorrect hence, denied and not admitted.
- d. That the ground d, as composed is incorrect hence, denied and not admitted.
- e. That the ground e, as composed is incorrect hence, denied and not admitted.
- f. That the ground f, as composed is incorrect hence, denied and not admitted.
- g. That the ground g, as composed is incorrect hence, denied. Comprehensive reply has already given in Para No. 5 of the factual objections.
- h. That the respondents seek permission of this Honorable Tribunal to advance further grounds/ points during the course of arguments.

It is, therefore, very humbly prayed that in the light of forgoing comments the service appeal in hand may graciously be dismissed with cost throughout.



**District Education Officer (M)  
Abbottabad  
(Respondent No.01 & 02)**

P-4

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
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**AFFIDAVIT**

I, Mr. Muhammad Tanveer, District Education Officer (M), Abbottabad, do hereby affirm and declare on oath that the contents of forgoing Comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.



13/12/2022

DEPONENT

ANNEXURE "A" P-5



**OFFICE OF THE PRINCIPAL  
GOVERNMENT MODEL HIGH SCHOOL HAVELIAN  
(ABBOTTABAD)**



Email: gmhshavelian@gmail.com  
www.gmhshavelian.com  
Ph .0992-812282-0335-5409988

Inquiry GMS Maria Rehmal 01/No.25342

Dated : March 28, 2022

**Registered**

To

The District Education Officer,  
(Male), Abbottabad.

**Subject: - FACT FINDING INQUIRY REPORT IN CONNECTION WITH ABSENCE, POOR PERFORMANCE AND ZERO ENROLLMENT OF GOVERNMENT MIDDLE SCHOOL MAIRA REHMAL ABBOTTABAD**

Reference your office letter /Notification No.1157-59/PF/Maira Rehmal Dated 12-02-2022. The report is as under:

Memo:

- A. **ALLEGATIONS:** 1. Headmaster Mr. Zafran's absence on 09-12-2021 along with Mr. Alamgir, DM.  
2. Naib Qasid Mst. Naheeda Perveen's absence on 09-12-2021.  
3. Poor performance and zero enrollment.

- B. **PROCEEDINGS:** Questionnaires served to both Ex.HM and present IC HM. Focused decision, interview and telephonic talk were made with Mr. Zafran, Mr. Qamar, Mr. Uzair, Mr. Alamgir, Mr. Ishfaq and Mst. Naheeda Perveen respectively. AWR, Teacher attendance and PTC registers were examined. Statements from Mr. Uzair, CT and Mr. Muhammad Ishfaq TT were taken.

**FINDING:** The School has its own peculiar background and also as far as feeding schools and locations are concerned.

- GPS, Maira Rehmal is closed since 2016 which was prime feeding School.
- Whereas Government Primary School, Dharra and GPS Neelo are functional with satisfactory enrollment.
- GMS Maira Rehmal is situated in "forest/Jungle" far away from man village which is not easily accessible to students.
- Three private schools are functioning in the village. Reportedly, run by Govt. school's teachers, not overtly.
- Most of the time school was without CT teachers or short of relevant staff.
- GMS, Maira Rehmal was also remain closed from 2000 to 2011-12.

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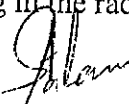
- EX.HM Zafran did write on school's "order book" for his kidney problem and two days leave but DEO Sahib could not check the same. However, he along with other teacher and C-IV were marked Absent and pay accordingly has been detected.
- Mst.Naheeda Perveen, is widow as she was appointed there after the death of her C-IV husband. Being a woman, off the record, her brother - in law and at times her son is performing School duties. PSHT is satisfied with his work.

### RECOMMENDATIONS:

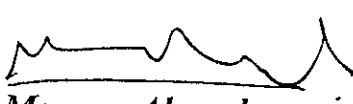
EX.HM Zafran is local person. He should be transferred back with other local staff in GMS Maira Rehmal with the task to increase enrollement within 3-6 months as per his statement, or any other more competent local HM with his own selected team of locals may be posted there in the public, school and local community interest.

- Two teachers namely Mr.Larose Sanam and Mr.Uzair May may please be transferred in the vicinity of Abbottabad city as they are non-local there. However, two CT teachers of local village should be transferred there with the consent of HM and PTC so as enrollment could be increased with their personal interest.
- As proper schools buildings are there so both GPS, Maria Rehmal and GMS, Maria Rehmal should be reopened in Public interest by taking and affidavit from the Local's notable as well all staff of schools plus PTC that in forthcoming session 2022-23 they ensure apposite enrollment i.e 30-35 students atleast in the next session and 20-30 students annually.
- Local private schools may please be made bound for 5th classes' annual examinations as the feeding Govt.Primary Schools are under the supervision of GMS, Maira Rehmal.
- Deputy District Education Officer may be asked to visit the same school twice in a month to ensure quality education and monitor the activities of local teachers and take stern action as per law if they are found or involved in operating private schools overtly or covertly.
- An affidavit may be taken from Mst. Naheeda Perveen and her elder son that later will perform school's all duties instead of his mother in accordance with Government rules, regulations and policy and shall not be entitled for any salary, perks and benefits of Government of Khyber Pakhtunkhwa till the retirement of her mother or as the case may be.

**CONCLUSION:** Public sector Schools are not built in a day for providing free education to Citizens of Pakistan because, this is the constitution binding. Government should open the schools instantly and PSRA may be asked to make a mechanism for not allowing private schools in remote villages/ areas where already Public Sector schools are functioning in the radius of 7 KM.



**Abdus Salam**  
**Principal/Inquiry Officer**  
**GHSS, Kukal Barseen**



**Muneer Ahmed**  
**Principal/Inquiry Officer**  
**GMHS, Havelian.**

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD**

**ANNEX "B" P-67**

**TRANSFER**

The following Teachers of GMS Maira Rehmal Abbottabad are hereby transferred on (Administrative Ground) on their own pay and scale as recorded against their names on closure of school due to zero enrollment in the interest of public service with effect from the date of their taking over charge.

S.NO	Name Designation	From	To	Remarks
1	Mr. Larose Sanam, CT (NTS)	GMS Maira Rehmal	GMS Riala	Against Vacant Post
2	Mr. Uzair CT (NTS)	GMS Maira Rehmal	GMS Riala	Against Vacant Post
3	Muhammad Ishfaq TT	GMS Maira Rehmal	GHS Nagri Tutial	On Stop Gap Arrangement
4	Qamar Mustafa AT	GMS Maira Rehmal	GHS Suma Karaga	Against Vacant Post
5	Abdullah PET	GMS Maira Rehmal	GHS Ghari Noorpur	Against Vacant Post

**Note:-**

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

**District Education Officer (M)  
Abbottabad**

Endst No: 978-83 /Transfer

Date 03/02 /2022

Copy forwarded to :-

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Comptroller of Accounts Abbottabad.
3. Headmaster/Principal of concerned Schools.
4. AP EMIS Local Office Abbottabad.
5. Budget and Accounts Officer Local Office Abbottabad
6. Teachers concerned.

**District Education Officer (M)  
Abbottabad.**