

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	04.03.2020	<p align="center"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b>  <b><u>At Camp Court, Swat.</u></b>  <b>Service Appeal No. 613/2019</b></p> <p>Date of Institution ..... 30.04.2019  Date of Decision ..... 04.03.2020</p> <p>Salma Khan SPST Government Girls School Shaheen Abad District Swat.</p> <p align="right"><b>Appellant</b></p> <p align="center"><b>Versus</b></p> <ol style="list-style-type: none"> <li>The Secretary Elementary &amp; Secondary Education Government of Khyber Pakhtunkhwa Peshawar.</li> <li>The Director Elementary &amp; Secondary Education Government of Khyber Pakhtunkhwa Peshawar.</li> <li>The District Education Officer (Female) District Swat at Saidu Sharif.</li> </ol> <p align="right"><b>Respondents</b></p> <p><b>Mr. Muhammad Hamid Mughal-----Member(J)</b>  <b>Mr. Hussain Shah -----Member(E)</b></p> <p align="center"><b><u>JUDGMENT</u></b>  <b><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></b> Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Sultan Mehmood J.C present.</p> <ol style="list-style-type: none"> <li>The appellant (SPST) has filed the present service appeal against the office letter dated 07.09.2018 of Sub Divisional Education officer (F) Tehsil Babozai District Swat addressed to the appellant wherein the appellant was directed to deposit the amount of Rs.129314.8/-.</li> <li>Arguments heard. File perused.</li> </ol>

4.3.2020

4. At the very outset learned AAG objected upon the maintainability of the present service appeal and stated that the same does not fall within the ambit/purview of Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974.

5. The learned counsel for the appellant could not demonstrate <sup>that</sup> the order, made impugned in the present service appeal has affected the terms & conditions of the services of the appellant.

6. Impugned order/office letter dated 07.09.2018 does not suggest that any penalty, under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 has been imposed upon the appellant. Similarly the appellant is still in receipt of her salary as usual. In view of the facts and circumstances of the case, this Tribunal is of considered view that the present service appeal is premature.

7. As a sequel to above, the present service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(Hussain Shah)  
Member



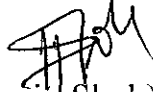
(Muhammad Hamid Mughal)  
Member  
Camp Court, Swat.

ANNOUNCED  
04.03.2020

04.03.2020

Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Sultan Mehmood J.C present.

Vide separate judgment of today of this Tribunal placed on file, the present service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(Hussain Shah)  
Member

ANNOUNCED.


. 04.03.2020

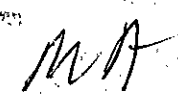


(Muhammad Hamid Mughal)  
Member  
Camp Court, Swat.

08.01.2020

Husband of the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Husband of the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 03.03.2020 for rejoinder and arguments before D.B at Camp Court Swat.

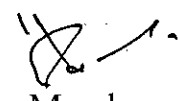
  
(Hussain Shah)  
Member  
Camp Court Swat

  
(M. Amin Khan Kundi)  
Member  
Camp Court Swat

03.03.2020

Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Sultan Mehmood J.C present. Arguments heard. To come up for order on 04.03.2020 before D.B before D.B at Camp Court, Swat.

  
Member

  
Member  
Camp Court, Swat.

02.09.2019

Learned counsel for the appellant present. Written reply not submitted. Rasool Jan Assistant representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 08.10.2019 before S.B at Camp Court, Swat.



Member  
Camp Court, Swat.

08.10.2019

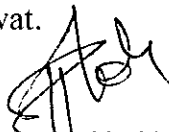
Counsel for the appellant and Mian Ameer Qadir, Deputy District Attorney alongwith Mr. Sultan Nabi, Junior Clerk for the respondents present. Representative of respondents submitted para-wise comments on behalf of respondents No. 1 to 3 which is placed on record. Case to come up for rejoinder and arguments on 04.11.2019 before D.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

04.11.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 08.01.2020 for rejoinder and arguments before D.B at Camp Court Swat.



(Hussain Shah)  
Member  
Camp Court Swat



(M. Amin Khan Kundi)  
Member  
Camp Court Swat

07.05.2019

Learned counsel for the appellant present. Preliminary arguments heard.

Appellant (SPST) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the office letter/order dated 07.09.2018 whereby the appellant was directed to deposit the amount of Rs.129314.8/-.

Points raised need consideration. The appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 02.07.2019 before S.B at Camp Court, Swat.



Member  
Camp Court, Swat

02.07.2019

Clerk to counsel for the appellant present. Written reply not submitted. Toseef Ahmad Litigation Officer (for respondent No.2) absent. Respondents as well as absent representative be put to notice with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 02.09.2019 before S.B at Camp Court Swat.



Member  
Camp Court, Swat.


Deposited  
Process Fee

The appeal of Mst. Salma Khan PST, GGPS Shaheen Abad Swat received today i.e. on 30.04.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copies of impugned order dated 06.08.2018, departmental appeal against the impugned order and its rejection order mentioned in letter dated 7/9/2018 are not attached with the appeal which may be placed on it.

No. 856 /S.T,


Dt. 30-4-2019.

  
REGISTRAR 30/4/19,  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Aziz-ur-Rehman Adv. Swat.

Respected Sir,


The order ~~is~~ was never communicated to me appellant and the only order communicated is impugned herein, against which an appeal is made to the competent authority's next above authority. The case may please be placed before Tribunal.

  
02/05/19 Advocate

Sir, The objection of this office and reply of counsel for the appellant is sub-itted for your order please.

Humble/Chairman.

Be placed for preliminary hearing.

  
3/5/19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 613 of 2019

Salma Khan SPST Government Girls Primary School Shaheen Abad, District Swat.

...Appellant

VERSUS

The Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar and Others.

...Respondents

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5.	Copy of the Departmental Appeal	B	9-10
6.	Vakalat Nama	....	11

Appellant Through

  
Aziz-ur-Rahman  
Advocate Swat

Office: Khan Plaza, Gulshone Chowk,  
Mingora Swat, Cell 0333 929 7746



①

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

Service Appeal No. 613 of 2019

Salma Khan SPST Government Girls Primary School  
Shaheen Abad, District Swat.

...Appellant <sup>Khyber Pakhtunkhwa</sup> <sub>Service Tribunal</sub>

VERSUS

Diary No. 679

Dated 30/4/2019

1. The Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female) District Swat at Saidu Sharif.

...Respondents

**Filed to-day**  
**Registrar**  
30/4/19

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER / LETTER NO. 4760 DATED 07-09-2018 WHEREBY THE RECOVERY OF THE AMOUNT OF PKR 1,29,314.8/- WAS ORDERED TO BE MADE FROM THE APPELLANT AGAINST THE LAW, RULES AND SHARIAH AND IS LIABLE TO BE SET ASIDE, FEELING AGGRIEVED OF THE SAME THE APPELLANT SUBMITTED A DEPARTMENTAL APPEAL, BUT THE SAME WAS NOT RESPONDED TO DESPITE THE LAPSE OF STATUTORY PERIOD OF TIME.

PRAYER:

2

*That on acceptance of this service appeal the order/memo impugned may very kindly be set aside and the order of recovery be cancelled/withdrawn being void ab initio and a nullity in eyes of the law and the vague allegations of misappropriation may very kindly be dropped.*

---

*Respectfully Sheweth:*

Facts:

- i. That the appellant is a SPST (Senior Primary School Teacher) at Government Girls Primary School Shaheen Abad and performing her duties to the best of her abilities without any objections till date either by the authorities or the general public.*
- ii. That after the insurgency in the District Swat various schools were granted funds for the purpose of constructing boundary walls and other necessary repairs.*
- iii. That strange enough it was also made incumbent that the work shall be done by the senior staff of the concerned school without the help of any government registered contractor, simply to avoid the general tender.*
- iv. That the appellant being a lady and not aware of the task she was put to, the appellant constituted a village committee known as Parent Teacher Council, for the purpose so as to carry out the*

work in best possible way and transparently as well.

- v. That all the work was done very efficiently and to the satisfaction of all the concerned, even certain amount of the fund got surplus.
- vi. That the appellant along with the approval of the committee members utilized the fund in the best possible way to the by carrying put other necessary construction, within the same fund. Moreover this additional construction was carried out with the approval and in supervision of the committee/council. These additional construction included a store room, room for the chowkidar, a gun for the chowkidar, a group latrine and a water supply scheme.
- vii. That the Anti-Corruption inquired into the matter upon some unknown complaint and concluded that the mentioned amount has been embezzled, but without conducting a discrete inquiry.
- viii. That upon the direction of the Anti-Corruption the respondent department issued the letter impugned for the recovery of the amount, strange enough without conducting any departmental inquiry or even a fact finding inquiry, which was mandatory under the law. Copy of the memo is enclosed as Annexure "A".
- ix. That feeling aggrieved the appellant approached the Civil Court, but the suit was returned for

want of jurisdiction and thus the grievance remained unattended to.

(4)

- x. That feeling aggrieved the appellant submitted a departmental appeal against the memo, but the same is not responded to till date. Copy of the appeal is enclosed as Annexure "B".
- xi. That still feeling aggrieved and having no other option this service appeal before this honourable tribunal for the redressal of the grievances on the following grounds.


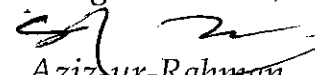

Grounds:

- a. That for the imposition of any penalty a departmental inquiry is mandatory and in case especially in case where allegations of corruption or misappropriation are leveled, but strange enough the same is not been done in the case of the appellant as is mandatory under the law and rules, thus the appellant has not been treated in accordance with the law.
- b. That the appellant has been condemned as unheard as neither any fact finding inquiry is conducted nor any departmental inquiry is conducted.
- c. That this is a classic case of its kind reflecting the misuse, abuse of authority, colorful and fanciful exercise of powers and authority and bulldozing all the law and rules to the utter detriment of the appellant, which the law never approves of.

- d. That the appellant has been discriminated with in utter negations of the commands of the constitution.
- e. That the appellant has not committed any act of commission or omission which may constitute any offence under any law.

It is, therefore, very respectfully prayed that on acceptance of this service appeal the order/memo impugned may very kindly be set aside and the order of recovery be cancelled / withdrawn being void ab initio and a nullity in eyes of the law and the vague allegations of misappropriation may very kindly be dropped.

Any other relief deemed appropriate in the circumstances and not specifically prayed for may also very kindly be granted.

Appellant  
  
Salma Khan  
Through Counsels,  
  
Aziz ur-Rahman  
  
Imdad Ullah  
Advocate Swat

(6)

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2019

Salma Khan SPS/T Government Girls Primary School  
Shaheen Abad, District Swat.

...Appellant

**VERSUS**

The Secretary Elementary and Secondary Education  
Government of Khyber Pakhtunkhwa, Peshawar and  
Others.

...Respondents

AFFIDAVIT

It is solemnly stated that all the contents of this  
service appeal are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or kept concealed before this honourable  
tribunal.

Deponent  
  
Salma Khan



(7)

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

Service Appeal No. \_\_\_\_\_ of 2019

Salma Khan SPST Government Girls Primary School  
Shaheen Abad, District Swat.

...Appellant

**VERSUS**

The Secretary Elementary and Secondary Education  
Government of Khyber Pakhtunkhwa, Peshawar and  
Others.

...Respondents

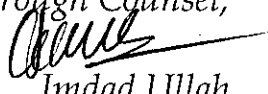
**ADDRESSES OF THE PARTIES**

Appellant:

Salma Khan SPST Government Girls Primary School  
Shaheen Abad, District Swat.

Respondents:

1. The Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female) District Swat at Saidu Sharif.

Appellant  
Through Counsel,  
  
Imdad Ullah  
Advocate Swat

REMAINDAR REGISTERED.

Annexure <sup>2</sup> A

8

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (F) TEHSIL BABOZI DISTRICT SWAT

No. 4760 / Conditional grant File / Estab: / SDEO(F). Dated, 7/9 /2018

To,

Mst: Salma Khan SPST  
GGPS, Shaheen Abad

Subj:-

**1. COMPLAINT NO. 11331 DATED.20-07-2017 AGAINST THE CONCERNED STAFF GGPS, SABAR SHAH DISTT;SWAT AND OTHER**  
**2. RECOVERY**

Memo:-

You were directed vide this Office memo: No.4645 /

Conditional grant File / Dated, 06-08-2018 that your appeal has been rejected by the DEO(F) Swat and you were required to deposit the out standing amount , but after the laps of one months you failed to deposit the same amount.

You are once again directed in your own interest to deposit the amount Rs.129314.8 within a week positively, otherwise, your pay will be made in-Active and action under the rules, will be initiated against you

SUB DIVISIONAL EDUCATION OFFICER (F)  
TEHSIL BABOZI DISTRICT SWAT

Endst: No. \_\_\_\_\_

Copy to:-

1.The District Education Officer (f) swat for information please.

SUB DIVISIONAL EDUCATION OFFICER (F)  
TEHSIL BABOZI DISTRICT SWAT

Attested

*[Signature]*  
Advocate



BEFORE THE DIRECTOR ELEMENTARY AND SECONDARY EDUCATION  
GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR.

9

Salma Khan SPST Government Girls Primary School Shaheen Abad, District Swat.

.....Appellant

VERSUS

The District Education Officer (Female) District Swat at Saidu Sharif.

.....Respondent

Subject: Departmental appeal against the memo No. 4760/Conditional grant  
File/Estab:/SDEO(F) dated 07-09-2018.

Respected Sir,

The appellant submits as under;

That the appellant was granted fund of Rs. 1023600/- for the construction of the boundary of the said school.

That the appellant being female constituted a Parent Teachers Council so as to carry out the construction work in the best possible way both economical and transparent as well.

That out of the fund some amount got surplus so upon the unanimous decision of the council a store room, group latrine, a gun for the chowkidar and water supply scheme was carried out.

That upon a complaint to the anti-corruption the anti-corruption asked the respondent to make the recovery of the amount spent on the construction of the above detailed things.

That the appellant has not been given personal hearing and also not of the Parent Teacher Council members.

That the amount is spent on the construction and not used for personal use.

That no inquiry is conducted at all.

**Attested**

  
Advocate

It is therefore very humbly requested that the order of recovery may be withdrawn.

Appellant

*Salma Khan*  
Salma Khan  
15/1/2019

Affidavit:

It is solemnly stated on oath that all the contents of this departmental appeal are true and correct to the best of my knowledge and belief.

Deponent

*Salma Khan*  
Salma Khan  
15/1/2019

**ATTESTED**

*Umar Sadiq*  
UMAR SADIQ Advocate,  
OATH COMMISSIONER  
Distt: Courts Swat.  
No. 215 Date: 15/01/19

**Attested**  
*Advocate*  
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the matter of:-

Salma Khan Appellant

VERSUS

Govt of KP. etc Respondent,

(11)

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

**AZIZ-UR-RAHMAN and IMDAD ULLAH**

Advocates High Court

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 25 day of 04 2019.

\_\_\_\_\_  
(Signature or thumb impression)

\_\_\_\_\_  
(Signature or thumb impression)

\_\_\_\_\_  
(Signature or thumb impression)

Accepted subject to terms regarding fees

AZIZ-UR-RAHMAN

Advocate High Court

Office: Khan Plaza, Gulshone Chowk  
G.T. Road Mingora, District Swat.  
Cell No. 0300 907 0671

IMDAD ULLAH

IMDAD ULLAH

(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,  
G.T. Road, Mingora, District Swat  
Cell No. 0333 929 7746

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**SERVICE APPEAL NO.613/20019**

**Salma Khan SPST,  
Government Girls Primary School Shaheen Abad Swat**

.....**APPELLANT**


**V E R S U S**

1. The Secretary Elementary & Secondary Edu; KPK Peshwar.
2. The Director Elementary & Secondary Education KPK Peshawar.
3. The District Education Officer (Female) Swat

.....**Respondents**

**I N D E X**

S#	DESCRIPTION	ANNEXURES	PAGES
1	Para Wise Comments	....	i-iii
2	Complaint of the locals to the DEO(F) Swat	A	1-2
3	Departmental Enquiry	B	3-4
4	Complaint of locals to Director Ant-Corruption.	C	5-6
5	Enquiry report of Anti-Corruption	D	7-10
6	Letter of Asst;director Complaint dated 11/6/2018	E	11
7	Letter of Asstt Director Complaint E&SED dated 20/6/2018	F	12
8	Letter to SDEO(F) Babozai dated 3/7/2018	G	13
9	Letter to Salma khán/Appellant dated 8/9/2018	H	14
10	Judgment of Learned Senior Civil Judge dated 12/3/2019	I	15-17
11	Plaint of the appellant before Senior Civil Judge	J-M	18-21
12	Statement of the appellant before the Anti Corruption enquiry Team dated 24/4/2018	N,O	22-23
13	Statement of the appellant before departmental Enquiry Committee.	P	24

  
**DISTRICT EDUCATION OFFICER(Female)**  
 District Swat.

(Respondent No.3 & for Respondent No.1 & 2)

**District Education Officer (F)**  
**District Swat.**

catchment area again submitted written report before Director Anti-Corruption KPK Peshawar through Abdul Muttalib dated 13/7/2017 comprising of two pages (Annexure-C) and similarly enquiry conducted by Two technical Engineer of the Anti-Corruption Department comprising to 04 pages and concluded that” The Govt; Exchequer has been put into a loss of Rs.129314.8/- which the Parent Teacher Council members are held responsible” (Annexure-D) and resultantly the appellant demoted to SPST and in the light Director Anti-Corruption KPK Office Memo;No.10054/ACE/dated 11/6/2018 ( Annexure-E ) and Director Education office Memo No:1902/File Anti-Corruption cell/2018 dated 20/6/2018 ( Annexure-F ),this office directed the appellant through her SDEO(F) Babozai dated 5/7/2018 ( Annexure-G ) to deposit the same amount which was further communicated to the appellant by the SDEO(F) Babozai ( Annexure-H ) which is still pending on the part of the appellant but the appellant approached to the learned Court of Civil Judge-II/Allaqa Qazi Swat which was returned to the appellant in original fro presenting the same before the appropriate forum and announced the Judgment ,comprising of 02 pages dated 12/3/2019 ( Copy of the judgment is appended as Annexure-I ) which cause of the instant appeal in hands but the fact has been concealed by the appellant and liable to be dismissed.

- ii. That this Para No.ii is admitted to the extent that various funds granted to schools including the school where the appellant guilty of embezzlement and misappropriation,GGPS Sabar Shah ,the grants as reflected in the above Para-1 , the Enquiry committee found prima facie and guilty of outstanding as Rs.129314.8/- and recorded their recommendations in their enquiry report ,already appended as Annexure-D.
- iii. That this Para-iii as drafted is not admitted because PTC Committee has already been constituted and trained by different organization as well as department but the appellant intentionally concealed the facts due to the reason that she embezzled the amount which has been pointed out during the Enquiry.
- iv. That this Para-iv as drafted ,is not admitted because already the appellant along with PTC Committee members got training about the roles & responsibilities of the PTC Committee members and now it is ludicrous that “ being a lady and not aware of the task” such like statement reflects that the appellant admitted her fault and misappropriation but intentional concealed the facts.
- v. That this Para-v as drafted is not admitted because report of departmental enquiry committee as well as Anti-corruption Technical Enquiry Team are very much clear and transparent and needs no further comments.
- vi. That this Para No.vi as drafted is not admitted because enquiry reports as mentioned in the above Paras are very much clear and reflects the status and condition of utilization and needs no further comments.
- vii. That this Para No.vii as drafted, is not admitted because the appellant concealed the facts that she filed a Civil Suit in the learned court of Senior Civil Judge /Allaqa Qazi Swat under tile Mst.Salam Khan...VS...SDEO(F) tehsil Babozai along with the complainants as well as Assistant Technical Officer Anti-Corruption Peshawar ,Comprising of 04 pages ( Annexures J,K,L,M) and the same was also incorporated in the Judgment of the Learned Court of Senior Civil Judge Swat dated 12/3/2019 ,Comprising of 03 Pages ,already appended as Annexure-I..Moreover the appellant also recorded her statement before the technical officer of Anti-corruption Enquiry team ,comprising of Two Pages, ( Annexures-N.O). Now how it is said that it was an unknown complaint and the Anti-Corruption inquired the matter and concluded without conducting inquiry. Such like statements reflects malafide and malicious motives of the appellant.
- viii. That this Para No.viii as drafted is not admitted because departmental enquiry conducted ( Already appended as Annexure B)and the appellant recorded her statement before the departmental enquiry team ( Annexure-P) but the appellant concealed the

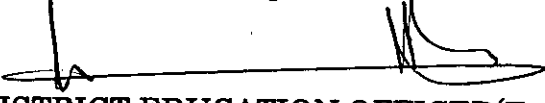
facts and also letter issued for recovery which is still pending on the part of the appellant.

- ix. That this Para No. ix is legal and needs no comments but the appellant is not aggrieved person according to the Prevailing rules and Laws.
- x. That this Para-x is not admitted.
- xi. That this Para is not admitted and the appellant does not fall within the scope and domain of aggrieved person.

#### GROUNDS


- A. That this Para is wrong and beyond the reality because the Respondent department conducted enquiry and treated the appellant according to the prevailing rules & laws and due to which, the appellant found guilty of embezzlement and misappropriation.
- B. That this Para is not admitted and the appellant concealed the facts because statement of the appellant before the enquiry committee as already appended as Annexures Q,R,S, reflects that whether the appellant condemned as unheard or otherwise.
- C. That this Para is not admitted and denied because all codel formalities have been fulfilled and exercised power within the jurisdiction and laws.
- D. That this Para is not admitted and denied because no discrimination has been made and followed the prevailing laws.
- E. That this Para is not admitted and denied.

It is, therefore, humbly Prayed that the instant appeal may graciously be dismissed and the appellant may please be ordered to deposit the outstanding amount in Government treasury.

  
DISTRICT EDUCATION OFFICER(Female)  
District Swat  
(Respondent No.3 & for Respondent No.1 & 2)  
District Education Officer (F)  
District Swat.

#### CERTIFICATE

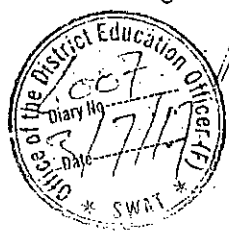
Certified that the above contents of the above comments, are true to the best of my Knowledge & belief and available record and nothing has been concealed from this Honble Tribunal.

  
DISTRICT EDUCATION OFFICER(Female)  
District Swat.  
(Respondent No.3 & for Respondent No.1 & 2)  
District Education Officer (F)  
District Swat.

عمر ڈسٹرکٹ ایجوکیشن آفیسر  
بلا سوئیٹس

عنوان باہر لکھنا - گروپ لکچر - ڈائری سپلائی  
113-15-14 گورنمنٹ پرائمری سکول کھنہ

صبا علی - نہ ہم اسپتال پہنچے بغیر ایک درخواست عرض کر رہی  
نہ سال 13-14ء میں گورنمنٹ پرائمری سکول کھنہ کے لیے ایک  
کامیونٹی منٹوری کمیٹی مقرر کی گئی۔ مقررہ کارڈز اور دیگر  
کاغذات انکشافات کی بجائی۔



Process  
17/11/13

1. گورنمنٹ اسکول = 663600  
2. گورنمنٹ اسکول = 160000  
3. 19 گورنمنٹ اسکول = 200000

دوسرے بار نہ مزکورہ پرائمری سکول کے لیے کامیونٹی منٹوری کمیٹی  
مقرر کی گئی۔ گورنمنٹ پرائمری سکول کھنہ - گورنمنٹ پرائمری سکول کھنہ  
دوسری کمیٹی کے ذمہ دار کر رہے ہیں۔ اس کی طرف سے کامیونٹی منٹوری کمیٹی

اس کمیٹی پر میرا اعتراض ہے کہ جلد سے کام لیا جائے اور پرائمری سکول  
P.T.E کے بحال کر دیے۔ اور گورنمنٹ پرائمری سکول کھنہ کے لیے کمیٹی مقرر کی جائے۔  
اور اس کمیٹی کے راجح نام 0505 لکھ کر اطلاع دی جائے۔  
جس پر توجہ دینی چاہیے۔

عمر ڈسٹرکٹ ایجوکیشن آفیسر  
P.T.E کھنہ  
03479109709  
02479109709

عبدالله بن عباس - حضرت علی اکبر

عمر بن الخطاب - حضرت علی اکبر  
عبدالمطلب - حضرت علی اکبر  
عبدالمطلب - حضرت علی اکبر  
عبدالمطلب - حضرت علی اکبر

ابو طالب

عبدالمطلب - حضرت علی اکبر - محمد رسول الله  
عبدالمطلب - حضرت علی اکبر - محمد رسول الله  
عبدالمطلب - حضرت علی اکبر - محمد رسول الله  
عبدالمطلب - حضرت علی اکبر - محمد رسول الله

عبدالمطلب



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**ENQUIRY REPORT**  
**PRILIMINARY INFORMATION ABOUT THE ENQUIRY.**

**REFERENCE:**

DEO(F) office Memo;No.12964-67,F.No 7/Vol:1/complaint/P&D/Swat

**REASON FOR ENQUIRY:**

Written complaint (Inhabitant of village of Sabar Shah,) dated 03/07/2017,Through Syed Abdul Mutaleb against the Head teacher, GGPS Sabar Shah,Charbagh,Swat.Under conditional grant 2014-2015,

**ALLEGED OFFICIAL.**

Head Teacher Salma,GGPS sabar Shah.

**ALLEGATIONS:**

1. That the allocated fund has not been utilized properly.
2. That the previous School Parents teachers committee has been dismissed for the purpose of embezzlement.
3. That she Rearranged New PTC committee for embezzlement in allocated funds so the enquiry may be conducted against her.

**ENQUIRY PROCEDURES**

**INVESTIGATION OFFICER:**

1;MRS.NAHED AKHTAR SDEO(F) KABAL.  
2; MISS SAIMA BIBI,ASDEO (F) BABOZAI,.

**DATE OF ENQUIRY:**

22/08/2017

**VENUE:**

GGPS SABAR SHAH CHARBAGH SWAT.

**STEPS TAKEN:**

1. Informed all the complaint persons by telephonic sources, as well as alleged official head teacher.
2. Interviews.
3. Spot visited.
6. Relevant complainants and official interrogated.

**PERSON INTERROGATED:**

1. School PTC Chair Person.
2. All Complainant.
3. Headmistress GGPS Sabar shah.

**STATEMENTS RECORDED :**

1. Chair person, GGPS Sabar Shah.
2. Head Teacher GGPS Sabar Shah.(Alleged official).
3. Mr. Muhammad Abrar Khan.(U/C District Member Taligram).
4. all statements of community members,headteacher ,chairperson and details of expenditures are attached along with the inquiry report.

The alleged official Head teacher denied from the allegations and stated that the complaint has no concern to the reality .She further stated that the complaint is infructuous due to the following reasons;

- Complaint is baseless
- No proofs and witnesses placed on record.

Furthermore she answered the question that she renewed the School PTC committee because the previous committee children were not enrolled in the school. And the other side The District U/C member Stated that He has no objection as well as chair Person denied from the allegations . The following detail has been recorded and submitted for further necessary action .The sum of Rs - 1023600,were received and utilized as per detail given below.

204

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Details of remaining amount, that utilized as under:

#	Description/details.	Amount Utilized	Status
1.	Lawn plaster, and old boundary wall plaster	Rs:84740/=	according to the observation she utilized the amount but not justified
2.	Chawkidar room.	Rs:119640/=	according to the observation she utilized the amount but not justified.
3.	Security measurements (gun),(metal detector)(HHMD).	Rs:13900/=	Justified
4.	Storage for extra furniture etc.	Rs:53000+4115/= 57115	according to the observation she utilized the amount but not justified
5.	Sign boards + painting works .	Rs:3865+12430+2000/= 18295	Not justified.
6.	Washroom set .	Rs:2610/=	Not Justified
	GRAND TOTAL.	Rs:296300/=	

**FINDINGS.**

In the light of Personal hearing, investigation :interrogation .visit of the spots and perusal of the record the following findings are placed on record:  
1. According to the head teacher that assigned task/work was completed and the remaining amount utilized with the school PTC committee /acknowledgement .the amount was utilized but not in proper manner.

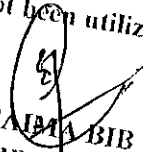
**CONCLUSION**

Irregularities have been made by the Headmistress in financial matter and specially in Conditional grant. all the complainant were not satisfied with the school constructional work.

**RECOMMENDATIONS.**

It is requested , that a technical person/engineer may be depute to the school to calculate actual estimate of the all allocated funds, because the amount has not been utilized properly.

MRS.NAIHEED AKHTER  
SDEO(F) KABAL  
ENQUIRY OFFICER  
CHAIRPERSON )

  
SAIBA BIB  
ASDEO CIRCLE MINGORA  
(MEMBER )

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مشورہ جناب ڈائریکٹر صاحب اعلیٰ کرپشن خیر نعتو کوا ایٹا اور ا  
 جناب ۶ مابت تعمیر چار دیواری، گروپ لیٹرین اور واٹر سپلائی سکیم 2014-15  
 گولڈنٹ گرلز پرائمری سکول صیر شاہ -

مادہ اولہ کہ ہم اپنی شان صیر شاہ بدرجہہ درخواست عرض کرتے ہیں کہ سال 2014-15 میں  
 ڈسٹ گرنڈ پرائمری سکول صیر شاہ کیلئے مزدورہ ذیل کاموں کیلئے جو رقم مسئلہ ہو چکی  
 وہ میں خورد برد ہو چکی ہے۔ واضح بنوں موجود ہے۔ جس میں بخاری تھوڑے ہیں

- ① لوڈری وال = 6636000
- ② گروپ لیٹرین = 1600000
- ③ واٹر سپلائی سکیم = 2000000

1504  
 1517/17

اس سکیم میں خورد برد ہو چکا ہے

سری ہے کہ مر رکورہ گاؤں میں اس سکول کیلئے اپنی P.T.C کیٹیج اپنی ہے جو پورے  
 سکول نظر انداز کر کے دو ٹرنٹ گاؤں سسر کی P.T.C کیٹیج جو بنائی گئی ہے اور دو بر  
 یوں کی کیٹیج بنانے کا مقصد اس کو پیش کر رہے ہیں اس سکیم میں خورد برد  
 کا ہر صورت گاؤں کے تمام لوگوں کا اعتراض ہے کہ کرپشن کیلئے بنائی گئی کیٹیج ہے  
 داخلہ میں ہے کہ بخاری درخواست پر کارروائی کی جائے تو ہم سب دعا گوہ رہیں گے

الحامدی  
 اہلسان گاؤں صیر شاہ بدرجہہ سفیر عبد الملک  
 3479109709

سکول	بشنا قی کارڈ نمبر	دستخط
صیر شاہ	15602-3620722-1	Shah
صیر شاہ	15602-0433572-3	Shah
صیر شاہ	15602-0437686-7	Shah
صیر شاہ	15602-7194931-1	Shah
صیر شاہ	15606-0338871-5	Shah
صیر شاہ	15606-0548977-9	Shah
صیر شاہ	15602-0423775-3	Shah
صیر شاہ	15602-0425850-5	Shah
صیر شاہ	15602-0493508-3	Shah
صیر شاہ	15602-7209700-9	Shah

ADCI Sindh  
 For request  
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TECHNICAL REPORT

Subject: - Complaint No. 11331/2017- against Education Deptt: District Swat.

Name of Work: - Security measure and provision of basic facilities under Additional Grant

Sub head: - Uprising of Boundary Wall, Group Latrine and Water supply in GGPS Sabar shah at Ser telegram Swat

The above cited sub head works have been inspected at site in presence of the following officers/officials on 24/05/2017, duly signed by them:-

- |    |                    |                               |
|----|--------------------|-------------------------------|
| 1. | Abdul Haleem       | Circler Office, PS ACE, Swat. |
| 2. | Husna              | Head Teacher                  |
| 3. | Shah Zaman         | Complainant                   |
| 4. | Sayed Abdul Matlib | Complainant                   |
| 5. | Taj Umar           | Complainant                   |

HISTORY

PC-I/Estimated Cost of the Work  
Administratively Approved by Secretary to  
Govt. of Khyber Pakhtunkhwa Elementary  
and Secondary Education Department  
Vide No. CPO/PO-I I/E&SE/Construction of  
B.Wall/Non-ADP/2014-15  
Dated Peshawar the, March 30<sup>th</sup>, 2015 for Rs.6200.000 Million

This amount has been approved for the whole province and Rs.1.0236 Million was Allocated to GGPS Sabar shah at Ser telegram Swat which detail is as under:-

Detail of Work

S.NO	School Improvement Plan	Fund Allocated (Rs)	Expenditure (Rs)
1	Boundary Wall	0.6636 Million	0.6636 Million
2	Group Latrine	0.1600 Million	0.1600 Million
3	Water Supply	0.2000 Million	0.2000 Million
	Total	1.0236 Million	1.0236 Million

Salient Feature

Executing Agency PTC, GGPS Sabar shah

PTC Joint Account No. 0010021451840015 ABL Saidu Sharif Swat

Amount Withdrawn from the Bank Rs. 1.0236 Million

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OBSERVATIONS/OPINION

During the course of site inspection the work done of the uprising of boundary wall, group latrine and Water supply was checked and measured.

- 1- The work of Group latrine was satisfactory in quality and work done was not less than the expenditure of Rs 0.1600 million incurred.
- 2- The uprising of boundary wall and water supply was not found carried out according to provided receipts of expenditure. Moreover, the bricks purchased were 16500 in numbers as shown in receipts provided, whereas 9428.4 numbers of brick were required for uprising of boundary wall.
- 4- In water Supply HDPE 1/2" dia pipe is also short in length and no excavation work is done at site. The construction material of collecting chamber is also less in quantity.

Detail of the loss because of the above observations is worked out and given as under:-

Pacca brick work in Uprising of Boundary wall at site

Pacca Brick Work as in super structure in cement sand mortar		
Boundary Wall = 1*291*3.20*0.75	= 698.4 cft	
Total	= 698.4 cft	
Total No. of Bricks required for 100cft as per MRS 2013 Analysis	= 1350 Nos.	
Total No. of Bricks required for 698.4 cft	= 698.4*1350/100=9428.4 Nos.	
Rate of Brick per No. as per purchase receipt		Rs. 10.5/No.
Total Amount of Bricks used	= 9428.4*10.5	Rs. 98998.2
Total No of Bricks purchased as per receipts provided	= 16500 Nos.	
Total Amount of purchased Bricks as per receipts provided		Rs 183170/-
Difference	= Rs183170-Rs98998.2= Rs. 84171.8	
	Loss	Rs. 84171.8

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Water Supply

(1) Length of HDPE Pipe 1/2" dia installed at site = 1579 Rft  
 Rate of HDPE pipe 1/2" dia as per purchase receipts @ 15/Rft  
 Total Amount of installed HDPE Pipe 1579x15 = Rs. 23685/-

Total length of HDPE Pipe 1/2" dia as per receipts provided = 3000 ft  
 Total Amount 3000x15 = Rs. 47720/-  
 Difference = Rs 47720 - Rs 23685 = Rs 24035/-

B: - Loss Rs. 24035/-

Excavation for Pipe paid vide receipt no.6 dated 31/12/2015

C: - Loss Rs. 9000/-

(2) Collecting Chamber

Paacca Erick Work as in cement sand mortar

Actual cost as per measurement of Chamber = 1\*2.75\*2.5\*0.375 = 2.57 cft

Total No. of Bricks required for 100cft as per MRS 2013 Analysis = 1350 Nos.

Total No. of Bricks required for 2.57 cft = 2.57\*1350/100 = 34.69 Nos.

Rate of Brick per No. as per purchase receipt @ 11/No.

Total Amount of Bricks used = 34.69\*11 Rs 381.64

Total No of Bricks purchased as per receipt no.3-4 dated 19/12/2015 provided 600 No's

Total Amount of purchased Bricks as per receipts provided Rs 12490 /-

Difference = Rs 12490 - Rs 381.64 D: - Loss Rs 12108/-

Total Loss in water supply = Rs 24035 + Rs 9000 + Rs 12108 = Rs 45143/-

Loss in Boundary Wall = Rs 84171.8

Loss in Water Supply = Rs 45143

Grand Total Loss

Rs 129314.8

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In view of the above, it is concluded that the Govt: Exchequer has been put into a loss of Rs. 129314.8, for which the parent teacher council members are held responsible.

Report is submitted please.

(AHMAD ALI)  
Asstt: Technical Officer  
Anti-Corruption Estt:  
Peshawar

(ABDULLAH )  
Asstt: Technical Officer  
Anti-Corruption Estt:  
Peshawar

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DIRECTORATE OF  
ANTI-CORRUPTION ESTABLISHMENT,  
KHYBER PAKHTUNKHWA,  
PESHAWAR.

10054  
No. /ACE, Dated // 106/2018.

To

The Director,  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject:- COMPLAINT NO. 11331 DATED 20.07.2017 AGAINST THE CONCERNED STAFF OF GOVT. GIRLS PRIMARY SCHOOL, SABAR SHAH, DISTRICT SWAT AND OTHERS.

The subject complaint was submitted by Sadiq Shah, Bacha Zada and others inhabitants of Sabar Shah through Syed Abdul Mutalib containing allegations of corruption, mis-appropriation of Govt: fund allocated for Boundary Wall, Latrine and Water supply scheme of the above subject School by the subject staff etc.

The subject matter was enquired by this Establishment, during the course of inquiry, field staff collected relevant record from the concerned office and carried out technical inspection through Technical staff of ACE. Losses of Rs. 1, 29,314.8/ was detected by Technical staff of Anti-Corruption Establishment, Peshawar and recommended for departmental action against the concerned delinquents officers/officials.

Therefore, the complaint alongwith photo copies of final report of Circle Officer, Anti-Corruption Establishment, Swat and other relevant documents are sent herewith for further necessary action, under intimation to this office.

Encl: (As above).

Assistant Director (Complaints),  
For Director, Anti-Corruption Estt.,  
Khyber Pakhtunkhwa,  
Peshawar.

No. /ACE, Dated /06/2018.  
Copy forwarded to the:-  
1. Assistant Director Crimes, ACE; Swat alongwith complaint file  
2. Sadiq Shah, Bacha Zada and others Inhabitants of Sabar Shah.  
3. SA, ACE, Peshawar.

Assistant Director (Complaints),  
For Director, Anti-Corruption Estt.,  
Khyber Pakhtunkhwa,  
Peshawar.



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
KHYBER PAKHTUNKHWA, PESHAWAR**

Phone: 091-9225336, E-mail: complaintcellese@gmail.com

No. \_\_\_\_\_ /File: Anti-Corruption/19-5/Complaint Cell/2018  
Dated Peshawar the \_\_\_\_\_ 2018

**IMMEDIATE:**

To

The District Education Officer,  
(Female) Swat.

Subject:- **COMPLAINT NO.11331 DATED 20.07.2017 AGAINST THE  
CONCERNED STAFF OF GOVT: GIRLS PRIMARY SCHOOL, SABAR  
SHAH, DISTRICT SWAT AND OTHERS.**

I am directed to refer to the subject noted above and to enclose herewith a letter received from Assistant Director (Complaints) for Director, Anti-Corruption Establishment, Khyber Pakhtunkhwa, Hayatabad, Phase-V, Peshawar vide No. 10054/ACE dated 11-06-2018 on the subject cited above.

You are therefore directed to take immediate necessary action in the matter as per rules & policy and submit detail report/comments/any departmental action, within a week for on ward submission to the concerned authorities.

Enclose as Above.

(Hamood-ur-Rahman)  
Assistant Director (Complaint)  
Directorate of E&SE KPK

Endst No. \_\_\_\_\_/

Copy forwarded to the: -

1. Assistant Director (Complaints) for Director, Anti-Corruption Establishment; Khyber Pakhtunkhwa, Hayatabad, Phase-V, Peshawar.
2. PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.

Assistant Director (Complaint)  
Directorate of E&SE KPK



DISTRICT EDUCATION OFFICER  
(FEMALE) SWAT

PALANNING & DEVELOPMENT.

Tell: # (0946) 9240440

Fax: # (0946) 9240440

To

The SDEO (Female),  
Babozai, Swat.

Subject: - 1. COMPLAINT NO.11331 DATED 20-07-2017 AGAINST THE CONCERNED  
STAFF OF GVOT:GRILS PRIMARY SCHOOL, SABAR SHAH,DISTRICT SWAT  
AND OTHERS.  
2. RECOVERY.

Memo:

Reference to the enquiry report conducted by Anti-Corruption, District Swat along with Technical report of Anti-Corruption, Establishment, Peshawar regarding the utilization of allocation in-connection with conditional grant and further reference is made to the direction of Directorate E&SE, Khyber Pakhtunkhwa Peshawar vide No.1902/File Anti-Corruption /19-5/Complaint Cell/2018 dated 20-06-2018 regarding immediate necessary action within a week.

You are directed to further direct the concerned Teacher namely Salma Khan, GGPS Sabar Shah now GGPS Shaheen Abad (Saidu Sharif) to deposit the outstanding amount Rs.1,29,314.3 as well as action may be taken against Parent Teacher Council (PTC) Committee of GGPS Sarbar Shah within two days positively, otherwise you will face consequences in the subject matter.

Encls: as above.

DISTRICT EDUCATION OFFICER (F)  
SWAT

Endst: No. 10/1/17

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

- 01). Director, E&SE Khyber Pakhtunkhwa, Peshawar w/r to his No. & Date referred above.
- 02). Assistant Director, (Complaint) for Director, Anti-Corruption Establishment KPK, Peshawar, Hayat Abad Phase-V, Peshawar.
- 03). Circle Officer, Anti-Corruption Swat
- 04). SDEO (F) Charbagh for doing the needful in the subject matter.

DISTRICT EDUCATION OFFICER (F)  
SWAT

Handwritten initials and numbers: H, 14, and other scribbles.

REMAINDAR REGISTERED.

Handwritten notes: "Call Muhammad", "Came by", "8/9/18", "S/S", "A/S".

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (F) TEHSIL BABOZI DISTRICT SWAT

No. \_\_\_\_\_ / Conditional grant File / Estab:/ SDEO(F). Dated. \_\_\_\_\_ /2018

To,

Mst: Salma Khan SPST  
GGPS, Shaheen Abad

Subj:-

**1. COMPLAINT NO. 11331 DATED.20-07-2017 AGAINST THE CONCERNED STAFF GGPS, SABAR SHAH DISTT;SWAT AND OTHER**  
**2. RECOVERY**

Memo:-

You were directed vide this Office memo: No.4645 / Conditional grant File / Dated., 06-08-2018 that your appeal has been rejected by the DEO(F) Swat and you were required to deposit the out standing amount , but after the laps of one months you failed to deposit the same amount.

You are once again directed in your own interest to deposit the amount Rs.129314.8 within a week positively, otherwise, your pay will be made in- Active and action under the rules, will be initiated against you

SUB DIVISIONAL EDUCATION OFFICER (F)  
TEHSIL BABOZI DISTRICT SWAT

Endst: No. 47161

Copy to:-

1. The District Education Officer (f) swat for information please.

SUB DIVISIONAL EDUCATION OFFICER (F)  
TEHSIL BABOZI DISTRICT SWAT

Stamp: 12571, 8/9/18, SWAT

انڈیکس

بعدالت مس ستراء غفور سول ج دوم / علاقہ قاضی سوات

مقدمہ نمبر	اصل رجوعہ	منتقل رجوعہ	فیصلہ	فائل	قطععات
222/1	17/09/18	06/11/18	12/03/19	01	135

مسئلہ سولہ سال  
حکومت و غیرہ

بیشام

تعداد	نوعیت کاغذات	سرینمبر
16	① از پریسنگ 1 + ② از پریسنگ 2 + ③ از پریسنگ 3 + ④ از پریسنگ 4 + ⑤ از پریسنگ 5 + ⑥ از پریسنگ 6 + ⑦ از پریسنگ 7 + ⑧ از پریسنگ 8	
12	① بیانات + ② حلفی + ③ درخواست باج + ④ درخواست باج + ⑤ درخواست باج + ⑥ درخواست باج + ⑦ درخواست باج + ⑧ درخواست باج	
79	① دست لکھوائے + ② دست لکھوائے + ③ دست لکھوائے + ④ دست لکھوائے + ⑤ دست لکھوائے + ⑥ دست لکھوائے + ⑦ دست لکھوائے + ⑧ دست لکھوائے + ⑨ دست لکھوائے + ⑩ دست لکھوائے + ⑪ دست لکھوائے + ⑫ دست لکھوائے + ⑬ دست لکھوائے + ⑭ دست لکھوائے + ⑮ دست لکھوائے + ⑯ دست لکھوائے + ⑰ دست لکھوائے + ⑱ دست لکھوائے + ⑲ دست لکھوائے + ⑳ دست لکھوائے + ㉑ دست لکھوائے + ㉒ دست لکھوائے + ㉓ دست لکھوائے + ㉔ دست لکھوائے + ㉕ دست لکھوائے + ㉖ دست لکھوائے + ㉗ دست لکھوائے + ㉘ دست لکھوائے + ㉙ دست لکھوائے + ㉚ دست لکھوائے + ㉛ دست لکھوائے + ㉜ دست لکھوائے + ㉝ دست لکھوائے + ㉞ دست لکھوائے + ㉟ دست لکھوائے + ㊱ دست لکھوائے + ㊲ دست لکھوائے + ㊳ دست لکھوائے + ㊴ دست لکھوائے + ㊵ دست لکھوائے + ㊶ دست لکھوائے + ㊷ دست لکھوائے + ㊸ دست لکھوائے + ㊹ دست لکھوائے + ㊺ دست لکھوائے + ㊻ دست لکھوائے + ㊼ دست لکھوائے + ㊽ دست لکھوائے + ㊾ دست لکھوائے + ㊿ دست لکھوائے	
11	① مضافات باج + ② مضافات باج + ③ مضافات باج + ④ مضافات باج + ⑤ مضافات باج + ⑥ مضافات باج + ⑦ مضافات باج + ⑧ مضافات باج + ⑨ مضافات باج + ⑩ مضافات باج + ⑪ مضافات باج + ⑫ مضافات باج + ⑬ مضافات باج + ⑭ مضافات باج + ⑮ مضافات باج + ⑯ مضافات باج + ⑰ مضافات باج + ⑱ مضافات باج + ⑲ مضافات باج + ⑳ مضافات باج + ㉑ مضافات باج + ㉒ مضافات باج + ㉓ مضافات باج + ㉔ مضافات باج + ㉕ مضافات باج + ㉖ مضافات باج + ㉗ مضافات باج + ㉘ مضافات باج + ㉙ مضافات باج + ㉚ مضافات باج + ㉛ مضافات باج + ㉜ مضافات باج + ㉝ مضافات باج + ㉞ مضافات باج + ㉟ مضافات باج + ㊱ مضافات باج + ㊲ مضافات باج + ㊳ مضافات باج + ㊴ مضافات باج + ㊵ مضافات باج + ㊶ مضافات باج + ㊷ مضافات باج + ㊸ مضافات باج + ㊹ مضافات باج + ㊺ مضافات باج + ㊻ مضافات باج + ㊼ مضافات باج + ㊽ مضافات باج + ㊾ مضافات باج + ㊿ مضافات باج	
17	① قذائف + ② قذائف + ③ قذائف + ④ قذائف + ⑤ قذائف + ⑥ قذائف + ⑦ قذائف + ⑧ قذائف + ⑨ قذائف + ⑩ قذائف + ⑪ قذائف + ⑫ قذائف + ⑬ قذائف + ⑭ قذائف + ⑮ قذائف + ⑯ قذائف + ⑰ قذائف + ⑱ قذائف + ⑲ قذائف + ⑳ قذائف + ㉑ قذائف + ㉒ قذائف + ㉓ قذائف + ㉔ قذائف + ㉕ قذائف + ㉖ قذائف + ㉗ قذائف + ㉘ قذائف + ㉙ قذائف + ㉚ قذائف + ㉛ قذائف + ㉜ قذائف + ㉝ قذائف + ㉞ قذائف + ㉟ قذائف + ㊱ قذائف + ㊲ قذائف + ㊳ قذائف + ㊴ قذائف + ㊵ قذائف + ㊶ قذائف + ㊷ قذائف + ㊸ قذائف + ㊹ قذائف + ㊺ قذائف + ㊻ قذائف + ㊼ قذائف + ㊽ قذائف + ㊾ قذائف + ㊿ قذائف	
135	کل قطععات	

Challan No. 18  
Receipt Date 20/3/19  
S.No. 2

سول ج دوم / علاقہ قاضی سوات

مسئلہ انڈیکس کل 135 قطععات ہیں۔

محرر عدالت انڈیا

dm.

(16)

**IN THE COURT OF HINA GHAFOR CJ-II/IQ, SWAT**

Case No. 222/1 of 2018 Mst Salma Khan vs SDEO (Female) & others

Or-----16  
12-03-2019

Parties through respective counsel present. This order is directed to dispose of an application for returning of plaint filed by defendant No. 1 to 3 on the ground of lack of jurisdiction. Application is contested through replication.

Arguments heard & record perused.

Brief facts of the case are that plaintiff filed a suit for permanent prohibitory injunction that defendants be restrained to recover Rs. 129314/- from plaintiff vide letter No. 4760 dated 07-09-2018 which was issued on wrong, illegal and baseless technical report. The plaintiff also prayed for permanent mandatory injunction in para 'Bay' of the plaint that defendant No.1 and 2 be directed to prepare new technical report in the presence of plaintiff.

Defendant No 1 to 3 filed an application for returning of plaint on the ground lack of jurisdiction which was also conceded by rest of defendants.

On the other hand plaintiff vehemently opposed the contentions of defendants raised in application and requested for dismissal of instant application.

Perusal of record coupled with legal assistance of learned counsel for the parties revealed that admittedly plaintiff being headmistress of Government Girls Primary School Sabar Shah, Swat supervised the construction therein for which a fund of Rs. 1023600/- was released for different heads from Government. In the above said total amount Rs.663,600/- was specified for construction of boundary wall, Rs.1,60,000/- was reserved for construction of washrooms and the rest two lac for water supply scheme. An application bearing no 450 dated 13-07-2017 was submitted by defendant No.4 to 17 to Director Anti-corruption, Peshawar against plaintiff for alleged embezzlement in the above said fund. On such application, an inquiry was initiated against plaintiff by anti-corruption department. In this respect a technical report was submitted on 24-11-2017; wherein it was held that Parents Teacher Counsel (PTC) members are responsible for loss of Rs. 129314.8/- to Government exchequer.

IN THE COURT OF HINA GHAFOR CJ-II/IQ, SWAT

Case No. 222/1 of 2018 Mst Salma Khan vs SDEO (Female) & others

(17)

Or-----16  
12-03-2019  
(Continued)


In view of the report, a questionnaire was issued to plaintiff in order to give her opportunity of being head. A letter No. 10054/ACE, dated 11-06-2018 was sent to Director Elementary and Secondary Education Department with recommendation of take disciplinary action against plaintiff.

Defendant No.1 to 3 in pursuance of above said letter, issued a recovery notice to plaintiff vide letter No.4540/Conditional grant/File/Estab:/SDEO(F) dated 06-07-2018. While plaintiff responded to the above said letter stating that report was prepared in the absence of plaintiff.

It is clear from record that the plaintiff faced the above said inquiry in respect of her alleged embezzlement in fund allocated to construction in school which was followed by order of recovery of amount from her. The whole proceedings taken against plaintiff were purely departmental and proper remedy against departmental issue is to file appeal before Service Tribunal. An injunctive relief in Civil Court cannot be asked against departmental proceedings and Article 212 of Constitution of Pakistan has barred jurisdiction of Civil Court.

To cut it short, the matter in hand is purely departmental issue for which plaintiff can seek remedy before competent forum. Resultantly, the application in hand is accepted and plaint of plaintiff is returned to the plaintiff in original for presenting the same before the appropriate forum. Muharir of the Court is directed to do the needful accordingly and keep an attested copy of returned documents on file. File be consigned to record room after necessary completion and compilation.

**ANNOUNCED**  
12-03-2019

  
**(HINA GHAFOR)**  
Civil Judge-II/Illaq Qazi  
District, Swat.

AD (P9D)  
19/9/18

ج

18

بعدالت جناب سینئر سول جج صاحب اعلیٰ علاقہ قاضی صاحب ضلع سوات

مسماة سلٹی خان زوجہ بخت روان مکٹھ سید و شریف ضلع سوات مدعیہ  
بنام

- (۱) سب ڈویژنل ایجوکیشن آفیسر (Female) تحصیل بابوزی، ڈسٹرکٹ سوات
- (۲) ڈسٹرکٹ ایجوکیشن آفیسر (Female) سوات بمقام سید و شریف ضلع سوات
- (۳) سیکریٹری ایجوکیشن خیبر پختونخواہ بمقام سول سیکریٹریٹ پشاور
- (۴) صادق شاہ (۵) باچا زادہ (۶) سید تاج عمر (۷) حضرت حسین (۸) سید فیض احمد
- (۹) سید آیاز احمد (۱۰) سید ریاض احمد (۱۱) سید علی انور (۱۲) فضل رحیم (۱۳) سید شاہ زمان
- ساکنان صبر شاہ تحصیل چارباغ، ضلع سوات (۱۴) احمد علی اسٹنٹ ٹیکنیکل آفیسر انٹی کرپشن
- FSH بمقام پشاور (۱۵) عبداللہ اسٹنٹ ٹیکنیکل آفیسر انٹی کرپشن ESH بمقام پشاور (۱۶)
- ڈائریکٹر ایلیمینٹری اینڈ سیکنڈری ایجوکیشن پشاور خیبر پختونخواہ (۱۷) اسٹنٹ ڈائریکٹر
- کمپلیٹ ڈائریکٹریٹ آف ESSE خیبر پختونخواہ بمقام پشاور

مدعا علیہم

دعویٰ صدور ڈگری

الف۔ حکم انتاعی دوائی و تاکیدای بدین مضمون کہ مدعا علیہ نمبر 1 مدعا علیہ نمبر 2 کے احکامات  
کے تحت من مدعیہ سے بروئے چھٹی نمبری 4760 محررہ 07/09/2018 ایک غلط،  
بے بنیاد، بلا اختیار اور مدعیہ کی غیر موجودگی میں مرتب شدہ ٹیکنیکل رپورٹ کی بنیاد پر رقم  
مبلغ ایک لاکھ اسی ہزار تین سو چودہ روپے و آٹھ پیسے (1,29,314.8) روپے

وصول کرنے سے باز و ممنوع رہیں۔

12554  
19/9/18



ب۔ حکم امتناعی تاکیدی بدیں مضمون کہ مدعا علیہم نمبر 1,2 کو حکم دیا جائے کہ وہ گورنمنٹ گریلز پرائمری سکول صبر شاہ میں سال 2015ء میں تعمیرات کے نسبت جدید ٹیکنیکل رپورٹ موجودگی مدعیہ و پیرنٹس ایچر کونسل مرتب کرے۔

ج۔ ہر وہ دادرسی جس کی مدعیہ حقدارہ ہو اور واضح طور پر طلب نہ کی گئی ہو، کی ڈگری بھی بحق مدعیہ صادر فرمائی جائے۔

مالیت بغرض کورٹ فیس و اختیار سماعت مبلغ دو صد روپے مقرر کی جاتی ہے۔

بنائے دعویٰ مورخہ 10/09/2018 کو بعد از وصولی چھٹی نمبری 4760 محررہ

07/09/2018 منجانب مدعا علیہ نمبر 1 اندر حدود اختیار سماعت عدالت حضور

پیدا شد۔

دعویٰ اندر میعاد ہے۔ عدالت حضور کو اختیار سماعت مقدمہ ہذا حاصل ہے۔

جناب عالی! مدعیہ حسب ذیل عرض رساں ہے۔

ا۔ یہ کہ من مدعیہ محکمہ تعلیم میں بحیثیت SPST تعینات ہوں اور مورخہ

08/03/2013 کو من مدعیہ کا تبادلہ بحیثیت ہیڈ مسٹریس گورنمنٹ گریلز پرائمری

سکول صبر شاہ کو ہوا تھا اور مورخہ 19/06/2017 تک من مدعیہ بحیثیت ہیڈ مسٹریس

سکول مذکورہ میں تعینات رہی ہوں جبکہ آج کل من مدعیہ گورنمنٹ گریلز پرائمری سکول

شاہین آباد میں بحیثیت PST تعینات ہوں۔

۲۔ یہ کہ سال 2015ء میں محکمہ تعلیم نے دیگر سکولوں کی طرح گورنمنٹ گرلز پرائمری سکول

صبر شاہ کو بھی ترقیاتی کاموں کے مد میں دس لاکھ تیس ہزار چھ سو (-/10,23,600)

روپے دیئے تھے۔ رقم مذکورہ میں سے چھ لاکھ تریاسٹھ ہزار چھ سو (-/6,63,600)

روپے باؤنڈری وال کے لئے، ایک لاکھ ساٹھ ہزار (-/1,60,000) روپے گروپ

لیٹرین کے لئے جبکہ دو لاکھ روپے واٹر سپلائی سکیم کے لئے مختص کئے گئے تھے۔

۳۔ یہ کہ من مدعیہ نے مدعا علیہم نمبر 1,2 کے احکامات کے تحت ترقیاتی کام کے لئے

PTC Council یعنی پیئرٹس ٹیچر کونسل بنائی جس کی چیئر پرسن مسماۃ زینت بی بی،

سیکرٹری مدعیہ جبکہ مسماۃ نازک پری، مسماۃ نورالبشر، مسماۃ روبی خان، مسماۃ گل

زادگی، مسماۃ نسیم اور مسماۃ رحمت النساء ممبران مقرر ہوئیں۔

۴۔ یہ کہ متذکرہ بالا پیئرٹس ٹیچر کونسل کی نگرانی میں سکول مذکورہ میں ترقیاتی کام شروع کیا

گیا اور باؤنڈری وال کے لئے جو چھ لاکھ تریاسٹھ ہزار چھ سو روپے مختص کئے گئے تھے،

اُس میں چار لاکھ چھاسٹھ ہزار پانچ سو (-/4,66,500) روپے باؤنڈری وال پر

خرچہ آیا جبکہ ایک لاکھ ستانوے ہزار ایک سو (-/1,97,100) روپے کی بچت ہوئی

جس کے نسبت مدعا علیہ نمبر 1 کو اطلاع دی گئی۔ مدعا علیہ نمبر 1 کی ہدایات کی روشنی

میں بچت شدہ رقم مبلغ ایک لاکھ ستانوے ہزار ایک سو (-/1,97,100) روپے

پیئرٹس ٹیچر کونسل نے مورخہ 11/04/2017 کی میٹنگ میں برائے تعمیر کرنے سٹور

اور کمرہ چوکیدار کے تعمیر کے لئے مقرر کئے۔ رقم مذکورہ سے سکول متذکرہ میں سٹور اور

کمرہ چوکیدار پیئرٹس ٹیچر کونسل کی زیر نگرانی تعمیر کیا جا چکا ہے۔ (تعمیرات مذکورہ کے

نسبت رسیدات و پیئرٹس ٹیچر کونسل میٹنگ 11/04/2017 لف عرضی دعویٰ ہذا ہیں

۲۔ یہ کہ سال 2015ء میں محکمہ تعلیم نے دیگر سکولوں کی طرح گورنمنٹ گرلز پرائمری سکول صبر شاہ کو بھی ترقیاتی کاموں کے مد میں دس لاکھ تیس ہزار چھ سو (-/10,23,600) روپے دیئے تھے۔ رقم مذکورہ میں سے چھ لاکھ تریاسٹھ ہزار چھ سو (-/6,63,600) روپے باؤنڈری وال کے لئے، ایک لاکھ ساٹھ ہزار (-/1,60,000) روپے گروپ لیٹرن کے لئے جبکہ دو لاکھ روپے واٹر سپلائی سکیم کے لئے مختص کئے گئے تھے۔

۳۔ یہ کہ من مدعیہ نے مدعا علیہم نمبر 1,2 کے احکامات کے تحت ترقیاتی کام کے لئے PTC Council یعنی پیئرٹس ٹیچر کونسل بنائی جس کی چیئر پرسن مسماۃ زینت بی بی، سیکریٹری مدعیہ جبکہ مسماۃ نازک پری، مسماۃ نورالبشر، مسماۃ روبی خان، مسماۃ گل زادگی، مسماۃ نسیم اور مسماۃ رحمت النساء ممبران مقرر ہوئیں۔

۴۔ یہ کہ متذکرہ بالا پیئرٹس ٹیچر کونسل کی نگرانی میں سکول مذکورہ میں ترقیاتی کام شروع کیا گیا اور باؤنڈری وال کے لئے جو چھ لاکھ تریاسٹھ ہزار چھ سو روپے مختص کئے گئے تھے، اُس میں چار لاکھ چیاٹھ ہزار پانچ سو (-/4,66,500) روپے باؤنڈری وال پر خرچہ آیا جبکہ ایک لاکھ ستانوے ہزار ایک سو (-/1,97,100) روپے کی بچت ہوئی جس کے نسبت مدعا علیہ نمبر 1 کو اطلاع دی گئی۔ مدعا علیہ نمبر 1 کی ہدایات کی روشنی میں بچت شدہ رقم مبلغ ایک لاکھ ستانوے ہزار ایک سو (-/1,97,100) روپے پیئرٹس ٹیچر کونسل نے مورخہ 11/04/2017 کی میٹنگ میں برائے تعمیر کرنے سٹور اور کمرہ چوکیدار کے تعمیر کے لئے مقرر کئے۔ رقم مذکورہ سے سکول متذکرہ میں سٹور اور کمرہ چوکیدار پیئرٹس ٹیچر کونسل کی زیر نگرانی تعمیر کیا جا چکا ہے۔ (تعمیرات مذکورہ کے نسبت رسیدات و پیئرٹس ٹیچر کونسل میٹنگ 11/04/2017 لف عرضی دعویٰ ہذا ہیں

۵- یہ کہ پیرنٹس ٹیچر کونسل کی نگرانی میں گروپ لیٹرین اور واٹر سپلائی سکیم کا تعمیراتی کام بھی مکمل کیا گیا۔ (اس نسبت پیرنٹس ٹیچر کونسل کے میٹنگز کی کارروائی اور رسیدات لف دعویٰ ہذا ہیں)۔

۶- یہ کہ مورخہ 13/07/2017 کو مدعا علیہم 13۴4 نے بدینتی کے بنیاد پر ایک درخواست نمبری 450 ڈائریکٹرانٹی کرپشن کو گزاری جس کی رو سے مدعا علیہم مذکورہ بیانی ہوئے کہ سال 2014-15ء گورنمنٹ گریڈ پرائمری سکول صبر شاہ کے لئے جو رقم برائے تعمیراتی کام منظور ہو چکی ہے، اس میں خرد برد ہو چکا ہے۔ (درخواست منجانب مدعا علیہم 13۴4 لف دعویٰ ہذا ہے)۔

۷- یہ کہ درخواست / کمپلیٹ نمبر 1331 سال 2017ء مذکورہ بالا پر ایک ٹیکنیکل رپورٹ محکمہ انٹی کرپشن کے مقرر کردہ اسٹنٹ ٹیکنیکل آفیسر احمد علی مدعا علیہ نمبر 14 اور اسٹنٹ ٹیکنیکل آفیسر انٹی کرپشن عبداللہ مدعا علیہ نمبر 15 نے من مدعیہ کی غیر موجودگی میں مرتب کی جس میں سکول میں تعمیر شدہ سٹور، چوکیدار کے لئے کمرہ تعمیر کرنے اور چوکیدار کے لئے بندوق خریدنے کا ذکر سزے سے موجود ہی نہ ہے اور اس طرح مدعا علیہم مذکورہ نے ٹیکنیکل رپورٹ مذکورہ بالا کی رو سے من مدعیہ کو ایک لاکھ اسی تین ہزار تین سو چودہ روپے و آٹھ پیسے (1,29,314.8) روپے ہڑپ کرنے کی ذمہ دارہ قرار دیا ہے حالانکہ ٹیکنیکل رپورٹ مذکورہ بالا من مدعیہ کی غیر موجودگی میں بدینتی کی بنیاد پر مقامی افراد مدعا علیہم 13۴4 کی ایماء و سازش پر مرتب کی گئی ہے۔

۸- یہ کہ بعد ازاں محکمہ انٹی کرپشن نے انکوائری نمبر 4/2018 کے سلسلے میں من مدعیہ کے نام ایک سوالنامہ محررہ 19/04/2018 ارسال کیا۔ سوالنامہ مذکورہ کے جوابات من

مدعیہ نے محکمہ انٹی کرپشن کو پیش کئے۔ (نقولات ٹیکنیکل رپورٹ، سوالنامہ منجانب محکمہ انٹی کرپشن و جوابات منجانب من مدعیہ لف دعویٰ ہذا ہیں)۔

۹۔ یہ کہ بعد ازاں ڈائریکٹریٹ آف انٹی کرپشن اسپیشلائزیشن خیبر پختونخواہ پشاور نے چھٹی نمبری 10054/ACE مورخہ 11/06/2018 کو ڈائریکٹر ایڈمنسٹری ایٹو سیکنڈری ایجوکیشن ڈیپارٹمنٹ خیبر پختونخواہ پشاور مدعا علیہ نمبر 16 کو مرسل کی جس کی رو سے متعلقہ آفیسرز/ Officials کے خلاف Departmental Action لینے کی ہدایت کی گئی۔ (چھٹی نمبری 10054/ACE مورخہ 11/06/2018 لف دعویٰ ہذا ہے)۔

۱۰۔ یہ کہ ڈائریکٹریٹ آف ایڈمنسٹری ایٹو سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور کے اسٹنٹ ڈائریکٹر کمپلیٹ مدعا علیہ نمبر 17 نے چھٹی نمبری 1902 مورخہ 20/06/2018 کو مدعا علیہ نمبر 2 کو مرسل کی جس کی رو سے معاملہ مذکورہ میں فوری طور پر ضروری کارروائی کرنے کی ہدایت کی گئی۔ (چھٹی نمبری 1902 محررہ 20/06/2018 لف دعویٰ ہذا ہے)۔

۱۱۔ یہ کہ مدعا علیہ نمبر 2 نے بعد ازاں چھٹی نمبری 2108 مدعا علیہ نمبر 1 کو مرسل کی جس کی رو سے مدعا علیہ نمبر 1 نے مدعا علیہ نمبر 2 کو ہدایت کی ہے کہ وہ مدعیہ سے ایک لاکھ اسی ہزار تین سو چودہ روپے و آٹھ پیسہ جمع کرے۔ چھٹی مذکورہ پر کارروائی کرتے ہوئے مدعا علیہ نمبر 1 نے چھٹی نمبری 4540 مورخہ 06/07/2018 کو بنام مدعیہ مرسل کی اور ہدایت کی کہ مقررہ رقم مبلغ ایک لاکھ اسی ہزار تین سو چودہ روپے و آٹھ پیسہ جمع کریں۔ چونکہ من مدعیہ نے کوئی کرپشن نہیں کی ہے اسلئے من مدعیہ نے مدعا علیہ

نمبر 1 کو چھٹی نمبر 4540 کا جواب مرسل کیا جس کو مدعا علیہ نمبر 1 نے

Consider نہیں کیا اور اب مدعا علیہ نمبر 1 نے چھٹی نمبری 4760 مورخہ

07/09/2018 من مدعیہ کو مرسل کی ہے جس کے ذریعے وہ من مدعیہ سے ایک

لاکھ اسی ہزار تین سو چودہ روپے و آٹھ پیسے غیر قانونی طور پر وصول کرنا چاہتے ہیں

حالانکہ مدعا علیہم ہرگز مجاز نہ ہیں کہ وہ من مدعیہ کی غیر موجودگی میں مرتب کردہ ادھوری

ٹیکنیکل رپورٹ کی بنیاد پر من مدعیہ سے رقم مذکورہ بالا وصول کرے۔ واضح رہے کہ

پیرنٹس ٹیچر کونسل کے میٹنگ منعقدہ 11/04/2017 کے مطابق مبلغ 1,97,100

روپے جو باؤنڈری وال کی تعمیر سے بچے گئے تھے پر چوکیدار کے لئے کمرہ اور ایک سٹور

سکول میں بنایا گیا تھا جس کا ٹیکنیکل رپورٹ میں سرے سے ذکر ہی نہیں ہے۔ نیز ایک

عد بندوق برائے چوکیدار مالیتی 13,400 روپے بھی شمار نہ ہیں۔

۱۲۔ یہ کہ کئی مرتبہ بذریعہ درخواست ہائے مدعا علیہم سے درخواست کی گئی کہ مدعیہ اور پیرنٹس

ٹیچر کونسل کی موجودگی میں گورنمنٹ گریڈ پرائمری سکول صبر شاہ کا تعمیراتی کام چیک

کر کے غیر جانبدار ٹیکنیکل ایکسپٹ کے معاہدے سے جدید ٹیکنیکل رپورٹ تیار کیا

جائے لیکن مدعا علیہم انکاری ہیں اسلئے دعویٰ ہذا دائر کرنے کی ضرورت لاحق ہوئی۔

۱۳۔ یہ کہ مالیت بغرض کورٹ فیمن و اختیار سماعت وقت و مقام پیدائش نالاش مندرجہ عنوان

عرضی دعویٰ ہے عدالت حضور کو اختیار سماعت مقدمہ ہذا حاصل ہے۔

۱۴۔ یہ کہ حسب شریعہ ریگولیشن سال 2009ء مدعا علیہم کو دعویٰ ہذا کے نقولات بذریعہ رجسٹر

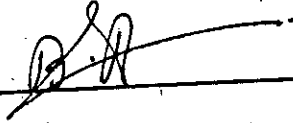
AD مرسل شدہ ہیں۔ نقل رسیدات ڈاکخانہ لف ہیں۔

لہذا استدعا ہے کہ ڈگری متدعیہ حسب عنوان عرضی

دعویٰ لہذا بحق مدعیہ برخلاف مدعا علیہم بمعہ خرچہ

مقدمہ کے صادر فرمایا جائے۔ نیز دیگر داد رسی جو

قرین انصاف ہو بھی مرحمت فرمائی جائے۔

عریضہ: 

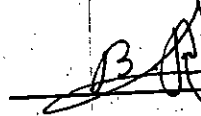
مدعیہ مسماۃ سلیمی خان بذریعہ مختار خاص

تصدیق:

تصدیق کی جاتی ہے کہ جملہ مراتب دعویٰ لہذا تا حد علم

و یقین میرے بالکل درست اور صحیح ہیں اور کوئی

امر مخفی یا پوشیدہ از عدالت حضور نہیں رکھا گیا ہے۔

العبد: 

بوکالت: سید عمر علی شاہ ایڈووکیٹ ہائی کورٹ

مدعیہ مسماۃ سلیمی خان بذریعہ مختار خاص

مختار خاص

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بھنور جناب انٹی کرپشن صاحب بمقام سید و شریف ضلع سوات

حوالہ اوپن انکوآری نمبر 4/2018

کسپلینٹ نمبر ACE11331 مورخہ 20/07/2017 بنام محکمہ تعلیم زنانہ ضلع سوات۔

جوابات بحوالہ انکوآری مذکورہ بالا حسب ذیل ہے۔

- (1) میری مکمل BPS-15 ہے۔
- (2) میں بحیثیت PSHT گورنمنٹ گرلز پرائمری سکول ہبر شاہ میں مورخہ 08/04/2013 سے لیکر مورخہ 19/06/2017 تک تعینات رہی ہوں۔
- (3) بحیثیت PSHT میری ذمہ داری ہے کہ میں دقت پر سکول جا کر بچیوں کو پڑھاؤں۔ ایک استاد ہونے کی حیثیت سے جس طرح میں اپنے بچوں کا خیال رکھتی ہوں اسی طرح اپنے طلباء کا بھی رکھوں۔ تعلیم کے ساتھ ساتھ ان کو معاشرے کا معذب شہری بناؤں اور اپنی ذیولٹی ایمانداری سے سرانجام دوں تاکہ قیامت کے دن اللہ کے سامنے سرخروں ہو سکوں۔
- (4) سوال نمبر 4 کے ضمن میں یہ عرض کرتی ہوں کہ میرے زیر نگرانی سکول ہذا میں جو تعمیراتی کام ہوا ہے وہ شروع سے لیکر آخر تک میری زیر نگرانی ہوا ہے۔ میرے خلاف Complaint مبنی بر جھوٹ اور مبنی بر بدینتی ہے جو تعمیراتی کام ہوا ہے وہ صاف نظر آتا ہے اور اس ضمن میں میرے پاس تعمیراتی کام کے رسیدات وغیرہ بطور ثبوت موجود ہیں۔ تعمیراتی کام عرصہ قریباً دو سال پہلے مکمل کیا جا چکا ہے جبکہ complaint دو سال بعد آیا ہے جو کہ مبنی بر جھوٹ اور بدینتی ہے۔
- (5) سوال نمبر 5 کا جواب سوال نمبر 4 کے جواب میں دیا گیا ہے۔
- (6) سوال نمبر 6 بالکل غلط اور بے بنیاد ہے۔ میرے زیر نگرانی جو کام ہوا ہے اور جنہی رقم تعمیرات کے لیے مہیا کی گئی ہے وہ تعمیرات پر خرچ کی گئی ہے۔ میری راجہ سے حکومتی خزانہ کو کوئی نقصان نہیں پہنچا ہے۔ میرے زیر نگرانی جو تعمیرات ہوئی ہیں وہ spot پر موجود ہیں۔



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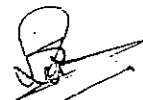
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(7) مجھے جو ذمہ داری سونپی گئی تھی میں نے بہ احسن نجاتی ہے اور اس میں کسی قسم کی کوئی کوتاہی نہیں کی ہے۔ میری وجہ سے کسی محکمہ یا حکومت کو کوئی نقصان نہیں پہنچا۔ میں اللہ پر یقین رکھتی ہوں اور صحیح کام کرتی ہوں۔ میں کرپشن کے بارے میں سوچ بھی نہیں سکتی۔

(8) میرے خلاف لگائے گئے تمام الزامات من گھڑت، بے بنیاد، جھوٹ اور ذاتی عناد کی وجہ سے لگائے گئے ہیں۔ میں پہلے ہی کہہ چکی ہوں کہ میں خرد برد و کرپشن وغیرہ کے بارے میں سوچ بھی نہیں سکتی۔

(9) میرے اور کونسل نمبر ان کے خلاف لگائے گئے الزامات بے بنیاد ہیں۔ کونسل نمبر ان اور نہ ہی میں نے کوئی خرد برد کی ہے۔ محض الزامات لگا کر کسی کے خلاف کوئی قانونی کارروائی نہیں کی جاسکتی۔ میں نے حکومتی خزانے اور نہ ہی کسی مجھے کو کوئی مالی نقصان پہنچایا ہے۔ میرے خلاف ہونے والی کارروائی / مقدمات (اگر درج کیے گئے) تو محض وقت کا ضیاع ہو گا۔

آپ کی خیر اندیش

  
سلٹی خان  
24/4/2018

(P)

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سوالنامہ میں سرلیٹ

نمبر

شناخت کارڈ نمبر

سوال نمبر 2014-15 کے Conditional Grant میں اب کو کتنی رقم ملی ہے  
جواب 1523600

سوال نمبر 2 کو کتنے مد میں دستم ملی اور کتنے مد میں خرچ ہوئے وہ تفصیل سے لکھیں  
جواب چار دواہریں 663600 - گروپ لائٹس 160000 پانی 200000  
مکن ویلٹری دواہر 84740 - چوکیدار کمرہ 119640 - سکورٹس 13900  
سٹور 3000 - پنٹر 4115 سائٹ بورڈ 2000 - باٹھ روم 2610

سوال نمبر 3 کو کتنا Conditional Grant کی رقم سے بچت ہوئی ہے اگر رقم بج کر رہے ہو تو کس مد میں  
خرچ کی گئی ہے  
جواب باونڈری وال 663600 - خرچ 465900 - بقایا رقم 197700  
وائس رومز 160000 - خرچ 160374  
ڈائری سپلائی 200000 - خرچ 101480 - بقایا 98520  
سوال نمبر 4 کیا رقم پی ڈی سی کے سہولے سے خرچ ہوئی ہے اور اسکا ریکارڈ موجود ہے  
جواب جی ہاں -  
ٹوٹل خرچ 27754  
بقایا 296220  
ٹوٹل 10023974

سوال نمبر 5 اب نے سکول میں کنواں کیوں نہیں کھودا ہے  
جواب پیمانی علاقہ ہے اس لیے

سوال نمبر 6 جسٹس سے بسکول تک پارک کی اصلاح کتنی ہے اور جسٹس لہرائی کی تنگی بنائی گئی ہے  
جواب 3000 جی ہاں تنگی بنائی گئی ہے

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

*Service Appeal No. 613 of 2019*

*Salma Khan SPST Government Girls Primary School  
Shaheen Abad, District Swat.*

*...Appellant*

**VERSUS**

*The Secretary Elementary and Secondary Education  
Government of Khyber Pakhtunkhwa, Peshawar and  
Others.*

*...Respondents*

REJOINDER BY THE APPELLANT.

*Respectfully Sheweth:*

*Preliminary Objections:*

*That all the preliminary objections are incorrect, baseless, against the facts, record, law and rules on the subject, thus the same are specifically denied. Moreover the appellant has got a prima facie case in her favour and has approached this Honourable Tribunal well within time with clean hands and this Honourable Tribunal has got the jurisdiction to adjudicate upon the same.*

*On Facts:*

- i. Para 1 of the comments as drafted is misconstrued and is against the law and rules on the subject as well as against the facts, thus the same is denied specifically. The appellant was*

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 613 of 2019

Salma Khan SPST Government Girls Primary School  
Shaheen Abad, District Swat.

...Appellant

VERSUS

The Secretary Elementary and Secondary Education  
Government of Khyber Pakhtunkhwa, Peshawar and  
Others.

...Respondents

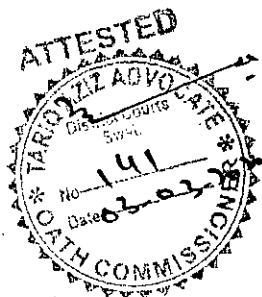
AFFIDAVIT

It is solemnly stated on Oath that all the contents of  
this rejoinder are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or kept concealed before this Honourable  
Tribunal.

Deponent



Salma Khan



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

*Service Appeal No. 613 of 2019*

*Salma Khan SPST Government Girls Primary School  
Shaheen Abad, District Swat.*

*...Appellant*

**VERSUS**

*The Secretary Elementary and Secondary Education  
Government of Khyber Pakhtunkhwa, Peshawar and  
Others.*

*...Respondents*

**REJOINDER BY THE APPELLANT.**

*Respectfully Sheweth:*

*Preliminary Objections:*

*That all the preliminary objections are incorrect, baseless, against the facts, record, law and rules on the subject, thus the same are specifically denied. Moreover the appellant has got a prima facie case in her favour and has approached this Honourable Tribunal well within time with clean hands and this Honourable tribunal has got the jurisdiction to adjudicate upon the same.*

*On Facts:*

*Para 1 of the comments as drafted is misconstrued and is against the law and rules on the subject as well as against the facts, thus the same is denied specifically. The appellant was*

never associated with any sort of inquiry at all and whole of the process is conducted at the back of the appellant.

- ii. Para 2 of the comments as drafted also is incorrect and against the facts and record. The appellant has never misappropriated a single penny rather has utilized the same in consultation with the council for the best interest of the school and the students in mind, thus the para is denied.
- iii. Para 3 of the comments as drafted also is incorrect and misconstrued as well thus the same is denied specifically as well.
- iv. Para 4 of the comments as drafted also is incorrect and devoid of merits, the appellant could never be a match to a professional personal holding a license to carry out construction work, even then the appellant tried her level best to utilize the funds in a most transparent manner, thus the para is denied as well.
- v. Para 5 of the comments as drafted is vague, evasive and devoid of merits, the so called inquiry was conducted without associating the appellant with the same nor was the appellant present when the alleged technical staff carried their assessment, thus the para is denied.
- vi. Para 6 of the comments as drafted also is vague, evasive and devoid of merits, the details of the

BEFORE THE KHYBER PAKHTUNKHWA  
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Tribunal.

Deponent

Salma Khan

