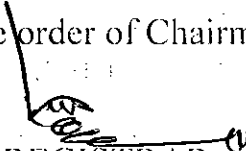


FORM OF ORDER SHEET

Court of _____

Case No.- 420/2023


| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 03/03/2023 | <p>The appeal of Mst. Zia Gul resubmitted today by Mr. Muhammad Irshad Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p> |

The appeal of Mst. Zia Gul DM GGMS Dheri Hameed Main Charsadda received today i.e. on 27.02.2023 is incomplete on the following score which is returned to the co Counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of Service Book mentioned in para-3 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Page nos. 28, 29, 66, 67, 70, 74, 75, 78 to 83, 88 and 90 to 98 of the appeal are illegible which may be replaced by legible/better one.

No. 796 /S.T,

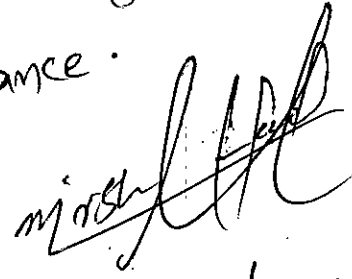
Dt. 18/2 /2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Irshad Mohmand Adv.
High Court Peshawar .

Respected Sir,

Resubmitted after the Tribunal
compliance.



03/03/2023

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 490 / 2023

Mst Zia Gul

(Appellant)

VERSUS

Government of KPK, through Secretary Elementary & Secondary
Education Department KPK & Others (Respondents)

INDEX

| S.No | Description of Documents | Annex | Pages |
|------|--|-------|---------|
| 1. | Service Appeal | | 1-7 |
| 2. | Affidavit | | 8 |
| 3 | Application for Suspension | | 9-10 |
| 4. | Address of parties | | 11 |
| 5. | Copy of Appointment order dated 14/03/2006 | "A" | 12 |
| 6. | Copy of Post Availability certificate & transfer order dated 27-01-2011 & Arrival Report | "B" | 13-15 |
| 7. | Copy of verification letters & Service Book & other documents | "C" | 16-17 |
| 8. | Copy of W.P No.2028/2017 | "D" | 18-24 |
| 9. | Copy of Order Sheet dated 14/09/2017 | "E" | 25-27 |
| 10. | Copy of FIR | "F" | 28-29 |
| 11. | Copy of W.P No.4471/2017 | "G" | 30-38 |
| 12 | Copy of initial impugned office order dated 22/11/2017 | "H" | 39 |
| 13. | Copy of Service Appeal & judgment / order dated 11-11-2021 passed by this Honorable Tribunal | "I" | 40-54 |
| 14 | Copy of Execution | "J" | 55 |
| 15 | Copy of alleged Inquiry report & impugned office order dated 16-06-2022 | "K" | 56-100 |
| 16 | Copy of Departmental Appeal | "L" | 101-104 |
| 17. | Wakalat Nama | | 105 |

Zia Gul

Appellant: Mst Zia Gul
Through

Muhammad Irshad Mohmand

Muhammad Irshad Mohmand
Advocate High Court
Peshawar

(1)

BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR

Service Appeal No: 420-P/2023

Mst Zia Gul Ex-Drawing Master GGMS Dheri Hameed Main
Tehsil & District Charsadda (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department KPK, Peshawar
2. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar
3. District Education Officer (Female) District Charsadda
4. District Education Officer (Female) District Battagram

(Respondents)

SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974, AGAINST THE IMPUGNED OFFICE
ORDER NO 12025-30 DATED 16-06-2022
WHEREBY THE INITIAL IMPUGNED OFFICE
ORDER NO.10643 DATED 22/11/2017 PASSED
BY THE RESPONDENT NO 3 / DEO FEMALE
CHARSADDA HAS BEEN KEPT MAINTAINED,
AND THE SERVICE OF THE APPELLANT HAS
BEEN DISPENSED BEING NO MORE
REMAINED TEACHER AND THE
DEPARTMENTAL APPEAL OF THE APPELLANT
HAS NOT BEEN RESPONDED WITHIN THE
STIPULATED PERIOD.

Prayer:-

2

On acceptance of this Service Appeal, both the impugned Office Order No 12025-30 dated 16-06-2022 & initial impugned office order No.10643 dated 22/11/2017 passed by the Respondent No 3 / DEO Female Charsadda whereby the service of the appellant has been dispensed may kindly be set aside and the Appellant be re-instated to her service with all back benefits.

Any other remedy which this august tribunal deems appropriate may also be granted to the appellant.

Respectfully Sheweth:-

The brief facts leading up to the filing of this appeal are as under:-

1. That the appellant was initially appointed in BPS-9 as Drawing Master (DM) vide appointment letter dated 14/3/2006 by the Respondent No.4 / DEO Female Batagram on the recommendation of departmental selection committee by adopting all the codal & legal formalities and posted at GGMS Thakot, and the post of appellant was later on upgraded to B.P.S-15, **(Copy of Appointment order dated 14/03/2006 is attach as Annex "A")**
2. That from the date of joining of duty the appellant performed her duty with honestly and no complaint has been made by any staff members against the Petitioner and in the year 2010 the appellant applied through proper channel made request for transfer from District Batagram to District Charsadda by obtaining NOC / post availability certificate from the quarter concerned which was duly granted & approved by the Respondents and consequently the appellant was transferred to District Charsadda vide transfer Order dated 27/01/2011 and duly submit her arrival report and since then the appellant was performing her duty in the Supervision of Respondent No.3. **(Copy of Post Availability certificate & transfer order dated 27-01-2011 & Arrival Report are attach as Annex "B")**

3. That thereafter service book and service record of the appellant have been verified by the Respondent No.2 & 3 from the quarter concerned as evident from the service books & letters and the appellant performed duty in different examination etc **(Copy of verification letters & Service Book & other documents are attach as Annex "C")**
4. That all of sudden in the month of January 2017 the monthly salary of the appellant was illegally stopped / withheld by the Respondent No.3 without any legal and lawful reason, therefore the appellant filed Writ Petition No.2028/2017 before the Honorable Peshawar High Court, Peshawar for release of her salary being entitle, wherein the Respondents raised objection over appointment order of the appellant. **(Copy of W.P No.2028/2017 is attach as Annex "D")**
5. That thereafter the Honorable Peshawar High Court Peshawar vide Order dated 14/09/2017 directed the Director Anti Corruption Khyber Pakhtunkhwa to probe into the matter and submit their detail report before the Peshawar High Court Peshawar and the case was adjourn.**(Copy of Order Sheet dated 14/09/2017 is attach as Annex "E")**
6. That the Director Anti-Corruption rather to probe into matter and submit their detail report before the Honorable Peshawar High Court Peshawar directly lodged an FIR No.2 dated 09/10/2017 under section 218, 409, 418, 419, 420, 468, 471, 474, 477A PPC & 5(2) PC Act of Police Station Anti Corruption District Charsadda and nominated the appellant as accused along with others. **(Copy of FIR is attach as Annex "F")**
7. That thereafter the Appellant filed a Writ Petition No.4471/2017 before Peshawar High Court for quashment of FIR, wherein interim relief was granted to the appellant and the case is still subjudice before the Peshawar High Court Peshawar. **(Copy of W.P No.4471/2017 is attach as Annex "G")**

8. That the Respondent No.3 / DEO Female Charsadda without issuance of charge sheet & statement of allegation and without conducting any departmental inquiry straightaway issued the impugned office order dated 22/11/2017 whereby service of the appellant was dispensed. **(Copy of initial impugned office order dated 22/11/2017 is attach as Annex "H")**
9. That the appellant filed departmental appeal against the impugned order dated 22-11-2017 before the Respondent No.1 / Secretary E & SE KPK Peshawar which was not respondent, therefore the appellant filed Service appeal No 550 / 2018 which was allowed vide order dated 11-11-2021 by setting aside the impugned order and the case was remanded to the Respondents for regular and detail inquiry within 90 days **(Copy of Service Appeal & judgment / order dated 11-11-2021 passed by this Honorable Tribunal is attach as Annex "I")**
10. That the Respondent were not implementing the judgment / order of this Honorable Tribunal, therefore the appellant filed implementation application before this Honorable Tribunal. **(Copy of execution filed for implementation is attach as Annex "J")**
11. That during the pendency of execution petition, the Respondent No 3 submitted the alleged inquiry report just to absolved himself from the direction of this Honorable Tribunal by preparing the alleged inquiry report and without conducting any detail inquiry as order by this Honorable Tribunal, the DEO (Female) Charsadda again passed the impugned Office Order No 12025-30 dated 16-06-2022 whereby the initial order dated 22-11-2017 has been kept maintained by dispensing the service of appellant but the same was not conveyed & received to the appellant, and it is pertinent to mentioned here that the alleged inquiry was submitted by the Respondents in the execution proceeding on 17-10-2022 before this Honorable Tribunal , wherefrom the appellant has got the knowledge of

5

the alleged impugned office order dated 16-06-2022 and this Honorable Tribunal disposed-off the execution petition of the appellant vide order dated 04-11-2022. (Copy of alleged Inquiry report & impugned office order dated 16-06-2022 & disposed-off order of execution dated 04-11-2022 are attach as Annex "K")

12. That the appellant then filed departmental appeal against the impugned Office Order No 12025-30 dated 16-06-2022, before the Respondent No 2 / Director Education KPK Peshawar but the same has not been responded within the statutory period. (Copy of Departmental Appeal is attach as Annex "L")
13. That the appellant being aggrieved from the impugned service dispensing Order No 12025-30 dated 16-06-2022 & impugned office order No.10643 dated 22/11/2017 passed by the DEO (Female) Charsadda and by not responding the departmental appeal within the stipulated period prefer the instant service appeal before this Honorable Tribunal on the following Grounds:-

Grounds:-

- A. That both the impugned office order No 12025-30 dated 16-06-2022 & initial impugned office order No.10643 dated 22/11/2017 passed by the DEO (Female) Charsadda are totally illegal, against E&D Rules 2011, justice and facts of the case therefore not tenable and are liable to be set aside.
- B. That according to the Direction of this Honorable Tribunal no inquiry has been conducted, nor any show cause notice and statement of allegation has been issued to the Appellant, neither the Appellant was informed or associated in the alleged inquiry and no opportunity of hearing has been provided to the Appellant, therefore the impugned order has been passed on the back of the appellant meaning thereby, that the initial order of DEO (Female) Charsadda has been endorsed without complying the direction of the this Honorable Tribunal.

6

- C. That the alleged inquiry officer has not called the appellant for inquiry proceeding and the alleged inquiry report was prepared just to absolved herself by the Respondent No 3 / DEO (Female) Charsadda from the direction of this Honorable Tribunal, therefore the impugned order is illegal and not according to law nor inconsonance with the fact of the case rather the same has been passed to show that the inquiry proceeding has been conducted in the light of the order of this Honorable Tribunal.
- D. That the appellant has been appointed in the year 2006 and the DEO (Female) Charsadda has been awakened from deep slumber in the year 2017. by declaring the appointment order of the appellant to be fake, despite the fact that every year in the service book of the appellant, the service of the appellant has been verified by the competent authority, and even after transfer to Charsadda, the same is also verified therefore the allegation of fake appointment of the appellant is baseless and based on mala fide.
- E. That in the alleged inquiry, there is no assertion of the officer / competent authority of the relevant time who has denied the appointment order of the appellant nor the statement has been recorded of the officer, who had appointed the appellant by the inquiry officer to determine the genuineness & fakeness of the appointment order of the appellant.
- F. That the appellant has more than 10 year service on her credit and mature for pension and at this belated stage, it does not appeal to the prudent mind that the appointment order of the appellant is false or fraudulent and fake.
- G. That the alleged inquiry officer has not followed the E & D Rule 2011 in letter & spirit rather the same has been violated by submitting a frivolous inquiry report for dispensing the service of the appellant.

7

- H. That the word dispensing is nowhere mentioned in the service law or E & D Rule 2011, therefore the impugned dispensing order as well as the alleged inquiry conducted by the so called inquiry officer are not true & correct in the light of the judgment & direction of this Honorable Tribunal.
- I. That while dispensing the service of the appellant, no final show cause notice was issued to the appellant and the appellant has been kept un informed from the alleged inquiry and the alleged inquiry was filed in the execution proceeding before this Honorable Tribunal, wherefrom the appellant has got the knowledge of the alleged inquiry & impugned order, and the execution petition was disposed-off on 04-11-2022.
- J. That any other ground will be raised at the time of final arguments with the permission of the court.

Prayer:-

It is therefore most humbly requested that on acceptance of this Service appeal on behalf of appellant, the impugned service dispensing Order No 12025-30 dated 16-06-2022 & impugned office order No.10643 dated 22/11/2017 passed by the Respondent No 3 / DEO Female Charsadda as well as the inaction of the Respondents on the departmental appeal of the appellant be declared as illegal against the service law & E & D Rule 2011 may graciously be set aside and the appellant be reinstated to her service with all back benefits including of unpaid monthly salary.

Zia Gul
Appellant: Mst Zia Gul through

Muhammad Irshad Mohmand
Muhammad Irshad Mohmand
Advocate High Court

Farhan Sheikh
& Farhan Sheikh
Advocate

8

BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR

Service Appeal No:

-P/2023

Mst Zia Gul

(Appellant)

VERSUS

Government of KPK, through Secretary Elementary & Secondary
Education KPK & Others (Respondents)

AFFIDAVIT

I Mst Zia Gul (Drawing Master BPS-15) Wife of Hamayoun abil
Rahman Resident of Mohallah Pinda Khel Tehsil & District
Charsadda do hereby solemnly affirm and declare that all the
contents of the accompanied service appeal are true and correct to
the best of my knowledge and belief and nothing has been
concealed or withheld from this Honorable court.

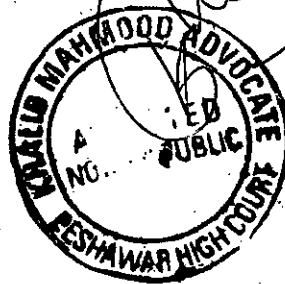
Zia Gul

DEPONENT

Identified by

Muhammad Irshad Mohmand

Muhammad Irshad Mohmand
Advocate High Court
Peshawar



9

BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR

Service Appeal No:

-P/2023

Mst Zia Gul

(Appellant)

VERSUS

Government of KPK, through Secretary Elementary & Secondary
Education KPK & Others

(Respondents)

APPLICATION FOR SUSPENSION OF BOTH
THE IMPUGNED OFFICE ORDER NO 12025-30
DATED 16-06-2022 & INITIAL IMPUGNED
OFFICE ORDER NO.10643 DATED 22/11/2017
PASSED BY THE DEO (FEMALE) CHARSADE
WHEREBY THE SERVICE OF THE APPELLANT
HAS BEEN DISPENSED MAY KINDLY BE
SUSPENDED AND THE APPELLANT BE
ALLOWED TO PERFORM HER DUTY TILL THE
FINAL DECISION / OUTCOME OF THE CASE

Respectfully Sheweth:-

The applicant submits as under:-

1. That the above noted service appeal is being filed before this Honorable Tribunal in which no date of hearing has yet been fixed.
2. That the Respondents without issuance of show cause notice / charge sheet & statement of allegation and without following the lawful procedure as provided under the law and without conducting any detail inquiry as directed by this Honorable Tribunal again issued the impugned office order dated 16-06-2022 whereby the appellant has been dismissed from service, therefore the appellant has got a good prima facie case in her favour and balance of convenience also lies in favour of appellant and in sanguine of its success.

3. That while passing the impugned order by Respondent no final show cause notice has been issued to the appellant and just for nothing the appellant has been penalized, therefore the both the impugned orders be suspended and the appellant be allowed to perform her duty.
4. That if the impugned orders are not suspended the appellant will further suffer without any reason & lawful justification
5. That the facts and grounds of the appeal may kindly be read as an integral part of this application.

Prayer:-

It is therefore most respectfully prayed that on acceptance of this application, both the impugned Office order No 12025-30 dated 16-06-2022 & initial impugned Office order No.10643 dated 22/11/2017 passed by the DEO (Female) Charsadda whereby the service of the applicant / appellant has been dispensed may kindly be suspended and the applicant be allowed to performed her duty till the final decision / outcome of the case

Zia Gul

Applicant: Zia Gul
Through

Muhammad Irshad Mohmand

Muhammad Irshad Mohmand
Advocate High Court

AFFIDAVIT

I, Mst Zia Gul (D.M BPS-15) Wife of Hamayoun abil Rahman Resident of Mohallah Painsa Khel Tehsil & District Charsadda, do hereby solemnly affirm and declare that all the contents of the accompanied Application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honorable Tribunal.



Zia Gul
DEPONENT

(11)

BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR

Service Appeal No: -P/2023

Mst Zia Gul (Appellant)

VERSUS

Government of KPK, through Secretary Elementary & Secondary
Education KPK & Others (Respondents)

ADDRESSES OF PARTIES

Mst Zia Gul (D.M BPS-15) Wife of Hamayoun abil Rahman
Resident of Mohallah Painsa Khel Tehsil & District Charsadda
(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary
Elementary & Secondary Education Department KPK,
Peshawar
2. Director Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar
3. District Education Officer (Female) District Charsadda
4. District Education Officer (Female) District Battagram

(Respondents)

Zia Gul

Appellant: Mst Zia Gul
Through

Muhammad Irshad Mohmand

Muhammad Irshad Mohmand
Advocate High Court

Farhan Sheikh

& Farhan Sheikh
Advocate

Annex "A"

12

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LITERACY) BATTAGRAM
APPOINTMENT

Consequent upon the Approval of the District Selection Committee, Battagram the following DM Female trained candidates are hereby appointed against the vacant post in BPS NO-09. Plus usual allowances admissible under the rules @ 25 % in the schools noted against each in the interest of public service with effect from the date of their taking over charge on the terms & condition mentioned below:-

| S.No | Name of Candidate | Father's Name | Address | | Place of Posting | Remarks |
|------|-------------------|----------------|-----------|-----------|------------------------|----------------|
| 1 | Fazila Rashid | Abdul Rashid | Khawari | Mansehra | GGMS Gidri Kjhair Abad | Against V/Post |
| 2 | Zia Gul | Gul Pasand | Charsadda | Charsadda | GGMS Thakot | Against V/Post |
| 3 | Bushra Anwar | Mohammad Anwar | Khawari | Mansehra | GGMS Shingli Payeen | Against V/Post |

Terms & Conditions:

1. Charge reports should be submitted to all concerned
2. They are entitled to get all benefits as admissible under the rules in civil servant Act except pension. They should however be entitled to receive such amount contributed by them toward the contributory provident fund along with contribution made by the provisional government to their accounts in the said fund in the prescribed manner. Provided further that in the event of death of civil servant whether before or after retirement their families should be entitled to receive the said amount if it has already not been received by the concerned.
3. Their services will be liable to termination on one month notice from either side. In case of resignation without notice.
4. Her one month pay shall be forfeited to the Govt.
5. The candidate are required to produced Age and Health certificate from the Medical. Supdt: DHQ Battagram. (Only for fresh candidate).
6. The candidates should join their posts within seven days of the issue of this order. Otherwise appointment order will cancelled.
7. The Appointment will get salaries against the sanctioned posts in the Budget.
8. They will paid salaries after verification of their degree/certificates from the concerned universities/Boards/institution on their own expenses by the DDO concerned. Personally/By hand verification will not be acceptable.

(Mukhtar Ahmad Swali)
Executive District Officer
Schools & Literacy Battagram.

Enst: No. 3505-09 /EB/AE-II/APPT Dated Battagram the 14/10/06.
Copy forwarded for information & necessary action to the:-

1. District Coordination Officer Battagram.
2. I/C Head Master of Govt. High/Middle Schools concerned.
3. District Accounts Officer Battagram.
4. A.D.O (B & A) Local Office with the remarks to not draw the salaries till the completion of their document's verification.
5. I/C Pay Section (Male) Local Office.
6. Candidate Concerned..
7. Office file.

S.O.T (S-3)
GILL CHAND

[Signature]
District Officer (Female)
Schools & Literacy Battagram
14/10/06

ATTESTED

ATTESTED

13

Signature
Name of Applicant
N.I.C.No.

Zia Gul.
17101-0249744-4.

Certificate by the relieving EDO E&SE

Annex "B"

Certified that I have no objection to the transfer of Mr/Mst: Zia Gul
From District Manshara to District Charsadda.
The following arrangement will be made by me for filling up the post of D.M.
in case of transfer of Mr/Mst: Zia Gul

- I is certified that:-
- i) The Study/Education of the students of the school will not suffer with proposed transfer.
 - ii) The applicant is regular employee and not contract (Mention) period _____

Signature _____
Name of EDO E&SE Harid man
Dated _____
Schools & Higher Secondary Education

POST AVAILABILITY CERTIFICATE OF THE EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDUCATION WHERE POST IS PROPOSED.

I have no objection to the transfer of Mr/Mst: Zia Gul
of against a vacant post of D.M. at (Name of Schools) Qans Dhoi of District Charsadda
I have also examined his/her relevant documents and found correct. It is also certified that no N.O.C. has
been issued to any other person against this post.

Name of EDO E&SE Attaullah Khan Signature _____
Endst No. 2000 / Dated 5/11/2010
District Officer
Elementary & Secondary Education
Charsadda

- Note: The following documents (duly attested) should be provided:-
- 1- Service Book Photo State
 - 2- 1" appointment order (Original OR attested photo stat copy by EDO E&SE.
 - 3- Domicile. (4) Previous transfer order (if any) (5) RAC, Intermediate, FIC, CT, D.Ed, Intermediate
 - 6- Last Pay Roll. (7) Last Balance Sheet of GP, Fund

ATTESTED
91

ATTESTED

(14)

OFFICE OF THE DIRECTOR ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTOON KHAWA, PESHAWAR.

OFFICE ORDER

Consequent upon the approval of the competent authority, Mst Zia Gul DM at GGMS, Shalian (Manshera) is hereby transferred to GGMS, Dheri Hamid Mian Charsadda against vacant post of DM on her own pay and BPS in the interest of Public Service with effect from the date of his taking over charge.

Note:-

Charge report should be sent to all concerned.

NO TADA etc is allowed

The EDO (E&SE) concerned is directed to check her original service documents before making payment of salary

Her Seniority list will be determined under the rule.

DIRECTRESS
ELEMENTARY & SECONDARY
EDU KHYBER PAKHTUN KHAWA PESHAWAR

E dist No 3655-60/F.No.134/WDist Trsf

Dated Peshawar the 27/01/2011

Copy forwarded for information to the:-

1. Executive District Officer (E&SE) Manshera/Charsadda.
2. District Accounts Officer Manshera/Charsadda.
3. Headmistress Concerned.
4. Teacher Concerned.
5. P.A to Director (E&SE) Khyber Pakhtun Khawa Peshawar.
6. M/ File.

Deputy Directress (Estab)
(E&SE) Khyber Pakhtun
Khawa Peshawar.

27/1/11

Attended
5/2/11
27/1/11

ATTESTED

ATTESTED

Stamp

Change Report

(15)

It is here by certified that Miss Zia Gul (DM) took over charge of her duty in this school in the forenoon on Feb 27. 2011.
Date is 27/02/2011

G.M.S Dheri Hamid
Mian Marzal

Head Mistress

G.M.S Dheri Hamid
Mian

Incharge

[Signature]

ATTESTED

ATTESTED

BETTER COPY

15

CHARGE REPORT

It is hereby certified that Miss Zia Gul (DM) took over charge of her duty in this school in the forenoon on 27 Feb 2011.

Head Mistress
GGMS Dheri Hamid Mian
Incharge

File
↑
ATTESTED
a

7
ATTESTED

Annex^a C¹

16

OFFICE OF THE DIRECTOR ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTOON KHAWA, PESHAWAR.

File No. 134/District/Transfer
NO. 3456 Verification

Dated Peshawar the 15/11/2019

To,

The District Office (Female)
(E&SE) Charsadda.

Subject:
Memo:

VERIFICATION OF TRANSFER ORDERS.

Reference your letter No. 479 Dated 1/11/2011, on the subject cited above and to say that the transfer order in respect of Mst Zia Gul DM GGMS Shalhan (Manshera) to GGMS, Dhari Hanid Mian District Charsadda issued by this Directorate Endst No 3655-60 Dated 27/1/2011 checked with office record and found correct.

[Signature]
Deputy Director (Estt)
(E&SE) Khyber Pakhtunkwa
Peshawar.

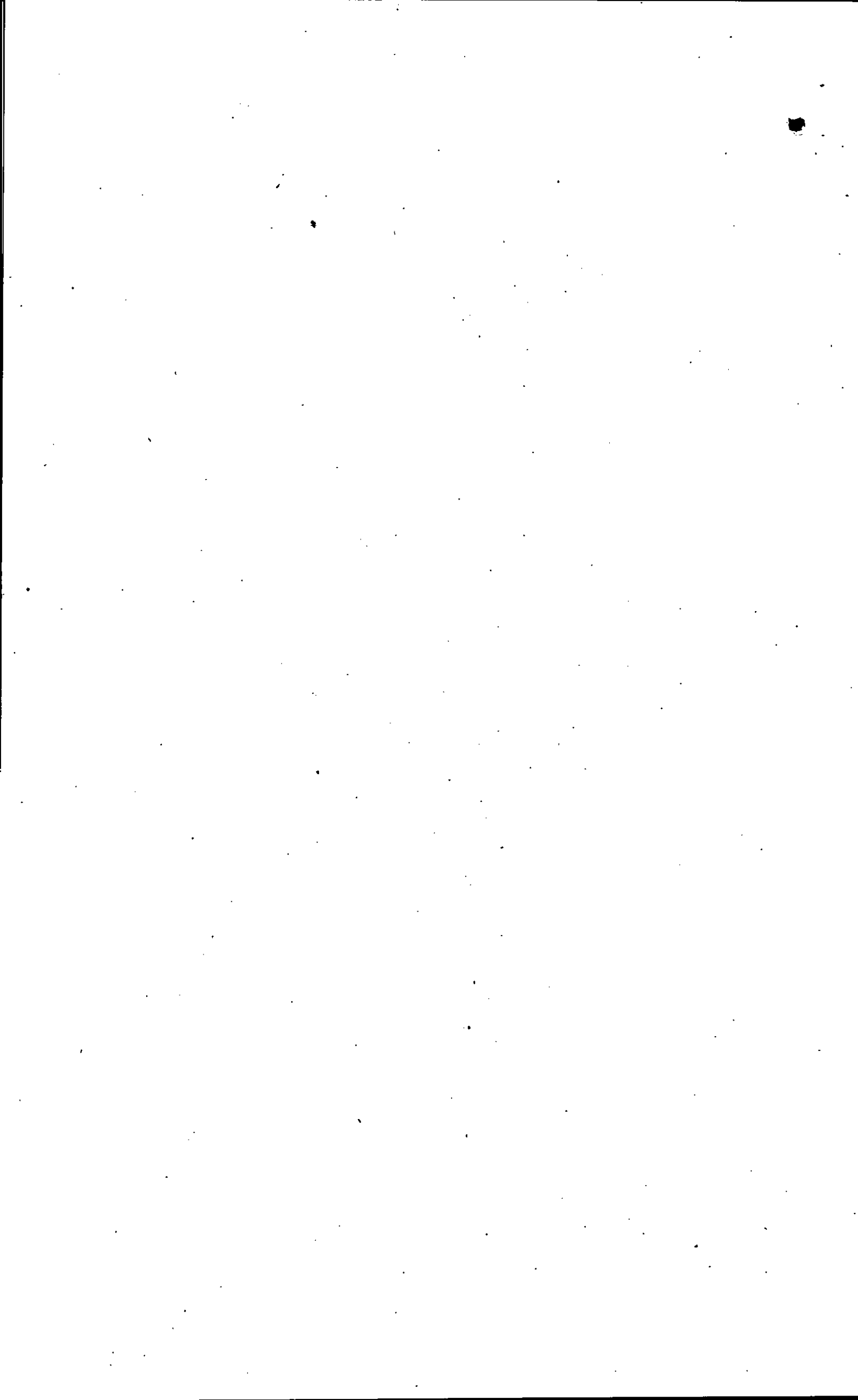
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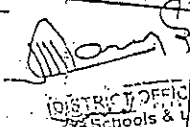


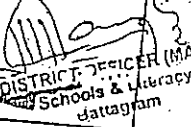
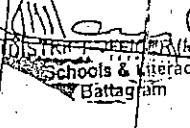

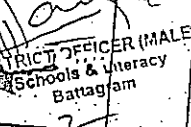
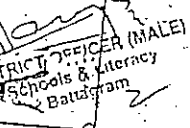
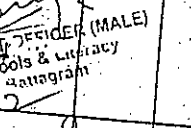
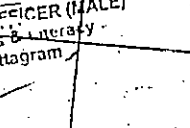
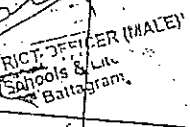
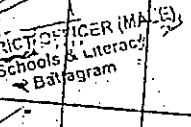
Attested
[Signature]
25/9/19

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Stamp



| 9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8 | 10 Date of termination or appointment. | 11 Reason of termination such as promotion, transfer, dismissal, etc.) | 12 Signature of the head of the office or other attesting officer. | 13 Leave | | 14 Signature of the head of the office or other attesting officer | 15 Reference to any recorded punishment or censure or praise of the Government Servant. | |
|---|---|---|---|---|---|---|--|-------------------------------|
| | | | | Nature and duration of leave taken. | Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government | | | |
| | | | | | Period | | | Government to which debitable |
|  DISTRICT OFFICER (MALE) Schools & Literacy Battagram | | App'td |  DISTRICT OFFICER (MALE) Schools & Literacy Battagram | Appointed as DM in BPS-09 (2770-165-7720) at G.G.M.S. Thakot (Battagram) against V-Post vide EDO (S.H.) Battagram | | | | |
|  DISTRICT OFFICER (MALE) Schools & Literacy Battagram | | Allowed B.P.S. 14 |  DISTRICT OFFICER (MALE) Schools & Literacy Battagram | | |  DISTRICT OFFICER (MALE) Schools & Literacy Battagram | | |
|  DISTRICT OFFICER (MALE) Schools & Literacy Battagram | | 30/11/06 |  DISTRICT OFFICER (MALE) Schools & Literacy Battagram | Allowed B.P.S. 14 on the basis of BA 2nd Division no. of 15/0 vide EDO (S.H.) Battagram | | | | |
|  DISTRICT OFFICER (MALE) Schools & Literacy Battagram | | 30/07/07 |  DISTRICT OFFICER (MALE) Schools & Literacy Battagram | | |  DISTRICT OFFICER (MALE) Schools & Literacy Battagram | | |
|  DISTRICT OFFICER (MALE) Schools & Literacy Battagram | | 30/11/07 |  DISTRICT OFFICER (MALE) Schools & Literacy Battagram | | | | | |

ATTESTED

ATTESTED



16B

| 8 Signature of Government Servant | 9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8 | 10 Date of termination or appointment | 11 Reason of termination such as promotion, transfer, dismissal, etc.) | 12 Signature of the head of the office or other attesting officer. | 13 Leave | | 14 Signature of the head of the office or other attesting officer | Reference to recorded punishment or praise of the Government Servant. | |
|--------------------------------------|--|--|---|---|-------------------------------------|---|--|---|-------------------------------|
| | | | | | Nature and duration of leave taken. | Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government | | | |
| | | | | | | Period | | | Government to which debitable |
| | | | Allow. B:15 | | | Allowed B.P.S-15 on the basis of upgradation of w.e.f 1-10-2007 | | | |
| | | | A/g.m. | | | Service verified and verified with effect from 30/11/07 from the Acq Roll and other record of this office | | | |
| | | 30-6-08 | | | | OPTION As a result of Award of upgradation of post B-14 to B-15 w.e.f 1-10-2007 I have opt for reparation of my pay on 1-12-2007 | | | |
| | | 30-11-08 | | | | | | | |
| | | | | | | <p>UNDER TAKING</p> <p>I Mr. Gul Dm CGMS Thakret is hereby undertaking that if my overpayment is made to my salary as a result of upgradation. In case referred above by way of recovery from my pay E.T.C.</p> | | | |
| | | | | | | | | | |

ATTESTED

ATTESTED

Reference to any recorded punishment or censure or praise of the Government Servant.

7

15

15

2

2

2

30

31

This Month

Previous

Total

Date

| 9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1-10 | 10 Date of termination or appointment | 11 Reason of termination such as promotion transfer, dismissal, etc.) | 12 Signature of the head of the office or other attesting officer. | 13 Leave | | 14 Signature of the head of the office or other attesting officer | 15 Reference to any recorded punishment or censure or praise of the Government Servant. | |
|--|--|--|---|-------------------------------------|---|--|--|-------------------------------|
| | | | | Nature and duration of leave taken. | Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government | | | |
| | | | | | Period | | | Government to which debitable |
| DEO (F) Charasadda | | | DEO (F) Charasadda | Allowed one special leave | | | Admission | |
| DEO (F) Charasadda | | | DEO (F) Charasadda | inc. ent vide | | | 1-10-14 | |
| DEO (F) Charasadda | | | DEO (F) Charasadda | No (F-P-2) | | | 2-1-13-12-07-14 | |
| DEO (F) Charasadda | | | DEO (F) Charasadda | | | | at 31/5/2014 | |
| DEO (F) Charasadda | | | DEO (F) Charasadda | Service rendered | | | from 1-11-2012 to 30-11-2014 | |
| DEO (F) Charasadda | | | DEO (F) Charasadda | Roll over (other office) | | | from 1-11-2014 to 30-11-2014 | |

ATTESTED

ATTESTED

LAST PAY CERTIFICATE

(11)

00477383

Last Pay Certificate of Mst Zia Gul DM

of G.M.S. Mashail Manshera

proceeding of Transferred

to G.M.S. Dheri Hamid Man Char

He has been paid upto 28/2/2011

at the following rates:-

Particulars

| | |
|-------------------------------|---------------------|
| Subsidiary Pay | 001 = pay = 7320/- |
| Gratifying Pay | 1000 = HRA = 1566/- |
| Change Compensation Allowance | 1300 = MA = 1000/- |
| | 400 = LAA = 1000/- |
| | 1770 = 512/- |
| | 1831 = 415/- |
| | 1831 = 415/- |
| | 1877 = 576/- |
| | 1968 = 1334/- |
| | 1953 = |
| | Total = 11034/- |

VALIDATED

District Accounts Officer
Manshera

Handwritten notes and signatures on the left side of the table.

Deductions

C.F. 335/- B.F. 180/-
G.S. 157/- A.S. 115/- E.P. 213/-

He is in charge of the Office of DM. Past at

G.M.S. Mashail Manshera

4 P.M. noon of 28/2/2011

He is entitled to be made from the pay of the Government servant as detailed on to

He has been paid leave salary as detailed in e. Deductions have been made

| Period | Rate | Amount |
|---------------------------------------|------|--------|
| From..... to..... at Rs..... a month. | | |
| From..... to..... at Rs..... a month. | | |
| From..... to..... at Rs..... a month. | | |

He is entitled to draw the following:-
He is also entitled to joining time for..... days.

The detailed to the Income-tax recovered from him upto the date from the beginning of the current year are noted on the reverse.

Encls! No. 1715
Dt: 28/2/2011

(Signature)

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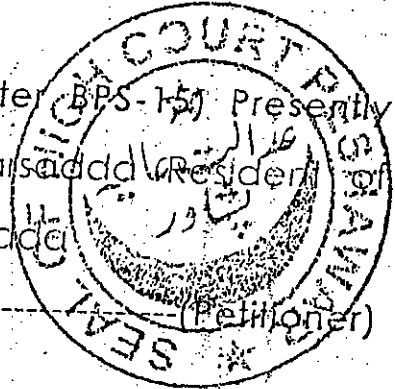
(18)

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No: - *2022 P* /2017

Annex "D"

Mst Zia Gul W/o Hamayon (Drawing Master BPS-15) Presently
Posted at GGMS Dheri Hamid Mian Charsadda Resident of
Mohallah Painsa Khel Tehsil & District Charsadda



(Petitioner)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education KPK, Peshawar
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. District Education Officer (DEO) District Battagram
4. District Education Officer (DEO) (Female) District Charsadda
5. District Accountant Officer Charsadda
6. Head Mistress Government Girls Middle School Dheri Hamid Mian Charsadda

----- (Respondents)

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF

PAKISTAN 1973

ATTESTED
EXAMINER
Peshawar High Court
2 JUL 2017

Respectfully Sheweth:

The brief facts leading up to the filing of this writ petition are as under:-

ATTESTED

FILED TODAY

12 JUL 2017

(19)

That the Petitioner is law abiding citizen of Pakistan, belonging to respectable family, having education upto Master degree (MA) from Peshawar University.

2. That the Petitioner was initially appointed in BPS-9 as Drawing Master (DM) vide appointment letter dated 14/3/2006 by the Respondent No.3 on the recommendation of departmental selection committee by adopting all the codal & legal formalities and posted at GGMS Thakot.

(Copy of Appointment letter is attached as Annexure "A")

3. That from the date of joining of duty the Petitioner performed her duty with honesty in the supervision of Respondent No.2 and no complaint has been made by any staff members against the Petitioner till date, it is pertinent to mention here that post of Petitioner along with others incumbents have been upgraded from BPS-9 to BPS-15 and at present the Petitioner is performing her duty in BPS-15 with Respondent No.6.

ATTESTED
EXAMINER
Peshawar High Court
22 JUL 2017

That in the year 2010 the Petitioner applied through Proper channel for transfer from District Batagram to District Charsadda by obtaining NOC from the quarter concerned which was duly approved by the Respondents and

FILED TODAY
Deputy Registrar

ATTESTED

consequently the Petitioner was transferred to District Charsadda vide transfer Order dated 27/10/2011 and since then the Petitioner is performing her duty in the Supervision of Respondent No.6. (Copy of Post Availability certificate is attached as Annex "B")

5. That since joining duty on transfer from District Batagram to District Charsadda the Petitioner was posted at GGMS Dheri Hamid Main and is drawing her salary from Respondents department as per law and the Respondent No.4 being drawing & disbursing authority properly issued her salary certificate on monthly basis. Moreover the Respondents department also prepared & maintained service book of the Petitioner regularly. (Copy of Pay slip & Service Book is attached as Annex "C & D")

6. That the Petitioner is regularly attended her class in the supervision of Respondent No.6 but astonishingly the Respondent No.5 on the behest & direction of Respondent No.4 stopped monthly salary of Petitioner since from the month of January 2017 without any legal justification & reasons. (Copy of Attendance Register is attached as Annex

"E")

ATTESTED

FILED TODAY
Deputy Registrar

ATTESTED
EXAMINER
Peshawar High Court
22 JUL 2017

that the petitioner filed so many applications before the Respondents No.4 & 5 for releasing her monthly salary but the Respondents did not paid any head to the request of the Respondents and thrown the said applications in the dustbin, and without issuing any written order to the Petitioner regarding the stoppage or withholding of her salary from January 2017 without any reason conveyed to the Petitioner in this respect. (Copy of application is attached as Annexure "F")

8. That the petitioner being aggrieved from the impugned action & order of Respondent No.4 & 5 by stopping the monthly salary of Petitioner without any legal justification & cause having no other adequate remedy approach this honorable court under its constitutional jurisdiction to declare the impugned action & orders of Respondents to be illegal, without jurisdiction, without lawful authority, based on malafidie, ulterior motive, against the constitution provision, service law/rules having no legal effect on the rights of petitioner on the following grounds:-

FILED TODAY
Deputy Registrar
12 MAY 2017

ATTESTED
EXAMINER
Peshawar High Court
19 JUL 2017

ATTESTED

(92)

GROUNDS

- A. That the impugned action & orders of Respondents by stopping the monthly salary of petitioner is illegal, unwarranted, unjustified and of no legal effect, therefore liable to be struck down.
- B. That the petitioner has not been treated in accordance with law nor extended the equal protection of law which is inalienable rights of the petitioner.
- C. That the impugned action & orders of Respondents is based on malafide intention, ulterior motive and biasness as the Respondent No.4 is trying to blackmailing and harassing the petitioner for the reasons best known to him, therefore the impugned action & orders of Respondent No.4 is liable to be struck down.
- D. That the Petitioner is regularly attended her school & classes which fact is clear from the attendance register maintained by Respondent No.6 but even then the Respondent No.5 on the behest & direction of Respondent No.4 stopped the monthly salary of petitioner which is clear violation of the Constitution of Islamic Republic of Pakistan, 1973.

ATTESTED

ATTESTED
EXAMINER
Feshawar High Court

FILED TODAY

E. That the Petitioner has more than 10 years spotless service and during this long period of service none of her superior had ever made any complaint against the Petitioner, therefore the stoppage of salary is illegal, unlawful and the result of colorful exercise of power.

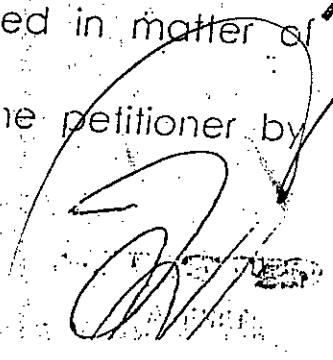
F. That the Respondents have not issued any show cause notice to the Petitioner regarding the stoppage or withholding of pay of the petitioner nor shown any reason to the Petitioner therefore the impugned action of Respondents is the result of illegal exercise of power and authority.

G. That stoppage of monthly salary of the Petitioner by the Respondents is also amount to deprive the Petitioner from her livelihood as the Petitioner is the sole bread earner of her family, therefore the impugned action of Respondents is not only illegal, unjustified but also in violation of fundamental rights guaranteed under Article 9 of the Constitution of Islamic Republic of Pakistan 1973 and section 17 of the Civil Servant Act 1973.

That the petitioner has been discriminated in matter of service & salary which has earned by the petitioner by

ATTESTED

FILED TODAY
Deputy Registrar
12.01.2017



performing her duty to which the Petitioner was rightly appointed on her post of drawing master.

I. That the Petitioner has not committed any misconduct during her service and regularly performed her duty nor any person had made any complaint against the Petitioner since her appointment as DM, therefore the impugned action of Respondents are based on malafidie, ulterior motive as such liable to be struck down.

J. That the Petitioners seek leave of this Honorable Court to raise other grounds at the time of arguments.

It is therefore prayed that on acceptance of this writ petition, the impugned action of Respondent No.4 & 5 by stopping/withholding of monthly salary of the Petitioner be declared as illegal, unwarranted, unjustified, based on malafidie & ulterior motive, against the Constitutional provision & service law and Respondents be directed to release her salary alongwith all benefits from date of stoppage/withholding of salary, since January 2017, any other relief which is deem fit & appropriate may graciously be granted.

FILED TODAY
by
Deputy Registrar
12 MAY 2017

ATTESTED
EXAMINER
Peshawar High Court
22 JUL 2017

ATTESTED

25

PESHAWAR HIGH COURT, PESHAWAR.

Annex E

FORM 'A'
FORM OF ORDER SHEET

| Date of order. | Order or other proceedings with the order of Judge |
|---------------------|---|
| ORDER 14.09.2017 | <p><u>Writ Petition No.2028-P/2017</u> <u>with COC No.477-F/2017/</u></p> <p>Present:- Mr. Muhib Jan Salarzai, Advocate, for the petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG, for the respondents along with Ms Bushra Begum, ADEO, DEO(F) Office Charsadda.</p> <p>*****</p> <p>Mst. Zia Gul wife of Hamayoun, the petitioner, allegedly serving as a Drawing Master BPS-15 and presently Posted in Govt Girls Middle School, Dheri Hamid Mian, District Charsadda, is aggrieved from the action of the respondents whereby her monthly salary has been withheld since January, 2017, without any legal justification.</p> <p>Learned counsel for the petitioner contended that ever since her appointment way back in the year 2006 as a Drawing Master at GGMS Thakot Battagram, the petitioner has been regularly performing her duties and even after her transfer to District Charsadda, she has been regularly attending to her duty and she has been receiving her monthly salary as well, but all of a sudden, in pursuance of a letter addressed by LDO (female)</p> |

Mam

Ms. Justice Ahsan P.S

Mr. Justice Fazlul Amir Khan & Mr. Justice Shahzad Ahmad Khan

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Battagram, her salary has been withheld since January, 2017.

On the previous date when learned AAG was confronted with the relief sought by the petitioner, he submitted that the very appointment order of the petitioner is fake and that is how an enquiry is in progress in the matter which will take some time. In this view of the matter, this Court hold that as to why at Thakot Battagram for five long years and even after her transfer to District Charsadd in the year 2011, nobody in the Education Department noticed the appointment of the petitioner to be based on fake and bogus appointment letter and that in such like matters, it should not be merely an individual to be sent home packing but the responsible persons in the high echelons of Education Department should also be strictly proceeded against in accordance with law, however, the respondents were directed to release the salaries of the petitioner subject to the final outcome of the enquiry.

Since, the respondents have not paid released salary of the petitioner as directed by this Court, therefore, the petitioner has filed COC No.477-P/2017, which is also fixed today. Learned AAG accepted notice and reiterated that when appointment of the petitioner is fake and there is no record of the same, the respondents

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MS/1/2017/5

Dr. Justice Zohrabai Khan & Mr. Justice Helwanood Yamin Tiben

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were unable to release the salaries of the petitioner.

Confronting with the stance of each other, the parties agreed and requested the Court for sending the matter to Anti Corruption Department for probe and proceedings. Accordingly, the matter is sent to the Director Anti Corruption Khyber Pakhtunkhwa with the direction to probe into the matter within a fortnight positively and to submit report to this Court. Office is directed to send copy of writ petition and all documents annexed therewith coupled with the comments and documents brought on record by the respondents to the Director Anti Corruption Khyber Pakhtunkhwa for doing the needful within a fortnight and to submit report on or before the date fixed. Adjourned to 11.10.2017.

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JUDGE

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JUDGE

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ATTESTED

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ATTESTED

انسپیکٹر جنرل پولیس صوبہ سرحد فارم نمبر 43 گورنمنٹ پولیس پشاور جاب نمبر 19/540 فارم نمبر 19/540 تعداد دو ہزار چھتر سو تیس مورخہ 23 مارچ 2006ء (فارم سٹور جاہز) ضمنی فارم (پولیس)

فارم نمبر 23-5 (1)

ابتدائی اطلاعی رپورٹ

کاؤنٹر فائل

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ 154 مجموعہ ضابطہ فوجداری

ضلع: چارسدہ

تھانہ: AC چارسدہ

علت نمبر: 2 تاریخ وقت وقوع، مندرجہ بر جعلی اور بوگس بھرتی وٹرانسفر آرڈرز وقت نامعلوم

| | | |
|---|--|---|
| 1 | تاریخ وقت رپورٹ: 21/9/17 وقت دفتری اوقات | چا کیدگی پرچہ 9/10/17 وقت 15:00 بجے |
| 2 | نام و سکونت اطلاع دہندہ مستغیث | قاضی اسلم CO ڈسٹرکٹ چارسدہ |
| 3 | مختصر کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو۔ | 218-409-148-419-420-468-471- 474-477APPC-5(2)-PC Act |
| 4 | جائے وقوعہ فاصلہ تھانہ سے اور سمت:- | محکمہ ایجوکیشن چارسدہ |
| 5 | نام و سکونت ملزم | ضیاء گل DM وغیرہ کل 20 نفر ملزمان مندرجہ باڈی FIR |
| 6 | کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو | بحوالہ چٹھی انگریزی نمبر 15313 مورخہ 9/10/17 مجاریہ جناب DAC صاحب خیبر پختونخوا پشاور |
| 7 | تھانہ سے روانگی کی تاریخ وقت | بہ سبیل ڈاک |

ابتدائی اطلاع نیچے درج کرو۔

درج ہے کہ سن CO کو آرڈر شیٹ محررہ 14/9/017 عدالت عالیہ پشاور ہائی کورٹ پشاور بحوالہ رٹ پیشین نمبری 2028-PI/2017 بشکل اوپن انکوائری نمبری 112 مورخہ 21/09/2017 موصول ہو کر ملاحظہ کرنے پر پایا کہ فیمل ٹیچر ضیاء گل DM نے محکمہ ایجوکیشن ضلع چارسدہ کے اہلکاران بخلاف رٹ پیشین نمبری بالا دائری تھی جس میں عدالت عالیہ پشاور ہائی کورٹ پشاور نے مورخہ 14/09/017 کو جناب ڈائریکٹر ایجوکیشن خیبر پختونخوا کو حکم صادر کیا کہ اس سلسلہ میں مکمل انکوائری و تحقیقات کر کے تمام ملوث افسران بالا محکمہ ایجوکیشن کے خلاف بھی قانونی کارروائی کر کے رپورٹ عدالت عالیہ پشاور ہائی کورٹ پشاور میں مقررہ تاریخ 11/10/017 یا قبل ازیں مقررہ تاریخ پیش کریں عدالت عالیہ پشاور ہائی کورٹ پشاور کے تحریری حکم اور افسران بالا کے دایات کی روشنی میں انکوائری شروع کر کے دوران انکوائری پایا گیا کہ ملزم ضیاء گل DM کیساتھ ساتھ دیگر فیمل ٹیچر زنگھت سیما AT حسرت PET ٹائیہ ولی SST اور شیخ بیگم PST کی بھرتی اور ٹرانسفر آرڈرز بھی جعلی اور بوگس ہے لہذا فیمل ٹیچر زبالا کے بھرتی وٹرانسفر آرڈرز بذریعہ تحریری پروانہ جات محکمہ ایجوکیشن سے پہلے کر تمام حاضر کردہ بھرتی اور ٹرانسفر آرڈرز DEO فیمل ضلع بگرام وہ DEO فیمل ضلع مانسہرہ اور ڈائریکٹر ایجوکیشن خیبر پختونخوا پشاور سے تصدیق کر کے جنہوں نے اپنے تحریری رپورٹ ہائے میں تذکرہ بالا فیمل ٹیچرز کے بھرتی وٹرانسفر آرڈرز کو جعلی و بوگس قرار دیا ہے چونکہ متعلقہ فیمل ٹیچرز کی ماہانہ تنخواہیں دفتر ڈی ایس او ضلع بگرام دفتر DAO ضلع مانسہرہ وغیرہ سے شروع کی گئی تھی لہذا متعلقہ DAOS سے تحریری رپورٹ لیا جا کر ملوث اہلکاران کے متعلق تصدیق کی گئی جبکہ ان تمام جعلی اور بوگس بھرتی وٹرانسفر آرڈرز جن کے ذریعے سے تذکرہ بالا فیمل ٹیچرز بالا کو مختلف اضلاع و مختلف ایجنسی سے ضلع چارسدہ ٹرانسفر کر کے مختلف سکولوں میں مختلف پوسٹ ہائے کے ڈیوٹی پر مامور کر کے تنخواہ کی مدد میں سرکاری خزانہ سے ماہانہ لاکھوں روپے نکال کر کے سرکاری خزانہ کو لاکھوں روپوں کا نقصان پونچایا ہے لہذا دوران انکوائری حاصل شدہ ریکارڈ

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شدہ بیانات موصول شدہ ویب سائٹ پر رپورٹ ہائے کی گئی انکوائری سے تمام ملازمان 1۔ ضیاء گل فیملی لیمٹڈ DM گریڈ GGMS9 جمید میاں ڈھیری چارسدہ
 2۔ گھٹ سیمانی میل لیمٹڈ AT گریڈ GGHSIS دادو وکے۔ 3۔ حسرت فی میل لیمٹڈ PET گریڈ GGMS9 ترلانڈی۔ 4۔ تانیہ ولی فی میل لیمٹڈ
 SST گریڈ 16 GGHS دولت پورہ۔ 5۔ شیخ بیگم فی میل PST گریڈ 7 GGPS پیغام کورونہ چارسدہ۔ 6۔ صوفیہ DEO فی میل گریڈ 18 ضلع
 چارسدہ۔ 7۔ الفت بیگم سابقہ DEO فی میل گریڈ 18 ضلع چارسدہ۔ 8۔ محمد ایاز DAO گریڈ 18 ضلع بھگرام حال ڈس۔ 9۔ حامد یونس سب
 اکاؤنٹ گریڈ 15 ضلع بھگرام حال ڈس۔ 10۔ محمد ریاض سینئر آڈیٹر گریڈ 16 ضلع بھگرام حال دفتر DAO ضلع مانسہرہ۔ 11۔ عمران اللہ KPO گریڈ
 14 ضلع مانسہرہ دفتر DAO۔ 12۔ طارق محمود ATO گریڈ 16 ضلع بھگرام۔ 13۔ اورنگزیب سینئر آڈیٹر گریڈ 15 دفتر DAO بھگرام حال ڈس
 14۔ محمد امین سینئر کلرک گریڈ 14 ٹاٹا انجیکشن سیکریٹ۔ 15۔ مشتاق احمد سابقہ پرنٹنگ ڈپارٹمنٹ گریڈ 17 دفتر DEO فی میل چارسدہ۔ 16۔ علی رحمن سابقہ
 پرنٹنگ ڈپارٹمنٹ DEO فی میل ضلع بھگرام گریڈ 17۔ 17۔ مظہر حسین جو نیر کلرک گریڈ دفتر ڈی ای او فی میل چارسدہ۔ 18۔ محمد اسحاق سینئر کلرک گریڈ
 11 دفتر SDEO فی میل۔ 19۔ سہیل PST گریڈ 12 GPS پشاور فورٹ۔ 20۔ سرتاج جو نیر کلرک گریڈ 11 دفتر SDEO فی میل چارسدہ حال
 GHS نمبر 1 چارسدہ وقتاً فوقتاً آپس میں ملی بھگت کر کے فراڈ دھوکہ دہی دہی سے اپنے اختیارات کے غلط و ناجائز استعمال کر کے ضلع چارسدہ میں سرکاری
 خزانہ کو محض 5766918 روپے نقصان پہنچا ہے جبکہ بیانات قلمبند شدہ ذریعہ CrPC 164 سے پایا گیا کہ ملازمان سیریل
 نمبر 2016 ایک منظم گروپ یا ٹینک کی شکل میں اسی طرح کارروائی کر کے لوگوں کو نوکری جھانسہ دیکر ان سے لاکھوں روپے ہٹائے ہیں لہذا تمام ملازمان
 2016 آپس میں ملی بھگت فراڈ دھوکہ دہی اختیارات کا غلط اور ناجائز استعمال اور رشوت دینے اور لینے کے مرتکب پا کر جن کے خلاف بحوالہ چٹھی انگریزی
 نمبر 15313 مورخہ 9/10/017 جاریہ از جناب DAC احب خیبر پختونخوا ایشیا اور مقدمہ درج رجسٹر کیا جاتا ہے تمام انکوائری کارروائی ضمنی کا حصہ تصور
 ہوا اگر دوران تفتیش دیگر کوئی شخص یا اشخاص یا دیگر سرکاری ملازمین ملوث پائے گئے تو ان کے خلاف بھی حسب ضابطہ قانونی کارروائی عمل میں لائی جائیگی پرچہ
 گزارش ہے میں معروف تفتیش ہوں۔

دستخط انگریزی

9-10-017

ATTESTED

دستخط

عہدہ

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگایا جائے گا۔ اور اس تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حرف الف یا ب سرخ روشنائی سے
 بالقابل نام ایک ملزم یا مشتہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں، لکھنا چاہیے۔

30

Annex 'C'

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No: - 4271-P/2017

Mst Zia Gul W/o Hamayon (Drawing Master BPS-15) Presently
Posted at GGMS Dheri Hamid Mian Charsadda Resident of
Mohallah Painsa Khel Tehsil & District Charsadda

----- (Petitioner)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary KPK, Civil Secretariat Peshawar
2. Director Anti Corruption Establishment, Khyber Pakhtunkhwa, Phase-V, Hayatabad Peshawar
3. Circle Officer, Anti Corruption Establishment, Charsadda

----- (Respondents)

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION
OF ISLAMIC REPUBLIC OF PAKISTAN 1973 R/W SECTION
561-A Cr.P.C FOR QUASHMENT OF FIR NO.2 DATED
09/10/2017 CHARGE U/S's 218 / 409 / 418 / 419 / 420/468/
471 / 474 / 477-A PPC R/W 5(2) P.C ACT, POLICE STATION
ANTI CORRUPTION ESTABLISHMENT CHARSADDA

Respectfully Sheweth:

The brief facts leading up to the filing of this writ petition are
as under:-

ATTESTED

1. That the Petitioner is law abiding citizen of Pakistan, belonging to respectable family, having education upto Master degree (MA) from Peshawar University.
2. That the Petitioner was initially appointed in BPS-9 as Drawing Master (DM) vide appointment letter dated 14/3/2006 by the competent authority on the recommendation of departmental selection committee by adopting all the codal & legal formalities and posted as GGMS Thakot.
(Copy of Appointment letter is attached as Annexure "A")
3. That from the date of joining of duty the Petitioner performed her duty with honesty and no complaint has been made by any staff members against the Petitioner till date, it is pertinent to mention here that post of Petitioner along with others incumbents have been upgraded from BPS-9 to BPS-15 and at present the Petitioner is performing her duty in GGMS Dheri Hameed Mian Charsadda.
4. That in the year 2010 the Petitioner applied through Proper channel for transfer from District Bagram to District Charsadda by obtaining NOC from the quarter concerned and consequently the Petitioner was transferred for District

ATTESTED

Batagram to District Charsadda vide transfer Order dated 27/10/2011 and since then the Petitioner is performing her duty regularly in District Charsadda. (Copy of Post Availability certificate is attached as Annex "B")

32

5. That since joining duty on transfer from District Batagram to District Charsadda the Petitioner was posted at GGMS Dheri Hamid Main and is drawing her salary from department as per law.
6. That the Petitioner regularly attended her class but astonishingly the DEO Charsadda stopped monthly salary of Petitioner from the month of January 2017 without any legal justification & reasons.
7. That the petitioner filed W.P No.2028/2017 before the Peshawar High Court Peshawar wherein the department submitted their comments by alleging that the appointment order of the Petitioner is fake & bogus, therefore this honorable court vide order dated 14/09/2017 directed Anti Corruption Establishment to probe the allegation of the matter and submit their report. (Copy of W.P No.2028/2017 along with Order sheet dated 14/09/2017 is Annex "C").

ATTESTED

8. That the Anti Corruption Establishment Charsadda rather to probe into the charge and submit their report before the Peshawar High Court instead of doing so straight away lodged the instant FIR without adopting the legal requirement under the law and charged so many officers, officials including the petitioner of education department.
(Copy of FIR is Annex "D")
9. That the Petitioner approached to the competent court of law for grant of bail before arrest wherein ad-interim bail was granted to the Petitioner and the same is still subjudice before the Anti Corruption Court Peshawar for confirmation.
10. That the Petitioner having no other option but to approach this Honorable court under its constitutional jurisdiction for quashment of the impugned FIR No.2 dated 09/10/2017 charge U/S's 218 / 409 / 418 / 419 / 420/468/ 471 / 474 / 477- A PPC R/W 5(2) P.C Act, Police station Anti Corruption Establishment Charsadda to be illegal, unjust based on malafidie, ulterior motive, coram-non judice, without lawful and of no legal effect and the Petitioner liberty be saved from the hands of police in the false & concocted case on the following grounds:-

ATTESTED

3 (3) 34
34
GROUNDS

- A. That the accused/Petitioner is innocent and has falsely been involved in the instant case with mala fide intention and ulterior motive without any cogent and tangible evidence.
- B. That there is no legal, cogent and authentic evidence on the file to connect the accused/Petitioner with the alleged offence.
- C. That the Respondents has managed a false, concocted and groundless story just to harass and humiliate the accused/Petitioner to bow down herself to the illegal and unjustified demand of her superior.
- D. That the Petitioner has more than 10 years spotless service and during this long period of service none of her superior had ever made any complaint against the Petitioner, therefore the impugned FIR is illegal, unlawful and the result of colorful exercise of power and abuse of process of law.
- E. That the impugned FIR, act and action taken by the Anti Corruption Establishment in registration of case can be quashed by the Honorable Court even at the stage when challan has not yet been submitted in the court.


ATTESTED

- F. That on consideration of facts patent on record no offence seems to have been committed therefore allowing the proceedings in the case to continue will amount to perpetuating the illegality and in such like situation stage of proceedings in a case would not be material as further continuance would amount to abuse of process of court / law.
- G. That the Anti Corruption Police / Establishment has misconceived & mis understand the observation of the Honorable High Court regarding the initiation of enquiry with malafidie intention and without conducting any enquiry in the matter straight away registered false case against Petitioner as well as others Govt officials, for harassing & humiliating with ulterior motive.
- H. That the Anti Corruption Establishment in the matter of allegation of corruption, misappropriation or misuse of authority has not proceed with enquiry or investigation according to the law and rules nor honestly fairly and impartially conducted enquiry in the case for getting the truth of the matter.



ATTESTED

- I. That Anti Corruption Establishment took somersault under the umbrella of directions contained in the order sheet of this Honorable Court by misinterpreting the same and instead of inquiry into the matter lodged the FIR on the basis of malafidie intention, ulterior motive as such liable to be struck down.
- J. That before Registration of case / FIR no statement of any official of education department was recorded for the registration of the case so that it could be established that actually the alleged fraud has been committed in the education department but Anti Corruption Establishment by itself become complainant as well as investigator which clearly established the malafidie of the Anti Corruption Establishment.
- K. That as per Rule 4 of the KPK Anti Corruption Establishment Rules 1999 it is mandatory that prior to lodging of FIR against public servant written orders should be taken from the competent authority or on the written complaint from competent authority FIR be registered, but in the instant case nor written order/permission was sought nor any complaint has been received against the Petitioner from


ATTESTED

competent authority, therefore on this sole ground the impugned FIR is liable to be quashed.

- L. That other accused also filed a writ petition for quashment of impugned FIR wherein interim relief was granted and the case is pending before this honorable court. (Copy of W:P along with order of Interim Relief is Annex "E").
- M. That the Petitioner has not been treated in accordance with law nor provided fair opportunity of his defence which is inalienable right of the Petitioner guaranteed under the constitution of Islamic Republic of Pakistan 1973.
- N. That the Petitioners seek leave of this Honorable Court to raise other grounds at the time of arguments.



It is therefore prayed that on acceptance of this Writ Petition the impugned FIR No.2 dated 09/10/2017 charge U/S's 218 / 409 / 418 / 419 / 420/468/ 471 / 474 / 477-A PPC R/W/ 5(2) P.C Act, Police station Anti Corruption Establishment Charsadda be quashed being illegal, unlawful, coram-non-judice, based on malafidie, ulterior motive and of no legal effect.


ATTESTED

INTERIM RELIEF

It is requested that till the final disposal of writ petition, the Anti Corruption Establishment / Police be restrained from further proceeding in the matter.

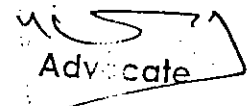
Through Petitioner Mst Zia Gul


Mohib Jan Salazar
& 
M. Irshad Mohmand
Advocates
High Court Peshawar

Dated: 04/08/2017

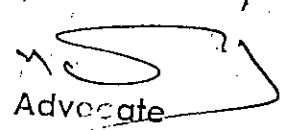
CERTIFICATE

As per instruction of my client no such writ petition has earlier been filed by the Petitioner before this August Court.


Advocate

LAW BOOKS:-

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Civil Servani Act 1973
3. Case Law according to need.


Advocate

ATTESTED





39

OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
CHARSADDA

No. 106/13 dated 22/11/2017

Office order

Annex "H"

In the light of inquiries report & court judgments, the appointments of the following teachers are illegal, void ab-initio and against the prescribed rules, therefore the services of the following teachers are hereby dispensed hence they are no more remained teachers.

| S.NO | NAME OF TEACHERS | DESIGNATION | SCHOOL NAMES | REMARKS |
|------|------------------|-------------|----------------------------------|---|
| 01 | Zia Gul | DM | GGMS Hameed mian dheri Charsadda | Through court Judgment w/p no 2028/2017, enquiry report. |
| 02 | Nighat secmā | AT | GGHS Dado killi charsadda | Through verification, vide letter No 312 dated 18-01-2017. |
| 03 | Hasrat PET | PET | GGHS turlandi charsadda | DO |
| 04 | Sania wali | SST | GGHS Dular purā | Vide letter No, 7603 dated 13-10-2017 send by the DEO (F) to director, response vide letter No. 2630 dated 13-10-2017 |
| 05 | Shama begum | PST | GGPS pegham korocna charsadda | Through judgment w/p no 4738-p/2016 & enquiry report |

[Signature]
DISTRICT EDUCATION OFFICER
FEMALE CHARSADDA

Endst N _____ dated _____ 2017

Copy for information

- (1) Registrar Judicial Peshawar high court.
- (2) Director E-SI, kpk peshwar.
- (3) Office concerned

DISTRICT EDUCATION OFFICER
FEMALE CHARSADDA

ATTESTED

①

BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR

Service Appeal No: 550 /2018.

Amex m J

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Mst Zia Gul (Drawing Master BPS-15) Wife of Hamayoun abil Rahman
Resident of Mohallah Painsa Khel Tehsil & District Charsadda
----- (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education KPK, Peshawar
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. District Education Officer (DEO) District Battagram
4. District Education Officer (DEO) (Female) District Charsadda

----- (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 22/11/2017 OF RESPONDENT NO.4 WHEREBY SERVICE OF THE APPELLANT HAS BEEN DISPENSED AND THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED IN STIPULATED PERIOD OF 90 DAYS

ATTESTED

PRAYER

(2)

(41)

On acceptance of this Service appeal the impugned order dated 22/11/2017 passed by the Respondent No.4 may kindly be set aside and the appellant be reinstated to her service along with back benefits.

Any other remedy which this august tribunal deems appropriate may also be granted to the appellant

=====

Respectfully Sheweth:-

The brief facts leading up to the filing of this appeal are as under:-

1. That the appellant is law abiding citizen of Pakistan, belonging to respectable family, having education upto Master degree (MA) from Peshawar University. **(Copy of Academic Record is attached as Annexure "A")**
2. That the Respondents advertised some posts of Drawing Master in the year 2006 and invited application for eligible & qualified candidates wherein the appellant also applied for the same post.
3. That the appellant was initially appointed in BPS-9 as Drawing Master (DM) vide appointment letter

ATTESTED



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④2

14/3/2006 by the Respondent No.3 on the recommendation of departmental selection committee by adopting all the codal & legal formalities and posted as GGMS Thakot where she rendered seven years services to the best of her superior. (Copy of Appointment order dated 14/03/2006 is attached as Annexure "B")

4. That from the date of joining of duty the appellant performed her duty with honesty and no complaint has been made by any staff members against the Petitioner till date, it is pertinent to mention here that post of appellant along with others incumbents have been upgraded from BPS-9 to BPS-15 in the year -----.
5. That during this period the appellant was posed in various schools and lastly in the year 2010 the appellant applied through Proper channel & made request for transfer from District Batagram to District Charsadda by obtaining NOC from the quarter concerned which was duly granted & approved by the Respondents and consequently the appellant was transferred to District Charsadda vide transfer Order dated 27/10/2011 and since then the appellant was performing her duty in the Supervision of Respondent No.5. (Copy of Post Availability certificate is attached as Annex "C")


ATTESTED

④

④ 43

That thereafter service book and service record of the appellant have been verified by the Respondent No.2 & 4 from the quarter concerned as evidence from the service books & letters. **(Copy of verification letters are attached as Annexure "D")**

7. That astonishingly in the month of January 2017 the monthly salary of the appellant was stopped by the Respondent No.4 without any legal and lawful reason, therefore the appellant filed Writ Petition No.2028/2017 before the august Peshawar High Court, Peshawar for release of her salary, wherein the Respondents filed their comments and raised objection over appointment order of the appellant. **(Copy of W.P No.2028/2017 is attached as Annexure "E")**

8. That the Honorable Peshawar High Court Peshawar vide Order dated 14/09/2017 directed the Director Anti Corruption Khyber Pakhtunkhwa to probe into the matter and submit their detail report before the Peshawar High Court Peshawar and the case was adjourn. **(Copy of Order Sheet dated 14/09/2017 is attached as Annexure "F")**

9. That the Director Anti Corruption rather to probe into matter and submit their detail report directly lodged an

ATTESTED

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FIR No.2 dated 09/10/2017 under section 218, 409, 418, 419, 420, 468, 471, 474, 477A PPC & 5(2) PC Act of Police Station Anti Corruption District Charsadda and nominated the appellant as accused along with others. **(Copy of FIR is attached as Annexure "G")**

10. That thereafter the Appellant filed a Writ Petition No.4471/2017 before Peshawar High Court for quashment of FIR, wherein interim relief was granted to the appellant and the case is still subjudice before the Peshawar High Court Peshawar. **(Copy of W.P No.4471/2017 is attached as Annexure "H")**

11. That the Respondent No.4 without conducting any departmental inquiry straightaway issued office order dated 22/11/2017 whereby service of the appellant was dispensed. **(Copy of impugned office order dated 22/11/2017 is attached as Annexure "I")**

12. That thereafter the appellant filed departmental appeal before the Respondent No.2 on 20/12/2017 but the same was not decided within the statutory period. **(Copy of Departmental Appeal dated 20/12/2017 is attached as Annexure "J")**

ATTESTED

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13. That the appellant being aggrieved from the impugned office order dated 22/11/2017 and by not responding the departmental appeal within the stipulated period preferred the instant appeal on the following grounds:-

GROUNDS

- A. That the impugned order dated 22/11/2017 of Respondent No.4 is manifestly illegal, unlawful, without lawful authority, void ab-initio, without jurisdiction, and ineffective upon the valuable rights of the appellant, hence not tenable and liable to be set aside.
- B. That the appellant has more than 10 years service on her credit and without issuing any show cause notice or conducting any departmental inquiry in the matter with one stroke of pen dispensed the service of appellant in disregard of law.
- C. That the service of the appellant has been dispensed without any solid or authentic evidence regarding the alleged allegation which is totally illegal and not supported by any provision of law.
- D. That the appellant was rightly appointed after due process of law & procedure and served in the department as DM for more than ten years, therefore at this belated stage on such type of fake and frivolous allegation the dispensing of appellant from service is illegal, unwarranted & unjustified.

ATTESTED

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- E. That the dispensing word from service is alien to service law and that too without conducting proper inquiry provided under the law, the dispensing of appellant from service is illegal, unconstitutional and against the norms of justice.
- F. That before issuing the impugned order no reasons & grounds have been supplied to the appellant nor the appellate authority has been provided any opportunity of hearing before dispensing her from service is amount to condemned unheard which is against natural justice & fair play.
- G. That the Respondent while issuing the impugned order has not only violated the law but also infringed the constitutional rights provided under Article 4, 10A & 25 of the Constitution of Islamic Republic of Pakistan 1973.
- H. That the Appellant is will qualified person and had obtained service through proper procedure duly constituting selection committee, therefore without adopting the proper procedure of inquiry in the matter the dispensing of appellant service is illegal, and unjustified.
- I. That as per the reported judgment of the Apex Supreme Court of Pakistan as well as delivered by this Honorable Service Tribunal and also envisaged in the Constitution of Islamic Republic of Pakistan 1973, no person / official should be condemned without solid reaons, proof of allegation, against the spirit of services law and punishment to the official could,

ATTESTED

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only be extended if there is any solid proof / clue leading towards the allegation, but in the present case, no complaint whatsoever has been made against the appellant in the long tenure of 10 years service nor any kind of tainted allegation has been mentioned, and only the general allegations without any proof, is nothing but amounts to harassment of the appellant.

J. That any other ground will be raised at the time of final arguments with the permission of the court.

It is therefore prayed that On acceptance of this Service appeal the impugned order dated 22/11/2017 passed by the Respondent No.4 may kindly be set aside and the appellant be reinstated to her service along with back benefits.

Any other remedy which this august tribunal deems appropriate may also be granted to the appellant.

Through

Appellant Zia Gul

Mohib Jan Salarzai

&

M. Irshad Mohmand

Advocates

High Court Peshawar

Dated: -/6/04/2018

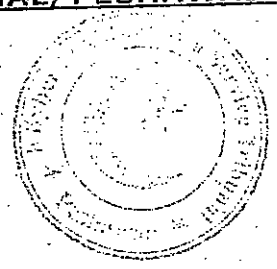
ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 550/2018

Date of Institution ... 17.04.2018

Date of Decision ... 11.11.2021



Mst. Zia Gul (Drawing Master BPS-15) Wife of Hamayoun Abil Rahman Resident of Mohallah Painsa Khel Tehsil & District Charsadda. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar and three others. (Respondents)

MR. MOHIB JAN SALARZAI, Advocate (For appellant in Service Appeal No.550/2018).

MS. NAILA JAN, Advocate (For appellants in Service Appeals No. 1380/2018 & 1390/2018).

MR. KABIRULLAH KHATTAK, Additional Advocate General --- For respondents.

MR. SALAH-UD-DIN --- MEMBER (JUDICIAL)
MR. ATIQ-UR-REHMAN WAZIR --- MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Through this single judgment we intends to dispose of instant Service Appeal as well as connected Service Appeal bearing No. 1380/2018 titled "Nighat Seema Versus the Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa and three others" and Service Appeal bearing No. 1390/2018 titled "Mst. Shama Begum Versus Director Elementary and Secondary Education Khyber

ATTESTED

ATTESTED

Secretary
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

Pakhtunkhwa Peshawar and four others", as common question of law and facts are involved therein.

2. Brief facts as alleged by the appellant in the instant service appeal are that certain posts of Drawing Masters were advertised through newspaper in the year 2006; that as the appellant was eligible and qualified for the said post, therefore, she applied for the same and was properly appointed vide appointment order dated 14.03.2006 issued upon recommendations of the Departmental Selection Committee after fulfilling of all legal and codal formalities; that the appellant was initially posted at Government Girls Middle School Thakot and was later on transferred to District Charsadda vide order dated 27.10.2011; that the salary of the appellant was astonishingly stopped in the month of January 2017, therefore, she filed Writ Petition in the august Peshawar High Court, Peshawar, seeking release of her salary; that vide order dated 14.09.2017, august Peshawar High Court, Peshawar directed the Director Anti-Corruption Khyber Pakhtunkhwa for probe into the matter and to submit his report in the court; that the Director Anti-Corruption instead of submitting his report in the Worthy High Court, straightaway registered FIR against the appellant as well as others, which has been challenged through filing of Writ Petition before august Peshawar High Court, Peshawar, wherein interim relief has been granted and the matter is still sub-judice; that the District Education Officer (Female) District Charsadda did not conduct any departmental inquiry and straightaway issued the impugned office order dated 22.11.2017, whereby the service of the appellant was dispensed with; that the impugned order dated 22.11.2017 was challenged through filing of departmental appeal, however the same was not responded within the statutory period, hence the instant service appeal.

3. Precise facts as alleged by the appellant in Service Appeal No. 1380/2018 are that she was appointed as Arabic Teacher vide order dated 01.09.2009 issued by the

ATTESTED

competent Authority and she was posted in Government Girls Middle School Gidri Khairabad District Battagram; that the appellant performed her duty with zeal and zest and was later on transferred to Government Girls Middle School Amir Abad Daki District Charsadda; that vide order dated 04.12.2012 the appellant was posted as Arabic Teacher in Government Girls High School Dadu Kally; that upon transfer of the appellant from District Battagram to District Charsadda, District Education Officer (Female) Battagram issued letter dated 09.01.2013, whereby the service as well as Educational documents of the appellant were verified, where-after District Education Officer (Female) Charsadda issued letter dated 16.01.2013 for release of salary of the appellant; that the appellant was receiving her salary, however all of a sudden, impugned order dated 22.11.2017 was issued, whereby service of the appellant was dispensed with; that the appellant challenged the same through filing of departmental appeal, which was not responded, therefore, the appellant filed the instant service appeal for redressal of her grievance.

4. Briefly stated the facts as alleged by the appellant in Service Appeal bearing No. 1390/2018 are that she had successfully completed/passed the required course of PTC Program in the year 1998 and was subsequently appointed as trained PTC vide order dated 07.05.2003 issued by Agency Education Officer Khyber Agency; that the appellant was posted in Government Girls Primary school Akakhel Bara Khyber Agency and was later on transferred to Government Girls Primary School Pemall Sharif Battagram, where she performed her duty with zeal and zest; that the appellant was then transferred to District Charsadda and served in various schools; that the Educational documents as well as appointment order of the appellant were verified by the concerned officer during her transfer from one school to another; that while serving in Government Girls Primary School Pegham Koroona District Charsadda, impugned order dated 22.11.2017 was issued, whereby the service of the

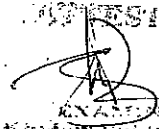
ATTESTED

4 (2) (51)

appellant was dispensed with; that the same was challenged by the appellant through filing of departmental appeal, which was rejected on 29.02.2017 and communicated to the appellant on 05.10.2018, hence the instant service appeal.

5. Notices were issued to the respondents, who submitted their comments, wherein they denied the assertions made by the appellants in their appeals.

6. Mr. Mohib Jan Salarzai, Advocate, representing the appellant in the instant service appeal has contended that the appellant was properly appointed as Drawing Master by the competent Authority upon approval of District Selection Committee; that the appellant has served in various schools and has rendered services in the Education Department for more than 11 years and was also receiving her salary till illegal stoppage of the same by the respondents in the month of January 2017; that the appellant had filed Writ Petition No. 2028-P/2017 in the august Peshawar High Court, Peshawar seeking release of her salary; that during the proceedings in the aforementioned Writ Petition, august Peshawar High Court, Peshawar referred the matter to Anti-Corruption Department with the directions to probe into the matter and submit its report, however instead of submitting its report, Circle Officer Anti-Corruption Establishment Charsadda directly registered FIR against the appellant as well as others, which has been challenged through filing of Writ Petition and interim relief has been granted to the appellant; that the departmental Authority has not conducted any inquiry against the appellant and has directly issued the impugned order, whereby services of the appellant were dispensed with by wrongly and illegally mentioning in the column of remarks that the same was done in light of judgment rendered in Writ Petition No. 2028-P/2017 because the said Writ Petition was dismissed being infructuous; that no regular inquiry was conducted in the matter and the appellant was condemned unheard; that upon transfer of the appellant to various schools, the

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ENABLING OFFICER
Muzaffargarh District Education Office
Services, Muzaffargarh

ATTESTED

concerned officers have verified the appointment order as well as service record of the appellant through written letters; that the impugned order being wrong and illegal is liable to be set-aside and the appellant is entitled to be reinstated in service with all back benefits. Reliance was placed on 2004 SCMR 303, 2009 SCMR 412, 2009 SCMR 663, 2011 SCMR 1220, 2004 SCMR 468 and 1997 SCMR 1552.

7. Ms. Naila Jan, Advocate, representing the appellants in connected Service Appeals No. 1380/2018 and 1390/2018 has relied upon the arguments advanced by learned counsel for the appellant in the instant service appeal.

8. On the other hand, learned Additional Advocate General for the respondents has contended that after a thorough inquiry into the matter, the appointments as well as all record pertaining to the service of the appellants were found fake and bogus; that the appellants were associated in the inquiry and proper opportunity of self defence as well as personal hearing were provided to them; that the inquiry officer has found the appointment orders of the appellants as fake and recommended that FIR may be registered against the appellants and the salaries received by them may be recovered and refunded in the government exchequer; that a proper legal inquiry was conducted into the matter by complying all legal and codal formalities, therefore, the impugned order may be kept intact and the appeals in hand may be dismissed. Reliance was placed on judgments dated 28.01.2019, 09.08.2017 and 13.01.2021 rendered by this Tribunal in Service Appeals No. 540/2014, 161/2014 and 13/2018 respectively.

9. We have heard the arguments of learned counsel for the appellants as well as learned Additional Advocate General for the respondents and have perused the record.

10. A perusal of the record would show that the appellants have alleged that they were properly appointed upon the



ATTESTED

recommendations of Departmental Selection Committee and they had served for so many years in various schools, however vide impugned order dated 22.11.2017, their services were dispensed with without any regular inquiry being conducted by the competent Authority. A bare perusal of the impugned order dated 22.11.2017 would show that the same was not passed in light of any regular inquiry conducted into the matter upon order of the competent Authority. The appellants have allegedly rendered services for considerable long period, therefore, it was incumbent upon the competent Authority to have conducted a proper inquiry into the matter prior to declaring the appointment orders of the appellants as fake. The appellants have not been afforded fair opportunity to defend themselves. The competent Authority has though given reference of court judgments rendered in Writ Petitions No. 2028-P/2017 and 4738-P/2017 in the column of remarks of the impugned orders, however the respondents have failed to produce any such judgments, whereby august Peshawar High Court, Peshawar had ordered for dispensing with the services of the appellants.

11. In view of the above discussion, the appeal in hand as well as connected Service Appeal bearing No. 1380/2018 titled "Nighat Seema Versus The Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa and three others" and Service Appeal bearing No. 1390/2018 titled "Mst. Shama Begum Versus Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar and four others", are allowed by setting-aside the impugned orders and the matter is remitted to the respondents to conduct regular inquiry into the matter within a period of 90 days of receipt of copy of this judgment. Needless to mention that the appellants shall be associated with the inquiry by providing them fair opportunity of defending themselves. Keeping in view the peculiar nature of controversy in question, no order regarding release of salaries of the appellants could be passed at this stage, which of course

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54

would be subject to outcome of the inquiry. Findings in this judgment shall have no bearing upon the criminal case registered vide FIR No. 02/2017 Police Station Anti-Corruption Establishment Charsadda. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
11.11.2021

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

Carried out by the copy

Atiq-ur-Rehman Wazir
Member (Executive)

Date of Presentation of Application 12/11/2021
Number of Words 3200
Copying Fee 34/-
Pages -
Fees 34/-
Date of Copying -
Date of Completion of Copy 22/12/2021
Date of Delivery of Copy 22/12/2021

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① (55) Annex J

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Execution Petition No: -P/2022
In
Service Appeal No.550-2018



Mst Zia Gul (Drawing Master BPS-15) Wife of Hamayoun Abil
Rahman Resident of Mohallah Painda Khel Tehsil & District
Charsadda (Petitioner)

VERSUS

1. Director Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (DEO) (Female) District
Charsadda (Respondents)

**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE JUDGMENT / ORDER
OF THIS HONORABLE TRIBUNAL VIDE DATED 11/11/2021
PASSED IN SERVICE APPEAL NO.550/2018**

Respectfully Sheweth:-

1. That the Petitioner had filed Service Appeal No.550/2018
before this Honorable Tribunal which was allowed vide
Judgment / Order dated 11/11/2021.(Copy of Judgment /
Order dated 11-11-2021 is attach as Annex A)

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ANNEX K

BEFORE THE KHYBER PUKHTUN KHAWA SERVICE TRIBUNAL PESHAWAR

56

SUBJECT: Implementation reports

Memo:

- (1) That the Hon'ble. Khyber Pukhtun Service Tribunal Peshawar (1) S/Appeal No. 1639/2019, titled Mst Nazma Ali, (2) S/Appeal NO, 1380/2019 titled Mst Nighat Seema (3) S/Appeal No, 550/2018 Mst Zia Gul (4) S/Appeal NO, 1390/18 Mst Shama Begum V/S Government of Khyber Pukhtun Khwa E&SE department Peshawar, were remanded to the Competent authority for de novo proceeding vide judgment dated 11-11-2021.
- (2) That de novo proceeding were conducted in compliance with judgment of the Hon,ble service tribunal and the petitioners/Appellants were removed from service vide Endst NO, 12025-30 dated 16-06-2022. (Copies Appended)
- (3) That the respondent department filed CPLAs against the said Judgments vide CPLAs NO, 55, 56, 57, 58-P/2022

it is therefore humbly requested that the Judgments dated 11-11-2021 has been Implemented as such Execution petitions may very graciously be Consigned please,

Sumer 25/08/22
DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAKDA

ATTESTED



Office of the District Education Officer Female

District Charsadda

0919220086 emischarsadda.deof@yahoo.com

No. 6720 / Dated 20 / 01 - 2022

57

Notification

In the light of the Judgment passed by the Hon,ble Service Tribunal on 11-11-2021 with others (3) club cases, the competent authority is pleased to reinstate the following teachers for the purpose of de novo enquiry only.


| S.No. | Name of teacher | School names |
|-------|------------------------|----------------------------------|
| 1 | Mst Nazma Ali Ex-CT | GGMS Rajjar Charsadda |
| 2 | Mst shama begum Ex-PST | GGPS pigham Charsadda |
| 3 | Nighat seema Ex AT | GGHS Dadu killi Charsadda |
| 4 | Mst Zia Gul Ex-DM | GGMS Dheri Hameed Mian Charsadda |

DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAKDA

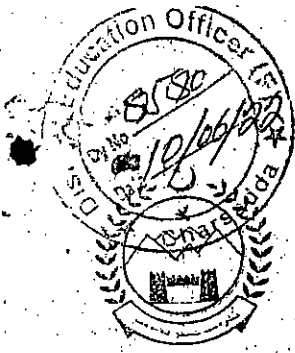
Endst NO 6720-4 dated 20 / 01 - 2022

Copy for information

- (1) PA to director E&SE khber pukhtoon khwa
- (2) Mst Nazma Ali Ex-CT GGMS Rajjar Charsadda.
- (3) Mst Shama begum EX-PST GGPS Pigham'killi Charsadda.
- (4) Mst Nighat seema EX-AT GGHS Dadu killi Charsadda.
- (5) Mst Zia Gul EX- DM-'GGMS dheri I Hameed Mian Charsdda.
- (6) office file.


DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAKDA

ATTESTED



DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR
Phone No: 091-9225339, Fax #: 091-9219936

58

No. 7671 /AD (Lit-II)

Dated Peshawar the 03 / 06 /2022

ADO (Lit II) ADO S/P
Keep in record
in proper file
D.S.O.

To
The District Education Officer,
(Female) Charsadda.

Subject: - SERVICE APPEAL NO. 1639/2019 TITLED BY MST. NAZIMA ALI
SERVICE APPEAL NO. 1390/2018 BY MST. SHAMA BEGUM. SERVICE
APPEAL NO. 1380/2019 TITLED BY NIGHAT SEEMA SERVICE
APPEAL NO. 550/2018 TITLED BY ZIA GUL.

Memo:

I am directed to refer you letter No. 8158 dated 03-03-2022 on the subject cited above & to intimate you that vide Notification bearing Endst No. 469-72/F. No. Lit-II Charsadda Nazima Ali/SA: 1639/19 dated 16-03-2022, inquiry has been conducted in the titled cases by this Directorate E&SE on your request vide the above cited letter.

In this regard, the Chairman of inquiry committee has submitted inquiry report vide letter No. 723 dated 28-04-2022 consisting of 5 pages & 24 Annexures is hereby forwarded with the directions that an appropriate action may be taken pursuant to the recommendation of the inquiry report, immediately, being a competent authority, under the intimation of this Directorate E&SE Khyber Pakhtunkhwa Peshawar please.

7/6/2022
ASSISTANT DIRECTOR (LIT: II)

Endst No: _____

Dated Peshawar the: ___/___/2022.

Copy forwarded for information to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Principal GHSS Musazia Peshawar.
3. Deputy District Education Officer (Male) Mohmand.
4. Deputy Director (Legal) E&SE Khyber Pakhtunkhwa Peshawar.
5. Deputy Directress (Estab/R-I) E&SE Khyber Pakhtunkhwa Peshawar.
6. PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
7. Master file.

ASSISTANT DIRECTOR (LIT: II)

ATTESTED



OFFICE OF THE PRINCIPAL GHSS MOSA ZAI PESHAWAR

No 723 /Inquiry Charsadda (F)

Dated: 29/4/2022

59

To

The Director
Elementary & Secondary Education KP Peshawar.

SUBJECT: INQUIRY REPORT REGARDING SERVICE APPEAL NO1639/2019 TITLED
MST NAZMA ALI, SERVICE APPEAL NO 1390/2018 TITLED MST SHAMA BEGUM,
SERVICE APPEAL NO 1380/2019 TITLED NIGHAT SEEMA AND SERVICE APPEAL
NO 550/2018 TITLED ZIA BEGUM

R/Sir,

Kindly refer to your office Notification No 469-72 dated 16/3/2022, enclosed please find
herewith Inquiry Report consisting of 5 pages and 24 Annexures is submitted to your goodself for
further necessary action please.

Signature
PRINCIPAL,
GHSS Mosa zai Peshawar

554
29/4/2022

29/4/22

ATTESTED



OFFICE OF THE PRINCIPAL GHSS MOSA ZAI PESHAWAR

No. 723 /Inquiry Charsadda (F)

Dated: 28/4/2022

60

To

The Director
Elementary & Secondary Education KP Peshawar.

SUBJECT: INQUIRY REPORT REGARDING SERVICE APPEAL NO1639/2019 TITLED MST NAZMA ALI, SERVICE APPEAL NO 1390/2018 TITLED MST SHAMA BEGUM, SERVICE APPEAL NO 1380/2019 TITLED NIGHAT SEEMA AND SERVICE APPEAL NO 550/2018 TITLED ZIA BEGUM

R/Sir,

Kindly refer to your office Notification No 469-72 dated 16/3/2022, enclosed please find herewith Inquiry Report consisting of 5 pages and 24 Annexures is submitted to your goodself for further necessary action please.

251-E

Shabeer Ahmad

PRINCIPAL
GHSS Mosa zai Peshawar

1864
28/4/2022

ATTESTED

PRODUCTION:

The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar constituted the following committee vide his office Notification No 469-72 dated 16/3/2022 received on 29/3/2022 to probe as per report of the DEO(F) Charsadda letter No 8158 dated 3/3/2022 regarding Service Appeal No 1639/2019 titled Mst Nazma Ali, Service Appeal No 1390/2018 titled Mst Shama Begum, Service Appeal No 1380/2019 titled Nighat Seema and Service Appeal No 550/2018 titled Zia Begum.

- ❖ Mr. Shabeer Ahmad Principal (BS-19) GHSS Mosazia Peshawar
- ❖ Mr. Liaqat Ali (Bs-18) DDEO(M) Mohmand

Chairman
Member
Annexure ---1&2

PROCEEDINGS:

- ❖ The committee visited the o/o the DEO (F) Charsadda on 31/3/2022 before informing the DEO (F) Charsadda telephonically on 30/3/2022 but it was very sad that she did not bother to attend the committee. However, the Committee was handed over the related record by the Litigation branch.
- ❖ The DEO (F) Charsadda was requested through a letter No 706 dated 8.4.2022 to be present with all the relevant record along with statement in speaking order and also inform the concerned Ex- Teachers to appear before the committee on 12.4.2022 at the o/o the DEO (F) Charsadda.
Annexure ---03
- ❖ The DEO (F) Charsadda directed all the following 04 Ex- Teachers to appear before the inquiry committee for personal hearing along with all the relevant record/documents on 12/04/2022 at 09:30 AM at the Office of the DEO (F) Charsadda vide DEO (F) Charsadda letter No. 9388-89 dated 08/04/2022.
 - i. Mst. Nazma Ali EX-CT GGMS Rajar Charsadda
 - ii. Mst. Shama Begum Ex- PST GGPS Pigham Charsadda
 - iii. Mst. Nighat Seema Ex- AT GGHS Dadu Killi Charsadda
 - iv. Mst. Zia Gul Ex-DM GGMS Dheri Hamid Mian Charsadda
Annexure --- 04

- ❖ The letters were dispatched to the Ex-teachers/petitioners on their home address through registry. Annexure --- 05. The Ex- teachers were also informed telephonically one day before on 11/4/2022 regarding their personal hearing on 12/04/2022.
- ❖ The inquiry committee again visited the office of DEO (F) Charsadda on 12/04/2022 as per schedule in order to record the statement of the Ex-teachers and further analyse the available record but none of the Ex- teachers/petitioners turned up for personal hearing till office hours on the said date. Attendance is attached as Annexure---6. The DEO (F) Charsadda stated that the four Ex-teachers were called to her office one day before the arrival of the inquiry committee i.e. on 11/4/2022 and asked them to appear before the inquiry committee on 12/4/2022 and handed over the hard copies of her office letter No 9383-87 dated 8/4/2022 in reference to the letter of the inquiry committee but they refused to receive the hard copies. Statement of the DEO (F) Charsadda Mst. Suraya Begum is attached as Annexure -07

After scrutinizing the available record and inquiries at the office of DEO (F) Charsadda, the committee gathered the following:

NAZMA ALI Ex- CT CHARSAKDA

BACK GROUND & ORIGIN OF THE ISSUE:

That Nazma Ali Ex-CT was dismissed from service on the charge of fake appointment vide DEO (F) Charsadda No 1508-15 dated 19/07/2019 upon the recommendation of the inquiry report of Miss Naheed Anjum Deputy Directress E&SE Khyber Pakhtunkhwa Peshawar constituted vide No. 9749-51 dated 26/10/2018. The origin of the issue was that the DEO (F) Charsadda requested for inquiry after the anti-corruption Charsadda sent a letter to her office on 25/9/2017 regarding detail of the teachers who were transferred from other districts and ex PATA from 2006 onward. A letter for verification of service documents was again sent to DEO (F) Battagram vide No 7972 dated 21/7/2017 and reminder for the verification was sent vide No 13919 dated 3/2/2018. The documents were received duly verified vide DEO (F) Battagram No 5390 dated 9/3/2018 bearing signatures like the then DEO (F) Battagram Mst Rehana Yasmin. However, the DEO (F) Charsadda was in doubt and she sent the documents for re verification through email. In reply an email was received from the DEO (F) Battagram in which she told that not only the verification letter was fake but also the

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Dispatch No on the letter did not match with the Dispatch Register.

Annexure---8 (Dismissal order) & 9 (Inquiry Report).

FINDINGS OF THE INQUIRY OF Miss NAHEED ANJUM DEPUTY DIRECTRESS E&SE KHYBER PAKHTUNKHWA:

- The appointment order No. 5509-14 dated 28/01/2011 (District Battagram) is fake and bogus.
- Teacher Attendance Register of GGMS Shamlae revealed that she had never been part of that school.
- The salary record was not traceable from Battagram.
- Transfer order issued by the Directorate No. 833-38/A-167/2013 dated 01/03/2013 was also not confirmed as the file was missing in the Directorate.
- The academic documents provided were also not verified by the institutions concerned.
- Verification of all documents also proved fake.
- The ministerial staff in the female DEO office are responsible for the loss or non-production of official record. One can only wonder how salary was started without appointment order and verification of academic documents.

FILING OF SERVICE APPEAL IN THE KP SERVICE TRIBUNAL PESHAWAR

- > She filed service appeal No.1639/2019 Vide Diary No.1767 dated 4/12/2019 before the KP Service Tribunal Peshawar for her re-instatement
- > The KP Service Tribunal Peshawar in its judgment on 11/11/2021 set aside the impugned order by DEO (F) Charsadda dated 22/11/2017 and ordered a de-novo inquiry.

SHAMA BEGUM Ex-PST CHARSADDA

BACK GROUND & ORIGIN OF THE ISSUE:

That Shama Begum was dismissed/dispensed from service vide DEO (F) Charsadda No 10643 dated 22/11/2017 at S# 5 upon the recommendation of the inquiry committee consisting of Mr Muhammad Iqbal BS-19 Principal GHS Badabher District Peshawar and Safdar Khan BS-18 Principal GHS Gulshan Rehman Colony Peshawar which was constituted by the Directorate on the request of the DEO (F) Charsadda Vide her Office No4798 dated 22/6/2017. History of the case was that salary of Mst Shama Begum Ex-PST GGPS Piagham Charsadda was stopped by the then SDEO (F) Charsadda Miss Nadia (Present DDEO F Peshawar) for the reason that her appointment order and other relevant documents regarding her services were fake as she failed to provide the documents required to the SDEO (F) Charsadda asked vide her office No 219 dated 26/8/2014. That Shama Begum instead of providing the requisite documents to the SDEO concerned knocked at the door of the Honourable Peshawar High Court against the decision of the SDEO (F) Charsadda of her stoppage of pay.

Annexure---10 (Dismissal/Dispensed Order) & 11 (Inquiry Report)

FINDINGS OF THE INQUIRY COMMITTEE CONSISTING OF Mr. MUHAMMAD IQBAL BS-19 PRINCIPAL GHS BADABHER DISTRICT PESHAWAR AND Mr. SAFDAR KHAN BS-18 PRINCIPAL GHS GULSHAN REHMAN COLONY PESHAWAR which is reproduced as under:

- 1) The Agency Education Officer Khyber Agency at Jamrud in his written statement when asked about verification of service documents of Mst Shama Begum Ex-PST GGPS Aka Khel Bara Khyber Agency furnished the following to the inquiry committee:
 - i. The name of the school i.e. GGPS Aka Khel Bara Khyber Agency where the teacher concerned was shown her adjustment on her initial appointment neither exist on the grounds of Khyber Agency nor in the papers of the record of Khyber Agency Education Department i.e. in the SNE of the AEO office of the Khyber Agency.
 - ii. The bogus signature ridiculously appended to the appointment order of Mst Shama Begum has been resembling to the signature of the Ex-AEO Khyber Agency Mr Dilbar Khan but his period of service has been w.e.f 21/03/2004 to 16/8/2005 as is evident from the AEO display board in the office of the AEO.
 - iii. Mr Jahngi Khan remained the AEO of Khyber Agency for the period w.e.f 01/04/2003 to 6/8/2003.
 - iv. The bogus signature appended to the LPC of Mst Shama Begum was resembling to the signature of Ex-AEO Khyber Agency Mr Hashim Khan Afridi which did not match with his specimen signature.
 - v. No record was available regarding appointment/service/salaries of the teacher concerned in the office of the AEO Khyber Agency.
- 2) The Director Education ex FATA Secretariat Peshawar in his written statement has disown the signature appended to the LPC of the teacher concerned.

ATTESTED

- 63
- 3) The Director E&SE KP Peshawar in his written statement disown the Endst No and signature appended to the transfer orders in r/o Mst Shama Begum bearing No 12085-97/F.No 103/PTC (F) FATA to settle: dated 13/4/2011 and 3464-69/F.No 51/Gen.Transfer(F) FATA to settle dated 7/9/2011 and further declared that no record was found regarding her transfer either from FATA to District Battagram or from District Battagram to District Charsadda.
 - 4) During the course of inquiry proceedings this inquiry committee came across many other anomalies such as :
 - i. The LPC No 975 dated 31/5/2011 prepared for the month of May, 2011 depicts her Basic Pay Rs 3820 per month which is minimum initial of BPS-09 in May 2011.
 - ii. And the LPC No 129 dated 31/8/2011 prepared for the month of August 2011 depicts her Basic Pay Rs 6200 per month which is minimum initial of BPS-09 in July 2011.
 - iii. Whereas the page No 06 of her Service Book shows her Basic pay Rs 5200 in May 2011 and the Rs 8480 in the August 2011 which is 6th stage which she might deserve only after passage of his six long years.
 - 5) Looking for her own interest to validate her fake services, the teacher concerned driving the nail a right, ultimately succeeded in her fraudulent plan, when in pursuance of the Director E&SE KP Peshawar Endst No 3464-69F.No 51/Gen.Transfer(F) dated 7/9/2011 she was transferred from District Battagram to GGPS Paigham District Charsadda where her pay was started and she claimed and drew her all undue and illegal arrears w.e.f. 31/5/2011 to 01/09/2011 on the basis of fake documents as evident from the page No 07 of her Service Book and pay Roll for the month of June 2011.
 - 6) She was paid normally up to 30/6/2014 till her pay was stopped by the SDEO (F) Charsadda for the doubt of fakeness of her basic service documents.

In short the committee stated that all her documents are bogus.

FILING OF SERVICE APPEAL IN THE KP SERVICE TRIBUNAL PESHAWAR

- She filed service appeal No.1390/2018 Vide Diary No.1585 dated 30/10/2018 before the KP Service Tribunal Peshawar for her re-instatement
- The KP Service Tribunal Peshawar in its judgment on 11/11/2021 set aside the impugned order by DEO (F) Charsadda dated 22/11/2017 and ordered a de-novo inquiry.

MST. NIGHAT SEEMA EX- AT CHARSADDA

BACK GROUND & ORIGIN OF THE ISSUE:

- ❖ Mst. Nighat Seema was appointed as AT (BS-09) at GGMS Gidri Khair Abad in Battagram District allegedly on a fake and bogus appointment letter bearing Enst No.3964-70 dated 01/09/2009 by DEO (F) Battagram. Annexure --- 12
- ❖ She was transferred to GGMS Amir Abad Dhaki District Charsadda vide Director E&SE Khyber Pakhtunkhwa Endst No.1766-71 dated 16/11/2012. Annexure --- 13
- ❖ The said teacher was re-adjusted at CGHS Dado Killi Vide DEO E&SE Charsadda Endst No. 2486-90 dated 04/12/2012. Annexure---14
- ❖ The DEO (F) Charsadda dispensed with the service of Mst. Nighat Seema for allegedly being fake and bogus on 22/11/2017 vide order No.10643. (Already attached as Annexure-10)
- ❖ The said teacher, being aggrieved, submitted a departmental appeal to Director E&SE KP for re-instatement on 20/12/2017. Annexure---15
- ❖ In response to a letter for verification of appointment order and service record of Mst. Nighat Seema, the DEO (F) Battagram in a letter to Directorate E&SE Khyber Pakhtunkhwa Vide No.3046 dated 16/07/2019 stated that the said teacher was never employed and there is no record available regarding her service at DEO (F) Battagram. Annexure---16
- ❖ In the meanwhile, Mst. Nighat Seema (Ex-AT) on rejection of her Departmental Appeal by the competent authority submitted service appeal No.1380/2019 Vide Diary No.1617 dated 08/11/2018 before the KP Service Tribunal Peshawar for her re-instatement.
- ❖ The KP Service Tribunal Peshawar in its judgment on 11/11/2021 set aside the impugned order by DEO (F) Charsadda dated 22/11/2017 and ordered a fresh regular inquiry.

FINDINGS:-

1. Arabic Teacher (AT) is a District cadre post and a domicile holder of one district is not eligible to apply for the said post in another district in normal circumstances as per rules.
2. Mst Nighat Seema has no service record at District Battagram as per DEO (F) Battagram report. (Already attached as Annexure 14)
3. Mst. Nighat Seema has no salary record at District Battagram.
4. DEO (F) Charsadda has also declared the appointment of Mst. Nighat Seema as fake and bogus.

ATTESTED

5. Mr. Adnan B/O Mst Nighat Seema confessed in Court that his 'sister's appointment letter was fake and bogus. He further stated that Ameen named clerk who was serving at that time in GHS No 1 Peshawar had taken Rs 5.80.000/- from his father and handed over a fake and bogus order.

Annexure---17

64

MST. ZIA GUL EX-DM CHARSDADA

BACK GROUND & ORIGIN OF THE ISSUE:

- ❖ Mst. Zia Gul of District Charsadda was appointed as DM (BS-09) on allegedly a fake and bogus appointment letter in District Battagram vide Endst No 3505-09 dated 14/03/2006 and was posted at GGMS Thakot Battagram on her appointment. Annexure---18
- ❖ Her posting is also mentioned at GGMS Mohandri (District Mansehra) w.e.f 01/10/2009 as per copy of her service book at page No.50. Annexure---19
- ❖ There is no record available of her transfer from GGMS Thakot Battagram to GGMS Mohandri (Mansehra).
- ❖ She was transferred to GGMS Dheri-Hamid Mian Charsadda from GGMS Shalian District Mansehra vide office of the Director E&SE KP Peshawar Endst No.3655-50 dated 27/01/2011. Annexure---20
- ❖ It is noteworthy to mention here that there is no record of Mst. Zia Gul either transferred to or served at GGMS Shalian Mansehra.
- ❖ An inquiry was conducted through Mr. Jehangir (Principal) Government Shaheed Osama Zafar GMHSS No.2 Peshawar City and Mr. Khizer Hayat Senior Subject Specialist GGHSS No.4 Peshawar city in compliance to Director E&SE KP Notification bearing Enst No.4184-86 dated 25/09/2017.
- ❖ The said inquiry committee in its findings concluded that the appointment order of Zia Gul as DM at GGMS Thakot District Battagram is fake and bogus as per record of DEO (F) Battagram. Annexure---21
- ❖ In response to DEO (F) Charsadda letter No.8956 dated 8/12/2016 regarding service verification in R/O Mst. Zia Gul (Ex-DM), the DEO (F) Battagram declared her appointment as fake and bogus vide letter No.312 dated 18/01/2017. Annexure---22
- ❖ The Peshawar High Court in its decision on 14/09/2017 in W.P.No 2028-P/2017 referred the case to Director Anticorruption KP with the direction to probe into the matter within a fortnight positively and submit the report. Annexure---23
- ❖ The Anticorruption Department Charsadda lodged an FIR against Mst. Zia Gul on 21/09/2019 without submitting an inquiry report to Court or any other office.
- ❖ In the meanwhile, the DEO (F) Charsadda dispensed with the services of Mst. Zia Gul (Ex-DM) for being fake and bogus vide DEO (F) Charsadda order No.10643 dated 22/11/2017. (Already attached as Annexure-10)
- ❖ The said teacher submitted a Department Appeal for her re-instatement into service to Director E&SE KP on 20/12/2017
- ❖ On rejection of her appeal by the Appellate Authority, she filed a service appeal in the KP Service Tribunal Peshawar.
- ❖ The KP Service Tribunal gave its judgment in the said case on 11.11.2021, setting aside the impugned order by DEO (F) Charsadda dated 22/11/2017 and also ordered to conduct a regular inquiry into the matter.

FINDINGS:-

1. Drawing Master (DM) is a District cadre post and Mst. Zia Gul (Domicile holder of District Charsdda) was not eligible to apply for DM post at a far flung District Battagram.
2. No record of Mst.Zia Gul's appointment and transfer is available at DEO (F) Battagram.
3. The said teacher was provided a fair opportunity to defend herself by inquiry committee led by Mr. Jehangir (Principal) GHSS No.2 Peshawar city.
4. Mst Zia Gul did not appear for self-defence and personal hearing to the present inquiry committee on 12/04/2022.
5. All the relevant record and the earlier inquiry report clearly suggest that the appointment letter of Mst. Zia Gul (Ex-DM) was fake and bogus.

CONSOLIDATED MAIN FACTS & FINDINGS OF ALL FOUR CASES:

After scrutinizing the statement, inquiries and available record at the o/o the DEO (F) Charsadda, the following major findings were brought about as a result:

ATTESTED

- 65
1. All the four posts in the concerned cases i.e CT.PST. AT and DM are District cadre posts and no candidate from out district is eligible to apply for the posts.
 2. The Four Ex-teachers i.e. Mst. Nazma Ali (Ex-CT), Shama Begum (Ex-PST), Nighat Seema (Ex-AT) and Mst. Zia Gul (Ex-DM) are the residents of District Charsadda and they were not even eligible for the district cadre posts in out districts.
 3. The Four Ex-teachers i.e Mst. Nazma Ali (Ex-CT), Shama Begum (Ex-PST), Nighat Seema (Ex-AT) and Mst. Zia Gul (Ex-DM) deliberately abstained from appearing before the inquiry committee for personal hearing and self-defence on 12/4/2022.
 4. As per the earlier inquiry reports, Peshawar High Court decision, thorough scrutiny of available evidences and record; The DEO (F) Charsadda order No.10603 dated 22/11/2017 regarding termination of Shama Begum Ex-PST, Nighat Seema Ex-AT and Zia Gul Ex- DM is legal and justified.
 5. That Nazma Ali Ex-CT Dismissal from Service on the charge of fake appointment vide DEO (F) Charsadda No 1508-15 dated 19/07/2019 upon the recommendation of the inquiry report of Miss Naheed Anjum Deputy Directress E&SE Khyber Pakhtunkhwa Peshawar constituted vide No. 9749-51 dated 26/10/2018 is also legal and justified.
 6. No action had been taken against the officers/officails responsible for it as per FIR of COACECHD dated 09/10/2017.

Annexure ---24

The report is submitted for further necessary action please.

Shabeer Ahmad

Principal
Mosa zai Peshawar

LIAQAT ALI

Deputy District Education Officer
(Male) Mohmand

ATTESTED

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**OFFICE OF THE DIRECTRESS ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR**

NOTIFICATION.

The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar is pleased to constitute the following committee to probe as per DEO Female Charsadda letter No. 8158 dated 3.3.2022

1. Mr. Shabeer Ahmad Principal (B-19) CHISS Mosazai Peshawar Chairperson
2. Mr. Liaqat Ali DDEO Mohmand Member

The inquiry committee will submit report to this office within ten (10) days positively.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 469-72 /F.No.Litt-II Charsadda Nazma Ali /SA:1639/19 Dated 16/03/2022

Copy forwarded to the:-

1. Mr. Shabeer Ahmad Principal (B-19) CHISS Mosazai Peshawar **(Registered)**
2. Mr. Liaqat Ali Dy: District Education Officer Mohmand **(Registered)**
3. District Education Officer (F) Charsadda with the remarks to assist and provide the relevant record to the Inquiry Officer concerned.
4. P.A to Director E&SE Peshawar.

Assistant Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

ATTESTED

OFFICE OF THE DIRECTRESS ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR

NOTIFICATION

The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar is pleased to constitute the following committee to probe as per DEO Female Charsadda letter No 8158 dated 03.03.2022.

1. Mr Shabeer Ahmad principal (B-19)
GHSS Mosazai Peshawar Chairperson
2. Mr Liaqat Ali DDEO Mohmand Member

The inquiry committee will submit report to this office within ten 10 days positively.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst No. 469-72/F.No.Lin-II Charsadda Nazma Ali/SA:1639/19 Dated 16.02.2022

Copy forwarded to the:

1. Mr Shabeer Ahmad Principal B-19 GHSS Mosazai Peshawar (Registered)
2. Mr Liaqat Ali Dy: District Education Officer Mohmand (Registered)
3. District Education Officer (F) Charsadda with the remarks to assist and provide the relevant record to the Inquiry Officer concerned.
4. PA to Director E&SE Peshawar.

Assistant Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

ATTESTED

67

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) CHARSDADA
NO. 515 / DATED 23 / 02 / 2022

Immediate Court Matter Case.

To

The Director,
E&SE Govt of Khyber Pakhtunkhwa
Peshawar.

SUBJECT:- Petition for Appeal
No. 12114 dated 12/12/2021 against the subject judgments filed by

Area

Reference to your letter no 12114 dated 12/12/2021 on the subject noted above as per your directions this office has filed the CPLA against the subject judgments. As the CPLA has already been filed, your good office is requested by the undersign through letters no 6764-66 dated 21/01/2022 and 7876 dated 21/02/2022. It is once again requested to nominate an inquiry officer at your own level in order to avoid legal complication.

Your good office early response will be highly appreciated please.

DISTRICT EDUCATION OFFICER
(FEMALE) CHARSDADA


Enclstr No. _____

Copy to the:

1. Section officer litigation (If) E&SE department Khyber Pakhtunkhwa Peshawar.
2. Deputy Director (legal) E&SE department Khyber Pakhtunkhwa Peshawar.
3. Office file.

DISTRICT EDUCATION OFFICER
(FEMALE) CHARSDADA

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ATTESTED


OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAJDA

No. 8154/Dated 23/.02.222

Immediate Court Matter Case.

To:

The Director,
E&SE Govt of Khyber Pakhtunkhwa
Peshawar

Subject: (NIL)

Memo:

Reference to Order letter No. 12114 dated 21.12.2021 on the subject noted above as per your directions this office has filed the CPLA against the subject judgment. As the CPLA has already been filed, your good office is requested by the undersign through letters No 6764-66 dated 21.01.2022 and 7876 dated 21.02.2022. It is once again requested to nominate an inquiry officer at your own level in order to avoid legal complication.

Your good office early response will be highly appreciated please.

DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAJDA

Endst No. _____

Copy to the:

1. Section Officer litigation (II) E&SE Department Khyber Pakhtunkhwa Peshawar.
2. Deputy Director (Legal) E&SE Department Khyber Pakhtunkhwa, Peshawar.
3. Office file.

DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAJDA

ATTESTED



Annexure
OFFICE OF THE PRINCIPAL GHSS MUSAZAI PESHAWAR

(68)

No. 706 /Inquiry Charsadda (F)

Dated: 08/04/22

To.

The District Education Officer
(Female) Charsadda

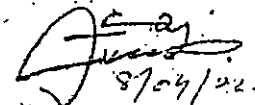
SUBJECT: INQUIRY REGARDING SERVICE APPEAL NO1639/2019 TITLED MST NAZMA ALI, SERVICE APPEAL NO 1390/2018 TITLED MST SHAMA BEGUM, SERVICE APPEAL NO 1380/2019 TITLED NIGHAT SEEMA AND SERVICE APPEAL NO 550/2018 TITLED ZIA BEGUM

Memo

The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar was pleased to constitute the following committee vide his office Notification No 469-72 dated 16/3/2022 to probe as per report of the DEO(F) Charsadda letter No 8158 dated 3/3/2022 regarding Service Appeal No1639/2019 titled Mst Nazma Ali, Service Appeal No 1390/2018 titled Mst Shama Begum, Service Appeal No 1380/2019 titled Nighat Seema and Service Appeal No 550/2018 titled Zia Begum:

- Mr. Shabeer Ahmad Principal (BS-19) Chairman
- Mr. Liaqat Ali (Bs-18) DDEO(M) Mohmand Member

You are hereby requested to make ready the record along with your written statement reflecting the whole history in speaking order and also direct/inform the said four Ex-teachers to appear before the committee in person on 12.4.2022 at your office positively.


8/04/22
Shabeer Ahmad

PRINCIPAL
GHSS Musazai Peshawar

PRINCIPAL
G.H.S.S. Musazai
Peshawar

ATTESTED

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE)CHARSADDA.
NO. _____ DATED _____ 2022.

69

TO

1. MST Nazma Ali Ex. CT GGMS Rajjar.
2. Mst Shama Ex PST GGPS Pigham Chd.
3. Mst Nighat Seema Ex AT GGHS Dadu killi.
4. Mst Zia BEGUM Ex DM GGMS Dheri Hameed Mian.

Subject. INQUIRY REGARDING SERVICE APPEAL NO 1639/2019 TITLED MST NAMA ALI SERVICE APPEAL NO 1390/2018 TITLED MST SHAMA BEGUM SERVICE APPEAL NO 1380/2019 TITLED NIGHAT SEEMA AND SERVICE APPEAL NO 550/2018 TITLED ZIA BEGUM.

MEMO

Reference letter received from the Inquiry Officer vide NO 706/Inquiry Charsadda(f) dated. 08.04.2022 regarding above cited subject.

You all are directed to attend the office of the undersigned in person on 12.4.2022 at 9.30 AM along with your complete service record positively.

Encl (Photo copy attached)

DISTRICT EDUCATION OFFICER
(FEMALE)CHARSADDA.

Endst NO 9355-89

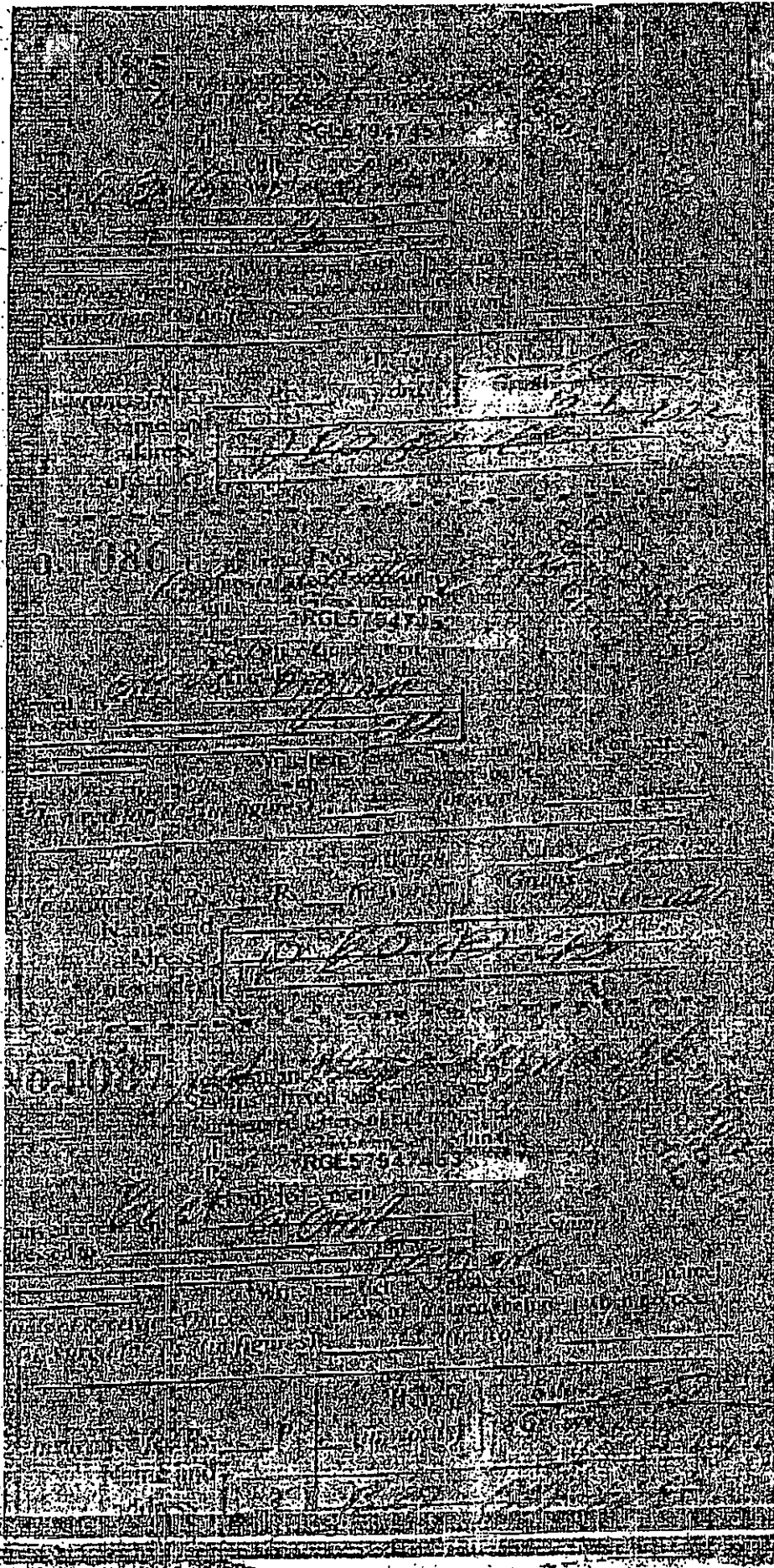
Copy forwarded to the

1. Principal GHSS Musazai Peshawar for information please.
2. ADEO(litigation) local office.
3. Office file.

8/11/2022
DISTRICT EDUCATION OFFICER
(FEMALE)CHARSADDA

ATTESTED

70



ATTESTED

A large, stylized handwritten signature or scribble, possibly in black ink, extending from the 'ATTESTED' line down towards the bottom of the page. It has a long, sweeping vertical stroke and a curved top.

ATTENDANCE SHEET

INQUIRY:- VIDE DIRECTORATE OF E&SE KHYBER PAKHTUNKHWA NO.469-72 DATED 16/3/2022

VENUE:- DISTRICT EDUCATION OFFICER (F) CHARSAKDA

Date 12/1/2022

(A. S. H. Khan)

7

12/1/2022

| S.# | NAME OF OFFICER/OFFICIAL | DESIGNATION | CONTACT NO | SIGNATURE |
|-----|--------------------------|------------------|------------|-------------|
| 01 | Farah Begum | District Officer | 0333353653 | [Signature] |
| 02 | Nazma Begum | Ex - CT | | [Signature] |
| 03 | Neqhat Seema | Ex - AT | | Absent |
| 04 | Zia Gul | Ex - DM | | Absent |
| 05 | Nazma Ali | Ex - CT | | Absent |
| 06 | Shaguffa Rani | Ex - AT (1st) | | [Signature] |
| | | | | |
| | | | | |

ATTESTED

[Signature]

12/1/2022

12/09/2022

(72)

STATEMENT OF DEO (FEMALE) CHARSADDA.

MST: SURAYYA BEGUM EX- DEO (F) BANNU / PRESENT DEO (F) CHARSADDA.

In pursuance of the letter of the inquiry committee vide his office No. 706 dated 8/4/2022, a letter was issued to the Ex- teachers named, Nazma Ali , Shama begum, Nighat Seema and Zia Gul vide DEO (F) Charsadda No. 9383-87 dated 08/04/2022 with the direction to appear before the inquiry committee in person in the office of the DEO (F) Charsadda on 12/04/2022 along with record. Moreover, the said Ex- Teachers were also informed telephonically to attend this office on 11/04/2022. They attended the office of the DEO (F) Charsadda one day before the arrival of the inquiry committee i-e 11/04/2022. They refused to receive the hard copies of the said letter of this office.

Surayya Begum 12/04/2022
DISTRICT EDUCATION OFFICER
(FEMALE) CHARSADDA

ATTESTED



(42) (10)

**Office of the District Education Officer Female
District Charsadda**

No. 0919220086

amischarsadda.deof@yahoo.com

Dated _____ 2019

73

NOTIFICATION

1. Whereas Mst Nazma Ali CT (BPS-15) GGHS Rajjar r/p Rajjar Charsadda, was proceeded under Khyber Pakhtun khwa Govt. servants (Efficiency and Discipline) Rules 2011, on the charges of Fake Appointment.

2. And whereas the undersigned directed to the accused teachers through notice time and again and found her as a fake appointee.

And whereas the Worthy director E&SE Deptt. Khyber Pakhtun khwa Peshawar initiated/conducted enquiry Vide No. 6754 E. No. 14 (F)/Appeal Charsadda, dated 24-05-2019 against Mst Nazma Ali (CT) through Mst. Naheed Anjum Deputy Director Female E&SE Khyber Pakhtun khwa, Hence the Appointment order of Mst Nazma Ali declared fake by the enquiry officer with the direction to the DEO (F) Charsadda may register an FIR in the Anti Corruption against the said fake teacher and all amount taken as salary may be recovered and refund to Government exchequer.

3. And Whereas, the show cause notices vide NO 16615 dated 30/5/2018, No.16665 dated 2/6/2018, No16736 dated 6/6/208 and personal hearing, 20825 dated 13/11/2018 and E-mail verification by DEO(F) Battagram dated 23-5-2019 was served upon to Mst Nazma Ali Through DEO (F) Charsadda.

4. And Whereas, the authority having considering the charges, evidence on the record as per enquiry report, hence keeping in view the charges leveled against her have been proved hence she is not remained a civil servant under the rules on account of fake appointment letter.

Therefore, in exercise of the powers conferred by the Khyber pakhtun khwa Govt. servants, (Efficiency and Discipline) rules 2011, the competent authority is pleased to impose the Major penalty of Dismissal from service upon Mst Nazma Ali CT GGHS Rajjar Distt Charsadda with immediate effect.

The DDEO (F) Charsadda already stopped her salary due to having fake appointment letter.

(Ulfat Begum)
District Education officer (Female)
Charsadda

Endst No. (1508-15) dated (19/7/2019)
Copy forwarded for information and n/action to the:

1. PA to the Director E & S Education Khyber Pakhtun khwa Peshawar.
2. PA to the Deputy Commissioner Charsadda.
3. District Monitoring Officer E & SE Charsadda.
4. District Accounts Officers Charsadda.
5. The Concerned DDEO Female Charsadda with the request to recovered the salaries and deposit in Govt. Treasury through Challan under intimation to this office.
6. Head teacher GGHS rajjar Charsadda
7. Mst Nazma Ali Rk CT Charsadda..
8. ADQ Estab Primary Local Office..
9. The Anti-Corruption Department Charsadda may be request to register FIR against the said fake teacher for Compliance the Enquiry recommendation.
10. Master File.

District Education officer (Female)
Charsadda

ATTESTED

74

TERMS OF REFERENCE

The Director E&SE Khyber Pakhtunkhwa Peshawar was pleased to nominate the undersigned as an inquiry officer under the Notification Endst No.9749-51/F.NO14/(F) Appeal Charsadda dated Pesh the 26/10/2018(Annexure-I).

BACKGROUND:

The DEO (F) Charsadda requested the worthy Director Elementary & Secondary Education Khyber Pakhtunkhwa vide Letter No.19585 Dated 5/10/2018 to order an inquiry regarding the transfer of Mst. Nazma Ali CT from Battagram to Charsadda (Annexure-II).

PROCEDURE:

After intimating vide Letter No. 2048 Dated:09/11/18(Annexure-III), the undersigned visited the Office of the District Education Female, Charsadda on 14/11/2018. She perused and collected all the relevant available record. During the visit of DEO(F) office, Mst; Nazma was also present (Annexure-IV). She submitted her written statement on the spot.
Letter No. 195 Dated 1/11/18 and Letter No. 2048 Dated 9/11/18(Annexure-V &VI) were sent to the District Education Officer (F) Battagram requesting him to direct the dealing hands to attend the office of the undersigned along with all relevant record. He attended the office however, he provided incomplete record. The DEO(F) Battagram was again requested vide Letter No. 8609 dated 31/1/2019(Annexure-VII) and was telephonically contacted as well but the requisite information was not provided.
The Deputy Director (F) Establishment Directorate of E&SE was requested vide Letter No. 193 Dated 01/11/2018 (Annexure-VIII) to verify the transfer order of Mst. Nazma from Battagram to Charsadda. In response, vide Letter No 603/F.No.14/Appeal Charsadda Dated Peshawar the 21/12/2018(Annexure-IX) it was replied that the file had been misplaced during shifting of office and the dispatch/issue register was in the custody of NAB and they did not possess any record pertaining to the transfer in question.
The existing dealing assistant of Deputy Director (F) Establishment Directorate of E&SE Mr. Muhammad Zahir was asked vide Letter No. 789 Dated 1/1/2019(Annexure-X) to record statement regarding misplacement of the required file. In reply, he said that the dealing assistant in 2013, was Mr. Munir and that he would be in a better position to respond (Annexure-XI). Therefore, Mr. Munir Khan, the then dealing assistant was asked vide No 794 Dated 3/1/19(Annexure-XII). In reply, he stated that he had given the charge to Muhammad Zahir in June 2013 when he was deputed as PA to Minister Elementary and Secondary Education. (Annexure-XIII). So, in those conditions the

[Handwritten Signature]
District Education Officer
Female, Charsadda

ATTESTED
[Signature]
District Education Officer
Female, Charsadda

[Handwritten Signature]

ATTESTED

INQUIRY REPORT

TERMS OF REFERENCE

The Director E&SE Khyber Pakhtunkhwa Peshawar was pleased to nominate the undersigned as for inquiry officer under the Notification Endst No. 9749-51/F.No14(F) Appeal Charsadda dated Pesh the 26.10.2018 (Annexure-I)

BACKGROUND

The DEO (F) Charsadda requested the worthy Director Elementary & Secondary Education Khyber Pakhtunkhwa vide letter No. 19585 dated 05.10.2018 to order an inquiry regarding the transfer of Mst Nazma Ali CT from Battagram to Charsadda (Annexure-II).

PROCEDURE:

1. After intimating vide letter No 2048 dated 09.11.2018 (Annexure-III), the undersigned visited the office of the District Education Female, Charsadda on 14.11.2018. She perused and collected all the relevant available record. During the visit of DEO F office, Mst Nazma was also present (Annexure-IV), She submitted her written statement on the spot.
2. Letter No 195 Dated 01.11.18 and Letter no. 2048 Dated 09.11.18 (Annexure-V & VI) were sent to the District Education Officer (F) Battagram requesting him to direct the dealing hands to attend the office of the undersigned along with all relevant record. He attended the office however, he provided incomplete record. The DEO (F) Battagram was again requested vide Letter No 8609 dated 31.01.2019 (Annexure-VII) and was telephonically contacted as well but the requisite information was not provided.
3. The Deputy Director (F) Establishment Directorate of E&SE was requested vide letter No 193 dated 01.11.2018 (Annexure VIII) to verify the transfer order of Mst Nazma from battagram to Charsadda. In response, vide letter No 633/F No. 14/Appeal Charsadda dated Peshawar the 21.12.2018 (Annexure-IX) it was replied that the file had been misplaced during shifting of office and record pertaining to the transfer in question.
4. The existing dealing assistant of Deputy Director (F) Establishment Directorate of E&SE Mr Muhammad Zabir was asked vide letter No 580 dated 1.1.2019 (Annexure-X to record statement regarding misplacement of the required file. In reply, he said that the dealing assistant in 2013 was Mr Munir and that he would be in a better position to response (Annexure-XI). Therefore, Mr Munir Khan, the then dealing assistant was asked vide No. 794 Dated 3.1.19 (Annexure-XII). In reply, he stated that he had given the charge to Muhammad Zahir in June 2013 when he was deputed as PA to Minister Elementary and Secondary Education (Annexure-XIII). So, in those conditions the

ATTESTED

Inquiry officer was unable to retrieve any official record or documents despite issuing official letters.

Letter to District Education Officer Male Swat was sent vide No. 5265 Dated 22/11/2018 (Annexure-XIV) to direct Mr. Khadim Shah the then Supit Charsadda now working as Budget and Account Officer in Swat to attend the office of the undersigned as he had personally visited the DEO Office Battagram to verify the documents of Mst. Nazma. Statement of Mr. Khadim Shah was recorded (Annexure-XV). Studied the case thoroughly. Reported findings accordingly.

75

SUMMARY OF THE STATEMENT OF Mst NAZMA

Detailed verbal discussion in the office of District Education Officer, Mst Nazma Ali gave statement in the presence of DEO (F). She stated that she was appointed in GGHS District - Battagram, vide Endst No5509-14/FB/AE-II/Appointment/2010 dated 1/1/2011 (Annexure-XVI) as a CT without any written test. As CT post was not lying in GGHS Banian, therefore, she was adjusted in GGMS Shamlai vide office order No 1385-89 Dated 31/1/2011 (Annexure-XVII). Her husband was posted in office Battagram as a class IV. He belonged to District Charsadda. After four months he was transferred for medical leave but she could not provide any record of her medical leave to the DEO. According to her statement she was transferred to Charsadda vide endorsement No. A-167CT2013 Dated Peshawar the 1/3/2013. She provided charge report in GGMS Shamlai, relieving certificate from GGHS Banian, Application for transfer, transfer order, register of GGMS Shamlai, pay slip along with her written statement (Annexure A, B, C, D, E, F, G). Surprisingly pay slip which she provided name of the school is GHS

Asker

SUMMARY OF THE STATEMENT OF MR. MUHAMMAD JAMIL SUPERINTENDENT BATTAGRAM

Muhammad Jamil superintendent office of the DEO (F) Battagram visited the office of the undersigned twice on 28/11/2018 and 6/12/2018. He provided incomplete record and only copy of appointment order of 2011 (Annexure-XIX). Photocopy of statements of employees of GGHS Banian and GGMS Shamlai (upgraded to high school in June 2011) of DEO (F) Battagram attendance register of GGMS Shamlai (Annexure-XX, a, b, c). According to the statement that the name of Mst Nazma could neither be found in the attendance register nor in the attendance register (Annexure-XXI). A written statement given by employees of GGHS Shamlai saying that, as per the attendance register no teacher on the name of Mst Nazma was found. DEO female in his letter also mentioned that the name of Mst. Nazma was not found in any school of Battagram. He provided minutes of DSC meeting in which

Muhammad Jamil
Dist. Education Officer
(Female) Charsadda

APPROVED
[Signature]

Muhammad Jamil
[Signature]

ATTESTED

[Large signature]

Inquiry officer was unable to retrieve any official record or documents despite issuing official letters.

5. Letter to District Education Officer Male Swat was sent vide No. 5265 dated 22.11.2018 (Annexure-XIV) to direct Mr Khadim Shah the then Suptt Charsadda now working as Budget and Account Officer in Swat to attend the office of the undersigned as he had personally visited the DEO Office Battagram to verify the documents of Mst Nazma Ali. Statement of Mr Khadim Shah was recorded (Annexure-XV)
6. Studied the case thoroughly.
7. Reported findings accordingly.

SUMMARY OF THE STATEMENT OF MST NAZMA

(sic) assailed verbal discussion in the office of District Education Officer, Mst Nazma Ali gave her statement in the presence of DEO(F). she stated that she was appointed in GGHS Banian district Battagram, vide Endst No. 5509-14/FB/AE-II/Appointment /2010 dated 21.01.2011 (Annexure XVI) as a CT without any written test. As CT post was not lying in GGHS Banian, therefore, she was adjusted in GGMS Shamlae vide office Order advertisement No. 1385-89 dated 31.01.2011 (Annexure XVII). Her husband was posted in _____ office Battagram as a Class IV. He belonged to District Charsadda. After four months applied for medical leave but she could not provide any record of Her Medical leave to the undersigned. According to her statement she was transferred to Charsadda vide endorsement No. _____ A-167CT2013 Dated Peshawar the 01.03.2013. She provided charge report in GGMS Banian relieving certificate from GGHS Banian, Application for transfer, transfer order, attendance register of GGMS Shamlai, pay slip along with her written statement (Annexure XVIII). Surprisingly pay slip which she provided name of the school is GHS _____.

SUMMARY OF THE STATEMENT OF MR MUHAMMAD JAMIL SUPERINTENDENT BATTAGRAM

Mr Muhammad Jamil Superintendent office of the DEO (F) Battagram visited the office of the undersigned twice on 28.11.2018 and 06.12.2018. He provided incomplete record and only (sic) appointment order of 2011 (Annexure XIX) Photocopy of statements of teachers of GGHS Banian and GGMS Shamlae (upgraded to high school in June) DEO (F) Battagram attendance register of GGMS Shamlae (Annexure XX, a,b, c,) (sic) the statement that the name of Mst Nazma could neither be found in the (sic) nor in the attendance register (Annexure XXI). A Written statement given by the head Mistress of GGHS Shamlae saying that, as per the attendance register no teacher on the attendance was found. DEO female in his letter also mentioned that the name of Mst Nazma (sic) found in any school of Battagram. He provided minutes of _____ DSC _____ meeting _____ in _____ which

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total 12 vacant posts, 9 posts were recommended/approved to be filled from batch wise list (a) and 3 from open merit, at the ratio of 75% and 25% as per policy that time in vogue. However, 10 candidates were appointed in batch wise quota and 3 from open merit, total 13 appointments were made instead of 12. In the appointment order provided by Mst. Nazma Ali 11 candidates were enlisted. Alarmingly, the appointment file was incomplete and a transfer file of a period was missing in the office of the DEO Battagram. (Annexure XXII a, b)

76

III. SUMMARY OF THE STATEMENT OF MR. KHADIM SHAH EX-SUPERINTENDENT CHARSADDA:

Mr. Khadim Shah recorded his statement and clarified that he visited office of the DEO (F) Battagram to verify the service documents of Mst. Nazma by hand on 14/4/2013 and checked all records but due to absence of DEO (F) Battagram on that day he left the record for signatures/verification. Later on, the verification was sent to DEO (F) Charsadda vide letter no 174/verification Dated 17/4/2013 through post/ Mail. (Annexure-XXIII). He also provided a finance certificate signed by the then DDEO Battagram, Mr. Fida Muhammad (Annexure-XXIV). It is astonishing that all the record was also signed by the same DDEO but not provided by hand and sent that through post.

ORIGIN OF THE ISSUE:

During visit of DEO (F) Office Charsadda, the DEO female told that she requested for the enquiry after the anticorruption Charsadda sent a letter to her office on 25/9/17, regarding detail of the teachers who were transferred from other districts and FATA from 2006 onward. (Annexure-XXV) Hence, a letter for the verification of service documents was again sent vide letter no 7972/Dated 21/10/2017 to DEO (F) Battagram. (Annexure-XXVI). Reminder for verification was sent vide endorsement no 18919 dated 3/2/2018. (Annexure-XXVII). The documents were received duly verified, vide letter no 5390 Dated Battagram the 9/3/2018 bearing signatures like the then DEO (F) Battagram MST Rehana Yasmin. (Annexure-XXVIII). DEO Charsadda was worried about fake appointments so, she sent the documents to the DEO (F) Battagram for reverification through Email. In reply an email was sent by the DEO (F) Battagram in which she told that not only the verification letter was fake but also the dispatch number on the letter did not match with the dispatch register. (Annexure-XXIX). It is to be noted that District accounts office, Battagram verified her LPC vide letter no 174 DAO/BM Dated 14/4/2013 (Annexure-XXX a, b).

Findings

From the available record of both the DEO (F) Offices, statement of all the people/officials concerned, it is clear that:
• The appointment order is fake and bogus.

Mst. Nazma

Mst. Nazma
MST Education Officer
(Female) Charsadda

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S. H. KHAN
Deputy Commissioner
District Accounts Office
Battagram

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- 1578
- (77)
- Teacher attendance register of GGMS Shamlac revealed that she had never been a part of that school.
 - The salary record was not traceable from Battagram.
 - Transfer order issued by the directorate was also not confirmed as the file was missing in the directorate.
 - The academic documents provided were also not verified by the institutions concerned.
 - Verification of all document also proved to be fake.
 - The ministerial staff in the female DEO office are responsible for the loss or non-production of official record. One can only wonder how salary was started without appointment order and verification of academic documents.

RECOMMENDATIONS

- The fake appointment order produced by Mst. Nazma may be treated as of no effect and be treated as null and void ab initio. The DEO (F) Charsadda may register a FIR in the Anti-Corruption against the said teacher.
- All amount taken as salary may be recovered and refund to government exchequer.
- An in-depth inquiry may be initiated against the Ministerial staff of DEO office Battagram and establishment branch in Directorate for their casual handling of the office record and squandering valuable official record pertaining to the appointment transfer and they should then be proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.
- DEO female office Battagram may be directed to bring her house in order, recover the official record of her office and secure them from loss.

The report is submitted for perusal and further necessary action under the rules, please.

Nahid
13/2/19

Miss Nahced Anjum

Deputy Director

E&SE Khyber Pakhtunkhwa

[Signature]
Director Education Office
Female, Charsadda

[Signature]

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) CHARSADDA

No 108/13 dated 22/11/2017

78

Office order

In the light of inquiries report & court judgments, the appointments of the following teachers are illegal, void ab-initio and against the prescribed rules, therefore the services of the following teachers are hereby dispensed hence they are no more remained teachers.

| S.NO | NAME OF TEACHERS | DESIGNATION | SCHOOL NAMES | REMARKS |
|------|------------------|-------------|----------------------------------|---|
| 01 | Zia Gul | DM | GGMS Hamood mian dheri Charsadda | Through court Judgment w/p no 2028/2017, enquiry report. |
| 02 | Nighat seema | AT | GGHS Dado kili Charsadda | Through verification vide letter No 312 dated 18-01-2017 |
| 03 | Husra PET | PET | GGHS Dheri Charsadda | GC |
| 04 | Sania wali | SST | GGHS Dzulfi pura | Vide letter No. 7603 dated 13-10-2017 send by the DEO (F) to director, response vide letter No. 2630 dated 13-10-2017 |
| 05 | Shamu begum | PST | GGHS pegham kornora Charsadda | Through judgment w/p no.4738-p/2016 & enquiry report |

DISTRICT EDUCATION OFFICER FEMALE CHARSADDA

Endst N dated 2017

Copy for information

- (1) Registrar Judicial Peshawar high court.
- (2) Director E&SE kpk peshawar.
- (3) Official concerned.

DISTRICT EDUCATION OFFICER FEMALE CHARSADDA

Recd on 2/12/2017
 Fardoz
 Received dated 2/12/17 at 01:10 pm

CERTIFIED TO BE TRUE COPY

Advocate General Supreme Court of Pakistan

ATTESTED

**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
CHARSADDA**

No. 10643 dated 22.11.017

OFFICE ORDER

In the light of inquiries report & Court Judgments, the appointments of the following teachers are illegal, void ab initio and against the prescribed rules, therefore the services of the following teachers are hereby dispensed, hence they are no more remained teachers.

| S No | Name of teachers | Designation | School Names | Remarks |
|------|------------------|-------------|----------------------------------|--|
| 01 | Zia Gul | DM | GGMS Hameed Man Dheri Charsadada | Through court judgment w/p No. 2028/2017, enquiry report |
| 02 | Nighat Seema | AT | GGHS Dadi Killi Charasadada | Through verification vide letter No 312 dated 18.01.2017 |
| 03 | Hasrat PET | PET | GGHS Turlan Charsadada | DG |
| 04 | Sania Wali | SST | GGHS Daulat Pura | Vide letter BNo 7603 dated 13.10.2017 send by the DEO (F) to director, response vide letter No 2630 dated 13.10.2017 |
| 05 | Shama Begum | PST | GGHS Pegham Koroona Charsadada | Through Judgment w/p No. 4738-P/2016 & enquiry report |

**DISTRICT EDUCATION OFFICER
FEMALE CHARASADDA**

Endst No. _____ Dated _____ 2017

Copy for information

- (1) Registrar Judicial Peshawar High Court.
- (2) Director E&SE KPK Peshawar.
- (3) Official concerned.

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**DISTRICT EDUCATION OFFICER
FEMALE CHARASADDA**

NATURE OF THE INQUIRY:-

In pursuance of the letter of the District Education Officer (Female) Charsadda bearing Endst. No. 4798 dated 22/06/2017 the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar in his capacity as the appellate authority vide Notification No. 2702-03/ F.No.56/(F)/Appeal Charsadda dated 28-07-2017 ordered an Inquiry in respect of Mst. Shama Begum PST GGPS Plagham Charsadda to probe the matter with the following TORs.

TERMS OF REFERENCES OF THE INQUIRY:

1. To inquire the 1st appointment order of the incumbent.
2. To verify pay slip/LPC/salaries drawn from FATA/AEO concerned.
3. To verify transfer order of the said teacher, made from FATA to district Batagram and then to district Charsadda along with No Objection Certificate from FATA to district Batagram and from district Batagram to district Charsadda.
4. To verify pay slip/LPC/salaries drawn from DAO Batagram and district Charsadda.
5. To check thoroughly the Attendance Register of the relevant school of the teacher concerned.

HISTORY OF THE INQUIRY:

The salary of Mst. Shama Begum PST GGPS Plagham Charsadda had been stopped by the then SDEO (F) Charsadda, Miss Nadia, for the reason that her appointment order and other relevant documents regarding her services were fake as she failed to provide the documents required to SDEO (F) Charsadda asked vide Endst. No. 219 dated 26/08/2014. (Copy of letter is annexed as A).

Mst. Shama Begum PST GGPS Plagham Charsadda instead of providing the requisite documents to the SDEO concerned, knocked at the doors of the Hon'ble Peshawar High Court Peshawar against the decision of the SDEO (F) Charsadda of her stoppage of pay.

MECHANISM OF THE INQUIRY:

The following procedure was adopted to conduct the inquiry:

1. Both the offices of the Director Education FATA Khyber Agency Warsak road Peshawar and the AEO Khyber Agency Jamrud were visited on 11/08/2017 who had already been intimated by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide Notification No. 2702-03/ F.No.56/(F)/Appeal Charsadda dated 28-07-2017.
2. The Inquiry committee was provided with a written detailed statement regarding the TORs, by the AEO Khyber Agency Jamrud bearing Memo No. 546 dated 11-08-2017. (Copy annexed as B)
3. Likewise, the inquiry committee, for the purpose to verify the LPC issued and duly signed by the then AEO Khyber Agency Mr. Hashim Khan Afridi, now Director Education FATA Secretariat Peshawar, visited the office of the Director Education FATA Secretariat Peshawar on 16/08/2017.
4. The Inquiry committee was provided with a written statement from the then AEO Khyber Agency now the Director Education FATA Secretariat Peshawar vide Memo No. Nil dated 16-08-2017. (Copy annexed as C)
5. The inquiry committee, for the purpose to verify the transfer order bearing Endst: 12085-97/F. No. 103/PTC (F) FATA to Sett: dated 13/04/2011 and subsequent transfer order Endst: No. 3464-69 /F. No. 51/Gen. Transfer (F) dated 07/09/2011, issued by the Director Elementary & Secondary Education NWFP/ Khyber Pakhtunkhwa,

7
ATTESTED

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TERMS OF REFERENCE OF THE INQUIRY

1. To inquire the 1st appointment order of the incumbent.
2. To verify pay slip /LPC/Salaries drawn from FATA/AEO, concerned.
3. To verify transfer order of the said teacher, made from FATA to district Battagram to district then to district Charsadda along with no Objection certificate from FATA to district Battagram and from Battagram to district Charsadda.
4. To verify pay slip/LPC/salaries drawn from DAO BAtagram and District Charsadda.
5. To check thoroughly the attendance Register of the relevant school of the teacher concerned.

HISTORY OF THE INQUIRY:

The salary of Mst Shama Begum PSt GGPS Piagham Charsadda had been stopped by the then SDEO(F) Charsadda, Mis Nadia, for the reason that her appointment order and other relevant documents regarding her services were fake as she failed to provide the documents required to SDEO (F) Charsadda asked vide Endst No. 219 dated 26.08.2014. (Copy of letter is annexure A).

Mst Shama Begum PST GGPS Piagham Charsadda instead of providing the requisite documents to the SDEO concerned, knocked the doors of the Hon'ble Peshawar High Court Peshawar against the decision of SDEO (F) Charsadda of her stoppage of pay.

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5. The inquiry Committee, for the purpose of verify the transfer order bearing Endst: 12085-97/F No. 103/PTC (F) to Sett: dated 13.04.2011 and subsequent transfer order Endst No. 3464-69/F No. 51/Gen Transfer (F) dated 07.09.2011, issued by the Director Elementary & Secondary Education NWFP / Khyber Pakhtunkhwa

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Peshawar visited the office of the Director Elementary & Secondary Education Khyber Pukhtunkhwa Peshawar on 22/08/2017 and made a request for the purpose vide letter No. 2312/F. No. Inquiry Dated: 22/08/2017. (Copy annexed as D)

6. The inquiry committee was provided with a detailed written statement by the Director Elementary & Secondary Education Khyber Pukhtunkhwa Peshawar, bearing Memo No. 4588/F.No. 56(F)/Appeal Charsadda dated 21-05-2017. (Copy annexed as E)

80

FINDINGS AND CONCLUSION OF THE INQUIRY:

After thorough examination of the available record, detailed written statements of the AEO Khyber, DE FATA, Director Elementary and secondary education KP the inquiry committee furnishes its findings and conclusions as follows.

1. The AEO Khyber Agency Jamrud in his written statement when asked about verification of service documents of Mst. Shama Begum PST GGPS Aka Khel Bāra, Khyber Agency now PST in GGPS Plagham Charsadda furnished to the inquiry committee has declared that:
 - (i) The name of the school i.e. GGPS Aka Khel Bāra Khyber Agency, where the teacher concerned has been shown as adjusted on her initial recruitment, does neither exist on the grounds of Khyber agency nor in the papers of the record of Khyber Agency education department i.e. in the SNE of AEO office Khyber Agency.
 - (ii) The bogus signature, ridiculously appended to the appointment order of Mst. Shama Begum PST has been resembling to the signature of Ex. AEO Khyber Agency Mr. Dilbar Khan but his period of services has been w.e.f 21/03/2004 to 16/08/2005, as is evident from the AEO display board in the office of AEO.
 - (iii) Mr. Jahngi Khan remained the AEO of Khyber Agency for the period w.e.f 01/04/2005 to 05/08/2003.
 - (iv) The bogus signature appended to the LPC of Mst. Shama Begum PST has been resembling to the signature of Ex. AEO Khyber Agency Mr. Hashim Khan Afridi which did not match with his specimen signature.
 - (v) No record was available regarding appointment/services/salaries of the teacher concerned in the office of the AEO Khyber Agency.
2. The Director Education FATA Secretariat Peshawar in his written statement has disowned the signature appended to the LPC of the teacher concerned.
3. The Director Elementary & Secondary Education Khyber Pukhtunkhwa Peshawar in his written statement has disowned the Endst: No(S) and signatures appended to the transfer orders in respect of Mst. Shama Begum PST bearing Endst: 12085-97/F. No. 103/PTC (F) FATA to Settle; dated 13/04/2011 and Endst: No. 3464-69/F. No. 51/Gen. Transfer (F) dated 07/09/2011 and further declared that no record was found regarding her transfer either from FATA to district Batagram or from district Batagram to district Charsadda.
4. During the course of the inquiry proceedings this inquiry committee came across many other anomalies such as:
 - (i) The LPC No. 975 dated 31/05/2011 prepared for the month of May 2011 depicts her basic pay Rs. 3820/- per month which is the minimum/initial of BPS-09 in May 2011.
 - (ii) And the LPC No. 129 dated 31/08/2011 prepared for the month of August 2011 depicts her basic pay Rs. 6200/- per month which is the minimum/initial of EPS-09 in July 2011.
 - (iii) Whereas the page No. 06 of her service book shows her basic pay Rs. 5200/- in May 2011 and then Rs. 8480/- in August 2011 which is the 6th stage, which she might deserve only after the passage of six long years.

SECRETARY

Director Elementary & Secondary Education
Khyber Pukhtunkhwa Peshawar

ATTESTED

Peshawar visited the office of the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar on 22.08.2017 and made a request for the purpose vide letter No. 1012/F No. inquiry Dated 22.08.2017. (Copy annexed as D)

6. The inquiry committee was provided with a detailed written statement by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, bearing Memo No 4588/F. No. 56(F)/Appeal Charsadda dated 21.08.2017. (Copy annexed as E)

FINDINGS AND CONCLUSION OF THE INQUIRY:

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 - (ii) The bogus signature ridiculously appended to the appointment order of Mst Shama Begum PST has been resembling to the signature of Ex. AEO Khyber Agency Mr Dilbar Khan but his period of services has been w.e.f 21.03.2004 to 16.08.2005, as is evident from the AEO display board in the office of AEO.
 - (iii) Mr Jhangi Khan remained the AEO of Khyber Agency for the period w.e.f 01.04.2003 to 06.08.2003.
 - (iv) The bogus signature appended to the LPC of Mst Shama Begum PST has been resembling to the signature of Ex.AEO Khyber Agency Mr Hashim Khan Afridi which did not match with his specimen signature.
 - (v) No record was available regarding appointment / services / salaries of the teacher concerned in the office of the AEO Khyber Agency.
 - a. The Director Education FATA Secretariat Peshawar in his written statement has disowned the signature appended to the LPC of the teacher concerned.
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3. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar in his written statement his disowned the Endst No. (S) and signatures appended to the transfer orders in respect of Ms Shama Begum PST bearing AEndst No. 12085-97/F No. 103/PTC (F) FATA to Settle dated 3.04.2011 and Endst No. 3464-69/F No.51/Gen. Transfer (F) dated 07.09.2011 and further declared that no record was found regarding her transfer either from FATA to district Batagram or from district Batagram to district Charsadda.
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 - (i) The LPC No. 975 dated 31.05.2011 prepared for the month of May 2011 depicts her basic pay Rs. 3820/- per month which is the minimum / initial of BPS-05 in May 2011.
 - (ii) And the LPC No. 129 dated 31.08.2011 prepared for the month of August 2011 depicts her basic pay Rs. 6200/- per month which is minimum / initial of BPS-09 in July 2011.
 - (iii) Whereas the page No 06 of her service book shows her basic pay Rs. 5200/- in May 2011 and then Rs. 8480/- in August 2011 which is the 6th stage, which she might deserve only after the passage of six long years.


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5. Looking for her own interest to validate her fake services, the teacher concerned, driving the nail right, ultimately succeeded in her fraudulent plan, when in pursuance of the Director Elementary & Secondary Education Khyber Pukhtunkhwa Peshawar Endst: No. 3464-69/F. No. 51/Gen. Transfer, (F) dated 07/09/2011 she was transferred from district Batagram to GGPS Paigham district Charsadda where her pay has been started and she has claimed and drawn her all, undue and illegal arrears w.e.f 01/09/2011 to 31/05/2011 on the basis of fake documents as evident from the page No. 07 of her service book and pay roll for the month of June 2011.
6. She has been paid normally up to 30/06/2014 till her pay has been stopped by the then SDEO (F) Charsadda for the doubt of fakeness of her basic service documents.
7. The worthwhile step of stoppage of monthly salaries of Mst. Shama Begum PST by SDEO Charsadda is worth commendable and appreciable. Had the, DEO (F) Charsadda lodged an FIR against the bogus teacher in the police station concerned after conducting an inquiry in the instant case, for the reason that Mst. Shama Begum PST is not a civil servant to be proceeded under any rules of law meant for disciplinary proceedings against a civil servant?
8. The basic documents which determine the entire services as fair/fake of a teacher are: His/her first appointment order, medical report, LPCs, entries in the service book, transfer orders and other similar record and in the case of the teacher concerned it has been proved beyond any doubt that all these documents were found fake and bogus. She has been inducted in the educational system with the connivance of the active MAFIA.
9. The committee is of the opinion that further investigation in the instant case is needed in term of reference to fix the responsibility upon her facilitators who were the essential part of this fraudulent plan other than the teacher concerned which may need a detailed inquiry.


RECOMMENDATIONS OF THE INQUIRY:

In view of the above submissions it is recommended that:

1. Her pay may not be released in any circumstances thereto.
2. All the salaries drawn by her may immediately be recovered from her.
3. An FIR may be lodged against her in the police station concerned.
4. A detailed inquiry is recommended for the purpose to point out and take the MAFIA persons to task who facilitated her.


 (SAFDAR KHAN)
 PRINCIPAL BPS-18
 GOVT. SHAHEED SAADUR REHMAN HIGH SCHOOL
 (GULSHAN REHMAN COLONY) PESHAWAR
 (Inquiry Officer)


 (MUHAMMAD IQBAL)
 PRINCIPAL BPS-19
 GOVT. HIGH SCHOOL
 BADHBER PESHAWAR
 (Chairman Inquiry Committee)


 (Signature)

Faridkot District
 Adv. Secy. to Govt.
 Supreme District Officer

ATTESTED

5. Looking for her own interest to validate her fake services, the teacher concerned during the nail aright, ultimately succeeded in her fraudulent plan, when in pursuance of the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Endst No. 3464-69/F No. 51/Gen Transfer (F) dated 07.09.2011 site was transferred from district Batagram to GGPS Piagham district Charsadda where her pay has been started and she has claimed and drawn her all undue and illegal arrears w.e.f 01.09.2011 to 31.05.2011 on the basis of fake documents as evident from the page nO 07 of her service book and pay roll for the month of June 2011.
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4. A detailed Inquiry is recommended for the purpose to point out and take the MAFIA persons to task who facilitated her.

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82

PLEASE DO NOT WRITE IN THESE SPACES
ORIGINAL COPY

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E& SE) BATTAGRAM.
APPOINTMENT ORDER.

Consequent upon the approval of competent authority that **Misc Nighat Seema D/O Raz Muhammad** is hereby appointed as A.T in Govt. Girls Middle School, Gidri K. Alhad Battagram in BPS 09 against vacant post plus usual allowances as admissible under the scale in the interest of public service with effect from the date of her taking over charge.

TERMS & CONDITIONS

- 1. She will be governed by such rules & regulations as may be prescribed by the Govt. from time to time for category of the Govt. Servant to which he belong.
- 2. In case of resignation prior notice of one month should be given by the official concerned otherwise one month pay/allowances will be forfeited in full thereof.
- 3. Her original Certificates/degrees should be checked and verified from the concerned BISE/University concerned etc before handing taking over charge by the DDO concerned through Agency Education Officer concerned.
- 4. She declaration of assets should be obtained and kept in safe custody by the DDO concerned.
- 5. She take over charge of her post with in one month after the issue of this appointment order.
- 6. Charge reports should be sent to all concerned.
- 7. NO TA/DA etc is allowed.

EXECUTIVE DISTRICT OFFICER
E & SE, EDU, BATTAGRAM

Enst No. 3944-70/AM/Est (F) Dated 01-09/2009.

- 1. Copy forwarded for information & necessary action to the:-
- 2. P/S to DCO Battagram.
- 3. District Accounts Officer concerned.
- 4. Distt. Officer Female Concerned.
- 5. Candidate concerned.
- 6. Personal file.

DISTRICT OFFICER (FEMALE)
E & SE, EDU, BATTAGRAM

DISTRICT OFFICER (FEMALE)
ELEMENTARY & SECONDARY EDUCATION
BATTAGRAM

Seema

CERTIFIED TO BE TRUE COPY.

For the Director
Advancement of
System Development

ATTESTED

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) BATTAGRAM

APPOINTMENT ORDER

Consequent upon the approval of competent authority that Mst Nighat Seema D/o Raz Muhammad is hereby appointed as AT by Govt Girls Middle School, Gidri Khair Abad Battagram in BPS 09 against vacant post plus usual allowances as admissible under the rule in the interest of Public service with effect from the date of her taking over charge.

TERMS AND CONDITIONS:

1. She will be governed such rules & regulations as may be prescribed by the Govt from time to time for category of the Govt Servant to which he belong.
2. In case of resignation prior notice of one month should be given by the official concerned otherwise one month pay allowances will be forfeited to lieu thereof. Her original certificate / degrees should be checked and verified from the concerned BISE/ University concerned etc before handing taking over charge by the DDO concerned through Agency Education Officer concerned.
3. She declaration of assets should be obtained and kept in safe custody by the DDO concerned .
4. She take over charge of her post within one month after the issue of this appointment order.
5. Charge reports should be sent to all concerned.
6. No TA/DA etc is allowed.

**EXECUTIVE DISTRICT OFFICER
ELE&SECY EDU BATTAGRAM**

Dated 01.09,2009

Endst No. 3964-70/AT/Estb (F)

Copy forwarded for information & necessary action to the:

1. PS to DCO Battagram
2. District Account Officer concerned.
3. Distt Officer Female concerned.
4. Candidate concerned
5. Personal file

**DISTRICT OFFICER (FEMALE)
ELE&SECY EDU BATTAGRAM**

ATTESTED

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83

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

OFFICE ORDER

Consequent upon ban relaxation by the competent authority, Mst. Nighat
Siddiqi (A.T) CGMS Gdn, Khairabad District Battagram is hereby transferred/adjusted against the
vacant post of (AT) at CGMS Amir Abad-Dakki, District Charsadda on her own pay & BPS in the
interest of public service with effect from the date of joining over charge.

- Notes:-
1. Charge report should be submitted to all concerned.
 2. No TA/DA etc are allowed.
 3. The EDO concerned is directed to check her original service documents before making payment of salary.
 4. Her Seniority will be determined as per rules/policy.

**DIRECTOR
ELEMENTARY & SECY. EDUCATION
KHYBER PAKHTUNKHWA**

Order No. 1766-71 / No.16 // Vol-5 Transfer (F) K.P. Dated Pesh: the 16/11/2012

Copy of the above is to the:-

1. Executive District Officer (E&SE) Battagram & Charsadda
2. District Accounts Officers Battagram & Charsadda.
3. Teacher concerned.
4. Headmaster concerned.
5. PA I, Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. M. P. O.

DISTRICT OFFICER (E&SE)
ELEMENTARY & SECONDARY EDUCATION
PAKHTUN

Deputy Director (E/ab)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Relax

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ORIGINAL FILE COPY

ATTESTED

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA

OFFICE ORDER

Consequent upon the approval of the competent authority Mst Nighat Seema of GGMS Gidr Khairabad District Hangu is hereby transferred / adjusted against the vacant post of AT at GGMS Amir Abad Dakki District Charsadda on his own pay and BPS in the interest of Public service with effect from the date of his taking over charge.

Note:-

1. Charge report should be sent to all concerned.
2. NO TA/DA etc are allowed.
3. The DEO (Female) Charsadda is directed to check all service documents before the release of pay.
4. Her seniority will be determined as per rules / policy.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst No. 1766-71/F No. 16/Vol5 Transfer(F) KP Dated Peshawar the 16.11.2012

Copy for information to the:

1. Executive District Officer (E&S) Battagram Charsadda
2. District Accounts Officer Charsadda / battagram.
3. Principal concerned.
4. Teacher concerned
5. PA to Director Local Directorate
6. M/ File.

Deputy Director (Estb)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

ATTESTED

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) CHARSADDA
OFFICE ORDER

Mstt: Nighat Seema AT GGMS Gidri Khair Abad District Battagram under transferred to GGMS Amir Abad Dhakki is hereby posted at GGHS Dado Khil against the vacant post AT on her own pay & grade in the interest of public service with immediate effect.

84

Note:-

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

(ATTA ULLAH KHAN)
EXECUTIVE DISTRICT OFFICER
E&SE CHARSADDA

Endst No. 2486+90 Dated Charsadda the 4/12/12

Copy for Information & Necessary action to the:

1. District Account Office Charsadda
2. Head Mistress Concerned
3. Accountant Local Office
4. ADO B&A/Suptt: Local Office
5. Official Concerned
6. Office File

EXECUTIVE DISTRICT OFFICER (E)
E&SE CHARSADDA

Accepted

CERTIFIED TRUE COPY

For
Accountant
Secretary

ATTESTED

محکماتہ اپیل اور درخواست

85

محکماتہ اپیل اور درخواست

گزارش ہے کہ میری تعیناتی بطور A.T (BPS-9) گورنمنٹ گرلز ہائی اسکول، گدڑی، خیر آباد، ضلع بنگرام میں بروئے آرڈر نمبر (F) 01.09.2009/AB/Estb 3964-70 مورخہ 16/11/2012 کو ہوئی۔ بعد میں میرا تبادلہ بروئے چھٹی نمبر (F) K.P. 167/Vol-5/Transfer 1766-71/E.No. مورخہ 04.12.2012 کو گورنمنٹ گرلز ہائی اسکول، عامر آباد، ڈھکی، ضلع چارسدہ، کیا گیا جس کے بعد مجھے گورنمنٹ گرلز ہائی اسکول، دادو کے ضلع چارسدہ بروئے چھٹی نمبر 2486-90 مورخہ 22.11.2017 کو تعینات کیا گیا۔ ابھی حال ہی میں مجھے ڈسٹرکٹ ایجوکیشن آفیسر (ٹیمیل)، چارسدہ نے بروئے چھٹی نمبر 10643 مورخہ 18.01.2017 کا حوالہ دیا گیا ہے۔ مجھے سنے کا سونپا دیا گیا ہے اور نہ ہی کوئی مناسب انکوائری ہوئی ہے۔ میری تعیناتی بین قانون کے مطابق ہونی ہے اور بعد از ضروری قانونی لوازمات مجھے بطور A.T تعینات کیا گیا تھا۔ میری کوالیفیکیشن مذکورہ پوسٹ کے عین مطابق ہے، میرے تعلیمی اسناد کی باقاعدہ تصدیق کی گئی ہے اور دیگر دستاویزات کی تصدیق بھی محکمہ تعلیم نے کی ہے جو درست و صحیح ثابت ہوئے ہیں، مذکورہ تمام کاغذات درخواست ہذا کے ساتھ لف کئے جا رہے ہیں۔

لہذا میری آپ حضور سے استدعا ہے کہ حکم بر خاستگی / چھٹی نمبر 10643،

مورخہ 22.11.2017 کو منسوخ فرما کر مجھے اپنے پوسٹ پر بحال کیا جائے۔

عرضی

نگہت سید ولد سید احمد

ساکن نور بہار کالونی نمبر 1، چارسدہ۔ (سائلہ)

موبائل نمبر: 0321-9884189

محکمہ تعلیم

مستند

مستند

ATTESTED



OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
BATTAGRAM

(Phone # 0997-310460) E-mail: demistbattagram@yahoo.com

Dated: 16/07/2019

86

No. 3046 - /Primary /2019/

To : The-Director
Elementary and Secondary Education,
Khyber Pakhtunkhwa Peshawar.

Subject: SUBMISSION OF REPORT IN RESPECT OF FAKE EMPLOYEES

Memo: Kindly refer to the subject noted above it is stated that all the record in this office/school have been checked and no record found in respect of Mst. Zia Gul DM appeal No. 550/2018, Mst. Nighat Seema AT GGMS Khairabad Appeal No. 1380/2018 and Mst. Shama Begum PST GGPS Paimal Shareef, it is concluded that these teachers have never been employed in the strength of this office.

The report is hereby submitted for onward submission.

[Signature]
District Education Officer (F)
Battagram

Endstt No. As above

Copy for information to the:

- 1- Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar
- 2- Account General Khyber Pakhtunkhwa, Peshawar,
- 3- District Accounts Officer Battagram with the same request.
- 4- Master file.

[Signature]
District Education Officer (F)
Battagram

Attested
[Signature]

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For the Government of
Khyber Pakhtunkhwa
Supreme Court of Peshawar

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BETTER COPY OF PAGE NO.
IN THE COURT OF HAMID KAMAL, JUDICIAL
MAGISTRATE-IV, CHARSADDA

87

Inquiry No, 112 dated 21.09.2017 through writ petition
No.2028-P/2007.

Statement of Adnan S/O Raz Muhammad R/O saeed Bagh Station
Koroona, Charsadda, Tehsil & District Charsadda u/s 164 Cr. P.C.
on oath.

Stated that Mst Nighat Seema female teacher (AT) is my
sister. After passing her matric examination and she continued her
study in Madrassa Ayisha Lilbanat which is registered with Wifaqul
Madaras and obtained her Shuhadat-e-Anila degree which is equal
to Master degree in Islamiat. After education, she and my father
were search of government service, when my father met with one
Ameen Clerk at Government High school No.01 Peshawar, who took
5,80,000/- from my father for getting employment for my sister in
education department, who handed over employment order No.
3964-70 dated 01.09.2009 to my father for appointment at as AT at
District Battagram and then transferred her to District, Charsadda
vide transfer order No.1766-7 dated 16.11.2012 and after that my
sister was performing her duties as AT teacher in Government
Middle School Dady killy, which is now upgard High school. As all
the above dealing was made in my presence, therefore, I know
about the fact, in proof thereof I produce a photostate chit in which
all the detail is mentioned and bears my father's signature. Now my
father is dead and through this inquiry I came to know that the
above said Ameen Clerk has committed fraud with us and handed
over to us a bogus and fake appointment & transfer order. As other
person/staff was also involed in the said fraud, therefore, I charge
the clerk Ameen alongwith other staff members and prayed for
justice

XX... Nil opportunity given.


RO & AC

03.10.2017

Adnan

NIC No 17101-5729337-5

(Hamid Kamal)
Judicial Magistrate-IV
Charsadda

Adnan

District Education Officer
Charsadda

ATTESTED

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LITERACY) BATTAGRAM
APPOINTMENT

Consequent upon the Approval of the District Selection Committee, Battagram the following DM Female trained candidates are hereby appointed against the vacant post in BPS NC-09, Plus usual allowances admissible under the rules @ 25% in the schools noted against each in the interest of public service with effect from the date of their taking over charge on the terms & conditions mentioned below:-

| S.No | Name of Candidate | Father's Name | Address | Mansehra | Charsadda | Place of Posting | Remarks |
|------|-------------------|----------------|-----------|-----------|-----------|----------------------|----------------|
| 1 | Fazla Rashid | Abdul Rashid | Khawari | Mansehra | Charsadda | GGMS Ghar Khair Abad | Against V/Post |
| 2 | Zia Gul | Gul Pasand | Charsadda | Charsadda | Mansehra | GGMS Thakot | Against V/Post |
| 3 | Bushra Anwar | Mohammad Anwar | Khawari | Mansehra | Charsadda | GGMS Shingal Poyeen | Against V/Post |

- Terms & Conditions**
- Charge reports should be submitted to all concerned.
 - They are entitled to get all benefits as admissible under the rules in civil servant Act except pension. They should however be entitled to receive such amount contributed by them toward the contributory provident fund along with contribution made by the provisional government in the said fund in the prescribed manner, provided further that in the event of death of civil servant whether before or after retirement their families should be entitled to receive the said amount if it has already not been received by the concerned.
 - Their services will be liable to termination on one-month notice from either side. In case of resignation without notice, Her one month pay shall be forfeited to the Govt.
 - The candidates are required to produced Age and Health certificate from the Medical Supdt: DHQ Hospital Battagram. (Only for fresh candidates).
 - The candidates should join their posts within seven days of the issue of this order. Otherwise appointment order will be cancelled.
 - The Appointment will get salaries against the sanctioned posts in the Budget.
 - They will paid salaries after verification of their degree/certificates from the concerned universities/boards/institution on their own expenses by the DDO concerned. Personally/By hand verification will not be acceptable.

(Mukhtar Ahmad Swali)
 Executive District Officer
 Schools & Literacy Battagram.

Encls: No. 3505-07 JEB/AE-II/APFTT Dated Battagram the 14/13/06.
 Copy forwarded for information & necessary action to the:

- District Coordination Officer Battagram.
- I/C Head Master of Govt. High/Middle Schools concerned.
- District Accounts Officer Battagram.
- A.D.O (B & A) Local Office with the remarks to not draw the salaries till the completion of their document's verification.
- I/C Pay Section (Male) Local Office.
- Candidate Concerned.
- Office file.

SET (SA)
 GHS CHD Khos

[Signature]
 District Officer (Female)
 Schools & Literacy Battagram
 14/13/06

ATTESTED

ATTESTED

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LITERACY) BATAGRAM
APPOINTMENT

Consequent upon the approval of the District Selection Committee, Battagram the following DM Female trained candidates are hereby appointed against the vacant post in BPS No 09, plus usual allowances admissible under the rules @ 25% in the schools noted against each in the interest of public service with effect from the date of their taking over charge on the terms and conditions mentioned below:

| S NO | Name of candidate | Father's Name | Address | | Place of posting | Remarks |
|------|-------------------|----------------|-----------|----------|----------------------------|-------------------|
| 1 | Fozia Rashid | Abdul Rashid | Khawari | Mansehra | GGMS Gidri khairabad | Against V/post |
| 2 | Zia GUI | Gul Pasand | Charsadda | Charsada | GGMS Thakot | Against V/post |
| 3 | BUshra Anwar | Muhammad Anwar | Khawari | Mansehra | GGMS Shingli Payoon | Against V/post |

Terms and conditions:

1. Charge report should be submitted to all concerned.
2. They are entitled to get all benefits as admissible under the rules in civil servant act except pension. They should however be entitled to receive such amount contributed by them towards the contributory provident fund along with contribution made by the provisional government in their accounts in the said fund in the prescribed manner. Provided further that in the event of death of civil servant whether before or after retirement their families should be entitled to receive the said amount if it has already not been received by the concerned.
3. Their services will be liable to termination on one month notice from either side in case of resignation without notice.
4. The candidate are required to produce age and health certificate from the Medical Supdt DHQ Hospital.
5. The candidates should join their posts within seven days of the issue of this order. Otherwise appointment order will be cancelled.
6. The appointment will get salaries against the sanctioned posts in the Budget.
7. They will pay salaries after verification of their degree / certificates from the concerned universities / Boards / Institutions on their own expenses by the DDO concerned. Personally / by hand verification will not be acceptable.



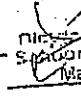
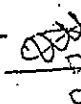
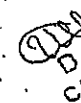
(Mukhtar Ahmad Swali)
Executive District Officer
Schools & Literacy Battagram

Endst No. 3505-07/EB/AE-II/APTT Dated Battagram the 14.10.2006
Copy forwarded for information & necessary action to the:

1. District coordination officer battagram.
2. I/C Head Master of Govt High/Middle Schools concerned.
3. District Accounts Officer Battagram.
4. ADO (B&A) Local Office with the remarks to not draw the salaries till the completion of their documents verification.
5. I/C Pay Section (male) Local Office.
6. Candidate concerned.
7. Office File.

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District Officer (Female)
Schools & Literacy Battagram

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------------------------------|---|---|-------------------------|--------------------------------|--|------------------------------------|--|
| Name of post | Whether substantive or officiating and whether permanent or temporary | If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371-C.S.R. | Pay in substantive post | Additional Pay for officiating | Other emolument falling under the term "pay" | Date of appointment | Signature of Government Servant. Nature and the head of the office in which column |
| DM CGMS Thakot | | | Rs. 6480/- | | | 20 ⁹ / ₀₉ |  District School Thakot |
| DM CGMS Mehandi (mas) | | | Rs. 6480/- | | | 1 ¹⁰ / ₀₉ |  District School Mehandi |
| | | | Rs. 6500/- | | | 1 ¹² / ₀₉ |  District School Mehandi |
| | | | Rs. 7320/- | | | 1 ¹² / _{20/10} |  District School Mehandi |
| Revised B-15 (8500-700-29500) | | | | | | | |
| | | | Rs. 12000/- | | | 1 ⁰⁷ / ₂₀₁₁ |  District School Mehandi |
| | | | Rs. 12700/- | | | 1 ¹² / ₂₀₁₁ | |
| | | | Rs. 13400/- | | | 1 ¹² / ₂₀₁₂ | |
| | | | Rs. 14100/- | | | 1 ¹² / ₂₀₁₃ | |
| | | | Rs. 14800/- | | | 1 ¹² / ₂₀₁₄ | |

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OFFICE OF THE DIRECTOR ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTOON KHAWA PESHAWAR

Consequent upon the approval of the competent authority, Mst Zia Gul DM at
GGMS, Shalian (Munshera) is hereby transferred to GGMS, Dher Hamid Milan Charsadda,
against vacant post of DM on her own pay, and BPS in the interest of Public Service with effect
from the date of his taking over charge.

90

Note:-

Charge report should be sent to all concerned.

NO TADA etc is allowed

The EDO (E&SE) concerned is directed to check her original service documents
before making payment of salary

Her Seniority list will be determined under the rule.

DIRECTRESS
ELEMENTARY & SECONDARY
EDU KHYBER PAKHTUN KHAWA PESHAWAR

Endst No 3655-60/E.No.1341/Dist Trst, Dated Peshawar the 27/01/2011.

Copy forwarded for information to the:-

1. Executive District Officer (E&SE) Munshera/Charsadda.
2. District Accounts Officer Munshera/Charsadda.
3. Headmistress Concerned.
4. Teacher Concerned.
5. P.A to Director (E&SE) Khyber Pakhtun Khawa Peshawar.
6. M/File.

Deputy Directress (Estab)
(E&SE) Khyber Pakhtun
Khawa Peshawar.

27/1/11

Attested
5/2/11
25/1/11

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CHIEF DIRECTRESS COPY

Stamp

Supervisor's Office

ATTESTED

OFFICE OF THE DIRECTOR ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

OFFICE ORDER

Consequent upon the approval of the competent authority Mst Zia Gul DM at GGMS Shallan (Mansehra) is hereby transferred to GGMS Hamid Mian Charsadda against vacant post of DM on her own pay and BPS in the interest of Public Service with effect from the date of his taking over charge.

Note:-

1. Charge report should be sent to all concerned.
2. NO TA/DA etc are allowed.
3. The DEO (Female) Charsadda is directed to check all service documents before the release of pay.
4. Her seniority will be determined as per rules / policy.

Director
Elementary & Secondary
EDU Khyber Pakhtunkhwa, Peshawar

Endst No. 3655-60/F. No. 134/I/Dist Trsl

Dated Peshawar the 27.01.2011.

Copy for information to the:

1. Executive District Officer (E&S) Battagram Charsadda
2. District Accounts Officer Charsadda / battagram.
3. Headmistress Concerned
4. Teacher concerned.
5. PA to Director E&SE Khyber Pakhtunkhwa Peshawar
6. M/ File.

Deputy Director (Estb)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

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ENQUIRY REPORT

Vide Notification Endst No 4184-86 dated 25/09/2017 (F/A) Mr. Jehangir Principal Government Shahjed Osama Zafar CMHSS No. 2 Peshawar City along with Mr. Khizar Hayat Senior Subject Specialist GHSS No 4 Peshawar, as Co-opted member are authorized to conduct Enquiry against Mst: Zia Gul presently working as DM at GGMS Dheri Hameed Mian Distt Charsadda regarding her matter of fake documents.

91

Back ground

Mst: Zia Gul Submitted her Service Book vide which she has been appointed as DM in BPS-09 at GGMS Thakot District Battagram against vacant post vide EDO(S&L) Battagram Endst No. 3505-09 dated 14-3-2006. Subsequently she has been allowed to BPS-14 on the basis of BA 2nd division w.e.f 15-03-2006 vide EDO(S&L) Battagram Endst No. H319-22 dated 10-05-2006. Further she has been allowed BPS-15 on the basis of up gradation of P&S from 10-10-2007. Service verified w.e.f 15/03/2006 to 30/11/2007 from the acquaintance Roll and other record of the EDO(S&L) Battagram. Later on she has been transferred to GGMS Mansehra (Mansehra) on 01/10/2009. Her service records from the office of District Officer (Female) E&S Education Battagram while her service also verified w.e.f 01/10/2009 to 30/11/2009 from the Acquaintance Roll & other Literacy Mansehra. In addition w.e.f 01/08/2010 to 18/02/2011 (212 days) leave without pay was sanctioned vide EDO E&S Mansehra under Endst No. 3965-66 dated 14/03/2011. At last she has been transferred to GGMS Dheri Hameed Mian Distt Charsadda vide Endst No. 3655-60 F.No. 134/F/Distt Charsadda Dated 27/10/2011. Till date she is working as DM at the very school i.e. Dheri Hameed Mian Distt Charsadda.

Proceedings:

The undersigned along with Mr. Khizar Hayat senior Subject Specialist No.4 Peshawar as Co-opted member visited office of the District Education Officer (F) E&S Battagram & Mansehra on 25-26/09/2017. The matter was discussed with DEO (Female) Battagram and concerned staff. Record pertaining to appointment orders of the period 2006 with regards to DM appointments was examined and discussed with the concerned staff. Mr. Wasim said the then District Officer (Female) school and Literacy Battagram was called upon by the

Attested
to

[Handwritten signature]

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Fazal Ullah Khan
Advocate on Record
Supreme Court of Pakistan

ATTESTED

[Large handwritten signature]

ENQUIRY REPORT

Vide notification Endst NI. 4184-86 dated 25.09.2017 (P/A) Mr Jehangir Principal Government Shaheed Qsama Zafar CMHSS, No 2 Peshawar City along with Mr Kizar Hayat Senior Subject Specialist GHSS NO 4 Peshawar, as CoWorking as DIV at GGMS Dheri Hameed Mian Distt Charsadda regarding her matter of fake documents.

BACKGROUND

Mst Zia Gul submitted her service Book vide which she has been appointed as DM in BPS-09 at GGMS Thakot District Battagram against vacant post vide EDO(S&L) Battagram Endst No 3505-09 dated 14.03.2006. subsequently she has been allowed to BPS-14 on the basis of BA 2nd Division w.e.f 15.03.2006 vide EDO(S&E) Battagram Endst No 1819-22 dated 10.05.2006. Further she has been allowed BPS-15 on the basis of up gradation of BOS from 01.10.2007. Service verified w.e.f 15.08.2006 to 30.11.2007 from the acquaintance Roll and other record of the EDO (S&L) Battagram. Later on she has been transferred to GGMS Mohandri (Mansehra) on 01.10.2009. her service verified w.e.f 01.12.2007 to 30.11.2009 from the acquaintance Roll & other record from the office of District Officer (Female) E&S Education Battagram. While her service also verified w.e.f 01.10.2009 to 30.11.2009 from the literacy Mansehra. In addition w.e.f 01.08.2010 to 18.02.2011 (212 days) leave without pay was sanctioned vide EDI E&SE Mansehra under Endst No. 3965-66 dated 14.03.2011. At least she has been transferred to GGMS Dheri Hameed Mian Distt Charsadda vide Endst No. 3655-60 F No. 134/F/Distt Charsadda dated 27.10.2011. Till date she is working as DM at The very school i.e Dheri Hameed Mian Distt Charsadda.

Proceedings:

The undersigned along with Mr Khizar Hayat senior subject specialist No 4 Peshawar as Co opted member visited office of the District Education Officer (F) E&SE Battagram & Mansehra on 25-26.09.2017. The matter was discussed with DEO (Female) Battagram and concerned staff. Record pertaining to appointment orders of the period 2006 with regards to Dm appointments was examined and discussed with the concerned staff Mr Wasiq Sadi, the then District Officer (Female) school and literacy Battagram was called upon by the

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undersigned at the office of DEO (Female) Battagram. He was presented original appointment order and Service Book of Mst. Zia Gul (F/B). Mr. Wasiq Said flatly denied his signatures on the appointment order as well as entries made in the Service Book of Mst. Zia Gul.

92

Mr. Wasiq said the then District Officer (F) S&L District Battagram in his written statement (F/C) termed that signatures made on the appointment order as well as service book [illegible]. He appended his specimen signatures in his written statement as well.

In addition nothing was found regarding appointment of Mst. Zia Gul as DM at GGMS Takot Battagram. Further Teacher Attendance Register GGMS Takot Battagram of the period September 2006 to November 2009 was examined in original (copy attached) (F/D) where in attendance of Zia Gul as DM is not verified for the period claimed in the service book i.e (w.e.f. 15-03-2006 to 30-11-2009). Her salary too for the same period at Battagram has no whereabouts as per office record of district Battagram and at prima facie seems that salary has not drawn for the period mentioned above.

2- The undersigned also visited Office of the DEO (F) Mansehra on 26/9/2017 Office record regarding Mst Zia Gul was searched by the concerned relevant staff but nothing was found regarding Inter District Transfer order etc of Mst Zia Gul. It merits consideration that salary for the period November 2009 to July 2010 was drawn at District Mansehra (F/E).

3- Mst Zia Gul in her written statement (F/F) commented that in response to advertisement she applied for the post of DM at District Battagram. She took written test securing 48 marks out of 50 and also appeared for interview, on the basis of which selected and took charge of DM at GGMS Takot District Battagram and received salary for about 2 years but did not provide any supporting documents in this regard.

4- DEO (F) Battagram vide (F/G) confirmed that office record regarding the appointment of Mst Zia Gul is silent and may be considered as fake and bogus behalf of this office from her transfer to this District at GGMS Mohandri and onward to District Charsadda is fake and bogus.

Attested
M

CERTIFIED TRUE COPY
[Signature]
Advocate
Supreme Court of Pakistan.

ATTESTED

Undersigned at the office of DEO (Female) Battagram. He was presented original appointment order and service Book of Mst Zia Gul (F/B) Mr Wasiq Said flatly denied his signatures on the appointment order as well as entries made in the Service Book of Mst Zia Gul.

Mr Wasiq said the then District Officer (F) S&L District Battagram in his written statement (F/C) termed that signatures made on the appointment order as well as service Book fictitious his specimen signatures in his written statements as well.

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4- DEO (F) Battagram vide (F/G) confirmed that office record regarding the appointment of Mst Zia Gul is silent and may be considered as fake and bogus

5- DEO (F) Mansehra vide (F/H) asserted that whole documentation on behalf of this office from her transfer to this District at GGMS Mohandri and onward to district Charsadda is fake and bogus.

ATTESTED

PLEASE SEE THIS
LEGIBLE COPY

93

Findings

- I. Appointment Order of Mst Zia Gul as PM at GGMS Takot District Battagram is fake and bogus as per record of the office of DEO (F) Battagram.
- II. As per Teacher Attendance Register GGMS Takot District Battagram her attendance for the period March 2006 to November 2009 did not verify (F/A).
- III. Mst Zia Gul failed to provide any supporting documents before the committee in favor of duty performed/attendance, charge took over, Inter District Transfer Orders, salary drawn at GGMS Takot District Battagram etc.
- IV. The then District Officer Education District Battagram viz Mr Wasiq said confirmed the signatures on Appointment Order as well as entries made in Service Book fake and Bogus (F/C).
- V. Salary for the period September 2009 to July 2010 (9 months) drawn at Mansehra (F/D) but record /documentation in this regard is not traceable at the Office of DEO (F) Mansehra.
- VI. Inter District Transfer order of Mst Zia Gul from District Battagram to District Mansehra is untraceable at the office of DEO (F) Mansehra.
- VII. DEO (F) Mansehra vide her letter (F/A) (does not confirm performance of duty at GGMS Mohandri while salary drawn and record in this regard is not traceable.
- VIII. Allied Bank Charsadda, Statement Period 01 January 2014 to 28 September 2017 (F/K) depicts on line transfer salary of Mst Zia Gul.

Recommendations

1. District Education Officer (F) and District Accounts Officer District Mansehra are held responsible for drawl of illegal salary in R/O Zia Gul for the period November 2009 to July 2010.
2. Recovery of salary drawn for the period November 2009 to July 2010 (9 month) at Mansehra be made.
3. (a) AS such, the appointment Order as well as Service Book document of Mst Zia Gul are cancelled and hence be considered as null and void or otherwise.

Attested

CERTIFIED TO BE TRUE COPY

Fazil Ahmad
Advocate-on-Record
Supreme Court of Pakistan

ATTESTED

Findings

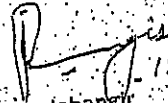
- i. Appointment order of Mst Zia Gul as DM at GGMS Takot District Battagram is fake and bogus as per record of the office of DEO (F) Battargam.
- ii. As per Teacher Attendance Register GGMS Takot District Battagram her attendance for the period March 2006 to November 2009 did not verify (F/D)
- iii. Mst Zia Gul failed to provide any supporting documents before the committee in faovur of duty performed / attendance, charge took over, inter district transfer orders, salary drawn at GGMS Takot District Battagram etc.
- iv. The then District Officer Education District Battagram viz Mr Wasiq said confirmed the signature on appointment order as well as entries made in Service Book fake and Bogus (F/C)
- v. Salary for the period September 2009 to July 2010 (9 months) drawn at Mansehra (F/D) but record / documentation in this regard is not traceable at the Office of DEO (F) Mansehra.
- vi. Inter District Transfer order fo Mst Zia Gul from District Battagram to District Mansehra is untraceable at the office of DEo (F) Mansehra.
- vii. DEO (F) mansehra vide her letter does not confirm performance of duty at GGMS Mohandri while salary drawn and record in this regard is not traceable.
- viii. Allied Bank Charsadda, Statement period 01 January 2014 to 28 September 2017 (F/K) depict on line transfer salary of Mst Zia Gul.


Recommendations

- 1- District Education Officer (F) and District Accounts Officer District Mansehra are held responsible for drawl of illegal salary in R/O Zia Gul for the period November 2009 to July 2010.
- 2- Recovery of salary drawn for the period November 2009 to July 2010 (9 months) at Mansehra be made.
- 3- (a) As such the appointment order as well as Service Book document of Mst Zia Gul are concerned and hence be considered as nul and void or otherwise.

ATTESTED

(b) As a 2nd option if the Department deem it appropriate, Mst Zia Gul be reappeared for recruitment through NTS on the grounds of her academic qualification, experience/duty, against which she has received salary at GGMS Dheri Hameed Maln Thungl Charsadda for the period 01 January 2014 to 28 September 2017.

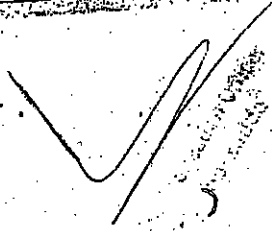

12-6-2017
Mr. Jehangir
Enquiry Officer


12/11
Mr. Khizar Hayat
Co-opted Member

94

Attested

CERTIFIED TO BE TRUE COPY


Secretary
12/11/17

7
ATTESTED

(b) As a 2nd option if the Department deem it appropriate Mst Zia Gul be reappeared for recruitment through NTS, on the grounds of her academic qualification, experience / duty, against which she has received salart at GGMS Dheri Hameed Mian Thungi Charsadda for the period 01 January 2014 to 28 September 2017.

MR. Jehangir
Enquiry Officer

Mr. Khizar Hayat
Coopted Member

ATTESTED

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BATTAGRAM

No. 312 /F.No.8/Vol-I
Dated 28-07-2017

ADP: (1) / 11/17
Discussions / 11/17
Case and
top school
11/11/17
DEORA

The District Education Officer,
(Female) Charsadda

Subject: SERVICE VERIFICATION

Memo:

Reference your letter No.8956 dated 20.12.2016 on the subject cited above and to state that the official record of this office is completely silent regarding the appointment under reference. Hence they may be considered fake and bogus please.

The service book in respect Miss. Zia Gul, DM is returned herewith for further necessary disposal please.

DISTRICT EDUCATION OFFICER (FEMALE)
BATTAGRAM

95

No 1175
28/7/2017

attested

VERIFIED TO BE TRUE COPY

For and on behalf of
Supreme District Council

ATTESTED

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95

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BATTAGRAM

No. 312/F.NO. 8/Vol-I

Dated 18.02.2017.

To

The District Education Officer

(Female) Charsadda

Subject: SERVICE VERIFICATION

Memo:

Reference your letter NO. 9856 dated 20.12.2016 on the subject cited above and to state that the official record of this office is completely silent regarding the appointment under reference. Hence they may be considered fake and bogus please.

The service book in respect Miss zia Gul, DM is returned herwith for further necessary disposal please.

**DISTRICT EDUCATION OFFICER (FEMALE)
BATTAGRAM**

ATTESTED

96

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OR ORDER SHEET

| Date of order. | Order or other proceedings with the order of Judge |
|----------------------------|--|
| <u>ORDER</u> 14.09.2017 | <p><u>Writ Petition No.2028-P/2017</u> <u>with COC No.477-P/2017/</u></p> <p>Present:- Mr. Muhib Jan Salarzai, Advocate, for the petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG, for the respondents along with Ms Bushra Begum, ADEO, DEO(F) Office Charsadda.</p> <p>*****</p> <p>Mat. Zia Gul wife of Hamayoun, the petitioner, allegedly serving as a Drawing Master BPS-15 and presently Posted in Govt Girls Middle School, Dheri Hamid Mian, District Charsadda, is aggrieved from the action of the respondents whereby her monthly salary has been withheld since January, 2017, without any legal justification.</p> <p>Earned counsel for the petitioner contended that ever since her appointment way back in the year 2006 as a Drawing Master at GGMS Thakot Battagram, the petitioner has been regularly performing her duties and even after her transfer to District Charsadda, she has been regularly attending to her duty and she has been receiving her monthly salary as well, but all of a sudden, in pursuance of a letter addressed by DEO (female)</p> |

ITG

called

ATTESTED

ATTESTED

PESHAWAR HIGH COURT, PESHAWAR

FORM "A"

FORM OF ORDER SHEET

| Date of Order | Order or other proceedings with the order of Judge |
|---------------------|---|
| Order 14.09.2017 | <p data-bbox="427 775 858 808">Writ Petition No. 2028-P/2017</p> <p data-bbox="427 826 804 860">With COC No. 477-P/2017</p> <p data-bbox="427 922 1326 955">Present: Mr Muhib Jan Salarzai, Advocate for the Petitioner</p> <p data-bbox="427 1025 1406 1110">Mr. Rab Nawaz Khan AAG for the respondents along with MS Bushra Begum, ADEO, DEO (F) office Charsadda.</p> <p data-bbox="427 1174 1406 1458">Mst Zia Gul wife of Hamayoun, the petitioner allegedly serving as a Drawing Master BPS-16 an presently posted in Govt Girls Middle School, Dheri Hamid Mian, District Charsadda is aggrieved from the action of the respondents whereby her monthly salary has been withheld since February 2017, without any legal justification.</p> <p data-bbox="427 1470 1406 1805">Learned counsel for the petitioner contended that ever petitioner appointment, way back in the year 2006 as a Drawing Master at GGMS Thakot Battagram, the Petitioner has been regularly performing her duties and even after her transfer to District Charsadda, she has been regularly attending to her duty and she has been receiving her monthly salary as well, but all of a sudden in pursuance of a letter addressed by DEO (Female)</p> <p data-bbox="927 1978 1241 2158" style="text-align: right;">ATTESTED</p> |

Battagram, her salary has been withheld since January 2017.

On the previous date when learned AAG was confronted with the relief sought by the petitioner, he submitted that the very appointment order of the petitioner is fake and that is how an enquiry is in progress in the matter which will take some time. In this view of the matter, this Court held that as to why at Thakot Battagram for five long years and even after her transfer to District Charsadd in the year 2011, nobody in the Education Department noticed the appointment of the petitioner to be based on fake and bogus appointment letter and that in such like matters, it should not be merely an individual to be sent home packing but the responsible persons in the high echelons of Education Department should also be strictly proceeded against in accordance with law, however, the respondents were directed to release the salaries of the petitioner subject to the final outcome of the enquiry.

Since, the respondents have not paid released salary of the petitioner as directed by this Court, therefore, the petitioner has filed COC No.477-P/2017, which is also fixed today. Learned AAG accepted notice and reiterated that when appointment of the petitioner is fake and there is no record of the same, the respondents

ATTESTED

Attested

ATTESTED

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Since, the respondents have not paid released salary of the petitioner as directed by this court, therefore, the petitioner has filed COC No. 477-P/2017, which is also fixed today. Learned AAG accepted notice and reiterated that when appointment of the petitioner is fake and there is no record of the same, the respondents

ATTESTED

PLEASE PRINT

(98)

were unable to release the salaries of the petitioners.

Confronting with the stance of each other, the parties agreed and requested the Court for sending the matter to Anti Corruption Department for probe and proceedings. Accordingly, the matter is sent to the Director Anti Corruption Khyber Pakhtunkhwa with the direction to probe into the matter within a fortnight, positively and to submit report to this Court. Office is directed to send copy of writ petition and all documents annexed therewith coupled with the comments and documents brought on record by the respondents to the Director Anti Corruption Khyber Pakhtunkhwa for doing the needful within a fortnight and to submit report on or before the date fixed. Adjourned to 11.10.2017.

JUDGE

JUDGE

ATTESTED

Handwritten signature

ATTESTED

Were unable to release the salaries of the petitioners.

Confronting with the stance of each other, the parties agreed and requested the Court for sending the matter to Anti-Corruption Department for probe and proceedings. Accordingly, the matter is sent to the Director Anti-Corruption Khyber Pakhtunkhwa with the direction to probe into the matter within a fortnight, positively and to submit report to this court. Office is directed to send copy of writ petition and all documents annexed therewith coupled with the comments and documents brought on record by the respondents to the Director Anti Corruption Khyber Pakhtunkhwa for doing the needful within a fortnight and to submit report on or before the date fixed. Adjourned to 11.10.2017.

JUDGE

ATTESTED



Office of the District Education Officer Female
District Charsadda

0919220086 emischarsadda.deof@yahoo.com

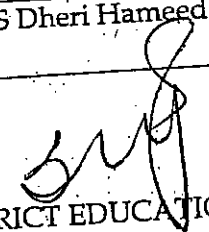
No. _____ / Dated 16 / 06 2022

99

OFFICE ORDER

In Compliance of the Judgment dated 11-11-2021 titled Nazma Ali others (3) club cases passed by the Hon,ble Service tribunal with the consultation and recommendation of the Enquiry committee discussed herein above the undersigned in the capacity of being competent authority and the instant cases of the considered opinion that the following appellants are not entitled to reinstate against the posts in question. Moreover notification been Endst Nos 1508-15 dated 19-07-2019 and Endst No, 10644-46 dated 22-11-2017 of the Ex-DEO (F) Charsadda are hereby maintained in the interest of public service please.

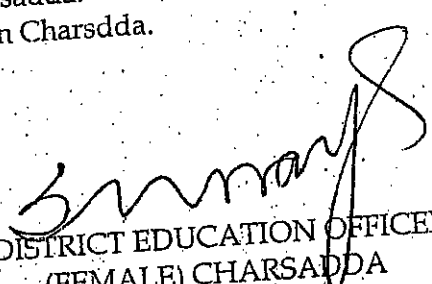
| S.No. | Name of teachers | School names |
|-------|------------------------|----------------------------------|
| 1 | Mst Nazma Ali Ex-CT | GGMS Rajjar Charsadda |
| 2 | Mst shama begum Ex-PST | GGPS pigham Charsadda |
| 3 | Nighat seema Ex AT | GGHS Dadu killi Charsadda |
| 4 | Mst Zia Gul Ex-DM | GGMS Dheri Hameed Mian Charsadda |


DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAZZA

Endst NO 12025-30 dated 16 / 06 2022

Copy for information

- (1) PA to director E&SE khber pukhtoön khwa
- (2) Mst Nazma Ali Ex-CT GGMS Rajjar Charsadda.
- (3) Mst Shama begum EX-PST GGPS Pigham killi Charsadda.
- (4) Mst Nighat seema EX-AT GGHS Dadu killi Charsadda.
- (5) Mst Zia Gul EX- DM- GGMS dheri Hameed Mian Charsdda.
- (6) office file.


DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAZZA

ATTESTED





100

17th Oct., 2022

Counsel for the petitioner present. Mr. Kabirullah Khattak, Addl. AG alongwith Tauseef Ahmad, ADEO for the respondents present.

SCANNED
KPST
Peshawar

Learned counsel for the petitioner seeks adjournment in order to further prepare the brief. Adjourned. To come up for further proceedings on 04.11.2022 before S.B.

9

(Kalim Arshad Khan)
Chairman

4th Nov, 2022

1. None for the petitioner present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

02. On 02.09.2022 implementation report was filed by the DEO (F) Charsadda according to which, in compliance with the judgment of the Tribunal, the petitioner, alongwith three others, were initially reinstated in service vide order dated 20.01.2022 but on the directions of the Tribunal a de-novo enquiry was conducted where-after the petitioner and the three others were found not entitled to be reinstated vide office order Endst No. 12025-30 dated 16.06.2022. The order dated 16.06.2022 has created a new cause of action in favor of the petitioner and he may recourse to other legal proceedings available to him under the law. As regards this petition, the compliance of the judgment has been made, therefore it is filed. Consign.

3: *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 4th day of November, 2022.*

Certified to be true copy
EXAMINER
Kyber Pakhtunkhwa
Service Tribunal
Peshawar

(Kalim Arshad Khan)
Chairman

(101)

Annex "L"

BEFORE THE DIRECTOR ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED
OFFICE ORDER NO 12025-30 DATED 16-06-2022
WHEREBY THE INITIAL IMPUGNED OFFICE ORDER
NO.10643 DATED 22/11/2017 PASSED BY THE DEO
(FEMALE) CHARSADDA HAS BEEN KEPT MAINTAINED,
AND THE SERVICE OF THE APPELLANT HAS BEEN
DISPENSED BEING NO MORE REMAINED TEACHER.

Prayer:

On acceptance of this departmental appeal, both the impugned Office Order No 12025-30 dated 16-06-2022 & initial impugned office order No.10643 dated 22/11/2017 passed by the DEO (Female) Charsadda may kindly be set aside and the appellant be re-instated to her service with all back benefits.

Respectfully Sheweth:

1. That the Appellant was initially appointed in BPS-9 as Drawing Master (DM) vide appointment order dated 14/03/2006 by the department on the recommendation of Selection Committee after adopting all the codal & legal formalities, which was later on upgraded to B.P.S-15 and thereafter without any legal & lawful reason vide office order No 10643 dated 22/11/2017 passed by the DEO (Female) Charsadda, the service of appellant was dispensed; thereafter the appellant filed Service appeal No 550 / 2018 which was allowed vide order dated 11-11-2021 by setting aside the impugned order and the case was referred for regular and detail inquiry but now again without conducting any detail inquiry as order by the Honorable Tribunal, the DEO (Female) Charsadda passed the impugned Officer Order No 12025-30 dated 16-06-2022 whereby the initial order has been kept maintained by dispensing the service of appellant

ATTESTED

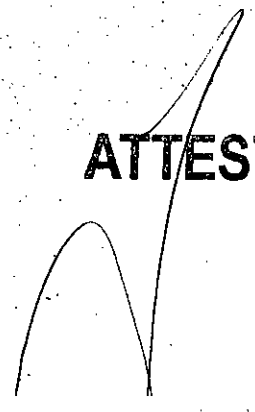
2. That both the impugned office order, No 12025-30 dated 16-06-2022 & initial impugned office order No.10643 dated 22/11/2017 passed by the DEO (Female) Charsadda are totally illegal, against E&D Rules 2011, justice and facts of the case therefore not tenable.
3. That according to the Direction of Honorable Service Tribunal no inquiry has been conducted, nor any no show cause notice and statement of allegation has been issued to the Appellant, neither the Appellant was informed or associated in the alleged inquiry and no opportunity of hearing has been provided to the Appellant, therefore the impugned order has been passed on the back of the appellant meaning thereby, that the initial order of DEO (Female) Charsadda has been endorsed without complying the direction of the Honorable Service Tribunal KPK Peshawar.
4. That the alleged inquiry officer has not called the appellant for inquiry proceeding and the alleged inquiry report was prepared just to absolved himself by the DEO (Female) Charsadda from the direction of Honorable Service Tribunal KPK Peshawar, therefore the impugned order is illegal and not according to law nor inconsonance with the fact of the case rather the same has been passed to show that the inquiry proceeding has been conducted in the light of the order of Honorable Service Tribunal KPK Peshawar.
5. That the appellant has been appointed in the year 2006 and the DEO (Female) Charsadda has been awakened from deep slumber in the year 2017 by declaring the appointment order of the appellant to be fake, it is pertinent to mention here that two other candidate were also appointed with appellant and still they are performing duty, but illegally declare the appointment order of appellant to be fake, further more every year in the service book of the appellant, the service of the appellant has been verified by the competent authority, and even after transfer to Charsadda,

ATTESTED

the same is also verified therefore the allegation of fake appointment of the appellant is baseless and based on mala fide.

6. That in the alleged inquiry, there is no assertion of the officer / competent authority of the relevant time who has denied the appointment order of the appellant nor the statement has been recorded of the officer, who had appointed the appellant by the inquiry officer to determine the genuineness & fakeness of the appointment order of the appellant.
7. That the appellant has more than 10 year service on her credit and at this belated stage, it does not appeal to the prudent mind that the appointment order of the appellant is false or fraudulent and fake.
8. That the alleged inquiry officer has not followed the E & D Rule 2011 in letter & spirit rather the same has been violated by submitting a frivolous inquiry report for dispensing the service of the appellant.
9. That the word dispensing is no where mentioned in the service law or E & D Rule 2011, therefore the impugned dispensing order as well as the alleged inquiry conducted by the so called inquiry officer are not true & correct in the light of the judgment & direction of the Honorable Service Tribunal KPK Peshawar.
10. That while dispensing the service of the appellant, no final show cause notice was issued to the appellant and the appellant has been kept un informed from the alleged inquiry and the alleged inquiry was filed in the execution proceeding before the Honorable Service Tribunal KPK Peshawar, wherefrom the appellant has got the knowledge of the alleged inquiry & impugned order, and the execution petition was disposed off on 17-10-2022.

ATTESTED



11. That the appellant also request for personal hearing at the time of hearing / disposal of instant appeal.

Prayer:-

It is therefore requested that on acceptance of the departmental appeal on behalf of appellant, the impugned service dispensing Order No 12025-30 dated 16-06-2022, impugned office order No.10643 dated 22/11/2017 passed by the DEO (Female) Charsadda may graciously be set aside and the appellant be re-instated to her service with back benefits.


Appellant
Zia Gul
4-11-2022
Mst Zia G

Ex-Drawing Master (DM) GGI/
Dheri Hameed Mian Charsadda

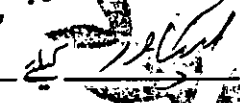
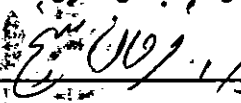
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| ایڈوکیٹ:  | | پشاور بار ایسوسی ایشن، خیبر پختونخواہ | | |
| بار کونسل ایسوسی ایشن نمبر: 12-3483-PC | | سرورس ٹریڈنگ کمپنی | | |
| رابطہ نمبر: 0300-5917744 | | بعدالت جناب: | | |

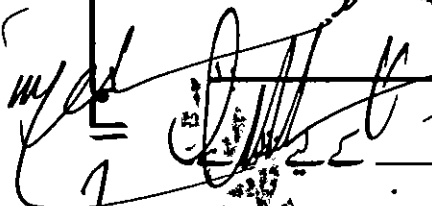
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| | موردہ: |
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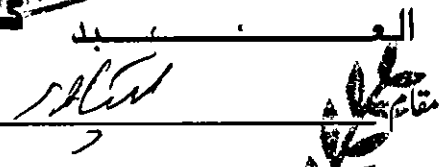
باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کا کوئی متعلقہ
 آن مقام  کیلئے  محمد امجد سجاد منیر، وکیل کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقررات و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زرین برد خط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائرہ کوئی اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ برداشتہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

Zubul

25-02-2023
 PESHAWAR BAR ASSOCIATION
 KHYBER PAKHTUNKHWA
 واہ شاہ





نوٹ: اس وکالت نامہ کی نوکالی ہر جگہ قبول ہوگی۔
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