

21.1.2016


Agent of counsel for the appellant and Mr. Muhammad Fayaz, Supdt. alongwith Mr. Muhammad Saddique, Sr.GP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 15.8.2016 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

15.08.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Learned counsel for the appellant requested for adjournment to submitted rejoinder. To come up for rejoinder and final hearing on 17.01.2017 before D.B at camp court, Abbottabad .

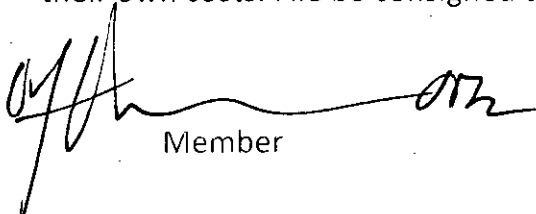

Member



Chairman
Camp court, A/Abad

17.01.2017

Counsel for the appellant and Mr. Muhammad Siddique, Senior Government Pleader alongwith Mr. Muhammad Usman Senior Clerk for the respondents present. Arguments heard. Record perused.

Vide our detailed judgment of to-day placed in connected service appeal No. 744/2015 titled "Shahida Bibi Versus Government of Khyber Pakhtunkhwa through Secretary, E&SE Peshawar and others", we accept the instant appeal also as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.


Member


Chairman
Camp court, A/Abad,
17.01.17.

ANNOUNCED
17.01.2017

24.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as civil servant in the prescribed manners but vide impugned order dated 3.3.2015 she was dismissed from service on the allegations of discrepancies in appointment regarding which she preferred departmental appeal on 10.3.2015 which was not responded and hence the instant service appeal on 8.7.2015.

That the appellant was given no opportunity of hearing nor the inquiry was conducted in the prescribed manners and major penalty in the shape of dismissal from service was passed which penalty is against facts and law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 20.10.2015 before S.B at camp court A/Abad. Notice of stay application be also issued for the date fixed.


Chairman

Camp Court A/Abad

20.10.2015

Counsel for the appellant and Mr.Sakeenullah, ADO alongwith Mr.Muhammad Tahir Aurangzeb, G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 21.01.2016 before S.B at Camp Court A/Abad.


Chairman



Camp Court A/Abad.

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 783/2015

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 08.07.2015 | <p>The appeal of Mst. Nosheen presented today by Mr. Muhammad Arshad Khan Tanoli Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2 | 10-7-15 | <p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>24-7-15</u></p> <p style="text-align: right;"> CHAIRMAN</p> |

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Appeal No 783/2015

Nosheen d/o FAzal ur Rehman GGPS, Beer bat R/o New Dar band
Tehsil & District Mansehra

.....Appellant

VERSUS

1. Govt. of KPK through Secretary Education (E & SE), KPK Peshawar.
2. Director (E & SE), KPK Peshawar.
3. District Education Officer (Female), Mansehra.

.....Respondents

INEX

| S.No | Prescription of Document | Annexure | page |
|------|---|----------|-------|
| 1 | APPEAL | | 1-10 |
| 2 | Copy of Advertisement | "A" | 11 |
| 3 | Copies of Documents/testimonial are annexed | "B" | 12-17 |
| 4 | Copy of appointment order and corrigendum | "C" | 18-21 |
| 5 | Copy of Show cause notice and one page of inquiry of the then EDO | "D" | 22-23 |
| 6 | Copy of impugned dismissal order of appellant | "E" | 24 |
| 7 | Copy of departmental appeal /representation | "F" | |
| 8 | Wakalatnama | | |
| | | | |

Dated: 7/7/2015

Appellant

Through

Muhammad Arshad Khan Tanoli

Advocate, High Court

Abbottabad

①

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Appeal no 783/15

A.W.F. Province
Service Tribunal
Diary No. 811
Dated 8-7-2015

Nosheen d/o FAzal ur Rehman GGPS, Beer bat R/o New Dar band
Tehsil & District Mansehra

.....Appellant

VERSUS

1. Govt. of KPK through Secretary Education (E & SE), KPK Peshawar.
2. Director (E & SE), KPK Peshawar.
3. District Education Officer (Female), Mansehra.

.....Respondents

SERVICE APPEAL.

Service Appeal u/s 4 of KPK Service Tribunal, 1974

Respectfully Sheweth,

Facts forming the back ground of the instant Service Appeal is as under:-

1. That, respondent No 3 announced the posts of PST in Dailly "The Aaj" dated 20/5/2011 for appointment of PST teachers. The Appellant fulfills the entire criteria which is sine qua non for appointment for the post of PST Teacher.

Copy of Advertisement is annexed as Annexure "A"

Filed to the
Registrar
8/7/15

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2. That, the appellant qualified test as well as interview conducted by respondent No 3. The appellant is qualified Matric, F.A/F Sc PTC with extra qualification. **Copies of Documents/testimonial are annexed as Annexure "B"**

3. That, following this, the appellant was appointed as PST Teacher in respondents' Department on the basis of merits and was posted in GGPS vide appointment order endrst No 5360-5384/ Estt ; PST 2011/2012 Mansehra Dated 18.5.2012. **Copy of appointment order and is annexed as Annexure "C"**.

4. That, the appellant served the Department with complete devotion and dedication to the entire satisfaction of her superiors from the date of her appointment i.e. 18.5.2012 onwards.

5. That, the appellant was though dismissed from service by the respondents' department vide Endrs. No 2086-95/AE /ESTB on 3.3.2015.

6. That, Respondent No 3 issued Show Cause notice to the appellant without annexing the statement of allegations however, a page of inquiry which was conducted against the then EDO Umar Khan Kundi and DEO, Shamim Akhtar was found attached with the show cause notice, wherein

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it was mentioned against the name of appellant that "that appointment order was the result of misuse of authority by the then EDO according to his sweet will and wishes as against the recruitment rules". **Copy of Show cause notice annexed as Annexure "D"**. AS the inquiry committee did not recommend any remarks against the Appellant

7. That, show cause notice issued to the appellant was properly replied by her mentioning that the appellant applied for the post of PST Teacher and appeared in ETTA of the merits list and thereafter was appointed on merit. Beside, District Education Officer solicited candid views from respondent No 2 regarding as to whether the candidate who possess their requisite qualification from recognized Institution to be appointed "as per service structure in prescribe rules the requisite qualification against the vacant post of PST Teacher is taken into consideration and thereafter appointment made on merit.
8. That, the respondent No 3, as stated above, served show cause notice to the appellant, which was properly replied by her. As per law, the appellant was entitled to be heard in person by respondent No 3. But Respondent NO 3 without resorting the rules, without providing opportunity of personal hearing and adopting proper modus operandi required for dismissal of employees from service, dismissed the appellant vide impugned dismissal order

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endst. No 2086-95/AE./Estb dated 03.03.2015. **Copy of impugned dismissal order of appellant is attached as annexure "E".**

9. That on receipt of dismissal order, appellant filed departmental appeal against the order of respondent No 3 to respondent No 2 on 9.03.2015. **Copy of departmental appeal /representation is attached as annexure "F"** but respondent No 2 did not bother to reply the representation of the appellant so far. Hence feeling aggrieved, the instant appeal is filed by appellant inter-alia on the following grounds:-

GROUNDS

- a. That, the appellant fulfilled the criteria of appointment as PST being qualified. The appellant was appointment on merit on the recommendation of Departmental Selection Committee and was placed on the merit list.12
- b. Hence impugned dismissal order is illegal perverse, discriminatory without lawful justification and null and void on the rights of the appellant.

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- c. That, as per educational record annexed with the appeal, the appellant has been appointed as PST according to the laid down procedure and criteria mentioned in the advertisement published by respondent 3. It is further submitted that there were vacant post of PST in the Union Council of the appellant but respondent No 3 did not appoint the appellant in her Union Council. However later on she was to be posted in her own Union Council. It is worth mentioning that there was no contesting candidate in the Union Council where the appellant was appointed as per law and procedure mentioned in the advertisement.
- d. That, when law prescribe something which is to be done in a particular manner that must be done in that manner and not otherwise. As per law the appellant was eligible for appointment as PST. But the conduct of respondents department towards the appellant is mala fide, discriminatory and not maintainable at law.
- e. That, this fact may not be left to fade in oblivion that the Govt. of KPK removed the then EDO, Mansehra, Umar Kundi from service but the appellant has been dismissed from service due to no fault of her. Once an employee is dismissed he is de-barred to get appointment in Govt. Departments. Therefore,

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respondents' Department not only illegally dismissed the appellant but snatched her bread and butter in future as well. Hence impugned dismissal order is liable to be set aside.

- f. That, respondent No 3 did not issued final show cause notice to the appellant and dismissed her in hasty manner and wants to induct some blue eyed chaps at the alter of appellant which is discriminatory against the principle of natural justice and fair play.
- g. That, respondents' Department has led the appellant to the place which is utterly unknown to the principle of jurisprudence and natural justice.
- h. That, right from the appointment of the appellant as PST in 2012, there was no rival candidate who contested the appointment of the appellant in any Court of law anywhere in KPK.
- i. That, Govt. of KPK conducted inquiry against the then EDO, Umar Khan Kundi for committing illegalities/irregularities in appointments/promotions etc and finally removed from service. Therefore, the appellant cannot make a scapegoat for illegal acts of the then EDO Umar Kundi. Therefore on the basis of removal of Umar Kundi from service, the appellant

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cannot be dismissed for the acts committed by the Ex-EDO.

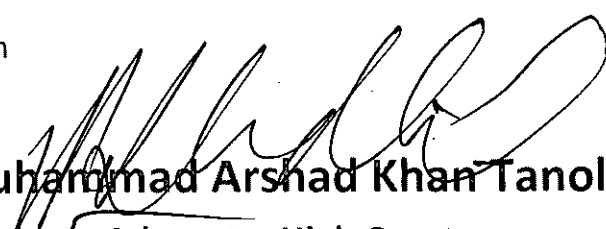
- j. That, the Honourable Service Tribunal has jurisdiction to entertain the grievance of the appellant and the appeal of the appellant is within the prescribe period of limitation

It is, therefore, prayed that on acceptance of the instant Service Appeal of the appellant, impugned dismissal order Endrst. No 2086-95/AE./Estb dated 3.3.2015 may graciously be set aside and respondent No 3 may be directed to reinstate the appellant in service in the School with effect from the date of her dismissal with all service back benefits in terms of pay etc. Any other relief which this Honourable Court deems appropriate in the circumstance may also be done.

Dated: 7/5/2015

Appellant

Through


Muhammad Arshad Khan Tanoli
Advocate, High Court
Abbottabad

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BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Nosheen d/o FAzal ur Rehman GGPS, Beer bat R/o New Dar band
Tehsil & District Mansehra

.....Appellant

VERSUS

1. Govt. of KPK through Secretary Education (E & SE), KPK Peshawar.
2. Director (E & SE), KPK Peshawar.
3. District Education Officer (Female), Mansehra.

.....Respondents

APPLICATION FOR SUSPENSION
OF IMPUGNED ORDER NO ^{CH 3-3} -245 AND
GRANT OF STATUS QUO TILL
FINAL DISPOSAL OF THE MAIN
APPEAL.

Respectfully Sheweth,

1. That the instant service appeal is being filed today and this application may be treated as part and partial of the service appeal.
2. That, competent authority i.e District Education Officer (Male) Mansehra prior to dismissal of the applicant did not followed the procedure laid down in service laws. Hence the applicant has not been provided opportunity of personal hearing and no final show cause notice has been issued
3. That, valuable rights have been accrued to the applicant for serving teacher and Education Department since 2012 to till date.
4. That, the applicant served the Department with complete devotion and dedications. Besides, the applicant had required qualification/criteria for the said post and the

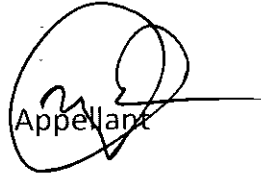
9

applicant has not been contested by any one as there was no contesting rival candidate.

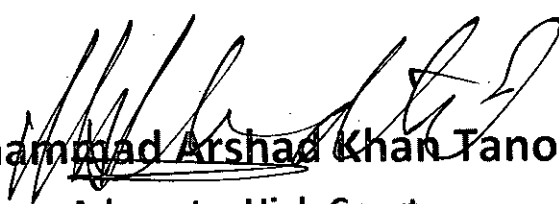
5. That, the applicant got appointment purely on the basis of merit. The applicant has been dismissed by the competent authority due to no fault of her.
6. That, the balance of convenience is infavour of the applicant and in case, status quo is not granted, the applicant shall suffer irreparable.

It is, therefore, very humbly prayed that on acceptance of the instant application, impugned termination order dated 03.03.2015 may graciously be suspended and status quo may also be granted till final decision of the main appeal.

Dated: 7/5/2015


Appellant

Through


Muhammad Arshad Khan Tanoli
Advocate, High Court
Abbottabad

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BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Nosheen d/o FAzal ur Rehman GGPS, Beer bat R/o New Dar band
Tehsil & District Mansehra

.....Appellant

VERSUS

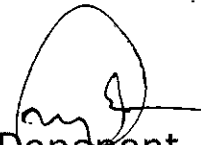
1. Govt. of KPK through Secretary Education (E & SE), KPK Peshawar.
2. Director (E & SE), KPK Peshawar.
3. District Education Officer (Female), Mansehra.

.....Respondents

AFFIDAVIT

I, Nosheen d/o FAzal ur Rehman GGPS, Beer bat R/o New Dar band Tehsil & District Mansehra do hereby solemnly affirm and declare that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated: 2/7 /2015


Deponent

129911

Annex B P-12

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ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD PROVISIONAL RESULT CARD



Name: NOSHEEN
 Father's Name: FAZAL UR REHMAN
 Address: 270 BILAL GENERAL STORE P/O NEW BARBAUD TOWN SHIP COLONY
 Tehsil: DEHI
 District: MANSEHRA

Roll No: 0602482
 Registration No: 04NMA1300
 Final Semester: AUT- 2005

has successfully completed PRIMARY TEACHING CERTIFICATE Programme.

The detail of passed courses are as under:

| Semester | Course Code | Title of Course | Marks | |
|----------|-------------|--|---------|----------|
| | | | Maximum | Obtained |
| AUT- 04 | 0613 | PRINCIPLES OF EDUCATION | 100 | 59 |
| AUT- 04 | 0614 | EDUCATIONAL PSYCHOLOGY | 100 | 56 |
| AUT- 04 | 0615 | SCHOOL ORGANIZATION & MANAGEMENT | 100 | 59 |
| AUT- 04 | 0616 | SCHOOL COMMUNITY & PRACTICAL ARTS | 100 | 54 |
| SPR- 05 | 0611 | PRACTICAL WORKSHOP & TEACHING PRACTICE | 100 | 56 |
| AUT- 05 | 0617 | TEACHING OF URDU | 100 | 62 |
| AUT- 05 | 0618 | TEACHING OF MATHEMATICS | 100 | 41 |
| AUT- 05 | 0619 | TEACHING OF SCIENCE & PHYSICAL EDUCATION | 100 | 41 |
| AUT- 05 | 0620 | TEACHING OF SCIENTIFIC & SOCIAL STUDIES | 100 | 54 |

Department Of Examinations
 (Certificate Section)
VERIFIED
 Certificate/Degree/Diploma/Transcript
 bearing Sr. No. 129911 is
 Checked & Found Correct.
 Signatures:- *[Signature]*

Verified

Attested
[Signature]
 Muhammad Iqbal Khan, Tahsil
 District: District Mansehra

[Signature]
 12/09/05

Total Marks / Obtained 900 - 512

Percentage / Grade 57

CREDITS: 5

Result Declared on JUNE 20, 2006

Date of issue JULY 05, 2006

[Signature]
Controller of Examinations

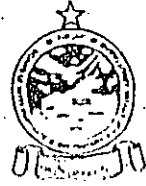
Disclaimer:
This result card is issued provisionally. errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the

78

21525

Sr. No. AD

CARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD DETAILED MARKS CERTIFICATE Secondary School Certificate Examination



(Class X)

Session 2003 (Annual)

Group (HUMANITIES GROUP)

P-13

Name: Nosheen

Father's Name: Fazal Ur Rehman

Roll No 56251

| Subjects | Marks | MARKS OBTAINED | | | |
|------------------------------|-------|----------------|-----------|-------|-------------|
| | | Theory | Practical | Total | In Words |
| 1. English | 150 | 37 | 43 | 80 | Eighty Only |
| 2. Urdu | 150 | 43 | 46 | 89 | Eighty-Nine |
| 3. Islamiyat | 75 | 48 | | 48 | Forty-Eight |
| 4. Pakistan Study | 75 | 42 | | 42 | Forty-Two |
| 5. New Riazi | 100 | 46 | | 46 | Forty-Six |
| 6. General Science | 100 | 57 | | 57 | Fifty-Seven |
| 7. Islamic Study | 100 | 62 | | 62 | Sixty-Two |
| 8. Elements Of Home Economic | 100 | 49 | | 49 | Forty-Nine |

SECRETARY OFFICER
BISE, Abbottabad

RESULT PRINTED
SSC: SECRETARY
Total - 850

473-C Four Hundred Seventy-Three Only

Remarks

Checked By: _____

Date: 25-06-2003

Note: Errors / Omissions are excepted
Khaksar and BRAINS Software Enterprise (KBSoft)

Controller of Examinations
BISE Abbottabad

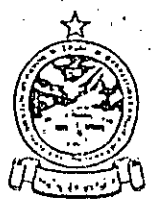
Verified

PST نیشن
9.9.05

Attended
M. Khan
Distt. Courts Abbottabad

Date No: 1.0.2005

BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD



Roll No: 46056

Group: HUMANITIES

RESULT CARD

HIGHER SECONDARY SCHOOL CERTIFICATE EXAMINATION

Part - II

Session: 2005 (Annual)

P-14

Name: NOSHEEN
 Father Name: FAZAL UR REHMAN
 Institution: MANSEHRA
 District: _____

has secured the marks shown against each subject in the Higher Secondary School Certificate Examination Part-II held in the month of May/June as a Private Candidate

| Subjects | Marks | Marks Obtained | | | | | |
|-------------------|-------|----------------|-------|---------|-------|-------|--------------------------|
| | | Part-I | | Part-II | | Total | Marks in Words |
| | | Theory | Pract | Theory | Pract | | |
| English | 200 | 40 | -- | 39 | -- | 79 | Seventy-Nine |
| Urdu (Comp) | 200 | 45 | -- | 51 | -- | 96 | Ninety-Six |
| Islamic Education | 50 | 29 | -- | -- | -- | 29 | Twenty-Nine |
| Pakistan Studies | 50 | -- | -- | 27 | -- | 27 | Twenty-Seven |
| Islamic History | 200 | 50 | -- | 77 | -- | 127 | One Hundred Twenty-Seven |
| Civics | 200 | 46 | -- | 57 | -- | 103 | One Hundred Three |
| Islamic Studies | 200 | -- | -- | 53 | -- | 53 | One Hundred Four |

RESULT CARD
SECRETARY
 Total: 1100

565-C Five Hundred Sixty-Five Only

Remarks: _____

Date: 23-February, 2006

Checked By: _____

[Signature]
 Controller of Examinations

Note: Errors / Omissions excepted. Any mistake in Name, Father Name etc must be intimated within 30 days of the issuance date of this certificate to BISE Abbottabad. Visit us: www.biseabd.edu

P.S.T فونشن
 49.P.S
 verified for Admitted
[Signature]
 Muhammad Arshad Khan Tanzeel
 Advocate
 Distt: Courts Abbottabad

HAZARA UNIVERSITY

MANSEHRA, PAKISTAN

DETAILED MARKS CERTIFICATE

BA ANNUAL EXAMINATION 2011

Roll No: 57629
 Name: Nosheen
 Institution/ District: MANSEHRA

Reg No: 06-P-2097
 F/ Name: Fazal Ur Rehman
 Part: Second

P-15
Provide P-I DMC

| COURSE TITLE: | Max: Marks | | Marks Obt: | | Total | Marks in Words | Remarks |
|-------------------|------------|----|------------|----|-------|--------------------------|---------|
| | TH | PR | TH | PR | | | |
| Part-I Marks----> | 285 | | | | 110 | ONE HUNDRED-TEN | |
| ENGLISH | 75 | | 25 | | 25 | TWENTY-FIVE | Pass |
| URDU | 75 | | 34 | | 34 | THIRTY-FOUR | Pass |
| PAKISTAN STUDIES | 40 | | 21 | | 21 | TWENTY-ONE | Pass |
| ISLAMIC STUDIES | 75 | | 47 | | 47 | FORTY-SEVEN | Pass |
| Total: | 550 | | | | 237 | TWO HUNDRED THIRTY-SEVEN | |

Percentage: 43.09
 Division: THIRD

Print Date: 15-08-2011

Checked By: *[Signature]*

Errors and omissions are subject to subsequent rectification.
 Note: Any mistake in Name, Father Name etc must be intimated within 60 days of the issuance date of this Certificate.

Controller Examinations
 Hazara University, Mansehra
 August 15, 2011

Pl Provide Part-I DMC

Provide P-I

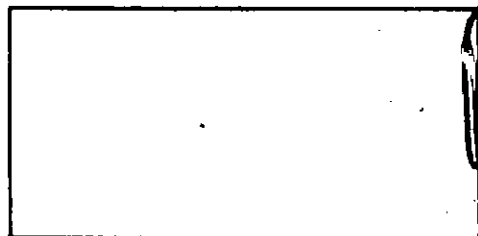
P.S.T. نوشین
سیر بیٹ
G.G.P.S

06-P-2360
29081/1062

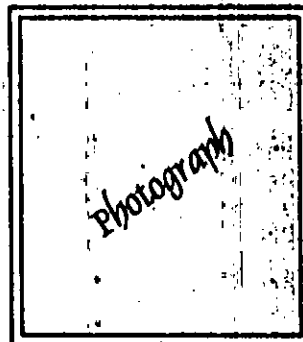
Attended by
[Signature]
 Muhammad Arshad Khan Talwar
 Advocate
 Distt: Courts Abbottabad

Domicil Certificate

N.W.F.P. DISTRICT



P-16



I declare that I am born of parents who are/were permanently domiciled in **NORTH WEST FRONTIER PROVINCE** having been born/settled in this province.

I was born at Village/Mohallah NE W DARBAND

Tehsil OGHI District MANSEHRA Hazara Division

Nosheen
Signature of Applicant

Date 04.06.2005

Pursuance to the Declaration date 04.06.2005

Filled by Mr./Miss./Mrs. NOSHEEN BAKHT S/D/W/O FAZAL-ur-REHMAN

Domiciled in North West Frontier Province, It is here by certified that the said NOSHEEN BAKHT

is born of parents who are/were/permanent residents of the North West Frontier Province, having been born/settled within it.

I have satisfied myself from Personal/my Knowledge verification that the above declaration is true and certify accordingly.

This _____ Day of _____

Countersigned
District Officer
Revenue & Estate

No 23914 Dated 31-12-05
Countersigned
Deputy District Officer
Revenue & Estate
Mansehra
(Revenue & Estates), Ogb

Certified That Miss Nosheen D/o
 Fazal-ur-Rehman was regular student
 of This school and she has passed
 his 5th class Exam from This school
 Under S. No 53

Principal
 Jinnah Middle Public School
 New Darband

تصدیق کی جاتی ہے کہ سجادہ نوشین دختر فضل الرحمان سکنہ نیو در بندہ
 کی رہائشی و پیدائشی ہے۔ میں اس کو ذاتی طور پر جاننے والی ہوں۔

سجادہ علیہ الرحمہ نوشین دختر فضل الرحمان سکنہ نیو در بندہ کے اپنے نام
 کو ہی پیدائشی ہے۔ البتہ سجادہ مذکورہ کے والد کے نام پیدائشی مکان
 ذاتی ہے۔ روڈ نمبر 53

Secretary
 Union Council Darband

خباب عالی! حسب لفظی شہادت خان ناظم پوسٹ نوٹس در بندہ سجادہ نوشین دختر فضل الرحمان تو اعلیٰ
 سائنس در بندہ کالونی داہلی ہوٹل صاحب اسی صاحبہ کی آبادی اعداد سے راجح ہے اور
 وکوتی ہے۔ سجادہ مذکورہ کا والد ابو یوسف صاحب اسی صاحبہ کی راجح کاغذ
 مال نہیں ہے۔ روڈ نمبر 53

Oqhl District Director
 23/12

7/2005

23/12/05

Annex E

P-18

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&S EDUCATION MANSEHRA

ORDER

Consequent upon the recommendation of the Departmental Selection Committee, District Mansehra, the competent authority is pleased to appoint the following candidates as a Primary School Teacher **PST (Female)** against newly created / resultant vacated posts in their relevant union councils in **BPS 7 @ Rs.5800-320-15400** plus usual allowances as admissible under the rule on regular basis under the existing policy of provincial Government on the terms and conditions given below with immediate effect.

| U/C BAFFA | | | | |
|----------------------|-------------------|---------------------|--------------------------------|---------------------------------|
| S# | Name of Candidate | Father's Name | Home Address/ Domiciled U/C | Remarks |
| 1 | Niaz Gul | Abdul Razaq | Baffa | Own UC M/List |
| 2 | Sabia | Noor Hussain | Baffa | Own UC M/List |
| U/C BEHALI | | | | |
| 3 | Munaza Daud | Daud | Behali | Own UC M/List |
| 4 | Nazma Bibi | R.Khan Bahdar | Behali | Own UC M/List |
| U/C Battal | | | | |
| 5 | Shagufta Bibi | Muhammad Shafi Khan | Battal | Own UC M/List |
| 6 | Shaista Jabeen | Muhammad Akbar | Kathai | From Adjacent UCs Merit list |
| U/C Bherkund | | | | |
| 7 | Bushra | Ghulam Mustafa | Bherkund | Own UC M/List |
| U/C Gari Habib Ullah | | | | |
| 8 | Naida Ashraf | Muhammad Ashrif Bag | Gari Habib Ullah | Own UC M/List |
| 9 | Gul Naz Bibi | S. Qabal Shah | Gari Habib Ullah | Own UC M/List |
| U/C Hilkot | | | | |
| 10 | Bibi Asia | Abdul Ghafoor | Hilkot | Own UC M/List |
| U/C Hangrai | | | | |
| 11 | Irum Saeed | Saeed Akhtar | Hangrai | Own UC M/List |
| 12 | Marium Bibi | Muhammad Younis | Hangrai | Own UC M/List |
| U/C Ichrian | | | | |
| 13 | Bibi Sajida | Saeed ur Rehman | Ichrian | Own UC M/List |
| 14 | Saima Ara | M.Fareed Khan | Ichrian | Own UC M/List |
| U/C Jabar Daveli | | | | |
| 15 | Mah Jabeen | Muhammad Farooq | Jabar Daveli | Own UC M/List |
| 16 | Saba Tariq | Muhammad Tariq | Sachan | From Adjacent UCs Merit list |
| U/C Jaloo | | | | |
| 17 | Sobia Bibi | Abdul Ghafoor | Jaloo | Own UC M/List |
| 18 | Saima Naz | Mir Afzal | Jaloo | Own UC M/List |
| U/C Karnol | | | | |
| 19 | Fara Naz | Muhammad Khurshid | Karnol | Own UC M/List |
| 20 | Nadia Rehman | Habib ur Rehman | Pairan | From Adjacent UCs Merit list |
| U/C Karori | | | | |
| 21 | Amrin Younis | Muhammad Younis | Karori | Own UC M/List |
| 22 | Musrat Bibi | Khalil ur Rehman | Karori | Own UC M/List |
| 23 | Zenab | Alan Zeb | Karori | Own UC M/List |
| 24 | Amrin Kusar | Muhammad Miskeen | Karori | Own UC M/List |
| 25 | Rukhsana Taj | Taj Muhammad | Karori | Own UC M/List |
| 26 | Rifat Bibi | Faqeer Muhammad | Shanaya | From Adjacent UCs Merit list |
| 27 | Ashiya | Misri Khan | Shanaya | From Adjacent UCs Merit list |
| 28 | Razia Bibi | Muhammad Zaman | Darband | From Adjacent UCs Merit list |

Attached

Muhammad
Behali
District Mansehra

M. N. T. E.

| U/C Lissan Nawab | | | | |
|------------------------|-------------------------|------------------------|--------------------|------------------------------|
| 29 | Sobia Arshad | Muhammad Arshad | Lissan Nawab | Own UC M/List |
| 30 | Rashida Bibi | M.Zahoor | Lissan Nawab | Own UC M/List |
| U/C Mohandari | | | | |
| 31 | Bibi Naseema | Ghulam Nabi | Mohandari | Own UC M/List |
| U/C Nika Pani | | | | |
| 32 | Yasmeen Wahab | Abdul Wahab | Nika Pani | Own UC M/List |
| 33 | Noelam | Abdul Latif | Darband | From Adjacent UCs Merit list |
| U/C Porhuma | | | | |
| 34 | Lubna Younis | M.Younis | Perhuma | Own UC M/List |
| 35 | Zahida Bano | Ali Zaman | Perhuma | Own UC M/List |
| U/C Phulra | | | | |
| 36 | Bibi Saleha | Abdula Jan | Phulra | Own UC M/List |
| 37 | Mehnaz Bibi | M.Iqbal | Phulra | Own UC M/List |
| 38 | Bibi Mewash | M.Naveed | Phulra | Own UC M/List |
| 39 | Farzana Yousaf | M.Yousaf | Phulra | Own UC M/List |
| 40 | Bibi Farah | Khurshid Khan | Sawan Maira | From Adjacent UCs Merit list |
| U/C Sachan Kalan | | | | |
| 41 | Bibi Salama | Shezada Khesro Faredon | Sachan Kalan | Own UC M/List |
| 42 | Bibi Norin | Rehmat Ullah | Sachan Kalan | Own UC M/List |
| U/C Sawan Maira | | | | |
| 43 | Tahira Jabeen | Muhammad Ayub | Sawan Maira | Own UC M/List |
| U/C Shanaya | | | | |
| 44 | Safoora Farat | Abdul Razaq | Shanaya | Own UC M/List |
| 45 | Irum Shaheen | Anwar Khan | Shanaya | Own UC M/List |
| U/C Shergarh | | | | |
| 46 | Saeeda Haidar | Mir Haidar | Shergarh | Own UC M/List |
| 47 | Fozia Bibi | Sher Bahadar | Shergarh | Own UC M/List |
| 48 | Sadia Gul | M.Zaman | Shergarh | From Adjacent UCs Merit list |
| 49 | Asma | Abdul Malik | Darband | From Adjacent UCs Merit list |
| U/C Shuakat Abad | | | | |
| 50 | Sadia Javed | Javed Khan | Shuakat Abad | Own UC M/List |
| 51 | Sabeen | M.Haroon | Shuakat Abad | Own UC M/List |
| 52 | Tabasam Rashid | Abdul Rashid | Shuakat Abad | Own UC M/List |
| U/C Trangri Sabir Shah | | | | |
| 53 | Nabeela Ghuncha Gul | Bashir Ahmad Khan | Trangri Sabir Shah | Own UC M/List |
| 54 | Khalida Bibi | M.Yousaf Khan | Trangri Sabir Shah | Own UC M/List |
| 55 | Sidra Hamayun | M.Hamayun | Trangri Sabir Shah | Own UC M/List |
| U/C Bandi Shungli | | | | |
| 56 | Salma Javed | Muhammad Javed | Darband | From Adjacent UCs Merit list |
| 57 | Nosheen Bibi | Fazal ur Rehman | Darband | From Adjacent UCs Merit list |
| U/C Tanda | | | | |
| 58 | Sahibzada Hazmat Rabani | Ghulam Rabani | Tanda | From Adjacent UCs Merit list |
| 59 | Asma Noreen | Nawab Khan | Dhodial | From Adjacent UCs Merit list |

ADJUSTMENT ORDER

Consequent upon the above, the following adjustment are hereby ordered against the posts mentioned against each.

| S# | Name | Father's Name | Home Address/ Domiciled U/C | Place of Posting | Remarks |
|----|---------------|---------------------|--------------------------------|-------------------|----------|
| 1 | Niaz Gul | Abdul Razaq | Baffa | GGPS Baffa Khurd | A/V/Post |
| 2 | Sabia | Noor Hussain | Baffa | GGPS Kando Gali | A/V/Post |
| 3 | Munaza Daud | Daud | Behali | GGPS Ashwal | A/V/Post |
| 4 | Nazma Bibi | R.Khan Bahdar | Behali | GGPS Jameel Nakka | A/V/Post |
| 5 | Shagufta Bibi | Muhammad Shafi Khan | Battal | GGPS Karmang | A/V/Post |
| 6 | Sahist Jabeen | Muhammad Akbar | Kathai | GGPS Chandai | A/V/Post |

Attested.
 Muhammad Ali
 Distt: Courts Abbottabad

[Signature]

| | | | | | |
|----|------------------------|-------------------------|--------------------|-------------------------|----------|
| 7 | Bushra | Ghulam Mustafa | Bhekurd | GGPS Kehnian Mian | A/V/Post |
| 8 | Naida Ashraf | Muhammad Ashrif Bag | Gari Habib Ullah | GGPS Dana Ganaila | A/V/Post |
| 9 | Gul Naz Bibi | S. Qabal Shah | Gari Habib Ullah | GGPS Chuntri | A/V/Post |
| 10 | Bibi Asia | Abdul Ghafoor | Hilkot | GGPS Khan Balimang | A/V/Post |
| 11 | Irum Saeed | Saeed Akhtar | Hangrai | GGPS Kalas Ghanaila | A/V/Post |
| 12 | Mariam Bibi | Muhammad Younis | Hangrai | GGPS Kalas Ghanaila | A/V/Post |
| 13 | Ust Begum | Saeed ur Rehman | Ichrian | GGPS Karmang Paycen | A/V/Post |
| 14 | Saima Ara | M.Fareed Khan | Ichrian | GGPS Kamsera | A/V/Post |
| 15 | Mah Jabeen | Muhammad Farooq | Jabar Davell | GGPS Huse Manda Gucha | A/V/Post |
| 16 | Saba Tariq | Muhammad Tariq | Sachan | GGPS Baso Manda Gucha | A/V/Post |
| 17 | Sobia Bibi | Abdul Ghafoor | Jaloo | GGPS Talian Di Kasi | A/V/Post |
| 18 | Saima Naz | Mir Afzal | Jaloo | GGPS Chor Banda | A/V/Post |
| 19 | Fara Naz | Muhammad Khurshid | Karnol | GGPS Bhoraj | A/V/Post |
| 20 | Nadia Rehman | Habib ur Rehman | Palran | GGPS Dheri Sobai | A/V/Post |
| 21 | Anrin Younis | Muhammad Younis | Karori | GGPS Seri Malwal | A/V/Post |
| 22 | Musrat Bibi | Khalil ur Rehman | Karori | GGPS Malhar | A/V/Post |
| 23 | Zenab | Alam Zeb | Karori | GGPS Malhar | A/V/Post |
| 24 | Anrin Kusar | Muhammad Miskeen | Karori | GGPS Fata Bandi | A/V/Post |
| 25 | Rukhsana Taj | Taj Muhammad | Karori | GGPS Fata Bandi | A/V/Post |
| 26 | Rifat Bibi | Faqeer Muhammad | Shanaya | GGPS Naryala | A/V/Post |
| 27 | Ashia | Misri Khan | Shanaya | GGPS Tlakra | A/V/Post |
| 28 | Razia Bibi | Muhammad Zaman | Darband | GGPS Dhok | A/V/Post |
| 29 | Sobia Arshad | Muhammad Arshad | Lassan Nawab | GGPS Sharota | A/V/Post |
| 30 | Rashida Bibi | M.Zahoor | Lassan Nawab | GGPS Chapra Bala | A/V/Post |
| 31 | Bibi Naseema | Ghulam Nabi | Mohandari | GGPS Badal Gran | A/V/Post |
| 32 | Yasmeen Wahab | Abdul Wahab | Nika Pani | GGPS Cham | A/V/Post |
| 33 | Neelam | Abdul Latif | Darband | GGPS Cham | A/V/Post |
| 34 | Lubna Younis | M.Younis | Perhima | GGPS Phalkot | A/V/Post |
| 35 | Zahida Bano | Ali Zaman | Perhima | GGPS Phalkot | A/V/Post |
| 36 | Bibi Saleha | Abdula Jan | Phulra | GGPS Ghazikot | A/V/Post |
| 37 | Mehmaz Bibi | M.Iqbal | Phulra | GGPS Dhaman | A/V/Post |
| 38 | Bibi Mewash | M.Naveed | Phulra | GGPS Ghazikot | A/V/Post |
| 39 | Farzana Yousaf | M.Yousaf | Phulra | GGPS Batangi | A/V/Post |
| 40 | Bibi Farah | Khurshid Khan | Sawan Maira | GGPS Gojar Gali | A/V/Post |
| 41 | Bibi Salama | Shezada Khesro Fareedon | Sachan Kalan | GGPS Kalas Nawaz Abad | A/V/Post |
| 42 | Bibi Norin | Rehmat Ullah | Sachan Kalan | GGPS Kalas Nawaz Abad | A/V/Post |
| 43 | Tahira Jabeen | Muhammad Ayub | Sawan Maira | GGPS Mohar | A/V/Post |
| 44 | Safoora Farat | Abadul Razaq | Shanaya | GGPS Numshera Shahkot | A/V/Post |
| 45 | Irum Shaheen | Anwar Khan | Shanaya | GGPS Numshera Shahkot | A/V/Post |
| 46 | Saeeda Haidar | Mir Haidar | Shergarh | GGPS Gakharh | A/V/Post |
| 47 | Fozia Bibi | Sher Bahadar | Shergarh | GGPS Perchaian | A/V/Post |
| 48 | Sadia Gul | M.Zaman | Shergarh | GGPS Perchaian | A/V/Post |
| 49 | Asma | Abdul Malik | Darband | GGPS Shorolian | A/V/Post |
| 50 | Sadia Javed | Javed Khan | Shuakat Abad | GGPS Lalan Da Darra | A/V/Post |
| 51 | Sabeen | M.Haroon | Shuakat Abad | GGPS Chajar Bala | A/V/Post |
| 52 | Tabasam Rashid | Abdul Rashid | Shuakat Abad | GGPS Paniyali | A/V/Post |
| 53 | Nabeela Ghuncha Gul | Bashir Ahmad Khan | Trangri Sabir Shah | GGPS Trangri Bala | A/V/Post |
| 54 | Khalida Bibi | M.Yousaf Khan | Trangri Sabir Shah | GGPS Trangri Bala | A/V/Post |
| 55 | Sidra Hamayun | M.Hamayun | Trangri Sabir Shah | GGPS Khati Paloi | A/V/Post |
| 56 | Salma Javed | Muhammad Javed | Darband | GGPS Pagora | A/V/Post |
| 57 | Noshin Bibi | Fazal ur Rehman | Darband | GGPS Beer Bat | A/V/Post |
| 58 | Sahibzadi Azmat Rebani | Ghulam Rabani | Tanda | GGPS Talian Manda Gucha | A/V/Post |
| 59 | Asma Noreen | Nawab Khan | Dhodial | GGPS Kothri | A/V/Post |

TERMS & CONDITIONS:

1. Their appointments are purely on temporary basis and liable to termination at any stage without assigning any reason/notice.

Attended
 Muham. [Signature]
 Head, Girls' High School
 G. Girls Abbottabad

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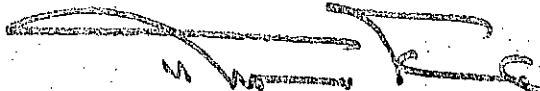
- They will be governed by such rules and regulations enforce and as may be prescribed by the Government from time to time for the category of the Government servants to which they belong.
3. In case they failed to assume the charge of their posts within 15 days of their appointment, candidature-ship will be stand automatically cancelled.
 4. Their services are regular but will not be entitled for pension/gratuity & they will not contribute any amount towards GP Fund however they will contribute CP fund on the prescribed rate & half contribution will be made by the Government.
 5. They will submit to this office, their all testimonial and domicile/ UC Certificate from the secretary concerned union councils along-with bank drafts in the name of controller / treasurer of the concerned BISE / University within 7 days after the taking over charge for verification.
 6. The release of the pay by the concerned DDOs will be subject to the receipt of verified documents by the appointing authority / (EDO E&SE Manshira)
 7. In case a document or documents is / are found fake or forged or Bogus on such scrutiny or all the verification, the service of the teachers concerned shall be terminated. The whole amount paid to him/her as salary will be recovered and a case against him/her shall be registered under relevant section of Law.
 8. Their services are liable to termination on one month prior notice from either side in case of resignation without prior notice, their one month pay/allowances if any shall be forfeited to Government Treasury.
 9. Their services can be terminated at any time in case their performance is found un-satisfactory; they will be proceeded against under the removal from service under E&D Rules 2011.
 10. They should produce Age & Health Certificate from the MS DHQ Hospital Manshira.
 11. They may not be handed over the charge if their age is above 35 years and below 18 years.
 12. The Candidates who are working as regular before 1st July 2001 in pervious post, their entitled for pension / gratuity etc.
 13. No. TA/DA etc is allowed.
 14. Charge report should be submitted to all concerned in duplicate.

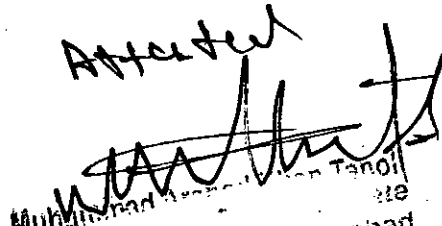
(Umar Khan Kundi)
EXECUTIVE DISTRICT OFFICER
E&S EDU: MANSEHRA

Endst: No. 5360-5384 /Estt: (F)Apptt:PET(F)/2011-12 Dated Manshira the 18th May, 2012

Copy to the:-

1. Secretary to Govt. of KPK E&SE Department Peshawar.
2. Director E&SE Department KPK Peshawar.
3. District Accounts Officer. Manshira.
- 4-5. District Officer (M&F) Local Office.
6. Deputy District Officer (Female) E&SE Manshira.
7. PA to District Coordination Officer. Manshira.
8. Budget & Accounts Officer, local office. Manshira.
- 9-67. Candidates concerned.


EXECUTIVE DISTRICT OFFICER,
E&S EDU: MANSEHRA

Approved

Muhammad... Tanoli
Distt: Lower Kohistan



Annex-D P-22

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

No. 7778- / S. Cause
Dated the 28/7/ /2014

Email: deofmanshra@yahoo.com
Phone & Fax: 0997-302518

SHOW CAUSE NOTICE

I, Naghmana Sardar, District Education Officer (Female) Mansehra as Competent Authority under the Khyber Pakhtunkhwa Servant (Efficiency & Discipline) Rules, 2011, do hereby serve you Mst. Nosheen Bibi PST GGPS Beer Bat Mansehra Show cause Notice as follows:

1) You were illegally appointed as PST at GGPS Beer Bat; vide defunct Executive District Officer (E&SE) Mansehra, out of your own U/C, where you were stranger for recruitment process initiated through EATA. Acceptance of your appeal & subsequently your appointment order was the result of misuse of authority by the then EDO according to his sweet will & wishes against the recruitment rules, as per inquiry report received through Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department letter No SO(S/M)E&SED/4-17/2013 Umar Khan EDO BS-19 dated 25/08/2014 More over the then EDO(E&SE) has been removed from Government Service in connection with all such bogus appointment including yours made by him.

2) Going through the finding and recommendation of the inquiry committee, the material on record & other connected papers including your defiance before the inquiry committee:-

I am satisfied that you have committed the following acts/omissions specified in rules.

- a) Misconduct and dishonesty in getting bogus/faked appointment without due process of recruitment.
- b) Inflicted huge financial losses to the Govt: Treasury receiving pay as result of bogus appointment.
- c) By snatching established rights of the deserving candidates due for appointment on merit. Cheating/canceling the facts for unlawful appointment with collusion of then EDO.
- 3) As a result thereof, I as competent authority have tentatively decided to impose upon you the major penalty of dismissal from services under rule 4 of the said rules.
- 4) You, are hereby, required to Show Cause as to why the aforesaid penalty should not be imposed upon you & also intimate where you desire to be heard in person.
- 5) If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defiance to put in and in that case an ex-parte action shall be taken against you.
- 6) A copy of the finding inquiry committee related page is enclosed.

COMPETENT AUTHORITY

Mst. Nosheen Bibi

GGPS Beer Bat

Attested

Mullahimaa Arshad Khan Talwar
Advocate
Distt. Courts Abbottabad

گدھت صاب A.D.O ایسے زمانہ مدارس کے لیے مانگو

عنوان "جواب لبرائے مشورہ کار نوٹس"

P-23

صاب عالیہ

گزارشیں کیلئے جابت مشورہ کار نوٹس آئندہ از دفتر A.D.O ایسے زمانہ مدارس کے لیے مانگو

No 7778 S/case Dated- 29.9.2014

مدرسہ حورہ Model 14 بوساطت (F) ASDEO سرکل لاہور

سائلہ کا آرڈر دفتر E.D.O ملکہ تعلیم ہندوستان سے جنرل آرڈر

نمبر 18/5/2014 تحت Endst No "5360-5384"

2 = سائلہ کے EATA کا اہتمام پاس کئے جس میں اس کے 124 طلبہ شامل کیے اور انہی پوزیشنوں میں سے کئی پوزیشنیں خالی رہیں۔

Vacant Post نہ ہونے کی صورت میں سائلہ کا آرڈر نہ دیا جائے گا۔

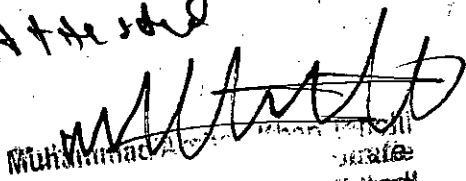
سائلہ کی پوزیشنوں کو ایف ایچ / B.A / P.T.C سے

سائلہ کی تعلیمی حالتاً کثیرت کی بنیاد پر ہونی جنرل آرڈر کی حالت میں

نیز سائلہ ذاتی طور پر پیش ہو کر اپنا موقف بیان کرنے سے اجتناب

کرنے سے سائلہ کو مشورہ کار نوٹس سے مستثنیٰ قرار دیا جائے گا

Attested



Muhammad Aslam
District Council, Muzaffargarh

Wazheer

نوٹس کارڈ

99.P.S



P-24
Annex-E

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

NOTIFICATION

- 1:- Where as Mst: Nosheen Bibi D/O Fazal-ur-Rahman working as DET GGHS/GGM/GGP Beerbat was served with show cause notice and was proceeded under the Khyber Pukhtunkhwa Govt: Servants (Efficiency and Disciplinary) Revised Rules 2011 for the charges mentioned in her Show-Cause Notice.
- 2:- And where as the inquiry committee comprising the following officers conducted an inquiry regarding the illegal appointments in the office of Ex- Executive District Officer Elementary and Secondary Education Mansehra.
 - i) Syed hidayat Jan, (PCS/SG B-20) Agricultural Department Khyber Pukhtunkhwa, Peshawar (Now Secretary Zakat, Usher and Social Welfare Department)
 - ii) Mr. Akhalhaq Baig, Principal BS-20 RITE Male Haripur.
- 3:- And where as the inquiry Committee after having examined the record pointed out that you were appointed illegally and against the recruitment rules and policy.
- 4:- And where as District Education Officer (Female) in the capacity of competent Authority, after having considered the charges, evidence on record, recommendation of report of the inquiry committee and replies in response to Show Cause Notices, is of the view that the charges against you have been proved.
- 5:- Now, therefore, in exercise of the powers conferred under Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Revised Rules 2011 the District Education Officer (Female) Mansehra, in the capacity of competent Authority is pleased to impose major penalty of "DISMISSAL" from Govt: Services upon Mst. Nosheen Bibi D/O Fazal-Rahman CT/PET/TF DET GGHS/GGM/GGPS Beerbat.

[Signature]

DISTRICT EDUCATION OFFICER
FEMALE MANSAEHRA.

Endst: No. 2026-95 /AE-___/Estab: dated 03/03 /2015.
Copy to the:-

1. Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. District Accounts Officer Mansehra.
4. District Monitoring Officer Mansehra.
5. Deputy Commissioner Mansehra.
6. Principal/Headmistress _____
7. SDEO(F) Mansehra.
8. Budget and Accounts Officer Local Office.
9. Mst: _____
10. Office File.

ATTACHED
[Signature]
Advocate
Distt: Courts Abbottabad

[Signature]

DISTRICT EDUCATION OFFICER
FEMALE MANSAEHRA.

۲-۲۵

Annex - F

خدمت جناب ڈائریکٹر صاحب ایلمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور
عنوان۔ اپیل برائے بحالی ملامت

جناب عالی۔

۱۔ عرض ہے کہ سائلہ گاؤں در بند تحصیل اوگی ضلع مانسہرہ کی رہائشی ہے۔

۲۔ یہ کہ سائلہ 2012 میں سائلہ کی تقرری بحثیت PST پوسٹ پر ضلع مانسہرہ میں
گورنمنٹ گرلز پرائمری سکول میرٹ میں ہوئی تھی (آرڈر کی کاپی لف ہے)

۳۔ یہ کہ مورخہ 29-9-2014 کو DEO(F) مانسہرہ کی طرف سے ایک
Show-Cause نوٹس موصول ہوا جس میں میری تقرری کی غیر قانونی قرار دیکر مجھے
جواب جمع کرنے کا کہا گیا تھا۔ میں نے مذکورہ Show Cause نوٹس کا جواب جمع
کروایا تھا۔

Show Cause نوٹس اور جواب کی کاپی لف ہے۔

۴۔ یہ کہ DEO(F) مانسہرہ نے قانونی تقاضوں کو بلائے طاق رکھتے ہوئے مورخہ
_____ کو مجھے ملازمت سے اس وجہ سے برخاست کیا کہ میری تقرری اپنی یونین
کونسل در بند کی بجائے یونین کونسل باڈی شننگلی میں ہوئی ہے۔ (برطانی کا آرڈر لف ہے)

جناب عالی۔ اس وقت یونین کونسل در بند میں کوئی خالی پوسٹ نہیں تھی اور میں میرٹ
پر آئی تھی۔ باڈی شننگلی یونین کونسل میں کسی امیدوار نے EATA ٹیسٹ پاس نہیں کیا تھا۔
جسکی بنیاد پر میرا آرڈر یونین کونسل باڈی شننگلی میں ہوا تھا۔ جو یونین کونسل کے بالکل قریب

ہے۔

Attended
Muhammad Arshad Khan Tanoli
Distt: Courts
Peshawar

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استدعا ہے کہ DEO(F) مانسہرہ کے غیر قانونی بریلر فی کے آرڈر کو منسوخ کر کے پیری اپیل منظور لی جائے اور مجھے ملازمت پر بحال کیا جائے۔

المرقوم 10-03-2015

(New)

ارضی

نوشین بی بی PST

GGPS پیریٹ یونین کونسل بانڈی شنگلی

مستقل پتہ۔ گاؤں در بند تحصیل اوگی ضلع مانسہرہ

Attested
M. S. [Signature]
Dist: Courts Abbottabad

قیمتی

کورٹ فیس

وکالت نامہ

بعدالت RPK سرٹس گریڈل لٹ اور
عنوان: نوٹس آر آر بنام گورنمنٹ RPK ایجنٹ اور
منجانب: اینڈرنٹ
نوعیت مقدمہ: اسل

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آں مقام

محمد ارشد خان نیلی ایڈووکیٹ ایسے امداد صاکی کر کے

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال و دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراء استجارت نالش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم:

بمقام:

Attested

Accepted

M. Arshad Khan Farazi

Adv High Court At

①

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL

CAMP COURT ABBOTTABAD

Appeal No 783/2015

Mst:Nosheen Fazal , D/O Fazal ur Rehman, GGPS Beer Bat R/O New Darband Tehsil &
District Mansehra.....APPELLANT

Versus

1. Govt of Khyber Pakhtun Khawa, through Secretary Elementary and Secondary Education, Peshawar and others.
2. Director Elementary and Secondary Education, Govt. of Khyber Pakhtun Khawa, Peshawar.
3. District Education Officer (Female) District Mansehra.

.....RESPONDENTS.

Written reply on behalf of Respondents.

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action to file the present appeal.
2. That the appeal is not maintainable in its present form.
3. That the appeal is time-barred and not entertain able.
4. That the appellant has not come to this tribunal with cleans hands.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appeal is based on false and mala fide hence deserves dismissal.
7. The appellant has suppressed the material facts from this Honorable Service Tribunal, hence not entitled for any relief & appeal is liable to be dismissed.

FACTUAL OBJECTIONS:

- 1) Para No.1 is correct to the extent that respondent No.3 announced the post of PST in daily "The AAJ" dated 20-5-2011, while rest of the Para is incorrect.
- 2) Para No.2 is Subject to proof.
- 3) Para No.3 is incorrect. The appellant was appointed as PST in the education Department through illegal appointment order dated 18-05-2012. (Appeal annexure C)
- 4) Para No.4 needs no comments.

- 5) Para No.5 is correct.
- 6) Para No.6 is correct to the extent that the respondent No.3 issued show cause notice to the appellant on the bases of inquiry conducted at high level, in the light of same inquiry the respondent No.3 was directed by the competent authority through letter No. SO(S/M) E&SE D/4-17/2013/ Umar Khan EDO BS-19 Dated Peshawar the August 25, 2014, that further action may be taken in the light of the finding of the inquiry committee after issuance of Show cause notice to the female teachers who were illegally appointed.

(Annexure A)

- 7) Para.No.7 is incorrect hence denied the competent authority was not satisfied with the reply of the appellant.
- 8) Para No.8 is incorrect. The respondent No.3 issued Show cause notice to the appellant after completion of high level inquiry, as stated in Para No.6 opportunity of personal hearing was given to the appellant which was not availed. Dismissal of the appellant was in accordance with the law rules.
- 9) The departmental appeal of the appellant rejected by the Director E & SE Peshawar on the following grounds.

- i. She belongs to U/C New Darband where no post was lying vacant. Her name was at S. No 04 of the merit list of her U/C. whereas the candidates at S. NO 1.2 & 3 of U/C Darband were already appointed in U/C Nika Pani, Bandi Shungli & Sher Garh respectively. She was appointed in GGPS Beer Bat U/C Bandi Shungli which is not adjacent to her U/C according to the list provided by the DEO (F) Mansehra. She has been appointed vide a general order Endst: No. 5360-5384 dated 18-05-2012 at S. No 57. Her adjacent U/Cs are Shanaya and Nikapani having 02 post of PST each. But UC Shanaya has its own candidates on merit whereas Nika Pani has only one candidate on merit wherein Neelam of UC Darband at S. No 01 of the merit list is appointed in Nika Pani.
- ii. Appeal may be rejected with the remarks that she did not deserve to be appointed either in her own U/C or in her adjacent U/C.

(Annexure-B)

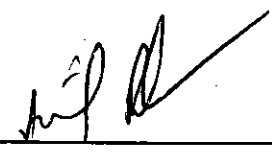
GROUND:-

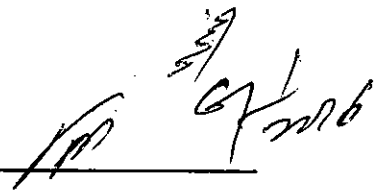
- a. Para No. a & b is incorrect, hence denied.


- c. Para No. c is incorrect, hence denied.
- d. Para No. d is correct to the extent of adoption of proper procedure as per Law. Rest of the para is incorrect, hence denied.
- e. Para No. e is incorrect. The entire allegations leveled against the appellant have been proved by the enquiry committee and appellate authority.
- f. Para No. f is incorrect. All the coddle formalities have been fulfilled while dismissed the appellant.
- g. Para No. g is incorrect. The act of the respondent department is in accordance with the principle of jurisprudence and natural justice.
- h. Para No. h is incorrect. The detail of posts and rival candidate in her own U/C was given in above paras.
- i. Para No. i is incorrect. The proceeding against the appellant was made on the direction of higher authorities.
- j. Legal, may be treated as per law.

Prayers:

It is therefore humbly prayed that the instant appeal may kindly be dismissed.

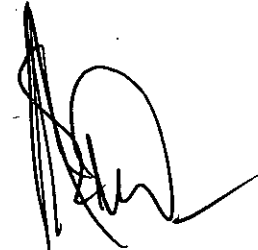
Respondent No. 1 
 Secretary E&SE, KPK, Peshawar.

Respondent No.2 
 Director E&SE, KPK, Peshawar.

Respondent No. 3 
 District Education Officer
 (Female) Mansehra.

AFFIDAVIT

I, Mr. Sakinullah, ADEO(Litigation), District Education Officer (F) Mansehra, do, hereby solemnly affirm and declared that the contents of reply in the instant Appeal No.783-A/2015 titled case MST: Nosheen Fazal PST Versus Education are correct and true to the best of my knowledge and record and I have concealed nothing as material facts before this Honorable Court.



DEPONENT

BEFORE THE KPK SERVICE TRIBUNAL, CAMP COURT ABBOTTABAD

5

Mst: Nosheen Fazal, EX-PST,APPELLANT

VERSUS

Govt. of Khyber Pakhtun Khawa, through Secretary Education,
Peshawar etc.....Respondents

SERVICE APPEAL

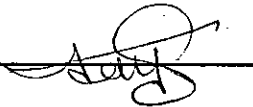
**REAPPLICATION IN RESPECT OF SUSPENSION OF OPERATION OF IMPUGNED
ORDER DATED 03-03-2015.**

RESPECTFULLY SHEWETH:

1. The replication may please be considered as integral part of written reply.
2. Para No. 2 is incorrect, hence denied.
3. Para No. 3 is incorrect, hence denied.
4. Para No. 4 is incorrect. The applicant was not entitled for the said post.
5. Para No. 5 is incorrect, hence denied.
6. The ingredients of suspension are not fulfilled. The dismissal of the appellant was made in accordance with the law by the competent authority.


It is therefore most humbly prayed that the application may graciously be dismissed with cost.

Respondent No. 1 to 3 through
District Education Officer
(Female) Mansehra.



AFFIDAVIT

I, Mr. Sakinullah, ADEO (Litigation), District Education Officer (F) Mansehra, do, hereby solemnly affirm and declared that the contents of replication in the instant Appeal No.783/2015 titled case Mst: Nosheen Fazal, EX-PST Versus Education are correct and true to the best of my knowledge and belief and I have concealed nothing as material facts before this Honorable Court.



DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the February 27, 2014

7

NOTIFICATION

NO.SO(S/M)E&SED/4-17/2013/Umar Khan DEO:

WHEREAS Mr. Umar Khan Ex-Executive District Officer (BS-19), E&SE/ District Education Officer Male Mansehra (now District Education Officer Male Karak) was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. **AND WHEREAS** inquiry committee was constituted comprising the following officers to conduct formal inquiry against the accused officer, for the charges leveled against him in accordance with the rules.

- i. Syed Hidayat Jan, (PCS SG BS-20), Special Secretary, Agricultural Department, Khyber Pakhtunkhwa Peshawar (now Secretary Zakat, Usher. and Social Welfare Department.
- ii. Mr. Khallaq Baig Principal BS-20, RITE Male Haripur

3. **AND WHEREAS** the Inquiry committee after having examined the charges, evidence on record and explanation of the accused officer has submitted the report.

4. **AND WHEREAS** a show cause notice was served upon Mr. Umar Khan Ex-Executive District Officer (BS-19), E&SE/ District Education Officer Male Mansehra (now District Education Officer Male Karak) dated 25-12-2013 circulated to him on 01-01-2014.

5. **AND WHEREAS** the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the Show Cause Notice and personal hearing granted to him by Secretary Establishment Khyber Pakhtunkhwa on behalf of Chief Minister Khyber Pakhtunkhwa on 14-02-2014 at 1100 hours, is of the view that the charges against the accused officer have been proved.

6. **NOW, THEREFORE**, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose major penalty of "**Removal from service**" upon Mr. Umar Khan Ex-Executive District Officer (BS-19), E&SE/ District Education Officer Male Mansehra (now District Education Officer Male Karak) with immediate effect.

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the: -

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 3- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4- District Education Officer (Male), Mansehra/ Karak.
- 5- Mr. Umar Khan District Education Officer Male (BS-19) District Karak.
- 6- District Accounts Officer Mansehra/ Karak.
- 7- PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 8- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 9- PS to Special Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 10- Office order file.

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

(A)

No.SO(S/M) E&SED/4-17/2013/Umar Khan EDO BS-19
Dated Peshawar the August 25, 2014

(8)

To

- i. The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.
- ii. District Education Officer (Female)
Mansehra.

Mr. ...
file ...
put ...
DEO

Subject: - ENQUIRY REGARDING APPOINTMENT/ GUIDANCE.

I am directed to refer to your letter No.3076 dated 16-07-2014 on the subject noted above and to forward herewith a copy of inquiry report conducted by inquiry committee comprising the following officers.

- i. Syed Hidayat Jan, (PCS SG BS-20) Ex-Special Secretary Agriculture Department
Khyber Pakhtunkhwa Peshawar.
- ii. Mr. Khalaq Baig, Principal (BS-20) RITE Male Haripur.

2. It is requested that further action may be taken in the light of findings of the inquiry committee after issuance of show cause notices to the female teachers who were illegally appointed.

Encl: As Above:

[Signature]
(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

INTRODUCTION:

DURING THE YEAR 2012 AND 13 IN OFFICE OF THE EDO, ELEMENTARY AND SECONDARY EDUCATION, DISTRICT MANSEHRA APPOINTMENTS OF FEMALE TEACHERS IN VARIOUS CADRES WERE CARRIED OUT PURSUANT TO AN ADVERTISEMENT PUBLISHED IN DAILY AAJ DATED: 20-05-2011, WHEREIN CERTAIN IRREGULARITIES/ILLEGALITIES IN VIOLATION OF RULES AND PRESCRIBED PROCEDURE WERE NOTED, THEREBY RESULTING IN BREACH OF MERIT/ILLEGAL PRACTICE AND IGNORING THE RIGHTFUL CANDIDATES.

1. The Competent Authority has constituted the enquiry committee, comprising the following officers vide Notification No: SO(S/M)S&SED/4-17/2013 to conduct formal enquiry against Mr. Umar Khan Ex-EDO (E & SE) (BS-19) Mansehra now DEO(M) Haripur and Miss. Shamim Akhtar Deputy DO (E & SE) Mansehra (BS-18) and others for the charges mentioned in the charge sheet and statement of allegations(**Annex-A**)

SAYED HIDAYAT JAN (PCS SG BS-20), Special Secretary, Agriculture Department, (Khyber-Pakhtunkhwa, Peshawar.

MUHAMMAD KHALAQ BAIG, Principal (BS-20) R.I.T:E (M), Haripur.

2. Both the accused officers i.e. Mr. Umar Khan, Ex-DEO (E & SE) , Mansehra and Miss. Shamim Akhtar, Deputy District Officer(E & SE) , Mansehra have been charge sheeted as under:

a. The accused Mr. Umar Khan Ex-DEO (M) (E & SE) Mansehra presently posted as DEO(M) Haripur

i. That while posted as DEO (M) Mansehra (BS-19) committed the following irregularity (**Annex-I**)

MADE ILLEGAL APPOINTMENTS OF CT, DM, PET, AT, QARIAS AND PSTS (FEMALE) DURING THE YEAR 2012 AND 2013 IN VIOLATION OF RULES AND PRESCRIBED PROCEDURE IN DISTRICT MANSEHRA.

b. Mst. Shamim Akhtar Deputy District Officer (BS-18) Female (E & SE), Mansehra

i. That while posted as Deputy District Officer (BS-18) (Female) (E & SE), Mansehra, committed the following irregularity (**Annex-II**)

MADE ILLEGAL APPOINTMENTS OF CT, DM, PET, AT, QARIAS AND PSTS (FEMALE) DURING THE YEAR 2012 AND 2013 IN VIOLATION OF RULES AND PRESCRIBED PROCEDURE IN DISTRICT MANSEHRA.

3. **Venue of Enquiry:**


The enquiry was conducted in the office of Dy. DEO (Female) Mansehra.

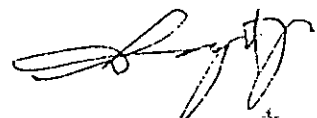
1. **PROCEEDINGS:**

The committee informed both the accused officers vide No. PS/SSA/Enquiry /2013 Dated 6/7/2013. The District Accounts Officer Mansehra was also asked to provide copies of appointment orders of the teachers quoted in subject enquiry (**Annex-III**)

Copies of Charge sheets and Statements of allegations which were already sent to the other officers by the Department were re-submitted to them with the directions to submit their replies in the stipulated time.

The committee visited the office of DEO (Female) Mansehra on 01/8/2013 to conduct enquiry. Mr Umar Khan Ex EDO (E & SE) Mansehra and Miss Shamim Akhtar Dy. DEO (Female) Manshera were present alongwith their staff and attended the enquiry proceedings (**Annex-IV**)





8. The Present DEO (M) and Dy. DEO (F) Mansehra were asked to provide all the record /files and other related record mentioned in the letter to the committee on the day of enquiry vide. No: SS (AD) Enquiry/2013 Dated 01/08/2013 **(Annex-V)**.

9. The enquiry proceedings continued on daily basis w.e.f 01-08-2013 and on the very second day, one of the accused Mr. Umar Khan, insisted on his designation as recorded in his reply to the Charge sheet/statement of allegations submitted to the committee, claiming that he had not served as DEO (Male) Mansehra during the year 2012 rather he had served as EDO(E & SE)Mansehra. Despite persuasion by the committee regarding factual position of the designation as contained in the Education Department Notification No: SO(S/M E&SED/3-2/2012/Management Cadre dated: 28-12-2012, he was still adamant not to change his stance. **(Annex-V (A))**.

On account of this, the committee immediately informed and requested the Administrative Department for rectification of the designation of the accused as contained in the charge sheet/statement of allegation vide letter No: SS (AD) Enquiry/2013 dated: 02-08-2013 and subsequent reminder of even number dated: 17-08-2013 **(Annex-V(B-C))** viz a viz reminder to the department from the Chief Minster Secretariat, vide No: SO-1/CMS/KPK/3-1/2013/3514 dated: 27-08-2013 **(Annex-V (D))**.

The proceedings remained continued until the same were adjourned due to falling of Eid-Ul-Fitr Holidays, Independence day, coupled with appearance in the PHC by Chairman of the enquiry committee in an official case and proceedings on leave by most of the concerned staff of the office of DEO(F), Mansehra as well. The same were, however, resumed w.e.f 16-08-2013 and since action on rectification of designation of the accused couldn't be communicated to the committee, therefore, the Administrative Department was again reminded for early needful as well as granting an extension of two weeks vide letter No: SS (AD) Enquiry/2013 dated: 27-08-2013 **(Annex-V (E))**.

The Education Department vide their letter No: SO(S/M)E&SED/4-17/2013/Umer Khan dated: 02-Sept. 2013 intimated that a summary for rectification of the designation of the accused in the charge sheet /statement of allegation was moved to the Chief Minister, Khyber Pakhtunkhwa/Competent Authority. Similarly an extension for further two weeks w.e.f 27-08-2013 was also allowed vide letter quoted ibid **(Annex-V (F))**.

FACTS

REPLIES TO THE CHARGE SHEET:

REPLY OF MR UMER KHAN TO THE CHARGE SHEET:

10. Mr. Umar Khan EX- EDO E&SE Mansehra in his reply of charge sheet sent to the committee through registered cover vide NO:7475-76 Dated 27/07/2013 *has taken the stand that he had not served as DEO (M) BS-19 Mansehra during the period 2012 but worked as EDO E&S BS-19 Mansehra w.e.f.01/03/2011/to 31/12/2012*. He added that in the charge sheet it has been recorded that he while posted as DEO(M) BS-19 Mansehra committed the irregularities of making illegal appointments of female teachers during the year 2012& 2013 in violation of rules and prescribed procedure in District Mansehra whereas he had not worked as DEO Male Mansehra during the said period. He further added that he was neither an authority for appointments for female side nor made even a single appointment of female teacher in capacity of posting as District Education Officer BS-19 (M) Mansehra and hence question of making illegal appointments of CT,DM,PET,AT,QARI, PST(Female) during the year 2012 and 2013 in violation of rules and prescribed procedure does not arise. He requested for the exemption from the charges and with-drawl of charge sheet from him **(Annex-VI)**.

[Handwritten signature]

| | | | |
|------------------------|---|--|--|
| UC Sawan Mera | Bibi Farah r/o UC Sawan Mera | Appointed at <u>GGPS</u> Gujar gali UC Phulra being the adjacent UC which is not correct Phulra is not adjacent UC to Sawan Mera. (Annex-LXXXII). | Appointment is irregular |
| UC Sher Garh | Saeeda Haider r/o Sher Garh Fozia Bibi r/o UC Sher Garh Asma Abdul Malik r/o UC Darband | Appointed at <u>GGPS</u> Ghakkar UC Sher Garh S.No 46 . She had not entered her BA marks in her application form. Later on 15.8.2011 result was declared and award of weightage of BA after the closing date is not valid. (Annex-LXXXIII) Although she was shown absent in EATA result under R.No 2045 but was included at S.No 47 of the appointment order appointed at <u>GGPS</u> Parchaian. (Annex-LXXXIV) Appointed at <u>GGPS</u> Shoralian UC Sher Garh being the adjacent UC. But the UC Darband is not adjacent to UC Sher Garh. Some other candidates of UC Sher Garh were also waiting for appointment. The appointment of candidate of UC Darband in UC Sher Garh is not valid. (Annex-LXXXV). | Violation of recruitment rules/policy Appointment is not valid Appointment is irregular and violation of rules. |
| UC Shoukat Abad | Sabeen r/o UC Shoukat Abad | Appointed at <u>GGPS</u> Chajar Bala UC Shamdara whereas three posts were already vacant in UC Shoukat Abad | The appointment is against recruitment rules. |
| UC Tarangri Sabar Shah | Sidra Hamayun r/o UC Tarangri Sabar Shah | Appointed at <u>GGPS</u> Khati Paloi at S.No 55 UC Sum Elahi Mang and not in own UC where three posts were vacant. | The appointment in other UC is violation of recruitment policy |
| UC Bandi Shungli | Nosheen Bibi r/o UC Darband L Salma javed r/o UC Darband | Appointed in UC Bandi Shungli at <u>GGPS</u> Beerbat being adjacent UC which is not the adjacent UC. (Annex-LXXXVI) Appointed at <u>GGPS</u> Phagura. She was not qualified as BA up to the closing date of advertisement. Her BA result was declared on 15.8.2011. Award of BA weightage is not justified. (Annex-LXXXVII) | The appointment is not valid as the near by UCs of UC Bandi Shungli are Khatai, Karori and Sher Garh. The appointment is invalid. |

11

B (12)

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

NOTIFICATION.

WHEREAS, Mst Nousheen Bibi, PST at Government Girls Primary School Beerbat District Mansehra was dismissed from service by the DEO (Female) Mansehra vide Order No. 2086-95 dated 03/03/2015 after serving Show Cause Notice and giving her an opportunity of personal hearing on charge of irregular/fake/bogus appointment.

WHEREAS, consequently the above aggrieved teacher lodged/preferred an appeal to the Director E&SE Khyber Pakhtunkhwa, Peshawar (appellant authority) against her dismissal from service with the pray to set aside her dismissal order issued by the DEO concerned followed by her reinstatement.

AND WHEREAS, the Director E&SE Khyber Pakhtunkhwa, Peshawar constituted a committee vide Notification No. 5500-09 dated 23-04-2015 for the scrutiny of appeals of above dismissed teacher.

AND WHEREAS, the committee having scrutinized appeal of above affected teacher on the basis of available record and merit of the case submitted its report to the Director E&SE Khyber Pakhtunkhwa, Peshawar with the findings and recommendations reproduced briefly below:-

1. She belongs to U/C New Darband where no post was lying vacant. Her name was at S. No. 04 of the merit list of her U/C. whereas the candidate at S.No.1,2&3 of U/C Darband were already appointed in U/C Nika Pani, Bandi Shungli & Sher Garh respectively. She was appointed in GGPS Beer Bat U/C Bandi Shungli which is not adjacent to her U/C according to the list provided by the DEO (F) Manshera. She has been appointed vide a general order Endst No. 5360-5384 dated 18/05/2012 at S. No. 57. Her adjacent U/Cs are Shanaya and Nikapani having 02 post of PST each. But U/C Shanaya has its own candidates on merit whereas Nika Pani has only 01 candidate on merit wherein Neelam of U/C Darband at S.No.1 of the merit list is appointed in Nika Pani.

2. Appeal may be rejected with the remarks that she did not deserve to be appointed either in her own U/C or in her adjacent U/C.


NOW, THEREFORE, in exercise of powers conferred upon the Director E&SE Khyber Pakhtunkhwa, Peshawar (appellant authority) under E&D Rules 2011 read with rules 17 (2) (a) and keeping the findings/recommendations of the committee into consideration, rejects the appeal of aforesaid sacked teacher for reinstatement, however her dismissal order issued by the DEO (F) Mansehra vide order No. 2086-95 dated 03/03/2015 is hereby converted into removal from service.

Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

4359-64
Endst: No. _____ /F.No. 79 /Appeals Female MSR Dated Peshawar the 25/8/2015

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

1. District Education Officer (Female) Mansehra
2. District Accounts Officer Mansehra
3. Sub Divisional Education Officer (Female) Mansehra
4. Appellants concerned
5. PA to Director E&SE KP, Peshawar
6. Master File.


Deputy Director (Female)
Directorate E&SE, KP
Peshawar