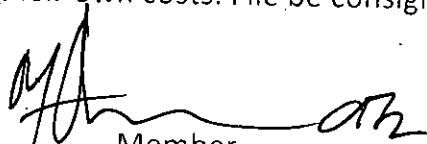


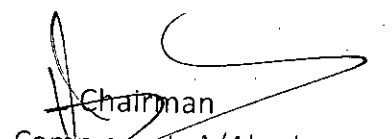
17.01.2017

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

ANNOUNCED
17.01.2017


Chairman
Camp court, A/Abad
17.01.17

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.

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

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 24.3.2015 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

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 773/2015

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. Saba Khaliq 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;"><i>Aben</i> 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>24-7-2015</u></p> <p style="text-align: right;"><i>DS</i> CHAIRMAN</p>

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Appeal no. ~~775~~ / 2015

Saba Khalil d/o Khaliq ur Rehman GGPS, Bandi Dost Muhammad
R/o Lansa Nawab 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"	12-18
4	Copy of appointment order and corrigendum	"C"	19-24
5	Copy of Show cause notice and one page of inquiry of the then EDO	"D"	23-25
6	Copy of impugned dismissal order of appellant	"E"	26
7	Copy of departmental appeal /representation	"F"	27-30
8	Wakalatnama		

Dated: 7/6/2015

Debe
Appellant

Through


Muhammad Arshad Khan Tanoli

Advocate, High Court

Abbottabad

①

**BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.**

Appeal no. 773/15

A.W.F Province
Service Tribunal

Diary No. 799

Dated 8-07-2015

Saba Khalil d/o Khaliq ur Rehman GGPS, Bandi Dost Muhammad
R/o Lansa Nawab 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,

Filed to day
8/7/15

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"

2

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 6850-59/ Estt ; PST 2011/2012 Mansehra Dated 31.5.2012. **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. 31.5.2012 onwards.

5. That, the appellant was though dismissed from service by the respondents' department vide Endrs. No 1956-65/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

3

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

④

endst. No 1956-65/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 17.3.2015. **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:-

GROUND

- 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.

5

- 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,

6

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

7

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 1956-65/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: 27/5/2015


Appellant

Through


Muhammad Arshad Khan Tanoli
Advocate, High Court
Abbottabad

8

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Saba Khalil d/o Khaliq ur Rehman GGPS, Bandi Dost Muhammad
R/o Lansa Nawab 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 1956-
65/AE /ESTB 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 7/7/2015

shel
Appellant

Through


Muhammad Arshad Khan Tanoli
Advocate, High Court
Abbottabad

10

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Saba Khalil d/o Khaliq ur Rehman GGPS, Bandi Dost Muhammad
R/o Lansa Nawab 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, Saba Khalil d/o Khaliq ur Rehman GGPS, Bandi Dost Muhammad R/o Lansa Nawab 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: 2/2 /2015

Saba Khalil
Deponent



HAZARA UNIVERSITY

MANSEHRA, PAKISTAN

DETAILED MARKS CERTIFICATE

Annex B

SNo: 20033

P-12

BA ANNUAL EXAMINATION 2014

Roll No: 67595

Reg No: 13-PM-272

Name: Sabah Khaleeq

F/ Name: Khaleeq Ur Rehman

Institution/ MANSEHRA

Part: Second

District

COURSE TITLE:	Max: Marks		Marks Obt:		Total	Marks in Words	Remarks
	TH	PR	TH	PR			
Part-I Marks----->	285				137	ONE HUNDRED THIRTY-SEVEN	
ENGLISH	75		41		41	FORTY-ONE	Pass
URDU	75		34		34	THIRTY-FOUR	Pass
PAKISTAN STUDIES	40		21		21	TWENTY-ONE	Pass
ISLAMIC STUDIES	75		48		48	FORTY-EIGHT	Pass
Total:	550				281	TWO HUNDRED EIGHTY-ONE	

Percentage: 51.09
Division: SECOND

Print Date: 03-09-2014

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.

[Signature]
Controller Examinations
Hazara University, Mansehra
September 03, 2014

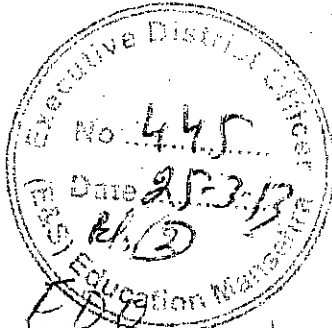
[Signature]
Muhammad Arshad Khan Yaqubi
Advocate
Distt: Courts Abbottabad



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION ABBOTTABAD

57

P-13



No. 4554/SH /Secy/Verf/BISE/Atd.

Dated. 19 / 3 / 13

Suppl (F)

To

The EDO
EYS Education
Mansehra

25/03/13
AFCO

Subject:

VERIFICATION OF DETAIL MARKS CERTIFICATES

Your letter No. 1633/Estt: Mansehra
Dated. 14 / 12 / 12

The Detail Marks Certificate attached herewith are returned after verification.

Muhammad Arshad Khan Tanoli
Muhammad Arshad Khan Tanoli
Distt: Courts Abbottabad

[Signature]
Assistant Controller of Examinations (S)
Board of Intermediate & Secondary Education,
Abbottabad.

Note:-

1. Only photocopies of DMCs must be sent to Assistant Controller Secrecy.
2. Provisional Certificate/Original Certificates must be sent to Assistant Secretary Certificates for verification.

158190

P-14

INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD



Roll No: 59890
Group: SCIENCE

DETAILED MARKS CERTIFICATE SECONDARY SCHOOL CERTIFICATE EXAMINATION

Session: 2008 (Annual)

Attested
K

KHALID MEHMOOD
SST (GENIUS) II
G.H.S. Lassan, Nowki
Mansehra

Name: SABAH KHALEEQ
Father Name: KHALEEQ UR REHMAN
Reg. No: 0065752003
Institution / District: PAKISTAN PUBLIC S.S LASSAN NAWAB
MANSEHRA

has secured the marks shown against each subject in the Secondary School Certificate Examination held in the month of April / May as a Regular candidate.

Subjects	Total Marks			Marks Obtained		Total	Marks in Words
				Theory / A	Pract / B		
English	75	75	150	50	54	104	One Hundred Four
Urdu	75	75	150	59	50	109	One Hundred Nine
Islamiyat	75	75	150	56	0	56	Fifty-Six
Pakistan Studies	75	75	150	44	0	44	Forty Four
Mathematics	75	75	150	52	48	100	One Hundred
Physics	75	15	100	41	12	53	Fifty-Three
Chemistry	85	15	100	51	14	65	Sixty-Five
Biology	85	15	100	55	13	68	Sixty-Eight

RESULT VERIFIED
SSC
SECRETARY

SECRETARY OFFICER
BISE Abbottabad

Total : 900

599-B Five Hundred Ninety-Nine Only

Remarks

Dated: 16-JUL-08

Checked By: _____

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

Umar 44 P S

[Signature]
Controller of Examinations

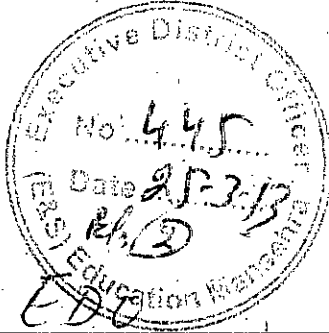
Attested
[Signature]
Muhammad Arshad Khan Tanoli
Advocate
Distt: Courts Abbottabad



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION ABBOTTABAD

57

P-15



No. 4554/SSE/Secy/Veri/BISE/Attd.

Dated. 19 / 3 / 13

Suppl (15)

To

The EDO
EYS Education
Manshera

25/03/13
DFCO

Subject: **VERIFICATION OF DETAIL MARKS CERTIFICATES**

Your letter No. 1633/Estt. Manshera
Dated. 14 / 12 / 12

The Detail Marks Certificate attached herewith are returned after verification.

Muhammad Arshad Khan Tanoli
Distt: Courts Abbottabad

[Signature]
Assistant Controller of Examinations (S)
Board of Intermediate & Secondary Education,
Abbottabad.

Note:-

1. Only photocopies of DMCs must be sent to Assistant Controller Secrecy.
2. Provisional Certificate/Original Certificates must be sent to Assistant Secretary Certificates for verification.

158190

P-16

INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD



Roll No: 59890

Group: SCIENCE

DETAILED MARKS CERTIFICATE SECONDARY SCHOOL CERTIFICATE EXAMINATION

Session: 2008 (Annual)

Name: SABAH KHALEEQ
 Father Name: KHALEEQ UR REHMAN
 Reg. No: 0065752003
 Institution / District: PAKISTAN PUBLIC S.S LASSAN NAWAB
 MANSEHRA

Attested
K

KHALID MEHMOOD
 S.S.TIGENI
 G.H.S Lassan Nawab
 Mansehra

has secured the marks shown against each subject in the Secondary School Certificate Examination held in the month of April / May as a Regular candidate.

Subjects	Total Marks			Marks Obtained		Total	Marks in Words
				Theory / A	Pract / B		
English	75	75	150	50	54	104	One Hundred Four
Urdu	75	75	150	59	50	109	One Hundred Nine
Islamiyat	75	75	150	56		56	Fifty-Six
Pakistan Studies	75	75	150	44		44	Forty-Four
Mathematics	75	75	150	52	48	100	One Hundred
Physics	85	15	100	41	12	53	Fifty-Three
Chemistry	85	15	100	51	14	65	Sixty-Five
Biology	85	15	100	55	13	68	Sixty-Eight

Total : 900

599-B Five Hundred-Ninety-Nine Only

Dated: 16-JUL-08

Remarks

Checked By:

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

Visit: www.biseatd.edu.pk

Controller of Examinations

Muhammed Ali Khan Canoli

Distt: Courts Abbottabad



ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
DEPARTMENT OF EXAMINATIONS
(Verification Section)

Confidential

P-17

No. F. 1-5/Veri/ 22056

EXCUTIVE DISTRICT OFFICER E & S
 EDUCATION MANSEHRA

86

Dated: 30 Mar, 2013

Subject: **VERIFICATION OF CERTIFICATE(S)/DEGREE(S)/DIPLOMA(S)/TRANSCRIPT/
 PRC ISSUED BY ALLAMA IQBAL OPEN UNIVERSITY**

Dear Sir/Madam,

This is with reference to Letter No. 1632 dated 14 Feb, 12 on the subject noted above. It is certified that Certificate(s)/Degree(s)/Diploma(s)/Transcript(s)/PRC issued by the University to the following students are correct:

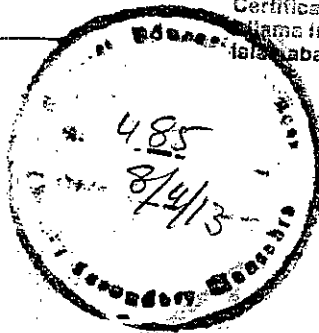
Sr. No.	Student's & Father's Name	Programme	Registration No.	Certificate/Degree/Diploma/Transcript/PRC No.
1	SABAH KHALEQ KAHLEEQ UR REHMAN	PTC	09NMA00418	208177

Supt H - (F)

12/06/13
Dal P
2

[Signature]

Assistant Controller of Examinations
 Certificate Section
 Allama Iqbal Open University
 Islamabad, A



Attested
Muhammad Aslam
 AC
 Distt: Courts Abbottabad

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD

PROVISIONAL RESULT CARD



Name: SABAH KHALEG
 Official Name: KAHLEEG UR REHMAN
 Address: QAZI SAIED UR REHMAN GHS LASSAN
 NANAB
 Tehsil: MANSEHRA
 District: MANSEHRA
 Exam successfully completed: PRIMARY TEACHING CERTIFICATE

Roll No. AC618672
 Registration No. 09NMA0041B
 Final Semester AUT- 2009

P-18

The details of passed courses are as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
SPR- 09	0616	SCHOOL COMMUNITY & PRACTICAL ARTS	100	71
SPR- 09	0615	SCHOOL ORGANIZATION & MANAGEMENT	100	64
SPR- 09	0614	EDUCATIONAL PSYCHOLOGY	100	58
SPR- 09	0613	PRINCIPLES OF EDUCATION	100	67
AUT- 09	0619	TEACHING OF SCIENCE & PHYSICAL EDUCATION	100	59
AUT- 09	0618	TEACHING OF MATHEMATICS	100	70
AUT- 09	0617	TEACHING OF URDU	100	64
AUT- 09	0620	TEACHING OF ISLAMIAT & SOCIAL STUDIES	100	67
AUT- 09	0611	PRACTICAL WORKSHOP & TEACHING PRACTICE	100	75

Department Of Examinations
 (Certificate Section)
VERIFIED
 Certificate/Degree/Diploma/Transcript
 bearing Sr. No. 208177 is
 Checked & Found Correct.
 Signatures: AC

HEAD MASTER
 Govt. High School
 Palsala (Mansehra)

Attested
 Muhammad Ahsan Khan
 District Courts Abbottabad

verified

Total Marks / Obtained 900 / 595

Percentage / Grade 66 B

Result declared on: SEPTEMBER 17, 2010

Date of issue: SEPTEMBER 29, 2010

Controller of Examinations

This certificate 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 approval of the university student.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&S EDUCATION MANSEHR

ORDER

In Continuation to this office endorsed No. 5360-5384/Eat: (F) Applt: PST (F)/2011-12 date 18/05/2012 on the acceptance of appeal the following candidates are hereby appointed as Primary School Teacher PST (Female) against vacant 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.

S#	Name of Candidate	Father's Name	U/Council	Place of Posting
1	Rafia Musadiq	Musadiq Lodhi	Lassan Nawab	GGPS Fateh Bandi
2	Nazma Bibi	Muhammad Aslam	Lassan Nawab	GGPS Aligar Bain
3	Sab Khalig	Khalig ur Rehman	Lassan Nawab	GGPS Seri Malwal

TERMS & CONDITIONS:

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

verified.

DEO (F)

Attested

Muhammad Munir Khan Farooq
 Advocate
 Distt. Courts Abbottabad

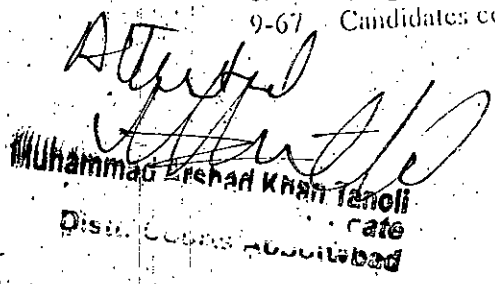
P-20

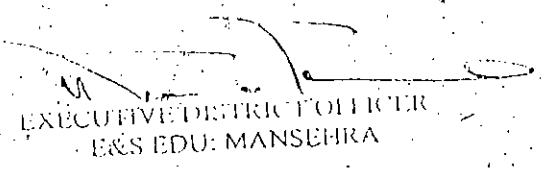
- him/her as salary will be recovered and a case against him/her shall be registered under relevant section of Law.
8. Their services are liable to termination on one month prior notice from either side in case of resignation without prior notice, their one month pay/allowances if any shall be forfeited to Government Treasury.
 9. Their services can be terminated at any time in case their performance is found unsatisfactory; 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 Mansehra.
 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 previous 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

Enst: No. 6850-59 /Estt: (F)Apptt:PET(F)/2011-12 Dated Mansehra the 31st 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, Mansehra.
- 4-5. District Officer (M&F) Local Office.
6. Deputy District Officer (Female) E&SE Mansehra.
7. PA to District Coordination Officer, Mansehra.
8. Budget & Accounts Officer, local office, Mansehra.
- 9-67. Candidates concerned.


Muhammad Ershad Khan Tanoli
Dist. Coord. Mansehra


EXECUTIVE DISTRICT OFFICER
E&S EDU: MANSEHRA

verified
DEO (AD)

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA.
NOTIFICATION

Consequent upon the decision of the respective committee, the following adjustment of the Primary School Head Teacher B-15, SPST B-14 & Pst B-12 are hereby re-adjusted in the interest of public service with immediate effect.

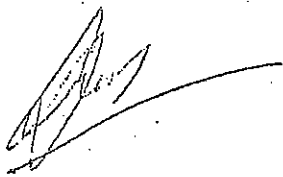
S#	Name of School	BPS	From	To	Remarks
1	Shughf'a bibi	15	GGPS Arab Khun	GGPS Lunda Paira	Against Vacant Post
2	Chan b bi	15	Adjusted at GGPS Devli	GGPS Bela Mandagucha	Adjuscent U/Council.
3	Kaneez Fatima	15	Adjusted at GGPS Hariar Panjool	GGPS Panjool	Against Vacant Post
4	Yasmeen bibi	15	Adjusted at GGPS Panjool	GGPS Hariar Panjool	Vice Yasmeen Bibi B-15
5	Bushra Ambreen	15	Adjusted at GGPS Brarkote	GGPS Bani Karnol	Vice Kanez Fatima B-15
6	Nusrat Ali Khan	15	Adjusted at GGPS Bani Karnol	GGPS Brarkote	Vice Nusrat Ali Khan
7	Rifhat Shaheen	15	Adjusted at GGPS Mungan	GGPS Khun Balimong	Vice Bushra Ambreen
8	Bibi Waseela	14	Adjusted at GGPS Chungari	GGPS Arab Khun	Against Vacant Post
9	Shakila bibi	14	Aadjusted at GGPS Kalwal	GGPS Timbri	Against Vacant Post
10	Shughfla	14	Adjusted at GGPS Lalan Da dara	GGPS Charia	Against Vacant Post B-14
11	Saima bibi	14	Adjusted at GGPS chapra Bala	GGPS Mungan	Against Vacant Post B-14
12	Abida Inran	12	Adjusted at GGPS Maswal	GGCMS Faqirabad Tajal	Ag:VI/Post b-14
13	Bibi Amna	12	Adjusted at GGPS T/Sabir Shah	GGCMS Irangri Bala	Ag:VI/Post b-14
14	Saidra	12	Adjusted at GGPS T/Sabir Shah	GGCMS Faqirabad Tajal	Ag:VI/Post b-14
15	Gul bibi	12	GGPS Lalan Da Dara	GGPS Charia	Ag:VI/Post b-14
16	Nazma Bibi	12	GGPS Sharota	GGPS Karkala	Against Vacant Post
17	Saba Khaleeq	12	GGPS Bandi Dost Muhammad	GGPS Khambian Payeen	Against Vacant Post
18	Nelfore	12	Adjusted at GGPS shahkhail Garhi in B-14	GGPS ShehKhail Garhi B-12	Against Vacant Post
19	Gul naz	12	Adjusted at GGPS Tali Sydan	GGPS Nanoha Khurd	Due to Forgo.
20	Fehmida	12	Adjusted at GGPS Nanoha Khurd	GGPS Tali Sydan	Due to Junior in the School
21	Bibi Rizwana	12	GGPS Sukian	GGPS Richari	Due to Senior most in the School
22	Nabeela Khatoon	12	GGPS Tahari	GGPS Pakona	Against B-15 own pay and grade on temporary basises. Ag: Vacant Post

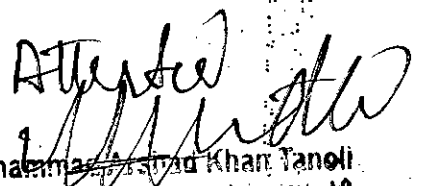
Note:-

- 1- Charge report should be submitted to all concerned.
- 2- No TA/DA is allowed to any one.
- 3- Necessary entries to this effect should be made in their service books.

Sd/-

(SHAMIM AKHTAR)
 DISTRICT EDUCATION OFFICER
 (FEMALE) MANSEHRA



Attested

 Muhammad Asad Khan Tanoli
 Distt. Courts Adjudicator

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End No. 211/49 (Adjustment Promotion) (C/B) (F) Dated 23/05 2013

- 1. Copy forwarded for information and necessary action to the
- 2. P.S. Secretary to Government, G.P. (D) Peshawar (Khyber Pakhtunkhwa) E & SE Department Peshawar
- 3. Director, E & SE Department, Khyber Pakhtunkhwa Peshawar
- 4. ASDEO (F) Circles: 1. Bannu 2. Chitral 3. Peshawar 4. Ogha 5. Shergharh 6. Mansehra 7. Battal
- 5. Bannu 2. Dhoela
- 6. District Accounts Officer, Mansehra
- 7. Dy. District Officer Finance & Planning, Mansehra
- 8. B & O local office
- 9. Officials concerned

[Handwritten Signature]

Sub Divisional Education Officer
(Female) Mansehra

Copy forwarded to the Secretary to Government, G.P. (D) Peshawar (Khyber Pakhtunkhwa) E & SE Department Peshawar

Director, E & SE Department, Khyber Pakhtunkhwa Peshawar

ASDEO (F) Circles: 1. Bannu 2. Chitral 3. Peshawar 4. Ogha 5. Shergharh 6. Mansehra 7. Battal

Bannu 2. Dhoela

District Accounts Officer, Mansehra

Dy. District Officer Finance & Planning, Mansehra

B & O local office

Officials concerned

Sub Divisional Education Officer
(Female) Mansehra

Annex - D

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA.

No. 2926/1E/11 (P)

Dated 01/10/2014

SHOW CAUSE NOTICE.

P-23

I, Nighmana Sarfar, District Education Officer (Female) Mansehra as Competent Authority under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011, do hereby serve you Mst. Saba Khaliq, PST GGPS Angar Bain Mansehra as follows:

1. You were illegally appointed as PIC at GGPS Angar Bain, vide defunct Executive District Education Officer (ESE) Mansehra (dist. No. 6850 59 /Apt./PLT/E dated 31.5.2012, whereas you was stranger for recruitment process initiated through FATA, you never appeared in selection process as a candidates for said post through EATA, your name did not fall in the merit list prepared for the selection of candidates. Acceptance of your appeal and subsequently your appointment order was the result of misuse of authority by the then EDO according to his sweet will and wishes against the recruitment rules, as per inquiry report received through Government of Khyber Pakhtunkhwa, elementary and Secondary Education Department Letter No. SO(S/M)E&SED/4-17/2013 Umar Khan EDO BS-19 dated 25.8.2014. More over the then EDO (E&SE) removed from Government Service in connection with all such bogus appointment including you made by him.

2. Going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee:

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

- Misconduct and dishonesty in getting bogus/taked appointment without due process of recruitment
- Inflicted huge financial losses to the Govt Treasury receiving pay and result of bogus appointment
- By snatching established rights of the deserving candidates due for appointment on merit. Creating / cancelling the facts for an lawful appointment with collusion of then EDO,

1. 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.

2. You are, hereby, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

3. 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 defence to put in and in that case an ex-parte action shall be taken against you.

4. A copy of relative page of the finding of the inquiry committee is enclosed.

Amirul
Muhammad Ali Khan Tandoi
Advocate
Distt: Courts Abbottabad

Mst. Saba Khaliq, PST
GGPS Angar Bain

COMPETENT AUTHORITY

Nighmana Sarfar
District Education Officer
(Female) Mansehra

The District Education Officer,
(Female) Mansehra

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Subject: - REPLY TO SHOW CAUSE NOTICE NO. 7924/AE-III(M) DATED 01.10.2014.

Respected Madam!

The reply to the above referred notice is as under: -

PRELIMINARY OBJECTION

- 1) The case on the subject is pending in the High Court so, any proceeding is void and illegal till disposal of case.
- 2) The show cause notice addressed to me as PST, GPS Angar behar is wrong as it is well in the notice of your good-self that I am posted as PST in GPS Khamian Payeen, Union Council Lassan Nawab.
- 3) No copy of enquiry report is provided to me, as entered in Para - 4 of the notice.
- 4) I have been serving continuously for the last 2½ years and no salary was paid to me uptill now.

FACTUAL OBJECTION

- 1) Para No. 1 of your notice is incorrect. I was appeared and qualified the ETEA Test and my name was mentioned in the merit list which is also on the record in the High Court. I was appointed on merit as per policy, the misuse of authority by the then EDO if any is not my responsibility as per judgments of the Supreme Court reported in 2006 - SCMR - Page - 678 according to which the candidate is not responsible for any irregularity. (Copy attached).
- 2) That I am unaware about my enquiry. The enquiry if conducted is not under the relevant law I was never

Attested
Muhammad Arif
M. S. O. Mansehra
District Education Officer

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associated in the enquiry. No copy of the proceeding or report was supplied to me and no enquiry was conducted in my presence.

- a) I have never used any force or dishonesty upon the authority.
 - b) Not mentioned in the notice.
 - c) Not mentioned in the notice.
 - d) Para (d) is wrong. I have been serving under your kind control, but no salary was paid to me in this connection a writ petition is pending in the High Court and your good-self is well aware about the case.
 - e) Para (e) is also incorrect. I was appointed on merit and still serving under your control for the last 2½ years. I was never informed that my order was not on merit.
- 1) Incorrect. Your good-self is not competent to pass such order without proper enquiry in my presence and affording opportunity of hearing.
 - 2) Due to above cited ground your good-self is not competent to pass such a order.
 - 3) Reply to the notice is being sent through registered AD.
 - 4) Incorrect. Copy not annexed with the notice.

It is, therefore, prayed that notice may be withdrawn and my salary may be restored.

Muhammad Arshad Khan Tanoli

Muhammad Arshad Khan Tanoli
ocate
Distt: Courts Abbottabad

Saba Khaleeq

Saba Khaleeq
Primary School Teacher
Govt. Girls Primary School
Khamian Payeen,
U.C. Lissan Nawab
District Mansehra

Pay not Drawn

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Annex-E

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

NOTIFICATION

- 1:- Where as Mst: Saba Khalid D/O Khalique Rehman working as PS GGHS/GGMS/GGP Seri Halwood 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: Saba Khalid D/O Khalique Rehman CT/PET/TT PS GGHS/GGM GGPS Seri Halwood

Attested
Muharab
Distt: Courts Abbottabad

DISTRICT EDUCATION OFFICER
FEMALE MANSAEHRA.

Endst: No. 1956-65 /AE- /Estab: dated 03/03 /2015.

Copy to the:-

1. Secretary Elementary and Secondary Education Department Khyber Pakhtunkhawa, Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhawa, 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.

Attested
Muharab
Distt: Courts Abbottabad

DISTRICT EDUCATION OFFICER
FEMALE MANSAEHRA.

To,

The Director (E&SE)
Peshawar.

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Annex 'F'

Subject: DEPARTMENTAL APPEAL/ REPRESENTATION.

1. Reference made to dismissal order Endst. No. 1956-65/AE-I/Estab dated 03/03/2015. Copy attached.
2. That the applicant writes to submit as under;-
 - i. That as per advertisement appeared in the daily news paper, the applicant submitted her documents to ETEA authorities for ETEA test on 19/06/2012. Copy bank challan dated 24/05/2011 and is attached.
 - ii. That the applicant passed ETEA test and there after qualified interview for the post of PST.
 - iii. That EDO (E&SE) Mansehra issued appointment order of the applicant purely on the basis of merit vide order Endst. No. 6850-59/Estt(F)Apptt: PET(F)/2011-12 dated 31/05/2012 and the applicant was posted to Govt. Girls Primary School Seri Marwal, against the vacant post of PST.

- iv. That the applicant is eligible for the post of PST according to the recruitment policy and qualification prescribed for appointment for the said post.
- v. That thereafter, the applicant was transferred from GGPS Seri Marwal to GGPS Bandi Dost Muhammad on 07/09/2012. (Copy of transfer order of the applicant is attached).
- vi. That the applicant is qualified PST having B.A & PTC certificates from the recognized institutions. (Copies of degrees/ certificates are attached).
- vii. That the applicant served in the Education Department from the date of appointment till the date of impugned dismissal order dated 03/03/2015 with complete devotion/ dedication and to the entire satisfaction of her superiors.
- viii. That DEO(F) Mansehra issued impugned dismissal order referred in Para No. 1 above which is malafide, against the law, perverse, and void and liable to be set aside on the following grounds:-

GROUNDS:-

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- a. That the applicant was recruited according to the prescribed rules as well as on merit on the basis of requisite qualification. Therefore, applicant is entitled to remain in Govt. service as PST.
- b. That District Education (Female) Mansehra dismissed the applicant but some similar employees have not been dismissed by her. Hence dismissal order of the applicant is discriminatory and same is not maintainable at law.
- c. That the DEO(F) (E&SE) Mansehra has made room to accommodate some blue eyed chaps who are in her good books.
- d. That impugned dismissal order is against the law and without lawful justification.
- e. That as per law, DEO(F) was supposed to issue statement of allegations, show case notice, and conduct proper inquiry but the requisite formalities have not been observed.

It is further added that the applicant was not afforded opportunities of personal hearing as well as Cross Examining the person who leveled allegations against her. Hence dismissal order is based on hypothesis, surmises and conjectures.

- f. That valuable rights to continuing service in Education Department have been accrued to the applicant and DEO(F) Mansehra does not mention appointment order of the applicant and the impugned dismissal order. Hence impugned dismissal order is illegal and liable to be cancelled.
- g. That District Education Officer (F) being Inquiry Officer is not competent to issue dismissal order of the applicant as per law.

It is, therefore, prayed that on acceptance of instant departmental appeal, impugned dismissal order dated 03/03/2015 of the applicant may graciously be set aside.

Dated; 24/3 /2015

Your's sincerely

Saba Khaliq

(SABA KHALIQ)
D/o Khaliq ur Rehman
R/o Village & P. O Lissan
Nawab, Tehsil & District,
Mansehra

قیمتی

کورٹ فیس

وکالت نامہ

بعدالت KPK سرس کیمپول لیسٹا اور

عنوان: صبا صلیقہ PT بنام گوہر عابدہ KPK ایجوکیشنل ٹرسٹ

منجانب: ایسٹ

نوعیت مقدمہ: اصل

باعث تحریر آنکہ

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

محمد ابرار شہزاد نیوی رٹورڈ کے ذریعہ کورٹ سے روٹ ہمارے

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 بر حلف و دینے اقبال 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 جزو بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست براد استجارت ناش بصیغہ مفلسی کے دائرہ کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند ہے۔

المقام: المرقوم:

بمقام:

Attested

M. Arshad Ishaq Tandli

Adv High Court Attd

صبا صلیقہ

(1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
CAMP COURT ABBOTTABAD.

Appeal No 773/2015

Mst: Saba Khaliq, D/O Khaliq ur Rehman, PST, GGPS Bandi Dost Muhammad R/O Lissan Nawab,
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 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 as composed 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 Lassan Nawab where 02 Posts of PST were lying vacant. She was at S. No 5 of the merit list of her U/C, and was appointed through a continuation order bearing No. 6850-89 dated 31-05-2012.
 - ii. Appeal may be rejected with the remarks that she was appointed out of merit.

(Annexure-B)

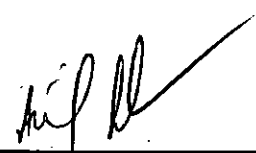
GROUNDS:-

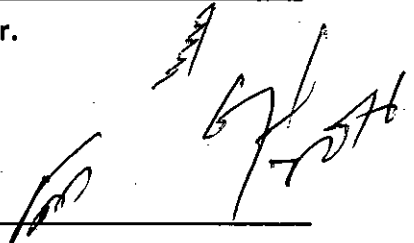
- a. Para No. **a & b** is incorrect, the appointment was not made in accordance with law due to which the dismissal order was issued.
- c. Para No. **c** is incorrect. The detail of the posts and merit of the appellant has already mentioned in Para No.9
- d. Para No. **d** is correct to the extent of 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.

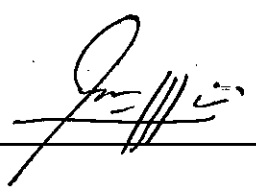
- f. Para No. f is incorrect. All the coddle formalities have been fulfilled at the time of dismissal of appellant.
- g. Para No. g is incorrect. The act of the respondent department is in accordance with the principle of jurisprudence and natural justice.
- h. Para No. h is incorrect. The detail of 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.

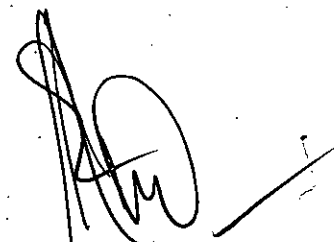
Respondent No. 1 
 Secretary E&SE, KPK, Peshawar.

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.773-A/2015 titled case MST: Saba Khaliq 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: Saba Khaliq, EX-PST,APPELLANT

VERSUS

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

SERVICE APPEAL

**REAPPLICATION IN RESPECT OF SUSPENSION OF OPORATION 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 in 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.



6

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.773/2015 titled case Mst: Saba Khaliq, 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

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

(A)
8

To:

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

Minister's instruction / report
Please examine the case &
put up monthly report
EDO

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. Khataq 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:

Mujeeb-ur-Rehman
(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 5/7/2013. 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**)

[Signature]

[Signature]

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 violations 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)**.

62. On the approval of Departmental Selection Committee, the appointment order of 59 candidates in BPS-07 were issued in their relevant union councils under the existing policy of the Provincial Govt. by Mr. Umer Khan Kundi EDO E&SE Mansehra under Endst:No.5360-5384 Estt: (F) Apptt: PST (F)/2011-12 dated 18.05.2012. **(Annex- LVIII)**

63. **IRREGULARITIES / INDIVIDUALS APPOINTMENT ORDER OF PSTS**

S.No in the Merit List OF PSTs	NAME & FATHER NAMES	Union Council	APPOINTMENT ORDER NO/Endst: No. AND DATE/PLACE OF POSTING	Facts	Remarks
03	Rafia Mussadiq D/O Mussadiq Lodhi	Lassan Nawab	Endst:No.6850-59/Estt:(F)Apptt:PST(F) 2011-12 dated Manshera 31.05.2012 Appointed at GGPS Fateh Bandi in BPS-7	Saba Khaliq D/O Khaliq Ur Rehman was at S.No.5 of the merit list. Her single order was issued under Endst:No.6850-59 dated 21.05.2012 on the acceptance of appeal by Mr. Umer Khan Kundi EDO E&SE Mansehra in GGPS Seri Malwal vide Endst:No6850-59/Estt:/Apptt:PST/2011-12 dated 21.05.2012. (Annex- LIX)	Since No DSC was convened to decide the appeals and no proper procedure was adopted. Hence the appointment order is against the recruitment rules and proper procedure. Appointment are illegal.
	Nazima Bibi D/O Muhammad Aslam	Lassan Nawab	Endst:No.6850-59/Estt:(F)Apptt:PST(F) 2011-12 dated Manshera 31.05.2012 appointed at GGPS Angar Bain in BPS-7	Rafia Mussadiq and Nazima Bibi U/C Lassan Nawab were appointed in substitution of Even No.&Date. Nazima Bibi D/O Muhammad Aslam was appointed at GGPS Angar Ban U/C Lassan Nawab where the post was not vacant/created up to the date of appointment. Even the <u>SNE was not released and the appointment order was passed on 31.05.2012</u> , it is astonishing that the appointing authority passed the order for appointment where the post was not created.	
	Saba Khaliq D/O Khaliq Ur Rehman Appointed	Lassan Nawab	Endst:No.6850-59/Estt:(F)Apptt:PST(F) 2011-12 dated Manshera 31.05.2012 at GGPS Seri Malwal in BPS-7	Appeal submitted by Uncle of Mst. Rafia Musaddiq was received in the office of EDO E&SE Mansehra on 13.07.2012, in which the applicant objected that	

(12)
B

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

NOTIFICATION.

WHEREAS, Mst Saba Khaleeq, PST at Government Girls Primary School Seri Malwal District Mansehra was dismissed from service by the DEO (Female) Mansehra vide Order No. 1956-65 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 Lissan Nawab, where two (02) posts of PST were lying vacant. She was at S. No. 05 of the merit list of her U/C and was appointed through a continuation order bearing No. 6850-89 dated 31/5/2012.
2. Appeal may be rejected with the remarks that she was appointed out of merit.

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. 1956-65 dated 03/03/2015 is hereby converted into removal from service.

Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 4335-40 /F.No. 78 /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