

18.08.2015

Counsel for the appellant present. Learned counsel for the appellant argued that identical service appeals No.758 to 789/2015 have already been admitted to regular hearing and fixed for further proceeding on 20.10.2015.

In view of the above, this appeal is also admitted to regular hearing. 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.

Appellate  
Security & Process Fee

Chairman  
Camp Court Abbottabad

20.10.2015

Counsel for the appellant and Mr.Sakeenullah, ADO alongwith Mr.Muhammad Tahir Aurangzeb, G.P for respondents present. Representative submitted application alongwith copy of notification dated 25.8.2015 according to which the appellant has been reinstated in service.

In the light of the said application, learned counsel for the appellant requested for withdrawal of the appeal as the grievances of the appellant have been redressed.

Dismissed as withdrawn. File be consigned to the record room.

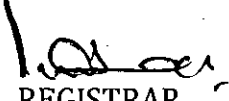

Chairman  
Camp Court A/Abad.  
20.10.15

ANNOUNCED  
20.10.2015

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 821/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15.07.2015	<p>The appeal of Mst. Sidra Hamayun 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> REGISTRAR</p>
2	29-7-15	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>18-8-15</u>.</p> <p> CHAIRMAN</p>

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

*Appeal no. 821/2015*

Mst. Sidra Hamayun d/o Muhammad Hamayun (PST GGPS,  
Nokot) R/o Nokot 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

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3	Copy of appointment order and corrigendum	"B"	12-15
4	COPY OF SHOW CUASE NOTICE	"C"	16-18
5	Copy of impugned dismissal order of appellant	"D"	19.
6	Copy of departmental appeal /representation	"E"	20-21
7	Wakalatnama		

Dated *11/2* /2015

*[Signature]*  
Appellant

Through

*[Signature]*  
**Muhammad Arshad Khan Tanoli**

Advocate, High Court

Abbottabad

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

Appeal no. 821/2015

**G.W.P. Provincial  
Service Tribunal**

**Diary No. 861**

**Dated 15-7-2015**

Mst. Sidra Hamayun d/o Muhammad Hamayun (PST GGPS,  
Nokot) R/o Nokot 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"**

15/7/15

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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.
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 "B"**.
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 2076-85/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 it was mentioned against the name of appellant that "that appointment order was the result of misuse of authority

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by the then EDO according to his sweet will and wishes as against the recruitment rules". 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.

**Copy of Show Cause notice is attached as annexure "C"**

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 2076-85/AE /ESTB dated 03.03.2015. **Copy of impugned dismissal order of appellant is attached as annexure "D".**

9. That on receipt of dismissal order, appellant filed departmental appeal against the order of respondent No 3 to respondent No 2 on 26.3.2015. **Copy of departmental appeal /representation is attached as annexure "E"** 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.

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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.

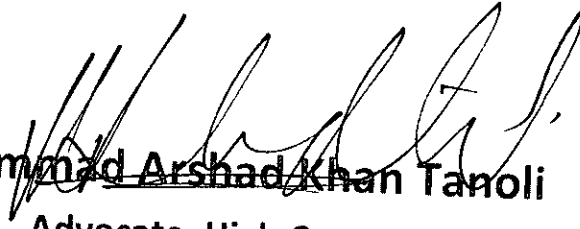
- j. That, the Honourable Service Tribunal has jurisdiction to entertain the grievance of the appellant and the appeal of the appellant is within the prescribe period of limitation

It is, therefore, prayed that on acceptance of the instant Service Appeal of the appellant, impugned dismissal order Endrst. No 2076-85/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: 11/7/2015

  
Appellant

Through

  
**Muhammad Arshad Khan Tanoli**  
Advocate, High Court  
Abbottabad

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

Mst. Sidra Hamayun d/o Muhammad Hamayun (PST GGPS,  
Nokot) R/o Nokot 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 2076-**  
**85/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

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

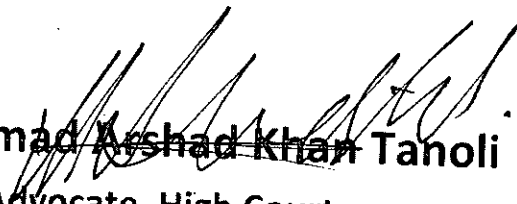
5. That, the applicant got appointment purely on the basis of merit. The applicant has been dismissed by the competent authority due to no fault of her.
6. That, the balance of convenience is infavour of the applicant and in case, status quo is not granted, the applicant shall suffer irreparable.

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: 11/7/2015

  
Appellant

Through

  
**Muhammad Arshad Khan Tanoli**  
Advocate, High Court  
Abbottabad

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

Mst. Sidra Hamayun d/o Muhammad Hamayun (PST GGPS,  
Nokot) R/o Nokot 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, Mst. Sidra Hamayun d/o Muhammad Hamayun (PST GGPS,  
Nokot) R/o Nokot 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: 6/7/2015

  
Deponent

Annex B

Annex A

A tested

Muhammad Arshad Khan Tanoli  
Advocate  
Distt: Courts Abu Dhabi

سلسلہ	تاریخ	موضوع	تاریخ	موضوع	تاریخ	موضوع
118	09-11-2011	2-7	09	11	09	11
118	09-11-2011	4-7	09	11	09	11
118	09-11-2011	6-7	14	11	09	11
118	09-11-2011	9-7	09	11	09	11
118	09-11-2011	11-7	09	11	09	11
118	09-11-2011	14-7	15	11	09	11
118	09-11-2011	15-7	07	11	09	11

Also available at [www.fishery.gov.pk](http://www.fishery.gov.pk)

INR/171533

Annex B-12

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	Shagufa Bibi	Muhammad Shafi Khan	Battal	Own UC M/List
6	Shaista Jabeen	Muhammad Akbar	Kathai	From Adjacent UCs Merit list
U/C Bhekund				
7	Bushra	Ghulam Mustafa	Bhekund	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	Mali 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	Zennab	Alam 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

Attested

M. HANMAD KHAN, Advocate  
Distt. Courts, Abbottabad

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	Sobia Arshad	Muhammad Arshad	Lassan Nawab	Own UC M/List
	Rashida Bibi	M.Zahoor	Lassan Nawab	Own UC M/List
31	Bibi Naseema	U/C Mohandari	Mohandari	Own UC M/List
32	Yasmeen Wahab	Ghulam Nabi	Mohandari	Own UC M/List
33	Neelam	Abdul Wahab	Nika Pani	Own UC M/List
		Abdul Latif	Darband	From Adjacent UCs Merit list
34	Lubna Younis	U/C Perhinna	Perhinna	Own UC M/List
35	Zahida Bano	M.Younis	Perhinna	Own UC M/List
		Ali Zaman	Perhinna	Own UC M/List
36	Bibi Saleha	U/C Phulra	Phulra	Own UC M/List
37	Mehnaz Bibi	Abdula Jan	Phulra	Own UC M/List
38	Bibi Mewash	M.Iqbal	Phulra	Own UC M/List
39	Farzana Yousaf	M.Naveed	Phulra	Own UC M/List
40	Bibi Farah	M.Yousaf	Phulra	Own UC M/List
		Khurshid Khan	Sawan Maira	From Adjacent UCs Merit list
41	Bibi Salama	U/C Sachan Kalan	Sachan Kalan	Own UC M/List
42	Bibi Norin	Sheezada Khesro Faredon	Sachan Kalan	Own UC M/List
		Relmat Ullah	Sachan Kalan	Own UC M/List
43	Tahira Jabeen	U/C Sawan Maira	Sawan Maira	Own UC M/List
44	Safouna Farat	Muhammad Ayub	Sawan Maira	Own UC M/List
45	Irum Shaheen	U/C Shanaya	Shanaya	Own UC M/List
		Abdul Razaq	Shanaya	Own UC M/List
		Anwar Khan	Shanaya	Own UC M/List
46	Saceda Haidar	U/C Shergarh	Shergarh	Own UC M/List
47	Fozia Bibi	Mir Haidar	Shergarh	Own UC M/List
48	Sadia Gul	Sher Bahadar	Shergarh	Own UC M/List
49	Asma	M.Zaman	Shergarh	Own UC M/List
		Abdul Malik	Darband	From Adjacent UCs Merit list
50	Sadia Javed	U/C Shuakat Abad	Shuakat Abad	Own UC M/List
51	Sabeen	Javed Khan	Shuakat Abad	Own UC M/List
52	Tabasam Rashid	M.Haroon	Shuakat Abad	Own UC M/List
		Abdul Rashid	Shuakat Abad	Own UC M/List
53	Nabeela Ghuncha Gul	U/C Trangri Sabir Shah	Trangri Sabir Shah	Own UC M/List
54	Khalida Bibi	Bashir Ahmad Khan	Trangri Sabir Shah	Own UC M/List
55	Sidra Hamayun	M.Yousaf Khan	Trangri Sabir Shah	Own UC M/List
		M.Hamayun	Trangri Sabir Shah	Own UC M/List
56	Salma Javed	U/C Bandi Shungli	Darband	From Adjacent UCs Merit list
57	Nosheen Bibi	Muhammad Javed	Darband	From Adjacent UCs Merit list
		Fazal ur Rehman	Darband	From Adjacent UCs Merit list
58	Sahibzada Hazmat Rabani	U/C Tanda	Tanda	From Adjacent UCs Merit list
59	Asma Noreen	Ghulam Rabani	Tanda	From Adjacent UCs Merit list
		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 Dajrd	Dajrd	Behali	GGPS Ashwal	A/V/Post
4	Nazma Bibi	R.Khan Bahdar	Behali	GGPS Jamal Nakka	A/V/Post
5	Shagufta Bibi	Muhammad Shafi Khan	Battal	GGPS Karmang	A/V/Post
6	Shaista Jabeen	Muhammad Akbar	Kathai	GGPS Chandni	A/V/Post

Muhammad Noshir Khan Tanoli  
Advocate  
Distt: Courts Abbottabad



1	Uda Ashraf	Muhammad Ashraf Bag	Dhokand	GGPS Kehnian Mian	A/VII Post
2	Abul Naz Bibi	S. Qabal Shah	Gari Habib Ullah	GGPS Danna Ganaila	A/VII Post
3	Bibi Asin	Abdul Ghafoor	Gari Habib Ullah	GGPS Chuntri	A/VII Post
4	Irum Saeed	Saeed Akhtar	Milkot	GGPS Khan Dalimang	A/VII Post
5	Marium Bibi	Muhammad Younis	Hangrai	GGPS Kalas Ghannaila	A/VII Post
6	Bibi Sajida	Saeed ur Rehman	Hangrai	GGPS Kalas Ghannaila	A/VII Post
7	Saima Aza	M. Fareed Khan	Ichrian	GGPS Karmang Paycen	A/VII Post
8	Mah Jabeen	Muhammad Farooq	Ichrian	GGPS Ranisera	A/VII Post
9	Saba Tariq	Muhammad Tariq	Jabar Daveli	GGPS Baso Manda Gucha	A/VII Post
10	Sobia Bibi	Abdul Ghafoor	Sachan	GGPS Baso Manda Gucha	A/VII Post
11	Snima Naz	Mir Afzal	Jaloo	GGPS Talian Di Kasi	A/VII Post
12	Fara Naz	Muhammad Khurshid	Jaloo	GGPS Chor Banda	A/VII Post
13	Nadia Rehman	Habib ur Rehman	Kamol	GGPS Bhoraj	A/VII Post
14	Amrin Younis	Muhammad Younis	Pairan	GGPS Dheri Sohail	A/VII Post
15	Musrat Bibi	Khatil ur Rehman	Karori	GGPS Seri Malwal	A/VII Post
16	Zenab	Alan Zeb	Karori	GGPS Malhar	A/VII Post
17	Amrin Kusar	Muhammad Miskeen	Karori	GGPS Malhar	A/VII Post
18	Rukhsana Taj	Taj Muhammad	Karori	GGPS Fata Bandi	A/VII Post
19	Rifat Bibi	Faqeer Muhammad	Karori	GGPS Fata Bandi	A/VII Post
20	Ashia	Misri Khan	Shanaya	GGPS Naryala	A/VII Post
21	Razia Bibi	Muhammad Zaman	Shanaya	GGPS Thakm	A/VII Post
22	Sobia Arshad	Muhammad Arshad	Darband	GGPS Dhok	A/VII Post
23	Rashida Bibi	M. Zahoor	Lassan Nawab	GGPS Sharota	A/VII Post
24	Bibi Naseema	Ghulam Nabi	Lassan Nawab	GGPS Chapra Bala	A/VII Post
25	Yasmeen Wahab	Abdul Wahab	Mohandari	GGPS Badal Gran	A/VII Post
26	Neelam	Abdul Latif	Nika Pani	GGPS Cham	A/VII Post
27	Lubna Younis	M. Younis	Darband	GGPS Cham	A/VII Post
28	Zahida Bano	Ali Zaman	Perhinna	GGPS Phalkot	A/VII Post
29	Bibi Saleha	Abdula Jan	Perhinna	GGPS Phalkot	A/VII Post
30	Mehnaz Bibi	M. Iqbal	Phulra	GGPS Ghazikot	A/VII Post
31	Bibi Mewash	M. Naveed	Phulra	GGPS Dhaman	A/VII Post
32	Farzana Yousaf	M. Yousaf	Phulra	GGPS Ghazikot	A/VII Post
33	Bibi Farah	Khurshid Khan	Phulra	GGPS Batangi	A/VII Post
34	Bibi Salama	Shezada Khesro Fareedon	Sawan Maira	GGPS Gojar Gali	A/VII Post
35	Bibi Norin	Rehmat Ullah	Sachan Kalan	GGPS Kalas Nawaz Abad	A/VII Post
36	Tahira Jabeen	Muhammad Ayub	Sachan Kalan	GGPS Kalas Nawaz Abad	A/VII Post
37	Safoora Farat	Abdul Raziq	Sawan Maira	GGPS Mohar	A/VII Post
38	Irum Shaheen	Anwar Khan	Shanaya	GGPS Numshera Shahkot	A/VII Post
39	Saeeda Haidar	Mir Haidar	Shanaya	GGPS Numshera Shahkot	A/VII Post
40	Fozia Bibi	Sher Bahndar	Shergarh	GGPS Gakhari	A/VII Post
41	Sadia Gul	M. Zaman	Shergarh	GGPS Perchaian	A/VII Post
42	Asma	Abdul Malik	Shergarh	GGPS Perchaian	A/VII Post
43	Sadia Javed	Javed Khan	Darband	GGPS Shorolian	A/VII Post
44	Sabeen	M. Haroon	Shuakat Abad	GGPS Shorolian	A/VII Post
45	Tabasam Rashid	Abdul Rashid	Shuakat Abad	GGPS Lalan Da Darra	A/VII Post
46	Nabeela Ghuncha Gul	Bashir Ahmad Khan	Situakat Abad	GGPS Chajar Bala	A/VII Post
47	Khalida Bibi	M. Yousaf Khan	Situakat Abad	GGPS Paniyali	A/VII Post
48	Sidra Hamayun	M. Hamayun	Trangri Sabir Shah	GGPS Trangri Bala	A/VII Post
49	Salma Javed	Muhammad Javed	Trangri Sabir Shah	GGPS Trangri Bala	A/VII Post
50	Noshin Bibi	Fazal ur Rehman	Trangri Sabir Shah	GGPS Khari Paloi	A/VII Post
51	Sahibzadi Azmat Rehani	Ghulam Rabani	Darband	GGPS Pagora	A/VII Post
52	Asma Noreen	Nawab Khan	Darband	GGPS Beer Bat	A/VII Post
53			Tanda	GGPS Talian Manda Gucha	A/VII Post
54			Dhodial	GGPS Kothri	A/VII Post

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**TERMS & CONDITIONS:**

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

*Attested*

*[Signature]*

*[Signature]*  
 Muhammad Arshad Khan Tanoli  
 Advocate  
 District Courts 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.

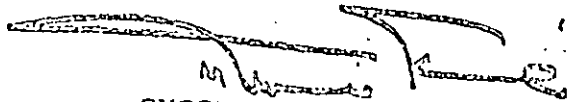
In case they failed to assume the charge of their posts within 15 days of their appointment, candidature-ship will be stand automatically cancelled.

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 Mansehra)
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 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 1<sup>st</sup> 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

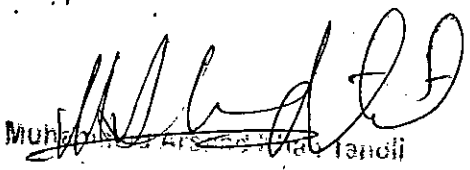
Endst: No. 5360-5384 /Estt: (F)Apptt:PET(F)/2011-12 Dated Mansehra the 18<sup>th</sup> May, 2012  
Copy to the:-

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.



EXECUTIVE DISTRICT OFFICER  
E&S EDU: MANSEHRA

*Attested*



Munshirani  
District Council  
Mansehra



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Annex C

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

No. -7777- / S. Cause  
Dated the 29/9/ /2014

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

**SHOW CAUSE NOTICE**

*[Handwritten signature and initials]*

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. Sidra Hamayun PST GGPS Khati Paloi Mansehra Show cause Notice as follows:

- 1) You were illegally appointed as PST at GGPS Khati Paloi 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.

*[Handwritten signature]*

COMPETENT AUTHORITY

*[Handwritten signature]*

Mst. Sidra Hamayun

GGPS Khati Paloi

*[Handwritten signature]*  
Munir  
GGPS Khati Paloi  
Dist: Courts

Dist: Courts

The District Education Officer,

(Female) Mansehra.

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Subject: PARAWISE REPLY OF SHOW CAUSE NOTICE.

Respected Madam:

In response to your office letter No 7777 dated 29-09-2014 parawise comments /reply are submitted in your honour as under:

PARA NO: 1 in response to advertisement of then EDO (E & SE) Mansehra, the undersigned applied for the post of PST and appeared in ETEA test under Roll No 700823 and obtained 132 out of 300. The merit list of the candidates was prepared by the office whereas the name of the undersigned was fall at S.No55.

After due process of recruitment I was selected and appointed against the post of PST under Endstt No 5360-5384/ Estt (F) Apptt: PST (F) 2011-2012 dated Mansehra the 18-05-2012 at GGPS Paloi Mansehra (Copy attached)

PARA NO: 2 The undersigned has no knowledge regarding inquiry under reference as she was not called by any inquiry officer / committee to explain her position.

PARA: 2-A. How the office could level charges of misconduct, dishonesty and getting bogus/ fake appointment as the appointment of the undersigned was made by the competent authority according to recruitment policy on the merit position for which I was deserve according to merit list.

PARA: 2-B. I delivered services according to my job description and received salary. The charge of inflicting huge financial losses is result of concoction and against the facts.

PARA: 2-C That, no concealment of facts was made by the undersigned and my appointment was made after due recruitment process on merit by the competent authority.

MADAM,

I was appointed on merit in my union council but the appointed authority adjust me another union council committing misuse of authority on his part.

Against my appointment another union council I made an appeal to the E.D.O who accepted and adjust me in my own union council trangri sabbar shah (copy attached)

It is further added that I was selected after completion due recruitment process and no irregularity was committed by me. The authority scrutinized my documents and passed appointment orders in favour of me and I am regularly performing my duties for the last two years with unblemished record. Hence show cause notice may please be set aside that is the result of misinterpretation of facts.

Thanks  
Attested

Received  
m 18/10/14

18/10/14

28/10/2014

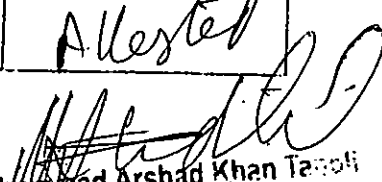
SIDRA HAMAYOON  
EX PST GGPS PALOI  
Union Council SUM  
Presently working at GGPS Nokat

Muhammad Arshad Khan Tanoli  
Advocate  
Distt: Couris Abbottabad

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Sibi Farah r/o UC Sawan Mera	Appointed at GGPS 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
Saeeda Haider r/o Sher Garh	Appointed at GGPS 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)	Violation of recruitment rules/policy
FoZIA Bibi r/o UC Sher Garh	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 GGPS Parchaian. (Annex-LXXXIV)	Appointment is not valid
Asma Abdul Malik r/o UC Darband	Appointed at GGPS 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).	Appointment is irregular and violation of rules.
Shoukat Abad	Sabeen r/o UC Shoukat Abad	Appointed at GGPS Chajar Bala UC Shamdara whereas three posts were already vacant in UC Shoukat Abad
Tarangri Sabar Shah	Sidra Hamayun r/o UC Tarangri Sabar Shah	Appointed at GGPS Khati Paloi at S.No 55 UC Sum Elahi Mang and not in own UC where three posts were vacant.
Bandi Shungli	Nosheen Bibi r/o UC Darband	Appointed in UC Bandi Shungli at GGPS Beerbar being adjacent UC which is not the adjacent UC. (Annex-LXXXVI)
	Salma javed r/o UC Darband	Appointed at GGPS 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)

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Attested  
  
 Muhammad Arshad Khan Taroli  
 Distt: Courts Abbotabad



Annex D  
Annex A

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

NOTIFICATION

- 1:- Where as Mst. Sidra Homayun D/O Mihamat Hamayun as Det GGHS/GGMS/GGP Khatai Padoi 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. Sidra Homayun D/O M. Hamayun.  
 CT/PET/TT Det GGHS/GGM GGPS Khatai Padoi

*[Signature]*

DISTRICT EDUCATION OFFICER  
FEMALE MANSAEHRA.

Endst: No. 2176-85 /AE- /Etab: 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.

*[Signature]*

*[Signature]*  
Muhammad Arshad Khan Tanoli  
ADVOCATE  
Distt: Courts Abbottabad

*[Signature]*

DISTRICT EDUCATION OFFICER  
FEMALE MANSAEHRA.

To

The Director,  
Elementary & Secondary Education,  
KPK Peshawar.

Annex-E P-20

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED NOTIFICATION ISSUED UNDER EDDST NO 2076-85/AE-1/ESTAB: DATED 03-03-2015 WHEREBY MAJOR PENALTY OF DISMISSAL FROM GOVT SERVICE WAS IMPOSED UPON THE APPELLANT WITHOUT LAWFUL AUTHORITY (COPY OF IMPUGNED NOTIFICATION IS IS ATTACHED & MARKED AS ANNEX "A")

Prayer: IMPUGNED NOTIFICATION MAY PLEASE BE SET ASIDE FROM THE DATE OF ITS ISSUANCE DECLARING THE SAME WITHOUT LAWFUL AUTHORITY CONTRADICTORY TO THE RECRUITMENT POLICY & RULES AND RE-INSTATE THE APPLICANT WITH ALL BACK BENEFITS AT THE SAME STATION.

Respected sir,

I would like to invite your kind attention on the following facts in the connection to colorful exercise of power on the part of authority i-e DEO (F) Mansehra.

- (i) That the then EDO (E&SE) Mansehra invited appellant for recruitment of teachers of various cadres in Distt : Mansehra through advertisement published in daily MASRAQ & AJJ ( copy attached and marked as Annex "B".
- (ii) That as per procedure applicant applied for the post of PST. EATA test was conducted on 06-06-2011 and applicant appeared and passed the EATA Exam conducted and obtained 136/300 marks.
- (iii) That the then EDO conducted interview and scrutinized the documents of the candidates and merit list of the candidates was displayed for receiving objections.
- (iv) That appointment order of the appellant was issued under Edstt No 5360-5384/Estt(F) Apptt PET (F)/2011-12 dated 18-05-2012 and appellant was posted against the post of PST at GGPS KHATI PALOI (U/C SUM) Mansehra.(copy attached and marked as Annex "D".
- (v) That appellant continuously performing her duty without any break for the last 02 years & 09 months while she received a show cause notice whereby allegations were leveled against the appellant based on concoction and concealment of facts . the same are reproduced as below.

" YOU WERE ILLEGALLY APPOINTED AS "PST" AT GGPS KHATI PALOI (U/C SUM) MANSEHRA VIDE DEFUNCT EXECUTIVE DISTRICT OFFICER (E& SE) MANSEHRA ENDSTT NO 5360-5384/ESTT(F) APPTT PET (F)/2011-12 DATED 18-05-2012 WHERE YOU WERE STRANGER FOR RECRUITMENT PROCESS INITIATED THROUGH EATA 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"( Copy Attached And Marked As Annex "E")

Attest

Muhammad Arshad Khan Tanoli  
Advocate  
Distt: Courts Abbottabad

P-2p

- (VI) That a reply was submitted in response to show cause notice whereas appellant adopted continuation that she was appointed after due recruitment process (copy attached and marked as Annex "F")
- (VII) That appellant received impugned order dated 03-03-2015 whereas the major penalty of dismissal from service has been imposed upon the appellant.

Sir,

(a) Appellant was appointed after due process of recruitment through ETA test. The appellant served for a period of 02 Years and 09 Months without any break to the entire satisfaction of department.

(b) No inquiry was conducted or initiated. No opportunity of defense offered. No personal hearing was made. How the authority passed the order in the light of E & D rules and under what charges/evidence imposed such a harsh punishment of dismissal from service.

It is stated that no such recommendation was made by the committee who was constituted to conduct inquiry against the then EDO.


In the light of above facts You are requested to set aside the impugned notification of dismissal from service that is without lawful authority and having no legal sanctity and re-instate the original appointment order of the appellant with all back benefits at the same station who was appointed against the post of PST in result of completion of due recruitment process on merit basis.

Dated: 26/03/2015

Yours Faithfully  
(Appellant)

SIDRA HAMAYUN  
GGPS NOKOT Mansehra

Attested

  
M. J. Khan, J. J. Khan, J. J. Khan  
J. J. Khan

Distt: Courts Abbottabad



قیمتی

کورٹ فیس

# وکالت نامہ

بعدالت سرین سرنیل کے لئے

عنوان: سیدہ حسنین بنام گورنمنٹ

منجانب: اسد علی

نوعیت مقدمہ: سرین اسٹیل

باعث تحریر آنکہ

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

چہرہ اسرار خان سرنی اسٹیل کے لئے

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 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 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 نالاش بصیغہ مفلسی کے دائر کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

الرقوم: 11/7/11

بمقام: اسد علی

Accepted  
M. Ashraf Khan Tanoli  
Adv High Court Ptd

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. \_\_\_\_\_/2015

Respectfully Shewth

1. That the services appeal No: 759 /2015 in respect of MST: Sidra Humayun is pending before this honorable court for reinstatement.
2. That reference director E & SE department notification Endst: No 4160-65 /F.No.79/Appeals Female MSR Dated Peshawar 25/8/15, the appellant has been reinstated against the post of PST (Notification attached).

It is requested that the above mentioned appeal may kindly be dispose off please.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRA

دعوہ پال - لم

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION.

WHEREAS, Mst Sidra Hamayun, PST at Government Girls Primary School Khati Padol District Mansehra was dismissed from service by the DEO (Female) Mansehra vide Order No. 2076-85 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 Tarangi Sabar Shah, where three (03) posts of PST were lying vacant. Her name was at S. No. 03 of the merit in her U/C, however she was appointed in her own U/C but wrongly adjusted in other U/C Sum Elahi Mang at GGPS Kati Paloi.
2. Appeal may be accepted as she was on merit and eligible for appointment in her own U/C. She may be adjusted in her own U/C. However if she is comfortable with her posting at present school, she may be allowed to continue as usual.

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) (b) & (c) and keeping the findings/recommendations of the committee into consideration, accepts the appeal of aforesaid sacked teacher and set aside the order of DEO (F) Mansehra No. 2076-85 dated 03/03/2015 and reinstate Ms. Sidra Hamayun PST at Government Girls Primary School Khati Padol District Mansehra with effect from the date of her dismissal with all back benefits.

Director  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 1160-65 /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. Sub Divisional Education Officer (Female) Mansehra
3. District Accounts Officer Mansehra
4. Appellants concerned
5. PA to Director E&SE KP, Peshawar
6. Master File.

  
Deputy Director (Female)  
DirectoratE E&SE, KP