

Service Appeal No. 890/2018
Titled "Zareena Bibi-vs-District Education Officer, (Female) Peshawar and others"

ORDER:

12th April, 2022

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Tufail Khan, Assistant for respondents present.


2. The appellant was transferred from Govt: Girls Primary School, Shabqadar, placing her services at the disposal of District Education Officer (F) Peshawar vide order dated 21.11.2014 issued by the office of the Director (E&SE) Khyber Pakhtunkhwa but in the order the post of the appellant was mentioned to be PST and her adjustment was also directed to be made against the vacant post of PST (BS-12) but in her own pay and BPS. It was also directed that her seniority would be determined at the bottom of the seniority list of the PSTs (BS-12) as per rules. Whereas the appellant claims that she was promoted to the post of SPST (BS-14) vide order dated 01.03.2013 issued by the DEO(F) Charsadda and until her transfer to District Peshawar by the order of Director Education Khyber Pakhtunkhwa she was working in BPS-14. What happened is that she continued drawing salaries of BPS-14 when in the meantime an entry was made in the service book of the appellant whereby she was shown to have been reverted to BPS-12 and recovery of the salaries over and above to that permissible to BPS-12, was also directed to be made in equal installments of 5000/-PM w.e.f 01.05.2017 to 31.07.2018. It was then she filed departmental representation on 22.3.2018, which was not responded and she filed this appeal. The reply of the respondents though does neither deny the promotion order of the appellant specifically alleged by her in para-3 in the memorandum and grounds of appeal nor any order in writing regarding reversion of the appellant from BPS-14 to BPS-12 was brought on the record. The learned District Attorney contended that the appellant was transferred on her own request




and was received as PST (BS-12) by the DEO(F) Peshawar, therefore, her claim was not justified. He also submitted that DEO(F) Charsadda who had made promotion of the appellant, was not arrayed as respondent in the instant appeal as the DEO(F) Charsadda was in a better position to have made any statement regarding promotion of the appellant to the post of SPST (BPS-14).

3. Be that as it may, we deem it appropriate to remit the matter back to the Director (E&SE) Khyber Pakhtunkhwa to decide the departmental representation of the appellant and in case there was no order of reversion he shall make appropriate order within sixty days which could protect the rights of the appellant and in case there was a specific reversion order, whether or not, that was after adopting appropriate procedure under the law and rules (and, if so), copy of the same should be handed over to the appellant. The appellant may recourse to the legal remedy available to her after passage of order by the Director (E&SE) Khyber Pakhtunkhwa. Disposed off accordingly. Consign.

4. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 12th day of April, 2023.*


(Muhammad Akbar Khan)
Member(Executive)


(Kalim Arshad Khan)
Chairman