

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1470/2018

BEFORE: ROZINA REHMAN --- MEMBER(J)
MUHAMMAD AKBAR KHAN--- MEMBER(E)

Miss Soni, Ex-Family Welfare Worker, District Population Welfare Officer, Peshawar..... (*Appellant*)

VERSUS

1. Secretary to the Government of Khyber Pakhtunkhwa, Population Welfare Department, Civil Secretariat Peshawar.
2. Director General, Directorate General Khyber Pakhtunkhwa, Population Welfare Department, Peshawar.
3. District Population Welfare Officer, Peshawar.....(*Respondents*)

Present:

MUHAMMAD USMAN KHAN TURLANDI,
Advocate --- For Appellant.

ASIF MASOOD ALI SHAH,
Deputy District Attorney --- For respondents.

Date of Institution.....30.11.2018
Date of Hearing.....21.03.2023
Date of Decision.....21.03.2023

JUDGEMENT

MUHAMMAD AKBAR KHAN, MEMBER(E):- The instant service appeal has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as under;

“ On acceptance of this service appeal the final impugned order being illegal, without lawful authority, void ab-initio,



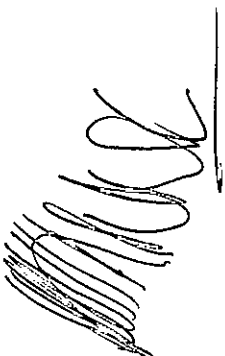
without jurisdiction and ineffective upon the rights of the appellant may be declared as such and be set aside and the respondents may please be directed to reinstate the appellant in her services with all back benefits and allied allowances.”

02. Brief facts, of the case are that the appellant had previously approached this Tribunal whereby his appeal was partially accepted vide judgment dated 22.12.2017 and the respondent department was directed to conduct de-novo inquiry within a period of 90 days from the date of receipt of this judgment, failing which the appellant shall be reinstated in service. De-novo inquiry was conducted and the appellant was removed from service vide impugned order dated 08.06.2018 against which the appellant filed departmental appeal on 09.07.2018 which was turned down vide impugned order dated 30.08.2018, hence the appellant filed the instant service appeal on 30.11.2018.

03. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in her appeal. We have heard arguments of learned counsel for the appellant as well as learned Deputy District Attorney for the respondents and have gone through the record with their valuable assistance.

04. Learned counsel for the appellant contended that the appellant was serving in Population Welfare Department as Family Welfare Worker. She was imposed major penalty of removal from

service on the allegations of fake and bogus SSC certificate showing therein increased marks from 553 to 653 and fake B.A degree. The appellant filed the service appeal No. 163/2016 to this Tribunal which was partially accepted vide judgment dated 22.12.2017 and the respondent department was directed to conduct de-novo inquiry within a period of 90 days from the date of receipt of judgment failing which the appellant shall be reinstated in service. He next contended that de-novo inquiry was not completed within the stipulated period of 90 days mentioned in the judgment dated 22.12.2017, therefore, as per judgment of this Tribunal, the respondent department was required to have reinstated the appellant in service. Learned counsel for the appellant further argued that the appellant was not associated with the inquiry proceedings; her objection to one member in the inquiry committee was not acceded to, therefore, the impugned orders dated 08.06.2018 and 30.08.2018 are illegal and are liable to be set aside.



05. Learned District Attorney controverted the arguments of learned counsel for the appellant and contended that the appellant was reinstated for de-novo inquiry as per judgment of this Tribunal. He submitted that proper inquiry was conducted, charge sheet and statement of allegations were issued to the appellant, educational testimonials of the appellant were sent for verification, wherein, the same found fake and bogus, hence, the first termination order dated 24.11.2015 was found correct.


06. We went through the record of entire process of recruitment of Family Welfare Worker (BS-09) by the respondent department. The appellant while applying for the post of Family Welfare Worker (BS-09) submitted her academic documents including Secondary School Certificate and B.A degree. As per her Secondary School Certificate, she obtained 653 marks. As per standard merit criteria she was awarded 70 marks on the basis of Matric Certificate. She was also given additional marks for higher qualification on the basis of her B.A degree. Thus she got higher position in the merit list and got offer of appointment in the respondent department. One of the terms and conditions in her offer of appointment was that her appointment was subject to verification of all testimonials/documents. After acceptance of the terms and conditions contained in the offer of appointment the appellant submitted her arrival for duty and respondent department started verification of educational testimonials/documents of the appellant from the relevant institutions. Feedback from the Board of Intermediate and Secondary Education Peshawar reveal that the appellant got 553 marks in SSC exam and the one showing 653 marks was bogus, not issued by the BISE Peshawar. Similarly University of Peshawar reported the B.A degree in respect of the appellant as fake not issued by the University. As such her merit for recruitment becomes null and void. As theses evidence was not defensible for the appellant she avoided her association with the

inquiry proceedings on different pretexts. Her objection to one member in the inquiry committee was rejected by the competent authority after due consideration. We find no merit for consideration of this point raised by the appellant in the memo of appeal and her learned counsel during course of arguments as the member of inquiry committee has no legal role to influence the process of verification of educational testimonials from the education institution concerned.

07. In view of the discussion in Para-6 we found no merit in the instant appeal and the same is dismissed. Consign.

08. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 21st day of March, 2023.*


(ROZINA REHMAN)
MEMBER (J)


(MUHAMMAD AKBAR KHAN)
MEMBER (E)