

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No: 1557/2022

Khyber Pakhtunkhwa
Service Tribunal

Mussadiq Abbas **Appellant** 4907

Versus

Dated 17/4/2023

Secretary E & SE KP & Others **Respondents**

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Deponent

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

Service Appeal No: 1557/2022

Musaddiq Abbas.....Appellant

Versus

Secretary E & SE KP & OthersRespondents

Joint Parawise Comments on behalf of Respondent No. 1 to 3

Preliminary objections.

- That the appellant is not an aggrieved person under Article 212 of the Constitution of 1973.
- That the instant appeal is badly time barred.
- That the Appellant is not entitled for any relief from this Honorable Service Tribunal as being a contractual employee at the time of Joining of SST (M/P), hence was not entitled for grant of lien for the post of CT (BS-15).
- That the Appellant has got no cause of action, locus standi to file the instant appeal.
- That the Appellant has not come to this Honorable Tribunal with clean hands.
- That the Appellant has concealed material facts from the Honorable Tribunal.
- That the Appeal is not maintainable in the present form being devoid of merits.
- That the conduct of Appellant estopped him to bring the instant appeal before this Honorable Bench.
- That the act of the Respondent Department is legal as per Rules / Policy.

ON FACTS.

1. That para-1 pertains to the record of the appellant.
2. That para-2 is correct.
3. That para-3 is correct.
4. That para-4 is subject to provision of record / proof of the appellant, hence needs no further comments.
5. That para-5, is incorrect and denied on the grounds that the Appellant is not entitled for any relief from this Honorable Service Tribunal as being

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a contractual employee at the time of Joining of SST (M/P), hence was not entitled for grant of lien for the post of CT (BS-15). (Annex-A & B)

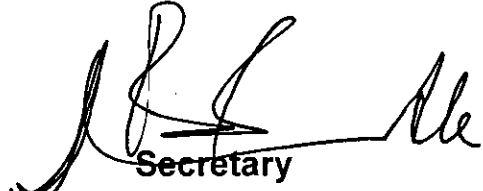
6. That para-6, is correct that the order of the appellant for the post of SST (M/P) was withdrawn due the reason of his fake / bogus B.Ed Degree. (Annex-C)
7. That para-7 incorrect that the appellant has obtained his B.ED degree from a un recognized University.
8. That para-8 is incorrect as no record of the appeal of the appellant is available in the office of the Respondent nor applied through proper channel, furthermore, the Appellant is not entitled for any relief from this Honorable Service Tribunal as being a contractual employee at the time of Joining of SST (M/P), hence was not entitled for grant of lien for the post of CT (BS-15).
9. **Legal**, the respondent department also submits inter alia on the following grounds.

Grounds:

- A. **Incorrect and denied**, the act of the respondent department is legal and liable to be maintained.
- B. **Incorrect and denied**, the appellant has been treated as per rules and policy and did not violate the Article 4 & 25 of the Constitution of the Islamic Republic of Pakistan 1973.
- C. **Incorrect and denied**, that detail reply has already been submitted under para 5 & 8 on facts.
- D. **Incorrect & denied**, that detail reply has already been submitted under para 5 & 8 on facts.
- E. **Incorrect and denied**, that detail reply has already been submitted under para 5 & 6 on facts.
- F. **Incorrect and denied**, the respondent department has acted as per rules and policy, and liable to be maintained the act of Respondent Department.
- G. **Legal**, the respondent department also seek permission of this Honorable Tribunal to advance additional grounds at the time of arguments.

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In light of the stated factual and legal position, it is humbly prayed that the case of the appellant may be dismissed in favor of the department.


Secretary

Elementary & Secondary Education
Khyber Pakhtunkhwa
(Respondents No. 1)


Director

Elementary & Secondary Education
Khyber Pakhtunkhwa
(Respondents No. 2)

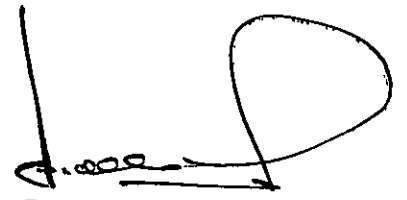

District Education Officer (Female)
District Orakzai
(Respondents No.3)

Affidavit

I **Mr. Asad Ullah SDEO / Litigation Officer (BS-17)** of District Orakzai do hereby solemnly affirm and declare that the contents of instant parawise comments are true and correct to the best of my knowledge and belief.

ATTESTED




Deponent

06-2023

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AUTHORITY LETTER

I District Education Officer (Male) Orakzai is hereby authorized **Mr. Asad Ullah SDEO / Litigation Officer (BS-17)** of District Orakzai for submission of comments in Service Appeal No.1557/2022 titled Musadiq Abbas vs Govt. of Khyber Pakhtunkhwa and others.

**District Education Officer
(Male) Orakzai at Hangu**



SST Appointment (Male) Orakzai

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DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR

NOTIFICATION

Consequent upon the advertisement bearing No. INF (P) 4222/2020, and the recommendations of the Departmental Selection Committee, the following candidates are appointed against the post of SST (General) and SST (Phy/Maths) Male in BPS-16 (Rs. 18910-1520-64510) @ Rs. 18910/- fixed plus usual allowances as admissible under the rules on adhoc / contract basis as per existing policy of the Provincial Government, in Teaching Cadre, on the terms and conditions as given below with immediate effect:

ITEM NO.1 APPOINTMENT OF SSTs (GENERAL)

Sr No	Roll No	Name of Candidate & Father's Name	D/O Birth	CNIC#	Permanent Address	Acad Marks (out of 100)	ETEA Marks (out of 100)	Total Marks (out of 200)	Remarks
1	106955	Hafiz Ullah S/O Gul Saif Khan	5-2-1976	21604-0238250-9	Alli Khel Gheljo Orakzai	60.56	58	118.56	The Appointment Notification No.14794-55 Dated 29-10-2021 only to the extent of Hafiz Ullah S/O Gul Saif Khan, at S.No.7 in SST (G), is withdrawn with effect from the date of its issuance.
2		Syed Qamar Abbas S/O Syed Noor Kamal	18-12-1990	21603-5533042-3	Bar Muhammad Khel piazarai Orakzai	61.64	56	117.64	Services are placed at the disposal of DEO Orakzai for further adjustment against the post of SST (G).

ITEM NO.2 APPOINTMENT OF SSTs (PHY/MATHS)

Sr. No	Roll No	Name of Candidate & Father's Name	D/O Birth	CNIC#	Permanent Address	Acad Marks (out of 100)	ETEA Marks (out of 100)	Total Marks (out of 200)	Remarks
1	72161	Musaddiq Abbas S/O Bahar Ali	5-2-1994	21603-5319317-5	And Khel Pagan Orakzai	63.72	51	114.72	The Appointment Notification No.14794-55 Dated 29-10-2021 only to the extent of Musaddiq Abbas S/O Bahar Ali, at S.No.8 in SST (P/M), is withdrawn with effect from the date of its issuance.
2	72133	Hazrat Bilal S/O Khial Juman	6-3-1993	21602-5875073-1		52.56	60	112.56	Services are placed at the disposal of DEO Orakzai for further adjustment against the post of SST (P/M)
3	72112	Shamim Ali S/O Abid Ali	1-4-1992	21603-0635531-1	Hassan Garhi (Luer) District Orakzai	63.41	49	112.42	do
4	21106	Riaz Ali S/O Sarwar Ali	10-1-1992	21603-6690555-7	Bar Muhammad Orakzai	57.99	53	110.99	do

Terms and Conditions:-

1. The DEO is directed to adjust / post the appointees against the schools / posts already advertised on the web-site of ETEA.
2. No. TA/DA is allowed.
3. Charge reports should be submitted to all concerned in duplicate.
4. Appointment is purely on temporary & contract basis initially for one year with effect from 18-03-2022 to 17-03-2023.

- (6)
5. They should not be handed over charge if they exceed 35 years or fall below 19 years of age. Age relaxation case may be submitted to the Competent Authority.
 6. If any meritorious candidate is deprived of appointment by this order, and the Competent Authority accepts his appeal, the appointment order of the low merit candidate will be with-drawn, and the adjustment order will be reviewed according to the merit.
 7. Appointment is subject to the condition that the certificates / documents must be verified from the concerned authorities by the DEO (concerned). Anyone found guilty of producing bogus certificates/Degrees will be reported to the law enforcing agencies for further action, and his appointment order shall be de-notified from the date of its issuance.
 8. Their services are liable to termination on one month's prior notice from either side. In case of leaving the department without notice their one month pay / allowances shall be forfeited to the Government.
 9. Pay will not be drawn until and unless a certificate is issued by DEO (concerned) to the effect that their certificates are verified and found correct and genuine.
 10. They should join their posts within 30 days of the Issuance of this notification. In case of failure to join the post within 30 days, their appointment will expire automatically and no subsequent appeal shall be entertained.
 11. Health and Age certificate should be produced issued by the Medical Superintendent concerned before taking over the charge.
 12. Their services shall be terminated at any time, in case thier performance is found unsatisfactory during the contract period, or will be extended for another year if found satisfactory.
 13. The appointment is made on school based. They will have to serve at the place of posting, and their services are not transferable to any other station.
 14. Before handing over the charge, the Head of Institution is once against directed to check their documents, and if they have not acquired the relevant qualification as per rules, they may not be allowed to take over the charge against SST post.
 15. The appointees shall take nine (09) Months mandatory training at RPDC/DPD.

(Hafiz Dr. Muhammad Ibrahim)
DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 3187-93 /F.No. 01/SSTs Contract Apptt; (Male)/2021

Dated Peshawar the 17/03/2022

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer Orakzai.
3. District Accounts Officer Orakzai.
4. PS to the Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Officials concerned.
7. Master File.


Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

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**OFFICE OF THE DISTRICT EDUCATION OFFICER
DISTRICT ORAKZAI**

Phone No. 0925-690017

MENT ORDER:

ent upon recommendation of the Departmental Selection Committee dated 05/11/2020.
ent of the following male candidates are hereby ordered against the post of Certified
(CT) school based in BPS: 15 @ (Rs.16120-1330-56020/- (Rs. 16120) fixed) plus
wances as admissible under the rules on adhoc school based policy of the Provincial
ent. in Teaching Cadre on the terms and conditions given below with immediate effect.

Name & Father Name	CNIC No.	Address	Score	Place of Posting
Muhammad Islam Bismillah Jan	17301- s/o 5607318-1	Momozai, Mirkalam Khel, Upper Orakzai Distt.	136.97	GHS Bazid Khel
Muhammad Ilyas s/o Aziz Ur Rehman	14301- 6757380-9	Momzai, Toor Smat, Upper Orakzai Distt.	132.86	GHS Mandati
Akram Ali Muhtaj Ali	s/o 21603- 0866557-5	Bada Khel, Lower Orakzai Distt.	127.11	GHS Jalaka Mela
Muhammad Rafiq s/o Habib Khan	21604- 3971997-7	Momozai, Shawa, Ghiljo, Upper Orakzai Distt.	125.70	GMS Stara Kada
Dilawar Hussain s/o Saleem Khan	21603- 8556314-3	Kurez, Lower Orakzai Distt.	124.18	GHS Spidar
Akhunzada Muhammad Muddassir s/o Akhunzada Muhammad Farid	14301- 2349412-5	Momzai, Drak Ghiljo Upper Orakzai Distt.	123.16	GHS Mandati
Sahibzada Qaium Ud Din s/o Kamal Ud Din	21602- 7610797-7	Ghiljo, Ismailzai Orakzai Distt.	122.56	GMS Ghuz Garh

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135	Rahim Ali s/o Reayat Ali	14301- 2878223-7	Trangi, Kada Bazar, Lower Orakzai Distt:	122.47	GHS Avi Mela
136	Yaqoob Ali s/o Muhammad Amin	21603- 5052101-5	Kalaya Qalat, Lower Orakzai Distt:	122.39	GHS Tooti Bagh
137	Syed Qamar Abbas s/o Syed Noor Kamal	21603- 5535032-3	Kada Bazar, Pinzari, Lower Orakzai Distt:	121.63	GHS Anjani
139	Sirab Ali s/o Siraj Ali	21603- 2231563-3	Kada Bazar, Pinzari, Lower Orakzai Distt:	120.75	GMS Goeen
144	Ishtiaq Ali s/o Shoukat Ali	21603- 3360645-9	Kalaya, Lower Orakzai Distt:	120.52	GHS Mandati
177	Tehzeeb Ali s/o Makan Ali	21603- 3459223-5	Kalaya, Lower, Orakzai Distt:	119.99	GMS Safri Feroz Khel
173	Muhammad Sulaiman s/o Muhammad Sultan	21604- 1537741-7	Momozai, Ghiljo, Upper Orakzai Distt:	119.10	GHS Spidar
147	Arshad Khan s/o Noran Shah	21604- 7507881-3	Badan, Nari Garhi. Ghiljo Upper Orakzai Distt:	118.50	GHS DDM
1507	Iqrar Nabi s/o Qail Khan	14301- 1152251-9	Trangi, Kada Bazar, Lower Orakzai Distt:	118.28	GMS Ghuz Garh
1380	Amjid Munir s/o Munir Khan	14101- 4803845-3	Rabia Khel, Saifal Dara, Ismailzai, Orakzai Distt:	117.94	GHS DDM
1864	Hazrat Halim s/o Muhammad Halim	21602- 5726976-3	Akheh, Ismailzai, Orakzai Distt:	117.94	GHS Baghnak



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300	Muhamamd Younas s/o Muhammad Amin Jan	21601- 2340000-3	Mishtli, Mishti Bazar, Central Orakzai Distt:	117.81	GHS Mishti Bazar
374	Mussaddiq Abbas s/o Bahar Ali	21603- 5319317-5	Tazi Khel. Und Khel Payan Lower Orakzai Distt:	117.42	GHS Jalaka Mela ✓
352	Jasim Ali s/o Nizam Ali	14301- 9574659-3	Lower Orakzai Distt.	116.95	GHS Chapper Mishti
354	Naeem Ali s/o Yousaf Ali	21603- 8817606-9	Kurez. Abi Shal, Lower Orakzai Distt.	116.88	GHS Dara Garri
364	Muhammad Sohail s/o Pir Afzai	21603- 7726868-9	Utman Khel. Tanda. Lower Orakzai Distt:	116.84	GHS Jalaka Mela
346	Syed Muallim Shah s/o Syed Muhamamd Askar	21603- 4496359-3	Sabzi Khel. Kalaya, Lower Orakzai Distt:	116.76	GHS Stori Khe
366	Hazrat Bilal s/o Khial Janan	21602- 5875073-1	Akheh. Ghiljo Upper Orakzai Distt:	116.55	GHS Toor Kam
380	Sultan Nawaz s/o Rab Nawaz	17301- 6945615-1	Momozai, Sama Upper Orakzai Distt:	114.81	GHS Dran Sheikhan

MS & CONDITIONS:

No TA/DA etc is allowed.

Charge reports should be submitted to all concerned in duplicate.

Appointment is purely on adhoc basis initially for one year.

They should not be handed over charge if they/he/she exceeds 35 year or below 18 years of age. Age relaxation case may be submitted to competent authority.

Appointment is subject to the condition that the certificates/documents/CNIC/Domicile must be verified from the concerned authority by the District Education Officer (Male)

District Orakzai. Anyone found producing bogus-fake/forged/tempered Certificate/Testimonials will be reported to the law enforcing agencies for further course of action(s) and his/her appointment shall stand as cancelled.

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Services are liable to termination on one month's notice from either side. In case of resignation without notice his one month pay and allowances shall be forfeited to the Government.

will not be drawn until and unless a certificate to the effect by DEO (concerned) is issued that their (his/her) certificates are verified.

They should join their (his/her) post within 15 days. In case of failure to join their (his/her) post within 15 days their (his/her) appointment shall stand cancelled automatically and no subsequent appeal etc shall be entertained.

Health & Age Certificate should be produced from the Medical Superintendent DHQ Hospital Orakzai before taking over charge.

They (he/she) will be governed by such rules and regulations as may be issued from time to time by the Govt.

Their (his/her) service shall be terminated at any time, in case their (his/her) performance is found unsatisfactory during their (his/her) contract period. In case of misconduct, they (he/she) shall be proceeded under the rules framed from time to time.

Their (his/her) appointment are (is) made on school base, they (he/she) will have to serve in the place of posting, and their services are (is) not transferable to any other station.

Before handing over charge once again their documents may be checked if they have not the required qualifications, they may not be handed over the charge.

If any meritorious candidate is deprived from appointment by this order and the competent authority accept his/her appeal, the appointment order of the low merit candidate will be withdrawn in favor of meritorious candidate.

In case of any discrepancy in documents, oversight or clerical mistake, the competent authority has the right to modify or withdraw appointment order of a candidate according to rules/policy.

Posting/adjustment on the advertised/available vacancies is the discretionary powers of the appointing authority and no one has the right to claim for adjustment at a specific school.

The competent authority reserved the right of corrigendum if needed.

Salaries will be paid subject to the provision of duty certificate from concerned Head/DDO.

Errors & omissions will be acceptable within the specified period.

~~SECRET~~
DISTRICT EDUCATION OFFICER
DISTRICT ORAKZAI

Dated: 07/11/2020

Forwarded for information and necessary action to the:

Accountant General Khyber Pakhtunkhwa Peshawar.

To Secretary (E & SE) to the Govt. of Khyber Pakhtunkhwa, (E & SE) Deptt., Civil

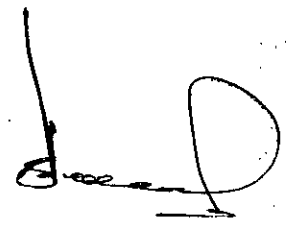
Secretariat Peshawar.

(11)

- 3. PA to Director (E& SE), Khyber Pakhtunkhwa, Peshawar.
- 4. Deputy Commissioner, Orakzai.
- 5. District Account Officer, Orakzai.
- 6. Principals/Head Masters/Headmistress concerned.
- 7. District Monitoring Officer, Orakzai.
- 8. Assistant Programmer/CO, EMIS Cell Local Office.
- 9. Budget & Account Officer/Accountant/Pay Clerk/, Local Office.
- 10. Candidate concerned.
- 11. Office Copy.

~~DISTRICT EDUCATION OFFICER~~
~~DISTRICT ORAKZAI~~

District Education Officer
District Orakzai



ORAKZAI

District Education Officer

ORAKZAI

District Office

ORAKZAI



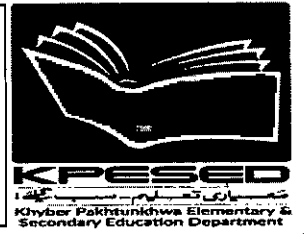
OFFICE OF THE DISTRICT EDUCATION OFFICER-ORAKZAI

Umar Plaza, Main Kohat Road, Muslimabad-Hangu.

Phone # 0925-690017 Fax # 0925-690017

Email: deorakzai2020@gmail.com

No. 200, Dated: 11/01/2022



To,

Director (Attestation & Accreditation),
Higher Education Commission (HEC),
Sector H-9, East Service Road, Islamabad, Pakistan.
UAN: 051-111-119-432

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Subject: **RECOGNITION & AFFILIATION OF ISLAMIC UNIVERSITY OF PAKISTAN SIALKOT:**

Please refer to the subject cited above and it is stated that some of the individuals have applied for various district cadre teaching posts in district Orakzai and few of them are appointed too who possess degrees from the Islamic University of Pakistan Ranger Road Sialkot Cantt. Punjab Pakistan.

Apropos, degrees of all the appointees in district Orakzai are posted to the aforesaid university for verification but the same are not received to this office until date. Copies of the obtained degrees are annexed at flag "A" & "B" for ready reference.

In light of the above, it is decided that recognition and affiliation of the Islamic University of Pakistan Ranger Road Sialkot Cantt: may be verified from your good office/HEC.

Therefore, it is requested that the **Islamic University of Pakistan Ranger Road Sialkot Cantt: Punjab Pakistan** may be verified is to either it is a recognized institute & included in the recognized list of institution or it is a fake, illegal & unrecognized institute as per accreditation criteria/guidelines of the HEC, please.

An early response in this regard will be highly appreciated.


DISTRICT EDUCATION OFFICER,
ORAKZAI

Encls (2):

Even No. & Date:

Copy forwarded for information and necessary action to the:-

- 1) Director, E&SED Khyber Pakhtunkhwa, Directorate of Education, Peshawar.
- 2) Additional Director (Estab), Directorate of Education, Merged Areas, Peshawar.
- 3) Section Officer (PE), Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.


DISTRICT EDUCATION OFFICER,
ORAKZAI

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HIGHER EDUCATION COMMISSION

Sector H-9, Islamabad Ph:90400930 Fax No.90402102
URL: www.hec.gov.pk

Assistant Director
(Accreditation)

No. 15(23)/A&A/Acc/ HEC-2014/ 2553
March 11, 2022

Subject: Recognition & Affiliation of Islamic University of Pakistan, Sialkot

I am directed to refer your letter on the subject cited above and to inform that the Islamic University of Pakistan, Sialkot is **not recognized** by HEC and the name of this university has also been included in the list of "Illegal/Fake Institutions" available at HEC's website: <https://hec.gov.pk/english/universities/Pages/AIK/Illegal-DAIs.aspx>. Therefore, the degrees/transcripts/certificates/diplomas issued by the said University are **not recognized** by this Commission.

2. This issues with the approval of Competent Authority.


(Arif Mehmood)

✓ **The District Education Officer,**
Office of the District Education Officer,
Umar Plaza, Main Kohat Road,
Muslimabad-Hangu,
Orakzai

Copy to:

• **The Director, Students Affairs Division, HEC**