

BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR CAMP COURT ABBOTTABD.

APPEAL NO. 887/2022

MST Gul Faraz Ayub D/O Muhammad Ayub Lora Tehsil Havelian District
Abbottabad.....APPELLANT

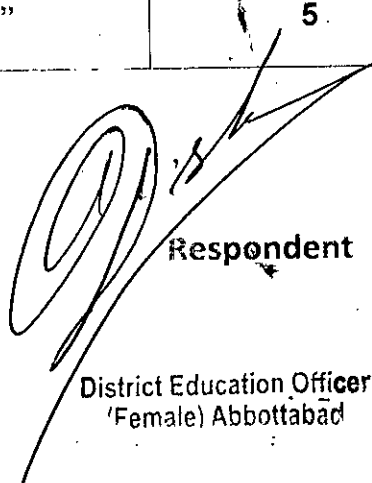
VS

1 GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY
EDUCATION DEPARTMENT PESHAWAR & OTHERS.....RESPONDENTS

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Dated: 8.12.2022


Respondent No.3
District Education Officer
(Female) Abbottabad

**BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR CAMP COURT ABBOTTABD.**

APPEAL NO. 887/2022

GUL FARAZ AYUB APPELLANT

VS

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
SECRETARY EDUCATION DEPARTMENT PESHAWAR &
OTHERS.....Respondents**

Para wise comments on behalf of the respondents No 1 to 3.

Respectfully Sheweth:

Para wise comments on behalf of the respondents No 1 to 3 are as under.

PRELIMINARY OBJECTION

1. That the appellant has no locus standi/cause of action to file instant appeal.
2. That the appellant is estopped to agitate the instant matter before this Honorable Tribunal.
3. That the appellant has not approached this Honorable Tribunal with clean hands.
4. That the appellant has filed instant appeal with malafide intention for wrongful gain and suppressing the original facts, from this Honorable Tribunal, hence the appeal is liable to be dismissed.
5. That the appeal is hopelessly time barred.
6. That the appellant is treated as per rules and law and policy, Therefore appellant is not entitled for any relief and hence appeal is liable to be dismissed without further proceeding.
7. That the instant appeal is not maintainable in its present form.
8. That the instant appeal is against the law/service rules hence not maintainable in the eye of law and liable to be dismissed.
9. That the appellant has filed the present appeal out of law..
10. That the act of the respondent with in law and rules. Hence appeal is liable to be dismissed.
11. That the appeal of the appellant is bad miss-joinder and non joinder of necessary parties.

FACTUAL OBJECTION

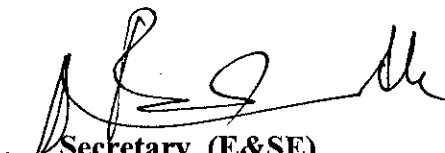
1. Para No 1 of the appeal pertains to service record of the appellant.
2. Para No 2 of appeal pertains to persona information of the appellant.
3. Reply of Para No 3 of the appeal pertains to record.
4. Reply of Para No. of the appeal pertains to record.
5. Para No 5 of the appeal as composed is correct to the extent that appellant was promoted to the post of PSHT (BPS-15) vide notification No.697/EB/PSHT dated 26-02-2014 on the passing of appellant HSSC Examination. Further stated that the junior teachers to the appellant were promoted PSHT earlier because the appellant not having the prescribed qualification at that time.
6. Reply of Para No 6 of the appeal is that the teacher who were promoted to the post SST (G) earlier than the appellant because they were senior to the post of PSHT. *(Photocopy of the notification dated 8/12/2021 is annexed as annexure "A")*
7. Para No. 7 of the appeal is incorrect hence denied. The appellant was not promoted at that time because the appellant was not having the prescribed qualification. The answering respondent treated the appellant as per rule, law and policy.
8. Reply of Para No.8 of the appeal is that the senior PSHT were promoted as per rule, law and policy.
9. Para No.9 is incorrect, the alleged department has not been filed as per mandatory requirement of appeal rules 1986 and that too before wrong forum.

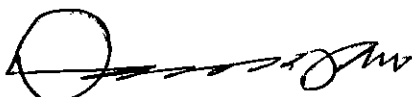
GROUND

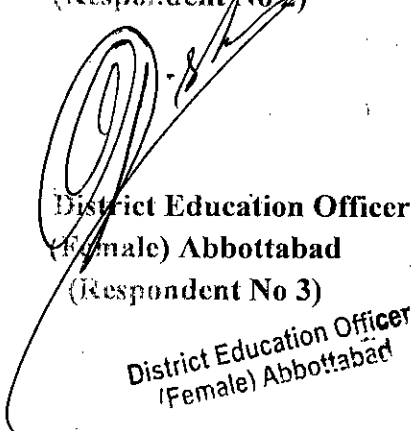
- a. Para of the ground "a" is incorrect; the answering respondent treated the appellant in accordance with law rule and policy.
- b. Reply of Para of the ground "b" is that the answering respondent promoted the senior PSHT to the post of SST (G) than the appellant. The answering respondent fulfilled the requisite criteria for promotion prescribed by law. Further stated that the appellant failed to make respondents those impugned seniors teacher on post of PSHT as party in the instant appeal

- c. Reply of Para of the ground "c" is incorrect that answering respondent have not violated Article 25 of Constitution and the appellant has been dealt in accordance with law.
- d. Reply of Para of the ground "d" is incorrect. The act of the respondents treated the appellant as per rule and law.
- e. Para of the ground "e" is incorrect, The act of the respondents treated the appellant as per rule and law.
- f. Reply of Para "f" of the ground has already been given in above. The act of the respondents is as per law and rule.
- g. That the respondents seek leave of this Honorable Court to raise additional grounds at the time of agruments.
- h. Para No."h" is legal,hence no comments.

It is therefore humbly prayed that in the light of foregoing comments the appeal may graciously be dismissed with cost throughout.


Secretary (E&SE)
Khyber Pakhtunkhawa Peshawar.
(Respondent No 1)


Director (E & SE)
Khyber Pakhtunkhawa Peshawar.
(Respondent No 2)


District Education Officer
(Female) Abbottabad
(Respondent No 3)

District Education Officer
(Female) Abbottabad

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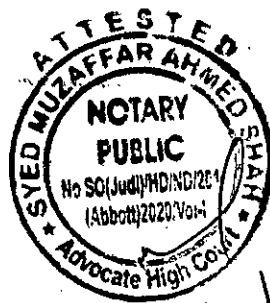
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SECRETARY EDUCATION DEPARTMENT PESHAWAR &
OTHERS.....Respondents**

AFFIDAVIT

Stated on oath that the contents of instant Para wise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

District Education Officer
(Female) Abbottabad
(Respondent No 3)
District Education Officer
(Female) Abbottabad



18/2/23

0992-342533, 0992-342314

Deofemale.abbottabad@gmail.com

NOTIFICATION

Consequent upon the recommendations of Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. SO(B&A)/1-18/E&SE/2012 dated 11-07-2012, and Finance Department Endorsement No. SO(FR)/FD/10-22(E)2010 dated 16-07-2012 the following Senior CT, Senior DM, Senior AT, Senior TT, Senior Qarias/Qarias, PST/SPST/PSHT are hereby promoted to the post of SST. (Bio/Chem.); SST(Maths/Phy.); SST (General) noted against each BPS-16 (Rs. 18910-1520-64510) respectively plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect.

A. SST (Bio/Chem.)

ITEM NO.1 PROMOTION OF SCT/CT TO SST(BIO/CHEM) BPS-16 ON REGULAR BASIS.

S#	S/L No.	Name of Teacher/Designation	Name of Previous School	D.O.B	Date of regular Apptt at present post CT	Qualification	Promoted as SST and Place of Posting	Remarks
1	114	Farkhanda Mustafa	GGMS Kanger Bala	01-04-1988	03-03-2016	M.Sc/M.Ed	GGHS Aziz Bang	A.V.P of SST (B/C)
2	115	Samina Rasheed	GGMS Jhangra	26-06-1986	03-03-2016	M.Sc/B.Ed	GGHS Waziran	A.V.P of SST (B/C)

B. SST (Math/Physics)

ITEM NO.1 PROMOTION OF PSHT TO SST(M/P) BPS-16 ON REGULAR BASIS.

S#	S/L No.	Name of Teacher/Designation	Name of Previous School	D.O.B	Date of regular Apptt at present post PSHT	Qualification	Promoted as SST and Place of Posting	Remarks
1	355	Shaishta Kanwal	GGPS Sallahad	05-02-1984	22-12-2010	M.Sc/B.Ed	GGHS Hall Maira	A.V.P of SST (M/P)

C. SST (General)

ITEM NO.1 PROMOTION OF CT/SCT TO SST(G) BPS-16 ON REGULAR BASIS.

S#	S/L No.	Name of Teacher/Designation	Name of Previous School	D.O.B	Date of regular Apptt at present post CT/SCT	Qualification	Promoted as SST and Place of Posting	Remarks
1	1	Raheela Khanum	GGCMSS No.1 ATD	15-08-1966	21-02-2013	MA/B.Ed	GGHS Bandi Atti Khan	A.V.P of SST (G)
2	2	Talat Abbasi	GGHS Bakote	21-03-1969	21-02-2013	MA/M.Ed	GGHS Nagri Tutial	A.V.P of SST (G)
3	3	Farzana Shaheen	GGHS Upper Kehal	01-01-1970	18-04-2014	MA/B.Ed	GGHS Jarral	A.V.P of SST (G)
4	4	Samina Younas	GGHSS Kalkul	19-09-1972	21-02-2013	MA/B.Ed	GGHS Tajwal	A.V.P of SST (G)
5	5	Yasmeen Anwer	GGHSS Malik Pura	01-05-1968	28-05-2013	MA/B.Ed	GGHS Ban Nara	A.V.P of SST (G)
6	6	Bibi Rubina	GGCMSS No.1 Atd	18-10-1969	18-04-2014	MA/B.Ed	GGHS Tajwal	A.V.P of SST (G)
7	7	Zahida Khatoon	GGCMS Nawasher	08-01-1972	21-02-2013	MA/M.Ed	GGMS Banda Saib Khan	A.V.P of SST (G)
8	8	Gul Jabeen	GGHSS Malik Pura	02-02-1963	21-02-2013	MA/B.ED	GGMS Langrial	A.V.P of SST (G)

SOHAIL
BOOKS & PHOTOSTATE
 Link Road Band Kho Abbottabad
 Cell: 0344-9443494, 0334-8997928

Pto

ITEM NO.2 PROMOTION OF DM/SDM TO SST(G) BPS-16 ON REGULAR BASIS.

S#	S/L No.	Name of Teacher/Designation	Name of Previous School	D.O.B	Date of regular Apptt at present post DM/SDM	Qualification	Promoted as SST and Place of Posting	Remarks
1	4	Saiqa Umer	GGCMS Nawasher	02-02-1974	26-02-2013	MA/B.Ed	GGMS Pathar Gali	A.V.P of SST (G)

ITEM NO.3 PROMOTION OF PSHT TO SST(G) BPS-16 ON REGULAR BASIS.

S#	S/L No.	Name of Teacher/Designation	Name of Previous School	D.O.B	Date of regular Apptt at present post PSHT	Qualification	Promoted as SST and Place of Posting	Remarks
1	86	Asia Bibi	GGPS Gali Bannian	01-02-1975	01-07-1997	BA/B.Ed	GGHS Barbeen	A.V.P of SST (G)
2	89	Naheed Gul	GGPS Karimpura	17-03-1975	01-07-1997	BA/B.Ed	GGHS Khanis Pur Ayubia	A.V.P of SST (G)
3	90	Shazla Iqbal	GGPS Bodla	25-03-1975	01-07-1997	MA/B.Ed	GGHSS Lora	A.V.P of SST (G)

TERMS & CONDITIONS

01. They would be on probation for a period of one year extendable for another one year.
02. They will be governed by such rules and regulations as may be issued from time to time by the Government.
03. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
04. Charge report should be submitted to all concerned.
05. Their Inter-Se-Seniority on lower post will remain intact.
06. No TA/DA is allowed for joining their duty.
07. They will give an undertaking to be recorded in their Service Book to the effect that if any over payment is made to them, in light of this order will be recovered and if he/She is wrongly promoted he/She will be reversed.
08. Before handing over charge once again their document may be checked and if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

(Mst: Rehana Yasmeen)
District Education Officer
(Female) Abbottabad

11034-43
Undst: No. /EB-I/Vol-IV/Prom S-CT/CT/S-DM/DM/PSHT to SST 2021 dated 08/12/2021.

Copy for information to the:-

PS to Secretary to Govt: Khyber Pakhtunkhwa E&SE Department Peshawar.

DA to Director E&SE Khyber Pakhtunkhwa Peshawar.

by Director (Establishment) Directorate of E&SE Peshawar.

Account office Abbottabad.

Monitoring Officer Abbottabad.

Office.

Distress concerned schools.

Concerned.



District Education Officer
(Female) Abbottabad

08/12/2021