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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 416 / 2023

Saqib Ruhin

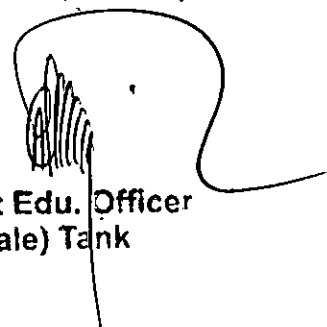
VERSUS

Government of KPK & Others

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Dated: 11-04-2023


**District Edu. Officer
(Male) Tank**

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No. 416-D/2023

Saqib Ruhin

VS

Govt. of KPK & Others

PARA WISE REPLIES ON BEHALF OF RESPONDENT NO. 01, 02 & 03

RESPECTFULLY SHEWETH:

1. That the appellant has got no cause of action and locus standi to file the Instant appeal.
2. That the appellant deliberately concealed the material facts from this honorable Tribunal.
3. That the appeal in hand has no legal force.
4. That the appellant does not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped by his own conduct to file this appeal.

OBJECTIONS ON FACTS:

1. That Para No.01 pertains to record. Hence needs verification.
2. That Para No.02 is correct. (Copy of appellant's appointment order is annexed as Annex: "A")
3. That Para No.03 is correct to the extent that appellant has performed duties at GPS Qismat Khan Koroona District Tank, while the rest of the para is incorrect & not admitted.
4. That Para No.04 is incorrect & not admitted. The appellant intentionally concealed facts from the E&SE Department that his real brother namely Muhammad Shoaib is already appointed as PST at GPS Kot Gulgay Tank vide Order Endstt: 1913-19/F.No.1-4/E.B/Recr/Deceased/PST dated 18-01-2021 under 100% deceased/

incapacitated / invalidated retired quota. His appointment order was withdrawn immediately when SDEO (M) Tank confirmed factual position.

- 5. That Para No.05 is incorrect & denied. No departmental representation/appeal of the appellant is endorsed to this office.
- 6. That Para No.06 is incorrect & not admitted. Reply is already submitted in above para.
- 7. That the appellant has got no cause of action to file instant appeal.

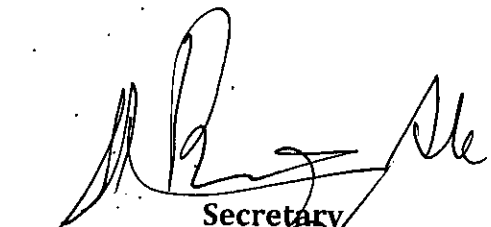
Grounds:

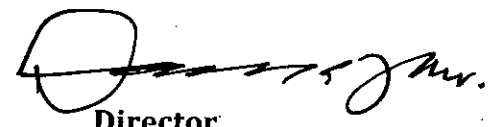
- A. This Para is incorrect & not admitted. The appellant has deceived the E&SE department and gained government service through unfair mean. He has intentionally conceived facts that his real brother has already availed appointment under 100% deceased/incapacitated/invalided : retired employees quota. His appointment order was immediately withdrawn once his factual position was confirmed by the SDEO (M). (Copy of petitioner's appointment withdrawal order is annexed as Annex: "B")
- B. This Para is incorrect & denied. The appointment order of the appellant was not maintainable in the eye of law, because his real brother has already availed allocated quota as per rules & policy. Therefore appointment order of two real sons of a deceased/incapacitated/invalided employee could not be intact under the relevant rules. (Copy of petitioner's real brother appointment order is annexed as Annex: "C")
- C. This Para is strongly denied. No malafide is committed on the part of Respondents. The appellant is treated as per law, his real brother has already availed the allocated quota. Therefore his claim for appointment under relevant quota is entirely against rules & policy.
- D. This Para is incorrect & not admitted. The appellant has conceived facts from the E&SE Department that his real brother has already appointed under the incapacitated/invalided/deceased employees allocated quota. He is not an aggrieved person because he gained government service through concealment of facts.
- E. This Para is incorrect & denied. The competent authority was made obligated by the relevant rules & policy, that appointment order of the appellant is not

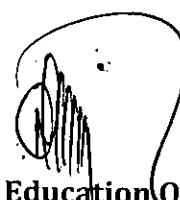
maintainable in the eye of law. Therefore it was immediately withdrawn in the large interest of government.

- F. This Para is strongly denied. The appellant was treated as per rules & policy in practice. He has no prerogative rights to avail simultaneous appointment, when appointment of his real brother was already in field.
- G. This Para is incorrect & denied. The competent authority was satisfied that sufficient grounds are available and his appointment order is not maintainable under the rules & policy. Attaining government through unfair means and concealment of facts could not be ruled over in any circumstances.
- J. This Para is incorrect & not admitted. No discrimination is committed with appellant, he has no vested right to avail appointment when his real brother has already availed allocated quota under rules & policy.
- K. This Para needs no comments.
- L. This Para needs no comments.
- M. The counsel for official Respondents may kindly be allowed to raise additional grounds at the time of arguments.

It is therefore, most humbly prayed that on the acceptance of this Para wise comments, the above service appeal may graciously be dismissed with costs.


Secretary
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar /
Respondent No.01
SECRETARY
Elementary & Secondary Edu: Deptt:
Government of Khyber Pakhtunkhwa


Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar
Respondent No.02


District Education Officer
(Male) Tank / Respondent No.03
District Edu. Officer
(Male) Tank

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
D.IKHAN BENCH**

Service Appeal No. 416 /2023

Saqib Ruhin

Vs

Govt. of Khyber Pakhtunkhwa etc

AFFIDAVIT

I, Rasool Khan Assistant District Education Officer o/o District Education Officer (Male) Tank do hereby solemnly affirm and declared on the oath that the para wise replies to the above service appeal are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Tribunal.

R. Rasool Khan
Advocate
Kafim Ullah Kundi
Advocate Oath Commissioner
District Court Tank

Rasool Khan
DEPONENT
Mr. Rasool Khan
ADEO O/O DEO (M) Tank
12201-2053380-3

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) TANK

AUTHORITY LETTER

Mr. Rasool Khan Assistant District Education Officer, Office of the DEO (Male) Tank is hereby authorized to attend the Honorable Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 416/2023 Titled as "Saqib Ruhin Vs Govt. of KPK & Others" on behalf of the undersigned.



**District Education Officer
(Male) Tank / Respondent No. 03**

**District Edu. Officer
(Male) Tank**

OFFICE OF THE DIRECTOR ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR

AUTHORITY LETTER

Mr. Rasool Khan Assistant District Education Officer, Office of the DEO (Male) Tank is hereby authorized to attend the Honorable Service Tribunal Peshawar on behalf of the undersigned on each subsequent date in Service Appeal No. 416/2023 Titled as "**Saqib Ruhin Vs Govt. of KPK & Others**".



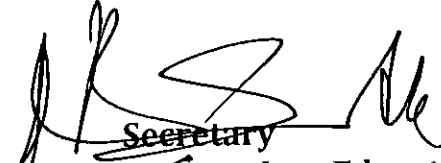
Director E&SE
Khyber Pakhtunkhwa, Peshawar
Respondent No.02

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

**GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY
& SECONDARY EDUCATION DEPARTMENT PESHAWAR**

AUTHORITY LETTER

Mr. Rasool Khan Assistant District Education Officer, Office of the DEO (Male) Tank is hereby authorized to attend the Honorable Service Tribunal Peshawar on behalf of the undersigned on each subsequent date in Service Appeal No. 416/2023 Titled as "Saqib Ruhin Vs Govt. of KPK & Others".


Secretary
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar
Respondent No.01
SECRETARY
Elementary & Secondary Edu: Deptt:
Government of Khyber Pakhtunkhwa

Annex: "A"



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) TANK**

APPOINTMENT ORDER:

In exercise of the powers conferred upon the undersigned under Section-10 Sub-Section-4 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989, amended notification issued vide No. SO(R-IV)E&AD/1-3/2015 Dated: 19-04-2016, the undersigned is pleased to appoint the following candidates against the vacant post of PST BPS-12 @Rs. (13320-960-42120) fixed plus all usual allowances on regular basis under 100% deceased sons / incapacitated or invalidated persons quota as admissible under the rules on the terms and conditions given below with immediate effect.

S#	Name	Father's Name	Name of Govt. Servant died/ incapacitated / invalidated during service	CNIC No	DOB	Qual	Place of Posting
1.	Saqib Ruhin	Naimat Ullah	Mrs. Yasmin Begum Ex-PST GGPS Wapda Colony Tank	12201-5529940-9	11-09-1996	MA	GPS Qismat Khan Kurona

TERMS & CONDITIONS

1. No TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. He should not be handed over charge if he exceed 35 years or below 18 years of age. Age relaxation case may be submitted to competent authority (if required).
4. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the District Education Office, anyone found producing bogus certificate will be reported to the law enforcing agencies for further action. Expenditure on verification will be borne by the appointee.
5. He services are liable to terminate on one month notice from either side. In case of resignation without prior notice, one-month pay/allowances shall be forfeited to the Government Treasury.
6. Pay will not be drawn until and unless a certificate regarding verification of his documents is issued by this office.

**District Edu. Officer
(Male) Tank**


- 7. He should join his post within 30 days of the issuance of this order. In case of failure to join the post within stipulated period, his appointment will stand expired automatically and subsequent no appeal etc shall be entertained.
- 8. Health and Age certificate should be produced from the Medical Superintendent concerned before taking over charge.
- 9. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 10. His services shall be terminated at any time, in case his performance is found unsatisfactory during the contract period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
- 11. Before handing over charge, once again his documents may be checked by the DDO concerned.
- 12. He should receive 09 months mandatory in-service training from RITE/PITE.


--Sd--
 (UMAR KHAN)
 District Education Officer
 (Male) Tank

Endst. No. 1302-08 / F.No.1-4/E.B/Recr/Deceased/PST Dated Tank the 10 / 02 / 2022

Copy of the above is forwarded for information & necessary action to:-

- 1. The District Accounts Officer, Tank.
- 2. The District Monitoring Officer (EMA) Tank.
- 3. The Sub-Divisional Education Officer (Male) Tank.
- 4. The Assistant District Education Officer (E) Primary Local Office.
- 5. The Head Teacher School Concerned.
- 6. The Candidate Concerned.
- 7. Office File.


 District Education Officer
 (Male) Tank


 District Edu Officer
 (Male) Tank



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) TANK**

Annex: "B"

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ORDER:

AS, Mr. Saqib Ruhin S/o Naimat Ullah Bearing CNIC No. 1220155299409 was appointed against the vacant post of PST at GPS Qismat Khan Koroonia Union Council Tatta under 100% Deceased Son quota vide appointment order No. 1302-08/F.No. 1-4/EB/Recr/Deceased/PST Dated: 10-02-2022.

WHEREAS, it is come to the notice of this office through SDEO (Male) Office Tank, that his real brother namely Mr. Muhammad Shoaib S/o Naimat Ullah bearing CNIC No. 1220161330237 already appointed against 100% Deceased Son quota vide appointment order No. 1913-19/ F.No. 1-4/EB/Recr/ Deceased/PST Dated: 18-01-2021.

NOW THEREFORE, in the light of above-stated facts, the competent authority, (Nisar Ahmad DEO-Male Tank) is pleased to revoke / discontinue the services of Mr. Saqib Ruhin PST GPS Qismat Khan Kor: from the date of issuance of his appointment orders i.e. 10-02-2022 as well as withdraw the appointment order in respect of Mr. Saqib Ruhin PST GPS Qismat Khan Kor:

---Sd---

(NISAR AHMAD)

*District Education Officer
(Male) Tank*

Dated Tank the 11/10 /2022

Endst. No. 6126-32/DEO-M

Copy of the above is forwarded for info & n/action to the:

1. District Accounts Officer, Tank
2. District Monitoring Officer (EMA) Tank.
3. Sub-Divisional Education Officer (Male) Tank.
4. Asstt: Sub-Divisional Education Officer Circle Concerned.
5. Head Teacher School Concerned.
6. Teacher Concerned.
7. Office File.

District Edu. Officer
(Male) Tank

District Education Officer
(Male) Tank

Annex: "C" 16 (9)

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) TANK**

APPOINTMENT ORDER:

In exercise of the powers conferred upon the undersigned under Section-10 Sub-Section-4 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989, amended notification issued vide No. SO(R-IV)E&AD/1-3/2015 Dated: 19-04-2016, and subsequent upon the scrutinizing of the documents by scrutiny committee notified vide No. 1885-87/F.No.1-4/E.B/Recr/Deceased/PST Dated: 16-01-2021, the undersigned is pleased to appoint the following candidates against the vacant post of PST BPS-12 @Rs. (13320-960-42120) fixed plus all usual allowances on regular basis under 100% deceased sons / incapacitated or invalidated persons quota as admissible under the rules on the terms and conditions given below with immediate effect.

S#	Name	Father's Name	Name of Govt. Servant died/ incapacitated / invalidated during service	CNIC No	DOB	Qual	Place of Posting
1.	Muhammad Farhan	Abdul Aziz	Abdul Aziz Ex-PST GPS Naurang Tank	12201 22742437	12-03-1996	BA	GPS Taran Nay
2.	Intikhab Anjum	Mian Khan	Mian Khan Ex-PST	12201 02303575	02-05-1999	BA	GPS No.1 Pasi
3.	Syed Jabir Abbas	Syed Zahoor Shah	Syed Zahoor shah Ex-SCT GIS Gara Baloch Tank	12201 65523809	31-03-1998	BSc	GPS No.1 Gara Baloch
4.	Muhammad Shoaib	Naimat Ullah Khan	Yasmin Begum Ex-PST GGPS Wapda Colony Tank	12201 61330237	01-01-1994	MA	GPS for Gulguy

TERMS & CONDITIONS

1. No TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. They should not be handed over charge if he exceed 35 years or below 18 years of age. Age relaxation case may be submitted to competent authority (if required).
4. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the District Education Office. anyone found producing bogus certificate will be reported to the law enforcing agencies for further action. Expenditure on verification will be borne by the appointee.

**District Edu. Officer
(Male) Tank**

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5. they services are liable to terminate on one month notice from either side. In case of resignation without prior notice, one-month pay/allowances shall be forfeited to the Government Treasury.
6. Pay will not be drawn until and unless a certificate regarding verification of his documents is issued by this office.
7. They should join his post within 30 days of the issuance of this order. In case of failure to join the post within stipulated period, his appointment will stand expired automatically and subsequent no appeal etc shall be entertained.
8. Health and Age certificate should be produced from the Medical Superintendent concerned before taking over charge.
9. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
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11. Before handing over charge, once again his documents may be checked by the DDO concerned.
12. they should receive 09 months mandatory in-service training from RITE/PITE.


--Sd--
(UMAR KHAN)
District Education Officer
(Male) Tank

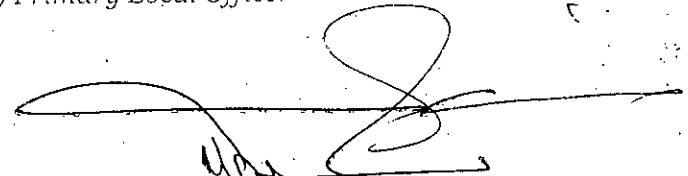
Endst. No. 1913-19 / F.No.1-4/E.B/Recr/Deceased/PST

Dated Tank the 18 / 01 / 2021

Copy of the above is forwarded for information & necessary action to:-

1. The District Accounts Officer, Tank.
2. The District Monitoring Officer (EMA) Tank.
3. The Sub-Divisional Education Officer (Male) Tank.
4. The Assistant District Education Officer (E) Primary Local Office.
5. The Head Teacher School Concerned.
6. The Candidate Concerned.
7. Office File.


District Edu. Officer
(Male) Tank


District Education Officer
(Male) Tank