

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 7721-/2021
Rozi District Mohmand.

Case No. 5000
Dated 27/4/2022

Appellant

Versus

Govt: Khyber Pakhtunkhwa through the chief secretary (E&S Deptt) Peshawar & other.

Respondents

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(5) Authority Letter

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVECE
TRIBUNAL PESHAWAR

①

Service Appeal No. 7721-/2021

Rozi District Mohmand

..... Appellant

Versus

Govt: Khyber Pakhtunkhwa through the chief secretary (E&S Deptt)
Peshawar & other.

..... Respondents

Joint Parawise Comments on behalf of Respondents No.1 and 2

Respectfully Sheweth;

Preliminary objections

- i. That the Hon'ble Tribunal has no jurisdiction to entertain the instant Appeal.
- ii. That the appellant has got no cause of action, locus standi to file the instant Appeal against the respondent deptt.
- iii. That the appellant has not come to this Honorable Tribunal with clean hands.
- iv. That the appellant has concealed material facts this Hon'ble Tribunal.
- v. That the appellant has by estopped due to his own conduct.
- vi. That the appeal of the appellant is barred, by law and limitation.
- vii. That the appeal is bad for mis -joinder & non-joinder of necessary parties.

ON FACTS

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. That the appellant was initially appointed as Community primary school Teacher in the project of communities' schools in District Mohmand, in the year 2003 and 2007, that project was closed and the said schools were closed in the year 2010. In the meanwhile the Governor Khyber Pakhtunkhwa vide notification dated 11.05.2012, accommodated the appellants by

appointing them in the substantive posts. The service of appellant was regularized on 11.05.2021. The grievances of the appellant that the respondents have refused to count their ten years temporary service toward their regular service for the purpose of pension of namely Tahira was not protected by the Education Department District Mohmand. Copy of the regularization. is Attached . (Annex. A)

5. That the respondent department has not protected the service of the community teachers for the purpose of pay and pension. The appellant was appointed on project not a regular servant on 15.3.20203.
6. That the appellant was regularized dated 31.5 .2021 with immediate effect according to the summery approved by Governor KP of the regularization of the community schools teachers. copy of the summary and Notification are Attached .(Annex .B.C)
7. As a above Para 6
8. That initially the appellant was appointed as a primary school Teacher in the project of community 'school in District Mohmand, in the year 2003 and 2004, that project was closed and the said schools were closed in the year 2010. In the meanwhile the Governor Khyber Pakhtunkhwa vide notification dated 11.05.2012, accommodated the appellants by re-appointing them in the substantive posts. The service of appellant was regularized on 5.7.2021
9. The regularization of the appellant is according the regularization policy of the community teachers in EX-(FATA)

GROUND.


- A. That non regularization of the service of appellant is according to the project policy and re-appointed him


according summary which was approved by Governor of Khyber Pakhtunkhwa.

- B. Incorrect: That the acts of the respondents promotion process of the appellant legal and not violate Articles.4-25 of the constitution of Islamic Republic.
- C. Incorrect: The project was closed and contract of the appellant was expired 2010.and the service was regularized on 31.5.2021 against the available vacant post of PST according to the provision of summery approved Governor KP.
- D. As a above Para .C
- E. The appellant was appointed on project based not a regular civil servant.
- F. That the appellant service from the date 15.3.2004 but the project was expired in 2010, but the regularization of the appellant was done according to the merit list of the contract community teachers.
- G. The appellant is not entitle for the counting of his previous service for pension and pay protection.
- H. The regularization of previous service is not the domain of finance department.
- I. That the respondents seek permission to advance other grounds and proofs at the time of arguments.

Pray

It is, therefore, most humbly prayed that the appeal of the appellant may be dismissed with cost.


 Director
 Elementary & Secondary Education
 Khyber Pakhtunkhwa


 District Education officer
 Mohmand

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

Service appeal No.7721/2021

Rosi Gul District Mohammad

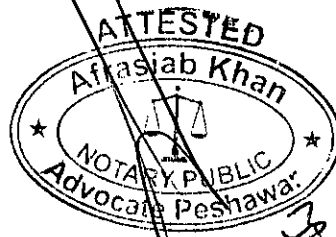
.....Appellant

VS

Government Khyber Pakhtunkhwa through the chief Secretary (E&SED)
Peshawar & others.....Despondent.

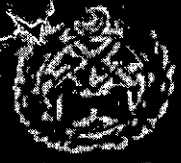
AFFIDAVIT

I, Noor Badsha ADEO Lit District Education Office(Female) Mohammad , do hereby solemnly affirm & declare on oath that the contents of the instant Parawise Comments in the titled appeal are true & correct to the best of my knowledge & belief.



[Signature]
Deponent

17/3/2023



FATA SECRETARIAT
Social Sector Department
WAF-1K Road Peshawar

Notification

As per the instructions of the Government of FATA, the following posts are being advertised for recruitment on a regular basis. The details of the posts are given below:

1. The available teaching posts (PST (B-7)) posts in the FATA schools are being advertised for recruitment on a regular basis. The details of the posts are given below:
2. The non-local eligible candidates among the Community School Teachers (CST) and the regular school posts of PST (B-7) shall be considered for recruitment.
3. The non-local eligible teachers shall be dispensed with.
4. The community school teachers shall be appointed in the community school and the regular posts will be filled down.
5. The respective Community School Teachers would be appointed in the community school and the regular posts will be filled down.

Secretary
Social Sector Department
FATA Secretariat, Peshawar

Copy forwarded to the following:

1. Secretary to Government, Peshawar
2. Addl. Accountant General (P&D) Peshawar
3. Director Education, FATA Peshawar
4. All Political Agents in FATA
5. DCO Peshawar / Khanjira / Ghanche / Dera Ismail Khan / Dera Ghisani / Dera Bugti
6. Agency District Account Officer concerned
7. All the Agency Education Officers in FATA
8. PS to Additional Chief Secretary FATA Peshawar
9. PS to Secretary Social Sector Department, FATA Secretariat, Peshawar
10. PS to Secretary P&D, FATA Secretariat, Peshawar

Section Officer (P&D)
FATA Secretariat, Peshawar

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ANNEXURE - A

DIRECTORATE OF EDUCATION
FATA NW F.P. PESHAWAR

APPOINTMENT ORDER

Consequent upon the recommendation of the Village Education Committee and endorsed by Agency Education Officer on proper Agreement forms Miss Roza Gul Gul Muhammad Aqbal F/O Mohmand Agency having qualification of F.A. is hereby appointed against the project posts of P.T.C. in B.P.S. for the project period at Female Communal School Ziarat Khazina Mohmand Agency with effect from taking over charge.

Note

1. The employee shall serve the Govt. as Communal Schools teacher from the date of assumption.
2. She shall devote her whole time to her duties as Communal School Teacher.
3. She shall carry out such administrative and teaching functions in relation to her duties.
4. She shall submit herself to the lawful order so the Govt. Officers as well as V.E.C.
5. She shall motivate the parents to send their children to school.
6. She shall keep in contact with the Govt. from their schools progress issues & problems.
7. These posting will not be transferable however local teachers preferably trained can be adjusted against regular posts on case to case basis.
8. They should produce their health & age certificate to the Agency Education Officer.

(Prof. Dr. Abdur Rauf)
Directorate of Education
FATA NW F.P. Peshawar

Dated Pesh. the 16/3/04

EndstNo 9177-83/H-2/FCS/Appt.

Copy forwarded to:-

1. The Additional Secretary P&D Department Govt. of NWFP, Peshawar.
2. The Agency Education Officer Mohmand Agency with the remarks:
 - I) To check all her credentials verify the same from concerned Institutions, Boards & Universities and not to hand over the charge if there is any discrepancy. Her orders are approved subject to verification of documents.
 - II) Teachers from Communal Schools should not be transferred to permanent posts.
 - III) All prevailing services rules with the exception of permanent appointment are equally applicable on these teachers.
3. The Agency Accounts Officer Mohmand Agency.
4. The S.A.P. (Coordinator) FATA P&D Department Government Secretariat.
5. The Chairperson Village Education Committee concerned.
6. The Candidate concerned.

Assistant Director (P&D)
For Director of Education
FATA NW F.P. Peshawar

to be transferred
Advocate

17/3/04

better copy (6)

**DIRECTORATE OF EDUCATION
(FATA) N.W.F.P PESHAWAR**

APPOINTMENT ORDER.

Consequent upon the recommendation of the Village Education Committee duly endorsed by Agency Education Officer on proper Agreement froms Miss Rozi Gul D/O Muhammad Iqbal R/O Mohmand Agency having qualification of F.A is hereby appointment against the project posts of PTC in BPS-7 for the project period at Female Communal School Ziarat Khazina Mohmand Agency with effect from taking over charge.

Note:-

1. The employee shall serve the Govt. as Communal Schools teacher from the date of assumption.
2. She shall devote her whole time to her duties as Communal School Teacher.
3. She shall carry out such administrative and teaching functions in relation to her duties.
4. She shall submit herself to the lawful order so the Govt. Officers as well as V.E.C.
5. She shall motivate the parents to send their children to school.
6. She shall keep in contract with the V.E.C & inform them of schools progress issues & problems.
7. These posting will not be transformable however local teacher's preferably trained can be adjusted against regular posts on case to case basis.
8. They should produce there health & age certificate to the Agency Education Officer.

(Professor Dr. Abdul Rauf)
Directorate of Education
(FATA) N.W.F.P Peshawar

EndsNo 9177-83/H2/FCS/ Apptt.

Dated Pesh the 15/03/04

Copy Forwarded to:-

1. The Additional Secerty P&D Department Govt of N.W.F.P, Peshawar
2. The Agency Education Officer Mohmand Agency with the remarks.
 - i) To check all her credentials verify the same form concerned Institutions, Boards & Universities and not to handover her charge there is any discrepancy her orders are approved subject to verification of documents.
 - ii) Teachers from Communal School should not be transferred to permanents posts.
 - iii) All prevailing services rules with the exception of permanent appointment are equally applicable on these teacehrs.
3. The Agency Accounts Officers Mohmand Agency.
4. The S.A.P (Coordinator) FATA PE&D Department Governors Secretariat.
5. The Chairperson Village Education Committee concerned.
6. The Candidate concerned.

Assistant Director (P&D)
For Director Of Education
(FATA) N.W.F.P Peshawar

Alheed
26-4-2023



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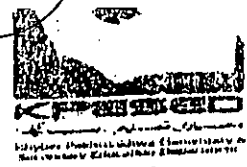
MOHMAND TRIBAL DISTRICT

Ph. No. : 0924-290180

FAX : 0924-290180

Email : deomohmand@gmail.com

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ANNE-E

REGULARIZATION/ADJUSTMENT ORDER OF FEMALE COMMUNITY TEACHER.

In compliance with decision made by worthy Director Education Ex-ATA bearing Endst: No.2532 dated 26.02.2018 and notification No.SOE/SSD/CSCR/99-108 dated 11/5/2011, the following female community school teacher (Include in 2019-20 PC-1) and still working in the functional community school is hereby regularized against regular vacant PST post at the school noted against her name in BPS-12@(13320-960-42120) plus usual allowances ass admissible under the rules with immediate effect in the interest of public services.

S.No	Name & Father Name	Name of Community School	Place of posting where regularized	Remarks
1	Rozi Gul S/O Muhammad Iqbal	FCS Zanawar Cheena	GGPS Zanawar Cheena	A.V.P

TERMS & CONDITIONS

- The appointment of the candidate is being made purely on temporary basis and is liable to termination at any time without assigning any reason.
- No TADA e.t.c is allowed.
- Charge report should be submitted to all concerned in duplicate.
- Appointment is purely on temporary basis, initially for one year.
- Appointment is subject to the condition that their certificate/degrees must be verified from the concerned authorities if any documents found bogus/fake/forged, they will be terminated and their case will be reported to law enforcing Department/agencies for further action.
- Her service is liable to termination on one month's notice from either side. In case of resignation without notice her one month pay/allowances shall be forfeited to the Government
- Pay will be issued by this office after verification of all documents by ADEO concerned.
- They should join her post within 30 days of the issuance of this appointment order, failing which her appointment will expire atomically and no subsequent appeal etc. shall be entertained.
- Health and age certificate should be produced from the Medical Superintendent concerned before taking over charge.
- They will be governed by such rules and regulation as may be issued from time to time by the Government.
- Before handing over charge she will sign an agreement with the department, otherwise this order will not valid.
- Her service shall be terminated at any time, in case her performance is found unsatisfactory during contract period. In case of misconduct, she will be proceeded under the rules framed from time to time.
- Before handing over charge her documents may be checked and if they have not required qualification, they may not be handed over charge.

Note: Head Master/ADEO concerned is directed to verify this order from the office of the DEO Mohmand before handing over charge to the official.

(Noor Hassan Khan)
District Education Officer
Mohmand Tribal District

Endst. No. 3339-46

dated. 31/5/2021

Copy to the:-

- Director of Education Elementary & Secondary Khyber Pakhtunkhwa Peshawar.
- Director of Education NMD Secretariat Peshawar.
- Deputy Commissioner Mohmand Tribal District.
- District Account Officer Mohmand Tribal District.
- ADEO Female concerned.
- Teachers Concerned.
- EMIS Section Local Office.
- Office record.

to be true
Advocate

[Handwritten signature]



**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
MOHMAND TRIBAL DISTRICT**
Email: deomohmandfemale@gmail.com



No _____ Dated 10/03/2022

OFFICE ORDER

The competent authority is pleased to nominate Miss Shehnaz Sardar as focal person to deal court cases of the undersigned in the best interest of public service with immediate effect.


1. Charge report should be submitted to all concerned.

(RIAZ BEGUM)
District Education
Officer (F)
Mohmand Tribal District

Endstt: No 1332-32 Dated 15/03/2022

Copy For information to:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. DMO Education Monitoring Authority District Mohmand.
3. SDEO Lower Mohmand
4. Office Record


District Education Officer (F)
Mohmand Tribal District
