

(Signature)

BEFORE THE HON'BLE SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1719/2022

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 5307

Mst. Suhaila Hakim D/O Lal Hakim R/O Khudaidkhel Tappa Hassankhel
Mohallah Darwesh Bagh Sadda Tehsil Lower Kurram District Kurram

Dated 15/5/2022

.....**APPELLANT**

VERSUS

1. Government of KPK, through secretary elementary and secondary education Khyber Pakhtunkhwa peshawar office at civil secretariat near MPA hostel, Peshawar

2. District Education Officer DEO(Female) District Kurram and office at Parachinar city upper Kurram.

3. District Education Officer DEO (Male) district Kurram office at parachinar city upper Kurram.

4. Deputy District Education Officer (Female) lower and central kurram office at sadda colony lower kurram.

✓ 5. Bibi Zakia D/O Muhammad Umer r/o lower Kurram Tehsil Sadda district kurram.

.....**Respondents**

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(Signature)
DEPONENT

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.....**Respondents**

**PARAWISE COMMENTS ON BEHALF OF BIBI ZAKIA D/O MUHAMMAD
UMAR R/O LOWER KURRAM TEHSIL SADDA PRIVATE RESPONDENT
NO.5.**

PRELIMINARY OBJECTIONS

1. That the appellant is not a Civil Servant, hence the appeal is not maintainable.
2. That the appellant has no cause of action or locus standi to file the instant appeal.
3. That the appeal is false, frivolous and has been file to waste the precious time of respondents.
4. That factual controversy is involved in the instant appeal; therefore, the petition is not maintainable to be proceeded by this honourable Service Tribunal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed material facts from this honourable Service Tribunal and thus, this petition is not maintainable and liable to be dismissed ab-initio.
7. That the appellant has not come to this honorable Service Tribunal with clean hands.

Respectfully Sheweth:

That the respondent No:05 humbly submits under:

1. That the Para relates to the permanent residence of the appellant, which does not create any right of adjustment against a particular post of the appellant, hence needs no comments.
2. That the para relates to the qualification of the appellant, which could not bring the appellant higher in merit position than the private respondent No.5, hence needs no comments.
3. That the appellant was lower in merit than the private respondent No.5 and adjusted in the nearest station while the private respondent No.5 higher in merit than the appellant adjusted at far-flung station contrary to the Govt Policy. The appellant adjustment was meritless, therefore, taking over charge is neither a step that could confer any vested right on contract servant in the context of her adjustment nor for that it could validate any illegal order.
4. That the appellant is a contract employee, therefore, the appeal in the tribunal is not maintainable. Reliance is placed on judgments in S.A No.1056/2017 dated 18-06-2021 and SA No.7763/2021 dated 29-09-2022. The appeal only on this ground is not maintainable and is liable to be dismissed with special compensatory cost in favour of respondents.
5. That the private respondent No.05 was at Serial No.2 with high score of 108.2 than the appellant who scored 93.2. As per law, rules, regulations and policy the private respondent No.05 is deserved to be adjusted against the station nearer than the appellant place of adjustment. Thus the adjustment of the appellant of the appellant in the nearest station than the private respondent no.05 was contrary to the merit policy of the government, which was corrected by the appellate authority i.e the Director E&SE Khyber Pakhtunkhwa Peshawar. The correction of any mistake is the discretion of the appellate authority. The appellant misconceives the matter. Corrigendum order annexed as A&B.
6. That the appellant misconceives the matter. The appellant has not taken over charge till date. She is not performing her duties anywhere, despite she is a contract servant. She has committed misconduct, therefore needs to be punished accordingly. She is disobedient & inefficient, hence needs no comments.
7. That the appellant was dealt as per law rules and regulations, therefore, she has no cause of action to file the instant appeal and

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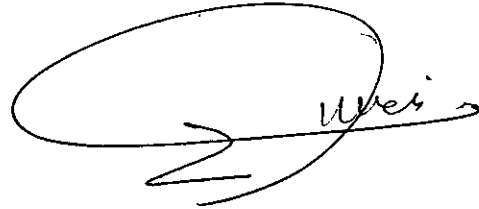
the appeal in hand is liable to be dismissed on the above facts and circumstances.

GROUND

- A. In correct, hence strongly denied.
- B. In correct, hence strongly denied.
- C. In correct, the appelland and respondent no-5 both belong to VC Town-1. Domiciles and CNIC are attached as(Annexure-C,D,E&F).
- D. In correct. Appointment/posting of PSTs is strictly made in accordance with merit. Here the clerical mistakes lead to corrigendum.
- E. In correct, hence strongly denied
- F. No comments.

That the private respondent No.05 seeks permission to raise/ argue other points/ grounds on the day of hearing the case.

It is therefore, humbly prayed that the instant appeal may very graciously be dismissed with special compensatory cost in favour of respondents.



**Bibi Zakia D/O Muhammad Umar
R/O Sadda Lower Kurram
PST GGPS Pirqayyum Lower Kurram
(Private Respondent No.05)**

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AUTHORITY LETTER

Mr. Haibat Khan S/O Sifat Khan bearing CNIC No.21506-7014499-7 is hereby authorized to submit para-wise comments in connection with Service Appeal No. 1719/2022 titled as Mst. Suhaila Hakim Vs Govt of Khyber Pakhtunkhwa and others on behalf of Bibi Zakia Respondent No.05.



**Bibi Zakia D/O Muhammad Umar
R/O Sadda Lower Kurram
PST GGPS Pirqayyum Lower Kurram
(Private Respondent No.05)**

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Service Appeal No. 1719/2022

Mst. Suhaila Hakim D/O Lal Hakim R/O Khudaiddkhel Tappa Hassankhel
Mohallah Darwesh Bagh Sadda Tehsil Lower Kurram District Kurram

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5. Bibi Zakia D/O Muhammad Umer r/o lower Kurram Tehsil Sadda district
kurram.

.....**Respondents**

AFFIDAVIT

I, Mr. **Haibat Khan S/O Sifat Khan**, bearing CNIC No.21506-7014499-7 do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the private respondent No.05, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

13 MAY 2023



DEPONENT

Mr. Haibat Khan
CNIC: 21506-7014499-7
0306-5941342

1. Charge report should be submitted to all concerned in duplicate.
2. Their appointment is purely made on temporary basis initially for one year.
3. They should not be handed over charge, if they do not fulfill the recruitment age criteria.
4. Their appointment is subject to the condition that the Educational & Professional certificates/documents must be verified from the concerned Issuing Authorities. If they found producing bogus/fake certificates/documents, their services will be terminated and reported to the Law Enforcement Agencies for further action.
5. Their services will be terminated at any time, in case their performance found unsatisfactory during his probation period.
6. In case they want to resign their post, they will have to give one month prior notice or forfeit one month pay in lieu thereof.
7. Their salaries will not be drawn until or unless their academic/professional certificates/degrees are got verified from concerned Issuing Authorities.
8. They should join their posts within 15 days of the issuance of this notification, in case of failure, their appointment will automatically be considered as cancelled.
9. They are directed to provide their medical certificates from the Medical Superintendent concerned before taking over charge.
10. They will be governed by such rules and regulations as may be issued from time to time by the Government.

ERMS & CONDITIONS

S#	Name	Father's Name	Score	Name of School	Remarks
1	Ummu Rubob	Najid Hussain	103.07	GPS Daryam	A.V.Post
2	Rubi Zaki	Muhammad Usni	108.28	GPS Ibtisam	A.V.Post
3	Saghe	Iqar Hussain	107.33	GPS Tangal	A.V.Post
4	Nazha Iqar	Iqar Hussain	100.95	GPS Ibtisam	A.V.Post
5	Naroo Bibi	Noor Hussain	100.79	GPS Iqar Ghurga	A.V.Post
6	Nabeela Hassan	Nur Zaman	99.56	GPS Sangera	A.V.Post
7	Sareena	Mir Alam Khan	98.80	GPS Shakardara	A.V.Post
8	Zahid Khan	Muhammad Khan	91.97	GPS Musaddiq Abad	A.V.Post
9	Suhaila Hakeem	Lal Hakeem	93.72	GPS Pir Gayum No.2	A.V.Post

Consequent upon the recommendation of the Departmental Selecting Committee, the appointment of the following candidates is hereby ordered on the vacant PST posts mentioned against their names in SPS-12 (13320-900-4) 120) per usual procedure as admissible under the rules purely on adhoc/contract basis at per polling body of the Provincial Government with effect from the date of their taking over charge:

APPOINTMENT



OFFICE OF THE DISTRICT INFORMATION OFFICER
 NUMBERS AT PAKISTAN
 ... established in Faisalabad

15-01-2023
 15-01-2023

6

Handwritten notes and signatures on the left margin, including 'Plan' and 'DDO (S)'. There is also a signature 'Safdar' near the top of the list.

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11. In case of any discrepancy in documents, oversight or clerical mistake, the Competent Authority has the right to withdraw appointment order.
12. If any candidate appointed with fake documents/low score erroneously, his appointment will be withdrawn.

TESTED

5-5-2023

{ Sultan Muhammad }
District Education Officer
District Kurram

No 1986-2002 / Edu Dated 19/4 / 2022

Copy forwarded to the:-

1. Director Elementary & Secondary Education K.P Peshawar.
2. Deputy Commissioner District Kurram.
3. District Accounts Officer Kurram.
4. District Monitoring Officer (EMA) Kurram.
5. Dy:DEO (Female) Lower/Central Kurram.
6. Head Teachers concerned.
7. Accountant Local Office at Sadda.
8. Candidates concerned.
9. Office file.

Sultan Muhammad
District Education Officer
District Kurram



OFFICE OF THE DEPUTY DISTRICT EDUCATION OFFICER,
(FEMALE) LOWER & CENTRAL KURRAM, SADDA.

No. _____ / Edu Dated _____ / _____ 2022

E-Mail.deputydeofemalesaddagmail.com

CORRIGENDUM

Consequent upon the direction of Director Education Elementary & Secondary Education KPK Peshawar partial modification in this office Endst No 1986-2002 dated 19/04/22.

SN.	NAME OF THE OFFICIAL	FATHER	FROM	TO
1	Bibi Zakia	Muhammad Umar	GGPS Hassanzai	GGPS Pirqayum No.2
2	Subila Hakim	Lal Hakim	GGPS Pirqayum No.2	GGPS Hassanzai

Note: Charge report should be submitted to all concern.

Dy: District Education Officer,
(F)Lower & Central Kurram, Sadda.

Endst No 3175-78 / Edu Dated- 30 / 06 2022.

Copy forwarded to the:

Director Education Elementary & Secondary Education KPK Peshawar.

District Education Officer Lower and Central Kurram.

ASDEO Lower Kurram.

Teacher concern.

Dy: District Education Officer,
(F)Lower & Central Kurram, Sadda.

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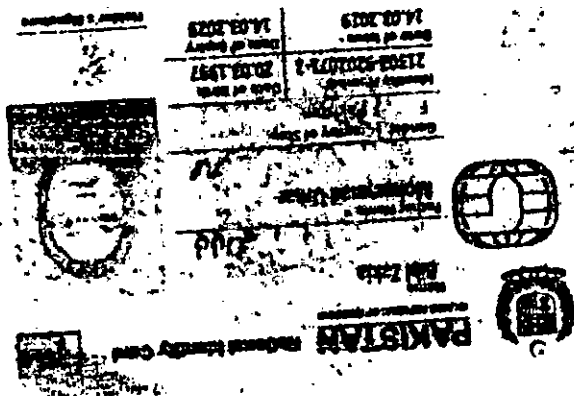
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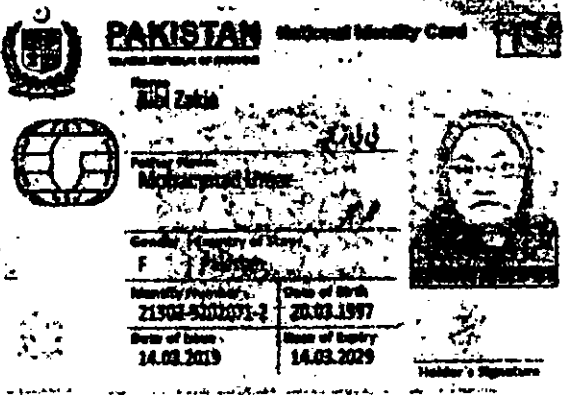
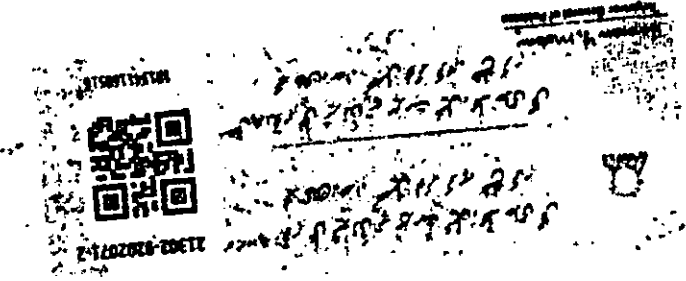
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ATTESTED
BY
15-5-2023



پاکستان کی حکومت



PAKISTAN National Identity Card

Name: محمد علیہ

Father Name: محمد اسماعیل عثمان

Gender / Country of Origin: F / Pakistan

Identity Number: 21300-8202071-2

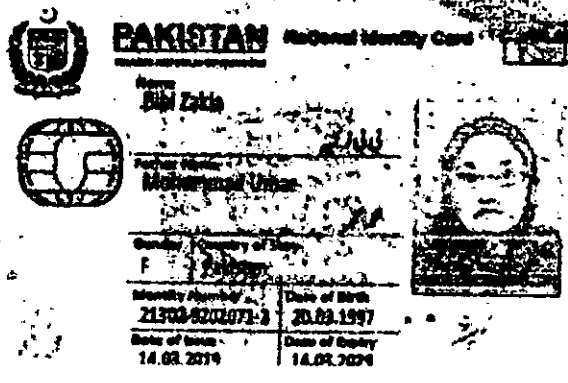
Date of Birth: 20.03.1997

Date of Issue: 14.03.2019

Date of Expiry: 14.03.2029



Holder's Signature



PAKISTAN National Identity Card

Name: محمد علیہ

Father Name: محمد اسماعیل عثمان

Gender / Country of Origin: F / Pakistan

Identity Number: 21300-8202071-2

Date of Birth: 20.03.1997

Date of Issue: 14.03.2019

Date of Expiry: 14.03.2029





No. 4050 Age, Dated Parachinar the 26-04-84

OFFICE OF THE POLITICAL AGENT KURRAM AGENCY



Certified that Mr. / Mrs. BIBI ZAKIA
Son/Daughter of Mr. MUHAMMAD UMAR
to a recognized Tribe of ALI SHAIR ZAI Section MAIR MAIT WAL
Sub Section ASIE KHAN ULMASI and his/her father is/was a permanent
bonafide resident of village SADDA Kurram Agency



He/She is an eligible candidate to avail himself/herself of the seats reserved for
Tribal Areas Kohat Division Kohat Backward Area Kurram Agency.

Tehsildar Mahal/P.T. Alizai
PNT(CK)

Asstt. Political Agent

12/4/84

Office Seal

S.M.O.T.C.
T.H.Q Hospital Sadda
Kurram Agency

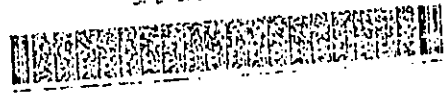
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حکومت پاکستان
قومی شناختی
21302-1942834-2
09/01/1980



شناختی نمبر: 21302-1942834-2
XZ7P1B
02-09-2009
31/07/2013



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DATED PARACHINAR THE 18/7/62

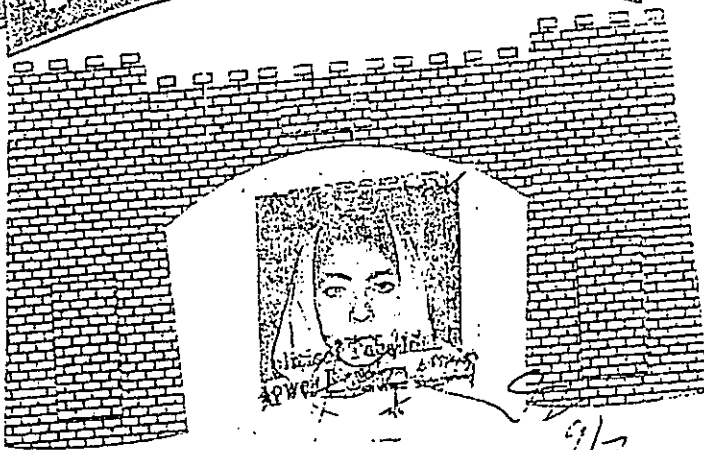
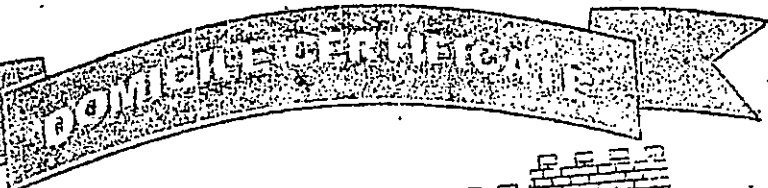
NO. 1785 IAG

OFFICE OF THE POLITICAL AGENT KURRAM AGENCY

Annexure "B"

TESTED

15-5-02



CERTIFIED THAT MR/MRS LELA HUNDA
 SON/DAUGHTER OF MR LAL HANON BELONGS TO A
 RECOGNIZED TRIBE OF BURJIT SECTION ...
 SUB SECTION ... AND HIS/HER FATHER IS/WAS A PERMANENT
 BONAFIDE RESIDENT OF VILLAGE ... KURRAM AGENCY
 HE/SHE IS AN ELIGIBLE CANDIDATE TO AVAIL HIMSELF/HERSELF OF THE SEAT RESERVED
 FOR TRIBAL AREAS KOHAT DIVISION KOHAT BACK AREA KURRAM AGENCY

T. KURRAM TALIZAI
Political Agent
Lower Kurram Agency

ASSISTANT
POLITICAL AGENT
KURRAM AGENCY

ATTACHED
ADDITIONAL AGENT
KURRAM AGENCY

OFFICE SEAL