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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 17/2021

 Date of Institution ...
 05.01.2021

 Date of Decision ...
 06.01.2022

Mureeba Haseen daughter of Umar Hayat Khan Ex-SST (Maths-Phy) (BS-16) GGHS Bahadar Khel Mughal Khel Bannu. ... (Appellant)

VERSUS

Secretary, Elementary & Secondary (E&SE) Education, Khyber Pakhtunkhwa, Peshawar and two others. ... (Respondents)

Mureeb Haseen, Appellant

Muhammad Rasheed, Deputy District Attorney In Person

For respondents

AHMAD SULTAN TAREEN ATIQ-UR-REHMAN WAZIR

CHAIRMAN MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant was appointed as Senior Subject Teacher (SST) Maths-Physics in BPS-16 vide order dated 22-05-2017. In compliance, the appellant assumed charge of her duty and started performing her duty. Appointment order of the appellant was withdrawn vide order dated 14-12-2017 with immediate effect on the issue of her qualification, against which the appellant filed appeal for restoration of her appointment, which was considered and an inquiry was conducted. The inquiry officer recommended in favor of the appellant, but the respondents issued another order dated 18-09-2020, whereby her appointment order was withdrawn with effect from the date of her appointment, against which the appellant filed departmental appeal dated 30-09-2020, which was rejected

vide order dated 28-12-2020, hence the instant service appeal with prayers that impugned orders dated 18-09-2020 and 28-12-2020 may be set aside and the appellant may be re-instated in service with all back benefits.

02. The appellant herself argued the case and contended that the impugned order dated 18-09-2020 is void ab initio and against the facts and record, as it is a settled law that no order can be passed with retrospective effect; that the impugned order is voilative of section-24 of the General Clauses Act, as the competent authority failed to pass a speaking order with sound reasoning in the light of recommendations recorded by inquiry officer; that the inquiry officer categorically stated that there is negligence on part of the scrutiny committee and the appellant possess the basic qualification for appointment. It was further recommended that the appellant performed duty for a period of seven months, which makes ber entitle for drawl of such salary; that the district education officer also recommended to re-instate her in service, as she fulfilled the requisite qualification; that the impugned order is not tenable in light of recommendations furnished by inquiry officer as well as the district education officer; that the appellant did not commit any irregularity and was rightly appointed after observing all the codal formalities; that the appellant has now joined another job in prosecution department in BPS-16, which she earned by qualifying competitive exam of public service commission, hence the appellant is no more interested to join education department anymore; that the appellant performed duty with effect from 22.5-2017 to 14-12-2017, which is evident from record as well as from comments of the respondents, hence salary for the period may be released with consequential benefits, if any.

03. Learned Deputy District Attorney for the respondents has contended that the appellant is not entitled to be re-instated against the post of SST post, as at the time of recruitment the appellant did not possess the prescribed qualification for the post in question; that the appellant got the prescribed qualification after

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due date; that appointment order of the appellant was withdrawn vide order dated 14-12-2017 with immediate effect and later on vide another order, her appointment order was withdrawn with effect from the date of her appointment i.e. 22-05-2017; that an inquiry to this effect was also conducted, findings of which does not support stance of the appellant; that appointment order of the appellant was rightly withdrawn and case of the appellant being devoid of merit may be dismissed.

04. We have heard both the parties and have perused the record.

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05. Record reveals that respondents advertized interalia, posts of SST (Physics-Maths) (BPS-16). Required qualification for the post was bachelor degree in second division with the following two subject i.e. (1) Physics-maths-A OR Physics-maths-B or Physics-statistics and (2) MA Education OR Bachelor in Education. The appellant was holding bachelor degree of BSC in session 2009-12 with statistics-maths-A and obtained physics as an additional subject in session 2016-17. Record would reveal that the appellant was equipped with the required qualification and to this effect; the concerned university has also verified her antecedents. The appellant was appointed as SST with recommendations of the departmental selection committee vide order dated 22-05-2017 and in compliance, the appellant assumed charge of her duty and served for almost seven months, but the respondents without proper inquiry withdrew her appointment order vide order dated 14-12-2017 under the pretext that she had submitted fake DMC for her additional subject of physics. The concerned university at a belated stage vide its letter dated 17-08-2018 verified such DMC to be genuine. Upon appeal submitted by the appellant, an inquiry was conducted and the inquiry officer found that there is negligence on part of the scrutiny committee, as the appellant possessed the required qualification for appointment as SST. The inquiry officer further found that the appellant served for seven months; hence, she is entitled for the salaries, as she had performed her duty.

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Upon receipt of inquiry report, respondent No. 2 sought comments of respondent No. 3, while respondent No. 3 in her comments had suggested that the appellant may be re-instated in service as she fulfilled the requisite qualification at the time of her appointment and had also performed more than six months duty, but respondent No. 3 also observed that since the inquiry officer recommended her for release of her salary for the period she performed duty, but such step would generate affirmative response to the appellant and after getting salary, she will resort to further litigation, hence her order of appointment may be withdrawn with effect of date of appointment i.e. 22-05-2017. The competent authority ignored recommendations pertaining to her re-instatement, but recommendation pertaining to withdrawal order of her appointment with retrospective effect was accepted and such order was modified and her appointment was withdrawn with effect from the date of her appointment, depriving the appellant from the salaries even for the period she performed duty. With such mindset, the officers sitting at the helm of affairs would be required to be taken to task.

06. We have observed that the appellant has not been treated in accordance with law and her appointment order was illegally withdrawn, for which she suffered for longer for no fault of her. Inspite of the fact that both the inquiry officer as well as respondent No. 3 recommended that the appellant possessed the requisite qualification at the time of her appointment and it was negligence on part of the scrutiny committee wrongly assessing her antecedents, the respondent No. 2 withdrew her appointment order, which however was not warranted. In view of the situation, the impugned orders are liable to be set at naught and the appellant is entitled to be re-instated with all back benefits, but since the appellant is no more interested to re-join education department as she has joined another service in prosecution department in BPS-16, hence she is held entitled to the salaries and ancillary benefits for the period from 22-05-2017 to 14-12-2017 with direction to the respondents to release her salaries as well as

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ancillary benefits if any, for the mentioned period forthwith. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED 06.01.2022

(AHMAD SULTAN TAREEN) CHAIRMAN

(ATIQ-UR-REHMAN WAZIR)

MEMBER (E)

ORDER 06.01.2022

Appellant in person present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the impugned orders are liable to be set at naught and the appellant is entitled to be re-instated with all back benefits, but since the appellant is no more interested to re-join education department as she has joined another service in prosecution department in BPS-16, hence she is held entitled to the salaries and ancillary benefits for the period from 22-05-2017 to 14-12-2017 with direction to the respondents to release her salaries as well as ancillary benefits if any, for the mentioned period forthwith. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED 06.01.2022

(AHMAD SUL **CHAIRMAN**

(ATIO-UR-REHMAN WAZIR) MEMBER (E)

14.12.2021

Appellant alongwith her counsel present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Baseer Ullah, Litigation Officer for respondents present.

Written reply/comments on behalf of respondents submitted which is placed on file. A copy of the same is also handed over to the appellant. Adjourned. To come up for arguments on 23.12.2022 before D.B.

23.12.2021

Counsel for the appellant and Mr. Muhammad Rasheed, DDA alongwith Nasirullah, Litigation Officer for the respondents present.

(MIAN MUHAMMAD) MEMBER (E)

At the outset of the arguments learned counsel for the appellant referred to the advertisement available on file with emphasis on the column of qualification provided for Secondary School Teacher (Physics/Maths) listed at Serial No. 2 of the advertisement. When questioned about original source of qualification provided in the advertisement the appellant as well as the department could not be able to refer from record any notification issued within the meaning of sub rule (2) of Rules 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. The respondent department is directed to produce the relevant notification to apprise about original source of qualification given in the advertisement. Learned counsel for the appellant also requested for giving direction to the respondent department to bring on record the copy of order dated 14.12.2017, whereby appointment of the appellant was withdrawn. Request is accorded and respondent department is directed to produce the same on next date. To come up for arguments on 06.01.2022 before the D.B.

Atiq-ur-Rehman Wazir) Member(E)

24.11.2021

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Haseenullah, Assistant for respondents present.

Written reply/comments not submitted. Representative of the respondents seeks time to submit the same on the next date. Adjourned. To come up for written reply/comments on a6.02.2027 before S.B.

(MIAN MUHAMMAD) MEMBER (E)

(MIAN MUHAMMAD) MEMBER (E)

06.12.2021

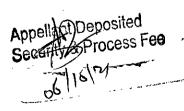
Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Haseen Ullah, Assistant for respondents present.

Written reply/comments on behalf of the respondents not submitted. Representative of the respondents seeks time to submit the same. Granted but as a last chance. To come up for S.A No. 17/2021 06.10.2021

Appellant alongwith her counsel namely Mr. Inayat Ullah Khan, Advocate, present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant was appointed as SST Maths, Physics vide notification dated 22.05.2017 and she assumed the charge in GGHS Bahadar Mughal Khel Bannu on 22.05.2017. He further contended that the appellant was regularly performing her duty, however the appointment order of the appellant was wrongly and illegally which 04.09.2020, was dated order withdrawn vide the appellant on 18.09.2020. He neźt communicated to contended that the departmental appeal of the appellant was regretted vide order dated 28.12.2020 without assigning any cogent and legal reasons. He further contended that the appointment order of the appellant was withdrawn on the ground that the appellant had allegedly submitted fake DMC of B.Sc additional Physic, however the aforementioned allegations does not hold any ground for the reason that the appellant was already having Bachelor Degree in Education and she was entitled to be appointed even without holding Bachelor Degree in additional Physic; that the aforementioned fact has been affirmed by the inquiry officer in his recommendations submitted to the competent Authority. He next contended that the appellant was neither associated with the inquiry proceedings nor any opportunity of self defense was provided to her, therefore, the impugned orders are liable to be set-aside.

Points raised need consideration, hence the appeal is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments before the D.B on 24.11.2021.



(SALAH-UD-DIN) MEMBER (JUDICIAL)



10.08.2021

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Since 10.08.2021 has been declared public holiday on account of 1st Muharram, therefore, case to come up for the same on 07.10.2021 before S.B.

Reader

Form- A FORM OF ORDER SHEET

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	Court o)f
	Case No	17 /2021
.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/01/2021	The appeal of Mst. Mureeb Hussain presented today by Mr. Inayatulla Khan Advocate may be entered in the Institution Register and put
		up to the Worthy Chairman for proper order please.
		REGISTRAR
-		This case is entrusted to S. Bench for preliminary hearing to be put up there on $\frac{ 9 02/2}{ 2 }$
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		CHAÏRMAN
19.0	2.2021 Т	he learned Member Judicial Mr. Muhammad Jamal Khan
	unde	r transfer, therefore, the case is adjourned. To come up f
	the s	ame before S.B on 22.04.2021.
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22.0	4.2021	Due to demise of the Worthy Chairman the Tribunal
	defu	nct, therefore, case is adjourned to 10.08.2021 for the sar
·	as be	efore.
		Reader
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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

S.A.No. /2021

Mureeb Haseen Appellant Versus

Secretary (E&S) Education, KP Peshawar. and others..... Respondents

S.No.	Description of documents.	Annex	Pages.
1)	Memo of Service Appeal.		1-6
2)	Affidavit.		7
3)	Addresses of the parties.		8
4)	Copies of DMCs.	A	9-15
5)	Copy of appointment order dated 22.05.2017.	A/1	16-21
6)	Copy of charge report dated 22.05.2017	В	22
7)	Copies of extract from attendance register for the months of May to December	С	23-28
8)	Copy of application.	D	29
9) '	Copy of inquiry report and findings	E	30-32
· · ·	prepared by Mr.Musarrat Hussain, DEO (Male) D.I.Khan.	· · · ·	
10)	Copy of comments dated 12.08.2020 recorded by DEO (Female) Bannu.	F	33
11)	Copy of letter dated 17.08.2020	G	34
12)	Copy of departmental appeal along with postal receipt.	Н	35-39
13)	Copy of order dated 18.09.2020	I	40
14)	Final order dated 28.12.2020	I/1 .	41
15)	Copy of advertisement	J ·	42
16)	Wakalatnamas		43-44

INDEX

Appellant

Through

Inayat Ullah Khan Advocate High Court Peshawar. LL. M (UK) Cell: 0333-9227736

Dated: 04.01.2021

<u>BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES</u> <u>TRIBUNAL, PESHAWAR</u>

Khyber Pakhtukhwa Set size Tribunal Wary No 9 and

S.A.No. / / /2021

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Mureeb Haseen daughter of Umar Hayat Khan Ex-SST (Maths Phy) (BS-16) GGHS Bahadar Khel Mughal Khel Bannu...... Appellant

Versus

1) Secretary, Elementary & Secondary (E&S) Education, Khyber Pakhtunkhwa, Peshawar.

2) Director Elementary & Secondary (E&S) Education, Khyber Pakhtunkhwa, Peshawar.

3) District Education Officer (Female) Bannu..... Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE SERVICES TRIBUNAL ACT, AGAINST THE **IMPUGNED** 1974 **RECEIVED** ON 18.09.2020 ORDER WHICH WAS QUESTIONED IN THE DEPARTMENTAL APPEAL DATED 30.09.2020 BEFORE RESPONDENT No.1 i.e. SECRETARY ELEMENTARY AND SECONDARY EDUCATION. KP, HOWEVER. SAME WAS THE DECLINED VIDE FINAL ORDER DATED HENCE THE INSTANT 28.12.2020. APPEAL IS BEING FILED WITHIN 30 DAYS, WHICH IS WELL WITHIN TIME.

PRAYER:

On acceptance of this Service Appeal, the impugned order received on 18.09.2020 and final order dated 28.12.2020 may kindly be set aside by restoring the appointment of appellant w.e.f. 22.05.2017 with all consequential back benefits/ arrears of pay. 2

Any other relief to whom the appellant found entitled may also be granted in the given facts and circumstances of the case.

Sir,

Brief facts giving rise to the instant Service Appeal are as under:-

 That the appellant belongs to District Bannu having qualifications of Bachelor of Education, Bachelor of Science and also having cleared physics and additional subject in B.Sc.

(Copies of DMCs are attached as Annex: "A").

 The appellant was appointed as Senior Subject Teacher (SST Maths, Phy) (BS-16) vide appointment Ends No.3876-80 dated 22.05.2017 at serial No. 33.

(Copy of appointment order dated 22.05.2017 is attached as Annex: "A/1").

 The appellant assumed the charge as SST (Maths/ Phy) in GGHS Bahadar Khel Mughal Khel Bannu on 22.05.2017 duly signed by Head Mistress.

(Copy of charge report dated 22.05.2017 is attached as Annex: "B").

4. The appellant was performing her duties at GGHS Bahadar Khel Mughal Khel Bannu for a period of 07 (Seven) months as evident from attendance register.

(Copies of extract from attendance register for the months of May to December are attached as Annex: "C").

5. The appointment order of appellant was withdrawn with immediate effect on 14.12.2017 against which appellant preferred applications for restoration of her appointment order.

(Copy of application is attached as Annexure "D").

6. The office of District Education Officer (Female) Bannu referred the matter for inquiry and Mr.Musarrat Hussain Khan District Education Officer (Male) D.I.Khan who conducted an inquiry and submitted his report with recommendations wherein it was recommended as follow;

" 1. <u>There is negligence on the part of scrutiny</u> <u>committee.</u>

- 2. <u>She possessed the basic qualification for</u> <u>appointment as SST at the time of her</u> <u>appointment as per criteria but she has</u> <u>one subject instead of two at that time.</u>
- 3. <u>The appointment order was withdrawn on</u> <u>14.12.2017 after seven months & in this</u> <u>way she was eligible for her salaries as she</u> <u>performed her duties.</u>
- 4. <u>The competent authority now decide her</u> <u>case in the light of above findings as she</u> <u>passed the requisite subject.</u>"

(Copy of inquiry report and findings prepared by Mr.Musarrat Hussain, DEO (Male) D.I.Khan is attached as Annex: "E").

6) That is also pertinent to refer to the comments of District Education Officer (Female) Bannu wherein it was mentioned at Citation 'a & b' and the same is reproduced in verbatim for ready reference:-

> a. <u>That the competent authority may modify her</u> <u>termination order under the rules.</u>

b. Or she may be reinstated in service as she full filled the requisite qualifications and had also performed more than six months service and the inquiry officer

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also recommended that the competent authority now decide her case in light of above findings as she passed the requisite subject.

If the competent authority follows the 2nd option, minor penalty of stoppage/ withholding of one annual increment for three years may also be imposed upon the appellant, so that no one can make such a practice in future."

(Copy of comments dated 12.08.2020 recorded by DEO (Female) Bannu is attached as Annex: "F").

The appellant's DMC was duly verified as genuine by Controller of Examination, University of Science and Technology (UST) Bannu vide letter reference No.8122/USTB/Secy 18, dated 17.08.2018.

(Copy of letter dated 17.08.2020 is attached as Annex: "G").

That the appellant preferred departmental appeal dated 30.09.2020 against the impugned order received by the appellant on 18.09.2020 before respondent No.1 which was declined vide final order dated 28.12.2020.

(Copy of departmental appeal along with postal receipt are attached as Annex: "H", order dated 18.09.2020 is attached as Annex: "I" and final order dated 28.12.2020 is attached as Annex: I/1)").

- 9) That the appellant feeling aggrieved and dissatisfied with the impugned order seeks reinstatement as SST (Maths, Phys) (BS-16) on the following amongst other grounds:-
- <u>GROUNDS</u>

7)

8)

A. The impugned order received by the appellant on 18.09.2020 is void ab-initio and against the facts and record.

It is settled law that no order can be passed with retrospective effect.

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The impugned order is violative of Section-24 of the General Clauses Act as the competent authority failed to pass a speaking order with sound reasoning in the light of recommendations recorded by the Inquiry Officer and the inquiry report/ comments submitted by District Education Officer (Female) Bannu.

The inquiry officer categorically stated that there is negligence on the part of scrutiny committee and the appellant possess the basic qualification for appointment as SST at the time of her appointment as per criteria. It was further recommended that she performed her duties for a period of 7 months makes her entitle to draw her salaries.

In addition to the recommendations furnished by the inquiry officer, the <u>District Education Officer (Female)</u> <u>Bannu also recommended to modify her termination order</u> <u>and she may be reinstated in service as she fulfilled the</u> <u>requisite qualifications and also performed duties for more</u> <u>than 6 months, however she suggested to impose a minor</u> <u>penalty of stoppage/ withholding of one annual increment</u> <u>for a period of 3 years.</u>

D. The impugned order is not tenable in the light of the recommendations furnished by the inquiry officer and the District Education Officer (Female) Bannu.

The appellant did not commit any illegality or irregularity she was appointed as SST (Maths, Phy) (BS-16) Bannu after qualifying National Testing Service (NTS), hence a vested right accrued in her favour and particularly the inquiry officer and District Education Officer (Female) Bannu categorically stated

B.

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that she was having requisite qualifications, hence fully eligible for the post.

(Copy of advertisement is attached as Annex: "J")

Keeping in view what has been stated above it is therefore humbly prayed to allow this Service Appeal and consequently set aside the impugned order received on 18.09.2020 and final order dated 28.12.2020 by restoring the appointment of appellant w.e.f. 22.05.2017 with all consequential back benefits/ arrears of pay.

Any other relief to whom the appellant found entitled may also be granted in the given facts and circumstances of the case.

Appellant

Inayat Ullah Khan Advocate High Court

LL. M (U.K)

&

Muhammad Haris Sher Advocate, Peshawar.

Dated: 04.01.2021

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

S.A.No. /2021

Mureeb Haseen ...

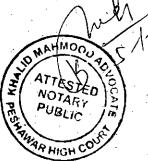
... Appellant

Versus

Secretary (E&S) Education, KP Peshawar. and others..... Respondents

AFFIDAVIT

I, Mureeb Haseen daughter of Umar Hayat Khan Ex-SST (Maths Phy) (BS-16) GGHS Bahadar Khel Mughal Khel Bannu (appellant) do hereby affirm and declare on oath that the contents of accompanying Appeal are true and correct and nothing has been concealed from this Hon'ble Tribunal.



Deponent CNIC No. <u>1101-879507</u>2-0 Cell: <u>0337-7/25</u>656

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

S.A.No. /2021

Mureeb Haseen Appellant

Versus

Secretary (E&S) Education, KP Peshawar. and others...... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Mureeb Haseen daughter of Umar Hayat Khan Ex-SST (Maths Phy) (BS-16) GGHS Bahadar Khel Mughal Khel Bannu

RESPONDENTS:

- Secretary, Elementary & Secondary (E&S) Education, Khyber 1) Pakhtunkhwa, Peshawar.
- Director Elementary & Secondary (E&S) Education, Khyber 2) Pakhtunkhwa, Peshawar.
- 3). District Education Officer (Female) Bannu

Through

Appellant

Inayat Ullah Khan Havis Shor Advocate High Court LL. M (U.K)

&

Muhammad Haris Sher Advocate, Peshawar.

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UNIVERSITY OF SCIENCE & TECHNOLOGY BAN Khyber Pakhtunkhwa PAKISTAN

CERTIFICATE DETAILED MARKS

Bachelor of Education

Session: 2012-2013

One Year Annual Examination Held in September, 2013

50268 Roll No: Moreeb Haseen 2009-UB-FGB-23751 Name: Reg No: Umer Hayat Khan Father's Name: Private Candidate Institute Name: The Candidate has secured the following Marks and is placed in 2nd Division. MARKS OBTAINED Remarks In Words Subjects -Practical Max Total Theory 150 ONE HUNDRED FIFTY Marks No. 150 200 Model Lesson SIXTY-FOUR 1 64 64 100 2 Teaching of Physical Science SIXTY-ONE 61 61 100 3 Functional English 60 SIXTY 60 4 Perspective of Education in Pakistan 100 FIFTY-NINE 59 59 100 5 Teaching of Mathematics FORTY-SEVEN 47 47 100 6 Curriculum and Instruction FORTY-FIVE 45 45 7 Human Development and Learning 100 FORTY-FIVE 45 45 8 Educational Measurement and Evaluation 100 FORTY-THREE 43 43 9 School Organization and Classroom Man _ 100 FORTY 40 40 100 10 Guidence and Counselling 614 SIX HUNDRED FOURTEEN 1100

Note: Required Pass Percentage in each Subject (Written & Practical Separately) 33, Aggregate Pass Percentage 36

The Examination was taken as a Whole

Prepared by:__

Checked by:

Result Declaration Date	09-01-2014
Issue Date	

Controller of Examinations

University of Science & Technology, Bannu



Moreeb Haseen D/O Umer Hayat Khan

Khujram khel Po Mandoori Patal Shah Bannu

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Errors & omissions excepted, if any, are subject to subsequent rectification.

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Errors. Compassions excepted, if any, are subject to subsequent reclification by the competent authority.

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VERSITY OF SCIENCE & TECHNOLO Khyber Pakhtunkhwa PAKISTAN

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DETAILED MARKS CERTIFICATE

Bachelor of Science

Session: 2009-2011

Part-II Re-Appear Examination Held in June, 2012

Name:	Moreeb Haseen	Roll No:	20573
Father's Name:	Umer Hayat Khan	Reg No:	2009-UB-FGB-23751
Institute Name:	Federal Govt. Degre	e College For	Women Bannu

The Candidate has secured the following Marks and is placed in 2nd Division.

	Subjects		MARKS OBTAINED					
No.	· · · · ·	Max Marks	. Theory	Practical	Total	In Words	Remarks	
1	Part-I	285			118	ONE HUNDRED EIGHTEEN		
2	Statistics	75	27	10	37	THIRTY-SEVEN		
	A-Course of Mathematics	• 75	20 + 11		31	THIRTY-ONE		
4	Pakistan Studies (Comp)	40	20		20	TWENTY	· · · · · · · · · · · · · · · · · · ·	
5	Computer Science-New	75	15 + 14	12	41	FORTY-ONE		
	Total			•	247	TWO HUNDRED FORTY-SEVEN	1	

Note:Required Pass Percentage in each Subject (Written & Practical Separately) 33, Aggregate Pass Percentage 36 The Examination was taken In Parts

Prepared by:

Controller of Examinations

RA

S.No:129131

University of Science & Technology, Bannu

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Checked by:

Result Declaration Date	15-08-2012
Issue Date	28-03-2017
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Roll No: 20573

Moreeb Haseen D/O Umer Hayat Ki 🗤

Village Khujram Khel Distt Bannu

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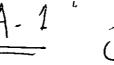
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OMICILE CERTIF FE DISTRICT BANNU N.W.F.P. PAI ISTAN I declare that I was born of parents who are permanently domiciled in N.WEP. having belonged to it by birth / settled in it. KHUJRAM KHEL I belong by birth to village/Mohallah MoREEBHASEEN Tehsil_ <u> BANN//</u>District Bannu Signature of the applicant Date 18-7-07 HASEEN filed by <u>MOREER</u> Pursuance to the declaration dated <u>t</u> son / daughter / wife UMER HAYAT KHAN domiciled in the N.W.F.P. It is hereby certified that the said MOREER HASEEN is born of parents who are permanent residents of the N.WFP. having belonged to it by birth settled in it. I have satisfied myself from personal / my knowledge verification that the above declaration is true and certify. _day of Jul This 18th Ficer Revenue Deputy Di ronceb Haseen Seal of The PHOTO ' Dated Collector Ba COUNTERSIGNED OFFICER REVENUE & ESTATE / COLLECTOR DISTRICT Seel: BANNU



Bannu Female Appointment Order SST Adhoc1

Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar PH No. 091-9210389, 9210938.

9210437.9210957, 9210.468 Fax 091-9210936 E-mail rafig_kk851@yahoo.com

APPOINTMENT.

Consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of Secondary School Teacher (SST Bio Chem), (SST Maths Phy), (SST General) School based in BPS-16 (Rs. 15880-1280-54280) (i) Rs. 15880/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge

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Bannu Female Appointment Order SST Adhoe2

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Bannu Female Appointment Order SST Adhoe5

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<u>TERMS & CONDITIONS.</u>

NO 1 M/DA etc is allowed.

- 2. Charge reports should be submitted to all concerned in duplicate.
- 3. Appointment is purely on temporary & contract basis initially for one year wef 1st May, 2017 to 30th April, 2018.
- 3. She should not be handed over charge if she exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to competent unthority.
- 3. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned), any one found producing bogus Certificate will be reported to the huw enforcing agencies for further action.
- 6. His/her services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
- Pay will not be drawn until and unless a certificate to the effect by DEO(concerned) is issued that his/her certificates are verified
- 8. He/She should join his post within to days of the issuance of this notification. In case of fuilure to join the post within to days of the issuance of this notification, his/her appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
- 10. He/she will be governed by such rules and regulations as may be issued from time to time by the Gost.

Banni Female Appointment Order SST Adhoes

His her services shall be terminated at any time, in case his performance is found ansateshetory during his/her contract period. In case of misconduct, he/she shall be preceded under the rules framed from time to time.

His/her appointment is made on School based. Re/she will have to serve at the place of posting, and His/her service is not transferable to any other station.

Before handing over charge once again their document may be checked if they have not the required relevant qulifications as per rules, they may not be handed over

(Muhammad Rafig Khattak) Director

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Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

ประจัดเจ้า (โรโลโปร)

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Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

- / File No.2/A-14/SST/Adhoe/Apptt: Dated Peshawar the) / (2017. Copy forwarded for information and necessary action to the (Accountant General Khyber Pakhtunkhuoa Peshawar,

 - 2. Secretary Khyber Pakhtunkhwa Public Syrvice Commission Peshawar. 2. District Education Officers Concerned
 - 4. District Accounts Officer Concerned
 - 5. Official Concerned.

 - 6. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department. PA to the Director E&SE Klyber Paklabukhua, Peshawar
 - S. Mithle

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12.

CHARGE ASSUMPTION REPORT

Annex "B"

Reference to the appointment order issued by Director E&SE vide Endst: No.3876-80/File No.2/A-14/SST/Adhoc/Apptt: Dated Peshawar the 22/05/2017, I Miss Moreeb Haseen D/O Umer Hayat Khan took the charge of SST (Maths/Physics) at GGHS Bahadar Mughal Khel after noon at dated 22/05/2017.

Charge Given by

Khan

Endst: No.

Principal/Headmistress

GGHS Bahadar Mughal Khel

Charge Taken By

Miss Moreeb Haseen D/O Umer Hayat

Dated 22 / 5 /2017

1. Director E&SE Khyber Pakhunkhwa Peshawer

2. Distric Accounts Officers concerned

Copy for information to the.

3- Official Concerned.

Printeiphi Activitiess GGHS Bahadar Mughal Khel

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Annex.

The Director Directorate of Elementary and Secondary Education Khyber PakhtunKhwa Peshawar

Subject: <u>Restoration of appointment order of Ms. Moreeb Haseen for the post of SSF</u> (Maths/Physics)

Respected Sir,

To.

With great veneration it is stated that I have been selected for the post of SST (Math's/Physic's) in Govt: Girls High School Bahadur Mughal Khel in District Bannu on dated 22-05-2017 with order no.3876-80/F.No.2/A-17/SST/Adhoc/Apptt:

After that I joined the school and took the charge of SST (Math's/Physics), where I served for 09 months from (22-05-2017 to 28-02-2018), now on the basis of above order of my appointment I requested in your good office to restore my appoint order on the basis of attached HEC verified documents

KPESE.

All

Regards,

Ms. Moreeb Haseen D/O Umer Hayat Khan

Date: 18-4-18 Director 0

Signature:

District Bannu KPK, Pakistan

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE) DERA ISMAIL KHAN Tell: 09669260128- 09669280131 all: emisdikhan@yahoo.com

Annex: E

INQUIRY REPORT

Mr. Mussarat Hussain District Education Officer (M) INQUIRY OFFICER: DIKhan was appointed as a inquiry officer to conduct inquiry in appeal of Miss Mureeb Haseen D/o Umar Hayat Khan Ex-SST (Math/Phy) GGHS Bahadur Mughal Khel Bannu.

NATURE OF INQUIRY:

Mureeb Haseen was appointed as SST (Math/Phy) GGHS Bahadur Mughal Khel Bannu vide Director E&SE Peshawar appointed order No. 3876-80 dated 22-05-2017 at S.No. 33. Later on her salary was not released due to non-verification of additional subjects DMC;

Later on her appointment order was withdrawn with immediate effect vide Director E&SE Peshawar order No. 7936-39 dated 16/12/2017

Now she submitted appeal for restoration of her

appointment order.

METHOD OF INQUIRY:

I personally visited the DEO (Female) Bannu office. Obtained record from the office & also questionnaire was served to the appellant.

FACTS:

The facts regarding the whole inquiry after the discussion & perusal of whole record are as under:-

E85E Peshawar

1) she was appointed as SST (Math/Phy) vide Director Order No. 7936-39 dated 16/12/2017. (Annexure A) 2) She took over charge as SST (Math/Phy) in GGHS Bahadur Mughal

- Khel Bannu on 22-5-2017 dully signed by Head Mistress. (Annexure B) 3) She regularly performed her duties in said school w.e.f 22-5-2017 to
- 22-12-2017. (Copy of attendance register is attached Annexure C) 4) DEO (Female) Bannu asked principal concerned to submit the charge report of the said official within two days vide her Endst: No. 4302 dated 08-08-2017. (Annexure D)
- 5) DEO (Female) Bannu sent her DMC for verification vide her No. 4983 dated 31-08-2017 & in response to her letter Controller of Examination University of Science & Technology (UST) Bannu declared her DMC as fake vide No. 5139 dated 28-09-2017. (Annexure E)
- 6) The appointment order of appellant was withdrawn on 14-12-2017 vide Director E&SE No. 7936-39 dated 14-12-2017. (Annexure F)
- 7) The appellant submitted her appeal to the Director E&SE for the restoration of her appointment order. (Annexure G)
- 8) The Directorate of E&SE Peshawar also sent verification of DMC vide No. 2692 dated 12/7/2018. (Annexure H)
 - 9) In response to above said letter Controller of Examination UST Bannu verified her DMC vide No. 8122 dated 17-08-2018. (Annexure I)
 - 10) Her both DMC's are attached. (Annexure J)
 - 11) Questionnaire was served to the appellant & her reply is attached. (Annexure K)

FINDINGS:

- 1- It is obviously clear that she got appointment on fake DMC.
- 2- She got through the examination after appointment.
- 3- Her appointment orders were withdrawn with immediate effect instead of with effect from her date of appointment.

Latter for verification of her DMC was issued too late after the laps of

more than 03 months. 5- Offectorate EBSE re-verified her DMC's.

5- Offectorate equisite Additional Subjects on 22-03-2018.

RECOMMENDATIONS:

- 1) There is negligence on the part of scrutiny committee.
- 2) She possessed the basic qualification for appointment as SST at the time of her appointment as per criteria but she has one subject instead of two at that time.
- 3) The appointment orders was withdrawn on dated 14-12-2017 after seven months & in this way she was eligible for her salaries as she performed her duties.
- 4) The competent authority now decide her case in the light of above findings as she passed the requisite subject.

Mr. Mússarat Hussain Khan District Education Officer (Male) Dera Ismail Khan FFICE OF THE DISTRICT EDUCATI

The Director E&S Edu: Department Khyber Pakhtunkhwa.

SUBJECT; <u>INQUIRY REPORT / COMMENTS</u>. Memo:

To:

Reference your letter No.a-17/SST(F)/NTS Appointment 2019 dated; 09-07-2020 on the subject cited above.

Annex: E.

(FEMA

Dated: 12 10 /2020

In the subject case report/comments is submitted as under please.

- 1- That Mst: Mureeb Haseen was appointed as SST (Math/Phy) at GGHS Bahadur Mughal Khel Bannu vide Director E&S Edu: KPK order issued under Endst: No.3876-80 dated; 22-05-2017 and received charge of the post on 22-05-2017.
- 2- She had performed her duty at GGHS Bahadur Mughal Khel Bannu up to13-12-2017 and served 06 months
 & 22 day's service.
- 3- That She had applied for BSc Additional Subject in Phy: session 2016-17 but failed. She again
- applied for the same subject in December 2017 and passed by scouring 71/150 marks and her DMC duly verified by the Controller of Exam: UST Bannu vide his letter No.8122 dated; 17-08-2018.
- 4- That the competent authority stand withdrawn her appointment orders with immediate effect, which was required from retrospective effect.
- 5- That the Inquiry Officer recommended that salary for the duty period may be paid to her for 07 months, but on the other side such like departmental step will generate affirmative response to the appellant, therefore after getting the salaries she will move the issue to litigation side.

It is therefore suggested:-

Report is submitted as desired please.

- a- That the competent authority may modify her termination order under the rules.
- b- Or she may be reinstated in service as she full filled the requisite qualifications and had also performed more than six months service and the inquiry officer also recommended that the competent authority now decide her case in light of above findings as she passed the requisite subject.

If the competent authority follows the 2^{nd} option, minor penalty of stoppage/withholding of one annual increment for three years may also be imposed upon the appellant, so that no one can make such a practice in future.

11/8/2020

DISTRICT EDUCATION OFFICER. (FEMALE) BANNU

Annexi Gi 30



To:

University of Science & Technology Bannu

Near Cantt. Police Station Miran Shah Noad Bannu, Kbyber Pakhtunkhwa, PAKISTAN. (Ph.No.0928-623140)

Ref: No/ 8/22 /USTB/Secy. 18

Triday, August 17, 2018

CONFIDENTIAL

Dated:

The Dy. Director Establishment Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

S.

.Subject:

<u>Verification of Detail Marks Certificate In respect of Miss. Moreeb Haseen</u> <u>D/O Umar Hayat Khan Distt: Bannu</u>

Memo:

Reference your letter No. 2692/A-17/SST/F/NTS/Apptt:/2017 dated 12/07/2018, It is to inform that Miss Moreeb Haseen D/O Umar Hayat bearing Roll 85667 had applied for BSc Additional subject in Physics session 2016-17 but failed. She again applied for the same subject in December 2017 and passed by securing marks 71/150 Her DMC is duly verified

Controller of Examinations, UST - Bannu.

Annex:"H"

The Secretary, Elementary & Secondary (E&S) Education, Khyber Pakhtunkhwa, Peshawar.

1.11.1

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 04.09.2020 RECEIVED BY THE APPELLANT ON 18.09.2020, FOR RE-INSTATEMENT IN SERVICE AS SENIOR SUBJECT TEACHER (SST) (BS-16).

Sir,

Τø

Brief facts giving rise to the instant departmental appeal are as under:-

- The appellant was appointed as Senior Subject Teacher (SST Maths, Phy) (BS-16) vide appointment Ends No.3876-80 dated 22.05.2017 at serial No. 33.
- 2. The appellant assumed the charge as SST (Maths/ Phy) in GGHS Bahadar Khel Mughal Khel Bannu on 22.05.2017 duly signed by Head Mistress.
- 3. The appellant was performing her duties as such for a period of 7 (Seven) months as evident from attendance register.
- 4. The appointment order of appellant was withdrawn with immediate effect on 14.12.2017 against which she preferred applications for restoration of her appointment order.
- 5. The office of District Education Officer (Female) Bannu referred the matter for inquiry and Mr. Musarrat Hussain Khan District Education Officer (Male) D.I Khan conducted an inquiry and submitted his report with recommendations wherein it was recommended as follow;

- 2. <u>She possessed the basic qualification for</u> <u>appointment as SST at the time of her</u> <u>appointment as per criteria but she has one</u> <u>subject instead of two at that time.</u>
- 3. <u>The appointment order was withdrawn on</u> <u>14.12.2017 after seven months & in this</u> way she was eligible for her salaries as she performed her duties.
- 4. <u>The competent authority now decide her</u> <u>case in the light of above findings as she</u> <u>passed the requisite subject.</u>"

It is also pertinent to refer to the comments of District Education Officer (Female) Bannu wherein it was mentioned at Citation a & b and the same is reproduced in verbatim for ready reference:-

- a. <u>That the competent authority may modify her</u> termination order under the rules.
- b. Or she may be reinstated in service as she full filled the requisite qualifications and had also performed more than six months service and the inquiry officer also recommended that the competent authority now decide her case in light of above findings as she passed the requisite subject.

<u>If the competent authority follows the 2nd</u> <u>option, minor penalty of stoppage/ withholding of one</u> <u>annual increment for three years may also be imposed</u> <u>upon the appellant, so that no one can make such a</u> <u>practice in future."</u>



 The appellant DMC was duly verified as genuine by Controller of Examination, University of Science and Technology (UST) Bannu vide letter reference No.8122/USTB/Secy 18, dated 17.08.2018.

7. The appellant seeks reinstatement as SST (Maths, Phys) (BS-16) on the following amongst other grounds:-

GROUNDS

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C.

A. The impugned order dated 04.09.2020 is void ab initio and against the facts and record.

It is settled law that no order can be passed with retrospective effect.

- B. The impugned order dated 04.09.2020 is violative of Section-24 of the General Clauses Act as the competent authority failed to pass a speaking order with sound reasoning in the light of recommendations recorded by the Inquiry Officer and the inquiry report/ comments submitted by District Education Officer (Female) Bannu.
 - The inquiry officer categorically stated that there is negligence on the part of scrutiny committee and the appellant possess the basic qualification for appointment as SST at the time of her appointment as per criteria. It was further recommended that she performed her duties for a period of 7 months makes her entitle to draw her salaries.

In addition to the recommendations furnished by the inquiry officer, the District Education Officer (Female) Bannu also recommended to modify her termination order and she may be reinstated in service as she fulfilled the requisite qualifications and also performed duties for more than 6 months, however she suggested to <u>impose a minor penalty of stoppage/ withholding</u> of one annual increment for a period of 3 years.

The impugned order dated 04.09.2020 is not tenable in the light of the recommendations furnished by the inquiry officer and the District Education Officer (Female) Bannu.

The appellant did not commit any illegality or irregularity she was appointed as SST (Maths, Phy) (BS-16) Bannu after qualifying National Testing Service (NTS), hence a vested right accrued in her favour and particularly the inquiry officer and District Education Officer (Female) Bannu categorically stated that she was having requisite qualification, hence fully eligible for the post.

Keeping in view what has been stated above it is therefore humbly prayed to allow this Departmental Appeal and set aside the impugned withdrawal notification dated 04.09.2020 with all consequential benefits/ arrears of pay.

Any other relief to whom the appellant found entitled may also be granted in the given facts and circumstances of the case.

Mureeb Haseen Ex-SST (Maths Phy) (BS-16) GGHS Bahadar Khel Mughal Khel Bannu

Dated: 30.09.2020

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E.

Annex ?T



Substituted with Even No. and date DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION

The Appointment Order of Miss Moreeb Hascen SST (M/P) GGHS Bahadar Mughal Khel District Bannu at S.No.33 in the appointment order issued vide this office Endst:No. 3876-80/F.No.2/A-17/SST/F/Apptt:/2017 dated: 22-05-2017 is hereby withdrawn with effect from the date of her appointment.

> Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

Endst.No. 2936-39/A-17/SST/F/NTS/Apptt:/2019.

Dated 14-12-2017.

Copy of the above is forwarded to the:-

- District Education Officer (Female) annu w/r to her letter No.1210 dated: 12-08-2020.
 Mr.Mussarat Hussain BPS-19 DEO Male) D.I.Khen.
- . 3. District Accounts Officer Bannu.
 - 4. PA to Director (E&SE) Local Off
 - 5. Master file.

2010

Deputy Director Establishment (F) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

9/020

Reversed on 18/09 2020



DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

1034 / A-17/SST/F/NTS/Apptt/2019

Annex I-1

Dated Peshawar the 28/12/2020

То

The Section Officer (Primary) Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.

SUBJECT:- DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 04-09-2020 RECIVED BY THE APPELLANT ON 18-09-2020 FOR RE-INSTATEMENT IN SERVICE AS SENIOR SUBJECT TEACHER (SST) (BPS-16).

I am directed to refer to you letter No. SO(PE)/5-19/Re-Instatement/2020 dated: 24-11-2020, on the subject cited above and to state that Ms. Mureeb Haseen, Ex-SST, GGHS Bahadar Mughal Khel Bannu got appointed on "Fake DMC" of BSc additional Physics and her appointment order was withdrawn on 14-12-2017, she submitted appeal to the Competent Authority and an inquiry was conducted, in the light of inquiry report and comments of DEO (F) Bannu, her appeal was regretted by the Competent Authority.

Deputy Director Establishmen (F) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

Copy forwarded for information to the:-

1. PA to Director E&SE Local office.

Note

Deputy Director Establishmen (F) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Annex "J" 142

درجو السنين مطلوب مين

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پہنونٹوا کے زیرا تظام (مردانیۂ زمانہ) سکولوں میں درجہ ذیل آسامیاں پُر کرنے سے لیٹے نیبر پختونٹوا سے متعلقہ اخلاع سے سکونتی اہل امیدداردن سے محودہ ڈرم نہ 30 سمتنبر 2016 میں۔ ریز اسٹیر مطلوب میں بہ دروزماست فارم (NTS) کی دیسہ ساکنہ: (http://www.nts.pk) یہ متعاب سے مقررہ کاریخ گزرنے سے بعد میصول ہونے دالی درخواستوں پڑھوڑیں کیا جائے تا۔

A ^E	تابيت		، م آسا ی	نمبر شار
Ji-35:21	سمی بچی شلیم جید دیو ندورش ستا تیند (دیژن پیچکر ڈکری جس کے ساتھ درم ذیل دومنامین لازگ بول۔	(SST)	اسکندری سکول نیچر	1
	() كيسترق، بيانون (درامونى بر بانى)		<u>بالوق، ک</u> مستری	
	(ii)- مسمح مح مسلیم هده مونیورش سے انج اسابیکوکیشن باایکوکیشن شریقیل ذ ^{عر} رک-		BPS. 16	
J-35-21	(1) می بی شایم دید دید زیر است سینند و پژن نظرهٔ ^{تر} د ک ^{ی جر} ائے ساتھ در بی ذ ^م ل مصالین لاز کی بون ۔ (1)	(SST)	الميكنذري سكوف فيجير	2
	()_ فَرْس بِعَضْ A اِ-(ii)- فَرْسَ بِعَضْ B اِ-(ii) فَرْسُ الْبَعْشُ (iii) فَرْسُ الْمُعَشَّلُ		المزس أيتغس	-
	(2) محمى بنجي سليم خد ويوندرش ب المراب الموكيش فا الموكيش شرائيل قررن .		BPS. 16	
JL35r21	(1) سمن محمی سلیم شد و بدورش بیکند و دیران تنظیر و گری جس ساتحد در بن و ش دوسنها تکنه امازی بهون -		اسيتذرى سول تيجر	3
i i	(۱) - الخمرية في لازل، بمونيني شروب بدويكرمسادن شروب -		BPS. 16	-
	(2) - محمى بحي تسليم حَد ديونيوت بي المسالية كوكيش بالديموكيش تدريتيكر وكرين -			

سلیکش کر بیل یا: اسا تذہ سے سلیکش کیلئے کر بن یادرنا زیل ہے۔ کل 200 نبرات کی تقسیم اس طرح سے کہ چا تک ۔ اس اس سر میں اس میں اس میں اس العلمی تو اس سے 100 نسر جس کر جزیکی تکونگ

(-)	(۱) رسلرینڈ نیسٹ بڈریعہ NTS = 100 مبر
کل تبر	تليئ كابيت
ماصل کرد دنبر 20 تقسیر کل نبر	
ماصل کردونیسر 20x تقییم کل نیس	اینے اے این کا
د معل کرد د نبسر 20x تقسیم کل نمبر	ن ا المان الم
جامن ترده نسر 15x تقسيمة كي نبر	ایم کے بلغ میں معلقہ میں معلقہ میں معلقہ معلقہ معلقہ معلقہ معلقہ معلقہ معلقہ معلقہ معلقہ معلقہ معلقہ معلقہ معل
حاصل كردونيسر 15x تقتيم كل نمبر	لياية / المراجع المحالي
حاصل کرده نیسر XOS تقسیم کل کسر	باين المرايد الم المرايد الم
حامل کرد فیمبر SS تقسیم کل نمبر	المراجع المستعمل المستعمل المستعمل المستعمل المستعمل المستعمل المستعمل المستعمل المستعمل المستعمل المستعمل الم

نیالین بارماز دون کامورت شرایر ول کانتیم اس طرت بوگی - وصل کرده نیز 35% تقسیط نیز بتبک پیشددماندایم اسا بجریشن کی صورت میرنیز کانتیم نظریند. از ش بوگ ایر اسا تا کانتین وسن کرده نیز 20% تقسیط نیز

فوت: (1) برسول کی آسان کے سلے طور بیٹو دور سامند برت کی جانی میں شروامید ارون کے NTS کے ماسل کرد وزیر اور تعلی تابیت کے نبر ان کوئی کی جانیکا۔ (2) بر اسد دارت NTS کی دینو است قارم 300 دوب چارت کیا جات گا۔ گرایک امیددامر5 سکونوں کے لیے درخواست دیکا زائن سے 800 دوب چی NTS چارت کی ایک میں (3) - NTS اسٹ شن 40 فیصر نبر طور شرودی ہے-40 فیصد سے کم نبر لینے دالہ اسمیداد تالی تصور ہوگا اور میں سامن شن ای

والمنافعة والمحمد المتعقبة والمتعقبة والمتحسبة والمحوكاتين حصر بحنونهما بستورد

Q loit دعوى 7 م باعث تحريرا ككه مقدمه مندرجه بحنوان بالامين ابني طرف سے داسطے ہیردی دجواب دہی دکل کار دائی متعلقہ ان مقام سِعِبْدا فر ____ كميلتح يحتياب لاترك دارو ورد ما محت كر 2-مقرركر محاقر اركياجا تاب يريسا حب موصوف كومقدمه كك كارداني كاكال اختيار ، وكالي في وسميل صاحب كوراضي نامه كرية وتقرر ثالت وفيصله برحلف دييج جواب دبى ادرا قبال دعوي ادر بهمورت ذكرى كرين اجراءا ورصولى جبك وروبيد ارعرضى دعوى اور درخواست برتسم كي تفيدين زرای بردستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ذکری کیطرفہ یا بیل کی برایدگی ادرمنسوخی نیز دائر کرنے اپیل نگرانی دنظر ثانی دبیروی کرنے کا اختیار ہوگا۔از بصورت ضرورت مقدمہ مذکور کے کل پاجزوی کاروائی کے داسطے اور وکیل پامختار قانونی کوامین ہمراہ پا اپنے بجائے تقرر کا اختیار ہوگا۔اورمیا حب مقرر شدہ کوہمی وہی جملہ ندکور، بااختیا رات حاصل ہوں کے اور اس کا ساختہ مرواخته منظور قبول موكاردوران مقدمه يس جوخر جدد مرجاندالتوائ مقدمه سرسبب سے دموكار کوئی تاریخ بیشی مقام دورہ پر ہویا حد ۔۔ باہر ہوتو وکیل صاحب یا بند ہوں کے ۔ کہ پیروی فدکور میں _لہدادکالت نامہ کھدیا کہ سندر ہے، _ المرتوم --ييشاور کے لئے منظور ہے گی بمقام

دعوكى 7. باعث تحريراً نكه مقدمه مندرجه عنوان بالامين ابني طرف سے داسطے پیردی وجواب دہی دکل کاردائی متعکق آن مقام بين عرب كيلي جمير الم مقرركر بے اقرار كياجاتا ہے۔ كەصاحب موصوف كومقدمہ كىكل كاروائى كاكامل اختيار، وگا۔ نيز و کیل صاحب کوراضی نامه کرنے وتقرر مثالت ہ فیصلہ برحلف دیتے جواب دہی اورا قبال دعوی اور بسورت ذمري كرفي اجراءا درصولى جبك دروب يارعرضى دعوى ادر درخواست برتشم كي تفررين زرای پردستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری بکطرفہ یا ہیل کی برایدگی ادرمنسوخی نیز دائر کرنے اپیل بکرانی دنظر ثانی و پیروی کرنے کا اختیار ہوگا۔از بصورت ضرورت مقد مہند کور کے کل پاجز دی کاردائی کے داسطےاور دکیل پامخنار قانونی کواپیے ہمراہ پااپیے بجائے تقرر کا اختیار ہوگا۔اورمیا حب مقرر شدہ کوہمی وہی جملہ ندکور، باا ختیارات حاصل ہوں کے اوراس کا ساختہ مرداختة منظور قبول موگاردوران مقدمه بین جوخرچدد مرجاندالتوائے مقدمہ کے سبب سے دہوگا۔ کوئی تاریخ بیشی مقام دورہ پر ہویا حد ۔۔ باہر ہوتو وکیل صاحب پابند ہوں کے کہ پیردی فركوركري _ لهذاد كالت نامد كهديا كمسندر -Mhham Harts Sher ,2021 المرتوم کے لئے منظور ہے بمقام يست

Before the Service Tribunal KP, Peshawar. Service Appeal NO. 17/2021 Put up to The Caut Mureeb Hassan is Govt of KP etc: dengath ossind 8000 2419m fill. Application to change the date of hearing from 7/10/2021 to 6/10/2021 Respectfully Sheweth! Rende That the above titled Service Appeal is fixed for preliminary Hearing on 7/10/2021 before this Itomible Tribunal. 2. That the under-signed is busy on 7/10/2021 in Murder cross cases before ASJ- Bannu hence it is humbly requested that the above titled service Appeal may kindly be refixed on 6/10/2021 mstead of 7/10/2021. and Obliged. your's Sincerely - 24/9/2021 Dale, 24/9/2021 Inayal ullah Ichan Advocate Pite Pechawar. LLMZUKJ

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 17/2021

Murreb Haseen Ex-SST (Science) (BPS-16) GGHS Bahadar Khel Bannu.....Appellant

VERSUS

Secretary E&SE Department Khyber Pakhtunkhwa & others......Respondents

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-3.

Respectfully Sheweth :-

The Respondents submit as under:-

Preliminary objections

- 1 That the Appellant has got no cause of action/locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts form this Honorable Tribunal.
- 4 That the instant Service Appeal is based on mala fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for the relief she has sought from this Honorable Tribunal.
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the Appeal is not maintainable in its present form.
- 9 That the Appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 10 That this Honorable Tribunal has got no jurisdiction to entertain the instant case.
- 11 That the Notification dated of Respondent No.2 is legal & liable to be maintained on the grounds that the appellant appointed herself on the basis of fake & forged Bachler DMC.
- 12 That appellant is not entitled to be reinstated against the SST (Math/Phy) B-16 post as at the time of recruitment the appellant did not possess the prescribed qualification for the post in question. Moreover, she got the prescribed qualification after appointment. That the Appellant has got no cause of action/locus standi.

ON FACTS

1) *That* first part of the para-1 pertains to the appellant's address while the rest of the para is denied & incorrect on the grounds at the time of submission of application form for the appointment against the SST (Maths/Physics) BPS-16, the appellant did not possess the prescribed qualification for the post in question. Rather she passed physics as an additional subject at bachelor level after recruitment. Moreover, she produced fake & forged Bachelor DMC for the appointment against SST (Maths/Physics) post. (Copy of the advertisement is Annex-A).

- 2) **That** Para-2 correct to the extent that appellant was appointment against the post of SST (Math/Physics) BPS-16 vide order dated 22/05/2017 purely on contract basis & her appointment was subject to the verification of testimonial of the teacher concerned. In this regard, relevant terms & condition of her appointment order dated 22/05/2017 are re-produced hereunder:
 - a. <u>*Term & Condition No.3*</u>: Appointment is purely on temporary & contract basis initially for one year with effect from 01-05-2017 to 30-04-2018.
 - b. <u>Term & Condition No.5</u>: Appointment is subject to the condition that certificate/document must be verified from the concerned authorities by the DEO concerned, anyone found providing bogus certificate will be reported to the law enforcing agencies for further action in view of required criteria/qualification mentioned in the said advertisement.
 - c. <u>Term & Condition No.13</u>: <u>Before handing over charge once again their</u> <u>documents may be checked (if they have not the required relevant</u> <u>qualification as per rules, they may not be handed over charge of the post</u>).
- 3) That incorrect and denied on the grounds that vide Term & Condition No.13 of the order dated 22/05/2017 mentioned hereinabove, the appellant was not eligible for taking over the charge of duty against the post in question & all this occurred on malafide & concealment the facts pertaining to her fake bachelor DMC.
- 4) *That* That para-4 needs of no comments being pertains to record.
- 5) *That* Para-5 is correct to the extent that vide Notification dated 14/12/2017, the appointment order dated 22/05/2017 of the appellant has been withdrawn with immediate effect, however an another dated 7/09/2020 was substituted with even number & date whereby, effect of the Notification dated 14/12/2017 was extended to the date of 1st appointment of the appellant against the post in question. (Copies whereof attached as Annex-B & C).
- 6) *That* Paras-6 is correct to the extent that the DEO (F) Bannu has conducted inquiry into the matter. However, the inquiry officer reported in his findings. **(Copy whereof is Annex-D).**
 - 1. That is obviously clear she got appointment on fake DMC.
 - 2. She got the prescribed qualification through the examination after appointment.
 - 3. She passed the requisite additional subjects (Physics on 22-03-2018).
- 7) *That* Para-07 is incorrect & denied on the grounds that the controller of examinations, university of Science & Technology (UST) Bannu verified DMC of the appellant of additional subjects which she passed on 22-03-2018 while she was appointed vide order 22-05-2017, hence, the verified DMC of the appellant was not the one which was submitted at the time of recruitment to the Respondent Department.
- 8) *That* Para-08 is correct to the extent that the Departmental appeal was rejected on merit (time barred) of the case by the Respondent Department.
- 9) That Para-09 needs no comments as detail reply of this has been given in preceding papas of the present reply, however, the Respondent Department further submit on the following grounds inter alia: -

ON GROUNDS

- A. <u>Incorrect & not admitted</u>. The act of the Respondent with regard to the impugned orders against the appellant is legal & justified.
- B. *Incorrect & not admitted*. The act of the Respondent with regard to the impugned orders against the appellant is legal & justified & liable to be maintained in the light of finding of the inquiry reports, wherein, it was admitted that the appellant has been appointed on the basis of fake DMC. (Copy whereof is Annex-E).
- C. **Incorrect & not admitted**. The act of the Respondent with regard to the impugned orders against the appellant is legal on the grounds that the appellant got appointment against the post in question on the basis of fake & forged DMC & this fact has also been acknowledged by the inquiry officer in his report.
- D. *Incorrect & not admitted*. That the impugned order, passed by the Respondent Department is in accordance with the findings of the inquiry report.
- E. <u>Incorrect & not admitted</u>. The act of the Respondent with regard to the impugned orders against the appellant is legal on the grounds that the appellant got the prescribed qualification for the appointment against the post in question after joining the Department as SST (Maths & Physics) & is a result thereof, her 1st appointment order dated 22-05-2017 was withdrawn by the Respondent No.02 after due process of Law, thereof. The plea of the appellant is illegal & liable to be dismissed with further submission of seeking leave of this Honorable Bench to submit additional grounds, record & case law at the time of arguments on the date fixed.

<u>PRAYER</u>.

In view of the above made submissions, it is requested that this Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department.

Dated __/ /2021.

K&&E Department Khyber Pakhtunkhwa, Peshawar. (Respondent No: 1).

DIRECTOR DW

E&SE Department Khyber Pakhtunkhwa, Peshawar. (Respondents No: 2 & 3).

AFFIDAVIT

I. Dr. Hayat Khan Asstt: Director (Litigation-II) E&SE Department do hereby solemnly affirm and declare 0n oath that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.

Ger Depþnent

پنچونوا نے زیرا برطام (مردائٹ زنان) سکولوں شرید دین آسامیاں پر کرنے سے لئے نیم پنیونوا سے متعلقہ احلاث سے سکونی ایل اسیدواروں ہے مجود دین ہو 30 ستمبر 2016 متک بر ستر و مال سر سر مدیر ایک (Artic / Artic / Artic / Artic) متلب سے متر دوماریخ کزرنے سے بعد موسول ہوتے دانی درخواستوں پڑورٹین کیا جائے ہے۔

	<i>و</i> ر	-			برائند (nutp://www.nts.pk)	au (NTS)	ي بن درخوامت فارم	ذايتين طلو
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سلیکٹی کریٹر پازاسا تدہ سے سلیکٹر نے کیلے تریز یادی توزی ہے کی 200 نیبرات کی تقسیم ہو طرح سے کہ چائی۔ سلیکٹی کریٹر پازاسا تدہ سے سلیکٹر نے کیلے تریز یادی توزی ہے لیک 100 نیبر جس کہ حریقہ میں کہ کر یہ کسی اور کر م

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۱۳۰۰ ، بیان ایک می ایک در نی ایس پارمالیکوتر کاسورن بی کانتیم ای ایل ایک ماه کس معلی کردانیر 35% تنتیز کل ایس ایک بیشن کا سورت شرایرک تشیم ۱۳۰۸ - ایک مارک می کردنیم 20% تشیم کی ایک ماه کس کردانیر 35% تشیر کل ایک می ایک می ایک می ایک می ایک مالی ایک م

۵۰۰ میدا میدور من مردور ۲۵۵ بر ۲۵۵ مرد مده میدادد میدادد میدادد مید مسل کرد و تر دو تلی قابیت بیشرد در کوک کونی توان یک این از مراست NTS فروست فودت: (1) بر عمل کی آمان کر این طبیره میرون سند مرتب کی جانتی شمن شروامیدادد می این مسل کرد و تر دو تلی قابیت بی کارم 300 دو بی تومنا کیا بوت کار آمانی اسیداد کارون کے لئے در توان سیداد تالی تصورت این NTS جارت کریتے ، وی دان (3) . NTS شدت می 40 نیسر تر این شروری سبت این این میداد تالی تصورت این این میداد تالی تومند می این می این می ای

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Bannu Female Appointment Order SST Adhoct Directorate of Elementary and Secondary Education Knyber Pakhtunkhwa Peshawar PH No. 091-9210389, 9210938. 9210437,9210957, 9210468 Fax 091-9210936 E-mail rafig kk851(wyahoo.com APPOINTMENT.

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Consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of Secondary School Teacher (SST Bio Chem), (SST Maths Phy), (SST General) School based in 50% of Secondary adhee basis on Contract under the existing policy of the Provincial Government, in Teaching charge (SST Bio Chem)

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NO TAIDA etc is allowed.

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Charge reports should be submitted to all concerned in duplicate.

Appointment is purely on temporary & contract basis initially for one year wef 1st May, 2017 to goth April, 2018. 3

- She should not be handed over charge if she exceeds 35 years or below 18 years of age. ÷Į÷ Age relaxation case may be submitted to competent authority. 5.
- Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned), any one found pradacing bogus Certificate will be reported to the law enforcing agencies for further 6,
- His/lier services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to
 - Pay will not be drawn until and unless a certificate to the affect by DEO(concerned) is issued that his/her certificates are verified
 - He/She should join his post within 10 days of the issuance of this notification. In case of foilure to join the post within 10 days of the issuance of this notification, his/her-appointment will expire automatically and no subsequent appeal etc shall be
 - thealth and Age Certificate should be produced from the Medical Superintendent He/she will be governed by such rules and regulations as may be issued from time to

21 Bannu Female Appointment Order SST Adhöce He, her servicer shall be termilated at my time, in case his performance is found ansatisfactory during his/her contract-period. In case of misconduct, he/she shall be preveded under the putes framed from time to time. His/her appointment is made on School based. He/she will have to serve at the place of polating, and His/her kervice is not transferable to any other station. Before hunding over charge once again their document map be checked if they have not the required velecant qulifications as per cules, they may not be banded over charge of the basy G_{ij} ÷. (Muliammad Rafiq Khattak) Director Director Elementary and Secondary Education Khyber Pakhtunkhira Peshawar, Director Elementary and Secondary Education Khyber Pakhtankhura Peshawar, Copy formarded for information and necessary action to the Accomman General Khyber Pakhtankhura Peshawar, Secretary Khyber Pakhtankhura Pashawar, District Education Officers Concerned District Accounts Concerned Dist Elementary and Secondary Education Director Chatable -Khyber Pakhtunkhwa Peshawar NV



Substituted with Even No. and date DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

Anne:

NOTIFICATION

The Appointment Order of Miss Moreeb Haseen SST (M/P) GGHS Bahadar Mughal Khel District Bannu at S.No.33 in the appointment order issued vide this office Endst:No. 3876-80/F.No.2/A-17/SST/F/Apptt:/2017 dated: 22-05-2017 is hereby withdrawn with effect from the date of her appointment.

> Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

B.

261

Endst.No. 2936-39/A-17/SST/F/NTS/Apptt:/2019.

Dated 14-12-2017.

Copy of the above is forwarded to the:-

1. District Education Officer (Female) unnu w/r to i cletter No.1210 dated: 12-08-2020.

- 2. Mr.Mussarat Hussain BPS-19 DEC Jale) D.I.Kl n.
- 3. District Accounts Officer Bannu,
- 4. PA to Director (E&SE) Local Of
- 5. Master file.

FIX 2000

Deputy Director Establishment (F) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

4/9/020

Reversed on 18/09 2020

EDUCATION OFFICER OF THE DISTRIC (MALE) DERA ISMAIL KHAN OFFICE 18-0266928013 Emailremisdikhan

INOUIRY REPORT

Annex:

INOUIRY OFFICER:

Mr. Mussarat Hussain District Education Officer (M) DIKhan was appointed as a inquiry officer to conduct inquiry in appeal of Miss Mureeb Haseen D/o Umar Hayat Khan Ex-SST (Math/Phy) GGHS Bahadur Mughal Khel Bannu.

NATURE OF INOUIRY:

Mureeb Haseen was appointed as SST (Math/Phy) GGHS Bahadur Mughal Khel Bannu vide Director E&SE Peshawar appointed order No. 3876-80 dated 22-05-2017 at S.No. 33. Later on her salary was not released due to non-verification of additional subjects DMC.

immediate effect vide Director E&SE Peshawar order No. 7936-39 dated 16/12/2017.

Later on her appointment order was withdrawn with

Now she submitted appeal for restoration of her appointment order.

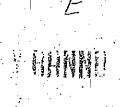
METHOD OF INOUIRY:

I personally visited the DEO (Female) Bannu office. Obtained record from the office & also questionnaire was served to the appellant.

FACTS:

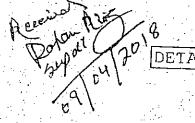
The facts regarding the whole inquiry after the discussion & perusal of whole record are as under:-

UNIVERSITY OF SCIENCE AND KNyber Pakhtun Wa PZ.KIS



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DETAILED MARKS CRIME	
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Re Appeared Examination Held in Lovember, 2017

Moreeb Haseen

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Icreeb Haseen D/O Umer Hayat Khan เกิดอาการ Patal Shah Bannu



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR No. <u>153 / ST</u> Dated: <u>24/01 /2022</u> All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281 Fax:- 091-9213262

То

The Director E&SE, Government of Khyber Pakhtunkhwa, Peshawar.

Subject:

JUDGMENT IN APPEAL NO. 17/2021 MR. MUREEB HASEEN.

I am directed to forward herewith a certified copy of Judgement dated 06.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR