

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No: 1457/2023


Mst: Naeema Shaheen Ex- ASDEO (F) District Mardan..... Appellant.

VERSUS

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

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Assistant Director (Lit-II)
E&SE Khyber Pakhtunkhwa,
Peshawar.

①

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL
PESHAWAR.

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Mst: Naeema Shaheen Ex- ASDEO (F) District Mardan..... Appellant.

VERSUS

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

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

Respectfully Sheweth:-

The Respondents 1-3 submit as under: -

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7244

Dated 29/8/2023

PRELIMINARY OBJECTIONS.

1. **That** the Appellant has got no cause of action/locus standi as the judgment dated 27-06-2022 of this Honorable Tribunal in service appeal No. 1403/2019 under the above said title his correctly been complied vide Notification No. 5674-82 dated 03-03-2023 by the Respondent Department.
2. **That** the instant Service Appeal is badly time barred under the relevant provision of law of limitation Act-1908.
3. **That** the Appellant has concealed material facts from this Honorable Tribunal in the instant service appeal of her appointed on a fake & bogus order dated 12-07-2016, wherein, an enquiry was conducted who submitted his report on dated 17-01-2023 with the recommendation that the said appointment order is fake & bogus.
4. **That** the instant Service Appeal is based on mala-fide intentions & the Department has observed all coddle formalities including show cause notice dated 25-01-2023 in terms of Rule-14(4) E & D Rules-2011 responded by the appellant on 02-02-2023.
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 for her reinstatement in service against the ASDEO (F) In B-16 post in the Respondent Department due to the production of fake & bogus recommendation letter of the Khyber Pakhtunkhwa Public Service Commission which has already denied vide letter No. PSC/IX.003780 dated 20-02-2019.
7. **That** the instant Service Appeal is against the prevailing law & rules.
8. **That** the instant Appeal is based on mala fide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
9. **That** the instant Service Appeal is not maintainable in its present form.
10. **That** the instant Service Appeal is bad for mis-joinder & non-joinder of the necessary parties including the Khyber Pakhtunkhwa Public Service Commission on the strength of which the appellant is claiming her 1st appointment order/recommendations dully disowned by the commission vide the aforementioned letter.

11. **That** the Appellant is not competent to file the instant appeal against the Respondents.
12. **That** the impugned Notification dated 03-03-2023 of the Respondent Department is legal, whereby, the letters/Notifications dated 15-12-2015, 25-05-2016, 28-06-2016, 30-06-2016, 12-07-2016 & 16-07-2016 have been disowned by the Respondent Department of being fake & bogus.
13. **That** no Departmental Appeal has been filed by the appellant to the Respondent Department against the impugned order & Notifications dated 29-05-2019 & 31-05-2019, hence, got finality against the appellant.
14. **That** the recommendation letter of the appellant has been declared as fake and bogus by the Khyber Pakhtunkhwa Public Service Commission.
15. **That** the Notification dated 12/07/2016 has correctly been disowned by the Respondent Department after due process of Law & procedure in field.

ON FACTS.

1. **That** Para-1, being pertains to the academic & Service Record of the Appellant against the PST (F) post issued on dated 18-01-2012 by the Respondent No. 03 Annex-A.
2. **That** Para-2 is incorrect on the grounds that the recommendation letters dated 12-07-2016 for the appointment against the ASDEO (F) in BPS-16 post in the Respondent Department have been disowned by the Khyber Pakhtunkhwa Public Service Commission vide letter No. PSC/IX.003780 dated 20-02-2019 of being fake & bogus & even without any cogent record, hence the claim of the appellant regarding the letters dated 15-12-2015, 25-05-2016, 28-06-2016, 30-06-2016, 12-07-2016 & 16-07-2016 have been disowned by the Respondent Department of being fake & bogus, hence, the plea of the appellant is illegal (Copies of the cited letters/Notifications are attached as **Annexure-B, C, D, E, F, G & H.**
3. **That** Para-3 is also incorrect & denied on the grounds that the appellant has been found guilty of production fake & bogus recommendation letter dated 12-07-2016 of the Khyber Pakhtunkhwa Public Service Commission, whereby, the appellant has shown herself as recommended/appointed against the ASDEO (F) in BPS-16 post already disowned by the commission vide letter dated 12-07-2016.

However, the plea regarding the verification of appointment order dated 12-07-2019 is illegal & even has been made on the basis of production fake & bogus letter dated 28-06-2016 before the Respondent No.03, therefore, the burden of proof lies upon the shoulders of the appellant under Article-117 of the Qanoon-e-Shahadat order 1984 in the given circumstances of the case, hence, the stand of the appellant is illegal. copy of the letter dated 28-06-2016 is already attached.

4. **That** Para-4 is also incorrect & denied on the grounds that the whole service record of the appellant is fake & bogus which has resulted in the recovery order dated 31-05-2019 from the appellants on the grounds of her induction against the ASDEO (F) post in BPS-16 on fake & bogus recommendation letter of the KPPSC which has also been disowned by the commission vide his office letter No. PSC/IX.003780 dated 20-02-2019, hence, the claim of the appellant regarding the verification of the 1st appointment order dated 12-07-2016 & subsequent release of her monthly salaries against the said post vide order dated 15-12-2016 is itself illegal & liable to be rejected in view of the aforesaid submissions made by the

Respondents in the present reply (copy of the letter dated 15-12-2016 is already attached above).

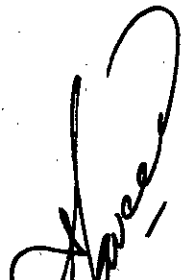
5. **That** Para-5 is correct that vide order dated 29-05-2019 along with the recovery of R.S=1004678/- vide letter dated 31-05-2019 on the grounds as agitated in the forgoing paras by the respondent Department after adapting all coddle formalities (*Copies of the order dated 29-05-2019 & letter dated 31-05-2019 attached as Annex-I & J*).
6. **That** Para-6 is correct to the extent of filing of a service appeal No. 1403/2019 under the said titled decided vide judgment dated 27-06-2022 with the direction to the Department for the reinstatement of the appellant in service as ASDEO (F) in BPS-16 only for the purpose of De-Novo enquiry against the appellant which was conducted accordingly & submitted its report on 17-01-2023 with the recommendation that the appellant inducted herself as ASDEO (F) in the Department through fake & bogus appointment order dated 12-07-2016 with further recommendation that neither the appellant has applied for the post nor she has been recommended by the KPPSC (*copies of the enquiry report, judgment & reinstatement order dated 18-08-2022 are Annex-K, L & M*).
7. **That** Para-7 is also incorrect as formal enquiry has been conducted by the Department against the appellant as evident from the enquiry report dated 17-01-2023, hence, the stand of the appellant is illegal.
8. **That** para-08 is also incorrect as the cited enquiry report dated 17-01-2023 is the result of due process of law & procedure.
9. **That** para-09 is correct that a show cause notice was served upon the appellant duly received & replied by her in an unsatisfactory manner by concealing material facts with regard to the afore said fake & bogus order both from the Department as well as this Honorable Tribunal in the titled case.
10. **That** para 10 is also incorrect & denied on the grounds that she has properly associated in the Departmental proceedings in compliance of the judgment cited above as evident from her reply to the said show cause notice & finally disowned the order dated 12-07-2016 along with the recovery of an amount as mentioned above from the appellant vide Notification dated 03-03-2023 after due process of law by the Department.
11. **That** para 11 is also incorrect, no Departmental appeal against the Notification dated 03-03-2023 has been filed by the appellant till date, hence, got final under the law.
12. **That** para-12 is incorrect, the appellant is not an aggrieved person within the meaning of section-04 of KPK Service Tribunal Act-1974 read with Article-212 of the constitution of 1973, hence, the titled appeal is liable to be dismissed on the following grounds inter alia:-

GROUND.

- A **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy vide the above said Order & Notification dated 03-03-2023 by the Respondent Department in the instance case, hence, the stand of the appellant is baseless & liable to be rejected on the grounds that the appellant was not a regular Civil Servants under section 2 (b) of Civil Servants Act 1973.
- B **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy by the Respondent Department in the instance case, hence, the stand of the appellant is baseless & liable to be rejected.
- C **Incorrect & not admitted.** The statement of the appellant is without any cogent reason & justification on the grounds as agitated in the foregoing paras of the present reply by the Respondents.
- D **Incorrect & not admitted.** The stand of the appellant is without any cogent reason & legal justification on the grounds that the documents of the appellant have been found fake & bogus by the respondents, hence, his services against the ASDEO (F) B-16 post has been disowned by the competent authority vide notification date 29-05-2019 along with the recovery of salaries vide letter dated 31-05-2019 under the relevant provisions of law & rules, therefore, the subsequent Act of the Department vide Notification dated 03-03-2023 is in compliance of the judgment dated 27-06-2022 of this Honorable Tribunal in service appeal No. 1403/2019.
- E **Incorrect & not admitted.** The plea of the appellant is without justification & liable to be rejected in favor of the Respondent Department as formal show cause notice has been served upon the appellant by the Department
- F **Incorrect & not admitted.** The plea of the appellant is without justification & liable to be rejected in favor of the Respondent Department as formal enquiry report dated 17-01-2023 was provided to the appellant.
- G **Incorrect & not admitted.** The stand of the appellant is without any cogent reason & legal justification on the grounds that the documents of the appellant have been found fake & bogus by the respondents, hence, his services against the ASDEO (F) B-16 post has been disowned by the competent authority vide notification date 29-05-2019 along with the recovery of salaries vide letter dated 31-05-2019 under the relevant provisions of law & rules.
- H **Incorrect & not admitted.** The plea of the appellant is without justification & liable to be rejected in favor of the Respondent Department.
- I **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy by the Respondent Department in the instance case, hence, the stand of the appellant is baseless & liable to be rejected.
- J **Incorrect & not admitted.** The statement of the appellant is without any cogent reason & justification on the grounds as agitated in the foregoing paras of the present reply by the Respondents. However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date fixed.

In view of the above made submissions, it is most humbly prayed that this Honorable Tribunal may very graciously be pleased to dismiss the instant Appeal with cost in favor of the Respondent Department in the interest of justice.

Dated ___/ ___/2023.



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



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

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL
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VERSUS

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

AFFIDAVIT

I. Dr. Hayat Khan Assistant Director (Litigation-II) E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief. It is further stated on oath that in this appeal the answering Respondents have neither been placed Ex-Parte nor their defense has been struck off/cost.

[Handwritten Signature]

Deponent

ATTESTED



29-8-2023

Office Of The Executive Officer (E. & S.) Education, Mardan
Office order / Implementation of the judgement

9
B

Consequent upon the implementation of the judgment of Peshawar High Court Peshawar dated 27/12/2011 in writ-petitions No. 1362, 734, 2259, 2296 of 2010 filed Mst. Komaria, Mohammad Zeh, Mst. Nuzma Shaheen, Mst. Robi Yaqoob and Mst. Nazia V/S Secretary (E & S) Education Peshawar and others and wide letter No. 30(11) (E & S) / 1-1 / 2011 dated, 30/12/2011, wide Director letter No. 3528 / AD (Litigation - I) dated, 27/12/2011 and wide DCO letter No. 5577 - 75 / DCO (M) HRDD dated, 26/12/2011 and wide letter No. 195 - 95 / DCO (M) HRDD dated, 09/01/2012. The competent authority is pleased to appoint the following PSTs teachers in EPS - 7 against the vacant post at the schools noted against each with effect from the date of the judgment, in the interest of public service.

S.No.	Name & Father's Name	QTC	School where appointed	Remarks
1	Komaria D/O Saib Hussain	Kela Muhammad	GGPS Suggoo	Against vacant post
2	Mohammad Zeh S/O Mohammad Shariq	Gujar Garhi	GGPS Min Gano Chum	-do-
3	Nuzma Shaheen D/O Rasool Khan	Guli Bugh	GGPS Hani No. 1	-do-
4	Robi Yaqoob D/O Mohammad Yaqoob	Charguli	GGPS Charguli	-do-
5	Nazia D/O Mohammad Kaleem	Gari Hamail Zai	GGPS Chum Rang No. 2	-do-

- Note: 1. Serial No. 3 will further adjusted in her own QTC when a post become vacant.
2. Terms and conditions will be the same as unmentioned in this office order, No. 1575 / G dated, 19/02/2010.

(Signature) Muzammar
Executive Distt. Officer
(E & S) Education Mardan

Encl. No. 588-93

Dated. 18-01-2012

- Copy of the above is forwarded to the,
1. SO Litigation Govt of Khyber Pakhtoonkhwa (E & S) Education department Peshawar w/r letter no above.
2. Director (E & S) Education Peshawar w/r letter no. above.
3. District Co-ordination officer Mardan w/r letter no. above.
4. District Account Officer Mardan.
5. Deputy District Officer (A & F) Concerned.
6. All concerned.

Attested
(Signature)
Head Mistress
GGHS CHARGULI
Mardan

Attested
(Signature)

(Signature)
Executive Distt. Officer
(E & S) Education Mardan
(Signature)
Musarrat Begum
SET
GGHS Char Gul Mardac

Attested
(Signature)
ADVOCATE
SUPREME COURT

(Signature)
ADVOCATE
SUPREME COURT

BETTER COPY

Office of The Exective Officer (E &Sec.,) Education, Mardan

Officer order / Implementation of the Judgment.

Consequent upon the implementation of the Judgment Peshawar High Court Peshawar dated 07/12/2011 in Writ Petition No.1302,734,2239,2296 of 2010 Mst Romania , Muhammad Zeb Mst:Naeema Shaheen :Robi Yaqoob and Mst Nazia V/S Secretary (E&Se) Education Peshawar and others and wide letter No So E& S&D 1-4-2011 ,Wide Director latter No 3588/AD (Eligation-1)dated 23/12/2011 and vide DCO letter No 6577-75/DCO (M)HRDO dated 26/12/2012 and vide letter No 193-95/DCO (M) HRDO dated 09/0/2012 .The competent authority is pleased to appoint the following PSTs teachers in BPS-7 against the vacant post at the schools noted against each with effect from the date of the judgment, incorrect the of public service.

S No	Name and Father Name	U/C	School where appointed	Remarks
1	Romania D/O Said Hussain	Kdh Banwol	GGPS Sangao	Against vacant post
2	Mohammad Zeb S/O Muhammad Sher	Gujar Gari	GPS Mian Gano Cham	Do-
3	Naeema Shaheen D/O Rasool Khan	Goli Bagh	GGPS Hoti NO 1	Do- //
4	Robi Yaqoob D/O Mohammad Yaqoob	Charghuli	GGPS Charguli	Do-
5	Nazia D/O Muhammad kaleem	Garhi ismail zai	GGPS cham rang No 2	Do-

Note: 1. Serial No .3 will further adjusted at her own U/C when a post become vacant.

2. Terms and condition will be the same as mentioned in this office cndst: No 1575/G dated 19/02/2010.

Bahadar Khan Marwat

Exective Distt: Officer

(E&S)E ducation Mardan.

Endst No 588-93

Dated 18-01-2012

Copy of the above is fowrded to the,

1. So litigation Govt of KPK (E&S) Educatio, department Peshawar W/R letter no abobe.
2. 2. Director (E&S) Education Peshawar w/r letter no above.
3. Distric CO- ordination officer Mardan w/r letter no above.
4. Depty District officer (M&F) Concerend)
5. All Concerend.

ADVOCATE
SUPREME COURT

Exective Distt: Officer
(E&S)Education
Mardan.



KHYBERPAKHTUNKHWA PUBLIC SERVICE COMMISSION
 2 Fort Road, Peshawar Cantt. (Near Governor House)
 PII No. 9213563,9213750,9214131 Fax No. 9211795

No. PSC-IX 003780

Dated 20/12/2018

Annex-B
 15/9/18

IMMEDIATE
 DDF
 Put up today

to
 21/2/17

To
 The Deputy Director,
 National Accountability Bureau, Block III PDA complex, Phase-V
 Hayatabad Peshawar.

Subject: Provision of information /record u/s 19 of NAO, 1999 – investigation against Fazal Manan S/o Fazal Hanan, Ex-Director Education, FATA and others regarding Corruption and Corrupt Practices in Illegal appointments (97266).

Dear Sir,

I am directed to refer to your letter No. 1/654/IW-II/NAB(kpk)(97266)/990 Dated 16.11.2018 on the subject noted above to state that the commission has rechecked its record which revealed that none of the following candidates has been recommended for the post of ADO Advertisement No 2/2015 S.No 26.

S.No	Name with F/Name	District /Zone	Remarks
1.	Sadia Bibi D/O Muhammad Akram Shah	Moh. Agy/I	Sadia Akram D/O Muhammad Akram got 49 marks in the ability test she had not been interviewed against adv.2/2015 sr.26
2.	Saira D/O Ajmal Khan	Moh. Agy/I	She has neither applied for the posts of ADO nor appeared in interview adv.02/2015 sr.26.
3.	Miss Naeema Shaheen d/o Rasool Khan	Moh. Agy/I	She has neither applied for the posts of ADO nor appeared in interview adv.02/2015 sr.26
	Miss Neelam d/o Fazal Malik	Moh. Agy/I	She has not applied for the posts of ADO nor appeared in interview adv.02/2015 sr.26.

on ✓
 on ✓
 on ✓
 on ✓
 ✓
 ✓

Yours, Faithfully
 (Masrool Gul)
 Assistant Director III

[Handwritten signature]

REGISTERED

Telephone: 9211795, 9213750. (Ext-1099)
Commission

Khyber Pakhtunkhwa Public Service

2-Fort Road Peshawar Cantt
(Telegraphic address "Publication" Peshawar)

No. PSC/SR-IX/

Dated 15/12 2015



To

Naeema Shaheen D/o Rasool Khan
Madina Colony Mohallah Sher Ali Hoti,
Guli Bagh Tehsil & District Mardan

Subject: **RECTT: OF Female ADO(B-16) in E & SE**

1. You, in response to your application for the above post, are required in the Commission's Office at 02 For Road, Peshawar Cantt, Near Governor House at 08:30a.m hours on 31-12-2015 for interview. Please bring original certificates, degree ad testimonials which will be returned to you on conclusion of your interview.

2. You should rectify the following (✓) Ticked deficiencies three days before interview positively failing which the Commission will reject your application and shall not interview you for the above post:-

- ✓(a) Attested Photo copy of Original Matric/FA/F.Sc Certificates
- (b) Attested Photo Copy of B.A/B.Sc/M.A/M.Sc Degree
- (c) All details Marks Certificates
- (d) Attested Photo Copy of NIC
- ✓(e) Attested Photo Copy of Domicile Certificate
- (g) Attested Photo 3 Nos
- ✓(h) Departmental Permission Certificate
- (i) Instruction Page Unsigned.
- (j) All experience certificates of private Institutions duly verified by your respective Board of Intermediate/H.E.C/Competently Authority
- (k) Husband Domicile

NOTE:-

- A) Please note that no request for change the date of interview is entertain.
- B) You are directed to furnish the deficiency 03 days before the date of interview. Otherwise you will not be allowed to take participation in the interview.

[Handwritten signature]

[Handwritten signature]
Superintendent 15/12



KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION
2-Fort Road, Peshawar Cantt. (Near Governor House)
PH No. 9211763
9213750, 9214131
Fax No. 9211795
No. KPK/PSC/SR-III/6924

Date 25/05/2016

10
9

10
9
E (13)

To,

The Secretary to
Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Education Department

Subject: Recruitment of 15 Female ADO (B-16) in Elementary & Secondary Education Deptt: Adv No.2/2015 & S.No.26

Dear Sir,

In continuation of this office letter No.012399 dated: 16.3.2016 and to state that the commission recommends one candidate in to the Govt. for appointment against the subject cited posts.

(1) Mst Naeema Shaheen d/o Rasool Khan

Mohmand Agency

2. Recommendation in favour of the recommendee is provisional subject to her medical fitness and verification of all documents and perusal of her ACR/PER, which may be provided at the earliest.
3. Recommendation of only one (01) candidate has been kept pending due to her vital deficiencies.
4. Original application (with enclosure) of the above one selectee is enclosed herewith for your record.
5. Kindly acknowledge receipt of the same.

Yours Faithfully,

(Ghulam Dastagir Ahmad)
Director Recruitment

[Handwritten signature]



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR**

NO. _____ /A-17/ADEO/F/Apptt:/PSC/2015-16

Dated Peshawar the 22/6/2016

To

The Director General Health
Khyber Pakhtunkhwa Peshawar

**SUBJECT: RECRUITMENT OF 15 FEMALE ADO (B-16) IN ELEMENTARY AND
SECONDARY EDUCATION DEPARTMENT ADVER: NO. 2/2015
AND S.NO.26**

Memo:-

I am directed to refer to the subject cited above and to say that Mst. Naeema Shaheen D/O Rasool Khan Mohmand Agency resident of Zone-I have been recommended by the Khyber Pakhtunkhwa Public Service Commission (PSC) for appointment as Assistant District Education Officer (F) in B-16 in the Education Department.

It is therefore requested that Medical Board for the above candidates may very kindly be arranged and findings of the Standing Medical Board may be communicated to this office as an early date for further necessary action please.

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

Endst.No. 2218-201

Copy forwarded to the:-

- 1- Section Officer(Primary) Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department w/r to his No.SO(PE)E&SED/3-9/Public Service Commission/2016 dated 16-06-2016.
- 2- Mst. Naeema Shaheen D/O Rasool Khan Mohmand Agency
- 3- PA to Director E&SE Local Office.

22/6/16
Deputy Director Establishment(F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Hoor/15/

[Handwritten signature]

(M)

12
6

MEDICAL CERTIFICATE

Name of official Mst. Noema Shaheen w/o Muhammed. Uher

Caste or race Azhar

Father's name Rasool Khan

Residence Mah: Madina Kalony Gul Bagh Hoti
Mardan

Date of birth 16-04-1979

Exact height by measurement 5'6"

Personal mark of identification a wound on fore head

Signature of the official [Signature]

Signature of head of office _____

Seal of office _____

I do hereby certify that I have examined Mr. Noema Shaheen - a candidate for employment in the Office of the Edu. Dept. ADO Post and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except NIL

I do not consider this as disqualification for employment in the office of the Asst. Secy
His age according to his own statement (37) year and by appearance about year 37 1/2 years

[Signature]

Secretary
Standing Member
Police Services

LEFT HAND THUMB AND FINGER IMPRESSIONS

[Signature]

[Signature]
30/6/2006

MEDICAL SUPERINTENDENT,

CIVIL HOSPITAL

Police/Secy for Hospital
Peshawar.

35/6/2006

Physician
Police/Services, Hospital,
Peshawar

[Signature]
ADVOCATE
SUPREME COURT

**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936
E-mail desekpk@yahoo.com



NOTIFICATION

Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, appointment of the candidate is hereby ordered against the post of ADEO/ASDEO(Female) BPS-16 (Rs.12910-1035-34960) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Management Cadre on the terms and condition given below with immediate effect and further their services are placed at the disposal of DEO(F) concerned for further posting against vacant ADEO/ASDEO(F) posts.

S. #	Name	Father Name	Domicile	Zone	Permanent address	Remarks
1	Mst. Naccema Shaheen	Rasool Khan	Mohmand Agency	I	Mohallah Madina Colony Guli Bagh Mardan	Service is placed at the disposal of DEO(F) Mardan for further posting against vacant ADEO/ASDEO posts.

TERMS AND CONDITIONS:-

- Her service will be considered regular under the Khyber Pakhtunkhwa Civil Servant Amendment Act, 2013 and Finance Department Circular No SOSR-III/FD/12-1/2005 dated 27-02-2013.
- Her service is liable to termination on one months notice from either side. In case of resignation without notice her one month pay/allowances shall be forfeited to the Government.
- She should join the post within 30 days of the issuance of this notification. In case of failure to join her post within one month of the issuance of this notification, her appointment will expire automatically and no subsequent appeal etc shall be entertained.
- She should be on probation for a period of one year extendable for another one year.
- She will be governed by such rules and regulations as may be issued from time to time by the Govt.
- Her service can be terminated at any time, in case her performance is found unsatisfactory during probationary period. In case of misconduct, she shall be proceeded under the rules framed from time to time.
- Charge report should be submitted to all concerned.
- The DEO (F) concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after one month of the issue of his posting orders.
- The DEO(F) concerned will verify her documents before release of pay.
- Her seniority will be maintained as determined by the Khyber Pakhtunkhwa Public Service Commission.
- No TA/DA etc will be allowed to the appointee for joining her duty.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst.No. 171-75 A-17/ADEO(F) 2015-16/Public Service Commission Dated Peshawar the 12/7/2016

Copy of the above is forwarded to the:-

- District Education Officer(Female) Mardan
- District Account Officer, Mardan
- Sub Divisional Education Officer(F) Mardan
- Mistress concerned
- PA to Director (E&SE) Local Office.
- Master file.

Nour/16/*

ADVOCATE
SUPREME COURT

Deputy Director Establishment(F)
(E&SE) Khyber Pakhtunkhwa,

ADVOCATE
SUPREME COURT

(14) (10)

(17)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

NOTIFICATION/ADJUSTMENT

Consequent upon the Services placed on the disposal of the under signed vide Director of Elementary & Secondary Education Khyber Pakhtun Khwa Peshawar Notification Issued under Endst No.171-75/ A-17 ADEO(F) 2015-16/Public Service Commission dated Peshawar the 12-07.2016 Mst: Naeema Shaheen D/O Rasool Khan ADEO/ASDEO is hereby adjusted at Circle Gujrat District Mardan, from the date of taking over charge in the interest of Public service.

Terms and condition:

- 1 Their service will be considered regular under the Khyber Pakhtun Khwa civil servant amendment Acts,2013 and Finance Department Circular No. SOSR-III/FD/12-1/2005 dated 27-02-2013.
- 2 Her services is liable to termination on one months notice from either side. In case of resignation without notice her one month pay/allowances shall be forfeited to the Govt.:
- 3 She should join the post within 30 days of the issuance of this notification. In case of failure to join her post within one month of issuance of this notification, her appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 4 She should be on probation for a period of one year extendable for another one year.
- 5 She will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 6 Her service can be terminated at any time, in case her performance is found unsatisfactory during probationary period.
- 7 . In case of misconduct, She shall be proceeded under the rules framed from time to time.
- 8 Charge report should be submitted to all concerned.
- 9 The DDO concerned will verify her documents before release of pay.
- 10 The Seniority will maintained as determined by the Khyber Pakhtun Khwa public Service Commission.
- 11 No.TA/DA etc is allowed.

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER
(FEMALE)MARDAN.

Endst;No. 5968-71 / Personal File, Naeema Shaheen Dated Mardan the 16/7 /2016

Copy forwarded for information and necessary action to the:-

- 1 Director (E&SE)Khyber Pakhtun khwa Peshawa,w/r to No. cited above.
- 2 District Accounts office Mardan.
- 3 SDEO(F) Mardan.
- 4 Official concerned.

S. Mans
DISTRICT EDUCATION OFFICER
(FEMALE)MARDAN

Ms. Jalal
Do the need full.
15/7/16

Alluie
Amjad Ali
ADVOCATE
SUPREME COURT

Abdul
Qureshi

NOTIFICATION

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1. WHEREAS, One Mst. Naeema Shaheen D/O Rasool Khan domiciled Mohamad Agency resident of Mohallah Madina Colony Gull Bagh Mardan who was adjusted as ASDEO (Female) in District Mardan Notification vide No.171-75/ADEO(F)2015-16/Public Service Commission dated 02/02/2017 upon the production of fake & bogus recommendation letter of the Khyber Pakhtunkhwa Public Service Commission.
 2. AND WHEREAS, the competent authority had directed the above said accused ASDEO to produce authentic/verified service record from the concerned authorities but she failed to comply with the legitimate directions of high-up's regarding production of requisite authentic documents.
 3. AND WHEREAS, THE Asstt. Director II Khyber Pakhtunkhwa Public Service Commission verified/confirmed that Mst. Naeema Shaheen D/O Rasool Khan has neither applied for the post of ADEO (Management Cadre) nor recommended by the Public Service Commission as ADEO vide Letter No. PSC-/IX 005638-39 Dated 18-03-2019
 4. AND WHEREAS, it has come into the notice of the competent authority that Mst. Naeema Shaheen D/O Rasool Khan having no legal status of the said appointment order as well as the recommendation letter of Public Service Commission which has been proved fake & bogus vide Public Service Commission Khyber Pakhtunkhwa Peshawar letter NO.PSC-/IX 003780 dated 20/02/2019.
 5. NOW THEREFORE, under the mandatory provisions and power conferred under the section 20 & 21 of General Clauses Act 1897 as amended in 1956 and in pursuance of the scrutiny of selection/appointment record in respect of above mentioned ADEO/ASDEO which was found fake/bogus, their appointment /adjustment Notification No. 171-75 dated 12-07-2016 is hereby Withdrawn and declared as null & void ab initio with the direction to the District Education Officer concerned to recover salaries and other allied benefits drawn by Mst. Naeema Shaheen D/O Rasool Khan and to register FIR against the fake/bogus ASDEO in the Interest of Public Service.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

440/10
Endst: No. _____ /F.No.A-17/ASDEOs/Naeema Shaheen Dated Peshawar the 29/5/2019.

Copy forwarded with the request to take legal action and recover the outstanding

amount from the accused to the :-

1. Accountant General, Khyber Pakhtunkhwa Peshawar with the request to direct the DAOs concerned for appropriate action.
2. Director Anti Corruption, Hayat Abad Khyber Pakhtunkhwa Peshawar.
3. Assistant Director Anti Corruption, District Nowshera.
4. District Education Officer (Female) concerned.
5. District Accounts officer concerned with the request to cooperate in the matter.
6. Section Officer (S/F) E&SED, Khyber Pakhtunkhwa.
7. P.S to secretary E&SED, Khyber Pakhtunkhwa.
8. P.A to Director E&SED, Khyber Pakhtunkhwa

ADVOCATE
SUPREME COURT

Deputy Director (F/Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN.

Endst: No. 5840/G /P/ File. Naeema Shaheen ASDEO(F) Dated 31/05/2019.

Copy for information & necessary action to the:-

1. Director, E&SE Khyber Pakhtunkhwa Peshawar w/r to above.
2. Director, Anti Corruption for lodging the FIR against the above Fake/Bogus ASDEO (Female) Mardan.
3. District Accounts Officer Mardan.
4. P/S to Secretary to Govt: of E&SE Deptt: Peshawar.
5. Sub:Divisional Education Officer (Female) Mardan for taking further action as directed by the competent authority, and submit necessary action in written to this office for onward submission.

DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN

ADVOCATE
SUPREME COURT



OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICE (FEMALE) MARDAN

No 107-10 Dated:- 31 / 5 / 2019

AV (15) (22)

To
The Mst. Naeema Shaheen
Ex- ASDEO Circle Sharqi Hoti
Mardan.

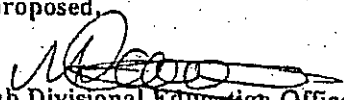
Subject:- RECOVERY.

Memo,

Reference District Education Officer (Female) Mardan Endst No.5840/G/P/File. Naeema Shaheen ASDEO(F) Dated:-31/05/2019.

Your appointment being found fake and as such your service discovered by the competent authority and further directed to recover all salaries TA/Con; Allowance etc, received during the entire period of your fake service.


You are therefore directed to attend this office along with all details of monitory benefits received from department within 03 days, to work out total recovery and its back deposit into Govt Treasury failing which legal action by Admn: Department will be proposed.

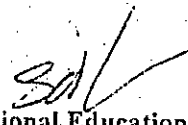

Sub Divisional Education Officer
(Female) Mardan.

Endst No _____ Dated: _____ / _____ /2019.


Copy for information to the:-

1. P.A.Director (E&SE) Khyber Pakhtunkhwa Peshawar w/r/ to above.
2. District Education Officer (Female) Mardan.
3. Budget & Account local Office for similar necessary action please.


ADVOCATE
SUPREME COURT


Sub Divisional Education Officer
(Female) Mardan




ADVOCATE
SUPREME COURT



OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICE (FEMALE) MARDAN

No 107-10 Dated:- 31 / 5 / 2019

(Handwritten initials and marks)

To
The Mst. Naeema Shaheen
Ex- ASDEO Circle Sharqi Hoti
Mardan.

Subject:- RECOVERY.

Memo,

Reference District Education Officer (Female) Mardan Endst No.5840/G/P/File. Naeema Shaheen ASDEO(F) Dated:-31/05/2019.

Your appointment being found fake and as such your service discovered by the competent authority and further directed to recover all salaries TA/Con; Allowance etc, received during the entire period of your fake service.

You are therefore directed to attend this office along with all details of monitory benefits received from department within 03 days, to work out total recovery and its back deposit into Govt: Treasury failing which legal action by Admn: Department will be proposed.

(Signature)
Sub Divisional Education Officer
(Female) Mardan.

Endst No _____ Dated: _____ / _____ /2019.

Copy for information to the:-

- 1. P.A.Director (E&SE) Khyber Pakhtunkhwa Peshawar w/r/ to above.
- 2. District Education Officer (Female) Mardan.
- 3. Budget & Account local Office for similar necessary action please.

(Signature)
ADVOCATE
SUPREME COURT

(Signature)
Sub Divisional Education Officer
(Female) Mardan

(Handwritten signature)

(Signature)
ADVOCATE
SUPREME COURT

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OFFICE OF THE PRINCIPAL GOVT. SHAHEED SYED AFAQ AHMAD HIGH SCHOOL NO.3
PESHAWAR CANTT

No. 1165
Date 17/01/2023

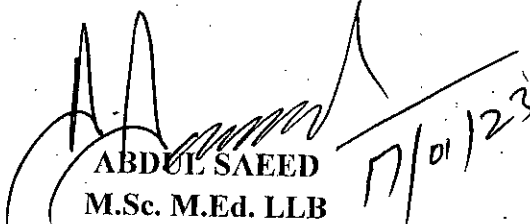
To

The Director
Elementary & Secondary Education Department
Govt. of Khyber Pakhtunkhwa.


Subject: **ENQUIRY REPORT IN THE SERVICE 1403/2019 TITLED MST.**
NAEEMA SHAHEEN VS GOVT. OF KHYBER PAKHTUNKHWA.

Memo Reference Directorate E&SED Notification No. 386-90/F.No. Sano; 1403/2019
Naeema Shaheen/ Litigation-II. Dated 18-08/2022.

The inquiry report consisting of 22 pages with clear cut recommendations
is submitted for further necessary action please.


ABDUL SAEED
M.Sc. M.Ed. LLB
Chairman Inquiry Committee
Principal (BS-19)
Govt Shaheed Syed Afaq Ahmad
High School No.3 Peshawar Cantt



(18) 

OFFICE OF THE PRINCIPAL
GOVT SHAHEED SYED AFAQ AHMAD HIGH SCHOOL NO.3 PESHAWAR CANTT

INQUIRY IN THE SERVICE APPEAL NO. 1403/2019 DT 27-06-2022, TITLED MST. NAEEMA SHAHEEN VERSUS GOVT OF KHYBER PAKHTUNKHWA PESHAWAR.

INTRODUCTION

Consequent upon judgment of the Honorable Service Tribunal rendered in the Service Appeal No.1403/2019 dt 27-06-2022, titled Mst. Naeema Shaheen versus Govt of Khyber Pakhtunkhwa. The following committee has been constituted to conduct regular inquiry in such case.

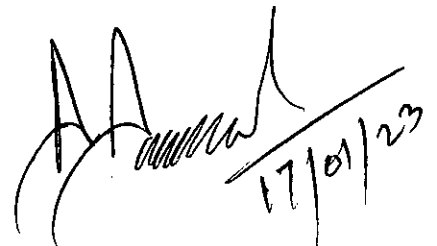
1. Mr. Abdul Saeed, Principal, Govt Shaheed Syed Afaq Ahmad High School No.3 Peshawar Cantt (Chairman).
2. Mr. Liaqat Ali Khan, District Education Officer (Male) Khurram (Member).

BRIEF HISTORY OF THE CASE

Mst. Naeema Shaheen D/O Rasool Khan R/O Mohalla Madina Colony Guli Bagh, Tehsil & District Mardan filled a writ petition No.3364-P/2019, in the Honorable Peshawar High Court Peshawar, which was converted into Departmental service appeal against Govt. of Khyber Pakhtunkhwa through Elementary & Secondary Education Civil Secretariat Peshawar and submitted that she was appointed as PST in District Mardan on 18-01-2012. Furthermore after proper competition and recommendation, she was recommended by Public Service Commission for the post of ADEO (Female) BPS-16 vide Notification dt 12-07-2016 and on such recommendation of Public Service Commission, the Deputy Director Establishment (F) E&SED issued her appointment order vide Endst.No.171-75/ADEO (F) 2015-16 Public Service Commission as ADEO/ ASDEO (Female) BPS-16. After about three years of service, her appointment order was withdrawn by Director Elementary & Secondary Education Department vide Endst.No. 440-46/F.No A-17 ASDEO's/Naeema Shaheen dt 29-05-2019 and ordered the District Education Officer Mardan to recover the salaries and to register FIR against the Fake/bogus ASDEO in the interest of public service where as her appeal for re-instatement was dismissed by the Secretary E&SED vide Notification No.SO(P/E/5-19 Re-instatement Mst.Naeema Shaheen, Ex-ASDEO).

Mst. Naeema Shaheen D/O Rasool Khan filled a writ petition No.3364-p/2019 against the order of Director E&SED in the Honorable Peshawar High Court which was converted into departmental appeal. During court proceedings on 27-02-2022, the Honorable Service Tribunal Khyber Pakhtunkhwa passed an order by setting aside, the impugned order and the applicant is reinstated in service for the purpose of inquiry and the matter is

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submitted to the competent authority to conduct inquiry within a period of 60 days and directed the applicant to be associated with the inquiry by providing fair opportunity of defending herself. As compliance the worthy Director Elementary & Secondary Education Department initiated such inquiry proceedings as ordered by Honorable Service tribunal Peshawar.

PROCEEDINGS

The inquiry committee received such Notification of inquiry on 25-08-2022, the undersigned as chairman of the inquiry committee contacted Mst. Abida DEO (F) Mardan on telephone and briefed about the case, she was directed to complete and compile all her service record and inform Mst. Naeema Shaheen about such inquiry. DEO (F) Mardan was also informed about the reinstatement of Mst. Naeema Shaheen ASDEO (F) for the purpose of inquiry only. On 30-08-2022, some telephone calls were made on the Mobile No. 0342-8593013, given by Mst. Abida DEO (F) Mardan from record of the DEO (F) Office, but no reply was made from such Mobile Number. The undersigned sent SMS on her mobile number for information about the initiation of inquiry proceedings and demanded the mailing address of the Mst. Naeema Shaheen but no response, nor any reply was given from Mst. Naeema Shaheen Ex-ASDEO (F).. (Annexure A).

Mst. Naeema Shaheen Ex-ASDEO (F) Mardan was informed vide Endst.No.1101 dt 30-08-2022 about the constitution of inquiry committee as per judgment of the Honorable Khyber Pakhtunkhwa Service Tribunal dt 27-06-2022 in S.No. 1403/2019, and she was directed to appear before the inquiry committee on 06-09-2022 at 10:00 AM in the office of the Chairman Inquiry Committee/ Principal Govt Shaheed Syed Afaq Ahmad High School No.3 Peshawar Cantt and forwarded such letter via Registered Post No. RGL 94273773 dt 01-09-2022.. (Annexure B).

A copy of which is also forwarded to the Registrar Service Tribunal Khyber Pakhtunkhwa and DEO (F) Mardan for information.

But Mst. Naeema Shaheen did not appear before the inquiry committee on the said dates. Again on 08-09-2022, 2nd notice has been issued vide letter No. 1110 for appearance before the inquiry committee for 15-09-2022, which was properly served through Registered Post No. RAD0052373 on the mailing address available in the service appeal No. 1403/2019.. (Annexure C), but no compliance for appearance before the inquiry committee was made on the said date.

On 16-09-2022, the third notice was issued by the chairman inquiry committee vide Endst.No. 1115 and directed her to appear before the inquiry committee on 24-09-2022 along with all the supportive documents and which were properly served through Registered post No. RAD00520385 dt 16-09-2022.. (Annexure D). This time the copy of such letter is also served through Registered post No. RAD00520386 for information to Registrar Peshawar Service Tribunal Khyber Pakhtunkhwa.. (Annexure E), but no response nor any appearance was made by Mst. Naeema Shaheen Ex-ASDEO (F) on such date.

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On 27-09-2022 vide letter No.1119 Mst. Naeema Shaheen, Ex-ASDEO was informed to be guilty for hampering the inquiry proceedings as ordered by Service Tribunal Khyber Pakhtunkhwa Peshawar. She was directed to appear before the inquiry committee on 04-10-2022 as per Judgment of Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar dt 27-08-2022 otherwise as per rule (5) of sub rule (2), action shall be taken for hampering the inquiry proceedings and sent it via registered post no. RAD00052039.. (Annexure F). A copy of such letter is also forwarded to the Registrar Service Tribunal Khyber Pakhtunkhwa for information vide Endst.No. 1119-3 dt 27-09-2022 through Registered Post No. RGL 94475463.. (Annexure G).

Again no one appeared before the inquiry committee on said date.

CORRESPONDENCE WITH THE KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

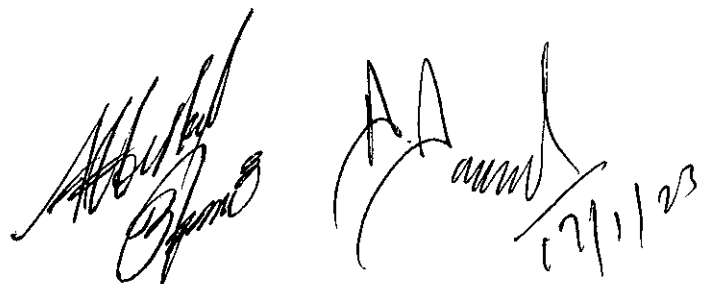
After a discouraging response and biased attitude from Mst. Naeema Shaheen, Ex-ASDEO (F), the committee decided to find out the facts regarding such appointment from Public Service Commission Khyber Pakhtunkhwa Peshawar. In this regard vide letter No. 1133 dt 13-10-2022, the Chairman Public Service Commission Khyber Pakhtunkhwa was requested to provide a list of all the successful recommendees, who were recommended for appointment in Elementary & Secondary Education Department as ADEO (F) under Advertisement No. 02-2015 at S.No.26, and specially about the petitioner Mst. Naeema Shaheen that whether she applied for the post of ADEO (F), under such advertisement and if applied then what was the result of screening test plus the marks obtained in the interview process (if any).. (Annexure H).

As reply the Public Service Commission vide letter No. PSC/SR-111/042458 dt 15-11-2022 informed the chairman inquiry committee that as per record of the office the petitioner Mst. Naeema Shaheen D/O Rasool Khan did not apply against 15 posts of female ASDEO (BPS-16) in Elementary & Secondary Education Department advertised vide Advt No. 02-2015 S.No.26?.. (Annexure I)

For the benefit of Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar and tracing any other bogus and fake recommendation under advt.No.02/2015, the inquiry committee demanded the full list of recommendees under such advertisement vide letter No. 1151 dt 15-11-2022.. (Annexure J).

The recommendation record and reply of the Public Service Commission clears up the picture and states that in response of our advertisement 320 candidates have applied for such posts, an ability test was conducted on 02-09-2015 and 228 candidates qualified the test on 03-11-2015 as follows;

No.of Post (s)	Total No. of appl. Received	No. of candidates qualified ability test	Rejected	Called for interview	Absent	Failed	Qualified
15	320	228	206	22	--	15	07

Handwritten signatures and dates at the bottom of the page, including a date of 17/11/23.

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Interview was conducted from 8th to 18th December 2015 and as a result the following only seven candidates have qualified the interview as under (Annexure K,K1);

Merit Order	Total Marks	Interview Marks	Date of Birth	Name with Father's Name	Domicile/Zone	Page
1	61	39	15.03.86	Sarwat Samander D/O Samander Khan	Moh: Agy:/1	23
2	58	36	20.02.86	Rizwana Gul D/O Muhammad Qasim Khan	F.R. Lakki/1	44
3	52	31	15.02.86	Rubina Marwat D/O Najeebullah	N.W.Agy:/1	34
4	50	32	06.05.87	Saima Begum D/O Isa Khan	Moh: Agy:/1	30
5	50	32	10.03.88	Shakla Naz D/O Taj Omer	Moh: Agy:/1	35
6	50	30	20.04.87	Naseem Bibi D/O Amin Gul	S.W.Agy:/1	40
7	47	32	20.02.81	Bibi Sajida D/O Syed Muhammad Ibrahim	Orakzai Agy:1	22

DRAWL DETAIL OF MST. NAEEMA SHAHEEN EX-ASDEO (F)

As per letter No. 1451/PE Naeema Shaheen Ex-ASDEO dt 07-12/2022 from Sub Divisional Education Officer Female (Mardan) the detail of pay drawl in respect of Mst. Naeema Shaheen Ex-ASDEO Mardan w.e.f 01-08-2016 to 31-05-2016 is Rs. 1,004,678/- (One Million, Four Thousand Six Hundred & Seventy Eight Only.. (Annexure L).

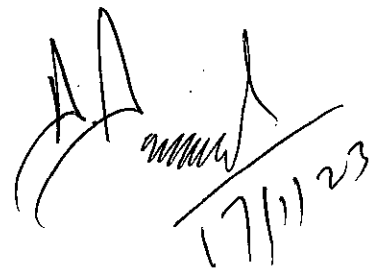
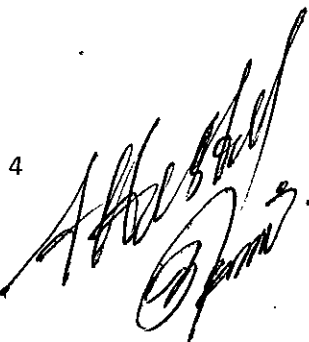
FAKE DOCUMENTS DETAIL OF MST. NAEEMA SHAHEEN EX-ASDEO (F)

The record reflects certain very sensitive fake documents including the verification of appointment from Directorate of Elementary & Secondary Education Department, pay release notification, appointment notification etc, which needs rectification and a very immediate action against the wrong doers.. (Annexure M,N,O).


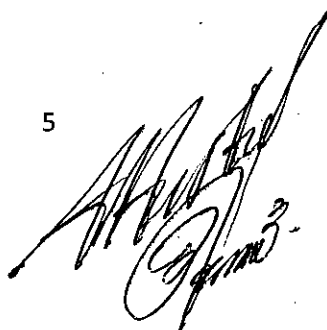
VITAL POINTS

1. Despite of so many calls and SMS's on the Mobile No. 0342-8593013, no response was given by Mst. Naeema Shaheen (Annexure A).
2. No compliance was made on 1st appearance date i.e. 06-09-2022, vide letter No. 1101 dt 30-08-2022 and Registered Post No. RGL94273773 (Annexure B).

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3. No compliance was made on 2nd notice for appearance on 15-09-2022 vide letter No. 1110, which was properly served through Registered Post No. RAD00052373 dt 08-09-2022 (Annexure C).
4. Not attended any inquiry proceeding on 24-09-2022 despite of the third notice No. 1115 dt 16-09-2022 which was properly served through Registered Post. No. RAD000520386 (Annexure D).
5. A notice under rule (5) of sub rule (2) was issued on 27-09-2022 to Mst. Naeema Shaheen for pampering the inquiry proceedings and directed to appear before the inquiry committee in the office of chairman inquiry committee at Govt. Shaheed Syed Afaq Ahmad High School No.3 Peshawar Cantt on 04-10-2022.
6. Again on 04-10-2022, no appearance was made from any one regarding inquiry proceedings against Mst. Naeema Shaheen, Ex-ASDEO (F), while notice No.1119 dt 27-09-2022 was issued for such appearance and sanded it on Registered Post No.RAD00520397 (Annexure F).
7. The Khyber Pakhtunkhwa Public Service Commission vide letter No. PSC/SR-111/042458 dt 15-11-2022 informed the inquiry committee that the petitioner in the case No. 1403/2019 has not applied against fifteen (15) posts of female ASDEO (BPS-16) in E&SED as advertised under Adv.No. 02/2015 S.N.26 (Annexure H).
8. For the betterment and tracing any other discrepancies in E&SED, the complete recommendees list was taken from the Khyber Pakhtunkhwa Public Service Commission which reflects only seven recommendation under such advertismet (Annexure K,K1).
9. The detail of pay drawl in respect of Mst.s Naeema Shaheen Ex-ASDEO (F) Mardan w.e.f 01-08-2016 to 31-05-2016 is Rs. 1,004,678 (One Million Four Thousand Six Hundred and Seventy Eight Only) as per letter No.146/PE Naeema Shaheen Ex-ASDEO (Annexure L).
10. There were so many other fake documents available on record including the verification of appointment Notification from Directorate of Elementary & Secondary Education Department, pay release order of Mst. Naeema Shaheen and appointment order etc (Annexure M,N,O).




11. Such fake, bogus and fraudulent appointment is not the competence of a person or two, it must involve some very high officials in Elementary & Secondary Education Department, which needs to be disclosed and brought up before law.
12. Mr. Rafiq Khattak, was the Director E&SED in 2016, when such blunders occurred.
13. The Registrar Service Tribunal Khyber Pakhtunkhwa was updated throughout the inquiry proceedings for non-appearance of the petitioner Mst. Naeema Shaheen Ex-ASDEO before the inquiry committee, despite of so many notices vide letter No.1115 dt 16-09-2022 and letter No. 1119 dt 27-09-2022 (Annexure E,G).

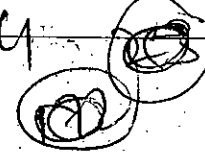
RECOMMENDATIONS

1. The appointment of Mst. Naeema Shaheen Ex-ASDEO (F) is declared as null and void.
2. Criminal proceedings may be initiated against Mst. Naeema Shaheen Ex-ASDEO as per law.
3. Recovery of pay withdrawal of Rs. 1,004,678, along with all other benefits enjoyed in her service may be fully recovered from Mst. Naeema Shaheen and submitted in the Govt. Exchequer.
4. Strict action shall be taken against all the officials involved in such fraud.
5. A high level inquiry comprising of the efficient and honest officers, like Mr. Shareef Gul, Principal, Mr. Fazal-i-Subhan Principal, Mr. Shabir Ahmad, Principal, Mr Younas Khan Principal etc shall be constituted, to conduct inquiry and scrutinize all the recommendations from Khyber Pakhtunkhwa Public Service Commission with the appointment orders issued under the relevant Advertisement since 2011 including SST's, ADO's, ASDEO's HM's and others.


Mr. Liaqat Ali Khan (BS-19)
DEO (M) Khurram/ Member
DEO (Male) Khurram


ABDUL SAEED (BS-19)
Chairman Inquiry Committee/ Principal
Govt Shaheed Syed Afaq Ahmad
High School No.3 Peshawar Cantt

24



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 1403/2019

Date of Institution ... 07.10.2019

Date of Decision ... 27.06.2022



Mst. Naeema Shaheen D/O Rasool Khan. R/O Mohallah Madina Colony, Guli Bagh, Tehsil & District, Mardan. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar and four others. ... (Respondents)

MR. AMJID ALI,
Advocate

--- For appellant.

MR. NASEER-UD-DIN SHAH,
Assistant Advocate General


--- For respondents.

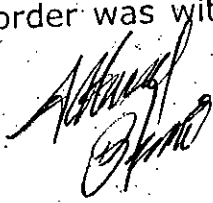
MR. SALAH-UD-DIN
MS. ROZINA REHMAN

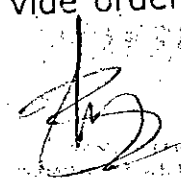
--- MEMBER (JUDICIAL)
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Shortly stated the facts as alleged by the appellant in her appeal are that after participation in competitive examination, the appellant was appointed as ASDEO (F) (BPS-16) vide Notification dated 12.07.2016, upon recommendations of Khyber Pakhtunkhwa Public Service Commission; that the appointment order of the appellant was verified vide order dated 28.11.2016 issued by Deputy Director Establishment (F) Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar and her pay was released vide order dated 15.12.2016 passed by District Education Officer (F) Mardan; that the appellant was properly performing her duty, however her appointment order was withdrawn vide order dated







29.05.2019 passed by Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar and recovery of salary was also ordered vide order dated 31.05.2019; that both the aforementioned orders being wrong and illegal are liable to be set-aside; that the appellant filed departmental appeal, which was not responded within the statutory period, hence the instant service appeal.

2. Respondents contested the appeal by way of submitting para-wise comments, wherein they controverted the stance taken by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the appellant was properly appointed as ASDEO (F) upon recommendations of Khyber Pakhtunkhwa Public Service Commission; that after performing of her duty with zeal and zest for about three years, the appointment order of the appellant was wrongly and illegally withdrawn vide impugned order dated 29.05.2019; that no regular inquiry was conducted in the matter and appointment order of the appellant was withdrawn without any legal justification; that no opportunity of self defense or personal hearing was provided to the appellant and she has been treated with discrimination; that the appointment order of the appellant was verified from the concerned quarter, therefore, the impugned order of recovery of salaries from the appellant is also wrong and illegal. Reliance was placed on 2011 PLC (C.S) 1296 and judgment of this Tribunal dated 19.01.2022 passed in Service Appeal No. 826/2019 titled "Mst. Sadia Bibi Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar".

4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant had not at all appeared in the competitive examination for the post of ASDEO (F), which fact has been affirmed through letter dated 20.02.2019, issued by Assistant Director (III) Khyber Pakhtunkhwa Public Service Commission; that a thorough inquiry was conducted in the matter and it was found that the appellant had procured her appointment through bogus

means, therefore, the competent Authority has rightly withdrawn the appointment order of the appellant by declaring the same as void ab-initio being fake and bogus; that the appellant had procured her appointment through fake and bogus recommendation letter of Khyber Pakhtunkhwa Public Service Commission; therefore, the competent Authority was justified in issuing order for recovery of the salaries paid to the appellant.

5. We have heard the arguments of learned counsel for the appellant as well as learned Assistant Advocate General for the respondents and have perused the record.

6. A perusal of the record would show that vide Notification dated 12.07.2016, the appellant was appointed as ASDEO (F) upon recommendations of Khyber Pakhtunkhwa Public Service Commission. Vide impugned order dated 29.05.2019 passed by Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, the order of appointment of the appellant was withdrawn on the ground that the same was procured by the appellant through production of fake and bogus recommendation letter of the Khyber Pakhtunkhwa Public Service Commission. On bare perusal of the impugned order dated 29.05.2019, it is evident that no regular inquiry was conducted in the matter and the appellant was thus condemned unheard. The appellant has served for about three years, therefore, competent Authority was required to have conducted a proper inquiry into the matter prior to passing of the impugned order dated 29.05.2019, whereby the appointment order of the appellant has been withdrawn. The appellant has not been provided fair opportunity to defend herself. The impugned order is, therefore, not sustainable in the eye of law and is liable to be set-aside.

7. Consequently, the appeal in hand is allowed by setting-aside the impugned order. The appellant is reinstated in service for the purpose of inquiry and the matter is remitted to the competent Authority to conduct regular inquiry within a period of 60 days of receipt of copy of this judgment. The appellant shall be associated with the inquiry by providing her fair

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opportunity of defending herself. In view of peculiar nature of controversy in question, the issue of salary as well as back benefits shall be subject to outcome of the inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
27.06.2022

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

(ROZINA REHMAN)
MEMBER (JUDICIAL)

Date of Birth: 13/7/22

Number of years: 22/00

Education: 22/r

Age: 22/r

Specialized: -

Expiry of contract: 12/8/22

Date of Discharge of Office: 12/8/22



DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION

Consequent upon judgment of the Hon'ble Service Tribunal rendered in Service Appeal No. 1403/2019 dated: 27-06-2022 titled Mst Naeema Shaheen versus Govt of Khyber Pakhtunkhwa and approval of the Competent Authority, The following inquiry committee is hereby constituted to conduct regular inquiry in the above service appeal (copies enclosed).

- ✓ 1 Mr. Abdul Saeed, Principal, Govt Shaheed Syed Afaq Ahmad High School No.03 Peshawar Cantt (Chairman).
- ✓ 2 Mr. Liaqat Ali Khan, District Education Officer (Male) Kurram (Member).

The inquiry officers should inquire the matter and submit detail report along with clear cut recommendations within 30 days positively.

Note: The appellant, i.e., Mst Naeema Shaheen is hereby reinstated into service for the purpose of said inquiry.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst.No 326-90 / F.No. Sano; 1403/19 Naeema Shaheen/Litigation-II.

Dated Peshawar the 18/8/2022

Copy of the above is forwarded to the:-

1. Registrar, Service Tribunal Peshawar Khyber Pakhtunkhwa.
2. Mr. Abdul Saeed, Principal, Govt Shaheed Syed Afaq Ahmad High School No.03 Peshawar Cantt.
3. Mr. Liaqat Ali Khan, District Education Officer (Male) Kurram.
4. District Education Officer (Female) Mardan.
5. PA to Director (E&SE) Local Office.
6. Master file.

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

18/8/2022

[Handwritten signature]



DIRECTORATE ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.

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AUTHORITY LETTER

I, Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar do hereby authorize Mr. M. Tufail Assistant (Litigation) of this Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar to attend the Khyber Pakhtunkhwa Service Tribunal in connection with filing of para wise comments in Service Appeal No. 1457/2023 Titled Naeema Shaheen VS Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department.

Dated 29/8 /2023

M. Tufail
Director

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.