



BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No: 299/2023

Mujahid Khan

V/S

Director E&SE, Peshawar & Others

INDEX

S.No	Description of Documents	Annexure	Page No.
1.	Para Wise Comments		01-02
2.	Affidavit		03
	Authority Letter		04
	Copy of Appointment Order		05
	Copy of Charge Report		06
	Copy of SDEO Letter		07
	Copy of AG Office Letter dated 2511/2022		08
	Copy of Secretary E&SE Office Letter dated 16/12/2022		09
	Copy of Inquiry Report		10
	Copy of Pay Stoppage Order		11

Dated: _____

RESPONDENTS

Through

Authorized Representative

26-10-23

Peshawar,

①

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

Service appeal NO. 299/2023

Khyber Pakhtunkhwa
Service Tribunal

Mujahid Khan VS Director E&SE, Peshawar & others

Case No. 8007
Date: 2/10/23

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 1 & 2.

RESPECTFULLY SHEWETH.

Respondent humbly submits as under.

Preliminary objections:

- 1) That pay of the appellant has been stopped to secure overpayment due to certain objections raised by the office of the Sub Divisional Education Officer (Female) Nowshera and than by Accountant General Office regarding the appointment of the appellant.
- 2) That no departmental appeal has been filed by the appellant.
- 3) That the appellant has no cause of action/locus standi to file the instant Service Appeal.
- 4) That the appellant is concealing material facts from this Honorable court.
- 5) That the present appeal is bad for mis-joinder and non-joinder of necessary parties.
- 6) That the appellant is estopped by his own conduct to file the instant appeal.
- 7) That the instant appeal is not maintainable in its present form
- 8) That the present appeal is badly Time barred.

ON FACTS:

- 1) Para -01 is correct with the explanation that certain objections were raised by Office of the Sub Divisional Education Officer (Female), Pabbi Nowshera regarding the appointment of the appellant along with other teachers and in this regard SDEO Pabbi requested Senior District Account Officer Nowshera to stop the pay of the appellant vide letter No.1730 dated 13/5/2022, later on similar objections were also raised by Accountant General Office regarding the appointment of the appellant and in this regard a request for enquiry was sent to the worthy Secretary E&SE vide letter No. Admn-I-35(164)/DAO Nowshera/2022/1201 dated 25-11-2022, which was forwarded to Director E&SE vide No. SO(IQ)E&SE/1-1/2022/DEO(M/F) Nowshera Dated 16/12/2022 to ascertain the true and actual position of the appellant the worthy Director E&SE has initiated an enquiry under endst; 5497-99 dated 06-01-2023 which is still pending,

so for that purpose to secure any wrong and overpayment to the appellant his pay has been stopped.

(Copies of appointment order, charge report, SDEO letter dated 13-05-2022, AG office Objections dated 25-11-2022, Secretary letter dated 16-12-2022 and enquiry notification are annexed as A, B,C,D,E,&F respectively)

- 2) Para -02 is correct.
- 3) Correct, however the same order has been withdrawn and the pay of the appellant is stopped upon receiving objections from AG Office to secure any over payment to the appellant.

(Copy of pay stoppage order is annexed as annexure G)

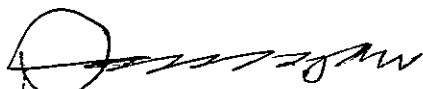
- 4) Para-04 is incorrect as explained above.
- 5) Para-05 is correct with the explanation mentioned in Para 1 and 3.
- 6) Para 6 is incorrect no departmental appeal has been filed.

ON GROUNDS:

- A) Ground -A is incorrect; respondents are just treating the appellant according law, rules and policy. The pay of the appellant has been stopped to secure wrong and overpayment due to certain objections raised by the Sub Divisional Education Officer (Female),Pabbi, Nowshera and then by Accountant General Office regarding the appointment of the appellant.
- B) Ground -B is incorrect as explained above.
- C) Ground -C is incorrect, as explained above.
- D) Ground -D is correct as appellant will be treated according to law, rules and policy.
- E) Respondents may also be permitted to raise other grounds in arguments.

It is therefore most humbly prayed that the instant appeal being meritless, vexatious, and erroneous may kindly be dismissed.

RESPONDENTS:



1) Director E&SE, KPK

Respondents No.1



2) DEO (F), Nowshera

Respondents No.2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

3

Service appeal NO. 299/2023

Mujahid Khan VS Director E&SE, Peshawar & others

AFFIDAVITE

I, Sajida Bano (HM BPS-17) Litigation Officer, Office Of The District Education Officer (F) Nowshera, do solemnly affirm and declare on oath that the contents of Par wise comments on behalf of respondents are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

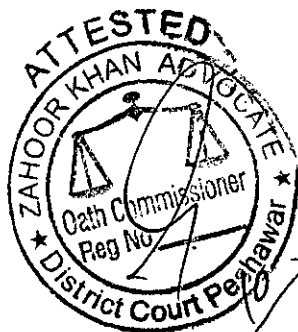
Identified by



Deponent

Advocate General
Khyber Pakhtunkhwa
Peshawar

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.



02/10/23

Service Appeal No. 299 /2023

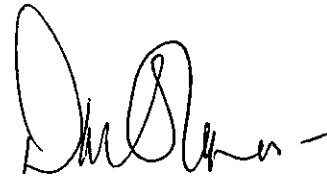
Mujahid Khan Petitioner

VERSUS

Director Elementary & Secondary Education & Others ...Respondents

Authority Letter

I, Durre Shawar District Education Officer (F), Nowshera do hereby authorise **Mst. Sajida Bano (HM, BPS-17)** in the above mentioned writ petition to represent the undersigned Before the Hon'ble Service Tribunal Khyber Pakhtunkhwa Peshawar



District Education Officer (F)

Nowshera

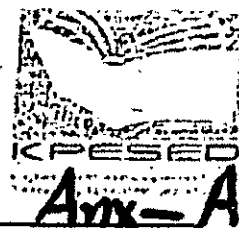


DISTRICT EDUCATION OFFICER

(FEMALE) NOWSHERA

0923-9220105 - 0923-9220105

dealumwshera@yahoo.com



(S) A

APPOINTMENT

Consequent upon the recommendation of the Departmental selection committee (DSC) Mr. Mujahid Khan S/o Muhammad Hayat is hereby appointed as Chowkidar at GGPS Khudrazi # 2 Against the vacant post BPS-3 (RS. 9610-390-21310) Plus usual Allowances as admissible under the rules on regular basis in the interest of public service with effect from the date of his/her taking over charge in school with the terms and condition noted below:

TERMS AND CONDITIONS:

1. No TA/DA etc. is allowed for joining their duty.
2. He/she will be governed by Khyber Pakhtunkhwa Civil Servant Act, 1973 and the rules made thereunder.
3. His service shall be considered regular and he will be eligible for pension /deduction of GP fund in terms of Khyber Pakhtunkhwa Civil Servant Act, 1973 as amended in 2013.
4. He will be on probation for initial period of one year extendable for further one year as per rules.
5. His service can be terminated at any time, in case of his performance is found unsatisfactory during probationary period. In case of misconduct, he will be proceeded under the rules framed from time to time.
6. His service is 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.
7. They should join his post within 15 days of the issuance of this Notification failing which his candidature shall expire automatically and no subsequent appeal eye. Shall be entertained.
8. The age limit of the above post is 18-40
9. Health & Age Certificate should be produced from the Medical Superintendent Concerned before taking over charge to the DDO concerned and the same date of birth shall be reckoned till retirement.
10. His pay will be released subject to verification of his documents/ testimonials (i.e Domicile CNIC etc.)
11. Charge assumption report should be submitted to all concerned.

(ABIDA PARVEEN)
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

Enst. No 4152-58 /Dated Nowshera the 10 /10/2020

Copy forwarded for information and necessary action to the:-

1. PS to the secretary to Govt. Of Khyber Pakhtunkhwa E& SE Department.
2. Director E&SE, Khyber Pakhtunkhwa Peshawar.
3. District Accounts officer Nowshera
4. Deputy District Education Officer (Female) Nowshera
5. Deputy Commissioner Nowshera.
6. Medical Superintendent District Head Quarter Hospital Nowshera.
7. All principles / Head mistresses of concerned School.
8. Sub Division Education Officer (Female), Nowshera Jehangira, Pabbi.
9. District Monitoring Officer Nowshera.
10. Superintendent Establishment section Local Office.
11. EMIS Local Office.
12. Accountant Local Office.
13. Officials Concerned.

Reval date
01/07/2021.

[Signature]
01/07/2021

[Signature]

DISTRICT EDUCATION OFFICER

5

DISTRICT EDUCATION OFFICER

(Female) Nowshera

0923-9220105 – 0923-9220105

deafnewshea@yahoo.com

APPOINTMENT:

Consequent upon the recommendation of the Departmental selection committee IDSC Mr. Mujahid Khan S/o Muhammad Hayat is here by appointed as Chowkidar at GGPS, Khudrazi # 2 against the vacant post BPS-3 (Rs. 9610-390-21310) plus usual allowances as admissible under the rules on regular basis in the interest of public service with effect from the date of his / her taking over charge in school with the terms and conditions noted below.

Terms & Conditions

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2. He/she will be governed by Khyber Pakhtunkhwa Civil Servant Act 1973 and the rules made thereunder.
3. His service shall be considered regular and he will be eligible for pension / deduction of GP fund in terms of Khyber Pakhtunkhwa Civil Servant Act 1973 as amended in 2013.
4. He will be on probation for initial period of one year extendable for further one year as per rules.
5. His service can be terminated at any time in case of his performance is found unsatisfactory during probationary period. In case of misconduct, he will be preceded under the rules framed from time to time.
6. His service liable to termination on one months notice from either side. In case of resignation without notice his one month pay/allowances shall be forfeited to the government.
7. They should join his post within 15 days of the issuance of this notification failing which his candidature shall expire automatically and no subsequent appeal eye. Shall be entertained.
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9. Health & age certificate should be produced from the medical superintendent concerned before taking over charge to the DDO concerned and the same date of birth shall reckoned till retirement.
10. His pay will be release subject to verification of his documents / testimonial (i.e domicile, CNIC etc).
11. Charge assumption report should be submitted in all concerned.

(ABIDA PARVEEN)

District Education Officer

(Female), Nowshera.

Endst No. 4153-58/Dated Nowshera the 10/10/2020.

Copy forwarded for information and necessary action to the:

1. PS to the Secretary to Govt. of Khyber Pakhtunkhwa E&SE Department.
2. Director, E&SE, Khyber Pakhtunkhwa.
3. District Accounts Officer, Nowshera.
4. Deputy District Education Officer (Female) Nowshera.
5. Deputy Commissioner, Nowshera.
6. Medical Superintendent, District Head Quarter Hospital, Nowshera.
7. All Principles / Head Mistresses of concerned School.
8. Sub Division Education Officer (Female), Nowshera, Jehangira, Pabbi.
9. District Monitoring Officer, Nowshera.
10. Superintendent Establishment Section Legal Office.
11. EMIS Local Office.
12. Accountant Local Office.
13. Officials Concerned.

[Handwritten signature]

چارچہ رپورٹ

6

B

میر (مجاہد خان) ولد محمد حیات احمد اہل بالا
گورنمنٹ گائڈڈ پرائمری سکول نمبر (2) - خدریزہ

حکومت چولہہ درار آرڈر نمبر 58-4153 پیو رخصت

11-10-2020 کو جاری سندھال سپریم کورٹ آف ایپل
فیصل فیضیہ -

چارچہ سندھ

چارچہ سندھ

مجاہد خان

نوزہ بیگم (PSHT)

Head Mistress
Govt. Girls primary School
Khudrize No 2

11-10-2020



OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (F)
PABBI NOWSHERA

Email: Sdeopabbi6261@gmail.com



CS CamScanner

No. 1731

Date: 13/5/2022

To

The District Education Officer (F)
Nowshera

Subject: **IRREGULARITY OF PAY DRAWL.**

Memo:

It is submitted for your kind information that the following PST teachers' / Class-IV pay punched/drawl by District Account Office Nowshera in account of NR6328 without prior permission/signature of the undersigned (DDO). There are no record of the concern teachers/Class-iv.

S.No	Name & Designation	Personal No	Remarks
1	Sumbal Riaz, PST	00995616	Appointed under Court Judgement
2	Maria, PST	00995572	-do-
3	Nayab Azmat, PST	00995575	-do-
4	Rukhsar Nazar Ali, PST	00995573	-do-
5	Kainat, PST	00995574	-do-
6	Nazish, PST	00995591	-do-
7	Mujahid, Class-IV	00995582	-do-

The above teachers / Class-IV details record are not submitted to the office of the undersigned.


1. Appointment Order.
2. Pay Release/Clearance Certificate.
3. Charge Report.
4. Medical Report.
5. Service Book.
6. Academic / professional Documents.
7. Court Judgement/ Disease Son's Quota etc.

It is, therefore, requested that the above-mentioned teachers' pay may please be stop for under departmental process.


Sub Divisional Education Officer
(Female) Pabbi NSR

Copy forwarded for information to the: -

1. PA to Secretary Education Khyber Pakhtunkhwa Peshawar.
2. Director E&SE Khyber Pakhtunkhwa Peshawar.
3. PA to Account General Khyber Pakhtunkhwa Peshawar.


Sub Divisional Education Officer
(Female) Pabbi NSR

CS Scanned with CamScanner



Office of the
Accountant General
Khyber Pakhtunkhwa, Fort Road, Peshawar
Ph # 091-9211250-3

No. Admn-1-35 (164)/DAO Nowshera/2022/1201

Dated 25.11.2022

To

The Secretary (E&SE) Department,
Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.

Subject: FAKE APPOINTMENT OF PRIMARY SCHOOL TEACHERS (PST) IN DISTRICT NOWSHERA.

The undersigned is directed to refer to the subject cited above and to state that during inspection of District Accounts Office Nowshera some illegal / fake appointment of PST and Class-IV cases have been detected besides doubtful/ illegal payments in salary of different employee of DEO (Male/Female)(extracts attach). You, being Principal Accounts Officer are responsible for assuring financial discipline, therefore, it is requested to inquire the matter at your end and proceed against the accused employee / officer of your organization involved in the scam. This office assures cooperation and assistance at all levels.

Encl: All necessary documents

ACCOUNTS OFFICER (ADMN)

SOCAME/MAJID
please direct District
EDGED to 30-11-22
inquire into the matter & submit report in 20 days please

SSA
h
30/11

Beno

30-11-22
ASGS
30/11

پشاور کی حکومت



GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

No. SO(IQ)E&SED/1-1/2022/DEO (M/F) Nowshera
Dated Peshawar the December 16, 2022

To

✓ The Director,
E&SE Khyber Pakhtunkhwa,
Peshawar.

13

E

SUBJECT: FAKE APPOINTMENT OF PRIMARY SCHOOL TEACHERS (PST) IN DISTRICT NOWSHERA.

I am directed to enclose herewith a copy of Accountant General, Khyber Pakhtunkhwa letter No. Admn-I-35(164)/DAO Nowshera/2022/1201, dated 25-11-2022 on the subject noted above which is self-explanatory for conducting inquiry into the matter and submission of report within 20 days positively.

Encl: as above:

(Signature)
(Bilal Khan)

Section Officer (Inquiries)

Endst: Even No. & Date:

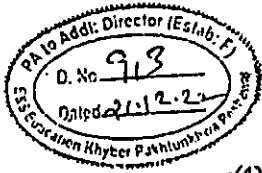
Copy of the above is forwarded to the:

1. Accounts Officer (Admn), O/o Accountant General, Khyber Pakhtunkhwa, Peshawar w/r to above quoted letter.
2. PS to Secretary, E&SE Department.
3. PA to Additional Secretary (Monitoring), E&SE Department.
4. PA to Deputy Secretary (Admn), E&SE Department.

(Signature)

Section Officer (Inquiries)

(Signature) Ben



466
21-12-22

ADDE(P)

20/12

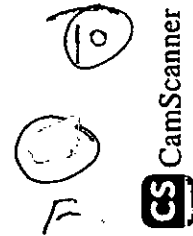
Zulhunnain DA
9/12

DDI

(Signature)



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.



NOTIFICATION:

In continuation of this office letter No. 2656-58 dated 15.9.2022, Mr. Abdul Malik B-19 Ex-DEO Male Charsadda now disposal of Directorate of E&SE KP Peshawar is hereby nominated as enquiry officer to probe into the matter as per attached appeal of Mst. Sumbal Riaz Ex-PST, GGPS Wapda Colony Nowshera, Nayab Azmat Ex-PST, Maria Ex-PST & Nazish Ex-PST, District Nowshera and others class IV.

The inquiry officer should submit detail inquiry report alongwith clear findings recommendations within 15 days positively to this Directorate for further necessary action please.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Indst.No. 5497-99 /F.No.22-2/appeal/Nowshera dated the Pesh: the 06-01 /2023

Copy forwarded to the:-

1. Section Officer (Inquiries) Govt of KPK E&SE Department w/t to his letter No. SO(IQ)E&SED/1-1/2022/DEO/M/F Nowshera dated 16.12.2022.
2. Mr. Abdul Malik B-19 Ex-DEO Male Charsadda now disposal of Directorate of E&SE KP Peshawar. **(Registered)**.
3. District Education Officer (F) Nowshera with the remarks to assist and provide the relevant record to the Inquiry Officer concerned.
4. PA to Director E&SE Peshawar.

Assistant Director (Female)
(E&SE) Khyber Pakhtunkhwa,
06/07/2023

Bog

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (F)
PABBI NOWSHERA

Email: Sdeopabbi6261@gmail.com



No. 1771

Date: 27/01/2022

To

The Manager
HBL, Aza Khel Bala Branch, Nowshera

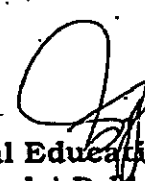
Subject: **STOP OF PAY UNDER DEPARTMENTAL PROCESS.**

Memo:

It is noticed to the undersigned that the following official/teachers pay have been released/drawn without prior permission/signature of SDEO/DDO.

S.No	Name & Designation	Account No	Remarks
1	Mujahid Khan, Class-IV	0003277900320603	Pay may please be stop for further order.

There are no record of the concern teachers/Class-iv in the office of the SDEO (F) Pabbi. It is, therefore, requested that the above mentioned teachers' pay may please be stop for direction.


Sub-Divisional Education Officer
(Female) Pabbi

