

**BEFORE THE HON'ABLE SERVICE TRIBUNAL, KHYBER PAKHTUNWA
PESHAWAR.**

S.A No. 988/2023

Mst: Javeria HaroonAppellant

Versus


Govt. of Khyber Pakhtunkhwa

Through Secretary, Higher Education

And others.....Respondents

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Respondents

5/1

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

S.A # 988/2023

Mst.Javeria Haroon

Appellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education Peshawar
& Others.....

Respondents

Khyber Pakhtunkhwa
Service Tribunal

Case No. 8061

Dated: 3/10/23

**SUBJECT: PARAWISE COMMENTS ON AMENDED SERVICE APPEAL ON BEHALF
OF RESPONDENTS NO. 3 & 4**

Respectfully Sheweth: -

Preliminary Objections:-

1. That the appellant has got no cause of action/locus standi to file the instant Service appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands and is trying to conceal material facts.
3. That the appellant is estopped by his own conduct to file the instant service appeal.
4. That the instant service appeal is time barred.

Facts: -

- 1) Pertain to record.
- 2) Correct to the extent that the appellant is employee of Higher Education Department Since 2009, rest of the Para pertains to record.
- 3) Pertains to record.
- 4) Incorrect., That the promotion case of the appellant was placed before Provincial Selection Board meeting held on 18.11.2022 wherein the appellant was superseded due to her weak service record as her efficiency index was below the required threshold (**Annex-A**)
- 5) Correct to the extent that letter dated 11.01.2023 was received to the office of respondent No.4 office and respondent no.4 responded vide letter dated 15/02/2023 (**Annex-B**)
- 6) Incorrect. That the appellant earned Adverse PER for the years 2017 & 2021 and Average PER for the year 2020 Adverse PER for the year 2017 was communicated to the appellant vide letter dated 09/04/2021 (**Annex-C**) against which the appellant filed appeal (**Annex-D**) which has been regretted by the competent authority vide letter dated 03.02.2022 (**Annex-E**). PER for the year 2021 was graded as average which was communicated to the appellant vide letter dated 01/07/2021 (**Annex-G**) Adverse PER for the year 2021 was communicated vide letter dated 14/1/2022 (**Annex-H**) besides the appellant failed to score the required threshold of 70 as required under the promotion policy and was thus superseded. Appeal of the appellant was sent to the competent authority vide letter dated 01.03.2023 (**Annex-I**). It is also worth to

mentioned here that the appellant was habitual of absenteeism in this regard so many explanations are also called from her (**Annex-J**)

- 7) As already explained in proceeding in para 4
- 8) Incorrect: As already explained in proceeding paras.
- 9) Incorrect. That vide letter dated 15.02.2023 the appellant has been informed through her principal.
- 10) Incorrect. That the appellant is not aggrieved as already explained in para 4 & para 5.


Grounds: -

- 1) Incorrect. As already explained in the proceeding paras. That the appellant has been superseded due to her week service record as her efficiency was below the required threshold and the appellant is also informed accordingly.
- 2) Incorrect. As already explained in proceeding paras.
- 3) Incorrect. As already explained in proceeding paras.
- 4) Incorrect. As already explained in proceeding paras.
- 5) Incorrect. As already explained in proceeding paras.
- 6) Incorrect. As already explained in proceeding paras.
- 7) Incorrect. As already explained in proceeding paras. That the appellant has been treated within four corners of law.
- 8) Incorrect. That fundamental rights of the appellant are not violated.
- 9) That the respondents always follow the law/rules.
- 10) That the respondents may be allowed to arise additional grounds at the time of arguments.

Prayer: -

It is, therefore, humbly prayed that the instant case is based on misconception/misstatement, hence may graciously be dismissed with appropriate cost.


Director,
Higher Education Department,
Respondent No. 4


Secretary,
Higher Education Department,
Respondent No. 3



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
RANO GHARI, CHAMKANI STOP, PESHAWAR**

Tel # 091-2650024 / Fax # 091-2260181

E-mail:- dhekpkesh@gmail.com Facebook.com/dhekpkeshwar Twitter.com/dhekpkeshwar1

AUTHORITY LETTER

Mr. Sohrab, Lecturer in Law at Govt: Degree College, Mathra, Peshawar, is hereby authorised to submit Parawise comments in Service appeal # 988/2023 titled Dr. Javeria Haroon versus Govt: Khyber Pakhtunkhwa on behalf of respondents.

Director,

Directorate of Higher Education,
Khyber Pakhtunkhwa Peshawar

**BEFORE THE HON'ABLE SERVICE TRIBUNAL, KHYBER PAKHTUNWA
PESHAWAR.**

S.A No. 988/2023

Mst: Javeria HaroonAppellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education

And others.....Respondents


AFFIDAVIT

I, Sohrab, (Lecturer in Law) Govt. Degree College, Mathra, Peshawar do hereby declare and affirm on oath that the contents of Para Wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

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.

Identified by:




Deponent

**IMMEDIATE
CONFIDENTIAL**

Annex A



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

NO. SO(PSB)ED/1-4/2022/P-289
Dated Peshawar the 09.12.2022

403
To
12/11/22

The Secretary to Govt. of Khyber Pakhtunkhwa,
Higher Education Department.

**SUBJECT: -MINUTES OF THE MEETING OF PROVINCIAL SELECTION
BOARD HELD ON 18.11.2022.**

**PROMOTION OF ASSISTANT PROFESSOR BS-18 TO THE POST
OF ASSOCIATE PROFESSOR BS-19 (FEMALE)**

Dear Sir,

I am directed to refer to HED letter No. SO(C-III)/HED/11-5/BS-18 to BS-19/2022 dated 10.11.2022 on the subject and to forward herewith an extract of **Additional Agenda Item No (03)** of the minutes/recommendations of the meeting of Provincial Selection Board held on **18.11.2022** as well as copy of approved summary wherein the Chief Minister, Khyber Pakhtunkhwa being competent authority in terms of Rule 4 (1) (a) of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989 has approved the recommendations of the PSB, for further necessary action.

Yours faithfully,

SECTION OFFICER (PSB)

Encl: As Above.

Soletis

ADDITIONAL ITEM NO. (03)

HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

(Meeting of PSB held on 18.11.2022)

SUBJECT: - PROMOTION OF ASSISTANT PROFESSOR (FEMALE) BS-18 TO THE POST OF ASSOCIATE PROFESSOR (FEMALE) BS-19 OF COLLEGE CADRE.

Secretary Higher Education, Archives & Libraries apprised the Board that due to promotion and approval of 5-tier formula, two hundred & twenty seven (227) posts of Associate Professor BS-19 (female) of college cadre are lying vacant.

2. According to the Service Rules, the post is required to be filled as under:-

(a) 80% by promotion, on seniority-cum-fitness, from amongst the Assistant professor BS-18 having successful completion of mandatory training of (30) days with at least;

(i) Seven (07) years services in BS-18 in case of person initially appointed in BPS-18. or

(ii) twelve (12) years' service in BS-17 and above; and

(b) 20% by initially recruitment."

3. The service record of the officers included in the panel were discussed as follows: -

S.#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mst. Maroof Jan	Her date of birth is 02.02.1969. She joined government service on 01.07.2001 in BS-17. She was promoted to BS-18 on 16.05.2012. She has completed prescribed length of service for promotion. She has undergone mandatory training for promotion. According to the department, she was on EOL w.e.f. 01.09.2014 to 30.09.2019 without pay. She has been absent from duty w.e.f 01.10.2019 and absence notice was issued on her home address on 31.10.2019. However, she reported for duty on 20.11.2019 and requested for retirement on medical grounds which is under process. Moreover, her PERs for the year 2013, 2014, and 2019 to 2021 are also not available. The Board did not consider her promotion.
2.	Mst. Amna Begum	Her date of birth is 10.11.1975. She joined government service on 08.08.2002 in BS-17. She was promoted to BS-18 on 16.05.2012. She has completed prescribed length of service for promotion. She has not undergone mandatory training for promotion. According to the department, she was on ex-Pakistan leave w.e.f 01.10.2015 to 30.09.2020 but she did not report back for duty till date. Absence notice has been sent to Director Information for publication in two leading newspapers. Moreover, her removal from service case is under process in the department. Further, her PER for the year 2013 and 2021 are also not available.

Attested
P. J. Khan
2/0

PSB meeting 18.11.2022

		Associate Professor BS-19 on regular basis. She will be on probation for a period of one year.
127.	Farhat Jabeen	<p>Her date of birth is 26.11.1982. She joined government service on 06.02.2009 in BS-17. She was promoted to BS-18 on 14.07.2017. She has completed prescribed length of service. She has undergone mandatory training for promotion. No enquiry is pending against her. Her PER dossier is complete. Her service record upto 2021 is generally good. Her quantified score is 52 and the Board awarded her 12 out of 30 marks.</p> <p>The Board recommended the officer for promotion to the post of Associate Professor BS-19 on regular basis. She will be on probation for a period of one year.</p>
128.	Syeda Wajeaha	<p>Her date of birth is 10.03.1983. She joined government service on 16.09.2008 in BS-17. She was promoted to BS-18 on 14.07.2017. She has completed prescribed length of service. She has undergone mandatory training for promotion. No enquiry is pending against her. Her PER dossier is complete. Her service record upto 2021 is generally good. Her quantified score is 51 and the Board awarded her 12 out of 30 marks.</p> <p>The Board recommended the officer for promotion to the post of Associate Professor BS-19 on regular basis. She will be on probation for a period of one year.</p>
129.	Sumayya Bibi	<p>Her date of birth is 04.03.1984. She joined government service on 28.08.2008 in BS-17. She was promoted to BS-18 on 14.07.2017. She has completed prescribed length of service. She has undergone mandatory training for promotion. No enquiry is pending against her. Her PER dossier is complete. Her service record upto 2021 is generally good. Her quantified score is 53 and the Board awarded her 12 out of 30 marks.</p> <p>The Board recommended the officer for promotion to the post of Associate Professor BS-19 on regular basis. She will be on probation for a period of one year.</p>
130.	Javeria Haroon	<p>Her date of birth is 12.11.1985. She joined government service on 13.04.2009 in BS-17. She was promoted to BS-18 on 14.07.2017. She has completed prescribed length of service. She has undergone mandatory training for promotion. No enquiry is pending against her. Her PER dossier is incomplete as her PERs for the years 2017 & 2021 are not available. Her quantified score is 39 and the Board awarded her 15 out of 30 marks. She could not cross required threshold for promotion. According to Para-III (a) (iii) of Promotion Policy 2009, in case of failure to attain the requisite threshold, he/she shall be superseded and the next officer of the panel shall be considered for promotion.</p>

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Annex B



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
RANO GHARI, NEW CHAMKANI CHOWK, PESHAWAR**

mail:- dhekpkpesh@gmail.com Tel # 091-2650027 / 2650015 Fax # 091-2260181
Facebook.com/dhekppeshawar Twitter.com/dhekppeshawar1

3/00 /CA-1/Estt: Branch/A-12/Ms. Javeria Haroon/ Chemistry

Dated Peshawar the 15/12 /2023

To:

The Principal,
Govt; Postgraduate College for Women,
Haripur.

**SUBJECT: APPEAL FOR SYMPATHETIC CONSIDERATION OF DEFER PROMOTION
(BPS-18 TO BPS-19) DECISION.**

I am directed to refer to your letter No. 16 dated 11.01.2023 on the subject noted above and to state to inform Ms. Javeria Haroon Assistant Professor of Chemistry (BPS-13) of your College with the remarks that promotion case of the lady concerned was placed before the Provincial Selection Board (PSB) dated 18.11.2022, but the Provincial Selection Board superseded her promotion as her efficiency Index is below the required threshold.

7/c

(Farida Bibi)
DY. DIRECTOR (FEMALE)

14/12/2023



97
Annex-C SY
ANK

DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
Rano Garhi, Chamkani Stop, Near Govt. Poly Technical Institute
PESHAWAR

No. 8540 /AD/ACR.

Tel # 091-2650016

Dated: 9/4/2021

Ms. Javeria Haroon

I am directed to convey to you the following adverse remarks recorded in your Performance Evaluation Report for the period from 01.01.2017 to 31.12.2017.

PART-IV (REPORTING OFFICER EVALUATION)

3. Pen Picture.

- She lacked the flexibility in her attitude, and also she was not good at her communication, and interpersonal skills.

1. Special aptitude..

- Poor

6. Overall Grading.

Below Average.

7. Fitness for promotion.

Not yet fit for promotion.

I hope you will try your best to remove these defects. One spare copy of this D.O. letter is enclosed. This may be signed and returned to this office for placement in your Character Roll. Please note that nothing is to be written on it except merely putting your signature and dates in token of having received this letter. In case the acknowledgement is not received in this office within a week, it will be presumed that you have accepted the remarks and no appeal will be entertained after the specified time.

Ms, Javeria Haroon,
Assistant Professor of chemistry.
GPGC(W), Haripur.

o/c ASSISTANT DIRECTRESS (ACR)

Endst; No. 8541-17

Copy of the above is forwarded for information and necessary action to:

1. The Principal GPGCW, Haripur.
2. DD(F) Local Directorate.

ASSISTANT DIRECTRESS (ACR)

No,

The Directors
Higher Education Department, Anna-D
Khyber Pakhtunkhwa, Peshawar.

57

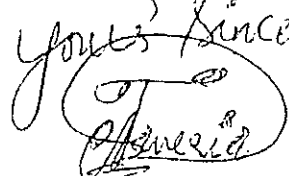
Through Proper Channel

Sub: Appeal for Expunge of Adverse Remarks on PER/ACK

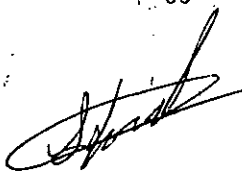
Respected Sir,
With due respects w.r.t. kind letter No. 8540/AD/ACK dated 09-04-2021 (received via what's app, G.P.O.W, Haripur on 19-4-2021 (9:51 am) during HEART training (NTP-34), regarding adverse remarks under Part IV (Reporting Officer) on my Performance Evaluation Report (PER) from period 01-01-2017 to 31-12-2017, it is stated that I remained flexible and cooperative in my behaviour during dealings with students, academic staff, administration, ministerial staff as well as parents of students while serving in various college committees (cleanliness, BS Chemistry Examination Coordination, FA/FSc admission, students' grievances, Gas, Electricity Tub well etc.) which may be proved during my both trainings (HEITA and HEART) presentations, assignments, group discussions, Community Services Tasks as well as soft skills and communication skills. I am determined to prove outstanding performance with improvement in future, please with great academic skills

Kindly, expunge - these adverse remarks which are introduced in PER/ACK without proof of prior counselings, explanations and warnings regarding my non-flexible attitude, bad communication and bad interpersonal skills as per rule please.

Thanking you in anticipation,
DDF

Yours Sincerely,


A. Tawana Hasan,



Annexure-E

Better Copy

GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES
LIBRARIES DEPARTMENT

No. SO (C-III)HE/Mrs Javeria Haroon AP in

dated Peshawar the February 2022

To

The Director,
Higher Education Khyber Pakhtunkhwa
Peshawar

Subject:- **ADVERSE PER FOR THE YEAR 2017 IN R/O JAVERIA
PROFESSOR IN CHEMISTRY.**

I am directed to refer to your office letter No 3151/ADC/ACR dated 01.06.2021 on the subject noted above and to state that the Competent Authority has regretted the request regarding expunction of adverse remarks in PER for the year 2017 in respect of Mrs Javeria Haroon Assistant Professor in Chemistry (BS-18) Govt Postgraduate College for Women Haripur.

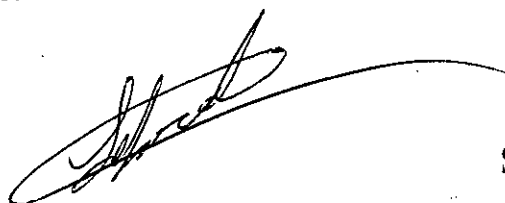
The original PER for the year 2017 is returned herewith for your record.

Endst as above

(SAMIA JADOON)

Section Officer (Colleges III)

Copy of above is forwarded to PS to Secretary Higher Education Department for information please.



Section Officer (Colleges III)

12 to
Annex "C"

Ann-C
49



DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA

**KRANO GARHI, CHAMKANI STOP, NEAR GOVT. POLY TECHNICAL
INSTITUTE, PESHAWAR**

Tel # 091-2650016

E-mail: dhesh@guaf.com Facebook.com/dhekppeshawar Twitter.com/dhekppeshawar1

No. 12858 /AD/ACR

Dated Peshawar the 01/17/2021

To

Ms, Javeria Haroon,
Assistant Professor of chemistry.
GPGC(W), Haripur.

SUBJECT. PERFORMANCE EVALUATION REPORT (PER'S) FOR THE YEAR 2020.

I am directed to refer to the subject cited above and to inform you that your PER's for the year 2020 is graded as "Average".

Therefore, you are directed to improve your performance, otherwise, you will face difficulties in future promotions.

o/c

ASSISTANT DIRECTRESS(ACR)

Better Copy

DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
NEAR NORTHERN BY PASS PANO GAP III PESHAWAR
Tel: 0919330496
Email: dhekp@maikl.com

No. 19501/ / /AD (ACR)
To

Dated 14/ /2022

Mrs Javeria Haroon, Assistant Professor of Chemistry
Govt Post Graduate College for Women Haripour.

Subject: ADVERSE REMARKS RECORDED BY THE REPORTING OFFICER AND COUNTERSIGNED OFFICER THE PERIOD 01.01.2021 TO 31.12.2021.

I am directed to convey you that the following adverse Performance Evaluation Report for the period 01.01.2021 to 31.12.2021 by the Officer/Principal and Countersigned Officer Mr. Zahoor Ul Haq, the then Director Higher Education

PART IV (REPORTING OFFICER EVALUATION)

No. **Please comment on the officer's performance on the job given in part II (2) with special reference to knowledge of work, and quality of output. How far was the officer able to achieve targets? Do you what has been stated in part II (2)** "Agreed with the data provided Part II for academic result but of job exaggerated and performance was not up to the desired satisfaction of the undersigned.

No. 3 **Pen Picture**

"Emotionally unstable tries to perform her duties but due to other members of the team feel uncomfortable.

No. 6 **Over all Grading (Countersigning Officer)**

"Average"

No. 7 **Fitness for promotion (Countersigning Officer)**

"Not yet fit for promotion.

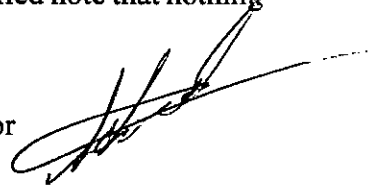
PART-V (REMARKS OF THE COUNTERSIGNED OFFICER)

No. 1 **How wel do you know the officer, if you disagree with the assessment of the reporting officer, please given reason.**

"Agreed with R.O Needs to improve her attitude with colleges.

I hope you will try best of remove these is enclosed. This may be signed and returned to this office for placement case the acknowledgment is not received in this office for placement you have accepted the remarks and no appeal will be entertained after the verified note that nothing is to be written on it except merely putting having received this letter.

(AFRASIYAB)
Assistant Director
(Academic/AC)



Endst No 19502

Copy of the above is forwarded to the

1. Deputy Director (Female) Local Directorate with the remarks to place the personal file.
2. Superintendent, Promotion Cell Local Directorate.
3. C.R Dossier/Office Copy.

Assistant Director
(Academic/ACR)

Annex-J

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OFFICE OF THE PRINCIPAL GOVT POSTGRADUATE COLLEGE FOR WOMEN HARIPUR

No 2092

Dated 2/10/2020

To


Mrs. Javeria Haroon
Assistant Professor of Chemistry

Subject:- EXPLANATION


Memo,

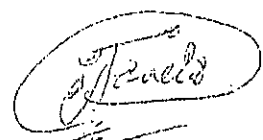
In continuation to this office letter No. 2080-82 dated 24-09-2020, in front of enquiry committee you agreed not to disclose any matter related to college with any other staff member. But you failed to do the same and you have found involved disclosing names of some staff members, as a result the fame of college has been damaged badly.

You are hereby directed to explain your position in written within 02 days. In case of non compliance strict disciplinary action will be taken against you.


Principal
Govt Postgraduate College for Women
Haripur

Principal
G.C. For Women
Haripur

 o/c



Received
2/10
Friday = 11:00 AM

13
15

OFFICE OF THE PRINCIPAL Govt. Post Graduate College for Women Haripur

No 2077

Dated Haripur the 21-1-2017

To

Ms. Javeria Haroon (Lecturer Chemistry local College)

Subject: EXPLANATION

Memo

You have not noted your duties of BS Terminal Exam Fall 2017 and remained absent from duty on Jan 21, 2017.

You are directed to explain your position within three days of the issuance of this letter.

Principal 

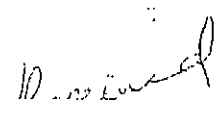
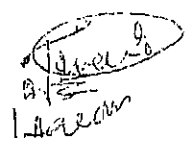
Govt. Postgraduate College for Women
Haripur

Endst No: 2078

Copy to the Director Higher Education Khyber Pakhtunkhwa , Peshawar for information please.

Principal 

Govt. Postgraduate College For Women
Haripur

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14/1/17

OFFICE OF THE PRINCIPAL Govt. Post Graduate College for Women Haripur

No. _____

Dated Haripur the 14/1/2017

To

Ms. Javeria Haroon (Lecturer Chemistry local College)

Subject: EXPLANATION

Memo

You have not noted your duties of BS Terminal Exam Fall 2017 and remained absent from duty on Jan 21, 2017.

You are directed to explain your position within three days of the issuance of this letter.

Principal

Govt. Postgraduate College for Women
Haripur

Endst No: _____

Copy to the Director Higher Education Khyber Pakhtunkhwa, Peshawar for information please.

Principal

Govt. Postgraduate College For Women
Haripur

(10) 17
18

OFFICE OF THE PRINCIPAL GOVT POSTGRADUATE COLLEGE FOR WOMEN HARIPUR

No

274-382

Dated Haripur the

17.3

2016.

To

1. Ms. Afia Ilyas Lecturer Local college
2. Ms. Farhat Naz Lecturer Local college
3. Ms. Javeria Haroon Lecturer Local college
4. Ms. Saba Mughal Teaching Assistant Local college
5. Ms. Noor Ul Huda Contract Lecturer Local college
6. Ms. Sadia Jamil Contract Lecturer Local college
7. Ms. Samia Anwar Contract Lecturer Local college
8. Ms. Madiha Tariq Contract Lecturer Local college
9. Nighat Gul Contract Lecturer Local college

Subject:- EXPLANATION.

Memo

It is stated that you were found absent from your duty on 15, 16, and 17 March 2016 you neither submit any application nor telephonically informed the undersigned.

You are directed to explain your position within 03 days of the issuance of this letter.

Principal

Govt. Postgraduate College for Women
Haripur

Endst No: _____

Copy to the Director Higher Education Khyber Pakhtun Khawa Peshawar for information please.

Principal

Govt. Postgraduate College for Women
Haripur