

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No: 1615/2023


Miss Sumaira Ex-SST (G), BPS-16, GHS Thanoo, Swabi..... Appellant.

VERSUS

**Govt: of Khyber Pakhtunkhwa through the Secretary (E&SE) Department &
others..... Respondents**

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

12-10-23

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No: 1615/2023

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VERSUS

**Govt; of Khyber Pakhtunkhwa through the Secretary (E&SE) Department &
others..... Respondents**

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

Respectfully Sheweth:-

The Respondents No.1-3 submit as under:-

Preliminary Objections.

- 1 ***That*** the Appellant has got no cause of action/locus standi to file the titled appeal against the Respondent.
- 2 ***That*** the appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article-212 of the constitution of Islamic Republic of Pakistan 1973.
- 3 ***That*** the instant appeal is badly time barred under the relevant law/rules.
- 4 ***That*** the Appellant has concealed material facts from this Honorable Tribunal in the titled case.
- 5 ***That*** the instant Appeal is based on mala-fide intentions.
- 6 ***That*** the Appellant has not come to this Honorable Tribunal with clean hands.
- 7 ***That*** the Appellant is not entitled for her reinstatement in service as SST (G) on the grounds that her 1st appointment order dated 25-11-2008 has been found fake & bogus by the Department.
- 8 ***That*** the 1st appointment order dated 25-11-2008 of the appellant has been found fake & bogus after due process of Law & procedure & has thus been disowned vide Notification dated 10-04-2023, & subsequent Notification dated 10-04-2023 of the Respondent Department.
- 9 ***That*** a Service Appeal No. 314/2022 is also pending adjudication before this Honorable Tribunal under the said case titled for the release of her monthly salaries as SST w.e.f 01-11-2021 on behalf of the appellant.
- 10 ***That*** the instant Appeal is based on mala fide intentions, just to put extra pressure on the Respondents for gaining illegal service benefits from the Department.

- 11 **That** formal Show Cause Notice dated 06-01-2023 to the extent of her in- efficiency & guilty of mis-conduct has been served upon the appellant under Rule 4 (1)(b)(iii) of E&D Rules, 2011 by the Respondent No. 2.
- 12 **That** formal inquiry vide Notification dated 14-09-2022 has been conducted who submitted inquiry report with the observation that her 1st appointment order dated 25-11-2008 against the SST post is fake & bogus.
- 13 **That** an opportunity of personal hearing was also provided to the appellant by the Department under the Rules in the titled appeal.
- 14 **That** as per recommendations of the inquiry committee report & in view of the Notification dated 14-9-2022, the 1st appointment order, leave sanction & verification of her transfer order to the Directorate of E&SE Khyber Pakhtunkhwa Peshawar for verification vide letters No. 9344 dated 10-10-2022 & No. 10622 dated 11-11-2022 & the letter dated 30-11-2022 of the Directorate in response to the letters of DEO (F) Swabi have been declared as fake & bogus by the competent authority.
- 15 **That** as per the statement recorded by the then Deputy Director (Estab-F) local Directorate & now the DEO (F) Swabi Mst. Sofia Tabassum an officer of (MC) in (BS-19); that the signature upon the Leave Sanction order dated 29-12-2013 of the appellant is fake & bogus.

ON FACTS.

- 1 **That** Para-1 is incorrect as the 1st appointment order dated 25-11-2008 of the appellant has been declared as fake & bogus by the inquiry committee nominated vide Notification dated 14-9-2022 by the Respondent No.2 upon a letter No. 2012 dated 22-8-2022 of the Respondent No.3/DEO (F) Swabi, hence, disowned by the Respondent No.2 vide Notification dated 10-04-2023 after due process of Law & Rules. (*Copies of the fake & bogus 1st appointment order of the appellant dated 25-11-2008, Notification dated 14-9-2022 & letter dated 22-8-2022 are Annexures-A, B & C*).
- 2 **That** Para-2 is incorrect & denied to the extent of the regularization of services of the appellant under the Act of 2009 vide Notification dated 15-1-2010 & subsequent date for taken over charge as SST (G) on 25-1-2010 are also fake & bogus as declared by the inquiry committee in its report submitted by the inquiry committee to the Respondent Department. (*Copy of the inquiry report as Annexure-D*).
- 3 **That** Para-3 is incorrect on the grounds that the whole service record of the appellant has been proved by the inquiry committee as fake & bogus during their inquiry proceedings against the appellant, hence, the claim of the appellant is illegal & liable to be rejected in favor of the Respondent Department.
- 4 **That** Para-4 is correct to the extent of the stoppage of the monthly salary of the appellant since November 2021 by the Respondent No. 3 in view of the material facts regarding the production of fake & bogus appointment order as SST dated 25-11-2008 by the appellant to the Department which was

disowned by the Department vide Notification dated 10-04-2023 after due process of law in view of the letter dated 21-09-2021 of the Anti-corruption Establishment Department District Swabi & recommendations of the inquiry committee, where against, no Departmental appeal has been filed by the appellant till date, hence, got finality under the law & rules. *attached as Annex-E & F.*

- 5 *That* Para-5 is also incorrect as the act of the Respondent Department with regard to the serving a Show Cause Notice dated 6-1-2023 upon the appellant, whereby, the appellant has been directed to submit reply to the aforementioned Show Cause Notice within (07-days) from the receipt of said Notice which she did not Responded within time line on mala-fide, hence, the act of the Respondent No. 2 with regard to the non-release of the monthly pay of the appellant & serving the said Show Cause Notice is within legal parameter, furthermore, the appellant while aggrieved from the Notification dated 10-04-2023 has filed the titled service appeal before this Honorable Tribunal for her reinstatement in service as SST in the Respondent Department *attached as Annexure-G.*
- 6 *That* para-6 is correct that the Respondent Department has issued a Notification dated 10-04-2023, whereby, the 1st appointment order dated 25-11-2008 against the SST of the appellant has been declared as fake & bogus, hence, disowned by the Respondent No. 2 after observing the mandatory provision in terms of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
- 7 *That* para-7 is also incorrect as the appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article-212 of the constitution of Islamic Republic of Pakistan 1973, hence, the appeal in hand is liable to be dismissed on the following grounds inter alia: -

ON GROUNDS.

- A Incorrect & not admitted. The appellant has been treated as per law, rules & policy by the Respondent Department vide Notification dated 10-04-2023, whereby, the fake & bogus appointment order dated 25-11-2008 as SST has been disowned under the Law in vogue
- B Incorrect & not admitted. The appellant has been treated as per law, rules & policy by the Respondent Department vide Notification dated 10-04-2023 after observing coddle formalities in accordance with the provision of Articles 4 & 25 of the 1973 constitution.
- C Incorrect & not admitted. The statement of the appellant is without any cogent reason & legal justification as the act of the Department with regard to the Notification dated 10-04-2023 is legal & liable to be maintained.

- D Incorrect & not admitted. The statement of the appellant is without any cogent reason & legal justification as the act of the Department with regard to the Notification dated 10-04-2023 is legal & liable to be maintained.
- E Incorrect & not admitted. The plea of the appellant is without legal justification & liable to be rejected on the grounds that formal Show Cause Notice dated 06-01-2023 has been served upon the appellant by the Respondent No. 2 in the titled appeal.
- F Incorrect & not admitted, The plea of the appellant is without legal justification & liable to be rejected on the grounds that formal inquiry has been nominated vide Notification dated 22-12-2022 who submitted their report to the Department with the recommendations that the appointment order dated 25-11-2008 is fake & bogus, hence disowned vide notification dated 10-04-2023 by the Department under the law in vogue.
- G Incorrect & not admitted, the plea of the appellant is without legal justification & liable to be rejected on the grounds that formal opportunity of personal hearing was afforded to the appellant through the DEO (F) Haripur vide letter No. 3401/file No. Lit-II/Sumaira/SST dated 30-11-2022 by the Department *attached as Annex H.*
- H Incorrect & not admitted. the appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article-212 of the constitution of Islamic Republic of Pakistan 1973, 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 requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant Service Appeal in favor of the Respondents 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
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Miss Sumaira Ex-SST (G), BPS-16, GHS Thanoo, Swabi..... Appellant.

VERSUS

**Govt: of Khyber Pakhtunkhwa through the Secretary (E&SE) Department &
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.**

Deponent

ATTESTED



1615/2023

(6)

(5)

4-

ANNEXURE A

OFFICE OF THE DIRECTOR ELEMENTARY & SECONDARY EDUCATION NWFP, PESHAWAR

NOTIFICATION

In pursuance of the powers conferred under section 25 of the NWFP Civil Servant Act, 1973 the competent authority is pleased to re-appoint the following Male/Female SST (B-16) on contract basis as a stop-gap arrangements for a period of one year w.e.f. the date of assumption of charge or till the availability of selectees of the NWFP Public Service Commission / Departmental Selection Committee whichever is earlier:-

Sr	Name	Father Name	Subject	Place of Posting
1	Sumaira	Gul Zada	General	GGHS Zaroobal Swabi

Terms and Conditions

1. The appointment of the above candidates will be on contract basis for the period of one year from the date of assumption of charge till the arrival of the selectees of the NWFP Public Service Commission/Departmental Selection Committee, whichever is earlier.
2. They will draw Pay in BPS-16.
3. No TA/DA is allowed.
4. If they want to resign from the service before expiry of the contract, they will have to serve one month notice in advance failing which they will have to deposit prior notice to the appointing authority one month pay in lieu of such notice, in the Government Treasury.
5. Their appointments have been made for specific schools, so shall not make any request for transfer from the School where they are posted. In case in case of such occurrence, their service shall stand terminated.
6. They should join their posts within 15-days of the issue of this notification. The Executive District Officer, Elementary & Secondary Education concerned, should furnish certificate to the effect that the candidates have joined the post or otherwise within 15-days of the issue of this Notification.
7. They shall execute an agreement with the Government before taking over charge, signed by the concerned EDOs Elementary & Secondary Education NWFP, on behalf of the Government/Director (E&SE).
8. They will not be entitled for any pension or gratuity for the service rendered by them on contract basis and shall not claim regularization for their contract service.
9. Charge report in duplicate should be submitted to all concerned.
10. Their service shall be terminated if they violate any provision of the terms and conditions specified in the agreement Bond/Dead.
11. They shall not be entitled to perform any examination duty of the BISEs/University/RDE, NWFP, during the current contract period.

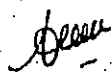
Director
Elementary & Secondary
Education, NWFP, Peshawar

Endst No. 5139-5197 /A-14/SST/M&F/Contract One Year/

Dated: 25 / 11 /2008

Copy of the above is forwarded to..

1. Accountant General, NWFP Peshawar
2. Director of Education, FATA, NWFP Peshawar
3. Distt: Accounts Officers concerned
4. Director Elementary & Secondary Education NWFP, Peshawar
5. Executive District Officers (E&SE) concerned
6. Principals/Head Masters/Head Mistress concerned
7. SST concerned
8. PS to the Minister for Education NWFP
9. PS to Secretary to Govt: of NWFP
10. All Chairman BISE/Registrars of University in NWFP, with the request to comply with the above condition as at S.No
11. PA to Director (E&SE) Local Office
12. Master File


Deputy Director (Estab:)
Elementary & Secondary
Education, NWFP, Peshawar

ATTACHED

To be subtitled with even date & No.

7



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

(Annexure-I)

NOTIFICATION

Consequent upon approval of the Competent Authority, The following inquiry committee is hereby constituted to conduct regular inquiry in the above DEO (female) Swabi report in respect of Sumaira SST-G GGHS Tano Swabi (copies enclosed).

- 1 Mst. Sadia Aziz District Education Officer (Female) Haripur (Chairman).
- 2 Mr. Irfan Ali District Education Officer (Male) Swabi, (Member).

The inquiry officers should inquire the matter and submit detail report along with clear cut recommendations within 15 days positively.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst.No 3650-54/S.No.314/2022/ Sumaira/Litigation-II.

Dated Peshawar the 14-09-2022

Copy of the above is forwarded to the:-

1. ✓ Mst. Sadia Aziz District Education Officer (Female) Haripur (Chairman).
2. Mr. Irfan Ali District Education Officer (Male) Swabi, (Member).
3. District Education Officer (Female) Swabi.
4. PA to Director (E&SE) Local Office.
5. Master file.

Abdur Rehman
Nc
8/10/22

4377
03/10/22

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

(Signature)

(912)
(8)
Annexure-II

DISTRICT EDUCATION OFFICE (FEMALE) SWABI

(Office phone Fax No 0938-280339, emisfswabi@yahoo.com)

No 2017 / F.No.illegal Apptt./ Dated 22 / 8 /2022

To

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

Through: - Litigation Officer-II

Subject: - **ILLEGAL APPOINTMENT.**

Memo:-

It is stated for your kind information that a lot of correspondence has already been done with your good office in respect of MS:Sumaira SST (G) GGHS Tano Swabi, however the status of the teacher concerned is once again explain as under.

- 1- That the Notification Endst: No.5139-5197/A-14/SST/ M&F/contract one year/dated 25-11-2008, indicates, MS: Sumaira D/O Gul Zada was appointed SST(G) at GGHS.Zarobi Swabi.
- 2- That the Notification Endst. No.1652-59/F.No.A-17/SET(F) contract-Appointment.2008, dated Peshawar the 15-10-2010,indicates,MS: Sumaira D/O Gul Zada was regularized wef.-01-01-2009,under the NWFP employees (Regularization of Service) Act,2009.
- 3- That astonishingly she produced B.Ed.DMC. With two different result declaration dates i.e., 06-06-2009 and 06-01-2007.
- 4- That a letter No.4672/A-17/File of Sumaira SST/Swabi dated Peshawar the 06-03-2010, addressed to EDO Swabi states,MS:Sumaira SST GGMS.Tano Swabi. verification order of directorate No.1652-59/F.No.A-17/SET(F) dated 15-01-2010 is correct.
- 5- That another Notification with the same Number & date as mentioned in Para No.1, indicates, MS: Sumaira D/O Gul Zada was appointed SST (G) at GGMS Tano Swabi. This clearly shows duplication, manipulation and dishonestly.
- 6- That a letter of directorate No.7925/A-17/P.File/Sumaira/SST Swabi,dated Peshawar the 02-07-2020,addressed to DEO (F) Swabi,with subject verification of first appointment order and regularization order in R/O MS:Sumaira SST(G) GGHS.Tano Swabi.
- 7- That another Notification with the same number & date as mentioned in para -02, indicates, her regularization at GGHS Tano. Which shows clear contradiction.
- 8- That the information regarding the verification of first appointment order & regularization in R/O MS:Sumaira SST(G) GGHS Tano was provided to the Directorate vide DEO(F) Swabi No. 1838/DA-11/App/SST/Enquiry dated 13-08-2020.
- 9- That the teacher concerned was working at District Swabi & Notification for the purpose of Ex-post facto sanction of E.O.L wef.01-06-2013 to 23-12-2013 from GGMS Mughlaki Nowshera & adjustment at GGHS Tano Swabi was issued vide Endst.No.4457-62/F.No.A-17/Sumaira SST (G) dated Peshawar the 29-12-2013.In response to this letter I submitted a letter No.2868 dated 30-09-2021 to the worthy Director E&SE KP. Peshawar with subject of illegal appointment /leave sanction. I was Deputy Directress at that time. the signatures on the ex-post facto sanction & adjustment at Swabi are fake & bogus. That is why I stopped her salary.
- 10- That as per available record provided by deputy Director Establishment at S.No.19 there are another appointment of MS: Sumaira DiO Gul Zada District Nowshera No.11160-72 dated 08-08-2012 is fake. If her previous appointment & regularization were correct, then why this appointment orders was made/issued.
- 11- That vide Notification Endst.No.5218-20/A-17/SST/fake/appointment, dated Peshawar the 03-09-2021 Mr.Muhammad Riaz BPS-19 DEO (Male) Swat is an enquiry Officer in this particular case. All the documents in this respect have already been handed over to him. I am in the opinion that the appointment orders of the teacher concerned are flying. fake and bogus. It needs to be disowned and an FIR may be lodged against her.

Report is submitted for your kind perusal & taking further step in to the matter please.

1287
23-8-2022
DISTRICT EDUCATION OFFICER

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**REPORT OF INQUIRY COMMITTEE IN RESPECT OF MS. SUMAIRA SST-G (BPS-16)
GGHS TANO SWABI.**

Reference	Received Notification regarding constitution of Inquiry Committee vide Directorate of Endst: No. 3650-54/S.No.314/2022/Sumaira/Litigation-II dated 14-09-2022 (Annexure-I).
Venue & Date	Office of the DEO (Female) Swabi dated 08-10-2020
TORs	To conduct the regular Inquiry in the light of letter of District Education Officer (Female) Swabi to the Director E&SE KPK Peshawar vide letter No. 2017/F.No.Illegal Apptt dated 22-08-2022 (Annexure-II).
Introduction of Committee	Enquiry committee comprising on the following officers. 1. Ms. Sadia Aziz, DEO (Female) Haripur. 2. Mr. Irfan Ali, DEO (Male) Swabi.
Procedure	Enquiry committee visited O/O DEO (Female) Swabi on 08-10-2022. (Attendance Sheet as Annexure-III)
History	<p>The District Education Officer (Female) District Swabi sent a letter to Director E&SE KPK Peshawar regarding Illegal Appointment in respect of Ms. Sumaira vide her office letter No. 2017/F.No.Illegal Apptt dated 22-08-2022. In which she pointed out the followings:</p> <p>1- That the Notification Endst: No.5139-5197/A-14/SST/ M&F/contract one year/dated 25-11-2008, indicates, MS: Sumaira D/O Gul Zada was appointed SST(G) at GGHS.Zarobi Swabi (Annexure-IV).</p> <p>2- That the Notification Endst. No.1652-59/F.No.A-17/SET(F) contract-Appointment 2008, dated Peshawar the 15-10-2010,indicates.MS: Sumaira D/O Gul Zada was regularized wef-01-01-2009,under the NWFP employees (Regularization of Service) Act 2009.</p> <p>3- That astonishingly she produced B.Ed.DMC. With two different result declaration dates ie, 06-06-2009 and 06-01-2007.</p> <p>4- That a letter No.4672/A-17/File of Sumaira SST/Swabi dated Peshawar the 06-03-2010 addressed to EDO Swabi states.MS:Sumaira SSI GGMS. Tano Swabi, verification order of directorate No. 1652-59/F.No.A-17/SET(F) dated 15-01-2010 is correct.</p> <p>5- That another Notification with the same Number & date as mentioned in Para No.1. indicates. MS: Sumaira D/O Gul Zada was appointed SST (G) at GGMS Tano Swabi This clearly shows duplication, manipulation and dishonestly.</p> <p>6- That a letter of directorate No.7925/A-17/P.File/Sumaira/SST Swabi,dated Peshawar the 02-07-2020,addressed to DEO (F) Swabi,with subject verification of first appointment order and regularization order in R/O MS:Sumaira SST(G) GGHS Tano Swabi.</p> <p>7- That another Notification with the same number & date as mentioned in para -02, indicates, her regularization at GGHSTano, Which shows clear contradiction.</p> <p>8- That the information regarding the verification of first appointment order & regularization in R/O MS:Sumaira SST(G) GGHS Tano was</p>

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22/12/22

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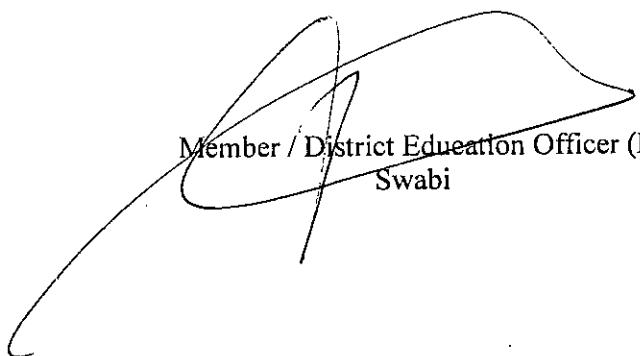
	<p>provided to the Directorate vide DEO (F) Swabi No. 1838/DA-11/App/SST/Enquiry dated 13-08-2020.</p> <p>9. That the teacher concerned was working at District Swabi & Notification for the purpose. of x-post facto sanction of E.01. wef 01-06-2013 to 23-12-2013 from GGMS Mughlaki Nowshera & adjustment at GGHS Tano Swabi was issued vide Endst.No.4457-62/F.No.A-17/Sumaira SST (G) dated Peshawar the 29-12-2013.In response to this letter I submitted a letter No.2868 dated 30-09-2021 to the worthy Director E&SE KP. Peshawar with subject of illegal appointment leave sanction. I was Deputy Directress at that time, the signatures on the ex-post facto sanction & adjustment at Swabi are fake & bogus. That is why I stopped her salary.</p> <p>10- That as per available record provided by deputy Director Establishment at S.No.19 there are another appointment of MS: Sumaira D/O Gul Zada District Nowshera No.11160-72 dated 08-08-2012 is fake. If her previous appointment & regularization were correct, then why this appointment orders was made/issued.</p> <p>11- That vide Notification Endst No.5218-20/A-17/SST/fake/appointment, dated Peshawar the 03-09-2021 Mr. Muhammad Riaz BPS-19 DEO (Male) Swat is an enquiry Officer in this particular case. All the documents in this respect have already been handed over to him, I am in the opinion that the appointment orders of the teacher concerned are flying. fake and bogus. It needs to be disowned and an IR may be lodged against her.</p>
Proceedings	<p>The Inquiry Committee visited the office of DEO (Female) Swabi on 08-10-2022 for the purpose in the light of the letter issued to DEO (Female) Swabi vide this office letter No. 9116/Inquiry File dated 04-10-2022 (Annexure-V).</p> <p>The teacher concerned i.e Ms. Sumaira SST-G did not appear before the inquiry committee. As the teacher concerned was informed properly by the DEO office but she refused to attend the inquiry committee. Then the inquiry committee checked all the available & provided record on the spot to dig out the matter.</p>
Facts& Findings	<ol style="list-style-type: none"> 1. Ms. Sumaira Bibi was appointed as SST-G (BPS-16) at GGHS Zaroobi District Swabi vide Directorate of E&SE Khyber Pakhtunkhwa Notification Endst: No. 51339-5197 /A-14/SST/M&F/Contract One Year dated 25-11-2008 (Annexure-VI). 2. Her services were regularized vide Directorate of E&SE Khyber Pakhtunkhwa Notification Endst: No. 1652-59/F.No.A-17/SST(F)Contract-Appont: 2008 dated 15-10-2010 (Annexure-VII) 3. She availed earned leave without pay w.e.f 01-06-2013 to 23-12-2013 and adjusted from GGMS Mughalki District Nowshera to GGHS Tano Swabi on return from leave on the basis of Directorate of E&SE Khyber Pakhtunkhwa Notification Endst: No. 4457-62/F.No.A-17/Sumaira SST(G) dated 24-12-2013 (Annexure-VIII). 4. She produced B.Ed DMC of University of Peshawar with 02 different results declaration dates i.e 06-01-2007 & 06-01-2009 with same Roll No. & Registration No.

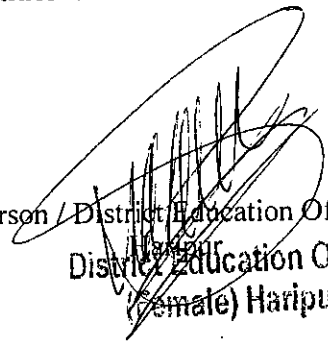
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	5. This undersigned sent her Ist Appointment Order, Regularization Order & Leave Sanction/Transfer Order to the Directorate of E&SE Khyber Pakhtunkhwa Peshawar for verification vide this office letter No. 9344 dated 10-10-2022 & No. 10622 dated 11-11-2022 (Annexure-IX & X). In response of this, the Directorate vide letter No. 3401/F.No.Lit-II/Sumaira/SST dated 30-11-2022 declared her documents as fake & bogus (Annexure-XI).
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Recommendations:-

The committee, on the basis of declaration of her documents as fake/bogus by the Directorate, recommends that **the penalty deemed fit under the law should be imposed upon Ms. Sumaira SST-G.**


Member / District Education Officer (M)
Swabi


Chairperson / District Education Officer (F)
District Education Officer
(Female) Haripur



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

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NOTIFICATION.

1. **Whereas**, that the District Education Officer (Female) Swabi vide memo No. 2017 dated 22-08-2021 has reported that Mst: Sumaira inducted herself as SST (G) in E&SE Department through fake & bogus appointment Notification bearing Endst: No. 5139-5197 dated 25-11-2008. The DEO concerned also requested vide the afore-noted letter that the appointment order dated 25-11-2008 may be disowned and FIR may be lodged against the
2. teacher concerned.

3. **And whereas**, in pursuance of the aforementioned report of the District Education Officer (Female) Swabi, the Directorate E&SE constituted the following enquiry committee vide Notification bearing No. 3650-54 dated 14-09-2022 to investigate the matter in issue pertaining to the illegal, unlawful appointment of the teacher concerned against the SST (G) post in the E&SE Department.

- a. Mst: Sadia Aziz District Education Officer (F) Haripur.....Chairman
- b. Mr. Irfan Ali District Education Officer (M) Swabi Member

4. **And whereas**, the enquiry committee submitted its report to the Directorate E&SE on dated 22-12-2022, wherein, the enquiry committee has categorically concluded that the teacher concerned got appointed as SST (G) post in E&SE Department through fake, forged & bogus appointment order bearing Endst: No. 5139-5197 dated 25-11-2008. Moreover, the committee has recommended that an appropriate penalty under the law may be imposed upon the said teacher in terms of her fake & bogus appointment order as SST (G) in E&SE Department.

5. **And whereas**, in view of the findings & recommendations of the enquiry committee, a show cause notice bearing Endst: No. 5602-06 dated 06-01-2023 was served upon the teacher concerned & an opportunity of personal hearing was also afforded to the accused vide letter dated 03-02-2023, however, the teacher concerned did not appear before the committee to defend herself in response to the already proved allegations pertaining to the fake & bogus appointment order dated 25-11-2008 & even service record, meaning thereby, that the teacher concerned has nothing to defend herself before the committee on the date fixed & has thus adopted an evasive approach on malafide.

Now therefore, in view of the above made facts, having gone through the whole case record & consulting with findings & recommendations of the inquiry report dated 22-12-2022, discussed herein above, the undersigned being a competent authority in the instant case is of the firm opinion the Teacher namely Mst. Sumaira SST (G) District Swabi got appointed as SST (G) BPS-16 in E&SE Department through fake, forged & bogus appointment order bearing Endst: No. 5139-5197 dated 25-11-2008 which is hereby disowned void ab-initio with immediate effect & interest of public service.

**Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

3761-66
Endst: No: _____/

Dated Peshawar the: 10 / 4 / 2023

Copy forwarded for information & n/action to the:-

- 1 Learned Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
- 2 Additional Secretary (G) E&SE Department Khyber Pakhtunkhwa, Peshawar.
- 3 District Education Officer (Female) Swabi.
- 4 Deputy Director (Legal) E&SE Khyber Pakhtunkhwa Peshawar.
- 5 Principal GHS Thanoo, Swabi.
- 6 Mst. Sumaira (G) SST GHS Thanoo, Swabi.
- 7 Master file.

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

o/h

7/4/23

ANNEXURE D

13

7-

**OFFICE OF THE CIRCLE OFFICER
ANTI CORRUPTION ESTABLISHMENT DISTRICT SWABI**



NO: 5470/CO/ACC/SWABI
Dated: 21-09-2021

District Education Officer (P)
District Swabi

Subject:

PROVISION OF RECORD INFORMATION AN OPEN ENQUIRY
NO: 118/2020 AGAINST MISS SUMDRA (personal number 695632)
JST GHSS TANO SWABI REGARDING ILLEGAL APPOINTMENT
AND ILLEGAL TRANSFER.

Kindly refer to the subject cited above and to state that in the subject Enquiry under investigate with this establishment inquiry officer along with Audit team will visit your office date 23-09-2021

Therefore you are requested to arrange and provide relevant record on the above mentioned date also you may make sure presence of the relevant staff to provide the attested photo copies of concerned following mentioned record to this office in earliest as soon as possible for finalization of the enquiry.

[Signature]
Circle Officer
Anti Corruption Establishment
Swabi

Provide the following records

S.NO	Required Record
1.	Appointment order
2.	Charge report
3.	Pay slip issues by account office
4.	Pay release / documents verification
5.	Transfer order (all) & charge assumption reports
6.	Last pay certificate

[Stamp]

BETTER COPY



OFFICE OF THE CIRCLE OFFICER
ANTI CORRUPTION ESTABLISHMENT DISTRICT SWABI

No-54/CO, ACE Swabi
Dated 21.09.2021

District Education Officer (F)
District Swabi.

SUBJECT: PROVISION OF RECORD / INFORMATION AN OPEN ENQUIRY NO.118/2020 AGAINST MISS SUMERA (PERSONAL NUMBER 695632) SST GHSS TANO SWABI REGARDING ILLEGAL APPOINTMENT AND ILLEGAL TRANSFER.

Kindly refer to the subject cited above and to state that in the subject enquiry under investigate with this establishment inquiry officer along with Audit team will visit your office date 23.09.2021.

Therefore you are requested to arrange and provide relevant record on the above mentioned date also you may make sure presence of the relevant staff to provide the attested photo copies of concerned following mentioned record to this office in earliest as soon as possible for finalization of the enquiry.

Circle Officer
Anti Corruption Establishment
Swabi.

Provide the following records

S.No.	Required Record
1.	Appointment Order/
2.	Charge Report
3.	Pay Slip issue by account office
4.	Pay release/ documents verification
5.	Transfer Order (all) & charge assumption reports
6.	Last Pay certificate

~~ATTESTED~~



**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.**

14

SHOW CAUSE NOTICE

I, Hafiz Dr. Muhammad Ibrahim Director Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar being a competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve upon you Mst: Sumaira SST (G) GHS Thanoo, Swabi as follows:

That the District Education Officer (Female) Swabi vide memo No. 2017 dated 22-08-2021 has reported that you inducted yourself as SST (G) in E&SE Department through fake & bogus appointment Notification bearing Endst No.5139-5197 dated 25-11-2008. The DEO concerned also requested vide the above cited memo that appointment order dated 25-11-2008 may be disowned and FIR may be lodged against you. To dig out the matter in issue, the following inquiry committee was constituted vide Notification 22-12-2022, whereupon, the committee has submitted its report on dated 25-11-2008, wherein, your appointment Notification has been declared as fake & bogus.

2. That after having gone through the whole case record and material facts, the competent authority is of the firm opinion that there are sufficient grounds for initiating proceedings against you in terms Government Servants (Efficiency & Discipline) Rules, 2011 & you have committed the following acts and omissions under the Rules 3(a) & 3(b) of the rules ibid:

- i. *Inefficient*
- ii. *Guilty of misconduct*

3. That in view thereof, the undersigned, being competent authority has *Tentatively* decided to impose upon you "*the major penalty of removal from service in terms of Rule-4(1)(b)(iii) of Government Servants (Efficiency & Discipline) Rules, 2011*".

4. That you are, therefore, required to show cause, as to why the aforesaid penalty should not be imposed upon you and also intimate that whether you desire to be heard in person.

5. That your written reply to the Show Cause Notice should reach to this Directorate within seven (07) days of its delivery, failing which, it shall be presumed that you have nothing in your defense to put in, in that case, an *Ex-Parte* decision will be taken against you.

**DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

Endst: 5602-06A /F.No.AD(Lit-II)/Sumaira/SST Swabi/Show Cause Notice/2023.

Dated Peshawar the: 6 / 11 /2023.

Copy forwarded for information to the:-

- 1 Learned Registrar Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 2 District Education Officer (Female) Swabi.
- 3 Principal GHS Thanoo, Swabi.
- 4 Mst: Sumaira SST (G) GHS Thanoo, Swabi.
- 5 PA to Director, local Directorate.
- 6 Office copy.

**DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

3/11

6/11/23



**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.**

No: 3401 /F.No.Lit-II/Sumaira/SST.
Dated Peshawar the: ___/___/2022.

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To

**The District Education Officer,
(Female) Haripur.**

Subject: - **INQUIRY OF MST. SUMAIRA SST (G) GGHS TANO SWABI.**

Memo:

I am directed to refer your letter No.10622 dated 12-11-2022, whereby, you sought verification of appointment order bearing Endst No. 5139-5197/A-17/SST/M&F/Contract one year dated 25-11-2008 & Regularization order bearing Endst No. 1652-59/F.No.A-17/SET(F)contract-appont:2008 dated 15-01-2010 in respect of Mst. Sumaira SST (G) GGHS Thano District Swabi & intimate you that the aforementioned record/document in respect of Mst. Sumaira SST (G) GGHS Tano District Swabi have not been issued by the Directorate E&SE Khyber Pakhtunkhwa Peshawar, hence, the same be treated as fake & bogus order, therefore a report to this effect in response to your letter as cited above is hereby intimated for your perusal & further necessary action please.

Sd/-
Deputy Director (Estab-F)
E&SE Khyber Pakhtunkhwa,
Peshawar.

Endst: 3402-04 /F.No.Lit-II/Sumaira/SST

Dated Peshawar the: 30/11/2022

Copy forwarded for information to the:-

1. Learned Registrar Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Learned AAG Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Deputy Director (Legal) E&SE Khyber Pakhtunkhwa Peshawar.
4. PA to Director, local Directorate.
5. Office copy.

Sd/-
Deputy Director (Estab-F)
E&SE Khyber Pakhtunkhwa,
Peshawar.