

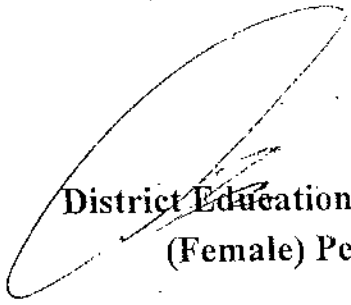
BEFORE THE SERVICE

TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL No.7941/2021

**Mr.: MEHAR UN NISA vs. EDUCATION DEPARTMENT
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District Education Officer
(Female) Peshawar

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service appeal No. 7941/2021

Mst. MEHAR UN NISAAppellant

V/s

SECTARY (E&SE) KHYBER PKHTUNKHWA PESHAWRA
&OTHERSRespondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT No.1,to 4.

Respectively Sheweth:

The Respondents submit below:

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action /locus standi to file the present appeal
2. That the Appellant has concealed material facts from this Hon'ble Tribunal.
3. That the Appellant is estopped by her own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant Appeal is badly time barred.
5. That the instant Appeal is not maintainable in its present form.
6. That the instant Appeal is bad for mis- joinder and non- joinder of the necessary and proper parties.
7. That the Appellant has not come with clean hands to this Hon'ble Tribunal.
8. That the instant Appeal is barred by law.

Reply on Facts:

1. That reply to Para No 1 it is submitted that the appellant was appointed on 21/03/2013 as CT teacher in BPS-09 on contract and non-pensionable basis w.e.f the date of taking over charge. .
2. That reply to Para No 2 is also pertains to record.
3. That reply to Para No 3. It is submitted that the appellant was wrongly promoted to S.CT on dated 07-12-2020 because she was junior from the other teachers, therefore her order withdrawn on dated 17-03-2021. which Annexed as Annexure "D" on page No-14 of the main appeal. Furthermore the respondents department conducted inquiry on a complaint against the said Promotion order on the recommendation of inquiry committee, the DPC meeting held and the appellant promotion order withdrawn because the appellant was junior from other teacher.(inquiry,DPC Minutes and withdrawn order are Annexed as Annexures A,B,&C)
4. That reply of Para No-04 has already been given in Para No-03
5. That Para No-05 is incorrect and misleading. There is no record of the appellanta appeal in the respondent Department.
6. That reply to Para No-06.It is submitted that respondent No-05 was senior from the appellant. Therefore she promoted from CT to S.CT under the rules.
7. That reply to Para No-07 pertains to record.
8. That the appellant has no cause of action to file the instant service appeal in this Hon'ble service Tribunal.


REPLY TO GROUND


- A. That ground A is incorrect, misleading and against the facts the order dated 17-03-2021 is according to law and rules.
- B. That ground b is incorrect and misleading.
- C. That respondent also seeks permission from this Hon'ble service tribunal to advance other proof & grounds at the time of arguments.

It is therefore, very humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost.

Q / Mon / 11/10/2022

**District Education Officer
(Female) Peshawar**

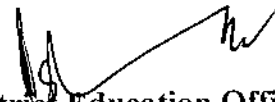
For 
(DIRECTOR)
 Elementary & Secondary, Education,
 Pakhtunkhwa, Peshawar.

For 
(SECRETARY)
 Elementary & Secondary Education Khyber
 Khyber Pakhtunkhwa, Peshawar.

Affidavit

Stated on Oath the content of the reply is correct to the best of my knowledge and nothing has been concealed from this honorable service tribunal.




**District Education Officer
(Female) Peshawar**

Annex A)

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OFFICE OF THE PRINCIPAL GHS JANAKOR HSD PESHAWAR

No: 1832

Date: 11-01-2021

To

The District Education Officer

HSD Peshawar

Subject: SUBMISSION OF INQUIRY REPORT

Introduction:

With reference to your letter No. 3644-45 dated 22/12/2020,
We, 1. Mr. Multan Khan Principal GHS Janakor HSD Peshawar
2. Mr. Usman Shah Principal GHS Sara Dargai HSD Peshawar
Have been appointed as inquiry officers to investigate the complaints
levelled by Ms. Saadia CT GGMS Mir Haider Killi HSD Peshawar and
others against the Female CT Merit List.

NATURE OF CHARGES:

Ms. Saadia CT GGMS Mir Haider Killi HSD Peshawar and others has
filed an application Complaining/ levelling charges against the CT
Merit List and has appealed for reconsideration and Justification in it
on merit basis.

Procedure:

All the Requisite records including Service Books, appointment
notification and other relevant Documents of all the CT Candidates
included in the merit list were considered and checked well in all
respect.

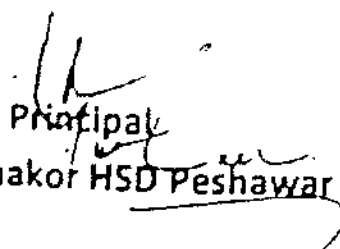
FINDINGS:

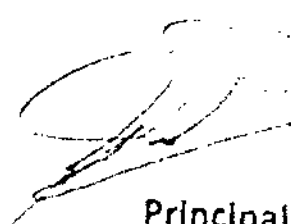
We thoroughly probe into the matter and found the following observations:-

1. Appointment notification (Attached) of all the candidates was the same included in the merit list i.e from S.NO.1 to 9.
2. In application filed by Ms. Mehrunisa appealing for correction in the merit of appointment notification of 2013.
3. Minutes of the committee nominated for the correction /amendment in the appointment notification 2013 is attached herewith the report.
4. Keeping in view the merit formula (Criteria) on prescribed form filled by Saadia CT is attached here with the report.

Conclusion:-

New merit list of CT Female for promotion from CT to Sr. CT has been rearranged, prepared and are submitted alongwith 1" appointment notifications in the honor of worthy District Education officer HSD Peshawar for further necessary action please.


 Principal
 GHS Janakor HSD Peshawar


 Principal
 GHS Sara Dargal HSD Peshawar

Annex - B

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OFFICE OF THE DISTRICT EDUCATION OFFICER, HASSAN KHEL, SUB-DIVISION PESHAWAR

Working Paper

Promotion to Senior Teacher

PROMOTION OF CT (BPS-15) FEMALE TO THE POST OF SCT (BPS-16) ON REGULAR BASIS

The case of Promotion of CT (BPS-15) to SCT (BPS-16) was considered and the DPC decided as under:

Total No. of Sanctioned Post of CT (BPS-15)	201
Share of SCT (BPS-16)	10
Share of SCT (BPS-16)	10
Already Promoted	167
Available Vacant Post of SCT (BPS-16)	4
Proposed CT for Promotion to SCT (BPS-16)	4
Deferred of Promotion to SCT (BPS-16)	18

No.	Sl. No.	Name of Official	Name of School	Date of Birth	Date of Appointment Regular	Academic/Professional Qualification	Remarks
1	1	Hamida Bibi	GGHS Khan	18.11.1978	01.09.2009	MA/M.Ed/BS	Fit for promotion
2	2	Nabila Gul	GGMS Hasham Khan	06.01.1953	01.09.2009	BA/M.Ed/BS	Fit for promotion
3	3	Hamidat Begum	GGMS Mirza Isaid	03.10.1983	10.02.2010	MA/M.Ed/BS	Fit for promotion
4	10	Samina Yasmeen	GGMS Numan Khil	30.01.1950	28.01.2013	MA/M.Ed/BS	File not submitted
5	11	Bushra Begum	GGHS Khan	16.10.1987	21.01.2013	MA/M.Ed/BS	Fit for promotion
6	12	Mehru Nissa	ADEO Office	01.06.1975	21.01.2013	MA/M.Ed/BS	Wrongly promoted to SCT as per record and inquiry report of this office held on dated 11.01.2020. Hence her promotion is hereby withdrawn please.
7	13	Yasmeen Begum	GGMS Rehman Shah	03.12.1969	21.01.2013	BA/BS	Wrongly promoted to SCT as per record and inquiry report of this office held on dated 11.01.2020. Hence her promotion is hereby withdrawn please.

CERTIFICATE

- Note: Specimen of certificate to be furnished by every DEO with the submission of promotion cases.
- All the CTs (Male/Female) have been included in the panel for promotion to SCT posts.
 - All the CTs (Male/Female) hold the post on regular basis and none of them is on adhoc acting charge/contract basis.
 - All the CTs (Male/Female) have completed the required minimum length of qualifying service and qualifications as required for promotion to SCT under the rules.
 - None of them is on deputation to any organization under the Federal, Provincial/Autonomous/International Organization.
 - Neither any disciplinary/departmental proceeding (Anti-corruption/Judicial inquiry) is pending against them nor has any penalty been imposed upon any one of them during the last five years.
 - None of them is on long leave (i.e. Pakistan leave).
 - Their ACRs synopsis is free of advance remarks.
 - They are alive and serving.
 - Their appointed order against CT posts is attached herewith.
 - The tentative list of CT officials is final, undisputed and not subject to challenge.
 - The Departmental Promotion Committee is requested to determine the suitability of the above named CTs for promotion with immediate effect.

(Signature)
 District Education Officer
 Hassan Khel, Peshawar
 Chairman, DPC

(Signature)
 Member

(Signature)
 Member

1. Director (E&SE) Peshawar
 2. Deputy Secretary (E&SE) Peshawar
 3. District Education Officer, Hassan Khel, SD Peshawar

included in the merit list were considered and checked well in all respect.



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Amre (C)

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Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No SO(B&A)/1-18/E&SF/2012 dated 11.07.2012 and Finance Department Endorsement No SO(FR)/FD/10-22(E)/2010 dated 16.07.2012, the following Female CTs/DMs/As/ & TTs (BPS-15) are hereby promoted to the post of Senior CT/Senior DM/Senior AT/ & Senior TT (BPS-16) (Rs. 18910-1520-64510) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect and further they will be posted in the Government Higher Secondary /High Schools by the District Education Officers concerned against vacant post of Senior CT/Senior DM/Senior AT/Senior TT & Senior PET (BPS-16) posts.

1. CT to SCT (BPS-16)

S. No.	S.L. No.	Name of Official	Present Place of Posting	Date of Birth	Date of Apptt; as Regular CT	Remarks
1	10	Sanina Yasmeen	GGMS Numan Khel	30/3/1980	28/1/2013	Services placed at the disposal of DEO Sub Division Hassan Khel for further posting
2	14	Mehrunnisa	ASDEO Sub Division Hassan Khel	1/5/1975	21/1/2013	Her promotion order issued Vide Endst No 6293-99 dated 7/12/2020 is hereby withdrawn with immediate effect being Junior at S No 1
3	15	Yasmeen Begum	GGMS Rehman Shah	3/12/1959	21/1/2013	Her promotion order issued Vide Endst No 6293-99 dated 7/12/2020 is hereby withdrawn with immediate effect being Junior and further her services may placed at the disposal of DEO Hassan Khel for further posting adjustment against vacant CT post

2. DM to SDM (BPS-16)

S. No.	S.L. No.	Name of Official	Present Place of Posting	Date of Birth	Date of Apptt; as Regular DM	Remarks
1	6	Yasmeen Gul	GGMS Numan Khel	12/9/1952	31/12/2010	Considered suitable for promotion to the post of Senior DM (BPS-16) on regular basis with immediate effect instead of 7/12/2020

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included in the merit list were considered and checked well in all respect.