

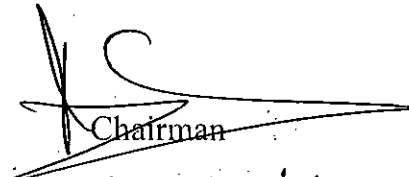
E.P No. 113/2015

01.4.2016

Petitioner with counsel and Mst. Razia Bibi, DEO (F) Bannu alongwith Addl. AG for the respondents present. Arguments heard and record perused. Learned counsel for the petitioner argued that the petitioner was reinstated in service and to this effect Mr. Sanobar Khan, ASDO alongwith learned Addl. AG appeared before the court on 15.5.2014. Representative produced copy of reinstatement order of the petitioner and that on the strength of the said order, the appellant withdrew her appeal. Learned Addl. AG argued that he has been informed by Razia Bibi, DEO (F) Bannu that the reinstatement order was not issued by the competent authority which was in fact a fake order and as such no progress whatsoever has been made in the case of the petitioner.

It is evident from the record that the petitioner withdrew her appeal on the strength of reinstatement order dated 31.10.2013 on 15.5.2014. Since the appellant has withdrawn her appeal on the basis of aforesaid reinstatement order as such the execution petition is not maintainable. The petitioner may seek further remedy on the strength of the said departmental order in the prescribed manners if so advised.

So far as allegation of fraud committed by representative of the respondents namely Mr. Sanobar Khan, ASDO is concerned, the same shall be taken note of and the matter be looked into in the prescribed manners and in case fraud is found committed then persons involved therein shall be proceeded against in accordance with relevant provisions of law. The petition is disposed of in the above terms. File be consigned to the record room.


Chairman

ANNOUNCED

01.04.2016

01.04.16

27.10.2015

Counsel for the petitioner present, Submitted Wakalat Nama and requested for adjournment on the point of maintainability of execution petition. Adjourned to 12.11.2015 before S.B.


Chairman

12.11.2015

Counsel for the petitioner present. Partially heard. Let notice be issued to the respondents for 22.12.2015 including arguments on the point of maintainability of the execution petition before S.B.


Chairman

22.12.2015

Mr. Sher Zali Khan on behalf of the petitioner and Ms. Bibi Razia, DEO (F) Bannu alongwith Assistant AG for respondents present. To come up for reply and arguments including arguments on maintainability of execution petition on 4.3.2016 before S.B.


Chairman

04.03.2016

Counsel for the petitioner, M/S Noor Zaman, Principal and Abdul Qadir, Assistant Accountant alongwith Addl: A.G for respondents present. Reply submitted. To come up for arguments on maintainability as well as implementation on 1.4.2016 before S.B.


Chairman

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

C.M. No.....in service appeal No.553/2013

Mst. Saira khan Daughter Of Sher Zali Khan R/O Of Fazel Shah Mita Khel Tehsil
And District Bannu.

...Applicant

Versus

7. District education officer E & SE (F) Bannu.
8. District account officer aBnnu.
9. SDEO (F) Bannu.

..Respondents

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3	The application for reinstatement as per the reinstatement <i>Release & Pay</i>	D	9
4	Wakalatnama	E	10

your humble applicant

Saira Khan
Saira khan

Through counsel

Bashir ur Rehman
Burki
Advocate Bannu

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

C.M. No.....in service appeal No.553/2013

Mst. Saira khan Daughter Of Sher Zali Khan R/O Of Fazel Shah Mita Khel Tehsil
And District Bannu.

...Applicant

Versus

K. P. Province
Service Tribunal

Diary No. 1135

Dated 2/10/2015

1. District education officer E & SE (F) Bannu.
2. District account officer aBnnu.
3. SDEO (F) Bannu.

..Respondents

**APPLICATION FOR IMPLEMENTATION OF
REINSTATEMENT ORDER DATED 31.10.2013 OF
RESPONDENT NO.1 AND PRODUCED THROUGH
ASDO IN THE SERVICE APPEAL NO. 553/13 ON
15.5.2014 BEFORE THIS HONORABLE SERVICE
TRIBUNAL WITH STRICT DIRECTION OF RELEASE
OF SALARIES WITH ALL THE BACK BENEFITS
FROM THE DATE OF WITHDRAWAL AND
INITIATING PROCEEDINGS FOR CONTEMPT OF
THIS HONORABLE SERVICE TRIBUNAL BY
DISOBEYING AND RIDICULING AND AWARDED
PUNISHMENT AS PER LAW WITH COSTS THROUGH
OUT.**

Respected Sir,

The applicant humbly submits as under:

1. That the applicant had preferred service appeal No. 553/13 before this honorable service tribunal against the withdrawal/termination order of appointment of applicant and on 15.5.2014 the respondent No.1 produced reinstatement order dated 31.10.2013 before this service tribunal wherein the applicant was reinstated and on the basis of that reinstatement order the service appeal was withdrawn. Copies of service appeal, reinstatement order dated 31.10.2013 and order dated 15.5.2014 of this honorable tribunal are enclosed as annexure "A", "B", "C" respectively.
2. That after that the applicant approached respondent No.1 for reinstatement as per the reinstatement order dated 31.10.2013 but the matter was delayed in one or the other pretence and in the meanwhile the applicant through written application requested for reinstatement

Filed to-day
2/10/15

in vain. Copy of the application for reinstatement as per the reinstatement order is enclosed as annexure "D". (2)

3. That against the act of not reinstating the applicant as per the reinstatement order dated 31.10.2013 and not releasing salaries with all the back benefits including proceedings for contempt of the order of this service tribunal there is no other proper and efficacious remedy except to invoke the authority of this honorable service tribunal inter alia on the following grounds:

GROUNDS

- a. That after reinstating the applicant and withdrawal of service appeal No.553/13 on the basis of reinstatement order not releasing salaries with all back benefits is against law and principle of justice and equity.
- b. That as per principle of estoppels the respondents are bound to act upon the reinstatement order and releasing of salaries with all back benefits and respondents can't deny the same.
- c. That after production reinstatement order by the respondent the applicant has withdrawn her service appeal No.553/13 so the reinstatement order dated 31.10.2013 merged into the order of this honorable tribunal dated 15.5.14 and both the order are now part and parcel of the same and one and respondents are bound to obey the same and release the salaries with all the back benefits of the applicant.
- d. That the disobeying and disrespecting the order of this honorable service tribunal is tantamount of the contempt of this service tribunal the respondents are liable for punishment as per law.
- e. That the counsel for the applicant may please be allowed to argue further legal and factual grounds during course of arguments.

Therefore, it is humbly prayed that the while accepting the instant application the respondents may please be strictly directed to implement the reinstatement order dated 31.10.2013 in its true perspective and the salaries with all the back benefits of the applicant may please be released and against the respondent for not obeying the order of this honourable tribunal contempt proceedings may please be initiated and punishment may please be awarded with costs through out.

Dated...../...../2015

your humble applicant

Saira Khan
Saira Khan

Through counsel

Bashir ur Rehman Buzki
Advocate
Bar

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

C.M. No.....in service appeal No.553/2013

Mst. Saira khan Daughter Of Sher Zali Khan R/O Of Fazel Shah Mita Khel Tehsil
And District Bannu.

...Applicant

Versus

- 4. District education officer E & SE (F) Bannu.
- 5. District account officer aBnnu.
- 6. SDEO (F) Bannu.

..Respondents

AFFIDAVIT

I, saira khan daughter of sher zali khn do hereby solemnly affirm and declare on oath that the contents of the application are true and correct to the best of knowledge and belief and nothing concealed from this august court.

Saira Khan
Deponent

Attested

Inamullah Advocate
Mitha Khel
District Bar Bannu
Inamullah

(A)

Annex-A

(4)

BEFORE THE HONOURABLE SERVICE TRIBUNAL
PESHAWAR KHIBER PAKHTUNKHWA

Service Appeal No. 553 2013



1. Mst. Saira Khan D/O Saier Zali Khan Ex PST Teacher Resident of
Fazal Meta Khel District Bannu.

VERSUS

504
27/2/13

1. Provincial Govt. through Secretary Education (E&SC) KPK Peshawar.
2. Director of Education PK Peshawar.
3. Ex DCO Presently Deputy Commissioner Bannu.
4. Ex EDO Presently District Education Officer Bannu.
5. District Education Officer (F) District Bannu.
6. Deputy District Office (F) District Bannu.

EXAMINER
KHIBER PAKHTUNKHWA
Service Tribunal
Peshawar
ATTESTED

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1973, AGAINST THE IMPUGNED WITHDRAWAL ORDER NO.8778-81/DO/ES/PTC DATED BANNU 02-10-2012 WHEREBY THE APPELLANT APPOINTMENT HAS BEEN WITHDRAWN/TERMINATED FROM GOVT. SERVICE AGAINST WHICH THE APPELLANT FILED A DEPARTMENTAL APPEAL BEFORE RESPONDENT NO.3 AND THE SAME HAS NOT BEEN DECIDED SO FAR WITHIN STIPULATED PERIOD OF TIME.

Prayer:

On acceptance of the instant appeal, the impugned order dated 02-10-2012 may be set aside and the appellant may be reinstated into service with all back benefits. Any other remedy fit under the circumstances may also be granted.

Respectfully Sheweth:

1. That the appellant was appointed as PST Teacher EPS-07 in the respondent department after observing all the coddle formalities vide order No.4192/4288/EDO(E&S), Dated 23-04-2012. (Copy of appointment order is annexure as "A").

That the appointment order of the appellant has now been withdrawn vide order No.8778-81/DO(E&S) PTC dated

re-submitted to and filed.

20/3/13
P-2
Ad: for Petitioner

02-10-2012 received to the appellant on 15/10/12 (Copy of the withdrawal order is annexure as "B").

3. That the appellant was appointed in BPS-7 as PST Teacher but the same post was upgraded in BPS-12 vide through notification vide No. SO(BKA)1-18/EA/E/2012 dated 01-07-2012. (Annex C)
4. That after up gradation and as per notification the respondent No.4 exceeded his powers by issuing withdrawal order of the appellant because the present case comes in the jurisdiction/ purview of District Coordination Officer.
5. That the appellant appointment order was withdrawn by making a sole ground that the FA certificate of the appellant was submitted for verification by the department to controller of exams Allama Iqbal Open University Islamabad and the same has been declared as fake.
6. That the appellant has collected her FA certificate from BISE Bannu and it is highly pertinent to mention here that the said FA certificate of AIQU Islamabad which has made the sole ground for termination, is missing in the apply form.

That the appellant has attached / submitted FA certificate of BISE Bannu and respondent department has got verified the same certificate from concern board and it is correct in all respects. (Copy of FA certificate is annexure as "D").

8. That the FA certificate produced by the appellant has been issued by the authority of Bannu Education Board and the same is accurate in each and every respect and has been received to the respondent department as verified.
9. That the appellant is in possession bachelor of arts (B.A) degree and the result of which has been declared on 09-09-2011 prior to appointment process.

That, feeling aggrieved the appellant has no other efficacious remedy but to invoke the jurisdiction of this honourable tribunal on the following amongst other grounds.

1.4
for petitioner

ATTESTED
Joint Service Position
15/10/12

6

6

- A. That the FA certificate which was made basis for issuing the impugned order of termination has neither been placed/ produced by the appellant nor the same has no nexus with her.
- B. That the respondents have flagrantly violated the rules of natural justice by providing no chance of personal hearing and thus condemned the appellant unheard.
- C. That no chance of defense has ever been provided to the appellant because the said impugned withdrawal order was received to her when she was engaged in learning and teaching the students in class. Reliance may be placed on 2000-SCMR-1973.
- D. That no proper procedure for terminating her services had been adopted in the appellants termination but in an arbitrary manner.
- E. That the appellant has not been treated in accordance with law under the rules.
- F. That the order of respondent No.4 in terminating the services of appellant is illegal, based on surmises and conjectures as well as having no logical and legal reasons behind the same.
- G. That the respondent department has totally ignored the FA certificate issued by the authority of Bannu Education Board and has not added the merit score of her BA degree, Issued by the University of Science & Technology Bannu.

It is therefore, most humbly prayed that on acceptance of this instant appeal, the impugned order may be set aside and the respondents be directed to reinstate the appellant in to services with all back benefits. Any other relief / remedy deem fit under the circumstances may also be granted please.

Khyber Pakhtunkhwa Services Tribunal
 Certified to be true copy

Date of Presentation of Application 30-5-2013
 Number of Pages 1200
 Copying Fee 8
 Us 2
 Total 10
 Name of Applicant Shahida Khan
 Date 30-5-2013
 Date of Issuance of Copy 30-5-2013

Shahida Khan
 Appellant
 Through Counsel
Mr. Shokir Ullah Khan Advocate
 High Court Bannu Bench Bannu

ANNEX-B

7

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
ELEMENTARY & SECONDARY BANNU.

RE-INSTATEMENT

Consequent upon the appeal made by SAIRA KHAN for re-instatement in service as PST BPS-12 wide withdrawal order No. 8778-81 dated 2/10/2012. The appeal was thoroughly checked/ Examined, by the DEO (Female) E&SE Bannu being a competent authority up to BPS-15 for appointment/ termination, she is hereby reinstated in service with the date of withdrawal on the following grounds/ reasons.

1. As per verification of her FA Certificate already verified through EDO by the BISE Bannu was found correct and considered for appointment/ reinstatement.
2. The then EDO was competent up to BPS-12 for appointment/ termination and the appellant was in BPS-12.
3. No Codel formalities regarding personal hearing were observed.

Hence the withdrawal were illegal and the above grounds are enough for re-instatement.

signed by

Zubaida Khattak
District Education Officer
E& SE (F) Bannu

(Zubaida Khattak)
District Education Officer
E& SE (F) Bannu

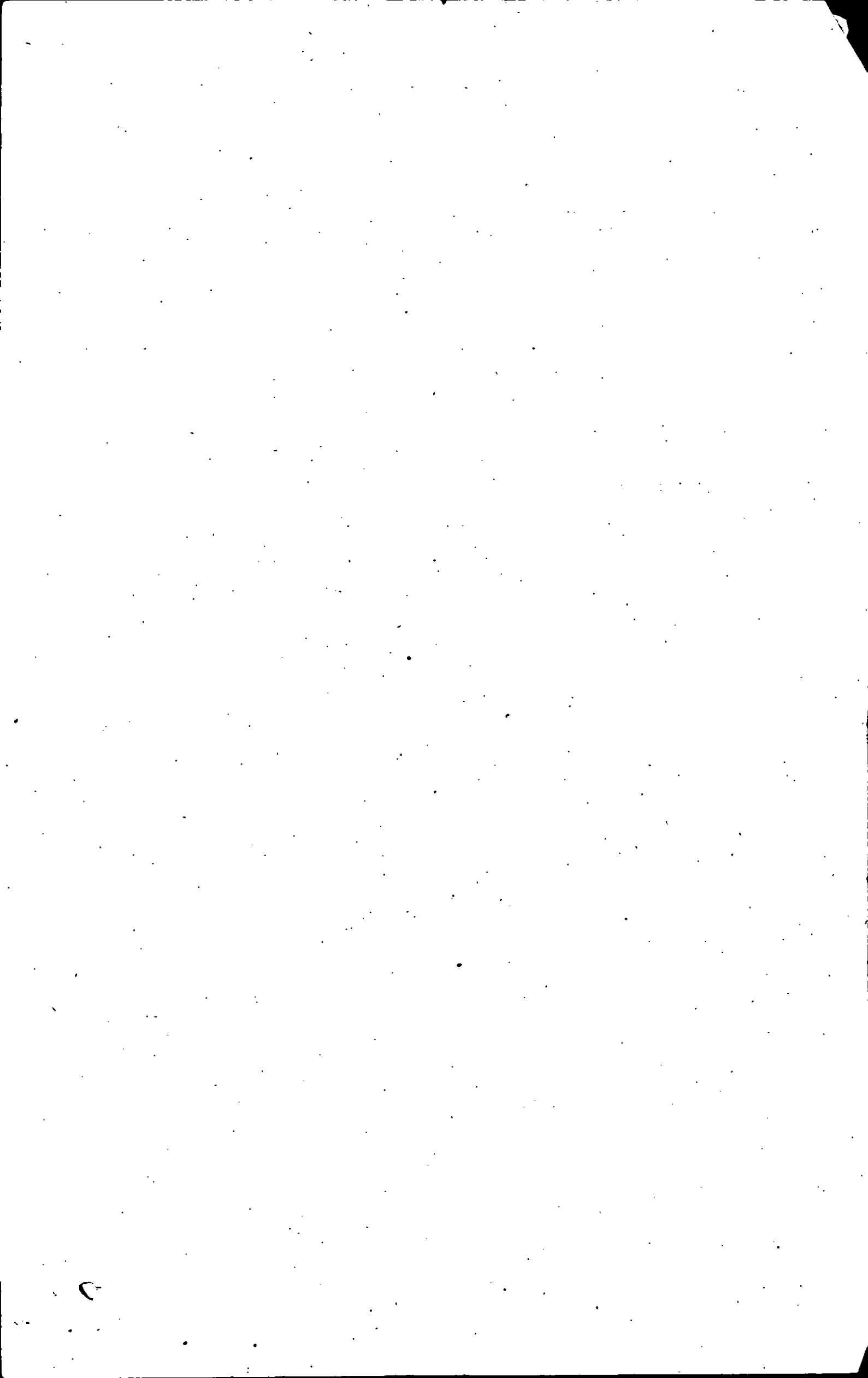
Endst No. 9980-82

Dated the Bannu 31/10/2013

Copy of the above is Forwarded to the:

1. District Account Officer Bannu.
2. SDEO (Female) Bannu.
3. Teacher Concerned

Zubaida Khattak
District Education Officer
E& SE (F) Bannu 31-10-2013



District
Education Officer
Faisal Bannu

01/07/16
میرا

میرا

Re-Instating order

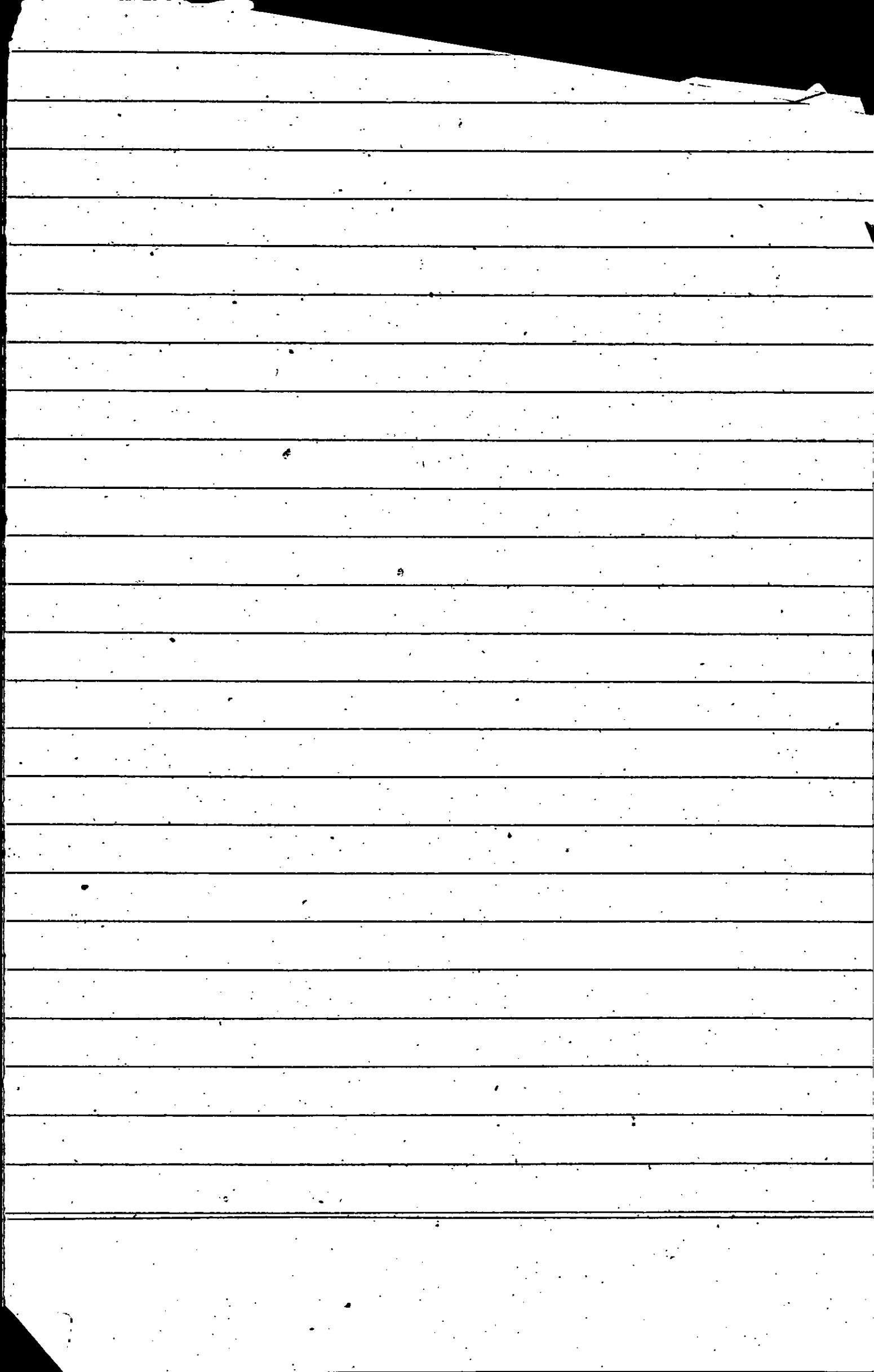
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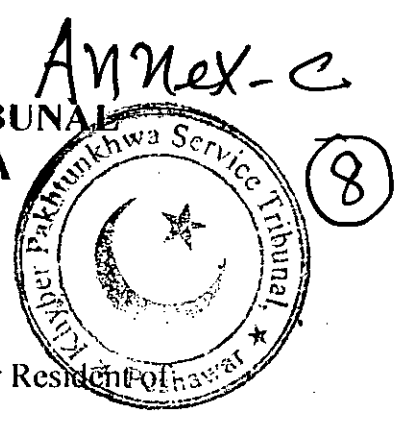
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Re-Instating order



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



Service Appeal No. 553 2013

1. Mst. Saira Khan D/O Sher Zali Khan Ex PST Teacher Resident of
Fazal Meta Khel District Bannu.

VERSUS

504
27/2/13

1. Provincial Govt. through Secretary Education (E&SC) KPK Peshawar.
2. Director of Education KPK Peshawar.
3. Ex DCO Presently Deputy Commissioner Bannu.
4. Ex EDO Presently District Education Officer Bannu.
5. District Education Officer (F) District Bannu.
6. Deputy District Officer (F) District Bannu.

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1973, AGAINST THE IMPUGNED WITHDRAWAL ORDER NO.8778-81, DO/ES/PTC DATED BANNU 02-10-2012 WHEREBY THE APPELLANT APPOINTMENT HAS BEEN WITHDRAWN/ TERMINATED FROM GOVT. SERVICE AGAINST WHICH THE APPELLANT FILED A DEPARTMENTAL APPEAL BEFORE RESPONDENT NO.3 AND THE SAME HAS NOT BEEN DECIDED SO FAR WITHIN STIPULATED PERIOD OF TIME.

15.5.2014

Mr. Sherzali Khan, attorney for the appellant, with counsel for the appellant (Mr. Sajid Amin, Advocate) and Mr. Sanobar Khan, ASDO on behalf of respondents with AAG present. Representative of the respondents produced copy of reinstatement order of the appellant, which is placed on file. In view of her reinstatement by the respondent-department, the appellant is satisfied, and request for withdrawal of the appeal made on her behalf. The appeal is accordingly dismissed as withdrawn, with no order as to costs.

ANNOUNCED

15.5.2014

S.A.S.
Chairman

Certified to be true copy
EXAMINED
Member Peshawar
Service Tribunal
Peshawar

Date of Presentation of Application 27-5-2015
 Number of Copies 400
 Copies Recd. 4
 Upon 2
 Total 6
 Name of Copy [Signature]
 Date of Completion 27-5-2015
 Date of Delivery of Copy 27-5-2015

(9) Annex-D بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر مردانہ از نانہ بنوں

عنوان: اپیل برائے عمل درآمد دوبارہ بحالی آرڈر نمبر 82-9980 مورخہ 31-10-2013 / عدالتی حکم

جناب عالی!

گزارش ہے کہ سائلہ نے سروس ٹریبونل خیبر پختونخواہ پشاور میں برائے بحالی سروس اپیل نمبر 13-0553 دائر کی تھی اس دوران سائلہ کو بذریعہ حکم بالا مجاز اتھارٹی نے مورخہ 31-10-2013 کو سروس پر بحال کر دیا اور موجودہ ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) بنوں نے بحالی آرڈر کو باقاعدہ Countersigned کر دیا اور بذریعہ نمائندہ جناب صنوبر خان ASDEO لیگل مورخہ 15-05-2014 کو جناب چیئر مین صاحب سروس ٹریبونل خیبر پختونخواہ پشاور کی عدالت میں بحالی آرڈر کو پیش کر کے کیس ختم کرنے کی استدعا کی جس پر جناب چیئر مین سروس ٹریبونل خیبر پختونخواہ پشاور نے آرڈر شیڈ جاری کر کے آرڈر پر عمل درآمد کرنے کو کہا۔ پھر میرے والد صاحب نے بذریعہ اپیل درخواست استدعا ہے کہ میری بیٹی کی تنخواہ مورخہ یکم ستمبر 2014 سے جاری کرنے کے احکامات صادر فرمائیں تاکہ عدالتی احکامات کی تکمیل ہو سکے۔ بصورت دیگر سائلہ عدالت کا دروازہ کھٹکھٹانے سے دریغ نہیں کرے گی۔ اور چیئر مین سروس ٹریبونل پشاور سے رجوع کرنے گی۔

23/12

لہذا بذریعہ اپیل استدعا کی جاتی ہے کہا آپ جناب سے گزارش ہے کہ میری تنخواہ مورخہ یکم ستمبر 2014 سے جاری فرما کر مشکور فرمائیں تاکہ جناب چیئر مین صاحب سروس ٹریبونل پشاور کی آرڈر کی تعمیل ہو سکے۔ سائلہ تاعمر دعا گو ہے گی۔

مورخہ 17-10-2014

العارضة

سائلہ سائرہ خان دختر شرزعلی خان فضل شاہ میتا خیل بنوں

DDRO (F)

B & AO

DRDO (F) Office

برائے اطلاع و ضروری کارروائی:

put up on file with
detail Report & Discuss

۱- جناب چیف جسٹس صاحب پشاور ہائی کورٹ خیبر پختونخواہ پشاور۔

۲- جناب رجسٹرار صاحب سروس ٹریبونل خیبر پختونخواہ پشاور۔

۳- جناب رجسٹرار صاحب پشاور ہائی کورٹ بنوں۔

۴- جناب کمشنر بنوں ڈویژن بنوں۔

۵- جناب ڈائریکٹر آف ایجوکیشن (ایلیمنٹری اینڈ سیکنڈری ایجوکیشن) خیبر پختونخواہ پشاور۔

DRDO (MIF)

8/12/14

BEFORE THE HONORABLE PROVINCIAL SERVICE TRIBUNAL KPK PESHAWAR

CM No.553/2013

Mst: Saira Khan D/O Sher Zali Khan-----

Petitioner

Verses

Government of KPK

etc

Respondents

District Accounts Officer Bannu

(Respondent No.02)

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02	Affidavit		02

Masud
DISTRICT ACCOUNTS OFFICER
BANNU

BEFORE THE PROVINCIAL SERVICE TRIBUNAL KPK PESHAWAR

CM No.553/2013

Mst: Saira Khan D/O Sher Zli Khan..... Appellant

Versus

District Accounts Officer Bannu,

Respondents No.02

Respectfully sheweth

Preliminary Objection

That the applicant has got no cause of action or laws standing against the replying respondent

Parawise Comments on behalf of respondent No.02

Facts:

01-02 Not relating to the replying department.

03 No salary and other documents of the appellant was submitted by the respondent No. 01 & 03.

Grounds

- A. Reply as per para-3 above.
- B. This office can only entertain those claims which are duly submitted by the drawing & disbursing officer for pre-audit under the rules.
- C. Reply as per B above.
- D. Reply as per B above.
- E. NO comments.

In view of the above submission it is requested that this office may kindly be deleted from the instant appeal as the subject matter is of an administrative nature and the judgment of the honorable Service Tribunal will be followed in latter and sprit.

Signature
DISTRICT ACCOUNTS OFFICER
BANNU

BEFORE THE PROVINCIAL SERVICE TRIBUNAL KPK PESHAWAR

CM No.553/2013

Mst: Saira Khan D/O Sher Zli Khan..... Appellant

Versus

District Accounts Officer Bannu,

Respondents No.02

AFFIDAVIT

I Mr. Abdul Qadir Assistant Accountant B-16 of DAO Bannu do hereby affirm and declare on oath that the contents of the reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



DEPENDENT

BEFORE THE HON'ABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR.

C. M No. 113 of 2015

In

Service Appeal No 553/2013

Mst. Saira Khan -----Applicant / Appellant

VERSUS


District Education Officer (Female) Bannu & Others
Respondents

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	copy of verification letter of AIOU Islamabad	C	12
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Dated:- 04/03/2016

Respondents 1 & 2


District Education Officer (F)
Bannu.

COPY OF CM APPLICATION - along with order sheet M 61-65

BEFORE THE HON'ABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR.

C. M No. 113/ of 2015

In

Service Appeal No 553/2013

Mst. Saira Khan -----Applicant / Appellant

VERSUS

District Education Officer (Female) Bannu & Others
 Respondents

WRITTEN COMMENTS.

Respectfully Sheweth:-

Written Comments on behalf of Respondent No. 1.

PRELIMINARY OBJECTIONS

1. That the applicant / appellant has got no cause of action to file the instant C.M ✓
2. That the applicant / appellant has no locus standi. ✓
3. That the instant C.M for implementation of reinstatement order dated 31-10-2013 is wrong, baseless and against the law & service rules. ✓
4. That the applicant / appellant has not come to this Hon'able Tribunal with clean hands. ✓
5. That the above titled Service Appeal No. 553/2013 has been dismissed as withdrawn, therefore the instant C.M is not maintainable and entertain-able in its present form. ✓

6. That the applicant / appellant has suppressed some important facts from this Hon'able Service Tribunal.
6. That the instant C.M is liable to be dismissed with cost throughout.

FACTUAL OBJECTIONS.

1. That Para No. 1 of the instant C.M is correct. However it is stated that the present applicant / appellant was appointed as PST vide appointment order No. 4192-4288/DEO (E &S) dated 23-04-2012 issued by the then *Executive District Officer (Elementary & Secondary Education) Bannu* but the order was withdrawn vide order No. 8778-81 dated 02-10-2012 after verification of F.A Certificate from Allma Iqbal Open University whereby the F.A Certificate has been declared fake and bogus with the remarks to lodge FIR against the applicant / appellant. Copy of Appointment order is **Annexure "A"**, withdrawal order is **Annexure "B"** and copy of verification letter is **Annexure "C"**.

Further enquiries against the impugned appointment order mentioned above on the basis of fake and bogus F.A Certificate issued by AIOU Islamabad have been conducted and its findings are attached as **Annexure "D, E & F"** respectively.

It is further stated before this Hon'able Service Tribunal that after issuing the impugned appointment order on the basis of fake F.A Certificate wherein shown high marks has been excluded the fake F.A certificate from the office record by the father of applicant / appellant as he was a dealing clerk in EDO Office Bannu and entered F.A Certificate issued by the BISE Bannu.

If this Hon'able tribunal compared the F.A Certificate of BISE Bannu and merit list then the applicant / appellant has not come in merit. Therefore the impugned appointment order has rightly been

withdrawn. Copy of F.A Certificate of BISE Bannu and Merit list are attached as **Annexure "G & H"**.

Ironically it is stated that the District Education Officer (Female) Bannu issued re-instant order vide Endst: No. 9980-82 dated 31-10-2013 in light of the service appeal filed by the present applicant / appellant while the service appeal was dismissed as withdrawn vide order sheet dated 15-05-2014. Hence it has been proved that the re-instatement order has been issued on some mala-fide intentions which is not sustainable in the eye of law. Copy of re-instatement order dated 31-10-2013 and order sheet dated 15-05-2014 with ground of Service Appeal are annexed as **Annexure "I & J"** respectively.

2. That Para No. 2 of the instant C.M is totally incorrect and wrong. As the impugned initial appointment order No. 4192-4288/DEO (E &S) dated 23-04-2012 has rightly been withdrawn through vide withdrwal order No. 8778-81 dated 02-10-2012 but the present applicant / appellant has been illegally and unlawfully re-instated which is clear from this fact that the then District Education Officer (Female) Bannu Ms. Perveen Begum has disowned her countersignature clearly mentioned on face of re-instatement order whereby the present respondent (District Education Officer ,Female, Bannu) advanced letter to her vide No. 877/MNT-order dated 25-02-2016. Copy of and letter No. 877/MNT-order dated 25-02-2016 & re-instant order are attached as **Annexure "K & L"** respectively.
3. That Para No. 3 of the instant C.M is totally wrong and incorrect. The detailed reply has already been given under the above mentioned para but so far the question of salaries, she is not entitled of any salary as she has not performed single day duty and in this

regard the respondent quoted the judgment of august Supreme Court "SCMR-2013 Page 228-231 case titled "Syed Niaz Hussain Shah Bukhari V.S OGDCL Islamabad and hold that " there is no work there is no pay". As stated above that Ms. Perveen Begum the then District Education Officer (Female) Bannu has disowned from her countersignature put on face of the re-instatement order then the question of contempt of court does not arise. The remaining para is legal one hence no comments.

GROUNDS.

- a. This para of the ground is totally wrong and incorrect. The present applicant / appellant has been illegally and unlawfully re-instated by Ms. Zubaida Hanif the then District Education Officer (Female) Bannu in light of the appeal. At the time of re-instatement order the service appeal was not disposed of. Further the re-instatement order has not been countersigned by Ms. Perveen Begum the then DEO (Female) Bannu and her countersignature has been put on re-instatement order which is fake.
- b. The reply of this para of the ground has been in detailed under the above mentioned paras.
- c. This para of the ground is totally incorrect and wrong. As stated in the above mentioned paras that the countersignature has been put on the face of re-instatement order whereby the Ex- DEO (F) Ms. Perveen Begum has shown disown from her countersignature so the re-instatement order is not according to rule. Further the enquires against the impugned initial appointment order are very self-explanatory. Therefore the re-instatement cannot be justified as valid and genuine appointment order. The applicant / appellant is not entitled of salary as

she is not a government servant under withdrawal order.

- d. The reply of this para is that the re-instatement order has not been issued in light of the order of this Hon'able Service Tribunal dated 15-05-2014 but the service appeal has been dismissed as withdrawn so contempt of court does not apply in the case.
- e. The respondent also seeks permission to raise additional grounds at the time of arguments.

In light of the above mentioned detailed written reply this Hon'able Service Tribunal may very graciously be pleased to dismiss the instant C.M with cost being not maintainable and this C.M may be declared is illegal and against the service rules.


Dated:- 04/03/2016

Respondents 1 & 2


District Education Officer (F)
Bannu.

Certificate

Certified that the contents of the accompanying written statement are true and correct as per record of this office.


District Education Officer (F)
Bannu.

OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND SECY: EDU: BANNU

APPOINTMENT ORDER

compliance with the Honorable Peshawar High Court D.L.Khan Bench Judgment dated 14-4-2011 and judgment of Supreme Court of Pakistan in C.P. No.837 and after vacation of stay from the Hon: Court of Civil Judge Post Bannu 4-2012 and on the recommendation of the DPC/DSC Committee in the meeting held on 14-4-2012, the undersigned is to appoint the following P.S.T. Female candidates out of Union Council/District Open Merit and other Quotas on regular basis without Pension and Gratuity in BPS-07 plus usual allowances as admissible under the existing Rules / Policy in the notified against their names with effect from their date of taking over charge in the best interest of public service subject to conditions given below:-

COUNCIL LEVEL MERIT APPOINTMENT ORDERS

Sl. No.	Name	Father Name	ADDRESS	U/Council	Place of Posting	Remarks
1	Musarat Shaheen	Mehboobur Rehman	Amandi Hanif	Amandi	GGPS Shai Khel Daud Shah	Againt V/P
2	Umer Shad	Syed Ayaz	Nahayat Kila	Aral Hathi Khel-II	GGPS Kotka Hajji Sarfraz Domel	-do-
3	Jamila	Akhtar Jan	Spina Tangi Patol	Aral Hathi Khel-II	GGPS Kotka Gul Rauli Khan Domel	-do-
4	Yasmin bibi	Ghulam Sadig	Nambal Kila	Aral Hathi Khel-one	GGPS Ghani Khel Domel	-do-
5	Nasim	Mir Zaman	Kotka Mirdil Domel	Aral Hathi Khel-one	GGPS Landi Kila	-do-
6	Noorshad	Mir Payio shah	Aral Hathi Khel	Vizda	GGPS Mirmandi Kila	-do-
7	Noorshad	Shakil Rehman	Kotka Sadrawan	Asperka Wazir	GGPS Mirmandi Kila	-do-
8	Dil Khurshad	Nazif Khan	Asperka Wazir	Asperka Wazir	GGPS Inayatullah Khan Kasho Nala Link Road	-do-
9	Noor Yana	Sabeza Ali Shah	Terkhuba Kalam	Asperka Wazir	GGPS Inayatullah Gadi Top Kotka	-do-
10	Huma Wazir	Himalullah Khan	Asperka Wazir	Asperka Wazir	GGPS Doctor Norderaz Baka khel	-do-
11	Komal Nusrat	Zafer Ali Khan	Kaski Akhundand	Baka Khel	GGPS Narmi Khel Baka Khel Mumtaz	-do-
12	Sulfa Larni	Akhtar Ali Khan	Kaski Akhundand	Baka Khel	GGPS Khashni Kila Ghani	-do-
13	Nazia	Noor Baz	Bazar Ahmad Khan	Bazar Ahmad Khan	GGPS Khashni Kila Ghani	-do-
14	Roman Bibi	Mohammad Bashir	Kotka Khushbakht	Bazar Ahmad Khan	GGPS Kotka Syed Rehman Shamozai	-do-
15	Natasha Afridi	Mehruallah Khan	Domanza Bezan Khel	Bezan Khel	GGPS Kalam Tughal Khel	-do-
16	Shamnaz Begum	Amir Jan	Naser Khan Bharal	Bharal	GGPS Shah Daraz Bharal	-do-
17	Nazia Awan	Khan Mohammad	Bharat Khas	Bharal	GGPS Bannu City No.4	-do-
18	Saita Rabail	Younas Javed	H.No.486/C moh:Jang	City-II	GGPS Bannu City No.5	-do-
19	Salma Aslam	Mohammad Aslam	H.No.633/D Moh:Munian Bannu	City-II	GGPS Bannu City No.4	-do-
20	Seemab Gul	Ghazi Mehmoed	H.No.274/D Moh:Tanchi Bazar	City-II	GGPS Shah Alam Daud Shah	-do-
21	Gul Behramzahida	Noor Ali shah	Gulan Daud Shah	Daud Shah	GGPS Firan Daud Shah Bilal	-do-
22	Rahmida	Bakht Ali Khan	Musher Daud Shah	Daud Shah	GGPS Firan Daud Shah Bilal	-do-

15/12/15
Daud Shah
Daud Shah

Executive District Officer
Elementary & Secondary Education
Bannu

(Annex-A) 6

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23	Farakh Naz	Ghulam Nabi	H.No.282/D Moh:Aria Samaj	Fatima Khel	GGPS Kot Beli	-do-
24	Nayab	Nimatullah Khan	Q.No.3/12 S Wapda Colony	Garhi Sher Ahmad	GGPS Kotka Juma Khan	-do-
25	Naila Gul	Ghulam Shah	H.No.150/B Moh:Umer Hayat	Garhi Sher Ahmad	GGPS Kotka Juma Khan	-do-
26	Zafrana Iftikhar	Iftikhar Husain	H.No.419/B Mh:Nasrullah Khan wakil	Garhi Sher Ahmad	GGPS Bannu city No.2	-do-
27	Saleh Gul	Abdur Razaq	Mir Ahmad Ghoriwala	Ghoriwala	GGPS Bharthi Michan Khel	-do-
28	Nayab Younas	Mohammad Younas	Ghoriwala	Ghoriwala	GGPS Ghoriwala Khas	-do-
29	Farshad Begum	Mohammad Afzal	Fazal Haq Malwana	Hasani Kalan	GGPS Kotka Babo Jan Surani	-do-
30	Tahira Islam	Zainul Islam	Bazida Yousaf Khan	Hasani Kalan	GGPS Bazida, Karim Khan	-do-
31	Ghulam Fatima	Malay Ayaz	Basia Khel	Haved	GGPS Aslam Khan Derdariz	-do-
32	Saima Ghazal	Sher Nawaz	Multani Landidak	Haved	GGPS Haved Molvi Anwar Shah	-do-
33	Asima Bibi	Maqbool khan	Zabta Khan Derdariz	Haved	GGPS Mohd Subhan Derdariz	-do-
34	Nazera Bibi	Mohd Awaz Khan	Lewan Derdarzi	Haved	GGPS Lewan Derdariz No.2	-do-
35	Umama Wazir	Wali Rehman	Mali Khel Jani Khel	Hindi Khel	GGPS Hindi Khel Jani Khel	-do-
36	Zainub	Dar Awaz Khan	Mali Khel Jani Khel	Hindi Khel	GGPS Matoon Khel Jani Khel	-do-
37	Tahira	Abdur Rasool	Hinjal Noorbaz	Hinjal	GGPS Mir Azam Baist Khel	-do-
38	Feharaton Sadiqa	Khan Gul Khan	ismail khel	Ismail Khel	GGPS Dhandi Ismail Khel	-do-
39	Noortaj Begum	Kamal Din	ismail khel	Ismail Khel	GGPS Khujaram Khel Ghulam Ali	-do-
40	Shanaz Begum	Sairullah Shah	Akhudan	Jhando Khel	GGPS Normali Jhano Khel	-do-
41	Rizwana Jamil	Mohd Jamil	Shabaz Kakki	Kakki-II	GGPS Lower Zone Kakki	-do-
42	Anisa Murad	Murad Ali	Ismail Khani	Kala Khel	GGPS Pir Sabir Shah	-do-
43	Zuhra Ajmal	Mohd Ajmal	Shabaz Sheikhan Shah	Kala Khel	GGPS Shamtiaz Kala Khel	-do-
44	Hina Murard	Murad Ali	Kala Khel Masti Khan	Kala Khel	GGPS Shadev Nawab Ali	-do-
45	Iftikhar Begum	Ismail Khan	Baik Khel	Khander Khan Khel	GGPS Kotka Nazidullah Karab Kila	-do-
46	Nosheen Sana	Sanaullah Khan	Kotka Mohamad khan	Khander Khan Khel	GGPS Kotka Ra; Ali Azim Kila	-do-
47	Zubaida Nasreen	Ahmad Khan	Awadin Gul Kila	Khander Khan Khel	GGPS Ayub Khan Kila Alanawaz	-do-
48	Nabia Sultan	Sher Dil Khan	Zulqader Mandan	Khawajamad Mandan	GGPS Shukrullah Beri Khel	-do-
49	Musarat Shaheen	Mohammad Salim	Kafshi Khel Zafer Khan	Kosar Fateh Khel	GGPS Luqman Kafshi Khel	-do-
50	Naheed Akhtar	Nek Nawaz	Faiz Talab Abas Mandan	Kosar Fateh Khel	GGPS Bahader Manak Khel	-do-
51	Nabila Nawaz	D.Umer nawaz	Kotka Khan Sherin	Kot Qalander	GGPS Kotka Khan Sherin Degan	-do-
52	Asima bibi	Gul Jehan	Kumkotka Saqi	Lalozai	GGPS Kumkotka Saqi No.2	-do-

Executive Distt. Officer
Education & Secondary Edu.
Rajshahi

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53	Norin Sozar	Suzar Khan	Torka Surani	Lalozai	GGPS Torka Mohd Nawaz	-do-
54	Nilofar	Umer Shah	Hayat Gider Mama Khel	Mama Khel	GGHS Hasan Khel Kheraki No.2	-do-
55	Aisha	Umer Khan	Ayaz Chota Masoori	Mama Khel	GGPS Nari Jajan	-do-
56	Hasiba Khatoon	Gul Shah	Mehboo Dari Saidan	Mamash Khel	GGPS Deri Saidan	-do-
57	Amna Bibi	Abdul Nawab	Alladad Mamash Khel	Mamash Khel	GGPS Aladad Mamash Khel	-do-
58	Mehnaz	Umer ayaz Khan	Imaro Kila Mandan	Mandan	GGPS Misal Khan Mandan	-do-
59	Nosheen Gul	Abdul ghani Shah	Saidan Abdul Qadir Shah	Mandan	GGPS Rastab Ali Bozi Kila	-do-
60	Bas Nazira	Shah Qiaz	Saidan Abdul Qadir Shah	Mandan	GGPS Mathan Khan Sabo Khel	-do-
61	Mehnaz Aziz	Aziz khan	Bangish Mandan Khel	Mandan	GGPS Inayat Mitha Khel	-do-
62	Najma	Mir Hakim khan	Lali Kila	Mandev	GGPS Shah Qiaz Mandev	-do-
63	Shazia	Umer Khan	Mandew	Mandev	GGPS Mandev Khas	-do-
64	Fozia Shah	Rehimdin shah	Chak Dadan	Mira Khel	GGPS Sirmast Mira Khel	-do-
65	Najma	Ghafoor Khan	Fazal Shah Mita Khel	Mitha Khel	GGPS Feroz Fateh Khel	-do-
66	Saira Khan	Sherzali Khan	Fazal Shah Mita Khel	Mitha Khel	GGPS Feroz Fateh Khel	-do-
67	Samrin	Gul Shabaz	Kotka Makhan Kila Patona Mohd Khel	Mohd Khel Wazir	GGPS Kotka Sharifullah Mohd Khel	-do-
68	Ulfat Begum	Aziz Khan	Murib Khel Baka Khel	Mohd Khel Wazir	GGPS Hikmatullah Baka Khel	-do-
69	Nadia	Gul Shamad	Mati Kila Mohd Khel Wazir	Mohd Khel Wazir	GGPS Zakim Mohd Khel	-do-
70	Nusrat Nawaz	Mohammad Nawaz	Amir Waiz Nurar	Mumbathi Barakzai	GGPS Wazir Kila Mumbathi Barakzai	-do-
71	Yasmin Zaib	Umer Khan	Mumbathi Barakzai	Mumbathi Barakzai	GGPS Mumbathi Barakzai	-do-
72	Amna Qureshi	Rehmatullah	Mirbaz Barakzai	Mumbathi Barakzai	GGPS Zonda Ghaibi Delawar	-do-
73	Zahida Kalsoom	Akhtar Zaman	Kotka Amir Waiz Khan nurar	Mumbathi Barakzai	GGPS Khan Kila No.2	-do-
74	Naheed Akhtar	Mohammad Azam Khan	Nar Sher Mast	Nar Jaffer	GGPS Nar Mir Akber Khan	-do-
75	Bushra Norin	Zarban Shah	Pariz Khoni Khel	Nizam Dharma Khel	GGPS Kotka Feroz Shafqat	-do-
76	Musarat	Noor Zaman	Pariz Khoni Khel	Nizam Dharma Khel	GGPS Nizam Dharma Khel	-do-
77	Rafia Rais	Gul Rais Khan	Nurar	Nurar	GGPS Haji Umar Nawaz Nurar	-do-
78	Amrozia	Safdar ali	Nurar	Nurar	GGPS Abas Khan Nurar	-do-
79	Farah Gul	Mohammad Rais	Nurar	Nurar	GGPS Kotka Sardar Ali Nurar	-do-
80	Basmina	Asar Ali shah	Bahader Khel Nurar	Nurar	GGPS Sher Ayaz Nurar	-do-
81	Kanza Norin	Safdar Ali Khan	Shebaz Azmat Khel	Shabaz Azmat Khel	GGPS Kotka Baber Shabaz Azmat Khel	-do-
82	Samrad	Rashid Nawaz	Kotka Khudac Shabaz Azmat Khel	Shabaz Azmat Khel	GGPS Kotka Baber Shabaz Azmat Khel	-do-

Executive Distr. Officer
 Elementary & Secondary Edu.
 Banna

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83	Aisha Iqbal	Sir Iqbal	Shabaz Azmat Khel	Shabaz Azmat Khel	GGPS Azmat Khel Muqader	Shabaz Azmat Khel Muqader	-do-
84	Sakina Zahid	Zahidullah Khan	Akhundan Azmat Khel	Shabaz Azmat Khel	GGPS Azmat Khel Muqader	Shabaz Azmat Khel Muqader	-do-
85	Rakhshanda	Sardar ali khan	Ghora Baka Khel	Takhti Khel	GGPS Badshadin Baka Khel	Noor Sany Khel	-do-
86	Shaheen Bibi	Sher Ali Khan	Surat Khan Kila	Takhti Khel	GGPS Khalidin Baka Khel	Murib Baka Khel	-do-
87	Shakeela Bibi	Mosam Khan	Ahmad Shah Serki Khel	Zerki Pirba Khel	GGPS Bannuchi Habibullah	Kila Habibullah	-do-

TERMS AND CONDITONS

1. Their Service will be considered regular but without pension and gratuity in term of Section-19 of NWFP, civil servant Act, 1973 as amended vide NWFP, civil servant Amendment Act, 2005. They will however be entitled to contributory provident Fund in such a manner and such rates as may be prescribed by the Government.
2. Their services will be considered on probation for two year from the date of taking over charge.
3. Their services are not transferable from the Union Council where they are appointed.
4. Their services can be terminated at any time, in case their performances are found unsatisfactory during probation period. In case of misconduct they will be proceeded against under the Khyber Pakhtunkhwa E and D Rules, 2011 and the rules framed from time to time.
5. The candidates should join their post within 15 days. The DDO Female Primary Bannu should furnish a certificate to the effect that the candidates have joined the post or otherwise, after 15 days of the issuance of this order, failing which, her/their orders will automatically stand cancelled
6. Charge should not be handed over if age of the candidate is below 18 years or above 35 years as per Govt. Rules.
7. In case of fake certificates/Degrees or any other mistake in the said appointment order detected later on, the undersigned reserves the right of with drawl/amendment in the appointment orders accordingly.
8. The DDO Female may not release pay of the above PST Female teachers before proper verification of their documents and pay release order from the undersigned
9. They will produce Health and age certificates from Medical Superintendents concerned Hospital before taking over charge.
10. On the acceptance of the above Terms and Conditions, the appointees should join the post and submit their charge report to all concerned.
11. No TA/DA etc is allowed to any one.

SARAF ALI SHAH
 EXECUTIVE DISTRICT OFFICER
 ELEM:AND SECY: EDU:BANNU

Endst.No. 4192-4288 /AE-I/Female PST/2012 Dated the 23-04-2012

Copy for information and necessary action to:-

1. Secretary Elementary and Secondary Education Khyber Pakhtonkhwa
2. Director Elementary and Secondary Education Khyber Pakhtonkhwa.
3. The District Coordination Officer Bannu
4. District Officer Female E and SE Bannu
5. DDO Female Primary Bannu with the remarks that their pay may not be drawn until and unless their testimonials are not verified from concerned Board/University.
6. District Accounts Officer Bannu
7. Registrar Peshawar High Court Bannu.
8. Member inspection team Peshawar High Court Peshawar w/r to his order No.772/ dated 13-4-2012.
9. Govt. Pleader Bannu

Attested
SA
15/12/15
DEO (F)
Bannu

EXECUTIVE DISTRICT OFFICER
 ELEM:AND SECY: EDU:BANNU

Executive Distt. Officer
Elementary & Secondary Edu.
S. Mur

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, ELEMENTARY &
SECONDARY EDUCATION, BANNU

OFFICE ORDER

(Annex-B)

10

79

1- WHERE AS

Miss Saira Khan D/O Sher Zali Khan was appointed as PST/PTC at GGPS Feroz Fatch Khel-Bannu vide this office order Indst. No. 4192-4288/AE-1/Female/PST/2012 dated 23-4-2012.

2- AND WHERE AS

Her HSS Certificate was submitted for verification to the Controller of Examination Allama Iqbal Open University Islamabad vide Dy. District Officer (Female) Primary, Bannu No. 786 dated 6-6-2012 as per TERMS & CONDITIONS AT S.NO. 7 of the appointment order.

3- AND WHERE AS

The Controller of Examination, Allama Iqbal Open University Islamabad vide his letter No. J-1-5/20 (Certificate dated 9-7-2012) declared that her HSS certificate bearing S.NO.160835 (Roll No. T-701151) as fake.

4- AND WHERE AS

In the light of terms & conditions at S.NO.7 of the appointment order, her appointment as PST/PTC at S.NO. 66 in the appointment order of the Union Council Wise Merit under Indst. No. 4192-4288/AE-1/Female/PST/2012 dated 23-4-2012, is hereby withdrawn/cancelled from the date of taking over charge on the basis of Fake Certificate.

(SARAF ALI SHAH)
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY
EDUCATION, BANNU

Indst. No. 3778-81 DDO (F/S) PTC Dated Bannu the 07/10/2012

Copy for information to the:-

- 1- District Coordination Officer, Bannu
- 2- Deputy District Officer, (Female) Primary Bannu for information and necessary action with reference to her No. 999-1000/DDO(F) Verification dated 25-9-2012
- 3- District Accounts Officer, Bannu
- 4- Executive District Officer, Elementary & Secondary Education, Bannu
- 5- Miss Saira Khan D/O Sher Zali Khan GGPS Feroz Fatch Khel Bannu
- 6- Head Teacher, GGPS Feroz Fatch Khel Bannu

DISTRICT OFFICER (F/S) PTC
ELEMENTARY & SECONDARY
EDUCATION, BANNU

OFFICE ORDER

1-WHERE AS

Miss Najma Ghafoor D/O Ghafoor Khan was appointed as PTC/PST at GGPS Feroz Fatch Khel Bannu vide this office order Endst No. 4192-4288 dated 23-4-2012

2- AND WHERE AS

Her H.S.S.C Certificate was sent to the Board of Intermediate & Secondary Education, Bannu for verification by District Coordination Officer Bannu and intimated vide his No. 4354/DCO/AE/PST dated 31-10-2012 that her actual marks are 526 out of 1100 vide BISE Bannu No.1457/cert/BISE-B/12 dated 27-9-2012 & marks shown in Merit list are 652/900 with unfair means.

3-AND WHERE AS

the appointment already made is illegal due to submission of fake documents by the candidate as per verification received from the secretary BISE Bannu vide No.1457/cert/BISE-B/12 dated 27-9-2012

4-AND WHERE AS

In the light of Terms & Conditions at S.NO.7 of the appointment order, her appointment as PST/PTC at S.NO.65 in the appointment order of the Union Council Wise Merit, issued under Endst No. 4192-4288 dated 23-4-2012, is hereby cancelled/withdrawn from the date of taking over charge on the basis of Fake & bogus H.S.S.C Certificate.

(SARAF ALI SHAH)
EXECUTIVE DISTRICT OFFICER,
ELEMENTARY & SECONDARY
EDUCATION, BANNU

Endst No. 11130-38 / DO.(F/S) PTC

Copy for information to:-

Dated Bannu the 10/11 2012

- 1- District Coordination Officer, Bannu w/r to his No.4354/DCO/AE/PST dated 31-10-2012.
- 2- Director Elementary & Secondary Education, Khyber Pakhtoonkhwa, Peshawar.
- 3- Deputy District officer (Female) Primary Bannu for information and necessary action.
- 4- Executive District Officer Elementary & Secondary Education, Bannu with reference to his approval vide Para No. 12 dated 5-11-2012.
- 5- District Accounts Officer, Bannu.
- 6- Najma Ghafoor D/O Ghafoor Khan Village Mitha Khel Bannu
- 7- Head Teacher GGPS Feroz Fatch Khel Bannu.

[Signature]
DISTRICT OFFICER, (FEMALE)
ELEMENTARY & SECONDARY
EDUCATION, BANNU

12

(Annex-C)

~~Annex-C~~

P-43

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
DEPARTMENT OF EXAMINATIONS
(Certificate Section)

CONFIDENTIAL

No. 1-15-20 (C) 19
THE DY. DISTRICT OFFICER,
(FEMALE) PRIMARY, BANNU

Date: 9/7/2012

Subject: VERIFICATION OF CERTIFICATE/DEGREE/DMS/DIPLOMA/
TRANSCRIPT HSSC PROGRAMME

Dear Sir,

This is with reference to your letter No. 736 dated 06-05-2012 on the subject mentioned above. It is to inform that the Certificate/Degree/DMS/Diploma Transcript bearing Serial No. 160836 Roll No. T-701151 forwarded by you has not been issued by this University to Mr./Ms. SAIRA KHAN Son/Daughter of SHER ZALI KHAN. The Certificate/Degree/DMS/Diploma Transcript is fake and bogus, is being returned to you.

You are requested to register a case against him/her with the appropriate agency (i.e. Local Police/FIA) for further investigation under intimation to this office.

Yours faithfully,

[Signature]
Deputy Controller of Exams
(Certificate Section)
Department of Examinations
Allama Iqbal Open University
Islamabad

(Annex) (ریلوٹری رپورٹ)

Total sheets 6)

File No. 507/190

(13)

Office of the Principal Government High School Maneri Payan (Swabi)
Office Phone No. 0938-2243
No. 490/Inquiry File/GHS Maneri Payan Swabi
Dated: 15.02.2013

To:

The Deputy Directress (Establishment),
Elementary and Secondary Education,
Khyber Pakhtunkhwa Peshawar.

Ex. No. 2/11
C/S Bannu

11-4-2014

Subject:- Inquiry Report
Memo:

Reference your office Endst. No. 11619/F.No.167/ (F) Teachers/complaint

Dated: 17.10.2012. The inquiry report alongwith relevant documents is hereby submitted for
necessary action please.

Munir Khan
19/2/13

1226
20/12

(Signature)
13/2/2013
(Sikandar Sher)
Principal
Government High School
Maneri Payan (Swabi)

ATTESTED
Copying Agency
Lower Court

17-5-15

(3)

14 (2)

INQUIRY REPORT

Complainants:

1. Miss. Kausar Manawat 2. Miss. Nusrat Qazi 3. Miss. Saholat Jehan.

Inquiry Committee

1. Mr. Sikandar Sher, Principal Government High School Maneri Payan (Swabi), Chairman.
2. Mr. Tilawat Shah, Principal Government High School Serai (Swabi), Member.

Proceedings

The committee visited Bannu and met with the complainant personally on 11.12.2012. at friends school Dharma Khel Bannu. Then the Executive District Officer, (Elementary and Secondary Education) Bannu Officials i.e. DDO (F) and superintendent Mr. Ajmal Khan were called on to visit the Directorate of Elementary and Secondary Education, Peshawar (Khyber Pakhtoon Khaw) on 27.12.2012. The record was checked there and necessary photocopies were received.

Tools

1. Personal hearing.
2. Checking of documents/record.
3. Verification from various institutions.

History

Complainants have given too much lengthy statements to the inquiry committee. Many were irrelevant and many were relevant as well. The committee took notes and summarized them to the following fourteen (14) points. Point to point finding and recommendations have been given in the report.

POINT TO POINT FINDINGS AND RECOMMENDATIONS

i. Mehnaz D/O Omar Ayaz.

Her score at interview time was 53.46% but in the final list it is 57.74%. The Superintendent Executive District Office, (Elementary and Secondary Education) Bannu, (Mr. Ajmal Khan) informed that the initial formula for the merit was:

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Recommendations

The District Education Officer, (F) should investigate the matter locally and give a certificate to the effect that either the Nekha is actual or fake and issue a notification

iv. Miss Yasmin Zeb D/O Qamar Khan.

She was present in interview as she has signed the interview attendance list yet her signature does not match with her signature in CNIC. Her PTC is from Allama Iqbal Open University Islamabad under Roll No. Q608292 Registration No. 04NBU1357 final semester SPR-2008. Her score is 679/900. She passed her HSSC from Allama Iqbal Open University Islamabad in AUI-2005, under Roll No. T383509 and Registration No.04-NBU-1357 and secured 678/900 marks. (Annex- 6&7).

Findings and Recommendations

Her online DMC for PTC does not match to the one she submitted to the department. Her score is 541/900 instead of 679/900 (Annex- 8) The SSC Certificate also seems tempered. Her order may be cancelled.

v. Miss. Anna Qurishi D/O Rabhat Ullah (Union Council Mobati Barakzai).

She has done BA from Allama Iqbal Open University Islamabad in spring 2007 under Roll No. S499393, Registration No. 05NBU1519 securing 57% marks DMC is required (Annex-9).

Findings and Recommendations

She did not submit DMC for BA examination. Her online DMC reveals that she has secured 57% marks which seems OK (Annex-10). ✓

vi. Miss Asia Bibi D/O Muhammad Raza Shah (Union Council Mira Khel).

She has passed BA from Allama Iqbal Open University Islamabad on 10.03.2010 under Roll No. Z 492073, Registration No. 06 NBU1032 in SPR-2009 securing 612/900 marks. (Annex -11).

Finding and Recommendations

Her online BA, DMC matches the one submitted (Annex-12). ✓

vii. Miss. Saeeda Bibi D/O Abbas Khan (Union Council Mira Khel).

She passed BA from Allama Iqbal Open University Islamabad in SPR-2009 (10.03.2010) under Roll No. Z 493684, Registration No. 07 NBU 3164 and secured 578/900. (Annex 13).

Findings and Recommendations

Her online BA, DMC matches to the one she has submitted (Annex-14). ✓

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1. SSC = OM/TM X 30
2. FA/FSc. = OM/TM X 20
3. BA/BSc. = OM/TM X 10
4. MA/MSc. = OM/TM X 10.
5. PTC = OM/TM X 25
6. Experience = 05 Marks.

Total - 100

But later on the marks for MA/MSc. were reduced to maximum of 05 and that of PTC were increased to maximum of 30. That is why the score of some of the candidates was changed. The score of Miss. Mehnaz was as per statement of the Superintendent.

Findings

1. She has submitted a PTC certificate which indicates that she has done PTC from Allama Iqbal Open University Islamabad under Roll No. J-6182915 Registration No. 00NBU-0397 securing 85% marks in spring 2003. (Annex-1) But the online record of Allama Iqbal Open University Islamabad (Annex-2) does not match.
2. The verification of her PTC (PST) Certificate is still awaited. Too much reminders have been sent to Allama Iqbal Open University Islamabad but to no avail (Annex-3).

Recommendations

- i. The long awaited verification should be stopped and the appointment order of those who fail to provide verified documents including Miss. Mehnaz should be cancelled immediately.
- ii. Miss. Saima Ghazal Rakhshanda, Ulfat Begum.
The domicile of Saima Ghazal D/O Sher Nawaz Khan and Rakhshanda D/O Sardar Ali are under trial with Honorable Court of Civil Judge No. X Bannu (Annex-4). While appointment orders of Miss. Ulfat Begum D/O Aziz Khan and Miss. Hukhr Begum D/O Ismat Khan have already been cancelled (Annex-4).
- iii. Miss. Nusrat Nawaz D/O Muhammad Nawaz Union Council Mumbaii Barakzai.
She has married to Mr. Nematullah Ehan CNIC No. 1110119855009 S/O Afzar Zaman. Her CNIC No. is 1110114995326. Marriage date is 01.01.2010. Nekah Khawan was Mr. Abdul Raqay CNIC No. 1110115058305. Entry Date is 01.08.2011. (Annex-5).

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viii. Miss. Aisha D/O Qamar Ayaz Khan (Union Council Mama Khel). She did MA (Islamic) from Gomal University Dara Ismaile Khan, in 2008 under Roll No. 3574 and secured 623/100 marks. Letter No. 1979/CO/exam/CS dated 28.01.2012 from the office of Additional Controller of exams Gomal University has verified the degree. (Annex-15-16). But letter No. 2202/CO/exam/CS date 06.01.2012 from the same office have declared the same DMC as bogus. (Annex-17-18).

Findings and Recommendations

The committee was informed by its own sources that she has migrated from the Gomal University after BA, hence there is no record about her MA. Her salary may be stopped immediately and the case may be assigned to the proposed committee in "General recommendations".

Handwritten notes in Urdu: "سائرا خان کی بارہا...".

ix. Miss. Saira Khan and Miss. Najma Chhafoor (Union Council Metha Khel). Appointment order of Miss. Saira Khan has already been withdrawn vide DO (M) Bannu Endst. No. 8778-81 /DC (F/S)/PTC dated. 02.10.2012. The same inquiry committee has recommended the cancellation of appointment order of Miss. Najma Chhafoor as well apart from some other recommendations (Annex-19).

x. Miss. Ifkhar Begum D/O Ismail Khan (Union Council Khandar Khan Khel). Her appointment order has been cancelled vide Executive District Officer, (Elementary and Secondary Education) Bannu Endst No. 8150-58/DO (F/S) PTC dated. 13.09.2012. (Annex-20).

xi. Miss. Shehnaz Begum D/O Sairullah Shah (Union Council Jhando Khel). She passed BA from Allama Iqbal Open University Islamabad in AUT-2009 under Roll No. AC 858183 Registration No.07-NBU-1835 and secured 632/900 marks. Result declared on 10.03.2009 (Annex-21).

Findings and Recommendations

Her record for the BA degree was not traceable on internet. Her salary may be stopped immediately, if released, and the case may be assigned to the proposed committee in "general recommendations".

xii. Miss. Farhana Aun Sher. ? She has taken charge of her post and after that one day she did not come to school till 11.12.2012. (Annex - 22, 23, and 24). Her order may be cancelled.

xiii. Miss. Bushra Noreen D/O Zarban Shah. She has not taken the charge of PST post as she has already been working as A.T.

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xiv. Miss. Shumila Latif D/O Sir Latif Khan
She has passed PTC from Allama Iqbal Open University Islamabad in SPR-2008 under Roll No. AC 43349, Registration No. 09 NBU 00932 securing 510/900 marks. Result declared on 14.03.2008. Her PTC certificate has not yet been verified. (Annex-25).

Findings and Recommendations

Her record was not traceable online. Her salary may be stopped immediately, if released, and the case may be assigned to the proposed committee in "general recommendations".

GENERAL RECOMMENDATIONS (MOST IMPORTANT)

The Executive District Officer, (Elementary and Secondary Education) Bannu, have issued appointment order of (213) P.S.T. female teacher vide Endst. No. 4192-4288/AE-1/Female-PT/2012 and No. 4058-4191 Dated. 23.04.2012. Many of the appointment orders have been withdrawn/cancelled and the verification of many is still pending. The one Miss. Saira Khan D/O Sherzadi Khan, Senior Clerk Executive District Officer, (Elementary and Secondary Education) Bannu, (Who was illegally appointed) has been pin pointed by this inquiry committee in its earlier findings. There may be many more illegal/irregular cases and it is needed that they must be investigated and brought to justice.

It is therefore requested that an inquiry committee headed by an Additional Secretary, Additional Director and assisted by a Superintendent and two Assistants may be asked to study the whole case and verify the document/Name/Qualification etc. of all the candidates afresh and the "illegal appointees" may be brought to justice along with their "assistants" in the offices and eligible candidates may be appointed.

Too much irresponsible attitude has been adopted by the Executive District Office, (Elementary and Secondary Education) in the appointment procedure of the PTC (I). It is further suggested that the salary of all the appointed candidates may be stopped till the final report of the proposed committee.

It is further suggested that Mst. Sahibat Jehan, Mst. Nusrat Qazi and Mst. Kausar Munawar may be also be considered for appointment as well if they fulfill merit criteria.

(Signature)
12/12/2013
(Mr. Shikhan Sher)
Chairman

Principal G.H.S. Maneri Payan (Swabi)

(Signature)
(Mr. Tilawat Shah)
Member
Principal G.H.S. Serai (Swabi)

Registration No. 1121
Date of Presentation of applicant 16-1-13
Date of the Report 17-1-13
Date of the Appointment 17-1-13
No of Candidates 02
Approved by 18

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(Annex-E)

**FINDINGS
OF THE INQUIRY**

AGAINST

MR. SARAF ALI SHAH,
DISTRICT EDUCATION OFFICER (BS-19) (MALE), BANNU
(25 sheets)

UNDER

**THE KHYBER PAKHTUNKHWA
GOVERNMENT SERVANTS
(EFFICIENCY & DISCIPLINE) RULES,
2011.**

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G.B. Bannu
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vii- Mr. Ashraf

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Subject:- ENQUIRY PROCEEDINGS AGAINST MR. SARAF ALI SHAH
DISTRICT EDUCATION OFFICER BS-19 (MALE) BANNU UNDER
THE KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS
(EFFICIENCY & DISCIPLINE) RULES, 2011.

Through the Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa Notification No.SO(S/M)E&SED/4-17/2013/Saraf Ali Shah DEO (M) Bannu dated 6th May, 2013, the undersigned has been assigned the inquiry against Mr. Saraf Ali Shah, the then District Education Officer (BS-19) (Male), Bannu under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 (Annex-A). According to the Charge-Sheet/Statement of Allegations he has been charged for the following (Annex-B):-

"Committed irregularity by making illegal appointment of PST (Female) in violation of merit, Government Policy and Procedure in Education District Bannu".

BACK GROUND / HISTORY

②

2. Back in February, 2010, recruitment process was initiated by the then Executive District Officer (Elementary & Secondary Education), Bannu by floating advertisement in the news-papers for induction of 100 Primary School Teachers (Female) from amongst the qualified domicile holders of 49 Union Councils of Bannu district. Subsequently, as a result of litigation, the process got held up and applicants from 12 Union Councils were excluded from the process. Thus scrutiny/interviews of the candidates belonging to only 37 Union Councils were held on 11.1.2010.
3. Afterwards a second advertisement was made in July, 2011 for the candidates belonging to the remaining 12-Union Councils. On dismissal of the case by the Supreme Court of Pakistan in favour of the department, scrutiny /interviews for those applicants were held in 21/7/2011. However, further process again got delayed due to litigation. Any-way, after Departmental Selection Committee's meeting held in mid April, 2011, orders regarding appointment of 213 candidates as PST (F) (BS-07) could be issued on 23/4/2011. The recruitment process transcended the tenures of three different incumbents of the position of Executive District Officer (E&SE), Bannu.
4. Before initiation of instant disciplinary proceedings against the accused Saraf Ali Shah, District Education Officer (M) (BS-19), Bannu under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, two inquiries were conducted with limited scope, on certain individual complaints. At the outset, Elementary & Secondary Education Department was asked by the undersigned to confirm, inter-alia, service of the Charge- Sheet/Statement of Allegations upon the

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... officer as required under the relevant rules, besides designating a departmental representative not below BS-17 Officer because the department had designated a Superintendent BS-16, namely Mr. Haq Nawaz. Any-way, copies of the Charge Sheet/Statement of Allegations were also provided to the accused by the Enquiry Officer by post (Annex-C). Confirmation as to service of charge sheet upon the accused was not conveyed by Elementary & Secondary Education Department; however, the departmental representative was later-on changed. Ms. Shaukat Ara, Assistant Director (Estt) (Female), Directorate of Elementary & Secondary Education, Mardan Pakhtunkhwa was designated as new representative vide the Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa Notification dated 15/5/2013 (Annex-D).

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The first session of inquiry was held on 15/5/2013 during the course of which the accused officer denied having been formally served with the charge sheet either by the Administrative Department or through the Director Elementary & Secondary Education, Khyber Pakhtunkhwa. When asked, Mr. Haq Nawaz Superintendent School Section (M) Elementary & Secondary Education Department, Mardan Pakhtunkhwa could not confirm requisite service of the charge sheet. Moreover, he was not acquainted with the details of the case and its processing, leading to the internal disciplinary proceeding against the accused. Thereupon, once again a set of the charge sheet /statement of allegations was served upon the accused with the direction to submit his written statement in a week time. Moreover, certain reservations of the Enquiry officer were also shared with Secretary Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa in writing (Annex-E).

6. The proceedings were continued on 16th May, 21st May, 22nd May, 23rd May, 27th May and 30th May, 2013. During the inquiry proceedings the accused officer as well as the following other officers/officials concerned were heard and cross examined, their statements were recorded, and the relevant record was examined:-

- i- Mr. Rafique Khattak, Director E&SE Khyber Pakhtunkhwa (Annex-F)
- ii- Mr. Bakhtullah Shah, Ex-EDO (E&SE), Bannu (Annex-G)
- iii- Mr. Abdur Rasheed Baluchi, Ex-EDO (E&SE), Bannu (Annex-H)
- iv- Mr. Zia-Ud-Din, District Education Officer (Male), Bannu (Annex-I)
- Ms Zubaida Hanif, District Education Officer (Female), Bannu (Annex-J).
- Ms Asmat Ara, Ex-District Education Officer (Female), Bannu (Annex-K).
- vii- Mr. Ashrafullah, Litigation Officer/ADO Litigation (E&SE) Bannu

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- viii- Mr. Ajmal Khan, Superintendent (Female) E&SE Bannu (Annex-L).
- ix- Mr. Ihsanullah Khan, then PA to EDO (E&SE), Bannu (now PA to DEO (M) Bannu) (Annex-M).
- x- Mr. Sher Zali Khan, Senior Clerk at O/O EDO (E&SE), Bannu (Annex-N).
- xi- Mr. Sher Dar Ali Khan, Junior Clerk working as Computer Operator at O/O SDEO (F) Bannu.
- xii- Ms. Shamim Akhtar, Head Mistress Govt: National Model Girls, High School, Bannu (Annex-O).
- xiii- Mr. Umer Nawaz Budget & Accounts Officer, E&SE, Bannu (Annex-P).
- xiv- Ms. Tujza Abbasi, ADO (F), E&SE, Bannu (Annex-Q).
- xv- Ms. Nergis Jabeen, SDEO (F), E&SE, Bannu (Annex-R).
- xvi- Ms. Sajida Nasim ADEO (F), E&SE, Bannu.
- xvii- Ms. Rafia Jabeen, then DDO (F), E&SE, Bannu (Head Mistress, GGHS Abdu Ghaffar, Mohammad Khel Bannu) (Annex-S).
- xviii- Ms. Zohra Bibi, Deputy Director (Estt) (Female) Directorate of E&SE, Khyber Pakhtunkhwa (Annex-T).
- xix- Mr. Haq Nawaz Superintendent School Section (M) Elementary & Secondary Education Department, Govt: of Khyber Pakhtunkhwa.
- xx- Mr. Mujeebur Rehman, Section Officer (School) E&SE Department, Government of Khyber Pakhtunkhwa (Annex-U).
- xxi- Mr. Fahim Khan Afridi, then ACO Bannu (Now Assistant Commissioner, Swabi) (Annex-V).
- xxii- The accused Mr. Saraf Ali Shah, Ex- Executive District Officer (E&SE)/ District Education Officer (BS-19) (Male), Bannu (Annex-W).
- xxiii- Mr. Sharaf Rabbani, Additional Secretary, Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa.

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FACTS

Examination/statements etc of the accused officers as well as other officers/officials and perusal of the relevant record brought out the following facts:-

- (i) Initially 100 posts of PST(F) (BS-07) were advertised in Daily Mashriq as well as Daily Aaj dated 18.2.2010 by the then EDO (E&SE), Bannu, namely Mr. Bakhtullah Shah (Annex-X)
- (ii) According to the Government Policy 2008, then in vogue, the recruitment was to be made on 60% District Open Merit and 40% Union Council based Merit. (S)
- (iii) A Committee was constituted by the then EDO (E&SE), Bannu, under the chairmanship of the District Education Officer(Female) Bannu vide the Memo No.3347/F. No.EDO(E&SE) Appoint:2009-10 dated 20.2.2010 for collection & checking of applications (Annex-Y).
- (iv) In response a total of 2430 applications were received from 49 Union Councils of Bannu. Out of them, 590 applicants belonged to 12 Union Councils about which litigation was going on, while 1840 applications pertained to 37 Union Councils.
- (v) For formal scrutiny of the papers and interviews of the candidates, 15 Interview Committees were constituted vide the EDO (E&SE), Bannu Office Order No.6155-85 dated 8.4.2010(Annex-Z).
- (vi) Meanwhile, on 9.4.2010 in Writ Petition No.60/2010 Peshawar High Court D.I.Khan Bench granted a temporary stay regarding recruitment process with respect to the following 12 out of 49 Union Councils (Annex-AA):

1. Bizan Khel
2. Sperka Wazir
3. Bannu City-I
4. Bannu City-II
5. Nur Jaffar
6. Amandi Hanif
7. Handi Khel
8. Nurrar
9. Haved
10. Mandi
11. Mandi
12. Mitta Khel(Panakzai)

- (vii) Accordingly, through the EDO(E&SE), Bannu Notification No.6247-53 dated 10.4.2010, recruitment process/ interviews with respect to the applicants/candidates from the above mentioned 12 Union Councils were suspended (Annex-BB).

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- (viii) Interviews etc of the candidates from the remaining 37 Union Councils, out of 49 Union Councils, of Bannu were held as per notified schedule at Government Girls High School No.1, Tarz Bazar, Bannu city on 11.4.2010. Fifteen Interview Committees carried out interviews/scrutiny of 1594 candidates, out of 1840 applicants; whereas 246 applicants were absent. Mr. Bakhtullah Shah was the incumbent EDO (E&SE), Bannu.
- (ix) Meanwhile, through the Provincial Government in Elementary & Secondary Education Department Circular letter No.SO(G)E&SE/1-6/2011 dated 13.4.2011, all subordinate Education Authorities were directed to immediately advertise all vacancies in BS-15 & below falling under direct recruitment quota and the government instructions/procedures, regarding recruitment/appointment should be followed in letter & spirit (Annex-CC). (6)
- (x) On 14.4.2011, D.I.Khan Bench of Peshawar High Court vacated the stay order and dismissed the petition in favour of the department with the direction for expediting the recruitment process (Annex-DD). By then Mr. Abdur Rasheed Baloch had taken over as EDO(E&SE), Bannu.
- (xi) Accordingly, Mr. Abdur Rasheed Baloch, the then EDO(E&SE) Bannu, made a second advertisement in Daily "Aaj" dated 14.7.2011 for interviews of the candidates from the remaining 12 Union Councils (Annex-EE).
- (xii) Six interview Committees were constituted vide the EDO(E&SE) Bannu Office Order No.13605-10 dated 13.7.2011 for interviewing/scrutiny of 590 applicants from the said 12 Union Councils (Annex-FF).
- (xiii) Meanwhile, two petitioners (Ms. Shahida Nasreen through Civil Petition No.837/2011 and Ms. Nehar Syed, through Civil Petition No.837/2011) moved the Supreme Court of Pakistan against the afore- mentioned decision dated 14.4.2011 of the Peshawar High Court D.I.Khan Bench. On receiving the Supreme Court Notice, the recruitment process had to be halted.
- (xiv) The interviews/scrutiny of the candidates from 12 Union Council were held on 21.7.2011 at Government Girls High School, Ghala Mandi, Bannu. Out of 590 applicants only 379 candidates came up who were interviewed, while 211 applicants were absent.
- (xv) However, the Supreme Court dismissed the petition through its decision dated 18.7.2011, directing Education Department to expedite the recruitment process so that eligible candidates might be selected, considering the petitioners and all other applicants (Annex-GG).

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(xvi) Mr. Abdur Rasheed Baluch, the then EDO(E&SE) Bannu proceeded on two months Earned leave w.e.f. 1.11.2011 to 31.12.2011, handing over charge to DEO(F) Bannu. Meanwhile, the said EDO(E&SE) Bannu was posted out and replaced by Mr. Saraf Ali Shah (the accused) vide the Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Notification No.SO(S/M)/E&SED/4-16/2011/EDOs/Principals (BS-19) dated 15.12.2011 (Annex-HH).

(xvii) Mr. Saraf Ali Shah (the accused) took-over charge of the office of Executive District Officer (E&SE), Bannu on 15.12.2011 (Annex-II) (7)

✓ (xviii) Tentative Merit List was prepared and displayed on the notice board on 25.2.2012 for pointation of complaints/objections of candidates to be brought up within ten days (Annex-JJ).

(xix) In response, 67 appeals were received which were reportedly considered and disposed of by a Committee headed by Ms. Asmat Ara, the then DEO (F) and including Umar Nawaz Khan, ADO B&A Office of EDO, Sher Zali Khan, Sr.Clerk DO(F), and Sher Dar Ali, Junior Clerk DDO(F) (Annex-KK).

(xx) A meeting of Departmental Selection Committee was convened on 14.4.2012 under the Chairmanship of EDO(E&SE) Bannu, vide his Office Order No.2608-17 dated 2.4.2012 for appointment of suitable candidates against 213 PST(F) (BS-07) (Annex-LL).

✓ (xxi) Based on the Tentative Merit List, final Merit List of 213 candidates had already been prepared for placement before the Departmental Selection Committee which was appropriately rectified on the pointation by a member of the DSC (i.e. ACO Bannu), as to application of wrong marking formula (Annex-MM).

(xxii) The meeting of DSC was held on 14.4.2012 at 1000 hrs chaired by EDO(E&SE),Bannu in his office which was attended by the following(Annex-NN):

- i) Mr. Saraf Ali Shah, EDO(E&SE), Bannu (in Chair)
- ii) Ms Asmat Ara, Distt Officer (F), E&SE, Bannu (Member)
- iii) Mr. Fahim Khan Afridi, ACO, Bannu, (Representative of the DCO Bannu) (Member)
- iv) Mr. Umer Nawaz Khan, ADO B&A Education, Bannu
- v) Ajmal Khan, Superintendent (F), EDO (E&SE) Office

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(xxiii) The Departmental Selection Committee cleared the Selection of 213 candidates, as per the final Merit List, as PST(F) (BS-07) with the following break-up (Annex-NN):

- a) 02% Disability Quota: 01 Nos.
- b) 0.5% Minority Quota: 01 No.
- c) District Open Merit 60%: 121 Nos.
- d) Union Council Merit 40%: 87 Nos.

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(xxiv) At the end of the DSC's meeting on 14.4.2012 a stay order was received from the Court of Civil Judge-III, Bannu on the appointment of PST(F) in which next hearing was fixed for 18.4.2012(Annex-OO). Thereupon the DSC decided that appointment orders of the selected candidates might be issued only after vacation of the stay order of the Court:

(xxv) The Court of Civil Judge-III, Bannu vacated the stay order on 23.4.2012(Annex-PP).

(xxvi) Appointment orders were issued, after approval of EDO (E&SE), Bannu being the appointing authority (Annex-QQ), on 23.4.2012 in respect of 213 PST Female candidates. Out of them 126 were appointed PST(F) (BS-07) against 60% District Open Merit (121 appointees), Disability Quota (01 appointees) and Minority quota (01 appointee) vide the EDO(E&SE), Bannu Order No.4058-4191/AE-1/Female PST/2012 dated 23.4.2012 (Annex-RR). Whereas 87 female candidates were appointed against 40% Union Councils based merit vide the Order No.4192-4288 dated 23/4/2012 (Annex-SS).

(xxvii) According to Item No.8 of the Terms & Conditions of their appointment orders, the DDO(Female) was required not to release salaries of the newly appointed 213 PST(F) before proper verification of their documents and pay release orders from the EDO(E&SE), Bannu.

(xxviii) On the complaints of Five unsuccessful candidates, namely Ms. Tahira Naz D/O Sardaraz Khan, Ms. Mehnaz Akbar D/O Akber Saeed, Ms. Fozla D/O Rehmatullah, Ms. Bas Roshana D/O Muhammad Ahmad Khan, Ms. Fatima Naqeeb D/O Nazar Muhammad, an Inquiry was assigned to Mr. Sikander Shah, Principal Government High School, Maneri Payan and Mr. Tilawat Shah, Principal Government High School, Serai Swabi, vide the Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa Notification No.2015-17/FNo.A-167/ Complainant (F) Bannu dated 17.9.2012 (Annex-TT). The Committee confirmed the allegations and recommended, Inter-alla, cancellation of the appointment orders of two appointees - namely Ms. Gulistan Gulfoor D/O Amir Khan and Ms. Gulistan Khan D/O Sherzai Khan (Sr. Clerk of EDO, Sr. Bannu office)-besides lodging of FIR against them and Sherzai Khan, Sr. Clerk (Annex-UU).

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(xxix) The Inquiry report was forwarded by Directorate Elementary & Secondary Education, Khyber Pakhtunkhwa to Secretary Elementary & Secondary Education, Government of Khyber Pakhtunkhwa (Annex-VV). There-upon, the administrative department vide its letter No.SO(AB)E&SED/4-4/Enq-Bannu/10 dated 17.12.2012 directly sent inquiry findings to the EDO(E&SE), Bannu with the direction to take necessary action in the light thereof (Annex-WW). The same was onwardly marked by the EDO (E&SE) to DO(F) to do as directed.

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(xxx) DEO (F), Bannu through her letter No.591 DEO (F) Bannu dated 9.2.2013 sought instructions from Directorate of E&SE KPK (Annex-XX). In response DEO (F) Bannu was directed vide the letter No.1681/F.No.167/Complainant (F)Bannu dated 14.2.2013 to implement the orders of Secretary Elementary & Secondary Education Department in letter and spirit (Annex-YY).

(xxxi) Meanwhile, the posts of Executive District Officer were abolished throughout the province. Accordingly the office of EDO(E&SE), Bannu was bifurcated and replaced with DEO(Male) and DEO(Female). The accused officer (Saraf Ali Shah) took over as DEO(M) Bannu pursuant to the Elementary & Secondary Education, Khyber Pakhtunkhwa Notification No.SO(S/M)E&SED/3-2/2012/Management Cadre dated 31.12.2012 (Annex-ZZ). Similarly, Ms Asmat Ara took charge as DEO (Female) Bannu.

(xxxii) Again on the complaints of the following candidates, second inquiry was ordered vide the Director Elementary & Secondary Education, Government of Khyber Pakhtunkhwa letter No.11610/F.No.167/(F)Teacher/Complaint dated 17.10.2012. The inquiry was assigned to the same two member committee which had been entrusted with the first inquiry (Annex-AB):-

1. Ms. Kausar Munawar D/O Haji Munawar Khan, Union Council Mandan
2. Ms. Nusrat Qazi
3. Ms. Sahulat Jchan D/O Zafar Khan
4. Ms. Fozia D/O Ayub Khan, Union Council Mandan
5. Ms. Rukhtaj D/O M.Zafar Shah, Union Council Mandan

(xxxiii) The Second inquiry report was submitted to Deputy Directress (Estt), Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa on 15/02/2013 (Annex-AC) The same was onwardly sent to Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, vide the Directorate letter No.2385/F.No.167/Complaint(F) Bannu dated 12/3/2013 for strict disciplinary action against the concerned officer (accused officer) and staff as per the recommendations of the inquiry report (Annex-AD).

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(xxxiv) The accused Saraf Ali Shah was transferred and posted as Principal GHSS Manash Khel Bannu. He left the charge of DEO (M) Bannu on 19/4/2013 (AN). Similarly, Ms. Asmat Ara DO (Female) Bannu, too was transferred and she relinquished the charge on 25.2.2013.

(xxxv) The initiation of the instant disciplinary proceedings was ordered against the accused Saraf Ali Shah, Ex-EDO (E&SE) (BS-19) Bannu, with the approval of the Chief Minister Khyber Pakhtunkhwa being the competent authority, under the Government Servants (Efficiency & Discipline) Rules, 2011 vide the Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa Notification No. SO(S/M)E&SED/4-17/2013/Saraf Ali Shah DEO (M) Bannu dated 6th May, 2013.

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FINDINGS

As a result of the interviews/hearing of the accused officer as well as the officers/officials concerned of Elementary & Secondary Education Office District Bannu/Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa/Elementary & Secondary Education Department, perusal of their statements and examination of the relevant record, the following findings have come-out:-

i) Since initiation of the recruitment process for filling in the post of PST(F) (BS-07) till issuance of the appointment orders of the selected Female(F) candidates (and onwardly upto date), the following Education Officers have served as head of Elementary & Secondary Education, Bannu:-

#	Name & Designation of Officer	Period of Stay	
		From	To
1	Bakhtullah Shah, EDO E&SE, Bannu	3.12.2008	28.2.2011
2	Abdur Rashid Baloch, EDO E&SE, Bannu	1.3.2011	14.12.2011
3	Saraf Ali Shah, EDO E&SE, Bannu	15.12.2011	31.12.2012
4	Saraf Ali Shah, DEO E&SE, Bannu	1.1.2013	19.4.2013
5	Zai-Ud-Din, DEO(M), Bannu	20.4.2013	up-to-date
6	Ms. Asmat Ara Qureshi, DEO (F), Bannu	1.1.2013	25.2.2013
7	Ms. Zubaida Hanif, DEO (F), Bannu	20.3.2013	Upto-date

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ii) The accused Saraf Ali Shah, was transferred and posted as EDO(E&SE) Bannu (Annex-HH) and he took over the charge w.e.f. 15.12.2011. He held the same till 31.12.2012 when the post was converted/bifurcated into District Education Officer (M) and DEO (F). Onwardly he served as DEO (M) Bannu from 1.1.2013 upto 19.4.2013; reportedly with a brief stint as Principal GHSS in Haripur District (i.e. from 18.1.2012 to 19.02.2012). His service profile is available at Annex-AE.

iii) Originally recruitment process for filling in various different categories of posts of Elementary & Secondary Education, Bannu also including C.T/DM/PET/QARI/AT/TT, etc had been started with the advertisement floated in Daily Mashraq Peshawar dated 2.3.2008. After completion of the prescribed procedural formalities appointments had been made against all the said posts except the position of PST(F). The recruitment process against the latter posts, which according to the then policy in vogue were to be filled in on the basis of 75% Union Council Quota and 25% on District Open Merit, could not be finalized because of the change in the policy on 25.6.2008, whereby the respective quotas for Union Councils and District based Open Merit was changed from 75%: 25% to 40%: 60% respectively. As the previous recruitment process had not then reached interview stage, the process had to be left in half way which actuated litigations as well.

iv) The posts of PST(F) were freshly advertised in Daily Mashraq and Daily Aaj dated 18.2.2010 by the then EDO(E&SE) Bannu, Mr. Bakhtullah Shah. The recruitment was required to be made under the new Government Policy of 2008, whereby, inter-alia, 60% quota was allocated to District Open Merit and 40% for Union Council Merit. Moreover, merit of applicants/candidates was supposed to be worked out as per the following marking formula of 2003:

- 1) SSC=OM/TMX30
- 2) FA/FSc=OM/TMX20
- 3) BA/BSc=OM/TMX10
- 4) MA/MSc=OM/TMX5
- 5) PTC=OM/TMX30
- 6) Experience=05 Marks.

Total: 100

v) As per the relevant rules, EDO(E&SE) Bannu was the Chairman of the Departmental Selection Committee and the Competent (Appointing) Authority for the post of PST(F), which was then in BS-07. As such advertisement of the vacant post of PST(F), initiation of recruitment process, selection of suitable female candidates and issuance of appointments orders, all were done by the competent (appointing) authority i.e. EDO (E&SE), Bannu in exercise of the powers invested in him.

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As mentioned earlier at Item-iv above, the vacancies of FST (F) were advertised on 18.2.2010 (in Dally Mashraq and Aaj) by Mr. Bakhtullah, the then EDO(E&SE), Bannu for the applicants/candidates from all 49 Union Councils of Bannu District. In response a total of 2430 applications were received from the said 49 Union Council. Out of them 1840 applicants belonged to 37 Union Councils, while 59 candidates were from the 12 Union Councils whose cases were affected by the litigation against re-advertisement of FST (F) posts and Initiation of fresh recruitment process due to change in the union council/district open merit quotas.

(vii) Though a Committee was constituted for collection and checking of applications (Annex-Y), however the actual dealing hand responsible for enlisting the applications and their initial check-up was Mr. Sher Zali Khan, Senior Clerk at the office of EDO(E&SE), Bannu. The next important figure in the process was Mr. Sher Dar Ali Khan, Junior Clerk, working as Computer Operator in the office of SDEO(F), Bannu, who fed the names and other particulars etc of the applicants to the computer and was responsible for preparation of computerized lists. The same lists were later-on used by the scrutiny/Interview committees, and were also relied upon for making tentative Merit list as well final Merit list. The latter being the one placed before the Departmental Selection Committee for selection of the Female candidates for appointment as PST (F).

(viii) Mr. Ihsanullah Khan, the then PA to EDO(E&SE), Bannu (now serving as PA to District Education Officer(M), Bannu) was another important character in the episode. Though apparently not formally engaged in the recruitment process, he seemed to be influencing the process indirectly due to his official proximity to EDO(E&SE), Bannu. He should also have been discreetly examined and questioned in the preliminary inquiries.

(ix) Any-way, the interviews were held on 11.4.2010 for 1840 applicants from 37 Union Councils. While the recruitment process was suspended with respect to the applicants from 12 Union Councils mentioned at Sr.No. (vi) of para-7 ante due to stay granted by Peshawar High Court D.I.Khan Bench on 9.4.2010 on the Writ Petition of certain applicants from a previous recruitment process under-taken in 2008. The 15 Interviews Committee carried out interviews/scrutiny of 1594 candidates which were present on the scheduled day, out of 1840 applicants. However, 246 applicants did not turn up which were marked as absent. These Committees were comprised of female Education Officers/Principals/Senior Teachers and officials/office staff. The lists prepared by the aforementioned officials (Mr. Sher Zali Khan, Senior Clerk and Mr. Sherdar Ali Khan, Junior Clerk/Computer Operator) were reportedly handled and checked up by the chair-persons of the Committees, during the scrutiny process. Whereas the original testimonial/documents were mostly being checked up by the clerical staff. Tampering with marking figures or qualifications of the candidates during preparation of lists by the dealing officials and manipulation thereof during verification exercise/process on the part of the committee members particularly from the office staff was possible. They, particularly including Sher Zali Khan (Senior Clerk), Sher Dar Ali Khan (Junior Clerk/Computer

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Operator), Umer Nawaz (S&A Officer), Ajmal Khan (Superintendent), Ihsanullah (PA), themselves admitted that the process of competition/enlistment of applications and preparation of lists etc were exposed to manipulation by the dealing hands/officials concerned.

x) No actual interviews of the candidates were carried out, the exercise mostly remained confined to checking of documents and their cross check-up with the information/particulars contained in the compiled list. All the 15 Interview Committees of finalization of scrutiny handed over the lists also bearing their observations/remarks in respect of the candidates so scrutinized to the staff concerned of the office, i.e. Mr. Sher Zail Khan, Senior Clerk and Mr. Sherdar Ali Khan, Junior Clerk/Computer Operator. The whole process/exercise upto that point was carried out under the EDO-ship of Mr. Bakhtullah Shah, the accused Saraf Ali Shah was nowhere on the scene.

xi) As stated earlier, the recruitment process was repeatedly interrupted due to protracted of litigation from lower Court upto Supreme Court. As a result, the recruitment process was not only delayed but also got divided into two processes, one for the applicants from 37 Union Councils and the other one for the candidates from 12 Union Councils. Thus scrutiny/interviews had to be held separately with a time gap of more than a year.

xii) Meanwhile, Mr. Bakhtullah Shah, EDO(E&SE), Bannu, got posted out and was succeeded by Mr. Abdur Rasheed Baluch, who took over as EDO(E&SE), Bannu. Through his efforts stay order of the Peshawar High Court D.I.Khan Bench was vacated and the Writ Petition was dismissed on 14.4.2011 in favour of the department with the Court's direction for expeditious recruitment process (Anex-DD). The new incumbent made a second advertisement in Daily Aaj dated 14.7.2011 for interviews/scrutiny of the candidates for the posts of PST(F) from the remaining 12 Union Councils(Annex-EE).

xiii) Meanwhile the Supreme Court of Pakistan was moved, as stated in Sr.(xiii) of para-7 ante, against the Peshawar High Court D.I.Khan Bench decision dated 14.4.2011. However, Supreme Court dismissed the Petition through its decision dated 18.7.2011 with the direction for expediting the recruitment process for selection of eligible candidates. As per schedule, the scrutiny/interviews for 590 applicants from 12 Union Councils were held on 21.7.2011. Six interview Committees constituted by Mr. Abdur Rasheed, EDO(E&SE), Bannu, carried out the scrutiny of the candidates/their documents in the same manner as had been done during the previous occasion (of interviews) on 11.1.2011. Out of total no. of 590 applicants, only 379 candidates came up for interviews, while 211 applicants remained absent. After interviews, the lists worked on by the interview Committees were handed back to the officials concerned Mr. Sher Zail Khan, Senior Clerk and Mr. Sher Dar Ali Khan, Junior Clerk/Computer Operator.

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tentative merit list of the candidates prepared by Mr. Sher Zali Khan, Senior Clerk/Computer Operator. The removal of Mr. Asmat Ara Qureshi, the then DEO(F), see para-4 of Annex-K), the first tentative merit list was compiled and pasted on wall for information with a view to seeking their complaints/objections from the candidates. The signature of Mr. Abdur Rasheed Baluch, Ex-EDO(E&SE) and other officers/officials did not mention that fact nor they came up with documentary proof in this regard. They spoke about the tentative merit list prepared and notified, by the accused Saraf Ali Shah.

Further, Mr. Abdur Rasheed Baluch, proceeded on leave from 01.11.2011 to 31.12.2011 and was also got posted out meanwhile. The accused Saraf Ali Shah took over as EDO(E&SE), Bannu, on 15.12.2011. By then recruitment process had reached the stage of preparing/notifying tentative merit lists. Rather according to the then DEO(F), as mentioned at Sr.(iv) above, tentative merit lists had also been prepared and pasted on the wall for information/objections of public/candidates though the other officers/officials concerned made no mention of it.

xvi) A tentative merit list was worked out, bearing names of 1973 candidates, and notified/displayed on 25.2.2012, inviting objections/complaint etc within 10-days (Annex-MM). A Committee headed by Ms. Asmat Ara Qureshi, the then DEO(F), and including both the officials concerned (Mr. Sher Zali Khan, Senior Clerk and Mr. Sher Dar Ali Khan, Junior Clerk/Computer Operator) was constituted for disposal of the appeals received against the tentative merit list (Annex-KK). Any-how, all the appeals were reportedly disposed of by the said Committee.

xvii) On the basis of the tentative merit list, a final merit lists was prepared through the same two officials. The list contained names of 213 candidates. However through-out no education officer including the incumbent(s) EDO(E&SE), Bannu could detect or notice that the lists meant for interviews committees, tentative merit list and final merit list had not been prepared in accordance with the prescribed formula mentioned at Sr.(iv) ante. Erroneously, the following marking criteria had been applied carrying more marks for Master Degrees and less for PTC qualification which should not have been done. (copy of the Tentative Merit List prepared on wrong marking formula is placed at Annex-AF, whereas deficient Final Merit List is reportedly not available on the office record of DEO(F) E&SE, Bannu):

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- SSC=OM/TMX30
- FA/FSc=OM/TMX20
- BA/BSc=OM/TMX10
- MA/MSc=OM/TMX10
- PTC=OM/TMX25
- Experience=05 Marks.
- Total: 100

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A meeting of the Departmental Selection Committee was convened on 14.4.2012 under the chairmanship of the accused Saraf Ali Shah, EDO(E&SE), Bannu. Other members of the DSC were DEO(F)(Ms.Asmat Ara Qureshi), and ACO Bannu (Mr. Faheem Khan Afridi) as representative of the DCO. Perusal of the minutes of the DSC meeting shows that Mr. Umer Nawaz Khan, ADO B&A (E&SE), Bannu and Mr. Ajmal Khan, Superintendent (F), Q/O EDO (E&SE), Bannu, though not regular members of the committee, were also present but not mentioned in the minutes as members (Annex-NN). Moreover, no signatures of both the officials are affixed on the minutes. Conversely, the said minutes also contained the signature of Ms. Nargis Jabeen, SDEO(F) E&SE, Bannu despite the fact that she was not the member of DSC, neither she attended its said meeting nor the relevant minutes mentioned her presence. She has clearly stated in her statement that she was directed by the accused Saraf Ali Shah to put her signature on the minutes which she did obligingly.

xix) It was in the said meeting of DSC that Mr. Faheem Afridi, ACO, Bannu, on a query, detected application of the wrong formula. Thereupon, the final merit list and, reportedly, tentative merit list were got rectified in accordance with the prescribed formula of marking as stated at Sr.(xxi) of para-7(FACTS) ante. Moreover, as a stay order was received from the Court of Civil Judge-III, Bannu at the closing of the DSCs meeting, it was also decided that appointment orders would be issued after vacation of the stay order.

xx) On the Vacation of the said stay order of the Court on 23.4.2012 (Annex-PP), through two separate appointment orders dated 23.4.2012 (Annex-RR & Annex-SS), 213 female candidates on the final merit list were appointed as PST(F) (BS-07) as already stated in Sr.(XXVI) of para-7 (FACTS) ante. The appointment orders were issued after obtaining the requisite approval of the appointment authority which in this case, was EDO(E&SE) Bannu,(the accused Saraf Ali Shah).

xxi) The record also shows that E&SE Department, Government of Khyber Pakhtunkhwa through its order No.So(PE)2-8/DSC/2012 dated 23.4.2012 directed the Directorate of E&SE, Khyber Pakhtunkhwa to depute a team of officers to check whole process of recruitment in the districts of Bannu and Lakki Marwat to ensure that all appointments made or being made were according to the standing policy, rules and regulations(Annex-AG). However, further action on that direction could not be confirmed by the quarters concerned.

xxii) The first Preliminary Inquiry was assigned vide the Directorate of E&SE, KPK Notification dated 17.9.2012 (Annex-TI) to a two member Committee, comprising Mr. Sikandar Shah (Principal GHS, Maneri Payan) and Mr. Tilawat Shah, (Principal GHS, Sarai Swabi), on the complaints of certain unsuccessful candidates as already

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stated at Sr.(xxviii) of para-7 (FACTS) ante. The Inquiry Co. instead of carrying out detailed inquiry mainly focused on the cases of two appointees, namely Ms. Najma Ghafoor D/O Amir Ghafoor Khan and Saira Khan D/O Sher Zali Khan (the same Sher Zali Khan Senior Clerk who was responsible for compilation of applications, enlisting of applicants and preparation of lists for recruitment in this case). The inquiry findings can be perused at Annex-UU.

As stated in Sr.(xxix) of para-7 (FACTS) ante, the inquiry report was simply forwarded by the Director of E&SE to the Administrative Department without examining the same at its level (Annex-VV). The Director should have taken action on the findings/recommendations of the inquiry committee besides ordering a detailed probe into the said recruitment process as a whole which he did not do. On its part E&SE Department Government of Khyber Pakhtunkhwa vide its letter dated 17.12.2012, directly send the recommendations of the inquiry committee to the EDO(E&SE), Bannu for necessary action. The Director E&SE was simply endorsed a copy thereof instead of routing the same through him being the HAD (Annex-WW). The Section concerned of the Administrative Department did not bother to properly follow up its own instructions for ensuring implementation of the said recommendations.

xxiv) Though the appointment order of Ms. Najma Ghafoor D/O Amir Ghafoor Khan and Saira Khan D/O Sher Zali Khan were withdrawn but criminal cases/FIRs have not been filed against them for fake documents/testimonials etc of their educational/professional qualification etc for the post of PST(F) as otherwise specifically recommended by the inquiry committee. Similarly though Mr. Sherzali Khan, Senior Clerk (who is father of Ms. Saira Khan) was transferred to GGFISS, Ismaili Mama Khel Bannu, but no criminal case/FIR has been lodged against him as well for producing/bringing up fake educational testimonials etc and mis-using his official position for un-lawful appointment of his daughter as PST(F). Further-more no separate inquiry was carried out with respect to fake documentation by engaging the office of EDO (E&SE), Bannu Allama Iqbal Open University Islamabad, local post offices and attesting office etc as otherwise recommended by the preliminary Inquiry Committee.

xxv) On certain other complaints, as related at Sr. (xxxii) of para-7 (FACTS) ante, another inquiry was assigned to the same Inquiry team (Annex-AB). The second inquiry singled out 17 individual cases, including the cases of two appointees pointed out in the first inquiry findings. The inquiry Committee in its report confirmed the cancellation of the appointment orders of two female PST(F) (namely Ms. Ulfat Begum D/O Azir Khan and Ms. Iftekhar Begum D/O Ismail Khan) while the cases of three appointees were cleared/verified (namely Ms. Aunna Oureshi D/O Rehmatullah, Ms. Rabia Bibi D/O Muhammad Raza Shah and Ms. Saeeda Bibi D/O Abbas Khan). Similarly they recommended for cancellation of the appointment orders of five PST(F)s for non-verification/tampering/fake documents/absence (namely Ms. Likhnaz D/O Umer Ayaz, Ms. Yasmeen Zeb D/O Qamar Khan, Ms. Saira Khan D/O Sherzali Khan, Najma Ghafoor D/O Amir

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Ghafoor Khan and Ms. Farhan Ana Sher). The Inquiry Committee also pointed out the cases of two appointees (namely Sairra Ghazil D/O Sher Nawaz Khan and Rakshad D/O Sartar Ali, whose Domicile certificates had reportedly been cancelled and the matter was subjudice in the Court of Civil Judge-X, Bannu. The Inquiry Committee also recommended a detailed investigation in the cases of four female appointees (namely Ms. Nusrat Nawaz D/O Muhammad Nawaz, Ms. Aisha D/O Umer Ayaz Khan, Ms. Shenaz Begum D/O Samiullah Shah and Ms. Shanila Latif D/O Sir Latif Khan) seemingly for fake Nikkah Nama/documents/non-verification. Another appointee (namely Ms. Bushara Nosheen D/O Zor Baz Shah) was reported to have not taken charge of the post of PST(F) for being already inducted as Arabic Teacher:

xxvi) Besides, the Second Inquiry Committee also suggested that the complainants (namely Ms. Sahulat Jehan, Ms. Nusrat Qazi and Ms. Rozar Minawar) be considered for appointment as PST (F) if they fulfill merit criteria. More importantly, it was recommended that a detailed Inquiry through a departmental Committee headed by additional secretary/additional director and assisted by experienced office staff might be ordered in the case for studying the whole case and verifying the documents/Nikkah Namas etc of all the candidates afresh for bringing illegal appointees and the officials who abetted/supported them to book. The Second Inquiry report was also not examined at the Directorate of E&SE seriously as has been admitted by Director E&SE himself during his cross examination by the Enquiry Officer (Annex-AH).

xxvii) Instead of carrying out a detailed departmental fact findings inquiry as recommended by the 2nd Inquiry Committee, the report was simply forwarded to the administrative department through the Directorate E&SE letter dated 12.3.2013 for strict disciplinary action against the accused officer and staff (Annex-AD). The 2nd Inquiry report landed in another section of Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa which was not aware of the first inquiry or action taken on its recommendation. The first inquiry report was taken care of by Section Officer (AB), whereas the second inquiry report was dealt with by Section Officer (Schools) of Elementary & Secondary Education Department. This time too discreet examination of inquiry findings was not done in the administrative department.

xxviii) Surprising the following two appointees were granted long leave/extra ordinary leave without pay shortly after their appointments which was an act of favouritism, impliedly signifying political/extraneous influence in their appointment as PST (F) as well (Annex-AI):-

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#	Name / School Name	Period of leave
1.	Naila Gul, PST(F) GGPS Khan Suba Mitakhel, Bannu.	01/05/2012 to 30/12/2013 (one year and two months).
2.	Shagufta Parveen, PST(F), GGPS Hingle Amir Khan, Bannu.	01/09/2012 to 31/09/2013 (Thirteen months).

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On submission of both the inquiry reports, no body at Director level and at the level of administrative department seemingly made serious effort to ensure proper implementation of their recommendations or to launch a detailed investigation. In the case of second report, instead of thoughtlessly following the in-expedient advice of the Directorate as to initiating proceedings against the accused Saraf Ali Shah in the absence of a detailed fact findings probe, the Administrative Department should have required Director E&SE to first carry out a comprehensive inquiry besides taking necessary action on the different recommendations of Second Inquiry report.

xxx) It is worth mentioning that even before meeting of the Departmental Selection Committee held on 14.4.2012, the candidature of 10 female candidates/applicants have been cancelled on grounds of bogus certificates & degrees/change of marks etc on 13.4.2012 with the approval of the accused Saraf Ali Shah (Annex-AJ).

xxxi) A daughter of the accused Saraf Ali Shah, namely Shazia Seemab (BA/PST/MA English), was also a candidate for the post of PST (Female) (her name being placed at S.No.19 having Roll No.627 of the list of candidates from Union Council Kalakhel) (Annex-AK). However she could not make it and was not amongst the appointee which is a pleasant surprise indeed.

xxxii) As already stated at Sr.(xix) ante, the application of wrong formula was detected by the ACO, Bannu in the DSC's meeting held on 14.4.2012, as a result of which Tentative Merit List as well as Final Merit List was rectified during the course of that sitting, leaving no time for re-notifying/pasting the revised list for public information/objection. The accused Saraf Ali Shah has claimed and produced a copy of the office order dated 19.3.2012 and re-notification of the revised Tentative Merit List on 20.3.2012 (Annex-AL). However, nobody else has confirmed the accused's assertion. Seemingly, it is a cover up and the document produced is a fabrication.

xxxiii) The documents/testimonials of the following ten appointees have not yet been verified despite lapse of more-than one year after their appointment:

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1. Khitab Khitab Kanwal D/O Qazi Khan
2. Musarrat Shaheen D/O M. Salim
3. Romana Jamil D/O M. Jamil
4. Samrin Gul D/O M. Rashid
5. Shahnaz Begum D/O Sairullah Shah
6. Shumaila Latif D/O Sir Latif
7. Zubaida Begum D/O Mir Sahib Shah
8. Ghazala Shabnam D/O Faizullah Khan
9. Rakhshanda D/O Sardar Ali
10. Saima Ghazal D/O Sher Nawaz

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xxiv) At present on ground position with respect to the 213 PST(F)s, appointed through the said recruitment process, is as under (Annex-AM):-

i)	Total No. of PST(F) appointed:	213
ii)	No of Appointees not taken over charge:	05
iii)	No of appointments cancelled due to fake documents:	06
iv)	No of appointee whose salaries stand released after verification:	190
v)	No. of appointee on extra ordinary leave:	02
vi)	No. of appointee whose salaries are not yet Released/documents not verified:	10

CONCLUSIONS

9. In the light of the statements/examination of the accused officer as well as other officers/officials concerned, the above stated FACTS, FINDINGS and Scrutiny of the relevant record, the following conclusions have been drawn:-

- i) The Department has failed to frame specific and tenable Statement of Allegations which is too simplistic and general in contents. Moreover, verifiable incriminating material has not been brought up which could unambiguously implicate the accused Saraf Ali Shah or prove illegality of the recruitment/appointments or that procedural formalities were not conformed to in the appointments.
- ii) However, Prima-facie the recruitment process was susceptible to exploitative influence, mis-use of accessibility and manipulation of documents/marks etc. As such casualty of merit in appointments can not be ruled out. Declaration of documents/testimonials etc of Ten candidates before DSC meeting and Six appointees after their appointment testifies to that possibility.
- iii) Two preliminary inquiries remained restricted to certain individuals' cases and did not rope in the officials personally engaged in the recruitment process particularly those responsible for enlistment/compilation of applications and preparation of lists/merits lists etc. A detailed departmental probe was required to investigate the case as a whole and in totality for fixation of responsibility.
- iv) Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa as well as the administrative department could not handle the case with due care and discreet rather their conduct seemed to be in-discreet, inexpedient and perfunctory;

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v) In the absence of a detailed fact finding inquiry and fixation of responsibility on all those who would have been found responsible respectively, Directorate E&SE should not have recommended E&D proceedings against just a single officer. Similarly, in such a situation, the administrative department (E&SE Deptt) should have refrained from processing the case for initiation of disciplinary proceedings against the accused Saraf Ali Shah instead of first requiring a comprehensive departmental probe for ascertaining the factual position conclusively. Both the quarters acted in haste, without necessary ground work and proper examination of the case.

vi) Weak monitoring and supervision on the part of higher authorities was quite obvious in this episode. Moreover, frequent changes in prescribed eligibility/selection criteria, service rules and policies in E&SE Department led to confusion and litigation, influencing the recruitment process negatively.

vii) Unfortunately, in the attached formations/ field offices of E&SE Department, rule of clerical /ministerial staff is in full sway. They seem to be exercising great influence and play strong manipulative role as compared to education officers in such processes as well as other official work. This phenomenon is more manifestly visible in the female wing /offices of E&SE field formations which need to be effectively curbed.

RECOMMENDATIONS

10. In the light of the statements/examination of the accused officer as well as other officers/officials concerned, the above stated FACTS, FINDINGS, CONCLUSIONS and Scrutiny of the relevant record, the following recommendations are made:-

(i) In the absence of a detailed departmental fact finding inquiry and resultant fixation of responsibility (respectively) and in view of the fact that major portion of the recruitment process i.e. upto preparation of tentative Merit List, had been completed before the posting/taking over of charge by the accused Saraf Ali Shah as EDO (E&SE), Bannu, it would not be fair to single him out for penalty. As such it is recommended that:-

a) The Statement of Allegation/Charge Sheet against him may be withdrawn; or

he may be exonerated but without prejudice to any future disciplinary proceedings in the same case on availability of proof as to his involvement as a result of proposed detailed inquiry;

Copy to Agency
Lower Court Bannu
07-8-19

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(ii) A detailed departmental inquiry may be ordered under a joint committee headed by a BS-19 officer of the Elementary & Secondary Education Department and comprising one senior officer from Directorate of E&SE Khyber Pakhtunkhwa and a District Education Officer. The Committee with the assistance and active support of experienced office staff should scrutinize the documents/record etc of all the applicants/candidates/appointees etc for ascertaining genuineness of qualifications/testimonials/marks etc, fairness/transparency of the recruitment process and the appointments made on the basis thereof.

(iii) Recommendations of the earlier two preliminary inquiries including, inter alia, lodging of FIRs against those responsible for bogus/fake documents and cancellation of appointment orders of those appointees whose documents have not yet been verified etc, may invariably be implemented. Thus relief may be provided to the female complainants who could not get selected due to unfair, wrongful or manipulative induction of some influential applicants but otherwise fulfilled merit-criteria.

یہ تین سب سے متعلق

(iv) All the officials involved in the recruitment process directly or indirectly might be discreetly investigated in the detailed departmental inquiry. Sher Zali, Junior Clerk, Sher Dar Ali, Ihsanullah, Umer Nawaz and Ajmal Khan should be particularly focused as their implication may lead to useful information and missing linkages. Further disciplinary action against all those who are found responsible may be taken in the light of findings of the proposed detailed inquiry.

(v) Normal tenure of Education Officers should be ensured so that they may, inter alia, complete such processes and assigned tasks, undisturbed and responsibly.

(vi) Frequent changes in the service rules, policies and prescribed selection/eligibility criteria for teaching posts should be avoided.

(vii) In recruitment process Tentative/Final Merit lists must be got counter-checked with the lists of the interview/scrutiny committees through responsible education officer(s). Besides original documents/testimonials may also be compared with Final Merit lists.

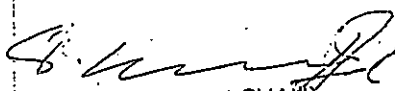
(viii) Departmental Selection Committee may be made more effective to play a meaningful role. Short listed candidates borne on the final merit lists should be interviewed by the DSC in person. Rather if possible a brief demonstration as to teaching/communication skills may also be prescribed for candidates/interviewees.

Coaching Agency
Lower Court Bar

17-4-11

- (27) 5
- (72)
- (ix) On finalization of recruitment process, appointment orders may be issued after verification of the documents/testimonials of the recommendees and not before it. A specific time period may be prescribed for verification of the documents/testimonial of successful candidates/recommendees which may not be more than four months.
- (x) Elementary & Secondary Education department may seriously consider introduction of professional training of the appointees of the posts of PST(F) (and also for other categories of teaching posts of at-least Primary & Middle level), after their selection. It would broaden the scope for availability of potential candidates with higher educational qualifications who could then be imparted PTC/PST Training in the department's own facilities. The department has a sufficient network of PITEs/RITEs facilities, which can be utilized for that purpose.
- (xi) While inviting applications for recruitment against teaching/non-teaching posts, it must be prominently highlighted in advertisements that in case of detection/use of bogus/fake/tampered documents criminal case shall be filed against the applicants and their abettors/accomplices. Necessary provisions may be introduced, if need be, in the relevant rules & regulations for that purpose.
- (xii) For obviating mal-practices, manipulation and fraudulent conduct in recruitment of teaching staff, the department should seriously contemplate establishment of a separate Provincial Education Service Commission.
- (xiii) In this case the conduct of Allama Iqbal Open University, Islamabad has been highly non-cooperative in terms of verification of the educational documents of the appointees/(PST(F)s. The matter should be taken up with the University Authority concerned at the level of administrative department for ensuring expeditious verification/response from the University in this behalf in future.

dated: 31/07/2013


(SYED KAMRAN SHAH)
(INQUIRY OFFICER)
SPECIAL SECRETARY,
ENVIRONMENT DEPARTMENT,
GOVERNMENT OF KHYBER PAKHTUNKHWA

ATTESTED
Copying Agency
Lower Court Bar
17-6-13

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GOVERNMENT OF KHYBER PAKHTUN
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

NOTIFICATION

Dated Peshawar the October 22, 2013

NO. SO(S/M)E&SED/4-17/2013/Saraf Ali Shah DEO: The Competent Authority is pleased to exonerate Mr. Saraf Ali Shah Ex-District Education Officer Male District Bannu (Now Principal (BS-19) GHS Mamash Khel Bannu) from the charges leveled against him in pursuance of the departmental proceedings as mentioned below:-

S.#	Name & Designation with present place of posting	Alleged Charges
1.	Mr. Saraf Ali Shah Ex-District Education Officer Male District Bannu.	Committed irregularity by making illegal appointment of PST (Female) in violation of merit, Government Policy and Procedure in Education District-Bannu.

SECRETARY

Endst: of even No. & Date :-

Copy forwarded to the:

1. PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Mr. Saraf Ali Shah Principal (BS-19) GHS Mamash Khel Bannu.
4. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
5. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
6. PS to Additional Secretary, E&SE Department.
7. Incharge EMISE E&SE Department.
8. Office order file.

ATTESTED
Copying Agency
Lower Court
17-4-13

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

o/c

Registration No. 1171

Date of Presentation of applicant. 17-4-13

Date of the Receipt of the File. 17-4-13

Date of the Report. 17-4-13

Date of Copy. 25

No. of Copy. 2

Signature. [Signature]

Date of the Report. 17-4-13

31

Op. No 56-B/2015

Title: Saira Khan, D/O Sher Zali Khan

P# 01

To:

The District Edu: Officer (M/F)
Bannu.

(Annex-F)

43

SUBJECT:

ENQUIRY REPORT REGARDING APPOINTMENT OF SAIRA KHAN EX-PST D/O SHER ZALI KHAN U/C MITA KHEL BANNU AND THE OTHER EIGHT COMPLAINTS (SAHULAT JAHAN ETC)

Memo:

Reference Notification No. 2361 dated; 20-04-2015 where as the undersigned was appointed as enquiry Officer in the subject matter, with the directions to re-examine the pervious enquiry in light of terms & conditions as mentioned in the office order under reference above. Therefore necessary enquiry report is submitted as under please.

History of the case:-

Saira Khan D/O Sher Zali Khan U/C Mita Khel Bannu appointed as PST Teacher vide order Endst: No.4192-4288 dated; 23-4-2012 by the then EDO E&S Edu: Bannu. After verification of her documents by the then DY: DEO(F) Bannu her HSSC certificate passed from AIOU was found fake as per record and thus the Deptt: withdraw her appointment order vide order Endst: No.8778-81 dated; 2-10-2012. On the Deptt: action taken against her, she has gone to the Service Tribunal KPK vide service appeal No.553/2013.

In the mean time the Ex-DEO (F) Bannu Miss: Zubaida Khattak re-instated Mst: Saira Khan in to service vide order Endst: No.9980-82 dated; 31-10-2013. On hearing date in Service Tribunal the Deptt: representative produce the reinstatement order copy to the service tribunal and thus she has made request to the Hon: Court for withdrawal of her appeal, resultantly the appeal was accordingly dismissed as withdrawn, vide Judgment dated; 15-05-2014.

At that time the Ex-DEO(F) Bannu was suspended in Departmental Enquiry case and Miss: Perween Khattak was posted as DEO(F) Bannu; She has also Countersigned her re-instatement order but her adjustment was not made in a proper way and thus saira khan is still in hanging position.

In such a circumstances she has made appeal to the Peshawar High Court Bannu Bench for her readjustment and release of her pay. On hearing date one Sahulat Jahan along with seven other complainants of different U/Cs inter in Hon: Court and brought the matter in to the notice of Hon: Court that his daughter was appointed on fake documents therefore the Deptt: terminated her now he is trying for her reinstatement where as he (Mr. Sher Zali Khan S/Clerk) out us from the merit lists, although we are coming on merit and due rights for appointments.

The Hon: Court noticed the situation on their complaint and issued direction to the DEO (M/F) Bannu who was present on the spot to enquire both the matters and submit detail report with in forth night.

The Deptt: has notified enquiry Committee vide Notification No.1282-86 dated: 9-3-2015 and the Committee submitted their detail report on 19-3-2015 to the DEO (M/F) Bannu. The DEO (M/F) Bannu not satisfied from the enquiry committee findings as the same were not fulfill the aim and objectives as mentioned in the High Court verdict, thus an other enquiry committee was notified by the DEO(M/F) Bannu vide Office order No.2361-65 dated: 20-04-2015 with clear cut directions that the enquiry committee should focus their view on the TORs mentioned in under reference notification and re-examine the enquiry report thoroughly.

Method adopted/Investigation

The pervious enquiry was thoroughly examined/ analyzed on point to point basis and in light of TORs some parts were selected. Office of the DEO (F) as well as SDEO (F) Bannu were attended and obtained tentative /final merit lists of complainants U/Councils as well as vacancies break up and other relevant record.

Findings/Conclusion

1- During investigation and from the perusal of record it was observed that one Saira Khan D/O Sher Zali Khan U/C Mita Khel Bannu appointed as PST Teacher vide order Endst: No.4192-4288 dated; 23-4-2012 by the then EDO E&S Edu: Bannu. After verification of her documents by the Then Dy: DEO(F) Bannu her HSSC certificate passed from AIOU was found fake as per record and thus the Deptt: withdraw her appointment order vide order Endst: No.8778-81 dated; 2-10-2012. The withdrawal order of saira Khan was quite authentic and legally in order. Her father Mr. Sher Zali Zkan S/Clerk was transferred to school side as punishment in light of earlier enquiry report; however the Ex-DEO (F) Bannu detailed him in office for maintaining court cases.

2- Sahulat Jahan & seven other candidates Merit Position in the year 2012.

S.No.	Name & Father Name	U/C	U/C vacancies	Total Candidates appointed in U/C	Merit Score & S.No. of the candidate in Merit list.	Merit Position in U/C of the last appointed candidate	Remarks
1-	Sahulat Jahan D/O Zafar Ali Khan	Nizam Dherma Khel	02	02	49.15 at S.No.51	57.09	The candidate not fulfill the merit criteria.
2-	Shehnaz Begum D/O Umer Nawaz	Nizam Dherma Khel	02	02	53.59 at S.No.27	57.09	-do-
3-	Nazia Hasan D/O Behzad Khan	Fathma Khel	01	01	52.38 at S.No.22	57.91	-do-
4-	Mehnaz Gul D/O Gul Muhammad	Ghari Sher Ahmad	03	03	54.86 at S.No.20	57.22	-do-
5-	Shenaz Begum D/O Gul Rahim	Hassani	02	02	48.39 at S.No.24	55.68	-do-
6-	Nazia Hassan D/O Habibullah Khan	Hinjal	01	01	49.27 at S.No.24	57.07	-do-
7-	Nusrat Qazi D/O Qazi Muhd: Yousaf	Barak Zai	04	04	49.41 at S.No.05	50.97	-do-
8-	Kausar Munawar D/O Munawar Khan	Khujamad	01	01	45.26 at S.No.49	57.31	-do-

Recommendations:-

- 1- Saira Khan D/O Sher Zali Khan Appointment order withdrawal is in accordance to rules.
- 2- Sher Zali Khan S/C detailment to office may be withdrawn and he should return to school duty.
- 3- Sahulat Jahan and seven other complainants documents/Office record thoroughly checked and no merit violation is found in their cases. They should be advised to try again in light of fresh NTS advertisement for the new vacancies.
- 4- Necessary report is being submitted please.

Agreed with
The Recommendation
District Education Officer
(Male) Bannu

Member Enquiry Committee
LITIGATION OFFICER
DEO(M) Office Bannu.
Dated: 02-05-2015.

Inchange writ Dr to place his report
on the record of W.P. NO. 56-B/2015
title Saira Khan vs DEO etc.

12/5/2015

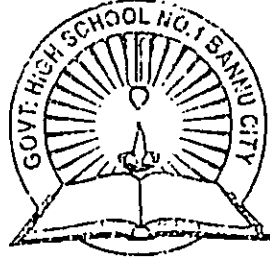
4/5/2015

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GOVT. HIGH SCHOOL NO. 1 BANNU CITY



انکوائری
کمیٹی کے رپورٹ

Ref. No. 4093

Date 19/03/2015

To

The District Education Officer
(M/F) Bannu.

SUBJECT:- Enquiry Report about the appointment case of Saira Khan Ex-PST D/O Sher Zai Khan and the other 08 Complainants (Sahulat Jahan etc)

Memo:-

Reference your office order End. No. 1282-86 dated 09/03/2015 about the subject cited above for which following Enquiry Committee was constituted to probe the matter.

1. Abdul Hadi Principal GHS No 1 Bannu (Chairman)
2. Akhtar Zaman Khan HM GHS Khan Zaman Nurar Bannu (Member)
3. Nargis Jabeen SDEO (F) B. (Member)

Enquiry report is enclosed with documents of 03 earlier enquiries made and other related documents which is submitted to you for self for further necessary action please. It is also pointed that such Enquiries in the District may be conducted by the Officers of the other Districts.

Enclosed:
16 Pages

19/03/2015

(ABDUL HADI)
Principal
GHS No. 1 Bannu
Chairman Enquiry Committee

questionnaire for enquiry.

viii) On the other hand her BAC of HSSC from BISE Bannu dated 21/04/2012 she secured 607/110 placed in Grade "C". (Annexure - H)

The District Education Officer,
(M) E & SE Bannu.

SUBJECT: ENQUIRY REPORT ABOUT APPOINTMENT OF SAIRA KHAN EX-PST D/O SHER ZALI KHAN UNION COUNCIL MITHA KHEL AND THE OTHER EIGHT COMPLAINANTS (SAHULAT JAHAN etc)

Memo:-

Reference your Office Letter No. 1282 - 86 / AE-I / Estab (P/F) Enquiry (F) dated 09/03/2015 about the subject cited above.

In this connection, the following committee is constituted to probe the matter.

- i) Abdul Hadi Principal GHS No. 1 Bannu City (Chairman)
- ii) Akhtar Zaman Khan HM GHS Khan Zaman Nurar Bannu. (Member)
- iii) Nargis Jabeen SDEC (F) Bannu. (Member)

The committee members initiated enquiry w.e.f 11/03/2015 at SDEO (F) Office Bannu.

Following are the Findings / Recommendations of the enquiry.

Findings:-

1. After sorting out the record, it is stated out that three detailed enquiries have already been conducted about the whole process of Recruitment of PST (F) and also about the various complaints from the complainants.
2. Their findings & Recommendations about Saira Khan D/O Sher Zali Khan and Mst Najma Ghafoor D/O Amir Ghafoor Khan Union Council Mitha Khel are crystal clear.

Enquiry Reports:

1st Enquiry:-

3. Enquiry conducted by Enquiry Officers on 20/10/2012
 - (a) Mr. Sikandar Sher Principal GHS Maneri Payan Swabi (Chairman)
 - (b) Mr. Tilawat Shah Principal GHS Serai Swabi (Member)
- (i) This enquiry was submitted by enquiry Officers to Deputy Directress (Establishment) E & SE Khyber Pakhtunkhwa, Peshawar vide No. 463 dated 20/10/2012:

(Annexure - A)

(ii) The same was then submitted by Deputy Directress to the Secretary to Govt. E & SE questionnaire for enquiry.

- viii) On the other hand her DMC of HSSC verified from BISE Bannu dated 21/04/2012 she secured 607 / 1100 Marks and placed in Grade "C".

(Annexure - II)

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LS

(iii) Then the Section Officer (AB) Govt. of Khyber Pakhtunkhwa E & SE, Peshawar, submitted to the EDO (E & SE) Bannu Peshawar the 17/12/2012 with the direction to take necessary action.

2nd Enquiry:-

4. 2nd detailed enquiry was conducted by the same team of Enquiry Officers: Sikandar Sher-Principal and Tilawat Shah Principal. (Annexure - B)

This 6 pages enquiry report was submitted to Deputy Directress (Establishment) vide latter No. 490/inquiry File dated 15/02/2013. This enquiry was conducted due to the complaint by the following complainants

- (i) Miss Kausar Munawar
- (ii) Miss Nusrat Qazi
- (iii) Miss Saholat Jahan

They are recommended for appointment if they fulfill Merit criteria.

Case to Case findings & recommendations of 14 PST(F) candidates are separately highlighted.

3rd Enquiry:

5. Enquiry proc. against Mr. Saraf Ali Shah DEO (M) Bannu under E & D Rules, 2011 was initiated by Syed Kamran Shah Special Secretary Environment Department Govt. of Khyber Pakhtunkhwa Peshawar on 06/05/2013 and submitted on 31/07/2013. In this enquiry Saraf Ali Shah Ex-DEO (M) Bannu was exonerated from the charges leveled against him. However it was 22 pages enquiry Report and Blue Print of the whole recruitment process of PST (F).

The Findings, conclusions and Recommendations of this enquiry may be strictly followed and implemented in letter and spirit. (Annexure - C)

6. Reminders from Govt. of Khyber Pakhtunkhwa E & SE Department Peshawar for implementation of Enquiry Report: (Annexure - D)

Repeated reminders from SO (Schools/Male) Govt. of Khyber Pakhtunkhwa, E & SE Department Peshawar to Director, DEO (M) Bannu, DEO (F) Bannu on dates 22/10/2013, 05/12/2013, 28/01/2014, 24/02/2014 and 24/03/2014 about to follow the recommendations of the Enquiry Officers. They were directed to submit comprehensive report about;

"Lodge an FIR against those responsible for bonus / fake documents and cancelation of appointment orders of those appointees whose documents have not yet been verified."

7. Findings of the Fresh Enquiry Committee:-

questionnaire

R#02

48

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Saira Khan D/O Sher Zali Khan Roll No. 910 was PST (F) candidate in union council Mitha Khel on page 47 of the interview list. Her column of attendance was found unsigned & crossed. Dated 11/04/2010. (Annexure - E)

Merit score in interview list was:

SSC	Merit Score	FA/FSc	Merit Score	PTC	Merit Score	Overall Score
677/900	22.00	677/1100	12.31	621/900	17.25	51.56
Overwriting & Corrected	16.03		Overwriting & Corrected	621 x 25 / 900	17.25	48.32

ii) In the final Merit List of union council Mitha Khel the Merit Score differs from the corrected Merit Score in the interview List and having no sign / initial of any committee member.

In the Final Merit List the Merit Score was: (Annexure - F)

SSC	Merit Score	FA/FSc	Merit Score	PTC	Merit Score	Overall Score
481/900	16.03	677/900	15	621/900 Formula used 621 x 30 / 900	20/70	51.77

iii) In interview List was 677 of 1100 with score 12.31 But in Final Merit List FA obtained : of 900 with Merit Score 15.04.

iv) In interview formula for Merit Score of PTC used as $\frac{\text{Marks Obtained} \times 25}{\text{Total Marks}}$ i.e

$\frac{621 \times 25}{900} = 17.25$ but in Final Merit List Formula for PTC Merit Score $\frac{\text{Marks Obtained} \times 30}{\text{Total Marks}}$ i.e

$\frac{621 \times 30}{900} = 20.70$

v) Over all Merit Sore in interview List calculated as 48.32 but it comes out 45.59. However in Final Merit List the overall Merit Score was 51.77.

vi) No sign of any committee member is seen from Pages 47 to 56 in the interview List.

vii) The HSSC of Saira Khan D/O Sher Zali Khan was mailed from DDO (F) Bannu to AIOU Islamabad for verification vide letter No. 786 dated 06/06/2012 bearing Seial No. 160835 under Roll No. T-701151. The Deputy Controller of Exams AIOU Islamabad referred it dated 09/07/2012 with the Remarks : certificate has not been Issued by this University to Mrt Saira Khan D/O Sher Zali K. certificate is fake and bogus. (Annexure - G) Sher Zali Khan F/O Saira Khan showed no concern with this fake certificate in his reply to questionnaire for enquiry.

viii) On ... from BISE Bar ... date ... 2012 she

If we consider this verified HSSC, still the marks tempered in Merit List. It has shown as 677/1100 in interview List and 677/900 in Final Merit List.

(ix)

Withdrawal order of Saira Khan was genuine as per Para 7 of the terms and conditions of the Appointment Order of PST (F). However the E & SE Bannu Local Office showed weakness of not taken action by chalking out FIR against Saira Khan and her Father Sher Zali Khan, as per Recommendations made in earlier Enquiries.

x) The reinstatement Order of Saira Khan issued on 31/10/2013 by Zubaida Khatak the then D/O (F) E & SE Bannu was baseless. As the Grounds / Reasons for the Reinstatement diluted in the presence of serious offenses deliberately made. (Annexure - I)

8. Union Council wise Merit Position of the 08 Complainants

(Sahulat Jahan etc):

The union council wise Merit position of the 08 Complainants are as follows. However their correct place of merit can be determined after Readdress of their grievances / complaints and case to case detailed enquiry.

Union Council	Roll No	Name	Union Council	Merit Score	Remarks
22	993	Berhan	Na Khel	52.38	
20	991	Gul Muhammad	Ahmad	54.86	
24	615	Gul Rahier	Hassani	48.39	
24	1757	Hassan	Hijai	49.27	
27	1869	Shaz Begum	Nizam Dhrma Khel	53.59	
5	313	Leelat Qazi	Qazi Muhammad Yousaf	49.41	
49	1890	Kausar Munawar	Munawar Khan	45.26	
51	1492	Sahulat Jahan	Zafar Ali Khan	49.15	

9. Recommendations:-

i) We all the members of the enquiry committee unanimously suggested that there is no need of fresh enquiry. However if the enquiry is indispensable, then it is suggested that enquiry committee may be constituted from the officers of Directorate or of other districts.

ii) The above cited recommendations are on record in the enquiry report conducted by Syed Kamran Shah Special Secretary Environment Department Govt. of Khyber Pakhtunkhwa Peshawar which is reproduced below.

"A detailed Departmental Enquiry may be ordered under a joint committee headed by BS-19 Officer of Environment Department and comprising one senior Officer from District E & SE Khyber Pakhtunkhwa and one senior Officer from other district."

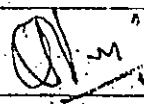
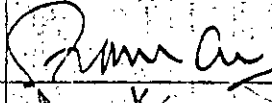
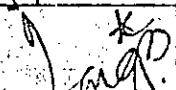
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- iii) This proposed committee should scrutinize the documents / record etc for ascertaining genuines of qualifications / testimonials / marks etc, fairness, transparency of the recruitment policy and the appointments made on the basis thereof. The relief may be provided to the female complainants who could not get selected due to unfair, wrongful and manipulative induction of some influential applicants but otherwise fulfill merit criteria.

Report is submitted to your goodself for further necessary action, please

Enquiry Committee:

S. No	Name & Designation	Official Address	Signature
1	Abdul Hadi (Principal/ Chairman)	GHS No. 1 Bannu City	 19/03/15
2	Akhtar Zaman (HM/Member)	GHS Khan Zaman Nurar Bannu	 19/03/15
3	Nargis Jabeen (SDEO(F)/Member)	DEO (E & SE) Office Bannu	 19/03/15

6155/15/08 (Annex-9) (51)

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
BANNU N-W.F.P. PAKISTAN**

Higher Secondary School Certificate Examination

S. No. 87444

Detailed Marks Certificate

Session: 2009 (Annual Part-II)

Roll No: 30145

Group: Humanities

Registration No: 0038-GBU2-1-07

Certificate No: 20930145

This is to certify that
Son / Daughter of

Saira Khan

Sherz Ali Khan

and a student of

Govt. Girls Higher Secondary School No. 2, Bannu

has secured the marks shown against each subject, in the Higher Secondary School Certificate Examination of the Board of Intermediate & Secondary Education, Bannu, held in April, 2009 as Regular Candidate

CHECKED & VERIFIED

SUBJECTS	MAXIMUM MARKS				MARKS OBTAINED				Total	In Words
	Part-I		Part-II		Part-I		Part-II			
	Theory	Practical	Theory	Practical	Theory	Practical	Theory	Practical		
1. English	100		100		37	-	34	-	71	Seventy-One
2. Urdu	100		100		69	-	58	-	127	One Hundred Twenty Seven
3. Islamic Education	50				33	-	-	-	33	Thirty Three
4. Pakistan Studies			50		-	-	18	-	18	Eighteen
5. Islamic Studies	100		100		68	-	55	-	123	One Hundred Twenty Three
6. Islamic History	100		100		56	-	60	-	116	One Hundred Sixteen
7. Health & Physical Education	85	15	85	15	55	12	40	14	121	One Hundred Twenty One

Total Marks: **1100**

Marks Obtained:

607-C Six Hundred Seven Only

Remarks

Date of declaration of Result: 26-07-2009

Prepared by: [Signature]

Checked by: [Signature]

Date of issue: 26-07-2009

**Controller of Examinations
Board of Intermediate and
Secondary Education, Bannu**

Note: Error / Omission excepted.

(COMPILED BY COMPUTER CELL BISE, BANNU)

Roll No	Father	ADDRESS	Domicile	U.P. Council	DOB			Age on 10-3-2010			SSC			FA/F.Sc			BA/B.Sc			MA/M.Sc			PTC			Service Score	Over All Score	REMARKS	Signature of C.
					d	m	y	d	m	y	Tot. Marks	Obt. Marks	Merit Score	Tot. Marks	Obt. Marks	Merit Score	Tot. Marks	Obt. Marks	Merit Score	Tot. Marks	Obt. Marks	Merit Score	Tot. Marks	Obt. Marks	Merit Score				
	Musarat Shaheen	Umer Khan	Ghani Michan Kriel	Bannu	Shabaz Ahmad Khan	16	6	82	24	8	27	850	446	15.74	1100	525	9.55	900		0.00	1100		0.00	900	580	16.11	41.40		
902	Saira	Mohammad Isreal	Wanda Ghafar	Bannu	Lalozai	1	12	90	9	3	19	1050	631	18.03	1100	623	11.33	550		0.00	1100		0.00	900	570	15.83	45.19		M. H. S.
903	Saima Sadiq	Mohammad Sadiq	Deri Candi	Bannu	Sakar Ahmad Khan	5	5	90	5	10	19	1050	634	18.11	1100	693	12.60	550		0.00	1100		0.00	900	612	17.00	47.71		Saima
904	Hajra gul	Mohammad Fayaz	Kotka Mohd Yaqoob	Bannu	Sakar Ahmad Khan	3	3	90	7	0	20	1050	733	20.94	1100	763	13.87	550		0.00	1100		0.00	900	619	17.19	52.00	NIC req	Hajra
905	Aisha Fayaz	Mohammad Fayaz	Kotka Mohd Yaqoob	Bannu	Sakar Ahmad Khan	1	4	88	9	11	21	850	496	17.51	1100	702	12.76	550	283	5.15	1100		0.00	900	583	16.19	51.61		Aisha
906	Abida Kalsoom	Shah Daraz Khan	Kotka Mohd Yaqoob	Bannu	Sakar Ahmad Khan	15	2	88	25	0	22	850	417	14.72	1100	699	12.71	550	330	6.00	1100		0.00	900	578	16.06	49.49		Abida
907	Sabiha	Jirabaz Khan	Kotka Mir Alam	Bannu	Lalozai	23	3	85	17	11	24	850	399	14.08	1100	493	8.96	550		0.00	1100		0.00	900	517	14.36	37.40		Sabiha
908	Zuhra Ajmal	Mohammad Ajmal	Shabaz Shah Sheikhani	Bannu	Kala Kriel	25	6	84	15	8	25	850	545	19.24	1100	647	11.76	550	291	5.29	1100		0.00	900	614	17.06	53.35		Zuhra
909	Yasmin Begum	Mohammad Khan	Sokari Zabta Khan	Bannu	Sokari	15	4	68	25	10	41	850	360	12.71	1100	427	7.76	1000	584	5.84	1400		0.00	900	574	15.94	42.25	Overage	Yasmin
910	Asia Gul	Munawwar Khan	Sarwar Fateh Khel	Bannu	Mitha Kriel	1	1	81	9	2	29	850	455	16.06	1100	572	10.40	550		0.00	1100		0.00	900	486	13.50	39.96		Asia Gul
911	Saira Khan	Sherzadi Khan	Fazal Shah Mitha Kriel	Bannu	Mitha Kriel	25	9	90	15	5	19	900	550	22.00	1100	677	12.31	550		0.00	1100		0.00	900	621	17.25	48.52		Saira Khan
912	Farmida Begum	Asmatullah	Saleh Khan Mandev	Bannu	Mandev	26	8	91	14	6	18	900	637	21.23	1100	717	13.04	550		0.00	1100		0.00	900	604	16.78	51.05		Farmida
913	Rubab	Gul Rabistan	Kotka Zabza Khan FC Line	Bannu	Sakar Ahmad Khan	15	2	90	25	0	20	900	466	15.53	1100	678	12.33	550		0.00	1100		0.00	900	593	16.47	44.33		Rubab
914	Nasim	Mir Zaman	Kotka Mir Dil Domes	Bannu	Kota Hathi Kriel	4	2	90	6	1	20	1050	632	18.06	1100	743	13.51	900		0.00	1100		0.00	900	595	16.53	48.10		Nasim
915	Mehnaz	Mohammad Nazir	Fazal Shah Mitha Kriel	Bannu	Mitha Kriel	12	10	87	28	4	22	850	678	23.93	1100	564	10.25	900	694	7.71	1100		0.00	900	557	15.47	57.36		Mehnaz
916	Nayab Younas	Mohammad Younas	Ghoriwala	Bannu	Ghoriwala	4	4	86	6	11	23	850	536	18.92	1100	719	13.07	550	276	5.02	1100		0.00	900	618	17.17	54.18		Nayab
917	Hasina	Khan Daraz	Kotka Zabza Khan FC Line	Bannu	Sakar Ahmad Khan	24	9	88	16	5	21	850	445	15.71	1100	747	13.58	550	340	6.18	1100		0.00	900	630	17.50	52.97		Hasina
918	Farzana Zaman	Awal Zaman	Bazida Yousaf Khan	Bannu	Lalozai	15	6	83	25	8	26	850	431	15.21	1100	570	10.36	550		0.00	1100		0.00	900	543	15.08	40.65		Farzana
919	Seema	H. Daraz Khan	Kachozai	Bannu	Sakar Ahmad Khan	1	10	86	9	5	23	850	528	18.64	1100	708	12.87	550	300	5.45	1100		0.00	900	599	16.64	53.60		Seema
920	Rozmina	Ali Khan	Bahader Khan Torfa	Bannu	Lalozai	24	1	90	16	1	20	1050	608	17.37	1100	557	10.13	550		0.00	1100		0.00	900	523	14.53	42.03	Nikah Nama req	Rozmina

53

P-42

(Annex - F)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDARY EDUCATION BANNU
 UNION COUNCIL WISE MERIT LIST OF PST (FEMALE) CANDIDATES FOR THE YEAR 2012

S.No	Roll No	Name	Father	ADDRESS	Domicile	U/Council	D/O Birth			Age on 10-3-2010			SSC			FAJF.Sc			BA/B.Sc			MA/M.Sc			PTC			Service Score	Over All Score	REMARKS
							d	m	y	d	m	y	Tot. Marks	Obl. Marks	Merit Score	Tot. Marks	Obl. Marks	Merit Score	Tot. Marks	Obl. Marks	Merit Score	Tot. Marks	Obl. Marks	Merit Score	Tot. Marks	Obl. Marks	Merit Score			
							1	911	Sara Khan	Sherzali Khan	Fazal Shah Mitha Khel	Mitha Khel	25	9	90	15	5	19	900	481	16 03	900	677	15 04	550	0 00	1100			
2	1754	Najma	Ghafoor Khan	Fazal Shah Mitha Khel	Mitha Khel	10	5	86	0	10	23	900	510	17 00	900	652	14 49	550	0 00	1100	0 00	900	590	19 67	51 16	-do-				

Amalullah
 Jais
 14/04/12

Amalullah
 14/04/12

Amalullah
 14/4/12

(54)

(Annex-I)

~~ANNEX-B~~

(54)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
ELEMENTARY & SECONDARY BANNU.

RE-INSTATEMENT

Consequent upon the appeal made by SAIRA KHAN for re-instatement in service as PST BPS-12 wide withdrawal order No. 8778-81 dated 2/10/2012. The appeal was thoroughly checked/ Examined, by the DEO (Female) E&SE Bannu being a competent authority up to BPS-15 for appointment/ termination, she is hereby reinstated in service with the date of withdrawal on the following grounds/ reasons.

1. As per verification of her FA Certificate already verified through EDO by the BISE Bannu was found correct and considered for appointment/ reinstatement.
2. The then EDO was competent up to BPS-10 for appointment/ termination and the appellatant was in BPS-12.
3. No Codel formalities regarding personal hearing were observed.

Hence the withdrawal were illegal and the above grounds are enough for re-instatement.

signed by

(Zubaida Khattak)
District Education Officer
E& SE (F) Bannu

Dated the Bannu 31/10/2013

Enclst No. 9980-82

Copy of the above is Forwarded to the:

1. District Account Officer Bannu.
2. SDEO (Female) Bannu.
3. Teacher Concerned

District Education Officer
E& SE (F) Bannu 31-10-2013

15

(Annex-J)

U

553

Annex-C

BEFORE THE HONOURABLE SERVICE TRIBUNAL
PESHAWAR KHYBER PAKHTUNKHWA



8

Service Appeal No. 553 2013

1. Mst. Saira Khan D/O Sher Zali Khan Ex PST Teacher Resident of
Fazal Meta Khel District Bannu.

VERSUS

504
27/2/13

1. Provincial Govt. through Secretary Education (E&SC) KPK Peshawar.
2. Director of Education KPK Peshawar.
3. Ex DCO Presently Deputy Commissioner Bannu.
4. Ex EDO Presently District Education Officer Bannu.
5. District Education Officer (F) District Bannu.
6. Deputy District Officer (F) District Bannu.

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1973, AGAINST THE IMPUGNED WITHDRAWAL ORDER NO.8778-81, DO/ES/PTC DATED BANNU 02-10-2012 WHEREBY THE APPELLANT APPOINTMENT HAS BEEN WITHDRAWN/ TERMINATED FROM GOVT. SERVICE AGAINST WHICH THE APPELLANT FILED A DEPARTMENTAL APPEAL BEFORE RESPONDENT NO.3 AND THE SAME HAS NOT BEEN DECIDED SO FAR WITHIN STIPULATED PERIOD OF TIME.

15.5.2014

Mr. Sherzali Khan, attorney for the appellant, with counsel for the appellant (Mr. Sajid Amin, Advocate) and Mr. Sanobar Khan, ASDO on behalf of respondents with AAG present. Representative of the respondents produced copy of reinstatement order of the appellant, which is placed on file. In view of her reinstatement by the respondent-department, the appellant is satisfied, and request for withdrawal of the appeal made on her behalf. The appeal is accordingly dismissed as withdrawn, with no order as to costs.

ANNOUNCED

15.5.2014

SAG
Chairman

Certified to be true copy
EX-AMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 27-5-2015
 Number of Petition 400
 Copies of Petition 4
 Upto 2
 Total 6
 Name of Counsel
 Date of Completion of Case 27-5-2015

53

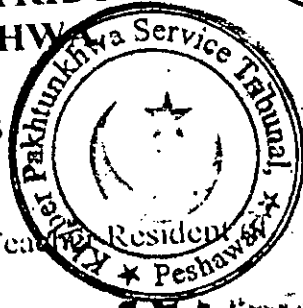
A

Annex-A

4

BEFORE THE HONOURABLE SERVICE TRIBUNAL
PESHAWAR KHYBER PAKHTUNKHWA

Service Appeal No. 553 20+3



1. Mst. Saira Khan D/O Safer Zali Khan Ex PST Teacher
Fazal Meta Khel District Bannu.

VERSUS

1. Provincial Govt. through Secretary Education (E&SC) KPK Peshawar.
2. Director of Education, PK Peshawar.
3. Ex DCO Presently Deputy Commissioner Bannu.
4. Ex EDO Presently District Education Officer Bannu.
5. District Education Officer (F) District Bannu.
6. Deputy District Office (F) District Bannu.

504
27/2/13

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1973, AGAINST THE IMPUGNED WITHDRAWAL ORDER NO.8778-81 DO/ES/PTC DATED BANNU 02-10-2012 WHEREBY THE APPELLANT APPOINTMENT HAS BEEN WITHDRAWN/TERMINATED FROM GOVT. SERVICE AGAINST WHICH THE APPELLANT FILED A DEPARTMENTAL APPEAL BEFORE RESPONDENT NO.3 AND THE SAME HAS NOT BEEN DECIDED SO FAR WITHIN STIPULATED PERIOD OF TIME.

Prayer:

On acceptance of the instant appeal, the impugned order dated 02-10-2012 may be set aside and the appellant may be reinstated into service with all back benefits. Any other remedy fit under the circumstances may also be granted.

27/2/13

Respectfully Sheweth:

1. That the appellant was appointed as PST Teacher BPS-07 in the respondent department after observing all the coddle formalities vide order No.4192-4288/EDO(E&S), Dated 23-04-2012. (Copy of appointment order is annexure as "A").

re-submitted to and filed.

P-2
Adv for Petitioner

That the appointment order of the appellant has now been withdrawn vide order No.8778-81/DO(E&S) PTC dated

02-10-2012 received to the appellant on 15/10/12 (Copy of the withdrawal order is annexure as "B").

(57)

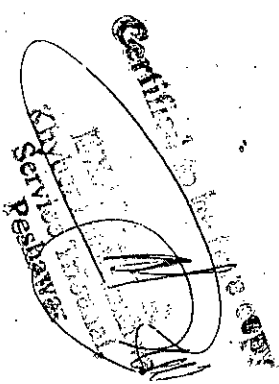
3. That the appellant was appointed in BPS-7 as PST Teacher but the same post was upgraded in BPS-12 vide through notification vide No. SO(BAA)1-18/Ed/E/2012 dated 01-07-2012. (Annex E)
4. That after up gradation and as per notification the respondent No.4 exceeded his powers by issuing withdrawal order of the appellant because the present case comes in the jurisdiction/ purview of District Coordination Officer.
5. That the appellant appointment order was withdrawn by making a sole ground that the FA certificate of the appellant was submitted for verification by the department to controller of exams Allama Iqbal Open University Islamabad and the same has been declared as fake.
6. That the appellant has collected her FA certificate from BISE Bannu and it is highly pertinent to mention here that the said FA certificate of AIQU Islamabad which has made the sole ground for termination, is missing in the supply form.
That the appellant has attached / submitted FA certificate of BISE Bannu and respondent department has got verified the same certificate from concerned board and it is correct in all respects. (Copy of FA certificate is annexure as "D").
8. That the FA certificate produced by the appellant has been issued by the authority of Bannu Education Board and the same is accurate in each and every respect and has been received to the respondent department as verified.
9. That the appellant is in possession bachelor of arts (B.A) degree and the result of which has been declared on 09-09-2011 prior to appointment process.

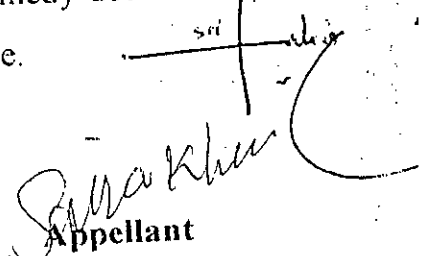
That, feeling aggrieved the appellant has no other efficacious remedy but to invoke the jurisdiction of this honourable tribunal on the following amongst other grounds.

for petitioner

- (6) (SS) ✓ (B)
- A. That the FA certificate which was made basis for issuing the impugned order of termination has neither been placed/ produced by the appellant nor the same has no nexus with her.
 - B. That the respondents have flagrantly violated the rules of natural justice by providing no chance of personal hearing and thus condemned the appellant unheard.
 - C. That no chance of defense has ever been provided to the appellant because the said impugned withdrawal order was received to her when she was engaged in learning and teaching the students in class. Reliance may be placed on 2000-SCMR-1973.
 - D. That no proper procedure for terminating her services had been adopted in the appellants termination but in an arbitrary manner.
 - E. That the appellant has not been treated in accordance with law under the rules.
 - F. That the order of respondent No.4 in terminating the services of appellant is illegal, based on surmises and conjectures as well as having no logical and legal reasons behind the same.
 - G. That the respondent department has totally ignored the FA certificate issued by the authority of Bannu Education Board and has not added the merit score of her BA degree, Issued by the University of Science & Technology Bannu.

It is therefore, most humbly prayed that on acceptance of this instant appeal, the impugned order may be set aside and the respondents be directed to reinstate the appellant in to services with all back benefits. Any other relief / remedy deem fit under the circumstances may also be granted please.

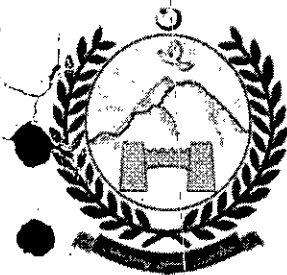



 Appellant

Through Counsel

Date of Presentation of Petition 30-5-2013
 Number of Pages 1200
 Copies of Petition 8
 Urgency 2
 Total 10
 Name of Counsel Mr. Shokir Ullah Khan Advocate
 Date of Filing of Petition 30-5-2013
 Date of Disposal 30-5-2013

Mr. Shokir Ullah Khan Advocate
 High Court Bannu Bench B



(Annex-K)

59

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
BANNU

No. 877

Dated Bannu the 25/02/2016.

To

- 1 Mst: Parveen Begum Ex- DEO (Female)Bannu
- 2 Zubaida Hanif Ex- DEO (Female) Bannu

Subject: **RE-INSTATEMENT APPOINTMENT ORDER OF MST: SAIRA KHAN DAUGHTER OF SHER ZALI KHAN ASSISTANT OFFICE OF DEO (FEMALE) BANNU**

Enclosed please find herewith the photo copy of the re-instatement appointment order of Mst: Saira Khan daughter of Sher Zali Khan against PST-12 post vide office letter No.9980/82 dated: 31/10/2013.

In this regard, Mst: Saira Khan has lodged a Service appeal in Service Tribunal Peshawar against DEO (Female) Bannu for execution to issuing the salaries, in light of above stated re instatment order with effect from 31/10/2013.

In view of above, a written statement may be submitted as soon as possible to undersigned, whether the signature put up on the said re-instatement apptt: Order of above named Mst: Saira Khan is correct under the rules or bogus. Because the appointment order of the above named lady has been withdrawn by the then EDO E&SE Bannu in light of a long enquiry report by the competent authorities.

Yours Co-operation in this respect will be highly appreciated in the best interest of education department as well as for you.

DISTRICT EDUCATION OFFICER
FEMALE BANNU

EndstNo: 877 /MNT_ORDER/.

Dated 25/02/2016.

Copy for information to the:-

1. Director E&SE Khyber Pakhtunkhwa Peshawar.

DISTRICT EDUCATION OFFICER
FEMALE BANNU

(Annex-L)

~~ANNEX-B~~

60

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
ELEMENTARY & SECONDARY BANNU.

RE-INSTATEMENT

Consequent upon the appeal made by SAIRA KHAN for re-instatement in service as PST BPS-12 wide withdrawal order No. 8778-81 dated 2/10/2012. The appeal was thoroughly checked/ Examined, 1 the DEO (Female) E&SE Bannu being a competent authority up to BPS-15 for appointment/ termination, she is hereby reinstated in service with the date of withdrawal on the following grounds/ reasons.

1. As per verification of here FA Certificate already verified through EDO by the BSE Bannu was found correct and considered for appointment/ reinstatement.
2. The then EDO was competent up to BPS-10 for appointment/ termination and the appellant was in BPS-12.
3. No Codel formalities regarding personal hearing were observed.

Hence the withdrawal were illegal and the above grounds are enough for re-instatement.

The counter signature on the body of Re instatement order is not of mine and is fake

(Zubaida Khattak)
District Education Officer
E& SE (F) Bannu

Dated the Bannu 31/10/2013

Endst No. 9980-82

Copy of the above is Forwarded to the:

1. District Account Officer Bannu.
2. SDEO (Female) Bannu.
3. Teacher Concerned

[Signature]
District Education Officer
E& SE (F) Bannu 31-10-2013

(2-20-17)

The court is wrong
The people of the
state is wrong
The court is wrong

John
Bosch
Im

(Annex-m)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

(61)

C.M. No.....in service appeal No.553/2013

Mst. Saira khan Daughter Of Sher Zali Khan R/O Of Fazel Shah Mita Khel Tehsil
And District Bannu.
...Applicant

Versus

7. District education officer E & SE (F) Bannu.
8. District account officer aBnnu.
9. SDEO (F) Bannu.

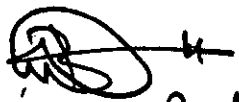
..Respondents

INDEX			
S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	P.NO
1	Application for implementation along with affidavit		1-3
2	The service appeal, reinstatement order dated 31.10.2013 and order dated 15.5.2014 of this honorable	A,B,C	4-8
3	The application for reinstatement as per the reinstatement / Release & pay	D	9
4	Wakalatnama	E	10

your humble applicant

Saira Khan
Saira Khan

Through counsel


Bashir ur Rehman
Burki
Advocate Bannu

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

C.M. No.....in service appeal No.553/2013

Mst. Saira khan Daughter Of Sher Zali Khan R/O Of Fazel Shah Mita Khel Tehsil
And District Bannu.

...Applicant

Versus

PROVIDED
Service Tribunal

Diary No. 1135

Dated 2/10/2015

1. District education officer E & SE (F) Bannu.
2. District account officer aBnnu.
3. SDEO (F) Bannu.

..Respondents

**APPLICATION FOR IMPLEMENTATION OF
REINSTATEMENT ORDER DATED 31.10.2013 OF
RESPONDENT NO.1 AND PRODUCED THROUGH
ASDO IN THE SERVICE APPEAL NO. 553/13 ON
15.5.2014 BEFORE THIS HONORABLE SERVICE
TRIBUNAL WITH STRICT DIRECTION OF RELEASE
OF SALARIES WITH ALL THE BACK BENEFITS
FROM THE DATE OF WITHDRAWAL AND
INITIATING PROCEEDINGS FOR CONTEMPT OF
THIS HONORABLE SERVICE TRIBUNAL BY
DISOBEYING AND RIDICULING AND AWARDED
PUNISHMENT AS PER LAW WITH COSTS THROUGH
OUT.**

Respected Sir,

The applicant humbly submits as under:

1. That the applicant had preferred service appeal No. 553/13 before this honorable service tribunal against the withdrawal/termination order of appointment of applicant and on 15.5.2014 the respondent No.1 produced reinstatement order dated 31.10.2013 before this service tribunal wherein the applicant was reinstated and on the basis of that reinstatement order the service appeal was withdrawn. Copies of service appeal, reinstatement order dated 31.10.2013 and order dated 15.5.2014 of this honorable tribunal are enclosed as annexure "A", "B", "C" respectively.
2. That after that the applicant approached respondent No.1 for reinstatement as per the reinstatement order dated 31.10.2013 but the matter was delayed in one or the other pretence and in the meanwhile the applicant through written application requested for reinstatement

Filed to-day

2/10/15

in vain. Copy of the application for reinstatement as per the reinstatement order is enclosed as annexure "D". (2)

3. That against the act of not reinstating the applicant as per the reinstatement order dated 31.10.2013 and not releasing salaries with all the back benefits including proceedings for contempt of the order of this service tribunal there is no other proper and efficacious remedy except to invoke the authority of this honorable service tribunal inter alia on the following grounds:

GROUND

- a. That after reinstating the applicant and withdrawal of service appeal No.553/13 on the basis of reinstatement order not releasing salaries with all back benefits is against law and principle of justice and equity.
- b. That as per principle of estoppels the respondents are bound to act upon the reinstatement order and releasing of salaries with all back benefits and respondents can't deny the same.
- c. That after production reinstatement order by the respondent the applicant has withdrawn her service appeal No.553/13 so the reinstatement order dated 31.10.2013 merged into the order of this honorable tribunal dated 15.5.14 and both the order are now part and parcel of the same and one and respondents are bound to obey the same and release the salaries with all the beck benefits of the applicant.
- d. That the disobeying and disrespecting the order of this honorable service tribunal is tantamount of the contempt of this service tribunal the respondents are libel for punishment as per law.
- e. That the counsel for the applicant may please be allowed to argue further legal and factual grounds during course of arguments.

Therefore, it is humbly prayed that the while accepting the instant application the respondents may please be strictly directed to implement the reinstatement order dated 31.10.2013 in its true perspective and the salaries with all the back benefits of the applicant may please be released and against the respondent for not obeying the order of this honourable tribunal contempt proceedings may please be initiated and punishment may please be awarded with costs through out.

Dated...../...../2015

your humble applicant

Saira Khan
Saira Khan

Through counsel

Bashir ur Rehman Bureki
Advocate

643

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

C.M. No.....in service appeal No.553/2013

Mst. Saira khan Daughter Of Sher Zali Khan R/O Of Fazel Shah Mita Khel Tehsil
And District Bannu.

...Applicant

Versus

- 4. District education officer E & SE (F) Bannu.
- 5. District account officer aBnnu.
- 6. SDEO (F) Bannu.

..Respondents

AFFIDAVIT

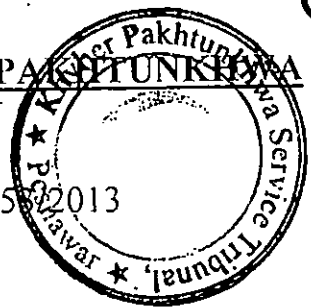
I, saira khan daughter of sher zali khn do hereby solemnly affirm and declare on oath that the contents of the application are true and correct to the best of knowledge and belief and nothing concealed from this august court.

Saira Khan
Deponent

Attested
Inamullah Advocate
Mitha Khel
District Bar Bannu
Inamullah

(65)

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**



C.M. No.....in service appeal No.553/2013

Mst. Saira Khan Daughter Of Sher Zali Khan R/O Of Fazel Shah Mita Khel Tehsil
And District Bannu.Applicant

PROVIDED
Service Tribunal
Diary No. 1135
Dated 2/10/2015

Versus

- 1. District education officer E & SE (F) Bannu.
- 2. District account officer aBnnu.
- 3. SDEO (F) Bannu.

..Respondents

APPLICATION FOR IMPLEMENTATION OF REINSTATEMENT ORDER DATED 31.10.2013 OF RESPONDENT NO.1 AND PRODUCED THROUGH ASDO IN THE SERVICE APPEAL NO. 553/13 ON 15.5.2014 BEFORE THIS HONORABLE SERVICE TRIBUNAL WITH STRICT DIRECTION OF RELEASE OF SALARIES WITH ALL THE BACK BENEFITS FROM THE DATE OF WITHDRAWAL AND INITIATING PROCEEDINGS FOR CONTEMPT OF THIS HONORABLE SERVICE TRIBUNAL BY DISOBEYING AND RIDICULING AND AWARDED PUNISHMENT AS PER LAW WITH COSTS THROUGH OUT.

22.12.2015

Mr. Sher Zali Khan on behalf of the petitioner and Ms. Bibi Razia, DEO (F) Bannu alongwith Assistant AG for respondents present. To come up for reply and arguments including arguments on maintainability of execution petition on 4.3.2016 before S.B.

Sd/-
Chairman

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 23-2-2016

Number of Words 400

Copying Fee 4-00

Urgent 2-00

Total 6-00

Name of Copyist [Signature]

Date of Completion of Copy 23-2-2016

Date of Delivery of Copy 23-2-2016