

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.
(CAMP COURT ABBOTTABAD)

APPEAL No 7849 OF 2021

Mst. Faiza Bibi -----

Appellant

VERSUS

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. Deputy Director Female Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. District Education Officer (Female), Abbottabad
4. Deputy District Education Officer (Female) ,Abbottabad
5. District Education Officer (Female), Mansehra
6. Deputy District Education Officer (Female), Mansehra
7. District Education Officer (Female), Kohistan
8. District Accountant Officer, Abbottabad
9. Deputy District Account Officer, Abbottabad
10. Govt: of KPK through Secretary Education, KPK

Respondents

PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENT NO 7.

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Dated 06-11-2023

*28-11-23
A. Abdul.*

Respondent No. 7

**District Education Officer,
(Female) Kohistan Upper**

Abdul Has

*D/O DEO
Kohistan upper*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.
(CAMP COURT ABBOTTABAD)

APPEAL No 7849 OF 2021

Mst. Faiza Bibi -----

Appellant

VERSUS

Case No. 8990
Date 14-11-2023

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. Deputy Director Female Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. District Education Officer (Female), Abbottabad
4. Deputy District Education Officer (Female), Abbottabad
5. District Education Officer (Female), Mansehra
6. Deputy District Education Officer (Female), Mansehra
7. District Education Officer (Female), Kohistan
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Respondents

PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENT NO 7.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:-

- I. That the appellant did not come to this Honorable Tribunal with clean hands.
- II. That the appellant has got no cause of action /locus standi to file the Instant appeal
- III. That the appellant is estopped to sue through his own conduct.
- IV. That the present appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.
- V. That the appellant has concealed the material facts from this Honorable Tribunal, hence appeal is liable to be dismissed without any further proceeding.
- VI. That the appellant has already been removed from Service after

Completion of all codal formalities vide order dated 20/04/2019, hence Appeal is liable to be dismissed.

VII. That the appeal is time bared hence not maintainable and liable to be Dismissed.

Factual Objections:

1. Para No. 1 is incorrect strongly denied that this office was established 01-10-2013 while the appellant was appointed in 2009.hence no record regarding appointment is available in this office pertaining to the appellant nor the appellant received any salary from this office.

2. Para No.2 is Incorrect strongly denied that the appellant provided transfer order from GGMS Soyai Joshai to GGMS Jalkot was inquired by this office on the direction of DEO (F) Abbottabad vide No.10758 dated 01-01-2020 and the inquiry officer reported that no record has been found in the office as well as schools.

(Copy of DEO (F) letter, inquiry report, copy of ADEO Estt letter are Annexed as annexure, "A").

3. Para No.3 is not relate to the respondent, hence needs no comment.

4. Para No.4 is not relate to the respondent, hence needs no comment

5. Para No.5 is not relate to the respondent, hence need no comment

6. Para No.6 is not relate to the respondent, hence need no comment

7. Para No.7 is incorrect strongly denied that the inquiry officer submitted his report that no record has been found regarding the said appellant in this office.

(Copy of Letter and inquiry report are Annexed as annexure, "B").

8. Para No.8 is not relate to the respondent, hence need no comment


9. Para No.9 is not relate to the respondent, hence need no comment

10. Para No.10 is incorrect the appellant is not an aggrieved his order is fake and bogus liable to dismissed with cost,

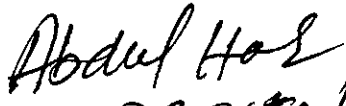
GROUNDS

- A- Incorrect, strongly denied that this is not relate to the respondent
- B- Incorrect strongly denied that the inquiry officer reported that no record has been traced in this office regarding the appellant as stated in Para 2 above of factual objections
- C- Incorrect, strongly denied that this is not relate to the respondent.
- D- Incorrect strongly denied that this is not related to the respondent.
- E- Incorrect strongly denied that this is not related to the respondent.
- F- Incorrect strongly denied that this is not related to the respondent.
- G- Incorrect strongly denied that this the appointment record of the appellant has not traced in this office as stated at Para No.2 above of the factual objections.

It is therefore, in the light of above stated facts and circumstances, Very humbly prayed that appeal in hand may please be dismissed with cost.


Respondent No. 7

District Education Officer,
(Female) Kohistan Upper


I/c DEO (F) Kohistan upper


DIRECTOR

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar


Dr. Muhammad Irfan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.
(CAMP COURT ABBOTTABAD)

APPEAL No 7849 OF 2021

Mst. FaizaBibi -----

Appellant

VERSUS

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. Deputy Director Female Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
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9. Deputy District Account Officer, Abbottabad
10. Govt: of KPK through Secretary Education, KPK

Respondents

PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENT NO 1 & 7.

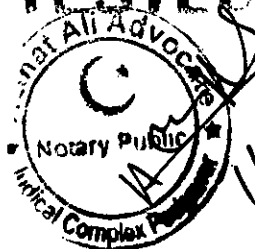
AFFIDAVIT

I, Mr. Abdul Haq^{1/2} DEO (F)/ Kohistan Upper, is hereby solemnly affirm and declare that the contents of foregoing comments of the appeal No. 7849/2021 titled Mst. Faiza Bibi versus Govt: of KPK are true and correct to the best of my knowledge and belief and nothing is being suppressed from the Honorable Tribunal.

It is further stated that in this appeal the Answering respondents have neither been placed ex-parte nor their defence is struck off

[Signature]
DEPONENT

ATTESTED



14-11-2023

13403-D159115-1

*Abdul Haq
D/o DEO (F)
Kohistan upper*



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

AUTHORITY LETTER

I Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar do hereby authorize Mr. Shah Wali Ullah Representative for DEO (F) Kohistan Upper to attend the Khyber Pakhtunkhwa Service Tribunal in connection with submission of para wise comments in Service Appeal No. 7849/2021, 1484/2019, 1473/2021, Mst Faiza Bibi, & Mst Farzana Wali Mst Gul Bibi VS Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department



Director

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.



(6) (22)

Amna G

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD

No. 10758 /EB-II/Faiza Musharaf Dated A.Abad the 1/1/2020

To,
The District Education Officer,
(Male) Dasser upper Kohistan

Subject: VERIFICATION OF SERVICE RECORD/APPOINTMENT ORDER IN R/O FAIZA BIBI

Memo:
It is brought into your kind notice that Mst. Faiza Bibi D/O Musharaf Hussain R/O District Manselra has been appointed as PST at GGPS Banseri District Kohistan vide District Education Officer (Male) Kohistan under endst: No.280-85 dated 02.12.2009 (copy attached). After one year service as of PST her cadre was changed from PST BPS-7 to DM PBS-9 vide endst: No.628-33 dated 02.12.2010 and posted at Government girls Middle School Sayal Jashoi Kohistan (copy attached).

In this regard, you are hereby requested to please verify the above mentioned notification and inconvenience in this regard is highly regretted.

[Signature]
DISTRICT EDUCATION OFFICER,
(FEMALE) ABBOTTABAD

Endst:No. 10759 /EB-II /Faiza Dated Abbottabad the 1/1/2020

- Copy to the:-
- 1 Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar for information and further necessary action please.

[Signature]
DISTRICT EDUCATION OFFICER,
(FEMALE) ABBOTTABAD

01/01/2020

[Signature]
Wahab

39

7

Amir A
12/12



OFFICE OF THE DISTRICT EDUCATION OFFICER (F)
KOHISTAN UPPER



No. 6144 /DEO (F) KH-U Dated Dassu the 8 / 12 / 2020

To: The District Education Officer,
(Female) Abbottabad

Subject: VERIFICATION OF SERVICE RECORD / APPOINTMENT ORDER
IN RESPECT OF FAIZA BIBI

Memo: Reference your office letter No 1075/EB-ii Faiza Mushraf Dated 01/01/2020 on the subject noted above.

In this connection an inquiry was conducted through the Ex Deputy District Education Officer (F) Kohistan Mr: Abdul Rehman.

According to the findings of that inquiry report no such record be traced.

Hence this office is unable to verify the service/grade change record of Mst

Faiza Bibi D/M (the inquiry report is also attached.)

The report is submitted for further information please.

[Signature]
District Education Officer
(Female) Kohistan

E/No: Isti/ Sec/ DEO (F) Dated: 2020.

Copy is the above is forwarded to.

- 1. P A to Director E&SE Khyber Pakhtunkhwa Peshawar.
- 2. Dy: DEO (F) Kohistan
- 3. P A to DEO (F) Kohistan
- 4. Office record.

[Signature]
District Education Officer
(Female) Kohistan

12/12/20

435
13/12/20

[Signature]

(40)

OFFICE OF THE DEPUTY DISTRICT EDUCATION OFFICER (FEMALE)
KOHISTAN

To,

101

The District Education Officer
(Female) Kohistan

Subject:

INQUIRY IN R/O MST. FAIZA MUSHARAF DM.

Memo,

Reference letter No.6806/F.No 362/F/appeal/Vol-1/Abbottabad dated
24/05/2019 issued from Director Elementary & Secondary Education Peshawar.

In this regard I was directed to check the record and report.
I visited DEO(M) Office Kohistan because all record of EDEO office is
lying there, no any record was found there about the said teacher.

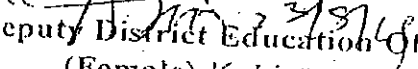
Then I visited the DFO(F) office Abbottabad. I received the following
photo copies from there.

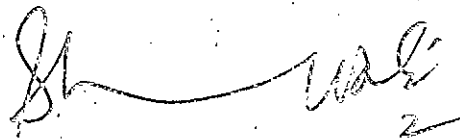
01. Office Order regarding change of cader.
02. Relieving Chitt.
03. Appointment order of PTC.
04. LPC:

✓ But no any record found in Kohistan female/male office.

The signatory EDO/officer of these documents verified his signature on
message.

Report is submitted for necessary action please.


Deputy District Education Officer
(Female) Kohistan



(8)

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN UPPER

No. **4037** DEO (F) KH Dated **17 10** 2023

To

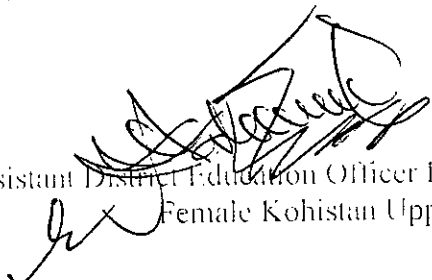
The District Education Officer,
Female Kohistan Upper

Subject: - PROVISION OF RECORD IN RESPECT OF Mst FAIZA BIBI DM REGARDING COURT CASE
Memo,

As per court file record Mst Faiza Bibi DM was transferred from GGMS Soyul Jashowi Kohistan to GGMS Ali Abad District Abbottabad through inter District Transfer order by the Director Elementary & Secondary Education Khyber Pakhtunkhwa vide endorsement number 2238-42/F.No 167/G Transfer (F) teachers Dated 27-07-2012 and in the response of application filed by Mst Faiza Bibi DM regarding adjustment. The District Education Officer Female Kohistan notified an inquiry officer for facts finding vide this office no 5167-68 Dated 13-09-2019. The inquiry officer submitted his report with the findings that no record could traced regarding the Mst Faiza Bibi as DM teacher in the office of District Education Officer Female Kohistan upper.

It is submitted that this office was established/bifurcated on 01-01-2013 from the office of Executive District Education officer E&SE Kohistan and no record in respect of Mst Faiza Bibi is exist in the strength of this establishment.

It is further submitted that Mst Faiza Bibi neither adjusted as DM an any school of this District nor she performed duty an any school as DM teacher since the inter District Transfer order (27-07-2012).



Assistant District Education Officer Estt: Secondary
Female Kohistan Upper

Endstt: No. _____ DEO KH (F) Dated _____ 2023

Copy of the above is forwarded to the:-

1. Deputy District Education Officer Female Kohistan
2. ADEO Litigation with the reference of service appeal No7849/2021 (Honorable service Tribunal KP)
3. Master File




Assistant District Education Officer Estt: Secondary
Female Kohistan Upper

Annex - D P-3 (9)

OFFICE OF THE DIRECTOR & DEPUTY DIRECTRESS, EDUCATION
PAKHTUNKHWA, PESHAWAR.

ORDER

Mrs. Faiz-e-Rahim DM CGMS, Soyal Beshow, District Kohistan is hereby transferred against the vacant post of DM at CGMS Ah Abad District Abbottabad on her own pay & EPS in the interest of public service with effect from the date of her taking over charge.

- 1. Charge report should be submitted to all concerned.
- 2. No TADA etc are allowed.
- 3. The EDO concerned is directed to check her original service documents before making payment of salary.
- 4. Her Seniority will be determined as per rules/policy.

DIRECTOR
ELEMENTARY & SECY. EDUCATION
KHYBER PAKHTUNKHWA.

Order No. 2238-42 /F.No167/G. Transfer of (F) Teachers/2012 Dated Peshr the 27/7/2012

Copy if the above is to the:-

- 1. Executive District Officer (E&SE) Kohistan & Abbottabad.
- 2. District Accounts Officers Kohistan & Abbottabad
- 3. Teacher concerned.
- 4. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.

CTC

~~GANESH KUMAR ANSAR~~
~~ABDUL KALAM COURT~~
~~ABBOTTABAD~~

~~27/7/12~~
Deputy Directress (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

27/7/12

verified
27/7/12
Deputy Directress (Estab)
Elementary & Secy. Education
Khyber Pakhtunkhwa Peshawar.

[Handwritten signature]

BETTER COPY

P → (9/2)

(10)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.

OFFICE ORDER.

Mst. Faiza Bibi DM GGMS, Soyai Jashowi District Kohistan is hereby transferred/adjusted against the vacant post of DM at GGMS Ali Abad District Abbottabad on her own pay & BPS in the interest of public service with effect from the date of her taking over charge.

NOTE:-

1. Charge report should be submitted to all concerned.
2. No TA/DA etc are allowed.
3. The EDO concerned is directed to check her original service documents before making payment of salary.
4. Her Seniority will be determined as per rules/policy.

DIRECTOR
ELEMENTARY & SECY: EDUCATION
KHYBER PAKHTUNKHWA

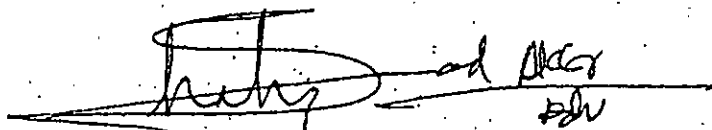
Endst: No 2238-42/F.No 167/G. Transfer of (F) Teachers/2021 Dated Peshr the 27.7.2012

Copy of the above is to the:-

1. Executive District Officer (E&SE) Kohistan & Abbottabad.
2. District Account Officer Kohistan & Abbottabad.
3. Teacher concerned.
4. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
5. M/File.

Deputy Directress (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

CTC



SARDAR SHAHZAD AKBAR
ADVOCATE HIGH COURT
ABBOTTABAD

