20.10.2015

Mr.Saeed-ur-Rehman, father of the appellant, on behalf of the appellant and Mr.Sakeenullah, ADO alongwith Mr.Muhammad Tahir Aurangzeb, G.P for respondents present. Informed the Tribunal that grievances of the appellant have been redressed as per notification dated 25.8.2015 copy whereof placed on record alongwith application submitted by learned G.P.

In view of the afore-stated development, request for withdrawal of appeal was made.

Dismissed as withdrawn. File be consigned to the record room.

<u>ANNOUNCED</u> 20.10.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was dismissed from service vide impugned order dated 3.3.2015 regarding which she preferred departmental appeal on 6.3.2015 which was not responded and hence the instant service appeal on 25.6.2015.

That the allegations of fake appointment were not enquired into and appellant was extended no opportunity of hearing.

Point urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 15.9.2015 before S.B at Camp Court Abbottabad as the appeal pertains to the territorial limits of Hazara Division.

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15.9.2015

Mr.Saeed-ur-Rehman on behalf of the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 20.10.2015 before S.B at Camp Court A/Abad.

Chairman
Camp Court A/Abad

Form- A FORM OF ORDER SHEET

Court of	
Case No	716 /2015

	Case No	/10/2015
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25.06.2015	The appeal of Mst. Bibi Sajida presented today by Mr Muhammad Asif Yousafzai Advocate, may be entered in the Institution register and put up to the Worthy Chairman fo proper order.
		REGISTRAR
2	30-1-11	This case is entrusted to S. Bench for preliminary
		hearing to be put up thereon $1-2-201$
		CHARMAN

BEFORE THE KHYBER PÄKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

V	Appeal No	716	/2015
Bibi Sajida		V/S	Education Department.
·		•••••	

<u>INDEX</u>

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal		01-04
2.	Copy of Advertisement	- A -	05
3.	Copy of Merit List	- B -	06
4.	Copy of Appointment Order	- C -	07-10
5.	Copy of Arrival report	- D -	10 (%)
6.	Copy of Adjustment Order	- E -	11
7.	Copy of Arrival report.	F	12
8.	Copy of Show Cause Notice	G	. 13
9.	Copy of Reply to Show Cause Notice.	H	14
10.	Copy of Impugned Dismissal order.	- 1-	15
11.	Copy of Departmental Appeal	- J -	16-17
12.	Vakalant nama		18

APPELLANT Bibi Sajida

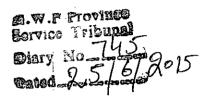
THROUGH:

(M. ASIF YOUSAFZAI) ADVOCATE, PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 716 /2015

Bibi Sajida D/O Saeed-ur-Rehman, Ex-PST GGPS, Ichrian, Tehsil & District Mansehra. Resident of Village & Ahal, Union Council Ichrian, Tehsil & District Mansehra.



APPELLANT

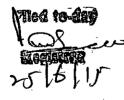
VERSUS

- 1. The Secretary, Education (E&SE) Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2. The Director of Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
- 3. The District Education Officer, E&SE, Female, Mansehra.

RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 03.03.2015 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE ILLEGALLY AND IN VIOLATION OF LAW AND RULES AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:



THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 03.03.2015 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

- 1. That the respondent department advertised some posts of different categories including PST posts in the daily News-paper "Aaj". Copy of Advertisement is attached as Annexure-A.
- 2. That the appellant appeared in test & Interview and qualified the test & Interview and got first position in the merit list of Union Council Ichrian. Copy of Merit list attached as Annexure-B.
- That after qualifying test & interview, she was appointed as PST on 18.05.2012 in GGPS Karmang Payeen UC Battal instead of in her own UC Ichrian. Copy of Appointment Order is attached as Annexure-C.
- 4. That after appointment as PST, the appellant submitted her arrival Report on 25.05.2012 at GGPS Karmang Payeen UC Battal. Copy of Arrival Report is attached as Annexure-D.
- 5. That just after 4 days, Miss Shagufta Bibi, PST submitted her arrival at GGPS Karmang Payeen UC Battal against the post of the appellant. After that the appellant approached the authorities, and the authorities of scrutiny came to the conclusion that the appellant was wrongly adjusted in GGPS Karmang instated of her own UC Ichrian at GGPS Ram Sehra.
- That on 11.06.2012 the concerned office by rectifying its mistake adjusted the appellant in GGPS Ramsehra by the EDO E&SE Mansehra. Copy of Order is attached as Annexure-E.
- 7. That the appellant submitted her Arrival Report at GGPS Ramsehra on 12.06.2012. Copy of Arrival Report is attached as Annexure-F.
- 8. That appellant served the department for about 3 years honestly and with full devotion to the entire satisfaction of the department and there is no complaint against the appellant from the public and the department.
- 9. That after a passage of about 3 years the DEO (F) Mansehra issued an illegal, unlawful show cause notice

on 29.09.2014 with the allegation of illegal appointment in other Union Council at GGPS Karmang Payeen, on the part of appellant. The appellant responded against the said illegal and unlawful show cause notice with full justifications and comprehensive detail reply submitted properly to the competent authority. Copies of Show Cause Notice and Reply are attached as Annexure-G and H.

- 10. That the DEO (F) Mansehra without considering the lawful and comprehensive reply of the appellant, imposed the major penalty upon the appellant and issued Notification regarding "Dismissal" from service of the appellant. Copy of Notification dated 03.03.2015 is attached as Annexure-I.
- Against the Illegal and Unlawful Dismissal Notification dated 03.03.2015, the appellant submitted her Departmental Appeal to the competent appellate authority on 06.03.2015 but despite of that the appellate authority failed to reply within the statutory period of ninety days. The appellant having no other remedy, hence the present appeal on the following grounds amongst the others: Copy of Departmental Appeal is attached as Annexure-J.

GROUNDS:

- A) That the impugned order dated 03.03.2015 is against the law, rules, norms of justice and material on record, therefore, not tenable in the eyes of law.
- B) That the appellant has not been treated according to law and rules and has been punished for nothing.
- C) That no charge sheet, statement of allegations has been served on the appellant by the respondent department and as such mandatory provisions of law are violated.
- D) That neither any regular inquiry has been conducted against the appellant nor any statement has been recorded in the presence of appellant or any statements of the others

colleagues have been given by the inquiry committee in the instant case which is the total violation of law and rules.

- E) That the appellant has not been associated with the inquiry committee nor chance of cross examination was provided to the appellant by the committee in fact no inquiry was ever conducted against the appellant.
- F) That the impugned order is politically motivated and has been passed to accommodate the blue eyed persons.
- G) That even no chance of personal hearing was provided before issuing the penalty order and as such golden principles of Audi Altram Partem was violated by the respondent No.3.
- H) That the impugned order has been passed after 3 years and as such valuable rights under the principle of Locus Poenetentiae were created in favour of appellant. Therefore the appellant cannot be removed from service in a slipshod manner.
- I) That even the authority has not passed dispensing with regular inquiry order and despite that a slipshod manner was adopted while dismissing the appellant from service which is the violation of mandatory provisions of law and rules. Therefore the impugned order is not sustainable in eyes of law.
- J) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

> APPELLANT Bibi Sajida

THROUGH:

(M. ASIF YOUSAFZAI) ADVOCATE, PESHAWAR.

... وقته اوقد شد کار میساز بود - 06-05-201 tv 表示が(ETEA)の رے کے پیمس اور مشر اُج کی کا کر رہے کے جام ومر مران نبرثير أ :13 GGHS No.2 GHS NO 2 و بي سادليان تريي وسادق و كري المريق جي تصير شدويات 2, 3011 ن ر Manschra :13 با النابيان وسادل الرئاسي مي تسيم شده الايورش الد المت 47.2011 35 سال 2 يازن ي مال بولد إبراسان فريك الجريش إآرى سادى رفيا بكيت بإدائه رمساوي تابنيت اينا الميزك سيئفاذه بانسي من تشيرشه وبورات بمعيشها وة العاليك إاينا 6.7.2-2011 3 35مال ڶڶ مند بنشه تحقیم او قرالیدارس با2 به این ایس ایس تو میشند و ویژن تبعده ومضائين اسلاميات ادرم لي اورشهادة الكامسين بمي تسليم شده تنقير الوفاق المدارس منه بيس كيابو<u>-</u> اينا 2.7.2011 میٹرک بمدر افذار آن اور کی شیم شده ادارے سے فرات کی سند ة رئ، قارب 35سال F18 اليت اينا 11.7.2011 في السابل الماساري إسادى وكرن كل مح صنيم شدوي غور ك سائل 9 ڙي: يم ڙي: يم 5 الك مانياتي مد إمانك المناكوت ومعيليت £18 مین (بین اوران) می شهر شده بردان بعد شهادة اعالیه زیسه به در بید و به به را مین شعیم دان المدان با فران شیاط اور بامز دکری میشود فدین سه ایر میزیمه با در در مین میشود و فدین سه ایناے 14.7.2011 15 35 سال \$18 ابينا 19-07-11 35سال اليس في مركفكيب إذ يوسدان البركيش محى مستدادار بالرويان موست نير بالمؤثر الكرودة والي كمامة إلى النيروش الدكر بكري كدرة فراوير الكروري ما شرمروس لماز شين ا المعلق من المناف (Stending Medical Board) كالمعلق المناف المال المعلق المناف المناف المناف المناف المناف المناف

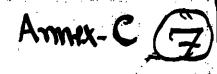
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Consequent upon the recommendation of the Departmental Selection Committee District Mansehra, the competent authority is pleased to appoint the following candidates as a Primary School Teacher PST (Female) against newly created / resultant vacated posts in their relevant union councils in BPS 7 @ Rs.5800-320-15400 plus usual allowances as admissible under the rule on regular basis under the existing policy of provincial Government on the terms and conductions given below with immediate effect.

								
			U/C BAFFA					
ŀ	S#	Name of Candidate	Father's Name	Home Address/ Domiciled U/C	Remarks			
-	1	Niaz Gul	Abdul Razaq	Baffa	Own UC M/List			
-	2 /	Sabia)	Noor Hussain	Baffa	Own UC M/List			
-		Ollo II	U/C BEHALI		Own UC M/List			
}	3 7	Munaza Daud)	Daud	Daud Behali				
\ -	4	Nazma Bibi	R.Khan Bahdar	Behali	Own UC M/List			
-								
}	5 T	Shagufta Bibi	Muhammad Shafi Khan	Battal	Own UC M/List			
}	6	Shaista Jabeen	Muhammad Akbar	Kathai	From Adjacent UCs Merit list			
	В	Susista 190ecu	U/C Bherkund		IVICIL TIST			
-	-	25 1	Ghulam Mustafa	Bhekund	Own UC M/List			
-	7	Bushra	U/C Gari Habib Ullah	<u></u>				
		Naida Ashraf	Muhammad Ashrif Bag	Gari Habib Ullah	Own UC M/List			
}	8	Gul Naz Bibi	S. Qabal Shah	Gari Habib Ullah	Own UC M/List -			
j	9	Gui Naz Dibi	U/C Hilkot					
ļ		<u> </u>	Abdul Ghafoor	Hilkot	Own UC M/List			
- }	10	Bibi Asia	U/C Hangrai					
	44	Irum Saeed	Saeed Akhtar	Hangrai	Own UC M/List			
ŀ	11		Muhammad Younis	Hangrai	Own UC M/List			
Ì	12	Marium Bibi	U/C Ichrian					
	1	T	. Saeed ur Rehman	Ichrian	Own UC M/List			
	13	Bibi Sajida	M.Fareed Khan	Ichrian	Own UC M/List			
	14	Saima Ara	U/C Jabar Daveli					
	15	Mah Jabeen	Muhammad Faroog	Jabar Daveli	Own UC M/List			
	16	Saba Tariq	Muhammad Tariq	Sachan	From Adjacent UCs Merit list			
i	10_	Saba Tang	U/C Jaloo		Wert list			
		1	Abdul Ghafoor	Jaloo	Own UC M/List			
	17	Sobia Bibi	Mir Afzal	Jaloo	Own UC M/List			
	18	Sáima Naz	U/C Karnol	74.00				
		15	Muhammad Khurshid	Karnol	Own UC M/List			
	19	Fara Naz	<u></u>		From Adjacent UCs			
	20	Nadia Rehman	Habib ur Rehman	Pairan	Merit list			
			U/C Karon	1.3	1 C 3 471 feb			
	21	Amrin Younis	Muhammad Younis	Karori	Own UC M/List			
	22	Musrat Bibi	Khalil ur Rehman	Karori	Own UC M/List			
	23	Zenab	Alam Zeb	Karori	Own UC M/List			
	24		Muhammad Miskeen	Karori	Own UC M/List Own UC M/List			
	25	Rukhsana Taj	Taj Muhammad	Karori	From Adjacent UCs			
	26	Rifat Bibi	Faqeer Muhammad	Shahaya Merit Jist:				
	27	Ashiya	Misri Khan	Shanaya	From Adjacent UCs Merit list			
	28	Razia Bibi	Muhammad Zaman	Darband	From Adjacent UCs Merit list			
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· L		Own UC M/List	
in Archad	Muhammad Arshad		Own UC M/List
	M.Zahoor	Lassan Nawau	101.
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	M. Younis	Perhinna	Own UC M/List
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	M.Naveed		Own UC M/List
	M.Yousaf		From Adjacent UCs
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ibi Farah			
	U/C Sachan Ka	Ian Kalan	Own UC M/List
II.: Coloma	Shezada Khesro Faredon		Own UC M/List
	Rehmat Ullah		
HOLINOLIII		IFA Savina Adaira	Own UC M/List
Shira labeen	Muhammad Ayub		
anna Jaocen		Chanava	Own UC M/List
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	Mir Haidar		Own UC M/List
		Shergarh	Own UC M/List
Fozia Bibi		Shergarh	From Arljacent UCs
Sadia Gul		Darband	Merit list
Asma	Abdul Malik		Mentis
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		Shuakat Abad	Own UC.M/List
Sadia Javed		Shuakat Abad	Own UC M/List
Sabeen	Abdul Rashid	Shuakat Abad	Own UC M/List
Tabasam Rashid	II/C Trangri Sab	ir Shah	Own UC M/List
	Bashir Ahmad Khan	Trangri Sabir Shan	
		Trangri Sabir Silai	Own UC M/List Own UC M/List
	M.Hamayun		- Own Oct Wildest
Sidra Hamayun	U/C Bandi Sh	nungli	100
			From Adjacent UCs
Salma Javed	Muhammad Javed	Daibailu	Merit list From Adjacent UCs
Cama out ou		Darband	Morit list
l must	Fazal ur Rehman		i Michinst
! Nosheen BIDI		da =	<u> </u>
Nosheen Bibi	U/C Tane	<u> </u>	From Adiacent UCS
	` 		From Adjacent UCs
Sahibzada Hazmat Rabani	Ghulam Rabani	Tanda	From Adjacent UCs Merit list From Adjacent UCs
	bi Saleha binaz Bibi bi Mewash irzana Yousaf bi Farah ibi Salama ibi Norin ahira Jabeen afoora Farat rum Shaheen Saceda Haidar Fozia Bibi Sadia Gul Asma	Muhammad Arshad Mida Bibi Mida Bano Mida Bana Bana Bana Bana Bana Bana Bana Ban	a Arshag nida Bibi \

Consequent upon the above. The following adjustment are hereby ordered against each.

ш. Б.	-				·
		Father's Name	Home Address/ Domiciled U/C	Place of Posting	Remarks
\$# 	Name		Baffa	1 CONS paria izmana	A/V/Post
1	Niaz Gul	Abdul Razaq	Baffa	GGPS Kando Gali	A/V/Post
2	Sabia	Noor Hussain	Behali	GGPS Ashwal	A/V/Post
3	Munaza Daud	Daud	Behali	GGPS Jamal Nakka	
4	Nazma Bibi	R.Khan Bahdar	Battal	GGPS Karmang	1 4/2// '- \$
5	Shagufta Bibi	Muhammad Shafi Khan Muhammad Akbar	Kathai	GGPS Chandni	A/V/l'ost
6	Shaista Jabeen	ivertation of the second		-2-	



	.i.a	Ghulam Mustafa		30.0	A/V/Post A/V/Post
	Naida Ashraf	Muhammad Ashrif Bag		OOT & Darma Cartain	A/V/Post
ا ا ان	'Gul Naz Bibi .	S. Qabal Shah	Chilitaera Citae	GGPS Chuntri	A/V/Fost
10	Bibi Asia	Abdul Ghafoor		GGPS Khan Balimang	A/V/Pest
11	Irum Saced	Saeed Akhtar		GOL2 Mais Oliginana	A/V/l'ost
		Muhammad Younis		GGPS Kalas Ghanaila	
	Marium Bibi	Saeedru Kehman	ichrian .	GGPS Karmangi Payeen 🖫	≱A/V/Pöst≆
	Saima Ara	M.Farced Khan	lchrian	GGPS Ramsera	A/V/Post
14 15	Mah Jabeen	Muhammad Farooq	Jabar#Daveli	GGPS Baso Manda Gucha	A/V/Post
16	Saba Tariq	Muhammad Tariq	Sachan	GGPS Baso Manda Gucha	A/V/Post
17	Sobia Bibi	Abdul Ghafoor	Jaloo	GGPS Talian Di Kasi	A/V/I st
18	Saima Naz	Mir Afzal	Jaloo	GGPS Chor Banda	A/V/P-st
19	Fara Naz	Muhammad Khurshid	Karnol .	GGPS Bhoraj	A/V/h st
20	Nadia Rehman	Habib ur Rehman	Pairan	GGPS Dheri Sohai	A/V/I st
21	Amrin Younis .	Muhammad Younis	Karori	GGPS Seri Malwal	
22	Musrat Bibi	Khalil ur Rehman	.Karori	GGPS Malhar.	A/V/Post
	Zenab ·	Alam Zeb	Karori	GGPS Malhar	A/V/Post
23		Muhammad Miskeen	Karori	GGPS Fata Bandi	A/V/I st
24	Amrin Kusar	Taj Muhammad	Karori	GGPS Fata Bandi	A/V/Post
25 26	Rukhsana Taj Rifat Bibi	Fageer Muhammad	. Shanaya	GGPS Naryala	A/V/I !_
27	Ashia	Misri Khan	Shanaya	GGPS Thakra	A/V/I' :1
	Razia Bibi	Muhammad Zaman	Darband	GGPS Dhok	A/V/Post
28	<u> </u>	Muhammad Arshad	Lassan Nawab	GGPS Sharota	A/V/I I
29	Sobia Arshad	M.Zahoor	Lassan Nawab	GGPS Chapra Bala	A/V/I st
30	Rashida Bibi Bibi Nascenia	Ghutam Nabi	Molandari	GGPS Budul Gruu	. ∧/V/I` ∞ī
31	Yasmeen Wahab	Abdul Wahab	Nika Pani	GGPS Cham	A/V/I I
32	Neelam	Abdul Latif	Darband	GGPS Cham	A/V/I 1
34	Lubna Younis	M.Younis	Perhinna	GGPS Phalkot	
35	Zahida Bano	Ali Zaman	Perhinna	GGPS Phalkot	A/V/I : :1
36	Bibi Saleha	Abdula Jan	Phulra	GGPS Ghazikot	
37		M.lqbal	Phulra	GGPS Dhaman	A/V/I L
		M.Naveed	Phulra	GGPS Ghazikot	A/V/1: 1
38		M.Yousid	Phule	GCPS Battaggi	A/V/P /1
40		Khurshid Khan	Sawan Malra	GOPS Gojur Guli GGPS Kalas Nawaz Abad	7 <u>7777</u> 1
41	Bibi Salama	Shezada Khesro Faredon	Sachan Kalan	GGPS Kalas Nawaz Abad	
42		Rehmat Ullah	Sachan Kalan Sawan Maira	GGPS Mohar	A/V/I: 1
43		Muhammad Ayub	Shanaya	GGPS Numshera Shahkot	A/V/1
44		Abadul Razaq Anwar Khan	Shanaya	GGPS Numshera Shahkot	A/V/I
45			Shergarh	GGPS Gakharh	A/V/I'-
46		Mir Haidar	Shergarh	GGPS Perchaian	.A/V/l
47		Sher Bahadar M.Zaman	Shergarh	GGPS Perchaian	A/V/I
48		Abdul Malik	Darband	GGPS Shorolian	A/V/I'
50		Javed Khan	Shuakat Abad	GGPS Lalan Da Darra GGPS Chajar Bala	A/V/I
5	1 Sabcen	M.Haroon	Shuakat Abad Shuakat Abad	GGPS Chajar Bala GGPS Paniyali	A/V/P
5	2 Tabasam Rashid	Abdul Rashid	Trangri Sabir Shal		-A/V/P
5		I Bashir Ahmad Khan M.Yousaf Khan	Trangri Sabir Shal	GGPS Trangri Bala	A/V/1
5		M.Hamayun	Trangri Sabir Shal	a GGPS Khati Paloi	A/V/I
<u> </u>	5 Sidra Hamayun 6 Salma Javed	Muhammad Javed	Darband	-GGPS Pagora	A/V/I
	7 Noshin Bibi	Fazal ur Rehman	Darband	GGPS Beer Bat GGPS Talian Manda	7/V/I
	g Sahibzadi Azmat	Ghulam Rabani	Tanda	Gucha Gucha	
	Rebatti		Dhodial	GGPS Kothri	A/V/P
1.5	9 Asma Noreen	Nawab Khan	Dilocial		

TERMS & CONDITIONS:

1. Their appointments are purely on temporary basis and liable to termination at any stage we hout assigning any reason/notice.



9

They will be governed by such rules and regulations enforce and as may be prescribe Government from time to time for the category of the Government servants to which they belong.

- In case they failed to assume the charge of their posts within 15 days of their appointment, candidatureship will be stand automatically cancelled.
- Their services are regular but will not be entitled for pension/gratuity & they will not contribute any amount towards GP Fund however they will contribute CP fund on the prescribed rate & half contribution will be made by the Government.
- 5. They will submit to this office, their all testimonial and domicile/ UC Certificate from the secretary concerned union councils along-with bank drafts in the name of controller / treasurer of the concerned BISE / University within 7 days after the taking over charge for verification.
- 6. The release of the pay by the concerned DDOs will be subject to the receipt of verified documents by the appointing authority / (EDO E&SE Manschra)
- 7. In case a document or documents is / are found take or forged or Bogus on such scruting or all the verification, the service of the teachers concerned shall be terminated. The whole amount paid to him/her as salary will be recovered and a case against him/her shall be registered under relevant section
- 8. Their services are liable to termination on one month prior notice from either side in case of resignation without prior notice, their one month pay/allowances if any shall be forfeited to Government Treasury.
- 9. Their services can be terminated at any time in case their performance is found un-satisfactory; they will be proceeded against under the removal from service under E&D Rules 2011.
- 10. They should produce Age & Health Certificate from the MS DHQ Hospital Mansehra.
- 11. They may not be handed over the charge if their age is above 35 years and below 18 years.
- 12. The Candidates who are working as regular before 1st July 2001 in pervious post, their entitled
- 13. No. TA/DA etc is allowed.
- 14. Charge report should be submitted to all concerned in duplicate.

(Umar Khan Kundi) EXECUTIVE DISTRICT OFFICER E&S EDU: MANSEHRA

, may a passive

Endst: No. 5360-5384 /Estt: (F)Apptt:PET(F)/2011-12 Dated Manschra the 18th May, 2012 1.

- Secretary to Govt: of KPK E&SE Department Peshawar. 2.
- Director E&SE Department KPK Peshawar.
- 3 District Accounts Officer, Mansehra.
- District Officer (M&F) Local Office. 4-5.
- Deputy District Officer (Female) E&SE Manschra.
- 7. PA to District Coordination Officer, Mansehra.
- Budget & Accounts Officer, local office, Mansehra.

9-67 Candidates concerned.

> EXECUTIVE DISTRICT OFFICER E&S EDU: MANSEHRA

Amor-D 5360-5384 15-16 (Q Lo) (6 (Q và) 18-05-2012 100/ 1 coli milos por 1 E.D-0 200 1 July 25-05-2012 i PST 0,0 hold d. 50 c5 co Nlight و در در ایری کار مافری کری ک المنيذا عاوى دار السال دار o 10 (). Coll Prosons in Allahel Distr Manschra

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AMMA - E SE) MNSEHRA

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) MNSEHRA

ADJUSTMENT.APPOINTMENT

Consequent up on the approval of competent authority the following PST(F) are hereby ordered against vacant post due to non availability of posts in the schools where they were appointed w.e.f the date of arrival in the schools mentioned in appointment order issued vide this office order No 5360-5384/estt;(F) apport;PST-(F)/2011-12 dated Manschra 18th May 2012.

	·	<u> </u>	· .		
	No.	Name of Appointee	ı	Name of school where appointed	Name of school where adjustment required
		Mst Nabeela	'	GCMS Trangri Bala	GGPS Bandi Dost
	2	Mst; Khalida			Muhammad
	- -			GCMS Trangri Bala	GGPS Khaikh
		MSt Bushra		GGPS Kehnian	GGPS Tanoha Thakral
,	<u> </u>	Mst; Farah Naz	<u> </u>	GGPS Burj(Doga)	and the same of th
_	<u> </u>	BibisSajida		GGPS Karmang Pain	GGPS Ramschra
	() 	1 Med Mill 13101		GGPS Kalas Ganila	GGPS Dana Ganila
		Nazma Bibi		GGPS Jamal Naka	GGPS Manjiani
ĺ	8	Sobia Bibi		GGPS Talian Di Kasi	GGPS Podnial
i	9	Sadia Javed		GGPS Latan Da Dara	Toyona Gariat Matter of the com-
[10	Tabassam Rashid	1	GGPS Paniali	GGPS Bi Bala (Sher Gar)
			┌┼──┴	O O T ATTIATI	GGPS Bara Jadeed

Note:

Charge Report should be submitted to all concerned.

2. No. TA/DA & TG is allowed.

EXECUTIVE DISTRICT OFFICER ELEM: & SECY: EDU: MANSEHRA

Endst: No. 229-32

AE-II/SST(F)PSC

Dated: 1/ / 6 /2012

Copy to:-

- 1. The District Accounts Officer, Manschra.
- 2. The DDO(F) Local Office..
 - 3. The Head teacher concerned.
 - 4. Teacher concerned.

DISTRICT OFFICER (FEMALE) ELEM: & SECY: EDU: MANSEHRA

13/0/PL Ama-F12 11-06-2012 (-16) 220-32 16/3/1 10104 أكره از دفير در المراد المعالى 12-06-2012 010° 21'i (PST) on (US (5) Co (1/25) J. 5. 0=0/2 (1) GGPS 5 ور ترین از ال فردت ک Saima Ares



Amar G 13

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

No. <u>-7764</u> / S. Cause Dated the <u>29/9/</u> /2014

Email: deofmansehra@yahoo.com Phone & Fax: 0997-302518

SHOW CAUSE NOTICE

I, Naghmana Sardar, District Education Officer (Female) Mansehra as Competent Authority under the Khyber Pakhtunkhwa Servant (Efficiency & Discipline) Rules, 2011, do hereby serve you Mst.Bibi Sajida, PTC GGPS Karmang Payeen Mansehra Show cause Notice as follows:

- 1) You were illegally appointed as PST at GGPS Karmang Payeen, vide defunct Executive District Officer (E&SE) Mansehra at S. No. 13, out of your own U/C, where you were stranger for recruitment process initiated through EATA. Acceptance of your appeal & subsequently your appointment order was the result of misuse of authority by the then EDO according to his sweet well& wishes against the recruitment rules, as per inquiry report received through Government of Khyber Pakhtunkhiwa, Hementary & Secondary Education Department letter No SO(S/M)E&SED/4-17/2013 Umar Khan EDO BS-19 dated 25/08/2014 More over the then EDO(E&SE) has been removed from Government Service in connection with all such bogus appointment including yours made by him.
- 2) Going through the finding and recommendation of the inquiry committee, the material on record & other connected papers including your defiance before the inquiry committee:-

I am satisfied that you have committed the following acts/omissions specified in rules.

- a) Misconduct and dishonesty in getting bogus/faked appointment without due process of recruitment.
- b) Inflected huge financial losses to the Govt: Treasury receiving pay as result of bogus appointment.
- c) By snatching established rights of the deserving candidates due for appointment on merit. Cheating/canceling the facts for unlawful appointment with collusion of then EDO.
- 3) As a result thereof, I as competent authority have tentatively decided to impose upon you the major penalty of dismissal from services under rule 4 of the said rules.

4) You, are hereby, required to Show Cause as to why the aforesaid penalty should not be imposed upon you & also intimate where you desire to be heard in person.

5) If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defiance to put in and in that case an ex-party action shall be taken against you.

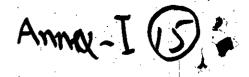
6) A copy of the finding inquiry committee related page is enclosed.

COMPETENTAUTHORITY

Mst. Bibi Sajida

GGPS Karmang Paycen

Mar (Ch) Conday Soll - inch JUSE TO THE TOWN AMOR かりのいりのはからけるかられるかられる De 1 11/2014 John 29/9/2014 2/1 776/8.00m . 4 (1,525-10 J' (2) Apo KUCOBIBEATAZIONELLA HORIVER LIEGHER UK, SUCH INCH (No. 5360-5384/AN/ (P) 4 /1/2/200 ,5,16/20 -42 13 2 No 18 200 18 July TO SO I UK SONO SONO. ESTEDUO DI UK TO SE 2/20 99/25 20 2 38/4c so war = 86 6 bird John W. (Song Newly executed of - 0806 3 1300 Adjustment of bold School School (6) 019 W 9/0 9 11/12 2/3-32/AF-11/2 I Will Clied or Og Brile of our gaps she (4 (3) 5761 = 30/20/18/6/12/19 DUE) Wife Sow - God Soll prices of Se 10 6 JERS. ENERGE ATTESTED





Where as Mst: Bibi Salida D/O Sacid - w Lehrworking as 116GHS/GGAS/GGP Karmang was served with show cause notice and was proceeded under the Kiryber Pukhtunkhwa Govt: Servants (Efficiency and Disciplinary) Revised Rules 2011 for the charges mentioned in her Show-Cause Notice.

- 2: And where as the inquiry committee comprising the following officers conducted an inquiry regarding the illegal appointments in the office of Ex- Executive District Officer Elementary and Secondary Education Mansehra.
 - i) Syed hidayat Jan, (PCS SG B-20) Agricultural Department Khyber Pukhtunkhwa, Peshawar (Now Secretary Zakat, Usher and Soqial Welfare Department)
 - 時 Mr. Akhalhaq Baig, Principal 85-20 RITE Male Haripur。
- 3:- And where as the inquiry Committee after having examined the record pointed out that you were appointed illegally and against the recruitment rules and policy.
- 4:- And where as District Education Officer (Female) in the capacity of competent Authority; after having considered the charges, evidence on record, recommendation of report of the inquiry fermittee and replies in response to Show Cause Notices, is of the view that the charges against you have been proved.

5:- Now, therefore, in exercise of the powers conferred under Khyber Pakhtunkhawa Govt:
Servants (Efficiency and Discipline) Revised Rules 2011 the District Education Officer (Female)
Manschra in the capacity of competent Authority is pleased to impose major genalty of
"DISMISSAL" from Govt: Services upon Mst. Bibi Dajida D/O Saced Ly Rohne
ET/PET/TT DET GGHS/GGM GGPS Karmana

DISTRICT EDUCATION OFFICER
FEMALE MANSAEHRA

Endst: No. 18/6-25 /AE- /Estab: dated 03/03 /2015

Copy to the:

- 1. Secretary Elementary and Secondary Education Department Khyber Pakhtunkhawa, Peshawar.
- 2. Director Elementary and Secondary Education Khyber Pakhtunkhawa, Peshawar.
- 3, District Accounts Officer Mansehra.
- 4. District Monitoring Officer Mansehra
- 5. Deputy Cor-missioner Mansehra.
- 6. Principal/Headmistress
- 7. SDEO(F) Mansehra.
- 8. Budget and Accounts Officer Local Office
- 9. Mst:

10.Office File.

O DISTRICT EDUCATION OFFICER

4 FEMALE MATISAEHRA.



Anna J (6)

بخدمت جناب ڈائر یکٹرصاحب،ایلمنٹری اینڈسکینڈری ایجوکیشن مانسہرہ

نوان ۔ اپیل برخلاف آرڈرنمبری25-1816مورخہ2015-03-03 ڈسٹرکٹ ایجوکیشن آفیسر صاحبہ (زنانہ) مانسمرہ

جناب عالی! سائله عرض پرواز ہے۔

- ا)۔ یہ کہ سائلہ نے جون سال 2011ء میں ایٹا کا ٹمیسٹ پاس کیا تھا۔ اور اس کے مطابق سائلہ اپنی یونین کونسل اچھڑیاں میں پہلے نمبر پر آ گئی تھی ، اس کے بعد سائلہ کا آرڈر نمبر 5384-5360 مورخہ 2012-05-18 گورنمنٹ گرلز پرائمری سکول کڑ منگ یا۔
 یا ئیں یونین کونسل بٹل میں ہوگیا۔
- 7)۔ یہ کہ ساکلہ نے با قاعدہ حاضری گورنمنٹ گرلز پرائمری سکول کڑ منگ پائیں میں کر دی۔ عرصہ 4 دن بعد گورنمنٹ گرلز پرائمری سکول کڑ منگ پائیں میں شگفتہ نی بی دختر محمد شفیع خان آرڈ رمندرجہ بالاسیر بل نمبر 5 کے تحت حاضری کرنے حاضر ہوئی۔
- ۳)۔ مید کہ سائلہ نے اس دوران دفتر سے رابطہ کیا تو پتہ چلا کہ یونین کونسل اچھڑیاں میں گورنمنٹ پرائمری سکول رام سہرہ کی پوسٹ اسی طرح خالی پڑی ہوئی ہے اور اس کی جگہ پر میرا آرڈر گورنمنٹ پرائمری سکول کڑ منگ یا ئیس میں غلطی سے ہوگیا ہے۔
- ۳)۔ پیرکہ سبائلہ با قاعدہ اپنی یونین کونسل احچھڑیاں میں پہلے نمبر پڑھی اور دوسر نے نمبر والی کا آرڈ ررام سہرہ میں ہو چکا تھا جبکہ رام سہرہ میں دوخالی آ سامیاں تھیں اور میرا آرڈ رنہ ہوسکا تھا۔
 - ۵)۔ پیکساکلہ نے دفتر سے رابطہ کیا اور دوبارہ ایڈجسٹمنٹ آرڈر ہونے تک وہیں پر حاضری کی۔
- ۲)۔ یہ کہ آرڈرنمبری 32-229 مورخہ 2012-06-11 کے تحت سائلہ کو گورنمنٹ گرلز پرائمری سکول رام سہرہ میں ایڈجسٹمنٹ کیا گیا ہے۔جو سکول رام سہرہ میں ایڈجسٹمنٹ کیا گیا ہے۔جو کہ قانون کے مطابق درست ہے۔
- 2)۔ یہ کہ ساکلہ کا آرڈرشروع میں ہی گورنمنٹ گرلز پرائمری سکول رام سہرہ میں ہونا تھا جبکہ دفتری فائل کا میں میں ہوتا تھا جبکہ دفتری فائل فائل کی وجہ ہے گورنمنٹ گرلز پرائمری سکول کڑ منگ پائیں میں ہوگیا تھا۔ جبکہ گورنمنٹ گرلز پرائمری سکول رام سہرہ میں پوسٹ بدستور خالی تھی۔
- ۸)۔ یہ کہ ساکلہ اپنی ڈیوٹی بہاحس طریقہ سے سرانجام دے رہی ہے۔

9)۔ اس دوران سائلہ کوشوکاز نوٹس نمبری7764 مورخہ 2014-09-29 موصول ہوا، جس کا جواب با قاعدہ سائلہ نے تحریری طور پر دفتر ہذا کودیا تھا۔

۱۰)۔ اس کے بعد سائلہ کوآرڈ رنمبر 25-1816 مورخہ 2015-03-03 موصول ہوا جس کے تحت سائلہ کونو کری سے برخاست کیا گیا ہے۔

جناب والا!

سائلہ قانون کے مطابق اپنی ہی یونین کونسل احیھڑیاں میں پہلے نمبر پڑھی اور سائلہ کا آز ڈر گورنمنٹ گرلز پرائمری سکول رام سہرہ یونین کونسل احیھڑیاں میں ہونے کے بجائے گورنمنٹ گرلز پرائمری سکول کڑ منگ پائیس یونین کونسل بٹل میں ہو گیا تھا، جو کہ بعد میں درست کیا گیا تھا۔

جناب والا!

سائلہ ایک غریب نوجوان العمر اور شریف خاندان سے تعلق رکھتی ہے اور سائلہ گھر کی ذمہ دارا ہے اور سائلہ گھر کی ذمہ دارا ہے اور سائلہ نے تعلیم بڑی مخت سے دور دراز پہاڑی علاقہ سے ہوتے ہوئے بڑی مشکل سے اداکی ہے۔

بذر بعددرخواست استدعاہے کہ سائلہ کونوکری پر بحال کیا جاوے اس میں سائلہ کی کوئی علطی نہیں ہے۔ سائلہ تاحیات دعا گورہے گی۔

الرقوم: 06 مار چ<u>5015</u>ء

العارضه

كمي لي ساجده وختر سعيدالرحمان بي في ساجده وختر سعيدالرحمان سكنه رَا كُوْ ، دُا كَانه آبل، يونين كونسل احِهِرُ بيان تخصيل وضلع مانسهره رابطه: 9924927-0322



VAKALAT NAMA

IN THE COURT OF Scruice Tribunal, Peshawas (Appellant) (Petitioner) (Plaintiff) **VERSUS** Education Department Bibi Sojida (Respondent) (Defendant) Do hereby appoint and constitute M.Asif Yousafzai, Advocate, Peshawar, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/ Counsel on my/our costs. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us. (CLIENT) Dated ACCEPTED M. ASIF YOUSAFZAI Advocate M. ASIF YOUSAFZAI Advocate High Court, Peshawar.

OFFICE:

Room No.1, Upper Floor, Islamia Club Building, Khyber Bazar Peshawar. Ph.091-2211391-0333-9103240

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.716/2015

Respectfully Shewth

- 1. That the services appeal No: 716/2015 in respect of MST: Bibi Sajida is pending before this honorable court for reinstatement.
- 2. That reference director E & SE department notification Endst: No 4142-47/F.No79/Appeals Female MSR Dated Peshawar 25/8/15, the appellant has been reinstated against the post of PST (Notification attached):

It is requested that the above mentioned appeal may kindly be dispose off please.

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

E- j.

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION.

WHEREAS, Mst. Bibi Sajida, PST at Government Girls Primary School Karmang District Mansehra was dismissed from service by the DEO (Female) Mansehra vide Order No. 1816-25 dated 03/03/2015 after serving Show Cause Notice and giving her an opportunity of personal hearing on charge of irregular/fake/bogus appointment.

WHEREAS, consequently the above aggrieved teacher lodged/preferred an appeal to the Director E&SE Khyber Pakhtunkhwa, Peshawar (appellant authority) against her dismissal from service with the pray to set aside her dismissal order issued by the DEO concerned followed by her reinstatement.

AND WHEREAS, the Director E&SE Khyber Pakhtunkhwa, Peshawar constituted a committee vide Notification No. 5500-09 dated 23-04-2015 for the scrutiny of appeals of above dismissed teacher.

AND WHEREAS, the committee having scrutinized appeal of above affected teacher on the basis of available record and merit of the case submitted its report to the Director E&SE Khyber Pakhtunkhwa, Peshawar with the findings and recommendations reproduced briefly below:-

1. She belongs to U/C Ichrian, where 02 posts were lying vacant. Her name was at S.No. 01 of the merit list of her U/C. She was appointed in her own U/C vide a general order Endst No. 5360-5384 dated 18/05/2012 at S. No. 13.

Appeal may be accepted as she was on merit and eligible for appointment in her own U/C but she was not appointed in her own U/G as per policy. She may be adjusted in her own U/C However it, she is comfortable with her posting at opiesent school; she may be allowed to continue as usual.

NOW THEREFORE, in exercise of powers conferred upon the Director E&SE Khyber Pakhtunkhwa, Peshawar (appellant authority) under E&D Rules 2011 read with rules 17 (2) (b) & (c) and keeping the findings/recommendations of the committee into consideration, accepts the appeal of aforesaid sacked teacher and set aside the order of DEO (F) Mansehra No. 1816-25 dated 03/03/2015 and reinstate Ms. Bibi Sajida PST at Government Girls Primary School Karmang District Mansehra with effect from the date of her dismissal with all back benefits!

Director

Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.

Endst: No. ______/F.No.____/Appeals Female MSR Dated Peshawar the _____/2015

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

- 1. District Education Officer (Female) Mansehra
- 2. Sub Divisional Education Officer (Female) Mansehra
- 3. District Accounts Officer Mansehra
- 4. Appellants concerned
- 5. PA to Director E&SE KP, Peshawar
- 6. Master File.

Deputy Director (Female)
Directorate E&SE, KP