

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No: 2216/2023

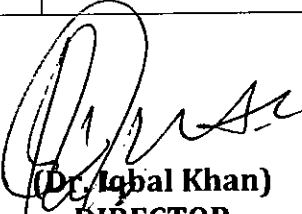
Mst. Liaqat Bibi, Ex-SST (BPS-16), GGHS Manial Dir (L)..... Appellant.

VERSUS

**Government of Khyber Pakhtunkhwa through Chief Secretary
& others Respondents**

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(Dr. Iqbal Khan)
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 2 & 3)

Hearing 7-12-23

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②

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

Service Appeal No: 2216/2023

Mst. Liaqat Bibi, Ex-SST (BPS-16), GGHS Manial Dir (L).....Appellant.

VERSUS

**Government of Khyber Pakhtunkhwa through Chief Secretary
& othersRespondents.**

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 1 to 2

Respectfully Sheweth:-

The Respondents submit as under: -

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9738

Dated 07-12-2023

PRELIMINARY OBJECTIONS.

- 1 That** the Appellant has got no cause of action/locus standi to file in the instant case before this Honorable Bench.
- 2 That** the appellant is not an aggrieved person within the meaning of Section-4 of Khyber Pakhtunkhwa Service Tribunal Act-1974 read with Article 212 of the constitution of Islamic Republic of Pakistan, 1973.
- 3 That** the Appellant has concealed material facts & record from the ambit of this Honorable Tribunal in the titled case.
- 4 That** the Appellant has not come to this Honorable Tribunal with clean hands.
- 5 That** the matter in hand is based on mala fide intentions for gaining illegal service benefits from the Department for her promotion as SST(B/C) in BPS-16 in violation of the Rules & Ploicy in vogue.
- 6 That** the titled case is barred by law and limitation Act 1908.
- 7 That** the appellant has correctly been placed in the final Seniority list as stood on 31-07-2022 in accordance with the provision of Section-8 Civil servants Act 1973 read with of Rules 17 (a) of APT rules 1989 by the Department

- 8 **That** the titled case is bad for mis-joinder & non-joinder of the necessary parties to the case.
- 9 **That** the appellant is estopped by her own conduct to file the instant case against the Department.
- 10 **That** the matter is not maintainable in its present circumstances and even facts of the case rather the appellant is a habitual litigant against the Department for no good cause of action.
- 11 **That** the promotion order dated 01-12-2022 of the appellant has correctly been held in abeyance vide order dated 13-03-2023 on the grounds of being junior to the Respondent No. 5 namely Roshni Riaz as per enquiry report dated 13-01-2023 of the DEO Swat in compliance of the Notification dated 26-12-2022 of the Respondent No. 2.
- 12 **That** the act of the Department with regard to the orders dated 13-03-2023 & 19-05-2023 are within legal sphere.

ON FACTS.

1. **That** Para-1 pertains to the residential record of the appellant.
2. **That** Para-2 is including his citizen ship as Pakistani having CNIC & Domicile of District Dir (L) which is not a matter of dispute in the titled case
3. **That** para-3 is also pertains to the academic qualification of the appellant BSc in the year 2010 & MA Islamiyat & B.Ed & on the strength of which she got appointed as PST in BPS-12 on dated 18-10-2016 with her adjustment at GGPS, Gulabad Dir Lower & subsequent regularization ion 12-03-2018 against the PST post in the Respondent Department.
4. **That** para-4 is incorrect on the grounds that in spite of the fact that the appellant has been shown at Serial No. 135 as against the Respondent No.5 at S.No. 504 in the final Seniority list dated 06-10-2023 of the PSTs maintained by the Respondent No. 3 under the Rules in vogue, on the strength of which the appellant was promoted to the post of SST under 20% reserve quota for promotion of the said cadre in view of the DPC Meetings held on 24-10-2022 & 27-10-2022 & resultantly she was promoted to the post of SST on the date of 01-12-2022, where against, the Respondent No. 5 has filed a Departmental Appeal with the contention that she is senior to the appellant & is entitled for promotion to the SST post on place of the appellant.

Therefore, an enquiry was conducted vide Notification dated 26-12-2022 through the District Education Officer (F) Swat who

submitted her report on dated 13-01-2023 with the recommendations that Mst. Roshni Riaz is senior to the appellant as per service record of both the appellant & Respondent No.2 in custody of the Respondent No. 3, hence, in view of the enquiry report dated 13-01-2023, the promotion order dated 01-12-2023 was held in abeyance vide order dated 13-03-2023 & later on re-called vide Notification dated 19-05-2022 after due process of Law, Rules & Policy in vogue. **(Copies of the cited orders & enquiry report are Annex-A, B, C & D).**

5. **That** para-5 is correct to the extent of the Notification dated 01-12-2022 which was re-called by the Respondent No. 2 on dated 19-05-2023 in favor of the Respondent No. 5, the detail of which already been mentioned in Para-4.
6. **That** para-6 is correct to the extent of the adjustment of the appellant against the mentioned post at the above said school by the Respondent No. 3.
7. **That** para-7 is correct.
8. **That** para-8 is also correct that in view of the cited enquiry report the promotion order dated 01-12-2022 was held in abeyance on 13-03-2023 by the Respondent No. 2 under the Rules as narrated in forgoing para by the Department.
9. **That** para-9 is incorrect as the Respondent No. 5 has made out her case of seniority before the enquiry officer, hence she was made senior to the appellant & finally the promotion order dated 01-12-2022 was re-called on dated 19-05-2023 by the Department.
10. **That** para-10 is also incorrect in view of the above made submissions by the Department in the instant reply.
11. **That** para-11 is also incorrect as replied to this para has been given in para-4 by the Department.
12. **That** para-12 is correct to the extent of provision of detailed service record of the Respondent No. 5 for proceeding further into the matter in terms of the enquiry report.
13. **That** para-13 is correct to the extent of the Notifications dated 23-03-2023 & 19-05-2023, whereby, the order dated 01-12-2022 was held in abeyance & re-called by the Department under the Rules.
14. **That** para-14 is also incorrect as the appellant is not an aggrieved person within the meaning of Section-4 of Khyber Pakhtunkhwa Service Tribunal

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Act-1974 read with Article 212 of the constitution of Islamic Republic of Pakistan, 1973, hence, the titled appeal is liable to be dismissed on the following grounds inter alia: -

GROUNDS: -

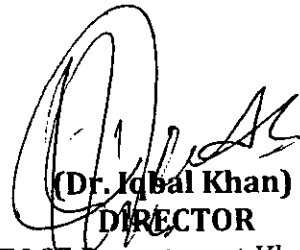
- A. Incorrect & not admitted.** The stand of the appellant is illegal and liable to be rejected as the act of the Respondent Department with regard to the order dated 19-05-2023 is legal
- B. Incorrect & not admitted.** The plea of the appellant is against the facts & relevant citation of Law & Rules on the titled appeal, wherein, the appellant has been treated as per law & policy by the Department under the provision of Article 04 & 25 of the constitution of 1973.
- C. Incorrect & not admitted.** The statement of the appellant is misconceiving and even against the facts as agitated in the foregoing paras of the reply on behalf of the Respondents.
- D. Incorrect & not admitted.** The stance of the appellant is illegal & liable to be rejected in favor of the Department in view of the above made submissions by the replying Respondents in the titled appeal before this Honorable Tribunal.
- E. Incorrect & not admitted.** The stand of the appellant is illegal and liable to be rejected as the act of the Respondent Department with regard to the order dated 19-05-2023 is legal.
- F. Incorrect & not admitted.** The act of the Department with regard to the Notification dated 19-05-2023 is legal & liable to be maintained in favor of the Department.
- G. Incorrect & not admitted.** The act of the Department with regard to the Notification dated 19-05-2023 is legal & liable to be maintained in favor of the Department.
- H. Incorrect & not admitted.** As replied above.
- I. Incorrect & not admitted.** The act of the Department with regard to the Notification dated 19-05-2023 is legal & liable to be maintained in favor of the Department. therefore, the Respondents No. 1-3 further seek leave of this Honorable Tribunal on additional grounds, record & case law at the time of arguments.

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10

Therefore, in view of the above made submissions, the appeal in hand may kindly be rejected/dismissed in favor of the Department in the interest of justice, *please*

Dated. ___/___/2023.



(Dr. Iqbal Khan)
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 2 & 3)



(Motasim Billah Shah)
SECRETARY

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1)

6

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE
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Mst. Liaqat Bibi, Ex-SST (BPS-16), GGHS Manial Dir (L).....Appellant.

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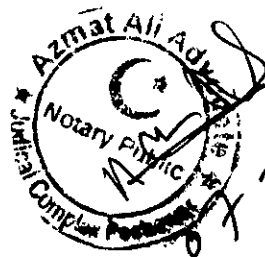
**Government of Khyber Pakhtunkhwa through Chief Secretary
& othersRespondents.**

AFFIDAVIT

I, Dr. Iqbal Khan Director E&SE Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief. It is further stated on oath that in this appeal the answering Respondents have neither been placed Ex-Parte nor their defense has been struck off/cost.


DEPONENT

ATTESTED



(79)

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM No. _____/2023 in Service Appeal No: 2216/2023

Mst. Liaqat Bibi, Ex-SST (BPS-16), GGHS Manial Dir (L).....Appellant.

VERSUS

**Government of Khyber Pakhtunkhwa through Chief Secretary
& othersRespondents.**

**REPLY TO THE APPLICATION FOR SUSPENSION OF THE OPERATION OF THE
NOTIFICATION DATED 19-05-2023 ON BEHALF THE RESPONDENTS NO. 1-3.**

1. **That** para-1 is correct that the titled appeal is pending adjudication before this Honorable Tribunal & is fixed for reply on behalf of the Respondents No. 1-3 for today.
2. **That** para-2 is incorrect as the stand of the appellant is illegal & reply to the main appeal may also be consider as an integral part of the reply of the titled application on behalf of the Respondents No. 1-3
3. **That** para-3 is also incorrect as the Notification dated 19-05-2023 is within legal sphere & liable to be maintained on the following grounds inter alia: -

GROUND:

- A. Incorrect & not admitted.** The stand of the appellant is illegal and liable to be rejected as the act of the Respondent Department with regard to the order dated 19-05-2023 is legal. On the grounds that the Department has got a strong case in his favor.
- B. Incorrect & not admitted.** The plea of the appellant is against the facts & relevant citation of Law & Rules on the titled appeal, wherein, the appellant has been treated as per law & policy by the Department under the provision of Article 04 & 25 of the constitution of 1973, therefore, the factor of balance of convenience is also in favor of the Department.
- C. Incorrect & not admitted.** The statement of the appellant is misconceiving and even against the facts as agitated in the foregoing paras of the reply on behalf of the Respondents & if the operation of the Notification dated 19-05-

2023 is not maintained then the Department shall suffer huge loses in the titled case.

Therefore, in view of the above made submissions, the application in hand may kindly be rejected in favor of the Department in the interest of justice, please.

Dated. ___/___/2023.



(Dr. Iqbal Khan)
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 2 & 3)



(Motasim Billah Shah)
SECRETARY

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1)

9

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM No. _____/2023 in Service Appeal No: 2216/2023

Mst. Liaqat Bibi, Ex-SST (BPS-16), GGHS Manial Dir (L)..... Appellant.

VERSUS

**Government of Khyber Pakhtunkhwa through Chief Secretary
& others Respondents**

AFFIDAVIT

I, Dr. Iqbal Khan Director E&SE Khyber Pakhtunkhwa, , do hereby solemnly affirm & declare on oath that the contents of reply to the titled application are true & correct to the best of my knowledge & belief. It is further stated on oath that in this appeal the answering Respondents have neither been placed Ex-Parte nor their defense has been struck off/cost.


DEPONENT

**Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

(10)

Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. SO (B&A)/1-18/E&SE/2012 dated: 11.07.2012 and Finance Department Endorsement No. SO (FR)/FD/10-22(E) 2010 dated: 16.07.2012, the following Senior CT/CT, Senior DM, Senior Qaria/Qaria, Senior AT, Senior TT, PST/SPST/PSHT & CT-IT are hereby promoted to the post of SST (Bio/Chem), SST (M/P), SST (General) & SST-IT noted against each BPS-16 (Rs. 28070-2260-95870) respectively plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect and further they will be adjusted by the District Education Officer concerned.

ITEM NO.1 PROMOTION OF SCT,CT TO SST (G) B-16 ON REGULAR BASIS

The case of promotion of CT, SCT to the post of SST (G) BPS-16 was considered and the DPC recommended as under: -

Total vacant post SST (G)	28
25% share of initial recruitments	7
Total SST,s (G)F posts available for promotion	21
40 % share of promotion SCT to SST	11
Proposed for promotion SCT to SST	11
Net to be promoted	11

S.No	S.L No	Name of Official	Present Place of Posting	Qualification	Date of Birth	Date of Appott: as Regular C.T	Remarks
1	2	Nusrat Begum	GGHSManda	MA BEd	31.3.2004	22.7.2015	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (G) BPS-16 on regular basis with immediate effect.
5	17	Abidee Begum	GGHS Kotigram	MA BED	2.3.1980	22.7.2015	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (G) BPS-16 on regular basis with immediate effect.
6	19	Zakia Minhas	GGHS Tangai	MA BEd	3.1. 1982	22.7.2015	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (G) BPS-16 on regular basis with immediate effect.

Number of SCT,CT cleared for promotion to SST (G) 3.

ITEM NO.2 PROMOTION OF CT IT TO SST IT B-16 ON REGULAR BASIS

The case of promotion of CT IT to the post of SST IT BPS-16 was considered and the DPC recommended as under: -

Total vacant post SST IT	12
50 % share of initial recruitments	6
Total SST, IT F posts available for promotion	6
50 % share of promotion CT IT to SST IT	6
Proposed for promotion CT IT to SST IT	3
Net to be promoted	3

S.No	S.L No	Name of Official	Present Place of Posting	Qualification	Date of Birth	Date of Appott: as Regular CT IT	Remarks
1	9	HabibaCT IT	GGHS Jangoo	MSC;;BED	20.4.94	24.8.2014	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (G) BPS-16 on regular basis with immediate effect.

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Akhtar Begum CT II	GGHS Mian Bangola	BSc BED	16.1.1990	20.8.2017
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Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (G) BPS-16 on regular basis with immediate effect.

Number of CT II cleared for promotion to SST II 2

ITEM NO.3 PROMOTION OF S AT TO SST General B-16 ON REGULAR BASIS

The case of promotion of SAT to the post of SST (Gen) BPS-16 was considered and the DPC recommended as under: -

Total vacant post SST General	28
25 % share of initial recruitments	7
Total SST (Gen) posts available for promotion	21
4 % share of promotion S AT to SST (Gen)	0.84
Proposed for promotion S.AT to SST General	1
Net to be promoted	1

S.No	S.L No	Name of Official	Present Place of Posting	Qualification	Date of Birth	Date of Appott: as Regular AT	Remarks
1	2	Samina Naz S.AT	GGHSS Ramora	M/A BED	3.4.1972	30.7.2004	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (G) BPS-16 on regular basis with immediate effect.

Number of SAT cleared for promotion to SST General 1

ITEM NO.4 PROMOTION OF PSHT/ TO SST General B-16 ON REGULAR BASIS

The case of promotion of PSHT to the post of SST (Gen) BPS-16 was considered and the DPC recommended as under: -

Total vacant post SST General	28
25 % share of initial recruitments	7
Total SST (Gen) posts available for promotion	21
20 % share of promotion PSHT to SST (Gen)	6
Proposed for promotion PSHT to SST General	6
Net to be promoted	6

S.No	S.L No	Name of Official	Present Place of Posting	Qualification	Date of Birth	Date of Appott: as Regular PSHT	Remarks
1	53	Shagufta Tahir PSHT	GGPS Khazana	M/A BED	1.1.1969	9.1.95	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (G) BPS-16 on regular basis with immediate effect.
2	56	Izaz Begum PSHT	GGPS Badwan Pain	MA / B.Ed	13.4.1976	21.3.1995	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (G) BPS-16 on regular basis with immediate effect.
3	58	Neclo Far PSHT	GGPS Dherai Chakdara	BA/B.Ed	10-03-1975	25-03-1995	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (G) BPS-16 on regular basis with immediate effect.
7	111	Zeenat	GGPS Bambolai	MA/B.ED	15-05-1978	21-07-1997	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (G) BPS-16 on regular basis with immediate effect.

Number of PSHT cleared for promotion to SST General 4

ITEM NO.5 PROMOTION OF PSHT / TO SST Maths /Physics B-16 ON REGULAR BASIS

The case of promotion of PST to the post of SST (Maths / Physics) BPS-16 was considered and the DPC recommended as under: -

Total vacant post SST Maths / Physics	60
25 % share of initial recruitments	25
Total SST (Maths / Physics) posts available for promotion	45
20 % share of promotion PSHT/SPST/PST to SST (Maths / Physics)	12
Proposed for promotion PSHT/SPST/PST to SST (Maths / Physics)	2

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22/12/22

Net to be promoted

2

No	Name of Official	Present Place of Posting	Qualification	Date of Birth	Date of Appott: as Regular PST	Remarks
833	Saira	GGPS Balambat Colony	BS,BEd	18.2.1990	11.5.2017	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (G) BPS-16 on regular basis with immediate effect.

Number of PSIIT/ SPST/PST cleared for promotion to SST Maths/ M.Physics 1

ITEM NO.6 PROMOTION OF PSHT TO SST Bio / Chem B-16 ON REGULAR BASIS

The case of promotion of CT to the post of SST (Bio / Chaem) BPS-16 was considered and the DPC recommended as under: -

Total vacant post SST Bio / Chem	6
25 % share of initial recruitments	2
Total SST (Bio / Chem) posts available for promotion	4
20 % share of promotion PSHT to SST (Bio / Chem)	1.20
Proposed for promotion PSHT to SST (Bio / Chem)	1.20
Net to be promoted	1

S.No	S.L No	Name of Official	Present Place of Posting	Qualification	Date of Birth	Date of Appott: as Regular CT	Remarks
1	135	Liqat Bibi	GGPS Parikass	BSc BEd.	28.11.82	19.1.2016	Services placed at the disposal of DEO (F) concerned for further adjustment against the vacant post of SST (G) BPS-16 on regular basis with immediate effect.

Number of CT Cleared for promotion to SST Bio / Chem. 1

Terms and conditions:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be preceded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-Se- seniority on lower post will remain intact.
6. No TA/DA is allowed for joining his duty.
7. They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light of this order will be recovered and if he/she is wrongly promoted he/She will be reversed.
8. Before handing over charge once again their document may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

Attested
P

(Hafiz Muhammad Ibrahim)
Director

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No. 4486-90/F:NO: DPC-2022-23/Dir Lower

Dated Peshawar the 1/12/ 2022

Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (F) Dir Lower.
3. District Accounts Officer Dir Lower.
4. Official Concerned.
5. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
6. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
7. M/File

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



OFFICE OF THE
DISTRICT EDUCATION OFFICER(F)
SWAT



13



Domestic enquiry

INQUIRY REPORT

BY

DR, SHAMIM AKHTAR , MC, BS-19
INQUIRY OFFICER/DEO(F) SWAT

COMPLAINANT/APELLANT. Mst.Roshni Riaz PST-12 GGPS Qazi Abad Balambat
Dir(L)

COMPLAINT AGAISNT WHOM; Mst.liaqat BiBi PST-12 GGPS Barkass

ALLEGATIONS;

Mst.Liaqat BiBi PST-12 promoted to the Post of SST(Bio-Che) and she is Junior than me and Promotion granted without any reason.

PRAYER OF THE COMPLAINANT.

Appeal may kindly be considered and grant me Promotion on Seniority Cum Fitness.

Attested
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INTRODUCTION OF THE CASE.

Complainant **Mst.Roshni Riaz** having Qualification BS (Bio+Che+Zoo) on 17.9.2018 MA (English) & B.Ed and appointed as PST on 5.9.2017 in Deceased Son Quota and having Date of Bairth 3.3.1999. The alleged official **Mst.Liaqat BiBi** having Qualification B.Sc (Bio+Che+ Zoo) on 31.8.2010 ,MA(Isamyat) and B.Ed and having Date of Birth 6.9.1989 but her date of Birth recorded in Seniority and other service document as 28.11.1982. During the course of time department Promoted Primary School teachers to the Post of SST's and Proposal asked from District Education Officer Dir(Lower). Department Promotion Committee recommended the alleged official Mst.Liaqat BiBi PST-12 showing herself as PSHT for promotion to the Post of SST(Bio-Che) and issued minutes vide Notification under Endstt;No.4486-90 dated 1.12.2022.

In Pursuance to recommendation of the Departmental Promotion Committee(DPC),DEO(F) Dir(L) issued office order under Endstt;No.8903-20 Dated 15.12.2022 and adjusted the alleged official Mst.Liaqat BiBi and Posted at GGHS Maniyal as SST(Bio-Che) and she took over Charge as SST on 16.12.2022.

Aggrieved from the promotion of the alleged official Mst.Liaqat BiBi ,complainant filed appeal before the Director E&SE KP Peshawar on 13.12.2022 and Notification issued by Director E&SE under Endstt;No.2708-10 dated 26.12.2022 and Nominated the undersigned as Inquiry officer and inquiry conducted on **2.1.2023**. To Probe into the matter and dig out the truth ,letter of intimation sent to DEO(F) Dir(L) vide No.14119 dated 31.12.2022 by the inquiry officer asking about the necessary documents required for inquiry and further information to the complainant and the alleged official to appear before the inquiry officer to follow natural Justice and ensuring a fair and unbiased hearing/AUDI ALTERAM PARTEM for which the following strategy adopted .

(Contd...)

DOCUMENTS PERUSED.

To probing into the matter in the instant domestic Inquiry ,the District Head ,Complainant and the alleged official were asked about the documents relied on their stance ,therefore,the following documents produced by the Parties as well as the concerned agency as Evidenciary material and perused the same.

Documents Produced by Complainant	Documents Produced by Alleged official	Documents Provided by DEO(F) Dir(L)	
SSC Certificate and DMC (P-1 -2)	SSC Certificate & DMC (P-10 To 11)	Notification.(P-29 To 31)	
HSS Certificate and DMC (P-3 to 4)	HSS certificate & DMC (P-12 To 13)	Working Paper (P-32 To 42)	
B.SC DMC (P-5)	B.SC Degree & DMC (P-14 To 15)	Service book Photocopy of Mst.Roshni Riaz PST-12 through whataspp.(P-43 To 47)	
MA(English) DMC(P-6)	MA (Islamyat) Degree & DMC (P-16 To 17)	Seniority List of PST-12 (S.No.135 To 863 , 05 Pages) not in order. (P-48 To 52)	
B.ED Transcript (P-7 To 8)	B.Ed Degree & Transcript. (P-18 To 19)		
Appointment Order (P-9)	Domicile & CNIC (P-20 To 21)	Seniority List of PST-12 (S.No.1 to 866,29 Pages),not in order. (P-53 To 81)	
	Ist Appointment Order as PST (P-22-25)		
	Charge Report as SST. (P-26)		

ADDITIONAL DOCUMENTS EXAMINED.

For fair and transparent recommendations,the inquiry officer,examined the following documents as supporting documetns & rules pertaining to the seniority in the instant inquiry;

- Notification No.(SO)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 18.12.2013 for eligibility of the post of SST through Promotion.(P-82)
- Khyber pakhtunkhwa Employees of the elementary and secondary Education Department(Appointment and regularization of Services)Act,2017.

3. Regularization of services of Employees...(1)

Notwithstanding anything contained in any other law or rules,the employees,who hold posts till the commencement of this Act,shall be deemed to have been validly appointed on regular basis from the day of the commencement of this Act:provided that;

Attested (i)
(ii)
(iii)

- they possess the same qualification and experience for a regular post.
- they have not resigned from their services or terminated from services on account of misconduct,inefficiency or any other ground,before the commencement of this Act :and
- the service promotion quota of all service cadres shall not be affected.

- (2). The services of the employees shall be deemed to have been regularised only on the publication of their names in the official Gazzette.

- 4. Determination of Seniority...(1).** The employees whose service are regularized under this Act or in the process of attaining service at the commencement of this Act,shall rank Junior to all other employees belonging to the same cadre, who are in service on regular basis on the commencement of this Act,and shall also rank Junior to such other Persons,if any ,who,in pursuance of the recommendation of the commission made before the commencement of this Act, are to be appointed to the cadre ,irrespective of their actual date of appointment.

(2). The seniority of those employees, whose services are Regularized under this Act within the cadre, shall be determined on the basis of their Continuous service in cadre.

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STATEMENT OF THE COMPLAINANT.

Complainant recorded her statement before the undersigned that "SST Post is my legal right and I request to concern officer to give me Justice". (P-83)

PERSONAL HEARING.

Keeping in view the Principle of Natural Justice and AUDI ALTERAM PATEM, the undersigned being Inquiry Officer provided Opportunity of personal Hearing and discussion both the parties to express their views freely and with full justification.

KEY FINDINGS.

In the light of the documents perused, provided by both the Parties, complainant & Alleged official, DEO(F) Dir(L) and Personal interrogation from both the Parties, the undersigned being inquiry officer reached to the following key findings;

1. Complainant Mst. Roshni Riaz PST-12 GGPS Qazi Abad Balamab is senior than the alleged official Mst. Liaqat BiBi PST as per the verdict of the Regularization Act, 2017.
2. Seniority list for PST -12 Provided by the Management, not in Proper order and sequence and complainant placed at Srty.No.504 and alleged official placed at stry no.135 are not correct.
3. PSHT & SPST Seniority, mandatory for the promotion of PSHT/SPST could not be provided by the Management.
4. Working Paper reflects PSHT while alleged official is PST and not PSHT.
5. Office Order dated 15.12.2022 of the alleged official Mst. Liaqat BiBi as SST reflects her as Promoted from PSHT to SST while she performing her duty as PST.
6. As Per Notification dated 18.12.2013, both Complainant and alleged official have less than 07 years service as PST and not eligible for the promotion to the post of SST.

Attested
P=

CONCLUSION

Allegation of the complainant Proved to the extent of seniority as per Regularization Act, 2017.

RECOMMENDATIONS.

In the light of the foregoing discussion and material collected, record perused, the inquiry officer recommended as under;

All seniority list of PST, SPST & PSHT may be reorganized in Proper order and sequence and both the complainant as well as the alleged official may be placed at their proper place in seniority list of PST for further departmental Proceedings.

Encl; As above.

**(DR. SHAMIM AKHTAR)
INQUIRY OFFICER**



**Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.**

Notification

Consequent upon approval of the competent authority, the promotion order issued bearing endst;NO:4486-9- /F.NO:DPC/2022-23/Dir Lower dated 1.12.2022, in respect of Mst;Saira PSHT Distric Dir Lower promoted to the post SST (Maths/Phy:)) in item NO:5 at Sr.NO:1 is hereby held in abeyance, till the provision of her original Service Book, appointment order and transfer order etc; and promotion order in respect of Mst;Liqat Bibi PSHT to the post of SST (B/C) in items NO:6 in Sr.NO:1 is also held in abeyance till the decision of appeal of Roshni Riaz PST

(Hafiz Muhammad Ibrahim)
Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No. 8010-19 //F:NO: DPC-2022-23/Karak Dated 23/03/23
Copy forwarded for information to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (F) Dir Lower with the remarks to inform the above mentioned teachers accordingly, and decided the appeal of Roshani Riaz PST, in the light of inquiry report which have already send to you your good office vide tyhis office letter NO:7036 dated 6.2.2023
3. District Accounts Officer Karak.
4. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
5. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
6. M/ile

Attested
P

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



Dir Lower SST -2022

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

(17)

NOTIFICATION

1. WHEREAS, vide Notification Dated 1.12.2022, the competent authority has been pleased to promote PST, SPST, and PSHT to the post of SSTs in BPS-16 on the basis of their respective seniority-cum-fitness in view of letter dated 13.10.2022 to all DEOs regarding the DPC meeting for promotion against the noted posts.
2. AND WHEREAS, Consequent upon the said DPC meetings held on 24.10.2022 and 27.10.2022, the undersigned has been pleased to promote the said cadre against the SST posts under the reserved quota of 20 % including Mst; Liaqat Bibi PST at GGPS Parikass District Dir Lower as SST B/C in B-16 after due process of law and policy. vide order dated 1.12.2022.
3. AND WHEREAS, aggrieved from the notification dated 1.12.2022 to the extent of promotion of Mst; Liaqat Bibi, One Mst; Roshni Riaz PST of District Dir Lower has filed an appeal regarding her seniority for promotion as SST B/C in BPS-16 ahead of Mst; Liaqat Bibi to the Secretary E&SED KP Peshawar, which was conveyed to this Directorate vide letter dated 26.12.2022 for disposal of the said appeal under the rules in vogue.
4. AND WHEREAS, in compliance of the letter dated 26.12.2022, an inquiry was conducted through the DEO(F) Swat vide notification dated 26.12.2022 in favour of the appellant namely Mst; Roshni Riaz with the recommendation of being senior to Mst; Liaqat Bibi.
5. AND WHEREAS, in view of the inquiry report dated: 13th January, 2023 of the DEO Concerned, the promotion order dated 01.12.2022 of Mst; Liaqat Bibi was held-in-abyence vide order dated 13.3.2023.

Now therefore, in view of the above made facts and circumstances of the case alongwith perusal of the inquiry report of DEO(Female) Swat and powers, conferred upon the undersigned being competent authority, the promotion order under endst; NO:4486-90 dated 01.12.2022 occurring at Sr.NO:1 item NO:6 in respect of Mst; Liaqat Bibi is hereby re-called under the provision of section-20 of General clauses Act:1956, with immediate effect in the interest of public service.

Attested
P

4923-24

Endst: No. _____ / F.No.332/ Dated 19/5 /2023.

Copy forwarded for information to the:-

1. District Education Officer (Female) Dir Lower
2. District Education Officer (F) Swat with the request to revisit her inquiry report to the extent of fixing responsibility upon the delectant person who submitted wrong working papers and seniority list of Mst; Liaqat Bibi.

Assistant Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

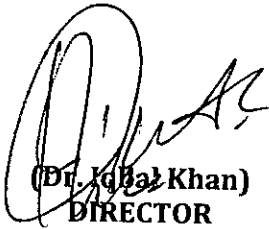
19/5/2023



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

AUTHORITY LETTER

I, Dr. Iqbal Khan, Director (E&SE) Khyber Pakhtunkhwa Peshawar do hereby authorized Mr. Behramand Khan, Assistant Director (Litigation-II) of this Directorate for submission of Joint Parawise Comments in **Service Appeal No. 2216/2023** case titled **Mst. Liaqat Bibi, Ex-SST, District Dir (L) Vs Government of Khyber Pakhtunkhwa & others** fixed for hearing on 07-12-2023, hence, an authority letter is hereby issued in favor of the above-named officer.



(Dr. Iqbal Khan)
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar.