

IN THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWA PESHAWAR

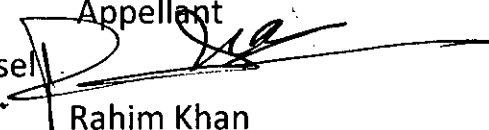
Rejoinder No. _____/2023.

In Service Appeal No.1385 /2023.

Miss, Sheema T.T GGHS School . Versus D.E.O Female Distt; Buner & others.

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Appellant
Through Counsel 
Rahim Khan
Adv High court
Office at District Courts Daggar Buner
Cell= 034390 49 185
Dated 27/12/2023.

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IN THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWAW PESHAWAR

Rejoinder No. _____/2023.

پشاور سروس ٹریبونل
کھپتونخوا پشاور

In Service Appeal No.1385 /2023.

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Miss, Sheema T.T GGHS School

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Versus

D.E.O Female Distt; Buner & others.

2/1/2024

Reply to Preliminary Objections

1. That the Preliminary objection at S.No.1 is wrong and incorrect hence denied . The title appeal is within time. Because , On **26/12/2022** vide order **No.1601**, appellant was transferred on merit from **GGMS Shangra**, where few students were enrolled those day, and vide order **impugned No.2065**, wrongly , fraudulently and tactfully, shown as **on 26/12/022** but the **fraction between the dispatch Nos.1601 & 2065 which is 464 was impossible in a same day** and is wrong which ~~by~~ can also be verified through the position of dispatch as shown by the respondents against prel; objections at S.No.8 of the comments under this rejoinder. So was **actually noticed and communicated & issued on 6/3/2023** after about 3/4 months later and could/can rightly be said to have been issued, on 5/03/2023 or on 6/03/2023 not on 26/12/2022. which was actually a premature transfer , as per stated in paras No.3, 4 & 5 of the service appeal based, on mala fide of the respondent No.1.
2. That the preliminary objections at S.No.2,3,4 & 5 all are totally wrong and without any documentary proof in support . hence denied.
3. That the prel; objection No.6, is baseless and wrong also, because the appellant was appointed vide order dated, **02/08/2023**, on adhoc /contract for one year as per terms and condition and as per admission in Para. 1, of this rejoinder, against parawise comments of the respondents and then the appellant was transferred vide order **dated 26/12/2022**, after she(the appellant) was regularized in service , vide Notification, end; No.1833-38 dated **13/12/2022**, so at the time of transfer the

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appellant, she was a regular Govt; Servant and the transfer policy exists was applicable in her case. Hence denied as incorrect as the one year period of adhoc was already expired on 2/8/2022.

4. That the para No.7 of the prel; objection is also wrong and baseless. The appellant was performing her duty on TT post in GGHS School Shalbandai and has been paying her pay (from 26/12/2022) up to 31/5/2023 while private respondent No.7, Miss, Majida TT, being eye blued of respondent No.1, was wrongly transferred on the same T.T post of BPS-15 on 13/5/2023 who even though after suspending her order by this Hon; Tribunal has not withdrawn in utter disobedience of the said apex order but has transferred to nearest school Daggar and on her choice to Ambella within a month time pre maturely off the merit. While the legal and meritorious order of the appellant now having no other justification, is wrongly depending on the pretext that the post of the appellant has upgraded as senior TT B 16 and wrongly the other one ^{Miss. P.} Tawheed STT has been paid in BPS 16 while the post is falling in BPS 15. which is also tantamount to clear contempt of court, *and is null + void according to law.*

5. That the s.No.8 . being last para of the prel; objections is a tactful denial of facts, having no base or reasonability. hence denied. However ^{to} not ^{P.V.} be termed this as evasive denial some facts are explained here to show clear mala fide of the respondents, even No.1, the Notification No. 2065, is impugned order, which has not been issued actually on 26/12/2022, but was actually issued communicated about ¾ months later ie on 06/03/023. but tactfully and fraudulently shown as on 26/12/022 because the order, whereby the appellant was transferred on merit in the interest of public, withdrawing vide the afore cited order /notification impugned No, above, was under dispatch No.1601, and the fraction of both the dispatch No(1601-2065) is 464, ^{which} is self ^{T.V.} indicative that the same letter impugned was issued, during the month of march 2023, not on 26/12/2022. So the whole Drama pertains to extra earning and ^{OF} gave and take between the ^{T.V.} *official.* respondent, and the private respdt; ~~Not~~ Miss Majida TT, who had transferred vide order 1216-22 dated 13/05/2023 to the post

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of appellant. while the appellant had relieved wrongly and against the law vide letter No.178 dated 15/05/2023 and also the appellant had been paid her salary up to 31/5/2023 and being eye blinded, the Private respondent No.7, Miss Majida TT, while her transfer order dated 13/5/2023 after suspending by this Hon; Tribunal, ~~which~~ has been disobeyed while transferred her to Daggar vide order 2297 - 2303 dated 22/7/2023 and placed the concerned, subsequently impleaded ^{as} private respondent Miss Tawheed STT BPS 16, while the post of the appellant in GGSS Shalbandai is T.T BPS 15 and so on the other order dated 25/7/2023 is also wrong and based on clear mala fide with the appellant. Hence denied.

Rejoinder against Parawise comment of respondents No.1,3 & 4.

1. That Para No. 1 of the comments the entire comments has been recorded on mala fide intention and just to confuse and mislead this Hon; Tribunal which is denied. Fact is that the appellant was appointed vide order dated 02/08/2021 and was regularized vide order, end; No.1833-38 dated 13/12/2022, while on 02/08/2022, one year period of contractor/adhoc was already expired, so at the time of transfer end No.1601 ie on 26/12/2022, the appellant was a regular Govt; Servant and the transfer policy exists was applicable in her case. Hence denied as incorrect as the one year period of adhoc was already expired on 2/8/2022. While irrelevant documents have been annexed as fraud and to mislead this Hon; Tribunal the salary drawn for the STT BPS 16 against BPS 15, is gross irregularity and misuse of financial powers, needs proper audit and further proceeding, under the rules, *against the Respondents concerned.*

2. That the para 2 of the comments is wrong and denied. However the appellant really took charge and performed her duty at her 1st station happily, but the authority /respondent No.1 had issued transfer order in the interest of public, from the school where few student were enrolled and as per rationalization policy the School at Shalbandai was deserving to be posted there T.T being vacant since long and having

huge quantity of students. While terms and condition of the order were not binding more after lapse of one year and issuing of the regularization order of the appellant as per explained above against para No.1 above. The interpretation of the Regulatory act 2011 is wrong.

3. That as per detail explanation against para No. 1 of Preliminary Objections and more detail discussion as above, the para No.3 is incorrect baseless hence denied . Monthly salary of the appellant being non gazette official had been drawn by the Principal GGHSS Shalbondai/DDO , because no intimation of the order impugned No. 2065 or any advice regarding the with drawl or cancellation impugned of the order No.1601, was made to her and therefore as the appellant was performing her duty in GGHSS Shalbandai, so the appellant being entitle to her salary under the law has received her salary up to 31/5/2023. And in this regard, the apex order dt 09/08/023 while granting interim relief, by this Hon; Tribunal in favour of the appellant the respondents did not obey the same by not releasing and paying the salary of the appellant her ,onward 01st june 2023 in violation of that apex order.
4. That para No.4 is wrong and incorrect hence denied. As stated above that the previous/initial, legal and meritorious order of transfer No.1601, of the appellant, was legal and meritorious one and the instant service appeal has filed the appellant against the impugned cancellation and with drawl order NO.2065. because the same is mala fide is just for adjustment of the private respondent Miss Majida TT and Miss Tawheed STT who are the eye blued of the respondents evenNo.1. hence denied. While Miss Iqra ijaz CT Genral was present at GGMS shangra and also the appellant was relieved by one Miss Huzeema Headmistress of that School where there were more than 2 Teachers. Because the transfer of Iqra Ijaz was with a stay of about 2-3 months being contract/adhac for one year who was transferred to Batai Pirbab from Topay with pretext of, so called Corrigendum,

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being eye blued of the respondent No.1, by way of a clear discrimination. Hence denied.

5. That this para is incorrect and denied the the impugned cancellation order was actually another transfer order after 3-4 month period which was premature transfer after 3or 4 months stay was illegal while the appellant has actually been paid her salary up to 31/5/2023 and vide impugned letter was relieved vide letter No.178 dated 15/5/2023. So how the appellant was bound to obey such like discriminatory and Mala fide and illegal order in a case. Denied the stance.
6. That in para.No. 6 of the comments the respondents admitted this fact that the TT B 15 post in GGHSS Shalbondai was vacant according to his record therefore the appellant was transferred against the same post while on the other the respondent justify the transfer of STT B 16 Miss Tawheed being other eye blued and the due legal rights of appellant is for no valid or lawful reason is denied by the respondents. this wording of the para is very derogatory of the rules of consistency and highly discriminative of its nature that forcefully and wrongly on mala fide the appellant transferred on 26/12/2022 was relieved wrongly back to her previous station on 15/5/2023 pre mature against her tenure by paying her salary up to 31/5/2023 and the other one miss Majida /private respondent No.7 was transferred on 13/5/2023 to the said post which this Hon'; Tribunal while suspending her order the respondent No.1 has transferred her on her choice to Daggar despite Topy , being very nearest station against the spirit of the apex order of this Hon; Tribunal. Hence denied the stance of the respondents.
7. That this para No.7 is wrong and denied . as per detail explanation against para 4 of this rejoinder on comments the respondent has contradictive stance on one side they say that the appellant was not entitle to transfer being on contract /ad hoc for one year , similarly they also say, the post is STT B 16 and here in this para they say the Shangra School was remained with one teacher while 2 teacher was must. While All the stances are wrong , the appellant had transferred on merit in the interest of public service after

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she was regularized on 13/12/2022 and the one year period of contract/adhoc was also expired on 02/8/2022 while Miss Huzeema was relieved the appellant as a Incharge/Headmistress of GGMS Shangra and Miss Iqra Ijaz CT was also in the said School who has hardly only 3 to 4 Month stay as fresh appointee not yet completed one year contract /adhoc period . so her transfer was on the pretext of corrigendum of GGMS Shangra to be read as GGMS Batai Pir baba/ being her home union Council . which in the eyes of the respondents was not illegal or incorrect, because she is their eye blued. Therefore by way of discrimination was wrongly and off the merit she was transferred while the appellant who was transferred on merit was termed to be wrong. Which is not understood and is unwarranted in part of the respondents. Copy of regularization order dated 13/12/2023 is annexed as "A".

8. That the para No.8 is wrong and miss concept without any proof hence denied. The appellant actually filed Departmental appeal against the order impugned No.2065 dated 26/12/2022, actually communicated and notice on 6/3/2023 and the than authority was then kept mom and therefore by presuming the fact that the respondent the then DEO F Buner has admitted the fact and forgo his wrong order the performance of the duty in GGHSS Shalbondai was left legally for the appellant and salary was not stopped and paid legally up to 31/5/2023, the present respondent being successor had noticed the keen interest of the respondent No.7 and then of the impleaded private respondent Miss tawheed STT and honoured /favoured wrong for some un due benefits which was unexpected from the appellant. hence the comments and objections all are not lawful and trustworthy and bona fide may be rejected with the acceptance of this rejoinder and the appeal of the appellant being genuine and lawful be allowed as prayed for in favour of the appellant in full.

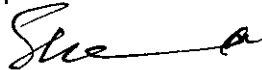
Grounds

REJOINDER AGAINST THE COMMENTS OF RESPONDENTS CONCERNED

Rejoinder and reply of all the contents from S. No. A to K are wrong illegal , baseless, weightless and unreasonable being mere duplication and repetition of words having no genuine or bona fide hence differed

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and denied of which may be dismissed with cost .while the other prel;
objections and comments are also wrong and denied being on mala fide
and against the fact and highly discriminative and illegal be dismissed
with cost by allowing the appeal of the appellatant against the
respondents and all the rest of private respondents too. Further relief
to which the appellatant is otherwise entitle though not specifically
prayed for may be granted to the appellatant.



Appellant

Through Counsel


Rahim Khan

Adv High court

Office at District Courts Daggar Buner

Cell= 034390 49 185

Dated 27/12/2023.

Certificate

It is to certify that no such like/nature rejoinder has been file before
this Hon; tribunal before this one .


Appellant

CRIC = 15102-0952310-6.

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IN THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWA PESHAWAR

Rejoinder No. _____/2023.

In Service Appeal No.1385 /2023.

Miss, Sheema T.T GGHS School Versus D.E.O Female Distt; Buner & others.

Reply to Preliminary Objections

Affidavit

I Sheema D/O Bahroz Khan R/O Village Amnawar District Buner /Theology Teacher(TT) GGHS School Shalbondai Buner Do hereby affirm and declare on oath that no such like rejoinder on the Service Appeal No.1385 /2023 has earlier been filed befor this Hon; Tribunal and that the entire contents of this Rejoinder are correct .

Deponent



Sheema Appellant

CNIC= 15102-0952310-6

ATTESTED
BY
PER
401 27-12-2023

Ameyun "A" 8-9



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT BUNER
PHONE & FAX NO. 0939-510366
EMAIL: deofemnebuner@gmail.com



NOTIFICATION:

Under the provision of the Khyber Pakhtunkhwa Teachers (Appointment and Regularization of Services) Act, 2022 (Khyber Pakhtunkhwa Act No. XXI of 2022), the services of the following Theology Teachers BPS-15 appointed on Adhoc/Contract basis w.e.f 08/03/2017, are hereby regularized in Teaching Cadre on the terms and conditions given below with effect from the date of their initial appointment till the commencement of the Act ibid:

T.T 2019										
S F	Roll No	Name of Teacher	Father Name	CNIC	D.O.B	Total Marks/ Score	School	Advt: No and date	Appt: Order No. and Date	Extension Order No. & Date
1	1427000119	IRUM IOBAL	SAID IOBAL ZARIN	15101-8066348-0	20/05/1966	112.04	GGMS NANSER	INF(P) 6701 28-11-2017	10930-39 14-01-2019	1229-36 18-03-2020 & 1550-56 23-06-2021
2	1427000244	GULSHAN ARA	MUKHTAR HISSAIN	15101-9063045-4	20/04/1989	111.16	GGMS AWAZO KOTO	INF(P) 6701 28-11-2017	10930-39 14-01-2019	1229-36 18-03-2020 & 1550-56 23-06-2021
3	1427000009	ALIA	HAZRAT MUHAMMAD	15101-4452371-4	01/06/1993	111.11	GGMS KUZ GOKAND	INF(P) 6701 28-11-2017	10930-39 14-01-2019	1229-36 18-03-2020 & 1550-56 23-06-2021
4	1427000217	ZABANIYA	RAHIM DAD KHAN	15101-5195734-0	01/01/1993	109.96	GGHS ANGHAPUR	INF(P) 6701 28-11-2017	10930-39 14-01-2019	1229-36 18-03-2020 & 1550-56 23-06-2021
5	1427000038	SALMA	MUHAMMAD NAWAZ	15101-3108282-6	08/05/1986	108.09	GGMS SAGRAI	INF(P) 6701 28-11-2017	10930-39 14-01-2019	1229-36 18-03-2020 & 1550-56 23-06-2021
6	1427000010	KALSOOM BIBI	IHSAN ALI KHAN	15101-7141263-0	17/03/1993	107.99	GGMS LANGAR	INF(P) 6701 28-11-2017	10930-39 14-01-2019	1229-36 18-03-2020 & 1550-56 23-06-2021
7	1427000127	MAJIDAH	MUHAMMAD FAZIL	15102-0578705-6	01/02/1993	106.05	GGHS TOPAI	INF(P) 6701 28-11-2017	10930-39 14-01-2019	1229-36 18-03-2020 & 1550-56 23-06-2021
8	1427000249	SAIMA	FAZAL HAKIM	15101-7346702-0	02/11/1993	105.63	GGMS TORWARSAK	INF(P) 6701 28-11-2017	10930-39 14-01-2019	1229-36 18-03-2020 & 1550-56 23-06-2021
9	1427000155	SEBGHAT	MUHIJ ULLAH	15102-0580544-8	02/05/1991	105.04	GGMS DAND MAIRA	INF(P) 6701 28-11-2017	10930-39 14-01-2019	1229-36 18-03-2020 & 1550-56 23-06-2021
10	112000204	SHAZIA	MUSTAQUEEM KHAN	15101-8215196-2	20/04/1983	104.96	GGMS HALL	INF(P) 6701 28-11-2017	10930-39 14-01-2019	1229-36 18-03-2020 & 1550-56 23-06-2021
11	1427000107	TABBASUM	IBNI AMIN	15104-0332946-4	17/10/1993	104.37	GGMS TINAWLO DHERAJ	INF(P) 6701 28-11-2017	10930-39 14-01-2019	1229-36 18-03-2020 & 1550-56 23-06-2021
12	1427000142	SIDRA INAYAT	INAYATULLAH	15102-0566747-8	01/04/1993	103.44	GGMS KADAL	INF(P) 6701 28-11-2017	25-33 14-02-2019	1229-36 18-03-2020 & 1550-56 23-06-2021
T.T 2021										
1	31600633	MEHWISH JAMAL	ALI JAMAL	42201-8792976-2	07/07/1994	117.29	GGMS DAKARA	INF(P) 4062/20 06-11-2020	1826-33 14-07-2021	254-61 10-06-2022

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NO

2	17600229	ROZINA AKBAR	SHER AKBAR KHAN	15101- 6499527-0	01/01/1984	115.36	GGMS MARADU	INF(P) 4062/20 06-11- 2020	1826-33 14-07- 2021	254-61 10-08-2022
3	17600188	HUSSAN BIBI	GUL RAHMAN	15101- 5047437-2	03/04/1987	85.58	GGHS SOWAWAJ	INF(P) 4062/20 06-11- 2020	1826-33 14-07- 2021	254-61 10-08-2022
4	17600261	SHEEMA BIBI	BEHROZ KHAN	15102- 0592310-6	01/03/1997	112.04	GGMS SHANGRA	INF(P) 4062/20 06-11- 2020	1955-72 02-08- 2021	254-61 10-08-2022

Term and Conditions:-

1. Their services shall be governed by the Khyber Pakhtunkhwa Civil Servant Act, 1973, the Khyber Pakhtunkhwa (Appointment Deputation, Posting and Transfer of Teachers, Lecturers, Instructor and Doctors) Regularity Act, 2011. And such rules and regulation as may be issued from time to time by Government.
2. Their services will be considered regular and they shall be eligible for pension/deduction of GP Fund in term of Khyber Pakhtunkhwa Civil Servant Act, 1973, as amended in 2013, however, the teachers appointed on or after 07/06/2022 shall be dealt with Section (2) (2) of the Khyber Pakhtunkhwa (Amendment) Act, 2022.
3. Their services are liable to termination on one month notice from either side. In case of resignation without notice, their one month pay / allowances shall be forfeited to the Government.
4. They shall possess the same qualification and experience required for the subject post on regular basis as specified in Section (3) (a) of the Act.
5. Their regularization shall not effect the service promotion quota of all service cadres as specified in Section (3) (c) of the Act.
6. They shall be entitled for seniority and pay from the date of initial appointment on Adhoc/ Contract basis as specified in Section (3) (d) of the Act.
7. They shall perform duty for at least three years for the date of taking over charge where they were appointed / posted.
8. The regularization shall not be in favour of those teachers who have not taken charge, remained absent from duty and resigned from service.
9. The Teacher, Regularized through this notification, shall be confirmed after successful completion of In-Service mandatory training as specified in their Service Rules notified vide notification No. SO (PE) 4-5/SSRC/Meeting/2012/Teaching Cadre/2017 dated 07/03/2018 within two consecutive attempts otherwise the appointment orders of the candidates failed to qualify induction program within two consecutive attempts shall be considered as withdrawn/cancelled from the date of declaration of result of second attempt made in the induction program.
10. Principals/Head Mistresses are directed to check/verify the documents/extension orders etc service of the regularized teacher once again with the criteria mentioned for regularization. If the teacher don't meet the criteria their service shall be considered as ceased.

Handwritten signatures and initials in the left margin, including a large signature that appears to be 'Rukhsana Rahim'.

(RUKHSANA RAHIM)
DISTRICT EDUCATION OFFICER (F)
DISTRICT BUNER

Endst: No. 1833-38 Dated 13/12/2022.

Copy forwarded for information and necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer (EMA) Buner.
3. District Accounts Officer Buner.
4. Principals/Head Mistresses Concerned.
5. Teachers Concerned.
6. Master File.

D. D. [Signature]
DISTRICT EDUCATION OFFICER (F)
DISTRICT BUNER 13/12/2022