

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

Service appeal NO. 154/2023

Haris Iqbal J/C GGHSS Pir Piai District  
Nowshera.....appellant

VS

Director Elementary & Secondary Education, KPK Peshawar &  
Others.....respondents

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RESPONDENTS

Through

AUTHORIZED REPRESENTATIVE

08-1-24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

Service appeal No. 154/2023

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Haris Iqbal J/C GGHSS Pir Piai District  
Nowshera.....appellant

VS

Director Elementary & Secondary Education, KPK Peshawar &  
Others.....respondents

**PARAWISE REPLY ON BEHALF ON RESPONDENTS**

**RESPECTFULLY SHEWETH,**

Respondent humbly submits as under.

Received from the Respondent  
for the file No. 10343

Entry No. 10343

Date: 04-1-2024

**Preliminary objections:**

- 1) That the appellant got his appointment order under deceased quota by defrauding the respondents upon malafidly concealing about the fact that such quota has already been availed by his brother in the year 2013. So his this service appeal is liable to be rejected with costs.
- 2) That appellant has no cause of action to file the instant Service Appeal as he has no legal right to avail deceased son's quota twice by defrauding respondents.
- 3) That appellant is concealing material facts from this honorable court.
- 4) That the instant appeal is badly time barred.
- 5) That the instant appeal is bad for misjoinder & Non-Joinder of necessary parties.
- 6) That the appellant has not come with clean hands.
- 7) That appellant is estopped by his own conduct to file the instant appeal.

**REPLY ON FACTS:**

- 1) Para -01 is correct with the explanation that the appellant got his appointment order under deceased employees Son's quota by fraudulently concealing the fact from respondents that such quota has already been availed by his brother namely Kashif Iqbal Junior Clerk appointed under deceased Son's quota vide Endst No. 3074-80 & Dated. 27-08-2013. That upon revealing of the same fraud when it was confirmed to the respondents that the said quota has been wrongly availed by appellant, consequently his appointment order was withdrawn.

(Copy of appointment order of brother of the appellant is annexed as 'A')

- 2) Para -02 is incorrect as explained above.
- 3) Para -03 is incorrect as explained above.
- 4) Para-04 is incorrect as the very appointment order got by the appellant was based on fraud hence any further structure built upon the said order is void.

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5) Para-05 is correct to the extent of enquiry as the said inquiry was conducted by the respondent to probe into the matter of appellant regarding the double availing of the deceased Son's quota and when it was confirmed by the findings of the inquiry a proper show cause notice was issued to the appellant on dated. 14-07-2022 followed by a personal hearing notice dated. 01-08-2022 both of which were not responded by the appellant consequently the appellant was removed from service vide order dated. 20-08-2022.

(Copy of inquiry report, show cause, personal hearing and removal order are annexed as B, C, D & E)

6) Incorrect as all the codal formalities were followed as explained in Para-5

7) Incorrect as appellant have no cause of action to file the instant service appeal.

**REPLY ON GROUNDS:**

A) Incorrect as appellant has been removed from service by fraudulently availing the deceased Son's quota twice.

B) Incorrect as the appellant has availed the said quota by malafidly cancelling the fact of already availing it upon appointment of his brother under the same quota in the year 2013, upon revealing of the fraud the respondent conducted enquiry, issued a show cause notice, personal hearing notice and finally removed the appellant from service.

C) Incorrect: as availing of the deceased quota twice is an admitted fact which the appellant does, not deny hence if needs no proper enquiry. However the respondent duly conducted an enquiry issued show cause notice, personal hearing notice and finally upon satisfaction about the fraud removed the appellant from service.

D) Incorrect, as explained above.

E) Incorrect, as explained in above paras appointment order got by fraud never entitled a person to avail further benefits upon it.

F) Incorrect, as already explained a proper show cause notice followed lay a personal hearing were issued to the appellant but he failed to submit a reply or record any statement before the competent authority as he was having no justification for his concealment of fact.

G) Incorrect, as explained a proper Show cause notice and a subsequent personal hearing notice were issued to the appellant.

H) Incorrect, as explained in above paras that show cause notice has been served.

I) Incorrect, as appellant has committed fraud by malafidly concealing availing of the deceased Son's quota as otherwise there is no ground for appointment of the appellant.

J) Incorrect, as appellant does not deny the fact that he has availed the deceased Son's quota twice so admitted facts needs no inquiry. However an enquiry was

conducted, Show cause issued and personal hearing opportunity was granted to the appellant.

- K) Incorrect as explained above.
- L) Incorrect as explained above that proper opportunities were granted to the appellant for his defence.
- M) Incorrect and false as appellant got his appointment illegally upon concealment of facts.
- N) Incorrect, as explained above.
- O) Incorrect, as appellant was never entitled for the Junior Clerk appointment he got his such appointment by defrauding the respondent, hence it creates no right of appellant upon the said post.
- P) Incorrect, as all the appointments are meant to be got by legal manners.
- Q) Incorrect, and illogical hence denied as appellant has just served only for a few months by an appointment order got fraudulently, So how all his peak young age passed in serving the department.
- R) Incorrect, as appellant has been dismissed from service after fulfillment of all codal formalities.
- S) Incorrect, as explained in above paras.
- T) Incorrect, appellant has been dismissed from service due to his own malafide concealment of facts on the basis of which he availed deceased quota twice.
- U) Respondents may also be permitted to advance other grounds at the time of arguments.

Therefore, in light of the above submission it is humbly prayed that the appeal of the appellant being frivolous, erroneous, merit list and baseless may kindly be dismissed with costs.

It is therefore most humbly prayed that the instant appeal being meritless, vexatious, and erroneous may kindly be dismissed.

**RESPONDANTS:**

  
 (Mst. ~~Sana~~ Samina Iltaf)

1) Director E&SE, KPK

Respondents No.1



(Mst. Dure Shavar)

2) DEO (F), Nowshera

Respondents No.2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

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Service appeal No. 154/2023

Haris Iqbal J/C GGHSS Pir Piai District  
Nowshera.....appellant

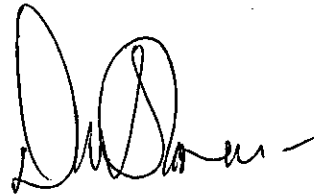
VS

Director Elementary & Secondary Education, KPK Peshawar &  
Others.....respondents

AFFIDAVITE

I, Dure Shawar District Education Officer Female Nowshera do solemnly affirm and declare on oath that the contents of Par wise comments on behalf of respondents are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

Identified by



Deponent

Dure Shawar

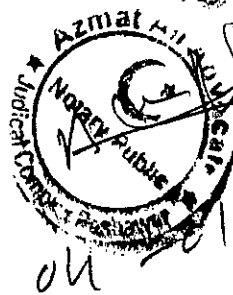
DEO

Respondent no-2

Advocate General  
Khyber Pakhtunkhwa  
Peshawar

The answering respondents have neither been placed ex parte nor their defense be struck off

ATTESTED



22/4

OK

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

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Service appeal NO. 154/2023

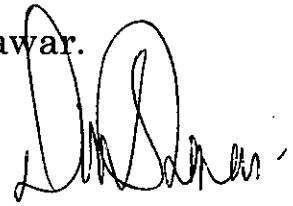
**Haris Iqbal J/C GGHSS Pir Piai District  
Nowshera.....appellant**

**VS**

**Director Elementary & Secondary Education, KPK Peshawar &  
Others.....respondents**

**Authority Letter**

I, Dure Shwar District Education Officer (F), Nowshera do hereby authorise  
in the above mentioned services appeal to represent the undersigned Before  
the Hon'ble service tribunal Khyber Pakhtunkhwa Peshawar.



**(Dure Shwar)  
District Education Officer (F)  
Nowshera**

Sajida



OFFICE OF THE PRINCIPAL  
GOVERNMENT GIRLS HIGHER SECONDARY  
SCHOOL NOWSHERA CANTT.

(Office Phone & Fax # +92-923-9220167 & Email: principalnscantt@gmail.com)

No. 506 Dated 06/06/2022

Subject: - ENQUIRY REPORT REGARDING ILLEGAL APPOINTMENT UNDER DECEASED SON QUOTA.

INTRODUCTION: -

I, the undersigned, have been nominated as Chairperson accompanied with Ms. Haseena Fida Principal GGHSS, Nizampur Nowshera (member) of the Inquiry committee vide District Education Officer (Female) Nowshera Office Order No. 1275-80 Dated: Nowshera the 02-07-2022 to probe into the matter in illegal appointment under deceased son quota.

FINDINGS: -

1. The undersigned paid visit to the Office of the District Education Office (Female) Nowshera on 06/07/2022 to collect information of both deceased employees.
2. The Office provide us record i.e. appointment order of Mr. Kashif Iqbal S/O Iqbal Hussain (Late) J/C Office of the SDEO(F) Pabbi, who was appointed under deceased son quota vide DEO(F) Nowshera office order No. 3074-80 Dated 23/08/2013. (Annexure-A)
3. The Office also provide us the appointment order of Mr. Haris Iqbal S/O Late Iqbal Hussain issued vide DEO(F) Nowshera office order Endst: No. 4670-77 Dated: 23/11/2021, brother of the said Mr. Kashif Iqbal JC o/o SDEO (Female) Pabbi, who already availed deceased son quota. (Annexure-B)

Office

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**SHOW CAUSE NOTICE**

I, Mst. Dure Shawar District Education Officer (F) Nowshera as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Haris Iqbal I/Clerk GGHSS, Pir Piai NSR, as follows:

1. (i) That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity of hearing; and
- (ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your Defence before the inquiry committee,-

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules:

- (a) Availed deceased quota two times.
2. As a result therefore, I, as competent authority, have tentatively decided to impose upon you the major penalty of termination from service under rule 4 of the said rules.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven (07) days or not more than fifteen (15) days of its delivery, it shall be presumed that you have no Defence to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the findings of the inquiry committee is enclosed.

COMPETENT AUTHORITY

Endst. No. 14/92 / Dated: 14-07 /2022

1. Principal GGHSS, Pir Piai Nowshera with the remarks to serve the said show cause notice on the accused.
2. Mr. Haris Iqbal I/C GGHSS, Pir Piai NSR

*[Handwritten signature]*

*[Handwritten signature]*  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA




(8)


CONCLUSION: -

The undersigned reached to the conclusion that both brothers availed deceased son quota.

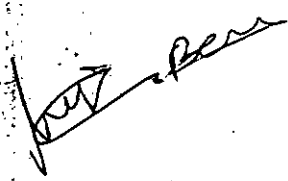
RECOMMENDATIONS: -

In view of the above findings and conclusion, it is recommended that Mr. Haris Iqbal S/O Late Iqbal Hussain JC GGHSS, Pir Piai Nowshera may be terminated.

  
(HASBENA FIDA)  
Member of Enquiry Committee  
Principal GGHSS, Nizampur  
Principal  
GGHSS Nizampur

  
(JAMILA BANYAL)  
CHAIRPERSON OF ENQUIRY COMMITTEE  
Principal GGHSS, NOWSHERA CANTT

PRINCIPAL  
G.G.H.S.S.  
NSR CANTT





OFFICE OF THE  
DISTRICT EDUCATION OFFICER (FEMALE)  
NOWSHERA

(Office Phone#0923-9220105, Fax#0923-9220105)

No. 2256 / Dated 01/08 /2022

To

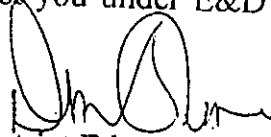
Mr. Haris Iqbal J/Clerk  
GGHSS, Pir Pia Distt. Nowshera

Subject: **Personal Hearing**

Memo:

Reference Show cause notice vide this office memo: No. 1491-92/  
Dated Nowshera the 14/07/2022.

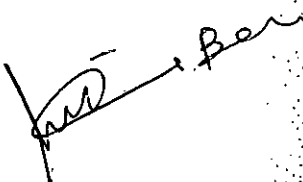
You are hereby directed to appear before the undersigned in this office for personal hearing on any working day within a week time positively otherwise an ex-part decision will be taken against you under E&D Rules-2011.

  
- District Education Officer  
(Female) Nowshera

**Endst: No. and Date Even:**

Copy forwarded for information to the:-

1. Director E/S Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Nowshera
3. Principal GGHSS, Pir Pia Nowshera

  
Sd  
District Education Officer  
(Female) Nowshera

OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA

Phone No. 0923-9220105  
No. 4827 / Dated 20/09 /2022

(B)

(9)

To

The Director,  
Elementary and Secondary Education,  
Khyber Pakhtunkhwa Peshawar

Subject: Comments/detailed Report on Appeal of Mr. Haris Iqbal  
Ex. Jr. Clerk

Memo:

Reference your office memo; no. 3904/F.No. A-23/MS/Requisition/2022  
Dated Peshawar the 14/09/2022 on the subject cited above.

It is submitted for your kind information that one Mr. Haris Iqbal S/O Late Iqbal Hussain was appointed against Junior Clerk post at Govt. Girls Higher Secondary School Pir Pia District Nowshera vide this office order Enst: No. 4670-77 Dated: 23/11/2021, under deceased children quota.

The undersigned have come to know through reliable sources that deceased quota of the above mentioned Junior Clerk was already availed.

In this regard, the undersigned appointed an inquiry committee comprising senior Principals to probe into the allegations. The committee reported and recommended that "In view of the above finding and conclusion, it is recommended that Mr. Haris Iqal S/O Late Iqbal Hussain J.C GGHSS, Pir Pia Nowshera may be terminated".

So the undersigned issued show cause notice and letter of personal hearing to the accused official, but he did not reply of the show cause notice not appear before the undersigned for personal hearing.

In the light of the above inquiry report the, undersigned was pleased to withdraw appointment order of Mr. Haris Iqbal S/O Late Iqbal Hussain vide this office Endst. No. 3242-42 Dated 20-08-2022.

Submitted comments and detailed report on the appeal of Mr. Haris Iqbal S/O Late Iqbal Hussain Ex. Junior Clerk GGHSS, Pir Pia Nowshera for further process please.

*[Handwritten signature]*

*[Handwritten signature]*

District Education Officer  
(Female) Nowshera