

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service appeal NO. 2054/2023

Miss Nazish Pst (Bps#12) GGPS Spin Qamar District
Nowshera.....Appellant

VERSUS

Director Khyber Pakhtunkhwa E&SE, Peshawar &
others.....Respondents

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RESPONDENTS

Through

AUTHORIZED REPRESENTATIVE

11-1-24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10058

Dated 03-1-24 (1)

Service appeal NO. 2054/2023

Miss. Nazish PST BPS -12 GGPS Spin Qamar District
Nowshera.....Appellant

VERSUS

Director Khyber Pakhtunkhwa E&SE, Peshawar &
Others..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 1 & 2

RESPECTFULLY SHEWETH,

Respondent humbly submits as under;

- 1) That the appellant has fraudulently availed her appointment order by falsely stating about a court order/judgment.
- 2) That appellant was on probation and removed just after a 35days upon revealing of their fraud.
- 3) That the present appeal is badly Time barred.
- 4) That no departmental appeal has been filed.
- 5) That the appellant has no cause of action/locus standi to file the instant Service Appeal.
- 6) That the appellant is concealing material facts from this honorable tribunal.
- 7) That the present appeal is bad for mis-joinder and non-joinder of necessary parties.
- 8) That the appellant is estopped by his own conduct to file the instant appeal.

ON FACTS:

- 1) Para -01 is correct with the explanation that appellant got her appointment order on dated 09-04-2022 with connivance of ex-litigation representative of DEO (F) Nowshera by deceiving the competent authority falsely stating about court order/judgment regarding their appointments, however failing so by providing the verified copies of the said judgment an enquiry was ordered on dated

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28-04-2022 to probe into the matter and thus upon the submission of enquiry report vide memo No.189-90 dated 11-05-2022, the competent authority after due satisfaction withdrawn/cancelled the appointment order vide Endst No. 5521-26 dated 12-05-2022.

(Copies of appointment order, enquiry report and withdrawal order are annexed as annexure A, B, and C respectively)

- 2) Para -02 is correct with the above explanation that appellant got her appointment order fraudulently which was later on duly withdrawn.
- 3) Para -03 is also correct with the above explanation.
- 4) Para-04 is incorrect appellant was under probation and just served about 01 month time only i.e. from 09-04-22 to 12-05-22 upon an appointment order received fraudulently thus cancelled.
- 5) Incorrect, Appellant is not an aggrieved person at all.

ON GROUNDS:

A) Ground -A is incorrect, that appellant got her appointment order on dated 09-04-2022 with connivance of ex-litigation representative of DEO (F) Nowshera by deceiving the competent authority falsely stating about court order/judgment regarding their appointments, however failing so by providing the verified copies of the said judgment an enquiry was ordered on dated 28-04-2022 to probe into the matter and thus upon the submission of enquiry report vide memo No.189-90 dated 11-05-2022, the competent authority after due satisfaction withdrawn/cancelled the appointment order vide Endst No. 5521-26 dated 12-05-2022

B) Ground -B is incorrect, the appellant is concealing the material facts from this Honorable Courts as she along 05 other candidates got there appointment orders by falsely stating about Court Judgment as evident from enquiry report, removal order and the pending service appeals of the other candidates removed in the same impugned order. Furthermore as per statement of the appellant she has been appointed by just filing an application without advertisement and appearing in test, is itself a false statement as it is clearly against the appointment rules and policy.

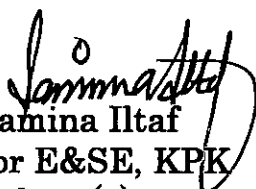
C) Ground -C as explained in ground A.

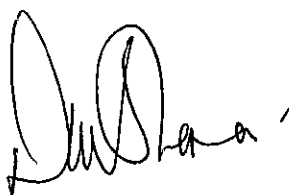
D) Ground -D is incorrect as explained above.

- E) Ground -E is incorrect. As appellant has been removed from service immediately upon revealing of her fraud just after a month of her appointment.
- F) Ground -F is incorrect as explained above.
- G) Ground -G is incorrect as explained above.
- H) Ground -H is incorrect as proper opportunity was granted to produce the very judgment on basis of which appellant along with other candidates whose service appeals are also pending before the Honorable Tribunal got there appointment order, failing so there appointment order was duly withdrawn.
- I) Incorrect as appellant got her appointment order by fraudulently stating about court judgment.
- J) Ground -J is incorrect as explained above.
- K) Ground -K is incorrect as explained above.
- L) Respondents may also be permitted to raise other grounds in arguments.

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

RESPONDANTS


Mrs. Samina Iltaf
Director E&SE, KPK
Respondent (1)


Mrs. Dure Shawar
Distt Education Officer (F), Nowshera
Respondent (2)

(4)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
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Nowshera.....Appellant

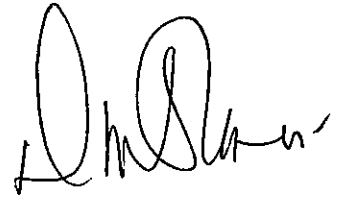
VERSUS

Director Khyber Pakhtunkhwa E&SE, Peshawar &
others.....Respondents

AFFIDAVITE

I, Mrs. Dure Shawar District Education officer (Female) Nowshera, do solemnly affirm and 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 defence has been struck off/cost.

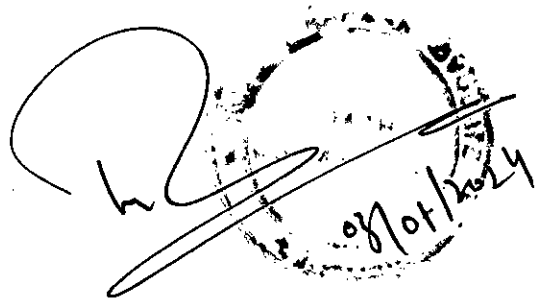
Identified by



*The answering Respondents Deponent
have neither been placed ex parte nor their
defence be struck off.*

**Advocate General
Khyber Pakhtunkhwa
Peshawar**

ATTESTED



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**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
NOWSHERA**



No. ¹⁷⁷~~561-62~~ /DEO (F) NSR/ Estab (Secy)/ dated NSR the ^{28, 84} /2022

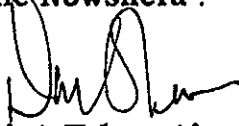
NOMINATION :-

Consequent upon the appointments issued vide this office Endstt No. Endstt No. 4617-24 dated ; - 09-04-2022 & Endst No. 4449-56 dated ; - 07-04-2022 / Endst No. 4441-48 dated ; - 07-04-2022 / Endst. 4457-64 dated ; - 07-04-2022/ Endst No. 5180-87 dated; 28-04-2022 / Endst No. 5180-87 dated; - 28-04-2022 in the pursuance of Honorable Court Peshawar High Court Peshawar .

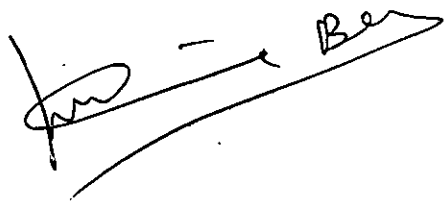
Therefore ,the competent authority is pleased to nominated the following committee to check all the relevant record pertaining to the PST appointments as mentioned above and submit detail report & recommendations to the undersigned within a weak time positively after the issuance of this order.

SNo	Name of Official & Desig	Place of Duty	Remarks
01	Miss.Haseena Fida Principal	GGHSS Nizampur NSR	Chairman
02	Miss. Shaenam ADEO (F) NSF	DEO(F) Nowshera	Member
03	Miss. Benish Computer Operator	DEC(F) Nowshera	Member

Note :- The committee are hereby directed to check all the relevant record pertaining to the litigation branch of local office Female Nowshera .


**District Education Officer
(Female) Nowshera**

- 1. dated even .
- 2. forwarded for information to the :-
- 1. Principal Miss. Haseena Fida GGHS Nizampur Nowshera
- 2. To All committee members local office female Nowshera
- 3. Office copy


**District Education Officer
(Female) Nowshera**

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OFFICE OF THE PRINCIPAL / ENQUIRY OFFICER GGHS
NIZAMPUR NOWSHERA.

176-77

dated ; ~~29/04~~ /2022

Miss. Roheen Naz
ADO(lit) DEO(Female)
Nowshera .

Subject :- **PROVISION OF COURT JUDGMENT FOR THE PST APPOINTEES**
Memo ,

With reference to the letter No. 5761 ; Dated 17-05-2022 issued vide DEO(F)
Nowshera in connection with the appointments issued vide DEO(F) Nowshera in the
absence of court judgments .

Therefore , you are hereby directed to provide all the relevant record
pertaining to the appointments of these (06) female PST Teachers .

(HASEENA FIDA)
Enquiry Officer /Principial
GGHS Nizampur Nowshera

[Handwritten signature] → *[Handwritten signature]*



**OFFICE OF THE
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA**

☎ 0923-9220105 ☎ 0923-9220105

✉ deofnowshera@yahoo.com



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OFFICE ORDER: -

As the following candidates have been appointed as PST BPS#12 vide this office Endst: No noted against each name in the light of court judgment. But verified court judgment and other relevant documents have not been provided to the undersigned by candidates, as well as, legal advisor. Several letters & reminders issued to the legal advisor to provide the same vide this office Memo: No 239-42 Dated: 28/04/2022 and reminder memo: No 5310-12 Dated: 09/05/2022.

Therefore, the undersigned is pleased to withdraw/cancelled the appointment of the following candidate's ab-initio.

Sl. No.	Name of Teacher	Name of School	No. & Date of Appointment	Remarks
1	Nayab Azmat	GGPS Spin Qamar Jallozai	No.4617-24 Dated 09-04-2022	Appointed Under Court Judgment
2	Maria	GGPS Och Neher Jallozai	No. 4449-56 Dated 07-04-2022	-do-
3	Sumbal Riaz	GGPS Wapda Colony	No. 4441-48 Dated 07-04-2022	-do-
4	Kainat	GGPS Rashid Abad	No. 4457-64 Dated 07-04-2022	-do-
5	Rukhsar Nazar Ali	GGPS Rashid Abad	No. 5180-87 Dated 28-04-2022	-do-
6	Nazish	GGPS Spin Qamar	No. 5180-87 Dated 28-04-2022	-do-

(Dure Shawar)
District Education Officer
(Female) Nowshera

Must No. 521-26 Dated 12/05/2022

Copy of the above is forwarded for information to the:-

- Director E&SE Khyber Pakhtunkhwa Peshawar.
- Deputy Commissioner Nowshera.
- Senior District Accounts Officer Nowshera to stop the salaries.
- District Monitoring Officer Nowshera.
- Sub-Divisional Education Officer (Female) Pabbi to stop the salaries.
- Superintendent/ADEO Estt./Dealing Assistant Local Office.
- Legal Advisor local office with the directions to explain your position as to why action will not be taken against you under E&SE Rules-2011.

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District Education Officer
(Female) Nowshera

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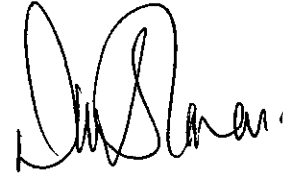
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AUTHORITY LETTER

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



(Dure Shwar)

**District Education Officer
(Female) Nowshera**

