

Cost of Rs. 5000/- received in Service Appeal No. 872/2022
Titled Arshia Latif vs Education
in the office of Assistant Registrar, Vide Order 31/12/2023,
submitted on 12/01/2024.

12/01/24
Assistant Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

SERVICE APPEAL NO 872 OF 2022

MST. ARSHIA LATIF Daughter of Abdul Latif, Muryali DIKhan.

Appellant

VS

Government of Khyber Pakhtunkhwa,
District Education Officer (Female) D.I.Khan.

Respondent

REPLY ON BEHALF OF RESPONDENTS NO. _____

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DEPONENT

Dr. Muhammad Imran Shah

12101-2797412-1

Subject Specialist (BS-18)

As

LITIGATION REPRESENTATIVE

For O/o DEO (F) D.I.Khan

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

SERVICE APPEAL NO 872 OF 2022

MST. ARSHIA LATIF Daughter of Abdul Latif, Muryali DIKhan.

Appellant

VS

Government of Khyber Pakhtunkhwa,
District Education Officer (Female) D.I.Khan.

Respondent

COMMENTS ON BEHALF OF RESPONDENTS NO.3

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 10529

Date: 12-1-2024

PRELIMINARY OBJECTIONS

1. That the appellant is **not a civil servant** for her appointment was on **contract/ adhoc** basis only for one year w.e.f 22.08.2014 and that her services haven't been regularized by the respondents (for the Regularization Act was commenced in 2018, which does not shelter the appellant).
2. That the present appeal is badly hit by *Doctrine of Latches*.
3. That the Appellant is not aggrieved in light of the terms of conditions of her appointment order or service rules.
4. That the appellant was illegally appointed, depriving a meritorious candidate, Mst Shafqat Noreen, as detailed in a departmental inquiry (dated 05.8.2015) by Principal Mr. Qaisar Anwar et. al. which recommended that "Extension may not be granted to Arshia Latif being below merit"
Inquiry Reports Annexed at A
5. That, On 02.9.2015, another enquiry by Mrs. Amatullah Tasneem et al. recommended on "Extension may not be granted to Arshia Latif being below merit"
6. That the deprived meritorious candidate, **Mst. Shafqat Noreen**, with NTS Score 114.06, has already been appointed dated 16.9.2015 vide No. 5722-26, **in place of this Appellant** when inquired into the matter by the inquiry committee.
Appointment Order of Shafqat Noreen is annexed at B
7. That this Service Appeal may please be dismissed being infructuous for the appointment of the Appellant has already been set aside/ nullified vide this office Order No. 5583-89, dated 27.4.2017 and the place has been duly filled with another meritorious candidate Mst. Shafqat Noreen, NTS score 114.06. Hence **contract** of the Appellant, if claimed, shall be considered terminated.
8. **That the Appellant is a below-merit case, hence her appointment was replaced with another meritorious candidate:**
 - i. The Appellant , Arshia Latif, CNIC No. 12101-1822363-8, Roll No. 1761285, has scored **108.38 marks in NTS** exam as she applied on the 3 schools, namely;

i. **GGPS Jhoke Qureshi (1 posts) - UC Muryali**

(The Selected candidates is Asia Kiran; NTS Score **133.07**)

Mereit is as:

- | | | |
|------------------|------------------|--------------------------|
| a. Asia Kiran | NTS Score 133.07 | --- <u>Selected Here</u> |
| b. Shabana Afzal | NTS Score 131.51 | |
| c. Parveen raza | NTS Score 121.65 | |

ii. **GGPS Muryali (1 posts) - UC Muryali**

(The Selected candidate is Shaban Afzal; NTS Score **131.51**)

Merit is as:

- | | | |
|-------------------|------------------|----------------------------------|
| a. Asia Kiran | NTS Score 133.07 | --- <u>Selected at J.Qureshi</u> |
| b. Shabana Afzal | NTS Score 131.51 | --- <u>Selected Here</u> |
| c. Parveen raza | NTS Score 121.65 | |
| d. Shafqat Noreen | NTS Score 114.06 | |
| e. Robina Kanwal | NTS Score 112.78 | |
| f. Shafaq Nawaz | NTS Score 108.98 | |
| g. Arshia Latif | NTS Score 108.38 | The Appellant |

iii. **GGPS Ejaz Abad (1 posts) - UC Muryali**

(The Selected candidate is Sania Qayyum; she has NTS Score **121.65**)

Merit is as:

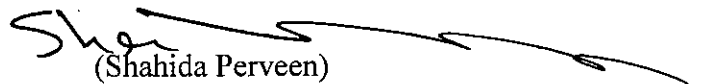
- | | | |
|------------------|------------------|----------------------------------|
| a. Asia Kiran | NTS Score 133.07 | --- <u>Selected at J.Qureshi</u> |
| b. Shabana Afzal | NTS Score 131.51 | --- <u>Selected at Muryali</u> |
| c. Sania Qayyum | NTS Score 121.65 | --- <u>Selected Here</u> |

ii. That the Appellant does not fall in any school on merit.

9. That the problem is nothing, rather, being Below-Merit on part of the Appellant and that her contract was rightly not extended/ regularized.
10. That the Appellant was mistakenly appointed vide a piecemeal Order, dated 22.8.2014, mistakenly, due to rush of work, and her contract was not extended / regularized.
11. That the clerical mistake in the order dated 22.8.2014 was corrected well in time.
12. That the service appeal filed by the Appellant is a prima facie case of Below-Merit, contract employee and not a civil servant; hence finds no grounds to be litigated in this Honorable Tribunal.
13. That the Appellant has filed the instant appeal just to pressurize the respondents and achieve a job without merit.
14. That the Appellant is stopped by own malafide conduct to file the time bared appeal.
15. That the appeal of the Appellant was illegal and without merit. Hence, is liable to be dismissed with cost. 4
16. Learned Council of the respondent may seek permission for additional grounds during the course of arguments.

In view of above submission, it is humbly prayed that writ petition may kindly be dismissed with cost as the act of respondent No.3 is ensured by the merit policy of the Government of Khyber Pakhtunkhwa. Therefore, the writ petition is totally false, frivolous and vexatious.

The Humble Respondent


(Shahida Perveen)

**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

SERVICE APPEAL NO 872 OF 2022

MST. ARSHIA LATIF Daughter of Abdul Latif, Muryali DIKhan.

Appellant

VS

Government of Khyber Pakhtunkhwa,
District Education Officer (Female) D.I.Khan.

Respondent

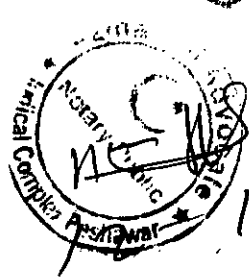
AFFIDAVIT

I, **Muhammad Imran Shah, Senior Subject Specialist (BS-18), Statistics**, working as Ligation Representative for the District Education Officer (Female) D.I.Khan representing on behalf of the District Education Officer (Female) D.I.Khan, along with the respondent, the DEO (F) DIKhan, in the above titled Appeal and its connected CMs, do hereby solemnly affirm on oath that all the contents of this statement/ CM are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal .

Respondent
Shahida Perveen
**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

2 *Shah*
DEPONENT

**Dr. Muhammad Imran Shah
12101-2797412-1
Subject Specialist (BS 18)
As
Litigation Representative
O/o DEO (F), D.I.Khan**

ATTESTED

1-2024

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

SERVICE APPEAL NO 872 OF 2022

MST. ARSHIA LATIF Daughter of Abdul Latif, Muryali DIKhan.

Appellant

VS

Government of Khyber Pakhtunkhwa,
District Education Officer (Female) D.I.Khan.

Respondent

AUTHORITY

I, the District Education Officer (Female), D.I.Khan, do hereby authorize Dr. **Muhammad Imran Shah, Senior Subject Specialist (BS-18)** to represent and submit my signed Statement/ comments on behalf of the Respondent, the District Education Officer (Female) D.I.Khan, before This Honorable Tribunal till the final Judgment in the above titled Writ Petition and its connected CMs.

Respondent

Shahida Perveen
**DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

2 *Shah*
DEPONENT

**Dr. Muhammad Imran Shah
12101-2797412-1
Subject Specialist (BS 18)
As
Litigation Representative
O/o DEO (F), D.I.Khan**

(A) (5)

To

The District Education Officer,
(Male/Female) Dera Ismail Khan.

Subject:
Memo

Report/Recommendations disposal of appeals PST (NTS).

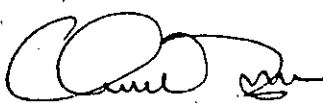


In continuation of office order No. 11412-18 dated 28/03/2015 detailed report/recommendations of PST cadre are forwarded to your worthy discretion please.

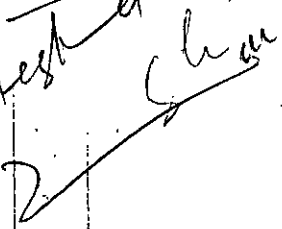
S.NO.	NAME	POST	APPEAL FOR	REMARKS
1.	ZAHIDA GUL	PST	REINSTATEMENT	She was not qualified at the time of appointment i.e. Only SSC no FA
2.	Farhana Shaheen	PST	Extension	She was appointed vide order No. 6805-13 dated 24/06/2014 on merit. <u>Extension may be granted.</u>
3.	Amna Bibi.	PST	Extension	She was appointed at GGPS Qazi Khokher neglecting Ghazala Noshin score 106.17. <u>Extension may not be granted to Amna Bibi</u>
4.	Asmat Bibi	PST	Extension	<u>She was appointed at GGPS Bilot Sharif against Disable Quota</u>
5.	Farzana Yasmin	PST	Extension	Farzana Yasmin PST GPS Saidallan UC Kot Jai stands on merit Score 110.88. <u>Extension may be granted.</u>
6.	Sidra Behram	PST	Extension	Sidra Behram merit Score 79.63 was appointed as Kacha Mali-Khel. The PST Post of Kacha Mali Khel was not advertised through NTS. Feeding SDEO (Female) Paharpur shows Sidra Behram was feeded in GGPS Sardari Wala. One Post PST was advertised in GGPS Sardari Wala, which was occupied by high merit Riaz Bibi score 91-7. <u>However, one Post of PST in GGPS Maddi Khel has been lying vacant, Sidra Behram's merit may be checked. She is applicant at GGPS Maddi Khel.</u>
7.	Rehana Hashim	PST	Extension	Rehana Hashim Roll No. 1761549 Score 122.34 was selected at GGPS Khan Pir UC Band Kurai on merit. <u>Extension may be granted.</u>
8.	Shafqat Noreen	PST	Appointment	According to NTS merit Shafqat Noreen Roll No. 1761454 merit score 114.06 stands on merit at GGPS Muriyali UC Muriyali, <u>she may be considered after checking of documents by the concerned.</u>
9.	Farhat Yasmin	PST	Adjustment/Extension	Farhat Yasmin feeded at GGPS Chahkan may be adjusted at GGPS Chahkan. Farzana Bibi Roll No. 1765856 score 83.23 GGPS Haindan. <u>Extension may be granted at same station.</u>
10.	Samana Zahra	PST	Extension	UC Zandani, Samana Zahra Roll No. 1766472 score 62.38 lowest score of in UC Zandani does not stands on merit, <u>extension may not be granted. Dilshad Anjum, PST GPS Ruknow may be adjusted at GGPS Kotla Habib. Extension may be granted to Rehana Zahra at GGPS Ruknow.</u> It is further recommended on appeal of Rehana Zahra against Bushra Gulzar that all necessary documents of Bushra Gulzar may be checked through SDEO concerned to check her UC position.

S. No.	NAME	POST	APPEAL FOR	REMARKS
11.	Afia Saleem	PST	Extension	Afia Saleem Roll No. 1764539 PST GGPS Taken stands on merit. <u>Extension may be granted.</u>
12.	Arshia Latif	PST	Extension	Three High merit candidates may be checked by the appointing authority and then be decided about the extension of Arshia Latif PST GGPS Muryali. <u>Appeal of Shafqat Noreen at S.No. 8 related to this case.</u>
13.	Sidra Zahid	PST	Corrigendum	Sidra Zahid was working at GGPS Khutti. But extension has granted at GGPS Digwani Shumali. <u>Her corrigendum at GGPS Khutti may be issued.</u>
14.	Sajida Bibi	PST	Extension	Sajida Bibi Roll No. 1761131 UC Zandani appointed at GGPS No. 1 Haji Mora, Stands on merit. <u>Extension may be granted.</u>
15.	Itrat Batool	PST	Extension	Itrat Batool Roll No. 1766674 score 117.34 stands on merit at GGPS Bilot Sharif. <u>Extension may be granted.</u>
16.	Sobia Bibi	PST	Extension	Sobia Bibi Roll No. 1764574 scored 73.69 GGPS Gara Murid Shah, School was advertized in UC Gara Essa Khan in NTS 2014. Most of the applicants of UC Gara Essa Khan applied for GGPS Gara Murid Shah. But they were not considered due to wrong UC, which violated the rights of the applicant at the time of appointment, Gara Murid Shah was considered in Musa Zai UC considering the appeal of Miss Sobia Bibi the NTS merit of GGPS Murid Shah shows that a post of PST is lying vacant so far. <u>As per NTS 2014 merit on GGPS Gara Murid Shah Miss Sobia Bibi deserved the School based merit in GGPS Gara Murid Shah forwarded for worthy opinion of the appointing authority.</u> Reference of male merit appointment in UC Gara Essa Khan School Gara Murid Shah.
17.	Sobia Nosheen	PST	Extension	Sobia Nosheen Roll No. 1761197 score 84.29 PST GGPS Mandhra Saidan stands on merit. <u>Extension may be granted.</u>
18.	Bushra Gulzar	PST	Extension	Bushra Gulzar PST at GGPS Bigwani Janoobi extension already granted vide 4453-57 dated 14-07-2015.
19.	Amina Bibi	PST	Corrigendum	Amina Bibi Roll No. 1761148 GPS Wanda Lohani, <u>her Roll No. and CNIC may be corrected in the extension order.</u>
20.	Farzana Yasmin	PST	Extension	Farzana Yasmin PST GPS Saidallian stands on merit. <u>Extension may be granted.</u>

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S.NO.	NAME	POST	APPEAL FOR	REMARKS
21.	Humera Kanwal	PST	Appointment.	UC No. 1 GGPS Khakwani Shabana Shamir was wrongly appointed as she was overage. NTS teachers' record provided by SDEO (F) DIKhan showed that the advertised post at GGPS Khakwani has been lying vacant so far. Next candidate according to merit may be appointed by the concerned recruitment committee. <u>However latest possit of the post may be verified from SDEO (F) DIKhan.</u>
22.	Shafaq Zahoor	PST	Appointment	Shafaq Zahoor PST Court Case forwarded to the worthy appointing authority please. = 1/0 1/10

- 1 -  05/8/2015
- 2 -  05/8/2015
- 3 -
- 4 -  05/8/15

Attested


A-8

To,

The District Education Officer,
(Female) Dera Ismail Khan.

SUBJECT:
Memo.

REPORT/RECOMMENDATIONS DISPOSAL OF APPEALS PST (NTS).

Reference your letter No.4950-51 Dated.18.08.2015 on subject cited above.

After checking the relevant record / documents and appeals of PST cadre which was provided by your office the following remarks / recommendations have been made for your further consideration please.

S.No	Name	Post / School	Appeal For	Remarks
1.	Samana Zahra	PST, GGPS Kotla Habib	Extension	Extension may not be given due to low merit.
2.	Shafqat Noreen	Candidate	Newly Appointment	The score of Shafqat Noreen is 114.06 & the score of appointee (Arisha Latif) is 108.38 so the legitimate right given to the higher score as per policy.
3.	Arisha Latif	PST, GGPS Miriyuli	Extension	Extension may not be granted due to low merit.
4.	Rehana Zahra	PST, GGPS Ruknow	Extension	The Extension has already been granted to applicant vide your order no.4918-22 Dated.17.08.2015 as S.No.03. So appeal may please be filed.
5.	Bushra Gulzar	PST, GGPS Bigwani Janubi	Extension	The Extension has already been granted to applicant vide your order no.4453-57 Dated.14.07.2015 So appeal may please be filed
6.	Dilshad Anjum	PST, GGPS Ruknow	Corrigendum	Corrigendum may be issued at GGPS Kotla Habib instead GGPS Ruknow
7.	Humaira Kanwal	Candidate	Newly Appointment	Humaira Kanwal stands on merit as the appointee candidate namely Shabana Shamir is over age. Moreover it is brought to your kind notice the appointment of Shabana Shamir was issue vide your order no.6495-780 Dated.23.06.2014 at S.No. 04, as per report of the SDEO(Female) DIKhan the pay of the concerned teacher has not be drawn due to over age it is further added that the sanction for age relaxation from the competent authority not accorded so far.
8.	Shafaq Zahoor	Candidate	Appointment	In this connection the decision of Honorable High Court may be sent to higher authority for opinion because doubt is that appellant does not hold the prescribed professional qualification i.e Primary Teaching Certificate.

9.	Amina Bibi	PST, GGPS Qazi Khokhar	Extension	Extension may not be granted due to low merit (103.63). She has been appointed neglecting Ghazala Nosheen (Merit 106.17).
10.	Sidra Behram	PST, GGPS Sardari Wala	Extension	Extension may be granted at GGPS Madhi Khel instead of GGPS Sardari Wala.
11.	Gul Afshan	PST, GGPS Sewag	Extension	Applicant does not deserve the said post as the said post was not advertised in NTS.
12.	Samina Rani	PST, GGPS Gomal Kalan	Extension	Extension may be granted after the verification of Domicile because over writing & removal seems on original Domicile
13.	Nabila Rani	PST, GGPS Rohala	Extension	Extension may be granted she stands on merit (Minority Quota).
14.	Irum Noshad	PST, GGPS Lachra	Release of Pay	It is recommended that the pay of Irum Noshad should be release at GGPS Lachra.
15.	Salma Jabeen & Masooma Bushra	PST, GGPS Irshad Abad	Extension Order	In this Connection if Salma Jabeen has provided age relaxation from the competent authority (Secretary Education) with in time limit her pay may be release, otherwise Masooma Bushra deserve for extension at GGPS Irshad Abad
16.	Ayesha Zareen	PST, GGPS Dhakana	Corrigendum	Corrigendum may please be made at GGPS Lock on the recommendation of SDEO (Female) DIKhan
17.	Rahila Bibi	PST, GGPS Ruknow	Extension	Extension may be granted she has already been working at Ruknow.
18.	1. Sobia Hamid 2. Shabana Yasmin 3. Rabia Siraj 4. Samina Mushtaq 5. Shazia Parveen 6. Qamar Un Nisa	Candidates	Newly Appointment	After this scrutiny of merit list and other relevant papers all applicants were not selected in the merit list at GGPS Yarik and other school of UC Yarik. Only three candidates were selected and appointed in UC Yarik due to correct particular and merit position.

	1. Asiya Bibi 2. Zulaikha Bibi	GGPS Shero no GGPS Norang Utra	Extension	It is submitted that the applicants were not selected in the merit list by the concerned committee nor the said posts were advertised in NTS
20.	Musarat Shaheen	PST, GGPS Kot Jai	Extension	Extension may be granted as she has selected in tentative and revised merit list.
21.	Asiya Bibi	PST, GGPS Kachi Kath Garh	Corrigendum	The name of the school should be written GGPS Kaci Kath Garh instead of Wanda Dost Ali
22.	Shakila Nargis	PST, GGPS Chiri Bhor	Extension/Release Of Pay	Pay should be released and Extension may be granted due to decision of Court the applicant has been proved as bonafied resident of said UC.
23.	Umaima Ayaz	PST, GGPS Ghulam Koti	Extension	Though the post of GGPS Ghulam Koti was not advertised through NTS. The case may be decided in the light of recruitment policy.
24.	Qaboos Jamal	PST, GGPS Maskota	Extension	Does not deserve the extension because she did not apply at GGPS Maskota.
25.	Samra Rehman	PST, GGPS Maskota	Extension	Extension may be granted if she belongs to UC Draham Kalan.

Mrs: Iffat Batool.
Member

Mrs: Farhat Yasmin.
Member

Amat Ullah Tasneem
Miss: Amat Ullah Tasneem
Chairperson

2/9/015



Ka B-11

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN
Ph.No.9280133**

APPOINTMENT ORDER :-

Consequent upon the acceptance of appeal by the Departmental scrutiny committee, constituted Vide this office No. 4950-51 dated 18/08/2015 appointment of the following Candidates are hereby ordered against the post of (PST) school based, in BPS - 12 (7000-500-22000) @ Rs 7000/- fixed plus usual allowance as admissible under the rule on adhoc basis on contract under the existing policy of the provincial Government, with immediate effect Teaching Cadre on the terms and condition given below.

Sr No	Roll No	Name	GNIC No	Merit Position	Place of Posting
1	1761454	Shafqat Noreen	12101-4465057-6	114.06	GGPS, Muryali DIKhan

TERMS & CONDITIONS

1. NO TA/DA etc. is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on adhoc basis initially for one year from the date of issuance.
4. She should not be handed over charge if she exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to competent authority (if required).
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the SDEOs (F), anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action. Expenditure on verification will be borne by the appointees.
6. Her services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate regarding verification of her documents is issued by this office.
8. She should join her post within stipulated period of the issuance of this notification. In case of failure to join the post within stipulated period, her appointment will stand expired automatically and no subsequent appeal etc. shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. Before handing over charge, she will have to sign an agreement with the Department; on prescribed form otherwise this order will not be valid.
11. She will be governed by such rules and regulations as may be issued from time to time by the Govt.

یہ رپورٹ سروسہ جوب ریسیاواں ڈیرہ اسماعیل خان

12101-4465057-6

Shafqat Noreen

- 12. Her services shall be terminated at any time, in case her performance is found unsatisfactory during the period. In case of misconduct, she shall be preceded under the Rules framed from time to time.
- 13. Her appointment is made on School based, she will have to serve at the place of posting, and her service is not transferable to any other station.
- 14. Before handing over charge, once again their document may be checked by the DDO concerned, if they have not the required relevant qualifications as per rules or in case of any degree/certificate issued after January 20, 2014 against which she claimed score for merit they may not be handed over charge of the post.
- 15. Appointment is subject to the condition that the Domicile of the candidate concerned must be verified from the Deputy Commissioner concerned through SDEO(Female) Concerned on priority basis.

Sd/-
MRS: AZRA BIBI
 DISTRICT EDUCATION OFFICER
 (FEMALE) DERA ISMAIL KHAN

Endst No 5722-26 /PST/F

Dated DIKhan the 16 /09/ 2015

Copy forwarded for information and necessary action to:

- 1. The Director E&SE Khyber Pakhtunkhwa, Peshawar.
- 2. The District Comptroller of Accounts DIKHAN.
- 3. The PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department Peshawar.
- 4. The SDEOs (F) DIKhan.
- 5. The Candidates Concerned.

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 DISTRICT EDUCATION OFFICER
 (FEMALE) DERA ISMAIL KHAN

دریافت شد در دفتر سیدہ سحر سیدہ سولہ فریسیا لوانی ڈیرہ اسماعیل خان

12101-4465057-6

Shafiqat Noreen