


Cost of Rs. 7000/- received in Service Appeal No. 561/2023
Titled Shama Begum vs ECySE Dptt.
in the office of Assistant Registrar, Vide Order 05/12/2023,
submitted on 16/01/2024.


16/01/24
Assistant Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 561/2023

Mst Shama Begum

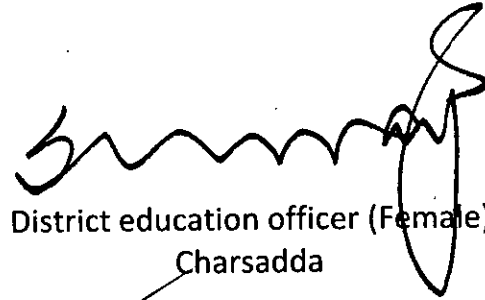
Vs

Govt. of Khyber Pakhtunkhwa

Written Reply on behalf of Respondents

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District education officer (Female)
Charsadda

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 561/2023

Mst Shama Begum

Vs

Govt. of Khyber Pakhtunkhwa

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10575

Dated 16-1-2024

Para wise comment on behalf of Respondents 1 to 4

That the respondents submits as under

Respectfully Sheweth:

Preliminary Objections:

- A. That the Appellant has no locus standi and cause of action to file instant appeal.
- B. That the present Appeal is wrong, baseless hence not tenable in the eyes of law, and not maintainable, it shows no cause to be taken for adjudication, therefore the same Appeal is liable to be rejected/ dismissed.
- C. That the Appeal is bad for misjoinder and nonjoinder of necessary parties.
- D. That t no legal right of the appellant has been violated, therefore the appellant has no right to file the instant appeal.
- E. That the appeal is wholly incompetent, misconceived & not maintainable in its present form..
- F. The Appellant is completely estopped/precluded by her conduct to file this Appeal.
- G. Appellant has not come to this Hon' able Tribunal with clean hands. The Appeal also suffers from mis-statements and concealments of facts and as such the Appellant is not entitled to equitable relief.

- H. That the the Hon' able Tribunal has got no jurisdiction to adjudicate upon and the Appeal is liable to be dismissed.
- I That the appeal is not maintainable under section(4) of service tribunal Act.
- J That the appellant has concealed the material facts from this Hon,ble tribunal he is not come with clean hands.
- K That the Notifications dated 22-11-2017 and 16-06-2022 of the respondent department are within legal sphere and liable to be maintained.
- L That the respondent department implemented the judgment of the Hon,ble tribunal in letter and spirit whereby the appellant has been removed in the light of denovo inquiry as per direction by the Hon,ble tribunal.
- M That the appeal is based by law and limitation.

PARA WISE REPLY ON FACTS:

1. Para 1 is personal information of the appellant, while in the light of the judgment of the Hon,ble service Tribunal service appeal No,1390/2018 announced on 11-11-2021 hence the respondent department conducted denovo inquiry against the (4) fake teachers including the appellant has removed in the light of the recommendation of the inquiry report.(Copy of notifications 20-01-2022 , 16-06-2022 annexure A)
2. Para 2 incorrect, false and concocted, according to the first inquiry report the documents of Mst shama are fake such as appointment order , medical report, LPCs entries in the service book and others similar record (Copy of first enquiry and verification of DEO (F) Battagram Annexure B) therefore she has hide material facts of the Hon,ble Tribunal moreover detail facts mentioned in the recommendation of the denovo inquiry report.(Inquiry report annexed with the service Appeal on page No 98 to 104)
3. Incorrect, false and concocted hence denied, that an enquiry conducted against the Appellant the enquiry committee declared her entire documents fake and bogus, hence the impugned Appointment order has not been issued from the DEO (F) Khyber.

4. Incorrect, according to categorically statement of the DEO (F) Battaram in written form that office record regarding the documents of Mst shama (Appellant) and three others are silent and may be considered as fake and bogus moreover detail reply has been given in the above preceding para of reply.
- 5 Incorrect. self explanatory needs no reply
- 6 para 6 Incorrect and misleading, the respondent department conducted de novo inquiry in compliance with the judgment of the Hon,ble Tribunal and the appellant was removed from service.
7. para 7 Incorrect hence denied.
- 8 Para 8 is Incorrect as the all Notification are the respondent department are legally Competent and the appellant removed from service in the light of inquiry report.

ON GROUNDS:


- A. Incorrect the respondents acted accordance with law the Notification dated 22/11/2017 and 16-06-2022 of the respondent department are legally competent which are in accordance with law.
- B. Incorrect and baseless and misleading, the enquiry proceeding, facts finding and recommendation already placed on the record moreover detail reply has been given in the preceding paras of the Para wise reply.
- C. Incorrect and against the facts the enquiry proceeding, facts finding and recommendation already placed on the record moreover detail reply has been given in above paras
- D. Incorrect as replied in para above, moreover in the light of inquiry report and verification the entire documents of the appellant found fake and fabricated hence the appellant has no valid ground to rely on.
- E. Reply of this ground as per the preceding paras of para wise reply.

- F. That the entire documents of the Appellant declared by the inquiry fake & bogus in the light of enquiry report hence the Appointment order of the Appellant void ab initio.
- G. Incorrect, false and concocted, the appointment order of the Appellant declared by the enquiry report fake and fabricated.
- H. Incorrect, false and concocted the appellant just mislead the Hon,ble tribunal by self made story the respondent department conducted de novo inquiry in compliance with the judgment of the Hon,ble Tribunal and the appellant was removed from service..
- I. That the Hon,ble service tribunal disposed off the Execution petitions in the light of enquiry report and CPLAs also subjudice before the Hon,ble Supreme court of Pakistan vide CPLA No 55.56,57.58-p/2022.
- J. That the answering respondent also seek permission of the Hon,ble tribunal to adduce further points at the time of arguments.

It is, therefore, most humbly prayed that the appeal of the appellant may be dismissed with cost.

Respondents:

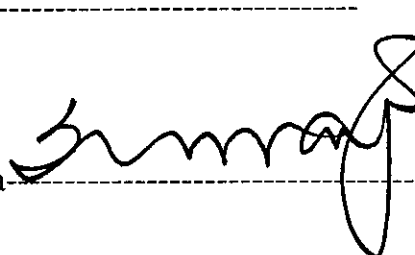
1; Secretary Elementry & Secondary Education KPK

 Masood Ahmad

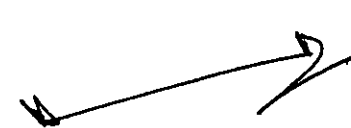
2 Director E&SE Khyber pakhtoon khwa

 Samira Altaf

3&4 District Education officer female Charsadda

 Samiya
08/08/2023

5 District Education officer female Battagram

 Rehana Abbasi

[Type text]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 561/2023

Mst Shama Begum

Vs

Govt. of Khyber Pakhtunkhwa

Written Reply on behalf of Respondents

AFFIDAVIT

I Mr Mudassir shah ADEO Litigation (BPS 16) of the DEO (F) Charsadda do hereby as per information conveyed to me by DEO (F) Office solemnly affirm and declared that the contents of para wise reply are true and correct to the best of my knowledge and nothing has been intentionally concealed from this Hon'ble Tribunal.

Deponent

Mudassir shah ADEO Litigation

O/O DEO (FEMALE)

Charsadda CNIC: 17101 6347249-1



Office of the District Education Officer Female

District Charsadda

0919220086 emischarsadda.deof@yahoo.com

No. 6720-4 / Dated 20 / 10 / 2022

Notification

In the light of the Judgment passed by the Hon,ble Service Tribunal on 11-11-2021 with others (3) club cases, the competent authority is pleased to reinstate the following teachers for the purpose of de novo enquiry only.

S.No.	Name of teacher	School names
1	Mst Nazma Ali Ex-CT	GGMS Rajjar Charsadda
2	Mst shama begum Ex-PST	GGPS pigham Charsadda
3	Nighat seema Ex AT	GGHS Dadu killi Charsadda
4	Mst Zia Gul Ex-DM	GGMS Dheri Hameed Mian Charsadda


DISTRICT EDUCATION OFFICER
(FEMALE) CHARSADEA

Endst NO. 6720-4 dated 20 / 10 / 2022

Copy for information

- (1) PA to director E&SE khber pukhtoon khwa
- (2) Mst Nazma Ali Ex-CT GGMS Rajjar Charsadda.
- (3) Mst Shama begum EX-PST GGPS Pigham killi Charsadda.
- (4) Mst Nighat seema EX-AT GGHS Dadu killi Charsadda.
- (5) Mst Zia Gul EX- DM- GGMS dheri Hameed Mian Charsdda.
- (6) office file.


DISTRICT EDUCATION OFFICER
(FEMALE) CHARSADEA



Office of the District Education Officer Female

District Charsadda

0919220086 emischarsadda.deof@yahoo.com

No. _____ / Dated 16 / 06 2022

OFFICE ORDER

In Compliance of the Judgment dated 11-11-2021 titled Nazma Ali others (3) club cases passed by the Hon,ble Service tribunal with the consultation and recommendation of the Enquiry committee discussed herein above the undersigned in the capacity of being competent authority and the instant cases of the considered opinion that the following appellants are not entitled to reinstate against the posts in question. Moreover notification been Endst Nos 1508-15 dated 19-07-2019 and Endst No, 10644-46 dated 22-11-2017 of the Ex-DEO (F) Charsadda are hereby maintained in the interest of public service please.

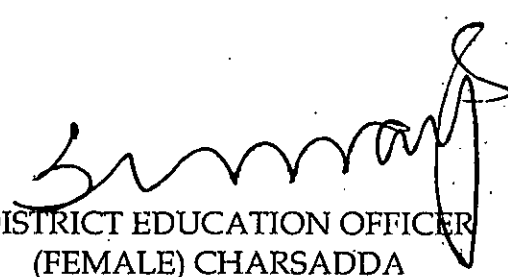
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3	Nighat seema Ex AT	GGHS Dadu killi Charsadda
4	Mst Zia Gul Ex-DM	GGMS Dheri Hameed Mian Charsadda

DISTRICT EDUCATION OFFICER.
(FEMALE) CHARSAKDA

Endst NO 12025-30 dated 16 / 06 2022

Copy for information

- (1) PA to director E&SE khber pukhtoon khwa
- (2) Mst Nazma Ali Ex-CT GGMS Rajjar Charsadda.
- (3) Mst Shama begum EX-PST GGPS Pigham killi Charsadda.
- (4) Mst Nighat seema EX-AT: GGHS Dadu killi Charsadda.
- (5) Mst Zia Gul EX- DM- GGMS dheri Hameed Mian Charsadda.
- (6) office file.


DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAKDA

OFFICE OF THE PRINCIPAL GOVERNMENT HIGH SCHOOL BADABER PESHAWAR

No. 2611 Dated: 24/08/2017

INQUIRY REPORT IN RESPECT OF:

MST. SHAMA BEGUM

PST GGPS Piagham Charsadda

(ANNEXURE B)

COMPETENT AUTHORITY

District Education officer

ELEMENTARY AND SECONDARY EDUCATION

Charsadda

ADDE-1
24/8/17

APPELLATE AUTHORITY

DIRECTOR ELEMENTARY AND SECONDARY EDUCATION

KHYBER PAKHTUNKHWA

PESHAWAR

INQUIRY OFFICERS:

1. MR. MUHAMMAD IQBAL ,
Chairman enquiry committee
PRINCIPAL G.H.S BADABER PESHAWAR
2. MR. SAFDAR KHAN,
Member enquiry committee
PRINCIPAL GOVT. SHAHEED SAAD-UR-RAHMAN HIGH SCHOOL
GULSHAN RAHMAN COLONY PESHAWAR

507
28/8/17

DD(P)

(SAFDAR KHAN)
PRINCIPAL BPS-18
GOVT: SHAHEED SAADUR REHMAN HIGH SCHOOL
(GULSHAN REHMAN COLONY) PESHAWAR
(Inquiry Officer)

995
28/8

(MUHAMMAD IQBAL)
PRINCIPAL BPS-19
GOVT: HIGH SCHOOL
BADHBER PESHAWAR.
(Chairman Inquiry Committee)

7

NATURE OF THE INQUIRY:-

In pursuance of the letter of the District Education Officer (Female) Charsadda bearing Endst. No.4798 dated 22/06/2017 the Director Elementary & Secondary Education Khyber Pukhtunkhwa Peshawar in his capacity as the appellate authority vide Notification No.2702-03/ F.No.56/(F)/Appeal Charsadda dated 28-07-2017 ordered an Inquiry in respect of Mst. Shama Begum PST GGPS Piagham Charsadda to probe the matter with the following TORs.

TERMS OF REFERENCES OF THE INQUIRY:

1. To inquire the 1st appointment order of the incumbent.
2. To verify pay slip/LPC/salaries drawn from FATA/AEO concerned.
3. To verify transfer order of the said teacher, made from FATA to district Batagram and then to district Charsadda along with No Objection Certificate from FATA to district Batagram and from district Batagram to district Charsadda.
4. To verify pay slip/LPC/salaries drawn from DAO Batagram and district Charsadda.
5. To check thoroughly the Attendance Register of the relevant school of the teacher concerned.

HISTORY OF THE INQUIRY:

The salary of Mst. Shama Begum PST GGPS Piagham Charsadda had been stopped by the then SDEO (F) Charsadda, Miss Nadia, for the reason that her appointment order and other relevant documents regarding her services were fake as she failed to provide the documents required to SDEO (F) Charsadda asked vide Endst. No. 219 dated 26/08/2014. (Copy of letter is annexed as A).

Mst. Shama Begum PST GGPS Piagham Charsadda instead of providing the requisite documents to the SDEO concerned, knocked at the doors of the Hon'ble Peshawar High Court Peshawar against the decision of the SDEO (F) Charsadda of her stoppage of pay.

MECHANISIM OF THE INQUIRY:

The following procedure was adopted to conduct the inquiry:

1. Both the offices of the Director Education FATA Khyber Agency Warsak road Peshawar and the AEO Khyber Agency Jamrud were visited on 11/08/2017 who had already been intimated by the Director Elementary & Secondary Education Khyber. Pakhtunkhwa Peshawar vide Notification No.2702-03/ F.No.56/(F)/Appeal Charsadda dated 28-07-2017.
2. The Inquiry committee was provided with a written detailed statement regarding the the TORs, by the AEO Khyber Agency Jamrud bearing Memo No.546 dated 11-08-2017. (Copy annexed as B)
3. Likewise, the Inquiry committee, for the purpose to verify the LPC issued and duly signed by the then AEO Khyber Agency Mr. Hashim Khan Afridi, now Director Education FATA Secretariat Peshawar, visited the office of the Director Education FATA Secretariat Peshawar on 16 /08/2017.
4. The Inquiry committee was provided with a written statement from the then AEO Khyber Agency now the Director Education FATA Secretariat Peshawar vide Memo No. Nil dated 16-08-2017. (Copy annexed as C)
5. The Inquiry committee, for the purpose to verify the transfer order bearing Endst: 12085-97/F. No. 103/PTC (F) FATA to Sett: dated 13/04/2011 and subsequent transfer order Endst: No. 3464-69 /F. No. 51/Gen. Transfer (F) dated 07/09/2011, issued by the Director Elementary & Secondary Education NWFP/ Khyber Pukhtunkhwa,

(8)

Peshawar visited the office of the Director Elementary & Secondary Education Khyber Pukhtunkhwa Peshawar on 22/08/2017 and made a request for the purpose vide letter No. 1212/F. No. Inquiry Dated: 22/08/2017. (Copy annexed as D)

6. The Inquiry committee was provided with a detailed written statement by the Director Elementary & Secondary Education Khyber Pukhtunkhwa Peshawar, bearing Memo No. 4588/F.No. 56(F)/Appeal Charsadda dated 21-08-2017. (Copy annexed as E)

FINDINGS AND CONCLUSION OF THE INQUIRY:

After thorough examination of the available record, detailed written statements of the AEO Khyber, DE FATA, Director Elementary and secondary education KP the inquiry committee furnishes its findings and conclusions as follows.

1. The AEO Khyber Agency Jamrud in his written statement when asked about verification of service documents of Mst. Shama Begum PST GGPS Aka Khel Bara Khyber Agency now PST in GGPS Piagham Charsadda furnished to the inquiry committee has declared that:

- (i) The name of the school i.e. GGPS Aka Khel Bara Khyber Agency, where the teacher concerned has been shown as adjusted on her initial recruitment, does neither exist on the grounds of Khyber agency nor in the papers of the record of Khyber Agency education department i.e. in the SNE of AEO office Khyber Agency.
- (ii) The bogus signature ridiculously appended to the appointment order of Mst. Shama Begum PST has been resembling to the signature of Ex. AEO Khyber Agency Mr. Dilbar Khan but his period of services has been w.e.f 21/03/2004 to 16/08/2005, as is evident from the AEO display board in the office of AEO.
- (iii) Mr. Jahngi Khan remained the AEO of Khyber Agency for the period w.e.f 01/04/2003 to 06/08/2003.
- (iv) The bogus signature appended to the LPC of Mst. Shama Begum PST has been resembling to the signature of Ex. AEO Khyber Agency Mr. Hashim Khan Afridi which did not match with his specimen signature.
- (v) No record was available regarding appointment/services/salaries of the teacher concerned in the office of the AEO Khyber Agency.

2. The Director Education FATA Secretariat Peshawar in his written statement has disowned the signature appended to the LPC of the teacher concerned.

3. The Director Elementary & Secondary Education Khyber Pukhtunkhwa Peshawar in his written statement has disowned the Endst: No(S) and signatures appended to the transfer orders in respect of Mst. Shama Begum PST bearing Endst: 12085-97/F. No. 103/PTC (F) FATA to Settle: dated 13/04/2011 and Endst: No. 3464-69 /F. No. 51/Gen. Transfer (F) dated 07/09/2011 and further declared that no record was found regarding her transfer either from FATA to district Batagram or from district Batagram to district Charsadda.

4. During the course of the inquiry proceedings this inquiry committee came across many other anomalies such as:-

- (i) The LPC No. 975 dated 31/05/2011 prepared for the month of May 2011 depicts her basic pay Rs. 3820/- per month which is the minimum/initial of BPS-09 in May 2011.
- (ii) And the LPC No. 129 dated 31/08/2011 prepared for the month of August 2011 depicts her basic pay Rs. 6200/- per month which is the minimum/initial of BPS-09 in July 2011.
- (iii) Whereas the page No. 06 of her service book shows her basic pay Rs. 5200/- in May 2011 and then Rs. 8480/- in August 2011 which is the 6th stage, which she might deserve only after the passage of six long years.

5. Looking for her own interest to validate her fake services, the teacher concerned, driving the nail aright, ultimately succeeded in her fraudulent plan, when in pursuance of the Director Elementary & Secondary Education Khyber Pukhtunkhwa Peshawar Endst: No. 3464-69/F. No. 51/Gen. Transfer (F) dated 07/09/2011 she was transferred from district Batagram to GGPS Paigham district Charsadda where her pay has been started and she has claimed and drawn her all undue and illegal arrears w.e.f 01/09/2011.to 31/05/2011 on the basis of fake documents as evident from the page No. 07 of her service book and pay roll for the month of June 2011.
6. She has been paid normally up to 30/06/2014 till her pay has been stopped by the then SDEO (F) Charsadda for the doubt of fakeness of her basic service documents.
7. The worthwhile step of stoppage of monthly salaries of Mst. Shama Begum PST by SDEO Charsadda is worth commendable and appreciable. Had the DEO (F) Charsadda lodged an FIR against the bogus teacher in the police station concerned after conducting an inquiry in the instant case, for the reason that Mst. Shama Begum PST is not a civil servant to be proceeded under any rules of-law meant for disciplinary proceedings against a civil servant?
8. The basic documents which determine the entire services as fair/fake of a teacher are his/her first appointment order, medical report, LPCs, entries in the service book, transfer orders and other similar record and in the case of the teacher concerned it has been proved beyond any doubt that all these documents were found fake and bogus. She has been inducted in the educational system with the connivance of the active MAFIA.
9. The committee is of the opinion that further investigation in the instant case is needed in term of reference to fix the responsibility upon her facilitators who were the essential part of this fraudulent plan other than the teacher concerned which may need a detailed inquiry.


RECOMMENDATIONS OF THE INQUIRY:

In view of the above submissions it is recommended that:

1. Her pay may not be released in any circumstances thereto.
2. All the salaries drawn by her may immediately be recovered from her.
3. An FIR may be lodged against her in the police station concerned.
4. A detailed inquiry is recommended for the purpose to point out and take the MAFIA persons to task who facilitated her.



(SAFDAR KHAN)
PRINCIPAL BPS-18
GOVT: SHAHEED SAADUR REHMAN HIGH SCHOOL
(GULSHAN REHMAN COLONY) PESHAWAR
(Inquiry Officer)

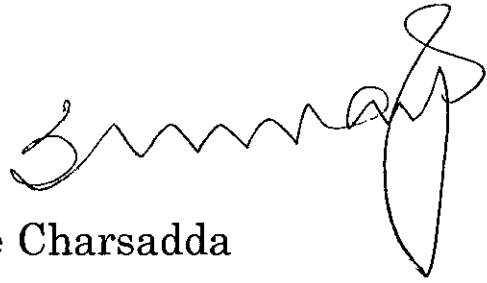


(MUHAMMAD IQBAL)
PRINCIPAL BPS-19
GOVT: HIGH SCHOOL
BADHBER PESHAWAR
(Chairman Inquiry Committee)

AUTHORITY LETTER

It is certified that Miss Roheela Saddique ADEO Litigation Elementary & Secondary Education Department, Govt: of Khyber Pakhtunkhwa, Peshawar is hereby authorized to submit para wise comments on behalf of Secretary Elementary & Secondary Education Department Peshawar in Case Titled SHAMA BEGUM, ZIA GUL, NIGHAT SEEMA, NAZMA ALI vs Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.

DEO



Female Charsadda

E&SE Department Peshawar

SUMAYYA BEGUM

RESPONDENT NO