


Cost of Rs. 3000/- received in Service Appeal No. 420/2023

Titled Mst. Zia Gul vs EGSE Deptt.

in the office of Assistant Registrar, Vide Order 5/12/2023,
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.420/2023

Mst Zia Gul

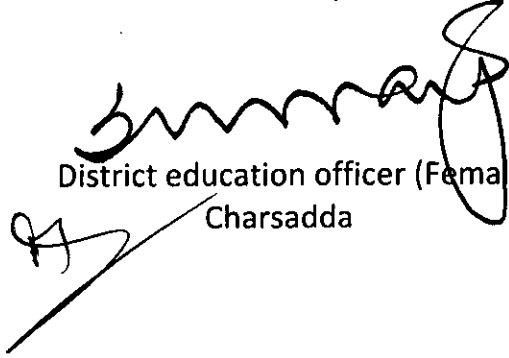
Vs

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.420/2023

Mst Zia Gul

Vs

Govt. of Khyber Pakhtunkhwa

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10574

Dated 16-1-2024

Parawise comments on behalf of Respondens 1 to 5
That the respondents submits as under

Respectfully Sheweth:

Preliminary Objections:

- A. That the Appellant has no locus standi and cause of action.
- 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 denove 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 personal information of the appellant, while in the light of the judgment of the Hon,ble service Tribunal service appeal No 550/2018 announced on 11-11-2021 hence the respondent department conducted denovo inquiry against the (4) fake teachers including the appellant have 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, that the Drawing master (DM) post is District cadre post according to NWFP (now KPK) Policy posts from BPS 1 to BPS 15 are District cadre post which means must be filled by the candidates having domicile of the respected District where the post is vacant, then how could be she appointed in District Battagram as the Appellant hailing from Charsadda therefore she has hide material facts of the Hon,ble Tribunal ,whether the appointment as well as all record pertaining to the service the appellant was found fake and bogus after verification, the DEO (F) Battagram replied through letter N0, 312/FN0.8/vol-1 dated 18-10-2017 and stated Kindly refer to the subject cited above it is stated that all the record in this office/school have been checked and no record found in respect of Mst Zia Gul(DM), Mst Nighat seema (AT) and Mst Shama Begum (PST)(Copy of letter Battagram Annexure B moreover detail facts mentioned in the recommendation of the inquiry report.(Inquiry report annexed with the service Appeal on page No 56 to 100)
3. Incorrect, false and concocted hence denied, the answering respondents send verification letter regarding the Appointment order of the Appellant to District Education officer female battagram vide No, 8956 dated 20-12-2016 and also initiated enquiry regarding the Appellant, however the verification has found fake and bogus, hence the impugned Appointment order has not been issued from the DEO (F) B.attagram moreover detail reply has been given in the above Para

4. Incorrect, according to categorically statement of the DEO (F) Battaram in written form that office record regarding the Appointment of Mst Zia Gul (Appellant) is fake and bogus moreover detail reply has been given in the above preceding para of reply.
- 5 Para 5 that the Hon,ble high transmitted the case to Anti corruption and registered FIR against Appellants further detail reply has been given in the above para.
- 6 Para 6 Para 6 reply of this as per para above.
7. Para 7 self explanatory needs no reply.
- 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.
- 9 Para 9 correct to the personal Information of the appellant, the respondent department conducted de novo inquiry in compliance with the judgment of the Hon,ble Tribunal , the appellant was removed from service.
- 10 Para 10 Incorrect & misleading enquiry report already placed on the record
On page N0 56 to 100 with service appeal.
- 11 Para 11 Incorrect and concocted detail reply has been given in the inquiry report the appellant just mislead the Hon,ble Tribunal by self made and self engineered story.
- 12 Para 12 incorrect and misleading that the departmental Appeal against the notification dated 16-06-2022 has not filed by the appellant.
- 13 Para 13 Incorrect & misleading the appellant has been treated as per law & rules the mentioned Notification dated 22/11/2017 and 16-06-2022 of the respondent department are legally competent which are in accordance with law..

ON GROUNDS:

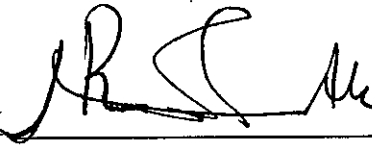
- A. Incorrect the respondents acted accordance with law the Notification dated 22/11/2017 and 16-06-2022 of the respondent department are legally competent which are in accordance with law..
- B. Incorrect and baseless hence misleading, the enquiry proceeding, facts finding and recommendation already placed on the record moreover detail reply has been given in the preceding paras of 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, the time of verification the appointment order 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 appointment order of the Appellant declared 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 DEO (F) concerned and enquiry report fake and fabricated.
- H. Incorrect, false and concocted the appellant just mislead the Hon,ble tribunal by self made story.
- 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.

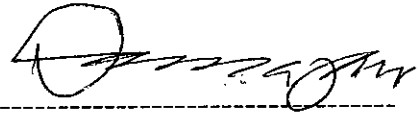
It is, therefore, most humbly prayed that the appeal of the appellant may be dismissed with cost.

Respondents:

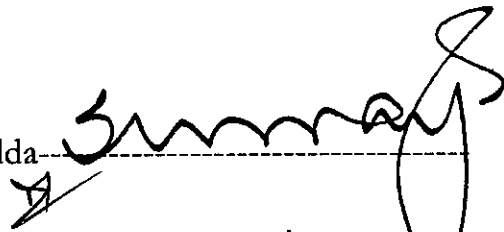
1; Secretary Elementry & Secondary Education KPK


Masood Ahmad

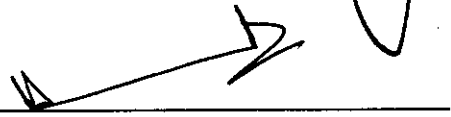
2 Director E&SE Khyber pakhtoon khwa-----


Samina Irfan

4 District Education officer female Charsadda-----


Summaya Begum

5 District Education officer female Battagram-----


Rehana Abbassi

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No.420/2023

Mst Zia Gul

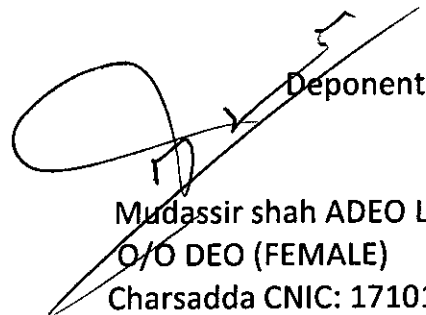
Vs

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 20/01 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) CHARASADDA

Endst NO 6720-4 dated 20/01 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) CHARASADDA



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.

S.No.	Name of teachers	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) CHARSAJDA

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) CHARSAJDA



ANNEXURE B
(11)

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

(Phone # 0997-310460)

E-mail: demisfbattagram@yahoo.com

No. 3046 - /Primary /2019/

Dated: 16 /07/2019

To

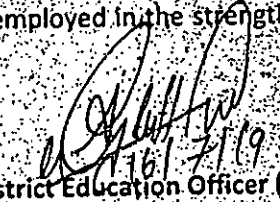
The Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Subject:
Memo

SUBMISSION OF REPORT IN RESPECT OF FAKE EMPLOYEES

Kindly refer to the subject noted above it is stated that all the record in this office/school have been checked and no record found in respect of Mst. Zia Gul DM appeal No. 550/2018, Mst. Nighat Seema AT GGMS Khairabad Appeal No. 1380/2018 and Mst. Shama Begum PST GGPS Paimal Shareef, it is concluded that these teachers have never been employed in the strength of this office.

The report is hereby submitted for onward submission.


District Education Officer (F)
Battagram

Endstt No. As above

Copy for Information to the:-

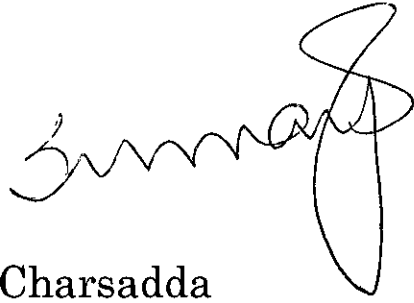
- 1- Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar
- 2- Account General Khyber Pakhtunkhwa, Peshawar,
- 3- District Accounts Officer Battagram with the same request.
- 4- Master file.


District Education Officer (F)
Battagram

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