

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 826/2019

Date of Institution ... 24.06.2019

Date of Decision ... 19.01.2022

Mst. Sadia Bibi D/ Muhammad Akram Shah,, Ex-ADEO (F) Nowshera R/o Chail,
Taza Gram P.O Lund Khwar, Tehsil & District Mardan.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary & Secodary
Education, Civil Secretariat Peshawar. ... (Respondents)

Amin-Ur-Rehman
Advocate

... For Appellant

Muhammad Riaz Khan Paindakheil,
Assistant Advocate General

... For respondents

AHMAD SULTAN TAREEN ...
ATIQU-UR-REHMAN WAZIR ...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- This single judgment shall disposed of the instant service appeal as well as the connected service appeal bearing No. 827/2019 "titled Mst Neelam Versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Civil Secretariat Peshawar and two others" and service appeal bearing No. 877/2019 "titled Mst Saira Versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Civil Secretariat Peshawar and two others" as common question of law and facts are involved therein.

02. Brief facts of the case are that upon recommendations dated 15-12-2016 of Public Service Commission, the appellant was appointed as Assistant

District Officer (ADO) BPS-16 vide order dated 02-02-2017. During the course of her service, the respondents found that recommendation letter of the Public Service Commission in respect of the appellant was fake, hence her appointment order dated 02-02-2017 was withdrawn vide order dated 28-02-2019 with direction to District Education Officer concerned to recover the salaries and other allied benefits drawn by the appellant during the period. Vide letter dated 18-03-2019, the appellant was asked to deposit an amount of rupees 7, 48,545.00/ into Government Treasury. To this effect, two inquiries were under process against the appellant simultaneously by National Accountability Bureau (NAB) as well as Anti-corruption Establishment (ACE). Feeling aggrieved, the appellant filed writ petition No 2043-P/2019 against two inquires on the same charges, which was disposed of vide judgment dated 16-05-2019 on the terms that the respondents has already confined its inquiry to one forum, hence the instant writ petition has served its purpose. As an interim relief, the respondents were directed that petitioner shall not be harassed or called for investigation without court permission. The appellant filed department appeal dated 01-03-2019, which was not responded within the statutory period, hence the instant appeal with prayers that the impugned orders dated 28-02-2019 and 18-03-2019 may be set aside and the appellant may be re-instated in service with all back benefits.

03. Learned counsel for the appellant has contended that the impugned orders are against law, facts and norms of natural justice, hence not tenable and liable to be set aside; that the appellant has not been treated in accordance with law, as the appellant was not afforded appropriate opportunity to defend her cause as enshrined in Article-10(A) of the Constitution, hence the respondents acted without jurisdiction; that it is well settled law that regular inquiry is must before imposition of major penalty of removal from service, which however was not done in case of the appellant;

that no charge sheet/statement of allegation, nor any show cause was served upon the appellant and the appellant was condemned unheard; that the appellant being qualified was selected after due process of law and fulfillment of all codal formalities, despite the appellant was thrown out of service with a single stroke of pen, which has caused grave miscarriage of justice; that the charges of document being fake was vague, unspecific and did not show any lapse on part of the employee or commission of any fraud by her, therefore the appellant could not be made to suffer for whimsical and mechanical acts of the authorities. Reliance was placed on 2011 SCMR 1581, 2016 SCMR 1299 and 2010 PLD SC 483.

04. Learned Assistant Advocate General for the respondents has contend that the appellant could not produce any cogent proof and legal justification in support of her stand regarding her recommendations by the public service commission and it was found that the recommendation letter by the public service commission was fake; that the appellant could not prove that she has been recommended by public service commission, therefore her claim regarding her appearance before medical board and her service rendered makes no legal ground; that due to the above reason, services of the appellant has been disowned by the respondents after due process of law alongwith the recovery of Rs. 7,48,545/ on account of salaries received by her; that appeal of the appellant is baseless and without any cogent proof and justification, therefore is liable to be dismissed.

05. We have heard learned counsel for the parties and have perused the record.

06. Record reveals that public service commission vide advertisement No 2/2015 dated 05-03-2015, advertised 15 posts of Female ADO. The appellant equipped with qualification of MA/ M.Ed/ B.Ed/ CT and already serving as a teacher had applied for the post. Placed on record is letter dated 30-11-2015

of Public Service Commission addressed to the appellant, stating therein that your application for the subject post is incomplete and please make up the following deficiencies within three days, which would suggest that the appellant had applied for the subject post. Still another letter dated 04-12-2015 by public service commission addressed to the appellant would show that the appellant has been called for interview, which also strengthen contention of the appellant that the appellant has properly applied against the post, hence was recommended by the commission vide letter dated 15-12-2016. Upon receipt of recommendation of the commission, the Directorate of Education referred the appellant to DG Health Services for constitution of medical board vide order dated 26-01-2017 and accordingly, the appellant was granted medical fitness certificate by the medical board on 27-01-2017. Services of the appellant were placed at the disposal of DEO (Female) Nowshera for further posting against the vacant post of ADEO/ASDEO vide order dated 02-02-2017. In pursuance of the order, the appellant assumed the charge on 20-02-2017 and started performing her duty. After assuming duty, the process of verification of her document started. The directorate of education verified that appointment order dated 02-02-2017 in respect of the appellant has been checked with office record and was found correct. Letter dated 07-03-2017 of district education officer Nowshera would show that educational and professional certificates/degrees/DMCs have been verified from the concerned Board/universities and were found correct. After verification of antecedents of the appellant, salary of the appellant was activated in the district account office Nowshera and the appellant served for almost two years, until her appointment order was withdrawn vide order date 28-02-2019.

07. Placed on record are documents which would suggest that NAB as well as ACE simultaneously started investigation against the appellant, but upon

intervention of High Court in Writ Petition No 2043-P/2019, vide judgment dated 16-05-2019 the respondents were refrained not to harass or call the appellant for investigation without court permission. Record is silent as to what happened to such case, but the respondents without any inquiry and without taking any legal course, had withdrawn appointment order dated 02-02-2017 in respect of the appellant vide order dated 28-02-2019 under the pretext that her recommendation letter from public service commission was fake.

08. Since no inquiry was conducted either by education department or by public service commission and upon query of this tribunal, the respondent could not ascertain as to what was the source, which had pointed out that recommendation in respect of the appellant were fake, rather we were informed that it was due to rumors in the department that some individual entered the system illegally and upon verification, it was found that documents of the appellant as well as other were fake. Due to incomplete information and absence of inquiry, we are confined to the available record to evaluate the stance of the respondents with respect to their claim. We have observed that the appellant was equipped with the prescribed qualification as well as experience required for the post of ADO. Sufficient material is available on record to show that the appellant had applied for the subject post. The process of advertisement of the post until final selection and her posting against the post is in order and in a sequence, which took almost two years fulfilling all the codal formalities and the appellant served against the post for two years performing her duty to the entire satisfaction of her superior, which is evident from the commendation certificates awarded to the appellant. As per practice in vogue, the respondents placed requisition for recommendation of 15 posts of ADO (Female), whereas the commission recommended candidates, which does not exceed the requisite number. It is un-believable

that a lengthy process of selection spreading over two years of time and culminating into selection of the appellant being female would be maneuvered by her illegally. Antecedents of the appellant had gone through the process of verification and everything was clear during her initial appointment, which is evident from record of the respondents, which is un-disputed and not fake. Appointment order of the appellant was issued by the competent authority, which also is not disputed. Similarly, her medical fitness, preparation of service book, her posting against a post by District Education Officer and her salary are also not fake and are un-disputed. The appellant has served against the post for quite longer and has developed vested right over the post, but was relieved of her duty overnight without observing the legal formalities under the pretext that her recommendation letter was fake. It however was the statutory duty of the appointing authority to check and re-check the appointment procedure, which however was done in case of the appellant well before time, but later in time, the respondents denied its own acts and to this effect, the Supreme Court of Pakistan in its judgment reported as 1996 SCMR 1350 have held that authority having itself appointed civil servant could not be allowed to take benefit of its lapses in order to terminate service of civil servant merely because it had itself committed an irregularity in violating procedure governing appointment. Appointment of the appellant was made by competent authority by following the prescribed procedure, petitioner were having no nexus with the mode of selection process and they could not be blamed or punished for the laxities on part of the respondents. The order affecting the rights of a person had to be made in accordance with the principle of natural justice; order taking away the rights of a person without complying with the principles of natural justice had been held to be illegal. Government was not vested with the authority to withdraw or rescind an order if the same had taken legal effect and created certain legal rights in favor of the appellant. Reliance is place on 2017 PLC (CS) 585. It is also thought

provoking that even if we assume that the appellant entered the system by a fake order, then how it would be possible without assistance of either Public Service Commission or the Education Department and it is more alarming that the respondents neither initiated any inquiry against Public Service Commission nor against Education Department and simply removed the appellant from service on the charge, which was not proved through a regular inquiry. Record would suggest that during the two years tenure of her service, the appellant performed well and no complaint whatsoever, was filed against her, rather she was awarded commendation certificates. To this effect, the supreme court of Pakistan in its judgment reported as 2011 SCMR 1581 have held that the charges of appointment order being fake was vague, nonspecific and did not show any lapse on part of the employee or commission of any fraud by him/her or non-possessing of requisite qualification by him or his appointment to be made by an incompetent officer.... Department had not found performance of employee to be un-satisfactory..... impugned order was set aside in circumstances. The august Supreme Court of Pakistan in its judgment reported as 2004 SCMR 303 has held that appointment of civil servant was made by competent authority. If prescribed procedure was not followed by the concerned authority, the civil servant could not be blamed for what was to be performed and done by the competent authority. Supreme court noted it with concern that in case the civil servant was to be removed then the same would amount to hitting hard creating problems for the society at large considering each of the civil servants being the bread earner of his/her family. Appointing authority had been acting mechanically without application of mind; therefore, the civil servant could not be made to suffer for whimsical and mechanical acts of the authorities."

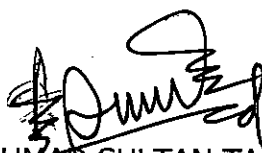
09. It is a well settled legal proposition that regular inquiry is must before imposition of major penalty of removal from service, whereas in case of the

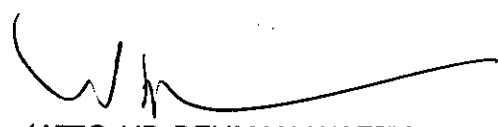
appellant, no such inquiry was conducted. The august Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. In absence of proper disciplinary proceedings, the appellant was condemned unheard, whereas the principle of Audi Alterm Partem was always deemed to be imbedded in the statute and even if there was no such express provision, it would be deemed to be one of the parts of the statute, as no adverse action can be taken against a person without providing right of hearing to him. Reliance is placed on 2010 PLD SC 483.

10. We are of the considered opinion that the appellant has not been treated in accordance with law and was illegally kept away from performance of her duty in whimsical and mechanical way, which however is not allowable under the law.

11. In a situation, we are inclined to accept the instant appeal as well as the connected service appeals. The impugned orders are set aside and the appellants are re-instated in service with all back benefits. Parties are left to bear their own costs, file be consigned to record room.

ANNOUNCED
19.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

ORDER

19.01.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil, Assistant Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, we are inclined to accept the instant appeal as well as the connected service appeals. The impugned orders are set aside and the appellants are reinstated in service with all back benefits. Parties are left to bear their own costs, file be consigned to record room.

ANNOUNCED

19.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

14.01.2022

Appellant present through representative.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Due to non-availability of Mr. Mian Muhammad Member (Executive), the case could not be heard. Adjourned. To come up for arguments on 19.01.2022 before D.B.



(Rozina Rehman)
Member (J)

18.10.2021

Junior to counsel for the appellant and Mr. Muhammad Rasheed, DDA for the respondents present.

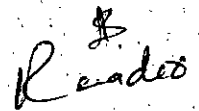
Due to general strike of the bar, counsel for the appellant is not in attendance today. To come up for arguments on 02.02.2022 before the D.B.


(Salah-ud-Din)
Member(J)


Chairman

14-12-21

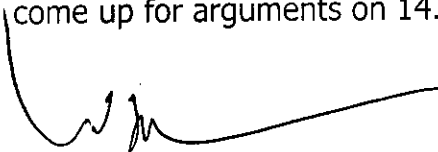
DB is on Tour case to come up
for the same on Dated. 3-1-22


Reader

03.01.2022

Junior to counsel for the appellant and Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Former requests for adjournment due to engagement of learned senior counsel for the appellant before the Honourable High Court today. Request accorded. Case to come up for arguments on 14.01.2022 before the D.B.


(Atiq-ur-Rehman Wazir)
Member(E)

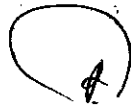

Chairman

25.06.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General alongwith Mehtab Gul Law Officer (for respondent No.4) and Haseen Ullah Assistant (for respondent No.2) present.

After hearing the arguments at certain length, it has been expedient to direct the respondent department to produce the files of recommendees for appointment in light of advertisement relevant to this appeal. To come up on 29.07.2021 before D.B.



(Rozina Rehman)
Member(J)



Chairman

29.07.2021

Counsel for appellant present.

Muhammad Adeel Butt learned Additional Advocate General alongwith Hamid Saleem Law Officer for respondents present.

Former made a request for adjournment; granted. To come up for arguments on 18.10.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman


12.03.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Roheen ADO (Litigation) and Mehtab Gul Law Officer for respondents present.

A request for adjournment was made by the learned A.A.G; granted. To come up for arguments on 14 / 04 / 2021 before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

14.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 29.07.2021 for the same as before.


Reader

17.08.2020

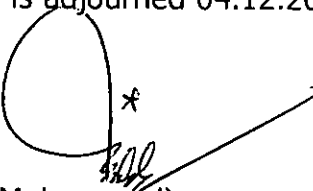
Due to summer vacations, the case is adjourned to 19.10.2020 for the same.


Reader

19.10.2020

Junior to counsel for the appellant and Addl. AG alongwith Abdul Wali, Superintendent for the respondents present:

The Bar is observing general strike today, therefore, the matter is adjourned ^{to} 04.12.2020 for hearing before the D.B.


(Mian Muhammad)
Member

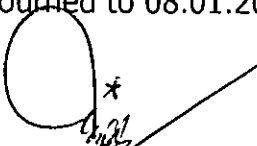

Chairman

04.12.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Request for adjournment is made due to engagement of learned senior counsel for the appellant before the Honourable Peshawar High Court in various cases today.

Adjourned to 08.01.2021 for hearing before the D.B.



(Mian Muhammad)
Member(E)


Chairman

08.01.2021

Junior to counsel for the appellant and Asstt. AG alongwith Hamid Saleem, Law Officer for the respondents present.

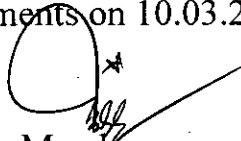
Former requests for adjournment on account of indisposition of learned senior counsel for the appellant. Adjourned to 14.4.2021 for hearing before the D.B.


(Atiq-ur-Rehman Wazir)
Member(E)


Chairman

13.02.2020

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Irfan Ali Assistant (for respondents No.1 & 2) present. Representative of respondents No.1 & 2 submitted reply. Adjournment requested. Adjourned To come up for arguments on 10.03.2020 before D.B.


Member


Member

10.03.2020

Learned counsel for the appellant present. Mr. Ziaullah learned Deputy District Attorney alongwith M/S Irfan Ali Assistant for respondent No. 1 & 2 and Mr. Iftikhar Bangash Superintendent for respondent No. 4 present. Representative of the respondent No.4 submitted Para-wise comments. Learned counsel for the appellant submitted rejoinder which is placed on file. Adjournment requested. Adjourn. To come up for further proceedings/arguments on 14.05.2020 before D.B.


Member


Member

14.05.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 17.08.2020 before D.B.


Reader

09.10.2019

Counsel for the appellant and Addl. AG alongwith Ifanullah, Assistant for the respondents present.

Representative of respondents seeks further time. Adjourned to 13.11.2019 on which date requisite reply/comments shall positively be submitted.


Chairman

13.11.2019

Mr. Zewar Hussain, husband of appellant and Addl. AG present. No representative on behalf of the respondents is available.

Fresh notices be issued to the respondents for the next date. Adjourned to 12.12.2019 for submission of requisite written reply/comments by way of last chance.


Chairman

12.12.2019

Junior to counsel for the appellant present. Asst: AG alongwith Mr. Hayat Khan, AD for respondents present.

The representative of the respondents requests for further time to submit parawise comments on behalf of the respondents despite last opportunity, therefore, the case is posted to DB for arguments on 13.02.2020.



Chairman

30.07.2019

Counsel for the appellant present.

Contends that the appellant was appointed as Assistant District Education Officer (F) on 02.02.2017 whereafter she assumed the charge and started performing her duty as such. On 28.02.2019 the impugned order was issued whereby the appointment order of the appellant was declared null and void ab-initio. In addition, the District Education Officer concerned was required to recover salaries received by the appellant. The contents of the impugned order suggested that the appellant was never associated with the enquiry proceedings, while upon her appointment and performance of duty as ASDEO (F), certain valuable rights were created in her favour as a civil servant. Accordingly, she was to be treated under the applicable rules and was entitled to put forth her defense. The same was denied, it was added.

Appellant Deposited
Security & Process Fee.


1/8/19

In view of the available record and arguments of learned counsel, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 18.09.2019 before S.B.

Alongwith the appeal an application for maintenance of status-quo has been submitted. Notice of the application be also given to the respondents for the date fixed.


Chairman

18.09.2019

Junior to counsel for the appellant and Addl. AG alongwith Roheen Naz, ADO and Irfan, Assistant for the respondents present.



Representatives of the respondents requests for time for furnishing the reply/comments of the respondents. Adjourned to 09.10.2019 on which date the requisite reply shall positively be furnished.

Chairman 

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 826/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/06/2019	<p>The appeal of Mst. Sadia Bibi presented today by Mr. Amin-ur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 24/6/19</p>
2-	26/06/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put-up there on <u>31/07/19</u></p> <p> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. 826/2019

Mst. Sadia Bibi.....Appellant

....VERSUS....


Govt of Khyber Pakhtukhwa & 03 others.....Respondents

I N D E X

S.No.	Description of documents	Annex	Pages
1.	Service Appeal		1-5
2.	Application for Grant of Status Quo alongwith Affidavit		6-7
3.	Addresses of the parties		8
4.	CNIC	"A"	9
5.	Domicile Certificate	"B"	10-11
6.	Educational Testimonials	"C"	12-18
7.	Professional Degrees/Certificate	"D"	19-22
8.	Experience Certificate	"E"	23
9.	Advertisement dated: 05.03.2015	"F"	24-25
10.	Deficiency Letter dated: 30.11.2015	"G"	26
11.	Interview Call letter dated: 04.12.2015	"H"	27
12.	Recommendation dated: 15.12.2016 of KP PSC	"I"	28
13.	Medical Board Letter dated: 26.01.2017 alongwith Medical Certificate dated: 27.01.2017	"J"	29-30
14.	Appointment Notification dated: 2.02.2017 alongwith Charge Report dated: 20.02.2017	"K"	31-32
15.	Office Order dated: 27.02.2017	"L"	33
16.	letter dated: 02.03.2017 regarding Verification of Appointment Order	"M"	34
17.	Clearance Certificate dated: 07.03.2017 regarding release of Pay	"N"	35
18.	Salary Slip for the month of December 2017	"O"	36
19.	Best Performance Award alongwith USAID Certificate	"P"	37-38
20.	Impugned Notification dated: 28.02.2019	"Q"	39
21.	Impugned Memo dated: 18.03.2019	"R"	40
22.	Order dated: 09.05.2019 alongwith Judgment dated: 16.05.2019 alongwith ancillary documents	"S"	41-47
23.	Departmental Appeals dated: 01.03.2019	"T"	48-49
24.	Wakalatnama		50


Appellant
Through
Amin ur Rehman Yusufzai

&


Sajjad Mehsud
Advocates, Peshawar,
3-A, Park Avenue, Bhattani Plaza,
University Town, Peshawar
Cell No.0321-9022964, 0333-9981464

Dated: 17.06.2019

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR**

Service Appeal No. 826/2019

Mst. Sadia Bibi D/o Muhammad Akram Shah, Ex-ADEO (F) Nowshera R/o
Chail, Taza Gram P.O Lund Khwar, Tehsil & District Mardan, Khyber Pakhtunkhwa
Appellant

....VERSUS....

Diary No. 889
Dated 24-6-2019

1. Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat Peshawar.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. District Education Officer (Female), Nowshera.
4. Khyber Pakhtunkhwa Public Service Commission through Chairman, Fort Road, Peshawar Cantt. Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974, READ WITH ALL ENABLING PROVISIONS OF LAW, GOVERNING THE SUBJECT, AGAINST:

NOTIFICATION ENDORSEMENT NO.6712-18/F.NO.A-17/ ASDEOS/SADIA, DATED: 28.02.2019 OF RESPONDENT NO.2, VIDE WHICH APPOINTMENT NOTIFICATION DATED: 02.02.2017 WAS DECLARED NULL & VOID/WITHDRAWN AND OFFICE MEMO NO. 669/ESTAB;/RECOVERY DATED: 18.03.2019 OF RESPONDENT NO.3, VIDE WHICH APPELLANT WAS DIRECTED TO DEPOSIT RS. 7,48,545/- I.E. SALARIES RECEIVED, INTO GOVT TREASURY.

PRAYER-IN-APPEAL:

Filed to-day
Registrar
24/6/19

On Acceptance of Instant Appeal, the Impugned Notification dated 28.02.2019 of respondent No.2 and Memo dated: 18.03.2019 of Respondent No.3, alongwith all subsequent proceedings thereto, may be declared as Illegal, Unlawful, without Lawful Authority and of no legal effect, hence be set at naught and appellant may be reinstated in service with all back benefits, in the best interest of justice and equity.

Respectfully Sheweth:

1. That appellant is law abiding peaceful citizen of Khyber Pakhtunkhwa and permanent resident of Tribal District Mohmand. (Copies of CNIC and Domicile Certificate, are attached as Annexure "A" & "B" respectively)
2. That appellant is qualified upto MA and having passed M.Ed and B.Ed degree course alongwith Certificate of Teaching (C.T), needless

to add that ^{she} was serving as Teacher of History and Islamiyat w.e.f. 10.04.2010 to 01.03.2015 in Ghazali School & College District Mardan. **(Copies of Educational Testimonials, Professional Degrees/Certificate and Experience Certificate, are attached as Annexure "C", "D" & "E", respectively)**

3. That respondent No.4, invited applications for fifteen (15) Vacant Posts of Female ADOs, vide Advertisement No.02/2015, dated: 05.03.2015.
(Copy of Advertisement is attached as Annexure "F")
4. That appellant, being qualified, applied for one of the aforementioned advertised posts of ADOs and gone through the entire process of selection successfully, evident from deficiency letter dated: 30.11.2015 and Interview Call Letter dated: 04.12.2015, eventually she was recommended by the KP PSC to the Govt of KP for the desired appointment vide recommendation dated: 15.12.2016 and was subsequently referred to the Medical Board by respondent No.2, vide office letter dated: 26.01.2017 and was found Medically Fit, evident from Medical Certificate dated: 27.01.2017.
(Copies of Deficiency Letter dated: 30.11.2015, Interview Call letter dated: 04.12.2015, Recommendation dated: 15.12.2016 of KP PSC, Medical Board Letter dated: 26.01.2017 alongwith Medical Certificate dated: 27.01.2017, are attached as Annexure "G", "H", "I" & "J", respectively)
5. That appellant, after completion of all codal/legal formalities, was appointed as ADEO/ASDEO (Female) BPS-16, on regular basis, in the Elementary & Secondary Education Department, Khyber Pakhtunkhwa, vide Notification No. 881-85/A-17/ADEO(F)2015-16/Public Service Commission dated: 02.02.2017.
(Copy of Appointment Notification dated: 02.02.2017 alongwith Charge Report dated: 20.02.2017, is attached as Annexure "K")
6. That appellant was subsequently adjusted against the vacant post of ADEO(F), at the office of the DEO(F) Nowshera, vide office order No.1703-10/DEO(F)NSR/ADEO(F)/Female/Pro:/Dated: 27.02.2017. Needless to add that appointment order of the petitioner was verified on 02.03.2017 and prior to payment of salary, clearance Certificate regarding release of pay was issued on 07.03.2017.
(Copies of Office Order dated: 27.02.2017, letter dated: 02.03.2017 regarding Verification of Appointment Order, Clearance Certificate dated: 07.03.2017 regarding release of Pay and Salary Slip for the month of December 2017, are attached as Annexures "L", "M", "N" & "O", respectively)
7. That appellant was performing duty with zeal, devotion and outmost satisfaction of the superiors, evident from best performance award and USAID certificate of participation, however she has unilaterally been shunt-out from service vide impugned notification dated: 28.02.2019 of respondent No.2 without due process and following the law/rules governing the subject, needless to add that subsequent memo dated: 18.03.2019 was issued by respondent No.3 vide which she was directed to deposit Rs. 74,85,45/- i.e. received salaries, in the Govt Treasury. It is pertinent to mention herein that NAB and Anticorruption Establishment have simultaneously started harassment

of appellant, which resulted into WP No. 2043-P/2019, which was disposed of vide judgment dated: 16.05.2019 with prior interim relief granted on 09.05.2019 in the following words.

"In the meanwhile petitioner shall not be harassed or called for investigation without Court Permission"

(Copies of Best Performance Award alongwith USAID Certificate, Impugned Notification dated: 28.02.2019, Impugned Memo dated: 18.03.2019 and Order dated: 09.05.2019 alongwith Judgment dated: 16.05.2019 alongwith ancillary documents, are attached as Annexure "P", "Q" "R" & "S", respectively)

8. That appellant preferred departmental appeal to respondent No.2, but directed to approach respondent No.1, resultantly subsequent departmental appeal dated: 28.02.2019 was preferred which was received in the office of respondent No.1 vide Diary No. 12342 dated: 01.03.2019, though the statutory period of 03 months has been elapsed, but the authority did not consider the same, one way or the other.

(Copies of Departmental Appeals dated: 01.03.2019, is attached as Annexure "T")

9. That appellant, being aggrieved of impugned notification dated: 28.02.2019, impugned memo dated: 18.03.2019 and not considering her departmental appeal by respondent No.1, approaches this Hon'ble Tribunal, inter-alia, on the following grounds:

GROUND S:

- A. That impugned Notification dated: 28.02.2019 of respondent No.2 alongwith Memo dated: 18.03.2019 of respondent No.3, are against the law and facts available on file, hence, untenable.
- B. That the appellant has neither been treated in accordance with law nor she has been provided equal protection of law, rather she has not been provided fair opportunity to defend herself, as enshrined in Article-10A of the Constitution of Islamic Republic of Pakistan 1973, hence the respondent department acted without jurisdiction.
- C. That neither regular enquiry was conducted into the guilt of the appellant nor she has been served with mandatory Show Cause Notice, hence, condemned unheard, which attracts doctrine of audi-alterem-partem.
- D. That appellant being qualified was appointed after due process of law and fulfilment of all legal/codal formalities, however shunt-out from service with a single stroke of pen, without care and caution of its legal consequences, which has caused grave miscarriage of justice.

E. That appellant has served the department with zeal, devotion and to the best of her abilities, without affording a single opportunity of complaint, either to the students or their parents or to the superiors, regarding performance of official duties, therefore, the following amongst plethora of Judgments of the apex Court will be attracted.

I. 2011 SCMR 1581

“Appointment order found to be bogus/fake/irregular Validity Such charge was vague, nonspecific and did not show any lapse on part of employee or commission of any fraud by him or non-possession of requisite qualification by him or his appointment to be made by an incompetent officer Department had not found performance of employee to be unsatisfactory Impugned order was set aside in circumstances”

II. 2004 SCMR 303

“Appointment of Civil Servants were made by Competent Authority. If prescribed procedure was not followed by the Concerned Authority the Civil Servants could not be blamed for what was to be performed and done by the Competent Authority. Supreme Court noted it with concern that in case the Civil Servants were to be removed then the same would amount to hitting them hard creating problems for the society at large considering each of the Civil Servants being the bread earner of his family. Appointing authorities had been acting mechanically without application of mind, therefore, the Civil Servant could not be made to suffer for whimsical and mechanical acts of the authorities.”

III. 2016 SCMR 1299

“The solution we have come out is simple, let them continue, if they besides the certificates or diplomas, issued by the council, possesses the requisite or equivalent qualification. Let them all also continue who improve their qualification even thereafter. Those who could not improve their qualification up till now should improve it within a period of one year, which could be reckoned from the date of commencement of the next available academic session of the respective program. ”

IV. 2010 PLD SC 483

“Principle of Audi-alterm-Partem was always deemed to be imbedded in the statute and even if there was no such express provision, it would be deemed to be one of the parts of the statute, because no adverse action can be taken against a person without providing right of hearing to him”

F. That any other grounds, with the permission of this Hon'ble Tribunal, will be taken at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of Instant Appeal, the Impugned Notification dated 28.02.2019 of respondent No.2 and Memo dated: 18.03.2019 of Respondent No.3, alongwith all subsequent proceedings thereto, may be declared as Illegal, Unlawful, without Lawful Authority and of no legal effect, hence be set at naught and appellant may be reinstated in service with all back benefits, in the best interest of justice and equity.

Any other relief, not specifically prayed for and deemed appropriate by this Honourable Tribunal in circumstances of the case may also be granted.

[Signature]

Appellant
Through

Amin ur Rehman Yusufzai

&

[Signature]

Sajjad Mehsud

Advocates, Peshawar,
3-A, Park Avenue, Bhattani Plaza,
University Town, Peshawar

Cell No.0321-9022964, 0333-9981464

Dated: 17.06.2019

VERIFICATION:

Verified on oath that the content of the instant Service Appeal is true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.

[Signature]

Deponent



**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR**

C.M No.____/2019
In
Service Appeal No.____/2019

Mst. Sadia Bibi..... **Applicant/Appellant**

....VERSUS....

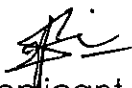
Govt of Khyber Pakhtukhwa & 03 others..... **Respondents**

**APPLICATION FOR STATUS-QUO TILL FINAL DECISION OF THE
TITLED SERVICE APPEAL**

Respectfully Sheweths-

1. That the titled appeal has been filed today wherein no date has yet been fixed for hearing.
2. That facts and grounds of the titled appeal may please be considered as integral part and parcel of instant applicant.
3. That valuable rights of applicant are involved into the matter and if the subject relief has not been granted she will suffer irreparable loss.
4. That applicant has got good prima facie case in her favour and is very much sanguine of its success. Moreover, balance of convenience also lies in her favor.
5. That there is no legal bar to grant the subject permission, rather grant of status quo will prevent the titled appeal from being infructuous.

It is therefore, most humbly prayed that on acceptance of instant application, Status-quo may please be ordered to be maintained till final decision of the titled appeal, so as to secure the ends of justice.



Applicant

Through

Amin ur Rehman Yusufzai

&

Sajjad Mehsud

Advocates, Peshawar,
3-A, Park Avenue, Bhattani Plaza,
University Town, Peshawar.

Cell No.0321-9022964, 0333-9981464

Dated: 17.06.2019

5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR**

C.M No.____/2019
In
Service Appeal No.____/2019

Mst. Sadia Bibi.....Applicant/Appellant

....VERSUS....

Govt of Khyber Pakhtukhwa & 03 others.....Respondents

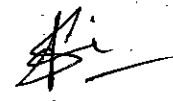
AFFIDAVIT

I, Mst. Sadia Bibi D/o Muhammad Akram Shah, Ex-ADEO (F) Nowshera R/o Chail, Taza Gram P.O Lund Khwar, Tehsil & District Mardan, do hereby solemnly affirm declare on oath that the contents of the accompanying **Petition** are true and correct to the best of my knowledge and belief, and that nothing has been kept concealed from this Hon'ble Tribunal.

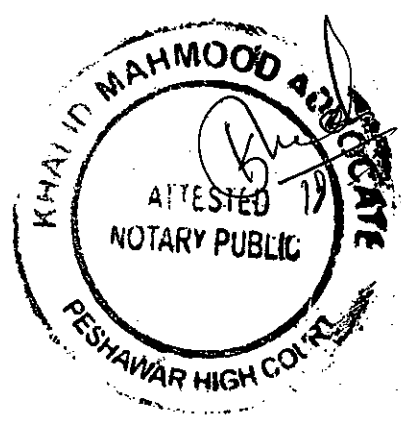
Identified By:



Amin-ur-Rehman Yusufzai
Advocate, Peshawar



DEPONENT
CNIC #: 16103-0578701-4



6-19

8

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR**

Service Appeal No._____/2019

Mst. Sadia Bibi.....Appellant

....VERSUS....

Govt of Khyber Pakhtukhwa & 03 others.....Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Mst. Sadia Bibi D/o Muhammad Akram Shah, Ex-ADEO (F) Nowshera R/o Chail,
Taza Gram P.O Lund Khwar, Tehsil & District Mardan

RESPONDENTS:

1. Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat Peshawar.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. District Education Officer (Female), Nowshera.
4. Khyber Pakhtunkhwa Public Service Commission through Chairman, Fort Road, Peshawar Cantt


Appellant

Through

Amin ur Rehman Yusufzai

&


Sajjad Mehsud

Advocates, Peshawar,
3-A, Park Avenue, Bhattani Plaza,
University Town, Peshawar

Cell No.0321-9022964, 0333-9981464

Dated: 17.06.2019

ANNEX A

9

PAKISTAN National Identity Card
AN AMBASSADOR OF PEACE

Name: **Sadia Bibi**

Married Name: **Zahra Hussain Saeed**

Gender: **F** | Country of Stay: **Pakistan**

Identity Number: **16103-0578701-4** | Class of Birth: **05.01.1991**

Date of Issue: **06.03.2017** | Date of Expiry: **06.03.2027**

Holder's Signature: *[Signature]*

16103-0578701-4

201771123786

Reg. Gen. Secy, Islamabad
 Republic of Pakistan

گمشدہ کارڈ ملنے پر قریبی لیڈ بکس میں ڈال دیں

ATTESTED ATTESTED

ANNEX B⁵

10



OFFICE OF THE POLITICAL AGENT MOHMAND AGENCY Domicile Certificate

Political Agent
Mohmand Agency

Certified that Mr./Miss

Sadia Bibi

Son/Daughter of

Muhammad Akram Shah

Belongs to a recognized tribe of

Bazai

section

Musakel

Sub section

Shahbazikor

Residence / Village

Sawan Dara

and his / her father is a permanent bonafide of the tribal area of Mohmand Agency.
He / She is an eligible candidate to avail himself / herself of the Seats reserved for
FATA Mohmand Agency.

Category

B⁵

POLITICAL TEHSIL
UPPER
MOHMAND
Political Naib Tehsildar
7/6/09

Countersigned

No. 980

Dated

7/6/2009

Political Agent
Mohmand Agency

No.

2630-EC

16.6.2009

ATTESTED

Assistant Political Agent
Mohmand Agency

No. 460

Dated

11.6.09

ATTESTED

بین مسکن قوم با کهن در لعل شکر آلود

بین مسکن قوم با کهن در لعل شکر آلود

مسره سادیه ای دفتر محمد اکرم شاه در لعل شکر آلود

دفتر کهنه با خود یک مستکنه و در کاظم در لعل

که ایس جو جو ری - سائل دو کوه است - سائل کهنه

سورن دده (شکر آلود) سائل کهنه

اصد دودرا گو سائل سرکار ضلع اردن من و انجمن

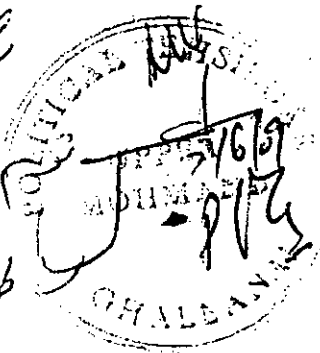
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مکتب مستکنه خان



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مکتب مستکنه خان



ABDUL WALI KHAN UNIVERSITY

MARDAN, PAKISTAN

SNo:- 2819

DETAILED MARKS CERTIFICATE

37851

MA ISLAMIAT (FINAL) 2016

Roll No: 13876

Registration No:- 09-AWKUM-PGWM-393

Student's Name: SADIA BIBI

Father's Name: MUHAMMAD AKRAM SHAH

Institution/District:- Mardan

Course Name	Maximum Marks	Marks Obtained	Marks In Words	Remarks
Previous Marks	500	304	Three Hundred & Four	Pass
Al-Qura'an Translation "2nd Half Commentary alongwith grammar	100	79	Seventy-Nine	Pass
Principles of Islamic Jurisprudence	100	83	Eighty-Three	Pass
Islam & Other words Religions	100	52	Fifty-Two	Pass
Kalam & Philosofy of Islam / Islamic contemporary Muslims words	100	52	Fifty-Two	Pass
Islamic Economics / Islamic Politics / Islamic Science	100	58	Fifty-Eight	Pass
Viva Voce	100	75	Seventy-Five	Pass
Total	1100	703		
Percentage		63.91 %		
Division		First		

NOTE:

Failure in FOUR or more than FOUR subjects means total failure, thus the candidate has to reappear in all the subjects.

Prepared and checked by Computer Cell AWKUM

Errors and omissions are subject to subsequent rectification.
Any mistake in Name, Father's Name etc must be intimated
within 30 days of the issuance of this certificate.

ATTESTED

Piazat
Controller of Examinations
AWKUM

January 24, 2017

ATTESTED

Serial No. 003704

Reg. No. 09-AWKUM-PGWM-393

Roll No. 42156

Abdul Wali Khan University

Mardan, Pakistan



The University in recognition of the fulfilment of prescribed requirements has conferred upon
Mr. / Ms. SADIA BIBI Son / Daughter of MUHAMMAD AKRAM SHAH

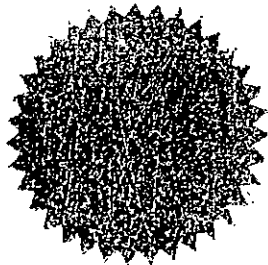
The Degree of

BACHELOR OF ARTS

in the examination held in June/July 2011 session Annual 2010-11

He / She was placed in SECOND Division / Grade / CGPA

The examination was taken as a whole / ~~in Parts~~.



Controller of Examinations

Registrar

Vice Chancellor

Result Declaration Date. 22-08-2011

ATTESTED

14



ABDUL WALI KHAN UNIVERSITY

MARDAN PAKISTAN SNo: 1462

39849

DETAILED MARKS CERTIFICATE

438

BA ANNUAL 2011

Roll No: 42156

Registration No: 09-AWKUM-PGWM-393

Student's Name: SADIA BIBI

Father's Name: MUHAMMAD AKRAM SHAH

Institution/District: Govt. Postgraduate College for Women Part: Second
Mardan

Course Name	Maximum Marks	Marks Obtained	Marks In Words	Remarks
1. Part I Marks	285	150	One Hundred & Fifty	Pass
2. English Compulsory	75	24	Twenty-Four	Pass
3. Pakistan Studies	40	25	Twenty-Five	Pass
4. History	75	31	Thirty-One	Pass
5. Islamic Studies	75	48	Forty-Eight	Pass

Total 550 278

Percentage 50.55 %

Division Second

Prepared/Checked by: Computer Cell AWKUM

Errors and omissions are subject to subsequent rectification.
Any mistake in Name, Father Name etc must be intimated
within 30 days of the issuance date of this certificate.

Controller of Examinations
AWKUM

22-Aug-11

ATTESTED
ATTESTED

S. No. 082387

Roll No. 44452

Group. Humanities

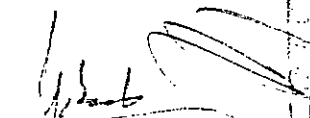


Board of Intermediate and Secondary Education
Mardan N.W.F.P. Pakistan
INTERMEDIATE EXAMINATION

SESSION 2009- ANNUAL

This is to certify that SADIA BIBI *Daughter of* MUHAMMAD AKRAM SHAH
and Student of GOVT. GIRLS DEGREE COLLEGE SHEIKH MALTOON TOWN MARDAN *Registration No.* 129-B/GM-2-2007
has passed the Intermediate Examination of the Board of Intermediate & Secondary Education,
Mardan held in May/June, 2009 *as a* Regular *candidate. She Obtained* 627 *Marks out*
of 1100 and has been placed in Grade C *Representing* Good *The Examination was*
taken as a whole.


Asstt. Secretary


Secretary

ATTESTED

This certificate is issued without alteration or erasure.



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
MARDAN N.W.F.P. PAKISTAN

S.No.MB 037407

Roll No: 44452

Reg No: 129-B/GM-2-2007

PROVISIONAL AND DETAILED MARKS CERTIFICATE
INTERMEDIATE (ANNUAL) EXAMINATION - 2009
HUMANITIES (Part-II)

SADIA BIBI

Son/Daughter of MUHAMMAD AKRAM SHAH

of Institution/District GOVT. GIRLS DEGREE COLLEGE SHEIKH MALTOON TOWN MARDAN

has secured the marks shown against each subject in the Higher-Secondary School Examination held in the
month of APRIL/MAY as REGULAR Candidate.

Subjects	Marks	Marks Obtained						
		Part-I		Part-II		Total	Marks in Words	
		Theory	Pract	Theory	Pract			
English	200	49	--	36	--	85	Eighty-Five	
Urdu	200	66	--	71	--	137	One Hundred Thirty-Seven	
Islamic Education	50	28	--	--	--	28	Twenty-Eight	
Pakistan Studies	50	--	--	26	--	26	Twenty-Six	
Islamic History	200	49	--	53	--	102	One Hundred Two	
Civics	200	46	--	68	--	114	One Hundred Fourteen	
Islamic Studies	200	61	--	74	--	135	One Hundred Thirty-Five	
Total : 1100							627-C	Six Hundred Twenty-Seven Only
Remarks :								

Prepared by :

Checked by :

Date of Declaration of Result: 21-JUL-09

Date of Issue: 21-JUL-09

Note: Errors/Omissions are excepted. Any mistake in above particulars must be intimated within 30 days after declaration of result.

Controller of Examinations
BISE, Mardan

ATTESTED

S.No. 145676

Roll No. 22325

Group. Humanities

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ



Board of Intermediate and Secondary Education
Mardan N.W.F.P. Pakistan
SECONDARY SCHOOL CERTIFICATE

SESSION 2007 - ANNUAL

This is to certify that SADIA BIBI Daughter of MUHAMMAD AKRAM SHAH
and student of Govt; Girls High School Qasmi Mardan. has passed the Secondary School Certificate
Examination of the Board of Intermediate & Secondary Education Mardan, held in April / May, 2007 as a Regular candidate. She obtained
553 marks out of 900 and has been placed in Grade B representing Very Good. The candidate passed the following subjects:
1. English 2. Urdu 3. Islamiyat (Comp) 4. Pakistan Studies 5. Mathematics 6. General Science 7. Pashto 8. Islamic Studies
Her date of birth according to admission form is (in Figures) 05.03.91 (in Words) 5th March N/H Ninety One.

Asstt. Secretary

Secretary

This certificate is issued without alteration or erasure.

ATTESTED



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
MARDAN N.W.F.P PAKISTAN

104296

S. No. MB _____

Roll No: 22325
Enrolment No: 2039-B/GQSM-05
Group: HUMANITIES

PROVISIONAL AND DETAILED MARKS CERTIFICATE
SECONDARY SCHOOL CERTIFICATE EXAMINATION
Session 2007 (Annual)

Sadia Bibi Son / Daughter of Muhammad Akram Shah

of Institution/District Govt. Girls High School Qasmi Mardan

has secured the marks shown against each subject in the Secondary School Examination held in the month of April / May as Regular Candidate.

Subject(s)	Marks	MARKS OBTAINED			
		Theory / Paper A	Pract / Paper B	Total	In Words
1. English	150	46	34	80	Eighty Only
2. Urdu	150	57	49	106	One Hundred Six
3. Islamiyat (Comp)	75	58	—	58	Fifty-Eight
4. Pakistan Studies	75	45	—	45	Forty-Five
5. Mathematics	150	37	38	75	Seventy-Five
6. G. Science	100	59	—	59	Fifty-Nine
7. Islamic Studies	100	60	—	60	Sixty Only
8. Pushto	100	70	—	70	Seventy Only

Total 900

553-B Five Hundred Fifty-Three Only


Remarks

PA, IS,

Date of Birth (In Figures) 05th March , 1991

(In Words) March Five , Nineteen Ninety-One

Date of Declaration of Result: 16-07-2007

Prepared By: 

Checked By:

Date of Issue: 16-07-2007

Note: Errors/Omissions are excepted. Any mistake in above particulars must be intimated within 30 days after declaration of Result.



Controller of Examinations
BISE Mardan

ATTESTED

Annex 'D'

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
PROVISIONAL RESULT CARD



Serial No 148091 Roll No. BC650008
 Name SADIA BIBI Registration No. 11NMN01217
 Final Semester SPR-2016
 Father's Name M AKRAM SHAH
 Address SECTOR G HOUSE NO. 33 STREET NO. 1 SHEIKH MALTOON TOWN
 Tehsil MARDAN
 District MARDAN



has successfully completed MASTER OF EDUCATION (M.ED)
TEACHER EDUCATION

The detail of passed courses is as under

Semester	Course Code	Title of Courses	Marks	
			Maximum	Obtained
SPR- 15	0831	FOUNDATIONS OF EDUCATION	100	62
SPR- 15	0837	EDUCATIONAL RESEARCH	100	64
SPR- 15	0838	CURRICULUM DEVELOPMENT & INSTRUCTIONS	100	69
SPR- 15	0840	EDUCATIONAL PSYCHOLOGY	100	66
AUT- 15	0826	ELEMENTARY EDUCATION	100	55
AUT- 15	0827	SECONDARY EDUCATION	100	62
AUT- 15	0828	HIGHER EDUCATION	100	55
AUT- 15	0829	TEACHER EDUCATION IN PAKISTAN	100	56
SPR- 16	6505	ISLAMIC SYSTEM OF EDUCATION	100	66
SPR- 16	6507	EDUCATIONAL MEASUREMENT & EVALUATION	100	53
SPR- 16	6552	TEXTBOOK DEVELOPMENT-I	100	57
SPR- 16	6553	TEXTBOOK DEVELOPMENT-II	100	64

Credit Hours 36 Total Marks/Obtained 1200 / 729
 Result Declared on MARCH 17, 2017 Percentage/Grade 61 / B
 Date of Issue APRIL 11, 2017

ATTESTED

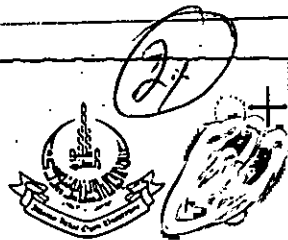
Controller of Examinations

Disclaimer: This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
PROVISIONAL RESULT CARD

Serial No. 692963

Roll No. AU692704



20

Allama Iqbal Open University Islamabad



Serial No. 29963

Certified that Mr. / Ms. SADIA BIBI

Son / Daughter of M AKRAM SHAH

Registration No: 11NMN01217 Roll No: AU692704

having completed the prescribed requirements in semester

SPR, 2014 is awarded the degree of:

Bachelor of Education (B.Ed)

He/She has secured 67 % marks and has been placed in B grade.

Mansoor

CONTROLLER OF EXAMINATIONS

Result declared on: JANUARY 16, 2015

ISLAMABAD, DATED: JANUARY 25, 2017



Mansoor Bhatti
MALAN KHAN
CHANCELLOR
G.M.S. Bahawalpur
Sun Data Monitoring Agency

This degree is to be read in conjunction with the transcript, issued separately

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ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD



22

Serial No. 102552

PROVISIONAL RESULT CARD

Name: SADIA BIBI
 Father's Name: M AKRAM SHAH
 Address: SECTOREG HOSUE NO33 STREET NO 1 SHEIKH
 HALTOTTN TOWN MARDAN

Roll No. AM639037
 Registration No. 11NMN01217
 Final Semester SPR-2012

Tehsil: MARDAN
 District: MARDAN

has successfully completed CERTIFICATE OF TEACHING

The detail of passed courses is as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
AUT- 11	0638	TEACHING STRATEGIES & EVALUATION.	100	63
AUT- 11	0633	SCHOOL ORGANIZATION	100	70
AUT- 11	0632	EDUCATIONAL PSYCHOLOGY	100	69
AUT- 11	0631	DIMENSIONS IN EDUCATION	100	70
SPR- 12	0634	ENGLISH AND ITS TEACHING	100	51
SPR- 12	0612	PRACTICAL WORKSHOP & TEACHING PRACTICE	100	60
SPR- 12	0605	SOCIAL STUDIES & ITS TEACHING	100	53
SPR- 12	0635	ISLAMIAT AND ITS TEACHING	100	62
SPR- 12	0604	URDU LANGUAGE AND ITS TEACHING	100	61

CREDITS: 5

Total Marks / Obtained

900 / 579

Result Declared on JANUARY 16, 2013

Percentage / Grade

64 B

Date of issue JANUARY 28, 2013

Controller of Examinations

Disclaimer:

This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

ATTESTED

ANNEX E

**KHYBER PAKHTUNKHWA PUBLIC SERVICE
COMMISSION**

2- Fort Road Peshawar Cantt:

Website: www.kppsc.gov.pk

Tele: Nos. 091-9214131, 9213563, 9213750, 9212897

Dated: 05.03.2015

ADVERTISEMENT No. 02 / 2015.

Applications, on prescribed form, are invited for the following posts from Pakistani citizens having domicile of Khyber Pakhtunkhwa / F.A.T.A by **03.04.2015** (candidates applying from abroad by **17.04.2015**). Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall be rejected.

AGRICULTURE LIVESTOCK & COOPERATIVE DEPTT:	
1.	TWO (02) POSTS OF FEMALE RESEARCH OFFICER HORTICULTURE FOR (WOMEN QUOTA) IN AGRICULTURE (RESEARCH). QUALIFICATION: 2 ND class M.Sc / B.Sc (Hons) Degree in Agriculture from a recognized University, under research programme in the subject relating to the subject groups as specified in Schedule (Appended to Service Rules) to which the vacancy occurs. AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Female. ALLOCATION: Merit.
2.	TWO (02) POSTS OF RESEARCH OFFICER PLANT PATHOLOGY IN AGRICULTURE (RESEARCH). QUALIFICATION: 2 ND class M.Sc / B.Sc (Hons) Degree in Agriculture from a recognized University, under research programme in the subject relating to the subject groups as specified in Schedule (Appended to Service Rules) to which the vacancy occurs. AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes. ALLOCATION: One each to Merit & Zone-5.
3.	THREE (03) POSTS OF RESEARCH OFFICER FOOD TECHNOLOGY IN AGRICULTURE (RESEARCH). QUALIFICATION: 2 ND class M.Sc / B.Sc (Hons) Degree in Agriculture from a recognized University, under research programme in the subject relating to the subject groups as specified in Schedule (Appended to Service Rules) to which the vacancy occurs. AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes. ALLOCATION: One each to Merit, Zone-1 & Zone-2.
4.	FOUR (04) POSTS OF RESEARCH OFFICER CHEMISTRY IN AGRICULTURE (RESEARCH). QUALIFICATION: 2 ND class M.Sc / B.Sc (Hons) Degree in Agriculture from a recognized University, under research programme in the subject relating to the subject groups as specified in Schedule (Appended to Service Rules) to which the vacancy occurs. AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes. ALLOCATION: One each to Merit, Zone-2, Zone-3 & Zone-4.

ATTESTED

23. TWO (02) LEFTOVER POSTS OF DRAFTSMAN IN C&W DEPARMTENT.

QUALIFICATION: Secondary School Certificate from a recognized Board and (ii) Two (02) years certificate course in Civil Draftsmanship from a recognized institute/ Board of Technical Education.

AGE LIMIT: 18 to 30 years. **PAY SCALE:** BPS-11 **ELIGIBILITY:** Both Sexes. **ALLOCATION:** One each to Zone-3 & 5.

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

24. FIVE (05) (LEFTOVER) POSTS OF FEMALE SUBJECT SPECALISTS (PHYSICS) IN ELEMENTARY & SECONDARY EDUCATION DEPARTMENT.

QUALIFICATION: 1. Master's Degree in the relevant subject with Bachelor of Education or M.Ed or Master of Education (Industrial Arts or Business Education) or M.A Education or Equivalent of Qualification from recognized University. **OR**
 2. If no suitable candidate possessing the above qualification is available, a candidate possessing Master's Degree in the relevant subject may be appointed as Subject Specialist to the condition that he/she shall acquire the requisite qualification as specified above within three years from the date of his appointment, failing which his service will be terminated without notice irrespective of any provision of the rules for the time being enforce.

Note: - The person appointed as Subject Specialist shall be transferable only to a post relevant to his subject.

AGE LIMIT: 25 to 40 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Female. **ALLOCATION:** Zone-1.

25. ONE (01) (LEFTOVER) POST OF FEMALE SUBJECT SPECALIST STATISTICS (DISABLE QUOTA).

QUALIFICATION: 1. Master's Degree in the relevant subject with Bachelor of Education or M.Ed or Master of Education (Industrial Arts or Business Education) or M.A Education or Equivalent of Qualification from recognized University. **OR**
 2. If no suitable candidate possessing the above qualification is available, a candidate possessing Master's Degree in the relevant subject may be appointed as Subject Specialist to the condition that he/she shall acquire the requisite qualification as specified above within three years from the date of his appointment, failing which his service will be terminated without notice irrespective of any provision of the rules for the time being enforce.

Note: - The person appointed as Subject Specialist shall be transferable only to a post relevant to his subject.

AGE LIMIT: 25 to 40 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Female. **ALLOCATION:** Merit.

26. FIFTEEN (15) (LEFTOVER) POSTS OF FEMALE A.D.O.

QUALIFICATION: BA/ B.Sc 2nd Division with B.Ed and Five years teaching/ administrative experience in Govt: recognized education institution/ office.

AGE LIMIT: 21 to 35 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Female. **ALLOCATION:** Zone-1.

ENVIRONMENT DEPARTMENT

27. FIVE (05) POSTS OF RANGE OFFICER.

QUALIFICATION: B.Sc in Wildlife Management/ Wildlife Ecology/ Wildlife Biology from a recognized university or institute with at least 2nd Division or (ii) B.Sc Forestry from Pakistan Forest Institute Peshawar in 2nd Division or (iii) B.Sc from a

ATTACHED

REGISTERED
Deficiencies Letter

ANNEX G

26

Phone : 091-9213750, 9213563
Website : www.kprsc.gov.pk

KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
2-Fort Road, Peshawar Cantt.

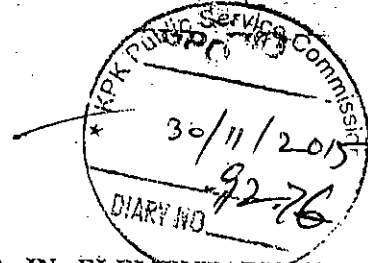


No. PSC/SR-IX/

15386D

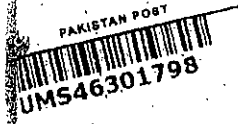
Dated: 30/11/2015

30/11



To:

Sadia Bibi D/O Muhammad Akram Shah
Chail, Taza Gram P/O Lund Khwar Tehsil
& District Mardan



Subject:

RECRUITMENT OF FEMALE ADO (B-16) IN ELEMENTARY SECONDARY
EUDCATION DEPTT. (ADVERTISEMENT NO: 2/2015, SR. NO. 26)

Your application for the subject-cited post is incomplete and please make-up the following ticked deficiencies within **three days**, failing which your application will be rejected without further correspondence:-

Attested photocopies of :

- Original and provisional certificates of SSC / FA / FSC / DAE / D.I.T.
- Original and provisional degree of Bachelor / Master / B.Ed / M.Ed / M.Phil / Ph.D.
- Character certificate(s) from two responsible persons and also from the institution last attended.
- Your / Husband's Domicile Certificate.
- CNIC / three photographs.
- Bank Challan / receipt of the application fee.
- Departmental Permission Certificate from the competent authority.
- Valid registration from PEC / PMDC / PVMC / Nursing Council / Bar Council.
- Date - wise Experience of all private institutions duly verified from Board / HERA, alongwith appointment order, affiliation of institution and job details to which classes taught.
- Instruction page is missing / unsigned.
- Column No. _____ of the application form unfilled.
- _____
- _____

ATTESTED

Superintendent 30/11/15

ANNEX "H"

27

REGISTERED

Telephone: 9211795, 9213750. (Ext- 1099)

Khyber Pakhtunkhwa Public Service Commission
2-Fort Road Peshawar Cantt
(Telegraphic address "Publication" Peshawar)



No. KPK/PSC/SR-V/

54722

Dated 4/12/2015

7/12

To

Sadia Bibi D/o Muhammad Akram Shah
Village Tazagram, P.O. Lund Khwa,
Tehsil Katlang, District Mardan

Subject: **RECTT: OF Female ADO(B-16) in E & SE**

1. You, in response to your application for the above post, are required in the Commission's Office at **02 For Road, Peshawar Cantt, Near Governor House at 08:30a.m** hours on **25-12-2015** for interview. Please bring original certificates, degree ad testimonials which will be returned to you on conclusion of your interview.

2. You should rectify the following **Ticked** deficiencies **three days before interview** positively failing which the Commission will reject your application and shall not interview you for the above post:-

- (a) Attested Photo copy of Original Matric/FA/F.Sc Certificates
- (b) Attested Photo Copy of B.A/B.Sc/M.A/M.Sc Degree
- (c) All details Marks Certificates
- (d) Attested Photo Copy of NIC
- (e) Attested Photo Copy of Domicile Certificate
- (g) Attested Photo 3 Nos
- (h) Departmental Permission Certificate
- (i) Instruction Page Unsigned.
- (j) All experience certificates of private Institutions duly verified by your respective Board of Intermediate/H.E.C/Competently Authority
- (k) Husband Domicile

NOTE:-

- A) Please note that no request for change the date of interview is entertain.
- B) You are directed to furnish the deficiency 03 days before the date of interview. Otherwise you will not be allowed to take participation in the interview.

DDI 4/12/15
17/12/15
19/12/15
DDI

Superintendent 3/12/15

ATTESTED



ANNEX "I"

Dated 15/12/2016

28

To

The Secretary to
Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Education Department

Subject: Recruitment of 15 Female ADO (B-16) in Elementary & Secondary
Educational Deptt: AdvNo.2/2015 & S.No.26

Dear Sir,

In continuation to this office letter No.012399 dated: 16.3.2016 and to state that the commission recommends two candidates in to the Govt. for appointment against the subject cited posts

- (1) Mst Sadia Bibi D/o Muhammad Akram Shah Mohmand Agency
- (2) Mst Saria D/O Ajmal Khan Mohmand Agency

2. Recommendation in favour of the recommendees are provisional subject to their medical fitness and verification of all documents and perusal of their ACR PFR, which may be provided at the earliest.

3. Recommendation of only two (02) candidates have been kept pending due to their vital deficiencies.

4. Original application (with enclosure) of the above two selectees are enclosed herewith for your record.

5. Kindly acknowledge receipt of the same.

ATTESTED

Your faithfully,

(Ghulam Dastagir) and
Director R. Centre

DIRECTOR GENERAL HEALTH & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

NO. /A-17/ADEO/F/PSC/Apptt:/2015-16

Dated Peshawar the 26/1/2017

To
The Director General Health
Khyber Pakhtunkhwa Peshawar

ANNEX

J
29

SUBJECT:- RECRUITMENT OF 15 FEMALE ADO (B-16) IN ELEMENTARY AND
SECONDARY EDUCATION DEPARTMENT ADVER: NO. 2/2015
AND S.NO.26

Memo:-

I am directed to refer to the subject cited above and to say that the following ADEO (F) candidate resident of Zone-I have been recommended by the Khyber Pakhtunkhwa Public Service Commission (PSC) for appointment as Assistant District Education Officer (F) in B-16 in the Education Department.

S.No	Name with father name	Domicile/Zone
1	Sadia Bibi D/O Muhammad Akram Shah	Mohmand Agency/1
2	Saira D/O Ajmal Khan	Mohmand Agency/1

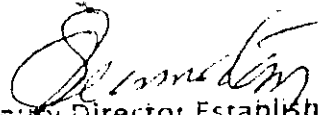
It is therefore requested that Medical Board for the above candidates may very kindly be arranged and findings of the Standing Medical Board thereof may be communicated to this office as an early date for further necessary action please.

Deputy Director Establishment (F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst.No. 5203-4

Copy forwarded to the:-

- 1- Section Officer (Primary) Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department w/r to his No. SO (PE) E&SED/3-9/Public Service Commission/2016 dated 28-12-2016.
- 2- Mst. Sadia Bibi D/O Muhammad Akram Shah Mohmand Agency
- 3- Mst. Saira D/O Ajmal Khan Mohmand Agency
- 4- PA to Director E&SE Local Office.


Deputy Director Establishment (F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

/Noor/17/





MEDICAL CERTIFICATE

Name of official Sadiq Bibi ✓
 Caste or race Moslem
 Father's name M. Abbas Shah ✓
 Residence Labour Colony Masdan
 Date of birth 5-3-1991 ✓
 Exact height by measurement 5.5
 Personal mark of identification Nil
 Signature of the official [Signature]
 Signature of head of office _____

Seal of office _____

I do hereby certify that I have examined Mr. Sadiq Bibi a candidate
 for employment in the Office of the Education
 and cannot discover that he had any disease communicable or other constitutional affection or bodily
 infirmity except As above

I do not consider this as disqualification for employment in the office of the Education
 His age according to his own statement twenty five year and by appearance about
 year 25

[Faint stamp]
 Sub-Station
 Masdan
 District
 Ferozepur

[Signature]
 27/11/2010
 MEDICAL SUPERINTENDENT,
 CIVIL HOSPITAL _____
[Signature]
 27/11/2010

LEFT HAND THUMB AND FINGER IMPRESSIONS

 ATTESTED

[Signature]
ATTESTED

ANNEX "K"

31



**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936
E-mail desekpk@yahoo.com

NOTIFICATION

Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, appointment of the following candidates is hereby ordered against the post of ADEO/ASDEO(Female) BPS-16 (Rs.12910-1035-34960) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Management Cadre on the terms and condition given below with immediate effect and further their services are placed at the disposal of DEO(F) concerned for further posting against vacant ADEO/ASDEO(F) posts:-

S. #	Name	Father Name	Domicile	Zone	Permanent address	Remarks
1	Mst. Sadia Bibi	Muhammad Akram Shah	Mohmand Agency	1	Village Chail Tazagram P/O Lund Khawar Tehsil and District Mardan	Service is placed at the disposal of DEO (F) Nowshera for further posting against vacant ADEO/ASDEO posts.
2	Mst:Saira	Ajmal Khan	Mohmand Agency	1	Village Khan Mir Killi P/O Ziam Killi Tehsil Tangi District Charsadda	Service is placed at the disposal of DEO (F) Charsadda for further posting against vacant ADEO/ASDEO posts.

TERMS AND CONDITIONS:-

- 1- Their services will be considered regular under the Khyber Pakhtunkhwa Civil Servant Amendment Act, 2013 and Finance Department Circular No SOSR-III /FD/12-1/2005 dated 27-02-2013.
- 2- Their services are liable to termination on one months notice from either side. In case of resignation without notice their one month pay/allowances shall be forfeited to the Government.
- 3- They should join the post within 30 days of the issuance of this notification. In case of failure to join their post within one month of the issuance of this notification, their appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 4- They should be on probation for a period of one year extendable for another one year.
- 5- They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 6- Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
- 7- Charge report should be submitted to all concerned.
- 8- The DEO (F) concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after one month of the issue of their posting orders.
- 9- The DEO (F) concerned will verify their documents before release of pay.
- 10- Their seniority will be maintained as determined by the Khyber Pakhtunkhwa Public Service Commission.
- 11- No TA/DA etc will be allowed to the appointee for joining their duty.

**Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

Endst.No. 881-85 /A-17/ADEO(F) 2015-16/Public Service Commission Dated Peshawar the 2/2 /2017

Copy of the above is forwarded to the:-

- 1- District Education Officer(Female) concerned
- 2- District Account Officer, concerned
- 3- Mistress concerned
- 4- PA to Director (E&SE) Local Office.
- 5- Master file.

ATTESTED

[Signature]
Deputy Director Establishment(F)
(E&SE) Khyber Pakhtunkhwa,

/Noor/17/*

ATTESTED

CHARGE REPORT OF TRANSFER OF CHARGE

1. Certified that we have on the fore/noon of this day 03-02-2017 respectively made over and receive charge of this office of the DEO(F) NOWSHERA , Vide Director Estb.(F)E & S.E Khyber Pakhtunkhwa Peshawar Endst no.881-85/A-17/ADEO(F)2015-16 Public service commission dated Peshwar 02-02-2017
2. Particulars of each and important secret and confidential documents handed over are noted on the reverse.


Station: DEO(F) NOWSHERA

Dated 03-02-2017

Signature of relieved.....

Government servant.....

Designation

Signature of relieving..... 

Government servant Sadia Bibi

Designation ADEO/ASDEO(F)

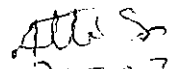
DISTRICT EDUCATION OFFICER (F)
NOWSHERA

NO 1551-55 Dated 20-02-2017

Copy for information to the.-

1. Director of E & S.E Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Nowshera.
3. Deputy Commissioner Nowshera.
4. District monitoring Officer Nowshera.
5. Officer concerned.

ATTESTED 


20-02-2017
DISTRICT EDUCATION OFFICER(F)
NOWSHERA

ANNEX L

33



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

Phone Fax No. 0923/9220105

Email: dcof.nowshera@yahoo.com

OFFICE ORDER

The competent authority is pleased to adjust, Mst. Sadia Bibi D/O Mr. Muhammad Akram Shah Village Chail Tazagram PO Iund Khwar Tehsil and District Mardan as ADEO (Female) in BPS -16 (Rs. 12910-1035-34960) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Management Cadre on the terms and condition as per notification recommended by Public Service Commission Khyber Pakhtunkhwa Peshawar and placed at the disposal of the DEO(F) Nowshera vide Director E/S Education Khyber Pakhtunkhwa Peshawar office Ends: No. 881-885/A-17/ADEO(F) 2015-16/public service commission Dated Peshawar the 02/02/2017 for further posting, and she is further posted against vacant ADEO(Female) post at the office of the District Education Office (Female) Nowshera .

(ATTIA SULTANA)
District Education Officer
(Female) Nowshera

Endst: No. 1723-10 / DEO (F) NSR / ADEO (F) / Female / Pro: / Dated: 27-02-2017

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

- 1: Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
- 2: Senior District Accounts Officer, Nowshera.
- 3: Sub Divisional Education Officer (Female) Pabbi, Nowshera and Jehangira
- 4: ADEO (Estab:) Secy: Local Office.
- 5: Superintendent Establishment br. Local office.
- 6: Accountant Local Office.
- 7: Officer Concerned.
- 8: Master File.

ATTESTED

ATTESTED

1

Attia S
27-02-2017
District Education Officer
(Female) Nowshera

ANNEX M

34



**DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR**

NO. 219 /A-17/appointment of ADEO/ASDEO/F/PSC/
Dated Peshawar the 2/3 /2017

To
The District Education Officer
(Female) Nowshera

SUBJECT:- VERIFICATION OF APPOINTMENT ORDER

Memo:-

I am directed to refer your letter No.1154 dated 08-02-2017 on the subject cited above and to inform you that the appointment order in respect of Sadia Bibi D/O Muhammad Akram Shah ADEO/ASDEO(F) Notification issued vide this office Endst. No.881-85/A-17 /ADEO/F /2015-16 /PSC dated 02-02-2017, has been checked with office record and found correct.

[Signature]
Assistant Director Establishment (F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

/Noor/16

[Handwritten notes]
Date: 2/3/2017

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]
ATTESTED

ANNEX N^o (35)
[Handwritten marks and stamps]



DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA
Phone/Fax No. 0923-9220105
Email: deof.nowshera@yahoo.com

CLEARANCE CERTIFICATE/PAY RELEASE:

The following candidates have been appointed against ADEO (F) BPS-16 post in the office noted against their names.

Their Educational and professional Certificate/Degree/DMCs have been verified from the concerned Boards/Universities and found correct.

Therefore the undersigned is pleased to issue clearance certificate/Pay release of the following Officers.

S.#	Name & Designation of candidate	Father Name	Name of Office
01	Mst. Sadia Bibi ADEO (F)	Muhammad Akram Shah	DEO(F) Nowshera

(ATTIA SULTANA)
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

Endst: No. 1938-43 / Dated 07-03 /2017

Copy of the above is forwarded for information and n/action to the:-

1. Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar
3. Senior District Accounts Officer Nowshera
4. Superintendent Establishment Local Office.
5. Accountant Local Office
6. Officers concerned.

Attia Sultan
07-03-2017
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

ATTESTED
[Handwritten signature]

ANNEX 07
36

Dist. Govt. NWFP-Provincial
District Accounts Office Nowshera
Monthly Salary Statement (December-2017)

Personal Information of Mr MISS SADIA BIBI d/w/s of MUHAMMAD AKRAM SHAH

Personnel Number: 00833749 CNIC: 1610305787014 NTN:
Date of Birth: 05.03.1991 Entry into Govt. Service: 01.10.2016 Length of Service: 01 Years 03 Months 001 Days

Employment Category: Active Temporary

Designation: ASSISTANT DISTRICT EDUCAT 30003788-DISTRICT GOVERNMENT KHYBE

DEO Code: NR6240

Payroll Section: 001 GPF Section: 001 Cash Center:
GPF A/C No: Interest Applied: No GPF Balance: 33,902.00

Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 0

Wage type		Amount	Wage type		Amount
0001	Basic Pay	18,910.00	1000	House Rent Allowance	1,818.00
1210	Convey Allowance 2005	5,000.00	1974	Medical Allowance 2011	1,500.00
2148	15% Adhoc Relief All-2013	500.00	2199	Adhoc Relief Allow @10%	323.00
2211	Adhoc Relief All 2016 10%	1,588.00	2224	Adhoc Relief All 2017 10%	1,891.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs3340	-3,340.00	3501	Benevolent Fund	-800.00
3990	Emp.Edu. Fund KPK	-150.00	4004	R. Benefits & Death Comp:	-1,089.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till December-2017: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 31,530.00 Deductions: (Rs.): -5,379.00 Net Pay: (Rs.): 26,151.00

Payee Name: MISS SADIA BIBI

Account Number: 7901990303

Bank Details: HABIB BANK LIMITED, 220219 BANK ROAD, MARDAN. BANK ROAD, MARDAN., MARDAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: NOWSHERA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

ATTESTED

ANNEX P

37



*Best
Performance
Award*

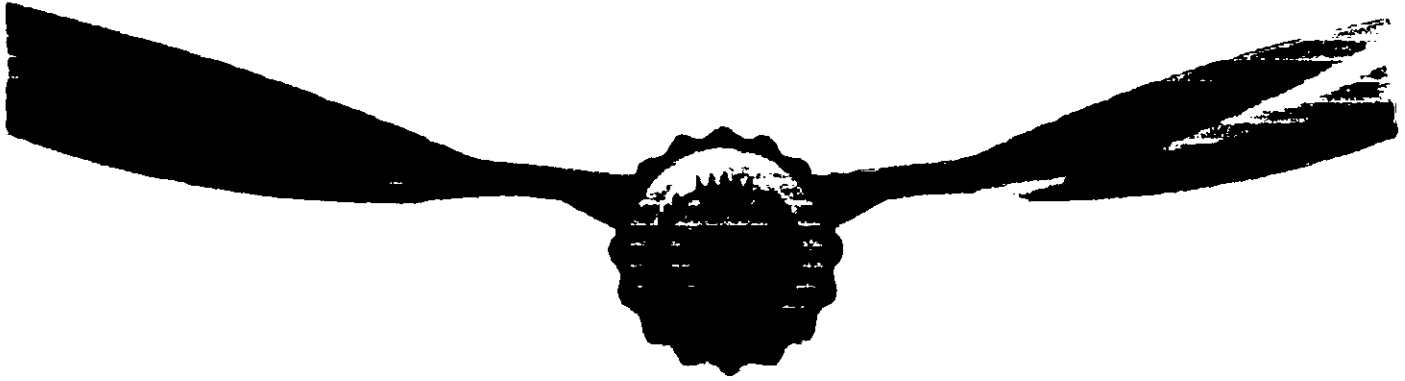
**Sadia Bibi
ADEO Esst (F)
Nowshera**

AUSTE
M
10/12/2012
10/12/2012

38



USAID
U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT



CERTIFICATE OF PARTICIPATION

This certifies that

Ms SADIQ BIBI

Attended the workshop on
**CHALLENGES TO FEMALE EDUCATIONAL LEADERS
IN KHYBER PAKHTUNKHWA**

Held at district NOWSHERA on 03/04/2018
at District Education Office (Female).

AK YAR KIM
POST (Buss. Inv)
M.S Baharat Kally
in Dar- Mo...

Dr. Sumaira Taj
Dr. Sumaira Taj (Program Organizer)

ANNEX Q

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

NOTIFICATION

1. WHEREAS, One Mst. Sadia Bibi D/O Muhammad Akram Shah domiciled Mohamad Agency resident of Village Chail P/O Lund Khwar Tehsil & District Mardan who was adjusted as ASDEO (Female) in District Nowshera Notification vide No.881-85/A-17/ADEO(F)2015-16/Public Service Commission dated 02/02/2017 upon the production of fake & bogus recommendation letter of the Khyber Pakhtunkhwa Public Service Commission.
2. AND WHEREAS, the competent authority had directed the above said accused ASDFO to produce authentic/verified service record from the concerned authorities but she failed to comply with the legitimate directions of high-up's regarding production of requisite authentic documents.
3. AND WHEREAS, further an inquiry committee was constituted by the competent authority vide No.6979-82 dated 25-01-2019 who have gone through the entire case record and it has been proved that the said recommendation letter of the Commission for the afore said post of ADEO (F) advertised vide Public Service Commission Khyber Pakhtunkhwa Peshawar advertisement No.2/2015 Sr. 26 was turned out fake & bogus.
4. AND WHEREAS, it has come into the notice of the competent authority that Mst. Sadia Bibi D/O Muhammad Akram Shah having no legal status of the said appointment order as well as the recommendation letter of Public Service Commission which has been proved fake & bogus vide Public Service Commission Khyber Pakhtunkhwa Peshawar letter NO.PSC-/IX 003780 dated 20/02/2019.
5. NOW THEREFORE, under the mandatory provisions and power conferred under the section 20 & 21 of General Clauses Act 1897 as amended in 1956 and in pursuance of the scrutiny of selection/appointment record in respect of above mentioned ADEOs/ASDEOs which was found fake/bogus, their appointment /adjustment Notification No. 881-85 dated 02-02-2017 is declared as null & void ab initio and here by withdrawn with the direction to the District Education Officer concerned to recover salaries and other allied benefits drawn by Mst. Sadia Bibi D/O Muhammad Akram Shah in the interest of Public Service.

Endst: No. _____/F.No.A-17/ASDEOs/Sadia

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar
Dated Peshawar the 28/12/2019.

Copy forwarded with the request to take legal action and recover the outstanding amount from the accused to the :-

1. Accountant General, Khyber Pakhtunkhwa Peshawar with the request to direct the DAOs concerned for appropriate action.
2. Director Anti Corruption, Hayat Abad Khyber Pakhtunkhwa Peshawar.
3. Assistant Director Anti Corruption, District Nowshera.
4. District Education Officer (Female) concerned with the direction to take necessary steps for the recovery of outstanding amount against the fake & bogus accused ASDEO (Female) concerned.
5. District Accounts officer concerned with the request to cooperate in the matter.
6. Section Officer (S/F) E&SED, Khyber Pakhtunkhwa.
7. P.S to secretary E&SED, Khyber Pakhtunkhwa.
8. P.A to Director E&SED, Khyber Pakhtunkhwa

Deputy Director (F/Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

ATTESTED

ANNEX R
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DISTRICT EDUCATION OFFICER (FEMALE) NOWSHERA.

No. 669 /Estab:/Recovery/Dated NSR the 18-03-2019.

To

R/o Mst: Sadia Bibi Ex-ADEO (F) Nowshera
VIII Chail Mahal Zarin Abad, PO Lund Khwar
The: Takht Bhai Distt: Mardan. 0343 9015593

Subject: RECOVERY OF SALARIES AND ALLIED BENEFITS

Memo,

Your attention is invited to the Notification issued by Director E&SE Deptt: Khyber Pakhtunkhwa Peshawar vide endstt No. 6712-18/F.No. A-17/ASDEOs/Sadia Dated 28-02-2019.

The appointment/ adjustment Notification No. 881-85 dated 02-02-2017 has been declared as null & void ab initio and withdrawn by the competent authority with the direction to DEO (F) Nowshera to recover salaries and other allied benefits drawn by you in the interest of public service.

You are therefore directed to deposit Rs.748545-00 into Govt treasury under head (RCO Code Pk-2407) sub head C-02814 and challan thereof be sent to this office for onward submission to the quarter concerned.

This may be treated as top priority

See 11/11/2019
at 5-24-2019
6:00 PM

15/03/2019
District Education Officer,
Female Nowshera.

Endstt No. _____

Copy for information to the:-

- 1- Director, E&SE Deptt: Khyber Pakhtunkhwa w/r to above mentioned Notification
- 2- Accountant General, Khyber Pakhtunkhwa Peshawar.
- 3- Director Anti-Corruption, Hayat Abad Peshawar.
- 4- District Account Officer, Nowshera.
- 5- Section Officer (S/F) E&SED, Khyber Pakhtunkhwa.
- 6- PS to Secretary E&SED Khyber Pakhtunkhwa.

ANNEX 'S'

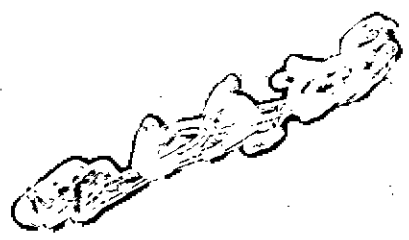
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PESHAWAR HIGH COURT, PESHAWAR		
FROM 'A'		
FORM OF ORDER SHEET		
COURT OF CASE NO.		
SERIAL NO OF ORDER OR PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY.
1	2	3
09.05.2019		<p>W.P. No. 2043-P/2019 with IR.</p> <p>Present: -</p> <p>Mr. Amin ur Rehman Yousafzai, advocate for the petitioner.</p> <p>Syed Azeem Dad, ADPG for NAB.</p> <p>*****</p> <p>Comments from the respondents Nos. 1 and 2 received. In view of the comments let pre admission notice be issued to respondent No. 3 for 16.05.2019.</p> <p>INTERIM RELIEF.</p> <p>In the meanwhile petitioner shall to be harassed or called for investigation without Court permission.</p> <p style="text-align: right;"><i>[Signature]</i> CHIEF JUSTICE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>

ATTESTED

Aamir Bashir Awan, Senior Court Secretary.

(DB) Hon'ble Mr. Justice Waqar Ahmad Seth, Chief Justice and Justice Ms. Musarrat Hilali, J.J.



PESHAWAR HIGH COURT PESHAWAR
FORM "A"

ORDER SHEET

<i>Serial No. of Order or Proceedings</i>	<i>Date of Order or Proceedings</i>	<i>Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary</i>
1	2	3
	16.5.2019	<p><u>WP No. 2043-P/2019.</u></p> <p>Present:</p> <p>Mr. Amin Ur Rehman Yousafzai, advocate for petitioner.</p> <p>Syed Azeem Dad, ADPG for NAB.</p> <p>*****</p> <p><u>ROOH-UL-AMIN KHAN, J.-</u> Through the instant filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner has prayed for the following relief.</p> <p>“ It is therefore, most humbly prayed that on acceptance of instant writ petition, the simultaneous inquires carried out by the respondents against petitioner, may be declared as illegal, unlawful, without lawful authority, void ab-initio and of no legal effect, hence be set at naught, so as to secure the ends of justice. Any other relief, not specifically prayed for and deemed appropriate by this honorable Court in circumstances of the case may also be granted.”</p>

ATTESTED

2. In essence, the grievance of the petitioner is that the NAB authorities as well as Anti Corruption authorities have simultaneously initiated inquiries on one and the same charge against the petitioner which is illegal and against the mandate of Article 143 of the Constitution of Islamic Republic of Pakistan, 1973. The respondents during arguments drew the attention of this Court to para-2 of the comments filed by them which is reproduced as below.

“2. That similarly, on the basis of another complaint, a case was initiated regarding illegal appointments of ADEO/ASDEO (Female) by the officers and officials of Directorate of Elementary & Secondary Education, KP and others. The said proceedings were merged with the case as mentioned in apraNo.1 above. It is pertinent to mention here that during the proceedings with the NAB, it was unearthed that the cognizance of the instant matter has already been taken by Anti-Corruption Establishment, KP. Therefore, matter was deliberated at appropriate forum to send the matter to ACE (KP) subject to approval of the competent authority to avoid duplication of the proceedings.”

[Handwritten signature]

~~ATTESTED~~

		<p>The learned ADPG in support of the above para stated that on allegation of illegal appointments in defunct FATA and settled area proceedings were initiated against the petitioner, however, subsequently the proceedings in the settled area were referred and handed over to the Anti Corruption department, whereas in federal area the matter is under consideration of the NAB authorities as the jurisdiction of Anti Corruption authorities was not extended to FATA.</p> <p>3. In view of above, the instant writ petition has served its purpose which is disposed of accordingly.</p> <p><i>Announced on;</i> <i>16th of May, 2019</i></p> <p style="text-align: right;"><i>Rooh ul Amin</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>
--	--	---

Zarshad (DB)

Hon'ble Mr. Justice Rooh Ul Amin Khan & Hon'ble Mr. Justice Ishtiaq Ibrahim

ATTESTED

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BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. _____/2019
Alongwith Interim Relief

Mst. Sadia Bibi D/o Muhammad Akram Shah, ADEO (F) Nowshera R/o
Chail, Taza Gram P.O Lund Khwar, Tehsil & District Mardan.
..... PETITIONER

....VERSUS....

1. National Accountability Bureau (NAB) through its Chairman, NAB Head Quarters, Ataturk Avenue, Islamabad.
2. Director General, National Accountability Bureau (KP), PDA Buildings, Phase-V, Hayatabad, Peshawar.
3. Director Anti-Corruption, Khyber Pakhtunkhwa, Phase-V, Hayatabad PeshawarRESPONDENTS

4 - KP PSC

=====

WRIT PETITION, UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973.
=====

Respectfully Sheweth:

1. That petitioner, being eligible, was appointed as ADEO/ASDSO (Female) BPS-16, on regular basis, in the Elementary & Secondary Education Department, Khyber Pakhtunkhwa, on the recommendation of Khyber Pakhtunkhwa Public service Commission, vide Notification No. 881-85/A-17/ADEO(F)2015-16/Public Service Commission dated: 02.02.2017.
(Copies of CNIC alongwith Domicile Certificate, Educational testimonials and Notification dated: 02.02.2017 alongwith Medical Certificate; are attached as Annexure "A", "B" & "C", respectively)
2. That petitioner was subsequently adjusted against the vacant post of ADEO(F), at the office of the DEO(F) Nowshera, vide office order No.1703-10/DEO(F)NSR/ADEO(F)/Female/Pro:/Dated: 27.02.2017. Needless to add that appointment order of the petitioner was verified on 02.03.2017 and clearance Certificate regarding release of pay was issued on 07.03.2017.
(Copy of office order dated: 27.02.2017, Verification of appointment order 02.03.2017, clearance certificate regarding release of pay and Salary Slip, attached as Annexure "D", "E", "F" & "G", respectively)
3. That NAB-KP authorized inquiry against officers/officials of Directorate Elementary & Secondary Education of Khyber Pakhtunkhwa &

~~ATTESTED~~

Handwritten signature

Handwritten number 46 in a circle



Handwritten signature and date 02/10

**GOVERNMENT OF PAKISTAN
NATIONAL ACCOUNTABILITY BUREAU
BLOCK-III, PDA COMPLEX, PHASE-V HAYATABAD
PESHAWAR**

No.1/703/IW-II/NAB(KPk)/(123195)/852
28 Sep 2018

To District Education Officer (Female),
Nowshera.

Subject: Provision of information / record u/s 19 of NAO, 1999 - Inquiry against Officers / Officials of Directorate of Elementary & Secondary Education KP and Others regarding misappropriation of funds & illegal appointments in various cadres (123195).

National Accountability Bureau Khyber Pakhtunkhwa Peshawar is conducting the subject inquiry under the provisions of National Accountability Ordinance 1999. The documents/ information useful or relevant to the inquiry are in your control or you are acquainted with facts and circumstances of the case.

2. Therefore, you are requested to provide the under mentioned record / information to Mr. Naeem Ullah, Investigation Officer of this Bureau for examination by 08-10-2018.

3. Further it is advised to ensure accuracy of the submitted information. Concealment of facts will attract penalties under the provisions of NAO 1999.

Handwritten note: Received on 2-10-2018



Handwritten signature of Deputy Director

Deputy Director(Coord)
For Director IW-II
(Sadiq Ullah Jan)
Ph - 091-9217515
Fax - 091-9217567

List of Record /Documents Required (Duly Attested)

- Please provide Service Books and Appointment Orders of the following ADEO's and also direct them to appear before the undersigned on 08-10-2018.

S#	Name	Designation
1	Sadia	ADEO (F) Nowshera

Handwritten note: RECEIVED

Handwritten number 1324 and date 2-10-08

ATTESTED

[Handwritten signature]

صلو حارالله

دوین آئینو آئینو غیر 31 سال 2018

ACE
CHD

پر مدد .. عدوت افسران و ایسکاران قلم اچھو کرسن وغیرہ

حماہ صدری بی بی ADEO (F) نو سپرہ

حماہ صدری بی بی سابقہ (F) ADEO نو سپرہ

لیکھار سہ کار غیر حصیہ ایس حماہ صدری بی بی سیدہ فخری بی بی
دوین آئینو آئینو بی بی سیدہ صوفیہ 11-3-019
تھانہ انٹرنی کمر لیسٹنہ خارلہ
کریسٹینہ نام آئینو آئینو بی بی سیدہ عزیزہ بی بی زینتہ بی بی

[Signature]
Asi ACE CHD,
81 31 019.

ATTESTED

ATTESTED

محضور جناب ڈائریکٹر والا شان E&S ایجوکیشن KPK پشاور

درخواست بمراد اپیل

جناب عالی!

گزارش مودبانہ حسب ذیل ہے۔ کہ سائلہ ڈسٹرکٹ نوشہرہ کے (F) DEO آفس میں بطور ADO فی میل بذریعہ آپ صاحبان کے آرڈر نمبر 85-881 تاریخ 02/02/2017 تعینات کی گئی۔ اور DEO صاحبہ نوشہرہ نے بھی سائلہ کو Adjust کیا۔ اور باقاعدہ کام شروع کی۔ DEO صاحبہ کی دفتری امور میں کافی حد تک معاونت بھی کی ہے۔

جبکہ سائلہ نے باقاعدہ طور پر ٹسٹ اور انٹرویو دی ہے۔ Recommendation کمیشن کی طرف سے آئی ہے۔ آپ صاحبان کی دفتر سے میڈیکل کیلئے بھی ہدایت کی گئی تھی۔ اور پولیس سروس ہسپتال میں باقاعدہ میڈیکل فٹنس بنایا تھا۔ اس کے چند دن بعد آپ صاحبان کی دفتر کی Appointment Letter نمبر 18-6712 مورخہ 19-02-28 کے ذریعے آیا۔ اور سائلہ کی آرڈر کو Withdraw کیا۔

تو جناب والا! یہ کہاں کا انصاف ہے کہ سائلہ کی خاندان والوں کی منہ سے نوالا چینا گیا۔ سائلہ بذریعہ اس اپیل آپ صاحبان سے ہمدردانہ و عاجزانہ التماس کرتی ہے کہ سائلہ کو اپنی نوکری پر بحال کر کے مشکور و ممنون فرمادیں۔ ہم تازندگی دُعاگوں رہیں گے۔

العارضہ :-

تابعدارہ خادمہ سادیہ بی بی ADO

ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) نوشہرہ

ATTESTED

TO

The Secretary of E & S KPK
Peshawar.

Subject: Appeal against withdrawn order

ASST. & Sr.
No. 12347
Dated 1/3/19

Dear Sir,

with due respect I beg to state
that I was working as ADO post at
Nowshera Distt wof 02-02-2017 and appointed
Under Director of Education Endstt: No 881-85
dated 02-02-2017.

But after (02) years and (26) days I withdraw and
stopped my Salary.

Dear Sir, I gave test and Interview and
letter for medical fitness issued by Director of
Edu: KPK Peshawar. I got medical certificate
from Police Services Hospital Peshawar and then
issued order by Director of Edu: Endstt: No 881-85
dated 2-2-2017.

Therefore I request you that I may please be
adjusted on my own post & oblige.

Dated: 28-08-19

Yours Obediently,
Mst. Sachia bibi Ep ADO NSR

ATTESTED

وکالت نامہ

بعدالت دہلی ہائی کورٹ میں سر سجاد احمد محسود کی وکالت

صاحب محترم

صاحب محترم

دعویٰ اجرم میں سر سجاد احمد محسود

مخائب

تھانہ ایف آئی آر تاریخ

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام

امین الرحمن یوسفزئی ایڈووکیٹ ہائی کورٹ، فیڈرل شریعت کورٹ آف پاکستان اینڈ سجاد احمد محسود ایڈووکیٹ ہائی کورٹ،

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بزدور تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بزدور تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کھل ساختہ پرداخت صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد تالی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء، ڈگری بھی موصوف کو بشرط ادا کیلیک علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ سندر ہے مورخہ _____ مختار نامہ سن لیا ہے اور

اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ATTESTED & ACCEPTED:

Amin ur Rehman Yousafzai
Advocate High Court,
& Federal Shariat Court
of Pakistan.

Sajjad Ahmad Mehsud
Advocate High Court
Peshawar

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No: 826/2019

Mst: Sadia Ex; ASDEO (F) District Mardan.

....Appellant.

VERSUS

Secretary (E&SE) Department, Khyber Pakhtunkhwa & others.

.....Respondents

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Asstt: Director (Lit: II)
E&SE Department, Khyber
Pakhtunkhwa, Peshawar.

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No: 826/2019

Mst: Sadia Ex; ASDEO (F) District Mardan.....Appellant.

VERSUS

**Secretary (E&SE) Department, Khyber Pakhtunkhwa &
others.....Respondents**

PARAWISE COMMENTS ON & FOR BEHALF OF RESPONDENTS No:1-12.

Respectfully Sheweth:-

The Respondents submit as under:-

Preliminary Objections.

1. That the Appellant has got no cause of action/locus standi.
2. That the instant Service Appeal is badly time barred.
3. That the Appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
4. That the instant Service Appeal is based on mala-fide intentions.
5. That the Appellant has not come to this Honorable Tribunal with clean hands.
6. That the Appellant is not entitled for the relief she has sought from this Honorable Tribunal.
7. That the instant Service Appeal is against the prevailing law & rules.
8. That the instant Appeal is based on mala fide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
9. That the instant Service Appeal is not maintainable in its present form.
10. That the instant Service Appeal is bad for mis-joinder & non-joinder of the necessary parties.
11. That the instant Service Appeal is barred by law.

- 12 That the Appellant is not competent to file the instant appeal against the Respondents.
- 13 That the impugned Notification dated 28/02/2019 of the Respondent Department is legally competent & liable to be maintained in favor of the Respondents.
- 14 That no Departmental Appeal has been filed by the appellant to the Respondent Department against the impugned Notification dated 28/02/2019, hence got finality against the appellant.
- 15 That the recommendation letter of the appellant of has been declared as fake and bogus by the KPK PSC.
- 16 That the Notification dated 02/02/2017 has correctly been disowned by the Respondent Department vide the impugned Notification dated 28/02/2019 by the Respondent No.2 under the rules.

ON FACTS.

- 1 That Para-1 needs no comments.
- 2 That Para-2 is also needs no comments being pertains to the academic & professional qualification of the appellant.
- 3 That Para-3 is correct to the extent that the Respondent Department has invited applications for the appointment against the ASDEO (F) B-16 post vide advertisement No.02/2015 on dated 5/3/2015 in the daily newspapers through the KPK PSC from the eligible candidates wherein, the appellant did not apply for the said post nor appeared in the interview before the respondent No.3 for the appointment against ASDEO (F) B-16 post
- 4 That Para-4 is incorrect & denied on the grounds that no cogent proof & legal justification has been annexed by the appellant in support of her stand regarding filling of an application for the appointment against the ASDEO (F) B-16 post to the Respondent No.3/KPPSC, nor she has been appeared in written test & interview neither appellant has been recommended by the KPPSC against the said post vide recommendation letter dated 15/12/2016 issued by the Respondent No.3. Therefore the claim of the appellant regarding appearing before the medical board & declaring her medically fit vide letter & certificate dated 26/01/2017 & 27/01/2017 make no legal ground & even based on mala fide intensions on the part of the appellant (**Copies of the fake & bogus letter dated 15/12/2016, 26/01/2017 & 27/01/2017 are annexed as Annexure-A, B, C).**
- 5 That Para-5 is incorrect & denied on the grounds that the appellant has not been appointed by the Respondent Department against the ASDEO (F) B-16 post in District Nowshera vide Notification dated 2/02/2017 nor she has resumed her duty on 20/02/2017 against the said post in District Nowshera,

hence the plea of the appellant is illegal & liable to be dismissed. (Copies of the fake & bogus letter dated 2/02/2017 are annexed as Annexure-D, E.).

- 6 That Para-6 is also incorrect & misleading on the grounds that the recommendation letter of the appellant has been declared fake and bogus by the Respondent No.3, hence, the claim of the appellant is illegal and liable to be rejected to the extent of letter 13/02/2017. (Copy of the fake & bogus letter dated 07/03/2017 is annexed as Annexure-F).
7. That Para-7 is correct that vide Notification sated 28/02/2019, the services of the appellant has been disowned by the Respondent No.2 after due process of law along with the recovery of Rs.748545/-on account of salaries received against the above said fake & bogus recommendation letter of the Respondent No.3 where against the appellant filed a W/P No. 2043-P/19 which was also dismissed by the Honorable Peshawar High Court Peshawar Vide Order Dated 09/05/2019. (Copy of the Order dated 09/05/2019 is annexed as Annexure-G).
8. That Para-8 is also incorrect & denied. The statement of the appellant is baseless & without any cogent poof & justification & is liable to be rejected in favor of the respondents as no Departmental appeal has been filled by the appellant to the appellate authority against the impugned order & Notification Dated 28/02/2019 to the appellate authority, hence, got finality.
9. That Para -9 is legal, however, the Respondents further submit on the following grounds inter alia:-

GROUNDS.


- A **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy vide the above said notification dated 28/2/2019 by the respondent Department in the instance case, hence, the stand of the appellant is baseless & liable to be rejected.
- B **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy vide the above said notification dated 28/2/2019 by the Respondent Department in the instance case, hence, the stand of the appellant is baseless & liable to be rejected.
- C **Incorrect & not admitted.** The statement of the appellant is without any cogent reason & justification on the grounds as agitated in the foregoing paras of the present reply by the Respondents as the impugned Notification 28/02/2019 is the result of due process of law.
- D **Incorrect & not admitted.** The stand of the appellant is without any cogent reason & legal justification on the grounds that the documents of the appellant have been found fake & bogus by the respondents, hence, his services against the ASDEO (F) B-16 post has been disowned by the competent authority vide notification date 28/2/209 under the relevant provisions of law & rules

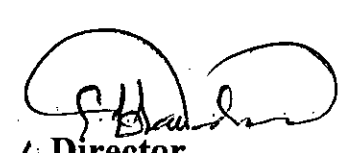
Incorrect & not admitted. The plea of the appellant is without justification & liable to be rejected as the mentioned reported judgments of the apex courts of law do not apply upon the case of the appellant in the given circumstances of the case.

F **Legal.** However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date fixed.

In view of the above made submissions, it is most humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant Service Appeal in favour of the Respondents in the interest of justice.


Dated ___ / ___ /2019


Secretary
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1)


Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 2)

AFFIDAVIT

I, **Hayat Khan Asstt: Director (Litigation-II)** E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.


Deponent



ANNEX I

Dated 15/12/2016

28

To

The Secretary to
Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Education Department

Subject: Recruitment of 15 Female ADO (B-16) in Elementary & Secondary
Education Deptt: Adv.No.2/2015 & S.No.26

Dear Sir,

In continuation to this office letter No.012399 dated: 16.3.2016 and to state that the commission recommends two candidates in to the Govt. for appointment against the subject cited posts

- (1) Mst Sadia Bibi D/O Muhammad Akram Shah Mohmand Agency
- (2) Mst Sarja D/O Ajmal Khan Mohmand Agency

2. Recommendation in favour of the recommendees are provisional subject to their medical fitness and verification of all documents and perusal of their ACR/PFR, which will be provided at the earliest.

3. Recommendation of only two (02) candidates have been kept pending due to their vital deficiencies.

4. Original application (with enclosure) of the above two selectees are enclosed herewith for your record.

5. Kindly acknowledge receipt of the same.

ATTESTED

Your Faithfully,

(Signature)
Director, Education

KHYBER PAKHTUNKHWA PESHAWAR

NO. _____ /A-17/ADEO/F/PSC/Apptt:/2015-16*

Dated Peshawar the 26/1/2017

ANNEX
J
29

To
The Director General Health
Khyber Pakhtunkhwa Peshawar

SUBJECT:- RECRUITMENT OF 15 FEMALE ADO (B-16) IN ELEMENTARY AND
SECONDARY EDUCATION DEPARTMENT ADVER: NO. 2/2015
AND S.NO.26

Memo:-

I am directed to refer to the subject cited above and to say that the following ADEO (F) candidate resident of Zone-I have been recommended by the Khyber Pakhtunkhwa Public Service Commission (PSC) for appointment as Assistant District Education Officer (F) in B-16 in the Education Department.

S.No	Name with father name	Domicile/Zone
1.	Sadia Bibi D/O Muhammad Akram Shah	Mohmand Agency/1
2.	Saira D/O Ajmal Khan	Mohmand Agency/1


It is therefore requested that Medical Board for the above candidates may very kindly be arranged and findings of the Standing Medical Board thereof may be communicated to this office as an early date for further necessary action please.

Deputy Director Establishment
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst.No. 5203-4

Copy forwarded to the:-

- 1- Section Officer(Primary) Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department w/r to his No.50(PE)E&SED/3-9/Public Service Commission/2016 dated 28-12-2016.
- 2- Mst.Sadia Bibi D/O Muhammad Akram Shah Mohmand Agency
- 3- Mst.Saira D/O Ajmal Khan Mohmand Agency
- 4- PA to Director E&SE Local Office.


Deputy Director Establishment(F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

/Noor/17/



ANNEX 'K'

(31)

Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936
E-mail desekpk@yahoo.com



NOTIFICATION

Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, appointment of the following candidates is hereby ordered against the post of ADEO/ASDEO(Female) BPS-16 (Rs.12910-1035-34960) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Management Cadre on the terms and condition given below with immediate effect and further their services are placed at the disposal of DEO(F) concerned for further posting against vacant ADEO/ASDEO(F) posts:-

S. #	Name	Father Name	Domicile	Zone	Permanent address	Remarks
1	Mst. Sadia Bibi	Muhammad Akram Shah	Mohmand Agency	1	Village Chail Tazagram P/O Lund Khawar Tehsil and District Mardan	Service is placed at the disposal of DEO (F) Nowshera for further posting against vacant ADEO/ASDEO posts.
2	Mst. Saira	Ajmal Khan	Mohmand Agency	1	Village Khan Mir Killi P/O Ziam Killi Tehsil Tangi District Charsadda	Service is placed at the disposal of DEO (F) Charsadda for further posting against vacant ADEO/ASDEO posts.

TERMS AND CONDITIONS:-

- 1- Their services will be considered regular under the Khyber Pakhtunkhwa Civil Servant Amendment Act, 2013 and Finance Department Circular No SOSR-III /FD/12-1/2005 dated 27-02-2013.
- 2- Their services are liable to termination on one months notice from either side. In case of resignation without notice their one month pay/allowances shall be forfeited to the Government.
- 3- They should join the post within 30 days of the issuance of this notification. In case of failure to join their post within one month of the issuance of this notification, their appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 4- They should be on probation for a period of one year extendable for another one year.
- 5- They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 6- Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
- 7- Charge report should be submitted to all concerned.
- 8- The DEO (F) concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after one month of the issue of their posting orders.
- 9- The DEO (F) concerned will verify their documents before release of pay.
- 10- Their seniority will be maintained as determined by the Khyber Pakhtunkhwa Public Service Commission.
- 11- No TA/DA etc will be allowed to the appointee for joining their duty.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endsl.No. 881-85/A-17/ADEO(F) 2015-16/Public Service Commission Dated Peshawar the 2/2/2017

Copy of the above is forwarded to the:-


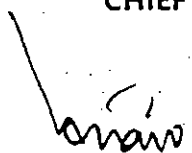
- 1- District Education Officer(Female) concerned
- 2- District Account Officer, concerned
- 3- Mistress concerned
- 4- PA to Director (E&SE) Local Office.
- 5- Master file.

ATTESTED

[Signature]
Deputy Director Establishment(F)
(E&SE) Khyber Pakhtunkhwa,

ANNEX 'S'

41

PESHAWAR HIGH COURT, PESHAWAR		
FROM 'A'		
FORM OF ORDER SHEET		
COURT OF CASE NO.		
SERIAL NO OF ORDER OR PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY.
1	2	
	09.05.2019	<p><u>W.P. No. 2043-P/2019 with IR.</u></p> <p>Present: -</p> <p style="padding-left: 40px;">Mr. Amin ur Rehman Yousafzai, advocate for the petitioner.</p> <p style="padding-left: 40px;">Syed Azeem Dad, ADPG for NAB.</p> <p style="text-align: center;">*****</p> <p>Comments from the respondents Nos. 1 and 2 received. In view of the comments let pre admission notice be issued to respondent No. 3 for 16.05.2019.</p> <p><u>INTERIM RELIEF.</u></p> <p style="padding-left: 40px;">In the meanwhile petitioner shall to be harassed or called for investigation without Court permission.</p> <div style="text-align: right; margin-top: 20px;">  CHIEF JUSTICE </div> <div style="text-align: right; margin-top: 20px;">  JUDGE </div>

ATTESTED

Aamir Bashir Awan, Senior Court Secretary.

(DB) Hon'ble Mr. Justice Waqar Ahmad Seth, Chief Justice and Justice Ms. Musarrat Hishat, JJ.

PESHAWAR HIGH COURT PESHAWAR
FORM "A"

ORDER SHEET

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	3
	16.5.2019	<p><u>WP No. 2043-P/2019.</u></p> <p>Present:</p> <p>Mr. Amin Ur Rehman Yousafzai, advocate for petitioner.</p> <p>Syed Azeem Dad, ADPG for NAB.</p> <p>*****</p> <p><u>ROOH-UL-AMIN KHAN, J.-</u> Through the instant filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner has prayed for the following relief.</p> <p>“ It is therefore, most humbly prayed that on acceptance of instant writ petition, the simultaneous inquiries carried out by the respondents against petitioner, may be declared as illegal, unlawful, without lawful authority, void ab-initio and of no legal effect, hence be set at naught, so as to secure the ends of justice. Any other relief, not specifically prayed for and deemed appropriate by this honorable Court in circumstances of the case may also be granted.”</p>

ATTESTED

Handwritten signature

2. In essence, the grievance of the petitioner is that the NAB authorities as well as Anti Corruption authorities have simultaneously initiated inquiries on one and the same charge against the petitioner which is illegal and against the mandate of Article 143 of the Constitution of Islamic Republic of Pakistan, 1973. The respondents during arguments drew the attention of this Court to para-2 of the comments filed by them which is reproduced as below.

"2. That similarly, on the basis of another complaint, a case was initiated regarding illegal appointments of ADEO/ASDEO (Female) by the officers and officials of Directorate of Elementary & Secondary Education, KP and others. The said proceedings were merged with the case as mentioned in apraNo.1 above. It is pertinent to mention here that during the proceedings with the NAB, it was unearthed that the cognizance of the instant matter has already been taken by Anti-Corruption Establishment, KP. Therefore, matter was deliberated at appropriate forum to send the matter to ACE (KP) subject to approval of the competent authority to avoid duplication of the proceedings."

[Handwritten signature]

ATTESTED

The learned ADPG in support of the above para stated that on allegation of illegal appointments in defunct FATA and settled area proceedings were initiated against the petitioner, however, subsequently the proceedings in the settled area were referred and handed over to the Anti Corruption department, whereas in federal area the matter is under consideration of the NAB authorities as the jurisdiction of Anti Corruption authorities was not extended to FATA.

3. In view of above, the instant writ petition has served its purpose which is disposed of accordingly.

*Announced on;
16th of May, 2019*

Rooh ul Amin
JUDGE
Ishtiaq Ibrahim
JUDGE

Zarshad

(DB)

Hon'ble Mr. Justice Rooh Ul Amin Khan & Hon'ble Mr. Justice Ishtiaq Ibrahim

ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No 826/2019

MST. SADIA BIBI.....APPELLANT.

VS

GOVT OF KHYBER PAKHTUNKHWA & OTHERS..... RESPONDENTS.

INDEX

S.NO.	PARTICULARS	ANNEXURE	PAGE NO
1.	Parawise Comments of the Commission		1-5
2.	Copy of PSC Advertisement 02/2015	"A"	6
3.	Copy of PSC Merit list	"B"	7-8
4.	Copy of PSC Advertisement 01/2016	"C"	9



Senior Law Officer
Khyber Pakhtunkhwa
Public Service Commission Peshawar
(Respondent)

Ums No.

88662918

Date: 3/01/2020

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No 826/2019

MST. SADIA BIBI.....APPELLANT.

VS

GOVT OF KHYBER PAKHTUNKHWA & OTHERS..... RESPONDENTS.

PARAWISE COMMENTS / REPLY ON BEHALF OF RESPONDENT NO.04

RESPECTFULLY SHEWETH:
PRELIMINARY OBJECTIONS:

1. The documents annexed by the appellant purported to be issued by Public Service Commission to her and her recommendation are fake and fabricated.
2. That as per record of Khyber Pakhtunkhwa Public Service Commission the appellant has neither applied via public service commission nor she has been recommended against the said post.
3. That instant service appeal is a bundle of illogical and unjustified allegations against the Respondent No.4.
4. That appellant has not come to this Honorable Service Tribunal with clean hands.
5. That instant appeal is consisted of misstated facts before this Honorable Forum.
6. That instant service appeal is not tenable in the eyes of law.

ON FACTS:

1. Requires proof.
2. Requires proof.
3. The Khyber Pakhtunkhwa Public Service Commission advertised Fifteen (15) Leftover Posts of Female Assistant District Officer (A.D.O) vide advertisement 02/2015 at serial No. 26 with the following qualification.

QUALIFICATION: BA/ B.Sc 2nd Division with B.Ed and Five years teaching/ administrative experience in Govt: recognized education institution/ office.

AGE LIMIT: 21 to 35 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Female.

ALLOCATION: Zone-1.

Annex-A

In response to Advertisement No. 02/2015 dated 05.03.2015 Serial No. 26. A total 320 applications were received. After screening test result 228 candidates were shortlisted for interview. 206 candidates were rejected on technical grounds. 22 candidates were called for interview. 15 candidates failed the interview while 07 candidates qualified and were recommended for the post of Female A.D.O.

4. Incorrect. Appellant neither applied nor any deficiency letter "Call letter" was issued to her. As the appellant was not a candidate, her recommendation for the subject post is out of question. It is pertinent to mention here that only seven (07) candidates were recommended against the fifteen (15) post of Female A.D.Os from Zone-1 while remaining 08 post of Female A.D.Os from Zone-1 were leftover and were again re-advertised in advertisement No. 01/2016 dated 09.03.2016. Furthermore documents including deficiency letter, call letter and recommendation purported to be issued by the Khyber Pakhtunkhwa Public Service Commission and copies attached with the Service Appeal, all are fake. Her name stands nowhere in the merit list. The appellant is in possession of forged and fabricated documents. Merit list of the seven qualified candidates prepared then by Public Service Commission is tabulated as under:

Merit order	Total Marks	Interview Marks	Date of Birth	Name with Father's Name	Domicile/Zone
1.	61	39	15.03.86	Sarwat Samandar D/O Samandar Khan	Moh:Agy/1
2.	58	36	20.02.86	Rizwana Gul D/O Muhammad Qasim Khan	F.R. Lakki/1

3.	52	31	15.02.86	Rubina Marwat DJ/O Najeebullah	N.W. Agy:/1
4.	50	32	06.05.87	Salma Begum D/O Isa Khan	Moh: Agy:/1
5.	50	32	10.03.88	Shakla Naz D/O Taj Omer	Moh: Agy:/1
6.	50	30	20.04.87	Naseem Bibi D/O Amin Gul	S.W Agy:/1
7.	47	32	20.02.81	Bibi Sajida D/O Syed Muhammad Ibrahim	Orakzai Agy:/1

As per position tabulated above, and record of the Respondent No.4, the appellant has neither applied nor got recommended by the answering respondent, Khyber Pakhtunkhwa Public Service Commission.

Copy of merit list is **Annex-B**.

Copy of Advertisement No. 01/2016 dated 09.03.2016 **Annex-C**.

5. Not relevant to Public Service Commission. However, as stated in preceding para the appellant is in possession of forged documents.

6-8. Not relevant to the answering respondent, Public Service Commission.

9. That appellant was never recommended by Khyber Pakhtunkhwa Public Service Commission. The supporting recommendation letter is fake and forged. The appellant is not entitled to approach this Honorable Tribunal on the present like baseless misleading grounds.

GROUND


A-C. Not relevant to Public Service Commission.

D. Incorrect. Appellant was never recommended against the said post by the Public Service Commission.

E. Not relevant to Public Service Commission.

F. Appellant may not be allowed to raise any point before this Honorable Service Tribunal which may result in wastage of precious time of this Honorable forum.

It is, therefore, most humbly prayed that on acceptance of these comments, appeal in hand may kindly be dismissed with cost as the appellant neither applied nor recommended for the desired post by Respondent No. 04



CHAIRMAN
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.04)

Shahid

AFFIDAVIT

Stated on oath that the contents of this Para wise comments are true and correct & nothing has been concealed from this Honorable tribunal.

DEPONENT


**CHAIRMAN
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.04)**

(6)

Annex A

**KHYBER PAKHTUNKHWA PUBLIC SERVICE
COMMISSION**

2- Fort Road Peshawar Cantt:

Website: www.kppsc.gov.pk

Tele: Nos. 091-9214131, 9213563, 9213750, 9212897

Dated: 05.03.2015

ADVERTISEMENT No. 02 / 2015.

Applications, on prescribed form, are invited for the following posts from Pakistani citizens having domicile of Khyber Pakhtunkhwa / F.A.T.A by **03.04.2015** (candidates applying from abroad by **17.04.2015**). Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall be rejected.

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

26.	FIFTEEN (15) (LEFTOVER) POSTS OF FEMALE A.D.O. QUALIFICATION: BA/ B.Sc 2 nd Division with B.Ed and Five years teaching/ administrative experience in Govt: recognized education institution/ office. AGE LIMIT: 21 to 35 years. PAY SCALE: BPS-16 ELIGIBILITY: Female. ALLOCATION: Zone-1.
------------	--

(Sharif Hussain)
Secretary
Khyber Pakhtunkhwa
Public Service Commission
Peshawar

SUBJECT:

7
RECRUITMENT OF FIFTEEN (15) LEFTOVER POSTS OF FEMALE ASSISTANT DISTRICT OFFICER (BPS-16) IN ELEMENTARY & SECONDARY EDUCATION DEPARTMENT. (ADVT: NO. 02/2015, S.NO.26)

Annex-B

This case deals with the recruitment of fifteen (15) leftover posts of Female Assistant District Officer (BPS-16) in Elementary & Secondary Education Department. These leftover posts were advertised in our Advertisement No. 02/2015, S.No. 26 dated 05.03.2015 (Page-18/C) with the following qualifications:

Sc
"BA/B.Sc 2nd Division with B.Ed and Five years teaching / administrative experience in Govt: recognized education institution / office."

In response to our advertisement, 320 candidates have applied. Ability test was conducted in the subject on 02.09.15. The examination branch handed over the result on 03.11.15 and as a result 228 candidates qualified the test as per detail given below: -

No. of post(s)	Total No. of appl. received	No. of candidates qualified Ability Test	Rejected	Called for interview	Absent	Failed	Qualified
15	320	228	206	22	--	15	07

SI
Interviews in the subject were conducted from 8th to 18th December, 2015 and as a result the following seven (07) candidates have qualified the interview: -

Merit Order	Total Marks	Interview Marks	Date of Birth	Name with Father's Name	Domicile/Zone	Page No.
1. ✓	61	39	15.03.86	Sarwat Samander D/O Samander Khan ✓	Moh: Agy:/1 ✓	23
2. ✓	58	36	20.02.86	Rizwana Gul D/O Muhammad Qasim Khan ✓	F.R. Lakki/1 ✓	44
3. ✓	52	31	15.02.86	Rubina Marwat D/O Najeebullah ✓	N.W.Agy:/1 ✓	34
4. ✓	50	32	06.05.87	Salma Begum D/O Isa Khan ✓	Moh: Agy:/1 ✓	30
5. ✓	50	32	10.03.88	Shakla Naz D/O Taj Omer ✓	Moh: Agy:/1 ✓	35
6. ✓	50	30	20.04.87	Naseem Bibi D/O Amin Gul ✓	S.W.Agy:/1 ✓	40
7. ✓	47	32	20.02.81	Bibi Sajida D/O Syed Muhammad Ibrahim ✓	Orakzai Agy:1 ✓	22

S2
According to zonal allocation, the adjustment of these fifteen (15) leftover posts is as under: -

5TH BLOCK:

Vacancy Rotation	Allocation	Merit Order	Name with Father's Name	District / Zone	Adjustment
15 th ✓	Zone-1 ✓	01 ✓	Sarwat Samander D/O Samander Khan ✓	Moh: Agy:/1 ✓	Own Quota ✓
22 nd ✓	Zone-1 ✓	02 ✓	Rizwana Gul D/O Muhammad Qasim Khan ✓	F.R. Lakki/1 ✓	Own Quota ✓

6TH BLOCK:

Vacancy Rotation	Allocation	Merit Order	Name with Father's Name	District / Zone	Adjustment
2 nd ✓	Zone-1 ✓	03 ✓	Rubina Marwat D/O Najeebullah ✓	N.W.Agy:/1 ✓	Own Quota ✓
8 th ✓	Zone-1 ✓	04 ✓	Salma Begum D/O Isa Khan ✓	Moh: Agy:/1 ✓	Own Quota ✓
15 th ✓	Zone-1 ✓	05 ✓	Shakla Naz D/O Taj Omer ✓	Moh: Agy:/1 ✓	Own Quota ✓
22 nd ✓	Zone-1 ✓	06 ✓	Naseem Bibi D/O Amin Gul ✓	S.W.Agy:/1 ✓	Own Quota ✓

PTO

4/N

50

8

7TH BLOCK: ✓

Vacancy Rotation	Allocation	Merit Order	Name with Father's Name	District / Zone	Adjustment
2nd ✓	Zone-1 ✓	07 ✓	Bibi Sajida D/O Syed Muhammad Ibrahim ✓	Orakzai Agy:1	Own Quota
8th ✓	Zone-1 ✓	---	No Qualified Candidate	---	---
15th ✓	Zone-1 ✓	---	No Qualified Candidate	---	---
22nd ✓	Zone-1 ✓	---	No Qualified Candidate	---	---

8TH BLOCK: ✓

Vacancy Rotation	Allocation	Merit Order	Name with Father's Name	District / Zone	Adjustment
2nd ✓	Zone-1 ✓	---	No Qualified Candidate	---	---
8th ✓	Zone-1 ✓	---	No Qualified Candidate	---	---
15th ✓	Zone-1 ✓	---	No Qualified Candidate	---	---
22nd ✓	Zone-1 ✓	---	No Qualified Candidate	---	---

9TH BLOCK:

Vacancy Rotation	Allocation	Merit Order	Name with Father's Name	District / Zone	Adjustment
2nd ✓	Zone-1 ✓	---	No Qualified Candidate	---	---

Recommendation in favour of the above recommendees may be provisional subject to their medical fitness and perusal of ACRs which are required for satisfaction of the Commission regarding final recommendation. Moreover, the department may also confirm that ACRs furnished by the concerned department are duly signed by the relevant reporting officer and counter signing authority. The department may ensure that the recommendee did not avail E.O.L service break or proceeded on deputation etc otherwise the same may be brought in to the notice of Public Service Commission and verification of documents by the concerned department.

Up-to date zonal state will be as under: -

	Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total
Share	49	33 ✓	32	32	24	24	194 ✓
Adjustment	49	25 ✓	32	32	24	24	186 ✓
Balance	---	08 ✓	---	---	---	---	08 ✓

Eight (08) unfilled posts will be re-advertised.

Submitted for approval please.

Assistant

Quilab
21/12/15

Superintendent

A 3
21/12/2015

Assistant Director-II

[Signature]

Deputy Director-I

[Signature]
21/12

Director Recruitment

Capt: (Rtd:) Jamil Amjad
Member - III

[Signature]
21/12/15
Approved

Muhammad Hamayun
Member - IX

Approved.

[Signature]
21/12/15
Sheet

53

54

55

56

6/A

9

Annex C

**KHYBER PAKHTUNKHWA PUBLIC SERVICE
COMMISSION**

2- Fort Road Peshawar Cantt:

Website: www.kppsc.gov.pk

Tele: Nos. 091-9214131, 9213563, 9213750, 9212897

Dated: 09.03.2016

ADVERTISEMENT No. 01 / 2016.

Applications, on prescribed form, are invited for the following posts from Pakistani citizens having domicile of Khyber Pakhtunkhwa / F.A.T.A by **08.04.2016**. Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall be rejected.

ELEMENTARY & SECONDARY EDUCATION DEPTT:

21. **EIGHT (08) (LEFTOVER) POSTS OF FEMALE A.D.O IN ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.**

QUALIFICATION: BA / B.Sc 2nd Division with B.Ed and five years Teaching / Administrative experience in Govt: recognized education institution / office.

AGE LIMIT: 21 to 35 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Female.

ALLOCATION: Merit.

(Sharif Hussain)
Secretary
Khyber Pakhtunkhwa
Public Service Commission
Peshawar

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

In Re:

Service Appeal No. 826 of 2019

Mst. Sadia Bibi **Applicant/Appellant**

....VERSUS....

Government of Khyber Pakhtunkhwa & 03 others. **Respondents**

REJOINDER TO THE COMMENTS OF RESPONDENTS NO.1 & 2

Respectfully Sheweth:

REPLY TO PRELIMINARY OBJECTIONS:

All the preliminary objections from sub-para 1 to 16 are traditional in nature, hence could not be taken into consideration. Moreover, reply on behalf of Respondents No.1 & 2 is supported by an affidavit, instead of verification, that too, sworn by an irrelevant person i.e. Assistant Director E&SE Khyber Pakhtunkhwa, who is stranger to the titled appeal, therefore, on this score alone, reply of Respondents No.1 & 2 could not be taken into consideration, hence liable to be rejected.

REPLY ON FACTS:

1. Needs no reply.
2. Needs no reply.
3. Though admitted para 3 of the titled appeal, however, assertion of the Respondents No.1 & 2 with regard to apply of the appellant for the said post is without substance, hence denied not only because they are least concerned with the application form but also because they have admitted that this is the job of Respondent No.3.
4. Misleading as laid, hence denied. Moreover, appellant applied for the said post to Respondent No.3, similarly, the deficiency letter dated: 30.11.2015, interview call letter dated: 04.12.2015, recommendation dated: 15.12.2016 & office letter dated: 26.01.2017, vide ^{which} J.D.G Health Khyber Pakhtunkhwa Peshawar was requested to arrange medical board for the medical examination of appellant, are also issued by Respondent No.3, therefore, Respondents No.1 & 2 have wrongly step into the shoes of Respondent No.3 and submitted their reply on the strength of hearsay

allegations. Needless to add that the medical fitness certificate has also been issued by Medical Superintendent, Police Service Hospital, Peshawar, therefore, Respondents No.1 & 2 can't term it bogus, without regular inquiry.

5. Misleading as laid, hence denied. Moreover, the assertions of Respondents No.1 & 2, with regard to appointment notification dated: 02.02.2017, are unilateral in nature and has no justification in absence of conducting the regular inquiry.
6. Though admitted adjustment order dated: 27.02.2017 of appellant, verification dated: 02.03.2017 of her appointment notification and clearance certificate dated: 07.03.2017 for the release of salary, however, introduced a strange letter dated: 13.02.2017 and termed the same as fake, which has no nexus with the facts and circumstances of the case of appellant, hence deserves to be discarded.
7. Though admitted to the extent of outstanding performance coupled with honor and awards, granted to her while performing duties, similarly it has also been admitted that Respondent No.2 has unilaterally issued notification dated: 28.02.2019. Moreover, the factum of receiving of salaries by the appellant, amounting to Rs.748,545/- has also been admitted, which is sufficient to belie stance of Respondents No.1 & 2. It is worth to mention that Writ Petition No.2043-P/2019 was disposed of by the Hon'ble Peshawar High Court, Peshawar vide Judgment dated: 16.05.2019, in favour of the appellant, neither dismissed nor the same had any nexus either with the appointment's notification or with her unilateral removal from service rather the same was related to simultaneous inquiries, initiated by NAB as well as Anti-Corruption Department Khyber Pakhtunkhwa.
8. Misleading as laid, hence denied. Moreover, it is clearer than crystal from the departmental appeal dated: 01.03.2019 of the appellant that the same has been received vide diary No.12342 dated: 01.03.2019, in the office of Respondent No.1.
9. Respondents No.1 & 2 have no right to defend the impugned notification and to submit additional grounds at the time of arguments.

ON GROUNDS:

- A. Misleading as laid, hence denied. Moreover, neither the appellant has been treated in accordance with law nor the impugned notification dated: 28.02.2019 has been issued in accordance with law/rules governing the subject.
- B. Misleading as laid, hence denied. Moreover, instant ground is the ditto copy of ground A. needless to add that ground B of the titled appeal has gone un-rebutted.

- C. Misleading as laid, hence denied. Moreover, stance of the appellant that neither regular inquiry into her guilt has been conducted nor mandatory show cause notice was served upon her thus condemned unheard, has gone un-rebutted.
- D. Misleading as laid, hence denied. Moreover, stance taken by Respondents No.1 & 2 with regard to documents of appellant, which has unilaterally been declared fake/bogus, is without substance and not acceptable to prudent mind. Not only because all her documents have duly been verified from the concerned quarters and found correct but also because she had the requisite qualification at the relevant time for the relevant position.
- E. Misleading as laid, hence denied. Moreover, judgments of the apex Court of Pakistan relied upon by the appellant in ground E of the titled appeal are of immense importance and are relevant to her case.
- F. Keeping in view vague reply of Respondents No.1 & 2, they are not entitled to submit additional grounds; record and case law at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant rejoinder, reply of Respondents No.1 & 2 to the titled appeal may be rejected and the titled appeal may be allowed in terms of prayer therein.

Appellant
Through

Amin ur Rehman Yusufzai

Sajjad Mehsud

&

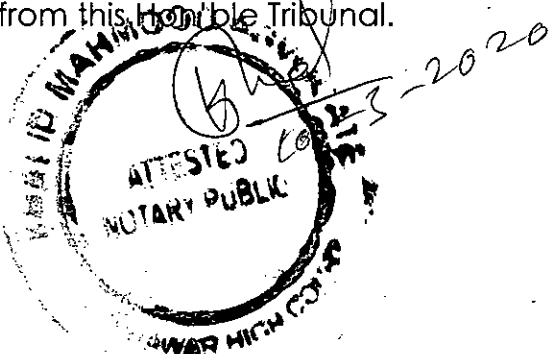
Khalid Khan

Advocates, Peshawar,
3-A, Park Avenue, Bhattani Plaza,
University Town, Peshawar
Cell No.0321-9022964, 0333-9981464

Dated: 05.03.2020

VERIFICATION:

Verified on oath that the content of the instant **Rejoinder** is true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.



Deponent

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No: 826/2019

Mst: Sadia Ex; ASDEO (F) District Mardan.

....Appellant.

VERSUS

Secretary (E&SE) Department, Khyber Pakhtunkhwa & others.

.....Respondents

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Asstt: Director (Lit: II)
E&SE Department, Khyber
Pakhtunkhwa, Peshawar.

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No: 826/2019

Mst: Sadia Ex; ASDEO (F) District Mardan.....Appellant.

VERSUS

**Secretary (E&SE) Department, Khyber Pakhtunkhwa &
others.....Respondents**

PARAWISE COMMENTS ON & FOR BEHALF OF RESPONDENTS No:1-12.

Respectfully Sheweth:-

The Respondents submit as under:-

Preliminary Objections.

- 1 That the Appellant has got no cause of action/locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
- 4 That the instant Service Appeal is based on mala-fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for the relief she has sought from this Honorable Tribunal.
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the instant Appeal is based on mala fide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
- 9 That the instant Service Appeal is not maintainable in its present form.
- 10 That the instant Service Appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 11 That the instant Service Appeal is based on mala fide intentions.

- 12 That the Appellant is not competent to file the instant appeal against the Respondents.
- 13 That the impugned Notification dated 28/02/2019 of the Respondent Department is legally competent & liable to be maintained in favor of the Respondents.
- 14 That no Departmental Appeal has been filed by the appellant to the Respondent Department against the impugned Notification dated 28/02/2019, hence got finality against the appellant.
- 15 That the recommendation letter of the appellant of has been declared as fake and bogus by the KPK PSC.
- 16 That the Notification dated 02/02/2017 has correctly been disowned by the Respondent Department vide the impugned Notification dated 28/02/2019 by the Respondent No.2 under the rules.

ON FACTS.

- 1 That Para-1 needs no comments.
- 2 That Para-2 is also needs no comments being pertains to the academic & professional qualification of the appellant.
- 3 That Para-3 is correct to the extent that the Respondent Department has invited applications for the appointment against the ASDEO (F) B-16 post vide advertisement No.02/2015 on dated 5/3/2015 in the daily newspapers through the KPK PSC from the eligible candidates wherein, the appellant did not apply for the said post nor appeared in the interview before the respondent No.3 for the appointment against ASDEO (F) B-16 post
- 4 That Para-4 is incorrect & denied on the grounds that no cogent proof & legal justification has been annexed by the appellant in support of her stand regarding filling of an application for the appointment against the ASDEO (F) B-16 post to the Respondent No.3/KPPSC, nor she has been appeared in written test & interview neither appellant has been recommended by the KPPSC against the said post vide recommendation letter dated 15/12/2016 issued by the Respondent No.3. Therefore the claim of the appellant regarding appearing before the medical board & declaring her medically fit vide letter & certificate dated 26/01/2017 & 27/01/2017 make no legal ground & even based on mala fide intensions on the part of the appellant (**Copies of the fake & bogus letter dated 15/12/2016, 26/01/2017 & 27/01/2017 are annexed as Annexure-A, B, C).**
- 5 That Para-5 is incorrect & denied on the grounds that the appellant has not been appointed by the Respondent Department against the ASDEO (F) B-16 post in District Nowshera vide Notification dated 2/02/2017 nor she has resumed her duty on 20/02/2017 against the said post in District Nowshera,

hence the plea of the appellant is illegal & liable to be dismissed. (Copies of the fake & bogus letter dated 2/02/2017 are annexed as Annexure-D, E,).

- 6 That Para-6 is also incorrect & misleading on the grounds that the recommendation letter of the appellant has been declared fake and bogus by the Respondent No.3, hence, the claim of the appellant is illegal and liable to be rejected to the extent of letter 13/02/2017. (Copy of the fake & bogus letter dated 07/03/2017 is annexed as Annexure-F).
7. That Para-7 is correct that vide Notification sated 28/02/2019, the services of the appellant has been disowned by the Respondent No.2 after due process of law along with the recovery of Rs.748545/-on account of salaries received against the above said fake & bogus recommendation letter of the Respondent No.3 where against the appellant filed a W/P No. 2043-P/19 which was also dismissed by the Honorable Peshawar High Court Peshawar Vide Order Dated 09/05/2019. (Copy of the Order dated 09/05/2019 is annexed as Annexure-G).
8. That Para-8 is also incorrect & denied. The statement of the appellant is baseless & without any cogent proof & justification & is liable to be rejected in favor of the respondents as no Departmental appeal has been filled by the appellant to the appellate authority against the impugned order & Notification Dated 28/02/2019 to the appellate authority, hence, got finality.
9. That Para -9 is legal, however, the Respondents further submit on the following grounds inter alia:-

GROUND.


- A **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy vide the above said notification dated 28/2/2019 by the respondent Department in the instance case, hence, the stand of the appellant is baseless & liable to be rejected.
- B **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy vide the above said notification dated 28/2/2019 by the Respondent Department in the instance case, hence, the stand of the appellant is baseless & liable to be rejected.
- C **Incorrect & not admitted.** The statement of the appellant is without any cogent reason & justification on the grounds as agitated in the foregoing paras of the present reply by the Respondents as the impugned Notification 28/02/2019 is the result of due process of law.
- D **Incorrect & not admitted.** The stand of the appellant is without any cogent reason & legal justification on the grounds that the documents of the appellant have been found fake & bogus by the respondents, hence, his services against the ASDEO (F) B-16 post has been disowned by the competent authority vide notification date 28/2/209 under the relevant provisions of law & rules

Incorrect & not admitted. The plea of the appellant is without justification & liable to be rejected as the mentioned reported judgments of the apex courts of law do not apply upon the case of the appellant in the given circumstances of the case.

F **Legal.** However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date fixed.

In view of the above made submissions, it is most humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant Service Appeal in favour of the Respondents in the interest of justice.

Dated ___ / ___ /2019



Secretary
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1)



Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 2)

AFFIDAVIT

I, **Hayat Khan Asstt: Director (Litigation-II)** E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.



Deponent



ANNEX I

Dated 15/12/2016

28

To

The Secretary to
Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Education Department

Subject
Education

Recruitment of 15 Female ADO (B-16) in Elementary & Secondary
Deptt: Adv.No.2/2015 & S.No.26

Dear Sir,

In continuation to this office letter No.012399 dated: 16.3.2016 and to state that the commission recommends two candidates in to the Govt. for appointment against the subject cited posts

- | | |
|--|----------------|
| (1) Mst Sadia Bibi D/O Muhammad Akram Shah | Mohmand Agency |
| (2) Mst Sadia D/O Ajmal Khan | Mohmand Agency |

2. Recommendation in favour of the recommendees are provisional subject to their medical fitness and verification of all documents and perusal of their ACR-PFR which may be provided at the earliest.

3. Recommendation of only two (02) candidates have been kept pending due to their vital deficiencies.

4. Original application (with enclosure) of the above two selectees are enclosed herewith for your record.

5. Kindly acknowledge receipt of the same.

ATTESTED

Your Faithful,

(Signature)
Director, PSC

MEDICAL CERTIFICATE

36

Name of official Sadiq Biki ✓

Caste or race Moslem

Father's name M. Abdau Shah ✓

Residence Labour Colony Masdan

Date of birth 5-2-1991 ✓

Exact height by measurement 55

Personal mark of identification ML

Signature of the official [Signature]

Signature of head of office _____

Seal of office _____

I do hereby certify that I have examined Mr. Sadiq Biki a candidate for employment in the Office of the Education and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except As above

I do not consider this as disqualification for employment in the office of the Education his age according to his own statement Twenty five year and by appearance about year 25

MEDICAL SUPERINTENDENT

CIVIL HOSPITAL

[Signature]
27/11/2017

[Signature]
Medical Officer

LEFT HAND THUMB AND FINGER IMPRESSIONS

ATTESTED

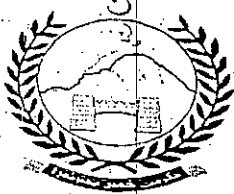
[Signature]
ATTESTED

ANNEX 'K'

(31)

**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936
E-mail desekpk@yahoo.com



NOTIFICATION

Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, appointment of the following candidates is hereby ordered against the post of ADEO/ASDEO(Female) BPS-16 (Rs.12910-1035-34960) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Management Cadre on the terms and condition given below with immediate effect and further their services are placed at the disposal of DEO(F) concerned for further posting against vacant ADEO/ASDEO(F) posts:-

S. #	Name	Father Name	Domicile	Zone	Permanent address	Remarks
1	Mst. Sadia-Bibi	Muhammad Akram Shah	Mohmand Agency	I	Village Chail Tazagram P/O Lund Khawar Tehsil and District Mardan	Service is placed at the disposal of DEO (F) Nowshera for further posting against vacant ADEO/ASDEO posts.
2	Mst.Saira	Ajmal Khan	Mohmand Agency	I	Village Khan Mir Killi P/O Ziam Killi Tehsil Tangi District Charsadda	Service is placed at the disposal of DEO (F) Charsadda for further posting against vacant ADEO/ASDEO posts.

TERMS AND CONDITIONS:-

- 1- Their services will be considered regular under the Khyber Pakhtunkhwa Civil Servant Amendment Act, 2013 and Finance Department Circular No SOSR-III /FD/12-1/2005 dated 27-02-2013.
- 2- Their services are liable to termination on one months notice from either side. In case of resignation without notice their one month pay/allowances shall be forfeited to the Government.
- 3- They should join the post within 30 days of the issuance of this notification. In case of failure to join their post within one month of the issuance of this notification, their appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 4- They should be on probation for a period of one year extendable for another one year.
- 5- They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 6- Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be preceded under the rules framed from time to time.
- 7- Charge report should be submitted to all concerned.
- 8- The DEO (F) concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after one month of the issue of their posting orders.
- 9- The DEO (F) concerned will verify their documents before release of pay
- 10- Their seniority will be maintained as determined by the Khyber Pakhtunkhwa Public Service Commission.
- 11- No TA/DA etc will be allowed to the appointee for joining their duty.

**Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

Endst.No. 881-85 (A-17/ADEO(F)) 2015-16/Public Service Commission Dated Peshawar the 2/2 2017

Copy of the above is forwarded to the:-

- 1- District Education Officer(Female) concerned
- 2- District Account Officer, concerned
- 3- Mistress concerned
- 4- PA to Director (E&SE) Local Office.
- 5- Master file.

ATTESTED

[Signature]
Deputy Director Establishment(F)
(E&SE) Khyber Pakhtunkhwa,

*/Naor/*17/*

ANNEX 'S'

41

PESHAWAR HIGH COURT, PESHAWAR		
FROM 'A'		
FORM OF ORDER SHEET		
COURT OF CASE NO.		
SERIAL NO OF ORDER OR PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY.
1	2	3
09.05.2019		<p>W.P. No. 2043-P/2019 with IR.</p> <p>Present: -</p> <p>Mr. Amin ur Rehman Yousafzai, advocate for the petitioner.</p> <p>Syed Azeem Dad, ADPG for NAB.</p> <p>*****</p> <p>Comments from the respondents Nos. 1 and 2 received. In view of the comments let pre admission notice be issued to respondent No. 3 for 16.05.2019.</p> <p>INTERIM RELIEF.</p> <p>In the meanwhile petitioner shall to be harassed or called for investigation without Court permission.</p> <p><i>[Signature]</i> CHIEF JUSTICE</p> <p><i>[Signature]</i> JUDGE</p>

ATTESTED

Aamir Bashir Awan, Senior Court Secretary.

(DB), Hon'ble Mr. Justice Waqar Ahmad Sethi, Chief Justice and Justice Ms. Musarrat Hissari, HJ.

PESHAWAR HIGH COURT PESHAWAR
FORM "A"

ORDER SHEET

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	3
	16.5.2019	<p><u>WP No. 2043-P/2019.</u></p> <p>Present:</p> <p>Mr. Amin Ur Rehman Yousafzai, advocate for petitioner.</p> <p>Syed Azeem Dad, ADPG for NAB.</p> <p>*****</p> <p><u>ROOH-UL-AMIN KHAN, J.-</u> Through the instant filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner has prayed for the following relief.</p> <p>“ It is therefore, most humbly prayed that on acceptance of instant writ petition, the simultaneous inquires carried out by the respondents against petitioner, may be declared as illegal, unlawful, without lawful authority, void ab-initio and of no legal effect, hence be set at naught, so as to secure the ends of justice. Any other relief, not specifically prayed for and deemed appropriate by this honorable Court in circumstances of the case may also be granted.”</p>

ATTESTED

Handwritten signature

2. In essence, the grievance of the petitioner is that the NAB authorities as well as Anti Corruption authorities have simultaneously initiated inquiries on one and the same charge against the petitioner which is illegal and against the mandate of Article 143 of the Constitution of Islamic Republic of Pakistan, 1973. The respondents during arguments drew the attention of this Court to para-2 of the comments filed by them which is reproduced as below.

“2. That similarly, on the basis of another complaint, a case was initiated regarding illegal appointments of ADEO/ASDEO (Female) by the officers and officials of Directorate of Elementary & Secondary Education, KP and others. The said proceedings were merged with the case as mentioned in apraNo.1 above. It is pertinent to mention here that during the proceedings with the NAB, it was unearthed that the cognizance of the instant matter has already been taken by Anti-Corruption Establishment, KP. Therefore, matter was deliberated at appropriate forum to send the matter to ACE (KP) subject to approval of the competent authority to avoid duplication of the proceedings.”

[Handwritten signature]

ATTESTED

The learned ADPG in support of the above para stated that on allegation of illegal appointments in defunct FATA and settled area proceedings were initiated against the petitioner, however, subsequently the proceedings in the settled area were referred and handed over to the Anti Corruption department, whereas in federal area the matter is under consideration of the NAB authorities as the jurisdiction of Anti Corruption authorities was not extended to FATA.

3. In view of above, the instant writ petition has served its purpose which is disposed of accordingly.

*Announced on;
16th of May, 2019*

Rooh ul Amin
JUDGE
Ishtiaq Ibrahim
JUDGE

Zaeshan (DB)

Hon'ble Mr. Justice Rooh Ul Amin Khan & Hon'ble Mr. Justice Ishtiaq Ibrahim

ATTESTED

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

In Re:

Service Appeal No. 826 of 2019

Mst. Sadia Bibi Applicant/Appellant

....VERSUS....

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REPLY ON FACTS:

1. Needs no reply.
2. Needs no reply.
3. Though admitted para 3 of the titled appeal, however, assertion of the Respondents No.1 & 2 with regard to apply of the appellant for the said post is without substance, hence denied not only because they are least concerned with the application form but also because they have admitted that this is the job of Respondent No.3.
4. Misleading as laid, hence denied. Moreover, appellant applied for the said post to Respondent No.3, similarly, the deficiency letter dated: 30.11.2015, interview call letter dated: 04.12.2015, recommendation dated: 15.12.2016 & office letter dated: 26.01.2017, vide ^{which} J.D.G Health Khyber Pakhtunkhwa Peshawar was requested to arrange medical board for the medical examination of appellant, are also issued by Respondent No.3, therefore, Respondents No.1 & 2 have wrongly step into the shoes of Respondent No.3 and submitted their reply on the strength of hearsay

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It is, therefore, most humbly prayed that on acceptance of instant rejoinder, reply of Respondents No.1 & 2 to the titled appeal may be rejected and the titled appeal may be allowed in terms of prayer therein.

Appellant
Through

Amin ur Rehman Yusufzai

Sajjad Mehsud

&

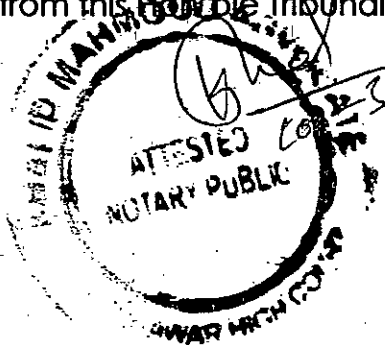
Khalid Khan

Advocates, Peshawar,
3-A, Park Avenue, Bhattani Plaza,
University Town, Peshawar
Cell No.0321-9022964, 0333-9981464.

Dated: 05.03.2020

VERIFICATION:

Verified on oath that the content of the instant Rejoinder is true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honorable Tribunal.



Deponent