17.10.2017

MSA Sadaf Riag VS Gort

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Mhammad Usman, Senior Clerk for the respondents present. Both the learned counsel for the parties agreed that the broad facts and legal issues involved in the instant case are similar as in 17 appeals decided by this Tribunal on 17.01.2017, in Service Appeal No. 744/2015 entitled "Shahida Bibi Vs. Government of Khyber Pakhtunkhwa through Secretary, E&SE, Peshawar and others" and requested that the instant appeal may also be decided accordingly.

In view of the above submission, this appeal is also decided according to para-8 of the operative part of the above cited judgment. Parties are left to bear their own costs. File be consigned to the record room.

Member

Camp court, A/Abad.

ANNOUNCED

17.10.2017

24.11.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mst. Bushra Bibi, Government Pleader for respondents present. Written reply submitted. Cost of Rs. 1000/- paid to father of the appellant and receipt obtained. The appeal is assigned to D.B for rejoinder and final hearing for 19.04.2017 at camp court, Abbottabad.

Chaman Camp Court, A/Abad

19.04.2017

Counsel for the appellant and Mr. Muhammad Usman. Senior Clerk alongwith Mr. Muhammad Bilal, Government Pleader for the respondents present. Rejoinder submitted. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before the D.B on 17.10.2017 at camp court, Abbottabad.

Churman Camp court, A/Abad 22.06.2016

Agent of counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity is further extended subject to payment of cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 18.08.2016 before S.B at camp court, Abbottabad.

Chairman Camp court, A/Abad,

18.08.2016

Usman, Senior Clerk alongwith Mr. Muhammad Bilal GP for the respondents present. Written reply not submitted despite extension subject to payment of cost of Rs. 500/-paid to father of the appellant and receipt thereof obtained from him. Last opportunity is further extended subject to payment of further cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost of Rs. 1000/- on 24.11.2016 before S.B at camp court, Abbottabad.

Chairman Camp court, A/Abad. 20.1.2016

Mr. Muhammad Riaz on behalf of the appellant, M/S Muhammad Fayaz, Supdt. and Muhammad Ajaml, Senior Auditor alongwith Mr. Muhammad Saddique, Sr.GP for respondents present. Requested for adjournment. To come up for written reply/comments on 20.4.2016 before S.B at Camp Court A/Abad.

Chairman Camp Court A/Abad

20.04.2016

Agent of counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Muhammad Siddique, Sr.GP for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 22.06.2016 at camp court, Abbottabad.

Charman Camp court, A/Abad

22.06.2016

alongwith Mr. Muhammad Siddique Sr.GP for respondents present.
Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 20.12.2016 at camp court, Abbottabad.

Chairman-Camp court, A/Abad, 18.08.2015

None present for appellant. Notice to counsel for the appellant be issued for preliminary hearing for 15.09.2015 before S.B at camp court A/Abad.

43%

Camp Court Abbottabad

Agent of counsel for the appellant present. Counsel for the appellant is stated busy at Peshawar. Seeks adjournment. To come up for preliminary hearing on 19.10.2015 before S.B at Camp Court A/Abad.

Camp Court A/Abad

19.10.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the case of the appellant is that of illegal appointment regarding which identical appeals including Appeal No. 758/2015 are already admitted for regular hearing.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 20.01.2016 before S.B at Camp Court A/Abad.



Camp Court A/Abad

Form-A

FORM OF ORDER SHEET

Court of	÷	·	1	
Case No	51 Å 1 51 5 ⁴	866	/2015	·

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	29.07.2015	The appeal of Mst. Sadaf Riaz presented today by Mr Dildar Ahmad Khan Lughmani Advocate may be entered in the
		Institution register and put up to the Worthy Chairman fo
		proper order.
		REGISTRAR
2 .	30->-15	This case is entrusted to Touring Bench A.Abad fo
		preliminary hearing to be put up thereon $13 - 3 - 2011$
		CHARMAN
		CHARMAN
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BEFORE THE KPK SERVICE TRIBUNAL,

PESHAWAR Appearl no 864/2015 Mst. Sadaf Riaz(.Petitioner

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Education Department etc.....Respondents

SERVICE APPEAL

INDEX

S#	Particulars of documents	Annexure	Pages
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2 =	Correct addresses of the parties.		12
3	Copies of educational record.	"A"	13-20
4	Copy of the advertisement.	"B"	21
5	Copy of the E.A.T.A Result of 2011.	"C"	22
6.	Copy of merit list.	"D"	23
7	Copy of the appointment order.	"E"	24.
8	Copy of charge report.	"F"	25
9	Copy of the attendance register.	"G"	26-57
10	Copies of certificates of duty issued by the concerned headmistresses.	"H"	5 8 -59
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Dated 04.07.2015

Mst. Sadal Riaz ...Appellant

Through

DILDAR AHMED KHAN LUGHMANI, Advocate Supreme Court, Of Pakistan.

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Appeal no 864/2015

Service Tribunal
Diary No 905
29-7-2015

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa through Secretary Education Department, Peshawar.
- 2. Director Education Department, Khyber Pakhtunkhwa Peshawar.
- 3. District Education Officer, (E&SE) Mansehra.
- District Officer (Female) (E&SE) Education Mansehra.
- 5. District Accounts Officer, MansehraRespondents.

SERVICE APPEAL UNDER SECTION 4 OF

KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL ACT, 197 AGAINST THE

ORDER ENDST. NO.1452-1461/AE-J/

ESTAB: DATED 03.03.2015 VIDE WHICH

THE APPELLANT WAS DISMISSED

FROM SERVICE.



PRAYER: -

On acceptance of instant appeal, the impugned order dated 03.03.2015 may please be set aside and the appellant may graciously be re-instated in service with all back benefits.

Respectfully Sheweth!

- 1. That, the appellant is resident of village Chakiya, Tehsil and District Mansehra.
- 2. That the educational qualification of the appellant is F.A, B.A, B.Ed. M.A, M.Ed, Junior Diploma in Physical Education.

(Copies of educational record is annexed as annexure "A").

3. That, in the year 2011, District Education Officer, Mansehra/respondent No.4 advertised some vacancies in the education department. The appellant applied for the post of Physical Education Teacher (P.E.T).

(Copy of the advertisement is annexed as annexure "B").

4. in pursuance of the advertisement, the appellant submitted her form for making her appearance in E.A.T.A Test. The respondent No.4 issued Roll No.1700889 and under the said roll number, the appellant the E.A.T.A Test appeared in qualified the same by securing 156 marks and secured the average of 52%. The respondents No.3 and 4 placed the

appellant at serial No.10 of the merit list.

(Copy of the E.A.T.A result of 2011 and merit list are annexed as annexure "C & D respectively).

5. That, the name of the appellant was dropped from appointment rather the other candidates whose names were figure at serial Nos. 11 and 12 were appointed. When appellant came to know about this, she filed an appeal before the then Executive District Education Officer which was accepted and the appellant was appointed as P.E.T Government Girls in Middle School Baradar, Tehsil Oghi District Mansehra vide office original officer order No.5360-5384/Estab (F) Aptt PET (F)/2012 and in continuance of the other office order bearing No.6879-85 Estab: Apptt: PET/2011-12 dated 31.05.2012.

(Copy of the appointment order is annexed as annexure "E").

6. That, after appointment, the appellant reported in the relevant school and taken the charge on 01.06.2012 forenoon.

(Copy of charge report is annexed as annexure "F").

7. That, the appellant remained posted in above-mentioned school the till dismissal of the appellant from service through impugned order dated 03.03.2015. In the meanwhile officials of the Education Department off and on visited the school and inspected the record and verified the same.

(Copy of the attendance register and certificates of duty issued by the concerned Headmistresses are annexed as annexure "G&H").

8. That, during the service, the official of the education department issued the service book to the appellant after due and there verification also confidential report of the then District Education Officer, Mansehra, service book is still in the possession of the respondents No.3 and 4 which may be requisitioned from the quarter concerned. When the respondents did not paid salary to the appellant, the appellant submitted applications release of the salary time and again.

(Copy of the confidential report is annexed as annexure "I").

(5)

That, during the course of service, the 9.. appellant was appointed as Assistant Presiding Officer in General Election, 2013 and similarly the appellant was also appointed as Centre Invigilator at Government Girls High School No.1, Mansehra for examination of the year 2014 vide order dated 22.02.2014 and appellant also received the charges of examination duty. Duty certificate was also issued by the quarter concerned. Similarly at the day of dismissal of the appellant from service i.e. 03.03.2015, the appellant was again appointed as Centre Invigilator in the examination of 2015.

(Copies of the election duty, examination duty, duty Certificate and bank receipt are annexed as annexure "J")

10. That, when no action was taken on the applications of the appellant, the appellant was constrained to file a Writ Petition bearing No.733-A of 2014 which was disposed off with the directions to the respondent No.4 to release the salary of the appellant.

(Copy of the order of the Honourable High Court is annexed as annexure "K").

6

11. That, in the meanwhile the respondent No.4 issued show cause notice to the appellant which was duly replied.

(Copies of show cause notice and reply are annexed as annexure "L").

12. That, ultimately the respondent No.4 dismissed the appellant from service vide impugned order dated 03.03.2015.

(Copy of the impugned order dated 03.03.2015 is annexed as annexure "M").

13. That, when the appellant came to know about the dismissal order passed by the respondent No.4, appellant filed her representation on 24.042015 before the proper forum but it is still unattended to.

(Copy of the representation is annexed as annexure "N").

14. That, the appellant being aggrieved from the impugned order, seeks the gracious indulgence of this Honourable Court/tribunal, inter alia, on the following amongst the other grounds: -

GROUNDS

- i. That, the impugned dated 03.03.2014 is wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, without lawful authority, based on malafide, unconstitutional and against the relevant rules and regulations hence not maintainable and liable to be set aside.
- ii. That, the respondents No.3 and 4 absolutely having no authority dismiss the appellant from service without adopting the proper procedure as contained in KPK Efficiency and Disciplinary Rules. 2011. The respondents No.3 and 4 were bound to issue notice to the appellant and then give a chance to the appellant for personal hearing before passing the dismissal/impugned order. Similarly the respondent No.4 was also duty bound to make inquiry in accordance with law wherein inquiry officer may collect the evidence regarding the allegations levelled against the appellant and then to give its findings and provide the copy of the inquiry report to the appellant as per law and rules and then proceed

against the appellant. But in the instant case, the law and the relevant rules were not followed by the respondents and the services of the appellant were terminated in a very hurried manner which is absolutely not permissible under the law.

- the Government Service then all the appointing authorities/officers are duty bound to abide by the relevant law, rules and regulations while passing any order which effect the service of the civil servant. Respondents No.3 and 4 have overlooked all the relevant laws, rules and regulations while passing the impugned order.
- iv. That, the respondent No.4 passed the impugned order without conducting proper inquiry into the matter which is not permissible under the law as when the major penalty is to be imposed on the civil servant then conducting of the proper inquiry is too much essential and after inquiry, copy of the inquiry report is to be delivered to the civil servant but in the present case, the respondents No.3 and 4 have not conducted the inquiry and also have not delivered any

copy to the appellant which is violation of the relevant law and rules. Even the appellant has no knowledge regarding the constitution of the so-called inquiry committee and conducting of the inquiry as the appellant was not given any chance of hearing, in this way, the appellant was condemned unheard which is against the natural justice that no one should be condemned unheard.

- v. That, the respondents No.3 and 4 changed their stance time and again and taken different pleas at different times.
- vi. That, the appellant has full educational qualification required for the post. The respondents have no authority to dismiss the appellant from service on these flimsy grounds without due process of law.
- vii. That, due to the passing of impugned order, the fundamental rights of the appellant were also violated which were jealously guaranteed by the Constitution.
- viii. That, the appellant performed the General election duty of 2013 and examination duties and appellant also received the duty charges which was

well within the knowledge of and the respondents appellant conducted the duty in election and examination with the consent and of permission the respondents. Respondents cannot resile from their stance that the appellant is not the civil servant.

- That, many officials of the Education ix. Department time and again visited the Government Girls Middle School Baradar Darband where the appellant was posted and it is well in their knowledge regarding the appointment and performance of the duty by the petitioner. Similarly, when the appellant herself sent the applications No.3 respondents and 4 through registered A/D, they never replied and communicated to the appellant that she has been appointed as P.E.T in violation of the rules.
- x. That, the reasons assigned by respondents No.3 and 4 while passing the impugned order are too much alien to the law, rules and regulations of the education department.
- xi. That, the impugned order passed by respondents No.3 and 4 is totally unjust,



unfair and based on cruel and malafide conduct of the said respondents.

It is, therefore, most humbly prayed that on acceptance of instant appeal, the impugned order dated 03.03.2015 passed by the respondents No.3 and 4 may please be set aside and the appellant may graciously be re-instated in service with all back benefits.

Dated 04.07.2015

Mst. Sadat Riaz ...Appellant

Through

DILDAR AHMED KHAN LUGHMANI, Advocate Supreme court, Of Pakistan.

AFFIDAVIT

I, Mst. Sadaf Riaz daughter of Muhammad Riaz caste Awan resident of Chakiya, Tehsil and District Mansehra, Ex-P.E.T Government Girls Middle School Baradar Darband, Tehsil Oghi District Mansehra, Petitioner, do hereby solemnly affirm and declare on oath that the contents of the foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated 04.07.2015

Mst. Sadaf Riaz (DEPONENT)





BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Mst. Sadaf RiazPetitioner

VERSUS

SERVICE APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT

Mst. Sadaf Riaz daughter of Muhammad Riaz caste Awan resident of Chakiya, Tehsil and District Mansehra, Ex-P.E.T Government Girls Middle School Baradar Darband, Tehsil Oghi District Mansehra.

RESPONDENTS

- 1. Govt. of Khyber Pakhtunkhwa through Secretary Education Department, Peshawar.
- 2. Director Education Department, Khyber Pakhtunkhwa Peshawar.
- 3. District Education Officer, (E&SE) Mansehra.
- 4. District Officer (Female) (E&SE) Education Mansehra.
- 5. District Accounts Officer, Mansehra.

Dated 04.07.2015

Mst. Sadaf Riaz ...Appellant

Through

DILDAR AHMED KHAN LUGHMANI, Advocate Supreme Court, Of Pakistan.



Certificate No: 206043132



Roll No:

43132

Group:

HUMANITIES

<u>DETAILED MARKS CERTIFICATE</u> HIGHER SECONDARY SCHOOL CERTIFICATE EXAMINATION Part - II

Session: 2006 (Annual)

Name:

SADAF RIAZ

Father Name:

MUHAMMAD RIAZ

Institution/

GOVT. GIRLS DEGREE COLLEGE MANSEHRA

District

has secured the marks shown against each subject in the Higher Secondary School Certificate Examination Part-II held in the month of May / June as a Regular Candidate

	.	Marks Obtained						
Subjects	Marks	Part-I		Part-ii		Total	Marks in Words	
		Theory	Pract	Theory	Pract			
English	200	43	44	66		109	One Hundred Nine	
Urdu (Comp)	200	59.7	. 125	56		115	One Hundred Fifteen	
Islamic Education	50 🕽	35				35	Thirty-Five	
Pakistan Studies	50			32		32	Thirty-Two	
Islamic History	200	57		63		120	One Hundred Twenty Only	
Islamic Studies	200	· 57		47		104	One Hundred Four	
Health & Physical Edu	200	46	25	50	17	138	One Hundred Thirty-Eight	
<u> </u>		26	<u> </u>	' 	L		Civ. Hundred Fifty Three Only	

Total: 1100

653-C | Six Hundred Fifty-Three Only

Remarks:

Date: 05-August, 2006

Checked By

Note: Errors / Omissions excepted. Any mistake in Name, Father Name etc must be intimated

within 30 days of the issuance date of this certificate to BISE Abbottabad. Visit us:

www.biseatd.edu.pk

Controller of Examinations

Sr. No. AD.

147

Board of intermediate a secondary education abbottabad

DETAILED MARKS CERTIFICATE Secondary School Certificate Examination (Class X)

Session 2004 (Annual)
Group (SCIENCE GROUP)

Name:	Sadaf Riaz	à		•
			•	50450
Father's N	lame: Muhammad Ria:			Roll No <u>56159</u>

Subjects	Marks	MARKS OBTAINED					
	Marko	Theory	Practical	Total	In Words		
1. English	150	41	36	77	Seventy-Seven		
2. Urdu	150	58	40	98	Ninety-Eight		
3. Islamiyat	75	58		. 58	Fifty-Eight		
4. Pakistan Study	75	39		39	Thirty-Nine		
5. New Riazi	100	56		56	Fifty-Six		
6. Physics	100	57	18	75	Seventy-Five		
7. Chemistry	100	46	18	64	Sixty-Four		
8. Biology	100	43	20	63	Sixty-Three		

Total 850

. 530-B Five Hundred Thirty Only

Remarks

Checked By: Why.

Date: 18-06-2004

Note: Error / Ommission are excepted

Khaksar and BRAINS Software Enterprise (KBSoft)

- Frum

SNo: 2192



HAZARA UNIVERSI

MANSEHRA, NWFP, PAKISTAN

DETAILED MARKS CERTIFICATE

BA SUPPLEMENTARY EXAMINATION 2009

Roll No:

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08-MSRG-231

Name:

Sadaf Riaz

F/ Name:

Muhammad Riaz

Institution/

GOVT. GIRLS DEGREE COLLEGE NO.

Second

District

COURSE TITLE:	Max: Marks	Marks Obt:		Marks in Words	Remarks
COURSE TITLE:	TH PR	TH PR	Total	Warks in words (Kemarks
Part-I Marks	285		136	ONE HUNDRED THIRTY-SIX	
ENGLISH	75	26	26	TWENTY-SIX	Pass
PAKISTAN STUDIES 4	· 40	20	20	TWENTY	Pass
SLAMIC STUDIES	75	33	33	THIRTY-THREE	Pass
AW	.75	33	33	THIRTY-THREE	Pass
Total:	550\\ 85.00\		248	TWO HUNDRED FORTY-EIGHT	

hecked By

Errors and omissions are subject to subsequent rectification. Note: Any mistake in Name, Father Name etc must be intimated within 60 days of the issuance date of this Certificate.

Controller Examinations Hazara University, Mansehra

January 20, 2010





UNIVERSI

MANSEHRA, PAKISTAN

DETAILED MARKS CERTIFICATE

MASTER OF ARTS (FINAL) **ANNUAL EXAMINATION 2011**

Roll No:	44437
1.5	

Sadaf Riaz Name:

Institution/ MANSEHRA

District

08-MSRG-231 Reg No:

F/ Name: Muhammad Riaz

Subject: Urdu

COVER THE F		Max: Marks		Marks Obt:		Marks in Words	Remarks
COURSE TITLE:	тн	PR	TH PR		Total	:	:
MA Previous Marks	. 1	500			230	TWO HUNDRED THIRTY	
Poetry "Nazam"	100		42	-	42	FORTY-TWO	Pass
Qaseeda, Masnavi & Marsia	100		45		45	FORTY-FIVE	Pass
lobaliat	100		50		50	FIFTY	Pass
Criticism	100	Č	54	# **	54	FIFTY-FOUR	Pass
Essay	100		49	1 ;	49	FORTY-NINE	Pass
General Viva Voce	100	PA.	55 Ω ⊚ .	e heden	55	FIFTY-FIVE	Pass
Total: Percen Divisio	tage: 47.			3	525	FIVE HUNDRED TWENTY-FIVE	

Print Date: 21-03-2013

Checked By:

Errors and omissions are subject to subsequent rectification. Note: Any mistake in Name, Father Name etc must be intimated within 60 days of the issuance date of this Certificate.

Controller Examinations Hazara University, Manschra January 18, 2013

Oceant inches S.No.



Education Departmen

NWFP

DETAILED MARKS CERTIFICATE

PHYSICAL FOUCATION TRAINING EXAMINATION, 200-

Name

Session

	The state of the s	Maximum	Marks obtained
	Subject	Marks	In tiguiçes In words
1.	Prol. Organization and Admn.	100	80
2.	Se. of Movement	100	83
3.	Theory of Games	100	7.3
4.	Olym. and Recreative Games	100	80
5.	Anomoty and Physiology	100	72
6.	Health Education	100	NA N. 97
7.	Teaching & Skill of Edu. Gym	100	N 83
8.	Teaching & Skill of Affiel:	100-	10 19 35
9.	Teaching & Skill of Major Games	100	
10.	Physical Efficiency Test	749	17
11.	Practical Note Book	20/	
12.	Co-curriculum Activities	= 40	1 27
13.	Morning Assembly/Rifles Drill etc	70	60

Note: Errors/omissions excepte

Failed/Passed Division

Prepared by . Checked by Department

Date of Declaration of Result

Division

Deputy Director (Examination), Schools & Literacy Department, N.W.F.P., Peshawar.



ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD PROVISIONAL RESULT CARD





SADAF RIAZ

MUHAMMAD RIAZ

Father's Name CHAKIA P. O CHAKIA MOH: PAINGAL

Roll No. Registration No. Final Semester

AJ601178 11NMA00121 SFR-2012

Address

Name

MANSEHRA MANSEHRA

Tehsil

District

BACHELOR OF EDUCATION(B. ED)

has successfully completed

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CREDITS:

Total Marks / Obtained

561 900

Result Declared on

JANUARY 04,2013

Percentage / Grade

62

Date of issue

JANUARY 18,2013

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.

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD

PROVISIONAL RESULT CARD

Name

Father's Name

SADAF RIAZ

MUHAMMAD RIAZ

Address VILL CHAKIA P. O CHAKIA MOH:

Roll No.

AT621868

Registration No.

11NMA00121

Final Semester

SPR-2014

Tehsil District MANSEHRA

112212

has successfully completed

MANSEHRA

(M. ED MASTER TEACHER, EDUCATION .

The detail of passe		s as under:	Ma	irks
Semester	Course Code	Title of Course	Maximum	Obtained
SPR- 13	0837	EDUCATIONAL RESEARCH	100	59
SPR- 13	0840	EDUCATIONAL PSYCHOLOGY	100	68
SPR- 13	0838	CURRICULUM DEVELOPMENT & INSTRUCTION	100	59
SPR- 13	0831	FOUNDATIONS OF EDUCATION	100.	43
AUT- 13	0826	ELEMENTARY EDUCATION	100	70
AUT- 13	0829	TEACHER EDUCATION IN PAKISTAN	100	57
AUT- 13	0827	SECONDARY EDUCATION	100	83
AUT- 13	0828	HIGHER EDUCATION	100	68
SPR- 14	4553	TEXTBOOK DEVELOPMENT-II	100	60
SPR- 14	6552	TEXTBOOK DEVELOPMENT-I	100	70
SPR- 14	6507	EDUCATIONAL MEASUREMENT & EVALUATION	100	57
SPR- 14	6505	ISLAMIC SYSTEM OF EDUCATION	100	61
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CREDIT HOURS:

Total Marks / Obtained

Percentage.

754 12007 63

Result Declared on

MARCH 25, 2015

Date of issue

APRIL 15, 2015

Controller of Examinations

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DOMICILE CERTIFICATE

I declare that I was born of parents who permanently domiciled in N.W.F.P having belong to it by birth / settled in it.

Pursuant to the deceleration dated	llah <u>Chakia</u>	I belong by birth village / M
Signature of Applic Dated/ Pursuant to the deceleration dated filed	- District - Mansehra	Tehsil <u>Mansehra</u>
Pursuant to the deceleration dated	Sady	
by Sadaf Riez Son / daughter of Muhammad Riez	Signature of Applicant Dated//	
domiciled in N.W.F.P is hereby certified that said Sadaf Riaz	daughter of Muhammad Riaz	y <u>Sadaf Riez</u> S
	hat said Sadaf Riaz	lomiciled in N.W.F.P is hereby certif
is born of parents who was permanent residents of N.W.F.P. Having belonged to b	idents of N.W.F.P. Having belonged to by	s born of parents who was permanen
birth / settled in it.		
I have satisfied myself from personal / my knowledge, verification that t	onal / my knowledge, verification that the	I have satisfied myself from

above declaration is true and certify.

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COUNTER SIGNE

DISTRICT REVENUE OFFICER MANSEHRA

Deputy District Revenue' Geputy Despute Office.

> **Adil Stationery Mart** Kashmir Road Mansehra

اسماه مدف ریافی دستر فیلی مالی سالم سیالی میلی میلی مالی و در ای مورم عامایون میلی و در ای مورم ای مو

خاعال مراه مروس روای و مرخرروای و قرادان و مع جله و تحو و منهالی و کا او اوراد مروس میله و کا او اوراد می روس می اور است میداندی و کا نوار می اور است میداندی و کانتی و کانتی

KANUNGO Circle Mansehra

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上きいかんこうしゅうアクレンス

ئىرىن ئىكىلىلىنىڭ ئىلىنىگىنىلىنىڭ

والما من المارية والمارية والم

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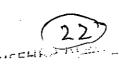
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ایداند کا ۱۳۵۸ کیست کیلئے معلقات و شواند کا ایران مرکز کرستا کا ایکار کا ایکار کا ایکار کا ایکار کا ایکار کا ایکار کا ایکار کا کار کا ایکار کا ایکار کا differentians we concurrent was stored at the fair والمراب والمراب والمرابع والمر ANGUAL LA COLOR CONTRACTOR CONTRA Constitution of the person of the the Charles Court and delatered to the Mantal Hiller ت المان و المراد المرد المراد المراد المراد المراد المراد المراد المراد المراد المراد المراد المراد المراد elibotate eligibility with a fact fitten fill he uddel private resident a ser of A My life factor 2011 DE 201 COLON NOW ACCOUNTED BY ALL CHETEAR (CO) المادد وعدعه الماد الماد الماد الماد المادية ا A PAN HAI E TURN ETERNA 126-16-1011 AND - SEI SEA THIS CORE WATER

EXPTP) 15



TAT-1 FEMALE MANSEHRA RESULT 2011

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		M IQBAL KHAN		33	41.55
	D863 FARRUKH GUL	GOHAR JAMIL		104	46,87
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	3865 RABIA NAZ	М МЕНВООЗ		116-	Fall
	3866 KEHANA BIDI	CIMAH JUDBA		128	12.67
	0867 SITARA JABEEN	M ISAQ	i	92	Fail
170	C758 BIBI SUGHRA	GHULAM SAKWAR	!	104	Fail
170	0369 JSAIRA BAINO	HAIDER ZAMAN	<u> </u>	160	53 33
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170	0871. DILSHAD BEGUM	GHULAM REHMANI	ĺ	120	40.00
17.0	GUZZY NUSRAT REHMANI	GHULAW KEHWATEN		100	Fail
170	0873 FAZA REHMAN	KHALILUR REHMEN	 -	116	Fail
	0874 ALYIA BIBI	SHAH NAWAZ KHAN	ļ <u> —</u>	115	Faii
	00875 MEHNAZ	M AKRAM	· i ——-	244	48.00
170	00876 SADIA SHAHEEN	GUL HASSAN-	-1	168	56,00
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170	DOR'S BIBLKINAN ACAM	S M ALAM SHAH		100	41:23
	00880 BIBI NOOSHEEN ALAM	M BASHIR		124	- <u></u>
	00881 BIBI NAHEEDA	M MURTAZA		96	Fail - !
17	00882 NAILA FERDOS	M HAMAYUN		132	44.00
	00883 SIDRA HAMAYUN	QAZI M SAEED		103	<u> </u>
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17	00885 NOSHEEN SAEED		7	188	62:57
	20236 ASMA GUL	M ASLAM		152	50.67
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1	700891 NISHEEN TABASUM	ABDUL MAJEED		<u>. 54</u>	<u> </u>
	700892 SAMIA MUJEEB	M NAWAZ KHAN		50	
	700893 PHULL BIBI	GULAS .	_!	160.	<u>: 53.35</u> _
	700894 SHABNUM	QASIM SHAH	i_	32	1.11
1	700895 BIBI NASRIN	M ASLAM	i	103	<u>Fail</u>
1	700896 NAZISH ASLAM	SÁIN MOHD REHMANI	7	64	Fail
1	700897 ISRAT BEGUM		: -	144	48.90
	700898 SAIRA BIBI	ABDULINIL		68 .	Fail
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RATION ENGINE

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&S EDUCAT

ORDER

In continuation of this office Endst No. 5360-5384/Est (F)/2012 Dated Mansehra 18/05/2012 and on the acceptance of the appeal by the competent authority is hereby appointed. The following PET (Female) against the vacant post in BPS-15 @ Rs.8500-700-29500 plus usual allowances as admissible under the rule on regular basis under the existing policy of provincial Government on the terms and conductions given below with immediate effect.

S#	Name . •	Father's Name	Address	Place of Posting
1	Saman Naz	Muhammad Younis	Mohallah Sainabad Mansehra	GGHS Kawai 💡
2	Sadaf Riaz	Muhammad Riaz	Chakia	GGMS Bradar

TERMS & CONDITIONS:

- 1. His/her appointment are purely on temporary basis and liable to termination at any stage without assigning any reason/notice.
- 2. He/she will be governed by such rules and regulations enforce and as may be prescribed by the Government from time to time for the category of the Government servants to which he/she belong.
- 3. In case He/she failed to assume the charge of his/her post within 15 days of his/her appointment, candidature-ship will be stand automatically cancelled.
- 4. His/her services are regular but will not be entitled for pension/gratuity & he/she will not contribute any amount towards GP Fund however he/she will contribute CP fund on the prescribed rate & half contribution will be made by the Government.
- 5. He/she will submit to this office, his/her all testimonial and domicile/ UC Certificate from the secretary concerned union councils along-with bank drafts in the name of controller / treasurer of the concerned BISE / University within 7 days after the taking over charge for verification.
- 6. The release of the pay by the concerned DDOs will be subject to the receipt of verified documents by the appointing authority / (EDO E&SE Mansehra)
- 7. In case a document or documents is / are found fake or forged or Bogus on such scrutiny or all the verification, the service of the teachers concerned shall be terminated. The whole amount paid to him/her as salary will be recovered and a case against him/her shall be registered under relevant section of Law.



- 8. His/her services are liable to termination on one month prior notice from either side in case of resignation without prior notice, his/her one month pay/allowances if any shall be forfeited to Government Treasury.
- 9. His/her services can be terminated at any time in case his/her performance is found un-satisfactory; he/she will be proceeded against under the removal from service under E&D Rules 2011.
- 10. He/she should produce Age & Health Certificate from the MS DHQ Hospital Mansehra.
- 11. He/she may not be handed over the charge if his/her age is above 35 years and below 18 years.
- 12. The Candidates who are working as regular before 1st July 2001 in pervious post, his/her entitled for pension / gratuity etc.
- 13. No. TA/DA etc is allowed.
- 14. Charge report should be submitted to all concerned in duplicate.

(DR. AMBAR ALI KHAN) DISTRICT COORDINATIONOFFICER MANSEHRA

Endst: No. 68 79-85 Estt: Apptt:PET//2011-12 Dated Mansehra the 21/5/2012 Copy to the:-

- 1. Secretary to Govt: of KPK E&SE Department Peshawar.
- 2. Director E&SE Department KPK Peshawar.
- 3 District Accounts Officer, Mansehra.
- 4-5 District Officer (M&F) Local Office.
- 6. PA to District Coordination Officer, Mansehra.
- 7. Budget & Accounts Office, local office, Mansehra.
- 8. Candidates concerned.

EXECUMME DISTRICT OFFICER

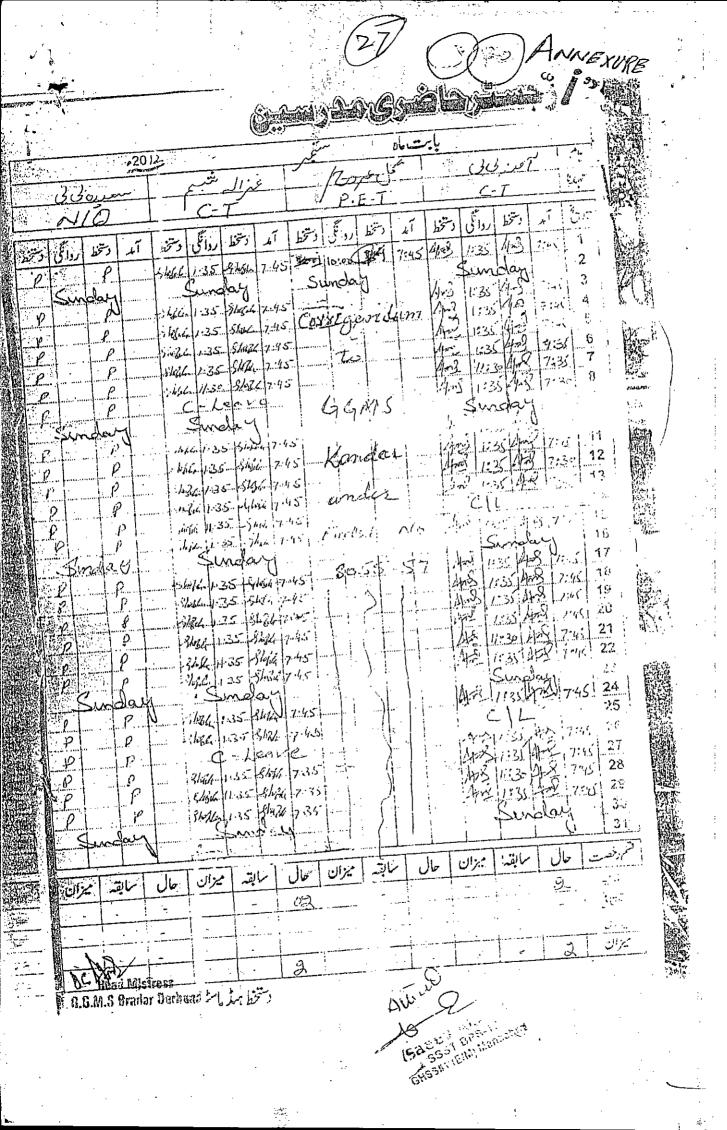
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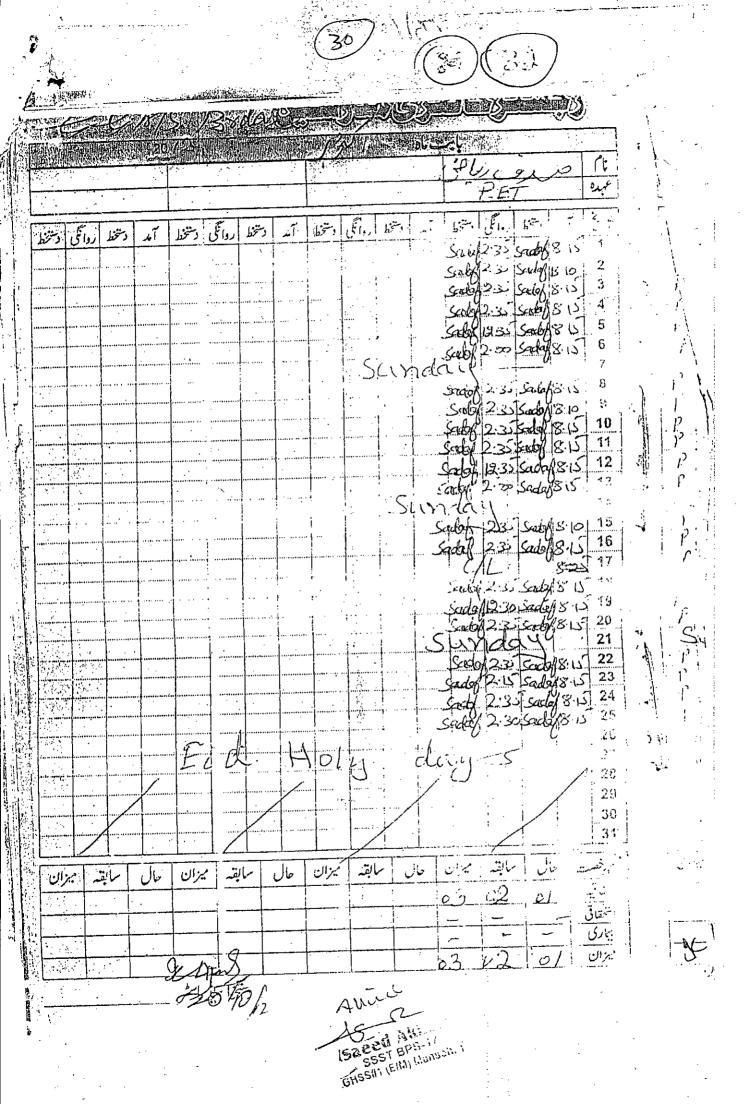
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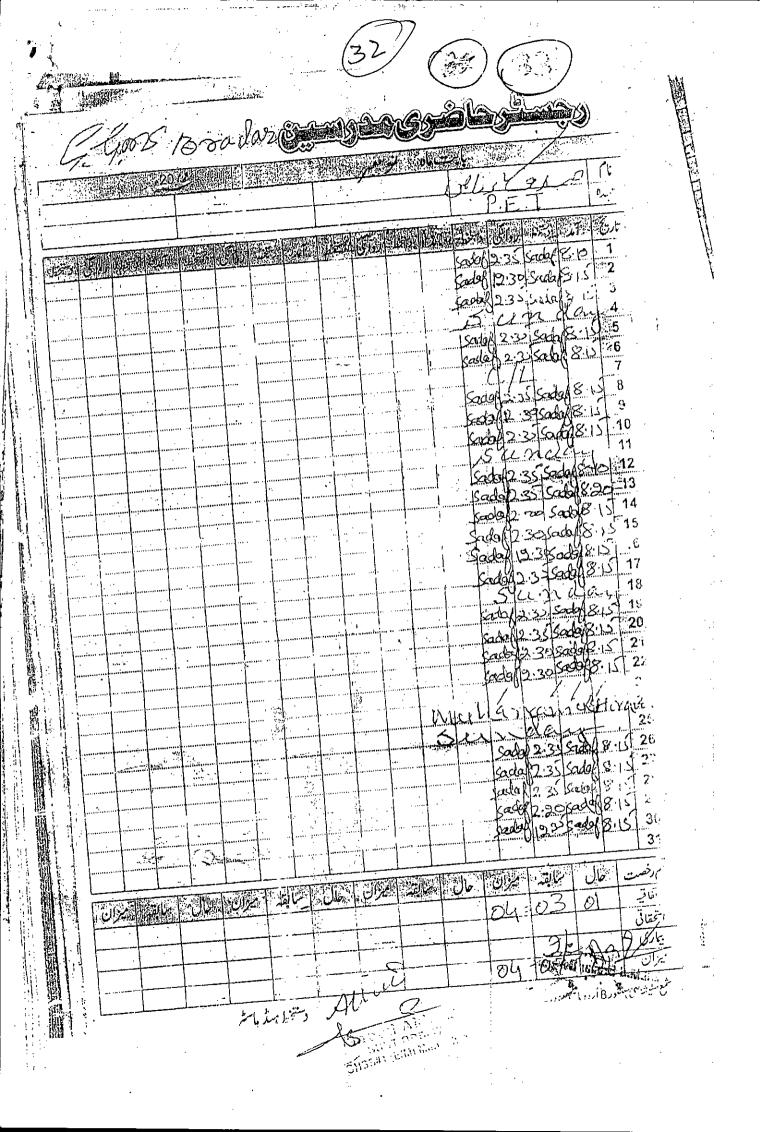
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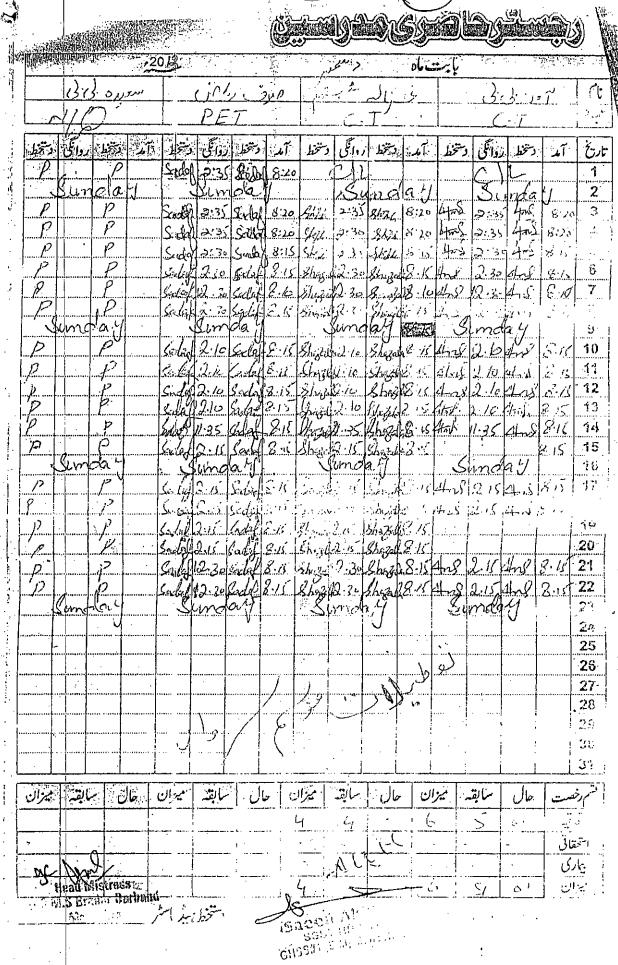
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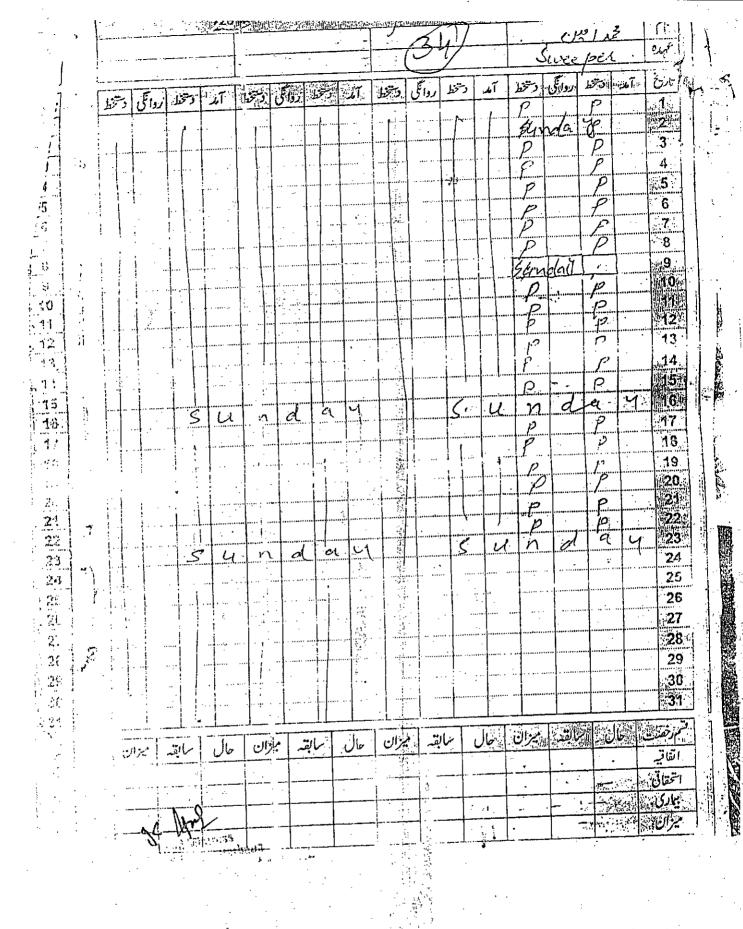
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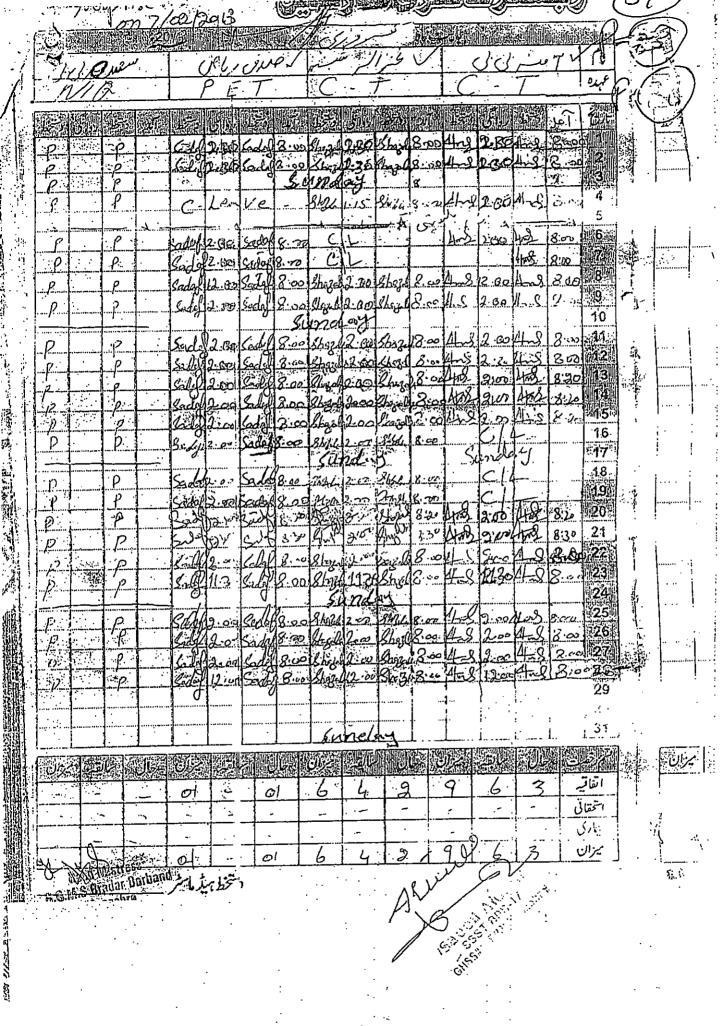
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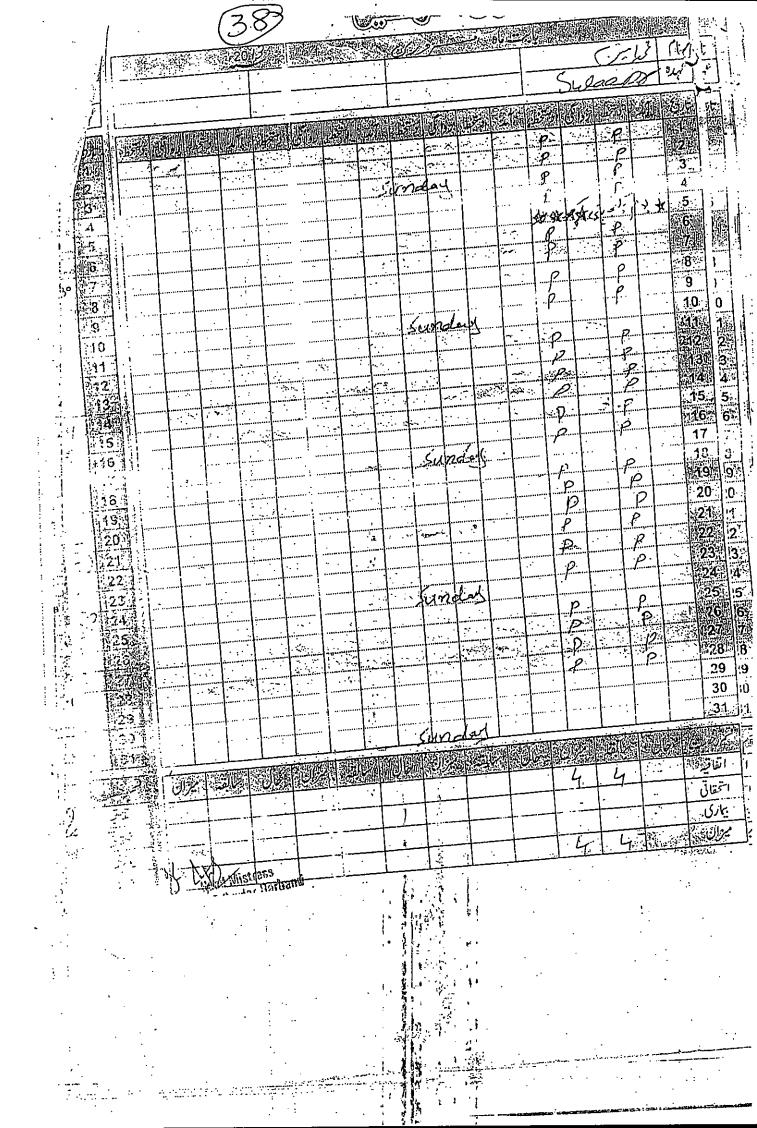
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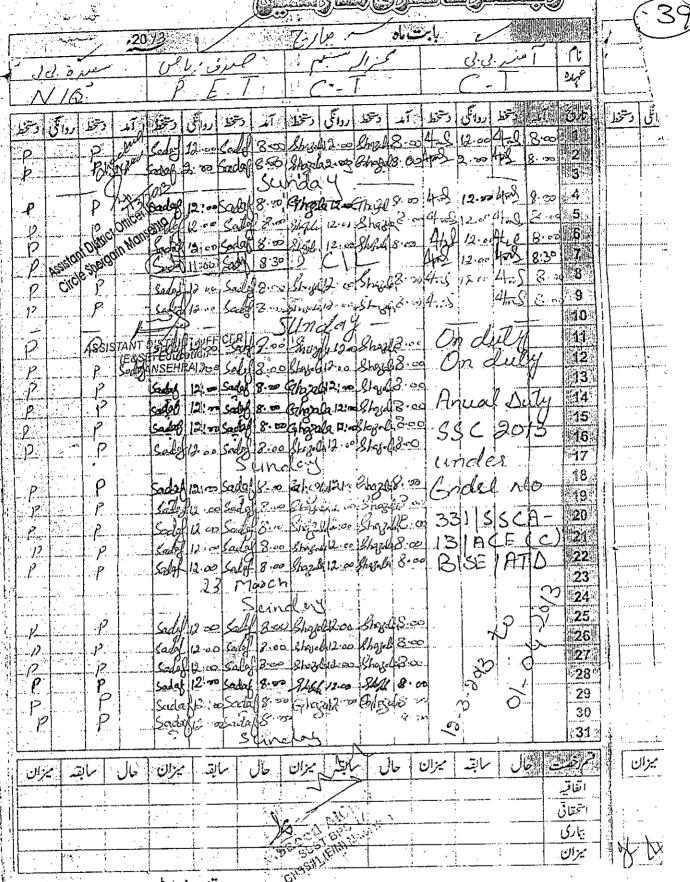
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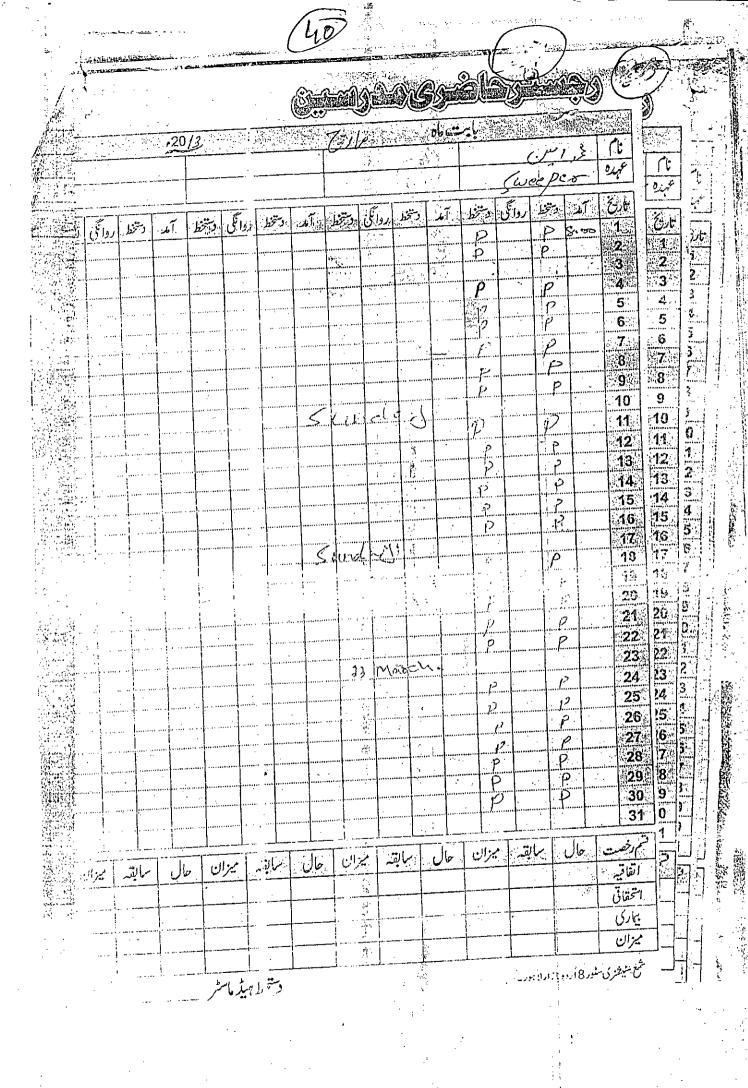
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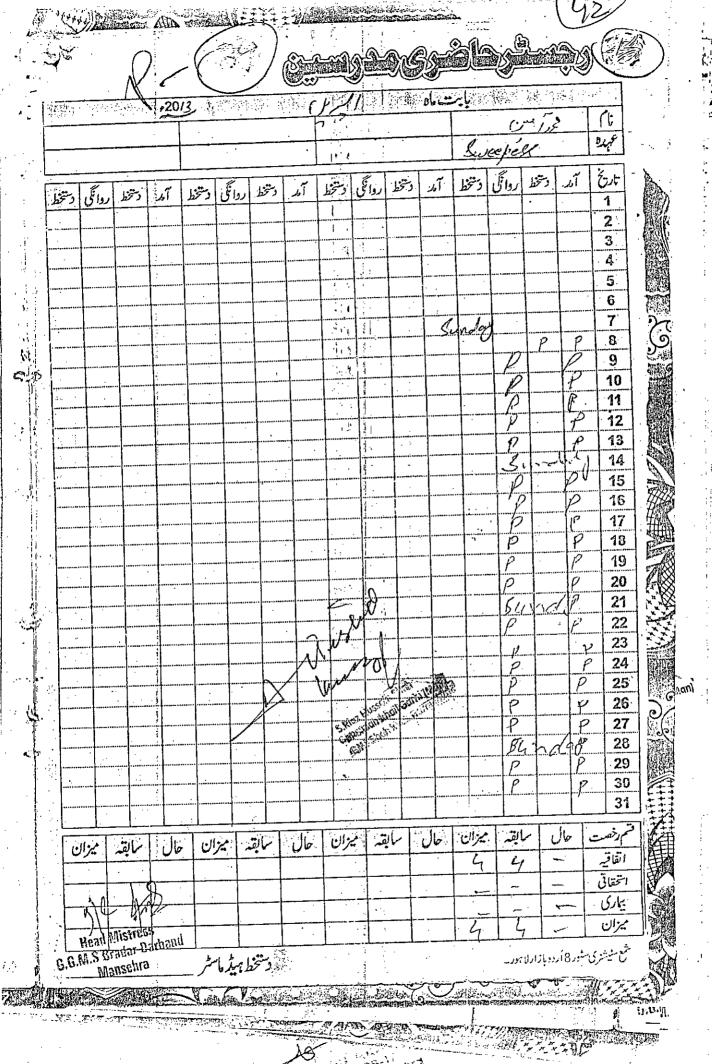


وستخزا سيتر ماسشر



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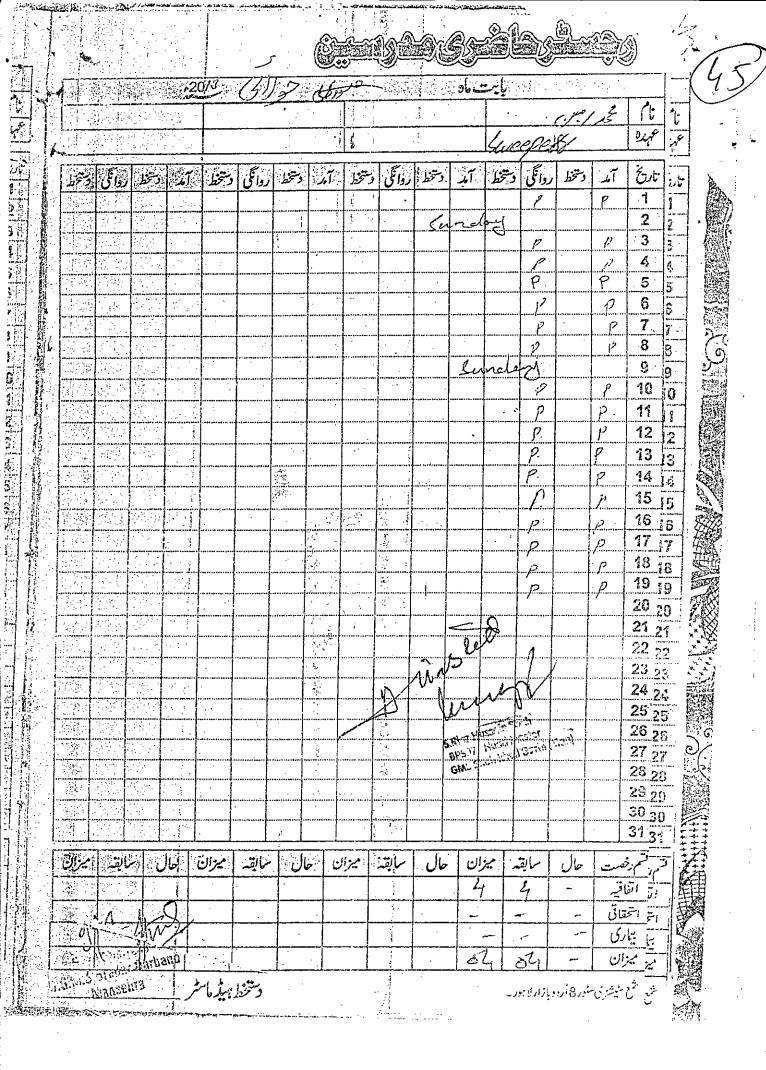
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سينها فأه الم ٦ عبرال روائلي الرق استخطن ر آور 15 روا رواکن رستنط 1 7:30 3.3 عزيزر 5.5 R 7130 120 .7.3e 2: Si 5:5 1:20 2.2 8/1/2 7:30 Salaf 7:30 Stoffe عهرا 3 sadas 33 5.5 1:20 8141730 7.30 1:3" 7:30 .,..30. 1 6.5 2.2 Shalla 1.20 5-14-02 7:30 130 5 . 7:30 5.3 12:00 730 Sharl 12:00 11 300 ASU. 7:30 Salet 7:30 $z_{\mathcal{X}}$ 1=20 3910 5.3. 6 Blute 3.3 130 5.5 RSi 1:30 ASCO 7130 7/30 7 45-81.20 7:34 45w ی ک 1:30 1.30 8/11 7.30 3 **১**.১ 1:30 5.5 7:30 1:20 Asia 1:30 Z.P7:30 Asia G હ હ 5.5 1:30 7:30 8/16 7.30 120 7:31 ASU 10 1:34 7:30/ASia Asia 7130 5.5 5.5 814 1:30 44 Asia 5.5 7:30 ی کی 3114 Phil 1:30 ZP 7:30 1130 ASi0 7.30 130 7.30. 12 3-5 7:3 Stale Asia 5:5 11:30 1:30 ASA 1:30 7:30 7:30 //.Zc 14:30 Short 30 94847330 13 Asin. 7530 15101016 ડઃડ 7:30 1010 7:30 Sunday ... ů, Sund 30 15 5.5 7:30 Asia 1930 7:30 ASIA 1130 7130 48 1150 D.P.7:30 11510 1330 25 51a 7:30 کوئ 5.3 1:30 7.17.39 150 1.5 3-5 1.30 5.5 7:30 1130 AP11-30 2-17:30 15 4 1:30 1:2/ ASia 7:30 5.5 ل. ک 2 P 11.3 2.8 7:3 /50 1/10 43 7:30 1411:30 5141 7-30 150 7:30 S-S 11:30 S-S 150 150 7131 S.J 7:30 المثلاث 20 3.5 Phylip 1:30 7:30 .. Synday 74 133921 Asia 7:31 57/1250/01.30. 7:30 x217:30 ASia 1320 5-5 k730 1.5 1:30 23 ند اک 7:30 450 1:30 7:30 1:30 Asia 7:30 AFG 7230 24 1:30 Z.P 4.5kg 7:3555 Stessia 1:30/Z.F. 7:30 Asa 25 1:30 5.5 7:30 Asia 7:39 1:30 ZJP11:30 Z-P 7:30 Asia a D 11:30 3.5 730 Glas 11:30 7:30 ٤.٤ 1134 Asia 7:30 1/5:01:30 ASia Z/11302.P 1:30 ζ , $\dot{\zeta}$ 7930 27 7:30 3.5 23 7130 Asia 1:30 Bias 5.5 1.30 Shill 29 Shift 130 Z.P 7130 7530 55 1:30 7:30 30 31 0 مالفد سألف ميزان حال اليزال سرازه ر أحال ميزان يزان اتفاقيه 0 O 0 0 0 0 0 -استحقاق بارى Hussalit بيرال BPS.TT Pound Interior GMS Sheh kholi Carni

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Annexure

SERVICE CERTIFICATE

Certified that Miss. Sadaf Riaz PET D/O Muhammad Riaz has been working as PET at GGMS Bradar Darband Mansehra since 01.06.2012 to upto date (i.e. without any break), 30. 9 - 2014.

She is punctual, cooperative and devoted teacher. She is also teaching Maths and English inspite of her duties about sports work.

S. G. M. S. Errory Douband

HEAD MISTRESS
GGMS Bradar Darband
Mansehra



SERVICE CERTIFICATE

Certified that Miss. Sadaf Riaz PET D/O Muhammad Riaz has been serving as PET at GGMS Bradar Darband Mansehra since 01.10.2014 to 03.03.2015 without any break.

Dismissal order received on 16.03.2015 in School.

She is dedicated, devoted to her job in real terms.



Confidential,

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDARY EDUCATION MANSEHRA

To,

Mst. Shamim Akhtar DO (F) local office.

Subject:

Guidance regarding Appointment.

It is stated to clarify, with reference to your written attention able statement regarding some of individual apptt: order, that;

1. PET (F). (Sanam Naz , Sadaf Rias and Rabia Azia .)

As there were lying vacant 12 posts of PET (F) at the time of DPC/ making recruitment, thus as per policy 09 candidates were appointed observing 80% recruitment share while 03 No. posts were reserved for observing 20 % quota for promotion, as there was available only 01 qualified teacher for promotion to PET post in PS'rs, which was promoted to PET post, And 02 posts remained vacant. As you better know that appointment of teachers is a lengthy process and next advertisement will take at least 01 year while 01 year was already passed out to make the existing recruitment due to candidates strike against EATA tests and court cases etc. thus to avoid the further wastage of time of the innocent students and to functionalize the newly upgraded school 02 other candidates were appointed on proper merit list (S.No. 10, 11), already prepared for the purpose keeping in view that this promotion quota will be observed at the time of next appoint subject to availability of qualified candidates.

• The appointment order of Rabia Aziz is properly with drawn vide this office order No. 6635-40 dated 15/8/2012 as she failed to provide her JDPE certificated on the time of verification, while interview committee was scrutinize him as candidate

· Z · GF (F) · (Máimoona Naz)

- Assithere were lying vacant 28 posts of CP (F) at the time of DPC/ making recruitment, thus as perviolicy 11 candidates were appointed on 40% recruitment share while 17 No teach is were promoted on 60% share reserved for promotion, in the meanwhile an appeal received from a candidate mained Memona Naz, that she has not appointed while she is at merit but her MA degree is not included calculated in ment, then after the clong the record/ documents her appeal was accepted to address her grievance as well as to avoid litigation and she was appointed as post was lying vacant.
- 3. AT (=) (Madiha Yaqub , Sunia tul Kubra , and Sanam) .
 - The copies of all these 03 order are not found on the office file record of appointment of AT (F) in this regard you are directed to not consider these order for the pay as well performing of duty in schools under your control. As the same matter is being inquired and on the proper clarification or finding fact you will be informed accordingly.

I am really thankful to bring in my notice the matter and proposed positive steps in the best interest of public service. It is hoped that in future you will also extend your valuable cooperation to me as usual.

With Best regards.

Mr. Vinar khan)

Executive Distt: Officer

E&SE Mansehra.

31/12/



OFFICE OF THE RETURNING OFFICER

Annexure

National	Assemb	ly <u>-20</u>	-	÷
Province	Knyber	pakhto	onkhwa	:-53
No:	181			

Date 5 / 5 /2013

OFFICE MEMORANDUM

the following appointment of Presiding Officer/Assistant Presiding Officers/Polling Officers are hereby made.

For Polling Station 185 Government Commerce College Mansehra (Female) PS-III for election to the National Constituency No: NA-20/Mansehra-I, PK-53, Mansehra-I.

To be held on the 11th May 2013.

	1.14, 2010.	74-n 1-P-1			
Name & designation	Name & designation	Name & designation	Name of assistant		
of presiding officer	of Assistant	of polling officer	presiding officer		
,	presiding officer		designated as		
			presiding officer		
Tehmina Naz Assistant	1.Sumera Iqbal SET	1.Memoona Farooq PST	Sumera Iqbal SET		
Professor Govt:Girls	Govt:Centennial Model	GGPS Deepgran	Govt:Centennial Model		
Degree College	Girls School Mansehra	03459614572	Girls School Mansehra		
Mansehra No.2	03445444575	2.Bushra Niazi PST			
03048166099	2.Nasim Rabbani	GGPS Deepgran			
	GGMS JangHana				
-	0997305852.	·	•		
1	3.Humaira Yousaf DM				
	GMS Gangllan				
	03088540044				
	4. Sadaf Riaz PET GMS				
1	Bradar Darband	·	· .		
<u> </u>	03429010200				

Note: The Presiding Officer is directed to bring his two passport size photographs and to make sure the attendance of polling staff positively within time.

Training: 26.04.2013 (For Males Pr.Off and Al'Os only),

Females: 23.04.2013 (For Pr.Off and APOs),

Polling Officers (Male): 04.05.2013, Female Polling Officer: 05.05.2013

Vunue, Government Commerce College & Management Sciences, Mansehra.

Returning officer PK-53 Mansehra-l Returning Officer NA-20 Manschra-I

Place:

ABID SARWAR

Additional District & Session Judge/ Returning Officer, NA- 20 Manschra-I



RMARN OF INTERNEDIATE & SECONDARY EDUCATION ADDOTTABAD

No: 385/SSCA14/ACE(C)//BISE/ATD

Dated: February 22, 2014

o

Mr/Ms

SADAF RIAZ

(PET)

Address

GOVT GIRLS MIDDLE SCHOOL BARADAR DARBAND

District

MANSEHRA

0(3)

Subject: -

Secondary School Certificate (Annual) Examination 2014.

a. I am directed to inform that you have been appointed as Centre Invigilator in the subject examination commencing from 12th March, 2014, at GOVT GIRLS HIGH SCHOOL NO 1 MANSEHRA (A HALL) (CENTENNIAL MODEL). Centre No.113. You are required to reach the Examination Centre on 11.03.2014 at 09:00 AM for necessary arrangements.

- b. It is important to note that the duty is mandatory, non transferable/ unchangeable and leaves no choice for non-acceptance, or refusal, except if your near relatives (including Wife, Husband, Father, Mother, Son, Daughter, Nephew, Niece, Brother and Sister) are appearing in the subject examination. In case of wilful non-compliance, a disciplinary action will be initiated under Khyber Pakhtunkhwa Govt. Servants (E&D) Rules, 2011.
- c. Please confirm your acceptance/availability to Mr. Muhammad Saif-Ur-Rehman Assistant Controller of Examinations (Conduct) through SMS, 0333-5054988, 0314-5020205, 0313-9932292, 0314-5007708, Telephone (0992-392799) by March 3rd 2014.

Note: 1. No TA/DA claim will be entertained without Original Pay slip and duty performed within radius of 16 km from the posting place. (Female are Exempted)

2. It is important on your behalf to possess CNIC throughout the Examination.

Assistant Controller of Examinations (Conduct)

Prof: Muhammad Ali Khan Controller of Examinations

Phone No- 0992-392799, 392013 (392014, Ext.-210 & 223)





DUTY CERTIFICATE

This is to certify that Mst: Solut Riaz

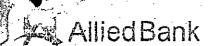
Of GCHS/GGMS/GGPS has performed her duty as Invigilator of SSC (A)

examination 2014 w.e.f 12-03-2014— to 29-03-2014

at Govt: Centennial Model School for Girls, Manschra C. No. 113 (A Hall)

(Dachicles day) all 12 213, 14, 15-3-17-3-1-8-3-1-9)

Superintendent.
SSC (A) examination 2014
GCMS for Girls Manschra
C. No. 113 (A Hall)





ABL-B.I.S.E. ABBOTTASAD

Cheque No 22 46733350.

ate

21 08 2014

n	SADAF RIAZ PET C	SGMS BRADAR D	ARBAND M	ANSERKA	bearer
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Rupees NINE THOUSAND ONE HUNDRED ONLY

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Please do not write below this line.

intery Chairman

Secondary Education Abbettoord

#46733350#014019340010012077500169#000#



Dated: 03, March 2015

STAFF NO 417

Mr/Ms

SADAF-RIAZ PET (03418097425)

Address

GGMS BARADAR DARBAND

District

MANSEHRA

Subject: -

Secondary School Certificate (ANNUAL) Examination 2015.

I am directed to inform that you have been appointed as CENTRE INVIGILATOR in the subject examination commencing from 19 March 2015, at THE EDUCATORS BAIDRA ROAD MANSEHRA Centre No.139. You are required to reach the Examination Centre on 18 March 2015 at 10:00 AM for

necessary arrangements.

It is important to note that the duty is mandatory, non transferable/ unchangeable and leaves no choice for non-acceptance, or refusal, except if your near relatives (including Wife, Husband, Father, Mother, Son, Daughter, Nephew, Niece, Brother and Sister) are appearing in the subject examination. In case of willful non-compliance, a disciplinary action will be initiated under Khyber Pakhtunkhwa Govt. Servants (E&D) Rules, 2011.

Please confirm your acceptance/availability to Syed Atif Shah Assistant Controller of Examinations (Conduct) through SMS e.g (Duty No. Accepted or Not Accepted) 0331-5616700, 0314-5581072, 0344-4022710 Telephone (0992-392799) by 07 March 2015.

Note: .

To:

- 1. No TA/DA claim will be entertained without Original Pay slip and duty performed within radius of 16 km from the posting place. (Female are Exempted)
- It is important on your behalf to possess CNIC throughout the Examination.
- If you have performed exam duty in the same centre in year 2014 (SSC/HSSC) you must get your duty station changed from this office.
- Please remember your Staff Number for future exam duties.

Assistant Controller of Examinations (Conduct)

Prof: Jehanzeb Khan Controller of Examinations

Phone No- 0992-392799, 392013 (392014, Ext.-210 & 223)

DUTY ACCEPTANCE (Must be returned to Conduct Section before 08 March 2015 Syed Atif Shah 4 Assistant Controller of Examinations (Conduct) BISE, Abbottabad: Lacknowledge the receipt of your letter No: 652/SSCA15/ACE(C)//BISE/ATD Dated: March 02, 2015, and it

inform that I am willing to perform as INVIGILATOR for SSC (Annual) Examination 2015, at THE EDUCATORS BAIDRA

KUAD MANS	DEHRA Centre No. 139. I solemnly declare that none of my "Close Relatives" is appearing in the above
and appointmen	nt will be kept CONFIDENTIAL.
CNIC No.	- \$TAFF NO: 417
Name	SADAF RIAZ Designation PET
Institute	GGMS BARADAR DARBAND MANSEHRA
PTCL No:	Mobile No Signature

(64)

PLS Account Cheque Book MCB Bank WICHB Limited

Account No. 10039151

Title of A/Q Ca

Not S S Y TATE OF S

Annexure

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BEFORE THE PESHAWAR HIGH COURT, BENCH ABBOTTABAD

W.P No. 733 A of 2014

Mst. Sadaf Riaz daughter of Muhammad Riazcaste Awan resident of Chakiya, Tehsil and District Mansehra at present overnment Girls Middle School Baradar Tehsil Oghi DistrictPetitioner

VERSUS

Government of Khyber Pakhtunkhwa through 1. Secretary Education, Peshawar.

2. Director (Elementary & Secondary Education) Department, Khyber Pakhtunkhwa Peshawar.

The District Education Officer (Female), <u>3.</u> Mansehra.

The District Accounts Officer, Mansehra <u>4</u>. /.....Respondents.

> WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 FOR A DECLARATION TO THE EFFECT THAT WITHHOLDING AND NON-RELEASING OF THE MONTHLY SALARIES OF THE PETITIONER WITH EFFECT DATE OF APPOINTMENT I.E. 31.05.2012 UPTIL NOW BY THE RESPONDENTS WITHOUT ANY **VALID** JUSTIFICATION AND REASONS IS UN-CONSTITUTIONAL, ILLEGAL, UNLAWFUL,

Certified to be True Cop, WITHOUT LAWFUL AUTHORITY AND

PESHAWAR HIGH COURT ABBOTTABA

JUDICIAL DEPARTMENT

JUDGMENT SHEET

rit Petition No .733-A of 2014

12.03.2015

Date of hearing_	12.03.2015 <u></u>			
4		,	•	
			1.1 1 11 1	1. 16
Petitioner Mst. Sa	idaf Riaz <u>M</u> y	SayOUN	Waggrul Mill	x HOVI

Respondents Govt: of KPK through Secretary E&S Education and others ly

NDAR ALI KHAN, J. In this writ petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 273, Mst. Sadaf Riaz, PET, Government Girls Tehsil and School Baradar Darband, Middle Mansehra, petitioner, seeks activation as well as release of her salary and allowances.

The District Education Officer (F), Mansehra, 2appeared in person in compliance with the order / direction of this Court, and informed that the appointment of the petitioner made by the former Executive District Education Officer, Mansehra, who has already been proceeded against for such illegal appointments, was found illegal, as a result of inquiry into the appointments made by the said former Executive District Education Officer, Mansehra. The incumbent District

ified to be True Copy Abbottapao Bench

Education Officer (F), Mansehra, also placed on record notification showing dismissal of the petitioner from service.

In such circumstances, no question for activation of salary and

allowances of the petitioner arises.

- Consequent upon dismissal from service, the petitioner is now to seek her remedy before the KPK Services Tribunal in terms of Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, which, indeed, bars the jurisdiction of this Court.
- In view of commitment made at the bar, the District Education Officer (F), Mansehra, is to make arrangements for payment of pay and allowances for the period, during which the petitioner actually performed the duties, following her appointment. The instant writ petition having achieved its object to a greater extent, in view of commitment made by the DEO(F), Mansehra, and also having become infructutous, in view of the changed scenario, is disposed of accordingly, alongwith CM.

Announced. 11.03.2015.

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bhomstad Benc

So Poques

Muhammad Rustam

Mary Const.	and Child	TE OF THE	DISTRICTED	UCATION O	FFICER (FEMALE) MANSERKAC
	No	2640	_/ DEO/ 2014	(68)	Email: deofinansel	nra/ayahoo.com
¥	Dated:	249/	2014		Phone & Fax: 099	7-302518
æ9	7 () () () () () () () () () (i.	•	Annex	ure
· '**.		bread.	Mistrees Circle High	right	, , , , , , , , , , , , , , , , , , ,	
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	¹ Subject:	•		V CAUSE		
	riemo:	Show Cause	e notice in respe	ct of Mst_ <u>5</u>	adof Reaz	<i>DET</i> . D/O
mend	Reaz-	79.115 B1	adar.	of your	school IS attached he	rewith. You are 🧳
			serve the same oken of receipt.	to the teache	r concerned and retu	rn one copy to this
				5) DISTRICT EDUCATI VEEMALE MANSEHI	•
	EndştiNo.	641-list	/-	. /	L.	•
	L Deputy Con 2.District Mor	imissioner, M litoring Unit N	Aansehra. 📜 🧸	A formula ka		
(H ₁)			Officer(Female) directed to ens		dance by the concern	ed teacher.
	NUN OF THE STATE O		į		, DISTRICT EDUCATION	ON OFFICER
	A CHARLES				FEN-ALE MA	
	2 A. War		And the second s	•		

TRICE OF THE DICK ACT EDUCATION OFFICE A C PENNALE I MANGETHUM.

Dated 27/9/

69

SHOW CAUSE NOTICE.

I, Bagnin and Sarder, District Education officer (Female) Mansehra as Competent Authority under the Khypev Pakhtunkhwa Government Servant (Efficiency & Discipline) rules, 2011, do hereby serve you have a 1 year D/C Muhammad Rioz GGMS Favar Mansehra as follows:

- (I) You were appointed as at GCMS Bradar vide defunct Executive District Education Officer E&SE) Mansehra Endst: No 6879-85 dated 31.5.2012, whereas you were stranger for recruitment process initiated through EATA, you never appeared in selection process as a candidates for the said post through EATA. Your name did not fall in the merit list perspond for the selection of candidate. Acceptance of your appeal and subsequently your appointment order was the result of misuse of authority by the then EDO according to his server well and wishes against the recruitment rules, as per inquiry report received risrough Government of Khyber Pukhtunkhwa; elementary and Secondary Education Department Letter No. SO(S/M)E&SED/4-17/2013 Umar Khan EDO BS-19 dated 25.8.2014. More over the then EDO (E&SE) has been removed from Government Service in connection with all such bogus appointment including yours made by him.
- 2) Going through the findings and recommendations of the inquiry committee, the material on record and other connected paper, including your defence before the inquiry committee:

ham satisfied that you have committed the following acts/Omissions specified in rules.

- a) Miscenduct and dishonesty in getting bogus/faked appointment without due process of recruitment.
- b) Inflected buge financial losses to the Govt: Treasury receiving pay as a result of bogus appointment.
- c) By snatching established rights of the deserving candidates due for appointment on merit.

 Cheating / cancelling the facts for un lawful appointment with coorandation of faked then 200.
 - 3. As a result thereof, I as competent authority, have tentatively decided to impose upor you the major plenty of dismissal from services under rule 4 of the said rules.
 - 4. You, are thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
 - 5. If no reply to this notice is received within seven days or not more than fifteen days of list delivery, it shall be presumed that you have no defence to put in and in that case an expeate action shall be taken against you.
 - 6 swispy officiative page of the leighing of the inquiry committee is enclosed

ASUPERINTENDENT SUPERINTENDENT SUPERINTENDENT MANSEMRA

DEO (F)



GOVT: GIRLS MIDDLE SCHOOL BRADAR DARBAND (MANSEHRA)

To,

The District Education Officer, (Female) Mansehra.

Subject:

REPLY SHOW CAUSE NOTICE.

Dear Madam:

Kindly reference to your Memo No.2640 dated 27.09.2014 on the subject cited above.

It is submitted that I have been appointed as P.E.T at GGMS Bradar Darband (Mansehra) vide Executive District Officer Elementary & Secondary Education Mansehra vide his No.6779-85 dated 31.05.2012, purely on merit and all codal formalities had been adopted/observed by the then E.D.O.

- a) Posts of PET were advertised (Annex-I) committee was constituted for recruitment process and I appeared before the committee, EATA/Test Interview was made the competent authority. Copy of EATA result is attached. (Annex-II).
- Merit was prepared and displayed and appointment was made by the competent authority of Executive District Officer (Elementary & Secondary) Mansehra purely on merit so far in your kind latter is illegal, unlawful and against the effecting and discipline rules 2011, because neither you nor inquiry/officer has adopted and observed coddle formalities, i.e. explanation, service of notice and personal hearing hence I have committed no offence/sommission.
- I am not appointing authority who made fake and fictitious order hence appointment is on merit.

- d) No financial loss to the Government treasury has been given by me, because I have been serviced right from my appointment to date regularly and punctually being a Government servant.
- e) I have not deprived any candidate as I stood on Serial No.10 of P.E.T merit list: (Annex-IV). Copy of merit list is attached.
- regulation and purely on merit by the competent authority i.e. Executive District Officer Educate BPS-19 and D.O (F) being in BPS-18 is not competent to impose minor or major penalty i.e. removal from service. If any unlawful steps will be taken by you the rights to approach to Honourable High Court is reserved.

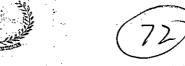
Thanking you,

SADAF RIAZ (M.A, B.ED)

P.E.T

GGMS Bradar

Darband Tehsil Oghi



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

under the Khyber Pukhtunkhwa Govt: Servants (Efficiency and Disciplinary) Revised Rules 2011 for

NOTIFICATION

Where as Mst. Seddi GGHS/GGMS/GGP Brador was served with show cause notice and was proceeded Annexure

And where as the inquiry committee comprising the following officers conducted an inquiry regarding the illegal appointments in the office of Ex- Executive District Officer Elementary and Secondary Education Mansehra.

- i) Syed hidayat Jan, (PCS SG B-20) Agricultural Department Khyber Pukhtunkhwa, Peshawar (Now Secretary Zakat, Usher and Social Welfare Department)
- ii) Mr. Akhalhaq Baig, Principal BS-20 RITE Male Haripur.

the charges mentioned in her Show-Cause Notice.

- And where as the inquiry Committee after having examined the record pointed out that you were appointed illegally and against the recruitment rules and policy.
- And where as District Education Officer (Female) in the capacity of competent Authority, after having considered the charges, evidence on record, recommendation of report of the inquiry committee and replies in response to Show Cause Notices, is of the view that the charges against you have been proved.
- Now, therefore, in exercise of the powers conferred under Khyber Pakhtunkhawa Govt: Servants(Efficiency and Discipline) Revised Rules 2011 the District Education Officer(Female) Mansehra, in the capacity of competent Authority is pleased to impose major penalty of _D/O Mulianos "DISMISSAL" from Govt: Services upon Mst. Sadoh Rioz __ GGHS/GGM GGPS_*BTadOY*

DISTRICT EDUCATION OFFICER FEMALE MANSAEHRA.

Endst: No. 1452-1961/AE- 5 /Estab: dated Copy to the:-

- 1. Secretary Elementary and Secondary Education Department Khyber Pakhtunkhawa, Peshawar.
- 2. Director Elementary and Secondary Education Khyber Pakhtunkhawa, Peshawar.
- 3. District Accounts Officer Mansehra.
- 4. District Monitoring Officer Mansehra.
- 6. Principal/Headmistress

7. SDEO(F) Mansehra.

8. Budget and Accounts Office Local Office

10.Office File.

Received on 16 13 at 200 Pm

A handed over to miss Saddi Riag

Fet of This School on 16-3 at

F-SSMS Broder

DISTRICT EDUCATION OFFICER FEMALE MANSAEHRA.

Annexure

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The Director, Elementary & Secondary Education Peshawar.

Subject: APPEAL AGAINST DISMISSAL ORDER

Dear Sir:

То

Kindly reference to the DEO (F) Mansehra Memo No. 1452-1461/AE-I/Estb: dated 03.03.2015 on the subject cited above.

It is submitted that I have been appointed as a P.E.T at GGMS Bradar (Mansehra) vide Executive District Officer Elementary & Secondary Education Mansehra vide his No. 6879-85 dated 31.05.2012, purely on merit and all codal formalities had been adopted/observed by then E.D.O.

A- Following documents are attached here for your kind perusal

please.

1. Advertisements.

- 2. EATA Test Result.
- 3. Merit List.
- 4. Original Recruitment Order.
- 5. Show Cause.
- 6. Dismissal Copy.

7. Response to show cause.

B- After three years (Approximately) DO (Female) issued show cause notice without conducting proper inquiry.

In response to show cause appeal was submitted by under signed but without hearing issuing dismissal order is illegal and unfair.

As for as misconduct is concerned in the dismissal later, it is also wrong and macafide, as no inquiry was initiated against me about my appointment and any other effects upto date.

C- I am not appointing authorities who made fake and factitious order hence appointment it self is on merit.

(74)

D- No financial loss to the Government treasury has given by me because I have been serving Right from my appointment to date regularly and punctually being a civil servant.

E- I have not deprived any candidate as I stood on merit list at the serial No. 10 of PET's merit list. (Annex-iii). Copy of Merit list is

attached.

F- Since I have been appointed according to the rules and regulation and purely on merit by components authority i.e. Exacutive District Education BPS-19 DO (F) being in BPS-18 is not compenent to empose major planty i.e. dismissal from service.

Kindly cancel/set-aside the said illegal dismissal order issued

by the DEO (F) Mansehra.

Thanking You.

Sadaf Riaz

(M.A,B.Ed,JDPE regular Course RITE Mansehra)

P.E.T

GGWS Bradar Darband Tehsil Oghi Dist Mansehra. وكالنشام

"MJ"

بعدالت جناب مسروس نظر مبيون مريم المريم el>۔ مندرجہ بالاعنوان میںا پی طرف سے پیروی و جوابد ہی بمقام

دلداراحمه خان لغماني ايدوه كيث سيريم كورث وف ياكتان

ATTESTED & ACCEPTED

DILDAR AHMED KHAN LUGHMANI,
Advocate Supreme Court,

of Pakistan.

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Merse 16

Chairman & cops

EFFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL CAMP COURT ABBOTTABAD

Appeal No. 864/2015

Mst: Sadaf Riaz , D/O Myhamma	ad Riaz, EX-PET, GGMS Bradar Darban	d, R/@ Chakia Tehsil &
Mansehra	APPELLANT	
13		
**************************************	<u>Versus</u>	
1. Govt of Khyber Pakhtun Kh	awa, through Secretary Elementary at	nd Secondary Education,
Peshawar and others.		
2. Director Elementary and Se	econdary Education, Govt. of Khyber P	akhtun Khawa, Peshawar.
3. District Education Officer (I	Female) District Mansehra.	
V V		RESPONDENTS.

PRELIMINARY OBJECTIONS:

- 1. That the appellant has got no cause of action to file the present appeal.
- 2. That the appeal is not maintainable in its present form.

Written reply on behalf of Respondent 1 to 3.

- 3. That the appeal is time-barred and not entertain able.
- 4. That the appellant has not come to the tribunal with cleans hands.
- 5. That the appellant is estopped by his own conduct to file the instant appeal.
- 6. That the appeal is based on false and mala fide hence deserves dismissal.
- 7. That the appellant has suppressed the original facts from this Honorable Service Tribunal, hence not entitled for any relief & the appeal is liable to be dismissed.
- 8. That the competent authority has dismissed the appellant in accordance with law / rules. Thereafter the appellant preferred an appeal against the said order before the appellate authority i-e Director E & SE KPK, who has converted the penalty of "Dismissal to removal"



9. The appointment of the appellant was illegal ab initio And against the law and rules, hence the authority has conducted the inquiry against the then appointing officer i-e EDO, E & SE, appointed to present appellant in which it was found that the appointed to present appellant along with the number of other teachers were made against the rules / law and the then EDO, E & SE Mansehra namely Ommer Khan Kundi was removed from Service, by the competent authority i-e chief Minister KPK under E & D rules 2011. (Copy is attached)

FACTUAL OBJECTIONS:

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- 1) Para No.1 needs no comments.
- 2) Para No.2 needs nom comments.
- Para No.3 is correct to the extent that respondent No. 3 announced the post of PET in the daily "The AAJ" dated 20-5-2011, while the rest of the Para is incorrect.
- Para No.4 is correct to the extent that the appellant was placed at s. No 10 of the Merit list. Rest of the Para is incorrect, hence denied.
- Para No.5 is against the facts. As stated in the appeal rejection letter by the appellate authority:
- i. Sadaf Riaz name was in the Merit List at S. No. 10 under ETEA R. No 1700889, but her ETEA application from was not found. Her name was neither included in the working paper nor in the DSC minutes. Only 09 candidates were recommended against 09 available vacancies. She was appointed through a single / individual order.
- ii. Appeal may be rejected with the remarks that there were 09 vacancies reserved for initial recruitment for fresh candidates and in accordance with the merit list her name was stood at S. No 10. Hence she was not entitled to appointment.

 (Annexure-A)
- Para No.6 is incorrect. The appellant did not report her arrival on 01-06-2012 as reflected in the letter of Head Mistress GGMS Bradar. But the appellant reported her arrival on 30-11-2012 that i-e 06 months later of her appointment, hence appointment is automatically

cancelled. Hence the appeal is liable to be dismissed on this score alone. (Annexure-B

- 7). Para No.7 is incorrect, hence denied.
- Para No.8 is incorrect. The appellant did not perform her duties and the claim of the appellant for release her salaries has already been dismissed by the honorable Peshawar High Court Bench Abbottabad vide Writ Petition No. 737-A / 2014,
- Para NO. 9 is incorrect, hence denied. Mere performance of election duties cannot justify the legality of her appointment. The appellate authority rejected her appeal on the following grounds.
- Her name was included in the Merit list at S. No. 11. Her name was included in the working papers of the DSC minutes of only nine (09) candidates against the available 09 seats. She was appointed through a single / individual order.
- Appeal may be rejected with the remarks that there were 09 vacancies reserved for initial recruitment for fresh candidates and in accordance with the merit list her name was stood at S. No. 11. Hence she was not entitled to appointment.

 As (Annexure-A)
- Para No. 10 is correct to the extent that the appellant filed writ petition No. 737-A / 2014 for release her salary but the same writ petition was dismissed.
 - Para No. 11 is correct to the extent that the Respondents No. 3 issued Show Cause notice to the appellant.
 - 12) Para No. 12 is correct.
 - 13) Para No. 13 is correct to the extent of appeal which was rejected by the authority.
- 14) Para No. 14 needs no comments.

GROUNDS:-

- i. Para No. i is incorrect. The appellant was appointed out of the merit.
- ii. Para No. ii is incorrect, hence denied. The appellant was dismissed from service after fulfilling the codal formalities.

- ore the (9)
- Para No. iii is incorrect, hence denied. The authority has fulfill all the codal formalities before the dismissal of appellant.
- iv. Para No. iv is incorrect. The appellant was dismissed from service after conducted proper inquiry at a high level.
- v. Para No. v is incorrect, hence denied.
- vi. Para No. vi is incorrect, hence denied. The appellant was dismissed by the respondents in accordance with the law.
- vii. Para No. vii is incorrect, hence denied.
- viii. Para No. viii is incorrect. Mere the performance of Election duty cannot justify her appointment.
- ix. Para No. ix is incorrect, hence denied.
- x. Para No. x is incorrect, hence denied.
- xi. Para No. xi is incorrect, hence denied.

Prayers:

It is therefore humbly prayed that the instant appeal may kindly be dismissed.

Respondent No. 1

Secretary E&SE, KPK, Peshawar.

Respondent No.2

Director E&SE, KPK, Peshawar.

Respondent No. 3

District Education Officer

(Female) Mansehra.



AFFIDAVIT

I, Mr. Sakinullah, ADEO(Litigation), District Education Officer (F) Mansehra, do, hereby solemnly affirm and declared that the contents of reply in the instant Appeal No. 864-A/2015 titled case Mst. Sadaf Riaz, Ex-PET Versus Education are correct and true to the best of my knowledge and belief and I have concealed nothing as material facts before this Honorable Court.

DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA **ELEMENTARY & SECONDARY EDUCATION** DEPARTMENT

Dated Peshawar the February 27, 2014

NOTIFICATION

NO.SO(S/M)E&SED/4-17/2013/Umar Khan DEO: WHEREAS Mr. Umar Khan Ex-Executive District Officer (BS-19), E&SE/ District Education Officer Male Mansehra (now District Education Officer Male Karak) was proceeded against under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

- AND WHEREAS inquiry committee was constituted comprising the following officers to conduct formal Inquiry against the accused officer, for the charges leveled against him in accordance with the rules.
 - i. Syed Hidayat Jan, (PCS SG BS-20), Special Secretary, Agricultural Department, Khyber Pakhtunkhwa Peshawar (now Secretary Zakat, Usher, and Social Welfare Department.
 - ii. Mr. Khallag Baig Principal BS-20, RITE Male Haripur
- AND WHEREAS the Inquiry committee after having examined the charges, evidence on record and explanation of the accused officer has submitted the report.
- AND WHEREAS a show cause notice was served upon Mr. Umar Khan Ex-Executive District Officer (BS-19), E&SE/ District Education Officer Male Mansehra (now District Education Officer Male Karak) dated 25-12-2013 circulated to him on 01-01-2014.
- AND WHEREAS the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the Show Cause Notice and personal hearing granted to him by Secretary Establishment Khyber Pakhtunkhwa on behalf of Chief Minister Khyber Pakhtunkhwa on 14-02-2014 at 1100 hours, is of the view that the charges against the accused officer have been proved.
- NOW, THEREFORE, in exercise of the powers conferred under section 14 of Knyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose major penalty of "Removal from service" upon Mr. Umar Khan Ex-Executive District Officer (BS-19), E&SE/ District Education Officer Male Mansehra (now District Education Officer Male Karak) with immediate effect.

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the: -

- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- District Education Officer (Male), Mansehral Karak.
- Mr.; Umar Khan District Education Officer Male (BS-19) District Karak.
- District Accounts Officer Mansehra/ Karak.
- PS to Chief Secretary Khyber Pakhtunkhwa Peshawar
- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- PS to Special Secretary, E&SE Department, Khyber Pakhtunkhwa

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION.

WHEREAS, Mst Sadaf Riaz, PET at Government Girls Middle School Bradar District Mansehra was dismissed from service by the DEO (Female) Mansehra vide Order No. 1452-61 dated 03/03/2015 after serving Show Cause Notice and giving her an opportunity of personal hearing on

WHEREAS, consequently the above aggrieved teacher lodged/preferred an appeal to the Director E&SE Khyber Pakhtunkhwa, Peshawar (appellant authority) against her dismissal from service with the pray to set aside her dismissal order issued by the DEO concerned followed by her

AND WHEREAS, the Director E&SE Khyber Pakhtunkhwa, Peshawar constituted a committee vide Notification No. 5500-09 dated 23-04-2015 for the scrutiny of appeals of above dismissed teacher.

AND WHEREAS, the committee having scrutinized appeal of above affected teacher on the basis of available record and merit of the case submitted its report to the Director E&SE Khyber Pakhtunkhwa, Peshawar with the findings and recommendations reproduced briefly below:-

Sadaf Riaz's name was in the Merit list at S.No. 10 under ETEA R. No. 1700889, but her ETEA application form was not found. Her name was neither included in the working paper nor in the DSC minutes. Only 09 candidates were recommended against 09 available vacancies. She was appointed through a single/individual order.

Appeal may be rejected with the remarks that there were 09 vacancies reserved for initial recruitment for fresh candidates and in accordance with the merit list her name was stood at Sr.No.10. Hence she was not entitled to

NOW, THEREFORE, in exercise of powers conferred upon the Director E&SE Khyber Pakhtunkhwa, Peshawar (appellant authority) under E&D Rules 2011 read with rules 17 (2) (a) and keeping the findings/recommendations of the committee into consideration, rejects the appeal of aforesaid sacked teacher for reinstatement, however her dismissal order issued by the DEO (F) Mansehra vide order No. 1452-61 dated 03/03/2015 is hereby converted into removal from service.

> Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.

Endst: No. 4260-65 /F.No. 79 /Appeals Female MSR

Dated Peshawar the 25

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

District Education Officer (Female) Mansehra

District Accounts Officer Mansehra 2.

3. Head Mistress Concerned.

Appellants concerned

PA to Director E&SE KP, Peshawar . 5.

Master File.

Deputy Director Directorate E&SE, KP

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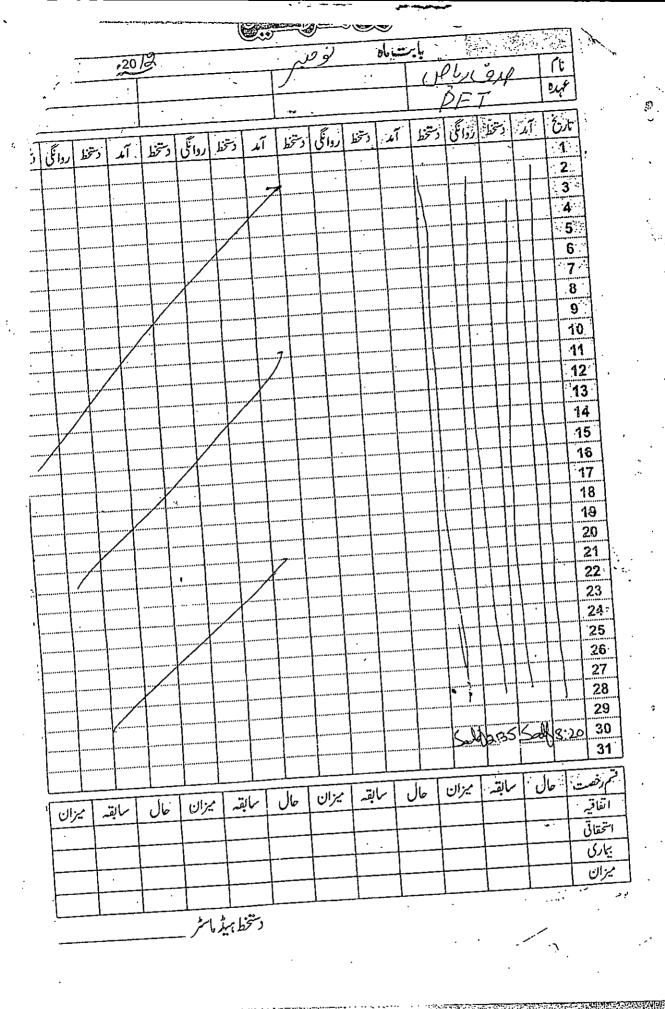
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BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA CAMP COURT ABBOTTABAD

Mst. Sadaf RiazAppellant

VERSUS

Govt. of KPK and othersRespondents

SERVICE APPEAL

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully Sheweth!

PRELIMINARY OBJECTIONS.

- 1. Para No.1 is incorrect, Honourable Court has got jurisdiction to entertain the appeal in hand.
- 2. Para No.2 is incorrect.
- 3. Para No.3 is incorrect.
- 4. Para No.4 is incorrect.
- 5. Para No.5 is incorrect.
- 6. Para No.6 is incorrect.
- 7. Para No.7 is incorrect.
- 8. Para No.8 is incorrect. The authority has acted with malice and

dismissal/removal order of appellant is totally wrong, illegal, against the law and facts.

9. Para No.9is incorrect. The appointment of the appellant was made by the then Executive District Officer, Mansehra Mr. Umer Khan Kundi and the appellant after her regularly appointment put in Government Girls appearance Middle School Brader Darband, Tehsil Oghi District Mansehra and appearance was also noted in the register of the School which was duly checked by the Circle A.D.O and the then D.O. As the respondents have acted illegally and with malice, to save their skin, they are making lame excuse by blaming the then E.D.O Umer Khan Kundi. As per contention of the respondents Umer Khan Kundi was removed from service. Now the said Umer Khan Kundi was restored in service by the competent authority respondents have the and challenged that very order. The other female teachers who were terminated by the respondents and were 42 in numbers, all these female teachers were restored by the competent authority and all these appointments were made by the then Executive District Officer namely Umer Khan Kundi.

FACTUAL OBJECTIONS.

- 1. Para No.1 needs no reply.
- 2. Para No.2 needs no reply.
- 3. Para No.3 needs no reply to the extent of advertisement in Daily Aaj while the reply of the rest of the para is that the appellant duly applied for the advertised post i.e. Physical Education Teacher.
- 4. The reply of para No.4 is that the appellant appeared in the EATA test and secured 56 marks with the average of 52%. The respondents wrongly placed the appellant at serial No.10 of the merit list; rest of the reply of para No.4 is incorrect.
- 5. Para No.5 is incorrect.
- i. Sub para (i) needs no reply to the extent of placing the name of the appellant at serial No.10 of the merit list while the rest of the para is incorrect. The respondents

deliberately placed the name of the appellant at serial No.10 while the appellant has secured marks in the EATA test with fine average and the name of the appellant must be shown before serial No.10 of the merit list. The respondents deliberately misplaced the relevant documents of appellant just to deprive the appellant from her legal right, actually the advertised posts were twelve in number and the respondents deliberately suppressed the actual number of the posts with malafide intention and for sinister purpose. As the appellant was entitled for the post in all respects, the appellant is not in knowledge about the malafide intention of the appointing authority why he has as appointed the appellant with single order, if the appellant is appointed with single order then no illegality was committed by the then appointing authority. So far, the respondents have failed to mention any illegality about the said single order of appointment of the appellant and this is no ground to terminate the services of the appellant

after more than two and a half year of unblemished service.

- ii. Sub (ii) is incorrect. para The advertisement of the respondents is already on the court file which is worth perusal. The respondents have never mentioned the number of posts their advertisement. in respondents have appointed the other candidates who were lower in merit than the appellant. In this way, the appellant was discriminately treated by the respondents.
- Para No.6 is incorrect. As the appellant has made his arrival in the concerned school on 01.06.2012 soon after the appointment order record in this respect is already available on the file. The respondents are trying to suppress the material facts from this Honourable Court just to deprive the appellant from her legal right.
- 7. Para No.7 is incorrect.
- 8. Para No.8 is incorrect. The record available on the file reflects that the appellant has performed her duties regularly. Writ Petition No.737-A of

2014 was allowed by the Peshawar High Court, Bench Abbottabad and the respondents were directed release the salary and other allowances of the appellant but so far respondents are reluctant redress the grievance of the appellant of the respect salary and allowances on one pretext or other.

- 9. Para No.9 is incorrect. The performance of election duty was on direction and order of respondents. If the appellant was not duly appointed by the respondents then common/lay man is not allowed perform to the election Similarly, the appellant has performed the duties of invigilator twice during the service on the direction of the respondents.
- i. Sub para (i) is incorrect. respondents are consistently making false statements before the Honourable Court. Previously, respondents stated that the name of the appellant was at serial No.10 of the merit list, now they are stating that the name of the appellant was at S.No.11 of the merit list. It is again

stated that the respondents have never mentioned the number of posts in the advertisement and the respondents have made the appointments of the persons who were placed lower than the appellant in the merit list.

- ii. Sub para (ii) is incorrect. The reply of the same has already been given.
- 10. Para No.10 needs no reply to the extent of filing of Writ Petition. Rest of the para is incorrect.
- 11. Para No.11 needs no reply.
- 12. Para No.12 needs no reply.
- 13. Para No.13 needs no reply. The authority has wrongly rejected the appeal of the appellant.
- 14. Para No.14 needs no comments.

GROUNDS

- i. Para No.(i) is incorrect.
- ii. Para No.(ii) is incorrect.
- iii. Para No.(iii) is incorrect.
- iv. Para No.(iv) is incorrect as no inquiry according to the law and rules was conducted against the appellant. As per

law, after appointment of a person, the major penalty cannot be awarded to the Civil servant without conducting the proper inquiry. The respondents have terminated the services of the appellant without affording any opportunity of hearing to the appellant. In this way, the appellant was condemned unheard which is not permissible under the law.

- v. Para No.(v) is incorrect.
- vi. Para No.(vi) is incorrect.
- vii. Para No.(vii) is incorrect.
- viii. Para No.(viii) is incorrect.
- ix. Para No.(ix) is incorrect.
- x. Para No (x) is incorrect.
- xi. Para No.(xi) is incorrect.

It is humbly prayed that the appeal of the appellant may please be accepted and the appellant may please be reinstated in service with all back benefits.

Dated 16.04.2016

Mst. Sadaf RiazAppellant

Through

DILDAR AHMED KHAN LUGHMANI, Advocate Supreme Court, Of Pakistan.

AFFIDAVIT.

I, Sadaf Riaz daughter of Muhammad Riaz resident of Chakia, Tehsil and District Mansehra, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated 16.04.2016

Sadaf Riaz (DEPONENT)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 165 /ST

Dated 23 /01/2018

To

The District Officer (Female) Elementary and Secondary Education,

Government of Khyber Pakhtunkhwa,

Mansehra.

Subject:

JUDGEMENT IN APPEAL NO. 864/15 MST. SADAF RIAZ

I am directed to forward herewith a certified copy of Judgment dated 17/10/2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.