

BEFORE THE HON'BLE SERVICE
TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL NO.2035/2023

Titled

MUHAMMAD IDRESS vs. EDUCATION DEPARTMENT
INDEX

S.No	Description of Documents	Annexure	Page No
1	Reply		1-3
2	Advertisement	A	4
3	Withdrawal order	B	5
4	Appointment Order	C	6
5	CNIC	D	7
6	Affidavit		8



Safia Amin
District Education Officer
(Female) Peshawar

15-02-24

Service Appeal No.2035/2023

Titled Muhammad Idress Vs Education Department

PARA WISE REPLY ON BEHALF ON RESPONDENT NO. 1 TO 4

Khyber Pakhtunkhwa
Service Tribunal

Respectfully Sheweth:

Diary No. 11158/

The Respondent, submit below:

Dated 15-02-24

Preliminary Objections

1. That the appellant has got no cause of action/locus standi.
2. That the Appellant has concealed material facts from this Hon'ble Tribunal.
3. That the appellant has been stopped by his own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant appeal is badly time barred.
5. That the instant appeal is not maintainable in its present form.
6. That the instant appeal is bad for non- joinder of the necessary and proper parties.
7. That the appellant has not come with clean hands to this Hon'ble Tribunal.

Reply of facts:

1. That in reply to Para No.1 it is submitted that the Respondent No.1 Advertised post of Drivers in Daily Express on Saturday 18 September 2021 with the condition that the candidates must have at the age of 30 to 40 years have five year experience in Driving. (Advertisement as Annex as Annexure -A)
2. That Para No.2 Pertains to record.
3. That Para No.3 is correct to the extent the candidates who fulfill the criteria for the said post can be appear before the competent authority for Driving test while the appellant was under age and he know the said facts but he applied for driver post and neglect the said criteria.
4. That Para No.4 is also pertains to record.
5. That Para No.5 is pertain to record.
6. That in reply to Para No.6 it is submitted that the District Selection Committee meeting was conducted to select the eligible candidates for the post of Driver, when the dealing assistant re scrutinized the appellant documents the appellant was founded under age and therefore his order was withdrawn on 18-10-2022. (withdrawn order as Annexed as Annexure-B)
7. That in reply to Para No.7 it submitted that appellant is under age therefore his order is withdrawn.
8. That reply of Para No.8 & 9 has already given in the above Para.
10. That reply to Para 10 it is submitted that the appellant was appointed on 15-03-2022 and his order was withdrawn on 18-10-2022. (Appointment order & withdrawn order are annexed as Annexure-C & D)

11. That reply to Para No. 11, it is submitted that the appellant was founded under age and as order was declared null & void therefore the appointment order of the appellant withdrawn. With drawn order is already annexed.
12. That in reply to Para No .12, it is submitted that when the appellant was found under age his appointment order withdrawn.
(Copy of CNIC annexed as Annexure-C).
13. That Para No.13 is pertain to recorded.
14. That reply to Para No.14, it is submitted that the appellant has no cause of action to file the appeal in this Hon'ble Service Tribunal

REPLY Of Grounds.

1. That Ground-1 is incorrect and misleading and against the facts. The Detail reply has been given in the above Para.
2. That Ground-2 is incorrect, misleading and against the facts. The said order is according to law and rules.
3. That Ground-3 is incorrect and misleading.
4. That Ground-4 is incorrect, misleading and against the facts. The appellant was founded under age and he did not fulfilled the criteria for the post of Drive appointment as per condition of the adversitment regarding age limit and experience.
5. That Ground -5 is also incorrect and misleading. The detail reply has been given in the above Para.
6. That Ground-6 is incorrect. The detail reply has been given in the above Para.
7. That Ground -5 is also incorrect, misleading and against the fact. The appointment order of the appellant was wrongly issued and late on the appellant was founded under age therefore his order was withdrawn according to law and rules.

8. That Ground-8 is incorrect, misleading and against the fact . The respondents seek permission to advance the additional documents to this Hon'ble tribunal at the time of arguments.

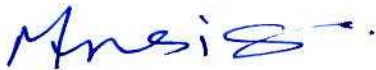
It is therefore, very humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost.



Safia Amin

District Education Officer
(Female) Peshawar.

Respondent No. 2



Munsif Khan

Sub Division Education Officer
(Female) Town Peshawar

Respondent No. 4



Dr Rana Gul

Deputy District Education Officer
(Female) Peshawar

Respondent No. 3



Samina Altaf
Director E & SE
KPK Peshawar

Respondent No. 1

DAILY EXPRESS

روزنامہ اے ڈیلی ایکسپریس

پاکستان کے 11 شہروں سے ایک وقت شائع ہونے والا واحد اخبار

فلسطین نے اسرائیلی حکومت کو دویا سے

بیت المقدس کو دار الحکومت بنانے کی کوششوں کی مذمت، فلسطین کی چھاپہ

بیت المقدس، 18 ستمبر (اے پی پی) - بیت المقدس، فلسطین کی مقدس ترین شہر اور اسرائیلی حکومت کے دار الحکومت کے طور پر، اسرائیلی حکومت کے بیت المقدس کو دار الحکومت بنانے کی کوششوں کی شدید مذمت کی ہے۔ فلسطینی وزارت خارجہ کے ایک بیان میں کہا ہے کہ اسرائیلی وزارت خارجہ کی یہ کوششیں فلسطین کی آزادی اور فلسطینیوں کے حقوق کی خلاف ورزی ہیں۔ اسرائیلی حکومت کو دویا سے بیت المقدس کو دار الحکومت بنانے کی کوششوں کی شدید مذمت کی ہے۔ فلسطینی وزارت خارجہ کے ایک بیان میں کہا ہے کہ اسرائیلی وزارت خارجہ کی یہ کوششیں فلسطین کی آزادی اور فلسطینیوں کے حقوق کی خلاف ورزی ہیں۔

عرب اسرائیل تعلقاً کم کر

پرامن سفارت کاری کا ادارہ وسیع کرنا چاہتے ہیں، اسرائیل کے امارات، بحرین، مراکش، سوڈان، کووڈو سے تعلقات بڑھانے میں

واشٹن، 18 ستمبر (ایف پی) - اسرائیلی وزیر خارجہ گبی ایشٹون نے کہا ہے کہ اسرائیل اور عرب ممالک کے تعلقات کی سربلندی کو ایک سال ہونے پر سرکاری طور پر خراج تحسین پیش کیا جائے گا۔ ایشٹون نے کہا کہ اسرائیل اور عرب ممالک کے تعلقات میں ایک نیا دور شروع ہو رہا ہے۔ اسرائیل اور عرب ممالک کے تعلقات میں ایک نیا دور شروع ہو رہا ہے۔ اسرائیل اور عرب ممالک کے تعلقات میں ایک نیا دور شروع ہو رہا ہے۔

آسامیاں خالی ہیں

ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) پشاور کے زیر اہتمام، مندرجہ ذیل آسامیوں کے لئے درخواستیں مطلوب ہیں جو کہ زیر دستگی ہو اور 30 ستمبر 2021 تک موصول ہو جانی چاہئیں۔ بعد میں موصول ہونے والی اور نامکمل درخواستیں قابل غور تصور نہیں کی جائیں گی۔ صرف شارٹ لسٹ (Short Listed) امیدواروں کو نوٹس/انٹرویو کیلئے بلایا جائے گا۔

نمبر شمار	نام آسامی	مردود	تعداد آسامی	ذو مسائل	اہلیت	تعمیر
01	ڈراما ٹیچر	مردود	04	پشاور	ڈیپلوم پاس اور LTV/HTV اور ایجوکیشن آفیسر سے 30 سال	بھارتی اور کم از کم 5 سال ڈیپلوم پاس اور ایجوکیشن آفیسر سے 40 سال

ضروری ہدایات:

1- خواہشمند حضرات سادہ کلام پر درخواست بنام زیر دستگی بھجوانے، CV، تہہ تیہ شدہ شناختی کارڈ، ڈو میسٹک، تعلیمی سرٹیفکیٹ کی فوٹو کاپیاں ساتھ بھیجیں اور اپنا نمونہ نمبر ضرور لکھیں۔ 2- نوٹس/انٹرویو کے لئے اصل کاغذات ضرور ساتھ لائیں۔ 3- نوٹس/انٹرویو کیلئے آنے جانے کا کوئی ٹی اے/ڈی اے نہیں دیا جائے گا اور نہ ہی قیام و طعام کی سہولت دی جائے گی۔ 4- مزید معلومات کیلئے دفتر کی اوقات کار میں دفتر ہذا سے رجوع کر سکتے ہیں۔

انتہی: ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) پشاور

Our Faith Corruption Free Pakistan | www.lhyberpakistan.gov.pk | INF(P)47439/2021

CAREER OPPORTUNITY

Pakistan Medical Commission invites applications from eligible candidates for appointment on the following position/positions. We offer marking based recruitment procedure.

ATTESTED

Daily Express P 18-9-21

Annexure - B 5



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR. Email I.D. emisfeshawar@gmail.com

192

NOTIFICATION:-

In pursuance of term No.7 of the appointment order No.4020-26 Dated Peshawar the 15.03.2022. appointment of Mr. Muhammad Idrees S/O Muhammad Irfan, Driver, Sub Divisional Education Officer (Female) Town-III Peshawar is hereby "Withdrawn with immediate effect" due to the reason mentioned below:-

"The Dealing Assistant D.E.O (Female) Peshawar has reported that during re-serutinizing the appointment file of Drivers, the date of birth of Mr. Muhammad Idrees appointment vide order No. 4020-26 dated Peshawar the 15.03.2022 is incorporated mistakenly in the meeting minutes".

(SAMINA GHANI)
District Education Officer,
(Female) Peshawar.

Endst: No. 5954-10 / Driver File/ Dated Peshawar the: 18/03/2022

Copy of the above is forwarded to the: -

- 1- Director (E&SE) Khyber Pakhtunkhwa Peshawar
- 2- PS to Secretary (E&SE) Khyber Pakhtunkhwa Peshawar.
- 3- Accountant General Khyber Pakhtunkhwa Peshawar.
- 4- District Monitoring Officer Peshawar.
- 5- SDEO (Female) Town-III Peshawar with the remarks to recover any over payment made to the above named Official and deposit in to Govt: Treasury under intimation to this office and also stop his pay with immediate effect.
- 6- Assistant Programmer, local office.
- 7- Mr. Muhammad Idrees, Driver, SDEO (Female) Town-III Peshawar.

Mani
18/10/2022
District Education Officer,
(Female) Peshawar



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR. Email I.D. emisfpeshawar@gmail.com

APPOINTMENT ORDER:

Consequent upon the approval of the Departmental Selection Committee held on 24.02.2022, the competent authority is pleased to appoint Mr. Muhammad Idrees S/O Muhammad Irfan as Driver in the Office of Sub Divisional Education Officer (Female) Town-III Peshawar (CNIC: 17301-9939111-5) on regular basis in BPS-06 (Rs.10620-560-27420) plus usual allowances as admissible under the rules against the vacant post at the office mentioned against his name with effect from the date of his taking over charge on the following terms and conditions.

Terms and Conditions:

1. NO TA / DA is allowed.
2. Charge report should be submitted to all concerned.
3. His service is liable to termination on one months' notice from either side. In case of resignation without notice, one month pay/allowances shall be forfeited to the Government.
4. He will be governed by such rules and regulations as may be issued from time to time by the Government.
5. Health and age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
6. He should take over charge within 30 (Thirty) days from the date of issuance of this order.
7. His service will be liable to termination at any stage if their CNIC, Domicile or any other document he produced found fake, FIR will be lodged against him under the relevant law and recovery will be made of the paid salary.

Note:-

- His appointment order shall be verified by the Concerned DDO personally from this office before handing/ taking over charge.
- His CNIC & Domicile will be re-checked by the concerned DDO at the time of taking over charge.

(SAMINA GHANI)
District Education Officer,
(Female) Peshawar.

Endst No. 4020-26 / F.No. D-1/ Appointment Drivers/2022/ Dated: 15 /03/2022.

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioner, Peshawar.
4. District Monitoring Officer (EMA) Peshawar.
5. Sub Divisional Education Officer (Female) Town- III, Peshawar.
6. P.A to D.E.O (Female) Peshawar.
7. Official concerned.
8. Personal file.

SDEO (F)
Town III Peshawar

Dy: District Education Officer,
(Female) Peshawar

Annexure-D
 KHYBER PAKHTUNKHWA
 Transport & Mass Transit Department
 DRIVER'S LICENSE

Peshawar



LTV,
 10020005360

MUHAMMAD IDRIS
 MUHAMMAD IRFAN

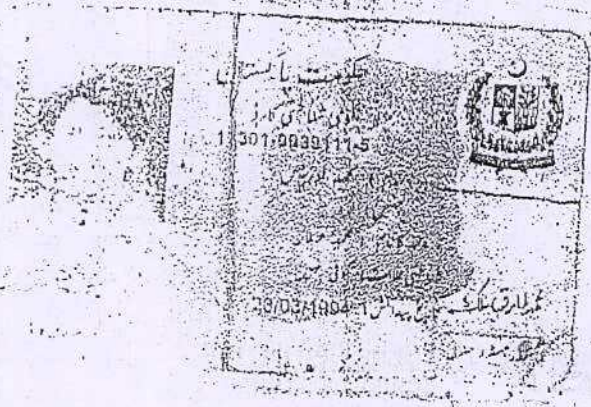


DOB 23 Mar 1994
 CNIC 17301-9939111-5
 GENDER Male
 ISSUED 02.03.2022
 EXPIRES 01.03.2027

Issuing Authority



ANNEXTURE



سٹی ٹریفک پولیس پشاور
 CITY TRAFFIC POLICE PESHAWAR
 DRIVING LICENSE



17301-99391115

Name	MUHAMMAD IDRIS	محمد ادریس
Gender	MALE	مرد
Date of Birth	23-03-1994	23 مارچ 1994
License No.	100000206490	لائسنس نمبر
Issue Date	08-12-2015	تاریخ اجراء
Expiry Date	13-12-2026	تاریخ منقضاء

Signature
ATTESTED

8

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

SERVICE APPEAL NO. 1033/2023

Muhammad Idress VS E & SE Education

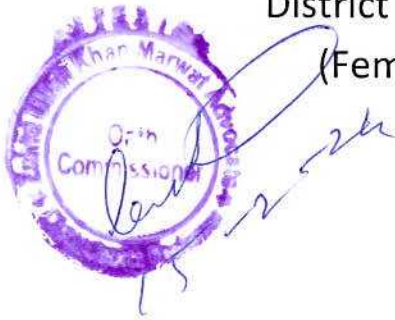
AFFIDAVAT

I Safia Amin DEO (Female) Peshawar do Solemnly affirmed and declare on oath that the content of this Para wise comments on behalf of Respondents are correct to the best of my knowledge and that noting has been concealed from this Hon'ble tribunal. It is further stated that in this appeal that answering respondents have neither been paced ex-parte nor their defense has been stuck off/lost.



Safia Amin

District Education Officer
(Female) Peshawar





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

AUTHORITY LETTER

It is certified that Mr. Shahid Anwar ADEO Litigation officer of the District Education office (Female) Peshawar is hereby authorized to attend the Hon'ble Service Tribunal Peshawar Khyber Pakhtunkhwa on behalf Respondents No 1 to 4.

**District Education Officer
(Female) Peshawar**

Respondent No. 2