

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No.1831 /2023

Mst. Sadia Bibi..... Appellant

Versus

Secretary (E & S) Education Department KPK Peshawar and others

..... Respondents.

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11-03-2024

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District Education Officer
(Female) Lakki Marwat

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.1831 /2023

Mst. Sadia Bibi..... Appellant

Versus

Secretary (E & S) Education Department KPK Peshawar and others..... Respondents.

WRITTEN REPLY/COMMENTS FROM THE RESPONDENTS 01 TO 03

PRELIMINARY OBJECTIONS:-

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11686

Dated 11-03-2024

- (1) The appellant has no cause of action.
- (2) The appellant has not come to the court with clean hands.
- (3) The appellant is estopped by her own conduct to file instant appeal
- (4) That the seniority list was provided by the concern S.D.E.O (F) which was forwarded believing to be accurate and correct.
- (5) The appellant has no locus standi.
- (6) That the appeal of the appellant is being infructuous and being liable to be dismissed on various legal as well as factual grounds.
- (7) That the grievances of the appellant has been redressed and the appellant has been promoted to SPST on dated 28-02-2024 (copy attached as annex-A)

FACTUAL OBJECTIONS: -

1. That para No.1 pertains to record.
2. That para No.2 pertains to record.
3. That para No.3 pertains to record.
4. Para No.4 is correct. The appellant has been ignored from promotion due to the mistake made by S.D.E.O (F) Serai Naurang. The actual facts are that the appellant was appointed on deceased quota through separate order, while the other employees were appointed on merit, through separate order, therefore the concerned S.D.E.O (F) mistakenly believing appellant junior to other employees, left her from the concerned list and sent list of PSTs appointed on merit for promotion to

respondent No.3 and the respondent No.3 believing it to be correct approved it. It is pertinent to mentioned here that inquiry has been initiated against the concerned SDEO (F). (copy attached as annex-B)

5. Para No.5 is pertains to record.
6. Para No.6. The instant appeal is based on malafide and to pressurize the department. In view of the above the petition in hands may graciously be dismissed inter alia on the following grounds.

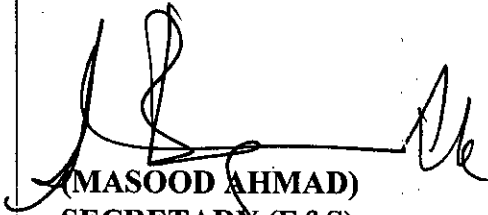
GROUND:-


- A. Para A. It is submitted that the appellant being eligible was liable to be promoted. The notification dated: 13-04-2023 was issued / approved on the recommendation of the concerned S.D.E.O (F), who mistakenly left the appellant.
- B. That Para B is incorrect, as explained above.
- C. Para C is incorrect. No malafide of respondents is involved in the instant matter.
- D. Para D is incorrect, as explained above.
- E. Para No.E is correct. The appellant is senior to the some of the employees promoted via notification dated: 13-04-2023.
- F. Para No.F is incorrect, as explained above.
- G. Para No. G is explained above.
- H. Para No.H is incorrect, as explained in para-4 of the facts.
- I. That the counsel of the respondents may please be allowed to raise further points at the time of arguments.

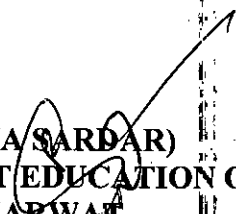
In the light of above submissions, this Hon'ble Tribunal may very graciously be pleased to:-

- i. Dismiss the instant appeal.

Dated: /03/2024


(MASOOD AHMAD)
SECRETARY (E&S)
EDUCATION DEPARTMENT
KPK, PESHAWAR
RESPONDENT NO. 1


(SAMINA ALTAF)
DIRECTOR E&S
EDUCATION, KPK,
PESHAWAR
RESPONDENTS NO.2


(FARZANA SARDAR)
DISTRICT EDUCATION OFFICER (F)
LAKKI MARWAT.
RESPONDENT NO. 3

Annex (A) 4



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) LAKKI MARWAT

Ph & Fax: (0969) 538080, Email: deoflakki@gmail.com

NOTIFICATION/OFFICE ORDER:-

In continuation of this office promotion order of PST (BPS-12) to SPST (BPS-14) issued under Endst: No: 2301-08 dated: 13-04-2023, and consequent upon the recommendation of Departmental Promotion Committee in its meeting held on 22-02-2024, the below named leftover Primary School Teachers BPS-12 are hereby promoted to the posts of Senior Primary School Teachers BPS-14@ (22530-1740-74730) plus usual allowances as admissible under the rules on regular basis under existing policy of Govt: of Khyber Pakhtunkhwa Elementary & Secondary Education Notification No. SO (PE) 4-5/SSRC/meeting/2012/teaching cadre dated: 13-11-2012 on the terms and condition given below with immediate effect and further posted as SPST in the school noted against each.

S#	Sen. No.	Name	Present School as PST	Place of posting as SPST
1	101	FATIMA BIBI	GGCMS NAR UTAM GHAR	GGCMS NAR UTAM GHAR
2	102	BIBI HAJRA	GGPS NABI SHAH LANDIWAH	GGPS NABI SHAH LANDIWAH
3	103	MEHWISH ATEEQ	GGPS MATORA NO.2	GGPS NO.3 KAKA KHEL
4	104	MEHWISH	GGPS HAQDAD ABAD NO.1	GGPS WANDA KALAN
5	105	SEHRISH SHAUKAT	GGPS PAHAR KHEL THAL NO.2	GGPS WANDA SHAMADU
6	106	SHAKILA BIBI	GGPS MAAZULLAH LANDIWAH	GGPS MAAZULLAH LANDIWAH
7	107	TAHIRA	GGPS NASAR KHEL NO.2	GGPS IQBAL KOT
8	108	MUSFIRA REHMAN	GGPS ABBA KHEL NO.7	GGPS ABBA KHEL NO.7
9	109	SHOAIB KAUSAR	GGCMS WANDA AMIR	GGCMS WANDA AMIR
10	110	SHAZIA	GGCMS DALLO KHEL	GGCMS DALLO KHEL
11	111	SAJILA FAIZ	GGPS NAR SIKANDAR KHAN	GGPS NAR SIKANDAR KHAN
12	112	SHAZIA	GGPS KHOIDAD KHEL	GGPS KHOIDAD KHEL
13	113	SHAGUFTA BIBI	GGPS NAR SIKANDAR KHAN	GGPS MUGHAL MANJIWALA
14	114	SADIA BIBI	GGPS NASIR KHEL NO.2	GGPS YASIN MANJIWALA

TERMS & CONDITION:-

1. They would be on probation for a period of one year extendable for another one year.
2. Charge report should be submitted to all concerned.
3. No TA/DA is allowed for joining her duty.
4. They will be governed by such rules and regulation as may be issued from time to time by the Government.
5. Their service can be terminated at any time, in case their performance found unsatisfactory during probationary period. In case of misconduct, they shall be preceded under the rule framed from time to time.
6. The DDO concerned will check and verify the certificates/degrees of the above named candidates from the concerned board/university before drawl their salaries/pays.
7. They will give an undertaking to be recorded in their service books to the effect that if any over payment or made to them in light of this order will be recovered and if they are wrongly promoted they will be reverted.
8. Their inter-se-seniority will remain intact on lower post.

(Farzana Sardar)
District Education Officer
(Female) Lakki Marwat.

Endst: No: 983-90 /PST to SPST Promotion/2024

Dated: 28/02/2024.

Copy to the:-

1. Director (E&S) Education Khyber Pakhtunkhwa, Peshawar.
2. District Monitoring Officer (EMA) Lakki Marwat.
3. Dy: DEO (F) Local office.
4. District Accounts Officer Lakki Marwat.
5. Sub-Divisional Education Officer (F) concerned.
6. ASDEO circle concerned schools.
7. PSHT Concerned School.
8. Master File.

Attested

District Education Officer
(Female) Lakki Marwat

District Education Officer,
(Female) Lakki Marwat.



Amra Bibi (5)

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) LAKKI MARWAT**

Ph: (0969)538080, email: deoflakki@gmail.com



OFFICE ORDER.

In pursuance to the remarks of the Additional Advocate General Khyber Pakhtunkhwa Peshawar in service appeal No.1831/2023 title Mst: Sadia Bibi VS Govt: of Khyber Pakhtunkhwa, an inquiry committee is hereby constituted against Mst: Farhat Yasmin the then SDEO(Female) Serai Naurang.

The inquiry committee comprising of the following Officers will probe into the matter and dig out actual facts of the subject matter.

- 1- Miss Shabana Rehman Principal BPS-19 GGCMHS No.2 Lakki Marwat. **Chairperson.**
- 2- Mst: Shabana Noreen Principal GGHS Nar Sardar Maidad Khel BPS-18 **Member.**

Further more, the inquiry committee shall submit the report with clear cut recommendations to this office within 07 days positively.

District Education Officer,
(Female) Lakki Marwat.

Dated. 24/01/2024.

Endst.No. 435-40

Copy for information to the:-

- 1- Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 2- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 3- Miss Shabana Rehman Principal BPS-19 GGCMHS No.2 Lakki Marwat.
- 4- Mst: Shabana Noreen Principal BPS-18 GGHS Nar Sardar Maidad Khel.
- 5- Mst: Farhat Yasmin SDEO (Female) Takhti Nusrati Karak.
- 6- Master File.

District Education Officer,
(Female) Lakki Marwat.

Admitted

District Education Officer
(Female) Lakki Marwat

06

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No.1831 /2023

Mst. Sadia Bibi PST BPS-12 District Lakki Marwat..... Appellant

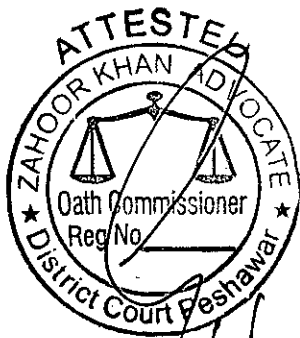
Versus

Secretary (E & S) Education Department KPK Peshawar and others

.....**Respondent.**

AFFIDAVIT

I Farzana Sardar DEO (F) Lakki Marwat do hereby solemnly affirm & declare on oath that the contents of the instant para wise comments are true and correct to the best of my knowledge and belief. It is further stated on oath that in this appeal the answering Respondents have neither been placed Ex-Parte nor their defense has been struck off/cost.



11/3/24

(Farzana Sardar)
District Education Officer
(Female) Lakki Marwat




07

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) LAKKI MARWAT**

Ph & Fax: (0969) 538080, Email: deoflakki@gmail.com

AUTHORITY LETTER

I Farzana Sardar DEO (F) Lakki Marwat do hereby authorized Mr. Muhammad Nazir ADEO of this office for submission of joint para wise reply in Service Appeal No. 1831/2023 case titled Mst: Sadia Bibi PST VS Govt: of Khyber Pakhtunkhwa & others. Hence, an authority letter is hereby issued in favor of the above named officer.


(Farzana Sardar)
District Education Officer
(Female) Lakki Marwat