


21.1.2016


Agent of counsel for the appellant and Mr. Muhammad Fayaz, Supdt. alongwith Mr. Muhammad Saddique, Sr.GP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 15.8.2016 at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad

15.08.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Learned counsel for the appellant requested for adjournment to submitted rejoinder. To come up for rejoinder and final hearing on 17.01.2017 before D.B at camp court, Abbottabad.

  
Member

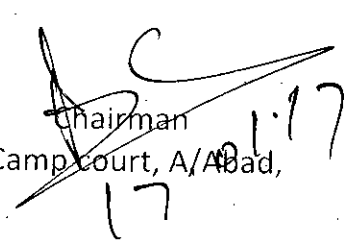
  
Chairman  
Camp court, A/Abad

17.01.2017

Counsel for the appellant and Mr. Muhammad Siddique, Senior Government Pleader alongwith Mr. Muhammad Usman Senior Clerk for the respondents present. Arguments heard. Record perused.

Vide our detailed judgment of to-day placed in connected service appeal No. 744/2015 titled "Shahida Bibi Versus Government of Khyber Pakhtunkhwa through Secretary, E&SE Peshawar and others", we accept the instant appeal also as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

  
Member

  
Chairman  
Camp court, A/Abad,  
17.01.17

ANNOUNCED

17.01.2017

3

24.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as civil servant in the prescribed manners but vide impugned order dated 3.3.2015 she was dismissed from service on the allegations of discrepancies in appointment regarding which she preferred departmental appeal which was not responded and hence the instant service appeal on 13.7.2015.

That the appellant was given no opportunity of hearing nor the inquiry was conducted in the prescribed manners and major penalty in the shape of dismissal from service was passed which penalty is against facts and law.

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/comments for 20.10.2015 before S.B. at camp court A/Abad. Notice of stay application be also issued for the date fixed.

Appellant Deposited  
Security & Process Fee



  
Chairman  
Camp Court A/Abad

20.10.2015

Counsel for the appellant and Mr.Sakeenullah, ADO alongwith Mr.Muhammad Tahir Aurangzeb, G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 21.01.2016 before S.B at Camp Court A/Abad.



  
Chairman  
Camp Court A/Abad.

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 807/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13.07.2015	<p>The appeal of Mst. Riffat Bibi presented today by Mr. Muhammad Arshad Khan Tanoli Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	14-7-15	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>24-7-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PUKHTUNKHAW SERVICE**  
**TRIBUNAL, PESHAWAR.**

Appeal no. 807/15

Mst. Riffat Bibi d/o Faqir Muhammad PST GGPS, Nariala R/o  
sokal Tehsil & District Mansehra

.....Appellant

**VERSUS**

1. Govt. of KPK through Secretary Education (E & SE), KPK Peshawar.
2. Director (E & SE), KPK Peshawar.
3. District Education Officer (Female), Mansehra.

.....Respondents

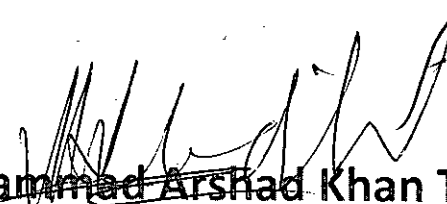
INEX

S.No	Prescription of Document	Annexure	page
1	APPEAL		1-10
2	Copy of Advertisement	"A"	11
3	Copies of Documents/testimonial are annexed	"B"	12-15
4	Copy of appointment order and corrigendum	"C"	16-19
5	Copy of impugned dismissal order of appellant.	"D"	20
6	Copy of departmental appeal /representation	"E"	21-22
7	Wakalatnama		

Dated: 09/07/2015

Riffat  
Appellant

Through

  
**Muhammad Arshad Khan Tanoli**

Advocate, High Court

Abbottabad

(1)

**BEFORE THE KHYBER PUKHTUNKHAW SERVICE**  
**TRIBUNAL, PESHAWAR.**

Appeal no. 807/15

A.W.F. Province  
Service Tribunal  
Diary No. 839  
Dated 13-7-2015

Mst. Riffat Bibi d/o Faqir Muhammad PST GGPS, Nariala R/o  
sokal Tehsil & District Mansehra

.....Appellant

**VERSUS**

1. Govt. of KPK through Secretary Education (E & SE), KPK Peshawar.
2. Director (E & SE), KPK Peshawar.
3. District Education Officer (Female), Mansehra.

.....Respondents

**SERVICE APPEAL.**

**Service Appeal u/s 4 of KPK Service**  
**Tribunal, 1974**

Respectfully Sheweth,

Facts forming the back ground of the instant Service Appeal is as under:-

1. That, respondent No 3 announced the posts of PST in Dailly "The Aaj" dated 20/5/2011 for appointment of PST teachers. The Appellant fulfills the entire criteria which is sine qua non for appointment for the post of PST Teacher.

**Copy of Advertisement is annexed as Annexure "A"**

Hand to the  
Registrar  
13/7/15.

2. That, the appellant qualified test as well as interview conducted by respondent No 3. The appellant is qualified Matric, F.A/F Sc PTC with extra qualification. **Copies of Documents/testimonial are annexed as Annexure "B"**

3. That, following this, the appellant was appointed as PST Teacher in respondents' Department on the basis of merits and was posted in GGPS vide appointment order endrst No 5360-5384/ Estt ; PST 2011/2012 Mansehra Dated 18.5.2012. **Copy of appointment order and is annexed as Annexure "C".**

4. That, the appellant served the Department with complete devotion and dedication to the entire satisfaction of her superiors from the date of her appointment i.e. 18.5.2012 onwards.

5. That, the appellant was though dismissed from service by the respondents' department vide Endrs. No 1996-2006/AE /ESTB on 3.3.2015.

6. That, Respondent No 3 issued Show Cause notice to the appellant without annexing the statement of allegations however, a page of inquiry which was conducted against the then EDO Umar Khan Kundi and DEO, Shamim Akhtar was found attached with the show cause notice, wherein

it was mentioned against the name of appellant that "that appointment order was the result of misuse of authority by the then EDO according to his sweet will and wishes as against the recruitment rules". AS the inquiry committee did not recommend any remarks against the Appellant

- 7. That, show cause notice issued to the appellant was properly replied by her mentioning that the appellant applied for the post of PST Teacher and appeared in ETTA of the merits list and thereafter was appointed on merit Beside, District Education Officer solicited candid views from respondent No 2 regarding as to whether the candidate who possess their requisite qualification from recognized Institution to be appointed "as per service structure in prescribe rules the requisite qualification against the vacant post of PST Teacher is taken into consideration and thereafter appointment made on merit.
- 8. That, the respondent No 3, as stated above, served show cause notice to the appellant, which was properly replied by her. As per law, the appellant was entitled to be heard in person by respondent No 3. But Respondent NO 3 without resorting the rules, without providing opportunity of personal hearing and adopting proper modus operandi required for dismissal of employees from service, dismissed the appellant vide impugned dismissal order

endst. No 1996-2006/AE /ESTB dated 03.03.2015. **Copy of impugned dismissal order of appellant is attached as annexure "E".**

9. That on receipt of dismissal order, appellant filed departmental appeal against the order of respondent No 3 to respondent No 2 on 14.3.2015. **Copy of departmental appeal /representation is attached as annexure "F"** but respondent No 2 did not bother to reply the representation of the appellant so far. Hence feeling aggrieved, the instant appeal is filed by appellant inter-alia on the following grounds:-

### **GROUND**

- a. That, the appellant fulfilled the criteria of appointment as PST being qualified. The appellant was appointment on merit on the recommendation of Departmental Selection Committee and was placed on the merit list.12
- b. Hence impugned dismissal order is illegal perverse, discriminatory without lawful justification and null and void on the rights of the appellant.



- c. That, as per educational record annexed with the appeal, the appellant has been appointed as PST according to the laid down procedure and criteria mentioned in the advertisement published by respondent 3. It is further submitted that there were vacant post of PST in the Union Council of the appellant but respondent No 3 did not appoint the appellant in her Union Council. However later on she was to be posted in her own Union Council. It is worth mentioning that there was no contesting candidate in the Union Council where the appellant was appointed as per law and procedure mentioned in the advertisement.
- d. That, when law prescribe something which is to be done in a particular manner that must be done in that manner and not otherwise. As per law the appellant was eligible for appointment as PST. But the conduct of respondents department towards the appellant is mala fide, discriminatory and not maintainable at law.
- e. That, this fact may not be left to fade in oblivion that the Govt. of KPK removed the then EDO, Mansehra, Umar Kundi from service but the appellant has been dismissed from service due to no fault of her. Once an employee is dismissed he is de-barred to get appointment in Govt. Departments. Therefore,

respondents' Department not only illegally dismissed the appellant but snatched her bread and butter in future as well. Hence impugned dismissal order is liable to be set aside.

- f. That, respondent No 3 did not issued final show cause notice to the appellant and dismissed her in hasty manner and wants to induct some blue eyed chaps at the alter of appellant which is discriminatory against the principle of natural justice and fair play.
- g. That, respondents' Department has led the appellant to the place which is utterly unknown to the principle of jurisprudence and natural justice.
- h. That, right from the appointment of the appellant as PST in 2012, there was no rival candidate who contested the appointment of the appellant in any Court of law anywhere in KPK.
- i. That, Govt. of KPK conducted inquiry against the then EDO, Umar Khan Kundi for committing illegalities/irregularities in appointments/promotions etc and finally removed from service. Therefore, the appellant cannot make a scapegoat for illegal acts of the then EDO Umar Kundi. Therefore on the basis of removal of Umar Kundi from service, the appellant

cannot be dismissed for the acts committed by the Ex-EDO.

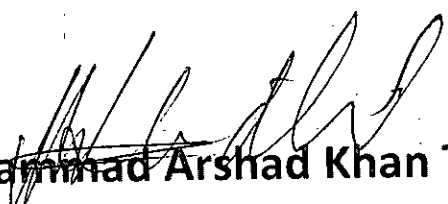
- j. That, the Honourable Service Tribunal has jurisdiction to entertain the grievance of the appellant and the appeal of the appellant is within the prescribe period of limitation

It is, therefore, prayed that on acceptance of the instant Service Appeal of the appellant, impugned dismissal order Endrst. No 1996-2006/AE /ESTB dated 3.3.2015 may graciously be set aside and respondent No 3 may be directed to reinstate the appellant in service in the School with effect from the date of her dismissal with all service back benefits in terms of pay etc. Any other relief which this Honourable Court deems appropriate in the circumstance may also be done.

Dated: 09/07/2015

*Riffat*  
Appellant

Through

  
**Muhammad Arshad Khan Tanoli**  
Advocate, High Court  
Abbottabad

**BEFORE THE KHYBER PUKHTUNKHAW SERVICE**  
**TRIBUNAL, PESHAWAR.**

Mst. Riffat Bibi d/o Faqir Muhammad PST GGPS, Nariala R/o  
sokal Tehsil & District Mansehra

.....Appellant

**VERSUS**

1. Govt. of KPK through Secretary Education (E & SE), KPK Peshawar.
2. Director (E & SE), KPK Peshawar.
3. District Education Officer (Female), Mansehra.

.....Respondents

**APPLICATION FOR SUSPENSION**  
**OF IMPUGNED ORDER NO 1996-**  
**2006/AE /ESTB AND GRANT OF**  
**STATUS QUO TILL FINAL DISPOSAL**  
**OF THE MAIN APPEAL .**

Respectfully Sheweth,

1. That the instant service appeal is being filed today and this application may be treated as part and partial of the service appeal.
2. That, competent authority i.e District Education Officer (Male) Mansehra prior to dismissal of the applicant did not followed the procedure laid down in service laws. Hence the applicant has not been provided opportunity of personal hearing and no final show cause notice has been issued
3. That, valuable rights have been accrued to the applicant for serving teacher and Education Department since 2012 to till date.
4. That, the applicant served the Department with complete devotion and dedications. Besides, the applicant had required qualification/criteria for the said post and the

applicant has not been contested by any one as there was no contesting rival candidate.


5. That, the applicant got appointment purely on the basis of merit. The applicant has been dismissed by the competent authority due to no fault of her.
6. That, the balance of convenience is infavour of the applicant and in case, status quo is not granted, the applicant shall suffer irreparable.

It is, therefore, very humbly prayed that on acceptance of the instant application, impugned termination order dated 03.03.2015 may graciously be suspended and status quo may also be granted till final decision of the main appeal.

Dated: 09/7/2015

Appellant

Through

  
**Muhammad Arshad Khan Tanoli**  
Advocate, High Court  
Abbottabad

(10)

**BEFORE THE KHYBER PUKHTUNKHAW SERVICE**  
**TRIBUNAL, PESHAWAR.**

Mst. Riffat Bibi d/o Faqir Muhammad PST GGPS, Nariala R/o  
sokal Tehsil & District Mansehra

.....Appellant

**VERSUS**

1. Govt. of KPK through Secretary Education (E & SE), KPK Peshawar.
2. Director (E & SE), KPK Peshawar.
3. District Education Officer (Female), Mansehra.

.....Respondents

**AFFIDAVIT**

I, Mst. Riffat Bibi d/o Faqir Muhammad PST GGPS, Nariala R/o sokal Tehsil & District Mansehra do hereby solemnly affirm and declare that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated: 09/07/2015

*Riffat*  
Deponent

Annex A

P-11

تاریخ	موضوع	نمبر	تاریخ	موضوع	نمبر
18-7-2011	GGIS	no 2	2-7-11	GGIS	no 2
18-7-2011	GGIS	no 2	4-7-11	GGIS	no 2
18-7-2011	GGIS	no 2	6-7-11	GGIS	no 2
18-7-2011	GGIS	no 2	9-7-11	GGIS	no 2
18-7-2011	GGIS	no 2	11-7-11	GGIS	no 2
18-7-2011	GGIS	no 2	14-7-11	GGIS	no 2
18-7-2011	GGIS	no 2	19-7-11	GGIS	no 2

**محکمہ مواصلات و تعمیرات حکومت صوبہ خیبر پختونخوا**

31-Gilardnu304/G  
 03-5-2011 کے ذریعے جاری شدہ  
 P No.102(2010-11) کے تحت

Pre Bid Meeting

2-6-2011  
 8-6-2011  
 15-6-2011

1801000  
 89.106

11:00

31-5-2011

1801000

89.106

ADP No.102-2010-11

11:00

31-5-2011

1801000

89.106

ADP No.102-2010-11

0937-870861 فون

Daily Mashiq

Also available on [www.khyber-pakhtunkhwa.gov.pk](http://www.khyber-pakhtunkhwa.gov.pk)

INFP/1533

Accepted

Muhammad

Roll No. 638682

Result Card No. 089143

Group: SCIENCE

Registration No. 05094215841

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION, RAWALPINDI**  
**SECONDARY SCHOOL CERTIFICATE EXAMINATION**



ANNUAL 2005

**RESULT CARD***Annex B*

RIFFAT BIBI

Daughter of FAQEER MUHAMMAD

of District RAWALPINDI

*P-12*

\_\_\_\_\_ has secured the marks shown against each subject, in the Secondary School Certificate Examination held in the month of MARCH-APRIL, 2005

S.No	Subject(s)	Maximum Marks			Marks Obtained			P/F	Remarks
1	ENGLISH (COMPULSORY)	75	75	150	32	25	57	PASS	
2	URDU (COMPULSORY)	75	75	150	46	36	82	PASS	
3	PAKISTAN STUDIES	75		75	44		44	PASS	
4	ISLAMIYAT (COMPULSORY)	75		75	52		52	PASS	
5	MATHEMATICS (COMPULSORY)	100		100	48		48	PASS	
6	PHYSICS	75	25	100	34	9	43	PASS	
7	CHEMISTRY	75	25	100	30	10	40	PASS	
8	BIOLOGY	75	25	100	30	16	46	PASS	

Total Marks (In figures) 412

OVERALL GRADE D

(In words) FOUR HUNDRED TWELVE

General Remarks THE CANDIDATE HAS PASSED

Date of Birth (In Figures) 15-06-88 (In words) 15th Jun

One thousand nine hundred and EIGHTY-EIGHT

Form-ID 0815-30/7615-2

Rawalpindi Dated JULY 15, 2005

**CONTROLLER OF EXAMINATIONS**

Note: Errors/Omissions excepted.

*Attested*  
  
 Muhammad Anwar Khan Tanoli  
 Signature  
 Distt: Courts, Abbottabad



ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD  
PROVISIONAL RESULT CARD



No. 107748

Name: RIFFAT BIBI  
Father's Name: FAQEER MUHAMMAD  
Address: VILLAGE SOKAL C/O. FOTO FUN. P/O  
LABSAN NAWAB

Roll No. 308081627  
Registration No. 08NMA00422  
Final Semester SPR- 2010

Tehsil: GSHI  
District: MANSEHRA

has successfully completed HIGHER SECONDARY SCHOOL CERTIFICATE  
GROUP-GENERAL

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The detail of passed courses are as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
SPR- 08	0302	URDU	100	66
SPR- 08	0310	ENGLISH	100	50
AUT- 08	0347	BANKING	100	54
AUT- 08	0317	PAKISTAN STUDIES (C)	100	63
AUT- 08	0316	ISLAMIAT (C)	100	65
AUT- 08	0356	FOOD & NUTRITION	100	62
SPR- 09	0346	PRINCIPLES OF COMMERCE	100	52
AUT- 09	0315	ECONOMICS	100	57
AUT- 09	0394	STATISTICS-I	100	55
AUT- 10	0311	BOOK KEEPING & ACCOUNTANCY	100	62
SPR- 10	0315	STATISTICS-II	100	66

CREDITS: 10

Total marks Obtained 1100 / 1650

Result declared on 23 FEB 17, 2011

Percentage / Grade 59 C

Date of issue FEB 24, 2011

Disclaimer:

Controller of Examinations

This result card is issued provisionally; errors and omission exception, with notice only. Any error 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 made available to the candidate on the basis of the original record of the individual student.

Attested

Muhammad Arshad Khan Tangil  
Advocate

Distt: Courts Abbottabad  
Distt: Courts Abbottabad

Serial No 847549

# Alama Iqbal Open University Islamabad



P-14

Certified that *Mr/Ms* RIFFAT BI BI

*Son / Daughter of* FAQEER MUHAMMAD

*Registration No.* 05-ZUB-9154

*Roll No.* H-910714

*Semester* SPRING 2006

*having met all the requirements*

*under the semester system in this day awarded the*

## Primary Teaching Certificate

*He/She has secured 80 % marks*

*and has been placed in A grade*



*[Signature]*

Controller of Examinations

Result declared on: *January 09, 2008*

Date of issue: *May 09, 2008*

Attested

*[Signature]*  
Controller of Examinations

with Court of Honour

# DOMICILE CERTIFICATE

(North West Frontier Province)

P-15

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

I belong by birth to Village / Mohallah SOKAL (DARBAND)

Tehsil OGHI District MANSEHRA

Signature of the applicant.

Dated: 13 / 08 / 2007.

Pursuance to the declaration dated 13/08/2007 filed By RIFFAT BIBI

Daughter of FAQEER MUHAMMAD

Hereby certified that the said Riffat Bibi is born of parents who are permanent residents of the N.W.F.P, having belonged to it by birth/settled in it.

I have satisfied my self from personally / <sup>over leaf</sup> my knowledge verification that the above declaration is true and certify.

This 3<sup>rd</sup> day of September 2007

No 9513 Dated 4-9-07  
Countersigned

Countersigned  
District Officer  
Revenue & Estate  
Mansehra

District Officer  
Revenue & Estate Mansehra

Deputy District Officer  
Revenue & Estate  
Oghi.

*Attested*  
  
Mulla Ahmad Wajid Tareen  
Distt: Courts Abbottabad

P-16  
Annex C

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**OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&S EDUCATION MANSEHRA**

**ORDER**

Consequent upon the recommendation of the Departmental Selection Committee District Mansehra, the competent authority is pleased to appoint the following candidates as a Primary School Teacher **PST (Female)** against newly created / resultant vacated posts in their relevant union councils in **BPS 7 @ Rs.5800-320-15400** plus usual allowances as admissible under the rule on regular basis under the existing policy of provincial Government on the terms and conditions given below with immediate effect.

U/C BAFFA 1 5360				
S#	Name of Candidate	Father's Name	Home Address/ Domiciled U/C	Remarks
1	Niaz Gul	Abdul Razaq	Baffa	Own UC M/List
2	Sabia	Noor Hussain	Baffa	Own UC M/List
U/C BEHALI 2 - 5361				
3	Munaza Daud	Daud	Behali	Own UC M/List
4	Nazma Bibi	R.Khan Bahdar	Behali	Own UC M/List
U/C Battal 3 - 5362				
5	Shagufta Bibi	Muhammad Shafi Khan	Battal	Own UC M/List
6	Shaista Jabeen	Muhammad Akbar	Kathai	From Adjacent UCs Merit list
U/C Bherkund 4 - 5363				
7	Bushra	Ghulam Mustafa	Bhekund	Own UC M/List
U/C Gari Habib Ullah 5 - 5364				
8	Naida Ashraf	Muhammad Ashrif Bag	Gari Habib Ullah	Own UC M/List
9	Gul Naz Bibi	S. Qabal Shah	Gari Habib Ullah	Own UC M/List
U/C Hilkot 6 5365				
10	Bibi Asia	Abdul Ghafoor	Hilkot	Own UC M/List
U/C Hangrai 7 5366				
11	Irum Saeed	Saeed Akhtar	Hangrai	Own UC M/List
12	Marium Bibi	Muhammad Younis	Hangrai	Own UC M/List
U/C Ichrian 8 5367				
13	Bibi Sajida	Saeed ur Rehman	Ichrian	Own UC M/List
14	Saima Ara	M.Fareed Khan	Ichrian	Own UC M/List
U/C Jabar Daveli 9 5368				
15	Mah Jabeen	Muhammad Farooq	Jabar Daveli	Own UC M/List
16	Saba Tariq	Muhammad Tariq	Sachan	From Adjacent UCs Merit list
U/C Jaloo 10 - 5369				
17	Sobia Bibi	Abdul Ghafoor	Jaloo	Own UC M/List
18	Saima Naz	Mir Afzal	Jaloo	Own UC M/List
U/C Karnol 11 - 5370				
19	Fara Naz	Muhammad Khurshid	Karnol	Own UC M/List
20	Nadia Rehman	Habib ur Rehman	Pairan	From Adjacent UCs Merit list
U/C Karori 12 - 5371				
21	Anam Younis	Muhammad Younis	Karori	Own UC M/List
22	Musrat Bibi	Khalil ur Rehman	Karori	Own UC M/List
23	Zenab	Alam Zeb	Karori	Own UC M/List
24	Anam, Kusar	Muhammad Miskeen	Karori	Own UC M/List
25	Rukhsana Taj	Taj Muhammad	Karori	Own UC M/List
26	Rifat Bibi	Faqeer Muhammad	Shanaya	From Adjacent UCs Merit list
27	Ashiya	Misri Khan	Shanaya	From Adjacent UCs Merit list
28	Razia Bibi	Muhammad Zaman	Darband	From Adjacent UCs Merit list

Accepted  
Munir  
Dist. Mansehra

*[Signature]*

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U/C Lissan Nawab 13-5372				
29	Sobia Arshad	Muhammad Arshad	Lissan Nawab	Own UC M/List
30	Rashida Bibi	M.Zahoor	Lissan Nawab	Own UC M/List
U/C Mohandari 14-5373				
31	Bibi Naseema	Ghulam Nabi	Mohandari	Own UC M/List
U/C Nika Pani 15-5374				
32	Yasmeen Wahab	Abdul Wahab	Nika Pani	Own UC M/List
33	Neelam	Abdul Latif	Darband	From Adjacent UCs Merit list
U/C Perhinna 16-5375				
34	Lubna Younis	M.Younis	Perhinna	Own UC M/List
35	Zahida Bano	Ali Zaman	Perhinna	Own UC M/List
U/C Phulra 17-5376				
36	Bibi Saleha	Abdula Jan	Phulra	Own UC M/List
37	Mehnaz Bibi	M.Iqbal	Phulra,	Own UC M/List
38	Bibi Mewash	M.Naveed	Phulra	Own UC M/List
39	Farzana Yousaf	M.Yousaf	Phulra	Own UC M/List
40	Bibi Farah	Khurshid Khan	Sawan Maira	From Adjacent UCs Merit list
U/C Sachan Kalan 18-5377				
41	Bibi Salama	Shezada Khesro Faredon	Sachan Kalan	Own UC M/List
42	Bibi Norin	Rehmat Ullah	Sachan Kalan	Own UC M/List
U/C Sawan Maira 19-5378				
43	Tahira Jabeen	Muhammad Ayub	Sawan Maira	Own UC M/List
U/C Shanaya 20-5379				
44	Safoora Farat	Abdul Razaq	Shanaya	Own UC M/List
45	Irum Shaheen	Anwar Khan	Shanaya	Own UC M/List
U/C Shergarh 21-5380				
46	Saeeda Haidar	Mir Haidar	Shergarh	Own UC M/List
47	Fozia Bibi	Shcr Bahadar	Shergarh	Own UC M/List
48	Sadia Gul	M.Zaman	Shergarh	Own UC M/List
49	Asma	Abdul Malik	Darband	From Adjacent UCs Merit list
U/C Shuakat Abad 22-5381				
50	Sadia Javed	Javed Khan	Shuakat Abad	Own UC M/List
51	Sabeen	M.Haroon	Shuakat Abad	Own UC M/List
52	Tabasam Rashid	Abdul Rashid	Shuakat Abad	Own UC M/List
U/C Trangri Sabir Shah 23-5382				
53	Nabeela Ghuncha Gul	Bashir Ahmad Khan	Trangri Sabir Shah	Own UC M/List
54	Khalida Bibi	M.Yousaf Khan	Trangri Sabir Shah	Own UC M/List
55	Sidra Hamayun	M.Hamayun	Trangri Sabir Shah	Own UC M/List
U/C Bandi Shungli 24-5383				
56	Salma Javed	Muhammad Javed	Darband	From Adjacent UCs Merit list
57	Nosheen Bibi	Fazal ur Rehman	Darband	From Adjacent UCs Merit list
U/C Tanda 25-5384				
58	Sahibzada Hazmat Rabani	Ghulam Rabani	Tanda	From Adjacent UCs Merit list
59	Asma Noreen	Nawab Khan	Dhodial	From Adjacent UCs Merit list

**ADJUSTMENT ORDER**

Consequent upon the above, the following adjustment are hereby ordered against the posts mentioned against each.

S#	Name	Father's Name	Home Address/ Domiciled U/C	Place of Posting	Remarks
1	Niaz Gul	Abdul Razaq	Baffa	GGPS Baffa Khurd	A/V/Post 5360
2	Sabia	Noor Hussain	Baffa	GGPS Kando Gali	A/V/Post 61
3	Munaza Daud	Daud	Behali	GGPS Ashwal	A/V/Post 62
4	Nazma Bibi	R.Khan Bahdar	Behali	GGPS Jamal Nakka	A/V/Post 63
5	Shagufta Bibi	Muhammad Shafi Khan	Baita	GGPS Karmang	A/V/Post 64
6	Shaista Jabbees	Muhammad Akbar	Kathai	GGPS Chandni	A/V/Post 65

Accepted

Muhammad Arshad Khan Tanoli  
Advocate  
Distt: Courts Abbottabad

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65366

9	Naz Bibi	S. Qabal Shah	Gari Habib Ullah	GGPS Chuntri	A/V/Post	68
10	Bibi Asia	Abdul Ghafoor	Hiikot	GGPS Khan Balimang	A/V/Post	69
11	Irum Saeed	Saeed Akhtar	Hangrai	GGPS Kalas Ghanaila	A/V/Post	70
12	Marium Bibi	Muhammad Younis	Hangrai	GGPS Kalas-Ghanaila	A/V/Post	71
13	Bibi Sajida	Saeed ur Rehman	Ichrian	GGPS Karmang Payeen	A/V/Post	72
14	Saima Ara	M. Fareed Khan	Ichrian	GGPS Ramsara	A/V/Post	73
15	Mah Jabeen	Muhammad Farooq	Jabar Daveli	GGPS Baso Manda Gucha	A/V/Post	74
16	Saba Tariq	Muhammad Tariq	Sachan	GGPS Baso Manda Gucha	A/V/Post	75
17	Sobia Bibi	Abdul Ghafoor	Jaloo	GGPS Talian Di Kasi	A/V/Post	76
18	Saima Naz	Mir Afzal	Jaloo	GGPS Chor Banda	A/V/Post	77
19	Fara Naz	Muhammad Khurshid	Kamol	GGPS Bhoraj	A/V/Post	78
20	Nadia Rehman	Habib ur Rehman	Pairan	GGPS Dheri Sohail	A/V/Post	79
21	Amrin Younis	Muhammad Younis	Karori	GGPS Seri Malwal	A/V/Post	80
22	Musrat Bibi	Khalil ur Rehman	Karori	GGPS Malhar	A/V/Post	81
23	Zenab	Alam Zeb	Karori	GGPS Malhar	A/V/Post	82
24	Amrin Kusar	Muhammad Miskeen	Karori	GGPS Fata Bandi	A/V/Post	83
25	Rukhsana Taj	Taj Muhammad	Karori	GGPS Fata Bandi	A/V/Post	84
26	Rifat Bibi	Faqeer Muhammad	Shanaya	GGPS Naryala	A/V/Post	85
27	Ashia	Misri Khan	Shanaya	GGPS Thakra	A/V/Post	86
28	Razia Bibi	Muhammad Zaman	Darband	GGPS Dhok	A/V/Post	87
29	Sobia Arshad	Muhammad Arshad	Lassan Nawab	GGPS Sharota	A/V/Post	88
30	Rashida Bibi	M. Zahoor	Lassan Nawab	GGPS Cinpra Bala	A/V/Post	89
31	Bibi Naseema	Ghulam Nabi	Mohandari	GGPS Bndal Gran	A/V/Post	90
32	Yasmeen Wahab	Abdul Wahab	Nika Pani	GGPS Cham	A/V/Post	91
33	Neelam	Abdul Latif	Darband	GGPS Cham	A/V/Post	92
34	Lubna Younis	M. Younis	Perhinna	GGPS Phalkot	A/V/Post	93
35	Zahida Bano	Ali Zaman	Perhinna	GGPS Phalkot	A/V/Post	94
36	Bibi Saleha	Abdula Jan	Phulra	GGPS Ghazikot	A/V/Post	95
37	Mehnaz Bibi	M. Iqbal	Phulra	GGPS Dhaman	A/V/Post	96
38	Bibi Mewash	M. Naveed	Phulra	GGPS Ghazikot	A/V/Post	97
39	Farzana Yousaf	M. Yousaf	Phulra	GGPS Batangi	A/V/Post	98
40	Bibi Farah	Khurshid Khan	Sawan Maira	GGPS Gojar Gali	A/V/Post	99
41	Bibi Salama	Shezada Khesro Fareedon	Sachan Kalan	GGPS Kalas Nawaz Abad	A/V/Post	5400
42	Bibi Norin	Rehmat Ullah	Sachan Kalan	GGPS Kalas Nawaz Abad	A/V/Post	5401
43	Tahira Jabeen	Muhammad Ayub	Sawan Maira	GGPS Mohar	A/V/Post	02
44	Safoora Farat	Abadul Razaq	Shanaya	GGPS Numshera Shahkot	A/V/Post	03
45	Irum Shaheen	Anwar Khan	Shanaya	GGPS Numshera Shahkot	A/V/Post	04
46	Saeeda Haidar	Mir Haidar	Shergarh	GGPS Gakharh	A/V/Post	05
47	Fozia Bibi	Sher Bahadar	Shergarh	GGPS Perchaian	A/V/Post	06
48	Sadia Gul	M. Zaman	Shergarh	GGPS Perchaian	A/V/Post	07
49	Asma	Abdul Malik	Darband	GGPS Shorolian	A/V/Post	08
50	Sadia Javed	Javed Khan	Shuakat Abad	GGPS Lalan Da Darra	A/V/Post	09
51	Sabeen	M. Haroon	Shuakat Abad	GGPS Chajar Bala	A/V/Post	10
52	Tabasam Rashid	Abdul Rashid	Shuakat Abad	GGPS Paniyali	A/V/Post	11
53	Nabeela Ghuncha Gul	Bashir Ahmad Khan	Trangri Sabir Shah	GGPS Trangri Bala	A/V/Post	12
54	Khalida Bibi	M. Yousaf Khan	Trangri Sabir Shah	GGPS Trangri Bala	A/V/Post	13
55	Sidra Hamayun	M. Hamayun	Trangri Sabir Shah	GGPS Khari Paloi	A/V/Post	14
56	Satma Javed	Muhammad Javed	Darband	GGPS Pagora	A/V/Post	15
57	Noshin Bibi	Fazal ur Rehman	Darband	GGPS Beer Bat	A/V/Post	16
58	Sahibzadi Azmat Rebani	Ghulam Rahani	Tanda	GGPS Talian Manda Gucha	A/V/Post	17
59	Asma Noreen	Nawab Khan	Dhodial	GGPS Kothri	A/V/Post	18

### TERMS & CONDITIONS:

1. Their appointments are purely on temporary basis and liable to termination at any stage assigning any reason/notice.

Accepted

Muhammad Arshad Khan Tanoli  
Advocate  
Distt: Courts Abbottabad

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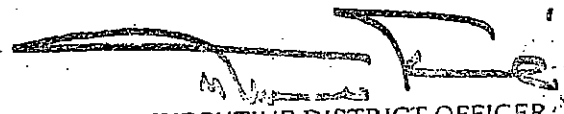
They will be governed by such rules and regulations enforce and as may be prescribed by the Government from time to time for the category of the Government servants to which they belong.

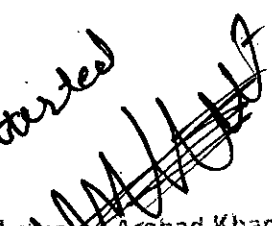
3. In case they failed to assume the charge of their posts within 15 days of their appointment, candidature-ship will be stand automatically cancelled.
4. Their services are regular but will not be entitled for pension/gratuity & they will not contribute any amount towards GP Fund however they will contribute CP fund on the prescribed rate & half contribution will be made by the Government.
5. They will submit to this office. their 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. Their services are liable to termination on one month prior notice from either side in case of resignation without prior notice, their one month pay/allowances if any shall be forfeited to Government Treasury.
9. Their services can be terminated at any time in case their performance is found un-satisfactory; they will be proceeded against under the removal from service under E&D Rules 2011.
10. They should produce Age & Health Certificate from the MS DHQ Hospital Mansehra.
11. They may not be handed over the charge if their age is above 35 years and below 18 years.
12. The Candidates who are working as regular before 1<sup>st</sup> July 2001 in pervious post, their entitled for pension / gratuity etc.
13. No. TA/DA etc is allowed.
14. Charge report should be submitted to all concerned in duplicate.

(Umar Khan Kundi)  
EXECUTIVE DISTRICT OFFICER  
E&S EDU: MANSEHRA

Endst: No. 5360-5384 /Estt: (F)Apptt:PET(F)/2011-12 Dated Mansehra the 18<sup>th</sup> May, 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. Deputy District Officer (Female) E&SE Mansehra.
7. PA to District Coordination Officer, Mansehra.
8. Budget & Accounts Officer, local office. Mansehra.
- 9-67. Candidates concerned.

  
EXECUTIVE DISTRICT OFFICER  
E&S EDU: MANSEHRA

Attended  
  
Muhammad Arshad Khan Tanoli  
Advocate  
Distt: Courts Abbottabad

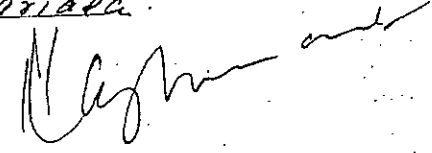


Annex 'D'  
P-20

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

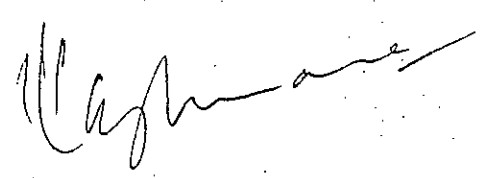
NOTIFICATION

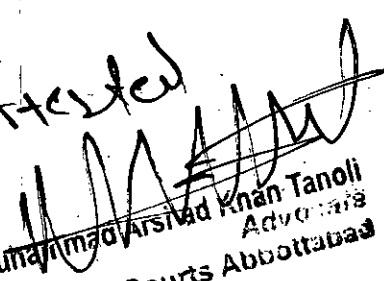
- 1:- Where as Mst: Rifat Bibi D/O Faqir Muhammad working as PS/ GGHS/GGM/GGP Nariala was served with show cause notice and was proceeded under the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Disciplinary) Revised Rules 2011 for the charges mentioned in her Show-Cause Notice.
- 2:- And where as 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.
- 3:- 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.
- 4:- 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.
- 5:- 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 "DISMISSAL" from Govt: Services upon Mst: Rifat Bibi D/O Faqir Muhammad CT/PET/TT PS/ GGHS/GGM/GGP Nariala.

  
DISTRICT EDUCATION OFFICER  
FEMALE MANSAEHRA.

Endst: No. 1996-2006/AE- / Estab: dated. 03/03 /2015.  
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.
5. Deputy Commissioner Mansehra.
6. Principal/Headmistress \_\_\_\_\_
7. SDEO(F) Mansehra.
8. Budget and Accounts Officer Local Office.
9. Mst: \_\_\_\_\_
10. Office File.

  
DISTRICT EDUCATION OFFICER  
FEMALE MANSAEHRA.

**Attended**  
  
Muhammad Arshad Khan Tanoli  
Advocate  
Distt: Courts Abbottabad



محترم جج ڈاکٹر علیہ الرحمہ ایڈووکیٹ جنرل تعلیم خیر محسن خزانہ پشاور  
عنوان - اپیل بر خلاف آرڈر ڈسپل

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ضاجاتی

گزارش ہے کہ سائل نے گورنمنٹ کے مجوزہ مہر رقم کا دے  
مطالبہ سال 2011 میں ریٹائنڈ میں کامیابی حاصل کی  
جس کی بنیاد پر سائل کی تقرری بذریعہ آرڈر نمبر 5360-5384  
بتاریخ 18 مئی 2012 کو عمل میں لائی گئی۔ بعد ازاں سائل  
EDO کے خلاف آنکوائری ہوئی جس کے نتیجہ میں EDO کے  
کو سرکاری سے برخواست کر دیا گیا۔ اور سائل کو شوہانہ نوٹی  
جاری ہوئی جس کا جواب سائل نے برداشت کر دیا۔  
سائل 18 مئی 2012 سے باقاعدہ اپنی نوٹی سرانجام دے  
رہی ہے اور تنخواہ بھی ملتی رہی ہے۔ اب مطالبہ آرڈر نمبر  
2006-1996 بتاریخ 3 مارچ 2015 کو سائل کو نوٹوری سے DISMISS  
کر دیا ہے۔ جو کہ سہرا لے کر ختم ہے۔

اس لئے بذریعہ اپیل درخواست ہے کہ سائل کو اپنی نوٹوری  
پر بحال فرمائے غریب بیرونی ماحبتوں دین

سائلہ رفعت بیگم و قریبہ محمد حسن سوال نمبر 2543/2015

Attested  
Mujahid Arshad Khan Tanoli  
Distt: Courts Abbottabad

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No. 576

For Insurance Notices see reverse. Rs. Ps.  
Stamps affixed except in case of  
uninsured letters of not more than  
the initial weight prescribed in the  
Post Office Guide or on which no  
acknowledgement is due.

Received a registered\* addressed to \_\_\_\_\_ Date-Stamp

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Initials of Receiving Officer \_\_\_\_\_ Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

Insurance fee Rs. \_\_\_\_\_ Weight \_\_\_\_\_ Kilo \_\_\_\_\_ Grams \_\_\_\_\_

Name and address of sender \_\_\_\_\_

If insured

POST OFFICE  
RECEIVED  
1922

Divided  
Country  
Edwards  
Ketham

قیمتی

کورٹ فیس

# وکالت نامہ

بعدالت XPK سرویس کنٹرول لٹائر

عنوان: ریفوتی بی آر P نام گورنمنٹ ۱۹۷۷ وفہ

منجانب: ایڈووکیٹ

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آل مقام

..... جنمرا سید رضوان سخی ایڈووکیٹ ہائی کورٹ ایبٹ آباد

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب

موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور

کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول

ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت ناش بصیغہ مفلسی کے دائرہ کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند ہے۔

الرقوم: ۹/۵/۲۰۱۵

بمقام: ایبٹ آباد

Attested

M. Arshad Ichan Tandi

Adv High Court AEd

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL**

**CAMP COURT ABBOTTABAD**

**Appeal No 807/2015**

MST: Riffat Bibi , D/O Faqir Muhammad, PST GGPS Nariala R/O Sokal , District

Mansehra.....APPELLANT

**Versus**

1. Govt of Khyber Pakhtun, Khawa, through Secretary Elementary and Secondary Education, Peshawar and others.
2. Director Elementary and Secondary Education, Govt. of Khyber Pakhtun Khawa, Peshawar.
3. District Education Officer (Female) District Mansehra.

.....RESPONDENTS.

Written reply on behalf of 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.
3. That the appeal is time-barred and not entertain able.
4. That the appellant has not come to this 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 any other ground and case law will be presented at the time of arguments.

**FACTUAL OBJECTIONS:**

- 1) Para No.1 is correct to the extent that respondent No.3 announced the post of PST in daily "The AAJ" dated 20-5-2011, while rest of the Para is incorrect.
- 2) Para No.2 is subject to proof.
- 3) Para No.3 is incorrect. The appellant was appointed as PST in the education Department through illegal appointment order dated 18-05-2012. (Appeal annexure C)
- 4) Para No.4 needs no comments.
- 5) Para No.5 is correct.

6) Para No.6 is correct to the extent that the respondent No.3 issued show cause notice to the appellant on the bases of inquiry conducted at high level, in the light of same inquiry the respondent No.3 was directed by the competent authority through letter No. SO(S/M) E&SE D/4-17/2013/ Umar Khan EDO BS-19 Dated Peshawar the August 25, 2014, that further action may be taken in the light of the finding of the inquiry committee after issuance of Show cause notice to the female teachers who were illegally appointed.

**(Annexure A)**

7) Para No.7 is incorrect as composed; hence denied the competent authority was not satisfied with the reply of the appellant.

8) Para No.8 is incorrect. The respondent No.3 issued Show case notice to the appellant after completion of high level inquiry, as stated in Para No.6 opportunity of personal hearing was given to the appellant which was not availed. Dismissal of the appellant was in accordance with the law / rules.

9) The departmental appeal of the appellant rejected by the Director E & SE Peshawar on the following grounds.

- i. She belongs to U/C Shanaya, where 02 posts of PST were lying vacant. Her name was at S. No 3 of the merit list of her U/C under ETEA R. No 1702273 while the candidate at S.No 1 & 2 was appointed in their U/C Shanaya & Riffat Bibi at S. No 3 of the merit list has been adjusted at GGPS Naryala U/C Sher Garh vide Endst: No 5360-84 dated 18-05-2012 at S. NO 26. She will hold the 5<sup>th</sup> position if consider for appointment in adjacent U/C Sher Garh whereas 03 out of 04 posts of U/C Sher Garh have already been filled by the candidates of their own U/C and one post filled by disabled candidate. Furthermore her SSC, FA, PTC ect, certificates were neither provided by the appellant nor by DEO to the committee. The entries made in her ETEA application from and merit list of her U/C don't tally with each other. Furthermore her documents including her PTC certificates are not found.
- ii. Appeal may be rejected with the remarks that she did not deserve to be appointed neither in her own U/C nor in her adjacent U/C.

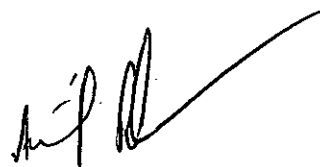
**(Annexure-B)**


**GROUND:-**

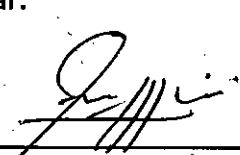
- a. Para No. a & b is incorrect.
- c. Para No. c is incorrect hence denied, the detail of the posts and merit of the appellant has already mentioned in para No.9
- d. Para No. d is correct to the extent of adoption of proper procedure as per Law. Rest of the para is incorrect, hence denied.
- e. Para No. e is incorrect. The entire allegations leveled against the appellat<sup>n</sup> have been proved by the enquiry committee and appellate authority.
- f. Para No. f is incorrect. All the coddle formalities have been fulfill while dismissed the appellant.
- g. Para No. g is incorrect. The act of the respondent department is in accordance with the principle of jurisprudence and natural justice.
- h. Para No. h is incorrect. The detail of posts and rival candidate in her own U/C was given in the Para No.9
- i. Para No. i is incorrect. The proceeding against the appellant was made on the direction of higher authorities.
- j. Legal, may be treated as per law.

**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.807-A/2015 titled case MST: Riffat Bibi PST Versus Education are correct and true to the best of my knowledge and record and I have concealed nothing as material facts before this Honorable Court.



**DEPONENT**

**BEFORE THE KPK SERVICE TRIBUNAL, CAMP COURT ABBOTTABAD**

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Mst: Riffat Bibi, EX-PST, .....APPELLANT

**VERSUS**

Govt. of Khyber Pakhtun Khawa, through Secretary Education,  
Peshawar etc.....Respondents

**SERVICE APPEAL**

**REAPPLICATION IN RESPECT OF SUSPENSION OF OPERATION OF IMPUGNED  
ORDER DATED 03-03-2015.**

**RESPECTFULLY SHEWETH:**

1. The replication may please be considered as integral part of written reply.
2. Para No. 2 is incorrect, hence denied.
3. Para No. 3 is incorrect, hence denied.
4. Para No. 4 is incorrect. The applicant was not entitled for the said post.
5. Para No. 5 is incorrect, hence denied.
6. The ingredients of suspension are not fulfilled. The dismissal of the appellant was made in accordance with the law by the competent authority.

It is therefore most humbly prayed that the application may graciously be dismissed with cost.

Respondent No. 1 to 3 through  
District Education Officer  
(Female) Mansehra.

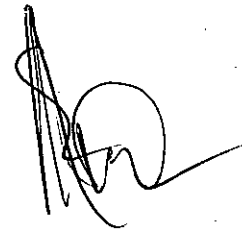




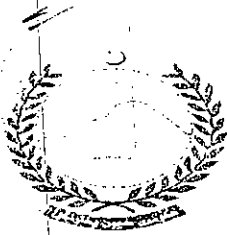
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**AFFIDAVIT**

I, Mr. Sakinullah, ADEO (Litigation), District Education Officer (F) Mansehra, do, hereby solemnly affirm and declared that the contents of replication in the instant Appeal No.807/2015 titled case Mst: Riffat Bibi, EX-PST, 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

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**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.

2. **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. Khallaq Baig Principal BS-20, RITE Male Haripur

3. **AND WHEREAS** the Inquiry committee after having examined the charges, evidence on record and explanation of the accused officer has submitted the report.

4. **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.

5. **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.

6. **NOW, THEREFORE**, in exercise of the powers conferred under section 14 of Khyber 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: -

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 3- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4- District Education Officer (Male), Mansehra/ Karak.
- 5- Mr. Umar Khan District Education Officer Male (BS-19) District Karak.
- 6- District Accounts Officer Mansehra/ Karak.
- 7- PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 8- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 9- PS to Special Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 10- Office order file.

(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No.SO(S/M) E&SED/4-17/2013/Umar Khan EDO BS-19  
Dated Peshawar the August 25, 2014

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To

- i. The Director,  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.
- ii. District Education Officer (Female)  
Mansehra.

*Mr. ... / ...*  
*Please ... / ...*  
*...*  
DEO

Subject: - ENQUIRY REGARDING APPOINTMENT/ GUIDANCE.

I am directed to refer to your letter No.3076 dated 16-07-2014 on the subject noted above and to forward herewith a copy of inquiry report conducted by inquiry committee comprising the following officers.

- i. Syed Hidayat Jan, (PCS SG BS-20) Ex-Special Secretary Agriculture Department  
Khyber Pakhtunkhwa Peshawar.
- ii. Mr. Khalaq Baig, Principal (BS-20) RITE Male Haripur.

2. It is requested that further action may be taken in the light of findings of the inquiry committee after issuance of show cause notices to the female teachers who were illegally appointed.

Encl: As Above:

*[Signature]*  
(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

## INTRODUCTION:

DURING THE YEAR 2012 AND 13 IN OFFICE OF THE EDO, ELEMENTARY AND SECONDARY EDUCATION, DISTRICT MANSEHRA APPOINTMENTS OF FEMALE TEACHERS IN VARIOUS CADRES WERE CARRIED OUT PURSUANT TO AN ADVERTISEMENT PUBLISHED IN DAILY AAJ DATED: 20-05-2011, WHEREIN CERTAIN IRREGULARITIES/ILLEGALITIES IN VIOLATION OF RULES AND PRESCRIBED PROCEDURE WERE NOTED, THEREBY RESULTING IN BREACH OF MERIT/ILLEGAL PRACTICE AND IGNORING THE RIGHTFUL CANDIDATES.

1. The Competent Authority has constituted the enquiry committee, comprising the following officers vide Notification No: SO(S/M)S&SED/4-17/2013 to conduct formal enquiry against Mr. Umar Khan Ex-EDO (E & SE) (BS-19) Mansehra now DEO(M) Haripur and Miss. Shamim Akhtar Deputy DO (E & SE) Mansehra (BS-18) and others for the charges mentioned in the charge sheet and statement of allegations(**Annex-A**)

**SAYED HIDAYAT JAN** (PCS SG BS-20), Special Secretary, Agriculture Department, (Khyber Pakhtunkhwa, Peshawar.

**MUHAMMAD KHALAQ BAIG**, Principal (BS-20) R.I.T:E (M), Haripur.

2. Both the accused officers i.e. Mr. Umar Khan, Ex-DEO (E & SE) , Mansehra and Miss. Shamim Akhtar, Deputy District Officer(E & SE) , Mansehra have been charge sheeted as under:

- a. The accused Mr. Umar Khan Ex-DEO (M) (E & SE) Mansehra presently posted as DEO(M) Haripur

- i. That while posted as DEO (M) Mansehra (BS-19) committed the following irregularity (**Annex-I**)

**MADE ILLEGAL APPOINTMENTS OF CT, DM, PET, AT, QARIAS AND PSTS (FEMALE) DURING THE YEAR 2012 AND 2013 IN VIOLATION OF RULES AND PRESCRIBED PROCEDURE IN DISTRICT MANSEHRA.**

- b. Mst. Shamim Akhtar Deputy District Officer (BS-18) Female (E & SE), Mansehra

- i. That while posted as Deputy District Officer (BS-18) (Female) (E & SE), Mansehra, committed the following irregularity (**Annex-II**)

**MADE ILLEGAL APPOINTMENTS OF CT, DM, PET, AT, QARIAS AND PSTS (FEMALE) DURING THE YEAR 2012 AND 2013 IN VIOLATION OF RULES AND PRESCRIBED PROCEDURE IN DISTRICT MANSEHRA.**

3. **Venue of Enquiry:**

- a. The enquiry was conducted in the office of Dy. DEO (Female) Mansehra.

## **PROCEEDINGS:**

1. The committee informed both the accused officers vide No. PS/SSA/Enquiry /2013 Dated **5/7/2013**. The District Accounts Officer Mansehra was also asked to provide copies of appointment orders of the teachers quoted in subject enquiry (**Annex-III**)

Copies of Charge sheets and Statements of allegations which were already sent to the other officers by the Department were re-submitted to them with the directions to submit their replies in the stipulated time.

The committee visited the office of DEO (Female) Mansehra on 01/8/2013 to conduct enquiry. Mr Umar Khan Ex EDO (E & SE ) Mansehra and Miss Shamim Akhtar Dy. DEO (Female) Manshera were present alongwith their staff and attended the enquiry proceedings (**Annex-IV**)

8. The Present DEO (M) and Dy. DEO (F) Mansehra were asked to provide all the record /files and other related record mentioned in the letter to the committee on the day of enquiry vide. No: SS (AD) Enquiry/2013 Dated 01/08/2013 **(Annex-V)**.

9. The enquiry proceedings continued on daily basis w.e.f 01-08-2013 and on the very second day, one of the accused Mr. Umar Khan, insisted on his designation as recorded in his reply to the Charge sheet/statement of allegations submitted to the committee, claiming that he had not served as DEO (Male) Mansehra during the year 2012 rather he had served as EDO(E & SE)Mansehra. Despite persuasion by the committee regarding factual position of the designation as contained in the Education Department Notification No: SO(S/M E&SED/3-2/2012/Management Cadre dated: 28-12-2012, he was still adamant not to change his stance. **(Annex-V (A))**.

On account of this, the committee immediately informed and requested the Administrative Department for rectification of the designation of the accused as contained in the charge sheet/statement of allegation vide letter No: SS (AD) Enquiry/2013 dated: 02-08-2013 and subsequent reminder of even number dated: 17-08-2013 **(Annex-V(B-C))** viz a viz reminder to the department from the Chief Minster Secretariat, vide No: SO-1/CMS/KPK/3-1/2013/3514 dated: 27-08-2013 **(Annex-V (D))**.

The proceedings remained continued until the same were adjourned due to falling of Eid-Ul-Fitr Holidays, Independence day, coupled with appearance in the PHC by Chairman of the enquiry committee in an official case and proceedings on leave by most of the concerned staff of the office of DEO(F), Mansehra as well. The same were, however, resumed w.e.f 16-08-2013 and since action on rectification of designation of the accused couldn't be communicated to the committee, therefore, the Administrative Department was again reminded for early needful as well as granting an extension of two weeks vide letter No: SS (AD) Enquiry/2013 dated: 27-08-2013 **(Annex-V (E))**.

The Education Department vide their letter No: SO(S/M)E&SED/4-17/2013/Umer Khan dated: 02-Sept. 2013 intimated that a summary for rectification of the designation of the accused in the charge sheet /statement of allegation was moved to the Chief Minister, Khyber Pakhtunkhwa/Competent Authority. Similarly an extension for further two weeks w.e.f 27-08-2013 was also allowed vide letter quoted ibid **(Annex-V (F))**.

**FACTS**

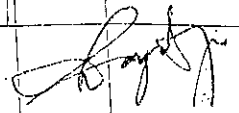
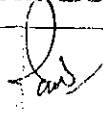
**REPLIES TO THE CHARGE SHEET:**

**REPLY OF MR UMER KHAN TO THE CHARGE SHEET:**

10. Mr. Umar Khan EX- EDO E&SE Mansehra in his reply of charge sheet sent to the committee through registered cover vide NO:7475-76 Dated 27/07/2013 has taken the stand that he had not served as DEO (M) BS-19 Mansehra during the period 2012 but worked as EDO E&S BS-19 Mansehra w.e.f.01/03/2011/to 31/12/2012 .He added that in the charge sheet it has been recorded that he while posted as DEO(M) BS-19 Mansehra committed the irregularities of making illegal appointments of female teachers during the year 2012& 2013 in violations of rules and prescribed procedure in District Mansehra whereas he had not worked as DEO Male Mansehra during the said period. He further added that he was neither an authority for appointments for female side nor made even a single appointment of female teacher in capacity of posting as District Education Officer BS-19 (M) Mansehra and hence question of making illegal appointments of CT,DM,PET,AT,QARI, PST(Female) during the year 2012 and 2013 in violation of rules and prescribed procedure does not arise. He requested for the exemption from the charges and with-drawl of charge sheet from him **(Annex-VI)**.

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		<b>(Annex-LXXVI)</b>	
UC Pairan	Nadia Rehman r/o UC Parian	Appointed at S.No 20 at <u>GGPS Dehri</u> Sohal in UC Karnol. No post was vacant in her own UC Parian. <b>(Annex-LXXVII)</b>	Appointment order in other UC is violation of recruitment rules/policy
UC Karori	Riffat Bibi UC Shanaiya	Appointed at S.No 26 at <u>GGPS Nariala</u> on the plea that UC Shanaiya is adjacent to UC Karori which is not correct. She was not a candidate of PST post rather she was candidate of CT post. Record of PTC qualification was not available. Her appointment is invalid. Her application form for CT post is available in office record. <b>(Annex-LXXVIII)</b>	The appointment is illegal and violation of recruitment rules/policy.
	Ayisha D/O Misri Khan r/o UC Shonia	Appointed at S.No 27 of appointment order at <u>GGPS Thakra</u> UC Karori. The plea that Shanaiya is adjacent to UC Karori is not correct it is far away for Shanaiya. <b>(Annex-LXXIX)</b>	Appointment is in violation of recruitment rules/policy  (As per record of the office the adjacent UCs of Karori are Darband, Nika pani, Kathai, bandi Shumli, Sher garh, Pharana and Phurla )
UC Lissan Nawab	Rashida Bibi r/o Lissan Nawab	Appointed at S.No 30 at <u>GGPS Chapra Bala</u> UC Battal that is the other UC which is far away from Lissan Nawab. <b>(Annex-LXXX)</b>	Appointment in other UC is violation of recruitment rules/policy.
UC Phulra	Bibi Mehwish r/o UC Phulra	Appointed at <u>GGPS Ghazi Kot</u> S.No 38 in UC Phulra. Weightage of BA after the closing date of application is not valid as the closing date was 6.6.2011 and DMC contained 15-08-2011 the date of declaration of result. <b>(Annex-LXXXI)</b>	Appointment is irregular

(B)  
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**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA, PESHAWAR.**

**NOTIFICATION.**

WHEREAS, Mst Riffat Bibi, PST, at Government Girls Primary School Nariala District Mansehra was dismissed from service by the DEO (Female) Mansehra vide Order No. 1996-2006 dated 03/03/2015 after serving Show Cause Notice and giving her an opportunity of personal hearing on charge of irregular/fake/bogus appointment.

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 reinstatement.

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:-

1. She belongs to U/C Shanaya, where 02 posts of PST were lying vacant. Her name was at S. No. 03 of the merit list of her U/C under ETEA R. No. 1702273 while the candidate at S.No.1&2 were appointed in their U/C Shanaya and Riffat Bibi at S.No.3 of the merit list has been adjusted at GGPS Naryala U/C Sher Garh vide Endst.No.5360-84 dated 18/5/2012 at S.No.26. She will hold the 5<sup>th</sup> position if consider for appointment in adjacent UC Sher Garh whereas the 03 out of 04 posts of U/C Sher Garh have already been filled by the candidates of their own U/C and one post filled by disabled candidate. Furthermore her SSC, FA & PTC etc. certificates were neither provided by the appellant nor by DEO to the committee. The entries made in her EETA application form and merit list of her U/C don't tally with each other. Furthermore her documents including her PTC certificate are not found.
2. Appeal may be rejected with the remarks that she did not deserve to be appointed neither in her own U/C nor in her adjacent U/C.

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. 1996-2006 dated 03/03/2015 is hereby converted into removal from service.

Director  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

4347-52  
Endst: No. 1 /F.No.79 /Appeals Female MSR Dated Peshawar the 28/8/2015

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

1. District Education Officer (Female) Mansehra
2. District Accounts Officer Mansehra
3. Sub Divisional Education Officer (Female) Mansehra
4. Appellants concerned
5. PA to Director E&SE KP, Peshawar
6. Master File.

Deputy Director (Female)  
Directorate E&SE, KP  
Peshawar