

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,

ANNOUNCED  
17.01.2017

17.01.17

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24.07.2015

Appellant Deposited  
Security & Process Fee



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 on 17.3.2015 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.*

  
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. 802/2015

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. Saba Tariq 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>24-7-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

*Appeal no. 802/2015*

Mst. Saba Tariq d/o Muhammad Tariq PST GGPS, Dabarh Katha  
R/o Kund Jabori 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"	12-14
4	Copy of appointment order and corrigendum	"C"	15-18
5	COPY OF SHOW CAUSE NOTICE	"D"	19-20
6	Copy of impugned dismissal order of appellant	"E"	21
	Copy of departmental appeal /representation	"F"	22
7	Wakalatnama		23

Dated: -----/2015

*Saba*  
Appellant

Through

*Muhammad Arshad Khan Tanoli*  
**Muhammad Arshad Khan Tanoli**

Advocate, High Court

Abbottabad

①

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

Appeal No. 802/2015

A.W.P. Province  
Service Tribunal

Diary No. 837

Date 13-7-2015

Mst. Saba Tariq d/o Muhammad Tariq PST GGPS, Dabarh Katha  
R/o Kund Jabori 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"**

Filed to day  
Registrar

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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 2126-35/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

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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.

**Copy of Show Cause Notice is attached as Annexure "D"**

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

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endst. No 2126-35/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 17.3.2015. **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.



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- 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,

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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

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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.

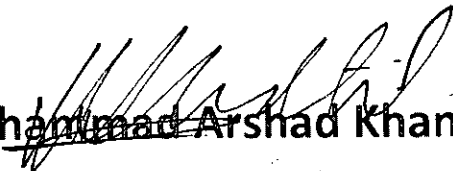
It is, therefore, prayed that on acceptance of the instant Service Appeal of the appellant, impugned dismissal order Endrst. No 2126-35/AE /ESTB dated 3.3.2015 may graciously be set aside and respondent No 3 may be directed to reinstate the appellant in service in the School with effect from the date 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: 10/7/2015

Saba

Appellant

Through

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

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

Mst. Saba Tariq d/o Muhammad Tariq PST GGPS, Dabarh Katha  
R/o Kund Jabori 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 2126-**  
**35/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

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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.

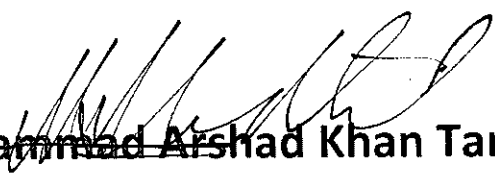
It is, therefore, very humbly prayed that on acceptance of the instant application, impugned termination order dated 03.03.2015 may graciously be suspended and status quo may also be granted till final decision of the main appeal.

Dated: 10/7/2015

Saba

Appellant

Through

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

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

Mst. Saba Tariq d/o Muhammad Tariq PST GGPS, Dabarh Katha  
R/o Kund Jabori 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. Saba Tariq d/o Muhammad Tariq PST GGPS, Dabarh Katha R/o Kund Jabori 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: 10/7/2015

*Saba-*  
Deponent



Certificate No: AB 256185

Annex B P-12

# BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD



Roll No: 75827  
Group: HUMANITIES

## HIGHER SECONDARY SCHOOL CERTIFICATE EXAMINATION DETAILED MARKS CERTIFICATE

Part - II

Session: 2011 (Annual)

Name: SABA TARIQ  
Father Name: MUHAMMAD TARIQ  
Reg No: 2455AB/MA-intFP10  
Institution/  
District: MANSEHRA

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

Subjects	Marks	Marks Obtained					
		Part-I		Part-II		Total	Marks in Words
		Theory	Pract	Theory	Pract		
English	200	50	--	57	--	107	One Hundred Seven
Urdu (Comp)	200	57	--	40	--	97	Ninety-Seven
Islamic Education	50	29	--	--	--	29	Twenty-Nine
Pakistan Studies	50	--	--	35	--	35	Thirty-Five
Islamic History	200	34	--	46	--	80	Eighty Only
Civics	200	53	--	63	--	116	One Hundred Sixteen
Islamic Studies	200	84	--	55	--	139	One Hundred Thirty-Nine
Total: 1100						603-C	Six Hundred Three Only
Remarks:							

Date: 25 July, 2011

Checked By: \_\_\_\_\_

Controller of Examinations

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

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*Arshad*  
*Muhammad Arshad Khan Tanvir*  
Advocate  
Distt: Courts Abbottabad



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**ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD**  
**PROVISIONAL RESULT CARD**



Serial No. 208239  
 Name: SABA TARIQ  
 Father's Name: MUHAMMAD TARIQ  
 Address: VILL KUND F/O JABBORI

Roll No. AC620301  
 Registration No. 09NMA00495  
 Final Semester AUT- 2009

Tehsil: MANSEHRA  
 District: MANSEHRA

has successfully completed PRIMARY TEACHING CERTIFICATE

The detail of passed courses are as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
SPR- 09	0615	SCHOOL ORGANIZATION & MANAGEMENT	100	62
SPR- 09	0614	EDUCATIONAL PSYCHOLOGY	100	53
SPR- 09	0613	PRINCIPLES OF EDUCATION	100	51
SPR- 09	0616	SCHOOL COMMUNITY & PRACTICAL ARTS	100	71
AUT- 09	0619	TEACHING OF SCIENCE & PHYSICAL EDUCATION	100	68
AUT- 09	0618	TEACHING OF MATHEMATICS	100	66
AUT- 09	0617	TEACHING OF URDU	100	63
AUT- 09	0611	PRACTICAL WORKSHOP & TEACHING PRACTICE	100	65
AUT- 09	0620	TEACHING OF ISLAMIAT & SOCIAL STUDIES	100	60

CREDITS: 5

Total Marks / Obtained 900 / 559

Result Declared on SEPTEMBER 17, 2010

Percentage / Grade 62 B

Date of issue SEPTEMBER 29, 2010

**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.

*[Signature]*  
**Controller of Examinations**

*[Signature]*  
**Muhammed Arshad Khan Tanoli**  
 Advocate  
 Dist: Courts Abbottabad

Certificate No: AB 158201

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# BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD



Roll No: 59879  
Group: SCIENCE

## DETAILED MARKS CERTIFICATE SECONDARY SCHOOL CERTIFICATE EXAMINATION

Session: 2008 (Annual)

Name: SABA TARIQ  
Father Name: MUHAMMAD TARIQ  
Reg. No: 0065757033  
Institution / District: PAKISTAN PUBLIC SCHOOL SHINKIARI  
MANSEHRA

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

Subjects	Total Marks			Marks Obtained		Total	Marks in Words
				Theory / A	Pract / B		
English	75	75	150	40	30	70	Seventy
Urdu	75	75	150	58	42	100	One Hundred
Islamiyat	75		75	34		34	Thirty-Four
Pakistan Studies	75		75	46		46	Forty-Six
Mathematics	75	75	150	33	50	83	Eighty-Three
Physics	85	15	100	42	10	52	Fifty-Two
Chemistry	85	15	100	63	10	73	Seventy-Three
Biology	85	15	100	46	10	56	Fifty-Six

Total : 900

514-C Five Hundred Fourteen Only

Dated: 16-JUL-08

Remarks

Checked By:

Note: Errors/Omissions excepted. Any mistake in the Name, Father Name etc must be intimated within 30 days of the issuance date of this certificate to BISE Abbottabad.  
Visit us at [www.biseatd.edu.pk](http://www.biseatd.edu.pk)

Controller of Examinations

Attested  
  
Advocate  
District Council Abbottabad

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				
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				
3	Munaza Daud	Daud	Behali	Own UC M/List
4	Nazma Bibi	R.Khan Bahdar	Behali	Own UC M/List
U/C Battal				
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				
7	Bushra	Ghulam Mustafa	Bhekund	Own UC M/List
U/C Gari Habib Ullah				
8	Naida Ashraf	Muhammad Ashraf 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				
10	Bibi Asia	Abdul Ghafoor	Hilkot	Own UC M/List
U/C Hangrai				
11	Irum Saced	Saeed Akhtar	Hangrai	Own UC M/List
12	Marium Bibi	Muhammad Younis	Hangrai	Own UC M/List
U/C Ichrian				
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				
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				
17	Sobia Bibi	Abdul Ghafoor	Jaloo	Own UC M/List
18	Saima Naz	Mir Afzal	Jaloo	Own UC M/List
U/C Karnol				
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				
21	Amrin 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	Amrin 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

Muhammad Anshad Khan  
District Education Officer  
Mansehra

*[Handwritten signature]*

U/C Lissan Nawab				
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				
31	Bibi Naseema	Ghulam Nabi	Mohandari	Own UC M/List
U/C Nika Pani				
32	Yasmeen Wahab	Abdul Wahab	Nika Pani	Own UC M/List
33	Neelam	Abdul Latif	Darband	From Adjacent UCs Merit list
U/C Perhinna				
34	Lubna Younis	M.Younis	Perhinna	Own UC M/List
35	Zahida Bano	Ali Zaman	Perhinna	Own UC M/List
U/C Phulra				
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				
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				
43	Tahira Jabeen	Muhammad Ayub	Sawan Maira	Own UC M/List
U/C Shanaya				
44	Safoora Farat	Abdul Razaq	Shanaya	Own UC M/List
45	Irum Shaheen	Anwar Khan	Shanaya	Own UC M/List
U/C Shergarh				
46	Saeeda Haidar	Mir Haidar	Shergarh	Own UC M/List
47	Fozia Bibi	Sher 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				
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				
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				
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				
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
2	Sabia	Noor Hussain	Baffa	GGPS Kando Gali	A/V/Post
3	Munaza Daud	Daud	Behali	GGPS Ashwal	A/V/Post
4	Nazma Bibi	R.Khan Bahdar	Behali	GGPS Jamal Nakka	A/V/Post
5	Shagufta Bibi	Muhammad Shafi Khan	Battal	GGPS Karmang	A/V/Post
6	Shaista Jabeen	Muhammad Akbar	Kathai	GGPS Chandni	A/V/Post

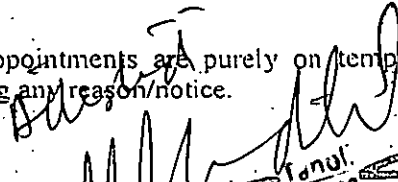
*Muhammad Arshad Khan Tanda*  
*Director*  
*Abad*

*[Signature]*

7	Bushra	Ghulam Mustafa	Bhekund	GGPS Kehnian Mian	A/V/I Post
8	Naida Ashraf	Muhammad Ashrif Bag	Gari Habib Ullah	GGPS Danna Ganaila	A/V/I Post
9	Gul Naz Bibi	S. Qabal Shah	Gari Habib Ullah	GGPS Chuntri	A/V/I Post
10	Bibi Asia	Abdul Ghafoor	Hilkot	GGPS Khan Balimang	A/V/I Post
11	Irum Saeed	Saeed Akhtar	Hangrai	GGPS Kalas Ghanaila	A/V/I Post
12	Marium Bibi	Muhammad Younis	Hangrai	GGPS Kalas Ghanaila	A/V/I Post
13	Bibi Sajida	Saeed ur Rehman	Ichrian	GGPS Karmang Payeen	A/V/I Post
14	Saima Ara	M.Fareed Khan	Ichrian	GGPS Ramsera	A/V/I Post
15	Mah Jabeen	Muhammad Farooq	Jabar Daveli	GGPS Baso Manda Gucha	A/V/I Post
16	Saba Tariq	Muhammad Tariq	Sachan	GGPS Baso Manda Gucha	A/V/I Post
17	Sobia Bibi	Abdul Ghafoor	Jaloo	GGPS Talian Di Kasi	A/V/I Post
18	Saima Naz	Mir Afzal	Jaloo	GGPS Chor Banda	A/V/I Post
19	Fara Naz	Muhammad Khurshid	Kamol	GGPS Bhoraj	A/V/I Post
20	Nadia Rehman	Habib ur Rehman	Pairan	GGPS Dheri Sohail	A/V/I Post
21	Amrin Younis	Muhammad Younis	Karori	GGPS Seri Malwal	A/V/I Post
22	Musrat Bibi	Khalil ur Rehman	Karori	GGPS Malhar	A/V/I Post
23	Zenab	Alam Zeb	Karori	GGPS Malhar	A/V/I Post
24	Amrin Kusar	Muhammad Miskeen	Karori	GGPS Fata Bandi	A/V/I Post
25	Rukhsana Taj	Taj Muhammad	Karori	GGPS Fata Bandi	A/V/I Post
26	Rifat Bibi	Fageer Muhammad	Shanaya	GGPS Naryala	A/V/I Post
27	Ashia	Misri Khan	Shanaya	GGPS Thakra	A/V/I Post
28	Razia Bibi	Muhammad Zaman	Darband	GGPS Dhok	A/V/I Post
29	Sobia Arshad	Muhammad Arshad	Lassan Nawab	GGPS Sharota	A/V/I Post
30	Rashida Bibi	M.Zahoor	Lassan Nawab	GGPS Chapra Bala	A/V/I Post
31	Bibi Naseema	Ghulam Nabi	Mohandari	GGPS Badal Gran	A/V/I Post
32	Yasmeen Wahab	Abdul Wahab	Nika Pani	GGPS Cham	A/V/I Post
33	Neelam	Abdul Latif	Darband	GGPS Cham	A/V/I Post
34	Lubna Younis	M.Younis	Perhinna	GGPS Phalkot	A/V/I Post
35	Zahida Bano	Ali Zaman	Perhinna	GGPS Phalkot	A/V/I Post
36	Bibi Saleha	Abdula Jan	Phulra	GGPS Ghazikot	A/V/I Post
37	Mehnaz Bibi	M.Iqbal	Phulra	GGPS Dhaman	A/V/I Post
38	Bibi Mcwash	M.Naveed	Phulra	GGPS Ghazikot	A/V/I Post
39	Farzana Yousaf	M.Yousaf	Phulra	GGPS Batangi	A/V/I Post
40	Bibi Farah	Khurshid Khan	Sawan Maira	GGPS Gojar Gali	A/V/I Post
41	Bibi Salama	Shezada Khesro Faredon	Sachan Kalan	GGPS Kalas Nawaz Abad	A/V/I Post
42	Bibi Norin	Rehmat Ullah	Sachan Kalan	GGPS Kalas Nawaz Abad	A/V/I Post
43	Tahira Jabeen	Muhammad Ayub	Sawan Maira	GGPS Mohar	A/V/I Post
44	Safoora Farat	Abadul Razaq	Shanaya	GGPS Numshera Shahkot	A/V/I Post
45	Irum Shaheen	Anwar Khan	Shanaya	GGPS Numshera Shahkot	A/V/I Post
46	Saeeda Haidar	Mir Haidar	Shergarh	GGPS Gakharh	A/V/I Post
47	Fozia Bibi	Sher Bahadar	Shergarh	GGPS Perchaian	A/V/I Post
48	Sadia Gul	M.Zaman	Shergarh	GGPS Perchaian	A/V/I Post
49	Asma	Abdul Malik	Darband	GGPS Shorolian	A/V/I Post
50	Sadia Javed	Javed Khan	Shuakat Abad	GGPS Lalan Da Darra	A/V/I Post
51	Sabeen	M.Haroon	Shuakat Abad	GGPS Chajar Bala	A/V/I Post
52	Tabasam Rashid	Abdul Rashid	Shuakat Abad	GGPS Paniyali	A/V/I Post
53	Nabeela Ghuncha Gul	Bashir Ahmad Khan	Trangri Sabir Shah	GGPS Trangri Bala	A/V/I Post
54	Khalida Bibi	M.Yousaf Khan	Trangri Sabir Shah	GGPS Trangri Bala	A/V/I Post
55	Sidra Hamayun	M.Hamayun	Trangri Sabir Shah	GGPS Khatri Paloi	A/V/I Post
56	Salma Javed	Muhammad Javed	Darband	GGPS Pagora	A/V/I Post
57	Noshin Bibi	Fazal ur Rehman	Darband	GGPS Beer Bat	A/V/I Post
58	Sahibzadi Azmat Rehani	Ghulam Rabani	Tanda	GGPS Talian Manda Gucha	A/V/I Post
59	Asma Noreen	Nawab Khan	Dhodial	GGPS Kothri	A/V/I Post

**TERMS & CONDITIONS:**

1. Their appointments are purely on temporary basis and liable to termination at any stage without assigning any reason/notice.

  
 Muhammad Tanul  
 Advocate  
 111, 2 Mars Abbottabad





Annex D

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

No. 785- / S. Cause  
Dated the 29/9/ /2014

Email: deofmansehra@yahoo.com  
Phone & Fax: 0997-302518

P-19-20

SHOW CAUSE NOTICE

I, Naghmana Sardar, District Education Officer (Female) Mansehra as Competent Authority under the Khyber Pakhtunkhwa Servant (Efficiency & Discipline) Rules, 2011, do hereby serve you Mst. Saba Tariq, PTC GGPS Baso Manda Gucha Mansehra Show cause Notice as follows:

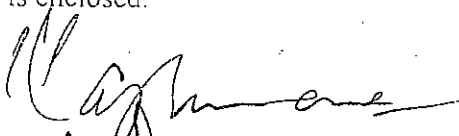
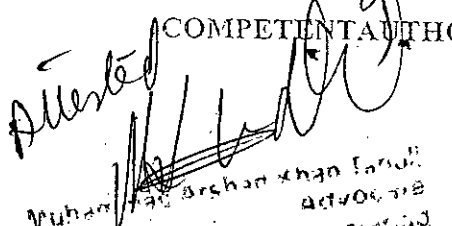
- 1) You were illegally appointed as PST at GGPS Baso Manda Gucha, vide defunct Executive District Officer (E&SE) Mansehra at S. No. 16, (not qualified FA) where you were stranger for recruitment process initiated through EATA. Acceptance of your appeal & subsequently your appointment order was the result of misuse of authority by the then EDO according to his sweet will & wishes against the recruitment rules, as per inquiry report received through Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department letter No SO(S/M)E&SED/4-17/2013 Umar Khan EDO BS-19 dated 25/08/2014 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 finding and recommendation of the inquiry committee, the material on record & other connected papers including your defiance before the inquiry committee:-

I am satisfied that you have committed the following acts/omissions specified in rules.

- a) Misconduct and dishonesty in getting bogus/faked appointment without due process of recruitment.
  - b) Inflicted huge financial losses to the Govt. Treasury receiving pay as result of bogus appointment.
  - c) By snatching established rights of the deserving candidates due for appointment on merit. Cheating/canceling the facts for unlawful appointment with collusion of then EDO.
- 3) As a result thereof, I as competent authority have tentatively decided to impose upon you the major penalty of dismissal from services under rule 4 of the said rules.
  - 4) You, are hereby, required to Show Cause as to why the aforesaid penalty should not be imposed upon you & also intimate where 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 its delivery, it shall be presumed that you have no defiance to put in and in that case an ex-parte action shall be taken against you.
  - 6) A copy of the finding inquiry committee related page is enclosed.

Mst. Saba Tariq

GGPS Basu Manda Gucha

  
COMPETENT AUTHORITY  
  
Mst. Saba Tariq  
Advocate  
Civil Courts Mansehra

خدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) حائیرہ

جناب علی -

P-20

گزارش ہے کہ میں نے PST (پرائمری سکول ٹیچر)

(a) کے لیے ETEA کے تحریری امتحان میں شامل ہونے کے لیے اپنا P.T.C سرٹیفکیٹ  
میرٹ (سٹیشن) کی مارجن ٹیٹک، انٹر میڈیٹ کے سلاٹ امتحان کی رول نمبر سلاپ  
جو کہ قانوناً Acceptable ہے اور ڈسٹرکٹ ETEA پشاور کے نام سے 400/- روپے  
کا بینک چالان جس کی فوٹو کاپی شوکار کے جواب کے ساتھ لف ہے ڈسٹرکٹ  
ایجوکیشن آفس حائیرہ میں جمع کروانے اُس کے بعد مجھے ETEA کے تحریری امتحان  
میں شامل ہونے کے لیے رول نمبر 00369 جاری کیا گیا جس کی فوٹو کاپی -

لف ہے اُس کے بعد میں نے ETEA کا تحریری امتحان دیا اس تحریری  
امتحان اور انٹرویو کے نتیجہ کی فہرستیں ڈسٹرکٹ ایجوکیشن آفس حائیرہ نے  
جاری کیں جن کے مطابق میں نے اپنی یونین کونسل میں سبلا نمبر حاصل کیا جو کہ  
میرٹ پر دیا گیا تھا اور Appointments میں Union Council wise یونین میں  
(b) فورڈر نمبر 18-05-2012 کو آرڈر نمبر 2011-2012 ESTT(F)APPTI(F) 5360-5384  
کے تحت مجھے Appointment لیٹر جاری کیا گیا جس کی فوٹو کاپی لف ہے۔ پورا اُس کے

(c) بعد انٹر میڈیٹ کی مارجن ٹیٹک، میرٹ کی مارجن ٹیٹک، پی۔ ٹی۔ سی کی مارجن ٹیٹک متعلقہ  
تعمیری بورڈز/ ایجوکیشنل ایسٹیبلشمنٹ سے تصدیق ہونے کے بعد ڈسٹرکٹ ایجوکیشن آفس  
حائیرہ نے وصول کیں اور اُس کے بعد میری تنخواہ شروع ہوئی۔ قابل ذکرات  
یہ ہے کہ میں نے انٹر میڈیٹ 25-07-2011 کو پاس کیا ہے جو کہ مارجن ٹیٹک پر تحریر  
ہے اور مجھے Appointment لیٹر 28-05-2012 کا ملا ہے اور 28-5-2012 سے  
میری نوکری شروع ہوئی ہے انٹر میڈیٹ کے امتحان کی مارجن ٹیٹک کی فوٹو کاپی بھی  
اس جواب کے ساتھ لف ہے۔

گزارش ہے کہ تمام قانونی طریقے پورے کرنے کے بعد اور ETEA کے تحریری  
امتحان اور انٹرویو میں میرٹ پر آنے کے بعد مجھے Appointment لیٹر جاری کیا  
گیا ہے۔

اپر سٹریٹ 93655  
MUMHAMMAN

صا طارق  
ڈسٹرکٹ ایجوکیشن آفس  
PST  
G.P.S ڈسٹرکٹ  
حائیرہ  
07-10-14





Annex E

P-21

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

NOTIFICATION

1:- Where as Mst: Saba Tariq D/O Muhammad Tariq working as GGHS/GGMS/GGP Baso Hunda Gucha was served with show cause notice and was proceeded under the Khyber Pukhtunkhwa 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: Saba Tariq D/O Muhammad Tariq CT/PET/TT PSI GGHS/GGM GGPS Baso Hunda Gucha.

DISTRICT EDUCATION OFFICER  
FEMALE MANSAEHRA.

Endst. No: 2126-35 /AE / Estab: dated 03/03 2015.

Copy to the

1. Secretary, Elementary and Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary and Secondary Education Khyber Pakhtunkhwa, 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.

Attested  
  
Muhammad Ashraf Khan Tams  
Advocate  
Distt: Courts Abbottabad

DISTRICT EDUCATION OFFICER  
FEMALE MANSAEHRA.

بخدمت جناب ڈائریکٹر صاحب ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختون خواہ پشاور

عنوان اپیل برائے بحالی ملازمت P.S.T پوسٹ پر

جناب عالی!

بسانکہ درج ذیل غرض گزار ہے:-

۱۔ یہ کہ سائل نے سال 2011-12 میں محکمہ تعلیم مانسہرہ (زنانہ) میں بطور P.S.T عہدے کے لئے اپیل کی تھی۔

۲۔ یہ کہ سائل نے اپنے تمام کاغذات جس میں انٹرمیڈیٹ کی سالانہ امتحان کی رول نمبر سلیپ بھی شامل تھی اور EATA پشاور کے نام مبلغ 400/- روپے کا بینک چالان جس کی فوٹو کاپی برطانی آرڈر کے ساتھ منسلک ہے ڈسٹرکٹ ایجوکیشن آفس مانسہرہ میں جمع کروائے اس کے بعد مجھے EATA کے تحریر امتحان میں شامل ہونے کے لئے رول نمبر 0369 جاری کیا گیا جس کی فوٹو کاپی لف ہے اس کے بعد میں نے تحریر امتحان دیا۔ اس تحریری امتحان دائرہ دیوکی فہرستیں ڈسٹرکٹ ایجوکیشن آفس مانسہرہ نے جاری کیں جس کے مطابق میں نے اپنی یونین کونسل سچاں کلاں میں پہلا نمبر حاصل کیا جو کہ میرٹ پر موجود ہے۔ اس کے بعد تقرری متصل یونین دیوکی میں کی گئی کیونکہ وہاں پر Vacant پوسٹ تھیں اور میرٹ پر ایک امیدار تھی کاپی لف ہے۔

۳۔ یہ کہ مورخہ 29-09-2014 کو بذریعہ لیٹر نمبر 7765 ڈی ای او فیمل مانسہرہ سے شوکار موصول ہوا جو کہ لف ہے شوکار میں الزامات یہ تھے کہ میر آرڈر اپنی یونین کونسل کے بجائے ملحقہ یونین کونسل میں کیا گیا ہے اور میرے F.A. کا نتیجہ کلوزنگ تاریخ 06-06-2011 کے بعد آیا ہے یعنی 24-07-2011 کو۔

۴۔ یہ کہ میں نے 07-10-2014 کو شوکار کا جواب ڈی ای او فیمل آفس مانسہرہ میں جمع کروایا تھا جس کی کاپی لف ہے۔

۵۔ یہ کہ مورخہ 03-03-2015 کو مجھے بذریعہ لیٹر نمبر 2126/35 مورخہ 03-03-2015 کو ملازمت سے برخاست کیا گیا

برطانی کی چھٹی لف ہے۔

۶۔ یہ کہ میں نے محکمہ تعلیم میں بھرتی کے لئے تمام لوازمات پورے کئے تھے شوکار کے جواب کو نظر انداز کر کے مجھے ملازمت سے برخاست کیا گیا ڈی ای او ایجوکیشن (زنانہ) مانسہرہ کا یہ اقدام غیر قانونی اور خلاف ضابطہ ہے۔

استدعا ہے کہ میری اپیل کو منظور فرماتے ہوئے مجھے ملازمت پر بحال کرنے کے احکامات صادر فرمائے جائیں۔

التحصیل

عطار

صباطق P.S.T.

G.G.P.S. Dabar Katha, Mansehra

17-03-2015

Attested  
Mudal  
D. 17-03-2015

کورٹ فیس قیاتی

# وکالت نامہ

بعدالت KPK سرس گورنمنٹ لیسٹاور

عنوان: صاحب طرف PSA بنام گورنمنٹ آف ایجوکیشن وٹر

منجانب: ایس ایس

نوعیت مقدمہ: سہیل

## باعث تحریر آنکہ

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

صدر سہیل صاحب نے پیروی کی ہے۔ ہائی کورٹ روہڑی آباد

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف 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 کاروائی 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 پر داختم 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 نالش بصیفہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند ہے۔

المترقوم:

بمقام:

~~Attest~~

Accepted

M. Arshad Khan Tanoli

Adv High Court Attd

(1)

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL**  
**CAMP COURT ABBOTTABAD.**

**Appeal No 802/2015**

Mst: Saba Tariq, D/O Muhammad Tariq PST, GGPS Dabarh Katha R/O Kund Jabori Tehsil &  
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. The appellant has suppressed the material facts from this Honorable Service Tribunal, hence not entitled for any relief & appeal is liable to be dismissed.

**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 correct as composed the competent authority was not satisfied with the reply of the appellant.
- 8) Para No.8 is incorrect. The respondent No.3 issued Show cause 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 Sachan. She did not fulfill/possess the minimum prescribed qualification for the post of PST i-e FA. The last date for submitting application was 06-06-2011 and her result of FA has been declared after due date i-e 25-7-11.
  - ii. Appeal may be rejected with the remarks that she was not qualified for the post applied for.

**(Annexure-B)**


**GROUNDS:-**

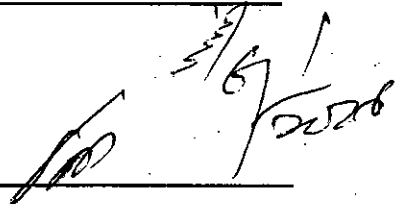
- a. Para No. a & b is incorrect. The appointment was not made in accordance with the law due to which the dismissal order was issued
- c. Para No. c is incorrect hence denied.
- d. Para No. d is correct to the extent of adoption of proper procedure as per Law. Rest of the para is incorrect, hence denied.

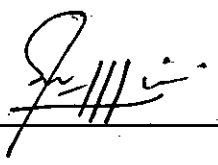
- e. Para No. e is incorrect hence denied the entire allegations leveled against the appellant have been proved by the enquiry committee and appellate authority.
- f. Para No. f is incorrect. All the coddle formalities have been fulfilled while dismissed the appellant.
- g. Para No. g is incorrect. The 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 above paras.
- 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.802-A/2015 titled case MST: Saba Tariq 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**

(S)

Mst: Saba Tariq, 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.





**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.802/2015 titled case Mst: Saba Tariq, 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

7

**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

To:

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

*Mr. ... / ...*  
*Please ... / ...*  
*put up ...*  
*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

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

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:

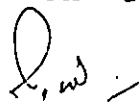
The enquiry was conducted in the office of Dy. DEO (Female) Mansehra.

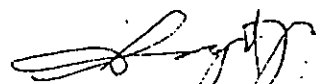
### PROCEEDINGS:

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 both 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**).

Handwritten marks and signatures at the bottom of the page.

UC Kathal	Shaista jabeen r/o UC kathal	At S.No 6 of appointment order, appointed at GGPS Chandni UC Battal.No post was vacant in her UC. <b>(Annex- LXX)</b>	Appointment in other UC is against the recruitment rules/policy
UC Garhi Habibullah	Nadia Ashraf  Gulnaz Bibi	At S.No 8 of appointment order appointed at GGPS Dannah Ganila. Two posts were lying vacant in UC Garhi Habibullah at GGPS Battang but she was appointed in other UC Satbani. Copy of her Intermediate certificate was also not available on the record. <b>(Annex- LXXI)</b>  She was at S.No 9 of appointment order and appointed at GGPS Chuntri UC Satbani whereas the post was vacant in her own UC Garhi Habibullah at GGPS Battang . <b>(Annex- LXXII)</b>	Appointment is against recruitment rules/policy.  The appointment is against the recruitment policy/rules
UC Hillkot	Bibi Asia r/o UC Hillkot	Appointment at S.No 10 of the appointment order at GGPS Khanbalimang . She herself recorded in her application form that she was not FA passed as the result was awaited and she was not eligible for appointment. <b>(Annex-LXXIII)</b>	Did not fulfill the condition of minimum prescribed qualification. The appointment is against the recruitment policy rules.
UC Ichrian	Bibi Sajda r/o UC Ichrian	Appointed at S.no 13 at GGPS Karmang Pyeen UC Battal not in her own UC (Ichrian). <b>(Annex- LXXIV)</b>	The appointment is against the recruitment policy rules.
UC Sachan	Saba Tariq r/o UC Sachan	Appointed at GGPS Baso Manda Ghucha at S.NO 16 in UC Devli. She was not qualified being not FA up to the closing date i.e. 6.6.2011. The DMC contained the date of declaration of result as 24.7.2011. She was not eligible for appointment. <b>(Annex- LXXV)</b>	Violation of recruitment rules/policy.
UC Jaloo	Saima Naz r/o UC jaloo	Appointed at S.No 18 at GGPS Chor Banda UC Sum Elahi Mang and not in her own UC jaloo where two posts	Violation of recruitment rules/policy.

(12)  
دستور  
(B)

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

**NOTIFICATION.**

WHEREAS, Mst Saba Tariq, PST at Government Girls Primary School Baso Munda Gucha District Mansehra was dismissed from service by the DEO (Female) Mansehra vide Order No. 2126-35 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 Sachan. She did not fulfill/possess the minimum prescribed qualification for the post of PST i.e. F.A. The last date for submitting application was 06/06/2011 and her result of F.A. has been declared after due date i.e. 25/07/2011.
2. Appeal may be rejected with the remarks that she was not qualified for the post applied for.

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. 2126-35 dated 03/03/2015 is hereby converted into removal from service.

Director  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 4307-12 /F.No. 79 /Appeals Female MSR Dated Peshawar the 25/8 /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