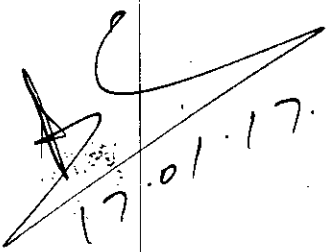


S.No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	17.01.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u></p> <p style="text-align: center;"><u>CAMP COURT ABBOTTABAD</u></p> <ol style="list-style-type: none"> <li>1. Appeal No. 744/2015 Shahida Bibi,</li> <li>2. Appeal No. 745/2015, Mst. Uzma Sarfaraz,</li> <li>3. Appeal No. 746/2015, Mst. Rani Gul,</li> <li>4. Appeal No. 748/2015, Madiha Yaqoob,</li> <li>5. Appeal No. 760/2015, Rubi Sarfaraz,</li> <li>6. Appeal No. 773/2015, Saba Khalil,</li> <li>7. Appeal No. 775/2015, Salma Javed,</li> <li>8. Appeal No. 776/2015, Mst. Bibi Nageena,</li> <li>9. Appeal No. 783/2015, Nosheen,</li> <li>10. Appeal No. 785/2015, Rubeena Naz Jilani,</li> <li>11. Appeal No. 802/2015, Mst. Saba Tariq,</li> <li>12. Appeal No. 807/2015, Mst. Riffat Bibi,</li> <li>13. Appeal No. 823/2015, Mst. Nazma Bibi,</li> <li>14. Appeal No. 824/2015, Mst. Memoona,</li> <li>15. Appeal No. 825/2015, Sanila Tul Kubra,</li> <li>16. Appeal No. 826/2015, Mst. Saman Naz,</li> <li>17. Appeal No. 917/2015, Mst. Tayyaba Bibi,</li> </ol> <p style="text-align: center;">Versus Government of Khyber Pakhtunkhwa through Secretary E&amp;SE, Peshawar and others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellant and Mr. Muhammad Siddique, Senior Government Pleader alongwith Mr. Muhammad Usman, Senior Government Pleader for the respondents present.</p> <p>2. This judgment shall dispose of the instant service appeal No. 744/2015 titled Shahida Bib Versus Government of Khyber Pakhtunkhwa through Secretary Elementary &amp; Secondary Education Peshawar and others", as well as service appeals No. 745/2015 Mst.</p>

Uzma Sarfaraz, No. 746/2015 Mst. Rani Gul, No. 748/2015 Madiha Yaqoob, No. 760/2015 Rubi Sarfaraz, No. 773/2015 Saba Khalil, No. 775/2015 Salma Javed, No. 776/2015 Mst. Bibi Nageena, No. 783/2015 Nosheen, No. 785/2015 Rubeena Naz Jilani, No. 802/2015 Mst. Saba Tariq, No. 807/2015 Mst. Riffat Bibi, No. 823/2015 Mst. Nazma Bibi, No. 824/2015 Mst. Memoona, No. 825/2015 Sanila Tul Kubra, No. 826/2015 Mst. Saman Naz and No. 917/2015 Mst. Tayyaba Bibi Versus Government of Khyber Pakhtunkhwa through Secretary, E&SE Peshawar and others, as identical questions of law and facts are involved in all these appeals.

3. Brief facts giving rise to the case of the appellants are that the appellants were appointed as PSTs/ATs, TTs/PETs/C.Ts but, after enquiry, dismissed from service vide impugned orders dated 03.03.2015 where-against departmental appeals of the appellants were partially allowed and dismissal orders of the appellants were converted into that of removal from service and hence the afore-stated service appeals.

4. Leaned counsel for the appellants argued that the enquiry was conducted against one Umar Khan the then Executive District Officer, Elementary & Secondary Education who was charged for the illegal appointments including appointments of the appellants. That this Tribunal accepted the service appeal of the said Umar Khan vide judgment dated 12.02.2016 and appeal against the same was also dismissed by the august Supreme Court of Pakistan vide judgment dated 30.09.2016 and that as a consequence of the said judgment, the said civil servant (Umar Khan) was reinstated and appointed as

17.01.17

District Education Officer (Male) BPS-19 (Management Cadre)  
District Haripur vide notification dated 06.01.2017. That beside the said enquiry against the said competent authority no independent enquiry was conducted against the appellants. That show cause notices issued to the appellants were not properly enquired into and no opportunity of hearing in the mode and manners prescribed by rules were afforded to the appellants and as such the impugned final orders are liable to be set aside.

5. Learned Senior Government Pleader has argued that a thorough enquiry was conducted by the department and that the appointments of the appellants were made by the then competent authority namely Umar Khan in violation of rules. That undue favour was extended to the appellants while making the said appointments. That reinstatement of the said E.D.O would not entitle the appellants to reinstatement in service as the appointment orders of the appellants were illegal.

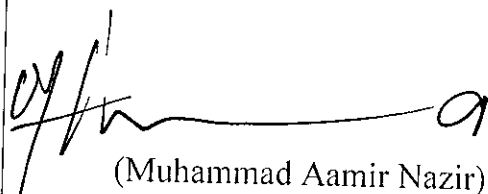
6. We have heard arguments of learned counsel for the parties and perused the record.

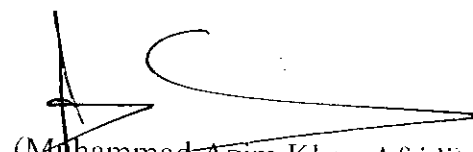
7. It is evident from the record that the appellants were proceeded against departmentally on the allegations of illegal appointments. The said competent authority was departmentally proceeded against by the respondents but this Tribunal has reinstated the said competent authority namely Umar Khan in service vide judgment of this Tribunal dated 12.02.2016 which was upheld by the august Supreme Court of Pakistan vide judgment dated 30.09.2016. Perusal of record

17.01.17

would further suggest that a general show cause notice was issued to the appellants which was duly replied by the appellants. In view of the allegations and rebuttal thereof it was appropriate and require of the competent authority to have afforded an opportunity of hearing including further probe but the competent authority opted to base the impugned orders on the departmental proceedings initiated against Umar Khan, Ex-D.E.O, Elementary & Secondary Education which findings stood extinguished as the said D.E.O has been reinstated in service.

8. In view of the above we are constrained to accept the present appeal, set aside the impugned final orders of removal of appellants from service and reinstate them in service by placing the respondents at liberty to conduct denovo enquiry against the appellants in the mode and manners prescribed by rules within a period of 3 months from the date of receipt of this judgment. In case the respondents fail to conduct and conclude the enquiry within the stipulated period then it shall be deemed that the appellants have been reinstated in service while the period of their absence from duty since the original date of dismissal from service till date shall be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

  
(Muhammad Aamir Nazir)  
Member

  
(Muhammad Azim Khan Afridi)  
17.01.2017  
Chairman  
Camp Court, Abbottabad

ANNOUNCED  
17.01.2017

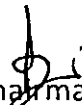
19.5.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Amended appeal submitted. Notice of amended appeal be issued to the respondents. To come up for written reply/comments on amended appeal before S.B on 19.08.2016 at camp court, Abbottabad.

  
Chairman  
Camp Court, A/Abad.


19.08.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Requested for adjournment. To come up for written reply on amended memo: of appeal on 23.09.2016 before S.B at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad.

23.09.2016

Counsel for the appellant and Mr. Muhammad Usman. Senior Clerk alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Written reply by respondents No. 1 to 3 submitted. Learned Sr.GP relies on the same on behalf of respondent No. 4. The appeal is assigned to D.B for rejoinder and final hearing for 17.01.2017 at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad

21.1.2016

Counsel for the appellant and Mr. Muhammad Fayaz, Supdt. alongwith Mr. Muhammad Saddique, Sr.GP for respondents present. Application for seeking amendment in appeal submitted. To come up for reply on application on 20.4.2016 before S.B at Camp Court A/Abad.

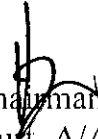
  
Chairman  
Camp Court A/Abad

20.04.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Muhammad Siddique, Sr.GP for the respondents present. Reply to application not submitted. Arguments on application heard and record perused.

Appellant is seeking amendment in the service appeal as departmental appeal of the appellant dated 18.3.2015 was not decided at the time of filing of appeal which was decided thereafter. Learned counsel for the appellant intends to impugn the same by amending the appeal.

Since the departmental appeal of the appellant has been decided after filing of the service appeal and the appellant intends to impugn the same as well, as such the application is allowed and appellant shall therefore submit amended appeal in office within two weeks which shall be placed before this court (S.B) after scrutiny by the Registrar, on 19.05.2016 at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad

3

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 PST in the prescribed manners and after fulfilment of all codal formalities but vide impugned order dated 3.3.2015 she was dismissed from service on the allegations of illegal appointment regarding which she preferred departmental appeal on 18.3.2015 which was not responded and hence the instant service appeal on 6.7.2015.

That the appellant was appointed in the prescribed manners and after adopting due process of law while she was illegally dismissed from service without conduct of any inquiry in the prescribed manners.

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.



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. 744 /2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	06.07.2015	<p>The appeal of Mst. Shahida Bibi presented today by Mr. Siraj Hussain Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	10-7-15	<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;"><i>[Signature]</i> CHAIRMAN</p>



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR.**  
*Amended Service Appeal No. 744/2015*

Shahida Bibi, D/O Abdul Rahim, R/O Village Bandi Gullu, Post Office Lassa Nawab, Thesil & District Mansehra.

..... APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Peshawar and others.

..... RESPONDENTS

**AMENDED SERVICE APPEAL**

**INDEX**

Sr.	Description	Page No.	Annexure
1	Appeal along with Affidavit	1 to 6	
2	Application for suspension of impugned order	7 to 8	
3	Copy of birth certificate, advertisement, roll number slip and result of ETEA test	10 to 13	A1 to A4
4	Copy of appointment letter and attendance report	14 to 16	B1 & B2
5	Copy of duty certificate, pay roll and adjustment order dated 07-03-14	17 to 19	C1 to C3
6	Copy show cause notice and the reply thereto	20 to 22	D1 & D2
7	Copy of the original impugned order dated 03/03/2015	23	E
8	Copy of departmental appeal and courier receipt	24 to 26	F1 & F2
9	Copy of Departmental letter # 5279/F No. 79(F) dated 30/03/2015	27	G
10	Copy of the civil suit along with application for grant of status	28 to 37	H
11	Copy of the decision of departmental Appeal vide Impugned order Endst. No. 4313-18/F.NO. 79/Appeals Female MSR, dated 25/08/2015	38	I
12	Wakalatnama	39	

Through

*Shahida Bibi*  
..... Appellant  
*Siraj Hussain*  
SIRAJ HUSSAIN

Dated: 02/05/2016

Advocate High Court, Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

*Amended Service Appeal no. 744/2015*

Service Appeal # \_\_\_\_\_ /2015

(Amended service appeal, as allowed vide order dated 20/04/2016)

Shahida Bibi, D/O Abdul Rahim, R/O Village Bandi Gullu, Post Office Lassa Nawab, Thesil & District Mansehra.

APPELLANT  
Khyber Pakhtunkhwa Provincial  
Service Tribunal

Diary No. 444  
dated 03/5/2016

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Peshawar.
2. Director Elementary & Secondary Education, Govt. of KPK, Peshawar.
3. District Education Officer (Female) Mansehra.
4. Sub Divisional Education Officer (Female) District Mansehra.
5. Assistant Sub Divisional Education Officer (Female) District Mansehra.

RESPONDENTS

**AMENDED APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AS AMENDED UP TO DATE READ TOGETHER WITH OTHER RELEVANT SERVICE RULES & REGULATIONS AGAINST THE IMPUGNED ORDERS DATED 03/03/2015 AS PASSED BY THE RESPONDENT # 3, WHEREBY THE APPELLANT WAS UNLAWFULLY DISMISSED FROM HER SERVICE AS PST, AND ORDER Endst. No. 4313-18/F.NO. 79/Appeals Female MSR, dated 25/08/2015 PASSED BY THE RESPONDENT NO. 2 VIDE WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED AND THE DISMISSAL ORDER WAS CONVERTED INTO REMOVAL FROM SERVICE.**

**PRAYER:** ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED DISMISSAL ORDER DATED 03/03/2015 VIDE ENDST. # 1936-45/AE, AND SHOW CAUSE NOTICE # 7925/AE-III F DATED 01/10/2014 AS ISSUED BY THE RESPONDENT # 3 AND IMPUGNED ORDER Endst. No. 4313-18/F.NO. 79/Appeals Female MSR, dated 25/08/2015 PASSED BY THE RESPONDENT NO. 2 VIDE WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED AND THE ORIGINAL DISMISSAL ORDER WAS CONVERTED INTO REMOVAL FROM SERVICE BE SET-ASIDE , DECLARING THE ALL AS ILLEGAL, AGAINST THE RULES, AGAINST THE RIGHTS OF APPELLANT , ONE SIDED, ARBITRARY, CUMBERSOME, WITHOUT LAWFUL AUTHORITY, CONTRADICTORY INTER-SE VOID AB-INITIO AND THE APPELLANT BE REINSTATED/ ALLOW TO CONTINUE HER SERVICE AS PST WITH RELEASING ALL THE SALARIES AND BENEFITS SEIZED .

---

Respectfully Sir:

Brief facts leading to the instant appeal are as follows:

1. That the appellant Shahida Bibi d/o Abdul Raheem is resident of T&D Mansehra who duly applied for the post of PST advertised in newspaper and was placed in merit list after qualifying the ETEA test accordingly (photo copy of birth certificate, advertisement, roll number slip and result of ETEA test are attached herewith as annexure 'A1 to A4 respectively ).
2. That vide order dated 20-06-12 Endst:No. 1110-19/Estt:Apptt:PST//2011-12 from the office of Executive District Officer E&S EDU: Mansehra, appellant was appointed as a PST (F) against the vacant post of GGPS Galli Numshehra (copy of the said order/ appointment letter and attendance report are annexed herewith as annexure 'B1 & B2').

3. That with utmost honesty & devotedness, Appellant regularly served on the appointed post and kept receiving salary. Later on she was adjusted to GGPS Mahanjani (copy of the duty certificate, pay roll and adjustment order dated 07-03-14 attached herewith as annexure 'C1 to C3' respectively)
4. That on 01-10-14 for the first time the appellant was served with the so-called show cause notice by the DEO (F) Mansehra wherein baseless and against the facts allegations were leveled against her, which she completely denied through her written reply dated 16/10/2014 ( copy of show cause notice and the reply are appended herewith as annexure 'D1 & D2' ).
5. That proceeding prejudice against the appellant, the then DEO (F) Mansehra illegally and in abuse of authority, by arranging partial, one sided, illegal & against the rules inquiry committee got endorsed her biased illegal decision of her dismissal from service through notification Endst: No. 1936-45/AE dated 03/03/2015 (copy of the same is attached with this appeal as annexure 'E').
6. That feeling aggrieved from the impugned order of dismissal from service, the appellant at first instance, duly filed the departmental appeal before the respondent # 2 against the afore mention illegal order on 18/03/2015. (copy of departmental appeal and the registered courier receipt are attached as annexure 'F1 & F2').
7. That despite receiving the departmental appeal of the appellant, it has been put to cold storage instead of redressing the grievance of the appellant. (Copy of the letter # 5279/F No. 79(F) dated 30/03/2015 issued from the office of respondent # 2, establishing the receiving of dept. appeal of the appellant is attached as annexure 'G')
8. That it was in this scenario when the appellant filed a civil suit before the senior civil judge on 16/03/2015 titled as 'Shahida bibi vs DEO (F) Mansehra etc) seeking therein , declaration to the effect that the impugned dismissal order dated 03/03/2105 as ineffective upon the rights of the plaintiff/ appellant etc, which is pending as of this date before the Farman Ali, Civil Judge Mansehra. ( copy of the civil suit along with application for grant of status quo and interim order thereon, are attached herewith as annexure 'H').
9. That the service appeal was pending when the respondent No. 2, vide his order Endst. No. 4313-18/F.NO. 79/Appeals Female MSR, dated 25/08/2015, rejected the departmental appeal of the present appellant and

converted the original impugned order of dismissal into removal from service (Copy of the order Endst. No. 4313-18/F.NO. 79/Appeals Female MSR, dated 25/08/2015 is attached herewith as annexure 'I').

10. That the appellant assails both the impugned orders of respondent No. 3 & 2, inter alia on following grounds:-

**GROUND:**

- a) That both the impugned orders as passed by the respondents, are against the Law, illegal, arbitrary, against the constitution, against the settled rules & regulations, are one sided & lopsided, capricious, discriminatory contradictory inter-se and amount to abuse of authority, hence untenable.
- b) That the appellant has been condemned unheard as she is not been afforded fair opportunity to plead and defend her cause, rather the respondents have acted in a unilateral, cursory and haphazard manner to the detriment of the appellant.
- c) That due process for appointment was on the said posts was adopted whereby including appellant, numerous candidates were appointed and no illegality was committed or any unfair means were opted in the said recruitment process.
- d) That no loss to government exchequer has been caused as alleged in show cause notice as the appointment of appellant was according to law and relevant rules and the remuneration she received was in account of the services rendered by her as a PST.
- e) That all the allegations leveled against the appellant hold no ground which reflects discriminatory & unjust action against her.

- f) That the very law under which the appellant being illegally charged, does not attract in her case as the alleged grounds are not the subject of "KPK Government Servants (Efficiency & Discipline) Rules 1973.
- g) That the entire process of so-called show cause notice and inquiry is against the law and procedure as
- no charge sheet or statement of allegation is given to the appellant
  - no right of personal hearing and applied rights according to law are given to appellant
  - no final show cause notice has served to the appellant
  - entire proceedings of inquiry is fake, partial, unfair and against the law & procedure
  - according to the concerned law, the officer who announced penalty against the appellant, can't impose a major penalty like dismissal from service rather he/she shall has to forward the case to higher authority as per the law in reference
  - etc.
- h). That the respondent has failed to discharge their responsibility as initially they have relegated the departmental appeal of the appellant to the cold storage without any tangible proceedings thereon in sheer violation of the rules and regulations.
- i). That the appellant cannot be condemn and held responsible for the so-called missing relevant official record, maintenance & safe custody of which was duty of the respondent and not of appellant.

10. That the instant appeal is well within the time and the honorable tribunal has got exclusive jurisdiction to adjudicate the subject matter.

11. That further grounds would be agitated at the time of arguments with the prior permission from the bench.

it is therefore humbly prayed that on acceptance of the instant appeal, the impugned dismissal order dated 03/03/2015 vide Endst. # 1936-45/AE, and show cause notice # 7925/AE-III F dated 01/10/2014 as issued by the respondent # 3 and impugned order Endst. no. 4313-18/F No. 79/appeals female MSR, dated 25/08/2015 passed by the respondent no. 2 vide which the departmental appeal of the appellant was rejected and the original dismissal order was converted into removal from service be set-aside, declaring the all as illegal, against the rules, against the rights of appellant, one sided, arbitrary, cumbersome, without lawful authority, contradictory inter-se void ab-initio and the appellant be reinstated/ allow to continue her service as PST with releasing all the seized salaries and benefits throughout.

Shahida Bibi

Shaida Bibi..... Appellant

Through

SIRAJ HUSSAIN 

Advocate High Court, Abbottabad.

Dated: 02/05/2016

### Verification

Verified that the contents of the foregoing appeal are true and correct to the best of my knowledge & believe and nothing material has been suppressed therein from this honorable tribunal.

Shahida Bibi

Shaida Bibi..... Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Shahida Bibi, D/O Abdul Rahim, R/O Village Bandi Gullu, Post Office Lassa  
Nawab, Thesil & District Mansehra.

..... APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary  
Education, Peshawar and others.

..... RESPONDENTS

AMENDED SERVICE APPEAL

AFFIDAVIT

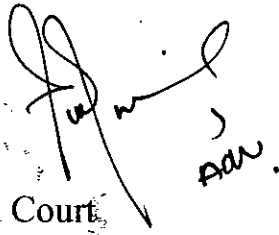
I, Mst. Shahida Bibi, D/O Abdul Rahim, R/O Village Bandi Gullu, Post Office  
Lassa Nawab, Thesil & District Mansehra, PST (F) , do hereby affirm and declare  
that the contents of the of the foregoing amended service appeal are true and  
correct to the best of my knowledge & believe and nothing material has been  
suppressed therein from this honorable tribunal.

Shahida Bibi  
Deponent

Identified by

Siraj Hussain

Advocate High Court

  
A.H.





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Shahida Bibi, D/O Abdul Rahim, R/O Village Bandi Gullu, Post Office Lassa Nawab, Thesil & District Mansehra.

..... APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Peshawar.
2. Director Elementary & Secondary Education, Govt. of KPK, Peshawar.
3. District Education Officer (Female) Mansehra.
4. Sub Divisional Education Officer (Female) District Mansehra.
5. Assistant Sub Divisional Education Officer (Female) District Mansehra.

..... RESPONDENTS

AMENDED SERVICE APPEAL

**APPLICATIONS** FOR SUSPENSION OF OPERATION OF IMPUGNED DISMISSAL ORDERS DATED 03/03/2015 VIDE ENDST. # 1936-45/AE, AS PASSED BY THE RESPONDENT # 3, AND ORDER ENDST. NO. 4313-18/F.NO. 79/APPEALS FEMALE MSR, DATED 25/08/2015 PASSED BY THE RESPONDENT NO. 2 THE APPELLANT BE ALLOW TO CONTINUE HER SERVICE AS PST (F) AT CURRENT PLACE WITH FURTHER DIRECTION TO THE RESPONDENTS TO RELEAS THE SALARY OF THE APPELLANT TILL THE DISPOSAL OF TITLED APPEAL.

---

Respectfully Sir:

1. That the titled amended appeal is being filed before this honorable tribunal, the contents of this application may please be read as integral part of the same.

2. That the appellant has brought a good prima facie, arguable case who also carries balance of convenience in his favor.
3. That if the operation of impugned order is not suspended and the appellant is not allowed to continue her service as PST, with regular release of her pay, she would suffer irreparable loss and the purpose of filing accompanying appeal would be defeated.

It is therefore humbly prayed that the instant application may kindly be accepted as prayed for

Shahida Bibi  
Shaida Bibi..... Appellant

Through

SIRAJ HUSSAIN

Advocate High Court, Abbottabad

Dated: 02/05/2016

### AFFIDAVIT

I, Mst. Shahida Bibi, D/O Abdul Rahim, R/O Village Bandi Gullu, Post Office Lassa Nawab, Thesil & District Mansehra, PST (F) , do hereby affirm and declare that the contents of the of the foregoing application are true and correct to the best of my knowledge & believe and nothing material has been suppressed therein from this honorable tribunal.

Shahida Bibi  
Deponent

Identified by

Siraj Hussain

Advocate High Court





حکومت خیبر پختونخوا پاکستان

10

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

پیدائش سرٹیفکیٹ

BIRTH CERTIFICATE

A-1

CRMS No: B135046-12-0197

FORM No: P0012

دست دہندہ کا نام: عبدالرحیم

درخواست دہندہ کا شناختی کارڈ نمبر: 1350341028454 رشتہ: بیٹی

بچے کا نام	والد کا نام / شناختی کارڈ نمبر	والدہ کا نام / شناختی کارڈ نمبر	جنس	مذہب	پیدائش کا ضلع / تاریخ
شاہدہ بی بی	عبدالرحیم 1350341028454	حنیفہ بیگم	عورت	اسلام	مانسہرہ 28-12-1989

APPLICANT's NAME: ABDUL RAHEEM

APPLICANT's CNIC NO: 1350341028454

RELATION: DAUGHTER

CHILD's NAME	FATHER's NAME / NIC NO	MOTHER's NAME / NIC NO	GENDER	RELIGION	DISTRICT AND DATE OF BIRTH
SHAHIDA BIBI	ABDUL RAHEEM 1350341028454	HANEEFA BUGUM	FEMALE	ISLAM	MANSEHRA 28-12-1989

GRAND FATHER's NAME: MIR SAFA

دادا کا نام: میر صفا

GRAND FATHER's CNIC NO:

دادا کا شناختی کارڈ نمبر:

لیٹ اندراج:

نارٹل اندراج:

تاریخ اندراج: 30-6-2012

پتہ: گاؤں بانڈی گلو، ڈاکخانہ لسان نواب، تحصیل مانسہرہ، ضلع مانسہرہ

ADDRESS: VILLAGE: BANDI GULOO, POST OFFICE: LASSAN NAWAB,  
TEHSIL: MANSEHRA, DISTRICT: MANSEHRA

دستخط:

تاریخ اجراء: 30-6-2012

attested by

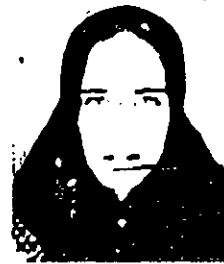




**ROLL NUMBER SLIP**  
(TO BE FILLED IN BY THE OFFICE)

DISTRICT CODE 0 1 7

2380 ROLL NO 39



12

TYPE OF TEST APPLIED FOR:  
(TICK RELEVANT BOX)

TAT-1  
PST/CT/DM/PET

TAT-2  
AT/TT/QARI

A-3

(TO BE FILLED IN BY THE OFFICE)

1. NAME (CAPITAL LETTERS) SHAHIDA - BIBI
2. FATHER'S NAME (CAPITAL LETTERS) ABDUL RAHEEM
3. DOMICILE (DISTRICT) MANSEHRA

Signature Issuing Authority/Stamp

**PLEASE BRING TO THE TEST CENTER**

- 1) COMPUTERIZED NATIONAL IDENTITY CARD (ORIGINAL)
- 2) THIS ROLL NO. SLIP
- 3) A CLIP BOARD
- 4) BLACK THIN MARKER (DOLLAR SKETCH LINE)

Date	_____
Time	_____
Venue	_____

**PLEASE BE AT THE CENTER 45 MINUTES AHEAD OF TIME**

**Calculators, Calculator Watches, Mobiles Phones or any electronic Devices are not Allowed**

attached  
20/11

## TAT-1 FEMALE MANSEHRA RESULT 2011

Roll No : 39  
 Student Name : SHAHIDA BIBI  
 Father Name : ABDUL RAHEEM  
 Marks Obtained : 148  
 Percentage : 49.33  
 Subject :  
 District : Manselra

[View more results](#)

A-4

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر مانسہرہ

جناب عالی!

آدبا عرض خدمت ہے کہ اخبار میں دیئے گئے اشتہار کے مطابق میں نے مورخہ ۲۲ جون ۲۰۱۱ء کو اپنا نمٹ پاس کر لیا ہے۔  
 میرے تمام کاغذات دفتر بڈا میں جمع ہیں۔ برائے مہربانی مجھے مہرتی کر کے خدمت کا موقع دیں۔

شکریہ

العارض

شاہدہ بی بی ولدہ عبدالرحیم  
 گاؤں بانڈی گلو، یونین کونسل سادون میرا، لساں نواب  
 ضلع تحصیل مانسہرہ

attested  
 [Signature]



OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&S EDUCATION MANSEHRA

ORDER

B-1

In continuation of this office endst No. 5360-5384 /Estt: (F)Apptt:PET(F)/2011-12 Dated Mansehra the 18<sup>th</sup> May, 2012 and on the acceptance of the appeal by the competent authority Mr. Shahida Bibi D/O Abdul Rahim R/O Sawan Maira is hereby appointed as a Primary School Teacher **PST (Female)** against the vacant post at GGPS Gali Numshera 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 condictions given below with immediate effect

TERMS & CONDITIONS:

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

attested  
D My


- 9. His/her services can be terminated at any time in case his/her performance is found unsatisfactory; he/she will be proceeded against under the removal from service under E&D Rules 2011.
- 10. He/she should produce Age & Health Certificate from the MS DHQ Hospital Mansehra.
- 11. He/she may not be handed over the charge if his/her age is above 35 years and below 18 years.
- 12. The Candidates who are working as regular before 1<sup>st</sup> July 2001 in pervious post, his/her entitled for pension / gratuity etc.
- 13. No. TA/DA etc is allowed.
- 14. Charge report should be submitted to all concerned in duplicate.

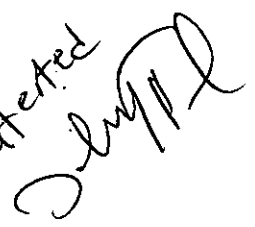
(Umar Khan Kundi)  
 EXECUTIVE DISTRICT OFFICER  
 E&S EDU: MANSEHRA

Endst: No. 11/0-19 /Estt: Apptt:PST//2011-12 Dated Mansehra the 20/6 /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.
- 6-7. Deputy District Officer (Female&Male) E&SE Mansehra.
- 8. PA to District Coordination Officer, Mansehra.
- 9. Budget & Accounts Officer, local office, Mansehra.
- 10. Candidates concerned.

  
 EXECUTIVE DISTRICT OFFICER  
 E&S EDU: MANSEHRA

*attested*  




LA4

حاضر کارپورٹ

B-2

آج 21 جولائی 2012ء کو شام 4 بجے لی بی دخترہ علیہ السلام

پست 2011-12  
1110-19/ESH-APP-12  
20-6-2012 حوالہ

ایگزیکٹو ڈسٹرکٹ آفیسر ایجوکیشن

ایجوکیشن منسٹر سے ہوا

سکول گلی منسٹرہ میں خالی پوسٹ پر حاضر کر دی ہے

Naseem Bano

21/6/2012

**HEAD TEACHER**  
G.G.P.S (gali) Namshera  
Distt: Manshera Teh Oghi

attested  
Jmy

C-1

17

DUTY CERTIFICATE

C-1

It is certified that Mst: Shaida Bibi PST was appointed and posted at Govt: Girls Primary School Gali Namshera. Has worked their w.e.f 22/6/2012 according to my entire satisfaction and I have no objection if her salary has been paid to her.

~~Assistant Officer (F)~~  
~~Post No. 7/1/2012~~

ASSISTANT DISTRICT OFFICER  
(F) CIRCLE SHERGARH

attested  
J. M. I.

ODD : MAT044 Ca D U ( ) Prg Edu Manshra  
 1300 Medical Allowance 1,200.00  
 1968 Incentive Allowance 653.00  
 1971 Adhoc Allowance 2011 2,177.00  
 1973 Adhoc Allowance 2011 1,600.00  
 2118 Adhoc Relief Allow ( 1,200.00  
 2148 15% Adhoc Relief All 800.00  
 2174 Adhoc Relief Allow-2 200.00

Page 11 Section . 001 section 1  
 3504 Group Insurance 115.00-  
 3990 Emp Edu. Fund RPK 100.00-

PAYMENTS 20,792.00  
 Branch Code: 231372

DEDUCTIONS 1,569.00-  
 National Bank of Pakistan CAC NO. 1

NET PAY MANSENRA 19,224.00 01.12.2014 31.12.2014  
 Acctt.No: 9241-0

00694569 SHAKIDA BTEI  
 P A Y M E N T S  
 0001 Basic Pay 8,000.00  
 1000 House Rent Allowance 1,306.00  
 1210 Convey Allowance 20 2,656.00  
 1300 Medical Allowance 1,200.00  
 1968 Incentive Allowance 653.00  
 1971 Adhoc Allowance 2011 2,177.00  
 1973 Adhoc Allowance 2011 1,600.00  
 2118 Adhoc Relief Allow ( 1,200.00  
 2148 15% Adhoc Relief All 800.00  
 2174 Adhoc Relief Allow-2 200.00

Design: PRIMARY SCHOOL TEACHER (0000000000) Grade: 12 NTH:  
 LOAN/FUND  
 DEDUCTIONS  
 AMOUNT  
 3012 GPF Subscription - Rs 1,160.00-  
 3501 Benevolent Fund 180.00-  
 3511 Adcl Group Insurance 13.00-  
 3604 Group Insurance 115.00-  
 3990 Emp. Edu. Fund RPK 100.00-

NET PAY MANSENRA 19,224.00 01.12.2014 31.12.2014  
 Acctt.No: 942-1  
 Buckle No.: PRINCIPAL  
 REPAYD Gazetted/Non-Gazetted: M BALANCE  
 GPF#: 694569 18,560.00

PAYMENTS 20,792.00  
 Branch Code: 231359 LASAN MANAR

DEDUCTIONS 1,568.00-  
 National Bank of Pakistan LASAN MANAR

NET PAY MANSENRA 19,224.00 01.12.2014 31.12.2014  
 Acctt.No: 942-1

00694563 FAZAN ANHAR  
 P A Y M E N T S  
 0001 Basic Pay 5,250.00  
 1000 House Rent Allowance 891.00  
 1210 Convey Allowance 20 1,785.00  
 1300 Medical Allowance 1,200.00  
 1516 Dress/ Uniform Allow 100.00  
 1567 Messing Allowance 100.00  
 1971 Adhoc Allowance 2011 445.00  
 1973 Adhoc Allowance 2011 1,485.00  
 2118 Adhoc Relief Allow ( 787.00  
 2148 15% Adhoc Relief All 525.00  
 2174 Adhoc Relief Allow-2 200.00

Design: CHEKIDAR (00000357) Grade: 01 NTH:  
 LOAN/FUND  
 DEDUCTIONS  
 AMOUNT  
 3001 EPF Subscription - Rs 212.00-  
 3501 Benevolent Fund 120.00-  
 3511 Adcl Group Insurance 3.00-  
 3604 Group Insurance 56.00-

NET PAY MANSENRA 19,224.00 01.12.2014 31.12.2014  
 Acctt.No: 2829-4  
 Buckle No.: PRINCIPAL  
 REPAYD Gazetted/Non-Gazetted: M BALANCE  
 GPF#: 694580 4,452.00

PAYMENTS 12,568.00  
 Branch Code: 231797 SHINKIARI

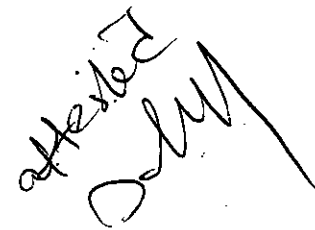
DEDUCTIONS 393.00-  
 National Bank of Pakistan SHINKIARI

NET PAY MANSENRA 12,175.00 01.12.2014 31.12.2014  
 Acctt.No: 2829-4

00694606 HUCARAT BTEI  
 P A Y M E N T S  
 0001 Basic Pay 7,500.00  
 1000 House Rent Allowance 1,306.00  
 1210 Convey Allowance 20 2,656.00  
 1300 Medical Allowance 1,200.00  
 1968 Incentive Allowance 653.00  
 1971 Adhoc Allowance 2011 2,177.00  
 1973 Adhoc Allowance 2011 1,500.00  
 2118 Adhoc Relief Allow ( 1,500.00  
 2148 15% Adhoc Relief All 1,125.00

Design: PRIMARY SCHOOL TEACHER (00004018) Grade: 12 NTH:  
 LOAN/FUND  
 DEDUCTIONS  
 AMOUNT  
 3012 GPF Subscription - Rs 1,160.00-  
 3501 Benevolent Fund 180.00-  
 3511 Adcl Group Insurance 13.00-  
 3604 Group Insurance 115.00-  
 3990 Emp. Edu. Fund RPK 100.00-

NET PAY MANSENRA 17,400.00 01.12.2014 31.12.2014  
 Acctt.No: 2829-4  
 Buckle No.: PRINCIPAL  
 REPAYD Gazetted/Non-Gazetted: M BALANCE  
 GPF#: 694606

Attested  


18

C-2

113

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER(F)MANSEHRA

ADJUSTMENT ORDER.

C-3

As approved by the competent authority the following PST BPS.12 are hereby ordered on their own pay and grade in the interest of public service with immediate effect.

S.No	Name & Desig:	From	To	Remarks
1	Nazima Bibi PST BPS.12	GGPS Mahanjani	GGPS Sinjli	Against V.Post
2	Shahida PST BPS.12	GGPS Gali Nimshahra	GGPS Mahanjani	V.No.1

Note.

1. Charge report should be submitted to all concerned.
2. No TA DA is allowed.

Sd/  
DISTRICT EDUCATION OFFICER  
(FEMALE)MANSEHRA

Indst.No 253-57 Adjustment PK-57/H dated 7-3 /2014.  
Copy to the:

1. District Accounts Officer Manshra.
2. ASDE/OF Circle concerned.
3. Head Teacher concerned.
4. Teacher concerned.

*Juan*

SUB DIVISIONAL EDUCATION OFFICER  
(FEMALE)MANSEHRA

attested  
JLT

No. 7925/DC-II (D)

Dated 01/08/2014

SHOW CAUSE NOTICE.

D-1

I, Naghmana Sardar, District Education Officer (Female) Mansehra as Competent Authority under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011, do hereby serve you Mst. Shahida Bibi, PTC GGPS Gali Namshera, Mansehra as follows:

1. You were illegally appointed as PTC at GCPS Gali Namshera, vide defunct Executive District Education Officer (E&SE) Mansehra Endst: No. 1110-19 /Apt./PST/F/ dated 20.6.2012, whereas you was stranger for recruitment process initiated through EATA, you never appeared in selection process as a candidates for said post through EATA } your name did not fall in the merit list prepared for the selection of candidates. Acceptance of your appeal and subsequently your appointment order was the result of misuse of authority by the then EDO according to his sweet will and wishes against the recruitment rules, as per inquiry report received through Government of Khyber Pakhtunkhwa, elementary and Secondary Education Department Letter No. 50(5/M)E&SE/D/4-17/2013 Umar Khan EDO BS-19 dated 25.8.2014. More over the then EDO (L&SE) removed from Government Service in connection with all such bogus appointment including you made by him.

2. Going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense 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 and result of bogus appointment.
- c) By snatching established rights of the deserving candidates due for appointment on merit. Cheating / cancelling the facts for unlawful appointment with collusion of then EDO.

1. As a result thereof, I as competent authority, have tentatively decided to impose upon you the major plenty of dismissal from services under rule 4 of the said rules.
2. You are, hereby, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
3. 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 defense to put in and in that case an ex-parte action shall be taken against you.
4. A copy of relative page of the finding of the inquiry committee is enclosed

Mst. Shahida Bibi, PST  
GGPS Gali Namshera.

COMPETENT AUTHORITY

District Education Officer  
(Female) Mansehra

Attended  
D-1

REPLY TO SHOW CAUSE NOTICE

D-2

REFERENCE TO SHOW CAUSE NOTICE  
NO.7925/AE-III(F) DATED: 01.10.2014 ISSUED BY  
DE(FEMALE) TEHSIL AND DISTRICT  
MANSEHRA.

In concern with aforementioned show cause notice received by me on 11.10.2014, I am thereby submitting following reply.

1. That, I have passed the ETA Test conducted on 22<sup>nd</sup> june, 2011.(Copy of Roll No Slip and Result slip is annexed)
2. That, due process for appointment of PST Teachers were adopted and numerous teachers were appointed including me, as a result of aforementioned process.
3. That, no illegality has been committed by anyone in the appointment process.
4. That, in the show case notice name of one EDO has been stressed upon. It is note worthy that I am not at all concerned with as to who was EDO by the time of my appointment. However, I can affirm that all the appointments including me were followed under due process of law and by the designated officers of the Government.
5. It is also note worthy that EDO by that time was neither my relative nor I had any other connections with him.

attested  
D. J. J.

- 6. That, after taking my charge I have been conducting my duties as per law and orders of the department, as a result I have been paid accordingly. Hence, I have not caused any loss to the exchequer.
- 7. That, my appointment was as per merit and was not bogus.
- 8. It has been more then two years that I am rendering my services to the department, service book was issued to me accordingly, it is now a belated stage to send show cause notice for challenging my appointment.
- 9. I thereby totally deny the allegations leveled against me vide show cause notice dated 01.10.2014 and request to stop any proceedings or inquiry against my appointment.

Dated:16.10.2014

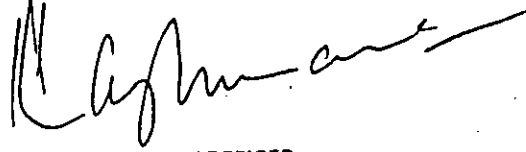
*Shahida Bibi*  
 Mst. Shahida Bibi  
 PST GGPS Manjani Bala

*attested*  
*J. H. P.*

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

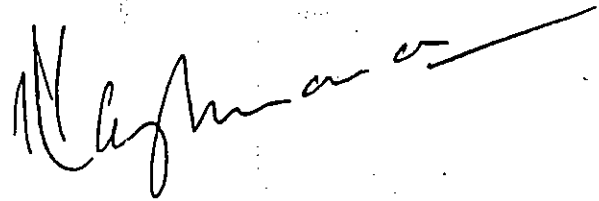
NOTIFICATION

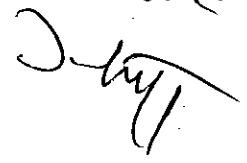
- 1:- Where as Mst: Shahida Bibi D/O Abdur Raheem working as PSI GGHS/GGMS/GGP Gadi Nomsheva was served with show cause notice and was proceeded under the Khyber Pukhtunkhwa Govt: Servants (Efficiency and Disciplinary) Revised Rules 2011 for the charges mentioned in her Show-Cause Notice. **E**
- 2:- 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. Shahida Bibi D/O Abdur Raheem CT/PET/TT PSI GGHS/GGM GGPS Gadi Nomsheva.

  
 DISTRICT EDUCATION OFFICER  
 FEMALE MANSAEHRA.

Endst: No. 1936-45 /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.

attested  




Secretary Elementary and Secondary Education Department,  
KPK Peshawar

Departmental Appeal

F-I

Against the notification of Dismissal from service dated 03/03/2015 vide endst. No. 1936-45/AE, and show cause notice dated 01/10/2014 (7925/AE-III F) issues by DEO (F) Mansehra.

1. That I, Shahida Bibi d/o Abdul Raheem resident of T&D Mansehra duly applied for the post of PST advertised in newspaper and was placed in merit list after qualifying the ETEA test accordingly (photo copy of advertisement, roll number slip and result of ETEA test are attached herewith).
2. That vide order dated 20-06-12 Endst:No. 1110-19/Estt:Apptt:PST//2011-12 from the office of Executive District Officer E&S EDU: Mansehra, I was appointed as a PST (F) against the vacant post of GGPS Galli Numshehra (copy of the said order/ appointment letter and attendance report are annexed herewith).
3. That with my utmost honesty & devotedness, I regularly served on the appointed post and kept receiving salary. Later on I was adjusted to GGPS Mahanjani (copy of the duty certificate, pay roll and adjustment order dated 07-03-14 attached herewith)
4. That on 01-10-14 for the first time I was served with the so-called show cause notice by the DEO (F) Mansehra wherein baseless and against the facts allegations were leveled against me, which I completely denied through my written reply dated 16/10/2014 ( copy of show cause notice and the reply are attached herewith).
5. That proceeding prejudice against me, the DEO (F) Mansehra illegally and in abuse of authority, by arranging partial, one sided, illegal & against the rules inquiry committee got endorsed her biased illegal decision of my dismissal from service through notification Endst: No. 1936-45/AE dated 03/03/2015 (copy of the same is attached with this appeal).
6. That the said order and show cause notice are illegal, against the rules and liable to be set aside on following grounds:

attached  
July

25

GROUNDS:

- I. That due process for appointment was on the said posts was adopted whereby including me, numerous candidates were appointed and no illegality was committed or any unfair means were opted in the said recruitment process.
- II. That no loss to government exchequer has been caused as alleged in show cause notice as my appointment was according to law and relevant rules and the remuneration I am receiving is in account of the services rendered by me as a PST.
- III. That all the allegations leveled against me hold no ground which reflects discriminatory & unjust action against me.
- IV. That the vary law under which I am being illegally charged, does not attract in my case as the alleged grounds are not the subject of "KPK Government Servants (Efficiency & Discipline) Rules 1973.
- V. That the entire process of so-called show cause notice and inquiry is against the law and procedure as
  - no charge sheet or statement of allegation is given to me
  - no right of personal hearing and applied rights according to law are given to me
  - no final show case notice has served to me
  - entire proceedings of inquiry is fake, partial, unfair and against the law & procedure
  - according to law, the officer who announced penalty against me, can't impose a major penalty like dismissal from service rather he/she shall have to forward the case to higher authority as per the law in reference
  - etc.

It is therefore humbly prayed that the so-called inquiry report & dismissal order dated 03/03/2015 may graciously be set aside and I should be allowed to continue my lawful service in education department.

Dated: 18/03/2015

attested  
D My

Shahida Bibi

PST GGPS Manjani Bala

Mansehra.



SHIPPER'S ACCOUNT NO.

REFERENCE / JOB

3552069480

DESTINATION	PKGS	WEIGHT
		kg.

FROM (SHIPPER)

Handwritten address in Urdu: *مستحقہ نقدی ریورٹ اور فیسٹی*

TELEPHONE / FAX NO.

TO (CONSIGNEE)

Handwritten address in Urdu: *مستحقہ نقدی ریورٹ اور فیسٹی*

TELEPHONE / FAX NO.

SERVICE TYPE REQUIRES

OVER NIGHT    HOLIDAY    FAX

SAME DAY    2ND DAY    3PX

MODE OF PAYMENT

CASH    ACCOUNT    OTHER

COUPON    FLYER

SERVICE	CHARGES
WEIGHT	
HANDLING	
OTHER	
GST	
INSURANCE PREMIUM	
<b>TOTAL</b>	150

THIS IS A NON-NEGOTIABLE CONSIGNMENT NOTE SUBJECT TO THE TERMS AND CONDITIONS SET FORTH ON THE REVERSE OF SHIPPER'S COPY. IN TENDERING THIS SHIPMENT, SHIPPER AGREES THAT TCS SHALL NOT BE LIABLE FOR SPECIAL INCIDENT OF CONSEQUENTIAL DAMAGES ARISING FROM THE CARRIAGE THEREOF. TCS DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED WITH RESPECT TO THIS SHIPMENT. THE LIABILITY OF TCS FOR ANY LOSS OR DAMAGE SHALL BE LIMITED TO RS. 100/- per kg. ADDITIONAL INSURANCE COVERAGE IS AVAILABLE UPON SHIPPER'S REQUEST AND PAYMENT OF ANY PREMIUM THEREOF.

I warrant that I have read the terms and conditions on the reverse of this consignment note and that all details given herein are true and correct. I further declare that the contents of this consignment do not contain any item. The execution of this consignment note is prima facie evidence of the conclusion of contract between shipper & TCS (PVT) LTD.

SHIPPER'S SIGNATURE

DO YOU REQUIRE INSURANCE? YES/NO

DESCRIPTION OF SHIPMENT

INSURANCE COVERAGE

DECLARED VALUE

PICKED UP BY TCS

COURIER CODE

DATE

TIME

RECEIVED IN GOOD ORDER AND CONDITION

RECEIVER'S SIGNATURE

RECEIVER'S NAME

DATE TIME

AS PER P.O. ACT 1828, TCS WILL NOT CARRY LETTERS / POSTCARDS.

SHIPPER'S COPY

Any suggestion/complaint about service should be mailed to Post Box 2042, Karachi-75408

Handwritten signature: *Attested*

Handwritten mark: *E-2*

Handwritten number: *26*

Vertical text: *MAAO 815F 4412 1442 1 15003238 14 181828*

EDUCATION DEPARTMENT, DISTRICT MANSHEHRA  
No. 79(F) Appeal Manshehra  
Date Peshawar the 30/12/2015.

27

To  
The District Education Officer,  
(Female) Manshehra

Subject DEPARTMENTAL APPEAL

I am directed to refer to the subject cited above and to state that the following teachers of your district have submitted departmental appeal for re-instatement in service.

I am further directed to ask you to submit the factual position/comments/views within 7 days to this office for further process:

1. Sammiya Rahim Qaria GGHS Oghi
2. Nudia Rehman PST GGPS Malokra Oghi ✓
3. Allya Bibi Qaria GGHS Sangar
4. Madeeha Bibi Qaria GGHS Afzalabad
5. Nuheeda Ashraf PST GGPS Cham Shamori G. Habibullah ✓
6. Tabassum Nazir Qaria GGHS Moorat Maira
7. Rohi Sarfaraz PST GGPS Jabba Khan Zaman ✓
8. Suhila PST GGPS Jabba Khan Zaman ✓
9. Sahihzadi Azmat Rabbani PST GGPS Tandu ✓
10. Saba Noor Qaria GGHS Bajra
11. Rifat Bibi PST GGPS Norjala ✓
12. Saba Tariq PST GGPS Dahar Katha ✓
13. Bibi Mehvish PST GGPS Phulra ✓
14. Asma Noreen PST GGPS Kothri ✓
15. Mdia Yaqoob AT GGMS Sokal ✓
16. Rashida Bibi PST GGPS Chapra Bala Battal ✓
17. Munazza Qaria GGHS Murad Pur
18. Saeeda Haidar PST GGPS Ghakkar ✓
19. Ayasha Kurmal Qaria GGHS Maira Anjil Ali ✓
20. Salma Javeed PST GGPS Pagora ✓
21. Ayasha PST GGPS Shanaya ✓
22. Asma Abdul Malik PST GGPS Dokani ✓
23. Asma Zeh DM GGHS Kayai
24. Rashida AT GGMS Bajra
25. Tayyaba Bibi AT GGMS Barar Kot
26. Bibi Farah PST GGPS Gojor Gali ✓
27. Nosheen Bibi PST GGPS Beer Bat ✓
28. Tahir Rehman PET GGHS Traingri Bala
29. Fatima Bibi Qaria GGHS Doga
30. Robeena Naz Jilani AT Kaghan
31. Aisha Bano Qaria GGMS (Girls) Manshehra
32. Kalsoom Bibi AT GGHS Moorat Maira
33. Rani Gul PST GGPS Monjani
34. Gul Naz Bibi PST Chuntri
35. Munaza Daud Fiaz PST GGPS Binsian
36. Rashida Zeh DM GGMS Kamal Bar ✓
37. Madiha Yaqoob AT GGMS Kamal Bar
38. Bibi Syeda Maryam Qaria GGHS Pahiran
39. Madiha Bibi Qaria GGHS Afzal Abad
40. Syeda Saima Bibi Qaria GGHS Danda Kholin
41. Bibi Sajida PST GGPS Kurmanj Puyeen ✓
42. Aisha Zamir PST GGPS Maxwal ✓
43. Shaiista Jabeen PST Chandni ✓
44. Shazia Afzal Qaria GGHS Jabbori
45. Shuhida Bibi PST GGPS Manjani Baia ✓
46. Uzama Sarfaraz PST GGPS Bantal Graan
47. Rani Gul PST GGPS Lam Battan ✓

Deputy District Officer (Female)

2394/410

attested  
2/1/15

عدالت جناب مسٹر سول جن صاحب مانسہرہ  
 بمقتضہ... شاہدہ بی بی دختر عبد الرحیم سکندہ گاؤں بانڈی گلو ڈاکخانہ کسان  
 نواب تحصیل و ضلع مانسہرہ ----- (موسیہ)

بنام

- 1:- ڈسٹرکٹ ایجوکیشن آفیسر (جنیبل) جیلر ای فیلع مانسہرہ
  - 2:- سیکرٹری ایگنٹری اینڈ سکینڈری ایجوکیشن ڈیپارٹمنٹ، خیبر پختونخواہ اتھنسی واقع سیکرٹریٹ بلڈنگ پشاور۔
  - 3:- ڈسٹرکٹ ایگوانٹ آفسر مانسہرہ آفس گورنمنٹ ہائی اسکول سکول مانسہرہ
  - 4:- پرنسپل / ہیڈ میٹرس گورنمنٹ گورنر پبلک سیکولر سکول گل نیشنل مانسہرہ۔
  - 5:- ایگزیکٹو ڈسٹرکٹ آفسر "SSS" ایجوکیشن مانسہرہ
- الف :- دعویٰ اصرار ڈگری استعدادیہ بدین قرار داد کہ مدعیہ بطور "PST" بنام "GPS" ملکی مختصہ مانسہرہ اپنی ملازمت کے فرائض انجام دے رہی ہے جو کہ تمام شرائط و ضوابط، ضروریات، اجازتات حسب ضوابطہ پورے کی جانے کے بعد قانونی طور پر بطور "PST" منجانب مقتصدہ ڈیپارٹمنٹ/ اتھارٹی بھرتی و تعینات ہوئی۔ مدعا علیہم کے مدعیہ بی قانونی و حسب ضوابطہ بھرتی و تعیناتی بطور "PST" کو غیر قانونی خلاف ضوابطہ گردانا اس ضمن میں مدعیہ کے خلاف -
- "Show Cause" نوٹس جاری کرنا یکطرفہ اور جانبدارانہ اظہارِ رائے

attached  
copy

گروانا اور ان کی بنیاد پر مدعیہ کو بلا جواز غیر قانونی، خلاف ضوابط کی طرف سے  
 و جانبدارانہ و غیر مجازانہ طور پر ملازمت سے ہر طرفہ کرنے کے آرڈر جاری  
 کرنا سب سے پہلے خلاف قانون، خلاف ضوابط و قواعد عقلیہ، جانبدارانہ  
 غیر منصفانہ، غیر مجازانہ میوزے کی بنیاد پر حقوق مدعیہ پر کالعدم ہے۔

ب

ڈوکیٹ نمبر 1000000000 ڈگری حکم امتناعی (وائی و

ٹاکیڈی جی مدعیہ و بر خلاف عدالت عالیہ کہ وہ ناکہ بنا دے "Show Cause"  
 نوٹس، انٹرو آئری غیر منصفانہ، جانبدارانہ و خلاف قانون و  
 ضوابط کو بنیاد بناتے ہوئے مدعیہ کی جبری و امتناعی قانونی  
 کے برعکس مدعیہ کو ملازمت سے ہر طرفہ کرنے / Suspense  
 کرنے، مدعیہ کو اپنی ڈیوٹی سے روکنے، تنخواہ روکنے یا ضبط کرنے  
 یا کوئی بھی ایسا عمل یا قطع عمل کرنے جس سے حقوق مدعیہ متاثر ہوں  
 سے علی دوام باز و ممنوع رہیں۔ نیز تا عینکہ مقدمہ مدعیہ کو اپنے فریقوں  
 بطور "PST" بنایا گیا ہے "GSP" کی تشکیل ادا کرنے اور باقاعدگی سے  
 مدعیہ کی تنخواہ جاری کرتے رہنے کی ٹاکیڈ فرمائی جاوے۔

(مانیت بفرمن کورٹ میں اختیار مانتا)

جناب عالی!

دعویٰ مدعیہ ذیل ہے -

یہ کہ مدعیہ شاہدہ بی بی جمناؤں بانڈی گلو لساں نواب کھیل  
 و ضلع مانسہرہ کی پیدائشی و رہائشی ہے (فصل ثبوت بالثبوت ہے)

:-

attested  
 الیکٹرک

(2) :- یہ کہ مدعا علیہ ڈیپارٹمنٹ پر اکتوبری ونڈ سکینڈری ایجوکیشن KPK کی جانب سے سال 2011 کے 5 صیف میں خالی آسامیاں درحکمہ متعلقہ بذریعہ ایشیا راجہار مشینری لیس۔ جس میں مدعیہ جو کہ تمام شہ الاط و ضوابط پر پورا اترتی تھی حسب ضابطہ و دیاریت متعلقہ نشست کے لیے "Apply" کیا اور شہ الاط و ضروریات کے ضمن میں TEA سے ٹیٹ پاس کی۔ (نقل و شمار اشتہار، دو نمبر سلیب ذیلیہ TEA کی ٹیٹ لف میں) نیز سلیب ایف آئی آئی سٹریٹنٹ بھی جاری شدہ ہے۔

(3) :- یہ کہ جملہ ضروریات کو لف و کو ایفیلٹن پورا کیے جانے پر مدعیہ کی میٹرسٹ لسٹ نمبر 19 جنجانب محکمہ "EAS" ایجوکیشن KPK میں نام آیا جبکہ بعد حسب ضابطہ متعلقہ آسامیوں پر تعیناتی و تقرری عمل پھرتی ہو گیا تھا۔ اور مدعیہ کی نام جنرل نوٹیفیکشن 18/5/2012 میں موجود میٹرسٹ لسٹ میں ہونے کے، نہ آنے پر مدعیہ نے متعلقہ

اٹھارٹی کے سامنے درخواست اپیل گزار دی جو کہ مدعیہ کے حق میں ہو کر آرڈر صدرہ مورفہ 20/6/2012 جنجانب دفتر ایگزیکٹو ڈسٹرکٹ آفسیہ "EAS" ایجوکیشن خانیہ جاری ہوا (نقل نوٹیفیکشن، پاس و آرڈر جی لف میں) جو کہ تصدیق شدہ ہے۔

(4) :- یہ کہ متعلقہ پوسٹ پر بطور "PST" جب ضابطہ پھرتی ہونے کے بعد مدعیہ نے اگلے ہی روز مورفہ 20/6/2012 کو اپنی حافیہ بجھا "PS" گلی نمبر 19 ڈسٹرکٹ خانیہ تحصیل لوگی دی۔ (نقل حافیہ و پورٹ لف ہے)

(5) :- یہ کہ مدعیہ کی تقاضی پوسٹن کو نقل میں خالی نشست نہ ہونے کی وجہ سے مدعیہ نے ملکہ پوسٹن کو نقل میں خالی آسامی پر تعیناتی پر "Adjustment" کیا

attached  
sheet

کلیئر درخواست دی جی کہ بیرون آڈر نمبر 7/3/2014 از دفتر سب ڈویژن  
آفسیر (بیمیل) مائیکہ مدعیہ کے حق میں Addendum آڈر جاری ہوا  
جو کہ دعویٰ بڑا کے ساتھ لیا ہے۔

(6)۔ یہ کہ مدعیہ 21/6/2012 سے تا حال بطور "PST" محکمہ مدعا علیہ میں اپنے  
قرائن انجام دے رہی ہے۔ جس ضمن میں ڈیوٹی سرٹیفیکٹ از دفتر  
رینٹ ڈسٹرکٹ آفسیر (F) شہر گڑھ سہ محل لیا ہے۔

(7)۔ یہ کہ مدعیہ کا جملہ عمل "Process" درخواست ٹیٹ، انٹرویو  
میٹ لٹ، جہتی و عیناتی، "Addendum" بمطابق قانون و ضوابط

عمل میں لائے گئے اور کسی بھی مرحلہ میں کوئی غیر قانونی یا خلاف ضوابط  
کاروائی نہ ہوئی۔ اور مدعیہ از 21/6/2012 تا حال باقاعدگی سے اپنی  
ڈیوٹی سر انجام دے رہی ہے۔ اور خواہ جی مدعیہ جاری رہی ہے ثبوت لیا ہے۔

(8)۔ یہ کہ مدعا علیہ کا کی عیناتی میرٹیفکٹ ڈسٹرکٹ ایجوکیشن آفسیر (F)  
مائیکہ  
بھونے بہ مدعیہ کے خلاف، خلاف قانون، خلاف ضوابط

منفی بہ بدستھی و ذاتیات نام بنیاد انکوٹری عمل میں لائی گئی اور مدعیہ کو مذکورہ  
اخراجی کی جانب سے بلا جواز اور غیر جازانہ "SHOW CAUSE" نوٹس فورم

15/10/2014 جاری ہوا جس میں مدعیہ پر بے بنیاد الزامات لگائے گئے کہ وہ  
خلاف ضوابط منت پر کھڑی ہو گئی ہے اور ETEA ٹیٹ کو لفٹیشن کی حاملہ نہ ہے۔  
نیل "Show Cause" نوٹس لیا ہے۔

(9)۔ یہ کہ مدعیہ نے باضابطہ طور پر نام ضیاد اور جانبدارانہ نوٹس مذکورہ

مبارک پور فورم 15/10/2014 کر دیا اور اپنی جہتی و عیناتی کے متعلق حقائق

attached  
14/10/2014



پیش کیے تاہم متعلقہ اتھارٹی/مدعا علیہاء نے مذکورہ جواب "Reply" کو خاطر میں نہ لاتے ہوئے مدعیہ کے خلاف ایک جانبدارانہ انکوائری کی ترتیب دے کر ان سے اپنے میں آڈر بہ طرفی کو خلاف ضوابط قائم کروائی (نقل جواب نوٹس و آڈر/نوٹیفیکیشن بہ طرفی نمبر 3/3 نف ہے۔

(10) :- یہ کہ مدعا علیہاء نے مدعیہ سے غیر منصفانہ، جانبدارانہ معنی بہ مدعیہ و ذاتیات و مخالفت سیاسی/عقیدہ بازی سابقہ کی بنا پر بغیر کسی جان شہت وغیرہ خلاف ضوابط *Show Cause* نوٹس پیش کیا اور اپنے میں اقارب لوگوں پر مشتمل نام بنیاد انکوائری کمیٹی طیار کر کے اوپر بلاواقعہ عرضیٰ نزد مدعیہ بذات خود فرایم کیے مدعیہ کے خلاف "allegations" آڈر جاری کروایا۔

(11) :- یہ کہ مدعیہ کی خبری و تحقیاتی وجہ "Show Cause" بمطابق قانون و ضوابط ہوا اور مدعیہ کے یہ قانونی حقوق ہیں کہ وہ اپنی ملازمت جاری رکھے جبکہ کسی بھی دیگر شخص یا اتھارٹی بشمول مدعا علیہم کو یہ حق حاصل نہ ہے کہ وہ غیر جانبدارہ، غیر منصفانہ خلاف قواعد و ضوابط بنیاد الزامات لگا کر مدعیہ کو اس کی جائز و قانونی نوکری سے بہ طرفی کرے۔

(12) :- یہ کہ بمطابق قانون متعلقہ مدعیہ محکمانہ وکیل کی دادر کر رہی ہے

(13) :- یہ کہ دعویٰ اندر عیاد ہے اور عیادت آکھنور کو اختیار سماعت حاصل ہے اور کورٹ فیسی درست طور پر تسخیمی شدہ ہے اور عیادہ مدعا علیہم درست طور پر درج ہے۔

attested  
Date

(6)

33

پس استدعا ہے کہ دعویٰ عدلیہ صاحبہ عرفہت بحق عدلیہ  
و بہ خلاف عدلیہ علیہم عدلیہ عرفہ و فریب ڈگری فرمایا جائے۔

الحکم رقم 2015 - 03 - 16

شعبہ بی بی - ..... (عدلیہ)

نیز عدلیہ و کس خود

Adv.  
S. M. J.

Adv.  
S. M. J.

گبدالت صباب سنیہ رسول فتح صاحب عالمگیرہ

معدہ صباب: شایده بی بی نام ڈسٹرکٹ ایجوکیشن آفیسر (۴)

دعویٰ استقراریہ وغیرہ

بیان حلفی

حلفاً بیانی میوں کے مجلہ مراتب دعویٰ نیا تا حد علم  
و یقین میرے ذہن و دماغ میں اور کوئی امر علم الہ سے  
خفی نہ رکھا گیا ہے اور یہ سبوں قسم دعویٰ قبل از من کی  
ہے دیگر مجاز عدالت میں دائر شدہ و فیصلہ شدہ نہ ہے۔

المکرّم  
16 - 03 - 2018

شایده بی بی ..... عدلیہ

attested  
Dulaf

بدرستی و تکرار

شماره ..... ذی قعدة ۱۳۹۱ - ۱۶ - ۰۳ - ۰۱ - ۰۳

محمد  
Rafiq

در خصوص رسیدگی به شکایت آقایان ...

تاریخ ...

- (۱) ...
- (۲) ...
- (۳) ...
- (۴) ...

در خصوص رسیدگی به شکایت آقایان ...

تاریخ ...

در خصوص رسیدگی به شکایت آقایان ...

تاریخ ...

در خصوص رسیدگی به شکایت آقایان ...

تاریخ ...

در خصوص رسیدگی به شکایت آقایان ...

تاریخ ...

در خصوص رسیدگی به شکایت آقایان ...

تاریخ ...

در خصوص رسیدگی به شکایت آقایان ...

بدرستی و تکرار (۴)

شماره ...

کفالت جناب \_\_\_\_\_ نذر سول نچ صاحب مانسپہرہ

مقدمہ: شاید بی بی نیا ڈسٹرکٹ ایجوکیشن آفیسر (۲) وغیرہ

دعویٰ صوبہ ڈگری استقراریہ وغیرہ  
درخواست علم امتیازی بخاری و تالیفی  
بیان حلی

حلفاً بیان میوں کہ جملہ مراتب درخواست بالا تا حد علم و یقین میرے علی و درست ہیں اور کوئی امر عدالت سے مخفی و پوشیدہ نہ رکھا گیا ہے۔ نذر، بی بی نیا ڈسٹرکٹ ایجوکیشن آفیسر (۲) سے درخواست کسی دوسری عدالت میں زیر توجیر یا دائر شدہ نہ ہے۔

المرقوم: ۱۶ - ۰۳ - ۲۰۱۶  
شاید بی بی ... .. مدعہ

Handwritten signature or initials in the bottom right corner.

IN THE COURT OF LUBNA ZAMAN,  
SENIOR CIVIL JUDGE, MANSEHRA.

37

Suit No: \_\_\_\_\_ Year: \_\_\_\_\_

شاید بی بی حیدر

\_\_\_\_\_ Versus \_\_\_\_\_  
 دسر طوطی راجہ کمال احمد و سیدہ حرمیہ

ORDER - 01: -  
16.3.15

Suit instituted through counsel. Entrusted to the court of Civil Judge Mansehra for disposal in accordance with law. Plaintiff is directed to appear before the said court today.

(LUBNA ZAMAN)  
Senior Civil Judge,  
Mansehra.

دعویٰ نمبر ۱۶۳-۲۰۱۵  
 ۰۸-۲  
 16.3.15

FARHANA TABASSUM  
Civil Judge-VI  
Mansehra

کے ساتھ  
 جناب جج کی آغوش فیملی میں وقفہ ضرورت کے لئے  
 نوٹیفکیشن جیٹو رکنز کے سرٹیفیکٹ کے ساتھ جمع کی گئی ہے۔

Order No. 3  
16.03.2015

The learned counsel Siraj Hussain Advocate for plaintiff present and admits and verifies the contents of plaint and stay application. Both be entered in their relevant register. The learned counsel also argued the stay application for its issuance as ad-interim. The plaint is supported by affidavit, while the record annexed with it is further supporting the version of plaintiff, therefore notices/summons along with the copies of plaint and stay application be issued to respondent/defendant No. 2 through registered AD and remaining through ordinary means to the effect that till 07.4.15 be restrained from acting upon the impugned dismissal order and prohibiting the plaintiff to perform her duty or stopping her salary.

✓  
 Siraj Hussain  
 Advocate

Announced:  
16.03.2015

FARHANA TABASSUM

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

**NOTIFICATION.**

WHEREAS, Mst Shahida Bibi, PST at Government Girls Primary School Gali Numshera District Mansehra was dismissed from service by the DEO (Female) Mansehra vide Order No. 1936-45 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 Swan Mera, where one post was lying vacant. Her name was at Sr.No.3 on merit list of her U/C. Her Application Form was not found hence her name was not included in the working paper of the DSC minutes. Her appeal on which her appointment was made is also not found. She was appointed at GGPS Numshera through single/ individual order under ETEA R.No.1700039 vide a continuation order Endst: No.1110-19 dated 20/06/2012.
2. Appeal may be rejected with the remarks that she was appointed out of merit. No record was provided regarding her appointment on merit.

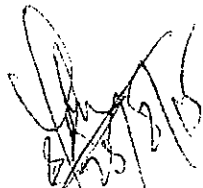
NOW, THEREFORE, in exercise of powers conferred upon the Director E&SE Khyber Pakhtunkhwa, Peshawar (appellant authority) under E&D Rules 2011 read with rules 17 (2) (a) and keeping the findings/recommendations of the committee into consideration, rejects the appeal of aforesaid sacked teacher for reinstatement, however her dismissal order issued by the DEO (F) Mansehra vide order No. 1936-45 dated 03/03/2015 is hereby converted into removal from service.

Director  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 4313-18 /F.No. 79 /Appeals Female MSR Dated Peshawar the 25 /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

*attested  
Jmy*

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

Shahida Bibi, D/O Abdul Rahim, R/O Village Bandi Gullu, Post Office Lassa  
Nawab, Thesil & District Mansehra.

*Appeal No. 744/15* ..... APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary  
Education, Peshawar and others.

..... RESPONDENTS

**SERVICE APPEAL**

**INDEX**

Sr.	Description	Page No.	Annexure
1	Appeal along with Affidavit	1 to 7	
2	Application for suspension of impugned order	8 to 9	
3	Copy of birth certificate, advertisement, roll number slip and result of ETEA test	10 to 13	A1 to A4
4	Copy of appointment letter and attendance report	14 to 16	B1 & B2
5	Copy of duty certificate, pay roll and adjustment order dated 07-03-14	17 to 19	C1 to C3
6	Copy show cause notice and the reply thereto	20 to 22	D1 & D2
7	Copy of the impugned order dated 03/03/2015.	23	E
8	Copy of departmental appeal and courier receipt	24 to 26	F1 & F2
9	Copy of Departmental letter # 5279/F No. 79(F) dated 30/03/2015	27	G
10	Copy of the civil suit along with application for grant of status quo & order	28 to 37	H
11	Wakalatnama	38	

..... Appellant

Through

SIRAJ HUSSAIN

Advocate High Court, Abbottabad

Dated: 03/07/2015





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal # 744 /2015

Shahida Bibi, D/O Abdul Rahim, R/O Village Bandi Gullu, Post Office Lassa Nawab, Thesil & District Mansehra.

APPELLANT Province

Service Tribunal

Diary No. 763

Dated 6-7-2015

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Peshawar.
2. Director Elementary & Secondary Education, Govt. of KPK, Peshawar.
3. District Education Officer (Female) Mansehra.
4. Sub Divisional Education Officer (Female) District Mansehra.
5. Assistant Sub Divisional Education Officer (Female) District Mansehra.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AS AMENDED UP TO DATE READ TOGETHER WITH OTHER RELEVANT SERVICE RULES & REGULATIONS AGAINST THE IMPUGNED ORDER DATED 03/03/2015 AS PASSED BY THE RESPONDENT # 3, WHEREBY THE APPELLANT WAS UNLAWFULLY DISMISSED FROM HER SERVICE AS PST.

~~6/7/15~~

~~6/7/15~~  
~~6/7/15~~

6/7/15

**PRAYER:** ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED DISMISSAL ORDER DATED 03/03/2015 VIDE ENDST. # 1936-45/AE, AND SHOW CAUSE NOTICE # 7925/AE-III F DATED 01/10/2014 AS ISSUED BY THE RESPONDENT # 3 BE SET-ASIDE , DECLARING THE SAME AS ILLEGAL, AGAINST THE RULES, AGAINST THE RIGHTS OF

APPELLANT , ONE SIDED, ARBITRARY, CUMBERSOME, WITHOUT  
LAWFUL AUTHORITY, VOID AB-INITIO AND THE APPELLANT BE  
REINSTATED/ ALLOW TO CONTINUE HER SERVICE AS PST WITH  
RELEASING ALL THE SALARIES AND BENEFITS SEIZED .

---

Respectfully Sir:

Brief facts leading to the instant appeal are as follows:

1. That the appellant Shahida Bibi d/o Abdul Raheem is resident of T&D Mansehra who duly applied for the post of PST advertised in newspaper and was placed in merit list after qualifying the ETEA test accordingly (photo copy of birth certificate, advertisement, roll number slip and result of ETEA test are attached herewith as annexure 'A1 to A4 respectively ).
2. That vide order dated 20-06-12 Endst:No. 1110-19/Estt:Apptt:PST//2011-12 from the office of Executive District Officer E&S EDU: Mansehra, appellant was appointed as a PST (F) against the vacant post of GGPS Galli Numshehra (copy of the said order/ appointment letter and attendance report are annexed herewith as annexure 'B1 & B2').
3. That with utmost honesty & devotedness, Appellant regularly served on the appointed post and kept receiving salary. Later on she was adjusted to GGPS Mahanjani (copy of the duty certificate, pay roll and adjustment order dated 07-03-14 attached herewith as annexure 'C1 to C3' respectively)
4. That on 01-10-14 for the first time the appellant was served with the so-called show cause notice by the DEO (F) Mansehra wherein baseless and against the facts allegations were leveled against her, which she completely denied through her written reply dated 16/10/2014 ( copy of show cause notice and the reply are appended herewith as annexure 'D1 & D2' ).
5. That proceeding prejudice against the appellant, the then DEO (F) Mansehra illegally and in abuse of authority, by arranging partial, one sided, illegal & against the rules inquiry committee got endorsed her biased illegal decision of her dismissal from service through notification Endst: No. 1936-45/AE dated 03/03/2015 (copy of the same is attached with this appeal as annexure 'E').

6. That feeling aggrieved from the impugned order of dismissal from service, the appellant at first instance, duly filed the departmental appeal before the respondent # 2 against the afore mention illegal order on 18/03/2015. (copy of departmental appeal and the registered courier receipt are attached as annexure 'F1 & F2').
7. That despite receiving the departmental appeal of the appellant, it has been put to cold storage instead of redressing the grievance of the appellant. (Copy of the letter # 5279/F No. 79(F) dated 30/03/2015 issued from the office of respondent # 2, establishing the receiving of dept. appeal of the appellant is attached as annexure 'G')
8. That it was in this scenario when the appellant filed a civil suit before the senior civil judge on 16/03/2015 titled as 'Shahida bibi vs DEO (F) Mansehra etc) seeking therein , declaration to the effect that the impugned dismissal order dated 03/03/2105 as ineffective upon the rights of the plaintiff/ appellant etc, which is pending as of this date before the Farman Ali, Civil Judge Mansehra. ( copy of the civil suit along with application for grant of status quo and interim order thereon, are attached herewith as annexure 'H')
9. That the appellant assails the impugned dismissal order dated 03/03/2015, inter alia amongst others on following grounds:-

**GROUND:**

- a) That the impugned order as passed by the respondents, are against the Law, illegal, arbitrary, against the constitution, against the settled rules & regulations, are one sided & lopsided, capricious, discriminatory and amount to abuse of authority, hence untenable.
- b) That the appellant has been condemned unheard as she is not been afforded fair opportunity to plead and defend her cause, rather the respondents have acted in a unilateral, cursory and haphazard manner to the detriment of the appellant.

- c) That due process for appointment was on the said posts was adopted whereby including appellant, numerous candidates were appointed and no illegality was committed or any unfair means were opted in the said recruitment process.
- d) That no loss to government exchequer has been caused as alleged in show cause notice as the appointment of appellant was according to law and relevant rules and the remuneration she received was in account of the services rendered by her as a PST.
- e) That all the allegations leveled against the appellant hold no ground which reflects discriminatory & unjust action against her.
- f) That the very law under which the appellant being illegally charged, does not attract in her case as the alleged grounds are not the subject of "KPK Government Servants (Efficiency & Discipline) Rules 1973.
- g) That the entire process of so-called show cause notice and inquiry is against the law and procedure as
- no charge sheet or statement of allegation is given to the appellant
  - no right of personal hearing and applied rights according to law are given to appellant
  - no final show case notice has served to the appellant
  - entire proceedings of inquiry is fake, partial, unfair and against the law & procedure
  - according to the concerned law, the officer who announced penalty against the appellant, can't impose a major penalty like

dismissal from service rather he/she shall has to forward the case to higher authority as per the law in reference

▪ etc.

h). That the respondent has failed to discharge their responsibility as they have relegated the departmental appeal of the appellant to the cold storage without any tangible proceedings thereon in sheer violation of the rules and regulations.

10. That the instant appeal is well within the time and the honorable tribunal has got exclusive jurisdiction to adjudicate the subject matter.

11. That further grounds would be agitated at the time of arguments with the prior permission from the bench.

It is therefore humbly prayed that on acceptance of the instant appeal, the impugned dismissal order dated 03/03/2015 vide endst. # 1936-45/AE, and show cause notice # 7925/AE-III (F) dated 01/10/2014 as issued by the respondent #.3 be set-aside , declaring the same as illegal, against the rules, against the rights of appellant , one sided, arbitrary, cumbersome, without lawful authority, void ab-initio and the appellant be reinstated/ allow to continue her service as PST with releasing all the seized salaries and benefits throughout.

Shaida Bibi..... Appellant

Through

SIRAJ HUSSAIN

Advocate High Court, Abbottabad.

Dated: 03/07/2015

## Verification

Verified that the contents of the foregoing appeal are true and correct to the best of my knowledge & believe and nothing material has been suppressed therein from this honorable tribunal.

Shaida Bibi..... Appellant

Shahida - Bibi

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Shahida Bibi, D/O Abdul Rahim, R/O Village Bandi Gullu, Post Office Lassa  
Nawab, Thesil & District Mansehra.

..... APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary  
Education, Peshawar and others.

..... RESPONDENTS

SERVICE APPEAL

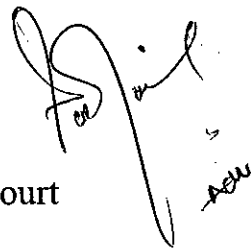
AFFIDAVIT

I, Mst. Shahida Bibi, D/O Abdul Rahim, R/O Village Bandi Gullu, Post Office  
Lassa Nawab, Thesil & District Mansehra, PST (F) , do hereby affirm and declare  
that the contents of the of the foregoing appeal are true and correct to the best of  
my knowledge & believe and nothing material has been suppressed therein from  
this honorable tribunal.

Identified by

Siraj Hussain

Advocate High Court



Deponent

Shahida-Bibi

**ATTESTED**



06/07/15

RECEIVED





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Shahida Bibi, D/O Abdul Rahim, R/O Village Bandi Gullu, Post Office Lassa  
Nawab, Thesil & District Mansehra.

..... APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Peshawar.
2. Director Elementary & Secondary Education, Govt. of KPK, Peshawar.
3. District Education Officer (Female) Mansehra.
4. Sub Divisional Education Officer (Female) District Mansehra.
5. Assistant Sub Divisional Education Officer (Female) District Mansehra.

..... RESPONDENTS

SERVICE APPEAL

**APPLICATIONS** FOR SUSPENSION OF OPERATION OF IMPUGNED  
DISMISSAL ORDER DATED 03/03/2015 VIDE ENDST. # 1936-45/AE, AS  
PASSED BY THE RESPONDENT # 3, AND THE APPELLANT BE ALLOW  
TO CONTINUE HER SERVICE AS PST (F) AT CURRENT PLACE WITH  
FURTHER DIRECTION TO THE RESPONDENTS TO RELEAS THE  
SALARY OF THE APPELLANT TILL THE DISPOSAL OF TITLED APPEAL.

---

Respectfully Sir:

1. That the titled appeal is being filed before this honorable tribunal, the contents of this application may please be read as integral part of the same.
2. That the appellant has brought a good prima facie, arguable case who also carries balance of convenience in his favor.

3. That if the operation of impugned order is not suspended and the appellant is not allowed to continue her service as PST, with regular release of her pay, she would suffer irreparable loss and the purpose of filing accompanying appeal would be defeated.

It is therefore humbly prayed that on acceptance of instant application, operation of impugned dismissal order dated 03/03/2015 as passed by the respondent # 3 may kindly be suspended, and the appellant be allow to continue her service as PST (F) at current place with further direction to the respondents to release the salary of the appellant till the disposal of titled appeal.

*Shahida-Bibi*

Shaيدا Bibi..... Appellant

Through

SIRAJ HUSSAIN

Dated: 03/07/2015

Advocate High Court, Abbottabad

### AFFIDAVIT

I, Mst. Shahida Bibi, D/O Abdul Rahim, R/O Village Bandi Gullu, Post Office Lassa Nawab, Thesil & District Mansehra, PST (F) , do hereby affirm and declare that the contents of the of the foregoing application are true and correct to the best of my knowledge & believe and nothing material has been suppressed therein from this honorable tribunal.

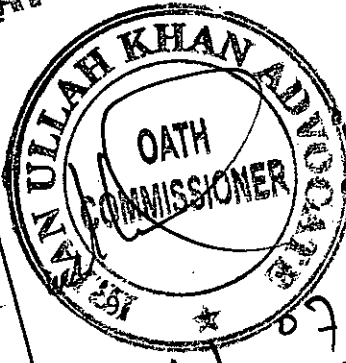
Identified by

Siraj Hussain

Advocate High Court

*Siraj Hussain*  
*06*

**ATTESTED**



Deponent  
*Shahida-Bibi*

2015



حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

10

پیدائش سرٹیفکیٹ

ANNEXURE

A-1

## BIRTH CERTIFICATE

CRMS No: B135046-12-0197

FORM No: P001286526

درخواست دہندہ کا نام: عبدالرحیم

رشتہ: بیٹی

1350341028454

درخواست دہندہ کا شناختی کارڈ نمبر:

پیدائش کا ضلع / تاریخ	مذہب	جنس	والدہ کا نام / شناختی کارڈ نمبر	والد کا نام / شناختی کارڈ نمبر	بچے کا نام
مانسہرہ 28-12-1989	اسلام	عورت	حنیفہ بیگم	عبدالرحیم 1350341028454	شاہدہ بی بی

APPLICANT's NAME: ABDUL RAHEEM

APPLICANT's CNIC NO: 1350341028454

RELATION: DAUGHTER

CHILD's NAME	FATHER's NAME / NIC NO	MOTHER's NAME / NIC NO	GENDER	RELIGION	DISTRICT AND DATE OF BIRTH
SHAHIDA BIBI	ABDUL RAHEEM 1350341028454	HANEEFA BUGUM	FEMALE	ISLAM	MANSEHRA 28-12-1989

GRAND FATHER's NAME: MIR SAFA

GRAND FATHER's CNIC NO:

دادا کا نام: میر صفا

دادا کا شناختی کارڈ نمبر:

 لیٹ اندراج: نارٹل اندراج:

تاریخ اندراج: 30-6-2012

پتہ: گاؤں بانڈی گلو، ڈاکخانہ لسان نواب، تحصیل مانسہرہ، ضلع مانسہرہ

ADDRESS: VILLAGE: BANDI GULOO, POST OFFICE: LASSAN NAWAB,  
TEHSIL: MANSEHRA, DISTRICT: MANSEHRA

دستخط:

تاریخ اجراء: 30-6-2012

Attested by  
Siraj Advi





**ANNEXURE**

A-3

**ROLL NUMBER SLIP**  
(TO BE FILLED IN BY THE OFFICE)

DISTRICT CODE 0 1 7

238 ROLL NO 39



TYPE OF TEST APPLIED FOR:  
(TICK RELEVANT BOX)

TAT-1  
PST/CT/DM/PET

TAT-2  
AT/TT/QARI

(TO BE FILLED IN BY THE OFFICE)

1. NAME (CAPITAL LETTERS) SHAHIDA - BIBI

2. FATHER'S NAME (CAPITAL LETTERS) ABDUL RAHEEM

3. DOMICILE (DISTRICT) MANSEHRA

Signature Issuing Authority/Stamp

**PLEASE BRING TO THE TEST CENTER**

- 1) COMPUTERIZED NATIONAL IDENTITY CARD (ORIGINAL)
- 2) THIS ROLL NO. SLIP
- 3) A CLIP BOARD
- 4) BLACK THIN MARKER (DOLLAR SKETCH LINE)

Date	_____
Time	_____
Venue	_____

**PLEASE BE AT THE CENTER 45 MINUTES AHEAD OF TIME**

Calculators, Calculator Watches, Mobiles Phones or any electronic Devices are not Allowed

Attested  
by  
Sajid Adv

P. 9-1  
TAT-1 FEMALE MANSEHRA RESULT 2011

Roll No : 39  
Student Name : SHAHIDA BIBI  
Father Name : ABDUL RAHEEM  
Marks Obtained : 148  
Percentage : 49.33  
Subject  
Domicile : Manshra

[View more results](#)

ANNEXURE

A - 4

13

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر مانسہرہ

جناب عالی!

آدبا عرض خدمت ہے کہ اخبار میں دیئے گئے اشتہار کے مطابق میں نے مورخہ ۲۲ جون ۲۰۱۱ء کو اپنا ٹیسٹ پاس کر لیا ہے۔  
میرے تمام کاغذات دفتر بڈا میں جمع ہیں۔ برائے مہربانی مجھے بھرتی کر کے خدمت کا موقع دیں۔

شکریہ

العارض

شاہدہ بی بی ولد عبدالرحیم  
گاؤں بانڈی گلو، پونین کونسل سادون سیرا اہلساں نواب  
ضلع تحصیل مانسہرہ  
Shahida Bibi

Attested  
by  
Giraj Ali



# ANNEXURE

B-1

14

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

### ORDER

In continuation of this office endst No. 5360-5384 /Estt: (F)Apptt:PET(F)/2011-12 Dated Mansehra the 18<sup>th</sup> May, 2012 and on the acceptance of the appeal by the competent authority Mr. Shahida Bibi D/O Abdul Rahim R/O Sawan Maira is hereby appointed as a Primary School Teacher **PST (Female)** against the vacant post at GGPS Gali Numshera 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

### TERMS & CONDITIONS:

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

Attested  
by  
Siraj Adw

9. His/her services can be terminated at any time in case his/her performance is found unsatisfactory; he/she will be proceeded against under the removal from service under E&D Rules 2011.
10. He/she should produce Age & Health Certificate from the MS DHQ Hospital Mansehra.
11. He/she may not be handed over the charge if his/her age is above 35 years and below 18 years.
12. The Candidates who are working as regular before 1<sup>st</sup> July 2001 in pervious post, his/her entitled for pension / gratuity etc.
13. No. TA/DA etc is allowed.
14. Charge report should be submitted to all concerned in duplicate.

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

Endst: No. 1110-19 /Estt: Apptt:PST//2011-12 Dated Mansehra the 20/6/2012  
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.
- 6-7. Deputy District Officer (Female&Male) E&SE Mansehra.
8. PA to District Coordination Officer, Mansehra.
9. Budget & Accounts Officer, local office, Mansehra.
10. Candidates concerned.



EXECUTIVE DISTRICT OFFICER  
E&S EDU: MANSEHRA

Attested  
by  
S. Raj



ANNEXURE

B-2

LA4

حاضر ماریورٹ

آج 21/6/2012 کو شام 5 بجے لی بی دخترہ علیہ السلام

پست 2011-12  
11/0-19/ESH-APPNTC  
20-6-2012 حوالہ

ایگزیکٹو ڈسٹرکٹ آفیسر ایجوکیشن ایئر ڈیپارٹمنٹ

ایجوکیشن مائسٹر سے ہوا گورنمنٹ پرائمری سکول

سکول گلی علیہ السلام میں خالی پوسٹ پر حاضر کر دی ہے

Naseem Bano

21/6/2012

**HEAD TEACHER**  
G.G.P.S (gali) Namshera  
Distt: Manshra Teh Oghi

Attested  
by  
S. J. Adu

DUTY CERTIFICATE

ANNEXURE

C-1

17

It is certified that Mst: Shaida Bibi PST was appointed and posted at Govt: Girls Primary School Gali Namshera. Has worked their w.e.f 22/6/2012 according to my entire satisfaction and I have no objection if her salary has been paid to her.

~~Assistant Officer (F)~~  
~~8/17/2012~~

ASSISTANT DISTRICT OFFICER  
(F) CIRCLE SHERGARH

attested  
by  
Siry Adh

18

ANNEXURE  
C-2

Magroll Section . 001 section 1  
 000 : MA7044 Ch D U (P) Prg Udu Mansehra 1,200.00  
 1300 Medical Allowance 1,000.00  
 1968 Incentive Allowance 653.00  
 1971 Adhoc Allowance 2011 2,177.00  
 1973 Adhoc Allowance 2011 1,500.00  
 2118 Adhoc Relief Allow ( 1,200.00  
 2148 15% Adhoc Relief All 800.00  
 2174 Adhoc Relief Allow-2 200.00

3604 Group Insurance 115.00-  
 3990 Emp. Edu. Fund KPK 100.00-

PAYMENTS 20,792.00  
 Branch Code: 231372 Sub CO. 1

DEDUCTIONS 1,568.00-  
 National Bank of Pakistan GAO NO. 1

NET PAY  
MANSEHRA

19,224.00 01.12.2014 31.12.2014  
 Acct.No: 3241-0

00694519 SHARIFA BIBI	Prev Amt	Pers No	No	Design	AMOUNT	Grade	Buckle No.	Gazetted/Non-Gazetted	REPAID	BALANCE
PAYMENTS	20,792.00			DESIG: PRIMARY SCHOOL TEACH(07004018)		Grade: 12 NTN: LGAN/FUND	694569	REPAID		18,560.00
0001 Basic Pay	8,000.00									
1000 Home Rent Allowance	1,306.00									
1210 Convey Allowance 20	2,856.00									
1300 Medical Allowance	1,200.00									
1968 Incentive Allowance	1,000.00									
1971 Adhoc Allowance 2011	653.00									
1973 Adhoc Allowance 2011	2,177.00									
2118 Adhoc Relief Allow (	1,600.00									
2148 15% Adhoc Relief All	1,200.00									
2174 Adhoc Relief Allow-2	800.00									
PAYMENTS	20,792.00									
Branch Code: 231353										
LASAN MAHAR										
DEDUCTIONS	1,568.00-									
National Bank of Pakistan										
LASAN MAHAR										
NET PAY										
MANSEHRA										
19,224.00										
01.12.2014										
31.12.2014										
Acct.No: 942-1										

00694560 FAZZAN ANWAR	Prev Amt	Pers No	No	Design	AMOUNT	Grade	Buckle No.	Gazetted/Non-Gazetted	REPAID	BALANCE
PAYMENTS	5,250.00			DESIG: CHAWKIDAR (03000357)		Grade: 01 NTN: LGAN/FUND	694560	REPAID		4,452.00
0001 Basic Pay	891.00									
1000 Home Rent Allowance	1,785.00									
1210 Convey Allowance 20	1,200.00									
1300 Medical Allowance	100.00									
1516 Dress/ Uniform Allow	100.00									
1567 Washing Allowance	445.00									
1971 Adhoc Allowance 2011	1,485.00									
1973 Adhoc Allowance 2011	787.00									
2148 15% Adhoc Relief All	525.00									
2174 Adhoc Relief Allow-2										
PAYMENTS	12,568.00									
Branch Code: 231797										
SHIRKIARI										
DEDUCTIONS	393.00-									
National Bank of Pakistan										
SHIRKIARI										
NET PAY										
MANSEHRA										
12,175.00										
01.12.2014										
31.12.2014										
Acct.No: 2829-4										

00694606 HUEARAT BIBI	Prev Amt	Pers No	No	Design	AMOUNT	Grade	Buckle No.	Gazetted/Non-Gazetted	REPAID	BALANCE
PAYMENTS	7,500.00			DESIG: PRIMARY SCHOOL TEACH(03004018)		Grade: 12 NTN: LGAN/FUND	694606	REPAID		17,400.00
0001 Basic Pay	1,306.00									
1000 Home Rent Allowance	2,856.00									
1210 Convey Allowance 20	1,200.00									
1300 Medical Allowance	1,000.00									
1968 Incentive Allowance	653.00									
1971 Adhoc Allowance 2011	2,177.00									
1973 Adhoc Allowance 2011	1,500.00									
2118 Adhoc Relief Allow (	1,125.00									
2148 15% Adhoc Relief All										
PAYMENTS										
Branch Code: 231797										
SHIRKIARI										
DEDUCTIONS										
National Bank of Pakistan										
SHIRKIARI										
NET PAY										
MANSEHRA										
17,400.00										
01.12.2014										
31.12.2014										
Acct.No: 2829-4										

attested by  
 Shoyyab Adh

ANNEXURE  
C-3

113/19

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER(F)MANSEHRA

ADJUSTMENT ORDER.

As approved by the competent authority the following PST BPS.12 are hereby ordered on their own pay and grade in the interest of public service with immediate effect.

S.No.	Name & Desig.	From	To	Remarks
1	Nazima Bibi PST BPS.12	GGPS Mahanjani	GGPS Sinjli	Against V.Post
2	Shahida PST BPS.12	GGPS Nimshahra	Gali Mahanjani	V.No.1


Note:

1. Charge report should be submitted to all concerned.
2. No TA/DA is allowed.

Sd/  
DISTRICT EDUCATION OFFICER  
(FEMALE)MANSEHRA

Enst.No. 253-57, Adjustment PK-57/II dated 7-3 /2014.  
Copy to the:

1. District Accounts Officer Manshira.
2. ASDI-O(F) Circle concerned.
3. Head Teacher concerned.
4. Teacher concerned.

  
SUB DIVISIONAL EDUCATION OFFICER  
(FEMALE)MANSEHRA

attended  
by  
Sirij Ali.

OFFICE OF THE DISTRICT EDUCATION OFFICER ( FEMALE ) MANSEHRA.

20

No. 7925/AE-II (D)

Dated 01/01 /2014

SHOW CAUSE NOTICE

**ANNEXURE**

D-1

I, Naghmana Sardar, District Education Officer (Female) Mansehra as Competent Authority under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011, do hereby serve you Mst. Shahida Bibi, PTC GGPS Gali Namshera, Mansehra as follows:

1. You were illegally appointed as PTC at GCPS Gali Namshera, vide defunct Executive District Education Officer (E&SE) Mansehra Endst: No. 1110-19 /Apt./PST/F/ dated 20.6.2012, whereas you was stranger for recruitment process initiated through CATA you never appeared in selection process as a candidates for said post through EATA | your name did not fall in the merit list prepared for the selection of candidates. Acceptance of your appeal and subsequently your appointment order was the result of misuse of authority by the then EDO according to his sweet will and wishes against the recruitment rules, as per inquiry report received through Government of Khyber Pakhtunkhwa, elementary and Secondary Education Department Letter No. 50(5/M)E&SED/4-17/2013 Umar Khan EDO BS-19 dated 25.8.2014. More over the then EDO (E&SE) removed from Government Service in connection with all such bogus appointment including you made by him.

2. Going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee:-

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

- Misconduct and dishonesty in getting bogus/faked appointment without due process of recruitment.
- Inflicted huge financial losses to the Govt. Treasury receiving pay and result of bogus appointment.
- By snatching established rights of the deserving candidates due for appointment on merit. Cheating / cancelling the facts for unlawful appointment with collusion of then EDO.

- 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.
- You are, hereby, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- 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 defense to put in and in that case an ex-parte action shall be taken against you.
- A copy of relative page of the finding of the inquiry committee is enclosed

Mst. Shahida Bibi, PST  
GGPS Gali Namshera.

COMPETENT AUTHORITY

**District Education Officer**  
**(Female) Mansehra**

attested  
by  
Sry Adv

REPLY TO SHOW CAUSE NOTICEREFERENCE TO SHOW CAUSE NOTICE  
NO.7925/AE-III(F) DATED: 01.10.2014 ISSUED BY  
DE(FEMALE) TEHSIL AND DISTRICT  
MANSEHRA.

In concern with aforementioned show cause notice received by me on 11.10.2014, I am thereby submitting following reply.

1. That, I have passed the ETA Test conducted on 22<sup>nd</sup> june, 2011.(Copy of Roll No Slip and Result slip is annexed)
2. That, due process for appointment of PST Teachers were adopted and numerous teachers were appointed including me, as a result of aforementioned process.
3. That, no illegality has been committed by anyone in the appointment process.
4. That, in the show case notice name of one EDO has been stressed upon. It is note worthy that I am not at all concerned with as to who was EDO by the time of my appointment. However, I can affirm that all the appointments including me were followed under due process of law and by the designated officers of the Government.
5. It is also note worthy that EDO by that time was neither my relative nor I had any other connections with him.

attested  
by  
Singh Adv

- 6. That, after taking my charge I have been conducting my duties as per law and orders of the department, as a result I have been paid accordingly. Hence, I have not caused any loss to the exchequer.
- 7. That, my appointment was as per merit and was not bogus.
- 8. It has been more then two years that I am rendering my services to the department, service book was issued to me accordingly, it is now a belated stage to send show cause notice for challenging my appointment.
- 9. I thereby totally deny the allegations leveled against me vide show cause notice dated 01.10.2014 and request to stop any proceedings or inquiry against my appointment.

Dated:16.10.2014

*Shahida Bibi*  
 Mst. Shahida Bibi  
 PST GGPS Manjani Bala

attested  
 by  
*Siraj Adv*



23

OFFICE OF THE DISTRICT EDUCATION OFFICER, (FEMALE) MANSEHRA

NOTIFICATION

**ANNEXURE**

'E'

- 1:- Where as Mst: Shahida Bibi D/O Abdur Raheem working as PSI GGHS/GGMS/GGP Gadi Namshera 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 Pakhtunkhwa 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. Shahida Bibi D/O Abdur Raheem CT/PET/TT PSI GGHS/GGM, GGPS Gadi Namshera.

*[Handwritten Signature]*

DISTRICT EDUCATION OFFICER  
FEMALE MANSAEHRA.

Endst: No. 1936-45 /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.

*[Handwritten Signature]*

DISTRICT EDUCATION OFFICER  
FEMALE MANSAEHRA.

attested  
by  
Siraj Adv.



Secretary Elementary and Secondary Education Department,  
KPK Peshawar

**Departmental Appeal**

**ANNEXURE**  
F - 1

Against the notification of Dismissal from service dated 03/03/2015 vide endst. No. 1936-45/AE, and show cause notice dated 01/10/2014 (7925/AE-III F) issues by DEO (F) Mansehra.

1. That I, Shahida Bibi d/o Abdul Raheem resident of T&D Mansehra duly applied for the post of PST advertised in newspaper and was placed in merit list after qualifying the ETEA test accordingly (photo copy of advertisement, roll number slip and result of ETEA test are attached herewith).
2. That vide order dated 20-06-12 Endst:No. 1110-19/Estt:Apptt:PST//2011-12 from the office of Executive District Officer E&S EDU: Mansehra, I was appointed as a PST (F) against the vacant post of GGPS Galli Numshehra (copy of the said order/ appointment letter and attendance report are annexed herewith).
3. That with my utmost honesty & devotedness, I regularly served on the appointed post and kept receiving salary. Later on I was adjusted to GGPS Mahanjani (copy of the duty certificate, pay roll and adjustment order dated 07-03-14 attached herewith)
4. That on 01-10-14 for the first time I was served with the so-called show cause notice by the DEO (F) Mansehra wherein baseless and against the facts allegations were leveled against me, which I completely denied through my written reply dated 16/10/2014 (copy of show cause notice and the reply are attached herewith).
5. That proceeding prejudice against me, the DEO (F) Mansehra illegally and in abuse of authority, by arranging partial, one sided, illegal & against the rules inquiry committee got endorsed her biased illegal decision of my dismissal from service through notification Endst: No. 1936-45/AE dated 03/03/2015 (copy of the same is attached with this appeal).
6. That the said order and show cause notice are illegal, against the rules and liable to be set aside on following grounds:

attested by  
Siraj Adv

GROUNDS:

- I. That due process for appointment was on the said posts was adopted whereby including me, numerous candidates were appointed and no illegality was committed or any unfair means were opted in the said recruitment process.
- II. That no loss to government exchequer has been caused as alleged in show cause notice as my appointment was according to law and relevant rules and the remuneration I am receiving is in account of the services rendered by me as a PST.
- III. That all the allegations leveled against me hold no ground which reflects discriminatory & unjust action against me.
- IV. That the vary law under which I am being illegally charged, does not attract in my case as the alleged grounds are not the subject of "KPK Government Servants (Efficiency & Discipline) Rules 1973.
- V. That the entire process of so-called show cause notice and inquiry is against the law and procedure as
  - no charge sheet or statement of allegation is given to me
  - no right of personal hearing and applied rights according to law are given to me
  - no final show case notice has served to me
  - entire proceedings of inquiry is fake, partial, unfair and against the law & procedure
  - according to law, the officer who announced penalty against me, can't impose a major penalty like dismissal from service rather he/she shall have to forward the case to higher authority as per the law in reference
  - etc.

It is therefore humbly prayed that the so-called inquiry report & dismissal order dated 03/03/2015 may graciously be set aside and I should be allowed to continue my lawful service in education department.

Dated: 18/03/2015

*Self*  
Shahida Bibi

PST GGPS Manjani Bala  
Mansehra.

<sup>2</sup>  
attested by  
Siraj Adu

26

ANNEXURE

F-2



SHIPPER'S ACCOUNT NO.  
REFERENCE / JOB

ORIGIN  
KHI

SALES TAX INVOICE  
5062063490

GST NO. 12-00-8808-002-73  
DESTINATION: PEW  
PIECES: 1  
WEIGHT: 0.5 kgs

FROM (SHIPPER)  
Shahida Bibi  
Ministry of Education  
National Council of Educational Research and Training  
TELEPHONE / FAX NO. 0336 9815441

TO (CONSIGNEE)  
Director Elementary Education  
S.C. Staff College  
R.P.K. Peshawar  
TELEPHONE / FAX NO.

SERVICE TYPE REQUIRES  
 OVER NIGHT  HOLIDAY  FAX  
 SAME DAY  2ND DAY  8PX

MODE OF PAYMENT  
 CASH  ACCOUNT  OTHER  
 COUPON  FLYER

THIS IS A NON-NEGOTIABLE CONSIGNMENT NOTE SUBJECT TO THE TERMS AND CONDITIONS SET FORTH ON THE REVERSE OF SHIPPER'S COPY. IN TENDERING THIS SHIPMENT, SHIPPER AGREES THAT TCS SHALL NOT BE LIABLE FOR SPECIAL INCIDENT OF CONSEQUENTIAL DAMAGES ARISING FROM THE CARRIAGE THEREOF. TCS DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED WITH RESPECT TO THIS SHIPMENT. THE LIABILITY OF TCS FOR ANY LOSS OR DAMAGE SHALL BE LIMITED TO RS. 100/- per kg. ADDITIONAL INSURANCE COVERAGE IS AVAILABLE UPON SHIPPER'S REQUEST AND PAYMENT OF ANY PREMIUM THEREOF.

I warrant that I have read the terms and conditions on the reverse of this consignment note and that all details given herein are true and correct. I further declare that the contents of the consignment do not contain any letter. The execution of this consignment note is prima facie evidence of the conclusion of contract between shippers & TCS (PVT) LTD.

SHIPPER'S SIGNATURE

DO YOU REQUIRE INSURANCE? YES  NO   
DESCRIPTION OF SHIPMENT

INSURANCE COVERAGE  
DECLARED VALUE

PICKED UP BY TCS  
COURIER CODE  
DATE 20/3/11  
TIME

RECEIVED IN GOOD ORDER AND CONDITION  
RECEIVER'S SIGNATURE  
RECEIVER'S NAME  
DATE TIME

SERVICE CHARGES	
WEIGHT	
HANDLING	
OTHER	
GST	
INSURANCE PREMIUM	
<b>TOTAL</b>	1500

AS PER P.O. ACT 1898, TCS WILL NOT CARRY LETTERS / POSTCARDS.

SHIPPER'S COPY

Any suggestion/complaint about service should be mailed to Post Box 2042, Karachi-75406

attached  
by  
Giraj Adw

To: The District Education Officer,  
(Female) Mansehra

Subject: DEPARTMENTAL APPEAL

## ANNEXURE

I am directed to refer to the subject cited above and to state that the following teachers of your district have submitted departmental appeal for re-instatement in service.

I am further directed to ask you to submit the factual position/comments/views within 7 days to this office for further process.

1. Sammiya Rahim Qaria GGHS Oghi ✓
2. Nadia Rehman PST GGPS Melokra Oghi ✓
3. Allya Bibi Qaria GGHS Sangar ✓
4. Madeeha Bibi Qaria GGHS Afzalabad ✓
5. Nuheeda Ashraf PST GGPS Chani Shamori G. Habibullah ✓
6. Tabassum Nazir Qaria GGHS Moorat Maira ✓
7. Robi Sarfaraz PST GGPS Jabba Khan Zaman ✓
8. Sahiba PST GGPS Jahha Khan Zaman ✓
9. Sahibzadi Azma Rabbani PST GGPS Tanda ✓
10. Saba Noor Qaria GGHS Baffa ✓
11. Rifar Bibi PST GGPS Noriala ✓
12. Saba Tariq PST GGPS Dahar Katha ✓
13. Bibi Mehvish PST GGPS Phulra ✓
14. Asma Noreen PST GGPS Kothri ✓
15. Aldia Yaqoob AT GGMS Sokul ✓
16. Rashida Bibi PST GGPS Chapra Bala Battal ✓
17. Munazza Qaria GGHS Murad Pur ✓
18. Saeeda Haidar PST GGPS Ghakkar ✓
19. Ayasha Kurwal Qaria GGHS Maira Anjid Ali ✓
20. Salma Javeed PST GGPS Pagora ✓
21. Ayasha PST GGPS Shanaya ✓
22. Asma Abdul Malik PST GGPS Dokani ✓
23. Asma Zeh DM GGHS Kawai ✓
24. Rashida AT GGMS Bajna ✓
25. Tayyaba Bibi AT GGMS Barar Kot ✓
26. Bibi Farah PST GGPS Gojor Gali ✓
27. Nosheen Bibi PST GGPS Beer Bat ✓
28. Tahir Rehman PET GGHS Tringri Bala ✓
29. Fatima Bibi Qaria GGHS Doga ✓
30. Robeena Naz Jilani AT Kaghan ✓
31. Aisha Bano Qaria GGMS (Girls) Mansehra ✓
32. Kulsoom Bibi AT GGHS Moorat Maira ✓
33. Rani Gul PST GGPS Monjani ✓
34. Gul Naz Bibi PST Chuntri ✓
35. Munaza Daud Fiaz PST GGPS Binsian ✓
36. Rashida Zeh DM GGMS Kamal Bar ✓
37. Madiha Yaqoob AT GGMS Kamal Bar ✓
38. Bibi Syeda Maryum Qaria GGHS Pairan ✓
39. Madiha Bibi Qaria GGHS Afzal Abad ✓
40. Syeda Saima Bibi Qaria GGHS Danda Kholin ✓
41. Bibi Sajida PST GGPS Karmang Puyeen ✓
42. Aisha Zamir PST GGPS Maswal ✓
43. Shaisia Jabeen PST Chandni ✓
44. Shazia Afzal Qaria GGHS Jahhari ✓
45. Shahida Bibi PST GGPS Manjani Bala ✓
46. Uzama Sarfaraz PST GGPS Badal Gusan ✓
47. Rani Gul PST GGPS Lami Battan ✓

2396/4<sup>10</sup>

*[Signature]*  
20/13

Deputy District Officer

attested by  
Siraj Adv.

ANNEXURE

کمیلت جناب سنیٹر سول جج صاحب مانسیرہ

بمقدمہ... شاہدہ بی بی دختر عبدالرحیم سکنہ گاؤں بانڈی گلو ڈاکخانہ کسان  
نواب تحصیل و ضلع مانسیرہ ----- (مدعیہ)

بنام

- (1) ڈسٹرکٹ ایجوکیشن آفسیئر (بیمیل) جکڑالی ضلع مانسیرہ
  - (2) سیکرٹری ایجوکیشن اینڈ سکول ڈپارٹمنٹ، جیٹنہ تختونخواہ آفس  
واقع سیکرٹریٹ بلڈنگ کپتاور۔
  - (3) ڈسٹرکٹ ایجوکیشن آفسیئر مانسیرہ، جکڑالی ضلع مانسیرہ
  - (4) پرنسپل / ہیڈ ماسٹرس گورنمنٹ پرائمری سکول گلی نمبر ۱۰ مانسیرہ۔
  - (5) ایگزیکٹو ڈسٹرکٹ آفسیئر "FSS" ایجوکیشن مانسیرہ
- الف :- دعویٰ ضروری استقامت بدین قرار داد  
کہ مدعیہ بطور "PST" مقام "GPS" گلی نمبر ۱۰ مانسیرہ  
اپنی ملازمت کے فرائض انجام دے رہی ہے جو کہ تمام شرائط  
و ضوابط، فروریات، لوازمات حسب ضوابطہ یورے کے جانے  
کے بعد قانونی طور پر بطور "PST" مخالف تعلیقہ ڈیپارٹمنٹ/  
اتحادی لہجے و تعینات ہوئی۔ مدعا علیہم کہ مدعیہ بی  
قانونی و حسب ضوابطہ لہجے و تعیناتی بطور "PST" کو غیر قانونی  
خلاف ضوابط گردانا اس ضمن میں مدعیہ کے خلاف -  
"Show Cause" نوٹس جاری کرنا یکطرفہ اور جانبدارانہ اظہارِ رائے

attested  
by  
Sriy Adv.

کروانا اور ان کی بنیاد پر مدعیہ کو بلا حوالہ غیر قانونی، خلاف ضوابط مقررہ  
 و جائیدادانہ وغیرہ مجازانہ طور پر ملازمت سے ہر طرف کرنے کے آرڈر جاری  
 کرنا سب سے بڑھ کر خلاف قانون، خلاف ضوابط و قواعد عقلمندہ، جائیدادانہ  
 غیر منصفانہ، غیر مجازانہ میونسپلٹی کے بنیاد پر حقوق مدعیہ پر مبالغہ کر رہے ہیں۔

ب

دعویٰ بھرا صدور ڈگری حکم امتناعی و  
 تائیدی بحق مدعیہ و بہ خلاف مدعا علیہم کہ وہ نام نہاد "Show Cause"  
 نوٹس، ڈیکلاریشن غیر منصفانہ، جائیدادانہ و خلاف قانون و  
 ضوابط کو بنیاد بنا کر میونسپلٹی کے مدعیہ کی بھرتی و تعیناتی قانونی  
 کے برعکس مدعیہ کو ملازمت سے ہر طرف کرنے / *Suspend*  
 کرنے، مدعیہ کو اپنی ڈیوٹی سے روکنے، تنخواہ روکنے یا ضبط کرنے  
 یا کوئی بھی ایسا عمل یا قطع عمل کرنے جس سے حقوق مدعیہ متاثر ہوں  
 سے علی دوام باز و ممنوع رہیں۔ نیز تا مدعیہ مدعیہ کو اپنے فریقین  
 بطور "PST" بنام "GSP" کی فیس ادا کرنے اور باقاعدگی سے  
 مدعیہ کی تنخواہ جاری کرتے رہنے کی تائید فرمائی جائے۔  
 (عالمیت بھرتی کورٹ میں و اختیار مہافت)

جناب عالی!

دعویٰ مدعیہ ذیل ہے۔

یہ کہ مدعیہ شاہدہ بی بی گاؤں بانڈی گلوا لساں ذاب کھیل

و ضلع مانسہرہ کی پیدائشی و رہائشی ہے (نقل ثبوت برائگی ہے)

attached  
 by  
 Siry Adv.

(2) :- یہ کہ عدالت نے ڈیپازٹ پر اٹھری وینڈس کے بارے میں ایجوکیشن KPK کی جانب سے سال 2011 کے 5 سب سے خالی آسامیاں درج ذیل کے متعلقہ بذریعہ اشتیاد اعداد مشترکہ ہیں۔ جس میں عدالت نے تمام شرائط و ضوابط پر پورا اترتی تھی حسب ضابطہ و لیاقت متعلقہ نشست کے لیے "Apply"

کیا اور شرائط و ضروریات کے ضمن میں ETEA ٹیسٹ پاس کی۔ (نقل اعداد اشتیاد، رولز رولڈ و نتیجہ ETEA ٹیسٹ لف ہیں) نیز ایجوکیشن آف ایج سٹیفیکیشن بھی جاری شدہ ہے۔ یہ کہ جملہ ضروریات کو آف و لو ایفیلینس پورا کیے جانے پر عدالت نے سیرٹ لیٹ جبرہ بجانب حکمہ "EAS" ایجوکیشن KPK میں نام آیا جس کے بعد حسب ضابطہ متعلقہ آسامیوں پر تعیناتی و تقرری عمل

بھرتی کا عمل ہوا۔ اور عدالت نے نام جنرل نوٹیفکیشن 18/5/2012 میں موجود سیرٹ لیٹ میں یونٹ کے، نہ آئے ہیں عدالت نے متعلقہ اٹھارہ کے سامنے درخواست اپیل کواری جو کہ عدالت نے حق میں ہر وقت آرڈر صدرہ مورفہ 20/6/2012 بجانب دفتر ایگزیکٹو ڈسٹرکٹ آفیسر "EAS" ایجوکیشن خالصہ جاری ہوا (نقل نوٹیفکیشن، اپیل و آرڈر جبری لف ہیں) جو کہ تصدیق شدہ ہے۔ یہ کہ متعلقہ یونٹ پر بطور "PST" حسب ضابطہ جبری یونٹ کے بعد درجہ بن

(4) اگلے ہی روز مورفہ 20/6/2012 کو اپنی حاضری بقا GAPS کی فیسٹرہ ڈسٹرکٹ خالصہ تحصیل اوگی دی۔ (نقل حاضری رپورٹ لف ہے) (5) :- یہ کہ عدالت نے تقاضی یونٹ کو نقل میں خالی نشست نہ ہونے کی وجہ سے عدالت نے حکمہ یونٹ کو نقل میں خالی آسامی پر تعیناتی پر "Adjustment"

attested by  
S. S. S.

کھلی درخواست دی جو کہ بروئے آڈر نمبر  $7/3/2014$  از دفتر سب ڈویژن  
آفسیئر (سینئر) خالصہ مدعیہ کے حق میں Adjudgment آڈر جاری ہوا  
جو کہ دعویٰ نیا کے ساتھ لیا ہے۔

(6)۔ یہ کہ مدعیہ  $21/6/2014$  سے تاحال بطور "PS" محکمہ مدعا علیہ میں اپنے  
قرائن انجام دے رہی ہے۔ جس ضمن میں ڈیوٹی سرٹیفکیٹ از دفتر  
سٹنٹ ڈسٹرکٹ آفسیئر (F) شہر گڑھ سہاگل لیا ہے۔

(7)۔ یہ کہ مدعیہ کا مجلہ عمل "Process" درخواست سٹپ، انٹرویو  
سیرٹ لٹ، جبری و تعیناتی، "Attachment" بمطابق قانون و ضوابط

عمل میں لائے گئے اور کسی بھی مرحلہ میں کوئی غیر قانونی یا خلاف ضوابط  
کارروائی نہ ہوئی۔ اور مدعیہ از  $6/2012$  تاحال باقاعدگی سے اپنی

ڈیوٹی سر انجام دے رہی ہے۔ اور خواہ مخواہ جی مدعیہ جاری رہی ہے ثبوت لیا ہے۔  
(8)۔ یہ کہ مدعا علیہ کا کی تعیناتی سیرٹیفڈ ڈسٹرکٹ ایجوکیشن آفسیئر (F)  
خالصہ مدعیہ کے خلاف، خلاف قانون، خلاف ضوابط

منفی برہدستی و ذاتیات نام بنیاد ڈیوٹری عمل میں لائی گئی اور مدعیہ کو مذکورہ  
الغباری کی جانب سے بلا جواز اور غیر جازانہ "How Cause" نوٹس فورف

$11/2014$  جاری ہوا جس میں مدعیہ پر بے بنیاد الزامات لگائے گئے کہ وہ  
خلاف ضوابط سٹپ جبری ہوئی ہے اور ETEA سٹپ کو لفٹیشن کی حاطہ نہ ہے۔  
نیل "How Cause" نوٹس لیا ہے۔

(9)۔ یہ کہ مدعیہ نے باضابطہ طور پر نام بنیاد اور جانبدارانہ نوٹس مذکورہ کی

مخالف عورث  $16/11/2014$  کو دیا اور اپنی جبری و تعیناتی کے متعلق حقائق  
attested by  
Siraj



پیش کیے تاہم متعلقہ اٹھارٹی/مدعا علیہا نے مذکورہ جواب "Dissatisfied" کو خاطر میں نہ لاتے ہوئے مدعیہ کے خلاف ایک جانبدارانہ انکوائری کی تہہ تیہ دیکھ کر ان سے اپنے ہی آڈر بہ طرفی کو خلاف ضوابط کا تاثر لکھوائی (نقل جواب ٹوئس و آڈر/نوٹیفیکیشن بہ طرفی نمبر 3/3/15 نف ہے۔

(۱۰)۔ یہ کہ مدعا علیہا نے مدعیہ سے غیر منصفانہ، جانبدارانہ معنی بہ مدعیہ و ذاتیات و مخالفت سیاسی/دعوتی مابین سالانہ کی بنا پر بغیر کسی جان شیٹ وغیرہ خلاف ضوابط "Show cause" ٹوئس اسٹو کیا اور اپنے ہی احادیث لوگوں پر مشتمل نام بنیاد انکوائری کیٹی طایر کر کے اور بلا وقت عثمانی نزد مدعیہ نہ ات خود فرامیہ کے مدعیہ کے خلاف "Dissatisfied" آڈر جاری کروایا۔

(۱۱)۔ یہ کہ مدعیہ کی کبری و عثمانی و جملہ "Process" مطابق قانون و ضوابط ہوا اور مدعیہ کے یہ قانونی حقوق ہیں کہ وہ اپنی ملازمت جاری رکھے جبکہ کسی بھی دیگر شخص پر اتھارٹی بشمول مدعا علیہا کو یہ حق حاصل نہ ہے کہ وہ غیر جانبدار، غیر منصفانہ خلاف قواعد و ضوابط بنیاد الزامات لگا کر مدعیہ کو اس کی جائز و قانونی نوکری سے بہ طرف کرے۔

(۱۲)۔ یہ کہ مطابق قانون متعلقہ مدعیہ حکمانہ و سبیل علی دائر کر رہی ہے

(۱۳)۔ یہ کہ دعویٰ اندر معیاد ہے اور عدالت آگھنور کو اختیار سماعت حاصل ہے اور کورٹ فیس درست طور پر مستحقین مقدمہ ہے اور یہ مدعا علیہا درست طور پر درج ہے۔

attested by

بِسْمِ اسْتِغْرَاعِ كَمْ دَعْوَى عَدِيمِ صَبِّ عِرَاقِ تَحْتِ عَدِيمِ  
وَبِرْخَلَفِ عَدْمِ عَلِيمِ مَعَهُ حَرْفِهِ وَفَرْعِهِ ذِكْرِي فِرْعَايَا جَابِلِكُمْ -

المرقوم 2015 - 03 - 16

شاید بی بی - ..... (عَدِيمِ)

بِزَوَالِهِ وَكَيْسِ فُؤَادِ

Adv.

attested by  
Sirej

گعدالت صواب سنیہ مول جمع صاحب عالمیہ

معدہ صبر: شادیہ بی بی نام ڈسٹرکٹ ایجوکیشن آفیسر (F)

دعویٰ استتقار میر وغیرہ

بیان حلفی

حلفاً بیانی بیوں کے مجلہ مراتب دعویٰ نیا تا حد علم  
و یقین میرے درمے و بیچ میں اور کوئی امر ظالم سے  
خفی نہ رکھا گیا ہے اور بیچوں قسم دعویٰ قبل ازین میں  
میں دیگر حجاز عدالت میں دائر شدہ و فیصلہ شدہ نہ ہے۔

المکرم  
16-03-2015  
شادیہ بی بی

attested by  
Siraj

کہالت جناب سنیئر سول جج صاحب مالک پورہ  
بجھدہ :- مشاہدہ بی بی بنام ڈسٹرکٹ ایجوکیشن آفیسر (F) وٹیرہ

دعویٰ عددور ڈگری استتہرارہ وٹیرہ

درخواست عبرا عددور حکیم اتساعی عارضی و تاکیدی  
بجھدہ عدیمہ و بر خلاف عدعا علیہم کہ وہ نا اہل "Show cause"  
ٹوٹس، انویٹری غیر مضمانہ، جانبدارانہ و خلاف قانون و اصول  
کو بنیاد بناتے ہوئے عدیمہ کی بھرتی و تعیناتی قانونی کے برعکس  
عدیمہ کو ملازمت سے بر طرف کرنے / لکھنؤ سے عدیمہ کرنے، عدیمہ  
کو اپنی ڈیوٹی سے روکنے، تنخواہ روکنے یا ضبط کرنے یا کوئی بھی  
ایسا عمل کرنے یا قطع عمل کرنے جس سے حقوق عدیمہ متاثر ہوں  
سے تعلق نہ ہو، باز و ملحوظ رہیں - نیز تا فیصلہ مقدمہ عدیمہ کو اپنے  
فرائض بطور "PST" بحکم "GOSP" کی بخشیدہ ادا کرنے  
اور باقاعدگی سے عدیمہ کی تنخواہ جاری کرتے رہنے کی تاکیدی فرمائشیں ہیں۔

جناب عالی!

درخواست ذیل ہے -

1. :- یہ کہ مقدمہ عنوان بالا امر روز عدالت آفینور میں دائر کیا جا رہا ہے دعویٰ عنوان کو درخواست نیز اجلازمی فریو تصور کیا جائے۔
  2. :- یہ کہ با دمی النظر عدیمہ کا دعویٰ مضبوط ہے جبکہ ڈگری سونے کے قوی افحانات ہیں نیز توازن سمیولت بھی عدیمہ موجود ہے۔
  3. :- یہ کہ بصورت عدم عددور حکیم اتساعی عدیمہ کو شدید نا قابل تلافی نقصان پہنچا رہا ہے۔
- لیکن استتہ عارضی کہ حکیم اتساعی تاکیدی و عارضی بجھدہ عدیمہ و بر خلاف

عدعا علیہم تا فیصلہ مقدمہ جاری فرمایا جا کہ -  
التعموم :- 2012 - 03 - 16  
مشاہدہ بی بی . . . . . عدیمہ

بذریعہ وکیل خود

attested by  
Siraj

کہ عادت عذاب سے نہ سزا دل میں نہ صاحب مانسپہرہ

مختصرہ: مشاہدہ بی بی نبی ڈسٹرکٹ ایجوکیشن آفیسر (F) وغیرہ

دعویٰ مسطورہ ڈگری استقراریہ وغیرہ

درخواست علم امتیازی بخارشی و تالیفی

بیان حلی

حلفاً بیانی میں کہ جلد مراتب درخواست بالا تا حد علم و یقین

میرے علم و درست چلی اور کوئی امر عدالت سے مخفی و پوشیدہ

نہ دکھایا ہے۔ نیز پچھوں قسم درخواست کسی دوسری عدالت  
میں زیر تجویز یا دائر شدہ نہ ہے۔

المحرر: 16-03-2015

مشاہدہ بی بی ... ..

attested  
by  
Sisay

IN THE COURT OF LUBNA ZAMAN,  
SENIOR CIVIL JUDGE, MANSEHRA.

37

Suit No: \_\_\_\_\_

Year: \_\_\_\_\_

حَدِيد

شاپرہ بی بی

\_\_\_\_\_ Versus \_\_\_\_\_  
حرمہ علیہ      امیر حسین

ORDER - 01: -

16.3.15

Suit instituted through counsel. Entrusted to the court of Civil Judge/Judge VI Mansehra for disposal in accordance with law. Plaintiff is directed to appear before the said court today.

(LUBNA ZAMAN)  
Senior Civil Judge,  
Mansehra.

MS. FARHANA TABASSUM  
CIVIL JUDGE-VI  
MANSEHRA

Order No. 3  
16.03.2015

The learned counsel Siraj Hussain Advocate for plaintiff present and admits and verifies the contents of plaint and stay application. Both be entered in their relevant register. The learned counsel also argued the stay application for its issuance as ad-interim. The plaint is supported by affidavit, while the record annexed with it is further supporting the version of plaintiff, therefore notices/summons along with the copies of plaint and stay application be issued to respondent/defendant No. 2 through registered AD and remaining through ordinary means to the effect that till 01.4.15 be restrained from acting upon the impugned dismissal order and prohibiting the plaintiff to perform her duty or stopping her salary.

Announced:  
16.03.2015

FARHANA TABASSUM

attested  
Siraj

DBA NO. 727  
 BC No. 11-1497  
 Name of Advocate سید گلشن بیگم

S.No. 8661



Hon'ble Clerk  
District Bar Association  
Abbottabad

### وکالت نامہ

بعدالت جناب سروس ٹری بیونل K.P.K سہاور  
 عنوان: مناظرہ خیالنا بنام حکومت K.P.K سہاور  
 منجانب: اپیلانٹ نوعیت مقدمہ سروس اپیل  
 باعث تحریر آنکھ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام سہاور / ایبٹ آباد کے لیے سراج حسین، بشیر خان ایڈووکیٹس ہائی کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے پیر و نجات از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا کی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔  
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔  
 مورخہ: 20/07/02 کی 02 دن 07 ماہ 02 سال

مناظرہ خیالی دفتر عدالت سراج حسین ایڈووکیٹس ہائی کورٹ۔  
 Shabida = Bibi.

Accepted by us  
 [Signature]

SERVICE APPEAL

Application seeking amendment in the titled appeal by incorporating the

decision of the departmental appeal as impugned order.

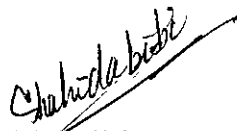
Respectfully sir,

The application is as under:


1. That the title appeal is pending before this tribunal, fixed today for the submission of the reply from respondent side.
2. That few days ago the appellant came that the departmental appeal filed by her dated 18/03/2015 has been rejected by the respondent No. 2.
3. That since the appellant has not been provided with the decision of departmental appeal in written form, she is neither awarded from the exact decision, nor with the date of the same.
4. That the respondents should be directed to supply the copies of the decision of the departmental appeal to this honorable tribunal and to the appellant.
5. That if in fact, the departmental appeal has been rejected by the respondent No. 2, the decision of the same may kindly be read as impugned order with the previously assailed order and the prayed relief in the titled appeal may also be amended to that extend.



It is therefore requested that the instant application may kindly be accepted as prayed for. Any other relief deem appropriate may also be granted in favor of the applicant.

  
Shaida Bibi..... Appellant

Through

  
SIRAJ HUSSAIN

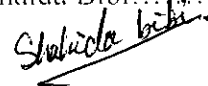
Dated: 21/01/2016

Advocate High Court, Abbottabad.

### Verification

Verified that the contents of the foregoing application are true and correct to the best of my knowledge & believe and nothing material has been suppressed therein from this honorable tribunal.

Shaida Bibi..... Appellant



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal # \_\_\_\_\_/2015

Shahida Bibi. Vs. Govt. of KPK through secretary E&S Education and others

SERVICE APPEAL

Application seeking amendment in the titled appeal by incorporating the  
decision of the departmental appeal as impugned order.

Respectfully sir,

The application is as under:

1. That the title appeal is pending before this tribunal, fixed today for the submission of the reply from respondent side.
2. That few days ago the appellant came that the departmental appeal filed by her dated 18/03/2015 has been rejected by the respondent No. 2.
3. That since the appellant has not been provided with the decision of departmental appeal in written form, she is neither awarded from the exact decision, nor with the date of the same.
4. That the respondents should be directed to supply the copies of the decision of the departmental appeal to this honorable tribunal and to the appellant.
5. That if in fact, the departmental appeal has been rejected by the respondent No. 2, the decision of the same may kindly be read as impugned order with the previously assailed order and the prayed relief in the titled appeal may also be amended to that extend.

It is therefore requested that the instant application may kindly be accepted as prayed for. Any other relief deem appropriate may also be granted in favor of the applicant.

*Shaida Bibi*  
Shaida Bibi..... Appellant

Through

*Siraj Hussain*  
SIRAJ HUSSAIN

Dated: 21/01/2016

Advocate High Court, Abbottabad.

Verification

Verified that the contents of the foregoing application are true and correct to the best of my knowledge & believe and nothing material has been suppressed therein from this honorable tribunal.

Shaida Bibi..... Appellant  
*Shaida Bibi*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

**Amended Appeal No.744 /2015**

Shahida Bibi.....APPELLANT.

VERSUS

1. Govt Khyber Pakhtunkhwa (KPK), through Secretary Education KPK  
Peshawar, and Others

.....RESPONDENTS

**WRITTEN REPLY ON BEHAF OF RESPONDENTS 1 to 5**

---

Respectfully Sheweth:

**PREIMINARY OBJECTIONS:**

1. That the appellant has got no cause of action/locus standi to file the instant appeal.
2. That the appeal is not maintainable in its present form and also the present circumstances of the issue.
3. That the appellant has not come to the court with cleans hands.
4. That the appellant is estopped by his own conduct to file the instant appeal.
5. That the appeal is groundless, and based on malafide and ~~ulter~~ *ulterior* motive.
6. That the appeal is based on false and malafide intention hence liable ~~able~~ to be dismissed.
7. That the respondents have not violated any law/policy/rules.
8. That the instant appeal is filed just to pressurize the respondents.
9. That the appellant has concealed the material facts from this honorable Tribunal.

10. That the appeal is badly time barred.

## FACTUAL OBJECTIONS

1. Para No 1 is relate to the Academic and Professional Qualification of the appellant hence no comments.

✓ 2. Para No. 2 is incorrect <sup>as stated</sup> That the appellant was not qualified candidate for appointment, whereas the appointment order of appellant illegal and against the recruitment rules and policy. Such type of illegal and irregular appointment the higher authority was conducted an inquiry against the appointing authority i.e. Mr. Umer Khan Kundi the then Executive District Officer (E&SE) Mansehra, whereupon the appointing authority was removed from service on the charge of illegal and irregular appointment Orders. According to the inquiry report and finding of the appellant authority i.e. Director E&SE Department Peshawar, wherein applicant belongs to UC Swan Mera, where one post of PST was lying vacant, her name was at serial No. 3 on merit list of her UC, her application Form was not found hence her name was not included in the working paper of the DSC minutes. Her appeal on which her appointment was made is also not found, She was appointed at GGPS Numshra through single/individual order under ETEA Roll No. 1700039 vide a continuation order Endst: 1110-19 dated 20-06-2012. No record of appeal is available in the office file, No DSC Minutes/working paper are available, the appointment order is illegal and against the recruitment rules/policy. (Copy of Inquiry report, and Order of rejection of appeal are annexed as Annexure A & B)

3. Para No.3 is incorrect, on the basis of illegal appointment, how appellant could served herself utmost honest and devotedness.

4. Para No.4 is incorrect, on the basis of inquiry report the appellant was served a show <sup>cause</sup> notice, and afterword appellant was dismissed from service.

2

5. Para No. 5 is incorrect, the dismissal order of appellant was issued on the basis of inquiry report initiated by Chief Minister, such order of removal from service was legal, in accordance with law and on the recommendation of inquiry report.

6. Para No.6 is correct to the extent that the appellant was filed an appeal before appellant authority i.e. Director E&SE Khyber Pakhtun Khawa Peshawar against the dismissal order, whereupon the Departmental authority has rejected the appeal, however the dismissal order was modified, wherein the dismissal order was converted into removal from service.

7. Para No. 7 is incorrect, detailed reply is given in above paras.

8. Para No. 8 pertains to judicial record needs proof.

9. Para is correct, reply is given in above paras.

10. Para No. 10 is incorrect, that the respondent department has further solid/genuine ground against the said appeal as under.

**GROUND:**

A. Para A is incorrect hence denied, the act of respondent is in accordance with rules and policy.

B. Para B is incorrect hence denied, that the removal from service order was issued after adopting all codal formalities as per E&D rules 2011.

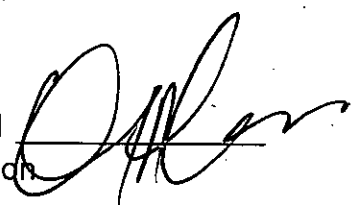
C. Para C is incorrect hence denied, the removal from service order was issued after fulfilled all procedure prevailing by the Government.


the removal from service order was issued after fulfillment of all procedure by the government.

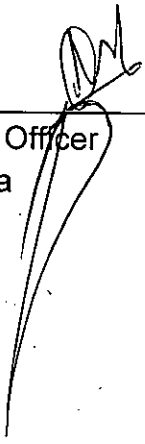
- D. Para D is incorrect hence denied, that the removal from service order was issued after adopting all codal formalities as per E & D rules 2011.
- E. Para E is incorrect hence denied.
- F. Para F is incorrect, that the removal from service order was issued after adopting all codal formalities as per E&D rules 2011.
- G. Para F is incorrect, the appointment order was issued by the then Executive District E&SE Mansehra, whereupon the inquiry was conducted and the order of appellant was declared illegal and against the recruitment policy, on the basis of said inquiry the appellant was removal from service after fulfilling all codal formalities.
- H. Para H is incorrect and denied.
- I. Para I is incorrect and denied, detail reply has already been given n above paras.
- 10. Para 10 is incorrect and denied, detail reply has already been given in above paras.
- 11. Para No. 11 is incorrect, that the respondent department has further solid/genuine ground against the said appeal as under.

**Prayer**

**It is therefore, humbly prayed that on acceptance of above para wise comments the appeal may graciously be dismissed with cost.**

Respondent No. 1   
 Secretary Education  
 Khbyer Pakhtunkhwa  
 Peshawar

Respondent No. 2   
 Director, E&SE  
 Khbyer Pakhtunkhwa  
 Peshawar

Respondent No.3   
 District Education Officer  
 Female, Mansehra

5

**AFFIDAVIT**

I, Mis. Shamalia, ADEO District Education officer(F) Manserha, do hereby solemnly affirm and declared that the contents of reply in the instant Appeal No 744/15 titled case Shaide Bibi 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.

  
RESPONDENT





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the February 27, 2014

6 8

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)

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)

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

ii. 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:**

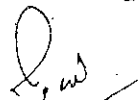
The enquiry was conducted in the office of Dy. DEO (Female) Mansehra.

- i. **PROCEEDINGS:**

The committee informed both the accused officers vide No. PS/SSA/Enquiry /2013 Dated 16/7/2013. 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 2 of 59

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)**.

Q. 

				S.No.5 of the merit list has been appointed where as the applicant was at S.No.3. It is astonishing that appeal was received on 13.07.2012, but the appointment order was issued on 31.05.2012 i.e 02 months earlier than appeal. <b>((Annex- LX, A,B, C &amp; D).</b>	9 (4)
Rani Gul D/O Dildar Tanoli	Merit list No. Nil	Endst:No.117 0-79; Estt:/Apptt:PS T/2011-12 dated 20.06.2012. Appointed at GGPS Monjahni in BPS-7	Her order was issued by the EDO E&SE Mansehra who has indicated that the Departmental Selection Committee has approved the appointment of the candidate but no such record was produced / available on the file. Her name is not traceable in the merit list and in the selection process <b>(Annex- LXI).</b>	The appointment order is illegal and against the recruitment rules/ policy.	
Shahida Bibi D/O Abdur Rahim r/o Sawan Maira	Nil	Endst:1110-19; Estt:/Apptt:PS T/2011-12 dated 20.06.2012. appointed at GGPS Gali Namshera in BPS-7	Her appointment was issued on the <b>acceptance of appeal</b> by EDO E&SE Mansehra. No record of appeal is available in the office file. No DPC Minutes / working papers are available. <b>(Annex- LXII).</b>	The appointment order is illegal and against the recruitment rules/ policy.	
Rubi Sarfraz D/O Sarfraz	UC Shoukat Abad	Endst: No.4713-23; Estt:/Apptt:PS T/2011-12 dated 26.07.2012. appointed at GGPS Single Kot in BPS-7	Her appointment order was issued on <b>acceptance of appeal</b> by Mr. Umer Khan Kundi EDO E&SE Mansehra. She was appointed at GGPS Singal Kot U.C Oghi. No post was vacant in her own U.C. her appointment in other Union Council is also invalid / against the recruitment rules and policy. The appointment order was issued without working papers or minutes or DSC. <b>(Annex- LXIII).</b>	The appointment order is illegal and against the recruitment rules/ policy.	
Uzma Sarfraz D/O Sarfraz R/O Ghanool	Nil	Endst:No.683 0-39 Estt:/Apptt:PS T/2011-12 dated 31.05.2012. appointed at GGPS Badal Gran in BPS-7	Her appointment order was issued on <b>acceptance of appeal</b> by Mr. Umer Khan Kundi EDO E&SE Mansehra. Her name was not available in the merit list or in EATEA Test. No working paper/DSC/Proper procedure was adopted to decide the	The appointment order is illegal and against the recruitment rules/ policy.	



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.

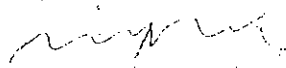
Subject: - ENQUIRY REGARDING APPOINTMENT/ GUIDANCE.

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:

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

11

15

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

**NOTIFICATION.**

WHEREAS, Mst Shahida Bibi, PST at Government Girls Primary School Gali Numshera District Mansehra was dismissed from service by the DEO (Female) Mansehra vide Order No. 1936-45 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 Swan Mera, where one post was lying vacant. Her name was at Sr.No.3 on merit list of her U/C. Her Application Form was not found hence her name was not included in the working paper of the DSC minutes. Her appeal on which her appointment was made is also not found. She was appointed at GGPS Numshera through single/ individual order under ETEA R.No.1700039 vide a continuation order Endst: No.1110-19 dated 20/06/2012.
2. Appeal may be rejected with the remarks that she was appointed out of merit. No record was provided regarding her appointment on merit.

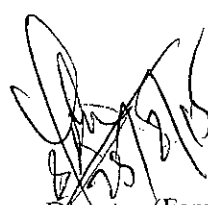
NOW, THEREFORE, in exercise of powers conferred upon the Director E&SE Khyber Pakhtunkhwa, Peshawar (appellant authority) under E&D Rules 2011 read with rules 17 (2) (a) and keeping the findings/recommendations of the committee into consideration, rejects the appeal of aforesaid sacked teacher for reinstatement, however her dismissal order issued by the DEO (F) Mansehra vide order No. 1936-45 dated 03/03/2015 is hereby converted into removal from service.

Director  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 4313-18 /F.No. 79 /Appeals Female MSR Dated Peshawar the 25 /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

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 162 /ST

Dated 24 / 1 / 2017


To

The D.E.O (Female)  
Government of Khyber Pakhtunkhwa,  
Manshera.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 17.01.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.