•	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
	2	, 3
-		BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
		Appeal No. 1444/2013
	`	Mst. Samreen Gul Versus District Education Officer (Female) E&SE, Bannu and 2 others.
		JUDGMENT
		MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-
	03.05.2017	Counsel for the appellant and Mr. Kabeerullah Khattak,
		Assistant Advocate General for respondents present.
		2. Mst. Samreen Gul W/O lnam Ullah hereinafter referred to as-
		the appellant has preferred the instant service appeal under Section 4
-		of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order
		dated 23.09.2013 vide which her representation dated 11.07.2013
	(1)	against office order dated 13.06.2013 was rejected constraining her to
0	5 · 1 /	prefer the instant service appeal on 22.10.2013.
		3. Brief facts giving rise to the present appeal are that the
		appellant was appointed as PTC vide order dated 23.04.2012. The

appellant on the strength of the said order assumed the charge. That

her services were suddenly terminated on 13.03.2013 on the ground

of fake/bogus SSC certificate where-against her representation dated

as well as Jearned Assit, A.G for the respondents and perused the

We have heard arguments of learned counsel for the appellant

11.07,2013 was also rejected on 23.09.2013.

record.

- 5. The services of the appellant were terminated without affording an apportunity of hearing to the appellant. No doubt that according to condition at S.No. 7 appointment order of the appellant could be withdrawn if the certificate of the appellant is found fake/bogus but such order could only be validly passed when apportunity of hearing is extended to the appellant as the appellant has every right to question and contest the report describing her certificate as take/bogus.
- 6. In view of the above we accept the present appeal and as a consequence thereof set uside the impugned orders referred to above and reinstate the appellant in service with the directions to the respondents to pass fresh order deem appropriate after affording an opportunity of hearing to her in accordance with law. The question of back benefits etc. shall be subject to the decision of the respondents. Parties are left to bear their own costs. File be consigned to the record room.

(Mthammad Azim Khan Afridi)

Ahmad Hassan) Member

<u>ANNOUNCED</u> 03,05,2017

13.12.2016

Counsel for the appellant, M/S Hameed-ur-Rehman, AD (lit.) and Noman-ud-Din, Superintendent alongwith Assistant AG for the respondents present. Representative of the respondents provided relevant record as per pervious order sheet. Learned counsel for the appellant seeks adjournment to goes though the record. Request accepted. To come up for arguments on  $2 \cdot 1$  before D.B.

**MEMBER** 

(MUHAMMAD AMIR NAZIR) MEMBER

03.02.2017

Counsel for appellant and Mr. Kabirullah Khattak, Assistant AG for respondents present. Requested for adjournment. Adjournment granted.

To come up for arguments on 28.02.2017 before D.B.

(ASHFAQUE TAJ) **MEMBER** 

(MUHAMMAD AAMIR NAZIR) MEMBER

27.02.201

Counsel for the appellant and Assistant AG for respondents Counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 03.05.2017 before D.B.

(AHMAD HASSAN) MEMBER

(MUHAMM AD AAMIR NAZIR) MEMER

17.03.2016

Counsel for the appellant and Assistant AG for respondents present. Since the court time is over, therefore, the case is adjourned to 31.05.2016 for arguments.

Member

Member

M**H**MBER

31.05.2016

19.10.2016

Counsel for the appellant and Mr. Usman Ghani Sr.GP for respondents present. Learned counsel for the appellant requested for adjournment. Adjourned for arguments to 19-16 before D.B.

19-

**MEMBER** 

. . .

of the same

Counsel for the appellant, M/S Hameed ur Rehman, AD (Litigation) and Noman ud din, Supdt. alongwith Assistant AG for respondents present. During the court of arguments, the point involved is whether SSC certificate of the appellant is fake or genuine was discussed. According to appellant she was a regular student and the question that the certificate might be fake does not arise by Contrarily it is the contention of the respondent-department that appointment letter of the appellant was withdrawn as she had provided fake SSC certificate. During the course of arguments and perusal of the record it was observed that the department vide letter No. 2663-66 dated 5.4.2012 had sent SSC certificate of the appellants to the Bannu Board for verification. According to the appellant the certificate so sent was a wrong certificate with mala-fide. In the stated situation, the respondent-department is directed to produce letter No. 2663-66 dated 5.4.2012 alongwith copy of the certificate of the appellant which was sent for verification. To come up for such record and arguments on 13.12.2016.

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(PIR BAKINSH SHAH)

(ABDUL LATIF) MEMBER **10**3.4.2015

Counsel for the appellant and Ashrafullah, ADO alongwith Addl. AG for the respondents present and requested for adjournment. On previous date, the case was adjourned on note reader, therefore, case is adjourned to 27.5.2015 for submission of written reply of the respondents. In case they failed to file written reply on the date fixed, no further opportunity will be given to them and they will be again placed ex-parte.

NEWSER!

MEMBER

27.05.2015

Counsel for the appellant, M/S Sherzali Khan, Assistant, Javed Ahmed, Supdt. and Khurshid Khan, SO alongwith Addl: A.G for respondents present. Comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 10.11.2015.

Chairman

10.11.2015

Counsel for the appellant and Asst: AG for respondents present. Rejoinder submitted on behalf of the appellant which is placed on file. To come up for arguments on  $\frac{17-2}{20}$ .

Member

Merriber

27.6.2014

Counsel for the appellant, M/S Waheedullah, Sr.PST on behalf of respondent No.1, Sajjad Rashid, A.D for respondent No.2 and Khurshid Khan, S.O for respondent No.3 with AAG present. Representatives of the respondents stated that written reply has been prepared but requires vetting and signatures of the concerned authorities. Another chance is given for written reply/commentations positively, on 27.8.2014.

27.8.2014

Counsel for the appellant, M/S Shah Kiaz, Establishment Clerk for respondent No. 1, Sajjad Rashid, A D for respondent No. 2 and Khurshid Khan, S O for respondent No. 3 with Mr. Muhammad Adeel Butt, Additional Advocate General present. Written reply has not been received despite another chance given for the purpose on the previous date, and representatives of the respondents as well as learned AAG requested for further time. The learned counsel for the appellant has got no objection provided written reply is filed on behalf of the respondents within a week. The respondents are, therefore, directed, by way of a last chance, to file written reply/comments within a week, positively, with a copy for the appellant/counsel for the appellant for rejoinder on 24.12.2014.

24.12.2014

Ms. Wajiha, Advocate on behalf of counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for Someon 10.04.2015.

Reader

Appeal plo. 1444/2013 Met Summeen Gul Counsel for the appellant present. Preliminary arguments

06.01.2014

heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. The impugned appellate order dated 23.09.2013 is a weak order and does not mentioned the SSC Roll number of the appellant, moreover the order of the appellant Board of Intermediate and Secondary Education, Bannu dated 09.04.2013 at S.No. 15 of the list carry a wrong number against the appellant. He further contended that no proper procedure remain the appellant who is taken over charge as PST on 26.04.2013 adopted. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 28.03.2014.

Annellant Deposited ity & Process Fee

06.01.2014

This case be put before the Final Bench

for further proceedings.

Chairman

. 1ember

28.3.2014

No one is present on behalf of the appellant. Mr. Khurshid Khan, SO for respondents with AAG present. Written reply has not been received. To come up for written reply/comments, positively, on 27.6.2014.

# Form- A FORM OF ORDER SHEET

Court of	···	
Case No	1444	/2013

•	Case No	1444 /2013
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28/10/2013	The appeal of Mst. Samreen Gul resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.
2	31-10-2	This case is entrusted to Primary Bench for preliminary hearing to be put up there on $6 - 1 - 2014$ .
		CHAIRMAN

The appeal of Mst. Samreen Gul Ex-PST, GGPS, Khan Suba Mita Khel Bannu received today i.e. on 22.10.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Law under which appeal is filed is not mentioned.
- 2- Appeal is not singed by the appellant which may be got signed.
- 3- Annexures of the appeal may be attested.
- 4- Copy of termination order dated 13.6.2013 mentioned in para-6 of the memo of appeal is not attached with the appeal.
- 5- Copy of rejection order of departmental appeal mentioned in para-7 of the memo of appeal is not attached with the appeal which may be placed on it.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1498 /S.T,
Dt. 23/10 /2013.

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

The appeal is filed when Section 4

The STACE, 1974. The same is signed by appeal to Annex;

and allerted. Copy of Termination & rejection and is plead on file. Five sets are secured.

Resubstitled H.

by

## BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 1444/2013

Mst: Samreen Gul

Versus

Secretary (E&SE) & others

#### INDEX

S.No	Documents	Annex	P.No.
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3.	Appointment Order, 23.04.2012	"B"	5-6
4.	BI&SE Letter No. 666, 09.04.2012	"C"_	7
4,	Charge Report, 26.04.2012	"D"	8
5.	Register of Attendance, April 2012 to May 2013	"E"	9-19
6.	Termination Order, 13.06.2013	"F"	20
7.	Representation, 11.07.2013	"G"	21-22
8.	Rejection Order, 23.09.2013	"H"	23-24

Through

Dated. 22.10.2013

Appellant
- Market

Saad Ullah Khan Marwat

Advocate.

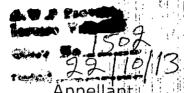
21-A Nasir Mension, Shoba Bazar, Peshawar.

Ph: 😽 0300-5872676

#### **BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 1444 /2013

Mst: Samreen Gul W/O Inam Ullah R/O Naseem Gul Basit Khel, Bannu, Ex-PST, GGPS, Khan Suba Mita Khel, Bannu. . . . .



#### Versus

- District Education Officer, (Female) E&SE, Bannu.
- Director Of Education, E&SE,KPK, Peshawar.
- 3. Secretary, E&SE, KPK, Peshawar . . . . . . . . . . . . Respondents

  ⇔<=>⇔<=>⇔<=>⇔

APPEAL AGAINST OFFICE ORDER NO. DATED, 23-09-2013 OF R. NO. 1 WHEREBY REPRESENTATION DATED, 11-07-2013, AGAINST OFFICE ORDER NO. 2677-78, DATED 13-06-2013 WAS REJECTED.

⇔<=>⇔<=>⇔<=>⇔

#### Respectfully Sheweth;

- 1. That appellant has in her credit the educational qualification of SSC passed in the year, 2004/Annual under Roll No. 22176 by obtaining 517 marks out of 850 and was placed in Grade B, representing very good. Attested copy of the certificate as annex "A"
- Female for appointment as such and after taking test and interview, appellant was appointed as PST Female on the recommendation of Departmental Promotion Committee. The name of appellant was placed at Serial No. 13 of the appointment order, issued on 23-04-2012. Copy as annex "B"

3. That on 05-04-2012, letter No. 2665-66 has been dispatched from the office of R. NO. 1 to Assistant Secretary Board of Intermediate and Secondary Education, Bannu for verification of the SSC Certificate of appellant who termed the same as bogus vide letter No. 666 dated 09-04-2012. Copy as annex "C"

Here it is pertinent to point out that the Roll No. of appellant given as 50219 was entered incorrect in letter dated 05-04-2012 as appellant has never taken the said examination under the aforesaid Roll No. but has taken the said examination under Roll No. 22176, serial No. 01175.

- 4. That on 26-04-2012, appellant assumed the charge of the said post at GGPS, khan suba, mita Khel, Bannu. Copy as annex "D"
- 5. That since April 2012 till May 2013 appellant used to attend the said school daily and mark herself present in the Register of Attendance. Copies as annex "E"
- 6. That services of appellant were terminated on 13-06-2013 by R. No. 1 on the ground of SSC Certificate as fake / bogus but such allegation is totally false and absolutely incorrect as details have been given above and appellant still admit the same as genuine. Copy as annex "F"
- 7. That on 11-07-13, appellant submitted representation for reinstatement in service with all back benefits which was rejected by R. No. 1 on 23-09-2013. Copies annex as "G&H"

Hence this appeal, inter alia, on the following grounds:-

#### GROUNDS:

- a. That the particulars given in the SSC Certificate are quiet correct and appellant stands at the same. If needed, the Honorable Tribunal can verify the same from the Board concerned. The particular given in letter dated 09-04-2012 are quiet incorrect.
- b. That to adjust relative, such drama was staged by the authority and the genuine Certificate of SSC of appellant was termed fake/bogus for ulterior motive.

- c. That admittedly, appellant was appointed as such after adhering to the prescribe law.
- d. That before terminating appellant from service, neither any notice was served upon her nor any enquiry was conducted in to the allegation leveled against her.
- e. That the impugned order is not per the mandate of law, so the same is not only based on malafide, personal greed but is also ab-initio void.

It is, therefore, most humbly prayed that on acceptance of the appeal, the impugned office order 23-09-2013 or 13-06-2013 be set aside and appellant be reinstated in service with all back benefits, with such relief as may be deemed proper and just in circumstances of the case.

Through

&

Dated.22.10.2013

Appellant

Saad Ullah Khan Marwat

Sambeen G.

Arbab Saiful Kamal

Miss Rubina Naz, Advocates.

#### <u> SÉFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND SECY: EDU: BANNU</u>

#### APPOINTMENT ORDER

In compliance with the Honorable Peshawar High Court D.L.Khan Bench Judgment dated 14-4-2011 and judgment of the August Supreme Court of Pakistan in C.P. No.837 and after vacation of stay from the Hon: Court of Civil Judge No.3 Bannu dated 23-4-2012 and on the recommendation of the DPC/DSC Committee in the meeting field on 14-4-2012, the undersigned is pleased to appoint the following PST Female candidates out of Union Council/District Open Merit and other Quotas on Regular Basis but without Pension and Gratuity in BPS-07 plus usual allowances as admissible under the existing Rules / Policy in the schools noted against their names with effect from their date of taking over charge in the best interest of public service subject to the Terms/Conditions given below:-

#### DISTRICT OPEN MERIT APPOINTMENT ORDERS

	•			
.No Name	Father Name	ADDRESS	Place of Posting	Remarks
Zahida Aftab	Aftab Ali shah	Shabaz Shah Sheikha	GGPS Rehmat Abad	Agaist V/Post
Shakeela Bibi	Mohammad Sidiq	Hinjal Noorbaz	GGPS Bannu City No.1	-do-
Nadia Bibi	Zarwali Khan	Jangi Daud shah	GGPS Delasa Daud Shah	-do-
Nabila Taranum	Qader Khan	Sokari Zabta Khan	GGPS Sokari Jabar	-do-
Fatima Khan	Mohammad Yasin	Amir Zaman Ghoriwala	GGPS Ghoriwala Khas	-do-
Nosheen Mir	Mir Akhtar	Zaker Khel Ibrahim Gul	GGPS Kotka Babo Jan	-do-
Sheeba	Sherdil Khan	Zaker Khel Ibrahim Gul	GGPS Bazid Jan Kila	·dn-
Wahida	Zafer Ali Shah	Gul Ahmad Shah	GGPS Garhi Sher Ahmad	-do-
Ambreen Akhtar	Akhtar Zaman	H.No.207/D Moh:Milad Park Bannu city	GGPS Bannu City No.4	-do-
Farhana Ana Sher	Sher Bahader Khan	Kotka Shaji Dakhli Basia Khel	GGPS Dharma Khel	-dı)-
Sonia Shah	Mohammad Gul Shah	Kakki Khas	GGPS Haved Molvi Anwar Shah	-uo-
Fatima Bibi	Mir Salam	H.No.248/B Moh:Rabnawaz	GGCMS Pir Khoban Shah	-do-
Samon Gul	Mohammad Rashid	Nasimgul Baist Khel	GGPS Khansooba milha	-do-
Yasmin Akhtar	Badshah Khan	Sokari Hasan Khel	GGPS Hakim Khan Sedan Khel Mond Khel	-do-
Anis Sher	Sher Andaz	Amir Zaman Ghoriwala	GGPS Mardi Khel	-dc :
Fozia Jabeen	Asmatullah shah	Nar Goraka Delasa Shah	GGPS Nar, Majid Niazi Delawar	-do-
Shahida Mir	Mir payio Jan	Chowk Dakas	GGPS Kotka Juma Khan	-do-
Shomaila Latif	Sirlatif Khan	Sokan Zabta Khan	GGCMS Nusrat Norani	-do-
Azra Khan	Nasrullah Jan	Kakki	GGPS Shah Daraz Bharat	-do-
Almas Bibi	Sherdil Khan	Zaker Khel Ibrahim Gul	GGPS Kotka Feroz Shafqat	-do
Alia Begum	Khair Mohammad Khan	Abad Khel Surani	GGPS Mandoori Mathiullah Shah	de-
Fozia Farid	Mohammad Farid	Madmir Kakki		Chi) · · · · · · ·
Asma Bibi	Feroz Shah	Sharif Shah Sheikhan	GGPS Shabaz Azmat Kilel	C C'
Zubaida Begum	Mir Sahib Shah	Piran Daud Shah	GGPS Shah Alam Daud	do.
Sarwat Yasmin	Mohammad Gul	H:No.562/D Moh:Munian Bannu	GGPS Doctor Nordaraz	fe-
	Zahida Aftab  Shakeela Bibi  Nadia Bibi  Nabila Taranum  Fatima Khan  Nosheen Mir  Sheeba  Wahida  Ambreen Akhtar  Farhana Ana Sher  Sonia Shah  Fatima Bibi  Samrin Gul  Yasmin Akhtar  Anis Sher  Fozia Jabeen  Shahida Mir  Shomaila Latif  Azra Khan  Almas Bibi  Alia Begum  Fozia Farid  Asma Bibi  Zubaida Begum	Zahida Aftab Aftab Ali shah Shakeela Bibi Mohammad Sidiq Nadia Bibi Zarwali Khan Nabila Taranum Qader Khan Fatima Khan Mohammad Yasin Nosheen Mir Mir Akhtar Sheeba Sherdil Khan Wahida Zafer Ali Shah Ambreen Akhtar Akhtar Zaman Farhana Ana Sher Bahader Khan Sonia Shah Mohammad Gul Shah Fatima Bibi Mir Salam Samrin Gul Mohammad Rashid Yasmin Akhtar Badshah Khan Anis Sher Sher Andaz Fozia Jabeen Asmatullah shah Shahida Mir Mir payio Jan Shomaila Latif Sirlatif Khan Azra Khan Nasrullah Jan Almas Bibi Sherdil Khan Alia Begum Khair Mohammad Khan Fozia Farid Mohammad Farid Asma Bibi Feroz Shah Zubaida Begum Mir Sahib Shah	Zahida Aftab Aftab Ali shah Shabaz Shah Sheikha Shakeela Bibi Mohammad Sidiq Hinjal Noorbaz  Nadia Bibi Zarwali Khan Jangi Daud shah Nabila Toranum Qader Khan Sokari Zabta Khan Fatima Khan Mohammad Yasin Amir Zaman Ghoriwala Nosheen Mir Mir Akhtar Zaker Khel Ibrahim Gul Sheeba Sherdil Khan Zaker Khel Ibrahim Gul Wahida Zafer Ali Shah Gul Ahmad Shah Ambreen Akhtar Akhtar Zaman Ph.No.207/D Moh.Milad Park Barinu city Farhana Ana Sher Bahader Khan Kotka Shaji Dakhii Basia Khel Sonia Shah Mohammad Gul Kakki Khas Fatima Bibi Mir Salam H.No.248/B Moh.Rabnawaz Samrin Gul Mohammad Rashid Nasimgul Baist Khel Yasmin Akhtar Badshah Khan Sokari Hasan Khel Anis Sher Sher Andaz Amir Zaman Ghoriwala Fozia Jabeen Asmatullah shah Nar Goraka Delasa Shahl Shahida Mir Mir payio Jan Chowk Dakas Shomalla Latif Sirlatif Khan Sokari Zabta Khan Azra Khan Nasrullah Jan Kakki Alia Begum Khair Mohammad Farid Madmir Kakki Asma Bibi Feroz Shah Sharif Shah Sheikhan Zubaida Begum Mir Sahib Shah Piran Daud Shah  Zubaida Begum Mir Sahib Shah Piran Daud Shah  Zubaida Begum Mir Sahib Shah Piran Daud Shah	Zahida Aflab Aflab Ali shah Shabaz Shah Sheikha GGPS Rehmat Abad Shakeela Bibi Mohammad Sidiq Hinjal Noorbaz GGPS Bannu City No.1  Nadia Bibi Zarwali Khan Jangi Daud shah GGPS Oelasa Daud Shah Nabila Taranum Qader Khan Sokari Zabta Khan GGPS Sokari Jabar Fatima Khan Mohammad Yasin Amir Zarpan Ghoriwala Khas GGPS Ghoriwala Khas Sheen Mir Mir Akhtar Zaker Khel Ibrahim Gul GGPS Kotka Babo Jan Sheela Shah Shah Gul Ahmad Shah GGPS Bazid Jan Kilia Wahida Zafer Ali Shah Gul Ahmad Shah GGPS Bazid Jan Kilia Wahida Zafer Ali Shah Gul Ahmad Shah GGPS Bazid Jan Kilia GGPS Banu City No.4 Park Barinu.city GGPS Banu City No.4 Park Barinu.city GGPS Banu City No.4 Park Barinu.city GGPS Banu City No.4 GGPS Banu City No.4 Shah Shah Shah H. No.24/BB GGPS Haved Molvi Anwar Shah Shah Shah Shah H. No.24/BB GGPS Haved Molvi Anwar Shah Shah Shah Shah Shah Shah Shah Sh

		4			
	i				5
		Disable Candidates			
-	122	Munira	Israr Khan	Gul Ahmad Shah Sheikhan	GGPS Gul Ahmad Shah -do- No.1
	123	Sanwar Gul Bibi	Hamidullah Khan	Kot Mehter Ghoriwala	GGPS Bashir Ghoriwala -do-
	124	Rabia Basri	Manzoor Ahmad	Kotka Sheri Khel Bazar Ahmad khan	GGPS Kotka Sharifullah -do- Khedri Mohd Khel
	125	Shagufta Parveen	Hidayatullah Khan	Hinjal Noorbaz	GGPS Hinjal Amir Khan -do-
		Minority Quota			
į	126	Sital Ajeet	Ajeet Bahader	H.No.187/D near New Bus Stand	GGPS Guleen Nurar -do
i	-				

#### TERMS AND CONDITIONS

Their Service will be considered regular but without pension and gratuity in term of Section-19 of NWFP, civil servant Act, 1973 as amended vide NWFP, civil servant Amendment Act, 2005; They will however be entitled to contributory provident Fund in such a manner and such rates as may be prescribed by the Government.

Their services will be considered on probation for two year from the date of taking over charge.

Their services are not transferable from the Union Council where they are appointed. 3.

Their services can be terminated at any time, in case their performances are found unsatisfactory during 4. probation period. In case of misconduct they will be proceeded against under the Khyber Pakhtunkhwa E and D Rules 2011 and the rules framed from time to time.

The candidates should join their post within 15 days. The DDO Female Primary Bannu should furnish a

5. certificate to the effect that the candidates have joined the post or otherwise, after 15 days of the issuance of this order, failing which, her/their orders will automatically stand cancelled

Charge should not be handed over if age of the candidate is below 18 years or above 35 years as per Govt. 6.

Rules.

10

In case of fake certificates/Degrees or any other mistake in the said appointment order detected later on, the 7. undersigned reserves the right of with drawl/amendment in the appointment orders accordingly.

The DDO Female may not release pay of the above PST Female teachers before proper verification of their 8. documents and pay release order from the undersigned

They will produce Health and age certificates from Medical Superintendents concerned Hospital before taking 0 over charge.

On the acceptance of the above Terms and Conditions, the appointees should join the post and submit their charge report to all concerned.

No TA/DA etc is allowed to any one 11.

> SARAF ALI SHAH EXECUTIVE DISTRICT OFFICER. ELEM:AND SECY: ÉDU:BANNU

Lindst No. 4058-419 /AE I/Female PST/2012 Dated the 23 04 2012

Copy for information and necessary action to:-

- Secretary Elementary and Secondary Education Khyber Pakhtonkhwa
- Director Elementary and Secondary Education Khyber Pakhtonkhwa. 2.
- The District Coordination Officer Bannu-3.
- District Officer Female E and SE Bannu 4.
- DDO Female Primary Bannu with the remarks that their pay may not be drawn until and unless their testimonials are not verified from concerned Board/University.
- District Accounts Officer Bannu
- Registrar Peshawar High Court Bannu. 7.
- Member inspection team Peshawar High Court Peshawar w/r to his order No.772/ dated 13-4-2012. 8.
- Goyt, Pleader Bannu

7 9-4-12

### Boord of Intermediate and Secondary Education, Bannu

rlamo 665 Certificates/BISE, Bannu

Dated: 09

09-04-2012

To C

The Executive District Officer, Elementary & Secondary Education, Bannu.



#### Subject: VERIFICATION OF ORIGINAL AND PROVISIONAL CERTIFICATES

I am directed to refer to your letter No. 2665-66

dated:

05-04-2012

on the subject noted above and to inform you that photocop(y)(les)

of Original / Provisional Certificate (s) of the following candidate (s) enclosed with the above mentioned letter have thoroughy checked an I found as detail given below.

ŗ	3.No.	Roll No.	Name	Father's Name	Session	Remark:
j	- 13g	H2603	05/149	anteanteau	00000889	<b>18888</b>
. Ì	2.1	53119	ROMEEN TAG .	MIR SAHIB JAN	22C(V)5001	Gogus
Ì	7 7	50174	SAIMA BIBI	NEMAT-ULLAH	55C(5)2000	` Correct
]		50095	MEHRUH HISA GHAFFAR	. ABDUL GHAFFAR	55C(A)3005	Correct
:	3 [	52400	LATAFAT REHMAN	SAEED UR REHMAN	55C(A)2005	Correct
1	<u> - ک</u>	50729	ALMAS BIBI	SHER DIL KHAN	55C(A)2005	Correct
}	76	50816	FOZIA FARID	M. FARID KHAN	SSC(A)2005	Correct
i	87	100	AN'S SHER	SHER ANDAZ KHAN	· 55C(5)2006	Correct ·
	P. I.	17006	AMMAC	UMAR KHAN	Inter(A)2004	: Correct
	109		BASRIT .	SANAULLAH	Inter(A)2005	Correct
	1215	ļ	AN'S SHEN	SHER ANDAZ KHAN .	Inter(A)2007	Correct
. !	12	466	SAMPA	UMAR KHAN	55C(A)2002	Correct
	13	332		UMER JAN KHAN	55C(A)2002	· Correct
	13	20155	BASRIN	SANAULLAH	55C(A)2003	Correct
	12	362	MSMA ARIF	ARIF ULLAH	55C(5),2003	Correct
1	) 15	50279	SAMREEN GUL	- MUHAMMAD RASHID KHAN'	55C(5),2004	(Bogus I
4	1:3	112.	SEEMAB ANHTAR	SHAH SAWAR KHAN	· 55C(A)2002	. Correct
i		306	INCSHEEN MIR	MIR AKHTER	55C(A)2002	· · Correct
	19	20012	AMBREEN MIR	HAKIM ULLAH KHAN	55C(A*2003	Correct
		356	ROMANA BEGUM	MUHAMMAD IQBAL	55C(5)2003	Correct
	1-39-	360	I ATIMA KIIAN	MUHAMMAD YASIN KHAN .	55C(5)2003	Correct
	7:1)	<b></b>	SAIRA KHAN	SHERZ ALI KHAN	55C(A)2007	Correct
	22	,610	AZRA KHAN	MASR ULLAH JAN	Inter(A)2004 -	Correct
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#### FFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ELEMENTARY & SECONDARY EDUCATION BANNU.

#### FFICE ORDER

- Whereas Mst. Samreen D/ O Abdur Rashid has been appointed at GGPS Kansuba Mita Khel Vide EDO (E&SE) Bannu, No.4192-4288 dated 23-04-2012.
- 2. And where as her SSC Certificate has been submitted to the controller of Examination BISE Bannu Vide this Office No.2665 dated 05-04-2012
- 3.  $\stackrel{3}{\sim}$  And where as the controller of Examination BISE Bannu Vide his letter No.666  $\stackrel{3}{\sim}$

i ated09-04-2012 declared her SSC certificate as Fake/Bogus. In the light of term and condition, at S. No.7 of lie appointment order, her appointment.

Inder at S. No.13 out of open Merit Vide Endst:No. 4058-4191 dated 23-04-2012, is hereby withdrawn om the date of taking over charge on the of Fake certificate.g

DISTRICT EDUCATION OFFICER (FEMALE)
PLI MENTARY & SECONDARY BANNU.

idst:1/6.2677 -78

dated / 5

/2013.

Copy to the.

- Deputy District officer (Female) Primary Bannu.
- 2. District Accounts Officer Bannu.
- 3. ADO Circle Concerned.

DISTRICT EDUCATION OFFICER (FEMALE)

ELEM NTARY & SECONDARY BANNU.

Allely

و 2/2/م المرمن عماب في سرك الحولين الموري اللي مراعي ال عنوان الظرافي المعنام عنام المناسب المطرى المحالى صارعالى: - سامله مساخل عرال عرال عالى الم رد، به سائله مهاة بخراب الم دوات محدد تعدد نيرهال نوم النام الس سَند من مل باست الم محمو من الله من الله من ما من من ما من م اور قر مجورت مع الع ١٠٠ - بون عبيره سي دوكي معلق سرد لفي مين روی می در می افغال رستی ار مرم اور می ۱۵ روی اور می اور م م لي ماعزات/اساط فيم در عواست عم يي ١٠ و رموره ما ١٥٥٥ كو با قاعده طوربر اسرولو س ما منز سوكر اسر ويودى . 4058-4191/Ai-1/Femal PST 12012 DATED 23 04 24 Jul 3062 NO (3) ELEM: Stey: EDU: Banny in The Banny in 13 in 13 نے معرتی رہے کا احدا مر مر مرائے۔ برائے بنوت آرڈ مالی فولو سٹ لف معہ ر ١٤) م سرساً لمرف مور مر ٢٥ و كورنسك ريز برر ترى سول النوير سياصل س جارج سمالا . اور آج سباقاعده کی سے دی مرافق قرری وی دی دی م بر رئے بنوت جارج دبورٹ کابی لیف ہے،
یہ کر اس دوران ساکر اس کا و مساکر فیلف الداروں کو ورنسس کے لئے
میں کر اس دوران ساکلر کے رسار فیلف الداروں کو ورنسس کے لئے
میں ما وقت برقرفی ساکلر ورسنسٹن سے ساکلر کو بے صردتھالیا

روراً عرفار مورم ما 30 ووي الوقي المركث ريحوسن المسرميل) المفيرى

انید سیندری بنوں نے بے طرفی کے افعامات بزریم میں سے ¿ 12 be deter NO-2677-78 DATED 13 2013 ره) به در و سر الله المحول المور على الما على بلا و شي الاستوال اور معتر کوئی وجر سائے ملدی س صادر کی ہے ، اور سائلہ کو شوال کا کون موقع میں دیا ہیں ۔ جو کہ عیر مالوی ہے ، اور بجر ل جسس کے ہی دری می که سائلے میں العدد اس میر میں سے مزر لیے As a Regular candidate 2004 1 22176 celin er il 012 36 verifiele certificate a d'oj د 8) يم در ما له بيت عميد اور ار نو احامزان سے تعلق د هل مي مال ميوارس سائلہ کے بو ان کی برقہ فی ارسہ فلع و نا المانی ہے . رجی می در ساملہ میرو کے منسالی مرف میں معرف مون سوے کے سا دے أكر ستكرك ميرك لى سر يولس يا علا سواية سألمر برتسم ك براً عالم سادجه المدا اسرعاب كه سأتكم يرس بررفهدا نم عور (Back-beneitides min minuted of the bold of of of the back of the مجالی که احکی وسی بوست بر سرائے جائیں. Jense per Ese PST, ERPS, Khan Saba Mita Kingle.

1, No 860 Le José ( (2) in 18 2/100 (2) ( 2 m), es 3 c o per (3 Las Just Miles (4 1200 12 CVIS CHWY 120 Nes 11/1 1/1/20 8 (1/1/201) 36 6 My 00 00 - 31 25 9 3 11 Condition Le VIII ration - Wei ( 200/2/201 19/1/6 Julian 6/1/19 Mes 6 laba wab par Ong just - will Je-6/2013-6/ (a) July 3/5/9 - 26 1866

در ایم منیان اسلان می قرمون کی بنام منی ثبیم و ندر باعثاراً مقدمه مندرجه بالاعنوان بالامين اپنی طرف سے واسطے بیروی وجوایب دہی وکل کارروائی معلمان مقام کے ور کے لیوانی فن در /اربا ہمیانا/ <u> صلحترر کرے اقر ارکیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کا بروائی کا کا مل اختیار ہوگا</u> نيز وكيل صاحب كوراضي نامه ومقرر ثالث وفيصله برحلف ديئيجواب دہى اورا قبال دعوىٰ اور بصورت ڈگری کرانے اجراءاور وصولی چک روپیداور عرضیٰ دعویٰ اور درخواست ہرقتم کی تصدیق زراس پردستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری کیطرفہ یا بیل کی برآ مدگی اورمنسوخی دائر کرنے اپیل نگرانی ونظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمه فدكور ككل ياجزوي كارروائي كيواسطےاور وكيل يا مختار قانوني كوايخ بمراه ياا بني بجائے تقرر كا اختيار موگا اورصاحب مقررشد ، كوبھى وہى جمله ندكور ه بالا اختیارات حاصل ہوں گےاوراس کا ساختہ پرداختہ منظور وقبول ہوگا اور دورانِ مقدمہ میں جوخر چیدہ ہرجاندالتوائے مقدمہ کے سب سے ہوگا۔اس کے ستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا وخر چہکی صولی کرنے کا بھی اختیار ہوگا۔اگر کوئی تاریخ بیثی مقام دورہ پر ہوگا تھانہ باہر ہوتو وکیل صاحب یا بند ہوں گے کہ پیروی مقدمہ مذکورکریں ۔لہذا وکالت نامہ لکھ دیا کہ سندرہے۔ كواهشك العبسك مماة عرب كل - سأمله 2 Mh ken Samocen Gul برتم كے فارم ملنے كا پتر: است في فنط المجمود البيد البيد البيال البيال فون نمبر: 613388

## BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1444/2013

Samreen Gul	Appellant
Govt. of Khyber Pakhtunkhwa	Respondent

#### PARA WISE COMMENTS ON BEHALF OF RESPONDENTS:

Respectfully Sheweth!

Preliminary objections,

- 1. That the appellant has got no cause of action and locus standi.
- 2. That the service appeal is bad for non-joinder and mis-joinder of the necessary parties.
- 3. That the service is not maintainable in its present form.
- 4. That the service appeal is also suffering from legal defects.
- 5. That the appellant appointment order has rightly been withdrawn on the basis of her tampered/fake certificate.
- 6. That the appellant has not come to this court with clean hands.

#### **FACTS**

- 1. The para pertains to record, hence needs no comments.
- Correct to the extent of her appointment order. However, as per rules/conditions of appointment letter, her SSC certificate was referred to the concerned board and her document were found fake/tapered. Hence her appointment order has legally been withdrawn.
- Incorrect, her fake documents reveals that she was not qualified/eligible for the same post
  as she has produced fake SSC certificate and the same has been declared fake and bogus
  by the BISE Bannu (copy attached Annexure-A).
- 4. As explained in above para.
- 5. That the para pertains to office record, however her fake documents became the reason for withdrawal of her appointment order.
- 6. Correct that the BISE Bannu has declared her certificate as fake and tampered.
- 7. Denied as drafted. No departmental appeal has been filed.

#### Grounds

- A. Incorrect. The appellant is not entitled for a relief on the basis of bogus order.
- B. Incorrect. The respondents have treated the appellant in accordance with law, rules, and policy of the Government.
- C. Correct to the extent of appointment order but later on, her SSC certificate was turned as bogus, hence terminated.
- D. Incorrect. The respondent has treated the appellant in accordance with the law, rules and policy of the Government.
- E. Incorrect as explained in above paras.

It is therefore, very humbly prayed that the service appeal of the appellant may

very graciously be dismissed by this Honorable Tribunal.

District Education Officer (F) Bannu

Director E&SE Peshawar

Secretary E&SE Peshawar.

AMNEX-A

# Board of Intermediate and Secondary Education, Bannu

riama 656 Certificates/BISE, Bunnu

The Executive District Officer, Elementary & Secondary Education, Bannu. Dated: 09-04-201



## Subject: VERIFICATION OF ORIGINAL AND PROVISIONAL

Lam directed to refer to your letter No. 2663-66

on the subject noted above and to inform you that photocop(y)(les).

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### BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. <u>1444</u>/2013

Samreen Gul

Versus

Secretary & Others

### REPLACATION

### Respectfully Sheweth,

### PRELIMINARY OBJECTION.

All the 06 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why the appellant has no cause of action and locus standi, bad for non and mis-joinder of necessary parties, not maintainable, appeal is not suffering from legal defects, appointment order has not rightly been withdrawn on basis of her tempered/fake certificates and she has come to the court with clean hands.

### **ON FACTS**

- Para Nö. 1 is admitted correct by the respondents regarding SSC certificate and marks obtained by appellant.
- Admitted correct to the extent of appointment as PST. The SSC certificate attached with the appeal can be verified at any time. There was no need of tempering of the certificate as appellant has got 517 marks out of 850 placing in grade B.
- 3. Not correct. To further explain the position regarding fake certificate, in fact the office of the DEO submitted wrong Roll No. etc. to the Board for the reason to appoint someone at the post of appellant on account of consideration. It was necessary for the respondents to serve appellant with charge sheet/show cause notice regarding fake certificate but no such action was taken.
- 4. As explained above. While the para of the appeal is not negated by respondents regarding assumption of charge.

5. Not replied by respondents. As far as fake documents is concerned, the same was manipulated by the office of respondents and before withdrawal of appointment order of appellant, service of show cause notice upon her was mandatory.

6. Not correct. Wrong documents were sent to the Board by the respondents office while the alleged fake certificate is not attached with the reply.

7. Not correct. When departmental appeal is rejected, then the para of the reply is absolutely incorrect regarding none filing of departmental appeal.

### GROUNDS:

All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are once again reaffirmed.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

Through

Dated: 10.11.2015

Appellant

Saadullah Khan Marwat

Arbab Saif Ul Kamal

Miss Rubina Naz

Advocates,

### **AFFIDAVIT**

I, Samreen Gul, Appellant do hereby solemnly affirm and declare that contents of the **Appeal** & **replication** are true and correct to the best of my knowledge and belief while that of the reply of the respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

	Date of	Order or other proceedings with signature of judge or Magistrate
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1	2	3 JEMEN
		KHYBER PAKHTUNKHWA SERVICE TRIBENAL,
		PESHAWAR.
		APPEAL NO.1496/2013
		S. S. WINGHING
		(Shahnaz Begum-vs- Director Education (E&SE) Govt: of Khyber Pakhtunkh
		Dubgari Gardan, Peshawar and others).
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l		W.D.C. (D) VD
	18.04.2016	JUDGMENT
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		PIR BAKHSH SHAH, MEMBER:
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- 1	<b>I</b>	
		Counsel for the appellant (Ms. Uzma Syed, Advocate) and Mr. Usm
		Ghan, Sr.GP for respondents present.
		Ghan, Sr.GP for respondents present.
		Ghan, Sr.GP for respondents present.
		<ul> <li>Ghan, Sr.GP for respondents present.</li> <li>2. Appointed as PST vide order dated 23.4.2012, the appellant was sack</li> </ul>
		Ghan, Sr.GP for respondents present.  2. Appointed as PST vide order dated 23.4.2012, the appellant was sack from service vide impugned order dated 13.06.2013 by withdrawing the sack
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		Ghan, Sr.GP for respondents present.  2. Appointed as PST vide order dated 23.4.2012, the appellant was sack from service vide impugned order dated 13.06.2013 by withdrawing the sappointment order. The ground given is that her SSC certificate was tampered Her departmental appeal has not been responded, hence this service appeal und
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tampered any SSC certificate. It was argued that no show cause notice or enquiry

was conducted or opportunity of personal hearing was given and all of a sudden

the appointment order was withdrawn. It was further argued that the SSC

certificate if any sent for verification was so sent by respondent-department on its

own and appellant was unaware of the same.

5. The learned Sr. GP resisted the appeal on the ground that total number of SSC is 1050 and in order to enhance merit position, the appellant tampered with this figure by forging total as 850. He further submitted that according to Clause-7 of the appointment letter, the appellant is estopped to bring this appeal. He prayed that the appeal being devoid of any merits may be dismissed.

6. After perusal of the record and hearing pro & Contra arguments, it was found that no show cause notice was issued to the appellant as to whether she had declared total number to be 1050 or 850. She denies that she tampered any figure in her SSC certificate. Contrarily, the department has not disclosed any merit list etc of selectees as to how the appellant enhanced her merit position by this alleged tampering. The record is insufficient and this Tribunal cannot reach on a just and a fair conclusion as to whether the appellant in-fact had tampered her SSC certificate and whether through the said tempering the merit position was really changed? Hence the Tribunal in these circumstances, is constrained to remit the case to the appellate authority with the direction to decide departmental appeal of the appellant by dealing with the above points/observation but strictly on merit, within a period of one month after receipt of this judgment. Appeal is disposed of in the above terms. Parties are left to bear their own cost. File be consigned to the record room.

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## BEFORE THE KHYBER PAKHTUNKHWA SERVICE

### TRIBUNAL, PESHAWAR.

Service Appeal No. 1496 /2013

Shahnaz Begum D/o Sair Ullah Shah R/o Akhundan Jhandu Khel Tehsil and District Bannu. ......Appellant.

### Versus

- 1. The Director Education (E & SE) Govt: of KPK, Dubgari Gardan, Peshawar.
- 2. The District Education Office, (Female) (E & SE), District Bannu.
- 3. The District Account Officer, District Bannu.

SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE <u>IMPUGNED</u> ORDER DATED 13-06-2013 OF RESPONDENT NO.2, WHEREIN HE HAS WITHDRAWN THE VALID APPOINTMENT ORDER DATED 23-04-2012 AND SET ASIDE THE SAME AND ALSO RE-INSTATE THE APPELLANT WITH ALL BENEFITS AND ALSO DIRECT THE RESPONDENT GRANT/RELEASE THE OUTSTANDING SALARIES (23-04-2012 TO 13-06-2013) OF THE APPELLANT WITH ALL ATTACHED BENEFITS.

2.0/10/13

nd filed.

ELISTICA .

Prayer in Appeal:-

On the acceptance of the instant service appeal this Honourable Tribunal may graciously be pleased to declare the impugned order dated 13-06-2013 passed by the respondent No.2, wherein he has withdrawn the valid appointment order dated 23-04-2012 of the appellant; as illegal, unlawful, without

Respectfully Sheweth, Facts giving rise to the present service appeal are as under:-

- 1. That respondent No 2 through publication in news papers invited application for appointment against the post of PST/P.T.C.
- 2. That appellant being qualified and eligible applied on prescribed Proforma application for the post of PST on the basis of Union Council wise quota.
- 3. That appellant appeared before the Department Selection Committee and after successfully going through the prescribed selection process she was got appointed as PST vide order dated 23-04-2012 (Annexure-A) and was posted at Govt Girls Primary School Noormali Jhandu Khel District Bannu.
- 4. That appellant took over her Charge on dated 24-04-2012 (Annexure-B) and since then performed her duty till the impugned dated 13-06-2013.
- 5. That it is pertinent to mention here that appellant has been denied her salary during the interval period that is i.e from 24-04-2012 to 13-06-2013.
- 6. That respondent No 2 vide dated 13-06-2013 (Annexure-C) withdrawn/canceled her appointment from the date of taking over charge on the ground that BISE Bannu has declared her certificate as tampered.
- 7. That appellant has never tampered her certificate. She has submitted her original Secondary School Certificate along with DMC and PTC course certificate on prescribed and formulated Proforma application (Annexure-D).

That being aggrieved from the impugned order dated 13-06-2013 appellant preferred her departmental appeal before the respondent No.4 (Annexure -E), which is still pending before him without disposal as per appeal rules.

EXAMINER
Khyber Pakhtuniahwa
Service Tribunal,
Peshawar

service appeal inter-alia on the following grounds:-

### Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973. Appellant has submitted attested testimonials certificates along with prescribed Proforma application where in it has been categorically declared that appellant has secured 594/1050 marks. She appeared before the departmental selection committee whereby her testimonial were compared with original and were found correct and authentic. The very prescribed Proforma application submitted by the appellant clearly shows that she has rightly, fairly without tampering and misrepresentation filed her Secondary School Certificate and declared her total marks as 594/1050.
- B. That appellant was appointed on regular basis therefore she has got constitional safe guard and is not governed by principal master in servant. As she is possessor of a legal character and for the enforcement of which she can bring an action... Employer in such cases would be bound to follow the procedure provided for, in the statute or statuary rules before terminating the service of Employee.....In absence of conformity to such procedure the termination of service will not be clothed with validity and Employee will be entitled to an action for Re-Instatement.
- C. That respondents have violated the spirit and provision of section 16 of the civil servant Act, 1973.

That appellant has been condemned unheard. She has been proceeded ex-partee as no show cause or explanation has been sort out/called from her. No inquiry has been conducted in the case of the appellant nor have any other prescribed procedure been adopted before depriving the appellant from her legal service.

F. That to complete the procedural formalities was the duty of departmental authorities and if any irregularity was committed by the departmental authorities, civil servant cannot be punished for the same lapse by any rule of equity and justice. Reliance is placed on reported judgments.

1998 PLC (CS) 1041, 2002 PLC (CS) 1298, 200 PLC (CS) 1278, 2000 PLC (CS) 1297, 2001 PLC (CS) 491 and so many others.

G. That the argument that probationer do not require the right of hearing seriously offends the concept of Social Justice provided in the objective Resolution, 1973. Admittedly, appellant belongs to a less privileged segment of the society with limited social and economic choices in life. Appellant being a female after hectic efforts succeeded in getting a job and served as such for long 14 months and that too without any salary and now has been penalized for no fault of her own. This excessive use of authority has no backing in the eyes of justice, fair play and equity. Appellant has been penalized without knowing the sin or crime she has committed.

H. That appellant would like to seek the permission this Honourable Tribunal to advance some more grounds at the time of hearing.

For the aforesaid reasons, it is therefore, humbly prayed that the appeal may kindly be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to petitioner.

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Peshawar al

Through

Shehnaz Appellant Johns<sup>M</sup> Ashraf Ali Khattak

and

Nawaz Khan Khattak Advocates, Peshawar.

Dated: \_\_\_\_/ 10/2013

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# OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BANNU ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA.

### Re-Instatement Order.

In the light of Hororable Khyber Pakhtunkhwa Service Tribunal

Peshawar Decision appeal No. 1496/2013, announced on 18/04/2016 and on the recommendation of departmental inquiry committee Mist: Shah Naz Begum PST GGPS Pirba Khel Jhando Khel is hereby re-instated in service with back benefit from the date of termination, in the best interest of public service.

Note: Necessary entry to this effect should be made in her service book.

DISTRICT EDUCATION OFFICER

Endst:No. 3712 /AE-II-Female/PST Dated Bannu the 27/07/201
Copy forwarded for information and necessary action to the:

Director Elementary & Secondary Education Khyber Pakhtunkhwa

SDEO (F) Office Bannu.

ASDEQ(F) Concerned.

District Account Office Gannu.

Chairman Inquiry Committee.

Official Concerned.

DISTRICT EDUCATION OFFICER

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### KHYBER PAKHTUNKHWA SERVICE TRIBUNAI. PESHAWAR.

### APPEAL NO.1496/2013

(Shahnaz Begum-vs- Director Education (E&SE) Govt: of Khyber Pakhtunkhwa, Dubgari Gardan, Peshawar and others).

18.04.2016

### JUDGMENT

### PIR BAKHSH SHAH, MEMBER

Counsel for the appellant (Ms. Uzma Syed, Advocate) and Mr. Usman Ghan, Sr.GP for respondents present.

ATTESTED

Kinyber Pakinghing
Service Tribunel,
Peshawar

- Appointed as PST vide order dated 23.4.2012, the appellant was sacked from service vide impugned order dated 13.06.2013 by withdrawing the said appointment order. The ground given is that her SSC certificate was tampered. Her departmental appeal has not been responded, hence this service appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974.
- 3. Arguments heard and record perused.
- a. It was submitted by learned counsel for the appellant that she never tampered any SSC certificate. It was argued that no show cause notice or enquiry was conducted or opportunity of personal hearing was given and all of a sudden the appointment order was witherawn. It was further argued that the SSC certificate if any sent for verification was so sent by respondent-department on its own and appellant was unaware of the same.

The learned Sr. GP resisted the appeal on the ground that total number SSC is 1050 and in order to enhance merit position, the appellant tumpered wi this figure by forging total as 850. He further submitted that according to Claus 7 of the appointment latter, the appellant is estopped to bring this appeal. Iprayed that the appeal being devoid of any merits may be dismissed. After perusal of the record and hearing pro & Contra arguments, it was found that no show cause notice was issued to the appellant as to whether she had declared total number to be 1050 or 850. She denies that she tampered any figure in her SSC certificate. Contrarily, the department has not disclosed any merit list etc of selectees as to how the appellant enhanced her merit position by this alleged tampering. The record is insufficient and this Tribunal cannot reach on a just and a fair conclusion as to whether the appellant in-fact had tampered her SSC certificate and whether through the said tempering the merit position was really changed? Hence the Tribunal in these circumstances, remit the case to the appellate authority with the direction to decide departmental appeal of the appellant by dealing with the above points/observation but strictly on merit, within a period of one month after receipt of this judgment. Appeal is disposed of in the above terms. Parties are left to bear their own cost. File be r Pakiniankinya ice Tribunal, consigned to the record room. oshawar MNOUNCE S. 2. 7/

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2. Appointed as PST vide order dated 23.4.2012, the appellant was sacked from service vide impagned order dated 13.06.2013 by withdrawing the said appointment order. The ground given is that her SSC certificate was tampered. Her departmental appeal has not been responded, hence this service appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974.

3. Arguments heard and record perused.

ice Tribunal, eshawar

4. It was submitted by learned counsel for the appellant that she never tampered any SSC certificate. It was argued that no show cause notice or enquiry was conducted or opportunity of personal hearing was given and all of a sudden the appointment order was withdrawn. It was further argued that the SSC certificate if any sent for verification was so sent by respondent department on its own and appellant was unaware of the same.

5. The learned Sr. GP resisted the appeal on the ground that total numbers SSC is 1050 and in order to enhance merit position, the appellant tampered with this figure by forging to all as 850. He further submitted that according to Clause 7 of the appointment letter, the appellant is estopped to bring this appeal. He prayed that the appeal being devoid of any merits may be dismissed.

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18.04.2016

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## BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR.

Service Appeal No. 1496 /2013

Shahnaz Begum D/o Sair Ullah Shah R/o Akhundan Jhandu Khel Tehsil and District Bannu. .......Appellant.

### Versus

- 1. The Director Education (E & SE) Govt: of KPK, Dubgari Gardan, Peshawar.
- 2. The District Education Office, (Female) (E & SE), District Bannu.
- 3. The District Account Officer, District Bannu.

SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE 13-06-<u>2013</u> ORDER DATED IMPUGNED\_ HEWHEREIN RESPONDENT NO.2. WITHDRAWN THE. VALID APPOINTMENT ORDER · DATED 23-04-2012 AND SET ASIDE THE SAME AND ALSO RE-INSTATE THE APPELLANT WITH ALL BACK BENEFITS AND DIRECT ALSO\_ GRANT/RELEASE TORESPONDENT OUTSTANDING SALARIES (23-04-2012 TO 13-06-2013) OF THE APPELLANT WITH ALL ATTACHED BENEFITS.

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Prayer in Appeal:-

On the acceptance of the instant service appeal this Honourable Tribunal may graciously be pleased to declare the impugned order dated 13-06-2013 passed by the respondent No.2, wherein he has withdrawn the valid appointment order dated 23-04-2012 of the appellant; as illegal, unlawful, without

Respectfully Sheweth,
Facts giving rise to the present service appeal are as under:-

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- 1. That respondent No 2 through publication in news papers invited application for appointment against the post of PST/P.T.C.
- 2. That appellant being qualified and eligible applied on prescribed Proforma application for the post of PST on the basis of Union Council wise quota.
- That appellant appeared before the Department Selection

  Committee and after successfully going through the prescribed selection process she was got appointed as PST vide order dated 23-04-2012 (Annexure-A) and was posted at Vide Order Girls Primary School Noormali Jhandu Khel District Bannu.
  - 4. That appellant took over her Charge on dated 24-04-2012

    (Annexure-B) and since then performed her duty till the impugned dated 13-06-2013.
  - 5. That it is pertinent to mention here that appellant has been denied her salary during the interval period that is i.e from 24-04-2012 to 13-06-2013.
    - 6. That respondent No 2 vide dated 13-06-2013 (Annexure-C) withdrawn/canceled her appointment from the date of taking over charge on the ground that BISE Bannu has declared her certificate as tampered.
      - 7. That appellant has never tampered her certificate. She has submitted her original Secondary School Certificate along with DMC and PTC course certificate on prescribed and formulated Proforma application (Annexure-D).

That being aggrieved from the impugned order dated 13-06-2013 appellant preferred her departmental appeal before the respondent No.4 (Annexure -E), which is still pending before, him without disposal as per appeal rules.

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9. That appellant, being aggrieved of the impugned order dated 13-06-2013 and acts and action of the Respondents and having no other adequate and efficacious remedy, files this service appeal internalia on the following grounds:-

### Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973. Appellant has submitted attested testimonials certificates along with prescribed Proforma application where in it has been categorically declared that appellant has secured 594/1050 marks. She appeared before the departmental selection committee whereby her testimonial were compared with original and were found correct and authentic. The very prescribed Proforma application submitted by the appellant clearly shows that she has rightly, fairly without tampering and misrepresentation filed her Secondary School Certificate and declared her total marks as 594/1050.
- B. That appellant was appointed on regular basis therefore she has got constitional safe guard and is not governed by principal master im servant. As she is possessor of a legal character and for the enforcement of which she can bring an action... Employer in such cases would be bound to follow the procedure provided for, in the statute or statuary rules before terminating the service of Employee.....In absence of conformity to such procedure the termination of service will not be clothed with validity and Employee will be entitled to an action for Re-Instatement.
- C. That respondents have violated the spirit and provision of section 16 of the civil servant Act, 1973.

That appellant has been condemned unheard. She has been proceeded ex-partee as no show cause or explanation has been sort out/called from her. No inquiry has been conducted in the case of the appellant nor have any other prescribed procedure been adopted before depriving the appellant from her legal service.

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That to complete the procedural formalities was the duty of departmental authorities and if any irregularity was committed by the departmental authorities, civil servant cannot be punished for the same lapse by any rule of equity and justice. Reliance is placed on reported judgments.

1998 PLC (CS) 1041, 2002 PLC (CS) 1298, 200 PLC (CS) 1278, 2000 PLC (CS) 1297, 2001 PLC (CS) 491 and so many others.

- G. That the argument that probationer do not require the right of hearing seriously offends the concept of Social Justice provided in the objective Resolution, 1973. Admittedly, appellant belongs to a less privileged segment of the society with limited social and economic choices in life. Appellant with limited social and economic choices in life. Appellant being a female after hectic efforts succeeded in getting a job and served as: such for long 14 months and that too without and served as: such for long 14 months and that too without any salary and now has been penalized for no fault of her own. This excessive use of authority has no backing in the eyes of justice, fair play and equity. Appellant has been penalized without knowing the sin or crime she has committed.
  - H. That appellant would like to seek the permission this Honourable Tribunal to advance some more grounds at the time of hearing.

For the aforesaid reasons, it is therefore, humbly prayed that the appeal may kindly be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to petitioner.

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Through

Shelma's Appellant Johnadh' Ashraf Ali Khattak

and

Nawaz Khan Khattak Advocates, Peshawar.

Dated: \_\_\_\_\_\_\_110/ 2013

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

### SERVICE APPEAL NO. 28/2014

Date of institution ... 01.01.2014

Date of judgment ... 25.04.2017

Muhammad Saeed Khan

Versus

Commandant, FRP, KPK, Peshawar and other.

#### SERVICE APPEAL NO. 29/2014

Date of institution ... 01.01.2014

Date of judgment ... 25.04.2017

Nizar Ahmed

Versus

Commandant, FRP, KPK, Peshawar and other.

### SERVICE APPEAL NO. 30/2014

Date of institution ... .01.01.2013

Date of judgment ... 25.04.2017

Rahat Gul

Versus

Commandant, FRP, KPK, Peshawar and other.

### SERVICE APPEAL NO. 31/2014

Date of institution ...

01.01.2014

Date of judgment ... 25.04.2017

Sajid

Commandant, FRP, KPK, Peshawar and other.

### SERVICE APPEAL NO. 32/2014

Date of institution ...

01.01.2014

Date of judgment ... 25.04.2017

Haleem Gul

Versus

Commandant, FRP, KPK, Peshawar and other.

### SERVICE APPEAL NO. 334/2014

Date of institution ... 14.02.2014

Date of judgment ... 25.04.2017

Shabir Ahmed

Versus

Commandant, FRP, KPK, Peshawar and other.

### SERVICE APPEAL NO. 335/2014

Date of institution ...

14.02.2014

Date of judgment

... 25.04.2017

Tahir Ud Din

Versus

Commandant, FRP, KPK, Peshawar and other.

Tribunal, Peshawar

#### SERVICE APPEAL NO. 336/2014

Date of institution ... 17.02.2014 Date of judgment ...

25.04.2017

Salim Khan

Versus

Commandant, FRP, KPK, Peshawar and other.

#### SERVICE APPEAL NO. 526/2014

Date of institution ... 14.04.2014 Date of judgment

Syed Waseem Shah

Versus

Commandant, FRP, KPK, Peshawar and other.

Mr. Arbab Saif-ul-Kamal, Advocate.

For appellants.

Mr. Muhammad Adeel Butt, Additional Advocate General

For respondents.

MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER (JUDICIAL)

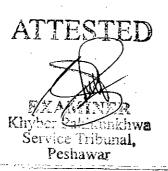
MR. MUHAMMAD AZIM KHAN AFRIDI

**CHAIRMAN** 

#### **JUDGMENT**

MUHAMMAD AMIN KHAN KUNDI, MEMBER: The above mentioned service appeals have been filed by the appellants against orders passed by respondent No. 2 whereby they have been dismissed from service and their departmental appeals have also been rejected by respondent No. 1 hence the present service appeals. Since there is a common question of law and facts in all the above mentioned service appeals therefore all the aforesaid mentioned service appeals are disposed of through this single judgment.

2. Brief facts of the case are that appellants were appointed as Constables in FRP Police Department and there-after they were performing their duties regularly. However, during the course of their service the department have sent their documents/metric certificates to the concerned educational checking/verification and after checking/verification, the educational documents/metric certificates of the appellants were reported fake/bogus by the



Controller of Board of Intermediate and Secondary Education Peshawar therefore the respondents issued a show-cause notice to the appellants and there-after dismissed them from service.

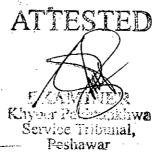
- Learned counsel for the appellants contended that the appellants were appointed as Constables in FRP Police Department and they were performing their duties regularly. It was further contended that during their service they were dismissed from service on the charge that their educational documents/metric certificates produced by them were reported as fake and bogus by the Controller of Board of Intermediate and Secondary Education Peshawar. It was further contended that the educational documents/metric certificates produced by the appellants to the respondents were genuine but the respondents have illegally dismissed them from service on the alleged report of Controller of Board of Intermediate and Secondary Education Peshawar. It was further contended that major penalty was imposed upon the appellants but neither proper regular inquiry was conducted by the respondents nor any charge sheet was ever issued against them nor any statement of allegations were framed. It was further contended that the respondents had also dismissed one Asmatullah from the service on the charge of producing bogus/suspicion metric certificate but later on the respondents had reinstated him vide order dated 29.04.2013 and that the copy of the said order was available on the record therefore it was contended that the appellants were discriminated and the appellants deserve to reinstatement in service. It was contended that the appellants were condemned unheard and the respondents have violated the principles of natural justice therefore the impugned orders are illegal and liable to be set-aside.
  - 4. On the other hand learned Additional Advocate General opposed the contention of learned counsel for the appellants and contended that the appellants were appointed as Constables in FRP Police Department. It was further contended that when the respondents have sent their educational documents/metric certificates to the Controller of Board of Intermediate and Secondary Education Peshawar then

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Service Tribunal,
Peshawar

the education documents/metric certificates of the appellants were found fake/bogus by the Controller of Board of Intermediate and Secondary Education Peshawar therefore the respondents had given the appellants a show-cause notice under the Police Rules 1975 and they were asked to explain as to why major penalty of dismissal from service could not be imposed upon them but their replies were found not satisfactory therefore the respondents have rightly dismissed the appellants from the service. It was further contended that since the educational documents produced by the appellants were found bogus/fake by the concerned Board after verification therefore there was no need of proper inquiry and the respondents have rightly dismissed the appellants after giving them show-cause notice and prayed for dismissal of appeals.

- 5. We have heard the arguments on both sides and gone through the record.
- Perusal of the record reveals that the appellants were appointed as Constables in FRP Police Department by the competent authority however during the course of their services the respondents had sent their educational documents/metric certificates to the concerned Board for verification and after verification, the educational documents/certificates were allegedly reported fake and bogus therefore show-cause notices were issued to the appellants and they were dismissed from the service. Admittedly the respondents have imposed major penalty upon the appellants and the appellants were dismissed from their services therefore the respondents were required to frame charge sheet statement of allegations against the appellants and the appellants were to be asked to submit reply of the statement of allegations and a proper inquiry was to be conducted but the record reveals that neither charge sheet has been framed by the respondents against the appellants nor any statement of allegations has been given to them nor a proper regular inquiry has been conducted by the respondents and the respondents have dismissed the appellants from service in slipshod manners without a proper inquiry therefore the impugned orders of the dismissal of the appellants from service are liable to be set-aside. In this regard Supreme Court



Monthly Review 2008 page 1369 CPLA No. 466 of 2008 titled Naseeb Khan-Versus-Divisional Superintendent Pakistan Railways Lahore and another respondents is cited for advantage wherein it has been held that

### Removal from Service (Special Powers) Ordinance (XVII of 2000)----

- ----S. 5--- Misconduct---Dismissal from service---None-holding of departmental inquiry---Violation of principles of natural justice---Effect---Held, in case of imposing a major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defence and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice.
- In light of the above discussion we are constrained to accept the aforesaid appeals, set-aside the impugned orders and reinstate all the aforesaid appellants in service, however, the respondents are placed at liberty to conduct a regular inquiry against the appellants within two months after receipt of this judgment and there-after pass proper orders. The intervening period of dismissal of the appellants and their reinstatement shall be decided subject to the outcome of the de-novo inquiry. Parties are however left to bear their own costs. File be consigned to the record room.

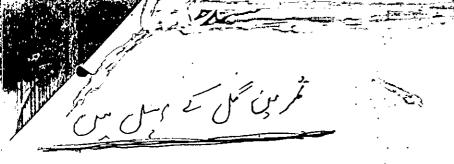
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	<u> </u>	KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.
		<u>PESHAWAR.</u>
		APPEAL NO.1496/2013
		ATTICAL NO. 1750 ZOTS
	, ,	
,		(Shahnaz Begum-vs- Director Education (E&SE) Govt: of Khyber Pakhtunkhwa,
		Dubgari Gardan, Peshawar and others).
	1	
		JUDGMENT
	18.04.2016	MODELIMENT (1)
	, ,	PIR BAKHSH SHAH, MEMBER:
1		Counsel for the appellant (Ms. Uzma Syed, Advocate) and Mr. Usman
		Counsel for the appendix (vis. Oznac Syea, recome)
	, ,	Ghan, Sr. GP for respondents present.
<b>!</b>		
THE	271	nor 11 de desd 22 4 2012, the appellant was sacked
	> (Ei)	2. Appointed as PST vide order dated 23.4.2012, the appellant was sacked
·  \/		from service vide impugned order dated 13.06.2013 by withdrawing the said
MAMA		Impointment order. The ground given is that her SSC certificate was tampered.
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		Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974.
		to and and agreed agranged
		3. Arguments heard and record perused.
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		4. It was submitted by learned counsel for the appellant that she never
<b>.</b> .	, ,	tampered any SSC certificate. It was argued that no show cause notice or enquiry
1.		was conducted or opportunity of personal hearing was given and all of a sudden
i		the appointment order was withdrawn. It was further argued that the SSC
:		certificate if any sent for verification was so sent by respondent-department on its
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Service Tribunal, consigned to the record room.	
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# OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BANNU ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA.

### Re-Instatement Order.

In the light of Honorable Khyber Pakhtunkhwa Service Tribunal

Peshawar Decision appeal No. 1496/2013, unnounced on 18/06/2016 and on the recommendation of departmental inquiry committee Mst: Shah Naz Begum PST GGPS Pirba Khel Jhando Khel is hereby re-installed in service with back benefit from the date of termination, in the best interest of public service.

Note: Necessary entry to this effect should be made in her service book.

DISTRICT EDUCATION OFFICER

Endst:No. 3712 /AE-II-Female/PST

Dated Bannu the 2-3 /07/2015

Copy forwarded for information and necessary action to the: -.

- 1. Director Elementary & Secondary Education Khyber Pakhtunkhwa.
- 2. SDEO (F) Office Bannu.
- 3. ASDEO(F) Concerned.
- District Account Office Bannu.
- 5. Chairman Inquiry Committee.
- Official Concerned.

DISTRICT EDUCATION OFFICER
FEMALE BANNU!

### KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1289 /ST

Dated <u>11 / 5 / 2017</u>

To

The District Education Officer (F), Government of Khyber Pakhtunkhwa,

Bannu.

Subject: -

JUDGMENT IN APPEAL NO. 1444/2013, MST. SAMRIN GUL.

I am directed to forward herewith a certified copy of Judgement dated 3.5.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR F KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.