

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Execution Petition # 677/2022

In

Service Appeal # 2086/2019

Mst. Zubaida Hanif.....Appellant.

VERSUS

Govt: of Khyber Pakhtunkhwa & others.....Respondents.

INDEX

S#	Description of Documents	Annex	Pages
1.	Reply of Execution Petition	A	1
2.	Affidavit	B	2
3.	Authority Letter	C	3
4.	Annexures	D - 10	4 - 11


Deponent

03-06-2014

S. B
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. 677/2022 in Service Appeal No. 2086/202019

Mst. Zubaida Hanif.....Appellant

VERSUS

Secretary to Govt of KPK Peshawar..... Respondents.

REPLY OF EXECUTION PETITION ON BEHALF OF RESPONDENTS NO.3.

1. That the Honorable Service Tribunal vide Judgment dated **19-05-2022** in the following terms:-

“Respondents are directed to process the promotion case of the appellant and place it before Provincial Selection Board in its next meeting” (Annex-A).

2. That in compliance to the directions contained in the *ibid* judgment, the Provincial Selection Board in its meeting held on **19.09.2023 (Annex-B)** considered and deferred the promotion of the appellant with the following observations:-

“Her date of birth is 12-03-1976. She joined government service on 30-05-2011 in BPS-18. She has completed prescribed length of service for promotion. The Board was informed that her enquiry under Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 has not yet been finalized. According to the Para-V (a) (i) of Promotion of Policy 2009, the officer against whom inquiry is pending will be deferred”

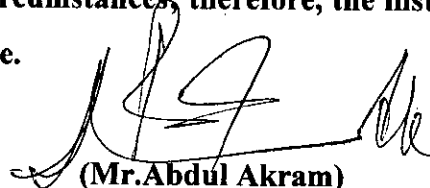
The Board recommended to defer her promotion

3. It is pertinent to mention here that during the pendency of the instant service appeal, an inquiry was initiated against the applicant vide Notification bearing **No.SO(S/F)E&SED/4-17/2020/Inquiry against Mst.Zubaida Hanif dated 23.11.2021**, which was later on finalized with the recommendation of imposing Major Penalty of **“Removal from Service”**. In this connection show-cause notice, containing the Major Penalty of **“Removal from Service”** has already been served upon the appellant by the competent authority (**Inquiry Notification, Inquiry Report and Show cause notice is at Annex-C, D&E**).

4. That as per **Section-V (a) (ii) of Khyber Pakhtunkhwa Promotion Policy, 2009**, the promotion of a civil servant will be deferred if disciplinary or departmental proceedings are pending against him/her. (**Annex-F**).

Prayer:-

In view of the above, it is most humbly prayed that the judgement dated 19.05.2022 is not executable in current circumstances; therefore, the instant Execution Petition may kindly be dismissed please.



**(Mr.Abdul Akram)
Additional Secretary (G), E&SED
On behalf of
Secretary, E&SED
(Respondent Nos. 03)**

2

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 677/2022

In

Service Appeal # 2086/2019

Mst. Zubaida Hanif..... Appellant

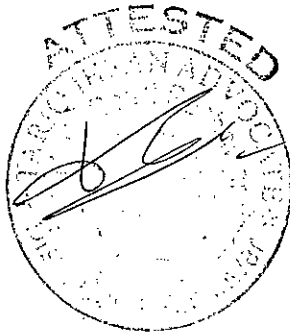
VERSUS

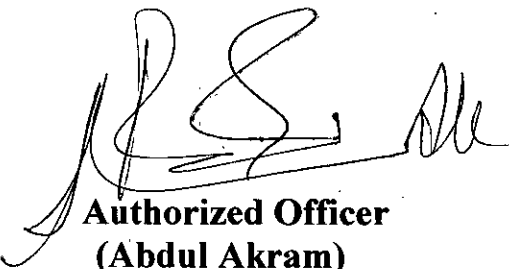
Govt. of Khyber Pakhtunkhwa & others..... Respondents

AFFIDAVIT

I, **Abdul Akram**, Additional Secretary (General), Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

It is further, stated on oath that in this appeal the answering Respondents have neither been placed ex-parte nor has their defense been struck off.




**Authorized Officer
(Abdul Akram)
Additional Secretary (General)
E&SE Department
(Masood Ahmad)
SECRETARY E&SED
(Respondent No. 03)**

3



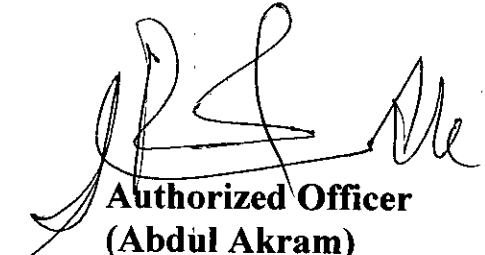
**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

AUTHORITY LETTER

It is certified that **Mr. Sajid Ullah, Section Officer (Litigation-II)** Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar is hereby authorized to submit parawise comments on behalf of Secretary Elementary & Secondary Education Department Peshawar **Execution Petition No. 677/2022 in Service Appeal # 2086/2019 Case Titled Mst. Zubaida Hanif vs Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.**


**Authorized Officer
(Abdul Akram)
Additional Secretary (General)
E&SE Department
(Masood Ahmad)
SECRETARY E&SED
(Respondent No. 03)**

(4)

Annexure - A

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223588

Dated Peshawar the November 23rd, 2021

NOTIFICATION

NO.SO(S/F)E&SED/4-17/2020/Inquiry against Mst. Zubaida Hanif: - The Competent Authority is pleased to constitute an Inquiry Committee comprising the following officers to conduct formal inquiry under Govt. Servant (Efficiency & Disciplinary) Rules-2011 against Mst. Zubaida Hanif (MC BS-18) DEO (Female) Kohistan Lower/Kolai Pallas, on account of allegations mentioned in the Charge sheets & Statement of allegations: -

1. Mr. Asfandyar Khattak (PMG BS-19), Director General Sports KP
2. Hafiz Muhammad Nawaz (MC BS-19) DEO (Male) Kohistan

2- The Inquiry Committee shall submit recommendation(s) / report to the Competent Authority within **thirty (30) days** positively.

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT**

Endst: of even No. & date:

Copy forwarded for information to the:

1. Mr. Asfandyar Khattak (PMG BS-19), Director General Sports, Khyber Pakhtunkhwa along-with a copy of fact-finding inquiry report, charge sheet & statement of allegations.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar with the request to depute a well-conversant departmental representative to assist the inquiry committee as and when required.
3. Hafiz Muhammad Nawaz (MC BS-19) DEO (Male) Kohistan along-with a copy of fact-finding inquiry report, charge sheet & statement of allegations.
4. Mst. Zubaida Hanif DEO (Female) Kohistan Lower/Lollai Pallas along-with a copy of Charge Sheet & Statement of allegations.
5. Mr. Shamsul Hadi SDEO (Female) Kohistan Lowe along-with a copy of Charge Sheet & Statement of allegations.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. Master File.

3/11/21
Section Officer (Inquiries)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa

23/11
(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (S/F)

EO/In
24-11-2021

5

Annexure - B

REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Phone No.091-9210624 Email: so.inquiries.esne@gmail.com

No. SO(IQ)E&SED/4-17/2021/Inquiry against Mst. Zubaida Hanif/DEO
Dated Peshawar the April 17th, 2024

To

1. Mst. Zubaida Hanif (MC BS-18),
Ex-District Education Officer (F), Kolai Pallas Kohistan,
Now Deputy District Education Officer (F), District Mohmand.
2. Mr. Shams-UI-Hadi,
Ex-SDEO (F), Kolai Pallas Kohistan,
Now ADEO (P&D), Kolai Pallas Kohistan.


SUBJECT: SHOW CAUSE NOTICE.

I am directed to refer to the subject noted above, and to enclose herewith two copies of Show Cause Notice containing tentative major penalty of "**Removal from service**" duly signed by the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) alongwith inquiry report conducted by Mr. Asfandyar Khattak, (PMS BS-19), Ex-Director, General Sports, now Special Secretary E&SE Department Khyber Pakhtunkhwa and Hafiz Muhammad Nawaz, (MC BS-19) DEO (M), Kohistan and to state that second copy of the show cause notice may be returned to this department after having signed as a token of receipt immediately.

2. Your are directed to submit your reply, if any, within ten (10) days of the issuance of this letter otherwise it will be presumed that you have no defense to put in and that ex-parte action shall be taken against you.

3. You are further directed to intimate whether you want to be heard in person or otherwise.

Encl: as above:


Section Officer (Inquiries)
Elementary & Secondary Edu. Deptt
Govt. of Khyber Pakhtunkhwa


(Bilal Khan)

Section Officer (Inquiries)

Endst: of even No. & date:

Copy forwarded for information to the:

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
2. District Education Officers (Female), Kolai Pallas Kohistan with the direction to deliver the instant letter to Mr. Shams-UI-Hadi, Ex-SDEO (F) Kolai Pallas Kohistan under intimation to this office.
3. Section Officers Schools (Management Cadre), E&SE Department.
4. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.


Section Officer (Inquiries)

SHOW CAUSE NOTICE

I, **Ali Amin Gandapur**, Chief Minister Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mst. Zubaida Hanif (MC BS-18), Ex-DEO (Female), Kolai Pallas, Kohistan now DDEO (Female), Mohmand as follows: -

- (i) That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you presented your written defense before the inquiry committee;
- (ii) On 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/omission specified in Rule-3 of the said rules:

Inefficiency & Misconduct

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of **REMOVAL FROM SERVICE** under Rule-4 of the said rules.

3. You are, thereof, 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.

4. If no reply to this notice is received within ten 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.

5. A copy of findings of the inquiry committee is enclosed.

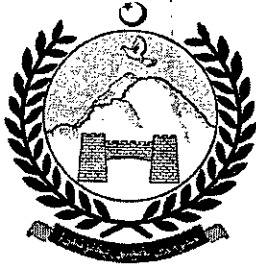
[Signature]
 Secretary (Inquiries)
 Elementary & Secondary Edu. Dept.
 Govt. of Khyber Pakhtunkhwa

[Signature]
(ALI AMIN GANDAPUR)

CHIEF MINISTER KHYBER PAKHTUNKHWA

Mst. Zubaida Hanif (MC BS-18),
 Ex-DEO (Female), Kolai Pallas, Kohistan
 Now DDEO (Female), Mohmand

**IMMEDIATE
CONFIDENTIAL**



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

NO. SO(PSE)ED/1-4/2023/P-239
Dated Peshawar the 01.11.2023

To

✓ The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD
HELD ON 19.09.2023.

PROMOTION OF MANAGEMENT CADRE OFFICERS (FEMALE) BS-18
TO THE BS-19 IN E&SE DEPARTMENT

Dear Sir,

I am directed to refer to E&SE Department letter No. SO(MC)E&SED/2-3/2023/Promotion/MC BS-18-19/Female dated 05.09.2023 on the subject and to forward herewith an extract of Agenda Item No (01) of the minutes/recommendations of the meeting of Provincial Selection Board held on 19.09.2023 as well as copy of approved summary wherein the Chief Minister, Khyber Pakhtunkhwa being competent authority in terms of Rule 4 (1) (a) of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989 has approved the recommendations of the PSB, for further necessary action.

Encl: As Above.

Handwritten notes: S, SO (MC), 2/11

Section Officer (Inquiries)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa

Yours faithfully,

SECTION OFFICER (PSB)

1/11/23

SECRETARY DIARY

No. 3865

Dated 2/11

Handwritten signature and date 2/11

CONFIDENTIAL

PSB meeting 19.09.2023

ITEM NO. (01)

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

(Meeting of PSB held on 19.09.2023)

SUBJECT:- PROMOTION / APPOINTMENT OF DEPUTY DISTRICT EDUCATION OFFICER/ DEPUTY DIRECTRESS BS-18 TO THE POST OF DISTRICT EDUCATION OFFICER/ ADDITIONAL DEPUTY DIRECTRESS BS-19.

Secretary Elementary & Secondary Education apprised the Board that due to creation, retirement, death, reduction to lower grade and deputation; ten (10) posts of District Education Officer / Additional Director BS-19 are lying vacant.

2. According to service rules the post is required to be filled as under:-

"By promotion on the basis of seniority-cum-fitness from amongst the Deputy District Education officers and Deputy Directors (Male & Female) with at least seven years' service in BPS-18 or twelve years' service in BPS-17 and above and such officers shall undergo six week post promotion training in the following modules namely:

- I. Financial Management.
- II. HR Management.
- III. Information Technology.

Provided that if no suitable officer is Available for promotion then by transfer of BS-19 officers".

3. The service record of the officers included in the panel was discussed as follows:

[Handwritten Signature]
 Selection Officer (Inquiries)
 Elementary & Secondary Edu. Deptt.
 Govt. of Khyber Pakhtunkhwa

S#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mst. Shafqat Rahman	Her date of birth is 15.04.1970. She joined government service on 01.03.1992 in BS-17. She was appointed to BS-18 on 30.05.2011. She has completed prescribed length of service for promotion. According to the department, she is on study leave w.e.f. 31.01.2022 to 31.01.2024. According to Para IV (a) of Promotion Policy 2009, the officer will be considered for promotion after she earns one calendar PER after expiry of leave. The Board recommended to defer her promotion.
2.	Mst. Zubaida Hanif <i>Attended</i> <i>[Handwritten Signature]</i> Secretary (PSB) Govt. of Khyber Pakhtunkhwa	Her date of birth is 12.03.1976. She joined government service on 30.05.2011 in BS-18. She has completed prescribed length of service for promotion. The Board was informed that her enquiry under KP Govt Servants (E & D) Rules, 2011 has not yet been finalized. According to the Para V (a) (i) of Promotion Policy 2009, the officer against whom inquiry is pending will be deferred. The Board recommended to defer her promotion.

CONFIDENTIAL**PSB meeting 19.09.2023**

3.	Mst. Sumera Sheraz	<p>Her date of birth is 07.01.1976. She joined government service on 21.02.2012 in BS-17 in Management Cadre. She was promoted to BS-18 on 27.05.2019. She has already been appointed in BS-19 on acting charge basis. She has not yet completed prescribed length of service for promotion.</p> <p>The Board did not consider her promotion and she will continue working in BS-19 on acting charge basis.</p>
4.	Mst. Rehana Yasmin	<p>Her date of birth is 04.05.1967. She joined government service on 19.04.1993 and was appointed in BS-17 on 21.02.2012 in Management Cadre. She was promoted to BS-18 on 27.05.2019. She has not yet completed prescribed length of service for promotion. No enquiry is pending against her. Her PER dossier is complete. Her service record upto 2022 is generally good. Her quantified score is 49 and the Board awarded her 12 out of 30 marks.</p> <p>The Board recommended the Officer for appointment to the post of District Education Officer/Additional Director (Female) BS-19 on acting charge basis.</p>
5.	Mst. Shahida Parveen	<p>Her date of birth is 13.11.1969. She joined government service on 24.06.1997 and was appointed in BS-17 on 21.02.2012 in Management Cadre. She was promoted to BS-18 on 17.08.2021. She has not yet completed prescribed length of service for promotion. No enquiry is pending against her. Her PER dossier is complete. Her service record upto 2022 is generally good. Her quantified score is 55 and the Board awarded her 12 out of 30 marks.</p> <p>The Board recommended the Officer for appointment to the post of District Education Officer/Additional Director (Female) BS-19 on acting charge basis.</p>
6.	Mst. Nighat Bibi	<p>Her date of birth is 07.12.1977. She joined government service on 26.12.2009 and was appointed in BS-17 on 21.02.2012 in Management Cadre. She was promoted to BS-18 on 27.05.2019. She has not yet completed prescribed length of service for promotion. No enquiry is pending against her. Her PER dossier is complete. Her service record upto 2022 is generally good. Her quantified score is 52 and the Board awarded her 12 out of 30 marks.</p> <p>The Board recommended the Officer for appointment to the post of District Education Officer/Additional Director (Female) BS-19 on acting charge basis.</p>

CONFIDENTIAL

PSB meeting 19.09.2023

7.	Mst. Nargis Jabeen	<p>Her date of birth is 15.02.1975. She joined government service on 21.02.2012 in BS-17. She was promoted to BS-18 on 27.05.2019. She has not yet completed prescribed length of service for promotion. No enquiry is pending against her. Her PER dossier is complete. Her service record upto 2022 is generally good. Her quantified score is 55 and the Board awarded her 12 out of 30 marks.</p> <p>The Board recommended the Officer for appointment to the post of District Education Officer/Additional Director (Female) BS-19 on acting charge basis.</p>
8.	Mst. Laila Ali	<p>Her date of birth is 05.04.1979. She joined government service on 03.01.2011 and was appointed in BS-17 on 21.02.2012 in Management Cadre. She was promoted to BS-18 on 27.05.2019. She has not yet completed prescribed length of service for promotion. No enquiry is pending against her. Her PER dossier is complete. Her service record upto 2022 is generally good. Her quantified score is 55 and the Board awarded her 12 out of 30 marks.</p> <p>The Board recommended the Officer for appointment to the post of District Education Officer/Additional Director (Female) BS-19 on acting charge basis.</p>
9.	Mst. Mehrun Nisa	<p>Her date of birth is 04.02.1980. She joined government service on 21.02.2012 in BS-17. She was promoted to BS-18 on 27.05.2019. She has not yet completed prescribed length of service for promotion. No enquiry is pending against her. Her PER dossier is complete. Her service record upto 2022 is generally good. Her quantified score is 57 and the Board awarded her 13 out of 30 marks.</p> <p>The Board recommended the Officer for appointment to the post of District Education Officer/Additional Director (Female) BS-19 on acting charge basis.</p>
10.	Mst. Fanoos Jamal	<p>Her date of birth is 05.01.1977. She joined government service on 22.11.1999 and was appointed in BS-17 on 21.02.2012 in Management Cadre. She was promoted to BS-18 on 27.05.2019. She has not yet completed prescribed length of service for promotion. No enquiry is pending against her. Her PER dossier is complete. Her service record upto 2022 is generally good. Her quantified score is 57 and the Board awarded her 13 out of 30 marks.</p>

Mst. Mehrun Nisa
 Section Officer (Inquiries)
 Elementary & Secondary Edu. Bd.
 Govt. of Khyber Pakhtunkhwa

*Attested
 P. J. J. J.*
 Section Officer (PSB)
 Govt. of Khyber Pakhtunkhwa
 Establishment & Management

11

Annexure - H

CONFIDENTIAL

PSB meeting 19.09.2023

		The Board recommended the Officer for appointment to the post of District Education Officer/Additional Director (Female) BS-19 on acting charge basis.
11.	<p>Mst. Hussan Ara</p> <p><i>Attested</i></p> <p><i>Ryzeen</i></p> <p><i>Secretary (PSB)</i></p> <p><i>Govt. of Khyber Pakhtunkhwa</i></p> <p><i>Establishment Department</i></p> <p><i>R</i></p>	<p>Her date of birth is 10.02.1970. She joined government service on 01.03.1998 and was appointed in BS-17 on 21.02.2012 in Management Cadre. She was promoted to BS-18 on 27.05.2019. She has not yet completed prescribed length of service for promotion. No enquiry is pending against her. Her PER dossier is complete. Her service record upto 2022 is generally good. Her quantified score is 55 and the Board awarded her 12 out of 30 marks.</p> <p>The Board recommended the Officer for appointment to the post of District Education Officer/Additional Director (Female) BS-19 on acting charge basis.</p>

32. K

Section Officer (Inquiries)

Elementary & Secondary Edu. Deptt.

Govt. of Khyber Pakhtunkhwa