

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 7281/2021

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER (E)

Sadiq Shah S/O Khanawada R/O village Haleemzai Tehsil Ekka Ghund,
District Mohmand.(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary, E&SE, Civil Secretariat, Peshawar.
2. District Education Officer Mohmand Tribal District, Ghalanai District Mohmand.
3. Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.(Respondents)

Mr. Farhan Tariq,
Advocate ... For appellant

Mr. Asif Masood Ali Shah,
Deputy District Attorney ... For respondents

Date of Institution.....	15.03.2019
Date of Hearing.....	13.06.2024
Date of Decision.....	13.06.2024

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 25.03.2021, whereby appointment order of the appellant was withdrawn. It has been prayed that on acceptance of the appeal, the impugned order might be set aside by declaring it illegal and against the law.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was serving as Theology Teacher at the Government



Primary School Said Shah Kor, District Mohmand vide order dated 17.11.2020. Before assuming charge at the school, the appellant, as per rules and directions of the superiors, submitted all his educational record and also deposited the required fee for verification of documents. After verification of documents and fulfillment of all codal formalities, he joined his service on 17.11.2020. He was informed that his appointment was withdrawn with the allegations of submitting fake and forged documents for getting the job. Feeling aggrieved, he preferred departmental appeal before the DEO Tribal District Mohmand on 02.04.2021 which was not responded; hence the instant service appeal.

3. Respondents were put on notice who submitted written reply. We heard the learned counsel for the appellant as well as learned Deputy District Attorney for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, argued that the appellant, after the verification of his documents and fulfillment of codal formalities, joined his service and started performing his duty and that its subsequent withdrawal was bad in the eyes of law. He further argued that neither any charge sheet was served upon him nor he was associated with any inquiry, hence the impugned order was illegal and liable to be set aside. He requested that the appeal might be accepted as prayed for.

5. Learned Deputy District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that the appellant applied for TT



post through NTS and after qualifying the test he scored 101.52 marks. Departmental Selection Committee recommended him for appointment against the post of 'T1' on 17.01.2020. After appointment of the appellant, one, Ajmali Khan second in the waiting list candidates, submitted a complaint to the Director Education, Newly Merged Areas Khyber Pakhtunkhwa that the documents of the appellant were fake and tempered. In the light of the said complaint, a fact finding inquiry was conducted and after the inquiry IBCC Board certificate of the appellant was proved fake and bogus by the concerned regional office. After the inquiry, Directorate of Elementary & Secondary Education, vide letter dated 16.03.2021, directed the DFO to withdraw the appointment order of the appellant which was done through the impugned order in accordance with law. He requested that the appeal might be dismissed.


6. Arguments and record presented before us transpire that the appointment order of the appellant was withdrawn vide an order of District Education Officer, Mohmand Tribal District dated 25.03.2021 and the same has been impugned before us. The appellant was appointed as Theology Teacher vide an order dated 17.11.2020 under certain terms and conditions. Condition no. 4 of the appointment order stated that appointment was subject to the verification of certificates/degrees from the concerned authorities by the office of DFO, Mohmand Tribal District and anyone producing bogus documents/testimonials would be reported to the law enforcing agencies for further action. The respondents, in their reply, stated that the appellant did not submit the documents for verification,



however their salaries were released subject to the condition that if documents of anyone were found bogus or fake, he/she would refund the entire emoluments in government treasury. On a complaint received from one Mr. Ajmali Khan, a candidate in the waiting list, a fact finding inquiry was conducted and it was found that the IBCC Board certificate of the appellant was fake/bogus. Respondents in their reply, at annex-D, page 17, attached a letter of Government of Pakistan, Ministry of Federal Education and Professional Training, Inter Board Committee of Chairman, dated 19.01.2021 which clearly stated that the relevant record (of Sadiq Shah) had been checked and it was found that the equivalence certificate was fake/bogus. Learned counsel for the appellant could not produce any argument in rebuttal of that document of the Government of Pakistan. In the presence of such a documentary evidence and clear terms and conditions, the plea of the appellant became groundless.

7. In view of the above discussion, the service appeal is dismissed. Cost shall follow the event. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 13th day of June, 2024.*


(FAREENA PAUL)
Member (I).


(RASHIDA BANO)
Member(J)


Fazle Subhan PS


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13th June, 2024 01. Mr. Farhan Tariq, Advocate for the appellant present.
Mr. Asif Masood Ali Shah, Deputy District Attorney for the
respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 04 pages, the
service appeal is dismissed. Cost shall follow the event.
Consign.

03. *Pronounced in open court in Peshawar and given under
our hands and seal of the Tribunal on this 13th day of June,
2024.*


(FARNIA PAUL)
Member (E)


(RASHIDA BANO)
Member(J)

Fazal Subhan PS