

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR,  
SERVICE APPEAL No 846 / 2024**

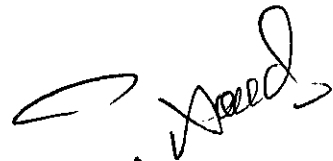
**Mrs. Shahida Perveen, DEO Female, (BS-19)**

**VS**

1. Government of Khyber Pakhtunkhwa, Through Chief Secretary, Khyber Pakhtunkhwa
2. Secretary, Khyber Pakhtunkhwa Elementary and Secondary Education Department, Peshawar.
3. Mrs. Syeda Anjum, (District Education Officer (F) D.I.Khan

**REPLY ON BEHALF OF RESPONDENT**

<b>S.No.</b>	<b>Description of Documents</b>	<b>Pages</b>
1	Implementation Report on Behalf of Respondent	1-2
2	Affidavit	3
3	Authority Letter	4
4	Annexure <b>A</b> ( <b>Order of the Appellant dated 12.06.2024</b> )	5
5	Annexure <b>B</b> ( <b>Impugned Order dated 10.05.2024 and Charge Assumption</b> )	6-8
6	Annexure <b>C</b> ( <b>District Accounts Office Pay Activation</b> )	9-10
7	Annexure <b>D</b> ( <b>PHC Order Sheet dated 06.06.2024</b> )	11-13
8		
9		
10		



**DEPONENT**

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR,**  
**SERVICE APPEAL No 846 / 2024**

**Mrs. Shahida Perveen, DEO Female, (BS-19)**  
VS

Government of Khyber Pakhtunkhwa, Through Chief Secretary, Khyber Pakhtunkhwa  
Secretary, Khyber Pakhtunkhwa Elementary and Secondary Education Department, Peshawar.  
Mrs. Syeda Anjum, (District Education Officer (F) D.I.Khan

**REPLY ON BEHALF OF RESPONDENT No-3**

Respectfully sheweth,  
The respondents submit as under:

Khyber Pakhtunkhwa  
Service Tribunal

Diary No: 13874

Dated 01-07-2024

**PRELIMINARY OBJECTIONS:**

1. That the appeal is bad in its present form, due to lack of a cause of action or *locus standi*. Hence, it may be summarily dismissed.
2. That the impugned order in respect of the appellant has been issued by the competent authority without causing any breach to the terms and conditions of the Service of Civil Servants, or breach to Service Rules or policy of the Government of Khyber Pakhtunkhwa.
3. That the Appeal may kindly be dismissed for non-maintainability; because the Appellant has **concealed the material fact** by not telling this Honourable Tribunal about her current adjustment/posting as Director HR, *Elementary & Secondary Education Foundation (ESEF)* vide order **No.SO(AB)E&SED/15-2/ESEF/2024, dated 12.06.2024**, by the competent authority, who was knowing that the Respondent No.3 has already taken over charge and has started performance of her official duties.  
(Annexure A, Pages: 5)
4. That the Appellant has filed the instant Appeal just to pressurize the respondents.
5. That the appellant has not come to this Honourable Tribunal clean-handed; hence the appeal may generously be dismissed.
6. That the appellant has filed the instant appeal with mala fide intent, just to pressurize the respondents for gaining illegal service benefits.

**OBJECTIONS ON FACTS:**

1. Para needn't reply.
1. (Wrongly numbered). Para is correct to the extent of the Transfer orders issued by the competent authority; although, the appellant was then posted at the BPS 19 Post (MC) of DEO Female DIKhan while she was a then a BPS-18 Officer of Management Cadre of this department.
2. Para is related to the respondent No.3 and the Service Appeal No.1496/ 2023, as decided by this Honourable Tribunal vide its worthy Judgment dated 07.11.2023; though, the same was yet pending for compliance, until the impugned order dated 10.05.2024.
3. That the order dated 10.05.2024 was issued **without causing any breach** to the terms and conditions of the Service of Civil Servants, or breach to Service Rules or policy of the Government of Khyber Pakhtunkhwa. Moreover, the Appellant has concealed the material fact about her current adjustment/ posting as **Director HR, Elementary & Secondary Education Foundation (ESEF)** vide order

No.SO(AB)E&SED/15-2/ESEF/2024 , dated 12.06.2024, by the competent authority.

(Annexure A , Pages: 5 )

Also respondents submit before this Honorable Tribunal that the impugned order dated 10.05.2024, has already been acted upon in the following terms:

- i. That the Respondent No.3 has already assumed the charge of the post of DEO (Female) DIKhan on 11<sup>th</sup> of May 2024 vide office order No.5000-09, dated 11.05.2024, under the impugned order No. SO(MC)E&SED/4-16/2024/DEOs/D.I.Khan, dated 10.05.2024. Annexure B 6-8
  - ii. That the Salary of the Respondent No.3 has already been activated on the Official ID of the DEO (Female) DIKhan, since 11<sup>th</sup> of May 2024. (Annexure C , Pages: 9-10).
  - iii. That Respondent No.3, in capacity of the DEO Female DIKhan, has personally attended, the Division Bench in the Honourable Peshawar High Court DIKhan Bench, on 03.06.2024 and 06.06.2024 in many Writ Petitions. (Annexure D , Pages: 11-13).
4. That the appeal was lawfully rejected by the competent authority as per *modus operandi* for such appeals. Furthermore, grievances of the appellant were redressed by issuing in her respect the order of posting/ adjustment as Director HR, Elementary & Secondary Education Foundation (ESEF) vide order No.SO(AB)E&SED/15-2/ESEF/2024 , dated 12.06.2024.
5. Strictly denied. That the appellant has got no cause of action to file this instant Service Appeal; hence it may be dismissed summarily.

**OBJECTIONS ON GROUNDS:**

- A. Strictly denied. That the order dated 10.05.2024 was issued **without any mala fide and is causing no breach** to the terms and conditions of service of a Civil Servants, nor to Service Rules or policy of the Government of Khyber Pakhtunkhwa. Moreover, the Appellant has **concealed** the material fact about her current adjustment/ posting as Director HR, Elementary & Secondary Education Foundation (ESEF) vide order No.SO(AB)E&SED/15-2/ESEF/2024 , dated 12.06.2024, by the competent authority.
- B. Strictly denied. That the appellant has been treated in accordance with law, without violation of vested rights of a civil servant, and without observing any mala fide.
- C. Strictly Denied. That the appellant has been dealt in accordance with norms of the natural law of justice.
- D. Strictly denied. As explained above at Para 3 of Facts and Para A of Grounds herein above.
- E. Strictly denied. As explained above at Para 3 of Facts and Para A of Grounds herein above.
- F. That the learned Council for the respondents may generously be allowed to raise further grounds during the course of arguments.

*It is therefore, humbly prayed that this Appeal may generously be dismissed.*

The Humble Respondent

  
Mrs. Syeda Anjum  
DISTRICT EDUCATION OFFICER  
(FEMALE) DERA ISMAIL KHAN

Respondent no. 3

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR,**  
**SERVICE APPEAL No 846 / 2024**

**Mrs. Shahida Perveen, DEO Female, (BS-19)**

**VS**

1. Government of Khyber Pakhtunkhwa, Through Chief Secretary, Khyber Pakhtunkhwa
2. Secretary, Khyber Pakhtunkhwa Elementary and Secondary Education Department, Peshawar.
3. **Mrs. Syeda Anjum, (District Education Officer (F) D.I.Khan**

**AFFIDAVIT:**

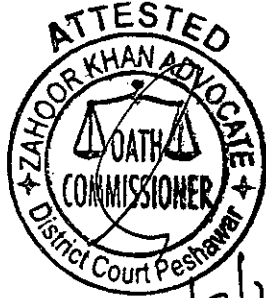
It is solemnly stated on oath that the reply/ statement is true to the best of my knowledge and that nothing has been deliberately concealed from this Honourable Tribunal in the above stated Service Appeal and that the defense of this respondent has not been struck off by this Honourable Tribunal.

*The answering respondent have neither been placed in default nor their defense struck off*

The Humble Respondent

*[Signature]*  
**Mrs. Syeda Anjum**  
**DISTRICT EDUCATION OFFICER**  
**(FEMALE) DERA ISMAIL KHAN**

*Respondent No-3*



*01/7/2024*

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR,**  
**SERVICE APPEAL No 846 / 2024**

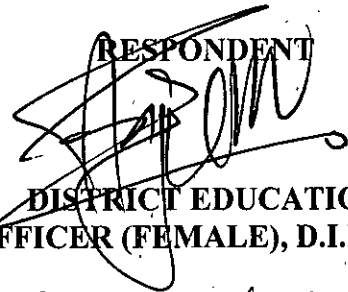
**Mrs. Shahida Perveen**, DEO Female, (BS-19)

VS

7. Government of Khyber Pakhtunkhwa, Through Chief Secretary, Khyber Pakhtunkhwa
8. Secretary, Khyber Pakhtunkhwa Elementary and Secondary Education Department, Peshawar.
9. Mrs. Syeda Anjum, (District Education Officer (F) D.I.Khan

**AUTHORITY LETTER**

I, Mrs. Syeda Anjum, the District Education Officer (Female), D.I.Khan, do hereby authorize Mr. MUHAMMAD SAEB to attend the Honourable Khyber Pakhtunkhwa Service Tribunal, Camp Court D.I.Khan, on my behalf in connection with submission of Para-wise comments/ Reply/ Attendance till the decision of the above titled Service Appeal and its connected CMs.

**RESPONDENT**  
  
**DISTRICT EDUCATION  
OFFICER (FEMALE), D.I.KHAN**  
Respondent No-3

A - (5)



**GOVERNMENT OF KHYBER PAKHTUNKHWA**

**Elementary & Secondary Education Department**

Block "A" Opposite MPA's Hostel, Civil Secretariat, Peshawar  
Phone: 091-9223530, Fax: 091-9211419

Dated Peshawar the June 12<sup>th</sup>, 2024

**NOTIFICATION**

**No. SO(AB)E&SED/15-2/ESEF/2024:** Mst. Shahida Parveen (MC BS-19 presently waiting for posting in E&SE Department) is hereby transferred/posted against the vacant post of Director (HR/Admin) in Elementary & Secondary Education Foundation, on deputation basis, for a period of three years, with immediate effect.

2- The terms & conditions of deputation of the above officer will be settled in due course of time.

**Secretary to Govt. of Khyber Pakhtunkhwa  
E&SE Department**

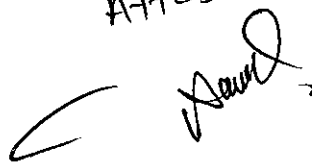
**Endst: of even No. & date**

Copy is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Managing Director, Elementary & Secondary Education Foundation.
3. Director, Elementary & Secondary Education Khyber Pakhtunkhwa.
4. Section Officer (Management Cadre), E&SE Department.
5. PS to Secretary, E&SE Department, Government of Khyber Pakhtunkhwa.
6. PA to Additional Secretary (Estab/Gen), E&SE Department.
7. PA to Deputy Secretary (AB), E&SE Department.
8. Officer concerned.

  
12/06/2024  
**(QAMAR ABBAS BANGASH)**  
Section Officer (Autonomous Bodies)

Attested





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9210626

B-6



Dated, the Peshawar 10<sup>th</sup> May, 2024

**NOTIFICATION**

**NO.SO(MC)E&SED/4-16/2024/DEOs /D.I.Khan:** The following postings/ transfers of the officers are hereby ordered with immediate effect, in the best public interest.

Sr. No	Name & Designation	From	To
1.	Mst. Syeda Anjum (MC BS-19)	Awaiting Posting	DEO (Female) D.I.Khan Vice.S.No.2
2.	Mst. Shahida Parveen (MC BS-19 ACB)	DEO (Female) D.I.Khan	Report to Directorate of E&SE Peshawar

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

**Endst: of even No.& date:**

Copy forwarded for information to the: -

1. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Divisional Commissioner D.I.Khan
4. Deputy Commissioner D.I.Khan.
5. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
6. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
7. District Education Officer (Female) D.I.Khan
8. District Accounts Officer D.I.Khan.
9. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

SECTION OFFICER (Management Cadre)

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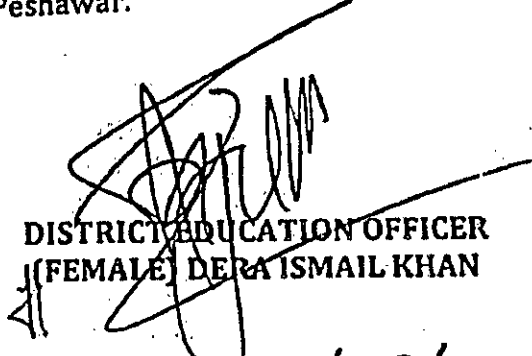


B-74 (7)

**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(FEMALE) DERA ISMAIL KHAN**

**CHARGE ASSUMPTION CERTIFICATE**

Mst: Syeda Anjum has assumed the charge of the post District Education Officer (Female) Dera Ismail Khan to day on 11-05-2024 (F.N) vide Secretary Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar Notification No.SO(MC)E&SED/4-16/2024/DEOs/DIKhan Dated the Peshawar the 10-05-2024, issued by the section Officer (Management Cadre) Khyber Pakhtunkhwa, Peshawar.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) DERA ISMAIL KHAN

Endst: No. 5000-0081

Dated DIKhan the 11/05/2024.

Copy of the above is forwarded for information to the:-

1. PS to Secretary E&SE Department Khyber Pakhtunkhwa Peshawar.
2. Director E&SE Khyber Pakhtunkhwa Peshawar.
3. Director EMIS, E&SE Department Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa Peshawar.
5. Divisional Commissioner, D.I.Khan.
6. Deputy Commissioner, D.I.Khan.
7. District Accounts Officer D.I.Khan.
8. Officer concerned
9. Office File.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) DERA ISMAIL KHAN

*Attested  
Saeed*



The Honorable Secretary,  
Elementary & Secondary Education,  
KPK Peshawar.

B-8

Subject:

ARRIVAL REPORT

Respected Sir,

In compliance with the Orders of Honourable Secretary, E&SE KPK Peshawar contained in Endstt: No. NO.SO(MC)E&SED/14-16/2024/DEOs/D.I.Khan the following Posting/ Transfer of the officers dated Peshawar the 10-05-2024, Mst. Syeda Anjum DEO (Female) D.I.Khan (BPS-19) do hereby submit my arrival report today on 11-05-2024 F.N, on the post of DEO (Female) BPS-19 D.I.Khan.

  
Mst. Syeda Anjum  
District Education Officer  
(Female), D.I.Khan

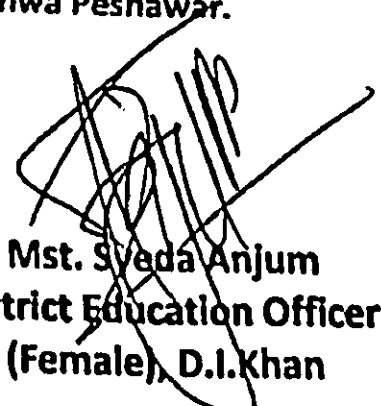
Endstt: No. 5010-18 DEO/F/D.I.Khan

Dated: 11/05/2024

Copy forwarded for information & necessary action to:

1. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Divisional Commissioner D.I.Khan.
4. Deputy Commissioner D.I.Khan
5. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
6. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
7. District Education officer (Female) D.I.Khan.
8. District Accounts Officer D.I.Khan.
9. PS To Secretary, E&SE Department, Khyber Pakhtunkhwa Peshawar.

*Attested*  
*Syed*

  
Mst. Syeda Anjum  
District Education Officer  
(Female), D.I.Khan

C-9



OFFICE OF THE DISTRICT ACCOUNTS OFFICER  
DERA ISMAIL KHAN

CERTIFICATE

Certified that pay of Mst: Syeda Anjum DEO (Female) Dera Ismail Khan has been activated on 11/05/2024 due to her transfer order vide Government of KPK E&SE Department Notification No.SO(MC)E&SE/D/4-16/2024/DEOs/DIKhan, dated the Peshawar 10/05/2024.

  
DISTRICT ACCOUNTS OFFICER  
DERA ISMAIL KHAN

Attested  
Dard

**PAY SLIP PRINTING**

10-2

St:1

P Sec:001 Month:May 2024

DI6275 -District Education Officer

DISTRICT EDUCATION OFFICE

Pers #: 00577127

Buckle:

Name: SYEDA ANJUM

NIN:

DISTRICT EDUCATION OFFICE

GPE #:

CHIC No.1210109119398

Old #:

GPE Interest Free

19 Active Temporary

DI6275 -

**PAYS AND ALLOWANCES:**

0001-Basic Pay	87,840.00
1947-Medical Allow 15% (16-22)	1,846.00
2148-15% Adhoc Relief All-2013	1,225.00
2199-Adhoc Relief Allow @10%	844.00

Gross Pay and Allowances

91,755.00

**DEDUCTIONS:**

GPE Balance 7,180.00

Subrc: 7,180.00

3543-Professional Tax

2,000.00

Total Deductions

9,180.00

*Alashed*  
*Shad*

D-11

**PESHAWAR HIGH COURT, D.I.KHAN BENCH**

**FORM OF ORDER SHEET**

Date of order or proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
06.6.2024	<p><u>C.O.C.No.1210-D/2019 with</u> <u>C.M.Nos.1211-D/2019, 35, 359-D/2023.</u></p> <p><u>Present:-</u> Muhammad Rizwan Khan, Advocate for the petitioner.</p> <p>Mr. Inamullah Khan, Asstt. A.G. alongwith Ms. Syeda Anjum DEO (F) and Dr. Imran Ali Shah Litigation Officer DEO (F), D.I.Khan.</p> <p>***</p> <p><u>Dr. Khurshid Iqbal, J.-</u> At the outset, the latter produced appointment order of the petitioner, whereby the petitioner has been appointed as Arabic Teacher (BPS-15). In view thereof, this COC petition has served its purpose, which stands disposed of.</p> <p><u>Announced.</u> <u>Di. 06.6.2024.</u></p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: right;"><u>JUDGE</u></p>

Kifayat/\*

(D.B)

Hon'ble Mr. Justice Fazal Subhan  
Hon'ble Mr. Justice Dr. Khurshid Iqbal

Attested  
Dad

office  
11/06/2024



**OFFICE OF THE DISTRICT EDUCATION OFFICER**

**(FEMALE) DERA ISMAIL KHAN**

(0966-9280131), emisfdikhan@gmail.com



**APPOINTMENT ORDER:**

In compliance to the worthy judgment rendered by the Honourable Peshawar High Court Dikhan Bench dated: 23.10.2018; in WP 649-D of 2014, titled as Naila Bibi vs Government of KP, and Worthy Order dated: 03.06.2024 in the on-going COC Petition No: 1210-D of 2019, and under the Rule 10 (2) Of The Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, after allowing extra marks for her Islamic Asnad of Shahada Alamiya (MA), Shahada Alia (BA), Shahada Sanviya Khisa (TA) and upon the recommendation of the Departmental Selection Committee, Appointment on OPEN MERIT is hereby ordered in the public interest in respect of the following female candidates against the post of Arabic Teacher (Female) BPS-15 (RS: 23920-1980-83320) fixed plus usual allowances as admissible to them under Rules, for one year, on Ad hoc/ Contract basis through NTS 2014, under the existing policy of the Government of Khyber Pakhtunkhwa, with terms and conditions given below, with immediate effect.

S.#	NTS Roll No.	Name	Father Name	Date of Birth	CNIC #	Merit Score	Posted at	REMARKS
1.	1740576	NAILA BIBI	ABDUL HAMEED	15/APR/1987	12101-5545212-4	107.63	GGMS Gara Muhabbal	Her age shall be considered as on 20.01.2014, the last date of application under the Advertisement of NTS 2014 Batch.

**NOTE:**

NO TADA etc. is allowed. Charge report should be submitted to all concerned.

**TERMS AND CONDITIONS:**

1. Their Appointment is made purely on adhoc basis, initially, for one year from the date of issuance of order.
2. They should not be handed over charge if they exceed 35 years or fall below 18 years of age. Age relaxation case may be submitted to the competent authority (if required). Age may be considered as on 20.01.2014, the last date of Application for NTS 2014.
3. The Appointment is made with the condition that the certificate/documents of the appointees must be verified from the concerned authorities by the DDO concerned; anyone found producing bogus Certificate, the DDO will report to the law enforcing agencies for further action and/or this appointment order will be cancelled automatically. The candidate concerned will have no right of appeal at any forum. Expenses on verification of the certificates/degree will be borne by the appointees.
4. Their services are liable to termination on one month's notice from either side. In case of resignation without notice, her one-month pay/ allowances shall be forfeited to the Government Exchequer.
5. District Accounts Officer shall release their salary on production of duty certificate duly signed by concerned DDO and countersigned by the undersigned.
6. Under the authority of No. SORII(S&GAD)I(26)/86, dated 20.10.1986, they should join their post within 30 days of the issuance of this Order. In case of failure to join the post within stipulated period, her appointment will stand expired automatically and no subsequent appeal etc. shall be entertained.
7. Under Rule 11, Sub-rule (5) of THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989, Health Fitness and Age Certificate should be produced from the Medical Superintendent, D.I. Khan, before taking over charge.
8. She will be governed by such rules and regulations as may be issued from time to time by the Government.
9. Their services shall be terminated at any time in case their performance is found unsatisfactory during their Adhoc/ Contract period.
10. In case of misconduct, they shall be proceeded under the rules framed from time to time.
11. In case of acceptance of the appeal by the competent authority in respect of another deserving, yet, leftover meritorious candidate, this appointment order shall be withdrawn to the extent of below merit candidate and re-adjustment will be carried out in this regard.
12. They will serve at the place of posting till the status of contract is notified as regularized.

*Attested*  
*D. I. Khan*

D-13

- 13. The place of posting/ adjustment shall be considered as per discretion of the competent authority and no candidate shall approach / appeal for appointment/ adjustment at a specific station as a vested right.
- 14. Before handing over charge, once again their documents shall be checked by DDO concerned, and if the appointee does not acquire the required qualifications, as per rules, or in case of any degree/certificate is found to be issued after January, 20, 2014, against which she claimed score for merit, they may not be handed over charge of the post.
- 15. They will be trained for 9 months in-service mandatory professional training at PITE/RITE.
- 16. Their seniority will be determined together with the NTS 2014 batch though after regularization as admissible under the relevant rules. She shall not be eligible for Back benefits etc. except seniority.
- 17. Joining of Post/ job shall be deemed as acceptance of all the terms and conditions mentioned above.

(SYEDA ANIUM)  
 DISTRICT EDUCATION OFFICER  
 (FEMALE) DERA ISMAIL KHAN

6230-38

Endst. No./AT Appointment/ PHC/NTS 2014/ Dated 07/10/2024.

Copy forwarded to the:

- 1. Addl. Registrar PHC, as a compliance report in COC 1210 D of 2019
- 2. PA to Director, E&SE Khyber Pakhtunkhwa, Peshawar.
- 3. Deputy DEO (Female) D.I. Khan.
- 4. Deputy Commissioner, D.I. Khan.
- 5. District Accounts Officer, D.I. Khan (with the request that her age may be considered as found on 20.01.2014, the last date of Application for NTS 2014.)
- 6. District Monitoring Officer (IMU) D.I. Khan.
- 7. Focal Person IMU Local Office D.I. Khan.
- 8. Principal/ Headmistress/DDO Concerned.
- 9. Candidate concerned.
- 10. Master file.

(SYEDA ANIUM)  
 DISTRICT EDUCATION OFFICER  
 (FEMALE) DERA ISMAIL KHAN

Attested  
 Dated