

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR CAMP COURT ABBOTTABD**

Service Appeal No: 2206/2023

Mst KHALIDA BIBI.....Appellant

VERSUS

1. District Education Officer (DEO) Female Abbottabad.
2. Sub Divisional Education Officer (SDEO) Female Havelian Circle.
3. Assistant Sub Divisional Education Officer (ASDEO) Female Havelian Circle.
4. Director Elementary & Secondary Education, Peshawar Khyber Pakhtunkhwa.
5. Secretary Education Peshawar Khyber Pakhtunkhwa.
6. Rashida Bibi, presently posted as Secondary School Teacher (SST) (BPS-16) (after Promotion) in Government Girls High Female School Balolia, Kakul Abbottabad.

.....Respondents

INDEX

S.No	Description	Annexure	Page No.
1.	Para wise comments & Affidavit		1-8
2.	Reply of suspension Application and Affidavit		9-11
3.	Copy of No 3468/Promotion/SST dated 29-04-2023	"A"	8-9
4.	Copy of Final merit list 2021	"B"	10-12
5.	Copy of working papers 2022	"C"	13
6.	Copy of application dated 13/3/2023	"D"	14-15

Dated: ___/03/2024

District Education Officer (F)

Abbottabad

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR CAMP COURT ABBOTTABD**

**Khyber Pakhtunkhwa
Service Tribunal**

Service Appeal No: 2206/2023

Diary No. 13731

Dated 24/6/24

Mst KHALIDA BIBI.....Appellant

VERSUS

**DISTRICT EDUCATION OFFICER (DEO) FEMALE ABBOTTABAD, &
OTHERS.....Respondents**

PARAWISE COMMENTS ON BEHALF THE RESPONDENTS NO. 1 to 5

Respectfully Sheweth:

Para wise comments on behalf of the respondent No.1 to 5 are as under.

PRELIMINARY OBJECTION

1. That the appellant has no locus standi/cause of action to file instant appeal.
2. That the appellant is stopped to agitate the instant matter before this Honorable Tribunal.
3. That the appellant has not approached this Honorable Tribunal with clean hands.
4. That the appellant has filed instant appeal with malafide intention for wrongful gain and suppressing the original facts, from this Honorable Tribunal, hence the appeal is liable to be dismissed.
5. That the appeal is hopelessly time barred.
6. That the appellant is treated as per rules and law and policy. Therefore appellant is not entitled for any relief and hence appeal is liable to be dismissed without further proceeding.
7. That on the appellant own request she was submitted the application of retirement, under observation her application was returned. Appellant has not entitled for arrear on the period of none performance.
8. That the instant appeal is not maintainable in its present form.
9. That the instant appeal is against the law/service rules hence not maintainable in the eye of law and liable to be dismissed.
10. That the act of the respondent with in law and rules. Hence appeal is liable to be dismissed.
11. That the appellant was not eligible for the Promotion of (SST), because of her qualification, as per rule qualification required M.S.C, while the appellant is simple MA.

FACTUAL OBJECTIONS

1. That the Para No. 01, of the service appeals pertains to service record.
2. That the Para No. 02, of the service appeals is that appellant is MA, in official record while the requisite qualification for the Post of SST (Bio/Chemistry) is M.Sc. Further stated that at the time of promotion, she is not eligible under the prevailing circumstances as per rules and Policy. Appellant neither approach to the competent authority for redressal of her grievances in response of correction in tentative seniority list as well as final seniority list, nor she response in written objections raised by the competent authority, vide letter No 3468/Promotion/SST dated 29-04-2023. (Photocopy of letter is annexed **as Annexure "A"**).
3. That the Para No. 03, of the service appeals as composed is incorrect hence, detail reply has been given in Para No. 2 of the factual objections.
4. That Para 4 of the service appeals is incorrect, hence denied. Appellant is not entitled for Promotion for Post of SST (Bio/Chemistry) because of her qualification mentioned as MA in tentative seniority list as well as final merit list, nor appellant challenged the final merit list, while the respondent No. 6 having requisite qualification (M.Sc) and fulfilled the requisite criteria for the promotion and rightly promoted on the Post of SST (Bio/Chemistry), (Photocopy of final merit list 2021-22. and working paper 2022, are annexed as **Annexure "B" & "C"**).
5. That the Para No. 05, of the service appeals as composed is incorrect hence, denied. Application of appellant is silent in the light of letter Endstt: No 3468/Promotion/SST dated 29-04-2023, of respondent No.1. Appellant neither filed the departmental appeal before any competent forum nor agitate letter dated 29/4/2023, before the respondent NO. 4 as a competent authority.
6. That the Para No. 06 of the service appeals is incorrect and denied. Furthermore appellant neither changed the final seniority list nor challenged the letter No 3468 dated 29/4/2023, in her application dated 13/3/2023, nor appellant filed departmental appeal before any departmental authority, never she attached or challenged final order of any competent authority. (**Photocopy of application dated 13/3/2023 annexed as Annexure "D"**).
7. That the Para No. 07 of the service appeals as composed is incorrect hence, denied. Appellant did not prefer departmental appeal before the competent authority of filling of service appeal hence instant service appeal is against the law and rules on subject.

GROUNDS

- a) That the ground "a" as composed is incorrect hence, denied. Furthermore appellant did not follow rule 5 of the KPK, Service Tribunal Act 1991, regarding final order of the appellate authority in the instant service appeal, hence, is liable to be dismissed.
- b) That the ground "b" of the Service Appeals as composed is incorrect hence, denied. Appellant did not impugn the order dated 29/4/2023, before any appellate authority nor she challenged the final seniority list 2022 as well hence, the instant appeal is liable to be dismissed.
- c) That the ground "c" of the Service Appeals as composed is incorrect hence denied. **"Law favor the vigilant nor the indolent"** as being time barred/ hit under principle of laches, without jurisdiction, policy matter in respect of service right, hence the instant Service Appeals is liable to be dismissed.
- d) That the ground "d" of Service Appeals as composed is incorrect hence denied. Appellant did not take up the matter with in time, with proper way before the proper authority.
- e) That ground "e" of the Service Appeals as composed is incorrect hence denied. Appellant under the service law and rules as well in the light of promotion policy especially in light of rule 5 of the service tribunal rules, instant Service Appeals is not maintainable in its present form. Hence liable to be dismissed.
- f) That the ground "f" of Service Appeals as composed is incorrect hence, denied. Appellant did not follow Para 2 & 3 of the letter dated 29/4/2023, hence the Service Appeal of appellant may be struck down.
- g) That the ground "g" of Service Appeals as composed is incorrect, hence denied. The Appellant did not follow Para 2 & 3 of the letter dated 29/4/2023. The instant service appeal is liable to be dismissed.
- h) That the ground "h" of Service Appeals as composed is incorrect, hence denied. Appellant was treated as per law and rules and policy.
- i) That the ground "i" of Service Appeals as composed is incorrect, hence denied. Appellant did not approach the respondent No.4 for her redressal rather than respondent No. 1. Therefore the service appeal may be struck down.

- j) That the ground "j" of Service Appeals as composed is incorrect, hence denied. Appellant did not aware of her own biodata/particular submitted before the competent authority, nor appeared in DPC before the authority.
- k) That the ground "k" of Service Appeals as composed is incorrect, hence denied. Reply has already mentioned above.
- l) That the ground "l" of Service Appeals as composed is incorrect, hence denied. Order of the respondent No. 6 is in accordance with rules and policy, maintainable while appellant did not prefer the departmental appeal before any competent authority.
- m) That the ground "m" of Service Appeals as composed is incorrect, hence denied. Appellant HIRS form did not tale with the tentative seniority list as well as final seniority list not she challenged any competent authority.
- n) That the ground "n" of Service Appeals as composed is incorrect, hence denied. Detail has already been mentioned above.
- o) That the ground "o" of Service Appeals as composed is incorrect, detail reply has already been mentioned above.
- p) That the ground "p" of Service Appeals as composed is incorrect, hence denied. Appellant did not filed any departmental appeal nor see any final order any departmental authority. The promotion order of the respondent No 6 is in accordance with rules and law and maintainable, while service appeal of the appellant become infectious regarding final order of any competent authority.
- q) That the ground "q" of Service Appeals as composed is incorrect, hence denied. Appellant was treated as per rules and policy.
- r) That the ground "r" of Service Appeals is legal and subject to prove no comments.
- s) That the respondents also seeks leave of this Honorable Tribunal to raise further points at the time of arguments.
- t) That the ground "t" of Service Appeals is legal.

It is therefore, humbly prayed that under the circumstances and forging comments, the instant Service Appeals may graciously be dismissed throughout with cost.



**MR MUHAMMAD TANVEER
DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD
(RESPONDENT NO: 1)**



**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR CAMP COURT ABBOTTABD**

Service Appeal No: 2206/2023

Mst KHALIDA BIBI.....Appellant

VERSUS

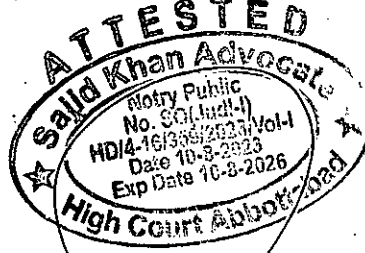
**DISTRICT EDUCATION OFFICER (DEO) FEMALE ABBOTTABAD, &
OTHERS.....Respondents**

AFFIDAVIT

I, Mr Muhammad Tanveer District Education Officer (Female) Abbottabad stated on oath that the contents of Para wise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

[Signature]

DEPONENT



[Signature]
13/6/2024

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD

No. 3468 /Promotion/SST

Dated 29/04/2023

To

Mst. Khalida Bibi, PST
GGPS Havellian Village

Subject: PROMOTION OF PST TO SST (BIO/CHEM).

Memo:

It is to inform you that your appeal for promotion from PST to SST (Bio/Chem) received in this office vide Diary No. 740 dated 13-03-2023 is not entertainable at this stage and rejected on the following grounds:-

1. That the Tentative Seniority List of PSTs maintained by this office was circulated amongst all the SDEO/ASDEO Offices for further information of all working teachers in the concerned Sub-Division/Circles. All the ASDEOs also shared the Tentative Seniority List through Whatsapp amongst all the working teachers of their circles for information and corrections, if any.
2. That you failed to get corrected the exact Bio-Data/particulars in the Tentative Seniority List.
3. That the corrections in the Tentative Seniority List neither recommended by any lower formation nor your case for promotion received in this office.

sd
DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD

Endst No. 3469-71
Copy for information to:-

1. The Director, Elementary & Secondary Education K.P.K, Peshawar
2. The Sub Divisional Education Officer, (Female) Abbottabad
3. The Sub Divisional Education Officer, (Female) Abbottabad

29/4/23
DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD

Allsted
District Education Officer
had
10/5/2024

BETTER COPY

9b

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.

No. 3458/ Promotion / SST
Dated 29-04-2023

To

Mst. Khalida Bibi, PST

GGPS Havelian Village

Subject: PROMOTION OF PST TO SST (BIO / CHEM)

Memo:

It is to inform you that your appeal for promotion from PST to SST (Bio/Chem) received on this office vide Diary No.740 dated 13.03.2023 is not entertainable at this stage and rejected on the following grounds:-

1. That the tentative Seniority List of PSTs maintained by this office was circulated amongst all the SDEO/ASDEO Officers for further information of all working teachers in the concerned Sub-Division/Circles. All the ASDEOs also shared the Tentative Seniority List through Whatsapp amongst all the working teachers of their circles for information and corrections, if any.
2. That you failed to get corrected the exact Bio-Data/particulars in the Tentative Seniority List.
3. That the corrections in the Tentative Seniority List neither recommended by any lower formation nor yourcase for promotion received in this Office.

Sd/-

DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD

Endst No. 3469-71

Copy for information to:-

1. The Director, Elementary & Secondary Education K.P.K Peshawar.
2. The Sub Divisional Education Officer, (Female) Abbottabad.
3. The Sub Divisional Education Officer, (Female) Abbottabad.

Sd/-

DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD

Attested
District Education Officer
(Female) Abbottabad
10/5/24

10

Annul "B"

Serial "C"

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD

FINAL SENIORITY LIST OF PST BPS-12 (AS STOOD ON 31-12-2021)

SN#	Name	F/Name	BPS	School	Acadmi e	PTC	CT	B.Ed	M.Ed	D/O Birth	D/Appott	D/Reg:Appgt	Marks Obtained	REMARKS
1	Saeeda Shamshad	Abdul Hafeez	12	GGCMS Mirpur	SSC	PTC				08/08/1963	01/06/1981	19/05/1985		
2	Yasmeen Bibi	Ali Bahadar	12	GGCMS Dana	SSC	PTC				12/11/1962	15/08/1981	15/08/1981		
3	Maryum Bibi	M.Daud	13	GGPS Mahmda	SSC	PTC				03/04/1962	02/09/1982	26/05/1987		
4	Mussarat Bibi	Dost Muhammad	12	GGPS Bamkai	SSC	PTC				14/04/1962	06/11/1982	26/05/1987		
5	Mehmooda Jadoon	Fazalad Khan	13	GGPS Langra	SSC	PTC				04/06/1962	11/11/1982	29/11/1987		
6	Farkhanda Jabeen	Maghfoor-ur-Rehman	12	GGPS Tazl	SSC	PTC				08/03/1963	17/11/1982	01/01/1986		
7	RAISA BIBI	GHUUSTAN KHAN	12	GGPS Neclor	SSC	PTC				04/05/1965	02/05/1983	31/05/1987		
8	Shamim Akhter	Shah Sltandar	12	GGPS Jhangl	SSC	PTC				20/04/1964	13/03/1984	13/03/1984		
9	Zia-un-Nisa	Mir Abdullah	12	GGPS Chamakka	SSC	PTC				30/12/1962	22/04/1984	01/09/1984		
10	Rasheeda	M.Bashir	12	GGPS Chamali	SSC	PTC				24/09/1964	02/10/1984	25/05/1995		
11	Salma Perveen	Sltandar Khan	12	GGPS Kunj	SSC	PTC				07/01/1964	27/03/1985	27/03/1985		
12	Naseem Akhter	Sarfaraz Khan	12	GGPS Sando gal	SSC	PTC				04/02/1962	31/03/1985	04/01/1996		
13	Nisreen Akhter	S.Fazal Etlal	12	GGPS Garga	SSC	PTC				03/04/1963	02/10/1985	22/11/1992		
14	Saeeda Begum	Ali Sarwar	12	GGPS Bari	SSC	PTC				15/06/1966	21/10/1985	04/07/1993		
15	Rubina Bibi	Fiqr Muhammad	13	GGPS Mahmda	SSC	PTC				16/05/1962	23/10/1985	06/10/1985		
16	Naheed Kousar	Abdur Rasheed	12	GGPS Kunj Abd	SSC	PTC				27/10/1965	02/11/1985	19/11/1985		
17	Zaidia Bibi	Aziz-ur-Rehman	12	GGPS Bandi Marsoor	SSC	PTC				01/04/1964	29/10/1986	15/02/1997		
18	ANSAR BIBI	FACEER MUHAMMAD	12	GGPS BARAM GALI	F.A	PTC				20/03/1963	02/12/1986	02/12/1986		
19	Saeeda Begum	M. Saleem	13	GGPS Kota	SSC	PTC				09/05/1967	10/09/1987	12/09/1987		
20	Rukhsana Yasmeen	Farid Muhammad	12	GGCMS Mirpur	SSC	PTC				20/03/1969	10/09/1987	12/09/1987		
21	Zubaida Khatoon	Muhammad Iqbal Hussain	12	GGPS Kholala	B.A	PTC				05/08/1965	04/12/1988	04/07/1993		
22	Gulnar Begum	Taj Muhd Khan	12	GGPS Dhanger	SSC	PTC				07/10/1962	09/08/1988	25/12/1993		
23	Waseem Gul	Mir Afzal	12	GGPS M/Pura No 1	SSC	PTC				06/04/1967	29/10/1988	30/10/1988		
24	Ghazala Begum	M.Khan	12	GGPS Khanger Bala	F.A	PTC				05/05/1968	30/10/1988	29/05/1994		
25	Naila Mughal	Muhammad Hussain	12	GGPS Jhangl	SSC	PTC				18/04/1964	01/11/1988	01/11/1988		
26	Rubina	Muhammad Farooq	12	GGPS Karl Radd	SSC	PTC				10/05/1969	12/03/1988	12/03/1988		
27	Zahida Shaheen	Gohair Rehman	12	GGPS N/Shehr No1	SSC	PTC				18/04/1966	01/08/1989	01/08/1989		
28	Shamim Akhter	M Sadiq	12	GGPS Jhangl	SSC	PTC				08/02/1968	20/08/1989	20/08/1989		
29	SHAIKAT RABBANI	GHULAM RABBANI	12	GGPS KUND BATTAL	SSC	PTC				01/03/1971	09/10/1989	10/10/1989		
30	Shabana Awan	M.Miskeen	12	GGPS Dhanger	SSC	PTC				24/04/1969	10/10/1989	10/10/1989		
31	SHAKEELA BEGUM	M. MISKEEN	12	GGPS SAILLOT 2	SSC	PTC				25/03/1963	17/10/1989	17/10/1989		
32	Rubina Shaheen	Munshif Khan	13	GGPS Hav/Stat	SSC	PTC				07/04/1967	19/10/1989	25/05/1995		
33	Noreen Shahzaman	Shahzaman	12	GGPS N/Shehr No 2	SSC	PTC				01/06/1970	21/12/1989	24/05/1994		
34	Shehnaz Bibi	Nisar Khan	12	GGPS B/ Khair Ali Khan	SSC	PTC				05/06/1964	24/12/1989	24/12/1989		
35	Tahira	Sakhi Sultana	12	GGPS B/ Dhondian No 2	F.A	PTC				11/07/1971	08/03/1990	08/03/1990		
36	Mehmooda Iqbal	Muhammad Iqbal	12	GGPS Upper Malkot	SSC	PTC				25/05/1964	10/03/1990	09/01/1995		
37	Shazia Gul	M.Ayub	12	GGPS Naroka	SSC	PTC				08/02/1967	15/11/1990	09/01/1995		
38	Sadia Sultana	M.Miskeen	12	GGPS UPPER KEHAL	SSC	PTC				11/03/1972	29/11/1990	30-11-1990		
39	Shamshad Begum	Roashan Din	12	GGPS B/ Dhondian No 1	SSC	PTC				20/08/1967	05/03/1991	25/05/1996		
40	SAYYEDA RIFFAT ZAHOOR	ZAHOOR AHMED SHAH	12	GGPS Bakheri	SSC	PTC				15/08/1971	10/04/1992	10/04/1992		

Remarks

Recommended

Notified
District Education Officer
Abbottabad
10/5/24

Notified
District Education Officer
Abbottabad
10/5/24

Notified
District Education Officer
Abbottabad
10/5/24

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر زنانہ ایبٹ آباد

درخواست / اپیل

جناب عالی!

گزارش ہے کہ میں نے اکتوبر 2022ء میں SST پر پرموشن کیلئے فائل ASDO آفس زنانہ مدارس حویلیاں میں جمع کروائی میرا آرڈر بطور PST ٹیچر 05-05-2015 کو ہوا تھا۔ (نقل آرڈر منسلک درخواست ہے) پرموشن کیلئے مانگے گئے Criteria کے مطابق میری تمام ریکوارمنٹ پوری تھیں میری سروس بک و HRIS فارم جو میں نے متعلقہ ایجوکیشن آفیسر حویلیاں زنانہ میں جمع کرایا تھا میری تعلیم B.Sc (Chemistry, Botany, Zoology) میںیشن ہے اور اکتوبر 2022 میں میری سروس بھی 07 سال پوری تھی، مورخہ 10-03-2023 کو جو ان سروس پرموشن آرڈر PST سے ترقی پا کر SST پر کیے گئے ہیں۔ (نقل آرڈر لف ہے) ان میں میرا آرڈر نہیں ہوا جبکہ مجھ سے جو ٹیچر جو بمطابق Tentative Seniority List سیریل نمبر 362 پر ہے، اس کا آرڈر بطور PST مورخہ 04-03-2016 کو ہوا تھا اسکی پرموشن کر دی گئی ہے جو کہ سیریل نمبر 01 پر ہے جبکہ میں Tentative Seniority List میں سیریل نمبر 358 پر ہوں میرا پرموشن آرڈر بطور SST نہیں کیا گیا۔ یہ کہ میں نے بطور ٹیچر اپنی ڈیوٹی اذمہ داریاں ہمیشہ احسن طریقے سے انجام دی ہیں جس کا علم محکمہ کے سینئر افسران کو ہے۔

لہذا میری افسران بالا سے استدعا ہے کہ مجھے انصاف دیا جاوے اور میری پرموشن آرڈر بطور SST ٹیچر کیا جاوے۔

التماس

خالدہ بی بی PST، GGPS، حویلیاں گاؤں۔۔۔۔۔ ساکنہ

رابطہ نمبر: 0346-5330638

Sd/-

المرقوم: 13-03-2023

Attest
District Education Officer
(Female) Abbotabad
10/6/24