

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**Amended S.A No. 15693/2023 In S.A No.15693/2020**

**Mst. Samina Khatoon D/O Saeed Shah R/O Koocha Chiragh Shah House No. 74  
Mohallah Sangerh Kohat.**

**(APPELLANT)**

**VERSUS**

1. The District Education Officer, District Education Office, Kohat Development Authority Gate No.2, Kohat.
2. Director of Elementary and Secondary school No. 1 Peshawar city.
3. Govt of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat Peshawar.
4. Govt of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar \_\_\_\_\_ **(RESPONDENTS)**

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13-05-24

*[Signature]*  
**District Education Officer (F)**  
**TSD Darra kohat**

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**PESHAWAR**

Diary No. 12718

Dated 13.05.24

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Mst. Samina Khatoon D/O Saeed Shah R/O Koocha Chiragh Shah House No. 74  
Mohallah Sangerh Kohat.

.....Appellant

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4. Govt of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.....Respondent

**PARA WISE COMMENTS ON THE BEHALF OF RESPONDENTS**

**Preliminary Objection**

- i. That the Appellant has got no cause of action, locus standi to file the instant appeal.
- ii. That the Appellant has concealed material facts from honorable Service Tribunal.
- iii. That the Appellant has not come to this honorable Service Tribunal with clean hands.
- iv. That the Appeal of the Appellant is not maintainable in the present Form.
- v. That the appeal in hand is based upon malicious/vexatious and frivolous ground.
- vi. That the Appellant is estopped by her own conduct.
- vii. That the appeal of the Appellant is badly time barred.
- viii. That the appeal is bad for Mis-joinder and Non-joinder of necessary parties.

**ON FACTS**

1. Para No. 1 of the fact is incorrect because no such order is available on the record of this office.
2. Para No. 2 of the fact is incorrect because no such order is available on the record of this office.
3. Para No. 3 of the fact is incorrect because no such order is available on the record of this office.
4. Para No. 4 of the fact is baseless, the village Education committee is not competent to recommend and appoint any teacher in School. However the appointment order is against the Project post not against the regular post as

annexed by the appellant in her Service Appeal (Annexed D).Further added that the Village Education Committee is not a prescribed Committee on Behalf of Department.

- 5. No comments, pertains to record.
- 6. Pertains to record.
- 7. Para No. 7 of the fact is incorrect the appellant's services against the Project post were terminated through a departmental circular on 31-12-2010(as annexed in her **service Appeal Annexed-G**). and in the light of Governor Notification on 11-05-2012 the appellant was re-appointed on 05-05-2014, against regular post.
- 8. Para No. 8 of the fact is incorrect the appellant had been re-appointed vide Agency Education Officer FR Kohat vide No.1776-77 Dated 15-10-2014( as Annexed-I in his service appeal) against regular post as already stated in above para 08.
- 9. Para No.09 is baseless, based on record.
- 10. Para No.10 is incorrect, the appellant has been treated by the respondent Department in accordance with rules and policy in vogue, as stated in above para No.07 & 08.
- 11. Para No. 11 of the fact is incorrect.The appeal of the appellant which was filed on 15/07/2022 (after her retirement i.e 03-01-2020 as Annexed-J) was badly time barred (as Annexed-K in her Service Appeal)
- 12. Para No.12 of the fact is incorrect, the qualifying service of the appellant is only 05 years,05 Months and 26 Days as per record. The appellant is not entitled for pensionary benefits, having regular qualifying service less than 10 years.

**Grounds**


- a. Para A is baseless, the Regularization order of the appellant is correct, lawful and in accordance with rules issued from time to time by the Government.
- b. Para B is incorrect, the re-appointment order of the appellant have been issued in accordance with law and as per policy of the Government, having no grounds to be modified.
- c. Para No.C is incorrect.The appellant has been appointed against regular post on 05-05-2014.
- d. Para No. D is incorrect the services of the appellant was dispense with w.e.f 01-01-2011 in the light of Ex-FATA secretariat Directorate of Education bearing No.8878-81 Dated 13-12-2010 (As annexed G in service Appeal)
- e. Para E is incorrect the appellant has been treated in accordance with law, rules and policy in vogue.
- f. Para F is incorrect.Everyone is equal in the eyes of law and will be treated in accordance with rules and policy.
- g. Para G is incorrect the respondent Department will abide by the rules and policy of the Government from time to time.


- h. Para h pertains to Court matters.
- i. Para I is incorrect, the act of the respondent Department is correct legal and in accordance with existing rules of the time. Hence not tenable at the present time.

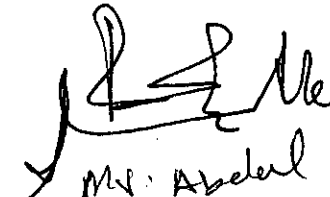
It is humbly prayed that some other grounds will be adduced at the time of arguments with the gracious permission of this honorable service tribunal Khyber Pakhtunkhwa.

**PRAY.**

In the light of above legal and factual position it is humbly requested that the instant petition/appeal is baseless, may be dismissed please.

  
 Rizwana Liaqat  
 District Education Officer (F)  
 TSD Darra Kohat  
 Respondent No.1

  
 Mst: Syeda Sameena Altaf  
 Directress Elem: & Secondary Education  
 Khyber Pakhtunkhwa Peshawar  
 Respondent No.2

  
 Mr. Masood Ahmad Khan  
 ASCED, BOSED  
 on behalf  
 Masood Ahmad Khan  
 Secretary Elem: & Secondary Education  
 Khyber Pakhtunkhwa Peshawar  
 Respondent No.3 & 4

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**AFFIDAVIT**

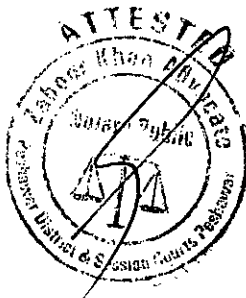
I Mrs. Rizwana Liaqat DEO (F) TSD Darra Kohat, do here by affirm and declared that the contents of para wise comments regarding the service appeal No. 15693/2023 are true, correct and nothing has been concealed form this Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar.

*The appeal is neither place on-rote nor the defense struck up/cost.*

*A*  
*Rizwana Liaqat*

**DEPONENT**

*Rizwana Liaqat*  
Mrs. Rizwana Liaqat  
District Education Officer (F)  
TSD Darra Kohat



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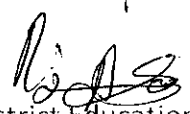
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Mohallah Sangerh Kohat.....**Appellant**

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**AUTHORITY LETTER**

Mr. Abdul qayum ADEO Litigation TSD Darra Kohat is hereby authorized to submit **Amended S.A No. 15693/2023 In S.A No.15693/2020** case title Sameena Khatoon D/o Dawood shah versus KP Government in behalf of DEO (F) Kohat.

  
District Education Officer (F)  
TSD Darra Kohat



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

MOST IMMEDIATE / COURT MATTER

NO.SO (Lit-II) E&SED/1-5/2024  
Dated Peshawar, the 29-04-2024

To

1. The Director,  
Directorate of Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.
2. To All District Education Officers (Male/Female),  
Khyber Pakhtunkhwa.

Subject:- NOTIFICATION.

I am directed to refer to the subject noted above and to enclose herewith a copy of Notification of even No. dated 29-04-2024, whereby Mr. Abdul Akram, Additional Secretary (General) E&SED has been authorized to sign parawise comments, replies, implementation reports, objection petitions, civil miscellaneous applications etc on behalf of Secretary Elementary & Secondary Education Department.

In view of the above, I am further directed to convey that in future parawise comments, replies, implementation reports, objection petitions, civil miscellaneous applications etc shall be sent for the signature of the authorized officers (Additional Secretary General, E&SED) on the following format:-

Mr. Abdul Akram  
Additional Secretary (General), E&SED  
On behalf of  
Mr. Masood Ahmad  
Secretary E&SED  
(Respondent No. )

Encl: as above.

Endst: of even No. & date.

SECTION OFFICER (LIT-II)

Copy is forwarded to the:-

- 1 PA to Additional Secretary (General) E&SE, Department.
- 2 PA to Deputy Secretary (Legal-I) E&SE, Department.
- 3 Master File.

*A. Masood*  
*A*

SECTION OFFICER (LIT-II)