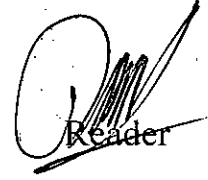


26.06.2019 Counsel for the appellant and Addl: AG alongwith Mr. M. Sharif, ADEO for respondents present. Due to incomplete bench the case is adjourned to 30.08.2019 before D.B.



Reader

30.08.2019 Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Vide separate/common judgment of today of this Tribunal placed on file of connected service appeal bearing No.519/2018, the impugned order of removal from service dated 13.12.2017 in relation to the appellant, is set aside and the appellant is reinstated in service and her absence period and the intervening period shall be treated as leave without pay. The appeal is accepted in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED.
30.08.2019

20.02.2019 Learned counsel for the appellant present. Daud Jan Superintendent representative of the respondent department present. Learned counsel for the appellant seeks adjournment to file application for the change of nomenclature of respondents due to the merger of FATA in Khyber Pakhtunkhwa. Adjourn. To come up for further proceedings on 27.02.2019 before S.B.



Member

27.02.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Naseem Mehmood, ADO for respondents present. Written reply on behalf of respondents submitted which is placed on file. Counsel for the appellant ~~is~~ also submitted amended copy of memo of appeal. To come up for rejoinder and arguments on 15.05.2019 before D.B.



Member
(Ahmad Hassan)

15.05.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present.

Due to demise of his father, learned Member of the Bench (Mr. Hussain Shah) is on leave. Adjourned to 26.07.2019 for arguments before the D.B.


Chairman

10.10.2018

Counsel for the appellant Mr. Muhammad Saeed Khattak, Advocate present. Mr. Kabirullah Khattak, Addl. AG for the respondents present and made a request for adjournment. Granted. To come up for written reply/comments on 19.11.2018 before S.B.


Chairman

19.11.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG on behalf of the respondents present. Representative of the respondent-department is not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. Case to come up for written reply/comments on 08.01.2019 before S.B.


Muhammad Amin Khan Kundi
Member

08.1.2019

Clerk of counsel for the appellant present.
Nemo, for the respondents.

Notices be repeated to respondents for attendance and submission of written reply/comments on 20.02.2019 before S.B.


Chairman

27.06.2018

Appellant absent. Learned counsel for the appellant absent. Adjourned. To come up for preliminary hearing on 20.07.2018 before S.B.


Member

20.07.2018

None for the appellant present. Adjourned. To come up for preliminary hearing on 10.08.2018 before S.B.


(Ahmad Hassan)
Member

10.08.2018

Mr. Muhammad Saeed Khattak, Advocate counsel for the appellant present and heard in limine.

Contends that major punishment of removal from service has been imposed on the appellant on the ground that on 01.09.2017 she was found absent from her duty whereas from 01.09.2017 to 04.09.2017 were declared as public holidays.

Points raised need consideration. The appeal is admitted to full hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 10.10.2018 before S.B.




Appellant Deposited
Security & Process Fee


Chairman

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 521/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13/04/2018	<p>The appeal of Mst. Akhtar Numana presented today by Mr. Muhammad Saeed Khattak Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 13/4/18</p>
2-	13/04/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/04/18.</u></p> <p style="text-align: right;"> MEMBER</p>
	30.04.2018	<p>Clerk of the counsel for appellant present. The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 27.06.2018 before S.B.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 521 /2018

Mst Akhtar Numana
(Appellant)

Vs

Director Education, & Another
(Respondents)

INDEX

S#	DESCRIPTION OF DOCUMENTS	ANNEX	PAGE
1	Amended Memo of Service Appeal	--	1-3
2	Copy of Appointment Letter	A	4-6
3	Copy of publication	B	87
4	Copy of the reply	C	28
5	Copy of impugned Order dt 13.12.2017	D	109
6	Copy of Departmental Appeal	E	110
7	Copy of Press Release	F	121
8	Copies of relevant pages of Attendance Register	G	123-15
9	Wakalatnama	--	160

Dated:- _____

Appellant
Through
Muhammad Saeed Khattak
Advocate, Peshawar
D6, JK Shopping Mall,
University Road, Peshawar
Cell No. 03336272753

(1)

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.521.... /2018

*Mst. Akhtar Numana Ex. PST, GGPS, Dilnawaz Kot, Miran Shah,
North Waziristan Agency (now District North Waziristan)*

..... (*Appellant*)

Versus

3. *Director Education, FATA, (now KPK) Peshawar*
4. *District Education Officer (previously Agency Education Officer)
District North Waziristan at Miran Shah..... (Respondents)*

AMENDED, SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 13.12.2017 PASSED BY RESPONDENT NO. 2 WHEREBY THE DEPARTMENTAL APPEAL DATED 05.01.2018 TO RESPONDENT NO. 1 HAS YET NOT BEEN DISPOSED OF.

PRAYER-IN-APPEAL

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL THE IMPUGNED ORDER DATED 13.12.2017 PASSED BY RESPONDENT NO. 2 MAY VERY GRACIOUSLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE RE-INSTATED ON THE POST; WITH ALL BACK BENEFITS.

Respectfully Sheweth,

1. That, the appellant consequent upon the approval of Departmental Selection Committee was appointed as PTC (Female) in BPS 09 and took over charge of her duty on 14.04.2010. (Copy of the Charge Report is attached as annexure A)
2. That, after taking charge of her duties she performed her duties during the service whole heartedly and to the quite satisfaction of officials concerned as well as according to the demand and nature of the job.
3. That, the appellant came to know about a publication published in daily "Mashriq" dated 03.12.2017 regarding her absence from duty along with other female teachers.

Furthermore according to the said publication a show cause notice was issued to her. But the appellant has received no such notice. *(Copy of the publication is attached as annexure B)*

4. That, in compliance the appellant submitted a reply in the office of respondent No. 2 along with relevant documents in her defense. *(Copy of the reply is attached as annexure C)*

5. That, thereafter the respondent No. 2 vide impugned order dated 13.12.2017 removed the appellant from service against all the norms of justice. *(Copy of the impugned order dated 13.12.2017 is attached as annexure D)*

6. That, being aggrieved of the same the appellant preferred an appeal before respondent No. 1 on 02.01.2018 which has yet not been responded. *(Copy of the departmental appeal is attached as annexure E)*

7. That, the appellant now prefers the instant Service Appeal, inter alia, on the following amongst others;

GROUND

A. That, the appellant has not been treated in accordance with law nor has equal protection of law has been extended to her. The so called visit mentioned in the notification dated 13.12.2017 is illegal, against law, without lawful authority, void ab initio for the reason it has been passed on the ground of remaining absent from the duty on 01.09.2017. On the said date public holiday was notified. Therefore the mentioned notification dated 13.12. 2017 and all proceedings thereafter based on it are illegal and liable to be set aside.

B. That, according to notification dated 13.12.2017 (Impugned herein) in its first para that appellant was

found absent from duty during monitoring visit of the concerned Assistant Agency Education Officer to the School on 01.09.2017. with due respect it is stated that according to Press Release dated Islamabad 23rd August 2017 it was notified for the general information that 1st to 4th September 2017 (Friday, Saturday, Sunday and Monday) shall be public holidays on the occasion of Religious Festival of Eid-ul-Azha. (Copy of the press release is attached as annexure F)

- C. That, it is quite astonishing that how Assistant Agency Education Officer managed the visits of too many schools on 01.09.20017 (which was public holiday) and only cases of non-local female teacher were reported.
- D. That, according to para 3 of the notification issued by respondent no. 2 the appellant did not report to her duty within stipulated period of time and turned deaf ear is quite baseless, wrong as well as against the record. As mentioned earlier the appellant remained present on her duty beside the mentioned date because it was a public holiday.
- E. That, while awarding major penalty no proper procedure was adopted. Otherwise too the impugned order has been passed with retrospective effect which is nullity in the eyes of law.
- F. That, any other ground can also be taken during the arguments with permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that the instant service appeal may be allowed as per prayer. Any other relief which has not been specifically asked for and deem fit in the circumstances, of the case may also be granted to the appellant.

Dated:- _____

Appellant
THROUGH
Muhammad Saeed Khattak
Advocate, Peshawar

(Signature)
asst

BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 521...../2018

Akhtar Numana Ex. Primary School Teacher. (Appellant)

VERSUS

Director Education, FATA & another (Respondents)

INDEX

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04	Copy of the reply	C	8
05	Copy of the order dated 13-12-2017	D	9
06	Copy of the departmental appeal	E	10
08	Copy of the Press Release	F	11
08	Copies of relevant pages of the attendance register	G	12-15
09	Wakalatnama		15-16

Dated:-

Appellant

Through

Muhammad Saeed Khattak

Advocate, Peshawar.

Mob. 03336272753

Handwritten signature of Muhammad Saeed Khattak

8

BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 521/2018

Akhtar Numana Ex. Primary School Teacher GGPS Dil Nawaz Kot Mirali Miran
Shah North Waziristan Agency.

(Appellant)

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

1. Director Education, FATA, KPK, Peshawar.
2. Agency Education Officer, North Waziristan Agency at Miran Shah.

Diary No. 552

Date 13-4-2018

(Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 13 /12 /2017, PASSED BY RESPONDENT NO.2 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT TO RESPONDENT NO. 1 AGAINST THE ORDER DATED 13.12.2017 PASSED BY RESPONDENT NO. 2 IS/WAS NOT DISPOSED WITHIN STATUTORY PERIOD.

PRAYER – IN – APPEAL

ON ACCEPTANCE OF THE INSTANT APPEAL THE IMPUGNED ORDER DATED 13.12.2017 PASSED BY RESPONDENT NO. 2 MAY VERY GRACIOUSLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE RE-INSTATED ON THE POST WITH ALL BACK BENEFITS.

Respectfully Sheweth;

1. That the appellant consequent upon the approval of Departmental Education Committee was appointed as PTC (Female) in BPS 07 on 21.09.2005. (Copy of the appointment order is attached as annexure A)
2. That the appellant thereafter took the charge of her duties and performed her duties during the service whole heartedly and to the quite satisfaction of officials concerned as well as according to the demand and nature of her duties.
3. That the appellant came to know about a publication published in daily "Mashriq" dated 03.12.2017 regarding an appellant's absence from the duty along with other female teachers. Further in the said publication a show cause notice has been mentioned, which is/was issued to the appellant but the appellant has received no show cause notice. (Copy of the publication is attached as annexure B)

Filed to-day

Registrar

13/4/18

4. That in compliance; the appellant submitted a reply in the office of respondent No. 2, the appellant submitted her reply on 08.12.2017 along with copies of relevant pages teachers attendance register. (Copy of the reply is attached as annexure C).
5. That thereafter the respondent No. 2 vide order dated 13-12-2017 removed the appellant from the service illegally, unlawfully and without going through the available record for the reasons best known to him. (Copy of the order dated 13-12-2017 is attached as annexure D)
6. That being aggrieved of the same the appellant preferred a departmental appeal before Respondent No.1 on ~~02.01.2018~~ ^{02.01.2018}, which has not been decided till statutory period. (Copy of the departmental appeal is attached as annexure E.)
7. That the appellant now prefers the instant Service Appeal, inter alia, on the following amongst others;

GROUND

- A. That the appellant has not been treated in accordance with law nor has equal protection of law been extended to her. The so called visit mentioned in the notification dated 13-12-2017 is illegal, against law, without lawful authority, void ab initio for the reason it has been passed on the ground of remaining appellant absent from the duty on 01.09.2017. On the said date public holiday was notified. Therefore the mentioned notification dated 13-12-2017 and all proceedings thereafter based on it are illegal and liable to be set aside.
- B. That according to notification dated 13-12-2017 (impugned herein) in its first para that appellant was found willfully absent from duty during monitoring visit of the concerned Assistant Agency Education Officer to the School on dated 01.09.2017. With due respect it is stated that according to Press Release dated Islamabad 23rd. August 2017 it was notified for the general information that 1st to 4th September 2017 (Friday, Saturday, Sunday and Monday) shall be public holidays on the

occasion of Religious Festival of Eid-ul-Azha. (Copy of the Press Release is attached as annexure F)

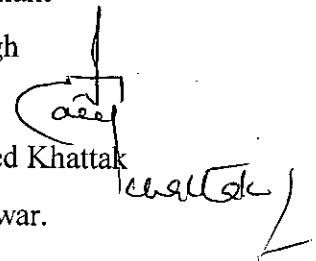
- C. That it is quite astonishing that how Assistant Agency Education officer visited too many schools on 01.09.2017 (which was public holiday) and only cases of Non Local Female Teachers were reported.
- D. That according to para 3 of the notification issued by Respondent No. 2 that the appellant did not report to her duty within stipulated period of time and turned deaf ear is quite baseless, wrong as well as against the record. As mentioned earlier the appellant remained present on her duty beside the mentioned date, because it was notified public holiday. (Copies of relevant pages of the attendance register are attached as annexure G)
- E. That while awarding major penalty of removal from service no proper procedure was adopted, otherwise too the impugned order has been passed with retrospective effect which is nullity in the eyes of law.
- F. That any other ground can also be taken during the course of arguments with permission of this Hon`ble Tribunal.

It is therefore most humbly prayed that on acceptance of the instant appeal the impugned order dated 13.12.2017 passed Respondent No. 2 may very graciously be set aside and the appellant may kindly be re-instated on the post with all back benefits.

Any other relief which has not specifically asked for and deems fit in the circumstances of the case may also be awarded to the appellant.

اخصر نعام
Appellant
Through

Muhammad Saeed Khattak
Advocate, Peshawar.



OFFICE OF THE AGENCY EDUCATION OFFICER NORTH VAZIRISTAN AGENCY

APPOINTMENT ORDER:

Consequent upon the approval of Department Selection Committee the following Non local Female PTC Trained candidates are hereby appointed against PTC Posts in BPS-7 (2555-140-6755) PM fixed plus usual allowances as admissible under the rules mentioned against each, purely on full time basis for 2 years with effect from their taking over charge against vacant posts noted against each

S.No	Ment	Name of Candidates	Father/Husband	Age	Place of Posting	Remarks
1.	1	Samina Ahmad/ Distt:	Ahmad Nawaz	7	GGPS Zer Alam Anghar Killa	Vacant
2.	2	D.I Khan Nighat Shaheen / Tehsil:	Mohd Ayaz	7	GGPS Ahmad Gul Datta Khel	Vacant
3.	3	Distt: Karak Khadija Vill: Yaghi	Dir Asham	7	GGPS Mandos Kot Khaisoor	Vacant
4.	4	Muskan Karak Irfan Bibi Vill: Kota	Gul Ruffee	7	GGPS Zafar Ali Khel	Vacant
5.	5	Killa P.O Dab Karak Jahra Ambrin Muhalla	Mohd Ayaz	7	GGPS Ahmad Gul Datta Khel	Vacant
6.	6	Mughal Khel Purana Bazar Karak.	Sher Zaman	7	GGPS Shah Mahmood Garyoum	Vacant
7.	7	Jahan Zeba	Mohd Shafiq	7	GGPS Zindai Kot Datta Khel	Vacant
8.	8	Arshad Begum Vill: Algadi Karak.	Hameedullah	7	GGPS Bakht Ali Naurak	Vacant
9.	9	Razia Hameed Vill: Chukara District Karak	Hayat Mir	7	GGPS Mawaz-Kot Kam Saroobi	Vacant
10.	10	Naveeda Muhullah: Ney Shams Abad District Charsada	Shahdat Khan	7	GGPS Shermath Kot Razmak	Vacant
11.	11	Zahoora Begum Vill: Warana Karak	Afzal Khan	7	GGPS Faqir Metari Manzar Khel	Vacant
12.	12	Asmat Rani Vill: Tappi Karak	Guldad	7	GGPS Guldad Kot Datta Khel	Vacant
13.	13	Dil Shad Begum Vill: Khada Banda Karak	Amanullah Khan	7	GGPS Gul Zare Garyoum	Vacant
14.	14	Zinat Begum Vill: Sayed Ali Banda Takhat Nusrati	Mohd Ilyas	7	GGPS Mawaz Kot Saroobi	Vicg No.61
15.	15	Zubeda House No.591 Androon Parati Gate Bannu	Zafar Ali	7	GGPS Mandos Kot Khaisoor	Vacant
16.	16	Taushiba	Zafar Ali	7	GGPS Kajeer Kot Razmak	Vacant
17.	17	Bibi Naheed Vill: Shakar Dara Kohat	Dilawar Khan	7	GGPS Darya Jan Kot Saroobi	Vacant
18.	18	Arjumand Shakila House No. 355 Muhullah Nilgaran Tanchi Bazar Bannu	Anamul Haq	7	GGPS Sher Mohd Kot Banda	Vacant
19.	19	Salima	Baswar Ali Khan	7	GGPS Gul Sanar Kot Musaki Dossali	Vacant
20.	20	Shabnum Vill: Samiast Mira Khel Bannu	Mushtaq Ahmad	7	GGPS Qutab Khan Kot Datta Khel	Vacant
21.	21	Ruqia Ahmad Vill: Ismail Khel Bannu	Badi-u- Zaman	7	GGPS Zafar Ali Khel Khaisoor	Vacant
22.	22	Nafissa Vill: Bazar Ahmad Khan Bannu	Saad-ud-Din	7	GGPS Zarghuni Shah Spin Wam	Vacant
23.	23	Shazia Perveen Vill: and P O Ghun Wala Bannu	Mussa Khan	7	GGPS Gulzare Garyoum	Vacant
24.	24	Saima ALhan Vill: Khada Banda Takht Nusrati Karak	Abdu-r-Rashid	7	GGPS Jazai Kot Khaisoor	Vacant
25.	25	Saima Rashid Vill: Kachkot Bannu	Gul Zar	7	GGPS Gul Mangor Kot Razmak	Vacant
		Kausar Shahana Vill: Yaghi Musakan Karak				Vacant

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26	26	Bibi Salma Old Bazar near Namuk Mandi Karak	Mohd Baseer	7	GGPS Ayoub Milakan Razmak	Vacant
27	27	Yaghi Musakati Karak	Mohd Ayaz	7	GGPS Gul Mansoor Kot Razmak	Vacant
28	28	Sumera Hamid Muhullah Painda Khel Tehsil and Distt: Charsada	Hanjd	7	GGPS Sultan Mehmood Kot Mohammad Khel	Vacant
29	29	Shamim Ara Vill: Ahimad Abad Takhat Nusrati Karak	Hakim Khan	7	GGPS Mazai Kot Khaisoor	Vacant
30	30	Aisha Bibi Vill & P/O Ghoriwala Distt: Bannu	Ali Sher Khan	7	GGPS Eidar Jan Kot Mirali	Vacant
31	31	Palosa Sar Karak	Abdur Rehman	7	GGPS Gul Sanur Musaki	Vacant
32	32	Sahiba Anjum Vill: Chukara Karak	Iqa Khan	7	GGPS Faqir Methari Manzar Khel	Vacant
33	33	Mumtaz Begum Vill: Tappi Karak	Gul Sahib Shah	7	GGPS Gul Khon Datta Khel	Vacant
34	34	Rifaat Jabeen FC 4/8 Civil Quarter Kohat Road Peshawar	Mohd Nawaz	7	GGPS Gulat Datta Khel	Vacant
35	35	Taslim Akhtar Muhullah Khadi Khel Karak	Sawab Khan	7	GGPS Gulat Datta Khel	Vacant
36	36	Bas Nchar Vill: Algadi Karak	Payo Khan	7	GGPS Badshuh Mir Khan Spulga	Vacant
37	37	Aslam Khatoon Vill: Khada Takhat Nusrati	Abdur Rehman	7	GGPS Alam Gul Kot Badami Killa	Vacant
38	38	Kalsoom Bibi Vill: Khan Azad Mughal Khel P/O Ghoriwala Bannu	Mamiz Khan	7	GGPS Jehan Zeb Assad Khel Dossali	Vacant
39	39	Shabnam Akhtur Vill: Hayat Khel Lakki Marwat	Lal Badshah	7	GGPS Haq Nawaz Kot Razmak	Vacant
40	40	Mumtaz Begum Vill: Degan P/O Taji Killa Distt: Bannu	Saeedullah	7	GGPS Mohd Jamil Kot Tappi	Vacant
41	41	Zahida Khatoon Vill: Khada Banda Takhat Nusrati Karak	Abdur Rehman	7	GGPS Alam Gul Kot Badami Killa	Vacant
42	42	Sar Taj Begum Vill: Algadi Karak	Mohd Daraz	7	FCS Khan Nawaz Dari Wasta	Vacant
43	43	Shazia Vill: Bazar Ahmad Khan Bannu	Gul Shalim Shah	7	FCS Mir Khulim Kot Khaisoor	Vacant
44	44	Zinat-ul-Nisa Vill: Mir Wali Shah Shamsi Khel Ghoriwala Bannu	Mushtaq Ahmad	7	FCS Sayed Hassan Hakim Khel Mubarak Shahi Mir Ali	Vacant
45	45	Rahim Begum	Gul Shah Zada	7	FCS Khan Nawaz Dari Wasta	Vacant
46	46	Nasira	Rehmatullah	7	FCS Abidullah Shah Mandi Khel Dossali	Vacant
47	47	Uhrat Begum	Umar Farooq	7	FCS Abbas Khan Razmak	Vacant
48	48	Zainab Bibi	Mohd Azad	7	FCS Mohd Gul Shahi Khadi	Vacant
49	49	Kirran Wazir House No. A-57/D Muhullah Ahkari Bannu	Latifullah	7	FCS Faridullah Khuzai Miranshah	Vacant
50	50	Mecher Sultana	Rahimullah	7	FCS Gul Mohd Manzar Khel	Vacant
51	51	Baswari Begum Vill: Khada Banda Karak	Awal Numbur	7	FCS P. Nam Kot Razmak	Vacant
52	52	Subkhania Begum Muhullah Utmanzai Charsada	Madat Khan	7	FCS Amir Khan Gurbaz Ghulam Khan	Vacant
53	53	Shaista Ambroen Vill: Tappi Karak	Ikhtiar Zagan	7	FCS Behrami Gul Ghulam Khan	Vacant
54	54	Asma Gul House No. E/546 Parati Gate Bannu	Hamza Ali Shah	7	FCS Kajeer Kot Mirali	Vacant

CTC

	Name of Candidate	Qualification	Age	Place of Posting	Remarks
55	Refat Begum Vill: Kachi Zai Bannu	Mirdar Ali	7	FCS Sharifullah Shana Khura	Vacant
56	Shazia Begum Vill: Lurangzai Bazar Charsada	Safdar	7	FCS Mohd Gul Shah Khadi	Vacant
57	57 Alam, Zeb	Abdullah	7	FCS Mehmood Daulat Khel Mir Ali	Vacant
58	58 Khabida Yasmin	Mohd Akbar	7	FCS Sher Ali Kot Boya	Vacant
59	59 Qamat	Lal Sayed	7	FCS Abbas Khan Kot Razmak	Vacant
60	60 Farida Begum Muhullah Ahmad Jan Dist: Bannu	Abdur Shakoor	7	FCS Pashan Kot Razmak	Vacant
61	Rukhsana Naz PTC, GGPS Mawaz Kot Sarooly	-----		GGPS Mashar Kot	

Term and Conditions:

1. Their appointed are purely made on CONTRACT basis and liable to termination at any time without any notice, if wish to resign from their posts, they should give one month prior notice or forfeit one month of pay in lieu thereof.
2. They should not be handed over charge of the same posts if are below 18 years of above 40 years age.
3. They should bring their original Domicile Certificate for verification from Political Agent Office, NWA if found bogus their appointment orders will be considered as cancelled.
4. They should produce their health and age certificate from the Medical Superintendent Agency Head Quarter Hospital Miranshah.
5. Their original Qualifications, date of birth and Domicile certificate should be checked and photo copy be placed on the record, before handed over charge of the same posts.
6. If they fail to resume their charge within 15 days, the order should be treated as cancelled.
7. Their Academic / Professional certificates will be referred to all concerned Board / Universities (by depositing usual fee charge) for necessary verification till the receipt of their certificates, the salary will not be drawn.
8. TA / DA is not allowed.
9. They should produce their NIC to the AAEO circle concerned.
10. Charge report should be submitted in duplicate to all concerned.
11. They will be terminated if they were found absent for Four (4) days continuously from Govt. duty without Permission.

Ends: No.

Dated 21/ 9/ 2005

4589-4656

Agency Education Officer
North Waziristan Agency

Copy To:-

1. The Director of Education FATA Governor's Secretariat Peshawar.
2. The Political Officer, North Waziristan Agency, Miranshah.
3. The Assistant Political Officer, North Waziristan Agency, Miranshah.
4. The Agency Accounts Officer North Waziristan Agency, Miranshah.
5. AAEO Circle concerned.
6. Head Teachers concerned.
7. Candidates concerned.

Agency Education Officer
North Waziristan Agency

OTC

شاہد علی احمد
سماجی وزیرستان ایجنسی مہراں شاہ

Annex 5

علی خان
خواجہ عزیز چاقری

گزارش کی جاتی ہے کہ سائلہ اختر نعمان گورنمنٹ پرائمری

سکول کی طالبات واقع دلفوز کوٹ میں کثرت PST

جو سیکرٹری خدمت سرانجام دے رہی ہے

یہ ہے AEO نے رقم سرانجام دے کر جو 3 3 12 2017

وساطت سے سائلہ نے غیر چاقری کا نوٹس جاری کیا گیا ہے جس پر ہزارہ

(15) دن کے اندر اندر اپنی غیر چاقری کی رپورٹ پیش کریں

یہ کہ سائلہ نے عیوضی کارروائی نہیں کیا ہے جس پر چاقری

معلومات منسلک ہے۔ شکریہ
علی نور شاہ

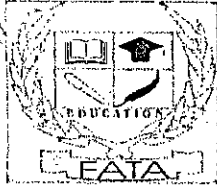
تاریخ 08/12/17

احقر نعمان

ناظم قمار معلم اختر نعمان پرائمری

گورنمنٹ گریڈ پرائمری سکول دلفوز کوٹ مہراں سماجی وزیرستان

علی



Annex-D (9)
OFFICE OF THE AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY AT MIRAN SHAH
Ph.NO.0928313045

NOTIFICATION

1. WHEREAS Mst. Akhtar Numana PST GGPS Dil Nawaz Kot Mirali North Waziristan Agency was found willfully absent from duty during monitoring visit of the concerned Assistant Agency Education Officer to the School on dated 01/09/2017.
2. AND WHEREAS the accused was proceeded against under Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011, for the charge of "willful absence from duty" as mentioned in the show cause notice served upon her at her home/School address vide AEO No: 9660-61 dated 09/11/2017.
3. AND WHEREAS Mst Akhtar Numana PST GGPS Dil Nawaz Kot Mirali North Waziristan Agency did not report to her duty within stipulated period of time and turned her ears deaf.
4. AND WHEREAS Charge sheet notice was served upon Mst Akhtar Numana PST GGPS Dil Nawaz Kot Mirali North Waziristan Agency through print media (Daily Mashriq) on dated 03.12.2017 wherein the accused was directed to submit reply in her defence through personal contact with this office.
5. AND WHEREAS the accused failed to put any defense in written and did not appear to be heard in person within fifteen days.
6. AND WHEREAS the competent authority, the Agency Education officer North Waziristan Agency, having considered the charges, evidence on record and facts of the case, is of the view that the charge of willful and unauthorized absence against the accused official has been proved.
7. NOW THEREFORE, In exercise of the Powers conferred under Rules-4 (b) iii of Khyber Pakhtunkhwa Government Servants "Efficiency and Discipline" Rules 2011, the competent Authority, Agency Education officer North Waziristan Agency, is pleased to impose major penalty "Removal from service" upon Mst: Akhtar Numana PST GGPS Dil Nawaz Kot Mirali North Waziristan Agency with retrospective on account of his willful absence from duty.

(HABIBULLAH)
Agency Education Officer,
North Waziristan Agency

Endst: No. 8143-51 Dated 13/12/2017
Copy forwarded to the:

1. Director Education FATA, FATA Secretariat Peshawar
2. Political Agent North Waziristan Agency at Miran Shah
3. Head Quarter 7-Division Camp Area Miran Shah.
4. Agency Accounts officer North Waziristan Agency at Miran Shah for stoppage pay of the official.
5. PS to Additional Chief Secretary FATA for perusal of the Additional Chief Secretary FATA
6. PS to Secretary SSD FATA for perusal of the Secretary SSD FATA
7. AAEO concerned for entry in his service book
8. Accountant local office for stoppage of his pay forthwith.
9. Official concerned

Agency Education Officer
N.W.A.
Habibullah

etc
etc

بھخور جناب ڈائریکٹر ایجوکیشن فائنا، خیبر پختونخواہ پشاور

عنوان: اپیل برائے بحالی سروس

جناب عالی!

Annex-15

گزارش بھخور انور ہے۔ کہ سائلہ ذیل امور کی جانب آپ صاحب کی توجہ مبذول کروانا چاہتی ہے۔

(1) یہ کہ سائلہ پچھلے 13 سالوں سے ایلمنٹری اینڈ سکینڈری ایجوکیشن فائنا (شمالی وزیرستان) میں اپنی ڈیوٹی سرانجام دے رہی تھی۔ سائلہ کو مورخہ 03/12/2017 بذریعہ روزنامہ مشرق معلوم ہوا کہ سائلہ ڈیوٹی سے غیر حاضر پائی گئی ہے۔ اور پندرہ دن کے اندر سائلہ سے وضاحت طلبی کی گئی۔

(2) مقررہ وقت سے پہلے مورخہ 13/12/2017 کو Endst: No. 8143-51 کے تحت سروس سے برخاستگی کا Notification جاری ہوا۔ (اخباری نوٹس اور Notification لف ہیں۔)

جناب عالی! آپ سے گزارش کی جاتی ہے۔ کہ سائلہ کی سروس بحال کی جائے کیونکہ

(1) Notification کے مطابق سائلہ 01/09/2017 کو غیر حاضر پائی گئی جبکہ گورنمنٹ آف پاکستان کے Notification کے مطابق 01/09/2017 سے 04/09/2017 تک عید الاضحیٰ کی تعطیلات تھی اور گورنمنٹ آف پاکستان کے کس قانون کے مطابق چھٹی کے دن کوئی غیر حاضر ہو سکتا ہے اور پھر اسی دن کی وجہ سے سروس سے برخاست بھی ہو سکتا ہے۔

(2) Notification کے مطابق سائلہ کو Show Cause نوٹس جاری کیا گیا ہے۔ جبکہ آج تک سائلہ کو کوئی نوٹس نہیں ملا۔

(3) روزنامہ مشرق مورخہ 03/12/2017 کے مطابق وضاحت کے لیے پندرہ دن دیئے گئے اور دس دن کے اندر ہی سروس سے برخاستگی کا Notification جاری کیا گیا اور وضاحت کا موقع تک نہیں دیا گیا۔

(4) تمام ضروری دستاویزات بمع درخواست لف ہیں۔

جناب عالی! ان تمام حقائق کی روشنی میں سائلہ آپ صاحب سے التجاء کرتی ہے کہ میری سرکاری ملازمت کی بحالی کے احکامات

جاری فرما کر ممنون فرمائیں۔

العارض

مورخہ 02/01/2018

آپ کی فرمانبردار اختر نعمانہ

اختر نعمانہ پی ایس ٹی (BPS-12)

گورنمنٹ گرلز پرائمری سکول دنواز کوٹ میر علی (شمالی وزیرستان)

اختر نعمانہ

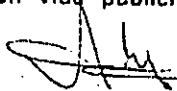
F.No.2/4/2016-Public.
GOVERNMENT OF PAKISTAN
MINISTRY OF INTERIOR

Islamabad the 23rd August, 2017.

PRESS RELEASE

It is notified for general information that 1st to 4th September, 2017 (Friday, Saturday, Sunday and Monday) shall be public holidays on the occasion of Religious Festival of Eid-ul-Azha.

The above Press Release may kindly be published in all major English and Urdu Dailies both at National and Regional levels and also be given wide publicity through electronic media.


(Atif Aziz)
Deputy Secretary (Law-II)
Tele: 9203851

23/08/17

The Principal Information Officer,
Press Information Department,
Islamabad.

Copy forwarded to: -

1. President's Secretariat (Personal), OSD (Admn), Aiwan-e-Sadr, Islamabad.
2. President's Secretariat (Public), DS (Admn), Aiwan-e-Sadr, Islamabad.
3. Prime Minister's Office (Internal), OSD (Admn), Islamabad.
4. Prime Minister's Office (Public), DS (Admn), Islamabad.
5. The Chief Election Commissioner of Pakistan, Islamabad.
6. The Auditor General of Pakistan, Islamabad.
7. The AGPR, Islamabad.
8. The Joint Staff HQrs, Chaklala, Rawalpindi.
9. GHQ, Rawalpindi.
10. Chairman, National Accountability Bureau, (NAB), Islamabad.
11. All Ministries / Divisions.
12. The Registrar, The Supreme Court of Pakistan, Islamabad.
13. Secretary, Senate Secretariat, Islamabad.
14. Secretary, National Assembly Secretariat, Islamabad.
15. Chief Secretaries, Government of the Punjab / Lahore, Sindh / Karachi, Khyber Pakhtoonkhwa / Peshawar, Balochistan / Quetta, Northern Areas / Gilgit-Baltistan and AJK / Muzaffarabad.
16. The Director General, ISI, Islamabad.
17. The Director General, IB, Islamabad.
18. The Chief Commissioner, ICT (Admn), Islamabad.
19. The Manager, State Bank of Pakistan, Islamabad.
20. Secretary, Wafaqi Mohtasib's Secretariat, Islamabad.
21. Secretary, Wafaqi Tax Ombudsman's Secretariat, Islamabad.
22. The Chairman CDA, Islamabad.
23. Director (Media), Minister for Interior, Islamabad with the request to ensure its publication in all dailies.
24. Staff Officer to Minister for Interior, Islamabad.
25. PS to the Secretary, Ministry of Interior, Islamabad.
26. P/S to the Additional Secretary-I, II & III, M/o Interior, Islamabad.
27. The System Administrator (IT), MOI with request to upload an official website.


(Atif Aziz)
Deputy Secretary (Law-II)

نام			احقر لکھانہ			کوثر شامہ			عہدہ		
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رکیش مدرسه لکھانہ

محمد مسعود علی

رجسٹر حاضرین مدرسین گورنمنٹ گنرز ہائر ایمرٹی سکول، دننواز، کوئٹہ، 2017

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رئیس مدرسہ

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چتر چاضری مدرستین

گورنمنٹ ٹریننگ اسکول ونگلز کراچی علی بابت ماہ نومبر سال 2017

کوٹر شبانہ		احقر لفظانہ		کوٹر شبانہ		احقر لفظانہ		کوٹر شبانہ		احقر لفظانہ		کوٹر شبانہ		احقر لفظانہ		کوٹر شبانہ		احقر لفظانہ		کوٹر شبانہ		احقر لفظانہ	
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رکس مدرسہ

الحق

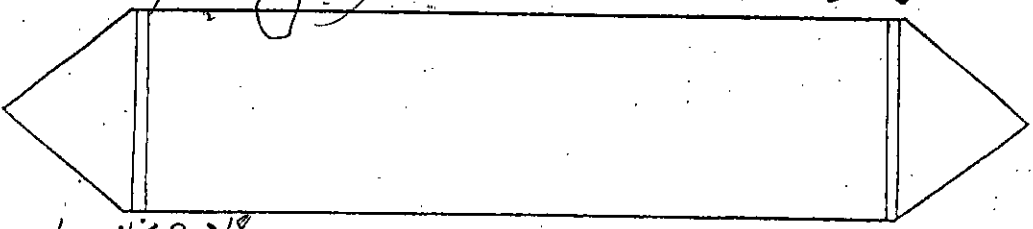
رجسٹر حاضرین مدارس سیدین گورنمنٹ گریڈز پرائمری سکول دکنواڑ کرون لیسٹیبل بابت ماہ دسمبر سال ۲۰۱۶

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بعدالت حباب KDKK سروس ٹریڈنگ لیسٹ



18/2 جناب ایڈیٹ
اختر لہمانہ بنام
ڈائریکٹر ایڈمنسٹریشن
گورنمنٹ
کراچی

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لسٹ کیلئے محمد سعید حسینی اور ایڈووکیٹ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک در و پیہار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برادگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھنڈیا کہ سندر ہے۔

المرقوم _____ ماہ _____ 20

واہ العیاد
بمقام
لسٹ

کے لئے منظور ہے۔
Accepted
[Signature]

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 521/2018

Akhtar Numana Ex-senior Primary School teacher-----Petitioner

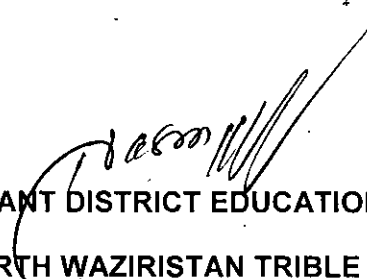
VERSUS

1. Director Education FATA, KPK, Peshawar.
2. Agency Education Officer, North Waziristan Agency at Miran Shah.

-----Respondents

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ASSISTANT DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBLE DISTRICT

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 521/2018

Akhtar numana Ex-Senior Primary School teacher-----Petitioner

VERSUS

1. Director Education FATA, KPK, Peshawar.
2. Agency Education Officer, North Waziristan Agency at Miran Shah.

-----Respondents

Para wise comments on behalf of Respondent No.1 & 2

Respectfully Sheweth:

Preliminary Objections:

1. The appellant has no cause of action, locus standi, to file this instant appeal.
2. That the appellant has not come to this honorable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honorable Tribunal.
4. The appeal is not maintainable in this form.
5. That the appellant has been stopped by his own conduct to file the appeal.
6. That the appeal is badly time barred.

On Facts:

1. Correct. No comments.
2. The duty of the appellant was not that much satisfactory.
3. Though the appellant was posted at GGPS Taj Ali kot Bichi kaskai and the supervisor of the circle concerned was not satisfied with the performance of her duty at the said school and the AAEO (Female) complained to the Agency Education Officer (now designated as DEO) time and again. At last the AEO, the Respondent No.2 issued Show cause notice to the appellant on 09/11/2017 to explain her position about her absence from her school. **(copy of the show cause notice is attached as Annexure-A)** But surprisingly, the appellant failed to report to the Education Office. In the same way the computerized salary of the appellant was inactivated for the month of Dec: 2017. **(Copy of the inactivation is attached as annexure-B)**. Similarly, on the local FM Radio at Miran shah, the notice of all such habitual absent teachers was brought on air, but again the appellant failed to join her school. Beside these, the names of such teachers, including the appellant was shared on social media such as face book which was shared by the than political Agent as well. Despite that the appellant neither reported to the DEO office nor joined her duty at her school. Then after a stipulated period of time, the DEO published a warning in the Newspaper, the Daily Mashriq on 03/12/2017 regarding the appellant and some other teachers about their absence from duties. **(copy of the newspaper cutting is attached as Annexure-C)**
4. The appellant has neither attended her school nor submitted any report to the Education office for any kind of her complaints or what's so ever.
5. At last, the respondent department terminated the appellant from service on 13/12/2017, which is lawful and legal. **(copy of the appellant's termination is attached as Annexure-D)**
6. Correct that the appellant has submitted her departmental appeal before the respondent No.1. In this regard proper interviews have also been arranged but the case has not yet been decided by the respondent No. 1. Keeping in view the above mentioned points, the appeal may kindly be dismissed on the following grounds.

Grounds:

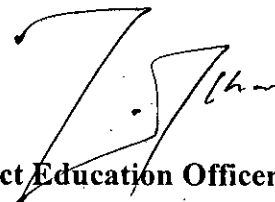
- A. The termination order issued by the respondent No.2 is just lawful and legal. Correct that the mentioned date of 01/09/2017 in the termination order was a holiday but that date has been mentioned just as a proof that since long till 01/09/2017, the appellant failed to join her duties at her school.
- B. Correct that the 1st to 4th of September 2017 were holidays but the appellant had been remained absent from her duties since long till the 1st of September 2017. And till the 1st of September 2017 different schools were checked by the AAEO female on different dates.
- C. All the schools were checked on different dates and it had been proved that all those terminated teachers including the appellant remained absent from duties for a long time and that habitual absenteeism remained constant till the 1st of September, 2017.
- D. If the appellant could have performed her duties at her school, she could have been informed of the reservations of the Education Office.
- E. The penalty of removal from service is just, lawful and legal
- F. The respondents seek permission of this august court to advance other points at the time of arguments.

Respondent No.1



**The director of Education
Newly Merged Tribale Districts**

Respondent No. 2



**District Education Officer
North Waziristan Tribale District**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 521/2018

Akhtar Numana Ex-Senior Primary School teacher-----Petitioner

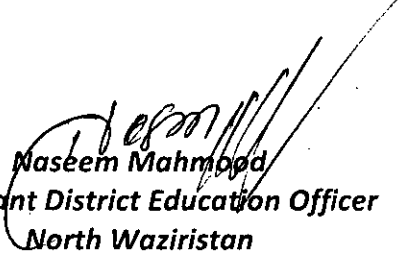
VERSUS

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2. Agency Education Officer, North Waziristan Agency at Miran Shah.

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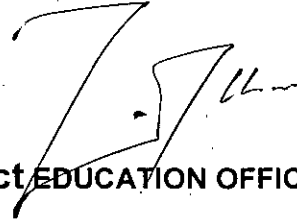
AFFIDAVIT

I Naseem Mahmood Assistant Agency education Officer North Waziristan Agency on behalf of the Respondent No.2, do hereby solemnly affirm and declare that the report of Respondent No.1 & 2 in R/O of Appeal. No. 521/2018 and others is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.


Naseem Mahmood
Assistant District Education Officer
North Waziristan

AUTHORITY LETTER

This office has the honor to state that Mr. Naseem Mahmood has been serving in the district Edu: Office as an AAEO. The undersigned has been given the authority to attend any kind of court case. So he may be considered as representative of the district Edu: officer, N.W.T.D



District EDUCATION OFFICER
NORTH WAZIRISTAN TRIBLE DISTRICT