


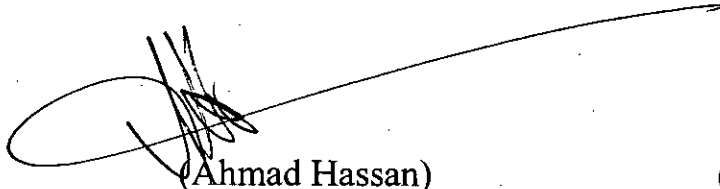
26.06.2019

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-~~1~~



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

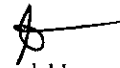
Appellant absent. Learned counsel for the appellant absent. Adjourned. To come up for preliminary hearing on 20.07.2018 before S.B.



Member

20.07.2018

None for the appellant present. Adjourned. To come up for preliminary hearing on 08.08.2018 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. 525/2018.

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. Mehnaz 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. .... 525 / 2018

Mst Mehnaz  
(Appellant)

Vs

Director Education, & Another  
(Respondents)

INDEX

S#	DESCRIPTION OF DOCUMENTS	ANNEX	PAGE
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3	Copy of publication	B	36
4	Copy of the reply	C	37
5	Copy of impugned Order dt 13.12.2017	D	38
6	Copy of Departmental Appeal	E	39
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8	Copies of relevant pages of Attendance Register	G	11-13
9	Wakalatnama	--	14

Dated:- \_\_\_\_\_

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

2

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. ....525..... /2018

*Mst. Mehnaz Ex. PST, GGPS, Gulzari Garyun, Miran Shah, North Waziristan Agency (now District North Waziristan)..... (Appellant)*

*Versus*

1. *Director Education, FATÀ, (now KPK) Peshawar*
2. *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 03.01.2018 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 23<sup>rd</sup> August 2017 it was notified for the general information that 1<sup>st</sup> to 4<sup>th</sup> 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

*Muhammad Saeed Khattak*

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


Service Appeal No. 525/2018

Mst Mehnaz Ex. Primary School Teacher. .... (Appellant)

**VERSUS**

Director Education, FATA & another ..... (Respondents)

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S.No.	Description of Documents	Annexure	Pages
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04	Copy of the reply	C	7
05	Copy of the order dated 13-12-2017	D	8
06	Copy of the departmental appeal	E	9
08	Copy of the Press Release	F	10
08	Copies of relevant pages of the attendance register	G	11-13
	Wakalatnama		14

Dated:-

Appellant

Through

Muhammad Saeed Khattak

Advocate, Peshawar.

Mob. 03336272753

①

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

Service Appeal No. 525/2018

Mst Mehnaz Ex. Primary School Teacher GGPS Gul Zare Garyum North Waziristan  
Agency. .... (Appellant)

**VERSUS**

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

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 557

Dated 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 13.11.2002. *(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 ~~12-12-2017~~<sup>03.01-2018</sup>, 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;

**GROUNDS**

- 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 23<sup>rd</sup> August 2017 it was notified for the general information that 1<sup>st</sup> to 4<sup>th</sup> 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 reinstated 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.*

MB  
Appellant

Through

Muhammad Saeed Khattak *MSK*

Advocate, Peshawar.

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

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

APPOINTMENT ORDER.

Consequent upon the recommendation of the Village Education Committee duly endorsed by Agency Education Officer on proper Agreement forms and stamp papers, the following nominees of the Village Education Committee are hereby appointed against the project post of PTC in BPS-7 for the Project period at Female Communal Schools noted against each (w.e.f.) their taking over charge,

<u>S.No.</u>	<u>Name</u>	<u>Father Name</u>	<u>Place of Post.</u>
1.	Miss Abida Farooq	D/O Umer Farooq.	FCS Amanullah N.W. Agency.
2.	Miss Kalsoom	D/O Mir Sahib Khan <del>as per order.</del>	do.
3.	Miss Mahnaz Bibi	D/O Mohammad Iqbal.	F.C.S. Bakhtullah Baber Kheh Ali Kheh NWA.
4.	Miss Musarrat Shaheen	D/O Belawar Jan.	.....do.....
5.	Miss Ulfat Begum	D/O Shah Mohammad.	F.C.S. Mutaber Khan Kot N.W. Agency.

Note:-

1. The employees shall serve the Govt; as Communal Schools teachers from the date of assumption of charge.
2. They shall devote their whole time to their duties as Communal School teachers.
3. They shall carry out such administrative and teaching functions in relation to their duties.
4. They shall submit themselves to the lawful orders of the Govt; Officers as well as V.E.C.
5. They Shall motivate the parents to send their children to school.
6. They shall keep in contact with the V.E.C & inform them of schools progress, issues & problems.
7. These posting will not be transferable, however, local teachers preferably trained can be adjusted against regular posts on case to case basis & strictly on merit with in the parameters of rules & regulations.
8. They should produce their health & age certificate to the Agency Education Officer Office.

*Self*  
(Alhaaj Mohammad Din Khan)  
Offg: DIRECTOR OF EDUCATION  
FATA (NWFP), PESHAWAR

Endst: No. 2162-74 IH-2/FCS/P&D/

Dated 13/08/2002

Copy to :-

1. The Additional Secretary Governor's Secretariat Govt; of NWFP Peshawar.
2. The Agency Education Officer, N.W. Agency with the remarks:
  - i) To check all their credentials, verify the same from concerned institutions, Boards & Universities and not to hand over them charge if there is any discrepancy. Their orders are approved subject to verification of documents.
  - ii) Teachers from Communal Schools should not be transferred to permanent posts.
  - iii) All prevailing services rules with the exception of permanent appointment are equally applicable on these teachers.
3. The Agency Accounts Officer N.W. Agency.
4. The S.A.P (Coordinator) FATA PE&D Department Govt; of NWFP, Peshawar.
5. The Chairperson Village Education Committee concerned.
- 6-10. The Candidates concerned.

*Stork*  
ASST: DIRECTOR (P&D)  
FOR DIRECTOR OF EDUCATION

3

**OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY.**  
**RE-APPOINTMENT ORDER**

Consequent upon the notification vide no. SO/ (E) SSD/CSTR/99-18, Dated 11.05.2012 and recommendation by Departmental selection committee, the following Non-local PTC teachers of communal schools in NW Agency are hereby re-appointed against vacant/ newly created posts noted against their names in BPG-07 @ Rs. (5800-320-154) per month plus usual allowances as admissible under the rules with immediate effect in the interest of public service.

S.No.	Name of Community School Teacher.	Name of Community School.	Place of Re-appointment	Remarks.
1.	Wahida Begum D/O Mir Ghafoor Khan	FCS Hassamud Din Mir Ali NWA	GGPS Wasiullah NWA	Against newly created PTC Post
2.	Zakia D/O Qamar Zaman	FCS Faridullah NWA	-do-	-do-
	Rashida Begum D/O Ruhim Dad Khan	FCS Mir Abbas Khan Mir Ali NWA	GGPS Akhtar Subhan NWA	-do-
4.	Nasrullah Akhtar D/O Abouir rehman	FCS Bare Khan NWA	GGPS Sahib Rehman Rzk NWA	-do-
5.	Masarat Shaheen D/O Bilawar Jan	FCS Bakhtullah NWA	GGPS Ghan Subhan Mir Ali NWA	-do-
6. ✓	Mohaz Bibi D/O Muhammad Islam	-do-	-do-	-do-
7.	Sadia Nabowat D/O Nabowat Khan	FCS Hafizullah Kot NWA	GGPS Bare Khan Razmak NWA	-do-
8.	Safia Nabowat D/O Nabowat Khan	-do-	-do-	-do-

**TERMS & CONDITIONS:**

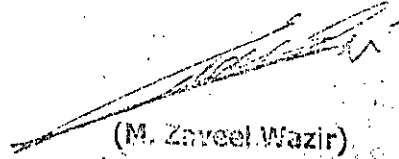
1. These re-appointments have been made purely on temporary basis subject to terms and conditions framed by the Government from time to time. Moreover, these appointments can be withdrawn and are liable to termination without any notice, if any legal, clerical or other kind of mistake arise therein. If they wish to resign from service they will give one month's prior notice or one month's full pay will be forfeited in lieu thereof.
2. If they failed to assume the charge within 15 days, their re-appointment order will be considered as cancelled.
3. Their pay will not be drawn till the verification from concerned University/Board/Institution. Moreover, they will be terminated if the Certificates/Degrees are found fake/bogus and or tempered with at any stage.
4. The appointee will be entitled to the benefits as admissible to a civil servant.
5. If the appointees concealed or submit wrong information, disciplinary action will be initiated against them.
6. Charge Report should be submitted in duplicate to all concerned.

  
(M. Zaveel Wazir)  
Agency Education Officer,  
North Waziristan Agency.

Ends: No. 827-33 /Re-Appointment/PTC/AEO/NWA, Dated 29 / 6 /2013

Copies to:

1. The Director of Education (FATA) KPK Peshawar.
2. The Political Agent, North Waziristan Agency Miranshah.
3. The Agency Accounts Officer Miranshah.
4. Head of Institution concerned.
5. AAEOs (Female) Circle Concerned.
6. Accountant Local Office.
7. Candidates Concerned.

  
(M. Zaveel Wazir)  
Agency Education Officer,  
North Waziristan Agency.

5/2  
TE  
C





خدمت جناب اعلیٰ ترین ایجنسی انٹرنیشنل ایف سی ایل  
شمالی وزیرستان ایجنسی میرین شاہ

Annex C

17

جناب عالی

گذشتہ لیٹری کے سلسلے کو تھمت گورنر نہ امر ای سکول گلزار گڑھ  
شمالی وزیرستان ایجنسی میرین شاہ میں کثرت PST پوسٹ پر خدمات  
سہ انجام دے رہی ہے

آئی سی اے ۵۵۵ سے روزنامہ مشرق مورخ 12.12.2017

وسائل سے سلسلے بمع دیگر علامات کے غیر حافی کا ٹولش کا ہے

پندرہ (15) لوگ کے اندر اندر انہی غیر حافی کی پوسٹ لیس ہے

یہ سلسلے کسی قسم کی غیر حافی کا کتاب میں آیا ہے

معلومات منسلک ہے

دکتر

عین نوزائش ہوگی

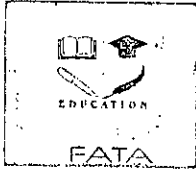
8/12/2017

تاکو فرمان معلم

میں معین زوی کی تھمت گورنر نہ امر ای سکول گلزار گڑھ

شمالی وزیرستان ایجنسی

Handwritten signature



OFFICE OF THE AGENCY EDUCATION OFFICER  
NORTH WAZIRISTAN AGENCY AT MIRAN SHAH  
Ph.NO.0928313045

## NOTIFICATION

1. WHEREAS Mst. Mehnaz PST GGPS Gul Zare Garyum 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: 9725-26 dated 09/11/2017.
3. AND WHEREAS Mst Mehnaz PST GGPS Gul Zare Garyum 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 Mehnaz PST GGPS Gul Zare Garyum 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: Mehnaz PST GGPS Gul Zare Garyum North Waziristan Agency with retrospective on account of his willful absence from duty.

(HABIBULLAH)  
Agency Education Officer,  
North Waziristan Agency

Endst: No.8333-42 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  
North Waziristan Agency

بھنور جناب ڈائریکٹر صاحب ایجوکیشن فاٹا، خیبر پختونخوا ایشاور

عنوان: اپیل برائے بحالی سروس

Amnest 49  
زیر (9)

جناب عالی!

گزارش بھنور انور ہے۔ سانکہ ذیل امور کی جانب آپ کی توجہ مبذول کروانا چاہتی ہے۔  
یہ کہ سانکہ گورنمنٹ گراڈ پرائیمری سکول گلزار گڑیوم میں اپنی ڈیوٹی فرائض سرانجام دے رہی تھی۔

(۱) یہ کہ سانکہ 01-09-2017 کو 09-11-2017 AEO No:9725-26 Show cause

notice کی بنیاد پر اپنی ڈیوٹی سے غیر حاضر تصور کی گئی۔ چونکہ 01-09-2017 تا 04-09-2017 کو عید الاضحیٰ کی تعطیلات تھی۔ گورنمنٹ آف خیبر پختونخواہ رولز کے مطابق چھٹیوں کے دن کوئی بھی غیر حاضر نہیں ہو سکتا ہے۔ نوٹیفیکیشن لفٹ ہے۔

(۲) نہ ہی سانکہ کو تحریری طور پر شوکانز نوٹس غیر حاضری کی ملی ہے۔

(۳) یہ کہ AEO صاحب نے مورخہ 03-12-2017 کو روزنامہ مشرق اور وساطت سے دوبارہ اطلاع دی کہ اس کی گئی

ہے۔ یہ کہہ کر کہ غیر حاضری کا جواب پندرہ دن کے اندر اندر رپورٹ پیش کرنا ہے۔ غیر حاضری کا جواب

04-12-2017 کو AEO صاحب کی دفتر میں جمع کیا گیا ہے۔ اور پندرہ دن پہلے مورخہ 2-2017

Efficiency and Discipin Rules 2011 کے تحت سانکہ کی برخواستگی (Removal from service)

عمل میں لائی گئی ہے۔ سرکاری اعلامیہ روزنامہ مشرق اجبار کی نوٹوں کا پی منسلک ہے۔

(۴) یہ کہ سانکہ سکول سے غیر حاضری کا ارتکاب نہیں کیا ہے۔ حاضری رجسٹر ہے۔

درجہ بالا حقائق کی روشنی میں سانکہ کی Removal from service کو Withdraw کا حکم صادر فرمائیں۔ اور سانکہ کی سروس بحالی کا حکم کر کے مشکور فرمائیں۔

سانکہ دعا گور ہے گا۔

مورخہ: 3/1/17

العارض  
آپ کا تابعدار مس مہناز بی بی پی ٹی سی گورنمنٹ گراڈ پرائیمری سکول گلزار گڑیوم شمالی وزیرستان ایجنسی میران شاہ M.B

CNCI: 14203-9892912-2

میران شاہ

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

Islamabad the 23<sup>rd</sup> August, 2017.

PRESS RELEASE

It is notified for general information that 1<sup>st</sup> to 4<sup>th</sup> 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)

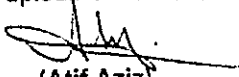
Tele: 9203851

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.

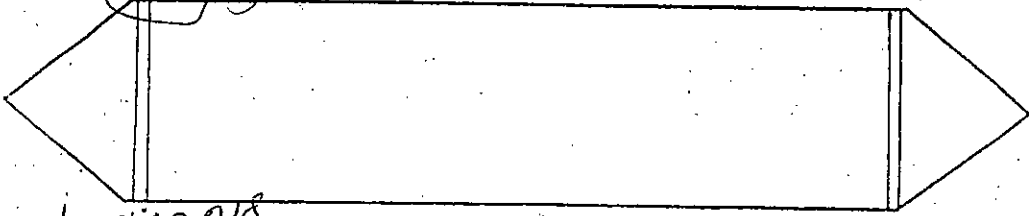
  
(Atif Aziz)  
Deputy Secretary (Law-II)







## بعدالت حیات KPK سرویس ٹریبونل سہ ماہی



کراچی 2018ء پنجاب ایسٹ

سماہ میٹاز بنام ڈی ایچ ڈی  
دوسرے بلڈنگ ڈیولپر

موزخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کلی کارروائی متعلقہ و  
آن مقام سہ ماہی کیلئے محمد سعید حسن صاحب کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
دیکھل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی 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 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائہ 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  
مذکور کریں۔ لہذا وکالت نامہ لکھنڈیا کہ سندر ہے۔

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

العبد \_\_\_\_\_ واہ العبد \_\_\_\_\_

بمقام

لٹ م

کے لئے منظور ہے۔

Attested  
Accepted

محمد سعید حسن



**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 525/2018

Mst. Mehnaz 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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4	Show cause notice	Annexure -A	5
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ASSISTANT DISTRICT EDUCATION OFFICER  
NORTH WAZIRISTAN

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

Service Appeal No. 525/2018

Mst. Mehnaz 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.

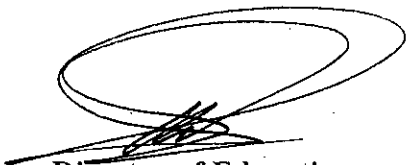
**On Facts:**

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:**

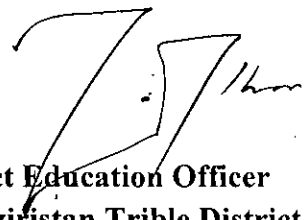
- A. The termination order issued by the respondent No.2 is just lawful and legal. Correct that the mentioned date of 01/09/2017 in the termination order was a holiday but that date has been mentioned just as a proof that since long till 01/09/2017, the appellant failed to join her duties at her school.
- B. Correct that the 1<sup>st</sup> to 4<sup>th</sup> of September 2017 were holidays but the appellant had been remained absent from her duties since long till the 1<sup>st</sup> of September 2017. And till the 1<sup>st</sup> 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 1<sup>st</sup> 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**



**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. 525/2018

Mst. Mehnaz Ex-Senior Primary School teacher-----Petitioner

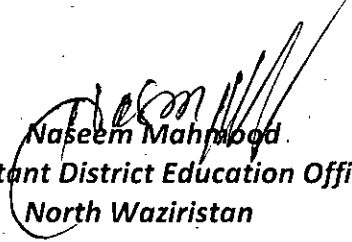
**VERSUS**

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-----Respondents

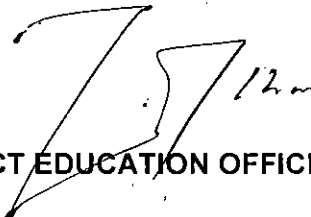
**AFFIDAVIT**

I Naseem Mahmood Assistant District Education Officer North Waziristan Agency on behalf of the Respondent No. 1 & 2, do hereby solemnly affirm and declare that the report of Respondent No.1 & 2 in R/O of Appeal. No. 525/2018 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 ADEO. 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 AGENCY TRIBLE DISTRICT