

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1680/2021

Date of Institution ... 22.01.2021

Date of Decision ... 22.12.2021

Mst. Zahida Parveen, PST, w/o Muhammad Zahid R/O Khanabad, Dokrai Tehsil
Lal Qila District Dir Lower

.... (Appellant)

VERSUS

The Secretary Elementary & Secondary Education Department Khyber
Pakhtunkhwa, Peshawar and two others.

... (Respondents)

Present:

ZAHID GUL,
Advocate

--- For Appellant.

MUHAMMAD ADEEL BUTT,
Additional Advocate General

--- For respondents.

MR. AHMAD SULTAN TAREEN
MR. ATIQR REHMAN WAZIR,

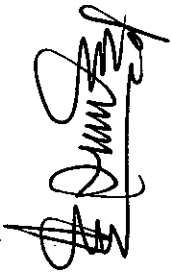
--- CHAIRMAN
--- MEMBER (E)

JUDGEMENT.

AHMAD SULTAN TAREEN, CHAIRMAN:-

Preliminary argument have been heard and available record has been
perused.

2. The appellant through Service Appeal No.1680/2021 titled "Zahida Parveen
Vs Secretary Elementary & Secondary Education Department Khyber
Pakhtunkhwa, and others" has invoked the jurisdiction of this Tribunal under
Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 to impugn the order
dated 21-10-2020 whereby her service was terminated and also impugned the order
dated 21-11-2019 whereby her departmental appeal dated 21-11-2019 was rejected.
The impugned order dated 23-05-2013 as annexed with the appeal reveals that about




her absence of the Appellant from duty since 01-12-2009, she for the first time was served with show cause notice dated 12-09-2012. Thereafter, the notice of her absence was published in daily newspapers namely "Express" and "Aaj" respectively on 27-01-2013 and 28-01-2013. Due to failure of appellant to resume her duties, major penalty of termination from service was imposed upon her vide impugned order 23-05-2013. The appellant filed departmental appeal against said order on 21-11-2019 and had shown the cause of her absence as terrorism and Talibanization in the area with imminent threats to her family from the terrorists. She also mentioned about certain incidents of terrorism targeting the house of her husband and reporting of the matter to the Police. She further pointed out in the departmental appeal that due to life threats, they migrated to Abbottabad. She stated that after normalcy in situation of the area in 2009, when they returned back to their area; she came to know about her termination from the service under the order 23-05-2013 because of absence. The action taken by the department against the appellant and as reflected in the impugned order dated 23-05-2013 is in line with the requirement of Rule-9 of the Government of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Said rule in view of the non-obstante clause excludes the grounds for disciplinary proceedings provided under Rule-3 of the said rules. However, the order of termination and show cause notice have been served upon the appellant in exercise of powers under Rule-3 ibid which is not workable within meaning of Rule-9 of the said rules. According to provision of Rule-9, in case of willful absence from duty by a Government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgment on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within



fifteen days of publication of that notice, failing which an ex-parte decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant. Taken under Rule 9 ibid, action against the Appellant was ex-parte. She has shown the cause of her absence as migration from the area due wave of terrorism and in wake of imminent threats to their family.

3. We are mindful of the fact that departmental appeal as well as service appeal are time barred but in view of the personal circumstances of the appellant disclosed by her in the departmental appeal as well as in the service appeal, we are inclined to condone the delay on acceptance of the application filed along with memorandum of appeal. We further deemed appropriate to dispose of this appeal at preliminary stage for departmental inquiry about circumstances of the appellant as discussed in her departmental appeal and then for disposal of the said appeal on merit by the department. Ex-parte order of termination of appellant from service is set aside and she is reinstated for the purpose of inquiry. The departmental appeal is remanded to the responded No.2 i.e. the Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar, who may proceed for inquiry as directed hereinbefore through an appropriate inquiry officer and then decide the departmental appeal having regard to the personal circumstances of the appellant. The appeal stands disposed of in limine in the above terms. There is no order as to costs. File be consigned to the record room.

ANNOUNCED
22.12.2021


(ATIQR REHMAN WAZIR)
MEMBER (E)


(AHMAD SULTAN TAREEN)
CHAIRMAN

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	22.12.2021	<p><u>Present.</u></p> <p>Mr. Zahid Gul, ... For appellant Advocate</p> <p>Mr. Muhammad Adeel Butt, Addl. Advocate General, ... For respondents.</p> <p>Vide our detailed judgment, the appeal stands disposed off in limine in the terms as spelled out in para-3 of the judgment. There is no order as to costs. File be consigned to the record.</p> <p style="text-align: right;">  (AHMAD SULTAN TAREEN) CHAIRMAN </p> <p style="text-align: center;">  (ATIQ-UR-REHMAN WAZIR) Member(E) </p> <p><u>ANNOUNCED</u> 22.12.2021</p>

08.07.2021

Counsel for the appellant present. Due to peculiar facts and circumstances of the case, it would be proper to fix the same before the D.B. Office is directed to do the needful.

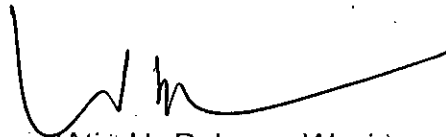
To come up for preliminary hearing on 12.10.2021 before the D.B.

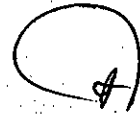

Chairman

12.10.2021

Appellant present through counsel.

He made a request for adjournment. Adjourned. To come up for preliminary hearing on 22.12.2021 before D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)





(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1680 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/01/2021	<p>The appeal of Mst. Zahida Perveen resubmitted today by Mr. Zahid Gul Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	01.04.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/04/21</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Nemo for appellant.</p> <p>Notice be issued to appellant/counsel for <u>8/07/2021</u> for hearing before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

The appeal of Mr. Zahida Perveen PST Lal Qila District Dir Lower received today i.e. on 22/01/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal may be got signed by the appellant.
- 2- Affidavit may be got attested by the Oath Commissioner.

No. 195 /S.T.

Dt. 28/01 /2021


REGISTRAR

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zahid Gul Adv. Pesh.

*Sir, appeal is signed by the appellant and now
the affidavit ~~is~~ is also attested by the Oath
Commissioner.*

appellant counsel

28-1-2021

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re S.A _____/2021

Zahida Parveen

VERSUS

Secretary E & SE Peshawar and Others

INDEX

S#	Description of Documents	Annex	Pages
1.	Grounds of Appeal with affidavit		1-7
2.	Application for Condonation of Delay		8-9
3.	Addresses of Parties.		10
4.	Copy of Office Order No: 2189-2122 dated 14-03-1996	"A"	11
5.	Copy of the FIR	"B"	12
6.	Copy of Dismissal Order dated 23-5-2013	"C"	13
7.	Copy of the FIR dated 11/07/2019	"D"	14
8.	Copy of Departmental Appeal & Rejection Order	"E & F"	15-16
9.	Wakalatnama		

Dated : 16/01/2021

Appellant

Through

Zahid Gul

Advocate, High Court,
Peshawar.

①

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

In Re S.A 1680 /2021

Diary No. 1607

Dated 22/1/2021

Mst: Zahida Parveen, PST, W/o Muhammad
Zahid R/o Khanabad, Dokrai Tehsil Lal Qila
District Dir Lower.

-----*(Appellant)*

VERSUS

1. The Secretary Elementary & Secondary Education Department KPK Peshawar.
2. The Director (E & SE) KPK Peshawar.
3. District Education Officer (Female) Dir Lower.

-----*(Respondents)*

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT -1974 AGAINST THE IMPUGNED
ORDER DATED 23/05/2013 WHEREBY
THE APPELLANT DEPARTMENTAL
APPEAL DATED 21/11/2019 HAS BEEN
REJECTED ON NO GOOD GROUNDS.**

Filed to-day

Registrar

22/01/2021

PRAYER

Re-submitted to -day
and filed.

Registrar

22/1/21

**ON ACCEPTANCE OF THIS APPEAL,
THE IMPUGNED ORDER DATED
23/05/2013 AND DATED 21/11/2019 MAY
VERY KINDLY BE REINSTATED IN
SERVIC WITH ALL BACK BENEFITS
AND ANY OTHER REMEDY WHICH
THIS AUGUST COURT DEEM FIT MAY**

(2)

**ALSO BE ORDERED IN FAVOR OF THE
APPELLANT.**

Respectfully Sheweth:

1. That the appellant was appointed as PST mistress at Government Primary School Maidan vide Office Order No: 2189-2122 dated 14-03-1996 in Respondents Department. (Copy of Office Order No: 2189-2122 dated 14-03-1996 is attached as Annexure "A")
2. That after joining the Respondent department, the appellant served the said post with due diligence, punctuality and good reputation.
3. That during the on going military operation against the terrorists and Taliban, the area of Maidan Dir Lower and adjacent zones were quietly effected by terrorist activities and military operations.
4. That unknown militants, heavily threatened the family of the appellant for ransom and direful consequences, therefore the appellant along with her family members were shifted to

(3)

Abbotabad in the year 2013, in very high and dry situations.

5. That the situation was quite stranded for the appellant and her family to come back to their home village, and in the year 2014, the house of appellant's husband was destroyed by some unknown terrorist by putting huge explosives. The occurrence was also reported to local police vide FIR No: 355 dated 25-10-2014 U/s 3/4 EXP Sub Act 387/ 7 ATA, PS: Lal Qila. (Copy of the FIR is Annexure "B").
6. That the situation remained quite impossible for the appellant to return home, until in the mid of 2019, appellant returned home, and after query, it was found that appellant has been terminated from her post due to absence vide office order no: 9102-8 dated 23/05/2013. Thus appellant's absence from the duty was not intentional. (Copy of Dismissal Order is attached as Annexure "C")
7. That neither any Show-Cause Notice was served upon appellant by the Respondents nor any inquiry was conducted, neither appellant was

(4)

charged, shut and appellant was illegally dismissed from service vide order dated 23/05/2013.

8. That in the meanwhile, son of the appellant namely Waqar Ullah was murdered by some unknown terrorists in Abbotabad, and the occurrence was reported to police vide FIR No: 655, dated 11/07/2019 U/s 302 PPC, PS. Mirpur Abbotabad. (Copy of the FIR is annexure "D")
9. That feeling aggrieved from the impugned order dated 23/05/2013, the appellant moved departmental appeal to Respondent No:2 but it was rejected on dated 21/10/20 on no grounds. (Copy of Departmental Appeal and Rejection orders are annexure "E & F")
10. That appellant having no other remedy but to file the instant appeal on the following grounds amongst the others.

GROUND:-

- A. That the impugned order dated 23-05-2013 is against the law, facts and justice, hence not tenable & liable to be set aside.

(5)

- B. That the appellant have not been afforded any opportunity of hearing, which amounts to unheard condemnation, thus against the law.
- C. That appellant have served the department since 1996, with due diligence & punctuality and her absence was not willful, due to the ongoing military war and bad conditions in the area.
- D. That the unintentional and accidental absence of the appellant is duly reflected from the aforesaid FIR(s).
- E. That appellant has not been treated by the Respondent Department according to law & rules on subject noted above and as such, the Respondents violates Article 4 & 25 of the Constitution of Islamic Republic of Pakistan 1973.
- F. That any other ground not raised here may graciously be allowed to raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of Service Appeal, the appeal of the

6

**appellant may kindly be accepted
as prayed for.**


**Any other relief not
specifically asked for may also
graciously be extended in favor of
the Appellant in the circumstances
of the case.**

Dated: 16/01/2021

Appellant



Through

Zahid Gul 
Advocate, High Court
Peshawar

NOTE:-

As per information furnished by my client, no such like appeal for the same appellant, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

Advocate



(7)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2021

Zahida Parveen

VERSUS

Secretary E & SE Peshawar and Others

AFFIDAVIT

I, Mst: Zahida Parveen, PST, W/o Muhammad Zahid R/o Khanabad, Dokrai Tehsil Lal Qila District Dir Lower, do hereby solemnly affirm and declare that all the contents of the accompanied appeal is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

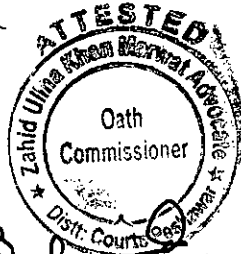
DEPONENT

CNIC: 15302 - 4471750-2

CELL NO: 0309-1918988

Identified By:

Zahid Gul
Advocate High Court
Peshawar.



22-1-2021

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

(8)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2021

Zahida Parveen

VERSUS

Secretary E & SE Peshawar and Others

**APPLICATION FOR CONDONATION OF
DELAY**

Respectfully Sheweth,

Petitioner submits as under:

1. That the petitioner is filling the accompanying petition, the contents of which may graciously be considered as integral part of the instant petition.
2. That the petitioner has got a good prima facie case, besides having balance of convenience in his favour and in case of the dismissed of the instant application shall envisage irreparable loss.
3. That delay in filing of the instant case was not deliberate but due to reason beyond control of the petitioner.
4. That the situation was quite stranded for the appellant and her family to come back to their home village, and in the year 2014, the house of appellant's husband was destroyed by some unknown terrorist by putting huge explosives. The occurrence was also reported to local police vide FIR No: 355 dated 25-10-2014 U/s 3/4 EXP Sub Act 387/ 7 ATA, PS: Lal Qila.
5. That law favours adjudication on merits.

9

It is, therefore most humbly prayed that on acceptance of the instant application the delay may kindly be condoned and the case may kindly be decided on merits.

Dated: 16/01/2021

Applicant *Rri*

Through

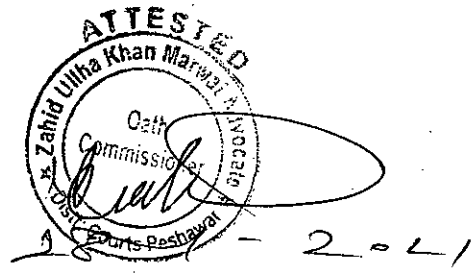
Zahid Gul *Zahid Gul*
Advocate High Court,
Peshawar.

Affidavit:

I, Mst: Zahida Parveen, PST, W/o Muhammad Zahid R/o Khanabad, Dokrai Tehsil Lal Qila District Dir Lower, do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Rri

DEPONENT
CNIC:15302-4471250-2



10A

In Re S.A _____/2021

Zahida Parveen

VERSUS

Secretary E & SE Peshawar and Others

ADDRESSES OF PARTIES

APPELLANT.

Mst: Zahida Parveen, PST, W/o Muhammad Zahid
R/o Khanabad, Dokrai Tehsil Lal Qila District Dir
Lower

RESPONDENTS:

1. The Secretary Elementary & Secondary Education Department KPK Peshawar.
2. The Director (E & SE) KPK Peshawar.
3. District Education Officer (Female) Dir Lower.

Dated : 16/01/2021

Appellant



Through

Zahid Gul
Advocate, High Court,
Peshawar.



(11)

Annexure 'A'

OFFICE OF THE DISTT EDUCATION OFFICER (FEMALE) PRIMARY DIR AT TIMERGARA.

OFFICE ORDER.

Mst: Zahida Parveen Mat./F.A. Marks

D/O Habibud Dir ~~Distt~~ Galgot Village Maidan

Distt: Dir is hereby appointed as a PTC mistress at Govt: Girls Primary School Galgot in BPS-7 @Rs.1480/-PM Fixed Plus usual allowances as admissible under the rules in the interest of public service, with immediate effect/WEF 1/4/96 to the following terms and conditions:-

TERMS AND CONDITIONS:-

1. Charge report should be submitted to all concerned.
2. No TA/DA is allowed being 1st appointment.
3. Her appointment made on temporary basis and liable to termination at any time with out any notice. In case leaving the service, she is required to one month pay to the Govt. treasury in lieu thereof.
4. Her Age may not be exceeds 40 years or below 18 years.
5. She is required to produce her Health and Age certificate ~~to~~ from the Civil Surgeon, Dir at Timergara.
6. If a candidate failed to take over the charge with in 15 days of the issue of this order, her appointment shall stand cancelled automatically.
7. The SDEO(F) Dir at Timergara is directed to checked/verified the relevant documents of the candidate from the concerned Board/Dstitutions, if found bogus shall stand cancelled automatically.

Amended

(FAZAL NAEEM KHAN)
DISTT: EDUCATION OFFICER (FEMALE)
PRIMARY DIR AT TIMERGARA.

ENDST: NO. 2189-2192 / Dated Timergara the 14/3 /1996.

Copy forwarded ~~to~~ for information and necessary action to the:-

1. Distt: Accounts Officer Dir at Timergara.
2. SDb-Divisional Education Officer(F) Dir at Timergara.
3. Candidate Concerned.
4. Headmistress GGPS.
5. Galgot

DISTT: EDUCATION OFFICER (F)
DIR AT TIMERGARA.

ابتدائی اطلاع رپورٹ

فائل

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 153 مجموعہ ضابطہ فوجداری

محل وقوع	ضلع	درہ لوہگر
تاریخ و وقت	تاریخ و وقت وقوع	24/10/2014 وقت 22:45 بجے
تعداد	355	7
نام و سکونت اطلاع دہندہ	نام و سکونت ملزم	حیا کبریٰ درجہ 10/25 وقت 09:05 بجے
مگر و احکام و راجعہ	مگر و احکام و راجعہ	مشوالاتی بصرہ 39/9 سال سکتہ کسبی خان آباد
محقق کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	چھت ازان مکان مدعی واقع ذیہہ کسبی خان آباد بمقام 2/2 ہیکلو ہٹریٹ	3/4 EXP sub Act. 387 PR 7HATA
جائے وقوعہ فاصلہ تھانہ سے اور سمت	چھت ازان مکان مدعی واقع ذیہہ کسبی خان آباد بمقام 2/2 ہیکلو ہٹریٹ	شہادت تھانہ
نام و سکونت ملزم	بہر سیدگی ختیری و اسلم درجہ 10/25	
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	بطور پیشینہ رپورٹ	
تھانہ سے روانگی کی تاریخ و وقت		

ابتدائی اطلاع نیچے درج کرو۔ بوقت صدر کے ایک ختیری و اسلم فحاشی
 خیر محمد خان ASI 110 بدست کنٹینل خستان ایس 503 موبوں ہو کر ذیل ہے۔ ختیرت آفسر ایچ ایچ
 تھانہ محل وقوع آج صبح اطلاع ملی کہ ذیہہ کسبی خان آباد میں عمر و احد نامی شخص کے گھر میں کوئی
 دھماکہ خیز مواد پھٹی ہے۔ مقدمہ و قاتل کا کارروائی کچھ طریقہ فوری خانہ مدعی بالا آکر جس نے
 یون رپورٹ کی کہ محض شبہ میں نہ تھا۔ خانہ خواہیہ تھا کہ بوقت 22:45 بجے مکان کی چھت
 پر ملزم/ملزماں فاصلہ سے کوئی دھماکہ خیز چیز پھٹی کی آواز سننے پر بیدار ہو کر فوراً مکان کی چھت پر چڑھ کر جو
 نقصان پہنچا۔ کچھ اور چھت پر پھینک کر بلا سٹ ہو چکی ہے۔ خوش قسمتی سے کوئی ہلاکت
 نقصان نہیں ہوا ہے۔ ملزم/ملزماں فوری وقوعہ فرار ہوئے ہیں کامیاب ہو چکے ہیں جو
 شاید کسی نے دیکھا ہو۔ وجہ عناد سابقہ کوئی نہیں البتہ ختیرت 2/19 کو بوقت دوپہر کسی شخص
 نے نام ظاہر کیے بغیر موبائل نمبر 0306-8066929 پر مبلغ ڈیڑھ کروڑ روپے یا پچھوے سو روپے کے اندر حوالہ کرنے کا مطالبہ
 کیا تھا۔ میں نے مکان پر دھماکہ خیز مواد پھینکا اور چھت سے باہر چلا گیا۔ اس کا برخلاف ملزم /
 ملزماں فاصلہ سے فرار ہوئے۔ کوئی رپورٹ ملزم/ملزماں فاصلہ سے ڈر اور
 خوف ہے۔ رپورٹ کرتا ہوں مگر وہ اس کے بعد دستخط کر کے کارروائی پولیس حسب
 گفتہ سائیل رپورٹ صرف صرف درجہ صدر ہو کر پھڑکنا یا سمجھا یا گیا بدست
 تسلیم کرے زیر رپورٹ خود دستخط ثبت کی جا چکی ہیں مقدمہ کوئی نہ ہو۔
 رپورٹ سے صورت صبرم بالا یا کر اسلم ضبط ختیری و اسلم فحاشی ہٹریٹ
 بدست کنٹینل خستان ایس 503 ارسال تھا نہ یہ۔ تفتیش الوسی گشن و
 P.T.O

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER AT TIMERGARA
OFFICE ORDER.

Whereas Miss Zahida Parveen PST D/O Habibud-Din Govt; Girls Primary School Galgoot Tehsil Lal Qila District Dir Lower, remained absent from her duties without prior sanction of leave for the period w.e.f 1/12/2009 to-date. Her acts is against the office discipline and amount to miss-conduct under rules 3(b)& (d) of the Khyber Pakhtunkhwa Government servants (Efficiency and Discipline rules 2011).

The following steps were taken against her:-

Whereas 1st show cause notices were issued to the accused vide this office Endst; No, 15183-85 dt; 12/9/2012, but she did not resume her duty within the stipulated period.

Whereas the last show cause notices was issued through press, which has been published in Daily "Express" dated 27/1/2013 and "Ajj" dated 28/1/2013, but after the expiry stipulated period the accused failed to resume her duties.

After that a committee was constituted by the Distt; Education Officer (M&F) Dir Lower under Endst; No, 5183-84 dated 6/3/2013. A meeting was held on 26/3/2013 in which the committee decided that she may be terminated from service.

Now therefore in the light of committee decision I Miss, Sabira Parveen Distt; Education Officer (Female) Dir Lower, in the capacity of competent authority, am satisfied that the charges against the accused teacher have been proved beyond no doubt, I as a competent authority, under the power conferred upon me under rules 3 of the Khyber Pakhtunkhwa Government servants (Efficiency and Discipline rules 2011 are hereby impose major penalty of termination from service upon Miss Zahida Parveen PST Govt; Girls Primary School Galgoot Tehsil Lal Qila District Dir Lower, from the date of her absence.


The pay of absent period if paid to her be recovered by drawing & disbursing Officer concerned, and be deposited in to Government treasury.

(Miss Sabira Parveen)
Distt; Education Officer,
(Female) Dir Lower.

Endst; No, 912-8 / Dated Timergara the 23 / 05/2013

Copy of the above is forwarded to the:-

1. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. The PA to Secretary Elementary & Secy; Edu; Deptt; Khyber Pakhtunkhwa Peshawar.
3. The Deputy Commissioner Dir Lower.
4. The Distt; Accounts Officer Dir Lower.
5. The Deputy Distt; Education Officer (Female) Local office.
6. The Sub-Divisional Edu; Officer (F) Timergara.
7. The Accused teacher concerned.


Distt; Education Officer,
(Female) Dir Lower

بخدمت جناب ڈائریکٹر صاحب ابتدائی و ثانوی تعلیم صوبہ خیبر پختونخواہ بمقام پشاور۔

درخواست بمراد ہمدردانہ غور Re-instate کرنے سائیکل۔

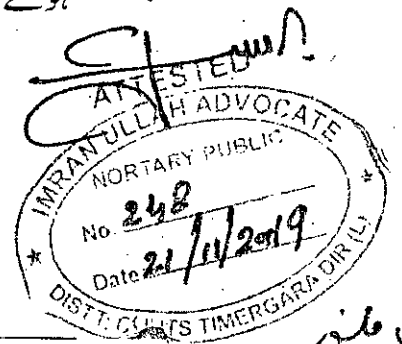
جناب عالی! سائیکل ذیل عرض رساں ہے۔

- (1) یہ کہ سائیکل کی تقرری برائے آفس آرڈر نمبر 2192-2189 مورخہ 01/04/1996 بطور P.T.C اُستانی گورنمنٹ گرلز پرائیمری سکول گالگوت میدان میں ہوئی تھی۔ جو سائیکل ایمانداری کیساتھ اپنے منصبی فرایض سرانجام دیتی رہی۔
- (2) یہ کہ علاقہ ہذا میں دہشت گردی، طالبانائیزیشن اور حالات کشیدہ ہوتے گئے۔ اور سائیکل کے شوہر، دیگر گھر کے افراد کو دھمکیاں آمیز خطوط، فون کالز ہوتے رہے۔ جسکی بناء پر اپنی اور اپنی اہل و عیال کی زندگی بچانے کے خاطر علاقہ خود سے روپوش ہو کر بمقام ایبٹ آباد چلے گئے۔
- (3) یہ کہ دھمکیوں کا سلسلہ بدستور رہتے ہوئے بمورخہ 25/10/2014 سائیکل کے شوہر کے گھر میں دھماکہ خیز مواد رکھ کر اُس کے گھر کو بلاسٹ کیا گیا۔ اس نسبت بھائی شوہر سائیکل نے تھانہ لعل قلعہ میں رپورٹ درج کی ہوئی ہے جس کی وجہ سے سائیکل کا خوف، جانی خطرہ برقرار رہنے کی وجہ سے ایبٹ آباد میں مزید مقیم رہے۔
- (4) یہ کہ سال 2019ء میں حالات اور خوف سائیکل قدرے ٹلنے کے بعد واپس علاقہ خود اپنے پر معلوم ہوا۔ کہ سائیکل کو بمورخہ 23/05/2013 بوجہ غیر حاضری آپ نے فرایض سے سبکدوش کیا گیا ہے۔ جس کا روائی کی نسبت سائیکل کو کسی طور اگاہ نہیں کیا گیا ہے۔ اور جملہ کاروائی پس پشت سائیکل عمل میں لائی گئی ہے۔
- (5) یہ کہ حال ہی میں بمورخہ 16/07/2019 سائیکل کے بیٹے وقار اللہ کو نامعلوم افراد نے بمقام ایبٹ آباد قتل کیا گیا۔ اور جو خوف و ہراس پہلے کی طرح بدستور قائم ہے۔
- (6) یہ کہ سائیکل کی غیر حاضری قصداً، عمدانہ ہے۔ بلکہ بوجہ واقعات ذکر شدہ بالا لاحق ہوئی ہے۔ اور جس نسبت F.I.R درخواست ہذا کیساتھ لف ہے۔
- (7) یہ کہ ان حالات میں سائیکل کو Re-instate کرنا عین انصاف کے تقاضوں کے مطابق ہے۔ کیونکہ خوف، ہراس کی وجہ سے علاقہ خود سے باہر رہنا سائیکل کی مجبوری تھی۔ اور اپنی حاضری یقینی بنانا موت کا متقاضی ہونے کے علاوہ کچھ نہیں تھا۔ اور جو سائیکل کے بس سے باہر تھا۔

بحالات بالا استدعاء ہے۔ کہ سائیکل ایک غریب اور خاتون ہے۔ اور جسے حسب سابق

Re-instate کرنے کے احکامات صادر فرمایا جاوے۔

مورخہ: 21-11-2019



بیان منہ

سائیکل زاہدہ پروین زوجہ محمد زاہد سکنتہ خان آباد دوکڑی تحصیل لعل قلعہ ضلع دیرو پیر حال مقیم بمقام ایبٹ آباد۔

وہاں بیان کی جگہ ہے

مراتب بالا دستہ علم اور یقین سے

Zprie

درست منہ



Reg: (16) Annexure F 2
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No 2578 /File: 429/RTI/P. Zahida
Parveen/Dir Lower/2020.

Dated Peshawar the: 21/1/20 /2020

To

Mst. Zahida Parveen, PST
Mohallah Shiekh Muhammadi, Village & Post office Haji Abad,
Tehsil Balambat Dir Lower.
Cell No. 0309-1918988.

Subject: - REQUEST FOR PROVISION OF DOCUMENTS UNDER RTI ACT 2013.

I am directed to refer to your application dated 30-09/2020 on the subject cited above and to state that your appeal has been seen & filed by the competent authority being time bared.

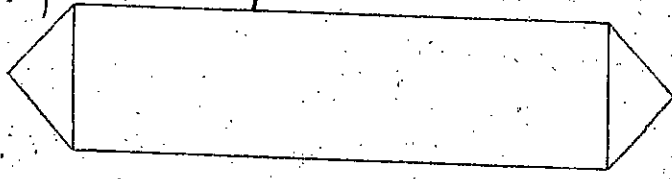
AD (RTI & Ombudsman)
Directorate of E&SE KP

Endst: No. 2579

Copy forwarded to the:-

- 1- The Assistant Registrar, Right to Information Commission Khyber Pakhtunkhwa Peshawar. (Near BRT Abdara Station, Arbab Colony, Opposite Jabar Flats, University Road, Peshawar)
- 2- P.A to Director E&SE KPK Peshawar.

AD (RTI & Ombudsman)
Directorate of E&SE KP



2 پنجاب
بنام

Mst Zahida Parveen

مورخہ

مقدمہ


دعویٰ

جرم

Secretary, ESS Peshawar

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ

آن مقام کیلئے  کے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں بردستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا ایبل کی برادگی
 اور منسوخی نیز دائر کرنے ایبل نگرانی و نظر ثانی و پیروی کرنے کا مختار 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 اختیار حاصل ہوں گے
 اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
 سبب سے وہ 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 لکھ دیا کہ سندر ہے۔

Mst Zahida Parveen

20

2021 - 1 - 22

المرقوم

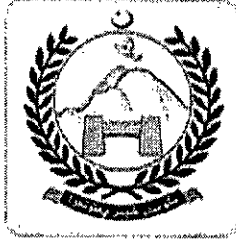


المقام

کے لئے منظور ہے۔



مقام



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 1082 /ST

Dated: 18/05 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The District Education Officer Female,
Government of Khyber Pakhtunkhwa,
Dir Lower.

Subject: JUDGMENT IN APPEAL NO. 1680/2021 MST. ZAHIDA PARVEEN.

I am directed to forward herewith a certified copy of Judgement dated 22.12.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR