

Form- A

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_ 1240 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/08/2022	<p>The appeal of Mst. Fozia Noureen presented today by Mr. Muhammad Yaseen Hassan Khalvi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;">REGISTRAR</p>

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

Service Appeal No. 1240 /2022

Mst. Fozia Noureen

**VERSUS**

The District Education Officer (DEO) Female, Kohat & others.

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S.No.	Description of documents	Annex	Pages
1	Memo of Appeal		01-06
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8	Wakalatnama		

Dated 22-08-2022.

*Fozia*  
Appellant

Through:

Muhammad Amin Khattak Lachi

Advocate, Supreme Court.

& *Yaseen*  
Muhammad Yaseen HassanKhelvi

Advocate, Peshawar.

0345-4949553

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

Service Appeal No. 1240/2022.

Mst. Fozia Noureen D/o Wali Khan

Drawing Mistress (DM) GGMS, Rehman Abad

..... **APPELLANT.**

**VERSUS**

1. The District Education Officer (DEO) Female, Kohat.
2. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
3. The Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS.**

**APPEAL UNDER SECTION 04 OF THE KHYBER PAKHTUNKHWA,  
SERVICE TRIBUNAL ACT 1974, AGAINST THE OFFICE ORDER  
DATED 24-01-2017 WHEREBY APPELLANT WAS REMOVED FROM  
SERVICE WITH EFFECT FROM THE DATE OF ABSENCE FROM  
THE DUTY AND AGAINST THE INACTION OF RESPONDENTS  
WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS  
NOT BEEN RESPONDED WITHIN STATUTORY PERIOD.**

**Prayer:**

By accepting the instant appeal, the impugned order dated 24-01-2017 may kindly be set aside and the respondents may kindly be directed to reinstate the appellant with all back benefits. Any other relief, which this Honorable

Court deems fit and appropriate may also be granted to the Appellant for the ends of justice.

**Respectfully Sheweth:**

**F A C T S**

- 1. That Appellant belongs to respectable family of the locality and belongs to Kohat.
- 2. That Appellant was appointed as a D.M on 13-12-1999 by Respondent No. 01 in GGMS, Darmalak, Dist. Kohat.  
**{Copy of appointment order is annexed as A}**
- 3. That appellant performed her duty regularly up to the entire satisfaction of Respondents Department with zeal and zest and was promoted to BPS 15 through order No. 29/3-20 dated 18-03-2009.
- 4. That the appellant applied for leave without pay due to unavoidable circumstances and domestic issues which was granted by the department i.e. from 02-09-2014 to 29-02-2016(18 months).
- 5. That appellant again applied for leave without pay which was granted as per information given to the appellant.
- 6. That appellant was in the opinion that leave has been granted, but the department started, departmental proceedings in the absentia against the appellant.
- 7. That appellant was in Islamabad for the pursuance of the educations of their kids and the department completed, departmental proceedings in the absentia of the appellant and dismissed her from service on 24-01-2017 but the impugned order was not communicated to the appellant.
- 8. That feeling aggrieved from the office order dated 24-01-2017 of Respondent No.1, the Appellant preferred Departmental appeal which is still pending after completion of statutory period of 90 days.

{Copy of Departmental appeal is annexed as B}

9. That Appellant being aggrieved having no other efficacious remedy available except to approach this Hon'ble Tribunal inter alia on the following grounds.

### GROUND S

- A. That the impugned Notification/office order dated 24-01-2017 of Respondent No. 01 is wrong, illegal, unfounded, unconstitutional, based on nepotism and favoritism, hence, is liable to be set aside.
- B. That the impugned Notification issued by Respondents No. 01 is in sheer violation of the Fundamental Rights guaranteed to the Appellant as envisaged under the Constitution of Islamic Republic of Pakistan 1973.
- C. That the Appellant has not been treated in accordance with law and rules by the Respondents Department on the subject noted above and as such the Respondents violated Article 4 & 25 of the Constitution of Islamic Republic of Pakistan 1973.
- D. That no show cause notice, charge sheet, and statement of allegations has been issued to the Appellant which is mandatory under the rules before imposing major penalty of removal from service.
- E. That neither regular inquiry has been conducted nor any notice of absentee and publication has been made by the Respondents which is mandatory under the rules before imposing major penalty. It is pertinent to note that no opportunity of personal hearing was given to Appellant. Which is against the principal of Natural Justice.
- F. That the whole proceedings took place on malafide, ill will intentions and just to harass the appellant, which is violation of fundamental rights guaranteed by Constitution of Islamic Republic of Pakistan 1973.

G. That any other ground will be taken at the time of arguments with the kind permission of this Honorable Court.

In wake of above submissions, it is therefore, most humbly prayed that the instant appeal may kindly be accepted as prayed for.

7032  
Appellant  
Handwritten signature and scribbles

Through:

**Muhammad Amin Khattak Lachi**

**Advocate, Supreme Court.**

&  
Handwritten signature: Yaseen

**Muhammad Yaseen HassanKhelvi**

**Advocate, Peshawar**

(38)

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

Re

C.M No. \_\_\_\_\_/2022

In

Service Appeal No. \_\_\_\_\_/2022.

Mst. Fozia Noureen D/o Wali Khan

**VERSUS**

The District Education Officer (DEO) Female, Kohat & others.

**APPLICATION FOR CONDONATION OF DELAY IN**  
**FILLING OF SERVICE APPEAL.**

Respectfully Sheweth:

**That Applicant most humbly submits as under: -**

1. That the above titled Service Appeal has been filed in this Honorable Court in which no date of Hearing has been fixed so far.
2. That there is delay in filling the instant Service Appeal due to the reason that the appellant earlier applied for leave without pay which was granted, appellant again after joining applied for leave without pay and appellant was in the opinion that leave has been granted and was informed that leave has been granted but latter on appellant came to know that competent authority refused the leave.
3. That Further the impugned orders are illegal, as the same have been passed by applying wrong law, so no limitation is run against an illegal order. Moreover, the E & D rules have blatantly been violated

by the respondents, as no charge sheet/statement of allegations have been issued, neither show cause notice was served nor proper inquiry was conducted.

- 4. That the delay in filling the instant Service Appeal is neither intentional nor will full but due to the good and sufficient reasons shown herein above.
- 5. That Appellant has got good prima facie case and is hopeful for success of the captioned Service Appeal.
- 6. That interest of justice demands that the present application may be allowed and the delay in filling instant Service Appeal may be condoned so that the matter can be adjudicated upon on its merit.

**It is, therefore, most humbly prayed that this application may kindly be allowed and the delay may kindly be condoned and the matter may kindly be heard on its merit in the interest of justice.**

**Such other orders as deemed fit and proper in the facts and circumstances of the case may kindly also be passed.**

1031  
Applicant

Through

Muhammad Amin Khattak Lachi  
Advocate Supreme Court.

& 

Muhammad Yaseen Hassan Khelvi  
Advocate, Peshawar.



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

Service Appeal No. \_\_\_\_\_/2022.

Mst. Fozia Noureen D/o Wali Khan

**VERSUS**

The District Education Officer (DEO) Female, Kohat & others.

**AFFIDAVIT**

I **Mst. Fozia Noureen** Drawing Mistress (DM) GGMS, Rehman Abad do, hereby solemnly affirm and declare that the contents stated in my accompanying appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Honorable Court. Moreover, I have not filed any other appeal, except the present appeal, for the same cause of action, or other matter connected with my terms and conditions of service.

*Fozia* <sup>to</sup> *11/2*

**DEPONENT**

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

Service Appeal No. \_\_\_\_\_/2022.

Mst. Fozia Noureen D/o Wali Khan

**VERSUS**

The District Education Officer (DEO) Female, Kohat & others.

**Appellant:**

Mst. Fozia Noureen D/o Wali Khan

R/O Drawing Mistress (DM) GGMS Rehman Abad, District Kohat.

**Respondents:**

- A. The District Education Officer (DEO) Female, Kohat.
- B. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
- C. The Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.

*Fozia*

**Appellant**

**Through:**

**Muhammad Amin Khattak Lachi**

Advocate, Supreme Court.

*& [Signature]*

**Muhammad Yaseen HassanKhelvi**

Advocate, Peshawar.

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) SECONDARY SCHOOL,  
APPOINTMENT.

A (9)

Consequent upon their Selection by the District Selection Committee,  
 As approved by the competent authorities, the District Education officer (Female) Secy:  
 Kohat has been pleased to appoint the following Trained D.M Candidates belong to  
 District Kohat, which have been selected on 75% Batchwise at the Schools noted against  
 their name in BPS, 09 (1605-97-3060) Plus usual allowances as admissible under the  
 rules with immediate effect subject to existing terms and conditions.

Sr.No.	Name of Candidates/Particulars Name & Address.	D.O.Bith.	School where Appts:	Remarks.
1.	Farhat Yasmin D/O Nazir Ahmad R/O Moh: Malik Khel, Kohat, Vill; Shakerdara, Kohat.	09.03.77.	GGMS, Shewaki, Kohat.	Against the N.C. Post.
2.	Shagufta Baksh D/O Iliahi Baksh R/O Vill; Marozai Banda Kohat.	14.12.76.	GGMS, Lachi Bala, Kt;	---do---
3.	Kalsoom Ijaz D/O Majid Ijaz Ahmed Awan R/O Koh: Khan Khel, Kohat.	04.04.76.	GGMS, C. Matta Phan, Kohat.	---do---
4.	Akhter Bashir D/O Bashir Ahmed R/O Kohat City, C/O Mahanzeb Khan Moh: Niaz, Kohat.	16.05.72.	GGMS, Khadim Khel, Kohat.	---do---
5.	Ghazala Parveen D/O Gul Zaman Khan R/O, B.C. Kott, Kohat.	22.10.72	GGMS, Mari Bala, Kohat.	Against the Vacant Post.
6.	Balqees Fatima D/O Muneen Khan R/O Bala, Kohat.	22.10.72.	GGMS, Kari She- ikhan, Kohat.	---do---
7.	Attia Durrani D/O Taj Hussain Durrani R/O Moh: Fath Khan Khel Kohat.	15.03.73.	GGMS, Khushal Ghar, Kohat.	---do---
8.	Afia Ali D/O Shoukat Ali R/O Rajah House Moh: Lakkar Road, Kohat.	14.02.80	GGMS, Jaber, Kohat.	Against the N.C. Post.
9.	Fouzia Nafeen D/O Wali Khan R/O Vill; Bor: Sagar, S/Dara Kohat.	10.04.78	GGMS, Darmalak, Kohat.	Against the N.C. Post.
10.	Bibi Samina D/O Khan Badshah R/O Jungle khel, Kohat.	15.01.70.	GGMS, K/B/Khel, Kohat.	Against the V/Post.
11.	Saira Shehraz D/O Muhammad Sadiq R/O Ghar: Behram Khan Kohat.	15.12.76.	GGMS, Z.S. Allah Dad, Kohat.	---do---

TERMS & CONDITIONS:

1. They will be governed by such rules & regulations as may be prescribed by the Govt: from time to time for the Category of the Govt: Servant to which they belong.
2. Their Service will be liable to termination on one month notice from either side. In case of resignation with-out notice one month Pay will be forfeited in lieu thereof.
3. They should join the post within 15 days of the issue of this order.

A1

- Charge report should be submitted to all concerned.
- 6. Their Pay should not be drawn till the receipt of Verification of all Certificates/Degr's etc, which are being verified immediately from the University/BISE concerned/Department. If any Certificate is found fake, the appointment of the defaulter will be considered as cancelled and they will be dealt with under the rules.
- 7. Service Book of teacher must be prepared Complete in all respect before handing over charge.
- 8. The declaration of assets should be obtained from them immediately and placed on record.
- 9. They are required to produce health & Age Certificate from Medical Authorities concerned before taking over charge.
- 10. Charge should not be given to over age candidate. Her case for age relaxation be sent to the quarters concerned.
- 11. Efforts for transfer before the Completion of tenure will disqualify her from the Service.
- 12. No TA/DA etc is allowed.
- 13. Their age should not be below 18 years and not above 40 years.
- 14. An undertaking shall be obtained from Master & Degree holder PTC, C.T etc that they will Service the Deptt: for at least 5 years.
- 15. ~~XXXX~~ In case of person appointed as an untrained teacher, she will have to pass the requisite training examination within a period of 4 years failing which her Service will be terminated.

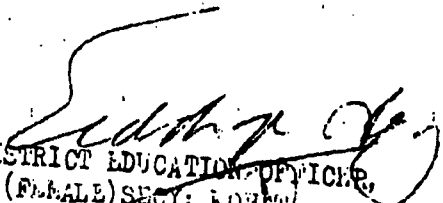
NOTE.

Complete information on each category (Separately) in consolidated list on the prescribed proforma (Attached) alongwith Charge reports be submitted by the lower officer to the District Education Officer (F) Secy; Kohat.

(MISS SIDDIQA NAZ)  
DISTRICT EDUCATION OFFICER,  
(FEMALE) SECY KOHAT.

Inst: No. \_\_\_\_\_ / F-4 / Transfer/ Apptt; D.M. Dated Kohat the 3 Dec: 1999.  
Copy of the above is forwarded to the:-

- 1. F/S to Add: Secretary, Govt: of Education, M.F.F, Peshawar.
- 2. Director Secondary Education, M.F.F, Peshawar.
- 3-13. Headmistress Concerned.
- 14. District Accounts Office, Kohat.
- 15-25. Candidates concerned.
- 26. Accountant local office.
- 27. M/File.

  
DISTRICT EDUCATION OFFICER,  
(FEMALE) SECY: KOHAT.

M.S.I.

(B) (10)

The District Education Officer (Female)  
Elementary and Secondary Education,  
Kohat

Respected Madam

I am serving as Drawing Mistress (DM) since December 21, 1999 at Government  
Girls Middle School, Rehman Abad.

Due to some unavoidable circumstances and my domestic issues, I cannot  
continue my duties for some time. Therefore, I request for Leave Without Pay from  
2<sup>nd</sup> September, 2014 to 29<sup>th</sup> February 2016 (18 months).

I will be really thankful.

Regards

Dated 25-8-2014

*Fozia Nooreen*  
(Fozia Nooreen)  
DM (Govt. Girls Middle School)  
Rehman Abad, Kohat

*Forwarded  
A/C Genl*

Head Mistress  
Govt. Girls Middle School  
Rehman Abad, Kohat

# DISTRICT EDUCATION OFFICER (FEMALE) KOHAT

www.kohat.gov.pk (KDA Gate No 002, Complex 3rd block) 0722-9260290

### OFFICE ORDER

WHEREAS, Mst. Fouzia Nooreen DM Govt. Girl Middle School Rehman Abad Kohat District Kohat was proceeded against under the Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules 2011 on account of her willful and unauthorized absence from duty with effect from 01-03-2016

2) AND WHEREAS, the accused teacher was served upon three notices for her willful absence vide letter No 6115 dated 08-03-2016, No 11020 dated 10-10-2016 and No 10913 dated 07-11-2016 accordingly but no response was received

3) AND WHEREAS, the competent authority (DEO Female Kohat) published absent notice against the said DM in the daily "Mashrafi" dated 25-05-2017 with the direction to appear before competent authority within 15 days and explain reasons of willful absence but she failed to report within a stipulated time AND WHEREAS the accused teacher were asked for vide this office No 852 dated 18-05-2017 to appear before competent authority for personal hearing, but thereto she failed to appear within stipulated time.

4) AND WHEREAS, the competent authority DEO (F) Kohat after considering the charges evidence on the record, non-response to the absent notice / personal hearing with the view that the charges leveled against accused official have been proved

5) NOW THEREFORE, in exercise of powers conferred under the Khyber Pakhtunkhwa Govt Servants (Efficiency & Disciplinary) Rules 2011 under section Para 4 (b) (ii), Para 9 (E&D) Rules is pleased to impose major penalty of "Removal from service" Mst. Fouzia Nooreen DM GMS Rehman Abad from the date of her willful/unauthorized absence from duty i.e. 01-03-2016

The intervening period of absence with effect from 01-03-2016 till the issuance of removal notification shall be treated as unauthorized absence from duty without pay

*sd*  
District Education Officer  
(Female) Kohat

Encl No. 1483-93 / F No. 000/Vol.1/Disciplinary cases (CT/DM/PEI) / 2017-  
19/Estab. Secretary/DIO (F) Kohat Dated: 24/11/2017 Copy

- of the above is forwarded and necessary action to the -
- 1 Director, Elementary and Secondary, Khyber Pakhtunkhwa Peshawar
  - 2 Deputy Commissioner, Kohat
  - 3 DMO Kohat
  - 4 District Comptroller of Accounts, Kohat
  - 5 Concerned school principal/ head mistress
  - 6 Concerned teacher
  - 7 ADIO (Estab) Local Office.
  - 8 Accountant Local Office, Kohat
  - 9 DE MS (Cell) local office
  - 10 PA to DIO (F) Kohat
  - 11 Master File

*[Signature]*  
District Education Officer  
(Female) Kohat



**DISTRICT EDUCATION OFFICER  
(FEMALE) KOHAT**

(KDA Gate No # 02, Complex 3<sup>rd</sup> Block) 0922-9260290

**OFFICE ORDER**

WHEREAS, Mt. Fouzia Noureen DM Govt Girl Middle School Rehman Abad Kohat District Kohat was proceeded against under the Khyber Pakhtunkhwa Govt Servant (Efficiency & Discipline) Rules 2011 on account of her willful and unauthorized absence from duty with effect from 01-03-2016

2) AND WHEREAS, the accused teacher was served upon three notices for her willful absence vide letter No 6115 dated 08-03-2016, No 11020 dated 10-10-2016 and No 16914 dated 07-11-2016 accordingly but no response was received

AND WHEREAS, the competent authority (DEO Female Kohat) published absent notice against the said DM in the daily "Mashriq" dated 25-05-2017 with the direction to appear before competent authority within 15 days and explain reasons of willful absence but she failed to report within a stipulated time AND WHEREAS the accused teacher were asked for vide this office No 852 dated 18-08-2017 to appear before competent authority for personal hearing, but thereto she failed to appear within stipulated time,

4) AND WHEREAS, the competent authority DEO (F) Kohat after considering the charges evidence on the record, non-response to the absent notice/personal hearing is the view that the charges leveled against accused official have been proved

5) NOW THEREFORE, in exercise of powers conferred under the Khyber Pakhtunkhwa Govt Servants (Efficiency & Disciplinary) Rules 2011 under section Para 4 (b)(ii), Para 9 (E&D) Rules is pleased to impose major penalty of "Removal from service" Mst Fouzia Noureen DM GCMS Rehman Abad from the date of her willful/unauthorized absence from duty Le. 01-03-2016

The intervening period of absence with effect from 01-03-2016 till the issuance of removal notification shall be treated as unauthorized absence from duty without pay.

Sd/-  
District Education Officer  
(Female) Kohat

Endst No. 1483-93/E.No. 30/Vol-I/Disciplinary cases (CT/DM/PET)/2017- of the above is forwarded and necessary action to the: -

1. Director, Elementary and Secondary, Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioners, Kohat
3. DMO Kohat.
4. District Controller of Accounts, Kohat.
5. Concerned School principal / Head mistress
6. Concerned teacher
7. ADEO (Estb) Local Office
8. Accountant Local Office, Kohat
9. DEMIS, (Cell) Local Office
10. PA to DEO (F) Kohat
11. Master File.

Sd/-  
District Education Officer  
(Female) Kohat



19/05/2022 مورخہ

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**BEFORE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR.**

**WAKALATNAMA**

Mst. Fozia Noureen D/o Wali Khan Drawing Mistress (DM) GGMS,  
Rehman Abad.

(Applicant)

**VERSUS**  
(Appellant)

The District Education Officer (DEO) Female, Kohat &  
Others.

(Respondents)  
(Defendants)

I/We, Mst. Fozia Noureen (Appellant) in the above noted Appeal, do hereby appoint and constitute, **Muhammad Amin Khattak Lachi ASC & M. Yaseen HassanKhelvi Advocate Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration to me/us as my/our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/Counsel at my/our matter.

**ACCEPTED**  
T (S)

CLIE N

**Muhammad Amin Khattak Lachi.**

Advocate,  
Supreme Court of Pakistan.

**M. Yaseen HassanKhelvi**

Advocate Peshawar.  
0345-4949553  
YaseenhasanKhelvi@gmail.com

Fozia

21/06/2022