

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT, ABBOTTABAD.

Appeal No. 46/2018

Date of institution ... 11.01.2018

Date of decision ... 17.04.2019

Miss Hajira Mujeeb ex-PST GGPS Dana Noral (Haji Gali Circle) Tehsil
and District Abbottabad. ... (Appellant)

Versus

Government of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education, Peshawar and two others. ... (Respondents)

Present

Mr. Muhammad Mushtaq Qureshi,
Advocate

... For appellant:

Mr. Muhammad Bilal,
Deputy District Attorney

... For respondents.

MR. HAMID FAROOQ DURRANI,
MR. AHMAD HASSAN,

... CHAIRMAN
... MEMBER.

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. The appellant is aggrieved of order passed by respondent No. 3 on 15.02.2016, whereby, she was removed from service on account of absence from duty. A departmental appeal was submitted by the appellant on 03.10.2017, which remained un-responded.
2. We have heard learned counsel for the appellant, learned Deputy District Attorney on behalf of the respondents and have also gone through the available record.

3. The impugned order dated 15.02.2016 suggests that the allegations against the appellant were in terms that she absented herself from duty without leave w.e.f. 01.09.2015, till the passing of impugned order. The appellant was required through official communication to explain the reasons for non-resumption/ assumption of duty and, due to her failure, similar notice was published in "Daily Shamal" and "Daily Ittehad" dated 11.12.2015.


3. The admitted facts are that the appellant was granted ex-Pakistan leave from 01.09.2014 to 01.09.2015. She subsequently applied on 12.09.2015 for the grant of two years leave without pay for the period from 17.09.2015 to 17.09.2017. The said leave was, however, not sanctioned. It is also a matter of record that on 02.09.2015 the appellant reported her arrival at GGPS Dana Noral and started performing her duty at the said school. The copy of attendance register for the month of September, 2015 reflects that up to 16.09.2015 the appellant was performing duty at GGPS Dana Noral and was subsequently marked absent. On the other hand, the allegation of absence without leave against the appellant, as contained in the impugned order dated 15.02.2016, was from 01.09.2015, the date where-after the appellant had been performing duty for at least fifteen days. It could also not be denied by the learned Deputy District Attorney that the requisite notices for resumption of duty were not sent at the residential address of the appellant through registered post, as required under Rule 9 of the

Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011. The requirement of publication of notice in two leading newspapers also seems to have remained un-complied with. The requisite notices were published in "Daily Shamal" and "Daily Ittehad" Abbottabad, out of which, at least one of the Newspapers may not be termed as leading. It is also not the case of respondents that a proper enquiry was conducted against the appellant before passing of impugned order.

4. In view of the above, we allow the appeal in hand and set aside the impugned order dated 15.02.2016. The respondents are required to conduct proper enquiry proceedings against the appellant within ninety days from the receipt of copy of instant judgment. The appellant shall be associated with the requisite proceedings in accordance with law and principles of natural justice. Needless to note that the appellant shall be entitled to put forth any evidence in her defence and also to cross-examine the witnesses appearing in the proceedings. The issue of back benefits in favour of appellant shall be determined upon conclusion of the enquiry proceedings.

Parties are left to bear their respective costs. File be consigned to the record room.


(AHMAD HASSAN)
Member


(HAMID FAROOQ DURRANI)
Chairman
Camp Court, Abbottabad.

ANNOUNCED
17.04.2019

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Advocate ... For appellant.

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MR. HAMID FAROOQ DURRANI, ... CHAIRMAN
MR. AHMAD HASSAN, ... MEMBER.

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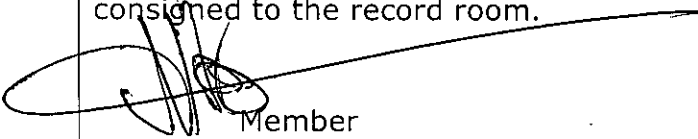

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Parties are left to bear their respective costs. File be consigned to the record room.


(AHMAD HASSAN)
Member


(HAMID FAROOQ DURRANI)
Chairman
Camp Court, Abbottabad.

ANNOUNCED
17.04.2019

S.No.	Date of Order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	17.04.2019	<p style="text-align: center;"><u>Present</u></p> <p>Mr. Muhammad Mushtaq Qureshil Advocate ... For appellant</p> <p>Mr. Muhammad Bilal, Deputy District Attorney ... For respondents</p> <p>Vide our detailed judgment, we allow the appeal in hand and set aside the impugned order dated 15.02.2016. The respondents are required to conduct proper enquiry proceedings against the appellant within ninety days from the receipt of copy of instant judgment. The appellant shall be associated with the requisite proceedings in accordance with law and principles of natural justice. Needless to note that the appellant shall be entitled to put forth any evidence in her defence and also to cross-examine the witnesses appearing in the proceedings. The issue of back benefits in favour of appellant shall be determined upon conclusion of the enquiry proceedings.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p style="text-align: center;"> Member</p> <p style="text-align: center;"> Chairman Camp court, A/Abad</p> <p style="text-align: center;"><u>ANNOUNCED</u> 17.04.2019</p>

16.01.2019

Clerk to counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney alongwith Shuja Ali ADO present. Clerk to counsel for the appellant seeks adjournment as Learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 18.03.2019 before D.B at Camp Court Abbottabad.


Member


Member

Camp Court Abbottabad

18.03.2019

Mujeeb ur Rehman father of the appellant and Mr. Muhammad Bilal learned Deputy District Attorney present. Annexure C as mentioned in para-6 of the reply/comments of the respondent department not found available on file. Learned DDA seeks adjournment to furnish copies of the same. Adjourn. To come up for documents as required to be annexed with the reply/comments of the respondent department and arguments on 17.04.2019 before D.B at Camp Court A/Abad.



Member


Member

Camp Court A/Abad.


16.07.2018

Mr. Mujebur Rahman, father of the appellant present. Mr. Shujaa Ali, ADO (Litigation) on behalf of the respondents alongwith Mr. Usman Ghani, District Attorney present. Written reply submitted. To come up for rejoinder, if any, and arguments on 19.09.2018 before D.B at Camp Court, Abbottabad.


Chairman
Camp Court, A/Abad

18.09.2018


Counsel for the appellant Mr. Muhammad Mushtaq Qureshi, Advocate present. Mr. Shujaa Ali, ADO (Litigation) alongwith Mr. Usman Ghani, District Attorney for the respondents present. Rejoinder submitted. Learned counsel for the appellant seeks adjournment. Granted. To come up for arguments on 13.11.2018 before the D.B at camp court, Abbottabad.


Member

Chairman
Camp court, A/Abad

13.11.2018

Father of the appellant present. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 16.01.2019 at camp court Abbottabad.


Reader
A/Abad


22.03.2018

Counsel for the appellant present. Preliminary arguments heard. The appellant was removed from service due to absence on 13th 2.2016 against which she filed departmental appeal on 03.10.2017. According to the appellant she came to know about her removal just few days before filing of departmental appeal. That the departmental appeal was not responded to and thereafter she filed the present service appeal on 11.01.2018.

The grounds of appeal are that no show cause notice was served upon the appellant. That no proper procedure was adopted. That no opportunity of personal hearing afforded to the appellant.

The points raised need consideration. The appeal is admitted to regular hearing subject to limitation etc. . 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 24.05.2018 before S.B at camp court, Abbottabad.

Appellant Deposited
Security & Process Fee


Chairman
Camp court, A/Abad

24.05.2018



Father of the appellant and Mr. Usman Ghani learned District Attorney alongwith Shuja Ali for the respondents present. Representative of the respondents seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 16.07.2018 before S.B at camp court Abbottabad.


Chairman
Camp court, Abbottabad

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 46/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11/1/2018	<p>The appeal of Mst. Hajra Mujeeb presented today by Mr. Muhammad Mushtaq Qureshi Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	24-1-2018	<p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22-03-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HONOURABLE PRESIDING OFFICER
SERVICE TRIBUNAL KPK

Appeal No. 46 /2018

Mst Hajra Mujeeb PST Teacher

VERSUS

Govt of KPK through Secretary Education deptt. and others.

SERVICE APPEAL.

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3	Copy of leave application	"B"	11
4	Copy of removal order	"C"	12
5	Copy of attendance register	"D"	15 to 21
6	Copy of departmental Appeal/review	"E"	22 to 23
7	Vakalatnama		

Mushtaq Qureshi
APPELLANT

Through

Mushtaq Qureshi → *Shahi Malik*

MUHAMMAD MUSHTAQ QURESHI
& SHAHI MALIK ADVOCATE HIGH COURT

0314-5616312

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE
TRIBUNAL PESHAWAR

Appeal no- 46/2018

Miss Hajra mujeeb ex-PST GGPS Dana Noral (Haji Gali Circle
Tehsil & District Abbottabad.

Khyber Pakhtukhwa
Service Tribunal

Diary No. 31

Dated 11/11/2018 APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhawa through Secretary Elementary & secondary education Peshawar.
2. Director Education Department Government of KPK Peshawar.
3. District Education Officer (Female) District Abbottabad.

RESPONDENTS

APPEAL:- UNDER SECTION 4 OF THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE REMOVAL FROM SERVICE ORDER OF RESPONDENT NO.3 VIDE ENDST: NO. 794-97 DATED 15.2.2016 AND RESPONDENT NO.2 ~~REJECTED~~ ^{NOT RESPOND} THE APPEAL OF APPEALANT WHEREBY APPEALANT ILLEGALLY REMOVED FROM SERVICES, WITHOUT CONDUCTING ENQUIRY OR APPOINTING ENQUIRY OFFICER IS ILLEGAL, MALAFIDE, UNLAWFULL, WITHOUT LAWFULL AUTHORITY, ARBITRARY, PERVERSE, AGAINST THE PRINCIPLE OF NATURAL JUSTICE AUDI ALTERAM PARTEM IS NOT MAINTANABLE IN THE EYE OF LAW AND IS INEFECTIVE, UPON THE RIGHTS OF THE APPEALANT.

Filed to-day

Registrar

11/11/18

PRAYER: ON ACCEPTANCE OF INSTANT APPEAL THE ORDER DATED 15.2.2016 PASSED BY RESPONDENT NO.3 MAY KINDLY BE SET ASIDE AND APPELLANT MAY GRACIOUSLY BE REINSTATED IN SERVICE WITH ALL BACK BENEFITS.

Respectfully Sheweth:

FACTS: -

1. That the appellant was appointed as Primary School teacher(PST) by respondent No.3 vide order Endst; No.2178-9253/F.No.13/Appt:/PST dated 26.4.2012 in GGPS ~~Baseva~~ ^{Baseva} and appellant served with due diligence since appointment. (Copy of the appointment order is attached at annexure-A)
2. That the appellant was applied for 2-year earned leave without pay w.e f (17.9.2015 to 17.9.2017) that her father in law was paralyze and is under treatment besides she has children which are also suffering due to family disturbance and it is very difficult for Appellant to handle the verse situation. The application was dully verified and recommended by head mistress of the concerned school. (Copy of application attached as Annexure-B)

3. That the appellant visited the respondent No.3 office to pursue her application, it was informed her that his leave has been sanctioned on file and office order has been put up to respondent No.3 which will be issued shortly.
4. That due to emergency I have to go with family to Karachi where my father in Law was under treatment.
5. That on expiry of my leave I submitted arrival report on 11/9/2017 to concerned ADO, she requisitioned my service book and told me that you have been removed from service during leave period and handed over removal order. (Copy of removal order attached as Annexure-C)
6. That during all this illegal and unlawful process in back of appellant neither any notice served at home address nor any process annexed as required under law neither telephonic message conveyed nor through any colleague informed.
7. That the appellant was illegally removed from service without conducting any enquiry and nominating any enquiry officer which is mandatory by law.
8. That the appellant was not dealt in accordance with the law prescribed under E&D rules 2011 and appellant is removed from service malafidly and with biased manners

without pursuing the relevant law, therefore, impugned order dated 15.2.2016 cannot sustain in the eye of law & is required to be set a side.

9. That record shows that appellant was on duty from 1.9.2015 to 16.9.2015 and respondent No.3 malafidely illegally reporting of absent from duty from 1.9.2015 to onward while the appellant during this period was on duty and later on properly applied for leave. (Copy of attendance register attached as Annex-D)

9. That feeling aggrieved from the order dated 15.2.2016 of respondent No.3 the appellant preferred an appeal/review before respondent No.2 on 3.10.2017 but no response received from respondent No.2 till date, consequently, the appellant approaches this Honourable tribunal for redressal of his grievance on the following amongst the other grounds. *Copy of appeal/review attached (E)*

GROUNDS: -

- a. That the impugned order is against the law and facts hence liable to be set a side.
- b. That appellant performed her duties with great zeal and zest and no complain receive during entire service and appellant service remained unblemished.

- c. That the appellant was removed from service without conducting enquiry and appointment of enquiry officer as envisaged under E&D rules 2011.
- d. That the appellant was neither served any notice nor heard in person nor adopted legal procedure which is prerequisite before taking any action against any civil servant which tantamount to Audi Alteram partem and against the principle of natural justice.
- e. That the respondents were supposed to deal with fair and just manners but the respondents with malafide and biased intention illegally issued removal order without adopting procedure & personal hearing of appellant as required under the law.
- f. That the respondent biased and malafide action is clear from the record that appellant was on duty from 1.9.2015 to 16.9.2015 and respondent No.3 malafidly illegally reporting of absent from duty from 1.9.2015 to onward while the appellant during this period was on duty and later on properly applied for without pay leave.
- g. That major penalty of removal or dismissal from service cannot be imposed without conducting proper enquiry before imposition of major penalty, conducting enquiry is basic requirement of law, therefore, impugned order is

Coram non judge and is liable to be set a side on alone score.

It is therefore, humbly prayed that on acceptance of instant appeal, appellant may very graciously be reinstated in service with back benefits and any other relief which this Honourable court deemed appropriate in the circumstances of the case may very kindly be also given to the appellant.

Hajira Mujib
Appellant

Through:

Dated: 10.1.18

Muhammad
SHAHY MALIK
Adv. High Court

Muhammad Mushtaq

Muhammad Mushtaq
Qureshi
& ~~Salim Khan Durrani~~
Advocates

BEFORE THE HONOURABLE PRESIDING OFFICER
SERVICE TRIBUNAL KPK

Appeal No. _____/2017

Mst Hajra Mujeeb PST Teacher

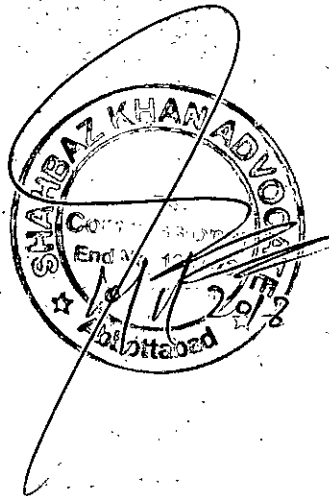
VERSUS

Govt of KPK through Secretary Education deptt and others.

SERVICE APPEAL.

Affidavit

Mst Hajra Mujeeb VERSUS Secretary Education and others resident of Daran Tehsil Hayellian District Abbottabad do hereby solemnly affirm and declare on oath that the contents of instant appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.



Hajra Mujeeb
APPELLANT

P.S.T Female

(8)
A³

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) ABBOTTABAD.

APPOINTMENT.

ANNEXURE

Consequent upon the recommendations of Departmental Selection Committee and the approval of Competent Authority the appointments of the following female candidates are hereby appointed as PSTs in BPS-07 @ Rs. 5800-320-15400 plus usual allowances as admissible to them under the prevailing rules at the schools noted against their names in the interest of public service with immediate effect on the terms and conditions noted below

UNION COUNCIL WISE MERIT 100%

S.#	Roll #	Name of Candidates	Fathers Name	Qualification	D.O.B	Address	Total%	Proposed school
1	2	3	4	5	6	7	8	9
UC BAGNOTAR:								
1	2701	RAFIA HAROON	M HAROON	BA/PTC	02/04/88	Bandi Maira	51.15	GGPS Malra Bagh
UC BAKOTE:								
1	867	UZMA NAEEM	M NAEEM	BA/PTC	16/4/87	Bakot	45.87	GGPS Pagar khan
2	2603	NAZRA BIBI	AURANGZEB	BA/PTC	14/8/88	Batala	44.03	GGPS Palkhu Nakar
3	497	SADIA RAMZAN	M RAMZAN	BA/PTC	01/01/90	Moolia	43.68	GGPS Jabri Khan Kalan
UC : BANDA PIR KHAN								
1	63	SHELA GUL	ABDUL HAQ	FA/PTC	15/3/81	Banda Pir khan	49.39	GGPS Tairhari
UC BIRAN GALI:								
1	1004	TAHIRA MUSHTAQ	M YOUNIS MUSHTAQ	BA/PTC	06/06/84	Khelar-	45.66	GGPS Lower Biran Gali
2	130	SHAZIA BANO	HABIB UR REHMAN	FA/PTC	30/8/77	Biran Gali	45.36	GGPS Dheri Holar
3	946	NABILA SHAHEEN	FAKHAR E ALAM	BA/PTC	15/6/83	Jhaffar	44.75	GGPS Kerl Biran Gali
4	120	SAIRA REHMAN	AZIZ UR REHMAN	BA/PTC	09/03/84	Bazaran	43.70	GGPS Upper Biran Gali
5	744	SHABANA BIBI	SAMUNDAR KHAN	MA/PTC	20/8/77	Jhaffar	40.99	GGPS Akhreela Biran Gali
UC BIROT:								
1	364	ATTIA BIBI	M. KHALID	MA/PTC	12/04/82	Kau Birot	47.39	GGPS Naker Mujawal
UC BOI:								
1	254	SAIRA REHMAN	FAZLUR REHMAN	BA/PTC	02/12/84	Zalkot, BOI	47.18	GGPS Makreela
2	2612	RASHIDA BIBI	GHULAM HAIDER	FA/PTC	02/02/80	Bhogran, BOI	35.96	GGPS Bogran
3	1976	LUBNA ARIF	M ARIF	SSC/DIE	13/2/88	Dhani, BOI	25.75	GGPS Bandi Pahar
4	1975	TANZILA BIBI	M SULEMAN	SSC/DIE	10/02/86	Dhani, BOI	24.70	GGPS Zlarat Kohi
UC DALOLA:								
1	701	SAFINA MUKHTIAR	M MUKHTAR	BA/PTC	04/05/88	Awan, Dalola	48.91	GGPS Hadora Bandi
2	1736	FOZIA WAHEED	ABDUL WAHID	BA/PTC	05/11/84	Bhuraj, Dalola	46.57	GGPS Hadora Bandi
UC DEWAL MANAL:								
1	1373	HINA ASLAM	M.ASLAM	FA/PTC	01/06/89	DEWAL Manal	41.08	GGPS Hari de Khalir
UC DHAMTOUR:								
1	2376	FOUZIA BASHIR	M BASHIR	FA/PTC	04/12/90	Gal Dhok, Dhamtor	39.41	GGPS Galdhok
UC GOREENI:								
1	202	ANEESA SHAKEEL	SHAKEEL AHMAD	FA/PTC	04/04/88	Barrian, Goreeni	47.41	GGPS Dannah
2	2055	SAIMA ARFAN	M ARFAN	FA/PTC	06/01/84	Kolli, Goreeni	44.91	GGPS Palasi
3	1052	SHABANA NAZ	MUHAMMAD SABIR	BA/PTC	28/2/82	Kolli, Goreeni	44.21	GGPS Kokrain
4	790	ANJUM NAZ	ABID HUSSAIN	FA/PTC	04/08/83	Karraga, Goreeni	39.77	GGPS Jabgran
UC JARRAL:								
1	2731	BEHRISH BIBI	M SALEEM	FA/PTC	09/01/90	Kakolri, Jarral	43.98	GGPS Jarral
UC KUTHIALA:								
1	761	HEERA KIRAN	KHURSHID ALAM KHAN	FA/PTC	04/10/87	Phugla, Kuthiala	41.89	GGPS Baga Kot
2	182	SAIRA ASHRAF	M.ASHRAF	BA/PTC	11/05/83	Bega Kot, Kuthiala	40.69	GGPS Baga Kot
UC LANGRIAL:								
1	1112	HAJIRA MAJEEB	MAJEEB UR REHMAN	BA/PTC	28/2/88	Dubran, Langrial	44.38	GGPS Baseera
2	1535	ADEELA MASOOD	MASOOD UR REHMAN	FA/PTC	19/6/87	Dubran, Langrial	40.65	GGPS Dana Nooral
3	937	SADIA FARISH KHAN	M FARISH KHAN	FA/PTC	21/7/88	Gali Balgran, Langrial	39.83	GGPS Lassan

Shahy Malik
Ad H.C
[Signature]

UC MAJUHAN:								
1	1815	SADIA SAIF	SAIF UR REHMAN	FA/PTC	05/11/91	Massah Gojri, Majuhan	58.80	GGPS Massah Gojri
2	582	UJALA ANWAR	ANWAR SHAH	MA/PTC	15/1/87	Chalri, Majuhan	56.17	GGPS Garba
3	583	BEENISH BIBI	ANWAR SHAH	BA/PTC	02/02/84	Chalri, Majuhan	52.36	GGPS Maira
4	180	BUSHRA ALI	ALI ASGHAR	BA/PTC	12/04/83	Karach, Majuhan	52.15	GGPS Ghorl
5	1423	NIGHAT SHAHEEN	MUHAMMAD YOUSAF	MA/PTC	05/03/83	Waziran, Majuhan	51.37	GGPS Maira
U Council Nagri Bala								
1	226	FARHANA RAMZAN	S.M.RAMZAN	BA/PTC	07/04/88	Nagri Bala	47.15	GGPS Kassala
UC NAGRI TUTIAL:								
1	2626	IRUM ISHTIAQ	ISHTIAQ ABBASI	FA/PTC	14.05.1988	Klala, Nagri Tollal	42.82	GGPS Balkanala
UC :NAMLI MAIRA								
1	2478	FAIZA REHMAN MALIK	MALIK FAZAL UR REHMAN	BA/PTC	02/04/88	Namli Maira	46.72	GGPS Noor Nala
UC NARA:								
1	1635	SAMINA BIBI	M AKHTAR	MA/PTC	28/4/82	Kalanda Nara	49.87	GGPS Mirlan
2	870	SHAISTA BIBI	KHAN AFSAR KHAN	MA/PTC	01/01/77	Klala Nara	46.28	GGPS Sumbal Dhara
3	1162	SHAZIA BIBI	MUHAMMAD YOUNIS	BA/PTC	18/04/83	Kasorian	44.93	GGPS Kasorian
4	1363	SAFINA BIBI	M AYUB	BA/PTC	01/03/88	Kari	43.21	GGPS Kasorian
5	1275	SHAHANA JAVED	M JAVED	BA/PTC	02/01/85	Gohra	42.87	GGPS Nawara
6	680	SADIA BIBI	SALABAT KHAN	BA/PTC	06/02/89	Satora	42.77	GGPS Hirlan
7	899	ZAHIDA TABASSUM	GHULAM JILANI	BA/PTC	09/08/79	Satora	42.56	GGPS Chanjah
UC PIND KARGU KHAN:								
1	572	SHAMAILA AZIZ	ABDUL AZIZ	FA/PTC	26/4/89	P.K.Kkhan	44.47	GGPS Pind
2	2412	NOUREEN AKHTAR	Taj Muhammad	FA/PTC	07/12/82	Chapri	39.06	GGPS Ganda
UC PATTAN KALAN:								
1	1394	SUMAIRA BIBI	ABDUL RAZAQ QURESHI	BA/PTC	28/12/89	Saalkote	61.03	GGPS Lar Banota
2	1393	SUMAYIA BIBI	ABDUL RAZAQ QURESHI	BA/PTC	18/4/88	Saalkote	52.85	GGPS Banota
3	1277	SHAHIDA PARVEEN	M ASLAM	BA/PTC	01/06/89	Khokriala	51.84	GGPS Dawala
UC PAWA:								
1	570	IRUM AZIZ	ABDUL AZIZ	FA/PTC	21/9/89	Bandi Mutrach	51.92	GGPS Saial
UC PHALKOT:								
1	513	SUMAIRA JABEEN	M ZAFRAN	BA/PTC	22/05/86	Malsa	53.34	GGPS Sehana
2	919	MEHWISH BIBI	MUHAMMAD ASHRAF	BA/PTC	17/4/90	Phalkote	52.95	GGPS Kulll Phalkot
3	57	SADDAF QAYUM	S.ABDUL QAYYUM	BA/PTC	30/3/86	Malsa	44.04	GGPS Ull Pand
4	596	RIZWANA HUSSAIN	MIR HUSSAIN	BA/PTC	13/7/83	Malsa	40.88	GGPS Ull Pand
UC PLUCK:								
1	129	SAIMA ASGHAR	ALI ASGHAR	BA/PTC	09/04/84	Jandala	42.37	GGPS Darwaza
2	1313	NASEEM AKHTAR ABBASI	AQAL DAD ABBASI	FA/PTC	02/08/83	Khala Gali	41.27	GGPS Riala
3	2639	SHAMS UN NISA	SULTAN MUHAMMAD	FA/PTC	16/07/87	Khaira Gali	38.48	GGPS Riall
UC SEER GHARBI:								
1	58	SAMIA RASHID	MUHAMMAD RASHID	BA/PTC	08/12/88	Kalar	52.82	GGPS Bainara
UC SEER SHARKI:								
1	1551	SHABANA BIBI	MUHAMMAD AURANGZEB	BA/PTC	27/3/85	Teror	57.00	GGPS Leeran
UC NAMMAL:								
1	585	MOHID UN NISA	M ASGHAR KHAN	MA/PTC	05/1/80	Chalistan	44.70	GGPS Payeen
2	438	TAYYABA BIBI	ABDUL HAMID KHAN	BA/PTC	09/01/80	Namal	44.12	GGPS Nammal Tarhalli
UC BAGH:								
1	1117	TAHIRA BIBI	MUHAMMAD AFSAR	MA/PTC	04/04/81	Kahlala	48.27	GGPS Joglan Kohlan
2	627	ABIDA BIBI	M FARID	BA/PTC	12/02/87	Sarlan Bagh	44.56	GGPS Joglan Kohlan
UC TAJWAL:								
1	2614	SAMINA BIBI	M BASHIR	FA/PTC	26/4/86	Tajwal	50.64	GGPS Pam Sari
2	2536	NASIM ZULFIQAR	M ZULFIQAR	FA/PTC	13/8/88	Tajwal	48.31	GGPS Pam Sari
DISABLE QUOTA								
1	2225	Maria Balool	Khaliq Dad Khan	BA/PTC	22/12/82	Ghari Phulgran	48.13	GGPS Pathlan

Attested
[Signature]
 Shauqy Malik
 Adv. H-C

TERMS AND CONDITIONS

- 1) Their services will be considered regular but without Pension & Gratuity in terms of Section-19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005. They will however be entitled to contributory provident Fund in such a manner and at such rates as prescribed by the Govt.
- 2) In case, the appointee(s) is/are already in Government service and working against pensionable Post on regular basis before 1st day of July 2001 without any service break, an application may be submitted to the EDO (E&SE) Abbottabad through proper channel and choice of option either to retain benefit of pension & gratuity as allowed under their previous terms of appointment or to avail the benefit of Contributory Provident Fund allowed under new appointment, rules/policy
- 3) Their services are liable to termination on one month's notice from either side. In case of resignation without notice their one month pay/allowances shall be forfeited to the Government.
- 4) The appointee(s) should join their post within 15 days of the issuance of this notification. In case of failure to join their post within fifteen days of the issuance of this notification, their appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 5) They will be on probation for a period of one year extendable for another one year.
- 6) They will be governed by such rules and regulation as may be issued from time to time by the Government.
- 7) Their services can be terminated at any time in case his performance is found unsatisfactory during probationary period. In case of misconduct, she shall be proceeded under the rules framed from time to time.
- 8) Charge report should be submitted to all concerned.
- 9) The DDO concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after one month of issuance of their posting order.
- 10) The DDO concerned will verify their documents prior to releasing their pay.
- 11) The candidate(s) concerned will provide age and health certificate from the Medical Superintendent, DHQ Abbottabad.
- 12) No TADA is allowed to the appointee(s) for joining duty.

(MUHAMMAD RIAZ KHAN SWATI)
EXECUTIVE DISTRICT OFFICER
ELEM: & SECY:EDU: ABBOTTABAD

Endst: No. 8178-9253 /F.No.13/Apptt:/PST (M) Dated 26/4 /2012

Copy forwarded for information & necessary action to:

1. The Secretary E&SED Khyber Pakhtunkhawa Peshawar.
2. The Director E&SE Khyber Pakhtunkhawa Peshawar.
3. The District Coordination Officer Abbottabad
4. The Executive District Officer (F&P) Abbottabad
5. The District Comptroller of Accounts Abbottabad
6. The District Officer (Male) E&SE Abbottabad
7. The Deputy District Officer (M/P) Abbottabad
8. The B&AO E&SE Abbottabad
9. The Assistant District Officers Circle concerned.
- 10-43 The candidates concerned.
44. Office order file.

Attended

F. M.
DISTRICT OFFICER
E&SE ABBOTTABAD

Shahryar Malik
Adv. H.C

Anne B

(11)

کھنور جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحبہ (زبان) ایبٹ آباد

معنونہ درخواست = تھیں دو سال مورخہ 17-9-2015 تا 17-9-2017

میناب عالیہ

موڈبانہ گزارش ہے کہ سائلہ کے سسر صاحبہ شہیدہ بیار ہیں جن کی

دیکھ بھال کرنے کے لیے کوئی دوسرا آدمی نہیں ہے۔ وہ جوئے پیوئے کی ہیں

اسلامی اپنی ڈیڑھ سہ انعام دینے سے ظالم ہیں۔ لہذا جناب سے گزارش

ہے کہ سائلہ کی دو سال مورخہ 17-9-2015 تا 17-9-2017 تک (Without pay)

تھیں جناب فرمائیں۔ جناب کی عین گزارش ہوگی۔

الٹا رہنے۔

سائلہ حاجہ مجیب P.S.T کی رقمہ ٹرانز برائری سکی ڈنہ نرال

Hajir
Mujib
Jan

سرفاراش ایم ای مصدقہ سائلہ کی درخواست تصدیق
12-09-2015

[Signature]

Attest
by

Shahy Malik
Advocate
H.C

[Signature]

(12)

ANNEXURE-C

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD

REMOVAL FROM SERVICE

You Mst;Hajira Mujeeb PST.GGPS.Dana Noral (Hajia Gali Circle)

Was proceeded having committed the following acts constituted in efficiency and misconduct under rules-3 sub rules (a),(b)and (d)of the Khyber Pakhtun Khwa Govt:Servant efficiency and disciplinary rules-2011.

Whereas:

You have been keeping yourself absent from duty w.e.f.01.09.2015 to uptill now as reported by ASDEO circle Hajia Gali.

After the Expiry of Leave you were adjusted at GGPS.Danna Noral (Hajia Gali) Circle but very sorry to Pont out that you have not joined the school up till now.

According to ADEO (Hjia Gali) Circle absent report, you were called to explain the reason for the non assumption of charge vide this office No.1644 dated.11-09-2015. Due to Non-obeyance as well as non compliance and not joining the school, this office has again called explanation vide this office No.1835 dted.08-10-2015 but neither you have joined the school nor given the replay of said Explanations.

At last helplessly this office has got published your long absence in the Daily Shamal and daily Ittehed,ABBOTTABAD Dated 11-12-2015 to appear before the under singed for personal hearing and describe the valid/cogent reason for wilful absence from the school/duty with in 15-days, but neither you have appeared before the under singned nor presented the reply of show cause notice.uptill now.

NOW THEREFORE

In exercise of power conferred upon me under section 4(b)III of Khyber Pakhtun Khwa Govt:Servants Efficiency and Discipline Rules 2011, DEO(F)as competent authority do hereby impose major penalty, Removal from service, upon Mst:Hajira Mujeeb,PST GGPS.Dana Noral. Circle Hajia Gali with effect from the date.01.09.2015.

Enrol No 774-97 22/15/2/16

Copy to the:-

1. The Director of E.S.S, A.P.A, Peshawar
1. Sub Divisional Education Officer (Female) Abbottabad.
2. District Account Officer Abbottabad.
3. Mst:Hajira Mujeeb PST GGPS.Dana Noral (circle) Hajia Gali Abbottabad.

District Education Officer
(Female) Abbottabad

Affected
by
me
M. H. A.

DISTRICT EDUCATION OFFICER
(FEMALE) aBBOTTABAD

چارج رپورٹ (13)

Endst No 531-34
Date 01-09-2015

مہاراجہ س۔ ڈی۔ ایس۔ (Female) ایس۔ ٹی۔ آباد

حالیہ چارج پ۔ س۔ ٹی۔ کے بعد ہی گورنمنٹ گرنرز پرائمری اسکول کبھی سے

گورنمنٹ گرنرز پرائمری اسکول ڈنہ نورال میں ہے۔

آج حوالہ (02-09-2015) کو قبل از دیوار گورنمنٹ گرنرز پرائمری

اسکول ڈنہ نورال میں اپنے کام میں بطور ٹیچر دے دیے۔

گنڈا رپورٹ میں غور سے

اسکول میں گورنمنٹ گرنرز پرائمری اسکول ڈنہ نورال

میں کام میں بطور ٹیچر دے دیے۔

Head Mistress
Govt Girls Primary School
Dana Noral Abbottabad.

2/9/15

Attested by
me
M. A. Khan

15/9/15

کمیونٹی سروس ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) ایسٹ آف آفیس (14)

مقررین درفتر است = ایڈجسٹمنٹ

حنایہ علیہ

خود نامہ گزرائش ہے کہ سائلہ مورخہ 17-09-2015 تا 17-09-2017

دوسرے کی دفعہ پرتی - جو 17-09-2017 کو دوری ہو رہی ہے -

گیزرائش ہے کہ سائلہ کو کسی بھی حال P.S.T. دوسٹ

پر تفتیش کی گئی ہے -

حنایہ علیہ گزرائش ہوئی

الکابری

حالیہ وقت P.S.T. گزرائش گزرائش ڈائری

(سیدہ حاجی علی)

11-09-2017

According to office record she was removed from service from 01-09-2015

ADD

Handwritten signature

11/9/2017

Assistant Sub Divisional Education Officer Female Abbottabad

Handwritten signature and initials

(15)

(For use in Police Department only)

ANNEXURE-D

Heirs:

1. Passed SSC (A) Exam 2004 from BISE ATD under Roll No. 54257. Marks obtained 459/850 and placed in 1st grade. Result declared on 18-06-2004.

2. Passed HSSC (A) Exam 2007 from BISE ATD under Roll No. 47872. Marks obtained 575/1100 and placed in 1st grade. Result declared on 10-08-2007.

3. Passed BA (A) Exam 2009 from Hazara University Moushqi under Roll No. 41852. Marks obtained 271/550 and placed in 1st division. Result declared on 31-08-2009.

4. Passed PTC Exam from ATCO Islamabad under Roll No. Q605948. Marks obtained 534/700 and placed in 1st grade. Result declared on 09-01-2006.

All the above entries, certificates & Degree are verified from concerned University & Board and found correct.

Qualification	Date	Qualification	Date
English	Cyeshoo Assistant Dy: Distt: Officer (F) Primary Abbottabad	First Arts	Dy: Distt: Officer (E) Pry: Edu: Atd
Pushto		B.L. Or B.A.	
Urdu		Pleadership examiantion	
Plan-drawing		Training School Final examiantion	
Finger Print		Other qualification:—	
Drill Instructing			
Court Duties			
Reserve Duties			

N.B.— Line to be drawn under the qualification possessed.

Attested by me
[Signature]

The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

Name: Hajira Mujeeb

Race: _____

Residence: Dabruan ATD



Father's name and residence: Mujeeb ur Rehman

Date of birth by Christian era as nearly as can be ascertained: 28-02-1988
AS Above


Exact height by measurement: 5'-3"

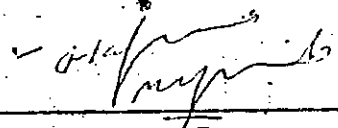
Personal marks for identification: A mole on Rt. cheek

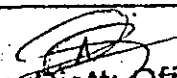
Left hand thumb and finger impression of (Non-Gazetted) officer:

Little Finger  Ring Finger 

Middle Finger  Fore Finger 

Thumb 

9. Signature of Government Servant: 

10. Signature and designation of the Head of the Office, or other Attesting Officer. 
Dy. Distt. Officer
(F) Pry: Edu: Atd

Attd:
Assistant Dy. Distt. Officer
Primary Abbottabad

Mujeeb
of
the
Office

✓ (18)

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature Government
PST 4-9-13 B. S. S. S.		BPS-7 (5800-8200-15400)					
		Rs =	5800	P.M.		27/4 2012	H. S. S. S.
-11-		BPS-12 (7000-5000-22000)					
		Rs:	7000	P.M.		11/2 2012	H. S. S. S.
-do-		Rs	7000	P.M.		12 2012	
			Rs 7500	P.M.		12 2013	
<p>Removed from the Service with effect from 1-9-2015 due to the long absence from the service with DEO (F) ATD Enrol No - 744-97 D/15-200.</p>							
<p>Sub-Divisional Education Officer (F. Abbottabad)</p>							

Handed by
M. H. S. S.

9	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
Period	Government to which debit to						
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.			Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.
<i>[Signature]</i> B.P.S. 12 Abbottabad	30/12	Scale upgraded BPS-12	<i>[Signature]</i> B.P.S. 12 Abbottabad		Appointed as PST post at BDO (12 & SE) issued under dated 26-01-2012.	PST against vacant 44PS Baseera vide ATD Appn order dated No 8178-9253	
<i>[Signature]</i> Deputy D.O Female Primary Education ABBOTTABAD	30/11/2012	A/W	<i>[Signature]</i> S.D.E.O.(F) Abbottabad			<i>[Signature]</i> S.D.E.O.(F) Abbottabad	
<i>[Signature]</i> S.D.E.O.(F) Abbottabad	30/11/2013	A/W	<i>[Signature]</i> S.D.E.O.(F) Abbottabad		UP GRADATION OF POST PST, S.PST, HT, P.S. 12, 14, 15 Accordingly B.P.S. 07 to B.P.S. 12 Vide Finance Deptt No SO (F) W/FDM10-22(E) 10 dt 26/6/2012 Education No SO (B&A) 11-18/E&SE/2012 Dated 11-7-2012		
<i>[Signature]</i> S.D.E.O.(F) Abbottabad							Dy: Distt: Officer (F) Abbottabad
							5 607 FOI 11/11/12
							Pay Action Wef 12/12/12 to 30/12/12 + Pay 15/12 to 30/12/12 allowed through system
							DISTRICT Comptroller of Accounts ABBOTTABAD 17/11/12
							Service Verified from 27/4/12 to 30/4/13... from Acq: Bills and other record of this office.
							<i>[Signature]</i> S.D.E.O.(F) Abbottabad

[Signature]
Shah Malik
Advocate
H.C

(20)

7

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or praise of the Government Servant.	
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
					Granted of maternity leave w.e.f 13/3/14 to 10/6/14 (90 days) on full pay vide DDO (F) A.T.U under Emrst: No - 6328-34 dt: 23/09/2014.			
						Sub Divisional Education Officer (F) Abbottabad.		
					Granted of Earned leave w.e.f 16/6/14 to 29/6/14 (14 days) medical leave on full pay vide DDO (F) A.T.U under Emrst=NO-6328-34 dt: 23/9/14			
						Sub Divisional Education Officer (F) Abbottabad.		
					Granted Ex. Pakistan J.m. w. e. p. 1/9/2014 To 1/9/2015 365 days. on without pay. Rem. same and vide DDO (F) A.T.U. NO 7068 dated 8/11/2014.			
						Sub Divisional Education Officer (F) Abbottabad		

Made by me
Signature

گورنمنٹ ٹرینڈنگ کالج راولپنڈی (2)

تعمیراتی ڈپارٹمنٹ

۲۰۱۵

اپریل ۲۰۱۵

میں نے			یاں سے			کے لیے			کے لیے		
روز	وقت	آئی	روز	وقت	آئی	روز	وقت	آئی	روز	وقت	آئی
Fasthan	7:30					A	12:35	A			
Fasthan	7:30	H.M	12:35	H.M	7:30	A	12:35	A			
Fasthan	7:30	H.M	12:35	H.M	7:30	A	12:35	A			
Fasthan	7:30	H.M	12:35	H.M	7:30	A	11:30	A			
Fasthan	7:30	H.M	12:35	H.M	7:30	A	12:35	A			
SUNDAY * * * SUNDAY * * *											
Fasthan	7:30	H.M	12:35	H.M	7:00	A	12:35	A			
Fasthan	7:30	H.M	12:35	H.M	7:00	A	12:35	A			
Fasthan	7:30	C-Leave				C-Leave					
Fasthan	7:30	C-Leave				A	12:35	A			
Fasthan	7:30	H.M	12:35	H.M	7:30	A	11:30	A			
Fasthan	7:30	H.M	11:30	H.M	7:30	A	12:35	A			
SUNDAY * * * SUNDAY * * *											
Fasthan	7:30	H.M	12:45	H.M	7:30	A	12:35	A			
Fasthan	7:30	H.M	12:45	H.M	7:30	A	12:35	A			
Fasthan	7:30	H.M	12:45	H.M	7:30	A	12:35	A			
Fasthan	7:30	ABSENT				A	12:35	A			
Fasthan	7:30					A	11:30	A			
Fasthan	7:30					A	12:35	A			
Fasthan	7:30					A	12:35	A			
Fasthan	7:30					A	12:35	A			
Fasthan	7:30					A	12:35	A			
Fasthan	7:30					A	12:35	A			
3 Days Absence											
Fasthan	7:30					A	12:35	A			
Fasthan	7:30					A	12:35	A			
Fasthan	7:30					A	11:00	A			
Fasthan	7:30					A	12:35	A			
Fasthan	7:30					A	12:35	A			
Fasthan	7:30					A	12:35	A			
Eid-ul Adha Days											
Fasthan	7:30					A	12:35	A			
Fasthan	7:30					A	12:35	A			
Fasthan	7:30					A	12:35	A			

3 Days Absence

Eid-ul Adha Days

3 Days Absence

HEAT
DATE: 12/35
TIME: 12:35

Attended by me

(22)

[Handwritten signature]

To

The Director Elementary & Secondary Education,,
Government of KPK, Peshawar.

ANNEXURE - E

[Handwritten signature]

4/2/17

SUBJECT: DEPARTMENTAL APPEAL / REVIEW THE REMOVAL ORDER
NO.794-97 DATED 15-02-2016.

Respected Sir,

1. With due respect it is submitted that I was appointed as PST Teacher in BPS-12 on 26.04.2012 in GGPS Baseera and than posted to GGPS Danna Norai Circle Hajia Gali.
2. That during this period I performed my duty with great zeal and zest and during my entire service record no complaint received against my service nor any departmental action taken against me therefore my entire service record remained unblemished.
3. That due to my illness of father in law and domestic problem I was not in position to continue my service for same time and I applied for leave in order to cater the domestic situation.
4. That on 12.09.2015 I applied for without pay 2 years leave. I persuaded my leave application with office and office informed me that your application for leave is under process and within 5 days leave will be sanctioned.
5. That on Telephonically verbal information given to me, that my leave will be sanctioned within 5 days I proceeded on leave on 17.09.2015 to 17.09.2017.

*Handled by
me
M. Ahmad*

[Handwritten mark]

(23)

6. That astonishingly on arrival on my duty I applied for adjustment on 11.09.2017 my Service Book, requisitioned by concerned ADO and informed me that your have been removed from service during leave period.
7. That during all this illegal process nor I was served ^{any} notice at my home address nor ^{any} process annexed in my near residence and workplace, nor any Telephonic message conveyed neither my colleague informed.
8. That it is also pertinent to mention here that I was removed from service on 01.09.2015 whereas I performed regular duty and also marked attendance register from 02.09.2015 to 16.09.2015.

It is therefore requir^{ed} that I may very kindly be restored on my post and I will perform my duty with more enthusiastically and with greater zeal.

Hajira

Dated: 03-10-2017

(HAJIRA MUJIB)
D/o Mujib-ur-Rehman
CNIC # 13101-1301835-8
Resident of Village and
P/O Dubran Tehsil Havelian
District Abbottabad
Contact No. 0322-5772809

*Handled
by
M. H. Qureshi*

6

DBA number 602
 BC No.

--	--	--	--	--	--	--	--

 Name of Advocate _____

S.No 68619



HEAD CLERK
 District Bar Association
 Abbottabad

وکالت نامہ

بعدالت ضباب پرنیڈانڈنگ ایجنٹ سروکل ٹریبونل
 عنوان: یا حبرہ مجیب بنام گورنمنٹ آف KPK سکریٹری فیملی لیمٹڈ
 منجانب: Appellant نوعیت مقدمہ Appeal
 باعث تحریر آنکے

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیرونی وجوہی برائے پیشی یا تصفیہ مقدمہ برہمقام ایسٹ ڈی کے لیے
مشائی صد انڈیٹڈ مشائی ٹریبونل اندو لکھت مانی نور

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے
 جانے مقدمہ مکمل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ
 سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے
 علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ
 سماعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے
 کسی معاوضہ کے ادا کرنے یا عائد کرنے کے واجب کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداخت صاحب موصوف
 مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم
 درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے
 اور ہر قسم کے بیان دینے اور اس پر بلائی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات
 از پکھری صدر اپیل و درآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرقاری یا قرقاری قبل از قرقاری واجراءے ڈگری بھی صاحب
 موصوف کو بشرط ادائیگی علیحدہ مختانہ بیرونی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے
 کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں
 وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف
 کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ
 کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 2018-1-10
 دن 10 ماہ 1 سال

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

ACCEPTED

Shahid Malik
 Head Clerk

0845616312

0336 920 7908

Handwritten signature/initials on the right margin.

BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR CAMP COURT ABBOTTABD.

SERVICE APPEAL NO 46-A/2018

MST HAJRA MUJEEB..... APPELLANT

*Plau on file
16.7.2018*

VS

GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY
EDUCATION DEPARTMENT PESHAWAR & OTHERS.....RESPONDENTS

INDEX

S.NO	DESCRIPTION OF	PAGE
1	copy of service Appeal and with Affidavit	1 TO 4
2	copy of Application to leave and charge report	5
3	copy of Application to adjustment	6
4	copy of newspapers	7

Respondents

Dated _____

Through Representation

BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR CAMP COURT ABBOTTABD.

SERVICE APPEAL NO 46-A/2018

MST HAJRA MUJEEB..... APPELLANT

VS

GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY
EDUCATION DEPARTMENT PESHAWAR & OTHERS.....Respondents

Para wise comments on behalf of the respondents No 1 to 4

Respectfully Sheweth:

Para wise comments on behalf of the respondents No 1 to 4 are as under.

PRELIMINARY OBJECTION

1. That the appellant has no locus standi/cause of action to file instant appeal.
2. That the appellant is estopped to agitate the instant matter before this Honorable Tribunal.
3. That the appellant has not approached this Honorable Tribunal with clean hands.
4. That the appellant has filed instant appeal with malafide intention for wrongful gain and suppressing the original facts, from this Honorable Tribunal, hence the appeal is liable to be dismissed.
5. That the appeal is hopelessly time barred.
6. That the appellant is treated as per rules and law and policy. Therefore appellant is not entitled for any relief and hence appeal is liable to be dismissed without further proceeding.
7. That the instant appeal is not maintainable in its present form.
8. That appellant was found irregular in her respective duties.
9. That the instant appeal is against the law/service rules hence not maintainable in the eye of law and liable to be dismissed.
10. That the appellant has filed the present appeal just to pressurize the respondents.
11. That the act of the respondent with in law and rules. the order dated 30-02-2015 issued after fulfillment of the codal formalities hence appeal is liable to be dismissed.

FACTUAL OBJECTION

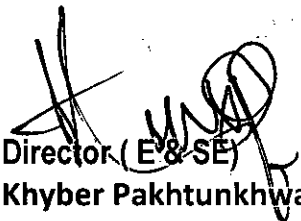
1. Para No 1 of the appeal is pertain to record.
2. It is incorrect. In reply to this Para No 2 of fact, it is submitted that appellant has not applied through duly proper application, which is fake/bogus attested by Headmistress of GGPS Danna Noral and did not entertain approval of sanction the leave before competent authority. Copy of applications is annexed as annexure "A."
3. It is incorrect. In reply to this Para No 3 of fact, it is submitted that reply has already been given in Para No2.
4. In reply to this Para No 4 of fact that appellant did not get step in accordance with law and rule. Appellant should left own station after approval the sanction of two year long leave.
5. It is incorrect. In reply to this Para No 5 of fact, it is submitted that after long absence of two years, Appellant approached concerning ADO and submitted an application of adjustment. There after told her that you have been removed from service after fulfillment of formalities in accordance with rule law. Copy of application is annexed as annexure "B".
6. It is incorrect. In reply to this Para No 6 of fact ,it is submitted that explanation/show cause notice vide letter No 1875 dated 8.10 .15 issued to appellant in accordance with law butnot replied .thereafter this office has published her long absence report in Daily shammal and Ittehad,Abbottabad,dated 11.12.2015 .it means that appellant has not applied for approval the sanction of EOL.. copy of explanation and publication of newspaper Shammal and Ittehad are annexed as annexure "C."
7. It is incorrect. In reply to this Para No.7 of fact, it is submitted that appellant has been removed from service due to long absence without approval sanction of leave, non obedience, non compliance and after then fulfillment the codal formalities.
8. It is incorrect. In reply to this Para No 8 of the fact, it submitted that appellant Was dealt in accordance with law and rule which is prescribed under section (E&D Rule 2011). First of all called explanation to the appellant who has failed to give the reply, then this office has published the notice in daily two newspaper. Then process be initiated against him as removal from service after the fulfillment of codal formalities.
9. It is correct to extent that appellant was on duty from 2.9.2015 to 15.9.15 but appellant has absented from 16.9.15 to up till now. Prior to this, it is clerical mistake in writing on letter of removal from service vide Endst No 794-97 dated 15.2.16.in witch mention absentee from 1.9.15 to up till now ,instead of from 16 .9.15 to up till now. Copy of attendance Register page on September 2015.and letter of removal from service are annexed as annexure "D".
10. ~~It is incorrect~~. In reply to this Para No 10 of fact , It is submitted that appellant has removed from service Dated 15.2.2016. and appellant has submitted Departmental appeal before Respondent No 2 Dated 3.10.2017.It has been hopelessly and badly time barred in respect of measuring is one year and four months. On this fact this Service appeal cannot sustain in the eye of law and liable to be dismissed in preliminary proceeding.

GROUNDS

- a. It is incorrect. In reply to this Para No "a" of the ground it is submitted that impugned order Dated 15.2.16 as removal from service in accordance with law and rule. Appellant has been treated as per rules of E&D 2011 under section 4(b) III of KPK, after the process of fulfillment of the codal formalities.
- b. It is incorrect. In reply to this Para of ground "b" it is submitted that appellant was habitual to entertain the leave in respect of earned leave and other leave before the long absence period without prior to this approval for the sanction the leave since first appointment Dated 26-4-2012.
- c. In reply to this Para No "c" of the ground is that Appellant was removed from service in accordance with law and rule prescribed under section ESD rule 2011. The appellant has treated as per rules after the process of fulfillment of the codal formalities. There is no need to conduct the inquiry when the Appellant is absent who cannot appear before authority without communicating.
- d. It is incorrect. In reply to this Para "d" of the ground, it is submitted that Appellant was called explanation but replied and not present before the competent authority. Thereafter this office has published the notice in daily newspapers of long absence without approval the sanction of leave. The Appellant has found absent from service since 16.9.15 to till now. Then in presence of still long absence, Appellant was removed from service under prescribed rules. It is not against the natural justice.
- e. It is incorrect. In reply to this Para No "e" of the ground it is submitted that Respondent has taken step of the removal from service in accordance with rule and law and not play role as personally grudged to Appellant who committed the gross irregularities.
- f. In reply of para F, it is submitted that Appellant was present from 1-9-2015 to 15-9-2015 but Appellant is absent from his duty since 16-9-2015 up to till now. Prior to this a clerical mistake that Appellant has been absent since 1-9-2015 instead of 16-9-2015 vide letter No 794-97-02 Dated 15-2-16.
- g. It is incorrect in reply to this Para No "g" of the ground it is submitted that Appellant was removed from service under the reason of perpetual absence gross misconduct and irregularities who cannot found without communicating, In this circumstances there is no need to conduct the enquiry after the process the fulfillment of the codal formalities of prescribed rules ESD 2011.


It is therefore humbly prayed that in the light of foregoing comments that Appellant is found habitual and willful absent from his duty since 16-9-15 to till now. Appellant has been removed from service after process the fulfillment of the codal formalities as per prescribed rule ESD 2011 . This appeal may graciously be dismissed being badly time barred of one year and four months with cost throughout.


District Education Officer
(Female) Abbottabad.


Director (E & SE)
Khyber Pakhtunkhwa
Peshawar.

DIRECTOR
Elementary & Secondary Education
KPK Peshawar.

()


Secretary Education (E & SE)
Khyber Pakhtunkhwa
Peshawar.

(11)

Annexure B

محکمہ خزانہ ڈسٹرکٹ ایجوکیشن آفیسر صاحبہ (زفانہ) ایس۔آباد

معمولہ درخواست = قلمی دو سال مورخہ 17-9-2015 تا 17-9-2017

میناب عالیہ =

موڈبانہ گزارش کے مسئلہ کے متعلق شہرہ بہ شمار ہیں جن کی

دیکھ بھال لینا کے لیے کوئی دوسرا آدمی دینی ہے۔ وہ جوئے نوشی کے ہیں

اسلئے وہی اپنی ذمہ داری سہ انجام دینے سے قائل نہیں۔ لہذا جناب سے گزارش

کے مسئلہ کے دو سال مورخہ 17-9-2015 تا 17-9-2017 تک (Without pay)

قلمی عتاب فرمادیں۔ جناب کے عین گزارش ہوگی۔

العارضے۔

لائٹ خارجہ ٹیب P.S.T گو ریفٹڈ ٹرکنز پرائمری سکول ڈنہ زوال

Shahy Malik

منفرد شہرہ بہ شمار ہیں جن کی دیکھ بھال لینا کے لیے کوئی دوسرا آدمی دینی ہے۔ وہ جوئے نوشی کے ہیں

12-09-2015

Attest by

Shahy Malik

Shahy Malik Advocate H.C

چارج رپورٹ (13)

مطالعہ آفس آڈر No 531-34
Date 01-09-2015

آفیسر (Female) S-D-E-5 آفیسر آباد

حالیہ چارج P.S.T جسکی تبدیلی گورنمنٹ گریلز پرائمری اسکول کیمپس سے

گورنمنٹ گریلز پرائمری اسکول ڈنہ نورال میں ہوئی ہے۔

آج مورخہ (02-09-2015) کو قبل از دیوار گورنمنٹ گریلز پرائمری

اسکول ڈنہ نورال میں اپنی ملازمت شروع کر دی ہے۔

گینڈا روڈ ٹیچرین ٹریننگ سینٹر سے

اسکول میں گورنمنٹ گریلز پرائمری اسکول ڈنہ نورال
میں ملازمت کرنے کے لیے تیار ہیں

Head Mistress
Govt Girls Primary School
Dana Noral Abbottabad.

2/9/15

Attested
by
me
M. J. Khan

15/9/15

کمنور جناب ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) ایسٹ آف آفیس (14)

مقررین درخواست = ایڈجسٹمنٹ

جناب عالی

حور نامہ گزارشیں سے کہ سالانہ حور نمبر 2015-09-17 تا 2017-09-17 تک

درخواست کی دفعہ پر تھی جو 2017-09-17 کو دی گئی ہو رہی ہے -

کیز اخذ سے گزارشیں سے کہ سالانہ کو کسے ہی حال P.S.T نوٹس

پر لکھیات کیا ہے -

جناب عالی میں گزارشیں دی گئی

الغرض

حاضر ہے P.S.T نوٹس گزارشیں ڈیڑھ سال

(سید جاوید علی)

11-09-2017

صبر علی

According to office record she was removed from service from 01-09-2015

ADD

M. Zahid

11/9/2017

Assistant Sub Divisional Education Officer Female Abbottabad

Attested by me (Signature)

مدرسه اسلامی بنابر شیوه نامه وزارت معارف و اوقاف و صنایع مستظرفه

مدرسه اسلامی بنابر شیوه نامه

سال تحصیلی 1398

روزهای درسی				یکشنبه				دو شنبه				سه شنبه				ردیف
دستخط	روائی	آد	دستخط	روائی	دستخط	آد	دستخط	روائی	دستخط	آد	دستخط	روائی	دستخط	آد		
Fadhlan	Fadhlan	7:30						A	12:35	A	7:30				1	
Fadhlan	Fadhlan	7:30	H.M	12:35	H.M	7:30	A	12:35	A	7:30					2	
Fadhlan	Fadhlan	7:30	H.M	12:35	H.M	7:30	A	12:35	A	7:30					3	
Fadhlan	Fadhlan	7:30	H.M	12:35	H.M	7:30	A	11:30	A	7:30					4	
Fadhlan	Fadhlan	7:30	H.M	12:35	H.M	7:30	A	12:35	A	7:30					5	
SUNDAY				SUNDAY				SUNDAY				*	*	*	6	
Fadhlan	Fadhlan	7:30	H.M	12:35	H.M	7:30	A	12:35	A	7:30					7	
Fadhlan	Fadhlan	7:30	H.M	12:35	H.M	7:30	A	12:35	A	7:30					8	
Fadhlan	Fadhlan	7:30	C-Leave				C-Leave								9	
Fadhlan	Fadhlan	7:30	C-Leave				C-Leave								10	
Fadhlan	Fadhlan	7:30	H.M	12:35	H.M	7:30	A	11:30	A	7:30					11	
Fadhlan	Fadhlan	7:30	H.M	11:30	H.M	7:30	A	12:35	A	7:30					12	
SUNDAY				SUNDAY				SUNDAY				*	*	*	13	
Fadhlan	Fadhlan	7:30	H.M	12:45	H.M	7:30	A	12:35	A	7:30					14	
Fadhlan	Fadhlan	7:30	H.M	12:45	H.M	7:30	A	12:35	A	7:30					15	
Fadhlan	Fadhlan	7:30	H.M	12:45	H.M	7:30	A	12:35	A	7:30					16	
Fadhlan	Fadhlan	7:30	ABSENT				ABSENT								17	
Fadhlan	Fadhlan	7:30					A	11:30	A	7:30					18	
Fadhlan	Fadhlan	7:30					A	12:35	A	7:30					19	
Fadhlan	Fadhlan	7:30					A	12:35	A	7:30					20	
Fadhlan	Fadhlan	7:30					A	12:35	A	7:30					21	
Fadhlan	Fadhlan	7:30					A	12:35	A	7:30					22	
Fadhlan	Fadhlan	7:30					A	12:35	A	7:30					23	
Eid-ul-Azha Day				Eid-ul-Azha Day				Eid-ul-Azha Day							24	
Fadhlan	Fadhlan	7:30					A	12:35	A	7:30					25	
Fadhlan	Fadhlan	7:30					A	12:35	A	7:30					26	
Fadhlan	Fadhlan	7:30					A	11:00	A	7:30					27	

مدرسه اسلامی بنابر شیوه نامه

دستخط هیئت مدیران

Approved by
me
[Signature]

To

(22)
The Director Elementary & Secondary Education,
Government of KPK, Peshawar.

ANNEXURE - E

SUBJECT: DEPARTMENTAL APPEAL / REVIEW THE REMOVAL ORDER
NO.794-97 DATED 15-02-2016.

Respected Sir,

1. With due respect it is submitted that I was appointed as PST Teacher in BPS-12 on 26.04.2012 in GGPS Baseera and than posted to GGPS Danna Noral Circle Hajia Gali.
2. That during this period I performed my duty with great zeal and zest and during my entire service record no complaint received against my service nor any departmental action taken against me therefore my entire service record remained unblemished.
3. That due to my illness of father in law and domestic problem I was not in position to continue my service for same time and I applied for leave in order to cater the domestic situation.
4. That on 12.09.2015 I applied for without pay 2 years leave. I persuaded my leave application with office and office informed me that your application for leave is under process and within 5 days leave will be sanctioned.
5. That on Telephonically verbal information given to me, that my leave will be sanctioned within 5 days I proceeded on leave on 17.09.2015 to 17.09.2017.

Attested by
M. H. H. H.

(23)

6. That astonishingly on arrival on my duty I applied for adjustment on 11.09.2017 my Service Book, requisitioned by concerned ADO and informed me that you have been removed from service during leave period.
7. That during all this illegal process nor I was served ^{any} notice at my home address nor ^{any} process annexed in my near residence and workplace, nor any Telephonic message conveyed neither my colleague informed.
8. That it is also pertinent to mention here that I was removed from service on 01.09.2015 whereas I performed regular duty and also marked attendance register from 02.09.2015 to 16.09.2015.

It is therefore requested that I may very kindly be restored on my post and I will perform my duty with more enthusiastically and with greater zeal.

Dated: 03-10-2017

Hajira Mujib
(HAJIRA MUJIB)
D/o Mujib-ur-Rehman
CNIC # 13101-1301835-8
Resident of Village and
P/O Dubran Tehsil Havelian
District Abbottabad
Contact No: 0322-5772809

*Handled
by
M. H. Khan*

3

Annexure (C)

(7)

(12)

ANNEXURE-C

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD

REMOVAL FROM SERVICE

You Mst; Hajira Mujeeb PST.GGPS.Dana Noral (Hajia Gali Circle)

Was proceeded having committed the following acts constituted in efficiency and misconduct under rules-3 sub rules (a),(b)and (d)of the Khyber Pakhtun Khwa Govt:Servant efficiency and disciplinary rules-2011.

Whereas:

You have been keeping yourself absent from duty w.e.f.01.09.2015 to uptill now as reported by ASDEO circle Hajia Gali.

After the Expiry of Leave you were adjusted at GGPS.Danna Noral (Hajia Gali) Circle but very sorry to Point out that you have not joined the school up till now.

According to ADEO (Hjia Gali) Circle absent report, you were called to explain the reason for the non assumption of charge vide this office No.1644 dated.11-09-2015. Due to Non-obeyance as well as non compliance and not joining the school, this office has again called explanation vide this office No.1835 dted.08-10-2015 but neither you have joined the school nor given the replay of said Explanations.

At last helplessly this office has got published your long absence in the Daily Shamal and daily Ittehad, ABBOTTABAD Dated 11-12-2015 to appear before the under signed for personal hearing and describe the valid/cogent reason for wilful absence from the school/duty with in 15-days, but neither you have appeared before the under signed nor presented the reply of show cause notice.uptill now.

NOW THEREFORE

In exercise of power conferred upon me under section 4(b)III of Khyber Pakhtun Khwa Govt:Servants Efficiency and Discipline Rules 2011, DEO(F)as competent authority do hereby impose major penalty, Removal from service, upon Mst:Hajira Mujeeb,PST GGPS.Dana Noral. Circle Hajia Gali with effect from the date.01.09.2015.

Copy to the:-

1. The Director of S.S., S.P.A., Peshawar
1. Sub Divisional Education Officer (Female) Abbottabad.
2. District Account Officer Abbottabad.
3. Mst:Hajira Mujeeb PST GGPS.Dana Noral (circle) Hajia Gali Abbottabad.

District Education Officer
(Female) Abbottabad

Affected
by
me
M. H. H.

DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE
TRIBUNAL PESHAWAR

Miss Hajra mujeeb ex-PST GGPS Dana Noral (Haji Gali Circle
Tehsil & District Abbottabad.

MUHAMMAD MUSHTAQ QURESHI APPELLANT

VERSUS

Government of Khyber Pakhtunkhawa through Secretary
Elementary & secondary education Peshawar.

RESPONDENTS

REJOINDER ON BEHALF OF THE APPELLANT TO THE
WRITTEN COMMENTS OF RESPONDENTS NO. 1 TO 4

Respectfully Sheweth:

Paragraph wise rejoinder to the comments of respondents No. 1 to 4
on behalf of appellant is as under:-

ON PRELIMINARY OBJECTIONS:

1. Denied. The appellant has certainly got a cause of action and locus standi to file the instant appeal. No law has been quoted in support of this objection by respondents' No. 1 to 4.
2. The appeal is very much maintainable. The entire exercise of respondents has been committed without lawful authority, without following the law alive existing on the subject.
3. Denied.
4. Incorrect and denied.
5. Denied. Appeal is well within time as competent authority rejected the review/departmental appeal appellant on 27/12/2017.

6. Incorrect and denied. The appellant has not been dealt with in accordance with prescribed law answering respondents committed without lawful authority following the law alive, existing on the subject matter. No major penalty can be imposed without due process of law.
7. Incorrect and denied. The appeal is very much maintainable and at right form.
8. Incorrect and denied. The instant appeal is in accordance with prevailing law rules pertains to the terms and conditions of civil servants.
9. Denied.
10. Denied. Proper procedure has not been adopted while imposing major penalty removal from service.
11. Denied.

ON FACTUAL OBJECTIONS.

1. Correct.
2. Incorrect. That the appellant was applied for 2-year earned leave without pay w.e f (17.9.2015 to 17.9.2017) that her father in law was paralyze and is under treatment besides appellant's children were also suffering due to family disturbance and it is very difficult for Appellant to handle the verse situation. The application was dully verified and recommended by head mistress of the concerned school.
3. Replied in paragraph No.2 above.
4. Incorrect and denied. The contents of paragraph of appeal is correct.
5. Incorrect. The paragraph of appeal of the appellant is correct.
6. Incorrect. Actually during all this illegal and unlawful process in back of appellant neither any notice served at home address

nor any process annexed as required neither under law neither telephonic message conveyed nor through any colleague informed.

7. Incorrect. The appellant was illegally removed from service without conducting any enquiry and nominating any enquiry officer which is mandatory by law
8. Incorrect and Para 8 of appeal is correct.
9. Denied. By filing to reply the contents of this Para of appeal by the answering respondents, they have admitted their illegal act and malafide of removal of appellant under challenge.
10. Incorrect and denied. After expiry of leave of the appellant submitted arrival report on refusal by the respondent and on providing of removal letter to the appellant by the respondent the appellant was only recourse to review/departmental representation which was preferred well within time.

Grounds

- a. Denied reply of ground (a) in comments is incorrect and contents of the appeal is correct.
- b. Denied. The appellant service remained unblemished.
- c. Denied. The ground © of comments is incorrect and contents of appeal is correct.
- d. Denied. Reply of ground (d) of comments is incorrect and contents of appeal is correct.
- e. Denied. Reply of ground (e) of comments is incorrect and contents of appeal is correct.


- f. Denied. The respondents admitted their illegal and unlawful act while dealing with appellant.
- g. Denied. That major penalty of removal or dismissal from service cannot be imposed without conducting proper enquiry before imposition of major penalty, conducting enquiry is basic requirement of law, therefore, impugned order is without lawful authority is void document in the eye of law and is liable to be set a side on alone score.

It is therefore humbly prayed that comments of the respondents be dismissed and appeal of the appellant may very graciously be accepted and appellant may kindly reinstated in service.

Dated 19/9/2018


APPELLANT

Through


MUMTAZ AZIZ ADVOCATE HIGH COURT
& MUHAMMAD MUSHTAQ QURESHI

BEFORE THE HONOURABLE PRESIDING OFFICER
SERVICE TRIBUNAL KPK

Appeal No. _____/2017

Mst Hajra Mujeeb PST Teacher

Govt of KPK through Secretary Education deptt and others.

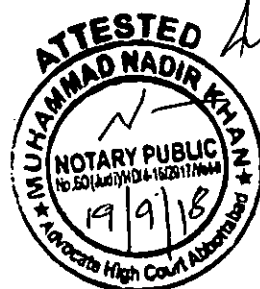
REJOINDER

Affidavit

Mst Hajra Mujeeb VERSUS Secretary Education and others resident of Daran Tehsil Havellian District Abbottabad do hereby solemnly affirm and declare on oath that the contents of instant rejoinder are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.

Dated 19/9/2018

Hajra
APPELLANT



[Signature]
The Commissioner,
Hazara Division, Abbottabad

[Signature]
Abbottabad



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BEFORE THE KHYBER PAKHTUNKHAWA SERVICE
TRIBUNAL PESHAWAR

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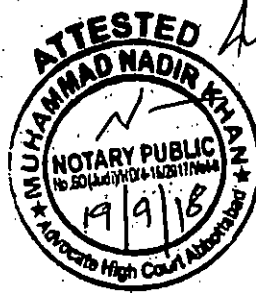
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Dated 19/9/2018

Hajra
APPELLANT



SECRETARY
ABDUL HAKIM

Registered

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.
No. 233-46/FNo.2//Earned Leave cases/SS/Ayub/DA
Dated Peshawar the 02/04/2011.

To

All the Executive District Officer,
Elementary & Secondary Education,
In Khyber Pakhtunkhwa.

Subject: - INSTRUCTIONS ABOUT EARNED LEAVE GRANTING OF
PRIOR APPROVAL/SANCTION OF LEAVE FROM THE
COMPETENT AUTHORITY BEFORE PROCEEDING LEAVE.

SUBMISSION OF INCOMPLETE PROPOSALS REGARDING
LEAVE OF GOVERNMENT SERVANTS.

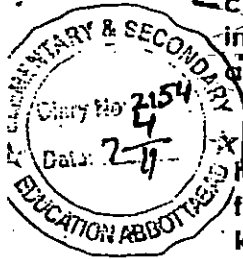
I am directed to refer to the Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department letter No.AO/7-19/Leave/Lakki Marwat/05 dated 07-03-2011 & letter No.AO/7-14/PP/Leave/05 dated 21-03-2011 addressed to this office as well as to you on the subject noted above and to state that several cases of leave referred to provincial Government for sanction of leave which have been frequently returned to this office with the observation that: according to leave rules 1981, a Government servant shall proceed on leave only after it is sanctioned by the Competent Authority. However, in many cases teachers/Principals/HM proceed on leave before it is sanctioned by the competent authority. It is clear cut violation of Revised Leave Rules, 1981, in future no official shall proceed on leave without getting it sanctioned in advance.

(It is discretionary power of Competent Authority to grant or not)

In future the leave cases should be examined strictly in the light of leave rules and then submitted to the department complete in all respect fully justified and supported by all necessary documents especially keeping in view the following points:

- Proper examination of the case is required with regard to following points.
- Purpose of leave.
- ii. Alternate arrangement(s) for performance of duty by another officer/substitute.(Certificate to be issued by the Head of School)
 - iii. Examination/justification of the proposal in the light of Revised Leave Rules 1981.
 - iv. Total Service of the Government servant.(To be mention in covering letter of EDO(E&SE))

I am further directed to ask you that the above mentioned instructions may be circulated to all the subordinate institutions in your jurisdiction. All kind of such cases must be submitted to the competent authority "ONE MONTH" before, the leave applied for.



*EB-LV
Please Circulate
to all concerned
immediately.
5/4/11*

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24/11

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 838 /ST

Dated 29-4- / 2019


To

The District Education Officer Female,
Government of Khyber Pakhtunkhwa,
Abbottabad.

SUBJECT: - JUDGMENT IN APPEAL NO. 46/2018, MISS. HAJRA MUJEEB.

I am directed to forward herewith a certified copy of Judgement dated 17.04.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.