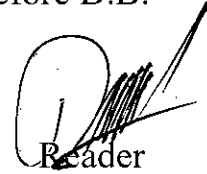


26.06.2019

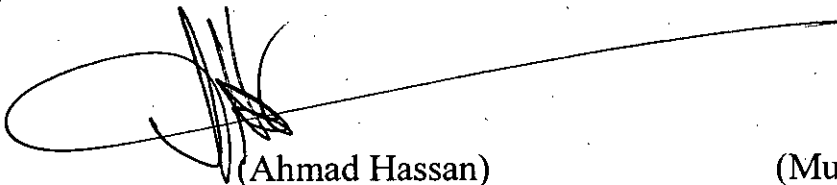
Counsel for the appellant and Addl: AG alongwith Mr. M. Sharif, ADEO for respondents present. Due to incomplete bench the case is adjourned to 30.08.2019 before D.B.



Reader

30.08.2019

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



(Ahmad Hassan)  
Member



(Muhammad Hamid Mughal)  
Member

ANNOUNCED.  
30.08.2019

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

  
Member

27.02.2019 Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Naseem Mehmood, ADO for respondents present. Written reply on behalf of respondents submitted which is placed on file. Counsel for the appellant is also submitted amended copy of memo of appeal. To come up for rejoinder and arguments on 15.05.2019 before D.B.

  
Member  
(Ahmad Hassan)

15.05.2019 Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present.

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

  
Chairman

10.10.2018

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

  
Chairman

19.11.2018


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

  
Muhammad Amin Khan Kundi  
Member

08.1.2019

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

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

  
Chairman

27.06.2018

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

  
Member

20.07.2018

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

  
(Ahmad Hassan)  
Member

10.08.2018

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

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

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




Appellant Deposited  
Security Process Fee

  
Chairman

**Form-A**  
**FORM OF ORDERSHEET**

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

Case No. 527/2018

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

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. .... 527 ..... /2018

Mst. Baswari Begum  
(Appellant)

Vs

Director Education; & Another  
(Respondents)

INDEX

S#	DESCRIPTION OF DOCUMENTS	ANNEX	PAGE
1	Amended Memo of Service Appeal	--	1-3
2	Copy of Appointment Letter	A	4
3	Copy of publication	B	5
4	Copy of the reply	C	6
5	Copy of impugned Order dt 13.12.2017	D	7
6	Copy of Departmental Appeal	E	8-19
7	Copy of Press Release	F	20
8	Copies of relevant pages of Attendance Register	G	21-25
9	Wakalatnama	--	26

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

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

1

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. ....527...../2018

*Mst. Baswari Begam Ex. PST, GGPS, Gul Mat Kot, Miran Shah,  
North Waziristan Agency (now District North Waziristan).....  
(Appellant)*

**Versus**

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

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

**PRAYER-IN-APPEAL**

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

**Respectfully Sheweth,**

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

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

4. That, in compliance the appellant submitted a reply in the office of respondent No. 2 along with relevant documents in her defense. *(Copy of the reply is attached as annexure C)*
5. That, thereafter the respondent No. 2 vide impugned order dated 13.12.2017 removed the appellant from service against all the norms of justice. *(Copy of the impugned order dated 13.12.2017 is attached as annexure D)*
6. That, being aggrieved of the same the appellant preferred an appeal before respondent No. 1 on 28.12.2017 which has yet not been responded. *(Copy of the departmental appeal is attached as annexure E)*
7. That, the appellant now prefers the instant Service Appeal, inter alia, on the following amongst others;

#### **GROUND**

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



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

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

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

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

Appellant

THROUGH

Muhammad Saeed Khattak  
Advocate, Peshawar

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

Service Appeal No. 527...../2018

Mst Baswari Begum Ex. Primary School Teacher. .... (Appellant)

**VERSUS**

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

**INDEX**

S.No.	Description of Documents	Annexure	Pages
01	Memo of Service Appeal		1-3
02	Copy of the appointment	A	4-5
03	Copy of the publication	B	5
04	Copy of the reply	C	6
05	Copy of the order dated 13-12-2017	D	7
06	Copy of the departmental appeal	E	8-9
08	Copy of the Press Release	F	10
	<del>Copies of relevant pages of the attendance register</del>		—
	Wakalatnama		11

Dated:-

Appellant Baswari

Through

Muhammad Saeed Khattak  
Muhammad Saeed Khattak

Advocate, Peshawar.

Mob. 03336272753

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

Service Appeal No. 527/2018

Mst Baswari Begum Ex. Primary School Teacher GGPS Gul Mat Kot North  
Waziristan Agency.

(Appellant) **Khyber Pakhtunkhwa  
Service Tribunal**

**VERSUS**

Diary No. 559

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

Dated 13-4-2018

(Respondents)

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

**PRAYER – IN – APPEAL**

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

Respectfully Sheweth;

1. That the appellant consequent upon the approval of Departmental Education Committee was appointed as PTC (Female) in BPS 07 on 17.10.2005. (Copy of the appointment order is attached as annexure A)
2. That the appellant thereafter took the charge of her duties and performed her duties during the service whole heartedly and to the quite satisfaction of officials concerned as well as according to the demand and nature of her duties.
3. That the appellant came to know about a publication published in daily "Mashriq" dated 03,12,2017 regarding an appellant's absence from the duty along with other female teachers. Further in the said publication a show cause notice has been mentioned, which is/was issued to the appellant but the appellant has received no show cause notice. (Copy of the publication is attached as annexure B)

Filed to-day  
Registrar  
13/4/18

4. That in compliance, the appellant submitted a reply in the office of respondent No. 2, the appellant submitted her reply on 08.12.2017 along with copies of relevant pages teachers attendance register. (Copy of the reply is attached as annexure C)
5. That thereafter the respondent No. 2 vide order dated 13-12-2017 removed the appellant from the service illegally, unlawfully and without going through the available record for the reasons best known to him. (Copy of the order dated 13-12-2017 is attached as annexure D)
6. That being aggrieved of the same the appellant preferred a departmental appeal before Respondent No.1 on 28-12-2017, which has not been decided till statutory period. (Copy of the departmental appeal is attached as annexure E.)
7. That the appellant now prefers the instant Service Appeal, inter alia, on the following amongst others;

#### **GROUNDS**

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

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

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

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

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

Barwani  
Appellant  
Through  
que

Muhammad Saeed Khattak  
Advocate, Peshawar. *khattak*

Annex - A 4

**APPOINTMENT ORDER:**

Consequent upon the approval of Department-Selection Committee the following Non local Female-PTC Trained candidates are hereby appointed against PTC Posts in BPS-7 (2555-140-0755) PM fixed plus usual allowances as admissible under the rules mentioned against each, purely on contract basis for 2 years with effect from their taking over charge against vacant posts noted against each.

S.No	Name of Candidates	Father/Husband Name	BPS	Place of Posting	Remarks
1.	Razia Begum (Already working as PTC Teacher at FCS Akram Kot)	Fazle Ghani	7	GGPS Ghani Sardar Kot	Vacant
	Bibi Pasha (Already working as PTC Teacher at FCS Miranshah Kot)	Ganda Khel	7	GGPS Gulsaeed Sidgi	Vacant
	Khalida Perveen (Already working as PTC Teacher at FCS Imranullah Kot)	Mohammad Ali	7	GGPS Ahmad Gaur Hse	Vacant
	Baswari Begum (Already working as PTC Teacher at FCS Imranullah Kot)	Awal Number	7	GGPS Mohammad Amin Kot Shawa	Vacant

**Term and Conditions:**

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

NOTE:- Contract appointment order in respect of Baswari Begum D/O Awal Number issued wide this office No. 4589-4656 dated 21/9/2005 at Sr: No. 51 at FCS Pasham Kot is here by cancelled

*[Signature]*  
Agency Education Officer  
North Waziristan Agency  
*[Signature]*

Ends: No. 4980-99 Dated 17/10/2005

**Copy To:-**

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

*[Handwritten initials]*

*[Handwritten signature]*









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

Annex-2

7

### NOTIFICATION

1. WHEREAS Mst. Buswari Begum PST GGPS Gul Mat Kot North Waziristan Agency was found willfully absent from duty during monitoring visit of the concerned Assistant Agency Education Officer to the School on dated 01/09/2017.
2. AND WHEREAS the accused was proceeded against under Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011, for the charge of "willful absence from duty" as mentioned in the show cause notice served upon her at her home/School address vide AEO No: 9791-92 dated 09/11/2017.
3. AND WHEREAS Mst Buswari Begum PST GGPS Gul Mat Kot North Waziristan Agency did not report to her duty within stipulated period of time and turned her ears deaf.
4. AND WHEREAS Charge sheet notice was served upon Mst Buswari Begum PST GGPS Gul Mat Kot North Waziristan Agency through print media (Daily Mashriq) on dated 03.12.2017 wherein the accused was directed to submit reply in her defence through personal contact with this office.
5. AND WHEREAS the accused failed to put any defense in written and did not appear to be heard in person within fifteen days.
6. AND WHEREAS the competent authority, the Agency Education officer North Waziristan Agency, having considered the charges, evidence on record and facts of the case, is of the view that the charge of willful and unauthorized absence against the accused official has been proved.
7. NOW THEREFORE, In exercise of the Powers conferred under Rules-4 (b) iii of Khyber Pakhtunkhwa Government Servants "Efficiency & Discipline" Rules 2011, the competent Authority, Agency Education officer North Waziristan Agency, is pleased to impose major penalty "Removal from service" upon Mst: Buswari Begum PST GGPS Gul Mat Kot North Waziristan Agency with retrospective on account of his willful absence from duty.

(HABIBULLAH)

Agency Education Officer,  
North Waziristan Agency

Endst: No. 8159-60 Dated 13/12/2017

Copy forwarded to the:

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

Agency Education Officer  
North Waziristan Agency

CPC  
CPC

To

Director FATA Education

Peshawar.

**Subject: Conversion of Major Penalty Removal from service to Compulsory Pension**

Sir,

With due respect it is stated that I am ill and cannot do any more service and the department impose me major penalty, removal from service.

It is kindly , requested that it may be convert to major penalty Compulsory pension in the shape of medical board .

The gynecologist medical advice is also attached . I shall be very thankful to this act of kindness.

Yours

*Baswari*  
Baswari Begum

GGPS Gul Mat Kot

NWA.

*Dated*

28.12.2017

*Amman E*  
*(Signature)*

98

DHIS - 02 (F)

Sent To: \_\_\_\_\_

### OUT DOOR PATIENT TICKET

District \_\_\_\_\_

CRP No: 3213

Facility Name ✓

Name \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Father's/Husband's Name P. S. 19

Monthly OPD Serial No: \_\_\_\_\_

Provisional Diagnosis: \_\_\_\_\_

Date	Clinical Findings / Investigations / Treatment / Referred / Test Findings
1P 12 / 27	P-27 3-13 % Name + Vomiting Hx of recurrent abortions Advic. It is not possible for the patient to travel for long as she seems medically unfit for that. So she may be considered for medical board.

Countersigned to original

Head Master  
Govt. Middle School  
Mona Khel (Karak)

*[Handwritten signatures and notes]*

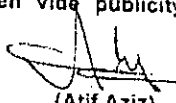
F.No.2/4/2016-Public  
GOVERNMENT OF PAKISTAN  
MINISTRY OF INTERIOR  
...

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

PRESS RELEASE

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

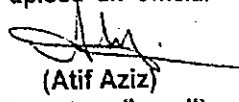
The above Press Release may kindly be published in all major English and Urdu Dailies both at National and Regional levels and also be given wide publicity through electronic media.

  
(Atif Aziz)  
Deputy Secretary (Law-II) 23/08/17  
Tele: 9203851

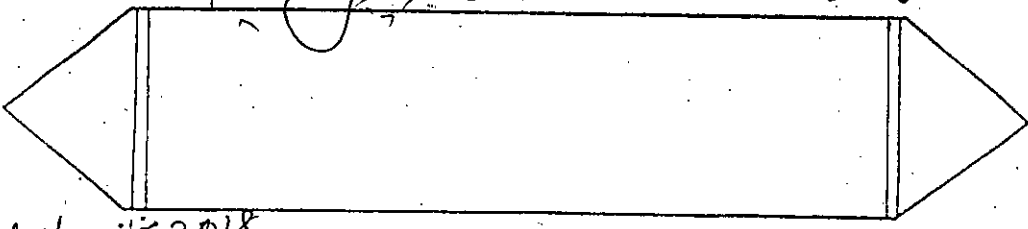
The Principal Information Officer,  
Press Information Department,  
Islamabad.

Copy forwarded to: -

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

  
(Atif Aziz)  
Deputy Secretary (Law-II)

# بعدالت KDK ندوس ٹریڈینٹل مسٹام



2018ء منجانب ایڈووکیٹ

بنام لیسواری سٹیٹ  
ڈائریکٹر ٹیکس و ٹریڈ

- مورخہ
- مقدمہ
- دعویٰ
- جرم

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
 آن مقام لیسواری کیلئے محمد سہیل محمد صاحب کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور صولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
 کے کل یا جزوی 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 بااختیارات حاصل ہوں گے اور اس کا ساختہ  
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔  
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
 مذکور کریں۔ لہذا وکالت نامہ لکھنڈیا کہ سندر ہے۔

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

\_\_\_\_\_ واہ العب \_\_\_\_\_

کے لئے منظور ہے۔

سنا

بمقام

Accepted

Handwritten signature and text at the bottom left.

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 527/2018

Mst. Baswari Begum Ex-Senior Primary School teacher-----Petitioner


**VERSUS**

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

-----Respondents

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ASSISTANT DISTRICT EDUCATION OFFICER  
NORTH WAZIRISTAN TRIBLE DISTRICT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 527/2018

Mst. baswari Begum Ex-Senior Primary School teacher-----Petitioner

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-----Respondents

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

Respectfully Sheweth:

Preliminary Objections:

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

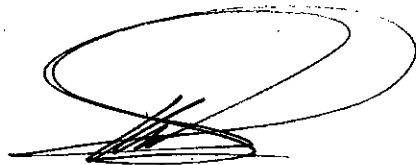
**On Facts:**

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

**Grounds:**

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

**Respondent No.1**

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

**Respondent No. 2**

  
**District Education Officer  
North Waziristan Tribale District**



**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 527/2018

Mist. Baswari Begum Ex-Senior Primary School teacher-----Petitioner

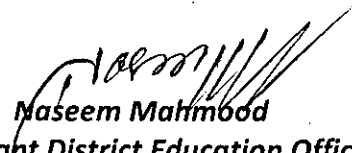
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-----Respondents

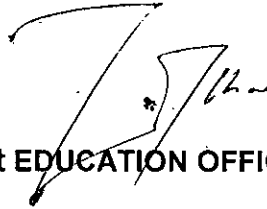
**AFFIDAVIT**

I Naseem Mahmood Assistant District Education Officer North Waziristan on behalf of the Respondent No. 1 & 2, do hereby solemnly affirm and declare that the report of Respondent No.1 & 2 in R/O of Appeal. No. 527/2018 and others is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.

  
Naseem Mahmood  
Assistant District Education Officer  
North Waziristan

## AUTHORITY LETTER

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



District EDUCATION OFFICER  
NORTH WAZIRISTAN TRIBLE DISTRICT

