

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT, D.I.KHAN.

Service appeal No. 416/2018

Date of institution ... 13.03.2018  
Date of decision .... 25.03.2019

Mst. Najma Perveen W/O Karim Nawaz R/O Madni Town, D.I.Khan Ex-  
Primary School Teacher, Government Girls Primary School, Jhoke  
Murad Noon, D.I.Khan. ... (Appellant)

Versus

Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar  
and others. ... (Respondents)

Present

Qazi Ziaur Rahman,  
Advocate ... For appellant.

Mr. Farhaj Sikandar,  
District Attorney ... For respondents.

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

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. The facts, as emerge from the memorandum of appeal, suggest that the appellant was appointed as PTC (Trained Teacher) by the District Selection Committee D.I.Khan on 14.11.1994. She ever-since had performed her duty when on 08.03.2015 the appellant was transferred

from Government Girls Primary School Jhok Dabary to Government Girls Primary School Jhok Murad Noon through transfer order No.3557-60/AE. She assumed the charge and started performing duty at GGPS Jhok Murad Noon when it came to her knowledge that her monthly salary was stopped. The appellant preferred a Constitutional Petition No. 708-D/2015 before the Honourable Peshawar High Court Bench D.I.Khan on 22.10.2015. During the pendency of the Writ Petition the respondents were directed to release the salary of appellant, if she was still in service, while they were also required to furnish comments to the Writ Petition. Despite some adjournments, the requisite comments were not provided nor the salary of appellant was released, therefore, she moved a Contempt of Court Petition No. 87-D/2017. In the course of hearing of Contempt of Court Petition it came to the limelight for the first time that the appellant had been dismissed from service on 27.04.2017. The appellant there-after submitted a departmental appeal on 14.12.2017 which remained un-responded, hence the appeal in hand.

2. We have heard learned counsel for the appellant, learned District Attorney on behalf of the respondents and have also examined the available record.

Learned counsel for the appellant mainly contended that the proceedings culminating into dismissal of service of appeal were taken at her back. Besides, no show cause notice was issued to her before passing

of the impugned order. It was also asserted that regular enquiry was necessary in the case against the appellant who was awarded major penalty of dismissal from service.


On the other hand, learned District Attorney referred to the contents of impugned order and stated that the reasons given therein fully justify treatment meted out to the appellant.

3. We have noticed from the contents of impugned order dated 27.04.2017, wherein, it was noted that the appellant was neither adjusted nor performing duties at any school of Sub Division, D.I.Khan. That, her services were not verified by the SDEO(F)/ASDEO(F)/Accountant SDEO(F) D.I.Khan. That, she was drawing salary illegally from the date of her appointment till the date of passing of the order. That, the service record of appellant was not available in the office of Sub Division D.I.Khan. The appellant was stated to have been involved in misconduct, financial embezzlement, negligence, habitual and willful absence and illegal drawl of pay without performance of duty.

4. It is undeniable fact that the appellant, after her appointment, had been receiving monthly salary for a long time. Besides, during the course of her duty she was transferred/adjusted from one school to another although the adjustment order was denied in the impugned order. All the said facts and the allegations levelled against the appellant required proof

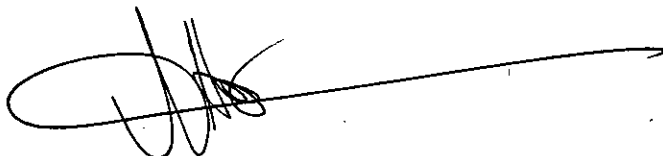


through documentary/oral evidence which could only be procured through a proper departmental enquiry. On the other hand, the competent authority only referred to Rule 5(b)(ii) of Government Servants (E&D) Rules, 2011 for dispensing with holding of proper enquiry against the appellant but there is no order to the said effect containing specific reasons for such doing away with a regular enquiry. Similarly, the non-issuance of show cause notice to the appellant during departmental proceedings, purportedly, under the provisions of Rule 5 (a)(iii) of the rules *ibid* appears to be violative of the law. Under Rule 5 of the Rules, 2011 the competent authority is to proceed against an accused by issuing a show cause notice under Rule 7, provided that no opportunity of showing cause or personal hearing shall be given where, *inter-alia*, it is not reasonably practicable to give such an opportunity to an accused. Seeing in juxtaposition to the contents of the said rules the provisions contained in Rule 7 cater for the procedure where enquiry is to be dispensed with. The said rules also require the competent authority to give an accused a reasonable opportunity of showing cause against the proposed action, within the period prescribed in the rules. In the case in hand the competent authority has proceeded against the appellant in utter disregard of the rules and the principles of fair trial and natural justice.


 5. In view of the above, we are of the considered opinion that the impugned order of dismissal of appellant passed on 27.04.2017 is not

sustainable. Upon acceptance of appeal in hand the said order is set aside and the respondents are required to conduct proper departmental enquiry against the appellant in accordance with law in order to ascertain the correctness of allegations against her. The enquiry shall be concluded within a period of ninety days from the receipt of copy of instant judgment, wherein, the appellant shall be duly provided opportunity of setting-forth her defence. The issue of back benefits in favour of appellant shall follow the outcome of proceedings to be taken against her.

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

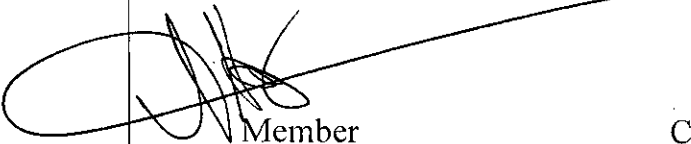
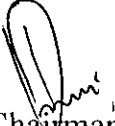


(Ahmad Hassan)  
Member



(Hamid Farooq Durrani)  
Chairman  
Camp Court, D.I.Khan.

ANNOUNCED  
25.03.2019

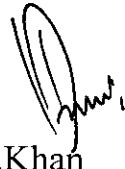
S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	26.3.2019	<p><u>Present.</u></p> <p>Qazi Ziaur Rahman, .. For appellant Advocate</p> <p>Mr. Farhaj Sikandar, ... For respondents District Attorney</p> <p>Vide our detailed judgment of today, upon acceptance of appeal in hand the impugned order dated 27.04.2017 is set aside and the respondents are required to conduct proper departmental enquiry against the appellant in accordance with law in order to ascertain the correctness of allegations against her. The enquiry shall be concluded within a period of ninety days from the receipt of copy of instant judgment, wherein, the appellant shall be duly provided opportunity of setting-forth her defence. The issue of back benefits in favour of appellant shall follow the outcome of proceedings to be taken against her.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p> Member</p> <p> Chairman Camp Court, D.I.Khan</p> <p><u>ANNOUNCED</u> 26.3.2019</p>

22.01.2019

Mr. Muhammad Amir, junior to counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Muhammad Imran Shah, Subject Specialist for the respondents present.

Parawise comments on behalf of respondents have been submitted. To come up for arguments before the D.B on 25.03.2019 at camp court, D.I.Khan. The appellant may submit rejoinder within a fortnight, if so advised.

Chairman  
Camp Court, D.I.Khan




13.09.2018

Counsel for the appellant Najma Parveen present. Preliminary arguments heard. Learned counsel for the appellant contended that the appellant was serving in Education Department as Primary School Teacher. It was further contended that during service her salary was stopped by the respondent-department therefore, the appellant filed Writ Petition. It was further contended that during the pendency of the Writ Petition the respondent-department disclosed on 16.11.2017 that the appellant was dismissed from service vide order dated 27.04.2017 on the allegation of her illegal appointment, misconduct, Corruption, negligence, habitual absentee and illegally drawing of pay without performing of duty therefore, on communication of the impugned order on 16.11.2017 the appellant immediately filed departmental appeal on 16.12.2017 but the same was not responded, hence, the present service appeal on 13.03.2018. It was further contended that neither charge sheet, statement of allegation was served upon the appellant, nor proper inquiry was conducted, nor opportunity of personal hearing, defence and cross examination was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 27.11.2018 before S.B at Camp Court D.I.Khan.

Appellant Deposited  
Security & Process Fee



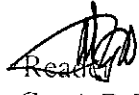

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan



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

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

Case No. 416/2018

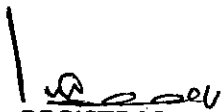
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27/03/2018	<p>The appeal of MST. Najma Parveen resubmitted today by Mr. Zia-ur-Rehman Qazi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 27/3/18</p>
2-	29-3-2018	<p>This case is entrusted to Touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>26-4-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	26.04.2018	<p>Tour is hereby cancelled, Therefore the case is adjourned for the same on 30.07.2018 before S.B.</p> <p style="text-align: right;"> Read Camp Court D.I Khan</p>
	30.07.2018	<p>Husband of the Appellant present. Tour is hereby cancelled. Therefore the case is adjourned for the same on 13.09.2018 before S.B.</p> <p style="text-align: right;"> Read Camp Court D.I Khan</p>

The appeal of Mst. Najma Parveen wife of Karim Nawaz resident of Madni Town Dera ismail Khan received today i.e. on 13.03.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of respondent no. 8 is incomplete which may be completed.
- 2- Page no.14 and 39 are illegible which may be replaced by legible/better one.
- 3- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 528 /S.T,


Dt. 14/03 /2018

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Zia-ur-Rehman Qazi Adv.  
High Court D.I.Khan.

*Respected Sir,*

*All the objections have been removed  
Re-submitted please on 26/3/2018*

  
Kari  
Adv.  
26/3/2018

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

Service Appeal No <sup>416/</sup> of 2018

**Najma Parveen**                      **Versus**                      **Government of K.P.K etc**

**SERVICE APPEAL**

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3.	Copy of the Transfer/Adjustment order Dated 08.03.2015	B	21
4.	Certified Copies of the WP No 708-D of 2015 along with complete Order Sheets	C & D	22-29
5.	Copies of the COC No 87-D of 2017 along with complete Order sheets and impugned dismissal from service order No 5513-19 Dated 27.04.2017	E & F	30-40
6.	Copies of the Departmental Appeal of the Petitioner Dated 14.12.2017 along with copy of receipt of TCS Dated 14.12.2017	G & H	41-47
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12th March, 2018

Petitioner  
Through Counsel,

*Zia-ur-Rahman Kazi*  
Zia-ur-Rahman Kazi

Advocate High Court

Dera Ismail Khan

*Kazi*  
*12/3/18*

①

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

Service Appeal No <sup>416/</sup> of 2018

Khyber Pakhtunkhwa  
Service Tribunal

Slary No. 370

Dated 13/03/2018

**Najma Parveen**

wife of Karim Nawaz Daughter of Muhammad Shafi, resident of  
Madni Town Dera Ismail Khan, Ex Primary School Teacher Govt Girls  
Primary School, Jhoke Murad Noon, D.I.Khan

**Petitioner**

**Versus**

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. **Secretary Education**, Govt of Khyber Pakhtunkhwa, Peshawar.
3. **Director Education, Elementary & Secondary Education**, Govt of Khyber Pakhtunkhwa, Peshawar.
4. **District Education Officer (Female)** Dera Ismail Khan.
5. **Deputy District Education Officer (Female)** Dera Ismail Khan
6. **Sub Divisional Officer (Female)** Dera Ismail Khan.
7. **Head Mistress** Govt Girls Primary School, Jhoke Murad Noon, D.I.Khan.
8. **Budget and Accounts Officer**, Dera Ismail Khan, office of

*The SDEO (F) District Dikhan*

**Respondents**

*12.03.2018*  
*12.03.2018*

**Medto-day**  
**Registrar**  
*13/3/18*

**Re-submitted to - day**  
**and filed.**  
**Registrar**  
*27/3/18*

*26/3/2018*  
*26/3/2018*  
*26/3/2018*

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AIMED AGAINST THE IMPUGNED DISMISAL FROM SERVICE ORDER NO.ENDST:5513-19 DATED 27.04.2017 AND ALSO AIMED AGAINST IMPUGNED IMPLIED REJECTION OF DEPARTMENTAL APPEAL'S ORDER DATED NIL PASSED BY RESPONDENTS BEING ILLEGAL, ABRITRARY, PERVERSE, TAINTED WITH MALAFIDE AND OF NO LEGAL EFFECTS.

**PRAYER IN APPEAL**

To set aside the impugned dismissal from service order No Endst: 5513-19 Dated 27.04.2017 and also impugned implied rejection of departmental appeal order Dated nil being illegal not sustainable in the eyes of law, arbitrary, perverse, and tainted with malafide and of no legal effects and to reinstate the Appellant/Petitioner with all back/ensuing benefits

**Note:-** Addresses given above shall suffice the object of service

**Respectfully Sheweth,**

The facts as culled out from the record of the case are as under:-

1. **That** Petitioner is permanent and bonafide resident of Madni Town District Dera Ismail Khan and is qualified up to F.A and is also having elementary education. The Petitioner had all the credentials to be appointed as PTC now PST (Trained Teacher) in Education Department, so having requisite qualification, the Petitioner was appointed as PTC (Trained Teacher) by the District Selection Committee D.I.Khan on 14.11.1994. Copies of the Domicile Certificate, Academic Testimonial and appointment Order Dated 14.11.1994 of the Petitioner are enclosed as **Annexure "A"**.
2. **That** after joining the Government Service as PTC Teacher (now PST), the Petitioner performed her duties with utmost care and caution and worked with the department diligently. On 08.03.2015, the Petitioner was transfer/Adjustment from GGPS Jhok Dabary to GGPS Jhok Murad Noon through transfer Order No 3557-60/AE Dated 08.03.2015. Copy of the Transfer/Adjustment order Dated 08.03.2015 is enclosed as **Annexure "B"**.
3. **That** Petitioner was performing her duties in compliance of Transfer/Adjustment Order Dated 08.03.2015 in GGPS Jhok Murad Noon, when in the meantime it came to the knowledge of the Petitioner that her salary has been stopped which prompted her to file a Constitutional Petition No 708-D of 2015 Titled "Mst Najma Parveen vs Govt of Khyber Pakhtunkhwa & others" in the Honorable Peshawar High Court Bench D.I.Khan on 22.10.2015. Certified Copies of the WP No 708-D of 2015 along with complete Order Sheets are enclosed as **Annexure "C" & "D"** respectively.

4. **That** it is a matter of record that WP No 708-D of 2015 came up for first preliminary hearing on 25.04.2016 and the Honorable Peshawar High Court was pleased to direct the Respondents to release her salary if she is still in service and Respondents were also directed to furnish their comments. On the next date of hearing i.e. 07.06.2016 Respondents were duly represented by Learned Additional Advocate General, but they did not furnish their comments and the Honorable Court was pleased to issue reminder to the Respondents for submission of comments and adjourned the matter for a date in office.
5. **That** once again on 02.05.2017 and 11.10.2017 despite presence of Respondents through legal representative in the shape of Learned Additional Advocate General, they did not file their comments nor brought into the notice of the Honorable Court and Petitioner about passing any kind of adverse Order.
6. **That** as the Official Respondents were not complying with the direction contained in Order Sheet Dated 25.04.2016 for release of salary of the Petitioner, so the Petitioner was constrained to file a COC No 87-D of 2017 in WP No 708-D of 2015 on 03.02.2017. The COC No 87-D of 2017 came up for preliminary hearing on 03.05.2017, 02.10.2017 and 16.11.2017. On 16.11.2017, it was for the first time when it was brought into the notice of Honorable Court and Petitioner by the Respondents that she has been dismissed from service w.e.f 27.04.2017 by way of passing the impugned dismissal from service order No 5513-19 Dated 27.04.2017 by Respondent No 4/District Education Officer (Female) D.I.Khan . Copies of the COC No 87-D of 2017 along with complete Order sheets and impugned dismissal from service order No 5513-19 Dated 27.04.2017 are enclosed as **Annexure "E" & "F"** respectively.

7. **That** it is also a matter of record that Respondents intentionally avoided to disclose the fact that Petitioner has been dismissed from service with effect from 27.04.2017 by way of passing impugned Order at the back and without notice of the Petitioner. That after coming into the notice of impugned dismissal from service order No 5513-19 Dated 27.04.2017 on 16.11.2017, the Petitioner tried her level best to get the copy of dismissal order, but she could not succeed and finally on 08.12.2017, the same was delivered to the Petitioner by the Court assistant of official Respondents. The same was assailed with in time before the Departmental Appellate Authority by way of filing Departmental Appeal on 14.12.2017 within a short span of 6 days of coming into the knowledge of impugned dismissal from service order Dated 27.04.2017. Copies of the Departmental Appeal of the Petitioner Dated 14.12.2017 along with copy of receipt of TCS Dated 14.12.2017 are enclosed as Annexure "G" & "H" respectively.
8. **That** in terms Rules 19 (1) (2) of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline Rules) 2011, the Official Respondents were legally mandated to communicate any kind of order on the departmental appeal of the Petitioner with in a period of thirty or sixty days, but as reflected from the record of the case. no order has been passed nor communicated to the Petitioner with in a limited statutory period as required under the law, so there is no hurdle for the Petitioner to file the instant service appeal.
9. **That** feeling aggrieved from the impugned dismissal from service order No 5513-19 Dated 27.04.2017 and implied Departmental Appeal rejection Order Dated nil and having left with no other efficacious or alternative remedy to approach this Learned Court for instant service appeal on the following amongst other grounds.



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G R O U N D S

- a. **That** impugned dismissal from service Notification/Order Dated 27.04.2017 and implied Departmental Appeal's rejection order Dated nil were never communicated to the Petitioner in time are against law, facts of the case and material available on the record, hence not tenable in the eyes of law and liable to be struck down by this Honorable Tribunal.
- b. **That** the legal and factual aspects of the controversy have not been appreciated by the Competent Authority, thus the impugned dismissal from service order No 5513-19 Dated 27.04.2017 was passed at the back of the Petitioner and never communicated to the Petitioner, hence the Petitioner has been condemned unheard and was totally unjustified and have no legal backing, thus liable to be struck down.
- c. **That** the impugned dismissal from service Order/Notification Dated 27.04.2017 and impugned implied appeal's rejection order are against law, facts of the case, tainted with malafide, and based on misconception of law on the subject, hence not legally tenable and liable to be struck down by this Honorable Tribunal in its appellate jurisdiction, rather the Petitioner has not been treated in accordance with law.
- d. **That** the impugned dismissal from service Order/Notification Dated 27.04.2017 has been passed in clear

1

cut contravention of fundamental rights guaranteed by the Constitution of Islamic Republic of Pakistan 1973 in Article 4,10 hence liable to be set aside.

- e. **That** the impugned Order/ Notification Dated 27.04.2017 has been passed in blatant violation of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline Rules) 2011, hence liable to be set aside on this score alone.
- f. **That** the impugned Order/Notification has been passed in a very haphazard manner and, hence not sustainable in the eyes of law, rather the discretion has not been exercised in accordance with law.
- g. **Counsel** for the Petitioner may please be allowed to urge additional grounds at the time of hearing.

**Dated:-12.03.2018**

**It is therefore, most humbly prayed that Service Appeal may please be allowed as prayed in the prayer clause of the instant appeal.**

*Najma Parveen*

**Najma Parveen**

Through Counsel

*Zia-ur-Rahman Kazi*  
**Zia-ur-Rahman Kazi** 12/3/18

Advocate High Court

Dera Ismail Khan

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

Service Appeal No of 2018

**Najma Parveen .....Petitioner**

**Versus**

**Government of K.P.K etc.....Respondents**

**SERVICE APPEAL**

ABDUL MAJED KHAN LAJARI  
FC-2 AC  
Oath Commissioner  
Date: 12/3/18

**CERTIFICATE**

Certified that this is first Service Appeal involving the instant subject matter and that the Petitioner has not filed any other petition/Appeal earlier in this Honorable tribunal regarding the above stated controversy.

*Najma Parveen.*

**Petitioner**

Through Counsel

*Zia-ur-Rahman Kazi*  
**Zia-ur-Rahman Kazi** 12/3/18

Advocate High Court

Dera Ismail Khan

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

Service Appeal No of 2018

**Najma Parveen .....Petitioner**

**Versus**

**Government of K.P.K etc.....Respondents**

**SERVICE APPEAL**

**AFFIDAVIT**

ABDUL MAJEED KHAN LAGORI  
ROKHA  
Oath Commissioner, D. Khan  
Date:

12/3/18

I, **Najma Parveen**, the Petitioner, do hereby solemnly affirm and declare on oath:-

1. **That** accompanying service appeal has been drafted by my Counsel following my instructions
2. **That** all para wise contents of the service appeal are true and correct to the best of my knowledge, belief and information;
3. **That** nothing has been deliberately concealed from this August Tribunal nor anything contained therein is based on exaggeration or distortion of facts.

*Najma Parveen*

Dated:- 12.03.2018

**Deponent**

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

Service Appeal No. of 2018

**Najma Parveen .....Petitioner**

**Versus**

**Government of K.P.K etc.....Respondents**

**SERVICE APPEAL**

**List of Books refereed:**

1. Code of Civil Procedure, 1908.
2. The Constitution of Islamic Republic of Pakistan, 1973.
3. The K.P.K Civil Servant Act, 1973.
4. The Khyber Pakhtunkhwa Government Servant Efficiency and Discipline Rules 2011.
5. K.P.K Appointment, Promotion, Transfer Rules 1989.
6. K.P.K Service Tribunal Act, 1974.
7. Judicial Precedents, favouring the case of the Petitioners.

*Liaquat Hussain*  
Counsel for Petitioner 12/3/18

Note:-

Service Appeal with annexures along with three sets thereof are being presented in three separate enclosed covers.

*Liaquat Hussain*  
Counsel for Petitioner 12/3/18

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

Service Appeal No of 2017

**Najma Parveen** .....**Petitioner**

**Versus**

**Government of K.P.K etc.....Respondents**

**SERVICE APPEAL**

**MEMO OF ADDRESSES OF THE PARTIES**

**PETITIONER**

**Najma Parveen** wife of Karim Nawaz Daughter of Muhammad Shafi,  
resident of Madni Town Dera Ismail Khan, Ex Primary School  
Teacher Govt Girls Primary School, Jhoke Murad Noon, D.I.Khan

**Respondents**

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. **Secretary Education,** Govt of Khyber Pakhtunkhwa, Peshawar.
3. **Director Education, Elementary & Secondary Education,** Govt of Khyber Pakhtunkhwa, Peshawar.
4. **District Education Officer (Female)** Dera Ismail Khan.

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5. **Deputy District Education Officer (Female)** Dera Ismail Khan
6. **Sub Divisional Officer (Female)** Dera Ismail Khan.
7. **Head Mistress** Govt Girls Primary School, Jhoke Murad Noon, D.I.Khan.
8. **Budget and Accounts Officer,** Dera Ismail Khan

Dated:- 12.03.2018

*Nafsa Parvee.*  
Your Humble Petitioner

# DOMICILE CERTIFICATE

14

I NAJMA PARVEEN Son / Daughter MOHAMMAD SHAFEE

here by declare that I was born of parents who are permanently domiciled in North-West Frontier Province having been born / settled\* in this Province.

I was born at Village / Mohallah DIWAN SAHIB DIKHAN CITY  
Tehsil DIKHAN District Dera Ismail Khan

*Ammeruse A*

*Najma Parveen*

Signature of the applicant  
Dated 22.8.83

Pursuance to the declaration dated 22.8.83 filed by  
Mr/Miss NAJMA PARVEEN Son/Daughter MOHAMMAD SHAFEE  
domiciled in North-West Frontier Province, it is hereby certified that the  
said NAJMA PARVEEN is born of parents who are permanent  
residents of the North-West Frontier Province having been born / settled\* within it.

I have satisfied myself from personal knowledge / verification\* that the  
above declaration is true and certify accordingly.

This 22nd day of August 1983.

MAGISTRATE 1st CLASS

COUNTERSIGNED



DISTRICT MAGISTRATE  
Dera Ismail Khan.

*Abdul Wahab*

*Handwritten Urdu text, likely a counter-signature or official note.*

*12955-101*  
*22/8/83*

\*Strike out which ever is not applicable

ISHRAT ART PRESS D. I. KHAN

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S. No. 410201

Roll No. 27894

15

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan  
Secondary School Certificate Examination  
SESSION 1983 (ANNUAL)

THIS IS TO CERTIFY THAT HAJMA PARVEEN  
Son/Daughter of MUHAMMAD SHAFI  
and a student of GOVT GIRLS HIGH SCHOOL No 2 D.I. KHAN.

has passed the *Secondary School Certificate Examination*  
of the Board of Intermediate and Secondary Education, Peshawar held in April 1983  
as a *Regular candidate*. He/She obtained 467 Marks out of 850  
and has been placed in Grade  C  Representing 6000

The Candidate passed in the following subjects:

- |            |                |                |                              |
|------------|----------------|----------------|------------------------------|
| 1. English | 3. Islamiyat   | 5. PAK:STUDIES | 7. GEN:MATHEMATICS           |
| 2. Urdu    | 4. GEN:SCIENCE | 6. ISL:STUDIES | 8. ELEMENT OF HOME ECONOMICS |

He/She has been awarded Grade  C  on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is THIRD JUNE  
one thousand nine hundred and SIXTY SIX ( 3-6-1966 )

*Asst. Secretary*  
Asst. Secretary  
10th August 1983

*Secretary*  
Secretary

This certificate is issued without alteration or erasure

# Board of Intermediate & Secondary Education

PESHAWAR

DETAILED MARKS CERTIFICATE

Intermediate Examination (Humanities Group)

Session 19 86 (Annual/Supplementary)

16

Name Najma Parveen

Father's Name Muhammad Swafi

Roll No. 14065

SUBJECT	Total Number of marks allotted	MARKS OBTAINED	
		In-figures	In words
1 English	200	58	Fifty eight -
2 Urdu	200	99	Ninety nine -
3 Islamic Education	50	52	Fifty two -
4 Pakistan Studies	50		
5 <u>9/ Studies</u>	200	84	Eighty four -
6 <u>U/ Advance -</u>	200	106	One Hundred and six -
7 <u>HP Educ</u>	200	96	Ninety six
	495		
<b>Total</b>	<b>1100</b>	<u>Four Hundred and Ninety five</u>	

(Omissions Accepted)

IB No. 171707

Date 30.3.1987

U/S

Controller of Examinations

Board of Intermediate & Secondary Education

PESHAWAR

*[Signature]*

No. 52

17

Date 9.7.87

## GOVT. COLLEGE OF EDUCATION FOR ELEMENTARY TEACHERS (WOMEN)

## DERA ISMAIL KHAN.

## PROVISIONAL CERTIFICATE

Name Najma Parveen

Father's Name M. Muhammad Shafiq

Date of Birth 3.6.66

Date of Declaration of Result 9.7.87

Class P. T. C. Term Session 1986-87

S. No.	SUBJECTS	Marks Obtained %	Grade
1	Principals of Education & Method of Teaching	43	D
2	Child development and counseling	73	B
3	School organization & Classroom Management	54	C
4	Arts and Practical Arts	70	B
5	Health and Physical Education	73	B
6	Special School Subjects		
	1. Urdu and Method of Teaching	62	C
	2. Social Studies	65	B
	3. Mathematics and Method of Teaching	40	D
	4. Islamiyat	52	C
	5. Science and Method of Teaching	51	C
7	Teaching Practice		
		123/200	
	Girls Guide Course <input checked="" type="checkbox"/>	Total	706/1200

(MISS SABIRA NASREEN)

Controller of Exams:

(MISS SAIDA LODHI)

Principal

Govt. College of Education for Elementary Teachers  
(Women) Dera Ismail Khan.

Consequent upon the approval of the selection of PTC (Trained) on merit (Division-wise), by the District Selection Committee, the following appointments/adjustments are hereby ordered in BPS-7 plus usual allowance in the interest of public service with effect from their taking over charge.

S.No. Name/P. Name & Address	Serial No. & Name of School/Center where apptd;	Remarks
1. Mst. Zarina Begum D/O Hussain Bakhsh, C/o: Seth Ashraf-DIKhan PF-53	632 1(73-74) Mughtaq Abad	Newly Created Post
2. Mst. Rashida Khanum D/O Qazi-Muhammad Abdallah, Gali Daba Tabakhi-DIKhan-PF-53	635 1(7A-70) Khushrana	-do-
3. Mst. Farhat Iqbal D/O Faizullah G/O Muhammad Ayaz Khan Moh: Mohanian DIKhan PF-53	673 1(81-82) Basti Zangaza	-do-
4. Mst. Salma Mahmood D/O Mirza Muhammad Jan, B/Kanjkiān-DIK PF-53	712 1(85-86) Mughtaq Abad	-do-
5. Mst. Najma Perveen D/O Muhammad Shafiq, Quiser Abad Col: DIKhan PF-53	730 1(86-87) Khushrana	-do-
6. Shabnum Zofra D/O S. Aftab Ahmad	774 2(86-87) Jk: Malkani	-do-
7. Pezia D/P: Soba Villium Masah Cent: Area DIKhan PF-53	682 3(86-87) Kind	Vico S/No. 3
8. Tahmina Naz PTC GGPS Rind	---	Ramin Abad N/Created Post
9. Rashida Tararum D/O Muhammad Sadiq Moh: Lal: Col: DIKhan	617 1(87-88) Shah Alam	-do-
10. Nasim Bano D/O Ali Ahmad Moh: Dewan Sabib DIKhan-PF-53	738 2(87-88) Shah Alam	-do-
11. Shahnaz Perveen D/O A. Ghaffar B/Tareen DIKhan PF-53	735 3(87-88) Chira Pulad	-do-
12. Tehmina Naz D/O Muhammad Rafiq Manager E/Exchange DIK-PF-53	629 4(87-88) Jhok Malkani	-do-
13. Rohina Shabeen D/O Faiz Bakhsh Ejaz Abad (Hal Abadi) PF-55	613 1(87-88) Chira Pulad	-do-
14. Gul Perveen D/O Aurang Zeb Khan Near Grid Station DIKhan-PF-53	825 1(88-89) Gara Bakhsh	Vico S/No. 10
15. Safia Bibi PTC GGPS G/Bakhshar	---	Qasim Abad N/Created Post
16. Najmul Saedain D/O Muzaffar Shah (Moh: DIKhan PF-53)	804 2(88-89) Basti Zangaza	-do-

Terms & Conditions..... Next Page

PTO

S. Veld  
XIV

Handwritten initials and scribbles.

(E) P. I. Mann  
District Administration Officer

Head Teachers concerned  
PA to Director  
District Accounts Officer  
District Administration Officer

14/11/2001  
District Administration Officer  
(Miss Sakina - White Water)

Handwritten signature.

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(17/94) dated 19.7.94...  
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BETTER COPY

19

OFFICE OF THE DISTT. EDUCATION OFFICER (FEMALE) PRIMARY  
DERA ISMAIL KHAN

APPOINTMENT/ADJUSTMENTS:-

Consequent upon the approval of the selection of PTC (Trained) on merit (Session-wise) by the Distt. Selection Committee the following appointments/adjustments are hereby ordered in BPS-7 plus usual allow: in the interest of public service with effect from their taking over charge.

S#	Name/F.Name & Address	Marks	M/NO & Session	Name of School where Apptt:	Remarks
1	Mst. Zarina Begum D/O Hussain Bakhsh, Ch: Scth Ashraf-DIKhan PF-53	682	1(73-74)	Mushtaq Abad	Newly created post
2	Mst. Rashida Khanum D/O Qazi-Muhammad Abdullah, Gali Daba Tabakhi- DIKhan-PF-53	668	1(78-79)	Khushrana	Do
3	Mst. Farhat Iqbal D/O Faizullah C/O Muhammad Ayaz Khari Moh: Mohanian D.I.Khan PF-53	678	1(81-82)	Basti Zangaza	Do
4	Mst. Salma Mehmood D/O Mirza Muhammad Jan, B/Khanjikian- D.I.Khan PF-53	712	1(85-86)	Mushtaq Abad	Do
5	Mst. Najma Parveen D/O Muhammad Shafee, Gaiser Abad Col. DIK PF-53	730	1(86-89)	Khushrana	Do
6	Shabnum Zohra D/O S.Aftab Ahmed	744	2(86-87)	JK: Malkani	DO
7	Fozia D/O Soba Villium Masch Cantt: Area D.I.Khan PF-53	682	3(86-87)		Vice/S/NO3
8	Tehmina Naz PTC GGPSRind	---	---	Qasim Abad	N/Created Post
9	Rashida Taranum D/O Muhammad Sadiq Moh: Isl: Col: DIKhan	618	1(87-88)	Shah Alam	Do
10	Nasim Bano D/O Ali Ahmad Moh: Dewan Sahib DIKhan PF-53	738	1(87-88)	Shah Alam	Do
11	Shahnaz Perveen D/O A. Ghaffar B/Tareen DIKhan PF-53	731	3(87-88)	Chira Pulad	Do
12	Tehmina Naz D/O Muhammad Raliq Manager E/Exchange D.I.Khan-PF-53	625	4(87-88)	Jhok Malkani	Do
13	Robina Shaheen D/O Faiz Bakhsh Ejaz Abad (Nai Abadi).PF-55	618	1(87-88)	Chira Pulad	Do
14	Gul Perveen D/O Aurang Zeb Khan, Near Grid Station D.I.Khan PF-53	825	1(88-89)	Gara bakhtiar	Vice S/No.15
15	Safia Bibi PTC GGPS G/Bakhtiar			Qasim Abad	N/Created Post
16	Najmul Saadain D/O Muzaffar Shah (Kch: D.I.Khan PF-53)	804	2(88-89)	Basti Zangaza	Do

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TERMS & CONDITIONS

1. Charge reports should be submitted to all concerned.
2. No TA/DA etc is allowed on eve of 1<sup>st</sup> Appointment.
3. Appointments made purely on temporary base and are liable to termination at any time without any notice/reason.
4. Health and Age Certificate should produce from Med: Supdt: Distt H/O Hospital, D.I.Khan as well as Employ Exchange Card from E/E D.I.Khan.
5. Original documents should be checked by the SDEO(F), D.I.Khan/Kulachi before taking over charge. They should also report 1<sup>st</sup> to SDEO(F) concerned before taking over charge.
6. They would not be handed over charge if age is less or more than.
7. The candidates should report for duty within 10 days after the issue of this order, if failed to do so, their appts: will be considered as cancelled accordingly.
8. Absence from duty will not be tolerated in any case, if found, will be terminated at once. SDEO concerned to note this point pl)

NOTE:

The age of Mst. Rashida Khanum PTC trained appointed at S/No.2 is at the time of appointment cross to: 41 years but the Govt: of NWFP has given age relaxation of 2 years vide Nt:No.SOS(III)S&GAD)8(4)/94 dated 18.07.94 issuing by the S&GAD Deptt., hence her age relaxed in the light of aforesaid circular by one year.

(Miss Sakina Bibi)  
Distt: education Officer  
(F) Pr: D.I.Khan

Endst No.7710-29/AB-II District D.I.Khan The: 14/11/1994.  
Forwarded for information and necessary action to the:

1. Sub. Division Education Officer (E) D.I.Khan/Kulachi
2. District Accounts Officer, D.I.Khan
3. PA to Director Pr: Edu: NWFP Hayatabad
4. Head Teachers concerned/candidates concerned.

Distt: Education Officer  
(F) Pr: D.I.Khan

21

TRANSFER ORDER:

The following Officials are hereby transferred/adjusted in the interest of public service with immediate effect.

Name & Designation	From	To	Remarks
(1) Najma Parveen PST	G.G.P.S Jk Dabary	G.G.P.S Jk <u>Murad Noon</u>	v/Past

Annexure  
"B"

Note:

- No. LA/DA admissible.
- Charge report should be submitted to all concerned.

Sd/-  
EXECUTIVE DISTRICT OFFICER,  
(ELEMENTARY & SECONDARY)  
EDUCATION D.I. KHAN

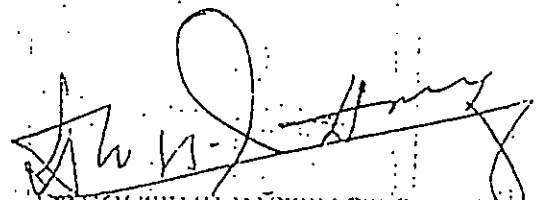
Encl: No. 3557-60 I.A.E

Dated D.I. Khan the

08/03/10

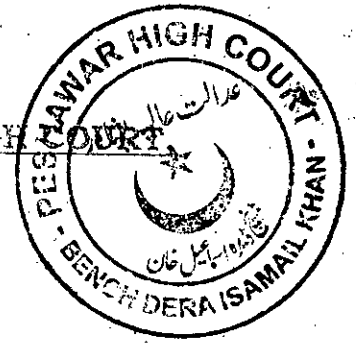
Copy to the

- District Officer concerned
- District Accounts Officer D.I. Khan
- Principal/H.M. Concerned
- Official concerned.

  
EXECUTIVE DISTRICT OFFICER,  
(ELEMENTARY & SECONDARY)  
EDUCATION D.I. KHAN



BEFORE THE HONOURABLE PESHAWAR HIGH COURT  
DERA ISMAIL KHAN BENCH



Writ Petition No. 708 - D of 2015

Annexure  
"C"

**Mst. Najma Parveen** wife of Karim Nawaz daughter of Muhammad Shafi, resident of Madni Town, D.I.Khan; Primary School Teacher Govt. Girls Primary School, Jhoke Murad Noon, D.I.Khan.

*Petitioner*

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Peshawar.
2. Secretary, Elementary & Secondary Education, Govt. of Khyber Pakhtunkhwa Peshawar.
3. Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female), Elementary & Secondary Education Department, D.I.Khan.
5. Deputy District Education Officer (Female), Elementary & Secondary Education Department, D.I.Khan.
6. District Accounts Officer, D.I.Khan.

*Respondents*

WRIT PETITION UNDER ARTICLE 199  
OF THE CONSTITUTION OF ISLAMIC  
REPUBLIC OF PAKISTAN, 1973.

Filed today 3/12/15

Add: Registrar.  
22/10/15

**Respectfully Sheweth,**

1. That the petitioner is permanent and bonafide resident of district D.I.Khan and the petitioner was appointed as Primary School Teacher vide appointment letter No.7710-29 dated 14/11/1994. Copy of the appointment letter of petitioner is enclosed as Annexure A.

ATTESIED  
S. S. S. S. S.  
EXAMINOR 21/02/18  
Peshawar High Court  
D.I.Khan Bench

2. That petitioner is regularly performing her official duties with due care, diligence without any complaint. Presently the petitioner is serving as Primary School Teacher at Govt. Girls Primary School Jhoke Murad Noon, D.I.Khan. Copy of the adjustment/transfer order of the petitioner to the present place of her duty (i.e. GGPS Jhoke Murad Noon) is enclosed as Annexure B.

3. That now the petitioner is performing her official duties at the present place of her posting regularly and efficiently but in the meanwhile respondents without any lawful authority and by misusing their official authority stopped the salary of petitioner without any justified reason. Last time the petitioner was paid salary for the month of January-2015 now pay of the petitioner is stopped w.e.f. February 2015. Copy of the pay slip, showing release of last salary of petitioner is enclosed as Annexure C.

4. That the petitioner is a government servant having no other source of income except her monthly salary which too has been stopped by the respondents No.4 to 6 mala fide and for the reason best known to them. The petitioner & her family are therefore suffering from starvations.

5. That the petitioner time & again went to the office of respondents No.4 & 5 and made several requests to release the salary of petitioner and also moved an application for the release of her salary. The said application was received in the office of respondent No.4 on 20/08/2015 but till date the petitioner has not been paid her salaries. Copy of the application is enclosed as Annexure D.

6. That now the petitioner has been left with no other remedy but to invoke constitutional jurisdiction of this august, the petitioner is filing present Writ Petition court seeking issuance of writ/order

led today 3/12/15  
Addl: Registrar.  
22/10/15

ATTESTED  
*S. Jeta*  
21-02-18  
EXAMINOR  
Peshawar High Court  
D.I.Khan Bench

directing the respondents (*particularly respondent No.4 to 6*) to release the salary of petitioner on, inter alia, the following grounds:

**GROUND:**

- a) That the petitioner is an employee of the government and has been regularly performing her official duties with due care, diligence and devotion. Stopping the salary of petitioner by respondents No.4 to 6 is result of wrongful exercise of official capacity, without jurisdiction, without lawful authority and is having no binding effect upon rights of the petitioner.
- b) That there is no complaint against the petitioner nor any departmental proceedings are pending against her. The respondents No.4 to 6 are having no authority to stop the salary of petitioner. Even in case of any departmental proceedings against an official of Govt. his salary cannot be stopped. Hence, a great injustice has been done to the petitioner.
- c) That monthly salary is the only & solely source of income of petitioner to earn bread for her family. By stopping of her salary, the respondents No.4 to 6 has wrongly & malafidely put the petitioner and her family into starvations which amounts a great miscarriage of justice.
- d) That the acts & deeds of respondents by stopping the salary of petitioner are whimsical. Petitioner is being discriminated malafidely by the respondents without any reasonable cause and justification which is against the principles of policy and rules of procedure. Hence, the petitioner has genuine grievance to file the present Writ Petition before this Honourable Court.

Filed today 3/7/9

Add: Registrar.

22/10/15

ATTESTED  
S. I. Khan  
21-02-18  
EXAMINOR  
Peshawar High Court  
D.I.Khan Bench

- e) That the Constitution of Islamic Republic of Pakistan, 1973, guarantees the salary to a civil servant against the services rendered by him but, the petitioner has been refused of her constitutional rights which amounts improper exercise of duty by the respondents.
- f) That the counsel for petitioner may be allowed to argue further grounds at the time of hearing.

It is, therefore, humbly prayed that on acceptance of the present Writ Petition, respondents may very graciously be directed to immediately release salary of the petitioner; or any other appropriate remedy which this Honourable Court may deem proper, in the circumstances of case, may also be granted.

Yours Humble Petitioner,

(Mst. Najma Parveen)  
Through Counsel

Filed today 3179  
Addl: Registrar.  
22/10/15

Dt. \_\_\_/10/2015

Ahmad Ali  
Advocate Supreme Court.

Miss Shumaila Awan  
Advocate High Court, D.I.Khan.

**BOOKS REFERRED**

1. Constitution of Islamic Republic of Pakistan, 1973

ATTESTED

EXAMINOR

Shumaila Awan  
22-10-15  
Shumaila Awan High Court  
D.I.Khan Bench

PESHAWAR HIGH COURT, D.I.KHAN BENCH

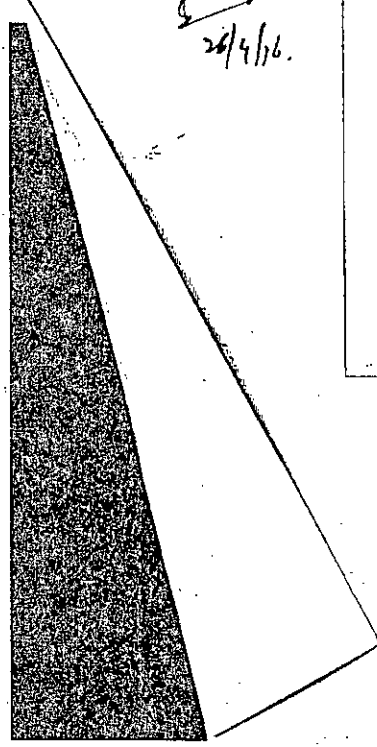
FORM OF ORDER SHEET

28

Date of Order or proceedings (1)	Order or other proceedings with signature of Judge(s). (2)
25.4.2016.	<p><u>W.P.No.708-D/2015.</u></p> <p><b>Present:</b> Mr. Ahmad Ali Khan, Advocate for the petitioner. ***</p> <p>Comments be called from respondent No.4 so as to reach this Court within a fortnight.</p> <p><u>Application dated 22.10.2015 for Interim relief.</u></p> <p>Notice. In the meanwhile, if the respondent is still in service, her salary shall be released.</p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: right;"> <b>ATTESIE</b>  <i>S. Ishaq</i>  <b>EXAMINOR</b>          Peshawar High Court          D.I.Khan Bench       </p> <p><u>Habib/*</u></p>

Amexwe  
"D"

25/4/16



PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

27

Date of Order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
<p>07.6.2016.</p>	<p><u>W.P.No.708-D/2015 with Application dated 22.10.2015.</u></p> <p><b>Present:</b> Mr. Ahmad Ali Khan, Advocate for the petitioner.</p> <p>Addl: A.G for respondents. ***</p> <p>Comments of respondent No.4 not received. She be reminded to furnish the same positively within a fortnight. Adjourned to a date in office.</p> <p style="text-align: right;"><del>JUDGE</del></p> <p style="text-align: right;"><del>JUDGE</del></p> <p style="text-align: center;">                 ATTESTED  <i>S. ul-                  21-02-18</i>                  EXAMINOR                  Peshawar High Court                  D.I.Khan Bench             </p> <p><i>Habib/</i></p>

IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

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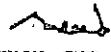
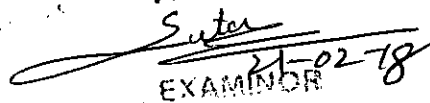
Date of order or proceedings (1)	Order or other proceedings with signature of Judge(s). (2)
02.5.2017	<p><u>W.P. No.708-D/2015 with C.M. No.740/2015.</u></p> <p><u>Present:-</u> Nemo for the petitioner.</p> <p>Add: A.G. for respondents. ***</p> <p>Comments of respondent No. 4 are still awaited. Reminder be issued to do the needful within ten days positively.</p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: center;">                     ATTESTED  <i>Sita</i>                      EXAMINOR                      Peshawar High Court                      D.I.Khan Bench                 </p>

*ok*

**PESHAWAR HIGH COURT, D.I.KHAN BENCH**

FORM OF ORDER SHEET

29

Date of Order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
<p>11.10.2017.</p>	<p><u>W.P.No.708-D/2015 (M) with Application dated 22.10.2015 (N).</u></p> <p><u>Present:</u> Mr. Ahimad Ali Khan, Advocate for the petitioner.</p> <p>Add: A.G for respondents. ***</p> <p>Despite repeated reminders, respondent No.3 failed to furnish comments. By way of last chance, she is directed to furnish the same positively within ten days. Adjourned to a date in office.</p> <p align="right">   <u>JUDGE</u> </p> <p align="right">   <u>JUDGE</u> </p> <p align="center"> <b>ATTESTED</b>    <b>EXAMINOR</b>                      Peshawar High Court                      D.I.Khan Bench                 </p> <p><i>Habib*</i></p>

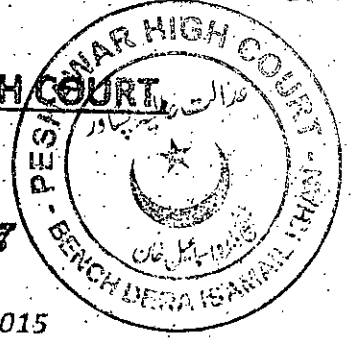
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Ammeene  
"E"

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**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,  
DERA ISMAIL KHAN BENCH.**



Cr. Misc. (Contempt of Court) Petition No. 87 -D of 2017

In Writ Petition No.708-D/2015 wit Application dated 22.10.2015

Mst. Najma Parveen wife of Karim Nawaz daughter of Muhammad Shafi, resident of Madni Town, D.I.Khan; Primary School Teacher Govt. Girls Primary School, Jhoke Murad Noon, D.I.Khan.

PETITIONER.

VERSUS

1. District Education Officer (Female), Elementary & Secondary Education Department, D.I.Khan.
2. Deputy District Education Officer (Female), Elementary & Secondary Education Department, D.I.Khan.
3. District Accounts Officer, D.I.Khan.

RESPONDENTS/CONTEMNORS

APPLICATION TO INITIATE CONTEMPT OF COURT  
PROCEEDINGS AGAINST RESPONDENT/  
CONTEMNORS, WHO HAVE DISOBEYED AND  
VIOLATED THE ORDER DATED 25.04.2016 OF THIS  
HONOURABLE COURT, PASSED IN APPLICATION  
DATED 22.10.2015 IN WP NO.708-D OF 2015.

Respectfully Sheweth,

1. That the petitioner has been serving in the Education Department D.I.Khan as Primary School Teacher and the respondents wrongly and illegal stopped her monthly salaries w.e.f. February-2015. Thus, petitioner for the release of her monthly salaries filed Writ Petition No.708-D/2015 and also filed Civil Misc. Application for interim relief to

COC No. 87-D 2017 (Mst. Najma Parveen Vs. DEO etc)

ALLIED  
Suite  
EXAMINOR  
Peshawar High Court  
D.I.Khan Bench

ed today 280  
Addl: Registrar.  
03/02/17

direct respondents to release salaries of petitioner till decision of the Writ Petition. Certified copy of the writ petition No.708-D/2015 titled "Mst. Najma Parveen Vs. Govt. of KPK & others" along with Civil Misc. Application are enclosed as Annexure A.

2. That Writ Petition along with C.M. was fixed before this Honourable for final hearing on 25.04.2016 and on the date fixed Honourable Peshawar High Court, D.I.Khan Bench, vide Order dated 25.04.2016 was pleased to direct respondents that if the petitioner is still in service, her salary shall be released. Certified copy of the Order dated 25.04.2016 is enclosed as Annexure B.

3. That the petitioner then time and again requested contemnors to release her monthly salary but they did not take into account the repeated requests of petitioner. In this regard application of petitioner is enclosed as Annexure C.

4. That aggrieved of inaction of respondents/contemnors in releasing the salaries to the petitioner, the petitioner is filing present Contempt of the Court petition to penalize respondents for their wilful disobedience to this Honourable Court's directions on, inter alia, the following grounds:

GROUNDS:

- ~~1-~~ That inaction of respondents/contemnors in releasing monthly salaries to the petitioner amounts contempt of the Order dated 25.04.2016 of this Honourable Court, passed in application dated 22.10.2015 in W.P. No.708-D of 2015.
- ii- That the acts & deeds of the respondents/contemnors are despotic show their high headedness and also that they have no respect of the directions of this Honourable Court.

Filed today 280  
Addl. Registrar.  
03/02/17

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iii- That there is no hurdle in the way of respondents to release the monthly salary of petitioner as she till date is performing her official duties and there is no adverse against her. Respondents are not taking into account the sacrosanct verdict of this august Court.

iv- That the contemnors have purposely, wilfully and knowingly disobeyed the sacred directions of this Honourable Court whereby respondents were directed to release the salary of petitioner, if she is still in service. Hence respondents have acted in the most ignominious and unbecoming manner showing scant regard to the direction of this Honourable Court which conduct on the part of the contemnors is palpably, manifestly and gravely contumacious, abominable and makes them liable to be dealt with and punished severely for wilfully, deliberately and intentionally flouting, defying and disobeying the order of this Honourable Court.

v- That the petitioner filed writ petition to protect her valuable rights and respondent only because of malafide and the reasons best known to them are not taking into consideration the rights of petitioner in view of the specific directions of this august court vide Order dated 25.04.2016. Thus, this Honourable Court would be pleased to deal the respondents with iron hands, so that, no one should dare to disobey the directions of this Honourable Court.

vi- That interest of justice demands that the contemnors may be dealt with and punished severely in accordance with law for their wilful, deliberate and intentional disobedience of the Order of this Honourable Court.

vii- That the counsel for petitioner may be allowed to raise additional grounds at the time of hearing.

Filed today 28.02.17  
Addl. Registrar  
03/02/17

ATTESIEU  
Sita  
21-02-18  
EXAMINOR  
Peshawar High Court  
D.I.Khan Bench

33

It is, therefore, humbly prayed that the respondents/contemnors may please be proceeded under contempt of court and they may kindly be penalized to the maximum for the violation of the Order of this august court.

It is further prayed that the respondents may please be directed to release monthly salaries to petitioner till decision of the main Writ Petition.

Yours Humble Petitioner.

Filed today 280

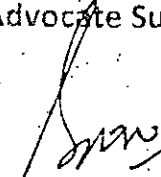
Addl: Registrar.  
03/02/17

Dt. 02-02 .2016

(Mst. Najma Parveen)  
Through Counsel




AHMAD ALI  
Advocate Supreme Court.

  
MISS SHUMAILA AWAN  
Advocate High Court, D.I.Khan

**AFFIDAVIT:**

I, *Mst. Najma Parveen wife of Karim Nawaz daughter of Muhammad Shafi, resident of Madni Town, D.I.Khan, the petitioner*, do hereby solemnly affirm and declare on oath that all the Para-wise contents of this Contempt of Court Petition have been prepared under my instructions and all its Para-wise contents are correct and true to the best of my knowledge & belief. I further solemnly affirm and declare that no part of above petition is false and nothing material has been deliberately concealed.

  
Identified by Counsel:  
AHMAD ALI  
Advocate Supreme Court.

*Najma Parveen*  
Deponent  
12101-7991387-8

ATTESIC  
*Sd/-*  
EXAMINOR  
21-02-18  
Jashawar High Court  
D.I.Khan Bench

Najma Parveen Wife of Karim Nawaz Daughter of Muhammad Shahi R/O Madni Town, Tehsil & District D.I.Khan.

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(Petitioner)

Versus

1. District Education Officer, (Female), Elementary & Secondary Education Department, Dera Ismail Khan.
2. Deputy District Education Officer, (Female), Elementary & Secondary Education Department, Dera Ismail Khan.
3. District Accounts Officer, Dera, Ismail Khan.

(Respondents/Contemners)

PARA WISE REPLIES/COMMENTS ON BEHALF OF RESPONDENT No. 3.  
RESPECTFULLY SHEWETH:

Preliminary Objections:

1. That the petitioner has got no cause of action against Respondent No.3.
2. That the petitioner has got no locus Standi.
3. That the Honorable Court has got no Jurisdiction to entertain the said Petition.

Objections on Facts.

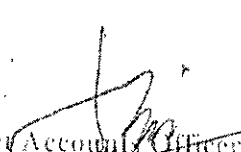
1. Salary was stopped by the Orders of Sub Divisional Education Officer (Female) D.I.Khan as envisaged in her report to Respondent No. 1 vide letter dated 07.06.2016 (Copy enclosed).
2. As per report of Respondent No. 1 & 2, the Petitioner name was not found included in the attendance Register of any of School in her Sub Division vide letter No. 449, dated 23.4.2015 (Copy enclosed).
3. Relates to Respondent No. 1 & 2.
4. The Honorable Court has got no jurisdiction to entertain the instant Petition.

Objection on Grounds.

- i). Relates to Respondent No. 1 & 2.
- ii). Relates to Respondent No. 1 & 2.
- iii). Incorrectly as per report of Respondent No. 1 & 2, the Petitioner never performed her duties in any School of her Sub Division.
- iv). Relates to Respondent No. 1 & 2.
- v). Relates to Respondent No. 1 & 2.
- vi). Relates to Respondent No. 1 & 2.
- vii). Point of law.

The bone of contention of Petitioner was in between Respondent No. 1 & 2 and this office have no concern with their dispute. The Salary of Petitioner has been stopped due to non performing of duties. Proper dismissal Order bearing No. 5515-19, dated 27.04.2017 has now been served by Respondent No. 1, upon accused due to an ghost employee.

Hence it is humbly prayed that the instant Contempt of Court and Writ of Petitioner may kindly be dismissed with Orders of Recoveries of all drawal Salaries to date.

  
District Accounts Officer,  
Dera Ismail Khan.  
(Respondent No. 3)

BEFORE THE HONORABLE PESHAWAR HIGH COURT BENCH DERA ISMAIL KHAN.

COC No.87-D/2017, W.P. No.708-D/2015, CM No. 740-D/2015.

Najma Parveen Wife of Karim Nawaz Daughter of Muhammad Shafi R/O Machi Town, Tehsil & District D.I.Khan.

35

(Petitioner)

Versus

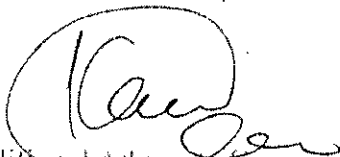
1. District Education Officer, (Female), Elementary & Secondary Education Department, Dera Ismail Khan.
2. Deputy District Education Officer, (Female), Elementary & Secondary Education Department, Dera Ismail Khan.
3. District Accounts Officer, Dera Ismail Khan

(Respondents/Contemners)

AFFIDAVIT

I Mr. Saeed ur Rehman Khattak District Accounts Officer, Dera Ismail Khan do here by solemnly affirm and declare on Oath the content of the accompanying Para wise comments are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.

IDENTIFIED BY



Additional Advocate General  
Peshawar High Court Bench  
Dera Ismail Khan

DEPONENT

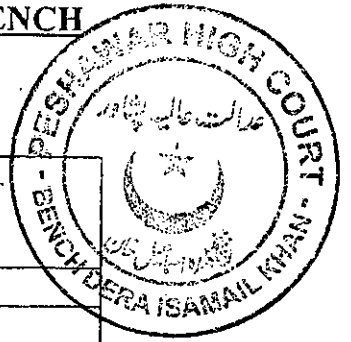
(Saeed ur Rehman)


District Comptroller of Accounts  
District Accounts Officer,  
Dera Ismail Khan  
Respondent No. (3)

12/01-2832369-3

## IN THE PESHAWAR HIGH COURT, DILKHAH BENCH

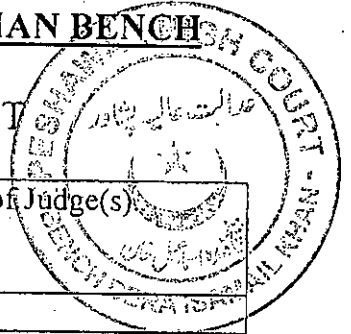
## FORM OF ORDER SHEET

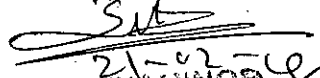


Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
03.5.2017	<p><u>C.O.C. No.87-D/2017.</u></p> <p><u>Present:-</u> Nemo for the petitioner. ***</p> <p>The learned counsel for the petitioner has moved application for adjournment on the ground mentioned therein. Adjourned to a date in office.</p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: center;">           ATTESTED              27-02-18            EXAMINOR            Peshawar High Court            Dil.Khan Bench         </p>

PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET



Date of Order or proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
02.10.2017.	<p><u>C.O.C.No.87-D/2017.</u></p> <p><b>Present:</b> Mr. Ahmad Ali, Advocate for petitioner.</p> <p>***</p> <p>Respondents are directed to submit reply within ten days. Adjourned to a date in office.</p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: center;">           ATTEST              21-02-18            EXAMINOR            Peshawar High Court            D.I.Khan Bench         </p>

Office  
JUDGE



## IN THE PESHAWAR HIGH COURT, D.I. KHAN BENCH

## FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
16.11.2017	<p><u>C.O.C. No.87-D/2017.</u></p> <p><u>Present:-</u> Mr. Ahmad Ali, Advocate for the petitioner.</p> <p>Asstt: A.G. alongwith respondents No.1 &amp; 2 in person.</p> <p>***</p> <p>Respondents shall submit reply in respect of the salary before 27.4.2017. Adjourned to a date in office.</p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: right;"><u>JUDGE</u></p>

OFFICE OF THE DISTRICT EDUCATION OFFICER  
(FEMALE) DERA ISMAIL KHAN

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ORDER

Annexure

"F"

Below

copy

next

page.

1. WHEREAS, Mst. Najma Parveen PST was reported by EX SDEO Shazia Nawaz to DEO office vide No; 1003 dated 05.10.2015.
2. AND WHEREAS reporting officer /ASDEO recorded vivid and cleared written statement regarding Mst; Najma Parveen PST that neither she had adjusted nor performing at any school of Sub Division Dikhan.
3. AND WHEREAS, her services were not verified by the SDEO(F) / ASDEO(F) /Accountant SDEO(F) Dikhan.
4. AND WHEREAS she is making illegal drawl of salary from the date of her appointment till date.
5. AND WHEREAS record of service book, charge report, Medical certificate, ID card, even Address is not available in office of Sub-Division Dikhan.
6. AND WHEREAS all evidence go against Mst, Najma Parveen PST.
7. AND WHEREAS the roll of said mistress as doubtful, suspicious.
8. AND WHEREAS Mst; Najma Parveen PST is involved in misconduct financial embezzlement, negligence, habitual and willful absent illegal drawl of pay without performance.
9. AND WHEREAS she has failed to perform her duty since long.
10. I. Parveen Khattak being competent authority *am satisfied that you have committed the acts / omissions specified in Rule 3 (b) (c)&(d) of the said rules and proved yourself as:*

i. Guilty of misconduct

ii. Guilty of corruption

iii. Habitually absenting yourself from duty without prior approval of leave

11. AND WHEREAS I, have decided to dispense with the enquiry to be conducted against you under Rule 5(b)(ii) of the said rules.
12. AND WHEREAS I have decided to proceed against the accused directly without issuing a show cause notice under Rule 5(a)(iv) of the said rules.
13. Now, therefore, in exercise of power conferred upon me under the rules 4 (b) (IV) of the Government Servants (Efficiency and Discipline) Rules 2011, the Competent Authority is pleased to impose major penalty of "Dismissal from service" on Mst. Najma Parveen PST on account of Willful Absence from the date of her absence from duty.

(PARVEEN KHATTAK)

District Education Officer

(Female) Dera Ismail Khan

Dated DI Khan the 27/4/2017

Final No. SS 13-19

Copy of the above is forwarded for information to the:-

1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. District Accounts officer DI Khan.
3. Deputy Commissioner DI Khan.
4. SDEO(F) pry Dikhan.
5. Accountant SDEO(F) Dikhan with the direction to calculate the salaries w.e.f the date of appointment up to date and submit report to this office immediately to recover the said amount from the beneficiary and also justify your position why the illegal drawl of salaries was made being responsible hand and why not reported to DDO.
6. Assistant Director Anti-Corruption Dikhan.
7. Official Concerned

District Education Officer

(Female) Dera Ismail Khan

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Better Copy

**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(FEMALE), DERA ISMAIL KHAN**

**ORDER**

1. WHEREAS, Mst. Najma Parveen PST was reported by Ex. SDEO Shazia Nawaz to DEO Office vide No.1003 dated 05.10.2015
2. AND WHEREAS, reporting officer/ASDEO recorded vivid and cleared written statement REGARDING Mst. Najma Parveen PST that neither she had adjusted nor performing at any school of Sub-Division, D.I.Khan.
3. AND WHEREAS, her services were not verified by SDEO(F)/ASDEO(F)/Accountant SDEO(F), D.I.Khan.
4. AND WHEREAS, she is making illegal drawl of salary from the date of her appointment till date.
5. AND WHEREAS, record of service book, charge report, Medical certificate, ID card even address is not available in the office of Sub-Division, D.I.Khan
6. AND WHEREAS, all evidence go against Mst. Najma Parveen PST.
7. AND WHEREAS, the roll of said mistress as doubtful, suspicious.
8. AND WHEREAS, Mst. Najma Parveen PST is involved in misconduct financial embezzlement, negligence, habitual and willful absent illegal drawl of pay without performance.
9. AND WHEREAS, she has failed to perform her duty since long.
10. Parveen Khattak being competent authority satisfied that you have committed the act/omissions specified in Rule 3 (b) (c) & (d) of the said rules and proved yourself as:
  - i. *Guilty of misconduct*
  - ii. *Guilty of corruption*
  - iii. *Habitually absenting yourself from duty without prior approval of leave.*
11. AND WHEREAS, I have decided to dispense with the enquiry to be conducted against you under Rule 5(b)(ii) of the said rules.
12. AND WHEREAS, I have decided to proceed the accused directly without issuing a show cause notice under Rule 5(a)(iv) of the said rules.
13. Now, therefore, in exercise of power conferred upon me under the Rules 4(b)(iv) of the Government Servant (Efficiency and Discipline) Rules 2011, the Competent Authority is pleased to impose major penalty of "Dismissal from service" on Mst. Najma Parveen PST on account of willful absence from the date of her absence from duty.

(PARVEEN KHATTAK)

District Education Officer  
(Female), Dera Ismail Khan

**Endst No.5513-19 Dated D.I.Khan the 27.04.2017**

Copy of the above is forwarded for information to the :

1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
2. District Accounts Officer, D.I.Khan
3. Deputy Commissioner, D.I.Khan
4. SDEO(F) Pry, D.I.Khan
5. Accountant SDEO(F), D.I.Khan with the direction to calculate the salaries w.e.f. the date of appointment up to the date and submit report to this office immediately to recover the said amount from the beneficiary and also justify your position why the illegal drawl of salaries was made being responsible hand and why not reported to DDO
6. Assistant Director Anti-Corruption, D.I.Khan
7. Officer concerned.

(District Education Officer)  
Female, Dera Ismail Khan

To, The Director,  
Secondary and Elementary Education,  
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL / REPRESENTATION AGAINST THE ORDER DATED 27.04.2017 PASSED BY DEO (F), D.I.KHAN AND PRESENTED IN THE HIGH COURT ON 16.11.2017 DURING PROCEEDINGS OF COC NO.87-D OF 2017, WHICH WAS FILED BY THE APPELLANT, AS THE SALARIES OF THE APPELLANT WAS STOPPED AND THE HON'BLE HIGH COURT ISSUED DIRECTIONS TO DEO (F) FOR THE RELEASE OF THE SALARIES.

Respectfully Stated,

1. That the appellant was appointed vide order dated 14.11.1994 as PTC (trained) on merit (Session-wise) by the District Selection Committee and she was posted initially at GGPS, Khushrana, Tehsil Paharpur, District D.I.Khan. Copy of appointment order is enclosed herewith.
2. That at last on 08.03.2010 the appellant was transferred to GGPS, Jhok Murad Noon, where she started performing her duties. Copy of last transfer order is enclosed herewith.
3. That the pay of the appellant was stopped from the month of February, 2015, without assigning any reason and in this respect the appellant submitted application to the competent authorities but of no avail, therefore, the appellant filed a writ petition bearing No.708-D of 2015 before Peshawar High Court, D.I.Khan Bench, mainly requesting therein for the release of the salaries and the Hon'ble Court vide order dated 25.04.2016 directed the respondents to release the salaries, if the appellant is still in service and the writ petition is still pending before the Hon'ble High Court. Copies of the applications, writ petition and order are enclosed herewith.
4. That as the order of the Hon'ble Court dated 25.04.2016 was not complied with by the DEO (F), D.I.Khan, therefore, the appellant filed a contempt petition before the High Court on 12.02.2016 and during the proceedings on 16.11.2017 the DEO (F), D.I.Khan appeared before the Court and submitted a copy of the order shown to have been made on 27.04.2017, wherein it has been shown that while exercising powers conferred upon the officer under Rule 4 (b) (iv) of Govt. Servants (Efficiency and Discipline) Rules, 2011 while imposing major penalty from dismissal of service on account of wilful absence from duties. Copies of order sheets of the High Court along with the impugned order are enclosed herewith.
5. That after coming into knowledge on 16.11.2017, the appellant approached the DEO (F), D.I.Khan and requested for the copy of the impugned order because the same was never delivered to the appellant nor the same was ever disclosed before the High Court even during

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the proceedings of the writ petition or the contempt petition but she refused to deliver the copy, therefore, the appellant approached the High Court and the Hon'ble Registrar of the High Court, then directed the respondents, who through his court assistant delivered the copy to the appellant on 08.12.2017 in the court, therefore, being aggrieved the appellant is preferring the instant departmental representation, which is well within time.

6. That in the impugned order as many as nine allegations have been levelled against the appellant but without any proof and the inquiry was conducted in the matter nor any show cause notice, statement of allegations or any other informative letter was ever issued to the appellant and astonishingly the dismissal from service is shown on account of wilful absence from the duty but no date has been mentioned as to from when, which clearly indicates the malafide of the DEO (F), D.L.Khan just because she was called by the High Court in a contempt petition, filed by the appellant.

7. That if the allegations mentioned in the impugned order for every stretch of imagination or considered to be correct then whether the competent authority was not legally obliged to probe into the matter strictly in accordance with law, particularly when the appointment of the appellant was made way back on 14.11.1994 and astonishingly in the impugned order it has been mentioned that neither the appellant was adjusted, the services of the appellant was not verified, she is drawing illegal salary from the date of her appointment, the service book, charge report, medical certificate, ID Card and even address of appellant is not available in the office of Sub-Division, D.L.Khan and all evidence go against the appellant, the role of the appellant is doubtful and suspicious and the appellant is involved in misconduct, financial embezzlement, negligence, habitual and wilful absence, Respectful speaking, whether the allegations in the impugned order can be termed to be allegations as defined in the B & D Rules, 2011 because whether it is the duty of appellant to keep the office record upto date in the office, which is the duty of the officials of the office and whether any inquiry was conducted regarding absence of the appellant from the school and what kind of misconduct was committed by the appellant but astonishingly the dismissal is shown by the DEO (F), D.L.Khan as absence from duty, now whether the DEO (F), D.L.Khan was not required to dig out as to whether the appellant was actually absent from duty and then for what period.

8. That as mentioned above, the DEO (F), D.L.Khan passed the impugned order just because their illegal act of stoppage of pay was questioned in a writ petition and then an order was passed by the High Court for the release to the salaries, which was not complied with compelling the appellant to file contempt of court petition, where the officer concerned appeared before the court and fell disgraced and remained the same to be misconduct on the part of the appellant by passing the impugned order.

9. That whether the appellat is wrong to ask for her rights and if not acknowledged by the officer concerned then to approach the court of law for the same.
10. That the behaviour and attitude of DEO (F), D.I.Khan is evident from the record itself because if the impugned order is passed on 27.04.2017, then why the same was not produced before the Court prior to 16.11.2017, whereas the case remained pending in the court and was fixed for so many dates even on 02.05.2017 and 11.10.2017 and why this order was not disclosed before the Court, what to talk of actually delivery of the impugned order to the appellant on her place of duty or her residence.
11. That the appellant served the department for almost 23 long years, having no adverse entries in her service record and no complaint from any other person regarding the services of the appellant but she has been victimized on personal grudges and that too without observing the law and hearing the appellant.
12. That appellant also wishes to be heard in person for additional grounds, not specifically mentioned in the instant representation.

In view of the above made submissions, it is very humbly requested that on gracious acceptance of the instant departmental appeal / representation, the office order dated 27.04.2017, whereby appellant has been dismissed from service, may be set aside and the appellant may be reinstated in service with all back benefits.

Your humble appellant,

*Najma Parveen*

Dated: 14.12.2017


(Najma Parveen)  
PST/PTC, C/O. Karim Nawaz,  
R/O Madni Town, near Shah Alam  
Abad, Dera Ismail Khan,  
Cell No.03468886525.



Shipper's A/c. No.
Reference / Job

*Ammeer*  
"H"

History ID 1217DIKX241041096666265



1064449431

GST No. 12-00-9808-002-73

<b>COURIER</b>	
Origin	Destination
DIK	PEW

From (Shipper)

NAJMA PARVEEN

D I KHAN

Phone#

SMS 03468886525

Email

Shipment Detail	Coupon	Discount
Declared Value		
0.00		

Pieces	Weight
1	0.50
Dimension of Shipment	
0 0 0	
Service Type	
OVERNIGHT	
Mode of Payment	
CASH	

To (Consignee)

M RAFIQ KHATTAK

DIRECTOR ELEMENTORY PESHAWAR

Phone#

00919225344

Ref. No

docs

Charges	Pak. Rupees
Service	224.00
Out of Serv	0.00
Handling	0.00
Others	0.00
GST	36.00
Ins.Chg	0.00
Partner Amt.	0

Sender's Authorization

I warrant that I have read the terms and conditions on the reverse of this consignment note and that all details given herein are true and correct. I further declare that the contents of this consignment do not contain any hazard. The execution of this consignment note is prima facie evidence of the conclusions of contract between shipper and TCS (PVT) LTD.

*[Signature]*  
Shipper's Signature

Receiver's Signature

Shipment Booked After Date 14/12/2017

Time 1:12:21

Booking Details

Staff 109666 UMAR FAROOQ

Route X24104 Date 14/12/2017 Time 1:12:21PM

Receiver's Signature DIK EXPRESS CENTRE

Time Receiving Time

<b>Total</b>	260
Shipper Copy	



A 24/7 courier pickup service allowing you to send your documents & parcels up to 25 kgs right from your doorstep. We promise to reach you in 60 minutes guaranteed, pick and pack your parcel, and forward to your desired destination. Be it a Holiday or 3am in the morning, We are HAZIR!

This service is initially available in Karachi, Lahore, Islamabad & Rawalpindi

TCS (Private) Limited 101-104, Civil Aviation Club Road, Karachi - 75202, Pakistan. Tel: +92 21 373 453 453 Web: www.tcs.com.pk

law, in the whole or part of the North-West Frontier province now Khyber Pakhtunkhwa, shall be amended in the manner as appeared hereinafter, namely:

- (a) In the Acts and Ordinances:-
- (i) for the words and hyphen "North West Frontier Province " and for the letters, dots and hyphen "N.-W.F.P" appearing before the words "AN ACT" or "AN ORDINANCE", as the case may be, the words "Khyber Pakhtunkhwa" shall be substituted.
  - (ii) in the long title and preamble, for the words and hyphen "North-West Frontier Province", "Sarhad", "Frontier" and for letters, dots and Hyphen, "N.-W.F.P", as the case may be, wherever occurring, the words, "Khyber Pakhtunkhwa", shall be Substituted.
  - (iii) in section 1, in sub-section (1) and in sub-section (2), for the words and hyphen, "North-West Frontier Province", "Sarhad", "Frontier" and for letters, dots and hyphen, "N.-W.F.P", wherever occurring, the words "Khyber Pakhtunkhwa" or the words "Province of the Khyber Pakhtunkhwa", as the case may be, shall be substituted; and
  - (iv) in any other section, for the words and hyphen, "North-West Frontier Province", "Sarhad", "Frontier" and for letters, dots and hyphen, "N.-W.F.P", as the case may be, wherever occurring, the words, "Khyber Pakhtunkhwa", shall be substituted; and
- (b) In the rules, regulations, notifications, orders, bye-laws, issued or framed under the provinces of any Act or Ordinance or any other legal instrument of the works and hyphen, "North-West Frontier Province", "Sarhad", "Frontier" and for letters, dots and hyphen, "N.-W.F.P", as the case may be, where ever occurring, the words "Khyber Pakhtunkhwa", shall be substituted.

## Khyber Pakhtunkhwa Civil Servants Acts, 1973

(Khyber Pakhtunkhwa Act No. XVIII of 1973)

An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of the Khyber Pakhtunkhwa

[Gazette of Khyber Pakhtunkhwa, Extraordinary, Page No. 287N-287V, 12<sup>th</sup>  
November, 1973]

**Preamble.**---WHEREAS it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in, the service of the Khyber Pakhtunkhwa, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:--

**1. Short title, application and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Civil Servants Act, 1973.

(2) This section and section 25, shall apply to persons employed on contract, or on work charged basis, or who are paid from contingencies, and the remaining provisions of this Act including this section, shall apply to all civil servants wherever they may be.

(3) It shall come into force at once.

### CHAPTER-I PRELIMINARY

**2. Definitions.**---(1) In this Act, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say--

- (a) "ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method,
- (b) "civil servant" means a person who is a member of a civil service of the Province, or who holds a civil post in connection with the affairs of the Province, but does not include--
  - (i) a person who is on deputation to the Province from the Federation or any other Province or other authority;
  - (ii) a person who is employed on contract, or on work charged basis, or who is paid from contingencies; or
  - (iii) a person who is a "worker" or "workman" as defined in the Factories Act, 1934 (Act XXV of 1934), or the Workman's Compensation Act, 1923 (Act VIII of 1923);
- (c) "Government" means the Government of the Khyber Pakhtunkhwa.
- (d) "initial appointment" means appointment made otherwise than by promotion or transfer;
- (e) "pay" means the amount drawn monthly by a civil servant as pay, and includes special pay, personal pay and any other emoluments declared by the prescribed authority to be paid;
- (f) "permanent post" means a post sanctioned without limit of times;



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- (g) "prescribed" means prescribed by rules;
- (h) "Province" means the Khyber Pakhtunkhwa;
- (i) "rules" means rules made or deemed to have been made under this Act;
- (j) "selection authority" means the Khyber Pakhtunkhwa Public Service Commission, a departmental selection board, departmental selection committee or other authority or body on the recommendations of, or in consultation with which any appointment or promotion, as may be prescribed, is made;
- (k) "temporary post" means a post other than a permanent post.
- (2) For the purpose of this Act, an appointment, whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

**CHAPTER-II****TERMS AND CONDITIONS OF SERVICE OF CIVIL SERVANTS**

- 3. Terms and Conditions.**---The terms and conditions of service of a civil servant shall be as provided in this Act and the rules.
- 4. Tenure of office of civil servants.**---Every civil servant shall hold office during the pleasure of the Governor.
- 5. Appointment.**---Appointment to a civil service of the Province or to a civil post in connection with the affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorised by the Governor in that behalf.
- 6. Probation.**---(1) An initial appointment to a service or post referred to in section 5, not being an adhoc appointment, shall be on probation as may be prescribed.
- (2) Any appointment of a civil servant by promotion or transfer to a service or post may also be made on probation as may be prescribed.
- (3) Where, in respect of any service or post, the satisfactory completion of probation includes the passing of a prescribed examination, test or course or successful completion of any training, a person appointed on probation to such service or post who, before the expiry of the original or extended period of his probation, has failed to pass such examination or test or to successfully complete course or the training shall, except as may be prescribed otherwise--
- (a) if he was appointed to such service or post by initial recruitment, be discharged; or

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- (b) if he was appointed to such service or post by promotion or transfer, be reverted to the service or post from which he was promoted or transferred and against which he holds a lien or, if there be no such service or post, be discharged:

Provided that in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

**7. Confirmation.**---(1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or, as the case may be, a post as may be prescribed.

(2) A civil servant promoted to a post <sup>1</sup>[...] on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing therefrom.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

**8. Seniority.**---(1) For proper administration of a service, cadre or <sup>2</sup>[post], the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or <sup>3</sup>[post] to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or <sup>4</sup>[post] as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or <sup>5</sup>[cadre], whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, <sup>6</sup>[cadre] or post shall be determined as may be prescribed:

<sup>1</sup>[(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post:

1. The words "or grade" omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
2. Subs. for the word "grade" by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
3. Subs. for the word "grade" by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
4. Subs. for the word "grade" by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
5. Substituted for the word "grade" by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
6. Substituted for the word "grade" by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-seniority as in the lower post.]

<sup>2</sup>[(5) The seniority lists prepared under sub-section (1), shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January].

**9. Promotion.**---(1) A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a <sup>3</sup>[higher] post for the time being reserved under the rule for departmental promotion in <sup>4</sup>[...] the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non selection post to which promotion shall be made as may be prescribed--

- (a) in the case of a selection post, on the basis of selection on merit; and
- (b) in the case of non-selection post, on the basis of seniority-cum-fitness.

**10. Posting and Transfer.**---Every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any Provincial Government or Local authority, or a corporation or body set up or established by any such Government:

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

**11. Termination of service.**---(1) The service of a civil servant may be terminated without notice--

- (i) during the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one <sup>5</sup>[service], cadre or post to another <sup>6</sup>[service], cadre or post, his

1. Sub-section (4) substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
2. Sub-section (5) added by Khyber Pakhtunkhwa Act No. I of 1989.
3. The word "higher" inserted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
4. The words "the higher grade of" omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
5. The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
6. The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

service shall not be so terminated so long as he holds <sup>1</sup>lien against his former post in such <sup>2</sup>[service] or cadre, but he shall be reverted to his former <sup>2</sup>[service], cadre or post, as the case may be;

- (ii) on the expiry of the initial or extended period of his employment; or
- (iii) if the appointment is made adhoc terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of post in a cadre or grade, the services of a civil servant are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or grade.

(3) Notwithstanding the provisions of sub-section (1), but subject to the provisions of sub section (2), the service of a civil servant in temporary employment or appointed adhoc shall be liable to termination on fourteen days notice or pay in lieu thereof. 04.06.2001

**<sup>3</sup>[11A. Absorption of civil servants rendered surplus.**--- Notwithstanding anything contained in this Act, the rules made thereunder, any agreement, contract or the terms and conditions of service, a civil servant who is rendered surplus as a result of re-organisation or abolition of a department, office or abolition of a post in pursuance of any Government decision may be appointed to a post, carrying basic pay scale equal to the post held by him before such appointment, if he possesses the qualifications and fulfils other conditions applicable to that post.

Provided that where no equivalent post is available, he may offered a lower post in such manner and subject to such conditions as may be prescribed, and where such civil servant is appointed to a lower post, the pay being drawn by him in the higher post immediately preceding his appointment to a lower post shall remain protected.]

**12. Reversion to a lower <sup>4</sup>[post].**--- A civil servant appointed to a higher post or <sup>5</sup>[before the commencement of the Khyber Pakhtunkhwa Civil Servants (amendment) Ordinance, 1985 to a higher] grade adhoc or on temporary or officiating basis shall be liable to reversion to his lower post <sup>6</sup>[.....] without notice.

1. The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
2. The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
3. Inserted by Khyber Pakhtunkhwa Ordinance No. VI of 2001 dated 04-06-2001.
4. The words "grade or service" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
5. Inserted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
6. The words "or grade" omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

<sup>1</sup>[12A. **Certain persons to be liable to removal or reversion.**--- Notwithstanding anything contained in his terms and conditions of service, a civil servant appointed or promoted during the period from first day of January, 1972 to the fifth day of July, 1977 may be removed from service or reverted to his lower post <sup>2</sup>[...] as the case may be, without notice, by the Governor or a person authorised by him in this behalf, on such date as the Governor or, as the case may be, the person so authorised may, in the public interest, direct.]

<sup>3</sup>[13. **Retirement from service.**---A civil servant shall retire from service--

(a) on such date after he has completed ~~(twenty)~~ years of service qualifying for pension or other retirement benefits as the competent authority may, in public interest, direct; or

(b) where no direction is given under clause (a), on the completion of the sixtieth years of his age.

(2) No direction under clause (a) of sub-section (1) shall be made until the civil servant has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.

**Explanation.**---In this section, the expression "competent authority" means the appointing authority prescribed in rule 4 of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989.]

**14. Employment after retirement.**---(1) A retired civil servant shall not ordinarily be re-employed under Government, unless such re-employment is necessary in the public interest and is made with the prior approval of the authority next above the appointing authority:

Provided that, where the appointing authority is the Governor, such re-employment may be ordered with the approval of the Governor.

(2) Subject to the provision of sub-section (1) of section 3 of the Ex-Government Servants (Employment with Foreign Governments) (Prohibition) Act, 1966 (Act XII of 1966), a civil servant may, during leave preparatory to retirement, or after retirement from Government service, seek any private employment:

Provided that, where employment is sought by a civil servant while on leave preparatory to retirement or within two years of the date of his retirement, he shall obtain the prior approval of the prescribed authority.

1. Section 12A inserted by Khyber Pakhtunkhwa Ordinance No. IX of 1978.
2. The word "or grade" omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985
3. Section 13 substituted by Khyber Pakhtunkhwa Ordinance No. VII of 2000 dated 20-11-2000
4. Subs. for the word "twenty five" by Khyber Pakhtunkhwa Civil Servant (Second Amendment) Ordinance, 2001

**15. Conduct.**---The conduct of a civil servant shall be regulated by rules made, or instructions issued, by Government or a prescribed authority, whether generally or in respect of a specified group or class of civil servants.

**16. Disciplinary action.**---A civil servant shall be liable to prescribed disciplinary action and penalties in accordance with the prescribed procedure.

**17. Pay.**---A civil servant appointed to a post <sup>1</sup>[...] shall be entitled, in accordance with the rules, to the pay sanctioned for such post <sup>2</sup>[...]:

Provided that, when the appointment is made on a current-charge basis or by way of additional charge, his pay shall be fixed in the prescribed manner:

Provided further that where a civil servant has, under an order which is later set aside, been dismissed or removed from service or reduced in rank, he shall, on the setting aside of such order, be entitled to such arrears of pay as the authority setting aside such order may determine.

**18. Leave.**---A civil servant shall be allowed leave in accordance with the leave rules applicable to him; provided that the grant of leave will depend on the exigencies of service and be at the discretion of the competent authority.

<sup>3</sup>[19 Pension and gratuity.---(1) On retirement from service, a civil

1. The word "or grade" omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985
2. The word "or grade" omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985
3. Section 19 substituted by KP Act III of 2013 dated 22-01-2013 w.e.f. 30-06-2001. At the time of substitution the section 19 was as under

**[19. Pension and gratuity.**---(1) On retirement from service, a civil servant appointed on regular basis in the prescribed manner before the commencement of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2005 (hereinafter referred to as the said Act), shall be entitled to received such pension or gratuity as are admissible to him under the West Pakistan Civil Service Pension Rules:

Provided that in the event of the death of such a civil servant, whether before or after retirement, his family shall be entitled to receive such pension, or gratuity or both, as admissible under the said rules.

(2) A person though selected for appointment in the prescribed manner to a service or post on or after the 1st day of July, 2001, till the commencement of the said Act, but appointment on contract basis, shall, with effect from the commencement of the said Act, be deemed to have been appointed on a regular basis. All such persons and the persons appointed on regular basis to a service or post in the prescribed manner after the commencement of the said Act shall, for all intents and purposes be civil servant, except for the purpose of pension or gratuity. Such a Civil servant shall, in lieu of pension and gratuity, be entitled to receive such amount contributed by him towards the Contributory Provident Fund, along with the contributions made by Government to his account in the said fund, in the prescribed manner:

[Provided that where a civil servant appointed to a pensionable post on regular basis before the 1st day of July, 2001, is appointed to another post after the 1st day of July 2001, without any service break, he shall be given an option either to retain the benefit of pension and gratuity as allowed to him under his previous terms of appointment or to avail the benefit of contributory Provident Fund allowed to him under his new appointment:]

servant shall be entitled to receive such pension or gratuity as may be prescribed.

(2) In the event of death of a civil servant, whether before or after retirement, his family shall be entitled to receive such pension or gratuity, or both, as may be prescribed.

(3) No pension shall be admissible to a civil servant who is dismissed or removed from service for reasons of discipline, but government may sanction compassionate allowance to such civil servant, not exceeding two-third of the pension or gratuity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal.

(4) If the determination of the amount of Pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualifies for pension or gratuity, and any over payment on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family:

Provided that those who are appointed in the prescribed manner to a service or post on or after the 1st July, 2001 till 23rd July, 2005 on contract basis shall be deemed to have been appointed on regular basis:

Provided further that the amount of Contributory Provident Fund subscribed by the civil servant shall be transferred to his General Provident Fund.

(5) In case any difficulty arises in giving effect to any of the provisions of this section, the Secretary to Government, Establishment

Provided [further] that in the event of death of such a civil servant, whether before or after retirement his family shall be entitled to receive the said amount, if it has already not been received by such deceased civil servant.

(3) No pension to a civil servant, who is otherwise entitled to it, shall be admissible to him, if he is dismissed or removed from service for reasons of discipline, but Government may sanction compassionate allowance to such a civil servant, not exceeding two-third of the pension or gratuity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal.

Provided that a civil servant referred to in sub-section (2), in case of such dismissal or removal, may, in addition to his own contributions to the Contributory Provident Fund, be allowed, on account of such compassionate allowance, a sum not exceeding two-third of Government contributions in his account.

(4) If the determination of the amount of pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualified for pension or gratuity; and any over payment on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.]

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Department shall constitute a Committee comprising of the Secretary to Government, Finance Department, Secretary to Government Law Department and Accountant General, Khyber Pakhtunkhwa for removal of the difficulty.]

**20. Provident Fund.**---(1) Before the expiry of the third month of every financial year, the Accounts Officer or other officer required to maintain provident fund accounts shall furnish to every civil servant subscribing to a provident fund the account of which he is required to maintain a statement under his hand showing the subscriptions to including the interest accruing thereon, if any, and withdrawals or advances from, his provident fund during the preceding financial year.

(2) Where any subscription made by a civil servant to his provident fund has not been shown or credited in the account by the Accounts Officer or other officer required to maintain such account, such subscription shall be credited to the account of the civil servant on the basis of such evidence as may be prescribed.

**21. Benevolent Fund and Group Insurance.**---All civil servants and their families shall be entitled to the benefits admissible under the West Pakistan Government Employees Welfare Fund Ordinance, 1969 (W.P. Ord. I of 1969), or the Khyber Pakhtunkhwa Government Servants Benevolent Fund Ordinance, 1972 (Khyber Pakhtunkhwa Ord. VII of 1972), and the rules made thereunder.

**22. Right of Appeal or Representation.**---(1) Where a right to prefer an appeal or apply for review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules applicable to him, such appeal or application shall, except as may be otherwise prescribed, be made within thirty days of the date of such order.

(2) Where no provision for appeal or review exists under the rules in respect of any order or class of orders, a civil servant aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order:

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

### CHAPTER-III MISCELLANEOUS

**23. Saving.**---Nothing in this Act or in any rule shall be construed to limit or abridge the power of the Governor to deal with the case of any civil servant in such manner as may appear to him to be just and equitable:

Provided that, where this Act or any rule is applicable to the case of a civil servant, the case shall not be dealt with in any manner less favorable to him than that provided by this Act or such rules.

<sup>1</sup>[23A. **Indemnity.**---No suit, prosecution or other legal proceedings shall lie against a civil servant for anything done or intended to be done in good faith in his official capacity under this Act or the rules, instructions or direction made or issued thereunder.

**23B. Jurisdiction barred.**---Save as provided under this Act and the Service Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974), or the rules made thereunder, no order made or proceedings taken under this Act, or the rules made thereunder by the Governor or any officer authorised by him shall be called in question in any Court and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance of any power conferred by or under this Act or the rules made thereunder.]

**24. Removal of difficulties.**--- If any difficulty arises in giving effect to any of the provisions of this Act, the Governor may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from the coming into force of this Act.

**25. Appointment of persons on contract, etc.**--- The Governor or any person authorised by the Governor in that behalf may, on such terms and conditions as he may specify in each case, appoint persons on contract basis, or on work-charged basis, or who are paid out of contingencies:

Provided that all such employees who were working in any such capacity immediately before the commencement of this Act shall continue to be so employed on the same terms and conditions on which they were appointed.

**26. Rules.**---(1) The Governor or any person authorised<sup>2</sup> by the Governor in this behalf, may make such rules as appear to him to be necessary or expedient for carrying out the purposes of this Act.

(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

1. Sections 23A and 23B inserted by Khyber Pakhtunkhwa Ordinance No. XIV of 2002 dated 02-05-2002.
2. The Governor has authorised the Chief Minister Khyber Pakhtunkhwa to make rules vide Notification No.SOR1(S&GAD)1-206/74/Vol.V dated 18.4.1989 which reads as under:-  
"In exercise of the powers conferred by sub-section (1) of Section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act XVIII of 1973), the Governor of the Khyber Pakhtunkhwa is pleased to authorise the Chief Minister, Khyber Pakhtunkhwa to make rules for carrying out the purposes of the said Act"

**27. Repeal.**---The Khyber Pakhtunkhwa Civil servants Ordinance, 1973 (Khyber Pakhtunkhwa Ordinance No. VI of 1973), is hereby repealed.

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**Khyber Pakhtunkhwa  
Removal from Service (Special Powers) (Repeal) Act, 2011**

Khyber Pakhtunkhwa ACT NO. XIV OF 2011

**NOTIFICATION NO.PA/Khyber Pakhtunkhwa/Bills/2011/44905**

The Khyber Pakhtunkhwa Removal from Service (Special Powers)(Repeal) Bill, 2011 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 12th September, 2011 and assented to by the Governor of the Khyber Pakhtunkhwa on 15th September, 2011 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

AN ACT to repeal the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000.

WHEREAS it is expedient to repeal the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 (Khyber Pakhtunkhwa Ord. No. V of 2000), for the purpose hereinafter appearing;

It is hereby enacted as follows:

**1. Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Removal from Service (Special Powers) (Repeal) Act, 2011.

(2) It shall come into force at once.

**2. Repeal of the Khyber Pakhtunkhwa Ord. No. V of 2000.**---

(1) The Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 (Khyber Pakhtunkhwa Ord. No. V of 2000) is hereby repealed.

(2) For removal of doubts, it is hereby provided that all proceedings pending, immediately before the commencement of this Act, against any person in Government service or corporation service, under the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 (Khyber Pakhtunkhwa Ord. No. V of 2000), and rules made thereunder, shall continue under the said repealed law and rules in the manner provided thereunder.

(3) Subject to sub-section (2), on the repeal of the said Ordinance, all disciplinary matters relating to persons in Government service, to whom the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Act No. XVIII of 1973) and the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973, apply, shall be governed under the aforesaid Act and the rules made thereunder and persons in corporation service shall be governed under the law applicable to them and rules and by-laws made thereunder.

## Government Servants (Efficiency and Discipline) Rules, 1973

S.No	Basic Pay Scale of Government Servant	Authority	Authorised Officer
13	Government servants in Basic Pay Scale 5 to 16 serving in the Public Service Commission.	Chairman of the Commission	Secretary of the Commission.
14	Other Government servants in Basic Pay Scale 16.	Head of Attached Department concerned	As authorised by the authority.
15	Government servants in Basic Pay Scale 5 to 15 serving in the Secretariat.	Administrative Secretary concerned	Deputy Secretary (Administration) of the Department Concerned
16	Government servants in Basic Pay Scale 1 to 4 serving in the Secretariat.	Deputy Secretary (Administration) of the Department concerned.	Section Officer (Administration) of the Department concerned
17	Government Servants in Basic the Pay Scale 1 to 14 serving in the Public Service Commission.	Secretary of the Commission	As authorised by the authority.
18	Other Government servants in Basic Pay scale 1 to 15.	Appointing authority.	As authorised by the authority.
19	Government servants in Basic Pay Scales 1 to 4 serving in the Chief Minister's Secretariat.	Deputy Secretary-II of Chief Minister's Secretariat.	Section Officer (Co-ordination), Chief Minister's Secretariat.

<sup>3</sup>[Where the Divisional Khidmat Committees, as specified by the Government from time to time, on the basis of their findings, deem necessary to proceed against a civil servant from BPS-1 to BPS-16, posted/working in the Division, the Commissioner of the respective Division shall exercise the powers of authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1973. This provision shall not be applicable to the civil servant serving in the Provincial Civil Secretariat]

## Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011

[Khyber Pakhtunkhwa Government Gazette, Extraordinary, Page No. 162-173,  
16<sup>th</sup> September, 2011]

**Notification No. SO(REG-VI) E&AD/2-6/2010.dated 16-09-2011.---**

In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**1. Short title, application and commencement.—**(1) These rules may be called the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

(2) These shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.

(3) These shall come into force at once.

**2. Definitions.—**(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "accused" means a person in Government service against whom action is initiated under these rules;
- (b) "appellate authority" means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;
- (c) "appointing authority" means an authority declared or notified as such by an order of Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and the rules made thereunder or an authority as notified under the specific laws/rules of Government;
- (d) "charges" means allegations framed against the accused pertaining to acts of omission or commission cognizable under these rules;
- (e) "Chief Minister" means the Chief Minister of the Khyber Pakhtunkhwa;
- (f) "competent authority" means-
  - (i) the respective appointing authority;

- (ii) in relation to a Government servant of a tribunal or court functioning under Government, the appointing authority or the Chairman or presiding officer of such tribunal or court, as the case may be, authorized by the appointing authority to exercise the powers of the competent authority under these rules:

Provided that where two or more Government servants are to be proceeded against jointly, the competent authority in relation to the accused Government servant senior most shall be the competent authority in respect of all the accused.

(g) "corruption" means-

- (i) accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration, as a reward for doing or for bearing to do any official act; or
- (ii) dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing Government property or resources; or
- (iii) entering into plea bargain under any law for the time being in force and returning the assets or gains acquired through corruption or corrupt practices voluntarily; or
- (iv) possession of pecuniary sources or property by a Government servant or any of his dependents or any other person, through his or on his behalf, which cannot be accounted for and which are disproportionate to his known sources of income; or
- (v) maintaining a standard of living beyond known sources of income; or
- (vi) having a reputation of being corrupt;
- (h) "Governor" means the Governor of the Khyber Pakhtunkhwa;
- (i) "inefficiency" means failure to efficiently perform functions assigned to a Government servant in the discharge of his duties;
- (j) "inquiry committee" means a committee of two or more officers, headed by a convener, as may be appointed by the competent authority under these rules;
- (k) "inquiry officer" means an officer appointed by the competent authority under these rules;
- (l) "misconduct" includes-

- (i) conduct prejudicial to good order or service discipline; or
- (ii) conduct contrary to the Khyber Pakhtunkhwa Province Government Servants (Conduct) Rules, 1987, for the time being in force; or
- (iii) conduct unbecoming of Government servant and a gentleman; or
- (iv) involvement or participation for gains, directly or indirectly, in industry, trade, or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons as may compromise the performance of official duties or functions; or
- (v) any act to bring or attempt to bring outside influence, directly or indirectly, to bear on the Governor, the Chief Minister, a Minister or any other Government officer in respect of any matter relating to the appointment, promotion, transfer or other conditions of service; or
- (vi) making appointment or promotion or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
- (vii) conviction for a moral offence by a court of law<sup>1</sup>; or
- (viii) Avoiding submission of Annual confidential Report / Performance Evaluation Report by a Government Servant, or withholding such report by the Reporting Officer or the countersigning Officer as the case may be, within the required period as provided in the instructions issued by the Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973, from time to time.]

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

**3. Grounds for proceedings.**—A Government servant shall be liable to be proceeded against under these rules, if he is-

- (a) inefficient or has ceased to be efficient for any reason; or

<sup>1</sup> For the full stop appearing at the end replaced by a semicolon and the word "or" and thereafter new clause added by Notification No. SO(REG-VI) E&AD/2-6/2010 DATED 26-05-2014

- (b) guilty of misconduct; or
- (c) guilty of corruption; or
- (d) guilty of habitually absenting himself from duty without prior approval of leave; or
- (e) engaged or is reasonably believed to be engaged in subversive activities, or is reasonably believed to be associated with others engaged in subversive activities, or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is prejudicial to national security; or
- (f) entered into plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily.

**4. Penalties.**—(1) The following are the minor and the major penalties, namely:

- (a) Minor penalties:

- (i) censure;
- (ii) withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post:

Provided that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale:

- (iii) recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;

- (b) Major penalties:

- <sup>1</sup>(i) reduction to a lower post or pay scale or to a lower stage in a time scale for a maximum period of five years:

Provided that on restoration to original pay scale or post, the penalized Government servant will be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty.]

<sup>1</sup> Subs. by Notification NO. SO(REG-VI)E&GAD/2-6/2010 dated 18-07-2012 for the following.

- (i) reduction to a lower post or pay scale or to a lower stage in a time scale.



- (ii) compulsory retirement;
- (iii) removal from service; and
- (iv) dismissal from service.

(2) Dismissal from service under these rules shall disqualify a Government servant from future employment under Government.

(3) Any penalty under these rules shall not absolve a Government servant from liability to any other punishment to which he may be liable for an offence, under any other law, committed by him while in service.

**5. Initiation of proceedings.**—(1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against a Government servant under these rules it shall either:-

- (a) proceed itself against the accused by issuing a show cause notice under rule 7 and, for reasons to be recorded in writing, dispense with inquiry:

Provided that no opportunity of showing cause or personal hearing shall be given where-

- (i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or
- (ii) a Government servant has entered into plea bargain under any law for the time being in force or has been convicted on the charges of corruption which have led to a sentence of fine or imprisonment; or
- (iii) a Government servant is involved in subversive activities; or
- (iv) it is not reasonably practicable to give such an opportunity to the accused; or

- (b) get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under rule 11:

Provided that the competent authority shall dispense with the inquiry where-

- (i) a Government servant has been convicted of any offence other than corruption by a court of law under any law for the time being in force; or

- (ii) a Government servant is or has been absent from duty without prior approval of leave:

Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, it is satisfied that there is no need to hold an inquiry.

(2) The charge sheet or statement of allegations or the show cause notice, as the case may be, shall be signed by the competent authority.

**6. Suspension.**—A Government servant against whom action is proposed to be initiated under rule 5 may be placed under suspension for a period of ninety days, if in the opinion of the competent authority, suspension is necessary or expedient, and if the period of suspension is not extended for a further period of ninety days within thirty days of the expiry of initial period of suspension, the Government servant shall be deemed to be reinstated:

Provided that the competent authority may, in appropriate case, for reasons to be recorded in writing, instead of placing such person under suspension, require him to proceed on such leave as may be admissible to him, from such date as may be specified by the competent authority.

**7. Procedure where inquiry is dispensed with.**—If the competent authority decides that it is not necessary to hold an inquiry against the accused under rule 5, it shall-

- (a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, alongwith apportionment of responsibility and penalty or penalties proposed to be imposed upon him;
- (b) give him a reasonable opportunity of showing cause against the proposed action, within seven days of receipt of the order or within such extended period, as the competent authority may determine;
- (c) on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether the charge or charges have been proved against the accused or not:

Provided that after receipt of reply to the show cause notice from the accused, the competent authority, except where the Chief Minister himself is the competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons:

Provided further that if the case is not decided by the competent authority within the prescribed period of ninety days,

the accused may file an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period;

- (d) afford an opportunity of personal hearing before passing any order of penalty under clause (f), if it is determined that the charge or charges have been proved against him;
- (e) exonerate the accused by an order in writing, if it is determined that the charge or charges have not been proved against him; and
- (f) impose any one or more penalties mentioned in rule 4, by an order in writing, if the charge or charges are proved against the accused:

Provided that where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the recovery, if any.

**8. Action in case of conviction or plea bargain under any law.**—Where a Government servant is convicted by a court of law on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices, or has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude under any law for the time being in force, the competent authority, after examining facts of the case, shall-

- (a) dismiss the Government servant where he has been convicted on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices voluntarily:

Provided that dismissal in these cases shall be with [...] effect from the date of conviction by a court of law; and

- (b) proceed against the Government servant under rule 5, where he has been convicted of charges other than corruption or moral turpitude.

**9. Procedure in case of wilful absence.**—Notwithstanding anything to the contrary contained in these rules, in case of wilful absence from duty by a Government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an *ex-parte* decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may

be imposed upon such Government servant.

**10. Procedure to be followed by competent authority where inquiry is necessary.**—(1) If the competent authority decides that it is necessary to hold an inquiry against the accused under rule 5, it shall pass an order of inquiry in writing, which shall include-

- (a) appointment of an inquiry officer or an inquiry committee, provided that the inquiry officer or the inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused;
- (b) the grounds for proceeding, clearly specifying the charges along with apportionment of responsibility;
- (c) appointment of the departmental representative by designation; and
- (d) direction to the accused to submit written defense to the inquiry officer or the inquiry committee, as the case may be, within reasonable time which shall not be less than seven days and more than fifteen days of the date of receipt of orders.

(2) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, along with the orders of inquiry.

(3) In a case where preliminary or fact finding inquiry was conducted, and the competent authority decides to hold formal inquiry, the inquiry officer or the inquiry committee for the purpose of conducting formal inquiry shall be different from the inquiry officer or the inquiry committee which conducted the preliminary enquiry.

**11. Procedure to be followed by inquiry officer or inquiry committee.**—(1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charges or in defense of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine such witness.

(2) If the accused fails to furnish his reply within the stipulated period, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry *ex-parte*.

(3) The inquiry officer or the inquiry committee, as the case may be, shall hear the case on day to day and no adjournment shall be given except for reasons to be recorded in writing, in which case it shall not be of more than seven days.

(4) Statements of witnesses and departmental representative(s), if possible, will be recorded in the presence of accused and vice versa.

(5) Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.

(6) If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendations of a Medical Board; provided that the competent authority may, in its discretion, sanction medical leave up to seven days without such recommendations.

(7) The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, to the competent authority within thirty days of the initiation of inquiry:

Provided that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of the inquiry.

**12. Powers of the inquiry officer or inquiry committee.**—(1) For the purpose of an inquiry under these rules, the inquiry officer or the inquiry committee, as the case may be, shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act No. V of 1908), in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents, and receiving evidence on affidavits; and
- (c) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be the judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

**13. Duties of the departmental representative.**—The departmental representative shall perform the following duties, namely:

- (a) render full assistance to the inquiry officer or the inquiry committee, as the case may be, during the proceedings where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing;
- (b) cross-examine the witnesses produced by the accused, and with the permission of the inquiry officer or inquiry committee, as the

case may be, may also cross-examine the prosecution witnesses; and

(c) rebut the grounds of defense offered by the accused before the inquiry officer or the inquiry committee, as the case may be.

**14. Order to be passed on receipt of report from the inquiry officer or inquiry committee.**—(1) On receipt of report from the inquiry officer or inquiry committee, as the case may be, the competent authority, shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.

(2) If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.

(3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.

(4) Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall-

- (a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him;
- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in rule 4 may not be imposed upon him and to submit additional defense in writing, if any, within a period which shall not be less than seven days and more than fifteen days from the day the charge or charges have been communicated to him; provided that the accused shall, in his reply to show cause notice, indicate as to whether he wants to be heard in person or not;

(c) provide a copy of the inquiry report to the accused; and

(d) direct the departmental representative to appear, with all the relevant record, on the date of hearing.

(5) After affording personal hearing to the accused the competent authority shall, keeping in view the findings and recommendations of the inquiry officer or inquiry committee, as the case may be, facts of the case and defense offered by the accused during personal hearing, by an order in writing-

- (i) exonerate the accused if charges had not been proved; or
- (ii) impose any one or more of the penalties specified in rule 4 if charges have been proved.

(6) Where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or may order a de novo inquiry through different inquiry officer or inquiry committee<sup>1</sup> [subject to sub-rule (7) of rule 11].

(7) After receipt of reply to the show cause notice and affording opportunity of personal hearing, the competent authority shall decide the case within a period of fifteen days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons.

(8) If the case is not decided by the competent authority within the prescribed period of fifteen days, the accused may submit an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

**15. Personal hearing.**—The competent authority may, by an order in writing, call the accused and the departmental representative, along with relevant record of the case, to appear before him, for personal hearing on the fixed date and time.

**16. Procedure of inquiry against Government servant lent to other governments or organizations etc.**—(1) Where the services of Government servant to whom these rules apply are transferred or lent to any other government department, corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution, hereinafter referred to as the borrowing organization, the competent authority for the post against which such Government servant is posted in the borrowing organization may—

- (a) suspend him under rule 6; and
- (b) initiate proceedings against him/her under these rules:

Provided that the borrowing organization shall forthwith inform the authority which has lent his services, (hereinafter referred to as the lending organization) of the circumstance leading to the order of his suspension or the initiation of the proceedings, as the case may be:

Provided further that the borrowing organization shall obtain prior approval of the competent authority in the lending organization before taking any action under these rules against Government servant holding a post in basic pay scale 17 or above.

(2) If, in the light of findings of the proceedings taken against the accused in terms of sub rule (1), the borrowing organization is of the opinion that

1. Added by Notification NO. SO(REG-VI) E&GAD/2-6/2010 dated 18-07-2012.

penalty may have to be imposed on him, it shall transmit the record of the proceedings to the lending organization, and the competent authority in the lending organization shall thereupon take action against the accused under rule 14.

(3) Notwithstanding anything to the contrary contained in sub-rules (1) and (2), the Chief Minister may, in respect of certain Government servant or class of Government servants to whom these rules apply, authorize any officer or authority in the borrowing organization to exercise all the powers of the competent authority under these rules.

**17. Departmental appeal and review.**—(1) An accused who has been awarded any penalty under these rules may, within thirty days from the date of communication of the order, prefer departmental appeal to the appellate authority:

Provided that where the order has been passed by the Chief Minister, the accused may, within the aforesaid period, submit a review petition directly to the Chief Minister:

(2) The authority empowered under sub-rule (1) shall call for the record of the case and comments on the points raised in the appeal from the concerned department or office, and on consideration of the appeal or the review petition, as the case may be, by an order in writing—

- (a) uphold the order of penalty and reject the appeal or review petition; or
- (b) set aside the orders and exonerate the accused; or
- (c) modify the orders or reduce the penalty.

(3) An appeal or review petition preferred under these rules shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection in impugned order in a proper and temperate language.

**18. Appearance of counsel.**—No party to any proceedings under these rules at any stage of the proceedings, except proceedings under rule 19, shall be represented by an advocate.

**19. Appeal before Khyber Pakhtunkhwa Province Service Tribunal.**—(1) Notwithstanding anything contained in any other law or rules for the time being in force, any Government servant aggrieved by any final order passed under rule 17 may, within thirty days from the date of communication of the order, prefer an appeal to the Khyber Pakhtunkhwa Province Service Tribunal established under the Khyber Pakhtunkhwa Province Service Tribunals Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974).

(2) If a decision on a departmental appeal or review petition, as the case may be, filed under rule 17 is not communicated within period of (sixty) days of filing thereof, the affected Government servant may file an appeal in the Khyber

Pakhtunkhwa Province Service Tribunal within a period of [ninety] days of the expiry of the aforesaid period, whereafter, the authority with whom the departmental appeal or review petition is pending, shall not take any further action.

**20. Exception.**—Notwithstanding anything to the contrary contained in these rules, in cases where Government servants collectively strike work, wilfully absent themselves from duty or abandon their official work, the competent authority in respect of senior most accused may serve upon them through newspapers or any other mean, such notice as may be deemed appropriate to resume duty and in the event of failure or refusal to comply with the directive contained in the notice, impose upon the defaulting Government servants any of the major penalties prescribed in these rules.

**21. Indemnity.**—No suit, prosecution or other legal proceedings shall lie against the competent authority or any other authority for anything done or intended to be done in good faith under these rules or the instructions or directions made or issued there-under.

<sup>2</sup>[22. ....]

**23. Repeal.**—(1) The Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules, 1973 are hereby repealed.

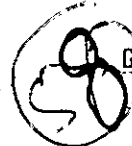
(2) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any Government servant under repealed rules shall continue under these rules.

(3) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against an employee under the said repealed rules or under the Khyber Pakhtunkhwa Civil Servants Act, 1973 and rules made thereunder, or any other law and rules shall continue under that law and rules, in the manner provided thereunder.

1. Subs. for the word "thirty" by Notification NO. SO(REG-VI) E&GAD/2-6/2012 dated 18-07-2012.

2. Rule 22 deleted by Notification NO. SO(REG-VI) E&GAD/2-6/2010 dated 18-07-2012. At the time of deletion the said rule 22 was as under:-

**22. Jurisdiction barred.**—Save as provided under these rules, no order made in proceedings taken under these rules shall be called in question in any court and no injunction shall be granted by any court in respect of any decision so made in proceedings taken in pursuance of any power conferred by, or under these rules.



## Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973

[Gazette of Khyber Pakhtunkhwa, Part 1, Page No. 140-143, 21st December, 1973]

**No. SOS-III (S&GAD) 1-80/73, dated 30-11-1973**—In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (N.W.F.P Act No. XVIII of 1973), the Governor of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:—

**1. Short title, commencement and application.**—(1) These rules may be called the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973.

(2) They shall come into force at once and shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.

**2. Definition.**—(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

- (a) "accused" means a Government servant against whom action is taken under these rules;
- (b) "authority" means the Governor or an officer or authority designated by him to exercise the powers of the authority under these rules;
- (c) "authorised officer" means an officer authorised by the authority to perform functions of an authorised officer under these rules;
- (d) "Government" means the Government of Khyber Pakhtunkhwa;
- (e) "misconduct" means conduct prejudicial to good order or service discipline or contrary to the [N.W.F.P Government Servants (Conduct) Rules, 1987] or unbecoming of an officer and a gentleman and includes any act on the part of Government servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on Government or any Government Officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Government servant;
- (f) "penalty" means a penalty which may be imposed under these rules; and

Government Servants (Efficiency and Discipline) Rules, 1973

Basic Pay Scale of Government Servant	Authority	Authorised Officer
Government servants in Basic Pay Scale 5 to 16 serving in the Public Service Commission.	Chairman of the Commission	Secretary of the Commission.
Government servants in Basic Pay Scale 1 to 4 serving in the Chief Minister's Secretariat.	Head of Department concerned	As authorised by the authority.
Government servants in Basic Pay Scale 5 to 15 serving in the Chief Minister's Secretariat.	Administrative Secretary concerned	Deputy Secretary (Administration) of the Department concerned
Government servants in Basic Pay Scale 1 to 4 serving in the Chief Minister's Secretariat.	Deputy Secretary (Administration) of the Department concerned.	Section Officer (Administration) of the Department concerned
Government Servants in Basic Pay Scale 1 to 14 serving in the Public Service Commission.	Secretary of the Commission	As authorised by the authority.
Government servants in Basic Pay scale 1 to 15.	Appointing authority.	As authorised by the authority.
Government servants in Basic Pay Scales 1 to 4 serving in the Chief Minister's Secretariat.	Deputy Secretary-II of Chief Minister's Secretariat.	Section Officer (Co-ordination), Chief Minister's Secretariat.

[Where the Divisional Khidmat Committees, as specified by the Government from time to time, on the basis of their findings, deem necessary to initiate proceedings against a civil servant from BPS-1 to BPS-16, posted/working in the Division, the Commissioner of the respective Division shall exercise the powers of authority conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1973. This provision shall not be applicable to the civil servant serving in the Chief Minister's Secretariat.]

Civil Servants (Appeal) Rules, 1986

SA 109

**Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986**

[Gazette of Khyber Pakhtunkhwa, Extraordinary, Page No. 1290-1293, 2nd June, 1986]

No. **SORII (S&GAD) 3(4)/78 (Vol. 11)**.---In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. (Khyber Pakhtunkhwa Act XVIII of 1973), read with section 22 thereof, the Governor of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:--

**1. Short title, commencement and application.**---(1) These Rules may be called the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986.

(2) They shall come into force at once and shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with the affairs of the Province.

**2. Definitions.**---In these rules, unless there is anything repugnant in the subject or context;

- (a) "Appellate Authority" means the officer or authority next above the competent authority;
- (b) "Competent Authority" means the authority or authorised officer, as the case may be, as defined in the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973, or the authority competent to appoint a civil servant under the rules applicable to him; and
- (c) "Penalty" means any of the penalties specified in rule 4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973.

**3. Right of Appeal.**---(1) A civil servant aggrieved by an order passed or penalty imposed by the competent authority relating to the terms and conditions of his service may, within thirty days from the date of communication of the order to him, prefer an appeal to the appellate authority:

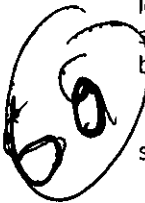
Provided that where the order is made by the Government, there shall be no appeal but the civil servant may submit a review petition:

[Provided further that the appellate or the reviewing authority, as the case may be,

**Explanation.**---For the purposes of the first proviso, the expression "appeal", where the context so requires, shall mean the "review petition" as well.

(2) Where the order of the competent authority affects more than one civil servant, every affected civil servant shall prefer the appeal separately.

(3) Where the aggrieved civil servant has died, the appeal may be filed, or if already filed by such civil servant before his death, may be pursued, by his legal heir or heirs; provided that the benefit likely to accrue on the acceptance of such appeal is admissible to such legal heir or heirs under any rules for the time being applicable to civil servants.



**4. Form of Memorandum.**---(1) Every memorandum of appeal shall--

- (a) contain full name and address, official designation and place of posting of the appellant;
- (b) state in brief the facts leading to the appeal;
- (c) be accompanied by a certified copy of the order appealed against and copies of all other documents on which the appellant wishes to rely.

**Explanation.**---Where an aggrieved civil servant has died, his legal heir or heirs, while filing the appeal or applying for review, as the case may be, shall also add documents in support of his or their relationship with the deceased civil servant.

(2) The appeal shall be submitted through the Head of the office in which the appellant is posted at the time of filing the appeal, or in the case of a deceased civil servant, where he was last posted before his death. The Head of the office shall forward the appeal to the competent authority, if he himself is not such authority and the competent authority shall after adding his own comments, if any, transmit the appeal to the appellate authority for necessary orders.

(3) No appeal shall be entertained if it contains abusive, disrespectful or improper language.

**5. Action by the appellate authority.**---(1) The appellate authority, after making such further inquiry or calling for such information or record or giving the appellant an opportunity of being heard, as it may consider necessary, shall determine--

- (a) whether the facts on which the order appealed against was based have been established;
- (b) whether the facts established afford sufficient ground for taking action; and
- (c) Whether the penalty is excessive, adequate or inadequate

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Civil Servants (Appeal) Rules, 1986

and after such determination, shall confirm, set aside or pass such order as it thinks proper; provided that no order increasing the penalty shall be passed without giving the appellant an opportunity of showing cause as to why such penalty should not be increased.

(2) The competent authority against whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority and shall cause the order so passed to be communicated to the appellant without undue delay.

**6. Withholding of appeal in certain cases.**---An appeal be withheld by the competent authority if--

- (a) it is an appeal in a case in which no appeal lies under these rules; or
- (b) it does not comply with the requirements of rule 4; or
- (c) it is not preferred within the time limit specified in sub-rule (1) of rule 3 and no reason is given for the delay; or
- (d) it is addressed to an authority or officer to whom no appeal lies under these rules;

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and reasons for it.

Provided further that an appeal withheld for failure to comply with the requirements of rule 4 or clause (d) of this sub-rule may be resubmitted within thirty days of the date on which the appellant is informed of the withholding of the appeal and, if resubmitted properly in accordance with the requirements of these rules, shall be deemed to be an appeal under rule 3 and shall be dealt with in accordance with the provisions of these rules.

(2) No appeal shall be against the withholding of an appeal under this rule.

**7. Disposal of appeal.**---(1) Every appeal which is not withheld under these rules shall be forwarded to the appellate authority alongwith the comments by the competent authority from whose order the appeal is preferred.

(2) A list of appeals withheld under rule 6, with reasons for withholding them, shall be forwarded quarterly by the withholding authority to the appellate authority.

(3) The appellate authority may call for any appeal admissible under these rules which has been withheld by the competent authority and may pass such order thereon as it considers fit.

**8. Savings.**---Nothing in these rules shall operate to deprive any person of any right of appeal which he would have if these rules had not been made, in respect of any orders passed before they came into force.



9. **Pending appeals.**---All appeals pending immediately before the coming into force of these rules shall be deemed to be appeals under these rules.

10. **Repeal.**---The Khyber Pakhtunkhwa Civil Services (Punishment and Appeal) Rules, 1943, are hereby repealed.

## Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981

[Gazette of Khyber Pakhtunkhwa, Part I, Page No. 151-160, 23<sup>rd</sup> December, 1981]

**No. FD. SO (SR-IV) 5-54 / 80 (Vol:II) dated 17-12-1981.**---In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act XVIII of 1973) and in supersession of this Department's Notification No. FD.SO(SR-IV) 1-17/78, dated the 20<sup>th</sup> November, 1979, the Governor of the Khyber Pakhtunkhwa is pleased to make the following rules namely:--

1. **Short title, commencement and application.**---(1) These rules may be called the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981.

(2) They shall come into force at once.

(3) They shall apply to all Civil Servants under the rule making authority of the Governor except those who opted not to be governed by the Khyber Pakhtunkhwa Civil Servants Leave Rules, 1979.

2. **Admissibility of Leave of Civil Servant.**---Leave shall be applied for, expressed and sanctioned in terms of days and shall be admissible to a civil servant at the following rate and scale:--

(i) A civil servant shall earn leave only on full pay. It shall be calculated at the rate of four days for every calendar months of the period of duty rendered and credited to the leave account as "leave on full pay" duty period of 15 days or less in a calendar month being ignored and those of more than 15 days being treated as a full calendar month, for the purpose. If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only.

(ii) The provisions of clause (i) will not apply to vacation departments. A civil servant of a vacation department may earn leave on full pay as under:--

(a) When he avails himself of At the rate of one day of

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Civil Servants Revised Leave Rules, 1981

vacation in a calendar year. every calendar month of duty rendered;

(b) When during any year he is prevented from availing himself of full vacation. As for a civil servant in non-vacation Department for that year; and

(c) When he avails himself of only a part of the vacation. As in (a) above plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation.

(iii) There shall be no maximum limit on the accumulation of such leave.

[Note. Deleted]

**3. When leave earned.**---(a) All service rendered by a civil servant qualifies him to earn leave in accordance with these rules but shall not be earned during the period of leave.

(b) Any period spent by a civil servant in foreign service qualifies him to earn leave provided that a contribution towards leave salary is paid to the Government on account of such period.

**4. Grant of Leave on Full Pay.**---(1) The maximum period of leave on full pay that may be granted at one time by the competent authority shall be as follows:--

- (i) Without medical certificate ... 120 days
- (ii) With medical certificate ... 180 days

**PLUS**

- (iii) On medical certificate from leave account in entire service. ... 365 days

(2) The maxima prescribed at (i) and (ii) of sub-rule (1) are independent of each other. In other words a civil servant may be granted, at a time, total leave on full pay on medical certificate upto the permissible extent in continuation of leave upto 120 days without medical certificate, subject to given conditions.

**5. Grant of Leave on Half Pay.**---(1) Leave on full pay may be converted into leave on half pay, at the option of the civil servant.

1. The "Note" at the end of rule 2 deleted by Notification No. FD. 50(Sk-IV)5-54/80(Vol.II), dated 01-06-1982.

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تیمی ایک روپیہ	کورٹ فیس
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عدالت میں جہت سے صاحب خیر خیر اسروس نے بیٹل لیا اور

Appellant منجاب  
حکومت پاکستان  
مخدوم  
دعوی یا جرم

تفصیل دعوی یا جرم

سروس اپیل  
باعث تحریر آنکھ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی اور جواب دہی پر اسے پیشی یا تعلیہ مقدمہ بنام  
ضیاء الدین خان سے قاضی ایڈووکیٹس ہائوس کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بڑا بڈر لیا رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل 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 میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر بکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ دہاں کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسانے ڈگری نظر ثانی اپیل گمرانی و جرم درخواست ہر قسم کے بیان دینے اور پر ثالثی یا راشی نامہ دینے اور صلح کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور بیرون از بکھری صدر بیرونی مقدمہ مزکور نظر ثانی اول و گمرانی و برآمدگی مقدمہ یا منوبھی ڈگری یک طرفہ یا درخواست حکم انتہائی یا قرتی یا گرفتاری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا یعنی علیحدہ علیحدہ مقررہ کی کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ مذکورہ کسی دوسرے وکیل یا بڈر سز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں دہی اور دینے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر چاہندہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری ٹیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

ماہ

مورخہ

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted

Liaquat Khan  
12/11/2018

Najma Parveen

Najma Parveen  
Pilitani

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**CAMP COURT D.I.KHAN**

**SERVICE APPEAL No. 416 /2018**

**Najma Parveen vs Government of Khyber Pakhtunkhwa**

S.No.	Description of Documents	Pages
1	Para-Wise Comments on Behalf of Respondent No. 4	1
2	Affidavit	2
3	Authority Letter	3
4	Annexure A	
5	Annexure B	
6	Annexure C	
7	Annexure D	
8	Annexure E	
9	Annexure F	
10	Annexure G	
11	Annexure H	



**DEPONENT**

**Dr. Muhammad Imran Shah**  
**Litigation Officer**  
**O/O DEO (F), D.I.Khan**  
**12101-2797412-1**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,**  
**CAMP COURT D.I.KHAN**

**Service Appeal No. 416 / 2018**

**Appellant:** Mrs. Najma Parveen ( Ex-PST GGPS Murad Noon)

***Versus***

**Respondents:**

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa.
2. Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa.
3. Director Elementary & Secondary Education, Khyber Pakhtunkhwa.
4. District Education Officer, (Female) D.I.Khan.
5. Deputy District Education Officer, (Female) D.I.Khan.
6. Sub-Divisional Education Officer, (Female) D.I.Khan.
7. Headmistress, Govt. Girls Primary School, Jhoke Murad Noon, D.I.Khan.
8. Budget and Accounts Officer, Office of the District Education Officer, (Female) D.I.Khan.

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS**

**Respectfully Sheweth:**

The respondents humbly submit the following:

**PRELIMINARY OBJECTIONS:**

1. That the Appellant has not approached this Honorable Tribunal Clean Handed.
2. That the service Appeal of the Appellant is not based on truth and is not filed to seek justice as per Natural Law of Justice.
3. That this service appeal is strictly time-barred as the Dismissal from Service Order has been issued on 27.4.2017.
4. That the Appellant was reported by the SDEO (F) D.I.Khan, a ghost Teacher/ Employee, being without any records at her office. (No.449, dated 23.4.2015) Hence the appellant has received salaries from the date of her appointment without performing any duty.
5. The first appointment order attached with this appeal is also succumb to counterfeit and forgery, being undated and unsigned.

6. That the Appellant has usurped Government treasury without performing duty at any of the schools in the jurisdiction of this servant.
7. That there had been no records of the appellant/ her addresses or where-about with this office so as she may be contacted as she has not been working at any of the schools at District D.I.Khan.
8. That the **Dismissal from Service** order has been Passed/ issued after thoroughly seeing the rule of Law that may be pleaded for an untraceable Ghost Teacher/ Employee.
9. That the appellant had been present nowhere in the Schools of this District. Nonetheless, she usurped salaries illegally, being a Ghost Teacher / Employee.
10. That, being based on lies, this service appeal is liable to be dismissed with cost.

In view of the above submissions, the respondents humbly pray that the service appeal of the appellant may please be **dismissed with cost** and the Dismissal Order dated 27.4.2017 may stay in field.

**OBJECTIONS ON FACTS:**

1. **Para 1 is incorrect: Hence denied.** The appointment order produced by the appellant with this Service Appeal is **undated, unsigned and without any Dispatch No.** record; hence, the presented appointment order is bogus, fake and without lawful authority.  
(Annexed with the Service Appeal page No. 18)
2. **Para 2 is incorrect: Hence denied.** The alleged Transfer Order bearing NO. 3557-60/AE dated 8.3.2015 is not traceable at our office records for the date 8.3.2015. Moreover, the transfer order as annexed at **B** with the memo of this Appeal, is bearing date 8.3.2010 is bearing **fake and forged signatures** of the then Executive District Officer Elementary and Secondary Education, D.I.Khan, hence is an invalid document  
(Annexed with the Service Appeal page No. 21)
3. **Para 3 pertains to records: Hence, no comments.**
4. **Para 4 pertains to records: Hence, no comments.**
5. **Para 5 pertains to records: Hence, no comments.**
6. **Para 6 is incorrect: Hence denied.** The impugned Dismissal Order No.5513-19, dated 27.4.2017 has been passed after observing all codal formalities and as per lawful authorizes conferred upon this servant.
7. **Para 7 is incorrect:** The appellant was a GHOST teacher/ Employee<sup>s</sup> having no legal entity to be proceeded in accordance with E & D Rules 2011 and or other Laws. This is up to the appellant, First to prove her appointment and service as lawful and legal.
8. **Para 8 is incorrect: Hence denied.** That the appellant had been present nowhere in the Schools of this District. Nonetheless, being a Ghost Teacher / Employee, she usurped salaries illegally. Hence rightly dismissed from Service.
9. **The departmental Appeal of the appellant is time-barred.**

**OBJECTIONS ON GROUNDS:**

**A. Para is incorrect: Hence denied.**

**B. Para is incorrect: Hence denied.** That the appellant had been present nowhere in the Schools of this District. Nonetheless, being a Ghost Teacher / Employee, she usurped salaries illegally. Hence rightly dismissed from Service by the Competent Authority.

**C. Incorrect: Hence denied:** That the appointment order produced by the appellant with this Appeal is **undated, unsigned and without any Dispatch No.** record; hence, the presented appointment order is bogus, fake and without lawful authority. Being a Ghost Teacher / Employee, she usurped salaries illegally. Hence rightly dismissed from Service by the Competent Authority.

**D. Incorrect: Hence denied:** The appellant is liable to prove her appointment order as lawful and legal before this Honorable Tribunal.

**E. Incorrect: Hence denied:** The Impugned order has been rightly passed by the competent Authority. The appellant, being a Ghost Teacher / Employee, has usurped salaries illegally. Hence rightly dismissed from Service by the Competent Authority.

**F. Incorrect: Hence denied.**

**G.** The learned counsel for the respondents may graciously be allowed by this Honorable Tribunal to raise further grounds during the course of arguments.

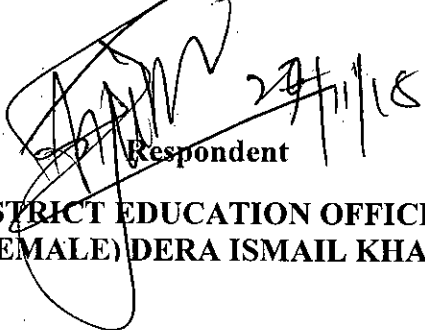
*In view of the above submissions, the respondents humbly pray that this service appeal of the appellant may please be dismissed with cost and the Dismissal Order dated 27.4.2017 may stay in field.*

  
DISTRICT EDUCATION OFFICER  
(FEMALE) DERA ISMAIL KHAN



## AFFIDAVIT

Dr. Muhammad Imran Shah, Subject Specialist (BS-18), GHSS Muryali, D.I.Khan, Litigation Officer o/o DEO (F) D.I.Khan, representing on behalf of District Education Officer (Female) D.I.Khan, in Service Appeal No. 416/2018, Najma Parveen vs. Government of Khyber Pakhtunkhwa, do hereby solemnly affirm on oath that all the contents of Para-wise comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

  
Respondent

**DISTRICT EDUCATION OFFICER  
(FEMALE) DERA ISMAIL KHAN**

  
DEPONENT

**Dr. Muhammad Imran Shah  
Subject Specialist (BS 18)  
Litigation Officer  
O/O DEO (F), D.I.Khan  
12101-2797412-1**

## **AUTHORITY LETTER**

I, District Education Officer (Female), D.I.Khan, Mrs. Saida Anjam, do hereby authorize **Dr. Muhammad Imran Shah, Subject Specialist BS 18, GHSS Murvali, D.I.Khan, Litigation Officer** of the District Education Office (Female), D.I.Khan, to attend the Honourable Khyber Pakhtunkhwa Service Tribunal, Camp Court D.I.Khan, on my behalf in connection with submission of Para-wise comments/ Reply/ Attendance till the decision of the Service Appeal No. 416 / 2018, **Najma Parveen VS Govt. of Khyber Pakhtunkhwa.**

  
27/11/18  
(Saida Anjam)  
**DISTRICT EDUCATION OFFICER  
(FEMALE) DERA ISMAIL KHAN**

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 750 /ST Dated 12-4- /2019


To,

The District Education Officer (Female),  
District D.I.Khan.

SUBJECT: - ORDER IN APPEAL NO. 416/2018, NAJMA PARVEEN VS GOVT.

I am directed to forward herewith a certified copy of Order/Judgment dated  
25.03.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR