

06th July, 2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional AG alongwith Tariq Shah S.A for respondents present.

Respondents No.4 has submitted written reply/comments which is placed on file. Copy of the same is handed over to counsel for appellant. Respondents No.1 to 3 have not submitted written reply/comments. Learned AAG seeks time for submission of written reply/comments. Adjourned. To come up for written reply/comments on 07.09.2022 before S.B.

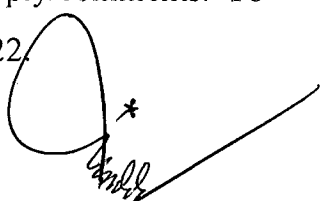

(Kalim Arshad Khan)
Chairman

26.05.2022

Mr. Frooq Mohmand, Advocate for the appellant present.
Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant is aggrieved of the impugned order of removal from service dated 31.07.2021. She challenged the impugned order through departmental appeal on 12.08.2021 which was not responded within the statutory period hence the instant service appeal filed on 30.11.2021 for redressal of her grievances. It was further argued that this is the second round of litigation; earlier the appellant was removed from service vide order dated 11.12.2015 which was assailed before this Tribunal in service appeal No. 384/2016. The Tribunal accepted the appeal and set aside the order dated 11.12.2015 vide judgement in service appeal No. 383/2016 of Mst. Shamim Ara dated 05.03.2019, however the issue of back benefits was subject to the outcome of denovo enquiry. In compliance with the said judgement, the appellant was reinstated into service vide order dated 12.07.2019 and adjusted against the vacant post of PST at GGPS Mathra. The appellant submitted a departmental appeal for modification of the order dated 12.07.019 to the extent of back benefits for the period from 12.11.2015 to 12.07.2019 but astonishingly vide impugned order dated 31.07.2021, the appellant was again removed from service. Learned counsel for the appellant contended that proper charge sheet/statement of allegations was not issued to the appellant. No Show Cause Notice was issued to the appellant and no chance of personal hearing provided to the appellant. She has therefore been condemned unheard, he concluded.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 06.07.2022.


(Mian Muhammad)
Member (E)

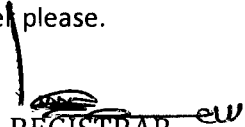

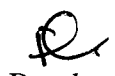
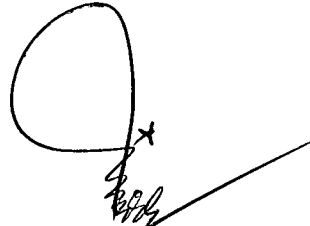
Rs-600/-
Appellant Deposited
Security & Process Fee
31/5/22

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7872/2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/12/2021	<p>The appeal of Mst. Bakht Meena resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	09.02.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>09/02/22</u>.</p> <p> CHAIRMAN</p> <p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.04.2022 for the same as before.</p> <p> Reader</p>
	25.04.2022	<p>Learned counsel for the appellant present.</p> <p>Learned counsel for the appellant seeks adjournment. Adjourned. To come up for preliminary hearing on 26.05.2022 before S.B.</p> <p> (MIAN MUHAMMAD) MEMBER(E)</p>

The appeal of Mst. Bakht Meena PST GGPS Mathra District Peshawar received today i.e. on 30.11.2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Copy of pending service appeal mentioned in para-9 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Annexure-A and page Nos. 13 to 17, 22 to 25 and 46 are illegible which may be replaced by legible/better one.

No. 2358 /S.T,

Dt. 01/12 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Noor Muhammad Khattak Adv.

- In response to objection #1 the service Appeal is pending and not yet decided which needs not to be amended and The reference number is properly been mentioned.
- In response to objection #2 The legible/better Copies are hereby placed on files.
- Re-Submitted after doing needful.



15/12/2021

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

SERVICE APPEAL NO. 7872 /2021

BAKHT MINA

V/S

EDUCATION DEPTT:

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Dated:.. 11.2021

APPELLANT

Through:

**NOOR MOHAMMAD KHATTAK
ADVOCATE
0345-9383141**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____/2021

Mst: Bakht Mina, PST (BPS-12)

GGPS Mathra, District Peshawar..... **APPELLANT**

VERSUS

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (Female), District Peshawar.
- 4- The District Account Officer, District Peshawar.

..... **RESPONDENTS**

SERVICE APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST IMPUGNED ORDER DATED 31.07.2021 WHEREBY THE APPELLANT HAS BEEN AWARDED MAJOR PENALTY OF REMOVAL FROM SERVICE AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this service appeal the impugned order dated 31.07.2021 may very kindly be set aside and the appellant may kindly be reinstated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

1. That appellant is the employee of respondent Department and is serving as PST at Government Girls Primary School, Mathra District Peshawar quite efficiently and upto the entire satisfaction of her superiors. Copy of the Appointment order is attached as annexure..... **A.**
2. That during service the appellant was applied for ex-Pakistan leave and the same was sanctioned to the appellant w.e.f 16.01.2009 to 15.04.2009 (90 days) vide order dated 04.04.2009 and after completion of the above mentioned leave the appellant submitted arrival report and started performing her duty at the concerned station efficiently. Copy of the order is attached as annexure..... **B.**

3. That appellant while performing her duty at GGPS Kachi Kopar, District Malakand a baseless allegation of absentia was leveled against the appellant. That the allegation of absentia was totally wrong, incorrect and baseless and the relevant period no such inquiry regarding the matter was conducted.
4. That the allegation regarding the absence of the appellant is not correct that there is no SUCH report submitted by Head Mistress regarding the absence of the appellant and the appellant is very much performed her duty in GGPS Kopar and received her salary.
5. That the appellant filed a complaint against one Rukhsana Rahim Sub-Divisional Officer, Dargai Malakand and the enquiry conducted against that complaint, the appellant provide sufficient evidence against Rukhsana Rahim but she was exonerated from the charges and the appellant was removed from her Service vide order dated 11.12.2015 without conducting regular enquiry in the matter. Copy of complaint, inquiry report removal order are attached as annexure..... **C, D & E.**
6. That appellant feeling aggrieved from the order dated 11.12.2015 filed departmental appeal followed by service appeal No. 38 /2016 which was accepted in favor of the appellant vide judgment dated 05.03.2019. Copies of the Departmental appeal, memo of service appeal & Judgment are attached as annexure..... **F, G & H.**
7. That after obtaining attested copy of the judgment dated 05.03.2019 submitted the same before the respondents and respondents implemented the judgment passed by this august Tribunal re-instated the appellant into service vide its order dated 12.07.2019 but no back benefits were allowed to the appellant. Copy of the impugned order dated 12.07.2019 is attached as annexure..... **I.**
8. That appellant feeling aggrieved from the impugned order dated 12.07.2019 filed Departmental appeal before the appellate authority but no reply has been received so far from the quarter concerned Hence appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure..... **J.**
9. That during the pendency of this instant service appeal no. ¹⁹⁶² /2019 the department issued impugned order notification dated 31-07-2021 whereby the appellant was awarded major penalty of removal from service. Copy of impugned order dated 31-07-2021 is annexed as annexure..... **K.**

10. That the appellant feeling aggrieved preferred Departmental Appeal but was left unattended by the respondent Department. Copy of departmental appeal is annexed as annexure..... L.

GROUNDS:

- A. That the impugned order dated 31.07.2021 is against the law, rules, and norms of natural justice and materials on the record, hence not tenable and liable to be modified/rectified to the extent of back benefits.
- B. That appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C. That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 31.07.2021 which is not tenable and liable to the extent of removal from service.
- D. That no charge sheet and statement of allegation has been served on the appellant prior to issuance of the impugned order dated 31.7.2021.
- E. That no show cause notice has been served on the appellant before issuance of the impugned order dated 31.7.2021.
- F. That no chance of personal hearing has been provided to the appellant before issuance of the impugned order dated 31.7.2021.
- G. That no regular inquiry has been conducted by the respondents before issuance of the impugned order dated 31.7.2021.
- H. That any other grounds will be taken at the time of personal hearing with your kind permission.

It is, therefore, humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

Bakhtmina

BAKHTMINA

THROUGH:

NOOR MOHAMMAD KHATTAK

&
HAIDER ALI
ADVOCATES.

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____ / 2021

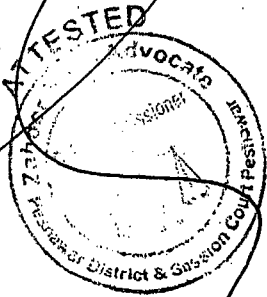
BAKHT MINA

VS

EDUCATION DEPTT:

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



Bakhtmina
DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.


CERTIFICATION

**OFFICE OF THE DISTRICT EDUCATION OFFICER (F) PRIMARY MALAKAND AT
BATKHELA**

APPOINTMENT/ADJUSTMENT

The following PTC trained candidates places on merit are hereby appointment/adjusted in the BPS-07 i.e 1480-81-2095 plus usual allowances us due and admissible under the rules in the shools enumerated against each w.e.f. the date of taking over charge with the following terms and conditions:-

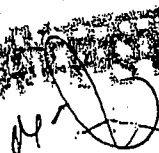
S.No.	Name with Qualification / prof:/Residence & Consit:	S.No of M/List	School where apptt: Const:	Remarks
1.	Aisha Bibi Mat:PTC D/O Abdur Rehman Vill: & P.O Mkd: P.F 80/27/795/1200/1992-93	27	GGPS Chappal P.F 80	Against vice S.No. 33
2	Seema Akhtar M&t: PTC D/O Muhammad sabir Vill: & P.O Dobandai 6/694/1200/89-90 P.F 79	5	GGPS Gandairo Shah P.F 79	Against N.C post.
3	Bibi Hisha Mat: PTC D/O Hassan Gul Vill: & P.O S/Kot p.F 79/7/680/1200/1989-90 P.F 79	7	GGPS Bajawario Killi P.F 79	Do-
4	Zakia Begum Mat: PTC D/O Muhammad Akram Vill: & P.O Dargai 8/679/1200/1989-90 P.F 79	8	GGPS Dargai patal P.F 79	Do-
5	Zubaida Begum Mat: PTC D/O Muhamad Gul Vill: & P.O S/ Kot 9/674/1200/1989-90 P.F 79	9	GGPS Zangal Patai P.F 79	Do-
6	Mumlikat Begum Mat:PTC D/O Khalilur Rehman Vii: & P.O Dargai 10/672/1200/1989-90 P.F 79	10	GGPS Totai P.F 80	V.S No38
7	Yasmeeh Kanwal Mat: PTC D/O Shah Zamin Khan Vill:	14	GGPS Dad Dheri P.F 80	V.S No: 43
18	Nijat Mat: PTC D/O KediGul Vii: & P.O Dargai	22	GGPS Mishta Banda	V.S No: 37
19	Safia Begum Mat: PTC D/O Muhammad Sherin Vill: & P.O Meherdi. 23/750/1200/1991-92 P.F	23	GGPS Khanorai P.F 80	V.S No: 29

OFFICE OF THE DISTT. EDU: OFFICER (F) PRIMARY SIKKANDI AT BATAVIA
 APPOINTMENT/ADJUSTMENT

The following PTC trained candidates placed on merit are hereby appointed/adjusted in the prs no.7 i.e. 1480-87-2095 plus usual allowances as due and admissible under the rules in the schools enumerated against each w.e.f. the date of taking over charge with the following terms and conditions:-

S.No.	Name with qualification / Prof./Residence & Const:	S.No. of M/List	School where apptt: & Const:	Remarks
1.	Aisha Bibi Mat: PTC D/O Abdur Rahman Vill: & P.O. Mkd: P.F. 80/27/795/1200/1992-95	27	GGPS. Chappal P.F. 80	Against vice S.No. 33
2.	Seema Akhtar Mat: PTC D/O Muhammad Sabir Vill: & P.O. Dobandai 6/694/1200/89-90 P.F.79	5	GGPS. Gandairo Shah P.F.79	Against N.O.Post
3.	Bibi Aisha Mat: PTC D/O Nassan Gul Village & P.O. S/Kot P.F.79/7/880/1200/1989-90 P.F. 79	7	GGPS. Bajawario Kali P.F.79	-do-
4.	Zakia Begum Mat: PTC D/O Muhammad Akram Vill: & P.O. Dargai 8/679/1200/1989-90 P.F.79	8	GGPS. Dargai Patak P.F. 79	-do-
5.	Zubeda Begum Mat: PTC D/O Muhammad Gul Vill: & P.O. S/Kot 9/674/1200/1989-90 P.F.79	9	GGPS. Zangle Patak P.F.79	-do-
6.	Muhammat Begum Mat: PTC D/O Mhalilur Rahman Vill: & P.O. Dargai 10/672/1200/1989-90 P.F.79	10	GGPS. Totai P.F. 80	V.S.No.38
7.	Summa Farveen Mat: PTC D/O Nashid Khan Vill: & P.O. Dargai 11/662/1200/1989-90 P.F. 79	11	GGPS. Nazif Banda P.F. 79	V.S.No. 41
8.	Hidayat Begum Mat: PTC D/O Muhammad Gul Vill: & P.O. S/Kot 12/659/1200/1989-90 P.F.79	12	GGPS. Sindano P.F. 79	V. 39
9.	Najma Begum Mat: PTC D/O Abdul Ghafoor Vill: & P.O. Kharkai 13/649/1200/1990-91 P.F.79	13	GGPS. Bazdara Payan P.F. 80	V.S.No.49
10.	Yasmeen Kanwal Mat: PTC D/O Shah Zamin Khan Vill: & P.O. Kharkai 14/701/1200/1990-91 P.F. 79	14	GGPS. Dad Uheri P.F. 80	V.S.No.43
11.	Nighat Mat: PTC D/O Said Rahman Vill: & P.O. Meherdi 15/679/1200/1990-91 P.F.79	15	GGPS. Gandairo Shah P.F. 79	N.O.Post
12.	Nadia Begum Mat: PTC D/O Lal Zuda Vill: & P.O. Dargai 16/671/1200/1990-91 P.F. 79	16	GGPS. Aspur (Totai) P.F.80	V.S.No. 25
13.	Jamila Begum Mat: PTC D/O Lal Zuda Vill: & P.O. Dargai 17/668/1200/1990-91 P.F.79	17	GGPS. Aspur Totai P.F. 80	V.S.No. 27
14.	Amia Bibi Mat: PTC D/O Kedi Gul Vill & P.O. Kharkai 18/666/1200/1990-91 P.F.79	18	GGPS. Mishta Banda P.F. 80	V.S.No. 26
15.	Noor Samida Mat: PTC D/O Faqir Muhammad Vill: & P.O. Meherdi 19/514/1200/1990-91 P.F. 79	19	GGPS. Khanorai P.F. 80	V.S.No.28
16.	Nasim Begum Mat: PTC D/O Jamrooz Khan Vill: & P.O. Khanorai 20/779/1200/1991-92 P.F.79	20	GGPS. Dargai Patak P.F. 79	N.O.Post
17.	Shameen Bibi Mat: PTC D/O Shahzaman Khan Vill: & P.O. Kharkai 21/757/1200/1991-92 P.F.79	21	GGPS. Aziz Abud (MGRU) P.F.80	-do-
18.	Nijat Mat: PTC D/O Kedi Gul Vill: & P.O. Dargai 22/755/1200/1991-92 P.F.79	22	GGPS. Mishta Banda P.F. 80	V.S.No. 37
19.	Safia Begum Mat: PTC D/O Muhammad Sherin Vill: & P.O. Meherdi 23/750/1200/1991-92 P.F. 79	23	GGPS. Khanorai P.F. 80	V.S.No.29

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APPROVED


20	Kalsoom Sabir Mat: PTC D/O M, Akbar Vill: & P.O Dargai	24	GGPS Mashumzai P.F 80	V.S No: 30
21	Bakht Mina Mat: PTC D/O Hasan Khan Vill: & P.O Koper 25/729/1200/1991-92 P.F 79	25	GGPS Kaddi Koper P.F 79	N.C Post
22	Rozina Bibi Mat: PTC D/O Muhammad Nabi Vill: & P.O Dargai	26	GGPS Azia Abad	N.C Post
23	Musarat Begum Mat: PTC D/O Rahmat Vill:	-----	GGPS Mustanab	N.C Post
30	Muhammadia PTC GGHS Mashamzai	-----	Adjusted at GGPS	A.N.C post
31	Nadia Bibi	-----	Adjusted at GGPS	A.N.C post
32	Naseem Begum	-----	Adjusted at GGPS	A.N.C post
35	Wazir Begum	-----	Adjusted at GGPS	A.N.C post
36	Neelam Zia	-----	Adjusted at GGPS	A.N.C post
37	Zenatullah	-----	Adjusted at GGPS	A.N.C post
39	Mujahida Bibi	-----	Adjusted at GGPS	A.N.C post
40	Saeeda Begum	Do	Adjusted at GGPS	A.N.C post
41	Mukhtiar Begum	Do	Adjusted at GGPS	A.N.C post
42	Bibi Abida PTC	Do	Adjusted at GGPS	A.N.C post
43	Anjuman Begum	Do	Adjusted at GGPS	A.N.C post

(Page No. 2)

- 20. Kalsoom Sabir Mat: PTC D/O Mond Akbar Vill: & P.O. Margai/24/730/1200/1991-92 P.R. 79
- 21. Bakht Mena Mat: PTC D/O Hasan Ali Village & P.O. Koper/25/729/1200/1991-92 P.R. 79
- 22. Nozina Bibi Mat: PTC D/O Monumma Nabi Village & P.O. Margai/22/723/1200/1991-92 P.R. 80
- 23. Musarat Begum Mat: PTC D/O Nahmat Village/P.O. Dubandai /694/1200/1991-92 P.R. 79
- 24. GGS, Mashumzai vice S.No. 36 P.R. 80
- 25. GGS, Kuchai Upper N.C. Post P.R. 79
- 26. GGS, Azia Abad N.C. Post (N.C.) P.R. 80
- GGS, Mustanab Korona against N.C. post: apptt: made on the basis of 1% Disagule quota by the order of NWFP GOVT:
- 24:- Neelam Bibi PTC; GGS, Bartangi - adjusted at GGS, Painua-Mandaro against newly created post.
- 25:- Farida Khanum PTC; GGS, ~~Painua (Tatal)~~ - adjusted at GGS, Pinda-Mandaro -do-
- 26:- Musariat Begum PTC; GGS, Mishta Banda. - adjusted at GGS, Bartangi. vice S.No. 24
- 27:- Kubina Bibi PTC GGS, Aspur - adjusted at GGS, Hospital against N.C. colony (Kot) PTC post.
- 28:- Aneela PTC, GGS, Khanorari - adjusted at GGS, Hospital colony -do-
- 29:- Shanzia Butool PTC; GGS, Khanorari - adjusted at GGS, Baro-Khanarp against N.C. post.
- 30:- Mohammadia PTC; GGS, Mashumzai. - adjusted at GGS, -do- -do-
- 31:- Nodia Bibi PTC; GGS, Maingano-Vand - adjusted at GGS, Gato-Ghondi -do-
- 32:- Naseem Begum Mat; PTC; Bartangi - adjusted at GGS, Maingano- vice No. 31 Cham (Khar).
- 33:- Musarat Azia PTC GGS, Chappal. - adjusted at GGS, Bartangi vice No. 32
- 34:- Hussain Misa PTC; GGS, Jarbat - adjusted at GGS, Kasinat A.N.C. post
- 35:- Wazir Begum Mat: PTC; GGS, Makband. - adjusted at GGS, -do- -do-
- 36:- Neelam Sid PTC; GGS, Kualangi - adjusted at GGS, Jarbat vice S.No. 3
- 37:- Zeenatul Anjum PTC; GGS, Mishta Banda. - adjusted at GGS, Makband vic No. 35
- 38:- Rizwana Sher PTC; GGS, Tatal - adjusted at GGS, Kualangi vice No. 3
- 39:- Mujahida Bibi PTC; GGS, Sindano - adjusted at GGS, Sangul-Patti as A.N.C. Post
- 40:- Saeeda Begum PTC; GGS, Dubandai - adjusted at GGS, Mustanab-Korona. -do-
- 41:- Mukhtiar Begum PTC; GGS, Nazif-Banda. - adjusted at GGS, Dubandai vice No. 40
- 42:- Bibi Abida PTC GGS, Mandaro - adjusted at GGS, Sajwuro - A.N.C. post. -Killi.
- 43:- Anjuman Begum PTC GGS, Dac-Dhari - adjusted at GGS, Kuchai Koper -do-

(Next Page No. 3)

ATTESIED
M

1
1
1
17
18
19

TERMS AND CONDITION

- 1:- The appointment is made purely temporary and is liable to termination at any time with or without giving any reasons.
- 2:- she should not hand over charge in case her case in age case her age excess 20 years of age then 18 years.
- 3:- in case she wish to resign from service she should submit one month period notice to the department forfeit one month pay in thereof.
- 4:- charge report should be submitted in duplicate to all concerned.
- 8 :- terms and condition or not applicable at S.no, 24 to S.No,43 in lieu of their transfers.

MRS ANJUMAN BEGUM

Endst :No.3680-3786/ f.no.6 DEO(F) pry:/mkd :/estt:/PTC:Apptt:/voll:ii/DA dated batkhela the 30/10/94.

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

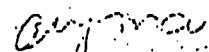
- 1:- honourable minister or primary education NWFP Peshawar w/r to meeting at speaker chamber on 4.10.1994
 - 2:- SDEO(F) Malakand at batkhela.
 - 3:- MR. ghani Muhammad
- 83-125 Personal files .

DISTT: PRIMARY EDUCATION OFFICERS

(Page No. 3)

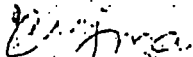
TERMS AND CONDITIONS/

- 1:- The appointment is made purely temporary and is liable to termination at any time with our giving any reasons.
- 2:- She is required to produce health and age certificate from the medical supdt: Civil hospital concerned.
- 3:- she should not handover charge in case her age in case her age exceed 20 years or less than 10 years.
- 4:- in case she wish to resign from service she should submit one month period notice to the department or profit one month pay in thereof.
- 5. her original testimonial should be checked before handing over charge
- 6:- charge report should be submitted in duplicate to all concerned,
- 7:- In case she failed to resume duty within a stipulated period the order should be stand automatically cancelled and her name will be placed at the bottom of the merit list available on the record of this office.
- 8:- Terms and conditions are not applicable at S.No.24 to S.No.43 in lieu of their transfers.

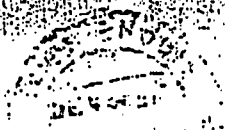

 (MRS: ANJUMAN BEGUM)
 DIST: PRIMARY EDUCATION OFFICER (F),
 MALAKAND AL BATAKHELA
 30/10/94

Endst: No. 3680-3786 P. no. 0/DEO(F)Pry:/Mkd:/Estt:/PTC:Apptt:/Voll:II/DA dated batkhela the. 30/10/94.

- 1:- Copy of the above is forwarded for information to the:-
- 1:- Honourable minister of primary education NWFP, Peshawar w/r to meeting at speaker Chembar on 4.10.1994.
- 2:- Director Primary Education NWFP, Peshawar at Hayatabad.
- 3:- SDO(F) Malakand at Batkhela.
- 4:- Mr: Jehangir Khan MPA P.F. 79 at Ashaki.
- 5:- Mr: Ghani Mohammad Khan MPA P.F. 80 Malakand at Batkhela.
- 6:- PA to Director Primary Education NWFP, Peshawar at Hayatabad.
- 7+30 Headmistress of girls, of concerned school.
- 39-01 Candidates concerned.
- 02:- Accountant local office.
- 03-125 personal files.


 DIST: PRIMARY EDUCATION OFFICER (F),
 MALAKAND AL BATAKHELA
 30/10/94

ATTESTED



M.S.

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ANNEXURE B (8)

OFFICE OF THE,
DISTRICT COORDINATION OFFICER,
MALAKAND.

Dated 4/04/2009.

ORDER.

No. _____ / In exercise of the power conferred vide Clause-a (2) and "J" of Para 6 of the District Govt. Rules of Business, 2001. sanction for 90 days Ex-Pakistan Leave with full pay w.e.f 16/01/2009 to 15/04/2009, (both days inclusive) in r/o Mst. Bakht Mina, PST, GGPS Koper, is hereby granted.

--Sd--

District Coordination Officer,
Malakand.

No. 2065-66

Copy forwarded to

1. The EDO (E&SE), Malakand with reference to his memo: No. 4402/Leave/PST(F) Estb: dated 28/03/2009. The service book in r/o the above named teacher is returned herewith in original.
2. The Agency Accounts Officer, Malakand for information.

ATTESTED

[Handwritten signature]

[Handwritten signature]
Assistant Coordination Officer,
Malakand.

[Handwritten signature]
3/4

[Handwritten signature]
0.3.4.09

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OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) MALAKAND AT BARKHELA.

SANCTION.

In exercise of the powers conferred vide Rules-6 Sub Rules(1)(b) of the District Government rules of business 2001, as amended vide Government of Khyber Pakhtun Khwa local Government Elections and Rural Development department Notification No.S.O. (LG-1) 3-196/EM/ 2005 dated 07. 13. 2005.

Sanction is hereby accorded to the grant of extra Ordinary leave without pay for the period from 01. 01. 2010 to 31.12. 2011 (730 days) in respect of Mst. Bakht Mina P.S.T.Govt:Girls Primary School Koper, Malakand Agency as due and admissible to her under the revised leave rules 1984.

Note:- Necessary entry to this effect should be ~~xxx~~ made in her service book and leave account accordingly.

The official concerned is likely to resume her duties at the same station and post from which she proceeded on 1...

(MUJIBUZZAMAN)
EXECUTIVE DISTRICT OFFICER (E&SE)
MALAKAND AT BARKHELA.

Order No 7680-81 / No. Leave/PST(P) Dated 26 / 7 / 2010

Copy of the above is forwarded for information and necessary action to:-

1. The Deputy Distt:Officer (Female) Dargai w/r to her office memo No.635 dated 26. 07.2010. The service book in original is enclosed herewith for your office record.
2. The Agency Accounts officer, Malakand

EXECUTIVE DISTRICT OFFICER (E&SE)
MALAKAND AT BARKHELA.

RECEIVED
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FORM III

FORM OF LEAVE ACCOUNT UNDER THE REVISED LEAVE RULES, 1981

Leave Account of Mrs. Bala K. MINA
 Date of Commencement of service 11-11-1974 (N.B. - Instruction for 'X' as in the form are printed on reverse)
 Date of attaining the age of superannuation 8-4-2036 (Error Column 8 to 20)

Government/Department served under	PERIOD OF DUTY		Days	Leave earned on full pay & days for each calendar month	Days	Leave at credit (column 21+6)	LEAVE TAKEN (Error Column 8 to 20)						LEAVE NOT DUE		ABSENCE		Total leave (Columns 10+11+12+14+15+17+19)	Days	Balance on 1-7-1978/return from leave (Column 7-20)	Remarks			
	From	To					Y.M.D.	Full Calendar month	Days	Days	Days	Days	Days	Days	Days	Days					Days	Days	Days
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
Education Department	11/11/74	30/11/80	5-2-81	63	63	Neternity leave w.e.f. 23-12-2000 to 23-12-2001	4	90 days on full pay	1	1	Leave on full pay on medical certificate subject to maximum of 180 days	13	14	15	16	17	18	19	20	21	63 days balance	22	23
	24/12/2009	15-8-2011		105+63	168	Fr. Pakistan leave 16-12-2009 to 15-9-2001	4	90 days on full pay	4	4	Leave on full pay on medical certificate subject to maximum of 365 days in case of L.P.R.	13	14	15	16	17	18	19	20	21	Balance 78 days	22	23
	12/12/2009	7-8-5		94+78	172	Ex. ordinary leave 1-12-2010 to 31-12-2011	12	2 years (730 days) without pay	12	12	Leave on full pay on medical certificate subject to maximum of 365 days in case of L.P.R.	13	14	15	16	17	18	19	20	21	87 days	22	23

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ATTENDED

[Signature]

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محضوَر جناب سیکرٹری ایجوکیشن صوبہ خیبر پختونخواہ پشاور سیکرٹریٹ پشاور

شیر علی خان ولد عبدالحسن (مرحوم) ساکن ستانہ دارکے رقبہ کو پر تحصیل درگئی ضلع ملاکنڈ

(سائل)

بنام

مسماة رخسانہ رحیم دختر رحیم خان (سابقہ SDO) زمانہ درگئی ضلع ملاکنڈ ساکن لونڈ حور ضلع مردان

(مسئول ایہا)

درخواست بمراد قانونی چارہ جوئی کرنے برخلاف مسئول ایہا بوجہ غیر قانونی طور پر حراسان کرنے، دھنی کوفت، جسمانی تکلیف، مالی نقصان رسائی، قیمتی وقت کی ضیاع، سماجی ساکھ کو نقصان پہنچانے اور سرکاری فرائض کی انجام دہی میں روکاوٹ ڈالنے غیر قانونی طور پر فوجداری مقدمہ میں جھوٹی طور پر ملوث کرنے، مسئول ایہا کے خلاف قانونی کارروائی کی جائے۔

جناب عالی!

درخواست منجانب سائل حسب ذیل عرض ہے۔

(۱) یہ کہ سن ۱۹۸۰ء میں ستانہ دارکے رقبہ کو پر تحصیل درگئی ضلع ملاکنڈ کا جدی رہائشی وابستہ ہے، اور محکمہ تعلیم میں بحیثیت S.C.T (ایس. سی. ٹی) اپنی فرائض سرانجام دے رہا ہے۔

(۲) یہ کہ سن ۱۹۸۰ء میں مسماة شمیم آراء۔ P.S.T گورنمنٹ گرلز پرائمری سکول کو پوزیشنات ہے، نے ایک عدد درخواست بابت انکوائری برخلاف سابقہ S.D.O صاحب زمانہ درگئی) مسماة رخسانہ رحیم دائر کی تھی۔ جس پر ڈسٹرکٹ ایجوکیشن آفسر صاحب ملاکنڈ نے انکوائری کمیٹی بنائی (متعلقہ چھٹی نمبری 509/13 محرمہ 25/03/2014 لف درخواست حذا ہے)۔

(۳) یہ کہ متعلقہ انکوائری کمیٹی نے سن ۲۰۱۴/۰۳/۲۹ برائے قلمبندی بیان طلب کیا، اور سن سائل نے اپنا تحریری بیان بابت انکوائری، رو بروئے انکوائری کمیٹی قلمبند کیا۔ سن مسائل کا نام ^{مکتوبہ نمبر 7} مسیر مل نمبر 19 بر درج ہے۔

(۴) یہ کہ سائل کا بیان بابت انکوائری قلمبند ہونے کے بعد مسماة رخسانہ رحیم (سابقہ S.D.O صاحب) نے سن سائل کے خلاف ایک عدہ جعلی، فرضی، سازشی اور خلاف واقعات F.I.R نمبر 55 محرمہ 04/04/2014 یہ جرم زبردغات 500/506B/509/342/341/294/190/186PPC تھانہ خاکوٹ درج کیا۔ (متعلقہ F.I.R کی کاپی لف ہے)۔

(۵) یہ کہ ایف۔ آئی۔ آر (F.I.R) درج کرنے کے بعد مسماة رخسانہ رحیم (سابقہ S.D.O صاحب) مسئول ایہا نے سائل سے فون پر بات کی۔ کاپ اپنی ہمشیرہ مسماة شمیم آراء کو کہو کہ وہ اپنا درخواست بابت انکوائری واپس لے تو وہ بھی اے لے لی، سائل کے خلاف اپنا F.I.R درج شدہ واپس لے گی۔ بصورت دیگر میں آپ کے خلاف ہر قسم کی غیر قانونی کارروائی کرونگی۔

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(۶) یہ کہ مسماۃ رحسانہ رحیم (مسئول الیہا) سائل کو ہر قسم کی دھمکی دیتی رہی اور اپنے بیان سے منحرف ہونے کیلئے ہر قسم کی غیر قانونی حربہ استعمال کرنے سے باز نہ آئی۔ لیکن من سائل نے اپنا بیان انکو ایڑی کمیٹی کے سامنے ریکارڈ کرایا۔

(۷) یہ کہ انکو ایڑی کمیٹی نے اپنی قانونی تقاضے پورے کرنے کے بعد محرمہ 14/04/2015 کو اپنا مفصل کمیٹی رپورٹ D.E.O صاحب ملاکنڈ میں جمع کیا، اور انکو ایڑی کمیٹی کے رپورٹ میں (Recommendation) پارٹ میں جرنمبر (6) میں مسماۃ رحسانہ رحیم مسئول الیہا کو ذمہ دار ٹھہرایا۔ (تاریخ: 07/07/2015)۔
 (۸) یہ کہ سائل نے عدالت مجاز میں مسئول الیہا کا درجہ شدہ کیس متذکرہ بالا منسوخ کر لیا اور مورخہ 04/04/2014 کیس کے رجسٹرڈ ہونے سے لیکر تانیدلہ مورخہ 07/07/2015 تک عدالت مجاز میں پیش ہوتا رہا۔ اسی دوران مسماۃ رحسانہ رحیم مسئول الیہا عدالت مجاز پیشی پر پیش نہیں ہوئی۔ اور نہ ہی عدالت مجاز میں کسی قسم کی کوئی شہادت پیش کی۔ جس پر عدالت مجاز نے من سائل کو محرمہ 07/07/2015 ہوت بری فرمانے صادر فرمایا۔ (حکم عدالت محرمہ 07/07/2015 لف ہے۔)

(۹) یہ کہ من سائل کے خلاف مذکور بالا F.I.R صرف اور صرف اس مقصد کیلئے درج کیا تھا، کہ من سائل اپنے بیان سے، انکو ایڑی سے منحرف ہو۔
 (۱۰) یہ کہ مذکور بالا جعلی، فرضی، سازشی اور خلاف واقعات F.I.R کی وجہ سے سائل کی سماجی، معاشرتی اور سائل کی بہت زیادہ ہنگام ہوئی، جسکی وجہ سے سائل کو ذہنی طور پر ذلیل و حوار، جسمانی اذیت، مالی نقصان، رسائی، وقت کی ضیاع، معاشرتی ساکھ کو نقصان پہنچایا۔
 (۱۱) یہ کہ درج بالا وجوہات پر مسماۃ رحسانہ رحیم مسئول الیہا سے اپنے ہنگام، مالی نقصان، رسائی، ذہنی کوفت، جسمانی اذیت اور معاشرتی نقصان رسائی کیلئے مسئول الیہا (مسماۃ رحسانہ رحیم) نے پچاس لاکھ روپے جرمانے کی طلب کی ہے۔ بصورت دیگر سائل مزید قانونی کارروائی کرنے گا، اور درخواست سائل پر خلاف مسئول الیہا اندر معیاد ہے، اور انجناب کو مسئول الیہا کے خلاف قانونی ایکشن لینے کا اختیار بھی حاصل ہے۔

ذرا استدعا ہے، کہ منظور کی درخواست ہذا اور درخواست سائل کو منظور فرما کر سائل کو برخلاف مسئول قانونی چارہ جوئی کرنے کی بجائے غیر قانونی طور پر اسان کرنے، ذہنی کوفت، جسمانی تکلیف، مالی نقصان، رسائی، قیمتی وقت کی ضیاع، سماجی ساکھ کو نقصان پہنچانے اور سرکاری فرائض کی انجام دہی میں روکاوٹ ڈالنے وغیرہ قانونی طور پر نو جہداری مقدمہ میں جھوٹی طور پر لوٹ کرنے پر مسئول الیہا کے خلاف قانونی چارہ جوئی کیا جائے۔ نیز دیگر دوسری جو قریں انصاف و شریعت ہو بھی مرحمت فرمائی جائے۔

سائل شیری ولد عبدالحسن (مرحوم) ساکن ستانہ دار کے رقبہ کے قریب تحصیل درگی ضلع ملاکنڈ
 بذریعہ وکیل وقار احمد ایڈووکیٹ ہائی کورٹ
 11/11/2015
 بذریعہ خود
 کاپی۔۔۔

مورخہ: 07/11/2015

- (۱) وزیر اعلیٰ خیبر پختونخواہ CM سکریٹریٹ پشاور
- (۲) چیف سکریٹری خیبر پختونخواہ پشاور
- (۳) وزیر اعلیٰ گلپنڈ سیل پشاور سکریٹریٹ پشاور
- (۴) ڈائریکٹر ایجوکیشن پشاور

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اس درخواست کے تعلق سے اس درخواست

مذکورہ بالا کیس کے تعلق سے اس درخواست

**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MALAKAND AT
BATKHELA**

No. 509-13/

Dated Batkhela the: 25.03.2014

CONSTITUTION OF ENQUIRY COMMITTEE

The undersigned has been pleased to constitute the following enquiry committee in the case of Miss Shamim Begum PST, GGPS-Koper.

1. Mr. Saeed Khan, Principal GGMS-Batkheela Chairman of Enquiry Committee .
2. Mr. Abdul Haq, Principal GHS- Batkhela.

The enquiry committee is hereby directed to probe into the matter and submit their finding Recommendations within 07 days after the issue of this leave recommends is attached as enclosure.

DISTRICT EDUCATION OFFICER
(F) MALAKAND AT BATKHELA

ENDST: No & Date Even

Copy to:

1. Secretary E & SE Khyber Pukhtoonkhwa Peshawar.
2. Director E & SE Khyber Pukhtoonkhwa Peshawar.
3. SDEO (F) Sama Ranizai at Dargai with the remarks to extend her full cooperation with the enquiry committee.

DISTRICT EDUCATION OFFICER
(F) MALAKAND AT BATKHELA

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MALAKAND AT BATKHELA

Tel: 0912-110281 Fax No: 0912-110010 E-mail: deomaleof.malakand@yahoo.com

No: 509-131 Dated Batkhela the: 25-03 /2014

CONSTITUTION OF ENQUIRY COMMITTEE:

The undersigned has been pleased to constitute the following enquiry committee in the case of Miss: Shamim Begum, PST, GGPS-Koper.

- 1- Mr. Saeed Khan, Principal, GCMS-Batkheela, Chairman of Enquiry Committee.
- 2- Mr. Abdul Haq, Principal, GHS-Badrinaga.

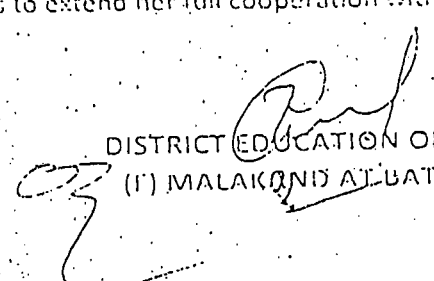
The enquiry committee is hereby directed to probe into the matter and submit their findings/ Recommendations within 07 days after the issue of this letter. Documents is attached as enclosure.

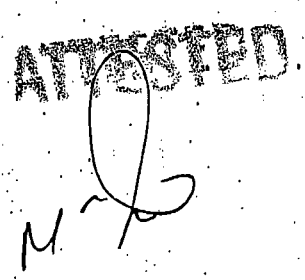
DISTRICT EDUCATION OFFICER
(F) MALAKAND AT BATKHELA

Dist: No: & Date Even

Copy to:

- 1- Secretary, E&SE, Khyber Pukhtoonkhwa Peshawar.
- 2- Director, E&SE, Khyber Pukhtoonkhwa Peshawar.
- 3- SDEO (F) Sama Ranizai at Dargai with the remarks to extend her full cooperation with the enquiry committee.


DISTRICT EDUCATION OFFICER
(F) MALAKAND AT BATKHELA

ATTESTED.


**OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD**

To

The Section Officer (S/F),
Elementary & Secondary Education department.
Khyber Pakhtunkhwa,
Peshawar.

Subject : INQUIRY REPORT AGAINST MS. RUKHSANA RAHIM SDEO (F)

Reference Your letter No, SO (S/F) /S& SE / 4-17 /2014 /inquiry report
(Ms. Rukhsana rahim) , dated 22nd sept, 2014.

The enquiry report has been revisited / re-examined and the
report is re-submitted as desired for further necessary action.

- 2 . Delay caused in submission of inquiry report is only because my
hectic and busy schedule as Deputy Commissioner and the same
is very much regretted.

CAPT (R) KHALID MEHMOOD
Deputy commissioner.
Abbottabad

Endst: Of Even No, & Date.

Secretary, Establishment Department, Government of Khyber
Pakhtunkhwa, Peshawar

ANNEXURE D

Confidential

14



OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD

No. PS - Misc/8434-35

Dated ¹⁵ 04/2015

To

The Section Officer(S/F),
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa,
Peshawar.

Subject:

INQUIRY REPORT AGAINST MS. RUKHSANA RAHIM SDEO(F)

Reference:

Your letter No. SO(S/F) / E&SE / 4-17 / 2014 / Inquiry Report
(Ms. Rukhsana Rahim), dated 22nd Sept, 2014.

The inquiry report has been revisited / re-examined and the report is re-submitted as desired for further necessary action.

2. Delay caused in submission of inquiry report is only because my hectic and busy schedule as Deputy Commissioner and the same is very much regretted.

CAPT(R) KHALID MEHMOOD
Deputy Commissioner,
Abbottabad

Endst. Of Even No. & Date.

Secretary, Establishment Department, Government of Khyber Pakhtunkhwa,
Peshawar.

ATTESTED

INQUIRY REPORT

A. Background

An inquiry was ordered to probe into the allegations raised by Ms. Shamim PST GGPS kachi kopar, Malakand Ms, Bakht mina PST GGPS. Mathra District Peshawar against MS .Rukhsana Rahim Sub-Divisional Education officer (F) Dargai Malakand.

- 2, The competent authority appointed the undersigned as inquiry Officer to conduct inquiry in the subject case (Annex-A)
- 3, Charge Sheet (Annex-B) and statement of allegations (Annex- C) duly signed by the competent authority were served upon / send to the accused Ms Rukhsana Rahim, Sub-divisional Education Officer (F) Dargai Malakand on her mailing address .
4. The following charges were framed in the statement of allegation and charge sheet against the accused officer:-
 - i. Ms. Rukhsana Rahim Sub-Divisional Education Officer (F) Dargai, Malakand demanded Rs, 50,000/- from Ms, Shamim Ara PST GGPS Kachi Kopar Malakand for sanction of Haji leave and upon refusal from the said teacher she was transferred and salary for Haji leave is still withheld.
 - ii. Ms, Rukhsana Rahim Sub-Division Education Officer (F) Dargai Malakand Demanded Rs, 30,000/- from Ms. Shamim Ara PST GGPS Kachi Kopar Malakand for her promotion and upon refusal she was superseded.
 - iii. Ms. Rukhsana Rahim Sub-Divisional Education Officer (F) Dargai Malakand recorded maternity leave instead of Hajj Leave in service book of Ms. Shamim Ara PST GGPS, Kachi Kopar Malakand by producing fake maternity certificate.
 - iv. Ms, Rukhsana Rahim Sub-Division Education Officer (F) Dargai Malakand demanded Rs, 22,000/- from Ms, Bakht Mina PST GGPS Mathra Peshawar for cancellation of her transfer from GGPS Kopar Malakand to GGPS Rahbar Shah Malaknd which was materialized after receiving the said amount as bribe.
 - v. Ms, Rukhsana Rahim Sub-Division Education Officer (F) Dargai Malakand out down more than 27 big tress at GGPS jarri and GGPS Kopar Malakand thes caused huge loss to Government.
5. In order to big out facts so as to reach the conclusion. It was fell necessary to record statements of the complainants and the accused party. Similarly statements of the Head Mistress GGPS, Kopar. Ms. Rashida Begum were also recoded. Brief description of written statement and cross examination of the allegations are as under:-

15

INQUIRY REPORT

A. Background

An inquiry was ordered to probe into the allegations raised by Ms. Shamim PST GGPS, Kachi Kopar, Malakand and Ms. Bakht Mina PST GGPS, Mathra District Peshawar against Ms. Rukhsana Rahim, Sub-Divisional Education Officer (F) Dargai, Malakand.

2. The Competent Authority appointed the undersigned as Inquiry Officer to conduct inquiry in the subject case (Annex-A)

3. Charge Sheet (Annex-B) and statement of allegations (Annex-C) duly signed by the Competent Authority were served upon / sent to the accused Ms. Rukhsana Rahim, Sub-Divisional Education Officer (F) Dargai, Malakand on her mailing address.

4. The following charges were framed in the statement of allegations and charge sheet against the accused officer :-

- i. Ms. Rukhsana Rahim, Sub-Divisional Education Officer (Female) Dargai, Malakand demanded Rs. 50,000/- from Ms. Shamim Ara PST GGPS Kachi Kopar Malakand for sanction of Hajj leave and upon refusal from the said teacher, she was transferred and salary for Hajj leave is still withheld.
- ii. Ms. Rukhsana Rahim, Sub-Divisional Education Officer (F) Dargai, Malakand Demanded Rs. 30,000/- from Ms. Shamim Ara PST GGPS Kachi Kopar Malakand for her promotion and upon refusal she was superseded.
- iii. Ms. Rukhsana Rahim, Sub-Divisional Education Officer (F) Dargai Malakand recorded maternity leave instead of Hajj leave in service book of Ms. Shamim Ara PST GGPS, Kachi Kopar Malakand by producing fake maternity certificate.
- iv. Ms. Rukhsana Rahim Sub-Divisional Education Officer (F) Dargai Malakand demanded Rs. 22000/- from Ms. Bakht Mina PST GGPS, Mathra Peshawar for cancellation of her transfer from GGPS, Kopar Malakand to GGPS, Rahbar Shah Malakand which was materialized after receiving the said amount as bribe.
- v. Ms. Rukhsana Rahim Sub-Divisional Education Officer (F) Dargai Malakand cut down more than 27 big trees at GGPS, Jarri and GGPS, Kopar, Malakand thus caused huge loss to Government.

5. In order to dig out facts so as to reach the conclusion, it was felt necessary to record statements of the complainants and the accused party. Similarly statements of the Head Mistress GGPS, Kopar, Ms. Rashida Begum were also recorded. Brief description of written statement and cross examination of the allegations are as under :-

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B. Statement of Ms. Rashida Begum the then Head Mistress GGPS, Kopar Malakand.

Ms, Rashida Begum (the then Head mistress GGPS, Kopar) in her written statement (Annex-D) submitted that Ms. Shamim PST GGPS Kachi Kopar Malakand and Ms. Bakht Mina PST GGPS Kopar (now GGPS Mathra Peshawar) are sister-in-law Both the PSTs were posted in GGPS Kopar Malakand. As their husbands were in Dubi and Suadi Arabia therefore both of them used to go abroad to live with their husbands in frequent intervals.

They on return, used to tear away the pages of attendance Register to conceal their absence. She also claimed that she had reported the matter to high ups time and again but she was forced by Mr. Tufail. The then Deputy Secretary (E&SE) to facilitate both the complainants. She also said that their record is available in file.

C. Cross Examination Ms. Rashida Begum the then Head Mistress GGPS, Kopar Malakand.

Question; Could you produce record of the report you sent to high ups regarding absence from duty in respect of the two teachers.

Answer: I have not brought the relevant record with me.

Question; Did you report the matter to the District Education Officer.

Answer: No. The matter was reported to the SDEO (F) being controlling officer.

Question; Can you produce the record in original.

Answer: The original record is in the office of SDEO (F).

D. Statement of Ms. Shamim Ara, PST GGPS, Kachi Kopar Malakand.

In her written statement (Annex-E). Ms. Shamim Ara, PST GGPS, Kachi Kopar Malakand. submitted that she was due to proceed on Hajj on 23.09.2013 for which she submitted leave application on 21.09.2013 which was forwarded by the Head Mistress of the school and received in the office of SDEO (F) Dargai Malakand. She telephonically informed the Headmistress to Mark her absent w.e.f 17.09.2013 and reported the matter to her. She alleged that all this was done on refusal to pay Rs, 50,000/- to the accused I.e Rukhsana Rahim Sub-Divisional Education Officer (F) Dargai Malakand for granting her leave. A copy of leave application for Hajj leave was provided which is at (Annex-F). She further submitted that while she was on Hajj leave her transfer was made on mutual basis. Which was later on cancelled. She alleged that her salary has been stopped from October, 2013. She also stated that her name in the seniority was at S.No, 133 while other teachers have been promoted upto S.No. 476. And she has been left. She alleged that the accused Ms. Rukhsana Rahim Sub-Divisional Education Officer (F) Dargai Malakand had demanded Rs. 30,000/- as bribe. She also alleged that she had also been abused in front of students. She also alleged that the accused Ms. Rukhsana Rahim Sub-Divisional Education Officer (F)

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B. Statement of Ms. Rashida Begum, the then Head Mistress GGPS, Kopar Malakand.

Ms. Rashida Begum (the then Head mistress GGPS, Kopar) in her written statement (Annex-D), submitted that Ms. Shamim PST GGPS, Kachi Kopar, Malakand and Ms. Bakht Mina PST GGPS, Kopar (now GGPS, Mathra Peshawar) are sisters-in-law. Both the PSTs were posted in GGPS, Kopar Malakand. As their husbands were in Dubai and Saudi Arabia, therefore, both of them used to go abroad to live with their husbands in frequent intervals. They on return, used to tear away the pages of Attendance Register to conceal their absence. She also claimed that she had reported the matter to high ups time and again but she was forced by Mr. Tufail, the then Deputy Secretary (E&SE) to facilitate both the complainants. She also said that their record is available in files.

C. Cross Examination Ms. Rashida Begum the then Head Mistress GGPS, Kopar Malakand.

Question: Could you produce record of the report you sent to high ups regarding absence from duty in respect of the two teachers?

Answer: I have not brought the relevant record with me.

Question: Did you report the matter to the District Education Officer?

Answer: No. The matter was reported to the SDEO (F) being controlling officer.

Question: Can you produce the record in original?

Answer: The original record is in the office of SDEO(F).

D. Statement of Ms. Shamim Ara, PST GGPS, Kachi Kopar Malakand

In her written statement (Annex-E), Ms. Shamim PST GGPS, Kachi Kopar Malakand submitted that she was due to proceed on Hajj on 23.09.2013 for which she submitted leave application on 21.09.2013 which was forwarded by the Head Mistress of the school and received in the office of SDEO (F) Dargai Malakand. She telephonically informed the Headmistress to mark her absent w.e.f 17.09.2013 and reported the matter to her. She alleged that all this was done on refusal to pay Rs. 50,000/- to the accused i.e. Rukhsana Rahim Sub-Divisional Education Officer (F) Dargai Malakand for granting her leave. A copy of leave application for Hajj leave was provided which is at (Annex-F). She further submitted that while she was on Hajj leave her transfer was made on mutual basis, which was later on cancelled. She alleged that her salary has been stopped from October, 2013. She also stated that her name in the seniority was at S. No. 133 while other teachers have been promoted upto S. No. 476, and she has been left. She alleged that the accused Ms. Rukhsana Rahim Sub-Divisional Education Officer (F) Dargai Malakand had demanded Rs. 30,000/- as bribe. She also alleged that she had also been abused in front of students. She also alleged that the accused Ms. Rukhsana Rahim Sub-Divisional Education Officer (F)

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Question; Do you know that both offending and accepting of bribe is an act of misconduct under the Conduct Rules for which disciplinary action can also be taken against you ?

Answer: Yes, but I was in deep trouble and was compelled by the accused SDEO (F) to do so.

Question; Do you have any eye-witnesses in support of your allegation ?

Answer: No, Only the audio recording.

H. Statement of MS, Rukhsana Rahim, SDEO (F) Dargai, Malakand

Written statement of Ms, Rukhsana Rahim Sub-Divisional Education Officer (F) Dargai, Malakand obtained on 19.08.2014 (Annex-L) She denied all the allegations leveled against her in the charge sheet statement of allegations. She said that husbands of both the complainant teachers are abroad in Dubai and Saudi Arabia for employment. Both the teachers used to visit abroad and live with their husbands abroad without prior permission/applications. When their absence and lack of interest was reported they started complaining & blaming the seniors.

She said that she never demanded a single rupee from Ms. Shamim. PST GPS Kopar. About 0-50 teachers & Class-IV employees proceed on Hajj leave, no one would verify status of Ms. Shamim. She has been doing all those tricks since 2005. She has availed all her leave. She used to visit abroad on different pretext to live with her husband . Record of flights is available at (Annex-M). On return. She tore away the relevant page of Attendance Registers and replaced / tampered the same. Any officers, who tried to report this to the high ups were punished in shape of transfer.

Ms, shamim applied for hajj leave on fake hajj mail / documents , then fake maternity / medical certificate (Annex-N& O) which were failed by me this resulted into complaint against me .

As per rules when a govt servant is on long leave , he/ she is not considered for promotion. Head Mistress of GPS kopar was asked to provide 5 years results / ACRc of Ms, shamim PST she reported that she was constantly absent and not attending classes , how could she provide the result (Annex-e).

Mst. Bakht mina PST also used to visit abroad to live with her husband . I often found her absent from duty and report to EDO(Annex-Q). I had no power to order / cancel transfer , hence question of talking / demanding bribe never arises .

Head teacher of GPS Jarri informed that some old trees are dangerous and can fall anytime. Two of the trees fell ,demanding 20 feet of boundary of the school. These trees

Question: Do you know that both offering and accepting of bribe is an act of misconduct under the Conduct Rules for which disciplinary action can also be taken against you?

Answer: Yes, but I was in deep trouble and was compelled by the accused SDEO (F) to do so.

Question: Do you have any eye-witness in support of your allegation?

Answer:- No. Only the audio recording.

H. Statement of Ms. Rukhsana Rahim, SDEO (F) Dargai, Malakand

Written statement of Ms. Rukhsana Rahim Sub-Divisional Education Officer (F) Dargai, Malakand obtained on 19.08.2014 (Annex-L). She denied all the allegations leveled against her in the charge sheet statement of allegations. She said that husbands of both the complainant teachers are abroad in Dubai and Saudi Arabia for employment. Both the teachers used to visit abroad and live with their husbands abroad without prior permission / applications. When their absence and lack of interest was reported they started complaining & blaming the seniors.

She said that she never demanded a single rupee from Ms. Shamim, PST GPS Kopar. About 10 - 50 teachers & Class-IV employees proceed on Hajj leave, no one would verify the status of Ms. Shamim. She has been doing all these tricks since 2005. She has availed all her leave. She used to visit abroad on different pretext to live with her husband. Record of flights is available at (Annex-M). On return, she tore away the relevant pages of Attendance Register and replaced / tempered the same. Any officers, who tried to report this to the high ups were punished in shape of transfer.

Ms. Shamim applied for Hajj leave on fake Hajj mail / documents, then fake maternity / medical certificate (Annex- N & C) which were forged by me, this resulted into complaint against me.

As per rules, when a government servant is on long leave, he / she is not considered for promotion. Head Mistress of GPS Kopar was asked to provide 5 years results / ACRs of Ms. Shamim PST, she reported that she was constantly absent and not attending classes, how could she provide the result (Annex-17).

Mst. Bakht Mina PST also used to visit abroad to live with her husband. I often found her absent from duty and report to EDO (Annex-Q). I had no power to order / cancel transfer, hence question of taking / demanding bribe never arises.

Head teacher of GPS Jarri informed that some old trees are dangerous and can fall anytime. Two of the trees fell, damaging 20 feet of boundary of the school. These trees

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Answer: I have already made it clear that postings / transfers are beyond my competency.

Question: Have you cut down more than 27 big trees from GGPS, Jarri and GGPS, Kopar Malakand?

Answer: No, the actual story is that a few trees in these schools were very old and the same were reported by the Head Mistress GGPS Jarri to the DDEO(F) Darga. I reported the matter to DEO(F) Malakand who constituted Auction Committee (Annex-XVII). Auction was made in transparent way. Rupees 20,000 were collected from auction. Rupees 5,000 were spent on repair of boundary wall while remaining Rs. 15,000 were deposited in Treasury through Bank challan (Annex-R).

Question: The auction was made some what in September, 2013 while money was deposited in bank in June 2014 after laps of 08 months why?

Answer: It was planned to spend all the money collected from the auction on repair of the boundary wall and electrification of school but after raising false allegations of misappropriation, Rs. 15,000/- were deposited in Treasury through Bank challan.

Question: Rupees 20000/- were collected in auction while only Rs. 15000/- have been deposited, where is the remaining amount of Rs. 5000/- ?

Answer: Rupees 5000/- have been spent on repair of boundary wall of GGPS, Jarri, already explained.

Question: Can you provide any proof regarding expenditure on repair boundary wall?

Answer: Yes. Necessary receipts are on record besides site verification.

Findings

After going through the statements of the complainants, witness and the accused, the following facts came to light;

- i. During checking of Attendance Register of GGPS, Kachi Kopar, Malakand, it transpired that the pages of Attendance Register have been tempered, torn away and replaced with other fake / tampered pages. Copies at Annex-T.
- ii. Service book of the Ms. Shamim Ara was checked and the entries of leave found as under:-

S#	Nature of Leave	From	To
1	Maternity Leave	04-10-2000	17-11-2000
2	Medical Leave	18-11-2000	02-01-2001
3	EOL	03-03-2005	02-03-2008

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S#	Nature of Leave	From	To
4	EOL	03-03-2008	03-02-3010
5	EOL	10-09-2011	09-03-2012
6	Absence Period	15-05-2012	31-05-2012

(Copies of entries in Service Book at Annex-U)

- iii. During the time of promotion, Ms. Sharnim Ara PST was on leave and further remained absent, so she did not provide her documents to the SDEO (F) Dargai for onward submission. Copies at Annex-F.
- iv. Ms. Rukhsana Rahim SDEO(F) Dargai directed Ms. Rahmania, Head Mistress, GGPS Kachi Kopar to leave blank her Attendance Register until the sanction of her leave, as Ms. Sharnim Ara had produced fake documents for leave. Besides, she had been visiting abroad without prior NOC / permission. Record of flights is available at Annex-M.
- v. The transfer of Ms. Shamim Ara was not a mutual transfer rather she was transferred by the DEO (F) Malakand to Balkhela on administrative grounds. The mutual transfer recorded in transfer order was clerical mistake. Moreover Ms. Shamim Ara PST GGPS, Kachi Kopar, availed maternity leave twice in a year, recorded in the school's Attendance Register which is clear malpractice on her part. Ms. Bakht Mina PST co-planner of Ms. Shamim Ara PST remained absent w.e.f 01.01.2012 to 31.05.2014, and she cut the name of Sulliani Raz (Caller) and wrote her name and marked herself present, and then shown herself on maternity leave w.e.f 01.02.2012 to 31.05.2012 (4 months) without any documentary proof. The complainant teachers seem to be habitual leave hunters on one pretext or the other.
- vi. The old trees were auctioned through a proper procedure. Comparative statement was prepared and a sum of Rs. 20,000/- was collected from the auction. As the boundary wall of GGPS Jhari was in dilapidated condition and required immediate repair to avoid any possible unpleasant incident, an amount of Rs. 5,000 was spent on its repair. Which may be termed as unauthorized expenditure but the same was quite necessary. The remaining Rs. 15,000 were kept for electrification in the School but could not utilized and deposited into Govt. Treasury on 03-06-2014 and the electrification work was carried out through local collection. There seems no misappropriation / embezzlement, rather an unintentional irregularity that too is in good faith.
- vii. It was already clarified that posting / transfers were not in the competency of SDEO(F) how could Ms. Bakht Mina pay her

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Rs. 22,000 as bribe. Though audio recording is available but no substantial / court worthy evidence is available.

Conclusion

The complaint of the teachers where upon the inquiry has been initiated seen a reaction of the departmental action against them taken by the accused i.e. SDEO(F) Dargai Malakand. So no prima facie worthy of taking further action against the accused i.e. Rukhsana Rahim SDEO (F) Dargai Malakand could be established.

Capt (R) Khalid Mehmood
PAS BS-18/ Deputy Commissioner
Inquiry Officer

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No. 058 / F.No. E-5/ENQUIRY/GG/BATKHELA/DATED 15.04.2014

FROM: THE PRINCIPAL
GOVT: MODEL HIGH SCHOOL
BATKHELA MKD AGENCY

TO: THE DISTRICT EDUCATION OFFICER
(M) MALAKAND AT BATKHELA.

SUBJECT: INQUIRY REPORT ON THE COMPLAINT OF
SHAMIM ARA AGAINST RUKHSANA RAHIM
SDEO (F) SAMRANIZAI DARGAI
MALAKAND

MEMO: Reference your office memo No, 509-13 dated
batkhela the 25.03.2014 on the subject cited
above:

The Inquiry report against Rukhsana Rahim
SDEO (F) Dargai Malakand is hereby submitted
along with relevant documents for further
n/action please.

PRINCIPAL
GOVT: BATKHELA MKD AGENCY:

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NO. 058 / F.NO. E-5/ENQUIRY/SCMS/BATKHELA/DATED 15/4/2014

FROM: THE PRINCIPAL
GOVT: CENTENNIAL MODEL HIGH
SCHOOL BATKHELA MKD: AGENCY.

TO: THE DIST: EDUCATION OFFICER
(M) MALAKAND AT BATKHELA.

SUBJECT: INQUIRY REPORT ON THE COMPLAINT OF
SHAMIM ARA AGAINST RUKHSANA RAHIM SDEC
(F) SAMRANIZAI DARGAI MALAKAND.

MEMO: Reference your office memo; no. 509-13
dated batkhela the 25.3.2014 on the subject
cited above.

The Inquiry report against Rukhsana Rahim
SDEC (F) Dargai Malakand is hereby submitted along with relevant
documents for further n/action please.

[Signature]
16/4/14
PRINCIPAL
GOVT: CENTENNIAL MODEL HIGH
SCHOOL BATKHELA MKD: AGENCY.

ATTENDED

[Signature]

INQUIRY REPORT ON THE COMPLAINT OF SHAMIM ARA AGAINST RUKHSANA RAHIM SDEO(F) SAMRANIZAI DARGAI MALAKAND

ENQUIRY COMMITTEE

1. **Saeed khan principal GGMHS batkhela (chairman)**
2. **Abdul haq principal GHS badraga malakand (member)**

**Venue:- GGPS koper malakand agency
Office of the SDEO (F) Samrani zai dargai .**

Visit dates:- 29-31 march and 3.7.11 april 2014

INTRODUCTION

An inquiry has been ordered through the above inquiry committee by distt: education officer (M&F) Malakand at malakand at batkhela vide endstt: No 509-13 dated 25.3.2014 to investigate into the matter with reference to application leave and stoppage of pay and depriving of promotion from BPS 7 to 11 and 15 of miss shamim ara PST GGPS koper by SDEO (F) Dargai.

PROCEEDING

The inquiry committee visited GGPS koper on 29.003.2014 during the visit miss shamim ara, bakht mina and the brother of shamim Ara Mr sher ali khan were interviewed photo copies of relevant record were collected written statement of the stake holders were also taken then the committee also attended the office of SDEO(F) miss rukhsana rahim . she was interviewed and served a written questionnaire to her she promised that the reply will be handed over in two days the reply and photo copies of relevant record were received in time some informations were concealed from the committee and some visits were made latter on for the completion of report in light of all above relevant record and information following finding and conclusion were drawn.

FINDING

- 1:- Miss shamim ara PST submitted her huj leave application in time on 16.9.2013 but the SDEO (F) MISS Rukhsana rahim did not forward the application to the competent authority.
- 2:- the salary of miss shamim ara has been stopped w.e.f October 2013 without any justification.
- 3:- shamim ara was deprived of promotion from BPS-7 to BPS 12 and 15 although her seniority No is 133 and other teachers were promoted junior to her.
- 4:- miss nejat begum SDEO did not submit her ACR and other documents for promotion /upgradation in time.
- 5:- miss rukhsana provided photo state documents to prove her huj travelling fake and bogus. But miss shamim Ara provided her original passport which showed her huj travelling as per scheduled.
- 6:- the documents provided by miss rukhsana were in photo state form and she failed to provide original documents to the committee as over writing was noted in photo state she also failed to provide shamim ara personal file dispatch register original maternity leave chit and salary record of leave without pay period w.e.f 3.3.2005 to 03-10.2010.

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INQUIRY REPORT ON THE COMPLAINT OF SHAMIM ARA AGAINST
RUKHSANA RAHIM SDEO (F) SAMRANIZAI DARGAI MALAKAND.

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INQUIRY COMMITTEE

- 1:- Saqed Khan Principal GCMHS Bakhela (Chairman)
- 2:- Abdul Haq Principal GHS Badraji Malakand (Member)

VENUE: - GGPS Koper Malakand Agency,
Office of the SDEO (F) Samranizai Dargai.

Visit dates: - 29, 31 March and 3, 7, 11 April 2014.

INTRODUCTION

An inquiry has been ordered through the above inquiry committee by Distt Education officer (M&F) Malakand at Bakhela vide Endst No 509-13 dated 25-03-2014 to investigate into the matter with reference to Huj application leave and stoppage of pay and depriving of promotion from BPS 7 to 11, 12 and 13 of Miss Shamim Ara PST GGPS Koper By SDEO (F) Dargai.

PROCEEDING

The Inquiry committee visited GGPS Koper on 29-003-2014. During the visit Miss Shamim Ara, Bakht Mina and the brother of Shamim Ara Mr Sher Ali Khan were interviewed. Photo copies of relevant record were collected written statement of the stake holders were also taken. Then the committee also attended the office of SDEO (F) Miss Rukhsana Rahim. She was interviewed and served a written questionnaire to her. She promised that the reply will be handed over in two days. The reply and photo copies of relevant record were received in time. Some informations were concealed from the committee and some visits were made later on for the completion of report. In light of all above relevant record and information following findings and conclusion were drawn.

FINDINGS

- 1:- Miss Shamim Ara PST submitted her Huj leave application in time on 16-09-2013. But the SDEO (F) Miss Rukhsana Rahim did not forward the application to the competent authority.
- 2:- The salary of Miss Shamim Ara has been stopped w.e.f. October 2013 without any justification.
- 3:- Miss Shamim Ara was deprived of promotion from BPS 7 to BPS 12 and 13 although her seniority No is 133 and other teachers were promoted junior to her.
- 4:- Miss Nejat Bagum SDEO did not submit her ACR and other documents for promotion / up gradation in time.
- 5:- Miss Rukhsana provided photo state documents to prove her Huj travelling fake and bogus. but Miss Shamim Ara provided her original passport which showed her Huj traveling as per scheduled.
- 6:- The documents provided by Miss Rukhsana were in photo state form and she failed to provide original documents to the committee as over writing was noted in photo state she also failed to provide Shamim Ara personal file, Dispatch Register, original maternity leave chit and salary record of leave without pay period w.e.f. 3-3-2005 to 03-02-2010.

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7:- There was understanding between miss shamim ara and miss rukhsana in past due to which miss shamim ara remained absent from duty.

8:- the record of teacher attendance is not available anywhere which shows that they both trying to concealed the absent period of shamim ara because she remained aboard at dobai with her husband as stated by some members of the community.

9:- according to the writing statement of Mr sher ali brother of shamim ara he paid on lac rupees as a bride to miss rukhsana through miss nejat begum ASDEO for which she reluctant to give written statement.

10:- according to an audio mobile recording provided to the committee by bakht mina miss rukhsana clearly demanded bribe from miss bakht mina PST GGPS Koper .

11:- the dispatched NO,s 893 dated 28.1.2011: 1022 dated 11-4-2011 1181 dated 10.9.2011, 5 dated 19.01.2013 232 dated 18.9.2013 and 296 ted 22.11.2013 provided miss rukhsana showing actions against miss shamim ara are fake and false statement during the verification from DEO Office it was found that no letter of such nature are sent of the DEO office. Only dispatch No 1022 dated 11.4.2011 is sent for the purpose of charcoal and firewood.

12:- the detail reply of miss rukhsana to the inquiry committee is not satisfactory as a whole.

13:- miss rukhsana was non cooperative during inquiry process and relevant to provide required record.

14:- she kept the dispatch register permanently as her custody which must be the responsible clerk.

CONCLUSION

In the light of available record proofs and evidences it is concluded that rules. Regulations and ethics of the Govt service have been violated. Miss Shamim Ara and the SDEO (F) Dargai Manifested an irresponsible behavior for being.

1. Not forwarding the Huj leave application of Miss Shamim Ara to the competent authority.
2. Stopping the Salary of Miss Shamim ARA without any reason.
3. Depriving her from promotion which is her due right.
4. Blackmailing her staff by creating fake documents against them.
5. Not cooperating with the inquiry committee by refusing to provide original documents required for inquiry.
6. Demanding bribes from her subordinate by mobile calls on record.
7. Misplacing the teacher attendance record of the school to hide her irregularities.
8. Making record of disciplinary actions just to pressurize the teachers and not sending it to the higher authorities.

RECOMMENDATIONS.

1. Keeping in view of the findings and conclusion it is recommended that.
2. Miss shamim ara PST may be warned to be regular and punctual in future.
3. Miss Nejar may be held responsible for not submitting the ACR & others relevant documents of shamim ara in time.
4. The hajj leave of shamim ara may be sanctioned and her salary may be released
5. The file of promotion of shamim ara may be processed and she may be given promotion as per merit of seniority list.
6. Miss rukhsana rahim SDEO(F) may be strictly warned abstain from such illegal activities OR may be transferred to a school head mistress.

7:- There was understanding between Miss Shamim Ara and Miss Rukhsana in past due to which Miss Shamim Ara remained absent from duty.

8:- The record of teacher attendance is not available anywhere which shows that they both trying to conceal the absent period of shamim Ara because she remained aboarded at Dubai with her husband as stated by some members of the community.

9:- According to the written statement of Mr Sher Ali brother of Shamim Ara, he paid one lac rupees as a bribe to Miss Rukhsana through Miss Nejat Baum ASDEO for which she reluctant to give written statement.

10:- According to an audio mobile recording (provided to the committee by Bakht Mina) Miss Rukhsana clearly demanded bribe from Miss Bakht Mina PST GGPS Koper.

11:- The dispatched No,s 893 dated 28-1-2011;963 dated 17-03-2011; 1022 dated 11-04-2011, 1181 dated 10-09-2011, 05 dated 19-01-2013, 232 dated 18-09-2013, and 296 dated 22-11-2013 provided Miss Rukhsana showing actions against Miss Shamim Ara are fake and false statement. During the verification from DEO office it was found that no letter of such nature are sent to the DEO office. Only Dispatch No 1022 dated 11-04-2011 is sent for the purpose of charcoal and firewood.

12:- The detail reply of Miss Rukhsana to the inquiry committee is not satisfactory as a whole.

13:- Miss Rukhsana was non cooperative during inquiry process and reluctant to provide required record.

14:- She kept the dispatch register permanently in her custody which must be with the responsible clerk.

CONCLUSION

In the light of available record, proofs and evidences it is concluded that rules, regulations and ethics of the Govt service have been violated. Miss Shamim Ara and the SDEO (F) Dargai manifested an irresponsible behaviour for being.

- 1:- Not forwarding the Huj leave application of Miss Shamim Ara to the competent authority.
- 2:- Stopping the Salary of Miss Shamim Ara without any reason.
- 3:- Depriving her from promotion which is her due right.
- 4:- Blackmailing her staff by creating fake documents against them.
- 5:- Not cooperating with the inquiry committee by refusing to provide original documents required for inquiry.
- 6:- Demanding bribes from her subordinate by mobile calls on record.
- 7:- Misplacing the teacher attendance record of the school to hide her irregularities.
- 8:- Making record of disciplinary actions just to pressurize the teachers and not sending it to the higher authorities.

RECOMMENDATIONS

- 1:- Keeping in view of the findings and conclusions it is recommended that;
- 2:- Miss Shamim Ara PST may be warned to be regular and punctual in future.
- 3:- Miss Nejar may be held responsible for not submitting the ACR and other relevant documents of Shamim Ara in time.
- 4:- The Huj leave of Shamim Ara may be sanctioned and her salary may be released.
- 5:- The file of promotion of Shamim Ara may be processed and she may be given promotion as per merit of seniority list.
- 6:- Miss Rukhsana Rahim SDEO (F) may be strictly warned to abstain from such illegal activities OR may be transferred to a school as a Head Mistress.

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ENCLOSURES

The following documents are hereby attached with the inquiry report.

1. Application for ex Pakistan leave.
2. Pay roll of Miss Shamim Ara.
3. Complaint latter.
4. Huj leave application.
5. Transfer order.
6. Cancellation of transfer order.
7. Adjustment order.
8. Passport copy.
9. Arrival report from Huj.
10. Application for release of pay.
11. Application for adjustment.
12. Transfer order.
13. to 16. Leave sanction
17. Latter to SDEO (F) from Head Teacher.
18. Appointment order.
19. Written statement of Sher Ali.
20. Written statement of Head Teacher.
21. Application for maternity leave.
22. OPD chit of maternity leave.
23. Absent report.
24. Written statement of Head Teacher.
25. Absent report.
26. Report of Head Teacher.
27. Application for maternity leave.
28. OPD chit.
29. Statement of Head Teacher.
30. Absent report.
31. OPD chit.
32. Huj perwana provided by SDEO (F)
33. to 35. Absent report.
36. Report of Head Teacher.
37. Letter to ASDEO.
38. Photo copy of service book.
39. Reply of questionnaire.
40. Written statement of Miss Nejat ASDEO.
41. Letter of inquiry committee for provision of record.
42. Verification of OPD nos and chit.

Saeed Khan Principal GGMHS Batkhele (Chairman)

Abdul Haq Principal GHS BAdruga (Member)

25

9

ENCLOSURES

303

(99)

The following documents are hereby attached with the inquiry report.

- 1:- application for ex Pakistan leave.
- 2:- Pay roll of Miss Shamim Ara.
- 3:- Complaint letter.
- 4:- Huj leave application.
- 5:- Transfer order.
- 6:- cancellation of transfer order.
- 7:- Adjustment order.
- 8:- Phssport Copy.
- 9:- Arrival report from Huj.
- 10:- Application for release of pay.
- 11:- Application for adjustment.
- 12:- Transfer order.
- 13 to 16:- Leave sanctions.
- 17:- Letter to SDEO (F) from Head Teacher.
- 18:- Appointment order.
- 19:- Written statement of Sher Ali →
- 20:- written statement of Head Teacher.
- 21:- Application for maternity leave.
- 22:- OPD chit of maternity leave.
- 23:- Absent r4report.
- 24:- Written statement of Head Teacher.
- 25:- Absent report.
- 26:- Report of Head Teacher.
- 27:- Application for maternity leave.
- 28:- OPD chit.
- 29:- Statement of head Teacher.
- 30:- Absent report.
- 31:- OPD chit.
- 32:- Huj perwina provided by SDEO (F).
- 33 to 35:- absent report.
- 36:- Report of Head Teacher.
- 37:- Letter to ASDEO.
- 38:- Photo copy of service book.
- 39:- Reply of questionnaire.
- 40:- Written statement of Miss Nejat ASDEO.
- 41:- Letter of inquiry committee for provision of record.
- 42:- Verification of OPD nos and chit.

ATTACHED

mlb

Saeed Khan, Principal, GCMHS Badkela (Chairman)

Abdul Haq, Principal, GHS Badraga (Member)

ANNEXURE

E
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26

REGISTERED



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Dated Peshawar the, December 11, 2015.

NOTIFICATION

NO.SO(S/F)E&SED/4-17/2015/Bakht Mina PST: WHEREAS Ms. Bakht Mina PST (BS-12) GGPS Mathra, Peshawar was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Show Cause Notice.

2. **AND WHEREAS** Elementary & Secondary Education Department Khyber Pakhtunkhwa, with the approval of Competent Authority, issued show cause notice to her on 22-05-2015.

3. **AND WHEREAS** the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, reply of the accused officer in response to the show cause notice and personal hearing granted to him by Chief Secretary Khyber Pakhtunkhwa on 27-11-2015, is of the view that the charges against the accused officer have been proved.

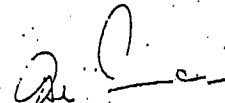
4. **NOW, THEREFORE,** in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to impose, a major penalty of "removal from service" upon Ms. Bakht Mina PST (BS-12) GGPS Mathra, Peshawar with immediate effect.

SECRETARY

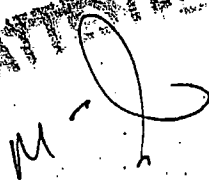
Endst. of even No & date

Copy to:

1. Accountant General Khyber Pakhtunkhwa.
2. Director E&SE, Peshawar.
3. District Education Officer (F) Malakand.
4. District Education Officer (F) Peshawar.
5. PS to Chief Secretary Khyber Pakhtunkhwa.
6. PS to Secretary E&SED Khyber Pakhtunkhwa.
7. Ms. Bakht Mina PST (BS-12) GGPS Mathra, Peshawar.


(LAL SAEED KHATTKA)
SECTION OFFICER (S/F)

ATTACHED



ATTACHED

To,

The Chief Secretary,
Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.

Subject: DEPARTMENTAL APPEAL / REPRESENTATION
AGAINST IMPUGNED ORDER NO.SO(S/F)E&SED/4-
17/2015 PESHAWAR DATED 11/12/2015. AN
AWARDED MAJOR PENALTY TO THE APPELLANT,
REMOVAL FROM SERVICE.

Respected Sir,

1. That the appellant was appointed as PST in BPS-12 at Govt Girl Primary School Kachi Koper Malakand in the year of 01/11/1994 and performed her duty to the best of her ability and commitment.
2. That the appellant/applicant never absented, from her duty, throughout her career except with permission.
3. That the allegations, which is levelled against the appellant/applicant is totally baseless, wrong, illegal and no such enquiry had been conducted against the appellant.
4. That on the said period, the applicant obtained ex-pakistan leave permission, from ^{Bakhtomin} 01/01/2010 to ^{Bakhtomin} 31/12/2011, which is annexure "A".
5. That the allegation regarding the absence of the appellant is not correct, that there is no such report submitted by Head

ATTESTED

M. J.

Mistress regarding the absence of the appellant and the appellant is very much performed her duty in G.G.P.S Koper and received her salary.

6. That the appellant filed a complaint against one Rukhsana Rahim Sub-Divisional Officer, Dargai Malakand and the enquiry was conducted against that complaint, the appellant provide sufficient evidence against Rukhsana Rahim but she was exonerated from the charges and the appellant was removed from her service without any proper enquiry.
7. That being aggrieved from the said impugned order filed this departmental appeal/representation. Inter alia with the following grounds:

GROUNDS:

- A. That the impugned removal from service is illegal and unlawful and against the natural justice.
- B. That no such separate inquiry has been conducted and no opportunity has been given thus they condemned unheard which is violation of fundamental right, and against the Article 10-A of the constitution of Pakistan.
- C. That the appellant properly received/obtained leave without pay vide order dated 01/05/2010. *With permission.*
- D. That the appellant/applicant never absented, from her duty, throughout her career except with permission.

ATTESTED

M B

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- B. That the allegations, which is levelled against the appellant/applicant is totally baseless, wrong, illegal and no such enquiry had been conducted against the appellant.
- F. That on the said period, the applicant obtained ex-pakistan leave permission, from ^{Bakhtmeena} 01/01/2010 to ^{Bakhtmeena} 31/12/2011, which is annexed.
- G. That the allegation regarding the absence of the appellant is not correct; that there is no such report submitted by Head Mistress regarding the absence of the appellant and the appellant is very much performed her duty in G.G.P.S Koper and received her salary.
- H. That any other ground will be taken at the time of personal hearing with your kind permission.

It is, therefore, most humbly requested that on acceptance of this departmental representation the impugned removal from service Order may kindly be set-aside/cancel/withdrawn and reinstate the appellant with all back benefits.

APPELLANT
Bakhtmeena
MST. BAKHTMEENA,
(PST/BS-12),
Government Girls Primary
School Mattra, Peshawar

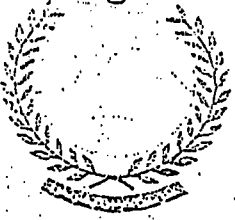
Date: __/__/2015

ATTESTED

M.B.

Registered.

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ELEMEN

VERNMENT OF
KHYBER PAKHTUNKHWA
& SECONDARY EDUCATION
DEPARTMENT


No. SO (S/F) E&SE/4-17/14/Mst. Bakht Mina.
Dated Peshawar the, February 29, 2016;

To

✓
Mst. Bakht Mina,
PST. (BS-12) District Peshawar,
GGPS Mathra Peshawar.

SUBJECT: - DEPARTMENTAL APPEAL/REPRESENTATION AGAINST IMPUGNED ORDER NO. SO (S/F) E&SED/4-17/2015 PESHAWAR DATED 11.12.2015 AN AWARDED MAJOR PENALTY ON THE APPELLANT, REMOVAL FROM SERVICE.

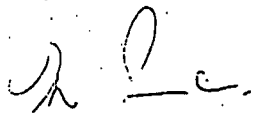
I am directed to refer to the subject noted above and to inform that your appeal for reinstatement in service has been rejected by the competent authority/Chief Minister Khyber Pakhtunkhwa.


(LAL SAEED KHATTAK)
SECTION OFFICER (S/F)

Endst. of even No & Date

Copy to the: -

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE, Peshawar.
3. District Education Officer (F) Peshawar.
4. PS to Chief Minister, Khyber Pakhtunkhwa.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department.


SECTION OFFICER (S/F)

ATTENDED



Prayer in Appeal:

On acceptance of this service appeal, the respondent may be directed to reinstate the appellant from the dated of termination/ order No. SO(S/F)E&SED/4-17/2015 Peshawar dated 11/12/2015 with all back benefits

Respectfully Sheweth:

Facts giving rise to the present petition are as under: -

1. That the appellant was appointed as PST in BPS-12 at Govt Girl Primary School Kachi Koper Malakand in the year of 01/11/1994 and performed her duty to the best of her ability and commitment. (Copy of appointment letter attached as annexure "A").
2. That the appellant never absented, from her duty, throughout her career except with permission. (Copy of attendance register is attached as annex "A1")
3. That the allegations, which is levelled against the appellant is totally baseless, wrong, illegal and no such enquiry had been conducted against the appellant.

ATTESTED

M. L.

4. That During the said period, the applicant obtained ex-Pakistan leave permission, from 26/07/2015 (Copy of permission latter attached is annexure "B").
5. That the allegation regarding the Absence of the appellant is not correct, that there is no such report submitted by Head Mistress regarding the absence of the appellant and the appellant is very much performed her duty in G.G.P.S Kapoor and Received her salary.
6. That the appellant filed a complaint against one Rukhsana Rahim Sub-Divisional officer, Dargai Malakand and the enquiry was conducted against that complaint, the appellant provide sufficient evidence against Rukhsana Rahim but she was exonerated from the charges and the appellant was removed from her service without any proper enquiry.
7. That the appellant filed departmental appeal against order dated 11/12/2015 which was dismissed on 29/02/2016. (Copy of appeal and order attached as annex "B1")

ATTESTED
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That being aggrieved from the said impugned order and not considering the departmental appeal after the

laps of statutory period the applicant approach this Hon'ble tribunal on the following amongst other grounds.

Grounds:-

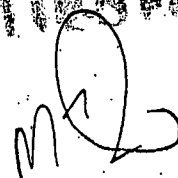
- A. *That the impugned removal from service is illegal and unlawful and against the natural justice.*
- B. *That no such separate inquiry has been conducted and no opportunity has been given thus they condemned unheard which is violation of fundamental right, and against the Article 10-A of the constitution of Pakistan.*
- C. *That the appellant properly received/obtained leave without pay vide order dated 26/10/2010.*
- D. *That the appellant was terminated without any enquiry which is against the law and natural justice. (Copy of show cause notice and reply attached is annexure "C")*

ATTESTED

M-2

- E. That the appellant never absented, from her duty, throughout her career except with permission.
- F. That the allegations, which is levelled against the appellant is totally baseless, wrong, illegal and no such enquiry had been conducted against the appellant.
- G. That during the said period, the applicant properly obtained ex-Pakistan leave, from 10/09/2011 to 09/03/2012
- H. That three different enquiries was conducted against respondent No. 5 ⁶ one was conducted by Saeed Khan principal GCMHS bat Khela (Chairman) Abdul Haq principal GCH Badraga member, on dated 15/04/2014 and the 2nd enquiry was conducted by Afzal Latif Secretary education which is in the possession of Secretary education and third enquiry was conducted by Khalid Mehmood (Retired Captain) on dated 21st September. (Copy of enquiry attached are annex "D")

ATTESTED



I. That respondent No. 5 lodge a report/ FIR against the Husband and brother of the appellant as which the Hon'ble court ^{argued} inquiry them from the charges. (Copy of order attached are annex "E")

J. That any other ground will be taken at the time of personal hearing with your kind permission.

It is, therefore, humbly prayed that on acceptance of this appeal impugned orders dated 11/12/2015 removal from service, and order dated 29/02/2016 may kindly be set-aside/ cancel/ withdrawn and reinstate the appellant with all back benefits.

Dated:- 02/03/2016

Through:-

Appellant

Rehman, Ullah
Shehryar Khan

& M. Arif
Muhammad Arif

Advocates, High Court,
Peshawar.

ATTESTED

M. Arif

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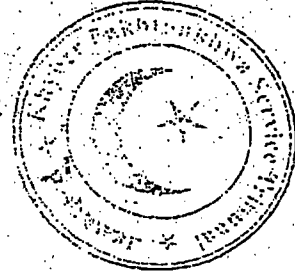
ANNEXURE H

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

Service Appeal No. 383/2016

Date of Institution... 10.03.2017

Date of decision... 05.03.2019



Mst. Shameem Ara W/O Javed Hussain R/O Village Standaro P/O Tehsil Dargai District Malakand. ... (Appellant)

Versus

1. The Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar and 5 others. ... (Respondents)

MR. SHAZULLAH KHAN YOUSAFZAI,
Advocate

For appellant.

MIAN AMIR QADIR,
District Attorney

For respondents.

MR. HAMID FAROOQ DURRANI,
MR. AHMAD HASSAN

CHAIRMAN
MEMBER

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN: -

Instant judgment is proposed to dispose of also Service Appeal No. 384/2016 (Mst. Bakhtmeena Vs. Chief Secretary Khyber Pakhtunkhwa), as both the appellants are aggrieved of orders dated 11.12.2015, passed by respondent No. 1, whereby, major penalty of removal from service was

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ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

imposed upon them. They are also aggrieved of rejection of their departmental appeals vide order dated 29.02.2016.

2. We have heard learned counsel for the appellants and learned District Attorney on behalf of the respondents. We have also thoroughly perused the available record with the assistance of learned counsel for the parties.

3. The record suggests that a show cause notice was issued to the appellants by the respondent No. 1/Chief Secretary, Khyber Pakhtunkhwa, purportedly, in the capacity of competent authority. It was conspicuously noted in the show cause notices that during an enquiry against one Mst. Rukhsana Rahim SDEO(F) Dargai, the appellants were given opportunity of hearing and on going through the findings and recommendations of enquiry officer and the material on record, the appellants were found to be inefficient, guilty of misconduct and habitual absence. They were, therefore, required through the said notice to show cause as to why the penalty of removal from service should not be imposed upon them. The notice was duly replied by the appellants. Consequently, the impugned orders dated 11.12.2015 were passed.

4. The record is suggestive of the fact that at the relevant time both the appellants were employed as Primary School Teachers (BPS-12) and by virtue of their such position the respondent No. 1/Chief Secretary Khyber Pakhtunkhwa was not the competent authority to issue the show cause notice and pass the impugned order of their removal from service. It is also

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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gatherable from the record that enquiry proceedings were ordered against one Mst. Rukhsana Rahim SDEO (F) Dargai Malakand upon allegations set forth by both the appellants. During the said proceedings, the statements of appellants were also recorded by the enquiry officer besides one Mst Rasheeda Begum, the then Headmistress, GGHS Kopar Malakand. Apparently, during cross-examination of the appellants certain facts surfaced against them.

Besides the fore-noted enquiry report, learned District Attorney could not lay hands on any document reflecting the initiation or conclusion of enquiry against the appellants independent of the proceedings against Mst. Rukhsana Rahim. In the said view of the matter, we are constrained to hold that the impugned orders were not backed by proceedings in accordance with law. The said lapse on the part of the respondents placed the appellants in a position where they did not have any opportunity of defending their respective cause. It is not the case of respondents that regular enquiry was dispensed with, in specific terms, by the competent authority.

5. As observed here-in-before the appellants were both serving against BPS-12 at the relevant time and, as such, the Authority competent to proceed against them departmentally was the concerned Executive District Officer and not the Chief Secretary Khyber Pakhtunkhwa/respondent No. 1, therefore, the proceedings and orders impugned before us could safely be termed as coram-non-judice.

ATTESTED

M L

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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appellant has travelled 14 time abroad, nor provided with the opportunity of personal defense in that respect.

That the impugned order dated 31-07-2021 is again illegal and void as the procedure provided by the Khyber Pakhtunkhwa (E&D) Rules, 2011 has not been followed.

It is, therefore, most humbly prayed that on acceptance of this Departmental appeal the impugned order dated 31-07-2021 may very kindly be set aside and the appellant may kindly be re-instated into service with all back benefits.

Dated: 12.08.2021

APPELLANT

Bakht Meena
Mst. BAKHT MEENA, Ex-PST,
GGPS Mathra, Peshawar.

ATTACHED

ANNEXURE L

47

To
The Director (E&SE) Department,
Khyber Pakhtunkhwa,
Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 31-07-2021 WHEREBY THE APPELLANT HAS BEEN REMOVED FROM SERVICE.

Respected Sir,

It is most humbly stated that the appellant was an employee of your good self department and was performing her duties as PST (BPS-12) up to the entire satisfaction of your good self.

That while performing her duties with zeal and zest the appellant was removed from service vide notification dated 11-12-2015 through an illegal and unlawful order.

That the appellant feeling aggrieved from the mentioned order challenged the same before the Service Tribunal and the Service Tribunal vide its judgment dated 05-03-2019 set aside the impugned order and directed the respondents/ your good self department to re-instate the appellant.

That the appellant was re-instated and de-novo inquiry was conducted by your good self department but the appellant was not associated with the inquiry and hence the whole proceeding was conducted one sided.

That the charges were not proved against the appellant even in the, so called one sided, inquiry but the appellant was removed from service vide impugned removal order dated 31-07-2021.

That the appellant has not been heard in person and opportunity for justification and clarification of his position has not been provided to the appellant, hence condemned unheard thus violated Article-10A of the constitution of Islamic republic of Pakistan, 1973.

That in the impugned order it has been alleged that the appellant has travelled 14 times abroad but nothing has been asked in this respect from the appellant so that she might have justified her position on that point.

That no conclusive proof in that respect is available with the inquiry officer and she neither provided an opportunity to the appellant against that person to cross examine, who had said that the

ATTACHED



**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
PESHAWAR**

FD/PAK/2011-02/2015/2015/ADDITIONAL/001/Peshawar/01/02/2015

ANNEXURE K 46

NOTIFICATION

1. WHEREAS, Mst. Baljit Meena, BPS-13, PST, GGPS Mathra Peshawar was removed from service vide this department notification No. SO (SN) P&S/4-17/2015, Bukt Meenu PST dated 11.12.2015.
2. WHEREAS, she filed a service appeal before Khyber Pakhtunkhwa service tribunal. The service Tribunal vide its judgment dated 05.03.2019 set aside the impugned order of removal from service and re-instated her for the purpose of de novo inquiry.
3. WHEREAS, De novo inquiry was conducted by Mst. Farzana Lal Sher, Principal of GGHSS Chamkani Peshawar against accused teacher for the charges leveled against her in accordance with rule.
4. WHEREAS, the inquiry officer submitted its report in the light of the findings Mst. Baljit Meena PST GGPS Mathra travelled abroad 14 times and availed a total of 968 days leave without approval and therefore recommended to take action under E&D Rules against accused teacher.
5. WHEREAS, the show cause notice was served upon her whom she replied which was found unsatisfactory.
6. WHEREAS, she was afforded an opportunity of personal hearing in response to her reply to the show cause notice vide No. 1060 Dated: 22.06.2021 which she did not avail.
7. AND WHEREAS, the competent authority after having consider the charges and evidence on record, inquiry report, explanation of the accused teacher in response to the show cause notice and personal hearing granted to her by the competent authority on 25.06.2021 on the view that charges against the accused has been proved.
8. NOW THEREFORE, in exercise of the powers under Rules 4(b)iii of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary Rules 2011), the competent authority District Education Officer (Female)-Peshawar is pleased to impose Major Penalty of "Removal from Service" upon Mst. Baljit Meena, PST, Govt. Girls Primary School Mathra Peshawar with immediate effect. The period she remained out of service due to her removal i.e. from 11.12.2015 to 11.07.2019 968 days leave without pay as per inquiry officer report is hereby treated as unauthorized absence from duty without pay.

(SAMIYA GHANI)

District Education Officer
(Female)-Peshawar

Form No. 1/2015/2015

Dated Peshawar this 21st 7/2021

Cop to the:

- 1- Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa Peshawar
- 2- Registrar, Service Tribunal, Khyber Pakhtunkhwa Peshawar
- 3- Assistant General Khyber Pakhtunkhwa Peshawar
- 4- PS, to Secretary, Elementary & Secondary Education Department, Khyber Pakhtunkhwa Peshawar
- 5- District Monitoring Officer (DMA) Peshawar
- 6- Sub Divisional Educational Officer (Female) Town-II, Peshawar with the request to recover the amount paid during her absence period as mentioned above (if any)
- 7- Mst. Baljit Meena, PST, GGPS Mathra, Peshawar

District Education Officer
(Female)-Peshawar

21/07/2021

OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
PESHAWAR

NOTIFICATION

1. **WHEREAS**, Mst. Bakht Meena BPS-12 PST, GGPS Mathra Peshawar was removed from service vide this department notification No, SO (S/F) E&SE/4-17/2015/ Bakht Meena PST dated 11.12.2015.
2. **WHEREAS**, she filed a service appeal before Khyber Pakhtunkhwa service tribunal. The service Tribunal vide its judgment dated 05.03.2019 set aside the impugned order of removal from service and re-instated her for the purpose of de novo inquiry.
3. **WHEREAS**, De novo inquiry was conducted by Mst, Farzana Lal Sher. Principal of GGHSS Chamkani Peshawar against accused teacher for the charges leveled against her in accordance with rule.
4. **WHEREAS**, the inquiry officer submitted its report in the light of the findings Mst, Bakht Meena PST GGPS Mathra travelled abroad 14 times and availed a total of 968 days leave with out approval and therefore recommended to take action under E&D Rules against accused teacher.
5. **WHEREAS**, the show cause notice was served upon her whom she replied which was found unsatisfactory.
6. **WHEREAS**, she was afforded an opportunity of personal hearing in response to her reply to the show cause notice vide No, 1060 dated 22.06.2021 which she did not avail.
7. **AND WHEREAS** the competent authority after having consider the charges and evidence on record. Inquiry report, explanation of the accused teacher in response to the show cause notice and personal hearing granted to her by the competent authority on 25.06.2021 on the view that charges against the accused has been proved.
8. **NOW THEREFORE**, in exercise of the powers of Rules-f(b) iii of Khyber Pakhtunkhwa Got; servant (Efficiency and Disciplinary Rules 2011) the competent authority District Education Officer (F) Peshawar is pleased to impose **Major Penalty of "Removal from Service" upon Mst. Bakht Meena, PST. Govt: Girls Primary School Mathra Peshawar with immediate effect.** The period she remained out of service due to her removal i.e from 11.12.2015 to 11.07.2019 (968) days leave without pay as per inquiry officer report is hereby treated as unauthorized absence from duty without pay.

(SAMINA GHANI)

District Education Officer (F) Peshawar

Endst.No.2132-36-24 dated 31/07/2021.

8. I have never been involved in any gainful job during the intervening period, therefore in light of the apex Court judgments I am fully entitle for the grant of back benefits.

It is, therefore, most kindly requested that the order dated 12.07.2019 may be rectified/modified by allowing me back benefits for the period i.e. w.e.f. 12.11.2015 to 12.07.2019 and oblige.

Dated: 06.08.2019

Thanking you in anticipation

ATTESTED

Obediently yours,
Bakht Mina
BAKHT MINA, PST,
GGPS Mathra, Peshawar

It is, therefore, most kindly requested that the order dated 12.07.2019 may be rectified/modified by allowing me back benefits for the period i.e. w.e.f. 12.11.2015 to 12.07.2019 and oblige.

Dated: 06.08.2019

Thanking you in anticipation

Obediently yours,
Bakht Mina
BAKHT MINA, PST,
GGPS Mathra, Peshawar

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ANNEXURE - J

The Director (E&SE) Departmental,
Khyber Pakhtunkhwa, Peshawar.

Subject: **DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION
DATED 12.07.2019**

R/Sir,

Reference to the above notification dated 12.07.2019 whereby back benefits for the intervening period w.e. from the date of removal from service i.e. 12.11.2015 till 12.07.2019 has not been allowed to the appellant. In this connection the applicant briefly states as under:

1. I was appointed as PST now in BPS-12 vide order dated 30.10.1994 after fulfilling all the codal formalities required for the post.
2. I have performed my duty quite efficiently, whole heartedly and up to the best of my abilities and have never given anyone the chance of any complaint hence I have an unblemished service record of more than 25 years.
3. I was declared as absent from duty which was a baseless allegation as throughout the whole service carrier, I have never been absented myself from my official duties. I have performed in the far flung & hard areas of District Malakand. My period from the date of removal from service i.e. 12.11.2015 till 12.07.2019 has not been allowed.
4. I was removed from service vide order dated 11.12.2015 against which I filed a Departmental Appeal which was rejected on 29.02.2016 whereupon, I filed service appeal No. 384/2016 before the Khyber Pakhtunkhwa Service Tribunal, Peshawar for her reinstatement which was allowed in my favour vide consolidated judgment dated 05.03.2019 by directing the respondent Department to conduct de-novo inquiry.
5. The service Tribunal has accepted my service appeal as a whole and clear direction was issued to the respondent Department but it was wrongly been interpreted by the competent authority as well as the inquiry committee.
6. In the judgment delivered by the Service Tribunal I have been exonerated completely from the allegation of absence, therefore under the principle of natural justice I am entitle for the back benefits.
7. The inquiry was conducted but to the extent of absence period which was a past and close transaction and the same does not took any point regarding the back benefits or intervening period.

INTERESTED

M. Q.

ARRIVAL REPORT

I, Mst. Bakht Mina (PST) in compliance with the
DEO (F), Peshawar order NO. 3071-77 Dated 12/07/2019

Submit my arrival report on 23/07/2019 Forenoon ~~afternoon~~ to the
Headmistress Sareiat

Yours Sincerely,

Signature Bakht Mina

Name Mst. Bakht Mina

Dated 23/07/2019

Copy Forwarded to:

- 1. District Education Officer Female Peshawar
- 2. SDEO (F) Town-II Peshawar
- 3. ASDEO (F) Town-II Peshawar

Forwarded to SDEO Town-2
 24/7/2019
 Assistant Sub Divisional Education Officer
 Town-II Peshawar

Sareiat
 HEAD MISTRESS
 J.G.P.S Mathra
 Peshawar
 23/7/2019

ATTESTED

[Signature]

[Signature]

[Signature]
29/07/2019

[Signature]
Dr. S. S. S. S. S.

42

CHARGE REPORT

I, Mst. Bakht Mina in compliance with the
DEO(F), Peshawar order No. ~~3071-77~~ / Endst. No. 3071-77 Dated 12/07/2019

Took over Charge as PST from the

Headmistress of G.G.P.S. Mathra, Peshawar on

23/07/2019 Forenoon/afternoon

Took Over

Signature: Bakhtmina

Mst. Bakht Mina

Sadiqat
HEAD MISTRESS
G.G.P.S. Mathra
Peshawar

Headmistress

Signature: Sadiqat

End No. _____ Dated 23/7/2019

Copy Forwarded to:

1. District Education Officer Female Peshawar
2. SDE (CF) TOWN-II Peshawar
- 3.

ATTESTED

M-Q



OFFICE OF THE DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

To Be Substituted Even Number & Date

OFFICE ORDER


In pursuance of Judgment of Service Tribunal Khyber Pakhtunkhwa appeal No.383/2016 in R/O Mst.Bakht Meena PST V/S Chief Secretary and others dated: 05/03/2019, Mst.Bakht Meena PST GGPS Mathra is hereby re-instated in Govt. service. She adjusted against vacant post at GGPS Mathra with immediate effect.

(SAMINA GHANI)
District Education Officer
Female Peshawar.


Endst: No. 3071-77 Dated Peshawar the 12/07/2019.

Copy forwarded for information to the:-

1. Secretary E&SE Khyber Pakhtunkhwa Peshawar.
2. Director E&SE Khyber Pakhtunkhwa Peshawar.
3. Accountant General Khyber Pakhtunkhwa Peshawar.
4. Deputy Commissioner Malakand, Khyber Pakhtunkhwa.
5. SO Litigation-III E&SE Govt. of Khyber Pakhtunkhwa, Peshawar w/r to his order passed on the body of appeal (copy enclosed)
6. D.E.O (F) Malakand.
7. SDEO concerned i.e. Dargai Malakand & Town-II Peshawar.
8. Official Concerned.


District Education Officer
Female Peshawar

ATTESTED

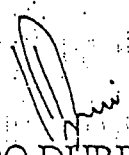


6. As a sequel to the above, we allow both the appeals and set aside the impugned orders of removal from service passed against the appellants on 11.12.2015. Resultantly, the appellants are reinstated into service. The respondents may, however, undertake departmental proceedings against the appellants but only in accordance with law and rules. The denovo proceedings, if taken, shall be concluded within a period of ninety days from the receipt of copy of instant judgment. The issue of back benefits in favour of appellants shall follow the result of denovo proceedings.

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



(AHMAD HASSAN)
Member

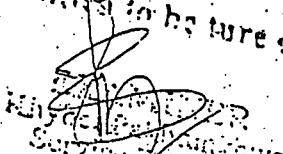


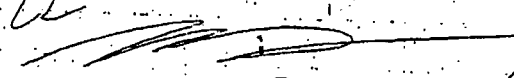
(HAMID FAROOQ DURRANI)
Chairman
Camp Court, Swat

ANNOUNCED

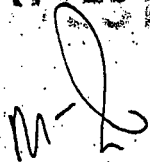
05.05.2019

Certified in his true copy


Muzaffar Ahmad
Services Tribunal
Peshawar

Date of Presentation: 30-10-19
 Number of Pages: 1600
 Copying Fee: 28
 Stamp Fee: 4
 Total: 22
 Name: 
 Date of Receipt: 30-10-19
 Date of Delivery to Court: 30-10-19

ATTESTED



49

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: _____ OF 2021

Bakht Mina (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt (RESPONDENT)
(DEFENDANT)

I/We Bakht Mina

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2021

Bakht Mina
CLIENTS

ACCEPTED

NOOR MUHAMMAD KHATTAK

Kamran Khan
KAMRAN KHAN

Said Khan
SAID KHAN

Haider Ali
HAIDER ALI

&
KHANZAD GUL
ADVOCATES

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

SB

Appeal No. 7872 of 2021

Bakht Mina Appellant/Petitioner

Versus
Seyy E3SE Deptt: KPK Peshawar Respondent

Respondent No. 127

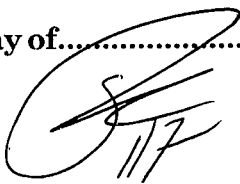
Notice to: — Director E3SE Deptt: KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....06/07/2022.....at 8.00 A.M. If you wish to urge anything against the appellatant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....20/6.....
 Day of.....June.....20 22



(For Reply)

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

“B”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

82

Appeal No. 7872 of 2021

Bakht Mina Appellant/Petitioner

Versus

Sey. ESSE Deptt: KPK Peshawar Respondent

Respondent No. (3)

Notice to: — DEO (Female) District Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....06/07/2022.....at 8.00 A.M. If you wish to urge anything against the appelland/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement, alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Day of.....June.....2022..

(For Reply)

**Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

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2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

SB

Appeal No. 7872 of 2021

Bokht Mina Appellant/Petitioner

Versus

Sey F&SE Deptt: KPK Peshawar Respondent

Respondent No. (4)

*Jan 1/2/22
 PM 3-31*

Notice to: — District Account Officer, District Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....06/07/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....20th.....

Day of.....June.....2022

(For Reply)

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

7872

SB

Appeal No.

Bakht Mina

of 20²¹

Appellant/Petitioner

Secy EGSE Deptt. KPK Peshawar

Respondent

Respondent No.

Notice to: —

Secy EGSE Deptt. KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20/06/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

20th

Given under my hand and the seal of this Court, at Peshawar this.....

Day of June 20²²

(For Reply)

SECRETARY DIARY
No. 041/2022
Dated 1/

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.