

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1453/2018

Date of Institution ... 03.12.2018

Date of Decision ... 21.01.2022

Safia Jabeen PTC, GGPS Jhok Bisharat District D.I.Khan.

... (Appellant)

VERSUS

Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, at Civil Secretariat, Peshawar and others. ... (Respondents)

Javed Iqbal Gulbela,
Advocate

... For Appellant

Asif Masood Ali Shah,
Deputy District Attorney

... For respondents

AHMAD SULTAN TAREEN
ATIQU-UR-REHMAN WAZIR

...
...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

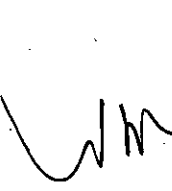
ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant, while serving as Primary School Teacher, was proceeded against on the charges of absence from duty and was ultimately awarded with major punishment of dismissal from service vide order dated 27-04-2017, against which the appellant filed departmental appeal dated 11-12-2017, which was not responded with in the statutory period, hence the instant service appeal with prayers that the impugned orders dated 27-04-2017 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law, hence her rights secured under the constitution has badly been violated; that the impugned order is against law, facts

and norms of natural justice, therefore not tenable and liable to be set aside; that the appellant never committed absence, rather was always present and performing her duty, hence the allegation of willful absence is baseless and based on malafide; that no inquiry was conducted against the appellant, hence the appellant was condemned unheard; that no show cause notice was served upon the appellant, while passing the impugned order, which clearly shows malafide and bad intentions of the respondents; that malafide of the respondents is evident from the fact that the appellant filed departmental appeal on 11-12-2017, but the respondents did not decide the same until today; that malafide of the respondents is evident from the fact that monthly salary of the appellant was stopped from the months of August, 2015 without any reason.

03.  Learned Deputy District Attorney for the respondents has contended that the appointment order produced by the appellant with this service appeal is not traceable at the office of the respondents, hence the appointment order so presented is bogus, fake and without lawful authority; that such fake appointments were made during 2007 to 2008; that a joint appointment order was issued on 02-07-2007 by the respondents, where name of the appellant is not reflected; that all such fake appointees were terminated from service; that the charge report submitted is also fake and the appellant never attended any school nor performed any duty, rather got salary illegally from the government exchequer; that all the papers produced by the appellant are not traceable in the record of the respondents, hence are fake bogus and without lawful authority; that the impugned dismissal order was passed after observing all the codal formalities; that the appellant was a ghost teacher and usurped salary illegally, hence she was rightly dismissed from service.

04. We have heard learned counsel for the parties and have perused the record.

05. Placed on record is the impugned order dated 27-04-2017, which would show that inquiry has been dispense with and the appellant was summarily proceeded against and dismissed from service. It however is a well settled legal proposition that regular inquiry is must before imposition of major penalty of dismissal from service. The impugned order would further show that the appellant has been dismissed on the charges of absence from duty and not due to fake appointments. We have observed that the appellant has not been treated in accordance with law; hence, we are inclined to partially accept the instant appeal. The impugned order is set aside and the appellant is re-instated in service with direction to the respondents to conduct de-novo inquiry in accordance with law and rule and to afford appropriate opportunity of defense to the appellant. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
21.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

ORDER

21.01.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present. Arguments heard and record perused.

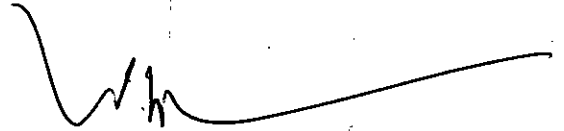
Vide our detailed judgment of today, separately placed on file, we are inclined to partially accept the instant appeal. The impugned order is set aside and the appellant is re-instated in service with direction to the respondents to conduct de-novo inquiry in accordance with law and rule and to afford appropriate opportunity of defense to the appellant. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

21.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN

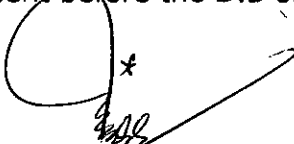



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

24.08.2021


Mr. Junaid, Advocate, Junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Junior of learned counsel for the appellant sought adjournment on the ground that learned counsel for the appellant is not available today due to some domestic engagements. Learned AAG is also seeking time for submission of written answer to the queries enumerated in order sheet dated 09.06.2021. Adjourned. The learned AAG is directed to send the copy of order sheet dated 09.06.2021 to respondents No. 2 and 3 for their written answers to the queries mentioned in the said order sheet. Adjourned. To come up for argument before the D.B on 22.10.2021.


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

22.10.2021

 Mr. Sagheer Iqbal, Advocate, for the appellant present. Mr. Muhammad Imran, Subject Specialist alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and submitted written answer to the queries enumerated in order sheet dated 09.06.2021, which is placed on file. Learned counsel for the appellant sought adjournment. Adjourned. To come up for arguments on 21.01.2022 before the D.B.


(MIAN MUHAMMAD)
MEMBER (E)


(SALAH-UD-DIN)
MEMBER (J)

09.06.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General present.

After hearing the parties at certain length, it is apt to formulate certain queries for the respondents, as follow:

1. Whether the Government Girls Primary School Jhok Bisharat actually exists in record of respondent No.2.
2. What is the number of sanctioned posts of teachers in GGPS Jhok Bisharat, if answered to the first question is positive.
3. What is the detail of incumbency of the post(s) in GGPS Jhok Bisharat from 2006 till date?
4. Whether salary was drawn against the incumbency of the post(s) of teachers in GGPS Jhok Bisharat; if drawn, how and to whom it was paid on the prescribed acquaintance roll, till date.

Today, none from the respondents is present. The learned A.A.G is directed to send the copy of this order sheet to respondents No.2 & 3 for their written answers to the queries enumerated above.

Adjourned to 24.08.2021 for hearing before D.B.



(Rozina Rehman)
Member (J)



Chairman

03.12.2020

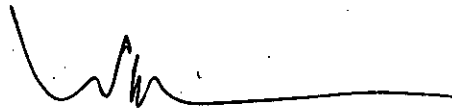
Due to COVID-19, the case is adjourned to 04.03.2021 for the same as before.


Reader

04.03.2021

Junior to counsel for the appellant and Addl. AG for the respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, the matter is adjourned to 09.06.2021 for hearing before the D.B.


(Atiq-ur-Rehman Wazir)
Member(E)

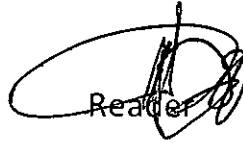

Chairman

15-5

2020


07/8

Due to COVID19, the case is adjourned to
2020 for the same as before.


Reader

07.08.2020

Due to summer vacation case to come up for the same on
09.10.2020 before D.B.

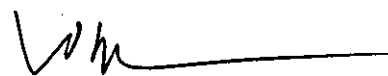

Reader

09.10.2020

Junior counsel for appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General
for respondents present.

Former requests for adjournment as senior counsel for
appellant is busy before Hon'ble Peshawar High Court
Peshawar. Adjourned. To come up for arguments on
03.12.2020 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

11.02.2020

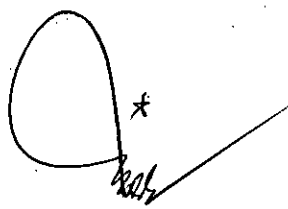
Husband of the appellant on behalf of the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Husband of the appellant requested for adjournment on the ground as counsel for the appellant is not available today. Adjourned. To come up for arguments on 18.03.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

18.03.2020

Clerk to counsel for the appellant present. Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant was busy before the Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 15.05.2020 before D.B.

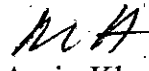

(MAIN MUHAMMAD)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

05.09.2019

Learned counsel for the appellant present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 01.11.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

01.11.2019

Clerk of counsel for the appellant, and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before the Hon'ble Peshawar high Court, Peshawar and cannot attend the Tribunal today. Adjourned to 12.12.2019 for arguments before D.B.

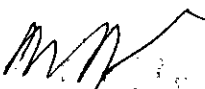

(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

12.12.2019

Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Adjourned to 11.02.2020 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

15.04.2019

Jehanzeb Khan husband of the appellant on behalf of appellant present. Written reply not submitted. Shakeel Ahmad Superintendent representative of the respondent department absent. He be summoned with the direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 23.05.2019 before S.B



Member

23.05.2019

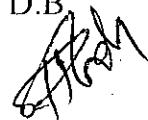
Husband of the appellant on behalf of appellant present. Written reply not submitted. M/S Shakeel Ahmad Superintendent (for respondent No.1) and Hayat AD (for respondent No.3) absent. Respondents as well as the absent representatives be put to notice with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 03.07.2019 before S.B.



Member

03.07.2019

Nemo for the appellant. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Dr. Muhammad Imran Shah litigation Officer on behalf of the respondent No. 2 present and submitted written reply/comments and stated that the remaining respondents relies on the same. Adjourned. To come up rejoinder/arguments on 05.09.2019 before D.B



Member


07.1.2019

Counsel for the appellant present.

Contends that in case where the charges of misconduct, corruption and habitual absence were levelled against the appellant, it was incumbent upon the respondents to have carried out a regular enquiry, more particularly, in view of penalty of dismissal from service imposed upon her. In the instant case the impugned order does not disclose of such proceedings having been conducted by the respondents, it was added.


As major punishment of dismissal from service has been awarded to the appellant and in view of averments of learned counsel for the appellant the instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents. To come up for written reply/comments on 21.02.2019 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

21.02.2019

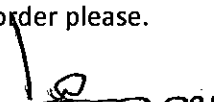

Clerk to counsel for the appellant present. No one present on behalf of respondent department Notice be issued to the respondent department with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 15.04.2019 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1453/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/12/2018	<p>The appeal of Mst. Safia Jabeen presented today by Mr. Javed Iqbal Gulbella Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 3/12/18</p>
2-	07/12/2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/01/2019</u>.</p> <p> CHAIRMAN</p>

P-17/18
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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A. 1453 /2018

Safia Jabeen

VERSUS



Secretary Elementary & Secondary Education, Khyber
Pakhtunkhwa Peshawar and others

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6.	Copy of Charge report	"B"	14
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Safia Jabeen
Appellant

Through


SAGHIR IQBAL GULBELA
&

JAVED IQBAL GULBELA
Advocates, High Court
Peshawar.

Dated: 03/12/2018

Off Add: 9-10A Al-Nimrah Centre, Govt College Chowk Peshawar

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2014 2015

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BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

In Re S.A 1453 /2018

Diary No. 1720

Dated 03-12-2018

Safia jabeen PTC, GGPS Jhok Bisharat District
D.I.Khan.

-----*(Appellant)*

VERSUS

1. Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar at Civil Secretariat Peshawar
2. The District Education Officer (Female) D.I Khan.
3. The Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
4. The Director S & L, Khyber Pakhtunkhwa Peshawar.
5. The District Coordination office, D.I Khan/Deputy Commissioner D.I Khan.
6. The District Officer (F) S & L, D.I Khan.
- ⑦ The Dy. District Officer, (F) D.I Khan.

-----*(Respondents)*

Filed to-day
Registrar
3/12/18.

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT
1974 AGAINST THE IMPUGNED OFFICE ORDER
ENDST NO: 5527-33 DATED 27/04/2017,
WHEREBY THE APPELLANT WAS DISMISSED
FORM SERVICE AND DEPARTMENTAL APPEAL
OF THE APPELLANT HAS NOT DECIDED AFTER
THE LAPS OF STATUTORY PERIOD

Respectfully Sheweth:

1. That the appellant was appointed as a teacher on post of PTC BPS-06 at Government Girls Primary School Jhoke Bisharat District D.I



1950-1951
Annual Report

Department of Education

Washington, D.C.

1950-1951

Annual Report

2

Khan on dated 01/02/2006, office order 375-80.
(Copy of appointment order "A")

2. That thereafter the appellant took charge and with her most sincere and pragmatic way performed her duties and never left any stone unturned in performance of her duty with outmost zeast and devotion. **(Copy of Charge report is annexed as annexure "B")**
3. That due to some unavoidable circumstances the appellant was not in position to perform her duties from 2006 to 2010. Therefore the appellant adopted proper way of leave and for the same purpose she move application for leave without pay, which was allowed and extra ordinary leave without pay was allowed to the appellant vide office order No. 8580-85 dated 05/09/2006 and office order No. 7490-95 dated 12/09/2007. **(Copies of Office order annexed as annexure "C & D" respectively)**
4. That except the granted leave the appellant never absented from her duty and regularly performed her duties with zeast and devotion and gives 100% result.
5. That the Respondent suddenly and surprisingly dismissed the appellant from her service on amount of "*alleged willful absence*" vide

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impugned office order Endst NO. 5527-33 dated 23/04/2017 it is pertinent to mention here that even the dismissal order was not served upon the appellant. **(Copy of impugned office dismissal order is annexed as annexure "E")**

6. That it is pertinent to mention here that the Respondents withheld the monthly salary of the appellant from August 2015 upto date and when the appellant approached the Respondent and asked for her right, the Respondent in response made different kind of gestures to her and afterwards dismissed the appellant from her service and besides that the Respondent are so arrogant that they even did not communicated any order to the appellant.
7. That being aggrieved from impugned office dismissal order Endst No. 5527-33 the appellant preferred departmental appeal to the Respondents on 11/12/2017 but the same has not been decided. **(Copy of departmental appeal is annexed as annexure "F")**
8. That feeling aggrieved from the impugned dismissal order the appellant approaches this Hon'ble tribunal for her reinstatement in the service on the following grounds inter alia:

Grounds:

(4)

- A. That the petitioner is naturally born bona-fide citizen of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of the land.
- B. That the dismissal order of the Respondent is unwarranted, against the fact and law on the subject and is not sustainable at all.
- C. That the appellant never absentee from her duty and always performed duty with zeast and devotion and the allegation of the Respondent of alleged willful absence is totally a drama and have no footing and based on malafide of the Respondent against the appellant.
- D. That no show cause notice was given to the appellant, neither any inquiry was conducted nor any opportunity of personal hearing was given to the appellant to defend and clear her position, and without any fault the appellant was dismissed from service. That's why the impugned dismissal order is not only illegal, unlawful, vides abinitio but is also against the law as well as against the natural justice.

(5)

E. That as no show cause notice was given to appellant as well as no inquiry was conducted, and the Respondent passed the impugned dismiss order *No. 5527-33 dated 27/04/2017* which clearly proves the malafide and mal intention as well as malpractices of the Respondents against the appellant and the impugned order is not sustainable in the eye of law.

F. That the impugned dismissed order is unlawful, illegal and liable to be cancelled because the Respondent utterly violated the service law, rules, regulations and policy of the Government for Civil servants while passing the impugned dismissal order.

G. That the impugned dismissal order is the violation of the fundamental rights of the appellant which is guaranteed and protected by the constitutional of Islamic Republic of Pakistan 1973.

H. That the malafide of the Respondent is further cleared from the departmental appeal of the appellant as the appellant moved her departmental appeal in December 2017 and the Respondent did not decide the same upto date and making different gestures to the appellant from time to time malafidely and Intentionally

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delayed the appellant from filing the appeal before this Hon'ble Court.

I. That from every angle the impugned dismissal order is null and void and not sustainable in the eye of law and is liable to be set aside.

J. That malafide of the Respondent is further proved from the stopping / withholding the monthly salaries of the appellant from the month of August, 2015 without any fault of the appellant and when she approached the Respondent for implementation of her due right (Salary) she was surprisingly dismissed from service which is clear violation of law of the land.

K. That any other ground not raised here may graciously be allowed to raises at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant Appeal the impugned office order, No. Endst: No. 5527-33 dated 27/04/2017 to be declared as null and void and the appellant be reinstated in her service with all back benefit in the best interest of justice.

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It is further prayed that the salaries of the appellant be released to the appellant from the month of August 2015 to upto date

Any other relief not specifically asked for may also graciously be extended in favour of the appellant in the circumstances of the case.

Safia Jabeen
Appellant

Through

[Signature]
SAGHIR IQBAL GULBELA
&
JAVED IQBAL GULBELA
Advocates, High Court
Peshawar.

Dated: 03/12/2018

NOTE:-

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

[Signature]
Advocate.

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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2018

Safia Jabeen

VERSUS

Secretary Elementary & Secondary Education, Khyber
Pakhtunkhwa Peshawar and others

AFFIDAVIT

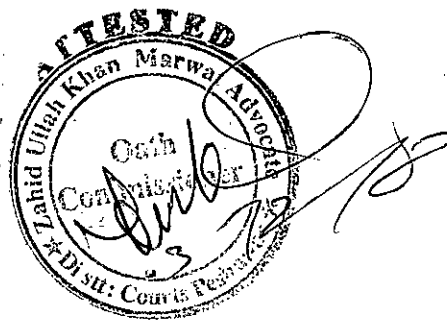
I, **Safia jabeen PTC, GGPS Jhok Bisharat District
D.I.Khan**, do hereby solemnly affirm and declare
that all the contents of the accompanied appeal are
true and correct to the best of my knowledge and
belief and nothing has been concealed or withheld
from this Hon'ble Tribunal.

Safia Jabeen

DEPONENT

Identified By:

Javed Iqbal Gulbela
Javed Iqbal Gulbela
Advocate High Court
Peshawar.



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(9)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2018

Safia Jabeen

VERSUS

Secretary Elementary & Secondary Education, Khyber
Pakhtunkhwa Peshawar and others

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth,

1. That the petitioner/Appellant is filing the accompanying Service Appeal, the contents of which may graciously be considered as integral part and Parcel of the instant petition.
2. That the Respondent has not given the dismissal order to the appellant therefore she was totally unaware about her dismissal order from service and she came to know when she got the impugned order by herself.
3. That the Respondent malafidely not decided departmental appeal and moved different kind of gestures for not decided the case of the appellant and intentionally delayed the

appellant from filling the appeal before this Hon'ble court.

4. That the delay in filling of appeal is due to the above mentioned fact which is far away and beyond the control of the appellant, therefore the delay be condoned in favour of justice
5. That besides the above law always favors adjudication on merits and technicalities must always be eschewed in doing justice and deciding cases on merits.
6. That other grounds will be raised with prior permission of this Hon'ble Tribunal at the time of arguments.

It is, therefore most humbly prayed that on acceptance of the instant application, the delay in filing of the accompanying Service Appeal may graciously be condoned and the accompanying Services Appeal may very graciously be decided on merits.

Sabir Jaseen

Appellant

Through


SAGHIR IQBAL GULBELA

&

JAVED IQBAL GULBELA

Advocates, High Court
Peshawar.

Dated: 03/12/2018

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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2018

Safia Jabeen

VERSUS

Secretary Elementary & Secondary Education, Khyber
Pakhtunkhwa Peshawar and others

AFFIDAVIT

I, **Safia jabeen PTC, GGPS Jhok Bisharat District
D.I.Khan**, do hereby solemnly affirm on oath that the
contents of the **application** are true and correct to the
best of my knowledge and belief and nothing has
been concealed from this Hon'ble Court.

Safia jabeen

**Deponent
CNIC #**

Identified By:

Javed Gulbela
**Javed Gulbela
Advocate High Court
Peshawar**



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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2018

Safia Jabeen

VERSUS

Secretary Elementary & Secondary Education, Khyber
Pakhtunkhwa Peshawar and others

ADDRESSES OF PARTIES

APPELLANT.

Safia jabeen PTC, GGPS Jhok Bisharat District
D.I.Khan.

RESPONDENTS:

1. Secretary Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar at Civil Secretariat
Peshawar
2. The District Education Officer (Female) D.I Khan.
3. The Director Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.
4. The Director S & L, Khyber Pakhtunkhwa
Peshawar.
5. The District Coordination office, D.I Khan/Deputy
Commissioner D.I Khan.
6. The District Officer (F) S & L, D.I Khan.
7. The Dr. District Officer, (F) D.I Khan.

Safia Jabeen
Appellant

Through

Saghir Iqbal Gulbela
**SAGHIR IQBAL GULBELA
&
JAVED IQBAL GULBELA**
Advocates, High Court
Peshawar.

Dated: 03/12/2018

13

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOL & LITERACY
EDUCATION D.I.KHAN

OFFICE ORDER:

Annexure - A

Consequent upon the approval of selection committee and approved by the district coordination officer D.I.Khan. The following fresh candidate is hereby appointed against the vacant post of PTC in the school noted against their name in BPS- 06 Plus usual allowance, being a qualified, fresh candidate as per existing policy in the interest of public service w.e.from the date of taking over charge on the following terms and conditions.

S.No. Name of Candidate with father name

Schools where Posted

1. Safia Jabeen D/O Zarwali Khan R/O DIKhan

GGPS Jhoke Bishrat

TERM AND CONDITIONS.

1. His/ Her service will be considered as regular without pension/gratuity in terms of section- 19 of the N.W.F.P Civil servants Act-1973 amended in 2005.
2. He /She will contribute towards CPF @ 10% of the minimum of pay and 10% contribution will be made by government.
3. He /She will be governed by such rules & regulations as may be prescribed by the Govt: from time to time, for the category to which he belongs.
4. His /Her appointment is made purely temporary and liable to termination at any time without assigning any reason.
5. One month pay will be forfeited to Govt: in case of resignation without prior notice, the period of giving notices one month before resignation.
6. His /Her original certificate/degrees should be got verified from the respective Boards/Universities before release of pay. All expenses will be borne by the candidate.
7. He /She is required to join the post within 30 days, falling which the appointment order will stand cancelled automatically.
8. The appointment is made subject to the condition that the candidate is permanent domiciled of district D.I.Khan,
9. He /She is required to produce health and age certificate from the M.S D.I.Khan.
10. Charge report should be sent to all concerned.
11. No TA/DA is allowed.

Sd/-

Executive District Officer
(S&L), District D.I.Khan.


Endst. No. 325-06

Dated D.I.Khan 2/1/06 2006.

Copy of the above is forwarded for information & N/Action to:

- 1) The Director, S&L, N.W.F.P Peshawar.
- 2) The District Coordination Officer, D.I.Khan.
- 3) The District Accounts Officer, D.I.Khan.
- 4) The District Officer (F) S&L, D.I.Khan.
- 5) The Dy: District Officer, (F) DIKhan.
- 6) The Official Concerned.

ATTESTED


Executive District Officer
(S&L), District D.I.Khan.

(15)

Annexure - C

OFFICE OF THE EXECUTIVE DISTRICT OFFICER
SCHOOL & LITERACY EDUCATION DIKHAN

OFFICE ORDER:

Sanction is hereby accorded to the grant of Extra ordinary leave in respect of Mist: Safia Jabeen P.T.C GGPS Jhok Bishrat w.e.f 05-09-2006 to 27-05-2007 without pay as admissible under the leave rule. She is like to resume her duty at station.

Note: Necessary entry to this effect should be made in her service book.


Sd/-
Executive District Officer
(S&L), District D.I.Khan.

Endst. No. 835-351

Dated D.I.Khan 05/07 2006

Copy of the above is forwarded for information & N/Action to:

- 1) The Director, S&L, N.W.F.P Peshawar.
- 2) The District Coordination Officer, D.I.Khan.
- 3) The District Accounts Officer, D.I.Khan.
- 4) The District Officer (F) S&L, D.I.Khan.
- 5) The Dy. District Officer, (F) DIKhan.
- 6) The Official Concerned.


Executive District Officer
(S&L), District D.I.Khan.

~~ATTESIED~~

16

OFFICE OF THE EXECUTIVE DISTRICT OFFICER
SCHOOL & LITERACY EDUCATION D.I.KHAN

Amended - 0

OFFICE ORDER:

Sanction is hereby accorded to the grant of Extra ordinary leave in respect of Mst: Safia Jabeen P.T.C GGPS Jhok Bishrat w.e.f 06-09-2007 to 27-05-2010 without pay as admissible under the leave rule. She is like to resume her duty at station.

Note: Necessary entry to this effect should be made in her service book.

Sd/-
Executive District Officer
(S&L), District D.I.Khan.

Endst. No. 7490-95 /

Dated D.I.Khan 24/09 2007

Copy of the above is forwarded for information & N/Action to:

- 1) The Director, S&L, N.W.F.P Peshawar.
- 2) The District Coordination Officer, D.I.Khan.
- 3) The District Accounts Officer, D.I.Khan.
- 4) The District Officer (F) S&L, D.I.Khan.
- 5) The Dy. District Officer, (F) DIKhan.
- 6) The Official Concerned.

[Signature]
Executive District Officer
(S&L), District D.I.Khan.

ATTESTED



17 10

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

ORDER

Amended - F

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

30/10/17
(PARVEEN KHATTAK)
District Education Officer
(Female) Dera Ismail Khan
Dated DI Khan the 27/ 8/ 2017

Endst; No. 5527-33

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

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

ATTESTED

30/10/17
District Education Officer
(Female) Dera Ismail Khan

To

The Director Sb
Elementary and Secondary Education
Peshawar Khyber Pakhtunkhwa

(17)

Annexure - "F"

Subject:- Appeal against Dismissal and for reinstatement

Respected Sir;

With due respect it is stated that I was serving in GGPS Thoke Bisharat Dikhan regularly. Then suddenly my salary was stopped. After repeated requests finally the office handed over me my termination ~~order~~ order.

Respected Sir,

I am regular teacher and performing my duties with zeal and spirit but now I had been terminated. I will be much obliged if you kindly reinstatement me. I assure you sir, that I will perform my duties regularly.

Date: December 7, 2017.

Sincerely yours,
Safia Jabeen
PST GGPS
Thoke Bisharat
Dikhan.

DEO F, DIK
Please Submit
detail report
in this case
31/12/17

ALIEDIEL

وکالت نامہ

بعدالت: حنا سروسٹریٹوئل ٹریڈنگ
 سہیا جین بنام حلو ص
 منجانب سہیا جین دعویٰ 30A
 تاریخ 3/12/2018

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی بمقام سہیا جین کیلئے جاوید اقبال گل بیلہ ایڈووکیٹ/ہائٹی کورٹ کو بدین شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کرونگا، اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کی کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل و گرانہ ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپروٹاشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر وہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کرونگا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سندر ہے۔ مورخہ 3/12/18۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

accepted by -

Safia Jaseem

1	2	3	4	5	6	7	Signature
Name of Post	Whether Substantive or officiating, and Whether permanent or temporary	If officiating state (I) substantive appointment or (II) whether service counts for pension under rule 3.20 of C.S.R.(Pb.) Volume II	Pay in substantive Post	Additional Pay for officiating	Other Emoluments Falling Under the Term "pay"	Date of appointment	Government Servant
درجہ ملازمت	عارضی - مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پنشن کا مستحق ہے	تنخواہ بطور عارضی ملازمت	زائد تنخواہ بطور قائم مقام	ماسوائے تنخواہ دیگر ایڈوانس	تاریخ تقرری	ستھ خط ری ملازم
BPS-06			Rs. Ps.	Rs. Ps.			
BPS 5A, Bazar			2950/-			11/2/2006	
9	01		3160/-			28/5/2010	
9	7		Ru. 3530/-			17/9/2010	
4	01		Ru. 3530/-			12/2010	
BPS-7 (SB 11-320-15400)			Ru. 5800/-			1/7/2011	
4	7		Ru. 6120/-			12/2011	

Signature and designation of the Head of the office or other Attesting Officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion transfer dismissal etc)	12 Signature of the Head of the office or other attesting Officer	13 Name and duration of leave taken	Allocation of periods of leave on average pay for 12 months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government چار ماہ تک کی رخصت کیلئے اوسط تنخواہ کا تعین	14 Signature of the head of the office or other attesting office	15 Reference to any recorded punishment or censure, or reward or praised of the Government servant سزا یا جزا یا غیر مناسب کارکردگی کا ریکارڈ
					Period عرصہ	Govt: to which debitable کون سے قلم داروں	
Dy. District Officer (F) Pry. D.I. Khan	27/5 2010	Return from EDL	Dy. District Officer (F) Pry. D.I. Khan		Appoint	(as a P.T.C. in BPS-06 vide EDD(S&L) 27/5/06 NO. 375-80 dt. 1-2-2006	
Dy. District Officer (F) Pry. D.I. Khan	7/9 2010	BPS-7 Prom P.T.C. Exam.	Dy. District Officer (F) Pry. D.I. Khan				
Dy. District Officer (F) Pry. D.I. Khan	30/11 2010	Inc sick leave	Dy. District Officer (F) Pry. D.I. Khan		Sanction is hereby accorded Extraordinary leave w.e.f 5/9/06 to 27/5/06 vide EDD(S&L) 27/5/06 NO. 8580-85 dt. 5/9/06		
Dy. District Officer (F) Pry. D.I. Khan	30/6 2011	RBPS	Dy. District Officer (F) Pry. D.I. Khan				
Dy. District Officer (F) Pry. D.I. Khan	30/11 2011	A/S	Dy. District Officer (F) Pry. D.I. Khan		Service performed w.e.f 1/2/2006 to 4/9/2006 from accy. Roll & other office record.		
Dy. District Officer (F) Pry. D.I. Khan	30-6 2012	Post upgrade	Dy. District Officer (F) Pry. D.I. Khan				



OFFICE OF THE SUB-DIVISION EDUCATION
OFFICER (FEMALE) DERA ISMAIL KHAN

No. M/26

Dated 22-10-2021

To

The District Education Officer
(Female) Dera Ismail Khan

Subject - Service Appeal No. 1453, Safia Jabeen vs Secretary E&SED KPK

Memo

Reference to the Learned Additional Advocate General, Sabirullah Khattak Letter No 1136 dated 18 06 2021 whereby sought reply for to the questions asked by the Honourable Tribunal in the Subject Appeal, it is hereby stated that

1. The School GGPS Jhoke Bisharat actually existed in record of the Respondent No 2
2. That there have been working 2 two teachers in the said school, but the posts of primary school teachers are not sanctioned school-wise, rather it is sanctioned sub-division wise. And teachers are allocated to the schools in ratio to the number of students.
3. The following teachers worked/ actually attended the GGPS Jhoke Bisharat DIKhan
 1. Sajida Bibi. SPST. BPs. 14:
 2. Manoona Sherazi. PST. BPs. 12
 3. Lubna Tabassum. PST. 4. Nusrat Baigani. PHT. ...
 5. Tasleem kausar. PHT.
4. The salaries were drawn and paid to the teachers mentioned in para 3, herein above.

Although the appellant Mst Safia Jabeen manipulated to draw her salary from the account head of this sub-division without performance is duty/attendance at any school of this sub-division, hence was reported and thence terminated

SUB-DIVISION EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Better Copy



**OFFICE OF THE SUB-DIVISION EDUCATION
OFFICER (FEMALE) DERA ISMAIL KHAN**

No. 1406

Dated DIKhan the 22/10/2021

To

The District Education Officer
(Female) Dera Ismail Khan

Subject:-

Service Appeal No.1453, Safia Jabeen vs Secretary E&SED KPK

Memo:-

Reference to the Learned Additional Advocate General, Kabeerullah Khattak Letter No.1136 dated 18.06.2021 whereby sought reply for to the questions asked by the Honourable Tribunal in the Subject Appeal, it is hereby started that:

1. The School GGPS Jhoke Bisharat actually existed in record of the Respondent No.2.
2. That there have been working 2 two teachers in the said school, but the posts of primary school teachers are not sanctioned school-wise, rather it is sanctioned sub-division wise. And teachers are allocated to the schools in ratio to the number of students.

3. The following teachers worked/ actually attended the GGPS Jhoke Bisharat DIKhan.

- ① Sajida Bibi..... SPST BPS-14
- ② Mamoona Sherazi..... PST BPS-12
- ③ Lubna Tabassum..... P.S.T.
- ④ Nusrat Begum..... PSHT BS-15
- ⑤ Tarteem Kaur..... PSHT BS-15

4. The salaries were drawn and paid to the teachers mentioned in para 3, herein above.

Although the appellat Mst Safia Jabeen manipulated to draw her salary from the account head of this Sub-division without performance is duty/attendance at any school of this sub-division, hence was reported and there terminated.

-sd -

SUB-DIVISION EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN



OFFICE OF THE SUB-DIVISION EDUCATION
OFFICER (FEMALE) DERA ISMAIL KHAN

No. 1106

Dated 22-10-2021

To

The District Education Officer
(Female) Dera Ismail Khan

Subject:- Service Appeal No. 1453, Safia Jabeen vs Secretary E&SED KPK

Memo

Reference to the Learned Additional Advocate General, Kabeerullah Khattak Letter No 1136 dated 18.06.2021 whereby sought reply for to the questions asked by the Honourable Tribunal in the Subject Appeal, it is hereby stated that

1. The School GGPS Jhoke Bisharat actually existed in record of the Respondent No 2
2. That there have been working 2 two teachers in the said school, but the posts of primary school teachers are not sanctioned school-wise, rather it is sanctioned sub-division wise. And teachers are allocated to the schools in ratio to the number of students.

3. The following teachers worked/ actually attended the GGPS Jhoke Bisharat DIXhan.

1. Sajida Bibi. S.PST. BPs. 14:

2. Manwana Sherazi. PST. BPs. 12

3. Lubna Tabassum. PST. 4. Nusyat Baigam. PHT. ...

5. Tasleem kausar. PHT.

4. The salaries were drawn and paid to the teachers mentioned in para 3, herein above.

Although the appellat Mst Safia Jabeen manipulated to draw her salary from the account head of this Sub-division without performance is duty/attendance at any school of this sub-division, hence was reported and thence terminated

SUB-DIVISION EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Better Copy



**OFFICE OF THE SUB-DIVISION EDUCATION
OFFICER (FEMALE) DERA ISMAIL KHAN**

No. 1406

Dated DIKhan the 22/10/2021

To

The District Education Officer
(Female) Dera Ismail Khan

Subject:- Service Appeal No.1453, Safia Jabeen vs Secretary E&SED KPK

Memo:-

Reference to the Learned Additional Advocate General, Kabeerullah Khattak Letter No.1136 dated 18.06.2021 whereby sought reply for to the questions asked by the Honourable Tribunal in the Subject Appeal, it is hereby started that:

1. The School GGPS Jhoke Bisharat actually existed in record of the Respondent No.2.

2. That there have been working 2 two teachers in the said school, but the posts of primary school teachers are not sanctioned school-wise, rather it is sanctioned sub-division wise. And teachers are allocated to the schools in ratio to the number of students.

3. The following teachers worked/ actually attended the GGPS Jhoke Bisharat DIKhan.

① Sajida Bibi SPST BPS-14

② Mamaona Sherazi PST BPS-12

③ Lubna Tabassum P.S.T. ④ Nusrat Begum PSHT BS-15.

⑤ Tameem Kaur PSHT BS-15.

4. The salaries were drawn and paid to the teachers mentioned in para 3, herein above.

Although the appellant Mst Safia Jabeen manipulated to draw her salary from the account head of this Sub-division without performance is duty/attendance at any school of this sub-division, hence was reported and there terminated.

-sd -

SUB-DIVISION EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

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

Service Appeal No. 1453 / 2018

Appellant: Mrs. Safia Jabeen (Ex-PST GGPS Jhok Bisharat)

Versus

Respondents: Government of Khyber Pakhtunkhwa

REPLY ON BEHALF OF RESPONDENTS

S.No.	DESCRIPTION OF DOCUMENTS	Pages
1	Para-wise Comments on Behalf of Respondent	1-4
2	AFFIDAVIT	5
3	AUTHORITY	6
4	Annexure A	
5	Annexure B	
6	Annexure C	
7	Annexure D	
8	Annexure E	
9	Annexure F	
10	Annexure G	


DEPONENT

Dr. Muhammad Imran Shah
Subject Specialist (BS 18)
as
LITIGATION OFFICER
O/O DEO (F), D.I.Khan
12101-2797412-1

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

Service Appeal No. 1453 / 2018

Appellant: Mrs. Safia Jabeen (Ex-PST GGPS Jhok Bisharat)

Versus

Respondents:

1. Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa.
2. District Education Officer, (Female) D.I.Khan.
3. Director Elementary & Secondary Education, Khyber Pakhtunkhwa.
4. Director Schools and Literacy, Khyber Pakhtunkhwa.
5. The District Coordination Officer, D.I.Khan/ Deputy Commissioner D.I.Khan.
6. The District Officer, (Female) Schools and Literacy D.I.Khan.
7. Deputy District Officer, (Female) D.I.Khan.

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth:

The respondents humbly submit the following:

PRELIMINARY OBJECTIONS:

1. That the Appellant has not approached this Honorable Tribunal Clean Handed.
2. That the service Appeal of the Appellant is not based on truth and is not filed to seek justice as per Natural Law of Justice.
3. That this service appeal filed dated 3.12.2018, (after 19 months and 6 days) is strictly time-barred as the Dismissal from Service Order has been issued on 27.4.2017.
4. That the Appellant was a ghost Teacher/ Employee, being without any records at her office. Hence the appellant has received salaries from the date of her appointment without performing any duty.
5. The first appointment order attached with this appeal is also succumb to counterfeit and forgery, being undated and unsigned.

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

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

OBJECTIONS ON FACTS:

1. **Para 1 is incorrect: Hence denied.** The appointment order produced by the appellant with this Service Appeal is not traceable at our office **Dispatch No.** record; hence, the presented appointment order is bogus, fake and without lawful authority. That the Appellant has made this fake appointment order to escape the fate of 1613 fake appointed teachers.

Moreover, this is like the fake 1613 appointment period (1.7.2007 to 31.6.2008).

Annexed with the Service Appeal page No. 13)

1613 case: *That the EDO (Schools & Literacy) advertised vacant posts of PST, CT and other cadres on 07-04-2007. After completion of procedural formalities, 309 male and 131 female PSTs were appointed on merit under joint appointment order No. 12655-973 Dated 02.07.2007. The name of appellant does not reflect in the said appointment order, hence is illegal under the recommendations of the Committee constituted in light of direction of this Honourable Tribunal. The Provincial Assembly constituted a committee No. 26 for Elementary and Secondary Education Department, dated 20-08-2008. The standing committee No. 26 scrutinized all the appointments record of the year 2007-08 and concluded that all the illegal appointees are terminated from services during the period 01-01-2007 to 30-06-2008, except 309 males and 131 females.*

2. **Para 2 is incorrect: Hence denied.** The alleged charge report is **fake and forged** hence is an invalid document. The appellant has been a **ghost teacher** and did not serve anywhere in the district D.I.Khan.
3. **Para 3 is incorrect: Hence denied.** The office order No.8580-85 dated 5.9.2006 and 7490-95 dated 12.9.2007 produced by the appellant with this Service Appeal is not traceable at our office **Dispatch No.** record; hence, is bogus, fake and without lawful authority. That the Appellant has made this fake Office Order to escape the fate of 1613 fake appointed teachers.
4. **Para 4 is a fabricated lie: Hence denied.**

5. **Para 5 is incorrect: Hence denied.** The impugned Dismissal Order No.5527-33, dated 27.4.2017 has been passed after observing all codal formalities and as per lawful authorizes conferred upon this servant.
6. **Para 6 is incorrect: Hence denied.** That the appellant had been present nowhere in the Schools of this District, D.I.Khan. Nonetheless, being a Ghost Teacher / Employee, she usurped salaries illegally. Hence rightly dismissed from Service. The appellant being a GHOST teacher/ Employee and the office had no traces of her address and or other contacts, nor did she perform duties anywhere hence is having no legal entity to be treated in accordance with E & D Rules 2011 and or other Laws. This is up to the appellant, First to prove her appointment and service as lawful and legal.
7. The departmental Appeal of the appellant is, without merit and time-barred.
8. That the service Appeal of the appellant may kindly be dismissed being without any legal grounds.

OBJECTIONS ON GROUNDS:

- A. **Para does not relate to the appeal: Hence no comments.**
- B. **Para is incorrect: Hence denied.** The impugned Dismissal Order No.5527-33, dated 27.4.2017 has been passed after observing all codal formalities and as per lawful authorizes conferred upon this servant.
- C. **Para is incorrect: Hence denied.** That the appellant had been present nowhere in the Schools of this District. Nonetheless, being a Ghost Teacher / Employee, she usurped salaries illegally without performing duties.
- D. **Para is incorrect: Hence denied.** That the appellant had been present nowhere in the Schools of this District, D.I.Khan. Nonetheless, being a Ghost Teacher / Employee, she usurped salaries illegally. Hence rightly dismissed from Service. The appellant being a GHOST teacher/ Employee and the office had no traces of her address and or other contacts, nor did she perform duties anywhere hence is having no legal entity to be treated in accordance with E & D Rules 2011 and or other Laws. This is up to the appellant, First to prove her appointment and service as lawful and legal.
- E. **Para is incorrect: Hence denied.** As mentioned in Grounds D.
- F. **Incorrect: Hence denied:** That the appellant with fake appointment order produced by the appellant with this Appeal **without any Dispatch No.** record; hence, the presented appointment order is bogus, fake and without lawful authority. Being a Ghost Teacher / Employee, she usurped salaries illegally. Hence rightly dismissed from Service by the Competent Authority.
- G. **Incorrect: Hence denied:** That to prove her right, the appellant is liable to prove her appointment order and office Orders for grant of leave as lawful and legal before this Honorable Tribunal.

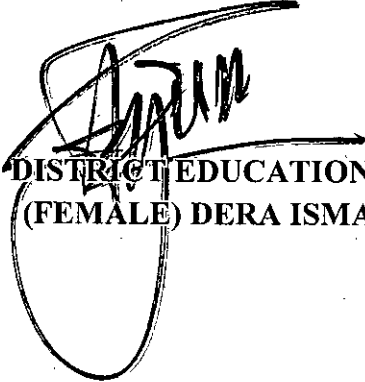
H. Incorrect: Hence strongly denied:

I. Incorrect: Hence denied. The dismissal from service order in respect of the appellant has been based on legal footings and lawful authorities.

J. Incorrect. Strongly Denied.

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

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


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

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

Service Appeal No. 1453 / 2018

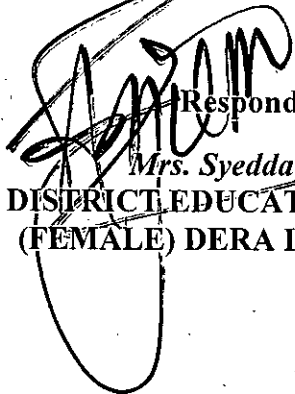
Appellant: Mrs. Safia Jabeen (Ex-PST GGPS Jhok Bisharat)

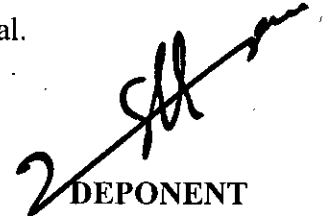
Versus

Respondents: Government of Khyber Pakhtunkhwa

AFFIDAVIT

Dr. Muhammad Imran Shah, Subject Specialist (BS-18), GHSS Muryali, D.I.Khan, Litigation Officer, Office of the DEO (F) D.I.Khan; representing on behalf of District Education Officer (Female) D.I.Khan, in above titled Service Appeal, do hereby solemnly affirm on oath that all the contents of Para-wise comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.


Respondent
Mrs. Syedda Anjum
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN


DEPONENT

Dr. Muhammad Imran Shah
Subject Specialist (BS 18)
as
LITIGATION OFFICER
O/O DEO (F), D.I.Khan
12101-2797412-1

IDENTIFIED BY

DISTRIC ATTORNEY
DERA ISMAIL KHAN

~~AP~~

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

Service Appeal No. 1453 / 2018

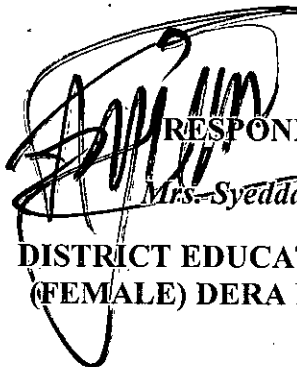
Appellant: Mrs. Safia Jabeen (Ex-PST GGPS Jhok Bisharat)

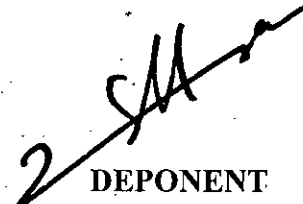
Versus

Respondents: Government of Khyber Pakhtunkhwa

AUTHORITY

I, Mrs. Syedda Anjum, District Education Officer (Female), D.I.Khan do hereby authorize Mr. Dr. Muhammad Imran Shah, Subject Specialist (BS-18), GHSS Muryali, D.I.Khan, working as Litigation Officer Office of the DEO(F) D.I.Khan, **to represent and submit Para-wise comments / reply** on behalf of the Respondent, the District Education Officer (Female) D.I.Khan, before The Honorable Khyber Pakhtunkhwa Service Tribunal, Camp Court D.I.Khan till the final Judgment in the above titled Execution Petition / Service Appeal.


RESPONDENT
Mrs. Syedda Anjum
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN


DEPONENT
Dr. Muhammad Imran Shah
12101-2797412-1
Subject Specialist (BS 18)
GHSS Muryali, D.I.Khan
as
LITIGATION OFFICER
O/O DEO (F), D.I.Khan

Handwritten scribble or signature, possibly containing the number '112'.

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In S.A# 1453/2019

Mrs. Safia Jabeen

Versus

Government of Khyber Pakhtunkhwa, and Others

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Through

U Safia Jabeen
Appellant

Javed Iqbal Gulbela
Javed Iqbal Gulbela,

&

Saghar Iqbal Gulbela
Saghar Iqbal Gulbela,
Advocates, High Court,
Peshawar

Dated: 04/07/2019

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

In S.A# 1453/2019

Mrs. Safia Jabeen

Versus

Government of Khyber Pakhtunkhwa, and Others

**REJOINDER ON BEHALF OF THE
APPELLANT TO THE COMMENTS
FILED BY THE RESPONDENTS**

Respectfully Sheweth,

Reply to Preliminary objection:

1. Incorrect and Denied.
2. Incorrect and denied.
3. Incorrect and denied.
4. Incorrect, nefarious, vexatious, concocted, freivolous and is denied. The appellant had been appointed in a fair and transparent manner, as per prescribed mode and after appointment the appellant submitted his arrival report and since then had been performing her duties regularly except during the leaves period which had been sanctioned. All this are annexed with the main appeal and all leave orders have been issued from the sanctioning authority. Now if the personal

file is missing from the Respondent or they are maliciously giving mis-statement of missing file and missing record before this Hon'ble Tribunal, then the appellant is not responsible for the same. The appellant has performed services and have received salaries thereof. The appellant reserved the right to sue the Respondents for raising such nefarious and incriminating allegations upon the appellant.

5. Incorrect and denied. Proper reply is given above.
6. Incorrect and denied. Proper reply is given above.
7. Incorrect and denied.
8. Incorrect and denied. The dismissal order is illegal and denied.
9. Incorrect and denied.
10. Incorrect and denied.

On facts

1. Para No. 1 to 6 of the comments are incorrect and fabricated, hence denied while that of the main appeal is correct.

2. Incorrect and denied. Proper reply is given above, while true picture is detailed in main appeal.
3. Incorrect and denied.
4. Incorrect and denied.
5. Incorrect and denied.
6. Incorrect and denied. Proper reply is given above.
7. Incorrect and denied.
8. Incorrect and denied.

On Grounds:-

- A. No comments.
- B. Incorrect and denied while that of main appeal is correct.
- C. Incorrect and denied while that of main appeal is correct.
- D. Incorrect and denied while that of main appeal is correct.
- E. Incorrect and denied.

F. Incorrect and denied. The appellant cannot be condemned for the negligence and omission of the Respondent and therefore reserve the right to sue the Respondents for raising such unwarranted allegations and accusations against the appellant.

G. Correct.

H. Incorrect and denied.

I. Incorrect and denied.

J. Incorrect and denied.

K. No comments.

It is, therefore, most humbly prayed that on acceptance of instant rejoinder, the appeal of the appellant may graciously be allowed, as prayed for therein.

Safiq Javed
Appellant

Through

Javed Iqbal Gulbela
Javed Iqbal Gulbela,

&

Saghir Iqbal Gulbela
Saghir Iqbal Gulbela,
Advocates, High Court,
Peshawar.

Dated: 04/07/2019

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In S.A# 1453/2019

Mrs. Safia Jabeen

Versus

Government of Khyber Pakhtunkhwa, and Others

AFFIDAVIT

I, **Mrs. Safia Jabeen**, do hereby solemnly affirm and declare on oath that contents of the **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

Safia Jabeen
Deponent

Identified By:-

Javed Iqbal Gulbela
Javed Iqbal Gulbela
Advocate High Court
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA

Elementary and Secondary Education Department

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

NO.S.O (LIT-I)/E&SE/1-1/2012/

Dated Peshawar the 21-8-2019

To

1. The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar.
2. The District Education Officer (F)
D.I.Khan.

SUBJECT: - REQUEST FOR RE-INSTAEMENT IN SERVICE AS PST TEACHERS.

I am directed to refer to the subject noted above and to enclose herewith a copy of application of Mst Safia Jabeen ex-PST GGPS Jhoke Basharat D.I.Khan , whereby she has informed that she has been dismissed without probing into the allegations mentioned in the dismissal order, which is gross violation of rules/Policy and guidelines.

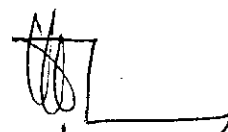
I am further directed to direct you that the applicant may be re-instated into service and conduct proper inquiry as per Policy in order to avoid future meaningless litigation as well as to save precious time and resources of the Government . The matter of back benifits will be decided in light of the recommendation of inquiry.

Endst.NO & date as above.

Copy to:-

1. PA to DS(Legal) E&SED.
2. Safia Jabeen PST-GGPS Jhoke Basharat D.I.Khan.

Section officer (Lit-III)


Section officer (Lit-III)

(For Use in Police Department only)

Heirs

BISE,

1. Panel SSC Examination from Bannu in 2000 (A) under Roll No. 50897 marks obtained 439/850
2. Panel Intermediate Examination BISE Bannu in 2005 (A) under Roll No. 29858 marks obtained 517/1100. Result was declared

J. Khan
 Dy. District Officer
 (F) P. D. I. Khan

Verification Roll No 1278/2005 Dated

Received back

J. Khan
 Dy. District Officer
 (F) P. D. I. Khan

Left thumb-impression

3. Panel PTC Examination from AHOU Jhandi under Roll No. 4622443

Qualifications	Dated	Qualifications	Dated
Result was declared on	17/9/2010		

- English
- Pashto
- Urdu
- Plan-drawing
- Finger Print
- Drill Instructing
- Court Duties
- Reserve duties

4. Panel BA Examination from Gomal University in 2010 under Roll No. 8086 marks obtained 267/550. Result was declared on 17/9/2010

First Arts
 BL. Or B.A
 Pleader ship examination
 Training School final Examination
 Other Qualifications
 Dy. District Officer
 (F) P. D. I. Khan

N.B-- A line to be drawn the qualifications posse.

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

1. Name SAFIA JABEEN
2. Race Mawat
3. Residence Gubhan Sahab Dyal Road Dushin
4. Father's name and residence Zawal Khan as above
5. Date of birth by Christian era or as nearly as can be ascertained 05-09-1982 (5A February 14 82)
6. Exact height by measurement 5' 5"
7. Personal make for identification Nil
8. Left hand thumb and finger impression of (Non Gazetted Officer)

Little Finger

Middle Finger

Thumb

Ring Finger

Fore Finger

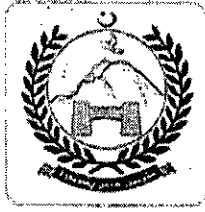
9. Signature of Government servant

(F) P.V. 15

10. Signature and designation of the Head of the office, or other Attesting officer.

Jtsh
Dy. District Officer
(F) P.V. D.I.Khan

Mohammadi Shahdi Khel Urdu Bazar D.I.Khan



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 830 /ST

Dated: 31-3- /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

The District Education Officer Female,
Government of Khyber Pakhtunkhwa,
D.I. Khan .

Subject: JUDGMENT IN APPEAL NO. 1453/2018 MST. SAFIA JABEEN.

I am directed to forward herewith a certified copy of Judgement dated 21.01.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR