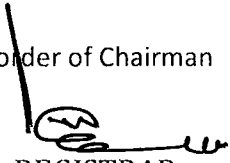


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1335/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/09/2022	<p>The appeal of Mst. Irum Bibi resubmitted today by post through Mr. Muhammad Riaz Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

Service Appeal No. 1335/2022

Mst. Irum Bibi daughter of Sher Bahadur, resident of Pattan, Tehsil Pattan,
District Kohistan Lower.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary
Education, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

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S.#	Description	Page #	Annexure
1.	Service appeal along with affidavit	1 to 8	
2.	List of books	9	
3.	Copy of appointment order	10	"A"
4.	Copy of impugned order	11	"B"
5.	Copy of departmental appeal		"C"
6.	Copy order dated 30.06.2022	12	"D"
7.	Wakalatnama		

...APPELLANT

Through

Dated: 22.08.2022

(MUHAMMAD RIAZ)
Advocate High Court, Abbottabad

1

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

Service Appeal No. 1335 /2022

Mst. Irum Bibi daughter of Sher Bahadur, resident of Pattan, Tehsil Pattan,
District Kohistan Lower.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Kohistan Lower.

...RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974, AGAINST THE IMPUGNED OFFICE
ORDER BEARING ENDST. NO.97-106 DATED
22.01.2022 ISSUED BY THE RESPONDENT NO.3,
WHEREBY, THE RESPONDENT NO.3 IMPOSED
MAJOR PENALTY OF REMOVAL FROM SERVICE**

UPON THE APPELLANT AS WELL AS AGAINST THE IMPUGNED ORDER DATED 30.06.2022 ISSUED BY THE RESPONDENT NO.2, WHEREBY, THE RESPONDENT NO.2 DISMISSED THE DEPARTMENTAL APPEAL OF THE APPELLANT, ARE ILLEGAL, UNLAWFUL, WITHOUT LAWFUL AUTHORITY, PERVERSE, ARBITRARY, FANCIFUL, AGAINST THE RELEVANT LAW, RULES AND REGULATIONS, BASED ON MALAFIDE AND CONSEQUENTLY OF NO LEGAL EFFECT UPON THE RIGHTS OF THE APPELLANT.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE IMPUGNED ORDERS DATED 30.06.2022 AND 22.01.2022 ISSUED BY THE RESPONDENTS NO.2 & 3 RESPECTIVELY MAY GRACIOUSLY BE SET-ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED INTO SERVICE WITH ALL BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE.

Respectfully Sheweth: -

1. That the appellant was appointed as PST vide order bearing Endst No.370-401/Appt/PTC/(F) U/C wise (Merit)/2004 dated 07.01.2005. (Copy of appointment order is annexed as Annexure "A").
2. That since her appointment, the appellant was performing her duties with great zeal and zest to the entire satisfaction of her superiors.
3. That the appellant remained absent for few days due to illness and that too was brought into the notice of her high-ups.
4. That the respondent No.3 without adopting legal procedure/ codal formalities, removed the appellant from service by imposing major penalty vide impugned order dated 22.01.2022. (Copy of impugned order dated 22.01.2022 is annexed as Annexure "B").
5. That feeling aggrieved from the impugned order, the appellant filed a departmental appeal before the

respondent No.2, which was dismissed by the respondent No.2 vide order dated 30.06.2022. (Copies of departmental appeal and order dated 30.06.2022 are annexed as Annexure "C" & "D").

6. That the appellant being aggrieved from the impugned orders dated 22.01.2022 and 30.06.2022, seeks the gracious indulgence of this Honourable Tribunal, inter-alia, on the following grounds: -

GROUND S: -

- a) That the impugned order dated 22.01.2022 is illegal, unlawful, without lawful authority, arbitrary, perverse, fanciful, against the relevant law, rules and regulations and based on malafide, hence, liable to be set aside.
- b) That the appellant never remained absent as alleged and the entire illegal proceedings were carried out fictitiously, while sitting in office by the respondent No.3 out of the malafide.

- c) That, before imposing the impugned penalty, no publication as required under Rule 9 of E&D Rules, 2011 was ever made in the leading newspaper, commonly available in the district of the appellant. The reference of newspaper publication in the impugned order is not commonly available in the area of the appellant, hence, the impugned order is wholly illegal, unlawful, without lawful authority and of having no legal effect.
- d) That no inquiry into the alleged allegations was ever conducted and the impugned penalty was imposed without having the allegations proved.
- e) That the appellant was never confronted order, appellant was not put on notice to present her view point/ explanation under the doctrine of audi-alterm-partem, hence, the impugned order is not sustainable and maintainable under the law on this very sole ground.

- f) That no evidence worth name was attempted to collect by the respondent No.3 against the appellant for the alleged absence duty and she has been condemned on flimsy and perverse ground with malafide intention.
- g) That appellant had a long unblemished service record at her credit and she has been removed from service with a single stroke of pen without observing the due process of law and having the allegations proved.
- h) That no complaint was ever filed by anyone against the appellant for her being absent from duty as alleged on any working day with any authority.
- i) That the appellant has unblemished service career as the appellant was performed her duties with great zeal and zest and never remained negligent in performing of her assigned duties. Similarly, neither any departmental nor any public complaint is available against the appellant.

- j) That the respondents No.2 & 3 have not rendered any cogent, confidence and inspiring findings while delivering their impugned orders.
- k) That the other points will be agitated at the time of arguments.

It is, therefore, respectfully prayed that on acceptance of the instant service appeal, the impugned orders dated 30.06.2022 and 22.01.2022 issued by the respondents No.2 & 3 respectively may graciously be set-aside and the appellant may kindly be reinstated into service with all back benefits. Any other relief which this Honourable Tribunal deems fit and proper in the circumstances of the case.

...APPELLANT

Through

Dated: 22.08.2022

(MUHAMMAD RIAZ)
Advocate High Court, Abbottabad

VERIFICATION: -

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.

...APPELLANT

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

Service Appeal No. _____/2022

Mst. Irum Bibi daughter of Sher Bahadur, resident of Pattan, Tehsil Pattan,
District Kohistan Lower.

...APPELLANT

VERSUS

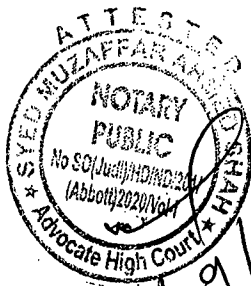
Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary
Education, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Mst. Irum Bibi daughter of Sher Bahadur, resident of Pattan, Tehsil Pattan,
District Kohistan Lower., do hereby solemnly affirm and declare on oath
that the contents of foregoing service appeal are true and correct to the best
of my knowledge and belief and nothing has been concealed therein from
this Honourable Tribunal.



DEPONENT

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

Service Appeal No. _____/2022

Mst. Irum Bibi daughter of Sher Bahadur, resident of Pattan, Tehsil Pattan,
District Kohistan Lower.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary
Education, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

LIST OF BOOKS

1. Constitution of Islamic Republic of Pakistan, 1973.
2. All relevant service laws.
3. Other relevant case law will be cited at Bar.

...APPELLANT

Through

Dated: 22.08.2022

(MUHAMMAD RIAZ)
Advocate High Court, Abbottabad

**OFFICE OF THE DISTRICT COORDINATION OFFICER
KOHISTAN AT DASSU.**

APPOINTMENT ORDER.

Consequent upon the approval of Departmental Selection Committee the competent authority has been pleased to appoint the following (Female) candidates fresh (Un-Trained Matric) of Tehsil Pattan District Kohistan against the vacant Posts of PTC in BFS-05 (Rs.2100-100-5100) on contract basis for a period of three years according to the Merit policy issued by the Government of NWFP Schools & Literacy Department in the Schools noted against each L. R. No. 1-3-2005 in the interest of public service.

S.No	Merit No.	Score	Name of candidate	Father's Name	Residence of U/C	Tehsil	Appo Inted as	School where posted	Remarks
1	1	13.59	Kishwar Bibi	Manzoor Hussain	Chawada	Pattan	PTC	GGPS Kuz Hajdeer	AVP
2	2	13.03	Iran Begum	Astam Khan	Chawada	Pattan	PTC	GGPS Dostan Abad	AVP
3	3	12.59	Tofmina Abbasi	Manzoor Hussain	Chawada	Pattan	PTC	GGPS Kuz Chawa	AVP
4	4	11.91	Shagufta	Tom Khan	Chawada	Pattan	PTC	GGPS Dastoor	AVP
5	5	11.12	Iqbal Bibi	Qasabia	Chawada	Pattan	PTC	GGPS Chawa Khass	AVP
6	2	10.85	Bibi Shahzadgan	Karya Khan	Pattan	Pattan	PTC	GGPS Amba Sertoo	AVP
7	3	10.41	Bibi Gul Swar	Badahab	Pattan	Pattan	PTC	GGPS Amba Sertoo	AVP
8	4	16.03	Anjuman	Sardar	Pattan	Pattan	PTC	GGPS Domiser Kayal	AVP
9	5	14.53	Zainab	Haqiq ul Islam	Pattan	Pattan	PTC	GGPS Daug Pattan	AVP
10	6	14.15	Samina Bibi	Badeay	Pattan	Pattan	PTC	GGPS Daug Pattan	AVP
11	7	13.68	Nazla	Akbar Khan	Pattan	Pattan	PTC	GGPS Daug Pattan	AVP
12	8	13.29	Gul Sanga	Khuma Gul	Pattan	Pattan	PTC	GGPS Daug Pattan	AVP
13	9	13.09	Hunma	Roshan	Pattan	Pattan	PTC	GGPS Daug Pattan	AVP
14	10	13.06	Aisha Bibi	Junma Gul	Pattan	Pattan	PTC	GGPS Daug Pattan	AVP
15	11	12.59	Kosar Fatima	Almad Ali	Pattan	Pattan	PTC	GGPS Pattan Village	AVP
16	12	11.85	Paghloo	Jahandad	Pattan	Pattan	PTC	GGPS Gail Rahimabad	AVP
17	14	11.62	Irum Bibi	Sher Bahadar	Pattan	Pattan	PTC	GGPS Pattan Village	AVP
18	2	12.15	Rozina Bibi	Johangeer Akbar	Dubair	Pattan	PTC	GGPS Sorl Dubair	AVP
19	3	11.53	Zakia Begum	Rohman Gul	Dubair	Pattan	PTC	GGPS Sorl Dubair	AVP
20	4	10.50	Noor Jehan Beg	Abdul Karim	Dubair	Pattan	PTC	GGPS Sanagal	AVP
21	1	11.35	Rehana Sami	Sami-ul Haq	Jijal	Pattan	PTC	CMS Jijal	AVP
22	2	11.41	Safia	Gul Bar	Jijal	Pattan	PTC	CMS Jijal	AVP
23	3	9.78	Fehmida	Gulbar	Jijal	Pattan	PTC	CMS Jijal	AVP
24	1	12.26	Ishrat Manzoor	Manzoor Hussain	Seggayun	Pattan	PTC	GGPS Qamar Bandi	AVP

CONDITIONS:-

1. Their appointments are purely on temporary basis and liable to termination at any time / stage with out assigning any reason/notice.
2. Their Certificates/Degrees if not verified earlier, should be verified by the DDO (F) to Mr.Abdur Rahman Dy:O (F) & Mr.Ahmad Hussain DO (M) S&L Kohistan before handing over their charge.
3. Charge report should be submitted to all concerned.
4. No TA/DA is allowed to any one.
5. They will be governed by such rules and regulations enforced and as prescribed by the Government from time to time for the category of the Government Servants to which they belong.
6. In case any of the above candidates failed to assume the charge of their posts with in fifteen days, their appointments will automatically stand cancelled.
7. They should not be allowed to take over charge if their age is less than 18-years and above 35-years.
8. They should produce age and health certificate from EDO Health Kohistan before taking of charge.

(Signature)
(HUSSAIN AHMAD)
District Coordination Officer
Kohistan at Dassu

Ends:No. 370-401 / App/PTC (F) U/C wise Merit /2604 Dated Kohistan the 21/12/2005

- Copy of the above is forwarded to:-
1. Director Schools & Literacy NWFP Peshawar.
 2. P/S to Minister of Education NWFP Peshawar.
 3. P/S to Secretary Government of NWFP (S & L) Department Peshawar.
 4. District Nazim Kohistan at Dassu.
 5. Executive District Officer Schools & Literacy Kohistan
 6. District Accounts Officer Kohistan.
 7. District Officer Schools & Literacy Kohistan.
 8. Deputy District Officer (F)S&L Kohistan.
- 8-88 Candidates concerned.

(Signature)
District Coordination Officer
Kohistan at Dassu

OFFICE OF THE DISTRICT EDUCATION
KOHISTAN LOWER

(FEMALE)

OFFICE ORDER.

Whereas, You **Mst: Irum bibi PST GGPS Amba Serto Kayal** has been appointed as PST Vide No. 370-401 Dated 07-01-2005.

Whereas, you were found absent in PD day on 01/10/2020 and PD day 01/11/2020

Whereas, show cause notices vide No. 1241-45 dated 01-10-2020, and 212-16 dated 04-11-2020, have been served upon you and sent on your official address but no reply received properly from your end.

Whereas, you were reported absent in Sixth 6th PD days from PD day No,1 to PD day No, 06th continuously for the year 2020.

Whereas, the ASDEO (F) Circle visited your school on 06/11/2020 school found closed, showcause notices issued vide Endstt; No, 504-10 dated 25/11/2020 but you have not replied to this office yet.

Whereas, absent report of DCMA /IMU/EMA/ for the Months of 02/2021,03/2021 and 05/2021 the school was found closed continuously.

Whereas, ASDEO (F) circle visited your School as inquiry officer on 18/06/2021 and your school found closed and no record was found there.

Whereas, absent report of DCMA /IMU/EMA/ for the Months of 08/2021,09/2021 and 10/2021 the school was found closed. Showcause notices issued vide No,7445 dated 02/11/2021 but you were failed to reply.

Whereas, ASDEO (F) Circle were appointed as inquiry Officer vide this office Endstt; No, 7661-66 dated 22/11/2021. The inquiry officer submitted her comprehensive report that the school was found closed.

And whereas final showcase notice was issued through news paper i.e "Daily Ajj" News Paper Peshawar dated 26-12-2021, in which you were directed to assume your duty and submit reasons of your willful absence but neither you attended your school nor submit convincing replies before the committee within the stipulated period mentioned in the newspaper. now in view of the above fact I, **Zubaida Khattak DEO (F) Kohistan Lower** being a competent authority is fully satisfied to impose the major penalty of **REMOVAL FROM SERVICE** from 01/05/2021 under the rule 4b (iii) of E&D rules 2011 with immediate effect.

NOTE:

If the teacher is found involved in any embezzlement of fund/PTC/ conditional grant, she will be preceded for FIR/ Anti-corruption proceeding as and when reported at any stage. Concerned DDO is directed to recover the payment (if any) made for absence period out of her GPF etc.

Endstt: No. 97-106

Copy of the above for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Kohistan Lower
3. District Monitoring Officer (IMU) Kohistan Lower
4. District Account Officer Kohistan Lower
5. SDEO (F) Pattan
6. ASDEO (F) Pattan
7. Teachers concerned
8. Master file

District Education Officer (F)
Kohistan Lower

Dated 22/01/2022

District Education Officer (F)
Kohistan Lower

BETTER COPY

D/13

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR.

NOTIFICATION

Consequent upon the approval of the competent authority in the light of DEO Female Kohistan Lower report vide letter No.537 dated 26.03.2022 the appeal of Mst. Iram Bibi. Esc-PST GGPS Ambles series is hereby rejected under rules 17 (23) (a) of E&D Rules 2011.

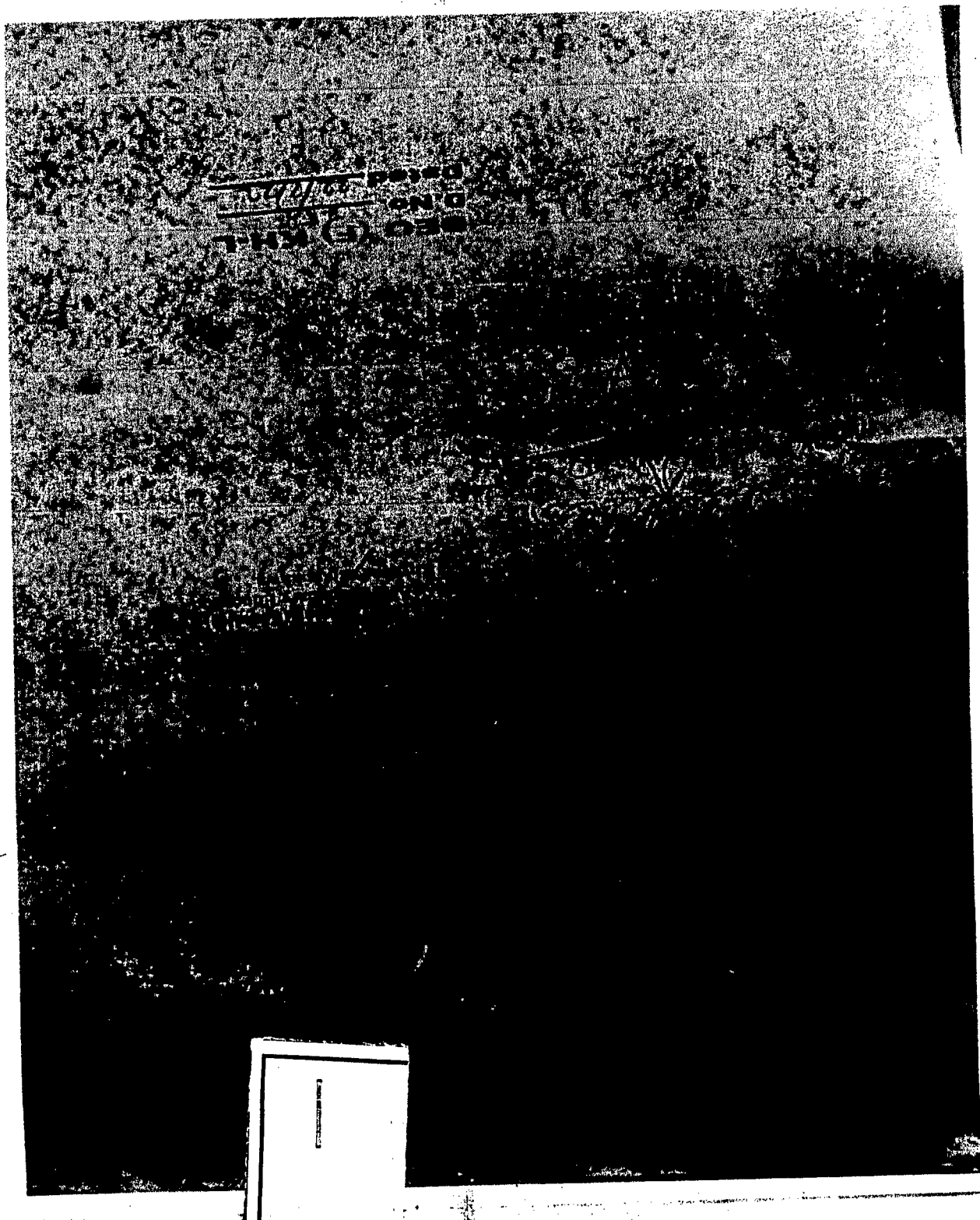
DIRECTOR
Elementary & Secondary
Education Khyber Pakhtunkhwa

**Endst No. 4755-57 P.No 322 /Vol-I / Appeal Kohistan Lower Dated Peshawar
30/06/2022**

Copy forwarded for information to the: -

1. District Education Officer (Female) Kohistan Lower with the direction to inform the teacher concerned according .
2. Teacher Concerned.
3. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa.

Assistant Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa



OFFICE OF MUHAMMAD RIAZ
Advocate High Court, office at Abbottabad

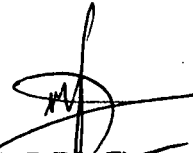
To

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Kohistan Lower.

Subject: **NOTICE OF FILING OF SERVICE APPEAL.**

On the instructions of my client, Mst. Irum Bibi daughter of Sher Bahadur, resident of Pattan, Tehsil Pattan, District Kohistan Lower, a service appeal is being filed before the Khyber Pakhtunkhwa Service Tribunal, Peshawar. A notice/ intimation of the same is being sent to you for your information.

Dated: 22.08.2022


(MUHAMMAD RIAZ)
Advocate High Court, Abbottabad
Office No.56, Ayub Tanoli Lawyers Plaza,
Kutchery Compound, Abbottabad
Cell 0346-7113532

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وکالت نامہ

۱۴۹۸

بعدالت جناب مسٹر سید محمد

ارم بی بی نام حکومت پنجاب

ڈکوی یا جرم منجانب اسپیشل انسپکٹر

باعث تحریر آئندہ

اندریں مقدمہ عنوان میں اپنی طرف سے برائے بیرونی وجوہات سے اس کے لئے ایک ایسے ایسے

محمد راجی سید کسٹ ایسے ایسے

کو بدیں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بوقت پکارنے جانے پر وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر بروز کچہری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے کہ مجھے کل ساختہ پرداختہ صاحب مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرڈنٹیشن وراثی نامہ فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اثباتی یا ڈگری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ بیرونی مختار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا پیر مشر کو بھانسنے اپنے ہمراہ مقررہ کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ وہ سندر ہے۔ مضمون مختار نامہ کو لیا ہے اور اس کے لئے اس طرح سمجھ لیا ہے اور منظور ہے۔

Accept
