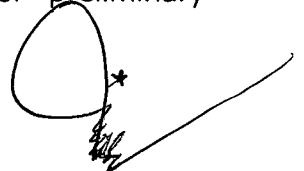


20.05.2022

Learned counsel for the appellant present and requested for adjournment in order to further prepare the brief. Adjourned. To come up for preliminary hearing on 25.07.2022 before S.B.



(Mian Muhammad)
Member (E)

25.07.2022

Appellant present through counsel.

He made a request for adjournment in order to prepare the brief. Adjourned. To come up for preliminary hearing on 15.09.2022 before S.B.

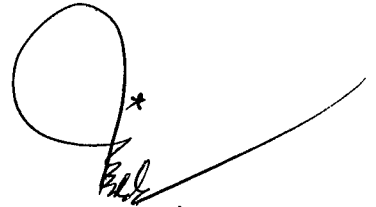


(Rozina Rehman)
Member (J)

29.11.2021

Counsel for the appellant present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing on 01.02.2022 before S.B.

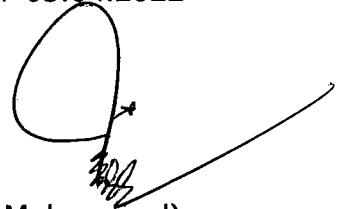


(MIAN MUHAMMAD)
MEMBER (E)

01.02.2022

Counsel for the appellant present.

Learned counsel for the appellant seeks adjournment. Adjourned. To come up for preliminary hearing on 05.04.2022 before S.B.



(Mian Muhammad)
Member(E)

05.04.2022

None present for the appellant.

Notices be issued to the appellant as well as her counsel for the date fixed. To come up for preliminary hearing on 20.05.2022 before S.B.



Chairman




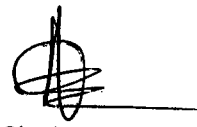

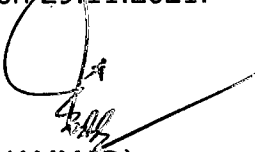
*Notes for 20.5.22.
S.B.
20/4/22*

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5735 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/06/2021	<p>The appeal of Mst. Sana Bibi resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	03/06/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/07/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	09.07.2021	<p>Nemo for the appellant.</p> <p>Notices be issued to appellant and her counsel. To come up for preliminary hearing on 30.09.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	30.09.2021	<p>Learned counsel for the appellant present.</p> <p>Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing before the S.B on 29.11.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

The appeal of Mst. Sana Bibi Ex-TT GGPS Said Rehman Kally Bara District Khyber received today i.e. on 17.05.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of impugned order is not attached with the appeal which may be placed on it.
- 3- Copies of departmental appeal and its rejection order are not attached with the appeal which may be placed on it.
- 4- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 5- Annexures/documents referred to in the memo of appeal are not attached with the appeal which may be placed on it.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 847 /S.T,

Dt. 28/05 /2021



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

Respected Sir,

- 1) - Removed
- 2) - Impugned order is present at page - 4.
- 3) Copy of departmental appeal is not available with appellant while rejection order is present at page - 9.
- 4) Copies of charge sheet, enquiry and show cause notice are not present with appellant
- 5) - Removed
- 6) - Removed

Resubmitted after compliance


1/6/2021

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 5735 /2021

Sana Bibi

V/S

Education Deptt.

INDEX

S.NO.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-03
2.	Copy of removal order	---A---	04
3.	Copy of inquiry report	---B---	05-08
4.	Copy of rejection order	---C---	09
5.	Vakalat Nama'	-----	10

APPELLANT

Sana Bibi
Sana Bibi

THROUGH:

M. Asif Yousafzai
(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME OF PAKISTAN

Taimur Ali Khan
(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

(ASAD MEHMOOD)
ADVOCATE HIGH COURT

(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR.

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt
Contact No. 03339103240

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____ /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5240

Date: 17/5/2021

Mst. Sana Bibi, Ex-TT
GGPS, Said Rahman Kally, Bara District Khyber.

(APPELLANT)

VERSUS

1. The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
2. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer, (Female), District Khyber.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER 16.11.2017, WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE AND AGAINST THE ORDER DATED 19.04.2021, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

filed to-day
by
Registrar
17/5/2021

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 16.11.2017 AND 19.04.2021 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO REINSTATE THE APPELLANT INTO HER SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was working on the post of TT at GGPS Said Rahman Kally Bara District Khyber and was performing his duty with zeal and devotion, whatsoever assigned to him and no complaint has been filed against the appellant regarding performance of his duty.
2. That due to militancy, schools were closed in some affected area of Newly Merged Area (then FATA) and due that reason, the school of the appellant was also closed due to which the appellant was unable to perform her duty and was removed from service on 16.11.2017 on the basis of absence with issuing charge sheet, conducting inquiry and issuing show cause notice to the appellant. **Copy of removal order dated 16.11.2017 is attached as Annexure-A.**
3. That when the appellant filed got the knowledge of her removal order she filed departmental appeal, however he did not keep copy of departmental appeal which may be requisite from the Department. The respondent No. 2 directed for inquiry on the departmental appeal of the appellant in which inquiry was conducted and inquiry officer give different recommendations however, with giving reason by the respondent No. 2 for not agreeing with the recommendations of inquiry officer rejected the departmental appeal of the appellant on 19.04.2021. **Copies of inquiry report and rejection order dated 19.04.2021 are attached as Annexure-B & C.**
4. That the appellant has no other remedy but come this august Tribunal on the basis of following grounds amongst others.

GROUND:

- A) That the impugned orders dated 16.11.2017 and 19.04.2021 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
 - B) That no inquiry was conducted against the appellant before passing the impugned order of removal from service which is violation of law and rules and as such the impugned orders are liable to be set aside on this ground alone.
-

- C) That no charge sheet and statement of allegations were not communicated to the appellant before imposing major punishment of removal from service which is violation of law and rules.
- D) That even show cause notice was not served to the appellant before imposing the major punishment of removal from service which is violation of law and rules.
- E) That inquiry was conducted against the appellant on her departmental appeal in which inquiry officer gave different recommendations but respondent No. 2 rejected the departmental appeal of the appellant with giving reason for not agreeing with the recommendations of the inquiry officer.
- F) That the appellant did not willfully remain absent from her duty, but due to the militancy in the newly Merged Area (then FATA) the school of the appellant was closed due to which she was unable to perform her duty and was compelled to remain absent from her duty. Therefore the appellant needs to be treated with lenient view.
- G) That the appellant has been condemned unheard and has not been treated according to law and rules.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

APPELLANT

Sana Bibi
Sana Bibi

THROUGH:

Amir

(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME OF PAKISTAN

Taimur

(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT,

(SYED NOMAN ALI BUKHARI)

ADVOCATE HIGH COURT

(ASAD MEHMOOD)
ADVOCATE HIGH COURT

(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR.

(57)

Agency Education Office
Khyber Agency at Jamrud

Phone: 091-5820584 Fax 091-5820265

A (4)

NOTIFICATION

- WHEREAS the Agency Education Officer Khyber Agency had come to know through the AAEO (Female) Bara Khyber Agency, that Mst:Sana Bibi TT P/No/00414825 GGPS Said Rahman Killi Bara Khyber Agency is an absent since her appointment order AEO Khyber Enst No.1341-46 dated 03/09/2006. It was published in daily news paper Daily Aaj and Daily Awasaf dated 5th April 2017 informed all (101) female ghost employees.
2. WHEREAS On the recommendation of Enquiry Committee vide this office Endst No.1691-1697 dated 20/03/2017, The undersigned charge sheeted you vide this office Endst No. Endst No.1491-96 Charge Sheet dated 21/09/2017.
3. WHEREAS Your reply to the charge sheet declared unsatisfactory by the Enquiry Committee constituted vide this Office Endst No.1575-78 dated -21/09/2017 for personal hearing vide Enquiry Officers letter No.208 dated 19/10/2017
4. NOW THEREFORE In exercise of the powers conferred under Para 4 b (iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) rules 2011, the competent Authority, Agency Education Officer Khyber, is pleased to impose a major penalty "removal from service" upon Mst:Sana TT P/No/00414825 GGPS Said Rahman Killi Bara Khyber Agency with immediate effect.

(MUHAMMAD JADOON KHAN)
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Endst No. 3570-81 Dated 16/11/2017

Copy forwarded to the:-

1. Additional Chief Secretary FATA Secretariat Peshawar.
2. Secretary SSD FATA Peshawar.
3. Director of Education FATA Peshawar.
4. Political Agent Khyber Agency at Peshawar.
5. DD(M&E) Directorate of Education FATA Peshawar.
6. AG Sub Office Peshawar.
7. Agency Accounts Officer Khyber Agency at Jamrud.
8. All AAEOs Local Office.
9. Female Accounts Section.
10. 11. Superintendent /Accountant for entry in her service book.
11. Official concerned.
12. Office Copy.

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

AP

56 - (D) (S)

INQUIRY REPORT

The Director of Education,
Newly Merged District KPK,
Warsak Road, Peshawar.

Subject:

APPEAL FOR RE-INSTATEMENT

Memo,

Reference to the Endst No: 16974-76 dated: 24/12/2018, the case of the Mst. Sana Bibi (Ex-TT) of GGPS Said Rehman Killi Bara District Khyber for Re-Instatement to the undersigned to probe the real picture.

Background History:

The situation of Tehsil Bara was very tense at about thirteen years ago and the flame of insurgency and even miscreants hazard all the sections of Pakistan especially Education Sector in FATA (NMTD) is severely affected. As a result, the education sector in District Khyber has been facing various problems including building collapse of Schools, drop out ratio, child labor and mental health of the School Children.

Similarly, our teachers community faced so many problems and even challenges especially female teachers. All the female who were posted in different schools, having different threats and one of the female teacher was shot dead in Shah Kas Area by unidentified gun men.

Therefore, after 1st September, 2009 when Pak Army launched an Army operation against all types of miscreants, then all sorts of Schools (M/F) become closed for three to four years and teaching learning process stopped. Most of the teachers redeployed in different schools of Tehsil Jamrud and Landi Kotal for some time.

The schools of female started open in 2014 and the process of learning started once again. During these days, many teachers (M/F) did not attend their schools and enjoyed their free life at homes. But slowly and gradually, after strict scrutiny, most of them joined their duties in their respective schools. The case of the Mst. Sana Bibi was pointed out when AAEO (Female) Bara visited Bara Tehsil and found absent the concerned teacher at GGPS Said Rehman Killi Bara and

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(7)

Qamber Khel Area, The land owner of the School whose name is Said Rehman and he is the father of Mst. Sana Bibi (Ex-TT).

During personal hearing, as I already mentioned that she provided the following documentation which details are as under: -

1. Name: Mst. Sana Bibi
2. F/ Name: Said Rehman
3. D.O.B: 12/12/1981
4. Appointment Order: Endst No: 1341-46 Dated: 03/09/2006 (Flag-C)
5. Charge Report: Dated: 13/09/2006 (Flag-D)
6. Medical Report: Dated: 07/09/2006 (Flag-E)
7. CNIC No: (of Mst Sana Bibi) 21201-5231715-6 (Flag-F)
8. CNIC of her husband: 21201-6693373-7 (Flag-G)
9. Domicile: (Flag-H)
10. Pay slip: February-2017 (Flag-I)
11. Personal Statement on stamp paper: (Flag-J)
12. Photocopies of Service book: (Flag-K)
13. Photocopies of attendance: (Flag-L)
- (w.e.f Sep-2006 to May-2009)
- (w.e.f Feb-2015 to Feb-2016)
14. Questionnaire (Flag-M)
15. SSC(A)- Certificate: (Flag-N)
- Roll No: 114139 Session-2003(A) Marks: 549/900
16. Deeni Sanad: Tajwad: (Flag-O)
- Marks: 399/400 Dated: 01/01/2005 Madrissa: Taleemul Quran Jamrud
17. Statement of Azra Naz (SST): (Flag-P) (on Stamp paper)
18. NIC of Said Rehman: (Flag-Q)
19. Domicile of Sana's Husband: (Flag-R)

For more information's, I collected more details and truth about Mst. Sana Bibi (Ex.TT) through telephonic call with Azra Naz (SST) who is serving her duty at GGMS Malang Ghari Bara. Because she had remained as Head Teacher before SST promotion at GGPS Said Rehman

53
She told me that the concerned teacher attended the school regularly and taught to the
Summat and Nazra.

RECOMMENDATIONS:

After scrutiny the whole documents and statements of the employees, the undersigned
came to the conclusion that the following recommendations should be carried out for the
betterment of public interest.

1. It is recommended that the documents of the Mst. Sana Bibi (Ex. TT) i.e. SSC(A)
certificate and Deeni Sanad should be verified from the respective BISE Peshawar and
Madrasah with priority bases.
2. It is also recommended that if these both documents verified then Re-Instatement
of the Ex.TT should be done with two major decisions.
3. After RE-INSTATEMENT on service, two ANNUAL INCREMENTS should be
deducted from her Basic Pay due to the negligence of Duty when she sent a substitute for
some time.
4. It is also recommended that the period between the date of struck off and Re-
Instatement date should be converted in LEAVE WITHOUT PAY and proper entries
should be made in the Service Book.
5. After RE-INSTATEMENT, an Affidavit on stamp paper from the concerned
Ex.TT should be taken with such remarks that she will be regular in future and will not
use/allow any substitute otherwise she will be terminated without any notice.

INQUIRY OFFICER

Saleem Khan
17/01/2019
MR. SALEEM KHAN (PRINCIPAL)
GHS SUR KAMAR JAMRUO
KHYBER DISTRICT



DIRECTORATE OF ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA

NOTIFICATION.

1. WHERE AS Mst Sana Bibi (Fake) TT GGPS Said Rahman Kally Bara District Khyber was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of absent from official duty.
2. AND WHEREAS, the DEO Khyber being competent authority fulfil codal formalities and then the teacher concerned was removed from service vide Notification Endst No.3570-81 dated 16.11.2017.
2. AND WHEREAS, she has submitted an appeal to the Appellate Authority (Director of Elementary & Secondary Education Khyber Pakhtunkhwa) against her removal from service.
3. AND WHEREAS, the Appellate Authority sent her appeal to DEO Khyber vide letter No.3269 dated 11.03.2021 for supported document/record. As per the report of the DEO Khyber the appointment order of the above named teacher is fake and filed to prove attendance in her school.
4. AND WHERE AS, the DEO Khyber has submitted record/documents of the above named teacher vide his letter No.1908 dated 25.03.2021.
5. NOW THEREFORE, the Appellate Authority (Director E&SE) Khyber Pakhtunkhwa is pleased to regret the appeal in respect of Mst Sana Bibi Ex-TT GGPS Said Rahman Kally Bara District Khyber.

DIRECTOR.

Endst: No. 5755-58 /F No. E-6/Vol:IV/Appeal(F)Gen. Dated Peshawar the 19/04/2021.

Copy forwarded for information and necessary action to the:-

1. District Education Officer Khyber w/r to his No.1908 dated 25.03.2021
2. Mst Sana Bibi TT GGPS Said Rahman Kally Bara District Khyber.
3. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
4. Master File.

Deputy Director (Estb :)
Merged Area
19/4/21

"A"

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

S.B

No.

APPEAL No..... 5735 of 20 21.

Recd
f

Mst. Sana Bibi

Appellant/Petitioner

Versus

The Secy EGS O Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner Mst. Sana Bibi Ex-TT
GAPS. Said Rahman Kally, Bara
Distt. Khyber.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 20/5/2022 at 9:00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

“A”

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

No.

APPEAL No. 5735 of 2021.

Mst. Sana Bibi

Appellant/Petitioner

Versus

The Secy E&S D Pesh:

RESPONDENT(S)

✓
Notice to Appellant/Petitioner

Mst. Sana Bibi Ex-TT

GLPS Said Rahman kally, Bara
Dist. Khyber.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 20/5/2022 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.



Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.