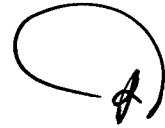


05.09.2022

Junior to counsel for appellant present.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Syed Naseer Ud Din Shah Assistant for respondents present.

Despite last, reply was not submitted. Therefore, case is adjourned on payment of cost of Rs. 2000/- to be paid on behalf of respondents. To come up for reply/comments on 08.11.2022 before S.B.



(Rozina Rehman)  
Member(J)

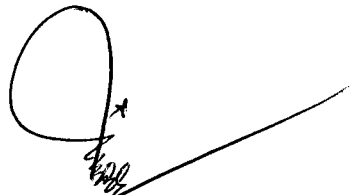
18.04.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant is aggrieved of the impugned order dated 02.12.2021 whereby she was awarded major penalty of "compulsory retirement" w.e.f 15.07.2021. She preferred departmental appeal against the impugned order on 14.12.2021 which was not responded within the statutory period, hence, the instant service appeal was filed on 13.04.2022. It was further argued that the impugned order being void is not maintainable in the eyes of law, may be set aside and the appellant be graciously reinstated in service with consequential benefits.

Points raised need consideration. The appeal is therefore, admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 05.07.2022 before S.B.


Rs-700/-  
Appellant Deposited  
Security & Process Fee  
A. S. / 18/4/22

  
(Mian Muhammad)  
Member(E)

05<sup>th</sup> July, 2022

Counsel for appellant present. Mr. Naseer ud Din Shah,  
Assistant AG for respondents present.

Respondents have not submitted written reply/comments. Learned AAG seeks time for submission of written reply/comments. Last chance is given. To come up for written reply/comments on 05.09.2022 before S.B.



  
(Kalim Arshad Khan)  
Chairman

Form- A

# FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 542 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/04/2022	<p>The appeal of Mst. Dil Afroze presented today by Mr. Ibadur Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	<p><i>Noted SB+ 13/4/2022</i></p> <p><i>مذکورہ</i></p> <p><i>قرآن مجید</i> 14/04/2022</p>	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>18-04-2022</u> Notices be issued to appellant and his counsel for the date fixed.</p> <p> CHAIRMAN</p>

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

Case Title: Mst. Dilaftoze vs Education

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Mst. Dilaftoze</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		✓
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on	✓	
26.	Whether copies of comments/reply/rejoinder submitted? on		✓
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Abdul Rahim

Signature:

Abdul Rahim

Dated:

13-04-2022

**BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR.**

APPEAL No. 542 /2022

Mst: Dilafroze ( Ex- Principal)

..... Appellant

Versus


Government of KPK & others

..... Respondents

**I N D E X**

<u>S.No.</u>	<u>Description of documents</u>	<u>Anex:</u>	<u>P.No.</u>
1.	Grounds of Appeal with Affidavit		1-3
2.	Copy of Impugned Order	A	4
3.	Copy of Showcause Notice	B	5-6
4.	Copy of Reply to showcause notice	C	7-9
5.	Copy of Letter Dated 4-11-2021	D	10
6.	Copy of Departmental Appeal	E	11-15
7.	Copy of Nomination for Best Services	F	16
8.	Wakalatnama		17

Dated. \_\_\_/04/2022

  
IBADUR RAHMAN  
Advocate High Court  
127-Sarhad Mansion  
Hashtnagri Peshawar.  
Cell: 0312-5932939

BEFORE THE HONOURABLE KP SERVICE TRIBUNAL PESHAWAR.

Appeal No. 542 /2022.

Mst: Dil Afroze, Ex-Principal, Govt: Girls Higher Secondary School, Sirikot  
Harripur. Appellant.

Versus

- 1- Government of Khyber Pakhtunkhwa through Chief Secretary.
- 2- Chief Secretary, Govt: of Khyber Pakhtunkhwa Peshawar.
- 3- Secretary to Govt: of Khyber Pakhtunkhwa, Elementary & Secondary Education Department Peshawar.
- 4- Section Officer (Schools Female) E&SE Deptt: Peshawar.
- 5- District Education Officer (Female) Distt: Harripur.

Respondents

APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT AGAINST THE ORDER/NOTIFICATION : NO. S.O(S/F)e&sed/4-17/2021/Dil Afroz DATED 02.12.2021 AGAINST WHICH THE APPELLANT FILED REVIEW PETITION /DEPARTMENTAL APPEAL DATED 14-12-2021 BUT THE SAME HAS NOT YET BEEN DECIDED.

Respectfully sheweth,

Appellant submits as under :-

- 1- That the appellant was the employee of the Education Department and was performing her duties as Principal Govt: Girls Higher Secondary School Sirikot Harripur (BPS-19) till the illegal and unjustified compulsory retirement vide impugned order dated 02-12-2021. (Kindly perused Annex:-A).
- 2- That the appellant was directly served with a show cause notice on baseless allegations with regards the previous history without any proper regular inquiry. The appellant properly replied to the said show cause denying all the baseless allegations and duly explaining each and every allegation. (Copy of the Show Cause Notice and reply thereto are attached as Annex: B & C).

- 3- That thereafter notice of personal hearing was issued and the INCOMPETENT authority conducted personal hearing to the appellant and the impugned order dated 02-12-2021 was passed against the appellant whereby the appellant was compulsory retired from service **WITH RETROSPECTIVE EFFECT**. Copy of the Personal hearing letter dated 4-10-2021 is attached as Annex:-D.
- 4- That being aggrieved by the impugned Notification dated 02-12-2021, the appellant preferred a Review Petition/ Departmental appeal dated 14-12-2021 but still no response from the Respondents. (Copy of the Review Petition/Departmental Appeal is attached as Annex:-E).
- 5- That now the appellant has left with no option but to approach this honourable tribunal on the following grounds amongst others :-

GROUND:

- A. That the impugned order dated 02-12-2021 is illegal, unjustified. Void ab initio, against the law & facts and totally against the norms of natural justice, therefore, not tenable in the eyes of law and liable to be set a side on this score alone.
- B. That the impugned order was passed with Retrospective effect which is not only illegal and unjustified but Void too in the eyes of law.
- C. That there is no order in black and white form vide which the regular inquiry in the matter was dispense with. The same is in violation of law and rules applicable thereto.
- D. That conducting of a full fledge regular inquiry is sine qua non for imposition of major penalty but strange enough that the same was awarded to the appellant with any regular inquiry.
- E. That there is no charge sheet or statement of allegations was issued or served upon the appellant and the appellant has been condemned as unheard. The so-called show cause Notice issued and served upon the appellant also affirms the stance of the appellant and the said show cause Notice is completely silent about any regular inquiry, Charge sheet or statement of allegations.

- F. That the appellant has not be properly provided a fair chance of personal hearing by the competent authority.
- G. That the appellant has not been treated in accordance with law and rules applicable thereto despite the fact that the appellant is a civil servant of the province, the impugned order is liable to be set a side on this score alone.
- H. That the appellant has unblemished service career and on many occasions, the services of the appellant were duly acknowledged. (Kindly peruse Annex:-F.
- I. That all the Annual Confidential Reports till were duly written and countersigned by the competent authority with good remarks, therefore, the allegations leveled against the appellant are unjustified, illegal, against the facts based on mala fide and ill will.
- J. That the impugned order dated 02-12-2021 is harsh and bad in law and on facts.
- K. That the appellant be allowed to add any other ground at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the appeal in hand, the impugned Notification dated 02-12-2021 regarding compulsory retirement of the appellant may kindly be set a side and the appellant be re-instated in service with the consequential and back benefits.

Any other remedy deemed proper in the matter and specifically asked for may also please be given with costs through out.

APPELLANT

Through:

IBADUR RAHMAN  
Advocate High Court  
127-Sarhad Mansion  
Hashtnagri, GT Road  
Peshawar.

Dated. \_\_\_\_/4/2022.

AFFIDAVIT.

Stated on oath that the above contents are true and correct to the best of my knowledge and belief.

DEPONENT

Ladi  
Froze





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223588

(4)

Annex-A

Dated Peshawar the December 02<sup>nd</sup>, 2021

**NOTIFICATION**

**NO.SO(S/F)E&SED/4-17/2021/Dil Afroz:** WHEREAS Mst. Dil Afroz, Principal (BS-19) GGHSS Sirikot, Haripur was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2- AND WHEREAS Mrs. Fareeha Paul (PCS SG BS-20) Secretary Public Service Commission Khyber Pakhtunkhwa and Mst. Jamila Tahira (TC BS-20) Principal RITE (Female) Abbottabad were appointed as inquiry officer/inquiry committee to conduct inquiry against the accused Lady Officer for the charges leveled against her in accordance with the rules.

3- AND WHEREAS the inquiry officer/inquiry committee after having examined the charges, evidence on record and explanation of the accused DDEO (F) has submitted the inquiry report.

4- AND WHEREAS the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused Lady Officer in response to the charge sheet/statement of allegations/show cause notice and personal hearing granted on behalf of the Chief Minister by the Secretary Industries, Commerce and Technical Education Khyber Pakhtunkhwa on 12-10-2021 is of the view that the charges against the accused were proved.

5- NOW, THEREFORE, in exercise of the powers conferred under Rule-14 of Khyber Pakhtunkhwa (Efficiency & Discipline) Rules-2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose/confirm a major penalty of "Compulsory retirement from Service" upon Mst. Dil Afroz, (BS-19) Principal GGHSS Sirikot Haripur with effect from 15<sup>th</sup> July, 2021,

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

**Endst: of Even No. & Date:**

Copy forwarded to the: -

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- District Education Officer (Female) Haripur.
- 4- District Accounts Officer, Haripur.
- 5- PS to Chief Minister, Khyber Pakhtunkhwa.
- 6- PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 7- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 8- Mst. Dil Afroz, Principal GGHSS Sirkot, Haipur.
- 9- Master File.

Mr. Abdus Rehman  
sb  
7/12/2021



(HARBEZ UR RAHMAN SHAH)  
SECTION OFFICER (SCHOOLS FEMALE)

Attested  
Ladi  
froze

Registered



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223588

5

Annex-B

No. SO(S/F) E&SED/4-17/2021/Mst. Dil Afroze  
Dated Peshawar the July 15<sup>th</sup>, 2021

To ✓

Mst. Dil Afroze, (BS-19),  
Principal (BS-19),  
GGHSS Sirikot, District Haripur.

SUBJECT: SHOW CAUSE NOTICE.

I am directed to refer to the subject noted above and to enclose herewith copy of Show Cause Notice duly signed by the competent authority Chief Minister, Khyber Pakhtunkhwa, for information and compliance.

Enclose as above.

(Hafeez-Ur-Rehman Shah)  
SECTION OFFICER (S/F)

List of copies No. & Date:

Copy forwarded for information to:-

1. Director, E&SE, Khyber Pakhtunkhwa.
2. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
3. District Education Officer (F) District Haripur.

SECTION OFFICER (S/F)

Ladi  
Afroze  
Attested

## SHOW CAUSE NOTICE

⑥

I, **Mehmood Khan**, Chief Minister, Khyber Pakhtunkhwa, as Competent Authority, under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, **Mst. Dil Afroz, Principal (BS-19)**, GGHS Sirikot, Haripur as follows:

- a) You remained absent from duties w.e.f 01.09.2007 to 16.02.2009 without any intimation/sanctioned leave.
- b) You applied for 26 days leaves for Umrah w.e.f 26.12.2018 and your request was regretted by the Competent Authority, even then you availed leave.
- c) You travelled abroad in the year 2014, 2018 and 2019 without applying for leave/NOC. On the other occasions, you applied for earned leaves only and visited abroad, thus concealing the facts.
- d) According to attendance register of your school, you were on medical leave w.e.f 06.10.2008 to 10.12.2008 but your travelling record reveals that you were abroad.
- e) You, while posted as Headmistress, GGHS Pind Kargo Khan, Abbotabad maintained two attendance registers.
- f) You used two private passports for travelling abroad.

2. I am satisfied that you have committed the act of "inefficient" as specified in Rule-3 (a) of the said rules.

3. As a result, thereof, I, as competent authority, have tentatively decided to impose upon you the following penalty(s) under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

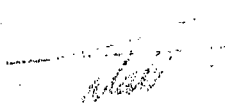
i. Compulsory retirement from

ii. Service

4. You are, thereof, required to show cause as to why the aforesaid penalty/ penalties should not be imposed upon you and also intimate whether you desire to be heard in person.

5. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, in the normal circumstances, it shall be presumed that you have no defense to put in, and in that case, an ex-parte action shall be taken against you.

*Laddi  
Froge  
Attested*

  
(MEHMOOD KHAN)  
CHIEF MINISTER,  
KHYBER PAKHTUNKHWA

7

OFFICE OF THE PRINCIPAL GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL SIRIKOT HARIPUR

To

The Secretary of Education (KPK)

Annex - C

Peshawar

Subject: Show Cause Notice.

Reference Your Letter No.: SO.(S/F)E&SED/4-17/2021/Mst.DIL AFROZE. Dated  
Peshawar: 15<sup>th</sup> July 2021

I have submitted answer or defense of show cause Notice in your honor.

PRINCIPAL  
G.G.H.S. SIRIKOT  
Principal  
G.G.H.S. SIRIKOT  
District Haripur

Ladi  
Froze  
Attested

OFFICE OF THE PRINCIPAL OF GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL, SIRIKOT HARIPUR

To,  
The Chief Minister,  
Khyber Pakhtunkhwa.

Subject: Defense of The Showcase Notice

Reference to letter No. SO(S/F) E&SED/4-17-2021/Mst. Dil Afroze

I want to plea, before competent authority, before presenting my defense.

Alhamdulillah, I served this department for almost 40 years with all my potential and my gold medalist skillfulness. With Allah's will maximum of my students and the institutions I have served are excelling. In reward, all of my children are doctors by profession and thus the legacy of serving humanity is continued.

This was an anonymous application lodged against me in 2018, since then I am proving myself innocent before authorities, disturbing the environment around me. This applicant just put up list of fictitious allegations without any proof and is just misconceptions that I am proving wrong.

On every hearing I have been interrogated like guilty before even hearing my innocence. I am a direct selectee through PSC, you can check all my ACR's, present with the Department. You can call upon my colleagues and the officials I have served with regarding my achievement in the institution I served, I received departmental appreciation letter on multiple occasions. You can even check the record of IMU, which was started in 2013, and there is not even a single complaint against me, according to my knowledge.

Now after my plea here are the responses to the allegations against me

- A) I didn't remained absent from the duty from my duty w.e.f. 01/09/2007 to 16/02/2009 but I applied for leave along with all required documents under the leave rule 1981 w.e.f 01/09/2007 to 29/11/2008. I was informed on 01/10/2007 that my leave had been regretted vide letter No.20/82-83/ file No 13 eb-1 (F/S) dated 01/10/2007. On receiving the letter of regret, I joined back my duties. (Copy already submitted)
- B) I applied for Umrah leave along with all the required documents at that time but I did not receive any acceptance or regret letter till now. Rather, I appealed when I returned from Umrah. (Copy already submitted).
- C) The reason of travelling abroad in 2014 was due to medical emergency. Due to the emergent condition of my ailment I was unable to process the application of the medical leave. As for the purpose of 2018 and 2019 travel, it was for Umrah whose leave application was applied along with all the pre-requisites but it was still unheard of as explained in point B
- D) I applied for Emergency medical leave with all the required documents w.e.f 06/10/2008 to 05/12/2008. I had three cesareans in the past and two major surgeries of hernia repair in Govt.

*Lady  
Afroze  
Attested*

hospitals in Pakistan, I had to travel from Haripur to Pind kargo Khan, which was a remote village in District Abbottabad. Due to this hectic and long journey my ailment worsened and I have to travel abroad to my family to be operated in emergency (Strangulated Hernia).

E) According to the best of my knowledge, back during my service in GGHS Pind Kargo Khan, the attendance register got missing during our winter vacations so when we were back from the vacations we maintained a new register or attendance with the consent of the DEO of that time. Later on during the renovation of the school that missing register was found and was placed with the other registers for record.

F) I have only one passport at all time, it's not possible for me or anybody to get two passports on a single National ID Card. The allegation is obviously not true and I call the applicant (if there is any) to prove it.

In clarification, purpose of my travelling abroad for vacations and medical purposes is that my Husband and children were resident in KSA. Most of my surgeries were done in Pakistan but my ~~two~~ surgeries were done abroad because of my family and on the recommendation by doctors in Pakistan for recent advancements and high complication risks.

*L. Adil Froze*  
Mst: DIL AFROZE  
BPS-19  
Principal  
G.G.H.S. SIRIKOT  
District Haripur  
21/12/2021

*L. Adil Froze*  
Attested



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
INDUSTRIES, COMMERCE AND  
TECHNICAL EDUCATION DEPARTMENT**

Annex: D

10

No. E&A(IND)2-6/G/2021/265-17.

4<sup>th</sup> October, 2021

To

✓ Mst. Dil Afroz (BS-19),  
Principal,  
GGHSS Sirikot,  
District Haripur.

Subject: - **INQUIRY AGAINST MST. DIL AFROZ (TC BS-19)**

I am directed to refer to the subject note above and to state that the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has been pleased to nominate Secretary, Industries, Commerce & Technical Education Department to grant you opportunity of personal hearing on his behalf in the subject case.

You are therefore, requested to come for personal hearing on 12<sup>th</sup> October 2021 at 12:00 Noon in the office of Secretary, Industries, Commerce & Technical Education Department alongwith relevant record on the date and time mentioned above.

SECTION OFFICER (ADMN)

**Endst; No. & Date Even:-**

1. Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education, Peshawar with the request to depute departmental representative fully conversant with the case alongwith relevant record on date and time mentioned above to assist the Secretary, Industries Commerce & Technical Education Department during the personal hearing.
2. Section Officer (S/F) Elementary & Secondary Education, Peshawar With the request to inform the accused officer.
3. PS to Secretary, IC&TE Department, Peshawar.
4. PA to Special Secretary, IC&TE Department, Peshawar.

SECTION OFFICER (ADMN)

Attested

11

OFFICE OF THE PRINCIPAL GOVT: GIRLS HIGHER SECY: SCHOOL SIRIKOT.

Dated Sirikot the 14/12/2021.

Annex - E

The District Education Officer  
(Female) District Haripur.

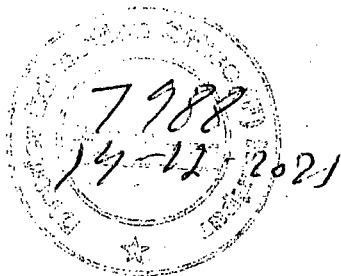
THROUGH: PROPER CHANAL

**Subject: - REVIEW PETITION /APPEL AGAINST THE ORDER  
DATED:02-12-2021NO.SO(S/F)E&SED/4-17/2021/**

Memo,

I have submitted the Review Petition against the order Dated 2-12-2021 NO.SO(S/F) E&SED/4-17/2021/ in original Please forwarded to higher authority.

*[Signature]*  
PRINCIPAL  
G.G.H.S. SIRIKOT  
(HARIPUR)  
GGHSS SIRIKOT  
District Haripur



*Ladi Froze Attested*



To

The Chief Minister,  
Govt: Of Khyber Pakhtunkhwa,  
Peshawar.

Through: Proper Channel

REVIEW PETITION AGAINST THE ORDER DATED  
02.12.2021 WHEREBY, THE APPELLANT HAS BEEN  
COMPULSORY RETIRED FROM SERVICE WITH  
RETROSPECTIVE EFFECT FOR NO GOOD GROUNDS.

PRAYER:

THAT ON ACCEPTANCE OF THIS REVIEW, THE  
ORDER DATED 02.12.2021 MAY PLEASE BE SET  
ASIDE AND THE APPELLANT MAY BE REINSTATED  
IN TO SERVICE WITH ALL BACK AND  
CONSEQUENTIAL BENEFITS.

RESPECTFULLY SHEWETH:

FACTS:

Facts giving rise to the present service appeal are as under:

1. That the appellant was the employee of the Education Department and served as Principal GGHSS Sirikot Haripur (BPS-19) till compulsory retirement.
2. That the appellant while serving as Principal GGHSS Sirikot Haripur directly served with show cause notice on baseless allegations regards the previous history without any proper regular inquiry, even in show cause the authority not dispense with the inquiry which is violation of law. The appellant properly replied to the show cause and denied the entire allegations. **Copy attached.**
3. That, thereafter, notice of personal hearing was issued and the incompetent authority given personal hearing to the appellant and the impugned order dated 02.12.2021 was passed against the appellant whereby the appellant was compulsory retired from service with retrospective effect. The appellant being aggrieved from the impugned order, preferring this review petition on the following grounds amongst others. **copy attached.**

*L. adli  
Groye*

**GROUNDS:**

- A) That the impugned order dated 02.12.2021 is against the law, facts, norms of justice and void-ab-initio as has been passed with retrospective effect and material on record, therefore not tenable and liable to be set aside.
- B) That the impugned order was retrospective order which was void in the eye of law and according to Superiors Court Judgment reported as 2002 SCMR, 1129 and 2006 PLC 221.
- C) That there is no order in black and white form to dispense with the regular inquiry which is violation of law and rules and without charge sheet, statement of allegation and proper inquiry the appellant was compulsory retired from the service, without given personal hearing by competent authority which is necessary and mandatory in law and rules before imposing major penalty. So the whole procedure conducted has nullity in the eye of law. So the impugned order is liable to be set aside.
- D) That neither charge sheet, statement of allegation, show cause notice was served upon the appellant nor inquiry was conducted against the appellant, which was necessary and mandatory in law before imposing major punishment which is violation of law, rules and norms of justice.
- E) That the appellant has been condemned unheard and has not been treated according to law and rules.
- F) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- G) That the appellant also requested for premature retirement which is also not considered and by passing order of compulsory retirement the stigma was imposed upon the appellant in last leg of service because only 9 month service is remaining to reaching the age of superannuation.
- H) That the appellant has been condemned unheard in violation of Article 10-A of the Constitution of Islamic republic of Pakistan and in violation of maxim "Audi Alterum Partum" and has not been treated according to law and rules. That according to reported judgment cited as *2019 CLC 1750* stated that Audi Alterum Partum" shall be read as part and parcel of the every statute. The same principle held in the Superior Court judgments cited as 2016 SCMR 943, 2010 SCMR 1554 and 2020 PLC(cs) 67.

ade  
 Froze  
 11/12/21

- I) That the appellant have never committed any act or omission with bad or malafide intentions which could be termed as misconduct, albeit the appellant was compulsory retired from the service. Which is violation of reported judgment cited as 1997 PLC cs 564.
- J) That no charge sheet was issued to the appellant on the allegation appellant was compulsory retired from service which is violation of Rule-10(b) of the E&D Rules 2011 and on the basis of fact finding inquiry appellant was awarded major penalty which is against the law, rules and norms of justice, because in case of imposing major penalty proper regular inquiry and proper procedure has to be conducted under Rule-5, 10, 11 & 14 of the E&D Rules 2011 but in case of the appellant same was violated which is also violation of Supreme Court judgment Cited as 2008 SCMR 609 wherein clearly stated that inquiry conducted in absence of charge sheet is void-ab-initio and also violation of this tribunal judgment in appeal no: 905/2016 decided on 20.02.2018. In Supreme court judgment cited as 2004 SCMR 294, 2008 PLC cs 1107, 2008 PLC cs 1065 wherein clearly state that the major penalty cannot be imposed without regular inquiry.
- K) That no proper regular inquiry was conducted neither the statement recorded in presence of appellant nor the documents if any produce in presence of the appellant which is violation of Rule-10 (b) and Rule 11 (1) of the E&D Rules 2011,. which were totally ignored before imposing punishment which is illegal and against the law, rules and natural justice. The same principle held in the Superior Court judgments cited as 2010 SCMR 1554, 2016 SCMR 108, 2009 PLC (cs) 19, 2008 SCMR 1369, 2009 SCMR 412, 2007 PLC cs 247 and 2008 PLC cs 1107.
- L) The order passed in violating of mandatory provision of law, such order is void and illegal order according to superior court judgment reported as 2007 SCMR 834 & 2015 PLc Cs 754. Hence the impugned order is liable to be set aside.
- M) That the impugned order was retrospective order which was void in the eye of law and also void according to Superiors Court Judgment reported as 1985 SCMR 1178, 2006 PLC 221 and KPK Service Tribunal Judgment titled as Abdul Shakoor Vs Govt of KPK.

adil  
Froze  
Attested

N) That the appellant have not been treated in accordance with law hence the appellant right secured and guaranteed under the law are badly violated.

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

**APPELLANT**

**Mst. Dil Afroze**  
(TC-BPS-19)  
Principal GGHSS,  
Sirikot, Haripur

*Dil Afroze*  
*Attested*

Handwritten signature and initials, possibly "A. K. Singh" and "A. K. Singh".

District Education Officer (F)  
Haripur

District Education Officer (F)  
Haripur

INFORMATION ON BEST SERVICES PROVIDED FOR RTS

Annex F

OFFICE OF THE  
DISTRICT EDUCATION OFFICER (F)  
HARIPUR

16



**"B"**

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

No. *Recd*  
Appeal No. *542* of 20 *22*  
*Dil Afroze* Appellant/Petitioner  
*Govt of KPK through Chief Secy* Respondent  
*(S)*  
Respondent No. ....

Notice to: *DEO (female) Distt: Harripur*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on *02/07/2022* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

off. e Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this *12th* .....

Day of *June* ..... 20 *22*

*For Reply*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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

THE SERVICE BUREAU

1000 K... ROAD

28

25

Di Afog

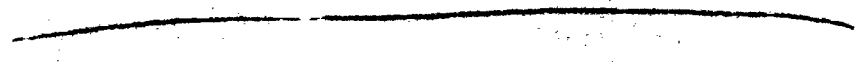
Govt of K... (Chief Secy)

DED (Income) Dept: ...

6/12

2005/05/20

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28

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2005/05/20

6/12

**“B”**

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

No.

542

SB

Appeal No. .... of 2022

*Dil Afroze*

Appellant/Petitioner

*Govt of KPK through Chief Secy*

Respondent

Respondent No. (1)

Notice to: —

*Govt of KPK through Chief Secy*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 05/07/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this 15<sup>th</sup> .....

Day of June ..... 2022

For Reply  
ISSUED BY  
CHIEF SECRETARY  
Govt. of Khyber Pakhtunkhwa  
Peshawar

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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



**"B"**

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

No.

SB

Appeal No. 542 of 2022

Dil Afroze

Appellant/Petitioner

Govt of KPK through Chief Secy

Respondent

Respondent No. (3)

Notice to: —

Secy to Govt of KPK EGSE Deptt Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 05/07/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this 15/6

Day of June 2022

For Reply

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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

“B”

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

No. 

SB

Appeal No. 542 of 20 22

Dil Afroze

Appellant/Petitioner

Govt of KPK through Chief Secy

Respondent

(4)

Respondent No.

Notice to: —

Section Officer (Schools Female) E&SE Deptt:  
Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 05/07/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this 15th

Day of June 20 22

MV  
27/06/22

For Reply

Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

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