

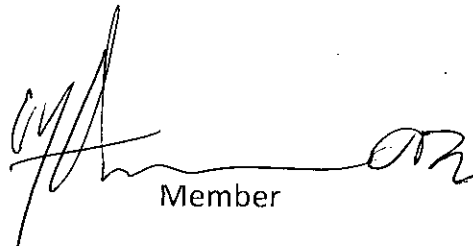
742/2013, Mst. Tahir Bano

19.10.2016

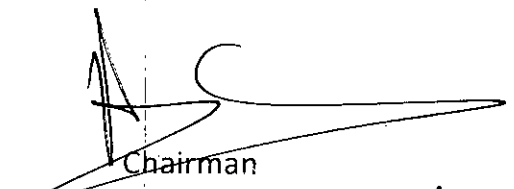
Counsel for the appellant and Mr. Muhammad Siddique Senior Government Pleader alongwith Mr. Zahid Gul, ADO for the respondents present.

During the course of hearing learned counsel for the appellant argued that the appellant may be allowed to withdraw the instant appeal with a permission to agitate her grievances before the competent forum at the first instance and to file service appeal thereafter, if need be.

In the light of the afore-stated submissions of learned counsel for the appellant, the appeal is dismissed as withdrawn. The appellant is placed at liberty to agitate her grievances departmentally in the mode and manners prescribed by law and may thereafter agitate her grievances in service appeal, if so advised. File be consigned to the record room.



Member



Chairman
Camp Court, Abbottabad
19.10.16.

ANNOUNCED
19.10.2016

20.8.2015

Counsel for the appellant, Mr. Zahid Gul, ADO for respondents No.1,2,5 & 6 and respondent No.3 in person alongwith Mr. Muhammad Tahir Aurangzeb, G.P for all respondents present. Written reply on behalf of respondents No.1 to 3, 5 and 6 submitted while learned G.P relies on the same on behalf of respondents No.4 & 7. The appeal is assigned to D.B for rejoinder and final hearing for 16.12.2015 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

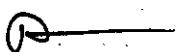
16.12.2015


Agent of counsel for the appellant and Mr. Zahid Gul, ADO alongwith Mr. Muhammad Siddique, Sr.GP for respondent present. Rejoinder submitted. Due to non-availability of D.B, appeal adjourned for final hearing before D.B to 21.6.2016 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

21.6.2016

Counsel for the appellant and Mr. Zahid Gul, ADO alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Requested for adjournment. To come up for final hearing before D.B on 19.10.2016 at camp court, Abbottabad.


Member


Chairman
Camp Court, Abbottabad.

10 16.6.2015

Counsel for appellant and Mr.Zahid Gul, ADO alongwith Mr.Muhammad Tahir Aurangzeb, G.P for respondents present. Learned counsel for the appellant argued that the appellant was appointed as C.T vide order dated 18.11.2006 at GGMS Tupla where she resumed charge on 21.11.2006. That vide order dated 24.2.2011 she was transferred from the said school to GGMS Mohar Kalan against a vacant post but when the appellant approached the Headmistress for assumption of charge she declined the same as no post was vacant there. That a show cause notice was issued to the appellant on 24.2.2012 which was responded and there-after neither any inquiry was conducted nor salary paid to the appellant since the date of her appointment. That the appellant submitted departmental representation dated 13.12.2012 which was not responded and hence the instant service appeal on 22.4.2015.

Learned Govt. Pleader argued that the appellant has neither assumed charge nor performed duty and the grounds taken in the appeal are without any base.

Points urged need consideration. Admit. Subject to deposit of security and process within 10 days, notices be issued to the respondents for written reply for 20.8.2015 before S.B at camp court A/Abad.



Chairman
Camp Court A/Abad

Appellant Deposited
Security & Process Fee



8 22.04.2015

Agent of counsel for the appellant and Mr. Zahid Gul Khan, ADO (Lit.) alongwith Mr. Muhammad Tahir Aurangzeb, G.P present. Counsel for the appellant is stated indisposed. Adjourned for preliminary hearing to 20.5.2015 before S.B at Camp Court Abbottabad.


Chairman
Camp Court Abbottabad


9 20.5.2015

Counsel for the appellant and Mr.Zahid Gul, ADO (lit) alongwith Mr.Muhammad Tahir Aurangzeb, G.P for respondents present. Learned counsel for the appellant requested for adjournment. To come up for preliminary hearing on 16.6.2015 before S.B at camp court A/Abad.


Chairman
Camp Court A/Abad



6. 17.2.2015 Agent of counsel for the appellant and Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. DEO(F) E&SE, A/Abad not in attendance nor produced the record of departmental proceedings.. She be warned and shall produce the record of departmental proceedings for preliminary hearing before S.B on 18.3.2015 at camp court A/Abad.


Chairman
Camp Court A/Abad

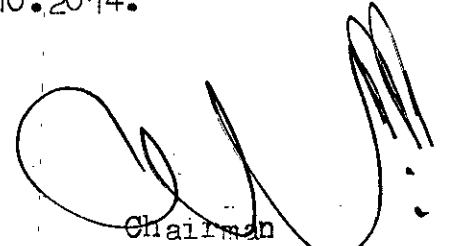
7 18.3.2015 Agent of counsel for the appellant and Mr. Zaheer Ahmad Qureshi, Assistant for respondent No.4 alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. DEO(F) A/Abad did not turn up despite warning nor produce the record of departmental proceedings. The same is dispensed with and inference is to be drawn against the respondents. To come up for preliminary hearing on 22.4.2015 at camp court A/Abad.


Chairman
Camp Court A/Abad

4-

14.4.2014


Clerk of counsel for the appellant present, and requested for adjournment due to pre-occupation of learned counsel for the appellant in the Peshawar High Court Bench A/Abad. to come up for preliminary hearing at camp court A/Abad on 20.10.2014.


Chairman
Camp Court A/Abad

5-

20.10.2014

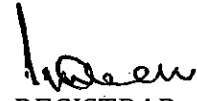
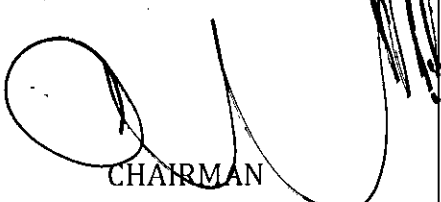

Counsel for the appellant present and heard. In view of submission of the learned counsel for the appellant that not only the appellant was not adjusted at a school where she could perform her duties, but she was also denied salary and no further proceedings have been conducted in the so-called departmental proceedings pursuant to the issuance of show cause notice dated 24.2.2012 and appointment of inquiry officer vide notification dated 19.8.2012, a pre-admission notice be issued to the DEO(F) E&SE, A/Abad (Respondent No.2) for production of record of the departmental proceedings, if any, for further preliminary hearing at camp court A/Abad on 17.2.2015.


Chairman
Camp Court A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 742/2013

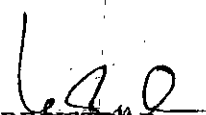
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22/04/2013	<p>The appeal of Mr. Tahira Bano resubmitted today by Mr. Sajjad Ahmad Abbasi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	30.4.13	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up there on <u>21-10-13</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3.	21.10.2013	<p>Clerk of counsel for the appellat present and requested for adjournment due to pre-occupation of learned counsel for the appellant in the High Court Bench A/Abad. To come up for preliminary hearing at camp Court A/Abad on 14.4.2014.</p> <p style="text-align: right;"> Chairman Camp Court A/Abad</p>

The appeal of Mst. Tahira Bano d/o Faqir Muhammad resident of village Ghumawan A. Abad received today i.e. on 05/04/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of Impugned order is not attached with the appeal which may be placed on it.
- 2- Copies of departmental appeal against the impugned order and its rejection order are not attached with the appeal which may be placed on it.
- 3- Copy of Enquiry report dated 19.6.2012 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 4- Page Nos. 10 to 12 of the appeal are illegible which may be replaced by legible one.
- 5- Annexures of the appeal may be attested.
- 6- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 561 /S.T,

Dt. 05/04 /2013.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

MR. SAJJAD AHMED ABBASI ADV. A. ABAD.

Sir, through the instant appeal ① non-payment of salary, ② issuance of show cause Notice and ③ Enquiry are challenged. All the relevant record is attached.

- = A request is being made for salary.
- = Notification for Enquiry dated 19.6.12 is attached. Page 22-A ^{being}
- = copy for department appeal is at page ②② but no
- = decision had yet been taken by The Department.
- = No enquiry report had been given to The petitioner, nor any Notice for Enquiry had been given to The petitioner.
- = Legible/Better copy of pages 10 to 12 is attached.

After removal of objections this Appeal is re-submitted, please.


19.4.13

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHAWA, PESHAWAR

Service Appeal No. 742 /2013

Tahira Bano D/o Faqir Muhammad resident of Village Ghumawan Tehsil and District Abbottabad.

....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhawa through Secretary Education Peshawar and others.

...RESPONDENTS

SERVICE APPEAL

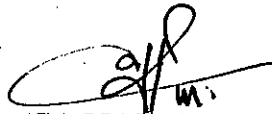
INDEX

S. #	Description	Page No.	Annexure
1.	Appeal alongwith affidavit	1 to 8	
2.	Addresses of the parties.	9	
3.	Copy of appointment letter	10 to 11	"A"
4.	Copy of charge report	12	"B"
5.	Copies of applications	13 to 15	"C"
6.	Copy of certificate from Nazim Union Council Tajwal and Councilor	16 to 17	"D" & "E"
7.	Copy of order	18	"F"
8.	Copy of show cause notice	19	"G"
9.	Copy of reply	20 to 21	"H"
10.	Copy of appeal & copy of Notification	22-22A	"I"
11.	Wakalatnama.	23	

Tahira Bano
...PETITIONER

Dated: 2.4. /2013

Through


(SAJJAD AHMED ABBASI)
Advocate High Court, Abbottabad.

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHAWA, PESHAWAR

Service Appeal No. 742 /2013

A.W.F. Peshawar
Service No. 683
Date 05/04/2013

Tahira Bano D/o Faqir Muhammad resident of Village Ghumawan Tehsil and District Abbottabad.

....APPELLANT

VERSUS

1. Govt of Khyber Pakhtunkhawa through Secretary Education Peshawar.
2. District Education Officer Abbottabad.
3. Head Mistress G.G.M.S Mohar Kalan Abbottabad.
4. Shafqat Khan Principal GHS Harno, Abbottabad.
5. District Education Officer (Female) Abbottabad.
6. Deputy District Education Officer (Female) Abbottabad.
7. District Account Officer, Abbottabad.

...RESPONDENTS

~~Filed to...~~
~~...~~
5-4-13

APPEAL AGAINST THE ISSUANCE OF SHOW CAUSE NOTICE BEARING NO. 3001 DATED 24/02/2012 AND ORDER OF INQUIRY BEARING NO. 11619-20 DATED 19/06/2012 ISSUED BY RESPONDENT NO. 2 AND FOR ISSUANCE OF AN ORDER IN THE NAME OF RESPONDENT NO. 2 TO PAY THE SALARY OF

Re-submitted to...
and filed.

~~...~~
22/4/13

APPELLANT SINCE 21/11/2006 TO DATE AND FOR
FUTURE.

PRAYER: ON ACCEPTANCE OF THIS APPEAL THE
SHOW CAUSE NOTICE ISSUED BY THE RESPONDENT
NO. 2 BE CANCELLED AND THE ORDER BEARING
NO. 11619-20 DATED 19/06/2012 ISSUED BY
RESPONDENT NO. 2 BE ALSO CANCELLED AND THE
RESPONDENT BE DIRECTED TO PAY THE SALARY
OF THE PETITIONER SINCE 21/11/2006 TO DATE AND
ALSO FOR FUTURE.

Respectfully Sheweth:-

1. That ^{18.11.2006} on the appellant was appointed by the
respondent department against a CT post at GGMS
Tupla. Copy of appointment letter is annexed as
Annexure "A".
2. That the appellant took the charge in GGMS Tupla
on 21/11/2006. Copy of charge report is annexed
as Annexure "B".
3. That after the appointment of appellant in GGMS
Tupla, two other teachers and SET was also

appointed in said school SET teacher after getting the charge never visited the school. One teacher remained present in school and about the other, the appellant do not know.

4. That the appellant time and again had been informing the respondents through application about the condition of school, for transfer of appellant and for the release of pay. Copies of applications are annexed as Annexure "C".
5. That the appellant never remained absent from her duty at GGMS Tupla.
6. That as the strength in the GGMS Tupla was not considerable therefore the Nazim Union Council Tajwal, where the GGMS Tupla situates after getting the verbal permission from the respondents asked the appellant to teach the students of GGPS Tupla, where the appellant performed her duty.
7. That the Head Teacher of the GGPS Tupla did not allow the appellant to sign the attendance register but the certificate from Nazim Union Council

Tajwal and Councilor is attached as Annexure "D"
& "E".

8. That the appellant had been requesting the respondents for transfer amid the enquiries.
9. That on 24/02/2011 the appellant was transferred from GGMS Tupla to GGMS Mohar Kalan vide order No. 2089-96. Copy of order is attached as Annexure "F".
10. That the appellant after the transfer order reported in the GGMS Mohar Kalan, but the Head Mistress of said school did not give the charge to the appellant as according to Head Mistress, there was no vacant post of C.T in said school remarks to this effect written by Head Mistress are annexed as Annexure "F".
11. That the appellant immediately informed the respondents and requested the respondents for adjustment of appellant in any other school if there is no vacant post in GGMS Mohar Kalan.

12. That since 2006 the appellant is attending the school and never remained absent from duty.
13. That the respondent No. 2 without any reason issued a show cause notice to the appellant vide No. 3001 dated 24/02/2012. Copy of show cause notice is annexed as Annexure "G".
14. That the appellant duly replied the show cause notice. Copy of reply is annexed as Annexure "H".
15. That the respondents had not taken any decision on the show cause notice, nor they had paid the salary to appellant.
16. That the appellant also submitted an appeal to the respondent No. 2 against the issuance of show cause notice non payment of salary but in vain. Copy of appeal is annexed as Annexure "I".
17. That till today the respondents had not decided the appeal filed by the appellant.
18. That the issuance of show cause notice non payment of salary to appellant, non adjustment of

appellant against the post of C.T issuance of order for enquiry is wrong, illegal, without jurisdiction, malafide and is liable to be cancelled on the following amongst other grounds:-

GROUND:-

- a. That the appellant had continuously been requesting the respondents about the transfer from the GGMS Tupla, but in vain, where the strength of students was not considerable.
- b. That the appellant never remained absent from duty.
- c. That the appellant was transferred from GGMS Tupla to GGMS Mohar Kalan on 24/02/2011 which was a proof of the fact that the appellant was in touch with the respondents.
- d. That after the issuance of transfer order dated 24/02/2011, the issuance of show cause notice and the order for enquiry dated 24/02/2012 & 19/06/2012 are wrong illegal,

without jurisdiction and are liable to be set-aside / cancelled.


- e. That the appellant remained on duty since the date of taking charge against the post of CT, hence was entitle for the payment of salary.
- f. That this appeal is being filed in time.

It is, therefore humbly prayed that on acceptance of this appeal the show cause notice issued by the respondent no. 2 be cancelled and the order bearing No. 11619-20 dated 19/06/2012 issued by respondent No. 2 be also cancelled and the respondent be directed to pay the salary of the petitioner since 21/11/2006 to date and also for future.

Tabira Bano
...APPELLANT

Through

Dated: 2.4. /2013


(SAJJAD AHMED ABBASI)
Advocate High Court, Abbottabad.

VERIFICATION:-

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

Tabira Bano
APPELLANT

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHAWA, PESHAWAR

Service Appeal No. _____/2013

Tahira Bano D/o Faqir Muhammad resident of Village Ghumawan Tehsil and District Abbottabad.

....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhawa through Secretary Education Peshawar and others.

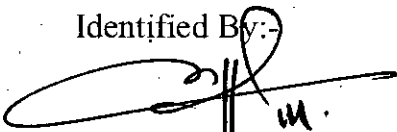
...RESPONDENTS

SERVICE APPEAL

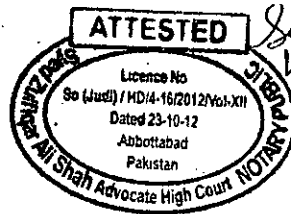
AFFIDAVIT

I, Tahira Bano D/o Faqir Muhammad resident of Village Ghumawan Tehsil and District Abbottabad, do hereby solemnly affirm and declare that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Identified By:-



(SAJJAD AHMED ABBASI)
Advocate High Court, Abbottabad.



Tahira Bano
DEPONENT

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHAWA, PESHAWAR

Service Appeal No. _____/2013

Tahira Bano D/o Faqir Muhammad resident of Village Ghumawan Tehsil and District Abbottabad.

....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhawa through Secretary Education Peshawar and others.

...RESPONDENTS

SERVICE APPEAL

ADDRESSES OF THE PARTIES

Respectfully Sheweth:-

Addresses of the parties are as under:-

Tahira Bano D/o Faqir Muhammad resident of Village Ghumawan Tehsil and District Abbottabad.

....APPELLANT

VERSUS

1. Govt of Khyber Pakhtunkhawa through Secretary Education Peshawar.
2. District Education Officer Abbottabad.
3. Head Mistress G.G.M.S Mohar Kalan Abbottabad.
4. Shafqat Khan Principal GHS Harno, Abbottabad.
5. District Education Officer (Female) Abbottabad.
6. Deputy District Education Officer (Female) Abbottabad.
7. District Account Officer, Abbottabad.

...RESPONDENTS

Tahira Bano
...PETITIONER

Dated: 2.4 /2013

Through



(SAJJAD AHMED ABBASI)
Advocate High Court, Abbottabad.

Handwritten notes and scribbles at the top left of the page.

Handwritten text, possibly a name or title, located in the upper middle section.

Handwritten text, possibly a name or title, located in the upper right section.

Vertical handwritten text on the left side of the page.

Vertical handwritten text on the left side of the page.

CO'S (S)	1898	...
CO'S (S)	1899	...
CO'S (S)	1900	...
CO'S (S)	1901	...
CO'S (S)	1902	...
CO'S (S)	1903	...
CO'S (S)	1904	...
CO'S (S)	1905	...
CO'S (S)	1906	...
CO'S (S)	1907	...
CO'S (S)	1908	...
CO'S (S)	1909	...
CO'S (S)	1910	...
CO'S (S)	1911	...
CO'S (S)	1912	...
CO'S (S)	1913	...
CO'S (S)	1914	...
CO'S (S)	1915	...
CO'S (S)	1916	...
CO'S (S)	1917	...
CO'S (S)	1918	...
CO'S (S)	1919	...
CO'S (S)	1920	...
CO'S (S)	1921	...
CO'S (S)	1922	...
CO'S (S)	1923	...
CO'S (S)	1924	...
CO'S (S)	1925	...
CO'S (S)	1926	...
CO'S (S)	1927	...
CO'S (S)	1928	...
CO'S (S)	1929	...
CO'S (S)	1930	...

SECTION ON REGULAR BASIS (P. 2)

Main body of text, possibly a list or report, with some lines appearing to be mirrored or bleed-through from the reverse side.

SECTION ON REGULAR BASIS (P. 2)

Handwritten number '10' in a circle at the bottom left corner.

Handwritten text at the bottom of the page, possibly a signature or name.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCH; & LIT A.ABAD

ORDER

Consequent upon the recommendation of the Departmental Selection Committee the competent authority has been pleased to appoint the following CT (Female) in BPS-09 (Rs. 2770-165-7720) plus usual allowances as admissible under the rules on regular basis but without pension and gratuity in terms of section 9 of the civil Act 1973 as amended vide NWFP civil servants (amendment) Act 2005 with immediate effect and posted in the schools as noted against their names with effect from the date of taking over charge subject to the terms and conditions mentioned below.

CT (FEMALE) session wise on regular basis (Fresh).

S.No./ R No.	Name/Father's Name of Candidate with Address	Score / Session	Place of Posting	Remarks
1/295	Fozia Bano D/o Aurangzeb Khan R/o Mirpur	49.82(1991)	GGMS Kalas	V/post
2/661	Raisa Bano D/o Sakandar Khan R/o Chammatti	37.88(1991)	GGMS Chammatti	-do-
3/895	Humaira Lodhi d/o M. Afzal Khan r/o Malik Pura.	52.61(1993)	GGMS Riyala	-do-
4/170	Shahida Kiyani d/o Raja Muzaffar Hussain r/o N/Sher	39.95(1993)	GGMS Beerangali	-do-
5/751	Rubina Kousar d/o M. Sohrab r/o Pulck.	48.98(1994)	GGMS Pluck	-do-
6/22	Farhat Zaib d/o Alam Zaib r/o Chamhatti.	51.41(1995)	GGMS Chamahatti	-do-
7/405	Shabana Jadoon d/o Aurangzeb Khan r/o Langra	51.05(1995)	GGMS Maira Bala	-do-
8/741	Rashida Parveen D/o Abdul Latif Khan r/o N. Sher	45.25(1995)	GGMS Chunnali	-do-
9/858	Musarat Jabeen d/o M. Yousaf R/o P.K. Khan	44.34(1995)	GGMS Kangar Bala	-do-
10/549	Khalida Parveen r/o Jhandad Khan r/o Salhad.	47.75(1996)	GGMS Kassala	-do-
11/313	Umaira Hussain d/o Ghulam Hussain r/o N/Sher	47.17(1996)	GGMS Chunnali	-do-
12/520	Dilshad d/o Abdul Razaq r/o Numbal	42.15(1996)	GGMS Numbal	-do-
13/921	Rubina Wahab d/o Abdul Wahab Khan r/o Lora	54.37(1997)	GGMS Rahi	-do-
14/968	Shaista Akram d/o M. Akram Khan r/o Dhodial N/Sher	54.16(1997)	GGMS Beeran Gali	-do-
15/111	Robina Naz d/o Zaheer ud Din r/o K. Kehal	52.84(1997)	GGMS Kassala	-do-
16/485	Robina Imtiaz d/o Bara Khan r/o Dhodial N/Sher	52.09(1997)	GGMS Malsa	-do-
17/450	Aira Munaza Bibi d/o Imdad Hussain R/o Kishka.	49.53(1997)	GGMS Tupla	-do-
18/73	Bibi Saeeda D/o S. Hussain Shah r/o Tor Shreef.	45.26(1997)	GGMS Pattan Kalan	-do-
19/298	Rukhsana Begum D/o Malik Gul Sher R/o Havelian	45.19(1997)	GGMS Dannah	-do-
20/530	Riffat Imtiaz Abbasi d/o Imtiaz Abbasi r/o Malkote.	36.06(1997)	GGMS L/Malkote	-do-
21/419	Tahira Bano d/o Faqeer Mohd R/o Ghumawan N/Sher	62.24(1998)	GGMS Tupla	-do-

Attest
Adv.
Abbottabad

TERMS AND CONDITIONS OF THEIR APPOINTMENTS

Their services will be considered regular but without pension / gratuity in term of section 49 of the civil servant act 1973 as amended vide SWFP civil servant (amendment) Act 2005. They will not contribute any amount toward C.P.Fund however they will contribute C.P.Fund @ RS.5% of the minimum of the pay and the 5% contribution will be made by the Govt.

They will get initial of the scale including usual allowances as admissible under the rule. They are entitled to annual increment after completion of one year of service.

Their services are liable to termination on one month's prior notice from either side. In case of resignation without prior notice their one month's allowances, if any shall be forfeited to Govt.

Their appointments are purely or temporary basis and liable to termination at any stage without assigning any reason/notice.

The appointees should join in their post within 15 days positively issue of this notification on other wise after 15 days of the issue of this notification failing which his candidature will expire automatically and no subsequent appeal etc shall be entertained.

They will be governed by such rules and regulations as may be issued from time to time by the Govt.

They shall be required to furnish copies of all their certificates / Degrees along with the original receipts and photo copy thereof pertaining to the verification fee of concerned examining body (Board/University) to the D.O (S&L) and the latter shall arrange verification of all the certificates / degrees of the appointee and will issue a clearance certificate to each appointee for the release of his / her pay. This / Her pay bill should not be submitted to the DDO, Abbottabad before verification of all certificates / degrees from the concerned examining body.

All with in one month of issue of this notification positively.

The Principal / Headmaster / DDOs concerned are responsible to get verified their certificates / degrees of their degrees / certificates or otherwise.

The Govt. under the circumstances should not be held liable for the delay of their pay and other allowances / benefits if any.

In case of acceptance of their appointments / services will be replaced / removed from service.

Appointments against disability / deceased certificate to the provision of the concerned certificate by the competent authority should be made.

They should produce Age & Health certificate of the Medical Superintendent (DHO) Abbottabad.

Charge reports should be submitted to all concerned.

No LATEX is allowed.

(KASHER HUSSAIN SHAH)
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY A.A.B.

Encl. No. 2/11/5-23

(M) (T) (P) (T) (2006) (S&L) (T) D. Dated: 18/11/2006

- 1. Mr. J. M. Khan, District Officer, Abbottabad.
- 2. Mr. J. M. Khan, District Officer, Abbottabad.
- 3. Mr. J. M. Khan, District Officer, Abbottabad.
- 4. Mr. J. M. Khan, District Officer, Abbottabad.
- 5. Mr. J. M. Khan, District Officer, Abbottabad.
- 6. Mr. J. M. Khan, District Officer, Abbottabad.
- 7. Mr. J. M. Khan, District Officer, Abbottabad.
- 8. Mr. J. M. Khan, District Officer, Abbottabad.
- 9. Mr. J. M. Khan, District Officer, Abbottabad.
- 10. Mr. J. M. Khan, District Officer, Abbottabad.

(KINA JAN)
DISTRICT OFFICER
SCHOOLS & LITERACY A.A.B.

Handwritten signatures and stamps, including a circular stamp with text and a signature.

(11)

BETTER COPY

TERMS AND CONDITIONS OF THEIR APPOINTMENTS.

1. Their services will be considered regular but without pension/gratuity in term of section 19 of the civil servant act 1973 as amended vide NWFP civil servant (amendment) act 2005. They will not contribute any amount to ward G.P Fund however they will contribute G.P Fund @ Rs. 5% of the minimum of the pay and the 5% contribution will be made by the Govt.
2. They will get initial of the scale including usual allowances as admissible under the rule. They are entitled to annual increment after completion of one year of service.
3. Their services are liable to termination on one month's prior notice from other side. In case of resignation, without prior notice their one' month pay/allowances, if any shall be forfeited to Govt.
4. Their appointment are purely on temporary basis and liable to termination at any stage without assigning any reason/notice.
5. The appointees should join his/their post with in 15 days positively, issue of this notification other wise, after 15 days of the issue of this notification, failing which his candidature will expire automatically and no subsequent appeal etc shall be entertain.
6. They will be Governed by such rules and regulation as may be issued from time to time by the Govt.
7. They shall be required to furnish copies of all their certificates/degrees alongwith the original receipts and photocopy thereof pertaining to the verification Fee of concerned examining body (Board/University) to the DO (S&L) Atd. The later shall arrange verification of all the certificates/degrees of the appointee and will issue a clearance certificate to each appointee for the release of his/her pay. His/Her pay bill should not be submitted to the DAO Abbottabad before verification of all certificates/degrees from the concerned institutions of each candidate, herein all relevant documents must be submitted to the EDO (S&L) Atd within one month of issue of this notification positively.
8. The principal/Headmaster/DDOs concerned are responsible to get verified their certificates etc from the concerned university, Board and RDE etc be fore the drawal of their pay and report genuineness of their degrees/certificates or otherwise.
9. The overage/underage candidates should not be handed over charge the age limit is 18 to 35.
10. Any aggrieved candidate has the right of appeal within 10 days of the issue of this notification and in case of acceptance junior most appointee/appointees well be replaced/removed from service.
11. Appointment against disable/deceased quota subject to the provision of the concerned certificate by the competent authority/standing medical board.
12. They should produce Age & Health certificate from the Medical Superintendent DHQ Abbottabad.
13. Charge reports should be submitted to all concerned.
14. No TA/DA is allowed.

(S. BASHIR HUSSAIN SHAH)
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY A.ABAD

Endst: Mp/ 21115-23/ (M&F) APPTT:/2006/EDO(S&L)ATD.

Dated _____/2006.

Copy forwarded for information and information to the:-

1. Director Schools and Literacy NWFP, Peshawar.
2. District Nazim Abbottabad.
3. District Co-Ordination Officer Abbottabad.
4. District Accounts Officer Abbottabad.
5. Dy. DO (Male & Female) Abbottabad.
6. Principal (H/M Concerned Schools).
7. Budget and Accounts Officer Local Office.
8. Candidates Concerned.
9. Officer Order File.

Alleged
Signature
Syed Ahmed Abbas
Advocate
Abbottabad

(S. BASHIR HUSSAIN SHAH)
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY A.ABAD

~~ANNEX B~~

ANNEXURE B

12

ISSUED BY GOVT. OF INDIA, 2000 P. of 100-18-10-2100-01

CERTIFICATE OF TRANSFER OF CHARGE

1. Certified that we have on the fore/afternoon of this day respectively made over and
receive charge of this office of the 66/125 T. Q. No. under J. P. No. 15/42
DMS-233 dated 19/11/06 vide P. No. 15/42 Abbottabad
On 21-11-06 (per seen)
Particulars of cash and important secret and confidential documents handed over are
noted on the reverse:-
Head Section seen

Station DMS T. Q. No.

Signature of relieving Government Seen
Designation at DMS T. Q. No.
Signature of relieving Government Seen
Designation at DMS T. Q. No.

Date 21-11-06

Seen
Seen Ahmed Abbasi
Advocate
Abbottabad

CERTIFICATE OF TRANSFER OF CHARGE

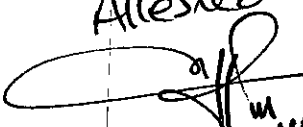
- 1. Certified that we have on the fore/afternoon of this day respectively made over and receive charge of this office of the GGMS Tupla under Offi End No. 21115-23- dated 18/11/2006. vide EDO (S/L) Abbottabad on 21-11-06(afternoon)
- 2. Particulars of cash and important secret and confident til documents handedover are noted on the reverse:-

Signature of relieving Head Teach GGP
Government servant Sd/-

Station GGMS Tupla Designation CT

Tahira Bano D/o Faqeer Muhammad
Signature of relieving
Government Sd/-

Dated 21-11-06 Designation. CT

Attested

 Syed Ahmed Abbas
 Advocate
 Abbottabad

ایس ایس ٹی (S & L)

مہتمم (E.D.O)

ای ڈی او

PLZ do needful against Teacher post in relaxation of ban & release in Salary as requested by applicant

گزارش ہے کہ میں طالبہ نالو C.T پوسٹ پر صرف 1/2 حصہ کو تصدیقات وصولی اور میری پہلی پوسٹنگ گورنمنٹ گزٹرز مڈل سکول ٹنڈ میں وصولی حیاں کا پھانچ میں نے 1/2 حصہ کو لیا۔ حیاں عالی میرے ساتھ دو اور ٹیچرز کی طبی ٹیڈ پوسٹنگ وصولی میں سے ایک کا مجھے علم ہے کہ جس نے جارج لینڈ کے ذریعہ لگو پوسٹنگ کروالی طبی اور دوسری بارے میں مجھے کوئی علم نہیں۔

اس کے بعد نومبر 2007ء میں S.E.T ٹیچر بطور Head وہاں گئی طبی پھر تاحال اس کا طبی کچھ پتہ نہیں دوسری سٹافس ٹیچرز کی غیر موجودگی اور بیماریوں کی کم تعداد کی وجہ سے سکول ان اینڈنگ (In-active) ہے۔ اس کے بعد ڈی۔ او فیصل کے آرڈر پر وہاں 2 پرائمری سکول میں 3 میں پڑھائی یعنی تین دن وہاں کی دوسری پرائمری ٹیچرز نے مجھے حاضری سرٹیفکیٹ نہیں دیا جس کی وجہ سے میری تنخواہ ابھی تک اٹل ہوئی ہے۔

اس کے بعد آج سے گزارش ہے کہ میری پوسٹنگ کو عمل سکول نواں ٹیچر میں کردی جائے تاکہ میں اپنی ڈیوٹی اس میں طے سے انجام دے سکوں۔

ایس ایس ٹی فرما لہذا
طالبہ نالو
C.T Tupla
Tahisarabano

E.D.O. Abbottabad
Ph look in to matter of abt abt as per policy

MINISTER FOR ELEMENTARY AND SECONDARY EDUCATION
N.W.F.P.

Advocate
Abbottabad

اسٹیبائیڈ

ایسی ایڈ جوائن

کے ساتھ ساتھ اس میں طالعہ ہائیڈرو آئی ٹی کے ساتھ ساتھ 2011

اور اس کے ساتھ ساتھ اس میں طالعہ ہائیڈرو آئی ٹی کے ساتھ ساتھ

اور اس کے ساتھ ساتھ اس میں طالعہ ہائیڈرو آئی ٹی کے ساتھ ساتھ

اور اس کے ساتھ ساتھ اس میں طالعہ ہائیڈرو آئی ٹی کے ساتھ ساتھ

اور اس کے ساتھ ساتھ اس میں طالعہ ہائیڈرو آئی ٹی کے ساتھ ساتھ

اور اس کے ساتھ ساتھ اس میں طالعہ ہائیڈرو آئی ٹی کے ساتھ ساتھ

اور اس کے ساتھ ساتھ اس میں طالعہ ہائیڈرو آئی ٹی کے ساتھ ساتھ

اور اس کے ساتھ ساتھ اس میں طالعہ ہائیڈرو آئی ٹی کے ساتھ ساتھ

اور اس کے ساتھ ساتھ اس میں طالعہ ہائیڈرو آئی ٹی کے ساتھ ساتھ

اور اس کے ساتھ ساتھ اس میں طالعہ ہائیڈرو آئی ٹی کے ساتھ ساتھ

اور اس کے ساتھ ساتھ اس میں طالعہ ہائیڈرو آئی ٹی کے ساتھ ساتھ

طالعہ ہائیڈرو آئی ٹی

طالعہ ہائیڈرو آئی ٹی

Tahira Bano

Ahmed Abbasi
Advocate
Abbottabad

EDC
P. Tahira Bano
P. Tahira Bano
P. Tahira Bano
P. Tahira Bano

خدمت جناب ای۔ ڈی۔ او۔ (F.D.O) صاحب، گورنمنٹ ایجوکیشن آفس، امیٹ آباد۔

جناب عالی!

گزارش ہے کہ میں طائرہ مانی C.T گورنمنٹ پم پورہ 20/06 کو تعینات ہوئی اور میری پہلی پوسٹنگ گورنمنٹ گریڈر سکول ٹیلہ میں ہوئی جہاں کا خارج میں نے 20/06 کو لیا۔

جناب عالی میرے ساتھ دو اور شیجرز بھی ٹیلہ پوسٹنگ ہوئی تھی جن میں سے ایک کا مجھے علم ہے کہ جس نے خارج لینے کے طور پر اسکے لیے نومبر 2007ء میں ایک S.E.T شیجر بطور Head وہاں گئی تھی مگر تاحال اس کا ہی کچھ پتہ نہیں۔ دوسری ساتھی شیجر مینیجر ہو گئی اور بچیوں کی کم تعداد کی وجہ سے سکول ان ایکٹیو (In-Active) ہے۔ اسکے بعد ڈی۔ او عمیل کے آرڈر پر میں وہاں سے پرائمری گریڈر سکول میں پڑھائی رہی تھیں وہاں کی دوسری پرائمری شیجر نے مجھے حاضری سرٹیفکیٹ نہیں دیا جسکی وجہ سے میری شیجر 01 ابھی تک ایکٹیو نہیں ہوئی ہے۔ لہذا آپ سے گزارش ہے کہ میری پوسٹنگ اصل سکول خواں شہر میں کر دی جائے تاکہ میں اپنی ڈیوٹی احسن طریقے سے انجام دے سکوں۔ آپ کی فرمانبرداری طائرہ بانو

C.T. Tupla.

Tahira Bano

Alian Advertisements

Dated 03/09 No. 253 M. Javed Khan AEC Charangan Rs. Ps. 94/

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no Acknowledgement is due.

بیان حلفی

حلفاً لکھتا ہوں کہ میں نے ان کے پاس سے کوئی بھی چیز نہیں لی اور نہ ہی ان کے پاس سے کوئی بھی چیز لی ہے۔

میں نے ان کے پاس سے کوئی بھی چیز نہیں لی اور نہ ہی ان کے پاس سے کوئی بھی چیز لی ہے۔

میں نے ان کے پاس سے کوئی بھی چیز نہیں لی اور نہ ہی ان کے پاس سے کوئی بھی چیز لی ہے۔

میں نے ان کے پاس سے کوئی بھی چیز نہیں لی اور نہ ہی ان کے پاس سے کوئی بھی چیز لی ہے۔

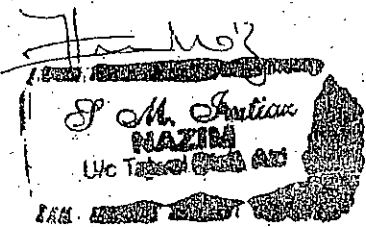
میں نے ان کے پاس سے کوئی بھی چیز نہیں لی اور نہ ہی ان کے پاس سے کوئی بھی چیز لی ہے۔

میں نے ان کے پاس سے کوئی بھی چیز نہیں لی اور نہ ہی ان کے پاس سے کوئی بھی چیز لی ہے۔

میں نے ان کے پاس سے کوئی بھی چیز نہیں لی اور نہ ہی ان کے پاس سے کوئی بھی چیز لی ہے۔

[Handwritten Signature]

Qayyum Ahmad Abbasi
Advocate
Abbottabad



CNIC #
61101-5909603-9



25
8-09

~~ANNEXURE~~

ANNEXURE "E"

(17)

تعمیراتی کاموں کے لیے فراہم کیے گئے ہیں۔

2007 میں تعمیراتی کاموں کے لیے فراہم کیے گئے ہیں۔

Active ہیں۔

تعمیراتی کاموں کے لیے فراہم کیے گئے ہیں۔

تعمیراتی کاموں کے لیے فراہم کیے گئے ہیں۔

تعمیراتی کاموں کے لیے فراہم کیے گئے ہیں۔

Advocate
Abbottabad

Advocate
Abbottabad

تعمیراتی کاموں کے لیے فراہم کیے گئے ہیں۔

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) ABBOTTABAD

TRANSFER OFFERED

ANNEXURE "F"

18

Consequent upon the approval of the competent authority the following posting / transfer amongst the Female CT / PST teachers is hereby made against the vacant posts: -

S#	Name of Teacher	From	To	Remarks
1	Tahira Bano CT	GGMS Tupla	GGMS Mohar Kalan	Against the vacant post
2	Neelofar Shaheen CT	GGMS Takia Hall	GGCHSS Atd	-do-
3	Tahira Jabeen CT	GGHS Khanaspur (Ayubia)	GGCHSS Atd	-do-

[Signature]
Sajid Ahmed Abbasi
Advocate
Abbottabad

- Note -
1. Charge report should be submitted to all concerned.
 2. No TA/DA etc is allowed.

By order
District Coordination Officer
Abbottabad
Dated 24.02.2011

Endst: No. 2089-96/Posting PST (F)
Copy of the above is forwarded to the: -

1. District Coordination Officer, Abbottabad.
2. District Accounts Officer, Abbottabad.
3. District Officer (Female/ Deputy Dist: officer (F) Abbottabad.
4. Principals/ Headmistresses concerned.
5. Teacher concerned.
6. Office copy.

[Signature]
Executive District Officer
Elementary & Secondary Education
Abbottabad

The CT post is not
vacant in this
School.

[Signature]
HEAD MISTRESS
Govt. Girls Middle School
Mohar Kalan ATD.

Annex-19

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) ABBOTTABAD

ANNEXURE "G" (19)

SHOW CAUSE NOTICE

I, MUHAMMAD RIAZ SWATI Executive district officer Abbottabad, as a competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Tahira Bano CT Abbottabad, as follow:

1. That consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee for which you were availed the opportunity of defense vide your statement before inquiry officer/ inquiry committee
2. On going through the findings and recommendations of the inquiry officer/ inquiry committee, the material on record and other connected papers including your defense before the inquiry officer/ inquiry committee,-

I am satisfied that you have committed the following acts/omission specified in rule 3 of the said rules:

- Absenting herself from duty/ Willful absence w.e.f 21/11/2006 to date six years one months.

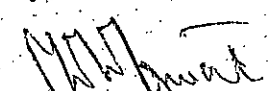
As a result therefore, I, as competent authority, have tentatively decided to impose upon you the major penalty of REMOVAL FROM SERVICES.

You are, therefore, required to Show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

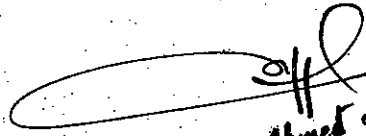
If no reply to this notice is received with in seven days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

A copy of the findings of the inquiry committee is enclosed.

No 3001 Dated 24-02-2012


COMPETENT AUTHORITY

Tahira Bano CT
GGMS TUPLA


Syed Ahmed Abbasi
Advocate
Abbottabad

The Executive District Officer
Elementary & Secondary Education
Abbottabad

Qasim Ahmad Abbasi
Advocate
Abbottabad

ANNEXURE

Subject: SHOW CAUSE NOTICE

ANNEXURE H
(20)

Respected Sir,

Kindly refer to Show Cause Notice bearing No. 3001 dated 24.02.2012 received on 20th March 2012, wherein I have been charged of willful absenteeism for the period w.e.f. 21/11/2006 to date.

In this regard, it is humbly submitted that:

1. I was appointed against the post of C.T. Teacher at GGMS Tupla vide order bearing endorsement No. 21115-23 dated 18/11/2006 (Annex-A).
2. I took charge of the said post on 21/11/2006. Copy of Charge Certificate is attached at (Annex-B).
3. When I took charge, two other teachers were also posted at GGMS Tupla, out of which one got herself transferred as soon as she was appointed there and about the second one I don't know, but she also didn't appear in the school. On ground, I was the only one teacher present at GGMS Tupla since time of my appointment. A Head Teacher was also appointed in 2007, but she also didn't take charge there during my stay. These facts were also conveyed to the office and I requested for my transfer to any other school where students would be available and I could perform my duties in letter and spirit. Application attached Annex-C. (3-pages)
4. When my salary wasn't activated/released, I in person approached the office where I was verbally charged of being absent from school by then time DO Female. I told her all the facts that I had been regular to the school though physically the school was inactive. For activation/release of my salary, on her verbal demand, I took certificate of attendance from Nazim U/C Tajwal also signed by other local representatives and presented her. Copy of the same is attached at (Annex-D).
But still my salary remained inactivated.
5. In state of chaos and confusion, I had been to school (GGMS Tupla) which was physically inactive. During 2009, on verbal direction of then time DO Female and by permission of Nazim U/C, I started to teach in GGPS Tupla. But Head teacher of the said

school didn't allow me to mark my attendance there on the plea that I didn't have any written order and I wasn't on the strength of GGPS Tupla. The same thing was again communicated to the office, but the matter remained unresolved. Then I have been requesting regularly to my parent office for my transfer & release of salary and for getting me out of this pandemonium and mayhem. (Annex-E (04-Pages)).

- 6. Ultimately, my request was entertained and I was transferred from GGMS Tupla to GGMS Mohar Kalan against the vacant post of CT vide order bearing endorsement No. 2089-96/Posting PST (F) dated 24.02.2011 (Annex-F).
- 7. On very next day of receipt of transfer order, I appeared in the said school (GGMS Mohar Kalan) to send my arrival report to parent department (EDO E&SE, Atd) through Head Teacher of the said school. But Head Teacher simply denied to accept and forward my arrival/joining report saying that no post of CT Teacher was available with that school. The written statement of Head Teacher (GGMS Mohar Kalan) was submitted back to the office and it was implored that lingering matter of my place of posting and release of salary may kindly be resolved on priority as I, being human, have been facing great hardships for the last 5-6 years.
- 8. I am stunned to receive the show-cause notice based on absenteeism. I never remained willfully absent, rather I have been bringing all the facts regarding my service in knowledge of my high ups and have being requesting to them for my Place of Posting & Release of Salary. Same is the reason that I was listened with justice by my high ups and was granted place of posting vide above order (Annex-F) which is the proof of my punctuality. But unfortunately, due to non-availability of post there, I couldn't get adjusted again and the same was conveyed to my office.

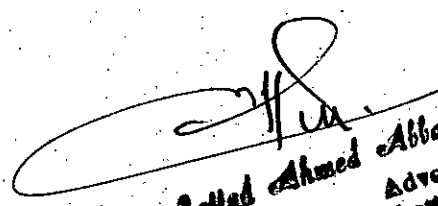
In light of the above, your goodself is once again requested that I may kindly be granted a feasible place of posting and secondly, my salary may be activated/released, so that I could perform my duties with mental satisfaction.

Thanking you the most:

Yours obediently,

Tahira Bano

Tahira Bano (CT Teacher)
Currently Posted at GGMS Mohar Kalan.


Gaffar Ahmed Abbasi
Advocate
Abbottabad

The Executive District Officer
Elementary & Secondary Education
Abbottabad

Subject: HUMBLE REQUEST FOR SALVATION FROM AGONY & DISTRESS

Respected Sir,

ANNEXURE I (22)

To have an access to yourself would act nothing other than a **radiant ray of hope** for me. It's the matter of great concern for me that confusions on part of department have clamped me in an unending mental torture and a continued agony. I am a serving employee of Education Department Abbottabad since 2006 onwards but without pay. The extract of my sole story is as under please:

1. I was appointed and posted against the post of CT at GGMS Tupla in 2006 vide order at annex-A
2. I served there as per rules and regulations. But due to personal clash/escalation of then time DO (Female) with me, I had to face an umpteen bad times and inquiries. During her tenure, I had to face her self-made blames and I even had no access to my personal record (service book/personal file etc).
3. Finally, the matter was resolved once for all in an internal inquiry conducted in the year 2011 and I was transferred to GGMS Mohar Kalan vide order (Annex-B).
4. When I reported to Headmistress GGMS Mohar Kalan, she regretted to accept my arrival/joining report with the plea that no vacant post of CT was available at the school. The same was reported back to the department in written.
5. Instead of place of posting, I was served another show-cause notice on absenteeism for the period since my appointment, which was totally baseless as the matter stood already resolved, otherwise I would never have been served transfer-order.
6. Any how, on my response to the above show-cause notice, an other inquiry was marked to Principal GHS Harno (Annex-C). In spite of passage of considerable time, the result is unknown to me.

Due to all this, I am totally stuck up and have fallen prey to mental distortion.

Your goodself is humbly requested that my case may kindly be treated with an indifferent justice on humanitarian basis and cast a generous glance of approval on my following requests.

1. Show-cause notice bearing endorsement No. 3001 dated 24/02/2012 (already responded by me) may kindly be withdrawn as it has been served after transfer order i.e. after resolution of whole issue.
2. I may kindly be saved from useless inquiries.
3. I may kindly be offered a functional place of posting.
4. My Salary may kindly be activated at the earliest and my arrears for the period since my appointment may kindly be cleared.

Your personal attention in the instant case is implored with high gratitude please.

Yours obediently,

Tahira Bano

Tahira Bano (CT)
Village Ghumawan (Narray)
P/O Nawanshehr Abbottabad

Dated: - 13/12/2012

Asif
Asif Ahmed Khan
Advocate
Abbottabad

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) ABBOTTABAD.

Amel
22-A

NOTIFICATION.

Mr. Shafqat Khan Principal GHS Harnoy Abbottabad is hereby appointed as enquiry Officer to conduct enquiry in r/o Mst: Tahira Bano, CT GGMS Tupla & Asifa Shakeer, DM regarding her absence from duty w.e. from the date of appointment i.e 2006 & report alongwith finding/ recommendations to this office within 15 days for further necessary action.

BY ORDER.
EXECUTIVE DISTRICT OFFICER
ELEM: & SECY: EDU: ABBOTTABAD.

Endst: No. 11619-20/

Dated A-Abad the 19-6 /2012

Copy of the above is forwarded to:-

1. Mr. Shafqat Khan Principal GHS Harnoy Abbottabad, for necessary action as directed above.
2. Mst: Tahira Bano, D/O Faqir Muhammad, CT GGMS Tupla resident of village Ghumanwan P.O. Nawan Shehr Atd (Registered) to appear before the enquiry officer as & when he calls.

Amel
DIRECT OFFICER (FEMALE)
ELEM: & SECY: EDU: ABBOTTABAD.

Distt: Officer (Female)
E & Secy. Edu. Abbottabad

Amel
Office of the Executive District Officer
Abbottabad

بعدالت سرسٹریٹس ٹریڈنگ کمپنی، KPK - سوات

عنوان: صاحبہ طاہرہ بانو، بنام گورنمنٹ KPK ٹیکسٹائل انڈسٹریز

منجانب: ایڈوائس

نوعیت مقدمہ: سرسٹریٹس ٹریڈنگ کمپنی

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آں مقام

ایسٹریٹس ٹریڈنگ کمپنی، سوات احمد علی ایڈوائس کو

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب

موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور

کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول

ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت ناش بصدفہ مفلسی کے دائرہ کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 13-4-2

بمقام:

Accepted

[Signature]

2-4-13

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 228 /ST

Dated 24/2 /2015

To,

The DEO(F),
E&SE, Abbottabad.

Subject:- APPEAL NO. 742/2013 TAHIRA BANO VS SECRETARY
EDUCATION AND OTHERS.

I am directed to forward herewith the following order dated 17.2.2015
passed by this Tribunal on the above appeal for strict compliance.

“Agent of counsel for the appellant and Mr. Muhammad Tahir Aurangzeb, GP for
respondents present. DEO(F), E&SE Abbottabad not in attendance nor produced
the record of departmental proceedings. She be warned and shall produce the record
of departmental proceedings for preliminary hearing before SB on 18.3.2015 at
Camp Court Abbottabad.

Sd/--xx
Chairman
Camp Court Abbottabad.

o/a


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

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

Appeal No. 742 /2013

MST TAHIRA BANO

Appellant

VS

**GOVERNMENT OF K. P. K THROUGH SECRETARY (E & SE)
DEPTT: PESHAWAR & OTHERS (Respondents)**


Respondents

WRIT PETITION INDEX

S. No.	Description	Annexure	Page No
1.	Para Wise Comments/reply & Affidavit		1-24
2.	Annexures	"A"	5-71
3.	ANNEXURE	"B"	8

....Respondents

Through


Representative

Dated: 20-08-2015

1

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Appeal No. 742 /2013

MST TAHIRA BANO (Appellant)

VS

GOVERNMENT OF K. P. K THROUGH SECRETARY (E & SE)

DEPTT: PESHAWAR & OTHERS (Respondents)

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS 1 to 2 AND 5

To 6.


Respectfully Sheweth:

Para wise comments on behalf of the respondents no 1,2 and 5, 6 are as under:

PRELIMINARY OBJECTIONS:

1. That the appellant has no locus standi to file the instant appeal.
2. That the appellant is estopped to agitate the instant matter before this Honorable Tribunal.
3. That the transfer was made on merit.
4. That the appellant has not come to this Honourable Tribunal with as clean hands.
5. That the appellant has filed instant appeal with malafide intention for wrongful gain and suppressing the original facts, hence, the appeal is liable to be dismissed.
6. That the appellant concealed the facts. The appeal is hopelessly time barred.
7. That appellant never served in education Department.
8. That the matter brought is not a matter regarding terms and conditions of the Service and there is no final order in the appeal and the appeal in hand is pre-mature.

FACTURAL OBJECTIONS:

1. Para No.1 is correct. No comments.
2. Para No.2 is incorrect, hence denied the appellant never served in any School.
3. Reply of this Para is that the other appointee had informed the concerned officer, while the appellant never took the charge nor serve any of the school in District Abbottabad.
4. Para No.4 is incorrect. Application of appellant regarding Transfer is concerted and no application is available on record.
5. Para No 5 is incorrect. Petitioner never takes charge nor performs duties in any School. Charge report of the petitioner not been marked or signed by any Government Official.
6. Incorrect. That the Nazim is not competent Authority to issue orders on behalf of competent Authority. The local bodies were not elected from last 8 years no Nazim was there.
7. Head Teacher is not competent authority to allow appellant for  on attendance register. Nazim or Councilor are not competent to allow or interference in the affairs of the Education Department. Appellant never takes charge or served in Education Department.
8. Incorrect. Application of the petitioner are seen to be fake forgery malfidly, and not seen marked by any of he officials/officer of the Department or not diarized. In all the Departments of Government every application or letter would be signed by official on duty and also not diarized.
9. Reply of the Para 9 is that Transfer order of the petitioner was issued due to wrong information of the petitioner. That petitioner concealed the original facts petitioner never take charge nor served in education Department. Fact is that petitioner had not been perform her duties form the date of her first appointment and didn't approach the department for salary. The transfer order which is annexed as Annexure "A" is disputed. There was no vacant post at GGMS Mohar Kalan as occupied from the statement of the Head Mistress of the GGMS Mohar Kala of the said School. The petitioner never served in any school throughout to the first appointment to till now. Pay is

drawn against occupied post. Judgment of the supreme court is annexed as **Annexure "A"** "There is no work No Pay"

- 10. Reply has already been given in Para No 9 in detail. Para No 10 is incorrect, hence denied.
- 11. Incorrect. Petitioners never approach the department.
- 12. Incorrect. Petitioner never served since 2006. All the annexure are seen to fake and factious.
- 13. Correct. Show Cause notice was issued by respondent No 2 at that time after observing that the petitioner was absent from her duties from first appointment to 2006.
- 14. Incorrect. Petitioner not submitted her reply of the show cause notice.
- 15. Reply is that petitioner after the show cause notice not appear before the inquiry committee and also not submitted her reply before department. Inquiry report annexed as **Annexure "B"**
- 16. Incorrect. Reply has already been given in above Paras.
- 17. Incorrect. There is no record in this office indicating to filling any appeal before department.
- 18. Para No 18 is incorrect. Petitioner never took charge nor serve at any station/school according to service rules/Terms and conditions of the appointment order, her appointment automatically ceased.

GROUND

- a. Incorrect. The reply already been given in above Paras.
- b. Incorrect. Reply is that appellatnt never served in the education department since her appointment
- c. Incorrect. Petitioner treated according with law and rules. That transfer order was made on miss information given by petitioner. In that school post was not occupied at GGMS Mohar Kalan.
- d. Incorrect.

- e. Incorrect. Reply has already been given in above Paras. Hence not entitled for pay and adjustment. Her appointment has ceased off automatically because of long willfully absence.
- f. Incorrect. Appeal is filled passing long time. Her appointment was ceased off due to her long willfully absence. She is not entitled for apy or adjustment because her never took charge nor perform her duties in any school or station.

It is therefore humbly prayed that in the light of foregoing comments, the appeal may graciously be dismissed with cost throughout.

Saminah Taj
 District Education Office
 Female, Abbottabad
 District Education Officer
 Female Abbottabad

[Signature]
 Director (E & SE)
 Khyber Pakhtunkhwa
 Peshawar.

Dilehad
Beyun
H.M.
Mohar
Kalan

(Respondent No. 3)

(Respondent No. 2)

[Signature]
 Secretary Education (E & SE)
 Khyber Pakhtunkhwa
 Peshawar.

(Respondent No. 1)

[Signature]
 Through Representative

AFFIDAVIT:

Stated on oath that the contents of instant Para wise comments are true and correct to the best of my Knowledge and belief and nothing has been concealed from this Honourable Tribunal.

[Circular Stamp]
 MOHAMMAD WASEER
 ADVOCATE
 OATH
 Abbottabad
 05
 2015

Saminah Taj
 Respondent No 3

2003 S C M R 228

[Supreme Court of Pakistan]

Present: Syed Deedar Hussain Shah and Tanvir Ahmed Khan, JJ

Syed NIAZ HUSSAIN SHAH BUKHARI, TECHNICIAN (PROCESS)---Petitioner

versus

OIL AND GAS DEVELOPMENT CORPORATION LIMITED through Chairman, OGDC Head Office, Islamabad---Respondent

Civil Petition For. Leave to Appeal No-51 of 2002, decided on 11th September, 2002.

(On appeal from judgment dated 2-11-2001 passed by the Federal service Tribunal, Islamabad, in Appeal No. 1076(R)CE of 2000)

(a) Civil service--

---Pay, entitlement to---When there is no work, there is in no pay.

(b) Civil service--

--- Salary, refund of---Civil servant after obtaining stay order against his transfer was allowed to continue his duties at original place, where he was paid salary for about three years. ---Authority deducted from salary of civil servant the amount paid to him as salary for the period when he remained absent from duty---Service Tribunal dismissed appeal of civil servant-- Validity---Civil servant had not performed his duties either at original place or at transferred place, thus, was not entitled to salary---Period for which refund of salary was effected from civil servant was the period for which he had not worked---When there was no work, there was no pay---Recovery had rightly been effected from civil servant---Impugned judgment was not open to exception as there was no jurisdictional error or misconstruction of facts and law---No substantial question of law of public importance as envisaged under Art. 212(3) of the Constitution was made out---Supreme Court dismissed petition for leave to appeal in circumstances---Constitution of Pakistan (1973), Art. 212(3).

Sadiq Muhammad Warraich, Advocate Supreme Court and Ejaz Muhammad Khan, Advocate-on-Record (absent) for Petitioner.

Sardar Muhammad Aslam, Dy. A.G. and M.S. Khattak, Advocateai-Record for Respondent.

Date of hearing: 11th September, 2002.

JUDGMENT

6

SYED DEEDAR HUSSAIN SHAH, J.---Petitioner seeks leave to appeal against that judgment of the Federal Service Tribunal,, Islamabad (hereinafter referred to as the Tribunal) passed in Appeal No. 1076 (R)CE of 2000 dated 2-11-2001, whereby appeal filed by the petitioner was dismissed.

2. Briefly stated that facts of the case are that on 4-7-1994, the petitioner was transferred from Missa Kiswal to Peer Koh. He felt that transfer order so issued was mala fide and he was punished being the Union Official of the respondent/Corporation, therefore, he approached the NIRC for restraining the order under Regulation 32 of NIRC Procedure and Functions and Regulations; 1974 and a stay order against his transfer to Peer Koh was granted and he was allowed to continue and perform his duties at Missa Kiswal and also paid his salary that after about 3 years the respondent started deductions from the salary of the petitioner i.e. the amount which had been paid to him as salary, during the period he worked at Missa Kiswal on the strength of the stay order of NIRC.

3. Feeling aggrieved, the petitioner approached the Tribunal by way of appeal, which was dismissed. Hence, this petition.

4. We have heard Ch. Sadiq Mohammad Warriach, learned counsel for the petitioner, who, inter alia, contended that that petitioner's absence from duty from 2-7-1994 to 8-8-1994 and 5-10-1994 to 10-9-1996 was wrongly treated as Extra Ordinary Leave (EOL) and the Office Memorandum dated 13-2-1999 issued by the respondent/Head Office may be cancelled; that the Tribunal had not exercised its jurisdiction fairly and the recovery/deduction of the amount already drawn by the petitioner from the respondent is unwarranted.

5. Sardar Muhammad Aslam, learned Dy.A.G. vehemently controverted the contention of the learned counsel for the petitioner and pointed out that no doubt NIRC issued an injunction to the petitioner but the same was re-called by the Tribunal on 18-8-1996. He has also referred to the appeal of the petitioner which is at page 57 of the paper book, in which he has stated as under:

"I had reported for duty at Pirkoh Gas Field. Therefore, regularizing the period of stay, ordered by the Court as E.O.L is injustice with me."

On his application office submitted summary to the Chief Personnel Officer of the respondent/Corporation, which reads as under:

"(70) Reference para-180/N, it is submitted that as per message No.MK.1331 dated 26-11-1999 (PR244/Cor.) O.M.(F), Missa Kiswal, Mr. Niaz Hussain Shah was relieved from Missa Kiswal Oil Field, for Pirkoh Gas Field. He neither reported at Pirkoh nor at Missa Kiswal Oil Field, after getting stay order from NIRC. O.K(F), Missa Kiswal Oil Field, did not confirm whether he performed any official duty during his stay (off & on) at Missa Kiswal. Mr. Niaz Hussain neither claimed any field benefit like messing/D.A. and Rota facilities nor paid by the Location Incharge due to his non-performance of any duty.

"(71) In view of above, if approved by Manager (Personnel), his request may be regretted in the light of earlier decision as per para. 141-A, please."

The perusal of the above document shows that the petitioner did not perform his usual duties and was

not entitled to salary as claimed by him.

2

6. Sardar Muhammad Aslam, learned Dy.A.G. further pointed out that recovery was already been effected from the petitioner and that Office Memorandum referred to hereinabove was entirely in accordance with the O.G.D.C. Service Regulations, 1974. It was also pointed out by him that the petitioner in due course of service has already been promoted, to his Managerial post. ,

7. We have considered the arguments of the learned counsel for the parties and have carefully examined the record, which shows that the period for which recovery of refund of the salary was effected from the petitioner was the period for which he did not work. By now, it is settled law that when there is no work there is no pay. The petitioner did not perform his' i duties as mentioned hereinabove and recovery was rightly effected from him; thereafter, he was promoted to the post of Manager. The impugned judgment is entirely based on proper appreciation of the material available with the Tribunal. We further find that there is no jurisdictional error or misconstruction of facts and law. The impugned judgment is not open to exception.

8. Moreover, a substantial question of law of public importance, as envisaged under Article 212(3) of the Constitution, is not made out.

9. For the facts, circumstances and reasons stated hereinabove, we are of the considered opinion that this petition is without merit and substance, which is hereby dismissed and leave to appeal declined.

S.A.K./N-100/S

Petition dismissed.

ENQUIRY REPORT

Anneure "B" 8

> CAPTION OF ENQUIRY

- Mst. Tahira Bano was appointed as CT teacher at GGMS Tupla vide office order No: 21115-23 dated 18/11/2006.
- She never resumed her duty at GGMS Tupla.

> ENQUIRY OFFICER

- Mst. Naheed Fazal ASDEO (F) Circle Dhamtour was appointed as Enquiry officer.

> HISTORY


- Mst. Tahira Bano was appointed as CT teacher at GGMS Tupla officer order No: 21115-23 dated 18/11/2006.
- She neither went there nor she took over charge at GGMS Tupla.
- The said teacher claims that she took over charge then on 18/11/2006 at GGMS Tupla.
- The strength of the school was not considerable and so on advice of verbal order of Nazim U/C Tajwal, she worked at GGPS Tupla.
- Nazim U/C Tajwal provided the certificate of attendance to the said teacher.
- Claims that she is trying for transfer from GGMS Tupla.
- On 24th February 2011, the said teacher was transferred from GGMS Tupla to Mohar Kalan vide office order No: 2089-96 dated 24/02/2011.
- The CT post at GGMS Mohar Kalan was not vacant so she could not take charge over there.

> FINDINGS

- Mst. Tahira Bano was appointed as CT Teacher at GGMS Tupla.
- As per condition of appointment of the appointee is failed to join her duty within 15 days then her candidature will be expired automatically and no subsequent appeal shall be entertained.
- If U/C Nazim advise the teacher then teacher is not to follow the instruction of U/C Nazim. She is Government employee and accountable in front of Department rather any other person/ Department (Annexure-A)
- On the other hand the U/C Nazim is not authorized to pass any order to Government employees.
- According to PSHT GGPS Tupla and GGMS Tupla, she never went there to resume her duty (Annexure-B & C)
- Moreover, the transfer order is found fake because there is no record in the concerned office.

> RECOMMENDATIONS

- As per policy and appointment conditions, if the candidate does not take charge within 15 days then candidature will expire automatically.
- In the light of above mentioned condition the said teachers services automatically abolished and she is not entitled to claim any privilege from the concerned Department.


Miss. Naheed Fazal
Enquiry Officer/ASDEO (F)
Circle Dhamtour

21/6
**BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2013

Mst. Tahira Bano

VERSUS

Govt. of KPK & others.

SERVICE APPEAL

**REJOINDER TO THE COMMENTS FILED BY THE
RESPONDENTS NO. 1, 2 & 5**

Respectfully Sheweth;-

That the rejoinder on behalf of appellant to the comments filed by the respondents No. 1, 2 & 5 are as under;-

REJOINDER ON PRELIMINARY OBJECTIONS;-

1. Para No. 1 is not correct, appellant, as is apparent from the contents of appeal and also of rejoinder has got locus standi to file the titled appeal.
2. Para No. 2 is not correct, appellant has agitated her grievance before proper forum.

3. In reply to para No. 3, it is submitted that by accepting the issuance of transfer order on merit the respondents, in a way, had accepted the contention of appellant raised in the memo of appeal.
4. Para No. 4 of the comments is not correct. The appellant had come before this Honourable Tribunal with clean hands.
5. Para No. 5 is not correct. To get the justice and her rights the appellant had filed the titled appeal before this Honourable Tribunal with bonafide intention. Moreover, nothing has been suppressed from this Tribunal. If, in the opinion of respondents, any fact has been suppressed the same must have been brought before this Honourable Tribunal by the respondents.
6. Para No. 6 is not correct. Appeal is within time.
7. Para No. 7 is wrong and is in clear contradictions of para No. 3 of preliminary objections and para No. 13 of factual objections and other points raised by the respondents.

8. Para No. 8 is not correct and is aimed at to deprive the appellant from her legal and constitutional rights.

REJOINDER ON FACTUAL OBJECTIONS:-

1. Para No. 1 requires no reply as the same has been accepted by the respondents.
2. Para No. 2 is not correct. Appellant was appointed in Education Department on 18/11/2006 which has been accepted by respondents in para No. 1 above. The appellant took charge on 21/11/2006, charge report of which is already attached with appeal as Annexure "B".

The appellant took contention in para No. 13 of appeal that respondent No. 2 on 24/02/2012 issued a show cause notice to appellant. The respondent in para No. 13 accepted the issuance of show cause notice. In show cause notice the alleged absence of the appellant has been shown as 21/11/2006.

On 24/02/2011, the appellant was transferred from GGMS, Tupla to GGMS Mohar Kalan, which

order in para 3 of preliminary objections has been accepted by the respondents. The order dated 24/02/2011 also contains the transfer order of two other teachers. So the stance of respondents that the appellant did not serve in any school is belied.

3. Para No. 3 is not correct, on the basis of applications submitted by the appellant, the appellant was transferred from Tupla to GGMS Mohar Kalan GGMS.
4. Para No. 4 is not correct. Not only the appellant took charge at GGMS Tupla but also served there and was transferred from the said school.
5. Para No. 5 is not correct. Charge report submitted by the appellant is in accordance with law.
6. Para No. 6 is not correct and is misconceived. Nazim has not issued any order rather took verbal permission from respondents and on the verbal permission of respondents, which verbal permission of respondents is an order for appellant to teach in GGPS Tupla.

7. Para No. 7, again is misconceived and a result of misunderstanding and non-reading of para No. 7 of appeal.

8. In reply to para No. 8, it is submitted that applications annexed with the appeal are genuine. Half portion of applications i.e request of appellant for transfer was accepted by the respondents and the other portion of the applications for the release of pay was not accepted by the respondents. The applications annexed with the appeal are the photocopies of original applications which are lying in the record of respondents. Photocopies were made before their submission of original to respondents.

9. In reply to para No. 9, it is submitted that on one hand in para No. 8 the respondent totally denied. The receipt of any application by them and on the other hand in this para allege the "Information as wrong" on the basis of which the transfer order was issued. The appellant did, many a time requested for the release of her salary to the respondents. The transfer order is annexed as Annexure "F" and not "A" which also contains the

transfer order of other two officials. It is also the stance of the appellant that the Head Mistress of GGMS Mohar Kalan did not give the charge to appellant as according to her there was no vacant post of CT in the said school. Appellant did serve in the school/ Education Department but without pay.

10. Para No. 10 alongwith para No. 9 are not correct.
11. Para No. 11 is not correct. Transfer order Annexure "F" with the appeal is a clear cut proof of the fact that the appellant approached the department.
12. Para No. 12 is not correct. All the Annexures are genuine.
13. In reply to para No. 13 it is submitted that show cause notice was not in accordance with law. Moreover the show cause notice and transfer order belies the stance taken by the respondents. In this respect reply of para No. 2 of the factual objections is worth perusal.

14. Para No. 14 is not correct. Reply was duly submitted.
15. In reply to para No. 15, it is submitted that Annexure "B" is a fake report as per notification for inquiry attached at page 22-A one Mr. Shafqat Khan Principal GHS Harno was appointed as Inquiry Officer.
16. In reply to this para it is submitted that in para No. 15 of the appeal the appellant had taken the stance that no action had been taken on the basis of show cause notice, which stance had not been replied by the respondents.
17. Para No. 17 is not correct. Appellant's departmental appeal/ representation has not been decided by respondents.
18. Para No. 18 is not correct. If service of appellant was ceased automatically, then for what the show cause notice was issued to appellant. Then why the appellant's transfer order from GGMS Tupla to GGMS Mohar Kalan was issued.

REJOINDER ON GROUNDS:

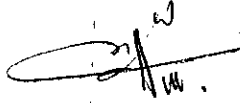
- a. Para 'a' is not correct.
- b. Para 'b' is not correct. Comprehensive reply has been given in paras above.
- c. Para 'c' is not correct. Comprehensive reply has been given in paras above.
- d. Para 'd' is not correct.
- e. Para 'e' is not correct. Appellant is entitle for relief claimed as per law and rules.
- f. Para 'f' is not correct.

It is, therefore, humbly prayed that appeal be accepted by rejecting the comments filed by respondents.

Tahira Bano
Mst. Tahira Bano
...APPELLANT

Through;

Dated: 16.12 /2015


(Sajjad Ahmed Abbasi)
Advocate High Court, Abbottabad

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

Service Appeal No. _____/2013

Mst. Tahira Bano

VERSUS

Govt. of KPK & others.

**REJOINDER TO THE COMMENTS FILED BY THE
RESPONDENTS NO. 1, 2 & 5**

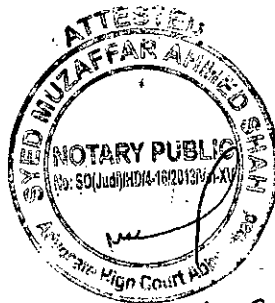
AFFIDAVIT

I, Mst. Tahira Bano daughter of Faqir Muhammad, resident of Village Ghumawan, Tehsil & District, Abbottabad, do hereby affirm and declare on oath that the contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Tahira Bano
DEPONENT

Identified by:-

[Signature]
m. 16.12.15
(Sajjad Ahmed Abbasi)
Advocate High Court, Abbottabad



16/12/2015

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

Service Appeal No. _____/2013

Mst. Tahira Bano

VERSUS

Govt. of KPK & others.

SERVICE APPEAL

**REJOINDER TO THE COMMENTS FILED BY THE
RESPONDENTS NO. 1, 2 & 5**

Respectfully Sheweth;-

That the rejoinder on behalf of appellant to the comments filed by the respondents No. 1, 2 & 5 are as under;-

REJOINDER ON PRELIMINARY OBJECTIONS:-

1. Para No. 1 is not correct, appellant, as is apparent from the contents of appeal and also of rejoinder has got locus standi to file the titled appeal.
2. Para No. 2 is not correct, appellant has agitated her grievance before proper forum.

3. In reply to para No. 3, it is submitted that by accepting the issuance of transfer order on merit the respondents, in a way, had accepted the contention of appellant raised in the memo of appeal.
4. Para No. 4 of the comments is not correct. The appellant had come before this Honourable Tribunal with clean hands.
5. Para No. 5 is not correct. To get the justice and her rights the appellant had filed the titled appeal before this Honourable Tribunal with bonafide intention. Moreover, nothing has been suppressed from this Tribunal. If, in the opinion of respondents, any fact has been suppressed the same must have been brought before this Honourable Tribunal by the respondents.
6. Para No. 6 is not correct. Appeal is within time.
7. Para No. 7 is wrong and is in clear contradictions of para No. 3 of preliminary objections and para No. 13 of factual objections and other points raised by the respondents.

8. Para No. 8 is not correct and is aimed at to deprive the appellant from her legal and constitutional rights.

REJOINDER ON FACTUAL OBJECTIONS:-

1. Para No. 1 requires no reply as the same has been accepted by the respondents.
2. Para No. 2 is not correct. Appellant was appointed in Education Department on 18/11/2006 which has been accepted by respondents in para No. 1 above. The appellant took charge on 21/11/2006, charge report of which is already attached with appeal as Annexure "B".

The appellant took contention in para No. 13 of appeal that respondent No. 2 on 24/02/2012 issued a show cause notice to appellant. The respondent in para No. 13 accepted the issuance of show cause notice. In show cause notice the alleged absence of the appellant has been shown as 21/11/2006.

On 24/02/2011, the appellant was transferred from GGMS, Tupla to GGMS Mohar Kalan, which

order in para 3 of preliminary objections has been accepted by the respondents. The order dated 24/02/2011 also contains the transfer order of two other teachers. So the stance of respondents that the appellant did not serve in any school is belied.

3. Para No. 3 is not correct, on the basis of applications submitted by the appellant, the appellant was transferred from Tupla to GGMS Mohar Kalan GGMS.
4. Para No. 4 is not correct. Not only the appellant took charge at GGMS Tupla but also served there and was transferred from the said school.
5. Para No. 5 is not correct. Charge report submitted by the appellant is in accordance with law.
6. Para No. 6 is not correct and is misconceived. Nazim has not issued any order rather took verbal permission from respondents and on the verbal permission of respondents, which verbal permission of respondents is an order for appellant to teach in GGPS Tupla.

7. Para No. 7, again is misconceived and a result of misunderstanding and non-reading of para No. 7 of appeal.

8. In reply to para No. 8, it is submitted that applications annexed with the appeal are genuine. Half portion of applications i.e request of appellant for transfer was accepted by the respondents and the other portion of the applications for the release of pay was not accepted by the respondents. The applications annexed with the appeal are the photocopies of original applications which are lying in the record of respondents. Photocopies were made before their submission of original to respondents.

9. In reply to para No. 9, it is submitted that on one hand in para No. 8 the respondent totally denied. The receipt of any application by them and on the other hand in this para allege the "Information as wrong" on the basis of which the transfer order was issued. The appellant did, many a time requested for the release of her salary to the respondents. The transfer order is annexed as Annexure "F" and not "A" which also contains the

transfer order of other two officials. It is also the stance of the appellant that the Head Mistress of GGMS Mohar Kalan did not give the charge to appellant as according to her there was no vacant post of CT in the said school. Appellant did serve in the school/ Education Department but without pay.

10. Para No. 10 alongwith para No. 9 are not correct.
11. Para No. 11 is not correct. Transfer order Annexure "F" with the appeal is a clear cut proof of the fact that the appellant approached the department.
12. Para No. 12 is not correct. All the Annexures are genuine.
13. In reply to para No. 13 it is submitted that show cause notice was not in accordance with law. Moreover the show cause notice and transfer order belies the stance taken by the respondents. In this respect reply of para No. 2 of the factual objections is worth perusal.

14. Para No. 14 is not correct. Reply was duly submitted.
15. In reply to para No. 15, it is submitted that Annexure "B" is a fake report as per notification for inquiry attached at page 22-A one Mr. Shafqat Khan Principal GHS Harno was appointed as Inquiry Officer.
16. In reply to this para it is submitted that in para No. 15 of the appeal the appellant had taken the stance that no action had been taken on the basis of show cause notice, which stance had not been replied by the respondents.
17. Para No. 17 is not correct. Appellant's departmental appeal/ representation has not been decided by respondents.
18. Para No. 18 is not correct. If service of appellant was ceased automatically, then for what the show cause notice was issued to appellant. Then why the appellant's transfer order from GGMS Tupla to GGMS Mohar Kalan was issued.

REJOINDER ON GROUNDS:


- a. Para 'a' is not correct.
- b. Para 'b' is not correct. Comprehensive reply has been given in paras above.
- c. Para 'c' is not correct. Comprehensive reply has been given in paras above.
- d. Para 'd' is not correct.
- e. Para 'e' is not correct. Appellant is entitle for relief claimed as per law and rules.
- f. Para 'f' is not correct.

It is, therefore, humbly prayed that appeal be accepted by rejecting the comments filed by respondents.

Tahira Bano
Mst. Tahira Bano
...APPELLANT

Dated: 16.12 /2015

Through;


(Sajjad Ahmed Abbasi)
Advocate High Court, Abbottabad

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

Service Appeal No. _____/2013

Mst. Tahira Bano

VERSUS

Govt. of KPK & others.

**REJOINDER TO THE COMMENTS FILED BY THE
RESPONDENTS NO. 1, 2 & 5**

AFFIDAVIT

I, Mst. Tahira Bano daughter of Faqir Muhammad, resident of Village Ghumawan, Tehsil & District, Abbottabad, do hereby affirm and declare on oath that the contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Tahira Bano
DEPONENT

Identified by:-

[Signature]
16-12-15
(Sajjad Ahmed Abbasi)
Advocate High Court, Abbottabad



16/12/2015

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Appeal No. 742 /2013

MST TAHIRA BANO

Appellant

VS

GOVERNMENT OF K. P. K THROUGH SECRETARY (E & SE)
DEPTT: PESHAWAR & OTHERS (Respondents)


Respondents

WRIT PETITION INDEX

S. No.	Description	Annexure	Page No
1.	Para Wise Comments/reply & Affidavit		1-4
2.	Annexures	"A"	5-7
3.	Annexure	"B"	8

...Respondents

Through


Representative

Dated: 20-08-2015

I

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Appeal No. 742 /2013

MST TAHIRA BANO (Appellant)

VS

GOVERNMENT OF K. P. K THROUGH SECRETARY (E & SE)

DEPTT: PESHAWAR & OTHERS (Respondents)

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS 1 to 2 AND 5

To 6.

Respectfully Sheweth:

Para wise comments on behalf of the respondents no 1,2 and 5, 6 are as under;

PRELIMINARY OBJECTIONS:

1. That the appellant has no locus standi to file the instant appeal.
2. That the appellant is estopped to agitate the instant matter before this Honorable Tribunal.
3. That the transfer was made on merit.
4. That the appellant has not come to this Honourable Tribunal with clean hands.
5. That the appellant has filed instant appeal with malafide intension for wrongful gain and suppressing the original facts, hence, the appeal is liable to be dismissed.
6. That the appellant concealed the facts. The appeal is hopelessly time barred.
7. That appellant never served in education Department.
8. That the matter brought is not a matter regarding terms and conditions of the Service and there is no final order in the appeal and the appeal in hand is pre-mature.

2

FACTURAL OBJENTIONS:

1. Para No.1 is correct. No comments.
2. Para No.2 is incorrect, hence denied the appellant never served in any School.
3. Reply of this Para is that the other appointee had informed the concerned officer, while the appellant never took the charge nor serve any of the school in District Abbottabad.
4. Para No.4 is incorrect. Application of appellant regarding Transfer is concerted and no application is available on record.
5. Para No 5 is incorrect. Petitioner never takes charge nor performs duties in any School. Charge report of the petitioner not been marked or signed by any Government Official.
6. Incorrect. That the Nazim is not competent Authority to issue orders on behalf of competent Authority. The local bodies were not elected from last 8 years no Nazim was there.
7. Head Teacher is not competent authority to allow appellant for ~~Sign~~ on attendance register. Nazim or Councilor are not competent to allow or interference in the affairs of the Education Department. Appellant never takes charge or served in Education Department.
8. Incorrect. Application of the petitioner are seen to be fake forgery malfidly, and not seen marked by any of he officials/officer of the Department or not diarized. In all the Departments of Government every application or letter would be signed by official on duty and also not diarized.
9. Reply of the Para 9 is that Transfer order of the petitioner was issued due to wrong information of the petitioner. That petitioner concealed the original facts petitioner never take charge nor served in education Department. Fact is that petitioner had not been perform her duties form the date of her first appointment and didn't approach the department for salary. The transfer order which is annexed as Annexure "A" is disputed. There was no vacant post at GGMS Mohar Kalan as occupied from the statement of the Head Mistress of the GGMS Mohar Kala of the said School. The petitioner never served in any school throughout to the first appointment to till now. Pay is

- 3
- drawn against occupied post. Judgment of the supreme court is annexed as **Annexure "A"** "There is no work No Pay".
10. Reply has already been given in Para No 9 in detail. Para No 10 is incorrect, hence denied.
 11. Incorrect. Petitioners never approach the department.
 12. Incorrect. Petitioner never served since 2006. All the annexure are seen to fake and factious.
 13. Correct. Show Cause notice was issued by respondent No 2 at that time after observing that the petitioner was absent from her duties from first appointment to 2006.
 14. Incorrect. Petitioner not submitted her reply of the show cause notice.
 15. Reply is that petitioner after the show cause notice not appear before the inquiry committee and also not submitted her reply before department. Inquiry report annexed as **Annexure "B"**
 16. Incorrect. Reply has already been given in above Paras.
 17. Incorrect. There is no record in this office indicating to filling any appeal before department.
 18. Para No 18 is incorrect. Petitioner never took charge nor serve at any station/school according to service rules/Terms and conditions of the appointment order, her appointment automatically ceased.

GROUND

- a. Incorrect. The reply already been given in above Paras.
- b. Incorrect. Reply is that appellatnt never served in the education department since her appointment
- c. Incorrect. Petitioner treated according with law and rules. That transfer order was made on miss information given by petitioner. In that school post was not occupied at GGMS Mohar Kalan.
- d. Incorrect.

e. Incorrect. Reply has already been given in above Paras. Hence not entitled for pay and adjustment. Her appointment has ceased off automatically because of long willfully absence.

f. Incorrect. Appeal is filled passing long time. Her appointment was ceased off due to her long willfully absence. She is not entitled for apy or adjustment because her never took charge nor perform her duties in any school or station.

It is therefore humbly prayed that in the light of foregoing comments, the appeal may graciously be dismissed with cost throughout.

Saminat Taj
District Education Office
Female, Abbottabad
District Education Officer
Female Abbottabad

[Signature]
Director (E & SE)
Khyber Pakhtunkhawa
Peshawar.

(Respondent No. 3)

(Respondent No. 2)

[Signature]
Secretary Education (E & SE)
Khyber Pakhtunkhawa
Peshawar.

(Respondent No. 1)

[Signature]
Through Representative

AFFIDAVIT:

Stated on oath that the contents of instant Para wise comments are true and correct to the best of my Knowledge and belief and nothing has been concealed from this Honourable Tribunal.

[Circular Stamp]
MOHAMMAD WASEEL
ADVOCATE
OATH
Commissioner
Abbottabad
[Signature]
2.15

Saminat Taj
Respondent No 3

*Dilshad
Bqum
H-M
Mohar
Kalan-*

2003 S C M R 228

[Supreme Court of Pakistan]

Present: Syed Deedar Hussain Shah and Tanvir Ahmed Khan, JJ

Syed NIAZ HUSSAIN SHAH BUKHARI, TECHNICIAN (PROCESS)---Petitioner

versus

OIL AND GAS DEVELOPMENT CORPORATION LIMITED through Chairman, OGDC Head Office, Islamabad---Respondent

Civil Petition For. Leave to Appeal No-51 of 2002, decided on 11th September, 2002.

(On appeal from judgment dated 2-11-2001 passed by the Federal service Tribunal, Islamabad, in Appeal No. 1076(R)CE of 2000)

(a) Civil service--

---Pay, entitlement to---When there is no work, there is in no pay.

(b) Civil service--

--- Salary, refund of---Civil servant after obtaining stay order against his transfer was allowed to continue his duties at original place, where he was paid salary for about three years. ---Authority deducted from salary of civil servant the amount paid to him as salary for the period when he remained absent from duty---Service Tribunal dismissed appeal of civil servant-- Validity---Civil servant had not performed his duties either at original place or at transferred place, thus, was not entitled to salary---Period for which refund of salary was effected from civil servant was the period for which, he had not worked---When there was no work, there was no pay---Recovery had rightly been effected from civil servant---Impugned judgment was not open to exception as there was no jurisdictional error or misconstruction of facts and law---No substantial question of law of public importance as envisaged under Art. 212(3) of the Constitution was made out---Supreme Court dismissed petition for leave to appeal in circumstances---Constitution of Pakistan (1973), Art. 212(3).

Sadiq Muhammad Warraich, Advocate: Supreme Court and Ejaz Muhammad Khan, Advocate-on-Record (absent) for Petitioner.

Sardar Muhammad Aslam, Dy. A.G. and M.S. Khattak, Advocateai-Record for Respondent.

Date of hearing: 11th September, 2002.

JUDGMENT

6

SYED DEEDAR HUSSAIN SHAH, J.---Petitioner seeks leave to appeal against that judgment of the Federal Service Tribunal,, Islamabad (hereinafter referred to as the Tribunal) passed in Appeal No. 1076 (R)CE of 2000 dated 2-11-2001, whereby appeal filed by the petitioner was dismissed.

2. Briefly stated that facts of the case are that on 4-7-1994, the petitioner was transferred from Missa Kiswal to Peer Koh. He felt that transfer order so issued was mala fide and he was punished being the Union Official of the respondent/Corporation, therefore, he approached the NIRC for restraining the order under Regulation 32 of NIRC Procedure and Functions and Regulations; 1974 and a stay order against his transfer to Peer Koh was granted and he was allowed to continue and perform his duties at Missa Kiswal and also paid his salary that after about 3 years the respondent started deductions from the salary of the petitioner i.e. the amount which had been paid to him as salary, during the period he worked at Missa Kiswal on the strength of the stay order of NIRC.

3. Feeling aggrieved, the petitioner approached the Tribunal by way of appeal, which was dismissed. Hence, this petition.

4. We have heard Ch. Sadiq Mohammad Warriach, learned counsel for the petitioner, who, inter alia, contended that that petitioner's absence from duty from 2-7-1994 to 8-8-1994 and 5-10-1994 to 10-9-1996 was wrongly treated as Extra Ordinary Leave (EOL) and the Office Memorandum dated 13-2-1999 issued by the respondent/Head Office may be cancelled; that the Tribunal had not exercised its jurisdiction fairly and the recovery/deduction of the amount already drawn by the petitioner from the respondent is unwarranted.

5. Sardar Muhammad Aslam, learned Dy.A.G. vehemently controverted the contention of the learned counsel for the petitioner and pointed out that no doubt NIRC issued an injunction to the petitioner but the same was re-called by the Tribunal on 18-8-1996. He has also referred to the appeal of the petitioner which is at page 57 of the paper book, in which he has stated as under:

"I had reported for duty at Pirkoh Gas Field. Therefore, regularizing the period of stay, ordered by the Court as E.O.L is injustice with me."

On his application office submitted summary to the Chief Personnel Officer of the respondent/Corporation, which reads as under:

"(70) Reference para-180/N, it is submitted that as per message No.MK.1331 dated 26-11-1999 (PR244/Cor.) O.M.(F), Missa Kiswal, Mr. Niaz Hussain Shah was relieved from Missa Kiswal Oil Field, for Pirkoh Gas Field. He neither reported at Pirkoh nor at Missa Kiswal Oil Field, after getting stay order from NIRC. O.K(F), Missa Kiswal Oil Field, did not confirm whether he performed any official duty during his stay (off & on) at Missa Kiswal. Mr. Niaz Hussain neither claimed any field benefit like messing/D.A. and Rota facilities nor paid by the Location Incharge due to his non-performance of any duty.

"(71) In view of above, if approved by Manager (Personnel), his request may be regretted in the light of earlier decision as per para. 141-A, please."

The perusal of the above document shows that the petitioner did not perform his usual duties and was

5

not entitled to salary as claimed by him.

6. Sardar Muhammad Aslam, learned Dy.A.G. further pointed out that recovery was already been effected from the petitioner and that Office Memorandum referred to hereinabove was entirely in accordance with the O.G.D.C. Service Regulations, 1974. It was also pointed out by him that the petitioner in due course of service has already been promoted, to his Managerial post. ,

7. We have considered the arguments of the learned counsel for the parties and have carefully examined the record, which shows that the period for which recovery of refund of the salary was effected from the petitioner was the period for which he did not work. By now, it is settled law that when there is no work there is no pay. The petitioner did not perform his' i duties as mentioned hereinabove and recovery was rightly effected from him; thereafter, he was promoted to the post of Manager. The impugned judgment is entirely based on proper appreciation of the material available with the Tribunal. We further find that there is no jurisdictional error or misconstruction of facts and law. The impugned judgment is not open to exception.

8. Moreover, a substantial question of law of public importance, as envisaged under Article 212(3) of the Constitution, is not made out.

9. For the facts, circumstances and reasons stated hereinabove, we are of the considered opinion that this petition is without merit and substance, which is hereby dismissed and leave to appeal declined.

S.A.K./N-100/S

Petition dismissed.

ENQUIRY REPORT

Anneaux
"B"

8

CAPTION OF ENQUIRY

- Mst. Tahira Bano was appointed as CT teacher at GGMS Tupla vide office order No: 21115-23 dated 18/11/2006.
- She never resumed her duty at GGMS Tupla.

ENQUIRY OFFICER

- Mst. Naheed Fazal ASDEO (F) Circle Dhamtour was appointed as Enquiry officer.

HISTORY


- Mst. Tahira Bano was appointed as CT teacher at GGMS Tupla officer order No: 21115-23 dated 18/11/2006.
- She neither went there nor she took over charge at GGMS Tupla.
- The said teacher claims that she took over charge then on 18/11/2006 at GGMS Tupla.
- The strength of the school was not considerable and so on advice of verbal order of Nazim U/C Tajwal, she worked at GGPS Tupla.
- Nazim U/C Tajwal provided the certificate of attendance to the said teacher.
- Claims that she is trying for transfer from GGMS Tupla.
- On 24th February 2011, the said teacher was transferred from GGMS Tupla to Mohar Kalan vide office order No: 2089-96 dated 24/02/2011.
- The CT post at GGMS Mohar Kalan was not vacant so she could not take charge over there.

FINDINGS

- Mst. Tahira Bano was appointed as CT Teacher at GGMS Tupla.
- As per condition of appointment of the appointee is failed to join her duty within 15 days then her candidature will be expired automatically and no subsequent appeal shall be entertained.
- If U/C Nazim advise the teacher then teacher is not to follow the instruction of U/C Nazim. She is Government employee and accountable in front of Department rather any other person/ Department (Annexure-A)
- On the other hand the U/C Nazim is not authorized to pass any order to Government employees.
- According to PSHT GGPS Tupla and GGMS Tupla, she never went there to resume her duty (Annexure-B & C)
- Moreover, the transfer order is found fake because there is no record in the concerned office.

RECOMMENDATIONS

- As per policy and appointment conditions, if the candidate does not take charge within 15 days then candidature will expire automatically.
- In the light of above mentioned condition the said teachers services automatically abolished and she is not entitled to claim any privilege from the concerned Department.


Miss. Naheed Fazal
Enquiry Officer/ASDEO (F)
Circle Dhamtour