

19th July, 2022

1. None for the appellant present.
2. Since the inception of appeal on 21.12.2020, it was fixed for more than once but nobody turned up on behalf of the appellant despite notices issued to the appellant and her counsel. Dismissed in default. Consign.
3. *Pronounced in open court in Abbottabad and given under my hand and seal of the Tribunal on this 19th day of July, 2022.*



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabd.

19.05.2021

Due to cancellation of tour, Bench is not available. Therefore, case is adjourned to 27.09.2021 for the same as before.



Reader

27.09.2021

Nemo for appellant.

Preceding date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for 20.12.2021 for hearing before S.B at Camp Court, Abbottabad.

1555-75-11



(Rozina Rehman)
Member
Camp Court, A/Abad

20.12.2021

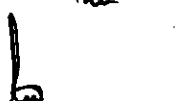
Nemo for the appellant. On previous date too, none was present on behalf of the appellant, therefore, it was directed that notice for prosecution of the appeal be issued to the appellant as well as her counsel, however on perusal of record it transpired that notices have not been issued. Explanation in this respect be called from the Moharrar. Notice for prosecution of the appeal be issued to the appellant as well as her counsel through registered post and to come up for preliminary hearing on 15.02.2022 before the S.B at Camp Court Abbottabad.



(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

15-2-22

Due to retirement of worthy chair-man case is adjourned. To come up for the same on 19-7-22


D. Salah-Ud-Din



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.-

16204 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/12/2020	<p>The appeal of Mst. Aisha Sadiq resubmitted today by post through Mr. Abdul Saboor Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>19-05-2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mst. Aisha Sadiq Ex-PST GGPS Ghee Soyal Jashoi Tehsil Dassu Kohistan Upper received today i.e. on 16.11.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 2- Address of counsel of the appellant is incomplete which may be completed.


No. 3829 /S.T,

Dt. 16/11 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Abdul Saboor Khan Adv.
High Court Mansehra.

No Show Cause notice, Statement of Allegations
was issued nor served upon the appellant.
No enquiry was held in this case.


11/12/2020.

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2020

Mst. Aisha Sadiq.....**Appellant**

VERSUS

Director Elementary and Secondary
Education Peshawar etc**Respondents**

APPEAL

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Dated 12.11.2020

Aisha Sadiq

AISHA SADIQ
(Appellant)

Through:-

ABDUL SABOOR KHAN

Advocate High Court, Mansabura

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

16204
Service appeal No ____ of 2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 14770

Dated 16/11/2020

Mst, Aisha Sadiq, Ex-Primary School
Teacher at Government Girls Primary
School, Ghee Soyal Jashoi, Tehsil Dassu,
District Kohistan upper.....**Appellant**

VERSUS

- 1) Government of K.P.K through Sectary
Elementary and secondary Education
Peshawar.
- 2) Director Elementary and secondary
Education Peshawar.
- 3) District Education officer (Female)
Kohistan at Dassu.

.....**Respondents**

Filed to-day

Registrar

16/11/2020

**Re-submitted to -day
and filed.**

Registrar

21/12/2020

APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL, ACT, 1974
AGAINST THE IMPUGNED ORDER NO
1198-1210 DATED 20.04.2019 PASSED
BY RESPONDENT No. 03 WHEREBY
MAJOR PENALTY OF REMOVAL FROM
SERVICE OF APPELLANT ON THE
GROUND OF ALLEGED UNSPECIFIED
ABSENCE FROM DUTY WAS IMPOSED.

PRAYER:-

On acceptance of the instant service appeal, the impugned order bearing No 1198-1210 dated 20.04.2019, passed by respondent No. 03 may kindly be set-aside declaring them illegal, void and against the law on the subject and appellant be re-instated into service with all back benefits.

Respectfully Sheweth:-

1. That, appellant was appointed in a prescribed manner by competent authority against the post of Primary school Teacher and she was lastly transferred and posted at GGPS Ghee Soyal Jashoi vide office order dated 09.08.2018.
2. That, all of a sudden, respondent No 03 without citing any reason and intimation straightaway, with a single stroke of pen imposed Major penalty of removal from service upon appellant w.e.f. 01.01.2019 on the ground of alleged unspecified absence from duty, vide impugned order No. **1198-1210** dated **20.04.2019**.

(copy of impugned order dated 20.04.2019 is annexed as Annexure "A").

3. That, appellant filed a Departmental appeal on dated **18.05.2019**, with respondent No 03, which has not been responded so far.

(Copy of Departmental appeal dated 18.05.2019 annexed as Annexure "B").

4. That, felling aggrieved from the impugned order dated 20.04.2019, appellant having no other remedy files the present service appeal before this Honourable Tribunal for interference inter alia, on the following amongst other grounds.

GROUNDS:-

- A) That, appellant never remained absent as alleged and the entire illegal proceedings were carried out fictitiously, while sitting in office by respondent No 03 out of mala-fide.
- B) That, before imposing the impugned penalty, no publication as required under rule 9 of E&D, Rules, 2011, was ever made in the leading newspapers, commonly available in the District of the appellant. The reference of news papers publication in the impugned

order are not commonly available in the area of the appellant, hence, the impugned order is wholly illegal, unlawful, without lawful authority and of having no legal effect.


- C) That, no show cause notice was ever issued and the entire proceedings were fictitiously conducted by respondent No 03 at the back of the appellant.
- D) That, no inquiry into the alleged allegations was ever conducted and the impugned penalty was imposed without having the allegations proved.
- E) That, appellant was never confronted with the alleged allegations at any point of time, condemning her unheard.
- F) That, before passing the impugned order, appellant was not put on notice to present his view point/explanation under the Doctrine of **AUDI AULTEM PARTEM**, hence, the impugned order is not sustainable and maintainable under the law on this very sole ground.
- G) That, no evidence worth name was attempted to collect by respondent No 03 against the appellant for alleged absence from duty and he has been condemned on flimsy and perverse grounds with mala-fide intention.

- H) That, appellant had a long unblemished service record at her credit and she has been removed from service with a single stroke of pen without observing due process of law and having the allegations proved.
- I) That, no complaint was ever filed by any one against the appellant for her being absent from duty as alleged on any working day with any authority.
- J) That, the impugned order on its very face value, is illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect.

PRAYER:-

On acceptance of the instant service appeal, the impugned order bearing No **1198-1210** dated **20.04.2019**, passed by respondent No. 03 may kindly be set-aside declaring them illegal, void and against the law on the subject and appellant be re-instated into service with all back benefits.

Dated 12.11.2020

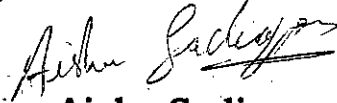

AISHA SADIQ
(Appellant).

Through:-


ABDUL SABOOR KHAN
ADVOCATE HIGH COURT

VERIFICATION :

I, Mst. Aisha Sadiq, Ex-Primary School Teacher at Government Girls Primary School, GHEE, Tehsil Soyol Jashoi, District Kohistan upper, do hereby solemnly affirm and declare that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed form this Honorable Tribunal.



Aisha Sadiq
(DEPONENT)

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BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2020

Mst. AISHA SADIQ..... **Appellant**

VERSUS

Director Elementary and Secondary
Education Peshawar etc **Respondents**

APPEAL

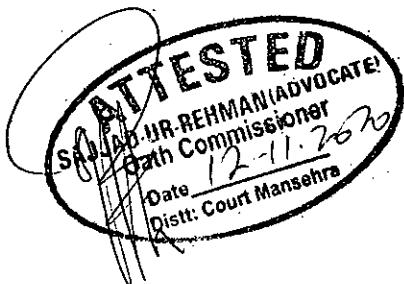
AFFIDAVIT

I, Mst. Aisha Sadiq , Ex-Primary School Teacher at Government Girls Primary School, Soyai Jashoi, District Kohistan upper, do hereby solemnly affirm and declare on oath that the no such subject matter appeal has ever been filed before this honorable court nor pending nor decided. That the contents of fore-going affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable tribunal.

Dated 12.11.2020



**Aisha Sadiq
(DEPONENT)**



BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No ____ of 2020

Mst Aisha Sadiq.....**Appellant**

VERSUS

Director Elementary and Secondary
Education Peshawar etc**Respondents**

APPEAL

**APPLICATION FOR CONDONATION OF
DELAY IN PRESENTING THE INSTANT
SERVICE APPEAL.**

Respectfully shewith!

- 1). That, this application may kindly be treated as part and parcel of the main appeal.
- 2). That, appellant filed Departmental appeal within time i.e 13.05.2019, against the impugned order dated 20.04.2019. which has not been responded so far.
- 3). That, appellant kept on visiting the office of respondent No. 02 time and again but he was being told and assured that she was going to reinstated, due to which, petitioner could not file the instant service appeal within time.

- 4). That, the impugned order on its very face value is a void order and under the law, no limitation runs against a void order.

It is therefore very humbly prayed that delay in filing the instant service appeal may kindly be condoned and the case of the appellant be decided on merits.

Dated 12.11.2020

Aisha Sadiq

AISHA SADIQ
(Appellant)

Through:-

Abdul Saboor Khan
ABDUL SABOOR KHAN
Advocate High Court

Affidavit!

I, Mst. Aisha Sadiq, Ex-Primary School Teacher at Government Girls Primary School, Soyal Jashoi, District Kohistan upper, do hereby solemnly affirm and declare that the contents of fore-going application are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.

Aisha Sadiq

Aisha Sadiq
(DEPONENT)



BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No ____ of 2020

Mst.Aisha Sadiq.....**Appellant**

VERSUS

Director Elementary and Secondary
Education Peshawar etc**Respondents**

APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT:

Mst, Aisha Sadiq, Ex-Primary School
Teacher at Government Girls Primary
School, Ghee Soyal Jashoi, Tehsil
Soyal Jashoi, District Kohistan upper.

RESPONDENTS:

- 1) Government of K.P.K through Sectary
Elementary and secondary Education
Peshawar.
- 2) Director Elementary and secondary
Education Peshawar.
- 3) District Education officer (Female)
Kohistan at Dassu.

Dated 12.11.2020

Aisha Sadiq

AISHA SADIQ
(Appellant)

Through:-

ABDUL SABOOR KHAN
Advocate High Court

NOTIFICATION

Whereas the following teachers were reported wilful absent from duties by the concerned Assistant Sub Divisional Education Officers (Female), Sub Divisional Education Officers (Female) and Independent Monitoring Unit (IMU) Kohistan.

And whereas on the report of the visiting officers, this office issued show cause notices at home address through registered posts but neither the teachers joined their duties nor submitted convincing replies within the stipulated time (15 days) before the committees constituted for personal hearing vide this office letter no. 394-98 dated 11-02-2019 and the same were conveyed to the teachers in time.

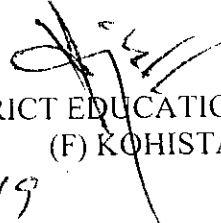
And whereas final show cause notices were issued through two leading newspapers i.e. Daily "Hazara News" Mansehra and Daily "Akhbaar" Abbottabad dated 26/02/2019 in which teachers were directed to assume their duties and submit reason (s) of their wilful absence but neither they attended their schools nor submitted convincing replies before the committee within the stipulated period mentioned in the newspaper. Now in view of the above facts I, Mr. Khurshid Ahmed, being competent authority, as District Education Officer (female) Kohistan, is fully satisfied to impose major penalty of **REMOVAL FROM SERVICE** upon the teachers under rule 4b(iii) of E&D Rules 2011 with effect from the dates mentioned against each.

S#	NAME OF TEACHER	NAME OF SCHOOL	DATE OF REMOVAL FROM SERVICE
1	Lazhaba (G-4)	GGPS Pashot	01-10-2016
2	Sadaf Zeb	GGPS Pashot	01-10-2017
3	Raqiba	GGPS Ser Garhi	01-10-2017
4	Asma	GGPS Ser Garhi	01-10-2017
5	Farzana Wali	GGPS Jhakh Lohi	01-04-2018
6	Shaheen Zameer	GGPS Loohi Dader	01-10-2018
7	Gul Bibi	GGPS Baja Loohi	01-04-2018
8	Nuzhat Ara	GGPS Harban kot	01-05-2018
9	Tahmena Roohi	GGPS Kuz Kamila	01-01-2017
10	Zuhra Bibi	GGPS Kherza Khail Dader	01-10-2015
11	Nagina Otail (G-4)	GGPS Baja Lohi	01-05-2016
12	Shagufta Kiran	GGPS Dhoop Lohi	01-01-2019
13	Gul Bibi	GGPS Seral Shah	01-04-2018
14	Zarmina	GGPS Kemia Abad	01-01-2019
15	Salma Bibi	GGPS Kemia Abad	01-01-2019
16	Shakira	GGPS Mehran Abad	01-03-2018
17	Masooma	GGPS Ghee Harban	01-04-2018
18	Latifa	GGPS Ghee Harban	01-01-2019
19	Johajra Bibi	GGPS Bar Bak	01-04-2018
20	Rasheeda Bano	GGPS Serto Kandia	01-10-2017
21	Rehana	GGPS Seri Gabriel	01-01-2019
22	Sara Qayum	GGPS Seri Gabriel	01-11-2018
23	Aisha Sadiq	GGPS Soyal Jashoi	01-04-2018
24	Bibi Hawa (G-4)	GGPS Awaysach	01-12-2016
25	Fahmeeda	GGPS Bhati Kuz Shrial	01-11-2017

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27	Bushra Hafeez	GGPS Bhati Kuz Shiryal	01-01-2019
27	Salma	GGPS Momin Abad	01-01-2019
28	Safia Zareen	GGPS Sanga Abad	01-01-2019
29	Naheed Sartaj	GGPS Sanga Abad	01-01-2019
30	Mehnaz	GGPS Berser Shared	01-11-2017
31	Aisha Qureshi	GGPS Habib Abad	01-11-2017
32	Shema	GGPS Jaren Ranolia	01-01-2019
33	Durkhana	GGPS Kas Dobair	01-05-2017
34	Robina Syed	GGPS Ali Abad	01-11-2018
35	Nasreen Sultan	GGPS Tares	01-12-2018
36	Fatima Akhtar	GGPS Serzahab Abad	01-02-2019
37	Rizwana Bibi	GGPS Z K Abad	01-12-2018
38	Mufeed Akhtar	GGPS Sher Abad	01-12-2018

NOTE: Any teacher who is found involved in any embezzlement of fund/conditional grant, she will be proceeded for FIR/Anti-corruption proceedings as and when reported at any stage. Concerned DDOs are directed to recover the payment (if any) made for absence period out of their GPF etc.


 DISTRICT EDUCATION OFFICER
 (F) KOHISTAN

Endst No: 1198-1210 Dated: 20-04-2019
 Copy for Information to:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Kohistan.
3. Deputy Commissioner Kohistan Lower.
4. Deputy Commissioner Kolai Palas Kohistan.
5. District Monitoring Officer Kohistan.
6. DEO (M) Kohistan Lower & Kolai Palas Kohistan.
7. District Accounts Officer Kohistan.
8. PA to Advisor to CM for Elementary & Secondary Education Khyber Pakhtunkhwa.
9. PA to Secretary (E&SE) Govt of Khyber Pakhtunkhwa Peshawar.
10. All concerned teachers.
11. PA to DEO (M/F) Kohistan.
12. Office copy.


 DISTRICT EDUCATION OFFICER
 (F) KOHISTAN

خدمت جناب ڈائریکٹر صاحب قلمہ اینٹرنسٹری ڈیپارٹمنٹ کینڈی ایگریکلچرل انجینئر
غیر محنتی واد پشاور۔
حکومت اہیل برائے بحالی ملازمت
P
ANNEX
عنوان

جناب عالی!
ہودبانہ گزارش حیکمہ :-
1- یہ کہ سائلہ عرصہ 14 سالوں سے حیثیت آسٹریٹریٹڈ ٹیچر صاحبہ گلستان میں اپنے فرائض انجام دیتی رہی۔ سائلہ دوران ملازمت باقاعدگی سے اپنی ڈیوٹی انجام دیتی رہی ہے۔
2- یہ کہ سائلہ یوم بیماری 12 مارچ تا 16 مارچ 2018ء ڈیوٹی پر حالت مزہور سہلی جس کی وجہ سے سائلہ کی تنخواہ ماہ مارچ 2018ء تا حال بند ہے۔ جس کے لیے سائلہ کو بار دفتر کے چکر کاٹ چکی ہے۔ اور بطور شوکار نوٹس بھی دے چکی ہے۔ جس کی روشنی میں (DFO) حکومت کی جانب سے بوالہ نمبر 11-1508-2018-2-9 مورخہ 2018-2-9 آفس آرڈر برائے ادائیگی تنخواہ جاری کیا گیا۔ مگر اسکے باوجود تا حال تنخواہ کی ادائیگی نہ کی گئی۔

3- یہ کہ سائلہ نے برائے تنخواہ دوبارہ دایرہ کیا تو سائلہ کو بتایا گیا کہ سائلہ کو نوکری سے برخصت کر دیا گیا ہے۔ جو کہ سراسر ظلم ہے۔ کہ بندہ عرصہ ایک سال سے اخیر تنخواہ کے اپنی ڈیوٹی انجام دیتا رہا ہے۔ اور ابھی سال اپنی تنخواہ کے اپنے دفتر کے چکر کاٹتا ہے۔ اور اسکے مسائل حل کرنے کے بجائے بڑھتے ہوئے نوکری سے برطرف کر دیا جائے۔

4- یہ کہ سائلہ کا برخصتگی نوکری حکم نامہ مورخہ نمبر 1210-1198-20-4-16 مورخہ 20-4-16 بقدر قانونی تقاضے پورے کیے جاری کیا گیا ہے۔ جس کا ہمیں کوئی علم نہیں ہے جو کہ سراسر زیادتی پر مبنی ہے۔

5- یہ کہ سائلہ کے سریر ماں، باپ کا سائلہ بھی نہیں ہے۔ اور سائلہ کے چھوٹے چھوٹے بہن بھائی ہیں جن کی کفالت اللہ کے علاوہ سائلہ پر ہے۔ اور کوئی ذریعہ معاش بھی نہیں ہے۔
لہذا آپ جناب سے ہمدردانہ اپیل کی جاتی حیکمہ سائلہ کے حالات پر غور کرتے ہوئے سائلہ کو نوکری پر بحال کیا جائے اور سائلہ کی بندشہ تنخواہوں کی ادائیگی کے احکامات بھی جاری کیجئے جائیں۔
سائلہ تا عمر دعاگو رہے گی۔

الگار ضیہ
18-5-2019

عالمہ صدیقہ آسٹریٹریٹڈ ٹیچر گلستان ایگریکلچرل انجینئر
گلستان ایگریکلچرل انجینئر (ایئر)

18-5-2019
D.No. 948-DT: 21-5-2019

گلستان ایگریکلچرل انجینئر

وکالت نامہ

P-

14

بعدالت جناب KPK سروس ٹرایبونل پشاور کمپ کورٹ ایبٹ آباد

حکومت KPK وغیرہ

بنام

عائشہ صدیق

سروس اپیل

اپیلانٹ

باعث تحریر آنکہ!

منجانب:

عبدالصبور خان ایڈووکیٹ ہائی کورٹ

اندریں مقدمہ عنوان بالا اپنی طرف سے برائے پیروی و جواب دہی بمقام پشاور ہائی کورٹ

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رڈیو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پشاور کے علاوہ کسی اور جگہ پشوری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہونگے اگر مقدمہ مقام پشور کے آگے یا پچھلے ساعت ہونے پر مظہر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی، اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا، ہر قسم کا بیان دینے اور سپرد اثاثی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ ڈگری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ہنگی علیحدہ فیس کرنے کا مجاز ہوگا۔ بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا پیرسٹر کو بجائے خود یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ مجھے کل ساختہ پرداختہ مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

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عائشہ صدیق سابقہ PST گورنمنٹ گرلز پرائمری سکول سیال شہوانی کوہستان..... اپیلانٹ

Aishu Sohan

Attested & Accepted
Abdul Saboor Khan
Advocate High Court