

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1039/2018

Date of Institution ... 18.08.2018

Date of Decision ... 22.12.2021

Mohammadia Bibi D/O Badshah Khan R/O Village Bagatto Hangu District Hangu  
... (Appellant)

**VERSUS**

Secretary of Government of Khyber Pakhtunkhwa Elementary and Secondary  
Education at Peshawar and two others. ... (Respondents)

Noor Muhammad Khattak,  
Advocate

... For Appellant

Noor Zaman Khattak,  
District Attorney

... For respondents

**AHMAD SULTAN TAREEN** ...  
**ATIQ-UR-REHMAN WAZIR** ...

**CHAIRMAN**  
**MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQ-UR-REHMAN WAZIR MEMBER (E):-**

Brief facts of the

case are that the appellant, while serving as Primary School Teacher, was proceeded against on the charges of absence from duty and was ultimately terminated from service vide order dated 12-04-2014. Feeling aggrieved, the appellant filed departmental appeal, upon which respondent No. 2 appointed an inquiry officer, who conducted inquiry and submitted its report, but the appellant was not informed of any development within the statutory period, hence the instant service appeal with prayers that the impugned order dated 22-04-2014 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned order is against law, rule and principle of natural justice, hence void ab initio; that

neither the appellant was proceeded against under RSO 2000 nor under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011; that no absence notice or publication in two leading newspaper had been issued; that no charge sheet/statement of allegations was served upon the appellant and the appellant was condemned unheard; that no regular inquiry had been conducted against the appellant nor the appellant was afforded any opportunity of personal hearing; that the inquiry conducted on departmental appeal of the appellant as well as comments of respondent No. 3 endorses the contention of the appellant with respect to the worst law and order situation; that the impugned order has been passed with retrospective effect, hence void ab initio.

03. Learned District Attorney for the respondents has contended that the appellant performed her duty with effect from 24-09-2009 to 10-10-2010 for a period of one year and fourteen days; that the appellant disappeared from duty for longer time, for which notices were sent at her home address; that showcause notice was also published in newspaper, but the appellant failed to resume her duty; that upon submission of her departmental appeal, an inquiry was conducted but the inquiry officer did not recommend her to be re-instated due to the reason that her absence was long and appeal was also barred by time; that termination order of the appellant is correct and in accordance with law; that the appellant was proceeded against under Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance 2000; that termination order was issued from the date of absence of the appellant from duty.

04. We have heard learned counsel for the parties and have perused the record.


05. Record reveals that the appellant was appointed as PST in a primary school, where she served for one year and fourteen days, thereafter she did not attend her duty due to obvious reason of terrorism in the area and this fact has already been admitted by the inquiry officer as well as by the District Education


Officer Hangu in his letter dated 16-12-2016 addressed to the Director Education. The inquiry officer in his report admits that in those days, law and order situation in the district was not under control and it was rather impossible particularly for female employees to attend to her duty. In view of the admittance note of the inquiry officer and district education officer Hangu, it can safely be inferred that stance of the appellant regarding her absence from duty is true.

06. As per stance of the respondents, the appellant was proceeded against under Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance 2000, but there is no provision available in Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance 2000, for willful absence, or the penalty of termination from service exist in the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance 2000, hence the impugned order is void. We have observed that the appellant was haphazardly proceeded against, neither any inquiry was conducted nor the appellant was afforded any opportunity to defend her cause. It however is a well settled legal proposition that regular inquiry is must before awarding major punishment. We have observed that absence of the appellant was not willful but was due to compelling reasons, which cannot be ignored. We are also mindful of the question of limitation that the appellant preferred departmental appeal with delay of almost two years but since the impugned order is void, hence no limitation runs against void order.

07. In a situation, we are constrained to accept the instant appeal. The impugned order dated 22-04-2014 is set aside and the appellant is re-instated in service. The intervening period is treated as extra ordinary leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
22.12.2021

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN)

  
(ATIQU-UR-REHMAN WAZIR)  
MEMBER (E)

ORDER

22.12.2021

Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, we are constrained to accept the instant appeal. The impugned order dated 22-04-2014 is set aside and the appellant is re-instated in service. The intervening period is treated as extra ordinary leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

22.12.2021



(AHMAD SULTAN TAREEN)  
CHAIRMAN)



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

12.02.2021

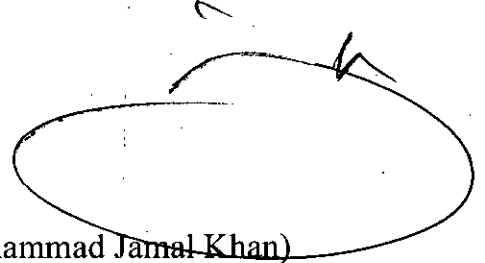
None for the appellant present. Adl: AG for respondents present.

Arguments could not be heard due to general strike of the Bar.

Adjourned to 05.05.2021 for arguments before D.B.



(Mian Muhammad)  
Member (E)



(Muhammad Jamal Khan)  
Member(J)

5.5.21

*Due to COVID-19, the case is adjourned to 6-9-2021 for the hearing.*



09.06.2021

Junior to counsel for appellant present.

Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Former made a request for adjournment as senior counsel is not available today. Request is accorded. To come up for arguments on 22.12.2021 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

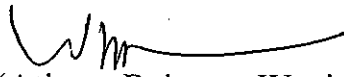
16.09.2020

Junior counsel for appellant on behalf of appellant present.

Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

Junior counsel for appellant seeks adjournment as issue involved in the present case is pending before Larger Bench of this Tribunal.

Adjourned to 19.11.2020 before D.B.



(Atiq ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

19.11.2020

Junior counsel for appellant present.

Muhammad Jan learned Deputy District Attorney for respondents present.

A request for adjournment was made as issue involve in the instant case is pending before Larger Bench of this Tribunal. Adjourned. To come up for arguments on 12.02.2021 before D.B.

(Atiq ur Rehman Wazir)  
Member (E)




(Rozina Rehman)  
Member (J)

6.15 .2020

Due to COVID19, the case is adjourned to

17/ 7/2020 for the same as before.

  
Reader

17.07.2020

Due to COVID-19, the case is adjourned to 22.07.2020  
for the same.

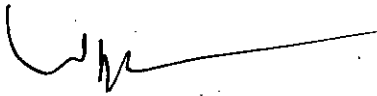
  
Reader

22.07.2020

Counsel for the appellant and Mr. Ziaullah, DDA for the  
respondents present.

Former referred to the impugned order dated 22.04.2014  
and stated that it was passed w.e.f. 11.10.2010, therefore, the  
propriety demands that instant matter may be adjourned to a  
date after hearing of similar issue by a Larger Bench.

Adjourned to 16.09.2020 for hearing before the D.B.



(Attiq-ur-Rehman)  
Member



Chairman

17.01.2020

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant appeal is adjourned to 05.03.2020 for further proceedings/arguments before D.B.

  
Member

  
Member

05.03.2020

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 06.05.2020 before D.B.

  
(Mian Mohammad)  
Member

  
(M. Amin Khan Kundi)  
Member



13.09.2019

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 02.10.2019 before D.B.

  
Member

  
Member

02.10.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 19.11.2019 for arguments before D.B.


  
(AHMAD HASSAN)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

12.11.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 17.01.2020 before D.B.

  
(Hussain Shah)  
Member


  
(M. Amin Khan Kundi)  
Member

14.02.2019

Nemo for appellant. Addl. AG for the respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant matter is adjourned to 03.05.2019 before the D.B.

  
Member

  
Chairman

03.05.2019


Learned counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourn. To come up for arguments on 18.07.2019 before D.B.


  
Member

  
Member

18.07.2019

Mr. Noor Muhammad Khattak Advocate submitted Wakalat nama in favor of appellant. Mr. Riaz Khan Paindakhel learned Assistant Advocate General for the respondents present. Being freshly engaged, learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.09.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

07.09.2018 Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Ex-PST Teacher) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order dated 22.04.2014 whereby her services were terminated w.e.f 11.10.2010. Learned counsel for the appellant argued, inter alia, that the appellant preferred departmental appeal against the impugned order where upon vide order dated 31.01.2017 the appellate authority appointed an inquiry officer for conducting inquiry against the appellant however the appellate authority has not decided the departmental appeal until yet. Further argued that the impugned punishment is retrospective in nature as such no limitation runs against the same. Further argued that the impugned order was issued without fulfillment of legal requirements.

Appellant Deposited  
Security & Process Fee

Points raised need consideration. The present service appeal is admitted for regular hearing subject to all the legal objections including the issue of limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 01.11.2018 before S.B.



Member

01.11.2018 Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 19.12.2018.



READER

19.12.2018

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Raham Din ADO present. Representative of the respondents submitted written reply which is placed on file. Adjourn. To come up for rejoinder if any and arguments on 14.02.2019 before D.B. -1

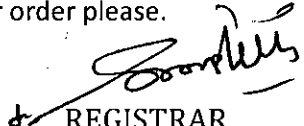



Member

Form- A  
FORM OF ORDER SHEET

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

Case No. 1039/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/08/2018  18-8-18	<p>The appeal of Mst. Mohammadia Bibi presented today by Naila Jan Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>7-9-2018</u>.</p> <p> MEMBER</p>
2-		

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

In Re S.A 1039 /2018

Muhammadia Bibi

**VERSUS**

Secretary of Government of Khyber Pakhtunkhwa  
Elementary and Secondary Education at Peshawar and  
others


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6.	Copy of same	"B"	11
7.	Copy of the Departmental Appeal and inquiry order and makes reply	"C,D,E & F"	12-15
8.	Wakalatnama		16

Dated: /08/2018

  
Appellant

Through

  
Naila San  
Advocate High Court  
Peshawar.

D

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

Khyber Pakhtunkhwa  
Service Tribunal

In Re S.A 1039 /2018

Diary No. 1304

Dated 18-8-2018

Mohammadia Bibi D/O Badshah Khan R/O Village Bagatto  
Hangu District Hangu.

-----*(Appellant)*

**VERSUS**

1. Secretary of Government of Khyber Pakhtunkhwa Elementary and Secondary Education at Peshawar.
2. The Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Female) District Hangu.

-----*(Respondents)*

**APPEAL U/S 4 OF KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL ACT 1974 AGAINST THE**  
**ORDER DATED 22/04/2014, WHEREBY THE**  
**APPELLANT WAS TERMINATED WITH**  
**RETROSPECTIVE EFFECT AND NOT DECIDING**

**DEPARTMENTAL APPEAL OF THE APPELLANT**

Filed to-day  
Registrar  
18/8/18

**PRAYER:**

**ON ACCEPTANCE OF THE INSTANT APPEAL**  
**THE IMPUGNED ORDER DATED 22/04/2014 MAY**  
**KINDLY BE DECLARED VOID ABINATIO**  
**SETTING ASIDE THE SAME AND THE**  
**APPELLANT MAY KINDLY BE REINSTATED**  
**INTO SERVICE WITH ALL BACK BENEFITS**

Respectfully Sheweth

1. That the appellant was appointed as PST Teacher and was posted in Government Girl primary School Iddat Shah Koroon Union Council dilan District Hangu and since her appointment the appellant performed her duties with great zeal and demotion.
2. That since her appointment the law and order situation in District Hangu was deteriorating and with the passage of time the terrorist attack on Government Servants especially females teachers and girls schools were increasing day by day.
3. That the appellant was threaten by the terrorist not to go out for duty otherwise the whole family would be killed due to that reason the appellant could not attained her duties.
4. That the appellant was issued a Notice dated 12/02/2011, however the same was never communicated to the appellant. (Copy of the same is annexed as annexure "A")

*[Handwritten signature]*

5. That the appellant was terminated from service vide order dated 12/04/2014 with effect from 11/10/2010 without any charge sheet statement of allegations, regular inquiry or show cause Notice. Which is illegal void abinitio. Hence not maintainable. However the same was never communicated to the appellant. (Copy of the same is annexed as annexure "B")
6. That feeling aggrieved from the same the appellant moved a departmental appeal before Respondent No.2 on which Respondent No.2 appointed Mst. Bibi Rizwan DEO (Female) Kohat for conducting a fact finding inquiry however it was conducted by Mumtaz Hussain Principle BPS-19 GHSS Muhammadzai Kohat wherein the contention of the appellant with respect to the worst law and order situation and even in the EDO reply, was endorsed. (Copy of the Departmental Appeal and Inquiry order and makes reply are annexed as annexure C, D, E & F)
7. That despite the above mentioned development no proper order was issued by the Respondents on the Departmental Appeal of the appellant hence the appellant filling this appeal on the following grounds:-

*Handwritten signature*



**GROUND:**

- A. That the impugned order of the Respondents is against law Rules principle of Natural Justice hence void abinitio.
  
- B. That neither the appellant was proceeded order RSO 2000 as at the time of issuing Notice RSO 2000 was in field nor did the appellant was proceeded under Rule 9 of the E & D Rules 2011 as no absence Notice or publication has been issued against the appellant.
  
- C. That no Charge Sheet Statement of allegation, show Cause Notice/Publication were issued hence the impugned order is not tenable in the eye of law.
  
- D. That the appellant has been condemned unheard as no regular/fact finding inquiry has been conducted nor did opportunity of personal hearing has been provided to the appellant before passing the impugned order.
  
- E. That even the fact finding inquiry conducted in the departmental appeal of the appellant as well as the comments of Respondent No.3 admitted the contention of the appellant with respect to

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5

the worse law and order situation in District Hangu.

F. That the impugned order has been passed with retrospective effect which is void abinitio.

G. That husband of the appellant as well as appellant is jobless who having small children therefore are entitled for reinstatement on humanitarian ground as well.

H. That any other ground will be raised during the course of arguments.

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

Dated: /08/2018

طوریہ کی  
Appellant

Through

Naila Jan

Advocate High Court  
Peshawar.

NOTE:-

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

Advocate.

Naila Jan  
Advocate

6

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

In Re S.A \_\_\_\_\_/2018

Muhammadia Bibi

**VERSUS**

Secretary of Government of Khyber Pakhtunkhwa  
Elementary and Secondary Education at Peshawar and  
others

**AFFIDAVIT**

I, Mohammadia Bibi D/O Badshah Khan R/O Village Bagatto Hangu District Hangu, do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

**ATTESTED**  
IRFAN ULLAH ADVOCATE  
NOTARY PUBLIC **DEPONENT**

Identified By:

Naila Jan

Advocate High Court  
Peshawar.

2

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

In Re S.A \_\_\_\_\_/2018

Muhammadia Bibi

**VERSUS**

Secretary of Government of Khyber Pakhtunkhwa  
Elementary and Secondary Education at Peshawar and  
others

**ADDRESSES OF PARTIES**

**APPELLANT.**

Mohammadia Bibi D/O Badshah Khan R/O Village Bagatto  
Hangu District Hangu.

**RESPONDENTS:**

1. Secretary of Government of Khyber Pakhtunkhwa  
Elementary and Secondary Education at Peshawar.
2. To the Director Elementary and Secondary  
Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Female) District Hangu.

Dated: /08/2018

گرمادی  
Appellant

Through

Naila Jan

Advocate High Court  
Peshawar.

Naila Jan  
Advocate  
AHC

②

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

In Re S.A \_\_\_\_\_/2018

Muhammadia Bibi

**VERSUS**

Secretary of Government of Khyber Pakhtunkhwa  
Elementary and Secondary Education at Peshawar and  
others

**APPLICATION FOR CONDONATION OF DELAY**

**RESPECTFULLY SHEWETH:-**

*Applicant submits as under.*

1. That the above mentioned appeal has been filing before this Hon'ble Court in which no date is fixed for hearing so far.
2. That the above mentioned appeal has been filed on the following grounds.

**GROUND:**

- A. That the impugned order is void order therefore no limitation runs against void order.
- B. That the impugned order is issued with respective effect which is void abinitio and is liable to be set aside

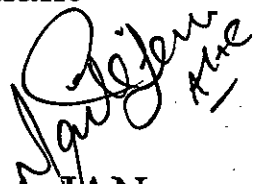
C. That the supreme court of the Pakistan held in various judgments, that the cases shall be decided on merits rather than technicalities.

It is therefore requested that on acceptance of this application the delay in filing appeal before this Hon'ble Tribunal may kindly be condone in the interest of justice.

Dated: /08/2018

  
Appellant

Through

  
NAILA JAN  
Advocate, High Court  
Peshawar

10

A

رجسٹرڈ

تاریخ 12-2-2011

30-31

ڈپٹی ڈسٹرکٹ آفیسر

زبانہ پرائمری سکول

منسب عہدہ ڈپٹی ڈسٹرکٹ آفیسر

PST 11-10-2010

کاملاً کتبہ معقول و نفع مند

نوٹس غیر حاضری۔

آپ کو بحوالہ چھٹی نمبر 51 مورخہ 2011-03-1 آپ کے گھر کے پتے پر نوٹس جاری  
کردیے گئے ہیں۔ کہ آپ سکول سے مورخہ 11-10-2010 تک کسی اطلاع کے غیر حاضر ہے۔ آپ کو  
بذریعہ نوٹس ہذا ایک بار پھر مطلع کیا جاتا ہے آپ سکول کو 7 دن کے اندر اندر حاضر ہو جائیں۔ اور  
ذیلے دستخطی کو بذات خود حاضر ہو کر تحریر طور پر وضاحت کریں  
بصورت دیگر آپ کے خلاف محکمہ کارروائی عمل میں لائی جائیگی۔ جس میں آپ کی ملازمت سے برخاستگی بھی  
ہو سکتی ہے۔

ڈپٹی ڈسٹرکٹ آفیسر صاحب

زبانہ پرائمری سکول

مورخہ 12-2-2011

31

مراسلہ

کاپی برائے اطلاع۔

1- جناب ایگزیکٹو ڈسٹرکٹ آفیسر سکول ایڈمنسٹریشن سکول

ڈپٹی ڈسٹرکٹ آفیسر صاحب

زبانہ پرائمری سکول

Mansoor  
AHC

"B"

11

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DISTRICT HANGU

TERMINATION ORDER

The services of the following PST (Female) teachers are hereby terminated from the date mentioned against their names after the observing of all code formalities by SDEO (Female) Primary local office Hangu under special ordinance 2012 (removal from service)

Sl. No.	NAME OF TEACHERS	FATHER NAME	DESIGNATION	BPS	NAME OF SCHOOL	REMARKS
01	Miss Sultan	Shah	PST	06	GGPS Toli Dohk	Willful absent from duty wef 01.01.2011
02	Miss Muhammadia	Bad Shah Khan	PST	06	GGPS Idat Shah Korona	Willful absent from duty wef 11.10.2010
03	Miss Shireen Shabnum	Sharif Khan	PST	07	GGPS No.2 Azimi Banada	Willful absent from duty wef 05.05.2013
04	Shireen Taj	Khial Islam	PST	07	GGPS Sara Zamaka	Willful absent from duty wef 17.03.2013
05	Nausheen Jamal	Jamal Shah	PST	06	GGPS No.2 Togh Sarai Korona	Willful absent from duty wef 01.02.2013

NOTE: Necessary entries to this effect should be made in their service Book.

Endst No: 1127-30 Dated Hangu the, 22 / April / 2014.

Copy for information to the:-  
01. Commissioner District Hangu

02. Director Elementary & Secondary Education (PK) Hangu

03. District Account Officer Hangu

04. SDEO (Female) Primary local office Hangu w/r her office letter No. 214 dated 14.04.2014.

05. Office Copy.

DISTRICT EDUCATION OFFICER  
FEMALE DISTT: HANGU

*Handwritten signature*

*Handwritten signature*



(12)

"C"

بخدمت جناب ڈائریکٹر (E&SE) محکمہ ایجوکیشن خیبر پختونخواہ پشاور

عنوان: درخواست برائے نظر ثانی ادوبارہ بحالی ملازمت

جناب عالی

سائلہ آپ صاحبان کی خدمت میں درجہ ذیل عرض رسال کرتی ہیں۔

۱۔ یہ کہ سائلہ محکمہ ایجوکیشن میں بحیثیت PST گورنمنٹ گریڈ پرائمری سکول عمیدت شاہ کورونہ یونین کونسل دکن ضلع ہنگو میں سال 2009ء میں بھرتی ہوئی۔

۲۔ یہ کہ ہنگو میں حالات خراب ہونے کی وجہ سے اور خاص کر گریڈ سکولوں کو دہشت گردوں کی طرف سے روز بروز نشانہ بننے کی وجہ سے سائلہ بھی خوف میں مبتلا رہی اور اپنے گھر میں ہی نظر بند رہی۔

۳۔ یہ کہ بحوالہ لیٹر نمبر DEO F 22/04/2014 dated 1127-30 لیٹر نمبر 30-1127 dated 22/04/2014 ہنگو سائلہ کو بوجہ غیر حاضری

اپنی ملازمت سے برخاست کر دیا۔ (کاپی اف جملہ لیٹر کی درخواست کے ساتھ لف ہے)

۴۔ یہ کہ سائلہ کے چھوٹے چھوٹے بچے اور شوہر بے روزگار ہونے کی وجہ سے گھر کے حالات انتہائی خراب ہے۔

لہذا آپ صاحبان سے درخواست ہے کہ سائلہ کو اپنی ملازمت بحیثیت PST بحال کرنے کا حکم صادر فرمائیں۔

اس کے لیے سائلہ سازی عمر آپ صاحبان کی دعا گوہ رہے گی۔

Nasir Khan

مسماۃ محمدیہ دختر بادشاہ خان

محکمہ میر احمد خان گاؤں میاں نور خیل دکن تحصیل ٹل ضلع ہنگو

F. A. to Director E & S E  
Khyber Pakhtunkhwa Peshawar

D. No. 400

9/1/16

Handwritten signature and initials

19

31 "E"

**ENQUIRY REPORT IN RESPECT OF MST: MUHAMMADIA EX-PST GGPS  
EIDDAT SHAH KORONA DALLAN (HANGU).**

**VENUE:**

Office of the DEO (F) Hangu.  
17-07-2017.

Endst. Muhammadia GGPS Eiddat Shah Korona Dallan.  
PA Director D.No.400. An



**DIRECTORATE OF ELEMENARY & SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR**

**NOTIFICATION**

Mst. Bibi Rizwana DEO(F) Kohat, is hereby appointed as an inquiry officer to conduct inquiry against Mst. Mohamadia D/O Badshah Khan Mohallah Mir Ahmad Khan Village Mian Noor Khel Dilan Tehsil Thall District Hangu as per attached documents. (Copies attached).

The inquiry officer should inquire the matter and submit detail inquiry report alongwith clear findings and recommendations within 15 days positively to this Directorate for further necessary action please.

**Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar**

Endst.No. 5759-61

/A-17/SST/F/General cases/DIKhan/2015

Dated Peshawar the 31/7 /2017

Copy of the above is forwarded to the:-

- 1- Mst. Bibi Rizwana DEO(F) Kohat
- 2- District Education Officer(Female) Hangu with the remarks to assist and provide the relevant record to the inquiry officer concerned.
- 3- Mst. Mohamadia D/O Badshah Khan Mohallah Mir Ahmad Khan Village Mian Noor Khel Dilan Tehsil Thall District Hangu
- 4- PA to Director E&SE Local Office

\*/Noor/16/\*

*[Signature]*  
**Deputy Director Establishment(F)  
(E&SE) Khyber Pakhtunkhwa,**  
*[Signature]*  
*[Signature]*

19

31 "E"

**ENQUIRY REPORT IN RESPECT OF MST: MUHAMMADIA EX-PST GGPS  
EIDDAT SHAH KORONA DALLAN (HANGU).**

**VENUE:** Office of the DEO (F) Hangu.

**Dated:** 17-07-2017.

**PREAMBLE:** Ex-PST Muhammadia GGPS Eiddat Shah Korona Dallan Hangu submitted an appeal for re-instatement on 09-09-2016, PA Director D.No.400. An enquiry was held by honorable Director Vide letter No.4920/A dated.27-09-2016 but enquiry Officer DEO (F) Kohat returned it. Then Director E&S Education KPK Peshawar again held an enquiry vide letter No.5759-61 dated.03-01-2017 in which the undersigned was nominated an enquiry Officer.

**PROCEEDINGS:** Both the parties were informed to attend the office of DEO (F) Hangu for said enquiry and questionnaires were served to both. After receiving the replies of both parties the following points were observed.


1. Miss Muhammadia was appointed on PST post vide endst: No.6743-56 dated Hangu on 10-09-2009 in GGPS Eiddat Shah korona Dallan Hangu.
2. She took over charge on 24-09-2009 in GGPS Eiddat Shah korona Dallan Hangu.
3. She performed duty with effect from 24-09-2009 to 10-10-2010 (One year & 14 days).
4. She remained absent wef 11-10-2010 up to 21-04-2014.
5. She was terminated with effect from 22-04-2014 Vide Office letter No.1127 dated.22-04-2014 after fulfilling all codal formalities.
6. She lodged an appeal on 09-09-2016 to Director Vide PA D.No.400 for re-instatement on the same post.


**FINDINGS:**

1. She performed 1 year & 14 days qualifying service.
2. In those days law & order situation of District Hangu was not under control due to which it was very difficult & full risk to perform duty especially for Female teachers.
3. But her absence period was very long.
4. She did not submit an appeal for re-instatement in time.

**RECOMMENDATIONS:**

1. She performed only 1 year 14 days qualifying service and her absent period is very long, so there is no rule to convert such a long absence in to any leave in order to regularize her service.
2. She did not submit her appeal for re-instatement in time.
3. As her absence period is very long and her appeal for re-instatement is time barred. So the case may be filed.

  
(MUMTAZ HUSSAIN, PRINCIPAL BPS-19)  
ENQUIRY OFFICER  
GHSS MUHAMMAD ZAI KOHAT.



(S) "F" 3

**OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE HANGU**

2864

Dated: 16/12 2016

To,

The Director Elementary and Secondary Education,  
Khyber Pakhtoon Khwa Peshawar.

**Subject: APPEAL/REPLY**

**Memo:**

Please refer to your office memo No 49207A/17/SST/F/D.I.Khan/General Cases Dated 27/09/2016 on the subject cited above and submit the reply/comments as under.

Miss Mohamadia D/O Badshah Khan was serving in Education Department since, 10/09/2009 as PST at GGPS Iddat Shah Koorona

She remained absent from duty w.e.f 11/10/2010 to 21/04/2014. This office after fulfilling all codal formalities, issued on order of removal from service vide this office bearing NO 1127-50 dated 22/04/2014.



It is fact that the situations in those days were very worst, due to Talibanization, that were going on in the region. Hence report is submitted for you kind information and further necessary action. The post of PST at GGPS Iddat shah Koorona <sup>is</sup> ~~was~~ vacant.

(S)  
DISTRICT EDUCATION OFFICER,  
FEMALE HANGU

17/12/16

133  
3/11

16/12/16  
ABC

قیمت 50 روپے	47199		
ایڈوکیٹ: <u>Naaila Jan</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
بار کونسل ایسوسی ایشن نمبر:			
رابطہ نمبر: <u>03129215471</u>			

بعدالت جناب: ضیاء الحق خان سربراہ سروسز سیکشن

مناجب: <u>Appellant</u>	دعویٰ: <u>Service appeal</u>
<u>Muhammadi D/O</u>	علت نمبر:
بنام	مورخہ:
<u>Edu</u>	جرم:
	تھانہ:

### بابت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام Peshawar کیلئے Naaila Jan کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 17/08/2018

المقام Peshawar کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

Accepted  
by Naaila Jan

محمد ضیاء الحق خان  
 Muhammad D/O Badshah Khan  
 Pst. Kamalia BP-18 Dist. Hanjra

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

Service Appeal No.1039/2018

Mr. Muhammadia Bibi.....Petitioner

**V E R S U S**

The Secretary E&SE Department & others ..... Respondents

**I N D E X**

<b>S#</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Comments		1-3
2.	Affidavit		4
3.	Absent notice issued to the petitioner	<b>A &amp; B</b>	
4.	Show cause notice issued in Daily Mashriq newspaper		
5.	Inquiry report	<b>C</b>	
6.	Termination order	<b>D</b>	

Respondent No.1 to 3

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

**SERVICE APPEAL No.1039/2018**

Mr.Muhammadia Bibi D/O Bad Shah Khan EX-PST,

R/O Village Bagato Tehsil & District

Hangu.....Appellant.

Versus

1) The Secretary to Govt:of (E&SE) Department Khyber  
Pakhtunkhwa Peshawar.

2) The Director, (E&SE)Khyber Pakhtunkhwa Peshawar.

3) The District Education Officer Female Hangu.

Respondent.

**PARA-WISE COMMENTS ON BAHALF OF RESPONDENT**  
**NO.1, 2 & 3 ARE GIVEN AS UNDER.**

**Preliminary Objections.**

**Respectfully Sheweth**

- 1) That the appeal is badly time barred.
- 2) That the present appellant has no cause of action.
- 3) That the instant appeal is bad for misjoinder and non-joinder of parties.
- 4) That the instant appeal is not maintainable in its present form.
- 5) That the appellant has not come to the tribunal with clean hands.
- 6) That the appellant has concealed some important material/facts from the honourable tribunal.
- 7) The appellant has been stopped by his own conduct to file the appeal.
- 8) That this Honorable tribunal has no jurisdiction to entertain the appeal.

**PRAYERS /FACTS.**

- 1) Para 1 is partially correct. The appellant performed her duty w.e.f 24-09-2009 to 10-10-2010 for the

period of One year and Fourteen days as per her service record.

- 2) Para 2 is incorrect, law and order situation were not worse in the said Union Council Dallan where the school of the appellant is situated, no untoward situation were occurred.
- 3) Para 3 is incorrect no such kinds of report/information has been submitted by the appellant to their immediate boss, to make approach to the Law enforcement agencies.
- 4) Para 4 pertains to record .An absent notice has been issued on her home address under Register cover bearing No.30 Dated 03-01-2011, with a reference of pervious notice bearing No.01 Dated 11-10-2011 with the direction to report for duty within 07 days but she failed to obey the orders.(copy attached as Annex-A,B).
- 5) Para No.5 is partially correct .The appellant was informed with proper notices under register cover as stated in Para No.04.Showcause notice was also issued in Daily Newspaper Mashriq Dated 13-03-2014 with the direction to report for duty with fifteen days, failing wich disciplinary action will be initiated against them(her).
- 6) Para No.06 is partially correct, the inquiry officer did not recommend the appellant for re-instatement into service stating that the absent period is very long and their appeal is time barred(copy of inquiry report is attached as Annex-C).
- 7) As stated in Para No.06.

### GROUND.

- A. Incorrect. That the termination order is correct, lawful and is according to the natural justice.
- B. Incorrect. The appellant has been proceeded under Efficiency and Discipline Rules,2011 (Special ordinance) as mentioned in Termination bearing No.1127-30 Dated Hangu the 22-04-2014 (Copy attached as Annex-D).



- C. Incorrect. As stated with detail in Para No.05 Absent Notices /Final show cause notice in Daily Mashriq has been issued to her, but the appellant did not adhere to these notices, nor she appeared before this office to hear the appellant grievances.
- D. Incorrect. Proper absent notices on her home address has been issued under register cover to resume her duty, but pay no attention to them as stated in above Para No.05.
- E. Incorrect. The termination order has been issued w.e.f the day of absence as per rules, which is legal, lawful in the eyes of law.
- F. Incorrect. The appellant was treated according to law.
- G. As above. All other facts and material will be placed before the honorable tribunal if any, at the time of arguments.

Keeping in view the above given comments, the appeal may kindly be dismissed with cost.

**RESPONDENTS**

1)

  
Secretary

Ele: & Secy: Edu: Deptt:  
Khyber Pakhtunkhwa Peshawar.

2)

  
Director  
Ele: & Secy: Edu: Deptt:

Khyber Pakhtunkhwa Peshawar.

3)

  
District Education Officer  
Female Hangu

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

Service Appeal No.1039/2018

Mr. Muhammadia Bibi.....**Petitioner**

**VERSUS**

The Secretary E&SE Department & others .....**Respondents**

**AFFIDAVIT**

I, Raheem ud Din, A.D.E.O, Establishment, Office of the D.E.O (Female) Hangu, (on behalf of the respondent) do hereby solemnly affirm and declare on oath that the contents of the accompanying **comments** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

  
**DEPONENT**

# رجسٹرڈ

تاریخ 03.01.2011

ڈپٹی ڈسٹرکٹ آفیسر  
(زبانہ) پرائمری ہنگو

مدرسہ دختر باستان خانہ

PS PST

گاوڈ تلوہ

## نوٹس غیر حاضری ①

یادداشت:

آپ مورخہ 11.10.2010 بغیر کسی اطلاع کے سکول سے غیر حاضر ہیں آپ کو بذریعہ نوٹس ہذا مطلع کیا جاتا ہے کہ سات دن کے اندر اندر دفتر ذیلی دستخطی کورپورٹ کریں اور اپنی غیر حاضری کی تحریری وجہ بیان کریں۔ بصورت دیگر آپ کے خلاف ایفیشنسی اور ڈسپلنری رولز 1973ء و ریوول فرام سروس 2000-2001ء کے تحت کارروائی عمل میں لائی جائی گی۔ جس میں آپ کی ملازمت سے برخاستگی بھی ہو سکتی ہے۔ جس کی تمام تر ذمہ داری آپ پر ہوگی۔

ڈپٹی ڈسٹرکٹ آفیسر  
(زبانہ) پرائمری ہنگو

تاریخ

مراسلہ نمبر 02

کاپی بھجوانے اطلاع:

1- جناب ایگزیکٹو ڈسٹرکٹ آفیسر ایڈمنسٹری ایٹو سیکنڈری ایجوکیشن ڈیپارٹمنٹ ہنگو

۲۱  
ڈپٹی ڈسٹرکٹ آفیسر  
(زبانہ) پرائمری ہنگو

6

رجسٹرڈ

تاریخ

ڈپٹی ڈسٹرکٹ آفیسر

زمانہ پرائمری ہنگو۔

سید محمد یونس صاحب  
PST  
کامیاب تحصیل راولپنڈی

نوٹس غیر حاضری۔ 111

آپکو بحوالہ چھٹی نمبر 51 مورخہ 2011-01-03 نمبر 30

مورخہ 2011-02-12 آپکے گھر کے پتے پر نوٹس جاری کر دیئے گئے

ہیں۔ کہ آپ سکول سے بغیر کسی اطلاع کے مورخہ 2010-10-11 سے غیر حاضر ہے۔ آپکو بذریعہ نوٹس

ایک بار پھر مطلع کیا جاتا ہے آپ سکول کو 7 دن کے اندر اندر حاضر ہو جائیں۔ اور ذیل دستخطی کو

بذات خود حاضر ہو کر تحریر طور پر وضاحت کریں

بصورت دیگر آپکے خلاف محکمانہ کارروائی عمل میں لائی جائیگی۔ جس میں آپکی ملازمت سے برخاستگی بھی

ہو سکتی ہے۔

ڈپٹی ڈسٹرکٹ آفیسر صاحب

زمانہ پرائمری ہنگو۔

22/2/2011

39

مراسلہ

کاپی برائے اطلاع۔

1۔ جناب ایگزیکٹو ڈسٹرکٹ آفیسر سکول اینڈ ایجوکیشن ہنگو۔

ڈپٹی ڈسٹرکٹ آفیسر صاحب

زمانہ پرائمری ہنگو۔

فیسر

ہنگو۔

حکومت پاکستان  
پشاور

نی حکومتی کمیٹی میں ایڈیشنل کمشنر کی نائبر باج صاحب اور  
سربراہ ایف اے ایف ایف کے سربراہان کی سربراہی میں  
اسلام آباد (این این آئی) وفاقی حکومت نے طالبان سے  
مذاکرت کیلئے جی ڈی جی کے سربراہان کی کمیٹی تشکیل دینے کا فیصلہ  
کر لیا ہے۔ کمیٹی کی سربراہی حکومت کی جانب سے تشکیل دی گئی تھی۔

میر انشاہد علی گارڈی پٹرولنگ کمپنی  
سرگرمیوں میں مصروف اور اپنے کاروبار کو  
پتہ دار (این این بی) شمالی وزیرستان کے سرحدی علاقہ میں  
کاڑی پر راکٹ حملے میں 3 افراد ہلاک ہو گئے۔ دیگر 10 زخمی ہو گئے۔

اللہ ہی کیلئے ہیں مشرق و مغرب القرآن

# DAILY MASHRIQ PESHAWAR

پشاور روزنامہ  
سید تاج میر شاہ  
عہدہ کے بانی

# مشرق

اسرائیل اشاعت کے 47 سال

ABC CERTIFIED

پشاور اور اسلام آباد سب سے تازہ ترین خبریں اور اشاعت قومی اخبار

جلد 47 جمرات 11 جمادی الاول 1435ھ 13 مارچ 2014ء پهاگن قیمت 12 روپے۔ شمارہ 205

### ٹیکنالوجی کی خدمات

مختلف ایپس اور سافٹ ویئر کی خدمات فراہم کرنے والے ہیں۔

نمبر شمارہ	اہمیت اور ہمدردی	پتہ	تاریخ
1	ماہر سلطان اختر سلطان شاہ ایپس	گورکھ پور	11/10/2011
2	پروفیسر ایف ایف ایف ایف ایف ایف ایف ایف	گورکھ پور	11/10/2010
3	پروفیسر ایف ایف ایف ایف ایف ایف ایف ایف	گورکھ پور	5/5/2013
4	پروفیسر ایف ایف ایف ایف ایف ایف ایف ایف	گورکھ پور	17/3/2013
5	پروفیسر ایف ایف ایف ایف ایف ایف ایف ایف	گورکھ پور	11/11/2013

INFIKT 05

### صحت کا سوال

مختلف صحت سے متعلق سوالات کے جوابات فراہم کرنے والے ہیں۔

0300-5850300

0345-9777710

0300-585-0300

### اشتہار بنیاد ٹھیکہ جات تیسری بار

پیشہ ورانہ اشتہاروں کی فراہمی اور اشاعت کے سہولت کار ہیں۔

نمبر شمارہ	نام ٹھیکہ	کال لیڈز	تاریخ	قیمت
1	جنرل ایف ایف ایف ایف ایف ایف ایف	25-3-14	24-3-14	Rs. 250000/-
2	جنرل ایف ایف ایف ایف ایف ایف ایف	25-3-14	24-3-14	Rs. 150000/-
3	جنرل ایف ایف ایف ایف ایف ایف ایف	25-3-14	24-3-14	Rs. 80000/-
4	جنرل ایف ایف ایف ایف ایف ایف ایف	25-3-14	24-3-14	Rs. 150000/-
5	جنرل ایف ایف ایف ایف ایف ایف ایف	25-3-14	24-3-14	Rs. 10000/-
6	جنرل ایف ایف ایف ایف ایف ایف ایف	25-3-14	24-3-14	Rs. 20000/-
7	جنرل ایف ایف ایف ایف ایف ایف ایف	25-3-14	24-3-14	Rs. 5000/-
8	جنرل ایف ایف ایف ایف ایف ایف ایف	25-3-14	24-3-14	Rs. 5000/-

مفت: ٹھیکہ جات کی شرح فی لائن فی روز 10 روپے ہے۔

المشہور: امجد رضا میونسپل آفیسر ریگولیشن میونسپل کمیٹی تنگی  
بحکم: محمد طارق خٹک چیف میونسپل آفیسر میونسپل کمیٹی تنگی

### پشاور ڈھانسی گھونٹ پشاور

پشاور ڈھانسی گھونٹ پشاور کے سہولت کار ہیں۔

0313-9330060

### پشاور ڈھانسی گھونٹ پشاور

پشاور ڈھانسی گھونٹ پشاور کے سہولت کار ہیں۔

0313-9330060

0300-5850300

0345-9777710

0300-585-0300

0343-7766546

پشاور ڈھانسی گھونٹ پشاور

پشاور ڈھانسی گھونٹ پشاور

(14) (8) / E

**ENQUIRY REPORT IN RESPECT OF MST: MUHAMMADIA EX-PST GGPS  
EIDDAT SHAH KORONA DALLAN (HANGU).**

**VENUE:** Office of the DEO (F) Hangu.

**Dated:** 17-07-2017.

**PREAMBLE:** Ex-PST Muhammadia GGPS Eiddat Shah Korona Dallan Hangu submitted an appeal for re-instatement on 09-09-2016, PA Director D.No.400. An enquiry was held by honorable Director Vide letter No.4920/A dated.27-09-2016 but enquiry Officer DEO (F) Kohat returned it. Then Director E&S Education KPK Peshawar again held an enquiry vide letter No.5759-61 dated.03-01-2017 in which the undersigned was nominated an enquiry Officer.

**PROCEEDINGS:** Both the parties were informed to attend the office of DEO (F) Hangu for said enquiry and questionnaires were served to both. After receiving the replies of both parties the following points were observed.

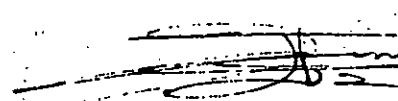
1. Miss Muhammadia was appointed on PST post vide endst: No.6743-56 dated Hangu on 10-09-2009 in GGPS Eiddat Shah korona Dallan Hangu.
2. She took over charge on 24-09-2009 in GGPS Eiddat Shah korona Dallan Hangu.
3. She performed duty with effect from 24-09-2009 to 10-10-2010 (One year & 14 days).
4. She remained absent wef 11-10-2010 up to 21-04-2014.
5. She was terminated with effect from 22-04-2014 Vide Office letter No.1127 dated.22-04-2014 after fulfilling all codal formalities.
6. She lodged an appeal on 09-09-2016 to Director Vide PA D.No.400 for re-instatement on the same post.


**FINDINGS:**

1. She performed 1 year & 14 days qualifying service.
2. In those days law & order situation of District Hangu was not under control due to which it was very difficult & full risk to perform duty especially for Female teachers.
3. But her absence period was very long.
4. She did not submit an appeal for re-instatement in time.

**RECOMMENDATIONS:**

1. She performed only 1 year 14 days qualifying service and her absent period is very long, so there is no rule to convert such a long absence in to any leave in order to regularize her service.
2. She did not submit her appeal for re-instatement in time.
3. As her absence period is very long and her appeal for re-instatement is time barred. So the case may be filed.

  
(MUMTAZ TUSSAIN, PRINCIPAL BPS-19)  
ENQUIRY OFFICER  
GHSS MUHAMMAD ZAI KOHAT.



9

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DISTRICT HANGU

TERMINATION ORDER

The services of the following PST (Female) teachers are hereby terminated from the date mentioned against their names after the observing of all codel formalities by SDEO (Female) Primary local office Hangu under special ordinance 2011 (removal from service)

S/NO.	NAME OF TEACHERS	FATHER NAME	DESIG:	BPS	NAME OF SCHOOL	REMARKS
01.	Miss Rabia Sultan	Sultan Shah	PST	07	GGPS Toli Dohk	Willful absent from duty wef 01.01.2011
02.	Miss Muhammadia	Bad Shah Khan	PST	06	GGPS Idat Shah Koroona	Willful absent from duty wef 11.10.2010
03.	Miss Shireen Shabnum	Sharif Khan	PST	07	GGPS No.2 Azimi Barada	Willful absent from duty wef 05.05.2013
04.	Shireen Taj	Khial Islam	PST	07	GGPS Sara Zamaka	Willful absent from duty wef 17.03.2013
05.	Nausheen Jamal	Jamal Shah	PST	12	GGPS No.2 Togh Sarai	Willful absent from duty wef 01.02.2013

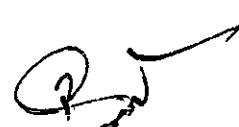
NOTE: Necessary entries to this effect should be made in their service Book.

(FARZANA SARDAR)  
DISTRICT EDUCATION OFFICER  
FEMALE DISTT: HANGU

Dist No: 127-30 Dated Hangu the; 22 / April 2014.

Copy for information to the:-

01. Deputy Commissioner District Hangu.
02. Director Elementary & Secondary Education KPK Peshawar.
03. District Account Officer Hangu
04. SDEO (Female) Primary local office Hangu w/r her office letter No. 214 dated 14.04.2014.
05. Office Copy.

  
DISTRICT EDUCATION OFFICER  
FEMALE DISTT: HANGU

Received by  
D. W. Khan  
6/5/2014

**VAKALATNAMA**

The RP Service Tribunal, Peshawar

OF 2019

Muhammadiya Bibi

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Muhammadiya Bibi

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 17 / 7 / 2019

AK  
CLIENT

AK  
**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**

**SHAHZULLAH YOUSAFZAI**

&  
MS  
**MIR ZAMAN SAFI**  
**ADVOCATES**

OFFICE:

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Mobile No.0345-9383141



the period. The period of such a vacation will be taken into account in calculating the maximum period of two years for which study allowance is admissible.

[Para. 22(ii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

*Audit ruling.*—Study leave may be granted to an officer of less than 5 years' service at the discretion of the authority competent to grant the leave.

[Ruling (33), Sec. IV of Compilation of Audit Rulings.]

→ **F. R. 85.** (a)—Extraordinary leave may be granted in special circumstances (1) when no other leave is by rule admissible, or (2) when other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave. Such leave is not debited against the leave account. No leave-salary is admissible during such leave.

(b) The authority which has the power to sanction leave may grant extraordinary leave as in clause (a) in combination with, or in continuation of, any leave that is admissible, and may commute retrospectively periods of absence without leave into extraordinary leave.

(c) When extraordinary leave is granted to a military officer subject to these rules, he will continue to be treated as in civil employ for all purposes until he is placed on military temporary non-effective pay by the order of a medical board. If, after being placed on military temporary non-effective pay, he returns to duty in Pakistan, he will have no claim to re-instatement in civil employ.

(For Administrative Instructions issued by the Governor-General regarding 'CASUAL LEAVE' see Part (2) of Section V of Appendix 3 in Volume II of this Compilation).

*Government decision.*—The power of commuting retrospectively periods of absence without leave into extraordinary leave under F. R. 85 (b) is absolute and not subject to the conditions mentioned in clause (a) of that rule; in other words such commutation is permissible even when other leave was admissible to the Government servant concerned at the time his absence without leave commenced.

[G.I., F.D. No. F-7, (13) R.I./35, dated the 30th March, 1935.]

*Audit Instructions—*

(1) Extraordinary leave without pay granted under the rules of the Civil Service Regulations will not also be debited against the leave account under Note (2) to Fundamental Rule 78.

[Para. 23(i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) 'Leave not due' applied for by a Government servant with or without medical certificate is 'leave admissible under rule' and in cases where 'leave not due' can be granted, the

[Para. 23(ii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

*Auditor General's decision.*—Extraordinary leave may be granted either by itself or in combination with or in continuation of other leave subject only to the provision in Fundamental Rule 18.

[Ar. G's No. 1091-A/433-23, dated the 31st October, 1923.]

**F.R. 86 (a)** Leave at the credit of a Government servant in his leave account shall lapse on the date of compulsory retirement provided that if in sufficient time before that date he has—

- (1) formally applied for leave and been refused it, or
- (2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted—

in either case the ground of refusal being the requirements of the public service, then the Government servant may be granted, after the date of retirement, the amount of leave so refused subject to a maximum of six months.

(b) A Government servant retained in service after the date of compulsory retirement shall earn leave on average pay at the rate of 1/11th of duty performed after that date and shall be allowed to add thereto any amount of leave which could have been granted to him under clause (a) had he retired on that date. The total period which he may take on each occasion shall not exceed six months. When his duties finally cease, the Government servant may be granted leave preparatory to retirement, up to a maximum of six months, as follows:—

- (i) the balance after deducting the amounts of leave, if any, taken during the period of extension, from the amount of leave which could have been granted to him under clause (a) had he retired on the date of compulsory retirement, plus
- (ii) the amount of leave earned under this clause which is due to the Government servant and which he has, in sufficient time during the period of extension—
  - (1) formally applied for and been refused, or
  - (2) ascertained in writing from the sanctioning authority, would not be granted if applied for,

in either case the ground of refusal being the requirements of the public service.

*Government orders.*—(1) This rule does not apply to Assistant Surgeons of the late Indian Medical Department in Civil employ.

[G.I., F.D. Endorsement No. F. 12(63)-R. 1/31, dated the 27th October, 1931.]

Munimul Hasan (S. B. S.) Esq. Appealant



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 82 /ST

Dated: 12/01 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

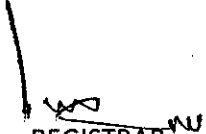
To

The District Education Officer Female,  
Government of Khyber Pakhtunkhwa,  
Hangu.

Subject: JUDGMENT IN APPEAL NO. 1039/2018 MST. MOHAMMADIA BIBI.

I am directed to forward herewith a certified copy of Judgement dated 22.12.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR