


E. P. No. 184/2021  
Shagufta Bibi vs Govt

6<sup>th</sup> September, 2022

1. Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Midrar Ullah Jan, DEO (F), Malakand and Mr. Fahim Ullah, Assistant for respondents present and produced an order. Learned counsel for the petitioner submits that in compliance of the judgment the respondents was reinstated the petitioner but the issue of back benefits was subject to the outcome of the de-novo enquiry, which was to be conducted within ninety days from the date of order and as that had not been done by the respondents, the petitioner was compelled to file appeal No. 15898/2020 on 14.12.2020. During the pendency of this appeal my learned predecessor converted the appeal into execution petition on the request of the learned counsel for the petitioner. Since then it was being adjourned for compliance of the court order. Today an order has been produced by the DEO (F) Malakand. That after conducting de-novo enquiry, the petitioner was held not entitled for the back benefits. When confronted with this order, learned counsel for the petitioner objected that the de-novo enquiry was to be conducted within ninety days and that too properly under the rules associating the petitioner, which order had not been complied with by the respondents. Be that as it may since the de-novo enquiry has allegedly been conducted and as per judgment of the Tribunal, the issue of back benefits was subject to the outcome of the de-novo enquiry. The de-novo enquiry has held the petitioner not entitled for back benefits, therefore, the petitioner may challenge the order separately. As regard this petition it is filed. Consign.

2. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 6<sup>th</sup> day of September, 2022.*



(Kalim Arshad Khan)  
Chairman

21.06.2022

Junior of learned counsel for the petitioner present. Mr. Kabirullah Khattak. Additional Advocate General for the respondents present.

Junior of learned counsel for the petitioner requested for adjournment on the ground that learned counsel for the petitioner is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for further proceedings on 04.08.2022 before S.B.



(Mian Muhammad)  
Member (E)

04.08.2022

Counsel for the petitioner present. Mr. Kabir Ullah Khattak, Additional AG alongwith Faheem Khan, Assistant for respondents present.

Representative of the respondent department stated that despite his message to District Education Officer (Female), Malakand he did not received any response. The Director Elementary & Secondary Education Department and DEO (F), Malakand are directed to appear in person alongwith implementation report. To come up for implementation report on 06.09.2022 before S.B.




(Fareeha Paul)  
Member (E)

15.12.2021

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Naseem Ul Haq, B&AO for respondents present.

Written reply/comments submitted to the office of Registrar by the respondent-department, the same is placed on file. A copy thereof also provided to the learned counsel for the petitioner for submission of replication or rejoinder if any. To come up for further proceedings on 03.02.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

03.02.2022


The Tribunal is non-functional, therefore, the case is adjourned to 24.03.2022 before S.B for the same.

  
Reader

24.03.2022

Counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present.


The case was adjourned on reader note, therefore, notices be issued to the respondents for submission of implementation report. Adjourned. To come up for implementation report on 21.06.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER(E)

12.08.2021

Counsel for the appellant present.

Learned counsel, on a query of this Tribunal as to whether the relief sought in the instant service appeal is extension of the relief given in judgment dated 30.08.2019, learned counsel for the appellant stated at the bar that the present service appeal may be converted into Execution Petition. Request is accorded and the appeal at hand is converted into Execution Petition. Notice be issued to the respondents. To come up for implementation report on 14.10.2021 before S.B.

  
Chairman

14.10.2021

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Implementation report not submitted. Learned AAG seeks time to contact the respondents for submission of implementation report on the next date. Adjourned. To come up for further proceedings before the S.B on 15.12.2021.



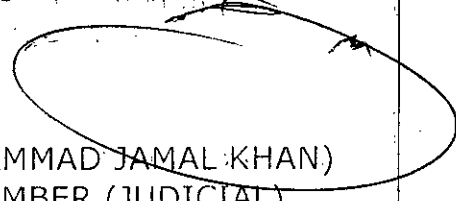

  
(MIAN MUHAMMAD)  
MEMBER (E)

Form- A

## FORM OF ORDER SHEET

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

Case No.- 15898 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/12/2020	<p>The appeal of Mst. Shagufta Bibi presented today by Mr. Noor Muhammad Khattak 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 S. Bench for preliminary hearing to be put up there on <u>25/01/2021</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
25.01.2021		<p>Mr. Muhammad Kamran Khan, Advocate, for appellant is present.</p> <p>In view of the arguments addressed at the bar by the learned counsel representing appellant, it is deemed appropriate to issue pre-admission notice to respondents for 28.04.2021, simultaneously, directing them to submit their reply/comments before S.B.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER (JUDICIAL)</p>
28.04.2021		<p>Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 12.08.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>

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

APPEAL NO. \_\_\_\_\_/2020

**MST. SHAGUFTA BIBI                      VS                      EDUCATION DEPTT:**

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**APPELLANT**

Through:

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

ROOM NO. 1, UPPER FLOOR,  
NEW ISLAMIA CLUB BUILDING,  
KHYBER BAZAR, PESHAWAR CITY

**0345-9383141**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

E.P.No. 184/2021

**PESHAWAR**

APPEAL NO. 15898 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 16452  
Dated 14/12/2020

Mst. SHAGUFTA BIBI, PST (BPS-12),  
Govt. Girls Primary School Bama Kanda,  
Tehsil Dargai, District Malakand .....

**APPELLANT**

**VERSUS**

- 1- Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), District Malakand.
- 4- The District Accounts Officer, Malakand.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT ALLOWING BACK BENEFITS TO APPELLANT AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL DATED 09-09-2020 OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

**That on acceptance of this appeal the inaction of the respondents by not allowing back benefits to the appellant for the intervening period may very kindly declare as illegal and the appellant may be allowed back benefits from the date of removal i.e. 06-06-2016 till re-instatement i.e. 28.10.2019. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.**

**R/SHWETH:**

**ON FACTS:**

1. That appellant is the employee of the respondent Department and is working as Primary School Teacher (BPS-12) under the administrative control of respondent no. 3.
2. That appellant was imposed with major penalty of removal from service on account of absence from duty vide order dated 06-06-2016 which was properly challenged well in time before this Honourable Tribunal vide Service Appeal No. 1038/2016 which was very graciously been allowed vide judgment dated 30-08-2019. Copy of the order dated

**Filed to-day**  
**Registrar**  
**14/12/2020**

06.06.2016 judgment dated 30.08.2019 is attached as annexure ..... **A&B.**

3. That, this Honourable Tribunal while concluding judgment dated 30-08-2019 in para-06 issued direction to the respondent as:

“ ..... As such, we partially accept the appeal, set aside the impugned order and reinstate the appellant into service without back benefits. However, the respondents-department are at liberty to conduct de-novo inquiry in the mode and manner prescribed under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rule, 2011 within a period of ninety days from the date of copy of receipt of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. .... ” .

4. That, the respondent department while implementing the judgment dated 30-08-2019 re-instated the appellant into service and adjusted her vide order dated 28-10-2019 where after the appellant took over the charge of her post. Copy of reinstatement order dated 28.10.2019 & Charge Report is attached as annexure ..... **C & D.**

5. That, the respondent also constituted an inquiry committee as per the direction of this Honourable Tribunal vides order dated 28-10-2019 on the same day when the appellant was re-instated. Copy of the order is attached as annexure ..... **E.**

6. That, the appellant was transfer and posted at Govt. Girls Primary School Khanori No. 1 as per de-novo inquiry vide order dated 03-03-2020 and hence the appellant was relieved from Govt. Girls Primary School Khanori No. 2 Malakand and the appellant by following the order dated 03.03.2020 took over the charge at Govt. Girls Primary School Bama Kanda Tehsil Dargai District Malakand on 05.-03-2020. Copy of order dated 03.03.2020, Relieving & Charge Report dated 05.03.2020 is attached as annexure ..... **F, G & H.**

7. That the issue of back benefits was not decided in the de-novo inquiry but only the appellant was transfer from one school to another hence the appellant filed Departmental Appeal dated 09-09-2020 for back benefits from the date of issuance of the removal order dated 06-06-2016 which was not responded till dated. Copy of the service book along with other documents and Departmental Appeal are attached as annexure ..... **I & J.**



8. That appellant feeling highly aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That not releasing/allowing the back benefits to the appellant from the date of issuance of the impugned order dated 06-06-2016 is void in nature against the law, facts and norms of natural justice hence not tenable in the eye of Law.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the Honourable Tribunal has issued clear direction by setting aside the impugned removal order dated 06-06-2016 and the issue of back benefit was placed at the outcome of the de-novo but instead of releasing back benefits the respondents issued adjustment order of the appellant.
- D- That, since from the date of issuance of the impugned removal order dated 06-06-2016 till re-instatement dated 28-10-2019 the appellant was jobless and has never been engaged in any gainful income hence the appellant is entitle for the back benefits from the date of issuance of the impugned removal order dated 06-06-2016.
- E- That de-novo inquiry was conducted but the copy of the same was not provided to the appellant which vitiates the entire proceedings and make the appellant entitle for back benefits from the date of impugned order dated 06-06-2016.
- F- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 09-12-2020

APPELLANT

  
**MST. SHAGUFTA BIBI**

THROUGH:

  
**NOOR MOHAMMAD KHATTAK**

  
**MUHAMMAD MAAZ MADNI**  
ADVOCATES

Removal from service order

A-4

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MALAKAND AT BATKHELA

OFFICE ORDER

WHEREAS, Mst. Shaqufa Bibi, PST, GGPS No. 2, Khanoor, Malakand was proceeded against under the Khyber Pakhtunkhwa Government servants (Efficiency and Disciplinary) Rules 2011 on the charges of willful absence from duties without prior approval of leave as well as submission of fake maternity leave certificate w.e. from 1.9.2015 to 31.12.2015, which were disclosed by the Incharge Medical Officer concerned and on the said material, you were issued show cause notice vide this office endst: No. 295-97 dated 21.1.2016 and after personal hearing on 11.2.2016 the said absence period were converted in to Extra Ordinary Leave without pay and you were also issued censure of minor penalty vide this office order endst: No. 1387-90/ dated 2.3.2016

AND WHEREAS, The said absent teacher appeared before the competent authority on 11.2.2016 and made commitment for regular performance in future.

AND WHEREAS, You were regularly remained absent from your duty after the expiry of winter vacations (w.e. from 1.1.2016 to 29.2.2016) as reported by the Headmistress concerned/ASDEO(F) Circle/SDEO(F) Batkhela vide No. 862 dated 13.01.2016, No. 29-30 dated 31.3.2016, No. 1253 dated 13.4.2016 and dated 19.5.2016 and also Hot-line complaint regarding her willful absence received from the Deputy Director Estt. Directorate of E&SD, KPK, Peshawar vide his complaint No. 4794-4303 dated 20.3.2016.

AND WHEREAS, The detail absence report received from the Headteacher concerned/Chowkidar/ASDEO(F) Circle concerned vide her letter No. Nil dated 16.5.2016 and No. Nil dated 17.5.2016 and memo No. 49-50 dated 17.5.2016.

AND WHEREAS, At the last a detail report of her willful absence received from the SDEO(F) Batkhela vide her office memo No. 1386 dated 31.5.2016, it means that she did not take interest in her duties and regularly remained absent from her duty without consent/approval of the competent authority.

AND WHEREAS, The competent authority (District Education Officer (F) Malakand) visited the school by herself on 18.4.2016 and the accused mistress found absent from her duty and satisfied to remove her service.

AND WHEREAS, The competent authority DEO(F) Malakand after having considered the charges and evidence on record is of the view that the charges of willful absence have been proved against the said accused teacher.


NOW, THEREFORE, in exercise of powers conferred under section 14 of Khyber Pakhtunkhwa Government servants (E&D) rules 2011, the competent authority (DISTRICT EDUCATION OFFICER (FEMALE) MALAKAND) is pleased to impose the major penalty of REMOVAL FROM SERVICE upon Mst. Shaqufa Bibi, PST, (BPS-12) Govt. Girls Primary School No. 2, Khanoor Malakand with immediate effect.

(DILSHAD BEGUM)  
DISTRICT EDUCATION OFFICER (FEMALE)  
MALAKAND AT BATKHELA

Handwritten signature/initials.

5

Order No. ~~12~~ / P / FNo / GGPS No. 2, Kharon / DEO (E) Mka / Dated: ~~15~~ / ~~12~~ / 2016  
Copy of the above is forwarded for information and necessary action to:-  
1. The Director & SED, Khyber Pakhtunkhwa, Peshawar.  
2. The SDEO (E), Swat, Ranizai, Batkhela.  
3. The District Accounts Officer, Malakand.  
4. The Head Teacher, GGPS No. 2, Kharon, Malakand.  
5. Mst. Shagufta Bibi (PS-12) GGPS No. 2, Kharon, Malakand.

  
DISTRICT EDUCATION OFFICER (E.M.A.)  
MALAKAND, BATKHELA

ATTESTED



B-6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1038/2016

Date of institution ... 06.10.2016  
Date of judgment ... 30.08.2019



Mst. Shagufta Bibi, Ex:PST (BPS-12),  
GGPS Khanori No. 1, District Malakand

... (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (F), District Malakand.
4. The District Account Officer, District Malakand. ... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 06.06.2016 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED ON THE APPELLANT WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Mr. Noor Muhammad Khattak, Advocate

.. For appellant.

Mr. Muhammad Jan, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

.. MEMBER (EXECUTIVE)

**ATTESTED**

JUDGMENT

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the

appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Education Department as Primary School Teacher. She was imposed major penalty of removal from service vide order dated 06.06.2016 on the allegation of absence from duty. The appellant filed departmental appeal on

**ATTESTED**

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24.06.2016 which was not responded hence, the present service appeal on 06.10.2016.

3. Respondents were summoned who contested the appeal by filing of written reply/comments.

4. Learned counsel for the appellant contended that the appellant was appointed as Primary School Teacher in the year 2010. It was further contended that the appellant was performing her duty regularly without any complaint. It was further contended that the appellant was imposed major penalty of removal from service vide order dated 06.06.2016 but neither charge sheet, statement of allegation was served or framed upon her nor proper inquiry was conducted nor any show-cause notice alongwith copy of inquiry was handed over to her. It was further contended that neither any absence notice was issued to the appellant nor any absence notice/show-cause notice was published in two newspaper as required under rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011 therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. It was also contended that the alleged absence period was also for a short period of 2/3 months therefore, the major penalty of removal from service is very harsh as the appellant was having more than six years service in her credit therefore, prayed for acceptance of appeal.

6/10/16  
m/10/16  
38

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ATTESTED

On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving as Primary School Teacher in Education Department. It was further contended that the appellant has produced fake medical prescription and remained absent from duty without permission of lawful authority. It was further contended that all the codal formalities were fulfilled before imposing major penalty of removal from service therefore, the competent

ATTESTED

[Signature]

(8)

authority has rightly imposed major penalty of removal from service and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Education Department as Primary School Teacher. She was imposed major penalty of removal from service on the allegation of absence from duty without permission of lawful authority but the record reveals that neither charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor any show-cause notice alongwith copy of any inquiry report was handed over to the appellant nor any absence notice was issued by the competent authority to her nor any advertisement regarding her absence was published in two newspaper as required under rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011 therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable

to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and reinstate the appellant into service without back benefits. However, the respondent-department are at liberty to conduct de-novo inquiry in the mode and manners prescribed under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011 within a period of ninety days from the date of copy of receipt of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
30.08.2019

*Muhammad Amin*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

*Certified to be true copy*  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*Hussain Shah*  
(HUSSAIN SHAH)  
MEMBER

Date of Presentation of Application 30-08-19  
Number of Words 1200  
Copying Fee 16-00  
Urgent \_\_\_\_\_  
Total 16-00  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 30-09-19  
Date of Delivery of Copy 30-09-19

**ATTESTED**

*A*

fast order

C-9

OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(FEMALE) MALAKAND AT BATKHELA

OFFICE ORDER.

Consequent upon the decision of the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar order dated 30-08-2019 in service appeal No.1038/2016, Mst: Shagufta Bibi Ex-PST is hereby re-instated on service against PST-12 Post w.e.f.30-08-2019 and adjusted at GGPS No.2 Khanori District Malakand.

- Note: (1) Charge report should be submitted to all concerned.  
(2) Necessary entry to this effect should be made in her service book.

(FERMEEDA BLEGUM)  
DISTRICT EDUCATION OFFICER  
(FEMALE) MALAKAND AT BATKHELA.

Endst: No. 5541-47 / Dated 28/10 / 2019.  
Copy of the above is forwarded to the:

- 1) Secretary to Government of Khyber Pakhtunkhwa Peshawar.
- 2) Director (E&SE) Education Department Khyber Pakhtunkhwa Peshawar.
- 3) Honourable Service Tribunal Peshawar.
- 4) District Accounts Officer Malakand.
- 5) Sub Divisional Education Officer (F) Malakand at Batkhela.
- 6) Head Teacher GGPS No.2 Khanori.
- 7) Mst: Shagufta Bibi PST GGPS No.2 Khanori.

DISTRICT EDUCATION OFFICER  
(FEMALE) MALAKAND AT BATKHELA.

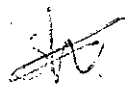
**ATTESTED**



# Charge Report

D - 10

I (Shagufta Bibi) being reinstated by the order dated 30-08-2019 of the honorable service tribunal Khyber Pakhtunkhwa Peshawar and by the further adjustment order, endst: no. 5541-47 dated 28-10-2019 by DEO (F)E&SE) district Malakand, today on 9/11/2019 took over charge of my duties before noon as PST, BPS- 12 at GGPS no.2 Khanori district Malakand. The report is submitted to all concerned authorities for necessary proceedings please.



Charge handing over

Charge receiver



Head Mistress  
G.G.P.S Khanori No.2  
Dist: Malakand

**ATTESTED**





زنکوار سون

E-11

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MALAKAND AT BATKHELA.

OFFICE ORDER.


Mst: SAFIA B-19 Principal Chairperson and Shabana SS B-17 member Govt: Girls Higher Secondary School Batkhela are hereby appointed to conduct inquiry against Mst: Shagufta BIBI OPS No.12 GGPS No.2 Khanori In light of Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar dated 30-08-2019(copy attached for ready reference). It is further added that recommendation submitted to this office within Seven days.

Moreover, Photo copies of necessary documents are attached.

(FEHMEEDA BEGUM)  
DISTRICT EDUCATION OFFICER  
(FEMALE)MALAKAND AT BATKHELA

Endst: No. SS 26-40 / Shagufta Inquiry file, Dated Batkhela the 28/10/2019.  
Copy of the above is forwarded to the:

- 1) Director (E&SE) Education Department Khyber Pakhtunkhwa Peshawar.
- 2) Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 3) Principal GGSS Batkhela.
- 4) Mst: Shabana Subject Specialist B-17 GGSS Batkhela.
- 5) Head Teacher GPPS No.2 Khanori.

  
DISTRICT EDUCATION OFFICER  
(FEMALE)MALAKAND AT BATKHELA

Naik Muhammad.

ATTESTED



11/11/20  
OFFICE OF THE DISTRICT EDUCATION OFFICER(FEMALE)MALAKAND AT BATKHELA.

ADJUSTMENT

Mrs: Shagufta Bibi PST B-12 GGPS Khanori No.1 is hereby adjusted against the vacant post of PST at GGPS Bama Kanda as per de-nove inquiry on her own pay and scale in the interest of public service with immediate effect.

F-12  
—(FEHMIDA-BEGUM)—  
DISTRICT EDUCATION OFFICER  
(FEMALE)MALAKAND AT BATKHELA.

Endst: No. 1151-53 /PST/ Dated Batkhela the 23/03 /2020.

Copy of the above is forwarded to the:-

- 1)SDEO(F) Batkhela and Dargai.
- 2) District Accounts Officer(Female)Malakand.
- 3)DEMIS Cell Local Office.

  
DISTRICT EDUCATION OFFICER  
(FEMALE)MALAKAND AT BATKHELA.

ATTESTED

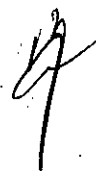


# RELIVING SLIP


G-13

Certified that Mrs: Shagufta Bibi PST  
is hereby relived from his duties today  
on 04/03/2020 after noon from  
GGPS Khanori No-2 MKD vide order/  
Endst No. 1151-53 Dated 03-03-2020  
from the office of District Education (F)  
elementary and secondary Education  
Malakand at Batkhela.

Shagufta Bibi P.S.T.  
GGPS Khanori No-2  
Distt; Malakand.



Head Mistress  
GGPS Khanori No-2  
Distt; Malakand.

  
Head Mistress  
GGPS Khanori No-2  
Distt; Malakand.

CHARGE REPORT

H-14

Certified that I Mrs. Shagufta Bibi P.S.T took over charge of my duties today on 05/03/2020 fore noon at GGPS Bama Kanda Teh; Dargai Distt; Malakand vide Order / Endst No 1151-53 Dated 03/03/2020 from the office of Elementary and Secondary Education (female) Malakand at Batkhela.



Signature Mrs:

Head Misstress Sign: \_\_\_\_\_

& Stamp

  
Head Misstress  
G.G.P.S  
Bama Kanda  
Sakhkot M Agency

GGPS Bama Kanda Teh; Dargai  
Distt; Malakand

ATTESTED



# SERVICE BOOK

(For use in Police Department only)

I - 15

The entries in this p  
9 and 10 should be d

Heirs:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Name: \_\_\_\_\_

Race: M

Residence: U  
Ca

Verification Roll No. \_\_\_\_\_

dated \_\_\_\_\_

received back \_\_\_\_\_

Father's name \_\_\_\_\_

Left Thumb Impression

Date of birth l  
nearly as can

Exact height \_\_\_\_\_

Qualification	Date	Qualification	Date	Personal ma
1) S.S. (A) 200 MB Roll No 51091 Marks 456/800 English Grade "C" P-1 St. Malakond at Chakolna		First Arts		Left hand th of (Non-Gaz
2) Inter-medial (A) 2008 Heminates Pushko Roll No 25614 Marks 578/1100 Grade "C" P-1 St. Chakolna Urdu Malakond		B.L. Or B.A.		Little Finge
		Pleadership examiantion		Middle Fin
Plan-drawing	(ESS) P-1 St. S. Bagh	Training School Final examiantion		Thumb
Finger Print		Other qualification:—		Signature
Drill Instructing				Signature
Court Duties				Signature
Reserve Duties				Head of t Officer.

Pursued P.T.C. from AIOU

Islamabad under R. No

A1602973 obtained 544/900

Result declaration 20/2/20

S.D.O. (F)  
Samar Bagh

N.B. — Line to be drawn under the qualification possessed.

The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

Name: Shagufta Bibi

Race: Muslim

Residence: Village Gul Dohra P.O. Kambal Tehs. Samar Bagh Distt. Doab


Father's name and residence: Mohammed Yusuf As Above


Date of birth by Christian era as nearly as can be ascertained: 10-03-1981  
Ten Th March N.H. Ninety one


Exact height by measurement: 5-3


Date: \_\_\_\_\_ Personal marks for identification: Mole on Rt side face

Left hand thumb and finger impression of (Non-Gazetted) officer:

Little Finger 

Ring Finger 

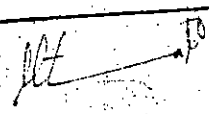
Middle Finger 

Fore Finger 

Thumb 

Signature of Government Servant: 

Form A104  
Rev R. No  
2544/900  
20/2/22

Signature and designation of the Head of the Office, or other Attesting Officer: 

S.E.O. (F)  
Samar Bagh

DRAMING

16

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emoluments falling under the terms of	Date of appointment	Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8
D.S.T. R.P.P. Shahi		B.P.S. 6 Fixed	Rs 3430 = Fixed			03/1/2011	[Signature]	[Signature]
		B-6 (5600-890-14300)	Rs. 5600/- per Fixed			12/01/11	[Signature]	[Signature]
G.P.P. Ghadax & H.B.A.R.		B.P.S. No. 12 (7000-500-22000)				12/01/11	[Signature]	[Signature]
-do-	-do-	-do-	Rs. 7000/- P.M.			12/2012	[Signature]	[Signature]
-do-	-do-	-do-	Rs. 7000/- P.M.			12/01/12	[Signature]	[Signature]
PST								
G.P.S. Launeta	do	do	Rs. 7000/-			28/2013	[Signature]	Sub: [Signature] Samar Baghel
Stop present							[Signature]	
		Fixed	Rs 5600/-			07-2011 13-2011		
		Accounts Officer Karnal Panchayat Panchayat						
G.P.S. No. 1	-do-	-do-	Rs. 7000/- p.m.			1/0/2013	[Signature]	E.O. (Female) Bathela

8	9	10	11	12	13		14	15
					Leave			
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Period	Government to which debitable							
<i>[Signature]</i>	<i>[Signature]</i> S. Bagh	30/6/11	PSR	<i>[Signature]</i>	Appointed as PST in P.Ps. No 6 Fixed 3430 p.m. Fixed Plus Local allowances vide EDO (F&SR) Dis. lower at Timergora No. 22460-75/A dated Timergora the 23-12-2010.			
<i>[Signature]</i>	<i>[Signature]</i>	30/1/11		<i>[Signature]</i>				
<i>[Signature]</i>	<i>[Signature]</i>	30/6/2012	upgraded to B-12	<i>[Signature]</i>				
<i>[Signature]</i>	<i>[Signature]</i> S.O. (F) Samar Bagh	30/11/12	A/O	<i>[Signature]</i>	S-I @ PSS (2007)-P17 Unifund in BPS-6 WEF 1-8-2011 and paid P.T. Allowance WEF 1-3-2011 to 31-7-2011 = Rs 4517/-			
<i>[Signature]</i>	<i>[Signature]</i>	27-8-2013 30/9/2013	Transfer	<i>[Signature]</i>				
<i>[Signature]</i>	<i>[Signature]</i> Sub-Div. Officer Samar Bagh	30/9/2013	Transfer	<i>[Signature]</i>	Sub-Div. Officer (F) Samar Bagh			
<i>[Signature]</i>	<i>[Signature]</i>			<i>[Signature]</i>	Notice accepted and the absence period from 6/1-9/2011 to 28/2/2012 is treated as leave with out pay vide EDO (F&SR) Lower. Dir at Timergora No 47476 dated 10/1/2012			
<i>[Signature]</i>	<i>[Signature]</i>			<i>[Signature]</i>				
<i>[Signature]</i>	<i>[Signature]</i>			<i>[Signature]</i>				
<i>[Signature]</i>	<i>[Signature]</i> E.O. (Female) Bathela	30/11/13	A/O	<i>[Signature]</i>				

2011-12  
 2012-13  
 2013-14  
 2014-15  
 2015-16  
 2016-17  
 2017-18  
 2018-19  
 2019-20  
 2020-21  
 2021-22

Pg Actin 0-5-2 WEF  
 1-3-2012

V.D.A.O  
 15/13



17

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8
Pst G.P.S Khanosi No. 1 M.M. B.P.S-12	off/H	7500/p.m	1	12	2013			 S.D.E.O (F) Batkhehla Mkd.
								30 11 14
CA		Rs. 9000/-				12 14		 S.D.E.O. (F) Batkhehla Mkd.
CA		Rs. 10355/-				1-7-15		 S.D.E.O. (F) Batkhehla Mkd.
- de Removed from Service	- de	Rs 11005/-				12 15		 S.D.E.O (F) Batkhehla Mkd.
Removed from Service due to prolonged absence from duty of Mst: Shagufta Bibi PSTCCPS No. 2 Khanosi vide DEO(F) Mataharand at Batkhela order endst No. 3109-13 dated 5-5-2015.								Servic 1-3 2011 record
S.D.E.O. (Female) Batkhehla								Servic 1-3 2011 record

8 Signature of Government Servant.	9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office, or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer.	15 Reference to any recorded punishment or praise of the Government Servant.	
					Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government			
						Period			Government to which debitible
	S.D.E.O (F) Batkhela Mku.	30/11/14	pay delimitation no 4994 - 5000 vide DBO F, memo dt 12/11/14		Transfer to B-12 vide Finance Dept. Notification No: SO (BRN) 1-18/ERSE/2012 dated 8-7-2012 and F.O. (ERSE) Lacey Dir dt. Emergaria Endt No: 14422-25 dated 29-8-2012.				
		17/11/14	G.A. no 232936/1 D.O. dt 329/11/2014						
	S.D.E.O (F) Batkhela Mku.	30/6/15	P/Kw						
	S.D.E.O (F) Batkhela Mku.	30/11/15	A/ke						
	S.D.E.O (F) Batkhela Mku.				1. B-12 WEF-1-2-2013 with P.A. 2. WEF-1-7-2013 to 31-1-2013 = 6515/11/1				
relonged puffa ed		1-3/8/2011	Service ven. fixed with 8 from the office records.						
355)		1-3/9/2012	Service ven. fixed with 9 from the office records.						

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8 Signature of Government Servant	9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or praise of the Government Servant.
					Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		
					Period	Government to which debitible		
							S.G. ... Signature of the head of the office or other attesting officer S.D.E.O (F) Bakhela Mkd.	
							SERVICE ... W.E.F. 10.3.2020 From the Office Record 1/2 1/4	
	Sofia S.D.E.O Bakhela Mkd.						Consequent upon the decision of the Hon. honorable Service Tribunal Khyber Pakhtunkhwa Peshawar dated 30-8-2019 in Service Appeal No. 1038/2016, M.L.I. Shagufta Bibi Ex P.S.T is hereby reinstated on service against P.S.T B-12 w.e.f. 30-8-2019 vide Fwd. H. No. 5541-47 Dated 28-10-2019.	
	Sofia S.D.E.O Bakhela Mkd.						T# 299 dt 09/3/2020 Drawn on A/c of pay and allowances w.e.f. 9/3/2020 to 28/2/2020 on Re-instatement @ 105442/- less G.P.F 6660, B.F 1800, E.F.F 375, B.O.A.L 1800 Net B=94778/-	
							D.A.O Shagufta 10.3.2020 16/3	

Government of Punjab  
 Department of Revenue  
 Office of the Secretary  
 Government of Punjab  
 Department of Revenue  
 Office of the Secretary

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other employment during under the term "P"	Date of appointment	Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8
PST(B-12) 66/PS No-2 Khanori	off/Temp		Rs. 16200/-			9/11/2019		 S.D.O. Balkhi
66/PS Bama Kanda Sakharot	do		Rs. 16200/-			05/03/2020		

BPS No. 12 (13320-960-42120)

8	9	10	11	12	13		14	15						
					Signature of Government servant	Signature and Designation of the head of the office or other attesting officer (attestation of columns 1 to 8)			Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken.	Leave	
													Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	
						Period	Government to which debitable							
(20)	<i>[Signature]</i> S.D.E.O. (Female) Batkhera	04-03-2020	Transferred	<i>[Signature]</i> S.D.E.O. (Female) Batkhera		Service Verified w.e.f 09-11-2019 To 04-03-2020 from Acquitt. Rolls and other office record.		<i>[Signature]</i> S.D.E.O. (Female) Batkhera						
						Transferred to G/Ss Barma Kamda (Sakhakot) sub Division Dargai vide DEO(F) Malakand at Batkhela Endst. No.151-53 dated 03/03/2020.		<i>[Signature]</i> S.D.E.O. (Female) Batkhera						

151-53  
 DEPT. OF  
 GOVERNMENT  
 BATKHERA  
 MALAKAND  
 DISTRICT  
 NWFC  
 151-53

الحکم ملاحظہ

DEO M.A. صاحب

درخواست اجراء میٹرنسٹی کیوں 48 دن

23

14-11-2015 تا 01-10-2015

جواب عالیہ!

مؤدبانہ گزارش ہے کہ خود سے بیمار ہے اور ڈاکٹر کا  
 علاج لینے خود سے کو میٹرنسٹی کیوں چھوڑ لیا ہے۔ میرا بیکل اسٹریٹجی  
 درخواست طے ہے اس سے توفیق ہے جس کے بارے میں خود سے  
 2015-10-01 تا 2015-11-14 تک سکول میں حاضر  
 رہنے کا حکم ہے۔

مدرسہ اسلامیہ کے طالب علم ہانی نے خود سے کو میٹرنسٹی کیوں  
 چھوڑ لیا ہے۔

میٹرنسٹی کیوں چھوڑ لیا ہے۔

Head Mistress  
 G.C.P.S. No 1  
 Khanos

عین گزارش ہے۔

29/09/2015

حفظ ذیادہ آداب

Received on  
 30-9-2015

SDEO (F) Bafkhalu

آئی ایم فوٹو سلسلہ کی پی پی پی  
 جس کی ایس خانور سے

ATTESTED

[Signature]

Medical No. 2

Rs. 5/-

No. **OUT-PATIENTS DEPARTMENT**

NAME.....

YEARLY NO.....

DATE.....

No. **OUT-PATIENTS DEPARTMENT**

Rs. 3/-

NAME *شہناز بیگم*.....

YEARLY NO. *528*.....

DATE *12-11-2015*.....

DISEASE.....

FACE VALUE RUPEES 5/-

24

This pt Mrs. *Shagufta*  
is advised to have

*Postnatal* maternity  
leave of *45 days*  
i.e. from *15/11/2015* to

*29/12/2015*

*Dr. Manjambhomen*  
*R. No*  
*Sakhalat*  
*12/11/2015*

DR. SAADAT KHAN  
S. No. ORHC  
Sakhalat

ATTESTED

*[Signature]*



(25)

محرمت جناب D.E.O.F صاحب محکمہ ابتدائی و ثانوی تعلیم ضلع ملائکہ  
درخواست برائے میٹرنٹی لیو 45 > 45

29-12-2015 تا 15-11-2015

جناب عالیہ!

مؤدبانہ گزارش ہے کہ فدویہ بیگار ہے۔  
ڈاکٹر صاحبہ نے فدویہ کو میٹرنٹی لیو تجویز کیا ہے۔  
سرٹیفکیٹ درخواست دہرے کے ساتھ لیا ہے۔ جس کی وجہ سے  
فدویہ 2015-11-15 تا 2015-12-29 تک سکول میں حاضری  
دینے سے قاصر رہے گی۔

لہذا آپ صاحبان میری بانی گھر کے فدویہ کو مذکورہ  
میٹرنٹی لیو عطا فرما کر مشکور فرماویں۔

عین نوازش ہوگی۔

Head Mistress  
G.O.P.S. No. 1  
Khanori

ATTESTED

فقو ذیادہ آداب۔

محمد رفیق صوفی 2015-11-12

آپ کی تابع فرمان شلفقہ بی بی PST  
بی بی ایس خانوڑے

Dist. Govt. NWFP-Provincial  
District Accounts Office Malakand  
Monthly Salary Statement (May-2020)



26

Personal Information of Mrs SHAGUFTA d/w/s of MUHAMMAD YOUSAF

Personnel Number: 00591578

CNIC: 1540156888042

NTN:

Date of Birth: 10.03.1991

Entry into Govt. Service: 01.03.2011

Length of Service: 09 Years 03 Months 001 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL TEACHER

80002422-DISTRICT GOVERNMENT KHYBE

DDO Code: MD6082-DY: D.O (F PRY) BATKHELA.

Payroll Section: 002

GPF Section: 001

Cash Center:

GPF A/C No:

Interest Applied: Yes

GPF Balance:

13,320.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 12

Pay Stage: 3

Wage type		Amount	Wage type		Amount
0001	Basic Pay	16,200.00	1000	House Rent Allowance	1,961.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1911	Compen Allow 20% (1-15)	1,000.00	2148	15% Adhoc Relief Alt-2013	550.00
2199	Adhoc Relief Allow @10%	275.00	2211	Adhoc Relief All 2016 10%	1,354.00
2224	Adhoc Relief All 2017 10%	1,620.00	2247	Adhoc Relief All 2018 10%	1,620.00
2264	Adhoc Relief All 2019 10%	1,620.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3012	GPF Subscription	-2,220.00	3501	Benevolent Fund	-600.00
3990	Emp.Edu. Fund KPK	-125.00	4004	R. Benefits & Death Comp:	-600.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
------	-------------	------------------	-----------	---------

Deductions - Income Tax

Payable: 0.00 Recovered till May-2020: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 30,556.00 Deductions: (Rs.): -3,545.00 Net Pay: (Rs.): 27,011.00

Payee Name: SHAGUFTA

Account Number: 3388-4

Bank Details: NATIONAL BANK OF PAKISTAN, 230593 N.B.P SAKHAKOT MKD AGENCY N.B.P SAKHAKOT MKD AGENCY,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: DHERAI KAMBAT

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

محکمہ تعلیم و تربیت، سندھ، حکومت سندھ، ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی

(27)

محکمہ تعلیم و تربیت، سندھ، حکومت سندھ، ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی

محکمہ تعلیم و تربیت، سندھ، حکومت سندھ، ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی  
PST ٹورنل کے ذریعہ ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی سے ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی کے سربراہان کو اطلاع دی جا رہی ہے۔  
سرورس کے تحت ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی کے سربراہان کو اطلاع دی جا رہی ہے۔  
سرورس کے تحت ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی کے سربراہان کو اطلاع دی جا رہی ہے۔

محکمہ تعلیم و تربیت، سندھ، حکومت سندھ، ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی  
ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی کے سربراہان کو اطلاع دی جا رہی ہے۔  
ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی کے سربراہان کو اطلاع دی جا رہی ہے۔  
ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی کے سربراہان کو اطلاع دی جا رہی ہے۔

محکمہ تعلیم و تربیت، سندھ، حکومت سندھ، ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی  
ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی کے سربراہان کو اطلاع دی جا رہی ہے۔  
ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی کے سربراہان کو اطلاع دی جا رہی ہے۔  
ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی کے سربراہان کو اطلاع دی جا رہی ہے۔

09.09.2020

ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی

ایجوکیشن ڈیپارٹمنٹ، گلبرگ ٹورنل، کراچی  
PST  
GGS نام فائنڈ اعلیٰ سکول

VAKALATNAMA

Before the MP Service Tribunal, Peshawar

No. \_\_\_\_\_ /2020

Shazufa Bibi

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Shazufa 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: \_\_\_\_\_ / \_\_\_\_\_ /2019

Sh

CLIENT

Sh

ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH KHAN YOUSAFZAI

&

Mir Zaman Saifi  
MIR ZAMAN SAIFI  
ADVOCATES

OFFICE:

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Phone: 091-2211391

15/12/21

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

**REPLY TO APPEAL NO.15898 of 2020**

Mst. Shagufta Bibi, PST (BPS-12),  
Government Girls Primary School Bama Kanda, Tehsil Dargai, District  
Malakand....**APPELLANT**

**VERSUS**

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), District Malakand.
- 4- The District Account Officer, Malakand.

.....**RESPONDENTS**

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03	OPD Chit	A	5
04	Application	B	6
05	Inquiry Report	C	7
06	Statement of Chowkidar	D	8
07	Statement of inhabitants	E	9
08	Removal	F	10
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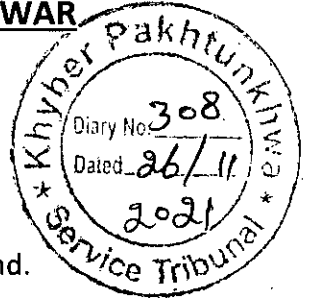
Deponent

CNIC No.

13101-2222723-0

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

**REPLY TO APPEAL NO.15898 of 2020**



Mst. Shagufta Bibi, PST (BPS-12),  
Government Girls Primary School Bama Kanda, Tehsil Dargai, District Malakand.

.....  
**APPELLANT**

**VERSUS**

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), District Malakand.
- 4- The District Account Officer, Malakand.

.....  
**RESPONDENTS**

**Preliminary objections:**

1. The appellant has not come to this August Tribunal with cleans hands.
2. The appellant has estoped be her own conduct.
3. The appellant has submitted fake documents as evidence which is violation of the law.
4. The appellant tries for back benefits on the weak grounds.
5. That the appeal of the appellant is badly time barred.
6. That this Honorable Court has got no jurisdiction to entertain the present appeal.

**R/SHEWETH:**

**OBJECTION ON FACTS:**

1. Correct to the extent that the appellant was serving as PST (B-12) at GGPS No.1 Khanori. She absented herself with effect from 15-11-2015 to 29-12-2015 on submission of maternity leave certificate.

The certificate was verified from HRC Sakhakot. Dr.Saddat Anwar SMO, I/C RHC Sakhakot reported as under.

بمورخہ 12-11-2015 اس اوپنی ڈی چٹ میں جو نام یعنی شگفتہ درج ہے ہسپتال یعنی آراتیج سی ساکوٹ کے ریکارڈ کے مطابق  
12-11-2015 کو نمبر 528 پر نادر خان کی ماں ساکن و راند کارخانہ درج ہیں۔ لہذا ریکارڈ کے مطابق یہ نمبر غلط ہیں۔

--SD--

Dr.Saddat Anwar  
SMO , RHC Sakhakot

Moreover an inquiry was conducted by DEO (F) Swat Ranizai along with office Supdt: and a JC. In the process she could not prove her presence. The inhabitants and Chowkidar of

the school also recorded their statements regarding her absentee. OPD Chit, application, Inquiry report and statement of the Chowkidar and statements of the inhabitants are annexed as (A,B,C,D,E).

2. She was removed from service due to long absentee which she tried to show as maternity leave but not accepted by the respondent. Therefore she was rightly removed from service. Removal order is annexed as "F".
3. In the light of directions issued on 30-08-2019 in service appeal No.1038/16 the respondent No.3 the then DEO (F) Mst. Fahmeeda Begum Reinstated the appellant at GGPS Bama Kanda Sakhakot instead of GGPS Khanori No.1 due to the reasons best known to her. It is pertinent to mention here that the concerned DEO (F) is presently serving as Principal B-18 at GGHS Meherdi. Reinstatement order is annexed as "G".
4. Correct and needs no comments.
5. Correct to the extent that the then DEO (F) Mst. Fahmeeda Brgum ordered the Principal GGHS Totakan for inquiry, but no proper proceedings were initiated in the case.
6. In violation of the denovo inquiry / court order the then DEO (F) adjusted/ transferred the appellant at GGPS Bama Kanda Sakhakot instead of her own school i.e GGPS Khanori No.1.
7. Is concerned, the detail has already been given in Para 1 regarding OPD Fake Chit verified by SMO I/C RHC Sakhakot which is already annexed as "A" is the strongest proof of her absentee. Moreover 2003 SCMR 228 is very clear about pay during absence period. Para 7 of the judgment is re produced.

7:- We have considered the argument 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 affected 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 duties as mentioned hereinabove and recovery was rightly affected 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 found that there is no jurisdictional error or misconstruction of facts and law. The impugned judgment is not open to exception.

Judgment is annexed as "H".

8. No comments.

#### **OBJECTION ON GROUNDS:**

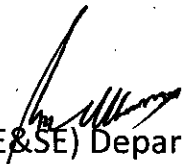
- A- Incorrect. The appellant remained absent/submitted a fake OPD chit, hence having no right of back benefits.
- B- Incorrect. The appellant was given extra facility of transfer near her home station.
- C- As explained in Para 7 of the facts that she is not entitled for the back benefits in the light of the judgment of Supreme Court.
- D- As explained in the foregoing paras, no one is entitled for pay etc. during the absence period which is the case of appellant.
- E- The then DEO Mrs. Fahmida Begum left the procedure incomplete and made her transfer to her home station.
- F- Respondents also seek permission to advance other grounds at the time of arguments.

It is therefore humbly requested that on acceptance of the instant para wise comments the appeal of the appellant may kindly be dismissed.

**Through Respondent No.1**

1. The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.

**Respondent No.2**

  
Director (E&SE) Department,  
Khyber Pakhtunkhwa, Peshawar.

**Respondent no.3**

  
District Education Officer  
Female District Malakand.



24

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

**REPLY TO APPEAL NO.15898 of 2020**

Mst. Shagufta Bibi, PST (BPS-12),  
Government Girls Primary School Bama Kanda, Tehsil Dargai, District  
Malakand....**APPELLANT**

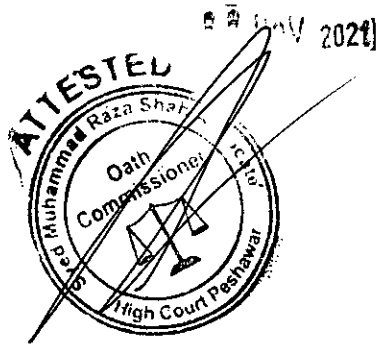
**VERSUS**

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), District Malakand.
- 4- The District Account Officer, Malakand.

.....**RESPONDENTS**

**AFFIDAVIT**

I Sadia Aziz D.E.O Female Malakand do hereby solemnly affirm and declare on oath that the contents of the accompanying para wise comments submitted by Respondent No 3 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



**DISTRICT EDUCATION OFFICER  
(F) MALAKAND**

26 NOV 2021

Medical No. 2

Rs.

No.

OUT-PATIENTS DEPARTMENT

NAME .....

YEARLY NO. ....

DATE .....

No.

Rs. 3/-

OUT-PATIENTS DEPARTMENT

NAME *Shagufta* .....

YEARLY NO. *528* .....

DATE *12-11-2015* .....

DISEASE .....

FACE VALUE RUPEES 5/- FACE VALUE

This pt Mrs Shagufta is advised to have

Postnatal maternity

leave of 45 days

i.e from 15/11/2015 to

*29/12/2015*  
*29/12/2015*

*Dr. Manjari Kumar*

*S.M.O. Sakharot*

*DR. SAADAT MWAR*  
*S.M.O. RHC*  
*Sakharot*

*R.H.C*

*Sakharot*

*12/11/2015*

PTO

Dated, \_\_\_\_\_

D.E.O.F2

اپنے  
2015-11-12  
میں ہونے والی

متعلقہ راجہ کے ہسپتال یعنی سیکرٹری  
کے ریکارڈ کے مطابق 2015-11-12  
میں سید صاحبہ اور ان کے بچے کے  
موت کے حوالے سے راجہ کے ہسپتال  
میں ریکارڈ موجود ہے۔

یکل

DR. Saadat Anwar  
S.M.O RHC  
Sakhakor  
23/12/2015

DR. SAADAT ANWAR  
S.M.O RHC  
Sakhakor

جناب عالیہ!

الٹریٹو

تفصیلات

11-2015

سے

پیشکش

فقو

محمد

ایم فرمان

سی ایس خانہ

9-15

DEO  
B-10

This pt Mrs. Shogujta  
is advised to have  
Antenatal  
maternity leave of 45  
days i.e 1/10/2015  
to 14/11/2015.

جناب عالی  
مردبانہ کنزرویشن  
کامیونٹی ہسپتال کو میرنگی  
درخواست ہے۔

DR. Masjood Rehman  
M.O  
R.H.C  
Sakhrkot

11-2015 C 01-10-2015

29/09/15

DR. SAADAT ANWAR  
M.O R.H.C  
Sakhrkot

میں نے تمام ریکارڈ  
کے ساتھ لے کر

[Signature]

Head Mistress  
B.C.P.S. No. 1  
Khanosi

میں نے تمام ریکارڈ لے کر  
مستور فرمائیں

عین انوائس کے ساتھ

فقط ذیادہ ادوار

29/09/2015

انوار  
آئی سی ایم نیشنل ایس ایس پی  
ایس ایس خانپور

Annex. 67

*Shagufta*

D.E.O (F) Mkd  
Diary ..... 47 .....  
Date: 9-1-2016  
At Batkhela

*OP/9/1/16*

OFFICE OF THE  
SUB DIVISIONAL EDUCATION OFFICER (F)  
SWAT RANIZAI AT BATKHELA  
No. 834  
Dated 6-01-2016

To :

The District Education officer,  
(Female) Malakand at Batkhela.

Subject: DISCIPLINARY ACTION AGAINST MR. SHAGUFTA PST GGPS, NO. 1 KHANORI.  
Memo,

It is submitted for your kind information that Mst. Shagufta PST G.G.P.S. No. 1 Khanori was applied for maternity leave with effect from 29-09-2015 to 14-11-2015 vide O.P.D. chit No. 1874 dated 29-09-2015 and with effect from 15-11-2015 to 29-12-2015 vide RHC Sakhakot O.P.D. chit No. 528 dated 12-11-2015 (OPD chit No. 1874 dated 29-09-2015 and bogus OPD No. 528 dated 12-11-2015 are enclosed herewith).

Meanwhile the Nazim Union council Khanori lodged complaint against the maternity leave case of the mistress concerned and stated that the mistress concerned remained absent from her duty in each and every month since long. Then the maternity leave was sent to the Incharge Doctor RHC Sakhakot through the representatives of this office for verification. The In charge Doctor of R.H.C. Sakhakot recorded his remarks on the back of OPD Chit that O.P.D. No. 528 dated 12-11-2015 is wrong and the same OPD No. is not on the record of his O.P.D. register. (Copy attached).

Hence it is requested that strict disciplinary action may please be initiated against Mst. Shagufta Bibi PST GGPS, No. 1, Khanoori under E&D rules 2011.

Encl: As above.

*Inquiry report of this office  
is also attached for information  
& further NIA PIS*

*Shagufta*  
SUB-DIVISIONAL EDUCATION OFFICER (F)  
SWAT RANIZAI AT BATKHELA  
4/1/2016

OFFICE OF THE  
SUB DIVISIONAL EDUCATION OFFICER (F)  
SWAT RANIZAI AT BATKHELA

ENQUIRY REPORT REGARDING ABSENCE OF MST. SHAGUFTA PST GGPS,NO.2 KHANORI.

In compliance with the directions of the Sub Divisional Education officer (Female) Swat Ranizai at Batkhela dated 19-12-2015, I Mr. Farmanullah Superintendent accompanied Mr. Faridullah J/Clerk of local office visited GGPS, No. 2 Khanori on 19-12-2015 and reached the school at 1.20 PM in connection with absence and maternity leave case of Mst. Shagufta Bibi PST GGPS, No. 1 Khanori. The following irregularities were noted.

FINDINGS.

The school was completely closed and Mst. Shagufta Bibi PST GGPS, No. 1 Khanori was absent from her duty. Mr. Muhammad Naseer Chowkidar was present. Then Mst. Shagufta Bibi PST was come to school after the closing of school timing i.e. on 2.30 PM.

2. A questionnaire was given to Muhammad Naseer chowkidar, he stated that Mst. Shagufta Bibi PST come to school three/ four days in the month and marked herself present in the teachers attendance register. He further stated that the school has been closed since three months. (Copy of written statement is enclosed as annexure "A").
3. A questionnaire was given to Mst. Shagufta Bibi PST GGPS, No. 1 Khanori. She stated in her reply that she performing her duty regularly from 7.30 am to 1.35 pm. She replied that her maternity leave case is based on fact. She recorded 7.30 am and 1.30 pm in the teachers attendance register inn the whole month of October, November and December 2015. (Copy of written statement is enclosed as annexure "B").
4. The inhabitants of the area given written statement that the school remained closed since long and the teacher come to school after the expiry of three/ four months and then marked her signatures in the teachers attendance register for three/four months on the same day. They further stated that the precious times of the small kids are wasting due to the absence of the mistress concerned.
5. BUILDING AND CONDITIONAL GRANT.  
One class room has been fallen down since long and the other class room and veranda are also in bad condition. Rs. 1,10,000/- for electrification Rs. 1,60,000/- for Group latrine and Rs. 2,00,000/- for water supply Total Rs. 6,45,000/- have been allotted and are lying in the school account so far. The amount has not been drawn and utilized so far due to the absence of Mst. Shagufta Bibi PST. It is suggested that the higher authority may please be approached to construct one class room on need basis and strict action may be taken against the teacher concerned.
6. PTC FUNDS.  
PTC funds have been allotted to the school, but no repair/work has been done in the last three years. The PTC amount allotted since 2013 up till now may be recovered from her salaries and be deposited into Government treasury through proper challan.
7. 5<sup>TH</sup> CLASS EXAMINATION 2016.  
The registration of some students of 5<sup>th</sup> class students of GGPS, No. 2, Khanori has not been done so far due to the absence of Mst; Shagufta PST. Explanation of the teacher may be called and action may be initiated against her.

C-7

SUGGESTION.

The teacher concerned may be directed to utilize the conditional grant without further delay, as the target date of completion of work is near to be expired in few days. The ASDEO (F) circle concerned visited the school, on 20.09.2014 and then on 15.12.2015, as and when she directed. The ASDEO (F) circle concerned did not visit the school in the last One Year and three months. She has not visited the school during the last annual examination, as reflected from the teachers' attendance register of the school. Explanation of the A.S.D.E.O. (Female) Circle Batkhela and the teacher concerned may be called.

(FARMANULLAH)  
SUPERINTENDENT  
O/O THE S.D.E.O. (FEMALE) BATKHELA

(FARIDULLAH KHAN)  
JUNIOR CLERK  
O/O THE S.D.E.O. (FEMALE) BATKHELA.

With  
few days  
15.12.2015  
school in the last  
al

With  
few days  
15.12.2015  
school in the last  
al

سوالنامہ برائے چوکیدار گورنمنٹ گرلز پرائمری سکول عا خانوڑے

س۔ آپ کا نام اور عہدہ کیا ہے۔ ج: محمد نصیر چوکیدار

س۔ آپ اس سکول میں کب سے ڈیوٹی انجام دے رہے ہیں۔

ج: 2006

س: سکول ہذا میں سماہ شلفنہ جی بی پی ایس ٹی کی ڈیوٹی کے بارے میں تفصیل سے بیان دے دیں۔

دہینے سے متعلقہ بند ہے۔ صدمہ سے چار دن سبکدوش

حاضر و لیگان کیلئے سے لے کر سکول بند رہتا ہے

محمد نصیر

محمد نصیر چوکیدار  
G.G.P.S عا خانوڑے  
19/12/15

Muzamil  
Muzamil  
Muzamil  
Muzamil



حضرت جناب ڈاکٹر نذیر احمد صاحب (ملائیہ) صاحب (مقام) بیٹا خیر

E-9 در خواست ہے کہ قانون کاروائی خلع و سمانہ مستحقہ بجای (PST) بجای گورنمنٹ ٹیچر ایسوسی ایشن خانی پور ملہ منسہ

جناب عالی! گزارش جناب سائل صاحب ذیل ہے۔

1) یہ سائل محنی اللہ خان ولدہ دوامید و بی بی ناظم سکول خانی پور میں کر سٹیل سے تعلق رکھتا ہے۔

2) یہ سائل مذکورہ بالا ٹیچر ایسوسی ایشن دو شعبوں سے غنیمت حاصل ہے۔ اور 4 لٹری منسہ میں ایک بار بھی ہے۔ اور تمام منسہ سکول خانی پور سے مسلسل غنیمت حاصل ہوتی رہتی ہے۔

3) یہ سائل مذکورہ ٹیچر ایسوسی ایشن کی غنیمت حاصل ہے کہ وہ سب سے بیمار و بچوں کا مستقبل تاریک ہوتا جا رہا ہے۔ جبکہ سکول خانی پور کے تمام بچے باقاعدگی سے آئے رہتے ہیں۔

4) یہ سائل جماعت پنج منسہ ملہ میں امتحان لکھتا ہے اور ایسوسی ایشن میں نہیں ہوا ہے۔

5) یہ سائل مذکورہ ٹیچر ایسوسی ایشن کے سیکرٹری جناب صاحب کے قانون کاروائی کے تمام حصے اور سیکرٹری کے دفتر میں رہتا ہے۔

05/12/2015

NAZIM GHANI U RAHM VILLAGE COUNCIL KHAN P

سائل محنی اللہ خان ولدہ دوامید و بی بی ناظم سکول خانی پور

G-11

OFFICE OF THE DISTRICT EDUCATION OFFICER(FEMALE)MALAKAND AT BATKHELA.

ADJUSTMENT.

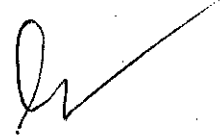
Mrs: Shagufta Bibi PST B-12 GGPS Khanori No.1 is hereby adjusted against the vacant post of PST at GGPS Bama Kanda as per de-nove inquiry on her own pay and scale in the interest of public service with immediate effect.

(FEHMIDA BEGUM)  
DISTRICT EDUCATION OFFICER  
(FEMALE)MALAKAND AT BATKHELA.

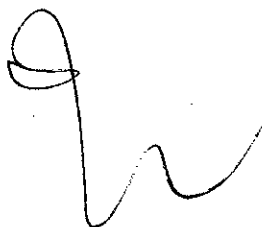
Endst: No. 1181-53 /PST/ Dated Batkhela the 03/03 /2020.

Copy of the above is forwarded to the:-

- 1)SDEO(F) Batkhela and Dargai.
- 2) District Accounts Officer(Female)Malakand.
- 3)DEMIS Cell Local Office.



DISTRICT EDUCATION OFFICER  
(FEMALE)MALAKAND AT BATKHELA.



2003 S C M R 228

4-120714

[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

SYED DEEDAR HUSSAIN SHAH, J.---Petitioner seeks leave to appeal against that judgment of

1076730CE of 2000 dated 2-11-2001, whereby appeal filed by the petitioner was dismissed. The Federal Service Tribunal, Islamabad (hereinafter referred to as the Tribunal) passed in Appeal No.

2. Briefly stated that facts of the case are that on 4-1-1994, the petitioner was transferred from Missa Kizwal to Pirkoh Gas Field. 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 Pirkoh Gas Field was granted and he was allowed to continue and perform his duties at Missa Kizwal 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 has been paid to him as salary during the period he worked at Missa Kizwal on the strength of the stay order of NIRC.

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

4. We have heard Mr. Saad Mohammad Warich, learned counsel for the petitioner, who, inter alia, contended that the petitioner's absence from duty from 2-7-1994 to 2-8-1994 and 2-10-1994 to 10-9-1995 was wrongly treated as Extra Ordinary Leave (EOL) and the Office Memorandum dated 12-5-1999 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. Senior Advocate Aslam, learned, D.V.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 18-2-1996. He has also referred to the appeal of the petitioner which is at page 27 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-120N, it is submitted that as per message No.MK.1331 dated 26-11-1999 (PR244Cor), O.M.(F), Missa Kizwal, Mr. Niaz Hussain Shah was relieved from Missa Kizwal Oil Field, for Pirkoh Gas Field. He neither reported at Pirkoh nor at Missa Kizwal Oil Field, after getting stay order from NIRC, O.K.(F), Missa Kizwal Oil Field. It is not confirmed whether he performed any official duty during his stay (off & on) at Missa Kizwal, Mr. Niaz Hussain neither claimed any field benefit like mess/D.A. and room 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 referred 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.

6. Senior Advocate Aslam, learned D.V.A.G. has 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 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.



**OFFICE OF THE DISTRICT EDUCATION OFFICER,  
(FEMALE) MALAKAND AT BATKHELA.**

**OFFICE ORDER /**

In light of the esteemed order sheet passed on 04-08-2022 in the **Service Appeal No.15898/2020 & EP No.184/21**, a **de-novo Inquiry** was conducted by the Inquiry committee in response to office order of the DEO (F) Malakand vide order under Endst: No.521-26 dated 10-08-2022 and Inquiry Report submitted to the office of DEO (F) Malakand vide Principal (BPS-18) GGHSS Palonow under No.1848 dated 31-08-2022 and further an Opportunity of personal hearing given to the appellant **Mst:Shagufta Bibi PST GGPS Bama Kanda Tehsil Dargai** vide Endst: No.1008-12 dated 01-09-2022 and minutes of the personal hearing Committee convened at the office of the office of the DEO (Female) Malakand at Batkhela submitted report vide Endst: No.6066-71 dated 05-09-2022, and as the De-novo Inquiry has proved that she is not entitled for the back benefits, hence back benefits are not given to her.

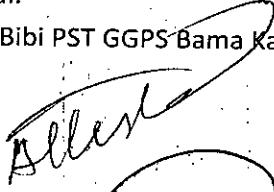
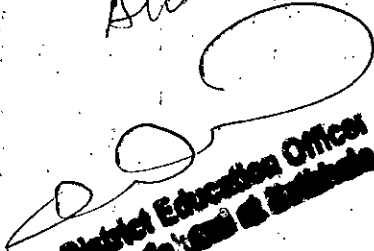
( MIDRARULLAH JAN )  
DISTRICT EDUCATION OFFICER,  
(FEMALE) MALAKAND.


Endst: No. 1125-29 / Lit/ST/PF Shagufta PST

Dated 5/9/2022

Copy of the above is forwarded to the :

- 1 Hon'ble Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 2 Dy: Director, (Litigation) E&SE Khyber Pakhtunkhwa Peshawar.
- 3 Section Officer (Litigation) E&SE Khyber Pakhtunkhwa Peshawar.
- 4 SDEO (F) Dargai.
- 5 Mst: Shagufta Bibi PST GGPS Bama Kanda Tehsil Dargai

  
  
District Education Officer  
(F) Malakand at Batkhela

  
DISTRICT EDUCATION OFFICER,  
(FEMALE) MALAKAND.

# OFFICE OF THE PRINCIPAL GGHSS PALONOW

No. 1848

Dated 31-08-2022

## INQUIRY COMMITTEE:

→ Safia Bibi Principal GGHSS Palonow

Chairperson

→ Shagufta Begum Principal GGHSS Haryankot

Member

→ Venue of Inquiry

DEO (Female) Malakand at Batkhela

→ Dated

24-08-2022

## INQUIRY REPORT AGAINST MS SHAGUFTA PST GGPS BAMA KANDA SAKHAKOT DISTRICT MALAKAND REGARDING BACK BENEFITS.

Reference to your office order No.521-26 Dated 10-08-2022 regarding the judgment order passed by honorable service tribunal Khyber Pakhtunkhwa Peshawar in service appeal No. 158-987/2020 in respect of Mrs. Shagufta Bibi (PST) regarding the back benefits after her re-instatement on PST post at GGPS Bama Kanda Tehsil Dargai.

### FINDINGS:

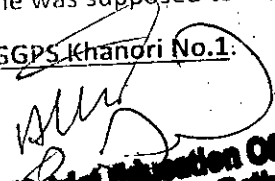
The findings of the inquiry committee are as under.

The inquiry committee very carefully and very thoroughly studied the provided record. The committee also made personal hearing of Mrs. Shagufta Bibi PST GGPS Bama Kanda and provide her a questionnaire where she was asked to answer some question related to the case (Anex A).

1. While going through the judgment of honorable court the committee is of the view that there are two parts of the judgment.
  - a) Re-instatement of Mrs. Shagufta Bibi and
  - b) Back benefits subject to the outcomes of denovo inquiry (Anex B).

The appellant was re-instated as ordered by the honorable court vide order No.1038/2016 Dated 30/08/2019 by DEO Female Malakand order No. 5541-47 Dated 28-10-2019 at GGPS Khanori No.2 (Anex C).

2. As far as the other part of the judgment i.e back benefits is concerned a committee for denovo inquiry was constituted vide DEO Female Malakand order No. 5853-57 Dated 21/11/2019 but in the said inquiry report there is nothing about the back benefits and in view of the said inquiry Mrs. Shagufta Bibi was favored by the then DEO Female and transferred to her home hometown. Instead of fulfilling the requirements of court judgment about back benefits the then DEO facilitated the accused teacher (Anex D).
3. The appellant was habitual of absenteeism from the beginning of the service in District Dir lower as proved from service book record (Vide EDO E&SE Dir Lower Order No. 474-76 Dated 10/01/2012). (Anex E)
4. The willful absence of accused teacher from duty has been proved by providing fake medical chit.
5. When asked that where she has performed the duty for which she claims the back benefits her reply was that. She has performed the duty in GGPS Bama kanda Sakhakot Malakand, while she was supposed to be present in GGPS Khanori No.1 as at the time of removal from service she was working in GGPS Khanori No.1.

  
District Education Officer  
Malakand at Batkhela

6. The accused teacher was imposed the minor penalty of "censure" in addition to recovery of pay for the period of absence from duty w.e.f 01-09-2015 to 31-12-2015 which is converted to extra ordinary leave without pay with the directives that entry should be made in the service book vide DEO Female Malakand (Order No. 1387-90 dated 03-03-2016) (Anex F) But recovery was not done from the accused teacher and the entry was not made in the service book.
7. According to inquiry report number Nil on Dated 19-12-2015 the accused teacher remained absent and come to school once after three or four months and marked herself present in attendance register. She even marked the attendance of that time which she claimed for fake maternity leave too. (Anex G).

### **CONCLUSION:**

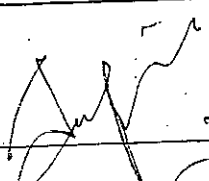
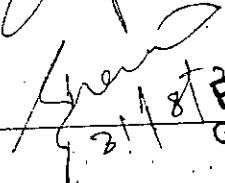
In view of the above facts the inquiry committee come the conclusion that. The accused teacher never performed her duty in all her duty stations as proved from her service book record, the corresponding letter amongst ADEO, ASDEOs and DEOs, complaints from the school Chowkidar and head teacher and Nazim of the concerned village. Even hotline complaints were made from the public to the director E&SE Peshawar Khyber Pakhtunkhwa (Anex H).


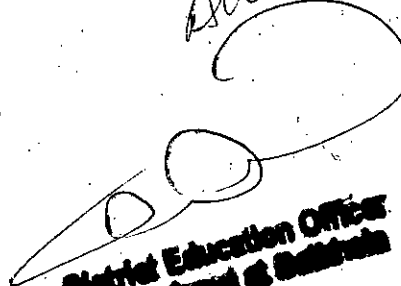
### **RECOMMENDATION:**

In view of the above facts and findings it is recommended that.

1. Where there the accused teacher remained absent, her absent period must be converted into leave without pay.
2. Recovery of pay of the absent period must be done from the accused teacher.
3. Entries of recovery of pay and conversion of the absent period to leave without pay must be made in the service book.
4. The period of her absence/removal from service may be converted into extra ordinary leaver without back benefits as according to the precedent mentioned in a case "NO DUTY, NO PAY "

### **SIGNATURE OF THE INQUIRY COMMITTEE**

1. Safia Bibi.  31/08/22  
PRINCIPAL  
GGHSS Palonow  
District Malakand
2. Shagufta Begum.  31/08/22  
PRINCIPAL  
GGHSS Haryar  
Dist. Malakand

  
  
District Education Officer  
Malakand & District





**OFFICE OF THE DISTRICT EDUCATION OFFICER,**  
**(FEMALE) MALAKAND AT BATKHELA.**

**MINUTES OF THE MEETING (SPEAKING ORDERS)**

A meeting of the following members was convened at the office of the office of the DEO (Female) Malakand at Batkhela on 05-09-2022 at 11.00 am in light of the office order vide Endst: No.1008-12 dated 01-09-2022 to personally hear Mst: Shagufta Bibi PST GGPS Bama Kanda Tehsil Dargai and submit recommendation to the Competent Authority for further necessary action to further implement and decide about orders passed by the Hon'ble Khyber Pakhtunkhwa Service Tribunal in Service Appeal No.15898/2020 & EP No.184/21 :

The following attended the personal meeting:

- |  |           |
|--|-----------|
| 1 Mr.Nasimul Haq B&AO, DEO (M) Malakand.               | Chairman. |
| 2 Mr.Abdus Salam Supdt: DEO (F) Malakand               | Member.   |
| 3 Mr.Abdul Ali, Assistant DEO (F) Malakand.            | Member.   |
| 4 Mst: Shagufta Bibi PST GGPS Bama Kanda Tehsil Dargai | Appellant |

*Shagufta Bibi*  
*Abdul Ali*  
*Abdus Salam*

The meeting was started with recitation from holly Quran. After recitation of holly Quran, the meeting started and the Chairman wellcomed the participants. All the matter consisting Service appeals, court Judgement passed on 30-08-2019 and its Implementation i.e. re-instatment and her adjustment near to her home i.e. GGPS Bama Kanda (Tehsil Dargai) was briefed before the hearing Committee.

De-novo inquiry report and its recommendations and findings alongwith it enclosure were also put before the hearing committee. The appellant mistress present in the meeting were put some questions about her absence in light of the de-novo Inquiry and finds.

*all*

*2022*

**District Education Officer**  
**(F) Malakand at Batkhela**

Some facts of the appellant according to the record are as under:-

1. Date of Removal from Service while she was enjoying absences at GGPS Khanori Tehsil Batkhela vide order dated 06-06-2016
2. Date of Re-instatement in service as per Court Judgement vide order dated 28-10-2019
3. Date of adjustment at GGPS Bama Kanda Tehsil Dargai vide order date : 03-03-2020

The appellant mistress failed to defend her claim of back benefits for the absent period i.e. with effect from 06-06-2016 to 28-10-2019.

The committee unanimously decided that the appellant for the back benefits for the absent/ non-duty period is not justifiable in light of the de-novo Inquiry and esteemed Judgement of August Supreme of Pakistan 2003 SCMR 228 Order passed 11-09-2022 : Pay, entitlement to --- When there is no work, there is no pay.

( MIDRARULLAH JAN )  
DISTRICT EDUCATION OFFICER,  
(FEMALE) MALAKAND.

Endst: No. 6066-71 / Lit/ST/PF Shagufta PST

Dated 5/9/2022

Copy of the above is forwarded to the :

- 1 Hon'ble Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 2 Dy: Director, (Litigation) E&SE Khyber Pakhtunkhwa Peshawar.
- 3 Section Officer (Litigation) E&SE Khyber Pakhtunkhwa Peshawar.
- 4 All Committee Members.
- 5 SDEO (F) Dargai.
- 6 Mst: Shagufta Bibi PST GGPS Bama Kanda Tehsil Dargai

DISTRICT EDUCATION OFFICER,  
(FEMALE) MALAKAND.

*all*  
*[Signature]*  
District Education Officer  
5) Malakand & Batkhela

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

**REPLY TO APPEAL NO.15898 of 2020**

Mst. Shagufta Bibi, PST (BPS-12),  
Government Girls Primary School Bama Kanda, Tehsil Dargai, District  
Malakand....**APPELLANT**

**VERSUS**

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), District Malakand.
- 4- The District Account Officer, Malakand.

.....**RESPONDENTS**

**INDEX**

S/NO	Description of Documents	Annexure	Pages
01	Para wise comments	-	1-3
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04	Application	B	6
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06	Statement of Chowkidar	D	8
07	Statement of inhabitants	E	9
08	Removal	F	10
09	Re-Instatement Order	G	11
10	Supreme Court Judgment	H	12-14

  
Deponent

CNIC No. \_\_\_\_\_

13/01-2222723-0

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

**REPLY TO APPEAL NO.15898 of 2020**

Mst. Shagufta Bibi, PST (BPS-12),  
Government Girls Primary School Bama Kanda, Tehsil Dargai, District Malakand.

.....  
**APPELLANT**

**VERSUS**

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), District Malakand.
- 4- The District Account Officer, Malakand.

.....  
**RESPONDENTS**

**Preliminary objections:**

1. The appellant has not come to this August Tribunal with cleans hands.
2. The appellant has estoped be her own conduct.
3. The appellant has submitted fake documents as evidence which is violation of the law.
4. The appellant tries for back benefits on the weak grounds.
5. That the appeal of the appellant is badly time barred.
6. That this Honorable Court has got no jurisdiction to entertain the present appeal.

**R/SHEWETH:**

**OBJECTION ON FACTS:**

1. Correct to the extent that the appellant was serving as PST (B-12) at GGPS No.1 Khanori. She absented herself with effect from 15-11-2015 to 29-12-2015 on submission of maternity leave certificate.

The certificate was verified from HRC Sakhakot. Dr.Saddat Anwar SMO, I/C RHC Sakhakot reported as under.

بمور نمبر 12-11-2015 اس او پی ڈی چٹ میں جو نام یعنی شگفتہ درج ہے ہسپتال یعنی آرا سچی خا کوٹ کے ریکارڈ کے مطابق  
12-11-2015 کو نمبر 528 پر نادر خان کی ماں ساکن ورائہ کار خانہ درج ہیں۔ لہذا ریکارڈ کے مطابق یہ نسم غلط ہیں۔

--SD--

Dr.Saddat Anwar  
SMO , RHC Sakhatkot

Moreover an inquiry was conducted by DEO (F) Swat Ranizai along with office Supdt: and a JC. In the process she could not prove her presence. The inhabitants and Chowkidar of

the school also recorded their statements regarding her absentee. OPD Chit, application, Inquiry report and statement of the Chowkidar and statements of the inhabitants are annexed as (A,B,C,D,E).

2. She was removed from service due to long absentee which she tried to show as maternity leave but not accepted by the respondent. Therefore she was rightly removed from service. Removal order is annexed as "F".
3. In the light of directions issued on 30-08-2019 in service appeal No.1038/16 the respondent No.3 the then DEO (F) Mst. Fahmeeda Begum Reinstated the appellant at GGPS Bama Kanda Sakhakot instead of GGPS Khanori No.1 due to the reasons best known to her. It is pertinent to mention here that the concerned DEO (F) is presently serving as Principal B-18 at GGHS Meherdi. Reinstatement order is annexed as "G".
4. Correct and needs no comments.
5. Correct to the extent that the then DEO (F) Mst. Fahmeeda Brgum ordered the Principal GGHS Totakan for inquiry, but no proper proceedings were initiated in the case.
6. In violation of the denovo inquiry / court order the then DEO (F) adjusted/ transferred the appellant at GGPS Bama Kanda Sakhakot instead of her own school i.e GGPS Khanori No.1.
7. Is concerned, the detail has already been given in Para 1 regarding OPD Fake Chit verified by SMO I/C RHC Sakhakot which is already annexed as "A" is the strongest proof of her absentee. Moreover 2003 SCMR 228 is very clear about pay during absence period. Para 7 of the judgment is re produced.  
7:- We have considered the argument 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 affected 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 duties as mentioned hereinabove and recovery was rightly affected 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 found that there is no jurisdictional error or misconstruction of facts and law. The impugned judgment is not open to exception.  
Judgment is annexed as "H".
8. No comments.

**OBJECTION ON GROUNDS:**

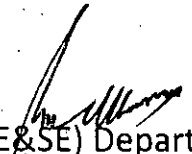
- A- Incorrect. The appellant remained absent/submitted a fake OPD chit, hence having no right of back benefits.
- B- Incorrect. The appellant was given extra facility of transfer near her home station.
- C- As explained in Para 7 of the facts that she is not entitled for the back benefits in the light of the judgment of Supreme Court.
- D- As explained in the foregoing paras, no one is entitled for pay etc. during the absence period which is the case of appellant.
- E- The then DEO Mrs. Fehmida Begum left the procedure incomplete and made her transfer to her home station.
- F- Respondents also seek permission to advance other grounds at the time of arguments.

It is therefore humbly requested that on acceptance of the instant para wise comments the appeal of the appellant may kindly be dismissed.

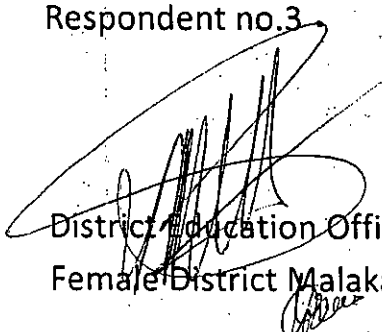
**Through Respondent No.1**

1. The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.

**Respondent No.2**

  
Director (E&SE) Department,  
Khyber Pakhtunkhwa, Peshawar.

**Respondent no.3**

  
District Education Officer  
Female District Malakand.

4

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

**REPLY TO APPEAL NO.15898 of 2020**

Mst. Shagufta Bibi, PST (BPS-12),  
Government Girls Primary School Bama Kanda, Tehsil Dargai, District  
Malakand....**APPELLANT**

**VERSUS**

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), District Malakand.
- 4- The District Account Officer, Malakand.

.....**RESPONDENTS**

**AFFIDAVIT**

I Sadia Aziz D.E.O Female Malakand do hereby solemnly affirm and declare on oath that the contents of the accompanying para wise comments submitted by Respondent No 3 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

  
**DISTRICT EDUCATION OFFICER**  
**(F) MALAKAND**

Medical No. 2

Rs.

No.

OUT-PATIENTS DEPARTMENT

NAME

YEARLY NO.

DATE

No.

Rs. 3/-

OUT-PATIENTS DEPARTMENT

NAME

YEARLY NO.

DATE

DISEASE

FACE VALUE RUPEES 5/-

A-5

This pt Mrs Shagufta is advised to have

Postnatal maternity leave of 45 days i.e from 15/11/2015 to

29/12/2015  
23/12/2015  
20/12/2015  
17/12/2015

Dr. Manjendra Kumar

DR. SAADAT AHMED  
S.M.O RHC  
Sakhakot

R.H.C  
Kulchaleet  
12/11/2015

P.T.O.



9-15 (Signature) DEO

B/6

This pt Mrs Shogujta  
is advised to have  
Antenatal  
maternity leave of 45  
days i.e 1/10/2015  
to 24/11/2015.

جانب عالیہ  
مردبانہ نزار سہ  
کام میں خودیہ کو منبر سہ  
درخواست پر 1/10/2015

DR. Muzammil Rahman  
M.O  
R.H.C  
Sakhakot

11-2015 01-10-2015

29/09/15  
DR SAADAT ANWAR  
M.O RHC  
Sakhakot

(Signature)

Head Mistress  
Sakhakot

کلمہ آواز  
مردبانہ نزار سہ  
مردبانہ نزار سہ

عین نزار سہ

فقط ذیادہ آواز

29/09/2015

انوار  
آئی ایم نزار سہ  
PSI ایس ایس خان نزار سہ

Annex. C-7

*OP/15/16*

D.E.O (F) Mkd  
Diary ..... 47 .....  
Date: 9-1-2016  
At Batkhela

OFFICE OF THE  
SUB DIVISIONAL EDUCATION OFFICER (F)  
SWAT RANIZAI AT BATKHELA  
No. 834  
Dated 6-1-2016

To

The District Education officer,  
(Female) Malakand at Batkhela.

Subject:-  
Memo,

DISCIPLINARY ACTION AGAINST MR. SHAGUFTA PST GGPS, NO. 1 KHANORI.

It is submitted for your kind information that Mst. Shagufta PST G.G.P.S. No. 1 Khanori was applied for maternity leave with effect from 29-09-2015 to 14-11-2015 vide O.P.D. chit No.1874 dated 29-09-2015 and with effect from 15-11-2015 to 29-12-2015 vide RHC Sakhakot O.P.D. chit No.528 dated 12-11-2015 (OPD chit No.1874 dated 29-09-2015 and bogus OPD No.528 dated 12-11-2015 are enclosed herewith ).

Meanwhile the Nazim Union council Khanori lodged complaint against the maternity leave case of the mistress concerned and stated that the mistress concerned remained absent from her duty in each and every month since long. Then the maternity leave was sent to the Incharge Doctor RHC Sakhakot through the representatives of this office for verification. The In charge Doctor of R.H.C. Sakhakot recorded his remarks on the back of OPD Chit that O.P.D. No.528 dated 12-11-2015 is wrong and the same OPD No. is not on the record of his O.P.D. register. (Copy attached).

Hence it is requested that strict disciplinary action may please be initiated against Mst.Shagufta Bibi PST GGPS, No.1, Khanoori under E&D rules 2011.

Encl: As above.

*Inquiry report of this office is also attached for information & further NIA PIS*

*[Signature]*  
SUB DIVISIONAL EDUCATION OFFICER (F)  
SWAT RANIZAI AT BATKHELA  
4/1/2016

OFFICE OF THE  
SUB DIVISIONAL EDUCATION OFFICER (F)  
SWAT RANIZAI AT BATKHELA

ENQUIRY REPORT REGARDING ABSENCE OF MST. SHAGUFTA PST GGPS,NO.2.KHANORI.

In compliance with the directions of the Sub Divisional Education officer (Female) Swat Ranizai at Batkhela dated 19-12-2015, I Mr. Farmanullah Superintendent accompanied Mr. Faridullah J/Clerk of local office visited GGPS, No. 2 Khanori on 19-12-2015 and reached the school at 1.20 PM in connection with absence and maternity leave case of Mst. Shagufta Bibi PST GGPS, No. 1 Khanori. The following irregularities were noted.

FINDINGS.

The school was completely closed and Mst. Shagufta Bibi PST GGPS, No. 1 Khanori was absent from her duty. Mr. Muhammad Naseer Chowkidar was present. Then Mst. Shagufta Bibi PST was come to school after the closing of school timing i.e. on 2.30 PM.

2. A questionnaire was given to Muhammad Naseer chowkidar, he stated that Mst. Shagufta Bibi PST come to school three/ four days in the month and marked herself present in the teachers attendance register. He further stated that the school has been closed since three months. (Copy of written statement is enclosed as annexure "A").
3. A questionnaire was given to Mst. Shagufta Bibi PST GGPS, No. 1 Khanori. She stated in her reply that she performing her duty regularly from 7.30 am to 1.35 pm. She replied that her maternity leave case is based on fact. She recorded 7.30 am and 1.30 pm in the teachers attendance register in the whole month of October, November and December 2015. (Copy of written statement is enclosed as annexure "B").
4. The inhabitants of the area given written statement that the school remained closed since long and the teacher come to school after the expiry of three/ four months and then marked her signatures in the teachers attendance register for three/ four months on the same day. They further stated that the precious times of the small kids are wasting due to the absence of the mistress concerned.
5. BUILDING AND CONDITIONAL GRANT.  
One class room has been fallen down since long and the other class room and veranda are also in bad condition. Rs. 1,10,000/- for electrification Rs. 1,50,000/- for Group latrine and Rs. 2,00,000/- for water supply Total Rs. 6,45,000/- have been allotted and are lying in the school account so far. The amount has not been drawn and utilized so far due to the absence of Mst. Shagufta Bibi PST. It is suggested that the higher authority may please be approached to construct one class room on need basis and strict action may be taken against the teacher concerned.
6. PTC FUNDS.  
PTC funds have been allotted to the school, but no repair/work has been done in the last three years. The PTC amount allotted since 2013 up till now may be recovered from her salaries and be deposited into Government treasury through proper challan.
7. 5<sup>TH</sup> CLASS EXAMINATION 2016.  
The registration of some students of 5<sup>th</sup> class students of GGPS, No. 2, Khanori has not been done so far due to the absence of Mst. Shagufta PST. Explanation of the teacher may be called and action may be initiated against her.

C-7

SUGGESTION.

The teacher concerned may be directed to utilize the conditional grant without further delay, as the target date of completion of work is near to be expired in few days. The ASDEO (F) circle concerned visited the school, on 20.09.2014 and then on 15.12.2015 as and when she directed. The ASDEO (F) circle concerned did not visit the school in the last One Year and three months. She has not visited the school during the last annual examination, as reflected from the teachers' attendance register of the school. Explanation of the A.S.D.E.O.(Female) Circle Batkhela and the teacher concerned may be called.

(FARMANULLAH)  
SUPERINTENDENT  
O/O THE S.D.E.O.(FEMALE)BATKHELA

(FARIDULLAH KHAN)  
JUNIOR CLERK  
O/O THE S.D.E.O.(FEMALE)BATKHELA.

in few days  
15.12.2015  
school in the last

in few days  
15.12.2015  
school in the last

in few days  
15.12.2015  
school in the last

سوالنامہ برائے چوکیدار گورنمنٹ ٹیکنیکل اسکول علی خان پور

س۔ آپ کا نام اور عہدہ کیا ہے۔ ج: محمد نصیر چوکیدار

س۔ آپ اس اسکول میں کب سے ڈیوٹی انجام دے رہے ہیں۔

ج: 2006

س: اسکول ہذا میں سماہ شگفتہ بھائی پی ایس ٹی کی ڈیوٹی کے بارے میں تفصیل سے بیان دے دیں۔

3 مہینے سے مہلت بند ہے۔ صبح 9 بجے چار دن ہفت روزہ  
حاضر و فگان کیس داتے ہو لیکن اسکول بند رہتا ہے

محمد نصیر چوکیدار  
G.P.S علی خان پور  
19/12/15

Muzamil  
Muzamil  
Muzamil

حضرت جناب ڈاکٹر عزیز الرحمن صاحب (ملا لنگر عتقا) بٹ خیر

E-9

دروغہ دست سہرا قانونی کاروائی خلیفہ عتقا مسکنی (PST)  
عتقا گورنمنٹ ہسپتال خانی پور

عذاب علیہ! گزارش جناب شامل صاحب ذیل ہے۔

① یہ معاملہ غنی الرحمن ولدہ دوامید و بی بی نالیم مسکن خانی پور میں واقع ہے۔

② یہ معاملہ خلیفہ عتقا مسکنی کے دو بیٹوں سے عتقا صاحبہ سے ہے۔ اور ہاٹھی  
مسکنی میں ایک باورقی ہے۔ اور تمام مسکنی سکول عتقا سے منسلک  
عتقا صاحبہ ہوتی رہتی ہے۔

③ یہ معاملہ خلیفہ عتقا مسکنی کے عتقا صاحبہ کی بیٹی سے ہے۔ اور ہاٹھی  
مسکنی میں ایک باورقی ہے۔ اور تمام مسکنی سکول عتقا سے منسلک  
عتقا صاحبہ ہوتی رہتی ہے۔

④ یہ معاملہ خلیفہ عتقا مسکنی کے عتقا صاحبہ کی بیٹی سے ہے۔ اور ہاٹھی  
مسکنی میں ایک باورقی ہے۔ اور تمام مسکنی سکول عتقا سے منسلک  
عتقا صاحبہ ہوتی رہتی ہے۔

⑤ یہ معاملہ خلیفہ عتقا مسکنی کے عتقا صاحبہ کی بیٹی سے ہے۔ اور ہاٹھی  
مسکنی میں ایک باورقی ہے۔ اور تمام مسکنی سکول عتقا سے منسلک  
عتقا صاحبہ ہوتی رہتی ہے۔

05/12/2015

NAZIM  
GHANI U RAH  
VILLAGE COUNCIL

عبدالغنی الرحمن ولدہ دوامید و بی بی نالیم مسکن خانی پور

G-11

OFFICE OF THE DISTRICT EDUCATION OFFICER(FEMALE)MALAKAND AT BATKHELA.

ADJUSTMENT.

Mrs: Shagufta Bibi PST B-12 GGPS Khanori No.1 is hereby adjusted against the vacant post of PST at GGPS Bama Kanda as per de-nove inquiry on her own pay and scale in the interest of public service with immediate effect.

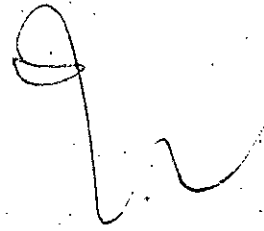
(FEHMIDA BEGUM)  
DISTRICT EDUCATION OFFICER  
(FEMALE)MALAKAND AT BATKHELA.

Endst: No. 1181-53 /PST/ Dated Batkhela the 03/03 /2020.

Copy of the above is forwarded to the:-

- 1)SDEO(F) Batkhela and Dargai.
- 2) District Accounts Officer(Female)Malakand.
- 3)DEMIS Cell Local Office.

  
DISTRICT EDUCATION OFFICER  
(FEMALE)MALAKAND AT BATKHELA.



H-1304

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.

6. Sardar Muhammad Aslam, learned Dy.A.G. further pointed out that recovery was already been



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

**REPLY TO APPEAL NO.15898 of 2020**

Mst. Shagufta Bibi, PST (BPS-12),  
Government Girls Primary School Bama Kanda, Tehsil Dargai, District  
Malakand....**APPELLANT**

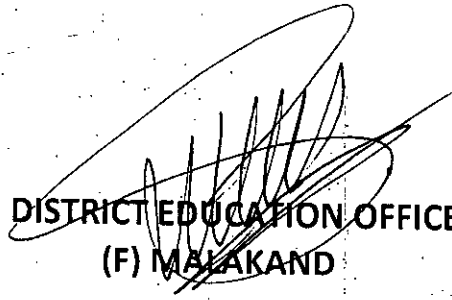
**VERSUS**

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), District Malakand.
- 4- The District Account Officer, Malakand.

.....**RESPONDENTS**

**AFFIDAVIT**

I Sadia Aziz D.E.O Female Malakand do hereby solemnly affirm and declare on oath that the contents of the accompanying para wise comments submitted by Respondent No 3 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

  
**DISTRICT EDUCATION OFFICER**  
**(F) MALAKAND**