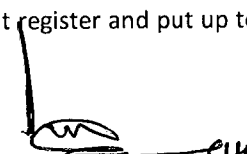
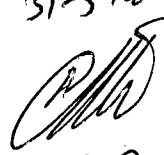




Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. _____ 41/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.01.2022	<p>The execution petition of Mst. Huree submitted today by Mr. Tasleem Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	<p><i>31-5-2022</i></p> <p></p> <p><i>31/07/22</i></p>	<p>This execution petition be put up before touring Single Bench at A.Abad on <u>13-06-2022</u>. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
	13.06.2022	<p>None present for petitioner.</p> <p>Notice be issued to petitioner/counsel and the respondents for submission of implementation report. To come up for implementation report on 18.08.2022 before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> (Fareeha Paul) Member (E) Camp Court A/Abad</p>

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

EP NO: 41/2022

Mst. Huree.....Petitioner

Versus

Government of Khyber Pakhtunkhwa
through Secretary Education Peshawar
etc.....Respondents

EXECUTION PETITION

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S#	Description of documents	Annexure	Page#
1.	Memo of execution petition alongwith affidavit	-	1-4
2.	Attested copy of judgment	"A"	5-7
3.	Copies of memorandum of appeal and comments of respondents	"B" & "C"	8-18
4.	Copies of the appointment order and de-novo inquiry report	"D" & "E"	19-22
5.	Wakalat Nama		22

Dated 07/01/2022

B. Huree

Mst. Huree
(Petitioner)

Through: -

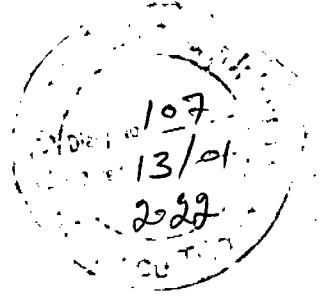
M. Tasleem Khan Kaloch

M. TASLEEM KHAN KALOCH
Advocate High Court,
District Courts,
(Mansehra)

①

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Execution Petition No. 41 of 2022
In
Service Appeal No. 1300/2019



Mst. Huree wife of Ghulam Nabi, PST,
GGPS Nimraty Sosak, Tehsil Dassu,
District Kohistan Upper.....**Petitioner**

Versus

- 1) Government of Khyber Pakhtunkhwa through Secretary Education Peshawar.
- 2) Director elementary & Secondary Education Peshawar.
- 3) District Education Officer (Female) District Kohistan Upper at Dassu
.....**Respondents**

EXECUTION PETITION UNDER
SECTION 7(2) OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 FOR IMPLEMENTATION
AND EXECUTION OF THE JUDGMENT
AND ORDER DATED 30.09.2021 OF
THIS HONOURABLE TRIBUNAL
PASSED IN SERVICE APPEAL NO.
1300/2019 IN LETTER AND SPIRIT.

Respectfully Sheweth!

②

- 1) That, the petitioner had filed a service appeal before this Honourable Tribunal vide Service Appeal No. 1300/2019 which was allowed vide judgment and order dated 30.09.2021 and respondents were directed that appellant be reinstated and for the purpose of back benefit de-novo inquiry to be conducted in accordance with law.

(Attested copy of the judgment is annexed as Annexure "A").

- 2) That, the petitioner was never absent from hr duty, the appellant/petitioner was transferred from GGPS Budar Shah to GGPS Nimraty on dated 02.03.2018 and petitioner got maternity leave w.e.f 04.01.2019 to 17.02.2019 which was mentioned in memorandum of appeal. Upon the above period respondents illegally and malafide declared absent the petitioner and later-on before this Honourable Service Tribunal admitted the grounds of the petitioner/appellant.

(Copy of memorandum of appeal and comments of the respondents are annexed as Annexure "B" & "C").

- 3) That, the appellant/petitioner submitted the judgment of this Honourable Tribunal to the

③

respondent No. 3, but before the conducting the free and fair inquiry to the extent of back benefit appointment order was issued on dated 10.12.2021 while partial and prejudice de-novo inquiry was conducted on 17.12.2021 which is objectionable and not according to the judgment of this Honourable Service Tribunal.

(Copies of the appointment order and de-novo inquiry report are annexed as Annexure "D" & "E").

- 4) That, the respondent/defendant No. 3 is legally bound to obey the judgment of this Honourable Service Tribunal in its true sense.
- 5) That, from the long time the petitioner appeal was pending before this Honourable Tribunal almost two years and if the free and fair de-novo inquiry not conducted for the purpose of back benefits the petitioner will face irreparable loss.
- 6) That, the petitioner belong to the poor family and no source of income except this teaching service, whole big family face miserable condition.

It is, therefore, most humbly prayed that the respondent No. 3 may be directed to implement the judgment of this Honourable Tribunal and be directed to

4

conduct free and fair de-novo inquiry for the purpose of back benefits.

Dated 07/01/2022

B. Hameed

Mst. Huree
(Petitioner)

Through: -

M. Tasleem Khan Kaloch

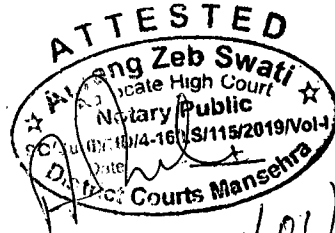
M. TASLEEM KHAN KALOCH
Advocate High Court,
District Courts,
(Mansehra)

AFFIDAVIT

I, MST. HUREE WIFE OF GHULAM NABI, PST, GGPS NIMRATY SOSAK, TEHSIL DASSU, DISTRICT KOHISTAN UPPER DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT THE CONTENTS OF FORE-GOING EXECUTION PETITION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE COURT.

B. Hameed

MST. HUREE
(DEPONENT)



12/01/2022

5

AMER W/O (A)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1300/2019

Date of Institution ... 08.10.2019
Date of Decision ... 30.09.2021



Mst. Huree W/O Ghulam Nabi, PST GGPS Nimraty Sosak Tehsil Dassu,
District Upper Kohistan.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Education Peshawar and
three others.

... (Respondents)

Present.

Mr. Tasleem Khan,
Advocate

... For appellant.

Mr. Muhammad Adeel Butt,
Additional Advocate General,

... For respondents.

MR AHMAD SULTAN TAREEN
MRS. ROZINA REHMAN,

... CHAIRMAN
... MEMBER(J)


JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:- Appellant has filed the
instant service appeal U/S 4 of the Khyber Pakhtunkhwa Service
Tribunal Act, 1974 against the order dated 11.06.2019, whereby she
was awarded major penalty of removal from service.

2. Brief facts of the case are that appellant was appointed as P.S.T
(BPS-12). She was removed from service on 11.06.2019. Feeling aggrieved,
she filed departmental appeal on 14.06.2019, which was not responded to,
hence, the present service appeal. After admission of appeal for regular
hearing, the respondents were put on notice. They after joining the
proceedings, filed reply/comments with several objections seeking dismissal
of appeal with cost.

3. We have heard the arguments and perused the record.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

4. The impugned order is self-speaking that on information about absence of the appellant, an Inquiry Committee was constituted comprising ADEO P&D (Male) and Sir Aman CT GMS Karang. There is no mention in the impugned order that before constitution of the Committee for inquiry into absence of the appellant, any usual notice of absence at home address or notice through publication in the newspaper was given, as per requirement, Section-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. According to the factual account in memorandum of appeal, the appellant challenged the ground of her willful absence taken for her removal from service with the counter plea that the local communities of the concerned School verified that the appellant had attended the duty. Original verification report of local community as pressed into service by the appellant was annexed with the memorandum of appeal and is available on file. Accordingly, the community people who are signatory of this report had purportedly verified the opening of school and denied its closure. They further verified the performance of duty by relevant staff up to their satisfaction. It was also stated by the appellant that she was transferred from GGPS Bahadur Shah to GGPS Umra Khel on 02.03.2018. According to the charge report annexed with the memorandum of appeal, the appellant took over the charge in the said School on 03.03.2018. According to the inquiry report annexed with comments of the respondents, it was reported against the appellant that she was posted at GGPS Umra Khel on 02.03.2018 but she did not perform her duty at the School even a single day. It is also mentioned in the inquiry report that she got maternity leave w.e.f 04.01.2019 to 17.02.2019 (45 days), although she was absent from duty. If the competent authority was in notice about her absence, it was duty of the said authority to take notice of the absence before granting maternity leave. If the competent authority had granted the maternity leave, it was duty of the said authority to get the report

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

from the field staff whether the appellant on expiry of maternity leave had assumed the charge or not. If it is presumed that the appellant was really absent from duty, it makes a case of contributory negligence for determination of proportional role of the concerned officers responsible to ensure attendance of the teaching staff in the School. It has already been observed that the inquiry was not conducted according to the proper procedure as provided under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Therefore, it has become expedient to set aside the penalty imposed upon the appellant but without her exoneration from the charge of willful absence. It is directed that the appellant be reinstated for the purpose of de-novo inquiry in accordance with law. It is further directed that the incumbent District Education Officer (Female) will conduct the inquiry including the field officers i.e. S.D.E.O and ASDEO (Female) as to their proportional negligence in checking the absence of the appellant, if any. The appeal stands disposed of in the given terms. There is no order as to costs. File be consigned to the record room.

ANNOUNCED
30.09.2021

(Signature)
(AHMAD SULTAN TAREEN)
CHAIRMAN
CAMP COURT, A/ABAD

(Signature)
(ROZINA REHMAN)
MEMBER(J)
CAMP COURT, A/ABAD

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 22/12/21
 Number of Words 1200
 Copying Fee 14/-
 Usent 3/-
 Total 18/-
 Date of Completion of Copy 22/12/21
 Date of Delivery of Copy 22/12/21

⑧ *Annexure* ⑧

BEFORE THE HONOURABLE SERVICE
TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR



Service appeal No 1300 of 2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1118

Mst. Huree, W/o Ghulam Nabi, PST GGPS Dated 08/10/2019
Nimraty Sosak Tehsil Dassu, District Upper
Kohistan.....**Appellant**


VERSUS

- 1) Government of Khyber Pakhtunkhwa
through Secretary Education
Peshawar.
 - 2) Director Elementary and secondary
Education Peshawar.
 - 3) District Education officer (Female)
Kohistan at Dassu.
 - 4) Head Teacher Government Girls
Primary School Nimraty Sosak, District
Kohistan upper.
-**Respondents**

Filed to-day
8/10/19
Registrar

APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUN KHAWA SERVICE TRIBUNAL
ACT, 1974 AGAINST THE IMPUGNED
OFFICE ORDER NO 2789-96 DATED
11.06.2019 ON THE OFFICE OF THE
DISTRICT EDUCATION OFFICER (F)
KOHISTAN UPPER, WHEREBY THE
APPELLANT HAS BEEN AWARDED MAJOR
PENALTY OF THE REMOVAL FROM

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

**SERVICE WITHOUT ANY INQUIRY AND
INTENDING OPPORTUNITY BEING HEARD
WITHOUT AND BEYOND TO THE LAW
SUCH CONDUCT OF THE RESPONDENTS
IS ILLEGAL, AND VOID-AB-INITIO.**

PRAYER:-

On acceptance of the instant appeal the impugned order No 2789-96 dated 11.06.2019, the removal of the appellant being void and illegal, may kindly be set-aside and appellant may kindly be reinstated in service with all back benefits.

Respectfully Sheweth:-


1. That, appellant is a civil servant in BPS-12 and is a PST Teacher appointed and having qualification of F.A and PTC.

(Copy of Education documents are annexed as annexure "A").

2. That, appellant was initially appointed as a PST, BPS-12 in GGPS Badar Shah District Kohistan on dated 01.12.2006.

(Copy of appointment order is annexed as Annexure "B").

ATTESTED


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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

3. That, appellant was performing her duty with great zeal and devotion, sincerity for long time from period since 2006 in District Education Department Kohistan.

4. That, the appellant join the service and resume her duty and mark her attendance in attendance register which is in a custody of respondent No 04.

(Copy of attendance register are annexed as annexure "C").

5. That, the allegation is that the appellant is absent from her duty but the local communities of the concerned school verified that appellant willfully attend their duty.

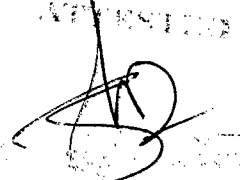
(copy of the local community verification about the open of school is annexed as annexure "D").

6. That, the appellant was transfer from GGPS Badar Shah to GGPS Nimraty on dated 02.03.2018.

(Copy of the Transfer order is annexed as Annexure "E").

7. That, on 02.03.2018, the appellant joined and attending the charge at GGPS Nimraty.

(Copy of the charge report is annexed as Annexure "F").

ATTESTED




8. That, the respondent No 03 without any legal and codal justification allegedly issued impugned removal order dated 11.06.2019, vide which the appellant service were removed.

(Copy of impugned removal order is annexed as annexure "G").

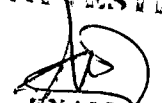
9. That, felling aggrieved from the above order the appellant filed the Departmental appeal No 633/F No 324 on dated 14.06.2019, however the same is a pending and not communicated to the appellant.

(Copy of the departmental appeal is annexed as annexure "H").

10. That, felling aggrieved, from the impugned order with in a time period of 90 days collapse the appellant filed this service appeal on the following grounds, inter alia:-

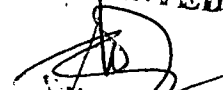
GROUND:-

- A) That, the impugned order of removal from service is against the law, facts and principle of natural justice.

ATTESTED

EXAMINER
Khyber Pachtunkhwa
Service Tribunal
Peshawar

- B) That, the impugned order is against Article 10-A and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C) That, the appellant was never been proceeded in accordance with the spirit of law, no inquiry whatsoever has been conducted and proceeded.
- D) That, the appellant has been condemned unheard as no opportunity of defense or personally hearing has been provide to the appellant.
- E) That, no charge sheet, statement of allegation, Show cause notices and publication in daily newspaper has been issued nor did any regular or fact finding inquiry has been conducted which is mandatory under the law before awarding major penalty.
- F) That, the appellant before 02.03.2018, was performing her duty in GGPS Badar Shah, and respondent allegation is that the appellant is absent in GGPS, Nimarty Sosak which is against the facts.
- G) That, the impugned order has been issued with retrospective effect which is against the law and void order.

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Service Tribunal
Peshawar

- H) That, the alleged allegation of absence from a duty by the respondents is a totally wrong and without any fact.
- I) That, the appellant is a jobless since then and the whole family of the appellant face miserable condition.
- J) That, the appellant seeks permission to advance other ground during course of arguments.

.....PRAYER:.....

IT IS, THEREFORE, MOST HUMBLY

Prayed that on acceptance of the instant appeal the impugned order No 2789-96 dated 11.06.2019, the removal of the appellant being void and illegal, may kindly be set-aside and appellant may kindly be reinstated in service with all back benefits.

Dated 04.10.2019

B. Huree
Mst Huree
(Appellant)

Through:-

M. Tasleem Khan Kaloch
MUHAMMAD TASLEEM KHAN KALOCH
Advocate High Court
At Mansehra

M. Tasleem Khan Kaloch
Service Tribunal
Peshawar

Date of Presentation of Application 22/12/21
 Number of Petitions 2406
 Copying 26/
 Urgent 4/
 Total 30/
 No. —
 Date of Submission of Copy 22/12/21
 Date of Delivery of Copy 22/12/21

④ *Amend (4)*

**BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR CAMP COURT ABBOTTABD.**

APPEAL NO. 1300/2019

Mst:HUREE..... APPELLANT

VS

1. Govt: of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar.
2. Director Elementary & Secondary Education KPK Peshawar
3. District Education Officer (Female) Kohistan



RESPONDENTS

Para wise comments on behalf of the respondents No 1,2&3

Respectfully Sheweth:

Para wise comments on behalf of the respondents No 1 to 3 are as under.

PRELIMINARY OBJECTION

1. That the appellant has no locus standi/cause of action to file instant appeal.
2. That the appellant is stopped to agitate the instant matter before this Honorable Tribunal.
3. That the appellant has not approached this Honorable Tribunal with clean hands.
4. That the appellant has filed instant appeal with malafide intention for wrongful gain and suppressing the original facts, from this Honorable Tribunal, hence the appeal is liable to be dismissed.
5. That the appeal is hopelessly time barred.

ATTESTED


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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

5

6. That the appellant is treated as per rules and law and policy. Therefore appellant is not entitled for any relief and hence appeal is liable to be dismissed without further proceeding.
7. That the instant appeal is not maintainable in its present form.
8. That appellant was found irregular in her respective duties.
9. That the instant appeal is against the law/service rules hence not maintainable in the eye of law and liable to be dismissed.
10. That the appellant has filed the present appeal just to pressurize the respondents.
11. That the act of the respondent within law and rules the order dated 11-06-2019 issued after fulfillment of the code formalities hence appeal is liable to be dismissed.

FACTUAL OBJECTION

1. Para No 1 is appeal relates to appellant service record hence no comments.
2. Para No 2 of appeal it relates to appellant service records hence no comments.
3. Para No 3 of the appeal relates to record, hence no comments.
4. Para No 4 is the appeal is relates to record, hence no comments
5. Para No 5 is incorrect to the extent that appellant was remain willful absent from her respective duties w.e.f 01-02-2018 till the issuance of termination order No 2789-96 dated 11-06-2019. The DCMA of Independent Monitoring Unit concern visited the school and reported time to time that the appellant was absent from her duties as well as ASDEO visit the school and found appellant absent. That on the receiving of absence report the matter was duly inquired by the District Education Officer through ADEO P&D (Male) and Sir Aman CT GMS Karang. The inquiry committee also confirmed that the appellant willfully absent from her duty w.e.f 01-02-2018 without any prior permission/leave sanctioned from competent authority and

RECEIVED
11/06/2019
DISTRICT EDUCATION OFFICER
KARANG

(16)

submitted their report on 26-04-2019. On the basis of such inquiry the District Education Officer (F) has issued show cause notice to the accused official vide Endstt: No.1356 dated 02-05-2019 with the direction to submit the reply of show cause notice within fifteen days. The teacher concerned submitted her reply to the show cause notice on 15-05-2019 through SDEO concerned with doubtful dates i.e. 06-02-2019 as show cause notice was served on 02-05-2019. Reply to the show cause notice submitted by the appellant was declared as non-convincing by the competent authority and directed the appellant to attend the office for personal hearing on 30-05-2019 vide office Endstt: No.2676-79 dated 28-05-2019 but the appellant failed to avail the opportunity of personal hearing.

Copy of the inquiry report, show cause notice & letter for personal hearing are annexed as Annexure "A", "B" & "C".

6. Para No 6 of the appeal is correct, hence no comments.
7. Para No 7 is correct to the extent that after the transfer appellant assume her charge but after the charge she had failed to perform her respective duties. The DCMA of Independent Monitoring Unit reported GGPS Namraty non-functional and the appellant was remained absent each and every time.

Report of the IMU is annexed as Annexure "D"


8. Para No 8 of the appeal it is submitted that appellant after the transfer from GGPS Badar Shah to GGPS Namraty, she was reported absent most of the time by DCMA of Independent Monitoring Unit and ASDEO concerned. Appellant services were not satisfactory according to rules, after having considered charges and evidence on record, report of the inquiry committee, reply of show cause notice the charges against the accused teacher have been proved and the appellant was imposed the major penalty of removal from service w.e.f 01-03-2018. Appellant was treated in accordance with law and rules.

APPOINTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

9. Para No 9 of the appeal is incorrect appellant is not aggrieved person, further stated that appellant filed Departmental appeal to the appellate authority in which the authority/respondent No 3 has been given/submitted reply of Departmental appeal of the appellant to appellate authority, on which the appeal of the appellant was rejected by appellate authority. Respondents are not bound to obey the illegal demand of appellant. Photo copy of the rejection letter of appeal is annexed as Annexure "E".
10. Para No 10 of the appeal is incorrect. Appellant is not aggrieved. Appellant treated as per rules and law.

GROUNDS

- a. Para of the ground "a" is incorrect, hence denied. Appellant has been treated as per rules.
- b. Para of the ground "b" is incorrect. Appellant was remain willfully absent from her duties without prior approval of leave of sanction, the authority has passed the order as per rules and law; hence the appeal is liable to be dismissed.
- c. Para of the ground "c" is incorrect. Reply has already been given in above factual objection in detail.
- d. Para of the ground "d" is incorrect, hence denied. The appellant has treated as per rules.
- e. Para of the ground "e" is incorrect. Appellant gives the opportunity of defense but she has failed to defend herself. Letter of personal hearing is annexed as Annexure "C".
- f. Para of the ground "f" incorrect all the proceeding has been done by the authority as per rules and law. She remained absent each and every time during the visit of the IMU and concern ASDEO.
- g. Para of the ground "g" is incorrect, hence denied. Appellant was treated in accordance with rules and law. Case was properly preceded and gives opportunity of hearing and appellant was removed from her service after fulfillment all the codal formalities.
- h. Para of the ground "h" is incorrect, hence denied. Reply has already been given in above Paras. Appellant is leveling baseless allegation to save her skin.

INTERESTED

 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

- i. Para of the ground "i" is relates to appellatnt personal matter and respondents are not bound to obey the appellatnt. Appellatnt was treated in accordance with rules and law. Respondent No 3 gives the opportunity for personal hearing but she was failed to availed the opportunity. Hence appeal is liable to be dismissed as score alone.
- j. Para of the ground "j" is incorrect; respondent will explain more factual position at the time of arguments.

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

[Signature]
 District Education Officer
 (Female) Kohistan.
 (Respondent No 3)

[Signature]
 District Education Officer
 Kohistan

[Signature]
 DIRECTOR
 Elementary & Secondary Education
 Khyber Pakhtunkhwa Peshawar.
[Signature]
 (Respondent No. 2)

48/-
 22/-
 1600

[Signature]
 SECRETARY
 Elementary & Secondary Education
 Khyber Pakhtunkhwa Peshawar.
 (Respondent No. 1)

22/12/21
 22/12/21



19 AMMERUWA 2

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE
KOHISTAN

OFFICE ORDER

In the light of the decision of honorable service tribunal Peshawar regarding re-instatement of Mst. Gul Shad for the appeal No 1310/2019 dated 24/09/2021 and re-instatement of Mst. Huree Bibi for the appeal No 1300 dated 30-09-2021, subject to the De-novo Enquiry.

Now in the consequences of the above decision of the honorable service tribunal KP Peshawar in respect of Mst. Gul Shad PST GGPS Sultan Abad Harban Huree Bibi PST GGPS Nimraty. The following officers are hereby nominated as Enquiry officers for the mentioned De-novo Enquiry with the directions to go through the service regard as well as adopted procedure. The officers may submit the report within 07 days with clear cut recommendation.

1. Fozia Bibi SDEO (F) Dassu
2. Abdul Salam ASDEO (F) Estt: Secy: Kohistan

District Education Officer
(Female) Kohistan

Endstt No 417-21 Dated 27/11 /2021

Copy of the above is forwarded to the:

1. Registrar Service Tribunal KP Peshawar.
2. Deputy Commissioner Kohistan Upper.
3. PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
4. SDEO (F) Dassu Kohistan
5. Office Copy

District Education Officer
(Female) Kohist

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**DE-NOVO ENQUIRY REPORT IN RESPECT OF MST: HUREE PST GGPS
NAMRTAY**

In the reference of the office order no 417-21 dated 27-11-2021 consequent upon the decision/directions of the honorable service tribunal Khyber Pakhtunkhwa at Peshawar regarding de-novo enquiry in respect of Mst. Huree PST as under.

PROCEDURE /METHODALOGY

- To go through the service record
- To check the performance record in duty station/ stations.
- To see the legal proceedings adopted by the authority before removal.

BACK GROUND:

The teacher was initially appointed on 01-12-2006 vide Executive District Officer (S&L) Kohistan No, 8622-30 at GGPS Badar Shaha.

The teacher was transferred to different stations/schools and last station was GGPS Namrtay where she was removed.

The teacher was removed from service vide DEO (F) Kohistan No 2789-96 dated 11-06-2019 in the light of absentee report by IMU and recommendation of enquiry report submitted on 26-4-2019.

The teacher filed the appeal before the honorable service tribunal of KPK at Peshawar appeal No, 1300/2019 dated 08-10-2019. And the court set-aside the impugned order No, 2789-96 on 30/09/2021 in the decision with the direction of de-novo inquiry

FINDINGS:

The Proceedings was carried out under E&D Rules, 2011 by the competent authority in the light of the recommendation of the preliminary enquiry report submitted on 24-04-2019. During the reporting period the teacher was on maternity leave for 90 days quoted in the enquiry report also.

The teacher transferred to GGPS Namrtay on 02-03-2018 while the DCMA of IMU reported her absent from Namrtay on 23-02-2018.

The show Cause notice mentions the absentee of the teacher in the month of March 2019 referred the absentee reported by IMU while in the removal order the competent authority quoted the absentee of the teacher from 01-02-2018 to 11-06-2019. While the maternity leave starts w.e.f. 04-01-2021 upto 04-03-2019.

The photo copy (attested by on chair teacher) of the attendance register of the school indicates no such absentee of the teacher as was reported.

RECOMMENDATIONS:

The recommendations of the enquiry committee stand as under:

1. The service of the teacher may be made intact by restoration her permanently on her designated post with current benefits of salary.
2. The teacher posses no right of back benefits due to not performance any duty from 11-06-2019 up to the re instatement order issued. Therefore the intervention period may be considered as extra ordinary leave (EOL).

Enquiry officer (1)

Abdul Salam ADEO Estab: Secy:

Enquiry officer (2)
Fozia SDEO (F) Dassu



② ATTACHEE (E)

OFFICE OF THE DISTRICT EDUCATION OFFICER



OFFICE ORDER

Whereas Mst: Bibi Huree PST GGPS Nimrtay was removal from service vide DEO (Female) Kohistan 2789-96 Dated 11-06-2019 and she submitted service appeal in service Tribunal Peshawar against the taken action. The Honourable Tribunal accepted her appeal and passed decision on 30-09-2021 of re-instatement of the teacher in the light of the appeal No 1300/2019 Dated 08-10-2019, subject to only de-novo enquiry.

In the view of the above facts, Mst: Bibi Huree PST GGPS Nimrtay is hereby re-instated and adjusted in GGPS Soyol Dong only for the purpose of de-novo enquiry in the consequences of the directions of Honourable Service Tribunal Khyber Pakhtunkhwa.

Conditions:

- 1 No TA/DA is allowed
- 2 Her re-instatement and other benefits will remained fully dependent upon the recommendation of de-novo enquiry report
- 3 Charge report should be submitted to all concerned

/

District Education Officer
(Female) Kohistan

E/No: Estt/ Sec/ 497-503 DEO (F) Dated 10/12 /2021
Copy of the above is forwarded to:

- 1 Director E&SE Khyber Pakhtunkhwa Peshawar
- 2 Registrar Khyber Pakhtunkhwa Peshawar
- 3 District Account Officer Kohistan
- 4 Sub-Divisional Education Officer (Female) Dasso Kohistan
- 5 ADEO Litigation Local Office
- 6 PA to DEO(Female) Kohistan
- 7 Office copy

/

D. D. J. /

District Education Officer
Female Kohistan
10/12/2021

DBAM No. _____

649

S.No

8259

EC No.

15-5711

Fee Rs. 100/-

Name of Advocate

محمد نسیم خان فلوٹی

وکالت نامہ

2020-21

General Secretary
District Bar Association
Manshera

بعدالت: چنانچہ خیر محنتو خیرا سرورس ٹریڈیونگ نیٹ ورک شاپور بمقام ایس ڈی آر کراچی

عنوان: مسماہ حورس بی بی بنام: حکومت خیر محنتو خیرا

منجانب: سائلہ Petitioner نوعیت مقدمہ: Petition

باعث تحریر آئیکہ

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی و جواب دہی بمقام ایس ڈی آر کراچی کے لئے
محمد نسیم خان فلوٹی ریڈیو کسٹڈ عدالتی حورس
کو بدیں شرائط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے
جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ
میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام پکھری کے علاوہ
کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ پکھری کے علاوہ
کسی اور جگہ سماعت ہوا یا پکھری کے اوقات کے آگے پیچھے سماعت ہونے پر منظر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار
نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست
بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور قسم کا روپیہ وصول
کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپر دتاشی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا
بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف
کر بشرط ادائیگی علیحدہ محتاتانہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدوراء مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرٹر کو
بجائے خود یا اپنے ہمراہ مقرر کریں اور مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل موصوف کو
اور اگر پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت
میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پرداخت وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔
لہذا وکالت نامہ لکھ دیا ہے اور دستخط/انگوٹھا ثبت کر دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

مورخہ 12 جنوری 2021ء

ACCEPTED

مسماہ حورس بی بی زوجہ غلام بی بی آدم رستانی پکھری
سورب کھیل در موصوف کو بیان اور