

03.06.2021

Clerk of learned counsel for the appellant present. Mr. Jehanzeb, Superintendent alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court. Adjourned. To come up for arguments before the D.B on 03.09.2021.

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

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

03.09.2021

Clerk of learned counsel for the appellant present. Mr. Qazi Ayaz, Section Officer (Litigation) and Mr. Jehanzeb, Superintendent alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is ill. Adjourned. To come up for arguments before the D.B on 07.12.2021.

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

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

12.10.2020

Junior counsel on behalf of appelliant present.

Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Jehanzeb Superintendent for respondents present.

Former made a request for adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 04.12.2020 before D.B.

(Mian Muhammad)
Member (E)

(Rozina Rehman)
Member (J)

04.12.2020

Due to COVID-19 the case is adjourned for the same on 02.03.2021 before D.B.

READER

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 338/2018

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN
MISS. FAREEHA PAUL ... MEMBER(E)

Shehla Abrar D/O Ghulam Abrar R/O Gahtak Denin, Tehsil &
District Chitral.

.... (Appellant)

Versus

1. Secretary Higher Education, Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Director (Establishment) Higher Education, Khyber Pakhtunkhwa Peshawar at Khyber Road near Judicial Complex, Peshawar.
3. Secretary Finance, Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
4. Principal Government Girls Degree College, Chitral.
5. Principal Federal Government College for women, G-10/4, Islamabad.
.... (Respondents)

Mr. Syed Ghufan Ullah Shah
Advocate

... For appellant

Mr. Muhammad Adeel Butt
Addl. Advocate General

... For respondents

Date of Institution.....27.02.2018
Date of Hearing.....05.10.2022
Date of Decision.....05.10.2022

JUDGEMENT

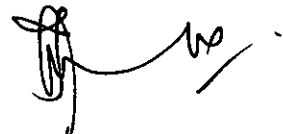
FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned order dated 10.10.2009 passed by Director (Establishment) Higher Education, whereby the appellant has been granted major penalty of



removal from service and her departmental appeal to respondent no. 1 dated 03.11.2017 was not responded.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Lab Assistant (BPS-7) at Government Girls Degree College, Chitral on 01.07.1997. On 11.10.2006, she was transferred to Federal College Islamabad for three years on deputation. On 15.07.2008 she was sent back to the parent department/Higher Education Khyber Pakhtunkhwa. She approached Government Degree College, Chitral to submit her arrival report but the same remained under advice of College Directorate. Feeling aggrieved from the delay the appellant submitted departmental appeal on 30.11.2012. She approached the Khyber Pakhtunkhwa Service Tribunal vide Appeal No.610/2013 which was disposed off on 02.09.2013 with the direction to convert the same into departmental appeal and to decide it within one month. On 21.11.2013 the departmental appeal was filed on the ground of being time barred. The appellant once again approached the Khyber Pakhtunkhwa Service Tribunal vide Service Appeal No. 1594/2013 whereby she for the first time came to know about impugned order dated 10.10.2009 of removal from service from the comments of the respondents. On 02.10.2017 the appellant withdrew the pending service appeal in order to file departmental appeal against the newly disclosed impugned order dated 10.10.2009. Accordingly she filed departmental appeal on 03.11.2017 which was not replied; hence the instant service appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Additional Advocate General and perused the case file with connected documents in detail.



4. Learned counsel for the appellant presented the case in detail and contended that the appellant had been proceeded against without taking into consideration the prevailing law and rules. He contended that if there was any case against her why she was not informed at the time of disposal of departmental appeal dated 21.11.2013 related to acceptance on her arrival and release of salaries as well as before the Tribunal in her previous appeal.

5. The learned Additional Advocate General on the other hand argued that disciplinary action was taken against the appellant due to her unauthorized absence from duty w.e.f 28.11.2006. He informed that after repatriation and subsequent absence, absence notice was published in daily Mashriq whereby the appellant was informed that she was deputed at Federal Directorate of Education Islamabad but she remained absent from duty and disciplinary action was taken against her which resulted in her repatriation to her parent department. The appellant was informed to report to her duty within 15 days after publication. He further informed that charge sheet and statement of allegations had also been issued to her but she did not respond to any of it, as a result of which she was removed from service.

6. From perusal of record presented before us, it transpires that the appellant was on deputation to the Government of Pakistan in the Federal Directorate of Education where a disciplinary action was taken against her on account of her unauthorized absence w.e.f 28.11.2006, as a result of which she was repatriated to her parent department, that is the Directorate of Higher Education, Government of Khyber Pakhtunkhwa (NWFP) Peshawar, vide order dated 11.07.2008. The competent authority in the Government of Pakistan treated the absence period w.e.f 28.11.2006 to the date of relieving of the appellant as extra ordinary leave without pay. A showcause notice issued by the Government of Pakistan, Federal



Directorate of Education is also available on record. A relieving report dated 15.07.2008 from the Federal Government College for Women, G-10/4 Islamabad is also available on the record. It is astonishing to note that the Higher Education Department, Khyber Pakhtunkhwa in its reply provided the charge sheet and statement of allegations of one Mst. Sabeeha Gul, Lab Assistant in Government Girls Degree College, Chitral but the case/service appeal before us is that of Ms. Shehla Abrar. It is not clear from the record whether charge sheet and statement of allegation was served upon the appellant Ms. Shehla Abrar, neither any show cause notice is available on record. Inquiry report is also not available with the reply.

7. In view of the above discussion the appeal is allowed by setting aside the impugned order dated 10.10.2009. The appellant is reinstated in service from the date of her removal w.e.f 10.10.2009 with all back benefits. Parties are left to bear their own costs. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 5th day of October, 2022.*



(KALIM ARSHAD KHAN)
Chairman



(FAREEHA PAUL)
Member (E)

Service Appeal No. 338/2018

1. Mr. Syed Ghufraan Ullah Shah, Advocate for the appellant present. Mr. Muhammad Adele Butt, Additional Advocate General for respondents present. Arguments heard and record perused.
2. Vide our detailed judgement containing 04 pages, we arrived at a conclusion that the appeal is allowed by setting aside the impugned order dated 10.10.2009. The appellant is reinstated in service from the date of her removal w.e.f 10.10.2009 with all back benefits. Parties are left to bear their own costs. Consign.
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Chairman



(FAREEHA PAUL)
Member (E)

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 338/2018

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN
MISS. FAREEHA PAUL ... MEMBER(E)

Shehla Abrar D/O Ghulam Abrar R/O Gahtak Denin, Tehsil &
District Chitral.

.... (Appellant)

Versus

1. Secretary Higher Education, Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Director (Establishment) Higher Education, Khyber Pakhtunkhwa Peshawar at Khyber Road near Judicial Complex, Peshawar.
3. Secretary Finance, Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
4. Principal Government Girls Degree College, Chitral.
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.... (Respondents)

Mr. Syed Ghufraan Ullah Shah
Advocate

... For appellant

Mr. Muhammad Adeel Butt
Addl. Advocate General

... For respondents

Date of Institution.....27.02.2018
Date of Hearing.....05.10.2022
Date of Decision.....05.10.2022

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned order dated 10.10.2009 passed by Director (Establishment) Higher Education, whereby the appellant has been granted major penalty of

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6. From perusal of record presented before us, it transpires that the appellant was on deputation to the Government of Pakistan in ^{the} Federal Directorate of Education ^{where} ~~and there~~ a disciplinary action was taken against her on account of her unauthorized absence w.e.f 28.11.2006, as a result of which she was repatriated to her parent department, that is the Directorate of Higher Education, Government of ^{the} (NWFP) Peshawar, vide order dated 11.07.2008. The competent authority in ^{the} Government of Pakistan treated the absence period w.e.f 28.11.2006 to the date of relieving of the appellant as extra ordinary leave without pay. A showcause notice issued by ^{the} Government of Pakistan, Federal Directorate of Education is also

Keyler Peshawar

available on record. A relieving report dated 15.07.2008 from ^{the} Federal Government College for Women, G-10/4 Islamabad is also available ^{on} ~~or~~ the record. It is astonishing to note that the Higher Education Department, Khyber Pakhtunkhwa in its reply provided the charge sheet and statement of allegations of one Mst. Sabeeha Gul, Lab Assistant in Government Girls Degree College, Chitral but the case/service appeal before us is that of Ms. Shehla Abrar. It is not clear from the record whether charge sheet and statement of allegation was served upon the appellant Ms. Shehla Abrar, neither any show cause notice is available on record. Inquiry report is also not available with the reply.

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8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 5th day of October, 2022.*

(KALIM ARSHAD KHAN)
Chairman

(FAREEHA PAUL)
Member (E)


30.06.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Farhan Assistant alongwith Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before the Supreme Court of Pakistan. Adjourned. To come up for arguments on 05.10.2022 before the D.B.


(Rozina Rehman)
Member (J)


(Salah Ud Din)
Member (J)

10-03-2022
Due to retirement of the learned counsel
the case is adjourned for the case
as before on 05.10.2022.

Rozina

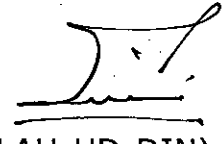
03.09.2021

Clerk of learned counsel for the appellant present. Mr. Qazi Ayaz, Section Officer (Litigation) and Mr. Jehanzeb, Superintendent alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is ill. Adjourned. To come up for arguments before the D.B on 07.12.2021.



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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

07.12.2021

Junior to counsel for the appellant and Noor Zaman Khattak, District Attorney alongwith Qazi Muhammad Ayaz, Litigation Officer for the respondents present,

Former submitted an application for adjournment due to engagement of learned senior counsel for the appellant before the Peshawar High Court, Mingora Bench. Request is accorded. To come up for arguments on 10.03.2022 before the D.B.



(Salah-ud-Din)
Member(J)



Chairman

10-03-2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 30-06-2022



Reader

04.12.2020

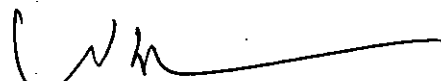
Due to COVID-19 the case is adjourned for the same on
02.03.2021 before D.B.


READER

02.03.2021

Junior to counsel for the appellant and Addl. AG
for the respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa
Bar Council, the matter is adjourned to 3.06.2021 for hearing
before the D.B.

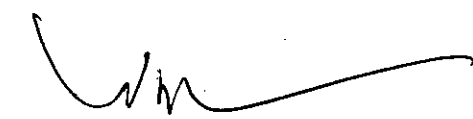

(Atiq-ur-Rehman Wazir)
Member(E)

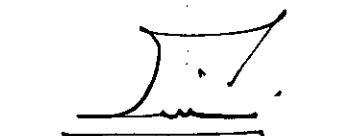

Chairman

03.06.2021

Clerk of learned counsel for the appellant present. Mr.
Jehanzeb, Superintendent alongwith Mr. Muhammad Rasheed,
Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for
adjournment on the ground that learned counsel for the
appellant is busy in the august Peshawar High Court. Adjourned.
To come up for arguments before the D.B on 03.09.2021.


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

19-5.2020

Due to COVID19, the case is adjourned to

10/8/2020 for the same as before.


Reader

10.08.2020

Due to summer vacations case to come up for the same on
12.10.2020 before D.B.

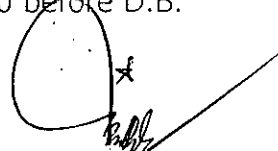

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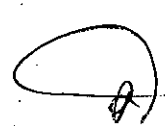
12.10.2020

Junior counsel on behalf of appellant present.

Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Jehanzeb Superintendent for respondents present.

Former made a request for adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 04.12.2020 before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

04.02.2020

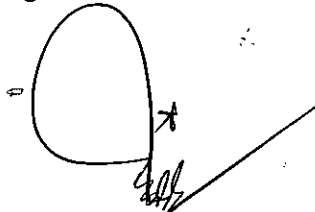
Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG alongwith M/S Sajid Superintendent and Muhammad Israr, Assistant for the respondents present. Adjourned to 17.03.2020 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

17.03.2020


Clerk to counsel for the appellant present. Addl: AG for respondents present. Due to general strike on the call of Peshawar Bar Council, the instant case is adjourned. To come up for arguments on 19.05.2020 before D.B.



(MAIN MUHAMMAD)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

17.09.2019


Clerk to counsel for the appellant present. Mr. Usman Ghani learned District Attorney present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 30.10.2019 before D.B.


Member


Member

30.10.2019


Junior counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court, Peshawar and cannot attend the Tribunal today. Adjourned to 06.12.2019 for arguments before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

06.12.2019

Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Adjourned to 04.02.2020 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

09.04.2019

Counsel for the appellant and Rahmat Khan, Superintendent for respondent No. 3 alongwith Addl. AG for the respondents present.

Representative of respondent No. 3 states that the requisite reply will positively be submitted on next date of hearing.

Adjourned to 15.05.2019 before S.B for the needful.



Chairman

15.05.2019

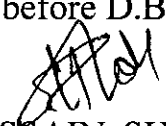
Learned counsel for the appellant present. Sohail Assistant representative of respondent No.3 present and stated that respondent No.3 relies on the written reply/comments submitted on behalf of respondents No.1 & 2. To come up for rejoinder/arguments on 17.07.2019 before D.B.



Member

17.07.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Sajid, Superintendent on behalf of respondent No. 3 present. Learned counsel for the appellant requested for adjournment. Adjourned to 17.09.2019 for rejoinder and arguments before D.B.



(HUSSAIN SHAH)
MEMBER



(M. AMIN KHAN KUNDI)
MEMBER

338/18

16.1.2019


Counsel for the appellant and Rashida Parveen Lecturer on behalf of respondent No. 4 with Addl. AG for the respondents present.

Respondent No. 4 has prepared a reply though not to the satisfaction of learned AAG. The same shall be submitted on next date of hearing positively. Adjourned to 27.02.2019 on which date respondent No. 3 shall also furnish the requisite reply.

Learned counsel for the appellant states that respondent No. 5 has been arrayed as a proforma party whose reply may not be essential for proceedings in hand.

27.02.2019

Clerk to counsel for the appellant present, Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Ibrar Ali, AD(Lit) Miss. Rashida Parveen, Assistant Professor for respondent no.4 present. Written reply on behalf of respondent no.4 submitted which is placed on file. Written reply on behalf of respondent no.3 not submitted, therefore, fresh notice be issued to him. According to previous order sheet dated 16.01.2019, learned counsel for the appellant stated that respondent no.5 has been arrayed as proforma respondent whose reply may not be essential for proceedings. To come up for written reply of respondent no.3 on 09.04.2019 before S.B.


Member
(Ahmad Hassan)

15/1/19

23-10-18

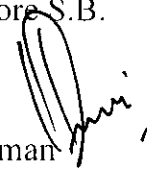
Due To Retirement of Honorable
Chairman the Tribunal is non
functional therefore the case is
adjourned to come up for the
same on 7-12-2018

07.12.2018

Counsel for the appellant and Mr. Muhammad Jan, DDA
for the respondents present.

The requisite reply on behalf of respondents No. 3 to 5
has not yet been prepared, therefore, request for adjournment
has been made ^{by} the learned DDA.

Adjourned to 16.1.2019 for the needful before S.B.

Chairman 

Service Appeal No. 338/2018

21.05.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Written reply not submitted. Learned Additional AG seeks adjournment. Adjourned. To come up for written reply/comments on 10.07.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

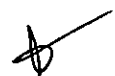
10.07.2018

Neither appellant nor his counsel is present. No representative is present on behalf of the respondents. However, Mr. Usman Ghani, District Attorney put appearance on their behalf. To come up for written reply/comments on 27.08.2018 before S.B.


Chairman

27.08.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Murad Khan, Superintendent for the respondents present. Representative of respondents No. 1 & 2 submitted written reply. Learned Additional AG made a request for adjournment on behalf of respondents No. 3 to 5 for filing of written reply. Granted. To come up for written reply/comments on behalf of respondents No. 3 to 5 on 23.10.2018 before S.B.


(Ahmad Hassan)
Member

26.03.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Higher Education Department as Lab Assistant (BPS-07). It was further contended that the appellant was transferred on deputation to Federal College Islamabad vide order dated 11.10.2006 for three years but the Federal Government relieved the appellant before the expiry of three years on 15.07.2008. It was further contended that the appellant approached for release of her salary to the Education Department but the Education Department was reluctant to release the salary of the appellant on the ground that deputation period of the appellant has not been expired so far. It was further contended that the appellant filed departmental appeal but the same was not responded therefore, the appellant filed the service appeal before this Tribunal and this Tribunal vide judgment/order dated 02.09.2013 treated the same as departmental appeal with the direction to decide the same within 30 days. It was further contended that again the department dismissed her departmental appeal vide order dated 21.11.2013 on the ground of limitation. It was further contended that again the appellant filed service appeal and the respondent-department raised the plea in the written reply/comments that the appellant has already been removed from service by the department vide order dated 10.10.2009 and the appellant came to know about her removal order on 02.10.2017. It was further contended that on coming to know about the removal order of the appellant, the appellant also filed departmental appeal but the same was not responded hence, the present service appeal. It was further contended that neither proper inquiry was conducted nor opportunity of personal hearing and defence was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 21.05.2018 before S.B.



Appellant Deposited
Security & Process Fee

MA
(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 338/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	09/03/2018	<p>The appeal of Mst. Shehla Babar resubmitted today by Mr. Syed Ghufanullah Shah Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 9/3/18</p>
2-	12/03/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/03/18.</u></p> <p style="text-align: right;"> MEMBER</p>

The appeal of Mst. Shehla Abrar d/o Ghulam Abrar r/o village preyit Distt. Chitral received today i.e. on 27.02.2018 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Copies of transfer notification and repatriation order of the appellatant mentioned in the memo of appeal (Annexures-B & C) are not attached with the appeal which may be placed on it.
- 2- Page Nos. 19 & 21 of the appeal are illegible which may be replaced by legible/better one.


No. 415 /S.T,

Dt. 27/02 /2018


REGISTRAR 27/2/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Ghufuranullah Shah Adv.Pesh.

Respected Sir,
The subject documents are not available to the appellant anyhath the appeal has been supported with charge sheet etc. The objected documents will be produced upon the availability, therefore requested to put before the bench.


27/2/18

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA PESHAWAR

Service Appeal No. 338 /2018

Shehla Abrar

V E R S U S


Government of KPK through Chief Secretary, Peshawar and others

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Appellant/Petitioner

Through

.....

Syed Ghufuran ullah Shah
(Advocate Peshawar)
Office; 22-A Nasir Mansion
Railway Road, Peshawar
Cell No.0334-9185580

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA PESHAWAR

Service Appeal No. 338 /2018

Khyber Pakhtukhwa
Service Tribunal

Diary No. 276

Dated 27-2-2018

Shehla Abrar

D/O Ghulam Abrar

R/O Gahtak Denin, Tehsil & District Chitral.

.....Appellant

V E R S U S

1. Secretary Higher Education Government of Khyber Pakhtunkhaw (KPK) at Civil Secretariat Peshawar.
2. Director (Establishment) Higher Education Khyber Pukhtunkhaw Peshawar at Khyber Road near Judicial Complex, Peshawar
3. Secretary Finance Government of K.P.K at Civil Secretariat Peshawar
4. Principal Government Girls Degree College Chitral.
5. Principal Federal Government College for woman, G-10/4, Islamabad.

..... Respondents

Service Appeal against the impugned Order bearing No. 23643-45 dated 10-10-2009 passed by Director (Establishment) Higher Education; whereby the appellant has been granted major penalty from removal of service and her departmental appeal to Respondent No.1 dated 03-11-2017 has not been responded.

Prayer;

On acceptance of the instant Service Appeal the impugned Order bearing No. 23643-45 dated 10-10-2009 passed by Director (Establishment) Higher Education be set aside and the appellant be re-instated in service with all back benefits.

Filed to-day
Registrar
27/2/18

Re-submitted to -day
and filed.

Registrar
9/3/18

Any other relief deem just and proper in the circumstances of the case including payment of service benefits for qualified service and outstanding salaries etc may also granted to the appellant.

Respectfully Sheweth:

Brief facts and grounds giving rise to the instant Service Appeal are as under:

1. That on 01-07-1997 the appellant was appointed as Lab Assistant (BPS-07) at Government Girls Degree College, Chitral.
(Copy of service book is annexure "A")
2. That on 11-10-2006 the appellant was transferred to Federal College Islamabad for three years on deputation basis.
(Copy of Notification is annexure "B")
3. That on 15-07-2008 the service of the appellant was send back to the patent department/Higher Education KPK.
(Copy of Office order is annexure "C")
4. That since date the appellant approached/ visited Government Degree College; Chitral to submit her arrival report but the same remained under advice of College Directorate for long.
5. That being aggrieved from delaying process the appellant also submitted Departmental Appeal on 30-11-2012.
(Copy of departmental appeal is annexure "D")
6. That the appellant also approached KPK-Service Tribunal vide Appeal No.610/2013 which was disposed on 02-09-2013 with the direction to convert the same into departmental appeal and to decide accordingly within one month.
(Copies of service appeal along with Order/judgment 02-09-2013 are annexed as Annexure "E")

7. That on 21-11-2013 the departmental appeal was filed as time barred.

(Copy of rejection order by the department is annexure "F")

8. That the appellant once again approached KP Service Tribunal vide Service Appeal No.1594/2013, whereby she first time came to know about the impugned order dated 10-10-2009 with effect to her removal from service through comments of the respondents.

(Copy of impugned order is annexure "G" while comments of the respondent is annexure "H" respectively)

9. That on 02-10-2017 the appellant withdraw the pending service appeal with permission to file departmental appeal against the newly disclosed impugned order dated 10-10-2009.

(Copies of service appeal along with order/judgment are annexure "I")

10. That accordingly the appellant filed departmental appeal on 03-11-2017, (Annexure "J") which remained not replied hence the instant appeal upon the maturity of the same; amongst the following other grounds.

GROUND:

- a. The impugned order of removal from service dated 10-10-2009 is against the Law and procedure.
- b. That if it was the case why the same was not disclosed to the appellant at the time of disposal of her departmental appeal related to accept her arrival and release of salaries dated 21-11-2013 as well as before the Tribunal in the previous appeal of the appellant.
- c. That the appellant has not been heard neither given any chance to explain or show cause as per requirement of law and Rules, therefore the same is a void order.

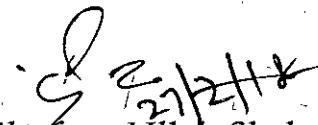
- d. That impugned order is void, illegal and against the facts and circumstances of the case, therefore liable to be set aside.
- e. That the appellant has more than 10 years qualified and pensionable service but this factor has also not been considered before passing the impugned order.
- f. That any other ground be furnished when ever required for the assistance of this honourable Tribunal in support of the subject appeal with prior permission as required by procedure.

It is, therefore, most humbly prayed that the instant Service Appeal be allowed as prayed for.



Appellant

Through



Syed Ghufuran Ullah Shah
Advocate Peshawar

~5~

BEFORE THE KHYBER PAKHTUNKHUWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. _____ 2018

Shehla Abrar

V E R S U S

Government of KPK through Chief Secretary, Peshawar and others

AFFIDAVIT

I, **Shehla Abrar** D/O Ghulam Abrar R/O Village Preyit, Tehsil & District Chitral/Appellant; do hereby solemnly verify and declare on oath that all the contents of the subject service appeal; are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Shehla

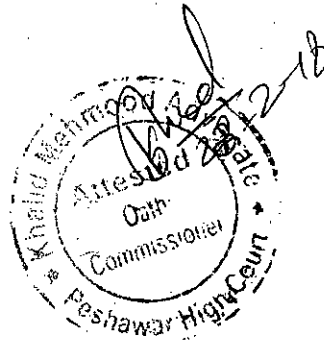
Deponent

C.N.I.C No. 15201-6572672-3

Verified by:

27/2/18

Syed Ghufan Ullah Shah
Advocate Peshawar



6

BEFORE THE KHYBER PAKHTUNKHUWA SERVICE TRIBUNAL
PESHAWAR

C.M No. _____/2018

In

Service Appeal No. _____ 2018

Shehla Abrar

V E R S U S

Government of KPK through Chief Secretary, Peshawar and others

AN APPLICATION WITH EFFECT TO CONDONE
THE TIME IF ANY; EXCEED THE LIMITATION.

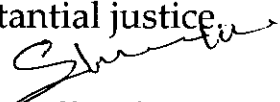
Respectfully Sheweth:

That brief facts and grounds giving rise to the instant Application are as under;

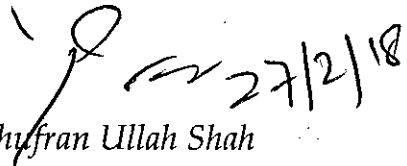
1. That the subject Service Appeal is being submitted to day before this honourable Tribunal against the impugned order dated 10-10-2009.
2. That the afore mentioned impugned order was first time disclosed to the appellant during second round of litigation before this honourable Tribunal, which was previously not in the knowledge of appellant.
3. That soon after getting knowledge of the same the appellant withdraw her pending appeal and filed departmental appeal on 03-11-2017, which became mature on 03-02-2018 therefore the same is well within time.

4. That otherwise too the subject appeal is not hit by Limitation being void and illegal in nature as the facts mentioned in the memo of appeal.

Therefore, any delay if caused due to act of Respondent or pendency of her case or any other reason beyond the control of the appellant may kindly be condone in the best interest of substantial justice.


Appellant/Petitioner

Through


Syed Ghufan Ullah Shah
Advocate Peshawar

8

BEFORE THE KHYBER PAKHTUNKHUWA SERVICE
TRIBUNAL PESHAWAR

C.M No. _____/2018

In

Service Appeal No. _____/2018

Shehla Abrar

V E R S U S

Government of KPK through Chief Secretary, Peshawar and others

AFFIDAVIT

I, **Shehla Abrar** D/O Ghulam Abrar R/O Village Preyit, Tehsil & District Chitral/Appellant; do hereby solemnly verify and declare on oath that all the contents of the condonation application; are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.


Deponent

C.N.I.C No. 15201-6572672-3

Verified by:



Syed Ghufan Ullah Shah
Advocate Peshawar



BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA PESHAWAR

Service Appeal No. _____ 2018

Shehla Abrar

V E R S U S

Government of KPK through Chief Secretary, Peshawar and others

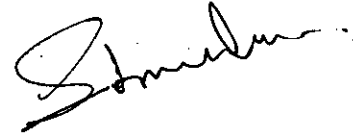
ADDRESSES OF PARTIES

APPELLANT;

Shehla Abrar D/O Ghulam Abrar R/O Mohallah Gahtak Denin,
Tehsil & District Chitral.

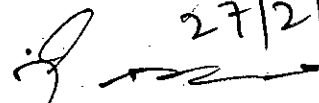
RESPONDENTS;

1. Secretary Higher Education Government of Khyber Pakhtunkhaw (KPK) at Civil Secretariat Peshawar.
2. Director (Establishment) Higher Education Khyber Pukhtunkhaw Peshawar ate Khyber Road near Judicial Complex, Peshawar
3. Secretary Finance Government of K.P.K at Civil Secretariat Peshawar
4. Principal Government Girls Degree College Chitral.
5. Principal Federal Government College for woman, G-10/4, Islamabad.



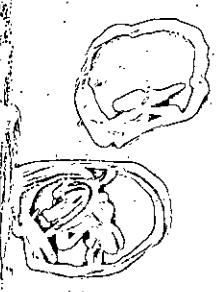
Appellant

Through


27/2/18
Syed Ghufuran Ullah Shah
Advocate Peshawar

10

Ameyuze
A^o



Passed her F.A. Examination under
Roll No. 169875 Session 1998(A) obtaining
471 Marks out of 1100 and result declared

Registration Roll No 11-28 Dated

Principal
Govt Girls Higher Secondary
School Dilli Chitral

Principal
Govt Girls Higher Secondary
School Dilli Chitral

Left thumb - impression

Qualification	Date	Qualification	Date
English		First Arts	
Pashtu		B. L. or B.A.	
Urdu		Pledarshi's examination	
Plan - drawing		Training school Final examination	
Finger Print		Other qualification	
Dr. Instructing			
Court duties			

ATTESTED
[Signature]

ATTESTED
[Signature]

11

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

1. Name *Shehla Abrar*
2. Race *Bahraj (Muslim Pakistan)*
3. Residence *Village Ajam Teh: central Dist: central*

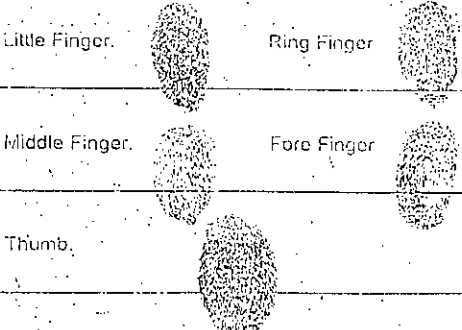
4. Father's name and residence *Ghulam Abrar*

5. Date of birth by Christian era or as nearly as can be ascertained *9-8-1979*

6. Exact height by measurement *5*

7. Personal marks for identification *A Mole on Nose*

8. Left hand thumb and Finger impression of (non-gazetted) officer.

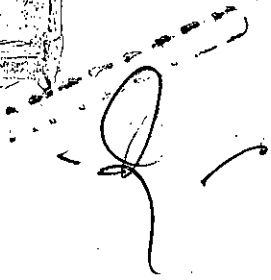
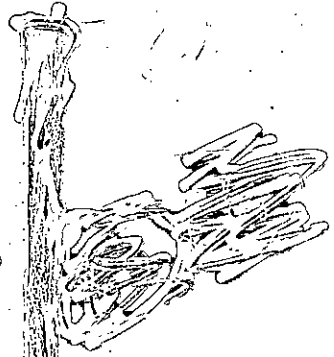


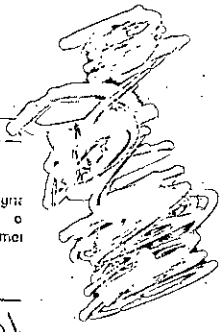
9. Signature of Government Servant *Shehla Abrar*

10. Signature and designation of the Head of the Office, or other Attesting Officer.
[Signature]
Principal
Govt Girls High School
School Bhatti Chitral

ATTESTED

12/9/





1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 Whether officiating state (i) Substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Sign of Government
1480-81-2495							
1480-81-2495			Rs. 1480/-			1/7/97	Shehl Abra
do			Rs. 1480/-			1/12/97	Sevula
do		(Revised entry)					
do			Rs. 1480/-			1/12/97	Sevula
do			Rs. 1642/-	✓		10/11/98	Sevula
do			Rs. 1723/-	✓		1/12/98	Sevula
do			Rs. 1804/-			1/12/99	Sevula
do			Rs. 1835/-			1/12/2000	Sevula
do			Rs. 1885/-			28/2/2001	Sevula
do			Rs. 1966/-			1/12/2001	Sevula

Pay is fixed in the scale of basic pay scales 2001 vide Govt. of N.W.F.P. Finance Department Notification No. FD(PRC) 1-1/2001 dated 27-10-2001 in the revised basic pay scales 7 of Rs. 2720-120-5820

Pay fixed on - 1/12/2001 Rs. 2740/-

PRINCIPAL
Govt. Girls Degree College
Chitral

ATTESTED

ATTESTED

Head Assistant
1/07/1997

13



OFFICE OF THE DISTRICT ACCOUNTS OFFICER GENERAL

With reference to Para 17 (a) of Finance Division (Regulation wing's) O.M. No.F.I (5) imp/2001 dated 4th September, 2001, I hereby opt pay and pension/commutation of :-

(Relevant box to be signed).

i. Basic Pay Scale 1994

ii. Basic pay Scale 2001 ✓

_____ *Shehla* _____

NAME.

(Block Letters)

SHEHLA ABRAR

Father's Name:-

GHULAM ABRAR

Designation.

LAB-ASSIST BR. 7

N.I.C.NO.

103-79-267010

DATED. 01/11/2001

SIGNATURE.

S. A.

ATTESTED

[Handwritten signature]

[Handwritten signature]
Principal
District Office
General

ATTESTED

[Handwritten signature]

AMEXUTE
N B
CHARGE REPORT

14

Certified that Mrs. Shehla Abrar this day 11th October-2006 (A.N) relived the charge of the post of Lab: Assistant at Girls Govt Govt:Girls Degree College Chitral vide Director of Higher Education NWFP, Peshawar No. 26746-49/CA-VII/Estt: Branch dated Peshawar the 10/10/2006. ✓

Station Chitral

Dated 11.10.2006(A.N)

Signature of Relived
Government Servant. Shaehla Abrar
Designation Lab: Assistant

Signature of Received
Government Servant Vacant
Designation

OFFICE OF THE PRINCIPAL GOVT: GIRLS DEGREE COLLEGE CHITRAL.

Endst: No: 406-12 1A-7

Dated 11/10/2006. ✓

Copy forwarded to the:-

- 1.
 - ✓ 2.
 - 3.
 - 4.
 - 5.
 - 6.
- Director of Higher Education NWFP, Peshawar with reference
To his No noted above
Federal directorate of Higher Education Islamabad
Section Officer (II) Govt: of NWFP Higher Education Department
Peshawar
District Accounts Officer Chitral.
Official Concerned
Office Copy.

Shahida
PRINCIPAL
GOVT: GIRLS DEGREE COLLEGE
CHITRAL.

ATTACHED
9

14-A



GOVERNMENT OF NWFP
HIGHER EDUCATION, ARCHIVES & LIBRARIES
DEPARTMENT

No.SO(Education-II) X-4 /2006
Dated Peshawar the 28th August 2006

To
The Director,
Federal Directorate of Education,
Islamabad.

Subject: DEPUTATION.

Dear Sir,

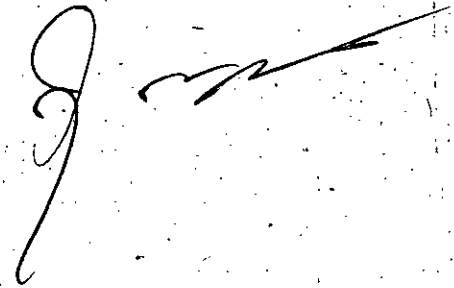
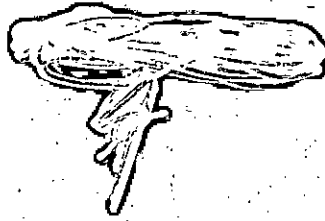
I am directed to enclose herewith proforma duly filled in alongwith relevant documents pertaining to deputation to Federal Directorate of Education Islamabad in respect of Mst. Shelija Ibrar, Lab Assistant Government Girls College Chitral for your views/comments please.

Yours faithfully,

ISRAK

(ISRAK MOHAMMAD)
SECTION OFFICER(EDUCATION-II)

Encls:-As above.



*Annexure
C⁶*

(15)
[Handwritten scribble]

FEDERAL GOVERNMENT COLLEGE FOR WOMEN,
G-10/4, ISLAMABAD

RELIEVING / REPORT

- 1. No in Seniority List. Nil
- 2. Name of Government Servant Mrs. Shela Ibrar
- 3. Designation Lab Assistant
- 4. Domicile Chitral (NWFP)
- 5. Qualification B.A
- 6. Date of Birth 09-08-1979
- 7. Scale of pay in full BPS-07
- 8. Date of Appointment in Govt. Service 01-07-1997
- 9. Date of Appointment in F.G. Service 19-09-2006
- 10. Date of Appointment in the Present Grade 19-09-2006
- 11. Date of Relieving 15-07-2008
- 12. Hour of Relieving Fore Noon
- 13. Reason for Relieving _____
- 14. Institution to transferred Government of NWFP, Higher
Education Archives & Libraries Dept
Peshawar
- 15. Reference of Office Order No. F.1-1/2006(CA-II)FDE
Dated: 11-07-2008

S.H.
PRINCIPAL

Dated: 15/7/08

No. PE 2-212/08 PCW/2/01

Copy forwarded to:-

- 7. The Director (A-II) FDE, Islamabad.
- 8. The A.C.P.R, Islamabad.
- 9. Person concerned.
- 10. Accountant of this college.
- 11. Personal File.
- 12. The Head of the institution to which transferred along with the service Book, LPC and leave account. The Govt. Servant has availed himself _____ days casual leave during the current year.

ATTESTED

P. KHALID A.L.
G. College for Women
G-10/4, Islamabad

ATTESTED

Annexure u 16
D 16
date: 30-11-2012

The Director (Colleges),
Khyber Pakhtunkhwa,
Civil Line, near District Courts,
Peshawar.

I, Shehla Abrar resident of Daneen Gahtak working Lab. Assistant with Govt Girls Degree College Chitral from the last 12 years. I was transferred to Federal Colleges Islamabad for 3 years on deputation. And I have worked with Federal College Islamabad. And after some time Principal of the College advised me to work in place of Lab Attendant. And I have refused to duty in the position of Lab Attendant and the same situation conveyed to parent department. Directorate of Colleges Peshawar and to the Principal Girls Degree College Chitral. In the same time I have complained in writing to Minister Education, Director-General Colleges Islamabad and copy to Director College Peshawar and Principal Girls College Chitral regarding change of my duty.

After two and half years I have received a letter from Federal College Islamabad to appear in front of inquiry team. I and Principal of the College appeared in front of Inquiry Team. But I have not intimated about the decision of the inquiry team. And my deputation case sent back to Directorate of Colleges, Civil Line, Peshawar.

Since, I have approached to Principal Govt Girls Degree College Chitral and Director Colleges Peshawar to get my joining. I have been told to wait they are going to issue notification for re-joining of my service with parent department Govt Girls College Chitral. After few months I have approached again to Principal Govt Girls Degree College Chitral to get my joining, she said that she has issued show cause notice to me surprised to see her reply, my home is in a distance of 20 steps from the college and the college is constructed in my land with concession rate, and the peon of the college is coming from my home, but it is not even informed to me at home, nor I have received any newspaper copy of the show case. Further I have approached to Principal GGDC Chitral to get my joining, she advised me to contact Deputy Director Mr. Sardar Hussain Sb. I have requested to Deputy Director to allow me to join my duty as Lab Assistant in Govt Girls Degree College Chitral. Deputy Director Mr. Sardar Hussain Sb got my request and said he will inform me for my joining, but not yet informed.

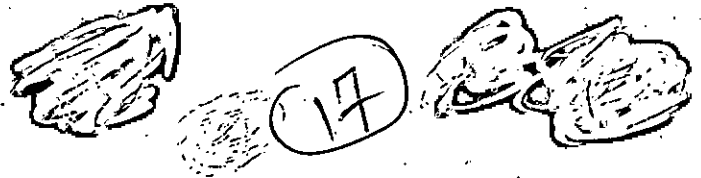
Despite my repeated request during deputation and after deputation I have not received any single reply from Principal Govt Girls Degree College Chitral nor from Directorate of Colleges Peshawar.

Now my case is pending with Directorate of Colleges, Civil Line near District Court Peshawar. You are kindly requested to keeping my more than 15 years experience to allow me, to work in my existing position and release my salary since deputation is backed to home department on July 15, 2008. Further attached herewith complete correspondence record for your kind information.

ATTESTED

M
af

ATTESTED
af



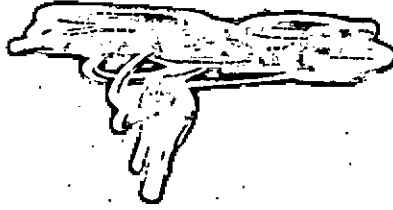
Your help in this regard will be highly appreciated and I will assure my best possible work without any issue.

Regards,

Shehla
Shehla Abrar, 30/10/2012
Lab Assistant,
Govt Girls Degree College Chitral
Cell 03335137507 & 03345017704

C.C.

The Principal,
Govt Girls Degree College,
Daneen, Chitral.



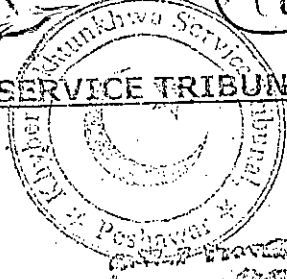
RECEIVED

Annexure
"E"

18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR



APPEAL NO. 610 /2013

27-3-2013

Mst: Shehla Ibrar, Lab Assistant (BPS-07),
Government Girls Degree College Chitral, District Chitral
..... (Appellant)

VERSUS

- 1- The Secretary Higher Education Department, Khyber Pakhtunkhwa Peshawar.
- 2- The Secretary Establishment Department, Khyber Pakhtunkhwa Peshawar.
- 3- The Director Higher Education Department, Khyber Pakhtunkhwa Peshawar.
- 4- The Secretary Finance Department, Khyber Pakhtunkhwa Peshawar.
- 5- The Principal Government Girls Degree College Chitral, District Chitral.

..... (Respondents)

ATTESTED
[Signature]

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 FOR DIRECTION TO RESPONDENT DEPARTMENT TO ALLOW THE APPELLANT TO SUBMIT HER CHARGE REPORT AS LAB ASSISTANT (BPS-07) AT GOVERNMENT GIRLS DEGREE COLLEGE CHITRAL AND FOR THE RELEASE OF HER MONTHLY SALARIES WITH EFFECT FROM 16-7-2008 TILL DATE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

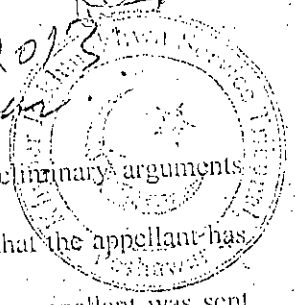
ATTESTED

[Signature]

As submitted to and filed,

6/4/13

19
Appeal No. 610/2013
Ms. Sheila Wazir



02.09.2013

Counsel for the appellant present. Preliminary arguments heard. Counsel for the appellant contended that the appellant has not been treated in accordance with law. The appellant was sent on deputation to Federal Director of Education Islamabad vide office memorandum dated 19.09.2006. She was relieved from Government of Khyber Pakhtunkhwa on 11.10.2006 to join new assignment in Federal Director of Education Islamabad. Her deputation has been cancelled on 15.07.2008 and relieved from Federal Government. The appellant filed appeal before the Director Higher Education Khyber Pakhtunkhwa on 01.08.2008 and reminder to this effect filed on 30.12.2012. After not responding the departmental appeal within the statutory period of 90 days, she filed the instant service appeal NO.610/2013 on 27.03.2013. As adjustment of the appellant and subsequent release of monthly salary w.e.f 16.07.2008 are required, therefore the instant appeal is remanded to the Director Higher Education, Peshawar to treat the same as Departmental Appeal and decided within 30 days from receipt of this order. If grievances of the appellant not resolved, she has a right to file fresh appeal before this Tribunal in accordance with law. The appeal is disposed off in limine in the above terms. No order as to costs. File be consigned to the record.

COMMISSIONER
KHYBER PAKHTUNKHWA
PESHAWAR

ANNOUNCED
02.09.2013

Signature

ATTESTED

Signature

Date of Submission of Application 5-9-2013
Number of Sheets 600
Copying Fee 6-
Vouchers 2
Total 8-
Name of Copyist
Date of Completion of Copy 5-9-2013
Date of Delivery of Copy 5-9-2013

ATTESTED

Signature

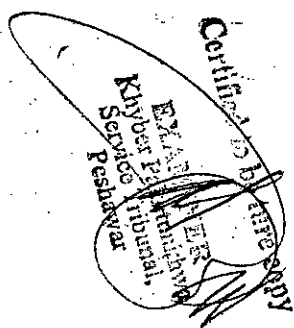
Appeal No. 610/2013
Mst. Sheila Ghuman



Better Copy
Page-(14)

02.09.2013

Counsel for the appellant present. Preliminary arguments heard. Counsel for the appellant contended that the appellant has not been treated in accordance with law. The appellant was sent on deputation to Federal Director of Education Islamabad vide office memorandum dated 19.09.2006. She was relieved from Government of Khyber Pakhtunkhwa on 11.10.2006 to join new assignment in Federal Director of Education Islamabad. Her deputation has been cancelled on 15.07.2008 and relieved from Federal Government. The appellant filed appeal before the Director Higher Education Khyber Pakhtunkhwa on 01.08.2008 and reminder to this effect filed on 30.12.2012. After not responding the departmental appeal within the statutory period of 90 days, she filed the instant service appeal NO.610/2013 on 27.03.2013. As adjustment of the appellant and subsequent release of monthly salary w.e.f 16.07.2008 are required, therefore the instant appeal is remanded to the Director Higher Education, Peshawar to treat the same as Departmental Appeal and decided within 30 days from receipt of this order. If grievances of the appellant not resolved, she has a right to file fresh appeal before this Tribunal in accordance with law. The appeal is disposed off in limine in the above terms. No order as to costs. File be consigned to the record.



ANNOUNCED
02.09.2013

sd/-
Members

Handwritten initials and marks

Date of Presentation of Application 5-9-2013
Number of Words 800
Copying Fee 6/-
Urgent 2/-
Total 8/-
Name of Copyist [Signature]
Date of Completion of Copy 5-9-2013
Date of Delivery of Copy 5-9-2013

20

Annexure
F



**DIRECTORATE OF HIGHER EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR**

Phone No.091-9210242, 9211025, 9211803, Fax No.9210215

No. 23363 DHE/AD (SA)/Lit Cell

Dated 21/11 /2013

To

Mst. Shehla Ibrar Ex-Lab Assistant
C/o Govt Girls Degree College,
Chitral.

Subject: - APPEAL

I am directed to refer to your Service Appeal No.610/2013 in KPK Service Tribunal, which has been converted in to Departmental Appeal by Hon'able Court on 02/09/2013 and to inform you that your appeal has been considered and filed being time barred.

Deputy Director (Establishment)

Enclst No. _____

Copy forwarded to the Principal Govt Girls Degree College Chitral for information and necessary action.

ATTACHED

Deputy Director (Establishment)

Attested

(21) Annexure "G"
DIRECTORATE OF HIGHER EDUCATION
N.W.F.P, KHYBER ROAD PESHAWAR

Phone # 091-9210242, 9211025/Fax # 9210242

Dated Peshawar the 10/10/2009

ORDER

WHEREAS, Mst. Shehla Abrar Lab: Assistant Govt; Girls College, Chitral was proceeded against under the North West Frontier Government Servants (Removal from Services Special Power Ordinance 2000) for the charges mentioned charge sheet and Statement of allegations.

AND WHEREAS, the said official was served with a Show Cause Notice through press published in the Daily Mashiq dated 12.01.2009 under the above-mentioned Ordinance to which she failed to reply within the stipulated period.

AND WHEREAS, Prof. Shahnaz Masood Principal Govt; Girls College, Mardan was appointed as Inquiry Officer for conducting inquiry who conducted the inquiry and submitted her report.

AND WHEREAS the Inquiry Officer after having considered the charge evidence on record, non reply of the accused official to the Final Show Cause Notice, findings of the Inquiry Officer and recommendations to the Authority.

NOW THEREFORE, agreeing with the recommendations of the Inquiry Officer and non reply of the accused official to the Final Cause Notice through press and exercise the power under Section -3 (a) of the (Removal from Service Special Powers Ordinance 2000), the Competent Authority is pleased to impose the major penalty of Removal from Service upon Mst. Shehla Abrar Lab: Assistant Govt; Girls College, Chitral with immediate effect.

(Prof. Sanjar Hussain)

DY: DIRECTOR (ESTABLISHMENT)
HIGHER EDUCATION N.W.F.P.

Endst: No. 27643-15

Copy of the above is forwarded to the:-

1. Principal Govt; Girls College, Chitral.
2. District Accounts Officer, Chitral.
3. Mst. Shehla Abrar Lab: Assistant C/O Principal Govt; Girls College, Chitral (REGISTERED).

DY: DIRECTOR (ESTABLISHMENT)
HIGHER EDUCATION N.W.F.P.

Annexure-G

DIRECTORATE OF HIGHER EDUCATION N.W.F.P
KHYBER ROAD PESHAWAR
Phone#091-9210242,9211025/Fax#9210242

Dated Peshawar the : 10-10-2009

ORDER

WHEREAS, Mst. Shehla Abrar Lab: Assistant Govt: Girls College Chitral was proceeded against under the North West Frontier Government Servants (Removal from Service Special Power Ordinance 2000) for the charges mentioned charge sheet and Statement of allegations.

AND WEREAS, the said official was served with a Show Cause Notice through press published in the Daily Mashriq dated 12-01-2009 under the above mentioned Ordinance to which She failed to reply within the stipulated period.

AND WEREAS, Prof: Shahnaz Mehsood Principal Govt: Girls College Mardan was appointed as Inquiry Officer for conducting inquiry who conducted the inquiry and submitted her report.

AND WEREAS, the inquiry Officer after having considered the charge evidence on record, non reply of the accused official to the Final Show Cause Notice, findings of the Inquiry Officer and recommendation to the Authority.

NOW THEREFORE, agreeing with the recommendation of the Inquiry officer and non reply of the accused official to the Final Cause Notice through press and exercise the power under Section-3(a) of the (Removal From Service Special Power Ordinance 2000), the Competent authority is pleased to impose the major penalty of Removal from service upon Mst. Shehla Abrar Lab: Assistant Gov: Girls College Chitral with immediate effect.

Prof: Sardar Hussain

DY: DIRECTOR (ESTABLISHMENT)
HIGHER EDUCATION N.W.F.P

Endst: No. _____

Copy of the above is forwarded to the

1. Principal Govt: Girls College, Chitral.
2. District Accountants Officer, Chitral
3. Mst. Shehla. Abar Lab: Assistant C/O Principal Govt: Girls College, Chitral
(Registered)

DY: DIRECTOR (ESTABLISHMENT)
HIGHER EDUCATION N.W.F.P

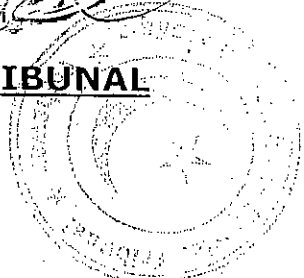
Annexure H



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

(22)



APPEAL NO. 1594 /2013

9-12-13

Mst: Shehla Ibrar, Lab Assistant (BPS-07),
Government Girls Degree College Chitral, District Chitral

..... (Appellant)

VERSUS

- 1- The Secretary Higher Education Department, Khyber Pakhtunkhwa Peshawar.
- 2- The Secretary Establishment Department, Khyber Pakhtunkhwa Peshawar.
- 3- The Director Higher Education Department, Khyber Pakhtunkhwa Peshawar.
- 4- The Secretary Finance Department, Khyber Pakhtunkhwa Peshawar.
- 5- The Principal Government Girls Degree College Chitral, District Chitral.

ATTESTED
[Signature]

..... (Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER
PUKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGIANST THE IMPUGNED ORDER DATED
21.11.2013 WHEREBY THE DEPARTMENTAL
APPEAL OF THE APPELLANT FOR THE SUBMISSION
OF HER CHARGE REPORT AND GRANT/RELEASE OF
HER MONTHLY SALARIES WITH EFFECT FROM 16-
7-2008 TILL DATE HAS BEEN REJECTED ON NO
GOOD GROUNDS

9/12/13

ATTESTED

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

23



Appeal No. 1594/2013
Mst. Shehla Ibrar vs Govt

02.10.2017

Counsel for the appellant and Mr. Anwarul Haq, Deputy District Attorney alongwith Asif Khan, Assistant Director and Muhammad Saeed, SS for the respondents present. The learned counsel for the appellant wants to withdraw the appeal on the ground that he wants to file departmental appeal against the order of removal from service of the appellant dated 10.10.2009 and there-after he would avail his legal remedy. The learned counsel wants to add the remarks that the appellant came to know about the order dated 10.10.2009 during pendency of the present appeal.

In view of the above this appeal is dismissed as withdrawn. The appellant is at liberty to avail his legal remedy under the law. File be consigned to the record room.

Member

Chairman
Camp court, Swat

ANNOUNCED
02.10.2017

Certified true copy

13-10-17

Date of Disposal
Number of
Copies of
Urgent
Total
Name of
Before
Date of

13-10-17
6-800
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13-10-17
13-10-17

Ammaure

24

11

30

Before the Service Tribunal Khyber Pakhtunkhwa, Peshawar

SA No. 1594/2013

Mst. Shehla Ibrar

-----Appellant

Versus

1. Secretary Higher Education Govt of Khyber Pakhtunkhwa
2. Secretary to Govt of KPK Establishment Department
3. Director Higher Education Khyber Pakhtunkhwa
4. Secretary to Govt of KPK Finance Department
5. Principal Govt Girls Degree College Chitral

-----Respondents

Subject; - JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO.1 TO 5.

Respected Sheweth,

PRELIMINARY OBJECTIONS

- I. That the appellant has not come to this Hon'able Court with clean hands.
- II. That the appeal in hands is not maintainable, being time barred.
- III. That the appellant has no locus standi to file the instant appeal.
- IV. That the appellant is trying to conceal the facts, actually she has been awarded major penalty i.e. removal from service vide order No. 23643-45 dated 10/10/2009 (Annexure-A).
- V. The appellant has not filed any appeal against the order dated 10/10/2009 within stipulated period.
- VI. The appellant directly approached KPK service tribunal and the Honable court converted her service appeal No.610/2013 into Departmental appeal which has been rejected by the competent authority being time barred (Annexure-B).

FACTS

1. Pertains to the record, hence no comments.
2. Correct.
3. Needs no comments from the answering respondents.
4. Incorrect. The appellant has not approached the office of the Respondent No.5, rather he tried level best to trace the whereabouts of the appellant and even wrote to the undersigned for getting some information about the status and location of the appellant. The Competent Authority then issued charges of allegations and final show cause notice through press but no reply was received (Annexure-C).
5. Incorrect. The respondents made all possible efforts to trace the appellant but in vain. Departmental appeal was filed but it was time barred. Rest of the Para is correct to the extent that service appeal was changed in departmental appeal but filed being time barred.
6. Incorrect the Departmental appeal was rejected as it was barred by time limitation.

RECEIVED ON
24 SEP 2014
Diary # 929 Page # 136
D/Clerk

Govt Degree College
Chitral
Diary No. 26
Date 27/9/2014

25

GROUNDS

- A. That the order dated 21/11/2013 was issued within the four corners of law and all codal formalities i.e. statement of allegations, final show cause notice through press were fulfilled, then the termination order was issued under powers exercised under section-3(a) of the Removal from service special ordinance 2000.
- B. Not admitted. Law favours the vigilant not the indolent. The appellant has come to seek justice at a belated stage which is not tenable.
- C. Not admitted. No fundamental rights have been infringed as the Respondents have not violated any article of the constitution as the appellant was treated within the Parameters of law.
- D. Not admitted. The appellant remained absent for a long time to the extent that no reply was given to the parent Department about her status & location as stated/Para-IV of the facts.
- E. Not admitted. No malafide on the part of Respondents can be proved any where.
- F. Not admitted. The Respondents have not shown any discrimination to appellant.
- G. Not admitted. As stated in Para-IV of facts.
- H. Not admitted. As stated above.
- I. No comments.

Prayer:-

It is therefore humbly prayed that the appeal in hands may be dismissed.

[Signature]
 Secretary to Govt of
 Khyber PakhtunKhwā Higher Education Deptt
 Respondent No.1

[Signature]
 Secretary to Govt of
 Khyber PakhtunKhwā Establishment Deptt
 Respondent No.2

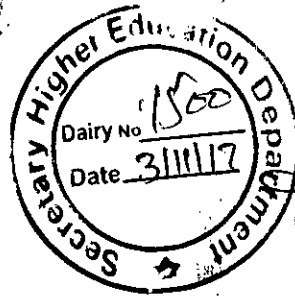
[Signature]
 Secretary to Govt of
 Khyber PakhtunKhwā Finance Deptt
 Respondent No.4

[Signature]
 Director Higher Education
 Khyber PakhtunKhwā
 Respondent No.3
 Director Higher Education
 Khyber Pakhtun Khwa
 Khyber Road Peshawar.

[Signature]
 Principal
 Govt Girls Degree College,
 Chitral
 Respondent No:5

95/A-7
 2018/209

Annexure - J
26
The Secretary Higher Education,
Khyber Pukhtoonkhwa Peshawar;



Departmental Appeal/Representation under Rule, 3 of KP Civil Servants Appeal Rules, 1986 against the impugned Order bearing No. 23643-45 dated 10-10-2009 passed by Director (Establishment) Higher Education; whereby the appellant has been granted major penalty of removal from service.

Prayer;

On acceptance of the instant Departmental Appeal the impugned Order bearing No. 23643-45 dated 10-10-2009 passed by Director (Establishment) Higher Education be set aside and the appellant be re-instated in service with all back benefits. Any other relief deems just and proper in the circumstances of the case may also granted to the appellant.

Respectfully stated;

Facts and Grounds giving rise to the instant departmental appeal are as under;

1. That on 01-07-1997 the appellant was appointed as Lab Assistant (BPS-07) at Government Girls Degree College, Chitral.
(Copy of service book is annexure "A")
2. That on 11-10-2006 the appellant was transferred to Federal College Islamabad for three years on deputation basis.
(Copy of Notification is annexure "B")
3. That on 15-07-2008 the service of the appellant was send back to the patent department/Higher Education KPK.
(Copy of Office order is annexure "C")
4. That since date the appellant approached/ visited Government Degree College; Chitral to submit her arrival report but the same remained under advice of College Directorate for long.

ATTESTED
[Signature]

271

5. That being aggrieved from delaying process the appellant also submitted departmental appeal on 30-11-2012.

(Copy of appeal is annexure "D")

6. That the appellant also approached KPK-Service Tribunal vide Appeal No.610/2013 which was disposed on 02-09-2013 with the direction to convert the same into departmental appeal and to decide according within one month.

(Copies of service appeal alongwith Order/judgment 02-09-2013 is annexure "E")

7. That on 21-11-2013 the departmental appeal was filed as time barred.

(Copy of rejection order by the department is annexure "F")

8. That the appellant once again approached KP Service Tribunal vide Service Appeal No.1594/2013, whereby she first time came to know about the impugned order 10-10-2009 with effect to her removal from service.

(Copy of impugned order is annexure "G")

9. That on 02-10-2017 the appellant withdraw the pending service appeal with permission to file the instant departmental appeal amongst the following other grounds;

(Copies of service appeal alongwith order/judgment are annexure "H")

ATTACHED

GROUND S;

a. The impugned order of removal from service dated 10-10-2009 is against the Law and procedure.

b. That if it was the case why the same were not disclosed to the appellant at the time of disposal of her departmental appeal related to accept her arrival and release of salaries dated 21-11-2013.

28

- c. That the appellant has not been heard neither given any chance to explain or show cause as per requirement of law and Rules.
- d. That impugned order is void, illegal and against the facts and circumstances of the case, therefore liable to be set aside.
- e. That the appellant has more than 10 years qualified and pensionable service but this factor has also not been considered before passing the impugned order.
- f. That any other ground be furnished when ever required for the assistance of your good authority in support of her appeal.

It is, therefore, humbly prayed to allow the subject departmental appeal as prayed for.

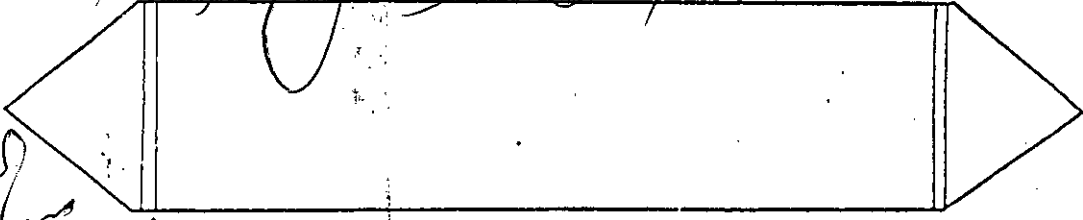
Dated:- 30-10-2017

Appellant

Shehla Abrar
Shehla Abrar
Lab Assistant,
Lab Assistant,
D/O Ghulam Abrar
R/O Village Preyit,
Tehsil & District
Chitral
Cell No. 0334-5017704

ATTACHED

بعدالت



موزخہ
مقدمہ
دعویٰ
بزم

باعث تحریر آنکے

مقدمہ مشدرچہ عنوان بالا میں اپنی طرف سے واسطے پیردی و جواب دہی وکل کاروائی متعلقہ
آن مقام سکندر کیلئے سید عزیز الرحمن کے نام سے درخواست کی گئی ہے۔
مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نمائی و نظر ثانی و پیردی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوا نے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیردی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المترنوم ۱۲

ماہ ۱۲ ۲۰۱۸

المترنوم ۱۲

وہام الع

بہ مقام

Attested by Accepted

Registered

Islamabad Model College for Girls (Post Graduate), G-10/4, Islamabad

Reference No. No. PF.2-212/06

992

Islamabad May 11, 2018

The Registrar

Khyber Pakhtunkhwa Service Tribunal

Peshawar -

Khyber Pakhtunkhwa
Service Tribunal

Diary No.

548

Dated


14/05/2018

Subject: - Appeal No. 338 of 2018 in respect of Mst. Shehla Abrar, Lab. Assistant

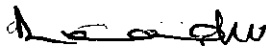
Parawise comments of appeal no. 338 are attached herewith for necessary action at your end, please.

Copy forwarded to:

1. The Deputy Director (legal), FDE
2. Office file.


Principal
Principal
Islamabad Model College
for Girls Post Graduate
G-10/4, Islamabad

Put up to the court along with
appeal.




14/5/18

In the Court of the Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No. 338/2018

Shehla Abrar D/o Ghulam Abrar

----- Appellant

VERSUS

1. Secretary Higher Education Government of Khyber Pakhtunkhwa (KPK) at Civil Secretariat Peshawar.
2. Director (Establishment) Higher Education Khyber Pukhtunkhwa Peshawar at Khyber Road near Judicial Complex, Peshawar
3. Secretary Finance Government of KPK at Civil Secretariat Peshawar
4. Principal Government Girls Degree College Chitral.
5. Principal Federal Government College for woman, G-10/4, Islamabad

Parawise comments

1. Not relates to Respondent No. 5.
2. Ms. Shehla Abrar, Laboratory Assistant, joined Islamabad Model College for Girls (Post Graduate) , G-10/4, Islamabad formerly known as Federal Government College for woman (FGWC), G-10/4, Islamabad on 17-10-2006 on deputation basis. Soon after her joining she served almost for one and half month and got herself absent from government duty w.e.f. 28.11.2006.
3. Ms. Shehla Abrar, Laboratory Assistant remained absent from government duty w.e.f. 28.11.2006. She was served with explanation letters by Federal Directorate

of Education (FDE), Islamabad on different dates with the direction to join her duty in the FGWC, G-10/4, Islamabad but she did not turn up. Resultantly, FDE repatriated her services w.e.f. 11.07.2008 to her parent department i.e. Directorate of Higher Education, Government of Khyber Pakhtunkhwa, Peshawar with the direction to report for duty in her parent department. The absence period of the appellant w.e.f. 28.11.2006 to 10.07.2008 was converted in Extra Ordinary Leave (EOL) without pay by Federal Directorate of Education, Islamabad.

4. Not relates to Respondent No. 5.
5. Not relates to Respondent No. 5.
6. Not relates to Respondent No. 5.
7. Not relates to Respondent No. 5.
8. Not relates to Respondent No. 5.
9. Not relates to Respondent No. 5.
10. Not relates to Respondent No. 5.

Keeping above in view, it is humbly requested that the appellant has claimed no relief from the respondent No. 5 therefore, answering respondent may kindly be excluded from the list of parties.



PRINCIPAL
Principal

Islamabad Model College
for Girls Post Graduate
G-10/4, Islamabad

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

S.A # 338/2018.

Shchla Abrar.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary,
Higher Education Department Peshawar and others..... Respondents

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2, AND 3.

Respectfully Sheweth: -

Preliminary Objections:-

1. That the appellant has not come to this Tribunal with clean hands.
2. That the appellant has got no cause of action/locus standi to file the instant service appeal.
3. That the appellant is trying to conceal material facts from this Honourable Service Tribunal, hence the instant case is not maintainable.
4. That the instant appeal is hit by doctrine of laches.
5. That the appellant is estopped by her own conduct to file the instant case.

Facts: -

- 1) Correct that the appellant was the employee of Directorate of Higher Education and was working as Laboratory Assistant (Female).
- 2) Correct that the appellant was transferred to Federal College Islamabad on deputation basis for a period of three years on 11-10-2006.
- 3) Correct that the Services of the appellant were send back to the parent department/Higher Education Khyber Pakhtunkhwa as a result of disciplinary action taken against the appellant due to her un-authorized absence from duty w.e.f 28-11-2006 (Copy of repatriation is attached as **Annex-A**)
- 4) Incorrect. That the appellant is trying to mislead this Honourable Tribunal by recording wrong statement that she reported to the Principal, Government Girls Degree College, Chitral for assumption of duty, but she never reported for resumption of duty. After repatriation and subsequent absence, absence notice has been published in daily newspaper, "Mashriq" whereby the appellant was informed that she was deputed to Federal Directorate of Education, Islamabad, but there you remained absent from duty and consequently disciplinary action was taken against her and which resulted in repatriation to the parent department i.e. Higher Education Department, Khyber Pakhtunkhwa, Peshawar. The appellant, neither report to the Principal, Government Girls Degree College, Chitral, nor to the Directorate of Higher Education. The appellant was informed to report to duty within 15 days after publication of absence notice, otherwise ~~you~~ shall be removed from service through exercise of the power under Section-3 (a) of the Removal from Service Special Powers Ordinance 2000. (Absence notice is attached as **Annex-B**). Moreover, charge sheet and statement of allegation had

also been issued to the appellant but she did not bother to reply (Copy of Charge Sheet and Statement of allegations is attached as **Annex-C**). Consequently, the competent authority has passed her removal from service order on 10-10-2009 (Copy attached as **Annex-D**).

- 5) Already explained in the preceding paras.
- 6) Correct.
- 7) Correct that the appeal of the appellant has been considered and filed being time barred.
- 8) Incorrect. That all correspondence have been made through the College concerned.
- 9) Pertains to record.
- 10) Already explained in the preceding paras.

Grounds: -

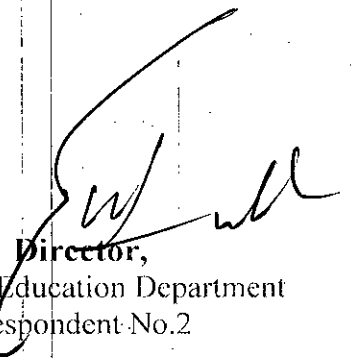
- A. Incorrect and misconceived as already explained in the preceding paras of facts.
- B. Incorrect and misconceived as already explained in the preceding paras of facts.
- C. Incorrect and misconceived as already explained in the preceding paras of facts.
- D. Incorrect and misconceived as already explained in the preceding paras of facts.
- E. Incorrect and misconceived as already explained in the preceding paras of facts.
- F. That respondents may be allowed to raise additional grounds at the time of arguments of the instant case.

Prayers: -

It is, therefore, humbly prayed that the instant Service Appeal is based on misconception/mis-statement, hence may graciously be dismissed with appropriate costs.



Secretary,
Higher Education Department
Respondent No.1



Director,
Higher Education Department
Respondent No.2

37. 20/6/2018

39

446/AAG
8/6/18

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

S.A # 338/2018

Shehla Abrar.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary,
Higher Education Department Peshawar and others..... Respondents

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2, AND 3.

Respectfully Sheweth: -

Preliminary Objections:-

1. That the appellant has not come to this Tribunal with clean hands.
2. That the appellant has got no cause of action/locus standi to file the instant service appeal.
3. That the appellant is trying to conceal material facts from this Honourable Service Tribunal, hence the instant case is not maintainable.
4. That the instant appeal is hit by doctrine of laches.
5. That the appellant is estopped by her own conduct to file the instant case.

Facts: -

- 1) Correct that the appellant was the employee of Directorate of Higher Education and was working as Laboratory Assistant (Female).
- 2) Correct that the appellant was transferred to Federal College Islamabad on deputation basis for a period of three years on 11-10-2006.
- 3) Correct that the Services of the appellant were send back to the parent department/Higher Education Khyber Pakhtunkhwa as a result of disciplinary action taken against the appellant due to her un-authorized absence from duty w.e.f 28-11-2006 (Copy of repatriation is attached as Annex-A)
- 4) Incorrect. That the appellant is trying to mislead this Honourable Tribunal by recording wrong statement that she reported to the Principal, Government Girls Degree College, Chitral for assumption of duty, but she never reported for resumption of duty. After repatriation and subsequent absence, absence notice has been published in daily newspaper, "Mashriq" whereby the appellant was informed that she was deputed to Federal Directorate of Education, Islamabad, but there you remained absent from duty and consequently disciplinary action was taken against her and which resulted in repatriation to the parent department i.e. Higher Education Department, Khyber Pakhtunkhwa, Peshawar. The appellant, neither report to the Principal, Government Girls Degree College, Chitral, nor to the Directorate of Higher Education. The appellant was informed to report to duty within 15 days after publication of absence notice, otherwise you shall be removed from service through exercise of the power under Section-3 (a) of the Removal from Service Special Powers Ordinance 2000. (Absence notice is attached as Annex-B). Moreover, charge sheet and statement of allegation had

8/6/18

also been issued to the appellant but she did not both to reply (Copy of Charge Sheet and Statement of allegations is attached as Annex-C). Consequently, the competent authority has passed her removal from service order on 10-10-2009 (Copy attached as Annex-D).

- 5) Already explained in the preceding paras.
- 6) Correct.
- 7) Correct that the appeal of the appellant has been considered and filed being time barred.
- 8) Incorrect. That all correspondence have been made through the College concerned.
- 9) ~~Correct~~ *Perkins to be heard.*
- 10) Already explained in the preceding paras.

Grounds: -

- A. Incorrect and misconceived as already explained in the preceding paras of facts.
- B. Incorrect and misconceived as already explained in the preceding paras of facts.
- C. Incorrect and misconceived as already explained in the preceding paras of facts.
- D. Incorrect and misconceived as already explained in the preceding paras of facts.
- E. Incorrect and misconceived as already explained in the preceding paras of facts.
- F. That respondents may be allowed to raise additional grounds at the time of arguments of the instant case.

Prayers: -

It is, therefore, humbly prayed that the instant Service Appeal is based on misconception/mis-statement, hence may graciously be dismissed with appropriate costs.

AAJ
Please not
 Additional Advocate General
 Khyber Pakhtunkhwa
 Service Tribunal Peshawar
8/6/18

[Signature]
 Director
 Higher Education Department
 Respondent No.2

3
5/6/2018

Also attach finding report and find show cause notice

Vetted Subject to correction attachment of all amendments of AAJ and approval
[Signature]
8/6/18

Agreed as above - [Signature]
8/6/18

Annex-A

297

Islamabad the 11th July, 2006.

OFFICE ORDER

As a result of disciplinary action taken against Mrs. Shahla Ibrar, Lab-Assistant (on deputation), F.C. College for Women, G-10/4, Islamabad on account of her un-authorized absence from duty w.e.f 28-11-2006, she is hereby repatriated to her parent department i.e Directorate of Higher Education, Government of NWFP, Peshawar, with immediate effect, with the direction of report for duty to parent department immediately.

2. The absence period w.e.f 28-11-2006 to the date of relieving from FGCW, G-10/4 Islamabad, will be treated as EOL without pay.
3. No TA/DA will be paid in this connection.
4. This is issued with the approval of Director General (Education).

(MUHAMMAD RAFIQUE TAHIR)
DIRECTOR (COLLEGES)

Copy to:-

- i) AGPR, Islamabad
- ii) The Section Officer (Education-II), Government of N.W.F.P, Higher Education; Archives & Libraries Department, Peshawar.
- iii) The Principal, FGCW, G-10/4, Islamabad with the request to kindly relieve the official of her duties (absentia) immediately and copy of relieving report may be delivered directly to her parent department addressed above under intimation to this Directorate please.
- iv) The Principal, Government Girls Degree College Chitral.
- v) Mrs. Shahla Ibrar, C/o Mr. Zohuruddin, Operation Manager, Atlas Bank Limited, 24-West, Razvi Noor Plaza, Blue Area, Islamabad.
- vi) Master File

(JAMIL AHMAD RANA)
Assistant Director (C)

To DHE
17/7
17/7

رجسٹریشن اہلی کو الیکشن برائے مئی سال 2009-10

دفترا کو سو-سرحد کے مختلف جیوں کو راج اور دیگر متفرق اشیاء چلائی کرنے کے خواہشمند امیدواروں کو رجسٹریشن برائے رجسٹریشن اہلی کو الیکشن برائے مئی سال 2009-10 مجوزہ نام پر مطلوب ہیں جو کہ دفترا سے درخواست کے ذریعے مورخہ 24/1/2009 تک حاصل کیے جاسکتے ہیں۔

نوٹ: (1) مجوزہ نام خط و کتابت کے ذریعے حاصل نہیں کیا جاسکتا (2) رجسٹریشن صرف مئی سال 2009-10 کے لئے کارآمد ہوگا (3) امیدواروں کو سیکرٹریس ایگمنٹ کی کاپی پیش کرنا لازمی ہے (4) درخواست نام حاصل کرنے کے بعد پر مشورہ درخواست جملہ دستاویزات کے ہمراہ مورخہ 31/1/09 تک دفترا میں جمع کرنا ہوتے۔ (5) پہلے سے رجسٹرڈ امیدواروں کو رجسٹریشن سے رجسٹریشن کی درخواست دینے کی ضرورت نہیں وہ متعلقہ جیل ہر مشنڈ سے تسلی بخش کارکردگی کا سرٹیفکیٹ اور ساتھ ہی سیکرٹریس ایگمنٹ کی تصدیق شدہ کاپی پیش کرنا ہوگی نیز متعلقہ سرٹیفکیٹ رکھنے والے امیدوار کو سیکرٹریس ایگمنٹ مورخہ 31/1/09 تک سرکاری خانے میں جمع کرنا کرنا سال 2009-10 کے لئے اپنی رجسٹریشن کی Renewal کرنا سکتے ہیں۔

صاحبزادہ فضل الرحمن

TENDER FOR HIRING PROJECT MANAGEMENT CONSULTANCY SERVICES FOR CORE BANKING APPLICATION (CBA) IMPLEMENTATION PROJECT Project ID: NBP/ITC/PU/30012009

Sealed bids are invited by the National Bank of Pakistan (NBP) from well renowned consulting firms having presence in Pakistan and having experience of providing consultancy in CBA and other IT projects at financial institutions. Bidders should have registration with Income Tax and Sales tax Department. Bidders are required to provide consultancy services for Project Management of CORE BANKING APPLICATION IMPLEMENTATION Project, Bidding will be conducted using PPRA rules, 2004 (Single Stage - two envelopes Bidding Procedure).

Interested Parties may purchase the bidding documents from the undersigned upon payment of pak Rs.5000 only through bank pay order. Bidders are required to Submit non-disclosure agreement (NDA) valid for five years, copy of CNIC and authority letter at the time of collecting bidding documents. The tenders accompanying all requisite documents and 2 % earnest money of the total quoted price shall be deposited by 30th January 2009 at 11:00 AM in the office of undersigned. Tenders will be opened on the same day at 11:30 AM in the presence of bidders or their authorized representatives.

Nasim Akhtar
Vice President,
Head IT Procurement
Information Technology Group
4th Floor, Annex B Building, Head office,
Karachi, Pakistan.
Ph: 021-9212214
Nasim.akhtar@nbp.com.pk



WORKS & SERVICES

Works & Services Division Hangu invites tender for the following work from contractors/firms registered in proper category having (P.E.C) registration renewed, for the following works as below.

TENDER NOTICE

Sr	Name of work	Estimated Cost	2% Earnest Money	Stamp Duty	Tender opening 1st Date	Tender Opening 2nd Date	Tender Opening 3rd Date	Time Limit
1	Construction of 10 Nos Cluster Hostel for Teacher's in Backward Areas of NWFP (02 Nos in District Hangu) (Sub-head)							As per work order do
1	1. Construction of Cluster Hostel Backward Areas in PF-12	746409	148320	18750	23/1/09	28/1/09	31/1/09	do
2	2. Construction of Cluster Hostel Backward in PF-43	746409	148320	18750	do	do	do	do
	Establishment of 200 Primary Schools (R&G) in 2009							

اسرائیلی وزیر اعظم

اسرائیلی وزیر اعظم نے اسرائیلی اور عربیوں کے درمیان فوجی اور سیاسی تعلقات کو بہتر بنانے کی خواہش کا اظہار کیا ہے۔ انہوں نے کہا کہ اسرائیلی اور عربیوں کے درمیان فوجی اور سیاسی تعلقات کو بہتر بنانے کی خواہش ہے۔ انہوں نے کہا کہ اسرائیلی اور عربیوں کے درمیان فوجی اور سیاسی تعلقات کو بہتر بنانے کی خواہش ہے۔

5 تفریق ہلاک

پنجاب کے ایک گاؤں میں 5 تفریق ہلاک ہوئے۔ پولیس نے تفریقوں کو روکنا شروع کیا ہے۔

ڈی ڈی ایڈیشنل نظام

ایک ایس ایف ایف میں ڈی ڈی ایڈیشنل نظام کو نافذ کیا گیا ہے۔

پورٹ

پورٹ کے کاموں کو تیز کرنے کے لیے اقدامات کیے گئے۔

نیشنل غیر حاضری شوکار نوٹس

آپ سب کو اطلاع دیا جا رہا ہے کہ نیشنل غیر حاضری شوکار نوٹس جاری کیے گئے ہیں۔

Also available on www.nwfp.gov.pk

Cost	Earnest Money	Cost of Tender Form (Rs)
000/-	2%	1000/-
000/-	2%	1500/-
000/-	2%	1500/-

سیکرٹریٹ و ضابطہ

سیکرٹریٹ و ضابطہ کے بارے میں مزید معلومات کے لیے رابطہ کریں۔

انور زبیر حیدری
مورخہ 12/1/09

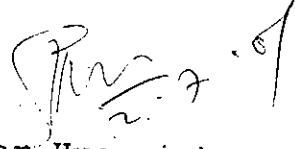
CHARGE SHEET

Annex - C

(53)
416

I, Sardar Hussain Deputy Director Higher Education NWFP, Peshawar as Competent Authority, hereby charge you, Mst. Sabiha Gul Lab: Assistant Govt; Girls College, Chitral as follows:-

- i. As per report of the Principal Govt; Girls College, Chitral vide letter No. 791 dated 06.04.2009 you drew an amount of Rs. 156,200/- on account of advance salary from National Bank of Pakistan, Chitral on fake signature of the Principal.
 - ii. You are not obeying the orders of the Principal and are creating problems for the College administration.
 - iii. You were directed time and again by the Principal to refrain from wrong deeds but in vain.
2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of the NWFP (Removal from Service) Special Powers, 2000, and have rendered yourself liable to all or any of the penalties specified in Section-3 of the Ordinance ibid.
 3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer/Committee, as the case may be.
 4. Your written defence, if any, should reach the Enquiry Officer/Committee within the specific period, failing which it shall be presumed that you have no defence to put in and in that case exparte action shall follow against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.



(Sardar Hussain)

DY: DIRECTOR HIGHER EDUCATION
NWFP, PESHAWAR
(Competent Authority)

STATEMENT OF ALLEGATIONS.

AMMA-CIT
2009

Whereas I, Sardar Hussain Deputy Director Higher Education, NWFP as Competent Authority, under Section-2 (a) of the N.W.F.P, Removal from Service (Special Powers) Ordinance, 2000 read with Notification No. SOR-II (S & GAD) 5(29)/2000, Vol-III, dated 28.9.2000, am of the considered opinion that, Mst. Sabiha Gul Lab: Assistant Govt: Girls College, Chitral has committed the following acts of commission and omission constituting misconduct as prescribed in sections-3 of the said Ordinance:-

- i. As per report of the Principal Govt; Girls College, Chitral vide letter No. 791 dated 06.04.2009 she drew an amount of Rs. 156,200/- on account of advance salary from National Bank of Pakistan, Chitral on fake signature of the Principal.
 - ii. She is not obeying the orders of the Principal and are creating problems for the College administration.
 - iii. She was directed time and again by the Principal to refrain from wrong deeds but in vain.
2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry Committee consisting of the following is constituted under Section-5 of the Ordinance.
- i) Mst. Shahnaz Masood Principal GPGCC, Mardan.
3. The Enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Committee.



(Sardar Hussain)

DY: DIRECTOR HIGHER EDUCATION
NWFP, PESHAWAR
(Competent Authority)

TS

**COURT CASE
MOST IMMEDIATE**

No.PF-2-212/06-IMCG(PG) **2113**
Government of Pakistan
Islamabad Model College for Girls (PG),
G-10/4, Islamabad

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. **94**

Dated: **17-1-2019**

Islamabad the January 14, 2019

✓ **The Registrar,**
Khyber Pakhtunkhwa Service Tribunal,
Peshawar

The Additional Advocate General,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

**Subject: - INTERIM REPORT ON BEHALF OF RESPONDENT NO.5
IN SERVICE APPEAL NO.338/2018 FILED BY MS.
SHEHLA ABRAR.**

Reference Additional Advocate General, Khyber Pakhtunkhwa,
Service Tribunal, Peshawar letter No.2363-2368 dated 12-12-2018 on the subject
cited above.

2. The Interim Report on behalf of Respondent No.5 in Service
Appeal No.338/2018 filed by Ms. Shehla Abrar is enclosed herewith for kind
consideration, please.

for *Shehla*

(MRS. FARRUKH SULTANA)

Principal
Principal
Islamabad Model College
for Girls Post Graduate
G-10/4, Islamabad

Copy for information for necessary action:

Mr. Rehan Naqvi,
Assistant Director (Lit),
Federal Directorate of Education,
Islamabad.

*Put up to the court
along with relevant app.*

Reader

17/1/19

Place on record.
[Signature]
20/1

**IN THE COURT OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No.338/2018

Shehla Abrar D/o Ghulam Abrar

.....Appellant

V E R S U S

1. Secretary Higher Education Government of Khyber Pakhtunkhwa (KPK) at Civil Secretariat Peshawar
2. Director (Establishment) Higher Education Khyber Pakhtunkhwa, Peshawar at Khyber Road near Judicial Complex, Peshawar
3. Secretary Finance Government of KPK at Civil Secretariat, Peshawar
4. Principal, Government Girls Degree College Chitral
5. Principal, Federal Government College for Women, G-10/4, Islamabad

INTERIM REPORT ON BEHALF OF RESPONDENT NO.5

Respectfully,

1. That the instant report may be treated as Interim Report
2. That Islamabad Model College for Girls (PG), G-10/4 is working under administrative control of Federal Directorate of Education, Islamabad.
3. That the petitioner was taken on deputation by the Federal Directorate of Education (FDE) and posted in Islamabad Model College for Girls (PG), G-10/4, Islamabad, whereas, FDE was not impleaded as necessary party in the instant petition.
4. That the para-wise comments have been sent to Law & Justice Division through Ministry of Federal Education & Professional Training, for vetting. As soon as the same will be received, it will be submitted before the Honourable Services Tribunal.



Respondent No.5

Principal
Islamabad Model College
for Girls Post Graduate
G-10/4, Islamabad

Before the Honorable Khyber Pakhtunkhwa service Tribunal Peshawar

S.A # 338/2018

Shehla Abrar

.....Appellant

Versus

Govt: of Khyber Pakhtunkhwa

Through Secretary,

Higher Education Department, Principal GGDC Chitral and othersRespondents

Subject:- PARAWISE COMMENTS ON BEHALF OF RESPONDENT 4,

PRINCIPAL GGDC CHITRAL

Respectfully Sheweth.

Preliminary objections

1. That the appellant has not come to the court with clean hands
2. That the appellant has got no cause of action.
3. That the appellant is trying to conceal material facts.

FACTS

1. Correct
2. Correct that the appellant was transferred to federal college Islamabad for three years on deputation basis on 11.10.2006
3. Correct that the services of the appellant were sent back to the parent department Higher Education KPK as a result of disciplinary action taken against the appellant due to her unauthorized absence from duty w.e.f. 15/07/08 (copy of repatriation is attached as ANNEX-A)
4. Incorrect. That the appellant is trying to mislead this honorable tribunal by recording wrong statement that she reported to the principal GGDC Chitral for assumption of duty, but she never reported for resumption of duty. After repatriation and subsequent absence, absence notice was

published in daily news paper "Mashriq" whereby the appellant was informed about her absence from duty and she was required to report to GGDC Chitral within 15 days after the publication of absence notice but she failed to do so. And in notice she was informed that in case of her failure to report she shall be removed from service through exercise of power under section 3 (A) of the removal from the service special powers ordinance 2000 (Absence notice is attached as ANNEX B). Moreover, charge sheet and statement allegation was issued to the appellant but she did not bother to reply. (Copy of charge sheet and statement of allegation is attached as ANNEX C). Consequently, the competent authority passed her removal from service order on 10.10.2009 (copy attached as ANNEX D)

5. Already explained in the preceding paras.
6. Correct
7. Correct that the appeal of the appellant has been considered and filed being time barred
8. Incorrect. that all correspondence have been made through the college concerned.
9. Pertains to record.
10. Already explained in the preceding paras.


Grounds

- A. Incorrect and misconceived as already explained in the preceding of paras of facts.
- B. Incorrect and misconceived as already explained in the preceding of paras of facts.
- C. Incorrect and misconceived as already explained in the preceding of paras of facts.
- D. Incorrect and misconceived as already explained in the preceding of paras of facts.
- E. Incorrect and misconceived as already explained in the preceding of paras of facts.

F. That respondent may be allowed to raise additional grounds at the time of arguments of the instant case.

Prayers:

It is, therefore prayed that the instant service appeal is based on misconception/ misstatement, hence may graciously be dismissed with appropriate costs.


Principal
Govt. Girls Degree College Chitral

Principal
Govt. Girls Degree College
Chitral

(67)

~~AMMEXURE~~
C⁶

(15)

FEDERAL GOVERNMENT COLLEGE FOR WOMEN,
G-10/4, ISLAMABAD.

Annexure - A -

RELIEVING REPORT

1. No in Seniority List: NIL
2. Name of Government Servant: Mrs. Sheila Inar
3. Designation: Lab Assistant
4. Domicile: Chural (NWFP)
5. Qualification: L.A.
6. Date of Birth: 07-08-1979
7. Scale of pay in full: BS-07
8. Date of Appointment in Govt. Service: 07-07-1997
9. Date of Appointment in F.G. Service: 19-09-2006
10. Date of Appointment in the Present Grade: 19-09-2006
11. Date of Relieving: 15-07-2008
12. Hour of Relieving: Fore Noon
13. Reason for Relieving:
14. Institution to transferred: Government of NWFP, Higher Education Archives & Libraries Dept Peshawar
15. Reference of Office Order No. F.1-1/2006/CA-11/FDE Dated: 11-07-2008

Principal

Dated: 15/7/08

No. P.F. 2-213/08/PCW/2491

- Copy forwarded to:-
7. The Director (A-II) FDE, Islamabad.
 8. The A.C.P.R, Islamabad.
 9. Person concerned.
 10. Accountant of this college.
 11. Personal File.
 12. The Head of the institution to which transferred along with the service Book, LPC and leave account. The Govt. Servant has availed himself _____ days casual leave during the current year.

P. Khan Gilani A.L.
G. College for Women
Islamabad

ATTESTED

[Handwritten signature]

[Handwritten signature]

Handwritten signature

297

Islamabad the 11th July, 2006.

OFFICE ORDER

As a result of disciplinary action taken against Mrs. Shahla Ibrar, Lab-Assistant (on deputation), F.C. College for Women, G-10/4, Islamabad on account of her un-authorized absence from duty w.e.f 28-11-2006, she is hereby repatriated to her parent department i.e Directorate of Higher Education, Government of NWFP, Peshawar, with immediate effect, with the direction of report for duty to parent department immediately.

2. The absence period w.e.f 28-11-2006 to the date of relieving from FGCW, G-10/4 Islamabad, will be treated as EOL without pay.
3. No TA/DA will be paid in this connection.
4. This is issued with the approval of Director General (Education).

(MUHAMMAD RAFIQUE TAHTI)
DIRECTOR (COLLEGES)

Copy to:-

- i) AGPR, Islamabad
- ii) The Section Officer (Education-II), Government of N.W.F.P, Higher Education, Archives & Libraries Department, Peshawar.
- iii) The Principal, FGCW, G-10/4, Islamabad with the request to kindly relieve the official of her duties (absentia) immediately and copy of relieving report may be delivered directly to her parent department addressed above under intimation to this Directorate please.
- iv) The Principal, Government Girls Degree College Chitral.
- v) Mrs. Shahla Ibrar, C/o Mr. Muhammad Raza, Operation Manager, Atlas Bank Limited, 24-West, Raza Nour Plaza, Blue Area, Islamabad.
- vi) Main File

(JAMIL AHMAD RANA)
Assistant Director (C)

Handwritten notes:
To DHK
11/7
297

(Annexure - B)

No. F. 4-35/89(A-II) FDE
Government of Pakistan
Federal Directorate of Education

REGISTERED/AD

Islamabad the 28-11-2007

SHOW CAUSE NOTICE

WHEREAS it has been brought to the notice of the Competent Authority in your case, that you Mrs. Shehla Ibrar (Deputationist) Lab. Assistant, F.G. College for Women, G-10/4, Islamabad has committed the following acts of omission and commission constituting gross misconduct:-

- a. You, on your appointment as Lab. Assistant on deputation basis in F.G. Set up were posted in F.G. College for Women, G-10/4, Islamabad where you did not perform your duty properly.
- b. You were placed on temporary duty in F.G. Fatima Jinnah Degree College for Women, Model Town, Humak, (FA), Islamabad vide this Directorate's office order No. 1-1/2006 (A-II)FDE dated 28-12-2006 but you failed to join your duty there and are absent from duty w.e.f. 28-11-2006 without any permission/ information.
- c. You also failed to reply the explanation called vide this Directorate's letter of even number dated 14-07-2007.

2. WHEREAS by reasons of above you appear to be a guilty of gross misconduct within the meaning of Section 2(b) of the Removal from Service (Special Powers) Ordinance, 2000 for the said omissions and commissions on your part and you are liable to disciplinary action under Section 3 of the aforesaid Ordinance which may involve imposition of one or more of the prescribed penalties including the penalty of dismissal from Service:

3. AND WHEREAS, the Competent Authority, after considering the above mentioned facts of the case and reasons/grounds thereof, is satisfied in view of the facts/record made available to issue Show Cause Notice in the light of the said report/record.

4. NOW THEREFORE you are hereby required to submit your written defence to the above charges to the undersigned within fifteen (15) days of the issue of this Notice, explaining as to why the penalty of "Dismissal from Service" may not be imposed on you under Section 3 of the Removal from Service (Special Powers) Ordinance, 2000.

5. Please take notice that in case of your failure to submit a reply within prescribed time, it shall be presumed that you have no defense to offer or you have declined to offer the same and accept the charges and in that case orders may be passed against you ex-parte. You may also indicate whether you wish to be heard in person by the Competent Authority or not.

BY THE ORDER OF COMPETENT AUTHORITY
i.e, THE DIRECTOR GENERAL (EDUCATION)

(Prof. ABDUL HAFEEZ)
DIRECTOR (ADMN-II)

To

- (i) Mrs. Shehla Ibrar, Lab. Assistant,
F.G. College for Women,
G-10/4, Islamabad.
- (ii) Mrs. Shehla Ibrar,
C/o Zuhuruddin, United Bank Limited, Bahria Town, Rawalpindi

DIRECTORATE OF HIGHER EDUCATION
N.W.F.P, KHYBER ROAD PESHAWAR

Phone # 091-9210242, 9211025/Fax # 9210242

Dated Peshawar the 10/10 /2009

Annexure D

40 An D

(Annexure C)

ORDER

WHEREAS, Mst. Shehla Abrar Lab: Assistant Govt; Girls College, Chitral was proceeded against under the North West Frontier Government Servants (Removal from Services Special Power Ordinance 20(0) for the charges mentioned charge sheet and Statement of allegations .

AND WHEREAS, the said official was served with a Show Cause Notice through press published in the Daily Mashiq dated 12.01.2009 under the above-mentioned Ordinance to which she failed to reply within the stipulated period.

AND WHEREAS, Prof: Shahnaz Masood Principal Govt; Girls College, Mardan was appointed as Inquiry Officer for conducting inquiry who conducted the inquiry and submitted her report.

AND WHEREAS the Inquiry Officer after having considered the charge evidence on record, non reply of the accused official to the Final Show Cause Notice, findings of the Inquiry Officer and recommendations to the Authority.

NOW THEREFORE, agreeing with the recommendations of the Inquiry Officer and non reply of the accused official to the Final Cause Notice through press and exercise the power under Section -3 (a) of the (Removal From Service Special Powers Ordinance 2000), the Competent Authority is pleased to impose the major penalty of Removal from Service upon Mst. Shehla Abrar Lab: Assistant Govt; Girls College, Chitral with immediate effect.

(Prof: Sardar Hussain)

DY: DIRECTOR (ESTABLISHMENT)
HIGHER EDUCATION N.W.F.P,

Endst: No 23643-45

Copy of the above is forwarded to the:-

1. Principal Govt; Girls College, Chitral.
2. District Accounts Officer, Chitral.
3. Mst. Shehla Abrar Lab: Assistant C/O Principal Govt; Girls College, Chitral (REGISTERED).

GOVERNMENT OF NWFP
HIGHER EDUCATION ARCHIVES & LIBRARIES
DEPARTMENT

Dated Peshawar the 06/10/2006

NO OBJECTION CERTIFICATE

No. SO(EDUCATION-II)X-4/2006. The Provincial Government has no objection to the posting of Mrs. Shehla Abrar, Lab. Assistant, Government Girls Degree College Chitral to Federal Directorate of Education, Islamabad on deputation basis for initial period of (03) three years.

SECRETARY TO GOVT. OF NWFP
HIGHER EDUCATION DEPARTMENT

Encls: Number & Date as above.

Copy forwarded to the:-

1. Director Higher Education NWFP Peshawar, w/r to his letter No. 23103/CA-VII/ Main Branch dated 20/8/2006.
2. Section Officer (Regulation-I) Establishment & Administration Department NWFP, with reference to his letter No. SDR-I(E&AD)1-14/82(Vol.X) dated 04.10.2006.
3. District Accounts Officers Chitral.
4. Principal, Government Girls Degree College Chitral.
5. Official concerned.



(ISRAR MOHAMMAD)
SECTION OFFICER (EDUCATION-II)

GROUNDS

- A. That the order dated 21/11/2013 was issued within the four corners of law and all codal formalities i.e. statement of allegations, final show cause notice through press were fulfilled, then the termination order was issued under powers exercised under section-3(a) of the Removal from service special ordinance 2000.
- B. Not admitted. Law favours the vigilant not the indolent. The appellant has come to seek justice at a belated stage which is not tenable.
- C. Not admitted. No fundamental rights have been infringed as the Respondents have not violated any article of the constitution as the appellant was treated within the Parameters of law.
- D. Not admitted. The appellant remained absent for a long time to the extent that no reply was given to the parent Department about her status & location as stated Para-IV of the facts.
- E. Not admitted. No malafide on the part of Respondents can be proved any where.
- F. Not admitted. The Respondents have not shown any discrimination to appellant.
- G. Not admitted. As stated in Para-IV of facts.
- H. Not admitted. As stated above.
- I. No comments.

Prayer:-

It is therefore humbly prayed that the appeal in hands may be dismissed.

[Signature]
Secretary to Govt of
Khyber PakhtunKhwa Higher Education Deptt
Respondent No.1

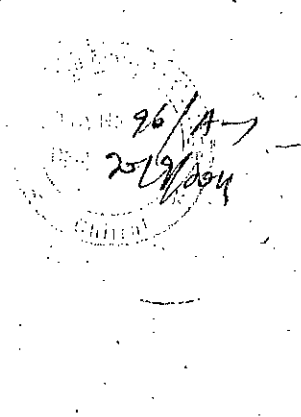
Secretary to Govt of
Khyber PakhtunKhwa Establishment Deptt
Respondent No.2

Secretary to Govt of
Khyber PakhtunKhwa Finance Deptt
Respondent No.4

[Signature]
Director Higher Education
Khyber PakhtunKhwa
Respondent No.3

Director Higher Education
Khyber Pakhtun Khwa
Khyber Road Peshawar.

[Signature]
Principal
Govt Girls Degree College, Chitral
Respondent No.5



32

Before the Service Tribunal Khyber Pakhtunkhwa, Peshawar

SA No 1594/2013

Mst. Shehla Ibrar

Appellant

Versus

1. Secretary Higher Education Govt of Khyber Pakhtunkhwa
2. Secretary to Govt of KPK Establishment Department
3. Director Higher Education Khyber Pakhtunkhwa
4. Secretary to Govt of KPK Finance Department
5. Principal Govt Girls Degree College Chitral

Respondents

Subject: JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO.1 TO 5.

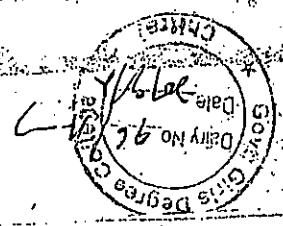
Respected Sheweth,

PRELIMINARY OBJECTIONS

- I. That the appellant has not come to this Hon'able Court with clean hands.
- II. That the appeal in hands is not maintainable, being time barred.
- III. That the appellant has no locus standi to file the instant appeal.
- IV. That the appellant is trying to conceal the facts actually she has been awarded major penalty i.e. removal from service vide order No. 23643-45 dated 10/10/2009 (Annexure-A).
- V. The appellant has not filed any appeal against the order dated 10/10/2009 with in stipulated period.
- VI. The appellant directly approached KPK service tribunal and the Honable court converted her service appeal No.610/2013 in to Departmental appeal which has been rejected by the competent authority being time barred (Annexure-B).

FACTS

1. Pertains to the record, hence no comments.
2. Correct.
3. Needs no comments from the answering respondents.
4. Incorrect. The appellant has not approached the office of the Respondent No.5 rather he tried level best to trace the whereabouts of the appellant and even wrote to the undersigned for getting some information about the status and location of the appellant. The Competent Authority then issued charges of allegations and final show cause notice through press but no reply was received (Annexure-C).
5. Incorrect. The respondents made all possible efforts to trace the appellant, but in vain. Departmental appeal was filed but it was time barred. Rest of the Para is correct to the extent that service appeal was changed in departmental appeal but filed being time barred.
6. Incorrect the Departmental appeal was rejected as it was barred by time limitation.



PESHAWAR HIGH COURT, MINGORA BENCH, SWAT

D.B CAUSE LIST FOR TUESDAY, THE 7th DECEMBER, 2021

BEFORE Mr. JUSTICE ISHTIAQ IBRAHIM

Mr. JUSTICE WIQAR AHMAD

MOTION CASES

1. Cr.M 345-M/2021
In Cr.A 292/2021
{u/s 426 Cr.P.C} Khalid Ali
(Khizar Hayat Khazana) Vs The State & 1 other
2. Cr.M 357-M/2021
In Cr.A 247/2021
{u/s 426 Cr.P.C} Azam Khan
(Sajjad Anwar) Vs The State & 1 other
3. C.M 2031-M/2021
In W.P 571/2019
{Release of Salary} Adnan Khan & 1 other Vs D.E.O (M) Batkhela & others
(through Attorney)
4. C.O.C 41-M/2021
In W.P 769/2019
{Contempt of Court} Riaz
(Abdul Marood Khan) Vs M.S DHQ Hospital Buner & others
5. W.P 250-M/2017
With Interim Relief
{Service/ Appointment} Adnan Bacha
(Iftikhar Ahmad (Senior)) Vs Govt. of Khyber Pakhtunkhwa,
through Chief Secy. & others
(A.A.G)
{Date By Court}
6. W.P 640-M/2018
With Interim Relief
{Service/Appointment} Nazar Muhammad & others
(Arshad Khan & M. Arif) Vs Govt. of Khyber Pakhtunkhwa,
through Home Secy. & others
(A.A.G)
7. W.P 499-M/2019
With Interim Relief
{General} Fahim Khan & others
(Abdul Halim) Vs Govt. of Khyber Pakhtunkhwa,
through Chief Secy. & others

(24)

GOVERNMENT HIGH SCHOOL BROZE CHITRAL

CHARACTER CERTIFICATE.

Certified that Mr. Israr Gul Son of Rahim Gul was a Regular student of Government High School Broze District Chitral with effect from 2003-2004.

He bears good moral character.

ANESTHESIA
MEDICAL OFFICER
Anesthesia Deptt:
Govt. Lady Reading Hospital
Mashawar
2002

Headmaster,
GHS Broze

51. W.P 538-M/2021
With Interim Relief
{General}
- University of Malakand
through VC & others
(Muhammad Yar Malezai)
- Vs Tawsif Khan & 1 other
(Syed Bilal Jan Bacha & A.A.G)
52. W.P 688-M/2021
With Interim Relief
{Service/Regularization}
- Ijaz Ali Khan & others.
(Murad Akmal Mirkhail)
- Vs Govt. of Khyber Pakhtunkhwa
through Secy. Health & others
(Syed Amjad Makhdoom & A.A.G)
{Date By Court}
53. W.P 886-M/2021
With Interim Relief
{Family}
- Saeed Khan
(Mian Hussain Ali)
- Vs Mst. Asma & others
()
{Date by Court}
54. W.P 1098-M/2021
With Interim Relief (N)
{Tax Matter}
- M/S Mardan Industries (Pvt)
Ltd. through Representative
(Muhammad Akbar Khan & Qazi
Shehzad Iqbal)
- Vs Govt. of Pakistan through Secy.
Finance & Revenue & others
(D.A.G & A.A.G)
{Date By Court}
55. W.P 1099-M/2021
With Interim Relief (N)
{Tax Matter}
- M/S Lal Oil & Ghee Mills (Pvt)
Ltd. through Representative.
(Muhammad Akbar Khan & Qazi
Shehzad Iqbal)
- Vs Govt. of Pakistan through Secy.
Finance & Revenue & others
(D.A.G & A.A.G)
56. W.P 1100-M/2021
With Interim Relief (N)
{Tax Matter}
- M/S Al-Mubeen Oil Extraction
& Ghee Industries (Pvt) Ltd.
through Representative
(Muhammad Akbar Khan & Qazi
Shehzad Iqbal)
- Vs Govt. of Pakistan through Secy.
Finance & Revenue & others
(D.A.G & A.A.G)
57. W.P 1101-M/2021
With Interim Relief (N)
{Tax Matter}
- M/S Tameer Steel Zone
through Representative
(Muhammad Akbar Khan & Qazi
Shehzad Iqbal)
- Vs Govt. of Pakistan through Secy.
Finance & Revenue & others
(D.A.G & A.A.G)
58. W.P 1102-M/2021
With Interim Relief (N)
{Tax Matter}
- M/S Aitamad Steel Furnace &
Re-Rolling Mills (Pvt) Ltd.
through Representative
(Muhammad Akbar Khan & Qazi
Shehzad Iqbal)
- Vs Govt. of Pakistan through Secy.
Finance & Revenue & others
(D.A.G & A.A.G)
59. W.P 1103-M/2021
With Interim Relief (N)
{Tax Matter}
- M/S Gul Shahzada Steel Mills
through Representative
(Muhammad Akbar Khan & Qazi
Shehzad Iqbal)
- Vs Govt. of Pakistan through Secy.
Finance & Revenue & others
(D.A.G & A.A.G)

S.No. 217918

Roll No. 13189

Group. Humanities



Board of Intermediate and Secondary Education
Peshawar N.W.F.P. Pakistan
INTERMEDIATE EXAMINATION

SESSION 2007- SUPPLEMENTARY



This is to Certify that Israr Gul Son of Rahim Gul
and a resident of Chitral District Registered No. 079-B/CHT-2005
has passed the Intermediate Examination of the Board of Intermediate & Secondary Education, Peshawar
held in Nov, 2007 as a Private candidate. He obtained 531 Marks out of 1100 and
has been placed in grade D Representing Fair. The examination was taken in parts.

Asstt Secretary

Medical Officer
Government Hospital
Chitral

Secretary

This certificate is issued without alteration or erasure.

Service Appeal No. 1173/2020

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

2. Vide our detailed judgement containing 04 pages, the appeal in hand is allowed as prayed for. The respondent department is directed to prepare TA/DA bills of the appellant for the month of October and December 2018 and January and February 2019, as per his tour programme approved by the concerned DEO and take up the case with Finance Department for provision of required funds and make the payment to the appellant at the earliest. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Abbotabad and given under our hands and seal of the Tribunal on this 20th day of September, 2022.*

(ROZINA REHMAN)
Member (J)
Camp Court Abbottabad

(FAREEHA PAUL)
Member (E)
Camp Court Abbottabad

added that the respondents were bound to associate the appellant in the inquiry and give her a fair chance to defend her case.

6. The learned Additional Advocate General on the other hand strongly denied the stance of the appellant and argued that her certificate of PTC was found bogus by the DEO (F), Swat in an inquiry and hence recovery of salary was ordered.

6. In the light of arguments and record presented before us it is evident that the appellant was appointed on the post of PTC in 1982. Basic qualification required at the time of appointment, as per Service Rules, at that time is not available in the case file. However, it appears that she was appointed on the basis of PTC Certificate. In the year 2020, after serving 38 years, she applied for retirement but instead of preparing her retirement case, the department issued a letter on 02.08.2021 conveying her decision of Departmental Accounts Committee meeting held on 08.07.2021 at Provincial Assembly Khyber Pakhtunkhwa, Peshawar in draft para no.5.4.1. Through that letter she was asked to deposit her salary and fringe benefits of Rs.5,370,227/- into government exchequer on the grounds that her SSC Certificate was bogus as indicated by DEO(F), Swat in an inquiry report. We fail to understand why the department did not verify the documents of the appellant at the time of her appointment in 1982. Condition no. 6 of the appointment order dated 11.01.1982 was a clear direction to the Drawing Disbursing Officer/Sub Divisional Education Officer (Female) concerned to check the educational/professional qualification certificates of the candidates before handing over the charge to them. All the documents were to be checked and verified at that time. Raising any observation at such a belated stage is not acceptable at all as the appellant has given her precious 39 years of life in service to the government and depriving her of her due right of salary and pensionary benefits is a clear violation of her legal and fundamental rights.

Fund, Benevolent Fund, gratuity etc. and any other relief of which the appellant is entitled otherwise with all back benefits.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed on the post PTC vide order dated 11.01.1982 by District Education Officer (Female), Mansehra (Respondent No.3) in Government Primary School, Muradpur. She took over the charge and resumed her duties. Lastly she was transferred to Government Primary School, Khawajgan, Mansehra. On 11.03.2020, the appellant applied for retirement, the reference of which was made in her service book. After submitting of retirement application, respondents were bound to prepare her pension case. Instead of that, they issued a letter dated 02.08.2021 and demanded Rs. 5,327,721/- to be deposited in government exchequer on the basis of an inquiry report and in pursuance of a meeting of Departmental Accounts Committee held on 08.07.2021 in which it was decided, "Recovery of salary and fringe benefits paid to Mst. Rasheeda Begum, PST appointed on bogus SSC Certificate may be made in the light of inquiry report of DBO (F), Swat". The appellant preferred a departmental appeal against that order on 07.08.2021 but it was dismissed on 21.10.2021; hence this service appeal.

4. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Additional Advocate General and perused the case file with connected documents in detail.

5. Learned counsel for the appellant presented the case in detail and contended that at the time of her initial appointment, the appellant was qualified and after serving for more than twenty five years, issuance of impugned letter showed the conduct and ruthless behaviour of the respondents. He further contended that neither any inquiry was conducted nor a show cause notice was issued to her. He