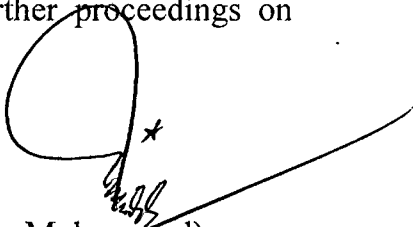


26.09.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Behramand Khan, AD (litigation) for the respondents present.

The respondent department submitted Notification bearing Endorsement No. 5317-21/F.No. Ad(Lit-II)/Notification/2022 dated 26.09.2022 whereby the Service Tribunal judgement dated 20.06.2019 regarding decision of the departmental appeal/representation of the petitioner by the appellate authority, has been implemented and her departmental appeal/representation has been rejected. Placed on file and copy thereof provided to learned counsel for the petitioner. Upon implementation of the Service Tribunal judgement dated 20.06.2019, salaries of respondents No. 2 & 3 attached vide order sheet dated 28.07.2022, ordered to be released. Learned counsel for the appellant however, has certain reservations on the implementation report/notification dated 26.09.2022 and requested to allow him to submit written objection(s). Adjourned. To come up for further proceedings on 03.11.2022 before S.B.

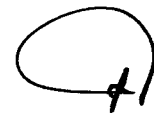

(Mian Muhammad)
Member (E)

28.07.2022

Petitioner present through counsel.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Fahim Khan Assistant for respondents present.

No implementation report was submitted despite last chance, therefore, salaries of respondents No.2 & 3 stand attached till further orders. They both be informed through learned AAG for their appearance before the Tribunal alongwith proper implementation report on 26.09.2022 before S.B.

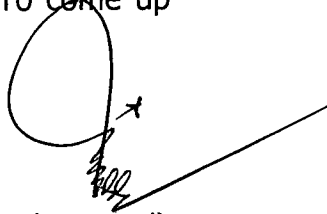


(Rozina Rehman)
Member (J)

26.01.2022


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

Implementation report not submitted. Learned AAG requested for a short adjournment on the ground that the implementation/~~under~~ execution is under process and will be submitted on the next date. Request is acceded to. To come up for further proceedings on 15.03.2022 before S.B.


(Mian Muhammad)
Member(E)

15.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 14.6.2022. for the same as before.


Reader.

14th June, 2022

Clerk of counsel for the petitioner present. Mr. Naseerud Din Shah, Asstt. AG for the respondents present
Counsel are on strike.

Learned AAG seeks further time to submit implementation report. Request is accepted. To come up for implementation report on 28.07.2022 before S.B. *Last*

Chairman is given Q


(Kalim Arshad Khan)
Chairman

08.09.2021


Junior to counsel for the petitioner present. Notices be issued to the respondents. Case to come up for implementation report on 12.10.2021 before S.B.


Chairman

12.10.2021

None for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

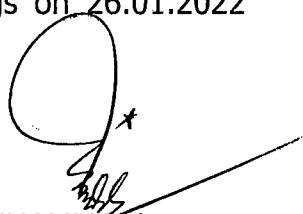
Notices be issued to the petitioner and her counsel. Adjourned. To come up for further proceedings before the S.B on 06.12.2021.


(MIAN MUHAMMAD)
MEMBER (E)

06.12.2021

None for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present.




Notices be issued to the petitioner and her counsel. Adjourned. To come up for further proceedings on 26.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

FORM OF ORDER SHEET

Court of _____

Execution Petition No. _____ **125 /2021**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05.07.2021	<p>The Execution Petition submitted by Mst. Saima Mehmood today by Mr. Masood Ur Rehman Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR :</p> <p>This Execution Petition be put up before S. Bench on <u>30/07/21</u>.....</p> <p style="text-align: right;"> CHAIRMAN</p>
2-	30.07.2021	<p>Counsel for the petitioner present.</p> <p>Notices be issued to the respondents. To come up for implementation report on 08.09.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

125
CM No. _____/2021
IN
Appeal No 1256/2016

Mst. Saima Mehmood V/S Secretary (E&SE) etc

SERVICE APPEAL NO. 1256

=====

APPLICATION SEEKING IMPLEMENTATION OF ORDER

=====

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application alongwith affidavit		1-4
2	Copy of service appeal	"A"	5-10
3	Copy of order dated 20.06.2019	"B"	11-15
4	/	/	/
5	/	/	/
6	/	/	/
7	/	/	/
8	Wakalat Nama	/	16

Dated 05/07/2021

Appellant Saima Mehmood

Through Counsel

.....
Advocate High Court
At Haripur

1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

125/21
CM No. ~~125/21~~ /2021
IN
Appeal No 1256/2016

Mst. Saima Mehmood, PST GGPS Kotla (Haripur) resident of Khyber Pakhtunkhwa
Village and Post Office Laban Bandi Tehsil and District Haripur Service Tribunal

..... **Petitioner** Fy No. 918

VERSUS

Dated 05/07/2021

1. Secretary (E&SE) Department Khyber Pakhtunkha Peshawar
2. Director (E&SE) Department Khyber Pakhtunkha Peshawar
3. District Education Officer (Female) District Haripur

..... **Respondents**

SERVICE APPEAL NO. 1256/2016

=====

**ON ACCEPTANCE OF THE INSTANT APPLICATION,
RESPONDENT NO.1 MAY KINDLY BE DIRECTED TO
IMPLEMENT THE ORDER DATED 20.06.2019 OF THIS
HONOURABLE COURT PASSED IN TRUE LETTER & SPIRIT**

=====

Respectfully Sheweth:-

1. That the petitioner filed the service appeal against the impugned Notification dated 07.04.2014 and letter No.9811-15 dated 20.10.2016 regarding cancellation of leave of appellant already sanctioned by the respondent No.3 and be directed to pay the salary from the date of arrival dated 09.02.2016 to onward alongwith all back benefits. Copy of service appeal is annexed as **Annexure "A"**.

2. That after hearing, this Honorable Court accepted the appeal of appellant on dated 20.06.2019 which is reproduced below:-

"In the circumstances, we consider that it would be in the interest of justice to remit the case back to the respondent No.2 for decision of departmental appeal/representation of appellant in accordance with the relevant law/rules after thorough scrutiny of the record. The requisite decision shall be made within a period of sixty days from the receipt of copy of instant judgment. The appellant may also be provided opportunity of personal hearing and setting forth her defence"

Copy of order dated 20.06.2019 is annexed as **Annexure "B"**

3. That the case was remit the back to the respondent No.2 for decision of departmental appeal within 60-days from receipt of copy of instant judgment but the respondent No.2 did not decided the case within time neither has provided opportunity of personal hearing of appellant.
4. That the act of respondents is highly contumacious which need to be dealt with iron hand by giving exemplary punishment for deliberately and willfully disobeying the orders of this Honourable Court.
5. That valuable rights of the petitioner are involved.

3

It is, therefore, humbly prayed that on acceptance of the instant application, respondent no.2 may kindly be directed to implement the order dated 20.06.2019 of this honourable court passed in true letter & spirit and letter and respondent be directed to pay the salary from the date of arrival dated 09.02.2016 to onward alongwith all back benefits. Any other relief which this Honorable Court deem proper may also be granted in the best interest of justice.

Dated 05/07/2021

Saima Mahmood
Appellant

Through Counsel

[Signature]
Advocate High Court
At Haripur

VERIFICATION

Verified on oath that the contents of the application for implementation of order is true and correct to the best of my knowledge and nothing has been concealed from this Honourable Court

Dated 05/07/2021

Saima Mahmood
Appellant

4

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

CM No. _____/2021
IN
Appeal No 1256/2016

Mst. Saima Mehmood V/S Secretary (E&SE) etc

SERVICE APPEAL NO. 1256

=====
APPLICATION SEEKING IMPLEMENTATION OF ORDER
=====

AFFIDAVIT

I, Mst. Saima Mehmood, PST GGPS Kotla (Haripur) resident of Village and Post Office Laban Bandi Tehsil and District Haripur do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Dated: 05/07/2021

Saima Mehmood
Deponent
Mst. Saima Mehmood



(5) (8)

BEFOR THE KHYBER PAKHTUN KHAWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1258 /2016

Mst. Saima Mehmood, PST GGPS Kotla(Haripur) resident of village & P/O Laban Bandi
Tehsil & District Haripur

(Appellant)

VERSUS

1. The Secretary (E & SE) Department, K.P.K Peshawar.
2. The Director of (E & SE) Department, K.P.K Peshawar.
3. The District Education Officer (F) District Haripur.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 687

Dated 01-7-2016

(Respondents)

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974 READ WITH
SECTION 19(2) OF CIVIL SERVANTS E&D RULES,2011.

PRAY:-

ON ACCEPTANCE OF THE INSTANT APPEAL IT IS HUMBLY PRAYED
THAT NECESSARY DIRECTIONS MAY GRACIOUSLY BE PASSED OUT TO
THE RESPONDENTS TO SET-ASIDE THE IMPUGNED NOTIFICATION DATED
07-04-2016 & LETTER NO.9811-15 DATED 20-10-2016 REGARDING
CANCELLATION OF LEAVE OF APPELLANT ALREADY SANCTIONED.
MOREOVER ARRIVAL REPORT OF APPELLANT SUBMITTED TO DEO (F)
HARIPUR W.E.F 09-02-2016 REGARDING RESUMPTION OF DUTY BE
ACCEPTED BY ALLOWING ALL BACK BENEFITS OF SERVICE INCLUDING
SALARY FROM THE DATE OF ARRIVAL TO ONWARD OR ANY OTHER
RELIEF WHICH THIS HONORABLE SERVICE TRIBUNAL DEEM FIT IN THE
INTEREST OF JUSTICE.

Respectfully Sheweth:-

It is submitted that the brief facts/grounds giving arise to the constitution of
this appeal are as appended below:-

FACTS:-

- 1- That the appellant joined the service in Elementary & Secondary Education Khyber
Pakhtunkhwa as PST at GGPS Laban Bandi Tehsil & District Haripur on 30-10-

Filed to-day 1988.(Photo Copy of S. Book is annexed as Annexure-A)

Registrar

1/7/16.

Khyber Pakhtunkhwa
Service Tribunal

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2

- 2- That vide Notification No.SO(PE)5-2/118/Saima Mehmood Dated 03-09-2007 issued by Govt: of Khyber Pakhtunkhwa Elementary & Secondary Education Department the service of appellant was deputed on the disposal of Federal Directorate of Education Islamabad for initial period of 3 years(**Copies annexed as Annexure-B**).
- 3- That on 12-09-2013 vide No. F.2013/P.A-Dep/14-16-17/(W)FDE Govt: of Pakistan Federal Directorate of Education Islamabad send a letter to Section Officer (Primary) E&SE Department Govt: of K.P.K Peshawar for obtaining consent/NOC of Provincial Govt: for placement of name of appellant before Committee for Permanent absorption, with the condition that " The name of above teacher will be considered for permanent absorption in the light of recruitment rule subject to approval by the Departmental Selection Committee/CA &D Division Islamabad on the condition that completion of 05 years deputation period, meet the wedlock policy, fulfillment of codal &procedural formalities, availability of posts. If the services of above named teacher not absorbed on permanent basis by DSC/CA&DD due to lack academic/professional qualification OR not fall in the recruitment rule OR any other deficiencies the FDE will be not bound to absorbed her services on permanent basis under FDE on the basis of this letter. 4. This letter does not confer any right or claim of permanent absorption."(**Copy annexed as Annexure-C**)
- 4- After that instead of giving consent/NOC the service of appellant was placed at the disposal of Federal Directorate of Education, on permanent basis, vide Notification No. SO(PE)5-2/IPT/Haripur/Saima /PST/2013 by Govt: of Khyber Pakhtunkhwa Elementary & Secondary Education Department dated 30-09-2013. (**Copy is annexed as Annexure-D**)
- 5- That in year 2014 the appellant applied for Ex- Pakistan Leave for two years to the Federal Directorate of Education, Islamabad from 25-07-2014 to 24-07-2016 without pay on private affairs to proceed to Ukraine where her husband named Tahir Ayub was/ is an employee in Pakistan Embassy in Ukraine but Federal Govt: refused request of appellant with the remarks that "Only her Parent department can sanction this leave" vide letter No.F.5-34/2014-FDE(S) dated 21-07-2014 (**Photocopies are annexed as Annexure-E**).
- 6- That in compliance with the remarks endst: in the refusal letter of Federal Govt: referred in para 5 above the appellant applied to DEO (F) Haripur who is competent authority in the case of appellant for grant of leave/NOC to proceed abroad which

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Peshawar

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was accordingly allowed by DEO (F) Haripur vide No.3725-27 dated 04-08-2014 and No.3730 of even date with an information letter to Director Schools (Female) Federal Directorate of Education Islamabad. **(Photocopies are annexed as Annexure-F).**

- 7- That during Ex-Pakistan Leave Govt: of Pakistan Federal Directorate of Education vide Notification No.F.1-9/141-MTT(Deputationist)FDE dated 19-01-2015 the appellant was repatriated to her parent department with immediate effect with the direction to report back to her parent department. **(Copy is annexed as Annexure-G).**
- 8- That on 20-10-2015 DEO(F) Haripur cancelled leave granted to the appellant vide its letter No.9811-15/DEO(F)/Haripur/Est:Pry/Cancellation EPL, with the remarks that the teacher concerned is absent since 04-08-2010.**(Copy is annexed as Annexure- H).**
- 9- That on next day dated 21-10-2015 DEO (F) Haripur issued an absent notice to the appellant on her home address with the direction to report within 15 days otherwise Ex-part action shall be taken against her under Khyber Pakhtunkhwa E&D Rules 2011. **(Copy is annexed as Annexure-I)**
- 10- That on 27-01-2016 DEO (F) Haripur published a notice in Daily News paper Aaj Abbottabad with the directions to the appellant to resume duty within 15 days and also explain for reason of absent. **(Copy is annexed as Annexure- J)**
- 11- That in response to absent notices referred in Para 9 & 10 the appellant come back from Ukraine along with two kids after paying about Rs: 240000/- fair of aero plain one side and submitted her arrival to DEO(F) Haripur on 09-02-2016 but instead of acceptance of arrival DEO(F) Haripur served upon the appellant a show cause notice vide No.1440-44/DEO(F) Haripur/Estab:Pry/Saima Mehmood dated 18-02-2016, which was on receipt accordingly replied by the appellant. **(Copies are annexed as Annexure-K)**
- 12- That lastly on 07-04-2016 DEO(F) Haripur passed out a Notification according to Para-4 of the said notification concluded Para it has been added that " And whereas, as in evident from the aforementioned letter, she has been no more an employee of this department since 01-10-2013, therefore the disciplinary proceedings stated in ignorance against her and withdrawn aab initio and she is directed to report to the

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(8) 

Federal Directorate of Education, Islamabad for any kind of relief or leave, being its permanent employee. (Copy annexed as Annexure-L).

13- That against the Notification dated 07-04-2016 issued by DEO (F) Haripur a Departmental Representation was preferred by the appellant to worthy Director E&SE Khyber Pakhtunkhwa (Appealed Authority) on 12-04-2016, but not received respond within stipulated period of 60 days, (Copy is annexed as Annexure-M) hence this appeal is being filed inter alia on the following grounds.

GROUND:-

- A. That a letter of Federal Govt: dated 12-09-2013 (referred in Para 3 of the facts) was for obtaining consent/NOC for placement of the case of the appellant before Committee of Federal Govt: to examine the eligibility for permanent absorption, subject to approval by Departmental Selection Committee CA &D Division Islamabad, but Section Officer (Pry) Govt: E&SE Department K.P.K vide letter dated 30-09-2013 (referred in Para 4 of the facts) instead of given consent/NOC in this regard, placed the service of appellant on the disposal of Federal Directorate of Education, Islamabad on permanent basis which was not the mandate of provincial Govt: of K.P.K E&SE department hence was not consider by the Federal Govt: Moreover the case of appellant was not approved by the said Committee of Federal Govt: for permanent absorption to the appellant as Federal Govt: employee of Education Department.
- B. That when DEO (F) Haripur being competent authority in case of appellant was sanctioned Ex- Pakistan Leave and also accorded NOC for proceeding abroad in favour of appellant and informed about this action to the concerned Director of Schools Female Federal Directorate of Education Islamabad vide her letter No. 3728 dated 04-08-2014 there was no reason to deny for the acceptance of arrival of appellant by DEO(F) Haripur for resumption of duty w.e.f 09-02-2016 which was given by the appellant in response to notices served upon the appellant by DEO (F) Haripur.
- C. That as referred in para-7 of the facts Federal Directorate of Education, Islamabad vide letter dated 19-01-2015 repatriated to the appellant to her parent department because by accepting directions in the letter of Federal Govt: dated 21-07-2014, competent authority of Provincial Govt: i.e DEO (F) Haripur was already accorded Ex- Pakistan Leave and NOC for proceeding abroad in favor of appellant

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S. **Khyber Pakhtunkhwa**
Peshawar



considering her employee of E&SE Department K.P.K District Haripur. Hence the impugned order is illegal and unlawful and against the facts on record and liable to be set aside.

- D. That cancellation of leave of appellant as referred in para-8 of the facts, showing appellant as absent since 04-08-2011, issuing absent notice dated 21-10-2015 & publishing absent notice in Daily News paper Aaj dated 27-01-2016 with the directions to resume duty within 15 days prove it that the appellant was an employee of E&SE Department K.P.K.
- E. That w.e.f 30-10-1988 to 24-07-2014 before proceeding on Ex-Pakistan Leave, qualifying pensionable service of the appellant was at credit 25 years 08 months & 24 days which is unblemished, keeping these facts respondents was required to deal the case of appellant with sense of responsibility and as per law/laid down procedure but appellant have been suffered due to irresponsible attitude of Respondents.
- F. That in the situation explained in the instant service appeal it will not be out of place to mention here that the respondents have failed to adopt proper procedure as per requirements of rules/law resultantly the appellant has spent about 240000/- Pakistani rupees (one sided) on travel from Ukraine to Pakistan for resumption of duty and also facing mental torture due to irresponsible attitude and unlawful act of Respondents.
- G. That the impugned action of the respondents is against the principle of Natural justice and arbitrary, and calling for interfering by this Honorable Service Tribunal.
- H. That the Petitioners seeks leave of this Honorable Tribunal to agitate additional Grounds at the time of Hearing of this Appeal.
- I. That the appellant is principally entitled for resumption of duty against any vacant post of PST in the existing Govt: Girls Primary Schools of District Haripur being an employee of E&SE Department K.P.K to continue her service being an employee of E&SE Department K.P.K District Haripur.

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 Peshawar

It is, therefore, humbly prayed that on acceptance of the instant Service Appeal, necessary directions may graciously be passed out to the Respondents to set-aside the impugned Notification dated 07-04-2016 and Letter No.9811-15 Dated 20-10-2016 regarding cancellation of leave of appellant already sanctioned. Moreover arrival report of appellant submitted to DEO (F) Haripur w.e.f 09-02-2016 regarding resumption of duty be

(10)

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accepted by allowing all back benefits of service including salary from the date of arrival to onward in the interest of justice.

It is further prayed that the instant Service appeal may graciously be accepted with cost please.

Saima Mehmood

Appellant

Through Counsel

Yr. M. a.

Sajid-ur-Rehman Khan
Advocate Haripur Bar

Dated 28 /06/2016.

Certified to be true copy

[Signature]
Sajid-ur-Rehman Khan
Advocate Haripur Bar

Date of Presentation of Application 05/07/2021

Number of Wards 2400

Copying Fee 26.00

Urgent 4.00

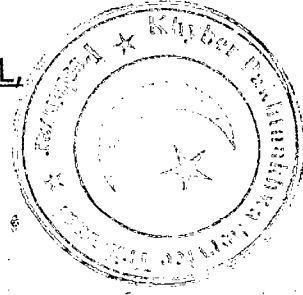
Total 30.00

Name of Court [Signature]

Date of Completion of Copy 05/07/2021

Date of Delivery of Copy 05/07/2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD.



Appeal No. 1258/2016

Date of institution ... 01.07.2016
Date of decision 20.06.2019

Mst. Saima Mehmood, PST GGPS Kotla (Haripur) resident of village and Post office Laban Bandi Tehsil and District Haripur. ... (Appellant)

Versus

The Secretary (E&SE) Department Khyber Pakhtunkhwa Peshawar and two others. (Respondents)

Present

Mr. Sajid-ur-Rehman Khan,
Advocate ... For appellant.

Mr. Muhammad Bilal,
Deputy District Attorney ... For respondents.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN
MR. AHMAD HASSAN, ... MEMBER.

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. The appellant is essentially aggrieved of order dated 07.04.2016 issued by District Education Officer (Female) Haripur/respondent No. 3, whereby, it was notified that the appellant was no more an employee of the department since 01.10.2013 and the disciplinary proceedings started against her were by ignorance. The same were withdrawn ab-initio and the appellant was directed to resort to the Federal Directorate of Education Islamabad for any kind of relief or leave, being its permanent employee.

2. We have heard learned counsel for the appellant as well as learned Deputy District Attorney on behalf of the respondents and have also gone through the available record.

(Handwritten signature)

(Handwritten signature)
SECRETARY
Khyber Pakhtunkhwa Service Tribunal
Abbottabad

3. The record suggests that the appellant was appointed as PST in District Haripur on 30.10.1988. On 03.09.2007, the service of appellant was placed, on deputation, at the disposal of Federal Directorate of Education Islamabad for initial period of three years. Upon expiry of the said period the appellant applied for further extension of her deputation where-against a No Objection Certificate was issued by the Executive District Officer, Elementary & Secondary Education, Haripur. On 12.09.2013, the Deputy Director Schools (Female) Federal Directorate, of Education sent a letter to the Elementary & Secondary Education Department, Khyber Pakhtunkhwa Peshawar requiring the issuance of No Objection Certificate for permanent absorption of the appellant. The cutoff date noted therein was 30.09.2013. Consequently on 30.09.2013, the Secretary Elementary & Secondary Education Department issued the requisite N.O.C with the condition that the service of appellant was placed at the disposal of Federal Directorate of Education, Islamabad on permanent basis without retaining her lien in the E&SE Department.

On 08.05.2014, the appellant applied to Federal Directorate of Education for grant of Ex-Pakistan leave without pay for a period of five years w.e.f. 01.06.2014. In response to said application it was remarked that only the parent department of appellant could sanction the leave. The requisite leave was applied by the appellant in order to join her husband who was posted to Pakistan Mission in Ukraine. The record also shows that on 04.08.2014 the appellant was granted leave without pay for 731 days by the District Education Officer (Female) Haripur who was also pleased to issue

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the requisite N.O.C on the even date. The appellant left for abroad after obtaining leave and N.O.C, when on 19.01.2015, an office order was issued by the Federal Directorate of Education regarding repatriation of appellant to her parent department with immediate effect. On 20.10.2015 the respondent No. 3 issued cancellation order, wherein, it was provided that the ex-Pakistan leave sanction in favour of appellant was declared as null and void as it was sanctioned without any lawful authority. She was considered absent since 04.08.2010. The cancellation was followed by an absence notice dated 21.10.2015, wherein, the appellant was required to report to the office of respondent No. 3 within 15 days, else proceedings against her would be taken under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011. The absence notice was followed by a publication in the Newspaper. The appellant, on 09.02.2016, submitted her arrival after return from Ukraine with the request for cancellation of un-availed portion of her leave. On 18.02.2016, the appellant was issued show cause notice by respondent No. 3, wherein, major penalty was proposed against her on account of wilful absence, misconduct and inefficiency. The notice was replied to by the appellant on 19.02.2016. Consequently, the impugned notification was issued on 07.04.2016.


4. We have considered the arguments of learned counsel for the parties and the record before this Tribunal which reflect that the appellant was duly issued sanction for her initial deputation to the Directorate of Education, Islamabad. The period of deputation was duly extended and the requisite No Objection Certificate, for permanent absorption of the appellant in the Federal Government, was also allowed. The record is, however, silent

ATTESTED

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Service Tribunal
Peshawar

regarding the incidence of permanent absorption of the appellant by Federal Government. On the other hand, for travelling of the appellant abroad and her stay outside Pakistan the respondents issued the requisite N.O.C and leave sanction, therefore, the allegation contained in the impugned notification to the effect that the appellant kept the Elementary & Secondary Education (Female) Department, Haripur in dark by concealing the fact that she was not permanently absorbed by the Federal Government, is not correct. It was on 08.05.2014, much after the expiry of her initial period of deputation, that the respondents allowed the appellant requisite leave as well as No Objection Certificate. In the circumstances, it remains beyond perception that the appellant concealed the fact of her non-absorption by the Federal Government from respondents. It is also a fact that during the currency of her ex-Pakistan leave the cancellation order dated 20.10.2015 was issued. Interestingly, the appellant was shown therein to have been absent since 04.08.2010. Had there been any illegality in issuance of N.O.C and leave sanction to the appellant by the respondents, the former was not supposed to suffer. Despite the fore-noted erratic conduct of the respondents the departmental appeal preferred by the appellant was not responded to by the competent appellate authority.


5. In the circumstances, we consider that it would be in the interest of justice to remit the case back to the respondent No. 2 for decision of departmental appeal/ representation of appellant in accordance with the relevant law/rules after thorough scrutiny of the record. The requisite decision shall be made within a period of sixty days from the


ATTESTED

EXAMINING
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Service Tribunal
Peshawar

receipt of copy of instant judgment. The appellant may also be provided opportunity of personal hearing and setting-forth her defence.


Order accordingly.

Parties are left to bear their respective costs. File be consigned to the record room.


(AHMAD HASSAN)
Member


(HAMID FAROOQ DURRANI)
Chairman
Camp Court, Abbottabad.

ANNOUNCED
20.06.2019

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 05/07/2021
Number of Volumes 2000
Copying Fee 22.00
Deposit 4.00
Total 26.00
Name of Copy _____
Date of Quotation of Copy 05/07/2021
Date of Delivery of Copy 05/07/2021

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

E/P No. 125/21

Appeal No. 1258 of 2016.

Regd

Mst. Saima Mehmood Appellant/Petitioner

Versus

Secy (E&SE) Deptt. etc. Respondent

Respondent No. 3

Notice to:

Distt: Education officer (Female)

Distt: Haripur.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 12/10/2016 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of ~~appeal~~ ^{E/P} is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated~~

Given under my hand and the seal of this Court, at Peshawar this 14/10

Day of Sep 20 21

(Implementation Report)

[Signature]

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. S.B

No.

E/P No. 125/21

Appeal No. 1258 of 20 16

Mst. Saima Mehmood Appellant/Petitioner

Versus

Secy (E&SE) Deptt. etc. Respondent

Respondent No. 1

Secretary (E&SE) Deptt. KPK

Notice to: —

Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 12/10/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of ^{E/P ✓} appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 14/10.....

Day of..... Sep 21.....2021.

(Supplementation report)

[Handwritten signature]
22/9/21

[Handwritten signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.

E/P No. 125/21
1258

Appeal No. of 20 16

Mst. Saina Mehmood Appellant/Petitioner

Secy (E&SE) Deptt. etc, Respondent

Respondent No.

Notice to:

Director (E&SE) Deptt. KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 12/10/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 14th

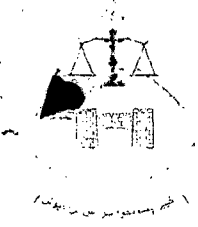
Day of Sep 20 21

(Implementation report)

[Signature]
22/9/

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

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

No. 2526-27/S1 Dated 6 / 9 / 2022

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

To:

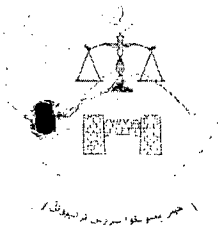
1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The District Account Officer, Haripur.

SUBJECT:- **ORDER REGARDING ATTACHMENT OF SALARIES OF RESPONDENT NO. 2 & 3 IN EXECUTION PETITION NO. 125/2021, TITLED Mst. SAIMA MEHMOOD -VS- THE SECRETARY ELEMENTARY AND SECONDARY EDUCATION, GOVERNMENT OF KHYBER PAKHTUKHWA, PESHAWAR AND OTHERS.**

I am directed to forward herewith a certified copy of order dated 28.07.2022, passed by this Tribunal in the above mentioned execution petition for strict compliance.

Encl. As above.

(AAMIR FAROOQ)
ASSISTANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

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

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

No. 2799-80/ST Dated 11 / 10 /2022

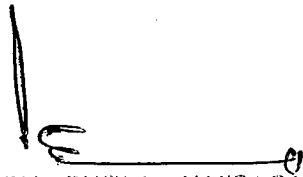
To:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The District Account Officer, Haripur

SUBJECT:- ORDER REGARDING RELEASE OF SALARIES OF RESPONDENTS NO.2 & 3 IN EXECUTION PETITION NO. 125/2021, TITLED Mst. SAIMA MEHMOOD -VS- EDUCATION DEPARTMENT.

I am directed to forward herewith a certified copy of order dated 26.09.2022, passed by this Tribunal in the above mentioned execution petition for strict compliance,

Encl. As above.


(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar
Title : Saima Mehmood. Vs Govt. & others.

Application for Release of Salary
of Director E/SE & DEO (F) Haripur.

Respectfully Shewth:

That the captioned execution petition
is pending before this Honorable Tribunal
which was fixed for today dated 26/9/2022.
That the salary of Director E/SE & DEO (F)
Haripur has been attached vide order dated
28/7/2022.

That the judgement passed by this
Honorable Tribunal has been implemented in
letter & spirit and notification dated 26/9/2022
has been issued in compliance thereof. (copy incl)

It is therefore requested that
the salary of Director E/SE and DEO (F) Haripur
may very kindly be released.

Yours Sincerely
Behramand (AD Lit-11)
& Mr. Tufail (Assistant)
Tufail

Dated : 26/9/2022.
Through : Add AG Service Tribunal.



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR**

NOTIFICATION

1. **Whereas**, appellant namely Saima Mahmood joined E&SE Department as PST teacher at GGPS Laban Bandi District Haripur on dated 30-10-1988. During the course of service, the teacher concerned was deputed to the Federal Directorate of Education, Islamabad for initial period of three (03) years w.e.f. 04-08-2007 to 03-08-2010 vide Notification dated 03-09-2007.
2. **And whereas**, on completion of the desired period of three (03) years of deputation, the teacher concerned did not report to the parent department/DEO (Female) Haripur and consequently, she was reported as absent from her official duty. Moreover, the teacher concerned got extension in her deputation vide allegedly fake and forged letter for having no diary/dispatch number & date.
3. **And whereas**, in the meanwhile, on the request of Deputy Director (Schools) FDE, Islamabad vide letter dated 12-9-2013, the Respondent Department has granted NOC to the appellant for permanent absorption to Directorate of FDE, Islamabad vid letter dated 30-9-2013 without retaining her lien in E & SE Department.
4. **And whereas**, during course of service, the appellant applied for Ex-Pakistan leave/Extra Ordinary Leave/NOC w.e.f. 25-07-2014 to 24-07-2016 to the Director General, Directorate of Education Islamabad, where upon it was rejected with the remarks that "only her parent department can sanction this leave". In the meanwhile, the Competent Authority issued absence notice dated 21-10-2015 duly published in Daily Aaj, Peshawar on 27-1-2016, followed by the order dated 7-4-2016 of DEO Female Haripur, whereby the appellant was directed for the resumption of her official duty against the PST post in FDE Islamabad as she was no more of employee of E & SE Department since 1-10-2013.
5. **And Whereas**, aggrieved from the notification dated 07-04-2016, the appellant filed Service Appeal No.1258/2016, which was decided vide judgment dated 20-6-2019, whereby the case was remitted to the Respondent No.2 / Director E & SE for disposal of the same, where upon, the case was referred to the Appellate Committee Meeting held on 11-8-2022 under the Chairmanship of Worthy Director E & SE. An opportunity of personal hearing was also afforded to the appellant. The Committee unanimously concluded that the appellant is not entitled to be re-instated against the post in question on the grounds that the appellant has permanently been absorbed in FDE Islamabad vide order dated 30-9-2013.

Now therefore, in pursuance of the judgment dated 20-06-2019 of the Honorable Service Tribunal, consulting with the recommendation of the inquiry committee and having gone through the whole case record, the undersigned, being appellate authority in the instant case, is of the considered opinion that Mst. Saima Mehmood, Ex-PST is not entitled to be allowed for resumption of duty as PST in E&SE Department on the grounds of her permanent absorption in the FDE, Islamabad vide order 30-9-2013, hence, the appeal of the appellant stands rejected in view of the above said terms with immediate effect and in the interest of public service.

**DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.**

Endst: No: 5317-21/F.No. AD(Lit-II)/Notification/2022 Dated Peshawar the: 26/9/2022

Copy forwarded for information & n/action to the: -

- 1 Registrar Honorable Service Tribunal Khyber Pakhtunkhwa.
- 2 PA to Additional Secretary (G) E&SED Khyber Pakhtunkhwa Peshawar.
- 3 District Education Officer (Female) District Haripur.
- 4 Mst. Saima Mehmood, Ex-PST, District Haripur.
- 5 PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
- 6 Master file.

**Deputy Director (Etab/F-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**