

21.07.2022

Nemo for the appellant.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as her counsel through registered post and to come up for preliminary arguments on 22.09.2022 before the S.B at Camp Court Abbottabad.



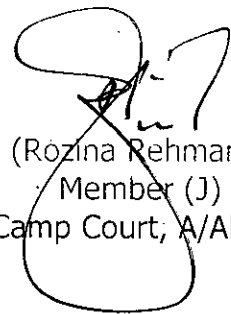
(Salah-Ud-Din)  
Member (J)  
Camp Court Abbottabad

22.09.2022

Nemo for appellant.

Case was called time and again but neither the appellant nor her counsel turned up till rising of the Bench. Consequently, instant service appeal is hereby dismissed in default for none-prosecution. Parties are left to bear their own costs. File be consigned to the record room.

Announced.  
22.09.2022



(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

21.05.2021

Due to cancellation of tour, Bench is not available. Therefore, case is adjourned to 29.09.2021 for the same as before.


08/05

  
Reader

29.09.2021

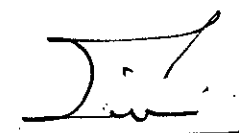
Nemo for appellant.

Preceding date was adjourned on a Reader's note, therefore, notice be issued to appellant for 22.12.2021 for preliminary hearing before S.B at Camp Court, Abbottabad.

  
(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

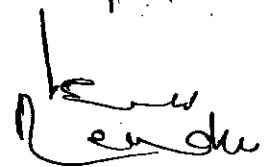
22.12.2021

Nemo for the appellant. On previous date too, no one was present on behalf of the appellant, therefore, it was directed that notice be issued to the appellant, however the same has not been issued, therefore, explanation in this respect be called from the Moharrar. Notice for prosecution of the appeal be issued to the appellant as well as her counsel through registered post and to come up for preliminary hearing on 17.02.2022 before the S.B at Camp Court Abbottabad.

  
(Salah-Ud-Din)  
Member (J)  
Camp Court Abbottabad

17-2-22:

Due to retirement of worthy chairman case is adjourned. To come up for the same on 17/2/22.


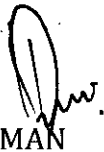
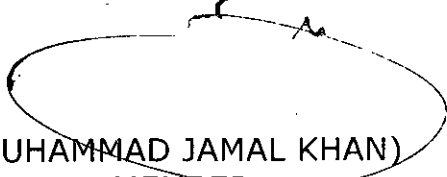
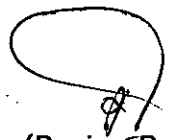


Form- A

FORM OF ORDER SHEET

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

Case No.- **5680** /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/06/2020	<p>The appeal of Syeda Saima Noreen resubmitted today by post through Ch. Abdul Rauf Chohan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>17-11-20</u>.</p> <p> CHAIRMAN</p>
17.11.2020		<p>Counsel for appellant is present and seeks adjournment. Adjourned to 16.02.2021 on which date file to come up for preliminary arguments before S.B at Camp Court, Abbottabad.</p> <p> (MUHAMMAD JAMAL KHAN) MEMBER CAMP COURT ABBOTTABAD</p>
16.02.2021		<p>Appellant in person present.</p> <p>He made a request for adjournment as his counsel is not available today. Adjourned. To come up for preliminary hearing on 21.05.2021 before S.B at Camp Court, A/Abad.</p> <p> (Rozina Rehman) Member (J) Camp Court, A/Abad</p>

The appeal of Syeda Saima Noreen Daughter of Late Syed Farooq Shah received today by post i.e on 29.04.2020 through Chaudary Abdur Rauf Chohan, Advocate, Abbottabad which is incomplete on the following score and returned to his counsel for completion and resubmission within 15 days:-

1. Annexures of the appeal may be flagged.
2. Index of the appeal may be completed.
3. Two more copies of appeal alongwith annexures i.e. complete in all respect may also be submitted with the appeal.

  
REGISTRAR  
K.P SERVICE TRIBUNAL  
PESHAWAR.

No. 1096 /ST,

Dated 5-5- /2020.

Ch. Abdul Rauf Advocate, Abbottabad.

*All the objections have been removed  
Ch. Abdul Rauf Chohan Advocate*



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

Service Appeal No. 5680/2020

Mst. Syeda Saima Noreen D/o Late Syed Farooq Shah, resident of Quarter No.3, Forest Colony, near Shahzada Masjid, Tehsil & District, Abbottabad.

...APPELLANT

**VERSUS**

Govt of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, KPK, Peshawar & Others.

...RESPONDENTS

**WRIT PETITION**  
**I N D E X**

S.No.	Description of Document	Annexure	Page No.
1.	<i>Writ petition alongwith affidavit, Certificate, Addresses of Parties and List of books</i>		1-8
2.	Copy of dismissal order dated 13/01/2020.	"A"	9-11
3.	Copies of departmental appeal alongwith postal receipt	"B & C"	12-14
4.	Copy of the Medical of petitioner	"D"	15-16
5.	Copy of the application for replacement of Inquiry Officer	"E"	17
6.	Copies of the application to the DC and to the Govt of KPK Information Commission and order of the information commission	"F,G &H"	18-21
7.	VAKALATNAMA		22

...APPELLANT

Through:

Dated: 28 /04/2020

(Chaudary Abdur-Rauf Chohan)  
Advocate High Court, Abbottabad.

1  
BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa  
Service Tribunal.

Diary No. 322

Service Appeal No. 5080 /2020 Dated 29-4-2020

Mst. Syeda Saima Noreen D/o Late Syed Farooq Shah, resident of  
Quarter No.3, Forest Colony, near Shahzada Masjid, Tehsil &  
District, Abbottabad.

...APPELLANT

VERSUS

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

...RESPONDENTS

Filed to-day

Registrar

29/4/2020

=====

**APPEAL UNDER SECTION-4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974  
AGAINST THE OFFICE ORDER ENDST NO.325-30 DATED  
13/01/2020 ISSUED BY RESPONDENT NO.3 WHEREBY  
THE APPELLANT HAS BEEN DISMISSED FROM  
SERVICE, IS PERVERSE DISCRIMINATORY, UNLAWFUL,  
MALAFIDE, WITHOUT LAWFUL AUTHORITY, WITHOUT  
JURISDICTION, ARBITRARY, HARSH AND AGAINST THE**

**PRINCIPLES OF NATURAL JUSTICE, HENCE  
INEFFECTIVE UPON THE RIGHTS OF APPELLANT AND  
LIABLE TO BE SET-ASIDE.**

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**PRAYER:-**

ON ACCEPTANCE OF THE INSTANT APPEAL,  
THE IMPUGNED ORDER BEARING ENDST NO.325-30  
DATED 13/01/2020 ISSUED BY RESPONDENT NO:3, MAY  
GRACIOUSLY BE SET-ASIDE AND APPELLANT MAY  
KINDLY BE ORDERED TO BE RE-INSTATED IN SERVICE  
WITH ALL BACK BENEFITS. ANY OTHER RELIEF  
DEEMED FIT AND PROPER IN THE CIRCUMSTANCES OF  
THE CASE, MAY ALSO BE GRANTED IN FAVOUR OF  
APPELLANT.

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**Respectfully Sheweth,**

Brief facts leading to the instant Service Appeal are prayed  
as under:-

1. That, the APPELLANT was appointed as Hostel Warden  
vide order No.10199-4/EbOIV/Apptt, in Govt Girls  
Centennial Model Higher Secondary School No.1,  
Abbottabad and thereafter, APPELLANT was illegally  
removed from service and on 12/11/2017 the APPELLANT  
was re-instated in service by the KPK Service Tribunal.

2. That, after the re-instatement, the APPELLANT performed her duties according to the law and full dedication and satisfaction of the high-ups till 13/01/2020.
3. That, the Respondent No.3 without any lawful reason initiated an inquiry against the APPELLANT therefore, the Inquiry officer, without issuing any information letter to the APPELLANT, the inquiry officer started the inquiry process and submitted the inquiry report and the copy of inquiry report was also not provided to the APPELLANT and, resultantly, the APPELLANT was dismissed from service by respondent No.3 vide impugned order dated 13/01/2020 without any lawful justification. **(Copy of dismissal order dated 13/01/2020 is annexed as Annexure "A")**
4. That, after issuance of said impugned order, the APPELLANT moved an Departmental Appeal/Representation for her re-instatement before respondent No.2 on 17/01/2020 which is still pending. **(Copies of departmental appeal alongwith postal receipt are annexed as Annexure "B" & C")**
5. That, feeling highly aggrieved by the impugned dismissal from service order dated 13/01/2020, the APPELLANT comes to this Hon'ble Tribunal on the following grounds:-



**GRUNDS:-**

- a) That, the impugned order of dismissal from service issued by respondent No.3 dated 13/01/2020 is illegal, unlawful, without lawful authority, discriminatory, result of highhandedness, politically motivated against the rules, policy and principle of natural justice, equity and fair play, hence, liable to be set-aside.
- b) That, the act of respondents loudly speaks of malice in collusion with some other persons to whom they wished to appoint in place of APPELLANT, is unwarranted at law, hence, the impugned order is liable to be set-aside.
- c) That, the APPELLANT has time and again approached the offices of respondent No.3 for redressal of her grievances, but to no avail, rather she has been subjected to run between pillar and the post of her lawful right, which she has accrued.
- d) That, the respondent No.3 has given harsh penalties to the APPELLANT without giving any opportunity without show cause notice, without adopted proper procedure under the E& D Rules 2011.

- e) That, the act of respondent No.3 is against the law and provided in service rules that authority could terminate service of Civil Servants after informing Civil Servants in writing of grounds on which action of termination is proposed to be taken, however, in case of APPELLANT no such procedure has been adopted. Hence, the whole proceedings carried out in case of APPELLANT are nullity in the eyes of law.
- f) That, the APPELLANT is a cancer patient along with many other diseases and while the APPELLANT was fighting against the cancer and other diseases, respondent No.3 made a pre-arranged order which is based on the conspiracy against the poor servant without any lawful justification, hence, the impugned order is liable to set-aside. **(Copy of the Medical is annexed as Annexure "D")**
- g) That, the inquiry officer was not replaced upon the written request of the APPELLANT which clearly shows the malafide on the part of respondents.**(Copy of the application for replacement of Inquiry Officer is annexed as Annexure "E")**
- h) That, no opportunity was given to the APPELLANT to defend herself.

- i) That, the copy of inquiry report has also not been provided to the APPELLANT although the APPELLANT submitted an application under Right to Information Act for the provision of Attested copies of the inquiry report. **(Copies of the application to the DC and to the Govt of KPK Information Commission and order of the information commission are annexed as Annexure "F,G & H" respectively)**
- j) That, the post of Hostel Warden in Govt Centennial Model Higher Secondary School No.1, Abbottabad is still lying vacant.
- k) That, the appellant seeks leave of this honourable tribunal to agitate additional grounds at the time of hearing of this appeal.
- l) That, the instant appeal is well within time.

**PRAYER:-**

**On acceptance of the instant SERVICE APPEAL**, the impugned order bearing Endst:No.325-30 dated 13/01/2020 issued by respondent No.3, may graciously be set-aside and APPELLANT may kindly be ordered to be re-instated in service with all back benefits. Any other relief which this Honourable Tribunal deemed fit and proper in the circumstances of the case, may also be granted in favour of APPELLANT in the best interest of justice.


**INTERIM RELIEF:-**

Meanwhile the operation of the impugned order Endst No.325-30 dated 13/01/2020, may kindly be suspended till the final disposal of instant SERVICE APPEAL and charge of the Hostel Warden may also be handed over to the appellent.

  
...APPELLANT

Through:

Dated: 28 /04/2020


  
(Chaudary Abdur-Rauf Chohan)  
Advocate High Court, Abbottabad.

**VERIFICATION:-**

Verified that the contents of instant *SERVICE APPEAL* are true and correct to the best of my knowledge and belief and that nothing has been concealed therein.

Dated: 28 /04/2020

  
...APPELLANT

  
Sh: Abdur Rauf Chohan.  
Advocate High Court  
Office 28, Lawyer's Plaza I  
8347-3146977.

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

Service Appeal No. \_\_\_\_\_/2020

Mst. Syeda Saima Noreen D/o Late Syed Farooq Shah, resident of  
Quarter No.3, Forest Colony, near Shahzada Masjid, Tehsil &  
District, Abbottabad.

...APPELLANT

**VERSUS**

Govt of Khyber Pakhtunkhwa, through Secretary Elementary &  
Secondary Education, KPK, Peshawar & Others.

...RESPONDENTS

**WRIT PETITION**

**AFFIDAVIT**

I, Mst. Syeda Saima Noreen D/o Late Syed Farooq Shah, resident of  
Quarter No.3, Forest Colony, near Shahzada Masjid, Tehsil & District,  
Abbottabad., *APPELLANT*, do hereby solemnly affirm and declare that  
the contents of instant *SERVICE APPEAL* are true and correct to the best  
of my knowledge and belief and that nothing has been concealed from this  
Hon'ble Court.

  
DEPONENT

...APPELLANT

Dated: 28 /04/2020

*Attested*  
Ch: Abdur Rauf Chohan  
Advocate High Court  
Office 28 *Chohan's* Plaza I  
0347-3146975

*Annexure A .9*

**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD**



☎0992-342533, 0992-342314  
✉Deofemale\_abbottabad@yahoo.com



**NOTIFICATION:**

*Annex H*

**WHEREAS,** Mst: Saima Noureen was appointed as hostel warden vide No.10199-9 dated 25/08/2015 to look after students residing in hostel.

**WHEREAS,** Major penalty "Removal from Service" was imposed upon her during probation period vide Endst: No. 12429-30 dated 16-12-2015 due to misconduct.

**WHEREAS,** she lodged appeal against the decision and reinstated by the Honorable Service Tribunal Court on 17/09/2019 with all back benefits.

**WHEREAS,** she infringed from her actual job description.

**WHEREAS,** informal fact finding inquiry was initiated by the Competent Authority and Headmistress GGHS Bandi Dhundan and Headmistress GGHS Banda Pir Khan were nominated as inquiry officers and the inquiry committee recommended for proceeding under E & D rules 2011.

**AND WHEREAS,** a statement of allegation and charge sheet was served upon the accused hostel warden and an inquiry committee has been constituted comprising the following members,

1. **Mst: Nagina, SDEO (F) Havelian.**
2. **Mst: Shahnaz Begum Headmistress GGHS Smandar Katha.**

**AND WHEREAS,** the inquiry committee recommended proceedings under Rule 4(b)(IV) of E&D 2011 as the allegations have been proved.

**AND WHEREAS,** the Competent Authority "District Education Officer (Female) Abbottabad" after having consideration on charges as well as evidences on record, report submitted by the inquiry officers is of the view that misconduct was proved.

**NOW THEREFORE,** in exercise of power conferred by the Khyber Pakhtunkhwa Govt. Service (Efficiency & Discipline) Rules 2011, the competent authority is pleased to imposed Major Penalty of "Dismissal from Service" under Rule 4(b)(IV) upon Mst. Saima Noureen Hostel Warden GGCMS No. 1 Abbottabad with immediate effect.

*M*  
\_\_\_\_\_  
District Education Officer  
(Female) Abbottabad

Endst. No. 325-30 Dated: 13/1/2020

**Copy to the:**

1. Director, (E&SE) Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner Abbottabad.
3. District Account Officer, Abbottabad.
4. B & O Officer Local Office.
5. Principal GGCMS NO.1 Abbottabad.
6. Hostel Warden concerned.
7. Office File.

*Ch: Abdur Rauf Chohan*  
Advocate High Court  
Office 28, Lawyer's Plaza I  
0347-3146975

*M*  
\_\_\_\_\_  
District Education Officer  
(Female) Abbottabad



**OFFICE OF THE DISTRICT EDUCATION  
OFFICER (FEMALE) ABBOTTABAD**

PH# No. 0992-342533 FAX:0992-342314  
E-mail [deofemale\\_abbottabad@yahoo.com](mailto:deofemale_abbottabad@yahoo.com)

10



**NOTIFICATION**

1. I, Rehana Yasmeen Abbasi, District Education Officer (Female) Abbottabad as competent Authority, hereby charge you, Mst, Saima Noureen as follows:

That you, while posted as Hostel Warden GGCMS No.1, Abbottabad, committed the following irregularities.


- a) You were appointed as Hostel Warden at GGCMS No.1 Abbottabad vide NO: 10199-9 dated 25/08/2015 to look after the students residing in Hostel.
- b) Major penalty "Removal from Service" was imposed upon you vide this office Endst No: 12429-30 dated 16/12/2015 due to misbehave and misconduct.
- c) You lodged an appeal against the decision and reinstated by Honorable Services Tribunal Court 17/09/2019 with all back benefits.
- d) You remained absent from Hostel as per report of School Incharge and infringed from your actual job description that is to look after students and maintain discipline with the help of already deputed staff.
- e) You refrained supporting staff to discharge / perform their official tasks to students such as serving dine, dish washing and ringing bells etc.
- f) You showed immature/irresponsible attitude which is against the prevailing norms and values of society.
- g) You failed to provide/maintain cash book which is one of the important task of your job.
- h) By reason of the above, you appear to be guilty of misconduct, inefficiency, insubordination, professional dishonesty under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the rules ibid.

Page | 1

Received  
Saima

Attested  
Ch: Abdur Rauf Chohan  
Advocate High Court  
Office 28 Lawyer's Plaza  
0346-4146975


- 11
- i) Your written defense, if any, should reach to inquiry committee within specified period, failing which it shall be presumed that you have no defense to put in and in that case Ex-parte action will be taken against you under the rules.
- j) Intimate whether you desire to be heard in person.
- k) A statement of allegations is enclosed.

  
District Education Officer  
(Female) Abbottabad

Dated 21/10/2019


Endst: No. 2328-35  
Copy for information to the:

1. The Director, Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Mst. Nagina Bibi, SDEO (F) Havelian
3. Mst. Shahnaz (Principal) GGHS No.2 Abbottabad.
4. Incharge GGCMSS No. 1 Abbottabad
5. Mst. Saima Noureen, Hostel Warden, GGCMSS No.1 Abbottabad
6. Teachers Concerned
7. Office File.

  
District Education Officer  
(Female) Abbottabad

Received  
J. J. J.

Page | 2

  
Ch: Abdur Rauf Chohan  
Advocate High Court  
Office 28, Lawyer's Plaza  
0547-3146975



Anex B

12

محترم جناب ڈائریکٹر و ایجوکیشن صاحب

ایلمنٹری اینڈ سیکنڈری ایجوکیشن، خیبر پختونخواہ

Anex B

12

B

عنوان: اپیل برائے انصاف

جناب عالی!

میں صائمہ نورین ہاسٹل وارڈن گورنمنٹ گرلز ہائی سکول نمبر 1 ایبٹ آباد میں ایک یتیم لڑکی ہوں اور اپنے گھر

کی واحد کفیل ہوں۔

جناب عالی!

مجھے عارضی طور پر میڈم شمینہ الطاف نے ہاسٹل وارڈن رکھا اور 1500 روپے ماہانہ پر میں نے 15 ماہ ڈیوٹی

کی مزید یہ کہ ان کے گھر کے بھی کام کرتی رہی۔ آخر میں مجھے بھرتی کر لیا مگر چند احکامات جو میرے نزدیک درست نہ تھے انہیں نہ ماننے کی پاداش میں بغیر کسی Formalities کے مجھے نوکری سے برخاست کر دیا گیا۔

میں اس فیصلے کے خلاف کورٹ میں چلی گئی اور دو سال کی قانونی جنگ لڑنے کے بعد دو بارہ نومبر

2017 میں بحال کر دی گئی۔

جناب عالی!

جب مجھے برخاست کیا گیا تو یہ ڈی ای او صاحبہ ریحانہ یا سمین اسی آفس میں ڈپٹی ڈی ای او تھیں۔ ابھی مارچ

2019 میں انکا تبادلہ بھر ڈی ای او کے طور پر ایبٹ آباد کے دفتر میں ہوا اور وہ دن اور آج کا دن میری بدبختی کا آغاز ہوا

آتے ہی پہلے دن مجھے آفس میں بلا کر ذلیل کیا۔ اس موقع پر چند ایسے لوگ بھی جن کے ساتھ ان کے اچھے تعلقات تھے

موجود تھے۔ مجھے پہلے ہی دن سنایا کہ "تمہیں ٹھیک کرنا مجھے آتا ہے، کام ہماری مرضی کا کرو گی تو ٹھیک ورنہ نوکری سے بر

خاست کر دی جاو گی۔"

جناب عالی!

پھر ہر دوسرے دن میری تذلیل کی گئی اور بغیر کسی وجہ کے الزامات لگائے گئے۔ مجھے اتنا تنگ کیا گیا کہ پہلے

مجھے معدے کا السر ہوا، پھر DVT جیسے مہلک مرض میں مبتلا ہوئی اور اب مجھے Cancer ہو گیا ہے۔ خدا کی قسم یہ سب

صرف ان کی دی ہوئی Tension کی وجہ سے ہوا ہے۔

Attested  
Ch: Abdur Raut Chohan  
Advocate High Court  
Office 28 Lawyer's Plaza I  
0300-4146975

جناب عالی!



میری Enquiry شروع کر دی گئی، پہلی Enquiry جس میں مجھے کوئی لیٹر نہیں بھیجا گیا اور نہ ہی مجھے اس کا پتا تھا، اچانک سے پرنسپل بانڈی ڈھونڈاں سکول میڈم صفیہ صاحبہ آئیں اور مجھ سے کچھ پوچھ کچھ نہیں کی گئی اور نہ ہی آج تک مجھے اس Enquiry رپورٹ بھی نہیں دی گئی۔

دوسری Enquiry میں SDO (F) حویلیاں نگینہ صاحبہ جو کی DEO صاحبہ کی دوست ہیں کو نامزد کیا گیا اور ساتھ ہی میڈم شہناز بیگم Headmistress سمندر کٹھ تھیں۔ میڈم نگینہ کو تبدیل کرنے کے لیے درخواست دی جو کہ باقاعدہ پرنسپل سے فارورڈ کروائی گئی اور DCO ایبٹ آباد کو بھی درخواست دی کے میڈم نگینہ کے بجائی کسی بھی 18 یا 19 گریڈ کی پرنسپل کو Enquiry آفیسر نامزد کیا جائے مگر میری کہ قانونی درخواست بھی کسی نے غور کے قابل نہ سمجھی اور اب لیٹر نمبر 30-325 مورخہ 13-01-2020 کے تحت مجھے نوکری سے برخاست کر دیا گیا۔

جناب عالی!

اس وقت جب میں Cancer جیسے موزی مرض سے لڑنے کے لیے خود کو تیار کر رہی تھی نوکری سے بھی محروم کر دیا گیا مجھے میرا اور میری فیملی کا تو پہلے ہی میرے تنخواہ میں بڑی مشکل سے گزارہ ہو رہا تھا اب مجھے میری فیملی سمیت نوٹھ پاتھ پر لا کر کھڑا کر دیا میں فریاد کے لڑکس کے پاس جاؤں۔

برائے مہربانی مجھے بحال کیا جائے اور Enquiry رپورٹ لے کر چیک کیا جائے کیونکہ میری اطلاع کے مطابق اس پر ماسوائے مس نگینہ صاحبہ کے دوسری Enquiry آفیسر کے دستخط بھی نہیں ہیں اور اگر ایسا ہے تو میں یہ اپیل کروں گی کہ غلط کرنے والوں کو سزا دی جائے۔

آپ کے تابعدار  
سیدہ صائمہ نورین

ہاسٹل وارڈن

گورنمنٹ گرلز ہائی سکول نمبر 1 ایبٹ آباد

رابطہ نمبر: 0334-8564844

شناختی کارڈ نمبر: 13101-1049369-8

مورخہ: -----

Attested  
Ch: Abdur Raut Chohan  
Advocate High Court  
Office 28 Laxmi Plaza I  
0347-6646975

Annex "D"

15

15



Shaukat Khanum Memorial Cancer Hospital & Research Centre

Johar Town, Lahore, Pakistan - Phone: +92-42-35996000, 111-155-555, Fax: 042-35945198  
Email: info@skm.org.pk, Website: www.shaukatkhannum.org.pk

Department of Pathology

Histopathology Report

VIEW: 30-Jan-2020 16:32:26

Page 1

Dept Ref# : 001HIS20000279  
MRNO : 001-80002764611  
Name : SAIMA NOREEN  
Age/Sex : 40 Year(s)/Female  
Phone : 92 0322 9433461  
Address : CITY, ABBOTTABAD - PAKISTAN

Ordered By :  
Referring Physician : INOR Hospital  
In-house Consultant :  
Report Destination : Collection Centre - 17  
Requested : 30-JAN-2020  
Reported : 09-FEB-2020

Spc Nature: FNAC  
Spc Site: THYROID SWELLING: FNAC

Gross:

Micro:

Slides examined reveal smear composed of few groups and scattered benign follicular cells alongwith hemosierin-laden macrophages.

Diagnosis: Follicular carcinoma.

*Attested*  
Ch: Abdur Razaf Chohan  
Advocate High Court  
Office 28, Lawyer's Plaza I  
0347-3146975

Mohammad Tariq Mahmood  
Consultant Pathologist

FAIZAN AMER DR.

Electronically verified by, no signature(s) required.

DM

Dr. Sajid Mushtaq  
MBBS, FCPS, FRCPath

Dr. Asad Hayat Ahmad  
MBBS, DABP (AP, CP and Hematopathology)

Dr. Mohammad Tariq Mahmood  
MBBS, DABP (AP/CP and Hematopathology)

Dr. Maryam Hameed  
MBBS, FRCPath

Dr. Mudassar Hussain  
MBBS, FCPS (Histopathology)

Dr. Nooreen Akhtar  
MBBS, FCPS, FRCPath

Dr. Umar Nisar Sheikh  
MBBS, DABP (AP, CP, Cytopathology)

16



Colonel Doctor

**Muhammad Shahid Gohar**

MBBS, DLO (AFPGMI), FCPS

Assistant Professor of ENT (AM College)

**Classified ENT Specialist**

Head & Neck Surgeon

CMH, Rawalpindi.

Name:

Saima

Age:

32 yrs

Date:

5.3.2020

Total thyroidectomy (op)

Ad

Tab. Thyroxin

1 - 200 mcg daily

2. Tab. Caldrea

330

3 -

Syp.

Calcium P1

4 -

Tab.

Ramethol

5 -

Tab.

Mixel 400 mg

1 + 1 + 1

started

Ch: Abdur Rauf Chohan  
Advocate High Court  
Office 28 Lower's Plaza I  
0347-1146975

*[Handwritten signature]*

Amex "ع"

17

17

بخدمت جناب ڈی۔ای۔ای۔ او صاحبہ (زنانہ) دادرس اسپت آباد

Amex جناب عالیہ!

گزارش ہے کہ آپ جناب نے فہرست کے ایک انوکھی  
کا حکم دیا ہے۔ آپ نے اس انوکھی میں جو انوکھی آفیسر منتخب  
کی ہیں مجھے خبر ہے کہ انوکھی جانب دار نہ ہوئی۔ اس لیے میری  
درخواست ہے کہ انوکھی آفیسر میں سے (F) SDEO (F) Nazina Bibi  
کی جگہ کسی بھی 18 یا 19 گریڈ کی درجہ اول کو انوکھی کیلئے منتخب  
کیا جائے

شکر ہے  
10/10/20

No. 204 dt-30/10/19  
Forwarded to  
DEO for n.a.pl.  
Amir Fatima  
30-10-19

سیہ صاحبہ نورین  
ساحل وارڈن  
گورنمنٹ گریجویٹ سکول بیٹروں  
اسپت آباد

attested  
Sh: Abdur Rauf Chohan  
Advocate High Court  
Office 28 Lower's Plaza I  
0347-3146975

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ مدارس) ایبٹ آباد

جناب عالیہ!

گزارش ہے کہ میں اس سے پہلے بھی آپ کو کئی دفعہ آر۔ ٹی۔ آئی ایکٹ 2013 کے تحت اپلیکیشن دی لیکن آپ نے مجھے تحال انکوائری رپورٹ فراہم نہیں کی۔ میری آپ سے گزارش ہے کہ میری پہلی انکوائری جو کہ پرنسپل بانڈھی ڈھونڈاں سکول میڈم صفیہ صاحبہ نے کی تھی اس انکوائری رپورٹ کی کاپی اور ساتھ ہی 21-10-2019 کو لیٹر نمبر 35-8828 کے تحت میری انکوائری جو کہ گلینہ بی بی ایس۔ ڈی۔ ای۔ او (فی میل حوایلیاں) اور ایچ۔ ایم سمندر کٹھ سکول میڈم شہناز سرور صاحبہ نے کی اس کے لیے انکوائری رپورٹ کی کاپی فراہم کی جائے تاکہ مجھے پتہ چل سکے کہ اس میں ایسا کون الزام تھا جو مجھ پر ثابت ہوا جس کے نتیجے میں آپ نے مجھے لیٹر نمبر 30-325، مورخہ 13-01-2020 کو ڈسمسل دے دیا۔ میری آپ سے گزارش ہے کہ آر۔ ٹی۔ آئی ایکٹ کے تحت مجھے میری انکوائری رپورٹ کی کاپی فراہم کر کے شکریہ کا موقع دیں۔

العارضہ

13/2/2020

سیدہ صائمہ نورین

شناختی کارڈ نمبر: 8-1049369-13101

فون نمبر: 0334-8564844

Attested

Ch: Abdur Rauf Chohan  
Advocate High Court  
Office 28, Lawyer's Plaza I  
0334-3146975

Annex G I

19



Annex F



OFFICE OF THE  
ASSISTANT COMMISSIONER  
ABBOTTABAD

No. 367-68 /HC-ACA  
Date: 21/6/2020

To  
The DEO (F). Abbottabad

Subject: COMPLAINT / APPLICATION

Memo:

A self-explanatory application submitted by Syeda Saima Noreen (hostel warden G.G.H No. 1 Abbottabad) alongwith its enclosures (enclosed) is sent herewith for further necessary action/ re the earliest.

*Rejtz*  
ASSISTANT COMMISSIONER  
ABBOTTABAD

Endst No. & Date even:

Copy for information please:

1. Syeda Saima Noreen (hostel warden G.G.H.S No. 1 Abbottabad) w/r to above.

*Rejtz*  
ASSISTANT COMMISSIONER  
ABBOTTABAD

*Attested*  
Ch: Abdur Rauf Chohan  
Advocate High Court  
Office 28, Lawyer's Plaza I  
0347-3146975

کمشنر آر ٹی آئی، خیبر پختونخواہ



جناب عالی!

گزارش ہے کہ ڈسٹرکٹ ایجوکیشن آفیسر (نی میل) ایبٹ آباد نے لیٹر نمبر 35-8828 مورخہ 21/10/2019 کے تحت میری ایک انکوائری کروائی جو کہ نگینہ بی بی (ایس ڈی ای او) نی میل، حویلیاں اور میڈم شہناز سرور (ایچ ایم) سمندر کٹھہ نے کی تھی، میں بہت دفعہ انکوائری رپورٹ کے لیے ڈسٹرکٹ ایجوکیشن آفیسر کو آر ٹی آئی ایکٹ 2013 کے تحت درخواست دی لیکن تاحال ہی انہوں نے مجھے انکوائری رپورٹ کی کاپی نہیں دی جو کہ میرا حق ہے اور اب لیٹر نمبر 30-325 مورخہ 13/01/2020 کو ڈس مس کر دیا۔ اس سے پہلے بھی انہوں نے میری ایک انکوائری کروائی جو کہ پرنسپل بانڈی ٹھونٹھاں سکول میڈم صفیہ نے کی لیکن تاحال اس انکوائری رپورٹ کی کاپی بھی مجھے نہیں دی گئی آپ سے گزارش ہے کہ آر ٹی آئی ایکٹ کے تحت مجھے دونوں انکوائری رپورٹ کی کاپی منگوا کر دی جائے۔

العارض علیہ  
25/11/2020

سیدہ صائمہ نورین

رابطہ نمبر: 0334-8564844

شناختی کارڈ نمبر: 13101-1049369-8

Attested  
Ch: Abdur Rauf Chohan  
Advocate High Court  
Office 28, Lawyer's Plaza I  
0347-3146975





GOVERNMENT OF KHYBER PAKHTUNKHWA  
INFORMATION COMMISSION  
7<sup>th</sup> Floor, Tasneem Plaza, Near Benevolent Fund Building,  
6th Saddar Road, Peshawar  
Email: [complaints.kprti@kp.gov.pk](mailto:complaints.kprti@kp.gov.pk)  
Ph: 92-91-9212649  
Fax: +92-91-9211163

21

No: RTIC/AR/1-6757/2020

Dated:

18 MAR 2020

To

The District Education Officer (DEO-F)/PIO,  
Abbottabad.

Subject:  
Memo:

**COMPLAINT AGAINST NON-SUPPLY OF INFORMATION (COMPLAINT NO: 6757)**

I am directed to state that a citizen Syeda Saima Noureen has filed an information request with your department for seeking some information, however the same was not provided to her within prescribed time limit, therefore, she has filed a complaint before the KP Information Commission. (copy attached)

2. It is to direct that complete and relevant information may be provided to the complainant within five working days of the receipt of this letter under intimation to KP Information Commission.
3. In case of failure to comply with the above directions punitive action may be initiated as per KP RTI Act, 2013.

Assistant Registrar,  
KP Information Commission,  
Peshawar.

Copy to:-

1. PS to Chief Information Commission, KP Information Commission, Peshawar
2. Syeda Saima Noureen (Complainant)

Assistant Registrar,  
KP Information Commission,  
Peshawar.

Attested  
Ch: Abdur Raul Chohan  
Advocate High Court  
Office 28 Lawer's Plaza-I  
03473446975

DBA number	282
BC No.	1 0 1 3 - 7 5
Name of Advocate	عبدالمودود محمد کھوکھر

S.No 114325



وکالت نامہ

سروس ٹرانسپونڈ

بعدالت

گورنمنٹ وڈیو

بنام

صنائے نورین

عنوان:

سروس اسٹیبل

نوعیت مقدمہ

منجانب:

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیرونی رجوعاً ہی برائے پیشی یا تفسیر مقدمہ بمقام اسپتال آباد کے لیے  
دو بیرونی محکمہ افسانہ و حوالہ ان اید و مسیٹ صفا کورس اسپتال آباد

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے  
جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کہ حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ  
سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے  
علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ  
ساعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے  
کسی معاوضہ کے ادا کرنے یا بخاندانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ادخار صاحب موصوف  
مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم  
درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے  
اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات  
از کچہری صدر اپیل و برآمدگی مقدمہ یا سنوئی ڈگری یکطرفہ درخواست حکم اتنا ہی یا ترقی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب  
موصوف کو بشرط ادا سنگی علیحدہ محتانہ بیرونی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے  
کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں  
وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف  
کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ  
کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 28/04/2020

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور مطلوب ہے۔ دن ماہ سال

Signature

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

Service Appeal No. \_\_\_\_\_/2020

Mst. Syeda Saima Noreen D/o Late Syed Farooq Shah, resident of Quarter No.3, Forest Colony, near Shahzada Masjid, Tehsil & District, Abbottabad.

...APPELLANT

**V E R S U S**

Govt of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, KPK, Peshawar & Others.

...RESPONDENTS

**WRIT PETITION  
I N D E X**

S.No.	Description of Document	Annexure	Page No.
1.	<i>Writ petition alongwith affidavit, Certificate, Addresses of Parties and List of books</i>		1-8
2.	Copy of dismissal order dated 13/01/2020.	"A"	9-11
3.	Copies of departmental appeal alongwith postal receipt	"B & C"	12-13
4.	Copy of the Medical of petitioner	"D"	15
5.	Copy of the application for replacement of Inquiry Officer	"E"	17
6.	Copies of the application to the DC and to the Govt of KPK Information Commission and order of the information commission	"F,G &H"	18
7.	VAKALATNAMA		

*[Signature]*  
...APPELLANT

Through:

Dated: \_\_\_\_\_/04/2020

*[Signature]*  
(Chaudary Abdur-Rauf Chohan)  
Advocate High Court, Abbottabad.

1

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

Service Appeal No. \_\_\_\_\_/2020

Mst. Syeda Saima Noreen D/o Late Syed Farooq Shah, resident of  
Quarter No.3, Forest Colony, near Shahzada Masjid, Tehsil &  
District, Abbottabad.

...APPELLANT

**VERSUS**

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

...RESPONDENTS

---

*APPEAL UNDER SECTION-4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974  
AGAINST THE OFFICE ORDER ENDST NO.325-30 DATED  
13/01/2020 ISSUED BY RESPONDENT NO.3 WHEREBY  
THE APPELLANT HAS BEEN DISMISSED FROM  
SERVICE, IS PERVERSE DISCRIMINATORY, UNLAWFUL,  
MALAFIDE, WITHOUT LAWFUL AUTHORITY, WITHOUT  
JURISDICTION, ARBITRARY, HARSH AND AGAINST THE*

*PRINCIPLES OF NATURAL JUSTICE, HENCE  
INEFFECTIVE UPON THE RIGHTS OF APPELLANT AND  
LIABLE TO BE SET-ASIDE.*

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---

**PRAYER:-**

ON ACCEPTANCE OF THE INSTANT APPEAL,  
THE IMPUGNED ORDER BEARING ENDST NO.325-30  
DATED 13/01/2020 ISSUED BY RESPONDENT NO.3, MAY  
GRACIOUSLY BE SET-ASIDE AND APPELLANT MAY  
KINDLY BE ORDERED TO BE RE-INSTATED IN SERVICE  
WITH ALL BACK BENEFITS. ANY OTHER RELIEF  
DEEMED FIT AND PROPER IN THE CIRCUMSTANCES OF  
THE CASE, MAY ALSO BE GRANTED IN FAVOUR OF  
APPELLANT.

---

---

Respectfully Sheweth,

Brief facts leading to the instant Service Appeal are prayed  
as under:-

1. That, the APPELLANT was appointed as Hostel Warden  
vide order No.10199-4/EbOIV/Apptt, in Govt Girls  
Centennial Model Higher Secondary School No.1,  
Abbottabad and thereafter, APPELLANT was illegally  
removed from service and on 12/11/2017 the APPELLANT  
was re-instated in service by the KPK Service Tribunal.

2. That, after the re-instatement, the APPELLANT performed her duties according to the law and full dedication and satisfaction of the high-ups till 13/01/2020.
3. That, the Respondent No.3 without any lawful reason initiated an inquiry against the APPELLANT therefore, the Inquiry officer, without issuing any information letter to the APPELLANT, the inquiry officer started the inquiry process and submitted the inquiry report and the copy of inquiry report was also not provided to the APPELLANT and, resultantly, the APPELLANT was dismissed from service by respondent No.3 vide impugned order dated 13/01/2020 without any lawful justification. **(Copy of dismissal order dated 13/01/2020 is annexed as Annexure "A")**
4. That, after issuance of said impugned order, the APPELLANT moved an Departmental Appeal/Representation for her re-instatement before respondent No.2 on 17/01/2020 which is still pending. **(Copies of departmental appeal alongwith postal receipt are annexed as Annexure "B" & C")**
5. That, feeling highly aggrieved by the impugned dismissal from service order dated 13/01/2020, the APPELLANT comes to this Hon'ble Tribunal on the following grounds:-

***GROUNDS:-***

- a) That, the impugned order of dismissal from service issued by respondent No.3 dated 13/01/2020 is illegal, unlawful, without lawful authority, discriminatory, result of highhandedness, politically motivated against the rules, policy and principle of natural justice, equity and fair play, hence, liable to be set-aside.
- b) That, the act of respondents loudly speaks of malice in collusion with some other persons to whom they wished to appoint in place of APPELLANT, is unwarranted at law, hence, the impugned order is liable to be set-aside.
- c) That, the APPELLANT has time and again approached the offices of respondent No.3 for redressal of her grievances, but to no avail, rather she has been subjected to run between pillar and the post of her lawful right, which she has accrued.
- d) That, the respondent No.3 has given harsh penalties to the APPELLANT without giving any opportunity without show cause notice, without adopted proper procedure under the E& D Rules 2011.

e) That, the act of respondent No.3 is against the law and provided in service rules that authority could terminate service of Civil Servants after informing Civil Servants in writing of grounds on which action of termination is proposed to be taken, however, in case of APPELLANT no such procedure has been adopted. Hence, the whole proceedings carried out in case of APPELLANT are nullity in the eyes of law.

f) That, the APPELLANT is a cancer patient alongwith many other diseases and while the APPELLANT was fighting against the cancer and other diseases, respondent No.3 made a pre-arranged order which is based on the conspiracy against the poor servant without any lawful justification, hence, the impugned order is liable to set-aside. (Copy of the Medical is annexed as Annexure "D")

g) That, the inquiry officer was not replaced upon the written request of the APPELLANT which clearly shows the malafide on the part of respondents.(Copy of the application for replacement of Inquiry Officer is annexed as Annexure "E")

h) That, no opportunity was given to the APPELLANT to defend herself.



- i) That, the copy of inquiry report has also not been provided to the APPELLANT although the APPELLANT submitted an application under Right to Information Act for the provision of Attested copies of the inquiry report. (Copies of the application to the DC and to the Govt of KPK Information Commission and order of the information commission are annexed as Annexure "E, G & H" respectively)
- j) That, the post of Hostel Warden in Govt Centennial Model Higher Secondary School No.1, Abbottabad is still lying vacant.
- k) That, the appellant seeks leave of this honourable tribunal to agitate additional grounds at the time of hearing of this appeal.
- l) That, the instant appeal is well within time.

**PRAYER:-**

On acceptance of the instant SERVICE APPEAL, the impugned order bearing Endst:No.325-30 dated 13/01/2020 issued by respondent No.3, may graciously be set-aside and APPELLANT may kindly be ordered to be re-instated in service with all back benefits. Any other relief which this Honourable Tribunal deemed fit and proper in the circumstances of the case, may also be granted in favour of APPELLANT in the best interest of justice.


**INTERIM RELIEF:-**

Meanwhile the operation of the impugned order Endst No.325-30 dated 13/01/2020, may kindly be suspended till the final disposal of instant SERVICE APPEAL and charge of the Hostel Warden may also be handed over to the appellant.

  
...APPELLANT

Through:

Dated: \_\_\_\_/04/2020

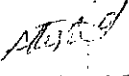
  
(Chaudary Abdur-Rauf Chohan)  
Advocate High Court, Abbottabad.

**VERIFICATION:-**

Verified that the contents of instant *SERVICE APPEAL* are true and correct to the best of my knowledge and belief and that nothing has been concealed therein.

Dated: \_\_\_\_/04/2020

  
...APPELLANT

  
Sh: Abdur Rauf Chohan  
Advocate High Court  
Office 284 Lawyer's Plaza I  
0347-314697

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

Service Appeal No. \_\_\_\_\_/2020

Mst. Syeda Saima Noreen D/o Late Syed Farooq Shah, resident of  
Quarter No.3, Forest Colony, near Shahzada Masjid, Tehsil &  
District, Abbottabad.

...APPELLANT

**VERSUS**

Govt of Khyber Pakhtunkhwa, through Secretary Elementary &  
Secondary Education, KPK, Peshawar & Others.

...RESPONDENTS

**WRIT PETITION**

**AFFIDAVIT**

I, Mst. Syeda Saima Noreen D/o Late Syed Farooq Shah, resident of  
Quarter No.3, Forest Colony, near Shahzada Masjid, Tehsil & District,  
Abbottabad., *APPELLANT*, do hereby solemnly affirm and declare that  
the contents of instant *SERVICE APPEAL* are true and correct to the best  
of my knowledge and belief and that nothing has been concealed from this  
Hon'ble Court.

Dated: \_\_\_\_\_/04/2020

*Signature*  
DEPONENT

...APPELLANT

*Attested*  
Ch: Abdur-Rauf Chohan  
Advocate High Court  
Office 28 Lawyer's Plaza I  
0347-3146975