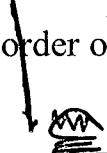



Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 1565/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/11/2022	<p>The appeal of Mst. Shagufta Bibi resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;"> REGISTRAR </p>

The appeal of Mst. Shagufta Bibi PST R/O Rahim Ud Din Killi P.O. Sakhakot Dargai received today i.e. on 1.11.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Memorandum of appeal may be got signed by the appellant.
- 4- Annexures of the appeal may be attested.
- 5- Address of appellant is incomplete.
- 6- Copy of application for extension of leave mentioned in para-3 of the memo of appeal is not attached with the appeal which may be placed on it.
- 7- Five more copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal. generate

No. 3100 /S.T,

Dt. 01/11 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

Respected Sir,

1- Removed

2- Removed

3- Removed

4- Removed

5- Removed

6- copy of application for extension of leave is attached at page - (3)

(7) Removed

Resubmitted after compliance



7/11/2022.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1565/2022

Shagfuta Bibi

VS


Education Deptt:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	P. NO
1	Memo of Appeal	-----	01-06
2	Affidavit	-----	07
3	Copies of medical prescription and application	A&B	08-11.
4	Copy of application	C	12-13
5	Copies of show cause and reply to show cause notice	D&E	14-15
6	Copies of service book and judgment dated 30.08.2019	F&G	16-26
7	Copies of order dated 28.10.2019, de-novo inquiry report, order dated 05.09.2022 and order sheet dated 06.09.2022	H,I,J&K	27-34
8	Copies of departmental appeal and rejection order dated 13.10.2022	L&M	35-40
9	Copy of notification dated 26.04.2016	N	42
10	Vakalat Nama	-----	43

APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
PESHAWAR
Cell# 0333-9390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 1855/2022

Khyber Pakhtunkhwa
Service Tribunal
Case No. 1824

Mst. Shagufta Bibi, PST (BPS-12),

R/O Rahim Ud Din Killi P.O Sakhakot Dargai. *Malakand*

@: Dated 1-11-2022

APPELLANT

VERSUS

1. The Secretary (Elementary & Secondary Education) Khyber Pakhtunkhwa, Peshawar.
2. The Director (Elementary & Secondary Education) Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female) District Malakand.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 28.10.2019, WHEREBY THE APPELLANT WAS REINSTATED INTO SERVICE WITH EFFECT FROM 30.08.2019 INSTEAD OF 06.06.2016, THE DATE ON WHICH THE APPELLANT WAS REMOVED FROM SERVICE, AGAINST THE ORDER DATED 05.09.2022, WHEREBY BACK BENEFITS FOR THE PERIOD W.E.F 06.06.2016 TO 29.08.2019 WAS DENIED TO THE APPELLANT AND AGAINST THE ORDER DATED 13.10.2022, WHEREBY THE DEPARTMENTAL APPEAL FOR BACK BENEFITS FOR THE PERIOD W.E.F 06.06.2016 TO 29.08.2019 HAS REJECTED WITHOUT GIVING ANY REASON.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 05.09.2022 AND 13.10.2022 MAY KINDLY BE SET ASIDE AND ORDER DATED 28.10.2019 MAY KINDLY

BE MODIFIED TO THE EXTENT TO REINSTATE THE APPELLANT INTO SERVICE WITH EFFECT FROM 06.06.2016 AND RESPONDENTS MAY BE DIRECTED TO GRANT BACK BENEFITS IN SHAPE OF SALARIES ALONG WITH OTHER EMOLUMENTS FOR THE PERIOD WITH EFFECT FROM 06.06.2016 TO 29.08.2019 BY TREATING THAT PERIOD ON FULL PAY. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant is working in the education department as PST (BPS-12) and is performing her duty with great devotion and honesty whatsoever assigned to her and no complaint has been filed against her regarding his performance of duty.
2. That the appellant while performing duty in the said capacity, she became pregnant and concerned doctor recommended her for maternity leave, therefore, the appellant applied for 45 days maternity leave with effect from 01.10.2015 to 14.11.2015 which was approved by competent authority. **(Copies of medical prescription and application are attached as Annexure-A&B)**
3. That after availing maternity leave for 45 days, the appellant was not fully recovered, therefore the doctor again recommended her for 45 days maternity leave on which the appellant again applied for maternity leave with effect 15.11.2015 to 29.12.2015. **(Copy of application is attached as Annexure-C)**
4. That show cause notice was issued to the appellant in which the following allegations were levelled against the appellant,
 - a. absence from duty. According to the enquiry officer that the school remained closed since long and you come to school after the expiry of three/four months and then marked your signature in the teachers attendance register for three/four months on the same day.
 - b. Guilty of misconduct and applied for maternity leave with effect from 29.09.2015 to 14.11.2015 vide O.P.D slip No. 1874 dated 29.09.2015 and w.e.from 15.11.2015 to 29.12.2015 vide RHC Sakhakot O.P.D slip No.528 dated 12.11.2015 are verified from the incharge doctor were found fake and bogus.
 - c. PTC funds have been allotted to the Scholl, but no repair/work has been done in the last three years up till now.

The appellant submitted detail reply to the show cause notice and denied the entire allegations and gave the real facts about the issue. **(Copies of show cause and reply to show cause notice are attached as Annexure-D&E)**

5. That on the basis of above allegations, the appellant was removed from service on 06.06.2016, which is evident from the service book as the appellant has not the copy of removal order dated 06.06.2016. The appellant challenged the removal order dated 06.06.2016 in this Honorable Tribunal in service appeal No.1038/2016. The Honorable Service Tribunal heard and decided the appeal of the appellant on 10.08.2019. The Honorable Tribunal partially accepted the appeal, set aside the impugned order and reinstated the appellant into service without back benefits. However, the respondent department were placed at liberty to conduct de-novo inquiry in the mode and manner prescribed under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) rule 2011, with the period of ninety days from the receipt of the judgment. The issue of back benefits would be subject to the outcome of de-novo inquiry. **(Copies of service book and judgment dated 30.08.2019 are attached as Annexure-F&G)**
6. That as the department did not implement the judgment dated 10.08.2019, therefore, the appellant filed execution petition No.184/2021 in this Honorable Tribunal for implementation of judgment dated 10.08.2019 and during the proceeding of the execution petition, the appellant was reinstated into service through an order dated 28.10.2019 with effect from 30.08.2019 instead of 06.06.2016 i.e the date on which the appellant was removed from service. De-novo inquiry was conducted against the appellant and on the basis of de-novo inquiry an order dated 05.09.2022 was passed, wherein back benefits were not given to the appellant and on the basis of the order dated 05.09.2022 execution petition of the appellant was consigned on 06.09.2022 by the Honorable Tribunal, however, option was given to the appellant by the Honorable Tribunal that the appellant may challenge the order separately. **(Copies of order dated 28.10.2019, de-novo inquiry report, order dated 05.09.2022 and order sheet dated 06.09.2022 are attached as Annexure-H,I,J&K)**
7. That being aggrieved from the order dated 05.09.2022, the appellant filed departmental appeal on 19.09.2022 for grant of back benefits in shape of salaries and other emoluments for the intervening period from removal till her reinstatement into service i.e 06.06.2016 to 29.08.2019 by treating that period on full pay, which was rejected/disregarded on 13.10.2022. **(Copies of departmental appeal and rejection order dated 13.10.2022 are attached as Annexure-L&M)**
8. That the appellant has no other remedy except to file the instant service appeal in this Honourable Tribunal for redressal of grievance on the following grounds amongst others.

GROUND:


- A) That the order dated 05.09.2022 and 13.10.2022 and order dated 28.10.2019 are against the law, facts, material on record and norms of justice, therefore, not tenable and the order dated 05.09.2022 and 13.10.2022 are to be set aside and the order dated 28.10.2019 is liable to modified to the extent to reinstate the appellant into with effect from 06.06.2016.
- B) That the appellant was pregnant and the doctor recommended her for maternity leave from the period from 01.10.20215 to 14.11.2015 was also approved by competent authority and when she was not fully recovered, she again applied for maternity leave from 15.11.2015 to 29.12.2015 on the recommendation of doctor and maternity leave cannot be denied as per rules and superior courts judgments, but despite that she was removed from service on the basis of that absence although she applied for maternity leave.
- C) That in show cause notice of baseless allegations was leveled against her that she remained absent from her duty and the school remained closed since long and you come to school after the expiry of three/four months and then marked your signature in the teacher attendance register for three/four months on the same day, but in her reply to this allegation she denied the allegation and mentioned that she was on maternity leave and after recovery she has regularly performed her duty and during her performing duty monitoring cell visited to her school and no complaint has been made regarding her performance, which is authentic proof of performing of her duty similarly the other charge that she applied for maternity leave through OPD slip which were found fake and bogus but the appellant submitted his reply to this charge that submitted her genuine medical reports and ultrasound to the concerned office and is ready to present it at any forum for her defense, similarly the last allegation in the show cause notice that PTC funds have been allotted to the school but no repair/work has been done in the last three years till now and in respect of this allegation he submitted she remained head teacher for two years i.e in 2014 and 2015 and she spent PTC funds on compound wall, main gate and stationary of the school, which means that the concerned authority without observing the reply of the show cause notice removed her from service on baseless allegations on 06.06.2016 which was later on reinstated on 30.08.2019 on the basis of this Honorable Tribunal judgment dated 30.08.2019, which shows that the appellant has been punished for no fault on his part by depriving her from performing duty from 06.06.2016 to 29.08.2019 and receiving salaries along with other emoluments for that period.
- D) That the de-novo inquiry was conducted against the appellant without digging out the realty about the facts as the appellant was

performing her duty at GGPS Khanori No.2 at the time of her removal, which is evident from the transfer notification dated 26.04.2016 of the appellant from GGPS Khanori No.1 to GGPS Khanori No.2, but the inquiry officer mentioned that she was supposed to be present in GGPS Khanori No.1 as at the time of removal from service she was working in GGPS Khanori No.1, similarly the inquiry officer also mentioned in his de-novo inquiry report that when asked that where she has performed the duty for which she claims the back benefits her reply was that she has performed the duty in GGPS Bama Kanda Sakhakot Malakand, but it is necessary to mention here that after reinstatement into service she was posted at GGPS Bama Kanda Sakhakot Malakand, which means that the inquiry officer did not conduct the proper inquiry to dig out the reality about the maternity leave of the appellant during her absence period and denied the back benefits to the appellant in slip shod manner, which is against the law rules and norms of justice. **(Copy of notification dated 26.04.2016 is attached as Annexure-N)**

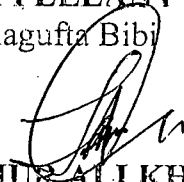
- E) That the appellant has been removed from service 06.06.2016, which was challenged by the appellant in service appeal 1038/2016. The Honorable Tribunal set aside the order dated 06.06.2016 meaning by the appellant is entitled to be reinstated w.e.f 06.06.2016, but she was reinstated into service through an order dated 28.10.2019 w.e.f 30.08.2019 instead of 06.06.2016 and by reinstating w.e.f 30.08.2019 instead of 06.06.2016 there is break in service w.e.f 06.06.2016 to 29.08.2019, due to which her seniority and promotion will be effected and will even create legal complication in finalization of her pension after her retirement, therefore, the order dated 28.10.2019 is liable to be modified to the extent of reinstatement w.e.f 06.06.2016 instead of 30.08.2019.
- F) That on the basis of de-novo inquiry, meeting was held in which back benefits were denied to the appellant on the principle of no work no pay, but the appellant was removed from service on the fault of the department as she applied for maternity leave which cannot be denied by the authority as per rules and superior court judgments and during that period when she has pregnancy problem and unable to perform her duty and applied for maternity leave she was removed from service on the basis of absence, therefore, the appellant should not be punished for the fault of the department by depriving her from back benefits.
- G) That the appellant remained unpaid employee (not remained gainfully employed) for period from removal from service till reinstatement into service and per superior court judgment, he is entitled for back benefits for the period with effect from 06.06.2016 to 27.10.2019.

- H) That the appellant has not been treated in accordance with law and rules and has been deprived from her legal right of back benefits for no fault on her part.
- I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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


APPELLANT
Shagufta Bibi

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Shagufta Bibi

V/S

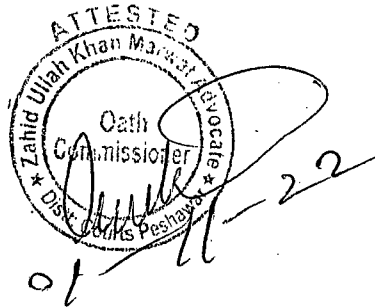
Education Department

.....

AFFIDAVIT

I, Shagufta Bibi, PST (BPS-12), R/O Rahim Ud Din Killi P.O Sakhakot Dargai, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this august Court.


DEPONENT





قومی توسیعی پروگرام برائے حفاظتی ٹیکہ جلات
وزارت برائے نیشنل ہیلتھ سروسز، ریگولیشنز اینڈ کنٹرول آرڈینیشن - حکومت پاکستان



(5)

A

A (8)

Pregnant Mother's Vaccination Card

نام: تگینہ
شوہر/والد کا نام: عبد زار
تاریخ پیدائش/عمر: 24
یونین کونسل: درستی - کلاں -
تحصیل/تعلقہ: درستی ضلع: حیدرآباد
کارڈ نمبر: 219
ای پی ایچ سی سنٹر کا نام: Fathi Ashakai
تاریخ اجراء: 20.6.15
نیکر گاہنے والے کا نام: Pamal فون نمبر: 534-4992890

9

Vaccination Record

تاریخ جب ٹیکہ لگوا یا گیا	ٹیکہ لگوانے کی متوقع تاریخ	ٹی ٹی
20.6.15		1
2-10-15	20.7.15	2
	2-4-16	3
		4
		5

حاملہ خواتین کے لئے حفاظتی ٹیکوں کا شیڈول

1 - ٹی ٹی	حمل کے دوران	1
2 - ٹی ٹی	پہلے ٹیکے کے ایک ماہ بعد	2
3 - ٹی ٹی	دوسرے ٹیکے کے چھ ماہ بعد	3
4 - ٹی ٹی	تیسرے ٹیکے کے ایک سال بعد	4
5 - ٹی ٹی	چوتھے ٹیکے کے ایک سال بعد	5

ہدایات

حاملہ خواتین تشخیص سے بچاؤ کے لئے درج بالا شیڈول کے مطابق ٹیکوں کا کورس مکمل کروائیں
یہ ٹیکے ماں اور نونو مولود بچے دونوں کو تشخیص کی خطرناک بیماری سے بچاتے ہیں۔



OPD TICKET



10

OUT PATIENT DEPARTMENT TICKET

BHU: Ashaka Yearly OPD No: 503
 Monthly OPD No: 503 Date: 14/10/15 OPD No: 503
 Patient's Name: Shaqir Age: 22 Sex: M F
 Father / Husband's Name: Ullah Contact # (if possible):
 Address: Ullah
 Problem/Disease Diagnosed: Demy
 Patient Seen By: Demy

PRESCRIPTION / TREATMENTS / SUGGESTION / REFERRED TO / FEEDBACK

AS
 Ashaka
 Demy
 D.A.M.C

R. las - S.T.Max 100 mg - (2)
 0.75 mg 2
 3
 R. las - S.T.Max 100 mg
 0.75 mg 2
 3
 R. las - S.T.Max 100 mg - (3) us
 14.10.15

[Signature]
 14.10.15

Signature of MO / INCHARGE:

سال سے کم عمر کے بچوں کو ہر قسم میں ایسٹریو کے روئے ضرور پڑا ہیں۔

MEDICAL OFFICER
 INCHARGE BHU
 ASHAKA

Post No



11

1874
28-9-15

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

DR. Masjumi Rehman

M.O

R.H.C

Sakharat

29/10/15

DR. SAADAT ANWAR
M.O RHC
Sakharat

(3) DE.O. محترم
 (F & SE) تمام ملازمتوں
 درخواست برائے میٹرنٹی لیبو 45 دن
 01-10-2015 تا 14-11-2015
 B.I.P. @
 Anwar

جناب عالی!
 مؤدبانہ گزارش ہے کہ خود سے بیماری اور ڈاکٹر
 صاحبین سے خود سے کو میٹرنٹی لیبو کی ضرورت ہے۔ میرا بیکس ہسپتال
 درخواست ہے اس کے ساتھ ساتھ جس کے بارے میں خود سے
 01-10-2015 تا 14-11-2015 تک سکول میں حاضر رہی
 جس سے قاعدگی ہے۔

مکمل آ رہا ہے۔ تمام باقی کے بارے میں کو میٹرنٹی لیبو
 میٹرنٹی لیبو میں حاضر ہو کر دستاویز فراہم کریں۔
 Head Mistress
 S.C.P.S. No. 1
 Khanol
 عین کو میٹرنٹی لیبو میں

29/09/2015 مورخ

فقط ذیادہ آداب

Received on
 30-9-2015
 S.D.E.O (F) Butkhal
 سیدہ

آئی ایم فرم سے شہادت ہے جسے آئی ایم
 جس سے ایس خانو سے ہے

(1)

C Amna

محترم جناب D.E.O. صاحب محکمہ ابتدائی و ثانوی تعلیم ضلع ملائکہ

درخواست برائے میٹرنٹی لیو 45 > 40

2015-11-15 تا 2015-12-29

جناب عالیہ!

مؤدبانہ گزارش ہے کہ فروریہ بیمار ہے۔

ڈاکٹر صاحبہ نے فروریہ کو میٹرنٹی لیو تجویز کیا ہے۔ میڈیکل سرٹیفکیٹ درخواست دہرا کے ساتھ لف ہے۔ جس کی وجہ سے

فروریہ 2015-11-15 تا 2015-12-29 تک سکول میں حاضری دینے سے قاصر رہے گی۔

لہذا آپ صاحبان میں بانی کر کے فروریہ کو مذکورہ

میٹرنٹی لیو عطا فرمائے۔ مشکور فرمادیں۔

عین نوازش ہوگی۔

فقو ذیادہ آداب۔

محمد رفیع صوفی 2015-11-15

آپ کی تابع فرمان متعلقہ ای پی پی
ایس ایس جہانور ایس۔ ایس۔

Head Mistress
G.G.P.S, No. 1
Khanol

(2)

14

Medical No. 2

Rs. 5/-

No. OUT-PATIENTS DEPARTMENT

NAME.....

YEARLY NO.....

DATE.....

No. OUT-PATIENTS DEPARTMENT

Rs. 3/-

NAME *Shagufta*.....

YEARLY NO. *528*.....

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

DISEASE.....

FACE VALUE RUPEES 5/-

This pt Mrs. Shagufta is advised to have Postnatal maternity leave of 45 days i.e. from 15/11/2015 to 29/12/2015.

Dr. Mayam Khan
DR. SAADAT ANWAR
S.M.O RHC
Sakhatkot
R. H. C
Sakhatkot
12/11/2015

~~Annex-D~~

D 15

SHOW CAUSE NOTICE

I, Dilshad Begum District Education Officer (F) Malakand, as a competent authority under the Khyber Pakhtunkhwa Government servant (E&D) Rules 2011 do hereby serve upon you Mst. Shagufta PST GGPS No.1 Khanori District Malakand.

As per inquiry report submitted by the SDEO(F) Swat Ranizai at Batkhela vide her office memo: No.834 dated 6.01.2016 now and your written statement that you have directed your duty assigned to you being a Primary School Teacher.

Ongoing through the materials on record and other connected papers, I am satisfied that you have committed the following acts/omissions specified in rule-3 of Khyber Pakhtunkhwa Civil Servant (E&D) rules 2011.

- (a) Absence from duty. According to the enquiry that the school remained closed since long and you come to school after the expiry of three/four months and then marked your signature in the teachers attendance register for three/four months on the same day.
- (b) Guilty of misconduct and applied for maternity leave with effect from 29.9.2015 to 14.11.2015 vide O.P.D slip No.1874 dated 29.9.2015 and w.e. from 15.11.2015 to 29.12.2015 vide RHC Sakhakot O.P.D slip No.528 dated 12.11.2015 are verified from the Incharge Doctor were found Fake and bogus.
- (c) PTC Funds have been allotted to the school, but no repair/work has been done in the last three years up till now.

2. (i) On the basis of the afore mentioned valid grounds and facts, the undersigned being the competent authority in exercise of the powers conferred under Rules-5(1)(a) of the Khyber Pakhtunkhwa (E&D) Rules, 2011, deem it un-necessary to conduct inquiry and therefore, decided to dispense with the inquiry procedure required under Rules-10(1) of the rules ibid.

(ii) As a result thereof, I as competent authority, have tentatively decided to impose upon you the major penalty of Removal from service under rules 4 (b) (iii) of the Khyber Pakhtunkhwa Civil Servants (E&D) Rules 2011.

You are therefore, directed to furnish your reply to the show cause notice as to why the Aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply to this notice is received within seven days or not more than fifteen days of its delivery. It shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

COMPETENT AUTHORITY
DISTRICT EDUCATION OFFICER (FEMALE)
MALAKAND AT BATKHELA.

Endst No. 295-97 /FNo/Complaint/PST (F)/ Dated 21/01 /2016.

Copy of the above is forwarded to:-

1. The P/A to Director Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
2. The SDEO(F) Swat Ranizai at Batkhela w/r to her office memo: No.834 dated 6.01.2016 and with the direction to serve the said show cause notice on the accused teacher.
3. Mst. Shagufta PST GGPS No.1 Khanori Malakand with the remarks, that her reply should be reached to this office within seven days positively.

Received at 28/01/16

To

DISTRICT EDUCATION OFFICER (FEMALE) MALAKAND AT BATKHELA.

**Subject : Reply to the Show Cause Notice ,
dated 21/01/2016;Endst No.295-97.**

Madam

I ,Mist. Shagufta PST GGPS Khanori No.1 Distt.Malakand would like to say that I am shocked and astonished when I received the show cause notice from your office but I refuse and refute it because of the following background facts .

- (1) Sentence no. (a) in show cause is baseless and merely a charge and blame imposed upon me as I've regularly performed my due duty and during my duty many times Monitoring Cell Members visited our school and I put my signatures in theirs' mobile of data collection and checking teachers attendance in school . It's a very clear and authentic proof of performing my duty in the period as you mentioned.
- (2) Sentence no. (b) is also not based on facts , as I've taken step by step permission and submitted my medical and ultrasound report to the concerned office and that was my legal right . And I have all the necessary medical reports which are genuine and based on facts ,if needed I'll present at any forum for my defense .
- (3) Sentence no.(c) have no facts and intended to merely torture me , as I've taken my charge as PSHT of the school at 25/08/2014, and merely spent P.T.C amount of two years of 2014 and 2015 on compound wall , main gate and stationary of the school .

Note.copy of the show cause notice is attached with.

So I most humbly request you to sit aside the show cause notice and release my salary , for because of stopping my salary a lot problems are being created with respect to my children education and livelihood .

THANKS

**Yours obediently Mst.Shagufta GGPS Khanori No.1 Subdivision Batkhela
Malakand. Dated 28/01/2016**

Sirunig book

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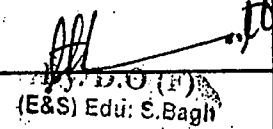
(For use in Police Department only)

Heirs:

1. _____
2. _____
3. _____

Verification Roll No.	dated	received back

Left Thumb Impression

Qualification	Date	Qualification	Date
1) S.S. (A) 2007 M.G. Roll No 51091 Marks 456/900 English Grade "C" P.S.B Malakand at Chakdara.		First Arts	
2) Intermedial (A) 2009 Humintes Pushto Roll No 25614 Marks 578/1100 Grade "C" P.S.B Chakdara Urdu Malakand		B.L. Or B.A.	
		Pleadership examiantion	
	 S.D.O (P) (E&S) Edu: S. Bagh	Training School Final examiantion	
Finger Print		Other qualification:—	
Drill Instructing		passed PTC from AIOU Islamabad under R. No A1602973 obtained 544/900 Result declaration 28/2/20	
Part Duties			
Serve Duties			

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

Name: Shagufta Bibi

Race: Muslim

Residence: Village Gul Dehrai P.O. Kambal Tehsil
Samar Bagh Distt Dir Lower

Father's name and residence: Mohammed Yusuf At Abad

Date of birth by Christian era as nearly as can be ascertained: 10-03-1991
Ten Th March N.H of Ninety one.

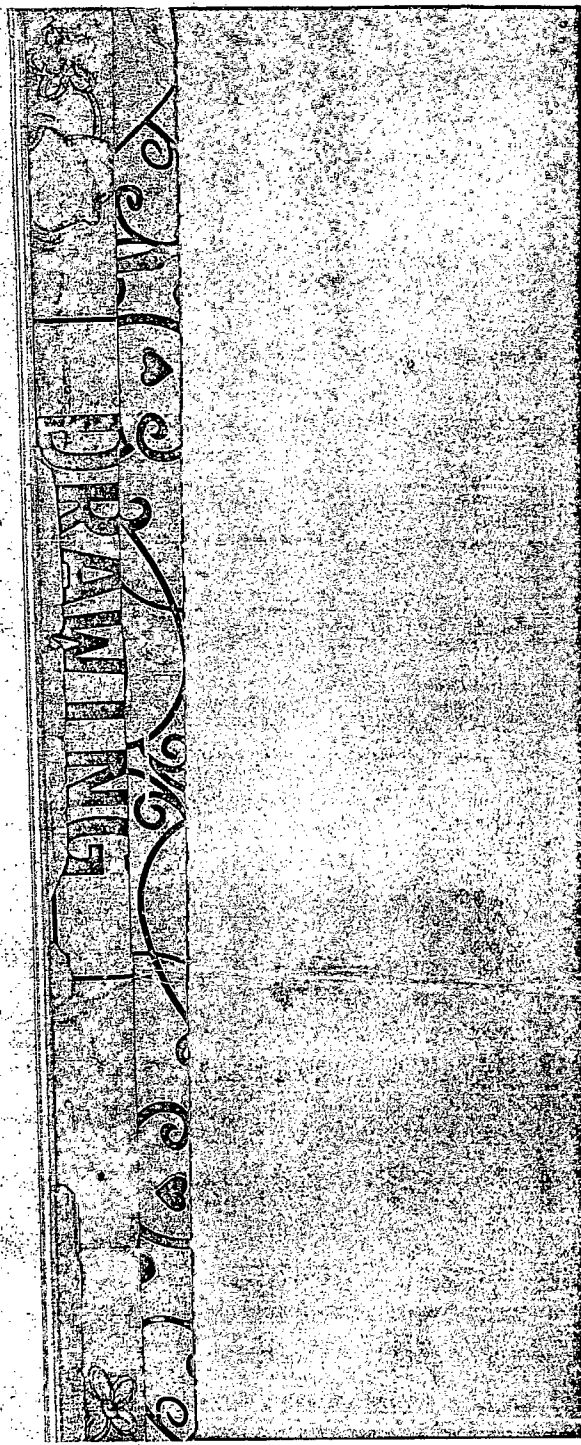
Exact height by measurement: 5-2

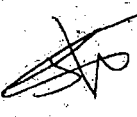





Personal marks for identification: Mole on Rt side face

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

Little Finger 

Ring Finger 



1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If 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	7 Date of appointment	8 Signature of Government Secretary	Signature of the holder or other in all columns
S.T. RPS Shahi	Off. Temp	B.P.S. 6 Fixed	Rs 3430/- Fixed	(3430-175-8580)		03 01-2011		
		B-6C (5600-290-14300)	Rs: 5600/- Fixed			12 01/11		
RPS Ghadai 14828		Rs 5600/- Fixed				12 01/11		
-do-	-do-	-do-	Rs 7000/- P.M.			12 07/2012		
do	do	do	Rs 7000/- P.M.			12 01/12		
RPS Launda	do	do	Rs 7000/-			28 08/2013		Sub: Di Sam
5600/-								
RPS No. 1		Fixed	Rs 5600/- P.M.			07-2011 1-12-2011		
		Accounts Office Pakistan Party K.P. Peshawar						
RPS No. 1						1/10		

20

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8.	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.	
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
<i>[Signature]</i> Off. D.O (F) (E&S) Edu: S. Bagh	30/6/11	PSR:-	<i>[Signature]</i> Off. D.O (F) (E&S) Edu: S. Bagh	APPOINTED as PST in P.P.S. No 6 Fixed 3430/- P.M. Fixed Plus. General allowances vide Dir lower at Timergara				
<i>[Signature]</i> Off. D.O (F) (E&S) Edu: S. Bagh	30/11/11		<i>[Signature]</i> Off. D.O (F) (E&S) Edu: S. Bagh	No 22460-75/A PPT: 2011/ERT; dated Timergara 23-12-2010.				
<i>[Signature]</i> Off. D.O (F) (E&S) Edu: S. Bagh	30/6/12	upgraded to B-12	<i>[Signature]</i> Off. D.O (F) (E&S) Edu: S. Bagh			<i>[Signature]</i> Off. D.O (F) (E&S) Edu: S. Bagh		
<i>[Signature]</i> S.D.E.O. (F) Samar Bagh	30/11/12	A/P: with A/P	<i>[Signature]</i> S.D.E.O. (F) Samar Bagh	S-I @ 155600/- PM Verified in BRS-6 WEF 1-8-2011 and Paid PPT Allowed WEF 1-3-2011 to 31-7-2011 = Rs 41517/-				
<i>[Signature]</i> Off. D.O (F) Samar Bagh	27-8-2013 30/9/2013	Transfer	<i>[Signature]</i> Sub-Div. Edu. Officer (F) Samar Bagh Dir. (L)			<i>[Signature]</i> Off. D.O (F) Samar Bagh		
<i>[Signature]</i> Sub-Div. Edu. Officer (F) Samar Bagh Dir. (L)	30/9/2013	Transfer	<i>[Signature]</i> Sub-Div. Edu. Officer (F) Samar Bagh Dir. (L)	Cause Notice accepted and the absence period w.e.f 1-9/2011 to 28/2/2012 is treated as leave with out pay vide EDO (E&S) Lower Dir at Timergara No 47476 dated 10/1/2012				
				<i>[Signature]</i> Off. D.O (F) (E&S) Edu: S. Bagh Dir				
				Pg Action 0-5-2 WEF 1-3-2012.				

(Signature)

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant.
<p><i>Post</i> <i>GRPS</i> <i>Khanosi No. 1</i> <i>M/10</i> <i>BPS-12</i></p>	<p><i>H/H</i></p>	<p><i>7500/P.M</i></p>	<p><i>1</i></p>	<p><i>12</i></p>	<p><i>12</i></p>	<p><i>1-2-13</i></p>	
<p><i>CA</i></p>		<p><i>Rs. 8000/-</i></p>			<p><i>12</i></p>	<p><i>1-14</i></p>	<p><i>(Pay fixed in BPS-12 Rs. 9033-650-28555)</i></p>
<p><i>CA</i></p>		<p><i>Rs. 10355/-</i></p>				<p><i>1-7-15</i></p>	
<p><i>de</i> <i>Removal from</i> <i>Service</i></p>	<p><i>de</i></p>	<p><i>Rs. 11005/-</i></p>			<p><i>12</i></p>	<p><i>1-15</i></p>	<p>Removed from Service due to prolonged absence from duty of MSi Shagufta Bibi PSTC/GRS No. 2 Khanosi vide DEO (F) Malakand at Batkhela order end No. 3109-13 dated 6-6-2016.</p>
		<p><i>S.D.E.O. (Female)</i> <i>Batkhela</i></p>					

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9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or praise of the Government Servant	
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
	<i>(pay delum order no. 4994 - 5000)</i> T/625 17/11/14	<i>DBUE, memo dt 12/11/14</i> G. Amt No. 232926/ Ded @ 20389/ Net 212552/ pay + All- w/f 1 ¹⁰ / ₁₃ to 31 ¹⁰ / ₁₄		<i>Period</i> 1-18/08/2012	<i>Government to which debitable</i> B-12 vide Finance Deptt; Notification No. 50 (B&A) 1-18/08/2012 dated 8-7-2012 and E.P.O (E&SE) Lower Dir dt 12/08/2012 dated 29-8-2012.		<i>Reference to any recorded punishment or censure or praise of the Government Servant</i>	
	30 ¹¹ / ₁₄	<i>Pr/Kw</i>						
	30 ⁶ / ₁₅	<i>Pr/Kw</i>						
	30 ¹¹ / ₁₅	<i>Pr/Kw</i>						
<i>Service verified with 1-3⁷/₈ 2011 - 2012 From the office record.</i>				<i>Service Verified W.e.f. 1-3-2011 To 30/9/2013</i>				
<i>Service verified with 1-3⁷/₉ 2012 - 2013 From the office record.</i>				<i>Service Verified W.e.f. 1-3-2011 To 30/9/2013</i>				

(21) Service Verified W.E.F. 10/3/20
To 30/11/19 from the Office
Record

9	10	11	12	Leave		
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Government to which debitable
					Period	
					<p>Signature of the head of the office or other attesting officer</p> <p>S.D.E.O (F) Bathkela Mkd</p>	<p>Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government</p> <p>Government to which debitable</p>
<p>Safiq S.D.E.O (F) Batkela Mkd</p>					<p>Consequent upon the decision of Honorable Service Tribunal Chybee Pulchankhawa Pasha Order dated 30-8-2019 In Sd Appeal No. 1038/2016, Mst. Shagufta Bibi Ex PST is hereby reinstated on service against PST B-12 w.e.f 30-8-2019 vide Order No. 5541-47 Dated 28-10-2019</p>	
<p>Safiq S.D.E.O (F) Batkela Mkd</p>					<p>back benefit 311.</p>	
<p>Safiq S.D.E.O (F) Batkela Mkd</p>					<p>T# 299 dt 09/3/2020 Drawn on a/c of pay and allowances w.e.f 9/3/2020 to 29/2/2020 in Re-instatement @ 105492/- less GPF 6660, BF 1800, EEF 375, RBA 1800 NET Rs=94778/2</p>	
					<p>Safiq S.D.E.O (F) Batkela Mkd</p>	
					<p>10.3.2020</p>	

T# 299 dt 09/3/2020
Drawn on a/c of pay and allowances w.e.f 9/3/2020 to 29/2/2020 in Re-instatement @ 105492/- less GPF 6660, BF 1800, EEF 375, RBA 1800
NET Rs=94778/2

10.3.2020



Amex J
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1038/2016

Date of institution ... 06.10.2016

Date of judgment ... 30.08.2019



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

... (Appellant)

VERSUS

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

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

Handwritten signature and date: 30-8-2019

Mr. Noor Muhammad Khattak, Advocate .. For appellant.
Mr. Muhammad Jan, Deputy District Attorney .. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. HUSSAIN SHAH .. MEMBER (EXECUTIVE)

ATTESTED

Handwritten signature
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER:- Counsel for the

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

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

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

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

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

*11/07/19
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ATTESTED

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

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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

6. Perusal of the record reveals that the appellant was serving in Education Department as Primary School Teacher. She was imposed major penalty of removal from service on the allegation of absence from duty without permission of lawful authority but the record reveals that neither charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor any show-cause notice alongwith copy of any inquiry report was handed over to the appellant nor any absence notice was issued by the competent authority to her nor any advertisement regarding her absence was published in two newspaper as required under rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011 therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and reinstate the appellant into service without back benefits. However, the respondent-department are at liberty to conduct de-novo inquiry in the mode and manners prescribed under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011 within a period of ninety days from the date of copy of receipt of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
30.08.2019

Muhammad Amin Khan Kundi
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

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

Hussain Shah
(HUSSAIN SHAH)
MEMBER

Date of Presentation of Application 30-08-19
Number of Words 1200
Copying Fee 16-00
Urgent —
Total 16-00
Name of Copyist [Signature]
Date of Completion of Copy 30-09-19
Date of Delivery of Copy 30-09-19

(14)

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

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OFFICE ORDER.

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

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

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

Endst: No. 5541-47 Dated 28/10/2019.

Copy of the above is forwarded to the:

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

DISTRICT EDUCATION OFFICER
(FEMALE) MALAKAND AT BATKHELA

(18)

OFFICE OF THE PRINCIPAL GGHSS PALONOW

No. 1848

Dated 31-08-2022

INQUIRY COMMITTEE:

→ Safia Bibi Principal GGHSS Palonow

Chairperson

→ Shagufta Begum Principal GGHSS Haryankot

Member

→ Venue of Inquiry

DEO (Female) Malakand at Batkhela

→ Dated

24-08-2022

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

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

FINDINGS:

The findings of the inquiry committee are as under.

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

1. While going through the judgment of honorable court the committee is of the view that there are two parts of the judgment.

- a) Re-instatement of Mrs. Shagufta Bibi and
- b) Back benefits subject to the outcomes of denovo inquiry (Anex B).

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

2. As far as the other part of the judgment i-e back benefits is concerned a committee for denovo inquiry was constituted vide DEO Female Malakand order No. 5853-57 Dated 21/11/2019 but in the said inquiry report there is nothing about the back benefits and in view of the said inquiry Mrs. Shagufta Bibi was favored by the then DEO Female and transferred to her home hometown. Instead of fulfilling the requirements of court judgment about back benefits the then DEO facilitated the accused teacher (Anex D).

3. The appellant was habitual of absenteeism from the beginning of the service in District Dir lower as proved from service book record (Vide EDO E&SE Dir Lower Order No. 474-76 Dated 10/01/2012). (Anex E)

4. The willful absence of accused teacher from duty has been proved by providing fake medical chit.

5. When asked that where she has performed the duty for which she claims the back benefits her reply was that. She has performed the duty in GGPS Bama kanda Sakhakot Malakand, while she was supposed to be present in GGPS Khanori No.1 as at the time of removal from service she was working in GGPS Khanori No.1.

The accused teacher was imposed the minor penalty of "censure" in addition to recovery of pay for the period of absence from duty w.e.f 01-09-2015 to 31-12-2015 which is converted to extra ordinary leave without pay with the directives that entry should be made in the service book vide DEO Female Malakand (Order No. 1387-90 dated 03-03-2016) (Anex F) But recovery was not done from the accused teacher and the entry was not made in the service book.

7. According to inquiry report number Nil on Dated 19-12-2015 the accused teacher remained absent and come to school once after three or four months and marked herself present in attendance register. She even marked the attendance of that time which she claimed for fake maternity leave too. (Anex G).

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CONCLUSION:

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

RECOMMENDATION:

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

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

SIGNATURE OF THE INQUIRY COMMITTEE

1. Safia Bibi.

[Signature]
31/08/22

PRINCIPAL
GCHSS Palonow
District Malakand

2. Shagufta Begum.

[Signature]
31/8/22

PRINCIPAL
GCHSS Haryar
Distt. Malakand

[Signature]
DISTRICT EDUCATION OFFICER
(3) Malakand & Baitrak



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

31

MINUTES OF THE MEETING (SPEAKING ORDERS)

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

The following attended the personal meeting:

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

Shagufta Bibi
Abdul Ali

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

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

Ali
Abdul Salam
District Education Officer
Malakand at Batkhela

(21) 32

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

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

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

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

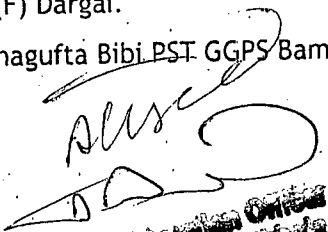
(MIDRARULLAH JAN)
DISTRICT EDUCATION OFFICER,
(FEMALE) MALAKAND.

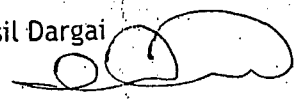
Endst: No. 6066-71 / Lit/ST/PF Shagufta PST

Dated 5/9/2022

Copy of the above is forwarded to the :

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


DISTRICT EDUCATION OFFICER
(FEMALE) MALAKAND


DISTRICT EDUCATION OFFICER,
(FEMALE) MALAKAND.



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

Amir
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OFFICE ORDER /

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

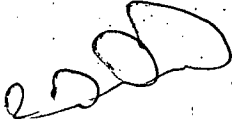
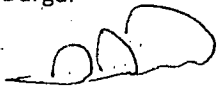
(MIDRARULLAH JAN)
DISTRICT EDUCATION OFFICER,
(FEMALE) MALAKAND.

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

Dated 5/9/2022

Copy of the above is forwarded to the :

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



DISTRICT EDUCATION OFFICER,
(FEMALE) MALAKAND.

(15)

Annex-2



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

E.P.No. 184/2021

APPEAL NO. 15898

/2018 Diary No. 16452

Dated 14/12/2020

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

VERSUS

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

..... **RESPONDENTS**

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

PRAYER:

Filed to-day
Registrar
11/12/2020

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

**R/SHWETH:
ON FACTS:**

Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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

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



6th September, 2022

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

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

(Kalim Arshad Khan)
Chairman

for new copy
Peshawar Service Tribunal
Peshawar

Number of Pages 800
Number of Volumes 10/5
Date 13-9-22
13-9-22

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Insured

Rs. Ps. (in words) Weight Kilo Grams

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To

**THE DIRECTOR OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PUKHTUNKHWA**

SUBJECT: Departmental Appeal for granting back benefits of the intervening period since 01-12-2015 till 28-10-2019 plus all the annual increments and allowances as per rules.

PRAYER:

That on acceptance of this appeal to sit aside, the time barred, de nova inquiry Endst: No. 6066-71 dated 5/9/2022 which deny the back benefits to the appellant in non-compliance to the honorable court order of the service tribunal Peshawar_ No.1038/2016. dated 30/08/2019.

The back benefits of the intervening period since 1.12.2015 till the reinstatement of the appellant on 28/10/2019 plus annual increments and allowances may very kindly be allowed as per rules.

R/SHWETH:

The Background Facts Are Below.

1. That appellant is working as primary school teacher (BPS-12) under the administrative control of district education officer (F) of elementary & secondary department district Malakand.
2. That during service the appellant filed application for maternity leave which was accepted by district education officer (F) of elementary & secondary department Malakand by allowing sanctioned leave considering the Revised Leave Rules 1986. That the appellant filed another application for the extension of her maternity leave which was also accepted by the DEO (F) and allowed further extension to the appellant. copies of the applications along with medical prescription and attendance register are attached as annexureA, B and C
3. That after expiry of the said leave the appellant submitted her arrival report and started performing her due duty at the concerned station quite efficiently and up to the entire satisfaction of her superiors. That astonishingly the DEO (F) issued a show cause notice dated 21-01-2016 to the appellant wherein it was alleged that the

P.T. C

appellant has absented herself from duty and embezzled the PTC fund. That in response the appellant submitted her detailed reply and denied the allegations with documentary proofs. Copies of the show cause notice and reply are attached as annexure.....D and E

4. That the DEO (F) Malakand stopped the salaries of the appellant w.e.f 01-12-2015 till 28-10-2019 without any plausible reason and clear justification. That the appellant feeling aggrieved filed departmental appeal for the release of her salaries w.e.f 1.12.215 and onward. But the DEO(F) Malakand instead of releasing salaries of the appellant transferred the appellant, merely on biasness, to GGPS Shawlai which is more than 95 kilometers away from her home station vide impugned order dated 7.3.2016. copy of the departmental appeal and transfer order dated 7.3.216 is attached as annexure..... F&G
5. That the appellant being aggrieved of the unlawful act of the DEO(F) Malakand filed departmental appeal but during the pendency of the said departmental appeal another order dated 26.4.2016 was issued due to which the appellant was transferred to GGPS Khanori.No.2. copies of the departmental appeal and transfer order dated 26.4.2016 are attached as annexureH
6. That the appellant was imposed with major penalty of removal from service on account of absence from duty vide order dated 06-06-2016 which was properly challenged well in time before the honorable service tribunal vide service appeal no. 1038/2016 which was very graciously been allowed vide judgement dated 30-08-2019, directing the respondents:
 - 1) to reinstate the appellant
 - 2) To give back benefits to the appellant after conducting de nova inquiry within a period of Ninety Days (copies annexedJ
7. And consequently, the appellant was reinstated on 28-10-2019 at GGPS khanori. No.2(annexed copy).K

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Departmental appeal on

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8. But as for as back benefits are concerned the respondent No.3 remained inactive up to round about three years and so the appellant was compelled to file an appeal before the honorable service tribunal Khyber Pakhtunkhwa.

Copies are attached withL

9. That the honorable service tribunal Khyber Pakhtunkhwa consequently summoned the respondents and took a report from them, but the respondent no.3 presented a time barred de nova inquiry Endst No. 1125-29 dated 5/9/2022, conducted after three years of the court order vide judgement dated 30-08-2019, with the arguments that the appellant is not entitled for the back benefits of the intervening period. Copy of the time barred de novo inquiry and court judgement are attached as annexure.....K

10. That the respondent No.3 stated in his/her de-novo-inquiry that the appellant has been transferred to her home station at the cost of her back benefits which is not true:

- 1) as the appellant is still serving far away from her home station.
- 2) back benefits can't be substitution for transferring to her home station as per rules.

11. That the appellant is further tortured by transfer to other union council on administrative ground pretending to not performing her duty, but it is purely the biasness of the respondent no. 3 and nothing else.

12. That court has accepted the de-novo-inquiry is be time barred and illegal and unlawful directed the appellant to challenge the time barred de-novo-inquiry of the respondent no.3. in separate file.

13. So, the honorable office concerned is requested to kindly sit aside the time barred de-novo-inquiry of the respondent no.3 and issue directions for granting the appellant the back benefits of the intervening period since 1.12.215 till the reinstatement of the appellant on 28/10/2019 of the appellant.

14. That during termination period of the appellant annual increment and allowance has also been stopped and as the appellant has been now reinstated on 28.10.20019 so all the annual increments and allowances may be given to the appellant.

P.T.O

the appellant filed departmental appeal on 06.06.2016 on

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15. Hope, you may kindly, after perusal of the appeal, approve the appeal and forward for necessary proceedings in favor of the appellant please.

Thanks

Dated 19/09/2022

APPELLANT
Mst. Shagufta Bibi,

Shagufta Bibi
19/09/22

PST (BPS-12) Govt. Girls Primary School Bama kanda,
Tehsil Dargai, District Malakand.

Contact No. 0345-1921620



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

No: 172 /F.No.372/Vo;I/appeal Malakand

Dated Peshawar the 13/10 /2022

To

The District Education Officer,
(Female) Malakand,

Subject: APPEAL.

Memo:

I am directed to refer to the subject cited above and to ask you to inform Mst;Shagufta Bibi PST B-12 GGPS Bama Khanda District Malakand that her appeal for granting back benefits of the intervening period w.e.f.1.12.2015 till 28.10.2019 is disregarded in the light of de novo inquiry which was conducted by the inquiry committee the teacher concerned may be inform accordingly please..


Endst No. _____/

Copy of the above is forwarded to the:

1. PA to Director E&SE KPK Peshawar.


Assistant Director (Female)
E&SE Khyber Pakhtunkhwa,

13/10/22.


Assistant Director (Female)
E&SE Khyber Pakhtunkhwa,

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

NOTIFICATION

The Government Girls Primary School No.1.Khanoori Malakand is totally damaged and due to less enrolment of students.

Hence GGPS No.1. Khanoori Malakand Code No.19744 is hereby merged in GGPS No.2.Khanoori Malakand Code No.29472.

Mst.Shagufta PST GGPS No.1.Khanoori is hereby transferred to GGPS No.2.Khanoori on her own pay and grade in the interest of public service with immediate effect.

Note:- No TA/DA is allowed.


Charge report should be submitted to all concerned.

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

Endst:No. 23.67-73 /FNo/Merging of GGPSs/DEO(F)Malakand/ Dated 26/4 /2016.

Copy forwarded to :-

- 1.The Director, E&SE Department Khyber Pakhtunkhwa, Peshawar for information please.
- 2.The Director, EMIS, E&SE Department Khyber Pakhtunkhwa, Peshawar with the request to delete Code No .19744 of GGPS-No.1.Khanoori please.
- 3.The SDEO(F) Swat Ranizai at Batkhela for information and necessary action.
- 4.The District Monitoring Officer Malakand.
- 5.The A/P DEMIS Cell local Office.
- 6-7.The Head Teachers concerned schools.


DISTRICT EDUCATION OFFICER (FEMALE)
MALAKAND AT BATKHELA.

VAKALAT NAMA

NO. _____/2021

IN THE COURT OF RP Service Tribunal, Peshawar

Shagufta Bibi

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Dept

(Respondent)
(Defendant)

I/We,

Shagufta Bibi

Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.


I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2021



(CLIENT)

ACCEPTED


TAIMUR ALI KHAN
Advocate High Court
BC-10-4240

CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar