


3rd Nov, 2022

1. None for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

02. On the previous date copy of "change", in compliance with directions of the Tribunal was submitted in the Accountant General Office by the respondents. On the previous date as well as today there is nobody present on behalf of the petitioner. It seems that the petitioner is satisfied on the "change source" submitted by the respondents that is why she has not come. This petition is filed. The petitioner if still feels that any part of the judgment has not been complied with, she may come again but within thirty days. Consign.

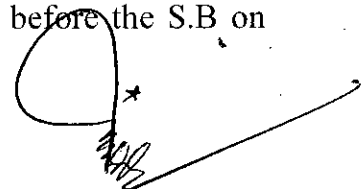
3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 3rd day of November, 2022.*


(Kalim Arshad Khan)
Chairman

26.09.2022

Nemo for the petitioner. Mr Kabirullah Khattak, alongwith Miss Samina Ghani, DEO (Female) and Syed Nasira Azam SDEO Twon-IV for the respondents present.

In pursuance of the order sheet dated 28.07.2022, the officers i.e. Miss Samina Ghani, District Education Officer (Female) Peshawar and Syed Nasira Azam Sub Divisional Education Officer Twon-IV, Peshawar appeared in person and submitted copy of the "change" to have been submitted to the office of Accountant General Peshawar. The same is placed on file. Application requesting for release of pay/salary has also been submitted. After having complied with the directions of court dated 28.07.2022, salary in respect of both the officers is hereby ordered to be released. Notice be issued to the petitioner as well as his counsel to appear and apprise the Tribunal about the current status/ final implementation of the judgement of Service Tribunal dated 22.11.2019 before the S.B on 03.11.2022.



(Mian Muhammad)
Member (E)

20th Oct, 2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. To come up for arguments on 30.10.2022 before D.B.

(Fareeha Paul)
Member(Executive)

(Kalim Arshad Khan)
Chairman

28.07.2022.

Petitioner present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

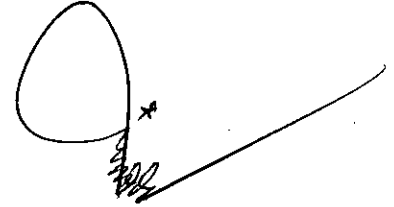
Despite directions, implementation report was not submitted. Notice be issued to the District Education Officer (Female), Peshawar and Sub Divisional Education Officer (Female) Town-IV, Peshawar to appear in person. Their salaries stand attached till further orders because the service appeal of the petitioner was decided on 22.11.2019 and till today, the respondent Department has not conducted regular inquiry in the mode and manner prescribed under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The Department was at liberty to conduct inquiry, however nothing was produced before this Tribunal in view of the present petition seeking implementation of order dated 22.11.2019. To come up for further proceedings and personal attendance of the above-mentioned two female officers alongwith proper implementation report on 26.09.2022 before S.B.


(Rozina Rehman)
Member (J)

07.04.2022

Clerk of learned counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG alongwith Muhammad Arshad, ADEO for respondents present.

In pursuance of the judgement of Service Tribunal dated 22.11.2019, representative of the department produced a copy of enquiry report dated 29.06.2020 which is placed on file. A copy of the same is also handed over to the clerk of learned counsel for the petitioner. However, it is observed that as per recommendation No.3 of the said enquiry report the petitioner is yet to be treated in accordance with E&D Rules 2011. Subsequent to which the Dy: DEO (F) Peshawar has addressed a letter dated 07.02.2021 to SDEO (F) Town-IV Peshawar directing him to issue show cause notice to the petitioner. To come up for further proceedings on 28.07.2022 before S.B.



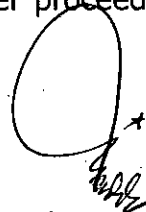
(MIAN MUHAMMAD)
MEMBER(E)

17

24.01.2022

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Muhammad Arshad, ADEO for respondents present.

Learned AAG requested for a short adjournment on the ground to consult the respondent-department and submit the implementation report. Learned counsel for the petitioner did not object on the adjournment. However, it is observed that the judgement of Service Tribunal is of two years old i.e 22.11.2019 and the department must have conducted a de-novo enquiry by now. It is therefore, expected from the respondent-department being under obligation to submit implementation report on the date fixed as a last chance. To come up for further proceedings on 14.02.2022 before S.B.



(Mian Muhammad)
Member(E)

07.02.2022

Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.04.2022 for the same as before.



Reader

14.10.2021

Husband of the petitioner present. Mr. Kabirullah Khattak,
Additional Advocate General for respondents present.

Implementation report not submitted. Learned AAG seeks
time to submit implementation report on the next date.
Granted. To come up for further proceedings before the S.B on
24.11.2021.


(MIAN MUHAMMAD)
MEMBER (E)

24.11.2021

Junior of learned counsel for the petitioner present. Mr.
Muhammad Adeel Butt, Addl: AG alongwith Miss. Benish, ADEO
(Litigation) for respondents present.

Implementation report not submitted. Representative of the
respondents needs time to submit implementation report on the
next date. Granted. To come up for implementation report on
03.12.2021 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

03.12.2021

Counsel for the petitioner present. Mr. Muhammad Adeel
Butt, Additional Advocate General for respondents present.

Implementation report on behalf of respondents not
submitted. Learned AAG seeks time to contact the respondents
for submission of implementation report. Adjourned. To come up
for implementation report on 24.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

EP 153/2020

24.06.2021

Counsel for the petitioner and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents. Request is accorded. To come up for implementation report on 01.07.2021 before the S.B.


Chairman

01.07.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and submit compliance report. Learned AAG is once again required to contact the respondents to implement the judgment under execution and submit compliance report on 12.08.2021 before S.B.


Chairman

12.08.2021

Junior to counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents. Request is accorded. Learned AAG is required to contact the respondents to implement the judgment of this Tribunal and submit compliance report on 14.10.2021 before S.B.


Chairman

11.01.2021

Mr. Islam Shah, clerk to learned counsel for petitioner is present. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents is also present.

Representative of the department is absent, therefore, learned Additional Advocate General is directed to contact the respondents and furnish implementation report on the next date positively. File to come up for implementation report on 08.03.2021 before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

08.03.2021

Husband of the petitioner present. Additional Advocate General for respondents present.

Implementation report not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of implementation report.

Adjourned to 05.05.2021 before S.B.

(Mian Muhammad)
Member (E)

05.05.2021

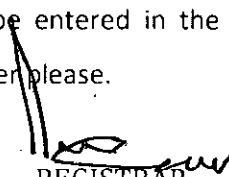
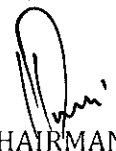

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 24.06.2021 for the same as before.

Reader

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 153/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	<u>16.10.2020</u>	<p>The Execution Petition submitted by Mst. Parveen Raza through Mr. Sikandar Rashid Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	20.11.2020	<p>This Execution Petition be put up before S. Bench on <u>20/11/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the petitioner present. Notices be issued to the respondents for submission of implementation report on 11.01.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Execution Petition No. 153 /2020

In

Service Appeal.No. 527 / 2019.

Parveen Raza

Vs

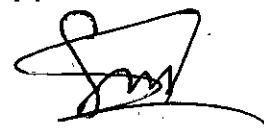
District Elementary & Secondary Education Officer (F) & others
.....

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5.	Judgment	B	12 to 15
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Applicant

through



Counsel

Mob.0336 ~~1277124~~

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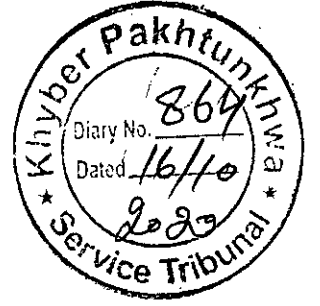
BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

In Re:

Execution Petition No. 153 / 2020.

in

Service Appeal.No. 527 /2019



Parveen Raza W/o Syed Raza Ali Shah R/o Chowk Yadgar
H.No.1155, Mohallah Shehenshah Baghi, Chowk Nasir Khan,
Tehsil & District Peshawar.....Petitioner.

Vs

1. District Elementary & Secondary Education Officer (Female),
Near No.1 School, Hashtnagri, G.T.Road, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa,
Near No.1 School, Hastnagri, G.T.Road, Peshawar.
3. A.D.E.O, Peshawar.
4. Principal GGSS Chamkani, Peshawar.....Respondents

**APPLICATION FOR IMPLEMENTATION OF ORDER DATED.22.11.2019
PASSED BY THIS HONOURABLE TRIBUNAL IN SERVICE APPEAL
No.527/2019 OF THE TITLE Mst PARVEEN RAZA Vs DISTRICT
ELEMENTARY & SECONDARY EDUCATION OFFICER (FEMALE) &
OTHERS.**

Respectfully Sheweeth:

1. That the above titled Service Appeal was partially accepted by this Honourable Tribunal vide Order dated.22.11.2019 by setting aside the Impugned Order dated.25.09.2018 in the following terms:

“As such we partially accept the Appeal, set aside the Impugned Order dated.25.09.2018. However, the Respondent Department is at liberty to conduct Regular Inquiry in the mode and manner prescribed under the Government Servants (Efficiency & Discipline) Rules, 2011”.

(True copy of the Appeal & judgment are marked as Annexure “A” & “B”)

2. That almost eleven months have lapsed since the Order dated:22.11.2019, was passed by this Honourable Tribunal but till date the Respondents have not passed any final.

3. That after passing of the Order dated.22.11.2019, the Petitioner gave an application along with attested copy of the Order of this Honourable Tribunal but despite that no proceedings have been conducted by the respondents under the Government Servants (Efficiency & Discipline) Rules, 2011 and accordingly no final order has yet been passed against the Petitioner, the Respondents have illegally deducted huge amount from the salary of Petitioner without any reason.

4. That it is yet another astonishing fact that the Respondents have neither given any show cause notice or conducted any inquiry against the Petitioner but still they have deducted certain amount from the salary of Petitioner.

5. That the Respondents have illegally deducted a handsome amount from the salary of Petitioner despite the fact that no final order has been passed yet.

6. That the Petitioner is supporting her family with her salary and the Respondent are illegally depriving the Petitioner of her salary and that too without any reason.

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It is therefore humbly prayed that Respondents may kindly be directed to implement the Order dated.22.11.2019 of this Honourable Tribunal in letter & spirit.

Farves Raza
Petitioner

through


Sikandar Rashid,
ASC, Peshawar.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Execution Petition No. 153 /2020.

In

Service Appeal.No. _____ / 2019.

Parveen RazaAppellant.

Vs

District Elementary & Secondary Education Officer (Female),
Near No.1 School, Hashtnagri, G.T.Road, Peshawar & others.....Respondents

AFFIDAVIT

I, Parveen Raza W/o Syed Raza Ali Shah R/o Chowk Yadgar, H.No.1155, Mohallah Shehenshah Baghi, Chowk Nasir Khan, Tehsil & District Peshawar do hereby solemnly declare on oath that the contents of the Instant Writ Petition are true and correct to the best of my knowledge and belief and nothing material has been concealed from this Honourable Court.

Parveen Raza
Deponent.

(Identified by)
Sikandar Hashid
SIKANDAR HASHID
Advocate
Supreme Court Of Pakistan

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BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Execution Petition No. _____/2020

In

Service Appeal.No. _____/ 2019.

ADDRESSES OF PARTIES

APPELLANT:

Parveen Raza W/o Syed Raza Ali Shah R/o Chowk Yadgar,
H.No.1155, Mohallah Shehneshah Baghi, Chowk Nasir Khan,
Tehsil & District.

RESPONDENTS:

1. District Elementary & Secondary Education Officer (Female),
Near No.1 School, Hashtnagri, G.T.Road, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa,
Near No.1 School, Hashtnagri, G.T.Road, Peshawar.
3. A.D.E.O, Peshawar.
4. Principal GGHSS Chamkani, Peshawar.

Applicant

through



Counsel

Cell No.0336 ~~1777124~~

6

ANNEXURE A

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

In Re:

Service Appeal.No. 527 / 2019.

Parveen Raza W/o Syed Raza Ali Shah R/o Chowk Yadgar,
H.No.1155, Mohallah Shehneshah Baghi, Chowk Nasir Khan,
Tehsil & DistrictAppellant.

Vs

1. District Elementary & Secondary Education Officer (Female),
Near No.1 School, Hashtnagri, G.T.Road, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa,
Near No.1 School, Hashtnagri, G.T.Road, Peshawar.
3. A.D.E.O, Peshawar.
4. Principal GGSS Chamkani, Peshawar.....Respondents

- A. SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, FOR TRANSFERING THE APPELLANT FROM GOVERNMENT PRIMARY SCHOOL No.2, AZA KHEL, MATTANI PESHAWAR, ACCORDING TO THE KHYBER PAKHTUNKHWA APPOINTMENT, DEPUTATION, POSTING AND TRANSFER OF TEACHERS, LECTURERS, INSTRUCTORS AND DOCTORS REGULATORY AUTHORITY 2011 ACT, SPECIALLY UNDER SUB SECTION 3 OF THE SAID ACT FOR THE CONVIENCE OF THE APPELLANT BEING FEMALE.
- B. TO DECLARE THE INQUIRY CONDUCTED BY RESPONDENT No.4 AS TOTALLY ILLEGAL & AGAINST THE LAW AND TO SET ASIDE THE NOTIFICATION No.5520-27, DATED.25.09.2018 ISSUED IN PERSUANCE OF THE INQUIRY AND ALSO TO DIRECT THE RESPONDENTS TO RELEASE THE SALARY OF APPELLANT FOR THE MONTH OF OCTOBER, 2015 TO APRIL 2016 WHICH HAS ILLEGALLY BEEN DEDUCTED BY THE RESPONDENTS.



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Respectfully Sheweeth:

1. That the Petitioner for the past 28 years is serving in the Education Sector and has remained on different posts. On 04.04.2013 the Petitioner was posted as P.S.H.T in Government Girls Primary School Masho Khel Anazai No.1 and thereafter on 10.05.2016 she was posted as under report Head Mistress in Government Primary School Azakhel No.2 Mattani.
2. That the Petitioner during the past three years was facing tremendous problems at the hands of A.D.E.O Badabher and her relatives who were posted as teachers in the School in which the Petitioner was posted. The teachers were not only using abusive language against the Petitioner but were also threatening her of dire consequences if she opens her mouth before the High-ups of Education Department about their mis-deeds.
3. That the Petitioner reported the matter to the D.E.O who declared the Petitioner as UNDER REPORT and transferred her to Government Primary School Azakhel No.2, Mattani.
4. That the Petitioner reported the matter to the Director Education (Respondent No.2) through a written application which was duly received on 15.03.2016 and a diary No.3285 was given to her application.

(True copy of the application is marked as Annexure "A")

5. That in pursuance of the application of the Petitioner, the Deputy Director Female (E & SE) Khyber Pakhtunkhwa wrote a letter dated.05.04.2016 to the District Education Officer (Female), Peshawar wherein a detailed report was sought so as to be submitted within 07 days for further necessary action.

(True copy of the Letter is marked as Annexure "B")



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6. That the Appeal of the Appellant was not being decided by the Respondents nor any inquiry was being conducted by the Respondents against the Appellant
7. That the salary of the Petitioner for the period from October 2015 to April 2016 was withheld by the Respondents for no good reason and despite the fact that Petitioner has asked the Respondents time and again to release the said salary but in vain.
8. That Petitioner is a permanent resident of Peshawar city and has to travel to far flung area from her abode to the place of her work and that too without getting any salary.
9. That the Petitioner remained regular and punctual in her service and has never been given any warning or explanation.

(Copies of attendance sheets are marked as Annexure "C")

10. That the Respondents started deduction from the salary of the appellant in the month of February 2017 and an amount of 10 days salary has been deducted in the month of May, 2016 without any reason.
11. That the Petitioner filed departmental appeal on 11.03.2017 before Respondent No.2 but that was never decided by the Respondent No.2.
12. That the Petitioner filed Appeal before the Services Tribunal, Khyber Pakhtunkhwa, Peshawar but the same was returned to the Petitioner to approach the proper forum as no final order has been passed against her.

(True copy of Appeal & Order dated.13.09.2017 is marked as Annexure "D" & "E" respectively)

13. That the Petitioner having no other remedy invoked the Writ Jurisdiction of the Honourable High Court Peshawar through W.P.No.5157-P/2017 which was disposed of by the Honourable High Court on 09.05.2018 with



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a direction to the Respondents to proceed against her (Appellant) and pass a final order. In the meanwhile, no deduction shall be made from the salary of the Petitioner.

(True copy of W.P.No.5157-P/2017 and Order dated.09.05.2018 are marked as Annexure "F" & "G" respectively)

14. That as the Respondents were not passing any final order, the Appellant filed a Contempt of Court Application No.554-P/2018 before the Honourable High Court Peshawar which was disposed of by the Honourable High Court vide order dated.28.11.2018 as the Respondents produced the Notification No.5520-27, dated.25.09.2018 being final order. It is worth to mention here that the said Notification was never sent officially or handed over to the Appellant rather the copy of said Notification was given to the Appellant on 28.11.2018 in the Honourable Peshawar High Court.

(True copy of C.O.C & Order dated 28.11.2018 are marked as Annexure "H" & "I" respectively)

15. That against the Order/Notification dated.25.09.2018, the Appellant filed a Departmental Appeal on 24.12.2018 but till date no decision has been made or communicated to the Appellant.

(True copy of the Departmental Appeal is marked as Annexure "J")

16. That as the Respondents have not decided the Departmental Appeal of the Appellant within the statutory period therefore the Appellant is filling the instant Appeal on the following grounds:

GROUND:

- a. That the Acts of Respondents are unlawful, illegal and against the well settled principles of natural justice which needs to be set aside.



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- b. That if the Petitioner has been absent for such a long time, has she ever been given any Show Cause Notice or Explanation for her absence from duty.
- c. That the Petitioner being on the verge of her retirement is entitled for transfer to the area of her residence as per policy of the government.
- e. That due to the unwanted attitude of the Respondents and her colleagues in the place of her posting, the Petitioner is suffering from mental agony and stress and could not concentrate on her job which needs full concentration.
- f. That the most astonishing aspect of the instant case is that the Respondents deducted the salary of Appellant from October 2015 to April 2016 as according to them she was absent from duty but the inquiry was conducted by the Respondents after the disposal of the W.P.No.5157-P/2017 on 09.05.2018. The Respondent No.1 wrote a letter to Respondent No.4 vide letter dated.04.08.2018 to make an inquiry against the Appellant as to whether the Appellant performed her duties in the above mentioned period or otherwise.

(True copy of the letter dated.04.08.2018 is marked as Annexure "K")

- g. That an Inquiry was conducted by Respondent No.4 and statements were recorded by the Inquiry Officer in the year 2019 to inquire into the matter pertaining to the year 2015 & 2016 which is totally against the law.

(Findings of Inquiry are annexed as Annexure "L")

- h. That the whole process of inquiry was initiated against the Appellant after the decision of the Writ Petition and just to avoid Contempt of Court proceedings against the Respondents as is evident from the letter dated.04.08.2018.

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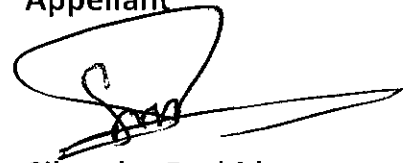
...6...

It is therefore humbly requested that on acceptance of this Appeal, the Impugned Notification No.5520-27, dated.25.09.2018 may kindly be set aside and the salary deducted from the Appellant for the period October 2015 to April 2016 may kindly be reimbursed to the Appellant.


It is further prayed that the Appellant may kindly be transferred to Peshawar City as she is a permanent resident of Peshawar City but despite this fact the Appellant has been posted at Aza Khel, Mattani which is a faraway place from her abode of living and that two that she has already served for more than three years in Aza Khel, Mattani.

Appellant

through



Sikandar Rashid,
A.S.C, Peshawar.



Inayatullah Khan,
Advocate.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 527/2019

Date of institution ... 29.04.2019

Date of judgment ... 22.11.2019

Parveen Raza W/o Syed Raza Ali Shah R/o Chowk Yadgar,
H.No. 1155, Mohallah Shehneshah Baghi, Chowk Nasir Khan
Tehsil & District

... (Appellant)

VERSUS

1. District Elementary & Secondary Education Officer (Female), Near No. 1 School, Hashtnagri, G.T. Road, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Near No. 1 School, Hashtnagri, G.T. Road, Peshawar.
3. A.D.E.O, Peshawar.
4. Principal GGHSS Chamkani, Peshawar.

... (Respondents)

A. APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, FOR TRANSFERRING THE APPELLANT FROM GOVERNMENT PRIMARY SCHOOL NO. 2, AZA KHEL, MATTANI PESHAWAR, ACCORDING TO THE KHYBER PAKHTUNKHWA APPOINTMENT, DEPUTATION, POSTING AND TRANSFER OF TEACHERS, LECTURERS, INSTRUCTORS AND DOCTORS REGULATORY AUTHORITY 2011 ACT, SPECIALLY UNDER SUB SECTION 3 OF THE SAID ACT FOR THE CONVIENCE OF THE APPELLANT BEING FEMALE.

B. TO DECLARE THE INQUIRY CONDUCTED BY RESPONDENT NO 4 AS TOTALLY ILLEGAL & AGAINST THE LAW AND TO SET ASIDE THE NOTIFICATION NO.5520-27, DATED 25.09.2018 ISSUED IN PURSUANCE OF THE INQUIRY AND ALSO TO DIRECT THE RESPONDENTS TO RELEASE THE SALARY OF APPELLANT FOR THE MONTH OF OCTOBER, 2015 TO APRIL 2016 WHICH HAS ILLEGALLY BEEN DEDUCTED BY THE RESPONDENTS.

Mr. Sikandar Rashid, Advocate

Mr. Riaz Ahmad Paindakheil, Assistant Advocate General

.. For appellant.

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI
MR. HUSSAIN SHAH

.. MEMBER (JUDICIAL)

.. MEMBER (EXECUTIVE)

ATTESTED

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the

appellant and Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

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2. Brief facts of the case as per present service appeal are that the appellant was serving in Education Department as Primary School Head Teacher. She was imposed ~~major~~ penalty of deduction of salary from October 2015 to April 2016 vide order dated 25.09.2018 by the competent authority on the allegation of willful absence from duty which was communicated to the appellant on 28.11.2018 as alleged by the appellant in para-4 of the departmental appeal. The appellant filed departmental appeal on 24.12.2018 but the same was not responded hence, the present service appeal on 05.04.2019.

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

4. Learned counsel for the appellant contended that the appellant was serving in Education Department as Primary School Head Teacher. It was further contended that the respondent-department started deduction from the salary of appellant, therefore, the appellant filed Writ Petition before the Worthy High Court. It was further contended that the Worthy High Court decided the Writ Petition and directed the respondent-department to proceed against her and pass final order and in the meanwhile no deduction shall be made from the salary of the appellant vide judgment dated 09.05.2018. It was further contended that the respondent-department was not passing the final order, therefore, the appellant filed Contempt of Court before the Worthy High Court and it was in Contempt of Court proceeding, the respondents produced the final order dated 25.09.2018 to the appellant on 28.11.2018 whereby the penalty of deduction of salary from October 2015 to April 2016 was imposed upon the appellant on the allegation of willful absence from duty. It was further contended that the appellant filed departmental appeal but the same was also not responded. It was further contended that a fact finding inquiry was initiated against the appellant wherein the appellant was shown absent from duty. It was further contended that neither the appellant was associated in the said inquiry nor proper charge sheet, statement of allegation was framed and served upon the appellant nor proper inquiry was conducted as per Government Servants (Efficiency & Discipline) Rules, 2011 nor any show-

M. Amin
22.11.2019

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cause notice was issued to the appellant, therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving in Education Department as Primary School Head Teacher. It was further contended that the appellant remained absent from duty with effect from October 2015 to April 2016 without the permission of the lawful authority. It was further contended that inquiry was also conducted against her and she was proved guilty of absence. It was further contended that after conducting all the codal formalities, the impugned order dated 25.09.2018 for deduction of salary from October 2015 to April 2016 was rightly passed by the competent authority and prayed for dismissal of appeal.

M. Anwar
22.11.2019

6. Perusal of the record reveals that the appellant was serving in Education Department as Primary School Head Teacher. The respondent-department started deduction from the salary of appellant with effect from October 2015 to April 2016. The appellant filed Writ Petition before the Worthy High Court which was disposed and the respondent-department was directed to pass final order against the appellant, the respondent-department passed order dated 25.09.2018 whereby the penalty of deduction of salary from October 2015 to April 2016 from appellant was ordered by the competent authority. The record further reveals that neither any charge sheet, statement of allegation was served upon the appellant nor proper regular inquiry was initiated against the appellant as per Government Servants (Efficiency & Discipline) Rules, 2011 nor the appellant was associated in any inquiry proceeding nor any show-cause notice was issued to the appellant, 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 dated 25.09.2018.

However, the respondent-department is at liberty to conduct regular inquiry in the mode and manners prescribed under the Government Servants (Efficiency &

ATTESTED

[Signature]
Secretary
Proctor

[Signature]
ATTESTED
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Discipline) Rules, 2011. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
22.11.2019

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Hussain Shah
(HUSSAIN SHAH)
MEMBER

Certified to be true copy
[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Petition 05-12-19
Number of Petition 2080
Copying Fee 2200
Stamp ---
Total 2200
Name of Officer [Signature]
Date of Issuance of Order 18-12-19
Date of Delivery of Copy 18-12-19

[Signature]
ATTESTED
TO BE TRUE COPY

BEFORE THE Services Tribunal K. P. Peshawar.
Mst. Parveen Raza

(18)

District Elementary School & others
Appellant/Petitioner
Complainant/Plaintiff
Respondent/Defendant

KNOW all to whom these present shall come that I/We the undersigned appoint

SIKANDAR RASHID KHAN
ADVOCATE

To be the Advocate for Peshawar in the above mentioned case to do all the following acts, deeds, and things or any of these that is to say.

1. To act appear and plead in the above mentioned case in this court or any other courts in which the same may be tried or heard in the first instance or in appeal or execution or in any other stage of its progress until its final decision.
2. To present pleadings, appeals. Cross objections for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as shall be deemed necessary or, advisable for the prosecution / defense of the said cause at all its stages.
3. To withdraw or compromise the said case or submit to arbitration any differences or disputes that shall arise touching or in any manner to the said case.
4. To receive and grant receipts therefore and to do all other acts & things which may be necessary to be done for the progress in the course of prosecution / defense of cause.
5. To employ, authorize any other legal practitioner to assist or exercise the power and authority hereby conferred on the advocate whenever he may think to do so.

AND I/WE agree to ratify whatever the advocate or his substitute shall do in this behalf AND I/WE hereby agree not to hold the advocate or his substitute responsible for the result of the said case consequences of his absence from the court when the said case called up for hearing.

AND I/WE hereby agree that in the event of the whole or any part of the fee agreed by me /us to be paid to the advocate remaining unpaid, he shall be entitled to withdraw from the prosecution/ defense of the said case until the same is paid.

WHERE FOR I/WE here under set my/our hands to these presents the contents of which have been explained to and understood by me/us.

Dated.
Accepted subject to the above terms
& payment of settle fee.

Sikandar Rashid Khan, Advocate
Supreme Court of Pakistan.
Off: Suite No. 11-B, 2nd Floor
Cantonment Super Plaza, Peshawar Cantt.
Cell No. 0300-8155474 & 0335-1777124.
Client. **SIKANDAR RASHID**
Advocate
Supreme Court Of Pakistan

صگاہ پروین رضا بیگم
Parveen Raza
Signature/ Thumb Impression of

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Office of the district education officer female Mardan Shamim Akhtar Inquiry officer

Introduction

I Mst Shamim Akhtar DEO(F) Mardan has been appointed as inquiry officer by District Education officer (F) Peshawar (competent authority)to look and inquire the matter thoroughly

History of the case

History of the case is that the accused Mst Parveen Raza was charged for long and habitual absenting herself from duties and abundant of works. The department caused an inquiry 2th may 2016 in which all the fact findings of the case were collected, the inquiry officer recommend dismissal from service and recovery of payment. The competent authority then imposed penalty of deduction of salary from October 2015 to April 2016 This order dated 25.09.2018 The Honourable Khyber Pakhtunkhwa service tribunal Peshawar made set-aside the impugned order dated 25.09.2018 where by the penalty of deduction of salary from October 2015 to April 2016 from the accused was ordered by the competent authority. However, the service Tribunal has left the department at liberty to conduct regular Inquiry in the mater in the mode and manners prescribed under the Government Servants (Efficiency &and Discipline) Rules .2011

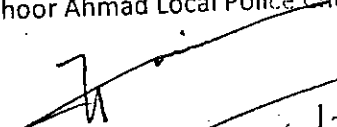
Facts Finding

Charge sheet and show cause were issued to the accused Mst parveen Raza teacher I visited to the spot and called both Mst Parveen teacher ADEO concern of the circle both were heard personally heard as well as written statement received from both side in the meantime, a questionnaire were given to the accused Mst parveen Raza teacher for submission within 7 days as well as to produce documentary evidence. The accused submitted her reply and written statement along with some previous applications to the competent authorities and photo copies of teacher attendance from January 2015 to January 2016 ten sheets and two applications to different authorities and denied all the charges made against her and request to exonerate her from all charges.

In statement made by the ADEO (F) Circle Daud Zai No 2 Peshawar before the inquiry officer stated that the teacher named Parveen Raza GGPS Anizai No 1 remained absent from duties and inform on phone to be regular but in vain and submitted the report of absentee of the said teacher to the DEO concerned in written dated 02.10.15 and 03.11.15 She produced some written reports to the competent authority regarding the absenting of the accused teacher (copies of the report are attached)

Further stated that IMU team has also reported the concerned Teacher Absent.

She produced some others documents to strengthen her allegations against the accused by submitting statements of the witness application /complaint from the parents /inhabitants of the Mashokhail Anizai 1 Peshawar, written statement of police officer Mr Zahoor Ahmad Local Police Choki as he was


29/06/2020

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...ted there during the period of APS incident He reported that the PSHT of the said school was absent and send the report of her absenteeism Copies of Roznamcha dated 29.01.2016

The ADO(F)circle also produced the photo copies of teachers attendance from September 2015 to January 2016 and page of log book remarks The column shown beneath the name of Mst Parveen Raza were marked absent or empty (Copies of teachers attendance are attached)

Conclusion


On perusal of the record it is clear that the accused Mst Parveen Raza habitual in absenteeism She remained absent for a long period without any prior approval of the competent authority.

Recommendations

Keeping in view the above discussion the following recommendation is hereby suggested if agreed.

1. That Mst; ParveenRaza PSHT remained absent from her duty without any lawful authority may be treated accordingly.
2. That the recovery may be made from Mst; Parveen Raza PSHT for the 48 days of which she remained absent.
3. That Mst; Parveen Raza PSHT may please be treated in accordance with the E & D Rules 2011.

Inquiry officer



Shamim Akhtar District Education officer(Female)

Mardan Now DEO(F)SWD

Dated 29 / 06 / 2020



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. ~~2530~~ ²⁵³⁰ /ST Dated 06/09/2022

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

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

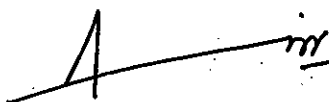
To:

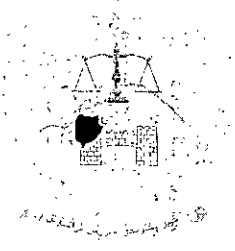
The Accountant General
Khyber Pakhtunkhwa,
Peshawar.

SUBJECT:- ORDER REGARDING ATTACHMENT OF SALARIES OF DISTRICT EDUCATION OFFICER (FEMALE), PESHAWAR AND SUB DIVISIONAL EDUCATION OFFICER (FEMALE), TOWN-IV , PESHAWAR IN EXECUTION PETITION NO. 153/2020, TITLED PARVEEN RAZA -VS- THE DISTRICT EDUCATION OFFICER (FEMALE) , PESHAWAR AND OTHERS.

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

Encl. As above.


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



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

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

No. 2528-29/ST Dated 6 / 9 /2022

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

To:

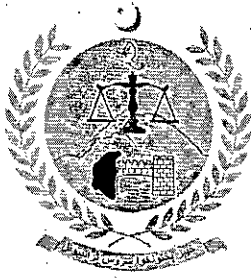
1. The District Education Officer (Female), Peshawar.
2. The Sub Divisional Officer (Female), Town-IV, Peshawar.

SUBJECT:- ORDER REGARDING PERSONAL APPEARANCE IN EXECUTION PETITION NO. 153/2020, TITLED PARVEEN RAZA -VS- THE DISTRICT EDUCATION OFFICER (FEMALE), PESHAWAR AND OTHERS.

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

Encl. As above.

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



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

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

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

No. 3128 /ST Dated 2 / 11 /2022

To:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

SUBJECT:- ORDER REGARDING RELEASE OF SALARIES OF DISTRICT EDUCATION OFFICER FEMALE PESHAWAR AND SUB DIVISIONAL OFFICER EDUCATION OFFICER FEMALE TOWN-IV PESHAWAR. EXECUTION PETITION NO. 153/2020, TITLED Mst. PARVEEN RAZA -VS-EDUCATION DEPARTMENT.

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

Encl. As above.

(WASEEM AKHTAR)

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

**BEFORE THE Hon'ble SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

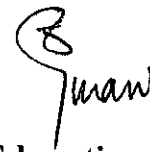
Execution petition No-153/2020

Tilted MST PERVEEN RAZA.....vs.....Education Department

**Application to release the salaries in R/o DEO (FEMALE)
Peshawar and SDO Town IV Peshawar on the grounds that the
implementation order in the above execution petition was
implemented in letter in spirit.**

The applicants submit as under:-

1. That the salaries of the applicant's were attached for non compliance of the order passed by this Hon'ble Service tribunal on dated 28-07-2022.
2. That the implementation order was implemented in letter in spirit vide implementation report is (annexed as Annexure A).
3. That the said execution petition was fixed on dated _____ and the office did not fix the next date in the above execution petition therefore in this context the applicant's submitted letter regarding the date fixed but no reply will be given yet. (Letter is annexed as Annexure B).
4. That without any notice to the applicant's the date fixed in the above execution petition.
5. In view of the above narrated facts, the salaries of the applicant's may graciously be released.



**District Education Officer
(Female) Peshawar**



Amended A

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR. Email emisfpeshawar@gmail.com**

No. _____ Estab-II/
P.F/Parveen Raza PSHT T-IV

Dated: 1/8/2022

To: The Sub Divisional Education Officer,
(Female) Town-IV, Peshawar.

Subject: **INQUIRY AGAINST MST. PARVEEN RAZA PSHT GGPS AZAKHEL NO.2
TOWN-IV PESHAWAR / SHOW CAUSE NOTICE.**

Memo;

I am to refer to this office letter No. 994 dated. 11-02-2021 & reminder No.1336 dated 25-01-2022, on the subject cited above in which this office has asked for the submission of compliance report in the light of recommendations of the inquiry officer dated 20-06-2020, but no response has yet been received yet.

You are finally directed to recover only 48 days salary from the teacher concerned for which she remained absent according to the recommendations of the inquiry officer.

Moreover if any overpayment has been made from the teacher concerned may be refunded immediately under intimation to this office.

(Note).

You are further directed to serve the attached show cause of 48 days absent period to the teacher concerned for further necessary action as per E&D Rules 2011.

District Education Officer
(Female) Peshawar.

Endst. No. 385-88 /

Copy forwarded for information to the:

1. Director Elementary & Secy. Education Khyber Pakhtunkhwa Peshawar.
2. Registrar Services Tribunal Khyber Pakhtunkhwa Peshawar.
3. Advocate General Services Tribunal Khyber Pakhtunkhwa Peshawar.
4. ADEO (F) Litigation Local office

B. Mani
01/08/2022
District Education Officer
(Female) Peshawar.

Amen - A



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
PESHAWAR Email I.D. emisfpehshwar@gmail.com

SHOW CAUSE NOTICE.

I, Mst .Samina Ghani, DEO (Female) Peshawar, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you Parveen Raza, PSHT, Govt: Girls Primary School Azakhel No. 2 Peshawar as follows:

- You remained absent from duty without any lawful authority for 48 days, as per report.
- Negligence of duty

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules:

Mis-conduct.

As a result thereof I, as competent authority, have tentatively decided to impose upon you a major penalty under rule 4 (1) (a) (b) of the said rules.

You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you want to be heard in person.

If no reply to this notice is received within seven days or not more than fifteen days of the date of delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte order shall be taken against you.

Samina
01/08/20

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER
(Female) PESHAWAR.

Annek B

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR
Email I.D. emisfpeshawar@gmail.com

NO. 15
Dated Peshawar the 22-7/2022.


To,

The Registrar,
Service Tribunal,
Khyber Pakhtunkhwa Peshawar,

Subject: Request for provision Date Fixed by the honorable service tribunal Khyber Pakhtunkhwa Peshawar in EPNo. 153/2020 Titled Parveen Raza.

It is requested that the instant Execution petition in service appeal No. 527/2019 was fixed before the honorable service Tribunal on dated 07/04/2022. The honorable tribunal fixed the next date and the instant execution petition. But on the fixed date the honorable tribunal didn't issue the next date. The litigation officer searched all the cause lists & SB registered but not traced the date fixed in the instant execution petition.


It is therefore requested that to provide the next date fixed by the honorable service tribunal in the instant Execution petition in service appeal No. 527/2019 please.


DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Endst: No. 16 Dated Pesh: the 22-7/2022

Copy of the above is forwarded to:-

01. PS to Secretary E&SE Khyber Pakhtunkhwa Peshawar.


DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

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Office of the district education officer female Mardan Shamim Akhtar Inquiry officer

Introduction

I Mst Shamim Akhtar DEO(F) Mardan has been appointed as inquiry officer by District Education officer (F) Peshawar (competent authority)to look and inquire the matter thoroughly

History of the case

History of the case is that the accused Mst Parveen Raza was charged for long and habitual absenting herself from duties and abundant of works .The department caused an inquiry 2th may 2016 in which all the fact findings of the case were collected the inquiry officer recommend dismissal from service and recovery of payment . The competent authority then imposed penalty of deduction of salary from October 2015 to April 2016 This order dated 25.09.2018 The Honourable Khyber Pakhtunkhwa service tribunal Peshawar made set-aside the impugned order dated 25.09.2018 where by the penalty of deduction of salary from October 2015 to April 2016 from the accused was ordered by the competent authority However, the service Tribunal has left the department at liberty to conduct regular Inquiry in the mater in the mode and manners prescribed under the Government Servants (Efficiency &and Discipline) Rules .2011


Facts Finding

Charge sheet and show cause were issued to the accused Mst parveen Razateacher I visited to the spot and called both Mst Parveen teacher ADEO concern of the circle both were heard personally heard as well as written statement received from both side in the meantime, a questionnaire were given to the accused Mst parveen Raza teacher for submission within 7 days as well as to produce documentary evidence. The accused submitted her reply and written statement along with some previous applications to the competent authorities and photo copies of teacher attendance from January 2015 to January 2016 ten sheets and two applications to different authorities and denied all the charges made against her and request to exonerate her from all charges.

In statement made by the ADEO (F) Circle Daud Zai No 2 Peshawar before the inquiry officer stated that the teacher named Parveen Raza GGPS Anizai No 1 remained absent from duties and inform on phone to be regular but in vain and submitted the report of absentee of the said teacher to the DEO concerned in written dated 02.10.15 and 03.11.15 She produced some written reports to the competent authority regarding the absenting of the accused teacher (copies of the report are attached)

Further stated that IMU team has also reported the concerned Teacher Absent.

She produced some others documents to strengthen her allegations against the accused by submitting statements of the witness application /complaint from the parents /inhabitants of the Mashokhail Anizai 1 Peshawar, written statement of police officer Mr Zahoor Ahmad Local Police Choki as he was


29/06/2020

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ed there during the period of APS incident He reported that the PSHT of the said school was absent and send the report of her absenteeism Copies of Roznamcha dated 29.01.2016

The ADO(F)circle also produced the photo copies of teachers attendance from September 2015 to January 2016 and page of log book remarks The column shown beneath the name of Mst Parveen Raza were marked absent or empty (Copies of teachers attendance are attached)

Conclusion

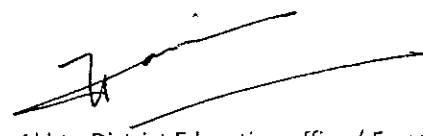
On perusal of the record it is clear that the accused Mst Parveen Raza habitual in absenteeism She remained absent for a long period without any prior approval of the competent authority.

Recommendations

Keeping in view the above discussion the following recommendation is hereby suggested if agreed.

1. That Mst; ParveenRaza PSHT remained absent from her duty without any lawful authority may be treated accordingly.
2. That the recovery may be made from Mst; Parveen Raza PSHT for the 48 days of which she remained absent.
3. That Mst; Parveen Raza PSHT may please be treated in accordance with the E & D Rules 2011.

Inquiry officer



Shamim Akhtar District Education officer(Female)

Mardan Now DEO(F)Swat

Dated 29 / 06 / 2020



PAY ROLL SYSTEM
AMENDMENT FORM
MULTIPLE EMPLOYEE ENTRY

GS&PD.NWFP.569-F.S...3000 Pads of 100 L... 10.12.2008.(25)

FORM: Pay03

OFFICE OF THE Sub Divisional Education Officer(F)Town-4 Peshawar
FOR THE MONTH OF 06 /2022.

Date _____

Page No. _____

DDO Code | P | W | 6 | 5 | 6 | 9

GENERAL DATA CHANGE					GENERAL DATA CHANGE		CHANGE IN PAYMENTS DEDUCTION					Remarks			
Employees Number	Employees Name	NIC Number	Info Type	Field ID	New Contents	Wage Type	AMOUNT						Stop Sal	Effective Date	
							Rupees		Paisa						
00025989	PARVEEN					5801	1	7	0	1	1	0		P	Pay for the mentioned period has not been drawn previously plz.
	PSHT GGPS					5002	1	1	0	6	2			P	
	Mashokhel					5012	1	0	5	0	0			P	
						5998	3	0	4	2	9			P	
						5309	6	1	6	0				P	
						5964	4	2	9	8				P	
						6075	1	3	7	5	5			D	
						6001	1	2	6	0				D	
						6060	8	0	5					D	
						6006	7	0	0					D	

(Signature)
Sub Divisional
Education Officer (F)
Town-4 Peshawar



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR. Email emisfpeshawar@gmail.com.**

No. 1932 /Estab-II/

P.F/Mst: Parveen Raza

Dated: 07/02/2021

To,
The Sub Divisional Education Officer,
(Female) Town-IV, Peshawar.


Subject: **INQUIRY REPORT / DEDUCTION OF SALARY / SHOW CAUSE**

Memo:

Reference inquiry report conducted by Mst: Shamim Akhtar, DEO (Female) Mardan and to ask you to recover / deduct 48 days salary on account of absentee from Mst: Parveen Raza PSHT GGPS Anizai No.1, Peshawar under intimation to this office.

You are further directed to issue a show cause notice to the above named teacher under E&D rules 2011 and a copy thereof be forwarded to this office for further proceedings.

Encls: copy of inquiry report.


Dy: District Education Officer
(Female) Peshawar.