

Service Appeal No. 1181/2019

1. Mr. Abdul Saboor Khan, Advocate for the appellant present.
Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present. Arguments heard and record perused.
2. Vide our detailed judgement containing 05 pages, placed in connected Service Appeal No. 1400/2019 titled "Sharafat-un-Nisa Vs. Director Elementary & Secondary Education Peshawar and one other", we arrived at the conclusion that the appeal in hand is allowed and the case is remitted back to the department for denovo inquiry with the direction that the appellant should be associated in the inquiry. A detailed, self contained inquiry, fulfilling all codal formalities should be completed within sixty days of the receipt of this judgment. The appellants are reinstated in the service for the purpose of denovo inquiry. The issue of back benefits shall be subject to the final outcome of the denovo inquiry. The respondents shall intimate the date of receipt of judgement to the Registrar of this Tribunal and also the result of the inquiry. Parties are left to bear their own costs. Consign.
3. *Pronounced in open court in Abbotabad and given under our hands and seal of the Tribunal on this 22nd day of September, 2022.*



(FAREEHA PAUL)
Member (E)
(Camp Court Abbottabad)



(KALIM ARSHAD KHAN)
Chairman
(Camp Court Abbottabad)

21st July 2022 Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG and Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Shah Wali Ullah, Computer Operator for the respondents present.

Written reply on behalf of the respondents not submitted. Representative of the respondents seeks time to submit written reply/comments. Last chance is given to the respondents to submit written reply/comments within fifteen days in office, failing which their right for submission of written reply shall be deemed as struck of. To come up for arguments on 22.09.2022 before D.B at camp court Abbottabad.



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

27.12.2021

Clerk of counsel for the appellant present and seeks short adjournment due to non-availability of learned counsel for the appellant today. Request is accorded. To come up for preliminary hearing on 29.12.2021 before S.B at camp court, Abbottabad.

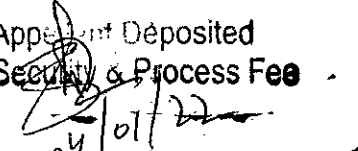

Chairman
Camp Court, A/Abad

29.12.2021

Counsel for the appellant present. Preliminary arguments have been heard.

The appellant has impugned the order of her removal from service on account of wilful absence. The impugned order as annexed with the appeal was issued on 20.07.2019 wherein issuance of show cause notice through usual correspondence and through newspapers is mentioned. It is also mentioned in the impugned order that the teachers as enumerated in the said order neither attended their schools nor received their convincing reply before the committee within the stipulated period mentioned in the newspapers. It does not appear from the narrative of the impugned order that the replies were not submitted. On the other hand, learned counsel contends that final show cause notice issued on 26.01.2019 was responded by the appellant by her reply dated 02.03.2019, obviously, beyond the stipulated time given in the notice to her but before issuing of the impugned order. Let the respondents file their reply for regular hearing as there is an arguable point whether after purported reply of the show cause notice by the appellant, further disciplinary proceedings on account of wilful absence were doable or not. This appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 17.02.2022 before S.B at camp court, Abbottabad.

Appellant Deposited
Security & Process Fee


04/01/22


Chairman
Camp Court, A/Abad

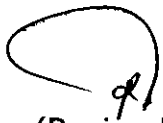
21 of
21 .02.2020

Due to COVID-19, the case is adjourned for the same on 19.02.2021.


READER

19.02.2021 Junior to counsel for appellant present.

He made a request for adjournment as senior counsel is not available today. Adjourned. To come up for preliminary hearing on 15.06.2021 before S.B at Camp Court, Abbottabad.


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

14.06.2021 Due to cancellation of tour, Bench is not available. Therefore, case is adjourned to 30.09.2021 for the same as before.


Reader

30.09.2021 Nemo for appellant.

Preceding date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for preliminary hearing for 27.12.2021 before S.B at Camp Court, Abbottabad.

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

20.10.2020

Petitioner present through representative.

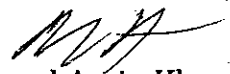
Lawyers are on general strike, therefore, case is adjourned. To come up for preliminary hearing on 21.01.2021 before S.B at Camp Court, Abbottabad.



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

18.12.2019

Counsel for the appellant present and requested for adjournment. Adjourned to 22.01.2020 for preliminary hearing before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

22.01.2020

Clerk to counsel for the appellant present and seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 18.02.2020 before S.B at Camp Court Abbottabad.


Member
Camp Court, A/Abad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on 10 / 170
at camp court abbottabad.

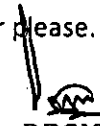
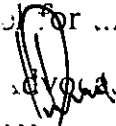


Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1181/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/09/2019	<p>The appeal of Mst. Masooma Begum presented today by Mr. Abdul Saboor Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 24/9/19</p>
2-		<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22-11-2019</u></p> <p> CHAIRMAN</p>
	22.11.2019	<p>Appellant absent. Learned counsel for the appellant absent. However, Ishfaq Jilani Advocate present on behalf of learned counsel for the appellant and seeks adjournment on the ground that learned counsel for the appellant is indisposed. Adjourn. To come up for preliminary hearing on 18.12.2019 before S.B at Camp Court, A/Abad.</p> <p></p>

Member
Camp Court, A/Abad

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 1181 of 2019

Masooma Begum.....Appellant

VERSUS

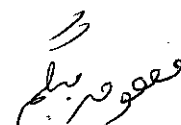
Director Elementary and Secondary
Education Peshawar etcRespondents

APPEAL

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Dated 18.09.2019


Masooma Begum
(Appellant)

Through:-


ABDUL SABOOR KHAN
Advocate High Court

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No 1287

Dated 23/9/2019

Service appeal No 1181 of 2019

Masooma Begum Ex-Primary School
Teacher, Government Girls Primary School,
Tiyal Maidan, Tehsil Dassu, District
Kohistan upper.

.....Appellant

VERSUS

- 1) Director Elementary and secondary
Education Peshawar.
- 2) District Education officer (Female)
Kohistan at Dassu.

.....Respondents

Filed to-day

Registrar

23/9/19

APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER NO
1198-1210 DATED 20.04.2019,
PASSED BY RESPONDENT NO 02
WHEREBY IMPOSED MAJOR PENALTY
OF REMOVAL FROM SERVICE ON THE
GROUND OF ALLEGED ABSENCE FROM
DUTY.

PRAYER:-

On acceptance of the instant service appeal, the impugned order bearing No 1198-1210 dated 20.04.2019, passed by respondent No 03 may kindly be set-aside declaring the same being illegal, void-abnito and against the law on the subject and appellant be re-instated into service with all back benefits.

Respectfully Sheweth:-

1. That, appellant had been performing her duties regularly and with commitment as Primary School Teacher under the command of respondent no 03.
2. That, appellant was lastly transferred from GGPS Ghee Harban and posted at GGPS Maidan Tiyal vide office order No 289-93 dated 30.01.2019.

(copy of transfer order dated 30.01.2019 is annexed as Annexure "A")

3. That, in compliance of the afore-said transfer order, appellant assumed the charge at GGPS Maidan Tiyal vide charge report dated 02.02.2019.

(Copy of charge report is annexed as Annexure "B").

4. That, respondent No 03, served an unfounded and baseless final show-cause notice upon the appellant on 26.01.2019, at the address of the GGPS Ghee Harban, alleging willful absence from duty in the said school which was duly replied by the appellant.

(copies of final show-cause notice and reply of appellant are annexed as annexure "C&D").

5. That, to the utter surprise of the appellant, respondent no 03 all of a sudden, imposed major penalty of removal from service on appellant and 37 others through a combined notification/impugned order bearing number 1198-1210 dated 20.04.2019, on the ground of will full absence, but without specification of the duration.

(copy of impugned order dated 20.04.2019 is annexed as annexure "E").

6. That, appellant filed a Departmental appeal with respondent No 01 against the impugned order dated 20.04.2019 on 24.04.2019 which was received and entertained against diary dispatch number 362 dated 24.04.2019, but not responded within a statutory period.

(Copy of Departmental appeal is annexed as Annexure "F").

7. That, felling aggrieved, from the impugned order dated 20.04.2019, appellant having no other remedy except to file the present service appeal before this worthy tribunal for interference inter alia on the following amongst other grounds.

GROUND:-

- A) That, admittedly, neither show-cause notice nor, impugned order depicts the duration and length of the alleged absence period.
- B) That, after having been transferred from GGPS Ghee Harban to GGPS Maidan Tiyal, on 30.01.2009, there was hardly any justification with respondent No 03 to proceed against the appellant for absence from duty at GGPS Ghee Harban on 20.04.2019. This sorry state of affairs depicts mala-fide on the part of the department.
- C) That, neither the period of alleged absence is mentioned anywhere, nor any enquiry into the matter has been held to prove the allegations.
- D) That, before passing the impugned order, appellant was not put on notice to present his view point/explanation

under the Doctrine of Audi aulterm partem, hence, the impugned order is not sustainable and maintainable under the law.

- E) That, no evidence worth name was attempted to collect by respondent No 03 against the appellant for alleged absence from duty and he has been condemned on flimsy and perverse grounds with mala-fide intention.
- F) That, appellant had a long unblemished service record at her credit and she has been removed from service with a single stroke of pen without observing due process of law on the subject.
- G) That, appellant never remained absent from duty rather she kept on performing with utmost commitment, hence, the impugned order is not only legally un-sustainable, but factually erroneous as well.
- H) That, no complaint was ever filed by any one against the appellant for her being absent from duty as alleged on any working day.
- I) That, the impugned order on its very face value, is illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect.

PRAYER:-

On acceptance of the instant service appeal, the impugned order bearing No 1198-1210 dated 20.04.2019, passed by respondent No 03 may kindly be set-aside declaring the same being illegal, void-abnito and against the law on the subject and appellant be re-instated into service with all back benefits.

Dated 18.09.2019

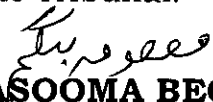

MASOOMA BEGUM
 (Appellant)

Through:-


ABDUL SABOOR KHAN
 Advocate High Court

VERIFICATION :

I, Masooma Begum Ex-Teacher, Government Girls Primary School, Tial Madan, Tehsil Dassu, District Kohistan upper, do hereby solemnly affirm and declare that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed form this Honorable Tribunal.


MASOOMA BEGUM
 CNIC # 71201-2405218-4

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2019

Masooma Begum.....**Appellant**

*** VERSUS**

Director Elementary and Secondary
Education Peshawar etc**Respondents**

APPEAL

AFFIDAVIT

I, MASOOMA BEGUM EX-TEACHER,
GOVERNMENT GIRLS PRIMARY SCHOOL,
TIAL MADAN, TEHSIL DASSU, DISTRICT
KOHISTAN UPPER, DO HERBY SOLEMNLY
AFFIRM AND DECLARE ON OATH THAT
THE NO SUCH SUBJECT MATTER APPEAL
HAS EVER BEEN FILED BEFORE THIS
HONORABLE COURT NOR PENDING NOR
DECIDED. THAT THE CONTENTS OF FORE-
GOING AFFIDAVIT ARE TRUE AND
CORRECT TO THE BEST OF MY
KNOWLEDGE AND BELIEF AND NOTHING
HAS BEEN CONCEALED OR SUPPRESSED
FROM THIS HONOURABLE TRIBUNAL.

Dated: 18.09.2019

Masooma Begum

**MASOOMA BEGUM
DEPONENT**

ATTESTED
SHERAZ-U-LEHMAN
Advocate
Notary Public
Distt: Mardan

18/9/2019

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No ____ of 2019
Masooma Begum.....**Appellant**

VERSUS

Director Elementary and Secondary
Education Peshawar etc**Respondents**

APPEAL

CORRECT ADDRESSES OF THE PARTIES

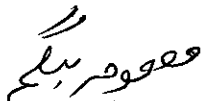
APPELLANT:

Masooma Begum Ex-Teacher, Government
Girls Primary School, Tial Madan, Tehsil
Dassu, District Kohistan upper.

RESPONDENTS:

- 1) Director Elementary and secondary
Education Peshawar.
- 2) District Education officer (Female)
Kohistan at Dassu.

Dated 18.09.2019


MASOOMA BEGUM
(Appellant)

Through:-


ABDUL SABOOR KHAN
Advocate High Court

Adjusted
10/01/2019

P (9)

OFFICE OF THE DISTRICT EDUCATION OFFICER (Female) KOHISTAN.

NO. 289-93 /DEO(F) KH Dated 30/1/2019.

Annex (A)

OFFICE ORDER.

As proposed by SDEO(F) Dassu approved by the competent authority the following PST Teachers are hereby by Transferred/ adjusted on their own pay and scale to functionalize the schools on need basis, mentioned against each in the interest of public service.


S/NO	Name of Teacher	Desg:	From	To	Remarks
1	Benazir	PST	GGPS Kanoi	GGPS Karang	GGPS Kanoi is building less
2	Latifa	PST	GGPS Ghee	GGPS Summar Nala	GGPS Ghee is building less
3	Khudija	PST	GGPS Bagh Seri	GGPS Ser Gayal	AVP
4	Nazra Bibi	PST	GGPS Charagji Abad	GGPS Jalkot	AVP
5	Saira Qayoum	PST	GGPS Seri Gabran	GGPS Ishpidar	AVP
6	Zainab	PST	GGPS Bari Shaha	GGPS Eleel	GGPS Bari Shah is Merged
7	Nizakat	PST	GGPS Jalo Churto	GGPS Dannat	AVP
8	Suraya Marjan	PST	GGPS Bari Shaha	GGPS Soyal Dong	GGPS Bari Shan is Merged
9	Nazish	PST	GGPS Badar Shah	GGPS Jalo Churto	GGPS Badar Shah is Merged
10	Zubida Khanam	PST	GGPS Jalo Churto	GGPS Away sach	AVP
11	Resham Jan	PST	GGPS Dannat	GGPS Sharo Baik	AVP
12	Fehmida Zaib	PST	GGPS Badar Shah Dadair	GGPS Amir Abad	GGPS Badar Shah is Merged
13	Gui Naz	PST	GGPS Bar Osol	GGPS Faridoon Abad	AVP
14	Khush Niaz	PST	GGPS Jalo Churto	GGPS Shikari	AVP
15	Saima Ayaz	PST	GGCMS Dassu	GGPS Dansh	AVP
16	Farigha	PST	GGPS Eleel	GGPS Rechao	AVP
17	Rukhsana Khurishid	PST	GGPS Sha Amir Abad	GGPS Kundal	AVP
18	Hanifa Saif	PST	GGPS Jakh Lohi	GGPS Mehran Abad	AVP
19	Mehnaz	PST	GGPS Shaha	GGPS Jakh Lohi	V S NO 18
20	Rupiza Pari	PST	GGPS Badar Shah	GGPS Shahi Amir Abad	GGPS Badar Shah is Merged
21	Rezwana	PST	GGPS Away Sach	GGPS Jalo Churto	AVP
22	Masoma	PST	GGPS Ghee	GGPS Maidan Teyal	GGPS Ghee is building Less

District Education Officer,
(Female) Kohistan

Endst: NO 289-93 /DEO(F) KH Dated 30/1/2019.

Copy to the:-

- 1- The Dy. District Education Officer (F) Kohistan
- 2- The District Monitoring Officer IMU Kohistan.
- 3- Sub Divisional Education Officer (F) Dassu.
- 4- ASDEO(F) Circle Concerned.
- 5- Office record.


District Education Officer,
(Female) Kohistan.

Accepted
18/9/19

چارج رپورٹ

P. 10

سب ایگم جناب ری ای آر جی ایم کوٹا صاحب ضلع کوہستان

تقرری آرڈر نمبر 289-93

تاریخ 2019/10/30 کی تکمیل میں آج مورخہ 2019/10/2 کو قبل از روپہ

گورنمنٹ گنرز ٹریننگ اسکول صدر ایجنسی میں اپنی منصب نشست 2019
کا چارج سنبھال کر ڈیوٹی

کا آغاز کر دیا۔

لہذا چارج رپورٹ حاضر خدمت ہے۔

M. A. چارج گرنہندہ

71201-2405218-4

A. A. چارج دہندہ

Alleged

P- 11



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN

FINAL SHOW CAUSE NOTICE

Anna C

I, Mr. Khurshid Ahmed, District Education Officer, (Male) Kohistan, being a competent authority under the Khyber Pakhtunkhwa Govt: Servants (E&D) Rules, 2011, do hereby serve you Mst; Masoma Bibi PST GGPS Ghee Harban as follows:

1. That consequent upon the report of IMU, your school was found closed & non-functional since long. You remained absent from your School duties willfully.
2. I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules:
 - (i). Guilty of habitually absenting herself from duty without prior approval of leave.
4. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the major penalty under rule 4 (b) of the said rules.
5. You are therefore, required to finally show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desired to be heard in person.
6. 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.

Endstt: No 266 /Dated Kohistan the 26/01 /2019

Copy of the above is forwarded to the:-

1. Mst; Masoma Bibi PST GGPS Ghee Harban

[Signature]

COMPETENT AUTHORITY
(District Education officer)
(F) Kohistan

Admitted
18/9/19

مدفون صاحب ڈسٹرکٹ ایجوکیشن آفیسر فی میل کراچی دہلی

ANNA (D)

عنوان سیکرٹری کانسٹریکشن

کراچی

سائبر ڈیل ڈیپارٹمنٹ

- 1۔ ریٹائرمنٹ کی آڈیٹ شدہ گیسٹس سے 66PS سال 1992
- برائو ڈیپارٹمنٹ 93-289 مورخہ 30/19 اور سالہ 2/2/19 کو جاری کیے گئے
- 2۔ ریٹائرمنٹ کے بعد 26/19 کو اپنے صوف میں جانے والے سیکرٹری 266
- کا 1- پیموٹ 30/19 کو دیا گیا جس کا پورا ہوا ہے
- 3۔ ریٹائرمنٹ ڈیپارٹمنٹ SOBO فی میل نے جو سکول کانسٹریکشن کیا ہے
- 4۔ اس دوران ماسٹرنگ شیڈول کا دورہ ہوا ہے جس میں سب سے زیادہ
- پتہ لکھا گیا ہے
- پتہ لکھنے میں صوف کو کانسٹریکشن کا کونج جواز نہیں بنا لیا گیا ہے
- کہ سالہ گزشتہ 3 ماہ سے بندہ تنخواہ پورا کر کے
- عین شاخ سے ہوا

صوفیہ پتہ لکھنے کے لئے سکول ڈیپارٹمنٹ

2/3/19

سائبر

P. (13)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KOHISTAN

Annex - E

8/9/19
NOTIFICATION

Whereas the following teachers were reported wilful absent from duties by the concerned Assistant Sub Divisional Education Officers (Female), Sub Divisional Education Officers (Female) and Independent Monitoring Unit (IMU) Kohistan.

And whereas on the report of the visiting officers, this office issued show cause notices at home address through registered posts but neither the teachers joined their duties nor submitted convincing replies within the stipulated time (15 days) before the committees constituted for personal hearing vide this office letter no. 394-98 dated 11-02-2019 and the same were conveyed to the teachers in time.

And whereas final show cause notices were issued through two leading newspapers i.e. Daily "Hazara News" Mansehra and Daily "Akhbaar" Abbottabad dated 26/02/2019 in which teachers were directed to assume their duties and submit reason (s) of their wilful absence but neither they attended their schools nor submitted convincing replies before the committee within the stipulated period mentioned in the newspaper. Now in view of the above facts I, Mr. Khurshid Ahmed, being competent authority, as District Education Officer (female) Kohistan, is fully satisfied to impose major penalty of **REMOVAL FROM SERVICE** upon the teachers under rule 4b(iii) of E&D Rules 2011 with effect from the dates mentioned against each.

#	NAME OF TEACHER	NAME OF SCHOOL	DATE OF REMOVAL FROM SERVICE
1	Lazhaba (G-4)	GGPS Pashot	01-10-2016
2	Sadaf Zeb	GGPS Pashot	01-10-2017
3	Raqiba	GGPS Ser Garhi	01-10-2017
4	Asma	GGPS Ser Garhi	01-10-2017
5	Farzana Wali	GGPS Jhakh Lohi	01-04-2018
6	Shaheen Zameer	GGPS Loohi Dader	01-10-2018
7	Gul Bibi	GGPS Baja Loohi	01-04-2018
8	Nuzhat Ara	GGPS Harban kot	01-05-2018
9	Tahmena Roohi	GGPS Kuz Kamila	01-01-2017
10	Zuhra Bibi	GGPS Kherza Khail Dader	01-10-2015
11	Nagina Otail (G-4)	GGPS Baja Lohi	01-05-2016
12	Shagufta Kiran	GGPS Dhoop Lohi	01-01-2019
13	Gul Bibi	GGPS Seral Shah	01-04-2018
14	Zarmina -	GGPS Kemia Abad	01-01-2019
15	Salma Bibi	GGPS Kemia Abad	01-01-2019
16	Shakira	GGPS Mehran Abad	01-03-2018
17	Masooma	GGPS Ghee Harban	01-04-2018
18	Latifa	GGPS Ghee Harban	01-01-2019
19	Johajra Bibi	GGPS Bar Bak	01-04-2018
20	Rasheeda Bano	GGPS Serto Kandia	01-10-2017
21	Rehana	GGPS Seri Gabriel	01-01-2019
22	Sara Qayum	GGPS Seri Gabriel	01-11-2018
23	Aisha Sadiq	GGPS Soyal Jashoi	01-04-2018
24	Bibi Hawa (G-4)	GGPS Awaysach	01-12-2016
25	Fahmeeda	GGPS Bhati Kuz Shrial	01-11-2017

P- (14)

26	Bushra Hafeez	GGPS Bhati Kuz Shiryal	01-01-2019
27	Salma	GGPS Momin Abad	01-01-2019
28	Safia Zareen	GGPS Sanga Abad	01-01-2019
29	Naheed Sartaj	GGPS Sanga Abad	01-01-2019
30	Mehnaz	GGPS Berser Sared	01-11-2017
31	Aisha Qureshi	GGPS Habib Abad	01-11-2017
32	Shema	GGPS Jaren Rajolia	01-01-2019
33	Durkhana	GGPS Kas Dohair	01-05-2017
34	Robina Syed	GGPS Ali Abad	01-11-2018
35	Nasreen Sultan	GGPS Tares	01-12-2018
36	Fatima Akhtar	GGPS Serzahan Abad	01-02-2019
37	Rizwana Bibi	GGPS Z K Abad	01-12-2018
38	Mufeed Akhtar	GGPS Sher Abad	01-12-2018

NOTE: Any teacher who is found involved in any embezzlement of fund/conditional grant, she will be proceeded for FIR/Anti-corruption proceedings as and when reported at any stage. Concerned DDOs are directed to recover the payment (if any) made for absence period out of their GPF etc.

DISTRICT EDUCATION OFFICER
(F) KOHISTAN

Endst No: 1198-1210 Dated: 20-04-2019

Copy for Information to:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Kohistan.
3. Deputy Commissioner Kohistan Lower.
4. Deputy Commissioner Kolai Palas Kohistan.
5. District Monitoring Officer Kohistan.
6. DEO (M) Kohistan Lower & Kolai Palas Kohistan.
7. District Accounts Officer Kohistan.
8. PA to Advisor to CM for Elementary & Secondary Education Khyber Pakhtunkhwa.
9. PA to Secretary (E&SE) Govt of Khyber Pakhtunkhwa Peshawar.
10. All concerned teachers.
11. PA to DEO (M/F) Kohistan.
12. Office copy.

DISTRICT EDUCATION OFFICER
(F) KOHISTAN

Attested

19/9/19

Better copy

P-16
Annex - F

بخدمت جناب ڈائریکٹر تعلیمات خیبر پختونخواہ پشاور

عنوان: ریمول فرام سروس / بحالی سروس

جناب عالی!

سائلہ گورنمنٹ گرلز پرائمری سکول تپال میدان میں 02.03.2019 سے خدمات انجام دے رہی ہے۔ جس کا آرڈر بمورخہ 30.01.2019 لیٹر نمبر 28130 ڈسٹرکٹ ایجوکیشن آفس کوہستان ہمراہ لف ہے۔

دوران ڈیوٹی سائلہ کی محکمانہ سکول چیکنگ اور حاضری مدرسین کی کاپی بھی ہمراہ لف ہے۔ تین ماہ کے دوران آئی ایم یونے وزٹ کیا اور سکول کی چیکنگ کی۔ سائلہ اپنی ڈیوٹی پر حاضر تھی۔ سائلہ کو اچانک 20.04.2019 کو بذریعہ اخبار علم ہوا کہ سائلہ برطرف کردی گئی ہے۔ قبل ازیں سائلہ نے فائل شوکا ز نمبر 266 مورخہ 26.01.2019 کا بروقت جواب 30.01.2019 کو دیا جس کی کاپی بھی ہمراہ لف ہے۔

اس کے بعد ایک گمنام اخبار میں نوٹس چھپوایا گیا جو اخبار کوہستان میں نہیں آتی ہیں۔ اس کا بھی تحریری طور پر جواب ڈسٹرکٹ ایجوکیشن آفیسر (فی میل) کوہستان میں جمع کرایا گیا اس کی کاپی بھی ہمراہ لف ہے۔

درخواست کی جاتی ہے کہ سائلہ کا نام (ریمول فرام سروس) Removal from service لسٹ سے نکالا جائے اور برطرف کا آرڈر واپس کیا جائے اور سابقہ رپورٹ پر تعینات کیا جائے سائلہ تاحیات دعا گور ہے گی۔

24.04.2019

معصومہ بیگم گورنمنٹ گرلز پرائمری سکول تپال میدان

وکالت نامہ

خیبر پختونخواہ سروس ٹریبونل پشاور کمپ کورٹ ایبٹ آباد

معصومہ بیگم نام گورنمنٹ آف KPK وغیرہ

سروس اپیل

اپیلانٹ

منجانب:

باعث تحریر آنکے!

عبدالصبور خان ایڈووکیٹ ہائی کورٹ

اندریں مقدمہ عنوان بالا اپنی طرف سے برائے بیرونی وجوہ دہی بمقام پشاور ہائی کورٹ

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رُوئے عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پشاور کی پکھری کے علاوہ کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہونگے اگر مقدمہ مقام پشاور کی پکھری کے آگے یا پیچھے سماعت ہونے پر منظر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی، اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا، ہر قسم کا بیان دینے اور سپردگاری و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتقائی یا فیصلہ ڈگری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ فیس کرنے کا مجاز ہوگا۔ بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا پیرسٹر کو بجائے خود یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ مجھے کل ساختہ پر داختمش ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ 19.09.2019

معصومہ بیگم سابقہ پرائمری سکول ٹیچر گورنمنٹ گرلز پرائمری سکول تیاں میدان تحصیل داسکو کوہستان اپر

Attested & Accepted
Abdul Saboor Khan
Advocate High Court

معصومہ بیگم