

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
FAREEHA PAUL ... MEMBER (Executive)

Service Appeal No.129/2018

Mst. Tasleem Begum, PST (BPS-12), FCS Tambi, Orakzai Agency.
.....**Appellant)**

Versus

1. **The Director of Education FATA, FATA Secretariat, Warsak Road, Peshawar.**
2. **The Agency Education Officer, Orakzai Agency at Hangu.**
.....**(Respondents)**

Present:

Mr. Noor Muhammad Khattak,
Advocate.....For appellant.

Mr. Naseer Ud Din Shah,
Assistant Advocate General.....For respondents.

Date of Institution.....08.01.2018
Dates of Hearing.....31.10.2022
Date of Decision.....31.10.2022

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 25.11.2016 COMMUNICATED TO THE APPELLANT ON 09.03.2017 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE WAS IMPOSED ON THE APPELLANT WITHOUT CONDUCTING REGULAR IN THE MATER AND AGAINST THE APPELLATE ORDER DATED 31.10.2017 COMMUNICATED TO APPELLANT ON 15.12.2017 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTEED ON NO GOOD GROUNDS.



JUDGMENT

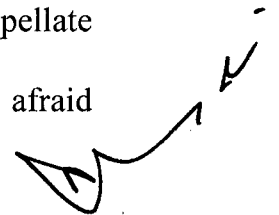
KALIM ARSHAD KHAN CHAIRMAN: Briefly stated the facts of the appeal are that the appellant was appointed as PST Teacher (BPS-12); that the appellant while serving as Primary School Teacher at FCS Tambi, Orakzai Agency an order dated 25.11.2016 was communicated to her on 09.03.2017 whereby the appellant was dismissed from service on the allegation of misconduct; that the appellant feeling aggrieved of the said order preferred departmental appeal on 10.03.2017 which was rejected on 31.10.2017 communicated to the appellant on 15.12.2017, hence, the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant and learned Assistant Advocate General for the respondents.

4. The Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned AAG controverted the same by supporting the impugned order(s).

5. Admittedly no enquiry/probe was made to ascertain the fact that the certificates of the appellant were fake and bogus nor is there anything attached with the appeal by the respondents to justify the impugned order. The reliance of the department appears to be on the minutes of the appellate committee regarding dismissal of the departmental appeals. We are afraid



that there is no place of any appellate committee in the relevant law and rules. Be that as it may the appellant seems to have been condemned without following the procedure under the relevant rules. Especially it was incumbent upon the authority to have properly probed into the matter before taking such a harsh action.

6. Therefore, we allow this appeal, remit the matter back to respondents to conduct proper enquiry in the light of above within sixty (60) days after receipt of copy of this order then pass appropriate order in the light of situation coming out from the result of the enquiry. The appellant is reinstated in service for the purpose of enquiry. The back benefits shall be subject to the outcome of the enquiry. The compliance report be submitted to the Registrar of this Tribunal. Similarly the date of receipt of the judgment shall also be communicated to the Registrar. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 31st day of October, 2022.*



KALIM ARSHAD KHAN
Chairman



FAREEHA PAUL
Member (Executive)

ORDER

31st Oct, 2022

1. Learned counsel for the appellant present. Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents present.

2. Vide our detailed judgement of today placed on file (containing 03pages), we allow this appeal, remit the matter back to respondents to conduct proper enquiry in the light of above within sixty (60) days after receipt of copy of this order then pass appropriate order in the light of situation coming out from the result of the enquiry. The appellant is reinstated in service for the purpose of enquiry. The back benefits shall be subject to the outcome of the enquiry. The compliance report be submitted to the Registrar of this Tribunal. Similarly the date of receipt of the judgment shall also be communicated to the Registrar. Costs shall follow the event. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 31st day of October, 2022.*



(Kalim Arshad Khan)
Chairman



(Fareeha Paul)
Member(Executive)

6th June. 2022

Proper D.B is not available. Therefore, case is adjourned to 24.08.2022 for the same as before.



Reader

24.08.2022

Mr. Waleed Adnan Advocate, junior of learned counsel for the appellant present. Mr. Naseer Ud Din Shah, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to attend the Tribunal today due to some domestic engagements. Adjourned. To come up for arguments on 31.10.2022 before the D.B.



(Rozina Rehman)
Member(J)



(Salah-Ud-Din)
Member(J)

02.11.2021

Counsel for the appellant and Mr. Noor Zaman Khattak, District Attorney for the respondents present.

The learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 03.02.2022 before the D.B.


Chairman

03.02.2022

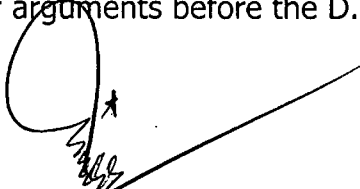
The Tribunal is non-functional, therefore, the case is adjourned to 29.04.2022 before D.B for the same.

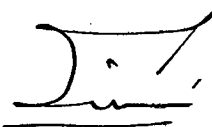

Reader

29.04.2022

Junior of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Junior of learned counsel for the appellant seeks adjournment on the ground that learned senior counsel is busy before the Hon'able Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 06.06.2022.


(Mian Muhammad)
Member(E)

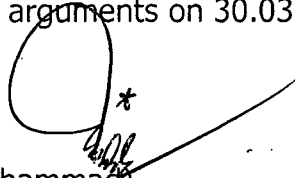

(Salah Ud Din)
Member(J)

12.01.2021

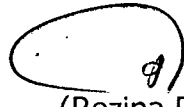
Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General Abdul Wahid ADEO for respondents present .

Former made a request for adjournment. Adjourned. To come up for arguments on 30.03.2021 before D.B.



(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

30.03.2021

Due to non availability of the concerned D.B, the case is adjourned to 30.06.2021 for the same.



30.06.2021

Husband of the appellant alongwith clerk of learned counsel for the appellant present. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Husband of the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before Peshawar High Court, Mingora Bench Swat. Adjourned. To come up for arguments before the D.B. on 02.11.2021.



(ATIQU UR REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

07.4.2020

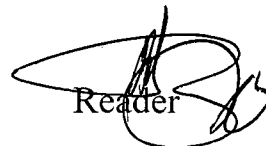
Due to COVID 19, the case is adjourned to

27.7.2020 for same as before.



02.07.2020

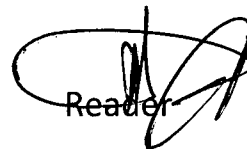
Due to Covid-19, the case is adjourned. To come up for the same on 27.08.2020 before D.B.



Reader

27.08.2020

Due to summer vacation, the case is adjourned to 04.11.2020 for the same as before.

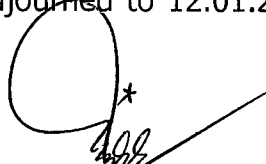


Reader

04.11.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 12.01.2021 for hearing before the D.B.



(Mian Muhammad)
Member



Chairman

01.08.2019

Counsel for the appellant and Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 28.10.2019 before D.B.


Member


Member

28.10.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment Adjourn. To come up for arguments on 31.12.2019 before D.B.


Member


Member

31.12.2019

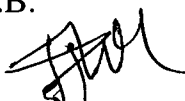
Counsel for the appellant and Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 21.02.2020 for arguments before D.B.



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

21.02.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG for the respondents present. Learned Additional AG requested for adjournment on the ground that the official respondents want to furnish some record. Request accepted. Adjourned. To come up for record and arguments on 07.04.2020 before D.B.


(Hussain Shah)
Member

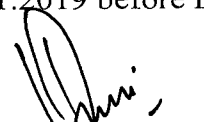

(M. Amin Khan Kundi)
Member

28.11.2018

Counsel for the appellant and Addl. AG alongwith Mr. Daud Jan Superintendent for the respondents present.

The former requested for adjournment on account of mis-entry of date of hearing. Adjourned to 21.01.2019 before D.B


Member


Chairman

21.01.2019

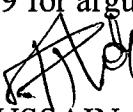
Husband of the appellant, on behalf of the appellant present. Mr. Riaz Ahmad Paindakhel, Assistant AG alongwith Mr. Daud Jan, Superintendent for the respondents present. Husband of the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 25.03.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

25.03.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Daud Jan, Senior Scale Stenographer for the respondents present. Learned counsel for the appellant seeks adjournment: Adjourned to 11.06.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

11.06.2019

Mr. Mir Zaman Safi, Advocate for appellant and Mr. Usman Ghani District Attorney for the respondents present.

Learned senior counsel for the appellant is stated to be busy before the Honourable High Court in a number of cases today, therefore, adjournment is sought. Adjourned to 01.08.2019 for arguments before the D.B.


Member


Chairman

08.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 03.07.2018.


Reader

03.07.2018

Junior counsel for the appellant and Mr. Sardar Shaukat Hayat, Addl: AG for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 16.08.2018 before S.B.


Member

16.08.2018

Clerk to counsel for the appellant present. Mr. Daud Jan, Supdt alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply/comments submitted on behalf of the appellant which is placed on file. Case to come up for rejoinder and arguments on 15.10.2018 before D.B.


Chairman

15.10.2018

Husband of the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondent present. Due to general strike of the bar, the case is adjourned. To come up on 28.11.2018 before D.B


(Member)


(Member)

05.03.2018

Learned counsel for the appellant present. Preliminary arguments heard and case file perused.

Learned counsel for the appellant argued that the appellant was working as PST (BPS-12) and was dismissed from service vide impugned order dated 25.11.2016 on the allegation of misconduct. That neither any charge sheet or statement of allegation has been served on the appellant before issuing the impugned order dated 25.11.2016, nor show cause notice has been served. That no chance of personal hearing/defense has been given to the appellant. That neither any regular inquiry has been conducted in the matter which is necessary in such like cases in light of the judgment of the Supreme Court of Pakistan. That the appellant filed departmental appeal but the same was rejected by the appellant authority vide order dated 31.10.2017 (communicated to the appellant 15.12.2017) for no good grounds.

Points raised need consideration. Admitted for regular hearing subject to all legal objections including limitation. Appellant is directed to deposit security and process fee within (10) days, whereafter notice be issued to the respondents department for written reply/comments on 23.04.2018 before S.B.

Appellant's Security Fee

(Gul Zeb Khan)
Member

23.04.2018




None present on behalf of appellant. Mr. Kabir Ullah Khattak, Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 08.05.2018 before S.B.

MA
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 129/2018

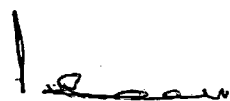
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	24/1/2018	<p>The appeal of Mst. Tasleem Begum resubmitted today by Mr. Mr. Noor Muhammad Khattak Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	06/02/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/02/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	12.02.2018	<p>Clerk of the counsel for appellant present and requested for adjournment on the ground that learned ccounsel for the appellant is not in attendance today due to strike of the Bar. Adjourned. To come up for preliminary hearing on 05.03.2018 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member (J)</p>

The appeal of Mst. Tasleem Begum PST FCS Tambi Orakzai Agency received today i.e. on 08.01.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 2- Annexures-A and B of the appeal are illegible which may be replaced by legible/better one.

No. 34 /S.T,

Dt. 09/01/2018


REGISTRAR 9/1/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.

Note:

Sir,

*All objections have been removed,
hence re-submitted today dated 24/01/2018.*

24/1/2018

BEFORE THE KHYBER PAKHTUBKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 129 /2018

TASLEEM BEGUM

VS

EDUCATION FATA

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1 – 3.
2.	Appointment order	A	4.
3.	Impugned order	B	5.
4.	Departmental appeal	C	6.
5.	Application	D	7.
6.	Appellate order	E	8 – 11.
7.	Vakalat nama	12.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 129 /2018

Khyber Pakhtukhwa
Service Tribunal

Diary No. 21

Dated 09-1-2018

Mst: Tasleem Begum, PST (BPS-12),
FCS Tambi, Orakzai Agency **APPELLANT**

VERSUS

- 1- The Director of Education FATA, FATA Secretariat, Warsak Road, Peshawar.
- 2- The Agency Education Officer, Orakzai Agency at Hangu.
.....**RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 25.11.2016 COMMUNICATED TO THE APPELLANT ON 9.3.2017 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE WAS IMPOSED ON THE APPELLANT WITHOUT CONDUCTING REGULAR IN THE MATTER AND AGAINST THE APPELLATE ORDER DATED 31.10.2017 COMMUNICATED TO APPELLANT ON 15.12.2017 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTEED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned orders dated 25.11.2016 communicated to the appellant 9.3.2017 and appellate order dated 31.10.2017 communicated to the appellant on 15.12.2017 may kindly be set aside and the appellant may be re-instated into service with all back benefits. Any other remedy which this august tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

That appellant is the employee of the respondent Department and has served the respondent Department as PST (BPS-12) for quite considerable time efficiently and up to the entire satisfaction of her superiors. Copy of the appointment order is attached as annexure **A.**

Filed to-day
Registrar
27/1/18

Re-submitted to -day
and filed.
Registrar
24/1/18

- 2- That appellant while serving as Primary School Teacher at FCS Tambi, Orakzai Agency an order dated 25.11.2016 was communicated to her on 9.3.2017 whereby the appellant had been dismissed from service on the allegation of misconduct. Copy of the impugned order is attached as annexure **B.**
- 3- That appellant feeling aggrieved from the impugned order dated 25.11.2016 communicated to the appellant on 9.3.2017 filed Departmental appeal but the same was rejected by the appellate authority vide order dated 31.10.2017 communicated to the appellant 15.12.2017 on no good grounds. Copies of the Departmental appeal, application and appellate order are attached as annexure **C, D & E.**
- 4- That appellant having no other remedy prefer the instant appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned orders dated 25.11.2016 and 31.10.2017 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegation has been served on the appellant before issuing the impugned order dated 25.11.2016.
- D- That no show cause notice has been served on the appellant while issuing the impugned order dated 25.11.2016.
- E- That no chance of personal hearing/defense has been given to the appellant before issuing impugned order dated 25.11.2016.
- F- That no regular inquiry has been conducted in the matter which is as per Supreme Court judgments is necessary in such like matters.
- G- That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 25.11.2016.

H- That appellant seeks permission to advance other 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.

Dated: 1.1.2018

APPELLANT


TASLEEM BEGUM

THROUGH: 
NOOR MOHAMMAD KHATTAK


MUHAMMAD MAAZ MADNI
ADVOCATE

OFFICE OF THE AGENCY EDUCATION OFFICER (FEMALE) ORAKZAI AGENCY**APPOINTMENT ORDER:**

Consequent upon the approval given by the Director of Education FATA, N.W.F.P Peshawar the following PTC Candidates for FCS are hereby appointed against project post of PTC in BPS-7 for the project in Female Community Schools w.e.f 01-3-2004 in the interest of public service in the school noted against their names:-

S. No.	Name of Candidates	Father's Name	Place of Posting	Remarks
1.	Naushen Fatima	Sujadain	FCS Pala Mela	Against vacant post
2.	Abida Gul	Dilawar Khan	FCS Pala Mela	--do--
3.	Shehnaz Begum	Shams Rehman Ur	FCS Changar Poor	--do--
4.	Taslim Akhtar	Pegham Shah	FCS Tambi	--do--

TERMS AND CONDITION.

1. Charge reports should be submitted to all concerned.
2. They shall devote that a whole time to their duty as community schools teacher.
3. The employee shall serve the Govt: as Community schools teachers from the date of assumption of charge.

Agency Education Officer
Orakzai Agency at Hangu

Endst: No. 32-35/FCS/dated hangu the 09/01/2001
Copy forwarded to all concerned.

APPOINTMENT ORDER

Consequent upon approval by the Director of Education, NWFP, Peshawar the following candidates are hereby appointed against project post of T.C in BPS-7 for the project period at Female Community Schools w.e.f. 01-3-2001 in the interest of the service in the school noted against their names:-

S.No.	Name of Candidate	Father's Name	Place of Posting	Remarks
1	Nausheen Fatima	Sujadani	P.O. Serahi Mela	Against Vacant Post
2	Abida Gul	Salim Khan	P.O. Serahi Mela	do
3	Shehraz Begum	Shahzad Rehman	P.O. Chaman Road	do
4	Fasim Akhtar	Begum Shah	P.O. Serahi Mela	do

TERMS AND CONDITION

- Charge reports should be submitted to all concerned.
- They shall devote their whole time to their duty as community school teacher.
- The employ shall serve the Govt as Community schools teachers from the date of assumption of charge.
- They shall carry out such Administrative and teaching functions in relation to their duties.
- They shall submit their reports to the higher officers of the Govt officer as well V.E.C.
- They shall motivate the parents to send their children to school.
- If they failed to take over charge for their duties within one month their appointments will be automatically cancelled.
- These Postings will not be transferable. However local teachers preferably engaged can be adjusted against regular posts on casual case basis and strictly on merit within the parameters of rules and regulations.
- They should produced their health and age certificate from the Agency Surgeon Orakzai Agency at Hangu.

Agency Education Officer
Orakzai Agency at Hangu

- Encl: No 32-35/FCS/dated Hangu the 23/3/01
- Copy to the:-
- Director of Education, NWFP, Peshawar
 - Political Agent Orakzai Agency at Hangu
 - Agency Accounts Officer Orakzai Agency at Hangu
 - AAEO (F) and Pay Clerk of the Local Office
 - Candidates Concerned

[Signature]
Agency Education Officer
Orakzai Agency at Hangu

ATTESTED

[Signature]

NOTIFICATION:

- 1- WHEREAS the service of Mst: Tasleem Begum PST Female community school (FCS) Tambi Orakzai Agency had been regularized against the vacant post of PST in GGPS Kas Meshti Orakzai Agency vide this office No.2804-9 dated 25-08-2016.
- 2- AND WHEREAS her PST Certificate bearing Role Number 48 showing 2006 and date of declaration of result as 31.12.2009 having marks 597 had been sent to the Assistant Director Examination KP at PITE Peshawar vide No. 3494 dt: 07.10.2016.
- 3- AND WHEREAS the Assistant Director Examination KP at PITE Peshawar sent back the certificate along with enclosure bearing No. 257834 Peshawar the 03.11.2016.
- 4- AND WHEREAS Mst: Tasleem Begum PST had been charge sheeted vide this office No. 3823 dt: 3.11.2016 for this very reason of submission of fake documents for regularization of her services.
- 5- AND WHEREAS Mst: Tasleem Begum PST did neither submit reply to the charge sheet served upon her vide this office No. 3823 dt: 3.11.2016 nor turn up for personal hearing.
- 6- AND WHEREAS The Agency Education Officer Orakzai in the capacity of the competent authority dispensed with enquiry as envisaged in section 5 of KP Govt: Servants (Efficiency & Disciplinary) Rules 2011, having Assistant Director Examination KP at PITE Peshawar remarks "Fake and Bogus" on the body of the certificate along with enclosure bearing No. 2375 dt: Peshawar the 03/11/2016 on record.
- 7- AND WHEREAS the Agency Education Officer Orakzai Agency after having examination the record after conducting a deep and detailed scrutiny of papers from all the relevant aspects is of the view that Mst: Tasleem Begum PST GGPS Kas Meshti Orakzai Agency had submitted bogus/fake certificate.
- 8- NOW THEREFORE, In exercise of the powers conferred under Rule 4 (b) iv of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011, the competent Authority, the Agency Education Officer Orakzai Agency is pleased to imposed major penalty of "Dismissal from Service" upon Mst: Tasleem Begum PST GGPS Kas Meshti Orakzai Agency with immediate effect on account of her forgery and submission of fake documents.

Agency Education Officer,
Orakzai Agency at Hangu.
(The competent Authority)

Endstt: No. 4170-75 dated Hangu the: 25/11/2016

Copy forwarded to all concerned.

B-5

REGULARIZATION

WHEREAS the services of Mst. Tasleem Begum PST female community school (FCS) Tambi Orakzai Agency had been regularized against the vacant post of PST in GGPS Kas Meshi Orakzai Agency vide this office No. 2804-9 dated 25/08/2016

AND WHEREAS her PST Certificate bearing Role Number 48 showing session 2006 and date of declaration of result as 31/12/2009 showing marks 597 had been sent to the the Assistant Director Examination KP at PITE Peshawar vide No. 3494 dt 07/10/2016.

AND WHEREAS the the Assistant Director Examination KP at PITE Peshawar sent back the certificate to this office with the remarks "Fake and Bogus" on the body of the certificate along with enclosure bearing No. 257 dt Peshawar the 05/11/2016

AND WHEREAS Mst. Tasleem Begum PST had been charge sheeted vide this office No. 3823dt 03/11/2016 for this very reason of submission of fake documents for regularization of her services.

AND WHEREAS Mst. Tasleem Begum PST did neither submit reply to the charge sheet served upon her vide this office No. 3823dt 03/11/2016 nor turn up for personal hearing.

AND WHEREAS The Agency Education officer Orakzai in the capacity of the competent authority dispensed with enquiry as envisaged in section 7 of KP Govt. Servants (Efficiency & Discipline) Rules 2011, having Assistant Director Examination KP at PITE Peshawar remarks "Fake and Bogus" on the body of the certificate along with enclosure bearing No. 2375 dt Peshawar the 03/11/2016, on record.

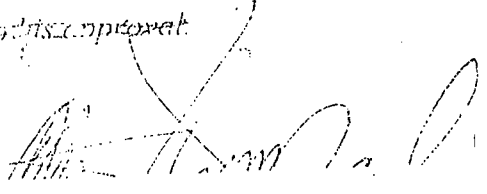
AND WHEREAS the Agency Education officer Orakzai Agency after having examined the record after conducting a deep and detailed scrutiny of papers from all the relevant aspects is of the view that Mst. Tasleem Begum PST GGPS 1 Kas Meshi Orakzai Agency had submitted bogus, fake certificates.

NOW THEREFORE In exercise of the powers conferred under Rules 4 (b) iv of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011, the competent Authority, the Agency Education officer Orakzai Agency, is pleased to impose major penalty of "Dismissal from Service" upon Mst. Tasleem Begum PST GGPS 1 Kas Meshi Orakzai Agency with immediate effect on account of her forgery and submission of fake documents.

Agency Education Officer,
Orakzai Agency at Hangu.
(The competent Authority)

Endst: No. 4170-75 dated Hangu the: 25/11/2016
Copy for information and necessary action to:-

1. Additional Chief Secretary FATA
2. Secretary Social Sector Department FATA Secretariat Peshawar
3. Commissioner Kohat Division
4. Director Education FATA Secretariat Peshawar
5. Political Agent Orakzai Agency with reference to this copy at
6. Agency Accounts officer Orakzai Agency.

Add (E)
 Proc. before
 the committee
 09/03/17


ATTESTED



مختار علی صاحب

جانب خانی

گزارش کیانی ہے کہ سائڈ گورنمنٹ
کس مشنی اور کنزرویٹو ایجنسی میں بحثیت پی۔ ایس۔ ٹی
عسکر دراز سے کام کر رہے تھے۔ ایجنسی انجوائینٹن آفسیر
اور کنزرویٹو ایجنسی نے مورخہ 25 نومبر 2016ء کو نامعلوم
نامعلوم اوجوہات کے بیلیپر چارج نشیب کیا ہے۔

سائڈ نیٹ مشرب اور بال بچے دار ہے۔

کذا میں بھی کس سائڈ کے سر دس کو بھی لکھا جائے۔
سائڈ ناصر دعا گورنمنٹ۔

10/3/2017ء امرتسر

تسلیم بیگم۔ پی۔ ایس۔ ٹی گورنمنٹ کنزرویٹو سکول کس مشنی اور کنزرویٹو
ایجنسی۔

Attestation
Place before
the appellant
Commissioner
10/3/17

Attested by
AS directed
10/3/17

ATTESTED

Handwritten signature

بخدمت جناب ڈائریکٹر ایجوکیشن فائنا فنانشل سیکرٹریٹ ایسٹوار

6-6
D-7

درخواست مہر ارد: جاری کرنے فیصلہ بحالی
برائے اپیل برخواست ملازمت

جناب عالی!

مؤدبانہ گزارش کی جاتی ہے کہ سائنڈ کوہ 25/11/16
کو برخواست کیا تھا جس کے متعلق میں نے 9/3/17 کو اپیل جمع
کرائی تھی، چونکہ 25/11/16 والا آرڈر جمع 9/3/17 کو مل رہا تھا۔

اس لیے اسے اصل کے امتحان کی جاتی ہے کہ اگر
میری اپیل منظور رہتی ہے تو جمعہ صبحی کا حکم نامہ جاری
فرمائیں تاکہ میں ڈیوٹی پر پہنچ سکوں۔

شکریہ

الطارف

المترقوم 15.12.2017

ATTESTED

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سائنڈ کوہ
تسلیم بیگم
FSC اور گورنمنٹ ایجنسی



E-6

To:

1. The Agency Education Officer Orakzai Agency.
2. The Agency Education Officer Khyber Agency.
3. The Additional Agency Education Officer Lower/Central Kurram.
4. The Agency Education Officer, Bajaur Agency.

~~20~~ (3)

Subject; MINUTES OF APPELLATE COMMITTEE REGARDING DISPOSAL OF DEPARTMENTAL APPEAL

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a
n
g

I am directed to refer to the subject cited above and to enclose herewith a photocopy of minutes of appellate committee regarding disposal of departmental appeals in respect of dismissed/removed from service teachers of yours agency for information and necessary action please.

Endst: No. 17188 /-
 Copy forwarded to the :-

Copy PA to Director Education FATA.

[Signature]
 o/c Deputy Director (Estab)
 Dated Peshawar the 31/10 /2017.

[Signature]
 o/c Deputy Director (Estab)

ATTESTED

[Signature]

...ing to the appellant She was appointed as PST and was removed from services vide order dated 18/02/2016 the committee had earlier directed Agency Education Officer to submit report/record regarding the appellant which is still awaited Assistant Director (Establishment) is directed to issue reminder to Education Officer for record/report for disposal



9

MINUTES OF APPELLATE COMMITTEE REGARDING DISPOSAL OF DEPARTMENTAL APPEALS.

A meeting of the Appellate committee was held on 8/5/2017 at 11.00 AM in the office of Additional Director (Estab:) FATA in order to examine/scrutinize the appeals submitted by various appellants against the dismissal/removal order issued by Agency Education Officers on various grounds mentioned in the impugned orders. The following attended the meeting.

- | | |
|------------------------------------|-------------|
| 1. Additional Director (Estab) | : Chairman. |
| 2. Deputy Director (F/A). | : Member. |
| 3. Assistant Director (Litigation) | : Member. |

The Appellants were provided opportunity of hearing one by one keeping in view the Principles of natural justice. The committee after perusal of the record available and threadbare discussion on each issue unanimously agreed to submit the following recommendations for approval of the competent authority.

1. Mst: Farah Deeba Ex-PST, Kurram.

The Appellant was appointed as PST on 14-2-1998 as per Agency education officer report vide letter no 120 dated 7-2-2016 later on she was removed from services by the then Additional agency education officer vide order dated 18-2-2016 on account of willful absence from duty. The appellant aggrieved from the said order submitted an application dated 19/12/2016 to Political Agent Kurram Agency and copies of OPD chits of Khyber Teaching Hospitals and Hayatabad Medical Complex Peshawar have been provided by the appellant and as per report of Agency Education Officer she remained under treatment and had submitted application for leave but on the contrary the Agency Education Officer also reporting in his letter that absence notice was issued to the appellant and she was removed from service through proper order.

Recommendation:

The termination/removal order dated 18/02/2016 does not disclose the fact that weather codal formalities had been observed by the then Agency Education Officer while removing the appellant in such and such manner therefore a presumption can draw to the fact that no proper/regular inquiry was conducted against the appellant nor the said order discloses that show cause notices were issued on such and such dates, and on the other hand the appellant is presumed to be defaulter in term of her application dated 19/12/2016 in which she contended to be under treatment for the absence period as she did not submit any medical certificate which could be made as justification for her absence from the duty, so there are points on both sides to be clarified through proper and regular inquiry that whether the Agency Education Officer had rightly disposed of the services of the appellant on one hand and whether the appellant was actually under treatment during her absence period or otherwise, such facts has to be find out. It is therefore recommended that the concerned Agency Education Officer may conduct an inquiry through a committee comprising of at least two members with in a period of month and submit the evidence base recommendations before the competent authority.

2. Mst: Shamy Bibi Ex-PST.

According to the appellant She was appointed as PST and was removed from services vide order dated 18/02/2016 the committee had earlier directed Agency Education Officer to submit report/record regarding the appellant which is still awaited Assistant Director (Establishment) is directed to issue reminder to the concern Agency Education Officer for record/report for disposal of the said appeal.

ATTESTED
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3. Mst; Bibi Gula Oroos PST, Orakzai Agency.

She was working in Education Department for the last Twenty one (21) years. Her date of appointment is 28/2/1996. She was absent from duty from 10.6.2016 to 16.8.2016. Show cause notice for willful absence was served upon her and opportunity and personal hearing extended to her and charge sheeted. The appellant had submitted her reply to the charge sheet/show cause to the AEO Orakzai on 16/8/2016 but her reply was rejected by the AEO concerned.

The applicant is injured in accident. The AEO imposed major penalty of "Removal from service" upon her on account of her willful absence.

Recommendation:

She is recommended for re-instatement and her absence period may convert in to leave without pay, as period of absence is not too longer.

4. Mr. Tasleem Begum Ex-PST, Orakzai.

The services of Mst: Tasleem Begum PST community school had been regularized against the vacant post of PST on 25/8/2016. Her PTC certificate had been sent to the A.D. (Exam) for verification by AEO concerned. The A.D. (Exam) returned the certificate to the AEO Office with the remarks "Fake and Bogus" on the body of the certificate. Then she was charge sheeted by the AEO Orakzai but she did not submit reply to the charge sheet served upon her. After then the AEO imposed major penalty of Dismissal from service upon her on account of her forgery and submission of fake documents on 9/3/2017.

Recommendation.

The appellant being defaulter in the eye of law had committed an Act which is a crime within the meaning of criminal procedure code 1898, moreover all those communal schools teachers who did not possess PST certificate /degree their services were ordered to be dispensed with as per notification dated 11.5.2012 therefore appeal is recommended as regretted.

5. Mst: Farzana PST, Khyber Agency.

As per report of the AEO Khyber the above named teacher been appointed as Community School Teacher on 4/9/2009. She had been regularized on PST post on 9/3/2015. The Ex-AEO Atiq-ur-Rehman has withdrawn her appointment on 1/6/2015 due to her willful absence from duty but no such report of her absence was found available on record.

Recommendation.

It is recommended that the AEO Khyber concerned may conduct enquiry and the same may be disposed off according to the recommendation of the Inquiry Officer.

6. Tanaz Begum AT, Orakzai.

She was appointed as AT in GGMS Mira Ali Lower Orakzai on 30/4/2013. She Was terminated from service in January, 2017 due to submission of fake/bogus documents. While she got her salaries up to March, 2016.

Recommendation.

AEO Orakzai Agency may conduct an inquiry and her fate be decided in light of the Inquiry recommendation under intimation to this office. Proper notice should be issued to the appellant by Inquiry Officer.

7. Mst; Norina Ex-TT, Bajaur.

As per report of the AEO concerned Mst. Norina EX-TT remained absent w.e.f. 1/8/2015 to 30/9/2016. She was appointed on 26/8/2002. A show cause notice had been served upon her by the AEO but no reply submitted by the teacher. An impartial enquiry was conducted by the AEO. An absenteeism notice had been published in daily Newspaper Khyber Peshawar. Approval of the PA has also been obtained for removal w.e.f. 02/11/2016.

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ATTESTED
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Recommendation.

The appeal is regretted as all the codal formalities have been completed by the AEO concerned. (11)

8. Mst: Maryam Bibi AT, Orakzai.

The appellant has been dismissed from service on 23/11/2016, by the Agency Education Officer Orakzai Agency on account of submission of fake documents. She served in Education Department for three & a half year. As per her statement the Ex-AEO had gone for verification to concerned Dar-ul-uloom and found correct her document from Dar-ul-uloom.

Recommendation.

She has already been re-instated by the competent authority vide this office Notification No. 16326-30 dated 16/06/2017, thus need no recommendation.

9. Mst: Bibi Khatima AT, Orakzai.

The appellant has been dismissed from service on 23/11/2016, by the Agency Education Officer Orakzai Agency on account of submission of fake documents. She served in Education Department for three & half years. As per her statement the Ex-AEO has gone for verification to concerned Darululoom and found her document correct.

Recommendation.

Mr. Shah Jehan Principal, GHSS Jamrud Khyber Agency is proposed to be nominated to conduct enquiry and her fate be decided in accordance with the recommendation of the inquiry officer.

10. Mr. Zahid-ur-Rehman S/O Olas Khan TT, Khyber Agency.

The AEO Khyber Agency has conveyed an appeal along with its enclosures in respect of Mr. Zahidur Rehman S/O Olas Khan Ex-TT, GPS Sahib Shah Killi Kass Tehsil Jamrud. The appellant was arrested by the Punjab Police on 1.3.2014 in drugs tracking vehicle No. 466/SW. On 14.12.2016 The Lahore High Court Rawalpindi Bench accepted his appeal and released him (Copy of Court decision is attached).

Recommendation.

He is recommended for re-instatement with immediate effect without back benefit and his absence period may be treated as leave without pay.

1. Additional Director (Estab)
2. Deputy Director (F/A).
3. Assistant Director (Litigation)

S. J. Khan
[Signature]
[Signature]

ATTESTED

[Signature]

VAKALATNAMA

IN THE COURT OF Khyber Pakhtunkhwa Service Tribunal
Peshawar OF 2018

Tasbeem Begum (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education PATA (RESPONDENT)
(DEFENDANT)

I/We Tasbeem Begum
Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, 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 cost. 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.

Dated. 8 / 01 / 2018

Tas
CLIENT

N
ACCEPTED
NOOR MOHAMMAD KHATTAK

M
MUHAMMAD MAAZ MADNI
ADVOCATES

OFFICE:
Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No: 129/2018

Mst. Tasleem Begum.....Appellant

VERSUS

Director Education FATA & Others.....Respondents.

Para-wise comments on behalf of respondent No: 1 & 2.

Respectfully Sheweth:

Preliminary Objection

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by her own conduct to bring the present appeal.
5. That the appeal is bad due to non-joinder of necessary and mis-joinder of un-necessaries parties.
6. That the appeal is barred by law and no departmental appeal is made to the competent authority against the impugned order.

On Facts:

1. No comments. Pertains to record.
2. Incorrect. In this regard a meeting of the appellate committee was held on 08/05/2017 in order to examine/scrutinize the appeals submitted by various appellants against the dismissal/removal. Wherein it is found and decided that the PTC certificate of the appellant is fake and bogus. Therefore Agency Education Officer imposed major penalty of dismissal from service upon the appellant, copy of the meeting is attached as **(Annexure-A)**.
3. Incorrect. As explained in Para-2 above.
4. No comments. However reply on grounds are as under:-

Grounds:

- A. Incorrect. Respondents have not taking any action which is against law, facts and norms of natural justice hence tenable in accordance with law and rules.
- B. Incorrect. Respondents have taken action in accordance with law and rules as no one is allowed to violate the Government rules/regulation.
- C. Incorrect. As explained in Para-3 above.
- D. Incorrect. The impugned order has been issued by the respondents after fulfillment of all codial formalities.

*Placed on file
12.8.2018*

E. Incorrect. In this regard a committee has been constituted by the Competent Authority to examine the appellant case. The committee has thoroughly examine the case and passed the impugned order on account of her forgery and submission of the fake documents.

F. Incorrect. As explained in Para-E above.

G. Incorrect. As the appellant documents have been declared fake by the Committee therefore Competent Authority passed the impugned order in accordance with law and rules.

H. Respondent also seeks permission to advance other grounds and proofs at the time of arguments.

Pray:-

In light of the above factual position it is humbly prayed that the appeal may very kindly be dismissed.

Respondent No.1


**Director Of Education Newly
Merge tribal Districts Khyber
PakhtoonKhwa**

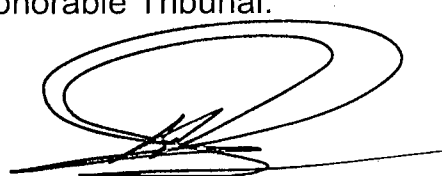
Respondent No.2


**District Education Officer
Orakzai**


AFFIDAVIT

We the above respondents do hereby declare and affirm that the above comments are true and correct to the best of our Knowledge and belief that nothing has been concealed from this Honorable Tribunal.

Respondent No.1


**Director Education newly merged
districts Khyber pakhtoonkhwa**

Respondent No.


**District Education Officer
Orakzai**

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(10)

3. Mst; Bibi Gula Oroos PST, Orakzai Agency.

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The applicant is injured in accident. The AEO imposed major penalty of "Removal from service" upon her on account of her willful absence.

Recommendation:

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4. Mr. Tasleem Begum Ex-PST, Orakzai.

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Recommendation.

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Recommendation.

The appeal is regretted as all the codal formalities have been completed by the AEO concerned. (11)

8. Mst: Marvam Bibi AT, Orakzai.

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Recommendation.

She has already been re-instated by the competent authority vide this office Notification No. 16326-30 dated 16/06/2017, thus need no recommendation.

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Recommendation.

Mr. Shah Jehan Principal, GHSS Jamrud Khyber Agency is proposed to be nominated to conduct enquiry and her fate be decided in accordance with the recommendation of the inquiry officer.

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Recommendation.

He is recommended for re-instatement with immediate effect without back benefit and his absence period may be treated as leave without pay.

1. Additional Director (Estab)
2. Deputy Director (F/A).
3. Assistant Director (Litigation)

S. J. Khan
[Signature]
[Signature]

ATTESTED

[Signature]