

20<sup>th</sup> Oct, 2022

None for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Implementation report has not been submitted. Respondents are directed through learned AAG to submit implementation report. Last chance is given to the respondent for submission of implementation report on 26.12.2022 before S.B.

SCANNED  
KFSI  
Peshawar,



(Kalim Arshad Khan)  
Chairman

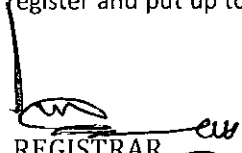



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Form- A  
FORM OF ORDER SHEET

SCANNED  
KPST  
Peshawar

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

Execution Petition No. \_\_\_\_\_ 41/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.01.2022	<p>The execution petition of Mst. Huree submitted today by Mr. Tasleem Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-	<p>31-5-2022</p> <p> 31/07/22</p>	<p>This execution petition be put up before touring Single Bench at A.Abad on <u>13-06-2022</u>. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p> CHAIRMAN</p>
	13.06.2022	<p>None present for petitioner.</p> <p>Notice be issued to petitioner/counsel and the respondents for submission of implementation report. To come up for implementation report on 18.08.2022 before S.B at Camp Court Abbottabad.</p> <p> (Fareeha Paul) Member (E) Camp Court A/Abad</p>

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

EP NO: 41/2022

Mst. Huree.....Petitioner

**Versus**

**SCANNED**  
**KPSTF**  
**Peshawar**

Government of Khyber Pakhtunkhwa  
through Secretary Education Peshawar  
etc.....Respondents

**EXECUTION PETITION**

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**Dated 07/01/2022**



**Mst. Huree**  
(Petitioner)

Through: -

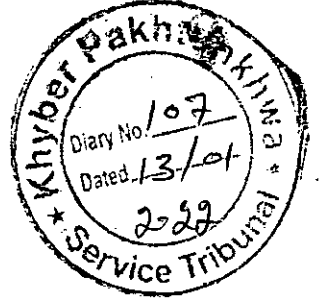


**M. TASLEEM KHAN KALOCH**  
Advocate High Court,  
District Courts,  
(Mansehra)

①

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

Execution Petition No. 41 of 2022  
In  
Service Appeal No. 1300/2019



Mst. Huree wife of Ghulam Nabi, PST,  
GGPS Nimraty Sosak, Tehsil Dassu,  
District Kohistan Upper.....**Petitioner**

**Versus**

- 1) Government of Khyber Pakhtunkhwa through Secretary Education Peshawar.
- 2) Director elementary & Secondary Education Peshawar.
- 3) District Education Officer (Female) District Kohistan Upper at Dassu  
.....**Respondents**

**EXECUTION PETITION UNDER  
SECTION 7(2) OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL  
ACT, 1974 FOR IMPLEMENTATION  
AND EXECUTION OF THE JUDGMENT  
AND ORDER DATED 30.09.2021 OF  
THIS HONOURABLE TRIBUNAL  
PASSED IN SERVICE APPEAL NO.  
1300/2019 IN LETTER AND SPIRIT.**

**Respectfully Sheweth!**

②

- 1) That, the petitioner had filed a service appeal before this Honourable Tribunal vide Service Appeal No. 1300/2019 which was allowed vide judgment and order dated 30.09.2021 and respondents were directed that appellant be reinstated and for the purpose of back benefit de-novo inquiry to be conducted in accordance with law.

**(Attested copy of the judgment is annexed as Annexure "A").**

- 2) That, the petitioner was never absent from hr duty, the appellant/petitioner was transferred from GGPS Budar Shah to GGPS Nimraty on dated 02.03.2018 and petitioner got maternity leave w.e.f 04.01.2019 to 17.02.2019 which was mentioned in memorandum of appeal. Upon the above period respondents illegally and malafide declared absent the petitioner and later-on before this Honourable Service Tribunal admitted the grounds of the petitioner/appellant.

**(Copy of memorandum of appeal and comments of the respondents are annexed as Annexure "B" & "C").**

- 3) That, the appellant/petitioner submitted the judgment of this Honourable Tribunal to the

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respondent No. 3, but before the conducting the free and fair inquiry to the extent of back benefit appointment order was issued on dated 10.12.2021 while partial and prejudice de-novo inquiry was conducted on 17.12.2021 which is objectionable and not according to the judgment of this Honourable Service Tribunal.

**(Copies of the appointment order and de-novo inquiry report are annexed as Annexure "D" & "E").**

- 4) That, the respondent/defendant No. 3 is legally bound to obey the judgment of this Honourable Service Tribunal in its true sense.
- 5) That, from the long time the petitioner appeal was pending before this Honourable Tribunal almost two years and if the free and fair de-novo inquiry not conducted for the purpose of back benefits the petitioner will face irreparable loss.
- 6) That, the petitioner belong to the poor family and no source of income except this teaching service, whole big family face miserable condition.

It is, therefore, most humbly prayed that the respondent No. 3 may be directed to implement the judgment of this Honourable Tribunal and be directed to

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conduct free and fair de-novo inquiry for the purpose of back benefits.

Dated 07/01/2022

*BHomi*

**Mst. Huree**  
(Petitioner)

Through: -

*[Signature]*

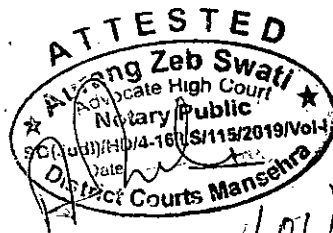
**M. TASLEEM KHAN KALOCH**  
Advocate High Court,  
District Courts,  
(Mansehra)

**AFFIDAVIT**

I, MST. HUREE WIFE OF GHULAM NABI, PST, GGPS NIMRATY SOSAK, TEHSIL DASSU, DISTRICT KOHISTAN UPPER DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT THE CONTENTS OF FORE-GOING EXECUTION PETITION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE COURT.

*BHomi*

**MST. HUREE**  
(DEPONENT)



*12/01/2022*

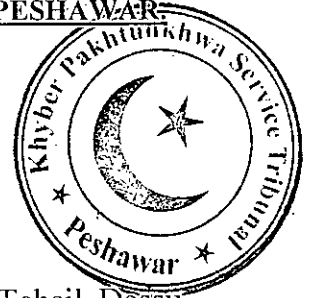
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*AHMAD UOI (A)*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1300/2019

Date of Institution ... 08.10.2019  
Date of Decision ... 30.09.2021



Mst. Huree W/O Ghulam Nabi, PST GGPS Nimraty Sosak Tehsil Dassu,  
District Upper Kohistan.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Education Peshawar and  
three others.

... (Respondents)

Present.

Mr. Tasleem Khan,  
Advocate

... For appellant.

Mr. Muhammad Adeel Butt,  
Additional Advocate General,

... For respondents.

MR AHMAD SULTAN TAREEN  
MRS. ROZINA REHMAN,

... CHAIRMAN  
... MEMBER(J)


JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:- Appellant has filed the  
instant service appeal U/S 4 of the Khyber Pakhtunkhwa Service  
Tribunal Act, 1974 against the order dated 11.06.2019, whereby she  
was awarded major penalty of removal from service.

2. Brief facts of the case are that appellant was appointed as P.S.T  
(BPS-12). She was removed from service on 11.06.2019. Feeling aggrieved,  
she filed departmental appeal on 14.06.2019, which was not responded to,  
hence, the present service appeal. After admission of appeal for regular  
hearing, the respondents were put on notice. They after joining the  
proceedings, filed reply/comments with several objections seeking dismissal  
of appeal with cost.

3. We have heard the arguments and perused the record.

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EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



4. The impugned order is self-speaking that on information about absence of the appellant, an Inquiry Committee was constituted comprising ADEO P&D (Male) and Sir Aman CT GMS Karang. There is no mention in the impugned order that before constitution of the Committee for inquiry into absence of the appellant, any usual notice of absence at home address or notice through publication in the newspaper was given, as per requirement, Section-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. According to the factual account in memorandum of appeal, the appellant challenged the ground of her willful absence taken for her removal from service with the counter plea that the local communities of the concerned School verified that the appellant had attended the duty. Original verification report of local community as pressed into service by the appellant was annexed with the memorandum of appeal and is available on file. Accordingly, the community people who are signatory of this report had purportedly verified the opening of school and denied its closure. They further verified the performance of duty by relevant staff up to their satisfaction. It was also stated by the appellant that she was transferred from GGPS Bahadur Shah to GGPS Umra Khel on 02.03.2018. According to the charge report annexed with the memorandum of appeal, the appellant took over the charge in the said School on 03.03.2018. According to the inquiry report annexed with comments of the respondents, it was reported against the appellant that she was posted at GGPS Umra Khel on 02.03.2018 but she did not perform her duty at the School even a single day. It is also mentioned in the inquiry report that she got maternity leave w.e.f 04.01.2019 to 17.02.2019 (45 days), although she was absent from duty. If the competent authority was in notice about her absence, it was duty of the said authority to take notice of the absence before granting maternity leave. If the competent authority had granted the maternity leave, it was duty of the said authority to get the report

**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

from the field staff whether the appellant on expiry of maternity leave had assumed the charge or not. If it is presumed that the appellant was really absent from duty, it makes a case of contributory negligence for determination of proportional role of the concerned officers responsible to ensure attendance of the teaching staff in the School. It has already been observed that the inquiry was not conducted according to the proper procedure as provided under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Therefore, it has become expedient to set aside the penalty imposed upon the appellant but without her exoneration from the charge of willful absence. It is directed that the appellant be reinstated for the purpose of de-novo inquiry in accordance with law. It is further directed that the incumbent District Education Officer (Female) will conduct the inquiry including the field officers i.e. S.D.E.O and ASDEO (Female) as to their proportional negligence in checking the absence of the appellant, if any. The appeal stands disposed of in the given terms. There is no order as to costs. File be consigned to the record room.

ANNOUNCED  
30.09.2021

*(Signature)*  
(AHMAD SULTAN TAREEN)  
CHAIRMAN  
CAMP COURT, A/ABAD

*(Signature)*  
(ROZINA REHMAN)  
MEMBER(J)  
CAMP COURT, A/ABAD

**Certified to be true copy**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 22/12/21  
Number of Words 1200  
Copying Fee 14/-  
Urgent 9/-  
Total 18/-  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 22/12/21  
Date of Delivery of Copy 22/12/21

⑧ Amended ③

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



Service appeal No 1300 of 2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No: 1118  
Dated: 08/10/2019

Mst. Huree, W/o Ghulam Nabi, PST GGPS,  
Nimraty Sosak Tehsil Dassu, District Upper  
Kohistan.....**Appellant**

**VERSUS**


- 1) Government of Khyber Pakhtunkhwa  
through Secretary Education  
Peshawar.
- 2) Director Elementary and secondary  
Education Peshawar.
- 3) District Education officer (Female)  
Kohistan at Dassu.
- 4) Head Teacher Government Girls  
Primary School Nimraty Sosak, District  
Kohistan upper.

.....**Respondents**

Filed to-day  
8/10/19  
Registrar

**APPEAL UNDER SECTION 4 OF KHYBER  
PAKHTUN KHAWA SERVICE TRIBUNAL  
ACT, 1974 AGAINST THE IMPUGNED  
OFFICE ORDER NO 2789-96 DATED  
11.06.2019 ON THE OFFICE OF THE  
DISTRICT EDUCATION OFFICER (F)  
KOHISTAN UPPER, WHEREBY THE  
APPELLANT HAS BEEN AWARDED MAJOR  
PENALTY OF THE REMOVAL FROM**

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**SERVICE WITHOUT ANY INQUIRY AND  
INTENDING OPPORTUNITY BEING HEARD  
WITHOUT AND BEYOND TO THE LAW  
SUCH CONDUCT OF THE RESPONDENTS  
IS ILLEGAL, AND VOID-AB-INITIO.**

**PRAYER:-**

On acceptance of the instant appeal the impugned order No 2789-96 dated 11.06.2019, the removal of the appellant being void and illegal, may kindly be set-aside and appellant may kindly be reinstated in service with all back benefits.

**Respectfully Sheweth:-**

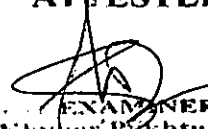
1. That, appellant is a civil servant in BPS-12 and is a PST Teacher appointed and having qualification of F.A and PTC.

(Copy of Education documents are annexed as annexure "A").

2. That, appellant was initially appointed as a PST, BPS-12 in GGPS Badar Shah District Kohistan on dated 01.12.2006.

(Copy of appointment order is annexed as Annexure "B").

**ATTESTED**

  
**EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar**

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3. That, appellant was performing her duty with great zeal and devotion, sincerity for long time from period since 2006 in District Education Department Kohistan.

4. That, the appellant join the service and resume her duty and mark her attendance in attendance register which is in a custody of respondent No 04.

(Copy of attendance register are annexed as annexure "C").

5. That, the allegation is that the appellant is absent from her duty but the local communities of the concerned school verified that appellant willfully attend their duty.

(copy of the local community verification about the open of school is annexed as annexure "D").

6. That, the appellant was transfer from GGPS Badar Shah to GGPS Nimraty on dated 02.03.2018.

(Copy of the Transfer order is annexed as Annexure "E").

7. That, on 02.03.2018, the appellant joined and attending the charge at GGPS Nimraty.

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

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



8. That, the respondent No 03 without any legal and codal justification allegedly issued impugned removal order dated 11.06.2019, vide which the appellant service were removed.

**(Copy of impugned removal order is annexed as annexure "G").**

9. That, felling aggrieved from the above order the appellant filed the Departmental appeal No 633/F No 324 on dated 14.06.2019, however the same is a pending and not communicated to the appellant.

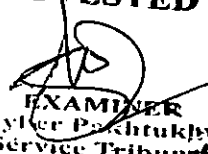
**(Copy of the departmental appeal is annexed as annexure "H").**

10. That, felling aggrieved, from the impugned order with in a time period of 90 days collapse the appellant filed this service appeal on the following grounds, inter alia:-

### **GROUND:-**

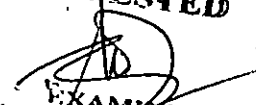
- A) That, the impugned order of removal from service is against the law, facts and principle of natural justice.

**ATTESTED**

  
**EXAMINER**  
Rhyler Pochtukhwa  
Service Tribunal  
Pochhawaf

- B) That, the impugned order is against Article 10-A and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C) That, the appellant was never been proceeded in accordance with the spirit of law, no inquiry whatsoever has been conducted and proceeded.
- D) That, the appellant has been condemned unheard as no opportunity of defense or personally hearing has been provide to the appellant.
- E) That, no charge sheet, statement of allegation, Show cause notices and publication in daily newspaper has been issued nor did any regular or fact finding inquiry has been conducted which is mandatory under the law before awarding major penalty.
- F) That, the appellant before 02.03.2018, was performing her duty in GGPS Badar Shah, and respondent allegation is that the appellant is absent in GGPS, Nimarty Sosak which is against the facts.
- G) That, the impugned order has been issued with retrospective effect which is against the law and void order.

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

- H) That, the alleged allegation of absence from a duty by the respondents is a totally wrong and without any fact.
- I) That, the appellant is a jobless since then and the whole family of the appellant face miserable condition.
- J) That, the appellant seeks permission to advance other ground during course of arguments.

.....PRAYER:.....

**IT IS, THEREFORE, MOST HUMBLY**

Prayed that on acceptance of the instant appeal the impugned order No 2789-96 dated 11.06.2019, the removal of the appellant being void and illegal, may kindly be set-aside and appellant may kindly be reinstated in service with all back benefits.

Dated 04.10.2019

*Mst Huree*  
**Mst Huree**  
(Appellant)

Through:-

*Muhammad Tasleem Khan Kaloch*  
**MUHAMMAD TASLEEM KHAN KALOCH**  
Advocate High Court  
At Mansehra

*Shahid Ali*  
**Certified to be true copy**  
Shahid Ali  
Service Tribunal,  
Peshawar

Date of Presentation of Application 22/12/21  
 Number of Words 2406  
 Copying Fee 26/-  
 Urgent 4/-  
 Total 30/-  
 Name \_\_\_\_\_  
 Date of Reception of Copy 22/12/21  
 Date of Delivery of Copy 22/12/21



④ *Amendure (4)*

**BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR CAMP COURT ABBOTTABD.**

APPEAL NO. 1300/2019

Mst: HUREE..... APPELLANT

VS

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



RESPONDENTS

Para wise comments on behalf of the respondents No 1, 2 & 3


Respectfully Sheweth:

Para wise comments on behalf of the respondents No 1 to 3 are as under.

**PRELIMINARY OBJECTION**

1. That the appellant has no locus standi/cause of action to file instant appeal.
2. That the appellant is stopped to agitate the instant matter before this Honorable Tribunal.
3. That the appellant has not approached this Honorable Tribunal with clean hands.
4. That the appellant has filed instant appeal with malafide intention for wrongful gain and suppressing the original facts, from this Honorable Tribunal, hence the appeal is liable to be dismissed.
5. That the appeal is hopelessly time barred.

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

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6. That the appellant is treated as per rules and law and policy. Therefore appellant is not entitled for any relief and hence appeal is liable to be dismissed without further proceeding.
7. That the instant appeal is not maintainable in its present form.
8. That appellant was found irregular in her respective duties.
9. That the instant appeal is against the law/service rules hence not maintainable in the eye of law and liable to be dismissed.
10. That the appellant has filed the present appeal just to pressurize the respondents.
11. That the act of the respondent within law and rules the order dated 11-06-2019 issued after fulfillment of the code formalities hence appeal is liable to be dismissed.

**FACTUAL OBJECTION**

1. Para No 1 is appeal relates to appellant service record hence no comments.
2. Para No 2 of appeal it relates to appellant service records hence no comments.
3. Para No 3 of the appeal relates to record, hence no comments.
4. Para No 4 is the appeal is relates to record, hence no comments
5. Para No 5 is incorrect to the extent that appellant was remain willful absent from her respective duties w.e.f 01-02-2018 till the issuance of termination order No 2789-96 dated 11-06-2019. The DCMA of Independent Monitoring Unit concern visited the school and reported time to time that the appellant was absent from her duties as well as ASDEO visit the school and found appellant absent. That on the receiving of absence report the matter was duly inquired by the District Education Officer through ADEO P&D (Male) and Sir Aman CT GMS Karang. The inquiry committee also confirmed that the appellant willfully absent from her duty w.e.f 01-02-2018 without any prior permission/leave sanctioned from competent authority and

**ATTESTED**

**EXAMINED**  
Kh. Iqbal Fakhruddin  
Service Tribunal  
Gashwara

(16)

submitted their report on 26-04-2019. On the basis of such inquiry the District Education Officer (F) has issued show cause notice to the accused official vide Endstt: No.1356 dated 02-05-2019 with the direction to submit the reply of show cause notice within fifteen days. The teacher concerned submitted her reply to the show cause notice on 15-05-2019 through SDEO concerned with doubtful dates i.e. 06-02-2019 as show cause notice was served on 02-05-2019. Reply to the show cause notice submitted by the appellant was declared as non-convincing by the competent authority and directed the appellant to attend the office for personal hearing on 30-05-2019 vide office Endstt: No.2676-79 dated 28-05-2019 but the appellant failed to avail the opportunity of personal hearing.

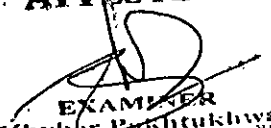
Copy of the inquiry report, show cause notice & letter for personal hearing are annexed as Annexure "A", "B" & "C".

6. Para No 6 of the appeal is correct, hence no comments.
7. Para No 7 is correct to the extent that after the transfer appellant assume her charge but after the charge she had failed to perform her respective duties. The DCMA of Independent Monitoring Unit reported GGPS Namraty non-functional and the appellant was remained absent each and every time.

Report of the IMU is annexed as Annexure "D"

8. Para No 8 of the appeal it is submitted that appellant after the transfer from GGPS Badar Shah to GGPS Namraty, she was reported absent most of the time by DCMA of Independent Monitoring Unit and ASDEO concerned. Appellant services were not satisfactory according to rules, after having considered charges and evidence on record, report of the inquiry committee, reply of show cause notice the charges against the accused teacher have been proved and the appellant was imposed the major penalty of removal from service w.e.f 01-03-2018. Appellant was treated in accordance with law and rules.

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

9. Para No 9 of the appeal is incorrect appellant is not aggrieved person, further stated that appellant filed Departmental appeal to the appellate authority in which the authority/respondent No 3 has been given/submitted reply of Departmental appeal of the appellant to appellate authority, on which the appeal of the appellant was rejected by appellate authority. Respondents are not bound to obey the illegal demand of appellant. Photo copy of the rejection letter of appeal is annexed as Annexure "E".
10. Para No 10 of the appeal is incorrect. Appellant is not aggrieved. Appellant treated as per rules and law.

**GROUND**

- a. Para of the ground "a" is incorrect, hence denied. Appellant has been treated as per rules.
- b. Para of the ground "b" is incorrect. Appellant was remain willfully absent from her duties without prior approval of leave of sanction, the authority has passed the order as per rules and law; hence the appeal is liable to be dismissed.
- c. Para of the ground "c" is incorrect. Reply has already been given in above factual objection in detail.
- d. Para of the ground "d" is incorrect, hence denied. The appellant has treated as per rules.
- e. Para of the ground "e" is incorrect. Appellant gives the opportunity of defense but she has failed to defend herself. Letter of personal hearing is annexed as Annexure "C".
- f. Para of the ground "f" incorrect all the proceeding has been done by the authority as per rules and law. She remained absent each and every time during the visit of the IMU and concern ASDEO.
- g. Para of the ground "g" is incorrect, hence denied. Appellant was treated in accordance with rules and law. Case was properly preceded and gives opportunity of hearing and appellant was removed from her service after fulfillment all the codal formalities.
- h. Para of the ground "h" is incorrect, hence denied. Reply has already been given in above Paras. Appellant is leveling baseless allegation to save her skin.

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

- i. Para of the ground "i" is relates to appellant personal matter and respondents are not bound to obey the appellant. Appellant was treated in accordance with rules and law. Respondent No 3 gives the opportunity for personal hearing but she was failed to availed the opportunity. Hence appeal is liable to be dismissed as score alone.
- j. Para of the ground "j" is incorrect; respondent will explain more factual position at the time of arguments.

*It is therefore humbly prayed that in the light of foregoing comments the appeal may graciously be dismissed with cost throughout.*

*[Signature]*  
 District Education Officer  
 (Female) Kohistan.

(Respondent No 3)

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

*[Signature]*  
 DIRECTOR  
 Elementary & Secondary Education  
 Khyber Pakhtunkhwa Peshawar.

Date of Presentation of Application 22/12/22 *[Signature]* (Respondent No. 2)  
 No. 1660  
 C. 481  
 T. 22/12/22

*[Signature]*  
 SECRETARY

Date of Delivery of Copy 22/12/22 *[Signature]* Elementary & Secondary Education  
 Khyber Pakhtunkhwa Peshawar.

(Respondent No. 1)



(19) Ammerwala (2)

**OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE  
KOHISTAN**

**OFFICE ORDER**

In the light of the decision of honorable service tribunal Peshawar regarding re-instatement of Mst. Gul Shad for the appeal No 1310/2019 dated 24/09/2021 and re-instatement of Mst. Huree Bibi for the appeal No 1300 dated 30-09-2021, subject to the De-novo Enquiry.

Now in the consequences of the above decision of the honorable service tribunal KP Peshawar in respect of Mst. Gul Shad PST GGPS Sultan Abad Harban Huree Bibi PST GGPS Nimraty. The following officers are hereby nominated as Enquiry officers for the mentioned De-novo Enquiry with the directions to go through the service regard as well as adopted procedure. The officers may submit the report within 07 days with clear cut recommendation.

1. Fozia Bibi SDEO (F) Dassu
2. Abdul Salam ASDEO (F) Estt: Secy: Kohistan

**District Education Officer  
(Female) Kohistan**

Endstt No 417-21 Dated 27/11 /2021

**Copy of the above is forwarded to the:**

1. Registrar Service Tribunal KP Peshawar.
2. Deputy Commissioner Kohistan Upper.
3. PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
4. SDEO (F) Dassu Kohistan
5. Office Copy

**District Education Officer  
(Female) Kohistan**

20

**DE-NOVO ENQUIRY REPORT IN RESPECT OF MST: HUREE PST GGPS  
NAMRTAY**

In the reference of the office order no 417-21 dated 27-11-2021 consequent upon the decision/ directions of the honorable service tribunal Khyber Pakhtunkhwa at Peshawar regarding de-novo enquiry in respect of Mst. Huree PST as under.

**PROCEDURE /METHODALOGY**

- To go through the service record
- To check the performance record in duty station/ stations.
- To see the legal proceedings adopted by the authority before removal.

**BACK GROUND:**

The teacher was initially appointed on 01-12-2006 vide Executive District Officer (S&L) Kohistan No, 8622-30 at GGPS Badar Shaha.

The teacher was transferred to different stations/schools and last station was GGPS Namrtay where she was removed.

The teacher was removed from service vide DEO (F) Kohistan No 2789-96 dated 11-06-2019 in the light of absentee report by IMU and recommendation of enquiry report submitted on 26-4-2019.

The teacher filed the appeal before the honorable service tribunal of KPK at Peshawar appeal No, 1300/2019 dated 08-10-2019. And the court set-aside the impugned order No, 2789-96 on 30/09/2021 in the decision with the direction of de-novo inquiry

**FINDINGS:**

The Proceedings was carried out under E&D Rules, 2011 by the competent authority in the light of the recommendation of the preliminary enquiry report submitted on 24-04-2019. During the reporting period the teacher was on maternity leave for 90 days quoted in the enquiry report also.

The teacher transferred to GGPS Namrtay on 02-03-2018 while the DCMA of IMU reported her absent from Namrtay on 23-02-2018.

The show Cause notice mentions the absentee of the teacher in the month of March 2019 referred the absentee reported by IMU while in the removal order the competent authority quoted the absentee of the teacher from 01-02-2018 to 11-06-2019. While the maternity leave starts w.e.f. 04-01-2021 upto 04-03-2019.

The photo copy (attested by on chair teacher) of the attendance register of the school indicates no such absentee of the teacher as was reported.

**RECOMMENDATIONS:**

The recommendations of the enquiry committee stand as under:

1. The service of the teacher may be made intact by restoration her permanently on her designated post with current benefits of salary.
2. The teacher posses no right of back benefits due to not performance any duty from 11-06-2019 up to the re instatement order issued. Therefore the intervention period may be considered as extra ordinary leave (EOL).

Enquiry officer (1)

Abdul Salam ADEO Estab: Secy:

Enquiry officer (2)  
Fozia SDEO (F) Dassu



② *Amendment (E)*

**OFFICE OF THE DISTRICT EDUCATION OFFICER**



**OFFICE ORDER**

Whereas Mst: Bibi Huree PST GGPS Nimrtay was removal from service vide DEO (Female) Kohistan 2789-96 Dated 11-06-2019 and she submitted service appeal in service Tribunal Peshawar against the taken action. The Honourable Tribunal accepted her appeal and passed decision on 30-09-2021 of re-instatement of the teacher in the light of the appeal No 1300/2019 Dated 08-10-2019, subject to only de-novo enquiry.

In the view of the above facts, Mst: Bibi Huree PST GGPS Nimrtay is hereby re-instated and adjusted in GGPS Soyol Dong only for the purpose of de-novo enquiry in the consequences of the directions of Honourable Service Tribunal Khyber Pakhtunkhwa.

**Conditions:**

- 1 No TA/DA is allowed
- 2 Her re-instatement and other benefits will remained fully dependent upon the recommendation of de-novo enquiry report
- 3 Charge report should be submitted to all concerned

\_\_\_\_\_  
District Education Officer  
(Female)Kohistan

E/No: Estt/ Sec/ 497-503 DEO (F) Dated 10/12/2021

Copy of the above is forwarded to:

- 1 Director E&SE Khyber Pakhtunkhwa Peshawar
- 2 Registrar Khyber Pakhtunkhwa Peshawar
- 3 District Account Officer Kohistan
- 4 Sub-Divisional Education Officer (Female) Dassu Kohistan
- 5 ADEO Litigation Local Office
- 6 PA to DEO(Female) Kohistan
- 7 Office copy

\_\_\_\_\_  
*D. D. D. D.*  
District Education Officer  
Female Kohistan  
10/12/2021



DBAM No. 649

S.No

8259

Fee Rs. 100/-



2020-21

General Secretary  
District Bar Association  
Manshura

وکالت نامہ

Name of Advocate

محمد نسیم خان فلوٹی

بعدالت: ضلعی حکومتی سروس ڈسٹریکٹ بار ایسوسی ایشن

عنوان: مسماۃ حور بی بی بنام: حکومت ضلعی حکومتی سروس

منجانب: سائلہ petitioned نوعیت مقدمہ: Execution Petition

باعث تحریر آنکہ

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے بیروی و جواب دہی بمقام... ریسیس آر پار کے لئے  
محمد نسیم خان فلوٹی ریڈووکیٹ جلالی کھورج  
کو بدیں شرائط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے  
جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ  
میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام کچہری کے علاوہ  
کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ کچہری کے علاوہ  
کسی اور جگہ سماعت ہوا یا کچہری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار  
نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست  
بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور قسم کاروبہ وصول  
کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپر دثاشی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا  
بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف  
کر بشرط ادائیگی علیحدہ محتاتانہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدوراں مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو  
بجائے خود یا اپنے ہمراہ مقرر کریں اور مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل موصوف کو  
اور اگر بیروی فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ کریں اور ایسی حالت  
میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پرداختہ وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔  
لہذا وکالت نامہ لکھ دیا ہے اور دستخط/انگوٹھا ثبت کر دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

مورخہ 12 جنوری 2021ء

ACCEPTED

Allowed  
&  
accepted

مسماۃ حور بی بی زونہ غلام بی بی ایسوسی ایشن کھورج  
سورٹ کھورج 17 سو فیصلہ کو بیٹان اور

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD,**  
**PESHAWAR.**

No. *Regd* *EP NO 41/22* *TB AIA*

Appeal No..... *1300* ..... of 20*18*

*Mst Huree* ..... Appellant/Petitioner

Versus

*Through Secy (ESSE)* ..... Respondent

Respondent No. *3*

Notice to: - *District Education officer (Female)*  
*DISTT Kohistan Upper DASSU*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on..... *13-6-22* ..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No..... dated.....

Given under my hand and the seal of this Court, at Peshawar this..... *2* .....

Day of..... *6* 20 *22*

*At camp Court*  
*Alabad.*

*[Signature]*  
 Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

No. *10801* EP NO *41/22* *1B A 1A*  
 Appeal No. *1300* of 20 *19*  
*Mst. Haree* Appellant/Petitioner  
 Versus  
*Through Sgo. (ESSE)* Respondent  
 Respondent No. *3*

Notice to: *- District Education officer (Female)  
DISTT Kohistan Upper Daska*

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this *2* .....

Day of ..... *6* ..... *2022*

*at camp court*

*ALASAD*



Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
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