

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

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

Service Appeal No.1547/2018

**Mst. Bakht Bibi Ex-Sweeper GGMS Mulyano Killi, Tehsil Tangi
District Charsadda.**

.....*Appellant)*

Versus

1. **Govt: of Khyber Pakhtunkhwa** through Chief Secretary, Civil Secretariat, Peshawar.
2. **Director Education**, Elementary and Secondary Education, near GHSS No.1 G.T. Road, Peshawar.
3. **District Education Officer (Female)**, Charsadda.

.....*(Respondents)*

Present:

Salim Raza Safi,
Advocate
&

Javed Ali,
Advocate.....

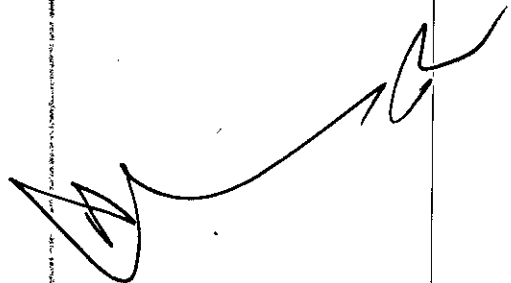
.....For appellant.

Mr. Kabirullah Khattak,

Additional Advocate General.....For respondents.

Date of Institution.....30.10.2018
Dates of Hearing.....23.11.2022
Date of Decision.....23.11.2022

**APPEAL AGAINST NOTIFICATION NO.11994-98 DATED
04.01.2018 VIDE WHICH THE APPELLANT WAS
COMPULSORY RETIRED BY AWARDED MAJOR
PENALTY AND AGAINST ORDER DATED 01.10.2018 VIDE
WHICH THE REPRESENTATION OF THE APPELLANT
WAS DISMISSED.**



JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: This appeal is against the orders dated 04.01.2018 passed by respondent No.3 imposing major penalty of compulsory retirement upon the appellant and one Farhat Begum. The appeal is also against the order dated 01.10.2018 passed by the departmental/appellate authority upholding the major penalty and rejecting the appeal of the appellant.

2. Facts of the case are that the appellant was appointed as Sweeper in the year 2000 in the respondent department; that the appellant was served with a charge sheet and show cause notice was issued to her on 24.05.2017; that the appellant was proceeded against and awarded major penalty of compulsory retirement vide impugned order dated 04.01.2018; that the appellant preferred departmental appeal which was dismissed on 01.10.2018, hence the instant service appeal in this Tribunal on 30.10.2018.

3. According to the appeal the impugned orders were against the law and facts and hence illegal. On receipt of the appeal and its admission to full hearing, the respondents were summoned who, on putting appearance, filed written reply wherein it was contended that the appellant was found guilty in proxy case according to the report of IMU and, therefore, in the light of the enquiry report she was properly dealt with by way of impugned order. The defence setup was a total denial of the claim of the appellant.


4. We have heard learned counsel for the appellant and learned Additional Advocate General for the respondents.

5. It is observed that the respondent-department has not proceeded in accordance with the provisions of the Government of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The impugned orders

are based on the report of some IMU (the constitution of which is not explained nor is there any notification of such IMU). There is a table attached with the reply which is not showing or proving the contention of the respondents. There is no report of the IMU placed before the Tribunal. The enquiry report, though annexed with the reply, is not found to have been conducted in accordance with the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. There is no charge sheet and statement of allegations either stated in the reply or annexed with the same. It appears that the concerned District Education Officer (F) does not know A,B,C of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 as none of the provisions had properly been followed in this case. There is no justification even to proceed against the appellant as the sole basis relied upon by the respondents is the report of IMU which, as aforesaid, has not been placed before the Tribunal, so the subsequent proceedings are not justified nor the impugned orders could be sustained in the situation. On allowing this appeal we set aside the impugned orders to the extent of appellant and order reinstatement of the appellant from the date of her compulsory retirement, that is on 04.01.2018, with all consequential benefits. Costs shall follow the event. Consign.

6. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 23rd day of November, 2022.*


KALIM ARSHAD KHAN
Chairman


FAREEHA PAUL
Member (Executive)


ORDER


23rd Nov, 2022

1. Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Mudassar Shah, ADEO for respondent No.4 present.

2. Vide our detailed judgement of today placed on file (containing 03 pages), On allowing this appeal we set aside the impugned orders to the extent of appellant and order reinstatement of the appellant from the date of her compulsory retirement, that is on 04.01.2018, with all consequential benefits. 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 23rd day of November, 2022.*

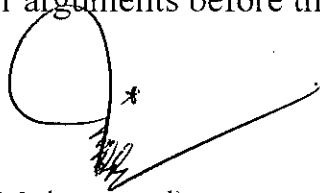

(Kalim Arshad Khan)
Chairman


(Fajeaha Paul)
Member(Execution)

28.10.2022

Nemo for the appellant. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Notice for prosecution of the appeal be issued to the appellant as well as her counsel through registered post and to come up for arguments before the D.B on 23.11.2022.



(Mian Muhammad)
Member (E)




(Salah-ud-Din)
Member (J)


Counsel was informed telephonically for the date of fixed
Peshawar
SCANNED

09.06.2022

Clerk of learned counsel for the appellant present. Mr. Mudassar Shah, ADEO (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

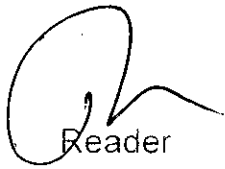
Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 30.08.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Safah-ud-Din)
Member (J)

30.08.2022


Bench is incomplete, therefore, case is adjourned to 28.10.2022 for the same as before.


Reader

07.10.2021

Counsel for the appellant and Mr. Javidullah,
Asstt. AG for the respondents present.

Former seeks adjournment in order to further
prepare the brief. Request is accorded. To come up for
arguments on 17.12.2021 before the D.B.



(Mian Muhammad)
Member(Executive)

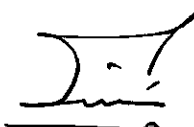

Chairman

17.12.2021

Learned counsel for the appellant present. Mr. Muhammad
Adeel Butt, Additional Advocate General for the respondents
present.

Learned counsel for the appellant sought adjournment on
the ground that he has not made preparation for arguments.
Adjourned. To come up for arguments on 17.02.2021 before the
D.B.


(Atiq-ur-Rehman Wazir)
Member (E)


(Salah-ud-Din)
Member (J)

17-2-22

*Due To Retirement of The Hon, Mr Chairman
The case is adjourned on 9-6-22*


Reader

28-12-2020

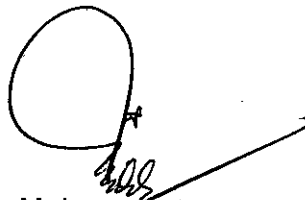
Due to summer vacation, case is adjourned to
15.3.2021 for the same as before.


Reader

15.03.2021

Nemo for appellant present. Mr. Muhammad Rashid,
DDA for the respondents present.

On the last date the hearing was adjourned on the
strength of Reader's note. Notices be issued to the
appellant/counsel for 14.06.2021 before D.B.



(Mian Muhammad)
Member(E)



Chairman

14.06.2021

Mr. Salim Raza Safi, Advocate, for the appellant present.
Mr. Kabirullah Khattak, Additional Advocate General for the
respondents present.

Former stated at the bar that issue of retrospectivity is
involved in the instant appeal, for which a Larger Bench has
already been constituted. Adjourned. To come up for arguments
before the D.B on 07.10.2021.


(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

17.08.2020

Due to summer vacations, the case is adjourned to
27.10.2020 for the same.

Reader

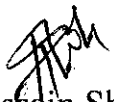
27.10.2020

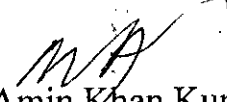
Proper D.B is on Tour, therefore, the case is
adjourned for the same on 28.12.2020 before D.B.

Reader

11.02.2020

Learned counsel for the appellant present Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.03.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

30.03.2020

Due to public holiday on account of COVID-19, the case is adjourned to 08.06.2020 for the same as before.


Reader

08.06.2020

Clerk to counsel for the appellant present. Addl: AG for respondents present. Due to general strike of the Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for arguments on 17.08.2020 before D.B.

MEMBER


MEMBER

20.09.2019

Clerk to counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 05.11.2019 before D.B.



Member

Member

05.11.2019

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 12.12.2019 before D.B.




Member



Member

12.12.2019

Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Usman Ghani, District Attorney for the respondents present. Adjourned to 11.02.2020 for arguments before D.B.



(Ahmad Hassan)

Member



(M. Amin Khan Kundi)

Member

16.04.2019

Learned counsel for the appellant present. Written reply not submitted. Hayat AD representative of the respondent department absent. He be summoned with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 31.05.2019 before S.B.

Member

31.05.2019

Counsel for the appellant and Addl. AG alongwith Mudasir Shah, ADO for the respondents present.

Joint written reply by respondents is submitted which is placed on file. To come up for arguments before D.B on 25.07.2019. The appellant may furnish rejoinder within three weeks if so advised.

Chairman

25.07.2019

Husband of the appellant, on behalf of the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Syed Mudassir Shah, ADO for the respondents present. Husband of the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned to 20.09.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

25.01.2019

Counsel for the appellant present.

Learned counsel for the appellant contends that the period of alleged impersonation of appellant was not mentioned in the departmental proceedings. The allegation, prima-facie, was attributable to one visit of the official of respondent department. It is further contended that Principal/Headmistress of the concerned school, where the appellant was performing duty, was not associated in the enquiry proceedings. The proceedings undertaken against the appellant were, therefore, in violation of the rules/law, however, major penalty of compulsory retirement was imposed upon her.

In view of averments made at the bar and the relevant record the appeal in hand merits admission for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 12.03.2019 before S.B.

Chairman

12.03.2019

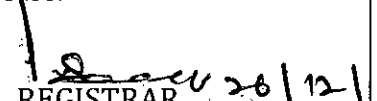

Counsel for the appellant present. Security and process fee not deposited. Learned counsel for the appellant seeks time to deposit the same. He is directed to deposit security and process fee within seven days thereafter, notice be issued to the respondents for written reply/comments for 16.04.2019 before S.B.

Appellant Deposited
Security & Process Fee

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 1547 /2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/12/2018	<p>The appeal of Mst. Bakhat Bibi resubmitted today by Mr. Saleem Raza Safi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 26/12/18</p>
2-	28/12/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25/01/2019.</u></p> <p> CHAIRMAN</p>

The appeal of Mst. Bakht Bibi Ex-Sweeper GGMS Mulyano Killi Tehsil Tangi Distt. Charsada received today i.e. on 30.10.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Memorandum of appeal may be got signed by the appellant.
- 3- Affidavit may be got attested by the Oath Commissioner.
- 4- Annexures of the appeal may be flagged.
- 5- Annexures of the appeal may be attested.
- 6- Copy of charge sheet and reply to the charge sheet mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 7- All the annexures of the appeal are illegible which may be replaced by legible/better one.
- 8- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2/177 /S.T.

Dt. 31/10 /2018.

Mr. Salim Raza Safi Adv. Pesh.

31/10/18
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

ضمانتاً:
میں نے اسے سب سے پہلے تو میرے نام پر درکار کیا ہے۔
لیکن اس کے نام پر سب سے پہلے اس کا نام جاری فرمایا گیا ہے۔

15/11/18

7 days time further extended.

15/11/18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

1547

Service Appeal No. 1547 /2018

Mst. Bakht BibiPetitioner

VERSUS

Govt of KPK & othersRespondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal with affidavit		1-3
2.	Copy of letter of appointment	A	4-85
3.	Copy of show cause notice dated 24.05.2017	B	6-19
4.	Copy of order dated 04.01.2018	C	7-10
5.	Copy of order dated 01.10.2018	D	11-18
6.	Wakalatnama		19

Through

Petitioner

Dated 20.12.2018

Salim Raza Safi
Advocate, High court
Peshawar

0300-5970724

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Service Appeal No. 1547/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1581

Dated 30/10/2018

Mst. Bakht Bibi
Ex-Sweeper GGMS Mulyano Killi
Tehsil Tangi District Charsadda.....Appellant

Versus

- 1) Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2) Director Education Elementary and Secondary Education, near GHSS No.1 G.T. Road, Peshawar.
- 3) D.E.O. (Female) Charsadda..... Respondents

APPEAL AGAINST NOTIFICATION
NO.11994-98 DATED 04.01.2018 VIDE
WHICH THE APPELLANT WAS
COMPULSORY RETIRED BY AWARDING
MAJOR PENALTY AND AGAINST ORDER
DATED 01.10.2018 VIDE WHICH THE
REPRESENTATION OF THE APPELLANT
WAS DISMISSED.

Filed to-day

Registrar
30/10/18

Respectfully Sheweth;

- 1) That the petitioner was appointed as Sweeper in the year 2000 in the GGMS Mulyano Killi. (Copy attached).
- 2) That the appellant was charge sheeted and show cause notice was issued on 24.05.2017. (Copy attached).
- 3) That the appellant was proceeded and awarded major penalty in the shape of compulsory retirement vide order dated 04.01.2018. (Copy attached).

Re-submitted to-day
and filed.

Registrar
26/12/18

- 4) That the appellant filed an appeal/ representation before competent authority, however, the same was dismissed/ rejected vide order dated 01.10.2018.
- 5) That appellant being aggrieved from order dated 01.10.2018, approaches this Hon'ble Tribunal, inter alia, on the following grounds:

GROUND

- a. That the acts and inquiry as well as finding of the Inquiry Officer is illegal, against facts and against the record of the case and are not sustainable in the eyes of law.
- b. That the charges leveled against the appellant are based on malafide, ulterior motive, arbitrary, fanciful and not based on facts but only the result of probability, hence not sustainable in the eyes of law.
- c. That the inquiry committee has not culminated as per law and procedure and no intimation whatsoever in response to the letters issued by respondents in connection to the absence of appellant.
- d. That no intimation by virtue of any advertisement was issued by the respondent/ department and has nothing has brought on record in respect to the appellant's absence, hence the absentia cannot be determine on mere presumption.
- e. That the inquiry committee/ person has not determined the charge and factum of absence vide her detailed inquiry as the findings were given due to lack and dearth of sufficient documents, hence the whole inquiry become a presumption and misconception as to why this non-production of documents and record was attributed to the appellant.

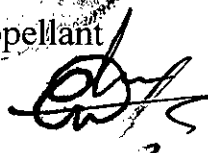
- f. That no charge was proved or brought home against the accused/ appellant and penalty was imposed on the appellant, which clearly violates the principle of criminal justice and deprived the appellant from his legal right in the shape of compulsory retirement, which is also a violation of law and rules on the subject.
- g. That the competent authority has not decided the departmental appeal/ representation of the appellant according to law and procedure, hence committed illegality.

It is, therefore, prayed that on acceptance of this appeal, the orders dated 04.01.2018 and 01.10.2018 may kindly be set aside and the appellant may please exonerated of the charges and the inquiry so conducted may please be declared null and void and the major punishment of compulsory retirement may also be declared against the facts, procedure, law and the appellant may please be reinstated in service with all back benefits.

Any other relief which this hon'ble court deems appropriate in the circumstances of the case and not specifically asked for may kindly also be granted.

Dated: 30.10.2018


Appellant

Through 

Salim Raza Safi
Advocate High Court
Peshawar.

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




Deponent

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) SECONDARY CHARSADDA.

OFFICE ORDER/

Mst: Bakhat Bibi. D/O Sultan Mohammad.
is hereby appointed as Sweeper. at GGMS, Mulyano Killi (Charsadda)
on contract basis @ Rs, 1800/- PM fixed against vacant post with
immediat effect.

TERMS & CONDITIONS.

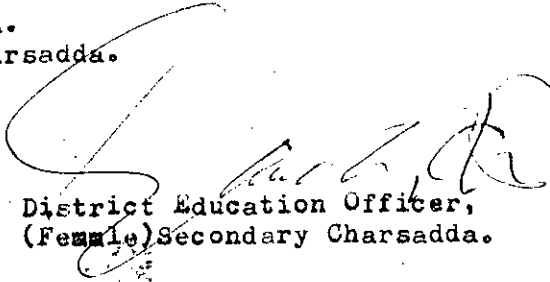
1. Her appointment is purely on temporary basis and liable to termination any time without assigning any reasons/notice.
2. In case of resignation she will have to submit one month prior notice to the Deptt: forfeit one month pay to the Govt:.
3. She is required to produce Health and age certificate from Medical officer/authority concerned.
4. If she failed to take over charge of her post within a week of the receipt of this order of the Apptt: shall stand cancelled.
5. Their age will 18-45 years.
6. Charge report should be submitted to all concerned.
7. No TA/DA etc: is allowed.

MRS: MAMOONA BEGUM
DISTRICT EDUCATION OFFICER,
(FEMALE) SECONDARY CHARSADDA.

Endst: No 1730-34 / P. File / GGMS, Mulyano Killi. Dated Chd: the 1-7/2000.

Copy to the:-

1. District Accounts Officer Charsadda.
2. Headmistress GGMS, Mulyano Killi Charsadda.
3. ADEO (Accounts) local office.


District Education Officer,
(Female) Secondary Charsadda.

(S. Khan)



MEDICAL CERTIFICATE.

5

Name of Official..... **Mst; Bakht Bibi**

Caste or race..... **Afghan**

Father's name.. **W/O. Ajmal Khan**

Residence..... **Village Malyani Kili P.O. Bukri Tehsil Tangi**

District Charsadda.

Date of birth.....

Exact height by measurement.....

Personal mark of identification..... *A m... over lb-cha...*



Signature of the Official.....

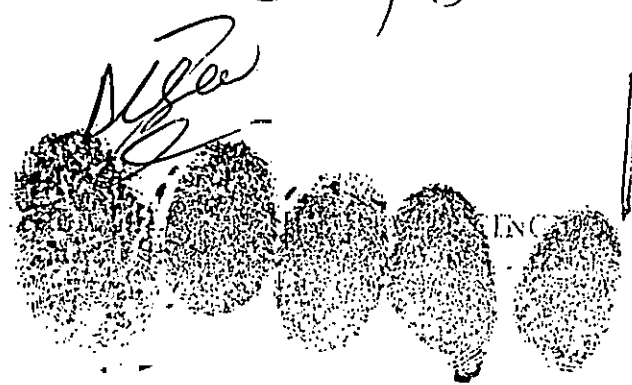
Signature of head of office.....

Seal of Office

I do hereby certify that I have examined **Mst; Bakht Bibi** ... a candidate for employment in the office of the **Education Department** and can not discover that he had any disease communicable or other constitutional affection or bodily infirmity except.....

I do not consider this as disqualification for employment in the office of the **Education Deptt;** His age according to his own statement... **27** ... years and by appearance about... **27** ... years.

Taty Sevan



Medical Superintendent
Medical Superintendent,
Civil Hospital
27
M

21-5058

Date 8/2/17



EB

SHOW CAUSE NOTICE

1> I, Sofia Tabassum District Education Officer (F) Charsadda, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Bakht Bibi Sweeper GGMS Sweeper as follows: *Mulofans killi*

- (i) The consequent upon the report of IMU that you found guilty of impersonation from 14/01/2017
- (ii) Ongoing through the case it obviously proves that you are inefficient in duty and liable to dealt with under E&D rules 2011.

I am satisfied that you have committed the following acts/omissions specified in Rule-3 of the rules ibid:

- (a) Inefficient
- (b) Misconduct

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

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

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

COMPETENT AUTHORITY
DISTRICT EDUCATION OFFICER
FEMALE CHARSADEA

o/c

Jus

No. 747

For Insurance Notices see reverse. Rs. Ps.
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

ved registered _____ Date Stamp _____
 sed to _____
 Write here "letter", "document", "packet" or "parcel"
 is of Receiving Officer with the word "insured" above (when necessary)
 Insured for Rs. (in figures) _____
 Weight } Kilo
 fee Rs. _____ Ps. _____ (in words) } Grams
 and _____
 s _____
 nder _____



Office of the District Education Officer Female
District Charsadda

☎ 0919220086/0916514623 ✉ emischarsadda.deof@yahoo.com

No. _____ / Dated _____ / 2017

07

NOTIFICATION

1. Whereas, Mst Farhat Begum Sweeper GGHS Shah Afzal Abad Charsadda and Mst Bakht bibi Sweeper GGMS Mulyano Killi
2. was preceded under the Khyber Pakhtunkhwa Govt: servants (E&D) rules 2011 on the charges mentioned in the charge sheet/statements of allegations.
3. And whereas a showcause notice was served upon to the official mentioned above vide this office letter No 7297 & 7298 on 21/09/2017.
4. And whereas Mst: Durr-e-Shahwar SDEO (F) Charsadda was appointed as inquiry officer vide this office letter No. 10659-61 dated 23/11/2017.
5. And whereas the inquiry officer after having examined the charges, evidence on the record submitted the report on dated 27/11/2017.
6. And whereas the authority having considered the charges, evidence on the record as per report of the inquiry officer and giving the opportunity of personal hearing to the accused officials, that the charges leveled against the said officials in the showcause notice have been proved.
7. Now therefore in exercise of the powers conferred by the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Disciplinary) rules 2011, rules 4 (b (ii)), the competent authority is pleased to impose the major penalty of compulsory retirement from Govt: Service upon Mst Farhat Begum Sweeper GGHS Shah Afzal Abad Charsadda and Mst: Bakht bibi Sweeper GGMS Mulyano Killi w.e.f 23/11/2017.

The Headmistress concerned and B&AO/cashier local office are directed to recover the whole amount if she had received as salary during the absence period and deposit into the Govt: Treasury under intimation to this office.

(MST: SOFIA TABASSUM)
DISTRICT EDUCATION OFFICER
FEMALE CHARSAZZA

Endst: No. 11994-98 / Dated 4/01/2018

Copy of the above forwarded to the:

1. Director E&SED Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Charsadda.
3. District Accounts Officer Charsadda.
4. District Monitoring Officer Charsadda.
5. Headmistress Concerned.
6. ADEO (F) Estab: local Office.
7. Official Concerned.
8. Office/Master file.

[Handwritten signature]

[Handwritten signature]
DISTRICT EDUCATION OFFICER
FEMALE CHARSAZZA

مخبرہ DE.O کی قس (تفتیشی) بارہ

دعوتِ صلح و صلح کے لئے ایسا درجہ کا بدلہ جو وہ بالائی مہذب

معالیہ - تمام جہتیں اور مسائل

وہ کہ وہ ان تمام مسائل کو حل کرے اور اس کے
 کے لئے وہ اس کے لئے اس کے لئے اس کے لئے
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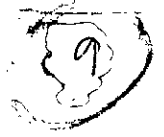
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اس کے لئے اس کے لئے اس کے لئے

تمام جہتیں اور مسائل کے لئے

اس کے لئے اس کے لئے اس کے لئے

کونجا، رامپور، بریلی، اے. پی. ک. (کتابدار)



روزنامہ لکھنؤ پریس دربارہ بالی سوزت کھمپری بریلی

— . ۴ . —

مجاہدین نامہ جیسے سیرتیں

... دربارہ نامہ کورنگت لکھنؤ پریس دربارہ بالی سوزت کھمپری بریلی

... مجاہدین نامہ جیسے سیرتیں دربارہ بالی سوزت کھمپری بریلی

... مجاہدین نامہ جیسے سیرتیں دربارہ بالی سوزت کھمپری بریلی

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... مجاہدین نامہ جیسے سیرتیں دربارہ بالی سوزت کھمپری بریلی

... مجاہدین نامہ جیسے سیرتیں دربارہ بالی سوزت کھمپری بریلی

کھمپری

Medical No. 1

No. 1

OUT PATIENTS DEPARTMENT

NAME

YEARLY NO

DATE

No.

No. 9

OUT PATIENTS DEPARTMENT

NAME

YEARLY NO

DATE

DISEASE

FACE VALUE RUPEES 5 / FACE VALUE RUPEES

10

U U C S
YEARLY NO *3604*
DATE *11/4/16*
DISEASE *Known case of Asthma*

Power, GBA

Neophylizalid

73 + Oxalin 120
(NO) 20

20 Montec 157
20
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407

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Deluse bed 200
days

[Signature]

17

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P.S

17

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

NOTIFICATION

WHEREAS, on finality of disciplinary proceedings under Khyber Pakhtunkhwa E&D Rules-2011 major penalty of Compulsory Retirement from service was imposed upon Mst. Bakht Bibi Ex-Sweeper GGMS Mulyano Killi by the DEO (F) Charsadda Notification No: 11994-98 dated 04/01/2018.

AND WHEREAS, the said aggrieved sweeper filed a departmental appeal dated 31/05/2018 to the Director E&SE Khyber Pakhtunkhwa Peshawar (appellate Authority) for redressal of his grievances/reinstatement in service.

AND WHEREAS, the appellate authority in pursuance of Section 17 read with sub rule (1) & (2) of the E&D Rules-2011 called for the record of the case and comments from the concerned DEO vide letter No. 257 dated 02/07/2018 for consideration of the appeal.

AND WHEREAS, the DEO concerned provided the requisite record/comments accordingly vide her letter No. 18584 dated 30/08/2018.

AND WHEREAS, consequent upon perusal of relevant record, reason and circumstances by the appellate authority under which Mst. Bakht Bibi Ex-Sweeper GGMS Mulyano Kili District Charsadda (appellant) was Compulsorily Retired from service, the appeal submitted by the aforesaid Ex-Sweeper for reinstatement was not found tenable.

NOW, THEREFORE, in exercise of the powers conferred under Section-17 rule (2) (a) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, the Director E&SE/appellate authority **"uphold the order of Major penalty and reject appeal"** lodged by Mst. Bakht Bibi Ex-Sweeper GGMS Mulyano Kili District Charsadda (appellant)


DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 699-702 /F.No A-20/C-IV/Charsadda

Dated Peshawar the 11/10 /2018.

Copy of the above is forwarded for information and n/action to the:-

- 1- District Education Officer (Female) Charsadda w/r to her letter No and date cited above.
- 2- District Accounts Officer Charsadda.
- 3- Appellant concerned.
- 4- PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.


Assistant Director (Admn)
E&SE, Khyber Pakhtunkhwa, Peshawar

11/10/2018

Most urgent
Reminder-I

Directorate of Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
No. ~~257~~ /F.No. /A-20/C-IV/Charsadda
Dated Peshawar the 27 /2018.

257

12

To

The District Education Officer
(Female) Charsadda

Subject: APPEAL

Memo

I am directed to refer to this office letter No. 1926 A-20/C-IV/Charsadda dated 12/03/2018 on the subject noted above and to ask you once again that the required report is still awaited which may be furnished at your earliest.

Assistant Director (Admn)
Directorate of E&SE K.P. Peshawar

Endst: No. 259

Copy forwarded to the:-

1. Mst. Bakht Bibi Ex-Sweeper, GGMS Mulyano Killi District Charsadda.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Assistant Director (Admn)
Directorate of E&SE K.P. Peshawar



OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE CHARSAJDA

OFFICE ORDER

Mst: Dur-e-Shahwar SDEO (F) Charsadda is hereby nominated as enquiry officer for the below Habitual absent Teaching, Non-Teaching and proxy staff reported by IMU.

S.No.	Name	Designation	School Name	Remarks
1	Farhat Begum	Sweeper	GGHS Shah Afzal Abad	Impersonation
2	Bakht.Bibi	Sweeper	GGMS Mulyano Killi	Impersonation
3	Survia Begum	PST	GGPS Dheri Palosa No.2	4 time absent
4	Roheela Sadiq	PSHT	GGPS Akbar Khan Koroona	3 time absent
5	Sidra Yasmin	SST	GGMS Dheri Hameed Mian	7 time absent
6	Waheeda Saeed	PST	GGPS Battagram No.3	3 time absent
7	Hadia Begum	TT	GGMS Yaghi Band	4 time absent
8	Zahida Begum	PST	GGPS Katozai	8 time absent
9	Shereen Gul	PST	GGPS Bochi Koroona	3 time absent
9	Jannat Khatoon	PSHT	GGPS, Batto Killi Gandheri	3 time absent

DISTRICT EDUCATION OFFICER
FEMALE CHARSAJDA

Endst: No. 10659-61 / Dated 23/11 /2017 ^{o/c}

Copy for information to the:

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. DMO Charsadda
- ✓ 3. Office File

DISTRICT EDUCATION OFFICER
FEMALE CHARSAJDA

Signature

o/c

Signature



Office of the District Education Officer Female
District Charsadda

0919220086

emischarsadda.deof@yahoo.com

No. 3886 /

Dated 24/5/2017

(14)

To

Bakht Bibi
Chowkidar
GGMS Mulayno Killi

Subject: SHOWCAUSE NOTICES TO PROXY NON-TEACHING STAFF

Memo:

During the visit by IMU reported through email by the Director E&SE Khyber Pakhtunkhwa Peshawar dated 18/05/2017 on the subject cited above as you were found by making proxy.

Therefore you are hereby directed to explain you position and submit to this office within 3 days positively and also attend this office on 26/05/2017 for personal hearing in case of non-compliance strict disciplinary action will be initiated against you under the E&D rules.

DISTRTRICT EDUCATION OFFICER
FEMALE CHARSAJDA

O/C

Jal

Endst: No. 3887-91 /

Copy for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Charsadda.
3. District Monitoring Officer Charsadda.
4. Headmistress/ SDEO (F) Tehsils concerned.
- ✓ 5. Office/ Master file.

Jal

DISTRTRICT EDUCATION OFFICER
FEMALE CHARSAJDA

O/C

Jal



Office of the District Education Officer Female
District Charsadda

13

☎ 09192220086

✉ emischarsadda.deof@yahoo.com

No. 3882 /

Dated 25/5 2017

To

1. The SDEO's (F) Primary
Charsadda/ Shabqadar/Tangi,
Head Mistress
2. GGMS Mulayano Killi

Subject: PROXY NON TEACHING STAFF

Memo:

Enclosed please find herewith with a list generated by IMU regarding subject cited above.

You are therefore directed to inform the concerned ASDEO's Circles to attend the office of the undersigned along with the proxy non-teaching staff for personal hearing at 10:00 AM on 26/05/2017 positively.

DISTRICT EDUCATION OFFICER
FEMALE CHARSADDA

Endst: No. 3883-88 / Dated 01/6 /2017

Copy for information to the:

1. Deputy Commissioner Charsadda.
2. DMO Charsadda.
3. Office File.

DISTRICT EDUCATION OFFICER
FEMALE CHARSADDA

Acidaw

o/c

25/5/17

Handwritten signature



Office of the District Education Officer Female District Charsadda

☎ 0919220086

✉ emischarsadda.deof@yahoo.com

No. 10583 /

Dated 20 / 11 / 2017

To

Headmistress
1. GGHS Shah Afzal Abad
2. GGMS Mulayano Killi

Subject: PROXY NON TEACHING STAFF

Memo:

During the visit of DCMA's in the month of October 2017 two Numbers of Class-IV were found guilty of impersonation under your jurisdiction which shows your inefficiency i.e Bakht Bibi-Sweeper GGMS Mulyano Killi & Farhat Begum Sweeper GGHS Shah Afzal Abad.

You are therefore directed to attend office of the undersigned on 23/11/2017 along with proxy non-teaching staff.

Otherwise necessary action will be initiated against you under E&D rules.

Fajel
DISTRICT EDUCATION OFFICER DR
FEMALE CHARSAZZA *Fajel*

Endst: No. 10583 / Dated 20 / 11 / /2017

Copy for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Charsadda.
3. DMO Charsadda.
- ✓ 4. Office File.

Fajel
DISTRICT EDUCATION OFFICER DR
FEMALE CHARSAZZA *Fajel*

Alian



Office of the District Education Officer Female
District Charsadda

0919220086

emischarsadda.deof@yahoo.com

No. 3882 /

Dated 25/5/2017

To

1. The SDEO's (F) Primary
Charsadda/ Shabqadar/Tangi,
Head Mistress
2. GGMS Mulayano Killi

Subject: PROXY NON TEACHING STAFF

Memo:

Enclosed please find herewith with a list generated by IMU regarding subject cited above.

You are therefore directed to inform the concerned ASDEO's Circles to attend the office of the undersigned along with the proxy non-teaching staff for personal hearing at 10:00 AM on 26/05/2017 positively.

DISTRICT EDUCATION OFFICER
FEMALE CHARSADDA

Endst: No. 3883-98 / Dated 01/6/2017

Copy for information to the:

1. Deputy Commissioner Charsadda.
2. DMO Charsadda.
3. Office File.

DISTRICT EDUCATION OFFICER
FEMALE CHARSADDA



Office of the District Education Officer Female District Charsadda

18

☎ 0919220086

✉ emischarsadda.deof@yahoo.com

No. 1155A

Dated 18/12/2017

To

1) All The SDRYs (F) Primary
Charsadda/ Shabqadar/ Taingl,

2) Head teachers
SSMC Min/Chair (12) etc

Subject: PROXY NON TEACHING STAFF

Memo

Enclosed please find herewith with a list generated by IMU regarding subject cited above.

You are hereby directed to inform the concerned ASDRYs (F) Circle concerned along with the concerned Head teachers and Proxy staff to attend the office of the undersigned for personal hearing at 10:00 AM on 20/12/2017 positively.

[Handwritten mark]

DISTRICT EDUCATION OFFICER
FEMALE CHARSADDA

Encl: No. 1155A

/ Dated 18/12/2017

Copy for information to the:

1. Deputy Commissioner Charsadda.
2. DMO Charsadda.
3. Office File.

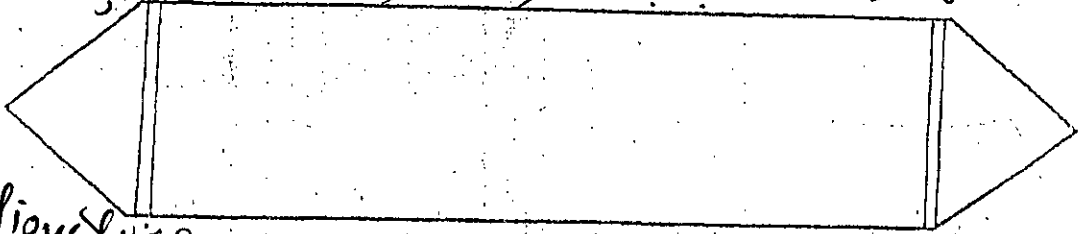
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18/12/17

DISTRICT EDUCATION OFFICER
FEMALE CHARSADDA

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بعد التضرع برس تریبون لیسٹ



2۔ بجانب Petitioner

صوابہ محنت جی بنام گورنمنٹ دھرم

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی وجواب دہی کل کاروائی متعلقہ
 آن مقام لیسٹ کیلئے سکرٹری صوابہ اور صوابہ
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا گیا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بسورت ڈگری کرنے اجراء اور وصولی چیک درو پیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری کیلئے یا ایچ کی برآمدگی اور منسوخ
 نیز دائر کرنے ایچ ٹیکنائی و نظریاتی و پیردی کرنے کا اختیار ہوگا۔ از بسورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی دہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جہانہ التوائے مقدمہ کے سبب سے دہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیردی
 مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 30 ماہ اکتوبر 2018

العبد _____ واد العبد _____
 بمقام _____ کے لئے منظور ہے۔
 Accepted by _____

BEFORE THE HON'BLE SERVICES TRIBUNAL KHYBER
PUKHTUNKHWA PESHAWAR

Appeal No.1547/2018

Mst: Bakht Bibi

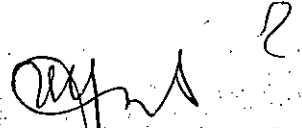
Versus

Govt of Khyber Pakhtunkhwa & Others

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omel Enquiry.


DISTRICT EDUCATION OFFICER
(FEMALE) CHARSADDA

①

W

BEFORE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA
PESHAWAR

Appeal No.1547/2018

Mst: Bakht Bibi

Versus

Govt of Khyber Pakhtunkhwa & Others

Written facts on behalf of the Respondents.

Respectfully Sheweth:

Preliminary Objections:

- A. The appellant has no locus standi and cause of action.
- B. That the appeal is not maintainable, because none of the legal/fundamental right of the appellant has been infringed.
- C. The appeal is wholly incompetent, misconceived and untenable.
- D. The appellant is completely estopped/precluded by her conduct to file this appeal.
- E. Appellant have not come to the Hon'ble tribunal with clean hands. The appeal also suffers from mis-statement and concealment of facts and as such the appellant is not entitled to equitable relief.
- F. That the appeal is hit by principle of laches.

PARA WISE REPLY:

1. Para-No1.pertain to the record, while according to the IMU report the appellant is found guilty in proxy case . **(COPIES OF SHOW CAUSE NOTICES & PERSONAL HEARING ALREADY ANNEXED WITH THE APEAL)**
2. Para 2 Self-explanatory, according to the IMU report the appellant found absent from her duty & Mst **Mujahida** was working as a sweeper instead of the appellant.(**Copy OF IMU REPORT ANNEXURE A**)
3. Para No.3 In the light of Enquiry report the answering respondents awarded Compulsory retirement to the Appellant. ((**copy of Enquiry report annexure B.**
4. Para 4 self-Explanatory needs no comments.
5. Para 5 incorrect, the respondent Department fulfilled all codal farmilities.

ON GROUNDS:

A&B, These grounds of the appeal are wrong baseless & incorrect, Hence denied, no legal right of the appellant has been violated, the answering

respondent is law obeying & law observing, the appellant hired an outsider. Name already mentioned above.

C&d, incorrect, the appellant was provided full opportunity of personal hearing & all codal formalities were fulfilled before imposition of penalty.

E&F These grounds of the appeal are incorrect & baseless. The appellant reported by IMU time & again.

G The ground of the appeal are wrong, baseless & incorrect hence denied moreover as per para above.

It is, therefore, most humbly prayed that keeping in view the above circumstances the Honorable Tribunal may graciously be pleased dismiss the appeal with special costs.

Respondents

1. Govrnment of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar _____

2/ Director E&SE Khyber pakhtoon khwa _____

3. District Education officer (Female) Charsadda _____

Dated: ___/___/2019.

BEFORE THE HON'BLE SERVICES TRIBUNAL KHYBER
PUKHTUNKHWA PESHAWAR

Appeal No.1547/2018

Mst: Bakht Bibi

Versus

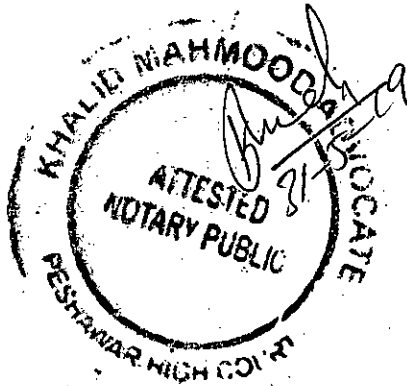
Govt of Khyber Pakhtunkhwa & Others

AFFIDAVIT

I Mr. Mudassir Shah ADEO Litigation of the DEO (F) Charsadda do hereby as per information conveyed to me by DEO (F) Office solemnly affirm and declared that the contents of para wise reply are true and correct to the best of my knowledge and nothing has been intentionally concealed from this Hon'ble Tribunal.

Deponent

Mudassir Shah ADEO Litigation
DISTRICT EDUCATION OFFICE (F)
Charsadda CNIC: 17101-6347249-1



PROXY NON TEACHING STAFF

29/11/2016 (29)

S.No	EMIS Code	School Name	District	Tehsil	Gender	Level	Proxy Teacher Name	Proxy For Name	Proxy Teacher Designation	Proxy Teacher Time Since
1	35140	GGHS Shah Afzal Abad	CHARSADDA	CHARSADDA	Girls	High	Zubaida	Farhat Begum	Sweeper	24-8-2014
2	35150	GGMS Mulyano Killi	CHARSADDA	TANGI	Girls	Middle	Mujahida	Bakht Bibi	Sweeper	22-11-2016

*Atk
Shahabuddin
CO to (DEOP)
Charsadda*

Atk

(5) AB

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) CHARSADEA

Inquiry Report regarding habitual absent teachers reported by I.M.U & Proxy Non

Teaching staff

Date of Personal Hearing

23/11/2017

Venue

appeal

Office of SDEO (F) Chd

HISTORY:

In compliance of letter issued vide District Education Officer (F) Charsadda bearing No.10659-61 dated 23/11/2017 where I Mst; Durr-E-Shahwar SDEO (F) was appointed as inquiry officer regarding the matter quoted above.

FINDINGS:

The undersigned start inquiring the matter hearing the proxy non-teaching staff in person who were already been called/informed vide D.E.O (F) letter No. 10658 dated 21/11/2017 in which total 08 habitual absent teachers were called for personal hearing along with two proxy non-teaching staff

The following attended:

1. Mst: Survia Begum PSHT GGPS Dheri Palosa No. 02.
2. Mst: Rohila Siddiq PSHT GGPS Akbar Khan Koroona.
3. Mst: Hadia Begum T.T GGMS Yaghi Band.
4. Mst: Sheerin Gul PST GGPS Boochi Koroona.
5. Jannat Khatoon PSHT GGPS Bhatto Killi.
6. Mst: Farhat Begum Sweeper GGHS Shah Afzal Abad (Proxy)
7. Mst: Bakht Bibi Sweeper GGMS Mulyano Killi (Proxy)

The following did not attend:

1. Mst: Sidra Yasmin SST (G) GGMS Dheri.Hameed Mian.
2. Mst: Waheeda Saeed PST GGPS Battagram No. 03
3. Mst: Zahida Begum PST GGPS Katozai

RECOMMENDATIONS:

The undersigned checked the previous record of the habitual absent teachers/proxy non teachers as per IMU reports explanations/warning & showcauses issued to them and after heard in person the recommendations are as details given below;

S.No	Name & Designation	Name of School	Recommendations
01	Farhat Begum Sweeper	GGHS Shah Afzal Abad	May be retired compulsory
02	Bakht Bibi Sweeper	GGMS Mulyano Killi	May be retired compulsory
03	Survia Begum	GGPS Sheri Palosa No.2	Request for retirement on medical board the undersigned approved her request and will be processed as per rules and policy.
04	Roheela Sadiq PSHT	GGPS Akbar Khan Koroona	Two annual increments may be withheld

05	Sidra Yasmin SST	GGMS Dheri Hameed Mian	Letter to may be submit to directorate for inquiry/actions as the said teacher utilized Rs.860000/- under conditional grant for additional class, room and group latrine and Rs.100000/- for sports initiatives for students 2014-15.
06	Wahéeda Saeed PST	GGPS Battagram No. 03	Two annual increments may be withheld
07	Zahida Begum PST	GGPS Katozai	May be removed from her services
08	Hadia Begum TT	GGMS Yaghi Band	Two annual increments may be withheld
09	Sheerin Gul PST	GGPS Boochi Koroonia	Two annual increments may be withheld
10	Jannat Khatoon PST	GGPS Batto Killi	Two annual increments may be withheld

Mst: Durr-E-Shahwar
SDEO (F) Chd/Inquiry Officer

Dated 27/11/2017