

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 457/2015

Date of Institution ... 06.05.2015
Date of Decision ... 01.06.2022

Miss Bibi Shahida, Ex-PST, GGPS Bushera Kurram Agency,
presently R/O Parachinar House, Bari Shaikh ul Bandi, Near
Khulafai Rashidin Masjid, Murree Road, Abbottabad.

... (Appellant)

VERSUS

Secretary Elementary & Secondary Education, Government of
Khyber Pakhtunkhwa, Peshawar and three others.

... (Respondents)

Ibadur Rehman,
Advocate

... For appellant.

Kabir Ullah Khattak,
Additional Advocate General

... For respondents.

Rozina Rehman
Fareeha Paul

... Member (J)
... Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the
jurisdiction of this Tribunal through above titled appeal with the
prayer as copied below:

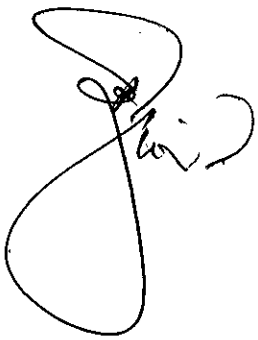
**"On acceptance of the appeal in hand, the
impugned order dated 10.12.2014 may graciously
be set aside and the appellant be reinstated in
service with all back benefits".**



2. The relevant facts leading to filing of instant appeal are that appellant was appointed as Theology Teacher (TT) by the Agency Education Officer, Kurram Agency vide order dated 03.11.1994 and was posted at GGPS Kochi and later on transferred to GGPS Bushera. She was performing her duties efficiently and to the entire satisfaction of her superiors. During service, due to worst law & order situation at Parachinar in the year 2014, all the officials working at Kurram Agency were facing great hardships. The appellant was not able to continue her duty at Parachinar as there were frequent threats to the life of appellant as well as other officials. She also informed the Education authorities, where-after the appellant migrated to Abbottabad as IDPs. In the meanwhile, she came to know about her termination order. She therefore, filed departmental appeal followed by another appeal/reminder but to no avail; hence, the present service appeal.

3. We have heard Ibad ur Rehman Advocate, learned counsel for appellant and Kabir Ullah Khattak, learned Additional Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

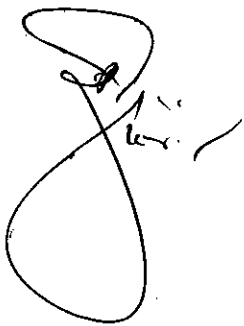
4. Ibad ur Rehman Advocate, learned counsel appearing on behalf of appellant, inter-alia, submitted that the appellant was not treated in accordance with law and canons of natural justice as she was not given fair trial as enshrined under Articles-4 & 25-A of the Constitution of Islamic Republic of Pakistan, 1973. He contended that she has neither been issued proper charge sheet alongwith statement



of allegations nor show cause notice under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. That no proper inquiry was conducted and that she was not provided any opportunity of personal hearing. He contended that appellant has an unblemished service career of about 20 years which was not taken into consideration by the competent authority, therefore, requested for acceptance of the instant service appeal.

5. Conversely learned AAG contended that appellant was not performing her duty efficiently and regularly and that she left her duty without permission of her superiors. He contended that no correspondence was made from the respondents' side to the appellant to leave her duty station and that she willfully absented herself, therefore, notices were issued but she failed to attend office, whereafter, publication was made in the newspaper and after fulfillment of all codal formalities, she was terminated.

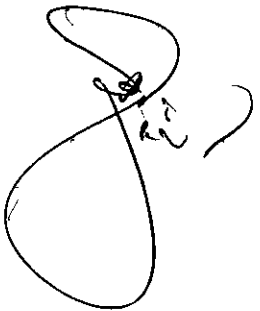
6. Perusal of record would reveal that appellant Bibi Shahida was appointed as TT on 03.11.1994. She used to perform her duty and nothing was brought on record that she was a habitual duty shirker. The allegations against the appellant are that she was willful absent from duty w.e.f 18.08.2014 and it was on 10.12.2014 when major penalty of removal from service was imposed upon appellant for willful absence from duty. Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 provides procedure in case of willful absence which is hereby reproduced for ready reference:



"9. Procedure in case of willful absence. –

Notwithstanding anything to the contrary contained in these rules, in case of willful absence from duty by a Government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an *ex-parte* decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant".

7. As per law, in case of willful absence from duty by a Government servant for seven or more days, a notice shall be issued through registered acknowledgement by the competent authority. In the instant case, a notice is available on file which was issued directing twelve teachers at one and the same time to resume duty which clearly shows that the said notice was never issued to the appellant and others on their home addresses directing them to resume duty within 15 days of the issuance of the notice. Their home addresses have not been mentioned. The record is silent in respect of proper service of notice upon appellant that she had properly been



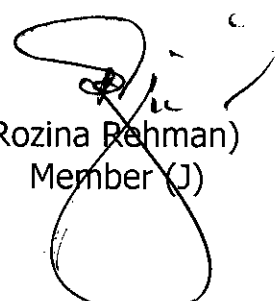
informed to resume duty which means that the procedure in case of willful absence prescribed by the law was not properly followed by the competent authority. A notice published in a newspaper is also available on file, whereas, as per law a notice shall be published in at least two leading newspapers if the notice issued by the authority through registered acknowledgment is received back as undelivered.

8. For what has been discussed above, instant service appeal is accepted. Consequently, the impugned order is set aside and the appellant is reinstated in service. The intervening period shall be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

01.06.2022


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

Appeal No. 457/2015
Bibi Shahida vs Govt

9/10/2017

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, AAG for the respondents present. Clerk of counsel for the appellant seeks adjournment as his counsel is busy in Peshawar High Court. Adjourned. To come up for arguments on 10/1/2018 before DB.

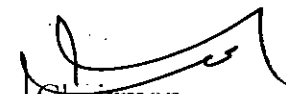

Member


Chairman

27.12.2017

None present on behalf of appellant. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. To come for arguments on 28.02.2018 before the D.B.


Member



Chairman

10.1.2018

None is present on behalf of the appellant. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Called several times but none appeared on behalf of the appellant. On previous date also none was present on behalf of the appellant.

In view of the above, the present appeal is dismissed for want of prosecution. File be consigned to the record room.


Member


Chairman

ANNOUNCED
10.1.2018

Appeal No. 457/2015

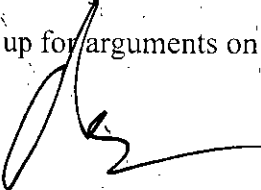
09.02.2016


Junior to counsel for the appellant, M/S Daud Jan, Supdt. and Kamal Hussain, AEO alongwith Addl: A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 18.5.2016.


Chairman

18.05.2016

Agent to counsel for the appellant and AAG for respondents present. Rejoinder submitted copy of which is placed on file. To come up for arguments on 4.10.2016.

Member 


Member

04.10.2016

Muhammad Imran, Junior to counsel for the appellant and Mr. Daud Jan, Superintendent alongwith Mr. Kabirullah Khan Khattak, Assistant AG for respondents present. Junior to counsel for the appellant requested for adjournment due to non-availability of learned senior counsel for the appellant. Request accepted. To come up for arguments on 10.2.17 before D.B.


(MUHAMMAD AAMIR NAZIR)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

Appeal No. 457/2015

10.02.2017

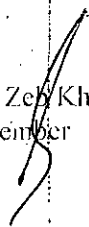
Mr. Muhammad Imran, Junior counsel for appellant and Mr. Muhammad Adeel Butt, Additional AG for respondents present. Junior counsel for appellant stated that learned senior counsel for appellant is busy before the Hon'ble Peshawar High Court, Peshawar and requested for adjournment. Adjourned. To come up for arguments on 31.05.2017 before D.B.



(ASHFAQUE TAHIR)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

31.05.2017

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Junior ~~to~~ counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 26.09.2017 before D.B.



(Gul Zehra Khan)
Member


(Muhammad Amin Khan Kundi)
Member

26.09.2017

Junior to counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Mr. Daud Jan, Supdt for respondents present. Appellant seeks adjournment as senior counsel was busy before the Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 09.10.2017 before D.B.


Member


Chairman

Appeal No. 457/2015

4.

09.06.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as PST on 03.11.1994 and vide impugned order dated 10.12.2014 she was removed from service on the ground of wilful absence regarding which she preferred departmental appeal on 07.01.2015 which was not responded and hence the instant service appeal on 15.05.2015.

That the appellant was afforded no opportunity of hearing and that the factum of IDPs was not taken into account by the respondents.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 01.09.2015 before S.B.

Appellant Deposited
Security & Process Fee




Chairman

01.09.2015

Counsel for the appellant and Mr. Daud Jan, Supdt. alongwith Assistant A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 12.11.2015 before S.B.

12.11.2015




Mr. Kashif on behalf of the appellant and Mr. Daud Jan, Supdt. alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 9.2.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 457/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15.05.2015	<p>The appeal of Miss. Bibi Shahida resubmitted today by Mr. Ibad Ur-Rehman Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2	25-5-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>26-5-2015</u></p> <p> CHAIRMAN</p>
3	26.05.2015	<p>None present for appellant. Due to strike of the Bar adjourned for preliminary hearing to 9.6.2015 before S.B.</p> <p> Chairman</p>

The appeal of Miss Bibi Shanida Ex-PST GGPS Bushera Kurram Agency received to-day i.e. on 06.05.2015 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

Annexures A and B of the appeal are illegible which may be replaced by legible/better one.


No. 681/S/1

Dt. 06/5/2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ibad-ur-Rehman Adv. Pesh.

R/Sir, After attending the observations, resubmitted
Please


15/5/15

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Appeal no. 457/2015

Miss Bibi Shahida

VERSUS

Secretary Elementary and others

I N D E X

S NO	DESCRIPTION	ANNEX	PAGE
1.	Grounds of Appeal alongwith Affidavit		1-5
2.	Appointment order	A	6
3.	Dismissal order dated 10-12-2014	B	7
4.	Copy of departmental appeal	C	8+9
5.	Copy of reminder with acknowledgment receipt	D	10-11
6.	News cutting	E - F	12-13
7.	Wakalat Nama		14 14

Appellant

Through:

(IBADUR RAHMAN)
Advocate,
High Court, Peshawar
Office # 127-3rd Floor
Sarhad Mansion, Hashtnagri
G.T Road, Peshawar
Cell # 0300-5932939

Dated: -05-05-2015

(1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Appeal No. 457 /2015

A.W.F. Province
Service Tribunal
Diary No. 458
Dated 06-5-2015

Miss Bibi Shahida, Ex-PST, GGPS Bushera Kurram Agency, Presently R/o
Parachinar House, Bari Shaikh ul Bandi, Near Khulafai Rashidin Masjid,
Murree Road, ABBOTTABAD. APPELLANT

Versus

- 1- Secretary. Elementary & Secondary Education, Govt of KPK
Peshawar.
- 2- Additional Chief Secretary. (FATA), Warsak Road, Peshawar.
- 3- Director Education, (FATA) Warsak Road, Peshawar.
- 4- Agency Education Officer, Kurram Agency, Parachinar.

Respondents

Filed to-day
Registrar
6/5/15

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT AGAINST
THE IMPUGNED ORDER DATED 10/12/2014 VIDE
WHICH THE APPELLANT WAS REMOVED FROM
SERVICE.

PRAYER IN APPEAL,

re-submitted to-day
and filed;
Registrar
15/5/15

ON ACCEPTANCE OF THE APPEAL IN HAND THE
IMPUGNED ORDER DATED 10/12/2014 MAY
GRACIOUSLY BE SET A SIDE AND THE APPELLANT BE
REINSTATED IN SERVICE WITH ALL BACK BENEFITS.

Respectfully sheweth,

Appellant submits as under :-

- 1- That the appellant being fully qualified, was appointed as Theology Teacher (T.T) by the Agency Education Officer, Kurram Agency vide order dated 03-11-1994 and posted at GGPS Kochi and later on transferred to GGPS Bushera.
- 2- That since then the appellant performed her duties efficiently, whole heartedly and to the entire satisfaction of her superiors. On most of the occasions, the services of the appellant were duly acknowledged by the high-ups.
- 3- That in month of July/August, 2014 there happened some tragic incidents in Kurram Agency which badly affected the Shia Sect due to which the people of Kurram Agency especially residents of Parachinar, belonging to Shia Sect started agitations & protests against the government as well as against the Sunni Sect.
- 4- That due to the worse law and order situation in Parachinar all the officials working at Kurram Agency were facing great hardships and due to these situation, the appellant could not able to continue her duties at Parachinar as there were frequent threats to the life of the appellant alongwith other officials. It is most important to mention here that the appellant belongs to Sunni Sect.
- 5- That the appellant duly informed the Education authorities regarding the said situation who informed the appellant to leave her station for some while, therefore, the appellant migrated to Abbottabad as **IDPs** alongwith all her family members.
- 6- That even from Abbottabad, the appellant time and again contacted the education department officials who informed the appellant that the situation at Parachinar is the same and advised the appellant to remain at Abbottabad.

- 7- That all of a sudden in end of December, 2014 the appellant came to know that the services of the appellant has been terminated vide letter dated 10/12/2014, while no chance what so ever was given to the appellant to explain her position.
- 8- That against the said termination order, the appellant filed a proper Department appeal to the Director Education (FATA) followed by an other appeal/reminder to the Honourable Additional Chief Secretary (FATA) but still no response has been received from their side. (Copies attached).
- 9- That even after the lapse of statutory period, no response what so ever has been received from the Respondents and the appellants has left with no option but to approach this honourable tribunal through the appeal in hand on the following grounds amongst others :-

GROUNDS :-

- i- That the appellant belong to a poor and war affected area of FATA (PARACHINAR KURRAM AGENCY) where the ladies have very limited sources of income but the only source of income was snatched from the appellant.
- ii. That the appellant has been condemned unheard as no chance of personal hearing was provided to the appellant.
- iii. That no proper inquiry in the matter is conducted which mandatory for major punishment.
- iv. That no Show Cause Notice or Final Show Cause was ever served upon the appellant, hence condemned unheard.

- v. That the appellant has unblemished service career of about 20 years but all of a sudden, the services of the appellant were terminated without any fault on her behalf.
- vi. That the impugned order dated 10/12/2014 is harsh, bad in law and without lawful authority.
- vii. That the impugned order is Void ab-initio and nullity in the eyes of law.
- viii. That although the appellant was not informed about any Inquiry Proceedings, yet the appellant was not provided the findings of the so-called Inquiry as mentioned in the impugned order.
- ix. That the appellant be allowed to add other grounds at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the appeal in hand, the impugned order dated 10/12/2014 of the respondent NO.4 may graciously be set a side and the appellant be re-instated in service with all back benefits.

Any other remedy deemed proper in the matter and not specifically asked for may also please be given with costs.

Bibi Shahida

Appellant

Through:

IBADUR RAHMAN

IBADUR RAHMAN
Advocate High Court
127- 3rd Floor, Sarhad Mansion\
Hashtnagri, GT Road.
Peshawar.

Dated. 05/04/2015.

(5)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Miss Bibi Shahida Ex-PST

V E R S U S

Secretary Elementary and others

AFFIDAVIT

I, Bibi Shahida Ex-PST, GGPS Bushera Kurram Agency, presently R/O Parachinar House, Bari Shaikh-ul-Bani, near Khufalai Rashidin Masjid Murree Road, Abbottabad, do hereby solemnly affirm and declare on Oath that the contents of the accompanying Appeal are true and correct and nothing has been concealed from this Honourable Court.

Bibi Shahida
DEPONENT

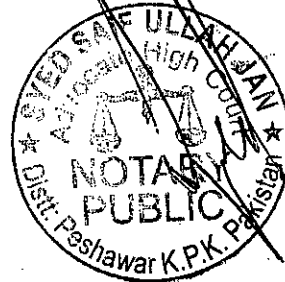
Identified by:-

IBADUR RAHMAN

(IBADUR RAHMAN)
Advocate
High Court, Peshawar

ATTESTED

06 MAY 2015



Advertisement/Notice

As already approved by the Selection Committee, the undersigned appointment/transfer of ... hereby ordered in the interest of public service with effect from the date of taking over charge in S.P.S No. 7 (1480-81-269):-

S.No	Name/Father's Name	Post	To
1.	Bibi Sofia D/ Harif Khan	Candidate	As. Kochi against newly created ... post.
2.	Bibi Shahida D/ Harif Khan		As. Kochi vice No. 37
3.	Zama Shabeen D/ ...	As. Kochi	As. Ahmadi Khana against vacant ... post.
4.	Bibi Saira D/ ...	Candidate	As. Tabai (Muhammad Khan Sahi) against newly created ... post.
5.	Bibi Farhan D/ ...		As. Tabai (Muhammad Khan Sahi) against newly created ... post.
6.	Mumtaz Begum D/ ...		As. Tabai (Muhammad Khan Sahi) against newly created ... post.
7.	Kalsom Zarif D/ ...		As. Gogani S.S against vacant ... post.

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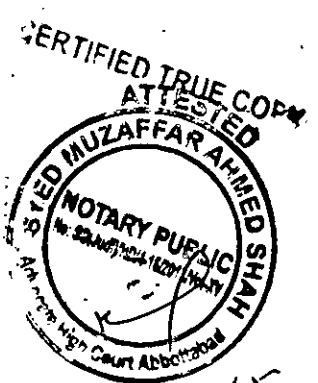
- Notes:-
1. They are directed to produce their health and age certificates from the Medical Super Agency II, Hospital, Ferozpur.
 2. The age of the candidates should be between 18-28 years.
 3. Their appointment are purely made on a temporary basis and liable to termination at any time without requiring any notice. In case they wish to resign their posts, they will have to give one month prior notice or forfeit one month in lieu thereof.
 4. Charge report in duplicate should be submitted to this office.

Signature of Agency Education Officer, Surram Agency, Ferozpur.

Order No. 1016-25 dated ... the 3/11/15.

- Copy of the above is forwarded to the:-
- 1-7. Candidates/Teacher concerned.
 8. Accountant, Local Office.
 9. ...
 10. Office records.

Signature of Agency Education Officer, Surram Agency, Ferozpur.



Handwritten date: 16/2/2015

Handwritten number: 1016-256

BETTER COPY.

OFFICE OF THE AGENCY EDUCATION OFFICER KURRAM
AGENCY PARACHINAR.

APPOINTMENT/POSTING.

As already approved by the selection committee, the undermentioned appointment/transfer of the following female teachers are hereby ordered in the interest of public service with effect from the date of taking over charge in B.P.S.7 (1480-81-2691).

<u>S.No.</u>	<u>Name/Father Name</u>	<u>From</u>	<u>To</u>
1-	Bibi Safia D/O Hanif Khan	Candidate	GGPS Kochi against newly created post
2-	Bibi Shahida D/o Hanif Khan	-do-	GGPS Kochi Vice No.3
3.			
4.			
5.			
6.			
7.			

NOTE:

1. They are directed to obtain their health and age certificate from the Medical Supdtt: Agency HQ Hospital Parachinar.
2. The age of the candidate should be between 18-28 years.
3. Their appointment are purely on temporary basis and liable to termination at any Notice. In case they wishes to resign, they will have to give one month prior notice or forfeit one month pay in lieu thereof.
4. Charge Report in duplicate should be submitted to this office.

Sd/xxx
Agency Education Officer
Kurram Agency, Parachinar.

Endst: No. 1016-25

Dated Parachinar the 03/11/1994

Copy forwarded to:

- 1-7. Candidate/Teacher concerned
8. Accountant Local Office

(7)

Annex "B"

OFFICE OF THE AGENCY EDUCATION OFFICER KURRAM AGENCY PARACHINAR

NOTIFICATION OF REMOVAL FROM SERVICE


You Mst. Bibi Shahida, Designation: PST/GGS, Bisher, Upper Kurram was willful absent with effect from 18-8-2014 till date from your duty.

Whereas this notice was served through your home/school address through registered acknowledgement to resume duty within 15 days but you failed to give response within stipulated time.

Whereas another notice was published in Daily News on 09-11-2014 directed you to resume duty within 15 days of the publication of this notice, failing which an ex-parte decision will be taken against you but you failed to give a response about resuming duty.

Whereas an Enquiry Committee was constituted under the chairmanship of Wazir Ali Principal G.I.S.S. Shalozai and they directed you to present before the Enquiry Committee on 1st and 2nd December 2014 but you failed to appear before the enquiry committee.

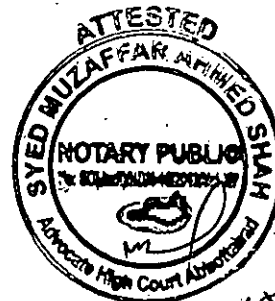
Now there are an exercise of powers conferred under the Government of Khyber Pakhtunkhwa Government servants (I.S.D) Rules 2011 a Major Penalty of removal from service is hereby imposed upon Mst. Bibi Shahida with immediate effect and her absence period is treated as unauthorized absence from duty.


Agency Education Officer
Kurram Agency Parachinar

6825-25
No. 1277/Ed. Dir. Dated: 10/12/2014

Copy forwarded for information to the
Political Agency Kurram Agency
Director of Education, P.A. Khyber Pakhtunkhwa Peshawar

CERTIFIED TRUE COPY



16/12/2015

BETTER COPY.

OFFICE OF THE AGENCY EDUCATION OFFICER KURRAM
AGENCY PARACHINAR.

NOTIFICATION OF
REMOVAL FROM SERVICE

You Mst: Bibi Shahida, Designation PST GGPS Bushera Upper Kurram was willful absent with effect from 18-8-2014 till date from your duty.

Whereas absence notice was served through your home/school address through registered Acknowledgement due, to resume within 15 days but you failed to give response within stipulated time.

Whereas an other notice was published in daily News on 09-11-2014 directed you to resume duty within 15 days of the publication of this notice, failing which an Ex-parte decision will be taken against you but you failed to give a response about resuming duty.

Whereas an Enquiry was constituted under the chairmanship of Waris Ali, Principal GHSS Shalozan and they directed to present before the Enquiry Committee on 1st & 2nd December, 2014 but you failed to appear before the Enquiry Committee.

Now therefore, in exercise of powers conferred under the Government of Khyber Pakhtunkhwa, Government Servant (E&D) Rules, 2011, a major Penalty of Removal from service is hereby imposed upon Mst: Bibi Shahida PST with immediate effect and her absence period is treated as unauthorized absence from duty.

Sd/xxx
Agency Education Officer
Kurram Agency, Parachinar.

No. 4623-25/Edu

Dated 10/12/2014

Copy forwarded for information to the :-

- 1- Political Agent Kurram Agency.
- 2- Director of Education FATA, Khyber Pakhtunkhwa Peshawar.

(8)

Annex "C"

Director Education (FATA)
FATA Secretariat,
Warsak Road Peshawar.

DEPARTMENTAL APPEAL AGAINST THE ORDER
DATED 10/12/2014 OF THE AGENCY EDUCATION
OFFICER, PARACHINAR, VIDE WHICH THE
APPELLANT WAS REMOVED FROM SERVICE.

Appellant submits as under :-

- 1- That the appellant being fully qualified, was appointed as Primary School Teacher (PST) by the Agency Education Officer, Kurram Agency vide order dated 03-11-1994 and posted at GGPS Kochi and later on transferred to GGPS Bushera.
- 2- That since then the appellant performed her duties efficiently, whole heartedly and to the entire satisfaction of her superiors. On most of the occasions, the services of the appellant were duly acknowledged by the high-ups.
- 3- That in month of July/August, 2014 there happened some tragic incidents in Kurram Agency which badly affected the Shia Sect due to which the people of Kurram Agency especially residents of Parachinar, belonging to Shia Sect started agitations & protests against the government as well as against the Sunni Sect.
- 4- That due to the worse law and order situation in Parachinar all the officials working at Kurram Agency were facing great hardships and due to these situation, the appellant could not able to continue her duties at Parachinar as there were frequent threats to the life of the appellant alongwith other officials. It is most important to mention here that the appellant belongs to Sunni Sect.
- 5- That the appellant duly informed the Education authorities regarding the said situation who informed the appellant to leave her station for some while, therefore, the appellant migrated to Abbottabad as IDPs alongwith all her family members.
- 6- That even from Abbottabad, the appellant time and again contacted the education department officials who informed the appellant that the situation at Parachinar is the same and advised the appellant to remain at Abbottabad.

- 7- That all of a sudden in end of December, 2014 the appellant came to know that the services of the appellant has been terminated vide letter dated 10/12/2014, while no chance what so ever was given to the appellant to explain her position.
- 8- That against the said termination order, the appellant has left with no option but to approach your good self through the appeal in hand on the following grounds:-

GROUND S :-

- i- That the appellant belong to a poor and war affected area of FATA (PARACHINAR KURRAM AGENCY) where the ladies have very limited sources of income but the only source of income was snatched from the appellant.
- ii. That the appellant has been condemned unheard as no chance of personal hearing was provided to the appellant.
- iii. That no proper inquiry in the matter is conducted which mandatory for major punishment.
- iv. That no Show Cause Notice or Final Show Cause was ever served upon the appellant, hence condemned unheard.
- v. That the appellant has unblemished service career of about 20 years but all of a sudden, the services of the appellant were terminated without any fault on her behalf.
- vi. That although the appellant was not informed about any Inquiry Proceedings, yet the appellant was not provided the findings of the so-called Inquiry as mentioned in the impugned order.
- vii. That the appellant be given a chance of personal hearing before the disposal of the appeal in hand.

It is requested that the impugned order dated 10/12/2014 may graciously be set a side and the appellant be re-instated in service will all back benefits.

Bibi Shahida

Miss Bibi Shahida, Ex-PST, GGPS
Bushera Kurram Agency, Presently
R/o Parachinar House, Bari Shaikh ul
Bandi, Near Khulafai Rashidin
Masjid, Murree Road,
ABBOTTABAD.

Dated. 07/11/2015

(9-A)

No. 398

For Insurance Notices see reverse.
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.

Rs. Ps.
28/-

Received a registered*
addressed to D. Lee to E. Lee Stamp

*Write here "letter", "postcard", "packet" or "parcel"
Initials of Receiving Officer with the word "insured" before it when necessary.

Insured for Rs. 100/- (in words) 100/- (in words)

If insured.	{	Insurance fee Rs. _____ Ps. _____ (in words)	Weight	Kilo.
		Name and address of sender	Grams	_____

Rs. 100/- (in words) 100/- (in words)

Road fe-stward

(10)

Annex "D"

The Additional Chief Secretary
FATA Secretariat,
Warsak Road, Peshawar.

SUBJECT: REMINDER/APEAL FOR RE-INSTATEMENT
IN SERVICE WITH ALL BACK BENEFITS.

Respected Sir,

Appellant submits as under :-

- 1- That being fully qualified, the appellant was appointed as Primary School Teacher (PST) by the Agency Education Officer, Kurram Agency vide order dated 03-11-1994 and posted at GGPS Kochi and later on transferred to GGPS Bushera.
- 2- That since then the appellant performed her duties efficiently, whole heartedly and to the entire satisfaction of her superiors. On most of the occasions, the services of the appellant were duly acknowledged by the high-ups.
- 3- That in month of July/August, 2014 there happened some tragic incidents in Kurram Agency which badly affected the Shia Sect due to which the people of Kurram Agency especially residents of Parachinar, belonging to Shia Sect started agitations & protests against the government as well as Sunni Sect.
- 4- That due to the worse law and order situation in Parachinar, your good self as well as all the officials at Kurram Agency are well aware and due to these situation, the appellant could not able to continue her duties at Parachinar as there were frequent threats to the life of the appellant. It is most important to mention here that the appellant belongs to Sunni Sect.
- 5- That the appellant duly informed the Education authorities regarding the said situation who informed the appellant to leave her station for some while, therefore, the appellant migrated to Abbottabad as IDPs alongwith all her family members.
- 6- That even from Abottabad, the appellant time and again contacted the education department officials who informed the appellant that the situation at Parachinar is the same and advised the appellant to remain at Abbottabad.
- 7- That all of a sudden in end of December, 2014 the appellant came to know that the services of the appellant has been terminated vide

(11)

letter dated 10/12/2014, while no chance what so ever was given to the appellant to explain her position.

- 8- That against the said termination order, the appellant filed a proper Department appeal to the Director Education (FATA) but still no response has been received from their side.
- 9- That the appellant belong to a poor and war affected area of FATA (PARACHINAR KURRAM AGENCY) where the ladies have very limited sources of income but the only source of income was snatched from the appellant.
- 10- That the appellant has been condemned unheard as no chance of personal was given to the appellant.
- 11- That no proper inquiry in the matter is conducted which mandatory for major punishment.
- 12- That the appellant has unblemished service career of about 20 years but all of a sudden, the services of the appellant were terminated without any fault on her behalf.

It is, therefore, humbly prayed that your good-self may personally look into the matter and the Education Department of FATA may kindly be directed to re-instate the appellant with all back benefits.

Dated 27 /02/2015

Bibi Shahida
Miss Bibi Shahida
PST GGPS Bushera
Presently R/o Parachinar House
Bari Shaikh ul Bandi
Near Khulafai Rashidin Masjid
Murree Road, ABBOTTABAD.
Contact # **0346-9876586**

روزنامہ

جنگ اور لینڈ

بانی میر ظلیل الرحمن

نمبر 210

جلد 56

ہفت روزہ 1435ھ 2 اگست 2014ء 17 جولائی 2014ء

نمبر 16 قیمت 12 روپے

پاراچنار میں پولیٹیکل انتظامیہ کیخلاف دھڑنا چوتھے روز بھی جاری رہا

سیکورٹی فورسز کی طرف سے دھڑنے کا محاصرہ کھانے پینے کی اشیاء کی قلت

تعمیراتی کاموں کی وجہ سے علاقے کے لوگوں کو مشکلات کا سامنا کرنا پڑ رہا ہے۔ پولیٹیکل انتظامیہ کیخلاف دھڑنا چوتھے روز بھی جاری رہا۔ علاقے کے لوگوں کو کھانے پینے کی اشیاء کی قلت کا سامنا کرنا پڑ رہا ہے۔

پاراچنار (ٹائمز آن لائن)۔ پاراچنار میں پولیٹیکل انتظامیہ کیخلاف دھڑنا چوتھے روز بھی جاری رہا۔ علاقے کے لوگوں کو کھانے پینے کی اشیاء کی قلت کا سامنا کرنا پڑ رہا ہے۔ پولیٹیکل انتظامیہ کیخلاف دھڑنا چوتھے روز بھی جاری رہا۔ علاقے کے لوگوں کو کھانے پینے کی اشیاء کی قلت کا سامنا کرنا پڑ رہا ہے۔

جب پاراچنار دھڑنا

پاراچنار میں پولیٹیکل انتظامیہ کیخلاف دھڑنا چوتھے روز بھی جاری رہا۔ علاقے کے لوگوں کو کھانے پینے کی اشیاء کی قلت کا سامنا کرنا پڑ رہا ہے۔ پولیٹیکل انتظامیہ کیخلاف دھڑنا چوتھے روز بھی جاری رہا۔ علاقے کے لوگوں کو کھانے پینے کی اشیاء کی قلت کا سامنا کرنا پڑ رہا ہے۔

جب شیر پانکرا بط

شیر پانکرا بط

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پیشوا عبدالرحیم

بہ 3 ۱۴۳۵ھ ۱۳ اگست ۲۰۱۴ء تا ۲۰۱۷ء تک ۴۰ لکھ ۱۸ روپے

۱۹۹۱ء

سرگودھا

لاہور

آج کا اخبار

کرم ایجنسی: پیش امام کی ایجنسی بدری کینڈا دھرنا جاری

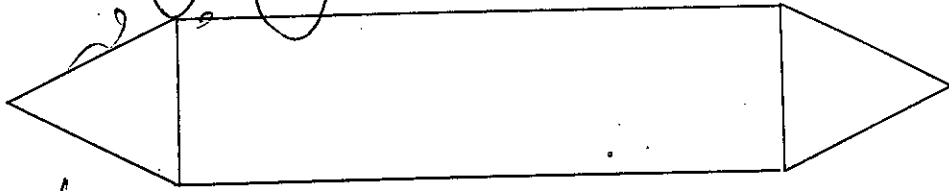
پاراچنار کی مرکزی امام بارگاہ اور مدرسہ جعفریہ کے بینک اکاؤنٹس فوری بحال کئے جائیں: عمائدین

کرم ایجنسی (نامہ نگار) کرم ایجنسی میں پیش امام کی ایجنسی بدری کینڈا عید الفطر کے دن سے شروع ہونے والا کادھرنا پانچویں دن بھی جاری ہے دھرنے میں خواتین اور بچے بھی شامل ہیں، ہفتے کے روز بازار مکمل بند رہے جبکہ پولیسکل انتظامیہ اور دھرنے کے شرکاء کے درمیان مذاکرات ایک بار پھر ناکام رہے، مختلف مقامات پر جاری دھرنوں سے علماء اور قبائلی عمائدین نے خطاب کرتے ہوئے کہا کہ خطیب مرکزی جامع مسجد وکیل مشہد اعظم علامہ محمد نواز عرفانی کے ایجنسی بدری کے احکامات واپس لئے جائیں، پولیسکل انتظامیہ کی جانب سے انجمن حسینیہ اور پاراچنار کے لوگوں کے مذہبی معاملات میں مداخلت بند کی جائے، ۱۹ جنوری سے بے گناہ گرفتار قبائلی عمائدین کو فوری طور پر رہا کیا جائے اور پاراچنار مرکزی امام بارگاہ اور مدرسہ جعفریہ کے بینک اکاؤنٹ فوری طور پر بحال کیے جائیں۔



کرم ایجنسی: شہید مالہ ہر مرثیٰ کی کرم: ایسی ہر قہر میں کہ رہی کیلئے دھرنے میں ایک سرد خطاب کردہ ہے

بعدالت سرویس ٹریڈنگ ایجنسی



ایڈوکیٹ

بمخانب

مورخہ _____
 مقدمہ _____
 دعویٰ _____
 جرم _____

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیروی و جواب دہی وکل کاروائی متعلقہ آن

مقام _____ کیلئے **عباد الرحمن** ایڈوکیٹ ہائی کورٹ پشاور

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرنے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیروی کرنے کا اختیار ہوگا۔ از بصورت 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 وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داعیہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ بیروی مذکورہ کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم _____ کو _____ ماہ _____ ص 201

العباد الرحمن واد العباد

مقام _____ کیلئے منظور ہے۔

عباد الرحمن ایڈوکیٹ ہائی کورٹ

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No: 457/2015 and 1 Other.

Miss Bibi Shahida Ex-PST GGPS Bushera Kurram Agency.....Appellant.

VERSUS

1. Secretary Elementary & Secondary Education Govt: of Khyber Pakhtunkhwa Peshawar.
2. Additional Chief Secretary FATA Warsak Road Peshawar.
3. Director Education FATA Warsak Road Peshawar.
4. Agency Education Officer kurram Agency Parachinar.....Respondents.

Para-wise comments on behalf of respondent No: 3 and 4.

Respectively 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 his own conduct to bring the present appeal.
5. That the appeal is bad due to non-joinder and misjoinder 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. The appellant was not performing her duty efficiently and regularly. Therefore the Competent Authority takes action against the appellant in the interest of public as well as in the interest of the Department.
3. Incorrect. She should not leave her duty without the permission of his superiors as all Govt: employees are bound to perform their duty according to rules/regulation invogue in Education Department.
4. Incorrect. The appellant should brought all the situation into the notice of her superiors for redressal of her grievances.
5. Incorrect. No any correspondence has been made from the respondents side to the appellant to leave her duty station.
6. Incorrect. As explained in Para-5 above.
7. Incorrect. Appellant was willfully absented himself. Notices were issued but she failed to attend office then publication was made in the News on 09/11/2014. After fulfillment of all codal formalities including inquiry appellant was terminated (copy of notices are Annexure-A & B while inquiry report is attached as Annexure-C).
8. Incorrect. The departmental appeal is not available in the record of the respondents.
9. No comments. As explained in Para-8 above.


Grounds:

- i. Incorrect. On account of willful absence the appellant services have been removed by the Competent Authority.
- ii. Incorrect. All codal formalities have been fulfilled for the removal of appellant services as no one is allowed to violate the rules/regulations.
- iii. Incorrect. In this regard Mr. Waris Ali Principal GHSS Shalozan was appointed as a chairman of the inquiry committee. The appellant was asked to appear before the inquiry committee but the appellant was failed to appear before the inquiry committee.


- iv. Incorrect. As evident from Removal Notification of the appellant a letter has been sent on the home address to resume her duty within 15 days. The appellant did not resume her duty within stipulated time. Whereas another notice was published in DAILY News on 9/11/2014 directed the appellant to resume her duty within 15 days of the publication of the notice failing which an ex-parte decision will be taken against the appellant. All codal formalities have been fulfilled for the removal of appellant services.
- v. Incorrect. As explained in Para-IV above.
- vi. Incorrect. According to law all codal formalities have been fulfilled for the removal of appellant services.
- vii. Incorrect. As per Para's including above.
- viii. Incorrect.
- ix. Respondent are also seeks permission to advance other grounds at the time of arguments.

In light of the above facts it is humbly requested to please dismiss the appeal having no legal grounds with cost.

Respondent NO.3


Director Education FATA
Peshawar.


Respondent NO.4


Agency Education Officer
Kurram Agency

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.3


Director Education FATA
Peshawar.

Respondent NO.4


Agency Education Officer
Kurram Agency

A

نوٹس اظہار وجوہ غیر حاضری عمداً

- آپ ۱۔ صابر نساء PET جی جی ایم ایس بوشہرہ
- ۲۔ بی بی شاہدہ PST جی جی پی ایس بوشہرہ
- ۳۔ شاہین افضل PST جی جی پی ایس کوٹری
- ۶۔ انیلہ یونس CT جی جی ایم ایس غنڈہ ڈھیل
- ۸۔ نسreen بیگم PST جی جی پی ایس پرت کھٹے پیواڑ
- ۱۱۔ بشیر حسین JC جی جی ایچ ایس تری منگل
- ۱۲۔ کمال حسین PST جی جی پی ایس جاڑو کھٹے بوشہرہ عرصہ دراز سے تاحال اپنی ڈیوٹیوں سے غیر حاضر ہیں۔ جس کی بنا پر آپ سب کو آپ کے گھروں اسکولوں کے ایڈریس پر علیحدہ علیحدہ نوٹس ایجنسی ایجوکیشن آفیسر کرم ایجنسی کے دفتر سے ارسال کئے گئے ہیں۔ جن میں آپ سب کو ہدایت کی گئی تھی۔ کہ آپ سب جلد از جلد پندرہ دنوں کے اندر اندر اپنی ڈیوٹیوں پر حاضر ہو جائیں۔ اور اپنی اپنی غیر حاضری کی وجہ بتائیں لیکن اسکے باوجود بھی نہ آپ لوگ اپنے ڈیوٹیوں پر حاضری اور نہ ہی کوئی معقول وجہ یا اطلاع دفتر ٹھنڈا کو دی۔ لہذا آخری بار بذریعہ نوٹس ہذا آپ سب کو مننبہ کیا جاتا ہے۔ کہ آپ سب اس نوٹس کے اشاعت کے پندرہ دن کے اندر اندر ایجنسی ایجوکیشن آفیسر کرم ایجنسی کے روبرو پیش ہو کر اظہار وجوہ برائے عمداً غیر حاضری پیش کریں۔ کیوں نہ آپ کے خلاف تادیبی کارروائی کی جائے۔ عدم تعمیل کے صورت میں آپ کے خلاف خیبر پختونخواہ کے سرکاری ملازمین (E&D) روڈز بھریہ 2011ء روڈز 9 کے تحت یکطرفہ کارروائی عمل میں لائی جائے گی۔ جو آپ سب کی ملازمت سے برخاستگی پر منتج ہو سکتی ہے۔

ایچ کیم امجد علی خان

۲۔ جدوای خان ڈی ڈی
ایجنسی ایجوکیشن آفیسر کرم ایجنسی

پبلیک ایجنٹ کرم ایجنسی

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پرائیویٹ سٹور کے سربراہ ڈاکٹر ایس بیٹھل کلاڑیوں کے لئے آر جی تربیتی کیمپ کا افتتاح کر رہے ہیں، فیڈریشن کے سیکرٹری وصال خان بھی ان کے ہمراہ ہیں

نوشن اظہار وجوہ شیر حاضری عمداً

آپ (1) سائبر سٹار PET جی بی ایم ایس بوشہرہ (2) بی بی شامہ و PST جی بی بی ایس بوشہرہ (3) بی بی صوفی FT جی بی بی ایس بوشہرہ (4) شاپن افضل PST جی بی بی ایس کوتلی (5) مسلمہ PST جی بی بی ایس ابراہیم زئی (6) انیلہ پونس CT جی بی بی ایم ایس فضلٹی نیل (7) ارمیہ شہزادی CT جی بی بی ایچ ایس ازخوبہ (8) نسرتین بیگم PST جی بی بی ایس پرت کھچوڑا (9) گل رحمانا PST جی بی ایس وچہرہ (10) حرمان PST جی بی بی ایس کوساز (11) بیگم حسین CT جی بی بی ایچ ایس تری منگل (12) کمال حسین PST جی بی بی ایس جاوید کھچوڑا بوشہرہ سرسداڑ سے تاحال اپنی ذمہ داریوں سے غیر حاضر ہیں جس کی بناء پر آپ سب کو آپ کے کمرہ اسکولوں کے ایڈریس پر خط لکھا گیا ہے تاکہ وہ فوری طور پر اپنی جگہ پر واپس آ سکیں اور اپنی ذمہ داریوں کو سرانجام دیں۔

آپ سب کو خط لکھا گیا ہے کہ آپ سب اس نوشن کے اشاعت کے چند دنوں کے اندر اندر راجپنسی ایجوکیشن آفیسر کرم ایجنسی کے روبرو پیش ہو کر اظہار وجوہ برائے عمدہ غیر حاضری پیش کریں کیوں کہ آپ کے خلاف تاہمی کارروائی کی جائے عدم تعمیل کی صورت میں آپ کے خلاف خیر مقدمہ نمٹا کر سرکاری ملازمین (E&D) اور مارچ 2011ء اور اس کے تحت کی طرف کارروائی عمل میں لائی جائے گی جو آپ سب کی ملازمت سے برخاستگی پر منتج ہو سکتی ہے۔

محمد علی خان محکم پرائیویٹ ایجنٹ کرم ایجنسی
 چوہدری خان وزیر راجپنسی ایجوکیشن آفیسر کرم ایجنسی

گورنمنٹ ہڈل سکول دواخان کلے سٹا کوٹ نے ہاکی ایونٹ جیت لیا

پٹنار (پھولس رپورٹ) پاکستان آر جی فیڈریشن کے زیراہتمام خصوصی افراد کیلئے آر جی تربیتی کیمپ کا افتتاح ستر حیات آباد میں شروع ہو گیا کیمپ کا باقاعدہ افتتاح پرائیویٹ سٹور کے چیئر مین فیاض الرحمن نے کیا ان کے ہمراہ پاکستان آر جی فیڈریشن کے سیکرٹری جنرل وصال خان، پرائیویٹ سٹور کے چیئر مین فیاض الرحمن، محمد ایس بیٹھل اور دیگر سٹور کے ملازمین پاکستان آر جی فیڈریشن اور پرائیویٹ سٹور کے تعاون سے منعقد کیا گیا ہے۔



ڈائریکٹر سپورٹس ہائیر ایجوکیشن عبدالرشید اور کلاڑیوں میں شریک تقسیم کر رہے ہیں

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7	Almeena Shehzadi CT GGHS Arkhayo Kali	<ol style="list-style-type: none"> 1. Not appeared before the enquiry committee due to her illness. 2. Absent from physical verification(both) 	<p>She may please be treated under E&D rules 2011 i.e removal from service</p>
8	Nasreen Begum PST GGPS Prath Kali Pesar	<ol style="list-style-type: none"> 1. Appeared before enquiry committee 2. Present for physical verification 3. Absence from duty wef 01-10-2014 to 27-10-2014. 4. Respond to notices served against her 	<p>Recovery for 27 days i.e absence period may be made 2 Warning may be issued for regularity in future 3. Affidavit may also be obtained</p>
9	Gule Rana PST GGPS Wacha Dara,	<ol style="list-style-type: none"> 1. Not appeared before enquiry committee 2. Absent from physical verification 3. Absent from duty 4. No response to notices served against her 	<p>Removal from under E&D rules 2011 accordingly in the best interest of public service</p>
10	Khizran Muhammad PST GGPS Gosar	<ol style="list-style-type: none"> 1. Appeared before enquiry committee 2. Present in physical verification 3. Worked on detail basis at GGHS Alizai 	<p>1 Warning may be issued and also obtained affidavit</p>
11	Bashir Hussain JC GHS Terimangal	<ol style="list-style-type: none"> 1. Appeared before the enquiry committee 2. Absent from physical verification 3. Wilfully absent from duty wef 18-9-2014 to 23-11-2014 	<ol style="list-style-type: none"> 1. Deduction for absence period mentioned in the finding (67)days 2. Warning may also be issued 3. Affidavit for the future regular performance may also be obtained
12	Kamal Hussain PST GPS Jaro Kali Bushera	<ol style="list-style-type: none"> 1. Appeared before the enquiry committee 2. Absent from physical verification (both) 3. Absent from duty wef 05-9-2014 to 23-11-2014 	<ol style="list-style-type: none"> 1. He may be treated under E&D rules 2011 for minor penalties 2. 78 days recovery may be made 3. Warning notice 4. Affidavit may also be obtained 5. Regular duty certificate from the Headmaster GHS Bushera on daily basis may also be ordered

Committee Members

1. Ashraf Ali Headmaster
2. Mrs. ~~Saima~~ ^{Newsheen} I/C Principal
3. Aman Ali AAE0
4. Ashraf Ali AAE0
5. Aman Ali AAE0
6. Kamal Hussain AAE0

Waris Ali Principal (Chairman)
GHS Shalozan Kurram Agency

Attention: *Dawal Jam Asstt*

To: The Agency Education Officer
Kurram Agency

Subject:- ENQUIRY REPORT

Memo:- Please refer to your letter No. 38/16 Z dated 24-11-2016 regarding enquiry against the female teachers of various schools in Upper Kurram as below:-

S.No	Name of Teacher	Finding	Remarks/Recommendation
1	Sabir Nisa PET GGMS Dander Bushera	<ol style="list-style-type: none"> 1. Not appeared before the enquiry committee. 2. Absent from physical verification (both) 3. Willfully absent from duty 4. No response to the notice served against her 	She may please be treated for major penalty under E&D rules 2011 accordingly in the best interest of public service
	Bibi Shahida PST GGPS Bushera	<ol style="list-style-type: none"> 1. Appeared before the enquiry committee 2. Absent from physical verification 3. Absent from duty wef 18-8-2014 to 30-11-2014 4. No response to the notice served against her 	As above
	Bibi Safia T.T GGPS Bushera	<ol style="list-style-type: none"> 1. Not appeared before the enquiry committee due to her illness 2. Absent from physical verification (both) 3. Wilfully absent from duty wef 18-8-2014 to 02-12-2014 4. No response to the notices served against her 	As above
4	Shaheen Afzal PST GGPS Kotri	<ol style="list-style-type: none"> 1. Not appeared before the enquiry committee 2. Absent from physical verification (both) 3. Absent from duty since long 4. No response to the notices served against her 	As above
5	Muslima PST GGPS Ibrahimzai	As above	As above
6	Aneela Younas MS Chundi Khel	<ol style="list-style-type: none"> 1. Appeared before the enquiry committee 2. Absent from physical verification 3. Absent from duty wef 12-9-2014 to 13-11-2014 (61) days 	<ol style="list-style-type: none"> 1. She may be treated through minor penalties under E&D rules 2011 2. 61 days deduction may be made 3. Issue warning notice 4. served affidavit to the effect to perform regular duty in future 5. Also certificate from Headmistress regarding her regular performance

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

APPEAL NO. 457/2015

Miss Bibi Shahida Ex-PST, Kurram Agency

..... Appellant

Versus

Secretary Elementary & Secondary Education & others

..... Respondents

REJOINDER TO THE COMMENTS

FILED BY RESPONDENTS.

Preliminary Objections.

All the preliminary objections raised by the respondents in their comments are baseless and not maintainable.

ON FACTS:

1. Need no comments
2. Contents of Para-2 of the comments are wrong whereas that of the appeal are correct as the appellant performed her duty regularly and efficiently, and rendered valuable services in department for 20 years.
3. Contents of Para-3 of the comments are wrong and mis-leading, whereas that of the appeal are correct. Moreover, the respondents have not denied the law and order situation at that time, in Parachinar, which affirms the stance of the appellant.
4. Contents of Para-4 of the comments are incorrect and mis-leading. All the Departmental heads of all the departments in Kurram Agency as well as the FATA Secretariat were/are well aware about the situation and miseries of common people especially of **Sunni Sect:**.

5. Contents of Para-5 of the comments are wrong whereas that of the appeal are correct.
6. Contents of Para-6 of the comments are wrong whereas that of the appeal are correct. The respondents were well aware about all the situation in Kurram Agency.
7. Contents of Para-7 of the comments are wrong whereas that of the appeal are correct. Absence of the appellant was neither willful nor codal formalities were fulfilled before issuing the impugned Termination order.
8. Contents of Para-8 of the comments are wrong whereas that of the appeal are correct. Proper Departmental appeal was duly submitted followed by a Reminder but the respondents did not bother to decide the same.
9. Contents of Para-9 of the comments are wrong whereas that of the appeal are correct.

GROUND:

- i. Contents of Para-i of comments are incorrect and wrong whereas that of the appeal are true and correct. The absence of the appellant was not intentional or willful but just because of the law and order situation of the Parachinar Kurram Agency and the act of the respondents shows mala-fide and ill-will towards appellant.
- ii. Contents of Para-ii of comments are incorrect and wrong whereas the contents of the appeal are true and correct, that no codal formalities have been fulfilled before passing impugned termination order of appellant.

- iii. Contents of Para-iii of comments are incorrect and wrong whereas the contents of the appeal are true and correct. Chairman of the So-called Inquiry Committee did not fulfill the codal formalities and all the so-called proceedings were carried out in the absence of the appellant. Not a single try was made to associate the appellant with the so-called inquiry proceedings.
- iv. Contents of Para-iv of the comments are incorrect and wrong whereas that of the appeal are correct. No Notice what so ever was issued or served upon the appellant.
- v. Contents of Para-v of the comments are wrong and incorrect.
- vi. Contents of Para-vi of comments are wrong and incorrect whereas that of the appeal are correct.
- vii. Contents of Para-vii of comments are wrong and incorrect whereas that of the appeal are correct.
- viii. Contents of Para-viii of the comments are incorrect whereas that of the appeal are true and correct.
- ix. Need no comments.

It is, therefore prayed that appeal may kindly be allowed.

Appellant

Through:



IBADUR RAHMAN

Advocate High Court

Peshawar

DATED. 18/05/2016.