

25.01.2022

Appellant with counsel present. Mr. Kabirullah Khattak,  
Additional Advocate General for respondents present.

Learned counsel for the appellant submitted application for withdrawal of the instant service appeal on the ground that the respondent department issued termination order. Application is allowed, which is placed on file.

In light of the above, the present service appeal is dismissed as withdrawn. No order as to costs. File be consigned to the record room.

Announced  
25.01.2022



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

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

**Appeal No 1962/2019**

Mst, Bakht Mina

vs

Education Department

**APPLICATION FOR THE WITHDRAWAL OF THE**  
**INSTANT SERVICE APPEAL**

**R/SHEWETH:**

- 1- That the instant service appeal bearing No. 1962/2019 is pending adjudication before this august Service Tribunal which is fixed for today i.e. 25-01-2022.
- 2- That the appeal of the petitioner was filed for the "BACK BENEFIT" whereby the respondent department issued termination order during pendency of appeal due to which the petitioner/appellant is just want to withdraw the instant service appeal.

It is therefore, most humbly prayed that on acceptance of this application the above titled service appeal may kindly be dismissed/withdrawn.

**PETITIONER**

**MST, BAKHT MINA**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

1962/19

07.07.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG along with for the respondents present.

Learned AAG seeks further time to submit reply/comments. He is required to contact the official respondents and submit reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 30.11.2021 before the D.B.

*Stipulated period has passed and reply has not been submitted.*

  
Chairman

P.S

28.07.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

  
Chairman

30.11.2021

Clerk of learned for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

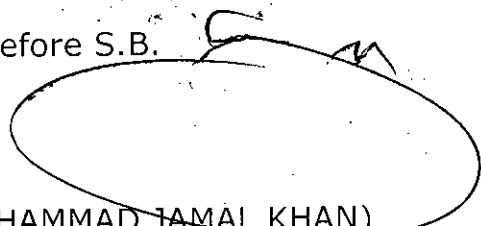
Written reply/comments on behalf of respondents not submitted. Learned AAG seeks further time to contact the respondents for submission of written reply/comments. Request is acceded to but as a last chance. Adjourned. To come up for written reply/comments on 25.01.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

13.01.2021

Junior to the senior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Neither written reply on behalf of respondent submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 11.03.2021 on which date file to come up for written reply/comments before S.B.

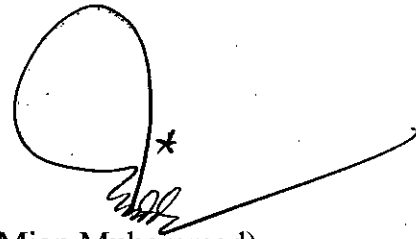
  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

11.03.2021

Junior to counsel for the appellant present. Addl: AG for respondent present.

Written reply on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments on the next date of hearing. Granted but as a last chance.

Adjourned to 20.05.2021 before S.B.

  
(Mian Muhammad)  
Member (E)

20.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.07.2021 for the same as before.

  
Reader

01.10.2020

Counsel for the appellant present.

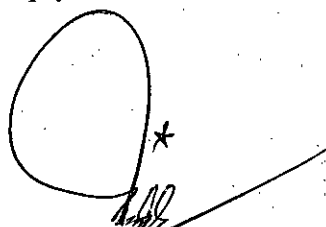
Mr. Kabirullah, Khattak, Additional Advocate General for respondents present.

Learned counsel for the appellant submitted application for extension of time to submit security and process fee. Application is allowed. He is directed to deposit the same within one week, thereafter, notices be issued to the respondents for submission of written reply/comments.

Appellant Deposited  
Security & Process Fee

01/10/20

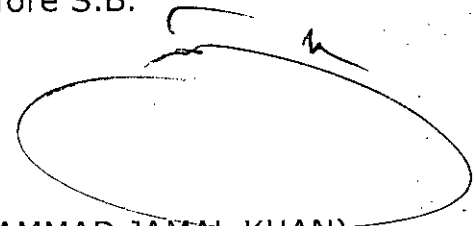
Adjourned to 24.11.2020 for written reply/comments before S.B.

  
(Mian Muhammad)  
Member (E)

24.11.2020

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Written reply on behalf of respondents not submitted. Learned Additional Advocate General requests for time to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 13.01.2021 on which date file to come up for written reply/comments before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

Before the Khyber Pakhtunkhwa Service

Peshawar

Appeal No. 1962/2020

Bakht Mina

vs

Education Deptt.

Application for extension of time period  
for submission of security & process fee.

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R/Sheweth:

1. That the above mentioned appeal is pending adjudication before this august Tribunal which is fixed for hearing today on 01/10/2020.
2. That the above mentioned appeal was admitted for regular hearing on the previous date, but due to some un-avoidable circumstances the appellant did not submit security and process fee.

It is therefore, most humbly prayed that on acceptance of this application the appellant may kindly be allowed for submission of security & process fee.

Dated: 01/10/2020.

Appellant  
Through: M. J.  
Mir Zaman Saji  
Advocate

23.04.2020

Due to public holiday on account of COVID-19, the case to come up for the same on 29.07.2020 before S.B.



Reader

29.07.2020

Mr. Noor Muhammad Khattak, Advocate, for appellant is present.

Learned counsel while arguing submitted that the point/issue involved in the instant lis/appeal is regarding the payment of back benefits by virtue of office order bearing endorsement No. 3071-77 dated Peshawar the 12<sup>th</sup> of July 2019 being made by the District Education Officer (Female) Peshawar, the appellant has been reinstated in government service sans the payment of back benefits whereas this august Service Tribunal in its judgment dated 05.03.2019 had held in the last para that the respondents may however, undertake departmental proceedings against the appellant but in accordance with law and rules and if de-novo proceedings are initiated it has to be concluded within a period of 90 days and the issue of back benefits in favour of the appellant was subjected to the result of de-novo proceedings. Learned counsel to the appellant submitted that since no de-novo proceedings have been initiated against the appellant therefore, she is entitled to be restored into service alongwith payment of back benefits.

The issue raised required proper adjudication in the light of law and rules applicable, therefore, the instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 01.10.2020 before S.B.



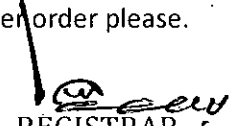
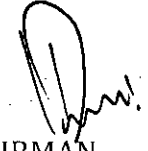
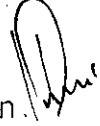

(MUHAMMAD JAMAL KHAN)  
MEMBER

Form-A

FORM OF ORDER SHEET

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

Case No.- 1962/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/12/2019	<p>The appeal of Mst. Bakht Mina resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	20/12/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/01/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	23.01.2020	<p>Nemo for appellant.</p> <p>Notices be issued to appellant/counsel for preliminary hearing on 10.03.2020 before S.B.</p> <p style="text-align: right;">Chairman </p>
	0.03.2020	<p>Junior to counsel for the appellant present and seeks adjournment as senior learned counsel for the appellant is not available. Adjourn. To come up for preliminary hearing on 23.04.2020 before S.B.</p> <p style="text-align: right;"> Member</p>

129

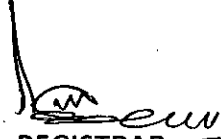


The appeal of Mst. Bakht Mina PST GGPS Mathra District Peshawar received today i.e. on 27.11.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of complaint made by the appellant mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Page Nos. 12 and 21 to 24 of the appeal are illegible which may be replaced by legible/better one.

No. 2086 /S.T,

Dt. 27-11- /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,

All objections have been removed,  
hence re-submitted today dated 18/12/2019.  
~~For~~ copy of complaint is attached as annexure C  
Page - 10 to 12 which was submitted M-1, 18/12/2019.  
by the brother of appellant.

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

**APPEAL NO. 1962 /2019**

**BAKHT MINA**

**VS**

**EDUCATION DEPTT:**

**INDEX**

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2.	Appointment order	<b>A</b>	4- 6.
3.	Order	<b>B</b>	7- 9.
4.	Complaint	<b>C</b>	10- 12.
5.	Inquiry report	<b>D</b>	13- 24.
6.	Removal order	<b>E</b>	25.
7.	Departmental appeal	<b>F</b>	26- 29.
8.	Memo of service appeal	<b>G</b>	30- 35.
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**APPELALNT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

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

Service Appeal No. 1962/2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1686

Dated 27/11/2019

Mst: Bakht Mina, PST (BPS-12)

GGPS Mathra, District Peshawar.....**APPELLANT**

**VERSUS**

- 1- The Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (Female), District Peshawar.
- 4- The District Account Officer, District Malakand.

.....**RESPONDENTS**

**SERVICE APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST IMPUGNED ORDER DATED 12.07.2019 WHEREBY NO BACK BENEFITS HAS BEEN ALLOWED/AWARDED TO THE APPELLANT W.E.F. 11.12.2015 TILL 12.07.2019 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this service appeal the impugned order dated 12.07.2019 may very kindly be modified/rectified to the extent of back benefits w.e.f 11.12.2015 till 12.07.2019. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

**ON FACTS:**

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

- 1- That appellant is the employee of respondent Department and is serving as PST at Government Girls Primary School, Mathra District Peshawar quite efficiently and upto the entire satisfaction of her superiors. Copy of the Appointment order is attached as annexure.....**A.**
- 2- That during service the appellant was applied for ex-Pakistan leave and the same was sanctioned to the appellant w.e.f 16.01.2009 to 15.04.2009 (90 days) vide order dated 04.04.2009 and after completion of the above mentioned leave the appellant submitted

Filed to-day  
Registrar

27/11/19

Registered to-day  
and filed.  
Registrar  
18/12/19

arrival report and started performing her duty at the concerned station efficiently. Copy of the order is attached as annexure.....**B.**

- 3- That appellant while performing her duty at GGPS Kachi Kopar, District Malakand a baseless allegation of absentia was leveled against the appellant. That the allegation of absentia was totally wrong, incorrect and baseless and the relevant period no such inquiry regarding the matter was conducted.
- 4- That the allegation regarding the absence of the appellant is not correct that there is no such report submitted by Head Mistress regarding the absence of the appellant and the appellant is very much performed her duty in GGPS Kopar and received her salary.
- 5- That the appellant filed a complaint against one Rukhsana Rahim Sub-Divisional Officer, Dargai Malakand and the enquiry conducted against that complaint, the appellant provide sufficient evidence against Rukhsana Rahim but she was exonerated from the charges and the appellant was removed from her service vide order dated 11.12.2015 without conducting regular enquiry in the matter. Copy of complaint, inquiry report & removal order are attached as annexure.....**C, D & E.**
- 6- That appellant feeling aggrieved from the order dated 11.12.2015 filed departmental appeal followed by service appeal No. 383/2016 which was accepted in favor of the appellant vide judgment dated 05.03.2019. Copies of the Departmental appeal, memo of service appeal & Judgment are attached as annexure.....**F, G & H.**
- 7- That after obtaining attested copy of the judgment dated 05.03.2019 submitted the same before the respondents and respondents implemented the judgment passed by this august Tribunal re-instated the appellant into service vide its order dated 12.07.2019 but no back benefits were allowed to the appellant. Copy of the impugned order dated 12.07.2019 is attached as annexure.....**I.**
- 8- That appellant feeling aggrieved from the impugned order dated 12.07.2019 filed Departmental appeal before the appellate authority but no reply has been received so far from the quarter concerned. Hence appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure.....**J.**

**GROUND:**

- A- That the impugned order dated 12.07.2019 is against the law, rules, norms of natural justice and materials on the record hence not tenable and liable to be modified/rectified to the extent of back benefits.

- B- That appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 12.07.2019 which is not tenable and liable to be modified/rectified to the extent of back benefits.
- D- That the allegations leveled against the appellant has not been proved, therefore the appellant is entitle for the grant of back benefits w.e.f 11.12.2015.
- E- That the appellant was regularly performed her duty till 11.12.2015 but the concerned Head Mistress malafidely marked absent the appellant, therefore the appellant is fully entitle for the grant of all back benefits.
- F- That the inaction the respondents by not granting the previous salaries and back benefits for the intervening period is violative of Article-11 of the Constitution of Islamic Republic of Pakistan, 1973.
- G- That since 11.12.2015 till 12.07.2019 the appellant remain un-employed anywhere, therefore in light of the judgment of Apex Court is entitle for all the back benefits for the period mention above.
- H- That any other grounds will be taken at the time of personal hearing with your kind permission.

It is, therefore, humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 25.11.2019.

**APPELLANT**

*Bakhtmina*  
**BAKHT MINA**

**THROUGH:**

*NK*  
**NOOR MOHAMMAD KHATTAK**

**&**

*MZ*  
**MIR ZAMAN SAFI  
ADVOCATES**

APPOINTMENT/ADJUSTMENT

The following PTC trained candidates placed on merit are hereby appointed/adjusted in the BRS no.7 i.e. 1480-81-2095 plus usual allowances as due and admissible under the rules in the schools enumerated against each w.e.f. the date of taking over charge with the following terms and conditions:-

S.No.	Name with qualification / Prof./residence & Const:	S.No. of M/List	School where apptt:& Const:	Remarks
1.	Aisha Bibi Mat: PTC D/O Abdur Rahman Vill: & P.O. Mkd: P.F. 80/27/795/1200/1992-93	27	GGPS, Chappul P.F. 80	Against Vice S.No. 33
2.	Seema Akhtar Mat: PTC D/O Muhammad Sabir Vill: & P.O. Dobandai 6/694/1200/89-90 P.F.79	5	GGPS, Gandairo Shah P.F.79	Against N.C.Post
3.	Bibi Aisha Mat: PTC D/O Nassan Gul Village & P.O. S/Kot P.F.79/7/680/1200/1989-90 P.F. 79	7	GGPS, Bajawario -do- Ali P.F.79	
4.	Zakia Begum Mat: PTC D/O Muhammad Akram Vill: & P.O. Dargai 8/679/1200/1989-90 P.F.79	8	GGPS, Dargai Patak P.F. 79	-do-
5.	Zubeda Begum Mat: PTC D/O Muhammad Gul Vill: & P.O. S/Kot 9/674/1200/1989-90 P.F.79	9	GGPS, Zangle Patak P.F.79	-do-
6.	Mumlikat Begum Mat: PTC D/O Khalilur Rahman Vill: & P.O. Dargai 10/672/1200/1989-90 P.F.79	10	GGPS, Totai P.F. 80	V.S.No.38
7.	Shama Farveen Mat: PTC D/O Nashid Khan Vill: & P.O. Dargai 11/662/1200/1989-90 P.F. 79	11	GGPS, Nazif Banda P.F. 79	V.S.No. 41
8.	Midayat Begum Mat: PTC D/O Muhammad Gul Vill: & P.O. S/Kot 12/659/1200/1989-90 P.F.79	12	GGPS, Sindano P.F. 79	V. 39
9.	Najma Begum Mat: PTC D/O Abdul Ghafoor Vill: & P.O. Kharkai 13/649/1200/1990-91 P.F.79	13	GGPS, Bazdara Payan P.F. 80	V.S.No.42
10.	Yasmeen Kanwal Mat: PTC D/O Shah Zamin Khan Vill: & P.O. Kharkai 14/701/1200/1990-91 P.F. 79	14	GGPS, Dad Dheri P.F. 80	V.S.No.43
11.	Nighat Mat: PTC D/O Said Manman Vill: & P.O. Meherdi 15/679/1200/1990-91 P.F.79	15	GGPS, Gandairo Shah P.F. 79	N.C.Post
12.	Nodia Begum Mat: PTC D/O Lal Zada Vill: & P.O. Dargai 16/671/1200/1990-91 P.F. 79	16	GGPS, Aspur (Totai) P.F.80	V.S.No. 25
13.	Jamila Begum Mat: PTC D/O Lal Zada Vill: & P.O. Dargai 17/668/1200/1990-91 P.F.79	17	GGPS, Aspur Totai P.F. 80	V.S.No. 27
14.	Amia Bibi Mat: PTC D/O Redi Gul Vill & P.O. Kharkai 18/666/1200/1990-91 P.F.79	18	GGPS, Mishta Banda P.F. 80	V.S.No. 26
15.	Noor Samida Mat: PTC D/O Faqir Muhammad Vill: & P.O. Meherdi 19/514/1200/1990-91 P.F. 79	19	GGPS, Khanorai P.F. 80	V.S.No.28
16.	Nasim Begum Mat: PTC D/O Jamrooz Khan Vill: & P.O. Khanhari 20/779/1200/1991-92 P.F.79	20	GGPS, Dargai Patak P.F. 79	N.C.Post
17.	Shahneen Bibi Mat: PTC D/O Shanzarum Khan Vill: & P.O. Kharkai 21/757/1200/1991-92 P.F.79	21	GGPS, Aziz Abad (Agru) P.F.80	-do-
18.	Nijat Mat: PTC D/O Redi Gul Vill: & P.O. Dargai 22/755/1200/1991-92 P.F. 79	22	GGPS, Mishta Banda P.F. 80	V.S.No. 37
19.	Safia Begum Mat: PTC D/O Muhammad Sherin Vill: & P.O. Meherdi 23/750/1200/1991-92 P.F. 79	23	GGPS, Khanorai P.F. 80	V.S.No.29

(4) (5)

- 20. Kalsoom Sabir Mat:PTC D/O Mond Akbar Vill: & P.O. Margai/24/730/1200/1991-92 P.F.79
- 21. Bakht mena Mat:PTC: D/O Masan Khan Village & P.O Koper/25/729/1200/1991-92 P.F.79.
- 22. Nozina Bibi Mat: PTC D/O Mohammad Nabi Village & PO Margai/22/723/1200/1991-92 P.F.80.
- 23. Musarat Begum Mat: PTC D/O Nahmat Village/PO Dubardai /694/1200/1991-92 P.F.79.

- 24. GGS, Mashumzai vice S.No.30 P.F.80
- 25. GGS, Kachhi Koper N.O. Post P.F.79
- 26. GGS, Azia Mad N.O. Post (Agra) P.F. 80
- GGS, Mustanab Korona against N.O. post: apptt: made on the basis of 1/6 Disposal quota by the order; NWFP GOVT:

- 24:- Neelan Bibi PTC; GGS; Bartangi - adjusted at GGS, Painua-Kandaro against newly created post.
- 25:- Farida Khanum PTC; GGS, *Aspur (Tatal)* - adjusted at GGS, Pinda- -do---
- 26:- Musarrat Begum PTC; GGS, Mishta Banda. - adjusted at GGS, *Aspur* vice S.No.24 Bartangi.
- 27:- Kubina Bibi PTC GGS, Aspur - adjusted at GGS, Hospital against N.O. PTC post. -coloney (Kot)
- 28:- Aneela PTC, GGS, Khanorari - adjusted at GGS, Hospital -do--- -coloney
- 29:- Shanzia Batool PTC; GGS, Khanorari - adjusted at GGS Baro-Kanarp against N.O. post.
- 30:- Mohammadia PTC; GGS, Mashumzai. - adjusted at GGS, -do- -de-
- 31:- Nodia Bibi PTC; GGS; Maingano-Cham - adjusted at GGS, Geto-Ghoundi -de-
- 32:- Naseem Begum Mat; PTC; Bartangi - adjusted at GGS, Maingano- vice No,31 Cham(Khar).
- 33:- Musarrat Naziq PTC GGS, Chappal. - adjusted at GGS, Bartangi vice No.32
- 34:- Hussan Nisa PTC; GGS, Jarbat - adjusted at GGS, Kasinat A.N.O. post
- 35:- Wazir Begum Mat: PTC, GGS, Makhband. - adjusted at GGS, -do- -de-
- 36:- Neelan Zia PTC; GGS, Qualangi - adjusted at GGS, Jarbat vice S.No.34
- 37:- Zeenatul Anjum PTC; GGS, Mishta Banda. - adjusted at GGS, Makhband vice No.35
- 38:- Rizwana Sher PTC; GGS, Tatal - adjusted at GGS, Qualangi vice No.36
- 39:- Mujahida Bibi PTC; GGS, Sindano - adjusted at GGS, Zangul-Patti ag A.N.O. post.
- 40:- Saeeda Begum PTC; GGS, Dubandi - adjusted at GGS, Mustanab- -de- Korona.
- 41:- Mukhtiar Begum PTC; GGS, Nazif- -Banda. - adjusted at GGS, Dubandi vice No.40
- 42:- Bibi Abida PTC GGS, Bazdaro Puyeen adjusted at GGS, Bajwuro- A.N.O. -Killi. post.
- 43:- Anjuman Begum PTC. GGS, Dad-Dheri adjusted at GGS, Kachi Koper -do-

ATTESTED  
*MZ*

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TERMS AND CONDITIONS

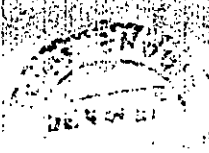
- 1:- The appointment is made purely temporary and is liable to termination at any time with our giving any reasons.
- 2:- She is required to produce health and age certificate from the medical Supdt: Civil Hospital concerned.
- 3:- She should not handover charge in case her age in case her age exceed 20 years or less than 10 years.
- 4:- In case she wish to resign from service she should submit one month period notice to the department or profit one month pay in thereof.
- 5. Her original testimonial should be checked before handing over charge
- 6:- Charge report should be submitted in duplicate to all concerned.
- 7:- In case she failed to resume duty within a stipulated period the order should be stand automatically cancelled and her name will be placed at the bottom of the merit list available on the record of this office.
- 8:- Terms and conditions are not applicable at S.No.24 to S.No.43 in lieu of their transfers.

*Signature*  
 (MRS: ANJUMAN BAGUM)  
 DISTT: PRIMARY EDUCATION OFFICER (F),  
 MADHANS AT BATHKHELA  
 30/10/94

Endst: No. 3680-3786 s. no. 6/ DDO (F) Pny: /Mkd: /Estt: /PTC: Apptt: /Voll: II/DA dated Bathkela the 30/10/94.

- Copy of the above is forwarded for information to the:-
- 1:- Honourable Minister of Primary Education NWFP, Peshawar w/r to meeting at speaker Chember on 4.10.1994.
  - 2:- Director Primary Education NWFP, Peshawar at Hayatabad.
  - 3:- SDO (F) Malakand at Bathkela.
  - 4:- Mr: Jehangir Khan MPA P.F. 79 at Ashaki.
  - 5:- Mr: Ghani Mohammad Khan MPA P.F. 80 Malakand at Bathkela.
  - 6:- PA to Director Primary Education NWFP, Peshawar at Hayatabad.
  - 7+30 Headmistress of G.S.S, of concerned school.
  - 39-01 Candidates concerned.
  - 02:- Accountant local office.
  - 03-125 Personal files.

*Signature*  
 DISTT: PRIMARY EDUCATION OFFICER (F),  
 MADHANS AT BATHKHELA  
 30/10/94



*Signature*

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OFFICE OF THE,  
DISTRICT COORDINATION OFFICER,  
MALAKAND.

Dated 4 /04/2009.

ORDER.

No. \_\_\_\_\_/. In exercise of the power conferred vide Clause-a (2) and "J" of Para 6 of the District Govt: Rules of Business, 2001 sanction for 90 days Ex-Pakistan Leave with full pay w.e.f 16/01/2009 to 15/04/2009, (both days inclusive) in r/o Mst: Bakht Mina, PST, GGPS Koper, is hereby granted.

--Sd--  
District Coordination Officer,  
Malakand.

No. 2065-66

Copy forwarded to

1. The EDO (E&SE), Malakand with reference to his memo: No. 4402/Leave/PST(F) Estb: dated 28/03/2009. The service book in r/o the above named teacher is returned herewith in original.
2. The Agency Accounts Officer, Malakand for information.

**ATTESTED**

*ML*

*[Signature]*  
Assistant Coordination Officer,  
Malakand.

*[Signature]*  
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*[Signature]*  
03.4.09

8

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (ERSE) MALAKAND AT BARKHELA.

SANCTION.

In exercise of the powers conferred vide Rules-6 Sub Rules(1)(b) of the District Government rules of business 2001, as amended vide Government of Khyber Pakhtun khwa local Government Elections and Rural Development department NoBification No. S.O. (LG-1) 3-196/EM/ 2005 dated 07. 10. 2005.

Sanction is hereby accorded to the grant of extra Ordinary leave without pay for the period from 01. 01. 2010 to 31.12. 2011, (730 days) in respect of Mst. Bakht Mina P.S.T, Govt: Girls Primary School Koper, Malakand Agency as due and admissible to her under the revised leave rules 1981.

Note:- Necessary entry to this effect should be ~~xx~~ made in her service book and leave account accordingly.

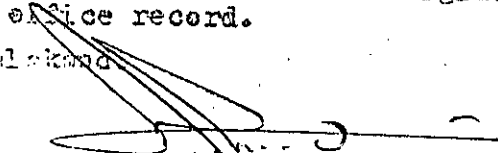
The official concerned is likely to resume her duties at the same station and post from which she proceeded on 1...

( MUSHTAQ AHMAD )  
EXECUTIVE DISTT: OFFICER (ERSE)  
MALAKAND AT BARKHELA.

Endst: No 7680-81 / PNo. Leave/PST(P) Dated 26 / 7 / 2010

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

1. The Deputy Distt: Officer (Female) Dargai w/r to her office memo No.635 dated 26. 07.2010. The service book in original is enclosed herewith for your office record.
2. The Agency Accounts officer, Malakand

  
EXECUTIVE DISTT: OFFICER (ERSE)  
MALAKAND AT BARKHELA.

**ATTESTED**

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FORM III

FORM OF LEAVE ACCOUNT UNDER THE REVISED LEAVE RULES, 1987

Leave Account of Mr./Miss./Mrs. Bakht Mima

Date of Commencement of service: 1-11-1994

Date of attaining the age of superannuation 8-4-2030 (N.B.—Instructions for filling in the form are printed on reverse).

Government/Department served under	PERIOD OF DUTY		Leave earned on full pay 4 days for each calendar month.	Leave at credit (column 21+6)	LEAVE TAKEN (Each Column 8 to 20)																Remarks	ATTESTATION	
					PERIOD		Leave on full pay without medical certificate subject to maximum of 120 days & 365 days in case of L.P.R.	Leave on full pay on medical certificate subject to maximum of 180 days	Leave on full pay on medical certificate subject to maximum of 365 days in entire service.	LEAVE ON HALF PAY		Recreation leave of 15 days in a year but 10 days to be debited.	LEAVE NOT DUE		ABSENCE		Total leave (Columns 10+11+12+14+15+17+19)	Balance on 1-7-1978/return from leave (Column 7-20)					
					From	To				Days	Days		Days	Days	Days	Days			Days	Days			Days
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
Education Department	11/1994	21/2000	5-2-21	63	63																		
	4/2009	15/2009	8-8-21	105+63	168																		
	16/2009	31/2009	9-8-15	9+78	87 days																		

63 day Balance

R. P. [Signature]  
DE P.O. (P)  
Soma Ranjani Dargai Mkd.

R. P. [Signature]  
DE P.O. (P)  
Soma Ranjani Dargai Mkd.

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ADMITTED

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بکھور جناب سیکرٹری ایجوکیشن صوبہ خیبر پختونخواہ پشاور سیکرٹریٹ پشاور

شیر علی خان ولد عبدالحسن (مرحوم) ساکن ستانہ دار کئے رقبہ کو پر تحصیل درگئی ضلع ملاکنڈ

(سائل)

بنام

مسماة رخسانہ رحیم دختر رحیم خان (سابقہ SDO) زنانہ درگئی ضلع ملاکنڈ ساکن لونڈو حوض ضلع مردان

(مسئول الیہا)

درخواست بمراد قانونی چارہ جوئی کرنے برخلاف مسئول الیہا بوجہ غیر قانونی طور پر حراسان کرنے، ڈھنی کوقت، جسمانی تکلیف، مالی نقصان رسانی، قیمتی وقت کی ضیاع، سماجی ساکھ کو نقصان پہنچانے اور سرکاری فرائض کی انجام دہی میں روکاوٹ ڈالنے غیر قانونی طور پر فوجداری مقدمہ میں جھوٹی طور پر ملوث کرنے، مسئول الیہا کے خلاف قانونی کارروائی کی جائے۔

جناب عالی!

درخواست منجانب سائل حسب ذیل عرض ہے۔

(۱) یہ کہ من سائل دیرہ ستانہ دار کئے رقبہ کو پر تحصیل درگئی ضلع ملاکنڈ کا جدی رہائشی و باشندہ ہے، اور حکمہ تعلیم میں بحیثیت S.C.T (ایس، سی، ٹی) اپنی فرائض سرانجام دے رہا ہے۔

(۲) یہ کہ من سائل کی ہمشیرہ مسماة شمیم آراء - P.S.T گورنمنٹ گرلز پرائمری سکول کو پریقینات ہے، نے ایک عدد درخواست بابت انکوائری برخلاف سابقہ (S.D.O صاحبہ زنانہ درگئی) مسماة رخسانہ رحیم دائر کی تھی۔ جس پر ڈسٹرکٹ ایجوکیشن آفسر صاحب ملاکنڈ نے انکوائری کمیٹی بنائی (متعلقہ چھٹی نمبری 509/13 محررہ 25/03/2014 لف درخواست ہذا ہے)۔

(۳) یہ کہ متعلقہ انکوائری کمیٹی نے من سائل کو مورخہ 29/03/2014 برائے قلمبندی بیان طلب کیا، اور من سائل نے اپنا تحریری بیان بابت انکوائری، روبروئے انکوائری کمیٹی قلمبند کیا۔ من مسائل کا نام حکمہ بنو 7 مسیر مل بنو 19 پر درج ہے۔

(۴) یہ کہ سائل کا بیان بابت انکوائری قلمبند ہونے کے بعد مسماة رخسانہ رحیم (سابقہ S.D.O صاحبہ) نے من سائل کے خلاف ایک عدد جعلی، فرضی، سازشی اور خلاف واقعات F.I.R نمبر 55 محررہ 04/04/2014 بجزم زیر دفعات PPC 500/506B/509/342/341/294/190/186 تھانہ سٹاکوٹ درج کیا۔ (متعلقہ F.I.R کی کاپی لف ہے)۔

(۵) یہ کہ ایف۔آئی۔آر (F.I.R) درج کرنے کے بعد مسماة رخسانہ رحیم (سابقہ S.D.O صاحبہ) مسئول الیہا نے مسائل سے فون پر بات کی۔ کہ اپ اپنی ہمشیرہ مسماة شمیم آراء کو کہو کہ وہ اپنا درخواست بابت انکوائری واپس لے تو وہ بھی اے کہ یعنی من سائل کے خلاف اپنا F.I.R درج شدہ واپس لے گی۔ بصورت دیگر میں آپ کے خلاف ہر قسم کی غیر قانونی کارروائی کرونگی۔

ATTESTED

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۶) یہ کہ مسماة رحسانہ رحیم (مسئول الیہا) سائل کو ہر قسم کی دھمکی دیتی رہی اور اپنے بیان سے منحرف ہونے کیلئے ہر قسم کی غیر قانونی حربہ استعمال کرنے سے باز نہ آئی۔ لیکن من سائل نے اپنا بیان انکوائری کمیٹی کے سامنے ریکارڈ کرایا۔

۷) یہ کہ انکوائری کمیٹی نے اپنی قانونی تقاضے پورے کرنے کے بعد محررہ 14/04/2015 کو اپنا مفصل کمیٹی رپورٹ D.E.O صاحب ملاکنڈ میں جمع کیا، اور انکوائری کمیٹی کے رپورٹ میں (Recomendaition) پارٹ میں جرنمبر (6) میں مسماة رحسانہ رحیم مسئول الیہا کو ذمہ دار ٹھہرایا۔ (مسماة رحسانہ رحیم کے رپورٹ میں)

۸) یہ کہ سائل نے عدالت مجاز میں مسئول الیہا کا درج شدہ کیس متذکرہ بالا ٹرائل کرایا اور مورخہ 04/04/2014 کیس کے رجسٹرڈ ہونے سے لیکر تافصلہ مورخہ 07/07/2015 تک عدالت مجاز میں پیش ہوتا رہا۔ اسی دوران مسماة رحسانہ رحیم مسئول الیہا عدالت مجاز پیش نہیں ہوئی۔ اور نہ ہی عدالت مجاز میں کسی قسم کی کوئی شہادت پیش کی۔ جس پر عدالت مجاز نے من سائل کو محررہ 07/07/2015 اجرت بری فرمانے صادر فرمایا۔ (حکم عدالت محررہ 07/07/2015 لف ہے۔)

۹) یہ کہ من سائل کے خلاف مذکور بالا F.I.R صرف اور صرف اس مقصد کیلئے درج کیا تھا، کہ من سائل اپنے بیان سے، انکوائری سے منحرف ہو۔  
۱۰) یہ کہ مذکور بالا جعلی، فرضی، سازشی اور خلاف واقعات F.I.R کی وجہ سے سائل کی سماجی، معاشرتی اور مسائل کی بہت زیادہ تنگ عزت ہوئی، جسکی وجہ سے سائل کو ذہنی طور پر ذلیل و حوار، جسمانی اذیت، مالی نقصان رسائی، وقت کی ضیاع، معاشرتی ساکھ کو نقصان پہنچایا۔

۱۱) یہ کہ درج بالا وجوہات پر مسماة رحسانہ رحیم مسئول الیہا سے اپنے تنگ عزت، مالی نقصان رسائی، ذہنی کوفت، جسمانی اذیت اور معاشرتی نقصان رسائی کیلئے مسئول الیہا (مسماة رحسانہ رحیم) نے پچاس لاکھ روپے جرمانے کی طلب گار ہے۔ بصورت دیگر سائل مزید قانونی کارروائی کرے گا، اور درخواست سائل برخلاف مسئول الیہا اندر مبیاد ہے، اور انجناب کو مسئول الیہا کے خلاف قانونی ایکشن لینے کا اختیار بھی حاصل ہے۔

۱۲) اس استدعا ہے، کہ منظور و درخواست ہذا درخواست سائل کو منظور فرما کر سائل کو برخلاف مسئول قانونی چارہ جوئی کرنے کیلئے غیر قانونی طور پر اسان کرنے ذہنی کوفت، جسمانی تکلیف، مالی نقصان رسائی، قیمتی وقت کی ضیاع، سماجی ساکھ کو نقصان پہنچانے اور سرکاری فرائض کی انجام دہی میں روکاوٹ ڈالنے غیر قانونی طور پر فوجداری مقدمہ میں جھوٹی طور پر ملوث کرنے پر مسئول الیہا کے خلاف قانونی چارہ جوئی کیا جائے۔ نیز دیگر دادرسی جو قریب انصاف و شریعت ہو بھی مرحمت فرمائی جائے۔

سائل شیر علی ولد عبدالحسن (مرحوم) ساکن ستانہ دار کئے رقبہ ~~.....~~ کو پر تحصیل درگی ضلع ملاکنڈ بذریعہ وکیل وقار احمد ایڈووکیٹ ہائی کورٹ

11/11/2015

بذریعہ خود

کاپی ---

- (۱) وزیر اعلیٰ خیبر پختونخواہ CM سکریٹریٹ پشاور
- (۲) چیف سکریٹری خیبر پختونخواہ پشاور
- (۳) وزیر اعلیٰ گلپختی سیل پشاور سکریٹریٹ پشاور
- (۴) ڈائریکٹر ایجوکیشن پشاور

اس درخواست کے علاوہ اس درخواست میں

کے سربراہ کئے جو صفحات لف ہیں  
مدیر سبیل بکر 03 تا 11/18

ATTESTED

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موزی: 07/11/2015

BETTER COPY OF PAGE- 12

**OFFICE OF THE DISTRICT EDUCATION OFFICER**  
**(FEMALCIMALAKANDAT BAINHOA)**

No: 509-13/ Date Batkhela the 25.03.2014

**CONSTITUTION OF ENQUIRY COMMITTEE:**

The undersigned has been pleased to constitute the following enquiry committee in the case of Miss. Shamim Begum, PST, GGPS-Koper.

- 1- Mr. Saeed Khan. Principal, GCMS-Batkhela. Chairman of Enquiry Committee.
- 2- Mr. Abdullah), Principal, GHS-Badragga.

The enquiry committee is hereby directed to probe into the matter and their findings/ Recommendations within 07 days after the issue of this letter documents is attached as enclosure.

DISTRICT EDUCATION OFFICER  
(F) MALAKAND AT BATHELA

Endst: No: & Date Even

Copy to:

- 1- Secretary, ELSE, Khyber Pakhtunkhwa Peshawar
- 2- Director, ESSE, Khyber Pukhtoonkhwa Peshawar
- 3- SOCO (F) Samo Ranizai at Dargai with the remarks to extend her full cooperation with the enquiry committee.

DISTRICT EDUCATION OFFICER  
(F) MALAKAND BATKHELA



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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MALAKAND AT BATKHELA

Tel: 0932-110283, Fax No: 0932-110010 E-mail: demisedeo@malakand@yahoo.com

No: 509-131

Dated: Batkhela the: 25-03 /2014

CONSTITUTION OF ENQUIRY COMMITTEE:

The undersigned has been pleased to constitute the following enquiry committee in the case of Miss. Shamim Begum, PST, GGPS-Koper.

- 1- Mr. Saeed Khan, Principal, GCMS-Batkheela, Chairman of Enquiry Committee.
- 2- Mr. Abdul Haq, Principal, GHS-Badrugga.

The enquiry committee is hereby directed to probe into the matter and submit their findings/ Recommendations within 07 days after the issue of this letter. Documents is attached as enclosure.

DISTRICT EDUCATION OFFICER  
(F) MALAKAND AT BATKHELA

Encl: No: & Date: Even

Copy to:

- 1. Secretary, E&SE, Khyber Pukhtoonkhwa Peshawar.
- 2. Director, E&SE, Khyber Pukhtoonkhwa Peshawar.
- 3. SDEO (F) Same Ranizai at Dargai with the remarks to extend her full cooperation with the enquiry committee.

DISTRICT EDUCATION OFFICER  
(F) MALAKAND AT BATKHELA

ATTESTED

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Confidential

OFFICE OF THE  
DEPUTY COMMISSIONER  
ABBOTTABAD

No. PS - Misc/ 8434-35

Dated <sup>15</sup> 04/2015

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To

The Section Officer(S/F),  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject:

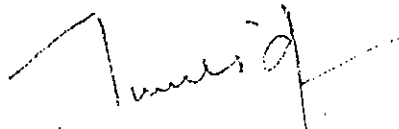
INQUIRY REPORT AGAINST MS. RUKHSANA RAHIM SDEO(F)

Reference:

Your letter No. SO(S/F) / E&SE / 4-17 / 2014 / Inquiry Report  
(Ms. Rukhsana Rahim), dated 22<sup>nd</sup> Sept, 2014.

The inquiry report has been revisited / re-examined and the report is  
re-submitted as desired for further necessary action.

2. Delay caused in submission of inquiry report is only because my hectic and  
busy schedule as Deputy Commissioner and the same is very much regretted.

  
CAPT(R) KHALID MEHMOOD  
Deputy Commissioner,  
Abbottabad

Endst. Of Even No. & Date.

Secretary, Establishment Department, Government of Khyber Pakhtunkhwa,  
Peshawar.

**ATTESTED**





## INQUIRY REPORT

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### A. Background

An inquiry was ordered to probe into the allegations raised by Ms. Shamim PST GGPS, Kachi Kopar, Malakand and Ms. Bakht Mina PST GGPS, Mathra District Peshawar against Ms. Rukhsana Rahim, Sub-Divisional Education Officer (F) Dargai, Malakand.

2. The Competent Authority appointed the undersigned as Inquiry Officer to conduct inquiry in the subject case (Annex-A)

3. Charge Sheet (Annex-B) and statement of allegations (Annex-C) duly signed by the Competent Authority were served upon / sent to the accused Ms. Rukhsana Rahim, Sub-Divisional Education Officer (F) Dargai, Malakand on her mailing address.

4. The following charges were framed in the statement of allegations and charge sheet against the accused officer :-

- i. Ms. Rukhsana Rahim, Sub-Divisional Education Officer (Female) Dargai, Malakand demanded Rs. 50,000/- from Ms. Shamim Ara PST GGPS Kachi Kopar Malakand for sanction of Hajj leave and upon refusal from the said teacher, she was transferred and salary for Hajj leave is still withheld.
- ii. Ms. Rukhsana Rahim, Sub-Divisional Education Officer (F) Dargai, Malakand Demanded Rs. 30,000/- from Ms. Shamim Ara PST GGPS Kachi Kopar Malakand for her promotion and upon refusal she was superseded.
- iii. Ms. Rukhsana Rahim, Sub-Divisional Education Officer (F) Dargai Malakand recorded maternity leave instead of Hajj leave in service book of Ms. Shamim Ara PST GGPS, Kachi Kopar Malakand by producing fake maternity certificate.
- iv. Ms. Rukhsana Rahim Sub-Divisional Education Officer (F) Dargai Malakand demanded Rs. 22000/- from Ms. Bakht Mina PST GGPS, Mathra Peshawar for cancellation of her transfer from GGPS, Kopar Malakand to GGPS, Rahbar Shah Malakand which was materialized after receiving the said amount as bribe.
- v. Ms. Rukhsana Rahim Sub-Divisional Education Officer (F) Dargai Malakand cut down more than 27 big trees at GGPS, Jarri and GGPS, Kopar, Malakand thus caused huge loss to Government.

5. In order to dig out facts so as to reach the conclusion, it was felt necessary to record statements of the complainants and the accused party. Similarly statements of the Head Mistress GGPS, Kopar, Ms. Rashida Begum were also recorded. Brief description of written statement and cross examination of the allegations are as under :-

**ATTESTED**

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B. Statement of Ms. Rashida Begum the then Head Mistress GGPS, Kopar Malakand

Ms. Rashida Begum (the then Head mistress GGPS, Kopar) in her written statement (Annex-D), submitted that Ms. Shamim PST GGPS, Kachi Kopar, Malakand and Ms. Bakht Mina PST GGPS, Kopar (now GGPS, Mathra Peshawar) are sisters- in-law. Both the PSTs were posted in GGPS, Kopar Malakand. As their husbands were in Dubai and Saudi Arabia, therefore, both of them used to go abroad to live with their husbands in frequent intervals. They on return, used to tear away the pages of Attendance Register to conceal their absence. She also claimed that she had reported the matter to high ups time and again but she was forced by Mr. Tufail, the then Deputy Secretary (E&SE) to facilitate both the complainants. She also said that their record is available in files.

C. Cross Examination Ms. Rashida Begum the then Head Mistress GGPS, Kopar Malakand.

Question: Could you produce record of the report you sent to high ups regarding absence from duty in respect of the two teachers?

Answer: I have not brought the relevant record with me.

Question: Did you report the matter to the District Education Officer?

Answer: No. The matter was reported to the SDEO (F) being controlling officer.

Question: Can you produce the record in original?

Answer: The original record is in the office of SDEO(F).

D. Statement of Ms. Shamim Ara, PST GGPS, Kachi Kopar Malakand

In her written statement (Annex-E), Ms. Shamim PST GGPS, Kachi Kopar Malakand submitted that she was due to proceed on Hajj on 23.09.2013 for which she submitted leave application on 21.09.2013 which was forwarded by the Head Mistress of the school and received in the office of SDEO (F) Dargai Malakand. She telephonically informed the Headmistress to mark her absent w.e.f 17.09.2013 and reported the matter to her. She alleged that all this was done on refusal to pay Rs. 50,000/- to the accused i.e. Rukhsana Rahim Sub-Divisional Education Officer (F) Dargai Malakand for granting her leave. A copy of leave application for Hajj leave was provided which is at (Annex-F). She further submitted that while she was on Hajj leave her transfer was made on mutual basis, which was later on cancelled. She alleged that her salary has been stopped from October, 2013. She also stated that her name in the seniority was at S. No. 133 while other teachers have been promoted upto S. No. 476, and she has been left. She alleged that the accused Ms. Rukhsana Rahim Sub-Divisional Education Officer (F) Dargai Malakand had demanded Rs. 30,000/- as bribe. She also alleged that she had also been abused in front of students. She also alleged that the accused Ms. Rukhsana Rahim Sub-Divisional Education Officer (F)

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Question: Do you know that both offering and accepting of bribe is an act of misconduct under the Conduct Rules for which disciplinary action can also be taken against you?

Answer: Yes, but I was in deep trouble and was compelled by the accused SDEO (F) to do so.

Question: Do you have any eye-witness in support of your allegation?

Answer: No. Only the audio recording.

**H. Statement of Ms. Rukhsana Rahim, SDEO (F) Dargai, Malakand**

Written statement of Ms. Rukhsana Rahim Sub-Divisional Education Officer (F) Dargai, Malakand obtained on 19.08.2014 (Annex-L). She denied all the allegations leveled against her in the charge sheet statement of allegations. She said that husbands of both the complainant teachers are abroad in Dubai and Saudi Arabia for employment. Both the teachers used to visit abroad and live with their husbands abroad without prior permission / applications. When their absence and lack of interest was reported they started complaining & blaming the seniors.

She said that she never demanded a single rupee from Ms. Shamim, PST GPS Kopar. About 40 - 50 teachers & Class-IV employees proceed on Hajj leave, no one would verify the stance of Ms. Shamim. She has been doing all those tricks since 2005. She has availed all her leave. She used to visit abroad on different pretext to live with her husband. Record of flights is available at (Annex-M). On return, she tore away the relevant pages of Attendance Register and replaced / tempered the same. Any officers, who tried to report this to the high ups were punished in shape of transfer.

Ms. Shamim applied for Hajj leave on fake Hajj mail / documents, then fake maternity / medical certificate (Annex- N & O) which were foiled by me, this resulted into complaint against me.

As per rules, when a government servant is on long leave, he / she is not considered for promotion. Head Mistress of GPS Kopar was asked to provide 5 years results / ACRs of Ms. Shamim PST, she reported that she was constantly absent and not attending classes, how could she provide the result (Annex-P).

Mst. Bakht Mina PST also used to visit abroad to live with her husband. I often found her absent from duty and report to EDO (Annex-Q). I had no power to order / cancel transfer, hence question of taking / demanding bribe never arises.

Head teacher of GPS Jarri informed that some old trees are dangerous and can fall anytime. Two of the trees fell, damaging 20 feet of boundary of the school. These trees

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were auctioned after obtaining permission from District Officer. Some of the amount was spent on repair of boundary wall while the rest deposited in Government Treasury. Details at (Annex-R).

J. Cross Examination (Ms. Rukhsana Rahim SDEO(F) Dargai Malakand.

- Question: Did you demand Rs. 50,000/- from Ms. Shamim for cancellation of her transfer?
- Answer: No. I am not competent for making posting/ transfer, the question of demand of bribe does not arise.
- Question: Did you propose any legal action against Ms. Shamim and Ms. Bakht Mina?
- Answer: Yes. Report of Head Mistress, GGPS, Kopar was forwarded to EDO Malakand at Batkhela through Deputy District Education Officer (F) Dargai, Malakand (Annex-Q & S).
- Question: Did you receive application from Ms. Shamim PST?
- Answer: Yes. Initially Ms. Shamim submitted application for maternity leave which on verification from concerned hospital was found fake. Knowing this Ms. Shamim submitted another application for Hajj leave on 22.09.2013 alongwith a copy of hajj mail which shows that the name and date have been tempered (Annex-N & O).
- Question: Have you suggested any action against Ms. Shamim?
- Answer: Yes. I stopped her pay from October, 2013. on the direction of DEO (F) Malakand. I had forwarded the case to the DEO (F) Malakand for action and initially her pay was stopped under direction of DEO (F) Malakand. I do not know why further action was not taken, perhaps due to the presence of influentials.
- Question: Have you withheld the salary of Ms. Shamim?
- Answer: Yes because she remained willfully absent. Pay of Ms. Shamim Ara was stopped on the directions of the competent authority.
- Question: Have you recorded maternity leave instead of Hajj leave through fake maternity certificate?
- Answer: No. Leave has neither been recorded as maternity leave nor Hajj leave because the documents, provided with the applications, were fake and no entry can be made on fake documents/certificates.
- Question: Have you received bribe of Rs. 22,000/- from Ms. Bakht Mina?
- Answer: No. It is absolutely false allegation. I am not competent for posting / transfer.
- Question: Have you transferred Ms. Bakht Mina and cancelled the same after receiving bribe of Rs. 22,000/- from her?

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Answer: I have already made it clear that postings / transfers are beyond my competency.

Question: Have you cut down more than 27 big trees from GGPS, Jarri and GGPS, Kopar Malakand?

Answer: No, the actual story is that a few trees in these schools were very old and the same were reported by the Head Mistress GGPS Jhari to the DDEO(F) Dargai. I reported the matter to DEO(F) Malakand who constituted Auction Committee (Annex-XVII). Auction was made in transparent way. Rupees 20,000 were collected from auction. Rupees 5,000 were spent on repair of boundary wall while remaining Rs. 15,000 were deposited in Treasury through Bank challan (Annex-R).

Question: The auction was made some what in September, 2013 while money was deposited in bank in June 2014 after laps of 08 months why?

Answer: It was planned to spend all the money collected from the auction on repair of the boundary wall and electrification of school but after raising false allegations of misappropriation, Rs. 15,000/- were deposited in Treasury through Bank challan.

Question: Rupees 20000/- were collected in auction while only Rs. 15000/- have been deposited, where is the remaining amount of Rs. 5000/- ?

Answer: Rupees 5000/- have been spent on repair of boundary wall of GGPS, Jarri, already explained.

Question: Can you provide any proof regarding expenditure on repair boundary wall?

Answer: Yes. Necessary receipts are on record besides site verification.

#### Findings

After going through the statements of the complainants, witness and the accused, the following facts came to light;

- i. During checking of Attendance Register of GGPS, Kachi Kopar, Malakand, it transpired that the pages of Attendance Register have been tempered, torn away and replaced with other fake / tempered pages. Copies at Annex-T.
- ii. Service book of the Ms. Shamim Ara was checked and the entries of leave found as under:-

S#	Nature of Leave	From	To
1	Maternity Leave	04-10-2000	17-11-2000
2	Medical Leave	18-11-2000	02-01-2001
3	EOL	03-03-2005	02-03-2008

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S#	Nature of Leave	From	To
4	EOL	03-03-2008	03-02-3010
5	EOL	10-09-2011	09-03-2012
6	Absence Period	15-05-2012	31-05-2012

(Copies of entries in Service Book at Annex-U)

- iii. During the time of promotion, Ms. Shamim Ara PST was on leave and further remained absent, so she did not provide her documents to the SDEO (F) Dargai for onward submission. Copies at Annex-F.
- iv. Ms. Rukhsana Rahim SDEO(F) Dargai directed Ms. Rahmania, Head Mistress, GGPS Kachi Kopar to leave blank her Attendance Register until the sanction of her leave, as Ms. Shamim Ara had produced fake documents for leave. Besides, she had been visiting abroad without prior NOC / permission. Record of flights is available at Annex-M.
- v. The transfer of Ms. Shamim Ara was not a mutual transfer rather she was transferred by the DEO (F) Malakand to Balkhela on administrative grounds. The mutual transfer recorded in transfer order was clerical mistake. Moreover Ms. Shamim Ara PST GGPS, Kachi Kopar, availed maternity leave twice in a year, recorded in the school's Attendance Register which is clear malpractice on her part. Ms. Bakht Mina PST co-planner of Ms. Shamim Ara PST remained absent w.e.f 01.01.2012 to 31.05.2014, and she cut the name of Sultani Raz (Caller) and wrote her name and marked herself present, and then shown herself on maternity leave w.e.f 01.02.2012 to 31.05.2012 (4 months) without any documentary proof. The complainant teachers seem to be habitual leave hunters on one pretext or the other.
- vi. The old trees were auctioned through a proper procedure. Comparative statement was prepared and a sum of Rs. 20,000/- was collected from the auction. As the boundary wall of GGPS Jhari was in dilapidated condition and required immediate repair to avoid any possible unpleasant incident, an amount of Rs. 5,000 was spent on its repair. Which may be termed as unauthorized expenditure but the same was quite necessary. The remaining Rs. 15,000 were kept for electrification in the School but could not utilized and deposited into Govt. Treasury on 03-06-2014 and the electrification work was carried out through local collection. There seems no misappropriation / embezzlement rather an unintentional irregularity that too is in good faith.
- vii. It was already clarified that posting / transfers were not in the competency of SDEO(F) how could Ms. Bakht Mina pay her

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Rs. 22,000 as bribe. Though audio recording is available but no substantial / court worthy evidence is available.

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Conclusion

The complaint of the teachers where upon the inquiry has been initiated seen a reaction of the departmental action against them taken by the accused i.e. SDEO(F) Dargai Malakand. So no prima facie worthy of taking further action against the accused i.e. Rukhona Rahim SDEO (F) Dargai Malakand could be established.

Capt (R) Khalid Mehmood  
PAS BS-18 / Deputy Commissioner  
Inquiry Officer

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No. 058/F. NO. E-5/ENQUIRY/G8KH6/BATKHELA/DATED 15/4/2014

FROM THE PRINCIPAL  
GOVT. CENTENNIAL MODEL HIGH  
SCHOOL BATKHELA MKD: AGENCY.

TO: THE DISTT. EDUCATION OFFICER  
(M) MALAKAND AT BATKHELA.

SUBJECT: INQUIRY REPORT ON THE COMPLAINT OF  
SHAMIM ARA AGAINST RUKHSANA RAHIM  
SDEO (F) SAMRANIZAI DARGAI MALAKAND.

MEMO:- Reference your office memo: no. 509-13 dated  
Batkhele the 25.3.2014 on the subject cited above.

The Inquiry report against Rukhsana Rahim  
SDEO (F) Dargai Malakand is hereby submitted along with  
relevant documents for further n/action please.

-SD-

PRINCIPAL  
GOVT. CENTENNIAL MODEL HIGH  
SCHOOL BATKHELA MKD. AGENCY



INQUIRY REPORT ON THE COMPLAINT OF SHAMIM ARA AGAINST RUKHSANA RAHIM SDEO (F) SAMRANIZAI DARGAI MALAKAND.

ENQUIRY COMMITTEE

- 1<sup>st</sup> Saeed Khan Principal GCMRS Batkhela (Chairman)  
2<sup>nd</sup> Abdul Haq Principal GHS Badragai Malakand (Member)

VENUE: GGPS Koper Malakand Agency.  
Office of the SDEO (F) Samranizai Dargai .

Visit dates: 29, 31 March and 3.7.11 April 2014.

INTRODUCTION

An inquiry has been ordered through the above inquiry committee by Distt. Education officer (M&F) Malakand at Batkhela vide Endst. No. 506-13 dated 25.03.2014 and depriving of promotion fro BPS 7 to B 12 and 15 of Miss Shamim Ara PST GGPS Koper By SDEO (F) Dargai.

PROCEEDING

The Inquiry committee visited GGPS Koper on 29.03.2014. During the visit Miss Shamim Ara Bakht mina and the brother of Shamim Ara Mr. Sher Ali Khan were interviewed. Photo copies of relevant record were collected written statement of the stake holders were also taken. Then the committee also attended the office of SDEO (F) Miss Rukhsana Rahim. She was interviewed and served a written questionnaire to her. She promised that the reply will be hand over in two days. The reply and photo copies of relevant record were received in time. Some informations were concealed from the committee and some visits were made later on for the completion of report. In light of all above relevant record and information following findings and conclusion were drawn.

FINDINGS

1. Miss Shamim Ara PST submitted her Huj leave application in time on 16.09.2013. But the SDEO (F) Miss Rukhsana Rahim did not forward the application to the competent authority.
2. The salary of Miss Shamim Ara has been stopped w.e.f October 2013 without any justification.
3. Miss Shamim Ara was deprived of promotion from BPS 7 to BPS 12 and 15 although her seniority No. is 133 and other teachers were promoted junior to her.
4. Miss Nejat Begum SDEO did not submit her ACR and other document for promotion / up gradation in time.
5. Miss Rukhasana provided photo state documents to prove her Huj traveling fake and bogus but Miss Shamim Ara provided her original passport which showed her Huj traveling as per scheduled.
6. The documents provided by Miss Rukhsana were in photo state form and she failed to provide original documents to the committee as over writing was noted in photo state she also failed to provide Shamim Ara personal file Dispatched Register original maternity leave chit and salary record of leave without pay period w.e.f 3.3.2005 to 03.02.2010.

7. There was understanding between Miss Shamim Ara and Miss Rukhsana in past due to which Miss Shamim Ara remained absent from duty.
8. The record of teacher attendance is not available anywhere which shows that they both trying to conceal the absent period of Shamim Ara because she remained absent at Dobai with her husband as stated by some members of the community.
9. According to the written statement of Mr. Sher Ali brother of Shamim Ara, he paid one lac rupees as a bribe to Miss Rukhsana through Miss Nejat Begum ASDEO for which she reluctant to give written statement.
10. According to an audio mobile recording (provided to the committee by Bakht Mina) Miss Rukhsana clearly demanded bribe from Miss Bakht Mina PST GGPS Koper.
11. The dispatched No 593 dated 28.1.2011, 963 dated 17.03.2011, 1022 dated 11.04.2011, 1181 dated 10.09.2011, 05 dated 19.01.2013, 232 dated 18.09.2013 and 296 dated 22.11.2013 provided Miss Rukhsana showing actions against Miss Shamim Ara are fake and false statement. During the verification from DEO office it was found that no letter of such nature are sent to the DEO office. Only Dispatch No. 1022 dated 11.04.2011 is sent for the purpose of charcoal and firewood.
12. The detail reply of Miss Rukhsana to the Inquiry committee is not satisfactory as a whole.
13. Miss Rukhsana was non cooperative during inquiry process and reluctant to proved tempered record.
14. She kept the dispatch registered permanently in her custody which must be with the responsible clerk.

#### CONCLUSION

In the light of available record, proofs and evidences it is concluded that rules, regulations and ethics of the Govt. service have been violated, Miss Shamim Ara and the SDEO (F) Dargai manifested an irresponsible behaviors for being.

1. Not forwarding the Huj leave application of Miss Shamim Ara to the competent authority.
2. Stopping he Salary of Miss Shamim Ara withtoun any reason.
3. Depriving her from promotion which is her due right
4. Blackmailing her staff by creating fake documents against them.
5. Not cooperating with the inquiry committee by refusing to provide original documents required for inquiry.
6. Demanding bribes from her subordinate by mobile calls on record.
7. Misplacing the teacher attendance record of the school to hide her irregularities.
8. Making record of disciplinary action just to pressurize the teachers and not sending it to the higher authorities.

#### RECOMMENDATIONS

1. Keeping in view of the findings and conclusions it is recommended that:
2. Miss Shamim Ara PST may be warned to be regular and punctual in future.
3. Miss Negar may be held responsible for not submitting the ACR and other relevant documents of Shamim Ara in time.
4. The Huj leave of Shamim Ara may be sanctioned and her salary may be released.
5. The file of promotion of Shamim Ara may be processed and she may be given promotion as per merit of seniority list.
6. Miss Rukhsana Rahim SDEO (F) may be strictly warned to abstain from such illegal activities OR may be transferred to a school as a Head Mistress.

ENCLOSURES

The following documents are hereby attached with the inquiry report.

1. Application for ex Pakistan leave.
2. Pay roll of Miss Shamim Ara
3. Complaint letter
4. Huj leave application.
5. Transfer order
6. Cancellation of transfer order
7. Adjustment order
8. Passport Copy.
9. Arrival report from Huj
10. Application for release of pay
11. Application for adjustment
12. Transfer order
- 13 o 16 Leave sanction.
- 17 Letter to SDEO (F) from Head Teacher.
- 18 Appointment order
- 19 Written statement of Sher Ali
- 20 Written Statement of Head Teacher
- 21 Application for maternity leave
- 22 OPD chit of maternity leave
- 23 Absent report
- 24 Written statement of Head Teacher
- 25 Absent report
- 26 Report of Head Teacher
- 27 Application for maternity leave
- 28 OPD chit.
- 29 Statement of head Teacher
- 30 Absent report
- 31 OPD Chit
- 32 Huj parwana provided by SDEO (F)
- 33 to 35. Absent report
- 36 Report of Head Teacher
- 37 Letter to ASDEO
- 38 Photo copy of service book
- 39 Reply of questionnaire
- 40 Written statement of Miss Nejat ASDEO
- 41 Letter of inquiry committee for provision of record
- 42 Verification of OPD nos and chit.

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Saeed Khan Principal GCMHS BATkhela (Chairman)

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Abdul Haq Principal GHS Badraga (Member)

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NO. 058 / P.NO. E-5/ENQUIRY/GOMHG/BATKHELA/DATED 15/4/2014

FROM: =

THE PRINCIPAL  
GOVT: CENTENNIAL MODEL HIGH  
SCHOOL BATKHELA MKD: AGENCY.

TO: =

THE DIST: EDUCATION OFFICER  
(M) MALAKAND AT BATKHELA.

SUBJECT: =

INQUIRY REPORT ON THE COMPLAINT OF  
SHAMIM ARA AGAINST RUKHSANA RAHIM SDEO  
(F) SAMRANIZAI DARGAI MALAKAND.

MEMO: =

Reference your office memo; no. 509-13  
dated batkhela the 25.3.2014 on the subject  
cited above.

The inquiry report against Rukhsana Rahim  
SDEO (F) Dargai Malakand is hereby submitted along with relevant  
documents for further n/action please.

*[Signature]*  
16/4/14

PRINCIPAL  
GOVT: CENTENNIAL MODEL HIGH  
SCHOOL BATKHELA MKD: AGENCY.

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INQUIRY REPORT ON THE COMPLAINT OF SHAMIMARA AGAINST RUKHSANA RAHIM SDEO (F) SAMRANIZAI DARGA MALAKAND.

ENQUIRY COMMITTEE

- 1:- Sajed Khan Principal GCMHS Batkhela (Chairman)
- 2:- Abdul Haq Principal GHS Badruga Malakand (Member)

VENUE: - GGPS Koper Malakand Agency,  
Office of the SDEO (F) Samranizai Darga.

Visit dates: - 29, 31 March and 3, 7, 11 April 2014.

INTRODUCTION

An inquiry has been ordered through the above inquiry committee by Dist Education officer (M&F) Malakand at Batkhela vide Endst No 509-13 dated 25-03-2014 to investigate into the matter with reference to Huj application leave and stoppage of pay and depriving of promotion from BPS 7 to B 12 and 15 of Miss Shamim Ara PST GGPS Koper by SDEO (F) Darga.

PROCEEDING

The Inquiry committee visited GGPS Koper on 29-03-2014. During the visit Miss Shamim Ara, Bakht Mina and the brother of Shamim Ara Mr Sher Ali Khan were interviewed. Photo copies of relevant record were collected written statement of the stake holders were also taken. Then the committee also attended the office of SDEO (F) Miss Rukhsana Rahim. She was interviewed and served a written questionnaire to her. She promised that the reply will be handed over in two days. The reply and photo copies of relevant record were received in time. Some informations were concealed from the committee and some visits were made latter on for the completion of report. In light of all above relevant record and information following findings and conclusion were drawn.

FINDINGS

- 1:- Miss Shamim Ara PST submitted her Huj leave application in time on 16-09-2013. But the SDEO (F) Miss Rukhsana Rahim did not forward the application to the competent authority.
- 2:- The salary of Miss Shamim Ara has been stopped w.e.f. October 2013 without any justification.
- 3:- Miss Shamim Ara was deprived of promotion from BPS 7 to BPS 12 and 15 although her seniority No is 133 and other teachers were promoted junior to her.
- 4:- Miss Nejat Bagum SDEO did not submit her ACR and other documents for promotion / up gradation in time.
- 5:- Miss Rukhsana provided photo state documents to prove her Huj traveling fake and bogus, but Miss Shamim Ara provided her original passport which showed her Huj traveling as per scheduled.
- 6:- The documents provided by Miss Rukhsana were in photo state form and she failed to provide original documents to the committee as over writing was noted in photo state she also failed to provide Shamim Ara personal file, Dispatch Register, original maternity leave chit and salary record of leave without pay period w.e.f. 3-3-2005 to 03-02-2010.

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- 7:- There was understanding between Miss Shamim Ara and Miss Rukhsana in past due to which Miss Shamim Ara remained absent from duty.
- 8:- The record of teacher attendance is not available anywhere which shows that they both trying to conceal the absent period of Shamim Ara because she remained boarded at Dubai with her husband as stated by some members of the community.
- 9:- According to the written statement of Mr Sher Ali brother of Shamim Ara, he paid one lac rupees as a bribe to Miss Rukhsana through Miss Nejat Baum ASDEO for which she reluctant to give written statement.
- 10:- According to an audio mobile recording (provided to the committee by Bakht Mina) Miss Rukhsana clearly demanded bribe from Miss Bakht Mina PST GGPS Koper.
- 11:- The dispatched No.s 893 dated 28-1-2011; 963 dated 17-03-2011; 1022 dated 11-04-2011, 1181 dated 10-09-2011, 05 dated 19-01-2013, 232 dated 18-09-2013, and 296 dated 22-11-2013 provided Miss Rukhsana showing actions against Miss Shamim Ara are fake and false statement. During the verification from DEO office it was found that no letter of such nature are sent to the DEO office. Only Dispatch No 1022 dated 11-04-2011 is sent for the purpose of charcoal and firewood.
- 12:- The detail reply of Miss Rukhsana to the inquiry committee is not satisfactory as a whole.
- 13:- Miss Rukhsana was non cooperative during inquiry process and reluctant to provide required record.
- 14:- She kept the dispatch register permanently in her custody which must be with the responsible clerk.

#### CONCLUSION

In the light of available record, proofs and evidences it is concluded that rules, regulations and ethics of the Govt service have been violated. Miss Shamim Ara and the SDEO (F) Dargai manifested an irresponsible behaviour for being.

- 1:- Not forwarding the Huj leave application of Miss Shamim Ara to the competent authority.
- 2:- Stopping the Salary of Miss Shamim Ara without any reason.
- 3:- Depriving her from promotion which is her due right.
- 4:- Blackmailing her staff by creating fake documents against them.
- 5:- Not cooperating with the inquiry committee by refusing to provide original documents required for inquiry.
- 6:- Demanding bribes from her subordinate by mobile calls on record.
- 7:- Misplacing the teacher attendance record of the school to hide her irregularities.
- 8:- Making record of disciplinary actions just to pressurize the teachers and not sending it to the higher authorities.

#### RECOMMENDATIONS

- 1:- Keeping in view of the findings and conclusions it is recommended that;
- 2:- Miss Shamim Ara PST may be warned to be regular and punctual in future.
- 3:- Miss Nejat may be held responsible for not submitting the ACR and other relevant documents of Shamim Ara in time.
- 4:- The Huj leave of Shamim Ara may be sanctioned and her salary may be released.
- 5:- The file of promotion of Shamim Ara may be processed and she may be given promotion as per merit of seniority list.
- 6:- Miss Rukhsana Rahim SDEO (F) may be strictly warned to abstain from such illegal activities OR may be transferred to a school as a Head Mistress.

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ENCLOSURES

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The following documents are hereby attached with the inquiry report.

- 1:- application for ex Pakistan leave.
- 2:- Pay roll of Miss Shamim Ara.
- 3:- Complaint letter
- 4:- Huj leave application.
- 5:- Transfer order.
- 6:- cancellation of transfer order.
- 7:- Adjustment order.
- 8:- Passport Copy.
- 9:- Arrival report from Huj.
- 10:- Application for release of pay
- 11:- Application for adjustment.
- 12:- Transfer order.
- 13 to 16:- Leave sanctions.
- 17:- Letter to SDEO (F) from Head Teacher.
- 18:- Appointment order.
- 19:- Written statement of Sher Ali →
- 20:- written statement of Head Teacher.
- 21:- Application for maternity leave.
- 22:- OPD chit of maternity leave.
- 23:- Absent report.
- 24:- Written statement of Head Teacher.
- 25:- Absent report.
- 26:- Report of Head Teacher.
- 27:- Application for maternity leave.
- 28:- OPD chit.
- 29:- Statement of head Teacher.
- 30:- Absent report.
- 31:- OPD chit.
- 32:- Huj pervana provided by SDEO (F).
- 33 to 35:- absent report.
- 36:- Report of Head Teacher.
- 37:- Letter to ASDEO.
- 38:- Photo copy of service book.
- 39:- Reply of questionnaire.
- 40:- Written statement of Miss Neja ASDEO.
- 41:- Letter of inquiry committee for provision of record.
- 42:- Verification of OPD nos and chit.

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Saeed Khan, Principal GCMHS Baikhela (Chairman)

Abdul Haq, Principal GHS Badraga (Member)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the, December 11, 2015.

NOTIFICATION

NO.SO(S/F)E&SED/4-17/2015/Bakht Mina PST: WHEREAS Ms. Bakht Mina PST (BS-12) GGPS Mathra, Peshawar was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Show Cause Notice.

2. AND WHEREAS Elementary & Secondary Education Department Khyber Pakhtunkhwa, with the approval of Competent Authority, issued show cause notice to her on 22-05-2015.

3. AND WHEREAS the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, reply of the accused officer in response to the show cause notice and personal hearing granted to him by Chief Secretary Khyber Pakhtunkhwa on 27-11-2015, is of the view that the charges against the accused officer have been proved.

4. NOW, THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to impose, a major penalty of "removal from service" upon Ms. Bakht Mina PST (BS-12) GGPS Mathra, Peshawar with immediate effect.

SECRETARY

Endst.of even No & date

Copy to:

1. Accountant.General Khyber Pakhtunkhwa.
2. Director E&SE, Peshawar.
3. District Education Officer (F) Malakand.
4. District Education Officer (F) Peshawar.
5. PS to Chief Secretary Khyber Pakhtunkhwa.
6. PS to Secretary E&SED Khyber Pakhtunkhwa.
7. Ms. Bakht Mina PST (BS-12) GGPS Mathra, Peshawar.

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[Signature]  
(LAL SAEED KHATTKA)  
SECTION OFFICER (S/F)

ATTESTED

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[Signature]

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To,

The Chief Secretary,  
Khyber Pakhtunkhwa,  
Civil Secretariat Peshawar.

Subject: DEPARTMENTAL APPEAL / REPRESENTATION  
AGAINST IMPUGNED ORDER NO.SO(S/F)E&SED/4-  
17/2015 PESHAWAR DATED 11/12/2015. AN  
AWARDED MAJOR PENALTY TO THE APPELLANT,  
REMOVAL FROM SERVICE.

Respected Sir,

1. That the appellant was appointed as PST in BPS-12 at Govt Girl Primary School Kachi Koper Malakand in the year of 01/11/1994 and performed her duty to the best of her ability and commitment.
2. That the appellant/applicant never absented, from her duty, throughout her career except with permission.
3. That the allegations, which is levelled against the appellant/applicant is totally baseless, wrong, illegal and no such enquiry had been conducted against the appellant.
4. That on the said period, the applicant obtained ex-pakistan leave permission, from <sup>Bakht Amin</sup> 02/01/2010 to <sup>Bakht Amin</sup> 31/12/2011, which is annexure "A".
5. That the allegation regarding the absence of the appellant is not correct, that there is no such report submitted by Head

ATTESTED

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Mistress regarding the absence of the appellant and the appellant is very much performed her duty in G.G.P.S Koper and received her salary.

6. That the appellant filed a complaint against one Rukhsana Rahim Sub-Divisional Officer, Dargai Malakand and the enquiry was conducted against that complaint, the appellant provide sufficient evidence against Rukhsana Rahim but she was exonerated from the charges and the appellant was removed from her service without any proper enquiry.
7. That being aggrieved from the said impugned order filed this departmental appeal/representation. Inter alia with the following grounds:

**GROUND:**

- A. That the impugned removal from service is illegal and unlawful and against the natural justice.
- B. That no such separate inquiry has been conducted and no opportunity has been given thus they condemned unheard which is violation of fundamental right, and against the Article 10-A of the constitution of Pakistan.
- C. That the appellant properly received/obtained leave without pay vide order dated 01/01/2010. *Balkhamine*
- D. That the appellant/applicant never absented, from her duty, throughout her career except with permission.

**ATTESTED**

*M B*

26 (48)

- E. That the allegations, which is levelled against the appellant/applicant is totally baseless, wrong, illegal and no such enquiry had been conducted against the appellant.
- F. That on the said period, the applicant obtained ex-pakistan leave permission, from <sup>Bakhtmina</sup> 01/01/2010 to <sup>Bakhtmina</sup> 31/12/2011, which is annexed.
- G. That the allegation regarding the absence of the appellant is not correct, that there is no such report submitted by Head Mistress regarding the absence of the appellant and the appellant is very much performed her duty in G.G.P.S Koper and received her salary.
- H. That any other ground will be taken at the time of personal hearing with your kind permission.

It is, therefore, most humbly requested that on acceptance of this departmental representation the impugned removal from service Order may kindly be set-aside/cancel/withdrawn and reinstate the appellant with all back benefits.

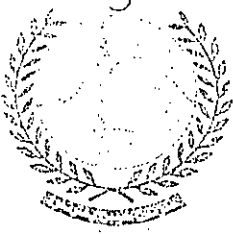
APPELLANT  
*Bakhtmina*  
MST. BAKHTMEENA,  
(PST/BS-12),  
Government Girls Primary  
School Mattra, Peshawar

Date: \_\_\_/\_\_\_/2015

ATTESTED

*MB*

Registered.



ELEMENT

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
& SECONDARY EDUCATION  
DEPARTMENT

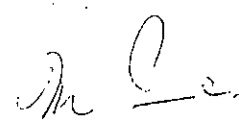
No. SO (S/F) E&SE/4-17/14/Mst. Bakht Mina.  
Dated Peshawar the, February 29, 2016,

To

✓  
Mst. Bakht Mina,  
PST. (BS-12) District Peshawar,  
GGPS Mathra Peshawar.

SUBJECT: - DEPARTMENTAL APPEAL/REPRESENTATION AGAINST IMPUGNED ORDER NO. SO (S/F) E&SED/4-17/2015 PESHAWAR DATED 11.12.2015 AN AWARDED MAJOR PENALTY TO THE APPELLANT, REMOVAL FROM SERVICE.

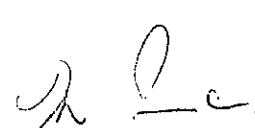
I am directed to refer to the subject noted above and to inform that your appeal for reinstatement in service has been rejected by the competent authority/Chief Minister Khyber Pakhtunkhwa.

  
(LAL SAEED KHATTAK)  
SECTION OFFICER (S/F)

Indst. of even No & Date

Copy to the: -

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE, Peshawar.
3. District Education Officer (F) Peshawar.
4. PS to Chief Minister, Khyber Pakhtunkhwa.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department.

  
SECTION OFFICER (S/F)

**ATTESTED**





**Prayer in Appeal:**

On acceptance of this service appeal, the respondent may be directed to reinstate the appellant from the dated of termination/ order No. SO(S/F)E&SED/4-17/2015 Peshawar dated 11/12/2015 with all back benefits

**Respectfully Sheweth:**

Facts giving rise to the present petition are as under: -

1. That the appellant was appointed as PST in BPS-12 at Govt Girl Primary School Kachi Koper Malakand in the year of 01/11/1994 and performed her duty to the best of her ability and commitment. (Copy of appointment letter attached as annexure "A").
2. That the appellant never absented, from her duty, throughout her career except with permission. (Copy of attendance register is attached as annex "A1")
3. That the allegations, which is levelled against the appellant is totally baseless, wrong, illegal and no such enquiry had been conducted against the appellant.

**ATTESTED**

*M. B.*

(9) (37)

4. That During the said period, the applicant obtained ex-Pakistan leave permission, from 26/07/2015 (Copy of permission latter attached is annexure "B").

5. That the allegation regarding the Absence of the appellant is not correct, that there is no such report submitted by Head Mistress regarding the absence of the appellant and the appellant is very much performed her duty in G.G.P.S Kapoor and Received her salary.

6. That the appellant filed a complaint against one Rukhsana Rahim Sub-Divisional officer, Dargai Malakand and the enquiry was conducted against that complaint, the appellant provide sufficient evidence against Rukhsana Rahim but she was exonerated from the charges and the appellant was removed from her service without any proper enquiry.

7. That the appellant filed departmental appeal against order dated 11/12/2015 which was dismissed on 29/02/2016. (Copy of appeal and order attached as annex "B1")

**ATTESTED**

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That being aggrieved from the said impugned order and not considering the departmental appeal after the

(4) (33)

*laps of statutory period the applicant approach this Hon'ble tribunal on the following amongst other grounds.*

**Grounds:-**

- A. *That the impugned removal from service is illegal and unlawful and against the natural justice.*
- B. *That no such separate inquiry has been conducted and no opportunity has been given thus they condemned unheard which is violation of fundamental right, and against the Article 10-A of the constitution of Pakistan.*
- C. *That the appellant properly received/obtained leave without pay vide order dated 26/10/2010.*
- D. *That the appellant was terminated without any enquiry which is against the law and natural justice. (Copy of show cause notice and reply attached is annexure "C")*

**ATTESTED**

*M. Q.*



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E. That the appellant never absented, from her duty, throughout her career except with permission.

F. That the allegations, which is levelled against the appellant is totally baseless, wrong, illegal and no such enquiry had been conducted against the appellant.

G. That during the said period, the applicant properly obtained ex-Pakistan leave, from 10/09/2011 to 09/03/2012

H. That three different enquiries was conducted against respondent No. 5 <sup>6</sup> one was conducted by Saeed Khan principal GCMHS bat Khela (Chairman) Abdul Haq principal GCH Badraga member, on dated 15/04/2014 and the 2<sup>nd</sup> enquiry was conducted by Afzal Latif Secretary education which is in the possession of Secretary education and third enquiry was conducted by Khalid Mehmood (Retired Captain) on dated 21<sup>st</sup> September. (Copy of enquiry attached are annex "D")

**ATTESTED**



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I. That respondent No. 5 lodge a report/ FIR against the Husband and brother of the appellant as which the Hon'ble court inquiry them from the charges. (Copy of order attached are annex "E")

J. That any other ground will be taken at the time of personal hearing with your kind permission.

It is, therefore, humbly prayed that on acceptance of this appeal impugned orders dated 11/12/2015 removal from service, and order dated 29/02/2016 may kindly be set-aside/ cancel/ withdrawn and reinstate the appellant with all back benefits.

Dated:- 02/03/2016

Through:-

Appellant

Rehman, Ullah  
Shehryar Khan

& M. Arif  
Muhammad Arif

Advocates, High Court,  
Peshawar.

ATTESTED

M. Q.

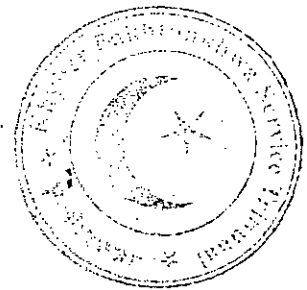
H-36  
⑤ ⑥

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT SWAT

Service Appeal No. 383/2016

Date of Institution... 10.03.2017

Date of decision... 05.03.2019



Mst. Shameem Ara W/O Javed Hussain R/O Village Standaro P/O Tehsil Dargai District Malakand. ... (Appellant)

Versus

1. The Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar and 5 others. ... (Respondents)

MR. SHAZULLAH KHAN YOUSAFZAI,  
Advocate Service Appeal No. 383/2016 For appellant.

MIAN AMIR QADIR,  
District Attorney Date of institution ... For respondents.

Date of decision... 05.03.2019

MR. HAMID FAROOQ DURRANI, CHAIRMAN  
MR. AHMAD HASSANI, MEMBER.

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:

Instant judgment is proposed to dispose of also Service Appeal No. 384/2016 (Mst. Bakhtmeena Vs. Chief Secretary Khyber Pakhtunkhwa), as both the appellants are aggrieved of orders dated 11.12.2015 passed by respondent No. 1, whereby, major penalty of removal from service was

**ATTESTED**

**ATTESTED**

CHAIRMAN  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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imposed upon them. They are also aggrieved of rejection of their departmental appeals vide order dated 29.02.2016.

2. We have heard learned counsel for the appellants and learned District Attorney on behalf of the respondents. We have also thoroughly perused the available record with the assistance of learned counsel for the parties.

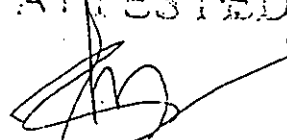
3. The record suggests that a show cause notice was issued to the appellants by the respondent No. 1/Chief Secretary, Khyber Pakhtunkhwa, purportedly, in the capacity of competent authority. It was conspicuously noted in the show cause notices that during an enquiry against one Mst. Rukhsana Rahim SDEO(F) Dargai, the appellants were given opportunity of hearing and on going through the findings and recommendations of enquiry officer and the material on record, the appellants were found to be inefficient, guilty of misconduct and habitual absence. They were, therefore, required through the said notice to show cause as to why the penalty of removal from service should not be imposed upon them. The notice was duly replied by the appellants. Consequently, the impugned orders dated 11.12.2015 were passed.

4. The record is suggestive of the fact that at the relevant time both the appellants were employed as Primary School Teachers (BPS-12) and by virtue of their such position the respondent No. 1/Chief Secretary Khyber Pakhtunkhwa was not the competent authority to issue the show cause notice and pass the impugned order of their removal from service. It is also

**ATTESTED**

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**ATTESTED**

  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

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gatherable from the record that enquiry proceedings were ordered against one Mst. Rukhsana Rahim SDEO (F) Dargai Malakand upon allegations set forth by both the appellants. During the said proceedings, the statements of appellants were also recorded by the enquiry officer besides one Mst Rasheeda Begum, the then Headmistress, GGHS Kopar Malakand. Apparently, during cross-examination of the appellants certain facts surfaced against them.

Besides the fore-noted enquiry report, learned District Attorney could not lay hands on any document reflecting the initiation or conclusion of enquiry against the appellants independent of the proceedings against Mst. Rukhsana Rahim. In the said view of the matter, we are constrained to hold that the impugned orders were not backed by proceedings in accordance with law. The said lapse on the part of the respondents placed the appellants in a position where they did not have any opportunity of defending their respective cause. It is not the case of respondents that regular enquiry was dispensed with, in specific terms, by the competent authority.

5. As observed here-in-before the appellants were both serving against BPS-12 at the relevant time and, as such, the Authority competent to proceed against them departmentally was the concerned Executive District Officer and not the Chief Secretary Khyber Pakhtunkhwa/respondent No. 1, therefore, the proceedings and orders impugned before us could safely be termed as coram-non-judice.

**ATTESTED**

*M L*

**ATTESTED**

*[Signature]*  
**EXAMINER**  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar


18/A 38/A

6. As a sequel to the above, we allow both the appeals and set aside the impugned orders of removal from service passed against the appellants on 11.12.2015. Resultantly, the appellants are reinstated into service. The respondents may, however, undertake departmental proceedings against the appellants but only in accordance with law and rules. The denovo proceedings, if taken, shall be concluded within a period of ninety days from the receipt of copy of instant judgment. The issue of back benefits in favour of appellants shall follow the result of denovo proceedings.

Parties are left to bear their respective costs. File be consigned to the record room.

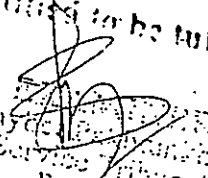


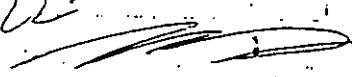
(AHMAD HASSAN)  
Member



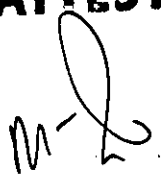
(HAMID FAROOQ DURRANT)  
Chairman  
Camp Court, Swat

ANNOUNCED  
05.03.2019

Certified to be true copy  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation: 30-10-19  
Number of Pages: 1600  
Copies: 78  
Docket: 4  
Folio: 22  
Number of Exhibits:   
Date of Judgment: 30-10-19  
Date of Delivery of Copy: 30-10-19

ATTESTED





I-39  
**OFFICE OF THE DISTRICT EDUCATION OFFICER,  
(FEMALE) PESHAWAR.**

**To Be Substituted Even Number & Date**

**OFFICE ORDER:**


In pursuance of Judgment of Service Tribunal Khyber Pakhtunkhwa appeal No.383/2016 in R/O Mst.Bakht Meena PST V/S Chief Secretary and others dated 05/03/2019, Mst.Bakht Meena PST GGPS Mathra is hereby re-instated in Govt. service. She adjusted against vacant post at GGPS Mathra with immediate effect.

**(SAMINA GHANI)**  
District Education Officer  
Female Peshawar

**Endst: No. 3071-77 Dated Peshawar the 12/07/2019.**

**Copy forwarded for information to the: -**

1. Secretary E&SE Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. Accountant General Khyber Pakhtunkhwa Peshawar.
4. Deputy Commissioner Malakand, Khyber Pakhtunkhwa.
5. SO Litigation-III E&SE Govt. of Khyber Pakhtunkhwa, Peshawar w/r to his order passed on the body of appeal (copy enclosed)
6. D.E.O (F) Malakand.
7. SDEO concerned i.e. Dargai Malakand & Town-II Peshawar.
8. Official Concerned.

  
District Education Officer  
Female Peshawar

**ATTESTED**



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## CHARGE REPORT

I, Mst. Bakht Minav in compliance with the  
DEO(F), Peshawar order No ~~3071-77~~ Endst. No. 3071-77 Dated 12/07/2019

Took over Charge as PST from the  
Headmistress of G.G.P.S Mathra, Peshawar on  
23/07/2019  Forenoon/afternoon

Took Over

Signature Bakht Minav

MST Bakht Minav

Sareiat  
HEAD MISTRESS  
G.G.P.S Mathra  
Peshawar

Headmistress Sareiat

Signature Sareiat

End No \_\_\_\_\_ Dated 23/7/2019

Copy Forwarded to.

1. District Education Officer Female Peshawar
2. SDE (F) Town - II Peshawar
- 3.

M-1



(41)

**ARRIVAL REPORT**

I, Mst. Bakht Mina (PST) in compliance with the  
DEO (F), Peshawar order NO: 3071-77 Dated 12/07/2019

Submit my arrival report on 23/07/2019 Forenoon to the  
Headmistress Sarajat

Yours Sincerely,

Signature Bakhtmina

Name Mst. Bakht Mina

Dated 23/07/2019

Copy Forwarded to:

- 1. District Education Officer Female Peshawar.
- 2. SDEO (F) Town-II Peshawar
- 3. ASDEO (F) Town-II Peshawar

Forwarded  
to SDEO  
Town 2  
24/7/2019  
Assistant Sub Divisional  
Education Officer  
Town-II Peshawar

Sarajat  
HEAD MISTRESS  
G.G.P.S Mathra  
Peshawar  
23/7/2019

ATTESTED

*[Handwritten signature]*

*[Handwritten signature]*  
29/07/2019  
Dr. Sarajit Amin

To

J-42

The Director (E&SE) Departmental,  
Khyber Pakhtunkhwa, Peshawar.

Subject: **DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION  
DATED 12.07.2019**

R/Sir,

Reference to the above notification dated 12.07.2019 whereby back benefits for the intervening period w.e. from the date of removal from service i.e. 12.11.2015 till 12.07.2019 has not been allowed to the appellant. In this connection the applicant briefly states as under:

1. I was appointed as PST now in BPS-12 vide order dated 30.10.1994 after fulfilling all the codal formalities required for the post.
2. I have performed my duty quite, efficiently, whole heartedly and up to the best of my abilities and have never given anyone the chance of any complaint hence I have an unblemished service record of more than 25 years.
3. I was declared as absent from duty which was a baseless allegation as throughout the whole service carrier, I have never been absented myself from my official duties. I have performed in the far flung & hard areas of District Malakand. From the date of removal from service i.e. 12.11.2015 till 12.07.2019 has not been.
4. I was removed from service vide order dated 11.12.2015 against which I filed a Departmental Appeal which was rejected on 29.02.2016 whereupon, I filed service appeal No. 384/2016 before the Khyber Pakhtunkhwa Service Tribunal, Peshawar for her reinstatement which was allowed in my favour vide consolidated judgment dated 05.03.2019 by directing the respondent Department to conduct de-novo inquiry.
5. The service Tribunal has accepted my service appeal as a whole and clear direction was issued to the respondent Department but it was wrongly been interpreted by the competent authority as well as the inquiry committee.
6. In the judgment delivered by the Service Tribunal I have been exonerated completely from the allegation of absence, therefore under the principle of natural justice I am entitle for the back benefits.
7. The inquiry was conducted but to the extent of absence period which was a past and close transaction and the same does not took any point regarding the back benefits or intervening period.

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8. I have never been involved in any gainful job during the intervening period, therefore in light of the apex Court judgments I am fully entitle for the grant of back benefits.

It is, therefore, most kindly requested that the order dated 12.07.2019 may be rectified/modified by allowing me back benefits for the period i.e. w.e.f. 12.11.2015 to 12.07.2019 and oblige.

Dated: 06.08.2019

Thanking you in anticipation

TESTED



Obediently yours,  
Bakhtmina  
BAKHT MINA, PST,  
GGPS Mathra, Peshawar.

It is, therefore, most kindly requested that the order dated 12.07.2019 may be rectified/modified by allowing me back benefits for the period i.e. w.e.f. 12.11.2015 to 12.07.2019 and oblige.

Thanking you in anticipation

Obediently yours,

VAKALATNAMA

Before the HP Service Tribunal, Peshawar

No. \_\_\_\_\_/2019

Bakht Mina

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Bakht Mina

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2019

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH KHAN YOUSAFZAI

&

MIR ZAMAN SAFI  
ADVOCATES

OFFICE:

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