

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 14230/2020

Date of institution 10.11.2020

Mst. Gul Naz W/o Saleh Muhammad, PST GGPS No.2 Kunda, Swabi.

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar and others.

ORDER

18.11.2021


Mr. Samiullah, Advocate, for the appellant present. Mr. Noor Zaman Khattak, Addl: AG for respondents present.

Learned counsel for the appellant requested for withdrawal of the instant appeal on the ground that the grievance of the appellant has been redressed/resolved. In this respect, written endorsement of learned counsel for the appellant obtained at margin of the order sheet.

In view of the above, the appeal in hand stands dismissed as withdrawn. File be consigned to the record room.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

ANNOUNCED

18.11.2021

The grievance of the appellant has been redressed/resolved viz a viz the resortation of the annual increment.
Samiullah Adv. 18/11/2021

Stipulated period passed reply not submitted.

22.09.2021

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

Chairman

31.03.2021

Nemo for appellant.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant case is adjourned to 07.07.2021 for hearing before S.B.



(Rozina Rehman)
Member(J)

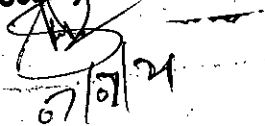
07.07.2021

Counsel for the appellant present. Preliminary arguments heard.

The impugned order as annexed with the appeal contains the note about stoppage of one annual increment, however, there is no mention about its effect being cumulative or non-cumulative. Moreover, said impugned order is the outcome of an enquiry which is at the most a fact finding enquiry and on the face of record it is not ascertainable for the time being whether any disciplinary action as provided under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 has followed the fact finding enquiry or not. Let the respondents come with their written reply/comments.

In view of the foregoing discussion, the appeal is admitted for regular hearing, subject to all just and legal objections including of limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 18.11.2021 before the D.B.

Appellant Deposited
Security & Process Fee






Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 14230 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/11/2020	<p>The appeal of Mst. Gul Naz resubmitted today by Mr. Samiullah 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-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>04/01/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	04.01.2021	<p>Mr. Samiullah, Advocate for appellant present.</p> <p>Requests for adjournment as learned senior counsel for the appellant is indisposed today. Adjourned to 31.03.2021 for hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mst. Gul Naz w/o Saleh Muhammad PST GGPS No.2 Kunda Swabi received today i.e. on 10.11.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Spare copies of the appeal are incomplete which may be completed.

No. 3815 /S.T,

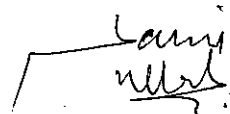
Dt. 11 / 11 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Samiullah Adv. Pesh.

Dear Sir!

1- The spare copies has been completed as directed
thanks.


Samiullah Adv.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No...../2020

Gul Naz

versus

The Govt. of KPK & others

INDEX

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Fazal Ilahi Advocate

Sami ullah Advocate

&

Shabeer Ahmad Advocate

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

16230

Service Appeal No...../2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 14371

Dated 10/11/2020

Mst. Gul Naz w/o Saleh Muhammad,

PST GGPS No-02 Kunda, Swabi.

.....(Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa,
through Secretary Elementary & Secondary Education,
Civil Secretariat, Peshawar.
2. District Education Officer (Female)
Swabi.
3. Director (female),
Elementary & Secondary Education, Khyber Pakhtunkhwa.
4. Sub Divisional Education Officer (SDEO) female, LAHOR, Swabi.

..... (Respondents)

Filed to-day

Registrar

10/11/2020

Re-submitted to -day
and filed.

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED 11-02-2017 WHEREBY MINOR PENALTY
OF WITHHOLDING OF ONE INCREMENT AND RECOVERY OF RS.
11625/= DEDUCTED AS EDUCATION (ROP) WAS IMPOSED UPON
THE APPELLANT.

Registrar
15/11/2020

Respectfully Sheweth:

The appellant respectfully submits as under:

BRIEF FACTS:

Facts giving rise to the present appeal are as under:

1. That the appellant has been working in the E&SED KP Swabi as SPST since 20.11.2007 to the date.
2. That in the year 2017 when the appellant applied for CT promotion in her department, the concerned authorities alleged addition of extra pages in her service book.
3. That an inquiry was initiated against the appellant by the District Education Officer (DEO) Swabi without giving any prior show cause notice to the appellant.
4. That the inquiry report suggested some sanctions against the appellant on 08.09.2016 based on the assumption that the appellant has added extra pages in the service book in order to conceal an unauthorized 10 days leave from 08.02.2014 to 17.02.2014).

(Copy of the inquiry report is annexed an mark A)

5. That in pursuance of the recommendations of the said inquiry report, one annual increment in the salary of the appellant was stopped by the District Education Officer Female Swabi on 11.02.2017.

(Copy of the order is annexed as mark B)

6. That the appellant has filed departmental appeal against the impugned order on 03.07.2017 but the same was rejected on 07.09.2017.

(Copy of the appeal and rejection order letter No. 635 is annexed as mark Ci and Cii respectively)

7. That an amount of Rs. 11625/= has been recovered from the appellant as Educational ROP.

(Copy of Pay roll is annexed as mark D)

8. That feeling aggrieved the appellant approach this honorable tribunal for redressal of her grievance for the following amongst other grounds.

GROUND:

A. That the respondents have not treated appellant in accordance with law, rules and policy on subject and unlawfully issued the impugned order, which is unjust, unfair and hence not sustainable in the eye of law.

B. That the inquiry has been conducted without giving any show cause notice or chance of representation to the appellant which is against the law and rules concerned and is also in violation of basic human rights.

C. The ten days leave of the appellant which has triggered the inquiry and which was contended to have been unauthorized leave was actually an authorized leave and an application for which was duly signed by Head Mistress of the GGPS No. 2 Kunda.

(Copy of the application is attached as mark E)

D. That respondent No. 4 being the custodian of the service book and all other record of its employee is responsible for any tempering of the same. **(Copy of the servicebook is attached as mark F)**

E. That it is pertinent to mention here that respondent No.4 has not been made part of inquiry and no sanction has been imposed on them which shows malafide on the part of respondents.

- F. That the conclusion of inquiry itself gave certificate of good conduct to the appellant vide order date 11.07.2017 and annexed herewith as mark B and had directed the inclusion of the same in the service record of the appellant.
- G. That the penalty of stoppage of one increment must be for a specific period and the order dated 07.09.2017 annexed as mark B, which imposed the sanctions, simply states as "one increment is hereby stopped"
- H. That any other ground not specifically mentioned here will be raised at the time of arguments with the prior permission of the worthy tribunal.

It is therefore respectfully prayed that on acceptance of the instant appeal the impugned order vide letter No. 635 dated 11.02.2017 may kindly be set aside and the recovery of Rs.11625/= made in lieu of the said order may kindly be release to the appellant.



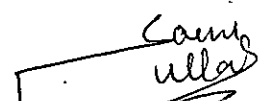
Appellant

Through



Fazal Ilahi Advocate

Dated: 09/11/2020



Sami ullah Advocate

&



Shabeer Ahmad Advocate

5

AFFIDAVIT

It is solemnly affirm and declare on oath that all the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.



Deponent

Gul Naz w/o

Saleh Muhammad

Dated: 02/10/2020

(6)

(Mark - A)

(1)

ENQUIRY REPORT

Name of E/officer: Roobina Khaliq ADEO (F) Swabi

Nature of Enquiry : SERVICE BOOK

Date: 08-09-2016

Venue of Enquiry: GGPS No-02 Kunda Swabi

SUBJECT: Enquiry against Extra pages included in the service book in respect of Ms. GUL NAZ PST GGPS No-02 kunda. (Swabi)

FACTS/FINDINGS

1. That Miss. Gul Naz SPST GGPS No-02 Kunda Has has been working in the E&SED KP Swabi since 20-11-2007 uptill now.
2. that as per her reply to Questionair, she has availed 45days maternity leave i.e. (13-04-2013 to 28-05-2013), 31 days Earned Leave i.e. (1st Oct 2013 to 31 Oct 2014), 10days (08Feb2014 to 17 Feb2014). Extra ordinary leave during his service carrier. Now the teacher is in Umra at the Holy Makkah on leave case be best known to the department.
BUT there is no entry in S/book of the later 10days.
3. That she has recovered Rs. 11625/= as ROP. uptill now proof which not provided.
4. That her seniority was 1405 at the District. (personal number-00400814)
5. That she has the remark that pages her service book her service books were torn intentionally. It is a conspiracy against her. And she did no complaint in time and mended the service book and returned to the clerk. Further to state that she did not know about the green and white pages of her service book.
6. There is no entry of 10days leave (08 Feb 2014 to 17 Feb 2014) in the leave account profarma attached to the service book too.

QUESTIONS OF FACT:

It is worth to mention that the question rises with respect to facts/findings no-05 that:

1. If she knows about the intentional torn pages & blaming conspiracy, mended and returned back the s/book to the clerk. She would know better who did it?
2. While actual study of service book clearly indicates that no page was tore from the service but 04 pages were intentionally added by anyone not similar to the green colour of the same service book.

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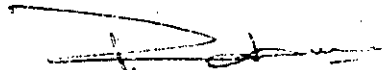
- 3. That her service book page no-06 have closed relevancy with page no--15; which is itself a proof that no page has been torn but added 04 white pages in the s/book.
- 4. No Evidence /permission etc neither shown for such addition or amendments etc nor sanctioned from the high ups.

SUGGESTIONS/RECOMMENDATIONS:

Keeping in view the facts and findings, the following recommendations are given for further considerations/observations/and perusal please:

- 1. The teacher concerned being the civil servant must come forth the facts /person honestly involved in the matter so as the department are able to punish/proceeds further enquiry against the concerned as the teacher has expressed as conspiracy against her.
- 2. One increment may be stopped from the teacher with a strict warning to be careful in future.
- 3. The present service book of the teacher may be seized/cancelled, and a new service book may be prepared by the SDEO Concerned with the help of the previous service book subject to all entries in all respects especially with reference to accounts (PAY/ROP/ GPF) matters etc.

Report submitted for further considerations/observation and perusal please.


 (Roobina Khaliq)
 ENQUIRY OFFICER (F)
 ADEO (F) Estb: (Pry) Swabi


ATTESTED

Enquiry Report**Name of E/Officer: Roobina Khaliq ADEO (F) Swabi****Nature of Enquiry : SERVICE BOOK****Date: 08.09.2016****Venue of Enquiry: GGPS No-02 Kunda Swabi****SUBJECT:- Enquiry against Extra pages included in the service book in respect of Ms. GUL NAZ PST GGPS No-02 Kunda (Swabi).****FACTS/FINDINGS**

1. That Miss. Gul Naz SPST GGPS No-02 Kunda has been working in the E&SED KP Swabi since 20-11-2007 uptill now.
2. That as per her reply to Questionair, she has availed 45 days maternity leave on (13.04.2013 to 28.05.2013). 31 days Earned Leave i.e, (1st Oct 2013 to 31 Oct 2013), 10 days (08 Feb 2014 to 17 Feb 2014) Extra ordinary leave during his service career. Now the teacher is in Umra at the Holy Makkah on leave case be best known to the department.

BUT there is no entry in S/book of the later 10 days.
3. That she has recovered Rs.11625/= as ROP uptill now roof which not provided.
4. That her seniority was 1405 at the District (Personal number-00400814)
5. That she has the remark that pages her service book her service books were intentionally. It is a conspiracy against her. And she did no complaint in time and mended the service book and returned to the clerk. Further to state that she did not know about the green and white pages of her service book.
6. There is no entry of 10 days leave (08 Feb 2014 to s7 Feb 2014) in the leave account proforma attached to the service book too.

QUESTIONS OF FACT:

It is worth to mention that the question rises with respect to facts/findings No-05 that:

1. If she knows about the intentional torn pages & blaming conspiracy, mended and returned back the s/book to the clerk. She would know better who did it?.
2. While actual study of service book clearly indicates that no page was tore from the service but 04 pages were intentionally added by anyone not similar to the green colour of the same service book.

ATTESTED

*Samir
Ullah*

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BETTER COPY

3. That her service book page No-06 have closed relevancy with page No---15, which it itself a proof that no page has been torn but added 04 white pages in the s/book.
4. No evidence/permission etc neither shown for such addition or amendments etc nor sanctioned from the high ups.

SUGGESTIONS/RECOMMENDATIONS:-

Keeping in view the facts and findings, the following recommendations are given for further considerations/observations/and perusal please:

1. The teacher concerned being the civil servants must come forth the facts/person honestly involved in the matter so as the department are able to punish/proceeds further enquiry against the concerned as the teacher has expressed as conspiracy against her.
2. One increment may be stopped from the teacher with a strict warning to be careful in future.
3. The present service book of the teacher may be seized/cancelled, and a new service book may be prepared by the SDEO Concerned with the help of the previous service book subject to all entries in all aspects especially with reference to accounts (PAY/ROP/GPF) matters etc.

Report submitted for further considerations/observation and perusal please.

(Roobina Khaliq)
ENQUIRY OFFICER (F)
ADEO (F) Estb: (Pry) Swabi

ATTESTED

*Carry
Ullah*

10

(Mark B)



DISTRICT EDUCATION OFFICE (FEMALE) SWABI
(Office phone Fax No 0938280339, emisfswabi@yahoo.com)

SANCTION

Sanction is hereby recorded for the preparation of duplicate Service Book in respect of Mst: Gul Naz, PST G.G.P.S No.2 Kurua subject to the following conditions -

1. Before the preparation of duplicate service Book, report of officer/Official concerned maintaining the Service Books of the Officials may be obtained and place in the personal file of PST concerned for the justification of duplicate Service book.
2. All the relevant record on the basis of which the duplicate service book is prepared/entries are made in the duplicate service book must be place in the personal file of PST concerned to ensure correct entries in the Service Book.
3. The following certificates must be recorded in the Service Book before making any entry in the Service Book.
 - i. That the PST concerned has never been absented herself from duty with or without leave for more than 15) years.
 - ii. That the PST concerned has never been terminated or resigned from service during her entire service.
 - iii. That the PST concerned has never been granted long terms advances i.e. HBA/Scoter Advance etc during her service.
 - iv. That the PST concerned was never suspended from service in case of suspension, her suspension period was considered as duty or leave etc.; as the case may.
 - v. That there is no un-authorized absence on the part of the PST concerned during her entire Service

Note: - One Annual increment is hereby stopped.

(NAGHMANA SARDAR)
DISTRICT EDUCATION OFFICER,
(FEMALE) SWABI

635

DA-F/Misc -PST cases (Female) Dated. Swabi 11-2-2017.

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

District Accounts Officer Swabi.
SDEO(Female) Lahor with the remarks not give the service books in the hand of teachers and other officials and she is hereby warned not to exercise such like practice in future otherwise strict disciplinary action should be taken against her.
Official concerned.

ATTESTED

*Canis
ullah*

Naghmana

DISTRICT EDUCATION OFFICER,
(FEMALE) SWABI

DISTRICT EDUCATION OFFICE (FEMALE) SWABI
(Office phone Fax No.0938280339, emisfswabi@yahoo.com)

SANCTION

Sanction is hereby accorded for the preparation of duplicate Service Book in respect of Mst Gul Naz, PST G.G.P.S No.2 Kurram subject of the following conditions:-

1. Before the preparation of duplicate service Book, report of officer/Official concerned maintaining Service Books of the Officials may be obtained and place in the personal file of PST concerned for the justification of duplicate Service Book.
2. All the relevant record on the basis of which the duplicate service book is prepared /entries are made in the duplicate service book must be placed in the personal file of PST concerned to ensure correct entries in the Service Book.
3. The following certificates must be recorded in the Service Book before making any entry in the Service Book.
 - i. That the PST concerned has never been observed herself from duty with or without leave for more than (5) years.
 - ii. That the PST concerned has never been terminated or resigned from service during her entry service.
 - iii. That the PST concerned has never been granted long terms advances i.e HBA/Scoter Advance etc during her service.
 - iv. That the PST concerned was never suspended from service in case of suspension, her suspension period was considered as duty or leave etc; as the case may.
 - v. That there is no un-authorized absence on the part of the PST concerned during her entire Service.

Note:- One Annual increment is hereby stopped.

(NAGHMANA SARDAR)
DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

Endst No..635/DA1/Misc-PST cases (Female) Dated, Swabi 11.02.2017

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

1. District Accounts Officer Swabi.
2. SDEO (Female) Lahor with the remarks not give the service books in the hand of teachers and other officials and she is hereby warned not to exercise such like practice in future otherwise strict disciplinary action should be taken against her.
3. Official concerned.

DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

ATTESTED

*Sami
ullah*

(12)

Mark 'C'(i)

To

The director,
Elementary & secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject: APPEAL

Respected Sir,

With reference to the Endst No. 635 PST cases (female) Swabi dated 11.02.2017 regarding imposition of sanctions where by the penalty of stoppage of one annual increment has been imposed. The stoppage of one annual increment is a minor penalty which is imposed upon accused when she is preceded under E & D rule 2011.


The penalty imposed upon me is totally the violation of E & D rules 2011 on the following grounds.

- i. Although inquiry has been conducted by the inquiry officer but she has given three recommendations. Recommendation No.2 and 3 have been implemented while recommendation 1 has been remained unaddressed.
- ii. As per E & D rules. Before imposition of any penalty, a show cause notice must be served upon the accused. No show cause notice has been served to me.
- iii. The stoppage of one increment must be for a specific period as per rule.
- iv. SDEO office is the custodian of the SB and any type of omission is the sole authority of the concerned office.

In the light of the above facts it is requested that the penalty imposed may kindly be exonerated.

I shall be thankful to you for this act of kindness.

Dated 03.07.2017


Mst. Gul Naz
Primary school teacher
GGPS No. 2. Kunda Swabi

*Attested
Camin
ullah*

(Mark - (ii))

DA / 11/09

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

No. 086 / F.No.22/(F)/Appeal Swabi

Dated Peshawar the 08/9 /2017

To

The District Education Officer,
(Female) Swabi

Subject:- APPEAL

I am directed to refer to your letter No.2992 dated 13/07/2017 on the subject cited above and to state that the competent authority has rejected the appeal of Mst. Gul Naz PST GGPS, No.2 Kunda, District Swabi, hence she may be informed accordingly.

Note:- Service Book is original attached.

[Signature]
07/09/2017
Deputy Director Female
(E&SE) Khyber Pakhtunkhwa
08/09/2017

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) SWABI

Endst: No. 3918 /DA-V (Estab) Dated Swabi the 14/9 /2017

Copy of the above is forwarded to the:-

- 1. Director Elementary & Secondary Education KPK Peshawar for information please.
- 2. S.D.E.O (Female) Lahor along with original Service Book for further necessary action.
- 3. Official concerned for information.

[Signature]
DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

Camy Ullat
ATTESTED

[Signature]

DDO: SU7044, District Officer, Male, Lahor, Payroll Section, 003 Payroll 3

00400814 GUL NAZ CNIC: 13083942349 Desig: (00000002) Grade: 12 NTN: Buckle No.: Gazetted/Non-Gazetted: N
P A Y M E N T S A M O U N T A D E D U C T I O N S A M O U N T L O A N / F U N D P R I N C I P A L R E P A I D B A L A N C E

0601 Basic Pay	9,000.00	3012 GPF Subscription	1,160.00-	GPF#:	191,204.00
1090 House Rent Allowance	1,306.00	3501 Benevolent Fund	180.00-		
1210 Convey Allowance 20	2,856.00	3511 Addl. Group Insurance	15.00-		
1300 Medical Allowance	1,200.00	3604 Group Insurance	115.00-		
1945 Adhoc Allowance 2010	2,050.00	3914 Education (ROF)	(11,625.00- ←)		
1970 Adhoc Relief Allow 2	615.00	3990 Emp.Edu. Fund KPK	130.00-		
2118 Adhoc Relief Allow 1	1,800.00				
2148 15% Adhoc Relief All	1,350.00				
2174 Adhoc Relief Allow-2	900.00				

PAYMENTS 21,077.00 DEDUCTIONS 13,193.00 NET PAY 7,884.00 01.02.2015 28.02.2015
 Branch Code: 231313 KUNDA BRANCH NATIONAL BANK OF PAKISTAN KUNDA BRANCH SWABI Acct.No: 2005-5

Checked
Sami

14

(Mark-D)

حضرت صاحبہ ڈی ڈی اور صاحبہ تحصیل لاہور کی فضیلت کے صلہ میں اپنی

حنا بہ والدین

گزارش کی طاقی ہے کہ میں کچھ گھریلو مجبوری کی بناء

پر دس دن 8 فروری سے 17 فروری تک غائب رہا

رہی لینا چاہتی ہوں۔ آپ صاحبان میری برہمگوشی

منظور کرا کر مشکور ہونے کا موقع دیں۔

تاجدار مشکور رہنوی گی

العرف

آپ کی تاجدار فریمان مس گل ناز ٹائم جی، جی، بی ایس

غیر کندہ Allowed

21

Talibullah
Head-Mistress
GCPS No.2 Kunda
Distt. Swabi

Attested
ATTESTED

04-02-2014

مورم

Duplicate

16

(For use in Police Department only).

① Passed SSC Exam: (A) 2000 from
Heirs,
BISE Peshawar under Roll no. 9580

1. Securing 514/850 marks.

2.

3.

[Signature]
S.D.E.(F)
Lahor (Swabi)

Verification Roll No. dated received back

② Passed Intermediate exam: (A) 2003 from
BISE Mardan under Roll no. 33408 obtaining
624/1100 marks. Result declared on 23.08.2002.

Left thumb-impression.

[Signature]
S.D.E.(F)
Lahor (Swabi)

③ Passed BA exam: (Supp) 2006 from
University of Peshawar under Roll no. 7660

Qualification: Securing 284/550 marks.

Result declared on 03-05-2007

Qualifications Date

English

First Arts

[Signature]
S.D.E.(F)
Lahor (Swabi)

④ Passed PTC exam: from A-1011
Peshawar under Roll no. B 681365 B. Session 2005,
obtaining 607/900 marks.

Result has been declared on 09-01-2006

Pledarship examination

[Signature]
S.D.E.(F)
Lahor (Swabi)

⑤ Plan-drawing
Passed CT exam: Session
Finger print 77/1200 marks.
Result declared on 31-12-2009

Training School Final examination

Other qualifications—

[Signature]
S.D.E.(F)
Lahor (Swabi)

Drill instructing

⑥ Court duties
Passed MA (Islamiat) exam: (A) 2011
Reserve duties under Roll No. 3598
Securing 591/1100 marks.
Result declared on 31-01-2012.

[Signature]
S.D.E.(F)
Lahor (Swabi)

Duplicate

17

Note:—The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name *Livul Naz*

2. Race *Afghan*

3. Residence *WFO: Ambar. Teh: Laker. Dist: Swat*

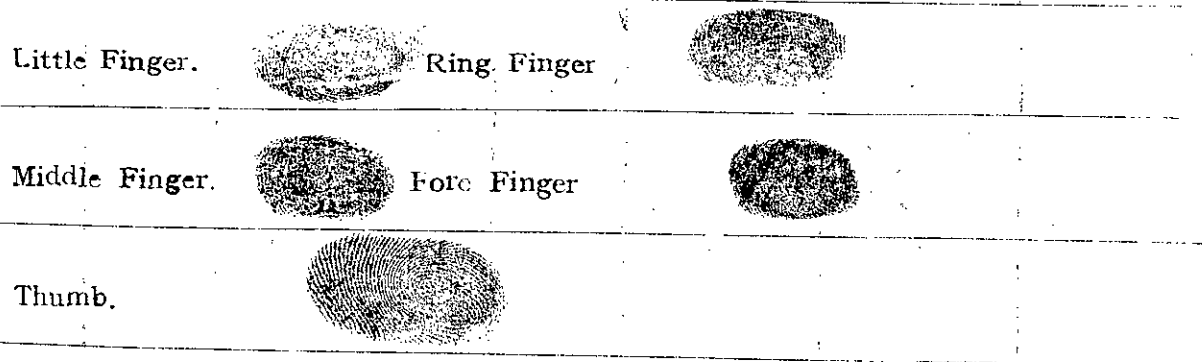
4. Father's name and residence *Abdul Hakim Jan*

5. Date of birth by Christian era as nearly as can be ascertained

6. Exact height by measurement *(20-05-1983)*
May Twenty, N.H and eighty three
5-00

7. Personal marks for identification
mole on face

8. Left hand thumb and Finger impression of (non-gazetted) officer



9. Signature of Government servant
[Signature]

10. Signature and designation of the Head of the Office, or other Attesting Officer.
[Signature]
[Stamp]

Attested
[Signature]

duplicate

18

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term 'Pay'	Date of appointment	Signature Government servant
PST post Lips No 02 kunda	Sub/off	(B-07 (Rs: 2940-160-7740))	Rs: 2940/- pm			20 ¹¹ / ₀₇	[Signature]
		(BPS-07 (Rs: 3530-190-9230))	Rs: 3530/- pm			01 ⁰⁷ / ₀₈	[Signature]
			Rs: 3720/- pm			01 ¹² / ₀₈	[Signature]
			Rs: 3910/- pm			01 ¹² / ₀₉	[Signature]
			Rs: 4100/- pm			01 ¹² / ₁₀	[Signature]
		(B-07 (Rs: 5800-320-15400))	Rs: 6760/- pm			01 ⁰⁷ / ₁₁	[Signature]
			Rs: 7080/- pm			01 ¹² / ₁₁	[Signature]
		(B-12 (Rs: 7000-500-22000))	Rs: 7500/- pm			01 ⁰⁷ / ₁₂	[Signature]
			Rs: 8000/- pm			01 ¹² / ₁₂	[Signature]
			Rs: 8500/- pm			01 ¹² / ₁₃	[Signature]

Duplicate



9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in attestation (columns 1 to 8)	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
S.D.E.O (F) Lahor (Swabi)	30 ⁰⁶ / ₂₀₀₈	Pay Revision	S.D.E.O (F) Lahor (Swabi)				Appointed as Trained P.S.T in BPS-07 Rs: 2940-160-7740 on regular basis except pension/gratuity at B.P.S No 02 Kundla vide EDO S/Lit. Smd Endst: No. 5391-5508 dated 17-11-2007
S.D.E.O (F) Lahor (Swabi)	30 ¹¹ / ₀₈	A/mc	S.D.E.O (F) Lahor (Swabi)				
S.D.E.O (F) Lahor (Swabi)	30 ¹¹ / ₀₉	A/mc	S.D.E.O (F) Lahor (Swabi)				
S.D.E.O (F) Lahor (Swabi)	30 ¹¹ / ₁₀	A/mc	S.D.E.O (F) Lahor (Swabi)			Service Verified w.e.f. 20 ¹¹ / ₂₀₀₇ to 30 ¹¹ / ₁₀ from the office record	
S.D.E.O (F) Lahor (Swabi)	30 ⁰⁶ / ₁₁	Pay Revision	S.D.E.O (F) Lahor (Swabi)				
S.D.E.O (F) Lahor (Swabi)	30 ¹¹ / ₂₀₁₁	A/mc	S.D.E.O (F) Lahor (Swabi)			Service Verified w.e.f. 01 ¹² / ₀₈ to 30 ¹¹ / ₁₀ from the office record	
S.D.E.O (F) Lahor (Swabi)	30 ⁰⁶ / ₁₂	up graded to B-12	S.D.E.O (F) Lahor (Swabi)			Service Verified w.e.f. 01 ¹² / ₀₉ to 30 ⁰⁶ / ₁₀ from the office record	
S.D.E.O (F) Lahor (Swabi)	30 ¹¹ / ₁₂	A/mc	S.D.E.O (F) Lahor (Swabi)			Service Verified w.e.f. 01 ¹² / ₁₀ to 30 ¹¹ / ₁₀ from the office record	
S.D.E.O (F) Lahor (Swabi)	30 ¹¹ / ₁₃	A/mc	S.D.E.O (F) Lahor (Swabi)			Service Verified w.e.f. 01 ¹² / ₁₀ to 30 ¹¹ / ₂₀₁₁ from the office record	
S.D.E.O (F) Lahor (Swabi)		Allowed BPS-12 vide Notification No 50/BSA/2011	S.D.E.O (F) Lahor (Swabi)				Earned leave w.e.f 01.10.2010 to 31-10-2010 (31 days) on full pay vide Endst: No. 1732-4 dated 21.10.2010

Duplicate

20

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature Government servant
<p>Entries revised due to award of premature Inc. on up gradation to B-12 w.e.f 01.07.2012.</p>							
			pay in B-12 on 01/07/2012.	Rs: 7500/-			<i>[Signature]</i>
			Premature Inc. on 01/07/2012	Rs: 8000/-			<i>[Signature]</i>
			A/Inc: on 01/12/2013	Rs: 8500/-			<i>[Signature]</i>
			A/Inc: on 01/12/2014	Rs: 9000/-			<i>[Signature]</i>
			<p><i>[Signature]</i> S. D. D. (F) Dahol (Swabi)</p>				<i>[Signature]</i>
			<p>(B-12 @ Rs: 9055.650 - 28555)</p>				
			Rs: 11655/-	ann		01/07/15	<i>[Signature]</i>
			Rs: 12305/-	ann		01/12/15	<i>[Signature]</i>
			<p>(B-12 @ Rs: 11402.800 - 35140)</p>				
			Rs: 15140/-	ann		11/07/16	<i>[Signature]</i>
			Rs: 15940/-	ann		01/12/16	<i>[Signature]</i>
			<p>(BPS-14 @ Rs: 12720.980 - 42120)</p>				
			Rs: 16640/-	ann		01/12/16	<i>[Signature]</i>

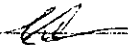
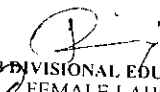
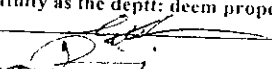
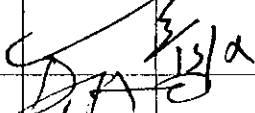
SPST Post
D.P.S No. 02

21

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature Government servant
SPST Post. LIPS NO. 02 Landa		C BPS-14		(a) Rs = 15180-1170-50280)			
						01 ⁰⁷ / ₁₇	
						01 ¹² / ₁₇	
						01 ¹² / ₁₈	

k


22

9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		
				Period	Government to which debitible		
S.D.E.O (F) LAHOR (Swabi)	30 ¹¹ / ₇	Alm:	S.D.E.O (F) LAHOR (Swabi)			Option	
S.D.E.O (F) LAHOR (Swabi)	30 ¹¹ / ₈	Alm:	S.D.E.O (F) LAHOR (Swabi)			I hereby option for refixation of my pay in BPS-14 on 1-12-2016 as admissible under FR-23	
S.D.E.O (F) LAHOR (Swabi)						Sig. 	
						S.D.E.O (F) LAHOR	
						<p align="center">NOTIFICATION</p> <p>Promoted to BPS-14 wef:01-08-2016, vide DEO Swabi NO:2797-2804 dated 04-08-2016.</p> <p align="center"> SUB DIVISIONAL EDUCATION OFFICE FEMALE LAHOR</p> <p align="center">UNDER TAKING</p> <p>I <u>LILL NAZ</u> hereby give an undertaking to the effect that if any over payment is made to me as a result of incorrect award of BPS-14 will be detected from my Pay/pension/gratuity as the deptt: deem properly.</p> <p align="center"> SUB DIVISIONAL EDUCATION OFFICE FEMALE LAHOR</p>	
cc 584 6/10							
Total ROP Rs = 9160/- @ Rs = 916/- pm (01 ¹⁰ / ₁₇ to 31 ⁰⁷ / ₁₈)							
 15/12							

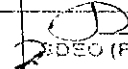
One Increment Stoppe
vide DEO ops Swabi
Enclst: No. 635 Dated 11⁰⁷/₁₇

S.D.E.O (F)
LAHOR (Swabi)
01¹²/₁₁

Service Verified w.e.f. 01¹²/₁₁
to 30¹¹/₁₂ from the office record


S.D.E.O (F) LAHOR

Service Verified w.e.f. 1¹²/₁₂
to 30¹¹/₁₂ from the office record


S.D.E.O (F) LAHOR

Service Verified w.e.f. 1¹²/₁₅

23

9	10	11	12	13		14	15	
				Leave				
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		Reference to any recorded punishment or censure, or reward or praise of the Government Servant.	
					Period	Government to which debit to		
Signature and designation of the head of the office or other attesting officer in attestation (columns 1 to 8)				Signature of the head of the office or other attesting officer				Signature of the head of the office or other attesting officer
Date of termination of appointment				Reason of termination (such as promotion, transfer, dismissal, etc.)				
				<p>Granted maternity leave wef: 23-02-2018 to 17-05- (84) days vide DEOC, Swabi NO: 2729 date 18-07-2018.</p>				
				<p style="text-align: right;">Sub Divisional Education Officer (Female) Lahor Swabi</p>				
				<p style="text-align: right;">Service Verified S.O.F. 01/17 to 30/18 from the office record</p>				

24

Leave Account of Mr/Miss/Mrs *Rajesh Albert*

Date of Commencement of Service *20-11-2007*

Date of attaining the age of Superannuating(N.B-Instruction for filling in the printed on reverse)

Government/Department Served under	LEAVE TAKEN (From Column 8 To 20)																				REMARKS		
	PERIOD OF DUTY				Leave earned on full pay 4 days for each calendar month		Leave at credit (column 21-6)		PERIOD		Leave on full pay without medical certificate subject to maximum of 120 Day & 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				
									From	To				Days	Days		Days	Days	Days	Days		Days	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		
	<i>20-11-2007</i>	<i>09-10-2010</i>	<i>2-10-19</i>	<i>35</i>	<i>35</i>	<i>35</i>	<i>10</i>	<i>10</i>	<i>20-10-2007</i>	<i>31-10-2007</i>	<i>20</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	
	<i>2007</i>	<i>2010</i>																				<i>0</i>	
	<i>2007</i>	<i>2010</i>																				<i>0</i>	
	<i>2007</i>	<i>2010</i>																				<i>0</i>	
	<i>29-05-2013</i>	<i>22-02-2018</i>	<i>4-8-23</i>	<i>57</i>	<i>57</i>	<i>80</i>	<i>23-05-2013</i>	<i>27-05-2013</i>	<i>07</i>	<i>05</i>	<i>27-05-2013</i>	<i>05</i>	<i>05</i>	<i>05</i>	<i>05</i>	<i>05</i>	<i>05</i>	<i>05</i>	<i>05</i>	<i>05</i>	<i>05</i>	<i>05</i>	<i>05</i>
																						<i>0</i>	
																						<i>0</i>	
																						<i>0</i>	

EXPLANATORY INSTRUCTIONS FOR FILLING UP THE LEAVE ACCOUNT FORM.

- This leave account will be maintained for all civil servants of the provincial Government who were in service on the 1st July, 1978 including, those who were on leave on that date and have not opted to retain the existing leave rules and all others who entered service on or after 1st July 1987.
- All leave at or credit in the account of a civil servant who was in service on the 1st July 1987 shall be converted in terms of leave on full pay at the following rates:
 - (i) Leave on full pay:
 - (a) 1 Month 30 days (b) 1 days1 days
 - (ii) Leave on full pay:
 - (a) 1 Month 15 days (b) 2 days1 days
 (Fraction, if any to be ignored)
- the leave account shall commence with an opening entry Due on 1st July 1978, or in the case of a civil servant who was on leave on 1st July 1978 effect from the date of his return from leave. For the purpose of computing the leave at credit the service up to 30th June 1978 will be taken into account. The leave due in terms of leave on full pay in days will be noted in Column No 21.
- (i) In calculating the leave earned on full pay at the rate of 4 days for every calendar month the duty period of 15 days or less in a calendar month shall be ignored and those of more than 15 days shall be treated as a full calendar month for the purpose. If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than the 15 days, the leave to be accumulated for both the incomplete months will be restricted to that admissible for one full calendar month only. There shall be no maximum limit on accumulation of this leave.

U.F.92. P.T.O.

Duplicate.

25

1. Certified that the PST concerned has never been absent herself from duty with or without leave for more than five years.
2. Certified that the PST concerned has never been terminated or resigned from Service during her entire Service.
3. Certified that the PST concerned has never been granted long term advances i.e. HBA/sector advance etc during her Service.
4. Certified that the PST concerned was never suspended from Service in case of suspension.
5. Certified that there is no unauthorised absence on the part of the PST concerned during her entire Service.
6. One increment stopped.

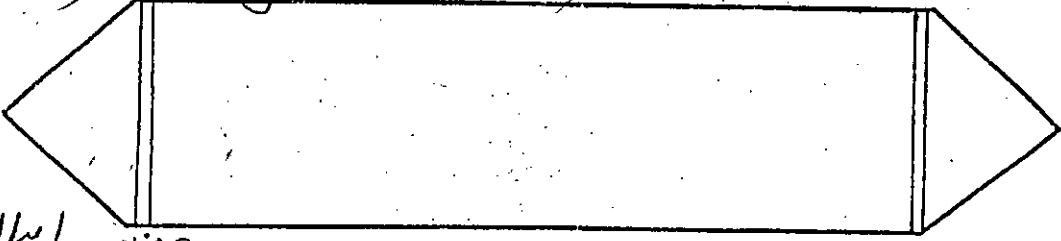
S.D.E.O(F)
Labor (Swabi)

Sanction accorded for the preparation of duplicate Service vide DEO (F) Swabi

Endst: No. 635 dated 11.02.2017

S.D.E.O(F)
Labor (Swabi)

بعدالت سرفس ٹریبونل لاہور



2 منجانب ایڈووکیٹ

گل ناز بنام DEO وغیرہ

موزخہ
 مقدمہ
 دعویٰ
 جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام لہور کیلئے فضل الہی علیہ السلام سید احمد ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک دروپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائہ التوائے مقدمہ کے سبب سے وہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم ۲ ماہ اکتوبر 2020ء

واہ الب

کے لئے منظور ہے۔

شعبہ ایڈووکیٹری
 گل ناز

Amirul
 Fazal Elahi
 Advocate

بمقام
 سید احمد ایڈووکیٹ
 Sami
 Ullah

(27)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Mst. Gul Naz

Versus

The Government

**APPLICATION UNDER SECTION 5 OF LIMITATION ACT 1908, FOR THE
CONDONATION OF DELAY IN THE TITLED CASE**

.....

Respectfully Sheweth:

1. That the titled case pertains to the annual increment of the applicant which was stopped by the inquiry officer. The appellant filled the departmental representation against the said order which was dismissed on 07.09.2017.
2. That the order dated 11.02.2017 which imposed the sanction of stoppage of one annual increment also gave favourable certificates in favour of the appellant which made an impression that the increment will be resumed next year owing to which the appellant waited up till now.
3. That since the increment is not being paid to the appellant therefore the appeal of the appellant is with in time keeping in view the fact that the cause of action is a recurring one which accrue to her every month when the increment is not been paid.
4. That according to the law of equity a vested right of the applicant may not be defeated on mere technicalities of law.
5. That even besides the fact that the cause is recurring this honourable tribune if feels that there is some delay in filling the appeal, the same may please be condoned in the interest of justice and fair play and because of valuable right denied to the appellant:

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It is therefore, respectfully prayed that on acceptance of this condonation of delay, the instant appeal may kindly be accepted.

Applicant

Through



Fazal Ilahi Advocate



Sami ullah Advocate

Dated: 07/10/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.14230/2020

Mst.Gulnaz W/O Saleh Muhammad, SPST GGPS No.2 Kunda, Swabi..... **Appellant**

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Secretary (E&SE) Department Civil Secretariat, Peshawar
2. District Education Officer (Female) Swabi.
3. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Sub-Divisional Education Officer (Female) Lahor, Swabi..... **Respondents**

PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS No. 1 TO 4

INDEX

S#	Description of Documents	Annexure	Page
1	Para-wise comments along-with Affidavit	-	01-03
2	Notification dated 09.10.2021	"A"	04

**DISTRICT EDUCATION OFFICER
(FEMALE) SWABI**

**District Edu. Officer
(Female) Swabi**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
Service Appeal No.14230/2020

Mst.Gulnaz W/O Saleh Muhammad, SPST GGPS No.2 Kunda, Swabi..... **Appellant**

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Secretary (E&SE) Department Civil Secretariat, Peshawar
2. District Education Officer (Female) Swabi.
3. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Sub-Divisional Education Officer (Female) Lahor, Swabi..... **Respondents**

PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS No. 1 TO 4

1 to 4



Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

1. That the Departmental appeal of the appellant is badly barred by time and hit by the principle of laches.
2. That the appellant filed the departmental appeal in July, 2017 which was rejected by the appellate authority in September, 2017 and filed Service appeal on 03/10/2020, which is badly time barred.
3. That ignorance of law is no excuse; therefore, the appeal is incompetent.
4. That the grievance of the appellant has already been resolved on 09/10/2021, hence the appeal is not maintainable.
5. That the appellant has no locus standi or cause of action to file the instant service appeal.
6. That the appellant has not come to the tribunal with clean hands.
7. That the appellant has concealed the material facts from the Honourable Tribunal.
8. That the appellant has filed the instant service appeal just to pressurize the respondents.
9. That the appellant is estopped by her own conduct to file the instant service appeal.
10. That the service appeal is not maintainable in the present form and also in the present circumstances of the issue.

Facts:

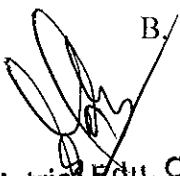
1. That the appellant was appointed against PST post BPS-07 on 20/11/2007. She was upgraded to the post of PST BPS-12 on 01/07/2012. The appellant was promoted to the post of SPST BPS-14 w.e.f. 01/08/2016 vide DEO (F) Swabi order No.2804, dated 04/08/2016. She gave an option, " I hereby option for re-fixation of my pay in BPS-14 on 01/12/2016 as admissible under FR-23. She has been working against SPST post BPS-14 since 01/12/2016 till date.
2. That actual study of Service Book of the appellant clearly indicates four pages are intentionally added not similar to the green color of the same Service book. This fact was brought into the knowledge of the competent authority in 2017, when the appellant applied for promotion of CT post.

[Handwritten Signature]
District Officer
(Female) Swabi

3. That the self explanatory Enquiry report conducted by the competent authority through Enquiry officer is hereby attached with the appeal which is **annexed as A at page 06 to 07.**
4. That the Enquiry report is consist of concrete evidences, she avail an un-authorized 10 days leave w.e.f. 08/02/2014 to 17/02/2014. She has committed concealment of facts.
5. That in pursuance of the recommendations of the said Enquiry report one Annual Increment was stopped by the District Education Officer (Female) Swabi vide order Endst: No.635/DA-I/Misc-PST Cases (F) dated Swabi 11/02/2017. In her prayer the appellatant stated that," **It is therefore, respectfully prayed that on acceptance of the instant appeal, the impugned order vide letter No.635 dated 11/02/2017 may kindly be set aside and the recovery of Rs,11625/- made in lieu of the said order may kindly be released to the appellatant**". It is pertinent to mention that the recovery of Rs,11625/- does not relate to the letter No.635 dated 11/02/2017. This amount was recovered from the appellatant due to wrong fixation i.e. the post of PST BPS-07 was upgraded to PST BPS-12 w.e.f. 01/07/2012. Thus the Annual Increment was wrongly granted to her on 01/12/2012. The Pay Fixation Party with drew this Annual Increment from her due to her less service than six months on 01/12/2012. The over payment of Rs. 11625/- for the period of wrong fixation has been recovered in the month of February, 2015 on account of over payment w.e.f. 01/12/2012 to 31/05/2014. **This over payment relates to Accountant General Khyber Pakhutnkhwa, Pay Fixation Party and District Accounts Officer, Swabi who are not made respondents in the Appeal.** However the impugned order Endst: No.635 dated 11/02/2017 relates to DEO (F) Swabi. The competent authority DEO(F) Swabi restored that Annual Increment after completion of maximum period of three years in best interest of public service. Thus the grievance of the appellatant has been resolved. **Notification annexed as A.**
6. That admitted to the extent the appellatant had filed departmental appeal against the impugned order dated 11/02/2017 on 03/07/2017, which was rejected by the appellate authority on 08/09/2017, which was communicated to the appellatant through this office Endst:No.3918/DA-V (Estab:) dated Swabi the 14/09/2017.This Increment was restored vide DEO(F) Swabi under Endst:No.3015-20/PFGInaz SPST/ dated 09/10/2021.
7. That the appellatant was upgraded from BPS-07 to BPS-12 w.e.f. 01/07/2012. She was awarded/granted pre mature increment on 01/07/2012. She was also granted Annual Increment wrongly on 01/12/2012. However in BPS-12 her service was less than six months. So she was not entitled for that Annual Increment, thus this increment was with drawn by the Pay Fixation Party on 31/05/2014. The over payment Rs. 11625/- has been recovered in the month of 02/2015 on account of over payment w.e.f. 01/12/2012 to 31/05/2014. The Pay Fixation Party recovered the over payment from her. It is pertinent to mention that neither Accountant General nor Pay Fixation Party or DAO Swabi made respondents in this particular case.
8. That the appellatant is not an aggrieved person at all because her grievance has already been redressed by the respondents. Thus the appellatant has no cause of action to file the instant appeal and the appeal in hand is liable to be dismissed inter alia on the following grounds.

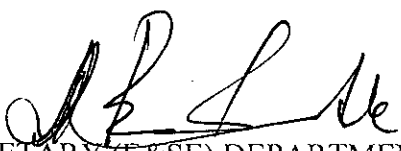
Grounds:

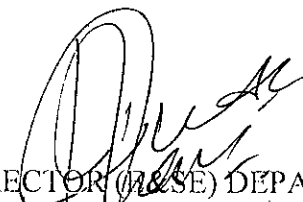
- A. Incorrect, hence strongly denied. The appellatant has been treated in accordance with law, rules and policy on subject and lawfully issued the impugned order, which is just, fair and hence sustainable in the eye of law.
- B. Incorrect, hence denied. The enquiry has been conducted in accordance with law, rules and policy. Show Cause had been issued and the chance of representation to the appellatant was provided. All the procedure was in accordance with law, rules and policy. The violation of basic human rights can not arise.



 District Edu. Officer
 (Female) Swabi

- C. Incorrect, hence denied: The appellant herself did it for the purpose to conceal her un-authorized absence. It was brought into the knowledge of the competent authority after conduction of proper enquiry.
- D. That the appellant took the Service Book and committed forgery/tampering /manipulation for the concealment of her un-authorized absence.
- E. Incorrect, hence denied. The enquiry was just, fair and transparent.
- F. Incorrect, hence denied. The stance of the appellant is conjectural and contemptuous.
- G. That the withheld Annual increment for the maximum period of three years has already been restored on its due time. The grievance of the appellant has been redressed by the respondents as discussed in length in para-07 of the facts.
- H. That the respondents seek permission to raise/argue other points/grounds on the day of hearing this appeal.

In view of the above stated facts and submissions, it is earnestly requested that this honourable Service Tribunal may very graciously be pleased to dismiss the instant appeal with cost in favour of the respondents/department.


 SECRETARY (E&SE) DEPARTMENT
 KHYBER PAKHTUNKHWA
 Respondent No.1

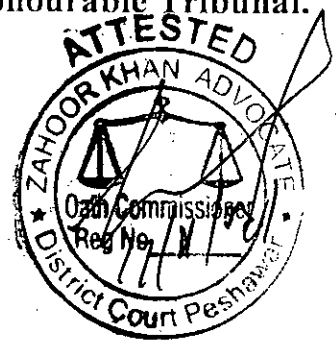

 DIRECTOR (E&SE) DEPARTMENT
 KHYBER PAKHTUNKHWA
 Respondents No.3
 Director
 Elementary & Secondary Education
 Khyber Pakhtunkhwa Peshawar



 DISTRICT EDUCATION OFFICER
 (FEMALE) SWABI
 Respondent No.2 & 4
 District Edu. Officer
 (Female) Swabi

Affidavit

I do hereby solemnly affirm and declare on oath that the contents of the para-wise comments submitted by respondents is true and correct to the best of my knowledge and belief and nothing has been concealed from this

Honourable Tribunal.




 DISTRICT EDUCATION OFFICER
 (FEMALE) SWABI
 District Edu. Officer
 (Female) Swabi



Annexure- A ⁽⁰⁴⁾

Office of the District Education Officer (Female) Swabi

NOTIFICATION

The competent authority is pleased to modify/restore one annual increment which was stopped vide this office Endst No.635/DA-01/Misc:-PST Cases (Female) Dated Swabi-14-02-2017 under E&D rules 2011 rule (4) (a) (ii) in r/o Mst: Gul Naz SPST GGPS No.02 Kunda Swabi after completion the maximum period of three years in the best interest of public service.

Note:- 1:- Necessary entry to this effect should be made in her original Service Book & other relevant record.

(SOFIA TABSSUM)
DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

Endst No 3015-20/PF Gul Naz SPST/Dated 9-10 /2021

Copy of the above is forwarded for information & n/a to the:-

- 1:- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2:- Deputy Commissioner Swabi.
- 3:- SDEO (F) Lahor.
- 4:- District Accounts Office Swabi.
- 5:- District Monitoring Officer Swabi.
- 6:- MST: Gul Naz SPST GGPS Np.02 Kunda on registered cover.


DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

**District Edu. Officer
(Female) Swabi**