

For Appellant

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

Service Appeal No. 1080-P /202 2

Mst. Perveen Rasool W/O Jamshed Ullah R/O Madrassa Khalid Bin Waleed road, post office Islamabad, House No.14, street No.5, Badhana Horad D-16, Tehsil and District Islamabad.  
(Applicant)

Versus

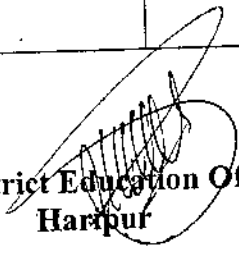
1. Secretary to Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. District Education Officer (F) Haripur and others.

(Respondents)

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Respondent

  
District Education Office (F)  
Haripur

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(Respondents)

**Respectfully Sheweth:**

JOINT PARA WISE COMMENTS ON THE BEHALF OF RESPONDENTS NO.02 to 4.

**Preliminary Objections:**

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That the appeal is barred by law and badly time barred.
4. That the appellant has concealed the material facts from this Honorable Tribunal, hence the appeal in hand is liable to be dismissed.
5. That the appeal is bad for mis-joinder and non-joinder of the necessary & proper parties.
6. The appellant has filed the instant appeal just to "pressurize the respondents.
7. That the appellant is estopped by his own conduct to file the present appeal.

**Para wise reply/Comments on facts are as under: -**

1. That the Para No.1 pertains to record, hence needs no comments.
2. That the Appellant was not devoted to her job, therefor she did not join her duty after arrival from deputation on 23/07/2021 and 1<sup>st</sup> absent notice served. (Copy of 1<sup>st</sup> absent notice annexed as Annexure-A).

3. The para pertains to record.
4. That the para pertains to record.
5. The para pertain to record, hence needs no comments.
6. The appellant after repatriation order dated **23/07/2021** submitted her arrival report **16/09/2021**. She was not serious to her job because she submitted arrival report after laps of **01(month) 23(days)**. How she justifies the lapsed period one month and twenty-three days. She is claiming back-benefits while she did not submit her arrival report to the parent department DEO(F) Haripur Office.
7. After receiving her application for adjustment the DEO(F)Haripur issued her adjustment order immediately at Govt Girls Middle School Sawar Maria w.e.f **18/09/2021**. **(Copy of adjustment order annexed as Annexure-B)**.

The appellant did not join her duty willingly and dis-regard the order of office. On the availability of vacant seat, the office issued the adjustment order. There is still no vacant seat of Arabic Teacher (AT) post in District Haripur female schools except GGMS Sawar Maria Haripur.

8. That the appellant did not join her duty at Govt Girls Middle School Sawar Maria w.e.f f **18/09/2021**. The Head Teacher of said school submitted a report to the office that Perveen Rasool (AT) has not taken charge report at GGMS Sawar Maria w.e.f **18/09/2021**. **(Copy of report(HM)annexed as annexure C)**.

The appellant wanted adjustment in the same school, where from she went on deputation but it is not possible and there is no law for reserve seat to deputed teachers. Her demand is illegal and against the law and rules. The second absent notice served, but she did not join her duty.

**(Copy of 2<sup>nd</sup> absent notice annexed as annexure D)**.

After serving 2<sup>nd</sup> absence notice the 3<sup>rd</sup> absent notice served to her but she did not resume her school duty. Through postal receipt No.552 RGL 58265152 absent notice posted to the appellant. **(Copy of 3<sup>rd</sup> absent notice & postal receipt annexed as annexure E&F)**.

That absence notice published in New paper Jeo Hazara to appellant information about absent from duty.

**(Copy of newspaper absent notice annexed as annexure G)**.

After completing all formalities, the final notification removal from service issued dated **25/02/2022**.

**(Copy of final notification annexed as annexure H)**.

9. The appellant filed an appeal to the Director E&SE Peshawar for reinstatement but appeal was rejected on the factual report of DEO(F) Haripur. **(Copy of appeal Rejection Notification & Report annexed as annexure I &J)**.

**Para wise reply of grounds: -**


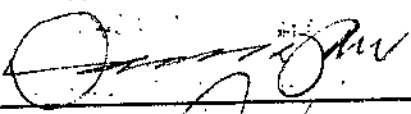
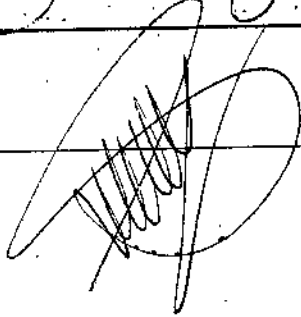
- a. Detail reply is given in Para (8) ibid.
- b. Detail reply is given in Para (8) ibid.
- c. Detail reply is given in Para (8) ibid.
- d. Detail reply is given in Para (9) ibid.
- e. That the ground pertains to record.
- f. That the appellant was treated accordance with law and rules.
- g. That the proper procedure adopted by the respondent's detail in para (8) ibid.
- h. That any other ground will be taken at the time of arguments with kind permission of this Honorable Service Court.

**PRAAYER: -**

In view of the above made humble submissions, it is most respectfully prayed that on acceptance of forgoing factual position /comments, the instant Service Appeal No.1080 of 2022 may graciously be dismissed being meritless, please.

Dated 22 / 10 / 2022

**RESPONDENTS**

- 1. Secretary E & SE Peshawar 
- 2. Director E & SE Peshawar 
- 3. District Education Officer (F) Haripur 

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

Service Appeal No. 1080-P /2022

Mst. Perveen Rasool W/O Jamshed Ullah R/O Madrassa Khalid Bin Waleed road, post office Islamabad, House No.14, street No.5, Badhana Horad D-16, Tehsil and District Islamabad.

**(Applicant)**

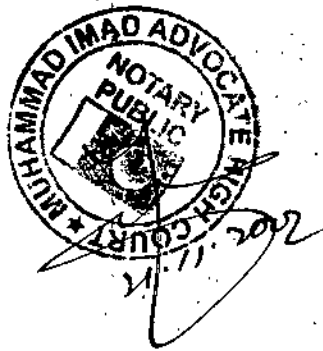
Versus

1. Secretary to Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. District Education Officer (F) Haripur and others.

**(Respondents)**

**AFFIDAVIT**

I **Mst. Sadia Aziz** District Education Officer (F) Haripur do hereby solemnly affirmed and declare that the contents of accompanying Para wise comments Service Appeal No. 7290 of 2021 are true and correct to the best of my knowledge and belief and nothing has been suppressed/concealed from this Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar.



Deponent

District Education Officer (F)  
Haripur

Page No. (5)

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Annexure (B)



OFFICE OF THE  
DISTRICT EDUCATION OFFICER (FEMALE)  
HARIPUR  
(Office Phone No. 0995-613244 Fax No. 0995-615140)

ADJUSTMENT ORDER

On returned from deputation Mst. Parveen Rasool AT GGMS Ghari  
Sudhan Haripur, is hereby Adjusted at Govt. Girls Middle Swar Maria Haripur wef  
01.09.2021 on the vacant post with own pay & 1 Grade in the interest of public  
service.

- Note:
1. No D.As allowed.
  2. Charge report should be submitted to all concerned.

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

Dated 20-07/2021

Andst. No. *[illegible]*

Copy for:

1. The District Accounts Officer Haripur.
2. The Principal/Headmistress concerned.
3. Office file.

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

Respected Madam,

With due respect it is stated that...

that...

that...

Dated...

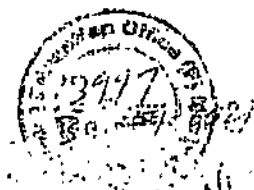
With due respect it is stated that...

Bekhtawar Shamsher (SST 9)

GGS Sagar Malra

Bekhtawar Shamsher

Head Mistress GGS Sagar Malra Haripur



Handwritten signature and date.

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Annexure (D)



OFFICE OF THE  
DISTRICT EDUCATION OFFICER (FEMALE)  
HARIPUR

(Office Phone No: 0995-920154, 0995-920155)

To: Pooveen Kasaal Arakhe  
GAMS Sanyar Maira Haripur

Subject: Absent notice

Report received from Headmistress GAMS Sanyar Maira that you have been adjusted vide office of the undersigned Endast No. 6081 dated 20-09-2021 but you have not taken over charge up till now. You are therefore directed to resume your duties with 02 days of issuance of this notice otherwise disciplinary action taken against you under E & D rule 2011.

*[Signature]*  
District Education Officer (F)  
Haripur

Date: 30/09/2021

No. 7188

- Copy to:
- 1. The Senior District Accounts Officer Haripur.
  - 2. The Principal/Headmistress Concerned
  - 3. Local Account Branch
  - 4. Office Copy

*[Signature]*  
District Education Officer (F)  
Haripur



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Annexure (E)

Office of the District Education Officer

HARIDUR



PH: 9925-619244

NO. 7629 Date 26-12-2021

To: Harveen Rasool, AT  
House No. 4 Street No. 5  
Madrasa Aaliah Binwaleed Road Sohan  
Distt. Haridur

Subject: ABSENCE NOTICE

Whereas you have absented against AT Post at GGMS Sawar Maira Haripur by taking overcharge according to report of Headmistress in the light of AM memo and undesignated issuance absent notice vide office Endst. No. 7188 dated 29-09-2021 but you did not respond.

You are therefore once again directed to resume your duties within seven days of issuance of this letter otherwise disciplinary action taken against you under Section 10 of Punjab P&SE rules 2011.

*[Signature]*  
District Education Officer (R)  
Haripur

Dated 26/10/2021

Endst. No. 7629

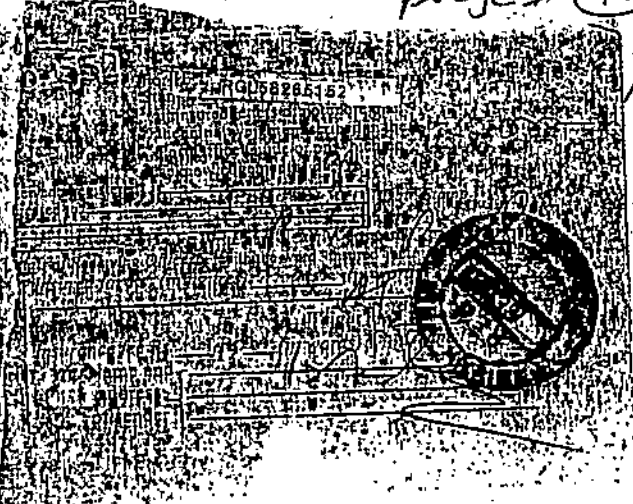
Copy to the  
The Headmistress, GGMS Sawar Maira Haripur  
Office

*[Signature]*  
District Education Officer (R)  
Haripur

page # (10)

Annexure -

(F)



Page No. (9)



گورنمنٹ ہائی اسکول، لاہور کے 29 ویں سالانہ امتحان کا آغاز

لاہور (پبلک)۔ گورنمنٹ ہائی اسکول، لاہور کے 29 ویں سالانہ امتحان کا آغاز ہو گیا۔ اس موقع پر اسکول کے سربراہان اور اساتذہ کرام نے طلبہ کو مبارکبادیں پیش کیں۔

اساتذہ کرام نے طلبہ کو نصیحتیں دیں اور ان سے کہا کہ امتحان میں سادگی اور سچائی کا مظاہرہ کریں۔

گورنمنٹ ہائی اسکول، لاہور کے 29 ویں سالانہ امتحان کا آغاز

اساتذہ کرام نے طلبہ کو نصیحتیں دیں اور ان سے کہا کہ امتحان میں سادگی اور سچائی کا مظاہرہ کریں۔

اساتذہ کرام نے طلبہ کو نصیحتیں دیں اور ان سے کہا کہ امتحان میں سادگی اور سچائی کا مظاہرہ کریں۔

مہنگائی میں غمزدگی

مہنگائی میں غمزدگی اور نا اطمینانی کا ماحول پیدا ہو گیا ہے۔ لوگوں کی زندگیوں پر گہرا اثر ہے۔

پرائیویٹ اسکولوں کی بندش

پرائیویٹ اسکولوں کی بندش کے فیصلے سے تعلیمی اداروں میں خلل پڑ گیا ہے۔

پرائیویٹ اسکولوں کی بندش

پرائیویٹ اسکولوں کی بندش کے فیصلے سے تعلیمی اداروں میں خلل پڑ گیا ہے۔

INF (AD) 314

پرائیویٹ اسکولوں کی بندش

پرائیویٹ اسکولوں کی بندش کے فیصلے سے تعلیمی اداروں میں خلل پڑ گیا ہے۔

پرائیویٹ اسکولوں کی بندش

پرائیویٹ اسکولوں کی بندش کے فیصلے سے تعلیمی اداروں میں خلل پڑ گیا ہے۔

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Annexure = (H)



OFFICE OF THE  
DISTRICT EDUCATION OFFICER (FEMALE)  
HARIPUR  
(Office Phone No. 0993-920154, 920155)

**NOTIFICATION**

- 1. Whereas, Mst. Parveen Rasool AT GMS Swar Maira, District Haripur was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011.
  - 2. And Whereas, on returned from Deposition, she adjusted against the vacant post of AT at GMS Swar Maira vide this office order No. 6081 dated 20-09-2021.
  - 3. And Whereas, the said officer submitted the report with the remarks that she did not come on the office order and not took over the charge.
  - 4. And whereas, this office served an absent notice to her home address vide this office No. 7629 dated 26/11/2021.
  - 5. And whereas, in response to absent notice, she did not resume her duty within stipulated time.
  - 6. And Whereas, after that a final show cause / absent notice sent to Director Information Abbottabad for publication in news paper vide this office No. 8450 dated 16/11/2021.
  - 7. And Whereas, the same absent notice was in newspaper dated 25/11/2021.
  - 8. And Whereas, on expiry of the stipulated period given in the final absent notice, she did not resume her duty till date.
9. Now, Therefore, in exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, rule 4 (b) (ii), the Competent authority is pleased to impose the Major Penalty Of Removal From Service, upon Mst. Parveen Rasool AT GMS Swar Maira, District Haripur with immediate effect.

(Sd/- Aziz)  
District Education Officer (Female)  
Haripur

Order No. 1271-F-EDRO (F) Haripur Dated Haripur the 25/02/2022.

Copy forwarded for information and necessary action to the:

- 1. Director R.S. Education Khyber Pakhtunkhwa Peshawar.
- 2. Deputy Commissioner Haripur.
- 3. Senior District Accounts Officer Haripur.
- 4. District Management Officer S.E. Haripur.
- 5. Deputy DDO (F) Haripur.
- 6. The Headmistress GMS Swar Maira Haripur.
- 7. Mst. Parveen Rasool AT GMS Swar Maira, District Haripur.
- 8. Master File.

ML



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR

Page # (13)

Annexure  
(1)

NOTIFICATION

Consequent upon the approval of the competent authority in the light of DEO Female Haripur report vide letter No.42142 dated 19.5.2022, the appeal of Mst. Parveen Rasool, Ex-AT GGMS Gari Saydan Khanpur District Haripur is hereby rejected under rules 17 (2)(a) of E&D Rules 2011.

**DIRECTOR**  
Elementary & Secondary  
Education Khyber Pakhtunkhwa,

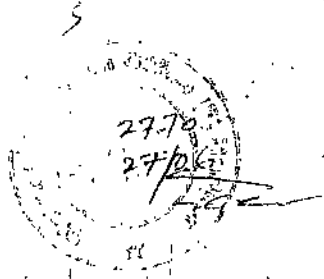
1616-17  
Endst.No. .... /F.No. PF/Parveen Rasool AT/Haripur Dated Peshawar the 31/6/2022

Copy forwarded for information to the:-

1. District Education Officer (Female) Haripur with the direction to inform the teacher concerned accordingly.
2. Teacher concerned.
3. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa.

*[Signature]*  
Assistant Director (Female)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa,

*Dealing Assoc  
C Secs  
27/6/2022*





OFFICE OF THE  
DISTRICT EDUCATION OFFICER (FEMALE)  
HARIPUR

(Office Phone No. 0995-920154 Fax No. 0995-920155)

page # (14)

Annexure (J)

No. 4212 / Deputation File.

Dated Haripur the 19/05/2022.

To,

The Director E & SE  
Khyber Pakhtunkhwa Peshawar.

Subject: - DETAIL REPORT OF VIEWS/COMMENTS IN R/O MST. PARVEEN RASOOL AT GGMS GARI SAYDAN KHANPUR DISTRICT HARIPUR.

Memo: -

Reference letter No 5126/F.No. Parveen Rasool AT, Haripur Dated 31-03-2022 subject cited above.

According to order dated: Peshawar the 14-06-2019 NGC issued in respect of Mst. Parveen Rasool AT Teacher BPS-15 GGMS Gari Saydan Khanpur District Haripur by the section Officer Primary that her services are hereby placed at the disposal of Ministry of Religious Affairs and Interfaith Harmony, Government of Pakistan, Islamabad on deputation basis for initial period of three (3) years on usual terms and conditions. (Copy of order attached at page No.1).

The Federal Directorate of Education issued notification to Parveen Rasool on 23-07-2021, you have been repatriated to your parent department with immediate effect. There was one post vacant at that time in District Haripur at GGMS Sawar Maira Haripur and still only post of AT vacant at GGMS Sawar Maira Haripur. (Copy of order attached at page No.2).

Therefore, the District Education Officer (Female) Haripur issued absent notice dated 17-08-2021 to her join the duty but she failed. (Copy of Absent Notice attached at page No.3).

That the said teacher submitted Arrival Report to the District Education Officer (Female) Haripur on dated 16-09-2021. (Copy of Arrival Report attached at page No.4).


That the adjustment order of Mst. Parveen Rasool AT Teacher at GGMS Sawar Maira dated Haripur the 20-09-2021. (Copy of Adjustment attached at page No.5).

On the report received by the Headmistress GGMS Sawar Maira Haripur that she did not resume her duty, therefore absent notice served by the DEO (F) Haripur dated 30-09-2021. (Copy of Absent Notice and Headmistress report attached at page No.6 & 7).

After the consecutive absent notices, she remained absent in the school, therefore absent notice issued dated 26-10-2021. The letter was posted through registry post office Haripur receipt No. 552 RGL 58265152 to Mst. Parveen Rasool Arabic Teacher to home address. (Copy of Absent Notice & Receipt attached at page No.8 & 9).

After serving the notices the publication of absent notice issued in the Newspaper Geo Hazara dated 25-04-2021. (Copy of Publication of Absent Notice & Newspaper cutting attached at page 10 & 11).

All the code formalities the final notification of major penalty of removal from services, upon Mst. Parveen Rasool AT, GGMS Sawar Maira District Haripur issued dated 25-02-2022. (Copy of notification attached at page No.12).

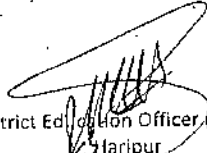
  
(Sadia Aziz)  
District Education Officer (Female)  
Haripur

Endst: No. 4212/15 / Deputation File.

Dated Haripur the 19/05/2022

Copy of the above is forwarded to the:

1. Assistant Director (Female) E & SE Khyber Pakhtunkhwa.
2. Parveen Rasool Ex. AT House No.14 Street No.5 Madrasa Khalid bin Waleed road Sohan Islamabad.
3. Office File.

  
District Education Officer (Female)  
Haripur