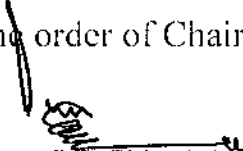


FORM OF ORDER SHEET

Court of _____

Case No.- 2021/2022


S No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/12/2022	<p>The appeal of Mrst. Shakeela Naz resubmitted today by Mr. Fazal Shah Mohmond Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and her counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mst. Shakeela Ex-SST Bio-Chemistry Govt. Girls High School Shodage Charsadda received today i.e. on 07/12/2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Annexures of the appeal may be attested.
- 3- Appeal has not been flagged/marked with annexures marks.
- 4- Annexures-D of the appeal is illegible which may be replaced by legible/better one.
- 5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.
- 6- copy of departmental appeal is not attached with appeal.


No. 3531 /S.T.

Dt. 08/12 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Fazal Shah Mohmad Adv.
High Court Pesh.

Sir, resubmitted and all the objections are addressed.
objections are sought out and complete file will be resubmitted accordingly.

19/12/2022


Sir, The copy of appeal is not available however the copy of rejection of appeal is available on page Nos 9



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 2021/2022

Shakeela Naz.....Appellant

V E R S U S

Govt. and others.....Respondents

I N D E X

S. No	Description of Documents	Annexure	Pages
1.	Service Appeal with affidavit'		1-3
2.	Application for condonation of delay with affidavit		4
3.	Copy of Notification dated 16-08-2021	A	5
4.	Copy of Notification dated 27-09-2021	B	6
5.	Copy of Appeal & Notification dated 08-06-2022	C & D	7-
6.	Vakalat Nama		

Dated:-07-12-2022

Through

Shakeela
Appellant

Fazal Shah
Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 9091/2022

Shakeela Naz Ex Secondary School Teacher, Bio-Chemistry, Govt. Girls High School, Shodag Tehsil Tangi District Charsadda.

.....Appellant

V E R S U S

1. Govt. of Khyber Pakhtunkhwa through Secretary, Elementary and Secondary Education, Department, Peshawar.
2. Director, Elementary and Secondary Education, Govt. of Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Charsadda.

.....Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 08-06-2022 OF RESPONDENT NO 1, WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE NOTIFICATION DATED 16-08-2021 HAS BEEN REJECTED.

PRAYER:-

On acceptance of this appeal the impugned Notification dated 08-06-2022 of respondent No 1 and Notification dated 16-08-2021 of respondent No 2, may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was initially appointed as Secondary School Teacher Bio-Chemistry on Adhoc basis vide Order dated 30-04-2014 and her services were later on regularized. Since appointment the appellant performed her duties with honesty and full devotion and to the entire satisfaction of her high ups.
2. That upon ex-parte proceedings, on unfounded allegations of absence from duty w.e.f 22-10-2020, the appellant was awarded the major penalty of Removal from service by respondent No 2 vide Notification dated 16-08-2021. **(Copy of Notification dated 16-08-2021 is enclosed as Annexure A).**
3. That strangely, the on the same allegations of absence from duty, the appellant was awarded the penalty of one day salary deduction and the alleged absence period was treated as leave

2

without pay vide Notification dated 27-09-2021. **(Copy of Notification dated 27-09-2021 is enclosed as Annexure B).**

4. That the appellant filed departmental appeal before respondent No 1 which was also rejected vide Notification dated 08-06-2022, however copy of the said Notification was never communicated to the appellant and the appellant obtained copy of the same through her own efforts on 16-11-2022. **(Copy of Appeal & Notification dated 08-06-2022 is enclosed as Annexure C & D).**
5. That the impugned Notification dated 08-06-2022 of respondent No 1 and Notification dated 16-08-2021 of respondent No 2, are against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUNDS:-

- A. That the impugned Notifications are is illegal, unlawful, without lawful authority and void ab-initio.
- B. That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4 and 25 of the Constitution.
- C. That the allegations against the appellant are false, baseless and unfounded which is well reflected in the Notifications dated 16-08-2021 and Notification dated 27-09-2021, which are sufficient to prove that the allegations are based on malafide.
- D. That due to some physical, psychological and health stress, the appellant was unable to have performed her duties for some days however, awarding major penalty does not commensurate the guilt, thus the impugned Notifications are liable to be set at naught on this score alone.
- E. That no Charge Sheet and Show Cause Notice was issued to the appellant.
- F. That no inquiry was conducted in the matter nor was any sort of evidence collected to substantiate the allegations.
- G. That Ex-parte action has been taken against the appellant and she has been condemned unheard in violation of Article 10-A of the Constitution.
- H. That the principles of natural justice were badly violated and the appellant was not heard before adverse order.

CERTIFICATE:

- I. That the appellant was not afforded opportunity of personal hearing.
- J. That the appellant is jobless since her illegal removal from service.
- K. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated:-07-12-2022

Through

Shakeela
Appellant
Fazal Shah
Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan.

LIST OF BOOKS

- 1. Constitution 1973.
- 2. other books as per need

CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.

Fazal Shah
ADVOCATE

AFFIDAVIT

I, Shakeela Naz Ex Secondary School Teacher, Bio-Chemistry, Govt. Girls High School, Shodag Tehsil Tangi District Charsadda, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Shakeela
DEPONENT

07/12/22

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2022

Shakeela Naz.....**Appellant**

V E R S U S

Govt. and others.....**Respondents**

Application for condonation of delay if any

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application.
3. That since the impugned order is void ab-initio being ex-parte besides passed in utter violation of law and principles of natural justice. Further copy of appellate order was never communicated to the appellant and the appellant through her own efforts, finally obtained copy of the same on 16-11-2022, hence, such lis are to be decided on merit instead of technicalities.
4. That the law as well as the dictums of the superior Courts also favors decisions of cases on merit.

It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.

Dated:-07-12-2022

Shakeela
Appellant

Through

Fazal Shah Mohmand

Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

AFFIDAVIT

I, Shakeela Naz Ex Secondary School Teacher, Bio-Chemistry, Govt. Girls High School, Shodag Tehsil Tangi District Charsadda, do hereby solemnly affirm and declare on oath that 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 Tribunal.

Shakeela



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
PAKHTUNKHWA PESHAWAR**

NOTIFICATION

- 1 WHEREAS, Miss Shakeela Naz SST-BC GGHS Shodag Charsadda was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for unauthorized absence.
- 2 AND WHEREAS, Miss Shakeela Naz SST-BC GGHS Shodag Charsadda remained absent from her duty-w.e.f. 22-10-2020 as per the report of DEO (F) Charsadda vide her letter No. 19875 dated: 29-03-2021.
- 3 AND WHEREAS, to dispense with a formal inquiry under Rule-7 of the ibid Rules, a show cause was served upon Miss Shakeela Naz SST-BC GGHS Shodag Charsadda.
- 4 AND WHEREAS, the teacher concerned failed to submit reply to the show cause notice and the DEO (F) Charsadda has published Absent Notice in two leading daily newspaper, i.e., Daily Aaj and Daily Mashriq on the behalf of this directorate.
- 5 AND WHEREAS, after going through the material on record and the report of DEO (F) Charsadda, the Competent Authority has come to the conclusion that charges against Miss Shakeela Naz SST-BC GGHS Shodag Charsadda have been proved.
- 6 NOW THEREFORE, in exercise of powers conferred under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, the Director E&SE Khyber Pakhtunkhwa as the Competent Authority is pleased to impose the major penalty of "Removal from service" upon Miss Shakeela Naz SST-BC GGHS Shodag Charsadda, as specified in Rule-4 (b) (iii) of the above-mentioned Rules with effect from 22-10-2020 and in the interest of public service.

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 141-44 /A-17/P.F/Shakeela Naz/Charsadda. Dated: 16/08/2021
Copy forwarded for information and necessary action to the: -

1. District Education Officer (F) Charsadda with the direction that salaries if paid during the period of absence may be recovered and deposited into the Government Treasury.
2. District Accounts Officer Charsadda.
3. Head Mistres of GGHS Shodag Charsadda.
4. Miss Shakeela Naz SST-BC GGHS Shodag Charsadda.
5. Master file.

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ATTESTED
TO BE TRUE COPY

[Signature]
Deputy Director Establishment (F)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar
[Signature]

Notification

1. Whereas, (SHAKEELA NAZ, SST (Bio-Che), GGHS SHODAG(EmisCode:35151)) TANGI CHARSADDA was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the charges of willful absence from duty.
2. And whereas, a show cause notice was served upon you vide No. 911-14 dated 22-02-2011 for willful absence from within the meaning of Rule-3 (d) and the Finance Department Notification No. So (FR)/FD/5-14/2014 dated 16-12-2014.
3. And whereas, the Competent Authority after having considered the charges, evidence on record, his/her explanation dated 21-09-2011 and the personal hearing granted to him/her vide No. — dated — is of the view that the charges mentioned in the show cause have been proved against (SHAKEELA NAZ, SST (Bio-Che), GGHS SHODAG(EmisCode:35151)).
4. Now, therefore, in exercise of the powers conferred under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 the Competent Authority is pleased to impose the penalty of one-day salary deduction upon (SHAKEELA NAZ, SST (Bio-Che), GGHS SHODAG(EmisCode:35151)) in accordance with Rule-4 (a) (iii) of the ibid rules and absent period is converted into leave without pay with immediate effect.

Note: Necessary entries may be made in his/her service book.

4494-95

Director (E&SE)
Khyber Pakhtunkhwa

Endst: Even No. & Date

1/10/2021

Copy of the above is forwarded to the: -

- i. Principal/Headmaster/Headmistress/DDEO/SDEO concerned for necessary action under intimation to this office within 7 days.
- ii. SHAKEELA NAZ, SST (Bio-Che), GGHS SHODAG(EmisCode:35151), SHODAG, TANGI, CHARSADDA
- iii. Master File

Director (E&SE)

By do.charsadda.Female - Warning Letter

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

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No. SCPE/EE&SE/DS-19 /Re-instatement/2021
Dated Peshawar the, October 20th, 2021

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa.

APPEAL AGAINST THE DECISION OF HONOURABLE DIRECTOR
OFFICE KHYBER PAKHTUNKHWA.

Directed to refer to the subject noted above and to forward herewith a copy of
the appeal/application alongwith its enclosures, received from Mst. Shakeela Naz,
SST, OGHS Shodag, Charsadda, with the request to furnish a detailed report to this department
at the earliest, please.

Encl: as above.

Yours faithfully,


(Mian Hussain Din)
SECTION OFFICER (P.E)

Khyber Pakhtunkhwa
SST, Shodag, Charsadda

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er
nce



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

D

NOTIFICATION

Dated Peshawar the June 8, 2022

No. SO(PE)15-19 Mst. Shakeela Naz/SST/Charsadda:

WHEREAS, Mst. Shakeela

Naz was initially appointed as SST (Set) in this department vide order bearing Endst: No. 2092-994 File No. 2-14 SST Adhoc Appoint. dated 30-04-2014.

2. AND WHEREAS, Mst. Shakeela Naz, SST-BC, GGHS Shodag Charsadda was proceeded against under the Khyber Pakhtunkhwa Govt. Servant (E&D) Rules, 2011 for unauthorized absence from duty w.e.f. 22-10-2020 as per report of DEO (F) Charsadda vide letter No. 19875, dated 29-03-2021.

3. AND WHEREAS, show cause notice was served upon her under Rule-7 of the rules ibid.

4. AND WHEREAS, she failed to submit reply to the show cause notice and the DEO (F) Charsadda published absence notice in two leading daily newspapers i.e. Daily Aaj and Daily Mashriq on behalf of Directorate of E&SE.

5. AND WHEREAS, going through the material on record and the report of DEO (F) Charsadda, the Competent Authority come to the conclusion that charges against her have been proved.

6. AND WHEREAS, the Director E&SE has imposed major penalty of "Removal from service" upon her w.e.f. 22-10-2020.

7. AND WHEREAS, the teacher was heard in person. She could not justify her plea with any solid documentary evidence/proof.

8. NOW, THEREFORE, in exercise of the powers conferred under Rule 17 (2)(a) of Efficiency & Discipline Rules, 2011, the Appellate Authority (Secretary E&SE) is pleased to "Uphold the order of penalty and reject the appeal or review petition" and keep intact the Directorate of E&SE Notification No. 141-44/A-17/PF/Shakeela Naz/Charsadda, dated 16-08-2021.

SECRETARY
ELEMENTARY & SECONDARY EDUCATION

Endst: No & date even:

- Copy forwarded to:
1. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
 2. The District Education Officer (F), Charsadda.
 3. The District Accounts Officer, Charsadda.
 4. The PS to Secretary, E&SED Khyber Pakhtunkhwa.
 5. The PA to Additional Secretary (Genl), E&SED, Khyber Pakhtunkhwa.
 6. The PA to Additional Secretary (Genl), E&SED, Khyber Pakhtunkhwa.
 7. The PA to Deputy Secretary (A/B), E&SED, Khyber Pakhtunkhwa.
 8. Mst. Shakeela Naz, SST-BC, GGHS Shodag Charsadda.
 9. Concerned File.
 10. Master File.

9/6/22

Handwritten signature

Handwritten signature
MUHAMMAD ISHAQ
SECTION OFFICER (PRIMARY)

VAKALATNAMA

IN THE SERVICE TRIBUNAL KP, PESHAWAR.

No. _____/2022

Shakeela Naz

.....Petitioner.

VERSUS

Govt

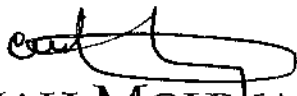
..... Respondents.

I, the undersigned, do hereby appoint and constitute,
FAZAL SHAH MOHMAND Advocate Supreme Court. To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I/We also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I/We further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 21-10-2020

ACCEPTED BY:



FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

CLIENT(s)


Shakeela Naz