


## FORM OF ORDER SHEET

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

Case No.:- \_\_\_\_\_ **167/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/1/2023	<p>The appeal of Mst. Kalsoom Salma presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on_____. Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

**SERVICE APPEAL No. 167 /2023**

**KALSOOM SALMA**

**VS**

**EDUCATION DEPTT:**

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**APPELLANT**

**THROUGH:**

**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

- 1 -

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

APPEAL NO. 167 /2023

Mst. Kalsoom Salma, Headmistress,  
GGHS Charsadda Khas, District Charsadda.

..... APPELLANT

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Elementary and Secondary Education, Peshawar.
- 3- The Director Elementary and Secondary Education, Peshawar.

..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUNGED NOTIFICATION DATED 25.10.2022 WHEREBY MINOR PUNISHMENT OF CENSURE HAS BEEN IMPOSED UPON THE APPELLANT AND AGAINST THE APPELLAT ORDER DATED 27.12.2022 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.**

**PRAYER:**

That on acceptance of this appeal the impugned notification dated 25.10.2022 and appellate order 27.12.2022 as well as penalty of censure imposed upon the appellant may please be set aside. Any other remedy which this august Service 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 the appellant is serving the respondent department quite efficiently and to the entire satisfaction of his high ups.
- 2- That the appellant while serving as head Mistress GGHS Kot Baba Tangi, a baseless complaint filed against the appellant whereby charge sheet and statement of allegation were issued to the appellant on the basis of the ibid complaint. Copies of Charge Sheet & Statement of Allegation are attached as Annexure ..... **A & B.**
- 3- That it is important to mention that the appellant has been transferred thrice in the same year vide different orders dated 12.07.2021 and 03.08.2021. Copies of the transferred orders are attached as Annexure ..... **C & D.**

- 4- That finally Show Cause notice has been issued to the appellant whereby the appellant reply to the allegation mentioned in the show cause notice as well as in the statement of allegation and denied all baseless allegations. Copies of Show Cause Notice and Reply are attached as Annexure ..... **E & F.**
- 5- That the appellant quite hopeful being innocent and devoted civil servant to be exonerated from the allegations but astonishingly the respondent department issued the impugned notification dated 25.10.2022 whereby minor penalty of censure has been imposed upon the appellant without conducting any regular inquiry. Copy of the Impugned Notification 25.10.2022 is attached as Annexure ..... **G.**
- 6- That the appellant feeling aggrieved from the impugned notification, filed departmental appeal but the same has been rejected on no good grounds through appellate order dated 27.12.2022. Copy of the Departmental Appeal and Appellate Order dated 27.12.2022 are attached as Annexure ..... **H & I.**
- 7- That appellant, having no other remedy, prefer the instant Service Appeal on the following grounds amongst the others.

**GROUND:**

- A- That the action of the respondents by issuing the impugned notification dated 25.10.2022 and appellate order dated 27.12.2022 whereby penalty of censure has been imposed upon the appellant are against the law, facts, norms of natural justice and materials on the record, hence not tenable in the eye of law therefore are liable to be set aside.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department 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 no right of personal hearing and personal defense was given to the appellant.
- D- That the inquiry committee has not recorded statement of any individual in respect of the said complaint.
- E- That the enquiry officer has not recorded any statement of the appellant in respect of the penalty of Censure imposed upon the appellant.
- F- That the respondents acted in arbitrary and mala fide manner while issuing the impugned notification dated 25.10.2022 and appellate order dated 27.12.2022.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

**Dated:**

**APPELLANT**



**KALSOOM SALMA**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

*Waleed*  
**WALEED ADNAN**

*Umar*  
**UMAR FAROOQ MOMAND**

*Muhammad*  
**MUHAMMAD AYUB**

**&**

*Khanzad*  
**KHANZAD GUL**

**ADVOCATES**

**AFFIDAVIT**

I, Kalsoom Salma, Headmistress GGHS Charsadda Khas, District Charsadda, do hereby solemnly affirm that the contents of this Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



**DEPONENT**

"A" -4-

CHARGE SHEET

1. Syed Zafar Ali Shah, Chief Secretary, Khyber Pakhtunkhwa as the Competent Authority, hereby charge you, Mst Kalsoom Salma Headmistress (BS-17) GGHS Kot Baba Dag Tangi District Charsadda as follows: -


2. That you while posted as Headmistress (BS-17) GGHS Kot Baba Dag Tangi District committed the following irregularities.

- i. You and your husband (Mr. Zaheer Ahmad) have harassed female teachers and undue interference in the affairs of School.
- ii. Your husband is a Government Teacher in District Mohmand and came to your school while Male are not allowed in Girls School.

3. By reason of the above, you appear to be guilty of inefficiency and misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the rules ibid.

4. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the enquiry officer/enquiry committee, as the case may be. Your written defense, if any, should reach the enquiry officer/ enquiry committee within specified period of time, failing which it shall be presumed that you have no defense to put in and, in that case, ex-parte action shall be taken against you.

5. A statement of allegations is enclosed.

  
(Syed Zafar Ali Shah)  
CHIEF SECRETARY  
KHYBER PAKHTUNKHWA

Mst Kalsoom Salma  
Headmistress (BS-17) GGHS Kot Baba Dag Tangi, Dist: Charsadda.  
Now Headmistress (BS-17) GGHS Wanda Lali, D.I Khan.

-5- "B"

DISCIPLINARY ACTION

I, Syed Zafar Ali Shah, Chief Secretary, Khyber Pakhtunkhwa as the Competent Authority, am of the opinion that, Mst Kalsoom Salma Headmistress (BS-17) GGHS Kot Baba Dag Tangi, District Charsadda, has rendered herself liable to be proceeded against, as she committed the following acts/omissions, within the meaning of Rules-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:

STATEMENT OF ALLEGATIONS

- i. She and her husband (Mr. Zaheer Ahmad) harassed female teachers and undue interference in the affairs of School.
- ii. Her husband is a Government Teacher in District Mohmand and came to her school while Male are not allowed in Girls School.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/inquiry committee, consisting of the following, is constituted under Rule 10(1) (a) of the Rules ibid.

- i. Mrs. Sarah Rehman (PAC-BS-18) Chief of Section (PSI)
- ii. Mrs. Saima Akhtar, Principal GGHS Akora Ich

3. The inquiry officer/inquiry committee shall, in accordance with the provisions of the Rules ibid, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.

(Syed Zafar Ali Shah)  
CHIEF SECRETARY  
KHYBER PAKHTUNKHWA

Mst Kalsoom Salma  
Headmistress (BS-17) GGHS Kot Baba Dag Tangi, Distt: Charsadda.  
Now Headmistress (BS-17) GGHS Wanda Lali, D.I Khan.

16-11

GOVERNMENT OF KHYBER PAKHTUNKHWA  
MEMBERSHIP & SECONDARY EDUCATION DEPARTMENT  
Block - A, Peshawar, Khyber Pakhtunkhwa  
Phone: 091-251100, Fax: 091-2511470



ATTN

- Dated Peshawar the July 12<sup>th</sup> 2021

GEN. EV. BSNW-17/2020/Kalsoom Salma

The Competent Authority

Ms. Kalsoom Salma, Headmistress (BS-17) GGHS Kot Baba Dug, Tangi District, Peshawar  
Headmistress (BS-17) GGHS Wanda Wali, D.F.Khan, Peshawar  
vacant post in the best public interest with immediate effect.

No FAXs allowed.

MEMBERSHIP & SECONDARY EDUCATION DEPARTMENT  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Sl. No. & date:

Copy forwarded for information to:

- 1. Accountant General, Khyber Pakhtunkhwa, Peshawar
- 2. Director, B&SE, Khyber Pakhtunkhwa, Peshawar
- 3. District Education Officers, Tangi, D.F.Khan
- 4. District Education Officer, Wanda Wali, D.F.Khan
- 5. Director, EMIS, B&SE Department
- 6. JS to Secretary, B&SE Department
- 7. Office concerned
- 8. EMIS Cell

Director, B&SE  
SECTION OFFICER



BETTER COPY:

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
Block "A" Opposite MPA's Hostel, Civil Secretaria Peshawar

Dated Peshawar, the July, 12<sup>th</sup> 2021

**NOTIFICATION**

**No.E/E&SE/4-17/2020/Kalsoom Salma:** The Competent Authority is pleased to transferred Mst Kalsoom Salma, Head Mistress (BPS-17) GGHS Kot Baba Da Tangi, District Charsadda and post her as Headmistress (BS-17) GGHS Wanda Lali, D.I.Khan on administrative grounds against the vacant post in the best public interest with immediate effect.

No TA/DA is allowed.

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECODARY EDUCATION DEPARTMENT

**Endst: of even No. & Date:**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
 ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
 Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
 Phone No 001-9223588



7-11D

**NOTIFICATION**

No.S.O(S/R)E&SE/D/4-17/2021/Kalsoom Salma: The Competent Authority is pleased to transfer Mrs. Kalsoom Salma, Headmistress (BS-17) under transfer GHS Wanda Lali, D.I Khan and post her as Subject Specialist Urdu (BS-17) GHSS Dhakki Charsadda, on administrative ground in the public interest, with immediate effect.

No TADA is allowed.

SECRETARY  
 ELEMENTARY & SECONDARY EDUCATION  
 DEPARTMENT

Index: of even No. & date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) Charsadda and D.I Khan.
4. District Accounts Officer, Charsadda and D.I Khan.
5. Director EMIS, E&SE Department.
6. PS to Secretary, E&SE Department.
7. Mrs. Kalsoom Salma, Headmistress (BS-17) GHS Kot Baha Dag Tangi, Distt: Charsadda.
8. Office order file.

(Signature)  
 SECTION OFFICER (S/R)  
 (Habib ur Rehman Shah)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. (011) 9223333

-8-

Dated Peshawar the, October 07<sup>th</sup>, 2021

NOTIFICATION

No.SO(S/F) E&SED/4-16/2021/POSTING/TRANSFERS/ Wrong Posts: - The Competent Authority has been pleased to order the posting/transfer of the following officers of Elementary & Secondary Education Department Khyber Pakhtunkhwa, recommended through E-Transfer, with immediate effect, in the public interest.

Sr. No	Name and designation	Working against the post of	Proposed place of posting against original post
1.	NOUSHEEN ANWAR Headmistress (BS-17)	SS Chemistry (BS-17) GGHSS BEHZADI KOHAT	Headmistress (BS-17) GGHS KHADIZAI KCHAT
2.	KALSOOM SALMA Headmistress (BS-17)	SS Urdu (BS-17) GGHSS DHAKKI CHARSADEA	Headmistress (BS-17) GGHS CHARSADEA KHADEA CHARSADEA
3.	SYEDA SAJIDA MUMTAZ Headmistress (BS-17)	SS Urdu (BS-17) GGHSS MURAD PUR MANSEHRA	Headmistress (BS-17) GGHS PERHANNA MANSEHRA
4.	MS. CHAMAN ARA Headmistress (BS-17)	SS Urdu (BS-17) GGHSS BEHARI COLONY DI KHAN	Headmistress (BS-17) GGHS PAI TANK
5.	SHAHIDA NASEEM Headmistress (BS-17)	SS Economics (BS-17) GGHS BEHARI COLONY DI KHAN	Headmistress (BS-17) GGHS DABBARA TANK
6.	NARGIS BIBI Headmistress (BS-17)	SS Islamiyat (BS-17) GGHSS HAJIA GALI ABBOTTABAD	Headmistress (BS-17) GGMS WAZIRAN ABBOTTABAD
7.	ROSHAN ARA Headmistress (BS-17)	SS Home Economics (BS-17) GGHS PANIALA DI KHAN	Headmistress (BS-17) GGHS WANDA LALI DI KHAN
8.	SHABANA ASIA Headmistress (BS-17)	SS Urdu (BS-17) GGHSS DARABAN KALAN DI KHAN	Headmistress (BS-17) GGHS ZANGI KHEL LAKKI
9.	SAEEDA TU NISAH Headmistress (BS-17)	SS Islamiyat (BS-17) GGHSS BANGHASH KHEL BANNU	Headmistress (BS-17) GGHS DHERMA, KHEL BANNU
10.	ISHRAT JAHAN Headmistress (BS-17)	SS Pushto (BS-17) GGHSS JOGIWARA PESHAWAR	Headmistress (BS-17) GGHS JOGANI PESHAWAR
11.	RUSHDA HABIB Headmistress (BS-17)	SS Islamiyat (BS-17) GGHSS KANGRA COLONY HARIPUR	Headmistress (BS-17) GGHS BASSOMAIRA HARIPUR
12.	ADEEBA RAZZO Headmistress (BS-17)	SS Islamiyat (BS-17) GGHSS SHINKIARI MANSEHRA	Headmistress (BS-17) GGHS BAJNA MANSEHRA
13.	NIGHAT BEGUM Headmistress (BS-17)	SS Urdu (BS-17) GGHSS HATTAR HARIPUR	Headmistress (BS-17) GGHS HARYAN SWABI
14.	SHAISTA MUMTAZ Headmistress (BS-17)	SS History-cum-Civics (BS-17) GGHS AKBAR PURA NOWSHERA	Headmistress (BS-17) GGHS SHAGAI BALA PESHAWAR
15.	MEHMOOD UN NISA I.P.E (BS-17)	SS Pushto (BS-17) GGHSS CHOKARA KARAK	IPE (BS-17) GGHS REHMAT ABAD KARAK
16.	RAZIA BIBI I.P.E (BS-17)	SS Pak Study (BS-17) GGHS TILGAMAN KHEL	IPE (BS-17) GGHS



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. (091) 2221511

-9-

Endsl: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) concerned.
4. District Account Officers, Concerned.
5. Director, EMIS E&SE Department.
6. PS to Minister for E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Deputy Secretary (Admn) E&SE Department.
9. Officers concerned.
10. Office order file.

  
(HAFAEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS MALE)

403  
GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar.

-10-

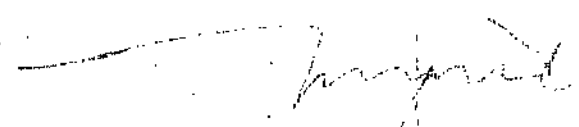
No. SO(IQ)E&SED/1-1/2022/Kalsoom Salma/Charsadda  
Dated Peshawar the July 29, 2022

To

Mst. Kalsoom Salma,  
Headmistress (BS-17),  
GGHS Kot Baba Dag Tangi, Charsadda.

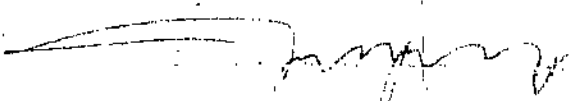
SUBJECT: SHOW CAUSE NOTICE.

I am directed to refer to the subject no. above and to enclose herewith a copy of show cause notice served upon you by the Competent Authority/ Chief Secretary Khyber Pakhtunkhwa.

  
(MUJEEB UR REHMAN)  
SECTION OFFICER  
(INQUIRIES)

Endst: of Even No. & Date:

Copy of the above is forwarded to PS to Secretary, E&SE Department.

  
SECTION OFFICER  
(INQUIRIES)

BETTER COPY: 10

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

No.SO(IQ)E&SED/1-1/2022/Kalsoom Salma/Charsadda

Dated Peshawar, the July, 29<sup>th</sup> 2022

To

Mst. Kalsoom Salma,  
Headmistress (BS-17)  
GGHS Kot Baba Dag Tangi, Charsadda.

SUBJECT: SHOW CAUSE NOTICE

I am directed to refer to the subject noted above and enclose herewith a copy of show cause notice served upon you by the Competent Authority/Chief Secretary Khyber Pakhtunkhwa.

(MUJEEB UR REHMAN)  
SECTION OFFICER  
(INQUIRIES)

Endst: of Even No. & Date:

- 11 -

SHOW CAUSE NOTICE

I, Dr. Shahzad Khan Bangash, Chief Secretary Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Ms. Kalsoom Salma, Headmistress (BS-17), GGHS Kot Baba Dag Tangi, Charsadda as follows: -

- (i) That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you presented your written defense before the inquiry committee;
- (ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee:

I am satisfied that you have committed the following acts/omission specified in rule-3 of the said rules:

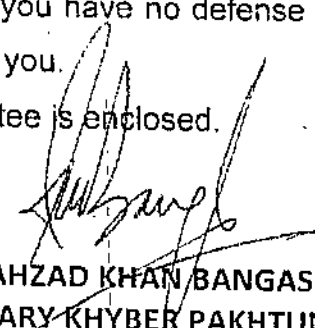
**Inefficiency & Misconduct**

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Censure under Rule-4 of the said rules.

3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. A copy of findings of the inquiry committee is enclosed.

  
(DR. SHAHZAD KHAN BANGASH)  
CHIEF SECRETARY KHYBER PAKHTUNKHWA

Ms. Kalsoom Salma, Headmistress (BS-17),  
GGHS Kot Baba Dag Tangi, Charsadda

To

The Inquiry Committee

i. Chief of Section Officer P & D

Khyber Pakhtunkhwa Peshawar

ii. Principal GGHSS

Akora Khattak

**Subject:** -Reply to the allegation mentioned in Show Cause Notice as well as in Statement of Allegation.

**Respected Inquiry Committee-**

It is brought to your kind notice with great respect that I and my Husband are Government Servant and abide by the Rules and Regulation formulated by the Government and my Husband is aged man and as well diabetic Patient and all the time he is involved in the health issue and frequently going for medical checkup, and presently his posting is in District Mohmand, therefore neither I nor my Husband can even think of Harassing the female teachers of the School and my husband has never interfere in the school affairs. **(Medical Reports of my Husband are Attach as Annex "A")**

And I am qualified, competent and committed Headmistress appointed by the Public Service Commission Khyber Pakhtunkhwa and always keep tight vigilance on the School matters and run the school affairs smoothly, it is pertinent to mention here that my Board result of the Students of SSC (A) are 100 % from the last five years, therefore my PERs / ACRs which is signed by the DEO (F) Charsadda are in best grades, which gives proof of my efficiency and good discipline in running of the School and my performance is also clear from the Surprise visit made by the Dy. DEO Female Charsadda. **(Copy of PERs/ ACRs and Documents regarding Visit is Attach as Annex "B")**

Therefore I solemnly declare that my Husband, who is posted in District Mohmand, hasn't come to school at all to interfere in my school affairs or Harass the female teacher, it is pertinent to mention here that cameras are also installed in the school premises and the same can be verify from the recording of camera, as well as at the day time, the chokidaar



of the School is setting at the gate all the time with Gun, and as well about Seven Hundred (700) Students are studying in the School, and if my husband would have come to the School, the Students or their Parents and the inhabitants of the locality would have made a lot of noise, complaints against me and my husband, I and my husband are responsible Government Servant and my husband is Performing his duty in District Mohmand. ( Copy of Attendance Certificate issue by DEO (M) Mohmand in favor of my Husband is attach as Annex "C")

I would like to brought the fact before this Honorable Inquiry Committee that in fact, the Complaint was made by the Lab Attendant namely Farkhanda Naz who is Class IV and who is indulged in selling of unhygienic food item to the student in the School,

Therefore on the receipt of the message of the Honorable DEO (F) Charsadda in Whatsapp group regarding the Closure of Canteen vide Order dated 20-01-2021, I wrote orderbook to all Class IV especially the female not to sell the unhygienic food item i-e Chips & Nimko etc to the Students and I took a written Statement from them that they would be refrain from selling the unhygienic food item to the students in those days of covid-19, but in spite of all direction, the Farkhanda Naz Lab attendant violated and continuously remain indulged in selling these food item to the students in the School, and I caught her red handed at the School Gate in the Morning time while bringing the unhygienic food item to the School in the Chinchi (Raksha) and for the evidence I also took her pictures on 08-02-2021, and I send those pictures to the DEO (F) Charsadda in Whatsapp group but no action was taken on my report. (Copy of Message Received from DEO (F), Orderbook & Pictures are Attach as Annex "D")

Therefore for the sake of Revenge the Said female Farkhanda Naz made a baseless complaint to the Director E & SE KPK vide dated 18-02-2021 endorsing its copy to D.C Charsadda for involving and blaming me and my Husband for the sake of Revenge.

And thereafter one sided inquiry was conducted by the Additional Deputy Commissioner Charsadda by ignoring all the facts and proofs

and without recording any single Person Statement including Students or teachers of the School moreover I have been condemned unheard and before proving of Charge I was transferred from my place of duty, even no opinion of District Education Officer Female Charsadda was sought who is the immediate Head of the District Education Office Charsadda.

Therefore everything is clear that I informed the DEO (F) Charsadda on 08-02-2021 while she made complaint on 18-02-2021 to the Director E & SE KPK and by passing the District Education Officer Female Charsadda being the immediate Head of our office.

As I stated above that I informed the DEO (F) about selling of unhygienic food item by Farkhanda Naz and if the then DEO (F) would take action against her or conducted inquiry in that period of 08-02-2021 to 18-02-2021, then the said Farkhanda Naz would not found any space to make a false complaint against me or my Husband.

Besides it is also on the record that almost 700 students are studying in the School and the said Farkhanda Naz is selling these unhygienic food item to the Students, this clearly suggest that her daily income will be more than a normal shop keeper who deals in food business, as the normal shop keeper would never find 700 customers during a day, therefore when I stop her from selling these food items, she made complaint against me by making these false allegation just to get rid of me by indulging me in departmental proceeding and thereafter she become succeeded in previous activity by selling unhygienic food item quite easily in the School, I served here for 1 year while she is serving here from 2007 for more than 13 years.

And further I would like to brought to the notice of this Honorable Inquiry Committee that vide dated 07-06-2021, School Chokidaar namely Ibrahim during the day time reported that Lab Attendant Farkhanda Naz was found with the driver of Chinchhi (Riksha) in the premises of the School at 07-30 am and thereafter she was restrained from such activities. (Photocopy of Orderbook regarding Restraining is Attach as Annex "E")

I say with regret that due to her false allegation I was transferred to the D.I Khan and then I was adjusted at the Post of Subject Specialist of Urdu in GGHSS Dhaki and by losing the Honour, prestige and reputation of my career.

With great respect I would like to brought in the notice of this Honorable Inquiry Committee that I am talented, competent and well qualified teacher having Master degree of English with M.Ed and further I have the qualities to make a Model School of any School by imparting qualitative and standard Education to the Students and if my Performance is judged from all the angles i-e Academic, financial matter and supervision, the result will be 100 % efficient,

Therefore I request you to exonerate me and declare the Charges against me to be basless & false and be filed without further proceeding

I also request for personal hearing in this matter so that I can explain my position before the Honorable inquiry Committee, if your goodself are not satisfied from my reply.

Yours obediently

  
Kalsoom Salma

14-09-2021

SS Urdu GGHSS Dhaki

Former Headmistress GGHS Kot Baba Tangi



Dated Peshawar the October 25, 2022

**NOTIFICATION**

No. SO(Inq)ESSED/1-1/2022/Mst. Kalsoom Salma/HM/Charsadda: WHEREAS Mst. Kalsoom Salma, Ex-Headmistress (BS-17), GGHS Kot Baba Tangi, District Charsadda now Headmistress, GGHS Charsadda Khass was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS Mst. Sarah Rehman (PAS BS-18), Chief Section, P&D Department and Mst. Shaheen Akhtar, Principal (BS-19), GGHS Akora Khattak, Nowshera were nominated as Inquiry Committee to conduct Formal Inquiry under the ibid Rules, against Mst. Kalsoom Salma, Ex-Headmistress (BS-17), GGHS Kot Baba Tangi, District Charsadda now Headmistress, GGHS Charsadda Khass, for the charges leveled against her.

3. AND WHEREAS the Inquiry Committee after having examined the charges, evidence on record and explanation of the accused, has submitted the report.

4. AND WHEREAS the Competent Authority (Chief Secretary) after having considered the charges and evidence on record, inquiry report, explanation of the accused in response to the show cause notice and personal hearing granted to her by Additional Secretary, Law Department on behalf of the Competent Authority on 12.10.2022 is of the view that charges against the accused have been proved.


5. NOW, THEREFORE, in exercise of the powers conferred under section 14 (5) of the ibid Rules, the Competent Authority (Chief Secretary), is pleased to impose minor penalty of "Censure" upon Mst. Kalsoom Salma, Ex-Headmistress (BS-17), GGHS Kot Baba Tangi, District Charsadda now Headmistress, GGHS Charsadda Khass with immediate effect.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
 E&SE DEPARTMENT

**Endst: of even No. & Date:**

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Charsadda.
4. District Account Officer Charsadda.
5. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
7. Section Officer (Schools/ Female), E&SE Department.
8. Incharge EMIS E&SE Department.
9. Mst. Kalsoom Salma, Ex-Headmistress (BS-17), GGHS Kot Baba Tangi, District Charsadda now Headmistress, GGHS Charsadda Khass.
10. Office order file.

  
 (Bilal Khan) 25/10/2022  
 Section Officer (Inquiries)

To

The Honourable Chief Minister,  
Khyber Pakhtunkhwa, Peshawar.

"H"

-17-

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION DATED 25.10.2022 WHEREBY THE PENALTY OF CENSURE HAS BEEN IMPOSED UPON THE APPELLANT.

Respected Sir,

1. That the appellant is working in the education department and is a competent officer and performing her duty with great devotion and honesty, whatsoever assigned to her and no complaint has been filed against her by the superiors regarding her performance.
2. That the appellant while serving as Head Mistress GGHS Kot Baba Tangi, Distt: Charsadda, the laboratory attendant Mst; Farkhanda Naz was selling unhygienic food items to the students in the crucial days of Co-Vid -19. When the DEO (F) Charsadda directed to close canteen vide order dated: 20.01.2021. through official whats App group. The appellant directed all the class-iv servants not to run the canteen. She took a written statement from them that they would refrain from selling the unhygienic food items to the students in the school, but in spite of all the directions, the said Farkhanda Naz violated the instructions and continuously engaged in running canteen and selling the unhygienic food items to the students in the school. The appellant caught her red handed at the school gate in the morning time bringing the sub- standard food items to the school in a Raksha and for evidence the appellant took her pictures on dated :08.02,2021 and sent these pictures to the DEO(F) Charsadda through official WhatsApp. Group. But no action has been taken on her report by the authority and in retaliation Farkhanda Naz made a baseless complaint to the Director E&SE KP. Peshawar vide dated:18.02.2021 Endorsing its copy to DC Charsadda for involving and blaming her and her husband for the sake of revenge by accusing the appellant husband of sexual violence and dar andaazy.
3. That on the complaint of Mst; Farkhanda Naz Lab. attendant one sided inquiry was conducted by ADC (R & HR) Distt; Charsadda against the appellant by assuming the absence of appellant's husband in Distt; Mohmand about 200 Km away from the said school. While he was performing his duty honestly at his own station at GHS Azim kor in Distt; Mohmand. (His attendance and Education Monitoring Authority Report are attached) Without verifying his attendance by any authority of Distt;

Mohmand, the ADC (R&HR) Charsadda conditioned his assumed absence with interference in GGHS Kot Baba Tangi, Distt; Charsadda. His inquiry report is biased and malicious and far from reality based on assumptions without issuing the inquiry report to the appellant.

4. On the basis of the inquiry report of the ADC (R&HR) the appellant had been condemned unheard and got transferred three times 1<sup>st</sup> time to GGHS Wanda Shah lali D.I. Khan about 400 km away from the appellant home station and then posting on the wrong post of SS Urdu.
5. Then the authority conducted a formal inquiry and charge sheet along with the statement of allegations were issued to the appellant.

The appellant submitted a detailed reply to the charge sheet in which she denied the allegations and gave documentary proofs against the charges to the inquiry committee.

6. That inquiry was conducted against the appellant in which the enquiry committee gave the recommendations that the charge of harassment of female teachers including Mst: Farkhanda Naz lab: attendant **has not been proved** against the appellant and her husband.
7. The inquiry committee recommended the penalty of **censure** upon the appellant with regard to the 2<sup>nd</sup> charge i.e. procurement leveled against the appellant but completely skipped her husband attendance at his duty place in Distt. Mohmand which was the part of the charge and again the perpetuation was given to ADC inquiry as the ADC Charsadda has assumed the absence of her husband and the inquiry committee completely skipped his attendance at his duty place.
8. Then the show cause notice was issued to the appellant which was replied by the appellant in which she again denied the allegations and gave the real facts and documental proofs about the issue. And requested for taking into account the facts and documental proofs.
9. But despite the appellant reply and documental proofs, the authorized officer did not take them into account and the minor penalty of **censure** was imposed upon the appellant vide notification dated 25.10.2022.
10. That the appellant being aggrieved from the notification dated 25.10.2022 wants to file departmental appeal on the following grounds.

. Grounds:

- A. That the impugned order notification dated 25.10.2022 is against the law, facts, norms of justice and material on the record, therefore not tenable and liable to be set aside.
- B. That the baseless and false complaint of Farkhanda Naz is of sexual violence while ADC inquiry report is of interference in the affairs of teachers while the teachers had not made any complaint and then the charge sheet is of harassment of teachers and then the report by the

inquiry committee is of the help of the appellant husband in procurement and petty repair of the school which shows a clear picture of variations, deviations and contradictions the only thing that is common in both inquiries the appellants husband attendance was not taken into cognizance.

- C. That the complaint of Farkhanda Naz is baseless and for the sake of revenge on the appellant as the appellant had complained to the DEO of Charsadda for running canteen by taking her pictures at the school gate for evidence on the whats app message of DEO of Charsadda for the closure of canteen in school otherwise the Headmistress would be dealt under E&D rules. That the whole action was taken on the basis of a baseless complaint by Farkhanda Naz in retaliation for the sake of revenge.
- D. That the complaint of Farkhanda Naz is biased and malicious because she did not give the location, time and date of the incident.
- E. The ADC (R&HR) conducted a one sided inquiry against the appellant on the basis of the vague complaint of Farkhanda Naz which is full of inconsistencies and which gives a clear picture of its falseness.
- F. The ADC(R&HR) sent a biased and malicious inquiry report to the authorities against the appellant without informing and issuing its copy to the appellant and assumed the absence of the appellant's husband without verifying his attendance at his duty place from any authority of Distt. Mohmand and conditioned his absence with his attendance at the appellant school at GGHS Kot Baba Tangi and interference in the affairs of teachers.
- G. That the complainant Farkhanda Naz is a fickle minded and unreliable person and on 07.06.2021, again violated and was found with a chingche driver inside the premises of the school and upon the arrival of the appellant the day time Chowkidar Mr. Ibrahim reported her and at this stage she herself admitted that she complained to DC Charsadda for blackmailing. Her finger print and the finger print along with signature of the day time Chowkidar Mr. Ibrahim is on their statement.
- H. That the appellant had been condemned unheard and got transferred three times as a result of the inquiry report by the ADC (R&HR) Distt; Charsadda.
- I. That the Acting Chief Secretary issued charge sheet along with the statement of allegations to the appellant after the transfers.
- J. That the inquiry committee without observing the reply of the appellant to the charge sheet and without taking into account the attendance of the appellant's husband at GHS Azim Kor, about 200 km away from GGHS Kot Baba Tangi and the Education Monitoring Authority Report signed by DEO (M) Mohmand and the attendance in the register in which no absentia of the appellant's husband can be detected and without taking into account

the fickle character of Farkhanda Naz, the inquiry committee recommended the penalty of **censure** for the appellant, on showing the help of the appellants husband in the procurement and petty repair of the school, which is against the norms of justice and fair play.

- K. That the appellant replied to the show cause notice and the opportunity of personal hearing was granted but the authorized officer granted her personal hearing for sake of hearing only and without taking into consideration the reply of the appellant to the show cause notice and material on the record and the documental proofs that the appellant had submitted.
- i. That the appellant submitted the attendance of her husband at his place of duty GHS Azim Kor about 200km away from GGHS Kot Baba Tangi and the Education Monitoring Authority Report signed by DEO (M) Mohmand in which no absentia of the appellant husband can be detected.
  - ii. That the appellant husband has been suffering from diabetes since long. His OPD Chits were provided. Due to his deteriorating health and being senior aged person he is unable to handle the procurement/ petty repair at the appellant school i.e. GGHS Kot Baba Tangi, Distt; Charsadda.
  - iii. Four CCTV Cameras are installed at the school gate and boundary wall of the school but no such image or CCTV footage was produced before the inquiry committee in which the appellant husband can be seen in front of the school gate or around the school or inside the school.
  - iv. That during the appellant short period of service at GGHS Kot Baba Tangi, no procurement was made as major work i.e. construction of class rooms, any other room, computer room, boundary wall, group latrine, solarization, electricity work, or any major repair work were not made.
  - v. That the appellant provided the pictures of the class iv servants who are involved in the work in the school.
  - vi. The appellant provided the photo copies of the order book in which the class iv servants were directed for petty repair or minor work of the school.
  - vii. That the appellant provided the receipts signed by PTC chairperson that all the minor expenditure for the petty repair was carried out




in a systematic way under the supervision of the appellant and in collaboration with the school parent teacher council i.e. chairperson and its members

- viii. That the appellant provided that the minor repair work was carried out at the requisition of teachers and with the consensus of Parent Teacher Council, teaching and non-teaching staff.
  - ix. That the inquiry committee took the statement of night time Chowkidar Mr. Tajammul Hussain who is the near relative of Mst. Farkhanda Naz lab. attendant and support each other in every thick and thin while the day time Chowkidar Mr. Ibrahim was not called at all and his statement was not recorded by the inquiry committee.
  - x. That the appellant period of service is very short in GGHS Kot Baba Tangi w.e.f 14.04.2020 to 03 .08.2021 and the procurement and petty repair are equal to none and are only need based.
- L. That the appellant and her husband have been the victim of false allegations of sexual violence and harassment by Farkhanda Naz as the enquiry committee in its findings at para no 7 has stated that the charge of harassment of female teachers including Farkhanda Naz **has not been proved.**
- M. There was no complaint against the appellant and her husband by any teaching or non-teaching staff.
- N. That the inquiry committee in its findings at para no 3 states that Farkhanda Naz was running the canteen and was in fact selling substandard food items to students and it is her chingche driver who is going inside the school.
- O. That the inquiry committee in its findings at para no 5 states that the appellant informed the DEO f Charsadda of running of canteen by Farkhanda Naz but the DEO f Charsadda showed negligence..
- P. The Director E&SE KP Peshawar has already issued a notification vide Endst.No 2664-65 dated 3.3.2017 regarding the closure of canteen. (copy is attached)
- Q. That despite the findings of the inquiry committee against Farkhanda Naz lab. Attendant, no penalty is recommended to be imposed upon her.

The complainant Farkhanda Naz knew and has admitted that her complaint is false and for the sake of revenge. Therefore, she took

- premature retirement in March 2022 and secured her pension and hence she got escaped from any action by the Department at any stage.
- R. That the appellant has not been treated in accordance with the law and rules and has been punished for no fault and offence as the appellant took the action against the complainant on the direction of high ups for the closure of canteen in the best interest of students in those crucial days of covid 19.
- S. That the appellant has suffered a lot of mental torture and agony at the hands of the Department for a long period of time i.e. more than a year and thereby losing the honor and prestige of her career on the basis of action against the appellant by the Department on the baseless complaint by Farkhanda Naz which she herself had admitted.

It is, therefore, most humbly requested that on accepting the departmental appeal of the appellant the notification dated 25.10.2022 of penalty of censure may kindly be set aside on the basis of the above facts along with documental proofs.

  
Yours Obediently,  
Kalsoom Salma  
Ex- Head Mistress GGHS Kot Baba  
Tangi, Distt: Charsadda.  
Present GGHS Charsadda Khass.

Dated: 02-11-2022

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REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No. SO(Inq)E&SED/1-1/2022/Mst. Kalsoom Salma/HM/Charsadda  
Dated Peshawar the December 27, 2022

To

Mst. Kalsoom Salma,  
Ex-Headmistress, GGHS Kot Baba Dag Tangi, Charsadda,  
Now Headmistress, GGHS Charsadda Khass, Charsadda.

→ EOM -  
29.12.22.

Subject:

DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION DATED  
25-10-2022 WHEREBY THE PENALTY OF CENSURE HAS BEEN  
IMPOSED UPON THE APPELLANT.

I am directed to refer to the subject noted above and to state that the Chief Minister Khyber Pakhtunkhwa/ Competent Authority has considered your review petition and rejected having no valid grounds.

(BILAL KHAN)

SECTION OFFICER (INQUIRIES)

Endst: Even No. & Date:

Copy of the above is forwarded to the:

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Female), Charsadda.
3. PS to Secretary, E&SE Department.

SECTION OFFICER (INQUIRIES)

-24-

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

APPEAL NO: \_\_\_\_\_ OF 2023

Kalsoom Soomra

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt

(RESPONDENT)  
(DEFENDANT)

I/We Appellants

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** 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. \_\_\_\_\_ / \_\_\_\_\_ / 2022

  
**CLIENT**

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**  
(BC-10-0853)  
(15401-0705985-5)

  
**UMAR FAROOQ MOHMAND**

  
**WALEED ADNAN**

**&**   
**MUHAMMAD AYUB**  
**ADVOCATES**

**OFFICE:**

Flat No. (TF) 291\*-292 3<sup>rd</sup> Floor,  
Deans Trade Centre, Peshawar Cantt.  
(0311-9314232)