


22nd Dec. 2022 Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. The appeal pertains to the year 2018 and last opportunity is granted to learned counsel for the appellant for arguments on the next date, failing which the case will be decided on the basis of available record. To come up for arguments on 03.03.2023 before the D.B.

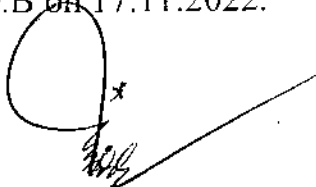

(FAREEHA PAUL)
Member(E)


(ROZINA REHMAN)
Member (J)

28.10.2022

Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as her counsel through registered post and to come up for arguments before the D.B on 17.11.2022.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

17th Nov. 2022

Clerk of counsel for the appellant present.

Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present:

Lawyers are on general strike. To come up for arguments on 22.12.2022 before the D.B.



(Farceha Paul)
Member(E)



(Rozina Rehman)
Member(J)

Nov 17 2022
14/11/22
SCANNED
KPST
Peshawar

SCANNED
KPST
Peshawar

09.06.2022

Clerk of learned counsel for the appellant present. Mr. Munawar Khan, ADEO (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the grounds that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up arguments on 30.08.2022 before the D.B.

(Fareeha Paul)
Member (E)

(Salah-ud-Din)
Member (J)

*Due to 15th of the month...
Chairman the case is adjourned to...
Case up for the...
21-3-2022*

*Due to retirement of the...
The case is adjourned to come up for the...
Hear on 30-8-22*

30.08.2022

Bench is incomplete, therefore, case is adjourned to 28.10.2022 for the same as before.

Reader

25-11-2021

Proper DB is not available
Therefore, the case is adjourned
to 1-3-22

E

of Justice
Reader

1-3-22

Due to Retirement of the Honorable
Chairman the case is adjourned to
come up for the same as before on
21-3-2022

of Justice
Reader

21-3-22

Due to Retirement of the Honorable Chairman
the case is adjourned to come up for the
same as before on 9-6-22

of Justice
Reader

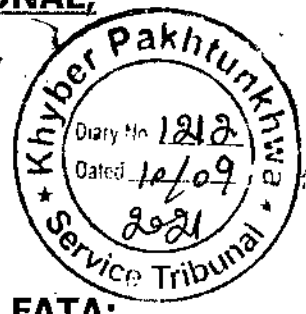
15.11.2021

DB1

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

*Put up to the worthy chair - as
will relevant app. l.*

C.M. NO. _____/2021



**IN
APPEAL No. 971/2018**

ABIDA WAQAR

VS

EDUCATION DEPTT FATA:

**APPLICATION FOR REQUISITIONING THE
ABOVE MENTIONED APPEAL FOR EARLY
HEARING**

R/Sheweth:

- 1- That the above mentioned appeal is pending adjudication before this Honorable Tribunal which is fixed for hearing on 30.12.2021.
- 2- That the appellant filed the above mentioned appeal against the removal from service which is still pending before this Hon'ble Tribunal has not been decided due to Covid and is pending since 2018.
- 3- That valuable rights of the applicant in the above mentioned service appeal, hence the same is liable to be heard on an earlier date.
- 4- That the interest of justice demands that such like matter be heard as early as possible to meet the ends of justice and also to meet the principles of access to justice.

It is therefore, most humbly prayed that on acceptance of this application the above titled appeal may kindly be fixed for an early convenient date.

*As the appeal was adjourned
due to note Reader, it be
fixed in November, 2021
with notice to parties.*

APPLICANT

Through:

**NOOR MOHAMMAD KHATTAK
ADVOCATE**

i.e. 25-11-21

17/9/2021

22.06.2021

Mr. Said Khan, Advocate present and submitted Vakalatnama of Mr. Noor Muhammad Khattak, Advocate in favor of the appellant, which is placed on file. Mr. Kabirullah Khattak, learned Additional Advocate General for the respondents present.

Former made a request for adjournment on the ground that senior counsel for the appellant is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned to 10.08.2021 for arguments before D.B.


Chairman



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

10.08.2021

Since, 1st Moharram has been declared as public holiday, therefore, case is adjourned to 30/12/2021 for the same as before.


Reader

Noted
Board for Appellant
(Amirul)
23/9/21

Sir,

1. PUC is a list of cases heard & announced by the then Chairman Justice (Rtd) Hamid Farooq Durrani (Late) but judgment could not be written due to his illness & demise later on.

2/N. Submitted for perusal and orders, please.

Registrar 9/6/2021

3. Worthy Chairman

The cases enumerated in the PUC be fixed before a Special D.B comprising the undersigned and the worthy Member who sat in the Bench with the then Worthy Chairman at the time of hearing, for further dealing with the matter in accordance with law, after notices to the parties. 22-06-2021

Chairman

4. Registrar

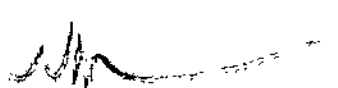
Noted
22/6/21

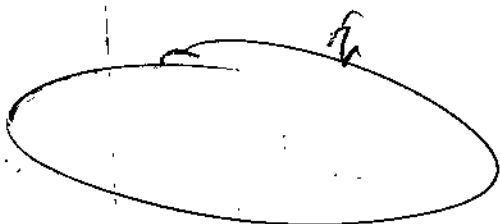
10


02.10.2020

Syed Noman Ali Bukhari, Advocate, for appellant present Mr. Muhammad Jan learned Deputy District Attorney for respondents is also present.

Former requests for adjournment to further prepare the brief. Adjourned to 09.11.2020 on which to come up for arguments before D.B.


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

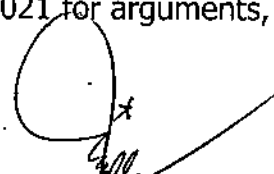

(Muhammad Jamal Khan)
Member (J)

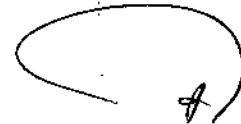

11.11.2020

Nemo for appellant.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Munawar Khan ADEO for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 20.01.2021 for arguments, before D.B.



(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

20.01.2021

Nemo for the appellant. Mr. Asif Masood, DDA for the respondents present.

To come up for hearing on 22.04.2021 before the D.B alongwith Service Appeal No. 970/2018.

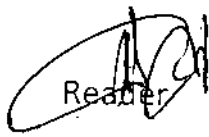

(Mian Muhammad)
Member(E)


Chairman

Ag. Noida
2-3-21

08-5.2020

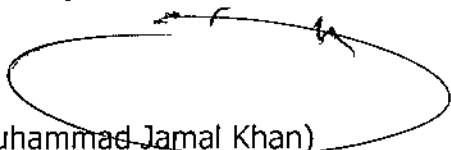
Due to COVID19, the case is adjourned to 28/7/2020 for the same as before.


Reader

28.07.2020

Counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

Former requests for adjournment as he could not prepare the brief. Adjourned to 18.09.2020 for hearing before the D.B.


(Muhammad Jamal Khan)
Member


Chairman

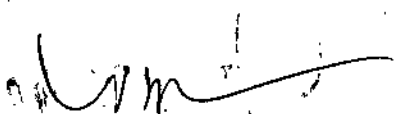
18.09.2020


Junior counsel for appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former requests for adjournment as senior counsel is not available. Adjourned. To come up for arguments on 02.10.2020 before D.B.





(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

29.11.2019


Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 21.01.2020 before D.B.


Member


Member

21.01.2020

Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Adjourned to 09.03.2020 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

09.03.2020


Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.05.2020 before D.B.


Member


Member

20.06.2019


Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department present therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date. Adjourned but as a last chance. Case to come up for written reply/comments on 01.08.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member

01.08.2019


Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Waheedullah, ADO for respondents present. Written reply submitted which is placed on file.


Adjourned to 24.09.2019 for arguments before D.B.


(Ahmad Hassan)
Member

24.09.2019


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on record. Learned counsel for the appellant also requested for adjournment for arguments. Adjourned to 29.11.2019 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

25.03.2019

No one present on behalf of appellant. Mr. Daud Jan Superintendent representative of the respondent department present. Written reply not submitted. Representative of the respondent department seeks time to furnish written reply/comments. Adjourn. To come up for written reply/comments on 24.4.2019 before S.B



Member

24.04.2019

Counsel for the appellant present. Adll: AG alongwith Mr. Daud Jan, Supdt for respondents present. Written reply not submitted. Requested for adjournment. Adjourned but as a last chance. Case to come up for written reply on 13.06.2019 before S.B.


(Ahmad Hassan)
Member

13.06.2019

 Counsel for the appellant and Adll. AG for the respondents present.

Learned AAG states that he would personally contact the respondents for submission of requisite reply for which some more time be allowed.

Adjourned to 20.06.2019 on which date the requisite reply shall positively be submitted else the matter would be proceeded on the basis of available record.


Chairman




10.1.2019


Counsel for the appellant and Addl. AG for the respondents present.


Learned counsel for the appellant states that after merger of FATA the nomenclature of designation of respondents has been changed and in view of that amended memorandum of appeal will have to be submitted. Allowed. The appellant may do the needful within a fortnight. Adjourned to 29.01.2019 before S.B.

Amount Deposited
Sum Process Fee


Chairman

29.01.2019

 Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for time to amend the memorandum of appeal. Granted. Learned counsel for the appellant is directed to do the needful within a fortnight. Adjourned to 12.02.2019 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

12.02.2019

Learned counsel for the appellant and submitted amended appeal. Notice of the amended appeal be given to the respondents for 25.03.2019. Adjourn. To come up for reply on amended appeal on the date fixed before S.B.


Member

11.10.2018

Mr. Asad Mahmood, Advocate assisted by Mr. Taimur Ali Shah, Advocate present alongwith appellant and heard in limine.


Contends that major punishment of removal from service has been imposed upon the appellant but without holding proper enquiry.

Points raised need consideration. The appeal is admitted to regular hearing. 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 on 27.11.2018 before S.B.


Chairman

27.11.2018



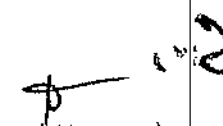
Learned counsel for the appellant present and requested for extension of time to deposit security and process fee. Request accepted with direction to deposit security and process fee within 7 days, thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 10.01.2019 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 971/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/08/2018	<p>The appeal of Mst. Abida Waqar resubmitted today by Syed Noman Ali Bukhari 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-	30.08.2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on _____.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant present and made a request for adjournment. Adjourned. To come up for preliminary hearing on 11.10.2018 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p>

The appeal of Mst. Abida Waqar Ex-PTC D/o Hafizullah GGPS Misal Khan Shalman Landikotal Khyber Agency received today i.e. on 02.07.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Memorandum of appeal may be got signed by the appellant.
- 4- Copy of impugned order dated 16.11.2017 mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 5- Copy of rejection order of departmental appeal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 6- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 7- Nine more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1329 /S.T,

Dt. 03/07 /2018

[Signature]
REGISTRAR 3/7/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

Sir,

objection removed & file re-submitted.

[Signature]

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 971 /2018

Abida Waqar

V/S

Education Deptt: FATA

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	1-3
2.	Copy of service Book	A	4-08
3.	Copy of impugned order	B	09
4.	Copy of departmental appeal	C	10-11
5.	Copy of rejection order	D	12-17
6.	Vakalat nama	-----	18

Abida
APPELLANT
ABIDA WAQAR

THROUGH:

M. Asif Yousafzad
(M. ASIF YOUSAFZAD)
ASC

Syed Noman Ali Bulhari
(SYED NOMAN ALI BULHARI)
ADVOCATE, HIGH COURT.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1106

Dated 02/7/2018

Mrs. Abida Waqar Ex-PTC D/o Haliz Ullah
GGPS Misal Khan Shalman Landikotal Khyber Agency.

(Appellant)

VERSUS

1. The Additional Director Establishment, FATA Education Deptt. Peshawar
2. The Deputy Director (Estab), FATA Directorate, FATA Education Deptt. Peshawar
3. The Deputy Director Colleges, FATA Directorate, KP Peshawar.
4. The Assistant Director Litigation, FATA Directorate, FATA Education Deptt. Peshawar
5. The Secretary Education FATA Secretariat Peshawar.
6. The Director Education (FATA)secretariat, Warsak Road, Peshawar.
7. The Agency Education Officer Khyber Agency at Jamrud.

(Respondents)

Filed to-day

Registrar

2/7/18.

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 16.11.2017 WHEREBY THE APPELLANT HAS BEEN REMOVED FROM THE SERVICE AND AGAINST THE ORDER DATED 30.05.2018, RECEIVED ON 06.06.2018 THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 16.11.2017 and 30.05.2018 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND

APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

1. That the appellant joined the Education department as TT in year 2006 and 10 year service on his credit. **The copy of service book is attached as Annexure-A.**
2. That without observing codal formalities, including charge sheet show cause, not served upon the appellant. Further it is added that no proper inquiry was conducted if any then the appellant not associated with the inquiry neither any of the statement was recorded nor record examine in presence of the appellant, which is against the law and rules and not provided any inquiry report to the appellant which is also against the law
3. That thereafter, without show cause and personal hearing the appellant was removed from the service vide order dated 16.11.2017 and against the order dated 16.11.2017, the appellant filed departmental appeal, but the same was also rejected on 30.05.2018 and received by the appellant on 6.06.2018 for no good grounds. **(Copies of impugned order, departmental appeal and rejection order are attached as Annexure-B, C & D).**
4. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUNDS:

- A) That the orders dated 16.11.2017 and 30.05.2018 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has not been treated according to law and rules.
- C) That no proper regular inquiry was conducted if any then the appellant not associated with the inquiry, neither the statement recorded in presence of appellant nor was the chance of cross examination provided to the appellant and also not provided the inquiry report to

the appellant and without final show cause notice the impugned order was passed which is against the law and rules and norms of justice.

- D) That the opportunity of personal hearing and personal defense was not provided to the appellant.
- E) That the appellant has 10 years service on his credit, so the penalty of removal from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
- F) That before passing impugned order no absence notice was issued to the appellant and no advertisement made in newspaper which is against the law and rules.
- G) That the appellant has not been treated according to law and rules.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

Abida

APPELLANT
ABIDA WAQAR

THROUGH:

M. Asif Yousafzai
(M. ASIF YOUSAFZAI)
ASC

Syed Noman Ali Bulhari
(SYED NOMAN ALI BULHARI)
ADVOCATE, HIGH COURT.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. _____/2018

Abida Waqar

V/S

Education Deptt: FATA

.....
**APPLICATION FOR CONDONATION
OF DELAY IF ANY IN THE INSTANT APPEAL**


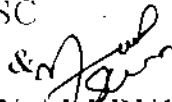
RESPECTFULLY SHEWETH:

1. That the instant appeal is pending before this Honourable Tribunal in which no date has been fixed.
2. That the appellant was removed from the service vide order dated 16.11.2017 and rejected the appeal of the appellant vide order dated 30.05.2018 received by the appellant on 6-6-2018.
3. That according to the superior court judgment the date of limitation was run from the date of communication. Otherwise according to the original date of the rejection order the 30.05.2018 and last date for the submission of the service appeal is 30.06.2018 which is day of Public Holiday, so the instant appeal cant file on the 30.06.2018, so kindly the day of holiday may be excluded.
4. That the august Supreme Court of Pakistan has held that decision on merit should be encouraged rather than knocking-out the litigants on technicalities including limitation. Therefore, appeal needs to be decided on merit (2003, PLD (SC) 724.
5. That the appeal of the appellant on merit is good enough to be decided on merits.

It is therefore most humbly prayed that the instant appeal may be decided on merit by condoning the delay if any to meet the ends of justice.


APPELLANT
ABIDA WAQAR

THROUGH:


(M. ASIF YOUSAFZAI)
ASC
& 
(SYED NOMAN ALI BULHARI)
ADVOCATE, HIGH COURT.

A

4

(For use in Police Department only)

Heirs:

- 1. (1) Passed W.C. Examination B.S.B
- 2. Under Rule 2445 Session 1980
- 3. Marks 49 out 85

Atul Mitt

Verification Roll No. dated received back

(PW)

(2) Passed FA Examination B.S.B

Under Rule 66090 Session 2004 A, Left Thumb Impression
Marks 5.37 out 100

Atul Mitt

Qualification	Date	Qualification	Date
(3) Passed P.T.C Examination from English		First Arts	
P.T.O. - Islam Abad Session 2003 Result Declared date 25-06-2005			
Pushto	Atul Mitt	B.L. Or B.A.	
Urdu	(PW)	Pledarship examination	
Plan drawing		Training School Final examination	
Finger Print		Other qualifications	
Drill Instructing			
Court Duties			
Reserve Duties			

N.B. - Line to be drawn under the qualification possessed.

ATTESTED

(5)

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: Miss Abida

2. Race: Muslim

3. Residence: Dilazak Road Street No 10 Malik Road Colony Deshwar

4. Father's name and residence: Mr Hafeez Ullah

5. Date of birth by Christian era as nearly as can be ascertained: 04-04-1981 Four April N/H eight one

6. Exact height by measurement: 5' 00"

7. Personal marks for identification: NIL

8. Left hand thumb and finger impression of (Non-Gazetted) officer:

Little Finger Ring Finger

Middle Finger Fore Finger

Thumb

9. Signature of Government Servant: [Signature]

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

ATTESTED

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 of Government Servant.
PTC Post GLPS Misal Khan			Rs 12470/-			12/15	
		BPS 09 (2560-670-28160)					At
			Rs 15350/-			7/16	
		Promotion	Rs 8500/-			17/12	At
		Promotion	Rs 9000/-			21/12	
			Rs 9500/-			12/2013	At
			Rs 10100/-			12/14	At
			Rs 12955/-			7/15	
			Rs 13600/-			12/15	At
			Rs 16740/-			7/16	At
PTC post GLPS Misal Khan			Rs 17540/-			12/2016	

Agency Education Officer
Khyber Agency, Jinnah

Minutes of the Meeting Regarding Disposal of Departmental Appeal / Representation

Meeting of Committee was held on 22/12/2017 at 11:00 AM in the office of the Chairman in order to examine/scrutinized the appeals submitted by appellants against the dismissal/removal order passed by Agency Education Officers on various grounds mentioned in the impugned orders, the following attended the meeting.

- Additional Director (Estab)..... (Chairman)
- Deputy Director (Estab).....(Member)
- Deputy Director (Colleges).....(Member)
- Assistant Director Litigation (Member)

The appellants were provided opportunity of hearing one by one keeping in view principles of natural justice. The Committee after perusal of the record available and discussion on each issue unanimously agreed to submit the following recommendation for approval of Competent Authority.

1. Gul Afshan Ex-T.T

The appellant was initially appointed on 03/09/2007 at GGPS Zawa School Khyber Agency. The contention of the appellant that she was detailed GGPS Sheikh Wal and according to her own statement she performed her duty there but during the hearing proceeding when she was asked to produced the re-deployment order to the above mentioned school the appellant kept "Mum" and pretended to have been directed by the authorities verbally to perform her duty in GGPS Sheikh wal, the appellant also conceded and admitted that she remained absent from duty and paid monthly rupees to the then Assistant Agency Education Officer Female Miss Shahnaz who were involved in instigating and encouraging the teachers to remain absent from duty and to pay her monthly portion of their salaries. The removal order dated 16/11/2017 have been issued by the Competent Authority after fulfillment of all codial formalities therefore the same may be recommended as intact and the appeal in hand is order as regretted. Moreover the allegation against Mst.Shehnaz the then Female Assistant Agency Education Officer at Khyber Agency has to be probed by the concerned Agency Education Officer through an independent inquiry.

3/1/18

ATTESTED

1. Irum Naz Ex-PST:

The appellant was appointed on 25/08/2006 at GGPS Muhammad Hassan Bara Khyber Agency. She was removed from service on account of willful absence from duty feeling aggrieved the appellant preferred appeal to Director Education FATA and proper opportunity of hearing was provided to the appellant, during the

course of proceeding the appellant admitted before the committee that she remain absent from duty due to law and order situation in the area and later on she was directed verbally by the then Agency Education Officer to perform in Kalanga School upto 2009 and on closing of said school she performed duty in Sarband area. In 2016 school was shifted to Bara again. The committee when thoroughly heard the appellant inquired about her duty since January-2016 to November-2017 but the appellant was in no position to support her stance and stated that whether she was remained absent as inquiry officer directed her not to attend the duty.

Keeping in view all the codial formalities fulfilled by the Agency Education Officer and the Educational status of FATA, children which is highly at stake due to such absentism of teachers who often pretend to take shelter under the pretext of law & order situation and just receiving salaries at the cost of poor children of FATA but did not bother to perform their duties therefore the authorities will have no option but to proceed against all those involved in un-authorized and willful absence from duty, therefore, in view the above observations, legal and factual position of the case, fresh/de novo enquiry may be conducted by Directorate of Education FATA and then may be proceeded according to the recommendation of the enquiry committee.

3. Sana Bibi Ex-T.T:

The appellant was removed from service on account of willful absence from duty vide order dated 16/11/2017. She did not appear before the committee so office representative is directed to inform the concerned appellant for the next date of hearing along with complete record of the case.

3. Mst. Abida Waqar, Ex-PST

The appellant was appointed on 29/06/2006 in GGPS Misal Khan Shalman Landi Kotal Khyber Agency and removed from service on account of willful absence from duty vide order dated 16/11/2007 feeling aggrieved she filed appeal before Director Education FATA and was properly rendered opportunity of hearing to defend her stance before the committee, during hearing she stated that she was initially redeployed verbally to GGPS Wahid Shah School on 03/02/2011. She openly admitted before the committee that she had not regularly performed her duty in GGPS Wahid Shah. After the appellant was thoroughly heard by the committee she was inquired about her duty since January-2016 to November-2017 and the appellant conceded her absence from duty during all this period. Keeping in view the codial formalities fulfilled by the Agency Education Officer and the negligent and indifferent attitude of the appellant towards her national sacred duty the committee recommended her appeal as regretted and also recommended to issue a circulation by the Director of Education FATA to all Agency Education Officers to conduct weekly and monthly visits of schools in their

14. Inad Ali Ex-PST

The Appellant was appointed as PST in Orakzai Agency and his services was disposed of by the Agency Education officer concerned on account of submission of bogus certificate at the time of appointment in order to get illegal advantage over others deserving candidates, during proceeding it was confirmed from litigation section that the Appellant has also submitted Writ petition No.4067-P/2016 which is pending Adjudication before Peshawar high court therefore committee unanimously decided to regret his appeal.

15. Molvi Karnal-Ud-Din Ex-TT:

The Committee was informed that the appellant was appointed as TT in GMS Sando Khel Mohmand Agency in the year 1983 and due to his illness he could not performed his duty and resultantlly his salary was stopped by concerned authorities w.e.f 1990. The Appellant knocked the door of the department after a lapse of long 28 years which is badly time barred and regretted, as the appellant never bother to approached proper forum for leave neither bother to apply for retirement on medical ground, so strong presumption is that he was remained absent from duty willfully, the appeal in hand is recommended to be regretted in capital letters.

Additional Director (Estab)

30/5/18

Deputy Director (Estab)

30/5/18

Deputy Director (Colleges)

30/5/18

Assistant Director Litigation

30/05/18

Received on 6-6-18

ATTENDED

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

P-11

Appeal NO. 971/2018

Abida Waqar..... Appellant

Versus

District Education Officer, Khyber Tribal District.

Preliminary objections:

1. That the appellant has got no cause of action/locos standi to file instant appeal.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That the appellant concealed material facts from this Honorable Tribunal
4. The appellant is estopped by her own conduct to bring the present appeal.
5. That the appellant is bad due to mis-joinder and non-joinder of necessary parties.
6. That the appeal is barred by law.

FACTS:

Respectfully submitted as;

1. Incorrect. The appellant fraudulently got herself appointed via fake/bogus order dated. 29/6/2006, as the school mentioned against her name in the said order does not exist in data base/EMIS of education department district Khyber, also there is no record as far as test, interview, merit list etc. on the basis of which joining or appointment of the appellant in education department Khyber could not be justified. Copies of record of female schools of Khyber district are attached as annexure "A".
2. Incorrect. The appellant is concealing due material facts from the honorable court as initially she was legally proceeded as she was involved in willful absence from duties among other ghost teachers which issue was properly tackled through an independent inquiry and it was proved that the appellant was absent from her duties for years and had received salaries from the Govt. exchequer without performing any duty, first inquiry report attached as annexure "B", there were also complaints regarding bogus/fake orders, which were also properly enquired by the responded department and it was found that the appellant was inducted into the system through fake/bogus order as mentioned above the school against which she had been appointed does not exist in district Khyber. It is pertinent to mention over here that in both cases the appellant was provided fair opportunity of hearing but she was found guilty so it is incorrect to suggest that no proper proceeding was adopted in the case of the appellant. The mere plea of technicality does not hold valid as it could not be absolved the appellant from serious charges of willful absence from duty and involvement in forgery which is certainly a crime and punishable under Pakistan penal code. The appellant cannot seek shelter under the pretext of requirement of show cause/notice etc.

3. The appellant was involved in misconduct of willful absence from duty and forgery which fact has been inquired by the respondent department through independent inquiries and found the appellant guilty which brought forth the removal from services vide order dated. 16/11/2017 against which the appellant filed a departmental appeal at belated stage, however the departmental appellant committee properly called the appellant for personal hearing and found the appellant as guilty of misconduct of willful absence from duties, copy of minutes attached as annexure "C". So it is incorrect to suggest that her appeal was regretted without assigning any reason. The appellant has no grounds or reasons to justify her claim and does not entitle for any relief under the law, as she had received her salaries illegally, and at the cost of poor children of erstwhile FATA. The respondent department took the initiatives of proceedings against ghost/fake appointees and had struck off/removed 101 ghost/fake teachers from the system in order to safeguard the interest of the public in state being their legal obligation.

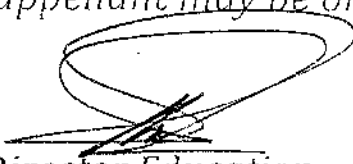
Grounds

- A. Incorrect. The order dated 16/11/2017 and 30/5/2018 have been legally issued as the appellant being defaulter under the law was properly preceded and removed from service. Therefore no legal justification does exist in favor of appellant against such orders.
- B. Incorrect. Proper opportunity of hearing was provided by the inquiry officers as well as by the appellate committee, which fact does exist on the face of the record of inquiry reports and minutes of the appellate committee, the report of the second inquiry is attached as Annexure "D".
- C. Incorrect. Two inquiries have been conducted in case of the appellant which were properly conducted by the inquiry officers with fair opportunity of defense/hearing to the appellant, therefore it is incorrect to suggest that no inquiries were conducted. The appellant was properly charge sheeted and show cause notices were issued therefore all codal formalities have been observed.
- D. Incorrect. As elucidated in para "B" above.
- E. Incorrect. The appellant being involved in willful absence from duties and got herself appointed through illegal means, therefore does not entitle for any relief under the law.
- F. Proper notices were issued in daily news papers, copies attached as annexure "E"
- G. Incorrect. The appellant has been treated as per law and being guilty of misconduct and forgery does not entitle for any relief.
- H. Respondent department also seeks permission to advance other grounds and proofs at the time of hearing

Pray:

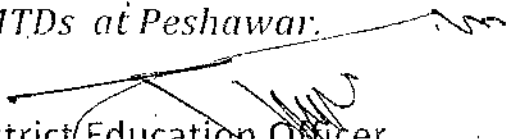
It is prayed that the appeal of the appellants may be ordered as dismissed.

Respondent No. 05


Director Education

NMTDs at Peshawar.

Respondent No. 06



District Education Officer,

Khyber Tribal District at Jamrud ,

AFFIDAVIT

We the above respondents do hereby declare and affirm the above comments are true and correct to the best of our knowledge and nothing has been concealed from this Honorable Tribunal.

Respondent No.05


Director Education

NMTDs at Peshawar.

Respondent No. 06


District Education Officer,

Khyber Tribal District at Jamrud ,

W.R. Q. 95PS Calmest General 32249, P. (W)

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04 M
88
W.R. 01
A

Name of Circle AEO/Contact No	Cluster Id allotted by EMIS cell DE FATA	Name of Cluster Incharge	EMIS ID of Cluster School	Name of Cluster School	EMIS ID of Schools under that cluster	#	Name of Schools under that Cluster	Contact No. of Cluster Incharge
Korsh Naz	03032	Laveser 4 Post	32722	GGPS Hajat Maj. Killi ✓	32719	1	GGPS Rakhi Gul Killi ✓ PTC ✓	✓
					32746	2	GGPS Gulab Noor Killi ✓ PTC ✓	
					32749	3	GGPS Zameer Shah Killi ✓ PTC ✓	
					32848	4	GGPS Pero. Khel Rakhi Ullah Killi PTC ✓	
Korsh Naz	03033	Raj Bhai Post	32721	GGPS Sheikh Maj. Khel ✓ Middle ✓	32796	5	GGPS Abdal Killi ✓ PTC ✓	✓
					32712	1	GGPS Shah Muhammad ✓ PTC ✓	
					32713	2	GGPS Sher Ali Killi Non funded ✓	
					32708	3	GGPS Basit Kando Khel ✓ PTC ✓	
					32747	4	GGPS Ash Khel ✓ PTC ✓	
Korsh Naz	03034	Nahid Akhter SST	32707	GGMS Musa Killi PTC ✓	32735	1	GGPS Khial Gul Killi ✓ (PTC) ✓	✓
					32734	2	GGPS Ghani Killi PTC ✓	
					32749	3	GGPS Masal Khan Killi ✓ PTC ✓	
					32732	4	GGPS Maj. Awal Khan ? PTC ✓	
Korsh Naz	03035	Kalsoom Jannil SS	32877	Middle ✓ GGMS Kam Shelman (Spec. Hajil) PTC ✓	32761	1	GGPS Maj. Anwar Killi ✓ PTC ✓	✓
					32737	2	GGPS Zulfqar Killi ✓ PTC ✓	
					32738	3	GGPS Prang Dare ? PTC ✓	
					32913	4	GGPS Bagh Killi ✓ PTC ✓	
Korsh Naz	03036	Heav. Khatirase (GGMS) Landikotal	32705	Middle ? GGSS Landikotal	32726	1	GGPS Gagre ✓ PTC ✓	✓
					32728	2	GGPS Gulab Killi ✓ PTC ✓	
					32750	3	GGPS Rahmat Khan ✓ PTC ✓	
					32753	4	GGPS Pasood Khel ✓ PTC ✓	
Korsh Naz	03037	Svede Abir Post	32705	Middle ? GGSS Shannwar PTC ✓	32726	1	GGPS MARI KHAI ✓ PTC ✓	✓
					32728	2	GGPS Nikket No. 2 ✓ PTC ✓	
					32729	3	GGPS MARI KHAI ✓ PTC ✓	
					32734	4	GGPS Masal Khan ✓ PTC ✓	

Handwritten signature/initials

③ 95PS MARI KHAI ✓ PTC ✓

Handwritten notes and stamps

P.G

Farah Naz	03039	Shahreen PST	32711	GGPS Sultan Khel No. 1	32713	5	GGPS Gurgura	✓ PTE ✓
Farah Naz	03040	Ayesha PST	32705	GGPS Ayub Khill	32718	1	GGPS Jamil Khill	✓ PTE ✓
Farah Naz	03041	Head Teacher	32743	GGPS Alam Khill	32729	2	GGPS Lawas Khan	✓ PTE ✓
					32716	3	GGPS Sultan Khel No. 1	✓ PTE ✓
					32714	4	GGPS Kuz Wali Khel	✓ PTE ✓
					32725	5	GGPS Bar Wali Khel	✓ PTE ✓
					32710	1	GGPS Jehanzeb Khill	✓ PTE ✓
					32704	2	GGPS Hukam Khan Khill	✓ PTE ✓
					32715	3	GGPS Sheikhwal	✓ PTE ✓
					32730	4	GGPS Sadu Khel	✓ PTE ✓
					32720	5	GGPS Ashraf Khill	✓ PTE ✓
					32751	1	GGPS Muhammad Umar	✓ PTE ✓
					32752	2	GGPS Turkistan Khill	Non f. h. e.
					32740	3	GGPS Allacha Sher Rahman Khill	BZK PTE

Answer - A

GGPS Muhammad Ali PTE ✓
 GGPS Chinal - closed.
 GGPS Dargoi BZK ✓

48 Primary ✓
 04 Middle ✓
 01 HSS ✓

(M)

20

Jamrud

Amber... A

Name of Circle AEO/Contact No	Cluster Id allotted by EMIS cell DE FATA	Name of Cluster Incharge	EMIS ID of Cluster School	Name of Cluster School	#	EMIS ID of Schools under that cluster	Name of Schools under that Cluster	Contact No of Cluster Incharge
Miss Farah Naz AAEO Jamrud	3017	Nafees Kausar Principal	32500	GHSS Jamrud	1	32489	GGPS Khan Wali No 1	3331938600
					2	32857	GGPS Aqal Shah	
					3	32475	GGPS Raza Khan	
					4	32458	GGPS Farooq Jan	
					5	32493	GGPS Khan Wali No 2	
Miss Farah Naz AAEO Jamrud	3018	Safia Khatoon Principal	32496	GGHS Gul Abad	1	32474	GGPS Quwat Shah	3349007696
					2	32457	GGPS Welayat Shah	
					3	32456	GGPS Khan Akbar	
					4	32488	GGPS Habib Shah	
					5	32492	GGPS Ali Jan	
Miss Farah Naz AAEO Jamrud	3019	Nasim Afzal Hashmat Begum Head Mistress	32501	GGHS Spenalo Kas	1	32461	GGPS Juma Gul	3459168313
					2	32490	GGPS Maweez	
					3	32494	GGPS Said Akbar	
					4	32439	GGPS Anwar Shah	
					5	32439	GGPS Yar Bad Shah	
Miss Farah Naz AAEO Jamrud	03025	Zubida Ameer SST	32869	GGMS Ghariza	1	32854	GGPS Raees Khan	336525237
					2	32440	GGPS Hazrat Wali	
					3	32334	GGPS Shoaib Killi	
					4	32477	GGPS Jehangir Abad Killi	
					5	32452	GGPS Do-Ghundi	
Miss Farah Naz AAEO Jamrud	3024	Masqis Khattak Khalid Jarr SST	32437	GGMS Pao Noor	1	32451	GGPS Sardar Killi	333941441
					2	32451	GGPS Safdar Killi	
					3	32482	GGPS Iftakhar Killi	
					4	32443	GGPS Nasir Killi	
					5	32449	GGPS Wazir Dhand No 1	
Miss Farah Naz AAEO Jamrud	3027	Tahira Yasmeen PST	32449	GGPS Wazir Dhand	1	32485	GGPS Ghariza No 1	3339285508
					2	32449		
					3	32485		
					4	32485		

10

Miss Farah Naz AAEO Jamrud	3020	Shabina Afridi SST	32497	GGMS Sarfaraz	5			3149121018
					1	32329	GGPS Abdul Karim	
					2	32462	GGPS Jaffer Shah	
					3	32860	GGPS Ahmad Khan	
					4	32460	GGPS Abdur Rahman	
Miss Farah Naz AAEO Jamrud	3021	Nasreen Begum SST	32483	GGMS Yar Afzal	5			3059467784
					1	32444	GGPS Wali Khan	
					2	32473	GGPS Khusa Khula	
					3	32487	GGPS Khewa Gul	
					4			
Miss Farah Naz AAEO Jamrud	3022	Naveda Afidi SST	32498	GGMS Sur Kamrar No 1	5			3015967689
					1	32467	GGPS Lala Chena Nadar Killi	
					2	32468	GGPS Jalandar Killi	
					3	32471	GGPS Ahmad Shah	
					4			
Miss Farah Naz AAEO Jamrud	3023	Mehnaza Afridi SST	32326	GGMS Saadiqeen	5			3078282971
					1	32812	GGPS Mewa Khan	
					2	32481	GGPS Barak Shah	
					3	32480	GGPS Said Ali Shah	
					4			
Miss Farah Naz AAEO Jamrud	3028	Shahveen Begum PST	32477	GGPS Jehangir Killi	5			3459813305
					1	32464	GGPS Katta Khusha	
					2	32479	GGPS Sawat Khan	
					3	32486	GGPS Hasham Killi	
					4			
Miss Farah Naz AAEO Jamrud	3026	Sumaira SST	32860	GGMS Ahmad Khan	5			3339378940
					1	32472	GGPS Mughal Baz	
					2	32448	GGPS Shakir ULLAH	
					3	32484	GGPS Tora Tara	
					4			

Miss Farah Naz

GGMS Chah Alam

Amber

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Miss Farah Naz AAEO Jamrud	3028	Shaheen PST	32477	GGPS Daud Khan Killi	1	32855	GGPS Hayat Khan	3039862922
			32453		2	32465	GGPS Janas Khan	
					3	32476	GGPS Usman Killi	
					4	32851	GGPS Baso Ghari	
					5	32455	GGPS Sad ULLAH	
Miss Farah Naz AAEO Jamrud	3031	Zahoorah Bangash SST	32499	GGMS Ahmad Jan *	1	32438	GGPS Kabal Khan *	3361975648
					2		GGPS Talam Killi *	
					3			
					4			
					5			

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GGMS Shah Ploer

Amreasure 'A'

02 = Primary
 03 = Middle
 03 = High



AGENCY EDUCATION OFFICE
KHYBER AGENCY AT JAMRUD

NO. _____

DATE- _____

/2017

13 P-9

B

Amexce - P-9

INQUIRY REPORT IN CONNECTION OF 101 MISSING FEMALE TEACHERS

BACK GROUND HISTORY.

Some one hundred & one (101) female teachers working in Khyber Agency were gone "missing". They were receiving their salaries regularly but their where about was unknown. AEO Office Khyber Agency worked day and night and issued a list of one hundred one teachers/staff in this connection. In order to bring these teachers to lime light, their salaries were stopped. Stopped salaries unearthed some of these teachers and they began to contact AEO Office.

AEO Khyber Agency setup a committee to enquire in to the matter. The committee comprises of the following members.

1. Mr:Muhammad Ihsan Shah Principal GHS Muhammad Khan Killi Lkl.
2. Mr:Abdur Rahman Principal GHS Hashim Abad Jamrud.
3. Mst:Safia Khatoon Principal GHS Gul Abad Jamrud.
4. Mst: Noreena Sayed AAEO Female Bara.
5. Mst:Farah Naz AAEO Female Jamrud.

Procedure Followed

First of All the committee framed a pro-forma consisting of 16 points. A list of attachments of 11 items was also given at the end of the pro-forma.

Every missing teacher was called to AEO Office for personal hearing. They were given full freedom to explain their absence. They were also called to fill the pro-forma and attach the necessary and required documents with pro-forma.

Facts Findings:

It's a bitter fact that all the teachers interviewed so far i.e 08 teachers were found guilty of long absence and punishment / penalty is the corollary of their wrong doings. But we do think and sure that there were some people in AEO Office who were in connivance with these culprits. They provided shelter to veil their crimes.

After studying the cases of the missing teachers (08 Nos), the committee came to the conclusion that,

- a. There are certain variations and ambiguities in the 1st appointment orders of all these teachers.
- b. Unluckily, their 1st appointment order copies could not be verified from AEO Office as record of that period is not available and has been intentionally misplaced or stolen.
- c. We, the members of inquiry committee found "long absence" as the common denominator of all the cases dealt so far, yet specific factors are also attached with each case.

Salient features of each case are hereby given in the following lines separately.

1. MST:Abida Waqar PST :- (Personal No.00410281) According to the documents she was appointed on PST Post vide AEO Khyber Endst No.71341-45 dated 29/6/2006 at GGPS Kam Shalman Lkl in BPS-07. According to her statement she is now working at GGPS Misal Khan Lkl.

She has a long history of absence. Her absence period prevails on years. She has no proof to justify her absence. Her incomplete documents are attached with this report for further process.

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- MST: Fahima PST:- (Personal No.00414782) Appointed on PST Post vide AEO Khyber Endst No.6691-96 dated 29/11/2005 at GGPS Aka Khel Zawa Bara. She has also a long history of absence. Her absence period prevails on years. She has no proof to justify her absence. Her incomplete documents are attached with this report for further process.
3. MST: Sana TT:- (Personal No.00414825) Appointed on TT post vide AEO Khyber Endst No.1341-46 dated 03/09/2006 at GGPS Said Rahman Killi Bara. She also remained absent from her duty for years. According to her statement on a stamp paper of Rs=50/- she remained absent for a period of 15(fifteen) months only. Her incomplete documents are attached with this report for further process.
4. MST: Humaira Gul PST:- (Personal No.00412627) Appointed temporarily at GGPS Sultan Khel Bara in BPS 07 vide AEO Khyber Agency Endst No.12638-42 dated 13/09/2006. She remained absent for years from her duty. She has nothing to prove her innocence. Her incomplete documents are attached with this report for further process.
5. MST: Gul Afshan TT:- (Personal No.00511421) Appointed on TT post at GGPS Zawa Vide AEO Khyber Endst No. 74134-38 dated 03/09/2007. Her present school is GGPS Shekhwal Landi Kotal. She was found guilty of year's long absence. There is nothing to clear her account. Her incomplete documents are attached with this report for further process.
6. Mst: Nosheen PST:- (Personal No. 00413771) She was appointed on PST Post at Khuga Jan Killi Bara Khyber Agency vide AEO Khyber Order No.12043-47 dated 13/09/2006. She performed her duty in the mentioned school till 16/01/2009. She was then adjusted at GGPS Raja Khan Killi Bara vide AEO Khyber Endst No.103-107 dated 16/01/2009. She was verbally re-deployed to GGPS Wazir Dhand No.2 due to military operation in Bara. She performed duty regularly w.e.f September 2010 to 31/05/2012 as per statement of head teacher GGPS Wazir Dhand No.2 duly signed and stamped by her. After the mentioned date i.e 31/05/2012 she remained absent from her duty. Her incomplete documents are attached with this report for further process.
7. Mst: Seema PTC:- (Personal No.0422978) She was appointed on PTC post at GGPS Misal Khan LKL in BPS-7 vide AEO Khyber Endst No.11017-21 dated 13/09/2006. She remained absent from her duty for so many years. Her incomplete documents are attached with this report for further process.
08. Mst: Irum Naz PST (Personal No.00410359):- According to documents she has been appointed on PST post vide AEO Khyber Endst No.1341-45 dated 25/8/2006 at GGPS Muhammad Hussain Bara Khyber Agency. She remained absent from her duty for so many years (exact period of absentia unknown). Her incomplete documents are attached with this report for further processing to the next end.

course of proceeding the appellant admitted before the committee that she remain absent from duty due to law and order situation in the area and later on she was directed verbally by the then Agency Education Officer to perform in Kalanga School upto 2009 and on closing of said school she performed duty in Sarband area. In 2016 school was shifted to Bara again. The committee when thoroughly heard the appellant inquired about her duty since January-2016 to November-2017 but the appellant was in no position to support her stance and stated that whether she was remained absent as inquiry officer directed her not to attend the duty.

Keeping in view all the codial formalities fulfilled by the Agency Education Officer and the Educational status of FATA, children which is highly at stake due to such absenteeism of teachers who often pretend to take shelter under the pretext of law & order situation and just receiving salaries at the cost of poor children of FATA but did not bother to perform their duties therefore the authorities will have no option but to proceed against all those involved in un-authorized and willful absence from duty, therefore, in view the above observations, legal and factual position of the case, fresh/de novo enquiry may be conducted by Directorate of Education FATA and then may be proceeded according to the recommendation of the enquiry committee.

3. Sana Bibi Ex-T.T:

The appellant was removed from service on account of willful absence from duty vide order dated 16/11/2017. She did not appear before the committee so office representative is directed to inform the concerned appellant for the next date of hearing along with complete record of the case.

3. Mst. Abida Wagar, Ex-PST

11/03/2018

The appellant was appointed on 29/06/2006 in GGPS Misal Khan Shalman Landi Kotal Khyber Agency and removed from service on account of willful absence from duty vide order dated 16/11/2007 feeling aggrieved she filed appeal before Director Education FATA and was properly rendered opportunity of hearing to defend her stance before the committee, during hearing she stated that she was initially redeployed verbally to GGPS Wahid Shah School on 03/02/2011. She openly admitted before the committee that she had not regularly performed her duty in GGPS Wahid Shah. After the appellant was thoroughly heard by the committee she was inquired about her duty since January-2016 to November-2017 and the appellant conceded her absence from duty during all this period. Keeping in view the codial formalities fulfilled by the Agency Education Officer and the negligent and indifferent attitude of the appellant towards her national sacred duty the committee recommended her appeal as regretted and also recommended to issue a circulation by the Director of Education FATA to all Agency Education Officers to conduct weekly and monthly visits of schools in their

p - (14)

respective agencies and check the absenteeism cases with in a parameters of law/rules.

4. Mst. Fahema Ex-PST:

The appellant was appointed in GGPS Aka Kheil Zawa Misa Bara Khyber Agency, and removed from service on account of willful absence from duty vide order dated 16/11/2017 feeling aggrieved of the impugned order she preferred departmental appeal and was provided opportunity for hearing keeping in view principal of natural justice. The appellant frankly admitted that she remained absent from duty as she monthly paid a portion of his salary to the then female AAEO name Mst. Shehnaz in lieu of her absence from duty for consecutive three years. She also produced attendance register for the month of April, May, September, October and November 2017. In view of her express admission and codal formalities fulfilled by the Agency Education Officer. The committee recommends that in case of verification of the attendance register by the enquiry committee, only three (03) increments will be forfeited and the removal order will set-aside, otherwise, the removal order issued by the AEO concerned will be remained intact. The committee also recommended that the Agency Education Officer concerned to proceed as per rules against the said officials (Mst. Shehnaz) who were alleged to be involved in such corrupt practices and doing harm to the poor and vulnerable section of society which is no more in a position to bear the difficulties of time but the authorities who have their constitutional obligations to bring back the de-railed Educational system of FATA into a line leading towards the betterment of Education in FATA, therefore the concerned AEO is also recommended to take initiative against the said Ex- AAEO Female within parameters of law/rules.

5. Mst. Bibi Janan, Ex-PST:

" 30/5/18

The appellant was appointed in GGPS Khanan Mela Orakzai Agency and was verbally informed the committee to have been compulsory retired from service due to willful absence from duty although according to the appellant she regularly performed her duty upto 2015 but in absence of record the committee therefore directed the office representative to ask the Agency Education Officer concerned to produced the relevant record pertain to the appellant case and the appellant was also directed to produce duty certificate upto 2015 and any other document upon which she relied, her appeal is deferred to a next date for provision of record.

6. Mst. Bibi Hawaii Noor, Ex-PST:

The appellant appeal have already been disposed of by the Committee previously however she was given the opportunity again in which she requested to consider her re-adjustment on community PST post but as she lacks professional qualification of PST from recognized institution therefore her this request cannot be entertained and also there is verdict of Supreme Court of Pakistan were Skill

ATTESTED

which has to be investigated through

Development Councils certificates which is not acceptable for appo-
poses any more therefore the appeal in hand is recommended
regretted.

7. Mst. Wajiha Gul, Ex-PST:

The appellant was appointed as communal school teacher at GCPS Abdu
Killi and later on regularized on 30/05/2017 and adjusted at Sida Jan Bara
Agency, during the course of hearing the appellant frankly admitted the
absence from the duty and admitted that the school was far away, the
she could not attend the duty, appeal in hand recommended to be regretted.

8. Mirad Ali Sher, Chowkidar:

The appellant was appointed on the post of Chowkidar at GPS Alan
Mahrmand Agency, he was removed from service vide order dated 29/01
feeling aggrieved prefer departmental appeal he was given opportunity of h
according to the principal of natural justice in order to support his stance
appellant was found absent from his duty, and proper inquiry was conduct
the AEO concerned, the inquiry committee also submitted its repo
01/01/2016 finding the appellant as defaulter subsequently notices were s
upon the appellant by the concerned Agency Education, Officer but the app
failed to appear before the concerned Authority to explain for his willful abs
therefore he was proceeded as per rules. The committee unanimously agre
recommend the case of the appellant as regretted.

9. Gul Bahadar Ex-PST:

11/01/2008 33/1

The appellant was appointed as PST teacher in Kurram Agency in
subsequently applied for extra ordinary leave without pay w.e.f 01/11/20
31/08/2008. The committee without going into details that whether his leave
properly sanctioned at that time or not inquired from the appellant that wh
he had resume his duty or not when his leave was expired, the appellant adm
that he did not performed his duty as he settled now in Islamabad. The indiff
attitude of the appellant did not entitle him for any relief under the law as
lapse of 10 long years he had preferred an appeal which is a time barred issu
during all these years he remained absent from duty and presumed to have
removed from services with retrospective effect. The question that whethe
has been served any notice or not have been meet out over here before
committee as the committee provided him opportunity of hearing and
appellant was in no position to support his stance, therefore the commi
recommend to declare him as removed from service and his appea
recommended to be regretted.

10. Muhammad Arif Ex-A:T:

The appellant concerned during course of hearing admitted before the commit
that he remains abroad since 2007 to 2010 without prior approval fr
sanctioning authority. The serious question which has to be investigated thro

Impartial inquiry that the salaries received by the appellant has been recovered or not should also be settled by the concerned Agency Education Officer as being custodian of National Exchequer. The department is under constitutional obligation to have a strict check over such cases and made every Endeavour to recover a single penny from those who have illegally withdrawn from the national exchequer. The appellant was provided an opportunity of hearing also a statement of allegations was shown to him therefore no question arise as to cordial formalities and the appellant is presumed to have been removed from services on account of willful absence from duty and the appeal in hand is recommended to be regretted.

11. Abdu Rauf Ex-PST:

The Appellant was working as PST teacher in Khyber Agency and removed from services on account of receiving dual financial benefits from national Exchequer as he was charged sheeted on the ground previously got financial benefits as Chowkidar at GGPS Gul Abad Jamrud and PST teacher at GMS Chappiri Jamrud. Consequently inquiry committee was nominated and appellant was found defaulter.

The Agency education officer after fulfillment of necessary cordial formalities proceeded for removal from services vide order dated 24.8.2017 feeling Aggrieved Appellant preferred departmental Appeal and was provided Opportunity of hearing.

The Appellant whose name is Abdur Rauf S/O Abdul Qadoos merely denied the Allegations leveled against him but when he was confronted to produce any evidence in support of his stance but he was found answerless.

The committee found that the person who got himself retired as chowkidar from Education Department Jamrud Khyber Agency was name as Abdul Rauf s/o Abdul qadoos and the one who was working as PST was also abdul rauf s/o abdul qadoos and the Appellant did not denied the similarities of names and parentage, more over proper inquiry had also been conducted and input of Agency Account office has also endorsed the one got financial benefits as Chowkidar and the one working as PST teacher having a double role on the part of the appellant, and cannot be entitled for any relief under the law, this being the position lead the committee to conclusion that the Appeal is liable to be dismissed and recommended to be regretted.

13. Mr Zahir Hassan EX.DIV

The Appellant was ordered as compulsory retired from services on account of his being abroad without prior approval of competent authority. The brother of the appellant appeared before the committee and informs the committee that the appellant is still abroad this being the position the appeal in hand is regretted.

APPROVED

11
30/5/18

14. Muhammad Ali Ex.PST

The Appellant was appointed as PST in Orakzai Agency and his services was disposed of by the Agency Education officer concerned on account of submission of bogus certificate at the time of appointment in order to get illegal advantage over others deserving candidates, during proceeding it was confirmed from litigation section that the Appellant has also submitted Writ petition No.4067-P/2016 which is pending Adjudication before Peshawar high court therefore committee unanimously decided to regret his appeal.

15. Molvi Karnal-Ud-Din Ex-TT:

The Committee was informed that the appellant was appointed as TT in GMS Sandol Khel Mohmand Agency in the year 1983 and due to his illness he could not performed his duty and resultantly his salary was stopped by concerned authorities w.e.f 1990. The Appellant knocked the door of the department after a lapse of long 28 years which is badly time barred and regretted, as the appellant never bother to approached proper forum for leave neither bother to apply for retirement on medical ground, so strong presumption is that he was remained absent from duty willfully, the appeal in hand is recommended to be regretted in capital letters.

Additional Director (Estab)

Molvi Karnal-Ud-Din 30/5/18

Deputy Director (Estab)

[Signature] 30/5/18

Deputy Director (Colleges)

Molvi

Assistant Director Litigation

[Signature] 30/05/18

Received A. Anwar on 6-6-18

ATTESTED

ENQUIRY REPORT

ANNEXURE - D
P-18

Background:-

Agency Education Officer Khyber Agency nominated us to enquire into the matter regarding Eight PST and TT (F) teachers. They were found absent from duty and were dig out by the AEO and AAEO. He further added to investigate all aspects and report to the undersigned for further necessary action. It is worth mentioning that charge sheets have been issued on 21/9/2017 to all eight teacher because the report submitted by them to the first enquiry committee was fake and bogus.

Procedure:-

We the undersigned enquired into the matter both orally and in written form all the above mentioned teachers. We also thoroughly checked their Service Books, documents and attendance registers of their respective schools. During enquiry both AAEO (F) of Bara and Landi Kotal were present, we took help from them when required.

Name and statement of Teachers.

1. **Abida Waqar (PST):-** She was appointed as PST teacher on 29/6/2006 in Misal Khan Landi Kotal with Enst; No 71341-45. In her statement, she confessed that her husband received her appointment order from the office and she does not know whether it is fake or otherwise. She has not even seen her school in kam shalman LKL. When we asked about her salary, she mentioned that her husband was receiving her salary from the bank. She possessed charge report of her taking over charge in April 2017 which also seems to be bogus.

Findings:-

1. Keeping in view the report of earlier enquiry committee and oral and written statement taken by us, she is guilty of taking salary since long without attending the said school.
2. Her appointment order also seems bogus because no record of her appointment period is available in the Agency Education Officer.
3. It also seems that AAEOs (F) and Clerks of that period were involved in this crime.

Recommendation:-

p - 19

1. Her response to the show cause notice is unsatisfactory.
 2. Recovery should be made from her due to her long absence and loss to the Govt; treasury/. Ex-enquire.
 3. Being bogus and fake in her appointment, the case should be decided through E&D rule 2011.
2. Mst. Faheema (PST) :- First Appointment GGPS Akha khel Zawa Bara Enst; No 6691-96 dated 29/11/2005.
- According to the AAEO (F) Bara and AAEO (P&D) of AEO Office the above mentioned school does not exist. During her Personal hearing and written statements, the concerned teacher served at GGPS Shah Baz killi zawa Bara having no identity.
 - She did not provide any proof regarding her attendance at GGPS Akha Khel zawa and of GGPS Shah Baz Killi Bara w.e.f 29/11/2005 to Sep 2009
 - She provided the photo copies of her attendance of GGPS Wali Khel LKL w.e.f Oct 2011 up to 15th March 2012 and then she disappeared up to March 2017. She was getting her salary at home for which she was paying to the Ex-AAEO (F) Bara. Mst. Shahnaz.
 - Then she started service after a long period of five years at GGHS Mawaz Killi Bara w.e.f 27th April 2017, however could not prove her attendance.

Finding:-

1. After thorough oral and written statements, the school mentioned in the appointment order has no existence. Similarly, AEO Office could not verified her appointment. Her case should be decided according to E&D rules (2011), keeping in view her long absence period of the concerned teacher.
2. Record of her appointment period is not available in the AEO Office.
3. Her mentioned school does not exist.
4. She was taking her salary at home and was monthly paying to the Ex-AAEO for it.

P - (2) (20)

Recommendation:-

- (i) Her response to the show cause notice is unsatisfactory.
- (ii) As penalty, E&D rules 2011 should be applied because she extended great loss to the Govt; Ex-chequer.
- (iii) Recovery should be made from her due to long absence w.e.f March 2012 to March 2017.

Mst. Sana (TT):- First Appointment at GGPS, Said Rehman Killi Bara, Endst; No 1341-46 dated 30/9/2006.

- The concerned teacher is totally unaware of her duty and did not show any proof about her previous duty and attendance.
- According to her oral statement, she was facilitating and teaching the students in evening and did not take any class in the morning.
- She presented her first charge report having date of 28/3/2017 which seems fake with false justification.
- In her written statement she mentioned that she was absent for fifteen months which clearly indicate her irregularity.
- Similarly, in her oral statement, she pointed out that she has done Shahadatul Allamia while she had certificate of Shahadatul Aalia, which clearly indicates her ignorance regarding Deeni / Islamic certificates or knowledge.

Finding:-

1. From her oral and written statement, it is very clear that her appointment is bogus.
2. She was performing part time duty in the evening and later converted to permanent TT post without any proof or advertisement.
3. She remained absent from duty since long.
4. She did not even know about her Shahadatul Aalia certificate which clearly indicates her ignorance about Islamic knowledge. Her certificates seems to be bogus.

Recommendation:-

1. Her response to the show cause notice is unsatisfactory.
2. On the bases of previous enquiry remarks and on the above oral and written statement, it has been proved that the concerned teacher did not attend the school

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regularly and possess fake Deeni Sanad and appointment order. So, action should be taken according to E&D rules 2011.

3. Recovery should be made from her.

4. **Humaira Gul (PST):-** First Appointment at GGPS Sultan Khel Bara Endst; No 12638-42 dated 13/9/2006.

- The concerned teacher through oral and written statement informed the undersigned that she performed her school's duty up to 2009 and then after Army Operation, she did not attend the school up to 2014. However she was getting her salary regularly at home.
- She also informed the undersigned that she approached the AEO Office in September 2014 and through bargaining in the AEO Office, she was not re-deployed in Tehsil Jamrud on Landi Kotal for duty. However she was getting her salary without any break. After scrutiny through AEO Office in February & March 2017, her pay stopped w.e.f April-2017.
- In May-2017, she was again re-deployed to GGPS Noor Salam Bara and appeared before the Enquiry Committee in May 2017 for the first time.

Finding:-

1. She herself confessed in her oral and written statement that she was absent from 2009 up to 2017.
2. She bargained with the Ex-AAEO (F) and received her salary during her absent period regularly.
3. In Ex-AAEO (F) being the field officer is guilty of not reporting her to the AEO for legal action rather receiving a part of salary from her.
4. Records of her appointment is not available in the AEO Office which indicate secrete dealing during that time.

Recommendation:-

1. Her response to the show cause notice is unsatisfactory.
2. Recovery should be made from her and also penalized by applying E&D rule 2011.

P- (Signature)
22

5. Mst. Gul Afshan (TT):- First Appointment at GGPS Zawa Bara Khyber Agency Enst;

No. 74134-38 dated 03/09/2007.

1. According to the written statement of the concerned teacher, she did not attend the said school even a single day. She informed the undersigned that she attended the school only for 15 days but did not provide any proof of her attendance.
2. After army operation, she was redeployed to GGPs Sheikhwai Landi Kotai and she joined her duty in the said school for a few days. Then, by mutual bargaining with Shah Naz AAEO (F) Bara, she got her salary regularly without any break.
3. The concerned teacher also informed us that her husband got the appointment order from the Ex-AAEO (F) through payment. According to her oral statements, she has not attended any school nor the mentioned school exist as reported by AAEO (Dev) and AEO Jamrud.

Finding:-

- She was unable to prove her attendance, even unaware of her school.
- The mentioned school does not exist in Bara Tehsil.
- Being TT she was behaving like illiterate and totally unaware of Islamic knowledge or values.
- She was receiving her salary at home through bargaining with AAEO (F) and clerks.

Recommendation:-

1. Her response to the show cause notice is unsatisfactory.
2. Keeping in view her absence from duty, bargaining with AAEO and bogus documentation the E&D rule 2011 should be applied.
3. Recovery should be made from her due to loss to the Govt; Treasury.

6.

Mst. Nosheen (PST):- First Appointment GGPS Khuga Jan Killi Bara Enst; No 12034-47 dated 13/9/2006.

- (i) The concerned teacher appeared before the committee on 9th Oct 2017 and provided written statement that she performed her duty in the said school up to January-2009.

- P-15/23
- (ii) After army operation, she was redeployed to GGPS Wazir Dhand Jamrud w.e.f 15/01/2010 to 01/09/2012.
 - (iii) Then the concerned teacher disappeared w.e.f 01/09/2012 up to March 2017 and did not attend the AEO Office for the adjustment in any other school. She bargained with the AAEO (F) Bara Mst. Shahnaz.
 - (iv) After the stoppage of pay, she rejoined her duty again at GGPS Akka Khel on 18/04/2017, AEO khyber has released her pay and also granted Medical leave.

Finding:-

1. From January 2009 to September 2012, she served at GGPS Khuga Jan Bara and GGPS Wazir Dhand.
2. From September 2012 to April 2017, she remained at home without performing her duty. During this time, she was receiving her salary.
3. In April, when she was dig out, she joined her duty at GGPS Aka Khel Ban in 2017 after 5 years at home.
4. AEO khyber has released her pay and also granted medical leave.
5. Record of her appointment during 2005-06 is not available in the AEO Office.
6. It is also negligence on the part of Ex-AAEO (F) that being field officer, she did not pointed out her absence.

Recommendation:-

1. She performed her duty at different stations up till 1/9/2011, but after that disappeared till March 2017 due to law in order situation so recovery should be made for the absent period.
2. It is recommended that SSC, Intermediate and PTC certificates should be verified through concerned boards.

7. **Mst Seema (PST):-** First Appointment at GGPS Misal Khan Landi Kotal Enst; No 11017-21 dated 13/09/2006.

1. The concerned teacher appeared before committee on 3/10/2017 for personal hearing and submitted her written statement about her duty. She performed her

P- (16) 24

duty in the said school. Then she was transferred to GGPS Sheikhwal khel landi Kotal and latter adjusted at GGPS Major Awal Khan.

2. After 2015, she disappeared from duty up to April 2017. However she provided documentary proof of her transfer and redeployment at different stations.
3. She herself confessed that she was absent for about five years but was getting her salary regularly.

Findings:-

1. She has performed her duty at different stations from 2006 to 2013 but later disappeared due to law and order situation.
2. She remained absent from duty from 2013 to April 2017 without informing the office.
3. It is also negligence on the part of AEO (F) that she was not redeployed to Jamrud or Landi Kotal or she was not penalized.
4. She solemnly declared that she was not paying in the AEO Office.

Recommendation:-

1. She performed his duty at different station but remained absent for about five years due to law and order situation. Therefore recovery for the absent period should be made from her salary.
 2. It is recommended that SSC, Intermediate and PTC certificates should be verified through concerned boards.
8. **Irum Naz PST:-** She was appointed on 25/08/2006 under Endst; No 1341-45 at GGPS Mohammad Hussain Bara on 25/09/2006. She was deputed to Kalanga Bara. Then she was detailed to Jamrud but did not join the school. According to his oral statement she was kidnaped and FIR is the Political Agent Office. However she did not provide copy of FIR. She promised to bring her attendance in the above mentioned school but failed to do so. When her salary stopped by the AEO Office, she reported in the AEO Office.

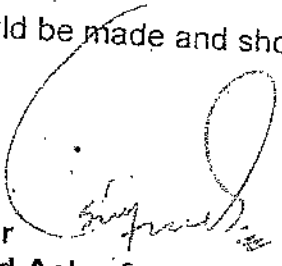
Finding:-


1. She failed to provide any documents in support of his attendance. It means that she remained absent from her duty.

- P-~~17~~ (25)
2. She also failed to provide copy of FIR.
 3. When AAEO (F) enquired from Mst. Khadija (PST) and Hameeda PST at GGPS Mohammad Hussain. They reported that they do not know Mst. Irum Naz.

Recommendations:-

1. Her response the show cause notice is unsatisfactory.
2. She failed to provide documents in support of her statement.
3. Recovery should be made and should be penalized by E&D rule 2011.


1. Enquiry Officer
Mr. Muhammad Ashraf
Vice Principal
GCET (M) Jamrud
Khyber Agency
19/10/2017


2. Enquiry Officer
Mr. Saleem Khan
Principal
GHS Sur kamar
Jamrud Khyber Agency

روزنامہ آج 5 اپریل 2017

تیار کردے گا، کیا کیا کر رہیں گے۔ حکومت اور پی۔ پی۔

دو یا تین گھنٹے پہلے پکھڑے

حکومت تعلیم خیر کے 101 گھنٹے الیکاروں کی خواہیں بند

پڑ گئے ٹریفک حادثات معمول

سڑکوں پر ٹریفک کی حالت اور

لاہور کی سڑکوں پر ٹریفک اور

پہلے ہی پکھڑے ہو گئے ہیں جس کی وجہ سے

تکلیف کا باعث بنی اس وقت حکومت اور

اور اب احتیاط سے پڑ رہے ہیں کی خبر

مرست کیے جلا اور جلا تلافی اچھے جائیں۔

جس کوئی ریکارڈ موجود نہیں ہے۔ انہوں نے حریہ کہا

کہ ان حکومت الیکاروں کی صورت لگانے کے لئے اچھی

کئی بنائی گئی ہے جس میں پبلک کی ایجنسیوں کو شامل

کلی لائی کول، جی ایچ ایس باہم آزاد خبروں کی ایجنسی

ایس گل آباد خبروں اور اسٹینڈی ایجنسی ایچ جی ایچ ایس

نہیں اور یہ سید اور فرخ ناز شامل ہے۔

رہے تھے مگر ان حکومت الیکاروں کا حکم تعلیم خیر کے

اہل ملک نے 2017-18 کا اہل حکومت کا واڈا اختلاف احتجاجی مظاہرہ

مگر یہ تلاش کے 70 ناچار

روزنامہ / وصاف

سویا ایس ایس کے مرکزی جنرل سکریٹری میا فقیر حسین بی بی کی ہے۔

حکومت تعلیم میں غفلت بروا اشت نہیں کی جائیگی، جہدوں وزیر

ایک سو ایک گھنٹے الیکاروں کے خواہیں بند کر دی گئیں، میڈیا سے گفتگو

نہرو (نمائندہ اوصاف) ایچ جی ایچ ایس خیر ہدوں

نہرو نے کہا ہے کہ حکم تعلیم خیر نے ایک سو ایک گھنٹے

الیکاروں کے خواہیں بند کر دئے گئے تعلیم میں غفلت بر

97 نکل اساتذہ شامل (بانی سٹی 24 نومبر 20)

مراد الہ، حکم صحت کے افسر و لا کا نا از مراد

Annexure - E
P-8

اہل حکومت کے افسران سے بھی تو یہ کہنا تھا۔

جہدوں وزیر

ہے جو کہ حکم خیر سے بااخذ طور پر خواہیں سے

رہتے تھے، جہدوں وزیر نے مزید کہا کہ ان حکومت

الیکاروں کے خواہ لگانے کے لئے حکومتی جلی ہائی

گئی ہے جس میں پبلک ایجنسیوں کو شامل کیا گیا

کول، جی ایچ ایس باہم آزاد خبروں کی ایجنسی

آزاد خبروں اور اسٹینڈی ایچ جی ایچ ایس

فرخ ناز اور فرخ ناز شامل ہے۔

ایس گل

VAKALAT NAMA

NO. _____/20

IN THE COURT OF K.P. U. Serwatil Tribunal, Peshawar

Abida Waza (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt PATA (Respondent)
(Defendant)

I/We, Abida Waza

Do hereby appoint and constitute **Syed Noman Ali Bukhari and M. Asif Hussain** **Advocates Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Abida Waza
(CLIENT)

ACCEPTED

Syed Noman Ali Bukhari
SYED NOMAN ALI BUKHARI
Advocate, Peshawar.

M. Asif Hussain
M. ASIF HUSSAIN

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 971/2018

Abida Waqar

VS

Education Deptt:

REJOINDER ON BEHALF OF APPELLANT

RESPECTFULLY SHEWETH:

Preliminary Objections:

- (1-6) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Incorrect. while Para-1 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, appellant is regular employee of education deptt and from the list its crystal clear that the appellant was not a fake employee. Further it is added that the appellant was dismissed on the basis of absentia, but without procedure under E&D rules.
- 2 Incorrect. While Para-2 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the department admitted that no Show cause was given to the appellant, according to superior court judgment and this hon'ble Tribunal judgment, the penalty imposing without issuing show cause notice has nullity in the eye of law. Further it is added that no specific charges leveled against the appellant no specific date show f absence and also not shown or prove forgery which is against the law and rules.
- 3 Incorrect. While Para-3 of the appeal is correct as mentioned in the main appeal of the appellant.

Moreover, no codal formalities were fulfilled by the department before issuing the impugned order. Further it is added that in inquiry it is mentioned that E&D Rules 2011 should be applied which means that the appellant is regular employee of the deptt. Further it is added that, it is clear the appellant was removed on the basis of absentia not on the basis of fake orders, so all the procedures done by the deptt is against the law and natural justice. Further it is added that in enquiry report Annexed with the reply it is stated that the AAEOs (f) and clerks of that period were involved in this crime. But nothing was initiating against them. Not step was taken against them.

GROUND:


- A. Incorrect. While Para-A of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, the impugned order was against the law, facts and norms of justice.
- B. Incorrect. While Para-B of grounds of the appeal is correct as mentioned in the main appeal, of the appellant.
- C. Incorrect. While Para-C of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, the appointment order never proof fake and bogus.
- D. Incorrect. While Para-D of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, no codal formalities were fulfilled.
- E. Incorrect. While Para-E of grounds of the appeal is correct as mentioned in the main appeal, of the appellant.
- F. Incorrect. While Para-F of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, no legal formalities were fulfilled before passing the impugned order, which is not tenable in the eye of law. Further it is added that all the para of reply is contradictory to each other.
- G. Incorrect. While Para-G of grounds of the appeal is correct as mentioned in the main appeal, of the appellant

H. Legal.

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

APPELLANT

Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.


DEPONENT

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 971/2018

Abida Waqar

VS

Education Deptt:

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

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- 3 Incorrect. While Para-3 of the appeal is correct as mentioned in the main appeal of the appellant.

Moreover, no codal formalities were fulfilled by the department before issuing the impugned order. Further it is added that in inquiry it is mentioned that E&D Rules 2011 should be applied which means that the appellant is regular employee of the deptt. Further it is added that, it is clear the appellant was removed on the basis of absentia not on the basis of fake orders, so all the procedures done by the deptt is against the law and natural justice. Further it is added that in enquiry report Annexed with the reply it is stated that the AAEOs (f) and clerks of that period were involved in this crime. But nothing was initiating against them. Not step was taken against them.

GROUND:


- A. Incorrect. While Para-A of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, the impugned order was against the law, facts and norms of justice.
- B. Incorrect. While Para-B of grounds of the appeal is correct as mentioned in the main appeal, of the appellant.
- C. Incorrect. While Para-C of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, the appointment order never proof fake and bogus.
- D. Incorrect. While Para-D of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, no codal formalities were fulfilled.
- E. Incorrect. While Para-E of grounds of the appeal is correct as mentioned in the main appeal, of the appellant.
- F. Incorrect. While Para-F of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, no legal formalities were fulfilled before passing the impugned order, which is not tenable in the eye of law. Further it is added that all the para of reply is contradictory to each other.
- G. Incorrect. While Para-G of grounds of the appeal is correct as mentioned in the main appeal, of the appellant

H. Legal.

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

APPELLANT

Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.


DEPONENT