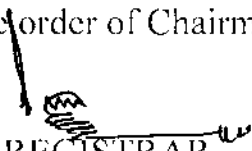


# FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ **260/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/1/2023	<p>The appeal of Mst. Anila Babar presented today by Mr. Munfat Ali Yousafzai 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.**

To

The Chairman Khyber Pakhtunkhwa Service Tribunal Peshawar

Aneela Babar PST

VERSUS

Education Department

.....

**APPLICATION FOR THE HEARING THE ABOVE**  
**MENTION APPEAL AT THE PRINCIPAL SEAT IN**  
**PESHAWAR.**

**Respectfully Sheweth.**

1. That the above mention appeal is to be constituted here at the Principal seat of Khyber Pakhtunkhwa Service Tribunal in Peshawar.
2. That the appellant want the hearing of this appeal be heard here that the Principal seat in Peshawar.

It is therefore requested that the above mention appeal be heard here at the Principal seat of Khyber Pakhtunkhwa Service Tribunal in Peshawar.

Dated 31/01/2023

Appellant/Petitioner

Through



Munfat ali Yousafzai  
Advocates High Court  
Peshawar

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWAPESHAWAR**

Service Appeal No.

260 /2023

Mst. Anila Babar PST Government Girls Primary School  
Rustam Abad District Kohistan Upper.

..... Appellant

Versus

District Education Officer (F) District Kohistan Upper & others

..... Respondents

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	<b>Memo of appeal with affidavit</b>		1-6
2	<b>Copy of Appointment Order</b>	A	7
3	<b>Copy of the impugned order dated 23-06-2021</b>	B	8
4.	<b>Copies of the departmental appeal and appellate order</b>	C & D	9-10
5	<b>Wakalatnama</b>		11

Appellant

Through



**Munfat Ali Yousafzai**  
Advocate High Court  
Cell: 0344-9213367

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWAPESHAWAR**

Service Appeal No.

260/2023

Mst. Anila Babar PST Government Girls Primary School  
Rustam Abad District Kohistan Upper.

.....  
Appellant

Versus

1. District Education Officer (F) District Kohistan Upper.
2. Director E & SE Department Khyber Pakhtunkhwa,  
Peshawar
3. The Secretary E & SE Department, Khyber Pakhtunkhwa  
Peshawar.

..... Respondents

**APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL  
ACT, 1974 AGAINST THE IMPUGNED ORDER DATED  
23-06-2021 WHEREBY THE MAJOR PENALTY OF  
REMOVAL FROM SERVICE HAS BEEN IMPOSED  
UPON THE APPELLANT AND AGAINST THE  
IMPUGNED APPELLATE ORDER DATED 06-01-2023,  
WHEREBY DEPARTMENTAL APPEAL OF THE  
APPELLANT HAS BEEN REJECTED ON NO GOOD  
GROUNDS.**

**PRAYER**

On accepting this service appeal, the impugned order dated 23/06/2021 and the impugned appellate order dated 06-01-2023 may very kindly be set aside and the appellant be reinstated into service with all back benefits.

Any other relief which this Hon'ble Tribunal deems appropriate that may also be awarded in favour of the appellant.

---

**Respectfully Sheweth;**

Brief facts giving rise to this appeal are as under:

1. That the appellant was the employee of the respondent department and was serving as PST Teacher at GGPS Rustam Abad District Kohistan Upper, quite efficiently and to the entire satisfaction of the her superiors since 07-08-2009, **(Copy of Appointment Order is attached as annexure \_\_\_\_\_ A)**
2. That appellant was never found absent during surprise visits of her officers and performing her duties regularly.
3. That astonishingly the respondent department issued the impugned order dated 23-06-2021, whereby major penalty of removal from service was imposed on the appellant without giving any warnings, absents notice, show cause notice and without facts finding enquiry in the matter. **(Copy of the impugned order dated 23-06-2021 is attached as annexure \_\_\_\_\_ B)**

4. That feeling aggrieved from the order dated 23-06-2021 the appellant preferred departmental appeal before the appellate authority on 23-07-2021, and the appellate authority rejected the departmental appeal of the appellant on 06-01-2023, **(Copies of the departmental appeal and appellate order are attached as annexure**  

---

**C & D)**

5. That the appellant feeling aggrieved from the impugned order dated 23-06-2021 and appellate order dated 06-01-2023, have no other remedy but to file this service appeal on the following grounds amongst the other grounds.

**GROUND:**

- A. That both the impugned orders of the respondents are illegal, unlawful, against the facts, based on mala fide intention, against the norms of natural justice, violative of the Constitution and Service Laws and material on record, hence the same are not tenable and liable to be set aside in the best interest of justice.
- B. That the appellant has not been treated by respondents in accordance with law and rules of the subject noted above and as such the respondents violated article 4, 25 of the constitution of Islamic Republic of Pakistan 1973,
- C. That no warnings, absence notice, show cause notice, has been served on the appellant before issuing the order dated 23-06-2021, hence the appellant is unheard.
- D. That, no opportunity of hearing was given by the respondents to the appellant before issuing the impugned

order, which is clearly the violation of principles and rules of services similarly against the principles enshrined by the honorable supreme court in various judgments.

- E. That no regular enquiry has been conducted before issuing the impugned orders dated 23-06-2021 and 06-01-2023.
- F. That both the respondents have not properly evaluated the facts and evidences on record before passing the impugned orders. There is nothing on record which shows that appellant is unable to perform the duty in the respondent department.
- G. That no chance of defense, personal hearing has been provided to the appellant before issuing the impugned orders.
- H. That appellant is young energetic efficient person and having un blemished service record which could be verified from the service record of the appellant, therefore the appellant is entitled for reinstatement with all back benefits.
- I. That the appellant seeks permission to advance other grounds and proofs at the time of arguments.

*On accepting this service appeal, the impugned order dated 23/06/2021 and the impugned appellate order*

dated 06-01-2023 may very kindly be set aside and the appellant be reinstated into service with all back benefits.

Any other relief not specifically prayed for but deems appropriate in the circumstances of the case may also be granted.

Appellant

Through

**Munfat Ali Yousafzai**  
Advocate High Court

Dated: 30/01/2023

Certified that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.



**Advocate**



**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

Service Appeal No.

/2023

Mst. Anila Babar PST Government Girls Primary School  
Rustam Abad District Kohistan Upper.

..... Appellant

Versus

District Education Officer (F) District Kohistan Upper & others

..... Respondents

**AFFIDAVIT**

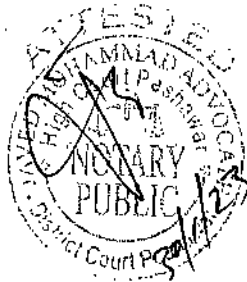
I, **Munfat Ali Yousafzai Advocate**, do hereby solemnly affirm and declare that as per instructions of my client the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.



**ADVOCATE**

**CNIC: 16202-3021334-3**

**Cell: 0344-9213367**



**OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDARY EDUCATION KHAIKHTAN**

A-7

**APPOINTMENT**

Consequent upon approval of District Departmental Selection Committee of Elementary & Secondary Education Department Kohistan the competent authority is pleased to appoint the following (Female) candidates against the post of PST in BPS-5 (UIC Wise) in the schools named against each according to the Policy issued by the Government of NWFP Elementary & Secondary Education Department in the interest of public service with immediate effect.

S. No.	Name of Candidate	Father Name	R/O	Name of School where appointed.	Remarks
	Bibi Fazzeela	Ali Al-har	Goshali	GGPS Bar Bak	
	Shaheen	Aurang Zeb	Karang	GGPS Karang Belo	Agst V.Prat
	Khurlija Bibi	Saif-ul-Malook	Goshali	GGPS Shah Dar	-do-
	Gulshahnaz Bibi	Mohd Saeed	Karang	GGPS Karang Belo	-do-
	Anifa Babar	Babar Khan	Komila	GGPS Kass Bar	-do-
	Nazia Noreen	Majeed	Harban	GGPS Harban (G)	-do-
	Rukhnaa Khurshid	Khurshid Khan	Peach Bela	GGPS Pero Bela	-do-

**CONDITIONS**

1. No TA/DA is allowed to any one
2. Charge report should be submitted to all concerned
3. Their appointment is purely on temporary basis and liable to termination at any time without assigning any reason/notice
4. They will be governed by such rules & regulation enforced and as prescribed by the Government from time to time for the category of the Government Servants to which they belong
5. In case the above candidates failed to assume the charge of his post within fifteen days of the issuance of this Order their appointment will automatically stand cancelled.
6. They should produced Age & Health Certificate from EDO Health Kohistan
7. They should not be allowed to take over charge if their age is less than 18-years & above 35-years.
8. Their original certificates/ Degrees should be verified by Dy. District Officer (Female) E&SE Kohistan from the concerned board/ University/ Institution before drawl of their pay

Executive District Officer  
E&SE Kohistan

Dated Kohistan the 7/8 /2009

Encls: No. 44-49/1

- Copy of the above is forwarded in the:-
1. PS to Secretary Elementary & Secondary Education Department NWFP Peshawar
  2. PA to Director Elementary & Secondary Education NWFP Peshawar
  3. District Coordination Officer Kohistan
  4. District Accounts Officer Kohistan
  5. Dy. DO (F) E&SE Kohistan
  6. Candidates concerned

*[Signature]*  
Executive District Officer  
E&SE Kohistan

*[Signature]*  
*[Initials]*



Anila babar.  
OFFICE OF THE DISTRICT EDUCATION OFFICER (F) KOHISTAN (UPPER)

B-8

Email: [deafemalekohistanupper@gmail.com](mailto:deafemalekohistanupper@gmail.com)

OFFICE ORDER/ REMOVAL FROM SERVICE

1. Whereas Mst. Anila Babar PST GGPS Rustamabad, Kohistan Upper remained willfully absent from her duty without proper permission, intimation or leave.
2. Whereas she has been reported absent by EMA several times, as indicated in the show cause.
3. Whereas she was called several times to resume her school duty properly, but she badly failed to comply the Departmental Orders.
4. Whereas she has drawn her salary illegally during her absent period without performing her duty.
5. Whereas her absenteeism was confirmed/verified by the concerned ASDEO/SDEO, vide meeting held on 10-04-2021 and it was unanimously decided to terminate her services.
6. Whereas a show cause notice was served upon her vide this office order No. 1028-33 Dated: 21-04-2021, which was delivered to her vide her proper acknowledgement and dated signature.
7. Whereas she badly failed to reply to the show cause within stipulated period.
8. She badly failed to avail the chance of personal hearing.
9. Whereas her illegal drawl of pay was confirmed by the concerned Accountant/ Assistant vide his signature on copy of show cause on 27-4-2021.
10. Whereas while going through the material on record and verified the absenteeism of the said teacher by SDEO & ASDEO concerned in the meeting, and personal observations of the undersigned, all the charges/allegations leveled against her have been proved to the full satisfaction of the undersigned.

Therefore the undersigned being the competent authority do hereby impose Major Penalty of Removal from Service, upon Mst. Anila Babar PST GGPS Rustamabad Kohistan Upper under Rule 4(b) of E&D Rules 2011, with immediate effect, in the interest of public service.

(MUHAMMAD AMIN)

District Education Officer (F)

District Kohistan Upper.

End No. 1822-29

Dated: 23/06/2021

Copy for information and necessary action forwarded to:

1. The PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner Kohistan Upper.
3. The District Accounts Officer Kohistan Upper.
4. The PA to District Education Officer (F) Kohistan Upper.
5. The Sub Divisional Education Officer (F) Dasso Kohistan Upper.
6. The DDO concerned to stop the pay of the concerned teacher and make necessary entries in her service book, immediately.
7. The Ex. PST, Mst. Anila Babar GGPS Rustamabad, Kohistan Upper.
8. Copy to Master File for record.

  
District Education Officer (F)

District Kohistan Upper.



خدمت جناب ڈائریکٹر ایجوکیشن ری ایجوکیشن خیبر پختونخواہ پشاور  
عنوان: اہل برائے برخلاف برخاستگی ملازمت

جناب عالی

بمطابق برخاستگی آرڈر نمبر 29-1822 تاریخ 23-06-2021

**"Removal from Service of Mst. Anila Babar PST GGPS Rustom Abad Kohistan Upper"**

1. اہل برخاستگی ذیل عرض ہے جیسا کہ لکھا گیا ہے کہ۔  
سلسلہ نمبر EMA رپورٹ، کئی دفعہ بمطابق تاریخ غیر حاضری 10-04-2021 میں سکول میں باقاعدہ اپنی منہمی پر مصروف کار تھی۔ کسی نے بھی میرے سکول کا دورہ نہیں کیا۔ مگر پھر بھی غیر حاضری ریکارڈ کر کے میری ایک دن کی تنخواہ بے وجہ کائی گئی ہے۔ اس لیے عرض ہے کہ بغیر حجت کے کائی گئی ایک دن کی تنخواہ مجھے واپس دی جائے۔
  2. میں جب سے سکول بند امیں بھرتی ہوئی ہوں۔ تب سے آج تک باقاعدہ سکول میں حاضر تھی۔ جس کی تصدیق کیلئے رجسٹر حاضری مدرسین کی تمام متعلقہ کاپیاں لفہڈا ہیں۔
  3. جیسا کہ میں بیان کر چکی ہوں کہ میں کسی بھی سکول ڈیوٹی سے غیر حاضر نہیں رہی۔ اور نہ مجھے کسی قسم کی اطلاع، خط یا غیر حاضری کی رپورٹ نہیں بھیجی گئی تو کس طرح میں کسی کے خط یا غیر حاضری کی رپورٹ کی وجہ کر سکتی ہوں؟
  4. چونکہ میں باقاعدہ ڈیوٹی پر مصروف کار تھی۔ تو ظاہر ہے کہ مجھے نے تنخواہ بھی دی ہوگی جو میرے کام کی عوض الاجرت ہے۔
  5. کسی بھی دفتری عملے نے میری غیر حاضری کو میرے سکول سے تصدیق کرنے کیلئے درمیان عرصہ شکایت، دورہ نہیں کیا۔ اور مورخہ 10-04-2021 کو میٹنگ میں اطلاع پایا زبانی نہیں بتایا گیا۔ یہ اس لیے کہ میں باقاعدہ سکول میں فرائض منہمی سے بہرہ ور ہو رہی تھی۔ اس لیے اس قسم کی اطلاع کی شاید ضرورت نہ تھی۔
  6. میرے نام پر مجھے کی طرف سے آج تک کوئی Show Cause نوٹس نہیں بھیجی گئی اس لیے اس طرح کسی کو تفصیل بھیجی جاسکتی ہے؟
  7. جیسا کہ بیان کیا جا چکا ہے کہ مجھے کوئی Show Cause نوٹس نہیں ملا اس لیے اس کا جواب بھی نہیں دیا گیا ہوگا۔
  8. تاریخ 16-06-2021 کو ڈسٹرکٹ ایجوکیشن آفیسر (Male & Female) کوہستان اپنے بذات خود اپنے دورے کے دوران میرے سکول میں مجھے حاضر پایا اور Personal Hearing کی اور تصدیقی دستخط ثبت کیے ہیں۔ (رجسٹر حاضری مدرسین لفہڈا ہے)
  9. چونکہ میں ڈپٹی ڈیوٹی پر حاضر تھی اس لیے لازمی طور پر میری تنخواہ بھی ملی ہوگی۔
  10. میرا سکول ریکارڈ سرکل ASDEO نے بھی چیک کیا۔ جس کی تصدیقی دستخط کے صفحات رجسٹر مدرسین لفہڈا ہیں۔ اس کے بعد میرے سکول میں سکول کے اوقات کار میں کسی اور عہدہ دار نے دورہ نہیں کیا۔ [1]
- اسلئے حقائق بالا کے تحت جناب والا سے گزارش ہے کہ مجھ پر لگائے الزامات بے بنیاد اور غیر قانونی ہیں۔  
لہذا عرض گزارش یہ کہ مجھے میری سروس پر بحال کیا جائے۔ اور ساتھ ہونے والی بے انصافی کے الزامات سے مجھے بری ذمہ قرار دیا جائے تو آپ کی مہربانی نوازش ہوگی۔

*Handwritten signature and initials*

نقطہ:

Anila PST ایلا بابار

GGPS Rustom Abad کوہستان

مورخہ: 28/07/2021



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

**NOTIFICATION**

D-10

1. **WHEREAS**, the District Education Officer Female Kohistan Upper has imposed major penalty of removal from Service upon the below Ex teachers of District Kohistan Upper under E&D Rules-2011 vide her Notifications issued under Endorsement No. 4627-36 dated 9.9.2021, and No: 4607-16 dated 09-09-2021 and No: 1782-89 dated; 23-06-2021.
2. **ANDWHEREAS**, the Appellants concerned submitted their appeals for their reinstatements to this office and sent these appeals to the DEO (F) Kohistan Upper for her comments/views vide letter No. 7251 dated: 11-08-2021, No. 5348 dated: 04-10-2021 and No. 2213 dated; 22-09-2021 and the DEO (F) Kohistan Upper submitted her report dated: 31-05-2022.
3. **ANDWHEREAS**, an opportunity of personal hearing were granted to the appellants vide this office letter No: 8398 dated; 15-11-22, No.6520-21 dated; 07-11-2022 and No. 5579 dated; 06-12-2022, but they have not attended this Directorate on due date and time.

**Now therefore**, in exercise of power conferred under the Government of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, the appellate authority, Director (E&SE KP) rejected the appeals of appellants under Rule 17 (2) (a) of the E&D Rules-2011 in the interest of the public service.

- 1) Nasreen Bibi Ex PST GGPS Gabir.
- 2) Najma Bibi Ex PST GGPS seri Gabir.
- 3) Shabnum Afait Ex PST GGPS Samad Abad.
- 4) Naseem Akhtar Ex PST GGPS Sheshrat.
- 5) Saira Bano Ex PST GGPS Chushing.
- 6) Anceela Ex PST GGPS Rustamabad.
- 7) Maryam Bibi Ex PST GGPS rustan Abad.
- 8) Musasrat Gul Ex PST GGPS Khat Gandia.
- 9) Nasreen Bashir Ex PST Sheshrat.

**Director**

Elementary & Secondary  
Education Khyber Pakhtunkhwa

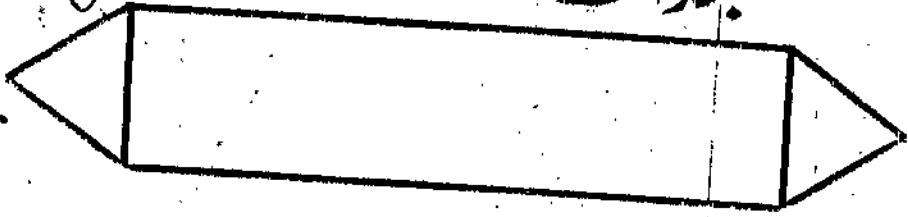
5470-82  
Indst.No. \_\_\_\_\_/F.No.322/Vol-II/F/Appeal Kohistan Upper Dated 06-01- /2023.

Copy forwarded for information to the:-

1. District Education Officer (Female) Kohistan Upper.
2. District Account Officer Kohistan Upper.
3. Sub Division Education Officer (Female) concerned.
4. Teacher Concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa.

**Assistant Director (Female)**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

سید محسن خواجہ کراچی کے لیے  
بعدالت



2 منجانب  
بنام

مورخہ  
مقدمہ  
دعویٰ  
جرم  
انٹیم بائدر  
تہا  
حکومت حکومت  
باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
کیلئے متفقہ علیٰ سہ سہ

آن مقام سید  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
ڈیل صاحب کو راضی نامہ کرنے کی تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری پکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
اتقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے  
سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔  
کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

20

Attest & Assure  
المرقوم  
(M)

واہ العبد

BC-14-4634

Cell-03449213367