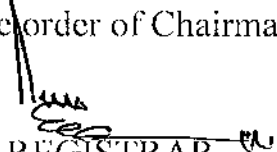


FORM OF ORDER SHEET

Court of _____

Case No.- _____ **271/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/02/2023	<p>The appeal of Mst. Maryam Bibi 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 SERVICE TRIBUNAL KHYBER
PAKHTUNKHWAPESHAWAR**

Service Appeal No. *271/2023*

/2023

Mst. Maryam Bibi PST Government Girls Primary School Kai
Rustam Abad Sevrazka District Kohistan Upper.

..... Appellant

Versus

District Education Officer (F) District Kohistan Upper & others

..... Respondents

INDEX

S.No	Description of Documents	Annex	Pages
1.	Memo of appeal with affidavit		1-6
2	Copy of Appointment Order	A	7
3	Copy of the impugned order dated 09-09-2021	B	8
4	Copies of the departmental appeal and appellate order	C & D	9-10
5	Wakalatnama		11

Appellant

Through



Munfat Ali Yousafzai
Advocate High Court
Cell: 0344-9213367

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No. 271/2023

/2023

Mst. Maryam Bibi PST Government Girls Primary School Kai
Rustam Abad Sevrazka 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
09-09-2021 WHEREBY THE MAJOR PENALTY OF
REMOVAL FROM SERVICE HAS BEEN IMPOSED
UPON THE APPELLANT AND AGAINST THE
IMPUGNED APPELLATE ORDER DATED 05-01-2023,
WHEREBY DEPARTMENTAL APPEAL OF THE
APPELLANT HAS BEEN REJECTED ON NO GOOD
GROUNDS.

PRAYER

On accepting this service appeal, the impugned order, dated 09/09/2021 and the impugned appellate order dated 05-01-2023 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 Kai Rustam Abad Sevraska District Kohistan Upper, quite efficiently and to the entire satisfaction of the her superiors since 01-12-2006, **(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 09-09-2021, 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 09-09-2021 is attached as annexure _____ B)**

4. That feeling aggrieved from the order dated 09-09-2021 the appellant preferred departmental appeal before the appellate authority on 21-09-2021, and the appellate authority rejected the departmental appeal or the appellant on 05-01-2023, **(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 09-09-2021 and appellate order dated 05-01-2023, 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 09-09-2021, hence the appellant is unheard.

- 4
- 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 09-09-2021 and 05-01-2023.
- 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 09/09/2021 and the impugned appellate order dated 05-01-2023 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.

Maryam Bilal
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
PAKHTUNKHWAPESHAWAR**

Service Appeal No.

/2023

Mst. Maryam Bibi PST Government Girls Primary School Kai
Rustam Abad Sevrazka 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



A - 7

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS
AND LITERACY KOHISTAN

APPOINTMENT ORDER

Consequent upon the approval of Departmental Selection Committee the competent authority has been pleased to appoint the following (Female) Trained Fresh candidates of Tehsil Dassu/ Pattan/ Palas (Union Council wise) against the vacant Posts of PTC in BPS-07 (Rs.2555-140-6755) plus usual allowances as admissible under the rules, on contract basis for a period of three years according to the Merit policy issued by the Government of NWFP Schools & Literacy Department in the Schools noted against each with immediate effect in the interest of public service.

S.N	Name of candidate	Father's Name	Residance/ U/C	Appt as	School where posted	Remarks
1	Uzma Ansur	Ucha	Sazeen	PTC	GGPS Sazeen	Agst V.Post
2	Roshan Bibi	Umer Rahmani	Dubair	PTC	GGPS Kass Dubair	Agst V.Post
3	Miryam Bibi	Fazal ur Rahman	Sigloo	PTC	GGPS Banseri	Agst V.Post
4	Nazia Bibi	Fazal ur Rahman	Sigloo	PTC	GGPS -do-	Agst V.Post
5	Mah Jabben	M.Safdar	Pattan	PTC	GGPS Daug Pattan	Agst V.Post

CONDITIONS:-

1. Their appointments are purely on temporary basis and liable to termination at any time / stage without assigning any reason/notice.
2. Their Certificates if not verified earlier, should be verified by the DDO (M) ie Mr.Abdur Rehman I/C Dy:DO (F) S&L Kohistan before handing over their charge.
3. Charge reports should be submitted to all concerned.
4. No TA/DA is allowed to any one.
5. They will be governed by such rules and regulations enforced and as prescribed by the Government from time to time for the category of the Government Servants to which they are appointed.
6. In case any of the above candidates failed to assume the charge of their posts within fifteen days, their appointments will automatically stand cancelled.
7. They should not be allowed to take over charge if their age is less than 18-years and above 35-years.
8. They should produce age and health certificate from EDO Health Kohistan before taking of charge.
9. They should not be handed over charge and their salaries should not be drawn by Drawing & Disbursing Officers concerned till verification of their Degrees/ Certificates e.t.c from the concerned Universities/ Boards/ Institutions by the concerned DDO's

Executive District Officer
Schools & Literacy Kohistan

Endst.No. BK04-12 App/PTC's (M)U/C Wise Merit /2006 Dated Kohistan the 11/11 /2006.

Copy of the above is forwarded to:-

1. Director Schools & Literacy NWFP Peshawar.
2. P/S to Minister of Education NWFP Peshawar.
3. P/S to Secretary Government of NWFP (S & L) Department Peshawar.
4. District Nazim Kohistan
5. District Coordination Officer Kohistan with reference your Notification No.10232-36 dated 20/11/2006 & 10407-10 dated 24/11/2006.
6. District Accounts Officer Kohistan.
7. District Officer Schools & Literacy Kohistan.
8. Deputy District Officer (F)S&L Kohistan.
9. Candidates concerned.

Executive District Officer
Schools & Literacy Kohistan

Alteem
M



OFFICE OF DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN

B-8

OFFICE ORDER/REMOVAL FROM SERVICE

01. WHEREAS as per the numerous complaints received to the undersigned through various means the following female teachers remained absent from their duties without any prior permission or leave for several years.
02. WHEREAS their schools remained closed/Non-functional during the repeated visits of EMA.
03. WHEREAS they were reported absent by EMA time and again during the visits of the concerned DCMA's.
04. WHEREAS they put their fake attendance in the school registers at their home.
05. WHEREAS the concerned ASDEOs were directed to verify their absenteeism.
06. WHEREAS the concerned ASDEOs confirmed/verified their absenteeism as per their report.
07. WHEREAS show cause notices were issued to them vide the references made against their names.
08. WHEREAS they submitted their reply which were found inconvincible and thus they admitted the charges leveled against them.
09. WHEREAS they failed to avail the chance of personal hearing.

Therefore the undersigned being the competent authority, do hereby impose Major Penalty of Removal from Service, upon the following female teachers under Rule 4(b) of E&D Rules 2011, with immediate effect, in the interest of public service.

S.No	Name of Teacher with designation	Name of School	Show cause reference	Remarks
01	Maryam Anwar PST	GGPS Kuz Komila	No.4038-43 dated:02/08/2021	
02	Arifa Bibi PST	GGPS Dhoop Lohi	No.4056-61 dated:02/08/2021	
03	Gul Fameer PST	GGPS Maidan Tayal	No.4068-73 dated:02/08/2021	
04	Hari Jan PST	GGPS Khat Kandia	No.4122-27 dated:02/08/2021	
05	Asmat Begum PST	GGPS Khat Kandia	No.4128-33 dated:02/08/2021	
06	Shabnum Afiat PST	GGPS Karang	No.4176-81 dated:02/08/2021	
07	Nasreen Bibi PST	GGPS Khat Gabral	No.4188-93 dated:02/08/2021	
08	Maryam Bibi PST	GGPS Kai Rustum Abad	No.4200-4204 dated:02/08/2021	

MUHAMMAD AMIN
District Education Officer
(Female) Kohistan

M. Aslam
(M)

بھنخور جناب ڈائریکٹر ایجوکیشن خیبر پختونخواہ پشاور

درخواست برائے: برادرانصاف

جناب عالی!

بمطابق برخواستگی آرڈر نمبر 4607-16 DEO (F) KH DATED:9/9/2021

سیریل نمبر 5, 2011 E&D Rules, Rule 4(6) بلاذیل میں عرض ہے کہ

(1) دوران ماہانہ DCMA, EMA Visit میں اپنی ڈیوٹی پر ہمیشہ حاضر رہی۔ چونکہ میرا گھر میرے سکول کے بالکل ساتھ میں واقع ہونے کی وجہ سے میرے لیے سکول ڈیوٹی دینا نہ تو سماجی لحاظ سے کومسلہ نہیں ہے۔ اور نہ کہ کسی اور وجہ کے بنا پر اسلئے میں ہمیشہ مذکورہ محکمے کے اہل کاروں کے دوروں میں حاضر باش رہی۔ جسکی تصدیق ماہانہ رپورٹ سے کی جاسکتی ہیں۔

(2) سرکل (ASDEO) صاحبہ نے اپنی تعیناتی کے بعد سے اب تک دورانی پڑھائی کے اوقات سکول کا دورہ نہیں کیا۔ اگر وہ اس قسم کا کوئی دورہ کرتی۔ تو لازم اس کی ملاقات میرے ساتھ دوران پڑھائی یا پھر بعد از پڑھائی سکول میں ہوتی اسلئے ان کا یہ کہنا کہ وہ پڑھائی کے اوقات میں سکول سے غیر حاضر رہی ہوں درست نہیں۔

مزید برآں یہ کہ دوران دورہ بمورخہ 17-7-2021 کو جناب DEO (F) کے دورہ دوران GGPS رستم آباد کئے راز کہ ان کی میرے ساتھ سکول میں ملاقات ہوئی تھی۔ خود DEO موصوف نے میرے سکول ریکارڈ پر اپنے دستخط ثبت کئے ہیں۔

اسلئے اس قدر جواب بحوالہ صفائی پیش خدمت ہے اور مجھ پر لگائے گئے الزامات سے مجھے بڑی الزمہ قرار دیکر میری نوکری پر مجھے بحال کیا جائے تو آپ کی بڑی مہربانی ہوگی۔

فقط مریم بی بی PST GGPS کئی رستم آباد

سیوراز کہ کوہستان اپر

148
2021-2022

Altoy
M



D-10

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

NOTIFICATION

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 09-09-2021, 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, and attended this Directorate on due date and time.
4. **ANDWHEREAS**, after going through the material on the record and statements of the appellants during the personal hearing, and the charges against them have been proved and found guilty.

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) Gul Famir Ex PST GGPS Madian Teyal.
- 2) Hari Jan Ex PST GGPS Khat Kandia.
- 3) Maryam Bibi Ex PST GGPS Koi Rustam Abad.

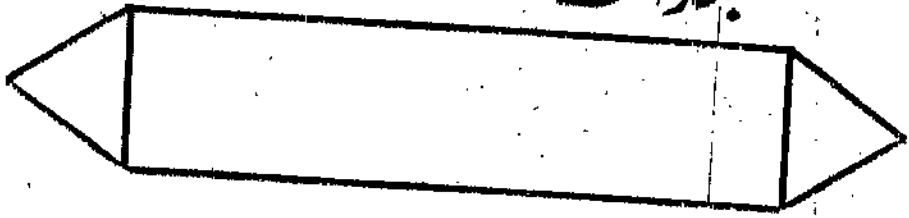
Director
Elementary & Secondary
Education Khyber Pakhtunkhwa

Endst: No. 5252-55 /F.No.322/Vol-II/F/Appeal Kohistan Upper Dated 05/01/2023.
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

صدر بخون خواہ کر دیں تہہ سہولت مشاوری
بجراالت



سہ 2 منجاب

بنام

سرگرمی کی آہ

بہا

سجراتی حکومت
باعث تحریر آنکہ

مورخہ

مقدمہ

دعویٰ

جرم

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

کیلئے منصف علی سولہ فرسٹ

آن مقام سہار

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
اپیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
اہمورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ 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
تقرر 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۔

سہ 20

Attested

المرقوم
ہا

واہ العبد

(M)

BC-14-4634

Cell-03449213367