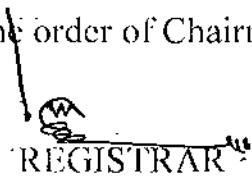


FORM OF ORDER SHEET

Court of _____

Case No. - 274/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/02/2023	<p>The appeal of Mjt Baswari Jan resubmitted today by Mr. Taimur Ali Khan 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>

The appeal of Mst. Baswari Jan PST GGPS Sharo Dugala Lower Orakzai received today i.e. on 20.01.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

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

No. 317 /S.T,

Dt. 24/1 /2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Taimur Ali Khan Adv.
High Court at Peshawar.

Respected Sir,

1- Removed

2- Removed

3- Removed

4- Removed

5- Some of the annexures of the appeal were replaced by legible copies and some are ~~also~~ replaced by better one.

6- Removed

Resubmitted after compliance



3/2/2023.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 274 /2023

Baswari Jan

V/S

Education Deptt:

INDEX

S.No.	Documents	Annexure	P. No.
1	Memo of Appeal	-----	01-03
2	Affidavit	-----	04
3	Application for Condonation of delay	-----	05-6
4	Copies of FIR, and order dated 27.07.2021	A&B	07-09
5	Copy of suspension order	C	10
6	Copy of attendance register	D	11-17
7	Copies of order dated 09.12.2021 and departmental appeal	E&F	18-21
8	Vakalat Nama	-----	22

THROUGH:

APPELLANT



TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

Cell# 0333-9390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 274 /2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3110

Dated 20-1-2023

Mst. Baswari Jan, PST
GGPS Sharo Dugala, Lower Orakzai.

(APPELLANT)

VERSUS

1. The Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. The Director Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer, District Orakzai.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 09.12.2021 RECEIVED BY THE APPELLANT ON 24.03.2022, WHEREBY THE SUSPENSION PERIOD OF THE APPELLANT W.E.F 01.04.2021 TO 31.07.2021 (122 DAYS) WAS TREATED WITHOUT PAY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 09.12.2021 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO CONVERT THE SUSPENSION PERIOD OF THE APPELLANT W.E.F 01.04.2021 TO 31.07.2021 (122 DAYS) INTO FULL PAY UNDER FR-53(b). ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

Filed to
Registrar
20/1/23

RESPECTFULLY SHEWTH:

FACTS:


1. That the appellant is working on the post of PST (BPS-12) in the respondent department and since her appointed, the appellant is performing her duty with devotion and honesty, whatsoever assigned to her and no complaint has been filed against her regarding her performing.
2. That the appellant while serving as PST was falsely implicated in criminal case vide FIR No.73 dated 08.02.2021 U/S 380, 411, 457 PPC P.S Ratta Amral Rawalpindi. The appellant has granted ad-interim pre-arrest by the competent court of law which was later on confirmed on 27.07.2021. (Copies of FIR and order dated 27.07.2021 are attached as Annexure-A&B)
3. That on the basis of above mentioned criminal case, the appellant was suspended with immediate effect through suspension order without mention the Endst. No. and date. (Copy of suspension order is attached as Annexure-C)
4. That the appellant was on suspension, but she was verbally directed to resume her duty without reinstating her from suspension and on the basis of that direction she resumed her duty on 01.08.2021 and now regularly performing her duty at GGPS Sharo Dugala, which is evident from the attendance register of the school. (Copy of attendance register of is attached as Annexure-D)
5. That although the appellant was on suspension due to the criminal case pending against her, but respondent No.3 passed an order dated 09.12.2021, wherein the period w.e.f 01.04.2021 to 31.07.2021 (122) days of the appellant was treated without pay. Which is clear violation of FR-53(b). The appellant received the said order dated 24.03.2022 and then filed departmental appeal on which comments were called by respondent No.2 from respondent No.3, however no action has taken on her departmental appeal within the statutory period of ninety days. (Copies of order dated 09.12.2021 and departmental appeal are attached as Annexure-E&F)
6. The appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for redressal of his grievance on following grounds amongst others.

GRUOUS:


- A) That the impugned order dated 09.12.2021 is against the law, facts, norms of justice, material on record and violation of FR-53(b), therefore not tenable and liable to be set aside.

- B) That the appellant was suspended on the basis of criminal case pending against her and she is entitled to full amount of her salary and all other benefits and facilities provided to her under the contract of service during the period of suspension under FR-53(b), but her suspension period w.e.f 01.04.2021 to 31.07.2021 (122) days was treated without pay, which is clear violation of FR-53 (b).
- C) That the appellant was suspended on the basis of criminal case pending against her, but her suspension period 01.04.2021 to 31.07.2021 (122) days was treated without pay through the impugned order dated 09.12.2021, which is clear violation of FR-53(b) and as such the impugned order is liable to be set aside.
- D) That the appellant was not treated according to law and rules and has been deprived from her legal right of full pay under FR-53(b) for suspension period w.e.f 01.04.2021 to 31.07.2021 (122) days, which was treated without pay.
- E) That the appellant seeks permission of this Honorable Tribunal 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.


APPELLANT
Baswari Jan

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2023

Baswari Jan

VS

Education Department

AFFIDAVIT

I, Baswari Jan, PST GGPS Sharo Dugala, Lower Orakzai. (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.

BJS
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2023

Baswari Jan

VS

Education Department


.....
APPLICATION FOR CONDONATION
OF DELAY IN THE INSTANT APPEAL

RESPECTFULLY SHEWETH:


1. That the instant appeal is pending before this Honorable Tribunal in which no date has been fixed so far.
2. That the impugned order dated 09.12.2021 was received by the appellant on 24.03.2022, but she filed departmental not in the statutory period of thirty days.
3. That similar nature appeal No1501/2022 title Shoukat Ali VS Education Department is pending before this Honorable Tribunal which is well in time and as per superior court judgments that where an order or judgment was challenged through separate proceedings be it appeal or petition, some of which were within time while the others had been filed beyond the period of limitation, all such appeals or petitions ought to be decide on merit especially when in one appeal or petition (within time) would apply to the other appeal or petition, which may be barred by limitation.
4. That monetary benefits are involved in the instant case, which is recurring cause of action and in such like issue limitation does not run.
5. 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.

6. That the appellant has good prime facie case and interest of justice demand that the appeal of the appellant may be decided on merits.

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


APPELLANT
Baswari Jan

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

AFFIDAVIT

It is solemnly affirm and declare that the contents of this application are true and correct and nothing has been concealed from this Honorable Tribunal.


DEPONENT

A (7)
A (5)

INVESTIGATION REPORT (IR) (Form No. 174 of 2021)

Case No: 17490253

Date of Report: 08-02-2021 11:40 AM	Case No: 17490253
Investigator: SI	Case No: 17490253
Investigator's Designation: SI	Case No: 17490253
Investigator's Station: SI	Case No: 17490253
Investigator's Name: SI	Case No: 17490253
Investigator's Address: SI	Case No: 17490253
Investigator's Contact No: SI	Case No: 17490253
Investigator's Email: SI	Case No: 17490253
Investigator's Mobile: SI	Case No: 17490253
Investigator's WhatsApp: SI	Case No: 17490253
Investigator's Facebook: SI	Case No: 17490253
Investigator's Instagram: SI	Case No: 17490253
Investigator's LinkedIn: SI	Case No: 17490253
Investigator's Twitter: SI	Case No: 17490253
Investigator's YouTube: SI	Case No: 17490253
Investigator's Other: SI	Case No: 17490253

Investigator's Signature: SI

Investigator's Stamp: SI

Investigator's Date: 08-02-2021

Investigator's Time: 11:40 AM

Investigator's Location: SI

Investigator's Contact No: SI

Investigator's Email: SI

Investigator's Mobile: SI

Investigator's WhatsApp: SI

Investigator's Facebook: SI

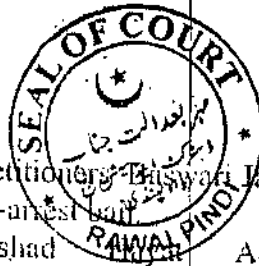
Investigator's Instagram: SI

Investigator's LinkedIn: SI

Investigator's Twitter: SI

Investigator's YouTube: SI

Investigator's Other: SI



B. 8

27.07.2021

Present:-

Accused/petitioners Baswari Jan and Nadia Begum on ad-interim pre-arrest bail

Raja Arshad Advocate, counsel for the accused/petitioners.

Akthar Nawaz complainant in person.

I.O with record.

ADPP for the State.

Through instant petition, accused/petitioners Baswari Jan and Nadia Begum have sought their pre-arrest bail in case FIR No.73 dated 08.02.2021, offence U/S 457/380/411 PPC, registered at P.S Ratta Amral, Rawalpindi.

2. It has been argued by learned counsel for the accused/petitioners that accused/petitioners are innocent and have falsely been involved in this case on the basis of concocted story; that the case of accused/petitioners is one of further inquiry; that the alleged offences do not fall within the ambit of prohibitory clause of Section 497 Cr.P.C. It has been prayed that by accepting this bail-petition, ad-interim pre-arrest bail already granted to the accused/petitioner may be confirmed.

3. On the other hand, learned ADPP on behalf of the State has vehemently opposed this bail petition and has prayed for its dismissal.

4. Arguments heard. Record perused.

5. The present accused/petitioners were nominated while Zimmi No.20 dated 17.03.2021 upon the statement of co-accused Shahzad Ali and the allegation against the present accused/petitioners is only to the extent that the accused Shahzad Ali handed over 660 grams gold to them. In this way, the allegation leveled against the accused/petitioner is only to the extent of offence U/S 411 PPC. The nomination of the present accused/petitioners by the co-accused when he was in police custody holds no importance. NO detail of the gold or time and date of handing over by the same is mentioned. The present accused/petitioners are female and one of them Nadia is wife of accused Shahzad and the other is mother in law of accused. Hence, the false

TAHIR ABBAS SIPRA

Additional District & Sessions Judge
Rawalpindi

[Handwritten signature]

27.07.2021

Present:

Accused/petitioner Baswari Jan and Nadia Begum on ad-
Interim pre arrest bail
Raja Arhsad Hayat Advocate, Counsel for the
accused/petitioners
Akhtar Nawaz Complainant in person
I.O with record,
ADPP for the State

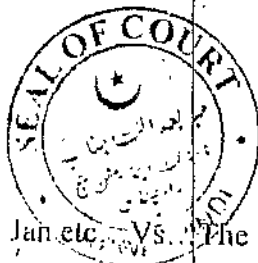
Through instant petition, accused/petitioners Baswari Jan and Nadia Begum have sought their pre-arrest bail in case FIR No.73 dated 08.02.2021, offence U/S 457/380/411 PPC, registered at P.S Ratta Amral, Rawalpindi.

2. It has been argued by learned counsel for the accused/petitioners that accused/petitioners are innocent and have falsely been involved in this case on the basis of concocted story, that the case of accused/petitioners is one of further inquiry; that the alleged offences do not fall within the ambit of prohibitory clause of Section 497.Cr.PC. It has been prayed that by accepting this bail petition, ad-interim pre-arrest bail already granted to the accused/petitioner may be confirmed.

3. On the other hand, learned ADPP on behalf of the State has vehemently opposed this bail petition and has prayed for its dismissal.

4. Arguments heard. Record perused.

5. The present accused/petitioners were nominated while Zimmi No.20 dated 17.03.2021 upon the statement of co accused Shahzad Ali and the allegation against the present accused petitioners is only to the extent that the accused Shahzad Ali handed over 660 grams gold to them. In this way, the allegation leveled against the accused/petitioner is only to the extent of offence U/S 411 PPC. The nomination of the present accused/petitioners by the co-accused when he was in police custody holds no importance. NO detail of the gold or time and date of handing over by the same is mentioned. The present accused/petitioners are female and one of them Nadia is wife of accused Shahzad and the other is mother in law of accused. Hence, the false implication of the present accused/petitioners and the possibility of wrongly nomination cannot be ruled out. The accused Shahzad Ali has already been granted bail. In view of that instant bail petition is accepted and ad-interim



9

Baswari Jan etc. Vs. The State

27.07.21
Pres

pre-arrest bail already granted to the accused/petitioners are confirmed subject to their furnishing bail bonds in the sum of Rs.50,000/- each with one surety each in the like amount to the satisfaction of learned trial Court within seven days of this order. File be consigned to the record room after its due completion and compilation.

Announced
27.07.2021



Tahir Abbas Sipra,
Addl. Sessions Judge,
Rawalpindi

TAHIR ABBAS SIPRA
Additional District & Sessions Judge
Rawalpindi

Handwritten notes: 60558, 28.7.21, 2/1/21

Handwritten notes: 28.7.21, 28.7.21, 28.7.21

ATTESTED
29 JUL 2021
OFFICER



OFFICE OF THE DISTRICT EDUCATION OFFICER

DISTRICT ORAKZAI

Phone No. 0925-690017

No. Dated:

SUSPENSION ORDER:

in light of the GPO Rawalpindi FIR No. No. 73 accused under the law 457/380, dated 8/02/2021, the competent authority has been pleased to suspend Mr. Shoukat Ali PSHT at GPS Sher Ali Killi & Mst. Baswari Bibi PST at GGPS Sharo Dogala in Orakzai District with immediate effect till completion of the investigation/decision of the District Magistrate Rawalpindi.

**DISTRICT EDUCATION OFFICER
DISTRICT ORAKZAI**

Encls. No. ? Dated:/...../.....

Copy for information to the:

1. Deputy Commissioner, Orakzai.
2. Deputy Director (Estab), Directorate of Education (Merged Areas), Peshawar w.r.t his letter No. 5471/E-6/KC/Orakzai, dated 12/04/2021.
3. City Police Officer, Rawalpindi w.r.t his letter No. 3623, dated 10/04/2021.
4. District Police Officer, Orakzai for necessary legal action.
5. District Monitoring Officer, Orakzai.
6. District Account Officer, Orakzai with the request to stop their salaries with immediate effect.
7. ASDEOs (MF), Lower Orakzai with the direction to do the needful regarding stoppage of their salaries till decision/clearance.

**DISTRICT EDUCATION OFFICER
DISTRICT ORAKZAI**

روز	تيلم بگم			گل زادی جان			دربار نیلی			اصواتی جان		
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نسپیم بیگم

بعضواری جان درباب علی

گل ذاری جان

P. S. H. T

T. T

P. T. C

جو کبوال

تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	
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جان / سابق / میران

ارخصت

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نام	P.S.H.T			P.T.C			T.T			عہدہ
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صوبہ کپڑا			T.T			P.T.C			P.S.H.T			نہدہ			
دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	تاریخ			
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P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.T	1:30	B.T	8:30	Tas	1:30	Tas	8:30	30
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دیوبند			گل زاری خان			بھواری خان			تھیلہ پنیم			م			
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روز	دستخط	آمد	دستخط	آمد	دستخط	آمد	دستخط	آمد	دستخط	آمد	دستخط	آمد	تاریخ		
	/	/	C	P	D	C	P	D	/	/	/	/	1		
	/	/	S	U	N	D	A	Y	/	/	/	/	2		
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	3
	Cleave		G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	4 ✓
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	5
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	6
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	7
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	8
	/	/	S	U	N	D	A	Y	/	/	/	/	9		
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	10
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	11
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	12
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	13
P	11:00	P 8:30	G.3	11:00	G.3	8:30	B.Tm	11:00	B.Tm	8:30	Tas	11:00	Tas	8:30	14
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	15
	/	/	/	/	/	/	/	/	/	/	/	/	16		
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	17
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	18
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	19
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	20
	Cleave		G.3	11:00	G.3	8:30	Cleave		Tas	11:00	Tas	8:30	21		
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	22
	/	/	S	U	N	D	A	Y	/	/	/	/	23		
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	24
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	25
P	1:30	P 11:16	?		?				Tas	1:30	Tas	8:30	26 ✓		
P	1:30	P 8:30	G.3	1:30	G.3	8:30	Cleave		Tas	1:30	Tas	8:30	27		
P	11:00	P 8:30	G.3	11:00	G.3	8:30	Cleave		Tas	11:00	Tas	8:30	28		
P	2:30	P 8:30	Cleave		B.Tm	1:30	B.Tm	8:30	Cleave		29				
	S	U	N	D	A	Y	/	/	/	/	/	/	30		
P	1:30	P 8:30	G.3	1:30	G.3	8:30	B.Tm	1:30	B.Tm	8:30	Tas	1:30	Tas	8:30	31

قمر رخصت / حال / سابق / میزان / حال / سابق / میزان / حال / سابق / میزان / حال / سابق / میزان

رجسٹر حاضری مدرسین

(16)

2022ء

ست ماہ نومبر

دربار علی جو شہار

(ری جان)

اساتذہ کرام

تاریخ / عہدہ

P.S.H.T		T.T		P.S.T		P.S.H.T		تاریخ	عہدہ
آمد	دستخط	آمد	دستخط	آمد	دستخط	آمد	دستخط		
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P 1:30	P 8:30	G 3:30	G 1:30	G 3:30	G 1:30	Tas	1:30	Tas	8:30
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P 4:00	P 8:30	G 3:30	G 1:30	G 3:30	G 1:30	Tas	1:00	Tas	8:30
P 4:00	P 8:30	G 3:30	G 1:30	G 3:30	G 1:30	Tas	1:00	Tas	8:30
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P 1:30	P 8:30	G 3:30	G 1:30	G 3:30	G 1:30	Bim	1:30	Bim	8:30
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P 1:30	P 8:30	G 3:30	G 1:30	G 3:30	G 1:30	Bim	1:40	Bim	8:30
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P 1:30	P 8:30	G 3:30	G 1:30	G 3:30	G 1:30	Bim	1:30	Bim	8:30
P 1:30	P 8:30	G 3:30	G 1:30	G 3:30	G 1:30	Bim	1:30	Bim	8:30
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SUNDAY SUNDAY									
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P 1:30	P 8:30	G 3:30	G 1:30	G 3:30	G 1:30	Bim	1:30	Bim	8:30
P 1:30	P 8:30	G 3:30	G 1:30	G 3:30	G 1:30	Bim	1:30	Bim	8:30
P 1:30	P 8:30	G 3:30	G 1:30	G 3:30	G 1:30	Bim	1:30	Bim	8:30
P 1:30	P 8:30	G 3:30	G 1:30	G 3:30	G 1:30	Bim	1:30	Bim	8:30
P 1:30	P 8:30	G 3:30	G 1:30	G 3:30	G 1:30	Bim	1:30	Bim	8:30
SUNDAY SUNDAY									
P 1:30	P 8:30	G 3:30	G 1:30	G 3:30	G 1:30	Bim	1:30	Bim	8:30
P 1:30	P 8:30	G 3:30	G 1:30	G 3:30	G 1:30	Bim	1:30	Bim	8:30
P 1:00	P 8:30	G 3:30	G 1:30	G 3:30	G 1:30	Bim	1:30	Bim	8:30

Medicinal
Vaccine

مال سابقہ / میزان / مال سابقہ / میزان / مال سابقہ / میزان / مال سابقہ / میزان

رجسٹر حاضری مدرسین

(17)

2022

بابت ماہ دسمبر

نام			اسلم ٹیچنگ			ایف سوزی ہال			گل ڈری ہال			ڈیپارٹمنٹ			تاریخ
P.S.H.T			P.S.T			T.T			جو اکیڈمی			آمد	دستخط	رواگی	
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قسم رخصت			حال			سابقہ			میزان			قسم رخصت			تاریخ



OFFICE OF THE DISTRICT EDUCATION OFFICER, DISTT:ORAKZAI.

LEAVE SANCTION ORDER.

In exercise of power conferred upon the competent authority vide rules 5-(a) of the District Govt: Rules of Business 2001 read with NWFP Govt: revised leave rules 1981. Sanction to the grant of following leave are hereby accorded.

S.No.	Name of Officials & Desig:	Name of Office/ School	Nature of Leave	Period of Leave	Remarks
1	Miss: Baswari, Jan PST	GGPS Sharo Dugala	Leave without pay	Wef: 01/04/2021 to 31/07/2021 (122 days)	(122 days with out pay)

Note :- Necessary entry to this effect should be made in her/his service books.

(FARID ULLAH MEHSOOD)
DISTT: EDUCATION OFFICER,
DISTT: ORAKZAI.

Endst: No. / Dated Orakzai the /2021.

Copy to the:-

1. District Accounts Officer, Distt: Orakzai.
2. DDEO (M) Distt: Orakzai.
3. ASDEO Circle Office.
4. DMO Distt: Orakzai.
5. Head Teacher concerned.
6. Official concerned.
7. Office copy

DISTT: EDUCATION OFFICER,
DISTT: ORAKZAI.

F 19

To,

The Director (E& SE) Department.
Khyber.Pakhtunkhwa Peshawar,

Subject: **DEPARTMENT APPEAL AGAINST THE ORDER
DATED 09-12-2021 OF THE DISTRICT
EDUCATION OFFICER DISTRICT ORAKZAI
(COMMUNICATED TO THE APPELLANT ON
24-03-2022)**

Respected Sir,

Most respected it is stated that:

1. I am regular employee of your department and presently working as primary School Teacher (BPS-15) and while lastly posted at Govt. Girls Primary School Shahro Dogul District Orakzai Lower Orakzai was involved in a concocted case vide FIR No. 73 dated 08-02-2021 U/S 157/380/411 PPC of Police Station Rata Amral Rawalpindi.
2. I immediately approached the district Education officer orakzai by conveying the actual fact regarding false implication in the mentioned case vide application of the even date. (Copy of the application is attached)
3. In response to the application, I was suspended by the competent authority on the same ground. (Copy of suspension order is attached)
4. After release on bail by the court of Law in September 2021, I approached the competent authority (District Education Officer, Orakzai) for resuming my duties Astonishingly I was informed that the period of suspension w.e.f 01-04-2021 to 31-07-2021 (122 days) without pay (LWP) by the competent authority vide order dated 09-12-2021 which was received by me through my own efforts on 24-03-2022(Copy of impugned order dated 09-12-2021 is attached)
5. In this respect it is stated that the impugned order is illegal on the ground that I was properly suspended as I have timely informed my high ups regarding my false involvement in a criminal.

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6. I properly appeared before the competent court of law for facing the consequences of the false FIR registered against me wherein I was bail out in September 2021.
7. Accordingly, the prevailing law & rules I am fully entitle for the pay & other allowances during my suspension period i.e 01-04-2021 to 31-07-2021 but unfortunately, the competent authority issued the impugned illegal order dated 09-12-2021 without any cogent reason and without affording any opportunity of my professional defense.

It is, therefore, most kindly requested that the impugned order dated 09-12-2021 may be cancelled and I my allowed to draw the benefit of the period from 01-04-2021 to 31-07-2021 and oblige please.

Dated : 29-09-2022

Obediently Yours,

(Miss Baswari Jan)
PST GGPS Sharo Dugala
Lower Orakzai





District Education Office (Female)
District Orakzai.

Phone. 0925-690017 FAX 0925-690017 NO. 1115 Dated. 11/11/2022

21
[Signature]

To:

The Assistant Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

Subject:

DEPARTMENTAL APPEAL AGAINST THE ORDER DATED.09/12/2021 OF THE DEO ORAKZAI (COMMUNICATED TO THE APPEAL ON 24/3/2022).

Memo.

Please refer to your office letter No.9192 Dated.07-10-2022 on the above captioned subject.

Detail reply of the aforesaid appeal is as under:

1. Mst. Baswari Jan PST was serving at GGPS Sharo Dugala District Orakzai. She was absent w.e.f from dated 01-04-2021 to 31-07-2021 (122 Days) without prior permission from concern absentees report of ASDEO/SDEO Lower are annexed.
2. This office approved /converted absent period (122 days) to leave without pay vide No.9179-85 dated 09-12-2021. (Leave sanction order is attached for ready reference).
3. Mst. Baswari Jan PST was charged under FIR No.73 dated 8/2/2021, offence U/S 457/380/411 PPC registered at Police station Ratta Amral District Rawalpindi.
4. Bail before arrest (BBA) was granted on 27-07-2021 by additional session judge Rawalpindi (Order Sheet is attached).
5. Mst. Baswari Jan PST resumed his duty from 01-08-2021 in GGPS Sharo Dugala Lower Orakzai and his salary is active since then accordingly. Now she is demanding the salaries of the absentees period i.e. (122 days) which has already been concerted to leave without pay. (Application of the application is attached).

As the appellant was found absconder by the Punjab Police & remained absent from official duty during the period as mentioned above, Moreover his absent period has already been converted into leave without pay, hence her pay in the instant could be not be justified.

Report is submitted for your kind perusal as desired, please.

[Signature]
District Education Officer (Female)
District Orakzai

Copy of Even No. & Date:

Copy forwarded for information and necessary action to the:

1. PA to the Director (E&PSE) Khyber Pakhtunkhwa Peshawar.
2. PA to Additional Director (Estab) Directorate of Education.
3. ADEO (Litigation), local office Orakzai.
4. Mst. Baswari Jan PST GGPS Sharo Dugala Lower Orakzai.
5. Office Copy.

[Signature]
District Education Officer (Female)
District Orakzai

VAKALAT NAMA

NO. _____/2021

IN THE COURT OF KP Service Tribunal, Peshawar

Basma Jan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt. (Respondent)
(Defendant)

I/We, Basma Jan

Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court 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 _____/2021

Bv

(CLIENT)

ACCEPTED

TAIMUR ALI KHAN
Advocate High Court
BC-10-4240

CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar